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SENATE—*Thursday, September 26, 1968*

(Legislative day of Tuesday, September 24, 1968)

The Senate met in executive session at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Gracious God, our Father, whose still, small voice invites us to turn aside from the feverish ways of the world, and whose tender love bids us find our strength in Thee: We are conscious as we bow at this altar of Thy grace that if we live a life of prayer Thou art present everywhere.

With minds burdened for the Nation and for the world, we turn to Thee in this baffling hour knowing that what supremely counts has nothing to do with the appraisals of men or with honors for which men contend, but has to do with what causes use us. Deliver us from political policies which are symptoms of spiritual disease.

Our Father, we cannot adequately face such a world and make our humble contribution to the healing of its open sores unless we keep untarnished our faith in Thy power to make even the wrath of man to serve Thee.

We ask it in that Name above every name. Amen.

SUPREME COURT OF THE UNITED STATES

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. BAKER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Tennessee yield to me, with the understanding that he will not lose his right to the floor?

Mr. BAKER. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without losing his right to the floor?

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the majority leader, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I should like to ask again unanimous consent that toward the shank of the day there be a period for the transaction of routine morning business, not to exceed 1 hour.

The PRESIDING OFFICER. As in legislative session?

Mr. MANSFIELD. As in legislative session. I also ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator would yield further, I think it should be emphasized again, as it was repeatedly emphasized by the distinguished Senator from Michigan [Mr. HART] yesterday, that the Senate is not now facing up to the nomination of Mr. Justice Fortas to be the Chief Justice of the United States; that all the Senate is doing is facing up to a procedural matter—a matter which must be disposed of before the Senate may discharge its responsibility and offer its advice on a nomination reported by the Committee on the Judiciary.

Senators are simply being asked, regardless of whether they are for or against the Fortas nomination, to accord the Senate as a whole the courtesy of allowing us at least to place the name before the Senate, on the basis of the favorable report issued by a majority of the Committee on the Judiciary.

The nomination, I repeat, is not in question and is not before the Senate at this time. The only question is, Will the Senate be allowed, in regular order and on the basis of customary procedural precedents, to take up a matter which has been reported favorably by a regular standing committee of the Senate?

I thank the distinguished Senator from Tennessee.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the Senator from Mississippi, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I shall be brief. I respectfully disagree with the sentiments and words of the Senator from Montana. The office of Chief Justice is the second most important office in the United States, in my opinion; and it has been many, many decades since there has been any kind of review in the Senate of the decisions, policies, and philosophies of a member of the Supreme Court of the United States. That is put directly in issue here on the nomination for Chief Justice.

We even have the unfortunate situation in this case that witnesses were asked to testify before the Committee on the Judiciary, including a very eminent, respected, and valuable member of the Cabinet, who declined. Another valuable member of the Governmeent and Mr. Fortas, himself, did not accept the second invitation.

Mr. President, it takes some time to develop these facts. I have been around here long enough to have a little experience and I know—I think I know—that the proponents are just waiting in the aisle, almost, to file a cloture petition at some early time which, if sustained, would limit debate by each Senator to 1 hour.

I am not worried one bit, not one bit, about the idea of taking a little time to try to get this matter before the Senate in its true perspective, and make no personal attack on Mr. Fortas or the President, or anyone else. It takes a lot of time to present the matter in its true perspective.

With great deference to the leader, and I cooperate with him all the time as much as I can, I do not hear the call of "hurry up, hurry up," when a matter of this magnitude is brought before the Senate; especially when the pressures are on from the executive branch of Government and many other places to ram or put this nomination through.

I emphasize again that I speak with great deference to the leader. I think we would be doing a disservice and we would be failing to do our duty if we did not bring out all of these facts and discuss them, and let everyone on the other side discuss them at considerable length.

This is all within the rules of the Senate. It is entirely within the rules of the Senate. The opponents of the nomination are going to operate within the rules of the Senate, and this matter is going to be debated and presented on its merits.

I do not think that there should be a call every afternoon, and repeated the next morning, to the Nation, to the press, and to all the news media that something evil is being done here by proceeding with this debate on the motion and then on the merits of the nomination itself.

I do not know of anything evil about it or anything wrong. I do not make any apologies whatsoever for the little time we have here to discuss this matter. Members of the committee know these facts, but as one Member of the Senate I am sure I have not gotten all the facts yet, and I do not think the people have.

So give us just a little time, Mr. Leader; give us just a little time and let us not tell the people over and over, as the esteemed Senator from Michigan did yesterday afternoon. I told him then I wanted to reply to him briefly but he had to leave the Chamber and I did, too.

I want to cooperate, as I said. But this is the second most important office in the United States and the tenure of Mr. Fortas, if he is confirmed, might be for as much as 20 years.

Mr. President, I shall not go into the merits of the matter any further.

Mr. MANSFIELD and Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I do not recall using the words "hurry up" in my brief remarks. I do not recall that I used the word "evil" in describing the procedure which the Senate is now undertaking.

I recognize, as does the distinguished Senator from Mississippi, that what is being done is being done within the rule. I am asking only that the Senate follow its regular, proper, customary procedures and allow the nomination, which was reported out of the Committee on the Judiciary, to be brought before the Senate for its consideration.

I emphasize that what we are taking up now is not the nomination, and that even if by some chance cloture were invoked on the pending question there would still be 100 hours of debate on this procedural question equally divided among 100 Senators; and there would be plenty of time, if that question were acceded to and Mr. Fortas' nomination laid before the Senate, to proceed for another period of time before cloture were asked to be invoked on the central question—whether Mr. Justice Fortas should be confirmed as Chief Justice.

I think the record should be completely clear, and as far as the Senator from Mississippi is concerned, I wish to say that he has been most consistent in matters of this kind in his many years in the Senate, and I admire that consistency; and I do disavow any use of the words "hurry up" if I may tie them together, or any implication that that is what is being done by those who oppose the nomination, or that it is something evil, because it is not. It is a tactic I fully understand and which I think the Senate as a whole understands.

Mr. HART. Mr. President, will the Senator from Tennessee yield to me without losing his right to the floor?

Mr. BAKER. Mr. President, I yield to the Senator from Michigan, without losing my right to the floor.

Mr. HART. Mr. President, as the Senator from Mississippi commented, yesterday we did exchange views about this matter, although not on the record.

Let me say very briefly that I am one Senator who has constantly fought to modify rule XXII. I think it should be modified. And yet I have never denied that there is sometimes a measure of legitimacy to a filibuster. I think it has a role that should not be labeled "evil." I would cite, for example, a situation where sectional interests are affected. I can visualize a situation where perhaps a proposal might be pending here to drain the Great Lakes Basin for the benefit of all the remainder of the Nation. Because it would benefit the rest of the country, my colleague from Michigan [Mr. GRIFFIN] and I might be in a small minority. I would not feel any twinge of conscience in rising and talking as long as I could, and using rule XXII to the ultimate to prevent action.

But, Mr. President, consideration of this nomination is not such a matter and I am delighted that the Senator from Montana, our majority leader, made clear that we are now at a technical point. The Senator from Hawaii [Mr. FONG] said yesterday there are two duties with respect to a Supreme Court nomination: The duty of the President and the duty of the Senate. The President's duty is to send a name to the Senate. He has discharged his duty. The duty of the Senate, he said, was to act on it. I agree. It is our duty; and unless we can be permitted to get the name before the Senate we will be denied the opportunity to discharge our constitutional responsibility.

To reject the nomination, with all of its implications for the future of the Supreme Court, is so serious that the matter should be proceeded with on its merits. If we, for the first time in our history, permit a Supreme Court nomination to be lost in the fog of filibuster I think we would be setting a precedent which would come back to haunt our successors.

We tend to overstate the importance of anything in which we are involved here. I have a lingering suspicion that history will record this to have been one of the most significant actions—and I hope it will be action—that the Senate will be confronted with in the period that many of us have been permitted to sit here. I do hope we will be permitted to discharge our constitutional responsibility to advise and consent or not consent.

I thank the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BAKER. Mr. President, I agree with the majority leader and the senior Senator from Michigan to the extent that the question before the Senate is whether we shall advise and consent to the nomination of Mr. Justice Fortas, of Tennessee, to be Chief Justice of the United States; but I respectfully disagree with my respected majority leader and the senior Senator from Michigan on the matter of the technique involved in the present circumstances which bring the Senate to this point of consideration.

I would hesitate to use the term "strawman" because I do not believe there is any effort to set up a strawman to be knocked down on some charge of procedural obstruction.

I rather prefer to believe that all of us—certainly those of us who have any legal training—subscribe to the general theory and rationale of the Federal rules of civil and criminal procedure, which make it abundantly clear throughout the length and breadth of those rules and regulations that justice requires observance of substance rather than form.

We are here, I trust, far more concerned with the substance, the merits, or demerits of this controversy, concerning the proposed confirmation, than we are with the technical expertise in the field of Senate procedure.

I confess, at most, to a shallow depth of understanding of the exquisite rules of procedure of this distinguished body.

I have served in the Senate less than 2 years, but throughout the course of my 20 months of service, I have been struck by the uniform observation of, the dedication of and the dedication to the requirement of substance rather than form.

I very much doubt that, in the course of that service of less than 2 years, I could recall one single incident where the real elements of the controversy were not aired—and thoroughly aired—in committee, and on the floor of the Senate, in one way or the other—sometimes in a most unusual and unique way in connection with other debate, in connection with unrelated matters, in connection with different bills and amendments; but in some way the substance is always presented and usually in considerable detail.

Thus, I am not swayed from my admiration of the Senate, its leadership, its traditions, and its dedication to the substance of this matter rather than its form.

I am not concerned for the form of the proceedings at this point. I really do not care, so far as the junior Senator from Tennessee is concerned, whether we are considering the procedural matter of the advancing of a single name on the Executive Calendar, or whether we are voting on cloture, or whether we are voting on the nomination of the Chief Executive Officer of the United States. We are still, in the final analysis and in the totality of this proceeding, concerned with the substance rather than the form of this controversy. And, it is a controversy. It is an unfortunate controversy.

I rise in opposition to the nomination, Mr. President, of Mr. Justice Fortas, of Tennessee, to be Chief Justice of the United States with reluctance. I feel that it may be a reluctance that this body can understand. For I would be proud, as all of us would be proud, to have a Chief Justice of the United States from my native State of Tennessee.

I know Mr. Justice Fortas, and because of that and other reasons I shall not impose on the Senate.

I rise in opposition to the confirmation of this nomination with considerable reluctance. But rise I do, because I feel it is my bounden duty, under the Constitution of the United States, to discharge my obligations in this manner.

Thus, Mr. President, I feel no remorse

at the remarks made this morning on the procedural state of affairs. I feel no concern that the Members of this body, or Congress as a whole, or the executive department, or Mr. Justice Fortas, or the people of the United States have any misunderstanding about what we are about.

We are concerned here with the consideration of whether we shall advise and consent to the nomination of Mr. Justice Fortas to serve this country as Chief Justice of the United States.

That, with ringing clarity, is the business of the Senate.

In our traditional observance of substance instead of form, I am not attracted to any argument that we are engaged in something of a dilatory nature, or that we are being deprived of our rights, or that the nomination by the President of Mr. Justice Fortas is being treated in cavalier fashion, or that he is not receiving his day in court, or that it is likely either to extend or reduce the scope and breadth of the discussion and debate on this nomination, or of the close, searching scrutiny that will be given it by my colleagues and by me.

Because, you see, Mr. President, this is not a minor issue as it confronts this body. I am sure it was not a minor concern for the President of the United States. Clearly, it is a watershed point in the professional life of the distinguished Mr. Justice Fortas.

Appointments to the Supreme Court should concern us, as this one does, just as elections for President of the United States concern us—especially in this season; just as the selection of Members of this and future Congresses of the United States concern us. Attention will remain fixed on the elections for President and for the Congress for many months. And in the course of that controversy, that is, the selection by the people, the articulation and the expression of the people's full range of desires, demands, and dissent in the selection of a President and a Congress, millions of dollars will be spent, millions of words will be spoken and written, and the President, whoever he may be, will serve, for 4 or 8 years. Members of Congress so selected to gather here in January to constitute the 91st Congress will serve for 2 or 6 years as the Constitution requires.

But, Mr. President, a Supreme Court Justice serves for life, casting one vote of nine votes on the most powerful court in the world. The Supreme Court is a tribunal of awesome responsibility which influences not just the course of American jurisprudence but both the form and the substance of the general evolution and development of the American system of self-government in the discharge of its duties and responsibilities and as it functions as one of three coordinate branches of Government.

Therefore, I believe, Mr. President, that it is right and proper that the U.S. Senate carefully deliberate this nomination, at this stage, in this manner, for these purposes, regardless of the form, but rather as a requirement of the substance of this controversy.

While I participate today, Mr. President, in expert and lengthy discussion of this question, I do not do so as part of an endurance contest, merely to obstruct the will of the Senate.

Debate is not a dilatory tactic. Frequently it is the only effective method of forming and adequately expressing opinion and sentiment in this country made up of free, self-governing Americans.

To reiterate points that were made yesterday by distinguished colleagues who preceded me in this debate, and which were alluded to by other Senators today, the appointive power to the High Court of the United States is in two parts. The President, presumably, has discharged his responsibility, or his opportunity, in this respect by certifying his choice—that is to say, his nomination—for a Chief Justice. But this is only half of the constitutional machinery for designating the next Chief Justice of the United States, for the other half is involved in article II, section 2, of the Constitution, which provides that the President shall make these appointments and—without reading the exact language of the section—he shall make appointments to the Supreme Court with the advice and consent of the Senate.

Mr. President, I hope it is not an excessive stringing of cliches in this age of cliches to summarize, in somewhat simplified form, my view in this respect by saying that I feel the Senate, in the exercise of its duty and the discharge of its responsibility under article II, section 2, has all too often in the last several decades consented too much and advised too little.

I believe that now, Mr. President, at this juncture, even though there may be present the elements of personal embarrassment to Mr. Justice Fortas—if there is embarrassment—and of conflict between the executive branch and the Congress—and there clearly is that—it is necessary to bring us to a rejuvenation of a constitutionally mandated requirement that the Senate participate, as an equal partner, with the executive branch in the determination of who shall serve this country on the High Court.

It is interesting to note, or at least it is interesting to me, that the historical background of this constitutional device of designating members of the Supreme Court was a matter of considerable debate in the days devoted to the formulation of our Constitution. As I understand, there were various proposals ranging from the outright election of Justices to the Supreme Court by the people—which was rejected for its obvious direct political implications—to the unilateral, single designation of a Justice of the Supreme Court by the President—which was rejected for fear of emergent, new monarchistic tendencies by the new Chief Executives—to the selection of members of the Supreme Court by the Congress without consent of the President or anyone else; and, finally, in the spirit of compromise which pervaded the entire proceedings in the formulation of our Constitution, article II, section 2, was drafted and ratified, providing that a two-part process would be involved—that is, the nomination of a Supreme Court Justice and the Chief Justice by the Executive authority, and the close scrutiny and determination by the Senate, not only of the form but of the substance as well, to advise and consent—and, if I may add another bead to my string of cliches, in that order.

And so, Mr. President, I am also not overly taken with charges which are made from time to time, in the press and elsewhere, and from time to time on the floor of this body, that dilatory tactics, sometimes characterized as filibusters, otherwise as extended debate, frequently as obstructionism, but which are clearly within the framework and scope of the rules of procedure of the Senate, and particularly rule XXII, are permitting a willful minority, as one distinguished daily newspaper characterized it, to obstruct the will of the majority.

I believe the uncertainties of the relative strength of the contenders in this controversy are such that I am not willing now to say those of us who oppose Justice Fortas are a minority, and certainly not a willful minority.

But, even so, this is a point of departure. It occurs to me further that it is basic and fundamental to the governing process in a democracy, and consonant with the traditions of this Nation, that at any given moment the majority is not always right all of the time. And it is clear and predictable that the people of America, in their compassionate wisdom, require the protection of the rights of the minority as well as the implementation of the will of the majority.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield.

Mr. President, I ask unanimous consent, however, that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. HOLLAND. Mr. President, first I want to commend the Senator for the point he has made, and made so well. May I add this thought—that we are dealing with a case in which frequently there has been the slenderest majority on the Supreme Court that not only has overridden the largest minority that was possible to exist there, but has also overruled the precedents going back to the beginning of our Nation. My own great concern about this matter is in connection with the fact that that activist majority has been so destructive of precedent and so disruptive of the flow of the regular law-making and law-interpreting decisions that I, for one, would have to speak out against it even though I were the only one on the floor of the Senate.

I think the Senator is exactly right in calling attention to the fact that there are a good many more than one—there may be half of the Senate; there may be more than half of the Senate—that share our concern about the fact that a majority of the Court, over the continuous opposition of a minority, has insisted on making law, has insisted on cutting corners, has insisted, because of their zeal in believing that such and such a thing should be law, that they will make it law by the decision of a simple majority of the Court, from which there is no appeal.

I am very happy that the Senator is making his point that those who do not believe in that activist philosophy have not only the right but, in my opinion, the duty to stand up and speak for the position which they hold and in which they believe, and they cannot properly represent their people unless they do just that.

I thank the Senator for yielding.

Mr. BAKER. Mr. President, I thank my distinguished colleague from Florida for his most germane remarks and additional observations on this line of thought, which I appreciate very much.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I pay my deep respects to the junior Senator from Tennessee for the very worthwhile and erudite presentation he is making to the Senate and to the people of the United States today. For the first time, I think, he has placed in proper perspective this issue of form, to which several allusions have been made during the past few days.

When we stop to reflect upon the fact that there has been expressed the gravest concern and misgiving on the part of the people of this country over what goes on within the Supreme Court, and when we consider that three out of every five who have an opinion do not express confidence in the Court, I think it becomes highly germane that we take the time here and now, to see not only that all of us within this Chamber understand in depth and knowledgeably the issues that are relevant to this case, but that, through the dialogs that take place here, we can hope that a better understanding of the complex issues will result in the minds of all of the 200 million Americans who are fundamentally concerned.

With that thought in mind, I believe the distinguished Senator from Tennessee is making a most worthwhile contribution this morning, because he has emphasized and reiterated the fact that justice is an issue of substance rather than one of form; and it seems to me that the people of this country are concerned, and rightfully so, with the issues and the facts more than the precise form we may pursue in trying to bring into focus the issue as to the Supreme Court, the chief justiceship of which is now before the Senate and the people of this country.

I believe that history will record that few people have made a greater study in depth of this issue than has the junior Senator from Tennesse; and I am certain that he will help bring about a more complete understanding of the issues that face the country today, and that he will also help imbue the people of this Republic with a renewed conviction that we in the Senate of the United States stand ready here and now, today, to discharge fully and completely, not with the undue haste that seems to be counseled by some, but rather with the deliberation that the significance of the occasion requires, our responsibilities in advising and consenting under article II, section 2 of the Constitution.

I thank the distinguished Senator.

Mr. BAKER. Mr. President, I thank my colleague from Wyoming. I appreciate his making these relevant remarks at this point.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the Senator from California without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I join my colleagues in commending the distinguished Senator from Tennessee for the sensible, straightforward, intelligent, understandable, and well-founded manner of his speech, as well as the substance of his remarks. This is a matter that should be accorded more importance, in this great Nation, today than ever before. So much of our thinking these days has got into the areas of fantasy and wishfulness; and many, many times I find myself tempted to wander off. Mr. President, we must get away from the fiction, and back to the facts and the substance. The building must be on a firm foundation; otherwise it is unsafe. Some of us are much concerned about some of our Government's foundations.

We hold in great reverence the structure of our form of government and that great document, the Constitution, and the wisdom, prudence, and knowledge of the men who thought about it, put it together, and worried over it, and how important to them was the matter which we are discussing today—the control and the selection of the judiciary, how the method they decided upon came about as a result of compromise after hours, even days, of discussion and debate, in an effort to achieve what they thought would be the safest and most certain manner in which this objective could be accomplished in order to safeguard the structure they were bringing into being—which in my opinion and I believe in the opinion of most people is the finest system of government ever conceived. They took all the good parts of the historic systems that preceded ours, and tried to incorporate them into a harmonious new instrument of government.

But there is one point, Mr. President, that I believe is of paramount importance in considering this matter, of which we in this body, who have the responsibility of representing our constituencies, must never lose sight: that this Government is based on the will of the people. That is fundamental. That is the cornerstone of the foundation. The will of the people, the wishes of the people, and the desires of the people must always be our foremost consideration.

That is why so often, Mr. President, people across this land, for the last 30 years, have heard me beg for full information, full knowledge, and then to let the people decide exactly how they want their representatives to act.

In the matter that is before us at this time, the people of my State, my constituents, have become very much interested. I represent a large State—in fact, the largest State in terms of population—and I believe that I receive more mail than most Senators, perhaps because of my former association with Shirley Temple, I do not know. But my mail averages 1,500 to 1,800 letters a day.

Mr. President, I am responsive to that mail, and I am sensitive to it. I keep a close count on the mail, in order that I may know exactly how the people whom I am supposed to represent directly are reacting to my performance here in Congress.

Every morning since this matter has been brought to our attention—and may I say that at the outset I objected to the two appointments, with the possibility of more, because I felt that in the waning months of the present administration, and under the existing circumstances, where, as my distinguished colleague has pointed out, three out of five people are not completely satisfied with the performance of the present Court, it would be proper and ethical and wise for the Chief Executive—who has chosen to eliminate himself as a candidate for the Presidency—to let this matter be decided by the new Government to be elected by the people in November.

I thought this approach was proper. I thought it was in keeping with the best interests of the future of the people. After all, the Government belongs to the people. We have the privilege and high honor of representing them for only a short period of time. It is the wishes and desires of the people that must be our chief concern.

I rise at this particular moment for two reasons. I rise to commend my distinguished colleague, the Senator from Tennessee, for the manner in which he has explained the reasons and the approach of those of us who oppose the nomination. And it will take time. It will take a long time necessarily, because we must look into the entire career—insofar as we are able—the background, the characteristics, and the capabilities of the man under consideration at this time. Second, I rise at this time to point out that this morning I have a mail count from July 10 until September 25.

Those in favor of the position taken by the junior Senator from California numbered 6,983. Those opposed to the position taken by the junior Senator from California numbered 197.

Since this is the most direct reaction that I can find to express the will of the people in my State, I thought it might be important to place the information in the RECORD.

I thank my distinguished colleague for the courtesy of permitting me to speak at this time. I commend him for his excellent presentation, and I look forward with great anticipation to hearing the remainder of his speech.

Mr. BAKER. Mr. President, I thank my colleague, the distinguished Senator from California. I appreciate his additions to these points.

Mr. HART. Mr. President, will the Senator yield for what I promise will be my last interruption?

Mr. BAKER. Mr. President, I will yield to the Senator from Michigan. However, before I do so, I ask unanimous consent that in the course of this presentation, if my colleagues honor me with questions or presentations from time to time, I might yield to them without losing my right to the floor without specifically asking unanimous consent on each occasion.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. BAKER. Mr. President, I am happy to yield to my distinguished colleague, the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I do apologize for interrupting. Those of us who are anxious to proceed with consideration of the nomination are reluctant to further delay the proceedings. I think I shall be able to discipline myself after today.

There is just one point that I cannot refrain from commenting on. In the colloquy that has developed, the able Senator from Wyoming correctly stated that the Senate has a responsibility—and we must discharge our responsibility—to advise and consent or dissent from the nomination.

The able Senator from California said that one of the troubles in America is that we are dealing in fantasy.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HART. The fact is that we cannot discharge our responsibility until we get the name of Justice Fortas before us. Anyone who thinks otherwise is dealing with fantasy.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, I yield to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I am afraid that the distinguished Senator and my esteemed friend, the Senator from Michigan, misunderstood my reference to fantasy. I was referring to so many decisions being made outside of the Senate Chamber, governmental decisions. For instance, I refer to the "straws in the wind" we read about from time to time emanating from the Paris peace conference, only to find that they were wicked deceptions. Two days after a report, we are told that it was not a straw in the wind, that it was fantasy and wishful thinking.

I am thinking in terms possibly of some of the international treaties, such as the consular treaty of which we heard so much concerning what an advantage it would give to the United States of America. I have yet to see the advantage.

I was referring, if the Senator pleases, to the matter of the depletion of our gold supply and the proposal to remove the gold cover as a guarantee for our dollars. There was a theory that this was the thing to do. It turned out to be fantasy. I have not seen that it accomplished any of the things we told were so important to the people of my State and country—the matter of what had to be done by our country in order to stop the wild panic and to rebuild our fiscal house.

I refer to the measure offered by the distinguished Senator from Delaware that we had to add another tax burden on our citizens in return for which the Chief Executive agreed to cut his expenditures by $6 billion.

It now turns out that the second part of that bargain seems to be almost a fantasy because repeatedly we in this Chamber have heard it said that: "We will cut spending every place but here."

That was my reason for mentioning fantasy and my plea that we deal in substance and in sound substance.

I hope that the distinguished Senator will forgive me for explaining my reasons.

Mr. HART. Mr. President, I am grateful for the explanation.

I renew my plea that we deal in substance. However one labels some of the other items described by the Senator from California, we can label them as pure fantasy and wishful thinking unless we are able to discharge our responsibility with respect to the nomination of Mr. Fortas. We cannot do that unless we get his name before us.

Mr. BAKER. Mr. President, I do not wish to unduly burden the RECORD on this point of the procedural aspects of the particular situation. But may I respectfully point out that I hope the distinguished Senator from Michigan does not translate "discharge our obligation" as meaning "confirm Justice Fortas."

There are two sides to this question. There are those Senators who oppose the confirmation, and there are those who support it. And the question at hand is the substance of the matter of the desirability of first advising and then consenting, or not consenting, to the nomination by the President of Mr. Fortas for this post.

Once again with respect to the strawman proposition that we are locked in a procedural battle at the moment, I do not care one bit about the procedure. Rather, I am concerned with these things: First, that we thoroughly examine this situation in terms of its relevance to the President's recommendation, the future of the Court and of this country; second, that we make sure that the record has been thoroughly aired and tested and debated; third, that we determine such things as the existence of a vacancy to be filled by the recommendation of the President; and, fourth, that in our various efforts at this stage, the Senate of the United States exercise its responsibility under article II, section 2 of the Constitution to express its advice and then to give or withhold its consent. And the form of the proceeding, I trust, in such a gravely important matter is infinitely less important than the substance of the controversy.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, under the terms of the previous unanimous-consent agreement, I yield to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, to a certain extent I would agree with the Senator from Michigan on the procedural question. However, in this particular case there is an additional question.

There is a question in the minds of many as to whether a vacancy actually exists on the Supreme Court and whether it is proper for the Senate to proceed to consider the confirmation of a man for a nonexistent vacancy.

I believe that the fact that this matter has been highly irregularly handled from the very beginning—the manner in which the tentative resignation of Chief Justice Warren has been presented—raises the question in the minds of many: Is it proper for the Senate to consider a nomination under such circumstances? So I think that the discussion being held at this time is relative on this particular point.

Mr. BAKER. I thank the distinguished Senator from Delaware.

I might also point out in that respect that I previously mentioned the state of the record as a part of our consideration at this point—that is, the debate on whether we shall take up Mr. Justice Fortas' name on the Executive Calendar at this time.

I would also point out in that respect that as a new member of the Committee on the Judiciary, my first experience in that great committee, I found that Mr. Goodwin, Mr. Yergin, Mr. Clifford, Mr. Barr, Mr. Pierson, and Justice Fortas declined to return and explain certain very material and substantial allegations that were made which were clearly important to this record. Therefore, I believe it is relevant to a debate on whether we take up Justice Fortas' nomination now, out of sequence on the Executive Calendar. It is important in view of the incomplete nature of this record, because of the failure of these witnesses to appear—to appear further in some cases, or to appear at all in others—as well as the point so ably made by the distinguished Senator from Delaware—that is, as to whether there is a vacancy.

I should like to digress for a moment to say that I genuinely thank the Senator from Delaware for making this point, because in the first or second speech I made on this matter on the floor of the Senate, I pointed out that I did not want to become involved in the legalisms of the situation, but that I thought there was grave doubt that a vacancy existed on the Court. And I still think that, because what we have is a conditional retirement or resignation by the Chief Justice—in effect, that he would retire or resign if someone were appointed by the President whom the Senate would accept.

Mr. WILLIAMS of Delaware. Not so much that the Senate would accept, but of whom he approved.

Mr. BAKER. The Senator is correct. And, further, that the President then dispatched a conditional acceptance of that conditional intention to retire.

Mr. WILLIAMS of Delaware. It is somewhat similar to a Member of the Senate announcing his retirement, provided his political party will nominate the man of his choice.

Mr. BAKER. Or that the electorate will elect the man of his choice.

Mr. WILLIAMS of Delaware. That is correct. I believe that makes a great difference.

First, is there a vacancy? Second, why did the other witnesses not come back to testify?

As one Member of the Senate who believes very strongly in the procedural activities of the Senate, I would say that if the committee would comply with those two points, whether I agreed with the point of the resignation or not, but at least deal with it, and in addition have Mr. Fortas and the other witnesses testify, I would go along with the leadership in at least making this matter the pending business and debating it on its merits. I believe the majority leader would have a valid point, and I would support him on that. But in light of the point that these questions remain unanswered, I do not believe he should be so surprised that many of us feel that it is not proper to consider this nomination until these points have been cleared up.

Mr. BAKER. I thank the Senator from Delaware.

Mr. WILLIAMS of Delaware. Even at this late date, if the committee would clear these matters up—call the witnesses back and report the matter to the Senate—I would be in favor of a procedural motion to proceed to the consideration of the nomination.

Mr. BAKER. I agree with the Senator, except for this point: the Executive Calendar has 10 names on it ahead of that of Mr. Justice Fortas. It was not those of us who are opposed to the nomination who made the motion to call up the nomination of Mr. Justice Fortas.

For example, the first name on the Executive Calendar reported September 17, Calendar No. 876, is that of a very distinguished American, Dr. Glenn T. Seaborg, of California, to be representative of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency. I seriously doubt that there would be much debate on Dr. Seaborg's confirmation as a representative to the IAEA. Dr. Seaborg is Chairman of the Atomic Energy Commission. He is a former university president. He is one of America's truly great scientists, and will go to the International Atomic Energy Agency meeting as a delegate of this Nation, in Madrid, in November—which I hope to attend as a private observer, paying my own expenses—for the laudable purpose of serving and functioning as part of an agency that may be one of the great hopes for peace on this earth.

I do not believe there would be much debate on the nomination of Glenn Seaborg, and I doubt that I would have made a speech this long, if at all, in support of Glenn Seaborg had the nomination been taken up directly, had we not been confronted with the motion to proceed out of sequence. But so much for that.

Mr. President, to return to the point, I do believe that it is part and parcel of the fabric of government in this Nation that a compassionate concern for minorities dictates the truism that a majority is not always right, at every time and every moment, and the rights of minorities, within reason, must be just as vigorously protected as those of the majority. It is a part of the genius of our governmental system that there are a multitude of safeguards to protect minority interests in this country. It is said that those of us who oppose Justice Fortas are a minority of the membership of the Senate. I doubt it. In any event, if we are, we have the obligation to ourselves, to the Senate, and to the country to see that the rights of this minority—if it is—are protected, and that we expostulate and go forward with debate to test the validity of our concern in the only forum available; that is, the forum of public opinion.

Thus, our debate on this issue, hopefully, will impinge on the self-governing process; that is, the people themselves, who in return will reflect their approval or disapproval of our concern and ultimately of our opposition to the confirmation of Mr. Justice Fortas, of Tennessee, as Chief Justice of the United States.

So there can be no question that the minority must be given the fullest possible opportunity to make its position the majority viewpoint, which is precisely the task those of us who oppose Mr. Justice Fortas have undertaken and hopefully may have now accomplished. Though we may be a minority of viewpoint in the Senate at one point or other—and I can recall at one point there were only 18 of us who expressed our opposition to this confirmation—it is axiomatic that majorities are not always permanent, whether political or senatorial, and any majority which one day seems secure may vanish the next. This, in my judgment, has been the course of events since the tender of the nomination of Mr. Justice Fortas to be Chief Justice of the United States.

I might point out that the original letter signed by the 18 of us who were in opposition to Mr. Justice Fortas as Chief Justice was circulated within the Senate by the distinguished junior Senator from Michigan. Subsequently, many matters came to light during the hearings of the Committee on the Judiciary, before I became a member of that committee; and, as a result, I believe the number of Senators now opposing confirmation is, or at least is approaching, a majority.

Mr. President, before stating the bases of my opposition to the nomination, I would like to set forth what is not involved in this question.

First, there is not present on my part any attempt to bait the Supreme Court. There are those persons in this country who have sometimes been characterized as professional Supreme Court baiters. I am not one of them. I have fought vigorously on the Senate floor to uphold Supreme Court decisions in numerous areas. Approximately a year ago, I joined with the distinguished senior Senator from Massachusetts [Mr. KENNEDY] in a bipartisan effort to uphold the Supreme Court's one-man, one-vote principle on legislative redistricting. And in May of this year when the crime control bill was before the Senate, I opposed several measures which would have severely limited the power of the Supreme Court to review a defendant's claim that a State court had violated his constitutional rights, which I felt then and I feel now might have abridged the basic guarantees of the great writ of habeas corpus. So I have not been and I am not now, in the popular parlance, a baiter of the Supreme Court.

Nor is there present within this question any issue concerning the intellectual or legal capabilities of Justice Fortas. Mr. Justice Fortas is a native of my own State of Tennessee who, some 30 years ago, came to Washington to work for the Government. During his long career, first in Government, then in the private practice of law, and finally as Associate Justice, he has been a man of demonstrated legal ability. And while I would like to have a qualified Tennessean as Chief Justice, there are other important considerations involved.

Neither is there present any question of religious prejudice or bias, and I for one resent the insinuation of those who suggest otherwise. I voiced my opposition to the appointment before President Johnson made known the name of his nominee. On June 25, before the nomination of Justice Fortas was sent to the Senate, I stated:

> As sensitive as the Supreme Court has become in American life, a change in the Government offers a unique opportunity. The appointment of the Chief Justice really ought to be the prerogative of the new administration.

I have maintained this position from the beginning, whether speaking now or previously on the floor of the Senate, in the several States of the Union—and I have traveled in almost all of them—before civic groups, political gatherings, Jewish meetings, and otherwise. I have consistently pointed out, as I pointed out before Mr. Justice Fortas' nomination was made for Chief Justice, before the name was sent to the Senate, that the Supreme Court, as one of our basic institutions of government, has fallen to a low estate in public esteem and that it must be reconstructed, that public confidence in the Court must be restored, that the result of a recent Gallup poll which showed approximately 60 percent of the people disapproving of the Court was a shame, and that one of the things this Nation requires is bold, unified leadership, and therefore, the next President of the United States, whether he is a Republican or a Democrat, should not be deprived of the opportunity to designate a new Chief Justice of the United States so that they might go forward with maximum impact in setting about the business of unifying this country and healing its wounds.

I have voiced by opposition to Mr. Justice Fortas on these and other bases, but none of them ever even remotely approached any semblance, inference, or implication of religious concern. Therefore, I was especially pleased to hear the distinguished senior Senator from New York say that the charge of anti-Semitism should not be made precipitously or recklessly, that it should not be used as a crutch or a weapon, and if used at all in this debate it is being used as a crutch or weapon, but not by me and, as far as I know, not by any of us who oppose the nomination of Mr. Fortas.

The distinguished senior Senator from New York [Mr. JAVITS] has also stated that he has seen no evidence of anti-Semitism outside of the fringe hate groups such as the American Nazi Party. It is apparent to me that this charge has been raised quietly and falsely, and that it is now being used as a crutch and a weapon by some who seek the confirmation of Mr. Justice Fortas as Chief Justice of the United States.

Nor is there present in this question any attempt, as the Attorney General has alleged, to thwart equal rights. In equating opposition to confirmation with opposition to civil rights, the Attorney General has, in effect, attacked the integrity of all who oppose confirmation. There are, of course, numerous Senators who are opposing confirmation who have supported every one of the recent civil rights bills. I consider his remarks to be an affront to the Senate, degrading to the office of Attorney General and categorically untrue with regard to those who have supported civil rights legislation, which includes the junior Senator from Tennessee.

Finally, there is not present any question concerning the right of the President to submit to the Senate the nominations of Justice Fortas and Judge Thornberry.

Mr. President, without doubt the President does have the right, through the last hour of his administration, to do precisely that. Once the President has exercised this right, this power of appointment or nomination, as President Johnson has in fact now done, it of course becomes the constitutional responsibility of the Senate either to confirm or to reject the nominations. If the Senate believes, for whatever reason, that it is not desirable or preferable or wise or advisable that a nomination be confirmed, it has the constitutional responhibility to reject the nomination. For the Senate to do otherwise would be an abdication of its constitutional responsibility, a responsibility that was intended to be real, not nominal or apparent.

The point I make is this: On the question of the legal right of the President to make a nomination, presupposing that there is a vacancy—which I do not—but assuming for the sake of argument that the President has the unquestioned right to make the nomination, there are a thousand other things he has the right to do that I fervently hope he will not do between now and January.

The President could, in my judgment, escalate the war in Vietnam by invading North Vietnam from the sea. I hope he will not. But he has that right as Commander in Chief of the Armed Forces of the United States, just as he has the right to submit the nomination of Mr. Justice Fortas until the last minute of his term.

The President could, if he chose, unilaterally disarm the Nation and destroy our nuclear arsenal, our missiles, and our fleets at sea; and he could disarm our Reserves and our standing Army, Air Force, Navy, and Marine Corps, as Commander in Chief of the Armed Forces of the United States. But I prayerfully hope he will not do that between now and the completion of the inaugural platform now being constructed on the east front of this building.

The President could, if he wished, veto the recently passed gun-control bill. I hope he will not. But he has the right, just as he had the right to submit the nomination of Justice Fortas and Judge Thornberry. There is no question that he had the right to do that.

The Constitution does not limit the Senate to a determination of the legal right of the Chief Executive officer to act; rather it requires and mandates the Senate to inquire into the nomination and then, first, to advise, and next to consent or not to consent to the nomination—an exercise of substance in that form.

That is precisely what we are about. I am not concerned with the legal niceties of whether we are now concerned with debate, or expediting consideration on Mr. Justice Fortas on the Executive Calendar, or whether we are concerned with the basic exercise of the constitutional responsibility of the Senate under article II of section 2 of the Constitution to advise and consent on this nomination.

The substance of the inquiry is important, not the abstract, theoretical, academic right which exists. The right in the hands of the President is no more absolute than the theoretical, legal, abstract, academic right of the Senate to make its academic, independent judgment, on whatever basis, as to the desirability of the confirmation or rejection of Mr. Justice Fortas' nomination as Chief Justice of the United States for the rest of his natural life, far beyond my tenure of service in the Senate, or that of any other Senator, and far beyond the tenure of the President of the United States or his successor; but rather, to serve during that time when his physical constitution will permit him to serve, and as long as he chooses to do so, even into his 91st year, which is not without precedent, on the highest court of our land.

So the President has the right and the Senate has a corresponding duty. Of the two, if I must choose between a right and a duty, I will choose the duty to exercise my judgment on the substance of the controversy and not its form alone.

For the Senate to fail to exercise its independent judgment would be an abdication to Executive supremacy.

In this regard, Mr. President, I quote the following:

> A man elevated to the office of the Presidency has virtually unlimited powers of influence over his countrymen. His own personality is a force of great impact upon all the people of the Nation and, in fact, upon the people of the world. Add to those powers directly all those less-conspicuous powers of his aides, his administrative agencies, and the multitude of channels which feel his influence, and you have a force no other representative government has ever entrusted for long to one man.
>
> If on occasion you grant to this titular head of government the further intoxicant of an overwhelming majority of loyal supporters in the legislative branch, then, Mr. President, you have a force well-nigh irresistable. The distinctions between executive and legislative are difficult to preserve under such circumstances; mere memorandums become laws, and laws become mere memorandums.

The man who, Mr. President, on March 9, 1949, spoke these words, affirming the right and duty of the Senate to exercise its judgment independent of the executive branch of government was a young Texas Senator named Lyndon Baines Johnson.

In fulfilling this duty to advise and consent, the Senate has traditionally granted the President wide latitude in selecting officers who serve with him in the executive branch of our Government, in the Cabinet, and elsewhere. That is because executive officials must work with the President; they are responsible to him; they serve only at his pleasure, or until the end of his term of office; and if the President is going to be held accountable for the administering of our Government, then he must have men of his own choosing.

Because of this wide latitude given to the President in selecting executive officials, the Senate has rejected only eight out of 564 Presidential nominations for Cabinet posts. The last rejection of a Cabinet nomination was in 1959 when Lyndon Baines Johnson—the President of the United States at this moment—was Senate majority leader. At that time, the Senate refused to confirm the nomination of Adm. Lewis Strauss to be Secretary of Commerce in President Eisenhower's Cabinet.

When he was nominated by President Eisenhower to be Secretary of Commerce, Lewis Strauss had served three Presidents with equal loyalty and skill. While special assistant to Secretary of the Navy Forrestal, he did such a good job that he was decorated by both the Army and the Navy. During the Truman administration, as a member of the Atomic Energy Commission, Strauss served with distinction, counseling the President on development of the hydrogen bomb when powerful forces within and without the AEC were advising atomic retrenchment. When President Eisenhower in 1953 was searching for a way to demonstrate the deep interest of America in furthering peace—not just talking about it—it was Admiral Strauss who helped to devise and strongly support the atoms-for-peace program.

By 1958, Admiral Strauss had at times been a figure of controversy—any public official of any worth usually will be—and during his tenure as Chairman of the AEC, he had antagonized a few members of the opposite political party with the result that for reasons of personality several Senators were opposed to the confirmation of his nomination as Secretary of Commerce.

It was not weeks but months before the Strauss nomination came to a vote on the Senate floor. It was not a matter of days but of months before the Strauss nomination was presented to the Senate for determination. During the long debate, no one really questioned the eminent qualifications of the nominee, and there was not the slightest trace of malfeasance or corruption attached to the record of this nominee. In spite of this, and in spite of the long tradition giving Presidents wide latitude in selecting Cabinet members, the majority leader, then Senator Johnson, now the President of the United States, saw fit to oppose confirmation, and his influence was enough to garner the crucial votes that led to rejection of this nomination.

The majority leader at that time, Senator Johnson, had not publicly announced his position prior to the rollcall, and he never explained it afterward. There were suggestions at the time that the majority leader's opposition was for no other reason than to gain liberal support in his bid for the 1960 presidential nomination.

Many of the reasons which normally result in the confirmation of nominations to the executive branch of the Government clearly do not apply to appointments for life tenure in the judicial branch. The Senate, in the exercise of its duty to advise and consent, has failed to confirm approximately one-sixth of Presidential nominations to the Supreme Court, a much higher proportion than for any other Federal office.

Of the 21 nominees who have failed to receive Senate approval, nine were rejected when their nominations came to a vote; 10 were never acted on by the Senate, which is equivalent to rejection; and two nominations were withdrawn. Nine of the 21 rejections came during the last year of the President's term of office, and most of these when the President was making the apparent attempt to perpetuate his administration's policies through the Court. The Senate declined to act on many of these nominations in order to permit the incoming President to make the appointments.

Consider, if you will, Mr. President, the distinction between the treatment given by the Senate to nominations for the President's official family—that is, Cabinet posts—where the Senate, as I stated previously, has rejected only eight of the 564 appointments, the last being that of Adm. Lewis Strauss to serve as Secretary of Commerce, but has rejected 21 nominees for the High Court of this country—approximately one-sixth of all the nominees tendered by the executive department to the Senate.

The point and the rationale of this historical statistic is clear, in my judgment: The Senate in the past has taken to heart, as serious and important, the admonition that it not merely consent, but that it advise as well. But, once again the polished bead—I fear that of late we have consented too much and advised too little. Now, under the circumstances and at this moment in the history of the Republic, for whatever meager contribution it may make, I intend to do my part to analyze and dissect the record as we have it, and to speculate on the record we might have had, to the extent that logical inference will permit me, on the basis of certain charges made in public print which were never repudiated before the Committee on the Judiciary of the Senate.

Mr. President, in resolving the questions on confirmation of both Justice Fortas and Judge Thornberry, the Senate must consider many factors: The nominees' legal and intellectual capabilities; their social, economic, and legal philosophies; and the wisdom and desirability of the appointments at this particular time and place in the history and development of this Republic. And in considering the desirability of confirmation, the Senate must look to the circumstances and conditions that exist in our country today.

Mr. President, throughout our country this is a time of general unrest and confusion, of dissent and division, of frustration and protest, and of unprecedented change.

This is a time when lawlessness abounds and when respect for the law and our court system must be restored.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, under the previous agreement, I am happy to yield to my colleague from California.

Mr. MURPHY. I would like to refer a question, if I may, to the distinguished Senator on the point of uncertainty and frustration. I would like to ask him if he, being a lawyer, gets the same reaction that I get, never having had the good fortune to have read and studied the law, except on my own time these past 6 or 7 years. I would like to ask him if he gets the same reaction I do from the consistent, it seems almost habitual, pattern of 5-to-4 decisions. I believe this is one of the things that has created the sensitivity that our people feel about the present Court. There is an uncertainty here.

Here, with great care, we select, or hope to select, the nine finest jurists, learned men, above suspicion, beyond a shadow of a doubt, in ethics, training, and capability, to tell us exactly what is the law. What does the Constitution, the basic, fundamental foundation of this great, free Government, say and what does it mean? Time after time I have read decisions that were made 5 to 4, and I must say that in some cases affecting my State I have taken occasion to study I have found myself, in my simple way, in agreement with the minority.

It seems to me that sometimes there is a suspicion that politics creeps into the Court. This, I would think, would be the last fine area in this great country where politics should be permitted.

I can remember being introduced to that great member of the Court, William Howard Taft, when I was a young man, the grandfather of the Representative who now serves from Ohio. I have known many of the Justices down through the years. I am concerned that in the case before us, there were political considerations, there were considerations of policy and pressures outside of the training and the background of the man. This is one of the factors that disturbs me greatly.

In my own State, in the last 2 weeks of the tenure of his office, the former Governor appointed 84 judges. It was like bargain day in Macy's. That is not the way our courts should be run. That is not the way these men should be selected. There has been far too much of it—far too much. We have fallen into bad habits. We have taken the great freedoms we have enjoyed for granted. So much of it slips through. I have appeared on a couple of occasions when nominations were coming up here, and the Chair asked, "Is there objection?" and one did not even have time to know the names on the list. They go through late in the afternoon and early in the morning.

Now, if this is part of the process, if this is part of the obligation—and it is a most serious obligation that this body has—to advise and consent, I contend it should not be done in this manner.

I have said, and I continue to say, that from now on I will object until I have time to find out as much as I can about the capabilities of the nominees and the propriety of the nominations. Never on a personal basis; and I assure my distinguished colleague that it will never be on a political basis. It will be on the basis of what is good for the Government, what will strengthen the structure of the Government of this country, which belongs to all the people. In this particular instance, I believe this is of the greatest importance. I hope the people across the country will thoroughly study and understand the importance of the subject we are discussing. Mr. President, in my opinion, this is the most important matter, by far, that has come before this body in the 4 years that I have been here—by far the most important, because it has to do with the very heartbeat of our system of government.

Either we can move in the direction which without question is opposed by the great majority of our people—certainly I have evidence to prove that fact from the constituents in my State who write to me in great numbers every day—or we can start, here and now, to restore the confidence, restore the capabilities, restore the strength of that cornerstone of the foundation of our Government, the Supreme Court. Then, hopefully, we can go on from there and refute this weakening tendency all the way through our entire system of courts, so that the day may come when we can, with absolute certainty, guarantee that this shall be a nation ruled by law and not by men. For when men, regardless of their position, regardless of their political calling or their philosophy, begin to inject or attempt to inject their personal wishes into the judicial area, or to tamper with the operation of our courts, we are faced with a most serious and most dangerous condition, one that merits as close and as careful scrutiny as the 100 Members of this body can give it.

I invite once again not only the Members of the Senate, but the people—the people, who are actually most greatly concerned; the people, to whom this Government belongs—to seek to understand completely what is transpiring here. Let them understand that this is not a small group of willful rednecks, as we have been called—though I am literally a redneck, because I spend a lot of time up on the farms in the valleys of my State, and get sunburned. And, of course, we Irish have always been referred to as rednecks. I guess it is because we are supposed to be emotional people, who are inclined to anger. That being our reputation, is it not rather strange that, in the history of the world in the last 35 or 40 years, that little island of Ireland is the only country that seems to have been completely at peace?

As I say, the term "redneck" has been applied to us, which is all right with me; I do get rednecked when matters that I think are wrong, or destructive, or divisive, or evil, that may have a profoundly adverse effect on the future of this great Nation, are brought to my attention. I do get very stubborn, and very concerned. And as to this matter that we are discussing today, as I have pointed out, I can think of no more important issue with which we should concern ourselves, in these times, as my able colleague has pointed out, when we dread to pick up the morning paper to find out where the riots took place the night before. As a distinguished Senator from the other side of the aisle said to me the other day:

> It seems to me that the inclination now is to take the handcuffs off the prisoner and put them on the policeman.

The distinguished Senator from Louisiana [Mr. LONG] made that remark, and I thought it was most descriptive.

So I am most pleased that my colleague has gone into this matter thoroughly, and I am happy to know that there are many other Senators on both sides of the aisle who will go into it. It will take some time, because the entire careers of the people concerned must be and should be in review, and I assume will be in review, for it is the right of the people to have full knowledge, and it is the right of the Members of this body, and in fact our most important duty, to advise and consent, and to do so with the fullest knowledge of the situation and the people involved that we can muster.

I commend the Senator from Tennessee for the excellent, completely understandable, and logical presentation he is making. I am pleased and honored to have the privilege of representing the State of California in the same great legislative body with him. I am particularly pleased to have the privilege and the good fortune of hearing his presentation today.

Mr. BAKER. Mr. President, I thank my friend and colleague from California. I am deeply grateful for his remarks and his contributions to the further development of these points.

This is a time of an increasing lack of confidence in the Supreme Court, our Nation's highest judicial body, a tribunal that has traditionally maintained an Olympian aura of dignity.

This is a time when according to a recent survey two-thirds of the American people have an unfavorable attitude toward the Supreme Court and when a mere 8 percent of the American people would classify this Court as excellent.

And this is a time when the election of a President and one-third of the Senate is imminent, and without any doubt the new President, whatever his name, and the 91st Congress will be closely attuned to the American people and will have a sounder grasp of that which is best for the country.

Mr. President, in this situation, under these circumstances and conditions, it is not desirable or wise or preferable or advisable that any appointment be made to the Supreme Court until after the mandate of the people in November. The American people must not be denied the opportunity to consider, along with the other issues when voting for President, the result that their votes will have in determining the nature and composition of the Supreme Court.

In traveling throughout our country, I have heard, not once but many times, the frustrations of the American people over many of the decisions, policies, and philosophies of the present Supreme Court. These frustrations exist, in part at least, because the people do not vote for or against Supreme Court Justices as they do for the President and for Members of Congress. The only check the American people have on the Supreme Court is indirectly by the popular election of the President and the Senate, and for my part this is the most desirable, the most satisfactory, the most workable method for the selection of the membership of the third department of Government, the judiciary, and I would not counsel its change.

In my opinion, the judicial branch is not an isolated branch of government. It is not and was never intended to be. It is and must be responsive to the sentiment of the people of the Nation. The response of the judicial branch is, properly, a slower response, a less direct response, and a response less affected by the undulations of popular political sentiment. Nevertheless, the judicial branch is and must be responsive to the democratic process of this Nation.

In contending that the Supreme Court must be responsive to democratic processes, I do not mean to imply that the Court should consult the Gallup poll before acting or that the judicial process should be subordinated to a passing whim of public opinion. Rather, as we all know, it is the solemn duty of the Supreme Court to interpret constitutional principles and statutory rules. But, in the areas where Congress has spoken, Supreme Court Justices must subordinate their values to those of the legislation thus decreed. And even when Congress has not spoken, Supreme Court Justices must still regulate their estimation of values by the thoughts, will, and sentiment of the people rather than by their own individual opinions of conduct and belief.

Justice Cardozo expressed this view when he said:

> My duty as judge may be to objectify in law not my own aspirations and convictions and philosophies, but the aspirations and convictions and philosophies of the men and women of my time.

Therefore, Mr. President, I say that we must let the appointment of the next Chief Justice and of an Associate Justice respond to the mandate of the people in November.

Mr. President, there are additional reasons why this particular nomination should not be confirmed. There are several indications that the President and the present Chief Justice together agreed to a plan of action that would prevent the next President from making this appointment to the Supreme Court and that would cement the present tradition of the Supreme Court for some time to come.

On June 13, Chief Justice Warren sent to the President a letter which stated:

> I hereby advise you of my intention to retire as Chief Justice of the United States effective at your pleasure.

To this President Johnson replied:

> With your agreement, I will accept your decision to retire effective at such time as a successor is qualified.

Subsequently, in several different statements, the distinguished majority leader [Mr. MANSFIELD] has stated that if Justice Fortas is not confirmed, he assumes and hopes and expects that Chief Justice Warren will remain on the Court. Senator MANSFIELD has said that the Senate has a choice between Mr. Fortas being approved or Mr. Warren staying on.

And finally, in a news conference on July 5, Chief Justice Warren said that he was fully prepared to remain in office for many months if Justice Fortas was not confirmed.

Mr. President, from all of this it seems that there has been a statement of intention to retire, a conditional acceptance of this intention, both politically timed and motivated, and that there is at present technically no vacancy on the Supreme Court.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Will the Senator yield?

Mr. BAKER. Mr. President, I yield to the Senator from California without losing my right to the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, the Senator has just raised a point that has been of great interest to me. It is a point that is raised and then suddenly brushed under the rug; it is raised again and ignored. I do not think that in this strange time of confused semantics we should be confused as to exactly what the words of the English language mean.

I ask the distinguished Senator if I am not correct when I say that there is no vacancy on the Supreme Court at this moment; that the resignation just referred to is not a resignation at all, in reality.

It states: If certain conditions prevail, then I will resign. I take that to mean that the distinguished Chief Justice meant exactly what he said: "If" conditions—and implied in that also is the word "when"—prevail, I resign. If they do not prevail, he does not resign.

The conditions do not exist. Therefore, I think pure logic would permit me to assume he has not resigned and, therefore, there is no vacancy.

Based on this deduction it would seem proper to me that at some point in the discussion we have to resolve this matter which gets back to the old question, "Is you is or is you ain't."

In any of the sources I have studied I have not been able to find such a performance. Not only does the first vacancy not exist, since the condition has not been fulfilled and, therefore, there has been no resignation and, therefore, there is no vacancy, but the second nomination which has been sent up, which depends upon the first two conditions, it would seem to me is something which should be explored, whether it is in order, whether it is proper, or whether the whole circumstances of the nomination should be scrutinized more carefully to say that, "If I can have everything in line exactly as I personally want it, then, and only then, and only under those conditions, will I resign."

More seriously, and this again is fact, not fantasy—as my distinguished colleague pointed out, it is a matter of substance—this is actually based on the words, as I understand them, as written by the present Chief Justice and former distinguished Governor of the State of California.

Beyond that, there have been reports in the public press, and well substantiated, of conversations that would lead us to believe there was something more of concern than just the condition of getting the approval of a particular substitute, or replacement, or new nominee. There have been reports of a phone conversation that took place in the lobby of a club, a conversation so loud that, as I recall it, it was heard outside the telephone booth, a conversation which implied that there were other considerations, considerations of a political nature, considerations of a philosophical nature, considerations that should be explained and that should be exposed, that should be contemplated, and carefully studied and scrutinized by Members of this distinguished body, before they make their final decision as to whether the Senate should approve this nomination or these nominations.

Thus, the trail of information and circumstances really gets so confusing that one must be very cautious and go step by step. As I say, it is of paramount importance, in the very first instance, to decide whether there is a vacancy, whether the discussion of the replacement is in order at this time, or whether it is proper to say, "I will resign under certain conditions," or "I will resign for certain reasons," or "I will resign provided it may be guaranteed that the future progress and course and philosophy of the Court will be in one direction or another."

These are things that cause me great concern. My inclination, at the outset once again, not having any legal training, and not understanding completely all the nuances that may exist, but being a man with over 50 years of experience with the people of our country, who have a right to know and understand all these things, I am inclined to assume that there is no vacancy.

Until there is a vacancy, in my simple process of thinking, it would be improper to make a new nomination.

Think of the embarrassment if someone said, "Don't look now, but we are going to select someone to take your place, and if we can get the right fellow, we are going to expect you to resign."

That is unthinkable. It is not only bad ethics but it would also be extremely bad manners and would be ruthless beyond belief.

On the other hand, the suggestion has been raised that perhaps this has been talked over. It has been discussed. This is pure conjecture on my part. I have no way of knowing this, no way of proving it—possibly, I should not even suggest that it took place. But under the circumstances of my experience with the people of this country, and the times in which we live, as well as the personalities involved, I think it is fair to assume, or to suspect, that there may have been conversations among the present Chief Justice, the present Chief Executive of our Nation, and the present nominee; because there has been a close personal relationship, so close in fact that I would find it very hard not to imagine that possibly they have discussed this matter.

If that is the case, then I think we have a right to know it, if we are to sit in judgment and carry out our obligation—a most serious obligation in this matter.

This certainly, to me, would be of utmost importance. This certainly would be, to me, of infinite importance in arriving at this most important decision which we will face at the end of this discussion.

So, Mr. President, these are matters that cause me great concern. I hope that as we continue, more and more information may be brought forth for the benefit of those of us in this Chamber who must finally make the decision, as well as for the benefit of the people across this great Nation to whom this Government belongs, and who have a right, in my opinion, to know exactly what the conditions are, exactly what the background is, and exactly why we, their representatives, made the decisions which we will be forced to make one day or another.

I thank my distinguished colleague.

Mr. BAKER. I thank my distinguished colleague from California and would add this: The question of whether a vacancy exists is obviously critical to the technical and procedural matter that confronts the Senate at this point. That is, should the name of Mr. Justice Fortas be advanced on the Executive Calendar for consideration out of turn.

Once again, I am not concerned with the legalism involved, nor with the form of the proceeding, but I am concerned with the substance of the controversy.

I think that the point stressed by the junior Senator from California is relevant to the technical inquiry before us; that is to say, is there a vacancy and, therefore, should we advance the name of Mr. Justice Fortas on the Executive Calendar for consideration at this time.

The junior Senator from California makes the strong and appealing case on the logic and the law, on the proposition that there is no vacancy. But I very much fear that I cannot argue that point, really.

I think there is no vacancy, but I am reminded of the story of a young man who appeared before the Supreme Court for the first time, arguing eloquently for his position. The Chief Justice—not the present one—stopped the young man after awhile and said, "But that is not the law, young man."

The young lawyer replied, "Well, Your Honor, it was the law until you spoke."

Thus we see, just as it is our duty to advise and consent on this nomination by reason of the mandate contained in article II, section 2 of the Constitution, if the proposition that there is no vacancy were carried to its logical conclusion, it would be a matter of law to be determined by this same Supreme Court. I do not presume to speak for them on the interpretation of that matter.

But, Mr. President, I am concerned that the present situation suggests that the Senate must abridge and restrict its constitutional authority to advise and consent to a smaller and narrower range of concern, and that is whether we want Justice Warren or Justice Fortas to be Chief Justice of the United States. This is not the range and scope of the responsibilities of the Senate of the United States under the Constitution of the United States, and I refuse to accept it on that basis.

For my part, Mr. Justice Fortas is serving, and presumably will continue to serve, as an Associate Justice. For my part, if this nomination by the President is not confirmed by the Senate—that is, if the Senate advises and then refuses to consent to the nomination—the Chief Justice of the United States will still administer the oath of office to a new President of the United States in January 1969. I foresee no legal complications in finding a Chief Justice to do that, either on nomination by the President and the action of the Senate or the continuing service of Mr. Chief Justice Warren. But the range is not limited to Justice Warren or Justice Fortas. The range of our concern is whether or not to advise and consent to the nomination of Abe Fortas to fulfill the conditional resignation of Chief Justice Warren and to meet the requirements of the President's nominations, both of which are conditional, and which do appeal to one's logic as being incomplete in terms of their effectiveness, and thus putting the question stated by the Senator from California [Mr. MURPHY]: Does a vacancy exist?

I object to the political pressure implicit in this method of proceeding. A nominee for the High Court must be considered on his own merit, in his own right, and not on the basis of a comparison or a choice between the present holder of the high office and himself. Therefore, I object to consideration of the nomination of Justice Fortas until the President has accepted the resignation of Chief Justice Warren effective at a date certain.

Mr. President, there are additional extraordinary political circumstances involved with regard to these two nominations.

Prior to the time he was nominated to be Associate Justice of the Supreme Court, Mr. Fortas had been a longtime adviser, speechwriter, troubleshooter, and social companion of Mr. Johnson, the President. It was Mr. Fortas who represented Mr. Johnson and obtained a Court ruling by Justice Hugo Black which ended the controversy over Mr. Johnson's 87-vote victory in his first Texas Senate race. It was Mr. Fortas who represented Bobby Baker until Mr. Johnson became President. It was Mr. Fortas who acted as the President's envoy in settling the details of the Dominican crisis while, I understand, at the same time serving as a member of the board of directors of the Sucrest Corp., a major purchaser of Dominican sugar. It was Mr. Fortas who requested Washington newspapers in the midst of the 1964 presidential campaign not to publish the Walter Jenkins story.

Likewise, Judge Thornberry has been a longstanding political associate of the President. Judge Thornberry was a Congressman from President Johnson's old Texas district for 15 years. President Kennedy appointed him to a Federal district judgeship in 1963, and President Johnson promoted him to the fifth circuit court of appeals in 1965. At the time of his first appointment, Mr. Johnson, then Vice President, stated:

> No man ever had a brother who was more faithful to me than . . . Homer Thornberry.

I do not object to Mr. Fortas' or Mr. Thornberry's friendship with the President or to Mr. Fortas' activities on the President's behalf before he became Associate Justice. I have made these statements merely to demonstrate that both of these nominees have had a longstanding political and social relationship with the President.

The question of political cronyism has often been raised over Presidential nominations. The nature of the Supreme Court and the selection process are such that the Court can never be wholly immune from politics. And, as the distinguished minority leader [Mr. DIRKSEN] has said, certainly the President should not be expected to name his enemies to the Court. He must select men whom he knows and trusts and respects, and I agree.

The question of involving the high court in politics is essentially a matter of degree. In the instant situation it is my firm opinion that these two men were selected because of their longtime personal relationship with the President. The two nominations, made under these unusual circumstances, are excessive politicking at its worst, which can only add to the increasing lack of respect for the High Court. It is political manipulation such as this which undermines the institutions of our Government and which we must not tolerate.

Of course, we are all familiar with the President's ability at political maneuvering. As Alexander Bickel pointed out in an article in the New Republic:

> Not one of Lyndon Johnson's appointments to the Supreme Court has been free of the atmosphere of maneuver. Justice Fortas himself succeeded Arthur Goldberg, who was lured off. Thurgood Marshall arrived as the last straw in a triple-play: Katzenbach to State, Ramsey Clark to the Attorney Generalship making it difficult for Tom C. Clark to continue as Associate Justice, and Marshall to Clark's place.

While, as I have said, the Court cannot be entirely divorced from politics, we cannot permit the administration to inject politics forcefully and blatantly into what should be an impartial institution. In my judgment, the selection of two political cronies for these positions degrades the Court, destroys respect for our judicial system, and creates additional lack of confidence among the people of the Nation.

As the distinguished junior Senator from Michigan [Mr. GRIFFIN] has said:

> Such maneuvering at a time when the people are in the process of choosing a new government is an affront to the electorate. It suggests a shocking lack of faith in our system and the people who make it work.
>
> It should surprise no one that such a political maneuver has been met head-on by a political response from within the Senate. Indeed, it would signal a failure of our system if there were no reaction to such a blatant political move.

Finally, Mr. President, I object, and I do so strenuously, to the continuing association of Justice Fortas with President Johnson after his appointment as Associate Justice.

Justice Fortas candidly admitted before the Judiciary Committee his involvement in Presidential councils involving the Vietnam war and the Detroit riots. He stated that he saw nothing wrong with his extrajudicial activities and his present relationship with the President.

Mr. Fortas also stated to the committee that while on the Court he once made a call to Mr. Ralph Lazarus, an official of Federated Department Stores, on whose board of directors Fortas had once served. The reason for this call was to rebuke Mr. Lazarus for a report published by him stating that the Vietnam war would add an additional $5 billion to one of the President's budgets.

Subsequent to Mr. Fortas' testimony additional involvements of Mr. Fortas in the executive branch of Government were alleged. On September 16, the distinguished senior Senator from Colorado [Mr. ALLOTT] testified before the Judiciary Committee concerning the participation of Mr. Fortas in the formulation of legislation while a member of the Supreme Court.

Senator ALLOTT stated that on May 27 of this year the Senate Subcommittee on Appropriations for Treasury and Post Office met to consider in executive session special legislative language concerning Secret Service protection for presidential candidates. Present at this meeting was the Undersecretary of the Treasury, Mr. Joseph Barr, who at the conclusion of the meeting stated to Senator ALLOTT: "I have been on the phone with the White House." To which Senator ALLOTT replied. "Yes, I know." Barr then stated: "This is the amendment they want at the White House. It has been gone over by DeVier Pierson and Abe Fortas. They have cleared it, and they can live with it."

Mr. President, the clear implication from this statement is that Justice Fortas was present at the White House on that May morning and that he, along with Mr. DeVier Pierson of the White House staff, did review and approve the legislative proposal.

The testimony of Senator ALLOTT was never denied by Mr. Barr, Mr. Pierson, or Justice Fortas. All were asked to come before the committee on this matter; all declined to do so.

This was a noncontroversial legislative proposal; no one was against it, and it was a simple measure from the standpoint of legislative draftsmanship. It is curious, to me at least, that an Associate Justice of the Supreme Court was involved in this way. It was a clear breach of the doctrine of separation of powers, in my judgment.

Mr. President, also subsequent to Mr. Fortas' testimony, the Judiciary Committee had called to its attention by the distinguished junior Senator from Michigan [Mr. GRIFFIN] the July 22 issue of the New Yorker magazine, in which an article by Mr. Daniel Yergin appears. In this article Mr. Yergin states that Mr. Richard Goodwin, formerly a member of the White House staff, spent 2 full days drafting the 1966 state of the Union address for President Johnson and that the speech was then handed over to Abe Fortas and Clark Clifford "who began chopping it up."

As a result of this information, the Judiciary Committee requested Mr. Clifford, Mr. Goodwin, and Mr. Yergin to appear before it to either confirm or deny the magazine account. None of these gentlemen elected to appear before the committee and U.S. marshals were unable to serve Messrs. Goodwin and Yergin with subpenas.

Mr. John Holloman, chief counsel and staff director of the Senate Judiciary Committee, did reach Mr. Goodwin by phone at which time Mr. Goodwin said that he was the source for the Yergin story; that he had talked with Attorney General Ramsey Clark about appearing before the committee; and that even if he did come before the committee, he would probably make a claim of "executive privilege." The Judiciary Committee offered to incur the expenses of a chartered airplane flight for Mr. Goodwin to come to Washington to testify. Goodwin called later and said that he was not able to charter a plane.

I do not know why Messrs. Yergin, Goodwin, Clifford, and Fortas, who had the opportunity to testify concerning this allegation, chose not to do so. I do know that this was a substantial charge and that it was not contradicted or denied by anyone at any time.

Apparently, the refusal by some members of the executive branch of the Government to testify before the Judiciary Committee concerning these two allegations was based on a claim of "executive privilege." However, on March 7, 1962, in a letter to Chairman JOHN Moss of the Special Government Information Subcommittee of the House Committee on Government Operations, President John F. Kennedy wrote:

> Executive privilege can be invoked only by the President and will not be used without specific presidential approval.

On April 2, 1965, President Johnson also wrote to Representative Moss:

> Since assuming the presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with the subject. Thus, the claim of "executive privilege" will continue to be made only by the President.

The refusal of Messrs. Barr, Pierson, Clifford, and Goodwin is a clear violation of this wise policy, enunciated by President Kennedy and adopted by President Johnson.

Mr. President, I submit that in continuing to counsel the President on such matters as the Vietnam war, the riots, legislative proposals, and the 1966 state of the Union address, Justice Fortas not only has committed a judicial impropriety, but also has flagrantly violated the traditional separation of powers concept.

As the Washington Post stated in a July 18 editorial:

> . . . neither the Justice's explanations of the situations in which he gave the President advice nor his historical citations showing that other justices have advised other presidents makes the relationship wise or proper. The job of a member of the Supreme Court is to decide cases and expound the law, not to advise presidents on matters of foreign and domestic policy, even if the president happens to be an old and dear friend.

President Truman said that "whenever you put a man on the Supreme Court, he ceases to be your friend." In fact, it is not only personal friendship that abates upon appointment to the High Court. Our country's history is also replete with examples in which an appointee to the Court has expressed judicial views unsympathetic to those of the President.

Justice Story was appointed by President Madison to the Supreme Court to counteract John Marshall's view of federalism. But upon succeeding to the Court, Story quickly became Marshall's strongest and most effective ally. President Theodore Roosevelt made a careful check of Oliver Wendell Holmes' political and judicial philosophy before appointing him to the Court. After Holmes' interpretation of the Sherman Anti-Trust Act, Roosevelt was reported to have remarked that he could have put a banana on the Court with more backbone than Holmes had shown. And President Wilson's crusading, liberal Attorney General, James C. McReynolds, turned into an archreactionary upon appointment to the Supreme Court.

Chief Justice Stone was in fact astounded when President Roosevelt suggested conferences between the President and the Court. He replied:

> A judge, and especially the Chief Justice, cannot engage in political debate or make public defense of his acts. When his action is judicial he may always rely upon the support of the defined record upon which his action is based and of the opinion in which he and his associates unite as stating the ground of decision. But when he participates in the action of the executive or legislative departments of government he is without those supports. He exposes himself to attack and indeed invites it, which because of his peculiar situation inevitably impairs his value as a judge and the appropriate influence of his office.
>
> We must not forget that it is the judgment of history that two of my predecessors, Jay and Ellsworth, failed in the obligations of their office and impaired their legitimate influence by participation in executive action in the negotiation of treaties. True, they repaired their mistake in part by resigning their commissions before returning to their judicial duties, but it is not by mere chance that every Chief Justice since has confined his activities strictly to the performance of his judicial duties . . .

Mr. President, Justice Fortas stated that in his continuing relationship with the President, he has not involved himself with matters in the administration that are likely to come before the Court. However, questions growing out of riots have and will come before the Court. The same is true with matters involving the Vietnam war and with almost any other piece of legislation. The fact is that virtually any matter can and does come before the High Court. Only last week Justice Douglas enjoined temporarily the callup of a reserve unit for duty in Vietnam.

And suppose, for example, that several participants in the Detroit riots were arrested under disorderly conduct and anti-riot statutes. Suppose further that the defendants raised as a defense the contention that the two statutes were void under the Constitution for vagueness and overbreadth. If this case ultimately came to the Supreme Court, could Justice Fortas render a fair judgment in view of his statements with respect to a consultation with the President relating to the Detroit riots and his advice with respect to Vietnam? Having consulted in bringing the riots to a halt, could Justice Fortas then, necessarily, make an impartial determination of issues arising out of those riots?

UCLA Prof. David Farrelly has asked:

> How impartial could the court have been in 1952, when it had to decide on the constitutionality of the President's seizure of the steel mills, if the Justices had been poker playing companions of Truman?

And Yale Law School Prof. Harry Kalven, Jr., has stated:

> Every time a justice acts outside his primary role, he risks undermining the mystique, the dignity of, and—most important—the public respect for the highest tribunal.

Mr. President, the concentration of power is a threat to liberty. And it has always been so. The writers of our Constitution perceived this and accordingly they adopted the theory of Montesquieu that in government the powers of the legislative, executive, and judicial departments must be separate, with the whole being kept in order by a system of checks and balances. Those who framed our Constitution believe with Montesquieu that ultimately there could be no liberty if the power of judging be not separate from the legislative and executive powers.

George Washington, in his farewell address to the country, said:

> It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly over-balance in permanent evil, any partial or transient benefit which the use can at any time yield.

Another drafter of our Constitution, James Madison, said:

> The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Hamilton added that liberty can have nothing to fear from the judiciary alone but would have everything to fear from its union with either of the other departments of government.

> The complete independence of the courts of justice—

Hamilton declared—

> is peculiarly essential in a limited constitution.

Mr. President, I say that Justice Fortas and the President have failed to observe the separation of powers doctrine and in so doing have established a dangerous precedent. The concept of separation is fundamental and must be preserved. To fail to preserve it is to fail to preserve liberty. The functioning of our Government depends on the balance of three coordinate branches and the balance of the branches on their mutual independence.

Mr. President, during the hearings before the Judiciary Committee several Senators raised the issue of recent decisions of the Supreme Court involving pornographic materials. I have not previously based my opposition to Justice Fortas on the obscenity issue, and I do not do so now. But since the issue has been raised, I feel I should comment briefly upon it.

The Supreme Court in several earlier decisions set forth three elements which must coalesce before a State can constitutionally inhibit the distribution of materials as obscene: the materials must appeal to a prurient interest; they must offend community standards; and they must be utterly without redeeming social value.

I have viewed two of the films involved in the most recent cases, in which the Supreme Court set forth its result by one-sentence per curiam orders. I make the following two observations: First, in my opinion, the Supreme Court, including Justice Fortas, has refused to apply its own test, which is the law, to determine whether a material is constitutionally protected. Second, I object to the increasing usage of one-sentence per curiam orders to reach results in this area. On this critical issue it should be incumbent upon the Court to explain adequately its actions lest judicial fiat be substituted for judicial reasoning and principle.

There is one final matter, Mr. President. On September 13 the Judiciary Committee heard testimony by Dean B. J. Tennery of the School of Law of American University, who informed the committee that Justice Fortas during this past summer conducted a series of nine seminar sessions at the university and that the Justice received $15,000 for his participation.

This $15,000 payment came from a special $30,000 fund that was raised to finance this seminar program by Mr. Paul Porter, formerly a law partner of Justice Fortas and presently a law partner of Mrs. Fortas. The $30,000 fund was solicited by Mr. Porter from five private donors, all of whom had business connections either previously with Mr. Fortas or presently with his former law firm. None of these gentlemen had any prior association with American University.

The contributors were Mr. Gustave Levy, chairman of the New York Stock Exchange, and a member of numerous boards of directors, including Braniff Airways and Greatamerica Corp.; Mr. Troy Post, the chairman and president of Greatamerica, the chairman of Braniff Airways, and chairman and director of Franklin Life Insurance Co.; Mr. Maurice Lazarus, a vice chairman and director of Federated Department Stores; Mr. Paul D. Smith, vice president and general counsel of Philip Morris, a client of the law firm of Arnold & Porter; and Mr. John L. Loeb, a member of the board of directors of numerous corporations. It should be noted that Mr. Fortas, before succeeding to the Supreme Court and while a member of the law firm of Arnold, Fortas & Porter, was a member of the board of directors of Federated Department Stores, Sucrest Corp., Greatamerica Corp., Madison National Bank, Franklin Life Insurance Co., and Braniff Airways.

Thus, before becoming an Associate Justice, Mr. Fortas was on the board of Braniff and Greatamerica with one of the donors; on the board of Braniff, Greatamerica, and Franklin with another; and on the board of Federated Department Stores with a third.

Further, in a New York Times story by Mr. Fred B. Graham on September 17, it was revealed that one of the contributors, Troy V. Post, is the father of a man who is appealing a conspiracy and fraud conviction through the Federal courts.

Troy V. Post, Jr., has appealed an 18- to 24-month sentence to the District of Columbia Court of Appeals. From this court the only recourse is to the Supreme Court of the United States, its Chief Justice, and the Associate Justices, including Justice Fortas.

I do not seriously object to the amount of the $15,000 honorarium received by Justice Fortas. There would have been little question if the money had been paid by the university or solicited from donors who had no previous legal or business connection with Mr. Fortas or with his law firm. And from the standpoint of the American University School of Law, the $15,000 payment was not, in my opinion, excessive. Surely the school's reputation was enhanced by the participation of an Associate Justice, the luster of the faculty was increased, and able students were offered a rewarding experience.

I do, however, object to the circumstances surrounding the $30,000 fund and the $15,000 payment to Justice Fortas. The five donors of the fund were not ordinary businessmen. They were all individuals with extensive business interests in numerous corporations that could at some time become involved in litigation before the Supreme Court of the United States.

For example, Gustave Levy, chairman of the New York Stock Exchange, was the target a year ago of an antitrust action that the Supreme Court declined to hear upon petition for writ of certiorari. Also, as I have stated, some of the donors were connected with Greatamerica Corp., a large holding company, and with Braniff Airways. Every Supreme Court term has numerous cases of substantial interest to such enterprises whether or not they are parties to specific disputes over Federal regulations or taxation.

In my opinion, Mr. President, it was improper for Justice Fortas to accept payment from the fund under those circumstances. Canon 4 of the American Bar Association Canons of Judicial Ethics states:

> A judge's official conduct should be free from impropriety and the appearance of impropriety.

Canon 32 states:

> A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

As I have said, these tax-exempt contributions were raised by a former law partner of Justice Fortas. The five contributors were once business associates or clients of Justice Fortas and are still business associates or clients of Justice Fortas' former law partners. I say that in accepting payments from the fund under those circumstances, Justice Fortas violated both the spirit and the intent of the Canons of Judicial Ethics.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURDICK. I should like to ask the able Senator from Tennessee, in regard to the contribution made by these five gentlemen, if that is not a manner in which many universities receive money to carry on their educational pursuits.

Mr. BAKER. Mr. President, in answer to that query, I do not know. But, if I may, I make this additional reply. It may be. If it is, I have no objection.

I have carefully tried to point out in these remarks that I have no objection to either the amount of the honorarium or fee paid to Justice Fortas—I think he earned it and deserved it—or of his lecturing to the law school of American University. I think he obviously contributed something of value to the continuing legal education of those students and probably of the faculty. I think he is a man of distinguished legal ability and is probably a very good lecturer .

I do object to the manner in which these tax-free contributions were solicited by Justice Fortas' former law partner from former clients and business associates, from former members of boards of directors on which he had served. This is the basis for the objection, not the irregularity of the procedure.

Mr. BURDICK. The Senator will acknowledge that many of our fine colleges, mostly private colleges, maintain their institutions through contributions which are very similar to this.

Mr. BAKER. I am sure they do. I have no real personal knowledge of this, and I therefore cannot answer firsthand. If it is not done, I will even speculate a little further that they should.

Mr. BURDICK. Harvard, Yale, and many other colleges throughout the country receive donations from various wealthy people, and that is part of the way in which they finance the institution.

The Senator stated that these contributions were tax exempt, and that the $30,000 was tax exempt to the donors.

Mr. BAKER. My impression would be that the donor was making a charitable contribution to an established and recognized university, and it would be deductible from his income tax.

Mr. BURDICK. As to the $15,000 which was used as a fee to Mr. Fortas for his services, is it not true that the $15,000 was income on which Justice Fortas will pay taxes?

Mr. BAKER. I assume so. I have not examined Mr. Fortas' income tax return. I am sure it has not been filed yet. I am sure it will be included in his gross taxable income.

Mr. BURDICK. In other words, on $15,000 of this amount the U.S. Government will receive taxes.

Mr. BAKER. Presumably, and I am sure it will.

I might point out that when Mr. Fortas spends that money at the local grocery store, the Government of the United States will receive tax on that, too. But that is not really the thrust of the point I am trying to make in this debate.

I do not object, really, to Mr. Justice Fortas receiving $15,000 from American University. I have already stated that I think he probably earned it, I think he is probably worth every penny of it, and I think American University probably got a bargain. What I do object to is the manner of its collection and the people from whom it was collected and under those circumstances.

Mr. BURDICK. The point I am trying to make is that the Senator referred to the $30,000 as a tax-exempt contribution, leaving the impression—wittingly or unwittingly—that the Federal Government lost some money by reason of these donations which it might otherwise have collected from these wealthy donors. The fact is, that of the $30,000, $15,000 found its way into additional income to Justice Fortas, and he must pay tax on it.

Mr. BAKER. Mr. President, I agree, but I stand on my previous statement.

I do not believe there is any real dispute but that the $30,000 was a nontaxable contribution within the meaning of Internal Revenue Code of 1954 and, therefore, it would serve to diminish the tax liability of the donors who made up the $30,000 to the extent it deprived the Treasury of the tax it would have received on the income; but not to the point that Chief Justice Fortas will pay a tax on the $15,000 of the $30,000, which he will include in his return on April 15, 1969.

Mr. BURDICK. Then, the U.S. Treasury will recoup tax on $15,000; is that correct?

Mr. BAKER. Presumably the U.S. Government will receive the ordinary rate of tax on the $15,000 additional income reflected in Mr. Fortas' form 1040 that he will file on or before April 15, 1969.

Mr. BURDICK. That is correct.

Mr. BAKER. By the same token, the donors will deduct $30,000 from their Form 1040 that they will file.

Mr. BURDICK. And the other $15,000 that went to the university will be treated just like any other donation, and handled by them in the same manner.

Mr. BAKER. Will the Senator repeat the question?

Mr. BURDICK. And the other $15,000 will go directly to the university, and that amount is like any other contribution to the university.

Mr. BAKER. Presumably so. I have no knowledge.

Mr. BURDICK. I thank the Senator.

Mr. BAKER. Mr. President, the overriding question before this body is whether confirmation of Justice Fortas to the Chief Justiceship will strengthen our Supreme Court and our system of government. I rise in opposition because I have an abiding faith in the American people and because I believe our judicial system must be responsive to the democratic processes of this Nation. I rise in opposition because I desire to preserve our tripartite system of government. I rise in opposition because of my deep concern for the Supreme Court as an institution and for our judicial system.

It is for these reasons, Mr. President, that I urge rejection of this nomination.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks an editorial from Life magazine of September 27, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FORTAS MESS: NO GOOD WAY OUT

Election-year politics have mired the Senate in what should have been the simple task of confirming or not confirming Abe Fortas as Chief Justice of the U.S. The mess involves constitutional questions but also rampant partisan malice, and it is important to disentangle the two.

Before nominating Fortas, his personal lawyer and longtime intimate, President Johnson took pains to consult Republican Senate Leader Dirksen, who shares the American bar's general admiration for Fortas' legal prowess and therefore promised his support. But Senator Griffin of Michigan rejected Dirksen's leadership and led a Republican war on Fortas' confirmation. Griffin's chief argument was that Johnson is a lame duck and should let the next President make this crucial appointment, as though the Supreme Court not only "follows the election returns" but should be forced to anticipate them.

A separate and smellier campaign against Fortas has been mounted by Senator Thurmond. Because Fortas was part of the Court majority which overturned two obscenity convictions, Thurmond has been showing committee members the pornographic movies in question. But since the cases were decided without any written opinion, they tell nothing about Fortas' qualifications as a judge. Thurmond alternates this left to the Senate's groin with a right to the more general Southern and conservative hatred of the whole Warren Court, a hatred that stems mainly from its landmark decisions in favor of racial equality and the rights of defendants. Senator Ervin ascribes these decisions to a school of arbitrary "judicial activists" which he fears Fortas would carry on. But Ervin's argument proves little. Either he is appealing past decisions of the Supreme Court to the court of popular prejudice, or he is trying to subject a Supreme Court Justice to legislative inquisition for his opinions—at least as grave a transgression of our constitutional system as Fortas' "cronyism" with the executive branch.

The Senate Judiciary Committee hearings, however, have produced some more respectable arguments against Fortas. His relations with the White House are closer than the charge of "cronyism" was thought to include. Fortas admits to having been in on recent White House discussions of policy toward race riots and Vietnam, and there is unrefuted evidence that he has had a hand in presidential speeches and even the drafting of legislation while on the bench. Constitutional purists find this offensive to the separation of powers. The hearings have shown Fortas' judicial shrewdness to be nicer than his sensitivity on this score. There is also something tasteless about his accepting a $15,000 fee, raised by his former partner from business friends, for a series of lectures at American University last summer.

Unfortunately, the Fortas affair has deepened rather than dissolved the rancors and suspicions that have shadowed the Supreme Court's moral authority in recent years. Unfortunately also, there is no good way out of the Fortas mess. Fortas has been urged to ask Johnson to withdraw his name, but so far he has declined. The Senate, if given a chance to vote, would probably confirm Fortas, but by a majority so narrow as to prolong mistrust and get the post-Warren Court off to a very bad start. But the Griffin solution is also deplorable: a filibuster against the confirmation. This can only be stopped by a two-thirds vote, which Senate Majority Leader Mansfield does not command. So probably Mansfield will eventually have to withdraw Fortas' name and let his bilious senators go home. That will be a humiliation for everybody.

The Court too will remain under its cloud, the last shadow cast by Lyndon Johnson's proprietary arrogance toward all three branches of government. But in time the Court can recover its moral authority by its own exertions. It can restore to our constitutional law some of the respect and predictability it has lost during the righteous but ragged Warren revolution. As Associate Justice, Fortas' great juridical gifts can contribute much to this restoration. But the next Chief Justice should be a man whose sense of propriety does not arouse so many misgivings.

SUPREME COURT'S RECORD IN CRIMINAL PROCEDURE

Mr. HART. Mr. President, a determined effort is being made by some opponents of the Fortas nomination to translate opposition to recent Supreme Court criminal law rulings into opposition to Justice Fortas.

Attacks on the Supreme Court are hardly new. Over 50 years ago, Justice Holmes observed that the Supreme Court has always been a quiet place—but it is the quiet in the center of a storm.

In the area of criminal law, opponents of the Fortas nomination are quick to accuse the Supreme Court of "coddling criminals" and being "soft on crime."

Admittedly, in the area of criminal law, balancing the rights of the individual, guaranteed by our Bill of Rights against the right of society to protect itself, is a difficult job. I submit, however, that the Supreme Court and Justice Fortas ably have handled that difficult assignment.

How many of those who accuse the Supreme Court of coddling criminals and being soft on crime realize that 92 percent of the 1,800 criminal cases presented to the Court last term were either affirmed or allowed to stand? How many accept the criticism without knowing these facts? Most of those 1,800 cases were brought by people who had been convicted. Of those 1,800 criminal cases, only 139 were reversed or vacated. Most of those were remanded for a new trial. And in most instances, after the retrial, the fellow was convicted all over again.

Critics of the Supreme Court frequently cite the Miranda decision. How many of these same critics realize that as far back as 1952, essentially the same warnings required by the Supreme Court in Miranda were being employed by this country's top law enforcement agency, the FBI?

As Chief Justice Warren, author of the Miranda decision, stated in his opinion for the majority:

> Over the years the Federal Bureau of Investigation has compiled an exemplary record of effective law enforcement, while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in Court, that the individual may obtain the services of an attorney of his own choice and, more recently, that he has a right to free counsel if he is unable to pay . . .

How many of the same critics of the Court's decisions in law enforcement have taken the trouble to read such recent decisions as Katz against United States in 1967, Warden against Hayden in 1967, and Terry against Ohio in 1968?

In Katz against the United States, the Supreme Court—with Justice Fortas joining the opinion—held that judicial warrants could be issued under the fourth amendment to authorize police to use electronic eavesdropping in the investigation of crimes. Congress recently relied heavily on the Katz decision to enact a statute—title III of the omnibus crime bill—which permits law enforcement authorities to wiretap and eavesdrop in the investigation of a broad range of crimes.

In Warden against Hayden, with Justice Fortas concurring, the Supreme Court overruled a 1921 case, Gouled against the United States, which held that when making a valid search all the police could seize under strictures of the fourth amendment was contraband, weapons, and instrumentalities or fruits of the crime.

In overruling Gouled, the Court established for the first time that the fourth amendment did not prohibit the police when making a valid search from seizing "mere evidence." The Warden decision thus considerably enlarged the area of permissible searches by police and helped provide the basis for passage of title VII—authorizing Federal judges to issue search warrants for all types of evidence of crime—of the omnibus crime bill.

In Terry against Ohio, decided this June, Justice Fortas joined the Court's opinion holding that law enforcement officers may stop and frisk suspicious persons on the street when the search is reasonably necessary to protect the safety of the officers, even though the officers do not have probable cause to arrest the suspect. Clearly, the Terry case recognizes the need of the police to protect themselves and others as the Court states:

> In these circumstances (street encounters between citizens and police) . . . we cannot blind ourselves to the need for law enforcement officers to protect themselves and other prospective victims of violence in situations where they may lack probable cause for an arrest. When an officer is justified in believing that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others, it would appear to be clearly unreasonable to deny the officer the power to take necessary measures to determine whether the person is in fact carrying a weapon and to neutralize the threat of physical harm.

These are hardly decisions calculated to promote the safety and comfort of wrongdoers. In fact, the Supreme Court's ruling on electronic eavesdropping gave the police broader powers than I would consider desirable.

But I do not consider that the man's qualifications for the presiding seat are at all diminished just because he joined in a decision that I might not approve.

The "criminal coddling" image has been generated largely by the series of decisions decreeing that a suspect must be advised of his right not to testify against himself and must be told that he has a right to a lawyer, even if the Court has to provide one.

What is not generally emphasized is that the FBI had been following those practices long before the Court decisions with no noticeable decline in efficacy.

Educated, affluent men generally know their rights and are knowledgeable enough to protect themselves with legal counsel. All the Supreme Court did in these cases was to extend the Bill of Rights to all citizens, rich and poor.

In fairness, it seems to me that even opponents of Justice Fortas and the Supreme Court should point out that the Supreme Court record on law enforcement is a balanced one.

Certainly, someone should make the point that there are a number of important Court decisions that do not support the argument that the Court is "soft on crime."

(The following discussion by Mr. BYRD of Virginia occurred during the address by Mr. BAKER, and is printed at this point in the RECORD by unanimous consent.)

DANGEROUS POSITION OF UNITED STATES ON RHODESIA

Mr. BYRD of Virginia. Mr. President, last Thursday at the United Nations, Great Britain reminded the members that it is authorized to use force if necessary to halt oil shipments to Rhodesia.

Lord Caradon, the chief British delegate, says that British ships have been instructed to open fire if a vessel bound for Beira, Mozambique, refuses to halt for inspection of its cargo.

The Security Council resolution to which Lord Caradon refers was adopted April 9, 1966.

Speaking in favor of the resolution, U.S. Ambassador Arthur J. Goldberg, said:

> The United States fully concurs—

And—

> calls on the United Kingdom Government to prevent movement of oil—

To Rhodesia—by force if necessary.

Yes, Lord Caradon was on sound ground when he told the Security Council last week that its resolution of April 9, 1966, directs Britain to use force to prevent the shipment of oil to Rhodesia.

Article 5 of the Security Council resolution reads as follows: "Calls upon the Government of Great Britain to prevent by the use of force if necessary the arrival at Beira, Mozambique, of vessels reasonably believed to be carrying oil destined for Rhodesia."

> Mr. President, Lord Caradon's letter dramatizes just how serious a predicament the United States has got itself into in its unwise and unprincipled effort to prevent Rhodesia from obtaining its independence from Great Britain.
>
> I say that what the United States has done in regard to Rhodesia is one of the most unprincipled, one of the most outrageous, one of the most callous, and one of the most foolish acts this Nation has ever undertaken.
>
> In November 1965, the U.S. Ambassador to the United Nations actively supported the United Nations' resolution condemning Rhodesia as "a threat to international peace and security" and calling on the Security Council to take steps to put an end to Rhodesian independence.
>
> Pursuant to that resolution, our Government severed diplomatic ties with the Smith government, and called for a voluntary boycott of Rhodesian products.
>
> These voluntary sanctions caused great hardships on the Rhodesian people, but they did not succeed in forcing the downfall of the Smith government.
>
> So the next step was the Council's resolution of April 9, 1966, calling on the Government of Great Britain to use force to prevent the movement of oil to Rhodesia, a step the British Government so far has not taken but apparently now plans to use.

When a voluntary boycott of Rhodesian products did not bring about the downfall of the Smith government, the Security Council met again on December 16, 1966, to consider the next logical step—the imposition of mandatory economic sanctions under article 41 of the United Nations Charter.

The U.S. Ambassador again actively supported this measure, assuring the Council that the United States would, to use his words, "apply the full force of our law to implementing this decision."

The Council voted to invoke article 41—the first such vote, and the only such vote, for mandatory sanctions in the history of the United Nations.

The United States promptly complied. President Johnson issued an Executive order on January 5, 1967, declaring it to be a criminal offense for any American to engage in the import of a wide range of Rhodesian products, and severely restricting U.S. exports to that country.

Still, it did not bring about the downfall of the Smith government.

So, on Wednesday, July 31, 1968, the President of the United States issued Executive Order No. 11419.

This order is designed to close the economic noose on the peaceful country of Rhodesia by barring all U.S. imports from and exports to that country.

The order also prohibits aircraft or vessels under U.S. registration or under charter to a U.S. citizen from carrying cargo originating in or destined to be delivered to Rhodesia.

Additionally, the order prohibits the operation of U.S. airplanes to or from Rhodesia, and it bars the transfer of funds to or from Rhodesia.

That action was taken nearly 2 months ago, yet the Smith government still has not been brought to its knees.

So what is the situation today?

The United Nations under the leadership of Great Britain and the United States has already:

One, instituted a voluntary boycott of Rhodesia which has proved a failure.

Two, declared a mandatory boycott of all imports and exports to that country. This, too, has proved a failure.

Now, Lord Caradon, speaking for the British Government, said British ships have been instructed to open fire on vessels bound for the Portuguese-ruled port of Beira, Mozambique, "reasonably believed to be carrying oil destined for Rhodesia." This action, he reminded, results from the mandate of the Security Council itself.

Now, let us analyze this.

What the United Nations Security Council did—with the full support of the United States—was direct the use of force against ships carrying oil not to a Rhodesian port, as Rhodesia is landlocked, but to a Portuguese port.

Yet, Portugal is an ally of the United States as a member of the North Atlantic Treaty Organization.

So, increasingly, we are finding ourselves in a spider web in regard to Rhodesia.

We have encouraged, invited, and, indeed, by resolution directed the British Government to seize or sink ships on the high seas.

What is the next logical step if the United Nations and the United States persist in our foolish Rhodesian policy.

Article 42 of the United Nations Charter makes it clear what that next step may be:

> Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by land forces of Members of the United Nations.

I firmly believe we are embarked on a dangerous course, one that does no honor to our tradition as a peace-loving people. It is unprincipled and dangerous.

I do not pass judgment on whether Rhodesia should be independent or whether she should continue her former relationship with Great Britain.

All that I argue is that this is a matter to be decided between the countries involved—Great Britain and Rhodesia. The American Government has no business interfering in this matter.

Aside from the wrong we are doing in Rhodesia, are we not heavily enough involved in a war in Southeast Asia without putting ourselves in a position to become involved in a war in Africa?

The American people are not yet aware of just how dangerous is our Rhodesian policy.

Fortunately, Lord Caradon's letter of last week tends to focus attention on a little-known act of our Government.

I end by again quoting the statement by Ambassador Goldberg in the Security Council on April 9, 1966:

> The United States fully concurs—

And—

> calls on the United Kingdom Government to prevent the movement of oil—

To Rhodesia—

> by force if necessary.

Yes; by formal resolution we have called on Great Britain to use force—to seize or sink ships.

Is the United States ready to go to war to prevent Rhodesia from obtaining her freedom from Great Britain?

(The following discussion by Mr. Hruska occurred during the delivery of Mr. Baker's address, and is printed at this point in the Record by unanimous consent.)

MEAT IMPORTS RISING AGAIN

Mr. HRUSKA. Mr. President, the slow but steady and menacing increase in imports of foreign beef and other meats which has occurred this year is beginning to cause apprehension among livestockmen throughout the country.

A few years ago, in 1964, at a time when our markets were literally being flooded by meat imports from abroad, Congress enacted legislation placing a quota on the total quantity of certain types of meat which might be imported in any one year. That action was taken because our cattle markets had collapsed under the impact of excessive quantities of meat coming on to the market. Cattle prices had fallen as much as 30 percent during an 18-month period, inflicting serious injury and even bankruptcy on thousands of livestockmen.

That 1964 quota law, Public Law 88-482, was a long step in the right direction, but because of the opposition of Secretary Freeman and other administration spokesmen, compromises had to be written into it in order to avoid a veto by the President. The law set a basic quota of 725.4 million pounds as the total quantity of fresh, chilled, or frozen beef, veal, and mutton permitted to be imported in 1 year. However, the law also contained elaborate machinery permitting a growth factor for foreign suppliers, an overrun of 10 percent above the quota, and various other complex escape clauses.

As a result, imports have usually exceeded the basic quota and have increased each year. Imports of these types of meat amounted to 823 million pounds in 1966 and 895 million pounds in 1967. During the first 6 months of this year, the volume has been 21 percent greater than during the first half of last year, and the increase in volume continues.

Secretary Freeman has estimated that imports for this year will amount to 935 million pounds. That estimate was made on June 28 of this year, but it is already apparent that the figure predicted by the Secretary is too low. Mr. Bill House of Cedar Vale, Kans., president of the American National Cattlemen's Association, has calculated that more than half of the volume of meat normally comes in during the last half of the year. Specifically, during the last 4 years, on the average 53.6 percent of the total meat has been brought in during the last 6 months of each year. If that pattern is repeated this year, the total import volume for the year will amount to 985 million pounds, well over the adjusted quota for 1968 and very close to the trigger point established in the law, under which quotas on imports become mandatory.

On that basis, Mr. House, on behalf of the American National Cattlemen's Association, has written to Secretary Freeman asking and urging that he reexamine his estimate with a view to determining whether there is a danger that imports will reach or exceed the trigger point. In such event, Mr. House urges the Secretary that quotas be established now, before the excessive imports have been permitted to disrupt our markets.

It is already quite clear, in any case, that Secretary Freeman's current estimate is too low. Under the law, he must make public at or before the beginning of each quarter an estimate of anticipated imports for the entire year. At the beginning of this year, he estimated that total imports for 1968 would come to 900 million pounds. On March 29 he revised that estimate upward, to 925 million pounds; on June 28, he set it at 935 million pounds. By Mr. House's projection the volume might come to 985 million pounds. In fact, during the first 6 months of this year imports exceeded the volume of 1967 by 21 percent; if that percentage of increase over last year should be continued during the remainder of 1968, total imports this year would amount to 1,083 million pounds, considerably more than either the quota or the trigger point.

On that basis, I have supported Mr. House's request, and have written to Secretary Freeman urging him to give favorable consideration to the letter which was written on behalf of the American Cattlemen's Association.

In his letter to the Secretary, Mr. House also emphasizes the need for revision of the existing law by adjusting the base period in the law, by abolishing the mechanism of a trigger point 10 percent above the quota level, and also by placing the quotas on a quarterly instead of an annual basis. These are the principal provisions in the bill S. 1588, introduced by me with 38 other cosponsors in the Senate, and the similar measure in the House introduced by Chairman Mills of the House Ways and Means Committee, H.R. 9475.

Mr. President, these bills, S. 1588 and H.R. 9475, have evoked a certain amount of controversy, and called forth some criticism from those who claim to speak for the consumers. Some of the accusations against them have been wild and, in fact, irresponsible. One columnist claimed that passage of the Hruska bill would mean 99-cent hamburger. Of course, that figure was simply pulled out of the air, and the writer gave no facts to justify it. Miss Betty Furness, the President's Assistant on Consumer Affairs, was more restrained in her statements, but no more factual in supporting them. She stated publicly that the bill would increase the price of hamburger 1 to 2 cents, but gave no explanation at all of the source of that conclusion.

It is interesting to recall that Secretary Freeman in 1964 violently and bitterly opposed the Hruska amendment of that year and all efforts to enact quota legislation on meat imports. But since then, he has been defending Public Law 88-482. In a speech last June, he said:

> We took action, not to shut off imports, but to hold imports of beef and dairy products to reasonable levels. We protected our beef and dairy producers. And we also struck a blow against foreign protectionism, inasmuch as the subsidized imports that we cut off were an outgrowth of protectionist policies.

If it was possible to make a convert out of Secretary Freeman with respect to Public Law 88-482, perhaps it is not beyond hope that he may be converted likewise into a supporter of S. 1588.

Mr. President, wild scare talk to the effect that S. 1588 would push the price of hamburger through the roof is misleading and deceptive, and is a disservice to the consumer. The consumer wants the facts and should have them. The facts are that the Hruska bill would do nothing of the sort. What we really hope to do is to stabilize prices, rather than push them up to some unrealistic figure.

The experience of the past 20 years illustrates the problem. Twenty years ago, in 1948, the average price of hamburger for the whole country, according to the Bureau of Labor Statistics, was 56.1 cents per pound. In July of 1968, 20 years later, it was 55.9 cents per pound. The cost of living has gone up, the price of almost everything else has gone up, but the price of hamburger is almost exactly the same as it was 20 years ago.

What we are afraid of is a sudden surge of meat imports from abroad, such as we had in 1962, 1963, and 1964. At that time the price of choice steers in Chicago went down from the high point of $30 per hundred pounds in 1962 to just about $20 a hundred at times during 1964.

Perhaps this resulted in a slight savings to consumers. The average price of hamburger in 1964 was 49.5 cents a pound. But the collapse in cattle markets meant actual bankruptcy for many farmers.

Now, cattle prices have come part way back to where they were. But we must guard them against another collapse. Farm prices for a farmer are like the scale of wages for a workingman. The farmer must live and support his family on what he is paid for his crops and livestock. During the past 20 years, wages have more than doubled. According to Government figures, the average wage of factory workers in 1948 was $1.33 an hour, and in July of 1968 it was $3 an hour. Surely, the factory worker will not expect the farmer's price to go down, while his own wage rate goes up regularly every year.

Most farmers who sell cattle are not

rich. The movies and the television shows like "Bonanza" have given us a glamorized picture of the cattle industry as being composed of vast ranches with dozens of cowboys directed by cattle barons of immense wealth. In fact, the average cattle farm is a family operation in which one man, perhaps with some help from his sons and occasional hired labor, makes a living. There are a few rich ones, of course, but they are exceptional.

The farmer's costs have gone up, while the prices he receives have gone down. As a result, the farm population has steadily dwindled. Before World War II there were nearly 7 million farms in this country. As recently as 1960 there were 4 million; today there are barely 3 million. Those who can no longer make a living on the farm, and in the small towns dependent on the farms, flow to the cities in a steady stream.

That is why it is so urgent to stabilize farm incomes and the prices received for farm products generally and including cattle. Most farmers know they will never get rich farming. They hope they will still be able to make a living. They are entitled to sympathetic assistance from their Government to prevent anything—such as imports—which threatens to break the price structure. That is the explanation and need for the Hruska bill. It is not a part of a plot to push up the price of hamburger. Instead, its purpose is to protect the price received by the farmer from his livestock, to maintain his income at a level sufficient for decent living, and thus to stabilize the rural economy and check the rate of migration from the farm.

Mr. President, I ask unanimous consent to have printed in the Record at this point a copy of the letter of August 12, 1968, from Mr. Bill House, president American National Cattlemen's Association, to Secretary Freeman; my letter dated August 16, in support of Mr. House, to the Secretary, and a response thereto from Mr. Raymond A. Ioanes, Administrator, Foreign Agricultural Service, dated September 10, 1968.

There being no objection, the letters were ordered to be printed in the Record, as follows:

American National Cattlemen's Association,
Denver, Colo., August 12, 1968.

Hon. Orville L. Freeman,
Secretary, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Secretary: We have been projecting figures released by the USDA on the quantities of imports coming into the United States subject to PL 88–482. Our figures indicate that during the first six months of 1968 there were 457 million pounds (product weight) of fresh, chilled and frozen meats subject to the Meat Import Act of 1964.

Using the import figures by quarter for the years 1964–67, we find that the average percentage breakdown by quantities by calendar quarter are: First quarter—22.5 percent; second quarter—23.8 percent; third quarter—28.1 percent; and fourth quarter—25.5 percent. This means that during the first six months of the past four years, an average of 46.4 percent of the meat imports subject to PL 88–482 arrived prior to July 1. This leaves a balance of an average of 53.6 percent of the imports to come into the United States during the last six months of a year.

Applying these averages to 1968, in which we received during the first six months an amount of 457 million pounds (product weight), we could expect, based on historical experience, *a total for 1968 of 985 million pounds (product weight)*. This is about *25 million pounds over the quota of 950.3 million pounds* announced by you on January 1, 1968, and only 60 million pounds under the "trigger" point as called for in the Meat Import Law.

Assuming that the same rate of imports will continue during 1968, this will have been the first time we have gone over the quota. For this reason, we ask that the USDA closely scrutinize the meat import situation and analyze its figures to be amply certain that imports will not reach the trigger point this year. If the new projections do indicate that the trigger point will be reached, we respectfuly request that the quotas as called for in the law be established immediately.

The situation in which we find ourselves amply dramatizes the need for revisions in PL 88–482. Naturally, we look at our own situation domestically and there seems little doubt that we will go over the quota level. Therefore, we need an adjustment to the base period in the law. It also is unfair to the domestic producers that there is a need to surpass the quotas by a 10 percent quantity before the quotas are set in motion. Additionally, all of these matters further disrupt the efforts of the beef cattle industry to improve its stability and net profit position.

It equally is unfair to the exporting nations that they would be permitted to bring in 10 percent more and then suddenly find that they have to scale back beyond that which they had anticipated. If the quota and the trigger point were synonymous and quotas established quarterly, there would be greater equality to all.

We further respectfully request that the U.S. Department of Agriculture reassess its position and assist the beef cattlemen of the United States in amending the Meat Import Act of 1964 so that it will be more equitable to domestic cattlemen and exporting nations as well.

Sincerely,

Bill House,
President.

August 16, 1968.

Hon. Orville Freeman,
Department of Agriculture, Washington, D.C.

Dear Mr. Secretary: I have a copy of the letter sent to you under date of August 12 by Bill House, president of the American National Cattlemen's Association.

It is my hope and my request that you will give thoughtful consideration to the serious problem outlined by Mr. House. I completely endorse his request for a new and careful study to determine whether the trigger point in meat imports will be reached and, if that is the case, that appropriate action be taken.

. May I hear from you at your early convenience.

With kind personal regards.

Sincerely,

Roman L. Hruska,
U.S. Senator, Nebraska.

U.S. Department of Agriculture,
Foreign Agricultural Service,
Washington, D.C., September 10, 1968.

Hon. Roman L. Hruska,
U.S. Senate.

Dear Senator Hruska: Thank you for your letter of August 16 regarding the American National Cattleman's Association's projection of meat imports subject to Public Law 88–482 for this calendar year.

We also have been examining very closely imports of meat subject to Public Law 88–482 during the current year. We have been reviewing scheduled ship sailings as well as estimates of production and exports in the principal countries supplying these meats to the United States. We have been correlating all of the information we can obtain from shipping organizations, Meat Boards and governments of the major supplying countries in order to obtain the best possible estimate.

The earlier indications were that we would expect imports from Australia and New Zealand to be shipped at a more even rate throughout the calendar year than they had been in the past. Thus we expected a somewhat larger proportion of imports from these countries to arrive during the first two quarters than normally has been the case. We are reviewing shipping performance in the light of our estimates to see if this will prove to be the case.

We are receiving revised estimates from our agricultural attaches in the countries shipping meat to the United States. We will correlate this with the rest of the information we are able to obtain in preparing a revision, if necessary, in our estimate to be published before the end of September.

We are continuing to maintain close surveillance over the imports of meat subject to the Meat Import Law. We aim to report as promptly and as accurately as we can our best estimate of imports of these meats during the present year.

Sincerely yours,

Raymond A. Ioanes,
Administrator.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

For centuries man has been the helpless prey of the elements, dependent on the weather for food, health, and even survival. Only recently have we discovered that, through science, weather can be modified for the benefit of all mankind.

It is, then, with pleasure that I transmit the Ninth Annual Report on Weather Modification, for fiscal year 1967.

During that year, research and field testing was increased, and action was taken by several Federal Agencies to discover the social and ecological problems of weather modification.

We now know that:

—Among all types of storms, hailstorms, which can severely damage crops and property, show the greatest promise for successful modification in the near future.

—Cold fog, which can cause hazards and delays at airports, can be dissipated by the application of dry ice or chemicals.

—The dynamics of cloud processes can be studied through computer-controlled, small-scale models.

This program is a pioneering effort in man's struggle to control his environment. In the coming years we must work with other nations to apply our whole range of technological skills to the problems of weather modification.

I commend this report to your attention.

LYNDON B. JOHNSON.
THE WHITE HOUSE, *September 26, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 653) to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. KARSTEN, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. KARSTEN, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17126) to amend the Food and Agriculture Act of 1965.

The message also announced that the House had passed the bill (S. 944) relating to the establishment of parking facilities in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 1340. An act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. JAVITS. Mr. President, I wish to make a statement in connection with the Fortas nomination. Before I do that, as I favor the confirmation of Mr. Justice Fortas, I wish to make a statement with respect to what looks like the beginning of a filibuster against the confirmation of the Fortas nomination.

Frankly, I am far more concerned about the filibuster, which seems to be developing, as this debate has been only on a motion to take up, than I am with respect to the merits as to whether Justice Fortas should be confirmed; and if he is not confirmed, that is part of the way we live in this country, and he simply has to take that ordeal.

It seems to me, that the use of the filibuster, which is signaled by the extended debate now indicated on the motion to take up the nomination, is a matter of utmost concern to me and to the Nation. I condemn this step unreservedly; the filibuster has never been used for this purpose, and it is shameful that it may be so used now.

There is ample opportunity afforded in this matter to debate, and an effort to suffocate the nomination through the filibuster is unwarranted and destructive, in my judgment, of the national interest and the prestige and character of the Senate.

Those who charge that the President should not have acted with respect to the appointment at all, notwithstanding his constitutional duties as President, have a perfect opportunity to test out their case after debating it by a motion to table the nomination or by voting against the motion to take it up. But the Senate has the right to vote on the nomination on the merits after reasonable debate.

I have also examined the other objections of personal friendship with the President, alleged work by Justice Fortas on legislation or a Presidential message, and the receipt of lecture fees. I have noted with the greatest interest the analysis of the last point by the Senator from Montana [Mr. MANSFIELD]. Like the Senator from Montana [Mr. MANSFIELD], I do not find any basis in the facts in support of these allegations which would justify rejecting Justice Fortas' nomination to be Chief Justice.

Whatever may be one's view on the merits—and I am for the confirmation—I can see no justification whatever, but only harm, in a filibuster to prevent the Senate from voting on the nomination, and I deplore it and consider it inimical to the position and reputation of the Senate and to the national interest.

Mr. President, I have asked the Senator to indulge me in this modest period of time because in all of the storm and fury about these matters, which I do not think rate the consequence of denying confirmation to Justice Fortas, there has been very little attention to the affirmative. I would like to join those Senators who state why this is an outstandingly fine judge whose nomination deserves confirmation on the merits as a judge, and for what he can accomplish, because he has been a splendid judge.

I would like to refer to some of the cases on the affirmative side which show the quality of this Justice. The American Bar Association—and I am a lawyer as are so many Senators—through its Judicial Selection Committee, passed upon Justice Fortas' professional ability and gave him its highest endorsement, in terms of his skill and competence.

As I see it, an effort has been made to tar Justice Fortas with the brush of pornography or some other subject matters of rather low estate, and it is implied that he has lowered standards of morality in this country.

This is an argument which can hardly be made with a straight face in view of the fact it is based on two per curium opinions in cases which presented a number of constitutional questions, which they could well have been decided without regard to the motive of the nature of the publication or the movies themselves which were the subjects of the cases before the Court.

It is widely said, and I think it is true, that the fight against the Fortas confirmation, aside from its political connotations, and the power exercised by the President in his authority, represents a fight against the institution of the Supreme Court, and it is thought that if Justice Fortas becomes Chief Justice, this country will continue the liberal traditions in civil rights and civil liberties which characterize what some call the "Warren court."

I deeply believe that the Supreme Court, under the leadership of Chief Justice Warren, has been one of historic greatness. I express the hope that the new nominee, whoever he may be—and I hope it is Justice Fortas—will continue in that tradition, and I support him for that reason. I think the people of this country should rally to his support for that reason.

Mr. President, I would like to refer to a few of his decisions in the field of civil rights and civil liberties which reflect his philosophy. This is the basic substantive question which demonstrates his prime fitness to be Chief Justice.

In a significant early case decided very soon after he became a member of the Court, *Brown* v. *Louisiana*, 383 U.S. 131, Justice Fortas, writing for himself, the Chief Justice, and Justice Douglas, reversed the conviction of a group of Negroes who had peacefully participated in a sit-in in the public library of a parish in Louisiana on the grounds that the facts did not support a breach of the peace, and further that the rights of peaceable and orderly protest which the petitioners were exercising were protected by the first and fourteenth amendments.

At that time, the public library system in the affected Louisiana parishes, was completely segregated, borrowers' cards were stamped with their name, and even the bookmobiles for whites and Negroes were of different colors. In reversing the conviction, Justice Fortas wrote:

> The statute was deliberately and purposefully applied solely to terminate the reasonable, orderly and limited exercise of the right to protest the unconstitutional segregation of a public facility. Interference with this right, so exercised, by state action is intolerable under our Constitution, 383 U.S. 142.

In 1966, Justice Fortas wrote the majority opinion in a case, *U.S.* v. *Price*, 383 U.S. 787, which was of particular interest to me. Two of my constituents, Michael Schwerner and Andrew Goodman, were murdered with James Chaney in Nashoba County, Miss., because of their civil rights activities. A conspiracy charge was brought by the Federal Government, and 18 defendants, including the sheriff, deputy sheriff, and a county patrolman were charged. Reversing the dismissal of indictments by the District Court, Justice Fortas, writing for the majority, held that action under color of law as required by 18 United States Code 242, does not require that the accused be an officer of the State, and that section 241 protects 14th amendment rights. This decision enabled Federal officials to act in a particularly outrageous case where the State refused to take action. The result was the conviction of these two white men for conspiracy which resulted in the murder—the first such conviction in Mississippi history. Emphasizing the role of the Federal Government in the protection of individuals against arbitrary State action, Justice Fortas wrote:

> We are here concerned with allegations which squarely and indisputably involve state action in direct violation of the mandate of the Fourteenth Amendment—that no State shall deprive any person of life or liberty without due process of law. This is a direct, traditional concern of the Federal government. It is an area in which the Federal interest has existed for at least a century, and in which Federal participation has intensified as part of a renewed emphasis upon civil rights. 383 U.S. 806.

Another area in which the Court—and Justice Fortas—have been subjected to criticism is the protection of the rights of individuals accused of crime. I submit, however, that those who would use the traditional words "law and order"—as a means to suffocate the demands of justice would do well to read some of these decisions. For the zealots often forget that the first word of their slogan is law—it is a vital prerequisite for order—and it is the law which the Court has enforced. The Constitution and the Bill of Rights are the very foundation of our system of law and, unless we enforce its guarantees with an even hand, we will never have domestic peace.

Consider the now famous case of the Giles brothers, *Giles* v. *Maryland*, 386 U.S. 66, which occurred right here in the Washington suburbs. Convicted of rape and sentenced to death, the brothers appealed on the grounds that the prosecution had suppressed evidence and knowingly used perjured testimony. The Supreme Court vacated the judgment below and remanded for further proceedings, which resulted eventually in the complete release of the Giles brothers and their codefendant. Referring to the entire proceedings as "an immensely troubling case," Justice Fortas, in a concurring opinion, gives this view of the 14th amendment:

> I do not agree that the State may be excused from its duty to disclose material facts known to it prior to trial solely because of a conclusion that they would not be admissible at trial. The State's obligation is not to convict, but to see that, so far as possible, truth emerges. This is also the ultimate statement of its responsibility to provide a fair trial under the Due Process Clause of the Fourteenth Amendment. No respectable interest of the State is served by its concealment of information which is material, generously conceived, to the case, including all possible defenses. 386 US 98.

Marvin Peterson Clewis, a Negro with a fifth grade education, offers another case in point. *Clewis* v. *Texas*, 386 U.S. 707 (1967). Clewis was convicted of murdering his wife and sentenced to 25 years in prison. His confession was obtained after 9 days of questioning during which he had not once been advised of his right to counsel. Initially, he had been held with little sleep or food for 38 hours before appearing before a magistrate, and his first confession was that he had killed his wife in a manner—by shooting—which was inconsistent with the facts. A unanimous court reversed the judgment, and Justice Fortas writing the opinion held that confessions obtained under such circumstances are involuntary.

The rights of juveniles has also been a matter of special interest to Justice Fortas. In an early decision, *Kent* v. *United States*, 383 U.S. 541 (1966), he wrote that the parens patriae philosophy of the juvenile court "is not an invitation to procedural arbitrariness."

Expanding on this theme in the landmark case *In Re Gault*, 387 U.S. 1 (1966) Justice Fortas, writing the majority opinion, held that juveniles are entitled to certain procedural rights which are accorded adults in criminal proceedings. The Gault case involved a 15-year-old boy who was sentenced to 6 years in custody for an offense punishable in criminal court by a fine of $5 to $50 or imprisonment of 2 months. During the juvenile proceedings the following rights had not been accorded: First, notice of the charges; second, right to counsel; third, right to confrontation and cross-examination; fourth, privilege against self-incrimination; fifth, right to transcript of the proceedings; and, sixth, right to appellate review.

Justice Fortas, in a scholarly exposition of the juvenile court philosophy, held that the child could be accorded the special treatment and rehabilitation contemplated by the law while still preserving his right to an orderly determination of the facts and a trial safeguarded by due process. The Gault decision is today the blueprint by which juvenile court procedures throughout the Nation have been reformed and the rights of children protected.

Thus, Mr. President, there are samples of why the American Bar Association declares that Justice Fortas is eminently qualified to be Chief Justice of the United States.

Of the more than 70 opinions written by Justice Fortas during his tenure on the Supreme Court, I have cited only a few to emphasize his scholarship, his eminent legal qualifications, and—most important in my mind—his devotion to the preservation of individual liberties.

Shortly, I hope, Mr. President, unless this filibuster, which seems to be getting going really holds us up to the kind of humiliation which I think we will all experience, works and prevents us from voting—which is why I say shortly—we should be voting on the qualifications of Justice Fortas to be Chief Justice of the United States. Some will undoubtedly use this opportunity to cast a vote of censure on the Court, with Justice Fortas acting as scapegoat for its decisions. If the vote will be so interpreted, so be it. But, I will cast my vote in favor of confirmation and in favor of the Court which has so courageously and in its highest tradition served as the guardian of our liberties.

Mr. HOLLAND. Mr. President, the Senate is now considering the serious question of judgment presented to it by the motion to take up the President's nomination of Mr. Justice Abe Fortas to be the Chief Justice of the United States. Every Senator has the duty of now deciding and voting, as his conscience shall require, to approve or reject the motion to take up the nomination. The ultimate question is, of course, to either confirm or reject the nomination of Justice Fortas for this high promotion.

I want to make it very clear that, in view of the announcement the other day—and I appreciate the frankness of the majority leader in making the announcement—as to his intention to use the cloture procedure at an early date, and in view of the announcement in the Washington Evening Star which I read a few moments ago that it is now understood the first cloture vote will come on either Monday or Tuesday, I shall address my remarks to the principal issue, the question of whether or not we shall approve the nomination of Mr. Justice Fortas and confirm his nomination.

It is hardly necessary for me to say that the power, as well as the prestige, of the Chief Justice as head of the highest constitutional judicial tribunal of our Nation transcends greatly in importance that of an Associate Justice of the Supreme Court which now consists of nine members—one Chief Justice and eight associate members. The Chief Justice assigns the writing of opinions among the members of the Court; he customarily presides over the hearing of oral arguments; he freely uses his personal persuasive powers with other members of the Court; he heads the Judicial Conference of the United States, which passes on questions of practice and procedure in the Federal courts, reports changes of rules, and recommends legislation to the Congress on many important matters, including legislation relating to the number of courts required at the various levels and the number of judges required to adequately handle the business of the several courts. One of his most important powers is that of assignment of judges, including retired judges. This power not only enables the Chief Justice to assign retired Chief Justices and Associate Justices of the Supreme Court to various duties in the Supreme Court or in lesser courts, but also to assign any circuit judge to act as circuit judge in another circuit where the need arises and to assign a district judge of one circuit for service in another circuit when the need arises.

In addition, in many respects the Chief Justice is the spokesman of the Supreme Court and of the judicial branch of our Government and his personality and philosophy have the greatest influence in fixing in the minds of other courts, other judges, and the general public the character and philosophy of our Federal court system. I need not remind the Senate that since shortly after the appointment of Chief Justice Warren, the existing Supreme Court, in spite of various changes in its personnel, has been generally referred to throughout the Nation as the "Warren Court." So to say that each Senator has very heavy responsibility in passing upon the qualifications of a nominee to be Chief Justice of the Supreme Court is an understatement. It is the clear duty of each Senator to pass upon the personality, the professional record, the judicial qualifications, and the judicial record of a presidential nominee to be Chief Justice.

Since I shall strongly oppose the confirmation of the nomination of Mr. Justice Fortas to be Chief Justice, I want to make it very clear in the beginning that my opposition is not based upon any personal qualities or attributes of Mr. Justice Fortas. I have known him personally since the fall of 1933, a few months after he obtained his law degree at Yale University, when I met him pleasantly during a 3-day hearing in Washington, upon a proposed marketing agreement and order for the citrus industries of Florida and the Nation. In August of 1934 we renewed our acquaintance in a heated hearing on a similar matter in Orlando, Fla.

Though we were generally on opposite sides during that Orlando hearing, I found him then and have regarded him always since as a personable and sincere person of highly pleasing personal qualities.

I want to make it equally clear that my opposition to the confirmation of Mr. Justice Fortas as Chief Justice is not based upon any feeling that he is not a highly competent lawyer. To the contrary, I have regarded him since the beginning of my acquaintance with him in 1933 as a highly resourceful advocate.

I feel that it is only fair to say that I regard him as a skilled lawyer of very high professional attainment and of recognized stature.

My opposition to Mr. Justice Fortas is based wholly upon my strong feelings that his proven judicial attributes have conclusively demonstrated, at least to me, that his philosophy does not equip him to be the presiding genius of our highest court or to lead the court into the fields of constitutional interpretation which I regard as sound and as best calculated to preserve our American Constitution, our dual sovereignty system of government, and our most priceless American values for our Nation and for posterity.

I have noted that some of the liberal commentators and editorialists have insisted that the Senate has no right to inquire into the judicial decisions and positions of Mr. Justice Fortas. To the contrary, I feel it is our duty to carefully examine those judicial decisions and opinions which should clearly reflect the philosophy of Mr. Justice Fortas and thus enable us to pass judgment upon whether or not we regard his philosophy as that which would properly serve our Nation if he were elevated to the high responsibility of serving as Chief Justice. And how may a person's philosophy be defined? In the two Webster's dictionaries in my office I found it defined as follows: First, "the sum of an individual's ideas and convictions"; and, second, "the beliefs, concepts, and attitudes of an individual."

I had strong doubts in my mind when the Senate confirmed the nomination of Mr. Justice Fortas as a member of the Supreme Court 3 years ago on August 11, 1965, as to what his judicial philosophy would be. Three years later we can no longer have doubt as to the character of his judicial philosophy because we can now examine for ourselves, and we should examine, his positions, opinions, and decisions as a member of the Supreme Court in the substantial number of cases in which he has participated during these 3 years.

First, however, it is interesting to note at this time the reactions from various newspaper sources after the announcement of the appointment of Mr. Justice Fortas to be Chief Justice was made by President Johnson on June 26 of this year. As one would expect, the writers and the papers which tend to be liberal or ultraliberal voiced their satisfaction and even their delight at the appointment, while those writers and papers that were inclined to be conservative were either critical or highly skeptical. Perhaps a few illustrations from the many clippings available will suffice.

On the morning of June 27, the day following the announcement of the nomination, the Washington Post, which has become the Washington town crier for every liberal cause and person, came out with a front page article under a large picture of Mr. Fortas with the heading "Abe Fortas—Passionate Champion of Rights, Liberties." I ask that the entire text of that newspaper report by Mr. John P. MacKenzie, Washington Post staff writer, be incorporated in my statement as a portion thereof at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

ABE FORTAS—PASSIONATE CHAMPION OF RIGHTS, LIBERTIES

(By John P. MacKenzie)

In elevating an old friend Abe Fortas to the post of Chief Justice of the United States, President Johnson has chosen a man of proven legal ability, a keen practical sense and passionate devotion to civil rights and civil liberties.

Fortas' three terms on the Court have borne out what his long experience and highly successful Washington law practice had foretold—that he was fully qualified to handle the work of the high bench and would make a major impact there.

The prime unanswered question about the new Chief Justice—can he lead the Court?—is the same question asked of most of his 14 predecessors. But it is asked with added emphasis about the short, scholarly 58-year-old nominee precisely because his deeply ingrained feelings and the intensity of his manner are so well known.

Earl Warren, too, was a man of strong philosophical views. If he ever surrendered deeply felt opinions to those of any of his eight individualistic colleagues, he never gave it away. Yet Warren displayed such a politician's flair for consensus, such unassailable rectitude and good cheer, that he brought harmony to a Court that had been beset by differences both small and great.

Fortas already has shown impatience with his brethren and has lectured them on what he termed the "realities" of business and political life. Many Justices deal in strong words in their written opinions and many wound their associates, but few go on to become Chief Justices.

The fact of Fortas's promotion from the ranks may prove another obstacle to leadership. Historically, Associate Justices have bridled at such promotions and some have interceded at the White House to plead for the appointment of a Chief Justice from outside the Court. Only Edward D. White in 1910 and Harlan Fiske Stone in 1941 were promoted directly from the Court's ranks. Charles Evans Hughes returned to the Court as Chief Justice in 1931.

Fortas, however, has been mostly in tune with the policies of the Warren Court. He has defended it in and out of court, both before and after he ascended the bench in 1965. As a private lawyer he upheld the rights of persons accused of disloyalty and championed the civil liberties causes that the Court itself promoted.

In 1963 he enlisted the talents of his prestigious law firm, Arnold, Fortas & Porter, and argued to the Justices that every penniless defendant in a serious criminal case should have a court-appointed lawyer.

The Justices needed little persuading to reverse the conviction of the now-famous accused burglar Clarence Gideon, but the Court showed its esteem for Fortas in the very act of assigning him to the landmark case.

Fortas had performed a similar function in the 1954 Durham case when he helped persuade the United States Court of Appeals here to break with past doctrines of criminal insanity and adopt a more liberal standard advocated by psychiatrists and law reformers. On the Supreme Court he has tried, without much success to date, to involve the Justices in some troubling problems of responsibility for crime.

He has supported enthusiastically the liberal trend of criminal law decisions and cast an indispensable fifth vote in the controversial Miranda v. Arizona confessions decision of June, 1966.

In the juvenile case of Gerald Gault, as well as in his Gideon and insanity arguments, Fortas showed the solicitude for the disadvantaged—by reason of youth, mental condition, and poverty—and his philosophy embraced the championing of the equal rights of Negroes and of women.

As a freshman Justice, Fortas helped lead the way toward Court approval of the power of Congress to enforce the rights of equal protection. With Justice Hugo L. Black and former Justice Tom Clark, he announced his belief in sweeping Congressional powers under the Fourteenth Amendment in a case that did not directly raise the question. A dissenter called it "extraordinary," but the short concurring opinion flashed a green light to Congress, which was debating new civil rights legislation.

Nor has Fortas been shy off the bench. In a speech last year he denounced Selective Service Director Lewis B. Hershey as "a law unto himself." He has expressed more conservative views on issues of civil disobedience in recent newspaper articles, interviews and a paperback book. Some of the issues are currently ripe for Supreme Court decisions.

He also has not shied away from controversy over his intimate relationships with Lyndon B. Johnson's White House. Fortas has maintained a role as a close Johnson adviser that began when the New Deal was young.

In business opinions, Fortas has written devastating critiques of the Court. "I do not think all mergers are bad," he ad-libbed in one case, implying that the majority did think so.

Fortas was born in Memphis on June 19, 1910. The son of a cabinetmaker who emigrated from England, he grew up in modest circumstances. He received a degree from Southwestern College in 1930 and his law degree three years later from Yale Law School, where he was editor-in-chief of the Law Journal.

As a law teacher at Yale, Fortas became a protege of William O. Douglas and he came to Washington when the future Justice Douglas was a leading New Deal official. He was general counsel of the Public Works Administration at age 29 and from 1942 to 1946 he was Under Secretary of the Interior.

After World War II he joined with famed trustbuster Thurman Arnold and wartime Price Administrator Paul A. Porter to form one of the country's best known and most successful law firms. His wife, Carolyn Agger, still practices tax law with the firm, now Arnold & Porter.

Mr. HOLLAND. Mr. President, I repeat for emphasis some portions of the article as follows:

> In elevating an old friend Abe Fortas to the post of Chief Justice of the United States, President Johnson has chosen a man of proven legal ability, a keen practical sense and passionate devotion to civil rights and civil liberties.
>
> Fortas' three terms on the Court have borne out what his long experience and highly successful Washington law practice had foretold—that he was fully qualified to handle the work of the high bench and would make a major impact there.

A further quote is as follows:

> Fortas, however, has been mostly in tune with the policies of the Warren Court. He has defended it in and out of court, both before and after he ascended the bench in 1965. As a private lawyer he upheld the rights of persons accused of disloyalty and championed the civil liberties causes that the court itself promoted.
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> In 1963 he enlisted the talents of his prestigious law firm, Arnold, Fortas & Porter, and argued to the Justices that every penniless defendant in a serious criminal case should have a court-appointed lawyer.
>
> The Justices needed little persuading to reverse the conviction of the now-famous accused burglar Clarence Gideon, but the Court showed its esteem for Fortas in the very act of assigning him to the landmark case.
>
> Fortas had performed a similar function in the 1954 Durham case when he helped persuade the United States Court of Appeals here to break with past doctrines of criminal insanity and adopt a more liberal standard advocated by psychiatrists and law reformers. On the Supreme Court he has tried, without much success to date, to involve the Justices in some troubling problems of responsibility for crime.

A further quotation from the Washington Post article reads as follows:

> Nor has Fortas been shy off the bench. In a speech last year he denounced Selective Service Director Lewis B. Hershey as "a law unto himself." He has expressed more conservative views on issues of civil disobedience in recent newspaper articles, interviews and a paperback book. Some of the issues are currently ripe for Supreme Court decisions.
>
> He also has not shied away from controversy over his intimate relationships with Lyndon B. Johnson's White House. Fortas has maintained a role as a close Johnson adviser that began when the New Deal was young.

An editorial of the Washington Post in that same issue of June 27 entitled "Fortas and Thornberry Step Up" reads in part as follows:

> Justice Fortas is unquestionably one of the ablest lawyers ever to sit on the Supreme Court. His opinions in his three years on the Court have been well-reasoned and thoughtful. While his views on the constitutional issues the Court must face are yet to be fully delineated, he appears to walk boldly in the same general philosophy that marked the work of Chief Justice Warren. It remains to be seen how Justice Fortas will fill the tasks that are solely those of a Chief Justice—running the Court's operations, supervising the work of all Federal courts, representing the judicial system. But his earlier career as a Government official and as a private attorney indicate he can fill those roles well.
>
> Justice Fortas was one of the most successful lawyers in the Nation before he went on the bench but he still found the time and had the daring to undertake difficult and controversial cases as a matter of public service. He defended Owen Lattimore and others whose security was suspect during the peak of the witch-hunting days. He argued the case that gave the District of Columbia its famed breakthrough in the area of criminal insanity. And he prepared the brilliant brief and argued the case of Clarence Gideon in which the Supreme Court reversed precedent to declare that all those charged with serious crimes are entitled to have a lawyer represent them.

Literally dozens of other articles from liberal sources similarly praise the Fortas appointment and it is quite obvious that the ultra-liberal forces of the Nation are jubilant over the appointment.

To the contrary, the columnists, and other writers who are moderate or conservative in their viewpoint were mostly critical. For instance, the Washington Evening Star of June 27, published a column by Mr. David Lawrence entitled "High Court Cynically Manipulated," which I ask unanimous consent to have printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

High Court Cynically Manipulated

(By David Lawrence)

Once again the membership of the Supreme Court of the United States has been cynically made an instrument of personal and political manipulation. The audacity of presidents in giving judicial appointments to political cronies was pointed out by this correspondent in what he wrote at the time when the two men now being named to fill vacancies on the nation's highest court—Abe Fortas and Homer Thornberry—were first nominated to serve on the federal bench.

Back in July 1963, President Kennedy announced that he was naming to the federal district court Rep. Thornberry, a Texas Democrat and for many years a political ally of Lyndon Johnson, then vice president. On July 11, 1963, this correspondent wrote:

"It is reported on Capitol Hill that the administration plans to defer action in the Senate on the Thornberry nomination until some time toward the end of the present session in order to assure his vote for administration policies in the closely divided Rules Committee of the House while important legislation is being considered by the committee in the next few months. . . .

"But why should Rep. Thornberry be rewarded with a federal judgeship? He has never served on the bench in any court. Why should the president of the United States give anyone a lifetime post in the judicial system on the basis of favors done of a political nature? How can there be confidence in the federal judiciary if judgeships become a matter of political patronage? Were there no lawyers or state judges in West Texas better qualified for the judgeship in question? . . .

"Does the system of using judgeship as a reward for past political favors mean that judges already on the bench can expect promotions to the United States Court of Appeals only if they 'play ball' with the administration in power?"

President Johnson in 1965 advanced Thornberry to the Court of Appeals and now has named him an associate justice of the Supreme Court of the United States.

Also, when Arthur Goldberg was persuaded to leave the high court to become U.S. ambassador to the United Nations, President Johnson promptly appointed his longtime personal adviser, Abe Fortas, as associate justice. This correspondent wrote then, on July 25, 1965:

"Small wonder that the Supreme Court of the United States has steadily fallen into disrepute in recent years as it has developed into an oligarchy of politically rather than judicially minded individuals. Now President Johnson has selected Abe Fortas—his personal friend of long standing who has never had a day's experience on the bench—to be one of the nine justices of the Supreme Court of the United States. This is in line with the unfortunate trend of the past several years.

"Other presidents besides Johnson, Republican as well as Democratic, have appointed to the Supreme Court political associates or partisan supporters with a controversial background. . . .

"It is surprising that spokesmen for the bar associations, who often stress the need for a 'rule of law,' are willing to sit by without protest as political rather than juridical training becomes the major qualification for appointment to the highest court of the land."

What redress do the American people have when there is such blatant politics in appointments to the nation's highest court? The voters cannot express themselves on this issue directly at the polls, but they can hold responsible the members of the Senate who may soon vote to confirm the appointments. One third of the senators will be seeking re-election in November, and the people will have a chance to reject those candidates who go along with the "packing" of the Supreme Court with lifetime appointments of political cronies by a "lame-duck" president.

Other senators of both parties who will be voting on whether or not to confirm and who happen not to be up for re-election this year will hardly be indifferent, moreover, to the way public opinion reacts to this strange episode. For when a president with just a few months left in office undertakes to deprive the next president of an opportunity to appoint a chief justice of the United States—a position vitally affecting the operation of the American Constitutional system—it is hardly likely that the American people will approve what appears to them to be a case of political manipulation. There may even be a filibuster in the Senate to prevent action until the convening of the newly elected Congress in January.

Mr. HOLLAND. The column of Mr. Lawrence speaks for itself, but for purpose of emphasis, I quote two paragraphs from it:

> What redress do the American people have when there is such blatant politics in appointments to the Nation's highest court? The voters cannot express themselves on this issue directly at the polls, but they can hold responsible the members of the Senate who may soon vote to confirm the appointments. One third of the senators will be seeking re-election in November, and the people will have a chance to reject those candidates who go along with the "packing" of the Supreme Court with lifetime appointments of political cronies by a "lame-duck" president.
>
> Other senators of both parties who will be voting on whether or not to confirm and who happen not to be up for re-election this year will hardly be indifferent, moreover, to the way public opinion reacts to this strange episode. For when a president with just a few months left in office undertakes to deprive the next president of an opportunity to appoint a chief justice of the United States—a position vitally affecting the operation of the American Constitutional system—it is hardly likely that the American people will approve what appears to them to be a case of political manipulation.

I wish to say at this point, Mr. President, lest I be misunderstood, that I do not entertain the lame duck principles mentioned by Mr. Lawrence. We have only one President. He is the President; he has the duty and the obligation to make appointments when vacancies exist. If a vacancy exists here—and that is, to say the least, a questionable matter—he certainly has the duty and the responsibility of making an appointment. What I object to is the type of appointment which he has made.

Likewise, the Evening Star of June 27, in a news article entitled "How Fortas Speaks as a Judge" makes many pithy observations which indicate an attitude at least skeptical. For instance, the Star says:

> As liberal in philosophy as anybody on the bench except Justice William O. Douglas, Fortas may nonetheless be the least predictable. * * *

Another quotation:

> He probably will not be as much of a unifying judge on the court as Warren has been. In fact, few court observers feel that he even wants to be, as Warren definitely did. Fortas has been something of a loner, and there have even been suggestions that occasionally he does not cooperate closely.

Or, again:

> He did deviate from the liberal majority in one key case: extending the one-man, one-vote rule to local governments.

I have looked very hard, Mr. President, and that is one of the very few cases I have found, in highly controversial matters, in which I approve the judgment of Mr. Justice Fortas.

The June 27 article continues:

> If Fortas has been criticized by any significant group of court-followers, it has been for his supposed continuing role as an unofficial adviser to President Johnson. He does do that, on a wide range of public policy issues, but the exact extent of it is not known.
>
> The former Washington lawyer had been Johnson's long-time friend and personal legal adviser before the President put him on the court. He had also done other difficult legal chores presumably at the behest of the President—including taking, for a time, the legal defense of former Senate secretary Robert G. (Bobby) Baker, a Johnson protege.

I repeat, Mr. President, that I find no fault with the President for appointing a friend. The thing I find fault with is the qualifications of the friend whom he has seen fit to appoint.

The columnist, Mr. William F. Buckley, Jr., in a column in the Florida Times Union, spoke of Mr. Fortas acidly in a column entitled "Abe Fortas Owes the Public This Explanation." I shall now read that column, as follows:

> James Jackson Kilpatrick, the brilliant editor and columnist, is perhaps the country's deftest court-watcher, and he has come up with a suggestion that appears to make a lot of sense in connection with the impasse over the confirmation of Abe Fortas as chief justice of the Supreme Court.
>
> It happens that Fortas was one of five Supreme Court Justices who ruled a year or so ago as a majority on the matter of 0–12.

That was a motion picture film, Mr. President, and I may have something to say to the Senate about that later, but not in this speech.

Continuing this quotation:

> The background is simply this:
>
> The State of California moved against a Los Angeles pornographer one of whose items was a dirty movie (0–12) any child could see by tumbling a few quarters into a machine at said pornographer's arcade.
>
> The prosecution showed the jury the film, and it didn't take long to establish to the jury's satisfaction that 0–12 failed all three of the tests the Supreme Court has insisted be met if a state moves to proscribe.
>
> I.e., 0–12 was clearly intended as lascivious, it clearly outraged prevalent standards, and it was manifestly without redeeming social importance.
>
> Needless to say, the pornographer appealed. He lost to the higher court; but, undeterred, he dogged on to the Supreme Court, which agreed to see the film: after which, to the astonishment of everybody, five of the nine justices voted to overrule the California courts, and liberate 0–12 from the cooler: so that now she is free again to flout her filth to the young of California, at 25 cents for three minutes.
>
> Now it happened that Kilpatrick was shown 0–12.
>
> And as a matter of coincidence I have seen it—under the impeccable auspices of the chief of the vice squad of Los Angeles, who was wondering whether he had gone mad, the alternative being that the majority of the Supreme Court had gone mad.
>
> I was able to reassure him.
>
> It seems a trivial thing, but the suggestion has actually been made, and Kilpatrick has endorsed it, that the Senate Judiciary Committee view 0–12 and then ask Fortas very simply:
>
> "Sir, be so kind as to explain to us how it is that you reason that the First Amendment to the Constitution of the United States can be construed so as to protect the public's right to see 0–12 against the wishes of the public's legislators."
>
> The question arises, what would Fortas say?
>
> He has a variety of choices. He could take the armorial position that a judge should not be asked to explain his reasoning when he does not choose to vouchsafe it. To be sure.
>
> The trouble is that an obvious response of the legislature might be that it declines to recommend the confirmation of Fortas, for reasons it does not desire to elaborate.

Mr. President, this Senator is perfectly willing to elaborate on his reasons for refusing to confirm Justice Fortas. It is inconceivable to him that any other Senator feeling that way would be unwilling to state his reasons therefor.

I continue to read:

> And anyway, if Fortas were to refuse to give the reasons why he okayed 0–12, he would not likely fetch the sympathy of the judicial community.
>
> Why should his reasoning be sacrosanct?
>
> Surely what obtrudes from it all is the question: Are we dealing with a fanatic?
>
> There are any number of reasons for doubting that Fortas is of that breed.

Mr. President, I certainly do not think Mr. Fortas is a fanatic.

Mr. President, I continue to read:

> Still, there are suspicions, and surely it is the prerogative, not to say the duty of the Senate, to inquire into the question: Are we being asked to confirm as Chief Justice of the Supreme Court, a man who is a fanatic?
>
> If the Senate is entitled to ask the question, it is surely entitled to the more particularized formulation: Is it only the fanatic who will view 0–12 and judge that it is protected under the Constitutional guarantee of free speech? One would judge so.
>
> In which case, only Fortas is in a position to explain. To explain what would appear, inferentially, as the reasoning either of a fanatic or an eccentric.

The closeness between Chief Justice Warren, Justice Fortas, and Justice William O. Douglas, as well as the methods of personal persuasion available to a Chief Justice, when directed against Associate Justices, are well shown in a column by Mr. Drew Pearson in the Washington Post of June 29 under the headline "Fortas Had Warren's Nod for Job." I ask unanimous consent to have this column incorporated in my remarks at this time as a part thereof.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORTAS HAD WARREN'S NOD FOR JOB

(By Drew Pearson)

When Chief Justice Earl Warren submitted his resignation to President Johnson, he was asked by the President whom he would recommend to take his place. The answer was "Abe Fortas."

The Chief Justice based this recommendation partly on age—Fortas is 58, which would give him 12 to 15 active years to guide the Court—partly on executive ability. The work of the Chief Justice, as Warren has seen it and has so effectively carried it out, is partly that of an administrator. Under the Constitution, the Chief Justice is charged, among other duties, with administering the judicial system of the United States, and for this he is paid the magnificent sum of $500 per year.

But also he must be the administrator—and a tactful one—of the eight others, sometimes differing, Justices of the Supreme Court. The manner in which the Chief Justice assigns the writing of opinions, and the manner in which he gets unanimity or fails to get it, can influence history.

For instance, Warren very carefully and tactfully waited until he could get the entire Court to go along with him in the famous 1954 school desegregation decree. Justice Robert Jackson was the most difficult member of the Court on this issue. He was the last holdout. Justice Stanley Reed, of Kentucky, was also reluctant. Finally, after winning over Reed, Warren went to see Jackson, then in the hospital, with the final draft of the decision. Jackson had been wavering but during that hospital visit he okayed the text which made the Court unanimous.

Knowing the impact on the South, Warren had been anxious that the decision be unanimous.

Fortas, as his successor, Warren told the President, would have the ability to affect and influence harmony on the Court.

Three men have played a dominant role in the life of the new Chief Justice. One of these, Harold Ickes, his old chief in the Interior Department, is dead. The other two are William O. Douglas and Lyndon B. Johnson.

Fortas was a law student at Yale when Douglas was a member of its law school faculty. When Douglas came to Washington as a member of the Securities and Exchange Commission staff and later a Commissioner, Fortas came with him. He was Douglas's understudy.

Douglas was close to Harold Ickes, who served as Secretary of the Interior longer and more vigorously than any man in history; and he recommended Fortas to Ickes as an up-and-coming young man who could help him in his battle with the big power companies.

It was while Fortas was handling reclamation and power projects in the Public Works Administration that a gangling young Congressman from Texas walked in to get a dam built for three Texas counties on the Little Colorado River. Thus began the friendship between Abe Fortas and Lyndon B. Johnson, culminating in Abe's appointment to head the Supreme Court of the United States.

It was Fortas who did some fast and effective footwork when Johnson squeaked through by 87 votes in his Senate race over Gov. Coke Stevenson. There was a flap about some of the ballot boxes and Stevenson talked about a recount. Fortas advised getting a quick ruling from Justice Hugo Black. Black, who had jurisdiction over the judiciary of the Southwest, came through with a favorable ruling which made Lyndon Johnson Senator from Texas. Probably it was the crucial event in Johnson's career which later took him to the White House.

Abe Fortas went on to become Under Secretary of the Interior under Harold Ickes. His friend and former teacher, Douglas, went on to become Associate Justice on the Supreme Court.

Later, when Lyndon Johnson became President, his first appointment to the Court was his old friend Fortas, who then joined his old teacher, Douglas.

Generally, Fortas will be a more conservative jurist than the man whom he replaces. He will also be more political. He will tend to adhere to the diagnosis of the famed Mr. Dooley that "the Supreme Court follows the election returns."

On the question of constitutional freedoms, however, Fortas will be just as strong as the Chief Justice. His law firm of Arnold, Fortas and Porter is the only one in Washington which had the courage to defend victims of the late Sen. Joseph McCarthy during the period when Government officials were being terrorized by the McCarthy witch hunt. Their law firm undertook the defense of Dr. Owen Lattimore of Johns Hopkins when McCarthy branded him as a Communist and, after weeks and months of battling, finally won out.

The Arnold, Fortas and Porter law firm also defended the most famous case of a Government civil servant accused by McCarthy, namely Dorothy Bailey.

In both cases they worked without fee, at tremendous cost to themselves and their staff and despite some criticism from the firm's blue ribbon clients on Wall Street.

Among these blue ribbon clients have been corporations prosecuted by the Justice Department for antitrust violations. However, Fortas in his decisions on the Court so far has been a vigorous upholder of antitrust laws.

Mr. HOLLAND. Mr. President, this column portrays with great clarity much of the background of the proposed resignation of Chief Justice Warren, his recommendation of Mr. Fortas, and the closeness of Mr. Fortas to the late Secretary Harold Ickes, as well as to Mr. Justice Douglas and to President Johnson. Mr. Justice Douglas was the law professor to whom Mr. Justice Fortas went for part of his legal education when he was a law student.

The articles from which I have quoted, together with dozens of others that are similar in import, make it extremely clear that the appointment of Mr. Justice Fortas to be Chief Justice gives ground for jubilation to the ultraliberals who wish to see a continuation of the Warren court for the next 15 years or more and an extension they want of a Court which is willing to legislate in order to change the Constitution to mean what a majority of the Court think it should mean rather than, by the use of proper restraint, to interpret it as it is written. Similarly, the remarks of the moderates and conservatives throughout the Nation in the main make it clear that their attitude toward the proposed appointment of Mr. Fortas is one of doubt, skepticism, and in many cases, of open criticism.

I strongly feel that every Senator, in order to have an opinion of his own on this highly important matter, must consider carefully the positions, decisions and opinions of Mr. Fortas as an Associate Justice of the Supreme Court. This I have done as carefully as available time would permit and I shall now discuss for the record a few of these Fortas decisions which have completely convinced me that he is most liberal in his personal, legal, and judicial philosophy and is an activist of greatly persuasive talent whom I would not want to see become Chief Justice of the United States in spite of his kindly personal qualities and his undoubted proficiency as a lawyer.

Need I remind my fellow Senators that each of us in the exercise of his own judgment in important matters affecting his family, his friends, and neighbors periodically makes decisions in approving or rejecting important persons based on their philosophy rather than solely on their personal qualities, their education, and intelligence, and their proficiency in their professions. In our selection of pastors of our churches we look beyond the kindly personal qualities, the matters of education and intelligence, and experience in the ministry, to discover what is the philosophy of the religious minister whom we are considering to serve our church as our pastor, in a service which involves the shaping of the character and spiritual beliefs of our people and particularly of our own children and the children of our friends and neighbors. As patrons or officials of schools, and I have served in both capacities—either public or private schools, and I have served in such capacity for both public and private schools—we look beyond the personal qualities of an educator whom we are considering to head or join the staff of our particular school or college to make sure that he is not only of fine personal qualities and of adequate educational background and experience, but also to determine that his philosophy is such that we are willing to entrust to him the training of our children and the children of others. And so it is nothing new or out of the ordinary pattern of our action that Senators who are entrusted with the serious duty of confirming or rejecting a Presidential nominee to become Chief Justice of the United States should look carefully and base our decision, in part, upon the philosophy of the appointee.

That is what I have done in the instant case, and I would not feel that I had properly discharged my duty to the people of Florida or to the Nation generally without having applied this important test to Mr. Justice Fortas—basing my decision in the main upon his decisions and opinions as an Associate Justice of the Supreme Court in the cases on which he has served during the 3 years of his membership on the Court. After all, a congregation can get rid of its preacher and school officials can discharge or fail to reemploy a teacher, but the Chief Justice of the United States, once confirmed by the Senate, unless impeached, is the head of the judicial branch of our Government for life. We could hardly imagine a more important responsibility than that which confronts us now—to confirm or reject the nomination of Mr. Fortas.

Mr. President, I am about to go into a case occurring in the State so ably represented by the present occupant of the chair, the distinguished senior Senator from Virginia [Mr. BYRD]. The case involves the State poll tax of that State.

One of my good friends a little while ago said: "Don't you know that you are beating a dead horse when you go into the poll tax matter?"

I ought to know something about it. I helped to kill the poll tax in Florida as a member of the State legislature, and I helped kill it as father of a constitutional amendment and furthered the constitutional amendment for 13 years, which was finally submitted by a tremendous majority of the Senate and House and promptly approved by 38 States.

I am about to talk about the case affecting one field where the dead horse was not killed legally in my opinion, but was killed by an opinion which expresses the zealous wish of a majority of the Supreme Court that impelled them to take a shortcut that I think was bad and was an affront to the Constitution.

The judgment of the U.S. Supreme Court in the so-called Virginia poll tax case—*Harper* v. *Virginia Board of Elections*, 383 U.S. 663—decided March 24, 1966, is, in my opinion, one of the most glaring departures from sound, constitutional interpretation in which Mr. Justice Fortas has joined. He did not write the opinion of the Court, but he did support the opinion as written by his former teacher, Mr. Justice Douglas. I am sure that many Senators are already familiar with this decision and I shall not, of course, attempt to state it in full in my remarks, along with the two strong dissenting opinions. Suffice it to say that the three-judge district court, following two earlier decisions of the U.S. Supreme Court, had dismissed suits by Virginia residents to have declared unconstitutional Virginia's poll tax as applied to voting in State and local matters. This poll tax of $1.50 per year was levied by the State of Virginia on every resident of the State 21 years of age and over, with various exceptions which are not necessary to discuss. The tax was levied by statute in conformity with section 18 of the constitution of Virginia which made the payment of such poll taxes a prerequisite for voting.

The majority of the Court, in adopting the opinion of Mr. Justice Douglas, overruled its 1937 unanimous decision in a Georgia case—Breedlove against Suttles—and its previous decision in a 1951 Virginia case—Butler against Thompson—to the extent that those cases approved the payment of a poll tax as a prerequisite for voting. Mr. Justice Douglas alone dissented from the Court's action in the 1951 case. Quoting from its opinion in an earlier case—Reynolds against Sims—the opinion of Mr. Justice Douglas states:

> We conclude that a State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax. Our cases demonstrate that the Equal Protection Clause of the Fourteenth Amendment restrains the States from fixing voter qualifications which invidiously discriminate. * * *

Continuing, the opinion makes this statement:

> To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor. The degree of the discrimination is irrelevant.***

Quoting further from the Court's opinion, Mr. Justice Douglas says:

> Likewise, the Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are unconstitutionally discriminatory, we have never been confined to historic notions of equality, any more than we have restricted due process to a fixed catalogue of what was at a given time deemed to be the limits of fundamental rights. See *Malloy* v. *Hogan*, 378 U.S. 1, 5–6. Notions of what constitutes equal treatment for purposes of the Equal Protection Clause *do* change.***

I repeat that. This is the crux of Mr. Justice Douglas' opinion:

> Notions of what constitutes equal treatment for purposes of the Equal Protection Clause *do* change.

Further, the opinion states:

> In a recent searching re-examination of the Equal Protection Clause, we held, as already noted, that "the opportunity for equal participation by all voters in the election of state legislators" is required. *Reynolds* v. *Sims, supra,* at 566. We decline to qualify that principle by sustaining this poll tax. Our conclusion, like that in *Reynolds* v. *Sims,* is founded not on what we think governmental policy should be, but on what the Equal Protection Clause requires.

Mr. Justice Douglas goes a little on the defensive by suggesting that he thinks somebody is going to say that they are basing their decision on "what we think governmental policy should be," which is exactly what was done in the two able dissenting opinions.

The opinion ends with this sentence:

> For to repeat, wealth or fee paying has, in our view, no relation to voting qualifications; the right to vote is too precious, too fundamental to be so burdened or conditioned.

It will be noted that the long and continuous history of our Nation in recognizing the right of the States to set qualifications for voters is not discussed or even mentioned in the opinion of the Court. Apparently, the Court simply found that 98 years after the adoption of the 14th amendment, a temporary majority of the Court in 1966 should feel perfectly free to give to the equal protection clause of the 14th amendment a meaning which it had not had when it was adopted and which the Court had in two earlier cases refused to give to it. The grounds stated seem to be, in essence, that regardless of all past history and of its own two previous decisions, the Court is not "confined to historic notions of equality" and that—

> Notions of what constitute equal treatment do change.

The two dissenting opinions by Mr. Justice Black and by Mr. Justice Harlan, with whom Mr. Justice Stewart joined, are very strong and they point out where all can see the unsoundness of the philosophy embodied in the opinion of Mr. Justice Douglas which became the opinion of the Court. I quote briefly, first, from the minority opinion of Mr. Justice Black:

> A study of our cases shows that this Court has refused to use the general language of the Equal Protection Clause as though it provided a handy instrument to strike down state laws which the Court feels are based on bad governmental policy. * * *

Further:

> Under a proper interpretation of the Equal Protection Clause States are to have the broadest kind of leeway in areas where they have a general constitutional competence to act. In view of the purpose of the terms to restrain the courts from a wholesale invalidation of state laws under the Equal Protection Clause it would be difficult to say that the poll tax requirement is "irrational" or "arbitrary" or works "invidious discriminations." State poll tax legislation can "reasonably," "rationally" and without an "invidious" or evil purpose to injure anyone be found to rest on a number of state policies including (1) the State's desire to collect its revenue, and (2) its belief that voters who pay a poll tax will be interested in furthering the State's welfare when they vote. Certainly it is rational to believe that people may be more likely to pay taxes if payment is a prerequisite to voting. And if history can be a factor in determining the "rationality" of discrimination in a state law (which we held it could in *Kotch* v. *River Port Pilots Comms., supra*), then whatever may be our personal opinion, history is on the side of "rationality" of the State's poll tax policy. Property qualifications existed in the Colonies—

I shall show later that they existed in every Colony—

> and were continued by many States—

By all 13 of the original States, incidentally, Mr. President—

> after the Constitution was adopted. Although I join the Court in disliking the policy of the poll tax, this is not in my judgment a justifiable reason for holding this poll tax law unconstitutional. Such a holding on my part would, in my judgment, be an exercise of power which the Constitution does not confer upon me.

The opinion of Mr. Justice Black states further:

> I have heretofore had many occasions to express my strong belief that there is no constitutional support whatever for this Court to use the Due Process Clause as though it provided a blank check to alter the meaning of the Constitution as written so as to add to it substantive constitutional changes which a majority of the Court at any given time believes are needed to meet present-day problems. Nor is there in my opinion any more constitutional support for this Court to use the Equal Protection Clause, as it has today, to write into the Constitution its notions of what it thinks is good governmental policy. If basic changes as to the respective powers of the state and national governments are needed, I prefer to let those changes be made by amendment as Article V of the Constitution provides. For a majority of this Court to undertake that task, whether purporting to do so under the Due Process or the Equal Protection Clause amounts, in my judgment, to an exercise of power the Constitution makers with foresight and wisdom refused to give the Judicial Branch of the Government. I have in no way departed from the view I expressed in *Adamson* v. *California, supra*, at p. 90, decided June 23, 1947, that the "natural-law-due-process formula" under which courts make the Constitution mean what they think it should at a given time "has been used in the past, and can be used in the future, to license this Court, in considering regulatory legislation, to roam at large in the broad expanses of policy and morals and to trespass, all too freely, on the legislative domain of the States as well as the Federal Government."

Again the opinion of Mr. Justice Black states:

> The Court gives no reason at all to discredit the long-standing beliefs that making the payment of a tax a prerequisite to voting is an effective way of collecting revenue and that people who pay their taxes are likely to have a far greater interest in their government. The Court's failure to give any reasons to show that these purposes of the poll tax are "irrational," "unreasonable," "arbitrary," or "invidious" is a pretty clear indication to me that none exist. I can only conclude that the primary, controlling, predominant, if not the exclusive reason for declaring the Virginia law unconstitutional is the Court's deep-seated hostility and antagonism, which I share, to making payment of a tax a prerequisite to voting.
>
> The Court's justification for consulting its own notions rather than following the original meaning of the Constitution, as I would, apparently is based on the belief of the majority of the Court that for this Court to be bound by the original meaning of the Constitution is an intolerable and debilitating evil—

Mr. President (Mr. HANSEN in the chair), those are pretty strong words for one Justice to use directed against the majority of the Court—

> that our Constitution should not be "shackled to the political theory of a particular era," and that to save the country from the original Constitution the Court must have constant power to renew it and keep it abreast with this Court's more enlightened theories of what is best for our society. It seems to me that this is not only an attack on the great value of our Constitution itself but also on the concept of a written constitution which is to survive through the years as originally written unless changed through the amendment process which the Framers wisely provided. Moreover, when a "political theory" embodied in our Constitution becomes outdated, it seems to me that a majority of the nine members of this Court are not only without constitutional power but are far less qualified to choose a new constitutional political theory than the people of this country proceeding in the manner provided by Article V.

What wise words, Mr. President—

> The people have not found it impossible to amend their Constitution to meet new conditions. The Equal Protection Clause itself is the product of the peoples' desire to use their constitutional power to amend the Constitution to meet new problems. Moreover, the people, in § 5 of the Fourteenth Amendment, designated the governmental tribunal they wanted to provide additional rules to enforce the guarantees of that Amendment. The branch of Government they chose was not the Judicial Branch but the Legislative. I have no doubt at all that Congress has the power under § 5 to pass legislation to abolish the poll tax in order to protect the citizens of this country if it believes that the poll tax is being used as a device to deny voters equal protection of the law. See my concurring and dissenting opinion in *South Carolina* v. *Katzenbach*, post, —. But this legislative power which was granted to Congress by § 5 of the Fourteenth Amendment is limited to Congress. This Court had occasion to discuss this very subject in *Ex parte Virginia*, 100 U.S. 339, 345. There this Court said, referring to the fifth section of the Amendment:
>
> "All of the amendments derive much of their force from this latter provision. It is

> not said the *judicial power* of the general government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of the government shall be authorized to declare void any action of a State in violation of the prohibitions. *It is the power of Congress which has been enlarged.* Congress is authorized to *enforce* the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power." (Emphasis partially supplied.)
>
> Thus § 5 of the Fourteenth Amendment in accordance with our constitutional structure of government authorizes the Congress to pass definitive legislation to protect Fourteenth Amendment rights which it has done many times, e.g., 42 U.S.C. § 1971(a). For Congress to do this fits in precisely with the division of powers originally entrusted to the three branches of government—Executive, Legislative, and Judicial. But for us to undertake in the guise of constitutional interpretation to decide the constitutional policy question of this case amounts, in my judgment, to a plain exercise of power which the Constitution has denied us but has specifically granted to Congress. I cannot join in holding that the Virginia state poll tax law violates the Equal Protection Clause.

The dissenting opinion of Mr. Justice Harlan, joined in by Mr. Justice Stewart, is equally strong. I quote from it in part, as follows:

> The final demise of state poll taxes, already totally proscribed by the Twenty-Fourth Amendment with respect to federal elections and abolished by the States themselves in all but four States with respect to state elections, is perhaps in itself not of great moment. But the fact that the *coup de grace* has been administered by this Court instead of being left to the affected States or to the federal political process should be a matter of continuing concern to all interested in maintaining the proper role of this tribunal under our scheme of government. * * *
>
> My disagreement with the present decision is that in holding the Virginia poll tax violative of the Equal Protection Clause the Court has departed from long-established standards governing the application of that clause.
>
> * * * * *
>
> In substance the Court's analysis of the equal protection issue goes no further than to say that the electoral franchise is "precious" and "fundamental," *ante*, p. 7, and to conclude that "[t]o introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor," *ante*, p. 5. These are of course captivating phrases, but they are wholly inadequate to satisfy the standard governing adjudication of the equal protection issue: Is there a rational basis for Virginia's poll tax as a voting qualification? I think the answer to that question is undoubtedly "yes."
>
> Property qualifications and poll taxes have been a traditional part of our political structure. In the Colonies the franchise was generally a restricted one. Over the years these and other restrictions were gradually lifted, primarily because popular theories of political representation had changed. Often restructions were lifted only after wide public debate. The issue of woman suffrage, for example, raised questions of family relationships, or participation in public affairs, of the very nature of the type of society in which Americans wished to live; eventually a concensus was reached, which culminated in the Nineteenth Amendment no more than 45 years ago.
>
> Similarly with property qualifications, it is only by fiat that it can be said, especially in the context of American history, that there can be no rational debate as to their advisability. Most of the early Colonies had them.

Mr. President, I wish to interpolate that everyone of them had them. Continuing with the opinion:

> Many of the States have had them during much of their histories; and, whether one agrees or not, arguments have been and still can be made in favor of them. For example, it is certainly a rational argument that payment of a minimal poll tax promotes civic responsibility, weeding out those who do not care enough about public affairs to pay $1.50 or there-abouts a year for the exercise of the franchise. It is also arguable, indeed it was probably accepted as sound political theory by a large percentage of Americans through most of our history, that people with some property have a deeper stake in community affairs, and are consequently more responsible, more educated, more knowledgeable, more worthy of confidence, than those without means, and that the community and Nation would be better managed if the franchise were restricted to such citizens.
>
> These viewpoints, to be sure, ring hollow on most contemporary ears. Their lack of acceptance today is evidenced by the fact that nearly all of the States, left to their own devices, have eliminated property or poll tax qualifications; by the cognate fact that Congress and three-quarters of the States quickly ratified the Twenty-Fourth Amendment * * *.
>
> Property and poll-tax qualifications, very simply, are not in accord with current egalitarian notions of how a modern democracy should be organized. It is of course entirely fitting that legislatures should modify the law to reflect such changes in popular attitudes. However, it is all wrong, in my view, for the Court to adopt the political doctrines popularly accepted at a particular moment of our history and to declare all others to be irrational and invidious, barring them from the range of choice by reasonably minded people acting through the political process. * * *

While this decision in the Virginia poll tax case, in which Mr. Justice Fortas joined, has not drawn as much general attention as some of the other cases, probably due to the fact that the adoption of the 24th amendment to the Constitution and the action of individual States had reduced the coverage of the poll tax requirement for voting to where it covered only a portion of the adult citizens voting on State or local issues in four States and was quite clearly on the way out in all States, it is my strong feeling that there is no action of a majority of the Warren court and no opinion in which Mr. Justice Fortas has joined that more clearly shows his willingness to interpret the Constitution of the United States not as written, not as it has long been understood, not as it has long been interpreted by many courts, including the U.S. Supreme Court, itself, not in accord with the history of the matter in question, but in accord with his own individual ideas as to how he feels the law should be. I strongly oppose this legal philosophy.

As to the particular poll tax questions involved in the case which I am discussing, I think it may be interesting to discuss the history of the matter. At the time of the adoption of the original Constitution the question of the qualifications of electors became of interest in providing for the election of the Members of the House of Representatives of the Congress. The original Constitution, therefore, contained this provision in section 2 of article I—and it is still there, Mr. President:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That provision still exists as included in the original Constitution and still provides, as then, that the House of Representatives shall be chosen every second year in the States by the people of those States and that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

On the very face of it, this provision clearly means that the States were allowed to retain the power, because the States already had the power, to prescribe qualifications for the electors of the most numerous branch of their legislatures and the Federal Constitution simply made those same qualifications applicable to those participating in the election of Members of the House of Representatives.

Later, this conclusion was even more clearly assured when the 10th amendment, adopted in 1791, provided that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states are reserved to the states respectively or to the people.

On May 13, 1912—much more than 100 years after the original Constitution was agreed to—the Congress submitted to the various States the 17th amendment to prescribe for the direct election of the Members of the U.S. Senate. Prior to that time, the Senators had been elected under a provision of the original Constitution providing that the legislatures of the several States should elect the U.S. Senators.

That is, under that ancient provision, the members of the legislatures back in Wyoming would have elected Senators from Wyoming of which the present occupant of the chair, the Senator from Wyoming [Mr. HANSEN], is one of the two able Senators from that State.

The first paragraph of the 17th amendment reads as follows:

> The Senate of the United States shall be composed of two Senators for each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

It is noteworthy that the words providing for the election of Senators in 1912, are the identical words which appear in section 2 of article I of the original Constitution under which the qualifications were prescribed for those who should be qualified to elect Members of the House of Representatives. This was, of course, logical because it was planned to have these elections as a single election in which Representatives and any Senators who might be required to be elected at that time would be elected by the same electors and in the same election. It is worthy of mention that this is the only provision contained in the Constitution which is found twice and stated in the same identical words. Just as the framers of the Constitution in 1787 felt that they had worked out a formula which was sound and acceptable as a basis for inclusion in our fundamental law, so, also, the Members of Congress in 1912—125 years later—after there were many more States in the Union than existed in 1787, felt that the formula was still sound for continued inclusion in the Constitution. So, they followed the time-honored formula and reincorporated it in the identical words which I have quoted again adopting the qualifications of electors as fixed by the States for the election of the most numerous branches of the State legislatures as the qualifications of those who were to elect Members of the U.S. Senate.

Mr. Justice Douglas, in writing the opinion of the majority of the Court outlawing the Virginia poll tax requirement, attempts to define the word "qualifications" to suit his own ideas by saying:

> Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax.

Again, he says:

> To introduce wealth or payment of a fee as a measure of a voter's qualification is to introduce a capricious or irrelevant factor. The degree of the discrimination is irrelevant.

Elsewhere he says:

> For to repeat, wealth or fee paying has, in our view, no relation to voting qualifications * * *.

The real question, then, relates to the interpretation of the word "qualifications" as it was understood by the framers of the Constitution in 1787 and as it was understood by the Members of Congress in 1912. No resort to mere semantics by seeking to impose on the word "qualifications" a different meaning than that intended by the original framers of the Constitution or intended by the Members of the Congress in 1912 should be accepted by anyone who believes in the stability of the Constitution and who wishes to preserve and sustain it in such a way as to protect the values intended to be protected by those who framed the Constitution and who used and defined the word "qualifications" and by those later Americans who again used and defined that same word, "qualifications," in 1912 at the time of the submission and later adoption of the 17th amendment.

It is necessary, therefore, to discover the exact meaning of the word "qualifications" as used on those two occasions and as now embraced in our Constitution.

The original framers of the Constitution were, of course, intimately familiar with its provisions for voting which had been adopted by the Thirteen Original States. The body of American law was very small at that time and the framers of the Constitution were perhaps the best informed men in the small Nation as to the laws of the several States. It is interesting, therefore, to find that at that very time the State of New Hampshire had a constitutional poll tax requirement. I therefore ask unanimous consent to have printed in the Record two provisions of the Constitution of 1784 of the State of New Hampshire relating to the senate and the house of representatives of that State and particularly to the qualifications of electors.

There being no objection, the two provisions were ordered to be printed in the Record, as follows:

> The Senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz: Every male inhabitant of each town and parish with town privileges in the several counties in this state, of twenty-one years of age and upwards, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March; to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.
>
> And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in that town, parish, and plantation where he dwelleth and hath his home.
>
> The members of the house of representatives shall be chosen annually in the month of March, and shall be the second branch of the legislature.
>
> All persons qualified to vote in the election of senators shall be entitled to vote within the town, district, parish, or place where they dwell, in the choice of representatives.

Mr. HOLLAND. Mr. President, it will be noted that the wording used in both cases covering the qualifications of electors for Members of the Senate and the House is the word "qualified" and that such a word covers, among other things, the requirement "paying for himself a poll tax. It is completely futile for anyone to say, looking at that New Hampshire constitution, either that the poll tax was not known to the original framers of the Constitution or that the payment of such poll tax was not among the qualifications "required of electors of the most numerous branch of the State legislature."

It is interesting to note, also, Mr. President, that in all of the other original 13 States the tax-paying requirements or property-owning requirements, or both, were decidedly more burdensome than the more liberal poll tax requirements then in force in the State of New Hampshire.

It is a little bit humorous to make this comment in this case, but the requirements for qualification of voters at that time in New Hampshire, which required the paying of a poll tax, were the most liberal requirements in any of the Thirteen Original States.

In the State of Maryland, the requirement was that each elector must have property in that State above the value of 30 pounds current money. I ask unanimous consent that the provisions of article II and article XIV of the 1776 constitution of Maryland be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

> Art. II. That the House of Delegates shall be chosen in the following manner: All freemen, above twenty-one years of age, having a freehold of fifty acres of land, in the county in which they offer to vote, and residing therein—and all freemen, having property in this State above the value of thirty pounds current money, and having resided in the county, in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage, in the election of Delegates for such county; and all freemen, so qualified, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, at the courthouse, in the said counties; or at such other place as the Legislature shall direct; and, when assembled, they shall proceed to elect, viva voce, four Delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, and having, in the State, real or personal property above the value of five hundred pounds current money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective counties.
>
> Art. XIV. That the Senate to be chosen in the following manner: All persons, qualified as aforesaid to vote for county Delegates, shall, on the first day of September, 1781, and on the same day in every fifth year forever thereafter, elect, viva voce, by a majority of votes, two persons for their respective counties (qualified as aforesaid to be elected county Delegates) to be electors of the Senate; and the Sheriff of each county, or, in case of sickness, his Deputy (summoning two Justices of the county, who are required to attend, for the preservation of the peace), shall hold and be judge of the said election, and make return thereof, as aforesaid. And all persons, qualified as aforesaid, to vote for Delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, viva voce, by a majority of votes, one person for the said city and town respectively; the said election to be held in the same manner, as the election of Delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect Delegates for the said town.

Mr. HOLLAND. Mr. President, it will be noted, of course, that the word "qualified" appears three times in these provisions and, likewise, the ownership of property in the amount mentioned is a part of the requirement to give the citizen "a right of suffrage."

As to the State of New Jersey, its constitution of 1776, article IV, reads as follows:

> That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.

In that particular provision, Mr. President, the word is "entitled" but the later article XIII of the same constitution of New Jersey uses the word "qualified" with reference to the prerequisites to vote and I ask unanimous consent that such article XIII be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> That the inhabitants of each county, qualified to vote as aforesaid, shall at the time and place of electing their Representatives, annually elect one Sheriff and one or more Coroners; and that they may reelect the same person to such offices until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the Governor, or Vice President, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

Mr. HOLLAND. Mr. President, there can be no question, that in that case the words "qualified to vote as aforesaid" are used with specific reference to a property requirement of qualification in the amount of 50 pounds clear.

As to the State of South Carolina, its constitution of 1778 required that "the qualification of electors" included, among other requirements, that each elector shall have a freehold of at least 50 acres of land or a town lot. I ask unanimous consent that an excerpt from this constitution be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of one and twenty years, and hath been a resident and an inhabitant in this State for the space of one whole year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of fifty acres of land, or a town lot, and hath been legally seized and possessed of the same at least six months previous to such election, or hath paid a tax the preceding year or was taxable the present year, at least six months previous to the said election, in a sum equal to the tax on fifty acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives to serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer.

Mr. HOLLAND. Mr. President, I am sure that Senators will note the word "qualification" is twice used in this quotation from the constitution of South Carolina and the word "qualified" once used so there can be no question that the term "qualification" was applicable to the taxpaying requirement or the property-owning requirement or both as shown in the South Carolina constitution.

Next I mention the State of New York, and I ask that the provisions of article VII and article XII of that constitution be incorporated in the Record as a part of my remarks.

There being no objection, the provisions were ordered to be printed in the Record, as follows:

> Art. VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this State for six months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if, during the time of aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this State; *Provided always,* That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities, respectively, shall be entitled to vote for representatives in assembly within his said place of residence.
>
> Art. XII. That the election of senators shall be after this manner: That so much of this State as is now parceled out into counties be divided into four great districts; the southern district to comprehend the city and county of New York, Suffolk, Westchester, Kings, Queens, and Richmond Counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district, the city and county of Albany, and Tryon County; and the eastern district, the counties of Charlotte, Cumberland, and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: In the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And be it ordained, that a census shall be taken, as soon as may be after the expiration of seven years from the termination of the present war, under the direction of the legislature; and if, on such census it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders, qualified as aforesaid, in each district.

Mr. HOLLAND. Mr. President, the word "qualified" is twice used in this constitutional provision fixing the qualifications of electors.

It will thus be seen that in five cases the constitutions of the original States used the words "qualified" or "qualifications", or both, in referring to either the payment of a poll tax, the payment of other taxes, or the ownership of property in referring to prerequisites to voting for members of the most numerous branch of the State legislature.

In five others of the Original Thirteen States, the qualification of voters was dealt with in their constitutions; namely, the States of Massachusetts, Pennsylvania, Georgia, North Carolina, and Virginia. I ask that the provisions of the constitutions of these five States relative to the qualifications of electors shall be inserted in the Record at this point as part of my remarks.

There being no objection, the provisions were ordered to be printed in the Record, as follows:

MASSACHUSETTS

Under its constitution of 1780, a portion of Chapter I, Section III, relating to the House of Representatives reads as follows in subsection IV:

"IV. Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town."

PENNSYLVANIA

Sections 6 and 7 of that general portion of the constitution of 1776, styled "Plan or frame of government"—

"Section 6. Every freeman of the full age of twenty-one years, having resided in this state for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector; provided always, that sons of freeholders of the age of twenty-one years shall be entitled to vote although they have not paid taxes.

"Section 7. The house of representatives of the freemen of this commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this commonwealth, respectively. And no person shall be elected unless he has resided in the city or county for which he shall be chosen two years immediately before the said election; nor shall any member, while he continues such, hold any other office, except in the militia."

GEORGIA

From the constitution of 1778, Article IX:

"All male white inhabitants of the age of twenty-one years, and possessed in his own right of ten pounds value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident six months in this State, shall have a right to vote at all elections for representatives, or any other officers herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally."

NORTH CAROLINA

From the State constitution, Article VIII:

"That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for the members of the House of Commons for the county in which he resides."

VIRGINIA

The Constitution of 1776 incorporated the right of suffrage as it existed under the ancient charter and the acts of the assembly passed theretofore under these words:

"The right of suffrage in the election of members for both Houses shall remain as exercised at present; and each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writ of election, for the supplying intermediate vacancies."

Mr. HOLLAND. Mr. President, without wearying Senators or trespassing upon their time, I just want to say that in the five States of Massachusetts, Pennsylvania, Georgia, North Carolina, and Virginia, their constitutions required either property ownership or tax payment requirements, or both, and that in every case they were more burdensome, more onerous, than the polltax requirements of the State of New Hampshire. I shall not read from the sections of the constitutions of those States, which I have inserted in the Record.

I am told by the research people in the Library of Congress that the acts of the earlier assemblies under the colonial charter had prescribed not only taxpaying requirements but also property-owning requirements and that same were in existence and were incorporated into the law of the new State when the Constitution of 1776 was adopted under the words just quoted.

Mr. President, this means that 10 of the original 13 States had constitutional provisions relating to the qualifications of electors and that in all 10 States there was involved the requirement of payment of taxes, ownership of property, or payment of a poll tax, though in only five of the 10 were these prerequisites specifically described as qualifications.

Mr. President, to conclude the list of the 13 States, the remaining three, Delaware, Rhode Island, and Connecticut, were all operating under colonial charters and had not adopted new constitutions and the qualifications of their electors were fixed by statute. In order, therefore, to determine the qualifications for voting in these three States at the time of their entry into the Union, an examination of the statutes of these States in force at that time has been made for me by the Library of Congress, and the pertinent laws are set forth as follows:

In 1769, in Connecticut, separate qualifications were established for voting for deputies or representatives to the general court—legislature—Governor, and Deputy Governor and for voting for town officers. Only freemen were eligible to vote and "an Act relating to Free-men" set forth the requisites to become a freeman, as follows:

> That the Town Clerks in the several Towns in this Colony, shall enroll in their respective Offices, the Names of all such Persons in their respective Towns as are, or shall be admitted Free-men of this Corporation, which enrollments shall be made by the direction of the Authority and Select-men of the Town, in the open Free-men's Meeting, legally Assembled.
>
> That all such inhabitants in this Colony as have accomplished the Age of Twenty-One Years, and have the Possession of Free-hold Estate to the value of Forty Shillings per Annum or Forty Pounds personal Estate in the General List of Estates in that Year wherein they desire to be admitted Freemen; and also are Persons of a quiet and peaceable Behaviour, and civil Conversation, may, if they desire it, on their procuring the Select-men of the Town wherein such Persons inhabit, or the major Part of them, to certify that the said Persons are *Qualified* as abovesaid, be admitted and made Free of this Corporation, in case they take the Oath provided by Law for Free-men; which Oath any one Assistant or justice of the peace is hereby impowered to administer in said Free-men's Meeting.

In Delaware, under a temporary act originally passed by the colonial legislature on June 13, 1772, chapter 207, but subsequently reenacted and made permanent—perpetual—on September 2, 1775, the following qualifications for voting for representatives to the Delaware Assembly were established:

> SEC. 2. *Provided always,* That no inhabitants of this government, shall have right of electing or being elected, as aforesaid (election for members of assembly), unless he or they be natural born subjects of Great Britain, or be naturalized in England, or in this government, or in the province of Pennsylvania, and unless such person or persons be of the age of twenty-one years or upwards, and be a freeholder or freeholders in this government, and have fifty acres of land or more well settled, and twelve acres thereof cleared and improved, or be otherwise worth Forty Pounds lawful money of this government clear estate, and have been resident therein for the space of two years before such election: And that every man who shall give his vote without being questioned as aforesaid, or that shall receive any reward or gift for his vote, or that shall give, offer or promise any reward to be elected, or shall offer to serve for nothing or less allowance than the law prescribes, shall forfeit Five Pounds, the one-half thereof to the Governor, and the other to him or them who will sue for the same in any court of record within this Government; and the person so elected shall be incapable to serve for that year.

The voting qualification in Delaware as thus enacted by the act of September 2, 1775, remained in effect until the ratification of the State's constitution of 1792. Under the constitution the qualifications for voting were fixed as follows in article IV:

> SECTION 1. All elections of Governor, Senators, and Representatives shall be by ballot; and in such elections every white free man of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and the sons of persons so *qualified* shall between the ages of twenty-one and twenty-two years, be entitled to vote although they shall not have paid taxes.

Mr. President, you will note that the word "qualified" was not used under the colonial charter, but that in 1792, in its first constitution, the State of Delaware does use the word "qualified."

In Rhode Island, prior to admission in the Union, a person in order to vote had to be admitted as a freeman and be enrolled as such. In order to be admitted as a freeman the following statutory requirement had to be met:

> SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That the freemen of each respective town in this State, at any of their town meetings, shall and they hereby have full power granted them, to admit so many persons, inhabitants of their respective towns, freemen of their towns, as shall be *qualified* according to this act.
>
> SEC. 2. *And be it further enacted,* That no person whosoever shall be permitted to vote or act as a freeman in any town meeting in this State, but such only who are inhabitants therein, and who at the time of such their voting and acting are really and truly possessed, in their own proper right, of a real estate within this State, to the full value of one hundred and thirty-four dollars, or which shall rent for seven dollars per annum, being an estate in fee-simple, fee-tail, or an estate in reversion which *qualifies* no other person to be a freeman, or at least an estate for a person's own life, or the eldest son of such a freeholder: And that no estate of a less quality shall entitle any person to the freedom of this State.

With reference to the laws enacted by the assemblies or legislatures of the three States to which I have referred, at the time the three States, although becoming a part of the Union, had not yet written new State constitutions for themselves. I simply say for the RECORD—and this can be borne out by checking the statutes—that in two cases they used the word "qualifications" or "qualified" and that in each three of the cases the property owning requirements or tax paying requirements were more burdensome than they were in the State of New Hampshire.

It might be interesting to note, Mr. President, that the first constitution of the State of Rhode Island was not adopted until 1842—a fact not known to me until I began to research this question. In 1842 they drafted their first State charter. I call attention to this in order to tie in between 1787 and 1912, because in drafting their charter in article II, the State of Rhode Island used that article to describe the subject which they style "Of the Qualifications of Electors." Then in six sections they proceeded to outline the qualifications of electors and under that very word as stated there. I am not going to pursue the question further. Maybe it would be interesting to read part of that article:

> SECTION 1. Every male citizen of the United States at the age of twenty-one years, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote six months, next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars, over and above all incumbrances, or which shall rent for seven dollars per annum, over and above any rent reserved, or in the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which *qualifies* no other person to vote * * *.

Mr. President, you notice that not only did they use the word "qualifications" ahead of this, but, just as they did in their colonial charter, they prescribe that this land which is owned in any of these multifarious ways by the elector must not qualify anybody else to vote. It can just qualify one person, making it so clear that they regarded that requirement as a qualification.

To summarize, it is most significant to note that each of the Thirteen Original States had, in the constitutions or statutes under which they were operating at the time the Federal Constitution was adopted, either a poll-tax requirement as in New Hampshire, or property-ownership requirements, or taxpaying requirements, or two of these conditions, and that in seven of the 13 States the words "qualified" or "qualifications," or both, were used in referring to those particular requirements and conditions.

It was against that background that the Federal Constitution was submitted, adopted, not by strangers to the laws and practices of the various States who did not know what the qualifications for elections of members of the most numerous branches of their State legislatures were, but submitted to the conventions of the several States for debate and for adoption or rejection by those conventions meeting right in their States. The point I am making now is that the persons who were bound to know, more than anyone else in the world, of the existence of these provisions in the original constitutions and of the fact that those constitutions and statutes included within the purview of the word "qualification," as applied to the qualifications of voters the payment of a poll tax, the payment of property tax and other taxes and the ownership of property, these very persons adopted the Constitution, ratified it in their several States against the background of their personal knowledge and against the background of the statement made by Mr. Madison in Federalist Paper No. 52 which I now read into the Record.

Mr. President, I do not have to state to the Senate the fact that Mr. Madison is generally regarded as the father of the Constitution and that his articles in the Federalist were read from one end of the country to the other, as indeed, were all the articles in the Federalist; but I am quoting now from the father of the Constitution, Mr. James Madison:

> I shall begin with the House of Representatives.
>
> The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected.
>
> Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason, that it would have rendered too dependent on the State governments, that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States, as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State; because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States; because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions, in such a manner as to abridge the rights secured to them by the Federal Constitution.

So spoke Mr. James Madison in a written opinion available to every delegate in every State convention which considered the proposed Constitution. And history states that Madison knew more about what had transpired in the drafting of the Constitution and what was intended in its provisions than any other person of his times or than any other collaborator who had worked as he had as a leading member of the Constitutional Convention of 1787.

Now, Mr. President, let us come along a little farther.

In 1911 and 1912, prior to the submission of the 17th amendment for ratification by the States—that is the amendment giving to the people the direct election of U.S. Senators—a historic debate was held right here in Congress. I might note that that was 125 years after the Constitution had been adopted, and after the first debates in the State conventions were held.

Over and over again the arguments were made, many of them heatedly, as to the issues covered by the 17th amendment which took the selection of Senators away from the legislatures whose members, of course, were chosen by the States directly and put it in the people of the several States. And the same words were used in the 17th amendment, as I have stated already, as were used in section 2 of article I of the original Constitution. I shall place in the Record three statements made by able Members of Congress in the 1911 and 1912 debates.

Senator Borah of Idaho, a great constitutional authority, speaking in the Senate in June 1911, at page 1890, said:

> The first proposition is that the State alone can determine the qualifications of the voter.

This is not a southerner, Mr. President. This is a distinguished Senator from the great West, who had gone there, as I understand, from somewhere else in the Nation, other than the South.

Senator Borah continued:

> The National Government has no power, aside from the proposition of preventing discrimination, to interfere with any qualification which the State fixes with reference to the voter. Whenever the State determines who shall vote at an election, if there is no element of discrimination such as is covered by the fifteenth amendment, Congress cannot interfere with the action of the State. This question is so well established that I need only to call attention to the authorities.

He mentions the authorities, and then he continues:

> The qualification and the status of the voter once being fixed by the State, then his right to cast that vote for Congressman or for Senator, in case this resolution is adopted, is a right dependent upon and guaranteed by the Constitution of the United States.
>
> This joint resolution provided: The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.
>
> After the State fixes the qualifications and status of the voter, then the right to cast that vote for a United States Senator, if this amendment should be adopted and finally becomes a part of the Constitution, would be a right dependent upon the Constitution of the United States and guaranteed by it, and Congress would have the power to protect and assure any elector the exercise of that right. While the National Government could not in the first instance say who should vote, yet after the State should determine who its voters were, then the National Government can step in and guarantee to everyone whose status has been fixed by the State the right to exercise that franchise; and this may be done by any law which, in the wisdom of Congress, it deems sufficient to accomplish that purpose.

Representative Hobson, of Alabama, the hero of Santiago Harbor, then serving at the other end of the Capitol, speaking in the House on May 13, 1912, page 6356, said:

> I am in favor of taking action now that will insure the submission of this amendment. The part of the amendment that provides for the qualifications of electors for Senators guarantees the complete control of the electors in each State by the State itself. That part of the bill is fundamental and protects the States against danger of Federal interference. The power of Congress to control the time, place, and manner of election is really only an incidental matter in comparison with the control of the qualifications of electors.

On May 13, 1912, at page 6359, Representative Taggart of Kansas made the following statement:

> Suffrage was conferred upon the Negro by the Southern States themselves. Under the Constitution every State can prescribe its own qualifications for suffrage, with the single exception that no State can deny or abridge the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude.

Mr. President, I want the Record to show that at the time of the submission of the 17th amendment several of the Southern States had specific requirements in their constitutions requiring the payment of the poll tax as a prerequisite for voting and using the words "qualified" or "qualifications" as applicable to the poll tax requirement. I ask that article VI of the constitution of Texas, which was in force at the time, be printed in the Record as a part of my statement.

There being no objection, the excerpt from the Texas constitution was ordered to be printed in the Record, as follows:

ARTICLE VI.—SUFFRAGE

Section 1. The following classes of persons shall not be allowed to vote in this State; to wit:

First: Persons under twenty-one years of age.

Second: Idiots and lunatics.

Third: All paupers supported by any county.

Fourth: All persons convicted of any felony, subject to such exceptions as the Legislature may make.

Fifth: All soldiers, marines and seamen, employed in the service of the Army or Navy of the United States.

Sec. 2. Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector: *Provided*, That electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes: *And provided further*, That any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote at any election in this State and hold a receipt showing that said poll tax was paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he or she, as the case may be, shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner the wife may pay the poll tax of her husband and receive the receipt therefor. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation. (Sec. 2, Art. 6, adopted election November 4, 1902; proclamation, Dec. 26, 1902: Amendment adopted election fourth Saturday in July 1921.)

Sec. 3. All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election, within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town: *Provided,* That no poll tax for the payment of debts thus incurred, shall be levied upon the persons debarred from voting in relation thereto.

Sec. 4. In all elections by the people the vote shall be by ballot and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more (Sec. 4, Art. 6, adopted election August 11, 1891; proclamation September 22, 1891.)

Sec. 5. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Mr. HOLLAND. I wish to comment, incidentally, that in spite of the fact that the words "qualification," "disqualification," "qualified," "shall be deemed a qualified elector," are used, this provision of the Texas constitution clearly shows the payment of a poll tax was one of the qualifications required as a prerequisite for voting. Incidentally, Mr. President, the two Senators from Texas, Senators Joseph W. Bailey and Charles A. Culbertson, both voted to submit the 17th amendment.

With reference to Arkansas, article III, section 1, and amendment 8, section 1, were the constitutional requirements in Arkansas on the date of submission of the 17th amendment. I ask that both of those provisions be printed into the Record as a part of my remarks.

There being no objection, the excerpt from the Arkansas constitution was ordered to be printed in the Record, as follows:

ARTICLE III.—FRANCHISE AND ELECTIONS

Section 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years who has resided in the State twelve months, and in the county six months, and in the voting precinct or ward one month, next preceding any election, where he may propose to vote, shall be entitled to vote at all elections by the people.

Amendment No. 8—Equal suffrage supersedes poll-tax amendment of 1908

That Section 1, of Article III of the Constitution of the State of Arkansas, as amended by Amendment No. 9, adopted January the 14th, 1909, be amended so as to read as follows:

"Section 1. Every citizen of the United States of the age of twenty-one years, who has resided in the State twelve months, in the county six months, and in the precinct, town, or ward one month, next preceding any election at which they may propose to vote, except such persons as may have committed some felony be deprived of the right to vote by law passed by the General Assembly and who shall exhibit a poll-tax receipt or other evidence that they have paid their poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas: *Provided,* That persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possess the other necessary qualifications, shall be permitted to vote: *And Provided further,* That the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election. It is declared to be the purpose of this amendment to deny the right of suffrage to aliens and it is declared to be the purpose of this amendment to confer suffrage equally upon both men and women, without regard to sex: *Provided,* That women shall not be compelled to serve on juries."

Mr. HOLLAND. Senators will note that the words "qualifications of electors" are included in the official draft of the constitution and also that the poll tax requirement appears in that very section where the word "qualifications" is used. It is interesting to note that both Arkansas Senators voted to submit the 17th amendment. They were James P. Clark and Jeff Davis from Arkansas.

As to the State of South Carolina, the matter is equally clear. Under section 4 of the constitution of South Carolina in 1912 under the heading "Qualifications for Suffrage" appear the following provisions:

Article II, Section 4. Qualifications for suffrage.—The qualifications for suffrage shall be as follows:

(a) Residence.—Residence in the State for two years, in the County one year, in the polling precinct in which the elector offers to vote four months: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(Note.—Amended by a joint resolution and an act: 1929(36)695; 1931(37)105, 246.)

(b) Registration.—Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this Article.

(c) Qualification for registration up to January 1898; list of registered voters.—Up to January 1st, 1898, all male persons of voting age applying for registration who can read any section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, sworn to by the registration officer, shall be filed, one copy with the Clerk of Court and one in the office of the Secretary of State, on or before February 1st, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this Article. The certificate of the Clerk of Court or Secretary of State shall be sufficient evidence to establish the right of Said Citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Qualification for registration after January 1898.—Any person who shall apply for registration after January 1st, 1898, if otherwise qualified, shall be registered: *Provided,* That he can both read and write any Section of this Constitution submitted to him by the registration officer, or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at three hundred dollars ($300) or more.

(e) Payment of Taxes Necessary for Voting.—Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment thirty days before any election of any poll tax then due and payable. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(Note.—Amended by a joint resolution and an act: 1929(36) 695; 1931(37)105,246.

(f) Certificate of Registration.—The General Assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution, or if he has been registered as provided in subsection (c).

It is quite clear that the constitutional poll tax requirement was in South Carolina's constitution, and that there can be no question about it having been one of the qualifications. As a matter of fact, the word "qualifications" is used many times.

It is interesting to note that from the State of South Carolina, Senator Ellison D. Smith voted to submit the 17th amendment.

In the State of Tennessee, article IV of the State constitution provided in 1912 as follows:

ARTICLE IV—ELECTIONS

Right to vote for legislators and local civil officers; Poll Taxes; Military Duty; Authorized Election Laws.

Section 1. Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein he may offer his vote for six months next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other civil officers for the county or district in which he resides; and there shall be no qualification attached to the right of suffrage, except that each voter shall give to the judges of election, where he offers to vote, satisfactory evidence that he has paid the poll taxes assessed against him for such preceding period as the Legislature shall prescribe, and at such time as may be prescribed by law, without which his vote cannot be received. And all male citizens of the State shall be subject to the payment of poll taxes and the performance of military duty within such ages as may be prescribed by law. The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot box.

There is no question, from reading that provision, Mr. President, but that the poll tax is required as a qualification for voting by the constitution of Tennessee. It is interesting to note that from the State of Tennessee, Senator Luke Lea voted for submission of the 17th amendment.

In the State of North Carolina, article VI of the State constitution provided in 1912, in part, as follows:

ARTICLE VI—SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Sec. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward, or other election district in which he offers his vote, four months next preceding the election: *Provided,* that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court, upon indictment, of any crime the punishment of which now is or may hereafter be imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, sec. 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for making a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, such person shall have paid his poll tax as above required.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together.

There is no question at all, Mr. President, but that the payment of a poll tax was required as one of the qualifications for voting in the State of North Carolina at that time, which is quite clear from reading that provision of the North Carolina constitution.

Incidentally, Senator F. M. Simmons from North Carolina voted to submit the 17th amendment.

Next, Mr. President, in the State of Alabama, article 8 on "Suffrage and Elections" provided clearly that the word "qualifications" specifically covered the payment of a poll tax. I ask that article VIII of the constitution of Alabama, which was in force in 1912, be printed in the RECORD as a part of my remarks.

There being no objection, the excerpt from the Alabama constitution was ordered to be printed in the RECORD, as follows:

ARTICLE VIII.—SUFFRAGE AND ELECTIONS

SEC. 177. Every male citizen of this state who is a citizen of the United States, and every male resident of foreign birth, who, before the ratification of this constitution, shall have legally declared his intention to become a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people: *Provided*, That all foreigners who have legally declared their intention to become citizens of the United States, shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.

"SEC. 178. To entitle a person to vote at any election by the people, he shall have resided in the state at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and one, and for each subsequent year: *Provided*, That any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town, or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

Mr. HOLLAND. I could not find that any Senator from Alabama voted for the submission of the 17th amendment.

In the State of Mississippi, article 12 of the constitution of that State states the prerequisites for becoming a "qualified elector," among which are the payment of poll taxes. I ask that article 12 of the constitution of Mississippi be printed in the RECORD as part of my remarks.

There being no objection, the excerpt from the Mississippi constitution was ordered to be printed in the RECORD, as follows:

ARTICLE 12.—FRANCHISE

SEC. 240. All elections by the people shall be by ballot.

SEC. 241. Every inhabitant of this state, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this state for two years, and one year in the election district, or in the incorporated city or town in which he offers to vote, and who is duly registered, as provided in this article, and who has never been convicted of bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy, and who has paid on or before the first day of February of the year in which he shall offer to vote, all poll taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid such taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district, if otherwise qualified.

Mr. HOLLAND. I could not find that either of the Senators from Mississippi had voted for submission of the 17th amendment.

I shall also ask to put similar provisions for the States of Virginia and Georgia in the RECORD at this time. They both use the word "qualifications." They both provide for payment of poll taxes. In the State of Virginia, article II, entitled "Elective Franchise and Qualification for Office," and in section 18, "Qualification of Voters," cover the matter and I ask that the same be printed in the RECORD as part of my remarks.

There being no objection, the excerpt from the Virginia constitution was ordered to be printed in the RECORD, as follows:

ARTICLE II.—ELECTIVE FRANCHISE AND QUALIFICATION FOR OFFICE

SEC. 18. Qualification of Voters.—Every citizen of the United States, twenty-one years of age, who has been a resident of the State one year, of the county, city, or town six months, and of the precinct in which he offers to vote, thirty days next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved until the expiration of thirty days after such removal.

The right of citizens to vote shall not be denied or abridged on account of sex.

Mr. HOLLAND. Both Senators from Virginia, Senators Thomas S. Martin and Claude A. Swanson, voted to submit the 17th amendment.

In the State of Georgia—and my research did not indicate that either of the Senators from that State voted for it—under article II—"Elective Franchise—Section I, Chapter 2–6—Qualifications of Voters," appears in part the following provision:

2–603. (6397) **Par. III.** Who Entitled To Register and Vote.—To entitle a person to register and vote at any election by the people, he shall have resided in the State one year next preceding the election, and in the county in which he offers to vote six months next preceding the election, and shall have paid all poll taxes that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least six months prior to the election at which he offers to vote, except when such elections are held within six months from the expiration of the time fixed by law for the payment of such taxes. (Acts 1908, pp. 27, 28, ratified Oct. 7, 1908; Acts 1931, p. 102, ratified Nov. 8, 1932.)

Also, Senator Nathan P. Bryan from the State of Florida voted to submit the 17th amendment, my State having at the time a poll tax requirement by action of the legislature under a permissive provision of the constitution.

Mr. President, in closing on this particular point, the 17th amendment could not have been submitted in the Senate without the vote of the Southern Senators whom I have already mentioned as having voted to submit it, and who came from States that had in their constitutions provisions requiring the payment of the poll tax as a prerequisite for voting.

I want the RECORD to show also, that a large number of Representatives from the various poll tax States which I have just referred to voted for the submission of the 17th amendment. Without attempting to give an exclusive or complete list of the names of the Representatives from Southern poll tax States who voted to submit the 17th amendment, I simply read into the RECORD the names of Representative John N. Garner, of Texas, later Vice President; James F. Byrnes, of South Carolina, later Senator, Supreme

Court Justice, Secretary of State, and Governor of South Carolina; Representative Joseph W. Byrns, of Tennessee, later Speaker of the House; Representative Oscar W. Underwood, of Alabama, whose many titles I will not attempt to name; Representative Richmond P. Hobson, hero of Santiago Harbor; Representative Robert L. Doughton, of North Carolina, later chairman of the House Ways and Means Committee.

Mr. President, I have not personally confirmed this point. However, I am told by the investigator that the 17th amendment could not have been submitted in the House except by the vote of numerous Representatives from the poll tax States in the South at that ime.

Mr. President, the point of this portion of my remarks is to make completely clear that those who submitted the 17th amendment containing these same words with reference to qualifications of electors did it against a background which they knew perfectly well and which embraced, among other things, the requirement in many States of that period, and in many of those States by constitutional provision, that among the qualifications of electors for the naming of members of the most numerous branch of the State legislature was the payment of a poll tax and that in the constitutions themselves these States have shown clearly what their understanding of the word "qualification" was by having named the poll tax payment requirement as one of the qualifications which must be possessed by an elector. The required two-thirds vote to submit the 17th amendment would not have been secured without the affirmative votes of Senators and House Members from the poll tax States.

Mr. President, I have verified this with reference to the Senate, but not with reference to the House. However, I am advised by the investigators that that is the case.

Mr. President, I want to go a little further with this question of the adoption of the 17th amendment because I think there is an important question involved here—a question of sound morals and of good faith as well as law. There is the question of sound morals and good faith involved here because not only was this 17th amendment submitted by many men who knew that the term "qualifications" in their State constitutions embraced payment of the poll tax, not only was it submitted after extensive arguments had been made on the floor interpreting this amendment as leaving to the States entirely the matter of prescribing qualifications of electors, but the adoption of the amendment, itself, would have been impossible except for the concurrence of at least four of the five ratifying Southern States, all of which had poll tax requirements which were among the States that approved the 17th amendment. Those five Southern States, Mr. President, which took action to ratify the 17th amendment, were the States of North Carolina, Texas, Arkansas, Tennessee, and Louisiana. I call specific attention to the fact that while there was, in all, one State over the number required to ratify the amendment; namely, 37, whereas 36 only were required to ratify, the ratification could not have been accomplished without the approval by at least four of these poll tax Southern States. Without their approval the 17th amendment could not have been ratified and yet at the time of their ratification each of these Southern States had in their essential, legal setup, in their constitutions, provisions requiring the payment of a poll tax as a qualification for voting in the election of the most numerous branch of their State legislatures. It is a basic fact that without the concurrence of those States relying as they had every right to rely upon the arguments stated time and time again in the debate that the rights of the States would not be impaired by the adoption of this amendment the amendment could not have been adopted. Surely, there is a question of sound morals and good faith here which the majority of the Supreme Court seems to have entirely overlooked or even ignored when they knocked out the requirement of the Commonwealth of Virginia for the payment of a poll tax as a prerequisite for voting in State and local elections.

It is interesting to note, also, Mr. President, that at the time of the adoption of the 17th amendment at least one of the States outside of the South had in its constitution a provision requiring the payment of a tax as a prerequisite for voting. Article 8 of the constitution of Pennsylvania which was in effect at the time, Mr. President, but was repealed some years later, reads as follows:

> Suffrage and Elections—Section 1. Qualifications of Electors—Subsection 4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

I ask unanimous consent that the whole of article VIII of the constitution of Pennsylvania in effect in 1912 be copied into the RECORD at this time as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE VIII—SUFFRAGE AND ELECTIONS

SEC. 1. Qualifications of Electors.—Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

1. He shall have been a citizen of the United States at least one month.
2. He shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.
3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.
4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election. (Amendment of November 5, 1901.)

Mr. HOLLAND. Mr. President, it is completely clear that the people of the South do not have any peculiar attitude with reference to the meaning of the word "qualification" or its interpretation. It is completely clear that from the very beginning of our Nation up to modern times States in the North as well as in the South have required the payment of poll taxes or of property taxes or the ownership of property as a qualification for voting and have regarded such prerequisites as "qualifications" for the electors. The public history of our Nation upholds completely the contentions of the arguments of Mr. Justice Black in his dissenting opinion and of Mr. Justice Harlan in his dissenting opinion in which he is joined by Mr. Justice Stewart. Mr. Justice Black stated, and I quote him again:

> * * * whatever may be our personal opinion, history is on the side of "rationality" of the State's poll tax policy. Property qualifications existed in the Colonies and were continued by many States after the Constitution was adopted. Although I join the Court in disliking the policy of the poll tax, this is not in my judgment a justifiable reason for holding this poll tax law unconstitutional. Such a holding on my part would, in my judgment, be an exercise of power which the Constitution does not confer upon me.

And again, he says:

> The Court's justification for consulting its own notions rather than following the original meaning of the Constitution, as I would, apparently is based on the belief of the majority of the Court that for this Court to be bound by the original meaning of the Constitution is an intolerable and debilitating evil; that our Constitution should not be "shackled to the political theory of a particular era," and that to save the country from the original Constitution the Court must have constant power to renew it and keep it abreast with this Court's more enlightened theories of what is best for our society.

Mr. Justice Harlan, joined by Mr. Justice Stewart, with equal harshness lambasted the opinion of the majority of the Court as written by Mr. Justice Douglas. Justice Harlan said:

> Property qualifications and poll taxes have been a traditional part of our political structure. In the Colonies the franchise was generally a restricted one. Over the years these and other restrictions were gradually lifted, primarily because popular theories of political representation had changed. * * * with property qualifications, it is only by fiat that it can be said, especially in the context of American history, that there can be no rational debate as to their advisability. Most of the early Colonies had them; many of the States have had them during much of their histories * * * indeed it was probably accepted as sound political theory by a large percentage of Americans through most of our history, that people with some property have a deeper stake in community affairs, and are consequently more responsible, more educated, more knowledgeable, more worthy of confidence, than those without means * * *. These viewpoints, to be sure, ring hollow on most contemporary ears. Their lack of acceptance today is evidenced by the fact that nearly all of the States, left to their own devices, have eliminated property or poll tax qualifications; by the cognate fact that Congress and three-quarters of the States quickly ratified the Twenty-Fourth Amendment * * *.
>
> Property and poll-tax qualifications, very simply, are not in accord with current egalitarian notions of how a modern democracy should be organized. It is of course entirely fitting that legislatures should modify the law to reflect such changes in popular attitudes. However, it is all wrong,

> in my view, for the Court to adopt the political doctrines popularly accepted at a particular moment of our history and to declare all others to be irrational and invidious, barring them from the range of choice by reasonably minded people acting through the political process. * * *

How unsound was the majority opinion and how sound were the dissenting opinions of Justices Black and Harlan in the Virginia State poll tax case may be further seen by reference to the two earlier cases of the U.S. Supreme Court which had strongly upheld the validity of the poll tax requirement. Both of these cases were decided by the Court after the adoption of the 17th amendment, and I now refer to them briefly.

The case of *Breedlove* v. *Suttles* (302 U.S. 277), a Georgia case, was decided December 6, 1937, by a unanimous Court. The precise question upon which the majority of the Court in the Virginia State poll tax case based their decision was involved in the Breedlove case; namely, the equal protection clause of the 14th amendment. The appellant complained that since he was a male inhabitant of Georgia between the ages of 21 and 60, of whom a poll tax payment was required, he asserted:

> The law offends the rule of equality in that it extends only to persons between the ages of 21 and 60 and to women only if they register for voting.

The Court unanimously held:

> The equal protection clause does not require absolute equality. While possible by statutory declaration to levy a poll tax upon every inhabitant of whatsoever sex, age or condition, collection from all would be impossible for always there are many too poor to pay. Attempt equally to enforce such a measure would justify condemnation of the tax as harsh and unjust.

After mentioning that men above 60 are often excused from road work, jury duty and service in the militia, the Court adds:

> So far as concerns equality under the equal protection clause, there is no substantial difference between these exemptions and exemption from poll taxes.

Equally, the Court's opinion upheld the exemption of minors and women not registering to vote. If one reads the whole decision in the Breedlove case it is quite clear that the Court unanimously upheld the Georgia poll tax in 1937 against a principal complaint that it violated the equal protection clause of the 14th amendment. The members of the Court who took this action unanimously were the following: Chief Justice Hughes and Associate Justices McReynolds, Brandeis, Sutherland, Butler—who wrote the opinion—Stone, Roberts, Cardozo and Black.

In 1951 the U.S. Supreme Court upheld the Virginia poll tax in the case of Butler against Thompson. The decision of the Court was per curiam, with the note that Mr. Justice Douglas, alone, dissented. The members of the Court at that time were Chief Justice Vinson and Associate Justices Black, Reed, Frankfurter, Douglas, Jackson, Burton, Clark, and Minton. So, in the Virginia State poll tax case (*Harper* v. *Virginia Board of Elections*, 383 U.S. 663, decided in March 1966), the majority of the Court, of which Mr. Justice Fortas was a member, overruled and struck down the decisions of all the Justices who had joined in approving the Georgia poll tax and the Virginia poll tax in the Breedlove and Butler cases. No constitutional change affecting Virginia State poll tax requirements for voting in State elections had been adopted—no Federal statute on that subject had been passed. The only change was in the judicial philosophy of the majority of the Court, including Mr. Fortas.

I noted with interest that our distinguished majority leader, Senator MANSFIELD, for whom I have great personal affection as he well knows, in his statement of yesterday had this to say relative to the 3 years' service of Mr. Justice Fortas on the Supreme Court:

> He has occupied the seat of such predecessors as Story, Brandeis and Cardozo. He has carried forward their standards of excellence.

I cannot refrain from the comment that in joining with the decision of the majority of the Court in the Virginia State poll tax case, Mr. Justice Fortas threw out of the judicial window the opinion and philosophy of Justices Brandeis and Cardozo in the earlier Breedlove case. They looked at the whole historical picture in connection with the poll tax and joined the unanimous Court in upholding the Georgia poll tax as against an attack under the equal protection provision of the 14th amendment. To the contrary, Mr. Justice Fortas ignored history, ignored the unanimous decision of the Supreme Court in the 1937 Breedlove case, ignored the decision of the Supreme Court in the 1951 Virginia State poll tax case which was unanimous except for the dissent of Mr. Justice Douglas. As Mr. Justice Black correctly states, Mr. Fortas and others followed their own notions of what the words "qualifications of electors" as used in the Constitution mean and substituted their own definition, thus making new legislative law when there was no new legislation, either constitutional or statutory, on the State poll tax question since the dates of those earlier decisions, 1937 and 1951. It is this activism of Mr. Justice Fortas and his willingness to cut corners because of his zeal and impatience with the slowness of Federal and State legislation that makes me unwilling to confirm him to be Chief Justice.

I have spoken at some length on the issues presented by the decision of the majority of the Supreme Court in the Virginia State poll tax case because I think it is perhaps the clearest illustration of how far the present activist members of the Supreme Court will go in seeking to substitute their own "notions," to use Mr. Justice Black's word, their own notions as to what the law should be for the clear meaning of the Constitution. In this case, the majority ruling of the Court clearly ignores the historical facts which I have documented in some detail. There is no question whatever that the meaning of the words "qualifications for electors" as used by the original framers of the Constitution in section 2 of article I, and as used by the Members of the Senate and the House in 1912 when they proposed the 17th amendment to the Constitution, and as used by Mr. Justice Butler in writing the unanimous opinion of the Supreme Court in 1937 in the Breedlove case, and as approved by the Supreme Court in its per curiam decision in 1951 in the Butler case—with Mr. Justice Douglas, alone, dissenting—included as a definite qualification of an elector the payment of a poll tax, or of a property tax or the ownership of property. All of the 13 Original States and many of the other States which had used one or more of these qualifications throughout the history of our country have by proper legal methods repealed those qualifications for voting, except that at the time of the Virginia case, 1965, the four States of Virginia, Alabama, Mississippi, and Texas still had small poll tax payment requirements for the qualification of their electors to vote in State or local elections.

Likewise, the Congress, after many years of consideration, had submitted the 24th amendment, outlawing in all States the poll tax requirement for voting for Federal officials, and that amendment had been ratified by the required 38 States and that amendment had actually been considered and approved unanimously by the U.S. Supreme Court in a Virginia case—*Harman* v. *Forssenius* (380 U.S. 528)—just a short while before the Virginia State poll tax case was considered. The Congress, the States, and the people had patiently and legally liberalized voting requirements, and the problem was constantly becoming of less and less substantial importance. The activists on the Supreme Court, including Mr. Justice Fortas, in their impatient zeal to get the job entirely done found it possible to approve the opinion written by Mr. Justice Douglas which adopted an interpretation of the word "qualification" which was definitely at variance with the meaning of that word as it was used twice in the Constitution and as it had been previously interpreted by unanimous decision of the U.S. Supreme Court in 1937 and by almost unanimous opinion of that Court in 1951.

There could be no clearer illustration of the unfortunate and improper lack of judicial restraint which the activist philosophy displays than that which is shown by the majority opinion of the Court in the Virginia State poll tax case. The majority opinion ignores the unanimous verdict of our Nation's governmental history, ignores the clear statement of Mr. James Madison, the father of the Constitution, repudiates the great majority of both the Senate and the House in 1912 when the 17th amendment was submitted, repudiates the great majority of the Senate and the House in 1953 when the 24th amendment was submitted, overrides all the members of the Supreme Court in 1937, and all its members in 1951 except Mr. Justice Douglas, and makes of the Supreme Court a legislative forum rather than a judicial body, completely willing, because of its impatient zeal, to attain immediately by raw power, by mere majority vote of its members, its own notions of what the law should be.

I cannot approve of such a philosophy

which has no place, in my opinion, in a judicial body and I do not want to extend the life of that activist philosophy in our highest Court for perhaps 15 years, much less to strengthen it by promoting one who embraces it to a position of much higher judicial prestige and power.

I therefore strongly oppose the confirmation of Mr. Justice Fortas to be Chief Justice of the United States.

There are, of course, a good many other cases in which this same activist philosophy of Justice Fortas clearly appears and I shall discuss some of them in a later appearance. I now plan to deal in my second speech with four or five of the other Fortas decisions which I regard as indefensible. The cases which I plan to consider later are as follows:

First, the case of *Keyishian* v. *Board of Regents* (385 U.S. 589). In that case Mr. Justice Brennan wrote the majority opinion but the strong dissent was written by Mr. Justice Clark, joined by Justices Harlan, Stewart, and White. Justice Fortas was the swingman in this decision which was one of the 5-to-4 decisions of the Court. This is the case in which the Supreme Court ruled that the State of New York has no constitutional right by State statute to prohibit admitted Communists from serving as teachers in its public school system.

The second case which I plan to discuss later is *United States* v. *Robel* (389 U.S. 258) in which the majority opinion was written by Mr. Chief Justice Warren with strong dissent by Justice White, joined by Justice Harlan. This is the case in which the majority of the Court ruled that Congress, itself, has no constitutional authority to prohibit, by statute, admitted Communists from employment in defense plants.

The third case which I plan to discuss later, another 5-to-4 decision in which Justice Fortas was the swingman, is that of *Miranda* v. *Arizona* (384 U.S. 436) in which the majority opinion was written by Mr. Chief Justice Warren with a strong dissent by Mr. Justice Clark and other strong dissents by Mr. Justice Harlan—joined by Justices Stewart and White—and by Mr. Justice White—joined by Justices Harlan and Stewart. This is the case in which, reversing a conviction for kidnapping and rape, the majority of the Court bans a confession found by the jury and the trial court to have been voluntary and affirmed by the State supreme court. The majority opinion sets up new rules governing confessions which the four dissenting Judges state, forcibly, will help criminals, discourage law-enforcement officers and weaken the ability of the courts to enforce criminal laws.

The fourth case which I hope to discuss later is *Amalgamated Food Employees* v. *Logan Valley Plaza* (20 L. ed. 603). Mr. Justice Marshall wrote the majority opinion with strong separate dissents by Justices Black, Harlan and White and a special concurring opinion by Justice Douglas dissenting in part and concurring in part. This is the case in which the majority opinion held that the owner of a shopping center complex may not prohibit, by the use of an injunction, picketing within the private parking lot provided by the shopping center for the use of customers and employees of the businesses in the shopping center by members of a union who were complaining against one of the stores operating in the shopping center. The dissenting Justices strongly felt that the pickets were trespassing and that the majority of the Court was attempting to create a Court-made law. Justice Black well states the point in these words:

> To hold the store owners are compelled by law to supply picketing areas for pickets to drive store customers away is to create a Court-made law wholly disregarding the Constitutional basis on which private ownership of property rests in this country.

The fifth group of cases in which I may later discuss the Fortas decisions are those cases generally referred to as the obscenity cases. I think that this is a subject which requires separate and careful discussion and I shall not try to summarize it herein, but I must say now that in my judgment the position of Mr. Fortas on these cases is not in support of sound public morals and is impossible for me to approve.

Mr. President, in closing my remarks I wish to state again that my objection to the confirmation of Associate Justice Fortas to be Chief Justice of the United States is based on his philosophy as shown by his own decisions in the Supreme Court cases in which he has participated during the last 3 years. I have not named all of the cases in which I greatly disapprove of his position, but I have named six cases in which I think there is very small reason to hold that his opinion is other than that of an activist who wants to cut corners to get to a conclusion he favors and believes in, but for which there is no constitutional background and no statutory background upon which he can act in reaching that conclusion. To the contrary, he uses his own notions of what the law should be, and, impatient to reach that ideal of what he regards the law should be, he has declared it is the law even though it is against the Constitution in some cases or against the statutes in other cases.

I think it would be a great misfortune to our country and to its future, and the stability of our country to have as a Chief Justice for perhaps an additional 15 years one who holds this point of view.

Feeling that way, I strongly oppose the nomination of Associate Justice Fortas to be Chief Justice of the United States.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from California.

Mr. MURPHY. Mr. President, first of all, I wish to congratulate the distinguished Senator from Florida for the statesmanlike and scholarly lesson in past practices of the Supreme Court and for the background of constitutional authority which he has provided here today. I am particularly gratified because this presentation shows that this is a matter which the distinguished Senator from Florida has not approached lightly.

It displays a great deal of study, research, and preparation, along with his distinguished knowledge and experience in these matters. I congratulate him. I am pleased that I was able to be present in the Chamber in order to have the benefit of listening to him.

Now I should like to ask my esteemed colleague, if I may, whether he is as disturbed as I have been about what seems to be almost general practice in the Supreme Court, on what we might describe as split decisions an uncertainty, as demonstrated by 5-to-4 votes, votes that lead me and many of my colleagues to wonder whether there is definition and clear decision in those cases, whether there is a policy or governmental philosophy of individual Justices which is permitted to impair their decisions in some cases which should be made strictly on the basis of law. Is this not outside of, and beyond, and certainly not in keeping with the original design or desire of our Founding Fathers when they provided for the Supreme Court?

I believe I heard the distinguished Senator say that in one of the cases he mentioned, the language as written into the law was misread or misinterpreted, or the meanings were changed by some members of the Court.

I have seen that done on several occasions by some members of the bureaucracy in Washington, where some laws which I thought were clearly written were changed in their execution and when the guidelines are in, we often find meanings are interpreted into the law that did not exist certainly during the legislative background and discussion. This is bad enough; but does the Senator agree that in the case of the Supreme Court, might this not be a most dangerous practice?

Mr. HOLLAND. In answer to that question—and first I want to thank my friend for the compliments he has given me—I would say I think it is a highly dangerous practice and a highly improper practice to make the Constitution not the stable document upon which the growth, progress, prosperity, and future of the Nation is sturdily established but something subject to change by manmade, Court-made law, so ably referred to by Justice Black and Justice Harlan in the decisions which I read in part into the RECORD.

I think that for us to come to the stage where, instead of having a stable government based upon a written, stable constitution, we have, instead, the basic law which can be changed by a temporary majority of the Court, even by using words, by a method of semantics, by using words in different ways with different meanings from that intended in the Constitution, is most dangerous and creates the instability which I want very much to avoid in every possible way. It is for that principal reason I oppose very strongly the promotion of Mr. Justice Fortas to be Chief Justice of the United States.

He is 58 years old. I hope that he will live a long time. I hope that he will retain good health. He has been my friend since 1933, but I do not approve of his philosophy as shown by his legal decisions. My feeling is that to have that kind of philosophy in the ascendancy on the Supreme Court for an additional 15 years or more would be a disaster for this country of the first magnitude. That is the reason why I very strongly oppose the confirmation of the nomination of Mr. Justice Fortas to be Chief Justice of the United States.

Mr. MURPHY. Mr. President, will the Senator from Florida yield for another question?

Mr. HOLLAND. I am glad to yield to the Senator from California.

Mr. MURPHY. I wonder whether the Senator feels as I do, that in the actions of what he referred to as the activists, there is an apparent design or desire in some way to change the basic form or foundation of our Government, there has been over the past several years, an attempt, whether by design or just by happenstance, more and more to concentrate control of the Government in a centralized place in Washington, and little by little to take away from the States the rights which were guaranteed to them by the Constitution—yes, even the rights of individuals as guaranteed to the States under the Constitution. And has not this movement away from the original form been made possible, in some instances—and lately in many instances, by 5 to 4 decisions, whatever they are—by the Supreme Court?

Is this not having an effect upon our system of government and on the shape of the future of our constitutional system?

Mr. HOLLAND. Replying to the question of my distinguished friend, I think one cannot read the Federalist Papers—which I have read time and again, and know that the distinguished Senator has also—written by three of the ablest authorities on what the Constitution was designed to do, without realizing that no such uncertainty, no such instability, no such concept, no such possibility of change by overzealous people who so ardently desire some new step that they would cut corners to attain it, was ever in the minds of our Founding Fathers.

It is because I want to do away with the possibility of that kind of control in our Court that I feel as keenly as I do in this matter.

Before terminating my reply, I want to say to my distinguished friend that I think we are particularly fortunate in this case.

Generally, when a nomination reaches the Senate, it comes as affecting an able lawyer, one who has a good reputation as a citizen and a decent person, but who has had no such court experience as to give us an opportunity to see from his decisions just what his judicial philosophy is.

We have in this case what I think is a completely different situation. We have 3 years of decisions of an active jurist. In that time he made many decisions, many of them, I think, following clearly and closely the activist philosophy which I think is so dangerous to our country.

I feel, in spite of kindly personal feelings in this matter towards Mr. Fortas, that it is my duty to my State, to every State, and to all of the people of this country, after examining the decisions of Mr. Justice Fortas, and finding there the philosophy of which I so thoroughly disapprove, and which I fear, in that it affects so greatly the stability of our country, not only to oppose his confirmation but also strongly to call to the attention of the general public, as well as my colleagues in the Senate, the cases in which I think he has been so zealous to get something done which, for the moment, he thinks is something very much needed and worthwhile at the present time.

He has been so zealous in the effort to get it done, so impatient with the slow processes of constitutional government here in Washington and in the States, that he has cut corners and made Court-made law. Court-made law is as changing as the shifting sands on the seashore. Court-made law based on 5-to-4 decisions today may be swept away and all trace of it vanish tomorrow when there may be a change of one in the membership of the Court. That kind of instability does not make for a stable government which protects its own citizens and the States and its own security, protects private property, protects private enterprise. It makes, instead, for a changing background for our Nation which is a vastly different thing from the stability which the Founding Fathers were seeking and thought they had obtained when the Constitution and the Bill of Rights were adopted.

Mr. MURPHY. I thank the distinguished Senator and I thank him for the privilege of being here to listen to him today. I have learned a great deal. I shall reread this testimony in the RECORD tomorrow so that I really understand some of the bases, from his long experience as a lawyer, his long experience here in this Chamber, as a Governor of the State of Florida, and as my close friend, and, may I say, one of my first advisers when I first came to the U.S. Senate. I thank him for it.

Mr. HOLLAND. I thank my distinguished friend. I want to say for the RECORD that when the great States of Florida and California get together, the rest of the Nation had better look out.

I am glad to have the strong support of my distinguished friend from California, whose friendship I treasure so greatly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its readings clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

REPLY TO "THE WASHINGTON MERRY-GO-ROUND" COLUMN OF DREW PEARSON AND JACK ANDERSON OF JULY 24, 1968

Mr. ELLENDER. Mr. President, as is well known to Members of the Senate, I have been traveling for many years on behalf of the Senate Appropriations Committee on inspection tours of our Nation's operations abroad. Since 1956, I have been filing written reports of my observations with the Appropriations Committee, which have subsequently been printed as Senate documents. I believe these have been of value in acquainting Members of Congress and the general public with the extent of our endeavors abroad.

For the last several years, I have also taken a movie camera with me on my tours, and on my return have produced films related to the countries visited by me and the successes and failures of the projects undertaken by our foreign assistance program where appropriate. I believe these also have been of value in making our efforts abroad, and the problems faced by our Ambassadors and program administrators, more easily appreciated by Congress and the public at large. I have taken pride in always being as objective as possible in both my reports and the documentary films.

I have also made it a point to bear the cost of producing the films from private funds. The camera which I use is a Bell & Howell and it was purchased at my own expense. Each year I purchase the necessary 16-millimeter film direct from Kodak at the official Government cost.

On July 24, 1968, the authors of the widely distributed newspaper column "The Washington Merry-Go-Round," namely, Drew Pearson and Jack Anderson, chose to attack me through their column. I was accused of having these documentaries produced by the Department of Agriculture at public expense. The accusation is totally false.

Mr. President, I ask unanimous consent that the article in question be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ELLENDER. Mr. President, the

films in question were all made through the offices of the Senate Recording Studio. All Senators are familiar with this facility and I presume all use it to have tape recordings and other publicity materials made for distribution in their home States. At one time my films were also made entirely within the recording studio's facilities; however, a few years ago, one of the recording studio technicians who was engaged in the film work left the studio's service. In addition, the studio is not equipped for the production of finished motion pictures.

The recording studio therefore contracted with the U.S. Department of Agriculture to complete the work on my 1963 film and to assist in the production of those I had made in 1967 and 1968. The studio also dealt with a commercial film facility for some of the work done this year.

This is an entirely normal undertaking. The U.S. Department of Agriculture maintains one of the largest film studios and processing plants in our Government and does work for many other Government agencies and departments on a strictly reimbursable basis. This was the basis under which work was contracted for me by the Senate Recording Studio.

Mr. President, there are three films in question. The first is entitled "Africa Today," and was produced in 1963. Work was done on this film by both the Senate Recording Studio and the Department of Agriculture on a reimbursable basis. The Department of Agriculture billed the recording studio for a total of $7,840.72, for services performed from September to December in 1963. The recording studio then billed me on three separate occasions for the work done by the studio and by the U.S. Department of Agriculture. These bills included work performed by both facilities.

On September 12, 1963, I paid the studio $1,478.46. Of that total, $824.46 was attributable to the recording studio and $654 was attributable to the USDA for work done in July. The studio's receipt for my payment is numbered 13136.

On October 2, 1963, I made payment to the studio of $2,345.49. All of these charges were attributable to the USDA for work performed in August for the studio. The recording studio receipt for that payment is numbered 13317.

On December 19, 1963, total payment was made by me to the studio for all remaining charges. This was in the amount of $4,867.28. It included charges of $26.50 attributable to the studio and $4,840.78 attributable to the work performed by the Department of Agriculture for the studio during September, October, and November. That receipt from the studio is numbered 13658 and I ask unanimous consent that it, together with the other two 1963 receipts, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ELLENDER. In the fall of 1966, I traveled extensively throughout Latin America, and in 1967 I asked the recording studio to arrange for the production of a set of three films dealing with the countries and peoples of South and Central America. This the recording studio did by contracting with the Motion Picture Service Laboratory of the Department of Agriculture and the work was completed in the fall of 1967. The USDA billed the recording studio for a total of $11,000 and I made payment to the studio for that amount on October 26 of last year. The studio's receipt is numbered 18869 and I ask unanimous consent that it be made a part of the RECORD at the conclusion of my remarks

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ELLENDER. This year, 1968, after a visit to seven countries in South Asia, I returned with enough film for the production of two documentaries dealing with India and Pakistan, and Afghanistan, Iran, Nepal, Burma, and Ceylon. The work of processing these films was again performed through the offices of the recording studio, by contract with USDA and a commercial film laboratory located here in Washington. The facilities of the studio were also used. The total charges for my South Asian films amounted to $6,165.60. Of this, $1,846.80 was attributable to editing work performed through the Department of Agriculture's Motion Picture Laboratory in July, and $3,347.70 was attributable to work performed by a commercial film processor here in Washington. The balance of $971.10 was a charge made by the studio for in-house work.

Payment for these charges in the total amount of $6.165.60 was made by me to the studio on August 2, 1968. The recording studio's receipt is No. 19946. This payment was made after the appearance of the Pearson-Anderson column only because I desired to have all the charges at hand so that full payment could be rendered at one time.

Mr. President, I ask unanimous consent that the bill to me from the recording studio, together with receipt No. 19946 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. ELLENDER. On August 12, 1968, by check No. 48694, in the amount of $1,846.80, Senate disbursement was made to the Department of Agriculture, and that amount is indicated on the receipt I have just asked to have printed in the RECORD at the conclusion of my remarks.

Mr. President, on or about July 16 of 1968, several newspaper and news magazine reporters made inquiry at the Department of Agriculture as to the cost of producing these films and specifically as to who had paid this cost. I point out that this date was well before the publication of the Pearson-Anderson column of July 24. I am informed that Mr. Jack Anderson was one of those inquiring for this information and that on or about July 17, he was given a statement by the Department which set out the fact that these charges had been reimbursed to them by the recording studio. I ask unanimous consent that a copy of the Department's statement to that effect be printed in the RECORD following the receipts from the Senate studio.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. ELLENDER. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a summary of the receipts I have been referring to, indicating, in one column, the amount paid by me to the Senate studio, and in another column the amount the Senate studio paid to the Department of Agriculture. The total amount shown in the right-hand column corresponds to the $20,687 mentioned by Mr. Pearson and Mr. Anderson in their "Washington Merry-Go-Round" column of July 24, 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. ELLENDER. Inasmuch as the Pearson-Anderson column accuses me of having "worked out a unique scheme for letting the taxpayers pay for his amateur movies," and that "the taxpayers foot the bill" for my productions, and that the three films have "cost the taxpayer $20,687," and, in short, that the Nation's taxpayers have borne the expense of producing these three films, I believe that a retraction of that false and erroneous accusation is definitely in order. Furthermore, since Mr. Pearson and his colleague were made aware of the facts, which were also given to the other newspapers and magazine reporters, and since they chose to make this accusation even though the truth of the matter to the contrary was in their hands, I can only conclude that they chose to falsely and viciously libel me for reasons of their own.

EXHIBIT 1

[From the Washington Post, July 24, 1968]

PUBLIC PAYS FOR ELLENDER'S MOVIES

(By Drew Pearson and Jack Anderson)

The Senate's most indefatigable sightseer, 77-year-old Sen. Allen Ellender, (D-La.), has worked out a unique scheme of letting the taxpayers pay for his amateur movies.

Ellender totes a movie camera around the world and takes dozens of reels for the wonderment of those at home who, out of respect for his Senate seniority, let themselves be collared into attending his illustrated lectures. He also packs a supply of little black notebooks, in which he jots his most trivial impressions, later to be published at the taxpayers' expense as official Senate reports.

It has always been thought that Ellender's movie-making was a personal hobby paid out of his own pocket. But the secret has now leaked out that the taxpayers also help foot the bill for "Ellender's Productions."

As Senate Agriculture chairman, Ellender has enormous influence over the destiny of the Agriculture Department. It may not be altogether surprising, therefore, that one of the Agriculture Department's unmentioned services for the Nation's farmers is to process Ellender's movies.

The Agriculture Department splices Ellender's fascinating footage, and adds a sound track featuring the voice of none other than Allen Ellender—narrating his own travelogue. For three films this has now cost the taxpayers $20,687.

The Agriculture Department is prohibited from doing work for individuals, so Ellender arranged for the department to bill the Senate Recording Studio. This is a technicality which saves the taxpayers exactly nothing.

Ellender's first effort to make a travelogue out of his home movies, back in 1963, cost the taxpayers $7,840. The taxpayers paid $11,000 last year for a lengthier Ellender Production. And he has just completed a short documentary of his latest trip for $1,847. He expropriated the Senate caucus room the other day for a preview, which was attended by dutiful Senate employees, a few Senators who couldn't think of an alibi and one or two devoted Ellender fans.

NOTE: The main attractions in Ellender's travelogues, according to first nighters, are scenes of native markets.

Exhibit 2

U.S. Senate, Office of the Sergeant at Arms, Recording Studio,
Washington, D.C.

[Check receipt No. 13658]

For credit to the account of Senator Allen Ellender.

Date: 12/19/1963.
Check No. 64.
Dated: 12/18/1963.
Amount: $4,867.28.
Check drawn by Senator Ellender.
Name of bank: Bank of Terrebonne & Trust Co.
Address of bank: Houma, La.

U.S. Senate, Office of the Sergeant at Arms, Recording Studio,
Washington, D.C.

[Check receipt No. 13136]

For credit to the account of Sen. Allen J. Ellender.

Date: 9/12/1963.
Check No. 60.
Dated: 9/12/1963.
Amount: $1,478.46.
Check drawn by Allen J. Ellender.
Name of bank: Bank of Terrebonne & Trust Co.
Address of bank: Houma, La.

U.S. Senate, Office of the Sergeant at Arms, Recording Studio,
Washington, D.C.

[Check receipt No. 13317]

For credit to the account of Senator Allen J. Ellender.

Date: 10/2/1963.
Check No. 610.
Dated: 10/1/1963.
Amount: $2,345.49.
Check drawn by Allen J. Ellender.
Name of bank: Bank of Terrebonne & Trust Co.
Address of bank: Houma, La.

Exhibit 3

U.S. Senate,
Office of the Sergeant at Arms,
Recording Studio,
Washington, D.C.

[Check receipt No. 18869]

For credit to the account of Senator Allen Ellender.

Date: October 26, 1967.
Check No. 136703.
Dated: October 23, 1967.
Amount: $11,000.00.
Name of bank: Whitney National Bank.
Address of bank: New Orleans, La.

Exhibit 4

U.S. Senate,
Office of the Sergeant at Arms,
Recording Studio, U.S. Capitol,
Washington, D.C.

[Statement of your account July 31]

Senator Allen J. Ellender,
Old Senate Office Building,
Washington, D.C.

COMPLETION OF FILM ON SOUTH ASIA

	Amount
May 14, 1968: Processing original footage, work print including edge numbering, narration, and sound recording	$971.10
July 8, 1968: Processing and production (Capital Film Lab)	2,341.48
July 25, 1968: Four release prints with reel, can, and case	1,006.22
July 30, 1968: Editorial labor (Department of Agriculture)	1,846.80
Total	6,165.60

U.S. Senate,
Office of the Sergeant at Arms,
Recording Studio,
Washington, D.C.

[Check receipt No. 19946]

For credit to the account of Senator Allen Ellender.

Date: August 2, 1968.
Check No. 140178.
Dated: July 31, 1968.
Amount: $6,165.60.
Check drawn by: Bank of Terrebonne and Trust Co.
Name of bank: Whitney Nat'l. Bank.
Address of bank: New Orleans, La.

Exhibit 5

Questions Asked of the U.S. Department of Agriculture Concerning Senator Ellender's Films, and Answers Supplied by the Department—July 17, 1968

1. How many times has the USDA graphics lab processed color film, or black and white, taken by or for Senator Ellender on trips overseas?

USDA has not processed any original film, color or black-and-white for any Member of Congress, including Senator Ellender.

We have performed other lab and production services in connection with processing secondary or "work-print" film, finishing motion pictures, etc., for Senator Ellender thru the Senate Recording Studio.

2. Did a government photographer take any of the footage for the Senator, or was the USDA's role confined to processing the film?

No photographer from USDA took any of the footage.

USDA helped complete the films on order of the Senate Recording Facility, and assisted in editing and sounding the films on the same order.

The Department's Motion Picture Service laboratory has processed film for Senator Ellender on order of the Senate Recording Facility as follows:

Exhibit 6

SUMMARY OF USDA-SENATE RECORDING STUDIO CHARGES FOR WORK ON AFRICAN FILMS

Senate recording studio receipt No.	Date	Receipt total	Breakdown of charges		
			Recording studio	USDA	
13136	Sept. 12, 1963	$1,478.46	$824.46	For July billing	$654.00
13317	Oct. 2, 1963	2,345.49		For August billing	2,345.49
13658	Dec. 19, 1963	4,867.28	26.50	For September, October, and November billings.	4,840.78

SUMMARY OF USDA-SENATE RECORDING STUDIO CHARGES FOR WORK ON LATIN AMERICAN FILMS

Senate recording studio receipt No.	Date	Receipt total	Breakdown of charges		
			Recording studio	USDA	
18869	Oct. 26, 1967	$11,000.00		For October billing complete	$11,000.00

SUMMARY OF USDA-SENATE RECORDING STUDIO CHARGES FOR WORK ON SOUTH ASIAN FILMS

19946	Aug. 2, 1968	$6,165.60	[1] $4,318.80	For July billing	$1,846.80
Total payment made to USDA					20,687.07

[1] Includes $3,347.70 in charges made by Capital Film Laboratories, Washington, D.C., to the recording studio.

This work was done under regular Government-wide authorities and procedures for one Government agency to perform work for any other Government agency with appropriate reimbursement.

3. What would the cost of the USDA's film servicing for Ellender be in commercial terms, i.e., what would a commercial studio and/or photographer have charged?

It is not feasible for USDA to answer this question with any degree of accuracy, mainly because of imponderables of cost contributing factors, such as:

a. How much research would a commercial firm, as compared to a knowledgeable Government specialist have to do, and charge for, in preparing the footage for editing?

b. How much consultation with principals at the Senate Recording Studio or in the Senator's Office would a commercial firm require, and charge for?

c. How much review of work print, rough cut, interlock version, etc., by the principals would be needed, and charged for?

d. What would one commercial firm's rates be at the moment of contracting, depending on the firm's own workload?

In general, USDA film rates compare favorably with median commercial rates in the 16mm non-theatrical field.

4. As of July 15, had Senator Ellender paid the USDA for any of this service?

The Department has received payment for items A and B under question No. 1.

Payment for item C is pending because the work has just been completed.

In due course payment will be forthcoming as was in the case for the work done in items A and B.

5. Has this service been rendered by the USDA for any other Congressmen?

Not of this precise nature. From time to time in years gone by technical film services including loan or sale of stock film, sound recording, etc., have been made available to the Senate and House Recording Facilities.

	Completed picture footage (feet)	Subject of film	Year of assistance	Payment by recording
A	[1] 4,164	Economy of Africa	1963	$7,840
B	[1] 2,532	Economy of South America	1967	11,000
C	[2] 1,440	Economy of South Asia	1968	[2] 1,847

[1] Includes film editing, sounding, and titling work.

[2] Film editing only, no processing.

THE NEED FOR FEDERAL ENCOURAGEMENT OF A LONGER SCHOOL YEAR IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

Mr. ELLENDER. Mr. President, although I have served for many years as chairman of the Committee on Agriculture and Forestry and as a member of the Appropriations Committee, I have maintained a lifetime interest in furthering and promoting the educational system of our Nation. Recent events have caused a renewal of my interest and I believe it is time that serious thought be given to encouraging long-needed changes in our system of public education.

Although I am no longer a member of the Committee on Labor and Public Welfare which normally handles educational matters, I served as an active member of that committee from 1937 to 1949. During that period, I sponsored and helped in the drafting of the first two bills providing a program of general financial assistance to our public elementary and secondary schools. The measures were the first general aid-to-education bills to pass the Senate in over 100 years. These were S. 472 and S. 479, which won Senate approval in 1947 and 1949, respectively.

Long before coming to the Senate, I was very active in education programs in Louisiana. This was both before and after I became a member of the State legislature. I advocated stronger State and local efforts in the field of school consolidation. At the same time, I worked to increase the support of our poor localities by those areas of the State which had more natural resources and wealth at their command. My belief was that no matter where a child lived in Louisiana, he was entitled to receive a fair amount of education. During the depression many of our local school districts suffered simply because there was not a sufficient tax base to support a viable educational system. I believe that Louisiana was the first State in the Union to enact a State equalization formula to provide equal support to all of its school districts, whether rich or poor.

As I said, recent events have served to renew my interest in this field. One of these events was the urban rioting that seems now to be with us every summer. All the investigations of these riots have showed many of the patricipants to be very young, which leads me to the thought that one of the prime considerations should be ways and means to get the children off the streets in the summertime and to give them something constructive to do. This thought is echoed by almost all of those who have pondered the question.

Most of the solutions proposed to date have been aimed at providing some sort of summer jobs or providing access to vocational training. These are all well and good, but starting summer programs to make any appreciable impact on the problem is a difficult task and seems to be of marginal long-term value at best. It seems to me that what is needed is for some thought to be given to new solutions to these problems. This holds true not only for education, but more or less across the board. It is becoming an accepted fact that most of the old proposals are not working, that they are very expensive, and that radical changes are needed in the way the various social agencies function.

A second reason that has caused my renewed concern in our educational system can readily be appreciated by those aware of the rapid increase in construction costs in this country. This is an especially important item that must be considered by every school district through the land, as more and more funds for education are sought every year. Our current policy boils down to one of "build and build more." In the process we have created an educational plant worth untold billions of dollars. At the same time, we have allowed this plant to be operated in a most costly and inefficient manner.

For any private corporation to invest millions of dollars in constructing a productive facility, which is what a school building is, and then allowing it to remain idle for 3 to 4 months out of the year would be unthinkable. Yet that is what we allow in our lower elementary systems today, and the cost is measured not only in dollars but in lost opportunities and lost education for our children. This is the crux of the argument which I shall develop from here out.

In this past school year of 1967–68, our Nation has invested from all sources, about $31.7 billion in public elementary and secondary education. Of this amount approximately $2.6 billion, or 8.1 percent, was derived from Federal sources. This compares with the figures of only 10 years ago when $13.9 billion was spent for the same type of education with only $700 million, or 4.3 percent, being derived from Federal sources. Let me make it plain that I am not advocating Federal control of our local educational systems. Unfortunately we are seeing this control exercised in a variety of social endeavors, as well as in our schools. It seems to me that in the area under discussion the Federal dollar leverage could be put to a far greater and more productive use.

As I said, the crux of my statement today is that our Federal agencies—primarily the Office of Education, but others as well—should be directed to work with and through the State and local authorities to encourage the movement away from a two-semester system of lower education and to a system which would put the resources of our Nation, the talents of our teachers and administrators, and the time of our students to better use. The two-semester system is based on a school year of 180 days out of a possible 260 weekdays in the year. There are many obvious advantages to such a change and I will discuss some of them here today. I will also lay before the Senate some of the plans that have already been evolved by educational officials in the State and Federal Government.

It seems to me that the most obvious advantages include first, the lowering of the per pupil education cost and, second, the fact that a longer school year would make it possible for our students to complete school earlier. In other words, we could educate more children for less money and get it done more quickly. Tangentially, but still important, advantages would be the provisions of better learning environment for students with different learning abilities, more continuity, better use of teaching talent, a realistic attack on urban social problems, and a labor force more easily absorbed by our economy.

LOWER COST PER PUPIL

Depending on the specific plan used, the school year could be extended from the present 180-day minimum to as much as 225 days. The immediate and obvious economic advantage is the use of the school plant itself that would otherwise lie dormant, or very much underutilized, at least 3 months a year. Using these buildings would not increase the capital outlay, but would increase by one-third the educational production—if not the number of students, the quality of education given these students.

Much of the school budget operates on a year-round basis, that is, administration, insurance, maintenance, and interest, and the continued use of the school buildings would see an immediate effect in spreading the overhead expenses over a 12-month period rather than a 9-month period. The long-range effect would be, of course, less capital outlay for each child. A good example of this savings came from Los Angeles in 1963, where the school board estimated the year-round school "would save more than $200 million in building costs during the next 10 years." With fewer schools constructed, land otherwise needed would remain largely privately owned and therefore on tax rolls, or could be devoted to other public purposes.

Under the 4-quarter plan that increases enrollment per year by one-third, we can see better use of materials such as equipment and textbooks. The rapid rate at which these basic tools of education are outdated makes using them for four groups of students per year instead of three groups an economic advantage.

One comparatively small, but significant savings could be calculated from teachers retirement funds, which the States pay from one-third to one-half. Though those funds would not be reduced, the greater number of students that one teacher would instruct during a calendar year would again show the decrease in per pupil cost of education.

Now, it is true that school during the summer months in many States would necessitate air-conditioning of most buildings. The tremendous expense is obvious, but when compared with the present waste, long-range construction reduction, and interest savings, the expense can be justified. According to some recent studies, new air-conditioned school buildings actually cost less to build, operate, and maintain than the conventional schools.

Increased expense would also occur in extra administration, teachers' salaries, and maintenance, but would not effect the per pupil cost in the long run. The change itself, involving curriculum rearrangement and reevaluation, would be expensive. At the college level, greater cost could be expected in the form of extra registration periods and rewriting of catalogs. In the final analysis, however, extending the school year will cost the taxpayer less money to educate each student, because of the increase in operating efficiency.

EARLIER GRADUATION

Depending on several options under various plants to institute the extention of the school year, students could graduate 1 or 2 years earlier than normal. While opponents object to the possible immaturity of the younger graduate, education is probably the best indicator of maturity. The extra enrichment programs provided at different levels assures a more mature graduate.

One potential benefit in an earlier graduation is that it lessens the chances of students dropping out of school. If at 15, a student is 1 or 2 years closer to graduation, he would consider staying in school more seriously. Even if his decision is not to continue, he still has the advantage of an extra year of education. This can be illustrated by the student who completes the 11th grade and then drops out. Under the extended school year, at the same age, the student would have graduated from high school. Estimates from one State board of education shows a 50-percent decrease in dropouts after the student enters high school.

The long-range advantage to society is a better educated population. At whatever age a person quits school, he has more education under an extended school year plan than under the present system. Job opportunities increase with each additional year of school, so many of hard core unemployment problems would be solved. In turn the pressure of social unrest which is concentrated in our large cities could be somewhat reduced.

BETTER LEARNING ENVIRONMENT FOR BOTH THE SLOW STUDENT AND THE STRONG STUDENT

A serious problem to be faced by the teacher and parent of a slow-learning child is whether or not to have the child repeat a grade in school. Social problems develop when a child is retained and often he becomes bored with the subjects he knows best. Many times, he might be perfectly capable in spelling and writing, but need extra help in arithmetic.

Under various plans for extending the school year, this slow pupil might repeat arithmetic, but stay with his classmates in other subjects. Or with many of the rotation plans, he might be held back one-quarter of one-trimester, but not a full year. Rotation plans allow students to enter school in the quarter nearest his 6th birthday. This eliminates age differences of up to 1 year in each grade level. The change to a different group, whether due to slow learning, excessive absences, or health, could be made much easier.

The advantages to the slow pupil in extending the school year accrue equally for the bright pupil. If the child is particularly adept in one area, he might take advanced courses along with his normal work. He would not have to adjust to the social level of children a year older, nor experience the pressure he might find in some subjects.

The student could skip a quarter, but another favorable alternative is simply skipping one of his vacations and continuing with the group just ahead of him. Thus he is not missing any basic material which he would under the present process of grade skipping.

THE CONTINUITY OF THE LEARNING PROCESS

A distinct and obvious advantage to the extended school year is the increased continuity of the learning process. Teachers frequently complain that the first few weeks of school are always a substantial adjustment for the student and too much time must be spent reviewing. This problem would, of course, be eliminated by a continuous school program.

Some opponents argue that children need this rest and relaxation from school, saying also that their health might be impaired. No definitive evidence has been found, however, that supports this assertion. On the contrary, 51 countries around the world have an average elementary school year of 210 days and an average secondary school year of 204 days, and this experience has shown a favorable progress in the student's education.

Even in the United States, children in both elementary and secondary schools attend special classes voluntarily when these opportunities are offered. Evidence from students in programs in New Jersey and Tennessee shows better medical reports on the students due to the regular school routine, supervised exercise, and well-balanced meals, et cetera. For underprivileged children, these essentials are particularly important.

Breaking up the time-honored tradition of the summer vacation into shorter periods spaced over the year is really little to ask when one considers the importance of education in our increasingly complex society and the advantage the continuity of the extended school year can give the individual student.

INCREASED UTILIZATION OF THE TEACHING PROFESSION

Moving toward fuller utilization of the teaching profession is another advantage to extending the school year. Presently, these highly trained and skilled people must look for temporary employment 3 months out of the year, often doing mere manual labor. Not only does this cause the profession to suffer in prestige, but the valuable services of these teachers are being wasted. In no other comparable profession does this problem exist.

The average salary of the teacher is $7,320. This further adds to the difficulty of attracting highly qualified people into the profession. Forty percent of married male teachers find they even need to supplement their salary with additional employment during the school year. Since the average public schoolteacher has approximately 4.7 years of college education, it is a paradox that they must be subjected to such a financial crisis.

The extended school year could provide the profession with the prestige it deserves as well as give the teacher the security of a full-time job. Because the total per pupil cost of education would be lessened by increasing educational productivity by 25 to 33 percent under extended year plans, teachers could be paid more while the taxpayers still saved money. In addition, teaching schedules could be adjusted to allow time for the individual instructors to pursue further professional work to maintain and increase his competence.

HELPS CURB SOCIAL PROBLEMS OF THE GHETTO

Extending the school year will have an immediate effect on curbing some of the social unrest in big cities. If energetic young students cannot find a summer job or otherwise occupy their time constructively, the result is often trouble in the community. From innocent pranks, these young people frequently go on to real trouble with the law, usually for the simple reason that they "have nothing to do."

By instituting a continuous school program, wasted time is channeled into the education of the student. Even if under some plans, a portion of the students do have a vacation intermittently through the year, the fewer number itself would do much to curb the problem. Some plans even provide school-related jobs for the vacationing student.

Though change is balked at, and it is true that some inconveniences might be experienced under this new design of the school year, the advantage to these youngsters cannot be overlooked. Nor can the imprint made on society be ignored. The unrest in the ghettos can mushroom into full-scale riots which we have witnessed here in our own city. To solve the problem, we must begin at the ground level, and improving and extending education is a step that should be given high priorities.

HIGH SCHOOL GRADUATES BECOME EMPLOYABLE FOUR TIMES A YEAR

The flood of graduates that presently hit the labor market every year in June is a real problem to both private industry and Government. But with a quarter system or similar plan, students would graduate four times a year instead of once, thus relieving pressure on both sides.

The student entering college would also find an advantage since all freshmen would not begin at one time during the year. Enrollment slacks off during the second half of the year in almost every institution of higher learning, so high school graduates could be more easily accommodated. Since many universities now are experimenting with quarter or trimester systems, coordination of the public school system and higher education could be more easily accomplished.

In each case, entering the labor market or continuing education, the high-school graduate can be absorbed more easily at intervals throughout the year than during 1 month of the year.

In the course of preparing this address, I caused a survey to be made of the various plans that have been designed for extending the school year. These are as follows, and I ask that a table, setting forth the characteristics of these plans, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

I. THE CONTINUOUS SCHOOL YEAR PLAN

This plan is designed for use in elementary schools only, K to 6, 1 to 6, or 1 to 8. There are no divisions in the 203–216 day school year, but during July or August class time is cut to 4 to 4½ hours. With fewer teacher changes and more time, each student is expected to progress at his maximum rate. An average pupil would complete grades 1–6 in 5 extended years.

The continuity of the learning process is a distinct advantage in this plan. Vacation time is limited to 6 or 7 weeks and the concentration is on development of basic skills.

II. THE TWO SEMESTER PLUS MODIFIED SUMMER SCHOOL PLAN

As the name implies, this plan adds a modified summer school of 35–40 days on to the normal two 90 day semesters. It would serve grades 7–12, 8–12, or 1–8. By attending the summer session, pupils can either take remedial courses to make up for poor work during the normal year, or take advanced courses, therefore being able to graduate sooner. The average pupil attending 4 or 5 summer sessions could save one school year out of six.

Only 4 weeks of vacation are planned, thus insuring the continuity of the learning process.

III. THE TRIMESTER PLAN

The school year is extended to 210 to 225 days under the Trimester Plan, divided into three 70–75 day sessions. Adjustment of class periods or the length of the day makes each trimester equivalent in instructional time to the regular semester. The extra terms accrued over the years in this plan are designated "E" terms. Students have the option of using "E" terms for remedial work, enrichment programs, work experience, or speeding up their graduation.

IV. THE QUADRIMESTER PLAN

Four continuous quadrimesters extend the school year from 204–220 days under this plan. Grades included are 7–12, or K–6, 8–12, 9–12. Though normal student could graduate earlier, they also have the option of "E" terms in which they pursue selected enrichment programs. By graduating students 4 times a year, the labor force can more easily take care of these new employables.

V. THE EXTENDED K TO 12

This plan is the only one designed to cover grades K to 12. Normal school days run throughout the 204–225 day year. While there are no divisions at the elementary level, there are 3 or 4 in secondary school. Extra instructional time at the lower level is used to reduce the frustration of the slow student and used to enrich the education of the strong student. One year is saved at the secondary level, thus graduation is one year earlier than usual. 2–3 "E" terms are provided at the secondary level.

CHARACTERISTICS OF SELECTED EXTENDED SCHOOL YEAR DESIGNS

Characteristic	The continuous school year plan	The 2 semester plus modified summer school plan	The trimester plan of school organization	The quadrimester plan of school organization	The extended K to 12 plan of school organization
Length of the extended year	203 to 216 days	Regular 180 days plus 35 to 40 day summer segment.	204 to 225 days	204 to 220 days	204 to 225 days.
Length of the school day	Normal hours September to June; 4 to 4½ hours July or August.	Normal hours September to June; 3½ to 4 hours July or August.	Normal hours September to June; 4 to 4½ hours July or August.	Normal hours September to June; 4 to 4½ hours July or August.	Normal school days.
Divisions in school year	None	2 90-day semesters plus a 36 to 40 day summer segment.	3 70 to 75 day trimesters	4 continuous quadrimesters	None in elementary school, 3 or 4 in secondary school.
Grade levels included	K to 6, 1 to 6, or 1 to 8	7 to 12, 8 to 12, or 1 to 8	7 to 12, 8 to 12, or 9 to 12	7 to 12, or K to 6, 8 to 12, 9 to 12.	K to 12.
Time required to effect savings in classrooms, teachers, and dollars.	5 to 6 years	3 years for grades 9 to 12, 5 years for grades 7 to 12.	1 to 1⅓ years	2 to 2¼ years	1⅓ years to 2¼ years.
Time required to become self-sustaining.	do	5 years	Self-sustaining after 1st adjustment year.	After 1 year in 3 and 4 year quadrimester, after 2d year in 5-year quadrimester.	May become self-sustaining in 2d year.
Vacations beyond normal Christmas and spring recess.	6 to 7 weeks	4 weeks	4 to 7 weeks	4 to 7 weeks	4 to 7 weeks.
Number of "E" terms	No "E" term equivalent	None	3 in 5-year plan, 2 in 4-year plan, 1 in 3-year plan.	in 5-year plan, 1 in 4-year plan, 0 in 3-year plan.	Elementary pupils may accumulate 220 to 280 extra days of schooling with secondary pupils having 2–3 "E" terms.
Advantages	Pupils have fewer teacher changes. Pupils have more time in their formative years to master skills required for success in later years. The program is built on a philosophy that continuous progress will become a reality.	Programs are more than remedial. Summer segment is integrated with regular school years so pupils are free to take new or advanced courses in the regular school year. Gives more continuity to entire school program.	Classrooms, special areas, and teachers are released in 1⅓ years. Pupils have up to 3 extra "E" terms. Pupils can use options for work experience or to enter college at other than normal September entry. Reduces dropout rate.	Classrooms, special areas, and teachers are released in 2 to 2¼ years. Pupils have up to 2 "E" terms. Pupils can use options for work experience or to enter college at other than normal September entry. Reduces dropout rate.	Provides more educational opportunities to all types of pupils. Dropout rate reduced. Releases classrooms, special areas, and number of instructors required in 1⅓ to 2¼ years. Pupils can use options to obtain work experience or to enter college at other than normal September entry. Keeps all children on same school calendar.

Source: Economy and Increased Educational Opportunity Through Extended School Year Programs prepared by the University of the State of New York, the State Education Department, Office of Research and Evaluation.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. MILLER. Mr. President, on each Senator's desk is a copy of Executive Report No. 8 containing the views of a majority of the members of the Committee on the Judiciary plus individual views by the chairman of the committee, Senator EASTLAND, by Senator McCLELLAN, by Senator ERVIN, and by Senator THURMOND. Each of the individual views strongly dissents from the favorable report by the majority that Mr. Justice Fortas be confirmed by the U.S. Senate as Chief Justice of the United States.

I understand that copies of this report have been made available to the press.

The majority opinion of the Judiciary Committee is so lacking in merit as to make it impossible for the Senate as a whole to prudently exercise its responsibility under the Constitution to advise and consent to this nomination.

The distinguished majority leader said yesterday that he doubts that the Senate has had more time to consider or more information available on which to base a decision on the qualifications of any judicial candidate than in the case of the pending nomination. This misses the mark. It may be true that the Judiciary Committee has had the time and information, but the Senate itself has not. Moreover, it is well known that many Senators give great weight to the report of one of its committees. When a majority of one of these committees renders a report which is superficial and unresponsive, and when a number of the members of that majority prejudged the case before hearing the evidence, the Senate itself is not in a position to give this nomination the consideration it should have. The nomination should be referred back to the committee so that the majority can render a new report which will measure up to its responsibility to the Senate.

This is not, as the distinguished majority leader suggests, a question of the

Senate evading its obligation. It is a question of a majority of the Judiciary Committee, as evidenced by its opinion, evading its responsibility to the Senate.

When the distinguished majority leader intimates that a group of Senators may frustrate the Senate indefinitely in the exercise of its obligation, I suggest that he look first to the group of Senators joining in the majority opinion of the Judiciary Committee. And, to use the majority leader's words:

> They presume great personal privilege at the expense of the responsibilities of the Senate as a whole, and the expense of the constitutional structure of the Federal Government.

As the distinguished majority leader has said, the Senate had an opportunity to adjudge Mr. Fortas' qualifications when he was confirmed some 3 years ago to sit on the Court as an Associate Justice. But a lot of opinions, decisions, and outside activities have occurred since that time, and it is these matters which are involved—not ancient history.

The majority leader said yesterday that one does not have to agree with every legal opinion Mr. Fortas has held or expressed to recognize that his legal competence is outstanding. This is true, but it is not responsive to what is involved. Legal competence is not being called into question. Excellence in writing and scholarship are not involved.

The distinguished majority leader is in error when he says that Justice Fortas has the unequivocal endorsement of the American Bar Association. He does not, as I shall presently show.

The majority leader said that to consider the Office of President as coming to an end at the point when it becomes clear that he will cease to be President at a specific time is to demean the Office and to invite disrespect. One can just as well turn the phrase by saying that the President, by the manner in which this nomination has been handled, with the Chief Justice telling the Senate, in effect, that it will confirm the nomination of Mr. Fortas or else he will not retire, is trying to demean the Senate and invite disrespect for the Senate.

The majority leader deplores what he terms the "sensationalism" that some have generated with respect to the issue of pornography. It is to be deplored that the nominee, by joining in decisions of the Supreme Court which have been abhorrent to the moral standards established by our States and local communities, has laid the foundation for this sensationalism. It is the nominee's judgments—not Members of the Senate—which are the cause. Nor will it do to point out that Mr. Justice Fortas cast the deciding vote upholding the conviction of Mr. Ralph Ginzburg for the dissemination of pornographic material, and then to ignore his participation in 22 other decisions reversing convictions in obscenity cases. I suggest the majority leader read the views of the distinguished Senator from Arkansas [Mr. McCLELLAN] which gives an indepth analysis of this point.

The distinguished majority leader misses the mark when he merely refers to the $15,000 fee for nine lectures as "unfortunate." He should have commented on it in relation to all of the facts surrounding the matter and, particularly, in relation to the canons of judicial ethics. This he did not see fit to do.

It is apparent that the majority leader's views have been strongly influenced by the opinion of a majority of the Committee on the Judiciary. And so he says that the pending question is whether the Senate should consider the nomination. The answer is that the Senate is not in a position to prudently consider the nomination because of the failure of the majority opinion to responsibly consider the issue's developed at the hearings of the committee.

A careful reading of the entire report of the Committee on the Judiciary—all of the views expressed—compels the conclusion that the majority opinion, for all the sincerity that undoubtedly supports it, is nothing but a superficial effort to rubberstamp a nomination made by the executive branch of our Federal Government. It completely fails to measure up to the standards of thoroughness, depth, perception, and, especially, independence which should characterize a committee of the U.S. Senate. It is to be regretted that the majority opinion could not have been written after reading the individual views, for if it had been, the conclusion might well have been different. And even if the conclusion might not have been different, at least the opinion would have been responsive rather than superficial. As it is, those who joined in this opinion are saddled with it, and I suggest that the only way they will be able to excuse their action will be to reverse their untenable position and earnestly request the President to withdraw this nomination to save him, Mr. Justice Fortas, and themselves from further embarrassment.

The majority opinion places first and foremost as its basis for recommending confirmation the letters from Mr. William T. Gossett, president of the American Bar Association, and Mr. Bernard G. Segal, president-elect of the American Bar Association. Mr. Gossett says that we need a Chief Justice who would "command the support of the country." This is an interesting way to discredit the incumbent Chief Justice, Earl Warren. Also, Mr. Gossett apparently does not realize that the Gallup poll published July 10 of this year discloses that only 36 percent of the public give a favorable rating to the Supreme Court, of which Mr. Justice Fortas is a member. Mr. Gossett does not attempt to demonstrate how the 64 percent of the public which has an unfavorable opinion of the Supreme Court would change its opinion by merely promoting Mr. Justice Fortas to be Chief Justice. Nor does he appear to open his eyes to the fact that one reason why the Court has lost the support of two-thirds of our people just might happen to be the "conception of the role of the judicial process in our society" revealed by the opinions, decisions, and outside activities of Mr. Justice Fortas.

Mr. Segal says that the opinions by Mr. Justice Fortas since he has been on the Court have been tempered with "commendable judicial restraint," but he fails utterly to support this glittering statement by any examples. On the other hand, the individual views are replete with examples of lack of judicial restraint. Surely, as a practicing lawyer, Mr. Segal must know that a mere allegation, completely unsupported by any evidence whatsoever, is without merit.

These statements by two high officials of the American Bar Association, of which I have long been a member, do not speak for the Nation's lawyers and judges. But they render a disservice to the association by their naivete, their lack of awareness of the issues that have arisen over this nomination, and their unresponsiveness to those issues.

The next authority cited by the majority opinion is a report by the ABA Committee on Federal Judiciary, called into session before its members had an opportunity to review the hearings testimony before the Senate Judiciary Committee, which says:

> Our [ABA] committee is of the view that Associate Justice Fortas is highly acceptable from the viewpoint of professional qualifications.

Without the facts before its members, this committee's opinion is quite obviously unresponsive and lacking in the very professional approach it is supposed to find in the nominee himself. Nevertheless, the letter from the committee chairman, Albert E. Jenner, carefully points out—page 2 of the hearings:

> Our responsibility [is] to express our opinion only on the question of professional qualification, which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education and demonstrated legal ability. It is our practice to express no opinion at any time with regard to any other consideration not related to such professional qualification which may properly be considered by the appointing or confirming authority.

Nothing is said about the judgment of Mr. Fortas, and apparently the ABA Committee on Federal Judiciary is quite content to ignore the correctness or incorrectness, the sustaining or overturning of long-established rules of law and interpretations of the Federal Constitution, the wholesomeness or unwholesomeness of judgments reflected in Justice Fortas' decisions. These are outside the purview of the committee's consideration and are left, instead, for consideration by the confirming authority—the U.S. Senate.

Nothing is said about the outside activities of Mr. Justice Fortas which disclose a lack of appreciation for the independence of the Judiciary from the executive branch of our Government. That is a consideration—so far as the ABA committee on the Federal Judiciary is concerned—for the confirming authority—the U.S. Senate.

Nothing is said about the failure of Mr. Justice Fortas to appear before the Senate Judiciary Committee to answer the question raised over what appears to have been a conflict of interest in his participation in a decision affecting one of his former clients. The reason nothing was said, of course, is that the ABA committee held its meeting before, rather than after, the evidence was in.

Nothing is said by the ABA committee about the evidence before the Senate committee that Mr. Justice Fortas appears to have violated the canons of judicial ethics in his acceptance of a $15,000 fee for giving nine lectures to 17 students at American University Law School. The evidence discloses that he gave only eight of the nine scheduled lectures, and that juvenile court judge, Orm W. Ketcham, gave the other one gratuitously. It also discloses that the $15,000 was paid from a quiet fund of $30,000 financed by five wealthy individuals who, with their many large corporate interests, were clients of Mr. Justice Fortas before he went on the bench and have remained clients of the Fortas firm of which Mr. Fortas' wife is still a member. Details on this matter are set forth in part 2 of the hearings for September 13 and 16.

But, of course, nothing was said about this in the ABA committee letter, because the letter was dated July 8, 1968—long before, weeks before any of the hearings on this nomination were held.

And so, the "authority" cited by the majority opinion in the Senate committee report turns out to be no authority whatsoever. At most, it could be regarded as a premature statement, carefully restricted not to cover vital matters of judgment, ethics, and outside activities, leaving these essential elements of qualification to the U.S. Senate. As such, the ABA committee can scarcely be said to have performed a service to the American Bar Association, or to the public, and its failure to withdraw its premature, unresponsive endorsement in light of the hearings lays a foundation for even less confidence in its ability and willingness to meet its responsibility.

Next the Judiciary Committee majority opinion proceeds to beg the question by saying that Mr. Justice Fortas is "a symbol of leadership in the law and of progress in our society." What kind of "leadership?" What kind of "progress?" These are subjective evaluations, but it is quite clear that 64 percent of the American people have reacted unfavorably to the kind of "leadership" and "progress" the U.S. Supreme Court has been furnishing. And if the American people, aided by full reporting by the press—all segments of the press—are given the information that is contained in the record of this nomination, that 64 percent will rise to much nearer 100 percent. Ninety-five percent of my mail reveals opposition to confirmation of this nomination—rejection, if you will, of the "leadership" and "progress" of decisions which permit dues-paying, card-carrying Communists to work in our defense plants, of decisions which permit people without a conscience to make a fast buck by spreading obscene literature and films before the public, and of decisions which hamstring law enforcement officials to the benefit of the criminal and to the detriment of the innocent. The joining by Mr. Justice Fortas in these decisions does not deny his sincerity, his wide experience, his brilliance. What is involved is his judgment, and whether made in the name of "leadership" or "progress," the conclusion is that it is not the kind of "leadership" and "progress" the people of this country need and deserve.

The committee's majority opinion comments on the "vacancy" question, saying that in connection with Chief Justice Warren's retirement the procedure of his making it contingent upon the confirmation of a successor is "to be recommended as a means to insure continuity and orderly transition in the administration of Federal justice." Refusal of the Senate to act on this nomination will insure continuity, because Mr. Chief Justice Warren has let it be known that he will continue to serve. So we have no problem of continuity at all.

Next the committee's majority opinion says it believes the President has both the power and the duty to nominate a successor to Chief Justice Warren. That he has the power is just as evident as is the fact that the Senate has the power to refuse to consider the nomination, or to reject it if it sees fit to consider it. But as long as Mr. Chief Justice Warren has said he will continue to serve until a successor is confirmed, one may question the "duty" aspects of the matter. In fact, with a new President being elected within 6 weeks, one might well ask whether the President's duty to the people of our country, as expressed in the election of a new President, is not to withhold the use of his power and, with Mr. Chief Justice Warren continuing to serve, let the new President appoint a successor. Only by so doing will the people of our country have a chance to have their opinion on the direction our Government and our society should move expressed in the election of a new President and the appointment by a new President of a new Chief Justice—the leader of a separate, coequal branch of our Federal Government. And they are entitled to that chance.

In his letter to the President, Mr. Chief Justice Warren made it clear that his desire for retirement rests on the factor of age. After the November elections, he can designate his retirement as of a certain date—say February 1, 1969. The new President can make his nomination, and prudent use of his power of appointment will insure that the vacancy will be filled promptly, with little or no lapse of time between Chief Justice Warren's retirement and his replacement.

The majority opinion discusses the subject of Justice Fortas' "relationship with the President," and with righteous indignation says that he should not be disqualified from holding this high office "simply because they—President Johnson and Justice Fortas—enjoy a friendship." Such a statement reveals a gross lack of appreciation for the malaise which has taken over our Federal Government. It was aptly described by the distinguished writer Hugh Sidey in the September 20 issue of Life magazine, when he said:

> It has already been demonstrated that what we have in Washington is not participatory democracy or even a partnership, but a proprietorship. The branches of the government, once so sacredly separate, have been annealed—at least in the minds of Johnson and those around him—into a single unit. A man will move casually from one branch to another without concern for the consequences. . . . Those who know and admire Abe Fortas for his superb legal intelligence were both disillusioned and saddened by the casual way in which he justified his dual role of Supreme Court justice and presidential trouble shooter. What this suggests is that these two men—and a lot of others in this city—have such long histories of interlocking interests, both personal and public, that they cannot be free of each other if they want to be.

This is more than mere "friendship." It is a relationship which, because of its long continuance and personal intimacy, prevents a member of the separate, independent, coequal judicial branch of our Federal Government from continuing to be a "troubleshooter" for the executive branch of our Government. Our Founding Fathers and our Federal Constitution ordained that the powers of government be separated, that one branch of the Government not be subservient to the other. Mr. Fortas' representation of Lyndon Johnson in persuading the Supreme Court to lay hands off Mr. Johnson's questionable primary election by 87 votes in 1948 in his original quest for the Senate, his personal arrangement of the Johnson family properties under a trust agreement following Mr. Johnson's assumption of the Presidency, his efforts to prevent publication by the press of the Walter Jenkins affair to avoid publicity unfavorable to Mr. Johnson, and his involvement in the Bobby Baker case as reported in the CONGRESSIONAL RECORD, volume 111, part 10, page 13832. These are the "troubleshooting" activities which characterize the Johnson-Fortas relationship before his service on the Supreme Court.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. MILLER. I am happy to yield, with the understanding that I do not lose my right to the floor.

Mr. MURPHY. Does the Senator, of his knowledge, know whether or not Justice Fortas had had any experience as a judge before he was appointed to the Supreme Court?

Mr. MILLER. To the best of my knowledge, it was brought out in the testimony at the time of the original hearings on the nomination of Abe Fortas to be an Associate Justice of the Supreme Court that there was no prior judicial experience in his background.

Mr. MURPHY. Would the distinguished Senator agree that it might be in the best interests of the future of this great country of ours and its people, who certainly should control the Government, that there be prior service as judge so that not only we, the Members of this body, who have the obligation to advise and consent, but also the general public, who are affected most directly by decisions of the Justices would know something of his performance, of his philosophy, of the way he interpreted the law, whether or not he was up to the quality we would hope for, before we placed him in the highest tribunal in the land?

Mr. MILLER. That could be helpful. It would not necessarily be decisive, nor would the fact that a nominee had had no prior judicial experience preclude the fact that he might become a great member of the Supreme Court. The Senator from California will remember one who rose in the esteem of the lawyers and judges of this country—and by "esteem" I mean not just esteem for his brilliant judicial writing, but for the soundness of his opinions—started out in the minds of a good many people at the bottom of the ladder, but, as the years went on, he rose to near the top. I refer to a former member of the Supreme Court, Mr. Justice Felix Frankfurter.

Mr. Frankfurter came to the Supreme Court with a background of law teaching. If he had been faced with an absolute requirement of some prior judicial experience, he would never have served the Court.

Of course, it would be difficult, if a requirement of prior judicial experience should be laid down, to determine what kind of judicial experience was meant. Service on the circuit court of appeals? Service as a Federal district judge? Service on the Supreme Court? Service on a local municipal court? And for how long? One year, 6 months, 10 years?

But I think the Senator's point is especially applicable to the problem we have before us now. If the President of the United States had wished to avoid the criticism that has arisen over the personal relationship between himself and Mr. Fortas, if he had wanted to bend over backward on it, all he would have had to do would have been to go to the American Bar Association, to the committee that is appointed for that purpose, and say, "Mr. Justice Warren has submitted his resignation. I ask you to submit to me a list of 10 names of candidates for Chief Justice, and among those 10 names I want you to include only those with prior judicial experience of at least 2 years duration, and preferably at a fairly high level of the judiciary."

The committee could have done that, and we would not have been talking about the intimate relationship between Mr. Justice Fortas and the President.

Mr. MURPHY. Mr. President, if the Senator will yield at that point, I am very much pleased that my close friend, the lately elected Governor of California, has instituted that procedure in the State of California, because he and I feel, as I am sure the distinguished Senator from Iowa feels, that in the appointment of judges, strength and fidelity, justice, ethics, and an application of the law in our courts has never been more important than it is today. The judiciary has never been in the public mind and consciousness as it is today, for the reason that something has happened. Something has happened to justice and order, and to regard for law. We find, in all areas of our society, people standing up and saying, "If I disagree with a law, I do not have to obey it."

Of course that is nonsense. Or, if you prefer, it is anarchy. "Civil disobedience" has become a term which seems to have won some sort of acceptance. But civil disobedience is exactly what the words say it is; it is disobedience. It is breaking the law. It is based on a calculated decision.

We have just lately seen an example of it in Chicago, and we have listened to endless discussions and dialogs about it here. We have read of it in the press, and we have watched it on television.

What happened? The American people knew what happened. Whether it was good or bad or illegal, the American people knew. They did not have to have this long dialog.

It is like some of the decisions. I am not a lawyer, so I am at a disadvantage in a legal discussion. But I have been a citizen for a long time, and have tried to be a good one. I remember, not too long ago, when this Court whose members we are discussing took a long time to determine whether a certain book was a dirty book or not.

I knew that book was a dirty book when I was 13 years old, because we read it—out in the barn. We were ashamed to be caught, and I am ashamed to say now that I read it. But there was no question with us. We knew, even as kids. But now, suddenly, there is uncertainty on the part of the Court, and there is a 5-to-4 decision.

What has happened? Is this whole idea of permissiveness changing the rules as to what is right, and honest, and decent? Mr. President, those basic values do not change.

I feel at this moment, if I may take one moment, great concern about the President of the United States, not only because of the problem facing him here—and this must be a grave disappointment to him, to find out that so many Senators on both sides of the aisle are in disagreement with this nomination—but just this afternoon, it has occurred that a man whose nomination was confirmed yesterday has resigned from the position to which he was nominated. What a shock that must be to the President. Ambassador to the United Nations George Ball, whose nomination was approved by this body yesterday, today has resigned.

Mr. MILLER. Is the Senator suggesting that if the Senate were to approve the nomination of Mr. Justice Fortas to be Chief Justice, he would resign the next day?

Mr. MURPHY. No; I am not. I am merely taking this opportunity to express my concern for the tremendous problems that face the President of the United States in these, the waning months, the waning weeks of his term in office, as he makes his exit.

Mr. MILLER. Well, Mr. President, if I may point this out to my friend from California, the President of the United States has many problems weighing on his shoulders, and any President is going to have such problems. But there are other problems that the President of the United States has today which he has brought upon himself.

The Senator suggests that the President might be disappointed because so many Members of the Senate, on both sides of the aisle, are very much opposed to taking up the consideration of this nomination; but I would suggest that his disappointment over this matter will be many times greater when he reads the Record, and finds out some of the things that are at issue here.

For example, I would guess that the President would be very disappointed to find, in the newspapers and elsewhere, the story of the $15,000 American University fee.

Mr. MURPHY. I must say I was shocked when I heard of that; and when I heard of the personal client-lawyer relationship, which existed between the candidate and the men who—on a tax-free basis, I am told—put up the money which was received by the nominee we are considering here, I was further shocked. But I was also shocked, the last time I was in Los Angeles, when the sheriff of Los Angeles County—and that is a big sheriff's office, the biggest in the United States; he has about 54 communities, all pretty good sized—begged me to come down and listen to a problem they had, which had to do with pornographic motion pictures.

I went to his office with three other gentlemen, all lawyers, and all well regarded in the community, and he told us the problem that had arisen.

There is an area known as the county strip, which is between Hollywood and Beverly Hills, on Santa Monica Boulevard and Sunset Boulevard.

Sunset Boulevard is now pretty well populated after dark by hippies. Santa Monica Boulevard is now lined with bars. And one can go in those bars and get a glass of beer for a dollar and see a motion picture that I promise is the most disgusting thing that I have ever witnessed. It is unbelievable. There can be no possible question as to the purpose and intent of this horrible piece of film.

What has happened? The sheriff's men go in and they try to close this picture show. The proprietor says: "You can't do that. We are protected by the Supreme Court of the United States."

That is what has happened. Then, right next door, there are magazines for sale. I brought some back. I turned them over to the committee. These were so foul and so unbelievably pornographic that it is impossible to imagine how they could be considered anything but obscene. There is no question of artistic value, none whatsoever. The Senator from Arkansas [Mr. McCLELLAN] locked them up in his safe. I locked the films up in my safe.

What is the result of this? The floodgates are open and those who would benefit by this sort of thing now feel that there are no restrictions. We cannot get an indictment.

The judge says, "I can't find them guilty. They are protected." This is the result of the decision.

Mr. MILLER. Mr. President, this is the way it works out. The sheriff or local chief of police or the one in charge of the vice squad will have a visit with the local city attorney, or county attorney, on this pornographic problem. Of course, they will talk about this thing that occurs on the Sunset Strip that the Senator was talking about.

The question will come up, "What shall we do about it?" The law enforcement officials, the prosecuting attorney, the city attorney, or the county attorney will say, "You had better leave them alone, because if you go in there and get tangled up with them and I take the case before the local court, they may be convicted by a jury and the case may be upheld by the intermediate and highest courts of our State. But they will come back here after the case gets to the Supreme Court because the Court is not sustaining convictions for this kind of activity.

I have in mind a case which was tried in the U.S. district court in my home town of Sioux City, Iowa. The defendant was a California publisher or a distributor of these obscene magazines.

Mr. MURPHY. I am ashamed to say that I think my State unfortunately has become a center for this sort of distasteful activity.

Mr. MILLER. There is no particular State that is not affected by this situation. However, be that as it may, he was indicted in the Federal district court on 160 counts. The case went on for about 2½ months before a jury. And after 2½ months, the jury found him guilty on 160 counts.

Pending an appeal, he was let out of jail. He was given a very severe sentence in the penitentiary. The case went down to the Eighth Circuit Court of Appeals which covers my part of the country. And it was returned to the Federal district judge with the statement: "Reversed because of decisions by the U.S. Supreme Court."

We have the Eighth Circuit Court of Appeals, and I know some of the judges who serve on that court, and we have the Federal district judge, and I know him very well, and we have the jury. And if I know these people at all, I know that they are most unhappy about the situation, but their hands are tied. Carry that situation down to the county attorney, the city prosecutor, the sheriff, and the police chiefs, and we find that their hands are tied.

I know exactly what the Senator is referring to.

Mr. MURPHY. Mr. President, I thank the distinguished Senator for permitting me to interject this thought. It is one that concerns me greatly. And it is one that I will have more to say about later as we go on to the examination of this nomination, because I think it is of vital importance.

I know that in this particular area the crime rate is up, not the ordinary—I believe it is—37 percent nationwide, but it is up over 200 percent. And the cost of law enforcement in the area is up more than 500 percent.

We can imagine what the net result will be. I do not know whether the distinguished Justices who rendered this decision ever saw any of these films. I think if they made the decision without looking at the films, they were flying blind and did not know what they were talking about. And if they made the decision after seeing them, I cannot imagine on what basis they could defend that decision.

I thank the Senator from Iowa.

Mr. MILLER. Mr. President, I thank the Senator from California for his comments which are always very responsive to the question before us.

The Senator suggested that the President is disappointed with the fact that so many on both sides of the aisle are opposed to the nomination. I suggest that he is even more disappointed at what he has found out—if he has found out about it—about the $15,000. And I think he would be so disturbed if somehow or other those who surround him in the White House would get before him the information on the Justice's participation in some of these decisions, that he would withdraw the nomination, and withdraw it very fast.

It is too late for him to do anything about the appointment of Mr. Justice Fortas to the Supreme Court; but it is not too late for him to find out the facts about what is occurring and what has occurred and to avoid all of this embarrassment which is falling right on his shoulders as well as on the shoulders of Justice Fortas and on the shoulders of Senators who joined in the majority opinion in the Committee on the Judiciary.

Mr. President, I tried to point out that the intimate relationship, which is far more than friendship, has continued. It existed before his appointment to the Supreme Court, but it has continued since he has gone to the Court, and it will not do to attempt to masquerade these extra judicial activities under the label of "friendship."

On page 174 of "Facing the Brink: An Intimate Study of Crisis Diplomacy," by Edward Weintal and Charles Bartlett, published by Charles Scribner's Sons, 1967, this statement is made:

> [Then Undersecretary of State George] Ball was succeeded in the State Department by Nicholas deBelleville Katzenbach, the former attorney general and a former editor of the *Yale Law Review*. The appointment, like that of Eugene Rostow, also of Yale, had been suggested to the President by Associate Justice Abe Fortas, a former Yale professor of law.

Another quotation which I think merits repeating will be found in the book called "The Case Against Congress," pages 320–324, written by Drew Pearson and Jack Anderson, and published in 1968 by Simon and Schuster.

> [Abe] Fortas has been LBJ's most intimate adviser since he persuaded Supreme Court Justice Hugo Black in 1948 to overrule the Texas courts, which had barred Lyndon Johnson's name from the ballot in a dispute over his 87-vote primary victory in a contest for the Democratic Senatorial nomination.
>
> Fortas' value to his law firm was such that he had promised his partners not to leave. "I've just sent fifty thousand men to Vietnam, and I'm sending you to the Supreme Court," the President told him. But even on the high bench, Fortas continued to handle occasional non-judicial chores for the President. His velvet touch was evident during the crises over the steel price hike and the transportation strike. When Ralph Lazarus, president of Federated Department Stores, announced at a meeting of the influential Business Council that Vietnam spending would soar $5 billion over the White House's public estimate, he received a phone call from Fortas at the Hot Springs, Virginia, conference. Fortas explained softly that LBJ was unhappy. Lazarus quickly modified his statement.

Finally, at page 269 of the book: "A Very Personal Presidency: Lyndon Johnson in the White House," by Hugh Sidey, published in 1968 by Atheneum, we find this passage:

> His [Johnson] withdrawal was a natural phenomenon of the Presidency. It happened to Roosevelt, Truman and Kennedy. The battering from outside gets so intense that the man in the Oval Office surrounds himself with those who approve of what he is doing and reassure him that he is right. Johnson's circle of top-level advisers first shrank to five. They were Rusk and McNamara, Washington Attorney Clark Clifford and Supreme Court Justice Abe Fortas, HEW Secretary John Gardner. And then, with the departure of McNamara and Gardner, there were only three men who had that vital intimacy of the President which could influence policy.

So, Mr. President, it is quite evident that the opinion of the Committee on the Judiciary, when it criticizes, with righteous indignation, those of us who think that Mr. Justice Fortas should be disqualified from holding the office of Chief Justice simply because he enjoys a friendship with President Johnson, is not at all responsive to the relationship.

Next, the majority opinion seeks to meet opposition based on Mr. Justice Fortas' judgment, as revealed in certain decisions of the U.S. Supreme Court. First, it applauds his concept of equal justice for all Americans and his concern for equal protection of all citizens. Such concept and concern would appear to be basic qualities to be expected in any member of the judiciary and have no relevance to the decisions to which I have earlier referred.

Next, the majority opinion applauds his adherence to the principle of judicial restraint. It cites his answer to a question during the hearings, but it would seem that judicial restraint would better be found in his decisions in specific cases rather than in his answers to general questions during a hearing. Recognizing this, the majority opinion then gratuitously says:

> His sense of judicial restraint has been manifested in his insistence that the Court confine itself to issues properly presented in the case, in his readiness to respect the authority and wisdom of Congress, the States, and the executive agencies, and his lawyer-like aversion to carrying constitutional principles beyond the limit of their logic.

This glittering generality also begs the question. Nothing is said about the majority opinion of the Supreme Court, in which Mr. Justice Fortas joined, in the case of *U.S.* v. *Robel*, 389 U.S. 258 (1967), except to quote obiter dicta saying that the Court is not unmindful of congressional concern over the danger of sabotage and espionage in national defense industries. Left out of the majority opinion was the fact that the Court declared invalid a statute passed by Congress prohibiting a member of a Communist-action organization from engaging in employment in any defense facility; and the Court declared the statute invalid because, the Court said, the statute established guilt by association alone; that the statute did not distinguish between an "active" and a "passive" member of the Communist Party; nor between his occupying a sensitive or a nonsensitive position in a defense plant. Such impractical and unenforceable criticism by the Court's majority and by Mr. Justice Fortas, as one of the majority, is impossible to reconcile with the Court's professed recognition of the congressional concern over our Nation's security and arrogates to the Supreme Court a power which it does not have. Such criticism, compounded by the Court's decision, is an assault on—not respect for—the authority and wisdom of Congress.

The majority opinion of the Judiciary Committee skirts the issue of decisions on pornography by saying that "particular attention was focused on Justice Fortas' joining in per curiam decisions reversing convictions in two cases." Perhaps there is a misprint in the report, but the number is 22 and not two. Those cases will be found at page 1170 of the hearings, report No. 1. The individual views of the Senator from Arkansas [Mr. McClellan] include an in-depth analysis of the problem, and the hearings include a detailed discussion of the cases.

But then the majority opinion suggests that the per curiam decisions could have gone off on any one of six different grounds. It could have been that a State statute on the subject was "vague" on its face. But when one analyzes some of the cases, he finds that the State statute simply repeated the definition of obscenity which had been used by the Supreme Court itself. Or, says the committee's majority opinion, perhaps Mr. Justice Fortas might have agreed with the contention that a statute was unconstitutional because it failed to require "notice" to a distributor that the authorities considered the material obscene. But how could law enforcement officers contend with such a requirement, if, indeed, there is such a requirement? If the "fast buck" people distribute hard core pornography, they do so at their risk. Or, it is said, Mr. Justice Fortas might have agreed with the contention that the statute was unconstitutional because it failed to require a prior judicial hearing before seizure of the material. But this would be impossible for law enforcement officers to contend with, assuming there might be such a requirement. Or, it is said, the Justice might have agreed that the prosecution failed to prove that the defendant had knowledge that the material was obscene. This contention is especially ludicrous in view of the fact that Mr. Fortas, as a lawyer, or at least his firm, had represented at least one of the individuals involved in the distribution of these materials and well knows that the "fast buck" people are highly knowledgeable of what they are putting out. Or, it is said, Mr. Fortas might have agreed that the prosecution failed to prove evidence of "community standards" to assist the jury in determining the issue of obscenity. But this would have no relevance to the decisions involving cases tried by a judge rather than a jury.

The conclusion is that these surmises are without merit, and the fact that the Court did not see fit to issue an opinion in most of the cases indicates that the points were not worth discussing. And what is important is that, per curiam decisions or not, the impact of these decisions has been to open the floodgates of obscene literature throughout our country.

The majority opinion stresses Mr. Fortas' joining in the opinion sustaining the conviction in the Ginzburg case which recognized the State's police power in protecting parents and their children from obscene literature. But the decisions analyzed by the Senator from Arkansas [Mr. McClellan] show that the Court's reversals of convictions have left parents and their children, not to mention the public at large, unprotected from the "fast buck" purveyors of filth.

Finally the majority opinion says that if a filibuster is attempted on this nomination, it will set a most dangerous precedent. It quotes from a letter from a lawyers committee on Supreme Court nominations to the effect that this would constitute "a most unworthy assault upon our constitutional system of government." Apparently the lawyers committee has forgotten the filibuster of the Senate which prevented the passage of the late President Roosevelt's Supreme Court packing proposal. Rather than being an assault upon our constitutional system of government, that filibuster helped to preserve it. Rather than being an assault upon our constitutional system, extended debate to prevent taking up this nomination, coming before the Senate as it has on the basis of a report from a majority of the Judiciary Committee, which has failed in its responsibility to the Senate, is calculated to prevent an assault upon our constitutional system of government.

Mr. President, I yield the floor.

Mr. HART. Mr. President, today we have listened again to the voices that would counsel us not to agree to the pending question, which is that we be permitted to consider the nomination of Mr. Justice Fortas.

I ask unanimous consent to have printed in the Record some recent editorials from a rather broad cross section of the American press, each cautioning the Senate not to filibuster on the Fortas question.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia (Pa.) Bulletin, Sept. 9, 1968]

No Filibuster on Fortas

It will be an ugly chapter in the history of "the world's greatest deliberative body" if a filibuster develops over or thwarts the Senate confirmation of Justice Abe Fortas as Chief Justice.

Even the classic justification for the filibuster does not exist here. There is no legislation to explore to its depths, nor a minority to be defended from "tyranny" of the majority. It is not an accident that, as President Johnson pointed out the other day, "there has never been a single case where the Senate failed to act on a nomination because of a filibuster."

As much to the point was the letter 400 law school deans and professors sent to Senate Judiciary Committee Chairman James Eastland in July. "We submit," they said, "that any use of the technique of filibuster to frustrate the appointive power would be a further, and equally unworthy, assault upon the integrity of the Presidency, the Judiciary and the Senate." Included among the signers were the deans of the law schools of the Universities of Mississippi, Texas, Georgia and Arkansas.

The only real issue before the Senate is Justice Fortas' fitness as Chief Justice, and that, essentially, was settled three years ago when he was approved for service on the bench. The attack now, as Bernard G. Segal, president-elect of the American Bar Association, said recently, is focused on the court itself and its decisions.

This, in turn, has gotten mired in a welter of emotions and election-year talk about crime in the streets and obscenity which often have little or nothing to do with the Supreme Court and even less to do with Justice Fortas' qualifications.

The Justice has proven himself an eminently qualified man of the law. If the confirmation proceedings degenerate into a filibuster, the Senate will come off wearing the black eye.

[From the Denver (Colo.) Post, Sept. 8, 1968]

Fortas Is Worth a Filibuster

About the last thing the country needs in this tense and contentious autumn is a filibuster in the Senate of the United States.

If a filibuster, however, is the price that has to be paid to win confirmation for Abe Fortas as chief justice of the Supreme Court, then we believe the price is not too high.

We do not believe President Johnson ought to withdraw Fortas' name. We believe he and the Senate leadership of both parties ought to insist on a vote on the Fortas nomination, even if they have to sit through a filibuster until Christmas in order to get it.

A majority of the Senate, which includes Senate Republican Leader Everett Dirksen, favors the Fortas nomination and will vote for it if it gets a chance.

But a minority made up of conservative Republicans and Southern Democrats is set to talk the nomination to death. At this stage, the administration cannot muster the two-thirds vote necessary to invoke cloture and break the filibuster.

But once the filibusters take the floor and shut off the business of the Senate and the nation, the mood of the Senate might shift in favor of cloture. Or the mood of the nation might force it to shift.

There could hardly be a more ridiculous and irritating spectacle than a meaningless talkathon carried on by a minority to thwart the will of the Senate and keep the President of the United States from exercising his constitutional power to appoint justices of the Supreme Court.

Members of the Senate will be eager to wind up their business and return home for the campaign. The country will be impatient with foolish antics in the Senate at a time when grave national problems need attention.

Let the Senate leadership keep the Senate in session through a month of foolish filibustering and the case for cloture will become increasing compelling.

Abe Fortas, as this newspaper has pointed out repeatedly, is extraordinarily well qualified to be chief justice. Few men in our judicial history have brought such a distinguished record to the post.

But the issue is larger than Fortas. The issue is whether the Senate will use its power to advise and consent as a means of vetoing or reshaping the constitutional doctrines developed by the judicial branch of government.

There could be a greater danger to the constitutional separation of powers, and the precedents set in this case could haunt the nation for generations to come.

If a minority can now block Fortas, there will be a standing temptation to make every judicial appointment in the future into a political tug-of-war.

Fortas deserves to be confirmed. And the majority in the Senate ought to be able to outlast the minority that wants to block his confirmation. Let the battle be joined, and let the filibuster begin, if it must.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 18, 1968]

CONFIRM JUSTICE FORTAS

Having held up the Justice Fortas nomination as long as it thought it could, the Senate Judiciary Committee has voted to give the matter to the Senate, thereby shifting the scene for procrastination.

The committee's 11-6 vote relieved it of further irresponsibility for prolonged and unprecedented wrangling. Even had the committee been able to force more Administration officials to testify about Justice Fortas, it would have developed nothing significant, but only exposed its own efforts to disregard the merits of his nomination to be Chief Justice.

In the last days before the committee voted, the Republican-Dixiecrat members tried to make an issue out of two incidents, one involving advice Justice Fortas allegedly gave the President on a bill for federal protection of presidential candidates, the other respecting fees he received for conducting a law school seminar arranged by friends and former clients.

Of the various questions raised about Justice Fortas, these last are the least relevant to his qualifications for Chief Justice. We think Mr. Johnson should have avoided calling on his old friend for help in executive matters, but the doctrine of separation of powers was not mightily breached when the Justice, summoned by the President, gave advice on an emergency measure of importance to the nation.

As for conducting a law seminar for pay, that is not an improper activity for members of the Supreme Court. The Justices are not expected to indulge in personal commentary on the inner workings of the court or its decisions. But Justice Fortas refused to engage in just such a commentary before the Judiciary Committee, and there is no evidence that he did otherwise at the law seminar. Nor can he be blamed for accepting a fee for his work.

We quite agree that the President's nominee would be on stronger ground had the President never insisted on using his advice in executive affairs. But not one of the disclosures before the Judiciary Committee indicated a degree of affront to an independent judiciary that would disqualify Justice Fortas. On the contrary, the Senate has already found him fully qualified to sit on the Supreme Court. The American Bar Association has commended his professional conduct and legal capacity.

Against that background, the Judiciary Committee's aborted probings were no more than persiflage. The opponents of Justice Fortas should fool nobody. As Majority Leader Mansfield said, the Justice is bearing the brunt of a broader attack on the Supreme Court itself.

Lacking power to turn the clock back on the court's historic record, the Fortas opponents are trying to condemn the court by abusing one nominee. Lacking a majority to reject the nomination, this minority now hopes to talk it to death in the waning days of the session. In respect to itself, democratic procedures and the court, the Senate should defeat the procrastinators and confirm the nomination.

[From the Miami (Fla.) News, Sept. 9, 1968]

IT'S ALL POLITICS: PICAYUNE CRITICS STALL FORTAS' NOMINATION

It is disquieting when a man with the credentials of Abe Fortas is tossed around by politicians who are prospecting for votes. The prospectors are mainly Southern Democrats and Republicans.

Mr. Fortas has the reputation of being one of the best legal philosophers in the country, and the reasons why he is not being named chief justice of the United States are nothing but political.

The Southern Democrats and Republicans who oppose his appointment are trying to capitalize on the unpopularity of certain Supreme Court decisions, mostly in the area of equal rights for Negroes and the protection of persons accused of crimes.

Ironically, most of these rulings were handed down before Justice Fortas joined the court. Even more ironically, the bricktossers in this political donnybrook are mainly people who fancy themselves conservatives, and in most respects, Mr. Fortas is conservative himself.

In more reasonable times, we cannot conceive of Mr. Fortas being subjected to such picayune criticism. But these are times of politics, not of reason, and that is too bad, because the country is in danger of losing an excellent chief justice.

[From the Baltimore (Md.) Sun, Sept. 18, 1968]

THE FILIBUSTER

The Senate, alas, is heading into one of its classic filibuster battles, despite the urgent business before it. The Judiciary Committee's long-delayed approval of the nomination of Justice Fortas to be Chief Justice provides the impending parliamentary paralysis.

The Constitution provides that the Senate advise and consent to the appointment. Nothing in the Constitution gives a mere third of the senators, plus one, the power to block the appointment. They have it, however, under their procedural rules, since two-thirds are needed to shut off a filibuster. There are those, including the writer of a letter in The Forum today, who consider this right of a minority to prevent any business from getting done to be hallowed and beneficial to the nation. It is not.

The outlook is that the majority leader, Senator Mansfield, will let the talk drone on for a week, then call a showdown vote on cloture. This will be an agonizing waste of time and a thwarting of the Senate majority's contsitutional prerogative to approve or prevent the promotion of Justice Fortas. His qualifications are considerable and well known. The objections are also well known to the senators. There is no good reason—only bad reasons—to delay a decisive vote and delay everything else as well.

[From the Arlington (Va.) Northern Sun, Sept. 18, 1968]

ENDORSE ABE FORTAS

The Senate has delayed much too long in approving the nomination of Associate Justice Abe Fortas as Chief Justice of the United States.

The question—which has been hanging fire for almost three months—should be brought to a full Senate vote as swiftly as possible, and that vote should be for endorsement.

Objections to the appointment of Fortas as Chief Justice carry little weight.

The cry of "cronyism" on President Johnson's part in nominating Fortas and Homer Thornberry, a fellow Texan, is ridiculous. If being a friend of the President is grounds for disqualification for high-level federal employment, many of the talented people in government would be out of work. Being a friend of someone and having the ability to do a job well are not related; either directly or inversely, and should not be a factor in the case.

The charges that the Supreme Court is fostering a national moral rot are pure poppycock. The nation abounds with self-appointed censors who would guard the population from all but what they consider fit. One of the duties of the court is to protect us from these white knights and guarantee that we have free access to all sources of information and opportunity for free expression.

The Supreme Court—attacks on it during the last decade not withstanding—does not create our society, it reflects it and it is reflecting changing moral values in the nation in its rulings on books and movies.

The question of a "lame duck" appointment by an outgoing President falls apart in Constitutional terms. The Constitution does not qualify any of the rights and powers of the incumbent President: He is President, in all senses of the word, until his successor is sworn into office on Jan. 20.

One of the rights—indeed obligations—of the President is to nominate a Chief Justice. The Supreme Court cannot function properly without a full complement of justices, and the Supreme Court should be able to function fully and completely all of the time. When the Senate blocks this right, it is blurring the separation of powers philosophy in the same way critics of Fortas say he is blurring it when he acts as a political advisor to the President.

The nomination is due out of committee and onto the floor of the Senate. Once there, all question of a filibuster to block a vote should be forgotten. The question should come to a vote, the senators should be counted, and Fortas should be confirmed as the Chief Justice of the United States.

[From the Boston (Mass.) Herald Traveler, Sept. 16, 1968]

CONFIRMATION IS IN ORDER

The dubious decision of the Judiciary Committee of the U.S. Senate to re-open hearings on the advancement of Associate Justice Abe Fortas to become chief justice of the U.S. Supreme Court is as objectionable as the gratuitous injection of Justice Fortas' confirmation into the presidential election campaign.

As far as the opinions of the presidential candidates are concerned, the less they have to say about the nomination before the Senate, the better. United States senators do not need Hubert Humphrey or Richard Nixon to inform or to influence them on their plain constitutional duty to vote to confirm or to reject President Johnson's nomination of Justice Fortas to succeed Earl Warren as the presiding judge of the nation's highest tribunal.

It has been nearly three months since President Johnson sent Justice Fortas' name to the U.S. Senate and during that time the Judiciary Committee, or at least a few of its more reactionary members, has conducted an ideological inquisition of Justice Fortas as a means of impugning broadly, and with considerable political relish, the libertarian record of what they so disparagingly refer to as the "Warren Court."

The absurdity of some of the indictments put forward by Southern Dixiecrats and some Republican senators is as plain as the absurdity of allowing this mischievous clique to arrest the flow of constitutional procedure by mounting the threatened filibuster against the nomination once it is brought to the floor of the Senate.

Senate Majority Leader Mike Mansfield of Montana concedes that he is not at all certain that he and Senate Minority Leader Everett Dirksen will be able to garner enough votes to choke off a talkathon against the confirmation of Justice Fortas.

Sen. Mansfield's candid assessment, however, fails to dramatize an important distinction that ought to be made: If the Senate permits a filibuster, which can be shut off only by a vote of two-thirds of its membership, then it gives the rules of the Senate precedence over the U.S. Constitution, which requires the Senate to vote on confirmation and to approve nominations by a mere majority.

Such mockery, nonetheless, would not be

out of keeping with the farce that the Senate has thus far made of the nomination of Justice Fortas and of the nomination of District Judge Homer Thornberry to replace him. To hold, as the Senate Judiciary Committee has tried so flagrantly to do, that a member of the Supreme Court is responsible for the majority decisions of the Court, is unfair, unwise and untenable. Just as the members of Congress ought not to be answerable to the administration or to the Supreme Court for their votes on legislation, the members of the federal courts ought not to be answerable to the Congress or to the Chief executive for their decisions or their votes in split decisions by federal tribunals.

What is especially ironic about the Senate's dilly-dallying over the confirmation of Abe Fortas is that the Senate saw fit to confirm without fuss his earlier appointment to the Supreme Court as an associate justice. The only acceptable reason for the Senate to balk at Justice Fortas' promotion to chief justice would be if the Senate entertained serious doubts about Mr. Fortas' competence. No such doubts were raised when he was first proposed for the Supreme Court and no such doubts have been raised now.

What has been raised are objections to several Supreme Court decisions rendered by split decisions in which Justice Fortas voted in the majority, and objection to the fact that President Johnson called on Justice Fortas for advice while Mr. Fortas was on the bench. Advocates of Justice Fortas' elevation have cogently established that prestigious precedent exists for the solicitation of advice from a federal judge by an American president. But the matter is of meager concern, for none of the senators who have badgered Justice Fortas really believe he has violated the Constitution. If Justice Fortas has violated the Constitution, then senators like Strom Thurmond of South Carolina, Robert Griffith of Michigan, Sam Ervin of North Carolina and others who oppose his confirmation have the duty to impeach him.

Otherwise, after satisfying their constituencies of their unassailable opposition to the continuation of liberal dominance of the high court, the senators in question ought to welcome the chance to vote against Justice Fortas by foreswearing a filibuster and bringing the matter to an early vote.

But to prolong the farcical mishandling of the Fortas nomination and the Judiciary Committee's misuse of its investigatory powers will only convince the American public that the Senate is addicted to obstructionism, and that for all its noise about judicial rulings it is particularly dull to the niceties about separation of power.

[From the Little Rock (Ark.) Arkansas Gazette, Sept. 10, 1968]

THE LAST GUARDIAN OF AMERICAN LIBERTIES

The continued foot-dragging on the new Supreme Court nominations of Justice Fortas and Judge Homer Thornberry represents unconscionable behavior on the part of those Southern Democrats such as Senators Eastland, McClellan, et al., and Northern Republicans such as Senator Griffin of Michigan who have come close to making a mockery of the whole confirmation process.

President Johnson thus is right in characterizing the delay as the work of "a little group" in the Senate. The description we suspect is a conscious or unconscious borrowing from Woodrow Wilson's description of an equally misguided group of senators—the junta around the first Henry Cabot Lodge that opposed ratification of the League of Nations charter—as "a little band of willful men." Indeed, borrowing of the whole line intact might have been apter still.

The immediate excuse we have been given for the bag of parliamentary tricks with which Senator Eastland in the Senate Judiciary Committee and others outside have managed to entangle an essentially clear-cut issue is that the dissident senators are somehow more concerned with "law-and-order" (famous all-purpose non-word) than are Justice Fortas and Judge Thornberry. Yet both court nominees have been held to be eminently qualified for the job by the American Bar Association screening committee, which we have to assume is as concerned with law-and-order in its meaningful sense as any members of the United States Senate could ever be or any of the rest of us expected to be.

The incoming president of the ABA has just gone farther, describing Justice Fortas as a man whose service on the Court in the capacity of Associate Justice has already stamped him as "a judicial statesman of the first order." The opposing Senate minority is thus left cold in the position of opposing for the role of Chief Justice a man whom it did not effectively oppose when he was nominated for Associate Justice and who in his period of service on the high bench has become a "judicial statesman of the first order" in the view of the president-elect of the body best equipped professionally to judge his professional performance.

More, lawyers are better equipped than most of us to know that the question of safeguarding defendants' rights in balance with the rights of "society" is not the simple matter that the opponents of Justice Fortas's confirmation have sought to make of it. For example, the ABA and newspaper editors' and publishers' organizations around the country presently are locked in something approaching mortal combat over the question of pretrial publicity involving criminal defendants.

The larger excuse given is that the two appointments should be left to the incoming president (who may or may not be a Republican) rather than be disposed of by a "lame duck." By a logical extension of this kind of illogic, a second-term president should be debarred from making any appointments of this kind any time after his second inaugural day. In combination, we thus are treated to the spectacle of a coalition of "conservative" Republicans and "conservative" Southern Democrats representing as a "conservative" action a sweeping new precedent affecting the executive power that derives at second hand from the sweeping new change in the constitutional balance of powers effected some years earlier by essentially the same kind of "conservative" congressional coalition in the form of the 22d (Non-succession) Amendment. We aren't buying.

Central to the argument that the new president should have the two Supreme Court appointments is the argument that he ought to be allowed to have men on the Court who are "more to his way of thinking," and let confirmation precedents go hang. We are not even sure that the idea of having President and Court in substantial agreement on the great issues of the day is necessarily or always a good thing.

It is well we think that executive and Congress be in substantial agreement on some of the really big things if the business of government is to go forward, but there have been times when one or the other is clearly right and the other wrong, and only the Supreme Court is charged by both Constitution and all past precedent to decide which.

There have been times when two of the three separated branches of government have been right and the third one wrong (as in the alliance of Court and Congress to defeat the Roosevelt Court-packing bill in the '30's.) There have even been times when all three were right at the same time, but so few times that we cannot readily call to mind an example.

But there has never been a time when all three were wrong at the same time for very long, or else we would not still be here as a functioning republic. The Court, and *not* the Congress, and *not* the executive branch is the last guardian of our constitutional liberties, and the Court therefore should not be made anybody's political plaything.

[From the New York Times, Sept. 21, 1968]

THE FORTAS DEBATE

An ugly dispute is expected on the floor of the Senate early next week when debate begins on the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States. If the debate limits itself to the central issue of Mr. Fortas' qualifications for the highest judicial office in the country, it will be a useful and necessary exercise of the Senate's constitutional right to advise and consent.

On the basis of the general level of discussion in the Judiciary Committee, the only way the Senate can go is up. Southern Senators led by Chairman Eastland of Mississippi and Mr. Thurmond of South Carolina tried to hang Justice Fortas for all the civil rights decisions of recent years and, most fantastic of all, for the Supreme Court's position (usually without opinion) on freedom to publish and to exhibit magazines and movies alleged to be obscene. After nearly three months, the Judiciary Committee by 11 to 6 did recommend to the full Senate that Mr. Fortas be approved.

The Senate can, and we hope will, elevate the discussion in coming days. It has a clear right to measure Mr. Fortas' conduct on the bench against that of his colleagues and his predecessors. It should take up any matters that shed light on his respect for the ethical standards of a Supreme Court Justice. It should surely explore his views on the separation of the judicial, executive and legislative branches of the Federal Government.

Mr. Fortas has been accused of extrajudicial activities while on the bench, including giving advice to the President on administrative and legislative subjects and accepting an inordinately large fee for teaching a university seminar. Such accusations are perfectly proper subjects of discussion in the Senate.

But there is no need for personal vilification; for charges of "cronyism" with President Johnson; for a replay of Mr. Fortas' and the Court's opinions on civil rights, the "pornography" test cases and the landmark decisions on the rights of criminal defendants.

This is the stuff of filibuster, not debate. Unfortunately, a filibuster is threatened. Attorney General Ramsey Clark—who is emerging as a bulwark in Washington against emotionalism—said that those Senators who attempt filibuster will really be trying to "undo the great progress made in civil rights these past few years."

When the entire record is fairly weighed by the Senate we believe Mr. Fortas will be confirmed. He has excellent judicial qualifications and he has already proved his value on the Supreme Court. His peers think so; a group of 151 prominent attorneys, including twenty law school deans and seven past presidents of the American Bar Association, have urged approval of his nomination.

There is an added reason for the Senate to act and vote without undue delay. The new Supreme Court terms opens Oct. 7. For a filibuster to be in progress while cases are being heard—and while Associate Justice Fortas, on the bench, is in daily danger of having his name maligned—would be disruptive and an intrusion upon the judicial branch of the Government. When the new October term begins, the Chief Justice should be Abe Fortas.

[From the Des Moines (Iowa) Register, Sept. 11, 1968]

FORTAS FILIBUSTER THREAT

The objectors to Abe Fortas's appointment as chief justice of the United States appear to have won ground in the Senate. Majority

Leader Mike Mansfield and Minority Leader Everett Dirksen, both of whom support President Johnson's nomination of Fortas, said they doubted that Fortas could be confirmed.

The Senate has the constitutional duty to pass on nominations to the Supreme Court, and if a majority of the senators think Fortas is not qualified, they should reject the nomination.

However, this is not what Dirksen and Mansfield meant. They meant that a filibuster might prevent the Senate from acting on the nomination. A filibuster in the Judiciary Committee is threatened to prevent the nomination from reaching the floor, and a filibuster on the Senate floor is threatened if the nomination is recommended by the Judiciary Committee.

President Johnson exaggerated when he said "a small sectional group" which disapproves of past court decisions objects to the Fortas appointment. The opposition is larger than a small group of Southerners. Senators Strom Thurmond (Rep., S.C.), John McClellan (Dem., Ark.), Sam Ervin (Dem., N.C.) and James Eastland (Dem., Miss.) are vocal and prominent opponents. But Senator Robert Griffin (Rep., Mich.) and a number of other Northern Republicans also have opposed the Fortas appointment. In fact, Griffin is the one who has threatened the filibuster.

But the President is certainly right when he says, "We should not allow a small group to filibuster and prevent the majority from expressing its viewpoint."

It is disgraceful for United States senators to attempt to impose their views on the court in the first place—and to do it by the filibuster method to prevent a majority decision. It is disgraceful for them to do it for partisan reasons, to allow the next President, who they believe will be a Republican, to make an appointment clearly within the Constitutional prerogatives of the present President.

If the Senate filibusters down the Fortas nomination, Fortas will still remain on the court as an associate justice, entitled to the same vote he would have as chief justice. Chief Justice Earl Warren, who is to the southerners the arch villain of the court, probably will continue indefinitely to serve. Homer Thornberry, the Texas judge named by the President for the vacancy, will continue his judging in Texas.

All the opponents of the Warren court would accomplish by their filibuster would be to vent their anger and threaten the separation of powers by congressional harassing of the court. In all the hearings and debate, no substantial argument has been made against Fortas's qualifications or judicial ability. The opposing senators have merely shown that they disagree with some of the opinions of the present court and of Justice Fortas.

Mr. HART. Mr. President, these editorials express the hope that the Senate will not filibuster on the question of advising on Abe Fortas.

Let me make quite clear that that question is not yet before the Senate. Thus, I would assume that any sensitive editorial writer, who feels it would be unwise and wrong for the Senate to prevent the majority from working its will on the question of advising either yes or no on this question, would be most emphatic in urging that the Senate not prevent, by a filibuster, the name of Abe Fortas coming before us.

Mr. President, to that point, I ask unanimous consent to have printed in the RECORD a statement by a committee of lawyers from all parts of the country, 51 in total, which include seven past presidents of the American Bar Association, and many past and present officers of State bar associations, and the deans of 20 law schools; as well as sundry other material on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAWYERS COMMITTEE ON SUPREME COURT NOMINATIONS

151 lawyers from 49 states and the District of Columbia announced today the formation of the Lawyers Committee on Supreme Court Nominations, and issued the attached statement urging the Senate to act promptly on the merits of the Supreme Court nominations pending before it. The Committee opposes the use of the filibuster or other obstructive techniques to frustrate the appointive process. It also opposes the use of that process as a forum for indiscriminate attacks on the Supreme Court or for interrogation of nominees as to the reasons for their past decisions or their views on particular issues that may come before them on the Court.

Included among this broadly representative group of lawyers are seven past presidents of the American Bar Association, many past and present officers of state bar associations and 20 law school deans. The statement represents the personal views of the members of the Committee, and does not reflect the views of any institution with which they may be affiliated.

Copies of the statement have been sent to the Chairman and all members of the Senate Judiciary Committee. Inquiries may be directed to Jefferson B. Fordham, Dean of the University of Pennsylvania Law School. Phone: (215) 594–7482.

STATEMENT

We have formed a Committee of Lawyers from all parts of this country to urge the Senate to fulfill its constitutional responsibilities by giving prompt and fair consideration to the two Supreme Court nominations made by the President nearly three months ago.

The Constitution of the United States explicitly sets forth the authority and obligation of the President and the Members of the Senate during their terms of office with respect to the appointment of high Federal officials. Among the joint responsibilities of the President and the Senate is the duty to fill vacancies as they occur on the Supreme Court of the United States. The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . Judges of the Supreme Court."

The threatened use of the filibuster technique to frustrate the appointive power which is vested by the Constitution in the President and Senate would be a most unworthy assault upon our constitutional system of government. Just as the President is constitutionally bound to nominate persons to fill vacancies as they occur, the Senate is bound to consider the nominations on the merits and to advise and either grant or deny its consent to the appointments.

It is of course appropriate for the Senate to take into account the jurisprudential views of the nominee as set forth in his opinions and other writings. But it is plainly inappropriate to question a nominee as to how he arrived at his prior judicial decisions or as to his views on particular questions that may come before him as a judge.

It is equally clear that the advice and consent process was not designed to provide a forum for an indiscriminate attack on the Supreme Court or its decisions. The courts, like other institutions of our government, profit from constructive criticism. But sweeping and indiscriminate attacks upon the highest judicial tribunal in the land can only undermine the public respect for law upon which our entire system depends.

We urge the Senate to exercise its constitutional responsibilities by addressing itself promptly to the business properly before it: voting on the Supreme Court nominations on their respective merits.

STATEMENT BY THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS ON THE ABE FORTAS NOMINATION, SEPTEMBER 24, 1968

The Leadership Conference on Civil Rights vehemently opposes the use of a Senate filibuster to block the nomination of Mr. Justice Abe Fortas to be Chief Justice of the United States.

Since the organization of the Conference, nearly 20 years ago, we have recognized how the filibuster has been used to block civil rights and social welfare programs essential to a democratic nation, and have sought to change Rule XXII in order to enable a majority of the Senate to work its will. Use of the filibuster against Mr. Fortas would only add the most ignoble chapter of all to the history of this parliamentary device. We urge all Senators who value the reputation of the Senate to vote for cloture whenever it is clear that opponents of the nomination have concluded fruitful debate and are simply talking to keep the body from acting.

We are shocked and concerned, too, at the manner in which some Senators have constituted themselves a board of review on Supreme Court decisions and appear to hold Mr. Fortas personally responsible for rulings they dislike. This is obviously improper; an incredible attempt to undercut the independence of the Judiciary.

It would be tragic if a minority of the Senate, including some of the leading opponents of civil rights legislation, were to so abuse the power of advise and consent as to attempt to intimidate the Court. Now, more than ever, we need the Court to speak for that national conscience that believes it is possible, through law, to correct the worst injustices of American society.

We therefore urge all Senators to support a cloture move and allow the nomination of Abe Fortas to come to a vote.

[From the New York Times, Sept. 25, 1968]

FILIBUSTER ON FORTAS

To the EDITOR:

A Senate filibuster would mean that the approval of the Fortas nomination would require a two-thirds vote of the Senate. The framers carefully specified the circumstances under which the Constitution requires a two-thirds vote for the exercise of the Senate's advice and consent prerogative, i.e., in the case of advice and consent concerning a treaty.

Are not the Senators who would engage in a filibuster contravening the Constitution which they took an oath to support? Would not such a filibuster come with particularly bad grace from Senators who accuse the Supreme Court of departing from the path of strict construction?

GERHARD CASPER,
PHILIP B. KURLAND,
BERNARD D. MELTZER,
Chicago University Law School.

CHICAGO, *September 18, 1968.*

Mr. HART. Mr. President, the lawyers on this committee make clear that they speak in their individual capacities, and not as representing their institutions or associations.

Each cautions that the threatened use of the filibuster technique to frustrate the appointive power are not grounds upon which the Senate should set any precedent.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield at that point?

Mr. HART. I yield.

Mr. JAVITS. I want to add to what the Senator has just said. There has been some talk in the press, and even on the floor of the Senate, about the issue of anti-Semitism in respect to the nomination of Mr. Justice Fortas.

I was very much pleased to see a survey made by the American Jewish Committee, a very distinguished organization, which shows many extremist organizations, ranging all the way from "We the People" to others that are so thoroughly identified with anti-Semitic causes—we all know them by name—are getting a big free ride on the Fortas nomination.

I ask unanimous consent that the report of the American Jewish Committee be made a part of my remarks. I do that really because I think it is very important to Members who are getting mail on the subject. It must be very clear that the reason why they are getting the mail is that these organizations, which have widespread machinery for distributing this very scurrilous material, are distributing it all over the country. I believe we have already stated what the situation is here. I would rather let the record stand on that. The American Jewish Committee states its people do not consider anti-Semitism to be at the root of the controversy. Nobody knows what is in one's heart or mind; the only thing we can go on is the test of responsibility. Is there any evidence? What little shred of evidence there was I put in the RECORD on a previous occasion, but I did think this little statement of fact was desirable in the interest of all of us.

The PRESIDING OFFICER. Without objection, the request of the Senator is agreed to.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NEWS FROM THE AMERICAN JEWISH COMMITTEE, INSTITUTE OF HUMAN RELATIONS, NEW YORK, N.Y.

NEW YORK, September 18.—The American Jewish Committee charged today that extremist groups, many of whose leaders publicly testified against the confirmation of Abe Fortas as Chief Justice of the United States, have continued to stir opposition to the appointment that is coming before the U.S. Senate.

"To what extent the ultra right has been responsible for the flood of Senatorial mail in opposition to Mr. Fortas is a matter of conjecture," states a report made public today by the Committee's Trends Analysis Division. But the report quoted a reporter of the *St. Louis Post-Dispatch* disclosing that hundreds of letters with almost identical language had reached the office of Senator Joseph B. Tydings in Maryland, opposing the Fortas nomination.

In making public the report, Nathan Perlmutter, Associate Director of the American Jewish Committee, commented: "We do not view the Fortas case as being rooted in anti-Semitism, but it seems clear that anti-Semites and extremists are exploiting and aggravating it. While Mr. Fortas' faith has not figured in the statements of either right-wing or moderate opponents of his appointment, this has not been the case with organizations in the nation's overtly anti-Semitic movement."

Among extremist actions against the elevation of Justice Fortas singled out in the American Jewish Committee report were the following:

1. The Liberty Lobby, racist-tinted ultra-rightist group engaging in political lobbying and propaganda distribution, whose Executive Secretary, W. B. Hicks, was a public witness against Mr. Fortas, mailed 280,000 copies of "Emergency Liberty Letter No. 21," which declared that "Abe Fortas is not a juvenile delinquent who has dabbled in Communist causes for thrills. He is a 58-year-old convinced revolutionary in deadly earnest."

2. The John Birch Society started its organized opposition to the Fortas nomination in July with distribution of literature at its New England "Rally for God, Home and Country." Its drive was carried on in its August bulletin, which suggested a mail campaign by Birch Society members using information on Mr. Fortas found in the Birch-produced Dictionary of Biographical Sketches of American Liberals. Doubts about Mr. Fortas' loyalty to the U.S. were raised by the Birch publicatons.

3. Kent Courtney, a Birch Society member who also heads his own Conservative Society of America and who also testified against Mr. Fortas has charged in his publications that Mr. Fortas invariably ruled with the Communists and with individual Communists in his Court decisions on behalf of what it called "the Communist conspiracy." Mr. Courtney appealed for extra funds from his subscribers to carry on the stop-Fortas movement; among his plans were mailings to newspapers, radio and TV stations, members of Congress, and Washington correspondents.

4. Dan Smoot, in the August 12th issue of the *Dan Smoot Report*, charged that Mr. Fortas for almost a generation "has been one of the most notorious influence peddlers, White House insiders, political fixers and wire pullers ever to adorn the Washington scene." Mr. Smoot's readers were urged to let Senators know how they felt about the Fortas nomination, implying that his removal from the Supreme Court altogether would be pushed once his elevation to Chief Justice was blocked.

5. Members of the extremist organization, We, The People, received copies of *Free Enterprise*, its monthly publication, attacking Mr. Fortas' alleged Communist sympathies. They were urged to "remind (your two U.S. Senators) of Fortas' long pro-Communist record . . . We are at war with the Communists—so why should they accept the appointment of a Communist sympathizer to the head of the highest Court in our land?"

6. "Let Freedom Ring," automatic recorded message service, has featured messages attacking Mr. Fortas' nomination through its network of approximately 140 outlets across the country. Contrary to the usual practice of limiting messages to a week's duration, the anti-Fortas recordings have been played for weeks in various parts of the U.S.

7. Dr. Fernando Penabaz, publisher of the right-wing journal *Insight on the News* and a former colleague of Billy James Hargis, urged in his September 1st issue that the Fortas nomination be blocked because of the Justice's affiliation with the National Lawyers Guild, his friendship with Alger Hiss and Harry Dexter White, and his alleged role in trying to keep the story of Walter Jenkins' arrest out of Washington newspapers.

8. Tom Anderson, syndicated columnist for ultra-right-wing publications who also is a member of the Birch Society National Council, has repeated the familiar charge that Justice Fortas was a critic of the Government Loyalty Security programs in the 1940s and 1950s, and that he was pro-Communist, a fixer, and a defender of Communists.

Among overtly anti-Semitic groups, the report listed the following actions:

1. The American Nazi Party, "now masquerading as the National Socialist White Peoples' Party," has installed an automatic recording device at its headquarters in Arlington, Virginia, similar to that of Let Freedom Ring. Dialers of the advertised telephone number received this message: "In this nation of 150 million white Aryans, it seems that Mr. Johnson couldn't find a single qualified person to fill that important post. Instead he dug up this despicable Jew with a Red record that smells to high heaven, and what a record it is."

2. *The Thunderbolt*, official publication of the Nazi-like National States Rights Party, noted on page 1 of its August edition: "President Lyndon Johnson has once again shocked America with the announcement that the radical Zionist, Abe Fortas, is his choice to be Chief Justice of the U.S. Supreme Court. This final 'packing' of the Supreme Court would insure another decade of pro-Communist rulings, less law and order, more crime and corruption and the total re-writing of the U.S. Constitution."

3. Gerald L. K. Smith, notorious hatemonger, has commented: "The Jew Abe Fortas, recently appointed to the Supreme Court, is the all-American fixer for the White House and everything that Johnson touches. He has done so much for Johnson that Johnson is completely obligated to him."

4. The *Fiery Cross*, official publication of United Klans for America, reprinted a portion of an attack on the Fortas nomination from the July 15th issue of the *Washington Observer* in which the Justice was called "a titular figure in the invisible government that exercises vast secret control over a sector of public affairs in the country." "Invisible government," the AJC report points out, is a long-standing anti-Semitic euphemism for Jewish domination and control. The *Washington Observer*, in its article quoted in the *Fiery Cross*, mentions that Mr. Fortas was the son of "a Jewish immigrant cabinet maker from England who ran a second-hand furniture store in Memphis."

Founded in 1906, the AJC is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of people at home and abroad, and seeks improved human relations for all men everywhere.

Mr. JAVITS. Mr. President, I think, too, it is very important that this whole question, which I regret to have seen raised at all, should not be used on either side. I have used the words "crutch" or "weapon." It really should be eliminated completely in the consideration of the matter. I repeat that so many of us have heard about it because, obviously, it is being used by many known organizations of the extreme right and which are anti-Semitic in their previous antecedents in the kind of material which has been utilized.

Mr. CURTIS. Mr. President, the Washington Evening Star of today contains an editorial entitled "The Fortas Impasse."

I believe it is rather significant that this objective publication closes its editorial with this thought:

> Under the circumstances, we regretfully conclude that the interests of Justice Fortas, the court and the nation make it necessary to find a way out of the existing impasse. The Senate should cut the knot by some such strategem as a motion to recommit the nomination or a resolution that no vacancy exists on the court. Failing that, President Johnson should seriously consider withdrawing the Fortas nomination.

Mr. President, I concur in that editorial, and I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FORTAS IMPASSE

The Senate has now opened debate on the nomination of Abe Fortas as chief justice of the United States. There is no indication that those who oppose Fortas have softened their determination to block the appointment by any means available.

If there has been any change, the opposition has hardened. The Senate is now debating whether or not even to consider the nomination. That argument may drag along for five days. Then, assuming that the senators decide to tackle the real question, a prolonged discussion—more commonly known as a filibuster—could run for two weeks before an attempt would be made to cut off the argument with a cloture vote.

Our position, from the beginning of the controversy, has been that the filibuster should not be employed to block the nomination; that the appointment should be voted on by the Senate without delay, and that Fortas should be accepted or rejected solely on the basis of his qualifications. Parliamentary gamesmanship and overheated election year politics should play no part in a decision of such overriding national importance. Although certain revelations concerning some of Fortas' extracurricular activities have shaken our confidence in the outcome, we still believe that the best interests of the country would have been served if the question had come promptly and cleanly to a vote.

But it is now abundantly clear that the vote will not be prompt and that the intervening debate will not be clean. Instead, the work of the Senate will come to a standstill at least until the middle of October. And during that period, an associate justice of the Supreme Court—and the court itself—will be subjected to an all-out, no-holds-barred attack.

Neither of these prospects is really acceptable. The backlogged legislation cannot wait. The court is already held in such questionable public esteem that a bitter, politically-inspired attack in the Senate could seriously undermine public confidence in the judicial branch of government. And in the end, should Fortas win confirmation, his position as chief justice would be so seriously compromised as to make his tenure in office a prolonged personal agony.

Under the circumstances, we regretfully conclude that the interests of Justice Fortas, the court and the nation make it necessary to find a way out of the existing impasse. The Senate should cut the knot by some such strategem as a motion to recommit the nomination or a resolution that no vacancy exists on the court. Failing that, President Johnson should seriously consider withdrawing the Fortas nomination.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1461) making continuing appropriations for the fiscal year 1969, and for other purposes, in which it requested the concurrence of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of James Russell Wiggins, of the District of Columbia, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations, which was referred to the Committee on Foreign Relations.

ROUTINE MORNING BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, under the previous order I ask unanimous consent that the Senate proceed to the transaction of routine morning business as in legislative session.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the transaction of routine morning business as in legislative session.

SENATOR JAVITS' ANNUAL REPORT

Mr. JAVITS. Mr. President, it has been my custom throughout my congressional career to report to my constituents in New York State on each session of Congress and on my own activities during the year. This is my 20th report. It comes at the conclusion of my second term in the Senate—a 6-year period during which we have literally reached for the moon, only to discover that our own planet and our Nation are in a ferment of war and of revolutionary change. It has required us all to examine where we have been, what we have done, and now, how best we can utilize the forces of change in the years ahead to assure the orderly progress we must have if there is to be peace in the world and tranquillity, justice, and prosperity at home.

During these past 6 years, my seniority in the Senate has allowed me to become ranking minority member of the Senate Labor and Public Welfare and Small Business Committees and to gain membership on the Appropriations Committee. These assignments have permitted me to become even more thoroughly involved than previously as an architect of the major legislation designed to combat poverty and hunger, to help overcome the crisis of our cities, to provide greater educational opportunities for all our children, to improve our health services, and to fight for long overdue projects of development and improvement for New York.

But I have also seen our Nation torn apart by violent disagreements over the sense of justice long denied and of the rising expectations in our black communities, torn over the war in Vietnam; and, indeed, over the very effectiveness of our democratic institutions themselves to accomplish our national purpose. During this same time the Nation and the world were shocked and stunned over the brutal assassinations of President John F. Kennedy, his brother and my colleague and friend, Senator Robert F. Kennedy, and of the apostle of nonviolence himself, the Reverend Dr. Martin Luther King.

Even as we mourned the loss of these leaders, others were struck down in the rising tide of violence that has threatened our Nation—civil rights workers in Mississippi and in Alabama, bystanders in city riots, victims of increasing street crime, and the more than 25,000 young Americans killed in Vietnam. In our cities I have been guided by the principle that we must move to halt violence in all its forms—and to maintain public order—while at the same time working honestly to do justice in correcting its causes. This is why I have been a leader in the struggle to require licensing and registration of all firearms and to provide law enforcement officers with the best possible training and modern equipment, while at the same time sponsoring legislation to implement the recommendations of the President's Commission on Civil Disorders to create new educational, housing, health, and job opportunities for all our citizens.

Nothing has divided the Nation as deeply as the war in Vietnam. When it became obvious that our forces were taking over the major burden of the war, I broke decisively with the administration in February 1967, calling for a halt to the bombing of North Vietnam to pave the way for peace negotiations and for the progressive de-Americanization of the war effort. I have since urged a cease-fire and other measures to open the door to a negotiated settlement of the conflict and to end the deadlock in the Paris peace talks.

But Vietnam was not alone among the crises: Intervention in the Dominican Republic, the India-Pakistan war, the invasion of India by Communist China, the Israel-Arab war, and the Soviet invasion of Czechoslovakia. In all of these, my activities were guided by a belief in the multi-national approach, whether through the Organization of American States, the United Nations, or NATO. As chairman of the Political Committee of the North Atlantic Assembly—NATO Parliamentarian's Conference—I had warned against the precipitous withdrawal of U.S. forces from Europe and called for establishment of a NATO naval presence in the Mediterranean to counter Soviet designs in the Mideast endangering Israel and the entire area. I have continued to press for the Javits-Symington resolution emphasizing the need for direct negotiations between Israel and her Arab antagonists prior to any withdrawal by Israel from occupied territories.

There were some successes in international affairs. I was one of the principal supporters of the Nuclear Test Ban Treaty of 1963. I was the father of ADELA, the Atlantic Community Development Group for Latin America which is a vast undertaking providing private multi-national financing for local private enterprise efforts. It is widely hailed as one of the most important private achievements to aid the development of newly developing areas.

As a leader in enactment of the Trade Expansion Act, as an advocate for a Latin American Common Market and as the author of a proposal for an international free trade area embracing most of the industrialized non-Communist world, I have continued to work for expanded world trade because of its great benefit to New York and the Nation.

One of the greatest areas of achievement in the past 6 years was in the field of civil rights. I was gratified to be one of the leaders in the enactment of the landmark Civil Rights Acts of 1964 and 1968 and the Voting Rights Act of 1965. I have continued my efforts of 20 years duration to assure adequate Federal funding of efforts to bring about genuine equal opportunity for all Americans. This crusade for equal opportunity has now been focused on jobs as well as on efforts to reform and standardize welfare and eradicate poverty and hunger. I shall continue these efforts and also propose new programs to make full use of the private sectors and of local participation.

The crisis of our cities has been burned into the conscience of the Nation by literally hundreds of civil disorders. I have proposed a systematic approach to many of our urban ills, similar to the Marshall plan used to rebuild Europe. I am the author of proposals, such as the Domestic Development Bank and the Economic Opportunity Corporation designed to give U.S. business a decisive role in making our cities livable again. Creation of new Departments of Housing and Urban Development and Transportation had my active support and I was a cosponsor of the Demonstration Cities Act and the Urban Mass Transit Act. all of which will do much to alleviate the plight of metropolitan man.

One of the highlights of my current term was the enactment in 1965 of medicare, including my proposals to allow supplementary coverage for doctor's bills and to include millions of older citizens not under social security. In that same year, Congress passed legislation providing Federal aid to elementary and secondary schools and I was one of the architects in working out the formula to accommodate objections that had delayed passage by focusing aid on children from poorer families. Another landmark achievement in 1965 was the act, which I helped draft, abolishing the arbitrary and restrictive immigration quota system and substituting a new and fairer system. My longstanding efforts for proposals forbidding age discrimination in employment were incorporated in a 1967 law. I was gratified to be a leader in the successful 1966 fight to increase the minimum wage.

My efforts of many years culminated with the passage in 1965 of the National Arts and Humanities Foundation Act and of legislation establishing the National Commission on Automation. I also had great pleasure in helping create the Fire Island National Seashore off Long Island. and in compensating the Seneca Nation of Indians in western New York for treaty land taken from them for construction of Kinzua Dam.

In the past 6 years, some 115 measures that I have sponsored and 71 that I have cosponsored have been enacted into law, in addition to 66 measures that I have either sponsored or cosponsored that have passed the Senate.

These are, in my judgment, the high points of my 6 years of service. But service is not written in the larger issues alone. It is also reflected in the day-to-day debate and in voting on hundreds of issues of importance to New York and the Nation. In addition, I am particularly pleased at the record of my offices in the State and in Washington in answering the needs of my constituents and in helping literally thousands of New Yorkers in their dealing with the Federal Government.

VIETNAM, FOREIGN AFFAIRS

The Vietnam war has been the national issue of gravest concern throughout 1968—straining our economy, dividing our Nation, and tarnishing our national image in the eyes of many of our traditional allies. The illusions and misconceptions underlying administration policy—about which I have spoken many times over the past 2 years—were demonstrated graphically by the Tet offensive. I welcomed the measures taken by President Johnson to initiate the Paris peace talks. I met with our able negotiators, Governor Harriman and Ambassador Vance, in Paris on May 21. Unfortunately, the Paris talks have become bogged down in a stalemate analogous to the battlefield stalemate in Vietnam, and I have advocated new measures to break that stalemate and to accelerate the path to a negotiated settlement. Specifically, I have called for a complete cessation of bombing north of the demilitarized zone, coupled with an inplace cease-fire in South Vietnam. The National Liberation Front should be accepted as a negotiating party at the peace table and the United States should declare its willingness to accept the results of a free election in South Vietnam. There must be an orderly but progressive "de-Americanization" of the war effort.

As a member of the foreign policy subcommittee of the Republican Party platform committee, I helped to draft the party's Vietnam plank which, in my view, clearly commits the party to an intensified search for a negotiated peace in Vietnam and repudiates the administration's policy. I tried for a plank entirely in accord with my views, but it failed of adoption.

As chairman of the Political Committee of the North Atlantic Assembly, I chaired the spring 1968 meeting in Brussels. I found in Europe a growing alertness to the threat posed by the Soviet Union's buildup of a large naval force in the Mediterranean. My proposal for the establishment of a NATO standing naval force in the Mediterranean was discussed at the spring meeting of the NATO Council of Ministers. My trip was highlighted by a private audience with His Holiness Pope Paul VI in Rome.

The destruction of freedom in Czechoslovakia by U.S.S.R. and satellite armed forces has highlighted the need for a reordering of U.S. priorities and the administration's preoccupation with Vietnam which has led to a deterioration of vital U.S. interests in Europe and the Middle East. This neglect, as I have detailed in a series of Senate speeches, has contributed to the increased war threats in the Middle East, the Mediterranean, and now in Central Europe.

While supporting vigorously research and development efforts, I supported Senate efforts to defer actual deployment of the Sentinel ABM system, since available scientific evidence indicates that the system would be obsolete and ineffective by the time it could be deployed.

MIDDLE EAST

In January I made a private visit to Israel to acquaint myself with the situation resulting from the 6-day war. Despite Israel's victory, war has again become a real threat, due to the intransigence of Arab nations supported by Soviet arms and Soviet diplomatic encouragement.

The first requirement is to make certain that Israel's self-defense requirements are fully met, especially in supersonic aircraft, where Phantom F-4 jet fighter bombers are needed. I supported a Senate foreign aid provision which urges such a policy on the President. Moreover, the United States must make it clear to the U.S.S.R. that we will not let it have its way in the Middle East. I have proposed a five-point Mideast action program for peace: first, Arab-Israel negotiations for a permanent peace: second, a Mideast arms control agreement; third, U.S. initiative for settlement of Arab refugees; and, fourth, a new Mideast cooperative grouping of nations friendly toward the United States and free Europe. I also cosponsored a Senate resolution for developing nuclear-powered desalinization plants in the Mideast.

FOREIGN ECONOMIC POLICY

With congressional support for foreign aid declining further this year, it is clear that the program must undergo a change in direction if it is to remain an effective tool of U.S. foreign policy. Congress enacted my amendment requiring a comprehensive review and reorganization of the U.S. foreign assistance program. As a result, the President will submit to the Congress his recommendations for reform by March 1970. As an integral part of the President's review, a recommendation is called for on the practicability of establishing a federally chartered corporation designed to mobilize and use private U.S. capital and skills in developing countries. I have long favored the creation of such a corporation.

I continued to oppose protectionist pressures for import quotas; however, I propose that the United States take decisive action against countries which compete unfairly against U.S. exports or in selling to the United States. In addition, I urged Congress to delegate effective trade negotiating authority to the

President while retaining the right to disapprove the results; that industries facing unusual import competition should be eligible for Federal Government modernization and adjustment assistance; that the direction and administration of foreign trade policy be strengthened by creating a White House agency for that purpose, and that a Presidential Commission on Foreign Economic Policy be established.

When the administration was slow early in 1968 in taking effective measures to strengthen the international monetary system and in bringing our balance-of-payments deficit under control, I took an active lead in Senate debate on these vital issues.

I recommended the United States stop supporting the London gold market, thereby letting the price of gold fluctuate in response to market forces and that we temporarily suspend the automatic convertibility of dollars into gold at $35 per ounce, pending the negotiation of an agreement with major dollar holding nations which would limit their purchase of U.S. gold for use among central banks only. I was highly pleased that essential elements of my proposals were later put into effect by the seven London gold pool nations.

I opposed the administration's proposed tax on U.S. travel abroad because it would discriminate against Americans of moderate means. Such a tax would not only be self-defeating but would surely invoke retaliation. I voted for the International Coffee Agreement because of our major stake in stable coffee prices and in stable earnings by coffee producing nations and supported the International Grains Arrangement, despite its shortcomings, to prevent the collapse of the important Kennedy round of trade negotiations.

CRISIS OF THE CITIES

I authored the National Manpower Act of 1968—cosponsored by some 80 Republicans in the House and Senate—the first major bill introduced to implement the top priority recommendations of the National Advisory Commission on Civil Disorders. Among the proposals embodied in that bill are: tax incentives to industry for hiring and training the hard-core unemployed; creation of new jobs in public service occupations for the poor; establishment of local service companies owned by the employees to perform appropriate public services; establishment of a national technical assistance corporation to facilitate business participation in cities programs; and the creation of a computerized program to match unemployed persons with available jobs. Parts of that bill were favorably acted upon by the Senate Labor and Public Welfare Committee in reporting an extension of the Manpower Development and Training legislation, and most of the rest will be part of a bipartisan amendment to MDTA when that measure is brought up for consideration.

When it became apparent that the administration this year would not seek supplemental funds for the all-important summer job program for youth from poor families, I introduced my own bill for this purpose and it passed after a protracted fight, although providing a much reduced dollar amount. I was able to insure that New York City received 12 percent of these supplemental funds. In an effort further to pursue job development as the key antipoverty weapon, I authored an amendment to the Defense Procurement Act which would give a preference in the award of defense contracts to companies willing to hire and train hard-core unemployed. The measure passed the Senate but was eliminated in conference.

Finally, I was pleased to see that one of my amendments to last year's antipoverty bill was actively implemented by the administration. It became the legislative basis for the new JOBS program, providing reimbursement to industry for training.

While appropriations for the poverty program have not yet been finally acted upon, I fought to resist funding cuts in the Appropriations Committee and cosponsored the successful amendment in the Senate which restored $215 million to the program. In a further effort to sustain priorities for these programs, I unsuccessfully sought to exempt antipoverty and urban development projects from the budget cuts involved in the combined tax surcharge-budget reduction bill. I also served as a member of the ad hoc Congressional Committee for the Poor People's Campaign.

The Omnibus Housing Act of 1968 included my amendments to reduce rents in State-supported, nonprofit, middle-income housing projects by making residents in such projects eligible for Federal rent supplements and interest subsidies; to include representatives of the poor on the new National Commission on Lower Income Housing; and to increase greatly private funds available for college housing by providing Federal interest subsidy payments. The proposal I originated last year to provide interest subsidy payments for privately financed low- and middle-income rental housing was substantially accepted by the administration and included in the act, as were the homeownership and slum reinsurance programs which I had cosponsored. I strongly supported full funding for the rent supplement and Model Cities programs through my membership on the Appropriations Committee.

Concerned about the destructive effect of many highways on the cities and suburbs which they pass and convinced of the necessity of beginning to shift our transportation emphasis to urban mass transit, I opposed the Federal-Aid Highway Act of 1968, which contained several objectionable provisions allowing Federal dictation of local highway construction and compromising natural beauty aspects. I have also introduced legislation to strengthen the highway planning requirement to insure that highway construction is related to comprehensive urban development.

ECONOMIC DEVELOPMENT AND SMALL BUSINESS

My proposal to establish a Domestic Development Bank to provide a new source of financing for business ventures in poverty areas received broad support and was incorporated into the Community Self-Determination Act introduced by a bipartisan group of over 30 Senators. Other provisions of that act, which I sponsored, would provide tax and other incentives for the establishment of local development corporations, which would invest in businesses and use profits for community service activities.

I also introduced a bill to give a preference to poverty areas and local contractors in the location and construction of new Federal buildings. Finally, I stimulated a set of special hearings held by the Senate Small Business Committee, of which I am the senior minority member, on this issue of procurement by poverty area business, and chaired a special hearing in Harlem on small business problems.

When it became apparent that the administration was not going to seek funds to implement my legislation of last year to make technical assistance available to minority-group businesses, I successfully sought to earmark $10 million for this purpose; and gained interim funding for the OEO Small Business Development Centers until this new effort could begin. I was named "Businessman of the Year" by the New York Puerto Rican Merchants' Association because of these efforts. I also introduced legislation to make the existing SBA disaster loan program applicable to businesses hurt by civil disorders.

FEEDING THE HUNGRY

Largely as a result of an explosive television documentary on "Hunger in America," we were able this year to make progress in insuring that no American must suffer starvation and malnutrition. That documentary, which I arranged to have shown to Members of Congress, reported that over $200 million in so-called section 32 funds, designed in part to feed the hungry, was not being used by the Agriculture Department. I introduced an amendment to the 1969 Agriculture appropriations bill to free the Secretary's hands fully to use those funds; and finally was able to help make available an additional $50 million for school lunch and other child feeding programs. I cosponsored the Senate resolution establishing a new Select Committee on Nutrition and Human Needs and I have been named its senior Republican member. It is charged with conducting a thorough investigation of hunger in the United States and with reporting back to the Senate by June 1969.

CRIME AND GUNS

This year, I took an active role in securing enactment of the Safe Streets and Crime Control Act of 1968. The act provides for grants—$100 million the first year and eventually $300 million annually—to the States to administer their own law enforcement programs. New York could receive over $30 million each year for police training, purchase of equipment, demonstration projects, riot control, and similar programs. The new law also contains a section prohibiting wiretapping, except under court order, which was patterned after the New York State law, and a section embodying my proposal for the recruitment and training of community service officers to assist the police.

Clearly the most controversial title of the new law was the one banning mail-order sale of handguns. While a powerful lobby has for years prevented the passage of national gun control legislation, the shocking increase in crimes of violence committed with guns made reasonable Federal-State control imperative. It was pointed out that children, mental patients, and even convicted felons could obtain guns with ease. It was also emphasized that in large cities like New York, which have strict gun control legislation, the crime rate was far lower than in cities without strong regulation. I was the Republican floor leader of the effort to ban the mail-order sale of all guns, but we were successful in limiting only handguns. After Senator Kennedy's tragic death in June, interest in gun control was revived—I received 100,000 letters in a single month favoring strict regulation—and I joined with other Senators in sponsoring bills to extend the mail-order ban and to provide for registration of all guns and the licensing of owners. While we were unable to pass the registration and licensing provisions for which I fought, we did extend the ban on mail-order sale to rifles and shotguns. I authored the basic compromise in the Juvenile Delinquency Act of 1968, giving both the States and the localities a role in conducting programs to prevent delinquency and to rehabilitate youthful offenders.

CIVIL RIGHTS

This was a good year for civil rights legislation, due mainly to the faith and tenacity of a small group of Senators, of which I was a part, who were determined that the fair housing issue at least be given consideration. Late last year, the House passed a bill to protect civil rights workers from violence and assault. This bill was pending in the Senate when we reconvened in January, and a filibuster was begun almost immediately. Determined that we could not only beat the filibuster but substantially improve the bill, Senator HART of Michigan and I, working with Senators MONDALE, BROOKE, and PERCY led the fight to add a strong Federal open housing amendment. After 2 months of debate, we were successful, not only in preserving the worker protection section, but adding a section prohibiting discrimination in the sale or rental of all housing except owner-occupied, single family dwellings where the services of a real estate agent are not used. While New York State has had such a law for many years, the enactment of a strong Federal statute is a giant step forward and was the major civil rights victory of the first half of the session.

THE DOMESTIC ECONOMY

Deeply concerned about the necessity of bringing our fiscal situation under control and assuring continued confidence in the management of the American economy and the dollar, I proposed with Senator WILLIAMS of Delaware and actively supported enactment of the combined 10-percent tax surcharge and $6 billion expenditure cut. This package should contribute to continued economic expansion at a sustainable rate, with a minimum of inflation and stable employment, and to a stabilization of interest rates—which have risen to their highest levels in 100 years.

Since much of our fiscal problem is due to the failure of the administration to establish budgetary priorities, I proposed the establishment of a Commission on Budget Priorities and Federal Expenditures to assist the President in the effort.

This session saw the enactment of my amendment requiring the President to submit to the Congress by December 31, 1968, proposals for a comprehensive review of our tax code. Hopefully, this will pave the way to the elimination of many inequities in the tax laws and for spreading more equitably the tax burden.

I continued to press for the revised Javits revenue sharing plan which would return to the States and local governments a proportion of Federal revenues with a minimum of strings attached, thereby providing a new source of funds to revitalize State and local governments.

LABOR

This was a relatively unproductive session for labor legislation. No final action was taken on a bill to give the Equal Employment Opportunity Commission the power to order cessation of discrimination in employment. The bill contained a number of amendments I had sponsored or cosponsored.

I also continued to press for action on my comprehensive bill designed to protect the retirement security of over 25 million Americans depending on private pension plans. It would provide minimum standards for vesting and funding and establish a type of pension bank, which would allow the worker or employee to transfer pension credits from job to job—thereby relieving one of the great problems with pension and welfare funds. The administration later introduced a similar bill, and hearings have begun on both measures.

Since many, if not most, States have workmen's compensation laws that are shockingly inadequate in some respects, I proposed as an amendment to the occupational health and safety bill, the establishment of a Federal Commission to study the State Workmen's Compensation Laws. This proposal was officially endorsed by the administration. I have since introduced it as a separate bill, with the cosponsorship of Senator YARBOROUGH, chairman of the Labor Subcommittee.

HEALTH AND EDUCATION

In enacting the Health Manpower Act, the Congress included provisions I authored enabling the interest rate on loans for medical, dental, and nursing students to be reduced to 3 percent; to require a study of the allied-health professions; and to require that the preference in obtaining student loans now given first-year nursing students be extended to licensed practical nurses. The Congress also enacted legislation I cosponsored establishing a National Eye Institute.

My proposal for major hospital modernization assistance was passed by the Senate, but deleted in conference with the understanding that it will be reconsidered next year. Portions of my proposal for a major Federal effort against alcoholism were also approved, and I intend to work for the remainder of the program next year.

The Senate-passed Higher Education Act, included several provisions I authored—among them a major new program for the construction of academic facilities; providing a low-interest rate and giving mortgage guarantees; encouragement of State scholarship programs; expansion of the program to attract minority and low-income individuals into secondary education; extension of priority in Teacher Corps programs for schools located in poverty areas and the addition of internships in such schools to existing Education Professions Development Act training programs; and, authorization of short-term training opportunities for guidance counselors.

The Vocational Education Act also includes several provisions I sponsored, including those authorizing preschool education for handicapped children, establishing guidance counseling in State vocational education programs; and providing for consumer education as part of homemaking programs.

Concerned that proposed budget cuts in education programs, ranging up to 85 percent of last year's appropriations, would impair the growth of American education at all levels and would place new burdens on local communities, as a member of the Senate Appropriations Committee I was successful in gaining acceptance of my amendment to restore $50 million to programs for the disadvantaged and subsequently joined to gain another $76 million on the Senate floor.

VETERANS

The Veterans Pension and Readjustment Act, which I cosponsored, was enacted into law. It enables a veteran to receive greater amounts of outside income, such as social security benefits, without a corresponding pension reduction, and contains an amendment I authored to extend the termination date for veterans' business loans. In addition, I participated in Veterans' Affairs Subcommittee hearings on vitally needed legislation to correct inequities and make necessary improvements in veterans medical and educational programs. As I have done for many years, I cosponsored the Senate resolution calling for the establishment of a Senate Veterans' Affairs Committee.

Concerned about the necessity of guaranteeing all Vietnam veterans, whatever their economic status or race, fully opportunity in jobs, education, and housing, I introduced several bills which would restructure the present system of GI benefits to meet new needs. I sponsored legislation which would extend the program of direct VA home loans to such urban areas; grant the VA new authority to provide counseling and technical assistance with regard to business and home loans; and make new job training programs available to veterans.

Most importantly, in seeking to direct young veterans away from areas of high unemployment to those sections of the country where there will be a job market for the skills they have acquired in the Armed Forces, I introduced the Veterans'

Employment and Relocation Assistance Act. This bill would assist newly discharged veterans in locating such job opportunities anywhere in the country, and would give them financial assistance in applying for such jobs and in relocating, where necessary.

CIVIL SERVICE, POST OFFICE

Legislation seeking to correct the inequities between the pay scales and working conditions of Federal employees and their counterparts in the private sector has always had my support. During this Congress I backed the measure giving National Guard technical employees Federal worker status. This makes them eligible for civil service retirement and other benefits. This Congress also enacted needed legislation providing for disciplinary action against employees in the postal field service who assault fellow employees during duty hours. This measure had the strong support of large numbers of postal workers in New York.

The grave problems involved with the mailing of indecent and obscene literature has been of great concern to me as a Senator and as a parent. In this Congress, I supported enactment of a measure giving individuals the power to prohibit the mailing of such materials to their homes.

RURAL LIFE

Concerned with the Department of Agriculture practice of paying huge sums of money to a relatively few very large farmers to keep land out of production, I initiated a bipartisan demand to change this policy and to initiate a ceiling on the aggregate amount of any such payments to any one farm recipient.

Aware of the importance of New York's dairy farming industry, I successfully urged the Secretary of Agriculture to increase substantially the class I price paid to New York dairymen, in order to maintain reasonable price relationships between various marketing orders. I also cosponsored the measure which allows indemnity payments to dairy farmers who have to withhold milk containing chemical residues from commercial markets.

In order to deal with the serious fluctuations in egg prices, I cosponsored a bill to establish a nationwide marketing order for table eggs, provided that this plan is agreed to in a referendum of poultrymen. I also cosponsored the Young Farmers Investment Act which would allow for low-interest, long-term loans to encourage young farmers to remain in rural areas.

It is my belief that a new administration should act to insure a strong, stable, farm economy and will take steps to reshape agricultural policies. For the present, I supported an extension of the Agricultural Act of 1965, since the bill included authority for dairy farmers to develop a base plan, if they so desire, and for milk research and promotion programs.

NEW YORK STATE AFFAIRS

As a member of the Senate Appropriations Committee, I was particularly gratified in helping to obtain a Senate appropriation for Appalachian regional development of $178,600,000 in 1968. Of this, New York State would receive about $15 million for 1968–69.

Fourteen New York flood control, navigation, and beach erosion projects were funded, including projects in the area of Fire Island, Montauk Point, Ithaca, Little Neck Bay, New York Harbor, North and South Ellenville, Rosendale, and Salamanca. In addition, the Senate appropriated $50 million for post office construction, a portion of which will be used to continue construction on post offices in the Bronx, Rochester, Syracuse, and the Morgan Station in Manhattan.

The 1968 omnibus rivers and harbors bill contained five New York State projects: Cattaraugus Creek, Hempstead Harbor, Port Jefferson Harbor, the conveyance of certain Federal property to Buffalo for recreational purposes; and a beach erosion project for Hamlin Beach State Park. I successfully amended the bill on the Senate floor to add the Hamlin Beach project, not until then included in the bill.

I supported numerous federally aided projects which were initiated in New York State this year, among them: a special capital grant for the operation of Binghamton's bus service and grants to Kingston and Cohoes for the construction of community recreation centers. Through my intervention, Buffalo was assigned a permanent Coast Guard icebreaker for the first time in opening its harbor. Water and sewer facilities grant programs were approved for both New Hartford in Oneida County and the town of Evans in Erie County. The Economic Development Administration awarded a similar grant to the village of Heuvelton, part of the Black River-St. Lawrence Economic Development District. I was successful in getting the Senate Public Works Committee to authorize a Corps of Engineer study of the Ellicott Creek plain region in the town of Amherst, Erie County. After the Federal closing of the Medina Job Corps Center in Orleans County, I worked closely with Federal and State officials to find an alternative function to the camp—which there was taken over by the New York State Narcotic Addiction Control Commission.

I assisted the city of Plattsburgh in obtaining supplementary funding for development of a senior citizens housing project; and Chautauqua County in gaining an urban planning assistance grant. I was also gratified that my effort on behalf of the Herkimer-Oneida Counties urban planning assistance grant was also successful. With my support the Appalachian Regional Commission granted funds for the construction of the Salamanca sewage disposal system. As a result of combined efforts, the Department of Agriculture was persuaded to reverse its decision to close the Essex County Agricultural Stabilization and Conservation Service office. I pressed for and was successful in obtaining Federal Aviation Agency development funds for the Albany, Buffalo, Dunkirk, and Jamestown airports.

POVERTY AND HUMAN RESOURCES ABSTRACTS

Mr. JAVITS. Since we passed the Economic Opportunity Act over 4 years ago, we have voted $6 billion to fund the programs enacted under that legislation.

I have strongly supported this legislation and I believe that the money spent represents sound investment. However, I believe that we can improve the administration of the various programs and enhance their efficiency in delivering services to the poor.

In a recent article prepared for Poverty and Human Resources Abstracts, by Dr. Sar Levitan of the Center for Manpower Policy Studies, the George Washington University, takes a rare second look at some of his previous findings on two of the antipoverty programs for youth. This reexamination raises some disturbing questions about how successful the Job Corps is in educating enrollees or what happens to youth in the Neighborhood Youth Corps projects.

Information provided by outside evaluators has been valuable to us in our work on the Economic Opportunity Act. We hope that this continuing work, when supplemented by the work of the GAO, will provide us with better information about the antipoverty programs than we now have.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

AN EVALUATOR'S SECOND THOUGHTS

(By Sar A. Levitan)

For an evaluator to look back over his own shoulder can often be a frightening experience. Commenting on the performance of ongoing programs is at best a hazardous occupation. Program content, if not direction, is usually in a state of flux. Data valid at the time an evaluation is written may be obsolete by the time the report sees the light of day.

Nevertheless, those who assess current government programs need not feel guilty about their occupation. As long as Congress must make decisions involving billions of dollars with only a modicum of information about the impacts of the activities it funds, there is a need for objective evaluations which present to Congress and the public whatever data are available on existing programs with the hope that the information and judgment will pass the test of time. Since those administering the program cannot be expected to approach the task objectively, the need for outside evaluation is clear.

If evaluations are to be useful to decision-making, then the evaluator cannot afford to wait until all returns are in and all precincts are heard from. Every time Congress renews an appropriation it declares a program a winner. Since Congress annually invests billions of dollars for the continuation of ongoing programs, the program evaluator should not hesitate to analyze whatever data the program operators will provide to help those who shape policy to arrive at their decisions on the basis of the best available information. Regrettably, "the best data" frequently turn sour and, to mix metaphors, the evaluator is occasionally required to eat his words. Those who desire to deal with eternal verities and aspire to prepare definitive tomes had better comment on the use of buttons in Elizabethan literature or similar vital subjects.

The Washington Notes of last year (July-August 1967) are a case in point. Citing a study which indicated that benefits of the Job Corps exceeded costs, the claim was made that the Job Corps has paid off. The evidence for this conclusion was data published by the Job Corps which indicated that an enrollee who spent nine months in a center improved his reading ability by 1.6 grades and his arithmetic comprehension by 2 grades. New data (not yet published) have since become available which suggest that the corpsmen's educational advancement is about half that initially claimed by the Job Corps. Using the newer data and the techniques developed by the OEO-sponsored study, the Job Corps could not be justified on a cost-benefit basis.

The same issue of the Washington Notes was critical of the Bureau of Work Programs (now Work and Training Programs) in the U.S. Department of Labor for its failure to develop meaningful operational data about the progress of the Neighborhood Youth Corps. The charge brought forth an indignant and righteous denial by an administrator of the Bureau charging that the author of the Washington Notes was apparently an untrustworthy character whose "observations or conclusions are inaccurate, incomplete or erroneous." PHRA readers were assured that NYC projects are being carefully monitored and evaluated and that the billion dollars obligated by NYC is being invested wisely. The administrator of the BWTP stated· "Evaluation reports . . . have been used by national office staffs to improve program effectiveness through various administrative changes and technical guidelines and materials."

The following exchange occurred nine months later during the course of the House Appropriations Subcommittee hearings on the fiscal 1969 budget for the Department of Labor:

"Mr. LAIRD. OEO last year was required to publish and develop standards for evaluation for the program's (NYC) effectiveness . . . Last year when the bill passed, the provision was written into the bill that these standards would be set forth for the program. You were required to publish these standards under the terms of the law.

"Mr. LEVINE. . . . We have not reached the point where we can publish the standards on it. . . .

"Mr. LAIRD. How many programs have you not refunded this year. . . .

"Mr. LEVINE. You mean individual programs? Mr. Battle may be able to answer that.

"Mr. BATTLE. If you are talking about the Neighborhood Youth Corps program, Mr. Laird, we have operated on the basis that unless there is a serious deficiency in the program, we would refund each of them.

"Mr. LAIRD. I thought none of them would be refunded if they did not meet these standards. That was the point of the discussion on the floor and it was written into the bill. I thought perhaps you were judging them on the basis of some standards anyway.

"Mr. BATTLE. In the absence of that set of published standards, we have proceeded as I said.

"Mr. LAIRD. Then you are refunding every one of them?

"Mr. BATTLE. Just about.

"Mr. LAIRD. You have not turned any down?

"Mr. BATTLE. New ones, but not those that have been in existence.

"Mr. LAIRD. There has not been a single one funded in 1967 that was turned down in 1968?

"Mr. BATTLE. Not to my knowledge.

"Mr. LAIRD. I cannot follow through very well on that question if we do not have the standards, if everyone is being refunded automatically. The idea was when the law was passed that there would be some judgment made on the renewal of each of these projects on the basis of standards that were going to be set up to evaluate the effectiveness of the program. . . ."

Even an Act of Congress was not adequate to generate meaningful operational data about the activities of NYC.

The Washington Notes batting average for this issue was .500. In a year of batting slumps, apologies for this score may not be in order, particularly since the government's data pitchers did not necessarily play according to Hoyle.

A NEW CHANCE FOR PRISON "GRADUATES"

Mr. JAVITS. Mr. President, last May I was present at exercises for a graduating class of 12 students. These were not ordinary graduates leaving an academic institution. For these 12 men were all inmates of the Sing Sing State Penitentiary in Ossining, N.Y. They had been selected to participate in a unique program of inmate rehabilitation and educational training conducted under the auspices of the correction authorities and the Electronic Computer Programing Institute, a private corporation specializing in training men and women for employment as computer programers.

During the ceremony, it occurred to me that once a man has committed a crime he is often doomed to bear the stigma of that offense for the rest of his life. This "mark of Cain" is no longer appropriate to a society that believes itself fashioned in the image of social justice and equal opportunity.

The social sciences have taught us that it is often from desperation and despair, nurtured in unhealthy environments, that men turn to crime, rather than from any inherent criminal instincts. The indigent and the socially deprived frequently turn to crime in a shallow attempt to receive community status or a distorted sense of self-respect. A progressive society should recognize that criminal behavior is sometimes compulsion stemming from sources over which stranded men cannot exert control. New measures are needed to ameliorate the conditions which misdirect them toward crime. In addition to preventive-type programs, the time is fast approaching when we should review our entire penal system.

Conventional methods of punishment are often outmoded and unimaginative. They represent nothing more humanly fruitful than Sysphian struggle to push the rock over the mountain. Prison has traditionally been a dehumanizing experience. It can demean men by assaulting their sense of self-respect and dignity. In too many cases, constructive rehabilitation programs in prisons are simply inadequate.

Prison should be a place wherein one may review his mistakes and test his potential. Its aim should be to develop new paths of social behavior that will enable men to return to participate effectively as fully functioning members of society.

In this spirit, the Electronic Computer Programing Institute approached the New York State correction authorities and asked them for permission to initiate a new program of vocational rehabilitation for prison inmates. After a careful study, their president, Mr. Sidney Davis, discovered that there was an appreciable number of high school educated men and women in State and Federal institutions across the country. Since the need for computer programers far exceeds the present supply, it occurred to him that there was a way to match two critical needs—job openings and vocational rehabilitation of prison inmates. Mr. Davis proposed the ECPI computer training program and it was accepted. Basic entrance requirements were a high school diploma—or its equivalent—and a rigid aptitude test. Of 33 inmates who applied, 14 were accepted in November of 1967.

I think the value of this program is most dramatically illustrated by what happened to those who participated. Of the 14, 12 were graduated on May 17, 1968, at the ceremonies at which I was honored to make the commencement address. Of these 12, two men have been released, one is presently employed full time by a leading data processing firm. The other has since left his job and was just recently awarded a full 4-year scholarship to a leading academic institution in the East. This was based in part on the training he received and on his excellent employment record. Among the remaining prisoners there have been no reported violations on their records; four will be shortly paroled, with guaranteed job opportunity; and the six still confined are presently assigned to project work for ECPI and the State of New York in assisting in payroll computations. It is evident that this is a program whose rewards are relevant to the needs of modern society as well as to the needs of these men.

A second class of 20 Sing Sing inmates is now entering the fourth month of training and other State correction authorities have expressed interest in the ECPI program. New courses are under consideration in Minnesota, Iowa, and California.

In sum, the program has been a remarkable success. It represents the kind of constructive result that can ensue from imaginative cooperation between private enterprise and Government agencies.

I ask unanimous consent to insert in the RECORD a speech I delivered on May 17, 1968, at Sing Sing prison, in Ossining, N.Y., and the accompanying newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAVITS URGES GOVERNMENT AND BUSINESS TO JOIN IN REDUCING THE NATION'S PRISON POPULATION

(Graduation speech by Senator JACOB K. JAVITS at ceremonies marking the completion of the first computer programing course at Sing Sing Prison, Ossining, N.Y.)

It is good to see that the law enforcement system of New York State is using computer technology as actively in helping to get you out as they once did to get you in here. Perhaps the next logical step will be for the police computer centers—who are always short of trained personnel—to employ this class of graduates with your newly acquired skills.

In all seriousness, I am greatly encouraged by this graduation. I congratulate the State Department of Correction for its far-sighted vision in permitting such a pilot program in rehabilitation training to be conducted at Sing Sing. And I commend the outside partner in this project, the Electronic Computer Programming Institute, for displaying a strong sense of corporate responsibility.

Jointly, government and business have succeeded here in proving that men with an aptitude, if given a chance, could learn to perform a highly skilled job.

Nevertheless, we have a long way to go. This prison, now nearly 150 years old, the correction system of our state and of our entire nation all unhappily reflect the waste of thousands of lives as well as a huge drain of financial resources that could be put to so much better use within our society.

I spent most of my time this week in Washington, where a major theme these days is the thorny question of how to fit growing demands for social action programs into the confines of a necessarily tight Federal budget. On the one hand, we are being asked to slice $6 billion from Federal spending in the coming year. On the other hand, we are witnessing a camp-in of the poor who—quite rightly—assert that the Federal Government isn't doing enough to eliminate poverty within our land. And yet, in the fact of this ever-rising demand upon our public resources, we tolerate—without giving it much thought—a penal system which has an average daily inmate population of more than 1,200,000 and which, in direct operating expenses alone, costs more than $1 billion a year.

Still, some justification could be made for this huge cost if it adequately succeeded in its primary purpose of curtailing crime and protecting society. But for a wide number of reasons—only some of which are the fault of the correctional system itself—the system isn't working effectively. Rates of recidivism—second and third-time offenders—are appallingly high. More than a third of those released from prison are back inside within five years. A recent study revealed that of 6,907 offenders released from the Federal prison system in the first six months of 1963, nearly half—48 per cent—had been rearrested for new offenses by the middle of 1965.

No business would long survive with that kind of batting average. But then no business would want such a contract, either.

If those who attack waste in our social welfare programs would with the same zeal attack the problem of waste inherent in the correctional apparatus, then we might get somewhere. Just consider what 1,200,000 persons—the current prison population—could yield in terms of socially useful work, in terms of tax revenues and in terms of the rise in national income if they were to be gainfully employed. These benefits do not even begin to take into account the savings to society which would accrue from the reduction in crime and the money saved from not having to lock people up again for a second or third or even fourth time.

It is for these reasons that I want to share with you today a few ideas as to how we might reduce this high rate of recidivism.

Let me again stress the importance of efforts such as the pilot training program involved in this graduation ceremony today.

There has been a good deal of talk in recent months about the relationship between poverty and crime. Much of that talk has been confusing. It is clear, nevertheless, that poverty and crime are related. Curtailing poverty will not end crime by any means, but it certainly would help.

A lack of a decent education also has a great deal to do with crime rates. More than four-fifths of all prisoners over age 25 have not completed high school. In the population as a whole, the percentage, instead of 83 per cent is 55 per cent. In the general population, eight per cent have graduated from college. In the prison population, only one per cent have graduated from college. In the general population, 39 per cent are employed as service workers, laborers and in other low-level and low-paid jobs. In the prison population, 77 per cent fit into these lowest categories of job skills and income.

To the extent that poor educational achievement and poor job skills are directly related to crime rates, the correctional process offers a major opportunity to break the wasteful cycle through education and job training programs for prisoners.

To have a genuinely effective and broadly based educational and vocational program within our prisons, a major expansion of teaching personnel and resources would be required. About 6,000 teachers are currently at work within prison walls. The President's Commission on Law Enforcement and the Administration of Justice estimates that another 10,700 are needed to fill even present requirements.

We have made a modest start in filling that need by authorizing a pilot program which I co-sponsored last year, that would make both VISTA volunteers and members of the Federal Teacher Corps available to work within prisons and in post-release programs. But that is only a beginning. Substantial subsidies are needed to recruit and train the necessary specialists. One method, now being tried in the Draper Youth Center, an Alabama institution, is to employ inmates who do well in their studies to tutor other students.

Still another critical problem that must be attacked is the present lack of incentives to inmates to excel in prison-run educational and vocational courses. The immediate rewards of success often are too small. There is no certainty of a job upon parole. And there is a widespread feeling within the business community against employing former inmates, no matter how well trained they may be to perform a particular task.

This is why I believe that we should employ within our prisons basically the same techniques and incentives that we are now employing with the hard-core poor: namely, successful completion of a training program should result in an assured job in industry. We should try, at least on a pilot basis, to develop job slots in industry for qualified inmates *before* they are released. And the Federal Government should provide supportive services to the prisoner in his new job *after* he is released. These should include essential follow-up counseling and bonding guarantees, whenever necessary.

Another technique, one which is dramatically employed in this program at Sing Sing, is to expand the use of business groups and private educational facilities in first designing and then implementing job training programs for prisoners. As at Sing Sing, the administration of these programs should be closely tied to the needs and the techniques of the business world beyond these walls if training efforts are to give inmates the maximum chance of success with private employers.

There is yet another area of pilot techniques that merits attention. A man's years in prison can be viewed as a time when he can actively perform a service to society, as well as help to rehabilitate himself. Where qualified personnel are available within the prison population, such persons could, in the final months of their term before parole, be allowed and encouraged to donate their services on a part-time basis to social programs beyond the prison walls.

So, if a local poverty program is running a job-training facility, inmates who successfully complete such a course could be made available as counselors and aides.

Contact between a prisoner "gone straight" and impoverished youth whose actions might be leading him on a road toward prison may be invaluable in setting that young man on another road—away from crime. Again, where inmates are able to teach basic education, some of them, as their prison terms are about to end, might find the transition eased by helping to teach local classes for the poor. In this way, the inmate is himself adjusting to the outside world. The result, one I am sure all those present here today fervently seek, is to reduce the wasteful march back into prison by giving these graduates and others who will follow in their path a chance to participate productively in the American dream.

[From the New York Post, May 21, 1968]

A SPECIAL CLASS OF '68

This is about the time of year to select a present for the graduate—a gift appropriate to the occasion that may be of practical use for years to come. Ten of the men who have just been graduated from a technical training course upstate are each looking forward to something that fits the description: a steady job.

They are among the first to complete a unique, seven-month course in computer programing run by the Electronic Computer Programing Institute with the hearty cooperation of the State Correction Dept., for selected students at Sing Sing Prison in Ossining.

Their hopes are reinforced by the fact that two of their classmates, who are now on parole, have already been hired for this specialized work; both men returned to the prison last week for formal "commencement" ceremonies, the first ever held there.

The pilot class of 12 has evidently been such a success that the programing course is being expanded. Twenty more men are to start training shortly.

Special congratulations are due the graduates. They have also been earned by the institute and its faculty and by the administration of the state's prison system. All can take a particular pride in this class of '68.

[From the New York Times, May 18, 1968]

SING SING HOLDS "COMMENCEMENT" FOR 12 INMATES

(By Joseph Novitski)

OSSINING, N.Y., May 17.—The big, black-on-white sign draped over the front of the Sing Sing prison auditorium stage said "Commencement." It marked a new beginning for 12 inmates graduating today from a computer programming course taught within the walls.

"This is the first time I've ever had a profession," said Marion S., the 39-year-old valedictorian.

The graduation ceremony in the dun-brown prison auditorium was not constricted by bars or prison regulations.

"We broke a lot of rules today," Warden John T. Deegan said. Mr. Deegan permitted women, almost all relatives of the day's graduates, inside buildings within the walls of Sing Sing for the first time, and opened his baseball field for the prison's first helicopter landing.

JAVITS AND COOKE ATTEND

It was the first time Marion S. had seen his wife, except through the wire screen that separates inmates from visitors, since he had entered Sing Sing.

The helicopter flight brought Senator Jacob K. Javits, the keynote speaker, and the Most Rev. Terence J. Cooke, Archbishop of New York, to the 55-acre complex rising on the bluffs above the Hudson River for the ceremonies.

News photographers and cameramen were also permitted for the first time in Sing Sing's history to take pictures of consenting inmates' full faces. But reporters were requested not to question the inmates on their criminal backgrounds, and the last names of prisoners present were not released.

The warm spring sunlight came through the high auditorium windows, almost hiding the bars. The prison band played "My Mother's Love" for the occasion, and a buffet for 150 persons was served. An inmate called the ceremonies "boss."

"We won't eat this well until we graduate," he explained.

TWO GRADUATES TAKE JOBS

Two of the twelve graduates of the seven-month pilot program, conducted by the Electronic Computer Programming Institute, a computer training school with headquarters in New York, were released on parole recently and left the graduation for programing jobs.

The remaining ten inmates are all eligible for parole within a year, and they will be given computer programs to write at Sing Sing for the state while serving their sentences.

The graduates, who wore prison-gray pants, white shirts and black ties—except for the two parolees, who wore business suits—were watched by 20 inmates chosen to begin the second computer course tomorrow. Sixty-seven relatives, friends and guests sat on the wooden pews of the auditorium.

"Today is a very wonderful and historic day," said Archbishop Cooke, as he delivered the benediction closing the ceremony.

STARTED LAST NOVEMBER

Computer programming instruction at Sing Sing began last November when 14 inmates were selected from 33 applicants to take the weekly Saturday classes given by instructor Michael Cappi after they had passed a three-part aptitude test. All had to have completed high school. Since the course began, one inmate was transferred to another prison and one dropped out.

Sydney Davis, president of the programming institute, explained that the idea of teaching programming to convicts came to him when he read of the many high school educated inmates in the country. New York State Correction Commissioner Paul McGinnis and Warden Deegan agreed to try the program, and both said they were pleased with the results.

Senator Javits called for new criminal rehabilitation techniques within prison walls and Federal Government support for follow-up services after release.

[From the New York Daily News, May 18, 1968]

FROM PRISON TO COMPUTER

(By Anthony Burton)

The commencement speaker was inspiring. Each graduate got a round of applause as he received his diploma. Relatives, clutching their tasseled programs, looked on with pride.

Afterward, the graduating class went out into the sunshine to have pictures taken with the distinguished guests.

It was everything that a graduation ceremony should be—except that uniformed guards in watch towers were gazing down at the scene. In the background to the left of the graduates as they had their pictures taken was the death house.

This was Sing Sing Prison and the graduates were convicts or recently released prisoners.

LISTED UNDER PEN NAMES

The 12 men, 10 still prisoners and two out on parole, were the first in the nation to complete a course in electronic computer programming behind prison walls. To conceal their identities, the class listing merely read: "Harold S., Michael W., Edward W., etc."

But, with the state's agreement, most of the graduates allowed their pictures to be taken, a precedent for prisoners in New York State.

The 10 convicts wore ties and white shirts for yesterday's ceremony instead of their usual gray uniforms. The two men on parole wore neat business suits.

HARD WAY TO GET A JOB

One of the parolees, Rego A., 37, a bachelor, won a job with a Manhattan firm last week as a trainee programmer. The firm's data-processing manager had been opposed to hiring an ex-con. "I have enough problems without taking on a jail-bird," he had said.

But finally he agreed to test the applicant. Rego was subjected to a tough four-and-a-half hour examination. He scored almost perfect results and the processing manager hired him on the spot.

"It was difficult, but not too difficult," Rego said after graduation. "It covered only things that I had been taught."

With the present chronic shortage of computer programmers, other graduates should find job-hunting comparatively easy.

COMPUTER IS A FRIEND

Graduation speaker Sen. Jacob Javits (R-N.Y.) told the class in the jail auditorium: "It is good to see that the law-enforcement system of New York State is using computer technology as actively in helping to get you out as they once did to get you in here.

"Perhaps the next logical step will be for the Police computer centers—who are always short of trained personnel—to employ this class of graduates with your newly acquired skills."

Javits flew into the prison by helicopter with another distinguished guest, New York's Catholic Archbishop Terence J. Cooke. Also on the dais was the state commissioner of correction, Paul McGinnis; Warden John T. Deegan; Mike Cappi, who instructed the graduates; and Sidney Davis, president of the Electronic Computer Programming Institute.

PROVIDED THE INSTRUCTION

It was Davis' firm which suggested the training of convicts in programming and then supervised the classes.

"This course provides a chance, a chance some of them never had before, to have meaningful productive lives," he said. "For them it's a new dawn."

After the ceremonies, the graduates joined their families for a buffet lunch while the prison band played in the background.

Today, a new class of 20 inmates will start the seven-month course.

[From the New York Post, May 17, 1968]

TWELVE ARE GOING FROM BEHIND BARS AT SING SING TO BEHIND COMPUTERS

(By Vincent D. Austin)

Sing Sing Prison today held "graduation" ceremonies for 12 inmates who have completed a unique computer programming course. Ahead was civilian life and jobs starting at $125 a week.

The ceremonies, attended by Sen. Javits, Roman Catholic Archbishop Terence Cooke of New York and about 100 guests, concluded a seven-month course conducted by the Electronic Computer Programming Institute in cooperation with the State Dept of Correction.

Warden John Deegan said it marked the first time the prison ever held graduation ceremonies and the first time families were permitted in the prison proper. The prison band played at the ceremonies in the auditorium.

The prisoners asked not to be identified. Two of the inmates, who were released recently on parole and returned for the ceremony, have landed jobs in the computer field.

GOES FOR CLOTHES

"It felt very strange coming back," said one of the parolees, who said his first name was Rigo, "even stranger than when I came in as a permanent resident.

"My first paycheck went for clothes. This is a great opportunity. I hope I can make the best of it."

Rigo, 37, and single, was paroled April 20 after serving 20 months of a 2½ to 5 year sentence. In a four-hour test given by Datamation Services Inc., of 461 8th Ave., Rigo passed with a near perfect score and was rewarded with a $125 per week job.

WILL START COLLEGE

Another parolee, identified as Kenneth, 26 and single was released May 1 and got a job two days later. While serving 2½ years, he won a $3,600 scholarship to Bowdoin College in Maine and will enter there in the fall.

"This is like a door open for me," he said. "I'm looking forward to going to school and I think I really learned something here. I'm straight now."

Javits, who landed in a helicopter on the prison ball field, praised the program.

"More cooperation is required with private industry and government to develop training programs such as this in penal institutions all over the country," he said.

"In this way the inmate is adjusted to the outside world. The result will be to reduce the wasteful march back into prison by giving these graduates, and others who follow, a chance to participate productively in the American dream."

Archbishop Cooke congratulated the graduates. "This is a historic occasion," he said.

A new class with 20 inmates is scheduled to begin soon.

[From the Baltimore (Md.) News American, June 3, 1968]

CONVICTS TRAINED IN COMPUTER SKILLS

NEW YORK, June 3.—The electronic computer may play a significant role in the rehabilitation of released convicts by providing them with jobs. The program also may help solve industry's programmer shortage.

New York's Sing Sing Prison recently graduated its first class in computer programming, with 12 convicts, of whom two were immediately paroled to take jobs as programmers in industry.

Another class of 20 inmates started the course the next day.

The Connecticut Prison at Danbury has inaugurated a similar school, and the Iowa State Prison system is getting ready to do likewise. The Federal Prison system has a more advanced computer program at Leavenworth, using an IBM 1100 computer to give special training to prisoners with scientific and mathematical skills.

The program at Sing Sing and the one in Des Moines are being executed by the Electronic Computer Programming Institute, a chain of 91 schools.

"We hope soon to form a governor's conference devoted to advanced job training in computer programming for convicts and to get programs started in many states," said Ron Siden, who is in charge of the Sing Sing project.

Siden said employers who have hired parolees trained as programmers in prison are quite happy with them.

Warden John T. Deegan made certain that the "graduation" of the first Sing Sing programmer class was given full attention. Among the guests were Sen. Jacob K. Javits and the Most Rev. Terence Cooke, new Catholic archbishop of New York.

There has been much criticism in recent years of vocational training in prisons on the grounds that it hasn't kept pace with changing needs of industry.

All too often prisoners are trained in skills for which there no longer is much demand. The Legislatures have not provided machinery for new trades, and prison officials have to make do with what they have—machines for trades that may have been obsolete for years.

"We treat the prison students just like students in our regular classes who are paying for their courses," explained Siden. "We think it's important they know they are really preparing for jobs, not just getting institutional occupational therapy."

Siden said the demand for people with training as programmers for other computer work is so great that the reservoir of such potential skills in the prisons ought to be tapped by industry.

"We also think teaching programming and computer skills can become a crime preventive if it is taken up seriously by welfare officials concerned with the problems of adolescents and teenagers," he said.

THE WALLACE MOVEMENT AND THE AMERICAN TWO-PARTY SYSTEM

Mr. PEARSON. Mr. President, the genius of the American scheme of government is due, in part, to the two-party system. This political mechanism is not provided for in the Constitution but is the product of the wisdom and the ability of a diverse people to practice democracy.

Today, Mr. President, the so-called Wallace movement is the latest in a series, recorded in our political history, of the creation of third parties and the prospective fragmenting of our two-party system. That this threat to the two-party system will pass as all others, I have no doubt. But it does represent not simply a threat to a political institution, but is a danger to the stability of our entire political process. For the essence of the threat of the Wallace candidacy is not that he will be elected President but that his considerable support, as all have now recognized, could place the selection of the next President in the House of Representatives—resulting in a stalemate of our governmental process and leaving this Nation without leadership, direction, or unity of purpose at a time of genuine crisis both at home and abroad. To seek to avoid such a condition is not merely to avoid foolishness but to insure the protection of our institutions of freedom.

I believe I understand the frustrations, the sense of uncertainty, the feeling of exclusion, and the weariness of turmoil which so many people in Kansas and throughout the Nation experience today. American boys are killed and wounded in an unpopular war, riots and civil disorders burn our cities and scar our consciences. Division is the hallmark of America in the midsixties. The word "gap" is inevitably used to describe American society and the division between white and black, young and old, and the haves and the have-nots.

But none of these frustrations, Mr. President, can be cured by voting for a candidate, a cause, or an attitude which has contributed to these very divisions.

I would suggest that the basic reason for support which has been given the Wallace movement to date stems from the fact that many of our voters, who are understandably frustrated and wearied, find Governor Wallace's simple sounding solutions to the complex and agonizing public problems of the 1960's at least temporarily appealing.

But we all need to remind ourselves that only simple problems lend themselves to simple solutions, and that when we enter the voting booth, each of us must decide which candidate and which party is best equipped actually to deal effectively and meaningfully with our great problems, rather than which candidate is the loudest in his promises of simple sounding solutions.

To assert that Governor Wallace's campaign is based on racism, demagoguery, and the base emotions of people will serve little purpose. His simplistic slogans on the complex and perplexing problems of today offer no lasting solutions. Over the long pull, his message will surely be swallowed up in the tolerance and understanding that we have yet to achieve. But to assure that this will be realized, each of us, should consider that the Wallace movement's emotional and often irresponsible appeal to the frustration of today creates great danger and a threat to American institutions. For the Wallace campaign is stirring raw passions which will not easily be cooled and new hatreds which will not be quickly tempered.

I am confident that in the end reason will prevail. For while one of the guarantees of the American democratic system is that a Wallace-type campaign can occur, one of the principal reasons for the success of our system is that the American people, particularly in times of testing, have shown the wisdom and integrity necessary to distinguish between the ability simply to protest what is wrong in society as opposed to the ability actually to do something about the great public problems of the day.

SENATOR BROOKE'S LETTER TO AMERICAN NEWSPAPER EDITORS

Mr. PEARSON. Mr. President—

> In the remaining weeks of this political campaign there is a grave need for every American, whatever his politics, to reflect upon the responsibilities of freedom and to measure up to them.

With these words, my good friend the junior Senator from Massachusetts [Mr. Brooke] began a letter addressed to the editors of all the major newspapers in the country.

Senator Brooke is primarily concerned that the level of emotion and the means of its expression, which have characterized American politics in recent months, will so poison the atmosphere that no man and no party will be able to govern responsibly.

His letter is a plea for reason, and a call for moderation, which might well be heeded by us all.

I ask unanimous consent that the full text of this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C., *September 23, 1968.*

To the Editor:

In the remaining weeks of this political campaign there is a grave need for every American, whatever his politics, to reflect upon the responsibilities of freedom and to measure up to them. This year, more than at any time in a generation, passions and distempers flood the land; they threaten not only to poison the election of 1968 but to undermine the capacity of the next administration to govern.

Intemperance and intolerance serve no one, save those who would corrupt our political life by destroying rational debate and by sowing contempt for our institutions. Those who love this nation, who are devoted to its ideals and committed to resolving its problems, must meet this threat by combining energetic effort in behalf of their preferred candidates with courteous restraint in regard to their opponents.

I profoundly hope that every candidate, every commentator, every citizen will fulfill his special obligations in this election. Our higher responsibility is not to elect one candidate rather than another, but to protect the integrity of the system which permits us to choose among various candidates, to select leaders responsive to popular concerns, to cope with changing needs by changing the individuals and institutions which shape public policy.

Let us all join in a few solemn resolutions:

Let us recognize that one of today's candidates will be tomorrow's President of the United States.

Let us determine to work as hard as we can for the men of our choice, but let us also determine to respect the motives and capacities of the men we oppose.

Let us refrain from the searing, cruel, and unjustified personal attacks which deform public debate.

Let us remember that lively "give and take" need not be vicious "rough and tumble", and that to praise one candidate does not require us to damn another.

Let us replace the vituperation and condescension which produce lasting cleavages with honest argument and mutual consideration.

Let us do nothing in this campaign or thereafter that will set class against class, race against race, region against region.

Let us, in short, so conduct the political contest now under way that the President inaugurated in January will take up his burdens in full confidence that the nation will rally to his standard.

For this is the path to the America we all seek, an America just, orderly, prosperous, and united, a blessing to her people and a model to mankind.

Sincerely yours,

Edward W. Brooke.

PHARMACY, PATRIOTISM, POLITICS, AND POVERTY

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the Record an address made by Willard B. Simmons, executive secretary of the National Association of Retail Druggists which he made before the West Virginia State Pharmaceutical Association at White Sulphur Springs, W. Va., on July 15, 1968.

There being no objection, the address was ordered to be printed in the Record, as follows:

Pharmacy, Patriotism, Politics, Poverty

(An address by Willard B. Simmons, executive secretary of the National Association of Retail Druggists, before the West Virginia State Pharmaceutical Association, White Sulphur Springs, July 15, 1968)

Legislators, businessmen, educators, clergymen, civic leaders, professional men and women—all of America's opinion leaders for that matter—should be interested in a threat to the free enterprise system which is developing within the framework of a generally laudable national undertaking—the War on Poverty. In the very communities where the government works through the Small Business Administration; on one hand to encourage local ownership of retail establishments, the Office of Economic Opportunity; on the other hand, has undertaken a program which is forcing independent retail pharmacies out of business.

The highlights of Mr. Simmons' address on this subject follow:

"No one in this rich country, I am sure, will quarrel with the over-all aims of the government's anti-poverty program. No one feels that people should be made to suffer poor health because their personal financial position will not provide them with the services of physicians and pharmacists and the medicines they need.

"But, in seeking to effectuate the government's program through the Office of Economic Opportunity, people have been given broad powers to act. In some instances, these responsibilities have been given to persons who do not have the judgment and the experience to administer such power justly and effectively."

In answer to a letter from the distinguished minority leader of the Senate, Everett M. Dirksen of Illinois, inquiring as to the National Association of Retail Druggist's position with respect to the OEO's Neighborhood Health Care Center program, we responded as follows:

"We feel that the retail drug stores of this country are sound institutions, that they have made and continue to make contributions by providing the prescription and health care needs for the citizens of all of our communities. We believe that this is the free enterprise system working at its best."

We further pointed out to the Senator that "The NARD has not specifically opposed the Neighborhood Health Centers (the local arm of the Office of Economic Opportunity)." We feel, indeed, that all people should have adequate health care.

The Senator was further informed that "we do strongly oppose a pharmacy being established in these centers when there are a sufficient number of retail drug stores in the ghetto areas or the areas in which Neighborhood Health Centers have been established. We feel that the vendor system would work satisfactorily and in turn would permit the recipients of this program to obtain their prescription needs from the retail pharmacy of their choice. We do not believe that these citizens, who, due to economic circumstances, require governmental aid in solving their health problems, are going to be satisfied with regimentation."

I know that many of you pharmacists here today are concerned about the attitudes and measures taken thus far by a number of the Community Action Programs which have been organized to work with the Office of Economic Opportunity in establishment of Neighborhood Health Centers in your areas.

Unfortunately, in the relatively few such centers now in operation, most have set up on-the-premise dispensaries which are providing drugs to the people eligible for services under Title 19 of the law. This is being done in spite of the fact that pharmacy services are available in the area through eixsting neighborhood drug stores.

Members of the NARD and the OEO have common goals in attempting to provide the best pharmaceutical service to the recipients of this program. But the NARD believes that the OEO should take steps to insure that its guidelines are enforced at the level of the Community Action Programs.

The Economic Opportunity Amendments of 1966 require "Maximum feasible utilization of existing agencies and resources."

However, Community Action Program agencies in many areas are *not* following the OEO guidelines.

Local pharmaceutical associations are *not* being consulted.

Local pharmacists from the poverty-stricken areas to be served are *not* being invited to sit on either Community Action advisory boards or the boards of directors.

Efforts to implement the vendor system, whereby local pharmacies may participate in filling prescriptions and providing medicines to people eligible under Title 19 rules, are being opposed by many boards.

On-the-premise pharmacies are being established to dispense medicines.

The poor people who need the services of the Neighborhood Health Centers are being inconvenienced by having to travel long distances and to wait unnecessary long hours to receive their medicines.

These people, whom the government and the local committees are trying to help, are being denied their fundamental right of freedom of choice in the pharmacy whose services they would prefer.

Instead of being able to take their prescriptions to a pharmacy near their home to be filled by a pharmacist whom they know and in whom they have confidence, they must become an impersonal number on a claim check stub and wait in line while a strange, overworked institutional pharmacist tries to cope with dozens of prescriptions.

The people who live in the nation's pockets of poverty may be entitled to drugs and medical services paid for by a third party (the government) because of their misfortunes—but they do not deserve to be treated as third-class citizens!

Establishment of Neighborhood Health Center dispensaries is not only expensive, but is unnecessarily duplicative as well. They do not conform to the provisions of the Economic Opportunity amendments. They disregard private businesses which already exist in the areas, pharmacies which are capable of rendering better service, more extensive service and much more convenient service to those people whom the government is trying to help.

The one excuse which the Community Action Program officials voice for creation of these on-the-premise dispensaries in Neighborhood Health Centers is their claim that they can offer medicines to Title 19 patients at costs to the government which will be lower than local pharmacies can meet.

This would be done by using the power of government buying agencies. This would be further accentuation of the uneconomic and unfair methods of pricing brought about through the coercive powers of government purchasing agents—adding to the unfair burden now resting on the general public to subsidize government "economies" through higher prices of medicines for individual citizens.

Somehow, people who think in this way do not have a very deep understanding of business and economics. Nor do they have a very clear idea of the goals of their country's War on Poverty.

Rather than helping to overcome poverty—these people are contributing to the spread of poverty.

Their actions, instead of relieving citizens of poverty conditions, are spreading the blight of poverty further throughout the community.

Let us examine more closely the economics of these Health Center dispensaries and their effect upon communities.

First of all—we see a type of reaction which is entirely foreign to the American scene.

We see retail pharmacists, as taxpayers, being called upon to contribute their tax funds to support a project that will seriously hurt their businesses. In fact, such projects have already put some community pharmacies out of business.

Lost to the community will be the convenience and the multiple services that citizens of the community have long looked for at their favorite drug stores.

Gone also will be the many auxiliary services needed by Title 19 patients—services which in all likelihood will not be offered to them by the distant government-financed dispensary.

There will be loss of business to the entire community area. Another closed store will be added to the community blight.

Loss of good citizens and businessmen to the community is another matter that should concern those responsible for Community Action Programs.

One of the more serious economic losses which may result from creation of Health Center dispensaries is the loss of employment of a number of good, hard-working citizen-taxpayers who previously have been able to take care of themselves.

Shall these drug store employees be added to the rolls of the proverty-stricken citizens of the community?

The economic disturbance that will be created by this situation likely will result in transfer of a number of former wage-earners, who paid income taxes and other taxes to governments, to the role of recipients of unemployment doles. Instead of being tax-supporters of government programs—federal, state and local—they will become burdens upon these programs. More taxpayers' money from better-off communities will need to be siphoned off to support these new recruits to community impoverishment.

But—here is the delayed-action economic bombshell which is very likely to be set off by misguided efforts to save the government some "small change" in the costs of medical care.

For every retail pharmacy that is forced to close, due to the unfair, uneconomic and anti-legal competition of a Neighborhood Health Center dispensary—governments, local state and national, are going to lose from $12,000 to $25,000 annually in tax revenues!

This is about the amount of taxes paid by the smaller community pharmacist each year in one form or another.

Let's try to put the whole picture into clearer focus:

First, the government—as the financial backer of the Community Action Program board that makes a decision to establish a dispensary in a Neighborhood Health Center—will have to make an initial investment for fixtures and stocks of approximately $50,000.

Next, it will have to provide for salaries for a number of pharmacists to operate the dispensary. (Poor people, like everyone else, are legally entitled to the services of registered pharmacists). This will require from government a further outlay of many thousands of dollars each year.

If five retail pharmacies in the area are badly hurt or forced to close, there will be an annual loss in tax revenues for the community of from $100,000 to $250,000.

Not only pharmacies but other businesses in the community will suffer from loss of the purchasing power of these formerly self-supporting employee-citizens.

However, anti-business oriented some government executives may be—they can hardly overlook what such unrealistic tactics are going to cost the government, or how these losses in tax revenues are going to shrink their future budgets!

Without regard for the moment to the basic injustices involved, may I ask: Are our governments, federal, state and local, willing to pay such a high price for the glorification of some bureaucrat who has deluded himself into thinking that by eliminating local retail pharmacists from Community Action Programs he is saving the government a few cents on each prescription?

This is a bit of practical, down-to-earth arithmetic that should be a part of the course of indoctrination of every employee of the Office of Economic Opportunity.

It should be a mandatory consideration for every member who sits on the board of a Community Action Program!

In that regard, you may be interested in the experience cited by one pharmacist during a recent Washington meeting sponsored by the NARD in which we cutlined our stand on the OEO Neighborhood Health Centers before members of Congress.

Winn Gaskin of Syracuse, New York, a young articulate pharmacist, who also happens to be a Negro, came to that meeting with a map documenting the location of 32 drugstores in a so-called distressed area served by a center which is installing a pharmacy. Gaskin pointed out that he had obtained a loan from the Small Business Administration to open his store in the target area. He has been successful because he is giving fine service to the people of his community. However, he does depend upon the filling of welfare prescriptions for a large portion of his business and will not be able to survive if he is confronted by such competition.

Describing his predicament as a case of discrimination in reverse, Gaskin points to the odd paradox of one government agency providing him with the funds to start a business in a depressed area and another government agency creating a competitive situation which may put him out of business. Now, I ask, how does anyone explain that?

The NARD has made its position clear regarding this Office of Economic Opportunity program:

1. Local pharmaceutical associations should have a role in the establishment of Neighborhood Health Centers.

2. Local pharmacists should be seated on boards responsible for Community Action Programs.

3. *Prescriptions written by Health Center physicians should be filled in community pharmacies under a vendor payment program so that such pharmacies may dispense prescription medication to Neighborhood Health Center recipients at no charge to patients!*

4. The Center patients should have freedom of choice in selecting pharmacies to fill their prescriptions—just as any other American has such freedom of choice.

5. At the national level, a permanent advisory committee consisting of representatives of the OEO and the NARD should be established to set up guidelines for implementing proper pharmaceutical service at the local level.

As the only national organization truly representative of you, the community pharmacists of this country, the NARD will do everything in its power to convince those responsible for effectuating the Office of Economic Opportunity of the need for and the justice of including pharmacists in every local program and of providing for filling of prescriptions and medical needs at existing retail pharmacies. We will do everything possible to cooperate.

But, I promise you, if pharmacists are not included in this program in line with the principles which I have just pointed out—the NARD will vigorously oppose such action. Any Neighborhood Health Center program that does not include local pharmacies and pharmacists is not going to be serving the best interests of the community.

We owe this to our less fortunate fellow citizens.

We owe it for economic reasons to our government.

We owe it to ourselves, as operators of long-established centers for community health service and as taxpayers.

And we will continue to press for alleviation of this serious problem in one way or another. At that meeting in Washington I mentioned a moment ago, we suggested another course of action to Senators and Congressmen who attended our session in a House meeting room of the Capitol.

It was our recommendation that consideration to the transfer of the entire NHC program from the Office of Economic Opportunity to the Department of Health, Education and Welfare. *Under HEW, drugs would be provided NHC recipients under the Title 19 medicaid program which would recognize the private sector and the vendor system.* Under this plan, the NHC recipients would receive drugs from retail pharmacies. We also told members of Congress that in the best interest of the poor people, drug recipients should be allowed freedom of choice in having prescriptions filled in a pharmacy closest to home—or in the retail pharmacy in which—for one reason or another—they have the greatest amount of confidence.

MAURITZ A. STERNER—CONFERENCE REPORT

Mr HART. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3865) for the relief of Mauritz A. Sterner. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendemnt of the Senate to the bill (H.R. 3865) for the relief of Mauritz A. Sterner, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to 'the amendment of the Senate and agree to the same.

Philip A. Hart,
John L. McClellan,
Hiram L. Fong,
Managers on the Part of the Senate.

Robert T. Ashmore,
William L. Hungate,
Henry P. Smith III,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HART. Mr. President, the bill, as it passed the House, provided for a payment of $25,000 to Mr. Sterner. After hearings in the Senate on a Senate companion bill, the committee amended the bill to award Mr. Sterner $50,000, based primarily on the fact that this sum approximated his out-of-pocket expense in prosecuting his ideas in relation to paper blankets that have been found to be of substantial benefit to the armed services of the United States.

(After a conference between the Senate and House conferees, the House has agreed to recede from its disagreement to the amendment of the Senate, and has agreed to the same.)

Mr. HART. Mr. President, I move adoption of the conference report.

The motion was agreed to.

EXTENSION AND AMENDMENT OF RENEGOTIATION ACT OF 1951

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17324.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951 and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Gore, Mr. Talmadge, Mr. Hartke, Mr. Williams of Delaware, Mr. Carlson, Mr. Bennett, and Mr. Curtis conferees on the part of the Senate.

AMENDMENT OF TARIFF SCHEDULES OF THE UNITED STATES

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 653.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 653) to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Williams of Delaware, and Mr. Carlson conferees on the part of the Senate.

NATIONAL WILD AND SCENIC RIVERS SYSTEM—CONFERENCE REPORT

Mr. NELSON. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Long of Louisiana in the chair). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of September 25, 1968, pp. 28010–28015, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. NELSON. Mr. President, on behalf of the distinguished chairman of the Interior Committee, the Senator from Washington [Mr. Jackson], and the Senator from Idaho [Mr. Church], I bring up the conference report on S. 119, the Wild and Scenic Rivers Act.

Passage of this bill represents a significant step forward in our efforts to broaden our national recreational program and is perhaps the most important piece of conservation legislation to come out of the 90th Congress.

The concept of national scenic and wild rivers is new. When these river areas are ultimately developed, they will provide opportunities for all kinds of boating, hiking, camping, picnicking, and nature study. I am confident that in a short period of time these river areas will be as popular as our national parks are at the present time.

It is encouraging to see the Congress move forward as dramatically as it has in this session to diversify and expand the national recreational program. The 90th Congress will be recognized as a great conservation Congress for establishing national systems of trails and wild and scenic rivers, for creating two significant national parks—the Redwoods National Park and the North Cascades National Park—and for increasing the revenues for the land and water conservation fund.

I would like to commend both Senator JACKSON and Senator CHURCH for the leadership they have provided in the Senate Interior Committee for this bill and for their continued efforts to preserve some of our great free-flowing rivers. Their efforts have led us to this important moment.

The bill agreed upon by the conferees is basically quite similar to the bill that passed unanimously by the Senate on August 8, 1967.

The Senate bill did contain a twofold classification of rivers; namely, wild and scenic. The House version recognized three classes of rivers; the House provision was accepted with a Senate amendment which named the three classes of rivers wild, scenic, and recreational.

Regarding rivers named for immediate inclusion in the national system the original Senate bill recommended—in addition to those rivers included in the House bill—immediate inclusion of the Eleven Point River in Missouri, the Illinois River in Oregon, and the lower St. Croix River in Wisconsin and Minnesota. The House agreed to include the Eleven Point in the immediate inclusion section; the Senate receded on the lower St. Croix and the Illinois River. The Middle Fork of the Feather River in California which was included in the study section of both the Senate and the House bills was added to the immediate inclusion class by the conferees based on the information that studies on this river were complete and it was well qualified to be a part of the national system.

The bill also recommends 27 rivers for study for possible future inclusion in the system. The House had recommended for study five rivers—the Obed in Tennessee, and the Bruneau, Myoie, St. Joe, and Priest Rivers in Idaho—which were not in the Senate bill. The Senate conferees accepted all of these rivers as study rivers.

There were nine study rivers in the Senate bill which were not included in the House bill. Of these, the House conferees agreed to include for study four rivers—the Allegheny in Pennsylvania, the Little Beaver in Ohio, the Youghiogheny in Maryland and Pennsylvania, and the Maumee in Ohio and Indiana. The Senate conferees receded on the other rivers.

The description of the reach of the Skagit River in Washington—subsection 5(a), No. 24—to be included in the study category has been revised from that included in the Senate version of the bill to exclude the reach of the Skagit River upstream of Bacon Creek. This revision is intended to permit the Federal Power Commission to consider applications for developments in the reach of the river just upstream of the study area, particularly the Cooper Creek Dam site. This revision is in accord with the provisions of the legislation establishing the North Cascades National Park which includes the same segment of the Skagit in the Ross Lake National Recreation Area, thus retaining the jurisdiction of the Federal Power Commission.

Studies on rivers for possible future inclusion in the national system must be completed within 10 years with the exception of the Suwannee River in Georgia and Florida and the Upper Iowa River in Iowa where the studies must be completed within 2 years.

The House conferees agreed to accept the Senate provisions regarding condemnation. Fee title may be acquired for an average of no more than 100 acres per river mile on both sides of the river as opposed to 320 acres per river mile which the House bill recommended. The boundaries of the river areas may not exceed 320 acres per river mile. Control of the remaining acreage will be accomplished through easements and zoning.

Fee title may not be acquired by condemnation if 50 percent or more of the entire acreage within the unit of the national wild and scenic rivers system in question is already owned by the United States or by a State or political subdivision thereof, unless the condemnation action is necessary merely to clear title, that is, to remove outstanding encumbrances, to take care of the interests of missing heirs, and the like.

Specific authority is given to acquire scenic and other easements to assure public access to the river and to traverse the length of the area in cases where they would otherwise acquire fee title but are forbidden to do so by the provision just noted.

A formula similar to that which has been employed in recent years in many recreational and seashore area acts is included the effect of which is to allow the owners of one-family dwellings, the construction of which was completed or begun before January 1, 1967, to elect, at the time the land on which these dwellings stand is acquired, to retain a right of use and occupancy for 25 years or for the lifetime of the owner or his spouse with an appropriate reduction in the purchase price.

The committee does not intend that the Secretary of Interior under the provisions of subsection 10(c) shall seek to apply throughout the national river system the restrictive provisions of the acts under which national parks and national wildlife refuges are administered. The intent of this subsection is to retain the more restrictive provisions in those areas which are already administered as national parks and national wildlife refuges. In other areas, the committee expects that the provisions of this act or of those acts governing the administration of national recreation areas will apply. We are assuming, of course, that all areas outside the boundaries of the wildlife refuges which are under the jurisdiction of the Secretary of Interior will be administered by the National Park Service.

Language from the Senate bill regarding water rights, interstate compacts, and State access to the beds of rivers within the system was incorporated into the conference substitute.

The amount authorized to be appropriated for land acquisition is $17 million, it being understood that if escalation of land prices or other unforeseen factors require the appropriation of more than this amount, the two Committees on Interior and Insular Affairs will be willing to consider such further legislation as is necessary to carry out the act.

Mr. President, I move that the conference report be agreed to.

The conference report was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of S. 119.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 119

Section 1: This section would declare a national policy to protect certain rivers in the United States for the benefit and enjoyment of present and future generations. Those rivers which possess outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or similar values, shall be preserved in free-flowing condition. It also would declare that our national policy of dam and other construction on riverways must be complemented by a policy that preserves some of these rivers or portions thereof in a condition free of impoundments, diversion structures, and other projects that utilize the water for various purposes, to protect water quality and to fulfill our conservation objectives. This legislation will implement that policy by establishing a National Wild and Scenic Rivers System.

Section 2: Subsection (a) would provide for the authorization by Congress or the designation by the several States, with the approval of the Secretary of the Interior, of rivers to be part of the national wild and scenic rivers system. Rivers designated by a State and approved by the Secretary shall be administered by the State, a political subdivision, or agency without expense to the United States. Grants made to the States for land acquisition and development under the Land and Water Conservation Fund Act could, however, be used for such rivers. In order for a State to designate a river as a part of the system, the Secretary of the Interior must find, after application by the Governor of the State, that the river meets the criteria of the Act and such supplementary criteria that the Secretary may prescribe.

Subsection (b) recognizes three classifications within the designation of national wild and scenic rivers. The first is wild river areas which are free of impoundments and generally inaccessible except by trail. These rivers or sections thereof are essentially primitive and contain essentially unpolluted waters.

The second classification is scenic river areas which are free of impoundments, with shorelines or watersheds which are largely primitive and shorelines largely undeveloped but accessible in places by roads.

The third classification is recreational river areas which are readily accessible by road or railroad and which may have some development, or have undergone some impoundment or diversion in the past.

Section 3: This section would designate for immediate inclusion in the system the following rivers or parts thereof:

1. Clearwater, Middle Fork, Idaho. (part)
2. Eleven Point, Missouri. (part)
3. Feather, California. (entire)
4. Rio Grande, New Mexico. (part)
5. Rogue, Oregon. (part)
6. St. Croix, Minnesota and Wisconsin. (part)
7. Salmon, Middle Fork, Idaho. (part)
8. Wolf, Wisconsin. (part)

In regard to the St. Croix River, the Northern States Power Company, which owns substantially all of the shoreline between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, has indicated a willingness to donate necessary interests in some of these lands to be administered by Interior. The bill would provide that no funds may be expended for land acquisition or development of this area until the expiration of 60 days after Interior transmits to the Congress a proposed cooperative agreement between the power company and the United States, under which the company agrees to convey without cost appropriate interests in these lands, including all of the company's interest to approximately 100 acres per mile.

With respect to the company's remaining ownership of lands adjacent to the lands which may be conveyed to the United States, under the cooperative agreement, such lands will be used and developed by the company in a manner consistent with the purposes of the Act. It is anticipated that the Secretary of the Interior will provide technical assistance to the company in developing these lands.

Subsection (b) would require that the Secretary of Agriculture or the Secretary of the Interior, as the case may be, establish, within 1 year, the boundaries of the designated rivers or parts thereof, determine which of the three classifications in subsection 2(b) best fits the river, and prepare necessary development plans. The boundaries shall include an average of not more than 320 acres per mile on both sides of the river.

Section 4: This section would require the Secretary of the Interior or the Secretary of Agriculture, where national forest lands are involved, or both Secretaries, if appropriate, to study other rivers for the purpose of their inclusion within the system, if, in the judgment of either Secretary or both, the river falls into one or more of the classifications set out in subsection 2(b). Such studies shall be coordinated with any water resources planning involving the same river which is being conducted under the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. sec. 1962 *et seq.*).

The report on each proposal shall include maps and illustrations, including the area covered by the proposal, the characteristics of the area which make inclusion of the area in the system desirable, the current status of landownership and use in the area, the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the system, the Federal agency which would administer the area (which in the case of a river which is wholly or substantially within a national forest shall be the Department of Agriculture), the extent to which it is proposed that administration, including the costs be shared by State and local agencies, and the estimated costs to the United States of acquiring necessary lands and interest in land and of administering the area as a part of the system.

Subsection (b) provides that before being sent to Congress, the report shall be circulated among various Federal agencies and, unless the lands involved are already owned by the United States or acquisition is already authorized, by the Governor of the State involved or his designee. Any recommendations or comments made by the above officials shall be made within 90 days of receipt of the report and such recommendations and comments shall be included in the report which will be transmitted to the President and Congress.

No river or part thereof shall be added to the system after enactment of this bill until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as set out in the bill.

Subsection (c) provides that when a State proposes to designate a river for inclusion into the system, the Secretary of the Interior shall circulate the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any affected Federal department or agency. Each agency will furnish the Secretary of the Interior with its recommendations and comments within 90 days after receipt of the proposal. The Secretary shall evaluate and give due weight to any recommendations or comments received.

Section 5: This section lists 27 rivers or parts thereof for potential additions to the system. Subsection (b) permits the Secretary of the Interior, or the Secretary of Agriculture if national forest lands are involved, to study these 27 areas as expeditiously as possible for inclusion into the system. The studies are to be completed and reports made to the President and Congress within 10 years of enactment of the bill, except for studies and reports on the Suwanee River, Georgia and Florida, and the Upper Iowa River, Iowa. These studies and reports shall be completed and sent to the President and Congress within 2 years from the date of enactment.

The Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers where there is the greatest likelihood of development which, if undertaken, would render that river unsuitable for inclusion in the system.

Subsection (c) seeks close cooperation between the Federal and State governments on the study of the 27 proposed additions to the system and provides for a joint study if the State requests. In any event, the study shall determine the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the system.

Subsection (d) provides that in considering additions to the system and all river basin and project plan reports to the Congress, there shall be taken into account plans for the use and development of water and related land resources in the study area. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Section 6: Subsection (a) of section 6 would give the Secretary of the Interior and the Secretary of Agriculture authority, within the exterior boundaries of a wild and scenic river or portion thereof under his administration, to acquire lands and waters or interests therein, but neither Secretary is authorized to acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation. Land owned by an Indian tribe or political subdivision cannot be acquired without their consent unless they fail to follow a plan for management and protection of the lands acceptable to the Secretary of the Interior to provide for the protection of the land and assure the land's use for purposes consistent with the bill.

Subsection (b) provides that if 50 percentum or more of the land within an area is owned (1) by the United States, (2) by a State, or (3) by a political subdivision of the State, neither Secretary shall acquire fee title to any remaining lands in that area by condemnation. Condemnations to clear title, to acquire scenic easements, or reasonable right-of-way easements are expected from the general prohibitions.

Subsection (c) would prohibit both the Secretary of the Interior or the Secretary of Agriculture from acquiring lands by condemnation if such lands are located within any incorporated city, village, or borough, and such city, village, or borough has in force and applicable to such lands a duly adopted valid zoning ordinance that conforms with the purpose of the Act. Provision is made for the appropriate Secretary to issue guidelines which will spell out the standards for local zoning ordinances which are consistent with the purposes of the bill. The objective of the guidelines will be to (1) prohibit new commercial or industrial uses which are inconsistent with the purposes of the bill, and (2) protect the bank lands by means of acreage, frontage, and setback requirements on development.

Subsection (d) would authorize the appropriate Secretary to acquire non-Federal property for purposes of the system by exchange of certain Federal lands under his jurisdiction and located within the State in which the component lies that is classified as suitable for exchange or other disposal. The value of the exchanged lands shall be approximately equal, or shall be equalized by the payment of cash to the grantor or Secretary as the case may be.

Subsection (e) would authorize the transfer to the appropriate Secretary any federally owned property administered by another Federal agency which is within the park boundaries. Land acquired or transferred, under this subsection, to the administrative jurisdiction of the Secretary of Agriculture shall become national forest lands if it is within or adjacent to a national forest.

Subsection (f) authorizes the appropriate Secretary to accept donations of land and interests in lands, funds, and other property for use in connection with his administration of the system.

Subsection (g) provides that where land is acquired under the provisions of this Act, the owner of improved property may retain, as a condition to the acquisition, a right of use and occupancy for noncommercial, residential purposes for a term of not to exceed 25 years or in lieu thereof for a term ending at the death of the owner or his spouse, whichever is later. The right retained shall be subject to termination by the appropriate Secretary upon a determination that the property is being used in a manner inconsistent with the purposes of the Act. If the appropriate Secretary makes this determination, the retained right shall terminate by operation of law when the appropriate Secretary notifies the holder of the right of the determination and tenders him the fair market value of the right.

The term "improved property" as used in the previous section means a detached, noncommercial, residential dwelling, the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is located as is reasonably necessary for its enjoyment.

Section 7(a): This section specifically prohibits the issuance by the Federal Power Commission of a license to build any impoundment, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river designated under section 3 of the Act as part of the System. It also directs that other Federal agencies shall not assist by loan, grant, license, or otherwise in the construction of any water resources project which would have both a direct and adverse effect on the values of such designated river. The Secretary administering the designated river is responsible for determining whether such project would directly affect the designated river, in the case of an FPC license, and whether such project would have a direct and adverse effect on the river, in the case of projects constructed with the assistance of another Federal agency or under such agency's license or permit. The term "water resources project," as used in this section, should be broadly construed to include any project that impounds, diverts and returns, or otherwise utilizes water in the river for various purposes with Federal assistance or under a Federal license that could directly and adversely affect the river. Your conferees wanted to make it clear that these prohibitions do not apply to upstream or downstream projects which will not unreasonably diminish the values of the river in existence on enactment. In some cases, these developments could be permitted if the applicant for the license, etc., includes some safeguards or other features in the project to prevent such adverse effects.

This section also provides further protection by requiring any Federal agency that intends to seek an authorization or an appropriation to construct a water resources project which would, as determined by Interior or Agriculture, as appropriate, have an adverse effect on the river to advise the appropriate Secretary at least 60 days beforehand and reports to Congress that the project would conflict with the purposes of this Act and would affect the river and its values.

Section 7(b): This section imposes requirements and prohibitions similar to the ones referred to in section 7(a) to rivers in the study category for five years after enactment and for the additional study period of three years, in the case of rivers recommended by Interior or Agriculture, or for one additional year, in the case of a State-named river.

Section 7(c): This section requires all Federal agencies to notify the appropriate Department of any existing studies, proceedings, or other activities, including license applications, which affect or may have any potential effect on any of the study rivers. These agencies are also required to so inform the appropriate Department on a continuing basis before such actions are actually commenced or resumed by the agency. Upon receipt of such notice, the appropriate Secretary will be able to undertake whatever efforts are necessary to make the determinations required by sections 7(a) and 7(b).

Section 7(d): This section provides that the provisions of sections 7(a), (b), and (c) are not intended to apply to grants made under the Land and Water Conservation Fund Act of 1965.

It should be emphasized that the objective of all of section 7 of this Act is to protect the rivers designated under the Act or the rivers under study under this Act. It is not, however, intended to prevent all development, particularly in the case of the study rivers. The section contemplates that the appropriate agencies will continue to study and to consider applications for upstream and downstream developments, but that such studies or consideration will be subject to review and comment by the appropriate Secretary pursuant to this section.

Section 8(a): This section withdraws from entry, sale, or other disposition under the public land laws of the United States all public lands within the boundaries of rivers designated or to be designated under section 3 of the Act.

Section 8(b): This section provides a similar withdrawal for study rivers under section 5(a) of the Act.

Section 9: This section would continue the applicability of the United States mining and mineral leasing laws within components of the System, except that, in the case of areas designated under section 3 of this Act and in areas to be designated in the future, mining activities and mineral leasing activities shall be subject to regulation by the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The issuance of a patent or the perfection of any claim affecting lands within the system designated under this Act or to be designated in the future would confer or convey a right to the mineral deposit and so much of the surface and surface resources as are reasonably needed to carry out prospecting and mining operations and in accordance with regulations prescribed by the appropriate Secretary.

Minerals in Federal lands which constitute the bed or bank of a river included in the system as wild river areas under the bill or some time in the future and which are within ¼ of a mile of the river are withdrawn from the operation of the mining and mineral leasing laws. A similar withdrawal also applies to areas subject to study under section 5 of the bill, but prospecting or leases, licenses, and permits under the mineral leasing laws on these areas are not forbidden. This section also requires that the regulations will include safeguards to prevent pollution of the river and unnecessary impairment of the scenery.

Section 10(a): This section directs that each component of the system be administered to protect and enhance its values without limiting, to the extent possible, other uses that do not substantially interfere with the public use and enjoyment thereof. It provides considerable flexibility in the development and execution of management plans for each component.

Section 10(b): Where a portion of a river is included in the Wilderness System, the Act provides that the Wilderness Act provisions and those of this Act will apply. Where there is a conflict the more restrictive will apply. This is not to say, however, that ordinary rules of statutory construction do not apply. A specific provision set out in this Act such as the one dealing with minerals or hunting and fishing or the one establishing the wilderness area would always control actions over more general provisions in the other Act.

Section 10(c): This section defines the laws applicable to each component administered by Interior. If the component is added to the National Park System or the National Wildlife Refuge System, the laws applicable to the appropriate System would apply. The provisions of this Act would also apply. Again the ordinary rules of statutory construction must apply. Where there is a conflict between the two laws, the more specific will control. Clearly, it is not the intention of your conferees that the Secretary administer each area added to the National Park System as a national park with all its restrictions. In most cases, the rules and regulations applicable to national recreation areas will probably apply to these components. The section also authorizes the Secretary of the Interior to utilize all authorities available to him for recreation and preservation purposes and for the conservation and management of the various resources of each component, including the quality of the waters thereof.

Section 10(d): This section authorizes the Secretary of Agriculture to utilize general authorities available to him relating to national forests in connection with his administration of any component of the System.

Section 10(e): This section provides for cooperative arrangement with the States and local governments in the administration of each component.

Section 11: This section directs Interior to encourage the States to include State and local wild, scenic, and recreational rivers in their outdoor recreation plans, and to furnish technical assistance and advice to the States and local governments, and private interests in establishing such areas. The Secretaries of Health, Education, and Welfare and Agriculture are also directed to provide such advice and assistance.

Section 12: Under this section, each Federal agency is required to review its administrative and management policies, its regulations, contracts, and plans affecting lands under its jurisdiction which are in a study river or border thereon to determine what measures should be taken during this study period to protect the river. Special emphasis is given to timber harvesting, road construction, and other activities, including those which might affect water quality. This provision would not abrogate existing rights, etc., without the consent of the owner thereof. Each agency head is directed to cooperate with Interior and the State water pollution control agencies to eliminate or prevent pollution.

Section 13: This section does not change or modify any jurisdiction or responsibility the States have with respect to fish or wildlife. It does not take away or grant the States any more authority then they now have. This section also directs that hunting and fishing shall be permitted on lands and waters of each component of the System under applicable State and Federal laws and regulations except, in the case of hunting, where the component is part of a national park or monument. The appropriate Secretary may prohibit, limit or control hunting for reasons of public safety, administration, or public use and enjoyment.

State and Federal jurisdiction over waters of any component is to be determined by established principles of law. Enactment will not affect or impair valid or existing water rights and any taking thereof would entitle the owner to just compensation.

Enactment of the bill would reserve to the United States sufficient unappropriated water flowing through Federal lands involved to accomplish the purpose of the legislation. Specifically, only that amount of water will be reserved which is reasonably necessary for the preservation and protection of those features for which a particular river is designated in accordance with the bill. It follows that all unappropriated and unreserved waters would be available for appropriation and use under State law for future development of the area.

The Secretaries are authorized to grant easements and rights-of-way in connection with an area of the System in accordance with the laws applicable to the National Park System, in connection with Interior areas, and the National Forest System, in connection with Agriculture areas, subject to such conditions as may be necessary to carry out the purposes of the Act.

Section 14: Section 14 deals with the effect of the claim and allowance of an income tax deduction for conservation easements donated for purposes of the Act. If such a donation is made and the deduction is claimed and allowed it will constitute an agreement that, upon breach of the terms of the conservation easement, the servient estate may be acquired at fair market value as of the time of the donation minus the value of the easement claimed and allowed as a deduction.

Section 15: This section defines the terms used in the Act.

Section 16: This section authorizes an appropriation of $17 million for land acquisition.

REGULATION OF MAILING OF MASTER KEYS—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 1, 1968, pp. 28863–28864, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, the bill as passed by the Senate provided new legal restrictions on the mailing of certain master keys to automobiles, and had two further provisions which were not in the bill as it passed the House. One clarified the authority of postal inspectors to make arrests, and the other related to the fixing of wages for blue-collar Federal employees.

The conference report is substantially as the bill passed the Senate, with certain technical changes agreed upon by the conference committee members.

I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOOD STAMP ACT OF 1964, AS AMENDED—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That subsection (a) of section 16 of the Food Stamp Act of 1964 is amended (A) by deleting from the first sentence the phrase 'not in excess of $225,000,000 for the fiscal year ending June 30, 1969' and inserting in lieu thereof the following: 'not in excess of $315,000,000 for the fiscal year ending June 30, 1969; not in excess of $340,000,000 for the fiscal year ending June 30, 1970; not in excess of $170,000,000 for the six months ending December 31, 1970'; (B) by changing the word 'year' at the end of such first sentence to 'period'; and (C) by adding at the end of the subsection the following sentence: 'On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year'."

And the House agree to the same.

W. R. Poage,
E. C. Gathings,
Graham Purcell,
Thomas S. Foley,
Managers on the Part of the House.

Allen J. Ellender,
Spessard L. Holland,
Herman E. Talmadge,
B. Everett Jordan,
George D. Aiken,
Milton R. Young,
J. Caleb Boggs,
Managers on the Part of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, as originally passed by the Senate, this bill would have increased the 1969 food stamp program authorization by $20 million to $245 million.

The House amendment would have removed the limit on this authorization and extended it to the 3 additional fiscal years ending in 1970, 1971, and 1972. The House amendment would also have required the Secretary to make progress reports by January 20 each year, and would have made strikers and students in institutions of higher learning ineligible to begin receiving stamps.

The conference substitute increases the authorization for fiscal 1969 to $315 million, and provides an authorization of $340 million for the fiscal year ending June 30, 1970, and an authorization of $170 million for the 6 months ending December 31, 1970. It also adds the reporting requirement that was contained in the House amendment. It does not include the provisions of the House amendment with respect to students and strikers.

Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana.

The motion was agreed to.

THE BUREAU OF LAND MANAGEMENT: WELL DESERVED PRAISE

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the Record a statement on the subject "The Bureau of Land Management: Well Deserved Praise," prepared by the distinguished senior Senator from Alaska [Mr. Bartlett], who is unable to be present today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Bureau of Land Management: Well Deserved Praise

Mr. Bartlett. Mr. President, this past summer found interior Alaska swept by a series of catastrophic forest fires which originated in lightning storms.

It is customary, unfortunately, for those who are unfamiliar with our great State to think of it as a land of glaciers and snow—but it is not. Summer temperatures at Fairbank reach 90° and the rainfall and humidity in that period is low. Vegetation blooms and the land is green.

There is always the risk of forest fire because so much of interior Alaska's beauty is so poorly serviced by usable roads. Our lakes abound in fish and our forests are alive with wildlife. There is beauty everywhere but there is also the threat of fire. Those beautiful thunder-head clouds that form such a fine setting for this scenery also contain the seeds of destruction.

Since January 1, 723,000 acres, mainly in interior Alaska, have been consumed in 450 forest fires. This is an area larger than the State of Rhode Island. The area burned is about 2% of Alaska's 375 million acres. These are fires of tragic proportions, damaging for years to come a great and valuable resource.

Most of Alaska is still federal domain and the Department of Interior's Bureau of Land Management has the responsibility for conservation operation over much of it. I would like, on behalf of Alaska's people, to call public attention to the excellent job the Bureau of Land Management is doing to carry out its obligations for the protection and management of the public domain in Alaska. These are lands which belong to all Americans. Their protection and management is a gigantic and difficult task. I ask unanimous consent that there be printed in the Record an editorial from the Jessens Daily in Fairbanks describing the fine performance of the Bureau of Land Management in protecting these great natural resources. In addition I include a letter to the Editor of the Daily News-Miner in Fairbanks by Mr. J. D. Berry.

There being no objection, the items were ordered to be printed in the Record, as follows:

"Dear Editor: May I take this means to express my appreciation and many thanks, to the BLM fire fighting personnel, headquarters officers, pilots and smoke jumpers who manned the Toklat River fire and did their best to protect my property in that area. The splendid cooperation I received from all departments, was outstanding, and very efficiently conducted. The BLM fire control deserves all the praise that we the public can possibly give.

"Sincerely,

"J. D. (Red) Berry.

"Fairbanks, Alaska.

"BLM DOING EXCELLENT JOB PROTECTING ALASKA'S FORESTS

"One of the most outstanding agencies that we have had the opportunity to watch in action is the fire control operation of the Bureau of Land Management. It has a gigantic, difficult and hazardous task protecting the vast forests of Alaska. In Southeastern Alaska where there is quite a bit of rainfall, there is not much of a problem; but in Interior Alaska lightning storms. It is important to get to the fires early but it becomes a terrific problem even to get men and equipment to the fires when numerous fires break out simultaneously and are scattered over a huge area.

"The Bureau of Land Management is particularly effective in the fighting of fires because it has well-trained crews of smokejumpers and firefighters and a flexible well-integrated program that is able to move swiftly. It also has a good system of priorities. With no hesitation the BLM Fire Control Headquarters moves its forces to fight fires near the city where there is potential of high property damage or possible danger to people.

"Long before the fire season begins, the BLM trains its troops for the rough combat they will face. It has been found that trained villagers are much better in fighting fires than those hired hastily in the cities. For one thing they are in much better physical condition and are able to stay on fires longer without 'wanting a ride home.' Whenever a large number of fires break out, the word goes out via radio to villages and the BLM dispatches planes to pick up the Native firefighters at central collection points.

"The pay the village firefighters receive also is a big help to small villages—most of which are economically depressed.

"But there are countless other ways in which the BLM is constantly modernizing its program of preventing and fighting fires. For instance, it now has a full-time weather forecaster on its staff. He is able to predict the very areas where forest fires will occur. In response to the forecasts, the BLM sends out planes and in many cases are able to spot the fires the instant they are started by lightning.

"The BLM leases many aircraft to drop borate retardant on fires. The effectiveness of this part of the firefighting effort was dramatically demonstrated here yesterday on the fire between the Chena Ridge Road and Chena Pump Road, and a fire earlier this month at 4½-Mile Steese Highway. The high risks involved are illustrated by the retardant plane which recently crashed near McGrath killing four persons, and the retardant plane which crashed near here last year killing two.

"In the future as we begin to tap our important forest resources in the Interior, the importance of the work that is being done now to protect these resources will be more fully realized."

Mr. BARTLETT. Mr. President, the Bureau of Land Management, over the last few years, has developed an extremely competent and effective fire control organization—in Alaska and elsewhere. At Fairbanks it has a complete Fire Control Center manned by smokejumpers specially trained to get out quickly on remote fires in Alaska. At the national level, it has improved its program for fire control so that it can tap the resources of other agencies in the lower 48 states as well as the resources in its Boise, Idaho, Fire Center to provide 24-hour service to get needed people wherever a catastrophic fire may break out.

There still exists a tremendous need to strengthen forest fire prevention and for fire control activities. In addition to these two examples of commendation for the Bureau of Land Management's performance, I have heard of many others. Therefore, recognition and just praise is deserved. Even beyond that, there is a constructive, helpful, dedicated attitude of the Bureau's fire fighters and all of its other employees which is making their great effort not only more effective but also more appreciated throughout Alaska.

So I wish to add my commendation to each and every employee of the Bureau—those who work for it permanently and those who come in temporarily as summer smokejumpers or when called in a crisis—for they all have done a good job for America's natural resources.

THE ELLENDER PRALINE

Mr. ELLENDER. Mr. President, as Senators know, my hobby is cooking dishes which are identified with the South. I recently presented to the staff of the Senator from Rhode Island [Mr. PASTORE] a box of pralines which I had made.

In return I have received a little poem written by these staff members in appreciation. I did not realize the Senator had poets on his staff, and I think such talent should be recognized. I therefore ask unanimous consent that the poem be printed in the RECORD, along with the names of the poets.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THANK YOU FOR THE PRALINES, SENATOR ELLENDER

Sweet as a nut is a saying old
  But a praline's nut is purest gold
Boiled in sweet syrup till bronzen crisp
  To linger on tongue like a lover's lisp.
Bless the nut tree of Terrebonne's good earth
  And bless the cane of the sugar's birth.
Bless the man who blends them both
  He's a boy of the bayous, I'll take my oath.
And bless the Senator kind enough
  To bless us Yankees with the blessed stuff.
There's something sacred about saccharine
  That forms the base of the dear praline
And there's something sacred about the friendly thought
That brings such joy as your gift has brought.

The Staff of Senator John O. Pastore; Tom Meehan, Clair Durand, Lillian Smith, Margaret Becker, Mary Langton, Julie Scully, Joseph R. Fogarty, Jane Johnson.

MOST YOUTHS AT THEIR JOBS WHILE DEMONSTRATORS YOWL

Mr. BYRD of West Virginia. Mr. President, I invite attention to an excellent editorial entitled "Most Youths at Their Jobs While Demonstrators Yowl," published in the Huntington, W. Va., Advertiser of Tuesday, September 24, 1968. The editorial states:

> The juvenile exhibitionists (who have been heckling Presidential candidates) constitute only a small fraction of American youth.
>
> The others are not subjecting themselves to mob frenzy but are quietly going about their business of preparing to help solve the nation's complex problems.

I believe that the editorial makes a valuable point, one that is not heard often enough—specifically, that the vast majority of our young people are decent, law abiding, and hard working, and that it is only a small minority of our youth who are disruptive, who advocate breaking the law, and whose actions besmirch the name of all the good young people in America.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MOST YOUTHS AT THEIR JOBS WHILE DEMONSTRATORS YOWL

From Miami and Chicago to the campaign trails of the presidential candidates, the dissidents and the feverish demonstrators with more volume of voice than brain power have performed before the news cameras.

Some of them with mouths so wide a frog could jump down their throats without touching a tooth are shown demonstrating at rallies for Democrat Vice President Hubert H. Humphrey.

Their cry is for an end to the war. The kind of thinking the demonstrators do—if it can be called thinking—is illustrated by the fact that Vice President Humphrey has taken the strongest position toward ending the war of any of the presidential candidates.

He has pledged to do everything he can to bring the fighting to an end on acceptable negotiated terms.

Republican candidate Richard M. Nixon is considered more hawkish, with the possibility on the basis of past statements that he would step up the fighting and go after a military victory.

The position of former Alabama Gov. George C. Wallace on the war is not entirely clear, but he has not gained his following by taking a pacific attitude toward anything.

So why the frantic fringe of demonstrators is concentrating on Humphrey is not clear if the shouters really want what they say they do.

The senselessness of the hippies, the flower children, and the blooming nonconformists in general will probably raise in the minds of a great many sober Americans a question of the advisability of lowering the voting age, as has been proposed.

There is reassurance, however, in the fact that the juvenile exhibitionists constitute only a small fraction of American youth.

The others are not subjecting themselves to mob frenzy but are quietly going about their buisness of preparing to help solve the nation's complex problems.

Quite a few of them are putting their lives on the line by fighting the savage Communist aggressors in South Vietnam. Youngsters in their teens make up a considerable part of the American force of half a million that has been declared the best army any nation ever sent into action.

While the irresponsibles and the really conscientious advocates of peace are demonstrating at home, these courageous youngsters are showing the aggressors that the American spirit of freedom lives on and that they are willing to die to prevent the spread of brutal tyranny to our shores.

Those worried over the spread of the demonstration contagion can find comfort in the knowledge that to a considerable extent contagion is just what it is.

This is a time of juvenile revolt. It has grown partly out of the permissive psychology that says children should be allowed to follow their own bent lest restrictions give them harmful frustrations.

Now it seems unrestricted freedom has given them frustrations they can work off only by carrying on like canines with the jerks baying at the moon.

But the fever will subside and even a great many of the most noisy will settle down to solid citizens who in time will worry about the bizarre performances of their own offspring.

Meanwhile, the nation can take deep pride in its youngsters who at home and in Vietnam are leading the way to a better world.

RESOLUTION OF THE MILITARY ORDER OF THE WORLD WARS

Mr. TOWER. Mr. President, the Military Order of the World Wars has recently adopted a resolution honoring our Nation's fighting men who have given their all for their country. It is my privilege to ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SAN ANTONIO, TEX.,
August 4, 1968.

RESOLUTION

Whereas, for almost thirty years the armed forces of The United States of America have been obliged to fight costly, bloody, and treacherous wars against inhuman cruel enemies in distant lands, and

Whereas, the youth of the country, serving in the armed forces have performed dutifully, efficiently and gallantly despite a certain lack of support, therefore

Be it resolved, by the Staff of the San Antonio Chapter of The Military Order of the World Wars that we hereby record our cherishing with grateful hearts the memories of heroic services performed by our fighting men; that we send them greetings together with our appreciation of their unalloyed patriotism and their firm determination to fight on until all enemies shall admit defeat; that we assure them their loyalty, determination, and splendid services find warm response in all patriotic hearts and that they will be defended from heinous traitors in their rear while they face our enemies abroad, and

Be it further resolved, that a copy of this resolution be sent to the Resolutions Committee of the Military Order of the World Wars for presentation to the general convention of the Order at Memphis, Tenn., Oct. 21–26, 1968.

Approved this 4th day of August 1968.

Rudolph R. Hahn,
Commander.
Roy S. McMurtray,
Adjutant.

SIGNING OF METRIC STUDY BILL

Mr. PELL. Mr. President, H.R. 3136, providing for a study by the Department of Commerce of the desirability of converting to the metric system of measurements in the United States, has been signed into law by President Johnson.

The signing of the bill, coming as it did during the recent congressional adjournment, drew little public notice. I think, however, the occasion should not pass without some recognition of its significance. The signing of the act permits the Department of Commerce to move forward with the first full-scale Government study of the advantages and disadvantages of converting from the archaic foot-pound system of measurements to the metric system now used by nearly every nation in the world. The results of this 3-year study will have a profound influence in determining whether the United States should join the rest of the industrial nations of the world in using metric measurements.

As one who has introduced bills in each of the last three Congresses to authorize this study, I take great personal satisfaction in seeing the study bill become law. I am particularly proud to have been the author of the Senate version of the bill finally enacted. But the measure would not have become law without persistence and legislative leadership over an ever longer period in the other body by the House sponsor, Representative George P. Miller, chairman of the House Committee on Science and Astronautics. And certainly the efforts of the junior Senator from Michigan [Mr. Griffin], in support of metric study legislation, require recognition.

In addition, I should like to take note of the very great educational contribution made through the years by the Metric Association, Inc., a nonprofit group that has helped develop an awareness in the scientific and business communities of the potential benefits of conversion to the metric system.

I have received from Mr. Louis F. Sokol, the very able secretary of the Metric Association, a letter noting the significance of the signing of the metric study bill, and I ask unanimous consent that his letter be printed in the Record.

For the information of Senators, I also ask unanimous consent that an article on the metric system study, published in the Wall Street Journal of September 5, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Metric Association, Inc.,
Arlington Heights, Ill., August 16, 1968.

Hon. Claiborne Pell,
U.S. Senate,
Washington, D.C.

Dear Senator Pell: The signing of the metric study bill, H.R. 3136, by President Johnson on 14 August is a significant event in the history of the United States. This bill will for the first time authorize a factual governmental study of the impact of increasing world-wide use of the metric International System of Units (SI) on American industry and commerce.

We highly commend you for having sponsored and supported this worthy legislation. Were it not for your tireless efforts of the past five years, enactment of this bill would not have become a reality. You can be sure that future generations of Americans will be indebted to you for your foresight and wisdom in supporting this study.

The members of the Metric Association have given their support by dissemination of information about the Metric System to our scientific, business, and educational communities as well as to members of Congress. The Metric Association stands ready to assist in any way it can in the conduct of the study, and it will continue to distribute information on this subject.

Sincerely yours,

Louis F. Sokol,
Secretary.

[From the Wall Street Journal, Sept. 5, 1968]

Move to the Meter?—Metric System's Fans and Foes Press Cases as U.S. Studies Switch—Backers Say Change Would Simplify Sales Overseas—Cost of Conversion at Issue—Buying Liquor by the Liter

(By Arlen J. Large)

Washington.—People pondering a U.S. switch to the metric system tend to speculate mostly about adjusting to such potential novelties as the 400-gram butter package or the one-liter whisky bottle or the 100-meter football field.

But that sort of speculation misses the real point, the experts warn. Something like a change in the size of butter packages "is not very important," says Alvin McNish, a Government measuring-man at the National Bureau of Standards. "But this," he adds, jabbing a finger at a booklet on his desk, "is the real hard shell of the problem." The book lists more than 100 different contours of screw threads.

His point is worth remembering as the nation moves closer than ever toward measuring things in meters, grams and liters instead of feet, pounds and quarts. Mr. McNish is planning the three-year study of metric conversion problems authorized by Congress in a bill President Johnson signed last month. Public attention naturally is going to center on the consumer's unfamiliarity with metrically measured groceries and the motorist's inability to remember that a kilometer is only six-tenths of a mile. But those closest to the problem believe any meaningful conversion must begin with machine tools, screw threads and other engineering underpinnings of technological society; if that's successful, the man in the street can learn to cope with metric measurement at his own pace, the technocrats maintain.

A MISSILE PROJECT MISFIRES

The technical hurdles involved in a fundamental change of industrial measurement are illustrated by the Pentagon's sad experience with a metric missile. The Air Force originally wanted its Maverick air-to-ground missile to come from the drawing board with all components designed from scratch in metric dimensions instead of inches. But the designers discovered such a missile would cost more and take longer to build than a nonmetric type. The Air Force announced in July that the Maverick would be built the regular way.

The Congressional request for a study of such problems doesn't commit the U.S. to metric conversion, either partial or total. Indeed, some metric opponents hope the study will only highlight the great potential cost and inconvenience of conversion, thereby generating new resistance to it. "There's a real question whether you and I will see the metric system come in our lifetime," says a skeptic in an industrial trade association here.

Nevertheless, there's a surprising amount of steam behind the metric cause. One of the study bill's chief Senate sponsors, Rhode Island Democrat Claiborne Pell, predicts the project will show that "conversion makes good economic sense." The study is to be conducted by the Commerce Department, whose Assistant Secretary for Science and Technology, John F. Kincaid, has admitted he's "guilty of prejudging" the outcome: "I am long convinced, myself, that the United States should adopt the metric system."

THE KING'S FOOT

This, of course, is a long-sought goal of many scientists, who regard metric measurement as simpler and more rational than the old English measuring units. In recent years, the idea has received new backing from export-minded businessmen who argue that with 90% of the world's population using the metric system, the U.S. is handicapped in selling by the foot and pound overseas. The prospect of U.S. conversion got its latest push with London's announcement last month that Britain, the very birthplace of measuring by the king's foot would aim at all-metric measuring by the end of 1975—an ambitiously brief 7½ years.

U.S. conversion—if it comes—probably would parallel Britain's method of switching. Anthony Wedgwood Benn, the British minister of technology, anticipates the metric system "would spread out from industry and become in time the primary system for the country as a whole." He has said, however, that it wouldn't be compulsory for anyone. (In contrast, France, Venezuela and Brazil are among those countries that legally forbid any departure from metric measurement.)

Congress has the clear Constitutional power to "fix the standard of weights and measures," and such metric enthusiasts as Sen. Pell have talked about making the new system mandatory here. While that question obviously isn't settled, odds are against it. Congress from the beginning has shrunk from its authority over the measuring rod. Surprisingly, there's no law prescribing the use of yards, pounds and gallons for Americans; it's just tradition. The only statute on the subject is an 1866 law making the meter legal for U.S. use. The vault at the National Bureau of Standards contains an official meter rod and gram weight but no official yard or pound.

RELYING ON PRIVATE GROUPS

As in Britain, much of the responsibility for metric conversion here is likely to be felt with private professional societies and trade associations. The Society of Automotive Engineers has recently formed a metric committee. So has the United States of America Standards Institute, whose special metric group held its first meeting in Detroit in August. The committee's chairman is Dayton industrialist Louis Polk, who's cautiously noncommittal about the prospects for switching. But if a change does come, he adds, there will be "great reliance" by the Government on private technical organizations.

Metric system backers credit teachers' organizations with trying to get pupils to "think metric" at increasingly early ages; a National Bureau of Standards review of arithmetic textbooks found more than 90% introducing the subject in the sixth grade or sooner.

The Government itself, of course, would have an important role in reorientation. Highway signs at first would be posted in both kilometers and miles. The Weather Bureau would quote temperatures on both the Fahrenheit and centigrade scales. Such action, however, probably would await the outcome of the three-year Commerce Department study and some sort of Congressional response. Pennsylvania Republican James Fulton, a metric system backer, thinks a simple "sense of Congress" resolution would suffice to trigger a Government-industry transition.

The National Bureau of Standards, a subagency of the Commerce Department, is handicapped in organizing the study because Congress provided no money for the purpose when it approved the project earlier this summer. The first year, therefore, will be confined mainly to preliminary planning. Assuming no objection from a new Democratic or Republican President, the Commerce Department will give Congress a progress report next year and make a pitch for $2 million to finish the study on time.

One of the bureau's first tasks has been to categorize various industries according to the impact on them of a metric switchover. Some already are well down the metric road. Drug makers, druggists and all but the oldest doctors now are dealing metrically with each other, having abandoned the old apothecary units of drams, scruples and grains; for simplified bookkeeping, big drug makers even buy such raw supplies as sugar and salt in bags stenciled in metric weights. Some member firms of the Scientific Apparatus Makers Association have agreed to start selling certain laboratory chemicals and solutions in metric units by January 1, 1970.

A metric switch would be harder for companies making such products as cars and trucks, though resistance seems to be fading fast among companies with big overseas markets. International Harvester Co. already has adopted "dual dimensioning," using both inch-system and metric notations on blueprints and designs. Ford Motor Co. has pronounced itself ready to go metric if the transition is gradual and well planned: "The benefits of a single measuring system in a world-wide, interdependent economy are so great that we believe that the conversion to the metric system is inevitable," Engineering Vice President Herbert L. Misch told Congress while the study bill was being considered.

FITTING INTO THE SLOT

Toughest of all would be a metric switch for U.S. makers of basic machine tools. Though it supported the idea of a study, the National Machine Tool Builders' Association has said there's "no pressing need for, nor advantage in, a conversion to the metric system." Screw manufacturers likewise are apprehensive. The problem isn't so much a reluctance to start using the metric language in designing machine tools, rather, it's the apparent need for costly alteration of traditional U.S. engineering standards—the agreements between individual manufacturers to ensure that all light bulbs, for example, fit all light sockets. These standards might have to be changed for the sake of international uniformity.

Because U.S. standard sizes are based on fractions, whole-units or multiples of inches, they tend to be incompatible with European size standards based on millimeters. Says Mr. McNish of the Bureau of Standards: "You can take a standard American half-inch steel bar and call it a 12.7-millimeter steel bar instead. But that won't make it fit into a standard 12.5-millimeter slot made in Europe."

Thus, conversion to metric measurement ultimately would require changes also in much machinery to produce internationally standard steel bars or screws or light bulbs, if the sweeping goal of global interchangeability is to be realized. The two kinds of changes "will take place—if they take place—more or less simultaneously," says Mr. McNish. U.S. tool makers hope at least that conversion would permit them to retain many of their inch-based standards while translating them into metric terminology; they hope European countries would change their machines to conform.

THINKING METRICALLY

In studying this and other conversion problems, the Bureau of Standards will set up advisory committees from industry, education and labor, and consult with such directly affected Government agencies as the Pentagon and Post Office. (Mail rates, of course, are based on pounds and ounces, and the Post Office limits mail weight in those same terms and mail size in terms of feet and inches.) There'll be a special experiment with adult education, to estimate how long it would take to get carpenters, mechanics and others whose work requires constant measuring to think metrically.

At the end of the study, the Commerce Department hopes to be able to tell Congress how much new export trade would be gained by a U.S. metric conversion and how much it would cost various industries to convert in several alternative time spans. The report probably will recommend optimum conversion periods for various industries, assuming conversion is recommended at all, and propose whatever legislation is deemed needed to get the conversion going. A key question here is whether businesses with massive investments in nonmetric machinery—and workmen who personally own costly nonmetric tools—should be given some special tax inducement to buy metric replacements.

This already has been suggested by some apprehensive U.S. companies. In Britain, however. the government has decided against any form of subsidy to help ease the transition. "There can be no question of compensation," Technology Minister Benn has said. "The costs of adopting metric weights and measures must lie where they fall."

CONVENTION HOOPLA

Mr. HRUSKA. Mr. President, a distinguished Nebraskan and former three-term Governor of my State, Val Peterson, recently offered some thoughtful and constructive suggestions for improving, stimulating, and dignifying the national political conventions. Not only has Val Peterson served as Nebraska's Governor; he is a former member of the White House staff, a former Administrator of the Federal Civil Defense Administration, and a former U.S. Ambassador to Denmark. He has attended three Republican National Conventions as a delegate and a number of others as an observer. In the recent Miami Beach convention, he served as delegate and on the resolutions platform committee. He is a man who thoroughly understands the American political process.

In summary, Governor Peterson's suggestions are these:

First. That all States adopt a system of popular election similar to Nebraska's for the selection of delegates;

Second. That national political conventions be limited to 2 days duration;

Third. That only three speeches be permitted the keynote speech and the acceptance speeches of the presidential and vice presidential nominees;

Fourth. That only delegates be allowed on the convention floor; television, radio, and press personnel would be restricted to their own area and allowed to interview delegates off the floor.

Governor Peterson's interest in improving this traditional instrument of our democratic process is in keeping with that of General Eisenhower. In 1965, the general called upon the Republican National Committee to take the lead in convention reform. The Republican Party responded to this challenge and appointed a committee of distinguished Republicans.

The report of the committee on convention reforms was adopted by the Republican National Committee in January 1967. It contained numerous recommendations concerning programing, location of the press, demonstrations, restrictions on privileges of the floor, presentation of the platform, and other integral phases of the convention. These recommendations were implemented with much success in the 1968 Republican Convention.

Mr. President, there is wide public sentiment that both national political parties need to improve the organization and conduct of their conventions. I commend to the Senate the suggestions of Governor Peterson and ask unanimous consent that an article published in the Omaha World-Herald, September 22, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Val Peterson Would Erase Much Hoopla

Former Nebraska Gov. Val Peterson, who has attended three of them as a delegate, believes national political conventions should be cut to two days duration, with almost all the speeches and floor hoopla eliminated.

The Hastings man, who has been at the last three Republican conventions as a Nebraska delegate and attended others as an observer, thinks the time has come to really streamline them.

He suggests drastic changes.

Under his proposal there would be only three speeches—a keynote address, and the acceptance speeches by the nominees for President and Vice-President.

The first day would be devoted to the keynoter, platform ratification and selection of the Presidential nominee. The second day would be given over to nomination of a Vice-Presidential candidate and acceptance speeches.

SWIFT NOMINATIONS

He would have a man's name placed in nomination with no speech at all. Some one would merely say "I nominate so-and-so."

There would be no seconding speeches.

"I doubt if a single delegate's vote has been swayed in modern times by a seconding speech," said Mr. Peterson.

He noted what every television viewer has seen for himself—that nearly all the many speeches at a convention are almost totally ignored by the delegates.

He thought the Republican Convention in Miami Beach was run well, within existing rules.

"Under the direction of national chairman Ray C. Bliss and Don Ross of Omaha (vice-chairman), it was the best yet," Mr. Peterson said.

ELIMINATE FIGHTS

He said he "would be hopeful" that some uniform method of selecting delegates could be worked out—perhaps like that in Nebraska, where voters have a chance to elect delegates both statewide and by congressional district, he thought that would largely eliminate credentials fights.

As a member of the platform committee at the GOP Convention, Mr. Peterson believes that—as was done in Miami Beach—the platform committee should hold its hearings and put together its platform in advance of the convention proper, then present it to the convention for ratification or change.

He acknowledged that a platform by its very nature must be "an umbrella, a tent, under which all shades of party opinion can come, a rallying point and, thus, not very specific."

So the candidate must take that platform and turn it into specifics in his campaign.

RESTRICT PRESS

Mr. Peterson defends his proposal to bar long nominating speeches and all seconding speeches with the assertion that all delegates know where candidates stand before the convention opens.

He would keep all but delegates off the floor; the communications people would be restricted to their own space, but with a chance to send messages to delegates asking to meet them off the floor for interviews.

"The floor is the workshop, the home of the delegates during the convention," he said. "All provisions should be made for their convenience."

He said guards should not be permitted to move about the floor ordering delegates around.

"The guards did a good job generally," he said, "but sometimes they interferred with delegates trying to do their work. After all, the convention is designed for the delegates to do their job."

AERONAUTICAL AND SPACE SCIENCE PROGRAMS

Mr. CANNON. Mr. President, last evening the Senate agreed to the conference report on the independent offices and Department of Housing and Urban Development appropriation bill, 1969, H.R. 17023. At that time, the able senior Senator from New Mexico [Mr. ANDERSON], chairman of the Committee on Aeronautical and Space Sciences, spoke regarding the fiscal year 1969 appropriation for the National Aeronautics and Space Administration. He pointed out that NASA's budget is down almost 25 percent during the last 2 years; that at this time there are great demands on the country's resources resulting in the shifting of priorities, and that the aeronautical and space activities of the United States are still important and probably more important than they were a few years ago. The Senator from New Mexico said that in his view the budget plan for NASA for fiscal year 1969 is too small and that he would prefer to see the budget somewhat higher. He expressed concern that while the Soviet Union is increasing its space activities, the United States is slashing its space budget. He presented some statistics on the space programs of the United States and the U.S.S.R. and drew the conclusion that as of the present the United States has accomplished more in space than the Soviets and that reasonable assessment of the facts must conclude that we are ahead at the present time but that we cannot be complacent about our space program because the Soviets with their vigorous space drive, as demonstrated by the Zond flight, could very well catch up and even surpass us. The senior Senator from New Mexico said that he disagrees with the administration's decision not to proceed immediately with the development of the Nerva I nuclear rocket engine pointing out that Congress strongly supports the development of this engine. He urged NASA to move forward with the development of the Nerva I nuclear rocket engine and with other basic space programs to assure that this Nation will have a preeminent position in space in the years ahead.

Mr. President, I agree with the able senior Senator from New Mexico and congratulate him on the fine work he has done on the aeronautical and space programs during the past year. He has insisted on close scrutiny of each and every program and that each program be reduced to the lowest possible level for fiscal year 1969 but with a careful eye to maintaining a balance in the program to assure U.S. preeminence in space.

I especially concur in the remarks of the senior Senator from New Mexico on the development of the nuclear rocket engine.

The nuclear space propulsion program is a joint effort of the National Aeronautics and Space Administration and the Atomic Energy Commission; the AEC doing the reactor work, NASA the engine systems work. The administration requested $60 million for fiscal year 1969 for the NASA nuclear rockets program. Congress authorized $55 million in research and development, and we are now taking final action on the NASA appropriation, which includes all of the research and development funds that have been authorized. Similarly, $72 million was requested for AEC, $68 million was authorized and $53 million was appropriated for reactor development plus an additional $7.3 million for selected resources for a total of $60.3 million. Yet NASA has now promulgated an interim operating plan which does not provide for going ahead with the development of the nuclear rocket engine, NERVA I, so necessary to our future space effort.

The Senator from New Mexico has said that he disagrees with NASA's decision not to proceed with the NERVA I nuclear rocket engine. So do I. The administration requested it, Congress has authorized and appropriated the funds, and I believe the least NASA ought to do is proceed with the nuclear engine development and not reprogram those funds out of research and development into AO, as is indicated in their interim operating plan. To continue the course indicated by the fiscal year 1969 interim operating plan is in my judgment a repudiation of an action of Congress.

The Senator from New Mexico in his remarks noted that when we talk of going into space, propulsion is the first order of business. The application of a nuclear rocket engine to a third stage of the Saturn V launch vehicle would about double its payload capabilities for most missions and would assure that we are in a competitive position with other nations of the world in our future space capability. It is incredible to me that after spending more than a billion dollars on developing the necessary technology to build a nuclear rocket engine, the administration has now decided not to proceed even after it requested funds for such development and the Congress has provided those funds. The United States is not the only nation in space, as I think was amply demonstrated by the Soviet Zond-5 flight of a few days ago, which in my judgment was a significant achievement.

I have discussed the Zond-5 flight with the chairman and other knowledgeable people. I find that the Soviet flight of Zond-5 is indeed a significant achievement. The Zond-5 flight demonstrated that the U.S.S.R. has achieved a lunar operational capability particularly in the areas of guidance, communications, spacecraft reentry, and recovery. These are all necessary prerequisites for a successful manned lunar operation. The United States has a demonstrated capability in all these areas that is at least as good as or better than that demonstrated by the Zond-5 flight, with the exception that the United States has not brought back a spacecraft from the moon and shown that we can keep it in the necessary narrow reentry corridor. However, the Apollo spacecraft has successfully reentered the earth's atmosphere at lunar return speed—November 1967—and with our demonstrated capabilities in the guidance and control of spacecraft we should have the capability of bringing back that spacecraft successfully through the earth's atmosphere on a return trip from the moon.

But, Mr. President, the United States cannot maintain a position of leadership in space if we do not continue to develop a better propulsion capability. Clearly, the best thing we have going for us is the Nerva I nuclear rocket engine. We have spent a substantial amount of money developing the technology, and we should proceed during fiscal year 1969 with the development of the nuclear rocket engine, Nerva I, as requested by the administration and provided for by the Congress.

THE FEDERAL GOVERNMENT AND YOUTH

Mr. PELL. Mr. President, in the past few months there has been much criticism of our country; and especially singled out have been Federal programs and the youngsters of today.

Newspapers are replete with stories which would seem to point out that these institutions are at their lowest ebb. However, it is interesting to note that, while we hear much of the stultifying role of the Federal Government, there are programs whose participants believe that there is more opportunity for expression in a federally funded program which allows for experimentation and innovation.

Recently, the Providence Journal published an editorial which spoke of Project

Upward Bound and Project Epic and how successful they were. I found it interesting that the two subjects I spoke of—the Federal Government and youth—were joined in a program which has had a meaningful purpose and positive effect.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SCHOOL CAN BE FUN

Students enrolled in the federal education programs—Project Upward Bound and Project Epic—have discussed the topic "What is wrong with public education?" What these young people had to say from newly formed convictions about the regular school system deserves broad attention from teachers, school officials, and school committee members.

These youngsters in their late and middle teens feel that the federal programs allow greater opportunity for personal expression; that there is less "rigidity" in class than during the regular school year; that the summer educational experience involves more of their individuality.

These views can be dismissed as being immature, but the point is not whether the students are wholly right or wrong. The students plainly are enthusiastic about participating in Project Upward Bound and Project Epic, and they have discovered that the educational process can be stimulating; that it can be much more than a passive experience. What these youngsters communicate above all else in their appraisal of the summer programs is an eagerness for their courses and for innovative classroom methods and also an appreciation of imaginative instructors. The fact is becoming clear increasingly that a student, bored almost to tears nine months of a regular school year, can discover suddenly in a special program of studies at Rhode Island College, that learning can be fun and lead to fuller development.

There is an important reason why teachers, school administrators, and school committee members should interest themselves in student reaction to programs like Upward Bound. When the youngsters discover that specially designed education can be stimulating, then the teaching techniques, classroom environment and course selections that account for this stimulation should trigger innovations in the public school system.

The challenge to the public school authorities is not to sit back and regard the federal programs as some sort of one-shot experiment, but rather as a vital crucible for testing new methods of teaching. Once these methods are proven valuable, then they should be used in the public schools.

RESTORATION OF FUNDS FOR URBAN PROGRAMS IS URGENT

Mr. CASE. Mr. President, I was deeply disturbed by the cuts made in a number of our important urban programs by the conference action on the independent offices appropriations bill—H.R. 17023—which has now cleared Congress.

This measure provides funds for the Department of Housing and Urban Development, which was created by Congress in 1965 to coordinate and lead the Federal Government's attack on the problems of urban and suburban America.

Because of my concern about the worsening problems of our growing metropolitan areas, I urged the creation of such a department long before it was proposed by the present administration. Since HUD came into being, I have supported full funding of the vital community development and housing programs it administers.

Two key programs in HUD's arsenal are model cities and rent supplements. Model cities is designed to attack neighborhood problems, including poverty, unemployment and substandard housing, in a comprehensive, coordinated manner as opposed to the fragmented approaches taken in previous years.

Rent supplements is an extension of the public housing program, but substitutes private initiative for Government action in the construction or rehabilitation and management of low-cost rental units.

In fiscal 1969, both of these programs should begin moving into high gear. But if they are to make meaningful contributions to the improvement of the quality of life in our metropolitan areas, they will require greater amounts of Federal financial assistance than Congress so far has been willing to provide.

An important adjunct to these programs is the new fair housing law which prohibits discrimination in the sale and rental of housing. Under the law, HUD is supposed to participate in its enforcement through conciliation, mediation and broadly based educational activities which, of course, will require adequate funds to carry out effectively.

As a member of the Appropriations Subcommittee with jurisdiction over H.R. 17023, I voted for full funding of the model cities and rent supplement programs. Although not entirely satisfied, I accepted the compromise $9 million for fair housing enforcement. These amounts, I am glad to say, were approved by the full Committee on Appropriations and later by the Senate.

But the conference action on H.R. 17023 undoes much of the good work of the Senate. Model Cities is slashed from $1 billion to $625 million; rent supplements is cut from the Senate level of $65 million to $30 million. Most shocking, fair housing enforcement receives nothing at all. Almost casually Congress took this step which comes close to repeal of this program.

Other valuable programs, such as urban planning grants and urban information and technical assistance, also suffer substantial reductions as the result of the conference action.

The legislation authorizing these and other programs represents a commitment on the part of Congress to begin the enormous job of making our urban and suburban areas more decent places to live and work. Now Congress at this critical juncture in our domestic history has gone back on that commitment by depriving these programs of adequate appropriations and, in some cases, of any appropriations at all.

How can we brush off with half measures, or with no measures at all, the critical needs of our metropolitan areas and of the millions of underprivileged citizens living in central city ghettoes?

I strongly urge that the administration move to make up these deficiencies that I have outlined by submitting additional funding requests to Congress. As a member of the Senate Committee on Appropriations, I shall do all I can to see to it that its requests are acted upon promptly and affirmatively.

Restoration of the funds for these urban programs is possible without exceeding the expenditures and appropriations reductions previously laid down by Congress.

RESOLUTIONS OF ENERGY AND NATURAL RESOURCES COMMITTEE, CONSUMER FEDERATION OF AMERICA

Mr. BURDICK. Mr. President, the Energy and Natural Resources Committee of Consumer Federation of America, meeting in Sioux Falls, S. Dak., on September 18, 1968, adopted resolutions seeking positive Federal programs for the beneficial use of our natural resources. The committee noted the limited supply of land, minerals, water, and air, and recommended programs and policies for the development and preservation of those resources. The resolutions are as follows:

Set up positive Federal programs to provide beneficial use of our natural resources and proper protection of our environment. Land, minerals, water, and air are in limited supply. The Federal government must act as a public trustee in their development and preservation. To fulfill this stewardship, it is necessary to implement the following programs and policies:

1. Expansion of Federal efforts to develop economically competitive techniques of processing oil from shale rock, including construction of demonstration plants as cost yardsticks for private industry and leasing of oil shale lands only with strong protection against private monopoly and speculation.
2. Enforcement of the 160-acre limitation of Reclamation law.
3. Development of procedures for locating large generating plants so as to minimize land use and adverse ecological and aesthetic effects while maximizing economies of scale and comprehensive use of sites with multiple-utility sharing of capacity.
4. Establishment of a "defensive" Federal land acquisition program, geared to regional studies, for the purpose of insuring rational land use decisions in the public interest and of preventing undesirable cost escalation.
5. Acceleration of efforts to clean up our air and water.
6. Creation of new recreation programs, including Federal fresh water "recreation reservoirs" and urban area "national parks."
7. Support for a systems approach to environmental problems—utilizing long-range planning, multi-disciplinary methods, joint development, and evaluation of social benefits and costs—to help insure that the interrelationship of natural resources—human and natural—is taken into account.
8. Creation of a Federal capital budget which will reflect in a businesslike manner Federal investment in wealth-creating, self-liquidating projects for development of natural resources and construction of power marketing facilities.

Continuation of low interest rates is essential to sustained adequate development of energy and natural resources.

1. The availability of 2% loan funds for rural electrification purposes is essential.
2. Low interest rates should be continued in the evaluation of water resources projects.

Adopted by Energy and Natural Resources Committee of the Consumers Federation of America. September 18, 1968.

HUBERT HUMPHREY SEEKS A NEW DAY FOR OLDER AMERICANS

Mr. WILLIAMS of New Jersey. Mr. President, HUBERT HUMPHREY has given the Nation his plan for "a new day which will bring a better life for all older Americans and for their families."

His address at Seal Beach, Calif., on September 25 reminded all Americans that great progress has been made on behalf of the elderly since the social security program was established under Democratic leadership a third of a century ago.

We now have medicare, a concept advanced by Mr. HUMPHREY in the first bill he introduced as a freshman Senator in 1949. We have tried to make social security more adequate; we now have a Federal agency on aging to provide direct help to States and communities; we have insisted upon more housing for the elderly; and we have tailored such programs as model cities and the food stamp program to be of special help to older Americans.

We can take some satisfaction in work already done, but—as the Vice President so clearly said in California—we must do much more.

Inadequate income is still the No. 1 problem for retired Americans, and Mr. HUMPHREY offers new proposals to make social security even more effective than it now is. He also offered imaginative innovations to extend medicare coverage.

Impressed as he is by the need for increased economic security, Mr. HUMPHREY says that it is not enough. He also wants to make use of the abilities of elderly Americans in work that helps make their communities better places in which to live. Specifically, he asks for "establishment of a National Senior Citizens Community Service Corps in which persons both over and approaching retirement age can earn incomes or volunteer to do jobs which can help communities throughout the Nation achieve vital social goals."

The need for this kind of national commitment is clearly expressed in testimony received within recent years by the Senate Special Committee on Aging, on which I serve as chairman. We have heard from experts who tell us why community service would be good for the elderly and good for our society. But even more fundamentally, we have heard from the elderly themselves. They tell us that they have much to offer their fellow Americans: experience, energy, wisdom. We have also heard from elderly people who are participating in pilot service programs. The message is always the same: "We are getting as much, if not more, from our work as the people we help; we are back at work, and we like it."

We are going to have a national community service program for the elderly in the Nation; I have introduced bills in the last two Congresses to that end. Now, with the impetus provided by the Vice President, that day will come in the very near future.

I ask unanimous consent that the text of Mr. HUMPHREY's remarks be printed in the RECORD.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

A NEW DAY FOR OLDER AMERICANS

The quality of life of today's generation of older Americans is far better than that enjoyed by any previous generations of older Americans. More of them own homes, they have better health care, and practically all are now assured of continuing income in retirement.

Playing a major role in providing a better life for older Americans is the Social Security program, which today provides monthly cash benefits for 18.5 million people age 62 and over, and which helps virtually all of the 20 million people age 65 and over meet the cost of hospital and doctor bills.

The Social Security program was established under Democratic leadership in 1935—and 95 out of 96 Republicans in the House voted to kill the old age benefits section.

Since then, almost all the major improvements have been made by the Democrats. In fact, with a single exception—1954—every expansion in the coverage of Social Security . . . every increase in benefits . . . has been proposed by the Democrats and most of them have been passed over strong Republican opposition.

In the last three years, benefits have been increased twice—raising minimum benefit levels by two-thirds and the average payment by 23 percent.

President Roosevelt and President Truman proposed a program of disability benefits . . . but the Republicans killed it.

Richard Nixon voted against the program in 1949 and 1950.

In 1956 the Democrats finally passed the program over the protests of the Nixon-Republicans.

President Truman proposed Medicare in 1949; it was the first bill I introduced as a freshman senator.

The Nixon-Republicans fought Medicare for 16 years and denied these benefits to millions of our older citizens. In the 1960 campaign Mr. Nixon attacked Medicare with these words: ". . . it makes no good sense at all, except in an America that has given up its heritage of freedom and joined the dull drab ranks of the bureaucratic superstate."

In 1965, 93% of the Nixon-Republicans in the House notwithstanding, the Democrats passed Medicare.

Despite the major progress that has been made over the years, much still remains to be done. Too many people still have to face the problem of inadequate income in old age. Fully one-third of those age 65 and over live in poverty. That fact alone should challenge the conscience of all Americans.

Our elderly also face other major problems. For many, there is the critical question of what to do with their vastly increased leisure time. Each older person needs to know that his remaining years can be spent in useful, meaningful pursuits—of value to himself, his fellow neighbors, and his community.

Toward the solution of these problems we pledge a program in three crucial and urgent areas—income, health, and the use of the abilities of elderly Americans.

Our proposals improving the retirement, disability and health benefits would bring an immediate increase of approximately 25 percent in these benefits.

RETIREMENT INCOME

Although private pension plans provide supplementary benefits to those fortunate enough to be covered under such arrangements, for *most* retired Americans, Social Security is the main source of continuing income.

Many retirees would be destitute if there were no Social Security system. Today 10 million people are kept out of poverty because of their Social Security benefits. They would have to rely on relatives who often could not readily afford to supply the needed support or they would be on relief rolls. Nineteen out of twenty of those now receiving Social Security benefits would not be able to achieve a moderate living standard without these benefits.

Even with recent increases in Social Security payments, the average benefit for the retired worker is only $98 per month, and for the retired couple, $165 a month. Inadequate income is the biggest problem for older people.

We need a substantial increase in Social Security benefits—and we need to make these benefits inflation-proof. As President I would call for:

Increasing Social Security benefits by 50 percent across the board, with an increase from the present monthly minimum of $55 to $100 for an individual and from $82.50 to $150 for a couple in steps during the next four years. We would begin with at least a 15 to 20 percent general boost and a $70 minimum for an individual and $105 for a couple. The first increase alone would lift at least 1.3 million people out of poverty immediately. Over 125,000 older people would no longer have to turn to public assistance for basic sustenance, and there would be a saving of about $175 million to the assistance program.

Making benefits inflation-proof after retirement by raising them automatically to reflect price increases. From time to time benefits should be further raised to take account of general increases in the standard of living.

Making it more attractive for the Social Security beneficiary to earn more by liberalizing the provisions which reduce benefits when he or she works. There should be incentives, not disincentives, for those who want to continue to work.

Increasing the amount of annual earnings on which contributions and benefits are based so that benefit amounts will be more closely related to the full earnings of the great majority of workers.

Financing a part of the increased benefits from general revenues to ease the burden of social security contributions on the workers, especially to finance the rise in minimum benefits to $100 per month.

Making it easier to qualify for disability benefits.

HEALTH COSTS AND MEDICARE

Until Medicare became law, older Americans faced the constant threat of financial disaster. Today, however, for most senior citizens the threat has been lifted of a hospital bill that could wipe out their hard-won security—bills that would not only wipe out their own savings but also those of their children.

Twenty million older Americans are protected under Medicare.

To date, $7 billion in hospital insurance benefits has been paid, as well as $2.3 billion in medical insurance benefits. In 1968 alone, 7.5 million persons will receive $5.6 billion (an average of nearly $750 per beneficiary) in hospital benefits under Medicare.

Now that we have proved Medicare successful, let us perfect it.

As President I would ask Congress to do the following:

Put the doctor bill part of Medicare on the same social insurance pre-payment basis as the hospital part. This would make it unnecessary for older citizens to pay $4.00 a month for medical insurance out of their retirement incomes. Both parts of the Medicare plan would be financed from Social Security contributions and matching contributions from the Federal Government.

Provide protection against the heavy cost of prescription drugs which are so often necessary to health and well-being, and which now account for about 30 percent of private expenditures for health care by the aged.

Extend Medicare's protection to disabled Social Security beneficiaries who, like older people, have high medical costs at the time when their income is sharply reduced.

PARTICIPATION THROUGH COMMUNITY SERVICE

Security is important, but it is not enough. We must provide opportunity for our elderly—opportunity for gainful employment, for those who seek to continue to work, and the opportunity for volunteer activity or for other meaningful functions that yield personal satisfaction to the volunteer and benefits to others.

Americans are looking around their hometowns and their neighborhoods and discovering that there is much that needs doing. The so-called "helping professions" are badly in need of manpower. There are now over 5 million significant public service tasks that could be performed, if our available manpower is properly mobilized. Many senior citizens have the aptitude and competence and desire to provide services in institutions for young and old, in schools and libraries in ghettos and in suburbs.

Americans are also beginning to realize that among our population of older persons is a deep, rich reservoir of talent, wisdom and experience.

We should match up older people who want to serve with the tasks that need doing.

What is needed now is a sustained, national program that will give hundreds of thousands, and possibly millions of able-bodied older Americans new opportunities for service and participation; and which will give communities more of what they need. Older people can do much toward taking care of the long-neglected needs of society.

Therefore, I propose—

The establishment of a National Senior Citizens Community Service Corps in which persons both over and approaching retirement age can earn incomes or volunteer to do jobs which can help communities throughout the nation achieve vital social goals. We need the wisdom and experience of our older people.

TO SUM UP

We must ask what our Americans who are aged or aging seek and we must strive to better meet their objectives.

Will their final share in life's experience be a time of dignity, of renewed purpose, deepened and enriched by experience?

Or will these years be a time for waiting and empty intervals, full of the sounds and visions of the past, full of foreboding of the future?

If we can work on a forward-looking program along the lines I have just outlined, we will speed the dawn of that New Day which will bring a better life for all older Americans and for their families.

POLLUTION IN SMALL LAKES

Mr. MONDALE. Mr. President, the Senate last year passed unanimously the clean lakes legislation which the Senator from North Dakota [Mr. Burdick] and I introduced as a part of the Oil Pollution Amendments of 1968. The proposed legislation is now languishing in the House Committee on Public Works and should be acted upon by the House this year.

The Clean Lakes Act would authorize the Water Pollution Control Administration to initiate immediately and on a broad scale a comprehensive program to discover the causes and various remedies for pollution in small lakes. That this is a growing and serious problem is beyond question. That the technology for meeting the problems does not exist is also an unquestioned fact.

An aspect of this matter that is too frequently ignored is that lakes are now recognized as a tremendous economic resource, and that pollution and stagnation constitute a tremendous loss to the economy of the areas having such lakes.

The Minneapolis Star recently editorialized on this matter. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Economics and Pollution

Water pollution usually is regarded as primarily an urban problem, one that occurs when the demands of big industry and a big populace become more than a river or lake can meet.

But increasingly in this tourist state water pollution is a problem not confined to the heavily-populated metropolitan areas. Algae and choking weeds are as much of a threat to such famous lakes as Bemidji, Cass, Sallie, Big Stone, Melisa, Shagawa and Le Homme Dieu as they are to Minnetonka.

The water pollution problem often is discussed in terms of how much money it will cost the nation to clean up our rivers and lakes. The figure, listed in varying degrees of multi-billions, is staggering.

But there is a price, too, for not attacking pollution and it's not just one of esthetics. Minnesota's tourist industry is valued at somewhere between half to three-quarters of a billion dollars a year. The state and individual resorts spend thousands every year to lure customers to the land of sky blue waters.

Pollution can only cut into that market. And the need to halt or reverse the deterioration of the state's waters becomes an economic battle Minnesota cannot afford to lose.

"THE EDGE OF CHANGE"—REPORT ON MENTAL RETARDATION

Mr. HARTKE. Mr. President the President's Commission on Mental Retardation is to be highly commended for its excellent report entitled "The Edge of Change." Under the chairmanship of Hon. Wilbur J. Cohen, the committee has produced its second enlightening document—a document worthy of the attention of every concerned American.

This year's report focuses on three priority areas: residential care for the retarded, manpower to serve the retarded, and the retarded victims of poverty. It describes for these priority areas the needs, the efforts underway, and the prospects for further action. It brings forward what has been learned in dealing with children and adults alike—the possibilities for education and social growth, the potentialities for job training and employment. It tells of the compassionate, and sometimes heroic, efforts of individuals, private organizations, and public agencies in contributing to the development of individuals who previously would have been shunted aside, closeted up, and left to languish the remainder of their lives.

Certainly we are at the "edge of change." New attitudes, new efforts, and new discoveries bring hope for helping millions of retarded and for preventing retardation in millions more. We have come a long way in publicly recognizing the individuality and humanity of the retarded person and in seeking to promote his personal growth and welfare. But we are only at the edge. There is so much more we can and must do. We have thus far directed only a pittance of our public resources toward the challenging work that ought to be done. We must now make the public investment that can make the difference. There is simply no acceptable excuse for doing less.

Any American who wishes to be a part of the great efforts that are altering the lives of millions will do well to read "The Edge of Change."

BIAFRAN CRISIS WORSENS

Mr. PROXMIRE. Mr. President, yesterday I submitted Senate Concurrent Resolution 80, which calls for a continuation and an intensification of the already dedicated efforts of the administration to achieve a resolution of the crisis in Biafra.

The distinguished acting chairman of the Committee on Foreign Relations [Mr. Sparkman], the Senator from Kansas [Mr. Carlson], the Senator from Connecticut [Mr. Dodd], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Indiana [Mr. Hartke] have added their names as cosponsors.

Representative Scheuer will submit a similar resolution in the House of Representatives.

I believe that this sense-of-Congress resolution can add needed congressional support and encouragement for the administration's efforts to achieve prosecution of the basic human rights of the innocents in Biafra through the United Nations and other international forums.

An Associated Press article published in the Washintgon Post this morning describes the Biafra death rate as having "stabilized" at 6,000 deaths per day.

So that Senators may better understand the urgent nature of the food crisis in Biafra, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Biafran Deaths Daily: 6000

Santa Isabel, Fernando Po, September 26.—The head of Red Cross operations in Biafra says deaths from starvation have stabilized at 6000 a day. He added that sufficient supplies are now being delivered to the shrinking rebel state in eastern Nigeria to prevent an increase in the rate.

The representative, Henri Jaggi, said the 100 tons of food being flown daily from Santa Isabel and Sao Tome, and additional supplies from Gabon, are quickly distributed by 117 Red Cross people in the field.

The Red Cross has operated out of this Spanish possession off the coast of eastern Nigeria since relief operations began. At one time, about six flights per month departed from here, but these were suspended when Biafran airports were cut off by federal Nigerian troops. Now the flights have resumed, but it is not clear where they are landing.

The Biafrans are reduced to defense of one town, Umuahia. Their 7 million people once lived in an area of 29,000 square miles. Now refugees are squeezing into the 3000 square miles left of Biafra after 15 months of civil war.

SPECIAL IMPACT PROGRAMS

Mr. JAVITS. Mr. President, we are today confronted with a major wasted human resource. In our ghettos and other economically depressed communities, the abilities and skills of millions of Americans are underutilized at a time when we can ill afford it.

Not only are billions of dollars worth of irreplaceable talent lost, but more importanty, the residents of those communities are barred from fully participating in the benefits of our current affluence. There must be a total moral and policy commitment by both the present and future Congress and administration to remove these barriers, and to provide the means for these citizens to become true partners in our economic life. It is good citizenship and makes good business sense to do so.

We know that a handout provides only temporary help. The long-term progress so desperately needed by the disadvantaged requires more than Federal Government participation. Such progress demands the continuing, meaningful involvement of private and public groups at both State and local levels—especially the residents of the communities we are striving to assist.

Several imaginative programs have been established to solve many of the problems confronting these communities, including Headstart, the job opportunities in the business sector and the legal services programs. These activities must continue, as each helps satisfy a pressing need of the poor. It is equally imperative, however, that we now begin to improve the economic climate of depressed urban and rural areas, by promoting opportunities for economic self determination.

I propose that we increase the level of fiscal year 1969 appropriations so that the Office of Economic Opportunity can effectively carry out a vital new antipoverty activity—the special impact program. This legislation—title I, part D of the Economic Opportunity Act, was initially sponsored by the late Senator Robert Kennedy and myself. Its central objective is the solution of critical problems existing in urban and rural communities, by reversing the tendencies toward dependency, chronic unemployment and rising community tensions. The means to this end are economic, business, and community development programs.

A modest beginning has already been made. For example, two rural projects have been established in North Carolina and Kentucky. In the Bedford Stuyvesant section of New York City, we are demonstrating that a federally financed partnership between members of the business community and the leadership of the ghetto community can work. In Cleveland, a project sponsored by the Hough Area Development Corporation, a broadly based coalition group representing the Hough community and with good bridges to the outside community, has just gotten underway with Federal financial assistance.

The Cleveland project builds upon what was learned from the Bedford-Stuyvesant experience, especially the problem of meshing the partnership of the ghetto, the outside business community, and the government. In the Bedford-Stuyvesant project, ideas from outside the ghetto were initially introduced without sufficient local acceptance, and much time had to be spent in beginning again from a local springboard. In the second project, the grant was made to an established ghetto group that had already demonstrated its competence in mobilizing the community, including business and technical resources, to meet the needs of Hough, as Hough residents themselves had defined those needs. This principle of local initiative and local determination of priorities and plans is reaffirmed in the bills introduced by a bipartisan group in the House and Senate—H.R. 18460 and S. 3875—which would establish local community development corporations.

These projects are not in the social services business. The basic tool which this sort of program uses is the creation of new and expanded businesses that can offer the foundation for a stronger, more stable, and responsible community.

We have the opportunity, through the special impact program, to lay the groundwork for a concerted attack on the economic ills of our distressed communities. There is no magic solution, and there are no cheap alternatives to meeting this question head on.

For 1969, the President requested only $30 million for special impact programs. This would support perhaps five or six development corporations. We could use at least twice that number if we are to fully develop this promising idea. Under the current marked up versions of the Economic Opportunity Act, there will be nothing for new special impact thrusts without further reductions in programs like Headstart. I again urge that additional funds be added to the OEO appropriation for this year's special impact program. Without this kind of support, the administration taking office in January begins yet another year behind on solutions to the problems of our urban areas. Time is fast running out.

ENROLLED BILLS SIGNED

The PRESIDING OFFICER announced that on today, September 26, 1968, the President pro tempore signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2751. An act to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forest, in the State of Oregon;

S. 3030. An act to amend section 3 of the act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes;

S. 3866. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964;

H.R. 15263. An act to amend further the Foreign Assistance Act of 1961, as amended and for other purposes;

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes; and

H.R. 18786. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and for other purposes.

REPORT OF COMPTROLLER OF THE CURRENCY

The PRESIDING OFFICER laid before the Senate a letter from the Comptroller of the Currency, transmitting, pursuant to law, the 1967 annual report of the Comptroller of the Currency, which, with the accompanying report, was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Armed Services, with amendments:

S. 3615. A bill to authorize the Secretary of the Army to convey to the port of Cascade Locks, Oreg., a certain interest in lands in the State of Oregon for municipal purposes (Rept. No. 1588).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, with amendments:

S. 2553. A bill to authorize the Secretary of the Interior to modify the operation and to reallocate the costs of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation (Rept. No. 1589).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico (Rept. No. 1590).

By Mr. HANSEN, for Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5117. An act to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes (Rept. No. 1591);

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes (Rept. No. 1592);

H.R. 17273. An act to amend the Act of September 21, 1959 (Public Law 86–339), relating to the Reservation of the Agua Caliente Band of Mission Indians (Rept. No. 1593); and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes (Rept. No. 1594).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. MILLER. Mr. President, from the Committee on Armed Services I report favorably the nominations of 13 general officers for permanent appointment in the Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed

on the Executive Calendar, are as follows:

Hugh M. Elwood, and sundry other officers, for promotion in the Marine Corps.

Mr. MILLER. Mr. President, in addition, I report favorably 4,867 appointments and promotions in the Army in the grade of colonel and below and 271 appointments in the Marine Corps in the grade of colonel and below. Since these names have already been printed in the Congressional Record I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Edward J. Evans, and sundry other officers, for promotion in the Regular Army of the United States;

Kenneth W. Accousti, and sundry other officers, for promotion in the Regular Army of the United States;

Michael H. Abbott, and sundry other officers, for promotion in the Regular Army of the United States;

Ernest H. LaFlamme, for reappointment in the active list of the Regular Army of the United States;

John P. Glynn, and sundry other persons, for appointment in the Regular Army of the United States;

Howard G. Anders, and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Kevin V. Culhane, and Martin J. Naaktgeboren, scholarship students, for appointment in the Regular Army of the United States;

Arthur J. Brown, and sundry other officers, for promotion in the Marine Corps;

Col. Haywood R. Smith, for permanent promotion in the Marine Corps; and

Robert V. Anderson, and sundry other officers, for promotion in the Marine Corps.

EXECUTIVE REPORT OF A COMMITTEE

Mr. SPARKMAN, from the Committee on Foreign Relations, reported favorably Executive H, 90th Congress, second session, a Treaty on the Nonproliferation of Nuclear Weapons, together with minority and individual views (Ex. Rept. No. 9).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (by request):

S. 4078. A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu; to the Committee on the Judiciary.

By Mr. TOWER:

S. 4079. A bill for the relief of Jesus Alcalde, Rafael Juan Fosch, and Tomas de la Mata; and

S. 4080. A bill to redesignate the position of hearing examiner as administrative trial judge; to the Committee on the Judiciary.

By Mr. DIRKSEN (by request):

S. 4081. A bill for the relief of Helen M. Danley; to the Committee on Post Office and Civil Service.

S. 4082. A bill for the relief of certain postal employees at the Elmhurst, Ill., Post Office; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 4083. A bill for the relief of Sister Benedikta (Marica Luburic), Sister Theresa (Iva Markic), Sister Alvernija (Zora Raguz), Sister Hijacinta (Angja Culjak), and Sister Bernardeta (Ljilja Sosic); to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 4084. A bill for the relief of Andrew Chu Yang; and

S. 4085. A bill for the relief of Dr. Victor M. Villarejos; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 4086. A bill to amend section 1661 of title 38, United States Code, relating to educational assistance for veterans; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Yarborough when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 4087. A bill to amend section 134 of title 23 of the United States Code with respect to highway planning in certain urban areas; to the Committee on Public Works.

S. 4088. A bill to amend section 3402 of the Internal Revenue Code relating to income tax collected at the source; to the Committee on Finance.

(See the remarks of Mr. Javits when he introduced the above bills, which appear under separate headings.)

S. 4080—INTRODUCTION OF A MEASURE TO REDESIGNATE THE POSITION OF HEARING EXAMINERS AS ADMINISTRATIVE TRIAL JUDGE

Mr. TOWER. Mr. President, I introduce today, for appropriate reference, a measure which would redesignate "hearing examiners" in administrative agencies as "administrative trial judges." The intention of this measure is to give the recognition to those who are currently trying administrative cases and who are called examiners. The change to the title of "administrative trial judge" has been suggested by many members of the Federal Bar Association, the American Bar Association, and the Federal Trial Examiners Conference.

This measure would cost the taxpayer virtually no money, yet it most probably would induce more qualified people into the administrative law. The new prestigious title would reward many competent attorneys who might not consider giving up their practice to become an "examiner." I therefore urge my colleagues to carefully consider this measure and urge them to join me in supporting it.

I ask unanimous consent that the bill may be printed in its entirety at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4080) to redesignate the position of hearing examiner as administrative trial judge, introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 4080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 556(b)(3), 559, 1305, 3105, 3344, and 5362 of title 5, United States Code, are amended by striking out the phrase "hearing examiners" wherever it appears and inserting in lieu thereof the words "administrative trial judges".

(b) Sections 554(a)(2), 4301(2)(E), 5108 (a), 5335(a)(B), and 7521 of such title are amended by striking out the phrase "hearing examiner" wherever it appears and inserting in lieu thereof the words "administrative trial judge".

(c)(1) The analysis of chapter 13 of such title, immediately preceding section 1301, is amended by striking out the item:

"1305. Hearing examiners."

and inserting in lieu thereof the following:

"1305. Administrative trial judges.".

(2) The analysis of chapter 33 of such title, immediately preceding section 3301, is amended by striking out the item:

"3344. Details; hearing examiners."

and inserting in lieu thereof the following:

"3344. Details; administrative trial judges.".

(3) The analysis of chapter 53 of such title, immediately preceding section 5301, is amended by striking out the item:

"5362. Hearing examiners."

and inserting in lieu thereof the following:

"5362. Administrative trial judges.".

(d)(1) The analysis of chapter 75 of such title, immediately preceding section 7501, is amended by striking out "SUBCHAPTER III—HEARING EXAMINERS" and inserting in lieu thereof "SUBCHAPTER III—ADMINISTRATIVE TRIAL JUDGES".

(2) The heading of subchapter III of such chapter, immediately preceding section 7521, is amended by striking out "SUBCHAPTER III—HEARING EXAMINERS" and inserting in lieu thereof "SUBCHAPTER III—ADMINISTRATIVE TRIAL JUDGES".

Sec. 2. Section 509(1) of title 28, United States Code, is amended by striking out the phrase "hearing examiners" and inserting in lieu thereof the words "administrative trial judges".

Sec. 3. Whenever reference is made in any Act of Congress (other than this Act), regulation, document, or record of the United States to the position of hearing examiner or trial examiner such reference shall be held to be a reference to the position of administrative trial judge.

Sec. 4. The provisions of this Act shall not affect the tenure of any person holding the position of hearing examiner or trial examiner on the date of enactment of this Act.

Mr. TOWER. I ask unanimous consent that a memorandum relating to the proposed title change be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Proposed Title Change for "Hearing Examiners"*

Proposal: In order (1) to correct a basic defect in the structure of the federal administrative process, (2) to bring in "new blood" from private practice and curtail agency inbreeding, (3) to continue to raise the caliber of persons presiding at administrative trials and hearings, (4) to increase the objectivity and maturity at the trial level, (5) to enhance the stature of private practice before the federal administrative agencies, (6) to have speedier trials, an improved record, and better initial decisions, and (7) to lessen the burden on the agencies and the appellate courts, it is proposed that the title of "hearing examiner" be changed to Administrative Trial Judge.

THE BASIC DEFECT

Experience has shown that when Congress created the specialized administrative agencies to deal swiftly with complex and specialized national problems, it went too far from established court procedures. Congress was interested in providing an informal, flexible procedure for implementing its goals. But in doing so, it sacrificed an indispensable ingredient for justice and due process in the American tradition: i.e., independent judges to preside at the trial and to render fair, impartial, and mature initial decisions for agency consideration and review.

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*Prepared by active members of the FBA, ABA, and Federal Trial Examiners Conference, in the hope of approval by them.

The defect, substituting a so-called "examiner" for a trial judge, has been the basis of much criticism of the whole federal administrative process. Parties cannot have confidence in subsequent agency action if they have been (or believe they have been) deprived of due process at the trial level. The person presiding—in whatever type proceeding—is the only one in the agency who sees the witnesses, "lives with the case," and actually knows the whole case. Unless that person is a judge, rather than a legal clerk or technician (as the title "examiner" incorrectly implies), the parties have no assurance that their case is being properly judged by a prominent, mature attorney who is impartial, objective, and experienced—able to give proper weight to all relevant factors for a proper decision.

As early as 1955, the Hoover Commission's Task Force on Legal Services and Procedure recognized the judicial role of the hearing examiner. It recommended (pp. 195–197, 267) a new title, "with the status of *administrative trial judges*" (emphasis supplied), and that they preside in "formal adjudicatory and rule-making" proceedings, with authority to "conform as closely as practicable to that of district judges," and with "the degree of independence of judgment which is expected of judges." (The Hoover Commission's recommended new title, "hearing commissioner," proved to be an unfortunate selection—conflicting with such top-ranking government officials as ICC and CSC Commissioners. Congress did not approve the recommendation for an administrative court.)

Recognizing the importance and responsibility of the position of hearing examiners—and the increasing professionalism of the hearing examiner corps since the passage of the 1946 Administrative Procedure Act—the Civil Service Commission has (with Congressional approval) raised the classification grade of most hearing examiners to Grade 16, one of the new "super" grades.

PROBLEMS CAUSED

The federal administrative process has suffered in a number of ways as a result of the basic defect.

Largely because of the title of "examiner," many eminently qualified attorneys who otherwise would be interested in serving in a judicial role have been unwilling to apply for these positions. It is common knowledge that prominent practitioners are available for appointment as U.S. District Judges. Attorneys are often willing to make a considerable sacrifice in earnings in order to accept such a recognition of their eminence in the legal profession. But few private attorneys, who practice before one or more of the administrative agencies and who have attained considerable esteem and prestige in their law practices, are willing to leave that position in the profession and serve in this judicial role—knowing that they will be regarded on and off the bench as an "examiner." Thus the title itself deprives the government of the services of the very attorneys who would command the highest respect of the private bar. Agency inbreeding is too often the result.

Although federal administrative agencies have used the title of "examiner" for several decades, the public as a rule still does not understand the distinction between a hearing examiner in his judicial role, and the many other varieties of examiners who have administrative, investigative, or clerical functions. Such misunderstanding frequently interferes with the efforts to impress witnesses with the seriousness of the proceeding and the necessity for them to respect their oath to tell the truth. The nonjudicial title sometimes causes the practicing attorneys in the case to doubt the stature and authority of the person occupying the beach, and to show a lack of respect at the trial. Litigants often regard the "examiner" as another representative of the prosecuting wing of the agency—making it difficult for them to understand that he will make an independent determination, based on the facts and the law, and not on some predilection of the agency. The hearing examiner often is deprived of the use of idle State and federal courtrooms—having to use such inadequate facilities as conference rooms, Civil Service Commission examining rooms, hotel rooms, rooms in the YMCA, and the like. Fulfilling the important role of the federal agency under such adverse conditions is difficult.

PROPOSED CORRECTION

An immediate, feasible step toward a solution of many of these problems is to raise the stature and prestige of the hearing examiner's position. This readily can be done by acknowledging his judicial role—as a judge in administrative trials—and assigning him the appropriate, prestigious title of Administrative Trial Judge.

Missing Ingredient. The mere change in title would provide the missing ingredient in the federal administrative process. The cases would be tried before a judge. Yet the advantages of the administrative process would be retained.

Greater Respect. The change in title would accomplish greater utilization of available courtrooms, appreciably add to the dignity of the administrative trials, and assist in maintaining the judicial atmosphere and decorum which are vital. Because of the added respect for the proceeding and the bench, many trials should be speedier. The stature of private practice before the agencies would be enhanced.

Outstanding Candidates for Appointment. Perhaps the greatest improvement in the administrative process would result from the wider attraction of attorneys of the highest caliber. Whereas the present nationwide recruitment program has for years failed to attract many private administrative law specialists, the enhancement of the stature and prestige of these positions should enable the same recruitment program to attract a large number. Then, for the first time, there would be real competition between the fully-qualified private practitioner and the agency attorney. Rather than selecting candidates who merely meet the high standards which it has established, the Civil Service Commission would be in the position of qualifying only the most outstanding, for appointment by the agencies.

In the event the title change alone would not attract a sufficient number of the practicing specialists, the change would pave the way for this result. The acknowledgment that the persons in these 600 jobs are the only judges under the Civil Service Commission, would remove these judicial positions from competition salarywise with government executive positions. Then if salary adjustments more in line with the Judiciary (or the Judiciary's retirement benefits) are necessary, adjustments could be made without affecting nonjudicial salaries.

Because of the advancing age of the present hearing examiner corps, over half of the hearing examiners can be expected to retire in a relatively short period of time, leaving hundreds of vacancies to be filled. With fully-qualified private practitioners applying in sufficient number, the agencies would be able to achieve more of a balance, between the government specialist and the "new blood" from the outside.

Benefits to the Judiciary. The Administrative Trial Judges (who, because of the descriptive words limiting their function to administrative trials, would not be confused with the U. S. District Judge or with a judge in any federal constitutional court) could do much to lessen the burdensome caseloads facing the Judiciary. The U. S. Circuit Courts have hundreds of administrative agency cases on their overcrowded dockets at all times, and the number is ever increasing. There is talk of further delegation of certain types of litigation to the administrative process in order to enable the Judiciary to cope with the rising caseloads.

A key to faster and more efficient review of agency cases is for the Court to have confidence in the competence and objectivity of the person presiding at the trial level. The Court's work is substantially easier when the Court can rely on the correctness of the trial judge's credibility findings, the fairness of the pretrial and trial rulings, and the accuracy and completeness of the initial decision. The Court is also assisted when the trial judge is an able jurist, capable of rendering a mature judgment, clearly explicated in a concise, logical, persuasive decision.

Moreover, with superior, respected trial judges—making possible better and speedier trials, a better record, and better initial decisions—there should be more settlements, fewer appeals, and quicker and improved review by the agencies as well as the Courts. Both the administrative process and the Judiciary would benefit.

S. 4086—INTRODUCTION OF BILL TO INCREASE EDUCATIONAL BENEFITS FOR VETERANS

Mr. YARBOROUGH. Mr. President, I am today introducing a bill to liberalize the educational readjustment benefits accruing to our veterans. Earlier this session, the Senate passed H.R. 16025 with an amendment providing that veterans eligible for educational assistance would receive such assistance at a rate of 1½ months of education for every month served. That bill is still awaiting action by the House. It is my fervent hope that the other body will act swiftly on this measure.

Assuming that the House does accept the Senate amendments, it has come to my attention that there is a far more expeditious way of providing these increased educational entitlements. The bill I am introducing today would accomplish this.

The bill I am now introducing provides that any veteran who has completed up to 18 months of active duty service will have his educational benefits computed at the 1½-to-1 formula. It provides further, however, that any veteran who has completed more than 18 months of active duty service shall automatically be entitled to 36 months of educational benefits.

Thus, the veteran who leaves active duty after 18 months will be entitled to 36 months of training just as will the veteran who stays in for a 3-year tour of duty. The point behind this amendment is to save the Veterans' Administration an estimated $1 million per year administrative costs. Assuming the 1½-to-1 provision now in the House goes through, the Veterans' Administration would have to spend nearly one-half million dollars more than they are now in determining precisely how much entitlement each veteran is to receive. Since 84 percent of the veterans now participating in this program have served 24 months or more and since 60 percent of the total have served a full 36 months, it seems clear that the Veterans' Administration will be able to discharge their obligations more efficiently under this amendment.

In line with the increasing trend in the Nation toward providing greater educational opportunity for all, the bill I introduce today also removes the current restriction of 36 months total educational entitlement which any veteran may receive. Under present law, a soldier who has served in both the Korean war and the conflict in Vietnam, although having in one sense become eligible for more than 36 months of education, is arbitrarily cut off. Realizing that in this day and age a bachelor's degree is often merely the first step in embarking on a professional career, it seems most unfair that we deprive our veterans of what they have rightfully earned merely because they have chosen to honor the call of their country and serve above and beyond the call of duty.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4086) to amend section 1661 of title 38, United States Code, relating to educational assistance for veterans, introduced by Mr. Yarborough, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4087—INTRODUCTION OF BILL TO AMEND SECTION 134 OF TITLE 23, UNITED STATES CODE

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend section 134 of title 23 of the United States Code—the so-called planning requirement for federally aided highways. Late in July, the Senate adopted the conference report on the Federal-Aid Highway Act of 1968. At that time, I opposed the conference report because I believed the bill reported did not give sufficient recognition to the interrelationship of highways and cities. In particular, the bill did not contain three of the four "urban impact" amendments which were present in S. 3418 when the Senate passed it, and contained no amendment to the planning section of the Highway Act. After long delay, the highway bill was signed by the President, despite grave doubts about certain provisions.

The increasing importance of urban highways makes it essential that we consider broad social and environmental values in planning their location and design. Accordingly, I introduce this bill in the hope that it will establish new objectives in the highway program and will lead to the greater integration of our urban highway systems with the metropolitan areas which they are designed to serve.

Although we are nearing the completion of the Interstate Highway System, we have yet to build the most important and the most difficult portion of that system, the almost 50 percent of the Interstate System which is to pass through our cities has not been built. These somewhat less than 6,000 miles will carry 50 percent of the Interstate System's traffic, although it accounts for only 15 percent of the system's mileage. Work on these critically important highways has been held up in many places, however, as the result of conflicts over the location or design, or both, of these highways.

We cannot ignore those conflicts; nor can we overlook the very real nontransportation interests which must be considered in building urban highways. Highway planning and construction have an enormous impact on the physical and social development of metropolitan areas. Urban highways must be planned and built, not in isolation, but in relation to the needs of the areas through which they pass. Urban highways must be built, not only for the people who will drive on them, but also for the people who live near them. They can—and must—be innovative, unifying means to renew the neighborhoods through which they pass, not destroyers of them. Accordingly, the criteria for route selection and highway design must go beyond engineering considerations alone and must include broader social values.

Under the Federal-Aid Highway Act of 1968, highways may still be built with little or no concern for the affected residents of the particular cities. It is the objective of the bill which I introduce today to establish specific guidelines, to give statutory authority to those who would insure that no highway which is destructive of the life of a city will be built.

In this legislation I seek to incorporate those broader concerns about urban transportation which were articulated by the Secretaries of Housing and Urban Development and Transportation, in an exchange of correspondence with me, at the time that the urban mass transit program was transferred from HUD to the Department of Transportation. In the message which accompanied Reorganization Plan No. 2, the President noted the importance of assuring "that urban transportation develops as an integral component of the broader development of growing urban areas." For this reason, HUD was to be given a role in developing the criteria under which the Secretary of Transportation was to consider federally aided urban transportation projects.

Accordingly, the bill I introduce would accomplish the following: First, the Department of Housing and Urban Development is to cooperate with the Department of Transportation, which has the direct responsibility for administering the highway program, in developing criteria which will insure the approval of only those urban highways which are commensurate with comprehensive urban planning for the particular area; and, second, approval of Federal-aid highway projects would be contingent upon a finding by the Secretary of Transportation, as advised by the Department of Housing and Urban Development, that the highway project was commensurate with the comprehensively planned development of the particular urban area and that there had been adequate consultation with affected residents, to the maximum feasible extent.

Mr. President, I believe that the consideration of all these points is essential if we are to insure that the urban highway program will serve as a basis for progress and growth in our cities, rather than one of destruction. I believe that these guidelines should have statutory force, not because I am critical of present administration of the highway program—indeed, that administration has been, on the whole, enlightened—but because we must guarantee the permanence of this policy, and we must indicate that the Congress of the United States is committed to these values.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection the bill will be printed in the Record.

The bill (S. 4087) to amend section 134 of title 23 of the United States Code with respect to highway planning in certain urban areas, introduced by Mr. Javits, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 4087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 134 of title 23, United States Code, is amended by striking everything after the word "comprehensive" and inserting in lieu thereof the following: "planning for the entire urban area carried on cooperatively by States and local communities in conformance with the objectives stated in this section and under criteria to be developed jointly by the Departments of Transportation and of Housing and Urban Development. The Secretary shall not approve any project until he shall have been advised by the Secretary of Housing and Urban Development that such project is commensurate with the comprehensively planned development of the entire urban area and that there has been maximum feasible participation in the planning and design of the particular highway project by the residents of the affected area."

S. 4088—INTRODUCTION OF BILL TO AMEND SECTION 3402 OF INTERNAL REVENUE CODE

Mr. JAVITS. Mr. President, I introduce a bill to amend section 3402, the withholding tax provision, of the Internal Revenue Code.

Under existing law, it is not possible for certain groups of workers, particularly agricultural laborers, to have their income tax withheld, even if they voluntarily agree with their employer that their taxes be withheld. Present law permits withholding only with respect to payments defined as "wages" and under the Code, remuneration paid to agricultural workers does not constitute "wages."

Mr. President, it strikes me as absurd that the Federal Government should be prohibited from receiving payment of taxes withheld from the compensation paid to persons who consent to the withholding. The Government surely has enough problems collecting taxes from recalcitrant taxpayers without refusing payments from those willing to make them. Moreover, there is every reason to believe that at least some of the payments which now must be refused by the Government are ultimately lost. Many employees involved simply are not able to file declarations of estimated income and make tax payments on a quarterly basis. It is a virtual certainty that many of them will run into problems for failing to file estimates and pay their taxes. The loss suffered by the Government, as well as the personal hardship which will result to employees if their income tax is not withheld for each pay period, can be rectified by passage of the simple amendment I now introduce.

The bill which I introduce today provides for the institution of a voluntary system of income tax withholding. It would authorize the Secretary of the Treasury or his delegate to provide by regulations for withholding from payments which do not constitute "wages" as defined in section 3401(a) of the Internal Revenue Code of 1954, but only in cases in which the person paying and the individual receiving such payment agree to such withholding. This proposal would allow withholding, subject to agreement, in the case of farmers, employers of domestic servants, and the like. In addition, it would permit withholding in the case of payments such as Civil Service Commission retirement annuities, royalty payments, and similar nonsalary-type payments which are subject to income tax.

Mr. President, when one weighs the equities involved, it is unquestionably clear that there is no reason to restrict withholding in instances in which both parties agree that withholding is desirable. I hope this measure meets the approval of my colleagues and I urge its swift passage.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4088) to amend section 3402 of the Internal Revenue Code relating to income tax collected at the source, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Finance.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, announces the appointment of the Senator from Virginia [Mr. Byrd] and the Senator from New York [Mr. Javits] as observers to attend the annual meeting of the Board of Governors of the International Monetary Fund and World Bank to be held at Washington, D.C., from September 30 to October 4, 1968.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENTS

AMENDMENTS NOS. 1006 AND 1007

Mr. WILLIAMS of Delaware submitted two amendments, intended to be proposed by him, to the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. HART. Mr. President, on behalf of the Senator from Wisconsin [Mr. Proxmire] I ask unanimous consent that, at its next printing, the names of the Senator from Kansas [Mr. Carlson], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Indiana [Mr. Hartke] be added as cosponsors of the concurrent resolution (S. Con. Res. 80) to express the sense of the Congress with respect to meeting the urgent and extraordinary humanitarian relief requirements of innocents in the Nigeria-Biafra area.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 26, 1968, he presented to the President of the United States the following enrolled bills:

S. 827. An act to establish a national trails system, and for other purposes;

S. 1321. An act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes;

S. 2515. An act to establish a Redwood National Park in the State of California, and for other purposes;

S. 2751. An act to designate the Mount Jefferson Wilderness Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon;

S. 3030. An act to amend section 3 of the act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes; and

S. 3866. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

COMMITTEE MEETING DURING SESSIONS OF THE SENATE FROM SEPTEMBER 30 THROUGH OCTOBER 4, 1968

Mr. HART. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking and Currency be authorized to meet during sessions of the Senate from the date of September 30 through October 4, 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Mr. President, what is the pending question at this time?

The PRESIDING OFFICER. The pending question is on the motion to proceed to the consideration of the nomination of Mr. Justice Fortas to be Chief Justice of the United States.

RECESS TO 10 A.M.

Mr. WILLIAMS of Delaware. Mr. President, under the order of yesterday, September 25, 1968, in executive session, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 58 minutes p.m.) the Senate, in executive session, recessed until tomorrow, Friday, September 27, 1968, at 10 a.m.

NOMINATION

Executive nomination received by the Senate September 26 (legislative day of September 24), 1968:

UNITED NATIONS

James Russell Wiggins, of the District of Columbia, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

HOUSE OF REPRESENTATIVES—*Thursday, September 26, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Truly my soul waiteth upon God; from Him cometh my salvation.—Psalm 62: 1.

O Thou who art the creator of the world, the sustainer of life, and the goal of our noblest endeavors, teach us to pray that in our prayers Thou canst draw nigh unto us. By Thy grace enable us to live through these days without frustration and with a firm faith in Thee, without discouragement and with a decisive devotion to our beloved Nation.

Give us wisdom and strength that we may rise above the confusion of this age, see clearly the needs of our people, strike forcefully at the roots of our Nation's ills, and make strong and clear the highway to an intelligent, united citizenship. May we keep the wheels of progress turning and never allow any rule or ruler to displace or destroy our democracy.

Abide with every Member of Congress and when they depart this day dismiss them with Thy blessing.

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on July 9, 1968, the President approved and signed a bill of the House of the following title:

H.R. 17734. An act making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17023) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 41 to the foregoing bill.

RECOGNIZING THE SIGNIFICANT PART WHICH HARRY S. TRUMAN PLAYED IN THE CREATION OF THE UNITED NATIONS

Mr. **BOLLING**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1459) recognizing the significant part which Harry S. Truman played in the creation of the United Nations.

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 1459

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue on October 24, 1968, a proclamation recognizing the significant part which Harry S. Truman, as President of the United States, played in the creation of the United Nations.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WELCOME TO AUSTIN C. DRUKKER, JR.

Mr. **JOELSON**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **JOELSON**. Mr. Speaker, I am proud and pleased to have as my guest in Washington today a 10-year-old boy named Austin C. Drukker, Jr. Young Austin is the great-grandson of Dow H. Drukker, who represented the Eighth Congressional District of New Jersey from 1914 to 1919.

As the present Representative of that congressional district, it is a great pleasure for me to welcome Austin. His visit reminded me of the continuity of our Government and our ability to survive troubled times.

Dow H. Drukker also served in difficult times—the era of World War I. I am happy to be a part of the U.S. Congress in which he served so well, and I thank his great-grandson for reminding me of the wisdom of our system of government.

LOOKING AHEAD

Mr. **BRINKLEY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. **BRINKLEY**. Mr. Speaker, one of my most pleasant congressional responsibilities is the writing of letters of commendation to citizens of the Third District of Georgia who have excelled in one way or another. These people are a high credit to my district and, more often than not, they are young people.

In contrast, a recent, lengthy letter in the CONGRESSIONAL RECORD from a college student to her parents in New York seemed to unjustly reprimand them for not understanding her defined need for identity—which she lacked, according to her, because she had lived a secure life. Her alleged search for identity, which took her to the brink of drug addiction, was not in the pursuit of excellence within her own God-given talent range but, rather, seemed to be a thirst to be different.

I am glad that most young people have different values. They possess the quality of respect for authority, for work, and for themselves. They possess the quality of pride in achievement, which truly distinguishes anyone.

It has been a high privilege for me to sponsor Congress Clubs in my district, with memberships composed of young Georgians who care about their Government. They possess the good qualities to which I have referred and are representative of the future of our country.

Looking ahead, then, we have every reason for optimism in our Nation. Let us today salute the splendid young people of America—may they all attain those tall hills of achievement.

TRIBUTE TO MSGR. BASIL SEREDOWYCH, PASTOR OF ST. JOHN THE BAPTIST CATHOLIC CHURCH

Mr. **HANLEY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **HANLEY**. Mr. Speaker, this Sunday evening, one of the outstanding citizens in Syracuse, N.Y., and, incidentally, a man who I am pleased and proud to call my friend, will be honored at a testimonial dinner. He is Msgr. Basil Seredowych, pastor of St. John the Baptist Catholic Church.

Father Basil, as he is affectionately called by his friends and parishioners, is one of those rare men in our midst. He blends the great qualities of strength with gentleness, leadership with friendship, and firmness with compassion.

In an era when the virtues of family life and fraternal bonds are suffering attacks from all sides, Monsignor Seredowych serves as shepherd of a flock of dedicated Americans of Ukrainian descent to whom those virtues are still very real and very meaningful. Respect for the church, respect for parents and adults, and respect for order are an integral part of the life of this community, and Monsignor Seredowych is a model to which everyone looks for inspiration.

Mr. Speaker, I am sharing my thoughts today with my colleagues here in the House because I want everyone to know of Monsignor Seredowych and of the respect which those of us who live in Syracuse have for him. I have been fortunate to know him for many years. I have been even more fortunate to have had the benefit of his wise counsel during that time.

And so, as many hundreds of his parishioners and friends gather to honor him on his elevation to Monsignor this weekend, I ask that you will join with me in urging God's choicest blessings on him that we might have him with us for many years to come.

PARTISAN POLITICS HAS NO PLACE IN SCHOOL BOARD ELECTIONS

Mr. GUDE Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GUDE. Mr. Speaker, yesterday I stated on the House floor that I was shocked at an announcement that the Democratic State Central Committee of the District of Columbia is endorsing School Board candidates. Later I was doubly shocked to find that the Republican State Central Committee is moving in the same direction.

Regardless of political party, I am very concerned with this action. I believe that the men and women of both central committees will come to regret this action. I hope both committees will give this matter further serious consideration. Partisan politics has no place in School Board elections and will not help to build a stronger school system.

CONFERENCE REPORT ON S. 3769, HIGHER EDUCATION AMENDMENTS OF 1968

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1919)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act, with the following table of contents, may be cited as the "Higher Education Amendments of 1968".

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TITLE I—STUDENT ASSISTANCE

Part A—Amendments to Educational Opportunity Grant Program

EXTENSION OF EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Sec. 101. (a) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "three succeeding fiscal years, $100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971".

(b) (1) Such section is further amended by striking out the second sentence thereof.

(2) Sections 405(b), 406(b), and 407(b) (2) of such Act are each amended by striking out "third sentence" and inserting in lieu thereof "second sentence".

MAXIMUM AMOUNT OF EDUCATIONAL OPPORTUNITY GRANT; TREATMENT OF WORK-STUDY ASSISTANCE FOR MATCHING PURPOSES

Sec. 102. The first sentence of section 402 of the Higher Education Act of 1965 is amended by striking out all that follows "which amount" and inserting in lieu thereof the following: "shall not exceed the lesser of $1,000 or one-half of the sum of the amount of student financial aid (including assistance under this title, and including compensation paid under a work-study program assisted under part C of this title) provided such student by such institution and any assistance provided such student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations of the Commissioner."

ADMINISTRATIVE EXPENSES

Sec. 103. Effective for fiscal years ending on or after June 30, 1970, section 407(a) (1) of the Higher Education Act of 1965 is amended by inserting before the semicolon the following: "and of section 463 of this Act (relating to administrative expenses)".

REVISION OF MAINTENANCE OF EFFORT PROVISION

Sec. 104. Effective for fiscal years ending on or after June 30, 1970, section 407(a) (4) of the Higher Education Act of 1965 is amended to read as follows:

"(4) provide that the institution will meet the requirements of section 464 of this Act (relating to maintenance of effort);".

CONSOLIDATION AND REVISION OF TALENT SEARCH AND UPWARD BOUND PROGRAMS; SPECIAL SERVICES TO DISADVANTAGED STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Sec. 105. (a) Section 408 of the Higher Education Act of 1965 is amended to read as follows:

"IDENTIFYING QUALIFIED LOW-INCOME STUDENTS; PREPARING THEM FOR POST SECONDARY EDUCATION; SPECIAL SERVICES FOR SUCH STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"Sec. 408. (a) To assist in achieving the objectives of this part the Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5))—

"(1) to make grants to, or contracts with, institutions of higher education and combinations of institutions of higher education for planning, developing, or carrying out one or more of the programs described in subsection (b),

"(2) to make grants to, or contracts with, public and private nonprofit agencies and organizations (including professional and scholarly associations) and to make contracts with public and private agencies and organizations for planning, developing, or carrying out Talent Search programs described in subsection (b) (1), and

"(3) in exceptional cases, to make grants to, or contracts with, secondary schools, and postsecondary educational institutions accredited by a State, for planning, developing, or carrying out Upward Bound programs described in subsection (b) (2).

No grant or contract for planning, developing, or carrying out a Talent Search program described in subsection (b) (1) may exceed $100,000 per year.

"(b) The programs referred to in subsection (a) are—

"(1) programs, to be known as 'Talent Search', designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training.

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including post-secondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program; or

"(3) programs, to be known as 'Special Services for Disadvantaged Students', of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

"(c) (1) Upward Bound programs under paragraph (2) of subsection (b) must include arrangements to assure cooperation among one or more institutions of higher education and one or more secondary schools. Such programs must include necessary health services. Enrollees in such programs may not receive stipends in excess of $30 per month. The cost of carrying out any such program may not exceed $150 per enrollee per month. Federal financial assistance by way of grant or contract for such a program may not be in excess of 80 per centum of the cost of carrying out such program. Such programs shall be carried on within the States.

"(2) Special Services for Disadvantaged Students programs carried on under paragraph (3) of subsection (b) may provide, among other things, for—

"(A) counseling, tutorial, or other educational services, including special summer programs, to remedy such students' academic deficiencies,

"(B) career guidance, placement, or other student personnel services to encourage or facilitate such students' continuance or reentrance in higher education programs, or

"(C) identification, encouragement, and counseling of any such students with a view to their undertaking a program of graduate or professional education.

"(d) There are authorized to be appropriated to carry out this section $10,000,000 in the fiscal year ending June 30, 1969 (of which $500,000 shall be available in connection with planning and related activities for Upward Bound programs described in subsection (b) (2)), $56,680,000 for the fiscal year ending June 30, 1970, and $96,000,000 for the fiscal year ending June 30, 1971."

(b) Effective July 1, 1969, section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) (and references thereto) as paragraphs (5), (6), and (7).

(c) (1) On July 1, 1969, all functions, powers, and duties of the Director of the Office of Economic Opportunity with respect to Upward Bound programs, are transferred to the Commissioner of Education. No provision of law which limits the number of persons who may be appointed as full-time civilian employees, or temporary and part-time employees, in the executive branch of the Government shall apply to employees of the Office of Education whose duties the Director of the Bureau of the Budget determines primarily relate (A) to programs carried out under section 408(b) (2) of the Higher Education Act of 1965, or (B) to functions transferred by this paragraph. In applying any such provision of law to the departments and agencies in the executive branch, the number of such employees of the Office of Education shall not be taken into account.

(2) For purposes of this subsection the term "Upward Bound program" means a program carried out under section 222(a) (5) of the Economic Opportunity Act of 1964 (as so designated prior to the amendment made by subsection (b) of this section) or a comparable program carried out under section 221 of such Act.

Part B—Amendments to Insured Student Loan Program

EXTENSION OF AUTHORITY FOR PAYMENTS TO REDUCE STUDENT INTEREST COSTS; ELIMINATION OF AUTHORITY TO MAKE SUCH PAYMENTS DURING REPAYMENT PERIOD

SEC. 111. (a) Section 428(a) (4) of the Higher Education Act of 1965 is amended by striking out "October 31, 1968" and inserting in lieu thereof "June 30, 1971, except that, in the case of a loan made or insured under a student loan or loan insurance program to enable a student who has obtained a prior loan made or insured under such program to continue his educational program, such period shall end at the close of June 30, 1975".

(b) (1) (A) The portion of the first sentence of section 428(a) (1) which follows subparagraph (C) is amended by striking out ", over the period of the loan,".

(B) The first sentence of section 428(a) (2) of such Act is amended by striking out ", and 3 per centum per annum of the principal amount of the loan (excluding interest which has been added to principal) thereafter".

(2) The amendments made by this subsection shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, except that such amendments shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to such sixtieth day. An application for a certificate of insurance or of comprehensive insurance coverage pursuant to section 429 of such Act shall be issued or shall be effective on or after such sixtieth day with respect to loans made prior to such sixtieth day without regard to such amendments.

EXTENSION OF FEDERAL LOAN INSURANCE PROGRAM AND OF AUTHORITY TO GUARANTEE OUTSTANDING NON-FEDERALLY INSURED LOANS

SEC. 112. (a) Subsection (a) of section 424 of the Higher Education Act of 1965 is amended (1) in the first sentence by striking out "period thereafter ending October 31, 1968" and inserting in lieu thereof "fiscal year ending June 30, 1968, and each of the three succeeding fiscal years"; and (2) in the second sentence by striking out "October 31, 1968" and inserting in lieu thereof "June 30, 1975".

(b) Section 428(c) (5) of such Act is amended by striking out "October 31, 1968" and inserting in lieu thereof "September 1, 1969".

REPAYMENT BY COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

SEC. 113. (a) Part B of title IV of such Act is amended by inserting at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

"SEC. 437. If a student borrower who has received a loan with respect to which a portion of the interest (1) is payable by the Commissioner under section 428(a), or (2) would be payable but for the adjusted family income of the borrower, dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner), then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan."

(b) (1) Section 421(b) (2) of the Higher Education Act of 1965 is amended by inserting after "on student loans" the following: "and for payments under section 437".

(2) Section 427(a) (2) (E) of such Act is amended by inserting after the comma at the end thereof the following: "and that the lender will enter into such agreements with the Commissioner as may be necessary for the purpose of section 437,".

(3) Section 428(b) (2) (B) of such Act is amended by inserting after "of this part" the following: ", including such provisions as may be necessary for the purpose of section 437,".

(4) Section 428(c) of such Act is amended by striking out in paragraph (1) ", death, or permanent and total disability", by striking the last sentence of paragraph (3), and by amending paragraph (4) to read as follows:

"(4) For purposes of this subsection, the terms 'insurance beneficiary' and 'default' shall have the meanings assigned to them by section 430(e)."

(5) Section 430 of such Act is amended—

(A) by striking out in the section heading, "DEATH, OR DISABILITY";

(B) by striking out in the first sentence of subsection (a) "or upon the death of the student borrower or a finding by the insurance beneficiary that the borrower has become totally and permanently disabled (as determined in accordance with regulations established by the Commissioner) before the loan has been repaid in full,"; and

(C) by striking out in subsection (c) all that follows "payment on that insurance" and inserting in lieu thereof a period.

(c) The amendments made by this section shall apply only with respect to loans made on or after the sixtieth day following the date of enactment of this Act.

FEDERAL ADVANCES TO RESERVE FUNDS OF NON-FEDERAL STUDENT LOAN INSURANCE PROGRAMS

SEC. 114. (a) (1) Section 421(b) of the Higher Education Act of 1965 is amended by striking out "and" at the end of paragraph (2); by striking out the period at the end of the first sentence of that subsection and inserting in lieu thereof ", and"; and by adding thereafter the following new paragraph:

"(4) there is authorized to be appropriated the sum of $12,500,000 for making advances after June 30, 1968, pursuant to section 422 for the reserve funds of State and nonprofit private student loan insurance programs."

(2) The second sentence of section 421(b) of such Act is amended by striking out "under clauses (1) and (2)" and inserting in lieu thereof "under clauses (1), (2), and (4)".

(b) Section 422(a) of such Act is amended—

(1) by striking out "clause (3)" in the first sentence of paragraph (1) and inserting in lieu thereof "clauses (3) and (4)", and by striking out "of the fiscal years ending June 30, 1966, June 30, 1967, or June 30, 1968," and inserting in lieu thereof "fiscal year" in the second sentence of such paragraph; and

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

"(2) No advance shall be made after June 30, 1968, unless matched by an equal amount from non-Federal sources. Such equal amount may include the unencumbered non-Federal portion of a reserve fund. As used in the preceding sentence, the term 'unencumbered non-Federal portion' means the amount (determined as of the time immediately preceding the making of the advance) of the reserve fund less the greater of (A) the sum of (i) advances made under this section prior to July 1, 1968, (ii) an amount equal to twice the amount of advances made under this section after June 30, 1968, and before the advance for purposes of which the determination is made, and (iii) the proceeds of earnings on advances made under this section, or (B) any amount which is required to be maintained in such fund pursuant to State law or regulation, or by agreement with lenders, as a reserve against the insurance of outstanding loans."

(c) Section 422(b) of such Act is amended by inserting "(1)" after "(b)", by inserting "prior to July 1, 1968" before "pursuant to subsection (a)" where it appears in the first and third sentences, by deleting the last sentence of such subsection, and by adding at the end of such subsection the following new paragraphs:

"(2) The total of the advances from the sums appropriated pursuant to clause (4) of section 421(b) (A) to nonprofit private institutions and organizations for the benefit of students in any State and (B) to such State may not exceed an amount which bears the same ratio to such sums as the population of such State aged eighteen to twenty-two, inclusive, bears to the population of all the States aged eighteen to twenty-two, inclusive, but such advances may otherwise be in such amounts as the Commissioner determines will best achieve the purposes for which they are made. The amount available, however, for advances to any State shall not be less than $25,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below $25,000) the amount available for advances to each of the remaining States.

"(3) For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him."

AMENDMENTS RELATING TO ADMINISTRATIVE COST ALLOWANCE AND INTEREST RATE PROVISIONS

SEC. 115. (a)(1) Section 428(a)(2)(B) of the Higher Education Act of 1965 is amended to read as follows:

"(B) If (i) a State student loan insurance program is covered by an agreement under subsection (b), (ii) a statute of such State limits the interest rate on loans insured by such program to a rate which is less than 7 per centum per annum on the unpaid principal balance, and (iii) the Commissioner determines that section 428(d) does not make such statutory limitation inapplicable and that such statutory limitation threatens to impede the carrying out of the purposes of this part, then he may pay an administrative cost allowance to the holder of each loan which is insured under such program and which is made during the period beginning on the sixtieth day after the date of enactment of the Higher Education Amendments of 1968 and ending 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969. Such administrative cost allowance shall be paid over the term of the loan in an amount per annum (determined by the Commissioner) which shall not exceed 1 per centum of the unpaid principal balance of the loan."

(2) Section 428(a)(2)(A) of such Act is amended by striking out the second sentence and by inserting in the last sentence after "portion of the interest" the following: "and administrative cost allowance".

(3) Section 428 of such Act is amended by adding at the end thereof the following new subsection:

"(d) No provision of any law of the United States (other than sections 427(a)(2)(D) and 427(b) of this Act) or of any State (other than a statute applicable principally to such State's student loan insurance program) which limits the rate or amount of interest payable on loans shall apply to a loan—

"(1) which bears interest (exclusive of any premium for insurance) on the unpaid principal balance at a rate not in excess of 7 per centum per annum, and

"(2) which is insured (A) by the United States under this part, or (B) by a State or nonprofit private institution or organization under a program covered by an agreement made pursuant to subsection (b) of this section."

(4) The amendments made by this subsection shall not apply with respect to loans made prior to the sixtieth day after the date of enactment of this Act.

(b) Section 428(a)(2)(B) of such Act (as in effect prior to the amendment made by subsection (a)) is amended by striking out "October 31, 1968" and inserting in lieu thereof "the fifty-ninth day after the date of enactment of the Higher Education Amendments of 1968".

(c) The amendments made by section 2(a) of Public Law 90-460, approved August 3, 1968, shall not be effective with respect to (1) any loan made or contracted for prior to the date of enactment of such Public Law, or (2) any loan made, after the date of enactment of this Act, in whole or in part to consolidate or convert a loan made or contracted for prior to the date of enactment of such Public Law.

MERGER OF NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965 WITH STUDENT LOAN INSURANCE PROGRAM OF HIGHER EDUCATION ACT OF 1965

SEC. 116. (a) Section 435 of the Higher Education Act of 1965 is amended—

(1) by redesignating subsections (a), (b), (c), (d), (e), and (f) as (b), (d), (e), (f), (g), and (h), respectively;

(2) by inserting before subsection (b) as so redesignated the following new subsection:

"(a) The term 'eligible institution' means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part.";

(3) by striking out in subsection (b) (as so redesignated) "eligible institution" and inserting in lieu thereof "institution of higher education", by striking out in the second sentence of such subsection "any institution outside the States which is comparable to an institution described in the preceding sentence and which has been approved by the Commissioner for the purposes of this title, and also includes"; and

(4) by inserting after subsection (b) (as so redesignated) the text of subsection (a) of section 17 of the National Vocational Student Loan Insurance Act of 1965 amended as follows:

(A) Strike out "(a)" and insert in lieu thereof "(c)",

(B) Strike out "eligible institution" and insert in lieu thereof "vocational school", and

(C) Strike out "Act" in clause (4)(C) and insert in lieu thereof "part".

(b)(1) Section 425(a) of such Act is amended by striking out "(1)" after "SEC. 425. (a)" and by striking out paragraph (2).

(2) Section 427(a)(2)(C)(i) of such Act is amended by striking out "institution of higher education or at a comparable institution outside the States approved for this purpose by the Commissioner" and inserting in lieu thereof "eligible institution".

(3) Section 428(a)(6) of such Act is repealed.

(4) Section 434 of such Act is amended by striking out "10 per centum" and inserting in lieu thereof "15 per centum".

(5) Section 436(a) of such Act is amended by striking out "title and the National Vocational Student Loan Insurance Act of 1965" and inserting in lieu thereof "part".

(c)(1) The National Vocational Student Loan Insurance Act of 1965 is repealed.

(2) All assets and liabilities of the vocational student loan insurance fund established by section 13 of the National Vocational Student Loan Insurance Act of 1965, matured or contingent, shall be transferred to, and become assets and liabilities of, the student loan insurance fund established by section 431 of the Higher Education Act of 1965. Payments in connection with defaults of loans made on or after the sixtieth day after the date of enactment of this Act and insured by the Commissioner (under the authority of subsection (e)(3) or (e)(4) of this section) under the National Vocational Student Loan Insurance Act of 1965 shall be paid out of the fund established by such section 431.

(d) Section 433 of the Higher Education Act of 1965 is amended to read as follows:

"DIRECT LOANS

"SEC. 433. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan for study at a vocational school under this part if (1) in the particular area in which the student resides loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to section 427(a)(2)(D) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under section 427(a)(2)(D) for the area where the student resides, and shall be made on such other terms and conditions as the Commissioner shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There is authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1969 and for each of the two succeeding fiscal years to carry out this section."

(e)(1) Except as provided in paragraphs (2), (3), and (4):

(A) This section (and any amendment or repeal made thereby) shall apply to loans made on or after the sixtieth day after the date of enactment of this Act; and the terminal date applicable under the first sentence of section 5(a), under section 9(a)(2)(B), and under section 9(a)(4) of the National Vocational Student Loan Insurance Act shall, instead of October 31, 1968, be deemed to be (i) the day immediately preceding such sixtieth day, or (ii) with respect to any particular lender or State or nonprofit private agency to which paragraph (3) relates, the last day of the period required for modification or termination of, or refusal to extend, the Commissioner's agreements with such agency.

(B) In computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State institution, or organization with which the Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a)(2)(B) of such part or section 9(a)(2)(B) of such Act, or by the Commissioner under section 433 of such part.

(2) Clause (i) (attendance at eligible institution) and clause (iv) (VISTA service) of section 427(a)(2)(C) of the Higher Education Act of 1965, shall apply to loans made by the Commissioner and, with the consent of the lender, loans insured by the Commissioner, to students for study at vocational schools, which are outstanding on the sixtieth day after the enactment of this Act, but only with respect to periods of service or attendance occurring on or after such sixtieth day.

(3) This section (and any amendment or repeal made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to the sixtieth day after enactment of this Act, under the Higher Education Act of 1965 or the National Vocational Student Loan Insurance Act of 1965, or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b). If, however, such modifica-

tions cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969, exercise his authority to terminate, or to refuse to extend, such agreement.

(4) A certificate of insurance or of comprehensive insurance coverage pursuant to section 11 of the National Vocational Student Loan Insurance Act of 1965 may be issued or made effective on or after the sixtieth day after the date of enactment of this Act with respect to loans made prior to such sixtieth day without regard to any amendment or repeal made by this section.

AUTHORIZING DEFERMENT OF REPAYMENT OF NON-FEDERALLY INSURED LOANS DURING MILITARY, VISTA, OR PEACE CORPS SERVICE, OR ATTENDANCE AT ELIGIBLE INSTITUTION; FEDERAL PAYMENT OF INTEREST ACCRUING DURING SUCH ATTENDANCE OR SERVICE

SEC. 117. (a) (1) Section 428 of the Higher Education Act of 1965 (as amended by this Act) is amended by adding at the end of such section the following new subsection:

"(e) The Commissioner shall encourage the inclusion, in any State student loan program or any State or nonprofit private student loan insurance program meeting the requirements of subsection (a) (1) (B) or (a) (1) (C), of provisions authorizing or requiring that in the case of student loans covered by such program periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (1) during which the borrower is pursuing a full-time course of study at an eligible institution, (2) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (3) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (4) not in excess of three years during which the borrower is in service as a full-time volunteer under title VIII of the Economic Opportunity Act of 1964. In the case of any such State or nonprofit private program containing such a provision any such period shall be excluded in determining the period specified in subsection (b) (1) (C) (ii), or the maximum period for repayment specified in subsection (b) (1) (D)."

(2) (A) Section 428(b) (1) (C) (ii) of the Higher Education Act of 1965 is amended by inserting after "(ii)" the following: "except as provided in subsection (e) of this section,".

(B) Section 428(b) (1) (D) of such Act is amended by inserting after "subject to subparagraph (C)" the following: "of this paragraph and except as provided by subsection (e) of this section".

(b) The first sentence of section 428(a) (2) of such Act is amended by inserting before "; but such portion" the following: ", or which accrues during a period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in subsection (e) of this section or in section 427(a) (2) (C)".

(c) Section 427(a) (2) (C) (iv) of such Act is amended by inserting "full-time" before "volunteer".

(d) Deferment of repayment of principal, as provided in the amendments made by subsection (a) of this section, may be authorized (but not required) with respect to loans meeting the requirements of subparagraph (B) or (C) of section 428(a) (1) of the Higher Education Act of 1965 which are outstanding on the sixtieth day after the date of enactment of this Act, but only with respect to periods of attendance or service occurring on or after such sixtieth day. The amendments made by subsection (b) shall become effective on the sixtieth day after the date of enactment of this Act.

PARTICIPATION BY PENSION FUNDS AND FEDERAL SAVINGS AND LOAN ASSOCIATIONS

SEC. 118. (a) Section 435(g) of the Higher Education Act of 1965 (as so redesignated by section 116 of this Act) is amended by inserting before the period at the end thereof the following: ", or a pension fund approved by the Commissioner for this purpose".

(b) The third paragraph of section 5(c) of the Home Owners Loan Act of 1933 is amended by striking out "expenses of college or university education" and inserting in lieu thereof "expenses of college, university, or vocational education".

ACCESS TO FEDERAL LOAN INSURANCE PROGRAM

SEC. 119. (a) Section 423 of the Higher Education Act of 1965 is amended by striking out "The" after "SEC. 423." and inserting in lieu thereof "(a) Except as provided in subsection (b), the"; and by adding at the end thereof the following new subsection:

"(b) The Commissioner may issue certificates of insurance under section 429 to a lender in a State—

"(1) for insurance of a loan made to a student borrower who does not, by reason of his residence, have access to loan insurance under the loan insurance program of such State (or under any private nonprofit loan insurance program which has received an advance under section 422 for the benefit of students in such State), or

"(2) for insurance of all of the loans made to student borrowers by a lender who satisfies the Commissioner that, by reason of the residence of such borrowers, he will not have access to any single State or nonprofit private loan insurance program which will insure substantially all of the loans he intends to make to such student borrowers."

(b) Section 421(a) (2) is amended by inserting "or lenders" before "who do not have reasonable access".

COORDINATION BETWEEN NON-FEDERAL AND FEDERAL PROGRAMS WITH RESPECT TO MAXIMUM AMOUNTS OF INDIVIDUAL LOANS INSURED, ISSUANCE OF INSTALLMENT OBLIGATIONS, AND MINIMUM AMOUNTS OF REPAYMENT INSTALLMENTS ON SUCH LOANS

SEC. 120. (a) (1) Section 428(b) (1) (A) of the Higher Education Act of 1965 is amended by inserting the following before the semicolon at the end of such subparagraph: ", which limit shall not be deemed exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any such year in excess of such annual limit; and provides that the aggregate insured unpaid principal amount of all such insured loans made to any student shall not at any time exceed $7,500".

(2) Section 425 (a) of the Higher Education Act of 1965 is amended (A) by striking out "in the case of a graduate or professional student (as defined in regulations of the Commissioner), or $1,000 in the case of any other student" in the first sentence, and (B) by striking out "in the case of any graduate or professional student (as defined in regulations of the Commissioner, and including any such insured loans made to such person before he became a graduate or professional student), or $5,000 in the case of any other student" in the second sentence.

(b) Section 428 (b) (1) (D) of such Act is amended (1) by striking out "subparagraph (C)" and inserting in lieu thereof "subparagraphs (C) and (K)", and (2) by striking out ", where the total of the insured loans to any student which are held by any one person exceeds $2,000, repayment of such", and inserting in lieu thereof "repayment of".

(c) (1) Section 428(b) (1) of the Higher Education Act of 1965 is amended (A) by striking out "and" at the end of subparagraph (I), (B) by striking out the period at the end of subparagraph (J) and inserting "; and" in lieu thereof, and (C) by adding after subparagraph (J) the following:

"(K) provides that the total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are (i) insured under this part, or (ii) made by a State or the Commissioner under section 428(a) (1) (B) or 433, respectively, shall not be less than $360 or the balance of all such loans (together with interest thereon), whichever amount is less."

(2) Section 427(c) of such Act is amended by striking out "by the Commissioner", and by inserting the following after "this part": ", or which are made by a State or the Commissioner under section 428(a) (1) (B) or 433, respectively,".

(3) The caption of section 427 of such Act is amended by inserting "FEDERALLY INSURED" before "STUDENT LOANS".

(d) (1) Subject to paragraph (2) of this subsection, (A) the amendments made by this section shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, and (B) in computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State, institution, or organization with which the Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a) (2) (B) of such part or section 9(a) (2) (B) of such Act, or by the Commissioner under section 433 of such part.

(2) This section (and the amendments made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to such sixtieth day or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b) (1) of the Higher Education Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b) (1) as amended by this section. If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969, exercise his authority to terminate, or to refuse to extend, such agreement.

PART C—AMENDMENTS TO COLLEGE WORK-STUDY PROGRAM

TRANSFER OF WORK-STUDY PROVISIONS TO HIGHER EDUCATION ACT OF 1965

SEC. 131. (a) Title IV of the Higher Education Act of 1965 is amended by striking out part C thereof. Part C of title I of the Economic Opportunity Act of 1964 is transferred to the Higher Education Act of 1965 and inserted as part C of title IV of such Act.

(b) Part C of title IV of the Higher Education Act of 1965 (as amended by subsection (a) of this section) is further amended—

(1) by redesignating sections 141 through 145 (and references thereto) as sections 441 through 445, respectively; and

(2) by designating the section of such part which follows section 445 (as so redesignated) as section 446; and

(3) by amending section 442(a) to read as follows:

"SEC. 442. (a) From the sums appropriated to carry out this part for a fiscal year, the Commissioner shall allot not to exceed 2 per centum among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under this part. The remainder of such sums shall be allotted among the States as provided in subsection (b)."

(c) Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 as amended by this section.

EXTENSION OF WORK-STUDY PROGRAM

SEC. 132. Section 441 of the Higher Education Act of 1965 (as amended by section 131 of this Act) is amended by adding "; APPROPRIATIONS AUTHORIZED" at the end of the section heading, by inserting "(a)" after "SEC. 441.", and by adding at the end of such section the following new subsection:

"(b) There are authorized to be appropriated $225,000,000 for the fiscal year ending June 30, 1969, $255,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971, to carry out this part."

ELIGIBILITY OF AREA VOCATIONAL SCHOOLS

SEC. 133. (a) Part C of the Higher Education Act of 1965 (as amended by section 131 of this Act) is amended by striking out the terms "institution of higher education" and "institutions of higher education" wherever they appear (except in section 442(b)(1)) and inserting in lieu thereof "eligible institution" and "eligible institutions", respectively.

(b) Section 443(b) of such Act (as added by section 131 of this Act) is amended to read as follows:

"(b) For the purposes of this part the term 'eligible institution' means an institution of higher education (as defined in section 435(b) of this Act), or an area vocational school (as defined in section 8(2) of the Vocational Education Act of 1963)."

(c) Section 444 of such Act (as added by section 131 of this Act) is amended by inserting "(a)" after "SEC. 444."; by redesignating paragraphs (a) through (h) as paragraphs (1) through (8), respectively; by redesignating subparagraphs (1), (2), and (3) of paragraphs (1) and (3) (as so redesignated) as subparagraphs (A), (B), and (C), respectively; and by adding at the end of such section the following new subsection:

"(b) For the purposes of this part the to section 443 with an area vocational school shall contain, in addition to the provisions described in subsection (a) of this section, a provision that a student in such a school shall be eligible to participate in a program under this part only if he (1) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, and (2) is pursuing a program of education or training which requires at least six months to complete and is designed to prepare the student for gainful employment in a recognized occupation."

REVISION OF MATCHING PROVISIONS

SEC. 134. Section 444(a)(6) of the Higher Education Act of 1965 (as amended by this part) is amended to read as follows:

"(6) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement will not exceed 80 per centum of such compensation; except that the Federal share may exceed 80 per centum of such compensation if the Commissioner determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that a Federal share in excess of 80 per centum is required in furtherance of the purposes of this part;"

SET-ASIDE FOR RESIDENTS OF AMERICAN SAMOA OR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 135. (a) The first sentence of section 442(a) of the Higher Education Act of 1965 (as amended by this part) is amended by inserting "(1)" before "allot not to exceed 2 per centum", and by inserting before the period at the end thereof the following: ", and (2) reserve the amount provided by subsection (e)".

(b) Such section 442 is further amended by adding at the end thereof the following new subsection:

"(e) From the appropriation for this part for each fiscal year the Commissioner shall reserve an amount to provide work-study assistance to students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so reserved shall be allotted to eligible institutions and shall be available only for the purpose of providing work-study assistance to such students."

ELIMINATION OF AVERAGE HOURS OF EMPLOYMENT LIMITATION DURING NON-REGULAR ENROLLMENT PERIODS

SEC. 136. Section 444 of the Hihger Education Act of 1965 (as amended by this part) is amended by adding at the end thereof the following new subsection:

"(c) For purposes of paragraph (4) of subsection (a) of this section, in computing average hours of employment of a student over a semester or other term, there shall be excluded any period during which the student is on vacation and any period of non-regular enrollment. Employment under a work-study program during any such period of non-regular enrollment during which classes in which the student is enrolled are in session shall be only to the extent and in accordance with criteria established by or pursuant to regulations of the Commissioner."

REVISION OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 137. Effective for fiscal years ending on or after June 30, 1970, section 444(a)(5) of the Higher Education Act of 1965 (as amended by this part) is amended to read as follows:

"(5) provide that the institution will meet the requirements of section 464 of this Act (relating to maintenance of effort);"

ADMINISTRATIVE EXPENSES

SEC. 138. Effective for fiscal years ending on or after June 30, 1970, section 444(a)(2) of the Higher Education Act of 1965 (as amended by this part) is amended by striking out all that follows "administrative expenses" and inserting in lieu thereof "in accordance with section 463 of this Act;".

ELIGIBILITY OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION

SEC. 139. Effective for fiscal years ending on or after June 30, 1970—

(1) Section 443(b) of the Higher Education Act of 1965 (as amended by this part) is amended by striking out "or" before "an area vocational school", and by inserting before the period at the end thereof the following: ", or a proprietary institution of higher education (as defined in section 461(b) of this Act)".

(2) Section 444(a)(1) of such Act (as amended by this part) is amended by inserting after "work for the institution itself" the following: "(except in the case of a proprietary institution of higher education),".

PART D—COOPERATIVE EDUCATION PROGRAMS

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION FOR PROGRAMS OF COOPERATIVE EDUCATION; GRANTS AND CONTRACTS FOR TRAINING AND RESEARCH IN COOPERATIVE EDUCATION

SEC. 141. Title IV of the Higher Education Act of 1965 is amended by redesignating part D as part F, by redesignating sections 461 through 467 as sections 491 through 497, respectively, and by inserting after part C the following new part:

"PART D—COOPERATIVE EDUCATION PROGRAMS

"APPROPRIATIONS AUTHORIZED

"SEC. 451. (a) There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, $8,000,000 for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971, to enable the Commissioner to make grants pursuant to section 452 to institutions of higher education for the planning, establishment, expansion, or carrying out by such institutions of programs of cooperative education that alternate periods of full-time academic study with periods of full-time public or private employment that will not only afford students the opportunity to earn through employment funds required toward continuing and completing their education but will, so far as practicable, give them work experience related to their academic or occupational objective. Such amount for the fiscal year ending June 30, 1969, shall also be available for planning and related activities for the purpose of this title.

"(b) There are further authorized to be appropriated $750,000 for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years, to enable the Commissioner to make training or research grants or contracts pursuant to section 453.

"(c) Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.

"GRANTS FOR PROGRAMS OF COOPERATIVE EDUCATION

"SEC. 452. (a) From the sums appropriated pursuant to subsection (a) of section 451, and for the purposes set forth therein, the Commissioner is authorized to make grants to institutions of higher education that have applied therefor in accordance with subsection (b) of this section, in amounts not in excess of $75,000 to any one such institution for any fiscal year.

"(b) Each application for a grant authorized by subsection (a) of this section shall be filed with the Commissioner at such time or times as he may prescribe and shall—

"(1) set forth programs or activities for which a grant is authorized under this section;

"(2) provide that the applicant will expend during such fiscal year for the purpose of such program or activity not less than was expended for such purpose during the previous fiscal year;

"(3) provide for the making of such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, and for the keeping of such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part; and

"(5) include such other information as the Commissioner may determine necessary to carry out the purposes of this part.

"(c) No institution of higher education may receive grants under this section for more than three fiscal years.

"(d) In the development of criteria for approval of applications under this section, the Commissioner shall consult with the Advisory Council on Financial Aid to Students.

"GRANTS AND CONTRACTS FOR TRAINING AND RESEARCH

"SEC. 453. From the sums appropriated pursuant to subsection (b) of section 451, the Commissioner is authorized, for the training of persons in the planning establishments, administration, or coordination of programs of cooperative education, or for research into methods of improving, developing, or promoting the use of cooperative education programs in institutions of higher education, to—

"(1) make grants to or contracts with institutions of higher education, or combinations of such institutions, and

"(2) make grants to other public or private nonprofit agenices or organizations, or contracts with public or private agencies or organizations, when such grants or contracts will make an especially significant contribution to attaining the objectives of this section."

Part E—General Provisions Relating to Student Assistance

AMENDMENTS EFFECTIVE UPON ENACTMENT

Sec. 151. Title IV of the Higher Education Act of 1965 is amended by inserting after part D the following new part:

"Part E—General Provisions Relating to Student Assistance Programs

"Subpart 1—General Provisions

"DEFINITIONS

"Sec. 461. (a) For purposes of this title, the term 'State' includes the Trust Territory of the Pacific Islands.

"(b) For purposes of part C of this title and title II of the National Defense Education Act of 1958, the term 'proprietary institution of higher education' means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which meets the requirements of section 801(a)(1) and 801(a)(2) of this Act, (3) which does not meet the requirement of section 801(a)(4) of this Act, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (5) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"ELIGIBILITY OF RESIDENTS OF TRUST TERRITORY OF PACIFIC ISLANDS

"Sec. 462. Permanent residents of the Trust Territory of the Pacific Islands shall be eligible for assistance under title II of the National Defense Education Act of 1958 and under this title to the same extent that citizens of the United States are eligible for such assistance.

"Subpart 2—Advisory Council on Financial Aid to Students

"ESTABLISHMENT OF COUNCIL

"Sec. 469. (a) There is established in the Office of Education an Advisory Council on Finanical Aid to Students (hereafter in this section referred to as the 'Council'), consisting of the Commissioner, who shall be Chairman, and of members appointed by the Commissioner without regard to the civil service or classification laws. Such appointed members shall include (1) leading authorities in the field of education, (2) persons representing State and private nonprofit loan insurance programs, financial and credit institutions, and institutions of higher education and other eligible institutions as those terms may be variously defined in this Act or in the National Defense Education Act of 1958, and (3) at least one undergraduate student in an institution of higher education or other eligible institution.

"(b) The Council shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on evaluation of the effectiveness of these programs.

"(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government Service.

"(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions."

AMENDMENTS EFFECTIVE FOR FISCAL YEAR 1970 AND THEREAFTER

Sec. 152. Effective for fiscal years ending on or after June 30, 1970, part E of title IV of the Higher Education Act of 1965 (as added by section 151 of this Act) is amended by inserting after section 462 the following new sections:

"EXPENSES OF ADMINISTRATION

"Sec. 463. (a) An institution which has entered into an agreement with the Commissioner under part A or C of this title shall be entitled for each fiscal year for which it receives an allotment under either such part to a payment in lieu of reimbursement for its expenses during such fiscal year in administering programs assisted under such part. The payment for a fiscal year (1) shall be payable from each such allotment in accordance with regulations of the Commissioner, and (2) shall (except as provided in subsection (b)) be an amount equal to 3 per centum of (A) the institution's expenditures during the fiscal year from its allotment under part A plus (B) its expenditures during such fiscal year under part C for compensation of students.

"(b) The aggregate amount paid to an institution for a fiscal year under this section plus the amount withdrawn from its student loan fund under section 204(b) of the National Defense Education Act of 1958 may not exceed $125,000.

"MAINTENANCE OF EFFORT

"Sec. 464. An agreement between the Commissioner and an institution under part A or part C shall provide assurance that the institution will continue to spend in its own scholarship and student-aid program, from sources other than funds received under such parts, not less than the average expenditure per year made for that purpose during the most recent period of three fiscal years preceding the effective date of the agreement."

Part F—Amendments to National Defense Student Loan Program (Title II of National Defense Education Act of 1958)

EXTENSION OF NATIONAL DEFENSE STUDENT LOAN PROGRAM

Sec. 171. (a) Section 201 of the National Defense Education Act of 1958 is amended—

(1) by striking out "and" before "$225,000,000";

(2) by inserting after "June 30, 1968," the following: "$210,000,000 for the fiscal year ending June 30, 1969, $275,000,000 for the fiscal year ending June 30, 1970, and $300,000,000 for the fiscal year ending June 30, 1971,";

(3) by striking out "and such sums for the fiscal year ending June 30, 1969" and inserting in lieu thereof "and there are further authorized to be appropriated such sums for the fiscal year ending June 30, 1972"; and

(4) by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1971".

(b) Subsection 202 of such Act is amended by striking out "1968" in subsections (a) and (b) and inserting in lieu thereof "1971".

(c) Section 206 of such Act is amended by striking out "1972" each time it appears in subsections (a), (b), and (c) of such section, and inserting in lieu thereof "1975".

ADMINISTRATIVE EXPENSES

Sec. 172. Effective for fiscal years ending on or after June 30, 1970—

(1) Section 204 of the National Defense Education Act of 1958 is amended by inserting "(a)" after "Sec. 204.", and by striking out in paragraph (3) "(C) routine expenses" and all that follows down through "whichever is the lesser" and inserting in lieu thereof "(C) administrative expenses as provided in subsection (b)".

(2) Section 204 of such Act is amended by adding at the end thereof the following new subsection:

"(b) An institution of higher education that has entered into an agreement with the Commissioner under this section shall be entitled for each fiscal year during which it makes any student loans from a student loan fund established under this title to a payment in lieu of reimbursement for its expenses during such fiscal year in administering its student loan program assisted under this title. Such payment (1) shall be payable from its student loan fund in accordance with regulations of the Commissioner, and (2) (except as provided in section 463(b) of the Higher Education Act of 1965) shall be an amount equal to 3 per centum of the principal amount of loans made from such fund during a fiscal year."

AMENDMENTS TO TEACHER CANCELLATION PROVISION

Sec. 173. (a) (1) Section 205(b)(3) of the National Defense Education Act of 1958 is amended by inserting after "50 per centum of any such loan" the following: "made prior to July 1, 1970".

(2) Clause (A) of such section is amended by inserting before "the Commissioner shall not make such determination" the following: "(unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such Public Law (using a low-income factor of $3,000) exceeds 50 per centum of the total enrollment of the school)".

(b) The amendments made by subsection (a)(2) shall apply with respect to service performed during academic years ending after the date of the enactment of this Act, whether the loan was made before or after such Act.

ELIGIBILITY OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION

Sec. 174. (a) Section 103(b) of the National Defense Education Act of 1958 is amended—

(1) by striking out "and also includes," in the second sentence and inserting in lieu thereof "; any proprietary institution of higher education (as defined in section 461(b) of the Higher Education Act of 1965) which includes in its agreement under section 204 of such title such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under such title has not, and will not, increase the tuition, fees, or other charges to such students; and"; and

(2) by inserting after "requirements of clause (5)" in the third sentence the following: "(but meets the requirements of clause (4))".

(b) Effective with respect to fiscal years ending on or after June 30, 1969, section 203 of such Act is amended by adding at the end thereof the following new sentence: "The aggregate amount of Federal capital contributions paid for any fiscal year under this section to proprietary institutions of higher education (as defined in section 461 (b) of the Higher Education Act of 1965) may not exceed the amount by which the funds appropriated pursuant to section 201 for such fiscal year exceed $190,000,000."

ELIMINATION OF REQUIREMENT OF SPECIAL CONSIDERATION FOR STUDENTS OF SUPERIOR ACADEMIC BACKGROUND

SEC. 175. Section 204 of the National Defense Education Act of 1958 is amended by inserting "and" at the end of paragraph (3), by striking out paragraph (4), and by redesignating paragraph (5) as paragraph (4).

WAIVING OATH OF ALLEGIANCE REQUIREMENT FOR RESIDENTS OF TRUST TERRITORY OF PACIFIC ISLANDS

SEC. 176. Section 1001(f)(1) of the National Defense Education Act of 1958 is amended by inserting after "any individual" the following: "(other than a permanent resident of the Trust Territory of the Pacific Islands)".

TITLE II—AMENDMENTS TO OTHER PROVISIONS OF HIGHER EDUCATION ACT OF 1965

Part A—Amendments to Community Service Program Provisions (Title I)

EXTENSION OF GRANT PROGRAM

SEC. 201. (a) The first sentence of section 101 of the Higher Education Act of 1965 is amended (1) by striking out "and" after "1966," and (2) by inserting before the period at the end of such sentence the following: ", $10,000,000 for the fiscal year ending June 30, 1969, $50,000,000 for the fiscal year ending June 30, 1970, and $60,000,000 for the fiscal year ending June 30, 1971".

(b) Such section is amended by striking out the second sentence.

MODIFICATION OF REQUIREMENT FOR COMPREHENSIVE, COORDINATED, AND STATEWIDE SYSTEM OF COMMUNITY SERVICE PROGRAMS

SEC. 202. Section 105(a)(2) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "(except that if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, and statewide system of such programs)".

MODIFICATION OF FEDERAL SHARE PROVISION

SEC. 203. (a) Section 106(a) of the Higher Education Act of 1965 is amended by striking out "and 50 per centum of such costs for each of the three succeeding fiscal years" and inserting in lieu thereof "50 per centum of such costs for the fiscal year ending June 30, 1968, and 66⅔ per centum of such costs for fiscal years ending on or after June 30, 1969".

(b) The amendment made by subsection (a) of this section shall be effective with respect to grants awarded after the enactment of this Act.

Part B—Amendments to College Library Assistance and Library Training and Research Programs (Title II)

EXTENSION OF COLLEGE LIBRARY ASSISTANCE PROGRAM (PART A)

SEC. 211. Section 201 of the Higher Education Act of 1965 is amended (1) by inserting after "two succeeding fiscal years," the following: "$25,000,000 for the fiscal year ending June 30, 1969, $75,000,000 for the fiscal year ending June 30, 1970, and $90,000,000 for the fiscal year ending June 30, 1971," and (2) by striking out the second sentence.

ELIGIBILITY OF BRANCH INSTITUTIONS FOR SUPPLEMENTAL AND SPECIAL PURPOSE GRANTS

SEC. 212. (a)(1) The first sentence of section 203(a) of such Act is amended by inserting after "institutions of higher education" the following: "(and to each branch of such institution which is located in a community different from that in which its parent institution is located, as determined in accordance with regulations of the Commissioner)".

(2) The second sentence of such section is amended by inserting "(or branch)" after "institution".

(b) Section 204(a)(2)(A) of such Act is amended by inserting after "institutions of higher education" the following: "(or to branches of such institutions which are located in a community different from that in which the parent institution is located, as determined in accordance with regulations of the Commissioner)".

(c) Section 204(a)(2)(B) of such Act is amended by inserting after "institutions of higher education" the following: "(or to such branches)".

REVISION OF MAINTENANCE-OF-EFFORT REQUIREMENT FOR SPECIAL PURPOSE GRANTS

SEC. 213. (a) Section 204(b)(2) of the Higher Education Act of 1965 is amended by inserting after "June 30, 1965" the following: ", or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is less".

(b) The amendment made by subsection (a) shall be effective with respect to applications for grants payable on or after the date of the enactment of this Act.

ELIGIBILITY OF NEW INSTITUTIONS FOR BASIC GRANTS

SEC. 214. (a) The first sentence of section 202 of the Higher Education Act of 1965 is amended (1) by striking out "and" and inserting in lieu thereof a comma, and (2) inserting after "such institutions" the following: ", and, in accordance with criteria prescribed by regulation, new institutions of higher education in the fiscal year preceding the first year in which students are to be enrolled".

(b) The amendments made by subsection (a) shall be effective with respect to appropriations for grants under title II of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1969.

EXTENSION OF LIBRARY TRAINING AND RESEARCH PROGRAM (PART B)

SEC. 215. Section 221 of the Higher Education Act of 1965 is amended (1) by inserting after "two succeeding fiscal years," the following: "$11,800,000 for the fiscal year ending June 30, 1969, $28,000,000 for the fiscal year ending June 30, 1970, and $38,000,000 for the fiscal year ending June 30, 1971," and (2) by striking out the second sentence.

AMENDMENTS TO LIBRARIANSHIP TRAINING PROVISIONS

SEC. 216. The second sentence of section 223(a) of the Higher Education Act of 1965 is amended—

(1) by striking out "to assist in covering the cost of courses of training or study for such persons, and" and inserting in lieu thereof "(1) to assist in covering the cost of courses of training or study (including short term or regular session institutes) for such persons, (2)"; and

(2) by inserting before the period at the end thereof the following: ", and (3) for establishing, developing, or expanding programs of library and information science".

EXTENSION OF LIBRARY OF CONGRESS PROGRAM (PART C)

SEC. 217. Section 231 of such Act is amended (1) by striking out "and" after "1967," and by inserting after "1968," the following: "$6,000,000 for the fiscal year ending June 30, 1969, and $11,100,000 each for the fiscal year ending June 30, 1970, and the succeeding fiscal year," and (2) by striking out the second sentence.

CLARIFYING AUTHORITY TO PURCHASE COPIES; INCREASING AUTHORITY TO PREPARE CATALOG AND BIBLIOGRAPHIC MATERIALS; AUTHORIZING LIBRARIAN TO ACT AS ACQUISITIONS AGENT

SEC. 218. Section 231 of the Higher Education Act of 1965, as amended by section 217 of this Act, is further amended—

(1) in paragraph (1), by inserting "copies of" before "all" and by striking out "and";

(2) in paragraph (2), by striking out "for these materials promptly after receipt, and distributing bibliographic information" and inserting in lieu thereof "promptly and distributing this and other bibliographic information about library materials", and by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) enabling the Librarian of Congress to pay administrative costs of cooperative arrangements for acquiring library materials published outside of the States and not readily obtainable outside of the country of origin, for institutions of higher education or combinations thereof for library purposes, or for other public or private nonprofit research libraries."

Part C—Amendments to Developing Institutions Program (Title III)

EXTENSION OF DEVELOPING INSTITUTIONS PROGRAM

SEC. 221. Section 301(b)(1) of the Higher Education Act of 1965 is amended by striking out "and" after "1967," and by inserting after "1968," the following: "the sum of $35,000,000 for the fiscal year ending June 30, 1969, the sum of $70,000,000 for the fiscal year ending June 30, 1970, and the sum of $91,000,000 for the fiscal year ending June 30, 1971,".

INCREASED SHARE FOR JUNIOR COLLEGES

SEC. 222. Effective with respect to fiscal years beginning after June 30, 1968, section 301(b)(2) of the Higher Education Act of 1965 is amended by striking out "78 per centum" and inserting in lieu thereof "77 per centum".

PROFESSORS EMERITUS

SEC. 223. (a) Title III of the Higher Education Act of 1965 is amended by inserting immediately after section 305 the following new section:

"PROFESSORS EMERITUS

"SEC. 306. (a) The Commissioner is authorized to award grants under this section, from funds appropriated for the purpose of this title, to professors retired from active duty at institutions of higher education (other than developing institutions) to encourage such professors to teach and to conduct research at developing institutions. Such grants may be awarded by the Commissioner (1) only upon application made by an institution and approved for this purpose by the Commissioner and (2) only upon a finding by the Commissioner that the program of teaching or research set forth in the application is reasonable in the light of the qualifications of the professor emeritus and of the educational needs of the applicant.

"(b) The Commissioner shall undertake a program of dissemination of information concerning this section.

"(c) Grants may be awarded under this section for such period of teaching or research as the Commissioner may determine. The amount of each grant awarded under the provisions of this section for each academic year of teaching or research shall be determined by the Commissioner upon the advice of the Council."

(b) The amendment made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1969.

Part D—Amendments to Education Professions Development Program (Title V)

EXTENSION OF PROGRAMS

Sec. 231. (a) Sections 504(b), 511(b), 518(b), 528, 532, and 543 of the Higher Education Act of 1965 are each amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "each of the succeeding fiscal years ending prior to July 1, 1971".

(b)(1) Such section 511(b) is further amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(2) Such section 528 is further amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971", and by changing the comma before "and such sums" to a semicolon.

PROVISION OF MEDICAL INSURANCE COVERAGE TO TEACHER CORPS MEMBERS NOT OTHERWISE COVERED

Sec. 232. Section 514 of the Higher Education Act of 1965 is amended by adding immediately following subsection (d) thereof the following new subsection:

"(e) The Commissioner is authorized to provide medical (including hospitalization) insurance for members of the Teachers Corps who do not otherwise obtain such insurance coverage either under an arrangement made pursuant to subsection (d) of this section or as an incident of an arrangement between the Commissioner and an institution or a State or local educational agency pursuant to section 513."

AUTHORIZING STATE EDUCATIONAL AGENCIES TO ADMINISTER DIRECTLY PROGRAMS OF TEACHER AND TEACHER AIDE RECRUITMENT AND TRAINING

Sec. 233. (a) Subsection (a) of section 518 of the Higher Education Act of 1965 is amended by inserting after "teacher shortages" the following: ", or the efforts of State educational agencies,".

(b) Subsection (a) of section 520 of such Act is amended—

(1) in paragraph (2), by inserting after "local educational agencies" the following: "or of the State educational agency, or both,"

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) with respect to so much of the State program as is to be carried out by local educational agencies, (A) provides assurance that every local educational agency whose application for funds under the plan is denied will be given an opportunity for a fair hearing before the State educational agency and (B) sets forth the policies and procedures to be followed in allocating Federal funds to local educational agencies in the State, which policies and procedures shall insure that such funds will be allocated to local educational agencies having the most urgent need for teachers and teacher aides;" and

(4) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

MINIMUM ALLOTMENT FOR TITLE V–B, SUBPART 2

Sec. 234. (a) The second sentence of section 519(a) of the Higher Education Act of 1965 is amended to read as follows: "From the remainder of such sums, the Commissioner shall apportion $100,000 to each State, and shall then apportion to each State such part of the amount remaining which bears the same ratio to the total of such amount as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in such schools in all of the States.".

(b) The amendment made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1968.

FELLOWSHIPS FOR SCHOOL ADMINISTRATORS

Sec. 235. The third sentence of section 521 of the Higher Education Act of 1965 is amend by inserting after "become such teachers," the following: "a career in the administration of such schools,".

ALLOCATION OF FELLOWSHIPS UNDER TITLE V–C

Sec. 236. Clause (1) of section 523 of the Higher Education Act of 1965 is amended (1) by inserting after "provide an equitable distribution of such fellowships throughout the States," the following: "taking into account such factors as the number of children in each State who are aged three to seventeen and the undergraduate student enrollment in institutions of higher education in each State," and, (2) by striking out "except that to the extent he deems proper in the national interest after consultation with the National Advisory Council on Education Professions Development, the Commissioner may give preference to programs designed to meet an urgent national need" and inserting in lieu thereof "except that to the extent that the National Advisory Council on Education Professions Development determines that an urgent need for a certain category of educational personnel is unlikely to be met without preference in favor of such category over other categories of educational personnel, the Commissioner may give preference to programs designed to meet that need, but in no case shall such preferred programs constitute more than 50 per centum of the total number of fellowships awarded in any fiscal year".

TECHNICAL CORRECTIONS

Sec. 237. Section 524(a) of the Higher Education Act of 1965 is amended by inserting in paragraphs (1) and (4) "or postsecondary vocational education" after "career in elementary and secondary education".

INCREASE IN COST-OF-EDUCATION ALLOWANCE

Sec. 238. Section 525(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) The Commissioner shall (in addition to stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $3,500 per academic year for each such person."

EQUITABLE DISTRIBUTION UNDER TITLE V–D

Sec. 239. The Higher Education Act of 1965 is amended by inserting at the end of part D the following new section:

"DISTRIBUTION OF TRAINING PROGRAMS

"Sec. 533. In making grants and contracts for programs and projects under this part, the Commissioner shall seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen."

Part E—Equipment and Materials for Higher Education (Title VI)

EXTENSION OF PROGRAM

Sec. 241. Section 601 of the Higher Education Act of 1965 is amended—

(1) in subsection (b), by striking out "and" and after "1967," and by inserting after "1968," the following: "$13,000,000 for the fiscal year ending June 30, 1969, and $60,000,000 for each of the two succeeding fiscal years,";

(2) in subsection (c), by striking out "and" after "1966," and by inserting after "for the succeeding fiscal year," the following: "$1,500,000 for the fiscal year ending June 30, 1969, and $10,000,000 for each of the two succeeding fiscal years,"; and

(3) by striking out subsection (d).

ELIGIBILITY OF COMBINATIONS OF INSTITUTIONS

Sec. 242. (a) Sections 601(b), 601(c) and 605(a) of the Higher Education Act of 1965 are each amended to inserting after "institutions of higher education" the following: "and combinations of institutions of higher education".

(b) The second sentence of section 604(a) of such Act and the first sentence of section 604(b) are each amended by inserting after "institution" the following: "or combination of institutions of higher education".

(c) The third sentence of section 604(a) is amended by striking out "applicant institutions" and inserting in lieu thereof "applicants".

(d) Section 604(b) of such Act is amended by inserting after the second sentence the following: "A combination of institutions of higher education shall be eligible for such a grant in accordance with regulations of the Commissioner prescribing requirements for maintenance of effort."

(e) Section 605(b)(5)(C) of such Act is amended by striking out "institution" and inserting in lieu thereof "applicant".

CONSULTATION

Sec. 243. Part A of title VI of the Higher Education Act of 1965 is amended by inserting at the end thereof the following:

"CONSULTATION

"Sec. 610. So as to promote the coordination of Federal programs providing assistance in the purchase of laboratory or other special equipment for education in the natural or physical sciences, the Commissioner shall consult with the National Science Foundation and other agencies in developing general policy, under this title, in respect thereof."

Part F—Networks for Knowledge

SHARING OF EDUCATIONAL AND RELATED RESOURCES AMONG COLLEGES AND UNIVERSITIES

Sec. 251. The Higher Education Act of 1965 is amended by redesignating title VIII as title XII, and sections 801 through 804 (and references thereto however styled in such Act, or any other Act, including such references heretofore made in this Act) as sections 1201 through 1204, respectively. The Higher Education Act of 1965 is further amended by inserting after title VII the following new title:

"TITLE VIII—NETWORKS FOR KNOWLEDGE

"SHARING EDUCATIONAL AND RELATED RESOURCES

"Sec. 801. (a) To encourage colleges and universities to share to an optimal extent, through cooperative arrangements, their technical and other educational and administrative facilities and resources, and in order to test and demonstrate the effectiveness and efficiency of a variety of such arrangements, the Commissioner is authorized to enter into contracts and to make project grants for all or part of the cost of planning, developing, or carrying out such arrangements. Such grants may be made to public or nonprofit private colleges or universities. When in the Commissioner's judgment it will more effectively promote the purposes of this title, the Commissioner may make grants to other established public or nonprofit private agencies or organizations, including professional organizations or academic societies and he may enter into contracts with established private agencies and organizations.

"(b) Projects for the planning, development, or carrying out of such arrangements assisted under this title may, subject to the provisions of subsection (c), include—

"(1) (A) joint use of facilities such as classrooms, libraries, or laboratories, including joint use of necessary books, materials, and equipment; or (B) affording access to specialized library collections through preparation of interinstitutional catalogs and through development of systems and preparation of suitable media for electronic or other rapid transmission of materials;

"(2) establishment and joint operation of closed-circuit television or equivalent transmission facilities (such as the instructional television fixed services); and

"(3) establishment and joint operation of electronic computer networks and programs therefor, to be available to participating institutions for such purposes as financial and student records, student course work, or transmission of library materials.

"(c) (1) Grants pursuant to clause (B) of paragraph (1) of subsection (b) may not be used to pay the costs of electronic transmission terminals.

"(2) In the case of a project for the establishment and operation of a computer network, grants may not include—

"(A) the cost of operating administrative terminals or student terminals at participating institutions; or

"(B) the cost, or any participating institution's pro rata share of the cost, of using the central computer facilities of the network, except (i) such costs of systems development and programing of computers and transmission costs as are necessary to make the network operational, (ii) the administrative and program support costs of the central facilities of the network, and (iii) the line-access costs incurred by participating institutions.

"APPROPRIATIONS AUTHORIZED

"Sec. 802. There are authorized to be appropriated for the purposes of this title (and planning and related activities in the initial fiscal year for such purpose), $340,000 for the fiscal year ending June 30, 1969, $4,000,000 for the fiscal year ending June 30, 1970, and $15,000,000 for the fiscal year ending June 30, 1971.

"AUTHORITY FOR FREE OR REDUCED RATE COMMUNICATIONS INTERCONNECTION SERVICES

"Sec. 803. Nothing in the Communications Act of 1934, as amended, or in any other provision of law shall be construed to prevent United States communications common carriers from rendering, subject to such rules and regulations as the Federal Communications Commission may prescribe, free or reduced rate communications interconnection services for interconnection systems within the purview of this title, whether or not included in a project for which a grant is made under this title."

PART G—EDUCATION FOR THE PUBLIC SERVICE

GRANTS, CONTRACTS, AND FELLOWSHIPS TO STRENGTHEN PROGRAMS OF EDUCATION FOR THE PUBLIC SERVICE

Sec. 261. The Higher Education Act of 1965 is amended by inserting after title VIII the following new title:

"TITLE IX—EDUCATION FOR THE PUBLIC SERVICE

"PURPOSE

"Sec. 901. It is the purpose of this title to establish a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service.

"PART A—GRANTS AND CONTRACTS TO STRENGTHEN AND IMPROVE EDUCATION FOR THE PUBLIC SERVICE

"PROJECT GRANTS AND CONTRACTS

"Sec. 903. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (i) for the preparation of graduate or professional students to enter the public service or (ii) for research into, or development or demonstration of, improved methods of education for the public service. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(1) planning for the development or expansion of graduate or professional programs to prepare students to enter the public service;

"(2) training and retraining of faculty members;

"(3) strengthening the public service aspects of courses or curriculums leading to a graduate or professional degree;

"(4) establishment, expansion, or operation of centers for study at the graduate or professional level (but not including payment for construction or acquisition of buildings);

"(5) conduct of short-term or regular session institutes for advanced study by persons engaged in, or preparing to engage in, the preparation of students to enter the public service;

"(6) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time public service; and

"(7) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"Sec. 904. (a) A grant or contract authorized by this part may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(1) sets forth programs, activities, research, or development for which a grant is authorized under this part, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to part B;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(b) The Secretary shall allocate grants or contracts under this part in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this part.

"(c) (1) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in public service, other than public service as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(2) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"PART B—PUBLIC SERVICE FELLOWSHIPS

"AWARD OF PUBLIC SERVICE FELLOWSHIPS

"Sec. 911. The Secretary is authorized to award fellowships in accordance with the provisions of this part for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Secretary may determine but not to exceed three academic years.

"ALLOCATION OF FELLOWSHIPS

"Sec. 912. The Secretary shall allocate fellowships under this part among institutions of higher education with programs approved under the provisions of this part for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(1) provide an equitable distribution of such fellowships throughout the United States; and

"(2) attract recent college graduates to pursue a career in public service.

"APPROVAL OF PROGRAMS

"Sec. 913. The Secretary shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his findings—

"(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant and continuing need in the public service as determined by the Secretary after such consultation with other agencies as may be appropriate;

"(2) that such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality;

"(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to part A; and

"(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Secretary, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this part, enrolled in such program, to enter the public service upon completing the program.

"STIPENDS

"Sec. 914. (a) The Secretary shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

"FELLOWSHIP CONDITIONS

"Sec. 915. A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"PART C—GENERAL PROVISIONS

"DEFINITIONS

"Sec. 921. As used in this title—

"(a) The term 'State' includes the Canal Zone, and the Trust Territory of the Pacific Islands.

"(b) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) The term 'public service' means service as an officer or employee in any branch of State, local, or Federal Government.

"(d) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"COORDINATION OF FEDERAL ASSISTANCE

"Sec. 922. In administering this title, the Secretary shall give primary emphasis to the assistance of programs and activities not otherwise assisted by the Department of Health, Education, and Welfare, or by other agencies of the Federal Government, so as to promote most effectively the objectives of this title.

"LIMITATION

"Sec. 923. No grant, contract, or fellowship shall be awarded under this title to, or for study at, a school or department of divinity. For the purposes of this section, the term 'school or department of divinity' means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"REPORT

"Sec. 924. The Secretary shall include in his annual report to the Congress a report of activities of his Department under this title, including recommendations for needed revisions in the provisions thereof.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 925. There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, $5,000,000 for the fiscal year ending June 30, 1970, and $13,000,000 for the fiscal year ending June 30, 1971, to carry out the purposes of this title (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year."

PART H—IMPROVEMENT OF GRADUATE PROGRAMS

AUTHORIZATION

Sec. 271. The Higher Education Act of 1965 is amended by inserting after title IX the following new title:

"TITLE X—IMPROVEMENT OF GRADUATE PROGRAMS

"STATEMENT OF PURPOSES

"Sec. 1001. The purposes of this title are to strengthen and improve the quality of graduate programs leading to a doctoral or professional (other than medical) degree, and to increase the number of such quality programs.

"APPROPRIATIONS AUTHORIZED; USE OF GRANTS

"Sec. 1002. (a) There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, $5,000,000, for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971, to enable the Commissioner to make grants to institutions of higher education having programs leading to a degree of doctor of philosophy or comparable professional or other graduate degree, upon such terms and conditions as he may establish, to pay part of the cost of planning, developing, or carrying out projects or activities designed to achieve one or more of the purposes set forth in section 1001. Such amount for the fiscal year ending June 30, 1969, shall also be available for planning and related activities for the purpose of this title. Such grants may be used for experimental, innovative, or interdisciplinary projects or activities such as—

"(1) the strengthening of graduate faculties by enlarging their size, improving their academic or professional qualifications, or increasing the number of disciplines in which they are skilled;

"(2) the expansion or improvement of existing graduate programs, or the establishment of additional graduate programs;

"(3) the acquisition of appropriate equipment or curricular, research, or other materials required to fulfill the objectives of projects or activities described in clause (2);

"(4) the development or carrying out of cooperative arrangements among graduate schools in furtherance of the purposes of this title; or

"(5) the strengthening of graduate school administration.

"(b) No portion of the sums granted under this title may be used—

"(1) for payment in excess of 66⅔ per centum of the total cost of such project or activity;

"(2) for payment in excess of 50 per centum of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any per centum of such cost, as determined by the Commissioner, that is paid from sums received (other than under this part) as Federal financial assistance; or

"(3) for sectarian instruction or religious worship, or primarily in connection with any part of the program of an institution, or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"SELECTION OF GRANT RECIPIENTS

"Sec. 1003. In the awarding of grants under this title the Commissioner shall, insofar as practicable and consistent with the other purposes of this title, give weight to the objective of having an adequate number of graduate and professional schools of good quality within each appropriate region.

"CONSULTATION

"Sec. 1004. In the development of general policy governing the administration of this title, the Commissioner shall consult with the National Science Foundation, the National Foundation on the Arts and the Humanities, and the Federal Judicial Center for the purpose of promoting the coordination of Federal programs bearing on the purposes of this title."

PART I—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AUTHORIZATIONS

Sec. 281. The Higher Education Act of 1965 is amended by inserting after title X the following new title:

"TITLE XI—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

"PROGRAM AUTHORIZATIONS

"Sec. 1101. (a) The Commissioner is authorized to enter into contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in the preparation and trial of cases.

"(b) Such costs may include necessary expenditures incurred for—

"(1) planning;

"(2) training of faculty members and salary for additional faculty members;

"(3) travel and per diem for faculty and students;

"(4) reasonable stipends for students for work in the public service performed as part of any such program at a time other than during the regular academic year;

"(5) equipment; and

"(6) such other items as are allowed pursuant to regulations issued by the Commissioner.

"(c) No law school may receive more than $75,000 in any fiscal year pursuant to this title.

"(d) For the purpose of this title the term 'accredited law school' means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose.

"APPLICATIONS

"Sec. 1102. (a) A contract authorized by this title may be made by the Commissioner upon application which—

"(1) is made at such time or times and contains such information as he may prescribe;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(3) provides for making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) The Commissioner shall allocate contracts under this title in such manner as will provide an equitable distribution of such contracts throughout the United States among law schools which show promise of being able to use funds effectively for the purposes of this title.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 1103. There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, and $7,500,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, to carry out the purposes of this title (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year."

PART J—AMENDMENTS TO GENERAL PROVISIONS (TITLE XII)

ESTABLISHMENT OF ADVISORY COUNCIL ON GRADUATE EDUCATION; ABOLITION OF HIGHER EDUCATION FACILITIES ACT ADVISORY COMMITTEE

Sec. 291. (a) The Higher Education Act of 1965 is amended by adding after the section 1204 (as redesignated by section 251 of this Act) the following new section:

"ADVISORY COUNCIL ON GRADUATE EDUCATION

"Sec. 1205. (a) There is hereby established in the Office of Education an Advisory Council on Graduate Education (hereafter in this section referred to as the 'Council'), consisting of the Commissioner, who shall be Chairman, of one representative each from the Office of Science and Technology in the Executive Office of the President, the National Science Foundation, and the National Foundation on the Arts and the Humanities, and of members appointed by the Commissioner without regard to the civil service or classification laws. Such appointed members shall be selected from among leading authorities in the field of education, except that at least one of them shall be a graduate student.

"(b) The Council shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to graduate education.

"(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions."

(b)(1) Section 203 of the Higher Education Facilities Act of 1963 is repealed.

(2) Paragraph (1) of section 202(c) of such Act is amended to read as follows:

"(1) The Commissioner shall not approve any application for a grant under this title until he has obtained the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate such applications."

DISSEMINATION OF INFORMATION

SEC. 292. The Higher Education Act of 1965 is further amended by adding after section 1205 (as added by this title) the following new section:

"DISSEMINATION OF INFORMATION

"SEC. 1206. (a) For the purpose of carrying out more effectively the provisions of this Act, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and other Acts administered by him in the field of higher education (including those administered by him by delegation), the Commissioner—

"(1) shall prepare and disseminate to institutions of higher education, State agencies concerned with higher education, and other appropriate agencies and institutions (A) reports on programs and projects assisted under such Acts and other programs and projects of a similar nature, and (B) catalogs, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful for such purpose;

"(2) may upon request provide advice, counsel, technical assistance, and demonstrations to institutions and agencies referred to in paragraph (1) undertaking to initiate or expand programs or projects under such Acts in order to enhance the quality, increase the depth, or broaden the scope of such programs or projects, and shall inform such institutions and agencies of the availability of assistance pursuant to this paragraph;

"(3) shall from time to time prepare and disseminate to institutions and agencies referred to in paragraph (1) reports setting forth developments in the utilization and adaptation of projects carried out pursuant to such Acts; and

"(4) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

"(b) There are authorized to be appropriated to carry out the provisions of this section $2,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this section only such amount as the Congress may hereafter authorize by law.

CONFORMING DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION IN HIGHER EDUCATION ACT OF 1965 AND IN NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 293. (a) Section 1201(a) of the Higher Education Act of 1965 (as so redesignated by section 251 of this Act) is amended by inserting after "if not so accredited," in clause (5) the following: "(A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B)".

(b) The second sentence of such paragraph (a) is amended by striking out "Such term also includes any business school or technical institution" and inserting in lieu thereof "Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and".

INSERTION OF DEFINITION OF "COMBINATION OF INSTITUTIONS OF HIGHER EDUCATION" IN HIGHER EDUCATION ACT OF 1965

SEC. 294. Section 1201 of the Higher Education Act of 1965 (as so redesignated by section 251 of this Act) is amended by inserting at the end thereof the following:

"(j) The term 'combination of institutions of higher education' means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf."

PROVISIONS FOR ADEQUATE LEADTIME AND FOR PLANNING AND EVALUATION IN HIGHER EDUCATION PROGRAMS

SEC. 295. The Higher Education Act of 1965, as amended by this Act, is further amended by adding after section 1206 the following new sections:

"PROGRAM PLANNING AND EVALUATION FOR HIGHER EDUCATION PROGRAMS

"SEC. 1207. There are authorized to be appropriated $1,117,000 for the fiscal year ending June 30, 1969, and $1,900,000 for the fiscal year ending June 30, 1970, to be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, loans, contracts, or other payments, for (1) planning for the succeeding year programs or projects authorized under any other provision of this Act or any provision of the National Defense Education Act of 1958 or the Higher Education Facilities Act of 1963, and (2) evaluation of programs or projects so authorized.

"ADVANCE FUNDING

"SEC. 1208. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, loans, contracts, or other payments under any Act referred to in section 1207 are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under any such Act will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"EVALUATION REPORTS AND CONGRESSIONAL REVIEW

"SEC. 1209. (a) No later than March 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any Act referred to in section 1207 and to the respective Committees on Appropriations a report evaluating the results and effectiveness of programs and projects assisted thereunder during the preceding fiscal year, together with his recommendations (including any legislative recommendations) relating thereto.

"(b) In the case of any such program, the report submitted in the penultimate fiscal year for which appropriations are then authorized to be made for such program shall include a comprehensive and detailed review and evaluation of such program (as up to date as the due date permits) for its entire past life, based to the maximum extent practicable on objective measurements, together with the Secretary's recommendations as to proposed legislative action.

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL YEAR BASIS

"SEC. 1210. Appropriations for any fiscal year for grants, loans, contracts, or other payments to educational agencies or institutions under any Act referred to in section 1207, may, in accordance with regulations of the Secretary, be made available for expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year."

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

PART A—EQUIPMENT AND MATERIALS FOR ELEMENTARY AND SECONDARY EDUCATION (TITLE III)

EXTENSION OF PROGRAM

SEC. 301. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "and $110,000,000 for the fiscal year ending June 30, 1968," and inserting in lieu thereof ", $110,000,000 for each of the fiscal years ending June 30, 1968, and June 30, 1969, $120,000,000 for the fiscal year ending June 30, 1970, and $130,000,000 for the fiscal year ending June 30, 1971,".

(b) Such section 301 is further amended by striking out "the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1971".

(c) The second sentence of section 304(b) of such Act is amended by striking out "eight" and inserting in lieu thereof "eleven".

PROVISION FOR WITHIN-STATE EQUALIZATION IN STATE-IMPOSED REQUIREMENTS FOR FINANCIAL PARTICIPATION OF PROJECT APPLICANTS

SEC. 302. Subsection (a) of section 303 of the National Defense Education Act of 1958 is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and by inserting at the end of such subsection the following new paragraph:

"(6) sets forth any requirements imposed upon applicants for financial participation in projects assisted under this part, including any provision for taking into account, in such requirements, the resources available to any applicant for such participation relative to the resources for participation available to all other applicants."

PRIVATE SCHOOLS: AUTHORIZING REALLOTMENT OF SET-ASIDE FOR LOANS; REPEALING LOAN ALLOTMENT FORMULA

SEC. 303. (a) (1) Section 305 of the National Defense Education Act of 1958 is amended by striking out "SEC. 305." and all that follows down to but not including subsection (b) (1) and inserting in lieu thereof the following:

"SEC. 305. From the sums reserved for each fiscal year for the purposes of this section under the provisions of section 302(a), the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools in any State. Any such loan shall be made only for the purposes for which payments to State educational agencies are authorized under the first sentence of sections 301, and—".

(2) Paragraph (3) of such section is amended by striking out "the current average yield on all outstanding marketable obligations of the United States" and inserting in lieu thereof "the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of such loans".

(b) Section 302(c) of such Act is amended to read as follows:

"(c) The amount of any State's allotment under subsection (a) of this section for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to the other States in proportion to the original allotments to such States under subsection (a) of this section, but with such proportionate amount for any such State being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reserved for any fiscal year for making loans under section 305 which the Commissioner determines will not be required for that purpose for such year shall be available for allotment among the States in the manner provided in the preceding sentence for reallotments. Any amount allotted or reallotted to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) of this section for such year."

(c) The amendment made by subsection (a) (2) shall apply with respect to loans made after the date of enactment of this Act.

EQUIPMENT FOR EDUCATIONALLY DEPRIVED CHILDREN

SEC. 304. (a) Title III of the National Defense Education Act of 1958 is amended by inserting immediately below the center heading thereof the following:

"PART A—GRANTS TO STATES"

(b) Title III of such Act is amended (1) by striking out "this title" wherever it appears and inserting in lieu thereof "this part"; and (2) by adding at the end thereof the following new part:

"PART B—GRANTS TO LOCAL EDUCATIONAL AGENCIES

"APPROPRIATIONS AUTHORIZED

"SEC. 311. There are hereby authorized to be appropriated, for carrying out this part, $84,373,000 for the fiscal year ending June 30, 1969, and $160,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this part only such amount as the Congress may hereafter authorize by law.

"ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 312. From the sums appropriated pursuant to section 311 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine for allotment as provided in section 1008(A). From the remainder of such sums the Commissioner shall allot to each local educational agency (other than local educational agencies of States which receive their allotments under this part as provided in subsection 1008(A)) an amount which bears the same ratio to the amount of such remainder as the amount received by such agency from funds appropriated for the preceding fiscal year for grants under title I of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, Eighty-first Congress, as amended) bears to the amount received by all local educational agencies from such funds for such year.

"APPLICATION OF LOCAL EDUCATIONAL AGENCY

"SEC. 313. (a) A local educational agency may receive a grant under this part for any fiscal year only on application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

"(1) that payments under this part will be used for the acquisition of equipment and materials referred to in section 303(a) (1) to be used in programs and projects designed to meet the special educational needs of educationally deprived children in school attendance areas having a high concentration of children from low-income families;

"(2) that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) which will afford such children the benefits of the equipment and materials provided under this part;

"(3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this part, and that title to equipment and materials acquired therewith, shall be in a public agency for the uses and purposes provided in the part, and that a public agency will administer such funds and equipment and materials; and

"(4) that the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under this part, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

"(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this part without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

"STATE APPLICATION

"SEC. 314. (a) Any State desiring to participate under this part shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance—

"(1) that payments under this part will be used only for programs and projects which have been approved by the State educational agency pursuant to section 313, and that such agency will in all other respects comply with the provisions of this part, including the enforcement of any obligations imposed upon a local educational agency under section 313.

"(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

"(3) that the State educational agency will make to the Commissioner such reports as may be reasonably necessary to enable the Commissioner to perform his duties under this part (including such reports as he may require to determine the amounts which local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application submitted under this section shall be deemed a State plan for the purposes of sections 1004 and 1005.

"PAYMENTS

"SEC. 315. (a) The Commissioner shall, from time to time pay to each State, in advance or otherwise, the amount which the local educational agencies of that State are eligible to receive under this part. Such payments shall take into account the extent (if any) to which any previous payment to such State educational agency under this part (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

"(b) From the funds paid to it pursuant to subsection (a) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved to pursuant to section 313(a) the amount for which such application has been approved, except that this amount shall not exceed its allotment for the fiscal year under section 312."

(c) Paragraph (2) of section 1004(c) of the National Defense Education Act of 1958 is amended, (1) by striking out "title III or V" and inserting in lieu thereof "part A or B of title III or under title V"; and (2) by inserting "part or" before "title or section" each time these words appear in such paragraph.

PART B—AMENDMENTS TO NATIONAL DEFENSE FELLOWSHIP PROGRAM

EXTENSION OF PROGRAM

SEC. 311. (a) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

(b) Section 403(a) of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

INCREASING MAXIMUM LENGTH OF FELLOWSHIP FROM THREE TO FOUR YEARS IN SPECIAL CIRCUMSTANCES, AND REQUIRING INSTITUTIONAL EFFORT TO ENCOURAGE RECIPIENTS TO ENTER OR CONTINUE TEACHING

SEC. 312. (a) Subsection (a) of section 402 of the National Defense Education Act of 1958 is amended by inserting "(1)" after "except" in the second sentence thereof, and by inserting immediately before the period at the end of such sentence the following: ", and (2) that the Commissioner may provide by regulation for the granting of such fellowships for a period of study not to exceed one academic year (or one calendar year in the case of fellowships to which clause (1) applies) in addition to the maximum period otherwise applicable, under special circumstances in which the purposes of this title would most effectively be served thereby".

(b) The Commissioner may in his discretion increase, in accordance with the amendment made by subsection (a), the maximum periods of fellowships awarded prior to the date of enactment of this Act.

(c) The second sentence of section 403(a) is amended by striking out the period at the end of clause (2) of such sentence and inserting ", and" in lieu thereof; and by adding the following new clause:

"(3) that the application contains satisfactory assurance that the institution will make reasonable continuing efforts to encourage recipients of fellowships under this title, enrolled in such program, to teach or continue to teach in institutions of higher education."

(d) The amendment made by subsection (c) of this section shall apply with respect to fellowships awarded on or after the date of enactment of this Act.

REQUIRING STIPENDS TO BE SET IN AN AMOUNT CONSISTENT WITH THOSE AWARDED FOR COMPARABLE FELLOWSHIPS

SEC. 313. (a) Section 404 of the National Defense Education Act of 1958 is amended to read as follows:

"FELLOWSHIP STIPENDS

"SEC. 404. (a) The Commissioner shall pay to persons awarded fellowships under this title such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amounts as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $3,500 per academic year for any such person."

(b) The amount of any stipend payable with respect to a fellowship awarded prior to the date of enactment of this Act shall not, during the period for which such fellowship was awarded, be less with respect to any year of study than the amount that would in the absence of the amendment made by subsection (a) of this section be payable with respect to such year.

EQUITABLE DISTRIBUTION OF FELLOWSHIPS UNDER TITLE IV OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 314. Section 403 of the National Defense Education Act of 1958 is amended by inserting at the end thereof the following new subsection:

"(e) In order to provide training opportunities in those areas of the Nation which have greater need for increased numbers of highly qualified persons to teach in institutions of higher education, the Commissioner shall seek to achieve an equitable geographical distribution of graduate programs approved under this section throughout the Nation, based upon such factors as student enrollments in institutions of higher education and population."

PART C—GUIDANCE, COUNSELING, AND TESTING (TITLE V)

EXTENSION OF PROGRAM

SEC. 321. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "and" after "June 30, 1966," and by inserting after "two succeeding fiscal years," the following: "$25,000,000 for the fiscal year ending June 30, 1969, $40,000,000 for the fiscal year ending June 30, 1970, and $54,000,000 for the fiscal year ending June 30, 1971,".

(b)(1) The second sentence of section 504(a) of such Act is amended by striking out "eight".

(2) Section 504(b) of such Act is amended by striking out "nine".

SHORT-TERM TRAINING SESSIONS IN GUIDANCE AND COUNSELING

SEC. 322. Section 503(a)(2) of the National Defense Education Act of 1958 is amended by inserting before the period at the end thereof a comma and the following: "and such programs may include, at the discretion of such State agency, short-term training sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in such State".

PART D—LANGUAGE DEVELOPMENT (TITLE VI)

EXTENSION OF PROGRAM

SEC. 331. (a) Subsections (a) and (b) of section 601 of the National Defense Education Act of 1958 are each amended by striking out "1968" and inserting in lieu thereof "1971".

(b) Section 603 of such Act is amended by striking out "and" before "$18,000,000" and by inserting after "1968," the following: "$16,050,000 for the fiscal year ending June 30, 1969, $30,000,000 for the fiscal year ending June 30, 1970, and $38,500,000 for the fiscal year ending June 30, 1971".

PART E—EDUCATIONAL MEDIA (TITLE VII)

SPECIAL PERSONNEL

SEC. 341. Section 762 of the National Defense Education Act of 1958 is amended by striking out "television, radio, motion pictures, and other related media of communication" and inserting in lieu thereof "new media and technology".

PART F—AMENDMENT TO MISCELLANEOUS PROVISIONS (TITLE X)

PROVISION IN NATIONAL DEFENSE EDUCATION ACT OF 1958 FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS, FOR SCHOOLS OF DEPARTMENT OF INTERIOR FOR INDIAN CHILDREN, AND FOR OVERSEAS DEPENDENT SCHOOLS OF DEPARTMENT OF DEFENSE

SEC. 351. (a) Section 1008 of the National Defense Education Act of 1958 is amended to read as follows:

"ALLOTMENTS TO TERRITORIES AND POSSESSIONS

"SEC. 1008. The amounts reserved by the Commissioner under sections 302, 312, and 502 shall, in accordance therewith, be allotted among—

"(A) Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for the type of assistance furnished under the part or title in which the section appears, and

"(B) in the case of amounts so reserved under sections 302 and 502, (i) the Secretary of the Interior, according to the need for such assistance in order to effectuate the purposes of such part or title in schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance in order to effectuate the purposes of such part or title in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title"

(b) Sections 302(a)(1) and 502(a) of such Act are each amended by striking out "2 per centum thereof, as he may determine for allotment as provided in section 1008" and inserting in lieu thereof "3 per centum thereof, as he may determine for allotment as provided in section 1008(A), and such amount, not in excess of 1 per centum thereof, as he may determine for allotment as provided in section 1008(B)".

(c) Section 103(a) of such Act is amended (1) by striking out "or" each time it appears before "the Virgin Islands", (2) by inserting after "the Virgin Islands," as it first appears "and, for the purposes of titles II, III, and V, the Trust Territory of the Pacific Islands,", (3) by striking out "(1) as used in section 205(b)(3) of this title such term includes the Trust Territory of the Pacific Islands, and (2)", and (4) by inserting before the period at the end thereof ", or the Trust Territory of the Pacific Islands".

(d) The amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1968.

TITLE IV—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

EXTENSION OF PROGRAM

SEC. 401. (a)(1) Subsection (a) of section 101 of the Higher Education Facilities Act of 1963 is amended by striking out "during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years.".

(2) Subsection (b) of section 101 of such Act is amended by striking out so much of the first sentence thereof as follows "June 30, 1968, and" and inserting in lieu thereof "$936,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971.".

(3) Subsection (b) of section 105 of such Act is amended (A) by striking out "two succeeding fiscal years" in the first sentence thereof and inserting in lieu thereof "four succeeding fiscal years", and (B) by striking out the last sentence of such subsection.

(4) Section 103(b)(1) and section 104(b)(1) of such Act are each amended by striking out the last sentence.

(b) Section 201 of the Higher Education Facilities Act of 1963 is amended—

(1) in the first sentence, by striking out ", during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years,"; and

(2) by striking out so much of the second sentence as follows "and the sum of $120,000,000" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1971.".

(c) Subsection (c) of section 303 of the Higher Education Facilities Act of 1963 is amended—

(1) in the first sentence thereof by striking out ", during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years,"; and

(2) in the second sentence thereof by striking out so much of such sentence as follows "$400,000,000" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1971.".

BROADENING ELIGIBILITY FOR CONSTRUCTION GRANTS

SEC. 402. (a) Effective with respect to fiscal years ending on or after June 30, 1969—

(1) Section 106 (1) and (2) of the Higher Education Facilities Act of 1963, as amended, is amended by inserting after "enrollment capacity" in each case the following: ", capacity to provide needed health care to students or personnel of the institution,".

(2) The second sentence of section 107(a) of such Act is amended by striking out "and" before "(2)" and by inserting before the period at the end thereof the following: ", and (3) shall give consideration to expansion of capacity to provide needed health care to students and institutional personnel".

(3) Section 108(b) of such Act is amended by striking out "and", at the end of paragraph (5), redesignating paragraph (6) as paragraph (7) and inserting after paragraph (5) the following:

"(6) in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, he determines that no financial assistance will be provided such project under title IV of the Housing Act of 1950; and".

(4) Section 303(a) is amended by striking out "and" at the end of clause (2), and by inserting before the period the following: ", and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950".

(5) The first sentence of section 401(a) of such Act is amended by inserting before the period at the end thereof the following: "; and, for purposes of titles I and III, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and institutional personnel".

(b)(1) Section 106 of the Higher Education Facilities Act of 1963 is amended by inserting at the end thereof the following new sentence: "If the Commissioner finds that the student enrollment capacity of an institution would decrease if an urgently needed academic facility is not constructed, construction of such a facility may be considered, for the purposes of this section, to result in expansion of the institution's student enrollment capacity.".

(2) The amendment made by paragraph (1) of this subsection shall be effective only with respect to grants made from appropriations for fiscal years beginning after June 30, 1969.

ANNUAL INTEREST GRANTS

Sec. 403. Title III of the Higher Education Facilities Act of 1963 is amended by adding at the end thereof the following new section:

"ANNUAL INTEREST GRANTS

"Sec. 306. (a) To assist institutions of higher education and higher education building agencies to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 303(b): *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000, which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 percent of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this Act, such a loan shall be considered financing from a non-Federal source."

EXTENDING AUTHORIZATION FOR HIGHER EDUCATION FACILITIES CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

Sec. 404. Section 408(a) of the Higher Education Facilities Act of 1963 is amended by striking out "July 1, 1967," and inserting in lieu thereof "July 1, 1971,".

INCREASING FEDERAL SHARE

Sec. 405. (a) Sections 107(b) and 401(d) of the Higher Education Facilities Act of 1963 are each amended (1) by striking out "33⅓ per centum" and inserting in lieu thereof "50 per centum" and (2) by striking out "40 per centum" and inserting in lieu thereof "July 1, 1971,".

(b) Section 202(b) of such Act is amended by striking out "33⅓ per centum" and inserting in lieu thereof "50 per centum".

MINIMUM TITLE I ALLOTMENTS TO STATES AND TERRITORIES

Sec. 406. (a) Title I of the Higher Education Facilities Act of 1963 is amended by inserting after the second sentence of section 103 and after the first sentence of section 104 the following: "The amount allotted to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to $50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $50,000."

(b) The amendments made by this section shall apply with respect to fiscal years ending on or after July 30, 1969.

TITLE V—MISCELLANEOUS

EXTENSION OF PROGRAM OF FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN THE HUMANITIES AND ARTS

Sec. 501. (a) The first sentence of section 12 of the National Foundation on the Arts and Humanities Act of 1965 is amended (1) by striking out "two succeeding years" and inserting in lieu thereof "five succeeding fiscal years", and (2) by striking out all that follows "$500,000" and inserting in lieu thereof a period.

(b) Such section is further amended, (1) in subsection (b), by striking out "allotted" and inserting in lieu thereof "reserved, allotted, and reallotted"; and (2) in subsection (f), by striking out "allot and".

EXTENSION OF INTERNATIONAL EDUCATION ACT OF 1966

Sec. 502. Section 105(a) of the International Education Act of 1966 is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1971,".

AGE QUOTAS IN YOUTH WORK AND TRAINING PROGRAMS

Sec. 503. Section 124 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(f) In the case of a program under section 123(a)(1), the Director shall not limit the number or percentage of the participants in the program who are fourteen or fifteen years of age."

ELIGIBILITY FOR STUDENT ASSISTANCE

Sec. 504. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The student loan program under title II of the National Defense Education Act of 1958.

(2) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(3) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(4) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(5) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958.

(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

RULEMAKING REQUIREMENTS

Sec. 505. No standard, rule, regulation, or requirement of general applicability prescribed for the administration of this Act or any Act amended by this Act may take effect until 30 days after it is published in the Federal Register.

DUPLICATION OF BENEFITS

Sec. 506. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.

FINANCIAL AID TO STUDENTS NOT TO BE TREATED AS INCOME OR RESOURCES UNDER CERTAIN PROGRAMS

SEC. 507. For the purpose of any program assisted under title I, IV, X, XIV, XVI, or XIX of the Social Security Act, no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education shall be considered to be income or resources.

PRESIDENTIAL RECOMMENDATION WITH RESPECT TO POST-SECONDARY EDUCATION FOR ALL

SEC. 508. On or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

And the House agree to the same.

CARL D. PERKINS,
EDITH GREEN,
JOHN BRADEMAS,
SAM M. GIBBONS,
HUGH L. CAREY,
WILLIAM D. HATHAWAY,
PHILLIP BURTON,
WILLIAM AYRES,
ALBERT H. QUIE,
OGDEN REID,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
Managers on the Part of the House.

WAYNE MORSE,
RALPH W. YARBOROUGH,
JOSEPH S. CLARK,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
GAYLORD NELSON,
WINSTON L. PROUTY,
JACOB K. JAVITS,
PETER DOMINICK,
GEORGE MURPHY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a new text which is a substitute for both the Senate bill and the House amendment. Except for minor, technical, and clarifying changes, this statement explains the action taken by the committee of conference with respect to the differences between the House amendment and the conference substitute.

DURATION OF PROGRAMS

Except as otherwise noted in the text of this statement, the Senate bill authorized appropriations to carry programs established or extended by the bill through fiscal year 1972; the House amendment extended the programs through fiscal year 1973 but provided an authorization of appropriations for the programs only for fiscal years 1969 and 1970; and the conference report authorizes appropriations to carry out the programs established or extended by the bill through fiscal year 1971, except that appropriations to carry out the new program of assistance for educationally deprived children (pt. B of title III of NDEA) and the new provisions for dissemination of information (sec. 1206 of Higher Education Act of 1965) and for program planning and evaluation (sec. 1207 of that act) are provided only through fiscal year 1970.

AUTHORIZATION OF APPROPRIATIONS

HIGHER EDUCATION ACT OF 1965

TITLE I—COMMUNITY SERVICES AND CONTINUING EDUCATION PROGRAM

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$50.0	$10	$10
1970		50.0	50	50
1971		60.0		60
1972		60.0		

TITLE II—COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

Fiscal year	Previously authorized	Senate	House	Conference report
Pt. A—College library resources:				
1969		$50.0	$25	$25
1970		75.0	35	75
1971		90.0		90
1972		90.0		
Pt. B—Library training and research:				
1969		15.0	11.8	11.8
1970		28.0	28	28
1971		38.0		38
1972		38.0		
Pt. C—Cataloging:				
1969		10.0	5.5	6
1970		11.1	11.1	11.1
1971		11.1		11.1
1972		11.1		

TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$55.0	$35	$35
1970		70.0	55	70
1971		91.0		91
1972		96.5		

TITLE IV—STUDENT ASSISTANCE

Fiscal year	Previously authorized	Senate	House	Conference report
Work-study:				
1969		$200.0	$225	$225
1970		255.0	275	255
1971		285.0		285
1972		285.0		
Economic opportunity grants:				
1969		70.0	70	70
1970		100.0	70	100
1971		140.0		140
1972		140.0		
Insured loan program (advances):				
1969		12.5	10	12.5
1970				
1971				
1972				
Direct loan program for vocational students:				
1969		1.0		1
1970		1.0		1
1971		1.0		1
1972		1.0		
Disadvantaged students, consolidated program; talent search, Upward Bound, and special services for disadvantaged students:				
1969		8.5	41.68	10
1970		29.0	56.68	56.68
1971		96.0		96
1972		96.0		

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT ACT

Fiscal year	Previously authorized	Senate	House	Conference report
Pt. A—Attracting qualified persons to the field of education:				
1969	$3.5			
1970	5.0			
1971		$5.0		$5
1972		5.0		
Pt. B—Attracting and qualifying teachers:				
Subpt. 1—Teacher Corps:				
1969	$46.0			
1970	56.0			
1971		$56.0		$56
1972		56.0		
Subpt. 3—Attracting and qualifying teachers to meet critical teacher shortages:				
1969	$50.0			
1970	65.0			
1971		$65.0		$65
1972		65.0		
Pt. C—Fellowships for teachers and related education personnel:				
1969	$205.0			
1970	250.0			
1971		250.0		$250
1972		250.0		

AUTHORIZATION OF APPROPRIATIONS—Continued

HIGHER EDUCATION ACT OF 1965—Continued

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT ACT—Continued

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
Pt. D—Improving training opportunities for personnel serving in programs other than higher education:				
1969			[1] $70	
1970			[1] 90	
1971		90.0		90
1972		90.0		
Pt. E—Training programs for higher education personnel:				
1969	$21.5			
1970	36.0			
1971		$36.0		$36
1972		36.0		

TITLE VI-A—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

		Equipment (regular)		
1969		$60.0	[2] 14.5	$13
1970		60.0	[2] 14.8	60
1971		60.0		60
1972		60.0		
		Television		
1969		$10.0		$1.5
1970		10.0		10
1971		10.0		10
1972		10.0		

[1] Previously authorized.
[2] For both regular equipment and television.

NATIONAL DEFENSE EDUCATION ACT OF 1958

TITLE II—STUDENT LOANS

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$250.0	$210	$210
1970		275.0	275	275
1971		300.0		300
1972		300.0		

TITLE III—EQUIPMENT GRANTS AND LOANS

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$110.0	$110	$110
1970		120.0	110	120
1971		130.0		130
1972		130.0		

STATE SUPERVISORY SERVICES AND ADMINISTRATION

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$10.0		$10
1970		10.0		10
1971		10.0		10
1972		10.0		

TITLE V-A—GUIDANCE, COUNSELING, AND TESTING

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$30.0	$25	$25
1970		40.0	30	40
1971		54.0		54
1972		54.0		

TITLE VI—LANGUAGE DEVELOPMENT

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$19.0	$16.05	$16.05
1970		30.0	25	30
1971		38.5		38.5
1972		38.5		

TITLE VII—EDUCATIONAL MEDIA RESEARCH

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$5.0		
1970		5.0		
1971		5.0		
1972		5.0		

AUTHORIZATION OF APPROPRIATIONS—Continued

HIGHER EDUCATION FACILITIES ACT OF 1963

TITLE I—UNDERGRADUATE ACADEMIC FACILITIES GRANTS

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969	$936			
1970		$936	$936	$936
1971		936		936
1972		936		

TITLE I—STATE ADMINISTRATION AND PLANNING

Fiscal year	Previously authorized	Senate	House	Conference report
1969	$7			
1970		$7	$7	$7
1971		7		7
1972		7		

TITLE II—GRADUATE ACADEMIC FACILITIES CONSTRUCTION GRANTS

Fiscal year	Previously authorized	Senate	House	Conference report
1969	$120			
1970		$120	$120	$120
1971		120		120
1972		120		

TITLE III—LOANS FOR ACADEMIC FACILITIES

Fiscal year	Previously authorized	Senate	House	Conference report
1969	$400			
1970		$400	$400	$400
1971		400		400
1972		400		

OTHER PROGRAMS

NDEA III—PT. B: EQUIPMENT GRANTS FOR SPECIAL PROGRAMS SERVING DISADVANTAGED

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969			$84.373	$84.373
1970			160	160
1971				
1972				

COOPERATIVE EDUCATION

Fiscal year	Previously authorized	Senate	House	Conference report
		Planning and operation		
1969			$0.5	$0.34
1970		$8	10	8
1971		10		10
1972		10		
		Training and research		
1969		$0.5	$0.75	$0.75
1970		.75	.75	.75
1971		.75		.75
1972		.75		

HEFA IV—GRANTS TO REDUCE BORROWING COSTS ON LOANS FOR FACILITIES CONSTRUCTION

Fiscal year	Previously authorized	Senate	House	Conference report
1969			$10	$5
1970		$6.75	10	6.75
1971		13.5	10	13.5
1972				

NETWORKS FOR KNOWLEDGE

Fiscal year	Previously authorized	Senate	House	Conference report
1969			$0.5	$0.34
1970		$4	10	4
1971		15		15
1972		15		

EDUCATION FOR THE PUBLIC SERVICE

Fiscal year	Previously authorized	Senate	House	Conference report
1969			$0.5	$0.34
1970		$5	15	5
1971		13		13
1972		13		

AUTHORIZATION OF APPROPRIATIONS—Continued

OTHER PROGRAMS—Continued

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
DISSEMINATION OF INFORMATION (HEA)				
1969				
1970			$2	$2
1971				
1972				

PROGRAM PLANNING AND EVALUATION (HEA)

Fiscal year	Previously authorized	Senate	House	Conference report
1969			$1.117	$1.117
1970			1.9	1.9
1971				
1972				

PLANNING FOR PROGRAMS BEGINNING IN FISCAL YEAR 1970

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$1.7		
1970				
1971				
1972				

IMPROVEMENT OF GRADUATE PROGRAMS

Fiscal year	Previously authorized	Senate	House	Conference report
1969		(1)		$0.34
1970		$5		5
1971		10		10
1972		10		

LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

Fiscal year	Previously authorized	Senate	House	Conference report
1969		(1)		$0.34
1970		$7.5		7.5
1971		7.5		7.5
1972		7.5		

INTERNATIONAL EDUCATION ACT

Fiscal year	Previously authorized	Senate	House	Conference report
1969	$90			
1970		$90		$90
1971		90		90
1972		90		

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES (SEC. 12)

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$0.5	$0.5	$0.5
1970		.5	.5	.5
1971		.5		.5
1972		.5		

[1] Senate bill authorized $1,700,000 for fiscal year 1969 planning of programs beginning in fiscal year 1970.

TITLE I—STUDENT ASSISTANCE

Part A—Amendments to educational opportunity grant program

Extension of program.—The Senate bill extended the educational opportunity grant program for 4 years. The House bill extended the program for 2 years. The conference substitute extends the program for 3 years.

Amount of educational opportunity grants.—The House amendment eliminated from the educational opportunity grant program the $200 bonus payment for students who, during the preceding academic year, placed in the upper half of their class, and also raised the maximum amount of a grant from $800 to $1,000. The House amendment specifically permitted college work-study assistance to be considered as matching in determining the maximum amount of an educational opportunity grant furnished a student. No comparable provisions were in the Senate bill. The Senate recedes on each of these provisions.

Allocation of funds to institutions.—Effective beginning in fiscal year 1970, the Senate bill provided that upon the request of a Governor of a State not to exceed 15 percent of the State's allotment of grant funds for any fiscal year, instead of being distributed to institutions by the Commissioner, could be paid to the State for a State program of educational opportunity grants to students. States were required to meet certain conditions in order to qualify for assistance for State educational grant programs. The conference substitute does not retain this provision.

Authority for institutions to transfer funds to work-study program.—The House amendment authorized an institution to transfer any portion of its educational opportunity grant payments for fiscal year 1969 and fiscal year 1970 to its work-study program. The work-study matching requirements would apply to any amount so transferred. This provision is not included in the conference report.

Consolidation and revision of Talent Search and Upward Bound programs; special services to disadvantaged students in institutions of higher education.—The House amendment consolidated, in one overall program, the talent search program being carried on under section 408 of the Higher Education Act of 1965, the Upward Bound program now being carried on under title II of the Economic Opportunity Act, and a new program under which colleges and universities would be assisted in providing remedial and other special services to disadvantaged college students. The Senate bill consolidated only the Upward Bound and special services programs, but continued Talent Search as a separate program. The conference substitute adopts the consolidation pattern of the House amendment. Subsection (b) (1) of the new section 408 of the Higher Education Act of 1965 authorizes the Talent Search program. Subsections (b) (2) and (b) (3) respectively authorize the Upward Bound and special services programs.

Both the Senate bill and the House amendment proposed changes in these programs which are not directly incidental to their consolidation.

In the case of Talent Search, the authority for such programs differed in the following ways:

(*a*) In contrast with the House provision, under which the Commissioner would only be authorized to make grants to or enter into contracts with institutions of higher education, the Senate bill permitted grants to or contracts with State or local education agencies and other public or nonprofit private agencies, institutions or organizations, or contracts with public or private agencies including profitmaking agencies. The conference agreement permits Talent Search programs to be carried out as provided in the Senate bill. The House has receded to the Senate on the basis that in the past, not only institutions of higher education, but also certain other public agencies such as local educational agencies have carried on successfull Talent Search programs. The provision for more flexible authority than provided in the House bill is not without qualification, however. The conference committee intends that this authority only be used with respect to the types of agencies which have previously participated in the Talent Search program. It is not the intention of the conference committee that the authority be utilized to support programs of newly established agencies.

(*b*) Under the Senate provision, a contract or grant for a Talent Search program could not exceed $100,000. Existing law has a similar limitation. There was no limitation in the House bill. The conference substitute retains this provision.

(*c*) Under the Senate bill, grants or contracts were authorized for programs to identify qualified youths of "financial or cultural need" with "an exceptional potential for postsecondary educational training," rather than for youths of "exceptional financial need" as authorized in the House bill. The House recedes.

(*d*) The House amendment did not specify, as did the Senate bill, that funds may be used for the development and carrying out of demonstration programs under which students in institutions of higher education would plan and implement programs to (1) locate other students who are completing their secondary education and have capability to do college-level work but are not planning to continue their education, and (2) encourage such other students to continue their education and provide such assistance to them as may be possible to locate institutions of higher education for them to attend, and to locate such financial assistance as may be available. The Senate recedes and concurs with the House view that under existing law the type of program envisioned in the Senate bill could be carried on by an eligible grantee.

In the case of Upward Bound and Special Services programs, the following are the principal differences between the Senate and House versions, and the resolution of them by the committee of conference:

(*a*) The House amendment authorized grants or contracts only with institutions of higher education whereas the Senate bill also authorized grants and contracts with public and private nonprofit agencies and organizations when such a grant or contract would make an especially significant contribution to attaining the objectives of the programs. The conference agreement permits grants to, and contracts with, institutions of higher education, and combinations thereof. In exceptional cases, the Commissioner may make grants to or contracts with secondary schools and postsecondary schools accredited by a State for Upward Bound programs.

(*b*) The Senate bill described special and remedial service programs as programs for "secondary school students"—"who, by reason of deprived, educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education." The House amendment described the special and remedial services programs as programs for students "accepted for enrollment"—"who, by reason of deprived educational, cultural, or economic background are in need of such services to assist them to initiate, continue, or resume their higher education." The conference agreement retains the Senate language referring to the "physically handicapped" and to "postsecondary education," and the House language referring to students "accepted for enrollment".

(*c*) The House amendment did not specify as eligible activity, as did the Senate bill, guidance and other personnel services to encourage students' *entrance* into higher education programs. The Senate recedes.

(*d*) With respect to the Upward Bound authority, the House amendment limited stipends to a maximum of $30 per month and the cost of enrollee participation per month to $150, prohibited the carrying out of programs in foreign countries, and required programs to include necessary health services. There were no comparable provisions in the Senate bill. The Senate recedes.

(*e*) The House amendment limited the Federal share of the cost for Upward Bound-type programs to a maximum of 80 percent and authorized full funding of other types of programs. The Senate bill authorized funds to pay part of program costs upon such terms and conditions as the Commissioner determines. The Senate recedes.

Amendments providing for transfer of Upward Bound.—The Senate bill provided that the Director of the Office of Economic Opportunity shall not carry out Upward Bound or similar programs after June 30, 1970. Under the House amendment, the Director of OEO was permitted to carry out in fiscal year 1969 only those contracts for Upward Bound programs entered into prior to the date of enactment. After date of enactment, the Director of OEO was precluded from entering into any new contracts. The House amendment further provided for the transfer to the Office of Education of any unobligated funds which had been appropriated to the OEO prior to enactment of the bill for the purpose of carrying out Upward Bound programs. The compromise reached in conference provides that Upward Bound programs would be transferred to the jurisdiction of the U.S. Office of Education effective July 1, 1969. In connection with the adoption of this provision, the conference committee intends that the U.S. Office of Education be the only agency which obligates funds from fiscal year 1970 appropriations for Upward Bound programs. The committee further wishes to clarify that in terminating the Office of Economic Opportunity jurisdiction over the Upward Bound program, the committee does not intend to terminate that agency's jurisdiction over programs related to migrant children, such as the program known as "High School Equivalency."

Part B—Amendments to insured student loan program

The Senate bill and the House amendment both provided for extensive changes in the insured student loan programs under the Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965. Public Law 90–460, enacted as an interim measure while the bill was in conference, incorporated certain of these changes and also extended temporarily the Commissioner's authority to insure and to pay an interest subsidy on student loans. The conference report retains or modifies certain of the changes made by Public Law 90–460 in the insured loan programs, and makes a number of further changes which were provided in the Senate bill or House amendment.

Extension of program.—The Senate bill extended for 4 fiscal years the Commissioner's authority under the Higher Education Act of 1965 to insure and to pay an interest subsidy on student loans. The House bill extended this authority for 2 years. Public Law 90–460 extended this authority temporarily but provided that the Commissioner could not insure or subsidize a loan made after October 31, 1968. The conference substitute extends this authority for 3 fiscal years from the expiration dates provided in the law prior to its amendment by Public Law 90–460.

National Vocational Student Loan Insurance Act of 1965.—The National Vocational Student Loan Insurance Act of 1965 provides for an insured student loan program for students in vocational schools which is generally similar to the program established under the Higher Education Act of 1965 for students in institutions of higher education. The Senate bill extended the National Vocational Student Loan Insurance Act, including the direct Federal loan authority under that act, for 4 years. The House amendment repealed the National Vocational Student Loan Insurance Act, eliminated the direct Federal loan authority under that act, and expanded the coverage of the student loan insurance program under the Higher Education Act of 1965 so as to include students in vocational schools covered by the former act. Public Law 90–460 extended the Commissioner's insurance and interest subsidy authority under the National Vocational Student Loan Insurance Act but provided that he could not insure or subsidize a loan made after October 31, 1968. The conference substitute adopts the provisions of the House amendment with a modification to continue, under the Higher Education Act, the Commissioner's authority to make direct loans to vocational students. The merger of the vocational loan program with the Higher Education Act program will simplify and make more effective program administration at all levels. In this connection the committee wishes to express its strong disapproval of any practice of requiring students to pay points in order to obtain a loan or of discounting student loans. Such practices are clearly in conflict with the statutory provisions of the program.

Federal advances to reserve funds of non-Federal student loan insurance programs.—(*a*) The House amendment authorized an appropriation of $10 million for making advances to reserve funds of non-Federal student loan insurance programs during fiscal year 1969 and fiscal year 1970. The Senate bill authorized $12.5 million for this purpose to remain available until expended. The House recedes.

(*b*) The Senate bill reserved 15 percent of these appropriations for advances to nonprofit private loan insurance programs (1) which insure student loans without regard to the domicile or residence of the student, and (2) in which lenders located in more than one State participate. The House amendment contains no comparable reservation. The Senate recedes.

(*c*) The Senate bill and House amendment required that advances made in fiscal year 1969 and thereafter to reserve funds of non-Federal student loan programs be matched by an equal amount from non-Federal sources. The equal amount may include the unencumbered non-Federal portion of a reserve fund, computed as follows:

Under Senate bill

The amount of the reserve fund less the sum of—

(*a*) amount of prior Federal advances to the fund plus

(*b*) any amount required to be held as a reserve against outstanding insured loans.

Under House amendment

The amount of the reserve fund less the greater of—

(*a*) the sum of—

(1) Federal advances made to the fund prior to fiscal year 1969, plus

(2) twice the amount of Federal advances made in fiscal year 1969 and thereafter, or

(*b*) any amount required to be held as a reserve against outstanding insured loans.

The conference report adopts the House provision.

Access to Federal loan insurance program.—Under section 423 of the Higher Education Act of 1965, the Federal loan insurance program does not operate in any State in which every eligible institution has reasonable access to a non-Federal loan insurance program. The House amendment modified section 423 to permit the Commissioner to insure student loans made by a lender in a State (1) in cases where the borrower, by reason of his residence, does not have access to the State's student loan insurance program (or to a private nonprofit insurance program operating in lieu of the State's program); or (2) in cases where the lender, by reason of the residence of the borrowers he deals with, does not have access to any single non-Federal loan insurance program. The Senate bill contains no comparable provision. The Senate recedes.

The conferees feel strongly that, where a student desires to finance a portion of the cost of his education with borrowed funds, every effort should be made to make sure that these funds are available. Under existing law the Federal loan program may be instituted on one condition only. However, the law does not require, nor did the Congress intend, that when the condition exists, a State must also give assent to the implementation of the Federal program. In liberalizing the conditions under which the Federal program may be instituted the committee of conference wishes to insure that guaranteed loans are readily available to students in every State. The implementation of the Federal program under the modifications proposed in the conference report is not to be conditioned on the assent of a State.

Coordination between provisions of Federal and non-Federal loan insurance programs.—The Senate bill modified the provisions of the Federal loan insurance programs and the requirements for non-Federal loan insurance programs so that the provisions relating to the maximum amounts of loans to any student ($1,500 per year and $7,500 overall outstanding principal balance), the minimum annual repayment ($360 per year), and the length of the repayment period (5 to 10 years) are substantially identical. The House bill contains no comparable provisions. The conference substitute adopts the Senate provisions.

Deferment of loan repayment on account of VISTA service.—Existing law provides for deferment of repayment of principal of loans insured by the Federal loan insurance program during VISTA service. The House amendment eliminated this deferment provision. The Senate bill retained it, and in addition, authorized a deferment for VISTA service under the non-Federal loan insurance programs. The conference substitute adopts the provisions of the Senate bill.

Interest subsidy during repayment period of loan.—Under existing law, prior to the beginning of the repayment period of a student loan which qualifies for the interest subsidy, the Commissioner pays all of the interest accruing on the loan. After the repayment period begins, he pays a subsidy not in excess of 3 percent on the outstanding principal balance of the loan. The House amendment eliminated the interest subsidy during the repayment period. The Senate bill (in connection with the increase of the maximum permissible interest rate under the insured loan programs) raised the interest subsidy during the repayment period to not in excess of 4 percent. The Senate recedes.

Administrative cost allowance; preemption.—The Senate bill and the House amendment both increased the generally applicable maximum permissible interest rate on insured loans from 6 to 7 percent. The Senate bill provided that if State law does not permit an interest rate of 7 percent, and if the Commissioner determines that the State law will impede carrying out the purposes of the insured loan program, he may pay (without regard to the adjusted family income of the borrower) an administrative cost allowance to the lender in an amount not exceeding 1 percent per annum over the term of the loan. The administrative cost allowance would be paid only on loans made prior to the adjournment of the State's first regular legislative session which adjourns after January 1, 1969. The allowance would be treated like a payment of the interest subsidy insofar as the contractual rights of the lender are concerned. The allowance would be included with the interest subsidy for purposes of the 4-percent limitation on the interest subsidy during the repayment period. The House amendment contains no provision for an administrative cost allowance, but provides that State usury laws will not apply to insured student loans. Public Law 90–460 enacted the administrative cost allowance provision of the Senate bill with a modification limiting the Commissioner's authority to pay an administrative cost allowance to loans made prior to November 1, 1968.

The committee of conference retained this provision of Public Law 90–460 with three further modifications: First, the cutoff date on the authority to pay the allowance was extended to the original date of the Senate bill (i.e., to loans made prior to the 120th day after the adjournment of the State's first regular legislative session which adjourns after Jan. 1, 1969). Second, the House provision providing for preemption of State usury laws was incorporated. Third, the administrative cost allowance was made inapplicable in any case in which the preemption provision applied. .

The Senate bill specified that the increase of the maximum permissible interest rate on insured loans from 6 to 7 percent would not apply to outstanding loans or to consolidations or conversions of outstanding loans. The House amendment, and the section of Public Law 90–460 which provided for an interest rate increase, did not contain such an effective date provision. The conference report contains a modification of the Senate effective date provision, which provides that the increase in the interest rate under Public Law 90–460 will not apply to loans made or contracted for prior to the enactment of Public Law 90–460 or to consolidations or conversions after the enactment of the bill of loans made or contracted for prior to the date of enactment of that public law.

Federal share of repayments on defaulted nonfederally insured loans.—Both the Senate bill, the House amendment, and Public Law 90–460 authorize the Commissioner to guarantee ("reinsure") 80 per centum of the outstanding principal of nonfederally insured loans. However, under the House amendment's "reinsurance" authority, the Commissioner was entitled to 80 per centum of any payment made by a borrower on principal of a defaulted loan on which the Commissioner has made payment pursuant to the "reinsurance" agreement. Under the Senate bill and Public Law 90–460, the Commissioner is entitled to an "equitable share" (determined in accordance with regulations) of any such payment made by a borrower, and the lender is required to credit any such payment first to the reduction of principal and then to interest. The conference report does not make any change in Public Law 90–460 in this respect. However, the conferees understand that the "equitable share" to which the Commissioner is entitled will be computed as follows: After a payment has been made by the Commissioner pursuant to the agreement, the agency shall pay over to the Commissioner 80 percent of any payment made in discharge of the obligation incurred by the borrower. Such payments by the agency shall be computed prior to any deduction for attorney's fees or other collection costs and shall be computed on the total amount of the payment made in discharge whether attributable to principal or interest.

Obligation to "reinsure" outstanding insured loans.—The Senate bill required the Commissioner to "reinsure" outstanding loans which were insured by an insurer who had entered into a "reinsurance" agreement prior to September 1, 1969. The House bill merely authorized him to do so. Public Law 90–460 contained the House provision in this respect but made it applicable only to "reinsurance" agreements entered into prior to November 1, 1968. The conference report retains this provision of Public Law 90–460 but restores the September 1, 1969, date.

Payments of insurer's losses arising out of death or disability.—The House amendment permitted the Commissioner, under the "reinsurance" agreement, to pay 80 percent of an insurer's losses arising out of the death or total and permanent disability of a student borrower. The Senate bill permitted the Commissioner to pay the entire amount owed on a loan by a student borrower who dies or is disabled whether or not the insurer has signed a "reinsurance" agreement. The conference report adopts the Senate provision. The House provision was enacted into law by Public Law 90–460 as a part of the reinsurance provision. The conferees, however, adopted the Senate provision relating to death or disability and have, therefore, made an appropriate conforming change in the reinsurance provision.

Accrual of Federal interest payment.—The Senate bill permitted the lender to elect to receive the interest subsidy on a student loan in a lump sum (with interest) at the time the last payment on the loan is received from the borrower. The House amendment contained no comparable provision. The Senate recedes.

Increase of Federal loan insurance premium.—The Senate bill increased the maximum insurance premium for the Federal student loan insurance program from one-fourth of 1 per centum to one-half of 1 per centum. The House amendment contained no comparable provision. The Senate recedes. It is not the intention of this Congress that premiums, or earnings thereon, paid by students in Federal insured States be used to pay for losses in non-Federal insured States where there is no premium paid into the Federal fund by students or agencies. It is the intention of this Congress that losses under the reinsurance provisions of this legislation be paid only from the appropriated funds which are a part of the insurance fund as established in section 431 of the Higher Education Act of 1965. Losses under the Federal Insured student loan program shall be paid from premiums, earnings thereon, and collections on default accounts which have been deposited to the fund.

Delegation authority.—The Senate bill authorized the Commissioner to delegate to any public or nonprofit private agency or institution, incident to his utilization of its services, certain of his functions related to the issuance of insurance certificates, determinations, and actions required upon the default, death, or disability of a student under the Federal loan insurance program, and the exercise of various legal powers and responsibilities (exclusive of the issuance of regulations and the bringing of suit in the name of the United States). The House amendment contained no comparable provision. This provision is not retained in the conference report.

Part C—College work study

Amendments to transfer text of program.—The House amendment transferred the text of the college work-study program from part C of title I of the Economic Opportunity Act to part C of title IV of the Higher Education Act. There was no comparable provision in the Senate bill. The Senate recedes.

Amendment providing for a set-aside for residents of American Samoa and the Trust Territory of the Pacific Islands.—The House amendment provided for a special reservation of funds beginning in fiscal year 1969 to provide work-study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. No comparable Senate provision. The Senate recedes.

Amendments providing for eligibility of area vocational schools.—The House amendment provided that area vocational schools are eligible institutions, but students in such schools could participate only if they have graduated from secondary schools and are pursuing a program of at least 6 months' duration and designed to prepare them for employment. No comparable Senate provision. The Senate recedes.

Amendments providing for eligibility of proprietary institutions of higher education.—The Senate bill, beginning in fiscal year 1970, made eligible for the work-study program proprietary schools which otherwise qualify as "institutions of higher education." The House amendment made such schools eligible beginning in fiscal year 1970; however, they would also be required to meet the following additional requirements: (1) provide not less than a 6-month program; (2) be accredited by a nationally recognized accrediting agency; and (3) have been in existence for at least 5 years. The conference report adopts, in substance, the provisions of the House amendment, except that the 5-year requirement is reduced to a 2-year requirement.

Amendment to exempt from average hours of employment limitation the employment of students enrolled on a part-time basis during non-regular enrollment periods.—The House amendment permitted students who are participating in a work-study program during periods of vacation or non-regular enrollment to work in excess of an average 15 hours per week under terms and conditions to be prescribed by the Commissioner. No comparable Senate provision. The Senate recedes.

Amendments providing for matching.—The Senate bill provided that the Federal share of compensation of students enrolled in work-study programs may not exceed 90 percent. The House amendment fixed the Federal share of work-study assistance at 80 percent, except that the Federal share may exceed 80 percent if the Commissioner determines pursuant to regulation that to do so is required to further the purposes of the program. The Senate recedes. The committee wishes to emphasize that it is its intention and that it fully expects the Commissioner of Education to utilize the authority to provide a Federal share in excess of 80 percent when circumstances warrant such action. There have been situations in which needy students have been denied participation in the work-study program because of the inability of either the college or public or private nonprofit organization to provide required matching funds. Frequently stringent institutional budgets prohibit, especially where large numbers of disadvantaged students are enrolled, more than token matching of Federal money. The size of the work-study program is determined, not by number of needy college students requesting participation in the program, but by ability of the institutions to provide matching funds. Also, offcampus agencies, while in a position to provide useful work opportunities, have frequently limited amounts available for matching purposes. In determining that a Federal share may exceed 80 percent, it is the conference committee's views that the Commissioner of Education should consider among other factors exceptionally high enrollment increases among students from low-income families as a criterion for increasing the Federal share. Similarly, examination of exceptionally tight budget situations in offcampus agencies might also allow an adjustment for such institutions. However, it would be necessary to ascertain that local efforts have been exhausted before an increase in the Federal share, and consequent decrease in the institutional share, could be approved.

Part D—Cooperative education programs

Maintenance of effort.—The Senate bill contained a maintenance-of-effort provision requiring applicant institutions to maintain a level of expenditure in cooperative education of at least the level maintained during the fiscal year preceding the year of application. No comparable provision was in the House amendment. The House recedes.

Duration of support.—The House amendment prohibited an institution from receiving grants under the program for more than 3 fiscal years. No comparable Senate provision. The Senate recedes.

Consultation with advisory committee.—The House amendment required the Commissioner to consult with the Advisory Council on Financial Aid to Students in the development of criteria for the approval of applications. No comparable Senate provision. The Senate recedes.

Part E—General provisions relating to student assistance programs

Amendments relating to the Trust Territory of the Pacific Islands.—The House amendment provided that the Trust Territory of the Pacific Islands be included in the term "State" for the purposes of title IV (student assistance). A related provision in the House amendment provided that the Trust Territory be included in the term "State" for the purposes of title II of the NDEA (student loans). The House amendment also required that residents of the trust territory be eligible for assistance under title II of the NDEA and under title IV of the Higher Education Act of 1965 to the same extent that citizens of the United States are eligible for such assistance. There were no comparable Senate provisions. The conference report retains both of these provisions.

Amendment establishing Advisory Council on Financial Aid to Students.—The House amendment, effective upon enactment of the bill, established an Advisory Council on Financial Aid to Students, to advise the Commissioner on matters of general policy arising in the administration of programs relating to financial aid to students and on evaluation of effectiveness of these programs. The House amendment also repealed section 433 of title IV of the Higher Education Act of 1965 which authorizes the establishment of an Advisory Council on Insured Loans to Students. No comparable Senate provision. The Senate recedes on both these provisions.

Amendments providing for allotment of funds.—The House amendment eliminated. beginning in fiscal year 1970, the State-by-State allotment formulas governing the distribution of funds for the NDEA title II student loan program, the college work-study program, and the educational opportunity grant program. A new section proposed for the Higher Education Act would have governed the distribution of college work-study funds and educational opportunity grant funds. Under the new section, such funds would be allocated among institutions of higher education according to institutional requests and in accordance with equitable criteria established by the Commissioner. An identical provision to be inserted in title II of the NDEA would have governed the distribution of student loan funds. No comparable Senate provisions. The substitute agreed to in conference does not include these provisions.

Amendments relating to maintenance of effort.—The House amendment repealed existing maintenance-of-effort provisions in the college work-study program and the educational opportunity grant program beginning in fiscal year 1970, and substituted in lieu thereof a common provision which required an institution to provide assurance that it will continue to spend in its scholarship and student assistance programs not less than the average annual expenditure for such purposes during the most recent 3-year period prior to the effective date of the agreement. The provision is the same as that currently applicable to the educational opportunity grant program. No comparable Senate provisions. The Senate recedes.

Amendments regarding reimbursement for administrative expenses.—The House amendment provided, beginning in fiscal year 1970, that 3 percent of an institution's annual expenditures under its college work-study and educational opportunity grant programs may be used for reimbursement of administrative expenses. The total amount provided any institution in such payments plus the amount of the payment which could be withdrawn from the student loan fund for administrative expenses could not exceed $125,000 per annum. No comparable Senate provision. The Senate recedes.

Part F—Amendments to national defense student loan program (title II of the national defense education act of 1958)

Amendment relating to reimbursement of administrative expenses.—The House amendment, effective beginning in fiscal year 1970, changed the administrative expenses provision of present law to provide that institutions may be paid an amount equal to 3 percent of the loans made by an institution during a fiscal year rather than the existing provision under which institutions receive the lesser of 1 percent of the aggregate of the outstanding loans made as of the close of a year or one-half of such routine expenses as estimated by the Commissioner. No comparable provision in the Senate bill. The Senate recedes.

Amendments providing for the inclusion of proprietary institutions of higher education.—The Senate bill made eligible for the student loan program, beginning with fiscal year 1970, proprietary institutions of higher education schools on such conditions as the Commissioner determines are necessary to insure there will be no increase in tuition or other fees charged students resulting from participation in this program. The House amendment provided for participation of such schools to the extent that appropriations for title II are in excess of $190 million and under the same conditions as prescribed by the House bill for participation in college work-study. The House provision is retained in the conference substitute, except that the Senate recedes to a modification of the House provision under which the schools must be in existence for two, rather than five, in order to qualify.

Amendments to eliminate requirement of special consideration for students of superior academic background.—The House amendment deleted the provision requiring that special consideration be given to students of superior academic background. No comparable provision in the Senate bill. This provision is retained in the substitute agreed to in conference.

Amendment relating to oath of allegiance.—The House amendment exempted residents of the Trust Territory of the Pacific Islands from the requirement that loan recipients take an oath of allegiance to the United States. No comparable provision in the Senate bill. The Senate recedes.

Amendments relating to loan forgiveness.—(*a*) The Senate bill amended the NDEA student loan program to provide for forgiveness to student borrowers for service in the Armed Forces at the rate of 25 percent for each complete year of consecutive service and for service in schools serving high concentrations of low-income children at the rate of 20 percent per year rather than 15 percent per year as is already authorized. The House amendment revised the loan forgiveness provisions to provide that up to 100 percent of a loan may be cancelled for service as a full-time teacher of handicapped children or in a school in which the enrollment of children described in title I of ESEA (using the low-income factor of $3,000) exceeds 50 percent of the total enrollment of the school. The rate of cancellation would have been 10 percent per annum for the first 2 years of service and 15 percent per annum thereafter. Loans already made would not have been affected by the House amendment.

(*b*) The Senate bill further amended the Public Health Service Act to provide forgiveness of loans under that act for service in the Armed Forces at the rate of 25 percent for each year of service.

(*c*) The Senate bill amended the insured loan program to provide for cancellation (that is, for payments by the Commissioner on loans) the equivalent of forgiveness of borrowers on account of service in the Armed Forces or as a teacher in school serving high concentrations of children from low-income families. The same rate of payment, 20 per centum per annum for full-time teachers and 25 per centum for consecutive years of service in the Armed Forces and the same conditions which would be applicable for loan cancellation under title II would be applicable on guaranteed loans. The Senate bill also provides for payment by the Commissioner, on behalf of the borrower, of the total amount owed by a borrower under Federal and non-

Federal loan insurance programs in the case of his death, or in the case of his permanent and total disability (as determined in accordance with regulations of the Commissioner). The House amendment contained no comparable provision.

The conference report contains a provision which would leave existing law unaffected, except in two respects. First, the forgiveness feature of the National Defense and Student Loan program would be extended for only 2 years even though the loan program is being extended for 3 years. Secondly, the provision which prohibits the Commissioner from designating more than 25 percent of the schools in the State as schools where the teachers become eligible for the specially beneficial forgiveness is modified. As modified more than 25 percent of the schools in the State may be designated if all of the schools so designated are schools in which more than half the children enrolled are countable for purposes of Title I of the Elementary and Secondary Education Act.

TITLE II—AMENDMENTS TO OTHER PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965

Part A—Amendments to community service program provisions (Title I)

State plans.—The House amendment provided an exception to the title I requirement that a State carry on a comprehensive, coordinated and statewide system of community service programs. Under the amendment a State plan could set forth one or more proposals whenever such a system could not be effectively carried out by reason of insufficient funds. No comparable provision in the Senate bill. The Senate recedes.

Matching.—With respect to title I grants awarded after the date of enactment, the Senate bill authorized a Federal share for title I program costs of 75 per centum through fiscal year 1969 and fiscal year 1970 and a Federal share of 65 per centum for fiscal year 1971 and 60 per centum for fiscal year 1972. The House amendment continues the Federal share at 50 per centum through fiscal year 1973. The conference substitute provides that the Federal share shall be 66⅔ percent of program costs through the 3 years of the program.

Part B—College library assistance and library training and research

Supplemental grants and special grants—branch institutions.—Under both bills, branches of institutions of higher education which are located in communities different from their parent institutions were made eligible for supplemental grants and special purpose grants. The Senate bill further provided that the determination of what constitutes a branch and where such branch is located are to be made in accordance with regulations of the Commissioner. The House recedes.

Grants for training in librarianship.—The Senate bill authorized grants beginning in fiscal year 1970 for the planning or development of programs for the opening of library or information science schools or of programs intended to lead to the accreditation of such existing schools. Upon enactment, the House amendment authorized grants for establishing, developing, or expanding programs of library and information science. The conference substitute adopts the version contained in the House amendment.

Part C—Amendment to developing institutions program (title III)

Providing for reservation of funds for junior colleges.—Effective beginning in fiscal year 1969, the Senate bill increased the share for junior colleges in title III from 22 to 24 percent. No comparable provision was in the House amendment. The conference substitute increases the share for junior colleges to 23 percent.

Professors emeritus.—The Senate bill added a new section in title III, effective beginning in fiscal year 1970, to authorize grants to retired professors from institutions of higher education that do not qualify as developing institutions, to encourage and enable such professors to teach and conduct research at developing institutions. No comparable provision was in the House amendment. The House recedes.

Part D—amendments to education professions development program (title V)

Amendments placing emphasis on poverty area.—The Senate bill amended the statement of purpose for the Education Professions Development Act by inserting language which would give emphasis to urban areas having high concentrations of poverty and rural areas having high proportions of poverty. The House amendment contained no comparable provisions. The Senate recedes.

Amendments providing for teaching assistants in the Teacher Corps.—

(*a*) The Senate bill, unlike the House amendment, added a new category of personnel for whom programs may be supported under the Teacher Corps program. The Senate amendment amended the statement of purpose accordingly and authorized the Commissioner of Education to make available to local education agencies teaching assistants as part of a Teacher Corps team and required that teaching interns and teaching assistants be afforded opportunity for school-related community work. The Senate recedes.

(*b*) The Senate bill provided that teacher interns and teaching assistants be compensated at a rate agreed upon by the local education agency and the Commissioner, but that the Federal share may not exceed 90 percent of the lowest rate paid by such agency for teaching full time in the school system and grade to which the intern is assigned or $75 per week plus $15 per week for each dependent, whichever is less. No comparable House provision. The Senate recedes.

Amendments authorizing State education agencies to administer programs for attracting and qualifying teachers.—The House amendment permitted a State education agency to administer directly programs of attracting and qualifying teachers under subpart 2 of title V–B of the Higher Education Act of 1965. The Senate bill contained no comparable provision. The House provision is retained in the conference substitute.

Amendment providing for a minimum allotment to each State for programs to attract and qualify teachers.—The Senate bill amended the program of attracting and qualifying teachers to provide an annual minimum allotment of $100,000 to each State. The House amendment contained no comparable provision. The House recedes.

Amendments clarifying the authority to award fellowships for school administrators.—The House amendment expanded the definition of "career in elementary and secondary education or postsecondary vocational education" to include school administration, thus clarifying the authority to award fellowships for persons pursuing or planning to pursue a career in school administration. The Senate bill contained no comparable provision. The Senate recedes.

Amendments affecting allocation of fellowships.—The Senate bill established criteria to be considered in the allocation of teacher fellowships among the States, modified the role of the National Advisory Council on Education Professions Development in determining areas of urgent need, and limited the number of fellowships in preferred programs meeting such national need to 50 percent of the total fellowships for any fiscal year. The House bill contained no such comparable provisions. The conference report is like the Senate bill except that the number of children aged 3 to 17 from low-income families is deleted as a factor to be considered in allocating teacher fellowships. The committee wishes to emphasize, however, that in modifying the role of the National Advisory Council on the Education Professions Development Act in determining areas of urgent need, the committee has not altered existing law with respect to the ultimate authority for awarding fellowships. Under existing law, and under section 523, as modified by the conference report, final authority to award fellowship programs is vested in the Commissioner of Education.

Amendments regarding cost of education allowances.—Both versions of the bill authorized the Commissioner to pay a cost-of-education allowance in an amount consistent with prevailing practices under comparable federally supported fellowship programs. The Senate amendment did not contain the House limitation, setting a maximum ceiling of $3,500 per academic year on such allowances. The House limitation is retained in the conference substitute.

Amendments affecting teacher training institutes program.—

(*a*) Senate bill amended the institute program to specify that training in elementary and secondary schools in urban areas having a high concentration of poverty and rural areas having a high proportion of poverty are eligible for support. The House amendment contained no comparable provision. The Senate recedes. The conference committee did not agree to the Senate provision on the basis that it is the committee's view that there is ample authority in part D of the Education Professions Development Act for support of inservice internship training.

(*b*) The Senate bill amended the institute program to require the Commissioner to seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account such factors as the relative number of children age 13–17, and the relative numbers of low-income families. The conference report adopts this provision of the Senate bill, except that the requirement that relative numbers of low-income families be taken into account is not included.

The Senate bill provided that except in a fiscal year for which appropriations for grants under title V–B of the National Defense Education Act (counseling and guidance training institutes) and title XI of that act (teacher institutes) exceed such appropriations for the fiscal year 1968, the Commissioner shall award grants and contracts under part D of title V of the Higher Education Act only in subject-matter areas that are eligible under such titles V–B and XI of the National Defense Education Act to the extent that the appropriations for such fiscal year for grants and contracts under such part D do not exceed the appropriations pursuant to such titles V–B and XI of the National Defense Education Act for the fiscal year 1968. The House amendment contained no comparable provision. The Senate recedes.

In the 1967 House committee report on the Education Professions Development Act it was observed that part D was being proposed in lieu of the continuation of separate institute authorities contained in the National Defense Education Act. The House report further stated that the noncategorical approach of part D, which supports advanced training and retraining institutes, was not without qualification. It expressed concern for the inadequacy of support for training persons in vocational education programs, restated its support for programs to train teacher aides and to train teachers to work with teacher aides, and stated that it was intended there should be no reduction of support of institutes for those categories of education personnel specifically mentioned in titles XI and V–B of the National Defense Education Act. The House committee report on this legislation in 1967 is similar to the present view of the Senate committee as it applies to titles V–B and XI of the National Defense Education Act programs, but it further stated "the committee has not earmarked funds only because of its desire to establish a flexible program."

The conference committee has agreed with the House position that titles V–B and XI of the National Defense Education Act and part B of title VI of the Higher Education Act need not be extended and that activities previously supported under these titles should now be funded under the Education Professions Development Act at their present levels of support. In so doing the conference committee reaffirms the position expressed in the 1967 House report as well as the Senate report on this bill with respect to the Education Professions Development Act.

Part E—Equipment and materials for higher education

Amendments to eliminate separate categories of equipment.—The House amendment eliminated the present separate authorization, priority, and allotment provision for (1) instructional television equipment and (2) other instructional equipment. Under the House provision, grants for the acquisition of television equipment would not be treated differently from other grants as is presently the case. The Senate bill has no comparable provision. The House recedes.

Additional amendments to title VI.—

(*a*) The House amendment removed the word "objective" as a description of the standards and methods to be used by State commissions in fixing priorities and share of costs. No comparable Senate provision. The House recedes.

(*b*) The House amendment also made eligible instructional computers as equipment to be obtained under the program. No comparable provision in the Senate. The House recedes.

There is no existing statutory prohibition against the use of title VI funds for the acquisition of instructional computers. The Senate committee report on the Higher Education Act of 1965 stated, however "the committee does not intend that funds be used for the acquisition of computers." Pursuant to the Senate report, the Office of Education has, in the administration of title VI, ruled that computers are not eligible for title VI support. The House bill specifically proposed that instructional computers be eligible for support under title VI. The Senate bill contained no comparable provision. The conference report does not contain the House provision. However, the conference committee has agreed that instructional computers should be eligible equipment in title VI. The conference committee wishes to provide institutions of higher education with discretionary authority to choose the type of equipment which they are in greatest need of acquiring. The conference committee did not wish to give priority or emphasis to the acquisition of computers however, and therefore decided not to mention specifically their eligibility in the authorizing statute. Also, the conference committee is aware that, because of the level of funding for title VI, the inclusion of computers might result in an inordinate proportion of limited title VI funds being expended for this purpose. This the conference committee does not intend. There are two checks which will preclude this from happening. The prices of large full-scale computers effectively prohibits their participation under the title VI program during periods of reduced funding. In four States, the maximum Federal share, according to the approved State plan, is $50,000 per institution. In the remaining States, the average maximum Federal share is about $25,000. In addition, the title VI program is administered at the State level by State higher education commissions. It is the State commissions which assign priorities within the State and approve institutional applications. It is the conference committee's intention that State commissions use great care in the implementation of this new authority. The committee would not expect, nor does it intend, that the more flexible authority be utilized in a way which will substantially alter the effective participation or level of support for all eligible institutions. In a related amendment, the conference report contains a House proposal to make eligible for title VI grants "combinations of institutions." The committee has refrained from specifically prohibiting the acquisition of large-scale instructional computers only because it does not wish to preclude a combination of institutions from securing such a computer which might be shared by participating institutions.

(*c*) The House amendment authorizes grants to "combinations of institutions." No comparable Senate provision. The Senate recedes.

(*d*) The Senate bill would add a new section to title VI to provide that in order to promote coordination of Federal programs for assistance in the purchase of special equipment for education in the natural or physical sciences, the Commissioner shall consult with the National Science Foundation and other agencies in developing general policy in respect of such equipment under this title. The House recedes.

Part F—Networks for knowledge

Recipient of grants.—The House amendment authorized contracts with private profit funding agencies and organizations when the Commissioner determined it will more effectively promote the purposes of the program. The Senate has no comparable provision. The Senate recedes.

Eligible projects.—The Senate bill specified the following as eligible projects:

(1) The collection and sharing of modern curricular materials and of information on promising developments in curriculum;

(2) the development of effective systems of processing and maintaining financial and student records; and

(3) the expansion of faculty on a part-time or full-time basis and other arrangements for strengthening the academic programs of participating institutions.

The House amendment contained no comparable provisions. The Senate recedes.

The Senate bill cited instructional television fixed services as a type of joint operation of closed circuit television which would qualify for support. The House recedes.

Reduced rate communications interconnection service.—The Senate bill provided that no provision of law shall be construed to prevent U.S. communications common carriers from rendering free or reduced rate communications interconnection services for interconnection systems within the purview of "Networks for Knowledge", whether or not such is included in a project for which grants are made under the program. The conference report contains this provision.

Part G—Education for the public service

Administration of the program and citation.—The Senate bill amended the Higher Education Act of 1965 by adding as a new title IX a program to be known as Education for the Public Service, to be administered by the Commissioner of Education. The House amendment authorized the program as a part of the 1968 amendments and vested administration in the Secretary of Health, Education, and Welfare. The conference report provides a new title to the Higher Education Act of 1965 and vests administration of the program in the Secretary.

Statement of purpose.—The House amendment provided in the statement of purpose that the program would be to improve educational opportunities for persons in preparation for careers in public service at the Federal, State, and local levels. The statement of purpose in the Senate bill referred only to service in State or local governments. The Senate recedes.

Federal share for project grants and contracts.—The Senate bill provided a Federal share of not in excess of 90 percent for the costs of programs or projects. The House amendment authorized payment of all or part of such costs. The Senate recedes.

Eligible projects.—The House amendment provided that grants or contracts may include payment of the costs of programs or projects for five specified types of activities. The Senate bill provided that funds may be used to pay part of the costs of programs or projects such as the five specified activities in the House bill and (1) the establishment, expansion, or operation of centers of study at the graduate or professional level but not including payment for the construction or acquisition of buildings; and (2) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time and part-time job service. The conference report contains the Senate provision.

Recipients of grants.—The House amendment authorized grants and contracts with public or private nonprofit agencies and organizations, including professional and scholarly associations, and contracts with profitmaking organizations when such grants or contracts will make an especially significant contribution to attaining the objectives of the programs. The Senate bill contained no comparable provision. The House recedes.

Allocation of grants, contracts, and fellowships.—The House amendment authorized the Secretary to give preference to programs designed to meet an urgent national need. The Senate bill contained no comparable provision. The House recedes.

Advisory committee.—The Senate bill authorized the establishment of a committee to advise the Commissioner on matters of general policy, arising in the administration of the program. The House amendment contained no comparable provision. The Senate recedes.

Part H—Improvement of graduate programs

Program authorized.—The Senate bill authorized, beginning in fiscal year 1970, a new program to strengthen and improve the quality of graduate programs and to increase the number of quality graduate programs. Pursuant to the program the Commissioner of Education would be authorized to make grants to institutions of higher education for experimental, innovative, and interdisciplinary projects and activities. For the purpose of developing general policy under this program the Commissioner would be required to consult with the National Science Foundation, the National Foundation on the Arts and the Humanities, and the Federal Judicial Center. Payments under the program may not exceed 90 percent of the cost of a project or activity except that such payments may not exceed 50 percent of the cost of books or equipment. Funds may not be used for sectarian instruction. In allocating funds, the Commissioner would be required to give consideration to the objective of having an adequate number of graduate and professional (other than medical) schools of good quality within each appropriate region of the country. The House amendment contained no comparable provisions. The conference report contains the Senate provisions on the improvement of graduate programs except that the Federal share of the cost of a project or activity is limited to not to exceed 66⅔ percent of such cost, and retains the Federal share at not to exceed 50 percent for the cost of books or equipment.

Part I—Law school clinical experience program

Program authorized.—The Senate bill, effective in fiscal year 1970, authorized a new program to assist in the establishment or expansion of programs to provide clinical experience to students in the practice of law. Grants may not exceed 90 percent of the cost of establishing or expanding such a program and no law school may receive more than $75,000 in any fiscal year. Participating institutions must be accredited law schools. The Commissioner is required to allocate funds in a manner that will provide an equitable distribution throughout the United States among the law schools which show promise of being able to use funds effectively. The House amendment contained no comparable provision. The conference report contains the provisions of the Senate bill.

Part J—General provisions applicable to the Higher Education Act of 1965

Advisory Council on Graduate Education.—The House amendment required that the Chairman of the Advisory Council be the Commissioner of Education, and that at least one member of the Advisory Council be a graduate student. The Senate bill contained no comparable provision. The Senate recedes.

Dissemination of information.—The House amendment provided an authorization of funds for the dissemination of information concerning programs administered by the Commissioner in the field of higher education. The Senate bill had no comparable provision. The Senate recedes.

Adequate leadtime and funds for planning and evaluation of higher education programs.—The House amendment amended the Higher Education Act to authorize funds for planning and evaluation of programs carried on under the Higher Education Act, the Higher Education Facilities Act, and the National Defense Education Act. The House amendment further provided advance funding authority, and required an evaluation report for such programs. The House amendment further provided for the availability of appropriations on an academic or school year basis. The Senate bill contained no comparable provisions. The Senate recedes.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Part A—Equipment and materials for elementary and secondary education

Payment of State administrative expenses.—The House amendment eliminated effective in fiscal year 1969 the separate authorization of appropriations and allotments for the administration of State plans and for supervisory services, and substituted in lieu thereof authority to use project funds to cover State administrative expenses. Federal payments with respect to expenditures for administration could not exceed 3 per centum of the total payments made to the States under part A of title III, or $50,000, if greater. Funds to cover administrative expenses would be on the same matching basis as expenditures for equipment. The Senate bill provided for the continuation of the separate authorization of appropriations for administration of State plans and for supervisory services. The House recedes.

Equalization within a State.—The House amendment required that State plans under part A of title III of the National Defense Education Act of 1958 set forth any requirements imposed under the State plan on applicants for financial participation in projects assisted under part A, including any requirements to take into account the relative resources available to such applicants. The Senate bill contained no comparable provision. The Senate recedes. However, the conference committee wishes to emphasize that this provision is not intended to confer upon the State educational agency any new or additional authority.

Loans to private schools.—The House amendment eliminated the allotment formula with respect to loans to nonprofit private schools presently in the law and provided that any amount not needed for loans to such private schools shall be available for reallotment among the States for carrying out title III State plans. The House amendment further provided that the interest rate on loans under title III be based on the current available market yield on comparable outstanding marketable obligations of the United States. The Senate bill contained neither provision. The Senate recedes.

Authorizing grants to assist in the acquisition of equipment to be used in programs for educationally deprived children.—The House amendment authorized a new part B of title III providing for grants to local educational agencies for the acquisition of equipment and materials of the kinds now within the scope of title III, but to be used in programs and projects designed to meet the special educational needs of educationally deprived children. Funds would be allotted among local educational agencies in proportion to the respective amounts received by them from funds appropriated for the preceding fiscal year for grants under title I of the Elementary and Secondary Education Act of 1965. Under the program local educational agencies were not required to match the Federal allotment. Funds could only be used for the acquisition of equipment and materials to be used in programs and projects designed to meet the special educational needs of educationally deprived children in school attendance areas having a high concentration of children from low-income families. To the extent consistent with the number of educationally deprived children who are enrolled in private elementary and secondary schools in the school district, the local educational agencies must make provisions for including special educational services and arrangements which would afford such children the benefits of equipment and materials acquired under the new program. The Senate bill contained no comparable provisions. The Senate recedes.

Part B—Amendments to national defense fellowship program

Duration of fellowships.—The House amendment increased the maximum length of a fellowship from 3 to 4 academic years in special circumstances. The Senate bill had no comparable provision. The Senate recedes.

Provision to encourage teaching.—The House amendment required reasonable continuing efforts by participating institutions to encourage recipients of fellowships to enter or to continue college teaching. The Senate bill had no comparable provision. The Senate recedes.

Distribution of fellowships.—The Senate bill directed the Commissioner to seek to achieve an equitable geographical distribution of graduate programs supported under title IV based on such factors as students' enrollment in institutions of higher education, population, and the number of faculty members who have not attained the degree of doctor of philosophy or its equivalent as compared with the number of members who have such a degree. The House amendment has no comparable provision.

The conference report provides that the Commissioner achieve an equitable geographic distribution of such graduate programs based upon such factors as the enrollment of students in institutions of higher education and population. In connection with this amendment, the conference committee wishes to emphasize its great concern and distress with respect to the distribution of fellowship programs in the past. The conference committee fully expects the Office of Education to take immediate steps to provide for a more equitable geographic distribution of the graduate program supported under title IV. The amendment requires the Commissioner of Education to take into account such factors as relative student enrollments and population. The committee further suggests that the Commissioner consider additional factors such as the relative number of faculty members who have not attained the degree of doctor of philosophy as compared with the number who have such degrees. The committee cannot overemphasize the importance it attaches to this amendment.

Stipends.—The House amendment eliminated the statutory dollar amounts for stipends and authorized stipends in the fellowship program to be set at an amount consistent with those awarded under comparable fellowship programs. Stipends for fellowships already awarded may not be decreased. The Senate bill has no comparable provision. Senate recedes. However, the conference committee wishes to clarify its intention that the amendment not be interpreted so as to authorize any reductions in future years in the stipend level previously specified for title IV fellowships.

Cost of education allowance.—The House amendment provided for a maximum not exceeding $3,500 per year for a cost-of-education allowance fixed at an amount comparable to federally supported programs. The Senate bill contained no such maximum. The Senate recedes.

Part C—Guidance, counseling, and testing

Authorizing funds for short-term training sessions.—The Senate bill provided that funds under title V of the National Defense Education Act of 1958 may be used to support short-term training sessions by persons engaged in counseling in elementary and secondary schools, junior colleges, and technical institutions. The House amendment has no comparable provision. The House recedes. However, the conference committee wishes to clarify that this authority should be used to support training activities which are similar to the types of institutes supported under the Education Professions Development Act. The committee does not intend that funds be utilized for seminars, symposia, workshops, or conferences unless these are a part of a continuing program of training.

The Senate bill repealed part A of title VII, providing support for research and experimentation in more effective utilization of educational media and the provisions in title VII relating to an Advisory Committee on Educational Media. The House amendment did not extend title VII. The conference report does not extend title VII. The Senate bill added to the requirements of part B of title VII that the Commissioner make studies and surveys to determine the need for improved utilization of "systems of instruction" by State or local educational agencies. The House amendment contained no comparable provision. The Senate recedes. The Senate bill amended a provision of part C to authorize the Commissioner to secure the assistance of experts in the utilization and adaptation of "new media and technology" for educational purposes. The House amendment contained no comparable provision. The House recedes.

Part F—Miscellaneous provisions, National Defense Education Act of 1958

Providing funds for schools serving Indian children and overseas dependents schools of the Department of Defense.—The House amendment provided for a reservation of up to 1 percent of title III and title V appropriations for elementary and secondary schools operated for Indian children by the Department of the Interior and the Secretary of Defense for overseas dependents schools. No comparable provision is in the Senate bill. The Senate recedes.

TITLE IV—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

Eligibility requirements for grants under title I.—The Senate bill provided that the precondition of an expanded student enrollment capacity shall be considered met if the Commissioner finds that but for construction of the proposed facility such capacity would decrease. The House amendment in addition to a conforming change in the statement of purpose substitutes a new section 106 to render eligible projects which are needed and will be efficiently utilized by the institution (1) to provide for increased student enrollment; (2) to provide a needed expansion of extension, continuing education, or community service programs; (3) to remedy existing or developing deficiencies in instructional, extension, research student counseling, or student health programs; (4) to provide administrative, maintenance, storage, or utility services necessary for continued operation or expansion; or (5) for a combination of such purposes. The Senate amendment was effective with respect to fiscal year 1970; the House revision was effective with respect to the first fiscal year for which the full title I authorization is appropriated. The House recedes.

Revision of definition of "academic facilities."—Effective for fiscal year 1969 and years thereafter, the House amendment expanded the definition of "academic facilities" (for purposes of titles I and III) to include health care facilities for personnel and students of the institution, and requires the Commissioner to give special consideration to the need for such facilities in establishing basic criteria for determining priorities and the Federal share of costs. The amendment permitted the Commissioner to approve a title I grant or title III loan for an infirmary or other facility providing primarily for out-patient care only where he has determined that no financial assistance will be provided for the project under title IV of the Housing Act of 1950. The Senate bill has no comparable provisions. The Senate recedes except that the Commissioner will give consideration, rather than special consideration, to such need.

Grants to reduce the cost of loans.—Both the Senate bill and House amendment thereto amended title III, to authorize contracts for payment of annual interest grants to reduce the cost of securing loans from non-Federal sources for the construction of academic facilities. The House amendment, unlike the Senate bill, required that not less than one-fourth of the development cost will be financed from non-Federal sources. The Senate bill, unlike the House amendment, provides that no more than 12½ percent of the funds provided for such grants may be made within any one State. The House amendment is effective in fiscal year 1969. The Senate amendment is effective beginning in fiscal year 1970. Under the Senate version, the Commissioner would be required to make a grant in an amount equal to the differential between the average annual debt service on the loan and the average annual debt service which the institution would have been required to pay for a title III loan. The House amendment provides that the Commissioner shall pay an amount not greater than the differential. The conference report provides that not less than 10 percent of the development cost will be financed from non-Federal sources; that no more than 12½ percent of the funds provided for such grants will be made within any one State, and that the Commissioner shall pay an amount not greater than such differential. The conference report further provides the amendment is effective in fiscal year 1969.

Increasing Federal share.—The House amendment increased the maximum Federal share from 40 percent in the case of public community colleges and technical institutes, and 33⅓ percent in the case of other institutions of higher education, to 50 percent in both titles I and II of the Higher Education Facilities Act of 1963. The Senate bill had no comparable provision. The Senate recedes.

Minimum allotments.—Effective beginning in fiscal year 1969, the House amendment provided for a minimum annual allotment of $50,000 to each State under section 103 (junior colleges) and an annual minimum allotment of $50,000 to each State under section 104 (other institutions). The Senate bill contained no comparable provision. The Senate recedes.

TITLE V—MISCELLANEOUS PROVISIONS

International Education Act of 1966.—The Senate bill extended the International Education Act of 1966 through fiscal year 1972. The House amendment contained no comparable provision. The conference report continues the program through fiscal year 1971.

Neighborhood Youth Corps.—The House amendment provided that the Director of the Office of Economic Opportunity may not limit the number or percentage of participants in any in-school Neighborhood Youth Corps program who are 14 or 15 years of age. The Senate bill contained no comparable provision. The Senate recedes. The conference committee wishes to emphasize that in adopting this provision, the prohibition is directed solely at national guidelines limiting the percentage of 14- or 15-year-old youths in the in-school Neighborhood Youth Corps program. The provision does not apply to nor is it intended to influence local procedures for the selection of participants in the program.

Program consolidation.—The Senate bill contained amendments prohibiting the consolidation of authority under section 303(a) (5) (State administration and supervisory services), section 1009 (State statistical services) of the National Defense Education Act, and title V of the Elementary and Secondary Education Act of 1965. The Senate receded on this amendment and concurred with the House's position in not extending section 1009 of the National Defense Education Act. In a related amendment discussed previously, the House concurred with the Senate bill to continue a separate authorization under section 303(a)(5) for State administration and supervisory services. The conference committee action with regard to section 1009 is based on the consideration that State statistical services may be funded under title V of the Elementary and Secondary Education Act. The committee emphasizes, however, that it still assigns a high priority to programs at the State level to improve statistical services and expects no substantial change in the emphasis given to the improvement of such services because of the expiration of section 1009.

Student unrest.—The Senate bill provided that nothing in the 1968 amendments or in any act amended by the 1968 amendments should be construed to prohibit any institution from refusing to award, continue, or extend any financial assistance under such acts to an individual because of misconduct which, in the institution's judgment, bears adversely on the student's fitness for such assistance. The House amendment provided that institutions deny payments to or for the benefit of any student under a number of enumerated student assistance programs if the institution determines, after notice and opportunity for hearing, that the student has willfully refused to obey a lawful regulation or order of the institution, and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution. A student could only be disqualified for aid for an act committed after enactment of the 1968 amendments. The House amendment further provided that no loan, guarantee of a loan or grant under a program authorized or extended by the 1968 amendments should be awarded to any applicant within 3 years after he has been convicted by any court of record for any crime which was committed after the date of enactment of the 1968 amendments, and which involved the use of (or assistance to others in the use of) force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies, by an institution or person having knowledge of such conviction.

The conference report provides that—

If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of 2 years any further payment to, or for the direct benefit of, such individual under any of a number of specified programs; that if an institution denies an individual assistance under the authority of the preceding clause then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the specified programs; and

That, if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individual under any of the specified programs. The programs specified in the conference report are as follows:

(1) The student loan program under the title II of the National Defense Education Act of 1958.

(2) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(3) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(4) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(5) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958. The conference report further provides that nothing in the bill or any act amended by the bill, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance; that nothing in the student unrest section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law; and that nothing in the student unrest section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Enforcement of compulsory attendance laws.—The Senate bill, effective for fiscal years beginning after the enactment of the bill, provided that no local educational agency may receive financial assistance under the 1968 amendments or any act amended by the 1968 amendments unless such agency has certified that it is taking all appropriate steps to enforce laws relating to compulsory school attendance in the district of such agency. The Senate bill further required the

Secretary of Health, Education, and Welfare to make an investigation of State laws relating to compulsory school attendance for the purpose of determining what Federal action, if any, should be taken, to promote minimum attendance requirements throughout the Nation. The Secretary would be required to report the results of his investigation not later than July 1, 1969. The House amendment contained no comparable provision. The Senate recedes.

College of Guam.—The Senate bill provided that the College of Guam should be deemed a land-grant college, and that Guam should be deemed a "State" in the administration of the Second Morrill Act. The Senate amendment further authorized an appropriation of $890,995 for the territory of Guam in lieu of extending to the territory certain provisions of the First Morrill Act. The Senate provision would take effect with respect to appropriations beginning with fiscal year 1970. The House amendment contained no comparable provision. The Senate recedes.

Rules, regulations, and guidelines.—The House amendment requires that standards, rules, regulations, or requirements of general applicability prescribed for the administration of the 1968 amendments or any act amended by the 1968 amendments not take effect (1) until 30 days after such standards, rules, regulations, or requirements are published in the Federal Register, and (2) unless interested persons are given an opportunity to participate in the formulation of such standards, rules, and so forth, through the submission of views or arguments. The Senate bill contained no comparable provision. The conference report requires that standards, rules, regulations, or requirements of general applicability prescribed for the administration of the amendments or any act amended by the 1968 amendments shall not take effect until 30 days after such standards, rules, regulations, or requirements are published in the Federal Register.

Development of new means of testing secondary school students for capability for postsecondary education.—The Senate bill authorized the Commissioner of Education to provide by grant or contract with institutions of higher education or other public or private organizations for the development of improved testing and other procedures to determine the capabilities of students with varying social and economic backgrounds for postsecondary education. The House amendment contained no such provision. The Senate provision is not included in the conference substitute because the conference committee did not feel it was necessary to create a special program as any research needed to accomplish this could be supported under title IV of the Cooperative Research Act, and because information brought to the conferees' attention indicated that experimentation in this area was already being undertaken by colleges and universities. In lieu of the establishment of a special program, it is the intention of the conference committee that the Office of Education collect available information regarding colleges and universities studies on admission policies and specifically, the criteria utilized in selection standards. If, after this information is compiled, there appears to be a need for further and more comprehensive research, the conferees agree that consideration should be given to funding this type of activity under the Cooperative Research Act.

Treatment of certain financial aid to students.—The Senate bill provided that no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education shall be considered as income or resources under those programs authorized by the Social Security Act in which participation is on the basis of annual income. The House amendment contained no comparable provision. The House recedes.

Duplication of benefits.—Under the cold war GI bill veterans are precluded from receiving veterans' benefits if they are receiving grant assistance under other Federal education programs. The Senate bill exempted all student assistance programs authorized or amended by the bill from the nonduplication provisions of the. Veterans Act. The House amendment contained no comparable provision. The House recedes.

Presidential recommendation with respect to postsecondary education.—The Senate bill proposed the establishment of an 11-member commission to be known as the Universal Educational Opportunity Commission which would conduct a study of the availability of higher education; financing higher education and alternative plans for providing financial assistance to institutions of higher education and to students. The Commission would be directed to report to Congress within 18 months after the effective date of the act, the results of its study and a plan or alternative plans for providing universal educational opportunity at the postsecondary level. The House amendment contained no comparable provision.

The conference report provides in lieu of the Senate provision that on or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a postsecondary education to all young Americans who qualify and seek it.

Carl D. Perkins,
Edith Green,
John Brademas,
Sam M. Gibbons,
Hugh L. Carey,
William D. Hathaway,
Phillip Burton,
William Ayres,
Albert H. Quie,
Ogden Reid,
John N. Erlenborn,
Marvin L. Esch,
Managers on the Part of the House.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized for 1 hour.

Mr. PERKINS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the conference report we bring to the floor today affects virtually every higher education program administered by the U.S. Office of Education and certain of our most important elementary and secondary school programs. There were well over 100 substantive differences between the House and Senate versions of the 1968 higher education amendments. I am pleased to advise the House that in an unusually high percentage of cases, the differences between the House and Senate bills were resolved in favor of the House position. In other instances, effective and satisfactory compromises were worked out.

Approval today of the Higher Education Amendments of 1968 by this House, will culminate 2 years of extensive work by the Committee on Education and Labor, particularly on the part of the Special Subcommittee on Education, under the distinguished and competent leadership of the gentlewoman from Oregon [Mrs. Green]. The legislative history of this landmark legislation is itself a tremendous testament to her legislative skill and to her extensive knowledge and understanding of the strength and needs in American education. The bill was reported from the Special Subcommittee on Education unanimously, from the Committee on Education and Labor unanimously, and was approved by the House by an impressive record vote of 389 to 15.

Throughout House consideration of the bill, there was a bipartisan effort, and this effort continued in conference as resolution was being sought on the numerous differences between the House and Senate versions. Because of this unified position, in large part due to the untiring efforts of the ranking minority member of the subcommittee, the gentleman from Minnesota [Mr. Quie], the House conferees were able to prevail in a majority of the cases. Consistent with the support accorded the higher education amendments during the House consideration, the conference report is brought here today bearing the signature of every member of the conference committee. To Mrs. Green, Mr. Quie, Mr. Brademas, and Mr. Gibbons, and to the entire subcommittee, I wish to extend my personal congratulations and appreciation for the magnificent job they have done. May I also take this opportunity to extend my personal appreciation to both majority and minority staff of the committee for the excellent assistance they rendered in developing this outstanding bill.

I should like to review for the House a number of the major provisions in the conference report. The Senate bill proposed essentially a 4-year extension of programs, whereas the House bill proposed only a 2-year extension. The conference report provides that programs be extended through fiscal year 1971. For the Higher Education Act programs, the arts and humanities equipment program, and certain of the National Defense Education Act programs, this represents a 3-year extension. The conference report is in accord with the House bill in that title V–B, VII, XI, and section 1009 of the National Defense Education Act are permitted to expire. For the Higher Education Facilities Act and the International Education Act, the conference report provides for a 2-year extension, and for the Education Professions Development Act, a 1-year extension.

The compromise reached is a good one, in that we are already well into fiscal year 1969, and more than an extension through fiscal year 1970, as was originally proposed in the House bill, is necessary. The extensions provided in the conference report, coupled with the advanced funding authority from the House bill, which is also retained in the conference report will, I am confident, provide for more effective planning and program administration at all levels.

With respect to authorizations of appropriations, the House bill for fiscal year 1969 provided authorizations which were considerably less than those contained in the Senate bill. There are only two or three instances, and then only where very small amounts are involved, that the conference report for fiscal year 1969 exceeds the House bill. Viewing the overall authorization for fiscal year 1969, the total figure is $12,480,000 less than the fiscal year 1969 total authorization in the House-passed bill. The respective versions regarding fiscal year 1970 authorizations were quite similar. For the most part, the conference report retains the Senate figure where differences did exist. The House bill did not have an authorization of appropriations for fiscal year 1971. The conference report contains the Senate figures for that fiscal year.

Mr. Speaker, the conference report provides new authority for fiscal year 1969 in the amount of $885,290,000 for fiscal year 1970, an authorization of appropriations in the amount of $2,946,180,000 is provided, and for fiscal year 1971, $3,539,850,000.

Next, Mr. Speaker, I should like to discuss the provisions of the conference report which relate to amendments offered and approved during floor debate on the House bill. Foremost is, of course, amendments relating to student unrest. During debate on the House bill, an amendment was approved to make the disqualification of students who are involved in certain campus disruptions a mandatory disqualification. I am pleased to advise the House that the provision in the conference report which, in my view represents only a minor modification of the House provision, is a mandatory provision. Under the conference report, institutions of higher education must disqualify students who have been convicted of certain types of crimes or who willfully refuse to obey lawful orders or regulations of colleges and universities, if it is determined that the crime or refusal was of a serious nature and lead to the disruption of the university. I repeat that students must be denied the benefits of Federal programs for a period of 2 years under the circumstances I just mentioned. Institutions must however provide notice and opportunity for hearing to an offending student before disqualifying him.

I should like to clarify certain aspects of the student unrest provisions of the conference agreement. It will be noted that if the conditions specified in the bill in order to give rise to a disqualification of a student or employee of an institution are met, the institution is required to "deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individual" under any of the programs specified in this part of the bill. One of the programs so specified is the student loan insurance program under the Higher Education Act of 1965. It should be clearly understood that it is not intended by listing this program to permit, the breach of a contractual obligation to a local lender in existence at the time the institution makes the determination that the student is disqualified. For example, if a bank has made a student loan insured under the act, the disqualification would not affect the insurance in existence with respect to that loan.

During debate on the House bill, an amendment was offered to delete from the committee-reported bill provisions for the establishment of a Universal Educational Opportunity Commission. The Senate-passed bill had a similar-type provision. The conference report does not contain the Senate amendment. In lieu of an expensive study of the type envisioned in the Senate amendment, the conference report simply requires the President to submit to the Congress before December 31, 1969, proposals relative to the feasibility of making available postsecondary education to all young Americans who qualify and seek it.

The conference report contains the House floor amendments to qualify new colleges for library assistance, to eliminate the average hours of employment limitation in the college work-study program, and with minor modifications, to make college health care facilities eligible under the Higher Education Facilities Act. A compromise was reached on the transfer of the Upward Bound program to the U.S. Office of Education. The compromise reached is in accord, however, with the intent of the House that the Office of Education commence its jurisdiction over the Upward Bound program beginning on July 1, 1969.

Mr. Speaker, as I indicated, there were well over 100 differences between the two versions of the bill. I should like to mention just a few more of the major items. With respect to the student assistance programs, the conference report contains two very important House provisions. The first is the matching ratio for the college work-study program. The Senate bill proposed a Federal share of 90 percent. The conference report retains, however, the House proposal to continue existing authority under which the Federal share is 80 percent. Very wisely, the report retains also the House language which permits a Federal share in excess of 80 percent when sponsoring institutions or agencies are unable to participate because of the matching requirements.

There was wide disparity between the House and Senate approaches to revision of the forgiveness feature of the National Defense Education Act student loan program. In contrast to the House provision which limited the application of existing law, the Senate bill vastly broadened and extended the cancellation provisions. The compromise reached is a satisfactory one. Under the conference agreement, forgiveness for teachers at the rate of 10 percent, which has been a part of the law since 1958, will be continued. The conference report makes one major adjustment, however—a needed and desirable one. The provisions will assure that teachers in disadvantaged schools—that is, schools having enrollments of children from low-income families which exceeds 50 percent of their total enrollment—qualify for preferred forgiveness, regardless of the number of such schools located in the State. Thus not only is 100 percent forgiveness for teaching in ghetto schools and poor rural schools retained, it is liberalized.

Mr. Speaker, may I take a moment to mention the new programs which are proposed in the conference report? Under the House-passed bill, there were five new programs proposed. All of the five new programs are contained in the conference report, with most of them on the House condition that there be minimal authorizations for fiscal year 1969 to allow only for planning and related activities leading to the implementation of the programs in subsequent fiscal years. In addition to the five House-approved programs, the conference report includes two new programs which were in the Senate bill. One will provide grants for the improvement of graduate programs. The second provides support for law school clinical experience programs. As is the case with most of the other new programs, fiscal year 1969 authorizations for these Senate programs is minimal—that is, $340,000, for program planning and related activities.

Finally, Mr. Speaker, many of the provisions in the conference report contain proposed improvements in the many programs carried on under the Higher Education Act of 1965, the NDEA and the Facilities Act. Where the House and Senate differed with respect to how the program should be changed, very careful consideration was given to coming up with the best possible provision. To illustrate the types of changes to which I refer, let me mention just briefly title VI of the Higher Education Act of 1965, which provides grants to colleges and universities for the acquisition of equipment. The conference report contains the provision from the Senate bill, not contained in the House bill, which requires the Commissioner of Education to consult with the National Science Foundation with respect to developing general policy governing assistance for the purchase of equipment for education in the natural and physical sciences. The conference report includes an amendment in the House bill but not in the Senate bill to make eligible for title VI grants "combinations of institutions." The conference report also resolves the question of whether computers should be eligible items under title VI. The House bill specifically made computers eligible. However, it was the Senate position that the original prohibition against the use of funds for the acquisition of such equipment should be continued. I want to advise the House that my views coincide with the statement of the House managers in which it is clearly indicated that the acquisition of desktop computers should be eligible for support under the program.

Mr. Speaker, I know of no objection to the conference report. I urge its approval.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I would just like to say the chairman of the Education and Labor Committee and the entire committee have worked very hard on this. We have come back with a good conference report.

Mr. Speaker, I rise in support of the conference report on S. 3769, the Higher Education Amendments of 1968.

In broad outlines, here is what the conference bill would do:

AUTHORIZATIONS

For fiscal year 1969, there is authorized $885,290,000.

For fiscal year 1970, there is authorized $2,946,180,000.

For fiscal year 1971, there is authorized $3,539,850,000.

The total of these authorizations is $7,371,320,000.

In general these figures were derived by accepting the House figures for fiscal year 1969 and the Senate figures for fiscal year 1970 and 1971, except in one instance relating to the cataloging of materials by the Library of Congress, where the Senate appropriation figure for fiscal year 1969 was $500,000 larger than the amount authorized in the House bill.

EXTENSIONS OF AUTHORITY

The Senate conferees agreed with the position of the House in permitting certain categorical program authorities to expire. In general, however, current programs in Higher Education are extended through fiscal year 1971, that is, through June 30, 1971.

New program authorities are also authorized through fiscal year 1971, with the exception, however, of the new program of assistance for educationally deprived children—added by the House as part B of title III of the NDEA—the new program for dissemination of information—section 1206 of the HEA—and the provisions for program planning and evaluation—section 1207 of HEA—which are authorized only through fiscal year 1970.

NEW PROGRAM AUTHORITY

In addition to the three newly added programs just mentioned, the conference agreed to include the following new program authority: Cooperative education, grants of interest subsidies for loans for facilities construction, networks for knowledge, education for the public service, improvement of graduate programs—from the Senate bill—and law school clinical experience programs—from the Senate bill. All but the last two were previously written into the House higher education bill.

ELIGIBILITY FOR STUDENT ASSISTANCE

The conference bill blends together the provisions contained in the House-passed bill on higher education, H.R. 15067. Any indvidual in attendance at an institution of higher education, or employed by it, shall have opportunity for a hearing conducted by the institution before a determination is made that he was convicted of a crime which disrupted the administration of such institution, or which prevented others from engaging in their duties or pursuing their studies at such school. Following the determination of the school, the denial of assistance is mandatory for a period of 2 years.

Similarly, if any such individual is found to have refused to obey a lawful regulation or order of the school, and there is a substantial disruption of the administration of the school, again there is a mandatory denial, for 2 years, of any assistance.

Mr. Speaker, these mandatory provisions are further strengthened by the addition of provisions which reaffirm the traditional prerogatives of the school to take disciplinary action against a student, and which state explicitly that any institution of higher education may refuse to award, continue, or extend any financial assistance under the various enumerated Federal programs "because of any misconduct which in its judgment bears adversely on his fitness for such assistance."

I believe the Members of this body will be reassured from a review of the eligibility provisions of the conference bill that the congressional intent is most clear that the disruptive and destructive minority of students at our Nation's colleges and universities shall not be eligible for or continue to receive Federal assistance in pursuing their studies.

Mr. Speaker, I urge the adoption of the conference report.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I join with the distinguished chairman of the committee in recommending this conference report to the Members of the House. It seems to me it is a good conference report, a compromise in some instances, but in most instances the House position prevailed.

Mr. Speaker, when the Higher Education Amendments of 1968 came before the House on July 25, there was an overwhelmingly favorable response with 389 Members voting in the affirmative. It is a pleasure to bring back to the House today a conference report which I am convinced can receive the same overwhelmingly favorable response. As Chairman PERKINS has indicated, there were over 100 substantive differences between the House and Senate versions of the amendments. The bills were lengthy pieces of legislation involving almost every higher education program administered by the Office of Education and numerous elementary and secondary education programs. While the House and Senate provisions were similar in many respects—on certain very crucial items such as teacher forgiveness and program consolidation, there was great disparity. I am pleased with the agreement reached and I recommend to the House without qualification that the conference report be approved. While there had to be a modification of a number of the House provisions, I can support the conference report and recommend its approval because there are a number of important principles established in the House bill which are retained with occasional slight modification in the conference report.

I refer first to the House position that there be advanced funding and adequate leadtime for program planning and administration. The House bill contained this authority whereas the Senate bill did not. The retention of the House provision and the compromise reached on extending programs through fiscal year 1971 will meet the intent, I am sure, of every Member of Congress that the flow of Federal funds to local levels be timely and reasonable.

The House prevailed also in its position that new programs be funded with a small authorization in fiscal year 1969. Our position is based on two considerations—the first that there be no large-scale implementation of a new program in a year in which existing programs are inadequately financed; and secondly, that there should be adequate time and resources for planning at all levels before the full implementation of a program.

It was also the House's desire that there be some stability with respect to the various matching ratios governing Federal aid to education programs. The House position that the existing Federal share of 80 percent for the college work-study program be made a permanent share is retained in the conference report. While the 66⅔ Federal share proposed in the report for title I of the Higher Education Act is not at the level I would prefer, the conference report does stabilize the matching ratio and makes it permanent. The conference report also makes permanent a Federal share of 50 percent for all grant programs under the Higher Education Facilities Act.

A number of provisions in the House-passed bill proposed the consolidation of programs. The position taken by the House was that similar authorities should be consolidated. For the most part, the conference report contains the House provisions that would effectuate this very desirable necessary goal. The Senate bill, unlike the House bill, proposed the continuation of the separate authorities for teacher training institutes in the Higher Education Act and the National Defense Education Act even though there is adequate authority contained in the more recently approved Education Professions Development Act. The House position on this matter prevailed, as did the House position with respect to the continuation of duplicating research authority and a program of grants to strengthen State departments of education programs to improve statistical services.

The House bill, unlike the Senate, proposed the merger of the national vocational guaranteed student loan program with an almost identical program authorized under the Higher Education Act of 1965. The House provision is retained in the conference report with the result that there will be a much more effective administration of the guaranteed loan program at all levels.

It was also the House position that the three institutionally based programs—college work-study, educational opportunity grants, and NDEA student loans—be consolidated so as to facilitate easier administration at the institutional level. The House bill proposed a consolidation of provisions dealing with: First, reimbursement of administrative expenses; second, maintenance of efforts; third, allocation of funds. The conference report retains the House provisions on consolidating provisions relating to administrative expenses and maintenance of effort. However, the Senate would not agree to our deletion of State allocation formulas and we were unable to agree on a modified position.

Mr. Speaker, I think the House hearings and record clearly indicate that this is a very serious problem and that in the near future we must do something to make more equitable the distribution of funds for these three basic Federal programs. I am convinced that the Committee on Education and Labor must make as one of its first items of business next year, a serious study of how we can correct these deficiencies in existing law.

In another move to consolidate similar programs both the House and Senate bills proposed the transfer of Upward Bound from the Office of Economic Opportunity to the Office of Education. I believe the conference report fully carried out the intent of the House that the Office of Economic Opportunity terminate its entire jurisdiction of Upward Bound effective July 1, 1969. On paper this has been painted as a good program with noble purpose. I sincerely hope that the Office of Education will use more wisdom and better judgment in choosing those who are going to administer the program at both the national and the local level. The conference report retains the House provision on an outside ceiling of $150 per month per enrollee for any summer program or any 9-month program. This is not an average cost of $150 per month. The total cost per enrollee must not exceed the figure of $150 for any month and this figure includes the $30 limitation on stipends per enrollee during any month. In my judgment, this will automatically eliminate any program to send Upward Bound enrollees to other countries during the summer or during the regular year because obviously a student could not be sent to another country without exceeding that $150 per month limitation. It will also automatically exclude Upward Bound programs that today are costing $4,000 or better per year.

The conference report contains the House amendment which precludes the contracting-out to private agencies the administration of Upward Bound. Since the Office of Education will be expected to begin its administration of the program on July 1, and because we have prohibited the Office of Education from contracting-out the administration of the program, the conference committee felt it necessary to allow the Office of Education to increase its staff during this current fiscal year in order to plan for the transfer and administration of Upward Bound. The conference report therefore contains an amendment which exempts the Office of Education from section 201 of the Revenue and Expenditures Control Act with respect to the employment of persons during the coming year for planning and administration related to the transfer of Upward Bound.

The House bill attempted to eliminate from the existing law provisions which are unnecessary and not fulfilling the purposes for which they were originally intended. I refer first to the deletion of interest subsidy on guaranteed student loans during the repayment period. This House amendment is in the conference report, much to the pleasure, I am sure, of State administrators and local lending institutions who have advised that it was undoubtedly the most significant improvement that could be made in the guaranteed loan program.

The House amendment attempted to delete still another provision in existing law which is clearly failing to meet the purposes for which it was established. Under the House bill, the National Defense Education Act teacher cancellation provision would have been modified dramatically so as to eliminate forgiveness for teaching unless a person served in a school where the majority of the enrollment were children from low-income families. In contrast to the approach in the House bill, the Senate provisions expanded the teacher cancellation program not only to extend it to the guaranteed loan program but to have it apply to service in the Armed Forces and to increase the annual rate of cancellation. Mr. Speaker, this was perhaps the most controversial item in the conference. As is the case with every conference report, we are not entirely satisfied with all the agreements reached. I should like to make clear that I am not satisfied with the agreement reached on the forgiveness feature. I am convinced that the House must continue in its effort to further modify and limit the application of this provision.

Mr. Speaker, Chairman PERKINS has already mentioned that the conference report contains a number of new programs. I am pleased that, with respect to the new programs which were proposed in the House passed bill, we were able to maintain minimal authorization for fiscal year 1969. I should like to emphasize, however, how important it is that the Office of Education have adequate resource for planning and related activities with respect to these new programs during the current fiscal year. I am convinced that a small amount spent at this time—not more than the $340,000 authorized for each of the programs—would be money wisely spent.

The two Senate programs not contained in the House-passed bill provide: First, grants for the establishment by law schools of clinical experience programs; and, second, grants for the improvement of graduate education. Neither the House subcommittee nor the House committee considered during their lengthy hearings any proposals or recommendation for the establishment of clinical experience programs for students of the law. The Senate made a very persuasive case for the establishment of such a program and with the minimal funding provided, I am convinced that the conference committee made a wise decision in retaining this Senate amendment.

Mr. Speaker, with respect to the program of grants for the improvement of graduate education, the legislative history is somewhat different. The original administration bill this year proposed a program which was quite similar to that contained in the Senate bill. This was designed for developing graduate schools or new graduate schools—not the well-established ones, not those that are already strong, but rather a program to provide operating funds to strengthen those that might be in the second or third quality level category. It was designed by the administration to provide for a wider geographical distribution of centers of academic excellence at the graduate level. I think the House should know that the administration proposal was rejected at the subcommittee level and by the full committee. The reasons for the refusal to include such a program in the bill were numerous. During our hearings on the higher education amendments, there was considerable discussion by college administrators over the impact of selective service policy on graduate education.

Mr. Speaker, there was far more than discussion. There was deep concern expressed. The nature of the testimony before the subcommittee convinced us we should express our deep concern to the President and to others our hope that a change in the draft policy could be effected. As the House is aware, there have been no changes in the selective service policy regarding the drafting of graduate students.

Again referring to our hearings, testimony made it abundantly clear that in many graduate schools, enrollments would be for less than they have been in previous years. Estimates are that enrollments in graduate schools might be decreased 40 to 60 percent. With this in mind, it was felt that it was indeed untimely to authorize new programs to strengthen new graduate schools or developing graduate schools. No similar operating funds were being made available to undergraduate programs—nor indeed to strong graduate programs already in existence and now attracting most of the graduate students within any State.

We were concerned, too, that in this year of the tight budget, a new program in support of graduate education would only further dilute funds available for already well-established programs such as title IV of the National Defense Education Act. As I am sure every Member of this Congress is aware, it now appears that the appropriations for title IV will be approximately $16 million less than it was last year. The practical effect of such a reduction will be that there will be a drastic curtailment in the number of new fellowships which may be awarded.

There was concern also expressed, very serious concern, about the lack of criteria under which the program was to be administered. The program was not well designed and in a year in which there is an obvious tendency to not fund new programs, it seemed to us that there was little likelihood, if any chance, of funding this type of program.

Mr. Speaker, in the face of these very reasonable objections, the conference committee has nevertheless accepted, I might say most reluctantly on my part, a modification of the Senate provision. I accepted it because, first, there is, as is the case with other new programs, a minimal authorization of $340,000 for fiscal year 1969. The program has been modified in conference so that the Federal share is not 90 percent as proposed in the Senate bill, but rather 66⅔ percent of the cost of a program or activity.

In saying all that I have said, I do not wish to leave the impression that I do not favor continued and increased support of graduate education. In the past, I have fought for authorizing legislation and increased appropriations for this purpose—graduate facility construction—graduate fellowships. I am not convinced, however, that at this particular time the Congress is making the wisest decision in financing this new program.

Mr. Speaker, as Chairman PERKINS has indicated, our actions today culminate 2 years of intensive work by the Special Subcommittee on Education. I am sure that there will be some discussion about the level of authorizations proposed in the conference report. Quite frankly, I think that they are acceptable to a very large majority. Clearly, they do not indicate my feelings or impressions of what the Federal Government must do for higher education. I do think, however, the bill represents a significant step forward in making the Federal involvement a far more effective and rewarding involvement for the Nation. Without the splendid cooperation of Chairman PERKINS and the continuing and untiring efforts of Mr. QUIE, the ranking minority member of the subcommittee, we could not today view the impressive legislative history which has been accorded this bill. I am hopeful, and join with the chairman and the other members of the conference committee in recommending to the House that they approve this conference report.

Mr. DOLE. Mr. Speaker, I urge adoption of the conference report on the Higher Education Amendments of 1968.

The managers on the part of the House have worked to provide the Congress with a highly acceptable compromise. The major provisions of the Higher Education Amendments of 1968, as they passed the House, are retained.

FOUR BASIC PROGRAMS EXTENDED

The higher education amendments improve and extend four basic programs which have been highly successful in years past: the National Defense Education Act—NDEA—Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the National Vocational Student Loan Insurance Act of 1965.

All this legislation can be traced to those first efforts during the Eisenhower administration to secure the first NDEA legislation. The great successes achieved under the NDEA have been paralleled by the other programs extended and amended here today.

Mr. Speaker, I urge adoption of this conference report, for the needs of our colleges and universities are not static. They cannot await the next Congress or a new administration. The immediate needs of higher education must be met and the facilities must also be expanded to meet the crush of some 9 million college students by 1975.

Our national greatness can only be maintained if our educational system keeps pace with our expanding technology.

Our human needs, becoming more complex each year, cannot be neglected. Only highly qualified personnel, in increasing numbers, can be expected to meet the challenges of American life at home and U.S. responsibilities abroad.

Mr. QUIE. Mr. Speaker, the conference report on S. 3769, the Higher Education Amendments of 1968, deserves the same strongly favorable action of the Members of the House as was given to H.R. 15067, the House-passed higher education bill. The measure brought to the floor for action today represents the resolution of more than 100-substantive differences between the House and Senate versions of the 1968 amendments. In general, the position of the House prevailed in conference, or genuine compromises of differences were negotiated after some hard bargaining. I am pleased to have served as one of the team of House Members at this conference, and command the results to the favorable judgment of the House.

Certain broad features of the bill which emerged are worthy of comment, and in addition, there are certain specific matters which I regard as unfinished business in the long-term context of continuing legislative endeavor in the years just ahead.

This is a 3-year bill, extending or authorizing a broad array of higher education, and in some instances, elementary and secondary education programs through fiscal year 1971. The specific authorizations of the package total more than $7.3 billion over the next 3 years, although the fiscal year 1968 dollar amounts add up to $885,290,000.

Advanced funding and leadtime for program planning have been incorporated into this bill on the initiative of the House.

Matching ratios, which were extensively debated at the conference, appear to have been stablilized. For example, there is now a limit upon the Federal share of costs for grants under the Higher Education Facilities Act of 50 percent. There is a limit of 66⅔ percent for the community service programs under title I of the Higher Education Act. I believe we should continue to harmonize and make permanent the various matching ratios for Federal support throughout the panoply of programs in this entire area, so that recipient institutions are not compelled to make decisions affecting the direction and goals of the institution because of greater or fewer Federal dollars to match the scarce non-Federal dollars of the institution.

The Upward Bound program, presently under the direction of the Office of Economic Opportunity, will be operated after June 30, 1968, by the U.S. Office of Education, pursuant to certain provisions of law designed to eliminate the abuses which surfaced as a result of poorly conceived OEO administrative decisions leaving much of the operational responsibility to a private nonprofit organization called into existence for that sole and dubious reason.

The Federal subsidy on interest during the repayment of private loans to students guaranteed by the Government has been eliminated; students who receive such loans are now on the same footing with everyone else who has borrowed money to attend college.

Now for some of the unfinished business. Probably the most controversial item considered at the conference was the question of loan forgiveness. I refer to the presently authorized practice of progressive cancellation of up to 50 percent of the obligation of borrowers of Federal money loaned under the National Defense Education Act to needy students at colleges and universities, for service as a full-time teacher in any elementary or secondary school.

An additional 50 percent of the loan is canceled if a teacher serves at an elementary or secondary school determined to be a school in which there is a high concentration of children from low-income families. For service in such schools, moreover, the rate of cancellation is 15 percent annually, in contrast to the 10-percent rate generally.

The House bill had modified the present law so that forgiveness would be extended only to those NDEA loan recipients who later taught at schools where the majority of the students were from low-income families. There were several reasons for this. First, no one has ever demonstrated that students who receive NDEA loans are attracted to the teaching profession because of the prospect of partial loan forgiveness, and yet, this has been the justification advanced in some quarters for such a practice.

Second, the cost projections for the continuation of cancellation for all teachers indicate that the actual cost to the Government would far exceed the speculative "benefits."

Third, the individual student seeking to make a basic decision about his career should not, as a matter of public policy, be enticed to teach because of the prospect of easier financing of his college education. In reality, few persons will make this fundamental commitment on such de minimis grounds anyway. Those who argue to the contrary do an injustice to the dignity of the teaching profession.

On the other hand, once an individual has made the commitment to the teaching profession, it is most likely he will examine his alternatives in pursuing his career with some care. Certain inducements will tend to guide his choice of location and school in which to teach.

At this point national policy considerations play a role, for it is well-documented that many of our Nation's poverty schools are hard pressed to induce adequate numbers of qualified teachers to serve at those schools. It is possible, therefore, to provide an inducement in this area of critical national need to encourage teachers to choose the challenges of teaching in a poverty school. So was evolved the approach of limiting the forgiveness feature of the NDEA loan program to schools having a strong poverty character.

The Senate bill on higher education went in the opposite direction from the House-passed bill. The Senate expanded the teacher cancellation program not only to extend it to the guaranteed student loan program, but also to allow service in the Armed Forces to qualify for forgiveness as well, at the rate of 25 percent annually.

The conference compromised by retaining the present law, with the single modification that States may, in lieu of the present manner of selection of poverty schools—which, incidentally, now often results in schools having less than

10 percent poor children being designated as poverty schools—select all those schools in the State having 50 percent or higher percentages of poverty child enrollment.

Mr. Speaker, I regard this whole area as one demanding the further exercise of congressional judgment and determination so that we may bring some rational and acceptable framework to the dimensions of Federal loan forgiveness.

A second major area of concern for the future is the status of assistance to our graduate institutions. The gentleman from Michigan [Mr. ESCH], has stated some of the issues posed by the adoption of new authority ostensibly designed to improve the quality of graduate education.

There are compelling reasons for questioning the wisdom of launching such authority so casually and with so little attention to basic issues. First, the graduate schools today receive substantial amounts of Federal money as supplements which accompany the award of graduate fellowships; they receive large sums from the National Science Foundation, the Defense Department, the Atomic Energy Commission, and other Federal agencies. The amount of Federal support in the science and engineering disciplines is immense. Lesser amounts are channeled into the arts and humanities.

The financial crisis of our institutions of higher education does not arise in the graduate schools; it stems directly from the inability of schools to maintain undergraduate facilities, faculties, and services. And it is the undergraduate schools which feed the graduate schools; if they fail, all graduate education will suffer. So there is first a question of priorities; there is need at all levels, but the need appears to be far more acute and more serious in its impact, at the undergraduate level.

One cannot help but question the judgment of an administration which proposes major cutbacks of the programs of grants and loans for facilities construction at our Nation's schools, but asks for authority to fund additional graduate programs and projects.

If a program to improve the quality of graduate education is to be begun now, it still merits careful consideration of basic issues. Yet we see in the new program no standards whatsoever to guide the administrators in implementing the will of Congress. Should the "quality" of graduate programs be improved and their numbers expanded by developing new institutions, or by keeping the present ones alive, or again by focusing on the objective of equalizing the capabilities of current programs? Are we merely starting what in effect amounts to a program of institutional support for second-rate graduate schools? To this latter question, I believe the answer is "Yes, we are."

The information we received from Members of the other body in conference was that the top rate graduate schools would not receive these "institutional grants" but those who are now less acceptable and grants to start new graduate programs. The senders of the telegrams and letters of support which I received for that title would not receive any of the money and we really do not know how the others will be chosen.

It is urgent that we examine the Federal role in the area of aid to higher education. I believe we must move in the direction of institutional grants but it should be in conjunction with a study of all aid for higher education when we do it.

Mr. THOMPSON of New Jersey. Mr. Speaker, it is with considerable pleasure and pride that I rise in support of the conference report on the Higher Education Act now before the House. As a member of the subcommittee to which the bill was referred, I have followed this bill's progress closely. I can assure my colleagues that it is an outstanding piece of legislation.

I am especially pleased that this bill contains seven new programs that will lighten somewhat the heavy burdens now borne by the educational community, and make possible the growth of new educational concepts. I am particularly proud to observe that one of these new programs, known as education for the public service, has its genesis in a bill I sponsored in the 89th Congress.

I was concerned then, as I am now, with the Federal Government's middle-age spread. Unlike some of our national candidates, however, I have always felt that State and local governments should make an affirmative demonstration of their desire and capability to allocate funds constructively and imaginatively before we just handed them a huge lump sum of money and told them to do what they wanted to with it. H.R. 4345, then, was an effort on my part to see that more attention was paid to the training of bright young men and women for public service at the State and local levels of government. Obviously the Federal Government cannot provide all the answers to the myriad of complex problems our society must deal with. But it is equally true that it has been the germinal bed of fresh thinking and new approaches—a description that applies to only a few State and local governments.

In placing emphasis on training those who will enter the public service, we will be increasing the pool of expertise at all levels of government. Naturally, I am gratified that the Congress has embraced this concept, for I firmly believe that taking this step now will pay off handsomely in the future governance of our country.

There are six other new programs authorized by the report. It would be impossible to understate the importance of reducing the borrowing costs on loans for higher education facilities construction or in providing funds with which local education agencies can purchase equipment for special programs serving the economically disadvantaged—just to mention two of the six. I will leave it to others to discuss these vital programs with you. But there is one more provision to which I would call your attention.

As you know, Mr. Speaker, we have had in the past varying limitations on the amount of the Federal share under the Higher Education Facilities Act. For public, junior, or 2-year colleges, the maximum Federal share was 40 percent; for all other colleges and universities, 33⅓ percent. In what must be considered the single most liberalizing provision of the report now before this body, we have raised the limitations so that the permissible Federal share is now 50 percent of all facilities grants to institutions of higher learning, public or private. This is a great step forward, a step which every Member of Congress can take with pride.

Finally, Mr. Speaker, I would be remiss in relinquishing the floor without paying special tribute to the distinguished and able chairman of the Committee on Education and Labor, the gentleman from Kentucky. His deep compassion and remarkable skill as a legislator and strategist have won him ever-increasing admiration from those of us who work closely with him. It is an open secret that he is supremely worthy of the high office which he holds.

Mrs. MINK. Mr. Speaker, with the filing of the conference report on S. 3769, the Higher Education Act Amendments of 1968, I would like to offer to this House a letter sent to me by a parent who expresses his grateful appreciation for the Federal student assistance programs.

The letter was sent by the Reverend Wendell Broom of the Church of Christ in Honolulu, a father of six children, two of whom are in college this year and receiving student assistance.

I believe this letter is a timely reminder of the value of the programs offered in S. 3769, and I include the Reverend Broom's letter in the RECORD at this point:

THE CHURCH OF CHRIST IN HONOLULU,
Honolulu, Hawaii, September 11, 1968.

DEAR MRS. MINK: Your reprint of excerpts from the Congressional Record arrived yesterday and was helpful and informative. The section on "Student Financial Aid Programs" especially caught my attention. I am the father of six children, the oldest two being in college this year. The student aid program is a vital part of their college education—with our income level, they could not attend college without this kind of help. When I obtained the loans last week from First National, I felt a desire to express my gratitude to those responsible for making this possible. May I, therefore, express to you (and through you to the Congress) a grateful parent's appreciation for what this means to his children. I sincerely hope that by such thoughtful and effective steps that the rising generation of America may be encouraged to gain the training that will make them capable leaders and citizens of America tomorrow.

Sincerely yours,

WENDELL BROOM.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NINTH ANNUAL REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations:

To the Congress of the United States:

For centuries man has been the helpless prey of the elements, dependent on the weather for food, health, and even survival. Only recently have we discovered that, through science, weather can be modified for the benefit of all mankind.

It is, then, with pleasure that I transmit the Ninth Annual Report on Weather Modification, for fiscal year 1967.

During that year, research and field testing was increased, and action was taken by several Federal agencies to discover the social and ecological problems of weather modification.

We now know that:

- —Among all types of storms, hailstorms, which can severely damage crops and property, show the greatest promise for successful modification in the near future.
- —Cold fog, which can cause hazards and delays at airports, can be dissipated by the application of dry ice or chemicals.
- —The dynamics of cloud processes can be studied through computer-controlled, small-scale models.

This program is a pioneering effort in man's struggle to control his environment. In the coming years we must work with other nations to apply our whole range of technological skills to the problems of weather modification.

I commend this report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 26, 1968.*

THE FEDERAL MAGISTRATES ACT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 945) to abolish the office of the U.S. Commissioner, to establish in place thereof within the judicial branch of the Government the Office of U.S. Magistrate, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 945, with Mr. HANNA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, September 18, 1968, it had agreed that title I of the committee substitute amendment, ending on page 46, line 22, would be considered as read and open to amendment at any point.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 42, line 16, strike the word "dispositions" and insert in lieu thereof the word "depositions."

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The remainder of the bill is as follows:

TITLE II—ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SEC. 201. (a) Paragraph (9) of subsection (a) of section 604, title 28, United States Code, is amended by striking out the words "United States Commissioners", and inserting in lieu thereof the words "United States magistrates".

(b) Section 604, title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) The Director, under the supervision and direction of the conference, shall:

"(1) supervise all administrative matters relating to the offices of the United States magistrates;

"(2) gather, compile, and evaluate all statistical and other information required for the performance of his duties and the duties of the conference with respect to such officers;

"(3) lay before Congress annually statistical tables and other information which will accurately reflect the business which has come before the various United States magistrates;

"(4) prepare and distribute a manual, with annual supplements and periodic revisions, for the use of such officers, which shall set forth their powers and duties, describe all categories of proceedings that may arise before them, and contain such other information as may be required to enable them to discharge their powers and duties promptly, effectively, and impartially.

"(e) The Director may promulgate appropriate rules and regulations approved by the conference and not inconsistent with any provision of law, to assist him in the performance of the duties conferred upon him by subsection (d) of this section. Magistrates shall keep such records and make such reports as are specified in such rules and regulations".

TITLE III—AMENDMENTS TO TITLE 18, UNITED STATES CODE

TECHNICAL AMENDMENTS

SEC. 301. (a) Except as otherwise specifically provided by this title, part II, title 18, United States Code (relating to criminal procedure) is amended by:

(1) striking out the words "United States commissioner" wherever they appear therein, and inserting in lieu thereof the words "United States magistrate";

(2) striking out the words "United States commissioners" wherever they appear therein, and inserting in lieu thereof the words "United States magistrates";

(3) by striking out the word "commissioner" wherever it appears in relation to a United States Commissioner, and inserting in lieu thereof the word "magistrate";

(4) by striking out the word "Commissioners" wherever it appears in relation to United States commissioners, and inserting in lieu thereof the word "magistrates".

(b) Section 202(a) of title 18, United States Code, is amended by striking out words "or a part-time United States Commissioner", and inserting in lieu thereof the words "a part-time United States commissioner, or a part-time United States magistrate".

(c) The chapter caption of chapter 219, part II, title 18, United States Code, is amended to read as follows:

"Chapter 219.—TRIAL BY UNITED STATES MAGISTRATES"

TRIAL BY MAGISTRATES

SEC. 302. (a) Section 3401, title 18, United States Code, is amended to read as follows:

"§ 3401. Minor offenses; application of probation laws

"(a) When specifically designed to exercise such jurisdiction by the district court or courts he serves, and under such conditions as may be imposed by the terms of the special designation, any United States magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, minor offenses committed within that judicial district.

"(b) Any person charged with a minor offense may elect, however, to be tried before a judge of the district court for the district in which the offense was committed. The magistrate shall carefully explain to the defendant that he has a right to trial before a judge of the district court and that he may have a right to trial by jury before such judge, and shall not proceed to try the case unless the defendant, after such explanation, signs a written consent to be tried before the magistrate that specifically waives both a trial before a judge of the district court and any right to trial by jury that he may have.

"(c) A magistrate who exercises trial jurisdiction under this section, and before whom a person is convicted or pleads either guilty or nolo contendere, may, with the approval of a judge of the district court, direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate prior to the imposition of sentence.

"(d) The probation laws shall be applicable to persons tried by a magistrate under this section, and such officer shall have power to grant probation and to revoke or reinstate the probation of any person granted probation by him.

"(e) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

"(f) As used in this section, the term 'minor offenses' means misdemeanors punishable under the laws of the United States, the penalty for which does not exceed imprisonment for a period of one year, or a fine of not more than $1,000, or both, except that such term does not include any offense punishable under any of the following provisions of law: Section 102 of the Revised Statutes, as amended (2 U.S.C. 192); section 314(a) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 252(a)); and sections 210, 211, 242, 594, 597, 599, 600, 601, 1304, 1504, 1508, 1509, 2234, 2235, and 2236 of title 18, United States Code."

(b) Section 3402, title 18, United States Code, is amended to read as follows:

"§ 3402. Rules of procedure; practice and appeal

"In all cases of conviction by a United States magistrate an appeal of right shall lie from the judgment of the magistrate to a judge of the district court of the district in which the offense was committed.

"The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before magistrates and for taking and hearing of appeals to the judges of the district courts of the United States."

(c) The item related to section 3401, title 18, United States Code, contained in the chapter analysis of chapter 219, title 18, United States Code, is amended to read as follows:

"3401. Minor offenses; application of probation laws."

PRELIMINARY EXAMINATION

SEC. 303. (a) Section 3060, title 18, United States Code, is amended to read as follows:

"§ 3060. Preliminary examination

"(a) Except as otherwise provided by this section, a preliminary examination shall be held within the time set by the judge or magistrate pursuant to subsection (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it.

"(b) The date for the preliminary examination shall be fixed by the judge or magistrate at the initial appearance of the arrested person. Except as provided by subsection (c) of this section, or unless the arrested person waives the preliminary examination, such examination shall be held within a reasonable time following initial appearance, but in any event not later than—

"(1) the tenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day; or

"(2) the twentieth day following the date of the initial appearance if the arrested person is released from custody under any condition other than a condition described in paragraph (1) of this subsection.

"(c) With the consent of the arrested person, the date fixed by the judge or magistrate for the preliminary examination may be a date later than that prescribed by subsection (b), or may be continued one or more times to a date subsequent to the date initially fixed therefor. In the absence of such consent of the accused, the date fixed for the preliminary hearing may be a date later than that prescribed by subsection (b), or may be continued to a date subsequent to the date initially fixed therefor, only upon the order of a judge of the appropriate United States district court after a finding that extraordinary circumstances exist, and that the delay of the preliminary hearing is indispensable to the interests of justice.

"(d) Except as provided by subsection (e) of this section, an arrested person who has not been accorded the preliminary examination required by subsection (a) within the period of time fixed by the judge or magistrate in compliance with subsections (b) and (c), shall be discharged from custody or from the requirement of bail or any other condition of release, without prejudice, however, to the institution of further criminal proceedings against him upon the charge upon which he was arrested.

"(e) No preliminary examination in compliance with subsection (a) of this section shall be required to be accorded an arrested person, nor shall such arrested person be discharged from custody or from the requirement of bail or any other condition of release pursuant to subsection (d), if at any time subsequent to the initial appearance of such person before a judge or magistrate and prior to the date fixed for the preliminary examination pursuant to subsections (b) and (c) an indictment is returned or, in appropriate cases, an information is filed against such person in a court of the United States.

"(f) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A copy of the record of such proceeding shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts."

(b) The item relating to section 3060 contained in the section analysis of chapter 203, title 18, United States Code, is amended to read as follows:

"3060. Preliminary examination."

TITLE IV—TRANSITIONAL PROVISIONS

APPOINTMENT OF MAGISTRATES

SEC. 401. (a) No individual may serve as a United States commissioner within any judicial district after the date on which a United States magistrate assumes office in such judicial district.

(b) An individual serving as a United States commissioner within any judicial district on the date of enactment of this Act who is a member in good standing of the bar of the highest court of any State, as defined in section 639(6) of chapter 43, title 28, United States Code, may be appointed to the office of United States magistrate for an initial term, and may be reappointed to such office for successive terms, notwithstanding his failure to meet the bar membership qualification imposed by section 631(b)(1) of chapter 43, title 28, United States Code: *Provided, however,* That any appointment or reappointment of such an individual must be by unanimous vote of all the judges of the appointing district court or courts.

APPLICABLE LAW

SEC. 402. (a) All provisions of law relating to the powers, duties, jurisdiction, functions, service, compensation, and facilities of United States commissioners, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect in each judicial district until but not on or after (1) the date on which the first United States magistrate assumes office within such judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or (2) the third anniversary of the date of enactment of this Act, whichever date is earlier.

(b) On and after the date on which the first United States magistrate assumes office within any judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or the third anniversary of the date of enactment of this Act, whichever date is earlier—

(1) the provisions of chapter 43, title 28, United States Code, as amended by this Act, shall be effective within such judicial district except as otherwise specifically provided by section 401(b) of this title; and

(2) within such judicial district every reference to a United States commissioner contained in any previously enacted statute of the United States (other than sections 8331 (1)(E), 8332(i), 8701(a)(7), and 8901(1)(G) of title 5), any previously promulgated rule of any court of the United States, or any previously promulgated regulation of any executive department or agency of the United States, shall be deemed to be a reference to a United States magistrate duly appointed under section 631 of chapter 43, title 28, United States Code, as amended by this Act.

(c) The administrative powers and duties of the Director of the Administrative Office of the United States Courts with respect to United States commissioners under the provisions of chapter 41, title 28, United States Code, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect until no United States commissioner remains in service.

EFFECTIVE DATE

SEC. 403. Except as otherwise provided by sections 401 and 402 of this title, this Act shall take effect on the date of its enactment.

TITLE V—SEVERABILITY

SEC. 501. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of its application to other persons and circumstances shall not be affected.

Mr. CAHILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, such a long time has elapsed since we last discussed the merits of this bill I thought it might be in order to just refresh the recollection of the few Members, at least, who are here, with the hope that some of the others might hear of a motion to recommit what I propose to offer.

Without reviewing all of the details of the objectionable features of this bill, I think I can say that the two most glaring defects are, No. 1, that it truly constitutes a blank check authorization. There is nothing in this legislation that will limit the number of magistrates that may be appointed. At best, there is an estimate by the administrative office indicating the number and indicating the cost, but, to my knowledge, there is no legislative limitation. I fail to comprehend how we can limit the cost of this bill if we do not limit the number. The first part of the motion to recommit will be to limit the number of magistrates that may be appointed to 250.

It is my thought that if this legislation is going to be enacted, that 250 is a large enough number to begin with, especially since the best estimate of the number needed is 200. This is what the sponsors say. If the need is proven for more, we can always legislate and authorize more. Then we will have some experience as to the cost.

The second objectionable feature, in my judgment, is the fact that these magistrates are appointed by the district court judges. This absolutely puts the judges in politics. It is absolutely violative of the Constitution. So the second part of this motion to recommit will merely say that the 250 magistrates that are going to be appointed shall be appointed by the President. This should give all of us pause, because, as you know, before the President appoints any Federal judge, he usually consults the State, local, and American bar associations. It seems to me this is the least we can do to follow the constitutional mandate of having the judiciary appointed by the President with the advice and consent of the Senate.

So, Mr. Chairman, the motion to recommit will be limited to two items. One is it will limit the number to 250. No. 2, it will require that they be appointed by the President. It will not be a motion to kill the bill. Unless this motion to recommit is adopted I would hope everybody in this House will join me in opposing the bill. I think if we can get those two amendments through in this motion to recommit as a part of this bill, I would then be in a position to support the legislation. I hope the chairman of the committee will accept this motion to recommit. I hope, if he does not, that you will join me in an affirmative vote for the motion to recommit so that we can make a constructive improvement in this legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. GROSS. Is it impossible to amend this bill as it stands now? The gentleman says he is going to offer a motion to recommit containing the amendments. Is it impossible to amend it?

Mr. CAHILL. In my judgment from a practical standpoint it is. And, I would merely say to you that my experience here—and I am sure the gentleman agrees with me—is that on a bill of this nature—and I merely illustrate this fact by pointing out the number of Members on the floor—that basically the Committee is in a large majority of the Members on the floor and that it would be almost impossible to amend it.

It is my opinion that the only way we can improve this bill is on a record vote when all of the Members are here.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. Poff, and by unanimous consent, Mr. Cahill was allowed to proceed for 3 additional minutes.)

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 354]

Ashley
Ashmore
Aspinall
Baring
Barrett
Battin
Belcher
Bell
Berry
Biester
Blackburn
Blanton
Blatnik
Bolton
Bow
Brademas
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Button
Byrnes, Wis
Carter
Celler
Clancy
Clark
Cohelan
Conyers
Corman
Cowger
Cramer
Curtis
Daddario
Davis, Ga.
Dawson
Dickinson
Diggs
Dow
Downing
Evans, Colo.
Fallon
Fascell
Fisher
Flynt
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Gardner
Grover
Gurney
Hagan
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Herlong
Hosmer
Howard
Hull
Jacobs
Jones, Mo.
Karsten
Karth
King, Calif.
King, N.Y.
Kirwan
Laird
Landrum
Leggett
Long, La.
Lukens
McClure
Macdonald, Mass.
Mailliard
Mathias, Md.
Michel
Minish
Moore
Moorhead
Murphy, N.Y.
Nichols
O'Hara, Mich.
Olsen
Ottinger
Patman
Pelly
Pepper
Pettis
Podell
Pollock
Rarick
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
St Germain
Scheuer
Schweiker
Shriver
Sikes
Sisk
Snyder
Stephens
Stratton
Stuckey
Taft
Teague, Calif.
Teague, Tex.
Tunney
Ullman
Van Deerlin
Vigorito
Walker
Watson
Watts
Willis
Wilson, Bob
Wright
Zwach

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Hanna, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill S. 945, and finding itself without a quorum, he had directed the roll to be called, when 302 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 additional minutes.

Mr. CAHILL. Mr. Chairman, just to review what I was saying when the absence of a quorum was suggested, a motion to recommit will place a limitation upon the number of magistrates that may be appointed. This number, I remind you, too, is 50 over the estimate made by the Administrator-Director.

So, Mr. Chairman, there should be no objection to the limitation of 250. It is 50 more than they say they need. All this bill says is that it shall not exceed 250.

And, second, it will place the responsibility for naming these magistrates within the purview of the powers of the President of the United States.

I urge everyone to vote for the motion to recommit because it is my opinion that it will prevent this bill from being a blank check. Second, it will give the judges, whom I am sure do not want this responsibility, an opportunity of remaining completely out of politics and it will place the responsibility for the preservation of the integrity of the judicial system where it belongs, in the President of the United States. So, I shall offer the motion and I hope the members of the Committee of the Whole House on the State of the Union will support it.

Mr. POFF. Mr. Chairman, the gentleman from New Jersey has repeatedly raised the argument that under S. 945, Congress would be delegating nondelegable powers to the judiciary. However, it is submitted that reason and authority are unified in their opposition to that contention.

The delegation issue is no longer a serious question in legal circles because the authorities have settled upon a reasonable accommodation between abstract theory and pragmatic reality. That accommodation is that as long as Congress sets forth a policy, it may call on the other branches to implement that policy.

For example, I am sure that we would all agree that Congress has the power, under article I of the Constitution, to set tariffs. Yet, as we all are aware, production costs, prices, and economic interests may change abruptly both at home and abroad. Theoretically, it might be thought the Congress should continually oversee and reevaluate the tariff schedules. But it might be better practice to ask the President, who is conducting our foreign policy, to adjust the tariffs according to the vagaries of economics and international relations.

Does the delegation doctrine outlaw this commonsense approach?

No, said the Supreme Court in *Hampton & Co.* v. *United States*, 276 U.S. 394 (1928), holding that, although it is Congress that has the power to set tariffs, it may call upon the President to fix those tariffs within the scope of a congressional policy.

Speaking for the Court, Chief Justice Taft set down the following test to determine what is a proper delegation:

> The Federal Constitution and State Constitutions of this country divide the governmental power into three branches * * * in carrying out that constitutional division * * * it is a breach of the National fundamental law if Congress gives up its legislative power and transfers it to the President, or to the Judicial branch, or if by law it attempts to invest itself or its members with either executive power or judicial power. This is not to say that the three branches are not co-ordinate parts of one government and that each in the field of its duties may not invoke the action of the other two branches in so far as the action invoked shall not be an assumption of the constitutional field of action of another branch. *In determining what it may do in seeking assistance from another branch, the extent and character of that assistance must be fixed according to common sense and the inherent necessities of the governmental co-ordination.* [Emphasis added.]

I believe that the instant case is similar. Congress cannot possibly determine how much of the minor-offense jurisdiction each of the magistrates should be granted. That will vary from time to time and from place to place according to the needs of justice.

Again, we find that another branch is better qualified to make the particularized decisions necessary to effectuating congressional policy. Are we forbidden to use the good judgment of the courts on how the business of the courts should be conducted? I think not. It seems to me that "commonsense and the inherent necessities of the governmental coordination" vindicate the approach taken in S. 945.

The gentleman from New Jersey raises another argument. He asserts that section 636(b), which provides for the assignment of "additional duties" to magistrates, is an improper and vague delegation of legislative power to the courts. What the gentleman does not say is that it is already settled law that courts may establish their own rules to govern court business, *Wayman* v. *Southard*, 10 Wheat. 1 (1825), and may exercise an inherent power to provide themselves with the necessary help to perform judicial duties, *Ex parte Peterson*, 253 U.S. 300 (1920).

The holding of the Peterson case was stated through the pen of Mr. Justice Brandeis. It completely validates section 636(b):

> Courts have (at least in the absence of legislation to the contrary) inherent power to provide themselves with appropriate instruments required for the performance of their duties. . . . This power includes authority to appoint persons unconnected with the courts to aid judges in the performance of specific judicial duties, as they may arise in the progress of a cause.

Now if a judge can appoint "persons unconnected with the court," certainly a judge can appoint a magistrate to help with some duties. Thus section 636(b) only makes clear what is already the law.

Nothing in section 636(b) will permit any judge to assign a magistrate the power to decide a case outside of the minor-offense jurisdiction created by this bill.

A reading of the kinds of "additional duties" assignable will indicate under the doctrine of ejusdum generis that no additional jurisdiction may be conferred under this section.

Moreover, as a matter of legislative history, I would like to emphasize that the subcommittee raised that question during its intensive study of this bill and it was agreed that this section was not in any way intended as the predicate for expanding the jurisdiction of the magistrate.

Therefore, I believe that we can safely reject the delegation arguments of the gentleman from New Jersey.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to comment briefly upon the substance of the gentleman's motion to recommit.

Primarily, it would limit the number of magistrates to 250. It is rather strange to me that the gentleman from New Jersey would not complain about the unlimited number of commissioners we can now have. The district courts can appoint any number of commissioners at the present time, and there are now over 700 U.S. commissioners.

Now, Mr. Chairman, we would still be in the position, after this bill passes, to have the Committee on Appropriations scrutinize any suggestions or recommendations as to the increase in the number of magistrates. The House of Representatives still retains the right to amend so that we still have control over the number of commissioners.

You cannot tell at the present moment what the needs may be. The matter must remain flexible.

We gave earnest consideration to this very matter, and we provided that a survey would have to be made. On pages 36, 37, and 38 of the bill there is language exactly indicating that, and I will read briefly under the title "Determination of number, locations, and salaries of magistrates," and we have the following:

> The Director—

The Director of the Administrative Office of the U.S. Courts—

> shall, within one year immediately following the date of the enactment of the Federal Magistrates Act, make a careful survey of conditions in judicial districts to determine (a) the number of appointments of full-time magistrates and part-time magistrates required to be made under this chapter to provide for the expeditious and effective administration of justice, (B) the locations at which such officers shall serve, and (C) their respective salaries under section 634 of this title. Thereafter, the Director shall, from time to time, make such surveys, general or local, as the conference shall deem expedient.

The Conference is the Judicial Conference of the United States, and on page 38 we have the language:

> The conference—

That is, the Judicial Conference, presided over by the Chief Justice of the United States—

> shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates and part-time United States magistrates.

Now, certainly we must place some reliance in the Judicial Conference as to the number of these magistrates, and some reliance in the judicial councils, composed of the judges of the courts of appeals, as well as the judges of the district courts.

Certainly we have to place some confidence in all these judicial officers. They are not going to abuse their privileges or give us needless magistrates.

So that until the survey is made you cannot tell how many magistrates really would be needed. We must improve the conditions that exist in the courts. We must modernize, we cannot and should not antiquate. We must look to the future as to what the actual needs of the Federal judicial system will be.

Now, of course there is no testimony, there is no record as to whether the 250 magistrates that the gentleman from New Jersey estimates, is proper. He just drew a number out of a hat, as it were—and I say that with all kindliness to the gentleman. That is a purely arbitrary figure.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. CAHILL. Will the gentleman agree that the committee has a letter which bases an estimate of $5 million on the need for 200 magistrates?

Mr. CELLER. Yes, we have. I will read from the report.

Mr. CAHILL. Will the gentleman agree that that estimate——

Mr. CELLER. No, I do not agree in that language.

Mr. CAHILL. Will the gentleman agree that the estimate of costs is based upon the number of 200 magistrates?

Mr. CELLER. That is incorrect.

Mr. CAHILL. All right. Will the gentleman agree that the limitation that I am placing on this bill is 50 in excess of the best estimate that has been made to date of the number we need?

Mr. CELLER. That I am not inclined to agree with. That is not what the report and the letter——

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. TENZER, and by unanimous consent, Mr. CELLER was allowed to proceed for 2 additional minutes.)

Mr. TENZER. Mr. Chairman, will the gentleman yield for the purpose of answering the question?

Mr. CELLER. I yield, but very briefly. I want to finish my statement.

Mr. TENZER. I would like to inform the distinguished gentleman in the well, the chairman, that the gentleman from New Jersey is referring to a letter which appears on page 60 of the hearings, and the number of magistrates he mentioned is incorrect. The letter "estimates that 50 full-time and 150 part-time magistrate positions will be needed, as well as some 200 deputy clerk magistrate positions," an estimated maximum of 400 positions.

Mr. CAHILL. If the gentleman will yield further, that is not the fact as I understand the other body's action on this bill.

Let me ask the gentleman this question——

Mr. CELLER. Will the gentleman let me have more time? I want to make a statement, but first I will yield to the gentleman.

Mr. CAHILL. My last question is: Assume that if the need is proven, and that instead of 200 they need 300, can we not come back in this body and authorize the additional number?

Mr. CELLER. Of course. There is no question about it. But there is no reason why we should take 17 bites off the cherry and keep constantly making those changes.

I think it is better for the Director of the Administrative Office of the U.S. Courts to make a survey, and have the judges consider that survey, the judges that I have mentioned, particularly the members of the Judicial Conference, the various judicial councils, and the U.S. district judges. They can more intelligently deal with the situation.

In addition thereto, the gentlemen's motion to recommit contains an amendment to the effect that the President shall not only appoint but the President shall also have the right to remove; and he shall have that right to remove without regard to any standards. We place standards in the bill. They must be satisfied; otherwise a magistrate could not be dismissed. But here a President could arbitrarily dismiss a magistrate; a judicial officer.

There is no reason why we should empower the President to appoint these magistrates.

In addition, I note that the gentleman, probably inadvertently, in his sweeping motion to recommit cuts out of the bill the prohibition against nepotism. I do not know if he realizes that, but he strikes out on page 31, lines 12 to 14, our prohibition against the appointment of magistrates who are related by blood or marriage to a judge of the district court in which he serves. I do not think the gentleman means that, but his motion would do that.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. CAHILL. I am completely satisfied that that would be no problem so long as these men are appointed by the President of the United States with the advice and consent of the Senate.

Mr. CELLER. Then I understand that the gentleman deliberately struck out our prohibition against nepotism, and the House should know that, if they vote for this motion to recommit, the gentleman approves that principle of nepotism. We were very careful in that regard to strike it out. We do not want any nepotism in the courts.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. CAHILL. Does the gentleman seriously make the statement he just made?

Mr. CELLER. I did not hear the last statement of the gentleman.

Mr. CAHILL. Do you seriously mean what you just said?

Mr. CELLER. I do.

Mr. CAHILL. That I favor nepotism?

Mr. CELLER. As to this bill.

Mr. CAHILL. The gentleman's statement amazes me; and I regret that his logic and knowledge of existing law is not better than the arguments he advances on the passage of the bill.

Mr. CELLER. Let me finish. I say as to this bill, since the gentleman strikes out the prohibition against nepotism, it is only inevitable for us to conclude that you are approving the appointment of magistrates who may be related to the judges, and that is nepotism. I do not think the House will accept or should accept a provision of that sort.

For those reasons I do hope that when the time comes the gentleman's motion to recommit will not be accepted.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

> Amendment offered by Mr. CELLER: On page 55, lines 15 and 16, strike the phrase ", as defined in section 639(6) of chapter 43, title 28, United States Code,".

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, evidently the distinguished chairman of the Judiciary Committee does not want any limitations in this bill at all. The gentleman from New Jersey [Mr. CAHILL] seeks to set up a limitation of 250 magistrates, as I understand his proposal, but the committee does not want any limitation at all.

In reading the bill, I find another provision which I would like to inquire about, to be found on page 39, which states as follows:

> "(c) CHANGES IN NUMBER, LOCATIONS, AND SALARIES.—Except as otherwise provided in this chapter, the conference may, from time to time, in the light of the recommendations of the Director, the district courts, and the councils, change the number, locations, and salaries of full-time and part-time magistrates, as the expeditious administration of justice may require. Such determinations shall take effect sixty days after they are promulgated.

In other words, if I read this correctly, the $22,000 limitation in salary can be made meaningless, and the $11,000 which can be paid for part-time commissioners could be made meaningless. Is this correct?

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, it is my understanding, as I read the section to which the gentleman referred, that there is a fixed limitation of salary, a maximum ceiling, of $22,500. That is the maximum. But if, in the district, the man has been hired fulltime at $15,000 salary, it may be adjusted upward but never to exceed $22,500.

Mr. GROSS. Mr. Chairman, it does not say anything to that effect in the section entitled "Changes in Number, Locations, and Salaries."

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York, the chairman of the committee.

Mr. CELLER. Mr. Chairman, I will read on page 39, line 17, of the bill, or if the gentleman will read line 17 on page 39, he will find a limitation there of $22,500.

The other provision the gentleman read is for the purpose of saving money. If, for example, in a particular district court, the workload is materially decreased, then the judges, headed by the Judicial Conference, can reduce the salary below $22,500, or even eliminate the position. In that sense there is an effort here to save money, not to spend it.

Mr. GROSS. Mr. Chairman, the gentleman from New York is not going to stand before the House and say these people are going to reduce salaries?

Mr. CELLER. Why not?

Mr. GROSS. Since when did it become fashionable in the Federal Government to reduce salaries; that is, for any agency or department of Government?

Mr. CELLER. There have been reductions of salaries.

Mr. GROSS. Where?

Mr. CELLER. If the gentleman will give me time, I will be glad to get that.

Mr. GROSS. All I have seen in the last 10 or 15 years around here is increases in salaries. I do not think the gentleman wants to say that provision is there for the purpose of giving them authority to reduce salaries.

Mr. CELLER. The gentleman would not want to eliminate this provision, which provides for the power to reduce salaries, would he? Would the gentleman want to eliminate that?

Mr. GROSS. To eliminate this provision?

Mr. CELLER. Yes.

Mr. GROSS. I do not think it is a good provision, because I think under it they can increase pay, and I think that is what it is in here for—to increase the salaries as well as increase the number of personnel.

A part-time magistrate, being paid as little as $100 could be raised to $11,000. Is that not correct?

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. CAHILL. Mr. Chairman, I have asked for this time merely to refresh the recollection of the distinguished chairman. It is my understanding that when the salary bill was adopted by the Congress this past year, there was a general prohibition against nepotism in all three branches of the Government, and that this language in this bill is absolute surplusage. I am of the opinion that it is absolutely not necessary and that the general law as it is now written prohibits all forms of nepotism. I am therefore very much surprised at the observation made by the chairman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 3 additional minutes.)

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield briefly to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I am not certain that the interpretation of the gentleman of the present statute is as the gentleman indicated, but, in any case, why strike out that prohibition? Why strike it out? Why permit a situation to arise in which a magistrate appointed by the President could, nevertheless, be related by blood or marriage to a judge on the district court in which he serves?

Mr. CAHILL. Mr. Chairman, if the gentleman will yield further, it was not specifically my intention to strike it out. But I say to the gentleman I do not think it is necessary to have it in here.

I believe general law covers it. I would be pleased if the gentleman would have counsel check on it and advise the membership of the House whether I am correct or not. I believe I am.

Mr. GROSS. Let me just say this, Mr. Chairman: if there is any limitation on the number—and there is none in the bill—if there is any legal limitation on the number of magistrates, I do not know where it is.

I am very much intrigued by the fact that there are some 700 court commissioners now in existence, and I am intrigued by the fact that I have not heard a word, so far as I can recall, from a single one of them, wondering whether he is going to lose his job or whether he is going to get one of these new full-time or part-time magistrate jobs. This is not the way it usually works around here when legislation is proposed to wipe out 700 jobs in the Federal Government and the employees are on notice they are going to be wiped out. We usually hear something from some of them, but I have not heard a word. I do not know whether other Members have or not.

Could it be possible that this legislation, despite what has been said about 150 part-time and 50 full-time magistrates, is going to balloon to about 600, since there is no limitation in the bill? Who is going to take care of these 700 commissioners presently in existence?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. Just as soon as the bill is passed and a magistrate is appointed in a district court he replaces the U.S. commissioner in that court. It is not done with one fell swoop.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. If the gentleman will yield for the purpose of a parliamentary inquiry, I believe I might clear up this first question as to lines 5 through 12 on page 39.

My parliamentary inquiry would be: does the phrase "except as otherwise provided in this chapter" apply to line 13 and below, numbered section 634, entitled "Compensation"? In other words, is number 634, "Compensation," a part of the chapter referred to in line 6 above? Otherwise it would not be a limiting device.

The CHAIRMAN. The gentleman has not raised a parliamentary inquiry, but has raised a question which is appropriately directed to the chairman of the committee. Would the gentleman from Iowa yield to the chairman of the committee for the purpose of answering?

Mr. HALL. I should be glad to have anyone answer. I still believe, Mr. Chairman, it is a parliamentary inquiry having to do with legislative bill writing, as to whether a numbered section is predicated on the other or not, but if the distinguished chairman can answer the question, I will repeat it.

It is, simply: does line 6 apply to section 634 entitled "Compensation"?

Mr. CELLER. On what page?

Mr. HALL. On page 39, wherein the gentleman from Iowa first asked the question.

Mr. GROSS. It is embraced in section 633, not in 634.

The CHAIRMAN. If the gentleman would like to have the Chair respond to his inquiry, it is the position of the Chair that this calls for a construction of legislation that is not properly the province of the Chair. Again the Chair would say that the appropriate person here to answer the question as to the construction of that language would be the chairman of the committee.

Mr. HALL. I thank the Chair.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. HALL. Mr. Chairman, my question is very simple. I will repeat it for the third time.

Does line 6 on page 39, wherein it says "except as otherwise provided in this chapter," refer to the section or chapter below on line 13 entitled "Compensation," numbered 634.

Mr. GROSS. Or does it apply to the other section?

Mr. HALL. Or does it apply only to chapter 633, of which it is subparagraph (c)?

Mr. GROSS. Which begins on page 36.

Mr. CELLER. I think the gentleman is reading a chapter for a section; 634 is a section, not a chapter.

Mr. HALL. Is it part of the chapter referred to in line 6 above in the opinion of the distinguished chairman?

Mr. CELLER. That is correct.

Mr. HALL. That is the answer we have been looking for. I thank the gentleman.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. CAHILL. The gentleman made an excellent point when he points out that we have some 700 commissioners. The chairman in response to a question indicated that the commissioner system would not be abolished, but one magistrate would be appointed and he would replace one commissioner. I do not think the chairman is correct in that.

I think once this bill is signed into law the commissioner system is abolished. If I am incorrect in that, then we have this position where they can appoint as many magistrates as they want who will replace as many commissioners as the number of magistrates, and then you would still have the remaining number of commissioners doing business. I submit that the chairman is in error and I submit that the gentleman in the well is correct, that if we enact this legislation, we are enacting a new form of Federal magistrate system which will replace the existing commissioner system. The gentleman made an excellent point.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. CELLER. Thank you very much. The gentleman has been very courteous in yielding.

I will answer the gentleman from New Jersey to say that no magistrate will be appointed unless and until a survey, which I mentioned when I took the floor before, is made. When that survey is completed and needs are determined, magistrates will be appointed and they will be appointed district by district. If there is one commissioner, then as the magistrate is appointed he will replace that commissioner. If there are two or more commissioners in a district, as the magistrate is appointed by the judge under the conditions outlined in the bill, those commissioners will have to yield their office. It is not done wholesale, but it is done district by district. Otherwise there would be utter confusion.

Mr. POFF. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, I shall oppose the motion to recommit. I do so not without some sympathy for the purpose involved in the second of the two amendments which will be included as instructions in the motion to recommit. I think it is perfectly proper for a legislative body to place an outside limitation on the total number of magistrates authorized. Yet, Mr. Chairman, the language of the amendment offered by the gentleman does not effectively accomplish the purpose. For the purposes of clarification, I will read that language into the RECORD at this point.

> Limitation on the number of magistrates: The number of United States magistrates appointed serving under this title at any one time may not exceed 250.

The purpose of that language is clear. The effect of it is a little uncertain. That is because this legislation provides for two different kinds of magistrates, both a part-time and a full-time magistrate. Under the present projection there will be a total of 50 full-time magistrates and 150 part-time magistrates. Under the language of the amendment as it is proposed by the gentleman from New Jersey, there would be no practical limitation upon the number of full-time magistrates because, for all intents and purposes, the full 250 authorized by his amendment could be full-time magistrates. But that is not the purpose of the bill, and the judges would never do such an irresponsible thing. On the contrary, the judges acting collectively in the conference will make a judgment about how many are required for each area.

And, after that judgment has been made, the old commissioners of which there are now 731, will cease to be commissioners and the new magistrates, both full time and part time, will assume the entire workload that the 731 old commissioners perform today. I say that because most of the 731 commissioners today work only, of course, part of the time, the exception, of course, being in the large metropolitan areas where there are full-time commissioners operating today.

And, yet, to be absolutely specific about it, the total of 200 full-time and part-time magistrates will when appointed assume the entire workload now being carried by the 731 commissioners.

Mr. CAHILL. Mr. Chairman, will the gentleman yield further?

Mr. POFF. I yield to the gentleman from New Jersey.

Mr. CAHILL. Then, the distinguished gentleman from Virginia does agree that the 250 limitation will not in any way impede the action of the judicial conference in dividing that number between full-time magistrates and part-time magistrates?

Mr. POFF. The gentleman from New Jersey is correct.

Mr. CAHILL. If the gentleman will yield further, will the gentleman further agree that the entire 250 could be part-time magistrates?

Mr. POFF. I would agree——

Mr. CAHILL. That is, if the Judicial Conference agrees?

Mr. POFF. I would agree. However, my point is——

Mr. CAHILL. If the gentleman will yield further——

Mr. POFF. No; I decline to yield until I have made my sentence complete.

My only point is this: If the gentleman wants to place an effective ceiling upon the number of magistrates to be appointed, the gentleman should be more definitive in his amendment and he should fix two ceilings; namely, a ceiling for full-time magistrates and a ceiling for part-time magistrates.

Mr. CAHILL. If the gentleman will yield further, I might remind the gentleman from Virginia that the committee has suggested no limitation for either part-time magistrates or full-time magistrates or the combination of both.

I am sure that the gentleman agrees that under the language of the bill, as has been pointed out repeatedly the number is limitless.

Mr. POFF. I would agree and I would say, as a footnote to my remarks, that the present statute under which the commissioners are appointed is open-ended. It is possible for the district judges to make as many appointments as they deem advisable, and instead of our having 731 magistrates as we have at the present time, it is possible to have twice that many.

Now, Mr. Chairman, I will address myself to the other portion of the gentleman's proposed motion to recommit. The gentleman from New Jersey, in the course of this debate last week and today, has rather eloquently and persuasively addressed himself to article 3 of the Constitution. His point has been—and I read, in part, from the letter which he has circulated—that article 3, section 1, of the Constitution requires that those exercising judicial power shall hold office during good behavior. The latter part of that clause reads: "and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office."

Yet, and although the gentleman has repeatedly emphasized the importance of that language, the language of the gentleman's proposed motion to recommit would authorize the President of the United States, having once appointed the magistrate, to remove the magistrate. The magistrate would not hold lifetime tenure under such language. I quote the language of the proposed amendment:

> Each United States magistrate shall be subject to removal by the President.

I suggest that if the gentleman insists that an article 3 judge is required for the original trial of the accused—one of the gentleman's own points—then in all consistency he must also take the position that an article 3 judge or magistrate should have a lifetime tenure.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(On request of Mr. CAHILL, and by unanimous consent, Mr. POFF was allowed to proceed for 3 additional minutes.)

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. POFF. Yes, I yield further to the gentleman from New Jersey.

Mr. CAHILL. Would the gentleman agree with me that he has and still does disagree with my interpretation of the Constitution on this particular point?

Mr. POFF. I do disagree most respectfully.

Mr. CAHILL. And does the gentleman further agree that all of the committee disagrees with my interpretation?

Mr. POFF. I believe the gentleman was the only member of 35 who took the position he did with respect to the constitutional question.

Mr. CAHILL. I would merely point out to the gentleman that from the standpoint of practicality, and with the hope of persuading the gentleman to support my motion yielded to his, rather than to my constitutional interpretation and conclusions.

Mr. POFF. I appreciate the tribute that has just been extended, even if it were not altogether intended. But I must say that the gentleman's statement may have left an erroneous implication. I do not believe anything I have said heretofore constituted an endorsement of the proceedings that the first amendment in his motion to recommit would require. On the contrary, I believe it would be needless to require appointment of magistrates by the President. When you speak of appointment by the President you are not really speaking of appointment by the White House—you are speaking of appointment by the Justice Department who makes up the recommendations on which the President bases his nomination. That should be clearly understood. I just suggest that this is as equally as political on the part of the executive branch as it would be on the part of the judicial branch if the legislation here before us should be adopted, as I am convinced it should be.

Mr. CAHILL. If the gentleman will yield further, my friend will agree, will he not, that the appointments under this legislation are made by the judges who in turn are appointed by the President with the recommendations of the Justice Department.

Mr. POFF. I do agree, and I call attention to the fact that the same system prevails today with respect to appointment of Commissioners—there would not be a wrong deduction in that. I believe we are concentrating upon an irrelevancy when we talk about political implications. There really are none in this bill.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. CELLER, and by unanimous consent, Mr. POFF was allowed to proceed for one-half additional minute.)

Mr. CELLER. Mr. Chairman, will the genteman yield?

Mr. POFF. I yield to the gentleman.

Mr. CELLER. I thank the gentleman for yielding.

I would ask the gentleman is it correct that the Republican policy committee approved this bill?

Mr. POFF. I am sorry to advise the gentleman that that is not correct, but it is the fact that the Republican task force on crime did.

Mr. Chairman, the best reason to vote for this legislation is that it will speed justice.

In the war against crime, there are many theaters of operation. They include crime prevention, crime detection, investigation, prosecution, corrections, rehabilitation, and central to all of these, courts of criminal justice.

Justice delayed is indeed justice denied. In that little truism, the word "justice" apllies not only to the defendant in the dock but to the people in the countryside. A delay in justice not only prejudices the rights of the accused; delay in justice jeopardizes the safety of society. A delay means that evidence grows stale, witnesses disappear, charges are sometimes reduced, the indictments nol prossed and the guilty too often go free. The most recent statistics show that only one out of eight offenders are prosecuted and convicted. Said differently, 87 out of 100 go scot free.

There are, of course, many causes of delay in the criminal justice process, but chief among these is delay in bringing a case to trial. The principal cause of this delay is congestion in court dockets. The cause of the congestion is the epidemic increase in crime. Crime growth causes the congestion which causes the delay which defeats speedy punishment of crime which creates the climate in which crime grows best. It is a vicious circle. The only way to break it is to clear congestion in the court dockets. This is the purpose of the Federal Magistrates Act.

With jurisdiction and responsibility broader than that the present commissioners hold, the 50 full-time magistrates and the 150 part-time magistrates will be able to try the minor offenses, those which incur penalties of less than 1 year and $1,000, which are responsible for most of the congestion in the court dockets. It is true that the new system will cost some $5 million more in the first year than the present system. Thereafter, the additional cost will be some $4 million. However, in judging the wisdom of this investment, we must consider not only the returns it will pay in terms of speedier justice and better justice, but the alternative costs involved if the new system is rejected. There is no way to make any absolutely precise cost comparison. However, if we are to assume that the failure of this bill would next year require the creation of 100 new Federal judgeships to clear the congestion which these 200 magistrates can clear, then the estimate can be substantially accurate. The cost of creating one new Federal district judge is $100,000. The cost thereafter of maintaining the Federal district judge, including salaries, travel, library, and office equipment, is $90,000 a year. This means that the original cost of creating 100 new Federal district judgeships would be $10 million, and this would not include the expenses of courtroom space, chambers, or quarters. The cost of maintaining 100 new Federal district judges would be $9 million per year.

The constitutionality of S. 945 has been questioned both in committee and on the floor. The arguments are three in number.

First. It is contended that in minor offense cases, there is an article III right to an article III tribunal. History makes clear that no such right exists. What the framers said and did at the Constitutional Convention, what Hamilton expounded in the Federalist, what this Congress has thought and done from 1789 to the present, and what the Supreme Court has held in interpreting article III—all these strains harmonize together to state unequivocally that there is nothing in article III which requires that any particular case—civil or criminal—be commenced before an article III judge. Rather, Congress has plenary power under article III to determine how the judicial power of the United States is to be allocated.

Second. It is contended that only the President, with the advice and consent of the Senate, can appoint magistrates. However, article II, section 2, expressly authorizes Congress to vest the appointment of inferior officers in the courts of law.

Third. It is contended that Congress is delegating its legislative power to establish jurisdiction to the courts. However, the Supreme Court has declared that as long as Congress establishes the confines of a policy, it may call upon the other branches of government to make particularized decisions in furtherance of that policy. The test to be applied is that of "commonsense and the inherent necessities of the governmental coordination," *Hampton & Co.* v. *United States*, 276 U.S. 394 (1928).

Therefore, this bill passes constitutional muster. I urge its adoption.

Mr. RODINO. Mr. Chairman, I am pleased to rise in support of S. 945, the Federal Magistrates Act, a long overdue measure to improve a basic component of our judicial system.

It is inconceivable that justice in any segment of the United States is still dispensed by persons whose living may well depend upon how they treat those who come before them. Yet, our U.S. commissioners, under existing law, are paid under a fee system—their pay being directly related to each item of activity in which they engage.

It is also inconceivable that we should continue to require our frontline of Federal justice to work without compensation as is often the case with U.S. commissioners. As you know, the law prescribes a ceiling beyond which they may not collect fees for their services. In busy districts the commissioners reach this maximum before the end of the year and thereafter work without compensation.

What kind of justice do we have a right to expect under such circumstances?

Time does not permit me to review all of the inadequacies of our present commissioner system. But it does seem to me, as a lawyer, and I am sure it appears the same to nonlawyers, that persons without training in the law should not pass judgment on legal questions of the variety and complexity which now arise before U.S. commissioners. Yet, a large percentage of our commissioners are not lawyers.

S. 945 will create a professional arm of the U.S. district courts. Henceforth, U.S. magistrates will constitute the lowest echelon of our judicial system. They will be legally trained except in most unusual circumstances, will be adequately compensated rather than dependent upon fees, will be afforded tenure which in turn will give them a measure of judicial independence, and they will have an expanded trial jurisdiction which will relieve the district courts of some of the excessive burden which now overwhelms them.

This substantial improvement in our judicial system will all be effected without any imposition upon the rights or privileges of defendants in our Federal system. Those who wish may continue to be tried in the district courts, with or without juries. Further, appeals from decisions of the magistrates to the judges of district courts is provided for under S. 945.

Mr. Chairman, although this legislation has not been accorded the massive public recognition as other legislation in the criminal law and administration of justice fields, it constitutes a major landmark which will for many years serve to bring credit upon the 90th Congress.

Mr. **REID** of New York. Mr. Chairman, I am strongly for the Federal Magistrates Act; however, I have one reservation. It is clear that this reform is necessary, both because there is great disparity from district to district on how even fundamental problems are handled under the present commissioner system and because of the present heavy loads on our courts. Anyone concerned with both law and justice is aware of the need for reform of our judicial system. In my judgment, the creation of the office of U.S. magistrate will increase the overall efficiency of the Federal judiciary, while at the same time providing a higher standard of justice at the point where many individuals first come into contact with the courts.

However, I intend to vote for an amendment in the form of a recommit, as I believe that the appointment of these new judicial officers, or magistrates, should be removed as much as possible from politics and that the appointments should be by the President. Appointment of the magistrates by the President would eliminate the political pressures to which sitting judges could be subjected. Further, the instant statute provides that magistrates would have the right to hear criminal cases and could be given such additional duties as did not conflict with the Constitution. District court judges would have appellate jurisdiction from certain rulings from these magistrates. There is some question as to whether judges ought to be appointing magistrates who in a sense are almost sitting as inferior judges. Even if this does not raise a constitutional question, it seems to me more careful scrutiny and less local pressure would result if these nominations were made by the President.

Mr. Chairman, I intend to vote for this bill on final passage, as it is clearly and urgently needed.

The **CHAIRMAN**. The question is on the substitute committee amendment, as amended.

The substitute committee amendment, as amended, was agreed to.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANNA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 945) to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes, pursuant to House Resolution 1261, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CAHILL

Mr. **CAHILL**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. **CAHILL**. I am, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CAHILL moves to recommit the bill (S. 945) to the Committee on the Judiciary with instructions to report the same to the House forthwith with amendments as follows:

Beginning on page 29, strike out line 9 and all the follows down through and including line 9 on page 30 and insert in lieu thereof the following:

"(a) The President shall nominate and, by and with the advice and consent of the Senate, appoint United States magistrates."

On page 31, strike out line 4 and insert in lieu thereof the following: "President finds that no."

On page 31, beginning in line 7, strike "appointing district court or courts" and insert in lieu thereof the following: "President."

On page 31, line 11, strike out the semicolon and insert in lieu thereof a period.

On page 31, strike out lines 12 through 14.

On page 32, strike out lines 11 through 15 and insert in lieu thereof the following: "having attained the age of seventy years."

On page 33, strike out lines 13 through 16 and redesignate the succeeding subsections accordingly.

Beginning on page 33, strike out line 17 and all that follows down through and including line 17 on page 34 and insert in lieu thereof the following:

"(g) Each United States magistrate shall be subject to removal by the President."

On page 34, beginning in line 23, strike out "district court or courts which appointed him" and insert in lieu thereof the following: "President."

On page 35, line 17, strike out "appointing court or courts" and insert in lieu thereof the following: "President."

On page 35, strike out lines 21 through 24 and insert in lieu thereof the following:

"(j) Upon granting a leave of absence to a magistrate entitled to such relief under the terms of subsection (1) of this section, the President may appoint, in the manner."

On page 38, line 20, strike out "The" and insert: "Except as provided in subsection (d), the."

On page 39, immediately after line 12, insert the following new subsection:

"(d) LIMITATION ON NUMBER OF MAGISTRATES.—The number of United States magistrates appointed and serving under this title at any one time may not exceed two hundred and fifty."

On page 55, strike out lines 21 through 24 and insert in lieu thereof the following: "43, title 28, United States Code."

Mr. **CAHILL** (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the motion to recommit be dispensed with, and that it be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

Mr. **BENNETT**. I object, Mr. Speaker. I would like to hear it read.

Mr. **CAHILL**. Mr. Speaker, I withdraw my request.

The **SPEAKER**. The gentleman withdraws his request.

The Clerk concluded the reading of the motion to recommit.

The **SPEAKER**. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. **CAHILL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 64, nays 258, not voting 109, as follows:

[Roll No. 355]

YEAS—64

Anderson, Ill.
Ashbrook
Ayres
Betts
Bevill
Bow
Brock
Broyhill, N.C.
Buchanan
Burke, Fla.
Button
Cahill
Cederberg
Cleveland
Collins
Cunningham
Davis, Wis.
Dellenback
Derwinski
Dorn
Eshleman
Fino
Gross
Grover
Hall
Harsha
Henderson

Horton
Hunt
Ichord
Johnson, Pa.
Jonas
Jones, N.C.
Latta
Lennon
McCloskey
McDade
Martin
Miller, Ohio
Minshall
Mize
Morse, Mass.
O'Konski
Passman
Poage
Quillen
Randall
Reid, N.Y.
Reifel
Robison
Rooney, N.Y.
Rumsfeld
Ruppe
Saylor
Schwengel
Skubitz
Smith, Iowa
Stafford
Taylor
Waggonner
Watkins
Whalley
Wydler
Wyman

NAYS—258

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Barrett
Bates
Bennett
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Casey
Celler
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Collier
Colmer
Conable
Conte
Corbett
Culver
Daniels
de la Garza
Delaney
Denney
Dent
Devine
Diggs
Dingell
Dole
Donohue
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Everett
Evins, Tenn.
Farbstein
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hardy
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Hungate
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kyl
Kyros
Laird
Langen
Lipscomb
Lloyd
Long, Md.
McCarthy
McClory
McCulloch
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Marsh
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Mills
Mink
Monagan
Montgomery
Morgan
Morris, N. Mex.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Railsback
Reid, Ill.
Reinecke
Rhodes, Pa.
Riegle
Roberts
Rodino
Rogers, Fla.
Ronan
Rosenthal
Rostenkowski
Roth
Roybal
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Scott
Selden
Shipley
Slack
Smith, N.Y.
Smith, Okla.
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Sullivan
Talcott
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Udall
Utt
Vander Jagt
Vanik
Waldie
Wampler
Whalen
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Yates
Young
Zablocki
Zion

NOT VOTING—109

Ashley
Ashmore
Aspinall
Baring
Battin
Belcher
Bell
Berry
Biester
Blackburn
Blanton
Bolling
Bolton
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Carter
Clancy
Cohelan
Conyers
Corman
Cowger
Cramer
Curtis
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Downing
Evans, Colo.
Fallon
Fascell
Fisher
Flynt
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Gardner
Gurney
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Herlong
Hosmer
Howard
Hull
Jacobs
Jones, Mo.
Karsten
King, Calif.
Kuykendall
Landrum
Leggett
Long, La.
Lukens
McClure
McMillan
Mailliard
Mathias, Md.
Minish
Moore
Moorhead
Nichols
O'Hara, Mich.
Olsen
Patman
Pepper
Pettis
Pollock
Rarick
Rees
Resnick
Reuss
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
Schweiker
Shriver
Sikes
Sisk
Smith, Calif.
Snyder
Stephens
Stratton
Stuckey
Taft
Teague, Tex.
Tunney
Ullman
Van Deerlin
Vigorito
Walker
Watson
Watts
Willis
Wilson, Bob
Wright
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Brown of Ohio for, with Mr. Cramer against.

Mr. Berry for, with Mr. Taft against.

Until further notice:

Mr. Hébert with Mr. Rhodes of Arizona.
Mr. Fallon with Mrs. Bolton.
Mr. Aspinall with Mr. Frelinghuysen.
Mr. Hull with Mr. Broomfield.
Mr. Sikes with Mr. Hosmer.
Mr. Ashmore with Mr. Belcher.
Mr. Daddario with Mr. Mailliard.
Mr. Evans of Colorado with Mr. Roudebush.
Mr. Rooney of Pennsylvania with Mr. Battin.
Mr. Blanton with Mr. McClure.
Mr. O'Hara of Michigan with Mr. Carter.
Mr. Minish with Mr. Pettis.
Mr. Rivers with Mr. Shriver.
Mr. Moorhead with Mr. Bell.
Mr. Baring with Mr. Smith of California.
Mr. Downing with Mr. Halleck.
Mr. Nichols with Mr. Lukens.
Mr. Long of Louisiana with Mr. Clancy.
Mr. Davis of Georgia with Mr. Snyder.
Mr. Fascell with Mr. Bush.
Mr. Fisher with Mr. Kuykendall.
Mr. Gallagher with Mr. Pollock.
Mr. Howard with Mr. Dickinson.
Mr. Hays with Mr. Mathias of Maryland.
Mr. Karsten with Mr. Watson.
Mr. Reuss with Mr. Biester.
Mr. Stratton with Mr. Moore.
Mr. Sisk with Mr. Bob Wilson.
Mr. Leggett with Mr. Conger.
Mr. Pepper with Mr. Harrison.
Mr. Flynt with Mr. Blackburn.
Mr. William D. Ford with Mr. Schweiker.
Mr. Roush with Mr. Hansen of Idaho.
Mr. Cohelan with Mr. Gurney.
Mr. Brown of California with Mr. Gardner.
Mr. Corman with Mr. Curtis.
Mr. Walker with Mr. Zwach.
Mr. Van Deerlin with Mr. Dawson.
Mr. Teague of Texas with Mr. Olsen.
Mr. Watts with Mr. Patman.
Mr. Willis with Mr. Rarick.
Mr. King of California with Mr. Rogers of Colorado.
Mr. Landrum with Mr. Fuqua.
Mr. McMillan with Mr. Wright.
Mr. Tunney with Mr. Vigorito.
Mr. Ullman with Mr. Jacobs.
Mr. Ashley with Mr. Conyers.
Mr. Resnick with Mr. Hawkins.
Mrs. Hansen of Washington with Mr. Stuckey.
Mr. Stephens with Mr. Ryan.
Mr. Dow with Mr. Rees.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on passage of the bill.

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 172; noes 21.

Mr. WAGGONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred twenty-one Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

IN HONOR OF DWIGHT DAVID EISENHOWER

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19831) to provide funds on behalf of a grateful Nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There being no objection, the Clerk read the bill, as follows:

H.R. 19831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall make grants to Eisenhower College of Seneca Falls, New York. Such grants shall be made on condition that the funds so granted will be used for the construction of educational facilities at such college, for the equipment for such facilities, and for the repair, renovation, and rehabilitation thereof (but not for routine and ordinary maintenance).

Sec. 2. There is hereby authorized to be appropriated to the Secretary of the Treasury for making grants under this Act, amounts which in the aggregate will not exceed gifts, bequests, and devises, of money, securities, and other property, made to Eisenhower College after the date of enactment of this Act, except that the aggregate amount so appropriated shall not exceed $5,000,000. Funds appropriated under this Act shall remain available until expended.

Mr. STRATTON. Mr. Speaker, I rise in support of the bill and to express my sincere appreciation to those Members on both sides of the aisle who have cooperated to make possible today the first big step in the realization of a dream I have cherished for more than a year.

In the summer of 1967 I first introduced legislation to provide for a Federal grant of funds to the newly emerging Eisenhower College in Seneca Falls, N.Y., in my district as a suitable, living, national memorial to the life and deeds of former President Dwight D. Eisenhower. As the representative of this district in Congress, and as a trustee of the college, I knew the special interest and affection that President Eisenhower had for this struggling new college that bore his name. I felt certain he would appreciate a living memorial of this sort far more than a monument of stone or bronze. And I felt that a grateful Government should take this action while General Eisenhower was still among us and still able to enjoy the expression of our sentiment and affection for him, rather than waiting until after he had gone.

I am especially grateful for the help which the distinguished minority leader, the gentleman from Michigan [Mr. GERALD FORD] gave in getting this legislation into a form which insured its approval in the committee and now its unanimous adoption on this floor. And I am deeply grateful for the assistance and encouragement of the gentlewoman from Oregon [Mrs. GREEN], chairman of the subcommittee, in steering the bill through her subcommittee. I am grateful to the chairman of the full committee, the gentleman from Kentucky [Mr. PERKINS], for all his help, and the gentleman from Minnesota [Mr. QUIE] for his support and efforts. This bill has truly been a cooperative, bipartisan effort to honor a great American and a great former President who during his Presidency and even today has really stood well above party considerations in the deep esteem and affection of the American people.

Mr. Speaker, earlier this month, after 6 long years of planning, Eisenhower College finally opened its doors for its first class of 300 students. The college is therefore finally a reality, a dream come into being, and for the first time in history a college named in honor of a former President has opened its doors while that former President was still living. Now with the prompt enactment of this legislation in this House, and with the anticipated speedy concurrence of the Senate, and the signature of the President, we shall for the first time in history be honoring a former President with a living memorial within his own lifetime.

I am confident that with this great expression of generosity and encouragement on the part of the Federal Government, represented in this legislation, Eisenhower College will grow in the years to come to be a very suitable and appropriate memorial to the outstanding life and ideals of Dwight D. Eisenhower.

Mrs. GREEN of Oregon. Mr. Speaker—

> Our schools are more important than our Nike batteries, more necessary than our radar warning sets, and more powerful than the energy of the sun.

Mr. Speaker, in the spirit of these words by Dwight Eisenhower I recommend passage of this legislation.

Memorials to men who have led great nations have most often been hewn of stone. This legislation to provide Eisenhower College in New York with the means to build educational facilities sets what I hope will be a pattern for future memorials to such men—living, useful, vigorous elements of a nation dedicated to educational excellence for all its citizens.

This legislation is largely the work of the distinguished Representative from New York, the Honorable SAMUEL S. STRATTON. In response to requests from General Eisenhower's family that any memorial to our 34th President be in the form of help to Eisenhower College, and knowing that such requests reflected the wishes of a man we would memorialize by this legislation, Representative STRATTON saw to it that the House Special Subcommittee on Education fully understood the legislation presented to the House of Representatives today. On the basis of Representative STRATTON's remarks befor the subcommittee, and as the proposed legislation stands in final form, I believe this is sound legislation. Mr. Speaker, I would like to call attention to parts of Representative STRATTON's remarks before the subcommittee so that the meaning of the bill is a part of easily accessible public record.

Representative STRATTON said:

> I happen to believe that a living memorial does make sense, and I happen to believe that a contribution to education makes the most sense of all as a memorial to a distinguished President who did a great deal for education and who . . . served for a number of years as President of one of the nation's great universities.

My distinguished colleague also pointed out in his testimony that such a memorial "should be the one and only memorial approved by Congress in his—General Eisenhower's—name." And that is the spirit in which the final bill, H.R. 19831, is cast.

Thus, as chairman of the subcommittee to which the legislation was assigned, and which has heard testimony from our distinguished colleague, Representative STRATTON—and from distinguished educators from Eisenhower College—I strongly urge passage of H.R. 19831 to provide funds on behalf of a grateful Nation in honor of Dwight David Eisenhower to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts of the Committee on House Administration be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON H.R. 3865, FOR THE RELIEF OF MAURITZ A. STERNER

Mr. HUNGATE filed a conference report and statement on the bill (H.R. 3865) for the relief of Mauritz A. Sterner.

AUTHORIZATION FOR EXTENSION OF NEW SENATE OFFICE BUILDING SITE

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2484) to authorize the extension of the additional Senate Office Building site.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2484, with Mr. HARDY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. GRAY] will be recognized for 30 minutes, and the gentleman from New York [Mr. GROVER] will be recognized for 30 minutes.

Mr. GRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the House Committee on Public Works, knowing the temperament of the House as to the need to be cutting back on Federal expenditures, has been very reluctant in the past few months to bring out additional authorizing legislation.

When this bill was referred over from the other body many of us were skeptical as to its need. But in checking into the merits of this legislation we decided without question it should be given consideration this year, and we bring to you today the bill S. 2484 which would authorize an expenditure of $1,250,000 for the purchase of six lots immediately contiguous to and adjoining the New Senate Office Building.

There are five important reasons why this legislation needs to be passed today, and sent to the White House for signature.

Mr. Chairman, the Old Senate Office Building as we know it was completed in 1933 and the New Senate Office Building was completed 10 years ago, in 1958. The Senate during that period of time has not bought any property or made any extensions or entered into any remodeling projects of any nature. During the same period since 1958 the House of Representatives spent almost $200 million in putting in new parking facilities and building the new Rayburn House Office Building and doing many other worthwhile things to help serve the public better on the House of Representatives side.

What I am saying, Mr. Chairman, is that there is a very critical need for additional space on the Senate side, but the other body said because of our tight fiscal policy they do not now propose to have an extension of the building but because of the various factors involved they do propose to take six lots as additional parking that will be suitable for construction at a later date.

The second reason why we bring the bill here under emergency procedures is the fact that 72 Senators and 24 committees and subcommittees of the other body notified us that additional space was very badly needed. On one of these six lots proposed to be taken by this bill, there is an apartment building known as the Capitol Hill Apartments. If this bill is passed, when funds are made available, this building could be taken over for Government office space.

Third, Mr. Chairman, the prices in this general area are skyrocketing. You can truthfully say that a vote for this bill today would be an economy vote, because we can buy for $1,250,000 these six lots. We estimate with the new Visitors Center going in in this vicinity that within 3 or 4 years or even sooner this land will cost as much as $5 million and possibly $10 million. Again I reiterate that if we do not take this land now, it will certainly cost the taxpayers many times over this amount in acquiring this property at a later date.

If I can get one of the assistants to bring the model in which is outside in the lobby now, I will show you a new $4 million motor hotel, the Quality Courts, which is rising out of the ground a block away from the new Visitors Center in the immediate area of the Senate Office Building. This is all being done with private capital. This is good for Washington, because it will bring in additional investment and therefore result in additional taxes, which should lower our Federal payment. However, it also points out the tremendous growth that is taking place in the vicinity of Union Station and the Senate Office Building as a direct result of the action of this Congress in approving the much-needed Visitors Center. Again, I reiterate that it is imperative we send this bill to the White House in order to save the American taxpayers millions of dollars in acquiring this land.

Fourth, I want to point out that the Senate agreed they will not ask for funds for any extension of the new Senate Office Building during this tight fiscal situation, but we do want to serve notice on the Capitol Hill Apartments and other owners in this area. By authorizing this legislation now we will serve notice on them that they should not make extensive improvements which will cost the American taxpayers a lot of dollars later on.

Last and most important, Mr. Chairman, is the fact that the comity which exists between the two bodies of this great Government requires that the Senate take care of its housekeeping matters and we on the House side take care of ours. Since 1958, which was 10 years ago, not a dime has been spent on the Senate side for facilities to house the Senators, but we have spent on the House side in that same period almost $200 million.

For example, we are spending now, at the present time, $5.2 million on the Cannon House Office Building to make three-room suites. We are going to spend $6,795,000 that has been authorized for modernizing the Longworth Office Building. We spent over $100 million in providing 158 offices in the new Rayburn House Office Building. We have spent $16,555,000 in building two parking garages, and we spent $3,775,100 in acquiring the land for those two new garages. The Senate has gone along without question on all of these programs to aid the Members of the House in providing better service to the American people.

And I would be surprised, indeed, I would be shocked, if anyone raised a question now about spending one two-hundredths of that amount for our coequal branch of the Government in providing much-needed parking facilities, and much-needed space over on the other side.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to my friend from New Hampshire.

Mr. CLEVELAND. The gentleman said that he was going to be shocked and surprised if there was any opposition to this proposal, so I would say to the gentleman to get ready to be shocked and surprised.

I joined in the opposition to this proposal in my minority views. I oppose it.

Mr. GRAY. Would the gentleman mind telling us where he has his suite of offices?

Mr. CLEVELAND. I will tell the gentleman.

Mr. GRAY. Where?

Mr. CLEVELAND. I have them in the Longworth Building.

Mr. GRAY. The other body has gone along with $6,975,000 for improvements so that the gentleman can get out of his little two-room suite and go into a three-room suite. Would the gentleman propose that we deauthorize that project?

Mr. CLEVELAND. I still happen to be in a two-room suite, and if I go into a three-room suite I will appreciate it.

But the fact that the Senate has authorized expenditures here for some of the recent additions to which the gentleman referred is no reason why we should authorize expenditures by the Senate that we feel to be unwise. Later on in my remarks I am going to call the attention of the gentleman to the debate on the floor of the Senate where less than half of the U.S. Senators voted in favor of this legislation. I believe it is very significant that they did.

So I do not believe it is right to say you are shocked or surprised. I am surprised that the Senators even voted for this bill this year. They must realize what poor judgment it is to approve such legislation at this time.

The other points I want to make are in direct connection with the remarks of the gentleman, and I want to make them at this time.

The gentleman keeps talking about $1¼ million to buy this land. The gentleman knows that this is the first step in a building that will cost at least $30 million, and some of the Senators on the floor debate over in the other body estimated it will go up to $100 million. It is not fair to characterize this as a $1¼ million bill. I believe the gentleman must realize this.

Mr. GRAY. The gentleman has been here a long time. He is an astute legislator, and he knows you cannot spend a dime more than is authorized by law. If the gentleman will take time to read the bill he will see that the maximum—and I repeat, the maximum amount authorized is $1,250,000. If a dime more than that is to be authorized it will have to come back to our committee on which the gentleman is a member, and it will have to go through the complete legislative process.

So how can the gentleman stand there and say that this is going to cost more than $1,250,000 when that is the maximum amount authorized in the bill?

Mr. CLEVELAND. In the other body, the Senator said they plan to build a building. In the floor debate in the other body it was estimated that it would cost at least $30 million and up to $100 million.

The gentleman says that I am an astute legislator, and I thank the gentleman for that, but I am not so stupid as to feel that if they get this money for the land, and they get the land, that then we will not be in a position next year when they are going to say "Look, we have the land, and we have to build a building to go on it."

I have been around here long enough and in my own State of New Hampshire Senate to know what they are setting up here. This is the start of the new Senate Office Building, no matter what you call it.

Mr. GRAY. The gentleman cannot read something into this bill that is not here. Any subsequent Congress of course could come in and authorize the building.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. GRAY. Mr. Chairman, I yield myself 2 additional minutes.

That will have to be handled at that time, I would say to the gentleman, but he cannot read into this legislation something that does not exist.

Let me close, Mr. Chairman, by saying that a partnership is a wonderful thing. A partnership in marriage is a wonderful thing if the parties get along. A partnership in business is a wonderful thing if the partners get along. I say to you that when the framers of our Constitution, our forefathers, felt that we needed coequal branches of our Government, they expected us to cooperate.

It is certainly not fair—I repeat, Mr. Chairman, it is certainly not fair for us to sit here as Members of the House of Representatives and authorize all types of facilities and ask the Senators on the other side of this Congress to go along with us, and then when they want a very modest amount of authorization say "No, I am sorry, we cannot do it."

Mr. Chairman, I would not want to play checkers with the gentleman from New Hampshire if he is going to make all of the moves; then when it is my time to make a move, have him pick up the checkers and fold up the board, and say "It is time to go home."

I do not believe this House wants to say to the Senate every time you have a post office, every time you have a small watershed project, every time you have a courthouse you want built, that it is all right if you go along with us, but we are not going to go along with the things you want. That is not intended in the makeup of the Congress, that we take this attitude primarily on the other side of the aisle. I cannot help but conclude after reading a letter to the minority leader, the gentleman from Michigan [Mr. Gerald R. Ford], and the letter to the Speaker by Senators who are very upset about the reluctance and about the fuss that we are making on authorizing this project, that they are upset and I don't blame them.

Mr. CLEVELAND. Mr. Chairman, would the gentleman yield?

Mr. GRAY. I hope my colleagues will not listen to these petty arguments, but approve this project and send it on to the White House for signing.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. CLEVELAND. I would ask the gentleman what those letters said that he referred to.

The **CHAIRMAN.** The time of the gentleman has again expired.

Mr. GRAY. Mr. Chairman, I yield myself 1 additional minute to respond to the gentleman.

Mr. CLEVELAND. The gentleman referred to some letters, that he had read, letters from Senators to the Speaker, and to the minority leader. I believe we ought to share those letters.

Mr. GRAY. I will be glad to share the letters. This letter is dated September 17, 1966, signed by the chairman of the House Subcommittee on Public Buildings and Grounds in the Senate, and also chairman of the Committee on Rules, the very distinguished Senator from North Carolina, Mr. Jordan. He says:

> We have gone along with the House in any requests made for authorizations or appropriations to acquire land, build or overhaul buildings, or whatever your side predetermined you needed. I am enclosing a list of appropriations which have been made in recent years.

And he catalogs our requests and various authorizations and appropriations. He goes on to say:

> We expect to cooperate in the future, but would like a little reciprocation.

And that is all I am asking the House to do here today. Mr. Chairman, in closing, I would remind my friends on the Republican side of the aisle that our majority Committee on Public Works has approved over $40 million in Federal buildings this year of 1968, many of these buildings in Republican districts. Are we going to tell the American people that we can spend hundreds of millions in taxpayer funds for post office buildings, courthouses, watershed projects, and other projects in every State in the Union but can't even authorize a small tract of ground costing one four-hundredths of that amount for the U.S. Senate?

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. Cleveland].

Mr. CLEVELAND. Mr. Chairman, the minority views that I referred to previously are available at the usual place. They were placed in the Record when we debated the rule before the recess last August and again yesterday.

I want to devote my remarks at this time particularly to what transpired in the Senate at the time this legislation was adopted by the Senate. In yesterday's Record I inserted the vote in the Senate, and for the information of those who have not read it, the vote in the Senate was 42 affirmative, 33 negative, with 25 Senators not voting. It is for that reason, I have said, and I believe I correctly say, that less than half of the U.S. Senators have felt they needed this building badly enough to show up and vote affirmatively for it.

I want to discuss with you a little bit the debate on the Senate floor because I think it is appropriate to do so.

Mr. Jordan of North Carolina, who wrote the letter to which the gentleman from Illinois referred, did indeed speak in favor of this legislation, as did Senator Yarborough from Texas. But I was more impressed with the remarks of Senator Williams from Delaware and Senator Cooper. Senator Williams pointed out that this is not a $1¼ million project. He said, "It is unquestionably going to lead to a $100 million building." And that is my source of information for that statement.

Senator Williams also pointed out, and I think this is particularly important, that among the reasons the Senators need more space is the fact that they have a countless number of subcommittees in the Senate. Some of us on the minority side of the aisle have addressed ourselves in recent weeks and months to the fact that the U.S. Congress has not shown a willingness to reform its procedures. This is a regrettable situation. I think it is important that we note the fact that one of the reasons why some of the Senators feel a need for more space is the fact that they apparently have many unnecessary and inactive subcommittees. They have built up a burgeoning bureaucracy over there that rivals much of the bureaucracy that we so criticize when we hear about it downtown.

Again I am quoting the Senators when I say this. And by giving them more space, all we are doing is to encourage them in this profligacy. I think we would be doing them a favor if we did not give them this additional space, because according to the debate in the Senate, at least, they do have enough space to take care of the really necessary committees and subcommittees that function there, with space to spare.

To quote from Senator Williams' remarks, which appeared in the Congressional Record on April 30, 1968, page 11020.

> We can reach the point of overstaffed committees and subcommittees. We are becoming a Congress of staff operations rather than member operations. Personally, I feel we could provide more space for members who need it at this time if we would just exercise some restraint.

Another thing I want this Committee to know. They speak about the great need for this legislation. I think it is appropriate to point out that the Senate committee that considered this legislation approved it by a vote of only 7 to 5. I am quoting Senator Cooper on that. This legislation was never overwhelmingly approved either in the committee or on the floor of the Senate.

I think that at a time like this, with the United States in its present fiscal plight, with a $25 billion deficit, with poor people marching on Washington as proof positive that the extensive programs we have legislated are not working, with a war in Vietnam, it seems to me that this is the wrong time for us to start another glittering pleasure dome on its way to being constructed.

There has been a good deal of criticism of Congress recently, as I have said earlier. One of the reasons for criticizing the Congress has been the fact that we are unwilling to reform our procedures.

It seems to me at a time when we have shown publicly we are unwilling to even reform our procedures, and particularly at this time, this would be the time and place to show we can at least exercise some fiscal restraint.

I understand full well we have to exercise a certain amount of comity with the other body. There are legislative proposals we have passed, however, that I have seen die over there, and die long and agonizing deaths, perhaps properly. I feel the successful working of the two bodies together is not necessarily premised, as the gentleman from Illinois has suggested, and should not be based on the proposition, that if they scratch our back and let us spend some money unwisely, then we, in turn, should reciprocate and condone unwise spending and untimely spending on their part.

Mr. GROVER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, the question that intrigues me is what is the justification for this action? I have heard none.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, that is a very good question. The gentleman from Iowa always asks good questions.

The real need for the project, as I explained in my debate, is the fact that inevitably the Senate is going to have to have more office room in the foreseeable future and will have to buy property, and by buying this property now, there is one building that could be used for office space.

There is not one inch of room in the Old Senate Office Building or in the New Senate Office Building that is not being used now. This Capitol Hill building that would be authorized in this acquisition could be used on a temporary basis until our fiscal condition allowed the building of a new Senate office building at some future date.

Also, if we wait to buy this property at a future date, with the tremendous billion-dollar development that is taking place there in the vicinity, with the Visitors Center and others, this property will probably cost five to ten times as much in the future as it does today, so this is truly an economy vote.

Mr. GROSS. Mr. Chairman, of course, we always hear that with respect to all kinds of programs, that it will cost us so much more later.

I heard someone say a while ago that $1,250,000—the foot in the door in this case—is a modest amount of money. That may be a modest amount of money in Cairo, Ill., but it is a lot of money in Waterloo, Iowa.

I can find no justification except that the Members of the other body want this new edifice. It is impossible for me to understand why the 100 Members of the other body must have three huge office buildings. I just cannot believe they would seek to promote such a deal at this time.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Hampshire in the hope he can shed any light on what the Senators can possibly be doing with the two huge office buildings they now have. Why do they need a third office building with only 100 Members to be accommodated? Is it contemplated there will be an increase of Members in the Senate? What is the story?

Mr. CLEVELAND. Mr. Chairman, as a matter of fact, I think the gentleman from Iowa put his finger right on a glaring weakness of this bill. The reading of the debate in the Senate on the floor in the Senate makes it very clear that the reason they need the space is they have a proliferation of subcommittees. Apparently almost every Senator gets a subcommittee. Even after the purpose of the subcommittee ceases to exist, for long after, the subcommittee and their staffs linger on.

As I understand the debate on the floor of the Senate—and these are the Senators talking and not me—I understand they have gotten into a bureaucratic situation over there that may be as bad as any we can imagine downtown. The subcommittees are increasing and apparently so are their staffs. They never get rid of a subcommittee. With every new problem, they get a new subcommittee. This is why they are staffed out of house and home, as I have said, this was all said in the debate on the floor of the Senate.

Mr. GROSS. Mr. Chairman, may I ask the gentleman this question. Is there a wing of this new edifice which would include the Belmont House?

Mr. CLEVELAND. Yes. I think most Members have received a telegram from the National Women's Party concerning this problem.

As a matter of fact, I do not know too much of the details.

Mr. GROSS. What do they propose to do, take the Belmont House by condemnation later? It is not in the lot purchase as set forth in the bill, is it?

Mr. CLEVELAND. I cannot answer that question.

Mr. GROSS. Are they going to leave it there and have a common entrance so that the Members of the other body can walk into the National Women's Party building? Are they going to have common walls so that they can traffic back and forth? Is the Belmont House going to remain on the corner as a part of the new Senate Office Building?

Mr. CLEVELAND. I would suggest that the gentleman from Illinois, an expert on this building, would be glad to answer the question.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROVER. Mr. Chairman, I yield myself such time as I may consume.

I realize there are some objections to this bill. I, too, have some reservations on the bill. They are not grave reservations. In the interest of comity I am going to support the bill.

Mr. Chairman, in 1947, the 80th Congress passed Public Law 169, which authorized the Architect of the Capitol, under the direction of the Senate Office Building Commission, to prepare preliminary plans and estimates for an additional Senate Office Building. Property for the additional office building was acquired under the provisions of the Second Deficiency Appropriation Act of 1948 and Public Law 85-591. At that time, all of the land in block 725 was acquired by the Government except the six lots authorized to be acquired by S. 2484 and lot 885, which is the site of the Belmont House owned by the National Women's Party. The existing New Senate Office Building was constructed on the west half of block 725 and the United States owns 30 lots on the east half of this block, which, together with the six lots which would be authorized to be acquired by this bill, are needed for the future construction of an extension of the New Senate Office Building.

The improvements on the six lots to be acquired, and the assessed evaluation for ad valorem tax purposes are as follows:

Existing improvements:	*Assessed value*
Lot No. 863—House (adjacent to Belmont House)	$11,528
Lot No. 864—House (adjacent to Belmont House)	11,328
Lot No. 892—Capitol Hill Apartments	239,542
Lot No. 893—House	25,708
Lot No. 894—House	16,808
Lot No. 905—Schotts Alley Apartments	130,357
Total assessed value	435,271

It is my understanding that real property in the District of Columbia is supposed to be assessed at approximately one-half of its true value, but that in actual practice true value is about two and one-half times the assessed value. On the latter basis, the six lots, with improvements, to be acquired under S. 2484, would have an indicated value of approximately $1,088,178. Thus, the appropriation of $1,250,000 authorized by S. 2484 for the acquisition of this property would appear to be adequate, even if there is some increase in the value of the property by the time it is acquired.

I am advised that upon acquisition of this property it is planned that the United States will rent the buildings on all of the lots except lot 892, probably to the existing occupants, until such time as demolition of the buildings is required for construction of the extension to the new Senate Office Building. These five lots are improved with old houses except for lot 905, on which is located the Schotts Alley Apartments. This apartment building consists of a number of two-story row houses under one roof.

Lot 892 is improved with the Capitol Hill Apartment House, which is a five-story building with 58 apartments. I understand that the other body plans to use a portion of these apartments for temporary office space and to rent the other apartments.

This is a controversial measure and has been from its inception. The vote in the Senate Committee on Public Works to report the bill was seven in favor and five against. It was passed by the other body by a vote of 42 to 33. Likewise, there is lack of unanimity concerning this matter among the members of the House Committee on Public Works. As you will note from reading the committee report on the bill, five members have signed minority views.

Further controversy has arisen by the objection of the National Women's Party to the acquisition of a portion of their property. The National Women's Party owns the Belmont House, which is located on lot 885. This property is not authorized to be acquired by S. 2484; however, they also own two other lots, numbered 863 and 864 which are adjacent to the Belmont House, and which would be authorized to be acquired by this bill.

I understand that the Belmont House has historical significance because Secretary of the Treasury Gallatin once lived there, and because, allegedly, Thomas Jefferson signed the Treaty of Ghent in this building. The Belmont House apparently derives its name from the fact that this property was once a part of the Belmont Estate and was willed to the National Women's Party. It is my understanding that the National Women's Party later purchased the two adjacent lots numbered 863 and 864.

According to information furnished by the other body, they are in dire need of additional office space to accommodate Senators, committees, and other Senate activities. The other body also advises that it is necessary to acquire all six of the lots, as authorized by S. 2484, for the Government to make the most beneficial use of the undeveloped property it now owns in block 725 and to accommodate the planned future construction of an extension to the New Senate Office Building.

Unfortunately, the other body did not debate the merits of the objection to the legislation raised by the National Women's Party.

Hearings were held by the Subcommittee on Public Buildings and Grounds of the Senate Committee on Public Works on August 3, 1967, at which time 12 Senators or their administrative assistants testified, and 15 additional Senators filed statements. No other persons testified or filed statements. I am informed that the National Women's Party was not aware of the consideration of this measure by the other body.

The House Committee on Public Works did not hold any hearings on this bill but considered it initially in executive session. It was the view of a majority of the members of the committee that it should not inject itself into the housekeeping problems of the other body and should favorably report the bill in the interest of comity with the other body.

It is unfortunate that the National Women's Party did not have an opportunity to testify before the other body, so that all of the facts involved in this matter could be explored in depth before the bill was sent to the House. Although the Belmont House, which is located on lot 885, and excluded from the acquisitional authority of this bill, has some historical significance, I understand that any historical significance of the houses on lots 863 and 864 is in doubt and controversy.

Even though I have reservations in supporting this bill because the hearings have not developed the facts surrounding the objections of the National Women's Party and the possible historical significance of lots 863 and 864, in the interest of comity with the other body I do plan to vote for passage of S. 2484, although my vote will be cast with considerable reservations based upon the lack of opportunity to testify by the National Women's Party as it relates to the two lots, 863 and 864, adjoining the Belmont House.

Mr. GROVER. Mr. Chairman, I yield back the remainder of my time.

Mr. GRAY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act.

(b) Any proceeding for condemnation brought under subsection (a) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(c) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioners of the District of Columbia in accordance with any request therefore made by the Architect of the Capitol with the approval of such Commission. Effective on the effective date of this Act or on the effective date of part IV of Reorganization Plan Numbered 3 of 1967, whichever is later, the functions vested in the Commissioners of the District of Columbia by this subsection shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan.

(d) Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(e) The jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds.

Sec. 2. For carrying out the purposes of this Act, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

Mr. GRAY (during the reading.) Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gray: On page 3, after line 19, insert the following:

"Sec. 2. Any office building which the United States may hereafter construct on the site authorized by the Second Deficiency Appropriation Act, 1948, and Public Law 85–951, and the first section of this Act, shall be so designed and constructed as to preserve Belmont House and its grounds located on lot 885 of square 725 in the District of Columbia. Notwithstanding any other provision of law, neither Belmont House nor any part of its grounds on lot 885 of square 725 in the District of Columbia shall hereafter be acquired by the United States or the government of the District of Columbia, through the exercise of the power of eminent domain, so long as such House and grounds are owned by the National Women's Party and are used for the purposes of such organization."

And renumber the succeeding section accordingly.

Mr. GRAY. Mr. Chairman, the National Women's Party has expressed grave concern that if this legislation passes, at some future time the Congress might take the very historic Belmont House.

We do not propose in this legislation to take Belmont House. It is a national historic shrine. It has been so designated by the National Park Service, U.S. Department of the Interior. We want to spell out very explicitly in this legislation that neither this Congress nor, we hope, any other Congress will ever touch the Belmont House or its immediate grounds; that is, the garden.

We do propose to take two old row houses immediately to the north of Belmont House that have no historical value. They were built some 100 years after the Belmont House.

Again, the purpose of this amendment is to spell out in clear detail our intention that the Belmont House and its beautiful gardens be preserved.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the distinguished gentleman from Florida.

Mr. HALEY. Unfortunately, we cannot bind a future Congress. We merely say what we hope they will or will not do. Any future Congress could come along and take Belmont House if it so desired.

Mr. GRAY. That could happen in any event, but we certainly do not and we will not take this property in this legislation.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to my distinguished friend from New York, a valued Member of the House.

Mr. GROVER. I should like to clarify one aspect of the amendment. The language is used, "to preserve" Belmont House and the grounds. It is my understanding, and this is just a clarification for the record, that this means the Government is not to encroach on Belmont House and its grounds. It also does not mean there would be any active conservation or preservation of the grounds, nor any maintenance of the grounds.

Mr. GRAY. The gentleman is eminently correct in his interpretation of the use of the world "preserve." We mean we will not encroach upon their property or do damage to the property if at any future time construction were to be started there.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to my distinguished friend from Maryland.

Mr. GUDE. I thank the gentleman for yielding, and I commend him for offering this amendment.

Although, for fiscal reasons, I do not presently support the legislation authorizing the extension of an additional Senate Office Building site, I want to express my support of the gentleman's amendment to insure the protection of the historic building known as the Alva Belmont House and its adjacent grounds.

The earliest part of the Belmont House—consisting at that time of just one room—dates back to 1647; so it is certainly one of the oldest structures in the District of Columbia. Later, it became the home of Thomas Jefferson's Secretary of the Treasury, Albert Gallatin, where he financed and directed the Louisiana Purchase. And allegedly it was here that the only resistance was made in Washington against the British during the War of 1812. Clearly, this is property of great historical value, which should be protected and preserved.

Mr. Chairman, as I mentioned earlier, I do not at this time favor passage of S. 2484, the legislation under consideration. However, should the measure pass, I would certainly want every assurance that the Belmont House and its immediate grounds will be protected from any encroachment by the Government.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I will not take the 5 minutes, but the gentleman from Florida [Mr. HALEY] put his finger on the character of this amendment. This is just so much folderol insofar as any succeeding Congress is concerned. A future Congress can knock this out, and I predict it will. I cannot conceive of a Senate Office Building being built in this manner. If you look at the proposed site with the Belmont House in it, you know that they will not leave it that way, for it would make something of a monstrosity out of the building. But irrespective of that, this amendment in no way redeems this bill.

I have heard figures here today of anywhere from $50 million to $100 million plus as the ultimate outlay for this bill if it is approved—what is would cost the taxpayers. And I have heard no one justify the need for a third office building for 100 Members of the other body. If anyone can justify it at this time, when this country is facing a financial crisis, I would like to hear it.

Mr. Chairman, I urge defeat of the bill and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GRAY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 4, after line 3, insert the following: "SEC. 4. This Act shall not take effect until the military conflict in Vietnam is terminated."

Mr. CLEVELAND. Mr. Chairman, I will not take my full 5 minutes in support of this amendment. It has been offered to make a point which is significant and important. One of the reasons why I object to acquiring this land to start this new building at this time is the fact that we do have a war on our hands. Somtimes we seem to forget it on the floor of the House. We have a $25 billion deficit and have just socked the taxpayers with a tax increase. Yet we have the lack of judgment to announce that we are going to build a new multimillion-dollar edifice, the need for which is doubtful. I am surprised that they would even ask for this building at this time. I repeat again that only 42 Senators went on record in favor of this. The rest were either not voting or were opposed to it.

Mr. Chairman, the purpose of my amendment is to drive home the point that this bill is coming before us at such an inappropriate time.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to compliment the gentleman from New Hampshire on his position and join with him. But, I am quite amazed to hear some of the bleeding hearts here today expressing an opinion against this bill because of its cost while yesterday these same people voted in favor of an inequitable and wasteful farm subsidy program which will cost the taxpayers hundreds of millions of dollars a year in unjustifiable large payments to big farmers. One farmer is getting as much as $4 million while others are getting subsidy payments of over $1 million each. I hear from the grapevine that they have another bill coming up in the House next week which will subsidize the pine gum growers and provide many of them with nice big fat subsidies. I am going to be against this bill as it is, just as I was against the extension of the 1965 act. I wish some of my so-called economy-minded colleagues of today who join with us in opposing this bill today would have stood up with us yesterday for economy in Government.

I agree with my colleague from New Hampshire. This nonpriority item should be put off until the Vietnam struggle is over. Until that time we should only be spending on essentials. After that conflict has ended I will be glad to vote for this building.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. GROVER. The gentleman offered an amendment here which would have the effect of not having this act take effect until the war in Vietnam is terminated. Should this amendment be adopted, I think we should, prior to adoption, or if it is adopted, have some legislative history on what the gentleman's intent as to termination is. What would the gentleman consider to be termination of the conflict in Vietnam?

Mr. CLEVELAND. I think it is pretty clear what I mean. I do not think anybody will have any problem in deciding what I mean. What I mean is we are not going to have legislation like this become effective unless we wind up things in Vietnam. By winding up things there I mean doing it successfully and honorably and expeditiously.

Mr. GROVER. I agree with that, but at what point would the gentleman consider it successful and honorable? This is necessary to understand if you want it to be effective at all.

Mr. CLEVELAND. We can cross that bridge when we get to it. When we have a new administration and get that conflict concluded successfully and honorably, we will all know about it and we will all be happy about it. I will be so happy that I will be happy to let the Senators have their new pleasure dome.

Mr. CONTE. Mr. Chairman, will the gentleman yield further?

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. CONTE. I imagine what you would mean is when we are not spending $30 billion a year on the war in Vietnam but are just spending comparative small amounts for economic assistance and when we have no more troops there.

Mr. CLEVELAND. That is right. And when we can bring most of our boys home.

Mr. CONTE. That will put it on the shelf long enough.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I thank the gentleman for yielding, and I apologize for what probably is my very dense ability or an inadequate ability to read this bill. I have listened to the figure for the office building that is being proposed, and I have read the bill four times during the debate, because I have heard the figure constantly referred to and I not only find no reference to that figure, but I find no reference to the construction of an office building.

Is the gentleman in error, or am I in error, that we are not considering the construction of the office building?

Mr. CLEVELAND. The gentleman apparently may not have been in the Chamber when I was discussing this matter. I was quoting the Senators that wanted the building, and on the floor of the Senate they said they want this because they need more space. I am against the bill because I quoted the Senators who said they did not need more space. All they needed were fewer subcommittees which would give them more space.

Mr. WALDIE. I wonder if it is not possible the Senators were reading a different bill than the one before us, because if the Senators read into this bill that they would be permitted to construct an office building, they were reading language that is not contained in this bill.

The gentleman was referring to debate that perhaps occurred on a bill that is not before us, unless I am in error, and if I am I would appreciate those who are opposing the bill pointing out to me where there is any figure other than $1,250,000, as we have discussed, and where there is any mention giving authority to anyone to construct an office building?

Mr. CLEVELAND. I can hardly believe that the gentleman can be serious in his questions, but if he desires the answer he can turn to the CONGRESSIONAL RECORD, which I have previously recited.

Mr. WALDIE. If they debated the bill as the gentleman has, I suspect then that they perhaps were in as much error as the gentleman. I would like to discuss the bill that is now before us.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New Hampshire [Mr. CLEVELAND].

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 21, noes 15.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HARDY, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 2484) to authorize the extension of the additional Senate Office Building site, pursuant to House Resolution 1226, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 144, nays 161, not voting 126, as follows:

[Roll No. 356]

YEAS—144

Abernethy
Adair
Adams
Addabbo
Albert
Annunzio
Arends
Ayres
Barrett
Bates
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Brooks
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Clark
Colmer
Conte
Corbett
Daniels
Delaney
Dent
Donohue
Dorn
Dulski
Eckhardt
Edmondson
Edwards, La.
Eilberg
Erlenborn
Everett
Farbstein
Feighan
Findley
Fino
Flood
Ford, Gerald R.
Fountain
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffin
Grover
Gubser
Hammerschmidt
Hanley
Hanna
Hardy
Hathaway
Henderson
Hicks
Holifield
Hungate
Irwin
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kirwan
Kluczynski
Kupferman
Kyros
Lennon
Long, Md.
McCloskey
McEwen
McFall
Machen
Madden
Mahon
Meeds
Miller, Calif.
Mink
Moorhead
Morgan
Morse, Mass.
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
O'Neill, Mass.
Passman
Perkins
Philbin
Pickle
Poage
Podell
Price, Ill.
Pryor
Purcell
Quillen
Rees
Rhodes, Pa.
Roberts
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Satterfield
St Germain
St. Onge
Scheuer
Schwengel
Selden
Shipley
Slack
Smith, Iowa
Staggers
Stanton
Steed
Stubblefield
Tiernan
Udall
Waggonner
Waldie
Whitten
Widnall
Wiggins
Wilson, Charles H.
Young

NAYS—161

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Belcher
Bennett
Betts
Bevill
Bingham
Brademas
Bray
Brinkley
Brock
Brotzman
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burton, Utah
Button
Cahill
Casey
Cederberg
Chamberlain
Clawson, Del
Cleveland
Collier
Collins
Conable
Culver
Cunningham
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dingell
Dole
Dowdy
Duncan
Dwyer
Edwards, Ala.
Esch
Eshleman
Foley
Fulton, Pa.
Gathings
Goodling
Green, Oreg.
Griffiths
Gross
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Harsha
Harvey
Hechler, W. Va.
Heckler, Mass.
Helstoski
Horton
Hunt
Hutchinson
Ichord
Jarman
Joelson
Johnson, Pa.
Jonas
Kelly
King, N.Y.
Kleppe
Kyl
Laird
Langen
Latta
Lipscomb
Lloyd
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
MacGregor
Marsh
Martin
May
Mayne
Meskill
Michel
Miller, Ohio
Mills
Mize
Montgomery
Morris, N. Mex.
Morton
Mosher
Myers
Nedzi
Nelsen
O'Konski
O'Neal, Ga.
Ottinger
Patten
Pelly
Pike
Poff
Price, Tex.
Pucinski
Quie
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Riegle
Robison
Rogers, Fla.
Roth
Rumsfeld
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Steiger, Ariz.
Steiger, Wis.
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Vander Jagt
Vanik
Wampler
Watkins
Whalen
Whalley
Whitener
Williams, Pa.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion

NOT VOTING—126

Anderson, Tenn.
Ashley
Ashmore
Aspinall
Baring
Battin
Bell
Berry
Biester
Blackburn
Blanton
Bolton
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Carter
Celler
Clancy
Clausen, Don H.
Cohelan
Conyers
Corman
Cowger
Cramer
Curtis
Daddario
Davis, Ga.
Dawson
de la Garza
Dickinson
Diggs
Dow
Downing
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Fisher
Flynt
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Gardner
Gurney
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Herlong
Hosmer
Howard
Hull
Jacobs
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
King, Calif.
Kornegay
Kuykendall
Landrum
Leggett
Long, La.
Lukens
McClure
McMillan
Macdonald, Mass.
Mailliard
Mathias, Calif.
Mathias, Md.
Matsunaga
Minish
Minshall
Monagan
Moore
Nichols
O'Hara, Ill.
O'Hara, Mich.
Olsen
Patman
Pepper
Pettis
Pirnie
Pollock
Rarick
Resnick
Reuss
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ruppe
Ryan
Sandman
Schweiker
Shriver
Sikes
Sisk
Snyder
Stephens
Stratton
Stuckey
Taft
Teague, Tex.
Tenzer
Thompson, N.J.
Tunney
Ullman
Van Deerlin
Vigorito
Walker
Watson
Watts
White
Willis
Wilson, Bob
Wright
Zwach

So the bill was not passed.

The Clerk announced the following pairs:

Mr. Hébert with Mrs. Bolton.
Mr. Daddario with Mr. Batten.
Mr. Matsunaga with Mr. Frelinghuysen.
Mr. Celler with Mr. Rhodes of Arizona.
Mr. Aspinall with Mr. Cramer.
Mr. Sikes with Mr. Broomfield.
Mr. Hays with Mr. Hosmer.
Mr. Pepper with Mr. Kuykendall.
Mr. Evins of Tennessee with Mr. Lukens.
Mr. Aspinall with Mr. Berry.
Mr. Rogers of Colorado with Mr. McClure.
Mr. Sisk with Mr. Mailliard.
Mr. Ashmore with Mr. Carter.
Mr. Evans of Colorado with Mr. Pettis.
Mr. Rivers with Mr. Halleck.
Mr. Gallagher with Mr. Bell.
Mr. Rooney of Pennsylvania with Mr. Mathias of California.
Mr. Nichols with Mr. Pirnie.
Mr. O'Hara of Michigan with Mr. Brown of Ohio.
Mr. Kornegay with Mr. Roudebush.
Mr. Willis with Mr. Minshall.
Mr. Leggett with Mr. Pollock.
Mr. Vigorito with Mr. Biester.
Mr. Teague of Texas with Mr. Ruppe.
Mr. Tenzer with Mr. Shriver.
Mr. Jones of Alabama with Mr. Clancy.
Mr. Blanton with Mr. Sandman.
Mr. Fisher with Mr. Snyder.
Mr. Cohelan with Mr. Blackburn.
Mr. Fallon with Mr. Bob Wilson.
Mr. Davis of Georgia with Mr. Cowger.
Mr. Downing with Mr. Watson.
Mr. Patman with Mr. Bush.
Mr. Walker with Mr. Taft.
Mr. Flynt with Mr. Dickinson.
Mr. Thompson of New Jersey with Mr. Zwach.
Mr. Brown of California with Mr. Curtis.
Mr. Long of Louisiana with Mr. Gardner.
Mr. Landrum with Mr. Gurney.
Mr. Jones of North Carolina with Mr. Hansen of Idaho.
Mr. Baring with Mr. Mathias of Maryland.
Mr. Anderson of Tennessee with Mr. Harrison.
Mr. William D. Ford with Mr. Moore.
Mrs. Hansen of Washington with Mr. Schweiker.
Mr. Stratton with Mr. Stuckey.
Mr. Hull with Mr. Stephens.
Mr. Fuqua with Mr. Reuss.
Mr. Ryan with Mr. Diggs.
Mr. Edwards of California with Mr. Conyers.
Mr. Howard with Mr. Hawkins.
Mr. Minish with Mr. Monagan.
Mr. Dow with Mr. Dawson.
Mr. Macdonald of Massachusetts with Mr. McMillan.
Mr. Wright with Mr. King of California.
Mr. Watts with Mr. Van Deerlin.
Mr. Tunney with Mr. Ullman.
Mr. Jacobs with Mr. Corman.
Mr. de la Garza with Mr. Olsen.
Mr. Resnick with Mr. Rarick.
Mr. White with Mr. O'Hara of Illinois.
Mr. Ashley with Mr. Roush.
Mr. Karsten with Mr. Herlong.

Mr. FINDLEY and Mr. STAGGERS changed their votes from "nay" to "yea."

Mr. COLLIER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS, 1969

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1461) making continuing appropriations for the fiscal year 1969, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Speaker, reserving the right to object, I think the House will recall, and I am sure the distinguished chairman of the Appropriations Committee will recall, that when the last continuing resolution was offered in this body, I served notice that I would oppose any further continuing resolution, in the hope that by opposing additional continuing resolutions, we can in some manner speed up the adjournment of this Congress.

The Appropriations Committee, Mr. Speaker, has been ready to report out the appropriation bills for some months. We have been held up by the legislative committees in authorizing legislation. The House has now disposed of all regular appropriation bills. The Labor-HEW appropriation bill is now in conference and an agreement will be reached shortly. There are two other bills, the Defense bill and the foreign assistance bill, still to be passed by the other body.

It is unfortunate, it seems to me, Mr. Speaker, that the other body is now engaged in a debate that is holding up the passage of these bills.

I will oppose a further continuing resolution with one exception, and I shall offer to this continuing resolution offered by the gentleman from Texas [Mr. MAHON]—if it is before the House—a substitute which would provide for a continuing resolution for defense only.

I feel we should not, by any action of this body, prevent the payment to dependents of our Armed Forces or the payments of salaries or pay to members of our armed services, or payment for contracts on delivery of goods to our forces in Vietnam. So in that one regard, I would offer this substitute to this resolution, if it is before the House, Mr. Speaker, and I would hope to be supported.

On the other two items, the bill for Labor-HEW is now in conference, and that can come before the House at almost any time. We have been working on it for 2 days. I just left that conference a few minutes ago. That leaves the foreign assistance bill still to be considered by the other body, and it leaves Defense.

As I plan to offer it, the substitute would permit payment to Defense but no other department, Mr. Speaker, because it seems to me the more we have these continuing resolutions, the more delays we have in expediting the work of the Congress.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to my friend from Texas.

Mr. MAHON. I wonder if the gentleman would be willing to permit us to call up the continuing resolution? If that agreement is reached, then of course a motion by the gentleman would be in order to confine the continuing resolution to only the defense appropriations. Of course, the Defense appropriation bill has not passed the other body. It is pending on the Senator Calendar.

It is true that a conference report on the Labor and Health, Education, and Welfare appropriations bill will probably be filed shortly, and perhaps approved by the middle of next week.

This leaves the foreign aid bill, not yet acted upon in the other body.

The present continuing resolution expires next Monday. For this reason, I had embraced in the pending resolution the agencies in these three bills. I would hope the gentleman would withhold his objection and permit us to consider this resolution in the House as in the Committee of the Whole, realizing as he does that an amendment to eliminate reference to all other agencies except Defense would be in order.

Would the gentleman agree?

Mr. BOW. I will say to the gentleman, I am prepared to do just what the gentleman has suggested.

I should like to make a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BOW. If this joint resolution is now called before the House, will it be in order, when it is before the House, to offer a substitute in the manner in which I have discussed it?

The SPEAKER. The answer is that it would be in order.

Mr. BOW. I thank the Chair.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1461

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90–366), is hereby further amended by striking out "September 30, 1968" and inserting in lieu thereof "October 12, 1968".

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move to strike out the last word. May I just add a few words. There are a number of agencies of the Government for which regular appropriations for 1969 have not been finally enacted by the Congress.

One of them is the Department of Defense, the appropriation bill for which has not cleared the other body.

Then there are the agencies in the Labor-HEW bill, which has cleared both Houses and is in conference.

And we do not know when the other body may pass the foreign aid bill. It is in committee in the other body.

All of these agencies are currently operating under the continuing resolution, which expires September 30.

The pending resolution merely extends the terms of the present law from September 30, which is next Monday, to Saturday, October 12. This is what I should like to see the House approve.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. What is magical about the date of October 12?

Mr. MAHON. That is a Saturday. It was hoped that the conference reports on the three pending regular bills could be agreed to by that time and the bills signed by the President so that the agencies could continue operations under the regular bills.

Mr. GROSS. What would have been wrong with October 5, which is also a Saturday?

Mr. MAHON. This would be a possibility, but the 12th gives us more flexibility. The 12th is an outside date. If we clear the three bills earlier, that would settle the question of dates.

Mr. GROSS. That is just the point. I am beginning to believe that the Democrats are perfectly willing to take the voters for granted, that they do not have to put on a campaign of any kind. They are very indulgent in the way this House is being run on and on into the indefinite future.

I wish the gentleman from Ohio would offer an amendment to this joint resolution to provide for October 5 instead of October 12.

Mr. MAHON. If by October 5 we have cleared the three bills and they have been signed, this resolution would be inoperative, anyway.

Mr. GROSS. But the gentleman does not think they will be cleared by October 5?

Mr. MAHON. I am uncertain about it. I hope that a decision will be made in the other body with respect to the issue there.

SUBSTITUTE AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a substitute amendment for the joint resolution offered by the gentleman from Texas.

The Clerk read as follows:

Substitute amendment offered by Mr. Bow: Strike out all after the resolving clause and insert in lieu thereof the following:

"That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90–366), insofar as it relates to activities for which provision was made in the Department of Defense Appropriation Act, 1968, is hereby further amended by striking out 'September 30, 1968' and inserting in lieu thereof 'October 12, 1968'."

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOW. Mr. Speaker, I have explained this substitute and the reason for it. It seems to me that again I say we have to move toward adjournment. If we get continuing resolutions on all of these matters, there may be further delay. By a resolution of this kind we will bring about the passage of the Labor-HEW conference report and the foreign operations bill with the facing of this deadline. Again I say that we have to protect those of our men who are in Vietnam, their dependents, and others.

For that reason, Mr. Speaker, I urge the adoption of the substitute.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I will be happy to yield to the gentleman.

Mr. GERALD R. FORD. After listening to the comments just made by the distinguished chairman of the Committee on Appropriations where he indicated that within the next few days the appropriation conference report on the Departments of Health, Education, and Welfare and Labor appropriation bill would be completed and available for consideration both in this body and in the other body, it seems to me that there is no problem whatsoever about funds being available for both of those departments without any problem whatsoever. Is my understanding correct from what I have heard the gentleman from Texas say?

Mr. MAHON. Will the gentleman yield?

Mr. BOW. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I think to cover all of these agencies is a better way to handle this problem. I recognize the validity of the contention that the Labor-Health, Education, and Welfare conference will probably be settled shortly, and therefore it is not too significant a portion of the problem. On the foreign aid portion of the matter, that bill has not passed the other body. It just gives me some concern. I want the House to work its will and I appreciate the gentlemen being flexible enough to permit us to move ahead by unanimous consent. I do not want to belabor the issue further here except to say that my personal view is that it would be better to extend the continuing authority to all three bills still pending. But if the House wishes to handle it otherwise, while this would not be as satisfactory, it will serve generally the purpose with respect to the Department of Defense and probably with respect to the Labor-HEW bills.

Mr. BOW. If I may, I would like to say to those who may be concerned about those in these departments who are not covered not being paid, if you will recall, there was a time when we were very much concerned about it some months ago when it went for several weeks. Everyone will be paid for the work which they have done up to the first of October, because they will be paid out of the funds available through September. So there is nothing to be concerned about whether they are going to get paid. They will get hurt if we do not pass these bills, and one way to bring about passage of these bills is not to pass any further continuing resolutions. I hope that the House will support the substitute I have offered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. With the exception of the foreign aid bill, so-called, and conference reports, what is keeping the House from adjourning or recessing and getting out of here?

Mr. BOW. Well, at this time I will say to the distinguished gentleman from Iowa I am not a member of the leadership of the House and I think that that question at this date and at this time should be addressed to the leadership. Perhaps, at some later date I might be able to answer the gentleman's question. However, at this time I cannot speak for the leadership.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, does not the gentleman agree with me that the Democrats by holding Congress in session, are taking the voters for granted; that they do not feel that a campaign on the issues is necessary?

Mr. BOW. I do not know what they are thinking, but I want to get home and do a little campaigning, and I think that should be true with every Democratic Member. If we stay here with these delays which are caused by the other body, we will not be able to get home and do any campaigning.

Mr. Speaker, I think it is time that we faced up to these things and that is one reason I have objected to these matters so that we can go home and look our constituents in the eyes.

The **SPEAKER.** The question is on the substitute amendment offered by the gentleman from Ohio [Mr. Bow] for the joint resolution.

The question was taken; and on a division (demanded by Mr. ALBERT) there were—ayes 57, noes 57.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 163, not voting 132, as follows:

[Roll No. 357]

YEAS—136

Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Bates
Belcher
Betts
Bow
Brock
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Button
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Conable
Corbett
Cunningham
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Duncan
Dwyer
Edwards, Ala.
Esch
Eshleman
Findley
Ford, Gerald R.
Fulton, Pa.
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Harsha
Harvey
Horton
Hunt
Hutchinson
Johnson, Pa.
Jonas
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Laird
Langen
Latta
Lipscomb
Lloyd
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
MacGregor
Martin
Mathias, Md.
May
Mayne
Meskill
Michel
Miller, Ohio
Mize
Morse, Mass.
Morton
Mosher
Nelsen
Pelly
Poff
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Reifel
Reinecke
Riegle
Robison
Roth
Rumsfeld
Sandman
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Utt
Vander Jagt
Wampler
Whalen
Whalley
Widnall
Wiggins
Williams, Pa.
Winn
Wyatt
Wydler
Wylie
Wyman
Zion

NAYS—163

Abbitt
Abernethy
Adams
Addabbo
Albert
Andrews, Ala.
Annunzio
Barrett
Bennett
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Casey
Clark
Culver
Daddario
Daniels
de la Garza
Delaney
Dingell
Donohue
Dorn
Dowdy
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Everett
Evins, Tenn.
Farbstein
Feighan
Flood
Foley
Fountain
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffin
Griffiths
Hagan
Halpern
Hamilton
Hanley
Hanna
Hardy
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Irwin
Jarman
Joelson
Johnson, Calif.
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kluczynski
Kyros
Lennon
Long, Md.
McCarthy
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Marsh
Matsunaga
Meeds
Miller, Calif.
Mills
Mink
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Philbin
Pickle
Poage
Price, Ill.
Pucinski
Purcell
Randall
Rees
Reid, N.Y.
Rhodes, Pa.
Roberts
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rostenkowski
Roybal
St Germain
St. Onge
Satterfield
Scheuer
Selden
Shipley
Slack
Smith, Iowa
Staggers
Steed
Stubblefield
Sullivan
Tenzer
Thompson, N.J.
Tiernan
Tuck
Udall
Vanik
Waggonner
Waldie
Whitener
Whitten
Wilson, Charles H.
Wolff
Yates
Young
Zablocki

NOT VOTING—132

Anderson, Tenn.
Ashley
Ashmore
Aspinall
Baring
Battin
Bell
Berry
Bevill
Biester
Blackburn
Blanton
Bolton
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Carter
Celler
Clancy
Cohelan
Colmer
Conte
Conyers
Corman
Cowger
Cramer
Curtis
Davis, Ga.
Dawson
Dent
Dickinson
Diggs
Dow
Downing
Erlenborn
Evans, Colo.
Fallon
Fascell
Fino
Fisher
Flynt
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Gardner
Green, Oreg.
Gurney
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Herlong
Holifield
Hosmer
Howard
Hull
Hungate
Ichord

Jacobs
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
King, Calif.
Kornegay
Kuykendall
Landrum
Leggett
Long, La.
Lukens
McClure
McMillan
Mailliard
Mathias, Calif.
Minish
Minshall
Monagan
Moore
Myers
Nichols
O'Hara, Ill.
O'Hara, Mich.
Olsen
Patman
Pettis
Pike
Pirnie
Podell
Pollock
Pryor
Rarick
Resnick
Reuss
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Ruppe
Ryan
Schweiker
Shriver
Sikes
Sisk
Snyder
Stephens
Stratton
Stuckey
Taft
Taylor
Teague, Tex.
Tunney
Ullman
Van Deerlin
Vigorito
Walker
Watkins
Watson
Watts
White
Willis
Wilson, Bob
Wright
Zwach

So the substitute amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rhodes of Arizona for, with Mr. Hébert against.

Mr. Broomfield for, with Mr. Minish against.

Mr. Dickinson for, with Mr. Celler against.

Mr. Conte for, with Mr. Aspinall against.

Mr. Cramer for, with Mr. Anderson of Tennessee against.

Mr. Erlenborn for, with Mr. Teague of Texas against.

Mr. Ruppe for, with Mr. Vigorito against.

Mr. Fino for, with Mr. Leggett against.

Mr. Hosmer for, with Mr. Monagan against.

Mr. Harrison for, with Mr. Dent against.

Mr. Kuykendall for, with Mr. Evins of Tennessee against.

Mr. Lukens for, with Mr. Fisher against.

Mr. Mathias of California for, with Mr. William D. Ford against.

Mr. Minshall for, with Mr. Evans of Colorado against.

Mr. Myers for, with Mr. Podell against.

Mr. Pettis for, with Mr. Rogers of Colorado against.

Mr. Berry for, with Mr. Rooney of Pennsylvania against.

Mr. Battin for, with Mr. Sikes against.

Mr. Pirnie for, with Mr. Sisk against.

Mr. Watkins for, with Mr. Stratton against.

Mr. Watson for, with Mr. Holifield against.

Mr. Taft for, with Mr. Rivers against.

Mr. Snyder for, with Mr. Patman against.

Mr. Shriver for, with Mr. Wright against.

Mr. Brown of Ohio for, with Mr. Jones of Alabama against.

Mr. Frelinghuysen for, with Mr. Blanton against.

Mr. Halleck for, with Mr. Cohelan against.

Mr. Hansen of Idaho for, with Mrs. Green of Oregon against.

Mr. Bray for, with Mr. Gallagher against.

Mr. Bob Wilson for, with Mr. Rosenthal against.

Mrs. Bolton for, with Mr. Davis of Georgia against.

Mr. Mailliard for, with Mr. Ryan against.

Mr. McClure for, with Mr. Willis against.

Until further notice:

Mr. Walker with Mr. Schweiker.
Mr. Karth with Mr. Roudebush.
Mr. Kornegay with Mr. Pollock.
Mr. Brown of California with Mr. Moore.
Mr. Ashmore with Mr. Zwach.
Mr. Downing with Mr. Hansen of Idaho.
Mr. Ashley with Mr. Gurney.
Mr. Fallon with Mr. Gardner.
Mr. Fuqua with Mr. Curtis.
Mr. Reuss with Mr. Cowger.
Mr. Roush with Mr. Clancy.
Mr. Taylor with Mr. Bush.
Mr. Watts with Mr. Blackburn.
Mr. Ullman with Mr. Biester.
Mr. Jones of North Carolina with Mr. Bell.
Mr. Bevill with Mr. McMillan.
Mr. Corman with Mr. Conyers.
Mr. Colmer with Mr. Landrum.
Mr. Long of Louisiana with Mr. O'Hara of Michigan.
Mr. Olsen with Mr. White.
Mr. Van Deerlin with Mr. Tunney.
Mr. Nichols with Mr. O'Hara of Illinois.
Mrs. Hansen of Washington with Mr. Hawkins.
Mr. Hays with Mr. Hull.
Mr. Howard with Mr. Pryor.
Mr. Pike with Mr. Stephens.
Mr. Hungate with Mr. Jacobs.
Mr. Ichord with Mr. King of California.
Mr. Rarick with Mr. Resnick.
Mr. Baring with Mr. Herlong.

Mr. KIRWAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. BOW. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I assume that the gentleman from Texas will very shortly move the previous question. However, I should like to advise the House that I shall offer a motion to recommit the continuing resolution and will, in the motion to recommit, provide for the Department of Defense to October 5. I have changed the time from October 12 to October 5. So the motion to recommit is identical to the substitute previously offered with the exception of the date of October 5 instead of October 12.

Mr. Speaker, I thought the House should be advised of the motion to recommit which I plan to offer.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I shall be happy to yield to the gentleman from Texas, and I hope that the gentleman would like to get out 7 days earlier.

Mr. MAHON. The gentleman does not feel he should include his motion to recommit all the agencies of Government involved such as the Department of Health, Education, and Welfare?

Mr. BOW. No; I am sorry, Mr. Chairman, that I cannot include them. I served notice months ago that I will not go along with a resolution to cover all the agencies involved. I am now making an exception for the Defense Department for reasons I have previously explained.

Mr. Speaker, I think October 5 is a good date to get out of here and I am sure that if we finally stand up to these resolutions sometimes, perhaps, we will get out and I hope the gentleman will be as anxious to go to the great State of Texas as I am to the great State of Ohio.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, I regret that I cannot concur with the views of the gentleman with respect to the date and with respect to the contents of the motion to recommit. I am most appreciative of the gentleman's cooperation and his willingness to make it possible for this resolution to be considered on the floor of the House today. But I do not at the moment see how the date would be realistic and I am compelled to oppose it.

Mr. BOW. I would like to say to the gentleman from Texas that I appreciate his views and that he is as interested in these matters as am I. I did agree to cooperate with the gentleman because I have a great and high regard for him. But the overriding reason which I have in mind is to get out of here and my purpose was to move the date up earlier so that we would be closer to adjournment.

Mr. Speaker, if the Members of the House are really interested in adjournment and getting into the campaign they will vote for this and this contains the date of October 5. We should not have further delays. It seems to me that we are faced with further delays and I sometimes wonder why we do not want to get to the hustings and go back to the people and discuss the issues before the people. That is the sole purpose that lies behind this motion to recommit. Let us get this Congress out and go back to the hustings and discuss the issues of the day with the people of this country.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it seems to me it would be most unwise for the Congress not to provide for all agencies of the Government beyond next Monday whose regular appropriations have not been finally enacted by that time. As indicated before, I do not believe the date of October 5 is realistic. And I believe we should provide legal authority for minimum operating requirements in the interim for all agencies, not just the Defense Department.

With regard to adjournment, the House, it is true, is coming to the end of the road, and could have adjourned earlier and probably could adjourn by the 5th, but in view of the fact that we must give consideration to the fact that the other body is on a basis of equality with the House in these matters, and we have to deal with the other body, it is for that reason that it is so important to have a continuing resolution, and I trust the continuing resolution will be approved and that the motion to recommit will be defeated.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Texas yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman for yielding.

Does not the gentleman feel that, by telling them there will not be a continuing resolution beyond October 5, that it might be a stimulant to the other body to conclude their business and adjourn this Congress?

The Senate can take care of all the necessary legislative business such as the appropriation bill on defense, the appropriation bill on the foreign aid program, and the appropriation bill for the Departments of Health, Education, and Welfare and Labor. The latter conference is virtually ready to come up, and will, I believe be considered and approved next week. If the Senate wants to do its legislative work they can finish by next Saturday, October 5, and if we do not put the prod to them we will not get the Congress adjourned at a reasonable and responsible date.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. MAHON. In a moment.

Mr. Speaker, I do not believe it is appropriate or possible for me or for the Members of the House to prejudge the other body. It has its prerogatives, as the House does.

I now yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Speaker, I thank the gentleman for yielding.

I take this time to suggest that we could be back on the hustings discussing the issues, if in the other body a Republican Senator were not leading a filibuster to keep us here.

Mr. MAHON. Mr. Speaker, I move the previous question on the continuing resolution to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow moves to recommit House Joint Resolution 1461 to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment as follows: Strike out all after the resolving clause and insert in lieu thereof the following:
>
> "That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90–366), insofar as it relates to activities for which provision was made in the Department of Defense Appropriations Act, 1968, is hereby further amended by striking out 'September 30, 1968' and inserting in lieu thereof 'October 5, 1968'."

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Bow), there were—ayes 90, noes 92.

Mr. GERALD R. FORD. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Bow and Mr. MAHON.

The committee again divided, and the tellers reported that there were—ayes 105, noes 105.

Mr. BOW. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 148, not voting 148, as follows:

[Roll No. 358]

YEAS—135

Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Bates
Belcher
Betts
Bow
Brock
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Button
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Clawson, Del
Cleveland
Collier
Collins
Colmer
Corbett
Cunningham
Davis, Wis.
Dellenback
Derwinski
Devine
Dole
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Ford, Gerald R.
Fulton, Pa.
Goodling
Gross
Grover
Gubser
Gude
Hagan
Hall
Hammerschmidt
Harvey
Heckler, Mass.
Horton
Hunt
Hutchinson
Johnson, Pa
Jonas
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Laird
Langen
Latta
Lipscomb
Lloyd
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
MacGregor
Martin
Mathias, Md.
May
Mayne
Meskill
Michel
Miller, Ohio
Mize
Montgomery
Morse, Mass.
Morton
Mosher
Nelsen
O'Konski
Pelly
Poff
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Reifel
Reinecke
Riegle
Robison
Roth
Rumsfeld
Sandman
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Stanton
Steiger, Wis.
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Utt
Vander Jagt
Wampler
Whalen
Whalley
Widnall
Wiggins
Williams, Pa.
Winn
Wyatt
Wydler
Wylie
Wyman
Zion

NAYS—148

Abbitt
Abernethy
Adams
Albert
Andrews, Ala.
Annunzio
Barrett
Bennett
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Casey
Clark
Culver
Daddario
Daniels
de la Garza
Delaney
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Eckhardt
Edmondson
Edwards, La.
Everett
Evins; Tenn.
Feighan
Flood
Foley
Fountain
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Green, Oreg.
Griffin
Griffiths
Haley
Hamilton
Hanley
Hardy
Hathaway
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Irwin
Jarman
Joelson
Johnson, Calif.
Kastenmeier
Kee
Kelly
Kirwan
Kyros
Lennon
Long, Md.
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Marsh
Matsunaga
Meeds
Miller, Calif.
Mills
Mink
Moorhead
Morgan
Morris, N. Mex.
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Philbin
Poage
Price, Ill.
Pucinski
Purcell
Randall
Rees
Rhodes, Pa.
Roberts
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rostenkowski
St Germain
St. Onge
Satterfield
Scheuer
Selden
Shipley
Slack
Smith, Iowa
Staggers
Steed
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thompson, N.J.
Tiernan
Tuck
Vanik
Waggonner
Waldie
Whitener
Whitten
Wilson, Charles H.
Wolff
Yates
Young
Zablocki

NOT VOTING—148

Addabbo
Anderson, Tenn.
Ashley
Ashmore
Aspinall
Ayres
Baring
Battin
Bell
Berry
Bevill
Biester
Blackburn
Blanton
Bolton
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Carter
Celler
Clancy
Clausen, Don H.
Cohelan
Conable
Conte
Conyers
Corman
Cowger
Cramer
Curtis
Davis, Ga.
Dawson
Denney
Dent
Dickinson
Diggs
Dow
Edwards, Calif.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fascell
Fino
Fisher
Flynt
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Gardner
Gilbert
Gray
Green, Pa.
Gurney
Halleck
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harrison
Harsha
Hawkins
Hays
Hébert
Herlong
Hosmer
Howard
Hull
Hungate
Ichord
Jacobs
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kazen
King, Calif.
Kluczynski
Kornegay
Kuykendall
Landrum
Leggett
Long, La.
Lukens
McCarthy
McClure
McMillan
Mailliard
Mathias, Calif.
Minish
Minshall
Monagan
Moore
Murphy, N.Y.
Myers
Nichols
O'Hara, Mich.
Olsen
Patman
Pettis
Pickle
Pike
Pirnie
Podell
Pollock
Pryor
Rarick
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Roybal
Ruppe
Ryan
Schweiker
Shriver
Sikes
Sisk
Snyder
Steiger, Ariz.
Stephens
Stratton
Stuckey
Taft
Tunney
Udall
Ullman
Van Deerlin
Vigorito
Walker
Watkins
Watson
Watts
White
Willis
Wilson, Bob
Wright
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rhodes of Arizona for, with Mr. Hébert against.

Mr. Broomfield for, with Mr. Minish against.

Mr. Dickinson for, with Mr. Celler against,

Mr. Conte for, with Mr. Aspinall against.

Mr. Cramer for, with Mr. Anderson of Tennessee against.

Mr. Ruppe for, with Mr. Vigorito against.

Mr. Fino for, with Mr. Leggett against.

Mr. Hosmer for, with Mr. Monagan against.

Mr. Harrison for, with Mr. Dent against.

Mr. Kuykendall for, with Mr. Gilbert against.

Mr. Lukens for, with Mr. Fisher against.

Mr. Mathias of California for, with Mr. William D. Ford against.

Mr. Minshall for, with Mr. Evans of Colorado against.

Mr. Myers for, with Mr. Addabbo against.

Mr. Pettis for, with Mr. Rogers of Colorado against.

Mr. Berry for, with Mr. Rooney of Pennsylvania against.

Mr. Battin for, with Mr. Sikes against.

Mr. Pirnie for, with Mr. Sisk against.

Mr. Watkins for, with Mr. Stratton against.

Mr. Taft for, with Mr. Rivers against.

Mr. Watson for, with Mr. Pickle against.

Mr. Snyder for, with Mr. Patman against.

Mr. Shriver for, with Mr. Wright against.

Mr. Brown of Ohio for, with Mr. Jones of Alabama against.

Mr. Frelinghuysen for, with Mr. Blanton against.

Mr. Halleck for, with Mr. Cohelan against.

Mr. Hansen of Idaho for, with Mr. Murphy of New York against.

Mr. Bray for, with Mr. Gallagher against.

Mr. Bob Wilson for, with Mr. Rosenthal against.

Mrs. Bolton for, with Mr. Davis of Georgia against.

Mr. Mailliard for, with Mr. Ryan against.

Mr. McClure for, with Mr. Kluczynski against.

Mr. Steiger of Arizona for, with Mr. Eilberg against.

Mr. Don H. Clausen for, with Mr. Fallon against.

Mr. Denney for, with Mr. Farbstein against.

Until further notice:

Mr. Pike with Mr. Ayres.
Mr. Bevill with Mr. Moore.
Mr. Hungate with Mr. Carter.
Mr. Van Deerlin with Mr. Bell.
Mr. Walker with Mr. Clancy.
Mr. Podell with Mr. Biester.
Mr. Green of Pennsylvania with Mr. Halpern.
Mr. Willis with Mr. Blackburn.
Mr. Roybal with Mr. Conable.
Mr. Flynt with Mr. Cowger.
Mr. Fuqua with Mr. Bush.
Mr. Kazen with Mr. Curtis.
Mr. Long of Louisiana with Mr. Gardner.
Mr. Nichols with Mr. Gurney.
Mr. Hanna with Mr. Harsha.
Mr. Tunney with Mr. Pollock.
Mrs. Hansen of Washington with Mr. Reid of New York.
Mr. Hull with Mr. Roudebush.
Mr. Watts with Mr. Schweiker.
Mr. Howard with Mr. Zwach.
Mr. Landrum with Mr. McMillan.
Mr. Brown of California with Mr. Conyers.
Mr. Olsen with Mr. Dawson.
Mr. Edwards of California with Mr. Pryor.
Mr. Resnick with Mr. Diggs.
Mr. McCarthy with Mr. O'Hara of Michigan.
Mr. Fascell with Mr. Reuss.
Mr. Roush with Mr. Hawkins.
Mr. Hays with Mr. Stephens.
Mr. Stuckey with Mr. Rarick.
Mr. White with Mr. Ullman.
Mr. Karth with Mr. Udall.
Mr. Ichord with Mr. Jacobs.
Mr. Ashmore with Mr. Ashley.
Mr. Baring with Mr. Corman.
Mr. Dow with Mr. Gray.
Mr. King of California with Mr. Jones of North Carolina.
Mr. Kornegay with Mr. Karsten.

Mr. TAYLOR changed his vote from "yea" to "nay."

Mr. FULTON of Pennsylvania and Mr. O'KONSKI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A month to reconsider was laid on the table.

REQUEST TO CONSIDER CERTAIN BILLS IN LEGISLATIVE PROGRAM NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order next week on any day from Tuesday and for the balance of the week, to call up under the general rules of the House two bills: First, the bill (H.R. 19418) to expedite the retirement of Government capital from the Federal intermediate credit banks; and second, the bill (H.R. 19747) to strengthen and improve the Older Americans Act of 1965.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RUMSFELD. Mr. Speaker, reserving the right to object. To clarify what the procedure is here—Is it correct that the gentleman from Oklahoma is asking unanimous consent that these two bills, which have not been cleared by the Committee on Rules; which have not been placed on the suspension calendar; which have not been brought out by discharge petition; and not scheduled under the Calendar Wednesday procedure, be brought to the floor next week for consideration by the House?

Mr. ALBERT. The gentleman is correct. Since the bills seem, from my inquiry, to have general if not absolutely unanimous approval, it was thought that this would expedite the business of the House.

Mr. RUMSFELD. Would the gentleman from Oklahoma explain what these two bills are?

Mr. ALBERT. There are Members who are more competent to explain them than I am. If the gentleman would yield to the gentleman from Kentucky [Mr. PERKINS], he could explain it to the gentleman. The bill relating to the Older Americans Act of 1965 came out of the Committee on Education and Labor. The gentleman from Texas [Mr. POAGE] is present and he could explain the other bill to the gentleman.

Mr. RUMSFELD. I am familiar with the Older Americans Act amendments That was the second bill the gentleman mentioned. Would the gentleman from Oklahoma read the title of the other bill?

Mr. ALBERT. The title of that bill is "To expedite the retirement of Government capital from the Federal intermediate credit banks."

Mr. RUMSFELD. Mr. Speaker, there have been a great many of us who for many weeks have been trying to figure out some way that we could bring to the floor of the House of Representatives, for consideration during this session, legislation now in the Committee on Rules dealing with amendments to our election laws, and legislation dealing with the reorganization of the Congress which passed the U.S. Senate almost unanimously more than 1½ years ago.

It seems to me unfortunate that the gentleman from Oklahoma is not asking unanimous consent to bring one of those two bills to the floor of the House. We have not been meeting every day. We have had plenty of time for the consideration of these pieces of legislation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Of course, the gentleman knows the circumstances are entirely different. Almost every week we do take up by unanimous consent certain bills that are not contested and on which there is general agreement.

Mr. RUMSFELD. If I might continue for just one moment. The gentleman says we do this when there is substantial agreement. There is substantial agreement from everything I can understand on this side of the aisle that we would like to consider these two bills. I have talked to Members of the leadership on your side of the aisle, and the expression is that they are not opposed to the bills. I cannot understand who is opposing the scheduling of these bills. It seems to me conceivable that the Legislative Reorganization Act, which passed the Senate with only nine opposing votes, might also be brought to the floor under some procedures such as that requested by the gentleman.

Mr. ALBERT. I would advise the gentleman that if he made the request, I personally would not object. But I am making the request on behalf of other bills.

Mr. RUMSFELD. Would the gentleman withhold his request while I ask unanimous consent for the scheduling next week of these two bills—on election reform—H.R. 11233—and legislative reform—S. 355?

Mr. ALBERT. I would prefer to dispose of the matter to which I have referred. I was only telling the gentleman what I would or would not do.

Mr. RUMSFELD. I am constrained to object, Mr. Speaker.

Mr. ALBERT. Does the gentleman object to consideration of both bills or only the farm bill?

Mr. RUMSFELD. Both the bills.

The SPEAKER. The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE TO EXTEND ON S. 3769 AND H.R. 19831

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the higher education bill, S. 3769, and on the Eisenhower College bill, H.R. 19831.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE OLDER AMERICANS ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that I may proceed for 1 minute.

The SPEAKER. Is there objection to the gentleman proceeding for 1 minute?

There was no objection.

Mr. PERKINS. Mr. Speaker, I would like to ask if the gentleman who just objected to the older Americans bill would reconsider and withdraw his objection to permit that bill to be brought up, inasmuch as the benefits to our elderly citizens far outweigh the few million dollars involved.

Mr. GERALD R. FORD. Mr. Speaker, has the gentleman asked for unanimous consent?

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to renew the request made by the majority leader that the older Americans bill be considered as planned next Tuesday. It is a bill providing programs to better the welfare of our elderly people in this country. I do not think anyone would want to object if they knew, really, the contents of the legislation, because this will be the last opportunity to bring this measure up for a vote. I am hopeful the gentleman will withdraw his objection to the older Americans bill.

The SPEAKER. Is the gentleman from Kentucky asking the gentleman from Illinois if he would withdraw his objection to that particular bill?

Mr. PERKINS. That is my unanimous-consent request.

The SPEAKER. The gentleman from Illinois has objected to both bills. If the gentleman from Kentucky wishes to pursue the matter and ask the gentleman from Illinois if he has any objection to the specific bill mentioned, he may do so. Since the gentleman from Illinois has objected to consideration of both bills, the Chair recognizes the fact that the gentleman is opposed to both bills.

Mr. MARTIN. Mr. Speaker, I object.

CONGRESSIONAL REORGANIZATION

Mr. REES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REES. Mr. Speaker, I might point out to the gentleman from Illinois that this morning I filed a discharge petition.

Mr. Speaker, I really wanted to point out to the Members, as we have been discussing congressional reorganization, that today a discharge petition was filed which would bring the Senate bill to the floor of the House, so we do have a vehicle, and all Members wishing to sign the petition can request the petition from the Clerk. Just line up in an orderly fashion and do not cause too much commotion. But then this bill can be brought to the floor for discussion.

CONGRESSIONAL REORGANIZATION

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I am aware that there is a discharge petition for S. 355—the Legislative Reorganization Act—at the desk. I have signed the discharge petition.

I have, throughout my time in the House, supported the Older Americans Act amendment. Let me say to the gentleman from Kentucky that I have no objection to that bill whatsoever. What I object to is that there are important pieces of legislation that the Congress could be considering, that the majority party refuses to bring to the floor. Personally, I can see no reason in the world why there is a reluctance to bring to the floor the Legislative Reorganization Act which passed the U.S. Senate more than 18 months ago. It is for that reason that I have objected at this time to the unanimous-consent request of the gentleman from Oklahoma.

Mr. Speaker, I ask unanimous consent that it should be in order next week that the Legislative Reorganization Act—(S. 355)—be scheduled for consideration in the House of Representatives.

The SPEAKER. The Chair does not recognize the gentleman from Illinois for that purpose.

Mr. RUMSFELD. The gentleman appreciates the comments of the Chair. If at some time, at some point, the Chair would recognize the gentleman from Illinois for the purpose of making such a request, the gentleman would be happy to withdraw his objection made to the request of the gentleman from Oklahoma.

Mr. PERKINS. Mr. Speaker, will the gentleman from Illinois yield?

Mr. RUMSFELD. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I would like to ask the gentleman if he will withdraw his objection to consideration of H.R. 19747, the Older Americans Act, and let the Older Americans Act be brought up next week in order that we can dispose of it.

Mr. RUMSFELD. Mr. Speaker, I have indicated my objection to that request at this time. Certainly we are going to be in session next week, and it is certainly possible that a request on that could be made at a later date, after we have had an opportunity to discuss whether we can bring to the floor the Legislative Reorganization Act, before this Congress closes.

Mr. PERKINS. Mr. Speaker, I will say to the gentleman from Illinois he is taking the responsibility for killing the Older Americans Act, because this is the last opportunity to consider it.

Mr. RUMSFELD. Mr. Speaker, I am aware there are people who will say, because I have objected to the request of the gentleman from Oklahoma, that I am opposed to helping older Americans. I am not opposed to helping the older Americans. I have supported legislation to help them. But I do think there are important pieces of legislation that we should be considering on the floor of the House, and we have not done it.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, the Older Americans Act was reported out of the gentleman's committee when?

Mr. PERKINS. Mr. Speaker, the Older Americans Act was reported out of our committee the same morning that the Eisenhower College Act was reported. At the time I thought that the minority had the same enthusiasm for early consideration of the older Americans bill that I had for the Eisenhower college bill. I thought there was a general understanding that these two measures would be brought up and considered on the same day.

Mr. GERALD R. FORD. Mr. Speaker, let me clarify the record. There was no agreement as far as we were concerned. I was never asked under any circumstances whether they would be considered in an identical way. There was no such agreement. The record is clear. I will ask the gentleman to ask anybody who would make such an agreement.

Mr. PERKINS. Mr. Speaker, let me say to the distinguished minority leader that the gentleman was not a party to the understanding, but there was that general understanding within our committee that these two bills with broad bipartisan support would be brought to the floor together. That is the way I have proceeded. We proceeded with the idea they would be called up together. I told Mrs. GREEN to go ahead on the Eisenhower College bill. I am surprised that there is an objection from the gentleman's side of the aisle on the Older Americans Act.

Mr. GERALD R. FORD. Mr. Speaker, let me make this observation. Is the gentleman from Kentucky saying that he is not as magnanimous as he appeared to be in consideration of the Eisenhower College bill, that it was part of some quid pro quo?

Mr. PERKINS. Let me say I was and am wholeheartedly in favor of the legislation. If the gentleman is indicating he is opposed to the older American bill let me assure him this does not affect my support of the Eisenhower College bill.

Mr. GERALD R. FORD. I see. You are changing the statement now, is that it?

The SPEAKER. Might the Chair suggest that the bill relating to former President Eisenhower was acted on enthusiastically by all.

Mr. GERALD R. FORD. That was my impression. I was amazed to hear the comment by the gentleman from Kentucky.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ARENDS. Might I say we were likewise today in general agreement on the matter of former President Mr. Truman's resolution, which went through today.

Mr. GERALD R. FORD. And there was not any quid pro quo as to its consideration.

Mr. ARENDS. Let me say further, Mr. Speaker, this has been a bad day for general agreements, as the Speaker well knows, and the rest of the House should know.

I suggest to the gentleman, very kindly, that he withdraw his request at this particular time.

The SPEAKER. There is no request which has been submitted to the Chair again. The Chair stated that the gentleman from Illinois [Mr. RUMSFELD] had objected to the unanimous-consent request submitted by the majority leader. The situation stands there.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, earlier this afternoon on account of conferences I had relating to my district and State with two departments of the Government, I missed rollcalls Nos. 355 and 356. Had I been present, I would have voted "nay" on No. 355 and "yea" on No. 356.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 30

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the rest of this week and for next week.

Mr. **ALBERT**. Mr. Speaker, will the gentleman yield?

Mr. **GERALD R. FORD**. I yield to the distinguished gentleman.

Mr. **ALBERT**. In response to the inquiry of the distinguished minority leader, we have finished the legislative business for this week and will ask to go over until Monday upon the announcement of the program.

The program for next week is as follows:

On Monday there are miscellaneous unanimous-consent bills from the Committee on Ways and Means. These have heretofore been put in the RECORD, but for the purpose of bringing Members up to date. I ask unanimous consent that they may all be inserted at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BILLS TO BE CALLED UP BY UNANIMOUS CONSENT

H.R. 6909—Rate of duty on stethoscope parts.

H.R. 7567—Definition of compensation under Railroad Retirement Tax Act.

H.R. 13419—Free entry of Cuprophane.

H.R. 15023—Regulated investment companies furnishing capital to development companies.

H.R. 15114—Losses incurred in connection with redemption of savings notes.

H.R. 17332—Credits and payments in the case of certain uses of gasoline and lubricating oil.

H.R. 18253—Effective date of 1966 change in definition of earned income for purposes of pension plans of self-employed individuals.

H.R. 18373—Implementing Conventions for Free Admission of Professional Equipment and Containers, and for ATA, ECS, and TIR Carnets.

H.R. 18486—Tax treatment of income from operation of communications satellite system.

H.R. 18942—Income tax treatment of certain statutory mergers of corporations.

H.R. 15003—To prevent payment of multiple customs duties on certain racehorses.

H.R. 11934—Amending Internal Revenue Code re distilled spirits.

H.R. 14095—Relating to the production of wine.

S. 1578—Appropriation for U.S. contribution for International Union for Publication of Customs Tariffs.

H.R. 18101—Rules involving recognition of gain or loss on sales or exchanges in connection with certain liquidations.

Mr. **ALBERT**. Mr. Speaker, for Tuesday and the balance of the week, Tuesday is Private Calendar Day. Also on Tuesday, H.R. 17682, civil service retirement financing—open rule with 1 hour of debate.

We have three other bills which we are announcing subject to rules being granted. They are:

H.R. 19747, Older Americans Act Amendments of 1968;

H.R. 19418, to expedite the retirement of Government capital from the Federal intermediate credit banks; and

Senate Joint Resolution 175, to suspend for 1968 campaign the equal-time requirements of section 315 of Communications Act of 1934 for nominees for the offices of President and Vice President.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program will be announced later.

Members should be advised that certain conference reports are expected next week, including the vocational education conference report and the conference report on the HEW-Labor appropriation bill. If the other body acts, it is possible we might have conference reports on other bills.

Mr. **GERALD R. FORD**. Would the distinguished majority leader advise, if he can, is it anticipated that the conference report on the Departments of HEW and Labor from the Committee on Appropriations will come up on Tuesday?

Mr. **ALBERT**. Mr. Speaker, I am not in a position yet to advise the gentleman on that, because there has been some conflict of opinion as to when that bill should be brought up. I would say to the gentleman that either or both, that bill and the vocational education bill will be brought up on Tuesday or Thursday, and more likely the latter on Thursday but I am not able to give the gentleman a specific answer.

Mr. **GERALD R. FORD**. I had understood that the latter bill, the vocational education conference report was scheduled for Thursday. Is that certain?

Mr. **ALBERT**. It is intended that that bill come up on Thursday. There was some question as to whether it should be brought up in view of some other bills but insofar as I am concerned that matter has not been clarified yet.

I am not prepared to tell the gentleman whether the HEW-Labor bill will come up on Tuesday, but I think an effort will be made to bring it up on that day.

Mr. **GERALD R. FORD**. But it is reasonable to assume that the vocational education conference report will come up on Thursday?

Mr. **ALBERT**. I think we can depend upon the fact that it will come up on Thursday.

Mr. **GERALD R. FORD**. I thank the distinguished majority leader.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

Mr. **GROSS**. Well, Mr. Speaker, reserving the right to object, how are we ever going to end this session if we are going to continue to pass legislation of any controversial nature whatever, meaning that it will have to go to conference? How can we end this session and get out of here?

Mr. **ALBERT**. Mr. Speaker, if the gentleman will yield, I doubt if that is the problem.

Mr. **GROSS**. Will the gentleman state the problem?

Mr. **ALBERT**. I think the gentleman has previously stated it himself. I think the problem is in the other body on other matters over which the House has no jurisdiction. I think it is a question of when the other body will consider the various bills that they must pass before we adjourn.

Mr. **GROSS**. Is the distinguished majority leader able to give us any clue as to when we might get out of here by virtue of sine die adjournment, recess, or otherwise?

Mr. **ALBERT**. I would hope we would be able to program the bills and the conference reports that come up after next week in such a manner——

Mr. **GROSS**. After next week, did the gentleman say?

Mr. **ALBERT**. After next week I would hope that we would be able to program the bills in such a manner as to give the Members as much time off as possible. That is as explicit as I can be at this time.

Mr. **GROSS**. Then the gentleman does not see adjournment or recess or whatever it might be until week after next at the earliest; is that correct?

Mr. **ALBERT**. I certainly do not see any final adjournment next week, looking at the matter from where I stand right now, and I do not believe the gentleman from Iowa does either.

Mr. **GERALD R. FORD**. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the gentleman from Michigan.

Mr. **GERALD R. FORD**. May I ask the distinguished majority leader to clarify this one additional matter? It is my understanding that there is a Jewish holy day on Wednesday next.

Mr. **ALBERT**. The gentleman is correct.

Mr. **GERALD R. FORD**. If the gentleman from Iowa will yield further, is it anticipated that there will be legislation considered but no rollcalls on that date?

Mr. **ALBERT**. As of now I doubt that we will even consider legislation on that day, but I do not want to be bound to that until early next week.

Mr. **GROSS**. Why is it not possible to go to the consideration of these bills that have been carried over including the legislation dealing with the funding of the retirement fund?

Mr. **ALBERT**. That is the first order of business on Tuesday.

Mr. **GROSS**. Why not consider that on Monday?

Mr. **ALBERT**. We do not need to. We do not have much business for next week.

Mr. **GROSS**. Well, then, let us adjourn or let us recess.

Mr. **ALBERT**. We cannot adjourn at this time, and the gentleman knows the reason why.

Mr. **DON H. CLAUSEN**. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. Yes, I yield to the gentleman from California.

Mr. **DON H. CLAUSEN**. Mr. Speaker, I would like to ask the distinguished majority leader whether or not the leadership is contemplating a supplemental appropriation bill this year?

Mr. **ALBERT**. I am unable to answer the gentleman's question. I cannot give the gentleman accurate information on that at this time.

Mr. **GROSS**. I would say—not attempting to respond for the majority leader—but I would say that the gentleman from California can contemplate anything if we stay here long enough.

Mr. ALBERT. I thank the gentleman.

The SPEAKER pro tempore (Mr. ROONEY of New York). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 30, 1963

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT UNTIL MIDNIGHT, SEPTEMBER 28

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday, September 28, to file a report on the bill (H.R. 7151) to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the the right to object, would the gentleman from Oklahoma give us further explanation on this request?

Mr. ALBERT. If the gentleman will yield, this is a bill which, according to information delivered to me, has been cleared with the gentleman from Illinois [Mr. SPRINGER]. It is a bill to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes.

Mr. HALL. Mr. Speaker, I would ask the gentleman is this another bill that we will have to have on the floor by unanimous consent, and then go to conference on, and further extend the labors of this Congress?

Mr. ALBERT. I cannot answer the gentleman.

Mr. HALL. Can the distinguished majority leader advise me, Mr. Speaker, as to whether or not the committee has completed action on this, and the papers are in fact ready to file?

Mr. ALBERT. It is my understanding that it was unanimously reported from the committee.

Mr. HALL. I thank the distinguished gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ATTITUDE OF PEOPLE IN MISSISSIPPI, ARKANSAS, AND TENNESSEE ON THE VIETNAM WAR

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVERETT. Mr. Speaker, a few weeks ago Margaret McKee of the Press-Scimitar, an outstanding newspaper of the Nation published in Memphis, Tenn., ran a series of articles on the feelings of the people in the States of Mississippi, Arkansas, and Tennessee relative to the Vietnam war.

The article on the town of Ripley, Tenn., in the Eighth Congressional District which I have the honor to represent, is so outstanding I thought it should be brought to the attention of the Congress. The article follows:

[From the Memphis (Tenn.) Press-Scimitar, July 26, 1968]

THE WAR AND THE MID-SOUTH: RIPLEY, TENN.: MOST TOWNFOLK FEEL WE'RE "DOING RIGHT THING" IN VIETNAM AND ACCEPT DECISIONS OF U.S. LEADERS

(By Margaret McKee)

RIPLEY, TENN.—The bench sitters on the courthouse lawn move with the weather, basking in the sun on coolish days, moving to the shade under the old trees when the sun heats up. But the conversation goes on.

Bench sitting is a talker's pastime—the weather, the crops, the new mayor, all come in for their share.

But the talk slows almost to a halt when two strangers begin asking questions about the war in Vietnam. Dee Winbush shifts his unlit cigar from one hand to the other. "I don't quite understand it," he says. "The way I feel about it—it's just bad."

"That money could be spent better to help people over here," Searcy Thompson chimes in. "I worked all my life in construction and I ought to be getting more pension than I am, seems like."

POLITICS

Johnny Moore's truck is parked on the square, and he sits drowsily on the back end with the baskets of vegetables, rousing to sack up peaches and squash and potatoes and string beans for occasional customers.

He pulls his straw hat farther down on his forehead and rubs his jaw with its stubble of whiskers. "I don't have nothing to do with that war," he says. "I don't pay too much attention to it. It's a lot of politics. I don't know nothing about politics."

Hal Wilson has a little bit of everything in his store on the square, metal toys, bird seed, cameras, and the Western Union office. "One person I heard was strong about it," he said, between tending to customers and answering the phone. "He said that it was just a political war. I hear people fuss about the war. A lot of people are like me. They're confused."

The confusion, bewilderment, even indifference in the faces of Ripley have their reflections in other faces in other towns. But, for most residents of this Tennessee hill country town built on farming and small factories, a heritage of patriotism and confidence in the country's leaders is as much a part of life as church on Sunday and prayer meeting on Wednesday night. A stars-and-stripes sentiment comes through as Ripley talks.

"I wasn't fortunate enough to be in service," says J. T. Denison, his haircut short as a Marine's, a patch with "shop foreman" sewn on his Carlton Chevrolet shirt. "I tried to enlist after I married, but I had too many dependents.

"I think we're obligated, in a sense, to those people over there.

"We know what freedom is all about. When we see a country that wants freedom from Communism, it's up to the United States to help them any way we can. If it's war, that's the price we have to pay."

In 1963 and 1964, when Doyle Davis served 13 months in Vietnam, it was a different war. "Lots of snipering, that was about all we had then," Davis says, pumping gas and wiping car windows at the Chevrolet dealership while body repair work is slow. "It's gotta be," he says. "If we weren't there, they could be here. I think we should go on, knock out every ammunition dump, block them off from China by the sea, and get it over with."

Upstairs in the bookkeeper's office, Jim Giles looks up from his ledgers: "I got back from Vietnam in November, after a year. It's gonna be a long, drawn-out war, but I think we're doing right over there, stopping the Communists."

RIDICULOUS

Across the street at the Blue and White Cafe, Anna Marie Moss is having the $1.50 lunch buffet—country fried steak, crowder peas, squash, cornbread. "It's ridiculous," she says, her blond hair bouncing on her shoulders as she tosses her head. "I think we should be there, but dragging it on and on is ridiculous.

"It's like playing a football game. The coach tells the team not to play hard enough to win—but not to let the other side win.

Again and again comes the statement that Ripley accepts the decision of the experts, the leaders, those who are calling the shots.

"People want their sons home, naturally, says William Klutts, in his shirt sleeves as he makes up the week's edition of his paper, the Lauderdale County Enterprise, in his basement office. "But as long as the President and Congress feel we should be there, the people around here accept their decision."

The mayor of this town owns a furniture store, the Rozelle Crimer Furniture store, on the square. Mayor Crimer threads his way through the narrow path between chairs and sofas, bedsteads and dressers and bureaus crowded together, to talk to the strangers. At first he is reticent, but then he begins to talk. "The people here want something done. They feel not enough effort is being done.

"But I wouldn't criticize. I don't know all of their problems. I don't have all of the facts."

Brooks Adams, the chairman of the Ripley Red Cross, owns the Family Shoe Store on the other side of the square. "All the people I talk to say they think we're doing the right thing by being in Vietnam," he says, waiting behind the check-out counter for women to finish opening boxes and trying on shoes. "I don't oppose the policies. I would like to see it finished. I'm not that smart to know how to finish it."

SON RETURNS

"I've got a boy who came back from over there the 13th day of May," says Norman A. Shands, who rents out his farm land outside town and so has time to stand by Moore's produce truck, talking to the people buying vegetables. "He said he didn't see nothing over there worth fighting for.

"I don't feel like we should be in any foreign country. If we have our boys and power at home, I think we could defend ourselves here. That's what we ought to do, not kill our boys off overseas.

"But we have a government that's supposed to know all about our business. I don't argue with them. It may be necessary that our boys are there."

In the new Office of Economic Opportunity, wood-paneled with a black-and-white vinyl floor, seven girls—four Negro and three white—are chatting and laughing. Pauline Adams, 18, just out of high school and working this summer for O.E.O. before starting college in the fall, is one of them.

FOR THE OLDER

To Pauline, the war is something for somebody older. "The young people don't keep up with the latest events of the war," she says, doodling on her notepad. "They don't really know what's happening. I know I don't like it.

"I don't think teen-agers should be sent to Vietnam after just six weeks training. I think the older ones should go, who've had experience."

Her boss, Levi Moore, finds time to answer questions between conferences on Head Start and the new VISTA workers for Lauderdale County. A tall, very dark man with big hands, he taught high school history in Ripley before taking the O.E.O. job.

"Personally I feel that we should be there. I have a son who is draft age. I will encourage him, if he has to go, to do his part," Moore says. The resentment expressed by some Negroes that their people are bearing too much of the load in Vietnam finds little expression in Ripley, he says.

"They resent the war in the sense they resent all wars, not so much in the fact that they have a disproportionate number of people there.

"I believe this country has certain commitments to our own international prestige. If we do not stay behind our commitments, it will make it difficult for other nations to commit themselves to us."

HER WISH

The commitment of nations, international prestige matter little to Mrs. Addie Bell Reed, her hair rolled up in pink curlers, bouncing a neighbor's child on her knee. "I would just like for it to be ended," she says. "Our boys are over there, putting up their lives. They should be home with their wives and children.

"Just bring them back home. The mothers need their sons. The wives need their husbands, war over or not."

A minority voice in patriotic, expert-trusting Ripley, but a voice that has echoes in other towns, in other countries, in other states. A voice that could be drowned out by martial music—or a voice that could grow louder.

GUIDELINES FOR DEBATING FOREIGN POLICY

Mr. ROTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. ROTH. Mr. Speaker, I deplore those who would try to make the Vietnam war a partisan issue, who would use the conflict for personal gain. The war is too complex an issue, involving the lives of hundreds of thousands of Americans, to be a matter of partisan politics.

For this reason, I heartily endorse the "Guidelines for Debating Foreign Policy" portion of a statement by Freedom House contained in the New York Times last Sunday and hereafter insert as part of the Record. Freedom House, which is headed by Paul H. Douglas, former Democratic Senator from Illinois, and Roscoe Drummond, eminent columnist, points out very pungently the uncertainties as to whether the Paris talks will become more serious and more productive. It points out:

> While differences of opinion are inevitable on this latter question, only the administration that is in power until January 20 can conduct these talks—and the war—according to strategies it deems appropriate. It is incumbent on all political aspirants in this campaign to keep their dissent responsible, and to do or say nothing that will encourage further procrastination or fresh miscalculations on the part of Hanoi, or undercut the American negotiating team's pursuit in Paris of a durable Vietnam peace.

It is for this reason that I have refused to stand on the sidelines and criticize the lack of progress in the Paris talks. It is for this reason that I regret that there have been those in the past as well as in the present who seek partisan advantage. Usually it is done through the use of simplistic, one-sentence answers, panaceas, or generalizations.

Back in 1964, we were told by a presidential candidate that American boys would not fight for Asian boys. This was his answer to the problem of the war.

Now again in 1968 we hear candidates for various political offices offering easy answers to the problem of the war. I believe, strongly and emphatically, that it is harmful to our Nation and to our political system for candidates who know better to offer easy, cut-and-dried solutions to such an enormously complex problem as the war in Vietnam. I do want to emphasize that I am not suggesting that there should not be responsible dissent for the Johnson war policies. But no one is making, in my judgment, a sound contribution to a national decision on Vietnam by such simplistic statements as "unconditionally stop the bombing and peace will come" on the one hand, or "bomb them back to the Stone Age and peace will come" on the other.

It is my judgment that the best chance for peace is to bring a new team into the White House, much the same as we were able to do in 1952. We need new leadership which has new options. We need new leadership which can bring a breath of fresh air to our diplomatic negotiations. I am strongly of the conviction that Dick Nixon, with his tremendous reservoir of background in foreign and military affairs and his first-hand knowledge of the Communist threat, has a far better chance of resolving the Vietnam war than does Hubert Humphrey who, by his own admission, is tied to a continuation of the old Johnson-Humphrey policies.

I believe that the first order of business of the new administration should be to make a reevaluation and reassessment of the Vietnam war. I would hope that the new President and his new team of advisers would fly to Vietnam to make a first-hand inspection of the war.

In deciding what should be done, careful consideration must be given not only to the military conflict, but its interrelationship with Southeast Asia, as well as the new belligerency of the Soviet Union in other parts of the world.

Upon conclusion of this new reappraisal of the situation and its impact on world events, I would hope that the new President would come to the Congress and to the American people to fully report what he found and what needs to be done.

Let me make one point unmistakenly clear. As pointed out in the Freedom House article, the precise execution, and I emphasize the word "precise" of foreign and military policies is necessarily that of the President and his diplomatic and military advisers. They are the only ones who have full access to all military and diplomatic information that is needed to decide what may be the best course of action. The strategies of peace and war cannot be based on sentimentality, wishes, or even dreams, but must be decided on the cold facts of reality. There may come a time when we may want to take a calculated risk for peace, such as stopping the bombing, but it must be a decision based on facts and not the emotionalism of the moment. Let no one forget that the lives of American men are at stake.

It has been, and continues to be, my policy as a Member of Congress to fully support the American troops. For that reason I have, without exception, voted for the military appropriations asked for by the President.

A stable and peaceful order must continue to be our goal in world affairs. And let no one be mistaken, there are no quick or easy solutions to this most complex problem of international peace. Be wary of those who promise easy solutions. I know that the people of this country, given the full facts, will support whatever action is necessary to bring an honorable and durable peace to Vietnam.

The article previously mentioned, follows:

Guidelines for Debating Foreign Policy

On the war in Vietnam, the fact is that talks are finally under way in Paris, and have been for some months. The uncertainties are whether these talks will become more serious and more productive, and whether the current American negotiating strategy is conducive to this end. While differences of opinion are inevitable on this latter question, only the Administration that is in power until January 20 can conduct these talks—and the war—according to strategies it deems appropriate. Responsible dissent can be, and perhaps already has been, constructive. Nonetheless it is incumbent on all political aspirants in this campaign to keep their dissent responsible, and to do or say nothing that will encourage further procrastination or fresh miscalculations on the part of Hanoi, or undercut the American negotiating team's pursuit in Paris of a durable Vietnam peace.

Broad goals and even means of foreign policy, as well as national military commitments, are very properly the subject of continuing public debate. At the same time, the precise execution of foreign policy, in general, and military policy, in particular, can only be the responsibility of the public officials who are Constitutionally charged with these responsibilities. The ultimate recourse of opposition is the ballot box on November 5, not independent diplomacy by private citizens or the candidates before they have received an electoral mandate.

The broadest issue in the foreign-policy debate is how and for what purposes the United States shall use its power and resources in the world. We remind all political leaders in this campaign that this nation cannot avoid influencing the future course of history and the emerging structure of the changing world system. Our economic, cultural and military influence is a reality everywhere, whether we like it or not. To refuse to use this influence constructively is to use it negatively, at the risk of dire consequences to world stability and our own security. Conversely, to dissipate our power and resources where the stakes are ambiguous may deny us a decisive voice in another, more serious crisis in some other place or time.

The choices are never easy but to sustain our role in a critical, prolonged and costly test is even more difficult. *What we have been in danger of losing is our sense, as a nation, of the responsibilities we cannot abdicate.*

In this adversarial world system, American policy and power have been, for more than two decades, the principal deterrents to aggression, and economic and political anarchy in the world. On some occasions we have perhaps overreacted, and on others we have no doubt underreacted. But current events in Central Europe once again demonstrate that freedom is still being brutally challenged in the world. The United States supports self-determination and freedom from external coercion in Vietnam as elsewhere. The Soviet Union has displayed in Czechoslovakia, as it has in other places, its callous indifference to self-determination and its fear of freedom.

The diplomatic olive branches we have held out to the Soviet Union have not modified its hostility to the freedoms we regard as fundamental. The dreams of "detente" and "convergence"—like the Czechoslovak dream of gradual emancipation of its own society—have been brutally interrupted. This is a warning—a revelation of reality—that must not be lost on the American people and their leaders during this campaign, nor after a new leadership takes office in January.

A stable and peaceful order must continue to be our goal in the world as it is in our own cities. Diplomatic agreements which promote stability, such as the Nuclear Nonproliferation Treaty, should be pursued. At the same time, we must not make accommodations in Europe, Asia or elsewhere that have the effect of condoning or ratifying aggression and the undermining of stability and peaceful order.

We call on all candidates, and all spokesmen for special views and causes, to observe decent limits to their partisanship and dissent. We ask a renewal of that basic unity of national purpose that recognizes America's historical commitment—and momentum—to the strengthening of freedom at home and in the world.

CURTAILMENT OF HIGHWAY FUNDS FLOUTS THE WILL OF CONGRESS

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LLOYD. Mr. Speaker, the Department of Transportation has announced that its decision to defer $200 million in expenditures from the highway trust fund is in response to the congressional order for $6 billion in spending reductions for fiscal 1969.

Admittedly, this represents $200 million worth of checks that the Federal Government will not write during this fiscal year. However, it was not the intent of Congress in passing the Revenue and Expenditure Control Act that the Federal-aid highway program should be deferred.

Moneys from the highway trust fund are dedicated funds financed from highway user fees. Deferral of those funds does not represent a spending reduction inasmuch as the funds will continue to grow, and will be spent at a later date. Instead of reducing spending by $200 million, the Department of Transportation is simply postponing it while costs of construction continue to rise.

Not only does this action violate the intent of Congress in passing the spending reduction requirement, it clearly flouts the will of Congress as expressed in the Federal-Aid Highway Act of 1968. Section 15 of that act states:

> It is the sense of Congress that under existing law no part of (Highway Trust Funds) shall be impounded or withheld from obligation.

Officials of the Department of Transportation tell me this spending reduction is a weapon against inflation. That is nonsense because this represents deferred spending and the impact of deferred spending is more damaging than orderly spending.

The damage inflicted on the States and the construction industry by making it impossible to plan an orderly construction program is unconscionable. This stop-and-start Federal policy on the highway program makes it impossible for States and the construction industry to efficiently carry out construction, thus increasing the costs of highways to the public.

Many States, my State of Utah included, would now be at the height of their contract awards, so successful bidders could begin planning for the job and accomplishing the necessary details to allow them to begin construction as soon as weather permits next spring. Because of this deferral, roadbuilders and professional personnel in the State highway departments are faced with frustration and injury.

Under two previous cutbacks during the past 2 years, the program continued at reduced levels. This latest action leaves no discretion to the States to proceed with high priority projects, meaning that some States will have to bear a disproportionate share of the cutback depending on their program and work schedule.

Mr. Speaker, this action is contrary to the will expressed by Congress, unresponsive to the direction to reduce expenditures, damaging to the States and the highway construction industry and suppliers, and clearly against the public interest. The reason given for such irresponsible action deliberately flouts the Congress of the United States.

CONDEMNATION OF AGGRESSION BY THE SOVIET UNION AND ITS SATELLITES AGAINST CZECHOSLOVAKIA

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, I wish to introduce into the RECORD the resolution adopted on September 16 by the Parma, Ohio, City Council, condemning the brutal and unprovoked aggression by the Soviet Union and its satellites against Czechoslovakia.

At the same time I wish to associate myself wholeheartedly with the sentiments expressed therein, and to call the attention of this House to the resolution I introduced on March 20, 1968, House Concurrent Resolution 724.

My resolution would authorize and instruct the President of the United States to direct our Ambassador to the United Nations to request at this year's session that the U.N. insist on fulfillment of its charter provisions calling for sovereign equality of states and condemning colonial rule.

It also directs that the Soviet Union be asked to abide by its U.N. membership obligations by withdrawing all its troops and agents from other nations and by returning all Communist-held political prisoners to their homelands.

And, finally, my resolution authorizes and directs the President of the United States to use all diplomatic, treatymaking, and appointive powers vested in him by the Constitution to augment and support actions taken by the U.S. Ambassador to the U.N. in the interest of self-determination and political independence of these captive nations.

I personally discussed my resolution with the distinguished chairman of the House Committee on Foreign Affairs shortly after the Soviet invasion of Czechoslovakia. We agreed that the measure was very pertinent to the crisis which exists and I have been hopeful that the committee will act on it.

I urge those who serve on the committee to consider the resolution adopted by the Parma City Council and, in the light of these sentiments, to give my pending legislation the earliest possible action.

Resolution No. 53–68: A Resolution Condemning the Brutal and Unprovoked Aggression by the Soviet Union and Its Satellites Against Czechoslovakia

Whereas, We, the American People, protest against the brutal and unprovoked aggression by the Soviet Union and its satellites against Czecho-Slovakia; and

Whereas, We, the American People, condemn this invasion as a dastardly, ruthless violation of the rights of self-determination and of all fundamental human rights. This attack violates the laws of man, nations and of God; and

Whereas, again we have an example of the tentacles of the Soviet Union assisted by its satellites in their program of complete domination of the World of Nations to communism; and

Whereas, we again see that the force of arms will always be used to enslave the Nations of the World who oppose the purposes and the ideals of the Soviet Union and its other satellites; and

Whereas, we call upon all Americans from the lowest to those in the highest offices of the land to come to the aid of the Slovak and Czech people for the sake of the freedom and democracy we all hold so dear; Now, therefore, Be it resolved by the Council of the city of Parma, County of Cuyahoga and State of Ohio:

Section 1. That this entire Parma City Council and the City Administration by John Petruska, its Mayor, Anna L. Kozusko, its Treasurer, Joseph S. Lime, its Auditor and Andrew Boyko, its Solicitor, respectfully request that all leaders of our State and Country come to the aid of the Slovak and Czech people for the sake of the freedom and democracy we, here, enjoy so much.

Section 2. That the Clerk of Council be, and he hereby is, authorized and directed to send a certified copy of this Resolution to Governor James A. Rhodes of the State of Ohio; House of Representatives; Senators Frank J. Lausche and Stephen Young; Congressmen William Minshall, Charles Vanik, Michael Feighan; Representative Frances Bolton, and both Houses of Congress.

Section 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of people all over the World, and shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

Adopted: September 16, 1968.

Attest: Bernard J. Survoy, Clerk of Council.

Filed with the Mayor: September 18, 1968.

PAUL J. PHILLIPS,
President of Council.

Approved: September 23, 1968.

JOHN PETRUSKA,
Mayor, City of Parma, Ohio.

POSTAL TRANSPORTATION ACT OF 1968

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I have introduced a bill today recommended by the Postmaster General, to modernize postal transportation laws and provide the Postmaster General greater flexibility in the procurement of transportation of mail by railway, airplane, and motor vehicle.

I first sponsored legislation on this subject in 1965 during the 89th Congress. As chairman of the Subcommittee on Postal Operations of the House Post Office and Civil Service Committee, I conducted extensive studies and reviews of the laws and regulations controlling the transportation of mail during 1965 and 1966.

Our subcommittee considered several proposals for changing the transportation laws at that time, but we were not able to reach any agreement during the 89th Congress. Early in the 90th Congress, I again sponsored legislation to revise the laws for transportation of mail. The Postmaster General also has been conducting extensive studies on this matter during these 3 years. This legislation is the result of our combined studies.

I have reservations about some of the recommendations made by the Postmaster General. However, his proposal will carry out, in a major part, the recommendations made by the President's Commission on Postal Organization.

It is stated on page 171 of the Commission's report that "postal managers should have the authority to select whatever means of transportation is best suited to the needs of the postal service."

The report of Arthur D. Little, Inc., which made the special study for the President's Commission on Postal Organization, points out:

> The Bureau of Transportation is limited in its choice of carrier by Government regulation, which fixes rates for air movements, prohibits the use of freight forwarders, and prohibits . . . shipments via (highway) common carriers. (The postal) service does not have the same latitude to negotiate for the best terms (lowest cost, fastest delivery) that a similar industrial shipper does. Mail volumes between points in the system vary, and fixed capacity rate structures do not permit the minimization of costs nor even promote maximizing service.

The laws regulating the conditions under which the Postmaster General may procure transportation for mail have remained unchanged for over 30 years. These laws are based on railway transportation of passengers, and fast freight.

Today the number of daily passenger trains avaibale to carry mail is less than 700, compared with approximately 10,000 in 1930.

I introduce the bill at this time at the request of the Postmaster General, knowing full well that no legislative action will be taken on the proposal during the 90th Congress. But I do so in order to afford all segments of the transportation industry an opportunity to become acquainted with the Postmaster General's recommendations, which are so vital to the transportation requirements of the Department in being able to handle economically the ever-increasing volume of mail.

This bill will authorize the Postmaster General to obtain transportation services for mail from regulated motor carriers and freight forwarders on exactly the same basis as he now does from the railways.

The Postmaster General will be authorized to negotiate rates of compensation with scheduled air carriers as well as railways.

The requirement that certain airport-to-post office transportation be performed by Government vehicles will be repealed.

The residence requirement for star route contractors will be repealed.

The bill will establish authority for the Postmaster General to enter into mail transportation contracts which require the use of more than one mode of transportation.

The proposed revision will extend the statutory obligation of railway common carriers to transport mail and provide related services at rates prescribed by the Interstate Commerce Commission, to the two important segments of the transportation industry not now covered by any corresponding obligation—the regulated motor carriers and freight forwarders.

Mr. Speaker, I am convinced that the authority of the Postmaster General to control and supervise the transportation of mail by all modes of transportation should be as flexible as is his present authority regarding the transportation of mail by rail. All modes of the transportation industry should be treated on an equitable and comparable basis.

While, as I have indicated, some provisions of the proposal may be found objectionable, the Postmaster General's recommendation merits extensive and serious deliberation. I will see that this action is taken during the next session of the Congress.

AMERICAN LEAGUE UMPIRES

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, it has come to my attention from the various news media that a situation exists relating to the conduct of the president of the American League of professional baseball clubs and two of the umpires, Bill Valentine and Al Salerno, employed by the American League.

The facts that I have been able to obtain from independent sources as well as from the press indicate the following:

Al Salerno has been employed as a major league umpire in the American League for 7 years. In the past few years he has been assigned to the crew which has worked the critical yearend games between the pennant contenders.

Bill Valentine has been employed for 6 years by the American League and has also been assigned to the critical series which occur at the end of the season when there is a close race for the pennant.

For a long time prior to September 1, 1968, Bill Valentine and Al Salerno were actively engaged in attempting to convince their fellow umpires in the American League to form an association and group together to negotiate better economic benefits with their employer, the American League.

By around September 1, 1968, they felt that they had the backing of the remaining members of the American League umpiring staff and, therefore, contacted a National League umpire, Mr. Augie Donatelli, to indicate that they wished to join the already formed Association of National League umpires and requested that they be allowed to attend the annual meeting of the National League Umpires Association.

On approximately September 9, 1968, Al Salerno contacted Mr. John J. Reynolds, of Chicago, the attorney representing the National League umpires and the secretary of their association. He requested from Mr. Reynolds that he be allowed to attend the annual meeting to attempt to convince the National League umpires the intentions of the American League umpires to join the association.

Reynolds advised Salerno to come to Chicago to meet with him, and they would decide whether or not to have Salerno attend the meeting. On September 12, 1968, in Chicago at the Pick-Congress Hotel, Salerno met with Reynolds and was advised that he could attend the National League umpires meeting to be held the same day at the hotel.

Salerno attended that meeting and as a result Mr. Reynolds prepared written agreements to be signed by the American League umpires indicating their intention to join the National League Umpires Association. These agreements were given to Salerno Friday afternoon, September 13, 1968, and were mailed that night by Salerno to the remaining members of the American League umpiring staff. These letters were directed to the locations at which the American League umpires would be on Sunday, September 15, 1968.

At approximately 9 a.m. Chicago time, 10 a.m. Boston time, Mr. Cronin, the president of the American League, called both Salerno and Valentine, who were in Cleveland and advised them they had been discharged from the league due to incompetency.

The thought occurs to me that considering the continuity of these events and the long years of excellent service performed by these men, there can be no doubt but that they were fired because they attempted or were attempting to organize their fellow umpires into an association for the economic benefit of their profession.

As we know, this Congress of the United States enacted into law the National Labor Relations Act which was meant to protect employees, employers, and labor unions in the labor-management field. The primary emphasis of this law is the protection of the right of an employee to form an association or union for purposes of collective bargaining to improve his economic well-being. Section 8(a)(3) of the law provides:

> It shall be an unfair labor practice for an employer by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

Although the word "labor organization," is used, the act applies to any organization or association of employees who join together in an attempt to bargain as a unit for better economic conditions.

We all know that the professional sport and structure of major league baseball in our country is not a game. The game is played on the field, but the owners of the teams that play the game comprise a multimillion-dollar business whose product is dispensed over every national television and radio media. It is also totally dependent upon and completely within interstate commerce.

In my opinion, in the event the American League, as it certainly appears to have done, can flagrantly violate the laws of this Congress and destroy the livelihood of two men who have devoted their lives to the business of baseball, then this Congress must investigate and inquire into the nature of such dismissals and the structure of the entity that gives rise to such a position.

FREEZE ON FEDERAL-AID HIGHWAY CONSTRUCTION A FISCAL SLIGHT OF HAND

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, periodically, when the executive branch deems it necessary to have the Federal budget appear smaller, or it becomes necessary to find a source of funds to borrow, a freeze is placed on Federal-aid highway construction.

This is nothing but fiscal sleight of hand. It is a blow to traffic safety. And it does not save a dime over the long run.

All it does is to postpone needed and planned highway construction. It upsets the planning of our State highway departments and delays the completion of needed roads and highways. In domino fashion, it disrupts the programing of construction companies and threatens the security of workers in our planning departments and out on our highway rights of way.

Mr. Speaker, the Members of the Congress, in both of its bodies, are reasonable and compassionate. We listen to the urgent and all other requests of the executive branch in the light of attempting to meet demonstrated needs.

But many times, and particularly in connection with the highway trust fund, we are not asked. The Congress created the highway trust fund as a receptacle for gasoline taxes and other highway user funds, and it pledged these funds for highway construction and corollary uses. If the funds are not committed for these purposes, they are invested, such as in loans to the Federal Government for other programs.

Highway departments who plan their highway construction programs on the basis of expected income to the fund are, thus, frustrated in their planning. Needed and planned highway projects are postponed. When the loans are repaid, the funds still must go for highways.

We, who are attempting to oversee and guide an orderly Federal-State highway construction program, also are frustrated, Mr. Speaker. But the withholding of these funds continues:

First. In November 1966, the administration announced a $1.1 billion cutback on highway spending.

Second. In late February and early March 1967, the Roads Subcommittee held 4 days of hearings on the cutback, and I along with a number of other Members introduced a resolution expressing the sense of Congress that the withheld funds be released. Only $175 million, about 1 percent, was released.

Third. In January 1968, the allocation of $600 million in highway funds was withheld because of "the national program for control of inflationary pressures."

Fourth. In March 1968, a number of Members, including myself, introduced legislation aimed at stopping the administration from withholding these funds. This amendment was approved by the Congress and signed into law recently as part of the Highway Act of 1968.

Five. Again, early this month, the administration announced steps to reduce highway spending by $200 million and defer it until next fiscal year. In doing so, the congressional mandate in the Revenue and Expenditure Control Act of 1968, directing the reduction of $6 billion in Federal spending, was cited as the reason.

The administration's own yardstick is that one life is saved for each 5 miles of highway built. How many lives will be lost because of the delays in needed highway construction?

I agree with the comments of Governor Reagan in his recent telegram to Members of Congress from California, and place the text of that message in the Record at this point:

> *To All Members of the California Delegation:*
>
> While I am in complete agreement with the $6 billion spending cut required by Congress, the freezing of funds for the Federal highway program has been improperly included in the cut by the administration.
>
> Such action is neither a true economy move nor a reduction in the overall cost of government. This is an evasive subterfuge to fool the public that such deferrals are economy measures.
>
> In addition, it is contrary to the "sense of Congress" as contained in the Federal Highway Act of 1968. It also is in direct conflict with a promise made to the Western Governors by Price Daniel, representing the President, who stated that highway trust funds would not be held back or be included in the spending cut.
>
> Gas taxes collected by the Federal Government and earmarked for highway construction under the laws are still being collected, but apparently they will be diverted to other spending through loans from the Federal highway program.
>
> This continuing disruption of the highway program by the executive branch in Washington will adversely affect the construction industry and the labor force. Construction land costs continue to increase. It is vital to complete major highway construction as quickly as possible to avoid these increased costs.
>
> On behalf of the State of California, I urge your vigorous and immediate action opposing this improper and regrettable action.
>
> Ronald Reagan,
> *Governor, State of California.*

THE HUBERT TWIST

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, in the last 2 days a new dance has been invented. For lack of a better term it deserves to be called the "Hubert twist."

The "Hubert twist" is a very intriguing dance. It consists of placing the right foot in front of the left foot and leaning forward until both feet are placed squarely in the mouth. It is a double action step, because the process is repeated immediately before anyone has had a chance to note the first faux pas. Here is the way the dance goes as practiced by H. H. H.

In a speech yesterday morning in California, the Minnesota Mauler said, referring to increases in social security benefits:

> With a single exception . . . 1954 . . . every expansion in the coverage of Social Security . . . every increase in benefits . . . has been proposed by the Democrats and most of them have been passed over strong Republican opposition.

Now, Mr. Speaker, what are the facts: The most recent increase in social security benefits was the bill passed by this House on August 17, 1967, 13 years after Hubert's "single exception." The bill was supported almost unanimously by Republican Members of the House. In fact if Hubert will go back to the Congressional Record he will find that the benefit increase was opposed by exactly twice as many Democrats as Republicans. This is not the only example of Republican support for improvements in social security benefits, but it is most appropriate because the only real difference in the two parties at the time this bill was enacted was the Republican proposal, one which I and many others on this side of the aisle had introduced a year earlier—to tie future increases in benefits to increases in the cost of living.

This is the same proposal which the Democrats opposed last year, and which Hubert suddenly claims as his very own. What sheer demagoguery, and what audacity to believe that this distortion of the record would go unnoticed. Now, comes the second step in the "Hubert twist."

I quote from the September 28 issue of Labor magazine which in turn quotes Hubert Humphrey on law and order:

> You can talk about law and order, but if you want it you have to pay the policemen more, you have to have more police, better trained, better equipment and you have to start building a just society.
>
> What is he (Nixon) prepared to do? How much is he prepared to pay? his own Party (in Congress) wouldn't even support the mild measures we passed. I think he has been very fuzzy on these things.

Let us see just who is being fuzzy:

The only major measure passed in this Congress that dealt with the subject of police pay, training, equipment, and buildings was the omnibus anticrime bill. Where did the major support for this measure come from? From the Republicans whose votes overwhelmingly supported it, and who in fact offered and gained acceptance of the amendments which made it an effective bill. Is memory so short that everyone in this House cannot recall that the entire Nation watched breathlessly to see whether President Lyndon Johnson would veto this measure? The only obstacle which this bill had to overcome was Democrat opposition to strong Republican amendments, the opposition of Attorney General Ramsey Clark to many of its provisions, and the Johnson-Humphrey administration's consideration of a Presidential veto.

I hope the Fair Campaign Practices Committee has been watching this demonstration of the "Hubert twist", and this utter distortion of the Republican record, without even so much as an apology for the previous Johnson-Humphrey position.

The "Hubert twist" is one dance step that will never lead to the White House.

U.S. GOLD POLICY

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, I invite attention of Members of this body to an important speech on U.S. gold policy made a couple of days ago by the Honorable Henry H. Fowler, Secretary of the Treasury.

Secretary Fowler's forthright statement on U.S. gold policy was particularly timely in view of the forthcoming September meeting of the International Monetary Fund here in Washington. His absolute and total opposition to suggestions aimed at reconstructing an artificial floor on the price of free market gold was particularly appropriate.

To those who have been hoping for a change in U.S. attitude on gold policy prior to the annual IMF meeting, Secretary Fowler's statement of yesterday should resolve any doubts whatsoever.

Furthermore, to those speculators who are looking beyond the IMF meeting to next January when a new administration and a new Treasury Secretary assume their responsibilities, I have this to say: Among Congressmen and Senators of both political parties who have followed recent international monetary developments with interest, I have discerned broad, bipartisan support for Secretary Fowler's position on gold.

The speech follows:

Speech of Hon. Henry H. Fowler, Secretary of the Treasury, Before the Sixth International Conference of the Forging Industry Association, Washington, D.C., September 24, 1968

The financial statesmen at Bretton Woods served us well. The foundation they laid, on which has been built an ever-increasing degree of international policy coordination in economic and financial affairs, has helped make the past twenty years a period of unprecedented prosperity and development in the free world.

Next week the Ministers of Finance and Central Bank Governors of the 111 member countries will be in Washington to attend the Annual Meetings of the World Bank and the International Monetary Fund. Here ways and means of further improving the structure of international financial cooperation will be on the agenda for public comment and informed discussion.

Gold and its relationship to the international monetary system is part of that structure and I thought it might be useful to explore that subject with you today.

The association of gold with recurrent crises in the international monetary system together with its proven inadequacy as a reliable source of international liquidity in a growing world economy have made desirable a public reexamination of the role of gold and the international monetary system. Gold has had a long and honorable service as a means of settling international payments. But the current reexamination of the role of gold can be viewed as a contemporary echo of passions out of the past; to paraphrase William Jennings Bryan, the issue today is to make sure that the international monetary system is not crucified on a cross of gold.

The need to make gold the servant and not the master of our economic destiny is part of the continuing effort to strengthen the international monetary system. It is, and can only be, met by putting international policy coordination on a sufficiently consistent, persistent and flexible basis to avoid the disruptions and minimize the risks of the unpredictable that have characterized past crises. This is a never-ending effort.

The adjustment of international financial cooperation to a moving tide of events and developments is solidly based on the common recognition by the financial authorities of the overwhelming majority of countries in the free world that the international monetary system rests on four pillars:

A strong and well-balanced U.S. economy with a strong dollar which holds its purchasing power and can be profitably invested in the U.S. money or capital markets and, therefore, can be held as a safe international reserve or as a safe and useable means for making international commercial payments.

A fixed $35 per ounce official price of gold and a dollar that is convertible into gold at that price by monetary authorities.

Convertibility of other currencies into dollars at stated rates of exchange.

Adequate international reserves and credit facilities to support the system.

The United States Government is solidly committed to these principles. It is a solid commitment because these principles have had long-standing bipartisan support in the United States. This bipartisan support has been essential to the strength and position of the United States in the international financial arena.

The bipartisan character of our position in international financial affairs can be graphically illustrated by specific actions over the past ten years.

The decisive vote, with majorities from both parties in both Houses, under the responsible leadership of both parties in both Houses, to enact the recent Revenue and Expenditure Control Act of 1968, is a current example. This action to increase taxes and cut projected public expenditures—both unpopular measures in an election year—was designed to keep the U.S. economy strong and well-balanced and to strengthen the dollar at home and abroad.

In his Message to the nation last New Year's Day President Johnson emphasized that the need for action to bring our balance of payments to, or close to, equilibrium in the year ahead "is a national and international responsibility of the highest priority." This statement was paralleled by the recent Republican Platform commitment "that the balance of payments crisis must be ended and the international position of the dollar strengthened."

The policy to maintain the existing official price of gold and convertibility of gold into dollars at that price has been the subject of public commitments by three administrations—Eisenhower, Kennedy and Johnson.

When, in the last year of the Eisenhower Administration, the flurry in the London gold market in October 1960 raised questions about the U.S. position on the official price of gold, the Treasury Department, on October 20, 1960, issued the following statement:

"The United States will continue its policy of buying gold from and selling gold to foreign governments, central banks and under certain conditions, international institutions, for the settlement of international balances or for other legitimate monetary purposes, at the established rate of $35 per fine troy ounce, exclusive of handling charges.

"As Treasury Secretary Anderson has

stated many times in the past, it is our firm position to maintain the dollar at its existing gold parity."

To close ranks with the Republican Administration on this question, on October 30, 1960, Senator John F. Kennedy, then the Democratic candidate for the Presidency, issued a statement saying "We pledge ourselves to maintain the current value of the dollar. If elected President, I shall not devalue the dollar from the present rate. Rather, I shall defend its present value and its soundness."

As President, John F. Kennedy repeated that commitment and devoted his second Message to the Congress to measures designed to make good on that commitment.

In February 1965, shortly after his inauguration, President Johnson said in his Balance of Payments Message, "The dollar is and will remain as good as gold fully convertible at $35 per ounce."

In his Balance of Payments Message on New Year's Day last January, President Johnson repeated "The dollar will remain convertible into gold at $35 an ounce, and our full gold stock will back that commitment." Congress acted to remove the remaining statutory restriction on the use of U.S. monetary gold for that purpose in March.

It is noteworthy that legislation to authorize additional international credit facilities through quota increases in the International Monetary Fund in 1960 and 1965 and authorizing participation in the General Arrangements to Borrow in 1962 have been approved with strong bipartisan support in both Houses of the Congress.

But perhaps the most dramatic illustration of bipartisan support for international financial cooperation was the action of the Congress last May in the field of reserve assets. President Johnson requested that the Congress authorize U.S. participation in a program to build up international reserves through multilateral arrangements looking to the deliberate creation of Special Drawing Rights in the International Monetary Fund as a supplement to gold and the reserve currencies.

This type of program has had solid bipartisan backing since 1965 in the Joint Economic Committee of the Congress. This action of the Congress providing U.S. approval and support of an amendment to the Articles of Agreement of the International Monetary Fund was passed by a vote of 236 to 16 in the House of Representatives, and by a voice vote in the Senate after overwhelming bipartisan support from the House Banking and Currency Committee and the Senate Foreign Relations Committee.

II

I have set out the record on the position of the United States because there is a tendency in some foreign quarters to misunderstand, misstate, or underestimate it.

Because of its key role in the system, the United States has special repsonsibility, but it does not seek to dictate. In dealing with the problem of gold and the international monetary system, as in dealing with all problems relating to the international monetary system, the United States is dedicated to the principle of multilateral decision-making rather than unilateral action. Our objective is to maintain and improve an international monetary system that will better serve its fundamental and only valid purpose—to foster the continued growth of trade and the movement of capital and people among nations to the benefit of all.

Our gold policies must contribute to, and be consistent with, this purpose. This is the test by which they should be judged.

In these terms, I would like to outline the central points underlying the policies of the United States on gold.

First, the United States believes that gold has, and will continue to have, an important role in the system. Existing gold reserves are about $40 billion. This is more than half of total international reserves. The loss of these monetary reserves or a substantial diminution in their value as monetary reserves would be undesirable. Their relative proportion in world reserves will diminish over time, but they will continue to be a key element in international liquidity and in the operation of the international monetary system.

Second, the United States believes that the maintenance of the existing official price of gold for monetary purposes and the convertibility of the dollar into gold at that price is the backbone of the monetary system; that to increase or decrease the official price of gold would be a highly destabilizing factor; that any change in the official price of gold would result in gross inequities and would needlessly endanger the international economic cooperation built up over the post war period.

Third, the U.S. believes we can no longer rely on gold production as a source of future additions to international liquidity. The Special Drawing Rights facility under the IMF is designed to meet this need.

Fourth, the U.S. believes that neither gold, nor gold markets, nor gold speculators should be permitted to unsettle and interfere with international economic stability. Nor should the international monetary system—or the world economy—be placed at the mercy of arbitrary forces that would result from sole or undue reliance on gold for monetary reserves.

We believe these points add up to a policy that safeguards the legitimate interests of countries which hold substantial amounts of gold in their monetary reserves as well as those who do not. We do not believe it will cause any difficulty for the gold-producing countries—nor any change in their position compared with what it has been for the past thirty years. But the system cannot accommodate the desire of gold producers, private gold holders and hoarders, gold speculators, or investors in gold stocks, for an increase in the monetary price of gold. Their desire for windfall profits is understandable but it has nothing to do with the principles of international financial management and it is inconsistent with the stability of the international monetary system.

Contrary to some assertions, the United States is waging no war with gold producers. The commodity they produce is a useful commodity and they are entitled to the best price they can get for it. But I must point out that this also has nothing to do with international financial management or the international monetary system.

I recognize that an active and worldwide gold lobby exists which seeks to promote the view that an increase in the official price of gold is necessary and inevitable. I will go into the subject of the price of gold on its merits, later on. At this point I want only to emphasize that the existence of this self-interested propaganda is a factor in the equation that must be kept in mind.

The profits could be very high: for the major producing countries; for business and private banking institutions dealing in gold; for the stockholders of gold mining companies, where they are privately owned; for governments, as in the U.S.S.R., where gold production and sale is handled by a state organization; and for those who have hoarded or speculated in gold on the hope or expectation of a rise in the official price.

In markets which are highly sensitive to rumor and vulnerable to manipulation it is of particular importance that one recognize these factors of self-interest when they are at work.

The public should be aware of these influences, as are the officials who deal with these problems. The public should have the knowledge, awareness and skepticism in appraising analyses and proposals dealing with gold and the monetary system to separate propaganda and self-interest from the overriding international public interest in a viable international monetary system.

Private gold interests would certainly gain heavily from an increase in the monetary price of gold. It is our conviction that the World Economy and international monetary system would lose. In this basic point—as in the other central points of our position on gold—we share a common view with almost all the other free world countries.

III

The results of two very important monetary meetings which took place in March of this year make clear the almost unanimous consensus of major industrial nations on this issue.

I refer to the March 17 meeting in Washington of the heads of the Central Banks of the gold pool countries and the March 30 meeting in Stockholm of the Finance Ministers and Central Bank Governors of the leading financial nations known as the Group of Ten.

A key premise of both the Washington Communiqué establishing the two-tier gold system and the adoption of the Special Drawing Right proposal at Stockholm was that the monetary price of gold would remain unchanged. This premise, abundantly evident, has still apparently not been understood or accepted by some.

The only reasonable justification that could be claimed for an increase in the monetary price of gold stems from the need for an increasing supply of international liquidity. This argument, however, depended upon the assumption that no preferable way could be devised to provide for the needed increase in world monetary reserves.

The Washington and Stockholm meetings demonstrated that this assumption was not valid. The Washington Communiqué of the Central Bank Governors stated that "as the existing stock of monetary gold is sufficient in view of the prospective establishment of the facility for Special Drawing Rights, they no longer feel it necessary to buy gold from the market."

Agreement on the creation of the Special Drawing Rights followed swiftly at Stockholm. Moreover the Stockholm Communique was explicit in its reference to maintaining the $35 monetary price for gold—paragraph 4 stated, "The Ministers and Governors reaffirmed their determination to cooperate in the maintenance of exchange stability and orderly exchange arrangements in the world based on the present official price of gold." All countries represented, save one, subscribed to that paragraph.

Agreement on this essential point by the Central Bank representatives of the gold pool nations meeting in Washington, the subsequent expressions of support by most of the rest of the Free World, the agreement among government representatives of the Group of Ten countries in Stockholm, and the expected ratification of the Special Drawing Rights plan by the member nations of the IMF demonstrate the support of an overwhelming majority of the nations of the free world for two fundamental operating principles: the official price of gold must remain at $35 an ounce; and the new Special Drawing Rights facility (and not new gold production nor an increase in the price of gold) will provide the necessary regular additions to international liquidity.

This agreement represents a fundamental decision on the future of international monetary policy building strongly on the foundation of the Bretton Woods Charter. It provides dramatic evidence of the strength of international economic cooperation which has developed so swiftly and pervasively during the 1960's.

Now let me review briefly the events and emerging forces which led to these agreements.

Prior to the 1960's, the private gold markets ooperated without intervention by monetary authorities. In the early post-war period of the late '40s and early '50s the price fluctuated widely, generally well above the monetary price. This spread was a manifestation of the lack of confidence in currencies in some areas of the world. There was no doubt, however, about the strength of the dollar or the 35 to 1 relationship between it and an ounce of gold.

As greater stability was attained and more newly-produced gold became available to the market, the market price stabilized near the monetary price and fluctuated narrowly both above and below the $35 monetary price until the fall of 1960 when there was a brief but intense speculative outburst in the private gold markets, including the principal one in London.

This attack was quickly curbed. Actions, including the supplying of gold from the official monetary reserve of the United States through the Bank of England to the private market, kept the price in line with the official price.

This single-handed undertaking by the United States in late 1960 to keep the two prices in line was etxended in the fall of 1961 into a multilateral arrangement which became known as the gold pool.

The gold pool arrangement, which encompassed the United States and the seven major industrial countries of Europe, was one of the first of many cooperative multilateral arrangements to be worked out during the 1960's to deal with speculative attacks on the markets involving gold and currencies. The pool continued to operate in the markets from late 1961 until mid-March of 1968. Until the devaluation of sterling in November of 1967, it successfully carried out its objectives of smoothing out market movements and providing an orderly way for residual supplies of newly-mined gold to enter the monetary system.

During the years 1963 through 1965, $1.3 billion in gold was taken off the market as a result of gold pool operations. Without these purchases by the pool the private market price would have undoubtedly fallen below the $35 monetary price. Even with this offtake from the market, however, the average addition of gold to monetary reserves in the six years from the inception of the pool in the fall of 1961 up to November 1967, amounted to only about $150 million annually. Thus gold in this decade has not been a significant source of world reserves—even before the disturbances arising from sterling devaluation.

The sterling devaluation at mid-November sent shock waves across the international monetary system. Despite the fact that few countries followed the U.K. action, there were massive currency flows across the exchanges and a speculative outbreak in the private gold markets.

These developments were not unexpected, and monetary authorities were prepared to deal with them. Central bank action quickly brought reasonable stability to the foreign exchange markets and the currency flows moderated. The two big waves of speculative gold buying in November and December were met by determined intervention in the London market by the gold pool countries but at a cost of about $1.5 billion in gold from monetary reserves.

This was the classic method of meeting speculative attack. The authorities were willing to meet this cost in order to achieve time to set firmly in place the already well-developed but not yet fully agreed plan for a new reserve asset—the Special Drawing Right. The countries of the world had worked long and hard to produce such a plan, which would free the world's monetary system from excessive reliance on new gold supplies or on balance of payments deficits of reserve currency countries for needed additions to international reserves. The new plan—currently in process of legislative ratification—provides for controlled reserve asset creation by international decision.

Dependence upon gold as a source of new reserve growth was demonstrably uncertain and inadequate because of supply limitations. Obviously, speculative waves such as those of November and December intensified the uncertainty and actually led to reductions in world reserves. The United States balance of payments deficits were regarded as undesirable both by the U.S. and the rest of the world—their elimination, or even sharp reduction, would cut back needed reserve growth. Thus, the search for a new reserve-asset had begun some years back, and agreement on this new plan was close at hand.

After announcement of the new U.S. balance of payments program on January 1, 1968, speculative buying of gold moderated considerably. It looked, for a time, as though the classic method had worked again and there would be time for a smooth transition to the new system. But, in March, a new and even bigger gold buying wave was set off.

The authorities set out to meet this one with the same approach. Another $1.5 billion in monetary reserves of gold was used. But, as the speculative fever grew, it became evident that the Pool's actions were not restoring stability but actually seemed to be feeding the fever. And, by this time, the new reserve plan was very close to agreement. So a new course of action could be and was taken. The monetary authorities decided to insulate the monetary system from speculative activity and the private market.

As I have noted, they reaffirmed their determination to maintain the established official price of gold and established machinery that could protect monetary reserves while letting the commodity market for gold go its own way. They could take this action with some equanimity because of the now clearly demonstrated inadequacy of gold as a stable source of reserve growth. Also, from a pure market point of view, it was apparent that the large speculative purchases of gold since mid-November, 1967, constituted an overhang of supply for the private market which probably would moderate private market price movements.

The transition at mid-March took place with remarkable smoothness, considering the tense atmosphere that had preceded it, the abrupt change in conditions, and the inevitable doubts and uncertainities about anything new or unknown in the international monetary field. The new system has worked and his working well.

What was far more remarkable was the belief that continued to be held, perhaps because of wishful thinking by those who wanted a gold price rise, that the world's monetary authorities—faced with crisis—would raise the price of gold and, thereby perpetuate their dependence upon that asset when they had worked so long and hard to free themselves from that dependence.

IV

Since the idea of a price increase, despite near-unanimity against it by monetary authorities, appears to die hard it may be worthwhile to review the underlying arguments on their purported merits. Here I shall attempt only a brief review.

William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, earlier this year made an excellent analysis of the issues. I highly recommend to you his address of February 14 entitled "The Price of Gold Is Not the Problem." He fully developed a position which I have fully supported as to why a price increase would be neither necessary nor desirable.

I, admittedly, make a poor proponent of the case for an increase. I can see the need for regular and adequate increase in monetary reserves and the undesirability of relying on a large expansion of reserve currency holdings for this purpose. I can appreciate the fact that past experience shows that the monetary system will not receive adequate increases in gold reserves at the current price. If we did not have the good sense and the ability to act together in our common self-interest, perhaps we could be forced to consider an increase in the gold price as a choice among evils.

But, the fact is the free world has already demonstrated both the imagination and the will to arrive at a rational and constructive solution to the liquidity problem which does not involve the difficulties and inequities that have marked previous experiences with gold.

Those who advocate an increased price sometimes profess to see an intrinsic value to gold that is lacking in other reserves.

Nothing would, however, more clearly disprove the claim that gold has special enduring qualities than to change its price. Who is to determine where and by how much the price is to be changed? Is it to be changed at long intervals and by large amounts, or more frequently and by small amounts? The answer must be that the decision would be a man-made determination devoid of relationship to the intrinsic value of gold. Gold as an international reserve has man-made value but the adjustment of its supply to the needs of the system is complicated and distorted by the vagaries of gold production, by the forces and fevers of speculation and by its use as a commodity. As an international reserve, it is no less man made than Special Drawing Rights—but these can be closely adjusted to the needs of the system by international analysis and decision.

A doubling of the price, as is frequently suggested, would add over $40 billion of new reserves to the system at one stroke. This would be an inflationary action which the advocates think can somehow be managed even though at the same time most of the same advocates profess great fear of the inflationary potential of a small and regular annual increase of liquidity—say $2 billion or so a year—through the creation of Special Drawing Rights.

If smaller increases are attempted they must obivously be much more frequent and thus keep gold and exchange markets in a constant state of agitation—at the cost of inhibiting the international flow of goods and capital.

Under either of these circumstances uncertainty could prevail. Dependence on gold for liquidity increases invites speculation on the few remaining variables—its price, the ability of technology to discover and extract gold, and the vagaries of Russian sales in the West. The international monetary system would take on the character of a gambling casino.

The idea of the impartiality of supplying liquidity through changes in the gold price is equally questionable. It would arbitrarily benefit countries who have already maximized the gold component of their reserves and the large gold-producing countries—without any regard for the stability needs of the monetary system. It would put a premium on the maximization of gold holdings by all countries.

Some gold producers are fond of suggesting that the fixed price of gold for monetary use has held down the price of their commodity. The fact is, however, that if one separates out the commodity supply and demand factors, the newly-produced gold supply even today, and without considering the hoards in either monetary or private hands, well exceeds the legitimate commodity demand.

V

This fact, plus the agreement to provide international liquidity through the creation of Special Drawing Rights made it possible and timely to separate the use of gold as a monetary reserve from its use as a commodity.

Gold may now circulate in two separate and distinct channels. Its use as a reserve will continue as will the purchase and sale of existing gold reserves among countries and international monetary institutions. The existing stock of gold reserves will be preserved and not further diminished by its use as a commodity or for private speculation or hoarding purposes.

World reserves may, however, grow—and in a rational and controlled way best designed to meet the global needs of world trade and payments. This growth will be primarily provided over time by the issuance of Special Drawing Rights on an equitable basis among the members of the International Monetary Fund.

What this means is that gold will continue to play an important role as a reserve asset for the foreseeable future. Its role over time will, however, diminish as Special Drawing Rights provide the bulk of new liquidity.

The other gold market—"the commodity market"—will function as any other commodity market. The price may exceed or fall below the monetary price without official intervention.

I shall not join those who predict at what price level the private market is most likely to trade. I have already noted that if the purely commodity demand for gold (that is, its present demand for industrial use, jewelry, dentistry, etc.) could be isolated it would be well overshadowed by supply. New production is estimated at about $1.4 billion annually outside of Russia and other Communist nations which make no statistics available. Commodity demand, on the other hand, is generally estimated at about three-quarters of a billion. These data would indicate downward pressure on price but they are not the only factors entering into the private market. The other factors are the demand for hoarding and the demand for speculation.

In distinguishing the hoarder from the speculator I define the former as one who is not primarily concerned with the worldwide price of gold or the monetary price in terms of the dollar but who traditionally turns to gold as store of value and sometimes as protection against political and economic uncertainties that affect the currencies of his own country. This demand is more difficult to estimate and merges with the other categories of demand—on one hand, with the use of jewelry in some areas and, on the other, with the speculative demand. Knowledgeable but uncertain estimates place it at around one-quarter billion dollars.

Even at the upper range of estimates, industrial and the hoarding demand together are well within the amount of new production, valued at the $35 price.

We are thus left with the speculative supply or demand as a determining factor in the market. And, it should be noted that particularly at the present time the speculative factor may be a source of supply as well as demand. This results from several related causes. One is the fact that speculative holdings built up during the buying spree following sterling devaluation are still very large. The workability of the two-tier system has dashed the speculator's hopes for a change in the monetary price of gold and makes his holding more volatile. Many speculators may find it too costly to continue to hold a non-earning asset such as gold and recognize they have fought a losing battle. Furthermore, they are no longer promised a floor on the market and must consider the risk of loss—even with a market price at or close to $35 per ounce.

It is neither necessary nor desirable to the functioning of the monetary system that this element of risk to the speculator be removed.

As with any innovation, and particularly innovations in the monetary field where a cautious outlook properly prevails—some time is needed for a full adjustment to new realities.

During this period of adjustment, we believe, as do almost all other countries, that it would be preferable from the standpoint of the international monetary system for the commodity price of gold not to deviate too far from the monetary price—either on the upside or the downside.

A sharp drop in price below $35 per ounce in the private market could cause concern about the value of gold held in existing monetary reserves.

The international monetary system has a vital stake in maintaining the value of gold in existing monetary reserves at $35 an ounce—neither less nor more. This provides assurance both to the countries who hold a large proportion of their reserves in gold and to those who hold a small proportion of their reserves in gold. It is clearly within the capabilities of the system to provide such as assurance, and the United States believes it is important to the stability of the system that this be done. But for gold producing countries that assurance must run only to their monetary reserves and only after they have disposed of their newly mined gold, and any price stability assurance that is provided should not apply to newly mined gold or that held in private hands.

In giving assurance on existing monetary reserves, we will not accede to any proposal that puts a floor under the private market, thereby assuring the speculators who have built up their hoards of gold that they may unload it at no less than the monetary price.

A sharp increase in the market place for gold could also be destabilizing. This could occur if we allow producers or speculators to "play" the market to the detriment of the system.

To provide an outlet for newly-mined gold into the monetary stock at the sole discretion of producers would allow precisely such a game to be played and played by those who have expressed publicly avowed desires of bringing about a rise in the monetary price of gold. To bow to these interests would be to confuse the needs and objectives of a commodity producer and a commodity speculator with the needs and objectives of the international monetary system and the world economy. This would indeed be anomalous—and it would have unfortunate and unnecessary consequences for us all.

The prospect is that price stability will be maintained if the commodity market for gold is permitted to function normally. Therefore: newly-produced gold supplies should not be artificially withheld from the market, marketing should be orderly.

In short the market should not be artificially manipulated to invite speculation and higher prices clearly designed to put pressure on the monetary price—and thus on the international monetary system itself.

Given the unique position of gold as both a commodity and a monetary instrument, special problems could still arise in the two-tier system. It should be possible to devise solutions for such problems—provided such solutions are designed to strengthen and do not threaten to weaken the two-tier system for gold and the monetary system as a whole.

VII

In conclusion let us take a brief look at the longer-run view of the future as it pertains to gold.

I do not believe that the creation of the Special Drawing Rights facility and the two-tier gold system have solved all future problems. Some they are not designed to meet—others now unforeseen can and probably will arise. For instance these improvements in the system do not deal with, or remove the necessity for, the United States to correct its balance of payments. While they may facilitate or encourage the adjustment process, they do not alter the need for all countries—both those in deficit and those in surplus—to deal with their payments problems.

In international finance, as in other human endeavors, progress brings new problems in an ever evolving world. We cannot rest on past triumphs I feel now that the stage has been set—a beginning made—for a new era of development in the monetary field. New mechanisms of international cooperation have been set in place and tested. Sane, rational decision making among nations has replaced the self-defeating nationalism of earlier eras.

Our actions of the past year alleviate some very important and fundamental problems that have plagued the system with growing intensity in the 1960s.

Provision has now been made for an orderly and equitable addition to world reserves on a global basis. We should therefore, no longer be confronted with the threat of a liquidity squeeze which endangers the growth of world trade and investment. The members of the international monetary community now will be able to add to world reserves by their deliberate action in accordance with liquidity needs.

We have accomplished this through the arrangements for the creation of the Special Drawing Rights by a means which removes any possible need for an increase in the price of gold with all of its short and long-term destabilizing consequences. As a result of the arrangements for the SDRs and the two-tier gold system methods have now been devised which will divorce gold as a commodity from gold as a monetary reserve. As time passes, we will be increasingly indifferent to the price of gold on the commodity market for it is indeed irrelevant to the operation of the system.

Gold will play a continuing and important role in the monetary system but the caprices of production and private demand should no longer bring unwelcome and unwarranted pressure on the system itself.

The monetary importance of gold will gradually decline as it forms a lesser percentage of international reserves. But, with over $40 billion now in monetary hands, it will very likely be a major element in reserves for much further in the future than I would attempt to foresee.

All of our problems are not met but a more stable foundation has been laid. The United States takes some pride in having been a partner with other nations of the Free World in bringing about these improvements in the world's monetary system.

FOOD STAMP PROGRAM

Mr. HALPERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, due to an emergency development I was called away from the floor yesterday and was not able to cast my vote on rollcall No. 352, the motion to recommit the conference report on S. 3068, the Food Stamp Act, and rollcall No. 353, final passage of the conference report on S. 3068.

I want the Record to clearly show that had I been present, I would have voted "nay" on the motion to recommit, and would have shouted a loud "aye" on final passage.

Mr. Speaker, I have been an enthusiastic supporter of the food stamp program since its inception, and as recently as June 25, 1968, I took the floor to call to the attention of my colleagues the way in which the food stamp program is improving the diets and health of low-income families in New York State, as well as how the program has helped stimulate the economy of those areas. In that same speech I also expressed my support for increased funding authorization in order to permit the program to be expanded into areas in which there is a demonstrated need.

For the reasons I have cited, Mr. Speaker, I request that the RECORD reflect the viewpoint I would have expressed had I been able to be present.

THE LATE JUSTICE WILLIAM H. SWIGGART

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVERETT. Mr. Speaker, a few months ago the Eighth Congressional District suffered a distinct loss in the death of one of its native sons, former Justice William H. Swiggart, of Union City, Tenn.

Judge Swiggart had a wonderful career in his chosen field as an attorney, as a member of the Supreme Court of Tennessee, and general counsel for the Nashville, Chattanooga & St. Louis Railway. A memorial service was held honoring him in the supreme court room in Nashville, Tenn., on December 5, 1967, and the transcript of the event follows:

MEMORIAL SERVICE IN MEMORY OF THE LATE MR. JUSTICE WILLIAM H. SWIGGART IN THE SUPREME COURT ROOM AT NASHVILLE, TENN., DECEMBER 5, 1967

Chief Justice BURNETT. The court has met in formal session this morning to pay tribute to the late Mr. Justice William H. Swiggart. In accordance with custom, the court has appointed a committee of three distinguished lawyers, one from each grand division of the State, to draft a suitable memorial resolution. This committee consists of the honorable Charles L. Cornelius, Sr., chairman, Nashville; the Honorable Fenner Heathcock, Union City; and the Honorable W. D. Spears, Chattanooga.

(Then follows the committee report.)

We of the court are grateful to this committee for their untiring efforts and work in preparing this memorial in honor of the late Mr. Justice Swiggart. This memorial resolution will be spread upon the minutes of the court for each grand division and will be published in the Tennessee reports.

In the passing of Mr. Justice Swiggart the bar, the bench, and the people of Tennessee have sustained a great loss. We share a common grief. All honor is due his memory.

May it please the Court, it is indeed a personal privilege to be permitted to appear on this morning as Chairman of the Committee appointed by this Court to offer resolutions for Associate Justice William Harris Swiggart who was a member of this Court from 1926 until he resigned in 1935.

All the members of the Committee were associated with Judge Swiggart at some time during his years of law practice. Your Chairman had the most intimate association and friendship with him from the time we were both freshmen in college until the date of his death sixty years later, a period of untold satisfaction and benefit to me in many respects.

I submit the Resolutions, as follows:

"IN MEMORIAM—WILLIAM HARRIS SWIGGART, JR.

"William Harris Swiggart, Jr. was born at Union City, Tennessee on October 12, 1888, and died at Nashville, Tennessee on October 30, 1966 at the age of 78 years. His father, for whom he was named, had lived his entire life in Obion County, Tennessee. The Senior Judge Swiggart served a short time as Attorney General of the Judicial Circuit in which Obion County was located, and in 1886 was elected Circuit Judge of what was then the 12th Judicial Circuit and served in this office until September 1, 1902 when he returned to the private practice of law in his home area.

"A memorial honoring Judge Swiggart, Sr., prepared by the leading lawyers of his community is recorded in the appendix to the reported decisions of this Court in 148 Tenn. 719.

"The younger Judge Swiggart received his preparatory education in the public schools in Obion County and at Branham and Hughes School in Maury County, Tennessee. He entered the academic school of Vanderbilt University in September, 1906 and received the A.B. degree in 1910, after which he enrolled in the law school of Cumberland University at Leganon, Tennessee where he graduated with the LL.B. degree. After some postgraduate study at the University of Michigan, he returned to Union City and entered the private practice of law with his father. This association continued until 1914 when he was appointed an Assistant Attorney General of Tennesseee by Honorable Frank M. Thompson, Attorney General. He served in this office until July, 1926 when a vacancy arose on the Supreme Court caused by the death of Justice Frank P. Hall. Because the election of Judges of the Supreme Court was scheduled for August of that same year, the Democratic Executive Committee made the nomination to fill the vacancy and chose Judge Swiggart out of ten candidates. This action was no doubt due to the skillful manner in which Judge Swiggart had discharged his duties as Assistant Attorney General.

"In 1935, Judge Swiggart was offered and accepted the position of General Counsel for the Nashville, Chattanooga and St. Louis Railway.

"The published opinions of Judge Swiggart appear in Volumes 154 to 168, inclusive, of Tennessee Reports. These opinions cover a wide range of subjects and bear witness to the learning and industry which he brought to his work as Judge on this high Court.

"When Judge Swiggart began serving as Assistant to the Attorney General of Tennessee in 1914 he moved to Nashville, but before leaving his home in Western Tennessee, he took the most important step of his lifetime—he married Miss Katherine Mayes of Union City, who bore him four talented children, all of whom, with their mother and several grandchildren survived Judge Swiggart. These children are Katherine (Mrs. M. B. Pilcher, III), William II, James M. (who was elected Circuit Court Judge of Davidson County in August, 1966), and Charles Perry Swiggart. All the children and their mother are residents of Nashville, except Charles Perry who is a member of the faculty of Brandeis University, in Boston, Massachusetts.

"Judge Swiggart was a very studious man of many talents, and, at the same time he was most congenial with the few associates he chose as personal friends and companions. He was very active in the Methodist Church, being a member of the West End Methodist Church and serving on the official Board. He also served for many years as the Chairman of the Board of Publication of the Methodist Church. He was a past President of the Exchange Club of Nashville, and a past President of the Nashville Automobile Club. In college he was a member of Delta Kappa Epsilon Fraternity, and after graduation served on the Board of Trust of Vanderbilt University, being Secretary of that body for several years. At the time of his death, he was also a member of the Board of Directors of the Third National Bank in Nashville.

FENNER HEATHCOCK,
W. D. SPEARS,
CHARLES L. CORNELIUS,
Chairman, Memorial Committee.

Justice William H. Swiggart's record is so outstanding I felt it should be brought to the attention of the Congress.

PRESIDENT TRUMAN AND THE UNITED NATIONS

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, it is my privilege and high honor to represent in the House of Representatives the city of Independence, Mo., the home of former President Truman.

I rise in support of joint resolution (H.J. Res. 1459) authored by my colleague and neighbor to the west, the Honorable RICHARD BOLLING, of the fifth Missouri Congressional District.

The resolution offered today quite properly recognizes the significant part which President Harry S. Truman played in the creation of the United Nations. The objective of the resolution is to request the President of the United States to issue on October 24, 1968, a proclamation recognizing the significant part which Mr. Truman, as President of the United States on October 24, 1947, played in the formation of the United Nations.

It should be recalled that October 24, 1947, is the date which was chosen to enter the Charter of the United Nations. My No. 1 constituent will be recorded by historians as a great President for many reasons. One of the most outstanding actions of his career, however, as President, was to recognize the importance of the United Nations as a peacekeeping organization. Many of us today may not be in full and complete agreement with everything that is said and done in the United Nations, but I think the great majority recognize that it has served as a valuable tool in the preservation of peace in the world. Until something better comes along that will be accepted by the nations of the world, we should support the U.N.

I commend my colleague, Mr. BOLLING, for the introduction of this resolution and I am confident not one voice of protest will be raised against its adoption. Former President Truman deserves recognition for his contribution to the birth of the United Nations.

THE FAA SCHEMES AGAIN

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I have just received a copy of a "Master Plan Report—Washington National Airport." I understand that this has been under preparation since 1965 pursuant to a contract between the Federal Aviation Administration and Vincent G. Kling & Associates. I am advised that the contract cost the taxpayers of this country $300,000. This is outrageous.

Early in the 90th Congress I introduced H.R. 2798, which would prohibit the Federal Aviation Administration from improving or expanding any airport owned and operated by the Federal Government if the cost of improvement or expansion would exceed $50,000. Anything over that would have to have specific authorization by Congress. This Kling report underscores the need for such legislation, for in the report there are four schemes proposed with total costs as follows:

Scheme F–1	$192, 440, 479
Scheme F–2	193, 622, 525
Scheme F–3	136, 988, 139
Scheme F–4	163, 024, 588

Some scheming.

Across the Nation there are many places where airport improvements are urgently needed. It is a crying shame that the one place which does not need to be expanded should be chosen for dumping $300,000 down the drain.

Incidentally, for some reason the report is encased in a book which measures 18 inches by 13½ inches. This is a little awkward for Congressmen to carry around in their side pocket, so I do not have it with me. I am not sure my file cabinets are large enough to accommodate it and it costs so much I just hate to throw it away. If any of you want to see it, I will keep it in the office at least for awhile. I have the feeling that Mr. Thomas, the Acting Administrator, will be glad to give away all of his copies if you want to get one from him.

A number of us have been telling the FAA formally and informally for years that the overuse of Washington National is ridiculous in the face of the underuse of Dulles which has over $200 million invested in it, and the underuse of Friendship International, so conveniently located between Baltimore and Washington.

I do not know what more we must do to get this message across but I am perfectly willing to keep at it until it gets across.

I think that Congress is entitled to an immediate and complete explanation as to just how the FAA decided to spend $300,000 for this purpose. I question their right to do this. If they have such discretionary right, it should be removed.

I would have thought that their judgment would have led them away from such an adventure. I regret that it did not. I will exert my efforts to have them up just as soon as possible to determine what additional restrictions we should put on their authorizations. Among these I would hope would be the one set forth in H.R. 2798.

COMMUNIST INVASION OF CZECHOSLOVAKIA

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the ruthless Communist Russian aggression in Czechoslovakia should warn us once again that there is no real difference in the Communist objective. Their goal is conquest of the free world. The Communist goal in Southeast Asia is world conquest. The Communist goal in Europe is world conquest. The Communist goal in Cuba is world conquest. All Communists are united in their sinister design to liquidate from the face of the earth those who believe in private enterprise, property rights, a Christian faith and individual liberty.

The Red Communist invasion of Czechoslovakia was ruthlessly designed to eliminate one little spark of freedom—one faint hope of the Czechoslovakian people to be free. The Russian Communists greatly feared this small taste of freedom would spread and the Iron Curtain would crumble. The Iron Curtain was designed to prevent the Russian people from finding out the truth. We can now expect more Berlin walls and barbed wire to prevent the Czechoslovakian people from escaping to freedom. Further, this ruthless aggression without warning was coldly calculated to directly aid the Communist aggression now in progress in South Vietnam.

There is no real Russia-China rift on the question of world conquest by the Communists. Communist pressure is mounting in the Far East, in the Mediterranean, in Europe, in the Caribbean, in the streets of our own country, in Mexico City, and in other free cities throughout the world. We must become united in the common cause of freedom or all free nations will be destroyed. We must strengthen our military—whatever the cost—and win the race for the conquest of space. Should Russia win control of space, it will be for conquest and slavery.

Mr. Speaker, today I have joined my colleague, the distinguished gentleman from Missouri [Mr. HALL], in a bipartisan attempt to place this Nation on the offensive against Communist tyranny and aggression. This resolution would express the sense of this Congress "that the President should impose a selective moratorium on all American trade, air travel, diplomatic contacts, cultural exchanges, and other relationships existing between the United States and the Soviet Union and its satellites until such time as the Soviet Union and its satellites withdraw their troops from Czechoslovakia and permit that nation to express its national aspirations and conduct its own independent self-government without harassment from the heavy hand of occupying military forces of the Soviet Union and its satellites."

THE CRISIS IN EASTERN EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PATTEN] is recognized for 60 minutes.

Mr. PATTEN. Mr. Speaker, the events of the last 5 weeks in Eastern Europe opened the eyes of all idealists and optimists about the evolution of Russian communism. We are a nation desirous of peace, balancing our national interests in our foreign policies with the common good of the international community and are ready to conclude reasonable compromises in international disputes. Respectful of national sovereignty of others we find it hard to accept that another world power, possessing the key to horrendous nuclear destruction, may want to return to the days of irresponsibility, aggression and totalitarian suppression of allied peoples. Yet this is what the Soviet Union has done on August 21, 1968, and continues doing in Czechoslovakia ever since, while threatening the same course of action against Rumania and Yugoslavia.

There was not even a conscious attempt to create a situation containing factors which could give at least an ambiguous justification to the treacherous invasion of an allied country not guilty of any breach of treaties in the military or economic sphere. The move of half a million troops without warning, the arrest of the highest officials of the Czechoslovak Government, rescinded only in the face of unanimous resistance of the populace and the party, display the same cold-blooded, cynical disregard of international law, sovereign equality of nations as did the Soviet attack on Hungary in 1956.

For in Hungary, too, man's search for freedom and dignity broke through the visible and invisible walls of oppression and totalitarianism in 1956 and sought a return to democratic conditions enabling Hungary to regain control of its own destiny. Twelve years ago the brave Hungarian freedom fighters' elite found death on the streets of Budapest and other Hungarian cities, or in the camps of the Ukraine and Siberia. It was reform Communists like Premier Imre Nagy and Geza Losonczy who later shared the martyrdom with the same youth who wanted to rid Hungary from Communist dictatorship. Soviet imperialism could tolerate neither its national adversaries nor their nationalist ideological friends. The fate of Hungary was indeed a tragic one, the oppression of the Hungarian people a harrowing experience for the freedom-loving, pro-Western population, but the Hungarian revolution has still dealt the deathblow to monolithic communism. It awakened the West to the dangers of seeking a detente with the Soviet Union that is not based on Russian acceptance of generally observed norms of international law and the sovereign equality of nations. It is no exaggeration that without the events of 1956 in Eastern Europe there would not have been a Sino-Soviet dispute so soon and there would hardly have been American armies committed to the defense of South Vietnam. The heritage of the Hungarian revolution is Eastern Europe was the persistent yearning for more democracy and individual freedom. Though after Budapest it was realized that such developments must be achieved within the existing international framework keeping the skeleton of Communist Party rule intact in order not to incite Russian military intervention. It can be said that there is a direct linkage between the ideas of Imre Nagy, Joseph Dudas, Istvan Bibo in 1956 on the one hand, and Dr. Eduard Goldstuecker, Joseph Dubcek and Frantisek Kriegel on the other though the constitutional and philosophical frameworks might have been different.

When Secretary Antoni Novotni was removed from office and replaced by the Slovak Otto Dubcek, an era of democratization has begun in Czechoslovakia. Press censorship was abolished, first informally then by law, people were again free to express their ideas, the sins of the Stalinist era were revealed, compensation promised to its victims who were permitted to form their own organization. Economic reforms, too, were more intensively implemented, trade with the West was sought and the National Front was to be transformed into a working coalition of different parties. Finally, the Parliament recovered some of its democratic prerogatives and a new party congress was to be held to ratify the reforms.

The short-lived, cautious liberalization ended abruptly with the arrival of Soviet armies supported by token units of the four East European allies still commanded by the Russian military. The outcome is no longer in doubt despite the persistent attempts of the Czechoslovak leadership, left in office in order to emasculate its own reforms, that the repressive measures are temporary in character until the departure of Soviet troops.

In entering the country by military aggression the Soviet Union has violated the public law of the United Nations Charter and international law in at least six instances, according to Herbert Reis, U.S. delegate to the Special Committee on Principles of International Law of the United Nations. These include violation of the most basic U.N. principle: the respect for the sovereignty of a member and its right to treatment as a sovereign equal of any other member. This principle was, of course, also violated in the case of the Russian invasion of Hungary and was denounced in many U.N. resolutions between 1956 and 1962. Second, the Soviet Union violated the principle that members of the United Nations are bound by the charter to fulfill their international obligations in "good faith." Can there be any doubt that clandestine attack on an ally is not in accordance with the "good faith" provision of the law?

Third, the Soviet Government ignored the Charter stipulation that all members are obliged to settle international disputes in such a manner that peace, security, and justice are not endangered. The Russian invasion and subsequent troop concentration on the Soviet-Rumanian border led to a warning of the President of the United States that further invasions would be regarded with concern by the United States and that "the dogs of war should not be unleashed," certainly not a contribution to peace and security by the perpetrators of this international crime.

Fourth, Moscow disregarded the prohibition of the threat or the use of force in international relations. This was done both against Czechoslovakia and Rumania.

Fifth, the invasion, political control and occupation of Czechoslovakia violated the principle of equal rights and national self-determination of peoples, a tenet of international morality, if not international law.

Finally, there is no legal question that the Soviet invasion constituted intervention in the internal affairs of Czechoslovakia against existing treaty obligations between the two countries.

The Czechoslovak Government was forced to sign the Moscow accords which should more aptly be called surrender terms. The 14 points signed away Czechoslovakia's sovereignty and any possibility of that country's people to decide their own political future. The key point is the requirement that Czechoslovakia's political course "be changed in accordance with the Soviet type of socialism." A literal interpretation would mean turning back the clock in Czechoslovakia at least half a decade. For there was more freedom in Prague toward the end of the Novotny period than there is now in Moscow.

There is little ultimate difference between the Moscow demands of August 26 and the demands parrotted by the Kadar group in Hungary in November 1956. The tactics used in Hungary in and after November 1956 are being repeated in Prague with the difference that the old leaders have been temporarily left in power. The old "salami" tactics—forcing the leaders to dismiss "objectionable" colleagues until they themselves are isolated by the new appointees and turned out of office—are being successfully applied. Undoubtedly the purge will ultimately extend to President Svoboda, Party Secretary Dubcek and Premier Czernik as well.

Simultaneously, the meaning and place of the January-to-August events in Communist ideology are constantly redefined. While Dubcek and Czernik consider liberalization a progressive element in communism—after all it did not reject Marx, Lenin, or party primacy—Soviet, East German and Polish newspapers agitate for the removal of "counterrevolutionaries" and their physical punishment. The process will last 3 to 4 months. Thereupon, the new leadership will declare the "liberal" period an era of "counterrevolution" and personnel cadres will be rewritten. The best than can be hoped for is that passive resistance may avoid massive jailings of post-1956 Hungary and cushion the sufferings of those who have believed that free speech might be practiced in any Communist country.

What can we do that would help the downtrodden Czechs, the restive Hungarians, and the still seminational Rumanians? War is out of the realm of possibility; even the Czechs did not resist the Russian occupation. Loans for industrial modernization, and hence for economic independence from the Soviet Union have been "negotiated" last week in Moscow out of consideration. But we still can keep the fire of moral indignation burning under Moscow especially during the U.N. General Assembly session that has commenced on the 24th. The first two bargaining levers could be the resolutions submitted in the Security Council in August by the United States and Canada for a withdrawal of Russian troops and the dispatching of a Committee of Observers by the Secretary General. In addition, our delegation in the United Nations could dramatize anew the basic issues of Soviet colonialism and denial of self-determination, issues of great importance to the underdeveloped countries which are not members of the two blocs. A continuing injury to Soviet interests there might help impel the Kremlin toward a less extreme course in Czechoslovakia.

The most obvious way of raising related issues of suppression and occupation would be a reopening of the question of the presence of Soviet troops in Hungary. This is both a violation of innumerable U.N. resolutions, based on a treaty made before regaining sovereignty by the Hungarian Government, and a source of danger to the peace and security of the area. For Hungary was used as a staging area for the attack on another country and the pro-Moscow Government even forced participation by token Hungarian units in the aggressive acts of the Soviet Union against Czechoslovakia. There are two ways of procedure: One would be asking the Secretary General to implement General Assembly resolution No. 1857/XVII of the United Nations that empowered the Secretary General to take such initiative as he deems necessary in regard to the Hungarian question. The second would be to place the question on the agenda on the basis of Hungarian participation in the Russian invasion of Czechoslovakia and of the use of the Soviet troops stationed in Hungary for the attack.

While our Government must be and is attempting to safeguard our national interest and the interests of freedom and national self-determination abroad, there are many voices who would like to denigrate our reputation by comparing our valiant efforts to secure independence and self-determination to the non-Communist South Vietnamese in face of civil war and external aggression with the Soviet rape of Czechoslovakia.

In the New York Times of Sunday, September 15, 1968, there appeared a half-page ad—page 4e—stating among others:

> Moreover there seems to be a growing rhythm of international immorality. Soviet

leaders have invaded Hungary and Czechoslovakia so they can impose their type of "socialism" while the American leaders invade Vietnam and the Dominican Republic to impose their form of democracy. . . . we urge Americans who almost unanimously challenge the Soviet right to place its tanks in Czechoslovakia to reassess their own position on Vietnam. Isn't this what our government has been doing? Haven't too many of us who are now critical of Mr. Brezhnev been tolerant of the same type of deception and crimes when practiced by our own leaders?

Mr. Speaker, this advertisement and similar voices which can be occasionally heard are an insult to the intelligence of the American people, to the integrity and peace-loving attitudes of the U.S. administration, and to the bravery of the American soldier in Vietnam. They are strongly anti-American, factually incorrect and small wonder that the signers of the statement read like the blue book of the American professional bleeding hearts, a mixture of Communists, socialists, fellow travelers and pacifists. We must categorically reject any attempts to compare Vietnam with Czechoslovakia. We were invited to Vietnam by the lawful Government that was attacked both by homegrown guerrillas and foreign troops and we are there to expand freedom and not to stifle it. While searching for a honorable peace at Paris and using all our diplomatic means to achieve such a solution we must never forget that we are there for a noble purpose: to prevent Czechoslovakia-type Communist aggression against other peoples of Southeast Asia as well. May I now ask for unanimous consent to submit extraneous material and for the extension and revision of my remarks and those of my colleagues participating in the debate for the next 5 days?

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. PATTEN. I yield to the gentleman.

Mr. ADAMS. Mr. Speaker, the recent invasion of Czechoslovakia by the Soviet Union is wrong and no excuse can be made for it. The deliberate suppression of freedom by Soviet and Warsaw Pact troops is a tragedy not only for the people of Czechoslovakia but for the people of the entire world.

It demonstrates that communism is not a monolith but instead has deep divisions regarding the necessity for personal freedom and intellectual integrity. It also, unfortunately, reveals that the old hardline military solution Communists still have the strength in the Soviet Government to overcome the Moscow "doves" and use solely military force to maintain their national security. The threat that an unfriendly Czechoslovakia might geographically split the Warsaw Pact states into two parts and create a possible invasion route from the west to the borders of Russia were arguments we are informed were used by the Russian military leaders to justify this invasion. What a colossal tragedy that their military demands should prevail and the beginnings of Czech freedom should be snuffed out.

America must not panic nor be foolish in the face of this display of military arrogance. Instead we must fashion our future policies in light of what has occurred. Many American "hardliners" are taking the same position as that taken in Moscow—more troops, more military involvement—more rhetoric of the post-Hungary variety. This is panic. Others try to justify the Soviet action and say it will "be all right now"—this is foolish. Instead we should say to the uncommitted world: "See what hardline communism is and learn from Hungary and Czechoslovakia." We should say to our allies, "You had better help us; we are your partner, not your benefactor." Finally we should leave open our options with regard to dissident satellites in the Communist orbit.

America must stand strong but it must not fall into the trap of believing the solutions to all problems are military. We know now that the Communist world is not a monolith. We know that the Communist world is suffering from stresses and strains. Let us be strong but also wise and compassionate so that we resist the aggressors, convince the neutral and give hope and a bridge out of Soviet domination for the Czechs, the Hungarians, the Yugoslavs and others.

America can do this if we reject rigid old-fashioned solutions and move toward a new America with new priorities for its resources and new solutions for world problems. This means reexamining and improving ourselves. Our time today is short, so at this point I have asked that an article I recently prepared for publication be placed in the RECORD so you may read some of my beliefs as to what we must do:

[From the office of Congressman BROCK ADAMS, 7th District, State of Washington, August 26, 1968]

TOWARD A NEW AMERICA

The crisis in Europe caused by the invasion of Czechoslovakia offends the sense of decency in every free man and starkly demonstrates the need for America to establish new, vital, intelligent priorities.

In America today, this continuing series of crises in our foreign policy, the incipient revolt of our youth, and the growing black and white racism in our cities, are not isolated problems. They are maladies which have spread throughout our society since World War II but have been submerged under the tide of our startling economic growth, technological advancement and population explosion.

There is a gulf developing between the American political parties and the people. When our political parties carry on "business as usual" in the face of crisis, growing numbers in our society resort to nonpolitical action, and all too often to violence.

This gulf also applies to the use of old-fashioned terms such as "liberal" and "conservative" in our private and public debates. These terms are applied to particular policies and individuals in the sense they were used in the 1930's when, in fact, today they have no meaningful application. The "liberal" of the 1930's, for example, would shudder at my being referred to as a "liberal" Democrat. His welfare system (not to mention agricultural subsidies, traditional public-work programs and other relics) is now dated and harmful both to its recipient and the economy. The ultimate irony, however, is that I must continue to fight and vote for his old welfare system because the alternatives presented to us in Congress are the cobwebs or nothing at all. When nothing at all would breed chaos, there is no real choice. Like the example of the thirsty man who has the choice of salt water or no water at all, the end result can be the same but the salt water at least postpones the inevitable. This salt-water psychology permeates much of our political system and it has brought bewilderment, confusion, and finally frustration, not only to our younger generation but to several generations spanning decades.

A NEW SET OF PRIORITIES

Meeting this growing discontent really means putting America's problems in perspective. As a beginning, America must decide how it will use its immense but nevertheless limited resources. For twenty years a majority of our people have lived in growing prosperity and America has enjoyed overwhelming strength in relationship to the rest of the world. This has lulled and finally trapped us into an illusion that we can do everything at the same time. We must now face the knowledge that our resources are not inexhaustible. We must assign priorities for their use. How do we assign priorities? Very simply. First, we must meet our crises, then necessities, next our ordinary needs, and finally, if anything is left, indulge in some luxuries.

Let us examine these categories and face reality in establishing priorities for a new America.

FOREIGN POLICY

The first crisis is in our foreign policy, and that means bring the war in Viet Nam into perspective with our worldwide foreign policy commitments and objectives. Since 1965 I have repeatedly cautioned against treating this small Asian country as an Armageddon. To contend that the only way to save ourselves from communism is through the use of conventional military force on the borders of communist nations—a contention which played no small part in getting us embroiled in Viet Nam—is to indulge in the luxury of a legend to which we can no longer afford to pay tribute.

Reality dictates that the South Vietnamese must in the end settle their own difficulties. Based on that knowledge and the fact that we have more than made good on any commitments we have had to South Viet Nam, we must begin to move out of Viet Nam so the Saigon government knows that it must meet its responsibilities. As we disengage our troops and de-escalate our military efforts in Viet Nam, we can work to assist the South Vietnamese to produce a government which will have enough support to avoid an immediate collapse and we can aid those who believe they cannot live in the country when we have departed. We must face the fact that our almost total preoccupation with Viet Nam has diverted us from our proper role in world affairs and to a large degree prevented us from dealing with America's legitimate concerns in the Middle East (during the continuing Israeli-Arab crisis) and in Europe (the Czech crisis, for example).

DOMESTIC POLICY

The second crisis is in our central cities where black and white racism, exacerbated by poverty, is taking hold. We must have enforcement of the law and the creation of order with justice in all sections of our cities. The alternative is anarchy. We must also more intelligently divert a large portion of our national tax dollars into meeting the problems of poverty in our cities. The alternative is urban chaos.

Repeatedly I have warned in speeches, to both civil rights groups and law enforcement groups, that our law enforcement system has been buried in the back row of our priorities for too long. Today we most urgently need new police administrations equipped with money and social insight to deal with our ever-worsening crime problems. Instead we have too many old-timers preaching the philosophy of the club and gun. Conversely, too often our civil rights groups will excuse violent criminal acts as being solely a result of past social ills. We most urgently need expanded criminal courts and correctional institutions. Our police departments are undermanned and underpaid. Archaic prisons, rather than correcting a man, solidify his commitment to crime. Radical improvements in our law enforcement system can be brought about at a relatively modest cost. Increased salaries and educational incentives for the police officer, expanded court facilities to make justice accurate and swift, variation in custodial institutions to make rehabilitation possible and increased emphasis on probation and parole services to make them function properly are minimal requirements which can be brought about at a relatively modest cost. These must have high priority.

Black and white racism is the greatest threat to American cities today. The black population in our cities has been and continues to be shut out of the political, economic and social structure of this nation. As a result, the pent-up energy of new and better educated leaders in the black community has been increasingly funneled into antipolitical and antisocial action. The moderate leadership of the Negro community which historically has sought gradual accommodation with whites through traditional programs has been in retreat before black militancy for several years. This retreat has been hastened by the shocking loss of Dr. Martin Luther King.

The violence that has now erupted could have been avoided by meaningful antipoverty and social action programs a few short years ago. But these preventive antipoverty, education and job programs initiated during the early 1960's began suffering cutbacks almost at birth. Agriculture, the military, public works, and other traditional programs all retained their "untouchable" status so that when Viet Nam began to pressure the budget, the new programs for the poor became number one target for the budgetary axe. The long-range objective is, as it always has been among men of good will, to provide Negro citizens with equal opportunities and the sense of dignity and respect that all freeborn men have a right to expect. But legal equality has little meaning if the Negro has no political and economic stake in American society. Our interim objective must be to stake him. This will take new programs and new money, supported by the country and implemented by bright, tough-minded men, both black and white. As a beginning, the interim programs must include: (1) local cooperative ownership of business; (2) local control of a wide range of jobs in the central city by those living there; (3) creation of new housing, probably including suburbs, by new financial interests; and (4) radically revamped school systems to bring acceptable public education back to the central city.

It is essential that we understand that at this point in time, more old-time giveaway programs will lead only to further disappointment among whites and greater rejection among blacks. We have learned that equal opportunity and brotherhood among the races depends not on how much whites give blacks, but rather on how much whites are willing to share with them.

This is at the heart of the concept of Negro ownership, for until the Negro community actually owns something, it has nothing to share. Giving and sharing are very different concepts. The elimination of racial tensions in our society depends to a large extent on our willingness to acknowledge this difference. How senseless and tragic it would be should we decide to do otherwise.

ECONOMIC POLICY

The third crisis we must immediately face is really an offspring of the first two. It involves the stresses on our economic system brought on by excessive deficit spending to cover the rising cost of Viet Nam while meeting domestic emergencies. This has caused a challenge to the dollar, a reduction of our gold reserves, and spawned a plethora of palliative tax programs which patch but do not meet the crisis. Again we have a crisis caused by our inability—or unwillingness—to change past policies in the face of new problems.

Despite the fact that in 1968 we are engaged in a fantastically costly land war in Asia, we continue to maintain troops and their dependents in Europe, Korea, Japan, and elsewhere at a cost of over $3 billion without a firm policy as to what they are there to accomplish. We continue bilateral aid, including military assistance of questionable necessity, to scores of small countries. This continues while we engage in the luxuries of farm subsidies, unusual space program hardware, and traditional public works, to name a few. I do not mean that each of these programs is without value. What I do mean is that in any sense of national priorities, such programs must be subordinated in time of crisis.

Clearly there are a number of steps we must take to abate the challenge to the dollar. They are steps to be sure which will find little support among the powerful lobbies, or for that matter the present institutional committee structure of Congress. They are steps which run directly contrary to the inertia of the past. But with the support of the people at the grass roots, I think we can: (1) reduce the annual $30 billion cost of Viet Nam if we disengage and de-escalate our military involvement; (2) sharply reduce the $3.4 billion we are spending to maintain troops and their dependents in developed areas of the world by re-examining their function and our commitment; and (3) re-examine and substantially reduce our bilateral aid commitments, especially military aid to developing countries in Latin America, Africa and Asia.

Putting our priorities in perspective for the new America we want to create really means relieving, if not solving, three interrelated crises—the Viet Nam war, urban and racial unrest and financial instability. These are our crises, but this is not meant to suggest that no other problems are troubling our society.

There are, for example, unfair draft laws and inequitable income tax laws. There is a desperate need for better air and water pollution control, modern comprehensive transportation systems, stiffer air safety standards, and a host of other problems to be met with worthwhile programs. But each must seek its own level of importance after we have met our crises.

Our mistake heretofore has been our stubborn retention and expansion of nonessentials even when crises face us—our inability to put first things first. When disagreement between the two political parties with their so-called "liberal" and "conservative" wings becomes nothing more than a dialogue over how to roll back or maintain the present order, we no longer have a healthy confrontation of old versus new. Today our political parties seem to be souping up their horses and buggies to race in a Grand Prix. Souped-up and renamed programs will not solve the crises of the new America.

John F. Kennedy liked to say that there is nothing so powerful as an idea whose time has come. Everywhere in America—in the ghettos, in the suburbs, on the farms—we can, if we will listen, hear new people using new words to express ideas whose time has come.

No doubt "old pros" chortle at the suggestion that the American people desire a clear choice between traditional policies on the one hand and a creative, problem-solving meeting of our priorities on the other. I believe they are mistaken and 1968 will mark one of those turning points in American history when the people demand that this nation hoist the old anchors and set out on a new and enlightened course. Let us begin.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. PATTEN. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I thank the able gentleman from New Jersey for yielding.

I commend the gentleman for taking this time to express the indignation of this House and this country at the dastardly, brutal aggression which has been perpetrated upon the brave people of Czechoslovakia by the Soviet Union. We remember, Mr. Speaker, it was in 1923 that the Japanese made a dastardly attack upon China and laid the predicate for World War II. We also very vividly recall that Hitler also attacked, without provocation, in furtherance of nothing except his own evil, devilish ambition for conquest, the nation and the people of Austria and of Czechoslovakia, and he assured the inevitable coming of World War II.

The regrettable thing, Mr. Speaker, is that in 1923, when Japan made that dastardly assault, the League of Nations and the leading powers of the world stood by and did not do anything to prevent it or to punish the perpetrator of the aggression. Also, one of the grievous mistakes of our time was the fact that again the leading nations of the world stood by and allowed Hitler to perpetrate his aggression upon Austria and Czechoslovakia. Even the Prime Minister of a great country with a great past, and a great record of humanitarian accomplishment and contribution, said that it was no concern to the people of his country if Hitler invaded a nation the name of which a lot of his people could not pronounce, and which was far away from their homes. That was a part of the contribution to the bombs that later fell upon the country of that Prime Minister.

We saw a little while ago another aggressor, a totalitarian from the left, if Hitler was a totalitarian from the right, perpetrate the same kind of assault and conquest and tyranny upon the people of Hungary. Again the United Nations and the leading nations relatively stood aside and, like Pilate, relatively washed their hands of that episode.

Now another brutal aggression has come, and a half million soldiers of the Soviet Union, certain members of the Communist Warsaw Pact and bloc went into that brave little country and took over the physical possession and domination of it to show the world that they were utterly impervious to world opinion, had no sentiment except contempt for what the world thought of what they did, determined to hold that brave people so tightly in their orbit that they could not politically breathe except by permission of their Soviet master.

Again what concerns me is that the United Nations and the leading nations of the world stand by. I have heard relatively little of expressions of indignation, let alone proposals to give assistance to these brave people. I want to join in what was said by the able gentleman from Washington [Mr. ADAMS], that we should let those people know that while the time may not be propitious for us to do all that we would like to do, that we do not intend to stand aside, indifferent to their being conquered by a sinister master and brought within subjection of that ambitious, imperial power, that we can do something, and we do propose in good time to do something. To help them regain their freedom.

I would also say to many of my fellow citizens living in the Miami area and in other parts of America, be assured, we have not given up hope of getting rid of Castro in Cuba. We may not find the time as I have said, propitious to do all that we would like to do right now, but we want them to know that we are not accepting Castro's domination of the beautiful Caribbean with his communistic oligarchy and his imperialism there.

So I think it is well that others, like the able gentleman from New Jersey, who has set us a good precedent here this afternoon, should speak up and let those Czechoslovakia people who are today having to make the critical decision of whether they will put up with a military subjection, overwhelmingly conquered and overwhelmingly ruled by soldiery, or whether they will give up their aspirations to be a relatively free people. It will influence them in order to get rid of the armed forces now upon their necks, it will give them moral strength and courage to hold out if they know that in this great country where we love freedom we are aware of the freedom that they have lost. We want to give them encouragement to believe that in God's good time freedom will come again to this brave country of Czechoslovakia.

Mr. PATTEN. I thank the gentleman from Florida, and I welcome your remarks and I agree with you.

I intended to explore this in depth, but I see such distinguished company here wanting to pay tribute to our colleague, that great Virginian, Governor TUCK, that I will not continue.

Mr. GERALD R. FORD. Mr. Speaker, today my distinguished colleague from New Jersey, and others, are discussing the impact of recent Soviet aggression in Czechoslovakia.

I commend them, and I join them in denouncing the Soviet-led invasion of Czechoslovakia. This is a country which tried to proceed cautiously in the direction of a more humane interpretation of socialism within the Warsaw Pact framework. As a result, Czechoslovakia has been dealt a blow similar to that of Hungary, where the popular uprising of 1956 sought to restore full democracy and to sever Hungary's ties with the Soviet Union.

Soviet suppression of freedom movements in Czechoslovakia and Hungary shows that the Soviet Union is unwilling to tolerate any evolution toward individual liberty in the countries of East and Central Europe, lest the yearning of man for freedom might infect various parts of the Soviet Union herself. It also shows that the Soviet Union is still not a law-abiding member of the international community.

No less than six basic provisions of international law and the United Nations Charter have been violated by the occupation of Czechoslovakia. These include the two bases of international law and order: the sovereign equality of nations in relation to one another and the fulfillment of treaties in good faith. Moreover, all the U.N. injunctions against a military solution of international disputes were disregarded by the Soviet Union.

There appears to be little hope for Czechoslovakia despite the exemplary passive resistance of the people and their governmental leaders against the occupiers at this time. Six of the nine major liberal leaders have already been purged, and the rest, including Dubcek, may be forced to resign in a matter of months.

The ramifications of the events in Czechoslovakia extend over a wider field. Not only were the dissident Communist countries of Rumania and Yugoslavia threatened militarily, but the Soviet diplomatic offensive is now directed against the Federal Republic of Germany. Some West German Government leaders complain that the Soviet Union is acting as if West Germany should be in the Soviet sphere of influence, according to Washington Evening Star writer Crosby O. Noyes. The Soviet claim to a legal right of intervention in West Germany presages, if not an invasion of Germany, then perhaps another explosive Berlin crisis.

In order to avert such developments we must take energetic diplomatic and military measures in time.

Strong steps should be taken in the United Nations to place the American resolution that was vetoed by Russia in the Security Council on the agenda of the General Assembly. Also, similar efforts must be made with regard to the Canadian resolution calling for a U.N. factfinding mission to Prague.

In this connection, the U.N. Secretary General should be called upon to report back to the assembly on the initiatives he has taken on the Hungarian question under resolution of the U.N. Assembly of December 20, 1962.

Finally, we must take steps to strengthen NATO militarily and politically. The task is not ours alone. The European allies must contribute their fair share. But the United States must assume the moral and political leadership.

Mr. MINSHALL. Mr. Speaker, I join with my distinguished colleagues in condemning the Russian invasion and occupation of Czechoslovakia. Russian threats of military force subsequently have been extended against the Federal Republic of Germany and even to two Communist satellites, Rumania and Yugoslavia.

The free world has expressed its revulsion and disgust over these manifestations of Soviet aggression, but this has helped little so far as the Czechoslovak people and their leadership is concerned.

More than 24 divisions are stationed in Czechoslovakia; six of the reformist leaders already have been purged and Party Secretary Dubcek still is high on the Russian purge lists; most of the reforms which had taken place since January were rescinded under the muzzle of Russian guns. There is little doubt that the remaining liberal leaders will ultimately have to resign under Soviet pressure. A curtain of silence will fall over this pro-Western nation.

The similarities to the situation in Hungary in 1956 are striking. On both occasions man's yearning for freedom has created powerful pressures within and without the party to create a democratic order to pursue policies in the national interest. While the pent-up pressures in Hungary were not permitted by Communist leaders to find expression without a revolt, this revolt was so unanimous that a new government of Communists and non-Communists could be created under the reformist Imre Nagy. Yet both Dubcek and Nagy were denounced by Russia, Nagy even suffering the fate of martyrdom in 1958 by the Soviet and Hungarian authorities who had been put in power by Moscow.

The invasion was fought by the Hungarians, still hoping for Western help. Twelve years later the Czechs and Slovaks have no such illusion. The same salami tactics are used in Czechoslovakia which were used in Hungary. Unless Western diplomatic pressure is stronger than in 1956, Czechoslovakia also will share the same sad fate as Hungary.

The General Assembly of the United Nations has just opened. In remarks on this floor earlier today I urged the House Committee on Foreign Affairs to quickly adopt my concurrent resolution which would start the machinery moving to involve the United Nations in behalf of all the captive nations. It is mandatory that the United States move with more elan and consistency to achieve the condemnation of Soviet actions in Prague. It is essential that a U.N. factfinding mission be sent to Czechoslovakia.

But beyond the actions in the U.N. we must take strong measures in bilateral Russian-American relations and abandon the illusion of a detente. We cannot "do business as usual" and remain credible to the world in our denunciation of Soviet aggression. Let us not extend the credibility gap to Czechoslovakia as well. Much damage has been done by the pursuit of a summit meeting between the President and Soviet leaders in Moscow even after August 21, but seemingly the project has finally been put off.

In NATO we must take constructive steps to insure greater participation of our Allies and must ourselves pursue a NATO summit meeting as proposed by West German Chancellor Kurt Georg Kiesinger. It should be held immediately after the Foreign Ministers' meeting of NATO on October 7.

I believe that former Vice President Richard Nixon has made a valuable contribution, has, indeed shown the way, by calling his staff together to devise new policies for countering the Russian threat in Europe and by sending former Governor William Scranton on a factfinding tour of Europe. Certainly the Congress should follow suit with hearings and studies by the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Mr. GREEN of Pennsylvania. Mr. Speaker, I want to thank the gentleman from New Jersey for allowing me to participate in this discussion.

The ruthless invasion of Czechoslovakia, last month, by Soviet forces should pain all those who love freedom for the move was made to stifle the spirit of a people who dared to express individualism.

Czechoslovakia, through the 1920's and 1930's, had been the showcase of democracy in Central Europe. It was a prosperous and productive nation of different national groups who had learned to live together. The agreement at Munich betrayed Czechoslovakia and doomed her to conquest by Hitler and to eventual subjugation by the Russians.

While I recognize that our Government was in no position to commit troops at the time of the Russian invasion, I feel strongly that we should take economic action that will make those who crushed Czechoslovakia reconsider their action.

If the cold war refrigerates to its 1950 temperature, the onus is on the Russians but the Czechs unfortunately are the first victims.

Mr. DULSKI. Mr. Speaker, free people everywhere are dismayed at the new Soviet aggression. There was the recent march on Czechoslovakia, the threats against our NATO ally, the Federal Republic of Germany, and the continued presence of Russian troops in Hungary.

The Soviet invasion of Czechoslovakia has again demonstrated the unwillingness of Russia to abide by the rules of international law which it professes to accept. At least six principles of international law were violated. Further, the United Nations Charter obligations have been breached.

Russia also violated the U.N. Charter when it notified the Federal Republic of Germany of its claim to the right of intervention under obsolete and misinterpreted Charter clauses. The menacing moves against Rumania at the end of August were further violations of the U.N. Charter.

As long as Russian troops remain in Czechoslovakia, there is little hope of any degree of national independence or effective domestic control by the surviving government. The purge of the present leadership has already begun and likely will continue despite the unanimous support displayed by the Czech people for the Dubcek-Czernik government.

The situation also is bleak in Hungary, which has been occupied by Soviet troops since 1956 when they crashed the shortlived attempt of the Hungarian people and Government under Imre Nagy to throw off the yoke of Moscow.

The narrow limits allowed the Hungarian Government are made clear by the presence of Russian troops and the nation's complete economic dependence upon the U.S.S.R. The presence of Russian troops in Hungary facilitated Russian military moves against Czechoslovakia and would do the same in case of a Soviet attack against Rumania or Yugoslavia.

This is a disturbing and intolerable situation for the freedom-loving Hungarian people. These people had to dispute with the Dubcek-Czernik regime, which was the first government since 1945 that listened to the legitimate complaints of the 700,000 Hungarians in Slovakia.

We must increase our efforts in the United Nations to achieve a condemnation of the Russian occupation of both countries. There has been no discussion in the past 6 years of the Soviet presence in Hungary which the Secretary General has treated as a problem solved by inaction.

We must also reenforce the determination of our NATO allies to contribute militarily and politically to halting the erosion of the alliance. Perhaps the United States should take the initiative in calling a NATO summit meeting to take a whole new look at the alliance.

Here in Congress, I am joining my colleagues in recommending that the House Committee on Foreign Affairs hold hearings and make a study of the situation in Central and Eastern Europe with the assistance of academic and political experts.

The dangers inherent in unchecked Russian aggression in Europe require that we do our utmost to devise adequate countermoves.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I am joining my colleagues, ably led by the distinguished gentleman from New Jersey, in condemning recent Soviet aggression in Czechoslovakia and calling for further moves in the United Nations to insure the withdrawal of all Russian occupation troops from that country and also from Hungary where they are still stationed in violation of numerous U.N. General Assembly resolutions.

Twenty years ago the universal declaration of human rights was voted by the United Nations General Assembly but the callous disregard for human rights displayed by Soviet occupation troops in Prague, Bratislava and other cities of Czechoslovakia shows that progress has been slow or nonexistent in Communist countries.

While more flagrant in Czechoslovakia, where even a reformist faction of the Communist Party believing in a limited freedom of expression of the people is forced by military power to rescind its liberalizing measures, violations of human rights continue in the entire Communist bloc.

The massive influx of Russian divisions, 24 extra since August 21, into Central Europe also creates a dangerous strategic situation for NATO and urgent measures are needed to restore the balance and the confidence of the Western European nations which are both shocked and intimidated by the aggressive moves of the Soviet Union.

Finally, I am joining my colleagues in asking for a study by the House Foreign Affairs Committee of the current situation in Eastern and Central Europe and its ramifications for our commitments and interests in Europe. Hearings should be held and outside academic and political experts asked to undertake a scholastic, policy-oriented study of the situation. We also hope that the State Department is undertaking an in-depth study on this vital subject.

Mr. CONTE. Mr. Speaker, I am joining my colleagues today in discussing recent developments in East Central Europe as a result of the Soviet occupation of Czechoslovakia and the use of threat of force against several other European nations like West Germany, Rumania, and Yugoslavia.

It is with sad heart that we are contemplating the strangulation of Czechoslovakia by the Soviet Union's military command and political leadership. Despite the brave attempts of the present leadership which possesses the support of the overwhelming majority of the population to hang on and preserve at least some of the liberalization measures, the outcome can not be in doubt. Already now Russian pressures for the removal of Party Secretary Dubcek have been renewed, several of the others have already resigned under pressure and gleichschaltung will take its place slowly but inescapably in Czechoslovakia.

There is one avenue which we must continue without respite and reluctance. This is to bring upon the Soviet Union the moral indignation of the world, expressed through United Nations actions. The Canadian proposal for the dispatching of a fact-finding commission to Prague should be renewed in the Assembly and every informational agency or instrumentality of the U.S. Government and public must be used to denounce the rape of Czechoslovakia and demand the withdrawal of all Russian troops from that country and also from Hungary where they are stationed in violation of numerous United Nations resolutions. While full success will probably be denied to these moves, they might well have a restraining influence upon Moscow in its dealing with Czechoslovakia and alleviate the suffering of its people.

We must also urge a reassessment of NATO commitments in the view of the deployment of 24 Russian divisions in Czechoslovakia. A NATO summit might well be a useful step as would be an acceleration of returning the withdrawn troops to Central Europe on our part.

While not abandoning all hopes for later negotiations with the Soviet Union, we must realize that until the balance is restored and the Soviets are aware of our determination not to permit aggression in Europe, any talks would only condone the August invasion and the subsequent Russian diplomatic and psychological offensive against the Federal Republic of Germany. As the Earl of Avon wrote on September 14 in his New York Times editorial:

> The history of the thirties has taught us mercilessly that to attempt new agreements, while ignoring flagrant breaches of the old, earns contempt, not progress.

Finally, it is necessary for the House Foreign Affairs Committee to investigate and analyze the changes occurring in European security and American security in view of the Czechoslovak and related events. Hearings and a study by outside academic experts should be undertaken at the earliest feasible date. In this connection, I must commend the Republican presidential candidate for arranging for a study of American commitments by his staff and for sending former Gov. William Scranton to Europe for a fact-finding tour. We, in Congress are also obligated to undertake a comprehensive study of the ramifications of the Russian occupation of Czechoslovakia.

Mr. HELSTOSKI. Mr. Speaker, it gives me great pleasure to join my colleagues, ably led by the distinguished gentleman from New Jersey [Mr. PATTEN], in analyzing the situation created by renewed Russian aggression in Czechoslovakia for the entire region.

Just as 12 years ago when the brave people and youth of Hungary rose against their Soviet masters and established a government which promised democratization under Premier Imre Nagy, the people of Czechoslovakia have, in the last weeks, experienced the crushing weight of the Russian juggernaut. While circumstances were different, and while at least the tremendous bloodletting that had accompanied the valiant, but futile, resistance of the Hungarian youth and army units was avoided in Czechoslovakia, the fate of both countries has been, and will be, essentially the same. Both are deprived and will continue to be deprived of national independence, domestic sovereignty. Their people will miss the basic human rights of expression and assembly and will have to adopt the "Soviet type" of socialism.

The repetition of the 1956 events in Prague shows both that man's yearning for freedom is a fundamental, nonideological fact that breaks through the bondage of tyranny even if he sometimes has to use the same ideological arguments which the invaders have forced upon them.

The basic evil in central and eastern Europe today has been now exposed: It is the presence of Soviet occupation troops in the various countries, most particularly Czechoslovakia, Hungary, and Poland. One must concentrate on these issues and force as much as possible, with diplomatic means, the withdrawal of the Red army from the central European heartland. Given such circumstances, the people's yearning for freedom and independence would help the present regime evolve in a more democratic and truly national direction.

The United States has the moral duty and political interest to promote such a policy. Now the whole world is condemning the Russian occupation of Prague, including many western Communist parties as well. We must do everything in our power diplomatically to have the U.N. General Assembly condemn the aggression, authorize the dispatching of a factfinding commission to Prague, and to reopen the Hungarian question. For 6 years the latter has been relegated to oblivion by the resolution leaving it up to the Secretary General to report back to the Assembly after he has taken initiative which he deemed necessary. Our administration should ask Mr. U Thant to report back and place the question on the agenda of the General Assembly again.

The Russian moves created legitimate and deep doubts about the effectiveness of NATO defenses which have been pursued with leisure in the last few years as a result of the Vietnam war and bridge-building policies. The holding of a NATO summit might be a good step to start strengthening our NATO ties and defenses. More importantly, the Congress should take part in the deliberations over policy revisions by the House Foreign Affairs Committee. It would be advisable for the committee to hold public hearings and authorize a study by academic and political experts of the situation.

Mr. ADDABBO. Mr. Speaker, it is with concern that I am joining the responsible remarks of the distinguished gentleman from New Jersey on the serious situation the Russian invasion of Czechoslovakia, its continued presence in Hungary, and its threat of the use of force against Rumania, Yugoslavia, and the Federal Republic of Germany, has created for the peace and security of the region and its freedom-loving population.

We have witnessed the invasion and slow political and economic strangulation of Czechoslovakia so aptly described by the New York Times on September 20, 1968:

> The heavy reality overwhelms the contrary appearance of a permissive or confused occupation, an appearance given off by repeated outcroppings of Czech dignity and valor. The Russians are strangling Czechoslovakia.

Yet, the move of over one-half million troops into the small country is now used by the Kremlin leaders for the achievement of wider objectives. The Russian policy has had repercussions already in two directions: toward the Balkans and the Middle East and toward the Federal Republic of Germany. The threat of invasion of Rumania has already caused our President to warn against "unleashing the dogs of war" and the "caving in" of the Rumanian President on the conclusion of a friendship and alliance treaty extension with the U.S.S.R. and restricting intergovernmental visits between Rumania and her second largest economic partner, West Germany. Yugoslavia also feels militarily threatened and it looks like Russia is trying to clear the decks before a new Middle East crisis is in order, to be in a better position to intervene.

Equally serious is the constant Russian propaganda barrage accusing the Federal Republic of aggressive policies and new-Nazism, claiming the right of intervention under the hostile state clause—article 107—of the United Nations Charter. If ever tried in earnest, this would mean world war III and the nuclear holocaust. But even the bluff is supposed to work on the West German attitude toward America and NATO and to lead up to a new Berlin offensive by Ulbricht and the Kremlin.

Under such grave circumstances, the need for a wide and far-reaching reassessment of our NATO and East Central European policy becomes mandatory. Today I am calling for such a review within the executive branch, but it is also necessary to undertake an in-depth study and hearings on the situation by our House Committee on Foreign Affairs.

Particular attention should be given to the consequences of continued Soviet military presence in Hungary and Czechoslovakia. A victim of Russian aggression about 12 years ago, Hungary has had to maintain over 50,000 troops on her soil since 1956, despite numerous U.N. General Assembly resolutions and strong protests of the majority of all nations in the world. These troops were used against Czechoslovakia and now Russians are manning the missile and anti-missile installations in Hungary directed against the West. The strategic repercussions of the presence of one-half million Russian crack troops in Czechoslovakia is too obvious to need detailed explanation. Under these conditions, the strengthening of NATO and a full-fledged psychological counteroffensive pointing out Russian aggression and calling for its ceasing becomes the demand of the hour and it is my hope that both the administration and Congress will find ways and means to implement such policies in the near future.

Mr. FINO. Mr. Speaker, today I am joining my colleagues in condemning Russian aggression in Czechoslovakia and subsequent moves to create fear and confusion among our NATO allies, particularly the Federal Republic of Germany.

In this connection it must be remembered that our administration has also committed many errors of omission, particularly because of its failure to warn the Soviet Union against invading Czechoslovakia and the deployment of 24 new divisions in Central Europe. The hypocritical attitude was best displayed when the President until very recently let the public know that he is still considering a trip to Moscow for a summit meeting with the invaders of Prague while at the same time our Ambassador to the United Nations has denounced the hideous disregard of international law by the Soviet Union.

Has not the renewed Russian aggression been sufficient to convince the dreamers and bridgebuilders? Is it not enough that because of the failure of a strong American response we are generally considered in Europe as partners of a secret sphere of influence agreement with the Soviet Union that allows the Soviet Union to act like the rogue elephant in its own sphere? Is it not enough that since September 2 the Soviet Union initiated a new diplomatic offensive under the latent use of force threat against our major NATO ally on the continent, the Federal Republic of Germany? That even a liberal, but truly American, scholar-diplomat like George Kennan considers the prospect of a summit sheer madness? And that he is no longer sure that because of our defensive attitudes after the Prague occupation and recent changes within the Kremlin that Soviet Union might not attack Western Europe?

The time has come to take energetic and remedial actions. The restoration of NATO as an effective political alliance with sufficient military strength, a task which was neglected on both sides of the Atlantic since 1964, must become first priority beginning with a summit meeting of the NATO countrys' Presidents or Prime Ministers.

We must also assume the pyschological offensive and try through the use of world opinion in the General Assembly at least partially restrain unbridled restoration of Stalinism in Czechoslovakia and the other occupied country of East Central Europe: Hungary. It would be certainly to our advantage and to the advantage of the Hungarian people as well to raise the issue of Soviet presence in Hungary together with the Soviet occupation of Czechoslovakia. For the past 6 years as a result of our bridgebuilding policies the United Nations tabled the issue by leaving it to the Secretary General to take any measures or initiatives he deems necessary on this issue. Of course, Mr. U Thant has taken none. It would be time to remind him of his delegated power to report back to the Assembly.

Finally, it would be helpful if the House Foreign Affairs Committee were to undertake a comprehensive study of the situation in East Central Europe and its repercussions on American and NATO interests in Europe and hold hearings on the subject and preferably also secure the cooperation of well-known academic and political experts in the field to such a study. In this connection I have to commend former Vice President Nixon, our presidential candidate for having commissioned such a study by his staff and for having sent former Gov. William Scranton on a factfinding tour to Europe. The Congress should not do any less.

Mr. **JOELSON**. Mr. Speaker, I am joining my colleagues led by the distinguished gentleman from New Jersey in condemning recent Russian aggression against Czechoslovakia and discussing the ensuing dangerous situation in Central Europe by the infusion of massive Soviet military forces and the threat of the use of force by the Soviet Union against other states in the region.

All Americans, indeed most people over the world, even including some Communists in the Western countries, Yugoslavia and Rumania were shocked by the monstrous act of invasion of Czechosolvakia by the Soviet Union. That country's Communist leadership did not even want to detach itself from Russian tutelage, but only restore some freedom of expression to the people and to streamline the atrophied economy by expanding trade with the West and abolishing some of the central planning procedures.

On the top of the invasion of Czechoslovakia and forcing its reformist leaders either to resign or carry out the emasculation of their reforms the Soviet Union, aware of the condemnation of the world is attempting to start a diversionary propaganda and diplomatic campaign. The target is the Federal Republic of Germany. There is much indication that the East German puppets of Moscow are being encouraged to start a new Berlin crisis to test Western determination.

We should reinforce our efforts at the new session of the United Nations General Assembly to push through a resolution condemning the Soviet acts in Czechoslovakia and to send a factfinding mission to Prague. We must also raise the parallel issue of Soviet presence in Hungary as the presence of Soviet troops appears to be the hub of the danger to the peace and security of the region and its free national development. This can be done by requesting the Secretary General to report back to the Assembly under the December 1962 resolution which authorized him "to take any initiatives he may deem necessary," and by placing the question on the agenda again.

We must also take positive steps in the military and political field to avert a new Berlin crisis, or a German crisis. The convocation of a NATO summit meeting after the Foreign Ministers' meeting of October 7 might be a good opening measure, as asked by the West German Chancellor.

Finally, I hope that the House Foreign Affairs Committee will also take part in clarifying the issues and the needed policies by holding hearings at the situation in Central and Eastern Europe in the near future including preferably also a study of the problem by academic experts. In these dangerous circumstances we cannot afford to do less.

Mr. **DANIELS**. Mr. Speaker, it gives me great pleasure to join my distinguished colleagues led by the distinguished gentleman from New Jersey [Mr. PATTEN] in expressing our serious apprehension about the Russian invasion and occupation of Czechoslovakia and the subsequent deterioration of peace and security in Europe. Recent Soviet threats to Rumania, Yugoslavia, and the German Federal Republic show that the Kremlin leadership had wider designs than just the bringing into line of reformist Czechoslovakia.

While we are admiring the spirit of the Czechoslovak people in passively resisting the invaders and backing the besieged leadership against them, there is little question on the outcome of the unequal struggle. The purge has begun with the resignation of Interior Minister Pavel, the last of its present victims being Foreign Minister Jiri Hajek, and the salami tactics dictated by the Soviet High Command will ultimately eliminate Party Secretary Dubcek and President Swoboda as well. Censorship has been restored, Soviet brutalities continue and while hoping against the hope the population realizes that the Moscow agreement of August 26 under the muzzle of Soviet tanks has robbed them of the last semblance of independence and sovereignty.

The present deployment of over 500,000 Russian troops in Czechoslovakia and the continued deployment of more than 40,000 Russian troops in Hungary are both dangers to peace and security in Europe and should be attacked with all diplomatic means at our disposal.

Such measures must include a spirited diplomatic offensive in the United Nations General Assembly both for the condemnation of Soviet presence in Czechoslovakia and new denunciation of callous Soviet disregard for U.N. resolutions in regard to withdrawal from Hungary. The truth about Russian aggression and American determination not to let a curtain of silence and diversionary propaganda attacks by the Soviet Union confuse the world opinion about its validity, must be the leading arguments of our diplomats, journalists, and policymakers.

We must also take urgent steps to strengthen NATO both as a military alliance and a political organization. The calling for a NATO summit as proposed by the West German Chancellor Dr. Kurt Georg Kiesinger should be taken up as a means to discuss the military and diplomatic coordination necessitated by the Russian moves.

It would be also advisable if the House Foreign Affairs Committee as my colleagues have suggested would hold hearing and undertake an outside academic and political experts study of the situation in Europe and come up with some recommendation of a revised policy especially as we may soon face a Berlin crisis and further Russian political moves in the Balkans.

Mr. **CABELL**. Mr. Speaker, I am joining my colleagues today in expressing our serious concern about the Soviet invasion of Czechoslovakia, the threats of the use of force against West Germany, Rumania, and Yugoslavia and the continued occupation of Hungary by the Soviet Union. We call for a reassessment of our policies toward Eastern Europe and NATO in the light of the change in the balance of power and the intentions of the Soviet leadership.

The lights were again extinguished in Prague after an exhilarating spring and summer when press freedom was restored and hope was prevalent that human rights and civil freedoms would be at least limitedly returned to the people after 20 years of dictatorship and terror. The promise of the freedom of the individual, no matter how limited, sounded an alarm to the masters in Moscow and after unsuccessful attempts of political and economic intimidations, the Red Army moved in and only the unanimous passive resistance prevented a bloodbath. However, no Czech diplomacy or internal resistance can do away with the fact of the invasion and the laws passed in implementation of the Moscow Accords which were the surrender terms of reformist Communist Czechoslovakia to the orthodox Moscow leaders. Soon the purge which began with the removal of Pavel, Hajek, and Kriegel will extend to Dubcek, Swoboda, and Czernik as well, and all the accomplishments of the January-to-August period will have been undone.

Not only did Russian aggression occur, but Moscow leadership forced four of the satellite countries, including reluctant Hungary, to participate in the attack. Especially in the case of Hungary, this would not have occurred except for the presence of Russian divisions in Hungary. For even the Communist Party leadership sympathized on some issues with the Czechoslovak leadership and the people of Hungary had certainly no aggressive designs against the Dubcek government. For after 23 years of oppression, the new Prague government has been the first one which at least listened to the legitimate grievances of the 700,000 Hungarians in Slovakia.

The impact of the Russian invasion of Czechoslovakia transcends that of East Central Europe. It changes the balance of power in Europe and the Soviet Union has already begun the next phase of attack: the diplomatic and propaganda offensive against West Germany, claiming the legal right of intervention under certain circumstances under the United Nations Charter. The aim of the offensive is twofold: to intimidate the German people and to set the stage for further moves at West Berlin. Our administration has countered it with the automatic guarantee recently announced, but more than words are needed if Russian aggression should not be given further opportunities. Measures for strengthening NATO militarily and politically are needed and the military commitments of all NATO powers reassessed in the light of new developments. A NATO summit as urged by German Chancellor Kiesinger would be a helpful step in this direction.

Finally, I am agreeing with my colleagues today on calling for a broad study of the situation of Eastern and Central Europe and its impact upon American interests in Europe and Western European security. I hope that the House Foreign Affairs Committee will call for hearings at the earliest feasible moment and have outside academic and political experts and officials to undertake a comprehensive study of the events as well. I also trust that similar steps have been taken by our State Department.

Mr. HALPERN. Mr. Speaker, it gives me great pleasure to join my distinguished colleague from New Jersey in expressing deep concern over the Russian occupation of Czechoslovakia, and additional Soviet moves which threaten the peace and stability of Eastern Europe.

The details of the Russian occupation of Czechoslovakia closely parallel the strategy and tactics used in crushing Hungary in 1956. Despite almost complete national unity, Czechoslovakia is being strangled by the Soviet Union.

The agreement announced August 26 in Moscow completely negates any independent Czechoslovak policy abroad or domestic sovereignty. The most lethal point in the so-called agreement calls for Czech political development along the lines of Soviet socialism. Since there was no freedom in the last 2 years of the Novotny regime in Prague, it is logical to assume that this point of the agreement will turn the Czech clock backward to 1963, rather than January of 1968, as we would be led to believe.

Moderate ministers have been removed, press censorship restored, Soviet internal security personnel are everywhere, and the United Nations has virtually been told to observe a hands-off policy. The Soviet regime has also declared that the Czech border with West Germany is not defensible at present and must be secured by Warsaw Pact troops.

At present there is little hope for a reasonable solution to the crisis, despite the continued support by the Czech people for the Swoboda-Dubcek regime. As pressures upon him mount, Dubcek's fall is merely a matter of time, and we may reasonably expect the Iron Curtain to fall, just as it did over Hungary 12 years ago.

The New York Times on September 19 summed up the situation succinctly:

> If the Russians do not know how to govern Czechoslovakia, they do not know how to humiliate it. Thus their press smears the Czechs without allowing them to answer back. They deny Prague the openings for trade with the West which they have long since taken for themselves. They are stuffing down Prague's throat the very economic reforms they have adopted for themselves, the very reforms initiated in Czechoslovakia four years ago by the neo-Stalinist Novotny . . . The heavy realities overwhelm the contrary appearance of a permissive or confused occupation, an appearance given off by repeated outcroppings of Czech dignity and valor. The Russians are strangling Czechoslovakia.

Anti-Semitism is also used by the Soviet Union in its campaign against Czechoslovakia. One of the chief objects of their purge was Dr. Frantisek Kriegel, president of the National Front, arrested at the beginning of the invasion and released only after personal intervention of President Swoboda during the Moscow talks. Another was Foreign Minister, Prof. Jiri Hajek who was accused by Pravda falsely as having betrayed his Jewish brethren in the concentration camp during World War II. The third Jewish victim was Deputy Prime Minister Ota Sik, the father of the Czechoslovak economic reform who also has been removed from his government position. Polish press particularly stresses that Jews were in forefront of the Czech "counter-revolution."

However, the events in Czechoslovakia have wider implications. The balance of forces in Europe has changed by the introduction of 24 new Russian divisions into the area. Russian and Warsaw Pact forces now outweigh NATO forces in Central Europe by 2 to 1, and the crescendo of the war of nerves against the Bonn government by the Soviet Union bodes nothing good for Berlin or NATO security.

In an interview printed in the New York Times on September 21, ex-Ambassador George Kennan, a leading authority on the Soviet Union, stated:

> I have never understood this talk about detente. I have not seen any evidence of detente and I wouldn't trust any so-called detente if it is not supported by free contacts between governments and peoples . . . Their (Russian) conspiratorial method of diplomatic action cannot create such an atmosphere. There has been some progress in the field of the central weaponry, Mr. Kennan said: But, he added: "This is not detente. This is simply the dictate of an obvious and bitter situation, presenting danger for both."

Ambassador Kennan attacked allusions that President Johnson might meet with Soviet Premier Kosygin before the end of the year. He commented:

> The suggestion . . . smacks of one of the worst phenomena of American diplomacy in earlier years, namely: the abuse of external relations of our people as a whole for the domestic political advantage of a single faction or party. The idea of President's going to Russia at this time strikes me as pure madness.

We must counter the Russian moves—which also included threats of the use of military force against Rumania—by a combination of diplomatic and military measures. Among the measures indicated are the strengthening of NATO forces and a psychological propaganda offensive against the Soviet Union, which now stands exposed as an aggressor in the minds of most Western European Communists.

When the issue is raised before the United Nations General Assembly, the entire question of Russian occupation of both Central European countries, Czechoslovakia and Hungary must be considered. Numerous resolutions of the United Nations General Assembly have denounced Russian occupation of Hungary and demanded withdrawal of the Soviet troops, but in the last 6 years the question has been dormant. In a study based on international law rules and practices, the American Hungarian Federation in late 1966 analyzed the validity of the Hungarian-Soviet Troop Stationing Treaty of May 27, 1957, which, in the Soviet view, enables them to maintain troops in Hungary. The Federation found that it was a treaty signed under duress by a government that has not yet regained its sovereignty either at home or in international relations. As evidence for this conclusion the study cited the following facts:

As late as in March 1957, the Soviet Military Command was in direct control of peace and tranquillity in Hungary. Thus, military and police power in May 1957 still rested directly or indirectly with the armed forces of the Government of the U.S.S.R. in Hungary. The Hungarian army was still in a state of disarmament and reorganization, and could not exercise an independent function at that time. This, combined with the fall of the Nagy government in November 1956, shows that the new Government could not have had full sovereignty.

The problems are complex and the need for alternative policies is both urgent and vital. In my opinion, the House Foreign Affairs Committee would perform a great service by holding hearings on the situation in Central and Eastern Europe, and its impact upon American and NATO interests in Europe. An independent study by academic and political experts would also be a welcome step in clarifying issues and deciding upon new policies. A good example was set by the Republican presidential candidate, former Vice President Richard M. Nixon, in sending ex-Governor William Scranton to Europe for a factfinding tour and commissioning a study by his staff of American commitments.

Mr. BATES. Mr. Speaker, I appreciate this opportunity to join the gentleman from New Jersey [Mr. PATTEN] and other distinguished colleagues in expressing concern about recent events in Europe, particularly the Soviet invasion of Czechoslovakia and the threats of force against West Germany, Rumania, and Yugoslavia.

The suppression of incipient efforts to permit some individual freedom and national independence for the Czechoslovakian people has been a clear example of naked Russian aggression in every sense of the word, and it cannot be ignored. Sad to relate, the tactics used by the Soviet Union in Hungary in and after November of 1956 have been and are being repeated in Prague, except that some of the old leaders have been temporarily left in power. The process of forcing those leaders to get rid of "objectionable" colleagues, until their successors achieve a sufficient majority to push the old leadership out of office, means that inevitably the purge will include President Swoboda, Party Secretary Dubcek, and Premier Czernik as well.

Simultaneously, the meaning and place of the January-to-August "liberalization" events in Czechoslovakia are constantly redefined in Communist ideology. While Dubcek and Czernik consider their liberalization efforts as a progressive element in communism—because they did not, after all, reject Marx, Lenin, or party primacy—Soviet newspapers agitate for the physical punishment of the "counterrevolutionaries." Attacks are now concentrated on the media; soon the writers and regional party officials will be denounced; finally, the leadership will be isolated and removed. Thereupon, the new leadership may be expected to proclaim the "liberalization" period as an era of "counter revolution," and personnel cadres will be rewritten accordingly. And the silence of coercion will once again shroud the Czech and Slovak lands.

We must use the present disgust felt all over the world to initiate a psychological and political offensive against aggressive Soviet moves lest further such aggressions put us into a position where we may have to use more drastic methods to deter them. The present Russian diplomatic and propaganda offensive against West Germany, Rumania and Yugoslavia confirm that the Soviet designs are more encompassing than Czechoslovakia alone. Neither can we separate the import of these developments from the newly acquired Russian dominance in the Middle East.

In the light of the August invasion of Czechoslovakia and the Soviet threats which have followed, meaningful negotiations with the Kremlin on almost any subject become extremely difficult, if not impossible. Former British Minister Anthony Eden, now the Lord of Avon, aptly wrote in the New York Times recently:

> The history of the thirties has taught us mercilessly that to attempt new agreements, while ignoring flagrant breaches of the old, earns contempt, not progress.

We should heed those words.

Conditions throughout the world demand a reappraisal of the U.S. role in the peacekeeping efforts. I am sure, too, that the forthcoming session of the North Atlantic Treaty Organization will be one of the most crucial in its history.

As part of our sombre reevaluation of the world situation, therefore, I join my colleagues in calling for an in-depth study of conditions and prospects in East Central Europe by the House Foreign Affairs Committee. This study should include public hearings at the earliest feasible moment, with testimony from academic experts and appropriate officials versed in the subject.

Mr. RODINO. Mr. Speaker, I am pleased to join my distinguished colleague from New Jersey [Mr. PATTEN] in denouncing the newest evidence of Soviet aggression in Central Europe—the invasion and occupation of Czechoslovakia.

The conscience of the entire world has been shocked by the August 21 events. As in 1938, Czechoslovakia again lost whatever national severeignty she has had and now exists as a Soviet protectorate. This is true despite the valiant attempts of the Czechoslovak Government's leaders to find compromises to preserve at least a small part of the reforms of the spring and summer of 1968.

In invading Czechoslovakia—its own ally and loyal friend—the Soviet Union committed grave breaches of international law. As a member of the United Nations the U.S.S.R. violated the provision of the U.N. Charter forbidding the use of military force in solving disputes with other United Nations members.

The similarity of the situation in the Prague and Budapest events of 1956 is striking. In both cases the people and a reformist Communist government worked together to remove some of the unbearable barriers to individual freedom and national sovereignty erected during the Stalinist era. They sought a freer society, a more efficient economy and better understanding between the nations of the East and West. In Hungary there were even the multiparty system as practiced in Western democracies, press, assembly, and religious freedom and a revamping of economic life.

While the Hungarian people acted more violently and demanded full freedom, the Czechoslovak people and government took the more prudent road of compromises, endeavoring to stay within the Warsaw Pact. However, both the Communist reformers and the population, led by the intellectuals and the young people, have become or are becoming victims in Czechoslovakia just as they were victims in Hungary. Avoiding military resistance to the Soviet Army averted a bloodbath in Czechoslovakia, unlike in Hungary where 35,000 of the freedom fighters died and many thousands perished later in jails and Soviet labor camps.

However, the tragedy of Czechoslovakia has broader implications. The presence of more than 20 Russian divisions in that country has upset the military balance of power in Europe. Language akin to the iciest period of the cold war is now used against both the West and "people's democracies" such as Rumania and Yugoslavia.

Under such circumstances we must do everything to be prepared both militarily by strengthening NATO and politically by reinforcing cooperation between the Western powers. We should also denounce the deployment of Russian troops in Central Europe as an act of aggression.

We must urge the United Nations General Assembly to adopt a resolution condemning the Soviet action and to demand immediate withdrawal of Russian troops. Simultaneously, we should support a resolution akin to the Canadian resolution in the Security Council providing for the sending of a U.N. fact-finding mission to Prague and other Czechoslovak cities. Furthermore, we should ask Secretary General U Thant to report back to the Assembly on the question of the Soviet military presence in Hungary, as under resolution No. 1857/XVII of December 1962 he was empowered "to take any initiatives he may deem necessary." On this question he has not reported back for 6 years. No one can doubt that the presence of Russian military forces in Central and Eastern Europe creates a grave danger to peace and security in the area.

Mr. Speaker, I join my colleagues in calling for early hearings on the general situation in Central and Eastern Europe and possibly also for a study by academic experts commissioned by the Foreign Affairs Committee. In these dangerous times, clarifying the issues and devising revised policies to deal with the challenges is a demand of the hour.

Mrs. KELLY. Mr. Speaker, today I am joining my colleagues led by the distinguished gentleman from New Jersey in discussing the situation created by Soviet aggression against Czechoslovakia and Soviet threats against the Federal Republic of Germany and other European countries.

As chairman of the Subcommittee on Europe of the Committee on Foreign Affairs, I have followed the developments of the past few months in Eastern Europe with great interest and profound dismay. Our committee has given close attention to that part of the world. We have held meetings with officials of the executive branch, including Secretary of State Dean Rusk and other experts; as a matter of fact, we have another one of those meetings scheduled within a few days.

It had seemed to me that in one fell swoop, the Soviet Union managed to reverse the modest progress of the past decade leading toward some semblance of liberalization in Eastern Europe, toward the resumption of East-West contacts, toward the reductions of tensions and dangers of war, and toward the creation of a stable base for peace and justice not only in Europe but throughout the world.

Certainly the shocking display of the brutal Soviet invasion of Czechoslovakia left no room for doubt about the true character and intentions of the Soviet leadership.

Total reliance on naked, brutal power; paranoid fear of an attack from the outside; mistrust of all non-Soviet peoples are as much trademarks of Soviet leadership today as they were during the height of the cold war.

Mr. Speaker, since the dark clouds of Soviet displeasure and possible Soviet aggression began to hang over Czechoslovakia, I have taken the floor of the House on a couple of occasions to call to the attention of my colleagues the fast-breaking sequence of developments in that country. In this regard, I would particularly like to call the interested Members' attention to the CONGRESSIONAL RECORD of July 30, 1968, page 24308, and of September 5, 1968, page 25843.

Moreover, I would like to point out that on September 5, 1968, together with the distinguished chairman of the Committee on Foreign Affairs, Dr. MORGAN, and 26 other Members, I cosponsored a resolution in the House condemning the Soviet invasion of Czechoslovakia and expressing our admiration for the courage of the Czechoslovak people.

Mr. Speaker, I feel very strongly that the House should approve that resolution before adjournment. I also feel that we ought to serve notice that the unwarranted entirely excessive use of force by the Soviet Union is endangering world peace and plunging mankind down the road toward the type of tensions that prevailed during the height of the cold war.

The tragic fate of the Czechoslovak nation which was just emerging from the darkness of totalitarianism that had ruled it for 20 years, is shocking indeed. Any excuse, power political or ideological, was avoided by the Czech leaders which could offend the Soviet Union, or could be construed as nonfulfillment of previous treaty obligations. Only a modicum of personal freedom was to be secured for the population, no transition to Western democracy has been planned. Yet even these fledgling steps toward freedom were considered to be too dangerous to the security of the Soviet Empire and were crushed by the invasion and occupation of Czechoslovakia by more than 500,000 troops.

Unfortunately, despite the valiant efforts of the people and the remaining reformist leaders, the fate of Czechoslovakia seemed to have been sealed by the Russian occupation.

At this time, we must give the people of Czechoslovakia support by pressing diplomatically for the condemnation of the Russian actions in the U.N. and use our leverage in bilateral relations with the Soviet Union. This might not be sufficient to effect a withdrawal of all the troops, but will still exercise a restraining influence on the Soviet Union in handling the Czech and Slovak nations. We should also press for a revival of the Hungarian question in the United Nations. The occupation of Czechoslovakia and Hungary are kindred affairs and they constitute the major danger to peace and free national development in the area. In resolution No. 1857/XVII of December 20, 1962, the General Assembly has empowered the Secretary General to "take any initiatives he may deem necessary" on the matter. For 6 years, the Secretary General has not reported back to the General Assembly and we would be on solid grounds to ask for a report and ask the Assembly to contemplate action because of noncompliance. We should not forget that Hungary was used as a staging area for Russian aggression against Czechoslovakia and that except for the constraining influence of Russian military presence, not even the present Hungarian Government would have sent troops into Czechoslovakia.

The comprehensive significance of the August 20 events extend to NATO security as well. The presence of more than 24 Russian divisions in Czechoslovakia has redressed the military balance in Europe in favor of the Soviet Union. We must take energetic actions together with our NATO allies to balance the military strength of the two alliances in Central Europe and to coordinate NATO political strategy as well. In my statement of September 5, I dealt with this question. Here may I only add that a meeting of the heads of states of the alliance might be a good way to expedite the necessary measures that must be taken if we want to avert another Berlin crisis or a walk to the brink.

Mr. BINGHAM. Mr. Speaker, first, let me express my appreciation to our colleague from New Jersey [Mr. PATTEN], for stimulating this discussion of the situation in Eastern Europe.

We are all shocked and bitter at the armed invasion of Czechoslovakia by the Soviet Union and some of its satellites. It was a cruel and naked attempt to suppress small, first efforts to restore democratic freedom in the European nation which has so rich a heritage of democratic liberty. The crime of the Czechs was that they wanted free speech for their own people. The threat to the Soviets was that freedom is contagious and, if Czechoslovakia moved in that direction, other satellites might follow.

It is inspiring to see that, though democratic forms may be suppressed by a dictatorship, the dream of freedom cannot be suppressed. Moreover, it was an astonishing sight to see Czechoslovaks, confronted with Soviet tanks and troops in their streets, rally behind their leaders to frustrate the Soviet program of replacing the Dubcek regime with puppets. This message and this example should be brought home to all of those behind the Iron Curtain because it must encouraged the enslaved.

I am pleased that the United States is providing refuge for those who left Czechoslovakia because of their outspoken support for freedom. These people have a message for the world and the United States should make certain that it is disseminated. This can be done through the privately financed Radio Free Europe and through our own Government outlet, the Voice of America. Public journals, the world over, must describe what happened. I am very pleased that our country took the lead in bringing the Soviet-led aggression against Czechoslovakia before the United Nations. Obviously, the glare of an aroused world community made the Soviets very uncomfortable. Hopefully, they will think twice before repeating such an act.

There are many in the United States who believe that the Soviet-led invasion should induce us to reduce our contacts with Eastern Europe. To me, this is a shortsighted approach. We must distinguish between the government regimes and the people of these countries. We must make sure that those who are anxious to improve the atmosphere for freedom in their own countries know that they have the support of free nations elsewhere and free peoples both behind and outside the Iron Curtain.

U.S. tourists, journalists, and performers, visiting in Iron Curtain countries, demonstrate that free peoples are creative people. Artists, tourists, and journalists from Eastern Europe, traveling in the United States, cannot avoid seeing that a democracy can protect freedom without suppressing dissent. Our ability to provide an atmosphere where nationality groups can preserve their cultural heritage demonstrates that our people are not enemies of peoples behind the Iron Curtain even if we are wholeheartedly opposed to the totalitarian regimes which run their governments.

One final word: I have no patience with those who argue that the United States because of its actions in Vietnam, is somehow responsible for the Soviet actions in Czechoslovakia. This is nonsense. Although I have been often critical of our Vietnam policies, I believe the Soviet Union alone is responsible for the evil it has brought in Czechoslovakia and elsewhere.

Moreover, I greatly regret the recent statements by U Thant in which he implied that U.S. actions in Vietnam are more to be condemned than the Soviet move against Czechoslovakia, because they involve military action. Two points should be made: What the United States is doing in Vietnam has been at the request of a series of Governments of South Vietnam; whereas the Soviets, even after the fact, can find no Czech leaders to sponsor their cause. Moreover, the Soviets in Czechoslovakia were obviously prepared to use their guns if there had been resistance. Military aggression is no less evil because it is not resisted.

Mr. CRAMER. Mr. Speaker, I am joining my colleagues in expressing our sincere concern on the ramifications of the Russian occupation of Czechoslovakia both for that unfortunate country and for the other states threatened by Russian pressure like the Federal Republic of Germany, Rumania, and Yugoslavia.

The deterioration of law and order in our country coincides with the breakdown of international law and morality on the international scene. Now the other world power, too, has demonstrated again that it is not bound even by the tenets of international law officially subscribed to by it; but will use naked aggression if it fits its own national policy. Russian aggression, a sign of strength and weakness simultaneously, succeeded in stamping out much of the reforms in Czechoslovakia and force the Government and the people of Czechoslovakia to follow without any afterthought the Russian Communist line. The hopes for a more humane life in Czechoslovakia are gone after the censorship law and the new economic agreements with the Soviet Union.

The presence of over 500,000 Russian troops has serious consequences for NATO, too. NATO forces are now outmanned two to one in the central section and while it is unlikely that the Soviet

Union would be brazen enough to attack West Germany despite its claim to legal intervention under the U.N. Charter against an "enemy state," the implications as far as West Berlin is concerned are unmistakable. We must take measures to strengthen our position in Europe and Berlin, both diplomatically and militarily, if we are not to help the Soviet Union to conjure up the most explosive Berlin crisis since 1948.

We must use all diplomatic means available to secure the withdrawal of Soviet troops from Czechoslovakia and also from Hungary where they are stationed for 12 years despite numerous resolutions of the United Nations General Assembly.

The changing situation calls for a careful study of the changes and their impact upon our and NATO interests in Central and Eastern Europe. Such a study should be undertaken by the House Foreign Affairs Committee by means of hearings and an independent academic study on the subject at an early date. Former Vice President Richard M. Nixon has already showed the necessity for this step by having his staff undertake a study of American commitments and sending ex-Governor William Scranton to Europe for a fact-finding tour. It is my hope that the Foreign Affairs Committee will also do its part to clarify the issues and arrive at policy recommendations after a careful study of the situation.

Mr. HOWARD. Mr. Speaker, I rise today to join my distinguished colleague from New Jersey, in expressing the shock and indignation of all Americans over the recent invasion of Czechoslovakia by Soviet troops.

I feel very strongly about the basic right of sovereignty of all countries, and their right to determine the course of their internal affairs without outside influence. By forcefully entering the borders of Czechoslovakia, the Soviets have violated not only the moral code of all civilized countries, but international law, and the United Nations Charter as well.

The freedom of a people to choose their own way of life is the principle on which our great country was founded. The Soviet Union, in trying to force these people to accept their philosophies, only serves to demonstrate how tenuous is their hold on the hearts and minds of the mass of people. Further, it has served to harden the resistance to those philosophies by those in the small nation of Czechoslovakia who feel the need to be a part of the entire world, rather than only a part of the Soviet bloc.

Even though we may not be able to assist the Czechoslovaks in a concrete manner, I am hopeful that our words here today will at least express to them the depth of our sympathies, and those of the vast majority of American people, as well as the depth of our moral indignation over this step backward in the progress toward peace and good will among the nations of this earth.

Mr. ASHBROOK. Mr. Speaker, the invasion of Czechoslovakia by the Soviet and Communist-bloc troops in August left quite a few red and long faces among our so-called foreign policy experts in and out of government. These are the people, of course, who have been pushing the bridge-building policy as the best avenue to world peace. Those of us who have opposed this policy have emphasized that this was a one-way bridge and that the Communists still sought to enslave the entire world. After the Soviet's role in the rape of Budapest, no one should have been surprised at the recent developments in Czechoslovakia. It is now high time that the Munichmen—those who hope for peace while ignoring totalitarian regimes—should have their fallacies discredited.

Among those who have been realistic concerning Soviet goals and designs have been American citizens of Hungarian descent who will never forget the Soviet record concerning Budapest. On August 28 the American Hungarian Federation sent a letter to the Secretary General of the United Nations, U Thant, with a copy to Secretary of State Dean Rusk, outlining specific proposals concerning the Soviet invasion of Czechoslovakia. As past victims of Soviet aggression, members of the federation are certainly qualified to comment knowledgeably on this present crisis. I include the above-mentioned letter signed by Rt. Rev. Dr. Zoltan Beky, chairman of the board of the federation, in the Record at this point:

August 28, 1968.

Hon. U Thant,
Secretary General of the United Nations,
United Nations,
New York, N.Y.

Dear Secretary General: The American Hungarian Federation, representing the majority of American citizens of Hungarian descent and referring to the telegram of its Chairman of the Foreign Relations Committee, Dr. Emery G. Szekely of August 21, 1968, respectfully appeals to Your Excellency to use all your personal and official weight to ensure the withdrawal of Soviet Russian, Polish, East German, Hungarian and Bulgarian military units from the Czechoslovak Peoples Republic.

The illegal occupation of Czechoslovakia by Soviet and other East Central European forces as attested by the Czechoslovak Foreign Minister before the U.N. Security Council on August 24, 1968 violates both the letter and spirit of the United Nations Charter and the tenets of human decency as well. It represents stark imperialism and callous disregard of principles usually espoused by the Soviet Government like national self-determination and non-interference with the domestic affairs of other states.

We Americans of Hungarian descent remember too vividly the bloody aggression of the U.S.S.R. against Hungary in 1956 which Your Excellency has also condemned in harsh terms as a delegate of the Republic of Burma. May we remind Your Excellency that despite numerous General Assembly Resolutions Soviet troops are still stationed in Hungary?

We support fully the resolution of the United States Government calling for a withdrawal of Soviet and East Central European troops from Czechoslovakia and also the proposal by the Canadian Government to establish forthwith a Committee of Observers to be dispatched to Prague with the duty of reporting back to the Council and Your Excellency on the political and legal situation in Czechoslovakia and the observance of human rights by the occupation forces. May we also ask for the support of Your Excellency toward these proposals?

May we also assure Your Excellency that American Hungarians in particular, but the Hungarian people in general as well, harbor no ill-feelings toward the courageous attempts of the Czech and Slovak peoples to reassert their national independence, restore their individual rights and work toward a representative democratic socialism. May we call Your Excellency attention to the fact that even the pro-Soviet Hungarian Government originally expressed warm sympathies toward the reforms of the Dubcek regime and even toward the end only mildly criticized the Czechoslovak Government. Hungarian participation in the aggression is a command performance of a satellite country that has no choice but to follow his master.

We also believe that Soviet action in Czechoslovakia extends beyond the regional importance of the invasion and displays a spirit of aggression and disregard for national and human rights, elements which will aggravate the search for a lasting peace. May we respectfully ask Your Excellency to emphasize in your discussions with Soviet leaders that they are not only depriving a small nation of its national self-determination and independence, but are ultimately endangering the peace of the world?

We remain
Very sincerely yours,
Rt. Rev. Dr. Zoltán Béky,
Chairman of the Board.

Mr. ST. ONGE. Mr. Speaker, I am pleased to join the distinguished gentleman from New Jersey [Mr. Patten] in condemning the fresh demonstration of Soviet aggression in central Europe by the invasion and occupation of Czechoslovakia and continuing threats to Rumania, Yugoslavia and West Germany.

The tragic fate of the Czech and Slovak nations, now deprived of the hope of a more humanistic interpretation of life and of their national independence, shocked the civilized world, including even some of the Communist parties, into realization that Russian imperialism and Communist totalitarianism are very much with us. It is further realized that we have to be prepared to defend our freedom against potential aggressors, unless we slip into the fatal mistake of appeasement.

Unfortunately, there is little hope for an acceptable solution of the crisis for the Czechoslovak people. Press freedom, nonparty social and political activity, personal safety are things of the past in Czechoslovakia. Six of the nine major reformist leaders have been removed from office and the Russians are zeroing-in on Party Leader Dubcek as well. Soon, the January-to-August period will be declared "counterrevolution" and the silence of the graveyard will envelop the unfortunate country.

The similarities with Hungary in 1956 are obvious, though the old leaders were temporarily kept by the invaders in view of unanimous popular resistance. However, they only have the tragic task of dismantling the edifice they have created.

The immediate task facing us is to provide the diplomatic help and moral assistance to those Czech leaders who are trying the impossible. The first requirement is an energetic push in the United Nations General Assembly for a resolution condemning Russian occupation of Czechoslovakia and calling for the immediate withdrawal of the Warsaw Pact forces, and another one calling for the sending of a U.N. factfinding commission to Prague. Furthermore, it would be just and advantageous to raise the question of Soviet military presence in Hungary as well. After all, the Secretary General despite his authorization "to take any initiative he may deem necessary" in December 1962 failed to take any steps or report back to the General Assembly and the crux of all tensions in Central Europe lies in the continued presence of the Red Army.

We must also undertake constructive steps to strengthen NATO, politically and militarily. The days of neglect must end and NATO must assume high priority in planning and implementing American policies. The convocation of a meeting of the NATO leaders, a summit meeting, might be necessary upon completing the session of the foreign ministers in New York on October 7, 1968.

Finally, the House Foreign Affairs Committee must also contribute its share toward a reassessment of our policies by calling hearings and commissioning a study of the issues by academic and political experts. The gravity of the situation demands full attention by the administration and the Congress of the United States.

Mr. PUCINSKI. Mr. Speaker, today I am joining my colleagues led by the distinguished gentleman from New Jersey in denouncing renewed Russian aggression in Europe.

We were all shocked by the events since August 21, when the Soviet Union, forcing four of her satellites, Poland, East Germany, Bulgaria and Hungary, to follow her lead, invaded and occupied Czechoslovakia

The Czechoslovak Government was by no means pro-Western or democratic in our sense of the word. But it attempted to restore some human rights to its people including limited press freedom and tried to modernize its industry by managerial reforms and increasing trade with the West. The stirrings of human freedom in Czechoslovakia between January and August 1968 were considered to be dangerous to the Soviet Union as were the Hungarian revolutionaries and Premier Imre Nagy in Hungary. That Czechoslovakia did not incur the same blood losses is only a result of nonresistance of its armed forces. Otherwise, the events of Prague and Budapest are strikingly familiar even to the mass passive resistance of the people against the invaders. The same divide et impera play is used by the Soviets in Czechoslovakia as it has been in Hungary and after the resignation of six of the reformers under Soviet pressure it is only a matter of time until Dubcek, Cernik, and even President Swoboda are replaced by more malleable personalities.

The influx of 24 Russian divisions into Czechoslovakia also upset the military balance in Europe and threats of the Soviet Union to Rumania, Yugoslavia, and West Germany demonstrate that the Soviets would like to exploit their momentary military superiority in the region.

We must, therefore, take energetic countermeasures ranging from diplomacy and propaganda in the U.N. to diplomatic steps in our bilateral relations with the U.S.S.R. and to a thorough revitalization and strengthening of NATO.

In the General Assembly we must press incessantly for a resolution condemning the Soviet action in Czechoslovakia, calling for a withdrawal of Soviet troops from all countries of the Warsaw Pact until a peace treaty from Germany is in effect, and by reintroducing the Hungarian question as, even after 12 years and numerous U.N. resolutions, Soviet troops are still stationed in Hungary. They participated in the aggression against Czechoslovakia as did the units based in Poland and forced both the Polish and Hungarian Governments to send token units to accompany the aggressive Soviet forces to Czechoslovakia. Resolution No. 1857/XVII of the 1962 Assembly offers the procedure for such a step. It did empower the Secretary General to "take any initiative he may deem necessary" to hasten the departure of Soviet troops from Hungary. He should be called upon to report back to the Assembly; after all, 6 years have passed since he has been given his mandate.

The House Foreign Affairs Committee must also do its best to clarify the issue and devise alternate policy suggestions by holding hearings on the subject of Central and Eastern Europe and preferably also by commissioning a study by academic and political experts. The dangers of the present situation in Europe, which probably will explode in a new Berlin crisis, urge us to do so at an early date.

Mr. BUCHANAN. Mr. Speaker, I join my colleagues, ably led by the distinguished gentleman from New Jersey, in discussing the steadily worsening situation in east-central Europe as a result of the Soviet occupation of Czechoslovakia and diplomatic and military threats against the German Federal Republic and the dissident Communist states of Rumania and Yugoslavia.

The tragic fate of Czechoslovakia remains permanently bleak in view of its occupation by more than 500,000 troops of the Soviet Union which cannot be counterbalanced by any passive resistance or tenacity on the part of the Government and the population. Step by step, the present leadership will probably be purged. Foreign Minister Hajek, Deputy Prime Minister Sik, and Interior Minister Pavel, for example, have already been removed. The collaborationists will thus accede to power helped by intrigues and the feeling of hopelessness that will slowly grip the peoples of that central European state. The tactics used in Hungary during and after the November 1956 period are being repeated in Prague with only small differences.

A state which has to accept foreign occupation troops on its territory obviously cannot exercise its full sovereignty. The Hungarian people certainly harbor no ill feelings against the Dubcek regime in Czechoslovakia. As a matter of fact the Dubcek regime was the first one which has allowed free expression to the Hungarian minority of Slovakia and promised settlement of some of their legitimate grievances. Even the Fock-Kadar government apparently felt some sympathies especially in view of the similarities of the Hungarian and Czechoslovak economic reforms. Writing in the New York Times of September 20, 1969, with Budapest dateline, Alvin Shuster reports:

> Four of the five countries that sent troops a month ago this week Hungary seems the most shy and embarrassed about it.
>
> Western diplomats are convinced that Hungary—where a rebellion was crushed by Russian troops 12 years ago—was the reluctant partner in a decision that is not being defended with any great conviction in the press here.
>
> "There is no doubt that the decision is still viewed here with sadness and shame to a large extent," said one.
>
> A Communist source close to the Government put it this way: "I would say that the number of people happy about it is insignificant. No socialist country likes to put troops into another . . ."
>
> "I think it all means that the vote for sending troops in, if there was one, was 4¼ in favor," one diplomat said . . .
>
> There are some who argue that Mr. Kadar really felt that Mr. Dubcek was moving too far too fast. But the more general assumption among diplomats is that Mr. Kadar had no choice given his economic dependence upon the Soviet Union, which also happens to have 40,000 troops on Hungarian soil.

The Russian moves are planned for wider objectives than just the suppresion of "heretical" ideas of freedom in Communist Czechoslovakia. Already there is a diversionary political and psychological offensive against the German Federal Republic. The potential danger of 24 extra Russian divisions in Czechoslovakia to NATO security in the central section calls for immediate steps, political and military, over and beyond the returning of 12,000 American troops. A NATO summit is called for to decide how to strengthen best NATO militarily and politically.

Under these circumstances it is small wonder that Bonn regards President Johnson's desire to do disarmament business with Soviet Premier Aleksei Kosygin at this time as little short of betrayal. The mirage of detente dies hard, but we must face up to the changed realities in east-central Europe in order to avoid reckless Soviet moves which can lead to the danger of a world conflagration. Only from a position of strength and with determined tenacity can we later negotiate with the Soviets. Right now, the time has come for countermeasures rather than for talks.

In order to analyze the disturbing political and strategic potentialities of the new situation and to help arrive at adequate policies, I am joining my colleagues in calling for a comprehensive study of the situation in eastern and central Europe by the House Foreign Affairs Committee including public hearings and the completion of an independent study by outside academic and political experts. Former Vice President Nixon is undertaking a similar task as the Republican presidential candidate, but we in Congress must also face up to the changing conditions and continue their study in order to fulfill the trust our constituents have placed in us.

Mr. Speaker, I include herewith the editorial written by the Earl of Avon—former Prime Minister Anthony Eden—for the New York Times, September 14, 1968:

THE MESSAGE OF CZECHOSLOVAKIA

(By Anthony Eden, Earl of Avon)

> Thirty years ago the Munich agreement left a weakened Czechoslovakia little chance

of survival. Russian spokesmen have often denounced that agreement and its consequences. Now Czechoslovakia is occupied by military force once again, this time by its ally and big brother in Communism and in the Warsaw Pact, Soviet Russia. The unprovoked harshness of this deed has aroused indignation in the free world and in the Communist world also.

The judgment of the Yugoslav newspaper Politika merits quotation:

"Never, in the postwar period, has the tragedy of a country so deeply and so painfully shaken the world of our planet as has the tragedy sustained by Czechoslovakia. Never before was the world so united in the condemnation of the aggression as it is these days."

Czechoslovakia is the first casualty. This land which looked for freedom is now a land of fear. Though still a Communist state and loyal member of the Warsaw Pact, it is helpless before Russian armor and the still more dreaded secret police.

We must cherish no illusions. Repression has come again and with it the terror of the knock on the door in the dead of the night. All this for no crime, except that the Czechoslovak Communist leaders sought, with the full support of their people, to practice a little more freedom than the rulers of Russia were prepared to permit, so sharp was the fear of contagion.

There are other casualties. International Communism is split wide open, the greater part of it siding with Czechoslovakia at the first shock, even though the temptation to palliate the deed may grow with the passage of time.

No less significant is the impact upon hopes of negotiation in Europe. At intervals since the summit conference in Geneva, in the summer of 1955, efforts have been made to get discussions going with the purpose of agreeing to some mutual reduction in the number of troops, perhaps determining their location and even considering the possibility of a neutral zone.

REDUCING ARMED FORCES

At times during the Bulganin-Khrushchev era some progress on these lines seemed possible. Now not only these but other attempts at negotiation between Moscow and the West must be ruled out, unless one condition is first fulfilled. The Soviet armies must be withdrawn from Czechoslovak soil and that country's government allowed to function free from the imposition of foreign nominees or dictated censorship.

This is the indispensable minimum, for all negotiation must rest on confidence, and there can be none in the conditions which Russia has imposed upon Czechoslovakia. To condone what has happened would be base; it would also be foolish. The history of the thirties has taught us mercilessly that to attempt new agreements, while ignoring flagrant breaches of the old, earns contempt, not progress.

The record of attempted negotiation with Hitler and Mussolini cannot be ignored. There have also been more recent examples of appeasement with its predictable consequences.

When Sukarno claimed Western New Guinea, to which he had no right either ethically or ethnically, and threatened attack upon its territory, pressure was applied upon the responsible power to yield. It was no doubt expected that, satisfied with this notable concession, the Indonesian dictator would rest content. As usual, the reverse proved the truth and Sukarno was soon claiming Malaysia.

"Confrontation" followed, which Malaysia, with the help of her ally, successfully repelled at a heavy cost, not least to Indonesia, which to this day is burdened by the agrressive adventures of her previous ruler.

There is a course for the free nations to follow. NATO should review its needs in the light of the changed conditions in Europe. That organization is essentially defensive and to improve its effectiveness can threaten no one. Admittedly the European nations would have to contribute to this effort, but it has to be made, for it would be irresponsible to ignore that the optimistic assumption of steadily improving relations across the Iron Curtain is now belied.

But this local action, though important, is not enough. The influence of Czechoslovakia's ordeal is already world-wide. Relations between the Communist powers have deteriorated sharply. The uncommitted nations are alarmed and acutely conscious of their uncertain future, while the smaller free nations are understandably anxious.

DUTY OF FREE NATIONS

In conditions where Communism's repute is much damaged, the leading free nations have both a duty and an opportunity. Together they should examine the existing situation in each continent, politically, militarily and economically. The purpose of this exercise would be to determine the wisest policies to be pursued in each of these spheres.

To make this effective, closer consultation would be necessary between the leading nations across the world. Something of the spirit of the earlier years of NATO would have to be rekindled for this more comprehensive work, but that is not impossible and the outcome could offer the leadership and inspiration which the world so sadly lacks.

No less important, a joint endeavor such as this could counter the world's greatest danger, the widening spread of anarchy.

GENERAL LEAVE TO EXTEND

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this special order, the crisis in Eastern European affairs.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO HON. WILLIAM M. TUCK

The SPEAKER. Under a previous order of the House, the gentleman from Virginia [Mr. Hardy] is recognized for 60 minutes.

Mr. HARDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the retirement of our colleague, Hon. William M. Tuck.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARDY. Mr. Speaker, among those of our colleagues who will be missing at the rollcall when the 91st Congress convenes is our genial and good friend, Bill Tuck, the able and outstanding representative of Virginia's Fifth Congressional District. Bill is voluntarily retiring after 16 years of faithful and dedicated service as our colleague in the House of Representatives. His retirement will mark the end of more than 40 years as an elected public servant, and during much of this time I have known him well and have been privileged to have him as a friend.

To most of us Bill is affectionately known as "Governor," and he came to Congress in 1953 following distinguished service as Virginia's chief executive. And this had been preceded by 4 years as Lieutenant Governor of Virginia, which in turn had been preceded by 10 years in the Virginia Senate and 8 years in the Virginia House of Delegates. Most of his life has truly been in the service of the people.

Just glancing at the background of the "Governor's" political activity before he came to the House of Representatives, we can appreciate the foundation in representative government which he had already acquired. He was well versed in the government of Virginia, and had a deep and abiding appreciation of our Constitution and the Bill of Rights. He had strong convictions about the prerogatives which were reserved to the States by the Constitution and all through his public service he has devoted much effort to protecting the rights of the several individual States from encroachments of the Federal Government.

The people of the Commonwealth of Virginia have long recognized Bill Tuck's tremendous qualities of leadership, his strength of character, his sincerity, and his integrity; and all through his public service he has demonstrated these qualities.

While he was Governor of Virginia he provoked considerable controversy when on numerous occasions, without hesitation, he arrived at his own independent judgment concerning pressing issues and acted on that judgment without regard to criticism or disfavor. Among the most controversial of his espousals was the Virginia right-to-work law which he sponsored and which was adopted by the Virginia general assembly during his administration. That statute still provokes controversy, but I am sure his conviction with respect to its correctness is as strong today as it was when this bill was passed.

There were many internal problems confronting Virginia when Bill Tuck became Governor, and through his initiative great strides were made in such things as improving teachers' salaries and educational opportunities generally. He also contributed much to Virginia's long-neglected mental institutions, and he will always be remembered for his determination to "get the farmers out of the mud." He initiated a program of farm-to-market roads which was soon to lead to a secondary road system which I dare say is hardly surpassed in any State in the Union.

Bill Tuck has a farm background. He is a farmowner and as a matter of fact still owns and operates the farm on which he was born, as well as other surrounding farmland. He has maintained all through his public life a close association with his early surroundings and loves to spend as much time as he can back in his hometown, or on his farm, visiting with his neighbors, and enjoying their fellowship. I can appreciate how Bill's neighbors must have enjoyed his trips back home; for his genuine good nature, his love of people, his fondness for the simple things of life, for mountain music, for cornbread and brunswick stew, and his delight in storytelling, all are characteristics which endear BILL TUCK to us as they do to Virginians all over the Commonwealth.

BILL TUCK is genial, colorful, controversial, unimpressed by stuffed shirts and scornful of shirkers. There is no deceit in his unpretentiousness and he still speaks of himself as a "country lawyer."

I know that BILL will be missed here in the House. Since he and I are both dropouts this year, I shall not miss him here, but instead I may even get a chance to see him occasionally in his own territory. In fact, I plan to make it a point to do this. BILL, I hope you will get down to see me occasionally in retirement, and whether you call it a threat or a promise, I am looking forward to an occasional visit to Halifax. I hope you will let me enjoy with you some reminiscing about our colleagues in the House and our experiences here, and I hope you will also share with me some of that humor and the incomparable stories you can tell. Perhaps we might even do this with a background of the strains of some mountain music coming from your fine new stereo.

And so I wish you good health, and the ultimate of enjoyment and satisfaction in a well-deserved retirement.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, thank you for your courtesy in yielding to me to perform what will be an act of pleasure, I assure you.

I first became aware of the existence of big BILL TUCK when I was a student at the University of Virginia Law School. At that time he had established himself in his profession and in statecraft. But his act of heroism in 1958 was the thing which commanded by attention, my respect, and my continuing admiration. I respected, admired, and applauded the many fearless deeds he performed as the Governor of our Commonwealth.

I think it is fair to say that his service in that august position was unsurpassed by any of his predecessors and will remain forever unsurpassed by any who might succeed him there. He won the respect and affection not only of his own party in our State but of members of the other party as well.

Mr. Speaker, I have been privileged to be a guest under his roof and at his table, and I can assure you that the menu you recited a moment ago, PORTER, while almost complete, is not entirely complete. It omitted the good Virginia country ham and chitterlings. If our colleague, the gentleman from Virginia [Mr. ABBITT], had been here we could have reminisced about a little experience we had out near the battlefield which lies nearby the great Capital City several years ago.

What I have said I think reflects—at least, I intend that it should—my personal affection which runs so deep for this great and good man. I admire him not alone because he has acquitted himself so honorably in such high positions but also because I recognize a character which a person cannot acquire superficially and which must shine through to the surface even through the most genial spirit. It is a steadfastness of character which commands the respect of all.

Often BILL TUCK and I have sat together in his office or mine discussing what we regard as some of the profound verities of the day. In the course of one of these shortly after he came to the House he recited a little poem which he has often used since and which at the time I committed to my own memory and must now confess that I, too, have used on occasion. In order to illustrate the type of character and the depth and constancy of character which is his, I will undertake to recite it now from memory:

THE MAN IN THE GLASS

When you get what you want in your struggle for self,
  And the world makes you King for a day,
Just go to the mirror and look at yourself
  And see what that man has to say.

It isn't your father or mother or wife
  Whose judgment upon you must pass,
The one whose verdict counts most in your life
  Is the one staring back in the glass.

He's the one you must satisfy beyond all the rest,
  For he's with you right up to the end;
And you have passed your most difficult test
  If the Man in the Glass is your friend!

You may be one who got a good break—
  Then think you're a wonderful guy;
But the man in the glass says you're only a fake
  If you can't look him straight in the eye.

You may fool the whole world down your pathway of years,
  And get pats on the back as you pass;
But your final reward will be heartaches and tears
  If you've cheated the Man in the Glass!

For the man who looks back from that glass as he shaves every morning is his friend, because he sees nothing that is not altogether admirable.

Mr. Speaker, I hope that he will live many long years and as long as he lives every year will be a fruitful and productive year or one that will somehow bless mankind and inspire young people to pursue the paths that our forefathers have always thought worthy.

Mr. HARDY. I thank the gentleman, and now, Mr. Speaker, I yield to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Speaker, I deeply thank the able gentleman from Virginia [Mr. HARDY] for allowing me to share with him and our colleagues some words of tribute to our esteemed friend that we know as BILL TUCK.

I have developed a great admiration for this Governor of Virginia, this very charming and distinctive gentleman, [Mr. TUCK], but he first endeared himself to me and my wife when my wife went down to Richmond on one occasion when he was Governor to speak and he was so gracious and hospitable to her. I felt when I came to know him here that we were already old friends.

Mr. Speaker, I would not want to embarrass my good friend, the able gentleman from Virginia [Mr. TUCK] by having either him or any of his friends to believe that by my speaking in tribute to him here this afternoon that he shares my political philosophy. We do not exactly share the same political philosophy. However, that is what makes this House and this Congress and this country what they are. We do not ask whether a fellow sits on that side or on this side of the aisle; or whether he votes with or against us; or whether he agrees with us or opposes our views. What we ask is, Is he a gentleman, is he an honorable man, is he a good American, and is he sincere in what he believes and advocates, and is he a delightful and likable fellow whose friendship you cherish? If a Member meets these criteria and he leaves this House one does deeply regret his departure.

Mr. Speaker, BILL TUCK has been a very able legislator. With his long and wide experience in government, he knows the matters that pertain to the Government's interests. He is genuinely dedicated to the service of his people. He has rendered eminent service to his district, to his State, and to his country, but above all he has been one of the most delightful and charming gentlemen who have ever sat in this body.

I shall never forget some of the stories that he has told here. My only complaint is that he has not told enough of them. I wish he would still leave us a little legacy to remember him by before he departs for home. I hope that when he goes home he will write some when he has the time for reflection on it.

He has made a contribution to this Congress and to his country. When he retires to be the enviable squire of Halifax, I hope that we shall not do to him what so many friends did to Thomas Jefferson, that is, so many visited him that they almost ate him out of house and home, but I will certainly accept his invitation tendered to me to come down and visit with him and I am sure that he will be a very busy host entertaining all of us who would like to come and share with him the friendship which we have enjoyed so much in this House. We want him to know that he carries with him our affection and esteem and best wishes for many, many years of good health and great happiness.

Mr. HARDY. Mr. Speaker, I yield to my good friend and colleague, the gentleman from Alabama [Mr. ANDREWS].

Mr. ANDREWS of Alabama. Mr. Speaker, I want to thank the gentleman from Virginia [Mr. HARDY] for yielding to me in order to pay my respects to a dear friend, BILL TUCK.

Mr. Speaker, I had the pleasure of meeting BILL TUCK for the first time in November 1948 at the country club in Selma, Ala. He was just out of the Governor's office at that time and had flown down with the late great Senator Harry Byrd, Sr. I fell in love with BILL the first time I met him and since that time I have enjoyed a warm, personal friendship with him. He and I have lived in three hotels together since he came to Washington. I do not know whether I moved first or BILL moved first, but shortly after I left, he came or shortly after he left the hotel I went with him to two different hotels.

Mr. Speaker, I will say this: We both paid our hotel bills. We moved voluntarily and were not thrown out.

Mr. Speaker, during those years I have been in his home and have eaten at his table and he has been in my home and has eaten at my table. There is no comparison about the food that was served.

I hope I have the pleasure when he retires down on that river bank near his old homestead that I can meet you down there and as the gentleman from Florida said, he might be eaten out of house and home by his friends.

But, Mr. Speaker, Bill is a great man. I never shall forget one night while he was Governor I was down there at one of the hotels at a dinner and Senator Byrd was the speaker. We had a nationwide telephone strike and Bill had engineered a bill through the legislature of Virginia which became the law prohibiting strikes in public utilities. Senator Byrd said that afternoon that he had a very important message for Governor Tuck and that he placed a call and the operator said, "Is it an emergency?" And Senator Byrd said, "I cannot truthfully say it is an emergency." The operator said, "Well, we cannot put through your call." So, he sent a telegram to Bill Tuck asking Bill to call him, which he did immediately.

Senator Byrd said he never thought he would see the day come when Washington could not call Richmond but Richmond could call Washington.

Mr. Speaker, Bill Tuck has been a great advocate of States' rights legislation and constitutional government. He has served with distinction on the House Judiciary Committee. He has been one of the greatest advocates of those two subjects of any man in this House. Unfortunately, his voice has been like one in the wilderness. He has sat here and has seen many of our constitutional rights, privileges, and guarantees destroyed and no man has voiced more opposition to that trend than has Bill Tuck and the gentleman who is now in the well of the House.

Mr. Speaker, I say that the great Commonwealth of Virginia will have suffered, come the first of January and a new Congress, a staggering blow in the loss of two able advocates of States rights.

Mr. Speaker, Bill is a great American and, frankly, it almost breaks my heart to see him leave. I have just loved him through the years. He has made a great contribution to the welfare of his State, his district, and his Nation.

Many times I wish that his philosophy of government could have prevailed, but I hope for him when he does retire down on the banks of that river in south Boston that he has all the happiness that his heart could yearn for. He has a nice family. He will go back to a good law practice and take some of the pressure off of him.

I hope he enjoys a restful future, which he is so justly entitled to.

I again thank the gentleman for yielding.

Mr. HARDY. I thank the gentleman.

Mr. Speaker, I am glad to yield at this time to the gentleman from Virginia [Mr. Wampler].

Mr. WAMPLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I consider it a high honor and a distinct privilege to have this opportunity to pay tribute to my friend and colleague, William Munford Tuck, of Virginia.

His pending retirement from the House of Representatives will culminate almost a half century of dedicated public service to his fellow man.

There are many things I could say about Bill Tuck. He is a man of companionable instincts. He enjoys his friends, his home, and his family.

He has a contrite and humble spirit—always grateful to God for a place in His world and grateful to his ancestors for the heritage which they transmitted to him.

Mr. Speaker, to live well is more important that to live long; but to live both well and long is a glorious achievement. My friend, Bill Tuck, has lived both well and long.

Bill Tuck is a man of abiding convictions. His very nature rebels against those who wittingly or unwittingly advocate those things which would weaken or destroy our American way of life.

He is a man of courage. No one, friend or foe, ever doubted his sincerity or his readiness to defend, courageously, that which he believed to be right.

Mr. Speaker, I can think of no better sentiment to describe his attitude than those of the poet who said:

> An old man going a lone highway
> Came at the evening, cold and gray
> To a chasm, vast, deep and wide.
> The Old Man crossed in the twilight dim
> That sullen stream had no fears for him
> But he turned when safe on the other side
> And built a bridge to span the tide.
>
> "Old Man," said a fellow pilgrim near,
> "You are wasting your time in building here;
> You never again will pass this way—
> Your journey will end with the closing day.
> You have crossed the chasm deep and wide,
> Why build you a bridge at eventide?"
>
> The builder lifted his old gray head:
> "Good friend, in the way I have come," he said,
> "There followeth after me today
> A youth whose feet must pass this way.
> This stream that has been as naught to me
> To that fair-haired youth might a pitfall be.
> He, too, must cross in the twilight dim;
> Good friend, I am building the bridge for him."

Bill Tuck has built well the bridges which he leaves behind. Those who will follow in his train will find a safe and secure crossing.

Mr. Speaker, with abiding gratitude in my heart for having known him, and with sincere appreciation of his fellowship and for my association with him, I wish Bill Tuck everything good that life may offer.

Mr. HARDY. I thank the gentleman.

Mr. Speaker, I am happy to yield to the distinguished majority whip.

Mr. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I first would like to say to the distinguished gentleman in the well that due to the very heavy schedule that we have had I unfortunately was not present on yesterday when some remarks were made with reference to the gentleman who now holds that post in the well.

Might I say to the gentleman, in the years that I have served here with him I have never known a man more strong in his convictions, more able in expressing them, more genuine in his friendship and more loyal to his State and to his country.

I, along with so many other people, will miss you very, very much.

Mr. HARDY. I thank my colleague.

Mr. BOGGS. Now as to our distinguished colleague, Governor Tuck, former Governor of Virginia, I can only say I love him. He is a lovable man. Sometimes he and I did not vote exactly alike, but that has never made any difference. I know the great and distinguished career that he has had in Virginia. I know the remarkable record that he has established in that State. I know how beloved he is by his friends as well as by those who may differ with him politically.

We all know how colorful his language is and the vigor of his expression and the warmth of his friendship. It is always and to say goodby. That is the saddest word in the English language.

Mr. Speaker, I just hope that I am not bidding farewell to either one of our two colleagues. I hope our paths may cross frequently. I hope too that their lives will be abundantly blessed with happiness.

Mr. HARDY. I thank my colleague very much.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. HARDY. I yield to our distinguished colleague, the gentleman from North Carolina [Mr. Whitener].

Mr. WHITENER. Mr. Speaker, I commend the gentleman from Virginia [Mr. Hardy] for taking time today to pay tribute to the Honorable William M. Tuck.

I also convey to the gentleman in the well, the gentleman from Virginia [Mr. Hardy], my appreciation for his service as a Member of this body, as he, too, plans to enter into the joys of retirement.

I suppose that one of the aspirations of most people in public life is to become so well identified that everyone knows them, and their name becomes a household word.

Back a few years ago when I was returning from a weekend at home, the airplane stopped in Richmond, Va. I went into the terminal and purchased a Richmond newspaper.

As I read one of the editorials in the publication, I was impressed by a statement that was made in the editorial. I cannot remember the content of the editorial except this one reference, that in referring to the gentleman whom we honor today, it said this, and I quote:

> As Bill Tuck always said, "Opposition is a hateful thing."

This was rather typical of what we would expect Governor Tuck to say about a thing that I suppose every elected officials has such a feeling of abhorrence about.

So Governor Tuck was recognized by the editorial writer in a very complimentary way when he could refer to him just by the name "BILL TUCK" rather than as "Governor of Virginia" or "former Governor of Virginia." This indicated to me that Governor TUCK had reached that point in life to which many of us aspire, where our name is a household word.

Mr. Speaker, one of the finest men that I have ever known is our colleague, Gov. WILLIAM TUCK. He is a gentleman in every respect. The opportunity that I have had to know him for the past 12 years is one of the greatest experiences of my life.

BILL TUCK has been honored by the people of Virginia more than any living Virginian. The confidence that his people have expressed in him over a period of 44 years is the strongest possible testimony that he is a worthy son of his great State. His service in the Virginia House of Delegates and State Senate was followed by terms of Lieutenant Governor and Governor. In each of those assignments, he showed the same devotion to duty and tremendous ability that he has displayed here as a Member of the U.S. House of Representatives since 1953.

Governor TUCK is an able lawyer who understands the law and its origins. As a member of the Judiciary Committee, I have observed his ability to cut through window dressing and get to the real issues involved in the areas of constitutional law and criminal law revisions. The leadership which he has given to those of us who share his views on the necessity for protecting the rights of the States and individuals has been of the highest order. His wise counsel as a member of that committee will be missed as he voluntarily retires at the conclusion of this Congress.

I have known BILL TUCK as a public official and as a personal friend. I cherish the privilege that I have had in being able to associate with him rather intimately for the past several years. In visits to each other in our respective offices and on the frequent occasions when we have spent our evenings together after working hours, I have enjoyed a close personal relationship which I shall always hold valuable. Through this close association, I have come to appreciate the greatness of BILL TUCK.

Mr. Speaker, I do not have the command of words to express my true sentiments to our good friend on this occasion. I think that he knows of my deep affection for him and of my sentiments of good wishes for him and his family in the years to come.

I regret that Governor TUCK has decided to terminate his service in the Congress. He will leave a big gap in the ranks of those who strive to keep our country on the right course. Since he has made his decision, we can only express to him our gratitude for the great service which he has rendered to his State and our Nation and wish him the best as he goes back to his beloved Virginia to resume the practice of law.

Mr. HARDY. I thank the gentleman from North Carolina.

I yield to my colleague, the gentleman from Virginia [Mr. MARSH].

Mr. MARSH. Mr. Speaker, today the House pauses to say goodby to a man who has earned an enviable record in State and National Government—WILLIAM MUNFORD TUCK.

I am certain to many he has been the symbol of the gracious and affable "gentleman from the South," who has won a place in the hearts of his colleagues here, and countless admirers, both in his native State and beyond its borders.

Governor TUCK has had an interesting and varied career. Many people know that he had an outstanding career as Governor of Virginia, but I suspect that they are not aware of the fact that in World War I he served in the Marines. I doubt also that, aside from his colleagues in the Virginia delegation, know that early in his career he was a public school teacher by teaching in Northumberland County, Va. I might add that both he and I call Washington and Lee University our alma mater.

His public service to the Commonwealth of Virginia and to his Nation has been a long one. Prior to becoming Governor of Virginia, he had already established himself as a well-known and able member of the Virginia State Legislature, having served in both the house of delegates and the senate. During the troubled times of World War II, he was Virginia's Lieutenant Governor and later moved on to become the Chief Executive of the State.

He has a well-earned reputation for independence and for taking an outspoken and fearless stand for the things in which he believed and which he felt were in the best interests of those he served. He has stood his ground in the face of determined opposition. He is a man of deep convictions.

Perhaps the most revealing insights to this man are provided by some of his traits of character and personality. In many ways, "the Governor" represents some of the gracious aspects of another day in political life. Some would call it the "old school," but whatever it is I feel it is something that we need in the political process today. Perhaps it is the capturing of the human interest aspects of the American governmental process with a warm feeling for people—a feeling that BILL TUCK has in abundance. He is recognized as one of the best storytellers of humorous political stories on the American scene.

For those who are not aware of it, Governor TUCK was a close friend and ally of the late Senator Byrd. In many ways, I suspect that he was as close to the Senator as most any political leader in Virginia.

When WILLIAM MUNFORD TUCK leaves the House of Representatives, he will be bringing to a close a great career in public service that not only has been witnessed by his colleagues here, but it will also mark the end of a great period of public service in Virginia by one of her best known and most beloved leaders.

It has been a privilege to share a portion of that service with him here.

Mr. LENNON. Mr. Speaker, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Speaker, in expressing my personal sentiments concerning the retirement from Congress of two of the great Commonwealth of Virginia's most distinguished sons, I wish I were as articulate as some and as eloquent as others, but neither of these gentlemen, Mr. Speaker, need eloquent words because they are both plain men—but yet noblemen. I am convinced, Mr. Speaker, that it is not only the Commonwealth of Virginia but also the Nation at large which will suffer an irreparable loss when men like Congressman PORTER HARDY and Congressman WILLIAM TUCK leave the Halls of the Congress of the United States.

Unlike one of my distinguished friends and gentleman who preceded me, I wholeheartedly and enthusiastically share the philosophy that has been exhibited by these two distinguished gentlemen since it has been my privilege and honor to serve with them for these past 12 years. I think all fairminded and knowledgeable men and women would say today, in the light of the present national and world conditions, that if this philosophy had been followed to a more consistent degree, we would not find ourselves impaled on the horns of both a domestic and an international dilemma.

It was my personal pleasure, Mr. Speaker, to make the acquaintance of the Honorable WILLIAM TUCK in early 1942, when he was the Lieutenant Governor, and had been Lieutenant Governor for only a short while. He came to my hometown to assist a constituent and friend—just as he has consistently since that time assisted in every way humanly possible his constituents in his congressional district.

It is a great honor for me, Mr. Speaker, to stand on this floor and express my personal appreciation of the friendship of these two fine gentlemen and say to them that they will be sorely missed, and, like other expressions that have been made, I hope I can join them in the future as one of those fine men who have been described and that everybody likes to think about.

Mr. EVERETT. Mr. Speaker, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from Tennessee.

Mr. EVERETT. Mr. Speaker, I wish to thank our colleague from Virginia for taking this time in order that we might pay honor and tribute to our great friend, Gov. WILLIAM TUCK. A little over 10 years ago I was elected to this House. The Governor has been an inspiration to me ever since. It was inspiring to see a man who started out as a member of the State legislature, and who became a member of the State senate, and Lieutenant Governor, and then Governor of his State, to see one, who, not wishing to rest upon his laurels but wanted to render further service, come then to the House of Representatives of the Congress of the United States, there to help and aid and assist his constituents in his chosen congressional district.

To Governor TUCK and to his family, I wish the best of everything in the many years to come. I, too, along with others, wish to say we want to get away from Washington and take him up on his offer to go down on the farm we have heard so much about and to enjoy there the fine hospitality we know will be ours if we make that visit. So we wish him the best of everything in the many years to come.

Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. HARDY. Mr. Speaker, I thank the gentleman very much.

I am happy to yield now to the distinguished gentleman from Mississippi, the chairman of the Rules Committee [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I appreciate my friend PORTER HARDY yielding to me for these few moments.

Mr. Speaker, I am pleased to associate myself with the splendid tributes that are being paid here today to our good friend, BILL TUCK, upon the eve of his retirement from this body. It has been a distinct pleasure and high privilege to be associated with this splendid son of Virginia in the Halls of this Congress for the past decade and a half. I am sure that I have profited by my association with this truly great American. He is possibly the last of the old guard of Virginians to serve in this body. His dedication to his native State of Virginia and to this young Republic is and has been possibly his guiding star. A great constitutional lawyer, a great patriot, and a most friendly man, he has endeared himself to all Members of the House. While he entertained a strict degree of adherence to the principles of the Constitution and the Bill of Rights, which is his philosophy of government, he was and is still one of the most beloved Members of the House. This undoubtedly is due to his genteel nature and his love of his fellow man, as well as his dedication to principle.

Virginia, the mother of Presidents, has contributed possibly more than any other State in the Union to the building and maintenance of this Republic. Prior to the civil strife some century ago, Virginia was the leading State of the Union. As the result of that unfortunate disaster in the life of the Nation, Virginia like its sister Southern States, because of this division of our people unfortunately has not wielded the influence in national affairs that it had prior to the War Between the States. However, Mr. Speaker, the quality of its people and the high stature of the men it has sent to this Congress has maintained the same high level. Governor BILL TUCK will go down in history with his contemporaries of men of the stature of Harry Byrd and Howard Smith and other able men of that great Commonwealth.

This body, as well as the State of Virginia and the Nation, will be the loser by his voluntary retirement. I can only express the hope that the days ahead in retirement will be as satisfactory and enjoyable as the days of the past for this outstanding American.

Mr. HARDY. I thank the gentleman very much.

Mr. Speaker, I now yield to my colleague from Virginia [Mr. DOWNING.]

Mr. DOWNING. I thank the gentleman.

Mr. Speaker, the privileges of serving as a Member of this distinguished body for the past 10 years have included some of the richest blessings of my life, chief among them being the opportunities afforded by daily association with some of the finest gentlemen in the history of mankind. It is rare indeed when a young lawyer from Virginia, totally inexperienced in the art of making laws, is afforded the opportunity of joining such a distinguished body as I did in January of 1959, especially as a member of such a delegation as that which represented our beloved Commonwealth at that time. Among its leaders, in particular were three gentlemen, Howard W. Smith, PORTER HARDY, Jr., and WILLIAM MUNFORD TUCK.

I joined with the other Members of the House who paid their respects to Judge Smith when he entered his retirement 2 years ago. Yesterday I stood here and proudly joined in the tribute to PORTER HARDY who has chosen to leave us when this Congress finally adjourns. Today I am moved to give this expression of my feelings about BILL TUCK who has also decided to retire. It is exceedingly rare and particularly unenviable to find oneself in the position where he must bid adieu to two such cherished friends, two such dedicated servants of the people, two such able legislators from his own delegation on 2 successive days.

It is impossible to say the same things about any two men because no two men are that much alike. It is difficult indeed to tailor remarks about two men to the same length. I shall not attempt to do that; but if I should say more literally about BILL than I did about PORTER, it could be attributed only to the fact that figuratively there is so much more of BILL than there is of PORTER.

BILL TUCK enjoys a distinction which has only been shared by a select circle of our great men of history. He has become a legend in his own time. From the south bank of the Potomac to the borders of North Carolina and Tennessee, from the Atlantic shoreline to the lofty peaks of the Appalachians, throughout our blessed State which gave birth to this great Nation, BILL TUCK is revered as the type of man which is best described as "the vanishing Virginian." He is one of a breed of men who has carried throughout his life all of the attributes of the great Virginians of the past. His gentlemanliness and his statesmanship will never be forgotten so long as memory remains in the minds of all Virginians who are alive today, and the stories which we will leave with those who follow us will keep him enshrined in the hearts of Virginians forever.

BILL TUCK came to the Congress in 1953 and has served here with distinction since that time. This is the longest period in his distinguished career of public service, which spans 45 years, that he has held one position. Despite all this, he is still best remembered by Virginians as our beloved Governor and the father of our State's right-to-work law. To all Virginians, he remains "The Governor," although he considers himself "just plain BILL."

He sprang from the red clay of Halifax County. He was educated at the College of William and Mary and Washington and Lee University. He served as a marine during World War I. He began the practice of law when the war was over, and in 1924 started his distinguished career of public service as the Halifax County member of the Virginia House of Delegates. After 8 years in the House, he moved to the State senate for 10 years and was elected Lieutenant Governor in 1942 and Governor 4 years later.

It was during his service in the State legislature that my family association with Governor TUCK began. My late grandfather was a member of the State senate at that time, and as a young man BILL served with him. It has been a great bounty indeed that I as a young man was privileged to serve in this great legislative body with Governor TUCK.

The stories about him are legend, and most of them are true. He is such an amazing man that no one has to resort to fiction in describing his activities.

I will tell you no tales about BILL TUCK because you have seen him in action. I will say simply that if by some unusual stroke of providence I should be required to limit my friendships to those select few who would be the most dear, and to restrict the host of men whom I admire to a similar selection, BILL TUCK alone would be in both groups.

He has the warmest heart of any man I know; and despite his outward appearance today, his heart is the biggest part of his anatomy. He is the most courtly man I have ever met. His generosity knows no bounds. He is the friendliest man in the world. His humor is beyond compare. He is superstitious beyond belief. His praise is the most meaningful tribute to which any man could aspire, and his denunciation the most infamous excoriation a man could suffer.

As Governor TUCK returns to the beloved land of his youth, to Buckshoal Cabin in Halifax County, from which the strains of country music will pour day and night, there are those who will remember the picture of a large man with a tossing silver mane, his fist shaking, and his eyes ablaze as he declaims a withering defiance to the enemies of this country.

I will remember a most beloved man with a twinkle in his eye, a smile on his lips, and the grasp of eternal friendship in his hand, who has given me the love of the father and has treated me as an equal.

May God continue to bless you, BILL, and may He continue to love you as much as I do.

Mr. McCORMACK. Mr. Speaker, it may not be generally known, but there are two Congressmen from South Boston—WILLIAM M. TUCK, and myself. Congressman TUCK, of course, comes from South Boston, Va., and has served as Representative from Virginia's Fifth Congressional District for 15 years, with ability and distinction. It is with deep regret, and a feeling of sadness, that I take note, at this time, of his impending retirement at the conclusion of the 90th Congress.

Representative TUCK is a competent legislator. His career in public service spans a period of 45 years—a time of intense activity and diverse experience. Elected to the Virginia House of Delegates in 1923, Congressman Tuck later served in the State Senate and was elected Lieutenant Governor under Governor Darden. In 1946 he became Governor of the State, a position in which he distinguished himself and established a truly statewide reputation. He is still remembered in Virginia as a strong and effective chief executive. He practiced law from 1950 to 1953, when he was elected to fill the unexpired term of Thomas B. Stanley, who had resigned to run for Governor.

In addition to his law practice, Congressman Tuck has a farm in Virginia, and he now hopes to "go home and enjoy being with his family and friends." I know they will welcome him, even as we will regret his departure from among us here. It must be a source of particular gratification to him to look back upon so long and productive a career, and to know the extent of his contribution to local, State, and National political life. Few men in the history of Virginia have been so highly honored for so long a time. And few men are so gifted with the political art. Congressman Tuck is particularly famed for his speaking talents, for his ability to establish a quick rapport with an audience. He has been known to captivate a large audience in the Waldorf in New York, for example, or to command the attention of a handful of neighbors in his native Halifax County. His fame as a raconteur is legendary, far beyond the boundaries of Virginia.

We will miss Congressman Tuck; but at the same time it is an honor—and I speak for all of us—to have served with him these many years. I wish Congressman Tuck the future happiness which he so richly deserves; I offer him my warmest regards and sincere best wishes for the years to come.

Mr. ALBERT. Mr. Speaker, I am very pleased to have this opportunity to join with my colleagues in the House in paying tribute to our good friend, William Tuck. He has served in the House for more than 10 years and he has been a true servant of the people. Governor Tuck's work here is only a part of his whole life's service to the fine people of Virginia and of this country. Since 1924, he has served in both houses of Virginia's Legislature, and he has been Lieutenant Governor and Governor of the Commonwealth.

Mr. Speaker, I admire Governor Tuck and I am proud to have been able to serve with him in the House of Representatives. He came here with great experience, and we and all the people of this Nation have been beneficiaries of that experience. We owe him our gratitude, and it is a tremendous pleasure to express my own gratitude here today.

William Tuck has served his people and his country in the fine tradition of Virginia's statesmen. It is with pride that I say he is my friend and colleague.

Mr. HALLECK. Mr. Speaker, I like to think of Hoosiers as a special breed, but I must say that the State of Virginia has brought forth a lot of sons who have borne the mark of special distinction.

Such a man is my good friend, Bill Tuck.

As has been mentioned, he first sat in the 83d Congress, one in which it was my privilege to serve as majority leader of the House of Representatives.

Before coming to this body he had served in many capacities as a public servant, not the least of which was his tenure as a distinguished Governor of his State.

I found early in my acquaintance with Bill Tuck that as far as a philosophy of government is concerned, we had a lot in common.

The prestige the Governor brought with him was, all of us soon discovered, well-earned. Here he carried on in the finest traditions of the House we all love. His word was his bond, an attribute so important to successful service here. He never ran from controversy, but he fought clean and hard, every inch a gentleman in what he said and what he did.

My best wishes for the future go to Bill Tuck, a fine, great person; a noble man in the true sense of the term.

Mr. CAHILL. Mr. Speaker, I am pleased and honored to join my colleagues in paying a very special tribute to Representative Bill Tuck of the Fifth District of the State of Virginia, who is retiring at the end of this 90th Congress. I have been fortunate in serving on the Judiciary Committee with the Governor for the past 10 years, and have come to know, respect, and love him for his kindness, generosity, and warm friendship. Governor Bill Tuck is, without doubt, one of the most beloved Members of the House of Representatives. Who has not enjoyed his delightful humor and his political stories? Those of us who have had the privilege of working almost daily with him on all of the important legislation emanating from the House Judiciary Committee know the great contribution Congressman Tuck has made in the Congress of the United States during his years of service. Bill Tuck will be long remembered as one of the truly greats of this House. I share the feeling of loss expressed by all of my colleagues on his departure. I know, however, that he will continue to be a forceful voice in his State and in his Nation.

Betty joins me in wishing him, and his family years of deserved rest, relaxation, health, and happiness.

Mr. UTT. Mr. Speaker, I wish to join my colleagues in paying tribute to Bill Tuck. He and I are both members of the "83d club."

Bill Tuck has been one of the outstanding Members of the U.S. Congress, coming here after serving the State of Virginia as one of its very able Governors.

It has been a pleasure to serve with him through these years. I have campaigned with him and for him in his congressional district in Virginia, which includes the community in which my grandfather was born, and where I still have many relatives.

Bill was never one to vote for or against a bill because it seemed to be the popular thing to do. He voted the way his conscience and political philosophy dictated.

All of us will miss the company of Bill Tuck, and I will miss the personal friendship which I shared with him over the past 16 years. I hope that he returns for a visit whenever time will permit.

Mr. SMITH of California. Mr. Speaker, it is with a great deal of sadness that I think of the next Congress without the presence of that fine American, Governor Tuck. Not only is he a fine American but an outstanding gentleman who has achieved a long and distinguished career in Congress. His retirement will leave a great void in the House, and it will be difficult indeed to fill.

Of course, Bill's many years of admirable service to his country, the people of his district, and to all of us here, have earned for him much deserved relaxation and retirement. I can only wish the very best for him, and as he leaves, he takes with him the high regard and respect of all of us who have served with him.

My friendship and association with Governor Tuck over the years have been a rewarding and a valued experience. I extend to him my every wish for a long and happy retirement and my deep appreciation for this great friendship.

Mr. JONES of North Carolina. Mr. Speaker, I am happy to join with others in paying tribute to the one and only Governor Bill Tuck. Many of us recall, from States other than Virginia, his outstanding record as Governor back in 1946–50. His later service in the Congress, beginning in 1953, has been marked with distinction which I am sure causes the people of Virginia to be extremely proud. This is proven by the fact that only voluntary retirement could unseat Bill Tuck in this U.S. Congress.

We shall all miss his smile and courteous manner. We shall long remember his contribution to his State and this Nation. With others I join in wishing Congressman Bill Tuck a long and happy retirement. It is my personal pleasure and privilege to have been permitted to know him personally. Finally, we all wish him good luck, health, and happiness in the years to come.

Mr. HATHAWAY. Mr. Speaker, several Members have announced their plans to retire at the end of this session, and I am sure we all view the loss of these dedicated men with disappointment.

I have recently learned of the retirement plans of my good friend and colleague, Hon. William Tuck, and I am pleased to join with other friends of Bill in expressing appreciation for his years of dedicated service to Virginia's Fifth Congressional District and the Nation.

It has been a great honor to serve with Bill these past two Congresses, and I wish him the very best of luck and every happiness in the future.

Mr. HENDERSON. Mr. Speaker, a number of the Members of this body are leaving us at the end of this year culminating a distinguished career of public service. Of these, few can match the achievements of our beloved colleague and my warm friend, William Tuck, of Virginia.

Bill Tuck was a soldier in time of war, served in both houses of the legislature of his home State as its Lieutenant Governor and then as its Governor. Following this service at the State level, he was elected to Congress and has served here for more than 15 years.

Each of us will have his own private memories of Bill Tuck. Some will remember him as an uncompromising champion of the principle of States rights. Others will recall chiefly that he was a proponent of the "pay-as-you-go" philosophy of government championed at both the State and National level by his longtime friend, the late Senator Harry F. Byrd, Sr.

But I will remember Bill Tuck for the kind of person he is. I will remember his many trips into and through North Carolina. I will remember that he never came into my district without taking advantage of the opportunity to tell my constituents with whom he came into contact of his friendship with me and to speak a good word in my behalf.

The House will miss him as an able and influential Member. His friends will miss him as the very personification of the charm, grace, and courtly manner tradition has attributed to southern gentlemen.

I wish for Governor Tuck many years of happy well-deserved retirement and on the occasion of this, the close of his public service, I say to him, "Well done."

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, it is indeed an honor and a privilege to join with my fellow colleagues in paying tribute to Congressman Bill Tuck on his retirement the end of this year.

Certainly his service as Governor of Virginia and in the House of Representatives will long be remembered by his constituency and his colleagues, and I would like to take this opportunity to join with his many friends and colleagues in wishing Mr. Tuck success in his future endeavors.

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of my colleagues from Virginia, and others, in paying a brief but sincere tribute to our good friend William "Bill" Tuck, who is retiring from the Congress.

"Governor" Tuck—as we affectionately call him—served as Governor of the Commonwealth of Virginia for 4 years prior to his election to the Congress. He has served well and with great distinction as a Member of the House and has rendered great service to his district, his beloved State of Virginia, and the Nation.

As a member of the Judiciary Committee of the House, he has devoted himself to preserving the Constitution of this country. Governor Tuck is an able legislator, a genial and distinguished gentleman. We shall miss him in these sacred precincts, and I want to wish him all the good luck, success, and happiness as he enters a richly deserved retirement from public service.

Mr. O'HARA of Illinois. Mr. Speaker, the proud State of Virginia, from which have come many great Americans who have illuminated the history of our country, never produced a son who combined all the attributes of heart and mind of a true Virginia gentleman in greater measure than William Munford Tuck. All the charm, the gallantry, the warmth, the statesmanship that I associate with the history of Virginia, find expression in Governor Tuck. He has been one of my dearest friends in the Congress. It always has been an exhilaration to my spirits just to meet him and catch the lilt in his voice.

Fighting marine in World War I, Governor of his State of Virginia, Member of eight Congresses, his has been a career of brilliant achievement, but his happiest days I surmise have been spent in the courtroom as defense counsel. I rate him, in forensic ability and eloquence and sincerity of human appeal, as one of the outstanding courtroom advocates of our Nation.

In his voluntary retirement from Congress the Nation has suffered an irreparable loss. He represents a pattern of American statesmanship, cast in the mold of Thomas Jefferson, George Mason, James Madison, and Patrick Henry: a quality of statesmanship which, unfortunately, seems to be passing. The Congress has profited from his presence.

Mr. SELDEN. Mr. Speaker, I am pleased the gentleman from Virginia [Mr. Hardy] has taken this time today to pay tribute to the Honorable William Tuck, one of the most distinguished Members of this body, who is retiring from the Congress at the end of the present session.

Mr. Speaker, no other Member of this body is more entitled to relief from the rigors of office than our colleague, Governor Tuck, who has devoted over 40 years of his lifetime in public service to his State and Nation. Few people in the United States can claim such an outstanding record of public service—as a member of the Virginia House of Delegates and the Virginia State Senate, as Lieutenant Governor and Governor, and as a Member of the U.S. House of Representatives for almost 16 years.

As a Member of this body, Governor Tuck has served with distinction on the Committee on the Judiciary and on the Un-American Activities Committee. His wise counsel, both in committee and on the House floor, has been a source of inspiration to other Members, and his calm voice of reason will be sorely missed.

Mr. Speaker, the Commonwealth of Virginia has produced some of the finest leaders in our Nation's history, and Governor Tuck is a splendid example of the type of outstanding leadership produced by his native State. His absence will leave a void in this Chamber. I join my colleagues in wishing for Governor Tuck a long lifetime of health and happiness and a fruitful retirement.

Mr. BROYHILL of Virginia. Mr. Speaker, one of Virginia's finest sons will be leaving us when we adjourn this year, our beloved William Munford Tuck.

Bill Tuck joined me in the House of Representatives during my first term in 1953. He brought with him the wisdom and knowledge gained in 29 years of service to the Commonwealth of Virginia, as a member of the house of delegates, the State senate, and as Governor of the Commonwealth. He brought compassion, too, and love of his fellow man.

Bill Tuck was from his first day in this Congress a natural leader and teacher to those of us who were privileged to serve with him in the Virginia delegation and in the House. Always a champion of constitutional government, he served with distinction on the Committee on the Judiciary and the Committee on Un-American Activities.

The Halls of Congress will not be the same without the Governor here. We love him; we will miss him; we wish him well; and hope his retirement after 44 years of service to the people of his district, the people of Virginia, and the people of the Nation, will bring him the many years of health and happiness he so justly deserves.

Mr. BOB WILSON. Mr. Speaker, I am pleased to join with our other Members today in a tribute to a departing colleague, Bill Tuck, for his 15 years of service in the House.

His record of public service—first as a member of the Virginia House of Delegates, later Governor and now Congressman—spans nearly a half century and is one that any man would be proud to call his own.

I shall always remember his warm and sincere courtesies shown me whenever I testified on legislation before his committees. He is truly a Virginia gentleman, and those of us who have worked with him will miss him.

Mr. BENNETT. Mr. Speaker, all of us deeply regret that our distinguished colleague, Congressman Tuck, has decided not to return next year to this body. He is a man of great ability and leadership here, a man deeply beloved by all his colleagues.

Formerly a Governor of the State of Virginia, he came to this body with the spurs of political leadership well won already. So it was no surprise to any of us that he would do an excellent job here, as he has done.

All of us wish for him and his beloved wife every happiness in their retirement, and we hope that they will be frequent visitors among us in the future.

Mr. JONAS. Mr. Speaker, I rise with mixed emotions to join my colleagues in paying a well-deserved tribute to our friend and colleague, Hon. William M. Tuck, who is voluntarily retiring from Congress at the end of the current session.

In the first place, I confess to a feeling of sadness that Congress is going to lose the services of this dedicated Virginian and that the people of his district are going to lose the continued service of this outstanding Representative.

Governor Tuck has had a long and distinguished career of public service. Although I live in his neighbor State to the south of Virginia, I have long been aware of the esteem in which he is held by the people of that great State. Because of his long experience in government, and his dedication to the best interests of his people, I welcomed his entry upon service here in the Congress. He had not been here very long before I knew he was going to live up to advance billing, and his outstanding and distinguished service in Congress has confirmed that feeling.

While Virginia and America can ill afford to lose the services of this outstanding statesman, particularly at this time when our country is confronted with the gravest problems of modern times, there comes a time when men who have contributed so much of their energies and lives to public service deserve an opportunity to get away from the pressures and problems they have to face in Congress. So from this standpoint I cannot quarrel with BILL TUCK's decision to retire. But I can assure him that he will be missed when the new Congress convenes next January, and he will be missed also as the session progresses because those of us who are here will not have the opportunity to listen to his wise counsel and the opportunity to be associated with him as we struggle to solve the difficult legislative problems that will have to be considered as we seek to find solutions to the pressing problems of the day.

I join BILL TUCK's many friends in this body in the hope that he will find retirement as satisfactory as he now thinks it will be, and that in his retirement he will enjoy long life, good health, good fortune, and peace of mind.

Mr. BURLESON. Mr. Speaker, we are losing another dedicated public servant by the retirement of our esteemed and affable friend, Governor TUCK of Virginia.

As all are aware, he has rendered long and efficient service to his State and his Nation, and his indelible mark is left on both.

I always regret to see men of this caliber leave the Congress but, at the same time, in the case of BILL TUCK, he has earned retirement and will leave with the gratitude and esteem of his colleagues.

I wish for him and his family the best of good things, and especially happiness and contentment in his retirement.

Mr. PIRNIE. Mr. Speaker, when I first joined this distinguished body as a Member of the 86th Congress, one of the first colleagues to greet me was WILLIAM M. TUCK of the Fifth District of Virginia. The warmth of his welcome impressed me greatly and the years that have elapsed have confirmed its sincerity.

I respect BILL TUCK for his fine character and complete dedication. I admire his capacity for friendship. I readily understand why he has been honored as Governor of his State and returned eight times to the Congress by the voters of his district. He is a public servant of the highest type and I consider it a privilege to have been associated with him in this body and to claim him as a friend. The standard of public service which he has maintained throughout a long and eventful career will be hard to equal. However, it will remain an inspiration for years to come. BILL TUCK has become a tradition of which Virginia is proud.

I congratulate him and wish for him health and happiness for years to come.

Mr. DOWDY. Mr. Speaker, when the 90th Congress adjourns, the Nation and the Congress will lose the services of one of the most able, experienced, and distinguished Members of the House since the First Congress was gaveled into session. This great individual is my friend, Gov. WILLIAM M. TUCK, of Virginia.

It would be difficult for the Old Dominion to choose another man that has received such resounding expressions of confidence from her electorate, time and time again. The people of Virginia designated BILL TUCK to serve in numerous offices during the long career of public service, culminating in his election to the governorship in 1945—the highest honor a State can pay any man. BILL TUCK never disappointed his people and he executed his duties, in every instance, in an exemplary and superior manner.

Representative TUCK was elected to Congress on April 14, 1953, serving continually since that date. He has a distinguished and enviable record of service during these years in the House, a record which belongs as well to the people of his district, and one of which they can be justifiably proud.

It is true that all tenure of service must sometime come to an end but it is the fond hope of us all that those elected to serve, down through future years, may measure up to the high standards set by this great American, Gov. BILL TUCK, of Virginia.

I join in wishing him the best of everything. His retirement is not only a loss to the proud Commonwealth of Virginia, but to the entire people of this great Nation. His counsel and comradeship will be missed by all of us, not the least myself.

Mr. HÉBERT. Mr. Speaker, another good friend of mine and a most able legislator is joining CHARLIE HALLECK and PORTER HARDY in retirement from this body.

I join my fellow colleagues in paying tribute to BILL TUCK, of Virginia, who is known fondly to all of us as "Governor."

We all regret to see a man who carries the credentials of ability, knowledge, and experience leave our midst. And certainly Governor TUCK possesses these credentials.

After an illustrious and productive political career in Virginia, Governor TUCK was elected to the Congress, and the people of his district could not have chosen a more able representative.

He has never faltered in what he has stood for. As a State delegate, State senator, Governor, and now as a Congressman, he always stands as solid as Gibraltar for the principles in which he believes.

During the more than 15 years Governor TUCK has spent in the Congress, he has earned the reputation of being a skilled legislator. And while some may have disagreed with his beliefs, the respect which the Governor so richly deserves was always present during and after the skirmishes. Through the years he gained the respect and love of Members from both sides of the aisle, which I feel is a trait characterizing the diligent and conscientious manner in which he performs his duties.

Like CHARLIE and PORTER, the Governor is a close friend, and I will personally miss him. Surely his district and his State are saddened by his retirement from public life after so many years of service, but his contributions will not be forgotten.

His deeds extend far beyond the boundaries of his home State of Virginia, however, and the impact of the Governor's years in the Congress will be reflected in the pages of history.

I wish you, Governor, many years of happiness; you so justly deserve them.

Mr. RHODES of Pennsylvania. Mr. Speaker, with my colleagues and friends of Congressman WILLIAM M. TUCK, I join in expressing best wishes to the distinguished gentleman from Virginia on his retirement from Congress.

It has been my pleasure and good fortune to know WILLIAM TUCK as a personal friend and as a sincere and dedicated Representative of his district, his State, and the Nation.

He is a hard-working Member of the Judiciary Committee and of the House Committee on Un-American Activities. When he first came to Congress he served for a short time with the Post Office and Civil Service Committee. As a member of that committee in the 83d Congress, I learned to know him as an able and conscientious legislator.

His retirement from Congress brings to a close a distinguished career as Governor of his State after serving in the Virginia House of Delegates and the State senate.

Governor TUCK, as many of us affectionately know him, is highly respected by all of his colleagues in the Congress for his ability, dedication, integrity, and pleasant personality.

To Congressman and Mrs. Tuck I wish to express best wishes for good health and a long and happy retired life.

Mr. SIKES. Mr. Speaker, when the 91st Congress convenes in January, one of our most distinguished and able colleagues will not be counted among our number. The capable statesman from Virginia, the Honorable WILLIAM M. TUCK, is retiring after an outstanding record as Congressman from that great State. He has spent 15 years as a Representative of the people of the Fifth District of Virginia. I am confident that the Fifth District has never been represented better. There is abundant record that BILL TUCK has served ably and well, and with complete dedication to his State and to his Nation. Prior to this time he ably served the Commonwealth State as Governor from 1946 to 1950.

Congressman TUCK has been an exemplary public servant. He has been a foremost patriot. He has demonstrated many times not only political courage but a high order of selflessness in service to our Nation. He has been faithful to friends, a hard-hitting but fair partisan, a dynamic and effective leader. He has made valuable contributions to the Judiciary Committee and the Un-American Activities Committee, of both of which he is an outstanding member.

It has been my good fortune to know and serve in this body with BILL TUCK. Time and time again he has demonstrated his skillful and forceful manner as a legislator and a leader. I have been proud indeed to enjoy his friendship during these past years. While I know he will be missed by all of the Members of this House, BILL has earned a well-deserved rest. I hope for him many years of good health and happiness in his retirement.

Mr. SCHNEEBELI. Mr. Speaker, it is a sad occasion to observe that our good friend "Governor" TUCK is going to leave the Halls of Congress. Our genial and most respected colleague has been an inspiration for good, solid, constructive government and has been a constant and effective opponent to the ever-growing powers of the Federal Government—at the expense of local and State government control. From his vast legislative and executive experience beginning more than 40 years ago, BILL TUCK has brought his knowledge, influence, experience and presence to bear in an effective and respected manner. He has been an outspoken proponent for constitutional law and States rights. His warm and engaging personality won him many, many friends among his colleagues. We shall miss "Governor" TUCK and we wish him a pleasant and rewarding retirement.

Mr. HANSEN of Idaho. Mr. Speaker, it is always saddening to witness the sunset of a distinguished public career. But that sadness is tempered by the knowledge, as in the case of the gentleman from Virginia [Mr. TUCK], that he will be able to devote all his time to his loved ones, unhampered by the chores he has taken unto himself for these many years serving his State and his Nation.

I will not attempt to recount the many services he has rendered over the years. That has been done by those who know BILL TUCK far better than I.

Rather, I would direct myself to the warmth of BILL TUCK as an individual. Although we sit on opposite sides of the aisle, his friendliness, his graciousness, his charm have known no boundary. One can always be certain of a warm smile and greeting upon seeing BILL TUCK. And his courtliness is displayed not only to his colleagues, but to all with whom he comes in contact—from the highest to the lowest.

Mr. Speaker, the 4 years that I have served in the House of Representatives have been just a little nicer, just a little better because of BILL TUCK.

I wish him health and happiness in his retirement.

Mr. BARING. Mr. Speaker, it is with mixed emotions that I join my colleagues in paying tribute today to my good friend, Governor TUCK.

I am saddened at the thought of his departure from these halls at the end of this Congress. We will all miss the Governor, but, I am sure, not as much as his constituents in the Fifth District of the great State of Virginia.

Even though Governor TUCK is leaving us in body, he is leaving us a legacy in outstanding legislative work. Few men have been as effective nor as penetrating in debate nor more respected.

His untiring work as a ranking member of the House Un-American Activities Committee establishes him as one of our great Americans. He deserves the plaudits of everyone for his diligent efforts in his never-ending battle to expose the Communist threat to our great Nation.

I bid my good and cherished friend goodby with a great sense of loss and hope that his retirement will be filled with good health and happiness.

Mr. BERRY. Mr. Speaker, it is my privilege to join my colleagues in the House today in paying tribute to one of our distinguished Members, BILL TUCK.

BILL and I occupy adjoining suites on the fourth floor of the Rayburn House Office Building. He and his staff have been friendly, gracious, congenial neighbors, exemplifying true southern hospitality and warmth.

The Governor has had a long and productive career, serving his district, the State of Virginia, and the Nation ably and with honor. His retirement is richly deserved, and although he will be missed in the House, we wish him good health and a long, happy retirement.

Mr. JOHNSON of California. Mr. Speaker, it is with pleasure that I join my colleagues in paying tribute to a fine gentleman from the great Commonwealth of Virginia, the Honorable WILLIAM MUNFORD TUCK.

Governor TUCK has served his State and his Nation as a member of the Virginia Legislature, as Governor and as a Representative in the U.S. Congress. Throughout the years he has had an outstanding record of service to those he was elected to represent and he has performed his duties in a dedicated and efficient manner.

As a member of the Committee on the Judiciary and Un-American Activities he has done an outstanding job and he is to be commended for his contribution to the Nation.

His constituents and his friends and colleagues will miss him and I want to extend best wishes for much success and happiness to Governor and Mrs. TUCK.

Mr. PATMAN. Mr. Speaker, probably no Member ever sat in the House so well qualified by education and training as our esteemed colleague, the Honorable WILLIAM M. TUCK. His retirement at the end of this Congress takes from us a high degree of legislative expertise that will be sorely missed. His long service on important committees has been marked by judicious statesmanship and ardent patriotism. His knowledge of history and American fundamentals is thorough and comprehensive, rooted in his lifelong devotion to his natal State, the great Commonwealth of Virginia, which he served so notably in the high office of Governor before his election to Congress over 15 years ago. His battle-proved loyalty to our national ideals is proverbial. In all truth we have good reason for deep regret at BILL TUCK's departure from the Halls of Congress. May I add my own personal sincere best wishes to my friend and respected colleague, in the knowledge that this man of many great attainments will always be dedicated to the service of the people of his State and Nation—BILL TUCK, an illustrious Governor, Congressman, Virginian, and American.

Mr. BELCHER. Mr. Speaker, I am happy to join my colleagues in this special tribute to my friend BILL TUCK who has served here so outstandingly for over 15 years. His decision to retire at the end of this year is disappointing to his many friends here and will leave a void in its representation that the Commonwealth of Virginia will not find it easy to fill. But his long career of dedicated public service to his State and Nation entitle him to this decision, and I know he will continue that service wherever he goes and whatever he does after he leaves these Halls.

BILL came to Congress only a little more than 2 years after I did, so we have sort of "grown up" together. My association with him has been a consistently pleasurable one, and I shall miss him indeed.

To you, BILL, and to your gracious wife, go my most sincere good wishes for the best of health, happiness and God's good blessing in the coming years.

Mr. MATSUNAGA. Mr. Speaker, I rise to join my colleagues in paying tribute to our departing friend, the Honorable WILLIAM M. TUCK, of Virginia.

Before coming to Congress, BILL TUCK had served his State long and well. He began his public career as a member of the Virginia House of Delegates at a time when many of the Members of this body were starting their schooling. He became, successively, a State senator, the Lieutenant Governor, and finally the Governor of Virginia.

He sought wider horizons, and in 1953, after winning in a special election, he became a Member of this body in the 83d Congress. He has since been reelected to each of the succeeding Congresses.

I have known BILL TUCK as a gentleman of rare warmth and charm. He has maintained these qualities while at the same time earning the respect of his colleagues as a man who will not hesitate to fight for the principles in which he believes. His departure will leave a void that I am sure his district will find difficult to fill.

As BILL TUCK leaves this body, I would like to extend to him my warmest aloha and very best wishes for continued health and happiness during his retirement years.

Mr. FINO. Mr. Speaker, I wish to join my colleagues today in paying a well-deserved tribute to WILLIAM TUCK.

Ever since the 83d Congress, the House of Representatives has had the good fortune of benefiting from the services of Congressman WILLIAM TUCK of Virginia. His devotion to his State and to his country has been exemplary. It is indeed sad that this House will no longer enjoy Congressman TUCK's good services after the close of this session. Although I haven't had the privilege of serving with him on the Judiciary and Un-American Activities Committees, I know these offices will feel the absence of his acumen.

I should like to wish Congressman TUCK the best of health and happiness, and I'm sure my feelings are shared by all who know him and work with him.

Mr. KLUCZYNSKI. Mr. Speaker, quite recently I was in the vicinity of Danville, Va., and stopped at a gas station. The elderly gentleman dispensing gasoline recognized the congressional car tag and aked if I knew Congressman WILLIAM MUNFORD TUCK. I did indeed and told the gas man that I regarded him as an exceptionally fine man.

"BILL TUCK ain't just a man," was his thoughtful reply. " BILL TUCK is an institution. Or maybe, a landmark. Like the Blue Ridge."

It was a wise and apt summary of a man who has been in the public service for 44 years. To his remark, I would add that BILL TUCK also is not only an institution and a landmark, but a vital force. He had to be a public servant because of his heredity and early environment. He was born in Halifax, Va., in 1896, with political talk vaporing around his cradle. There were a goodly number of Confederate legislators and soldiers in his childhood and politics and governmental issues were better conversation starters than the weather.

Bill Tuck was sent to the Virginia House of Delegates in 1924, following in his father's footsteps, for he had served in the House at the turn of the century. In 1932 he was elected to the State senate and served for 10 years. He was chosen as Lieutenant Governor of Virginia in 1942 and Governor in 1946 for a 4-year tenure.

Such experience in government would have been sufficient intellectual equipment to bring to the Congress, as he did in 1953, but he had more qualifications. Bill Tuck was a U.S. Marine; principal of a high school and a lawyer.

His record as Governor of Virginia was a landmark in the State's old history. He made scores of moves to update and modernize some very old institutions. But I believe his outstanding accomplishment is what he did to upgrade Virginia education, whose effects are visible now.

He brought great gifts and talents to the Congress, displaying them in the operations and decisions of the Committees on the Judiciary and on Un-American Activities.

Among his many talents is the one for making friends, even among those who could and did oppose his political thought and philosophy. The experience and wisdom he brought to deliberations of the Congress and its House committees was wise and influential with its good effect apparent everywhere. He retires from the House secure in the knowledge of its respect and appreciation for what he has contributed over some crucial and fruitful years.

Mr. HAGAN. Mr. Speaker, in tribute to an esteemed colleague: I want to take this opportunity to congratulate the Honorable William M. Tuck, of Virginia, on his well-deserved retirement.

I consider it a privilege to have felt, on numerous occasions, Congressman Tuck's active influence in the House toward curbing Government expenditures. He has shown a remarkable perseverance in his courageous opposition to those proposals contrary to his convictions.

On issues of fiscal responsibility, Congressman Tuck has established himself as an outstanding champion of that philosophy which cautions against overzealousness, attempts to preserve stability, to prevent exploitation, and to guard the common interests.

It is impossible to clearly determine the savings that might have been realized had the majority of the House voted with Congressman Tuck on many crucial appropriations issues.

I join with Congressman Porter Hardy, Jr., in "honoring Bill for his long service."

It is my sincere desire that Congressman William M. Tuck enjoy good health and happiness in his retirement.

Mr. PASSMAN. Mr. Speaker, I wish to associate myself with the remarks that have been offered in praise of my good friend and colleague, one of Virginia's finest sons, the Honorable William Munford Tuck.

Beginning with his first years of public service as a member of the House of Delegates of the Commonwealth of Virginia, and extending through his tenure as a Member of this body, his independence has been such that his every effort and act have been directed toward the best interests of his State and our Nation. He served with distinction as Governor of Virginia, and this House is indeed fortunate to have had him as one of its Members since April 1953.

Governor Tuck will be missed; I have enjoyed his warm friendship and benefited from his wise counsel, and it was with a feeling of dismay that I received the news of his decision to retire from the Congress.

I join with my colleagues in wishing for Governor Tuck the reward he so richly deserves. He has, indeed, rendered unselfish and unsurpassed service to his district, State, and Nation. He is a devoted public servant, and when history is written, it will say that this world is a better place in which to live for Bill Tuck having lived in it.

Mr. FUQUA. Mr. Speaker, William M. Tuck is retiring from the Congress after seven terms and his leaving this House will bring to a close one of the most distinguised public service careers in the history of the State of Virginia.

"Governor" Tuck was first elected to the House of Delegates of Virginia in 1924 and the years since have seen him make one contribution after another in public service to his State and Nation.

After 8 years as a member of the house, he served 4 years in the State senate and then a term as Lieutenant Governor of his State. He was then honored with the highest office that the people of Virginia have to bestow, that of Governor, serving with distinction in that position from 1942–46.

He came to the Congress when he was named to the 83d Congress in a special election in 1953 and he has been returned each Congress since that time. He has been particularly effective and notable for his keen sense of constitutional law and has been one of the most effective and brilliant members of the Judiciary Committee.

His has been a rich and full life of public service and he is beloved by all Virginians and by all those who have come to know him in the Congress. His sense of fairness, marked by a ready wit, have made him one of the most popular and effective Members ever to sit in this body.

I can truthfully say that here is a man who served with distinction. He can look back with pride on all that he has been able to accomplish and those who have elected him to so many offices can take pride in the type of representation he has given them.

I have a great personal feeling for "Governor" Tuck and I am personally going to miss his counsel and guidance in the coming session of the Congress. I wish for him many pleasant years as he leaves active public service after such a brilliant career.

Mr. McCLORY. Mr. Speaker, it has been my distinct privilege to serve during the past 4 years on the House Judiciary Committee with my esteemed colleague, Congressman William Tuck of Virginia.

In his committee work, as well as in his service on the floor of the House of Representatives, "Governor" Tuck, as he is generally known, displayed the wisdom and understanding which have characterized his long and creditable public service.

As former Governor of the State of Virginia, he rendered able service before his election to the U.S. Congress in 1953.

The voluntary retirement of Governor Tuck at the end of this session of Congress makes it particularly appropriate that we should devote this brief period to comment on his outstanding public career.

As a friend, as a fellow member of the House Judiciary Committee, and as an admirer of Governor Tuck's personal qualities of character as well as his outstanding record of public service, I am most pleased to join in this expression of esteem.

I extend to Governor Tuck my warm congratulations as he retires from a successful career of public service, and convey to Governor and Mrs. Tuck my best wishes for many more active and enjoyable years.

Mr. ZABLOCKI. Mr. Speaker, it is a distinct privilege to join with my colleagues today in honoring the distinguished gentleman from Virginia, Gov. William Tuck. The announcement of his retirement from the House of Representatives marks the loss of one of the most experienced legislators within these halls.

Before coming to Washington, Bill Tuck served 8 years in the Virginia House of Delegates and 10 years in the State senate. After serving as Lieutenant Governor for 4 years, he was elected Governor of the Commonwealth, and for 4 years devotedly served the people of Virginia. Consequently, when Bill Tuck came to Congress he was no freshman legislator.

In Congress, Bill has demonstrated his ability by his loyal service on the House Judiciary Committee. As a ranking member on the House Committee on Un-American Activities, he has demonstrated an intense concern over the internal security of this country, ever on the watch against those who would bring down our great political system from within.

Governor Tuck has indeed dedicated his life to the service of the people of his district, his State, and his country. We mark his retirement with sadness for ourselves and his people but with wishes for the best of health and happiness for him.

Mr. FEIGHAN. Mr. Speaker, the retirement from Congress of my dear friend and able colleague, Bill Tuck, causes me to reflect upon the many years we have served here together, the splendid cooperation which he has always extended to his colleagues, his outstanding work in the Committee on the Judiciary, where he has distinguished himself by his fine legal mind, and now, the realization that he will not be among us in the next Congress. I have implicit confidence in my colleague's judgment and am certain he has good reason for the decision he has made to retire from this body.

Many honors have come to our colleague, certainly not least among them is his brilliant record as Governor of his native State of Virginia, where he served with distinction, dignity, and wisdom. Early in life Bill Tuck started to ascend the ladder of success, which he steadily scaled—there was never a time in his mature life when he was not serving his fellow man. He served his country in time of war and has devoted much of his life to public service. His capabilities seemed to be boundless and he met every challenge with vigor and enthusiasm. Governor Tuck is a courtly gentleman, a son of Virginia in the real tradition. The warmth of his personality and his sharp sense of humor have added to his popularity with his colleagues. It has been a privilege and a pleasure to serve with this very able gentleman.

In retirement, I doubt that our colleague will seek a sheltered cove to rest, and as I bid him farewell, I want him to know that when he leaves this body, he takes with him my warmest wishes for happiness, good health, and a long life.

Mr. BOLAND. Mr. Speaker, Congressman William M. Tuck this year will end his long and distinguished career in the House of Representatives. I join my colleagues today in extending best wishes to Bill on his retirement from the legislative body he has served so well over the past 15 years.

A respected leader in the Virginia State Legislature for 22 years, chief executive of Virginia for 4 years, Bill Tuck brought a wealth of legislative and administrative skills to Washington when he was first elected to the Congress in 1953. Since that time he has established a remarkable record of service to his district, his State, and his country. He will be missed here on Capitol Hill.

Mr. WYDLER. Mr. Speaker, it has been a pleasure and an honor to have served in the U.S. Congress with William Tuck. He has had a long and distinguished career and I am pleased that I am able to be a Member of the Congress during the period in which he served. I wish him great good fortune in the years ahead.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a personal pleasure for me to join with my friends and colleagues in the House in paying honor and tribute to an outstanding American citizen. A citizen of the State of Virginia and her former Governor, William M. Tuck, has led a life of outstanding public service.

Governor Tuck has made a fine record of good judgment, disinterested statesmanship, and devotion to duty that is hard to equal.

We personal friends know well of Governor Tuck's good service to the people of Virginia and the people of the United States. His vision and sense for the real values in life combined with his practical abilities are widely recognized as the foundation stones of his successful public life.

Bill Tuck will be long remembered in this House as a hard-working member of both the Judiciary and the Un-American Activities Committees. We are sorry to lose his fine services through his retirement at the end of the current session.

Mr. CASEY. Mr. Speaker, it is a privilege for me to join with the many friends of our colleague, Bill Tuck, in paying tribute to this distinguished man.

His retirement from the House saddens me, for surely no man here has more friends, or has enriched all our lives more than he. His career will stand as a monument to his ability, integrity, and unselfish devotion to the people of Virginia's Fifth District, to his State, and the Nation. Few men have had a more illustrious career, or devoted more years to the service of his country. He was a marine in World War I. He served Virginia in the house of delegates, in the State senate, as Lieutenant Governor, and Governor prior to coming to this Chamber in the 83d Congress.

Our best wishes go with Bill Tuck in the years ahead, for we know that his is a well-earned rest. He leaves behind many friends, and I am proud to list myself among them. And all of our lives are far richer for having known and served with such a great and distinguished American.

Mr. DICKINSON. Mr. Speaker, the Commonwealth of Virginia and the country will lose a valuable and skillful public servant when Representative William Tuck retires at the end of this session.

His retirement will take from the House of Representatives a tireless and extremely capable Member. He has served with distinction in Congress for 15 years.

As a member of the Judiciary Committee and the Un-American Activities Committee, he demonstrated his great faith in our way of life. He has dedicated himself to his country's preservation and its betterment.

Representative Tuck has always assumed a modest manner concerning his outstanding record in the House. He has never boasted. He has always been considerate. His usefulness in behalf of his constituents has established an enviable record. He has a strong sense of duty.

At all times he has kept his eye on the things which were for the good of his country and mankind. He has played a key role in his committee assignments because he has an unusually deep understanding of domestic and international problems.

The analysis of difficult problems, the demands of a heavy schedule, have never been regarded by William Tuck as a burden. He has carried his heavy burden of responsibility with an astounding amount of enthusiasm. He is efficient, prompt, and thorough.

Congressman Tuck, above all, has been a firm believer in our constitutional system. He has respected our two-party system of government; though he is a strong and fair partisan and a former chairman of the Virginia State Democratic Committee, he has always placed his country above party.

In this Chamber he has justly gained the high regard of his colleagues by being both a counselor and a friend.

I want him to know he has my continued personal wishes for his future success. I am grateful for having had the opportunity to pay tribute to my good friend and colleague William Tuck.

Mr. FRIEDEL. Mr. Speaker, during the years I have been in the House of Representatives I have witnessed many changes in the membership. I have seen new Members come in; I have seen others leave by divine will, and we also see some of our colleagues voluntarily relinquish their seats by not seeking reelection. The distinguished and able Representative from the Fifth Congressional District of the great Commonwealth of Virginia, the Honorable William Tuck, is in the last category.

Virginia is Maryland's neighbor and we share very many things in common, such as the beautiful Chesapeake Bay, the romantic Blue Ridge Mountains, and our proud common heritage. We also share our interest in public affairs and government. Bill Tuck learned his politics in Halifax County, Va., at the knees of Confederate veterans, and for almost a half century he dedicated his life to public service. Steady progress, ever upward, marked the career of this law-trained and very personable gentleman. After four terms in the House of Delegates of the Virginia General Assembly, and 10 fruitful years in the State senate, he became Lieutenant Governor and then Governor of his native State.

Ever since April 14, 1953, our distinguished colleague has served in this historic Chamber as a Member and held assignments on the very important Judiciary Committee as well as on the House Committee on Un-American Activities.

Congressman William M. Tuck is devoted to strict constitutional principles, diligent in the defense of State's rights, courageous in opposition to encroachment on the freedoms and liberties of the people, vigorous in denouncing usurpation of authority by any agency or branch of Government, and a forceful advocate of the free enterprise system. Small wonder, then, that he is known as "The Jolly Warrior of the South."

In presenting him with its "Watchdog of the Treasury Award," the National Associated Businessmen, Inc., said:

> Your outstanding voting record in the interest of economy in government indicates a keen insight into the problems of fiscal responsibility.

In recognition of his many accomplishments, Congressman Tuck has received a number of honorary degrees from universities and colleges. His contributions toward making State and Federal Governments pursue an even course are of lasting value. We all shall miss him greatly.

As Bill Tuck goes back to his home and to his law practice, he can be justly proud of his contributions to good government and his record as a public servant, ever mindful of the needs of his constituents.

I extend my best wishes to him for continuous good health and happiness in the years ahead.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am happy to join with my colleagues from Virginia in paying tribute to William Munford Tuck, of South Boston. Bill Tuck is from South Boston, Va., of course, not Massachusetts, but he combines Virginia hospitality with South Boston charm.

It has been my pleasure to serve with Bill for almost 16 years. He has been an excellent Representative of his district and has served his State in the Halls of Congress as he served it in the Governor's mansion. He has served on the Judiciary Committee and the Un-American Activities Committee with devotion and zeal.

I, and all his colleagues, will miss him. He is a true gentleman and a distinguished public servant. I wish him a great deal of happiness in his retirement.

Mr. DORN. Mr. Speaker, I rise today with much emotion to pay a tribute to a very dear friend. Of course, I had read in the news media almost daily about Virginia's famous and great Governor, Bill Tuck, but my first contact with this great American statesman was over the telephone in 1948.

In reference to a question of States rights and individual liberty, I called Governor Tuck on the phone at Virginia Beach. His response was instant, invigorating, forthright, and refreshing. Since that day, I have been an admirer and warm personal friend of this great statesman. One of the greatest privileges of my life was to visit his home and the land which nurtured him and gave him birth. He has visited in my home and my family will always cherish and remember the visit of Governor Tuck. Bill Tuck has devoted more than 50 years of dedicated public service to the people of his community, State, Nation and, yes, Mr. Speaker, to the cause of freedom throughout the world. Governor Tuck has stood tall in the tradition of George Washington, Thomas Jefferson, Robert E. Lee, and Thomas J. Jackson. Like a stone wall, Bill Tuck has stood steadfast for constitutional government, States rights, and individual freedom. Not only has he stood for these principles, but he has had a measure of success in preserving these principles when under vicious attack from screaming pseudo-liberals and advocates of stark Federal power. Bill Tuck without question will rank in history as one of the greatest southerners, one of the greatest Virginians in the illustrious history of that great Commonwealth.

Bill Tuck has championed the cause throughout his long career of public service of the poverty stricken, the diseased, and those without hope or opportunity. He has defended individual rights and encouraged individual initiative. He has fought for a sound currency, private enterprise, and the principles and ideals that made America great.

Governor, we are going to miss you here in January, but we know that your heart will always be with us in the cause of human dignity, freedom, and the preservation of this Nation—the greatest in all the history of mankind.

Millie and my five children love you and they join me in wishing for you every continued success, much happiness, and best wishes always.

Mr. SPRINGER. Mr. Speaker, I consider it a high privilege to join our Virginia colleagues in paying tribute to Bill Tuck.

During his 15 years as a Member of this body Bill Tuck has won the esteem and affection of his colleagues on both sides of the aisle.

I count him among those whose friendship I treasure highly and I am sorry that he feels that the time has come for him to retire.

Bill Tuck first took his seat in the House after a special election in 1953. Technically, that election made him a freshman Congressman but he was one of the most experienced freshmen this House has ever seen. He could look back on a career which had carried him to the political pinnacle of his great State of Virginia which he served as Governor from 1946 to 1950. Before that he had served successively for 8 years as a member of the Virginia House of Delegates, for 10 years as a State senator and for 4 years as Lieutenant Governor. So that when Governor Tuck, as he still is generally known, took the oath here he brought with him the accumulated experience of 26 years at the highest levels of the legislative and executive branches of his State government.

For Bill Tuck's constituents, in fact for all the people of his State and Nation, their investment in his governmental training has paid off well, as his colleagues on our Committees on the Judiciary and on Un-American Activities can testify. His wise counsel will be missed in the years to come.

Mr. KORNEGAY. Mr. Speaker, I want to thank the gentleman from Virginia for this opportunity to pay my respects to one of the most beloved Members of the Congress.

I consider that one of the greatest privileges I have enjoyed as a Member of this great body has been the pleasure of knowing the Honorable William Munford Tuck not only as a colleague but as a close personal friend.

And, Governor Tuck has been more than a personal friend, for he has been a real mentor to many younger Members of Congress who have benefited from his always available and always courteous helpfulness.

He has served his State and his Nation as a member of the House of Delegates of the Commonwealth of Virginia, as a member of the Virginia Senate, as Lieutenant Governor, and as Governor of the Old Dominion State, and as a Member of Congress, since first being elected to the House in a special election in 1953. His public service has been long and characterized by great distinction.

We in North Carolina are proud of the fact that he is a neighbor. Eight of the 11 counties of his district, the Fifth District of Virginia, touch the border of our State and are very close by the Sixth District of North Carolina which it has been my privilege to represent for the past 8 years.

Governor Tuck has many admiring friends in my district and particularly in my hometown of Greensboro, having served on the board of directors of one of the largest business enterprises of North Carolina, located in Greensboro. Bill Tuck, I repeat, is our neighbor and our friend.

Above all else, in his long and valuable public service, Governor Tuck has always been and remains a man of the people. It has been a rich and rewarding personal experience for me on occasions to travel with Governor Tuck through his beloved Commonwealth of Virginia and to share his fine companionship and his sparkling good humor. Governor Tuck is fond of stopping frequently on our trips to talk to people and to seek out their opinions and views on many matters. Certainly the Governor has the appreciation of the gourmet in the area of culinary arts, but he has a preference for bypassing so-called "name" restaurants and dining at truck stops, so that he can see and visit with a cross-section of the population and have the benefit of a variety of views that come only from such a broad spectrum of humanity. There is a close bond between this man, who has held so many positions of public leadership, and the people who pump the gas and drive the trucks and perform the countless other duties which keep our economy and our society moving ahead.

Although qualified by background and experience to walk with kings, the Governor also has the common touch and he represents the people of his district with a universality which is most commendable and most effective. The people of his district will miss him in the Congress, as will all of us here in the House, who today wish him Godspeed and peace and happiness in the years ahead.

Mr. HERLONG. Mr. Speaker, when this Congress adjourns a great Virginian and a great American will be completing his service here and returning to his farming and his law practice. William Munford Tuck, "Governor," as we fondly know him, will be sorely missed. He has served his State, first as State legislator, then as Governor, ably and energetically. And his service to his country has been just as outstanding.

I am proud to number Bill Tuck among the friends I have made here in the House and I will miss the many kindly, jovial contacts I have had with him. It has been an honor to have served here with him.

My best wishes for the future go with this great Virginia statesman.

Mr. SLACK. Mr. Speaker, those of us who serve in the Congress have an opportunity to observe from time to time the careers of those of our colleagues who accept continuous responsibilities at several levels of government and discharge all of those responsibilities with dignity and determination. I join with all of those who have spoken in praise of Congressman William M. Tuck, of Virginia, who is retiring at the end of this Congress.

Long before I was first elected to the House, I had read and heard of him and his sound and conscientious leadership while serving as Governor of Virginia. The problems of recent years in Virginia and adjoining States have been challenging in the extreme. Both as Governor and as a Member of Congress, he was always able to turn his attention to methods which offered constructive solutions and yet he maintained an even-tempered dignity no matter what controversies developed.

His was indeed a long and distinguished career of public service and throughout all of those years he maintained a posture of firm belief in the Constitution and in the philosophies of our Founding Fathers when they brought forth that imperishable doctrine.

I would hope that retirement from Congress would give him an opportunity to reflect and consider at his leisure the results which have emerged from the many great national trends with which his work has been associated and that one day we will all hear again from him in that connection so that the history will be further supported by the memoirs of one whose whole lifetime was involved with the pursuit of the best that could be obtained for the people under our system of democratic self-government.

Mr. WHITTEN. Mr. Speaker, I wish to join with my colleagues in expressing my regret at the voluntary retirement of Gov. Bill Tuck, of Virginia. We are losing one of the outstanding men of his generation.

I first met Governor Tuck in 1952, at the Democratic Convention in Chicago. There he stood forthright for what he believed, without regard to pressures. Later, knowing him, I followed his record more closely as Governor of Virginia; and there, too, he dealt with every issue forthrightly. His views were sound and always held up to public view. The people of Virginia have been good to Bill Tuck. In turn, he has been good to his people. His record in Congress has been a continuation of his record as State legislator and Governor. He has voted as he saw the issues, always backed up by his independence and intelligent mind.

We shall miss Bill Tuck; but his works here will be an example to all the rest of us and those who are to come hereafter. As he retires and returns to the practice of law, we wish him and his family many years of enjoyment and success. We just hope and trust he will from time to time return to pay us a visit and on occasion, give us the benefit of his counsel and advice.

Mr. FISHER. Mr. Speaker, the retirement of our distinguished colleague, Bill Tuck, will constitute a major loss not only for his district and State, but also for the entire country. He has been a statesman in the true sense of the word and has been an inspiration for all of us who have been influenced by his great leadership. Bill Tuck fights for good causes, and he alines himself as a militant partisan in the struggle for good government in America. We need more men of his convictions in the Congress.

I join with my colleagues in wishing Congressman Tuck all good things in the years ahead. He will be missed, but I am certain he will continue to cast a long shadow in the constant battle for a greater America.

Mr. GRIFFIN. Mr. Speaker, as we contemplate the retirement from the House of our colleague, Governor Tuck, we can take comfort in the fact that it was a great privilege for us to have served with such an honorable gentleman.

A courtly and gracious manner always accompanied Governor Tuck's forceful and logical presentations. This combination won many to the cause he advocated in legislative battles.

After a long and illustrious career of service to his State of Virginia and to the Nation, Governor Tuck has certainly earned the right to a more peaceful existence. Nevertheless, we shall miss his voice which consistently was raised against governmental excesses and in behalf of individual liberty. His sage counsel and unfailing good humor will leave a void in this Chamber.

In retirement, I wish for Governor Tuck and his family a full measure of joy and peace.

Mr. BEVILL. Mr. Speaker, it is an honor for me to join with my colleagues today in paying tribute to my good friend and fellow Member of Congress, Bill Tuck.

A public servant of many years; a man who is devoted to his country, Bill Tuck's voice has been a positive influence in every area of governmental affairs he has served.

Born September 28, 1896, Bill joined the Marines in 1918, and was shipped off, not to France, but to quell a bandit uprising in Santo Domingo.

More than 40 years ago, he began to represent the people of his State. He was chosen in 1924 for the house of delegates, in which his father, Robert J. Tuck, had served. In 1932 he was elected to the State senate for a 10-year stay. In 1942, he was chosen Lieutenant Governor, and that led him to the Governor's mansion in 1946 for a 4-year tenancy.

When Thomas B. Stanley resigned Virginia's Fifth District seat in Congress in 1953 to seek the governorship, Bill Tuck was elected to succeed him. He has continued to serve here since that time.

William Tuck's imprint on the Congress is here to stay. He has been a friend to many, a hard-working, independent-thinking, generous, and dedicated public servant and will truly be missed in the Halls of Congress.

Mr. FASCELL. Mr. Speaker, I would take this occasion to express my great personal regret over the impending retirement of the Honorable William M. Tuck, of the Virginia Fifth District, a man of great ability, dignity, and charm.

As a member of the Committee on the Judiciary, he has long been known for his knowledge of the law, and as a member of the Un-American Activities Committee he has performed with diligence in the interest of the National security. All he has done in this Chamber, over the past 15 years, he has done with zest and enthusiasm. He will certainly be missed.

Bill Tuck has served his Commonwealth well. From 1924 to 1932 he was a member of the Virginia House of Delegates; for the next decade, a member of the State Senate; Lieutenant Governor from 1942 to 1946; Governor from 1946 to 1950, and Congressman from 1953 to the present.

I have always respected Bill Tuck, as a man of his word, who has fought for his beliefs in the manner of a true and dedicated public servant, ever mindful of the needs of his constituents.

I wish him well on this occasion, in the hope that whatever he turns to, he will encounter the same kind of success he has known in the past.

Mr. FOUNTAIN. Mr. Speaker, I want to associate myself with the wonderful tributes which have been paid to our good and distinguished friend and colleague, Bill Tuck, who, of his own free will, will be missing when the roll is called at the beginning of the first session of the 91st Congress. There is really little I can add to what has been so beautifully said by so many who know him as well as I do.

Nonetheless, Mr. Speaker, if I did not take advantage of this opportunity, I would feel that I had left something very important undone. When your gavel rings down the close of the 90th Congress, Bill Tuck, affectionately known by all of us as "Governor," will have concluded 44 years of dedicated elective public service, 16 of which have been in this great body.

With a record like that, your friend and my friend, and the friend of all Americans, Bill Tuck, is entitled to step down into a more peaceful atmosphere and life. Most assuredly, as much as we may like the challenges and opportunities which our public service here affords, we all know that the Congress is not the most peaceful place of responsibility and public service.

Others have already made reference to the details of Governor Tuck's career in public service in the Virginia General Assembly, as Lieutenant Governor, and then as Governor of the great Commonwealth of Virginia.

I was not privileged to know Governor Tuck personally during his earliest years of public service and even when he was Governor of the State of Virginia. However, on the basis of what I had heard and read about him, through personal friendships and the public press, I have always admired and respected him.

However, he and I came to this Congress together in 1953. Almost from the very beginning I learned to know and love Governor Tuck and to appreciate his great qualities, his abilities, and from a personal point of view, more important, his friendship. During these 16 years I have come to know him as a strong friend, a man of great convictions and the necessary courage to express them at all times and under all circumstances, whatever suffering may accrue to self.

Bill Tuck has championed the cause of the people of America and their basic needs, in fact, their general welfare. At the same time he has never lost sight of the fact that government is the servant and not the master of the people. He has been steadfast in his support of constitutional government. He has been a champion of a sound fiscal policy, so badly needed in these times.

In his role as an advocate of sound and sane government consistent with the fundamental principles upon which our Nation was founded, he has never once caused any Member to doubt his sincerity, his integrity, or his sense of duty to his constituents and to his country. On the contrary, these very qualities have added to his stature among us all, and, I am sure, among the people of the great State he has been honored to represent in so many capacities, including his outstanding service here in this body.

Someone has described Bill Tuck as "a human institution with a southern accent." As a friend and colleague, I can attest to the truth of that accolade. Bill Tuck is a very human individual. He is kind and thoughtful and considerate, and one of the few statesmen of the old school left remaining. When I think of Bill Tuck, I think of a former, and now deceased, Governor of my own State and later a U.S. Senator, the very able and highly respected Clyde Hoey. And, when I think of "Governor" Hoey, as we also affectionately called him when he was in the Senate, I think of "Governor" Tuck.

There are so many fine things which all of us want, and would like to say about a man like Bill Tuck. However, I know of no greater tribute that can be paid any man than to say that he is a friend and a Christian gentleman. I consider Bill Tuck one of my best friends here in the Congress.

When a man like Bill Tuck leaves this institution, it is true that the people lose a faithful and dedicated public servant; but I am sure all of us will agree that this institution loses something that is never quite replaced—that voice, that friendly greeting, that particular fellowship, that special expression of sincerity, that integrity, that smile, that humor, those manners, and all of the other individual human traits which have endeared him to us. All of these are traits of character we will miss when Bill Tuck leaves this body.

For many of you this session may be your last view of this great friend. I cherish the thought, however, that I may see him often in the future. It so happens that the expansion of my own district through legislative redistricting has made Bill Tuck a next-door neighbor of mine, not next door to my own home area, but next door to my own congressional district which borders on much of his district in Virginia. In visiting my constituents in the counties near South Boston, Va., I hope to be able once in a while to have the opportunity of visiting my good friend, Bill Tuck.

In the meantime, I want to wish for him and his family great happiness and joy and continued good health during the remainder of his life, wherever he may be and in whatever else he may undertake.

Mr. HORTON. Mr. Speaker, when Representative William Tuck, of Virginia, retires at the end of this session, Congress will be losing one of its most effective voices, one of its most stalwart champions, one of its most devoted Members.

William Tuck has been a constant defender of our Constitution, an ardent believer in States rights, and a strong supporter of separation of power between the legislative, executive, and judicial branches of government.

During his 15 years in Congress, Representative Tuck has employed in his country's service his intelligence, his quick-hitting sense of humor, his patriotic actions and his inspiring words, and his determination to promote, as he has expressed it, "sound and conservative government, with due regard to the constitutional rights of the States and their citizens."

He is a man who does his homework, who knows as much about his opponent's position as he does his own. Because of these attributes of character he has always been a resourceful debater and legislator, able to reach a compromise when faced with an untenable situation.

> We rarely find a man who can say he has lived happy, and, content with his life, can retire from the world like a satisfied guest.

This indeed describes my good friend and colleague, William Tuck. I wish him well in the years ahead.

Mr. STUBBLEFIELD. Mr. Speaker, Gov. Bill Tuck will be leaving us at the end of this session. After 45 years of public service, William M. Tuck will be retiring to his home in Halifax County, Va., among those constituents whom he has so well represented since 1953.

Governor Tuck is still remembered for his able performance in the highest office of his native State. He was a seasoned politician when he came to Congress, and he has not disappointed those who expected his record in Congress to match that of his tenure in the Governor's mansion. His years of service on the House Judiciary Committee are testimony to his ability as a jurist of the first rank. His concern for the Nation, his devotion to duty, and his proverbial good humor are characteristics for which he is justly famed.

Virginia has not produced in two centuries a man so widely honored for so long a time. And while Virginians will miss his efforts here in Washington on their behalf, the residents of his own district, will, I know, be delighted to have so genial and courtly a gentleman once more among them.

Bill Tuck is a gracious man. He is also a compassionate man. And he is, foremost, a conscientious man. I wish the very best for him in his richly deserved retirement.

Mr. ROONEY of New York. Mr. Speaker, I am pleased to join with my colleagues in saluting the Honorable William M. Tuck, of Virginia. Gov. Bill Tuck's life, Mr. Speaker, has been one dedicated to serving the people of the Commonwealth of Virginia and they have entrusted to him just about every public office available. He has served in the house of delegates, the State senate, as Lieutenant Governor, and Governor before coming to the U.S. House of Representatives.

The people of Virginia, and particularly those of the Fifth Congressional District which Governor Tuck represents, have been fortunate indeed. We, too, have been fortunate in that we have been privileged to have such a colleague as Governor Tuck. His companionship, gentility, good humor, and warmth will be sorely missed.

Mr. MONTGOMERY. Mr. Speaker, it is with great pleasure that I join my colleagues in paying tribute to Governor Tuck, who has decided to retire from the Congress at the end of this session.

Governor Tuck has had a distinguished career of public service beginning in 1924 when he was elected to the Virginia House of Delegates. He was later elected to the Virginia State Senate and served as Lieutenant Governor and Governor of the State of Virginia.

I mean it with all sincerity when I say that it has truly been an honor for me to know Governor Tuck.

As a freshman Congressman I especially appreciate his many kindnesses to me. I have been influenced by his courageous leadership in legislative matters, and I have been inspired by his devotion to his district, to his State, and to his country.

Governor Tuck has served the people well, and he will be greatly missed by his many friends in the House of Representatives. I join my colleagues in wishing him every good luck and enjoyment as he begins his richly deserved retirement.

Mr. ABBITT. Mr. Speaker, it is with profound sorrow and sadness of heart that I make this statement to the House of Representatives on this occasion. It is hard for me to realize that when the House convenes in January starting a new term that our friend, the Honorable William M. Tuck, of South Boston, Va., will no longer be a Member of this body.

Bill Tuck, or Governor Tuck as he is affectionately known to every Member of this House, is beloved by one and all. He is a friend in the true sense. He and I have been closely associated for many, many years. I daresay I have been associated with him and known him intimately longer than any other Member of this body. He is a great Virginian, a great American and has rendered invaluable service to his State and his Nation. As a Member of this body, he has not just represented the Fifth Congressional District of Virginia but in every part of Virginia he has friends and associates who look upon him as their voice in Washington. No matter how much they love their own Representative, they consider him as their friend and their Representative. He has a large following of personal friends in my congressional district along with people all over the Commonwealth of Virginia. They admire him; they respect him; and they love him. He has endeared himself to the hearts of the overwhelming majority of the people of our Commonwealth.

Bill Tuck has been in the political light of Virginia since early in his adulthood. He is a natural born leader, a friend of all people. As a member of the House of Delegates and the State Senate of Virginia he served with honor and distinction. He made his mark there. He was one of the outstanding Lieutenant Governors of Virginia and in 1945 he was elected as Governor of the Commonwealth. His term occurred during the perilous days following World War II. He is known for the great courage and leadership he exhibited as Governor. When it developed that there might be a coal strike and the furnaces would go out, the railroads could not run, Governor Bill guaranteed to the people of Virginia that the coal would be mined, the furnaces would continue to operate, and the trains would run. Then there developed a threatened strike and that we would have no lights. Bill Tuck took the necessary steps forthrightly and immediately to guarantee that the lights would stay on and they did. He far exceeded the expectations of many of his friends and he will go down in history as one of the greatest Governors the Commonwealth of Virginia has ever had.

Bill Tuck came to this body in 1953 and in a very short time he was known by every Member in the House and in a very short time he knew the names of every Member. His ability to make friends and to remember them is surpassed by no one here.

He stood stanchly for constitutional principles enunciated by the Founding Fathers. He is like a tree planted by the waters and has done much to preserve the principles of economic stability in this Nation of ours. The cause of conservatism has never had a more effective and influential voice than Bill Tuck, and those who believe as he does will sorely miss him. He has labored long and hard and deserves the plaudits of his contemporaries, but he has not lost his interest in the welfare of good government in Virginia and the Nation. I predict that he will continue to voice his approval of those things that are right and just and loudly denounce those things that he believes will undermine our State and our Nation. His loyalty to Virginia and the Nation have been unquestioned and his devotion to the lofty principles upon which our Nation was founded has shown him to be a stalwart defender of the American dream. He has the highest ideals and principles, never stooping to shortcut or shortchange friend or foe. He has labored long in the vineyards, and is entitled to some relaxation and rest from the arduous duties as a Member of the House of Representatives. He will go back to Virginia with the well wishes and blessings of every Member of this body and he has our thanks for the great contribution he has made to good government. We know full well that he will continue to keep in his heart the best interest of Virginia and all mankind, and I know that the people of Virginia will continue for many, many years to beat a path to his door and to seek his wise counsel and good judgment on matters of importance to the Commonwealth.

Mr. ASHMORE. Mr. Speaker, when I was administered the oath of office in June 1953 one of the first Members of the House of Representatives to extend to me the glad hand of fellowship was that kindly, affable, cheerful, and able statesman, Bill Tuck, from the Fifth Congressional District of Virginia. We have remained steadfast friends from the day I first had the honor and privilege of shaking his hand.

Our close association on the House Judiciary Committee for almost 16 years has contributed to a friendship that I cherish dearly. Both in committee and on the floor of the House we have almost invariably found ourselves on the same side when important legislation was under consideration. This is not unusual, I suppose, because throughout the history of this country, Virginians and Carolinians have often fought for the same principles of government. In this case, it has been an honor to take my stand with a man of Bill Tuck's stature.

Like our Founding Fathers, Bill has an ingrained appreciation of our Constitution and the Bill of Rights. He has always been alert and diligent in defense of States rights, conscientious and courageous in his service on the House Committee on Un-American Activities, and a bulwark of strength in support of the free enterprise system. As a successful lawyer and businessman he has consistently recognized the necessity for economy in government and a sound fiscal policy.

For more than 42 years this American patriot has been a sincerely dedicated public servant. His first elective office was to the Virginia House of Delegates, then he was promoted to the Virginia Senate and after 10 years in that legislative body the people elected him Lieutenant Governor before elevating him to chief executive of the Commonwealth of Virginia.

While Governor he was confronted with numerous difficult and controversial problems, but in every instance he arrived at his own independent judgment and acted in accord with what he felt was the best interest of his constituency. In many respects Bill Tuck has traits and characteristics similar to Harry S. Truman. Always a man of deep convictions and sound judgment, he never hesitates to act when he determines the right course to follow. This was his policy while Governor and it has continued to mark him as a strong man and a great leader in the U.S. House of Representatives for 16 years.

The full, rich, vigorous, and fruitful service of this outstanding American has been an inspiration to me and I am sure to many other Members of Congress.

His voluntary retirement will leave a great void in the House of Representatives because there is no one to fill his seat with equable grace, dignity, courage, ability, and steadfast devotion to country. He will be missed tremendously, but all can take solace in the fact that Bill Tuck is one of those—

Men whom the lust of office does not kill;
  Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
  Men who have honor, who will not lie.

Mr. McCULLOCH. Mr. Speaker, the Committee on the Judiciary, the Congress of the United States, and the Nation will miss the great talents and dedicated service of our distingushed colleague from Virginia, William M. Tuck.

Bill Tuck's retirement after 16 years in the House marks the end of more than 40 years as an elected public servant. The "Governor," as he affectionately is known among his colleagues, came to us from Virginia following a term as the Commonwealth's chief executive. He had been Lieutenant Governor for the 4 preceding years and before that he was a Virginia State senator, which in turn was preceded by a term of 8 years as a member of the Virginia House of Delegates.

With that impressive record of experience in government and public trust, it is no wonder that the Governor is highly regarded as an authority on the Constitution and the Bill of Rights. His commitment to those high ideals of government by law guided all of his endeavors in the Congress.

The Governor particularly distinguished himself on the Judiciary Committee where the great question of constitutional law and individual rights are constantly before us. The Governor's wise counsel and governmental expertise were always welcome contributions to our careful deliberations on various legislative matters. Careful adherence to constitutional law has been a hallmark of legislative proposals coming from the Judiciary Committee, and they are many times fashioned into the legislation by the gentleman from Virginia [Mr. Tuck].

Those of us who know and respect the Governor and who have had the pleasure of his warm and affectionate company for the last 16 years will surely miss him. But I am sure that he will not be far from us on the farm in southern Virginia. May he now have the time to pursue all of the many interests that the pressures and demands of public life required him to postpone for so long.

Mr. TUCK. Mr. Speaker, will the distinguished gentleman from Virginia yield?

Mr. HARDY. I shall be happy to yield to the distinguished gentleman from Virginia, Governor Tuck.

Mr. TUCK. Mr. Speaker, I cannot allow this moment to pass without expressing to you and to my colleagues from Virginia, as well as many other colleagues in the House, my deep and great appreciation for your generosity in arranging this hour during which to pay tribute to me, and I must say this whether I merit the many nice things that have been said about me while serving as a Member of this body.

Mr. Speaker, it has been said that the sweetest tones that ever tickled the ears of a public man were the plaudits of his constituents and of his friends.

Mr. Speaker, it has been a great pleasure for me to have served in this great body, the House of Representatives of the United States.

I have served in public life for 45 years or more. I have enjoyed every minute of it. The people have been kind; the country has been good to me and has blessed me in many, many ways.

But, Mr. Speaker, I have particularly enjoyed my service in the House of Representatives. I had some ambition in my early political career to become a Member of this body but through the political fortunes it was my privilege to be elected to a State office. One of the happiest things in my life when I ended my term in Richmond is the fact that the people in the district which it is my honor to represent elected me to represent them here in this great body.

I have truly enjoyed serving in this body. And, while I regret that circumstances are such that I may not have contributed as much to its deliberations as I should have, nevertheless I have done my utmost to represent to the best of my ability the constituents of my congressional district and my State and to represent the best interests of my country as well.

Mr. Speaker, I shall cherish the friendship of the members of the Virginia delegation as well as the members of the other delegations of this body from other States for the kindness and consideration which has been extended to me throughout the years of my service in this body. I thank all of you from the bottom of my heart.

Mr. HARDY. Mr. Speaker, may I just have one other moment during which to say to Bill Tuck again that you have served your State and your Nation well and I am looking forward to enjoying together our retirement as fellow "dropouts."

TRUCKING BILL

The SPEAKER pro tempore (Mr. Patten). Under previous order of the House the gentleman from Iowa [Mr. Schwengel] is reocgnized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, one of the points that was not raised and, therefore, not sufficiently discussed when S. 2658 was before the Public Works Committee was the total investment America has in her highway system and the comparison of the ton-mile cost under the present laws of trucks and passenger cars.

It may be well to point out a study made by the Government there are a number of disadvantages of the ton-mile basis of taxation even though most agree that this would be the fairest method of taxing road users and so an incremental cost method and a differential benefit method have been recommended.

Authorities said the incremental method is the traditional way of determining the increments of cost to vehicles of different sizes. Under this plan all vehicles share the basic increments and for each succeedingly heavier increment, only vehicles requiring the additional design features would be required to contribute to its cost.

The differential method was pointed out as experimental and reports note it was the first of its kind. Under this method, four kinds of vehicular benefits were examined:

First. Reductions in operating costs.

Second. Reductions in time costs.

Third. Reductions in accident costs.

Fourth. Reductions in strains and discomforts of driving.

Item 4 was for passenger cars only.

The differential benefit method assigns much less cost responsibility to heavy trucking operations than the incremental method.

Mr. Speaker, during the hearings the question was directed to the representatives of the AAA on the ton-mile computation. They have developed the following data based on information available to them at this time.

Based upon the publication Road-User and Property Taxes of Selected Motor Vehicles published by the Department of Transportation, they pointed out a five-axle diesel tractor semitrailer—3 S-2—annually accumulates 1,185,800 revenue ton-miles—average load. Annual mileage on a medium-sized passenger car was estimated at 9,500 miles. Although no weight is given in the table, they have assumed an average weight of 4,400 pounds for a medium-sized vehicle. This, of course, is 2.2 tons. On this basis, average passenger car ton-miles per year would be 20,900 ton-miles.

According to releases issued by the Bureau of Public Roads in March 1965 total Federal excise taxes paid by passenger car operators amounted to $55 per vehicle. Based upon 20,900 ton-miles of operation per year, this is $0.0026 per ton-mile.

The five-axle diesel tractor semitrailer paid total Federal excises of $995 for 1,185,800 revenue ton-miles, or $0.00084 per ton-mile. Revenue ton-miles was selected as the basis of measurement in the case of trucks rather than overall operating miles because the only time a truck earns money is when it is transporting cargo. This, of course, gives the most favorable treatment to the trucks.

If Federal excises were levied on a ton-mile basis, then the comparison between a medium-sized passenger car and a five-axle diesel would be somewhat as follows:

First. If the truck paid the same ton-mile as the passenger car ($0.0026 per ton-mile), it would pay $3,083 instead of $995.

Second. If the passenger car was taxed at the same ton-mile rate as the truck ($0.00084 per ton-mile), it would pay $17.56 instead of $55.

The gentleman from Florida [Mr. Cramer], during the hearings, requested that as part of the response to my question regarding ton-mile taxes, they furnish information concerning the benefits which accrue from the availability of truck transportation. A full treatment of this subject has been released as a part of the highway cost allocation study. House Document No. 72, 87th Congress, first session, dated January 23, 1961, provides a wealth of information on the economic and social effects of highway improvement. It goes into such things as the effects of highways on land values, employment, industry location, public services, et cetera.

The benefits accruing specifically to users will be found in House Document No. 54, 87th Congress, first session, dated January 16, 1961, and House Document No. 124, 89th Congress, first session, dated March 24, 1965.

However, the major beneficiaries of increased weights would undoubtedly be the operators of the big trucks. Just how much they would benefit is shown on pages 161 to 167 of House Document No. 354, 88th Congress, second session, dated August 19, 1964. According to tables and text appearing in this section of the report, the heavy truck would collect $72 of benefits for every dollar of increased cost of building and maintaining highways to carry the 20,000- to 36,000-pound axle loads requested in H.R. 14474. If the heavy truck did not bear the full cost of such improvements, the benefits reaped from their availability would, of course, be much greater.

Mr. Speaker, I was amazed at the total number of dollars spent when I researched this subject to find since 1921—the date the Federal Government first began a program of Federal aid to State highway systems—we have invested many billions of dollars to build the highway system of America.

In a Government document entitled "Total Disbursements for Highways, All Units of Government," I find from 1921 to 1965 we have invested over $232,190,000,000 in our highway system. Mr. Speaker, this is a substantial investment that needs our constant attention by the Public Works Committee and all interested in building and maintaining our highways. Whenever we consider and/or approve legislation that tends to deteriorate this road system because of overstress due to weights and sizes of vehicles we are not legislating in the public interest. It behooves us then, Mr. Speaker, that we become and remain mightily concerned about this the largest investment in a highway system to the fullest and under as safe a driving condition as possible.

The table, Mr. Speaker, I refer to lists the expenditures by each State in the Union. Any Member of Congress can avail themselves to the Record and I am sure the figures of his State will be very impressive. I suggest every Member do this before he makes up his mind on how to vote on this very important question.

Mr. Speaker, today I again call attention to the problems that passage of S. 2658 would bring to the public and the fact that the problem has not been thoroughly researched and evaluated. Before the Congress passes this, we should have more evidence of the need and it should be in the public interest.

To date, there has been no testimony to show that there would actually be a lower cost of transportation of goods to the public and, certainly, there is no assurance that our roads would be safer. Until we can have some documented testimony of a guarantee that the public will be safer in the passenger cars when on the highway with trucks and it will actually aid and abet the economy, we should not pass the bill.

Today I again file for the Record, some testimony from the many hundreds of editorials that have been written on this with some pertinent observations by people all over the United States who have given this matter some penetrating thought. For instance, the Evening Tribune of San Diego says among other things:

> The bill permitting a dangerous increase in the size and weight of trucks needs review strictly in the provisions of the bill.

The Scottsdale, Ariz., Progress reprints a part of the Chicago Tribune in saying:

> Officials in all cities know what trucks do to pavements and how they affect traffic. Chicago's Eisenhower expressway will be tied up all summer by repairs which probably would not be necessary for years if the pavement had not been punished by huge trucks.

The Birmingham, Ala., Post-Herald states:

> If anything, trucks are too large now. To pass a bill permitting them to increase their size to three trailers and 69 tons invites still more risks. Highway traffic is risky enough now. Congress should kill the truckers' bill.

The Times-Union of Jacksonville, Fla., says, among other things:

Most of all, the highway mastodons would be an incalculable psychological hazard to any motorist, however safety conscious, who saw one of them barreling down upon him from the rear and who felt the roadway tremble as it roared by him at high speed spewing clouds of diesel fumes. The bill should be stopped now.

One of the most persuasive editorials was presented by WTOP. It says, appropriately:

It is a chilling prospect, therefore, that much heavier trucks with two or three trailers hooked in tandem could become commonplace before long. Legislation that would open the door to these behemoths on the interstate system has cleared the Senate and a committee of the House.

Even if the braking systems on such rigs could be said to be adequate, imagine the pretty mess if one skidded on a slippery road and jackknifed across the highway. Think of the fun it would be to pass these junior-grade freight trains. Reflect for a bit on what the enormous weight of these trucks would do to the roadways and bridges over which they rolled.

Still unclear is the effect various contributions by the trucking lobby to members of the House Public Works Committee have had on the speedy treatment accorded the bill.

Super-sized trucks, whatever their benefits to truckers, are in no way essential to the nation's economic health. If Congress approves a bill which is loose enough to permit these monsters to appear, it will have sold out the interests of the vast majority of motorists who use the interstate system.

The material referred to above follows:

[A WTOP editorial, Aug. 12, 1968]

Trucks

This is a WTOP Editorial.

On high-speed roadways wherever the population is concentrated, traffic thunders along these days at an increasingly frantic pace.

This can be said to reflect a vigorous economy and a highly mobile nation, but it also exacts a price from those who travel these crowded highways in the form of nervous strain. And if one thing contributes more than any other to that strain, it is the proliferation of trucks.

Few things are more unsettling than the weaving in and out of traffic of these giant diesels and their trailers, frequently with demands for room from their powerful air horns.

It is a chilling prospect, therefore, that much heavier trucks with two or three trailers hooked in tandem could become commonplace before long. Legislation that would open the door to these behemoths on the interstate system has cleared the Senate and a committee of the House.

Even if the braking systems on such rigs could be said to be adequate, imagine the pretty mess if one skidded on a slippery road an jackknifed across the highway. Think of the fun it would be to pass these junior-grade freight trains. Reflect for a bit on what the enormous weight of these trucks would do to the roadways and bridges over which they rolled.

Still unclear is the effect various contributions by the trucking lobby to members of the House Public Works Committee have had on the speedy treatment accorded the bill.

Super-sized trucks, whatever their benefits to truckers, are in no way essential to the nation's economic health. If Congress approves a bill which is loose enough to permit these monsters to appear, it will have sold out the interests of the vast majority of motorists who use the interstate system.

This was a WTOP Editorial, Norman Davis speaking for WTOP.

[From the Jacksonville (Fla.) Times-Union, Aug. 18, 1968]

Kill the Highway Monster Bill

A bill which presents a threat to the comfort, convenience and relative safety of motorists using the Interstate Highway system is awaiting final action in the House of Representatives when Congress resumes its deliberations after the current recess.

The measure would dangerously lower existing bars to the use of monstrous, multi-unit highway freight vans coupled in tandem and towed by a single tractor unit. Judging by the ease with which the bill passed the Senate without even a roll call vote, it appears likely it will win election year approval in the House with equal ease unless an aroused electorate lets its opposition be known.

The bill (S 2658), so innocuously titled as to conceal its true import, in fact rewrites the entire formula for arriving at allowable weight insofar as it applies to the limited access Interstate network of highways. Allowable width of vehicles would be increased from 96 to 102 inches, and single axle weight limits would be increased, but the greatest danger lies in a new formula based on number and location of axles which opens the doors to tandem rigs and virtually removes all limit on gross weight.

Sponsors of the bill made much of the fact that it is in theory permissive only, since states could retain and enforce stricter limitations, and that it applies solely to the Interstate network.

On the first point, once the federal bars are down to the monsters on the highways 90 percent financed by federal funds, few states could withstand the pressure to "cooperate." And once the camel's nose is in the tent, only the most sanguine would doubt that the day would soon come when the new limitations would be extended to all federal-aid roads.

But even assuming that the "rubber tired freight trains" could be permanently confined to the limited access roads, they would still be bad news as a frightening safety hazard to the millions of motorists only now beginning to enjoy the superhighways' advantages.

The Virginia state highway commissioner has estimated that the proposed new weight limits would add $18,639,000 a year to maintenance costs of highways in that state alone. The virtual lack of any limit on gross weight for a tandem rig would constitute a serious threat especially to bridges, even some of the newest.

But most of all, the highway mastodons would be an incalculable psychological hazard to any motorist, however safety conscious, who saw one of them barreling down upon him from the rear and who felt the roadway tremble as it roared by him at high speed spewing clouds of diesel fumes.

The bill should be stopped now.

[From the Blytheville (Ark.) Courier News, Aug. 14, 1968]

At It Again

They are at it again, although it might very well be said, they are at it continually.

The powerful truck and bus lobby has convinced the United States Senate to increase the allowable load limits to 20,000 pounds for a single axle and to 34,000 pounds on a tandem axle, and to increase the width allowable to 102 inches.

The Arkansas State Highway Commission has opposed the bill and the increase because it said that the majority of Arkansas' roads and bridges cannot tolerate the greater loads and widths.

George F. Kachlein, Jr., executive vice-president of the American Automobile Association, told the House Public Works Committee that the new limits would permit widths in excess of the lane widths on 70,000 miles of primary state two-lane highways on which the bulk of the truck and bus traffic is carried.

They would permit loads in excess of the design strength of even the newest routes, and "dangerously" in excess on the half million other road and highway bridges.

They would, by the lack of any limit on length, permit, "highway freight trains" such as have already appeared in a few states with triple trailers totaling more than 100 feet in depth.

With the Arkansas State Police at present making a drive in an effort to reduce the death total on state highways, along comes the Senate passing a bill that will make our highways even more hazardous for every motorist.

With the state Highway Department hard pressed to make its dollars improve our roads, here comes a bill that will add greatly to the cost of keeping them up. And who pays the large part of that bill? It is not the truck owners, but the downtrodden motorist.—McGehee Times.

[From the Birmingham (Ala.) Post-Herald, July 30, 1968]

Big Trucks Bigger?

Sometimes the huge tractor-trailer trucks themselves provide arguments against increasing their size.

The truckers are successfully easing through Congress a bill to allow them to hook three giant trailers together into a highway "train." The hill's opponents say it would permit trucks of 69 tons.

There was a hideous highway pileup on an interstate highway in Covington, Ky., last week in which a patrolman directing traffic was killed and three other persons injured. Several vehicles were involved, including three tractor-trailers, one of which carried 21 tons of cargo. Two of the huge trucks jack-knifed.

If anything, trucks are too large now. To pass a bill permitting them to increase their size to three trailers and 69 tons invites still more risks. Highway traffic is risky enough now. Congress should kill the truckers' bill.

[From the Scottsdale (Ariz.) Progress, July 19, 1968]

The Highway Busters

The United States Conference of Mayors, at its recent meeting, adopted a resolution urging Congress to defeat a bill which would permit larger and heavier trucks on the interstate highway system.

Trucks are important to the national economy, but it is not necessary to let them get bigger and bigger until they monopolize and wreck the highways. No truck shipment starts or ends on the interstate system. If Congress raises the limits for the interstate, truck operators will press for similar standards on connecting routes, including city streets.

Officials in all cities know what trucks do to pavements and how they affect traffic. Chicago's Eisenhower expressway will be tied up all summer by repairs which probably would not be necessary for years if the pavement had not been punished by huge trucks.

A survey by the American Automobile Association has shown that 67 per cent of the bridges on major highways were not designed to support the loads they are called upon to bear under current weight limits and traffic conditions.

The bill before Congress would permit weights of 20,000 pounds for single-axle trucks (now 18,000 pounds) and 34,000 pounds for tandem axles (now 32,000). The measure also would permit vehicles to be wider by half a foot than the present eight-foot maximum. Motorists fear, with good reason, to share the roads with such monsters.

The bill has been passed by the Senate and is now pending in the subcommittee on roads of the House public works committee.

Motorists should write their senators and representatives in Congress and ask them to help sidetrack this bill.

[From the San Diego (Calif.) Evening Tribune, Aug. 13, 1968]

Trucking Bill Should Get a Thorough Investigation

It's doubtful that anyone outside the trucking industry wants longer, wider and heavier trucks on our streets and highways, but want them or not, it appears we may have them.

Last April the Senate, without a record vote, passed a bill which would permit trucks on the interstate highway system to be a foot wider and to increase their gross weight from the present 73,000 pounds to as much as 138,000 pounds or more. The new limit is not easily defined because it is figured according to a formula based on a truck's wheelbase and number of axles. Since there is no limit on the length of the truck-trailer combinations, trucks pulling two trailers would become common and those pulling three would be feasible.

"Rubber-tired freight trains on the nation's roads" is the way the American Automobile Association described these truck-trailers.

There seems to be no regard for the amount of damage these heavier vehicles would do to the highways and bridges. There appears to be no regard to the added danger to the public from these rubber-tired trains.

Anyone who has passed large trucks on the best of interstate highways knows the feeling of danger when next to the monsters. It is especially dangerous in bad weather when the huge tires cause swirls of water which can obscure a driver's vision.

With more trailers, the danger of jack knifing will be greatly increased.

It has to be realized that these huge truck-trailers will not just materialize on the interstate highways. They must pass over narrower roads and streets to get to and from the freeways, streets which aren't built for loads that heavy or trucks that wide.

The bill sounds like a typical case of congressmen giving way to special interest groups at the expense of the public.

There now appears more to the case.

Reporters of the Washington Daily News and the Des Moines Register have analyzed the recent political campaign contributions of the truck operators' "nonpartisan" committee. It turned out that 15 members of the House Public Works Committee in both parties have received contributions ranging from $500 to $1,500.

There have been similar contributions to members of other committees which have cleared bills favored by trucking interests.

The bill permitting a dangerous increase in the size and weight of trucks needs review strictly on the provisions of the bill. There should be a thorough investigation of what such truck-trailers would do to highways and what danger they present to the motoring public.

With the disclosure of the campaign contributions there should also be a full investigation of the ethics involved.

Mr. SCHWENGEL. Mr. Speaker, as evidence to show my opposition in truck legislation is continually growing, I present herewith a letter from the Iowa County Engineers Association and with it the resolution passed by them. This, as you will see, makes crystal clear the position and the attitude of competent engineers. In their resolution they have several very interesting whereases. One of the most impressive reads:

Whereas: Research and expert testimony contained in the 1961 A.A.S.H.O. Road Test Report show that the Secondary Road System is not designed or constructed to accommodate the increases proposed in S. 2658, which would drastically overstress the majority of the surfaces and structures of the system, inflicting greater damage to the Secondary Road System than to other systems having greater revenue resources.

I hope every Member of the House who has an interest in adequate testimony, through research and proper evaluation of all the facts and factors will ponder on both the letter and the resolution passed by the Iowa County Engineers Association.

Iowa County Engineers Association,
September 19, 1968.

Hon. Fred Schwengel,
U.S. Congress,
Washington, D.C.

Honorable Congressman: Enclosed is a resolution that was passed by The Executive Board of the Iowa County Engineer's Association concerning S. 2685. We, Iowa County Engineers, are very fearful of the impact this bill would have on our Road System as far as the overweight provisions are concerned. The life of the majority of our bridges would be threatened if loads the size allowed by this bill were to become a reality not to mention the damage that would be done to our paved road network. We would hate to see the efforts that the Counties of Iowa have made to provide the people of the State with a network of hard surfaced roads be nullified by the passage of this bill. Although we have no facts to prove that wider trucks would be a safety hazard we feel that they would be, especially on the older 18′ to 20′ wide pavements.

We County Engineers sincerely thank you for your leadership in opposing this bill. We, as well as the taxpayers of the State, are deeply in your debt for your efforts. No matter what the final outcome may be in regards to S. 2658 we thank you.

Sincerely yours,
Paul C. Hixson, P.E.,
President, Iowa County Engineers Association.

Resolution

Whereas: The Congress of the United States is considering the passage of S. 2658, which bill would amend section 127 of Title 23 of the United States Code to increase the width, weight and length limitations of vehicles using the Interstate System of highways, and

Whereas: Traffic using the Interstate System cannot confine its movement to such system since it must both originate and terminate its trip on some other system, and

Whereas: The Counties of Iowa are charged with the responsibility of the Construction and Maintenance of the Secondary Road System on which much of the traffic using the Interstate System originates and terminates, and

Whereas: Research and expert testimony contained in the 1961 A.A.S.H.O. Road Test Report show that the Secondary Road System is not designed or constructed to accommodate the increases proposed in S. 2658, which would drastically overstress the majority of the surfaces and structures of the system, inflicting greater damage to the Secondary Road System than to other systems having greater revenue resources, and

Whereas: Iowa Counties are now ten to twenty years behind in meeting the needs of Secondary Road Construction and lack the finances necessary to upgrade existing facilities, and

Whereas: The liability placed upon highway officials for shortcomings in highway safety and performance is increasing.

Now therefore be it resolved, by the Executive Board of the Iowa County Engineers' Association, meeting this 13th day of September, 1968, do strongly and earnestly oppose the passage of S. 2658 in the interest of safety and the protection of the public investment in our Secondary Highways.

THE AIR TRAFFIC PROBLEM

Mr. Speaker, we are presently faced with a serious traffic problem at what has been referred to as "high density" airports. While we are advancing and great changes have been taking place in the field of aviation and the control of same for the past two decades we obviously are not concentrating the proper amount of effort in the right areas.

My office has been swamped with letters from pilots and business firms who are alarmed at the proposed amendments to part 93 of the Federal aviation regulations which would alter the air traffic rules and other requirements for operations to or from airports designated in that part as high density traffic airports.

I think the overtones of the various objections are as important as the objections themselves. The essence of these reports I have been receiving seem to deal more importantly with inconvenience and lack of the FAA to experiment with other possible solutions than those put forth in the suggested amendments, rather than the safety factor which does not seem to be of great import at this time.

It appears the proposed amendments put rather stringent restrictions on the general aviation pilot as compared to the commercial airline. I would suggest rather than these stringent restrictions a trial period would first be instigated with an attempt to curb this traffic problem by:

First. Encourage those airlines catering to international flights depart from outlying airports such as—in the Washington area—Dulles or Friendship Airports. Neither of these are presently operating at their full capacity.

Second. In the Washington, D.C., area consideration should be given to reactivating Bolling and Anacostia Airports for the lighter craft.

Third. Presently there are some 31,000 FAA employees writing regulations and a mere 14,000 controlling traffic. I would suggest these figures be reconsidered and distributed more evenly to the more important area, that of course, of traffic control.

Fourth. It appears to be a very simple and inexpensive solution to this congestion problem and that is the proper use of runways. I would advise making existing taxiways available for landing and takeoff procedures for general aviation. Also, use of intersection takeoffs for small aircraft would alleviate a good deal of taxi time and speed up departures as well as give full benefit to the larger aircraft for full use of the runways and taxi thereto.

Fifth. Along the same line as No. 4, construction of parallel runways for general aviation use only would be of considerable help for both areas of aviation.

Construction costs would be nominal as compared to the cost of the program proposed by the FAA and could be constructed within a week's time.

Sixth. It seems needless to adhere to IFR operations when VFR conditions exist if the traffic controller feels the conditions are such that a safe landing or takeoff could be executed without. IFR operations are time consuming.

This brings up another subject. I believe the great amount of training and responsibility assumed by the traffic controller should enable him to have the prerogative of judging when it is safe and when it is not for an aircraft on an approach to his airport could or should land or vice versa. He is hampered by pages and pages of regulations and yet, by the same token, he is entrusted with thousands of lives per hour. The conflict of judgments placed on him is incomprehensible by me.

Seventh. Another seemingly simple action would be to use the wider runways built for the larger aircraft as a two-lane takeoff and landing for general aviation.

I am certain there are numerous other suggestions which could be offered by those more knowledgeable in this area than me such as climb and descent corridors which have been used extensively and successfully by the military for years. I urge the Department of Transportation to give serious and reflective consideration to these proposals in lieu of the proposals now set forth for the Federal aviation regulations. The facts alone, I should think, would be adequate evidence to follow this course. Hours flown by general aviation during 1956 to 1966 have increased 106 percent as compared to hours flown by air carriers for all purposes increased by less than 27 percent in this period. Does it not seem rather unfair to limit this broadening field? I would deem this a conflict of priorities.

If the Nation's highways became overcrowded between Chicago and New York, would there be limits set on the number of pleasure cars or transports or buses or campers? This is hardly the answer.

THE LAW, THE POLICE, AND THE CITIZEN

The SPEAKER pro tempore. Under previous order of the House the gentleman from Ohio [Mr. VANIK] is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, on September 13, 1968, I was privileged to participate in a conference on law enforcement and justice sponsored by the Cuyahoga County Law Directors' Association. This is an area in which I have a great interest. As a judge for almost 8 years, and as a Congressman for the last 14 years, I have had experience with the many and special problems of law enforcement. There is no greater concern in the American home and in the American family.

The conference, designed to allow local officials to meet Federal law-enforcement officers, was organized by Mr. Robert Jaffe, law director, city of South Euclid, Ohio, and president of the County Association of Law Directors. The conference was held in the 31st floor conference room of the New Federal Office Building in Cleveland and lasted from 10 a.m. to 4 p.m.

Because of the importance of law enforcement on the local level, mayors, councilmen, law directors, and police chiefs from throughout the county, as well as members of the press and the general public, were invited to attend. As a result of the conference, a number of communities in the county will be making applications for Federal assistance in the areas of law enforcement and juvenile delinquency control.

My office arranged for the participation of Federal officials including Mr. Arnold J. Hopkins, Law Enforcement Assistance Office, Department of Justice; Mr. Michael Sonnenreich, Bureau of Narcotics and Dangerous Drugs; Mr. Ralph Susman, Office of Juvenile Delinquency, Department of Health, Education, and Welfare; and Mr. Charles Cusick, agent in charge of the Cleveland branch, Federal Bureau of Investigation.

The program included a panel discussion chaired by Prof. Oliver Schroeder, director of the Law-Medical Center, Case-Western Reserve University. Other panelists included Mr. Paul Donaldson, assistant law director of Shaker Heights, Ohio; Chief Francis Szabo of the Parma Police Department; Mr. Seymour Terrell, chairman of the Criminal Courts Committee, Cuyahoga Bar Association; and Mr. Bruce Newman, assistant director, Greater Cleveland Associated Foundation.

As a result of this conference, local police departments and local officials learned the details of programs designed to strengthen police departments. The on-the-job training of police officers under Veterans' Administration and Labor Department programs provided an exciting challenge. The conference learned of the recent military regulation which provides for early release of military personnel recruited for police service as an additional reservoir of capable personnel to strengthen local departments.

I feel, Mr. Speaker, that this conference was a model of how such exchanges of information can be utilized to strengthen local law enforcement.

I was privileged to present a statement before the conference on the problems of law enforcement, crime control, and justice:

First of all, I want to commend Mr. Robert Jaffe, law director of the city of South Euclid, and the Cuyahoga County Law Directors' Association for cooperating fully in this community conference on law enforcement, crime control, and justice. There is no greater concern in the American home and in the American family than this subject.

My experience on the bench and in Congress has taught me one thing in particular: No one group can combat crime alone. The battle for safe streets requires the participation and help of every citizen with not only his local government, but his State and Federal Government as well.

While we seek law and order, we do not seek to establish a national police force. History has shown that democracy and the privileges of freedom are endangered when there is a national police system. The primary responsibility of law enforcement must, therefore, rest with local governments. The police departments and courts must be locally administered and responsible to their individual communities. The Federal Government can assist, strengthen, and help train local law enforcement agencies, but the Federal Government's fundamental responsibility must be limited to interstate crime—except where local authority requires and requests outside help.

I will briefly outline my recommendations for legislative and administrative action in the area of law enforcement:

RECOMMENDATIONS

First. Police department strength and capacity must be recalculated to meet present day contingencies. Police work must attract and retain our best officers and men. Police work is in every way comparable to military service and training. I therefore recommend that police officers and men should be automatically draft-exempt. Police work is as hazardous as any military service. Local governments should take advantage of their privilege to recruit police officers and men from military service personnel. This experiment is being successfully followed by the District of Columbia government which has sent personnel officers to military bases throughout the country to recruit men for employment in the police force. Under this plan, those recruited can be released from active military duty 4 months early. In this way, military service provides a reservoir of well-trained men, in good health, ready for public service in police departments throughout the country.

Second. Gun control legislation must be adopted at all levels of government. Such Federal gun control laws are not likely to be adopted until a majority of the States and local governments legislate in this area.

Third. The Supreme Court should define criminal procedures, setting forth methods of apprehension, detention, indictment, trial, custody, and sentence. The absence of guidelines and the uncertainties of review have allowed criminals to go free. Justice must always be reviewed and tested—but never mocked. Those charged with administering justice at the local level are not Supreme Court lawyers. They must be given clear-cut guidance on how to proceed.

Fourth. In large urban areas, magistrate courts should operate during evening hours to review quickly the validity of arrest, the conditions of bail and the date of trial.

Fifth. While police directives must always be reasonable and right, public support must be directed as much to the problems of the police officer as it is to the problems of the citizen. The lawfulness of a police order or directive must be questioned in the courtroom and not on the street. The citizen has court remedies for unreasonable or illegal orders. He has civil redress for wrongful arrest and improper detention.

Sixth. Disobedience to a lawful police order or resisting arrest must be seriously and expeditiously punished. This is the key to effective police action wherein the officer must do his job: arresting for an unlawful act or preventing an unlawful act while using only as much force or restraint as is necessary—and no more. However, every citizen must be expected to respond to an order, directive or arrest.

Freedom and liberty are guaranteed by the Constitution, but they are protected by the law and our law officers. Where man is law unto himself and where he alone determines the range and extent of his own freedom and liberty, he is certain to destroy the freedom and rights of his fellow men. Law is what the people have decreed for themselves and for each other. Order is their response. The police and the courts are the machinery of justice. They must be respected. They must be sustained and citizens and governments at all levels must help toward this goal.

THE PROBLEM OF LAW AND ORDER

Last year I testified before the House of Representatives Judiciary Committee in favor of ways to strengthen the Omnibus Crime Control bill. At that time I said:

> In city after city across the country, dusk brings a curfew to honest citizens who are afraid to venture out at night, who are afraid to ride the buses, and who are afraid of every stranger on the street and every knock on the door.

Unfortunately, that situation has not changed.

The crime situation in the Nation is bad and calls for action by all concerned citizens. As our April-September county grand jury reported several days ago:

> We are alarmed at the amount of crime and lawlessness. The utter disregard for life and property appalls us. Life has become very cheap and the number of homicides by guns is frightening. Something must be done.

Two weeks ago, the Federal Bureau of Investigation released its latest uniform crime reports. The reports showed that between 1966 and 1967 the national murder rate had increased 11 percent. Guns were used in 17 percent more killings. The rate of serious crimes increased 15 percent per 100,000 of population. The increase of crime affected both the central cities and suburbs. The job of law-enforcement officers became more difficult—and dangerous. Seventy-six officers were killed by criminals in 1967 as compared to 57 in 1966. The weight of drugs which were seized while being smuggled into the United States in 1967 was 2.5 times that seized in 1966.

In a recent year, 59 percent of those involved in serious crimes were caught. Only 22 percent of those involved in property crimes were caught. The old adage that crime does not pay has been thrown in doubt.

In passing, I would like to point out that we in Ohio have been faced with increases in the crime rate that far exceed the national average.

The Library of Congress has figured the percent change for various categories of crime between 1960 and 1967 in the Nation and in Ohio. I would like to include that table at this point:

Crime	Rate per 100,000 inhabitants	
	United States[1]	Ohio
Total crime index	71	95
Murder and negligent manslaughter	22	57
Forcible rape	45	71
Robbery	70	128
Aggravated assault	51	117
Burglary	62	73
Larceny $50 and over	87	98
Auto theft	82	135

[1] "Crime in the United States," FBI Uniform Crime Reports.

Notice that the murder and negligent manslaughter percentage of increase per 100,000 in Ohio has been nearly three times that for the Nation. Ohio's increase in aggravated assault has been more than double the Nation's.

In many areas of the Nation, we are woefully unprepared to meet any increase in crime. There are 17 States which have not established any crime laboratories. Three-quarters of our cities with 100,000 or more of population have no crime laboratories.

We bemoan the fact of crime, but in 1965 the per capita expenditure for all law-enforcement agencies was a mere $14.20. We spent nearly $4 billion on law enforcement last year—yet Americans spent about $4.2 billion on foreign travel that year and more than $4.8 billion on cosmetics. One wonders how serious we are about crime control.

WHAT THE FEDERAL GOVERNMENT'S ROLE IN LAW ENFORCEMENT SHOULD BE

As the issue of law enforcement has become increasingly discussed, the question has been raised as to what role the Federal Government should play.

The Constitution says nothing about the National Government becoming involved with local criminal problems. There was never any intention that the arm of the Federal Government should be extended to the patrolling of our Nation's streets and alleys.

The last amendment in the Bill of Rights, the 10th amendment, clearly states:

> The powers not delegated to the United States by The Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This means that law enforcement is a local matter. A Harris poll released on September 9, 1968, indicates that the American people believe, by 78 to 13 percent, that "keeping law and order is much more a local than a Federal Government problem."

As a local judge, in the real "hot seat" of the whole issue of crime control and law enforcement, I found out very quickly that nothing can replace firm, swift, and just application of the law. Law enforcement directed from Washington could never do that.

The role of the Federal Government in direct law enforcement must be limited to crimes against the Nation, such as counterfeiting, and interstate crimes, such as organized crime.

For the Federal Government to do more than this is dangerous. History has shown that nations should beware of strong national police forces. One of the pillars of our liberty is local law enforcement locally controlled and directed.

What role, then, should the Federal Government play?

At the least, the Federal Government should lead in financing a science and technology research and development program available to local law enforcement agencies. This program will give the patrolman on the beat the tools to prevent and control crime in his neighborhood.

The Federal Government can and does assist with the training of local police.

The Federal Government can assist local police financially, with no strings attached, to better equip and man their forces. Congress can pass special legislation protecting police officers and their families.

The Federal Government can continue to increase its struggle against national and interstate crimes, particularly organized crime.

RECENT FEDERAL LAW ENFORCEMENT ACTION

In this connection, Congress has been deeply concerned about the present level of crime and violence in America. There have been a number of measures to streamline the Federal courts and to provide more judges so as to remove the backlog of cases. There have been experiments with corrections systems in order to reduce the number of "repeaters" who go through our court systems.

Several juvenile delinquency acts have been passed in an effort to control and eliminate this phenomenon, not only in the slums, but in our affluent neighborhoods.

A bank protection act has been passed to provide better safeguards for our Nation's financial institutions.

Congress has provided disability and death benefits to State and local law enforcement officers disabled or killed while apprehending persons violating a Federal law. Incidentally, I would like to point out that Ohio law still provides no special penalties to counteract increasing assaults on law officers. Benefits for widows of Ohio law officers killed remain at the sum of $90 per month.

Returning to Federal legislation, interstate travel for the purpose of inciting to riot has been sharply proscribed.

Most importantly, financial assistance to State and local police was first made available by the Law Enforcement Assistance Act of 1965. Under this act, the Federal Bureau of Investigation opened the National Crime Information Center, a computerized data center which presently assists 42 States. The Ohio Highway Patrol is already tied into this system. All the people of the Cleveland area will benefit when our greater metropolitan area forces join this computer linkage in the next 60 days. All this assistance was vastly expanded by the Omnibus Crime Control and Safe Streets Act which became law this June.

WHAT THE FEDERAL GOVERNMENT NEEDS TO DO

The Federal Government can do its part by funding the programs which have just been passed. The Juvenile

Delinquency Act still needs to be funded by this Congress. The Omnibus Crime Control Act will, I expect, require a great deal more funding than it has received. The Federal Government must be willing to support nearly full funding of innovative ideas in crime control, perhaps for years.

Colleges and schools of criminology must be supported. Students of law enforcement can be assisted with Federal financial aids.

Just as the Federal Government has been implementing the recommendations of the National Commission on Crime, it should be prepared to move on the recommendations of the National Commission on the Causes and Prevention of Violence.

There is totally too much irrational violence in our society. This is violence that no law-enforcement agency can prevent or prepare for. It is an irrationality in our minds. It is a sickness in our Nation. The atmosphere that causes youth who have nearly everything they desire to destroy for the sake of "kicks" must be dispelled.

I personally suspect that the Commission will find that some of the burden of blame lies with our Nation's communications media. Guidelines must be adopted to reduce the popularity and acceptance of violence.

GUN CONTROL

From all indications, this Congress will adopt legislation regulating the interstate shipment of both handguns and long arms. There is no possibility that this Congress will legislate a strong gun control law involving the licensing of gun owners and registration of firearms. This kind of legislation must be substantially enacted at the State and local level before Congress will act in this critical area. Federal legislation of this type cannot be enacted by Congress until there is an appreciable base of State and local support.

On June 24, 1968, I introduced legislation in the House of Representatives designed to provide for the registration of firearms and the licensing of those who possess them.

The need for some form of tough gun control legislation is indisputable. The Federal Bureau of Investigation released new figures in their uniform crime reports series which showed that armed robbery in the Nation rose 26 percent between the first 3 months of 1967 and the first 3 months of this year. Aggravated assault with firearms increased 23 percent. The increase of serious crimes committed with firearms was larger than the increase in serious crimes.

Each year in America, firearms are used in more than 6,500 murders, in more than 10,000 suicides, and in 2,600 accidental deaths. Since the turn of the century some 750,000 Americans have died at home from firearms—more than have been killed in all the wars we have fought. In addition, each year they are used in 44,000 serious assaults, 50,000 robberies, and result in 100,000 nonfatal injuries.

It is interesting to note that in Cleveland, Ohio, the percentage of homicides involving firearms was 53 percent in 1951; in 1966 that percentage increased to 67 percent. Since June 1875, 79 Cleveland police officers have died in the line of duty—53 from homicidal violence, of which no less than 50 were shot to death. Lax gun control is a factor in this slaughter. The Director of the Federal Bureau of Investigation has said:

> The easy accessibility of firearms is a significant factor in murders committed in the United States today.

Countries with stronger gun controls have a much lower level of violence. In a recent year firearms were used in 30 murders in England, 99 in Canada, 68 in West Germany, and 37 in Japan. Control over guns lowers the whole level of violence. The homicide rate in England is one-eighth the level in the United States. Similarly, the State of New York has had dramatic success with gun control. Her Sullivan law is the most stringent gun control law in the Nation and as a result her homicide rate is very low in the Nation.

State laws are inadequate. Eight States have no laws against felons buying guns. Lunatics can legally own guns in 35 States. Many State laws are totally outdated. Texas, for example, forbids the carrying of guns in saddlebags—except, of course, when one is traveling.

The legislation which I have introduced will not take away any guns from law-abiding citizens. It will help protect every law-abiding citizen from the immature, the criminal, and the insane elements of our society who may misuse a gun.

Licensing will assist in denying guns to known criminals, addicts, and mental defectives.

Opponents of gun control argue that it would not prevent criminals from obtaining guns.

I say this. It will not prevent or interfere with ordinary citizens from obtaining and using guns for legal purposes. Figures of the finest law enforcement agency in the world, our Federal Bureau of Investigation, prove beyond any doubt that States with strong gun laws have one-third the murders—by all causes—as States with no or weak gun laws. The gun murders per 100,000 in strong gun control States is one-sixth the rate in weak gun law States. I would like to include the following table in the transcript. It answers those who question the effectiveness of gun control.

STRONG LAWS

State	Murders per 100,000	Gun murders per 100,000	Percent of murders by gun
Pennsylvania	3.2	1.4	43
New Jersey	3.5	1.4	39
New York	4.8	1.5	32
Massachusetts	2.4	.8	35
Rhode Island	1.4	.3	24
Average	3.1	1.1	35
NONE OR WEAK LAWS			
Mississippi	9.7	6.9	71
Arizona	6.1	4.0	66
Nevada	10.6	7.1	67
Texas	9.1	6.3	69
Louisiana	9.9	6.1	62
Florida	9.2	6.2	66
Average	9.1	6.1	67

As a judge in the Cleveland area for over 7 years, I had firsthand experience with the gun problem. On many occasions, a gun abandoned at the scene of a crime was returned to its owner as lawful property. Registration and licensing would not abolish gun violence but it would establish responsibility. An unregistered weapon could be destroyed. Every unregistered gun destroyed would reduce the incidence of improper use.

In 1960, I urged the Cuyahoga County grand jury to recommend State laws on gun registration. A national gun registration law is also necessary to operate in States that fail to legislate in this area.

The constitutional and basic rights of an American citizen are not transgressed by laws which direct gun registration and licensing. The legitimate user of a gun will not be restrained. The criminal and improper use of guns should be reduced for the benefit of most Americans who must rely solely upon the policeman for their protection at home and on the street. The policeman's work will be less hazardous and more effective. With this gun responsibility law the sanctity of our homes and the security of our streets should become a reality.

IN SUPPORT OF THE LEGISLATIVE REORGANIZATION ACT

The SPEAKER pro tempore. Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, at this moment the Legislative Reorganization Act, S. 355, is quietly being strangled to death by inaction in the Committee on Rules. I rise today to plead for its life.

As a legislator with almost 10 years experience in this House, I suppose I should be inured to the demise of yet another forward-looking piece of legislation. But here we have a measure upon which so much time, effort, and thought has been lavished, a measure that has already run half the gamut of the legislative process, and a measure of such obvious overall merit that I cannot in good conscience remain silent before this wanton act of legislative murder.

The proposed Reorganization Act is not, after all, a fly-by-night, hastily prepared measure. On the contrary, few measures that come before us can boast of so comprehensive a prehistory of study and investigation. S. 355 evolved out of an intensive 2-year examination of the Congress, its problems and its needs, by the Joint Committee on the Organization of the Congress. Our desperate need for such an investigation was so clear that not a single dissenting vote was cast in either House when we agreed to the establishment of the joint committee early in 1965.

In accordance with its mandate, the joint committee took voluminous testimony on every aspect of congressional affairs. It heard nearly 200 witnesses, 77 of them Members of Congress. It examined hundreds of documents. Its staff prepared numerous special studies.

Out of this comprehensive investigation the joint committee distilled almost 120 recommendations for the reorganization and reform of our National Legislature. Those recommendations were subsequently embodied in a bill upon which further hearings were held by a special Senate committee late in 1966. To meet some objections raised at those hearings, the bill was modified and reintroduced early in 1967 when the Senate devoted 18 days of debate to it. Every provision, almost every line, was examined and discussed in that debate and no less than 40 amendments were adopted. Having subjected S. 355 to this most extraordinarily thorough scrutiny, the other body proceeded to pass it on March 7, 1967, by an overwhelming 75-to-9 rollcall vote.

Two days later the bill was referred in this House to the Committee on Rules, and there it has sat for almost 2 years, entombed. Last April the Rules Committee devoted less than a single morning to hearing one witness testify on the measure. And that is the extent of the official consideration it has received to date.

Mr. Speaker, it is painful enough to see any good measure lost. To see it lost not on its merits but because the vagaries of the legislation process delivered it into the unfriendly hands of the Committee on Rules is unconscionable.

We know that some Members find some provisions of the Reorganization Act distasteful. This is hardly surprising. It is, after all, an omnibus bill, dealing with a wide variety of subjects, and bills of that kind are seldom perfect. Certainly, I, personally, would like to see some changes in the measure as it now stands. But surely all of us realize that no proposition of this breadth and scope can completely satisfy everyone. Overall, it is a good, progressive, useful bill that will bring about some significant improvements in the ordering of our affairs as a representative body.

Is there any doubt that this House would give the Reorganization Act its overwhelming approval if it had the opportunity to do so? I think there is no doubt whatever. The crying need for reform and reorganization in Congress, for improving its effectiveness and efficiency, for streamlining its organization, and for democratizing its procedures is too blatantly evident for any other outcome.

S. 355 would strengthen majority rule in committee procedures. It would bring about some badly needed realinements in committee jurisdiction. It would bolster the power of the Congress to control its committees. It would improve our oversight procedures. It would regularize the rights of the minority. It would bring about five major reforms to the area of fiscal controls. It would expand and improve congressional sources of information and research. It would increase and help improve the quality of committee staffs. It would provide solutions to a number of housekeeping problems. Finally, it would bring about some obviously needed revisions of the Lobbying Act.

Mr. Speaker, we owe it not only to ourserves but to the American people to make this great legislative body as perfect an instrument for the expression of the public will as is humanly possible. The proposed Reorganization Act would permit us to take a few modest but significant steps in that direction.

I therefore join wholeheartedly with the gentleman from Illinois [Mr. RUMSFELD] and with all other Members who have protested against the refusal of the Committee on Rules to permit this House to work its will upon the Legislative Reorganization Act.

LOOPHOLES IN THE TAX LAWS

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, the citizens of central New York are reeling once again at proposals coming from the Governor and from county and city governments indicating that taxes are going to be substantially increased again. The Governor is talking about a 20-percent increase in the State income tax. Local governments are preparing to push the sales tax and property taxes to unprecedented levels.

Here in Washington, over the years, we have heard many eloquent pleas in behalf of a program that would open up the Federal Treasury in the form of block grants and tax sharing to the States and to local governments. On many occasions in the past, I have stated my support for the principle of tax sharing, seeing it as a much more efficient tool of Federal aid than the current grant and contract procedure. For one reason, we recognize the ability of local government to solve its own problems; even while we are sympathetic toward the plight of local government in trying to raise the revenue its needs demand. Schools must be built and staffed, roads must be maintained, parks and recreational facilities must be expanded, salary increases must be paid, water pollution must be controlled, and the legitimate needs of the underprivileged must be met.

We have here, Mr. Speaker, an historic point in the development of our Nation. We believe in the effectiveness of local government, and we sympathize with its inability to meet its problems by itself. How can we help, and at the same time preserve the freedom of action and the spirit of innovation which has always marked local government's approach to its problems?

A complete reform of the Federal tax structure will produce additional revenue without adding one cent to the Federal tax bill of the hardpressed citizens of moderate income. So much of the income of the very wealthy individuals and corporations goes untaxed because of loopholes and special privileges, and this sorry fact must be changed.

For years, courageous Members of the House and Senate have urged that tax loopholes be closed, and special privileges be abolished, in the interest of guaranteeing to the long-suffering taxpayer of moderate income that his taxation is at least equitably shared with his fellow Americans.

Today, of course, we know that this is not the case, and it has not been the case for many years. If we are to make any meaningful contribution to easing the tax burdens which are so inequitable on the State and local level, we must make the Federal system as fair as possible. In making the system fairly applicable to all, we will be increasing revenue without adding to the tax burden of families of moderate income. It would be this additional revenue that the Congress could devote to block grants to local governments enabling them to hold the line on the ever-spiralling property taxes.

Consider for a moment some of the most glaring loopholes in the tax structure. The largest loophole involves untaxed capital gains.

Capital gains income on appreciated property when it is passed from generation to generation legally escapes all taxation. If a taxpayer sells for $15,000 stock which he bought for $5,000, he would pay a tax of $2,500. If he dies owning the stock, his heirs will pay no tax on it. The Treasury estimates that $2.5 billion passes through this loophole every year.

Then, there is the unlimited charitable deduction. The ordinary taxpayer may not deduct more than 30 percent of his income for his contributions to charity, no matter how much he gives. However, an extremely wealthy man is permitted an unlimited deduction of gifts to charity if in 8 or 10 previous years a total of 90 percent of his taxable income has been given to charity or paid in taxes. In all cases, the beneficiary of this provision has an actual income which is much higher than his taxable income. The Treasury Department estimates that $50 million in revenue is lost here.

Another loophole involves stock options. If a corporation rewards an executive with a bonus or a raise, he must pay income tax on these at ordinary rates. If, however, the corporation rewards him by giving him an option to purchase its stock, the profit he receives upon selling the stock is taxed as a capital gain, at a maximum tax rate of 25 percent. Nearly $100 million in revenue could be gained by closing out this loophole.

Another privilege involves an exemption of $100 of dividends earned from stocks. In other words, taxpayers who invested in stocks paid no tax on the first $100 of dividends which they earned, while their neighbors who invested in a savings and loan or in Government bonds paid income tax on all the interest they earned. $200 million in Federal revenue slips away because of this device.

Another popular way to avoid high tax rates is to divide the income from one source among a number of largely fictional taxpayers. Since the first $25,000 of corporate income is taxed at a 22-percent rate and the remainder at 48 percent, it is a decided advantage, for example, to have four corporations reporting income of $25,000 each rather than one corporation reporting $100,000. Ignoring the multiple corporate parts of a single business enterprise would save the Treasury Department $150 million every year.

The most famous of all the loopholes involves depletion allowances for oil and gas. This means that the oil millionaire pays no income taxes on the first 27½ percent of the gross income from his oil wells—so long as it does not exceed 50 percent of his net income. In 1964, a year when corporate tax rates were 48 percent, Standard Oil of New Jersey paid 1.7 percent of its income in Federal income taxes, Texaco paid .8 percent, and Gulf paid 8.6 percent.

It has been estimated that a comprehensive reform of the tax laws could produce as much as $13 billion in additional revenue without raising the tax rates for moderate-income citizens. A modest reform program could produce about half that amount.

The single greatest barricade to tax reform, in my judgment, is the organized and extremly wealthy opposition to a reduction in the oil depletion allowance. This allowance is indefensible at a time when the people are being taxed at an incredible pace. A breakthrough in behalf of the majority of our citizens against the oil depletion allowance would surely rally forces against all the special interests and open the door to reforms up and down the line.

I would be remiss, Mr. Speaker, if I did not in passing, refer to the remark of former Vice President Nixon made in Texas earlier this month. Mr. Nixon said that he was opposed to reducing the oil depletion allowance. I call this statement to mind because the big oil companies do not pay their fair share of Federal taxes. The citizens of central New York are being asked for more taxes by the State of New York and by the local governments, and I think that those Americans who are overburdened and weighted down with State and local taxes, and the promise of more to come, ought to forget about help from the Federal Government, if Mr. Nixon's thinking in this matter prevails. Only tax reform can add the revenue we need, and Nixon just nixed tax reform.

CALIFORNIA PIONEERS IN JOB TRAINING

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TALCOTT. Mr. Speaker, with characteristic ingenuity, California legislative leaders, in cooperation with Governor Reagan, have acted to meet the problem of training unskilled and underskilled persons who have been shunted out of the mainstream of American productivity into a muddied backwater of poverty and despair. California has not been alone in recognizing the need to provide vocational training for persons who have either failed to learn an income-producing skill or who have lost a good job through technological improvement or automation. The Federal Government recognized the need for such training and adopted the Manpower Development and Training Act several years ago. However, the problem which faced California, and undoubtedly faces other progressive States, is a proliferation and compartmentalization of federally assisted State programs providing educational assistance, rehabilitation aid, and welfare grants. In such a maze, only the most persistent unemployed person has the patience and determination to avail himself of the necessary counseling and training which is available.

Despite the fact that California has lured skilled persons from across the Nation and around the world to work in highly technical positions in the aerospace field and other demanding industries, we have a relatively high percentage of unemployed persons with no or low skills. To provide these persons with new hope and skills, the California Legislature, under bipartisan leadership, has enacted several bills to revolutionize job training opportunities in the State.

PACEMAKING CALIFORNIA ENACTMENTS

The six laws, would, in summary:

First, consolidate job training and placement funding and programs into one State department to improve effectiveness and eliminate inefficiency and duplication.

Second, encourage loans and management assistance to develop job producing industry and small business in economically disadvantaged areas.

Third, encourage banks to make loans in high risk areas through a system of incentives.

Fourth, stimulate businesses to hire the chronically unemployed through use of tax incentives.

Fifth, assure that all apprenticeship training programs will be conducted without discrimination by providing for objective criteria in selection of apprentices and deregistration of discriminatory programs.

Sixth, provide technical assistance and training to minority small businessmen in economically disadvantaged areas to increase the probability of long term success.

Because the program which will be established under the authority of these laws is so unique and pregnant with ideas for other States to follow, it is worth our while to consider each of these new laws in greater detail.

Assembly Bill 109, introduced by William Campbell, establishes the California Job Development Corporation. The corporation is a vehicle to introduce private capital in urban poverty areas, and thereby create new job and small business opportunities for disadvantaged residents of these areas.

The law would establish a statewide CAL-JOB Advisory Board empowered to set criteria for loans, mobilize public and private resources, and approve formation of regional non-profit CAL-JOB Corporations in designated urban "target" areas.

Members of a regional corporation could include any California business or institution which participates financially in the CAL-JOB program. Each corporation would be authorized to set up a fund to guarantee high risk loans. It would also provide some protection for its members because all CAL-JOB loans would go to borrowers who cannot qualify for conventional financing.

Recipients of CAL-JOB loans would assume certain obligations: Large employer-borrowers would be required to hire residents from the target area in filling additional jobs; small business borrowers would be committed to a minimum 2-year "consulting relationship" with the corporation.

One million dollars would be appropriated to provide long-term loans for CAL-JOB corporation start-up costs, and "seed money" for CAL-JOB loan guarantee funds.

Assembly Bill 1777, introduced by the minority floor leader, Robert T. Monagan, establishes the Pooled Money Investment Fund. This law will provide an incentive for banks to make high risk loans in urban poverty areas as members of a California Job Development Corporation.

It will permit the Pooled Money Investment Board, consisting of the State controller, treasurer, and finance director, to increase the amount of State surplus money available for time deposits and place this money in banks which are members of CAL-JOB corporations and have made loans to such a corporation or to corporation-approved borrowers.

It is anticipated that utilization of reserve funds to provide incentives would also bolster the entire economy, as any new money made available to banks would be used and reused, having a "multiplier effect" of roughly two and one-half times the amount deposited.

Assembly Bill 1966, introduced by John G. Veneman, would provide a tax incentive for job training. This law will provide a tax incentive for employers to hire long-term unemployed persons, unemployed or underemployed recipients of public assistance. This 2-year pilot program is limited to 2,500 certified trainees per year.

The law will permit an employer to deduct from his gross income an amount equal to 50 percent of the training costs and wages paid an approved trainee, providing the term of employment is at least 6 months.

Assembly Bill 1463, introduced by speaker of the assembly, Jesse T. Unruh, creates a new Department of Human Resources Development and is the core of this group of laws.

This law fixes responsibility for the delivery of services to the chronically unemployed by establishing a single agency to provide a full-range of needed services to the hard-core unemployed on an individualized basis.

A number of existing State agencies dealing with employment and poverty problems are to be consolidated into the new agency. These include the multiservice center program, the State antipoverty office, the division of apprenticeship standards and the manpower development and training branch of the department of employment. The several scattered funds supporting these programs are consolidated within one manpower development fund, to be administered by the new agency.

The law creates a new kind of civil servant—a "job agent"—who is held responsible for getting the necessary services to each client and following through until his client is on a job. The job agent will develop a plan for each client and a timetable for providing those services.

Assembly Bill 1464, introduced by Leon D. Ralph, seeks the elimination of discrimination in apprenticeship programs.

This law requires the joint apprenticeship committee to submit to the apprenticeship council, in writing, all factors determining selection of applicants for the programs, and the relative weights to be given to each of these factors. Reasons for rejection of any applicant must be submitted in writing to the rejected applicants. Investigatory authority to look into complaints of discrimination in selection remains with the division of apprenticeship standards, but if the complainant is not satisfied with the results of the division's action, he may seek redress through the fair employment practices commission (FEPC).

Assembly Bill 1046, another bill introduced by Speaker Unruh, establishes the small business assistance program.

The law creates a 2-year pilot program in which the State will contract with private nonprofit associations to provide technical business assistance to small businessmen who live in and desire to locate their enterprises in specified disadvantaged urban areas. Such small businessmen will be required to employ, to the extent possible, individuals who have previously been public assistance recipients.

The measure provides that the dollar limitation on such technical and advisory help be not more than 15 percent of the face amount of the loan which the businessman receives from a private lender. A small businessman is defined by the law as one whose business grosses not more than $250,000 annually and who employs not more than 15 persons.

Obviously, Mr. Speaker, this group of laws will, in the first instance, assist big city people. I recognize the urgency of the big city problems. Later, however, I am hopeful that the objective of this group of laws will find a logical extension to small towns and rural areas where the need is also great.

FEDERAL INCENTIVE PARTNERSHIP

For maximum effectiveness, this creative approach to unemployment requires Federal participation. Yesterday I cosponsored an amendment to the Manpower Development and Training Act with several colleagues and I am introducing two tax measures to enhance the prospects of this new program. The MDTA amendment will provide Federal matching funds to States for supplementing, coordinating, and improving the effectiveness of manpower programs leading to productive employment of the hard-core unemployed. Such Federal funds would become available only after the State proves that their use would facilitate or improve current programs. Matching would be on the basis of 3 to 1, Federal to State, with authorization of $50 million in Federal funds annually.

The first tax bill I am introducing would grant Federal tax-exempt status to corporations, such as will be established under the provisions of A.B. 109. These corporations must be nonprofit organizations for the exclusive purpose of making loans and providing management assistance to businesses otherwise unable to obtain capital from conventional sources, to foster entrepreneurship and employment of persons residing in disadvantaged areas. This is a logical extension of section 501(c) (3) under which charitable and educational nonprofit institutions are given tax exempt status. The corporation to be set up under California law will certainly be charitable in that it will be giving thousands of persons the means for making a living. Much of the corporation's function or support will also be for educational purposes in providing training. The corporation will not be a profitmaking concern, but an extension of a governmental function and should be granted this tax exemption.

The second tax bill I am introducing would amend section 103(a) of the Internal Revenue Code to include the income from loans made to the nonprofit corporations for the purpose of raising corporate revenue in that class of income which is excluded in the computation of gross income. Other forms of income, granted this exclusion include interest on the obligations of a State or a political subdivision, the obligations of the United States and the obligations of U.S. Government corporations when specified in the authorizing legislation. If the State corporations are to be given the greatest impetus in their goal of training the largest number of persons, this tax treatment should be given the interest on the corporate obligations.

Mr. Speaker, I commend the State of California for its imaginative approach to this great social need and I urge my colleagues to support passage of the bills I have introduced so that their own States may emulate California's leadership and we may jointly improve the lives of thousands of unskilled persons in America.

REFORM, DON'T KILL CONVENTIONS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, a most thoughtful and constructive editorial on reform of our national political conventions appeared in the New Haven Register on September 17, 1968.

The essence of the editorial message was that we should reform our conventions rather than abolish them. I agree with this analysis because I feel that our conventions have been responsive to popular demand and would serve the Nation better than a direct presidential primary.

For the information of my colleagues and of the public I am happy to include herewith the editorial, "Reform, Don't Kill Conventions":

REFORM, DON'T KILL, CONVENTIONS

The conduct of the Republican and Democratic national conventions this year, for all their disparity in quality of activity, has brought renewed demands for a reform of the presidential nominating process. Movements are being pressed to supplant what is being summarily and disdainfully brushed aside as an archaic piece of political machinery for a nationwide direct primary.

It will be agreed generally that the trappings and folderal of the standard convention program take the average onlooker beyond the limits of forbearance. Ever since television first started bringing play-by-play accounts into the nation's living rooms back in 1952, it has been increasingly obvious to most any viewer what the faults were and what corrective steps could be taken. Most would have thought that the urgency of change had reached its peak during the 1964 doings. It was after the conventions of that year that former President Eisenhower issued his strong rebuke of the "picture of confusion, noise, impossible deportment and indifference to what was being discussed on the platform" that the conventions conveyed.

If the current sessions contributed anything to the reform movement, most likely it is the realization that such a quest should also include television coverage of the events. For TV has almost instinctively moved into the convention picture more as a participant news-maker than as reporter and observer.

The recommendations for improving both the convention programs and practices, as well as TV coverage, have been many and should be well-known. (Among them, banning or limiting demonstrations, elimination of fractional-voting delegates, barring reporters from the floor, etc.) What is needed is a drastic confrontation with each other between the convention planners and the mass media, based on a realization they have been linked in an unhappy marriage, one in which one partner has been as responsible as the other in making each look bad.

Nonetheless a call for an end to the convention process is like throwing the baby out with the bath water. Many are convinced that much of the agitation is coming from those whose candidate failed of nomination, and who therefore would seek an end to the convention process itself, rather than improvement of its practices.

The convention process seems a necessary piece of machinery if a political party is to function as an organization of any major worth.

INTERNATIONAL DECADE OF OCEAN EXPLORATION

Mrs. MINK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, President Johnson suggested in March 1968, that the United States cooperate with the Soviet Union in the exploration of the ocean resources. He proposed an International Decade of Ocean Exploration beginning in 1970 with equal financial contributions by each Government. The basic idea at the heart of this proposal is to avoid the antagonisms and rivalries in ocean research which have plagued the space race and heightened tensions and conflicts.

On May 10, 1968, I inserted in the Congressional Record an editorial by the Honolulu Star-Bulletin suggesting that Hawaii would be the ideal headquarters for this international program. It pointed out that not only is Hawaii intensely involved in oceanographic research, but Hawaii would offer the kind of atmosphere conducive to international cooperation.

In line with this effort to establish Hawaii as the site for IDOE, I submit another editorial by the Honolulu Star-Bulletin of September 2, 1968, in which it is suggested that IDOE be established as a memorial to Capt. James Cook, the distinguished explorer who discovered Hawaii in 1778.

I insert this September 2 editorial for the earnest consideration of this House:

To Honor Cook

The Czechoslovakia crisis has saddened millions, not only because of their deep sympathy for the Czechs, but also because the outrageous Russian action apparently marks a sudden slowing down of what appeared to be a genuine trend toward peace and co-operation in many areas between the United States and the Soviet Union.

A problem now arises, as it has in the past:

To what degree do we continue to cooperate with Russia in trade, commerce, cultural exchange and scientific collaboration?

There is an ancient principle which needs repeating often these days:

Overcome evil by doing good.

We must live with the Russians. We detest their crude methods in Czechoslovakia. Undoubtedly they detest and probably fear our methods in Vietnam. Both Russians and Americans defend their positions as necessary.

In such a situation, do we halt peaceful cooperation with the Russians in all fields? The answer should be an emphatic No!

We should continue to collaborate with the Russians in all that is not evil. (We realize, too, that the very word "collaborator" has an ugly connotation from World War II days when "collaborators" were traitors).

Collaboration with the Russians is very necessary now in this edgy, nervous, trigger-happy world.

We should collaborate—co-operate—with them in science, particularly. Men and women of science, if they be good men and women, can do much to promote a reign of reason and calm and intelligent progress for the good of mankind.

In particular, even while Europe seethes and Southeast Asia boils, this newspaper advocates that our country collaborate with the Russians in the field of Pacific oceanography.

President Johnson proposed last March an "International Decade of Ocean Exploration" in the 1970s. Dr. Edward Wenk, executive secretary of the National Council on Marine Resources and Engineering Development, recently returned from a Moscow visit (before the Czech crisis) and reported the Russians were "in substantive agreement on all major points" of the IDOE proposal. Russian participation is considered critical for the project, since the Soviets would be counted on to bear about one-third of the projected $8 billion cost of IDOE.

Dr. Wenk may visit Hawaii next February, we hear, and he regards Hawaii as a State which obviously has a major role to play in U.S. oceanographic exploration.

The Star-Bulletin proposed some time ago—and Gov. John A. Burns praised the idea—that the International Decade of Ocean Exploration be a memorial to British Capt. James Cook.

Capt. Cook discovered Hawaii in 1778, and died in Hawaii in 1779. The discovery's 200th anniversary will fall during the International Decade of Ocean Exploration. Russia also should have a special interest in Cook's voyages. There are many pages in the Journal of Capt. Cook's Third Voyage which give wonderful details of this great explorer's journey along Russia's North Pacific and Bering Sea coasts, shortly after he had discovered Hawaii.

Cook met Russian military men, seafaring men and fur traders, shared with them the hardships of this vast, cold region, and exchanged valuable information with them on geography, oceanography and other scientific subjects.

There is a certain sadness in the story of how Capt. Cook sailed to his death in returning to Kealakekua, Hawaii. He had decided against following a suggestion in his orders from the British Admiralty to spend the winter of 1778–1779 in the pioneer Russian North Pacific port of Petropavlowska—now called Petropavlovsk—on the Kamchatka Peninsula. He felt the warmth and food and rest in the Sandwich Islands were necessary for the refreshment of his weary crew.

Today, Russians, Americans, the British, Australians, New Zealanders, the French in Tahiti, Canadians—many nations and peoples—owe a profound debt of gratitude to Capt. Cook for his extraordinary journeys and discoveries in Pacific regions.

All these nations could best honor him by joining together peacefully in a "Capt. Cook International Decade of Ocean Exploration."

An orderly scientific study of the world's oceans and their potentials for food, minerals and other treasures would do more to bring about world peace than all the handwringing, sighing, tears and angry expressions of frustration over Czechoslovakia and Vietnam. Cook managed to carry out his exploratory voyage peacefully while Great Britain and America fought bitterly in the Revolutionary War, with Benjamin Franklin urging that his ships not be molested by U.S. vessels.

Hawaii—where Capt. Cook met his death—is the ideal place in which to honor Cook's memory through an IDOE headquarters.

Gov. Burns already has extended such an invitation to Vice-President Hubert H. Humphrey in his capacity as national chairman of the National Council on Marine Resources and Engineering Development.

Hawaii is ideal for IDOE because it has a growing core of excellent scientific resources and agencies. It has an ideal climate, physically and socially, for multi-nation activities. It has clean, deep waters close to excellent harbor facilities.

U.S. Sens. Daniel K. Inouye and Hiram L. Fong were among a number Island leaders who agreed with us last May that the idea of an IDOE headquarters in Hawaii makes good sense. They have promised help toward this end.

Let us hope that the names Petropavlovsky and Kealakekua—so well known to ocean explorer Capt. James Cook—will become better known among today's oceanographers, and will serve as symbols and reminders that Russians and Americans can work and live together in relative peace in a very harsh world.

NATIONAL BUSINESS WOMEN'S WEEK

Mrs. MINK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, I wish to call to the attention of the House the observance of National Business Women's Week from October 20 to 26. Mrs. Hope Roberts, president of the National Federation of Business and Professional Women's Clubs, Inc., of the United States, wrote me concerning the intention of her organization to salute the achievements of all business and professional women throughout the Nation during this special week.

I know that all of my colleagues will wish to join in these efforts to call proper attention to the great work not only of the business and professional clubs throughout the Nation, but to take this opportunity to acknowledge the many and varied contributions of women in general to our society.

May I also take this occasion to call your attention to the legislative purposes of the Federation of Women's Clubs, together with their action and policy items:

Legislative Purposes

To elevate standards for the employed woman, to promote her interests, to create a spirit of cooperation, to expand opportunities through industrial, scientific and vocational activities, to secure equal consideration under the law and to establish conditions which assure both men and women the fullest opportunity and reward for the development of their capacities to the maximum potential.

To consider the place and responsibility of the employed woman as a concerned citizen in the complex democratic society of the United States, and to strengthen the role of this nation in world affairs.

ACTION ITEMS

Item 1.—Propose and support legislation to amend the Constitution of the United States to provide equality of rights under the law to men and women.

Item 2.—Propose and support: (a) legislation in the field of employment which provides uniform laws and regulations for men and women as to working hours, working conditions, rates of pay, and equal employment opportunity; and (b) uniform legislation for men and women in the areas of taxation and retirement.

Item 3.—Propose and support legislation to provide for uniform jury service and uniform qualifications in the selection of men and women to serve on grand or petit juries in any court.

Item 4.—Propose and support legislation to bring about more effective crime control and law enforcement.

POLICY ITEM

Support measures within the framework of the Constitution of the United States that promote peace and strengthen national security and make more effective the United Nations and such other international organizations of which the United States is a participant, without relinquishment of our basic freedoms.

I insert also the letter I received from Mrs. Roberts with which I join in urging this House to give due recognition to the working women of America:

The National Federation of
Business and Professional
Women's Clubs, Inc., of the
United States of America,
Washington, D.C., September 19, 1968.

Hon. Patsy Mink,
U.S. House of Representatives,
Washington, D.C.

Dear Mrs. Mink: At the Federation's recent annual convention, our 1968–69 national legislative platform was adopted. We are pleased to enclose a copy for your information. To the three 'action items' on equal rights for women in the fields of employment, taxation and retirement, and the courts, another was added. This fourth proposal calls for more effective crime control and law enforcement. It is timely and urgent and a problem on which women must take a stand.

Our membership of 180,000 women believes that it is vital that women, as concerned citizens, take an interest in legislative matters affecting their homes and communities. We hope that you, as a legislative leader, will support our aims.

October 20–26 marks the observance of National Business Women's Week. During this week, the members of the National Federation salute the achievements of *all* business and professional women in their communities and in the nation. Our more than 3,800 clubs in every congressional district will spotlight woman's role in today's world by means of Congresses of Career Women Leaders. On a national level, a Congress of Career Women Leaders will be held in Washington for the presidents of all organizations which serve career women.

We invite you to join with the National Federation in the observance of National Business Women's Week. All career women will appreciate your cooperation and recognition.

Sincerely,

(Mrs.) HOPE ROBERTS,
President.

POOLING EFFORTS TO BUILD A REGIONAL AIRPORT

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, the evidence is overwhelming that when two cities fight against each other over the location of an airport, both cities lose. Minneapolis and St. Paul provide an excellent example of two cities who decided to end their intercity feud, bury their differences, and join in the construction of a superior commercial airport to serve both cities. In addition, the series of general aviation airports ringing the Twin Cities have provided models of imagination and foresight in building airports. The following article from the September 25 Wall Street Journal tells this exciting story. I hope that Charleston and Huntington may soon follow this example in West Virginia, and sink their differences in order to build the Midway Jetport to serve both areas.

MINNEAPOLIS-ST. PAUL'S SIX-AIRFIELD CONCEPT KEEPS AREA FREE OF TRAFFIC TIEUP WOES

(By Dan Rottenberg)

MINNEAPOLIS.—The nation's 14th busiest airport is a surprisingly quiet place. No jets scream overhead; no crowds clog its terminal; no traffic congests its parking lots. Indeed, the biggest planes to land there are twin-propeller craft seating perhaps a half-dozen people.

The airport in question is Flying Cloud, one of five "satellite" airfields in and around Minneapolis-St. Paul designed to lure light aircraft away from the area's hub airfield, Wold-Chamberlain, a bright, modern international airport that lies just 10 miles east of Flying Cloud. The six airports will handle more than 1.5 million flight operations this year, twice the number at Chicago's O'Hara International Airport, the world's busiest.

Despite this heavy volume of traffic, flight delays at Wold-Chamberlain and the satellite airfields are almost nonexistent, except in bad weather. This is in sharp contrast to the clutter at New York, Chicago, Washington, D.C., and several other major cities, where air travelers are rapidly becoming accustomed to costly, aggravating and potentially dangerous delays of up to an hour or more as their planes wait for landing or takeoff clearance.

INTERCITY FEUD LED TO CONCEPT

The balanced policy that ensures the Twin Cities' freedom from the air traffic tieups that plague other cities was fashioned by the Metropolitan Airports Commission, established by the state legislature in 1943 to halt feuding between Minneapolis and St. Paul over Federal funds, airlines and customers. "If this had been just one city, we may never have had this law and the commission," says Henry G. Kuitu (pronounced Kwee'too), executive director of the commission.

It's a measure of the commission's success that Flying Cloud, which was little more than a cow-pasture strip at the end of World War II, now has more flight operations than Wold-Chamberlain. Flying Cloud will handle an estimated 500,000 takeoffs and landings this year; Wold-Chamberlain will handle about 300,000 such operations. Perhaps more significant, the total volume of operations at Wold-Chamberlain is actually down from about 320,000 in 1947 despite a steady and rapid rise in commercial flights.

The Federal Aviation Administration and individual airports at other cities have come up with their own solutions for air congestion, of course. The FAA proposes restricting the number of hourly flights between 6 a.m. and midnight at five of the nation's largest airports, with the commercial air carriers being assigned the lion's share. And individual airports in New York have raised their landing fees to $25 from $5 in an attempt to discourage lighter, slower planes from mixing in with the big comm- * * * hearings open today in Washington.

ADDED CAPACITY IS CALLED KEY

Both plans are bitterly opposed by private pilots, who contend that a public airport has no right to discriminate among its users. Feeling on the FAA's flight quota proposal is running so high that the FAA has added three extra dates for public hearings on the matter. The hearings open today in Washington.

Whether or not the FAA proposal is adopted, it will be only a temporary expedient, according to the man who runs the Twin Cities' airports commission. "To impose quotas or restrictions at airports is no solution to the long-range problem of congestion," says Mr. Kuitu. "The solution is to provide the capacity you need." Satellite airports such as those operated by the commission, he asserts, are "the best insurance you can buy against congestion."

The satellite system as practiced in Minneapolis St. Paul effectively separates the big planes from the little ones without imposing landing fees or flight restrictions on anyone. Commercial airliners and the biggest corporation jets use Wold-Chamberlain, but most of the corporation planes prefer to use St. Paul Downtown Airport, where they have spacious hangars and the run of what was once a commercial airport.

The rest of the area's pilots tend to gravitate toward the four other small airports that ring the Twin Cities region: Flying Cloud, Crystal, Anoka County and Lake Elmo. These cater to the smaller, lighter planes while providing basically the same services offered at Wold-Chamberlain and St. Paul Downtown Airport, the fifth satellite airport.

Anoka's runway is long enough to handle jets; the other three are limited to propeller planes so that the latter won't have to tangle with the faster breed.

FLYING CLOUD'S OPERATIONS

Operations at Flying Cloud are fairly typical of the satellite airports. Basically, Flying Cloud is a cooperative venture among the owners of the 486 planes based there, seven fixed-base operators and the FAA flight controllers who operate the tower 16 hours daily. The airports commission has provided three asphalt runways, the longest 3,600 feet, and an instrument landing system that makes the airport usable 24 hours daily. The commission has expanded Flying Cloud from its original 160 acres to 540, and provides two supervisors who inspect the runways, mow the grass, repair fences and plow snow. After that, the tenants are on their own.

Because the tenants provide most facilities themselves, they pay very little to the commission. There isn't any landing fee or gate fee at Flying Cloud; the only revenue the commission gets from incoming planes is a fuel fee of two cents a gallon. The commission also gets a small percentage of sales made by fixed-base operators, such as an air-taxi service and flight school.

Nonetheless, the satellite airports are paying their own way. Airport commission statistics show that the satellites handle 80% of all plane movements in the area, although only 6% of the commission's capital investment of $53 million is tied up in the five airfields. The commission funds are in the form of self-liquidating bonds, which are being paid off on schedule, and annual revenue from the five satellites slightly exceeds operating expenses.

The success of the airports commission is due in large part to the fact that its jurisdiction embraces suburbs as well as Minneapolis and St. Paul. In fact, it has jurisdiction over all public air facilities within 25 miles of the Minneapolis and St. Paul city halls. The mayors of each city, three residents of each city and a ninth member who by law must live elsewhere serve on the commission.

INSULATED FROM POLITICS

Mr. Kuitu believes the commission's independence from local governmental units "helps insulate airport matters from petty politics," such as that which long delayed establishment of a coordinated airports policy in the Dallas-Fort Worth area.

Not all residents of the Twin Cities are quite so sanguine, however, John Richter, spokesman for a group of Minneapolis residents who claim their homes are plagued by the noises of passing jets, suggests that the commission is too well insulated from partisan politics. "If we were in a city where the commission is directly responsble to the public," he asserts, "we wouldn't have this problem."

The commission and its concept of satellite airports aren't unique. Satellites have sprung up in such cities as Los Angeles, Chicago, Pittsburgh, and Boston. And the Port of New York Authority not only transcends city lines but has airport jurisdiction in two states, New York and New Jersey.

But most satellite airports in other cities are privately owned and have little direct connection with the so-called hub airports, and the Port of New York Authority contends that its first order of business should be the construction of a fourth jetport, rather than additional satellite airfields. The Port Authority's only existing satellite airport is Teterboro in New Jersey, about 30 minutes by car from downtown Manhattan.

The difficulty and expense of obtaining enough land for airports close enough to major cities to supplement existing hub airports is one major factor working against satellite systems. The Twin Cities satellite airports are all within a radius of about 12 miles from the downtown areas.

FAA figures point up the large part played by noncommercial planes in clogging up New York airports. At the peak hour, noncommercial planes account for 30% of the traffic at

Kennedy International Airport, 51% at LaGuardia, and 52% at Newark—and most noncommercial planes inevitably cause delays, if only because they're slower. While some airline people concede they're overscheduled at peak hours at Kennedy, they insist they have no place else to go in the New York area partly because of the large number of small planes at the city's other two airports.

Members of the Aircraft Owners and Pilots Association (AOPA), which speaks for the noncommercial planes, don't agree that they're to blame for congestion at major airports. "The airlines are unrealistic," says one New York area private pilot. "They've been overscheduling during the peak hours."

Nevertheless, noncommercial pilots like the Twin Cities' satellite system as much as the airlines do. A recent issue of the AOPA Pilot publication declared that the Twin Cities' airports commission "has come up with a healthy solution for solving major airport congestion problems in a natural way, without penalizing the little guy."

To the airports commission, "the little guy" is more than a reference to fair-play. "Individually owned aircraft serve a vital air transportation need," says Mr. Kuitu. A study completed in 1962 by an economic consulting firm indicated that general aviation in the Twin Cities area generated $233 million annually in business revenue in the Minneapolis-St. Paul area. The figure projected for 1975 was $386 million.

Mr. Kuitu gives Federal and state assistance much of the credit for development of the airports commission system, but he also believes lack of consistent long-range planning at the Federal level is partly responsible for today's congestion elsewhere. And he is equally critical of the airlines for what he believes is their failure to focus their needs into a policy to guide Federal planners.

"You can't develop a system such as ours with profit as a goal," he says. "That's the whole problem with air traffic today. Companies are only willing to finance projects which will come to seed rapidly, but the needs beyond the next decade must be planned for now."

The commission's own long-range plans call for a second major airport north of the Twin Cities, bigger than Wold-Chamberlain, to handle the increased traffic expected by its completion about 1980. Meanwhile, Wold-Chamberlain's terminal will be expanded, indoor parking facilities will be built, and a 1,200-foot tunnel will be added to expedite the movement of cargo from the field to nearby highways.

APPALACHIAN POWER CO. PLUGS FOR MIDWAY AIRPORT

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, without a doubt the Teays Valley in West Virginia is one of the most beautiful areas and has one of the greatest potentials in the Nation. It is located between the State's two largest cities, Huntington and Charleston, and is near the site of the proposed Midway Regional Jet Airport to serve central and southern West Virginia, eastern Kentucky and southeastern Ohio. The Appalachian Power Co. has already started construction there of the world's largest coal-burning electric-generating plant. The power company's September–October edition of its Development magazine describes the great potential of Teays Valley and why it is "The Land of Pleasant Living." I include the article in the RECORD.

TEAYS VALLEY: LAND FOR LIVING

"Land of pleasant living" is a hackneyed expression, but it is one that comes to mind when you visit Teays Valley in West Virginia.

Gently rolling hills, lush vegetation, good roads, and wide open spaces, plus the attraction of two major cities not far off, make Teays Valley the area in the Mountain State with one of the greatest potentials in the region.

Teays Valley runs along Interstate 64 between Milton on the west and St. Albans on the east. In a larger sense, it is along the east-west route that joins Huntington and Charleston, the two largest cities in West Virginia.

The potential of the Valley has been there for some time, and has quietly been moving nearer realization. What brought it to newspaper headlines and to the attention of people was a new power plant Appalachian Power plans at one end of the Valley.

Construction has started on the John E. Amos plant, which eventually will be the largest coal-burning electric generating plant in the United States.

During groundbreaking for this plant, people seemed to realize that things were happening in Teays Valley, and had been for some time.

One of the things happening is that people from the two big cities, and particularly from Charleston, have been moving to the Valley to build homes out of the rush of the chemical plants and state capital operations of Charleston. Thousands of new homes have been built in the past few years, small to quite large, and many subdivisions have been developed. And there is plenty of room left.

A major truck terminal has been constructed, and another is being developed. Several small businesses have opened to service new residents. Davis Wholesale chose the Valley for a new wholesale facility because it was halfway between Huntington and Charleston, and Continental Can built a new plant to service industries in both cities. PB&S Chemical Company has begun the first completely new chemical plant in the area in 25 years.

With Interstate 64 bringing more tourists through the area, Blenko Glass at Milton, already world famous, built a new visitor center and museum and attracts thousands yearly.

Recreational facilities for the people are being developed—an 18-hole championship gold course and a 9-hole course are already open.

Citizens in Charleston and Huntington, as well as in Putnam and Cabell Counties, where the Valley is located, are discussing the possibility of a jetport to replace airports at Charleston and Huntington. This would be a major facility halfway between the two cities, big enough to take the largest of planes. Arguments pro and con over abandonment of the other airports in favor of this new one have prevented actual development from starting, but the question should be resolved soon.

Why is the Valley so attractive? Most people give seven reasons why the potential of the Valley is unlimited. (1) It is a logical place for Charlestonians in particular to expand. They have practically filled Kanawha Valley, and good roads make the capital city easily accessible to Teays Valley. (2) Interstate 64 rolls right through the heart of the Valley, connecting the two big cities. (3) The rolling countryside is appropriate for residential as well as industrial development. (4) The area is not susceptible to flooding. (5) The area's location between the two major cities is ideal for service companies. (6) The area has an ideal location with respect to both the Kanawha and Ohio Valleys. (7) And, of course, the new Amos Plant means plenty of electricity for growth. As an inducement for future growth of the area, it cannot be equalled, area industry heads agree.

Several small towns are located in the Valley—towns like Milton, Hurricane, Teays, Scott Depot, Culloden, and others.

Look for another one to join the list, one that will encompass the whole region as that great potential is realized—Teays City.

TRAFFIC WITH RED RUSSIA MUST CEASE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, if Russian shipments of weapons to North Vietnam are not reason enough for this country to curtail trade with the U.S.S.R., the Soviet's treatment of Czechoslovakia and new threats to Western Europe should finally persuade the administration to reassess its policy.

The United States should immediately terminate all commerce contributing directly or indirectly to the Red military effort, the determination to be made through an item-by-item examination of all commodities moving between our shores and Russia. Whether the goods we ship actually become components of the Red arsenal or free a farmer or factory worker for military duty, our obligation to the captive nations as well as to our own servicemen demands that all such trade be halted. Failure to do so would seem particularly illogical at a time when a buildup of American forces on the Continent is under consideration.

No further trade exchange whatsoever should be tolerated, unless some of the goods moving into the United States can be established as essential to our own requirements—a remote possibility at best.

In answer to the new Russian challenge, proposals have been made to take the case to the United Nations. While I do not object to whatever peaceful means that might be utilized to stop the scourge that the Kremlin has initiated, I do not think it satisfactory to answer this intimidation with perfunctory protest. The Soviet Union must be put on notice that we vigorously resent Communist intrusion in Europe, as well as in Vietnam. This expression can take positive form in forthwith cessation of all trade that is of no strategic value to our country—a policy that should have been adopted the moment Russia began to send equipment and supplies to the enemy in North Vietnam.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Olsen (at the request of Mr. Albert), from today through October 7, on account of official business.

Mr. Flynt (at the request of Mr. Albert), for September 25 and 26, on account of official business.

Mr. Ryan (at the request of Mr. Albert), for September 23 and September 26, on account of illness.

Mr. Moss, for a period from noon October 1 to noon November 6, 1968, on account of district business.

Mr. Olsen (at the request of Mr. Johnson of California), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Vanik, for 15 minutes today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Esch) to revise and extend their remarks and include extraneous matter:)

Mr. Bray, for 30 minutes, September 30.

Mr. Bray, for 30 minutes, October 1.

Mr. Bray, for 30 minutes, October 3.

Mr. Robison, for 1 hour, October 1.

Mr. Halpern, for 1 hour, October 1.

Mr. Pirnie, for 30 minutes, October 1.

Mr. Kupferman, for 1 hour, October 3.

Mr. Schwengel, for 30 minutes, September 30, October 1, 2, 3, and 4.

Mr. Halpern, for 5 minutes, today.

Mr. Rumsfeld, on Wednesday, October 2, or Thursday, October 3, for 1 hour.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross and to include extraneous matter.

Mr. Poff to extend his remarks immediately following those of Mr. Cahill during consideration of S. 945.

(The following Members (at the request of Mr. Esch) and to include extraneous matter:)

Mr. Grover.

Mr. Esch.

Mr. Morse of Massachusetts in two instances.

Mr. Ashbrook in two instances.

Mr. Nelsen.

Mr. Wyman in two instances.

Mr. Scherle in two instances.

Mr. Michel.

Mr. Watson in two instances.

Mr. Dickinson in two instances.

Mrs. Dwyer in three instances.

Mr. Buchanan in three instances.

Mr. Reinecke.

Mr. Steiger of Wisconsin.

Mr. Burke of Florida.

Mr. Eshleman.

Mr. Halpern.

Mr. Pelly in two instances.

Mr. Derwinski in two instances.

Mr. Meskill.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. Downing) and to include extraneous matter:)

Mr. Corman in two instances.

Mr. Van Deerlin.

Mr. Podell in three instances.

Mr. Fisher in four instances.

Mr. Gonzalez in three instances.

Mr. Bingham.

Mr. Whitener in two instances.

Mr. Fulton of Tennessee in two instances.

Mr. Gettys in two instances.

Mr. Philbin in three instances.

Mr. Taylor in two instances.

Mr. Matsunaga.

Mr. Rhodes of Pennsylvania in three instances.

Mr. Fascell in three instances.

Mr. Pickle in three instances.

Mr. McFall.

Mr. Miller of California in five instances.

Mr. Hamilton in two instances.

Mrs. Griffiths.

Mr. Scheuer in two instances.

Mr. Edmondson in three instances.

Mr. Pucinski in 12 instances.

Mr. Culver.

Mr. Albert.

Mr. Dorn in four instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 15263. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes;

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes; and

H.R. 18786. An act to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes.

ADJOURNMENT

Mr. DOWNING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, September 30, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2234. A letter from the Comptroller General of the United States, transmitting a report on savings available by using space on military aircraft to transport baggage between the United States and Europe by the Department of Defense; to the Committee on Government Operations.

2235. A letter from the Chairman of the Indian Claims Commission, transmitting reports that proceedings have been concluded with respect to claims docket No. 92, *Upper Skagit Tribe of Indians, petitioner* v. *the United States of America, defendant; and* docket No. 93, *Snoqualmie Tribe of Indians, on its own behalf, and on relation of the Skykomish Tribe of Indians, petitioner* v. *the United States of America, defendant;* pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. H.R. 18101. A bill to amend the Internal Revenue Code of 1954 to correct an inequity with respect to the applicability of the rules involving recognition of gain or loss on sales or exchanges in connection with certain liquidations; with amendment (Rept. No. 1926). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees; with amendment (Rept. No. 1927). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 175. Joint resolution to suspend for the 1968 campaign the equal-time requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President; with amendment (Rept. No. 1928). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. H.R. 15151. A bill to promote the economic development of Guam; with amendment (Rept. No. 1930). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Argiculture. S. 2671. An act to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government (Rept. No. 1931). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNGATE: Committee of conference. H.R. 3865. An act for the relief of Mauritz A. Steiner (Rept. No. 1929). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS:

H.R. 20048. A bill to amend the National School Lunch Act to strengthen and expand food service programs for children, and for other purposes; to the Committee on Education and Labor.

By Mr. DULSKI:

H.R. 20049. A bill to revise the laws relating to the transportation of mail so as to provide the Postmaster General greater flexibility in the procurement of such transportation; to the Committee on Post Office and Civil Service.

By Mr. GARDNER:

H.R. 20050. A bill to amend the act of April 11, 1968, with respect to the sale or rental of single-family houses without the use of real estate brokers; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 20051. A bill to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS:

H.R. 20052. A bill to amend section 6101 of title 5, United States Code, relating to workweeks and workdays of Federal and District of Columbia employees; to the Committee on Post Office and Civil Service.

By Mr. TALCOTT:

H.R. 20053. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for interest paid by nonprofit corporations established to provide certain assistance to businesses in disadvantaged areas which are otherwise unable to obtain capital from conventional sources; to the Committee on Ways and Means.

H.R. 20054. A bill to amend the Internal Revenue Code of 1954 to provide an income tax exemption for nonprofit corporations established to provide certain assistance to businesses in disadvantaged areas which are otherwise unable to obtain capital from conventional sources; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 20055. A bill to provide that the reduction in expenditures required by section 202 of the Revenue and Expenditure Control Act of 1968 shall not apply to expenditures from the highway trust fund; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama (for himself, Mr. Jones of Alabama, Mr. Buchanan, Mr. Dickinson, Mr. Edwards of Alabama, Mr. Bevill, and Mr. Nichols):

H.R. 20056. A bill to provide that the lock and dam referred to as the Warrior lock and dam on the Black Warrior River, Ala., shall hereafter be known as the Armistead Inge Selden lock and dam; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 20057. A bill to prohibit the licensing of hydroelectric projects on the middle Snake River below Hells Canyon Dam for a period of 10 years; to the Committee on Interstate and Foreign Commerce.

By Mr. ST. ONGE:

H.R. 20058. A bill to amend the Bank Protection Act of 1968 to require that periodic reports be made to the Congress with respect to the effectiveness and improvement of such act; to the Committee on Banking and Currency.

By Mr. WILLIAMS of Pennsylvania:

H.R. 20059. A bill to insure that individuals paying wage taxes in any municipality will be accorded the right to vote in local elections held therein, regardless of their legal, or voting place of residence; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal year 1969, and for other purposes; to the Committee on Appropriations.

By Mr. BINGHAM:

H. Con. Res. 827. Concurrent resolution favoring steps toward a negotiated settlement in Vietnam; to the Committee on Foreign Affairs.

By Mr. DORN:

H. Con. Res. 828. Concurrent resolution expressing the sense of the Congress with respect to the occupation of Czechoslovakia by military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. LLOYD:

H. Con. Res. 829. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments; to the Committee on Foreign Affairs.

By Mr. MOORHEAD (for himself, Mr. Edwards of California, Mr. Farbstein, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Rees, Mr. Rosenthal, Mr. Roybal, and Mr. Ryan):

H. Con. Res. 830. Concurrent resolution expressing the sense of the Congress that the United States should begin to liquidate its military involvement in Vietnam; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 831. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H. Con. Res. 832. Concurrent resolution expressing the sense of Congress that the United States should begin to liquidate its military involvement in Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEILL of Massachusetts:

H. Con. Res. 833. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. Adams, Mr. Anderson of Illinois, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Carter, Mr. Del Clawson, Mr. Cleveland, Mr. Conyers, Mr. Daniels, Mr. Derwinski, Mr. Eckhardt, Mr. Edwards of California, Mr. Farbstein, Mr. Fraser, Mr. Fulton of Tennessee, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hathaway, Mr. Helstoski, Mr. Horton, and Mr. Kastenmeier):

H. Con. Res. 834. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mrs. Kelly, Mr. Kupferman, Mr. Kyros, Mr. Leggett, Mr. Lukens, Mr. McCarthy, Mr. Macdonald of Massachusetts, Mrs. Mink, Mr. Moss, Mr. Nix, Mr. Ottinger, Mr. Patten, Mr. Pepper, Mr. Pelly, Mr. Podell, Mr. Reid of New York, Mr. Resnick, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, and Mr. St Germain):

H. Con. Res. 835. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. Taft, Mr. Tenzer, Mr. Tiernan, Mr. Vander Jagt, Mr. Waldie, Mr. Whalen, Mr. Wolff, Mr. Zwach, and Mr. Feighan):

H. Con. Res. 836. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 20060. A bill for the relief of Ciro D'Amico; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 20061. A bill for the relief of Giuseppe Agate; to the Committee on the Judiciary.

H.R. 20062. A bill for the relief of Giuseppe Romeo; to the Committee on the Judiciary.

H.R. 20063. A bill for the relief of Attillio Di Francia; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 20064. A bill for the relief of Eva Maria Kleczkowska; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 20065. A bill for the relief of Derli Oriovaldo Rosas, Marta Serrano Rosas, Enzo Adhemar Rosas, and Dalva Maritza Rosas; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 20066. A bill for the relief of Anton Joseph Hanna Dyke; to the Committee on the Judiciary.

By Mr. HARRISON:

H.R. 20067. A bill to provide for the conveyance of certain property in Wyoming by the United States to the Jim Bridger Council, Boy Scouts of America; to the Committee on Agriculture.

By Mrs. HECKLER of Massachusetts:

H.R. 20068. A bill for the relief of Adolfo Henriques and his wife, Almerinda Henriques; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 20069. A bill for the relief of Gracia Tongol; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R. 20070. A bill for the relief of Takis Kougioumtzian; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 20071. A bill for the relief of Wong Ken Young; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 20072. A bill for the relief of Mr. and Mrs. Joseph D. Hilbert; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 20073. A bill for the relief of Vasilios Karanastasis; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 20074. A bill for the relief of Mohamed Khaled Mokayesh; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 20075. A bill for the relief of Maria Espinola Ramos Lobao; to the Committee on the Judiciary.

H.R. 20076. A bill for the relief of Ana Barbosa Dos Santos; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 20077. A bill for the relief of Vincenza Lerario Favia; to the Committee on the Judiciary.

H.R. 20078. A bill for the relief of Carlo and Marini Manconi; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 20079. A bill for the relief of Maria Lazaro; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.R. 20080. A bill for the relief of First Trust & Savings Bank; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 20081. A bill for the relief of Jesus Vasquez-Rivas; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 20082. A bill for the relief of Martha Lymberis; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H. Res. 1313. Resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REPORT TO THE PEOPLE OF NORTH DAKOTA'S SECOND DISTRICT

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. **KLEPPE**. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

Text of "Kleppe Comments," a Newsletter Report to the People of North Dakota's Second District

Congress may adjourn Oct. 4.—Following an August recess for the national political conventions, Congress is back in full swing. This will be another long session, but almost certainly not so extended as last year's, which ran until Dec. 15. House leaders are aiming at an Oct. 4 adjournment date. This could conceivably be delayed, however, if the Senate becomes involved in a protracted filibuster over the confirmation of Abe Fortas as Chief Justice of the U.S. Supreme Court.

During my 21 months in Congress, I have been recorded on 94 per cent of the votes and quorum calls. As your elected Representative, I believe it is my duty to be on the job when the business of the House is being conducted. The lengthy sessions have made it impossible for me to spend as much time as I would like visiting personally with the people of the West District, although I have made 33 trips to the State in 1967–68. I have had to decline invitations to many meetings and gatherings because important legislation was before the House.

Skyrocketing costs hit farmers.—Figures I have just obtained from the U.S. Department of Agriculture show that a 40–49 horsepower tractor which cost a North Dakota farmer $4,300 in 1964 today carries a price tag of $6,000. To put it another way, with $1.37 wheat in 1964, it took 3,038 bushels to buy such a tractor. Today, with No. 1 hard spring wheat selling at $1.07 in Western North Dakota, it takes 5,600 bushels—84% more.

Four years ago, 5,733 bushels of barley would have brought this tractor. Today, with barley bringing only 50 cents in Western North Dakota, it takes 12,000 bushels!

These figures dramatically show what is happening to the farm economy. They show that inflation hits farmers hardest of all. Caught between declining prices for everything they sell and soaring costs for every thing they must buy, farmers are in the tightest economic squeeze they have known since the depression days of the 1930's.

Inflation doesn't just happen. It is caused—caused by loose Federal fiscal policies, by uncontrolled "Great Society" deficit spending and a ballooning national debt. The current inflationary binge has been accompanied by the highest interest rates since the Civil War. Farm debt has doubled since 1960 and the rising interest rates have made this burden three times as heavy to carry.

Since government policies cause inflation, only a change in those policies can halt it. The mushrooming growth of big government can and must be controlled.

Grain reserve needed.—With U.S. wheat exports declining and a record-breaking domestic crop adding to the surplus, the need is greater than ever for a strategic grain reserve. In December 1967, I introduced legislation which would lock up in the hands of farmers themselves 300 million bushels of wheat, 500 million bushels of feed grains and 75 million bushels of soybeans. These supplies, under my bill, could not be released at less than 100 per cent of parity. Although the Administration has endorsed the grain reserve concept, it has not pushed actively for enactment of the program. An Administration bill introduced in the House last year stirred little enthusiasm either among farmers or legislators because it would have permitted release of stockpiled commodities back into the market place at the first faint sign of a price increase.

Service academy appointments.—I am authorized to make two appointments to each of the three service academies—West Point, Annapolis and Air Force—for the school year beginning next June. Candidates for admission must meet relatively high physical and scholastic standards. An applicant must be at least 17 and not have passed his 22nd birthday by July 1, 1969. West District men interested in a military career should write to my Washington office for further details and dates of competitive examinations.

How I voted.—Here are my major votes cast since my last newsletter report: *For* extension of the Higher Education Act. (Passed). Prior to passage I voted *For* an amendment requiring colleges to cut off Federal funds to students involved in serious campus disorders. (Adopted). *For passage of the Military Construction bill. (Passed on* voice vote). I earlier voted *against* recommittal of the bill. (Failed). *For* extension of the Food Stamp Plan. (Passed). I voted *against* removal of the spending limitation and a 4-year extension. (Adopted). *For* a 1-year extension of the Food and Agriculture Act. (Passed). *I also voted earlier For* a 4-year extension. (Defeated). I voted *for* a $20,000 payment limitation. (Adopted). *For* the Health Manpower Act. (Passed). *For* the Defense Appropriations Bill. (Passed). *For* the conference report to establish Redwood National Park (Passed). *For* the Scenic Rivers bill. (Passed). *Against* creating 428 additional "super grade" jobs in the Executive Agencies of the Federal Government. This was an economy vote which prevailed.

Bills introduced.—H.R. 18896, to authorize a study of programs to reverse the migratory trend toward the cities. *H.R. 19205,* establishing a community self-determination program to aid people of urban and rural communities to secure employment and opportunity to invest in private enterprise.

Spending up despite cuts.—Although sizeable reductions have been made in some projected Federal expenditures for the new fiscal year which began July 1, it now appears that the budget outlays will total about $184.4 billion—$5.5 billion more than in Fiscal 1968. Because of built-in spending increases and constantly-rising costs of the war in Vietnam, the size of the Federal budget continues to grow at an alarming rate. The $6 billion in spending cuts ordered by Congress for Fiscal 1969, even if realized, will be largely offset by increases in other expenditures.

Last January, the President submitted a $186.1 billion budget. Now the Bureau of the Budget says several major items were underestimated. Costs of the war in Vietnam, set at $26.3 billion in January, are now rejected to rise to $2.3 billion above that figure. Higher interest charges call for $900 million more than was contemplated in the original budget. An additional $700 million will be required for Social Security and $400 million more for Veterans benefits.

If past experienec with Budget Bureau estimates is any criterion—and I think it is—total expenditures during the remainder of Fiscal 1969 will mount even higher.

Rep. George H. Mahon (D-Tex.), Chairman of the House Appropriations Committee, estimates the House will have voted reductions in budgeted expenditures of approximately $4 billion by the end of this Session. About $3.7 billion has already been trimmed. Unfortunately, most of the further actions ordered by the President to meet the $6 billion spending cut goal don't represent actual savings.

The freeze of $200 million in highway funds is an example. This is a trust fund account. It has already been collected from highway users. It can't be spent on anything but highways. About all this freeze accomplishes is to disrupt and postpone planned construction until a later date when costs will almost certainly be higher.

The President's billion dollar freeze on Farmers Home and Farm Credit Administration loan funds falls into a somewhat similar category. Loans under these programs are repayable, with interest. Moreover, the record of repayment by farmers under both of these programs is exceptionally high.

Only two-tenths of 1% of amounts due on FCA loans is delinquent. Write-offs and judgments since the inception of FHA total only 77/100ths of 1% of the amounts advanced. Slashes in funds available for such loan programs reduce the total size of the budget but don't represent actual dollar savings.

Agriculture has been singled out for a disproportionate share of the freezes and cuts ordered by the President. The Soil Conservation Service, the Great Plains Program and the Small Watersheds Program are also among the special targets.

Significantly, the President's "Great Society" welfare programs have escaped the economy axe.

I voted against the legislative package calling for a 10 per cent income tax surcharge, coupled with a $6 billion spending reduction, because it didn't spell out priorities for cuts. Now it is highway funds, loans to farmers and school aid which are *being chopped.*

Greater reductions should be made in such programs as foreign aid and space exploration. Instead, cuts are applied in the wrong places at the wrong time.

A thought for today—"Let not he who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring his own shall be safe from violence when built."—Abraham Lincoln.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SCHERLE. Mr. Speaker, this is the 246th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

CRISIS IN URBAN EDUCATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BELL. Mr. Speaker, since early this year, several of my colleagues have joined with me in a comprehensive study on urban education. The Honorable JOHN DELLENBACK of Oregon, MARVIN L. ESCH of Michigan, FRANK HORTON of New York, and OGDEN REID of New York have worked with me in the preparation of the following analysis. Congressmen SILVIO O. CONTE of Massachusetts, PETER H. B. FRELINGHUYSEN of New Jersey, WILLIAM S. MAILLIARD of California, F. BRADFORD MORSE of Massachusetts, HOWARD W. ROBISON of New York, and CHARLES W. WHALEN, Jr. of Ohio have joined us in presenting this report of the dilemma of urban education and of our recommendations.

Mr. Speaker, we undertook this study because the cities of our Nation are in crisis.

Civil disorder over the last few years demonstrates only too well the undeniably growing division between the urban core dwellers and the suburbanites, between the blue-collar city and a white-collar outer fringe, between uneducated rural people moving in and "sophisticated" urban people moving out, between the poor and a new, visible but untouchable, middle-class—between white and black.

Civil rights legislation has offered more promise than improvement. Current stress on law enforcement in the face of riots is needed, but it can only keep the lid on a pot that is ready to boil over. It cannot reduce the heat. The riots are a catalyst of division; they are reason only for further division. The challenge before America is far greater than passage of more civil rights laws or enforcement of existing law.

Among the many sociological, psychological, economic, political, and other causes discussed, studied, examined, and preached, there is probably no single point which stands out more clearly than the crisis in unemployment, caused by the plight of the unskilled and the undereducated. Our goal as a nation should be to assure that the urban black youngster has the same opportunity to learn usable skills as the suburban white youngster—we must assure, in the words of the National Commission on Civil Disorders "equality of results" from education.

There really is no choice, for if urban education is not radically improved, the racial division, with all its despair and hatred and potential for violence, will widen even further. Commentators on America's city Negro problem almost always argue for a three-pronged attack—more jobs, better housing, better schools. More jobs are needed today, but they are a short-range subsidy which does little to promise long-range change in the plight of the American Negro. Better housing is needed, but it too, by itself, offers no promise of long-range change in the plight of the American Negro. Only education offers the long-range promise sufficient to make of the American Negro a self-confident and self-satisfied participant in this, the most prosperous country in the history of mankind.

Our study led us to the following conclusions:

Item by item, the urban youth, especially the ghetto resident, have fewer physical facilities for education which are up-to-date and in good condition, fewer curriculum aids, a less compelling academic curriculum and learning environment, and slightly lower quality in teaching.

Recognizing that some of these differences obviously restrict educational opportunity, the level of differences could not alone account for the vast gap in the results of the students in the cities versus those in the suburbs.

Data from achievement scores, from progress reports, from armed services acceptance tests, and from dropout rates and college attendance rates demonstrates explicity that each student in America is not now being given the opportunity to acquire the basic tools of speech, writing, reading and mathematics, tools without which he can neither continue learning nor compete effectively.

The kind of individual who enters the urban school system and the kind of environment he comes from leads to the conclusion that urban education has failed in not responding effectively to the challenge of teaching culturally deprived students.

Urban education, then, must be made superior to surburban education if the graduates of both are to have equivalent skills.

The recent Federal effort to promote better education across the board has been extraordinary, with Congress having passed over 49 pieces of legislation dealing with education over the past 4 years and spending some $9 billion a year to implement 111 programs, twice what was being spent 4 years ago.

Nevertheless, the Federal effort has failed to produce the results in urban education which are needed.

The very multitude of education legislation and the numerous programs implementing it put the local school in a position where it can, at best, only adjust to its desperation within the administrative nightmare imposed by the segmented bureaucracy of Washington. Such a plethora of programs prevents the one thing the local education agency must do—devise a comprehensive plan to provide real education to the urban children.

The "something for every thesis" approach to Federal aid deprives the Congress of the opportunity to concentrate on the desperate urban need for education in the basic learning skills.

Congressional preoccupation with the legal formula by which Federal aid is extended has obscured the real issue of improving education. It is wrong for Washington to run every school district in the Nation, not just because the Constitution forbids it, but because it would not produce good education. But it is equally wrong for this, the best educated nation in all history to force the least fortunate and skilled among us to find their own wisdom and initiative and optimism to better their own education system before we can help them. The Federal Government must be bold enough to tie its aid to the States with strings that demand action in the crisis in urban education.

Based on these conclusions, we recommend the following major departures from current Federal aid to education as the means to achieve equality of results in the elementary and secondary schools of the urban areas.

A recognition that priority attention be given to urban education as one of the keys to solving the urban dilemma.

Revision and consolidation of the Federal support programs to direct a single education payment to the cities.

Institution of a program whereby the cities can undertake a total revision, restructuring and revitalization of their entire local educational system.

Federal aid to education which requires only that a local program be comprehensive in nature and that in planning, attention and consideration by the local area be given to teacher training and recruitment, facilities construction and use, curriculum aids and supplementary services, pre-school programs and year-round school, use of technology, and provision for adequate nutrition and medical care.

Federal support which encourages consideration by the urban center of the fundamental questions of the adequacy of existing control over education and the question of decentralization, the existing financing of local education, and the existing administrative management of education.

Federal support which encourages consideration of the value of a synergistic curriculum—a curriculum based on planning which considers each and every aspect of education and its effect on every other aspect, including basic skills, vocational/technical education, recreation and extracurricular activities, remedial programs, and a wide range of academic subjects. The support programs would encourage the urban center to use relevant cultural background material and to include programs for the development of personal creativity and self-reliance.

Federal support which requires community participation in the development of education plans and utilizes the talents of officials of private independent schools, private industry, higher education institutions, and local citizens.

The appointment of an Associate Commissioner for Urban Education in the Office of Education in the Department of Health, Education, and Welfare.

A massive increase in teacher training programs emphasizing instruction designed especially for the urban area.

At this point in the RECORD, we would like to insert the full text of the research study with the hope that it may be of benefit to the Congress and to those parties interested in improving the present condition of urban education:

THE CRISIS IN URBAN EDUCATION

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THE CRISIS IN URBAN EDUCATION—PART 1

I. Civil Disorder and Urban Education.
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I. CIVIL DISORDER AND URBAN EDUCATION

Riots and civil disorders have rocked America's urban centers and seem imminent again. Twenty-three of the 48 U.S. cities with 250,000 inhabitants or more in 1960 have suffered 32 major riots or civil-criminal disorders between 1965 and 1967 according to a study published by the Senate Permanent Subcommittee on Investigations.[1] Over that period, some 130 persons have been killed, another 3,623 injured, and 28,932 arrested. In 1967 alone, it was necessary to call out National Guard units 22 times to quell the largest of the turmoils.

The Senate Subcommittee reports 101 major disturbances since March 5, 1965. The Lemberg Center for the Study of Violence at Brandeis University reports a significantly higher number of disturbances. Their study, which did not rely on the voluntary response of mayors across the country as the Senate study did, indicates that in 1967, of the 48 central cities with populations over 250,000, 42 were affected by some 98 disturbances, resulting in some 77 deaths. They reported a 1967 total of about 250 outbreaks in some 175 different cities across the nation. In the April disturbances, following the death of Martin Luther King, the Lemberg Center counted approximately 237 outbreaks in some 205 different cities resulting in some 43 deaths.[2]

Footnotes at end of pt. I.

Every indicator warns of increased unrest, violence and tragedy in the future.

The riots are both product and catalyst of a tragic urban dilemma. Years of discrimination, sub-standard housing, unemployment, rising expectations and dashed hopes have culminated in violent dissatisfaction—an unwillingness to accept the frustration of the status quo—a refusal to wait.

Civil disorder demonstrates only too well the undeniably growing division between the urban core dwellers and the suburbanites, between a blue collar city and a white collar outer fringe, between uneducated rural people moving in and "sophisticated" urban people moving out, between the poor and a new, visible, but untouchable, middle class—between black and white.

The Civil Disorders Commission put it succinctly: "Our nation is moving toward two societies, one black, one white—separate and unequal." [3]

The riots are a catalyst of division. They reduce communication, increase tension, and contribute to a dramatic change in urban demography. Southern Negro families have been moving in impressive numbers to the metropolitan centers of our nation. Higher fertility rates for Negroes have led to sharp increases in the number and proportion of Negroes in the core cities. A high out-migration of the poor white from the Appalachian regions has fed the urban population of the Northern, Mid-Western and Far Western States. Partially because of these trends there has been a rapid and sizable departure from the cities to the suburbs by the new middle class whites. The riots, by seeming to confirm the worst of white suspicions, encourage the middle class exodus to the suburbs. And the gulf between the haves and have-nots, between white and black, grows ever wider.

The civil rights legislation of the past decade was needed. But it has resulted in only a marginal change in the life of the victims of discrimination. It has raised hopes farther than it has produced opportunity. It has offered more promise than improvement. It has resulted in important but essentially superficial change.

The current efforts on law enforcement in the face of riots is needed. But it can only keep the lid on a pot that is ready to boil over. It cannot reduce the heat. It cannot change the conditions which are the underlying cause of urban violence.

The challenge before America is far greater than passage of more civil rights laws or enforcement of existing law. We must see clearly the growing division in our cities, understand its root causes, and end them.

Among the many sociological, psychological, economic, political and other causes discussed, studied, examined and preached, there is probably no single point which stands out more clearly than the crisis in unemployment. Unemployment results in the weakening of the slum family structure, in substandard housing, in hopelessness, in the success of organized crime, in juvenile delinquency, in alcoholism, in drug addiction, and in civil disorder and crime itself.

The Manpower Report to the President in April 1967 reveals the following data from its studies of slum areas:

"Close to 7 percent of the slum residents with jobs were employed only part time, although they would have preferred full time work. (The comparable figure for the Nation as a whole was then 2.3 percent.)

"One out of every 5 of those working full time earned less than $60.00 a week, the equivalent on an annual basis of the poverty-line income figure of approximately $3000 for a family of four. And nearly two-fifths of the slum area families (and unrelated individuals) reported annual incomes under $3000, compared with one-fourth in the United States as a whole.

"A disproportionately large number of slum residents of working age were neither working nor looking for work, and so were not counted in the labor force (even though some were not looking because of their conviction, right or wrong, that they could not find a job.) This labor force 'nonparticipation rate' was 11 percent among men 20 to 64, compared with only 7 percent in the country generally.

"Finally, a fifth or more of the adult men expected to be part of the population of these slum areas were not located by the November surveys. This finding parallels the Census undercount experience for nonwhite men. The exact circumstances and facts regarding this situation are not yet fully explored or identified." [4]

The report's statistics showed the problem:

CHART 1

[In percent]

	Slum unemployment November 1966	1966 average metropolitan unemployment	Slum sub-employment rate (1966)
Boston, Roxbury area	6.9	3.7	24.0
Cleveland, Hough and surrounding	15.6	3.5	
Detroit, Central Woodward	10.1	4.3	
Los Angeles, South Los Angeles	12.0	6.0	
New York, Harlem	8.1	4.6	29.0
New York, East Harlem	9.0		33.0
New York, Bedford-Stuyvesant	6.2		28.0
Philadelphia, North Philadelphia	11.0	4.3	34.0
St. Louis, North Side	12.9	4.5	39.0
San Francisco, Mission-Fillmore	11.1	5.2	25.0
Oakland, Bayside	13.0		

Source: Manpower report of the President, April 1967, pp. 74–75.

National figures show a remarkable difference between Negroes and whites—a difference which is emphasized in the core city because of the large proportion of Negroes:

CHART 2

[In percent]

	Unemployment rates	
	Nonwhite	White
Adult men (over 19)	7.3	3.4
Adult women (over 19)	4.3	2.1
Teenagers (16 to 19)	26.5	10.6

Source: Bureau of Labor Statistics, Social and Economic Conditions of Negroes in the United States, October 1967, p. 32.

President Johnson in the 1968 State of the Union message noted that there are now some 500,000 hard core unemployed in the cities.[5]

Simply stated, an unemployed person from the core city does not have a job for one of three reasons:

He is discriminated against because of personal characteristics;

He is not employable because he does not have the skills or qualifications to do the job properly;

Or he is not looking for a job.

Racial discrimination in employment is rampant. Every private and public effort to eliminate it must be pursued. But in many, if not most, cases racial discrimination is not the initial or principal cause of urban Negro unemployment. If a man lacks the skills to do the job he seeks, and another man has the skills, the second will get the job and the first will be unemployed. Employment discrimination on the basis of race is unforgivable; employment discrimination on the basis of skills is not only legitimate, it is the only way a free enterprise system can work.

The plight of the skilled Negro is bad enough. The plight of the unskilled Negro is desperate, for his condition is so bad that a bigoted employer need not even utilize bigotry to deny him a job. The first obstacle against the urban Negro is his deficient skills; racial discrimination is only the second.

Even if racial discrimination in employment were to vanish completely, urban Negro unemployment rates would remain disproportionately high because the urban Negro skill level is disproportionately low. This is the frustration of the urban Negro: If he has no skill he can't get a job; if he learns a skill, he can't get a job; so why learn a skill; where is there hope for progress?

Society's answer must be two-pronged—to end racial discrimination *and* to provide the opportunity to the urban Negro to improve his skills. Our goal as a nation should be to assure that the urban black youngster has the same opportunity to learn usable skills as the suburban white youngster. We must assure that the products of urban and suburban education have equivalent skills. Our goal must be, in the words of the National Commission on Civil Disorders, "equality of results." [6]

This study attempts to answer four questions. First, are the suburban and urban public education systems and programs the same in approach and quality? Second, do suburban and urban education systems produce the same results? Third, if they produce different results, what are the causes for the difference? And finally, what changes are necessary in America's approach to urban education, not to make it the same as suburban education, but to assure that urban and suburban youngsters enter the job market with equivalent skills?

Until the young Negro can compete with the young white on the basis of equivalent skills, there is little hope of ending the racial division in America—or of avoiding an ultimate race revolution more violent and more tragic than any experience this land of liberty has ever known.

II. URBAN VERSUS SUBURBAN EDUCATIONAL SYSTEMS

There are differences in the structure of the education systems in suburban and urban education.

An analysis reveals that item by item, ghetto youth have fewer physical facilities for education which are up to date and in good condition, a less compelling academic curriculum and learning environment, and slightly lower quality in teaching.

The differences vary in intensity. Many of the differences between the systems do not result in a restricted educational opportunity, but are merely manifestations of a different demand. We recognize fully specific and dynamic differences which are plain and simply educational restrictions.

We believe, therefore, that the thesis of this study and its recommendations is this: An overall examination shows that the level of differences between the urban and suburban educational systems could not alone account for the vast gap in the results of the students who utilize those systems. The inequality of results is due less to a result of the imbalance of the educational systems, than of a failure of urban education to meet the more difficult educational needs of the ghetto student.

Physical environment and equipment

Core schools generally have more improvised or makeshift instruction rooms per building than do fringe schools. A greater percentage of core students than suburban students attend school buildings which are older and larger, with more students in the school, more students per teacher and more students per room. Generally these conditions exist for both primary and secondary schools, although the difference is more acute at the primary level. (See Chart 3)

In the area of physical plant, the overall picture is that while the urban buildings are older, they are not seriously lacking in the major facilities. Although it varies for primary and secondary schools, there seems to be a slight advantage of the core schools in auditoriums, cafeterias and gymnasiums. On the other hand there is a definite advantage in the suburban schools in facilities for preparing hot meals and providing health services. Notably on the secondary level, shops with power tools, physics laboratories, and typing classrooms are more scarce in the core schools. (See Chart 4)

Library facilities show similar patterns, both on the elementary and secondary level. On the one hand, core youth are more frequently within walking distance of libraries with at least 5,000 volumes and attend schools where there are usually more movie projectors; but on the other hand, there are fewer part-time or full time librarians attending to the core school, fewer core schools with a centralized school library, fewer volumes in the core school library, and fewer volumes per core school student. (See Chart 5)

On the secondary level, more core schools offer free textbooks, but fewer core schools have sufficient books. Those books that the core schools have are slightly older than those used in suburban schools. (See Chart 6)

In the areas of special school services (e.g. free milk and free lunches), the advantage is predictably in the core city schools. On the other hand, it probably could not have been predicted that core city schools also have an advantage in kindergarten and nursery school classes available. (See Charts 7 and 8)

The Commission on Civil Disorders sees the problem in more dramatic terms:

"Because this rapid expansion of Negro population has been concentrated in segregated neighborhoods, ghetto schools have experienced acute overcrowding. Shortages of textbooks and supplies have developed. Double shifts are common; hallways and other non-classroom space have been adapted for class instruction; and mobile classroom units are used. Even programs for massive construction of new schools in Negro neighborhoods cannot always keep up with increased overcrowding." [7]

The Coleman Report [8] for the U.S. Office of Education is a definitive comparison of urban and suburban school systems. We have relied heavily on it in this section. It analyzes carefully the difference between Negro students who are primarily in the urban core (N), white students who are also in the urban core (W(N)) and white students who are in the suburban areas (W). The report details its results by region of the country as well as by metropolitan and non-metropolitan indices. For our purposes, all examples will refer only to metropolitan analyses in the Northeast, Midwest, and Western regions of the United States. Appropriate charts are located in the appendix to part I.

Curriculum and academic standards

There is a noticeable difference between the academic measurements in the education systems of the core city and of the suburb. In noting the measurements of those schools which are accredited by States or by regional education associations one can see that the difference is less severe *on the average*. The widest fluctuations are in the Midwest where more core city secondary schools with white enrollment have received accreditation by regional education associations than either the Negro schools in the ghetto or the white schools in the suburbs. (See Chart 9)

In the area of curriculum, there are notable differences across the board in the depth and breadth of the curriculum offered. Core Negroes more often receive remedial or special make-up courses and less often receive accelerated or honors courses than suburban whites. Curriculum indicators seem to show the core student (especially the Negro) has less opportunity to receive the kind of liberal arts quality education available to suburban students. Yet examination of Charts 10, 11, and 12 shows that the differences in curriculum between core city and suburban schools may reflect a difference in student motivation and aptitude more than unequal educational opportunity.

The Commission on Civil Disorders suggests that:

"The quality of education offered by ghetto schools is diminished further by use of curricula and materials poorly adapted to the life-experiences of their students. Designed to serve a middle-class culture, much educational material appears irrelevant to the youth of the racial and economic ghetto." [9]

Appropriate charts are in the appendix to part I.

Teachers

The data for teachers of core city schools versus suburban schools shows the similar trend of mild, but distinct differences between those teaching in the Negro ghetto school and those teaching the whites in the central cities and the suburbs.

For instance, the average Negro student is more likely than the suburban student to be taught by a teacher who attended a college which gives less than a regular teaching certificate. (See Charts 14 and 15). He is also more likely to be taught by a teacher who scored slightly lower on a verbal examination voluntarily taken for the Coleman report. (See Chart 16) Ghetto teachers are absent slightly more than suburban teachers and are required to teach more students per class. (See Charts 17 and 18)

The report of the Commission on Civil Disorders revealed two important findings in this area which dramatize the differences:

"The schools attended by disadvantaged Negro children commonly are staffed by teachers with less experience and lower qualifications than those attended by middle-class whites. For example, a 1963 study ranking Chicago's public high schools by the socio-economic status of surrounding neighborhoods found that in the 10 lowest-ranking schools only 63.2 percent of all teachers were fully certified and the median level of all teaching experience was 3.9 years. In three of these schools, the median level was one year. Four of these lowest ranking schools were 100 percent Negro in enrollment and three were over 90 percent Negro. By contrast eight of the ten highest ranking schools had nearly total white enrollments, and the other two were more than 75 percent white. In these schools, 99.3 percent of the teachers were fully certified and the median level of teaching experience was 12.3 years.

"The Civil Rights Commission's survey found no major national differences in the educational attainment (years completed) of teachers in majority-Negro or majority-white schools. However, many large cities did not take part in the basic study which supplied the data for this conclusion. It is precisely in these cities that teachers of disadvantaged Negro students tend to be the least experienced. Moreover, the Commission did conclude that Negro students, more often than whites, had teachers with non-academic college majors and lower verbal achievement levels." [10]

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The widely held assumption that suburban teachers make more money is not true. In fact, the teachers of the core schools earn consistently more than their suburban counterparts. (See Charts 17 and 18) Nonetheless, there still may be a preference to teach in the suburbs for other reasons, although core city school teachers more often request to teach in the school they are in than suburban teachers. (See Charts 17 and 18) Still they also are less likely to stay in teaching as a full career if they must stay in that particular core school. (See Charts 19 and 20).

Teachers in ghetto schools rate their students' effort and ability consistently lower than do teachers of white students. In addition, the teacher of Negro ghetto youth would less often wish to continue teaching in their present school situation if given the chance to move. (See Charts 19 and 20) The Commission on Civil Disorders suggests the following:

"Studies have shown that the attitudes of teachers toward their students have very powerful impacts upon educational attainment. The more teachers expect from their students—however disadvantaged those students may be—the better the student's performance. Conversely, negative teacher attitudes act as self-fulfilling prophecies: the teachers expect little from their students; the students fulfill the expectation." [11]

Finally, the more time teachers spend for discipline and school problems, the less they have for teaching and academia. The Coleman report says that ghetto urban teachers have more "problems in school functioning" than do suburban teachers. (See Charts 19 and 20)

The racial distribution of teachers is one more important factor. Here again, there is obviously a discrepancy between the white suburbs and the core city. The figures dramatically speak for themselves. Both the Coleman Report and The Civil Rights Commission Report show data on this problem. (See Charts 21 and 22)

Appropriate charts are in the Appendix to Part I.

Finances

"The system of education finance in the United States functions in a manner to place the schooling of minority groups in a position of deprivation, relative to the schooling made available at public expense to the children of the white middle-class majority." [12]

This was the conclusion of the Benson-Dumbarton study entitled Education Finance and Its Relation to School Opportunities of Minority Groups—the study used in preparation of the conclusions made by the Commission on Civil Rights in its Report on Racial Isolation in the Public Schools. They continue:

"To summarize. The education of minority groups is significantly a matter of education offered in central cities. On top of a generally inequitable system of education finance are laid particular fiscal disadvantages of central cities. Most notably these are three: the failure of state subventions to recognize the low levels of household income that exist in cities; the failure of the states to share adequately in the costs imposed on cities by their non-resident populations and, lastly, laid particular fiscal disadvantages of central city cost differentials in education." [13]

The Commission on Civil Rights released the following table to make the point that "the pattern of State education aid within metropolitan areas no longer fully corresponds to fiscal need:" [14]

CHART 28

Place	Amount per pupil		Percent increase, 1950–64	Absolute dollar increase, 1950–64
	1950	1964		
Baltimore:				
City	$71	$171	140.8	$100
Suburbs	90	199	121.1	109
Birmingham:				
City	90	201	123.3	111
Suburbs	54	150	177.7	96
Boston:				
City	19	52	173.7	33
Suburbs	30	75	150.0	45
Buffalo:				
City	135	284	110.4	149
Suburbs	165	270	63.6	105
Chattanooga:				
City	62	136	119.4	74
Suburbs	141	152	7.8	11
Chicago:				
City	42	154	266.6	112
Suburbs	32	110	243.8	78
Cincinnati:				
City	$51	$91	78.4	$40
Suburbs	78	91	16.7	13
Cleveland:				
City	50	88	76.0	38
Suburbs	39	88	125.6	49
Detroit:				
City	135	189	40.0	54
Suburbs	149	240	61.1	91
New Orleans:				
City	152	239	57.2	87
Suburbs	117	259	121.4	142
St. Louis:				
City	70	131	87.1	61
Suburbs	61	143	134.4	82
San Francisco:				
City	122	163	33.6	41
Suburbs	160	261	63.1	101

It can be seen that in 1964, state aid to the suburbs was greater than that to the inner city in seven (7) of the twelve (12) metropolitan areas studied. It was this fact which drew the attention of the National Advisory Commission on Civil Disorders.

"State contributions to city school systems have not had consistent equalizing effects. The Civil Rights Commission found that although state aid to city schools has increased at a rate proportionately greater than for suburban schools, states continue to contribute more per pupil to suburban schools in seven of the twelve metropolitan areas studied." [15]

The Benson study, however, contains figures which show that when added to "revenue per pupil from local and intermediate sources" only five (5) of the twelve (12) cities spend less than the suburbs. In other words, in two (2) of the seven (7) metropolitan areas where the suburbs received more than the cities the money still did not bring the suburb up to the level of the new total city revenues.

Also contained in the Benson study is a Lorenz analysis showing a coefficient designating the degree of inequality of school revenues for various school districts within the metropolitan areas. When analyzed carefully, it shows that in the instance of twelve (12) of the thirteen (13) cities studied, the state funds actually reduce the coefficient, i.e. reduce the degree of inequality of school revenues. "Commonly, the Lorenz coefficients drop by half or more when state aid is added to local plus intermediate revenues." [16] The Benson study calls it "the strong equalizing influence of state aid." [17]

Furthermore, while between 1950 and 1960 the coefficients actually increased in eight (8) Standard Metropolitan Statistical Areas between 1960 and 1964 in ten (10) of the thirteen (13) there was a decrease in the coefficient.

The effect of Federal funds has been toward a greater equalization but in comparison with the state distributions, the Federal funds have not had as significant an effect.

It is really not possible, from a study of thirteen (13) cities to determine with any real sense of accuracy the plight of the urban centers financially. An equalization effect by the states demonstrated by reduced Lorenz coefficients does not reveal the dire crisis in actual dollar amounts which the cities face. And the fact that there are actually positive coefficients is still alarming—for, even as the Benson study reveals:

"Even should Lorenz values fall generally to zero, this would not indicate that we had achieved equality of educational opportunity. Quite the contrary. It is now well documented that children from different environments require different types and amounts of educational provision if they are to profit from their school experiences. The objective becomes to achieve a rational distribution of educational resources to stimulate talent and to avoid instances of non-learning. Almost certainly, this would imply a pattern of unequal dollar provisions." [18]

III. THE GAP IN STUDENT PERFORMANCE

Our conclusion is that while there are obvious differences between urban and suburban education systems—in physical plant, curriculum, and teaching—it would be insufficient to recommend simply that urban education be made identical with suburban education. Making that kind of change would be marginal if not retrogressive in pursuing the goal of equivalent skills for white and Negro youngsters entering the job market. Such a change would concentrate only on relatively minor differences in the urban and suburban education systems while ignoring the gigantic differences in the performance of students in the two systems. The difference in the education offered the urban Negro and the suburban white is obviously an inadequate explanation for the gap in the performance of the two groups of students.

American education should not be geared to produce a single stream of identical products, each able to obtain a set medium level score on achievement examinations and to live in a set pattern according to some hypothetical doctrine of medium America. But each student in America should be given the opportunity to acquire the basic tools of speech, writing, reading and math without which he can neither learn further or compete effectively. The core city youth, especially the ghetto Negro is not now acquiring those skills. And we believe that

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urban education is inadequate to provide him the opportunity to acquire them.

Note: Many of the indices depicting the urban plight are represented here merely in statistics of Negro and white performance. This brand of generalization is a just one because in Northern, Midwestern and Western states, the overwhelming portion of the Negro population is urban.

CHART 30. PERCENT URBAN

	United States		North and West	
	Nonwhite	White	Nonwhite	White
1910	27	49	77	57
1920	35	53	84	62
1930	44	58	88	66
1940	49	59	89	67
1950	62	64	94	70
1960	73	70	95	74

Source: Negroes in the United States, U.S. Department of Labor, 1511, p. 67.

1. Achievement scores on standardized examinations demonstrate conclusively that metropolitan Negro students score consistently lower than metropolitan white students—at every grade level, and in relation to all basic skills. Just this kind of test was conducted for the Coleman Report on Equality of Educational Opportunity. (See Chart 31)

CHART 31

[Test scores on standardized examination, for grades 1, 3, 6, 9, and 12. Nonverbal, verbal, reading, mathematics, general information, for whites and Negroes, in metropolitan areas by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Grade 1:									
Nonverbal	42.2		52.4	46.5		53.9	42.8		53.1
Verbal	43.1		51.8	45.8		53.3	44.2		52.5
Grade 3:									
Nonverbal	46.4		52.8	46.4		52.9	45.2		51.2
Verbal	45.2		52.9	48.2		52.6	44.5		53.1
Reading	43.9		53.0	46.3		53.2	42.6		50.8
Mathematics	43.3		53.2	44.4		52.6	42.6		51.9
Grade 6:									
Nonverbal	46.1		53.4	46.9		53.6	45.1		52.7
Verbal	45.0		54.5	45.0		53.8	43.8		52.8
Reading	45.8		53.7	45.9		53.1	44.6		52.5
Mathematics	44.4		54.2	44.2		53.7	42.7		52.9
Grade 9:									
Nonverbal	46.0		53.1	47.2		53.4	44.8		52.6
Verbal	43.8		53.9	44.8		53.9	43.0		52.7
Reading	45.1		53.0	45.8		53.0	43.1		51.5
Mathematics	44.1		53.2	44.9		53.1	43.0		52.0
General information	43.5		54.0	42.8		53.4	42.1		52.4
Grade 12:									
Nonverbal	44.0		52.8	44.9		53.3	43.0		52.5
Verbal	44.4		53.8	44.4		52.7	42.0		52.8
Reading	45.4		53.1	45.8		52.3	42.4		51.0
Mathematics	42.7		52.8	43.8		52.5	42.2		51.5
General information	43.4		53.6	43.8		52.9	41.5		52.7

Note: Figures are not given for core whites separately, but for whites as a group and for Negroes as a group in the metropolitan areas.

Source: Equality of Educational Opportunity, pp. 252, 253, and 256.

2. Even more distressing the urban Negro student tends to fall further behind his white counterpart as they complete successive grades in school. Chart 32 gives a breakdown of the Coleman Report examination, comparing Negro and white metropolitan students in the 6th, 9th and 12th grades. It shows that the performance gap widens as the children progress through school.

CHART 32

[Verbal ability, reading comprehension, math achievement, number of grade levels behind the average white in metropolitan Northeast, for white and Negro metropolitan students by region (base on standard deviation)]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Verbal:									
Grade 6	1.6		0	1.7		0.1	1.9		0.3
Grade 9	2.4		0	1.7		0	2.6		.3
Grade 12	3.3		0	3.3		.4	3.9		.5
Reading comprehension:									
Grade 6	1.8		0	1.8		.1	2.1		.2
Grade 9	2.6		0	2.3		.1	3.1		.5
Grade 12	2.0		0	2.8		.3	3.8		.8
Math achievement:									
Grade 6	2.0		0	2.1		.1	2.4		.3
Grade 9	2.8		0	2.5		0	3.1		.3
Grade 12	5.2		0	4.7		.1	5.3		.8

Source: "Equality of Educational Opportunity," p. 274, 275.

3. A similar measurement is the disproportionately high Negro disqualification rate from the Armed Services. In the one area of American employment where no racial discrimination in hiring exists, the armed forces, the rates of unacceptable performance is considerably higher for the Negro than for the white. The trend is consistent throughout the United States.

CHART 33

[Results of preinduction examination of draftees, 1966 (selected States)]

State	Percent failed		Percent trainability limited		ercent failed both nedical and mental	
	Negro	White	Negro	White	Negro	White
Massachusetts	12.4	3.2	7.4	2.1	6.5	1.6
New Jersey	40.6	3.7	11.3	1.9	2.2	.4
New York	15.5	7.9	11.0	3.4	2.6	1.2
District of Columbia	11.9	1.8	9.9	1.5	2.9	.7
Pennsylvania	20.7	2.5	16.0	2.9	4.7	1.2
Illinois	24.1	4.3	16.9	3.0	2.3	.6
Indiana	18.9	2.9	14.5	3.2	2.2	.6
Michigan	15.5	1.8	9.0	1.8	1.8	.3
California	12.2	3.3	8.2	2.2	2.4	.7
Oregon	11.1	1.5	12.5	1.6	4.9	.6

Source: Supplement to "Health of the Army, Results of the Examination of Youths for Military Service, 1966," Office of the Surgeon General, U.S. Army, March 1967. pp. 28ff.

4. College attendance rates of high school graduating classes demonstrate that core city students generally are less likely to attend college than suburban students, and that Negroes without exception go on to college less often than whites in either suburban or core city schools. The following figures from the Coleman Report indicate the college attendance rate of the 1964 graduating class, in metropolitan areas.

CHART 34

Northeast	N	33%	W(N)	54%	W	53%
Midwest	N	33%	W(N)	41%	W	45%
West	N	49%	W(N)	52%	W	53%

Source: "Equality of Educational Opportunity," p. 196.

Although the Bureau of Labor Statistics shows that more Negroes are graduating from four year colleges than ever before, they are still doing so at less than half the rate of Whites.[19] College attendance is, of course, a function of both financial resources and capacity.

5. Dropout statistics reveal some alarming factors. A white dropout has a better chance of finding employment than does a Negro high school graduate. The unemployment rates of 16–21 year olds as of October, 1966, show the following: [20]

CHART 35

[In percent]

	High school graduates	Dropouts
White	8.1	10.9
Negro	18.1	19.7

Similar figures for the 16–24 year old group reveal similar conditions:

[In percent]

	High school graduates	Dropouts
White	6.0	9.0
Negro	12.9	13.9

Racial discrimination is undoubtedly a cause of unemployment, but is insufficient by itself to explain these figures.

6. An analysis of the kinds of jobs which Negroes hold demonstrates that they are not prepared for high-skill, high-paying jobs. Chart 36 shows that certain occupations attract a disproportionate share of nonwhites. The figures given are nonwhites as a percent of all workers in selected occupations, 1960 and 1966.

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CHART 36

[In percent]

	1960	1966
Total employed	11	11
Professional and technical	4	7
Medical and other health	4	7
Teachers, except college	7	10
Managers, officials, proprietors	2	3
Clerical	5	6
Sales	3	3
Craftsmen and foremen	5	6
Construction craftsmen	6	7
Machinists, jobsetters, and other metal craftsmen	4	6
Foremen	2	4
Operatives	12	13
Durable goods	10	11
Nondurable goods	9	12
Nonfarm laborers	27	25
Private household workers	46	42
Other service workers	20	21
Protective services	5	5
Waiters, cooks, and bartenders	15	16
Farmers and farmworkers	16	13

Source: U.S. Department of Labor, BLS 332, p. 42.

IV. THE CAUSE OF THE ATTAINMENT GAP

The conclusions from the preceding sections are self-evident. First, we find an educational system in the ghetto inferior in its physical environment, its teaching, and its academic offerings to its ocunterpart in the suburbs. Second, we find an immense and undeniable gap between the results of the education in the core city and that in the suburbs. We find a greater inability to obtain jobs, a greater inability to earn minimum living wages, a higher rate of unacceptability by the armed forces, and a lower achievement level on academic examinations.

The dramatically lower output from a similar structured but inferior education process must be the result of more than the difference in quality—it must result from a radically different input. Our analysis of the kind of individual who enters the urban school system and of the kind of environment he comes from leads to the conclusion that culturally deprived and ill-prepared students enter the urban schools at a rate preventing assimilation—and in a number which makes the average urban education system inappropriate for its student body.

We dismiss as vulgar and stupid the frequently heard contention that children of one race are inherently inferior in intelligence to children of another race. We agree with Mel Ravitz when he wrote: "Disadvantaged children who live in the depressed core of the city . . . have the same intellectual potential as other normal children. They are not inherently dull or stupid . . ." [21]

Urban education has failed in not responding effectively to the challenge of teaching culturally deprived students. The Coleman Report reached the same conclusion. Summarizing a complex, statistical analysis of the related factors of educational experience, the report made the following comments:

"Of the many implications of this study of school effects on achievement, one appears to be of overriding importance. This is the implication that stem from the following results taken together.

"1. The great importance of family background for achievement;

"2. The fact that the relation of family background to achievement does not diminish over the years of school;

"3. The relatively small amount of school-to-school variation that is not accounted for by differences in family background indicating the small independent effect of variations in school facilities, curriculum, and staff upon achievement;

"4. The small amount of variance in achievement explicitly accounted for by variations in facilities and curriculum;

"5. Given the fact that no school factors account for much variation in achievement, teachers characteristics account for more than any other—taken together with . . . results . . . which show that teachers tend to be socially and racially similar to the students they teach.

"6. The fact that the social composition of the student body is more highly related to achievement, independently of the students' own social background, than is any school factor;

"7. The fact that attitudes such as a sense of control of the environment or a belief in the responsiveness of the environment are extremely highly related to achievement, but appear to be little influenced by variations in school characteristics." [22]

Urban education has not adapted its environment to the needs of its students.

The average core city student is a child of low income parents, who lives in a socially and culturally deprived neighborhood, and whose psychological outlook is an obstacle to the learning process rather than a supplement to it or a product of it.

The environment of the urban deprived has not suffered from inattention. Authors have fictionalized it; historians have recorded it; civil rights workers have demonstrated over it; sociologists have studied it; politicians have worried about it; statisticians have quantified it. But the urban ghetto student still cannot get the education he needs to compete on an equal footing.

We will try to reconstruct that environment.

Family structure

In March, 1965, a classic and controversial paper on the structure of the Negro family was produced by Daniel P. Moynihan—then of the Labor Department and now of the Harvard-MIT Joint Urban Center. Subsequent statistics have reinforced his theory and subsequent studies have confirmed it, as in *To Be Equal*, by Whitney M. Young, Jr. of the Urban League. The Moynihan Report states:

"The evidence . . . is that the Negro family in the urban ghettos is crumbling. A middle-class group has managed to save itself, but for vast numbers of the unskilled, poorly educated city working class, the fabric of conventional social relationships has all but disintegrated." [23]

He cited the following alarming statistics:

Nearly a quarter of urban Negro marriages are dissolved, a rate nearly three times that of urban whites, and 1½ times that of rural non-farm nonwhites. (See Charts 38, 39, 40)

Nearly one-quarter of Negro births are now illegitimate. (See Charts 41 and 42)

Almost one-fourth of Negro families are headed by females. (See Charts 43 and 44)

A majority of Negro children receive public assistance at one point or another in their childhood. (See Chart 45)

Over one-third of nonwhite children under 18 (as compared to one-tenth of white) live without both parents in the home. (See Chart 46)

As a result, Moynihan suggests:

"In essence, the Negro community has been forced into a matriarchal structure which, because it is so out of line with the rest of the American society, seriously retards the progress of the group as a whole, and imposes a crushing burden on the Negro male, and in consequence, on a great many Negro women as well." [24]

The young Negro student lives in a household with more persons in the family than the white student. According to Census Data, the following statistics are relevant;

CHART 37

	Average number of persons in family	
	Nonwhite	White
Husband and wife head	4.4	3.7
Other male head	3.6	2.8
Female head	3.4	2.6

Note.—Charts 45–53 are in the appendix to pt. I.

Source: U.S. Department of Labor, 1511, p. 187.

Income and socio-economic status

Any profile of the urban student's environment must include a measure of the family's economic status as measured by income. The generalization is obvious: the core city student who goes to public school is from a lower economic group than his suburban counterpart.

Nonwhite income remains consistently lower than white income:

CHART 47

	Nonwhite median family-income as per cent of white median family income
1947	51.1
1950	54.3
1955	55.4
1960	55.4
1964	56.0
1966	[1] 60.0

[1] Negro only 58 percent.

Source: U.S. Department of Labor, 1511, p., 128.

In the Northeast and West, where Negroes are basically an urban population, one in five nonwhite families had an income under $3.000 in 1964:

CHART 48

[Percent]

	Northeast		North Central		West	
	Nonwhite	White	Nonwhite	White	Nonwhite	White
Under 3,000	21.5	11.3	26.9	14.8	19.7	13.5
3,000 to 4,999	29.5	13.6	22.3	15.2	23.2	14.5
5,000 to 6,999	23.4	20.7	25.5	20.0	19.0	18.1
7,000 to 9,999	14.8	26.2	15.0	26.1	19.3	25.3
10,000 and over	11.4	28.2	10.0	23.9	18.9	28.7
Median income	$4,943	$7,418	$5,063	$7,000	$5,774	$7,408

Source: U.S. Department of Labor, 1511, p. 140 and BLS 332, p. 15.

According to the Social Security Administration, nearly half of the nonwhite population and 60 percent of the nonwhite children under 18 (as compared to 16 percent of white children undler 18) lived in poverty in 1963.[25]

Both whites and nonwhites increase their income as they increase their education, but at each level of educational attainment the white earns more than the nonwhite—and the disparity in real income and by percentage is greatest when the income of the nonwhite college graduate is measured against the income of the white college graduate.

CHART 49

[Median income of men 25 years old and over, by educational attainment, 1966]

	Median income, 1966		Nonwhite income as a percent of white
	Nonwhite	White	
Elementary:			
Total	$2,632	$3,731	71
Less than 8 years	2,376	2,945	81
8 years	3,631	4,611	80
Secondary:			
Total	4,725	6,736	70
1 to 3 years	4,278	6,189	69
4 years	5,188	7,068	73
College: Total	5,928	9,023	66

Source: U.S. Department of Labor, BLS 332, p. 21.

Welfare

For our purposes welfare should be treated separately from income because there are important psychological effects that the receipt of welfare can induce. The scope of the problem is demonstrated by the numbers who receive welfare payments.

29.6 percent of the urban nonwhites receive welfare under Aid to Families of Dependent Children. The comparable figure for whites is 10.5 percent.[26]

In the central cities of 250,000 or more, 75 percent of the children receiving AFDC are nonwhite. Nationally the figure is approximately 50 percent.[27]

Illegitimacy among AFDC recipients is substantially higher in urban than in rural areas.[28]

Housing

The area of housing provides only a glimpse at the environment of the ghetto student. There are some revealing indices, however.

41 percent of all nonwhite children in 1960 lived in overcrowded housing. Overcrowding is defined as 1.51 persons or more per room. 30 percent live in deteriorating housing; and 21 percent in dilapidated housing.[29]

In 1960 in the central cities of the United States, 40.8 percent of the units occupied by nonwhites and 16.9 percent of the units occupied by whites were substandard.[30]

In the central cities, also, 23.5 percent of the units occupied by nonwhites and 8.4 percent of the units occupied by whites had 1.01 or more persons per room.[31]

CHART 50

	Percent of units			
	Substandard		With 1.01 or more persons	
	Nonwhite	White	Nonwhite	White
Northeast:				
In the central cities	41.3	17.5	20.3	8.2
Not in central cities but in SMSA	42.2	13.0	19.9	6.3
North central:				
Inside central cities	39.1	18.3	23.0	8.2
Fringe	51.1	14.2	25.7	10.2
West:				
Inside central cities	26.0	13.2	19.7	7.1
Fringe	28.0	12.4	26.3	10.5

Source: U.S. Department of Labor, 1511, pp. 209–210.

Dropouts

The causes for dropping out of school are probably unlimited. But there are some definite characteristics of the dropout problem which, when examined closely, reveal important patterns.

According to the Coleman Report, the dropout rates for secondary school are consistently higher for the core city and for Negroes in the core city.

CHART 51

[In percent]

	N	W(N)	W
United States	12	7	6
Metropolitan:			
Northeast	23	10	6
Midwest	19	7	6
South	9	7	5
Southwest	10	9	9
West	12	5	5

Source: "Equality of Educational Opportunity," pp. 195–196.

The National Education Association Report outlined the statistics this way:

CHART 52

[In percent]

	North and West		
	Total	White	Nonwhite
Urban total	13	13	20
Central cities	16	15	21
Urban fringe	11	10	18
Places under 10,000	12	12	22
Places over 10,000	13	13	21

Source: "Research Summary, 1967—S1, School Dropouts, National Education Association," p. 31.

There are some indications that the larger the city, the worse the dropout problem. The National Education Association reports indicate the following:

CHART 53

[Holding power of 128 large city schools systems]

Population of group	Number of cities	Numbers of graduates per 1,000 enrolled in grade 10 3 years earlier			
		1960	1961	1962	1963
600,000 or more	16	648	638	638	668
300,000 to 600,000	25	718	705	713	728
200,000 to 300,000	16	738	730	735	737
9 ,000 to 200,000	71	750	742	747	763

Note: Figures based on enrollments in public secondary schools.

Source: Research Summary, 1967—S1, School Dropouts, National Education Association, p. 28.

Footnotes at end of pt. I.

Elizabeth Waldmen in her study for the Labor Department indicates the tie between family income and the decision to leave school:

"Among former students whose family money income was below $3,000, about 6 out of 10 were dropouts, but among those whose families had incomes of at least $7,500, only 1 in 6 was a dropout. Overall, about 30 percent of the dropouts but only 10 percent of the graduates were in families with incomes below $3,000. Among both graduates and dropouts, much greater proportions of nonwhites than whites were in families with incomes below the "poverty" level. The proportion of nonwhite dropouts in low income families (46%) was double that for white dropouts; for graduates, the proportion for nonwhites (in families with incomes below the poverty level) was 38 percent, about 6 times as great as for whites." [32]

There is a similar relationship between family size and the decision to leave school, which is relevant in view of the relative size of Negro and white families as discussed above:

"Wilson reported that among Negro dropout studies, 75 percent of withdrawals came from families of five or more children, while 80 percent of graduates came from families with one to four children. Hamilton found that dropouts more often than the total white highschool population were from families of five or six or more children. Young found that families of dropouts average six members, while the national average at that time was 3.5 members." [33]

The National Education Association report referred to studies on the kind of family unit the dropout comes from: "Most have found that the dropout, more frequently than the persister, comes from a broken home." [34] It has already been demonstrated that nonwhites have a greater percentage of broken homes or homes without the father present.

An added highlight of the education problem is seen by the National Commission on Civil Disorders which reported that their "survey of riot cities found that the typical riot participant was a highschool dropout." [35]

Attendance and turnover

There is a dramatic difference between the core city and the suburbs in the Northeast and the West in the proportion of students who attend school only part-time. Obviously this reflects the family income patterns demonstrated earlier.

CHART 54

[Percent of students in part-time attendance (metropolitan)]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Elementary	3.5	1.9	1.5	0.9	2.6	1.6	5.4	4.9	2.0
Secondary	5.5	2.0	1.5	2.9	3.7	4.6	6.9	3.8	3.5

Source: "Equality of Educational Opportunity," pp. 91–93.

Similarly, ghetto students show consistently higher rates of change from one school to another during the year.

CHART 55

[In percent]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Percent of pupils that have never changed schools:									
Elementary	36	40	41	32	42	43	32	34	27
Secondary	30	34	39	37	34	36	20	26	26
Average percent of pupils who transferred into the school this year:									
Elementary	13	10	7	9	7	6	16	12	10
Secondary	8	5	5	7	7	5	10	8	6

Source: Equality of Educational Opportunity, p. 191.

James B. Conant in *Slums and Suburbs* put it this way: "Often the composition of a school grade in such an area will alter so rapidly that a teacher will find at the end of a school year that she is teaching but few pupils who started with her in the Fall. I recall the principal of one school stating that a teacher absent more than one week will have difficulty recognizing her class when she returns. This comes about because mothers move with their offspring from one rented room to another from month to month and in so doing often go from one elementary school district to another; I am told that resident tenements look more like transient hotels." [36]

And the Riot Commission put it this way: "Teaching in a disadvantaged area is made more difficult by the high rate of student turnover. In New York City during 1963–64, seven of ten students in the average, segregated Negro-Puerto Rican elementary school either entered or left during the year . . . The comparable rate in the whites schools was four out of ten." [37]

Footnotes at end of pt. I.

Psychological attitudes

The Coleman Report studied the psychological/motivational patterns of Negro and white students. Some of the findings follow:

Negro students are more pessimistic about their own chances "to be successful in life" than whites. (See Chart 56)

More Negro students than white students believe that "Good luck is more important than hard work for success." (See Chart 57)

More Negroes than whites believe that "every time I try to get ahead, something or somebody stops me." (See Chart 58)

More Negroes than whites when asked whether they wanted to be good students, replied "one of the best students in the class." (See Chart 59)

To the question: "If something happened and you had to stop school now, how would you feel?" Negro students showed a slightly greater desire to stay in school than white students did—and less indifference. (See Chart 60)

Negroes claim to do a little bit more outside schoolwork and to have read more books during the summer months than whites. (See Charts 61 and 62)

Negroes care less than whites about finishing school or college, and prefer to go to a technical school. (See Chart 63)

Fewer Negroes than whites believe they "just can't learn," but fewer Negroes disagree with the statement: "I would do better in school if teachers didn't go so fast." (See Charts 64 and 65)

Fewer Negroes than whites read a college catalog or contact a college official about higher education. (See Charts 66 and 67)

More Negro students than white students say they never stay away from school because they simply do not want to come. (See Chart 68)

Principals in Negro schools admitted consistently to greater problems in their schools relating to property destruction, impertinence to teachers, racial tension, stealing, physical violence, drinking and use of narcotics. (See Chart 69)

Appropriate charts are in the Appendix to Part I.

Teachers—Sex and color

The Negro students of the core school are taught by teachers who are approximately the same age as the teachers of the suburban student. There is the same proportion of males teaching in the core city schools and the suburban schools—approximately 17% in the elementary grades and 53% at the secondary level. More Negro students attend class with Negro teachers than do suburban students; nonetheless, it is also true that more Negro students attend class with white teachers than with Negro teachers. (See Chart 71)

These facts are not startling. But they reflect the failure of urban education to concentrate on the need to compensate Negro students for the environmental disadvantage they bring to school. If the presence of a Negro teacher in the classroom can help make the Negro's education seem more relevant to him, than emphasis in recruiting Negro teachers should be given. If a male teacher can help provide a sense of masculine authority unavailable at home, then emphasis in recruiting male teachers should be given.

Good teachers can be young or old, black or white, male or female. But generalizations in teacher recruiting are necessary. The young Negro male teacher has the advantage in teaching Negro students of starting off with a greater respect from the students for he is more likely to understand the nuances of the generation gap, he is more likely to provide the students with a realistic sense of individual identity, opportunity, and self-respect; he is more likely to provide the students an authoritative male image, that is so often missing in the students' homes; he is more likely to instill in the student the healthy psychological balance necessary to overcome the environmental disadvantage.

Appropriate charts are in the Appendix to Part I.

Summary of environmental influences on urban education

In this section, an extraordinary picture has emerged. Urban Negro students seem to be more interested in their education than suburban white students. They seem to be more aware of its value to them. They even seem to work harder at it. But it is clearly more difficult for them. They are less interested in going on to college. They are less optimistic about their future.

The average Negro student in the core city school is more likely to come from a broken home than the average white student in the suburbs. He is more likely to come from a poor family, more likely to come from a large family, more likely to live in a crowded home, more likely to live in substandard housing, more likely to be forced to work part-time, more likely to change school districts and schools, more likely to attend a school with serious social problems, and more likely to be a dropout.

It becomes obvious that merely offering identical educational opportunities to urban Negroes and suburban whites will not begin to serve the goal of equivalent skills upon entering the job market. The environment of the urban Negro student makes him more difficult to teach than the suburban white student. Identical education systems will leave the urban Negro behind—and they have.

America must create an urban education system attuned to the environmental disadvantages from which urban students suffer. If the urban Negro and the suburban white are ever to enter the job market with equivalent skills the environmental advantage of the suburban student must in effect be equalized by an educational advantage of the urban student. Put in other words, urban education must be made superior to suburban education if the graduates of both are to have equivalent skills.

Many will argue that equal educational opportunity is the goal—and if the urban and suburban systems are practically identical that means that the educational opportunities are equal. That is not true. Similar schools with similar students produce similar products. Similar schools with dissimilar students produce dissimilar products—and do not offer equal opportunity. Disadvantaged students, by definition, are at a disadvantage in school compared to students from a more promising environment.

We are not speaking of a disadvantage in native intelligence or in potential ability. We are speaking of a disadvantage in pre-school education, a disadvantage in psychological outlook, a disadvantage in conditions for study in the home, a disadvantage in the capacity to continue schooling.

Some will argue further that those problems are Negro problems—not ours. But no child creates his environment. All America, past generations and present, has contributed to that environment in a tragic and sordid history of racial isolation and discrimination which is a national shame.

Must we really build an urban education system which is intentionally superior to suburban education? Yes! Must we really give the urban Negro student a superior education system than the white? Yes! Must we spend more money and talent and attention on Negro education than white? Yes!

Nothing less will give America the hope of avoiding racial revolution.

Nothing less will give the American Negro the hope of a full share in the American Dream.

V. WILL INTEGRATED EDUCATION DO THE JOB?

Education in our major cities is rushing headlong to an overwhelmingly segregated system. The fact is that since the 1954 Supreme Court Decision forbidding segregation in public schools, *de facto* segregation has increased in the North. A study of 75 cities by the Civil Rights Commission in "Racial Isolation in the Public Schools" revealed that there is a high degree of racial separation in the Public School systems of the central cities. Chart 72 is reproduced from the Commission report.

The results show, in the words of the Commission: "In these cities 75 percent of the Negro students are in elementary schools with enrollments that are nearly all Negro (90 percent or more Negro), while 83 percent of the white students are in nearly all white schools. Nearly 9 of every 10 Negro elementary school students attend majority-Negro schools." [38]

Integration of our public school systems is a must. America must pursue the goal of a fully integrated, successful contented multiracial society with unflinching and unhesitating energy. Integration contributes to the uplifting of the educational experience of the lower class individual into the great middle-class mainstream. There is evidence to show that in some limited circumstances there is an improvement of the educational attainment level of disadvantaged students when put in a majority middle-class educational environment.

Coleman suggests this point, as cited by the National Commission on Civil Disorders: "When disadvantaged children are racially isolated in the schools, they are deprived of one of the more significant ingredients of quality education: exposure to other children with strong educational backgrounds." [39]

The Commission's statement on integration is highly commendable. Its conclusions we applaud:

"We believe school integration to be vital to the well-being of this country.

"We base this conclusion not on the effect of racial and economic segregation on achievement of Negro students, although there is evidence of such a relationship, nor on the effect of racial isolation on the even more segregated white students, although lack of opportunity to associate with persons of different ethnic and socio-economic backgrounds surely limits their learning experience.

"We support integration as the priority education strategy because it is essential to the future of American society. We have seen in this last summer's disorders the consequences of racial isolation, at all levels, and of attitudes toward race, on both sides, produced by three centuries of myth, ignorance and bias." [40]

Integration is desirable and should be pursued with vigor.

But integration alone cannot do the job.

It cannot do the job first of all, because it is unlikely to be obtained in the next decades—and in many instances is impossible to obtain. The following points demonstrate the dilemma:

Although there is no evidence to show an adverse effect on children from strong educational backgrounds when children from weaker backgrounds are put in the same classroom, the psychological effect on the white parents is likely to result in another round of residential shifting or mass transfers to private education.

Coleman puts the matter bluntly when he says:

"In large cities, however, where lower-class Negroes are both concentrated and numerous, this approach (integration into middle-class educational environment) quickly exhaust its possibilities. There are simply not enough middle-class children to go around." [41]

The Civil Rights Commission asks for full integration of all Negroes into schools which are majority white, suggesting a 50% level as a measuring device. They base their recommendation on an earlier finding of theirs that "Negro children in schools that are majority-Negro often fail to do better than Negro children in all-Negro schools." [42] It is patently obvious to see that in many areas it is not possible to distribute Negroes throughout a school system so that none of them are in a school which has more Negroes than whites. By 1970, of the 48 cities with populations over 250,000 in 1960, 17 will already have an estimated enrollment in the public school system of over 50% Negro.

". . . that Negro students do better in predominantly middle-class schools and worse in predominantly lower-class schools, but that racial integration has little or no independent effect. Integrating poor Negroes with poor whites, in other words, probably does no good. Integrating poor Negroes with middle-class Negroes might do as much good as integrating them with middle-class whites, but as a practical matter there aren't enough middle-class Negroes to go around. (One reason for this is that 40% of all white-collar Negroes send their children to private schools—an incredible finding which deserves study.)" [43]

Adequate means to integration cannot be found in the major core cities alone. Metropolitanism as a solution is a technically feasible but politically impossible one. Current attitudes toward race problems do not encourage the success of such a program.

Bussing and other means suggested aimed at balancing the school systems are achieving mixed success at best. The most recent example has been the political demise of the Chicago integration plan. The saga of Boston's former School Board Chairwoman demonstrates only too well the difficulties of achieving meaningfully integrated systems.

Furthermore, even if integration were fully possible, it does not yet do the job. Coleman states bluntly: "The task of increasing achievement of lower-class children cannot be fully implemented by school integration even if integration were wholly achieved." [44] Integration only partially solves the problem of the educational environment (resources as Coleman calls it) which is brought to the classroom. The Coleman Report concludes quite unequivocally that "within each racial or ethnic group, the factor that showed the clearest relation to a child's development was his home background—the educational and economic resources provided within his home." [45] This point has recently been discussed by a study released by the Center for Urban Education in New York City emphasizing the importance of social attitudes toward education.[46]

Merely because these youngsters have been taken and put in schools with normally strong educational and economic backgrounds, have we raised the level of the student environment enough to achieve the desired results? There is still a gap which the classroom must fill to compensate for the lack of promising home background.

Another element frequently cited is the motivation of the student and its bearing on success. Integration will not on its own remove the psychological problems of "destiny control," found among the Negro youth attending predominantly Negro schools. True, by its very nature, some of the "helpless" feelings resulting from the belief that the school is inferior can potentially be removed. But how great are the changes going to be to statements like "Good luck is more important for success than is hard work." "Everytime I try to get ahead, something or somebody stops me," "People like me don't have much of a chance to be successful in life?"

Coleman concludes:

"Even if the school is integrated, the heterogeneity of backgrounds with which children enter school is largely preserved in the heterogeneity of their performance when they finish. As the Report indicates, integration provides benefits to the underprivileged. But it takes only a small step toward equality of educational opportunity.

"Thus a more intense reconstruction of the child's social environment than that provided by school integration is necessary to remove the handicap of a poor family background." [47]

We conclude: Integrated education is desirable, valuable and part of the answer. But it is a small part. We support it. But no one should deceive himself that the racial integration of the urban schools is a sufficiently important step to satisfy the society's conscience or cure the society's ills.

VI. WILL TECHNICAL EDUCATION DO THE JOB?

Firm preparation in a technical field during the secondary education level often serves as an entry visa directly into the job market, or at least into apprenticeships and advanced on-the-job training. Furthermore, the increase in demand for technical skills would seem to argue for the vocational/technical education system.

We believe, however, that an improved vocational/technical education structure will

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not solve the problems either of education or of the urban dilemma and in fact will serve to add fuel to the racial polarization now well under way.

First of all, an educational program which has as its basic elements the learning of a technical education limits the scope of the individual in the competitive job market. On the other hand, a general education stressing the skills of the liberal arts—an ability to communicate, to calculate, to learn—does not prevent one from entering any of the technical areas nor limit him to any particular type of job. In fact, a basic skill background, probably even enhances the opportunity for most technical jobs and improves the individuals marketability. According to the U.S. Department of Labor, 79% of Negro highschool graduates compared to 82% of white highschool graduates enter the labor force.[48] The fundamental shortcoming of urban education is not in the teaching of marketable skills but in the teaching of basic learning skills.

Second, while a technical education in this day and age can be an excellent means of securing a decent job, it still is treated by society as "second class" education. We believe that the psychological differences between the graduate of a vocational/technical program and a liberal arts program are significant and reinforce the polarization tendencies now in effect. Whether in fact the education is actually inferior or not, it is viewed as inferior education. Whites in the metropolitan areas of the country, according to the Coleman report showed consistently less interest in going to a technical school:

CHART 73

	Those wanting to go to a technical school	
	White	Negro
Metropolitan:		
Northeast	24	34
Midwest	25	32
South	10	26
Southwest	21	25
West	17	24

Note.—In response to question: "How far do you want to go in school?"

Source: "Equality of Educational Opportunity," p. 283.

We are not arguing against improved technical education. We are arguing that by itself it is not a sufficient answer to the urban education dilemma while actually furthering the class and racial divisions of America.

If vocational education is treated as a substitute for education in basic learning skills, it does not represent a long-range answer. If vocational education is considered a separate haven for society's disadvantaged youth, it will be an unequal haven which perpetuates race hatred.

Vocational education should be a supplement to any liberal arts program. In the words of James B. Conant: "First and foremost, vocational courses should not replace courses which are essential parts of the required academic program for graduation."[49] Technical education in the form of electives to supplement a basic program are quite useful. In that sense vocational courses can serve to convince the student of the relevance of his education and can encourage him to gain more from the whole curriculum which concentrates on basic learning skills.

VII. WHAT HAPPENS IF URBAN EDUCATION IS NOT RADICALLY IMPROVED

Thus far this report has described conditions as they are today. Today's conditions justify new and massive attention to the inadequacy of public education in America's core cities.

But the problem is much worse than today's conditions reveal. Every statistical index shows that with every year of delay in dramatic changes in urban education—

Negro enrollment in core city schools will increase and will increase faster than white enrollment;

The white exodus to the suburbs will accelerate;

The gap in real educational achievement and in skills brought to the job market between Negro and white youngsters will widen;

The division between the races will become ever more serious.

Of the 48 American core cities with a population of 250,000 or more in 1960, only 11 had a Negro school age population of over 23 percent. In 1965 the number was 17 in 1970 it will be 22; by 1975 it will be 27. In 1965 only one major American city, the nation's capital, had more Negroes of school age than whites; by 1975, eleven major U.S. cities will face this problem. (See Chart 74)

These estimates of the future are based on extrapolations on current trends in birth rates, migration to the cities, and migration from the cities. But they don't really tell the full story, for they refer to school age population, not public school enrollment.

The estimated figures for public school enrollment show even more dramatic trends. In 1960 only 11 of the 48 cities had a Negro student age population of over 33% or more. By 1965, half of the 48 cities had a Negro public school enrollment of 33% or more. By 1970, 28 of the 48 cities will be in this position. And by 1975, fully two-thirds of America's largest cities will have a Negro public school enrollment of 33% or more—and 19 major cities will have a larger Negro public school student body than white. (See Chart 75)

A few sample cities show the picture. In 1960, 40% of Chicago's public school students were Negro; in 1975 76% will be Negro; the fifteen year jump in Detroit will be from 43% to 79%; in Baltimore from 48% to 83%; in St. Louis from 49% to 82%; in San Francisco from 34% to 63%; in New Orleans from 55% to 79%; in Newark from 47% to 68%; in Louisville from 32% to 62%; in Miami from 31% to 62%; in Jersey City from 26% to 68%; and in Kansas City, Missouri, from 29% to 52%.

A similar trend is taking place, by the way, in private school enrollment of core city students. As the proportion of Negro students in city public schools rises dramatically so does the proportion of Negro students in the private schools available to core city students. This trend in private school enrollment is most dramatic where Negro enrollment in the public schools is extremely heavy. It is predicted, for example, that in 1975, 95% of all Washington, D.C. public school students will be Negro, and 42% of all of Washington's private school students will be Negro. (See Chart 76) This trend is relevant for two reasons: first, it reflects growing Negro appreciation of the inadequacy of urban education; second, it suggests that white parents confronted with the dilemma of core city schools may increasingly opt for a move to the suburbs rather than sending their children to private school.

The urban education problem today is not just a Negro problem—the inadequacy of core city schools works a hardship on all their students, white and Negro alike. The division today is still predominantly an urban-suburban division. But as the core city schools become more and more Negro the urban-suburban division will become increasingly a black-white division. The nonequivalence in skills between the core city and suburban students will become increasingly a nonequivalence between black and white. The employment disadvantage of the urban student will increasingly be the employment disadvantage of the Negro student. The racial division—with all of its despair and hatred and potential for violence—will widen even further.

America must veer off its course toward collision between the races. We must improve urban education in order to induce white families to stay in the cities. We must improve urban education in order to better the Negro's chance of competing effectively for a promising job. We must improve urban education to avoid a race revolution.

Commentators on America's city Negro problem almost always argue for a three-pronged attack—more jobs, better housing, better schools. More jobs are needed today, but they are a short-range subsidy which does little to promise long-range change. Better housing is needed, but it too, by itself, offers no promise of long-range change in the plight of the American Negro.

In the long run, any attempt at a solution which avoids a massive attempt to improve urban education must fail. Only education can provide the skills to earn a job. Only education can provide the stimulus for the environmental change which makes new housing a reason for new hope. Only education offers the long-range promise sufficient to make of the American Negro a self-confident and self-satisfied participant in this, the most prosperous country in the history of mankind.

Appropriate charts are in the appendix to part I.

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CHART 3

[CHARACTERISTICS OF ELEMENTARY AND SECONDARY SCHOOL PLANTS ATTENDED BY NEGRO AND WHITE PUPILS, FOR METROPOLITAN AREAS, BY REGION, FALL 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
ELEMENTARY									
Average number of instruction rooms per building	30	23	25	26	19	18	21	19	20
Average number of improvised or makeshift rooms per building	1	1	0	1	0	0	0	0	0
Percent of students in school plants of age:									
Less than 20 years	31	40	59	28	66	63	76	80	80
20 to 39 years	23	31	23	18	15	18	14	13	9
40 years or more	43	27	18	53	18	18	7	6	7
Average number of pupils per—									
Instruction room	33	34	30	34	31	30	37	37	31
Teacher	27	27	26	29	29	28	30	32	31
Average total enrollment in school	640	600	587	643	560	555	600	565	560
SECONDARY									
Average number of instruction rooms per building	61	60	58	39	40	47	61	64	59
Average number of improvised or makeshift rooms per building	0	1	1	3	2	1	1	0	1
Percent of students in school plants of age:									
Less than 20 years	18	47	64	33	38	43	53	55	79
20 to 39 years	41	27	20	38	27	37	46	45	19
40 years or more	40	27	15	29	36	20	2	1	3
Average number of pupils per—									
Instruction room	35	32	28	54	41	33	31	30	30
Teacher	24	22	20	25	25	24	23	24	23
Average total enrollment in school	604	657	673	708	619	573	428	428	447

Source: "Equality of Educational Opportunity," p. 68ff.

CHART 4

[Percent of white and Negro pupils in elementary and secondary schools with selected special facilities, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Auditorium:									
Elementary	56	48	40	27	10	10	47	17	12
Secondary	77	82	72	51	56	44	72	57	45
Cafeteria:									
Elementary	41	47	45	24	16	22	34	6	14
Secondary	88	81	73	55	67	54	77	91	79
Gymnasium:									
Elementary	46	41	49	36	18	19	0	0	8
Secondary	90	93	90	74	78	76	99	99	95
Kitchen for preparing hot meals:									
Elementary	61	73	82	57	68	71	90	95	92
Secondary	99	100	100	88	96	96	99	97	92
Infirmary or health room:									
Elementary	74	81	90	74	80	79	93	99	96
Secondary	96	99	99	70	81	83	71	80	87
Special rooms:									
Elementary	35	40	47	35	33	36	31	29	34
Secondary	67	73	67	59	68	58	75	69	65
SECONDARY ONLY									
Shop with power tools	67	95	97	99	100	100	100	100	100
Space and equipment available for laboratory work, secondary school in:									
Biology	83	94	94	100	94	99	100	100	100
Chemistry	99	99	99	100	100	100	100	100	100
Physics	92	97	99	94	98	96	76	76	100
Foreign language lab with sound equipment	47	80	79	68	48	57	95	94	80
Typing classroom	94	99	93	100	98	96	100	100	100
Baseball or football field	75	92	95	77	100	100	100	100	100

Source: Equality of Educational Opportunity, p. 71ff.

CHART 5

[Library services available to Negro and white pupils in elementary and secondary schools, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W (N)	W	N	W (N)	W	N	W (N)	W
Public library with at least 5,000 books in walking distance of school:									
Elementary	71	64	62	82	43	42	77	67	48
Secondary	85	78	68	90	55	75	94	90	67
School has a centralized library:									
Elementary	83	95	89	57	75	70	81	98	95
Secondary	100	99	99	100	100	100	100	100	100
Number of librarians serving school library:									
None:									
Elementary	34	33	22	46	43	46	23	17	27
Secondary	3	1	2	0	0	2	0	0	0
1 part time:									
Elementary	19	33	34	30	41	39	57	69	60
Secondary	0	0	0	1	0	5	0	0	1
1 or more full time:									
Elementary	46	34	43	22	15	15	19	14	13
Secondary	97	99	99	99	100	94	100	100	99
School has at least 3 sound-equipped movie projectors:									
E	25	27	30	45	22	15	14	8	12
S	93	74	79	68	63	77	100	100	99
Number of volumes in school library:									
E	2,990	3,794	4,012	2,684	2,670	2,796	6,099	4,820	4,487
S	8,299	8,763	8,318	8,666	6,553	8,057	11,599	11,590	10,214
Volumes per student in school library:									
E	3.02	5.33	4.65	2.39	4.00	5.03	6.58	7.57	7.27
S	3.79	4.74	5.29	3.45	3.71	4.82	6.50	5.94	6.27

Source: "Equality of Educational Opportunity," p. 74ff.

CHART 6

[Percent of Negro and white pupils in elementary and secondary schools with available textbooks, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
School has free textbooks:									
Elementary	100	100	98	72	65	54	98	100	100
Secondary	98	96	91	67	48	39	99	99	86
School has sufficient number of textbooks:									
Elementary	90	97	97	97	99	99	95	91	90
Secondary	94	99	99	98	99	100	96	99	96
Age of schools' texts:									
No texts furnished:									
Elementary	2	1	2	3	2	2	0	1	1
Secondary	1	1	3	14	21	20	0	0	2
Texts under 4 years old:									
Elementary	57	47	56	67	59	59	77	68	77
Secondary	55	53	59	51	73	67	59	37	67
Texts 4 or more years old:									
Elementary	41	52	42	30	39	39	21	31	22
Secondary	42	47	34	35	6	13	40	62	30

Source: "Equality of Educational Opportunity," p. 776ff.

CHART 7

[Percent of Negro and white pupils attending elementary and secondary schools having certain services, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Free lunch:									
Average percent getting:									
Elementary	13	6	5	3	3	3	4	4	3
Secondary	7	4	3	9	8	4	2	2	3
Percent in school with none:									
Elementary	50	53	55	58	59	55	33	49	53
Secondary	34	29	49	26	27	35	53	39	46
Free milk:									
Average percent getting:									
Elementary	32	24	4	5	4	6	4	2	2
Secondary	5	3	3	3	9	5	1	1	1
Percent in school with none:									
Elementary	29	43	60	48	60	55	28	56	61
Secondary	29	40	50	49	33	38	84	60	61
Attendance law in school district:									
No compulsory school: attendance law:									
Elementary	0	0	0	3	0	0	0	0	0
Secondary	0	0	0	0	0	0	0	0	0
Has a well-enforced compulsory school attendance law:									
Elementary	97	96	96	85	88	89	87	96	94
Secondary	97	93	90	69	72	88	96	97	91
Psychologist (full or part time) in the school:									
Elementary	50	69	59	35	42	34	86	89	84
Secondary	30	58	40	73	42	55	70	71	72
Nurse (full or part time) in the school:									
Elementary	93	93	91	91	90	88	96	93	86
Secondary	83	93	92	93	89	87	99	99	92
Attendance officer (full or part time) in the school:									
Elementary	94	88	81	73	63	54	76	76	48
Secondary	95	75	80	67	79	65	94	95	84

Source: Equality of Educational Opportunity, p. 82ff.

CHART 8

[PERCENT OF WHITE AND NEGRO PUPILS ATTENDING ELEMENTARY SCHOOLS HAVING KINDERGARTENS OR NURSERY SCHOOLS, FOR METROPOLITAN AREAS, BY REGION, FALL 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Kindergarten:									
Available, free to all pupils	90	84	74	93	77	66	91	98	87
None available	7	12	18	2	18	29	7	2	13
Available, but fee is charged	1	2	0	1	5	5	0	0	0
Nursery school:									
Available, free to all pupils	5	2	2	16	1	1	5	2	1
None available	93	88	89	81	99	99	90	94	96

Source: Equality of Educational Opportunity, p. 85ff.

CHART 9

[Percent of white and Negro pupils attending elementary and secondary schools accredited by State agency and by regional association, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
ELEMENTARY									
Accreditation by State:									
Yes	49	49	52	75	72	83	40	28	29
No	7	1	6	0	1	1	8	6	13
Not available [1]	42	49	41	21	27	16	42	50	56
By regional association:									
Yes	34	28	24	52	42	49	22	19	29
No	8	8	14	5	7	11	16	18	23
Not available	51	61	57	39	47	36	52	63	63
SECONDARY									
Accreditation by State:									
Yes	95	96	92	99	100	100	72	91	80
No	0	0	0	0	0	0	2	1	2
Not available	5	2	7	0	0	0	26	9	18
By regional association:									
Yes	74	68	74	75	93	86	100	100	100
No	17	27	21	25	7	14	0	0	0
Not available	6	2	3	0	0	1	0	0	0

[1] Means accreditation not available.

Source: "Equality of Educational Opportunity," pp. 86 and 87.

CHART 10

[Curriculum offered, comprehensiveness of curriculum, and curricular classifications of secondary schools attended by Negro and white pupils for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
College preparatory	93.0	98.0	99.0	99.0	100.0	100.0	100.0	100.0	100.0
Commercial	85.0	94.0	93.0	99.0	98.0	96.0	100.0	100.0	100.0
General	89.0	93.0	94.0	99.0	98.0	95.0	83.0	100.0	100.0
Vocational	42.0	36.0	35.0	60.0	61.0	60.0	65.0	36.0	65.0
Agriculture	4.0	8.0	17.0	5.0	4.0	8.0	4.0	2.0	8.0
Industrial arts	41.0	82.0	78.0	70.0	93.0	82.0	100.0	100.0	99.0
Comprehensiveness of curriculum [1]	81.2	83.3	83.6	90.8	90.3	89.0	91.9	86.3	91.9
Curricular classifications of schools:									
Academic	7.0	23.0	22.0	5.0	10.0	15.0	0	1.0	3.0
Comprehensive	68.0	72.0	74.0	94.0	88.0	81.0	100.0	99.0	97.0
Special	11.0	1.0	1.0	1.0	0	0	0	0	0

[1] The comprehensiveness of curriculum measures a ratio of the number of curriculums offered in the schools in the area to the possible number of curriculums (6 as above) per school to get some indication of whether or not minority pupils have the same number of alternative curriculums available as white pupils.

Source: "Equality of Educational Opportunity," p. 94ff.

CHART II

[Percent of Negro and white pupils in elementary schools having available programs for exceptional children, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Speech therapist (full and part time)	94	94	90	98	95	79	87	100	99
Remedial reading teacher (full and part time)	73	52	58	60	22	17	66	46	70
Accelerated curriculum in 1 or more subjects	34	49	47	21	25	28	43	67	73
Percent of pupils in school in remedial mathematics classes:									
0 to 4	38	28	40	30	39	33	33	35	49
5 to 9	4	5	4	12	9	6	11	21	13
10 to 14	2	3	2	3	2	1	4	1	1
15 to 19	2	0	0	3	0	0	4	1	2
20 to 24	0	0	0	2	2	2	6	2	2
25 or more	1	1	0	2	0	0	5	2	1
Not offered	45	56	45	40	45	56	31	34	27
Percent of pupils in school in remedial reading classes:									
0 to 4	40	44	48	32	41	32	32	35	38
5 to 9	12	15	18	23	10	9	19	28	22
10 to 14	16	10	5	6	3	2	6	8	6
15–19	4	3	1	4	4	2	8	4	2
20 to 24	0	0	0	1	2	2	3	1	2
25 or more	4	1	1	3	0	0	9	1	7
Not offered	13	20	18	24	36	48	15	20	16
School provides separate classes for the following groups:									
Low IQ or mentally retarded pupils	62	54	51	73	51	45	77	70	75
Pupils with behavior and adjustment problems	30	22	20	20	14	13	17	22	24
Non-English-speaking pupils	6	8	4	8	4	6	6	4	10
Rapid learners	44	46	35	20	14	12	30	56	67
Special skills or talents (e.g. art, music)	34	31	38	54	46	47	58	59	51
Pupils with speech impairments	59	67	73	86	73	67	86	87	82
Physically handicapped pupils	17	14	16	31	28	24	37	42	47
Separate classes for special cases	36	35	34	43	34	31	46	50	51

Source: "Equality of Educational Opportunity," p. 101.

CHART 12

[Percent of white and Negro pupils in secondary schools having available programs for exceptional children, in metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Speech therapist (full- and part-time)	72	72	59	93	62	75	48	65	72
Remedial reading teacher (full and part-time)	81	61	66	62	58	57	100	99	97
Accelerated curriculum in 1 or more subjects	60	85	82	64	70	78	74	45	73
Opportunities for 12th graders to obtain advanced placement or credit in college	64	85	82	70	68	92	73	45	74
Percent of pupils in school in remedial mathematics classes:									
0 to 4	34	35	54	26	56	40	4	36	51
5 to 9	30	21	13	12	23	26	60	49	29
10 to 14	22	29	13	4	7	14	32	15	17
15 to 19	0	0	0	31	11	6	0	0	0
20 to 24	1	0	0	0	0	0	0	0	0
25 or more	0	0	0	1	0	1	4	1	4
Not offered	13	15	22	26	4	14	0	0	0
Percent of pupils in school in remedial reading classes:									
0 to 4	16	31	48	16	44	27	1	3	12
5 to 9	42	17	17	9	28	32	36	63	65
10 to 14	22	27	11	14	12	23	26	25	4
15 to 19	6	1	1	7	4	5	22	7	12
20 to 24	5	14	8	26	11	6	2	1	3
25 or more	0	0	0	5	1	1	14	1	4
Not offered	5	8	15	23	1	4	0	0	0
School provides separate classes for the following groups of pupils:									
Low IQ or mentally retarded pupils	75	70	62	86	61	59	98	100	98
Pupils with behavior and adjustment problems	22	7	11	19	5	8	37	27	9
Non-English-speaking pupils	17	23	3	5	3	1	------------	1	2
Rapid learners	83	86	66	51	56	54	85	95	76
Special skills or talents (e.g., art, music)	92	91	81	53	60	63	69	68	67
Pupils with speech impairments	43	35	44	48	42	42	45	60	57
Physically handicapped pupils	8	9	8	31	18	12	53	82	72
Separate classes for special cases	49	45	39	41	34	34	54	60	53

Source: "Equality of Educational Opportunity," p. 104.

CHART 13

[Length of school year and school day, hours of homework expected in elementary and secondary school for metropolitan areas by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
ELEMENTARY									
Average number of days school is in session	183.0	181.3	182.1	182.8	179.0	179.7	178.2	178.7	183.5
Average number of hours in academic day	5.3	5.4	5.5	5.6	5.8	5.8	5.4	5.3	5.4
Total hours in session	970.0	979.0	1,002.0	1,024.0	1,038.0	1,042.0	962.0	947.0	991.0
SECONDARY									
Average number of days school is in session	184.6	182.3	184.7	182.4	180.0	180.0	178.6	178.2	178.2
Average number of hours in academic day	6.1	6.3	6.4	6.6	6.6	6.7	6.1	6.2	6.2
Total hours in session	1,126.0	1,148.0	1,182.0	1,204.0	1,188.0	1,206.0	1,089.0	1,105.0	1,105.0

Source: Equality of Educational Opportunity, pp. 91, 93.

CHART 14

[For elementary schools attended by the average white and Negro pupil: Percent of teachers with various qualifications, training, and other professional attributes, for metropolitan areas, by region fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Major field of study:									
Elementary education	65	63	63	62	70	69	51	56	59
An academic field	19	19	17	17	14	15	23	21	22
Collegiate experience:									
Attended a normal school or teachers college	49	48	56	35	38	42	37	39	36
No graduate degree offered by college attended	45	40	38	36	35	40	22	20	21
Average percent of white students in college attended	73	89	97	75	96	97	82	94	96
Feeling of academic competition [1]	65	61	57	65	60	60	69	69	65
Social relationships [1]	44	43	45	42	40	42	42	39	42
Teachers' rating of academic level of college attended [1]	70	72	71	74	74	73	75	77	74
Less than regular certificate	23	31	17	18	18	15	5	5	6
Professionalism:									
NSF, NDEA, ESEA institutes attended	5	4	4	7	4	4	6	6	5
Attended training programs designed for teaching or counseling the culturally disadvantaged	20	12	11	24	10	9	30	18	13
Member of a national honorary society (KDT or PBK)	11	13	12	13	14	14	17	16	20
Officer or active member in a teachers organization	39	38	34	16	19	23	40	30	31

[1] Average scores; all other items relate to percent of teachers.

Source: "Equality of Educational Opportunity," p. 137.

CHART 15

[For secondary schools attended by the average white and Negro pupil—percent of teachers with various qualifications, training, and other professional attributes, for metropolitan areas, by region fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Major field of study:									
Elementary education	1	1	1	5	2	1	1	1	1
An academic field	41	46	46	35	36	41	38	39	42
Collegiate experience:									
Attended a normal school or teachers' college	20	24	26	30	33	33	27	26	23
No graduate degree offered by college attended	25	29	29	38	31	34	16	14	13
Average percent of white students in college attended	85	92	98	75	97	97	90	90	95
Feeling of academic competition [1]	67	65	62	58	61	59	73	72	68
Social relationships [1]	44	44	49	50	45	45	42	40	43
Teachers' rating of academic level of college attended [1]	78	78	76	76	76	75	78	78	73
Less than regular certificate	27	26	23	27	27	18	7	6	12
Professionalism:									
NSF, NDEA, ESEA institutes attended	14	14	15	11	12	14	16	15	17
Attended training programs designed for teaching or counseling the culturally disadvantaged	13	9	8	15	7	7	24	17	12
Member of a national honorary society (KDP, PBK)	18	24	21	22	24	26	27	26	27
Officer or active member in a teachers organization	21	21	23	29	21	24	28	27	26

[1] Average scores; all other items relate to percent of teachers.

Source: Equality of Educational Opportunity, p. 140.

CHART 16

[Verbal facility, educational attainment, and experience of elementary and secondary school teachers and counselors (includes those spending more than 5 hours a week in counseling) in schools attended by the average white and Negro pupil, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
ELEMENTARY									
Teachers and counselors:									
Verbal facility	21.8	22.7	23.4	22.4	23.4	23.4	22.2	23	23.5
Highest degree earned	3	3	3	3	3	3	3	3	3
Years of teaching experience	11	13	11	11	11	11	11	12	10
Years of teaching experience in this school	6	7	7	6	6	6	5	5	4
Professional journals read	1	1	1	1	1	1	1	1	1
SECONDARY									
Teachers and couselors:									
Verbal facility	22	22.6	22.7	21.8	22.7	23.2	23.3	23.3	23.5
Highest degree earned	4	4	4	3	3	3	4	4	4
Years of teaching experience	12	12	11	11	10	10	11	11	11
Years of teaching experience in this school	7	7	7	7	6	6	5	6	6
Professional journals read	1		1	1	1	1	1	1	1
Counselors only:			7	5	1				
Years as counselor	7		1	5	7	5	5	6	6
Guidance organization membership in	1		5	1	2	1	1	1	1
Percent who studied guidance or related discipline for highest earned			7	9	1				
degree	50		5	2	5	59	45	40	46

Source: "Equality of Educational Opportunity," pp. 134ff.

CHART 17

[For schools attended by the average white and Negro pupil—elementary teachers' working conditions, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Average annual teacher's salary (in $1,000)	7.2	7.4	7.1	7.0	6.7	6.5	7.8	7.8	7.3
Average number of hours per day spent preparing lessons	3.2	3.2	3.1	3.1	3.2	3.2	3.3	3.4	3.4
Average number of hours per day spent in the classroom	5.3	5.4	5.5	5.8	5.9	5.8	5.5	5.5	5.6
Average number of students per class	31	30	29	33	32	31	32	31	31
Average number of different subjects taught	6.2	5.5	5.5	5.3	5.7	5.7	5.8	6.1	6.0
Average number of hours counseling per week, outside of official guidance assignment	1.4	1.3	1.2	1.4	1.3	1.3	1.7	1.5	1.5
Average number of days absent last school year	5.7	5.2	4.7	4.5	4.0	3.8	5.0	4.3	4.1
Percent who requested assignment to their present school	59	56	52	74	60	52	70	70	63

Source: Equality of Educational Opportunity, p. 150.

CHART 18

[For schools attended by the average white and minority pupil, secondary teachers' working conditions, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Average annual teacher's salary ($1,000)	7.8	7.9	7.6	7.2	7.1	7.2	8.8	8.7	8.3
Average number of hours per day spent preparing lessons	3.1	3.2	3.2	3.1	3.1	3.1	3.4	3.4	3.4
Average number of hours per day spent in the classroom	4.8	4.8	4.9	5.2	5.2	5.0	5.0	5.0	5.1
Average number of students per class	34	33	32	36	32	32	36	36	34
Average number of different courses taught	2.6	2.6	2.6	3.0	2.8	2.6	2.6	2.5	2.7
Average number of hours counseling per week, outside of official guidance assignment	1.9	1.6	1.5	1.9	1.5	1.6	2.0	1.8	1.7
Average number of days absent last school year	4.3	3.9	3.6	3.0	2.6	2.6	3.3	3.4	3.3
Percent who requested assignment to their present school	47	38	31	46	30	35	46	41	41

Source: "Equality of Educational Opportunity," p. 152.

CHART 19

For schools attended by the average white and Negro pupil, attitudes of elementary teachers on their profession, their school, and their students, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Percent who would definitely reenter teaching	49	53	55	50	58	57	60	55	59
Percent who plan to remain in teaching until retirement	31	32	32	34	31	31	41	36	34
Percent who would continue teaching in their present school	53	66	64	49	62	63	55	67	66
Teacher's rating of student effort	1.8	2.6	2.6	1.7	2.4	2.4	1.7	2.4	2.6
Teacher's rating of student ability	1.7	2.6	2.6	1.6	2.4	2.4	1.5	2.3	2.5
Teacher's perception of reputation of their school among outside teachers	2.4	3.1	3.0	2.1	2.9	2.9	2.3	2.9	2.9
Teacher's problems with students and their homes	.17	.08	.07	.20	.08	.08	.21	.10	.08
Teacher's problems in school functioning	.11	.07	.06	.09	.06	.06	.10	.07	.06

Source: Equality of Educational Opportunity, p. 154.

CHART 20

[For schools attended by the average white and Negro pupil: Attitudes of secondary teachers on their profession, their school, and their students, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Percent who would definitely reenter teaching	42	43	43	47	43	40	50	50	47
Percent who plan to remain in teaching until retirement	44	41	38	37	35	31	44	43	41
Percent who would continue teaching in their present school	51	61	55	45	50	49	42	45	47
Teacher's rating of student effort	1.8	2.6	2.4	1.9	2.4	2.4	1.6	2.0	2.3
Teacher's rating of student ability	1.8	2.6	2.5	2.1	2.5	2.5	1.5	2.0	2.4
Teacher's perception of reputation of their school among outside teachers	2.2	3.1	2.9	2.5	2.8	2.9	1.9	2.5	2.8
Teacher's problems with students and their homes	.18	.10	.10	.18	.12	.11	.25	.19	.14
Teacher's problems in school functioning	.11	.08	.08	.10	.08	.08	.11	.11	.09

Source: "Equality of Educational Opportunity," p. 156.

CHART 21

[The average Negro or white pupil attends a school with the following percent of Negro and white teachers for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Elementary:									
Negro teachers	31	11	2	40	3	2	22	4	2
White teachers	67	88	97	58	96	98	69	91	95
Secondary:									
Negro teachers	18	9	2	35	2	1	14	9	2
White teachers	79	89	96	64	97	97	82	87	94

Source: "Equality of Educational Opportunity," p. 127.

CHART 22

[The average Negro or white pupil attends a school with the following percent of Negro and white principals for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Elementary:									
Negro principals	9	2	1	28	1	0	3	0	0
White principals	86	97	97	69	95	94	95	92	99
Secondary:									
Negro principals	22	4	0	36	4	4	10	0	0
White principals	75	95	99	64	95	95	90	100	100

Source: "Equality of Educational Opportunity," p. 128.

CHART 23

[For the average white and Negro pupil in elementary and secondary schools, the percent of teachers in his school who lived most of their lives and were educated in the local area, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
ELEMENTARY									
Percent of teachers who:									
Spent most of their lives in the local area	64	53	51	55	40	39	24	29	24
Graduated from the local high school	61	48	46	47	31	30	18	20	19
Attended an in-State college	75	75	79	67	77	77	46	51	46
SECONDARY									
Percent of teachers who:									
Spent most of their lives in the local area	62	50	49	34	30	31	22	25	25
Graduated from the local high school	53	43	44	28	24	24	16	17	16
Attended an in-State college	68	65	71	51	65	70	51	54	53

Source: Equality of Educational Opportunity, p. 123ff.

CHART 24

[For the average white and Negro pupil in elementary and secondary schools—educational attainment of the fathers and mothers of teachers in his school, for metropolitan areas, by region, fall 1965. Educational attainment scored from 1 to 8 (lowest to highest); 4 represents high school graduate.]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Elementary:									
Father of teacher	3.7	4.0	3.8	3.6	3.6	3.6	4.1	4.1	4.1
Mother of teacher	3.6	3.7	3.7	3.7	3.6	3.6	4.1	4.2	4.2
Secondary:									
Father of teacher	3.7	3.8	3.6	3.6	3.5	3.6	4.0	3.9	3.9
Mother of teacher	3.5	3.7	3.5	3.7	3.7	3.8	4.1	4.0	4.0

Source: Equality of Educational Opportunity, p. 123ff.

CHART 25

[Percent of white and Negro children in elementary schools with various practices and conditions affecting the instructional staff, for metropolitan areas by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Teacher tenure available in school system	100	99	98	94	79	76	92	95	90
School uses national teachers exams	68	40	18	29	5	5	6	3	2
Principal believes school average or above	87	96	96	76	97	96	67	91	89
Principal does not have teaching duties	79	84	84	86	82	78	56	62	61
Principal's salary below $9,000	4	8	13	8	18	28	0	0	1
Average principal's salary (in $1,000's) [1]	13.34	12.86	12.09	12.10	11.33	10.79	13.83	12.96	12.60
Average percent of time principals teach [1]	2.6	2.0	3.0	2.2	4.6	6.7	6.9	4.6	5.4
Percent of teachers having tenure [1]	56.7	59.4	60.7	59.9	49.9	45.0	58.6	59.9	51.2
Average annual percent of teachers leaving school [1]	7.5	7.2	7.9	8.2	13.0	12.2	14.3	10.3	9.5

[1] Average for school; all other are percent of students.

Source: Equality of Educational Opportunity, p. 160.

CHART 26 [1]

[Percent of white and Negro children in secondary schools with various practices and conditions affecting the instructional staff, for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Teacher tenure available in school system	100.0	100.0	98.0	97.0	82.0	83.0	96.0	96.0	88.0
School uses national teachers exams	65.0	44.0	18.0	11.0	5.0	12.0	1.0	1.0	4.0
Principal believes school, average or above	81.0	95.0	98.0	72.0	100.0	100.0	69.0	96.0	97.0
Principal does not have teaching duties	99.0	99.0	99.0	99.0	76.0	91.0	100.0	99.0	96.0
Principal's salary below $9,000	0	0	1.0	24.0	26.0	10.0	0	0	0
Average principal's salary (thousand dollars) [1]	14.6	15.4	14.1	12.8	11.5	12.2	17.1	15.7	14.9
Average percent of time principals teach [1]	.1	.1	.1	.5	14.7	3.7	.1	.2	.6
Percent of teachers having tenure [1]	64.1	65.3	65.1	56.4	55.1	51.9	59.1	64.2	57.4
Average annual percent of teachers leaving school [1]	5.6	7.0	8.0	10.7	7.7	11.1	--------	9.3	9.6

[1] All items refer to percent of students except those marked with an asterisk which are averages for schools attended by minority and white students.

Source: "Equality of Educational Opportunity," p. 162.

CHART 27

[For schools attended by the average white and Negro pupil—percent of elementary teachers who express a preference for a certain type of pupil they desire to teach and who express certain attitudes on current school issues, for metropolitan areas by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	(NW)	W
Percent of teachers who prefer to teach children:									
Of professional and white-collar workers	12	17	17	9	17	17	8	19	21
Who are Anglo-Saxons	8	16	18	12	35	37	8	23	31
Who are white	5	12	15	10	39	38	4	13	19
Having high academic ability	24	30	26	18	27	27	19	30	34
Percent of teachers who believe in:									
Neighborhood schools	76	82	82	77	90	90	71	80	86
Busing to achieve desegregation	34	28	30	35	26	24	39	32	31
Compensatory education	69	66	66	65	58	56	74	67	61
Racial mixing of faculties and pupils	60	54	52	58	42	40	65	56	51

Source: "Equality of Educational Opportunity," p. 168.

CHART 28

[For schools attended by the average white and Negro pupil—percent of secondary teachers who express a preference for a certain type of pupil they desire to teach and who express certain attitudes on current school issues for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Percent of teachers who prefer to teach children:									
Of professional and white-collar workers	16	21	21	9	17	21	10	16	22
Who are Anglo-Saxons	8	11	14	11	26	31	10	15	21
Who are white	6	9	13	6	30	24	5	8	11
Having high academic ability	37	43	41	26	33	37	33	42	45
Percent in teachers who believe in:									
Neighborhood schools	74	77	79	82	85	86	67	74	76
Busing to achieve desegregation	34	31	29	30	23	24	45	37	34
Compensatory education	71	70	67	67	56	58	72	71	69
Racial mixing in faculties and pupils	61	56	52	53	43	44	62	60	56

Source: "Equality of Educational Opportunity," p. 170.

CHART 29

[Lorenz Analysis]

Place	Local	Total (Federal and State)	Total Federal	Public Law 815, Public Law 874	Total NDEA	Total
			1950			
Baltimore	0.1094	0.1094	0.0519	0.0513	----------	0.0505
Birmingham	.2329	.1371	.0316	.0233	----------	.0223
Boston	.1200	----------	----------	----------	----------	.0824
Buffalo	.1185	.1157	.0656	.0662	----------	.0639
Chattanooga	.1270	.1290	.1633	.1605	----------	.1605
Chicago	----------	----------	----------	----------	----------	----------
Cincinnati	.1105	.1351	.0736	.1694	----------	.0738
Cleveland	.0847	.0950	.0656	.0655	----------	.0660
Detroit	.1803	.2405	.1205	.0957	----------	.1194
Kansas City	.2739	.0524	.0524	.0524	----------	.0548
New Orleans	.1212	.1216	.0830	.0822	----------	.0822
St. Louis	.1137	.1086	.1062	.0742	----------	.0763
San Francisco	.1723	.2361	.0812	.0812	----------	.0711
			1960			
Baltimore	0.1060	0.1060	0.0487	0.0481	0.0403	0.0409
Birmingham	.0498	.1737	.0225	.0243	.0234	.0243
Boston	.1010	.0961	.0798	.0798	.0786	.0786
Buffalo	.1490	.1444	.0898	.0892	.0898	.0894
Chattanooga	.1039	.1272	.0722	.0757	.0746	.0757
Chicago	.1149	.1366	.1102	.1077	.2013	.1087
Cincinnati	.0900	.1250	.0948	.0945	.0936	.0937
Cleveland	.1235	.1736	.1387	.1390	.1388	.1391
Detroit	.2188	.2300	.1463	.1566	.1462	.1453
Kansas City	.0275	.0679	.1017	.1005	.0999	.0992
New Orleans	.0534	.0535	.0318	.0312	.0316	.0312
St. Louis	.1354	.1358	.1111	.1129	.1145	.1137
San Francisco	.1643	.1738	.0807	.0805	.0738	.0732
			1964			
Baltimore	0.1234	0.1215	0.0582	0.0584	0.0570	0.0582
Birmingham	.0948	.1401	.0145	.0093	.0099	.0093
Boston	.1110	.1191	.1036	.1014	.0997	.0990
Buffalo	.1143	.1165	.0558	.0551	.0550	.0547
Chattanooga	.0551	.0661	.0250	.0476	.0465	.0476
Chicago	.1159	.1184	.0825	.1101	.1214	.0807
Cincinnati	.0979	.1069	.0801	.0793	.0788	.0789
Cleveland	.1406	.1470	.1163	.1168	.1227	.1229
Detroit	.1513	.1753	.0717	.0697	.0689	.0685
Kansas City	.0266	.0315	.1092	.0915	.1159	.0981
New Orleans	.0436	.0885	.0253	.0223	.0227	.0223
St. Louis	.1362	.1443	.1144	.1147	.1149	.1150
San Francisco	.1794	.1668	.0792	.0792	.0719	.0720

Source: Benson-Dumbarton, Education Finance and Its Relation to School Opportunities of Minority Groups.

CHART 38

[Percent distribution of ever-married Negro females with husbands absent or divorced, in urban areas, by region, 1960]

	Northeast	North Central	South	West
Total, husbands absent or divorced	25.6	22.6	21.5	24.7
Divorced	3.9	7.3	4.8	9.9
Separated	16.0	11.7	11.9	10.7
Husbands absent for other reasons	5.7	3.6	4.8	4.1

Source: The Moynihan report, U.S. Census of Population by Race, PC (2) lc, table 9, pp. 9–10

CHART 39

[Percent of nonwhite married women with husbands absent due to separation and other reasons, 1960]

City	Percent with husband absent due to separation and other reasons	Percent separated
Akron	16.1	11.9
Birmingham	18.5	13.8
Mobile	23.5	16.4
Denver	14.2	9.5
Hartford	25.7	19.9
Wilmington	23.9	17.3
Washington	23.5	16.1
Chicago	23.5	18.7
Detroit	19.2	14.9
St. Louis	23.1	18.5
New York City	30.2	21.5
Buffalo	22.3	17.7

CHART 39—Continued

[Percent of nonwhite married women with husbands absent due to separation and other reasons, 1960]

City	Percent with husband absent due to separation and other reasons	Percent separated
Philadelphia	25.3	19.5
Pittsburgh	19.7	15.1
Baltimore	23.0	16.6
Houston	15.3	11.4
Dallas	17.2	11.8
San Antonio	16.1	9.0
Cleveland	18.5	14.1
Cincinnati	20.6	15.7
Milwaukee	18.2	13.5
Boston	23.5	15.9
New Orleans	22.2	15.7
Seattle	13.8	8.7
Memphis	22.6	17.7
Atlanta	22.6	16.8

Source: The Moynihan report, U.S. Census of Population, Vol. 1—Selected States, table 105.

CHART 40

[Percent of married women with husbands absent due to separation and other reasons, by color, 1950–64]

Year	White		Nonwhite	
	Total	Separated	Total [1]	Separated
1964	4.4	2.2	20.4	14.8
1963	4.4	1.9	21.2	14.6
1962	4.4	2.0	20.5	14.9
1961	4.3	2.2	19.6	14.3
1960	4.1	1.9	19.4	13.8
1959	4.4	1.8	23.3	17.6
1958	4.0	1.9	19.8	16.0
1957	4.2	1.7	17.9	13.1
1956	4.5	1.9	18.2	14.2
1955	5.3	2.3	21.9	15.1
1954	5.1	1.9	18.8	12.7
1953	4.7	1.8	15.7	10.6
1952	4.5	1.8	16.2	12.4
1951	n.a.	n.a.	16.1	12.1
1950	4.0	2.0	18.0	13.9

[1] Includes figures not shown separately.

Source: The Moynihan Report, U.S. Bureau of the Census, Current Population Series, p. 20. Data for 1950 from 1950 Decennial Census because color break for 1950 is not available from Current Population Survey.

CHART 41

[Estimated number of illegitimate live births and ratio of illegitimate births to all live births by color, 1940–63]

Year	Number of illegitimate births (thousands)			Illegitimacy ratio [1]		
	Total	White	Nonwhite	Total	White	Nonwhite
1964	----------	----------	----------	----------	33.9	245.0
1963	259.4	102.2	150.7	63.3	39.7	235.9
1962	245.1	93.5	147.5	58.8	27.5	229.9
1961	240.2	91.1	149.1	56.3	25.3	223.4
1960	224.3	82.5	141.8	52.7	22.9	215.8
1959	220.6	79.6	141.1	52.0	22.1	218.0
1958	208.7	74.6	134.1	49.6	20.9	212.3
1957	201.7	70.8	130.9	47.4	19.6	206.7
1956	193.5	67.5	126.0	46.5	19.0	204.0
1955	183.3	64.2	119.2	45.3	18.6	202.4
1954	176.6	62.7	113.9	44.0	18.2	198.5
1953	160.8	56.6	104.2	41.2	16.9	191.1
1952	150.3	54.1	96.2	39.1	16.3	183.4
1951	146.5	52.6	93.9	39.1	16.3	182.8
1950	141.6	53.5	88.1	39.8	17.5	179.6
1949	133.2	53.5	79.7	37.4	17.3	167.5
1948	129.7	54.8	74.9	36.7	17.8	164.7
1947	131.9	60.5	71.5	35.7	18.5	168.0
1946	125.2	61.4	63.8	38.1	21.1	170.1
1945	117.4	56.4	60.9	42.9	23.6	179.3
1944	105.2	49.6	55.6	37.6	20.2	163.4
1943	98.1	42.8	55.4	33.4	16.5	162.8
1942	96.5	42.0	54.5	34.3	16.9	169.2
1941	95.7	41.9	53.8	38.1	19.0	174.5
1940	89.5	40.3	49.2	37.9	19.5	168.3

[1] Per 1,000 total live births.

Source: The Moynihan report, U.S. Department of Health, Education, and Welfare, Public Health Service, National Vital Statistics Division, annual Vital Statistics of the United States.

CHART 42

[Ratio of illegitimate births to all live births, nonwhite, by city, 1950 and 1962 [1]]

City	1950 ratio	1962 ratio	Percent increase
Chicago	222.9	289.9	30
Cincinnati	214.6	290.6	35
Cleveland	141.0	202.2	43
Dallas	187.2	252.4	35
Detroit	143.8	197.8	38
Houston	160.8	272.9	70
Memphis	228.6	356.8	56
Milwaukee	153.5	203.2	32
Minneapolis	165.4	294.5	78
New Orleans	134.8	183.8	36
Philadelphia	223.9	233.3	4
Pittsburgh	191.5	208.1	9
St. Louis	237.8	292.3	23
San Antonio	100.5	157.8	57
Seattle	81.9	128.9	57
Washington, D.C	218.2	278.4	28

[1] Per 1,000 total live births.

Source: The Moynihan Report, 1950 rates: "Illegitimate Births: United States, 1938–57," HEW, 1963—1962 rates: Computed, Vital Statistics of the United States, vol. I.

CHART 43

[Families headed by a woman as percent of all families by color, selected periods, 1949–62]

Year	Families headed by a woman as percent of total	
	White	Nonwhite
1962	8.6	23.2
1961	8.9	21.6
1960	8.7	22.4
1959	8.4	23.6
1958	8.6	22.4
1957	8.9	21.9
1956	8.8	20.5
1955	9.0	20.7
1954	8.3	19.2
1953	8.4	18.1
1952	9.2	17.9
1950	8.4	19.1
1949	8.8	18.8

Source: The Moynihan report, U.S. Department of Commerce, Bureau of the Census: Current Population Reports, p. 20, Nos. 125, 116, 106, 100, 88, 83, 75, 67, 53, 44, 33, and 26. Figures are for March or April of each year.

CHART 44

[Percent distribution of all families by type of family, by color, selected periods, 1949-66]

Year	White				Nonwhite			
	All families	Husband-wife families	Other families with male head	Families with female head	All families	Husband-wife families	Other families with male head	Families with female head
1966	100.0	88.8	2.3	8.9	100.0	72.7	3.7	23.7
1962	100.0	88.8	2.6	8.6	100.0	72.3	4.4	23.2
1961	100.0	88.6	2.5	9.0	100.0	74.4	3.9	21.6
1960	100.0	88.7	2.6	8.7	100.0	73.6	4.0	22.4
1959	100.0	88.8	2.8	8.4	100.0	72.0	4.4	23.6
1958	100.0	88.6	2.8	8.6	100.0	73.4	4.2	22.4
1957	100.0	88.4	2.8	8.9	100.0	74.7	3.4	21.9
1956	100.0	87.9	3.3	8.8	100.0	76.1	3.4	20.5
1955	100.0	87.9	3.0	9.0	100.0	75.3	4.0	20.7
1954	100.0	88.5	3.2	8.3	100.0	77.0	3.8	19.2
1953	100.0	88.2	3.4	8.4	100.0	78.6	3.4	18.1
1952	100.0	87.8	3.0	9.2	100.0	78.8	3.6	17.9
1950	100.0	88.4	3.1	8.4	100.0	76.8	4.3	19.1
1949	100.0	88.0	3.3	8.8	100.0	76.8	4.1	18.8

Note: Because of rounding, sums of individual items may not equal 100.

Source: The Moynihan report, U.S. Department of Commerce, Bureau of the Census; Current Population Reports, p. 20, Nos. 125, 116, 106, 100, 88, 83, 75, 67, 53, 44, 33, and 26. Figures are for March or April of each year. Department of Labor, BLS 332, p. 69.

CHART 45

[Children on AFDC with fathers absent compared with all children on AFDC]

Year	Total children on AFDC	Children on AFDC father absent [1]	Percent
1963	2,952,000	1,889,000	64.0
1962	2,849,000	1,803,000	63.3
1961	2,613,000	1,666,000	73.8
1960	2,330,000	1,498,000	64.3
1959	2,247,000	1,404,000	62.5
1958	2,092,000	1,280,000	61.2
1957	1,832,000	1,104,000	60.3
1956	1,708,000	1,016,000	59.5
1955	1,692,000	983,000	58.1
1954	1,567,000	885,000	56.5
1953	1,494,000	820,000	54.9
1952	1,528,000	809,000	52.9
1951	1,618,000	827,000	51.1
1950	1,660,000	818,000	49.3
1949	1,366,000	648,000	47.4
1948	1,146,000	522,000	45.5
1947	1,009,000	441,000	43.7
1946	799,000	334,000	41.8
1945	647,000	257,000	39.7
1944	651,000	247,000	37.9
1943	746,000	269,000	36.1
1942	952,000	325,000	34.1
1941	946,000	304,000	32.1
1940	835,000	253,000	30.3

[1] Excludes those whose father was dead or incapacitated.

Source: The Moynihan Report, Trend Report, "Graphic Presentation of Public Assistance and Related Data," HEW, 1963.

CHART 46

[Percent of white and nonwhite children under 18 not living with both parents, United States, urban and rural, 1960]

Area	Children under 18 without both parents	
	White	Nonwhite
United States	10.0	33.7
Urban	10.3	35.1
Rural nonfarm	10.1	32.7
Rural farm	6.6	26.5

Source: The Moynihan report, U.S. Census of Population, 1960, Social and Economic Characteristics PC (1)–1(C), table 79, p. 210.

CHART 56

[Percentage distribution of replies of 12th-grade pupils to the question "People like me don't have much of a chance to be successful in life," for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Agree	Not sure	Disagree	Nonresponse
White, metropolitan:				
Northeast	5	11	81	3
Midwest	6	12	80	2
West	6	12	77	5
Negro, metropolitan:				
Northeast	12	15	60	14
Midwest	13	16	62	10
West	13	13	52	23

Source: Equality of Educational Opportunity, p. 290.

CHART 57

[Percent of 12th-grade pupils who reported that they feel that good luck is more important for success than is hard work, for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Agree	Not sure	Disagree	Nonresponse
White, metropolitan:				
Northeast	4	7	88	2
Midwest	4	6	89	2
West	4	7	84	5
Negro, metropolitan:				
Northeast	9	9	70	11
Midwest	9	11	73	7
West	10	12	58	20

Source: "Equality of Educational Opportunity," p. 289.

CHART 58

[Percentage distribution of replies of 12th-grade pupils to the question—"Every time I try to get ahead, something or somebody stops me"—for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Agree	Not sure	Disagree	Nonresponse
White, metropolitan:				
Northeast	13	19	65	2
Midwest	15	22	62	2
West	12	18	65	5
Negro, metropolitan:				
Northeast	21	20	48	12
Midwest	23	22	47	8
West	21	19	41	20

Source: "Equality of Educational Opportunity," p. 289.

CHART 59

Percentage distribution of replies of 12th grade pupils concerning their desired rank in scholarship, for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	One of the best students in class	Above middle	Middle	Just to get by	Don't care	Nonresponse
White, metropolitan:						
Northeast	36	41	18	3	1	1
Midwest	33	45	17	2	1	1
West	35	46	14	2	1	1
Negro, metropolitan:						
Northeast	48	32	13	4	1	2
Midwest	48	36	13	2	2	1
West	50	30	12	3	2	3

Source: Equality of Educational Opportunity, p. 279.

CHART 60

Percentage distribution of replies of 12th-grade pupils to question about possibility of having to stop school now for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Like to quit	Don't care	Would be disappointed	Try hard to continue	Do anything to stay	Nonresponse
White, metropolitan:						
Northeast	2	4	12	36	47	1
Midwest	2	5	12	37	43	1
West	2	5	12	37	44	1
Negro, metropolitan:						
Northeast	2	2	13	33	47	2
Midwest	2	3	14	36	44	1
West	3	5	17	37	35	3

Source: "Equality of Educational Opportunity," p. 278.

CHART 61

[Percentage distribution of replies of 12th-grade pupils concerning the time they spend on an average school day studying outside of school, for white and Negro pupils in metropolitan areas, by region, fall 1965]

Race and area	No time spent studying outside of school	½ hour	1 hour	1½ hours	2 hours	3 hours	4 or more	Nonresponse
White, metropolitan:								
Northeast	7	8	17	16	25	19	7	1
Midwest	9	11	21	18	22	14	5	1
West	6	9	19	17	25	16	7	1
Negro, metropolitan:								
Northeast	7	7	13	14	24	21	12	2
Midwest	7	9	17	16	24	18	9	1
West	8	8	16	14	24	18	9	4

Source: Equality of Educational Opportunity, p. 280.

CHART 62

[Percent distribution of replies of 12th-grade pupils regarding the number of books read during the summer of 1965 for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	No books read	1 to 5 books	6 to 10 books	11 to 15 books	16 to 20 books	21 or more books	Nonresponse
White, metropolitan:							
Northeast	21	50	16	6	3	4	1
Midwest	26	45	14	6	4	5	1
West	25	46	15	6	3	5	1
Negro, metropolitan:							
Northeast	19	47	17	7	4	4	2
Midwest	25	47	14	5	4	5	1
West	24	42	15	7	3	6	3

Source: "Equality of Educational Opportunity," p. 282.

CHART 63

[Percent distribution of replies of 12th-grade pupils on "How far do you want to go in school?" for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Nonresponse	Does not want to finish high school	Want to finish high school	Want to go to a technical high school	Desire some college training	Want to finish college	Want to do professional or graduate work
White, metropolitan:							
Northeast	1	1	13	24	9	32	21
Midwest	1	1	16	25	11	30	17
West	1	1	9	17	17	33	22
Negro, metropolitan:							
Northeast	1	3	10	34	10	24	18
Midwest	1	3	7	32	12	27	19
West	2	3	8	24	21	28	13

Source: "Equality of Educational Opportunity," p. 283.

CHART 64

[Percentage distribution of replies of 12th grade pupils to the question—"I sometimes feel that just can't learn"—for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Agree	Not sure	Disagree	Nonresponse
White, metropolitan:				
Northeast	39	15	43	2
Midwest	40	17	41	2
West	38	16	41	5
Negro, metropolitan:				
Northeast	29	15	43	13
Midwest	34	15	42	9
West	28	15	36	22

Source: Equality of Educational Opportunity, p. 288.

CHART 65

[Percentage distribution of replies of 12th grade pupils to the question—"I would do better in school if teachers didn't go so fast"—for white and Negro pupils in metropolitan areas, by region, fall 1965]

Race and area	Agree	Not sure	Disagree	Nonresponse
White, metropolitan:				
Northeast	22	24	52	2
Midwest	24	25	49	2
West	21	23	50	5
Negro, metropolitan:				
Northeast	22	22	44	13
Midwest	21	25	44	10
West	20	21	37	22

Source: "Equality of Educational Opportunity," p. 288.

CHART 66

[Percent of 12th-grade pupils who report whether they have ever read a college catalog, for white and Negro pupils in metropolitan areas, by reason, fall, 1966]

Race and area	Have read a catalog	Have not read a catalog	Nonresponse
White, metropolitan:			
Northeast	73	27	1
Midwest	59	41	0
West	65	34	1
Negro, metropolitan:			
Northeast	59	39	2
Midwest	55	44	1
West	54	43	3

Source: "Equality of Educational Opportunity," p. 285.

CHART 67

[Percent of 12th-grade pupiis who replied whether they have ever written to or talked to a college official about going to college, for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Have consulted college officials	Have not consulted college officials	Nonresponse
White, metropolitan:			
Northeast	46	54	0
Midwest	35	65	0
West	30	69	1
Negro, metropolitan:			
Northeast	32	66	2
Midwest	25	74	1
West	25	72	3

Source: "Equality of Educational Opportunity," p. 285.

CHART 68

[Percentage distribution of replies of 12th-grade pupils concerning number of days they stayed away from school last school year just because they did not want to come, for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	None	1 or 2 days	3 to 6 days	7 to 15 days	16 or more days	Nonresponse
White, metropolitan:						
Northeast	61	28	7	2	2	1
Midwest	66	24	6	2	2	1
West	56	27	8	3	4	2
Negro, metropolitan:						
Northeast	68	21	5	2	2	2
Midwest	73	18	4	2	2	1
West	64	19	7	3	3	4

Source: "Equality of Educational Opportunity," p. 281.

CHART 69

[Average exposure of white and Negro pupils to student academic environment characteristics, by level for metropolitan areas, by region, fall 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Average scale score problems in:									
Elementary schools	14	8	6	16	7	6	26	12	
Secondary schools	23	17	15	24	14	16	23	19	1

Source: Equality of Educational Opportunity, p. 196.

CHART 70

[Percent of 12th-grade pupils planning to go to college next year, for white and Negro pupils in metropolitan areas by region, fall 1965]

Race and area	Definitely yes	Probably yes	Probably not	Definitely not	Nonresponse
White, metropolitan:					
Northeast	46	22	16	16	1
Midwest	37	25	21	16	1
West	55	27	11	6	1
Negro, metropolitan:					
Northeast	31	31	24	13	2
Midwest	33	38	21	8	1
West	48	37	9	3	3

Source: "Equality of Educational Opportunity," p. 284.

CHART 71

[Characteristics of elementary and secondary schools attended by the average white and Negro pupil—percent of teachers of given sex, race, or origin, and average age of teachers, for metropolitan areas, by region, fall, 1965]

	Northeast			Midwest			West		
	N	W(N)	W	N	W(N)	W	N	W(N)	W
Elementary:									
Average age	37	39	38	38	38	38	38	39	38
Sex, male	17	14	18	18	17	19	19	18	22
Teacher's race or origin:									
Negro	31	11	2	40	3	2	22	4	2
White	67	88	97	58	96	98	69	91	95
Other	1	0	0	3	0	0	10	4	3
Secondary:									
Average age	40	39	38	37	36	36	39	38	39
Sex, male	51	51	58	54	56	59	57	59	59
Teacher's race or origin:									
Negro	18	9	2	35	2	1	14	9	2
White	79	89	96	64	97	97	82	87	94
Other	2	1	1	0	1	1	4	4	3

Source: Equality of Educational Opportunity, p. 127–128.

CHART 72

[Extent of elementary school segregation in 75 school systems]

City	Percentage of Negroes in 90 to 100 percent Negro schools	Percentage of Negroes in majority-Negro schools	Percentage of whites in 90 to 100 percent white schools
Mobile, Ala	99.9	99.9	100.0
Tuscaloosa, Ala	99.6	99.6	100.0
Little Rock, Ark	95.6	95.6	97.1
Pine Bluff, Ark	98.2	98.2	100.0
Los Angeles, Calif	39.5	87.5	94.7
Oakland, Calif	48.7	83.2	50.2
Pasadena, Calif	None	71.4	82.1
Richmond, Calif	39.2	82.9	90.2
San Diego, Calif	13.9	73.3	88.7
San Francisco, Calif	21.1	72.3	65.1
Denver, Colo	29.4	75.2	95.5
Hartford, Conn	9.4	73.8	66.2
New Haven, Conn	36.8	73.4	47.1
Wilmington, Del	49.7	92.5	27.3
Miami, Fla	91.4	94.4	95.3
Tallahassee, Fla	99.7	99.7	100.0
Americus, Ga	99.3	99.3	100.0
Atlanta, Ga	97.4	98.8	95.4
Augusta, Ga	99.2	99.2	100.0
Marietta, Ga	94.2	94.2	100.0
Chicago, Ill	89.2	96.9	88.8
East St. Louis, Ill	80.4	92.4	68.6
Peoria, Ill	21.0	86.9	89.6
Fort Wayne, Ind	60.8	82.9	87.7
Gary, Ind	89.9	94.8	75.9
Indianapolis, Ind	70.5	84.2	80.7
Wichita, Kans	63.5	89.1	94.8
Louisville, Ky	69.5	84.5	61.3
New Orleans, La	95.9	96.7	83.8
Baltimore, Md	84.2	92.3	67.0
Boston, Mass	35.4	79.5	76.5
Springfield, Mass	15.4	71.9	82.8
Detroit, Mich	72.3	91.5	65.0
Flint, Mich	67.9	85.9	80.0
Minneapolis, Minn	None	39.2	84.9
Hattiesburg, Miss	98.7	98.7	100.0
Vicksburg, Miss	97.1	97.1	100.0
Kansas City, Mo	69.1	85.5	65.2

CHART 72—Continued

[Extent of elementary school segregation in 75 school systems]

City	Percentage of Negroes in 90 to 100 percent Negro schools	Percentage of Negroes in majority-Negro schools	Percentage of whites in 90 to 100 percent white schools
St. Joseph, Mo	39.3	39.3	91.3
St. Louis, Mo	90.9	93.7	86.0
Omaha, Nebr	47.7	81.1	89.0
Newark, N.J	51.3	90.3	37.1
Camden, N.J	37.0	90.4	62.4
Albany, N.Y	None	74.0	66.5
Buffalo, N.Y	77.0	88.7	81.1
New York City, N.Y	20.7	55.5	56.8
Charlotte, N.C	95.7	95.7	94.7
Raleigh, N.C	98.5	98.5	100.0
Winston-Salem, N.C	88.7	95.1	95.6
Cincinnati, Ohio	49.4	88.0	63.3
Cleveland, Ohio	82.3	94.6	80.2
Columbus, Ohio	34.3	80.8	77.0
Oklahoma City, Okla	90.5	96.8	96.1
Tulsa, Okla	90.7	98.7	98.8
Portland, Oreg	46.5	59.2	92.0
Chester, Pa	77.9	89.1	37.9
Harrisburg, Pa	54.0	81.3	56.2
Philadelphia, Pa	72.0	90.2	57.7
Pittsburgh, Pa	49.5	82.8	62.3
Providence, R.I	14.6	55.5	63.3
Columbia, S.C	99.1	99.1	100.0
Florence, S.C	99.1	99.1	100.0
Sumter, S.C	99.0	99.0	100.0
Knoxville, Tenn	79.3	79.3	94.9
Memphis, Tenn	95.1	98.8	93.6
Nashville, Tenn	82.2	86.4	90.7
Amarillo, Tex	89.6	89.6	98.3
Austin, Tex	86.1	86.1	93.1
Dallas, Tex	82.6	90.3	90.1
Houston, Tex	93.0	97.6	97.3
San Antonio, Tex	65.9	77.2	89.4
Richmond, Va	98.5	98.5	95.3
Seattle, Wash	9.9	60.4	89.8
Milwaukee, Wis	72.4	86.8	86.3
Washington, D.C	90.4	99.3	34.3

Note.—Percentages shown in this table are for 1965-66 school year, except for Seattle, Wash. (1964-65), Los Angeles, Calif. (1963-64), and Cleveland, Ohio (1962-63).

Source: Civil Rights Commission, "Racial Isolation in the Public Schools," p. 4-5.

CHART 74

[Nonwhite total population, ages 5-17 as a percent of the total population in 48 large central cities: enumerated 1960, enumerated or estimated 1965, projected 1970 and 1971]

	1960	1965	1970	1975
New York, N.Y	17.0	22.0	26.0	29.5
Chicago, Ill	28.6	36.4	43.2	46.6
Los Angeles, Calif	18.4	18.8	18.8	18.9
Philadelphia, Pa	31.9	36.9	41.4	44.9
Detroit, Mich	34.5	44.0	54.8	66.5
Baltimore, Md	41.5	48.9	57.7	66.5
Houston, Tex	24.3	32.1	37.6	43.2
Cleveland, Ohio	33.8	39.4	43.4	42.5
Washington, D.C	70.1	81.8	89.1	88.5
St. Louis, Mo	37.1	45.5	54.0	62.2
Milwaukee, Wis	12.3	15.5	18.8	22.3
San Francisco, Calif	11.6	30.7	37.9	45.1
Boston, Mass	12.2	19.4	26.8	34.3
Dallas, Tex	20.9	25.8	28.7	32.5
New Orleans, La	43.9	48.6	54.8	60.9
Pittsburgh, Pa	21.3	25.0	27.6	29.5
San Antonio, Tex	6.7	11.1	15.4	19.7
San Diego, Calif	8.8	10.4	11.6	13.3
Seattle, Wash	10.0	13.9	17.4	20.9
Buffalo, N.Y	17.1	23.2	28.2	33.3
Cincinnati, Ohio	25.5	34.5	40.3	46.2
Memphis, Tenn	41.7	48.6	56.1	63.6
Denver Colo	8.2	11.7	15.2	18.9
Atlanta, Ga	43.5	53.6	61.1	68.5
Minneapolis, Minn	4.1	5.2	5.9	7.0
Indianapolis, Ind	23.2	27.8	32.6	32.3
Kansas City, Mo	20.6	29.1	35.6	38.8
Columbus, Ohio	18.5	24.4	29.8	34.9
Phoenix, Ariz	6.3	10.9	15.4	20.0
Newark, N.J	40.1	46.1	52.1	58.1
Louisville, Ky	24.1	33.0	41.0	48.9
Portland, Oreg	7.0	8.0	9.2	10.7
Oakland, Calif	36.9	43.1	52.7	62.1
Fort Worth, Tex	17.8	22.9	28.0	33.2
Long Beach, Calif	4.8	6.6	9.7	12.3
Birmingham, Ala	46.2	48.8	50.4	52.2
Oklahoma City, Okla	16.1	21.4	25.0	29.6
Rochester, N.Y	9.8	16.8	22.8	28.5
Toledo, Ohio	15.2	18.7	23.0	27.4
St. Paul, Minn	3.6	4.2	5.0	5.7
Norfolk, Va	30.4	35.0	35.3	37.6
Omaha, Nebr	10.0	13.1	16.7	20.8
Miami, Fla	29.7	44.9	56.1	63.1
Akron, Ohio	16.2	21.8	26.7	31.7
Jersey City, N.J	16.7	25.0	34.2	43.7
Dayton, Ohio	25.5	30.7	36.0	41.1
Tulsa, Okla	11.0	14.6	20.1	24.4
Wichita, Kans	9.6	13.7	16.2	19.1

Source: Department of Health, Education, and Welfare; Office of Education, National Center for Educational Statistics; Division of Statistical Analysis, Reference, Estimates, and Projections Branch.

CHART 75

[Nonwhite K-12 public enrollment as a percent of total K-12 public enrollment in 48 large central cities: enumerated 1960, enumerated or estimated 1965, projected 1970 and 1975]

	1960	1965	1970	1975
New York, N.Y	22.0	28	33	38
Chicago, Ill	39.8	52	64	76
Los Angeles, Calif	20.5	21	21	21
Philadelphia, Pa	46.4	55	61	64
Detroit, Mich	42.9	56	67	79
Baltimore, Md	47.8	61	72	83
Houston, Tex	28.0	34	40	46
Cleveland, Ohio	43.8	49	54	59
Washington, D.C	77.1	88	95	95
St. Louis, Mo	48.8	60	71	82
Milwaukee, Wis	16.3	21	26	31
San Francisco, Calif	34.1	43	53	63
Boston, Mass	16.3	26	36	46
Dallas, Tex	19.6	27	30	33
New Orleans, La	55.4	63	71	79
Pittsburgh, Pa	33.1	37	40	41
San Antonio, Tex	7.9	13	18	23
San Diego, Calif	10.6	13	15	17
Seattle, Wash	10.6	15	19	23
Buffalo, N.Y	24.7	35	39	46
Cincinnati, Ohio	33.1	40	47	54
Memphis, Tenn	44.5	52	60	68
Denver, Colo	9.1	13	17	21
Atlanta, Ga	41.9	52	60	68
Minneapolis, Minn	45.7	6	7	8
Indianapolis, Ind	27.3	32	37	42
Kansas City, Mo	29.3	41	49	52
Columbus, Ohio	21.4	28	34	40
Phoenix, Ariz	6.9	12	17	22
Newark, N.J	47.1	54	61	68
Louisville, Ky	32.3	42	52	62
Portland, Oreg	8.0	8	10	12
Oakland, Calif	40.2	51	62	73
Fort Worth, Tex	17.1	22	27	32
Long Beach, Calif	5.4	8	11	14
Birmingham, Ala	46.8	49	51	53
Oklahoma City, Okla	13.0	17	20	24
Rochester, N.Y	13.1	20	27	34
Toledo, Ohio	20.0	26	32	38
St. Paul, Minn	5.0	6	7	8
Norfolk, Va	34.2	36	40	42
Omaha, Nebr	13.4	18	23	28
Miami, Fla	31.3	46	55	62
Akron, Ohio	18.8	25	31	37
Jersey City, N.J	26.3	40	54	68
Dayton, Ohio	30.0	36	42	48
Tulsa, Okla	11.3	15	21	26
Wichita, Kans	10.1	14	17	20

Source: Department of Health, Education, and Welfare; Office of Education, National Center for Educational Statistics; Division of Statistical Analysis, Reference, Estimates and Projections Branch

CHART 76

[Nonwhite nonpublic enrollment in K-12 as a percent of total nonpublic enrollment K-12 in 48 large central cities: Enumerated 1960, enumerated or estimated 1965, projected 1970 and 1975]

	1960	1965	1970	1975		1960	1965	1970	1975
New York, N.Y.	4.6	5.6	6.5	7.2	Minneapolis, Minn.	1.2	1.3	1.4	1.7
Chicago, Ill.	6.7	9.3	10.7	11.2	Indianapolis, Ind.	5.9	5.4	6.5	6.8
Los Angeles, Calif.	7.7	7.3	7.3	7.1	Kansas City, Mo.	3.5	4.1	4.7	4.8
Philadelphia, Pa.	7.7	8.8	10.8	12.1	Columbus, Ohio	4.1	4.5	5.6	5.8
Detroit, Mich.	5.2	5.4	7.3	9.3	Phoenix, Ariz.	2.6	3.8	5.4	6.9
Baltimore, Md.	3.9	4.0	4.3	4.1	Louisville, Ky.	4.2	7.4	9.0	10.2
Houston, Tex.	3.9	4.1	5.0	5.0	Portland, Oreg.	1.8	1.8	3.8	4.4
Cleveland, Ohio	4.0	4.3	4.3	4.4	Oakland, Calif.	11.1	13.7	8.4	9.8
Washington, D.C.	27.3	34.0	39.0	42.0	Fort Worth, Tex.	5.8	5.3	5.1	5.4
St. Louis, Mo.	7.8	8.7	10.2	11.2	Long Beach, Calif.	1.6	1.7	1.7	2.6
Milwaukee, Wis.	2.0	2.8	3.3	3.8	Birmingham, Ala.	21.8	21.2	20.0	20.0
San Francisco, Calif.	7.2	8.5	10.3	12.2	Oklahoma City, Okla.	7.7	5.7	6.7	6.7
Boston, Mass.	1.9	2.5	3.4	4.4	Rochester, N.Y.	1.4	2.6	3.5	4.7
Dallas, Tex.	9.8	9.9	10.3	10.5	Toledo, Ohio	1.5	1.4	1.6	1.8
New Orleans, La.	18.6	18.9	21.3	23.5	St. Paul, Minn.	1.6	1.6	1.8	2.3
Pittsburgh, Pa.	1.8	2.2	2.4	2.3	Norfolk, Va.	7.0	7.6	11.7	13.3
San Antonio, Tex.	3.8	6.0	8.5	10.7	Omaha, Nebr.	1.8	1.9	2.5	3.2
San Diego, Calif.	5.5	6.1	6.5	7.3	Miami, Fla.	6.5	7.7	8.3	9.1
Seattle, Wash.	5.1	6.0	7.2	8.8	Akron, Ohio	.9	1.2	.9	.9
Buffalo, N.Y.	2.1	2.7	3.2	3.6	Jersey City, N.J.	1.9	2.2	3.2	3.6
Cincinnati, Ohio	4.9	9.0	10.2	11.3	Dayton, Ohio	2.8	2.6	2.5	2.7
Memphis, Tenn.	10.0	8.8	9.9	10.2	Tulsa, Okla.	4.4	5.9	6.7	7.9
Denver, Colo.	2.9	3.8	4.9	6.3	Wichita, Kans.	2.1	2.7	2.5	2.3
Atlanta, Ga.	21.2	23.2	26.1	27.8					

Source: Department of Health, Education, and Welfare; Office of Education, National Center for Educational Statistics; Division of Statistical Analysis, Reference, Estimates, and Projections Branch.

FOOTNOTES TO PART I

[1] "Riots, Civil and Criminal Disorders," *Hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations*, United States Senate, 90th Congress, 1st Session, November 1, 2, 3 and 6, 1967, Information provided by Committee staff, November 1, 1967, following page 14.

[2] Information provided by Miss Terry Ann Knopf of the Lenberg Center for the Study of Violence, Brandeis University.

[3] National Advisory Commission on Civil Disorders, *Report*, Bantam Books, March, 1968, page 1.

[4] United States Department of Labor, *Manpower Report of the President*, U.S. Government Printing Office, August, 1967, pages 74–75.

[5] President Lyndon B. Johnson, State of the Union Message, January 17, 1968.

[6] National Advisory Commission on Civil Disorders, op. cit., page 439.

[7] Ibid, page 432.

[8] Coleman, et. al., *Equality in Educational Opportunity*, Study by the National Center for Educational Statistics, U.S. Office of Education, U.S. Government Printing Office, Washington, D.C.

[9] National Advisory Commission on Civil Disorders, op. cit., page 434.

[10] Ibid, p. 428.

[11] Ibid, p. 429.

[12] Benson-Dumbarton, *Education Finance and Its Relation to School Opportunities of Minority Groups*, Background Study for U.S. Commission on Civil Rights, page 1.

[13] Ibid, page 9.

[14] U.S. Commission on Civil Rights, *Racial Isolation in the Public Schools*, U.S. Government Printing Office, February, 1967, page 28.

[15] National Advisory Commission on Civil Disorder, page 28.

[16] Benson-Dumbarton, op. cit., page 42.

[17] Ibid, page 42.

[18] Ibid, page 44.

[19] U.S. Department of Labor, *Social and Economic Conditions of Negroes in the U.S.*, BLS 332, October, 1967, page 45.

[20] Elizabeth Waldman, *Employment of High School Graduates and Dropouts in 1966*, Special Labor Reports, Bureau of Labor Statistics, Monthly Labor Review, July, 1967.

[21] Mel Ravitz, "The Role of the School in the Urban Setting," *Education in Depressed Areas*, A. Harry Passow, ed., Columbia University, New York, 1963, page 21.

[22] Coleman, et al., op. cit., p. 325.

[23] U.S. Department of Labor, *The Negro Family: The Case for National Action*, March, 1965, introduction.

[24] Ibid, page 29.

[25] U.S. Department of Labor, 1511, op. cit., page 158.

[26] Ibid, page 36 derived.

[27] Ibid, page 171.

[28] Ibid, page 173.

[29] Ibid, page 41.

[30] Ibid, pages 209–10.

[31] Ibid, page 210.

[32] Elizabeth Waldman, op. cit., page 21.

[33] National Education Association, Research Summary, 1967, S–1, page 23.

[34] Ibid, page 25.

[35] National Advisory Commission on Civil Disorders, op. cit., page 425.

[36] James B. Conant, *Slums and Suburbs*, McGraw Hill, 1961, page 18.

[37] National Advisory Commission on Civil Disorders, op. cit., page 430.

[38] U.S. Commission on Civil Rights, op. cit., pages 3 and 5.

[39] National Advisory Commission on Civil Disorders, op. cit., page 427.

[40] Ibid, page 438.

[41] James Coleman, School Integration Isn't Pupil Achievement, *Washington Post*, November 12, 1967, page B5.

[42] U.S. Commission on Civil Rights, op. cit., pages 209 and 114.

[43] Christopher Jencks, "Education: The Racial Gap," *The New Republic*, October 1, 1966, page 24.

[44] James Coleman, *The Washington Post*, op. cit., page B5.

[45] Ibid.

[46] J. W. Anderson, "Ancient Jewish Split Holds New Lesson," *The Washington Post*, February 18, 1968, page B4.

[47] James Coleman, *The Washington Post*, op. cit.

[48] U.S. Department of Health, Education, and Welfare, "Vocational Education: A Bridge Between Man and His Work," Highlights and Recommendations from the Annual Report of the Advisory Council on Vocational Education, 1968, page 31.

[49] James B. Conant, op. cit.

FEDERAL AID TO URBAN EDUCATION—PART II

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I. INTRODUCTION

The impact of existing Federal legislation on urban education is difficult to delineate. Many of the programs are so new that judgment on their effect seems premature. Also, too little information is available relating to the majority of Federal programs which merely provide funds to the States. State records frequently do not isolate urban education data; and in those cases where state aid is, in turn, extended on a county or school district basis without regard to city boundaries, the measurement of urban education progress is inevitably even more difficult.

Some conclusions can be drawn, however.

We are primarily interested in the effectiveness of Federal programs in improving pupil achievement in the urban areas. Many of the Federal programs may well have a different impact in relation to other criteria.

The effects shall be looked at from the point of view of impact on elementary and secondary education, teacher training, and vocational education. The difficulties of administration will be examined and conclusions will then be drawn. Summaries of each major legislative program in education are attached.

II. ELEMENTARY AND SECONDARY SCHOOLING

The Federal effort to improve education at the elementary and secondary level has been a series of separate programs focusing on separate parts of the entire spectrum of public education. The efforts have been directed at the "educationally deprived", the backward preschooler, the potential college student without means, the child whose native language is not English, the critical subjects, desegregation, guidance and counseling, the availability of textbooks and resources, child nutrition, research, strengthening state departments of education and planning, and construction.

The "educationally deprived"

Title I of the Elementary and Secondary Education Act is aimed at helping "educationally deprived" children, many of whom are to be found among the 5 million school children in the 15 major American cities. This program has thus far reached only 18 percent of these children.[1] Two-thirds of the approved projects have been for remedial reading and language arts. While it may be too early for a definitive judgment, ESEA Title I fund procedures do not allow for a concentrated massive aid program. ESEA grants do not provide incentives for or directly promote year-round utilization of education facilities.

Under Title III of ESEA, funds are provided for "supplemental" and "exemplary" programs. Big city school districts are receiving an increasing proportion of this aid (29% in 1966; 49% in 1967) for projects relating to teachers, parents, out-of-school youth, and a host of other programs on the periphery of formal public education.[2] The funds supplement rather than supplant basic local expenditures; therefore, schools deep in the poorer sections of the cities where the need for assistance is greatest often are not helped at all. The National Advisory Commission on Civil Disorders cites the lack of coordination between this aid for "exemplary" programs and school desegregation, recommending that Title III funds be confined to "exemplary-racially balanced" school programs.

The backward preschooler

Project Headstart, which is part of the Economic Opportunity Act of 1964, is intended to prepare disadvantaged preschoolers to enter kindergarten or first grade with a greater capacity to learn. During 1967 alone, the project reached 119,044 children in the 20 major cities.[3] It has been successful in improving pupil preparedness by raising the intelligence quotient of participants by 8–10 points. After six months of regular schooling, however, the Headstart graduate tends to have slipped well behind again.[4] This has led to Project Headstart Followthrough, to carry on the program after the child starts school. Funding on a summer and school year basis has tended to fragment the effort, and poor coordination between the Office of Economic Opportunity and the Office of Education has inhibited efforts to integrate this program into the school environment itself. The Report of the National Advisory Commission on Civil Disorders said that only 16% of 1967 Headstart funds were spent in the major cities, that this was insufficient, and that the program needed to include parents and provide better facilites, medical care and food.

The potential college student

Project Upward Bound, also part of the Economic Opportunity Act, is a program for impoverished highschool students who are capable of attending college, but cannot hope to do so because of the environmental conditions of poverty. (The Office of Education has instituted a similar program called "Talent Search" due to go into effect this year.) Of an estimated 600,000 eligible for Upward Bound, only 23,000 (or 4%) were enrolled in 1967. Eighty-three percent (83%) of the 1967 participants were admitted to college.[5] The experience of the program has demonstrated that although a one year stay in the program can change a student's attitude toward his own future, a longer stay is probably necessary to convince him that it is really possible for him to compete at the university level. It has also been suggested that a whole year of preparatory work is necessary to insure that the student is ready for the experience—and that a placement and loan program should be a part of the approach.

The non-English speaking child

Title VII of the Elementary and Secondary Education Act provides for a bilingual education program to help low income children whose native language is not English to obtain special help in acquiring skills in both the new and native language. There are six other Federal programs already funding projects specifically designed to meet the special education needs of non-English speaking persons. The value of this program may be great. It is, however, of little help in Negro areas—where there is, nonetheless, a serious language problem. The more concentrated the ghetto, the less contact with whites; the less contact with whites, the greater the difference in the Negro and white spoken languages. School difficulties result. No Federal program focuses attention on this language (and communications) problem.

The critical subjects

Title III of the National Defense Education Act provides funds for educational materials and to strengthen instruction in nine critically important subject areas which include English, reading and history as well as science and math. Until 1965, however, science, mathematics, and modern foreign languages received virtually all the emphasis and these are not the most appropriate priority areas for urban education. NDEA focus is not on basic learning skills for human progress, but on the growth of technical skills which could ultimately serve the national defense.

Desegregation

The Civil Rights Act of 1964, Title IV, provides funds to help public school systems cope with problems relating to school desegregation. This aid has been partially successful in eliminating dual school systems in the South where ¾ of the funds have gone.[6] On the other hand, this Title has done little to achieve racial "balance" in urban schools because the law prohibits Federal aid if segregation is *de facto*. Title VI, however, stipulates that Federal funds can be withheld where segregation is clearly evident; it is being used increasingly to achieve racial balance in the cities. The Act does not deal with the problem of teacher segregation. The Report of the National Advisory Commission on Civil Disorders recommended an increase in Title IV funds, ending the ban on use of Title IV funds to decrease *de facto* segregation, coordination in implementation with Title III of ESEA, core schools which will attract students from all over the urban area, funds for bussing, and educational parks to achieve racial balance. Given the dimensions of this law which deals with desegregation rather than racial balance, it is doubtful that it will have much effect on the urban effort. Moreover, many educators and civil rights leaders have suggested that, regardless of the social value of racial balance in urban schools, it is in no way a substitute for a change in the quality of urban education.

Guidance and counseling

Title V of the National Defense Education Act provides funds to establish and maintain guidance and counseling testing programs and training. But the program has not focused on dropouts, emotional problems, parent relations with the schools, or the college-capable student. The 1967 amendments to the Elementary and Secondary Education Act, however, provides for demonstration projects to prevent elementary and secondary school dropouts; this program is expected to get under way as soon as the appropriation bill is passed.

Textbooks, materials, and library resources

The public Library Services and Construction Act promotes extension of public library services to areas without such services and provides aid for construction, cost of salaries, books, materials and equipment. Title II of the Elementary and Secondary Education Act provides funds for textbooks, other educational materials, and library resources. Over 50% of Title II funds have been used for library materials at the expense of more basic instructional resources which may be more vitally needed in the urban schools.[7] The Report of the National Advisory Commission on Civil Disorders cited lack of textbooks in urban schools. Federal legislation has not been sharply focused on the urban need for curricula materials more relevant to the environmental background the urban student brings to schools.

Child nutrition

The Child Nutrition Act and the National School Lunch Program have been far-reaching and effective in providing good nourishment at a minimal cost to students. The breakfast program includes "Operation Metropolitan" aimed at bringing into the program 2.8 million children in 15 major cities, and the lunch program has special funds earmarked for the "needy". Better achievement and fewer discipline problems have been cited as by-products of these programs.[8]

Research

Title IV of the Elementary and Secondary Education Act continues the educational research programs which were formerly part of the Cooperative Research Act. Research and Development Centers, Educational Laboratories and Educational Research Information Centers are part of this program. Only one of the 11 Research and Development Centers is solely concerned with the problems of urban education; only 2 of the 20 Educational Laboratories study the problem; the 13 Educational Research Information Centers (ERIC) may be effective in disseminating information which might be helpful to urban areas (thus correcting a major failure of past research programs). To date very little is known about what constitutes successful curricula for disadvantaged urban youth. In 1967 the principal weakness of Title IV was corrected by amendment requiring evaluation of most Federal education programs. The Report of the National Advisory Commission on Civil Disorders suggests that evaluation funds and procedures should be built into every program funded.

Strengthening State departments of education

State departments of education, sympathetic to and informed about the problems of urban education, could be the key to real progress in the cities. Title V of the Elementary and Secondary Education Act provides funds to State educational agencies for educational planning, data collection and dissemination, and improving the quality of teacher training. Ironically, because of the swelling volume of Federal legislation which is being processed through the state boards, much of the personnel time originally scheduled to be utilized under this program for planning, is consumed in operational and administrative matters.

Construction

Grants are available to construct and improve facilities of public community colleges, technical institutes and other undergraduate facilities under the Higher Education Facilities Act and the School Aid to Federally Impacted and Major Disaster Areas Act. Aid is also available to implement programs under the National Defense Education Act. None of these programs focuses directly on the urban school need for renovated, updated or new facilities to accommodate the influx of new students and the needs of major curriculum change.

Summary

It is not easy to evaluate the impact of the numerous Federal programs on the quality of

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See footnotes at end of pt. II.

urban education. It is unfair to dismiss the impact as minimal. It is fair to conclude that the impact is spotty at best—and insufficient at least. The needs have not been the focus of the Congress.

The Civil Rights Commission after hearings in Cleveland, Rochester, Boston, San Francisco, and Oakland reported (in the booklet "A Time to Listen . . . A Time to Act", 1967):

"These (compensatory) programs have not had lasting effects in improving achievement of the students . . . Negro children attending desegregated schools that do not have compensatory education programs perform better than Negro children in racially isolated schools with such programs."

General Electric under a Health Education and Welfare grant, has studied the impact of Federal aid, and Dr. Alice Rivlin, Assistant Secretary of Health, Education, and Welfare for Planning and Evaluation, has summarized the report, which is not yet available to the public:

"Federal funds so far have failed to stop the downward spiral of poor children's achievement."

The Report of the National Advisory Commission on Civil Disorders cites the failure of Federal legislation to achieve racial balance in city schools—to provide for healthy community involvement, dropout and evaluation programs—and to provide funds on a sufficiently massive scale to be effective.

Federal programs have not yet properly identified the problem. They label it "disadvantaged" not "urban." With commendable sensitivity the Congress has focused on many parts of the problem—preschool needs, nutrition, research, guidance and counseling, etc. But with self-defeating contradiction, Federal aid to public elementary and secondary education has been piecemeal not comprehensive in treating the symptoms of America's urban education illness—insufficiently selective in its application—woefully inadequate in the funds provided—and barren of incentives for state and municipal change in the governmental structures and attitudes which inhibit creativity and progress for our city schools.

III. TEACHER TRAINING

There are many Federal teacher training programs for elementary and secondary education. With each new Federal education program there is usually a provision to train teachers for its implementation. But each one focuses on the particular need of that particular program. Thus, NDEA supports programs to train teachers in critical subjects and guidance and counseling; Headstart trains its teachers for preschool educational activities; vocational education programs train teachers to carry out vocational education programs; and the Civil Rights Act provides aid for training institutes for teachers and personnel to carry out desegregation programs. As teachers gain seniority they often tend to move out of problem school areas, and it is cited that there is a 20% vacancy in elementary urban ghetto schools.[9] Urban education requires more and better teachers.

Quantity

The Teacher Corps was specifically designed to train teachers for work in areas with large numbers of disadvantaged students. Because the program requires a bachelor's degree for acceptance, it may not have attracted many people to the field who would otherwise have been interested. It also takes some teachers out of the classroom because the system of training involves experienced teachers training groups of interns; thus 268 experienced teachers were taken out of the field to train 945 interns in 1966.

VISTA (Volunteers in Service to America) is a manpower program which trains volunteers to live and work with the poor. Of the 4,000 volunteers, 824 were working in the 20 major cities. The program is only ancillary to education as the volunteers are not trained specifically as teachers, but their social work can help to lessen the environmental disadvantages of the urban Negro.

S. 2910, The Veterans in Public Service Bill, is now in committee and awaiting hearings. Subchapter V of the bill would furnish special encouragement and economic support to veterans who are willing to devote a part of their lives to preparing for and pursuing teaching or other public service careers in deprived areas.

Quality

The Teacher Corps program has developed some special curricula and materials directly related to the urban student and urban teacher training programs. Many universities have instituted special courses for teaching the disadvantaged as a result of experience with Teacher Corps members on their campuses. Of the 384 Teacher Corps members teaching in the cities, however, 335 of them had lived in such areas before; it is hard to evaluate whether it is the program or the type of individual involved which results in the success of these teachers. Title V of the Higher Education Act provides aid to improve the quality of prospective and experienced teachers—but only on the post-graduate level.

NDEA, Title XI, has supported 347 institutes (out of 2,014 receiving NDEA aid) to train teachers and counselors and disadvantaged youth. None of the others were specifically related to training teachers for urban areas.

Federal legislation has largely ignored the following areas related to improving the quantity and quality of teachers in the urban areas, and no such legislation is pending:

1. Standardization of certification requirements. Good teachers are often not eligible without lengthy and difficult retraining to teach in different school districts, areas and states due to differing certification requirements.
2. Pay or other incentives to attract experienced teachers as potential teachers to urban classrooms.
3. Programs utilizing student tutors.
4. Legislation to coordinate and streamline teacher training programs. (The Education Professions Development Act of 1967 succeeded in providing coordination only among the Teacher Corps and the training programs formerly under the Higher Education Act.)

IV. VOCATIONAL EDUCATION

Federal aid to vocational education has a long history. Needs of the time have determined the direction of the programs, which have shifted from emphasis on agriculture, trades and home economics as stressed in the George-Barden and Smith-Hughes Acts, to the problems of job displacement caused by automation as stressed in the Manpower Development and Training Act, to our present emphasis on training for the underemployed, unemployed or disadvantaged as stressed in the Vocational Education Act, Job Corps, Neighborhood Youth Corps, and Adult Education Act.

What has Federal legislation done to strengthen the urban in-school vocational education programs in order to develop employment skills for 9 out of 10 urban children who do not go on to college; what has been done to train the "disadvantaged" youth; what has been done to train the person out of school who lacks a vocational skill; and in what direction is Federal legislation leading?

In-school vocational education

Under the Vocational Education Act funds are provided to help in the construction of facilities and implementation of plans and research for vocational education programs both in school and at the post-highschool level. The effort has been fairly comprehensive 1101 special schools have been built, 145,000 teachers trained, 7 million people have benefited (4 million of whom were students), and a fair share of the funds have gone to the cities.[10] However, for only 14% of the number receiving training has it led to gainful employment.[11] The Advisory Council on Vocational Education has added that "special needs" programs for the disadvantaged in poor school districts have not been developed because of the 50% local funding required and because of the enormous cost of updating and adding programs in large urban school systems. The Report of the National Advisory Commission on Civil Disorders stated that in the major cities there are often not enough special vocational schools to meet the need.

Disadvantaged youth

HR 15066, the Partnership for Learning and Earning Act of 1968 now under consideration by the House Education and Labor Committee, provides that 25% of that portion of a state's allotment for any fiscal year after Fiscal 1969 which is in excess of its base allotment must be spent for persons with socio-economic and other problems which prevent them from succeeding in the regular program. So far only 1% of the total vocational enrollment has been in the group of persons with "special needs."[12]

The original Vocational Education Act of 1963 contained two other programs aimed at urban youth. One was a system of residential schools similar to the Job Corps, but money was never appropriated for this program. The other program was for work-study to give youth an opportunity to learn a skill and at the same time earn some money and gain experience. The provisions of HR 15066 to extend the Vocational Education Act would not continue authorization of either of these programs; although new "exemplary programs and projects" and "cooperative education programs" which are similar to the deleted programs are being recommended.

The Job Corps, established under the Economic Opportunity Act, consists of conservation camps and training centers which attempt to create a completely new environment of study and work for disadvantaged youth. The principal negative factor has been the prohibitive cost of the program—$12,510 per enrollee for the first year in the cities.[13] Utilization at 49% of capacity and the failure to give training which leads to long term skill employment are other drawbacks.

The Neighborhood Youth Corps, also established under the Economic Opportunity Act, was able to reach a far greater number of individuals because its projects used existing facilities. Projects were of two kinds—in-school work study and out-of-school work study, thus reaching the student who has already dropped out as well as the student who might be a potential dropout, because of failure in the academic program or the need for income. Still, the major criticism is that the program has failed to develop meaningful skill abilities. The jobs provided have been 37% landscaping, 24% clerical, 14% teacher aids.[14]

The Industry Youth Corps, passed as part of the Economic Opportunity Amendments last year finances job training through tax incentives to industry—a promising approach.

Adult skill training

The core of vocational skill training programs through the years has been provided by the George-Barden and Smith-Hughes Acts, which provide grants for education in the areas of agriculture, home economics, trades and industry, distributive education (sales and marketing), office training, and technical skills. These acts are being repealed in the Vocational Education Act now under

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See footnotes at end of pt. II.

consideration, as they are increasingly subject to criticism because the funds spent through the years have been so heavily concentrated in areas other than where the greatest need is today. Despite this criticism, HR 15066 now under consideration proposes creation of a new section and separate authorization for the home economics category with an amount not exceeding $15 million per year for this purpose.

The Manpower Development and Training Act was originally conceived as a plan to relocate workers who had been displaced because of new techniques being brought into industry. Therefore, 49% of the MDTA trainees in 1965 were high school graduates.[15] and to receive a regular allowance under the program, the unemployed worker must have had two years work experience and have been out of work for one year. The emphasis of the program has changed slowly and gradually toward helping disadvantaged youth and the unemployed. Powerful labor unions have often been able to delay the inception of local training programs. The most often-heard criticism of Federally supported training is that after training no provision was made for job placement. Indeed, jobs often were not available.

Basic adult education

It is interesting that the most successful programs in "vocational education" have been devoted almost entirely to basic educational skills. This is true with the Adult Education Act and various government industry programs to upgrade worker ability and opportunity.

An industry program in South Carolina, MIND, Inc. ran a ten week course in basic reading and arithmetic for Laurens County "unemployables" and was able to secure employment for 68 of the 72 who participated, and created an estimated $140,000 in yearly take home pay.[16] Similarly, in working with 7 major steel companies, the Board of Fundamental Education was able to bring all employees up to at least a 4th grade level in 150 hours at a cost of $300 per pupil.[17]

The most amazing achievement has been made by the Adult Basic Education Act programs, which will have an enrollment of almost 500,000 in 1968, 63.4% of which is in the urban areas.[18] Learning centers utilize existing facilities, are open from 8 a.m. to 10 p.m., and with individualized instruction methods can raise pupil achievement one grade level in 50 hours of work.[19]

The effects of this education as cited in a survey in Forsyth County, North Carolina, are far-reaching. Of the 371 answering, 124 registered to vote, 111 attended a cultural event, 88 made a home improvement, 87 discontinued public aid, 86 made a major purchase, 80 joined a civic organization, 71 started a budget, 66 got a raise, 65 subscribed to a major publication, and 53 found a job as a result of this program.[20]

Proposed vocational education program

The thrust of many of the bills under Congressional consideration is to create jobs for people rather than to train people for jobs. HR 12280 proposes to spend $4 billion to provide 1 million jobs for underemployed or unemployed persons; HR 14493 proposes a permanent program of on-the-job training and basic education, to create 3 million new jobs, and raise the minimum wage to $2; S. 3063, the Emergency Employment and Training of 1968 proposes $9 billion over 4 years for community employment and training leading to jobs in the competitive economy. The Human Investment Act allows tax credits to employers for expenses of providing job training programs with the purpose of fuller employment. The proposals in the President's "Partnership for Learning and Earning Bill" are mostly of a corrective nature to the Vocational Education Act—the consolidation of the George-Barden, Smith-Hughes and Vocational Education Act into one bill.

Summary

In-school vocational education today does not lead predictably to employment. Vocational training for disadvantaged youth has not reached the 5 out of 6 youths who do not go to college. It results in interim jobs but not training. Adult skill training often fails to result in employment because the programs have no job placement provisions. And the direction of future legislation seems likely to create jobs but not training. More than once available jobs have not been filled because the unemployed work force lacked even the basic skills to read the newspaper advertisements which promised employment.

V. THE DIFFICULTIES OF ADMINISTRATION

The Federal architecture for devising and implementing Federal educational programs is diverse and complicated. Nearly every committee of Congress has jurisdiction over some type of education legislation. The diffused jurisdiction often leads to some inconsistencies and overlapping.

For example, legislation to provide assistance for construction of college classrooms, when introduced as an amendment to the College Housing Act, was referred to the Banking and Currency Committee. But similar legislation introduced separately was considered by the Senate Labor and Public Welfare and the House Education and Labor Committee.

The following chart shows the diffusion of legislative responsibility in education.

CHART 77

[Senate education bills] [1]

Committee	87th Cong.	86th Cong.	85th Cong.
Labor and Public Welfare	67	60	100
Finance	13	10	30
Agriculture	9	11	10
Judiciary	9	10	6
Interstate and Foreign Commerce	5	0	4
Banking and Currency	3	7	8
Foreign Relations	2	6	6
Government Operations	5	2	6
Interior and Insular Affairs	3	7	5
District of Columbia	5	8	2
Post Office and Civil Service	2	1	5
Armed Services	0	1	9
Rules and Administration	0	1	0
Total	123	124	191

[House education bills] [1]

Committee	87th Cong.	86th Cong.	85th Cong.
Education and Labor	294	202	257
Ways and Means	122	63	144
Agriculture	22	42	10
Judiciary	77	25	21
Interstate and Foreign Commerce	20	23	25
Veterans' Affairs	19	32	32
Foreign Affairs	14	22	32
Armed Services	7	14	44
Science and Astronautics	10	11	10
Banking and Currency	3	11	31
Government Operations	8	10	10
Un-American Activities	9	7	11
Interior and Insular Affairs	4	7	21
District of Columbia	4	7	1
Post Office and Civil Service	1	3	9
Merchant Marine and Fisheries	3	2	14
House Administration	1	3	0
Appropriations	3	0	0
Joint Committee on Atomic Energy		1	
Total	621	485	672

[1] Education-related bills, such as school lunch and manpower retraining programs and youth conservation corps, not included in totals.

Source: H. Doc. 159, 88th Cong.

The diffusion of responsibility for, and the volume of, educational programs in the Congress makes it difficult for any one committee, subcommittee, or individual Member to ascertain the overall achievements of the Government's existing educational programs or the overall effects of proposals for change in them. In the last 4 years Congress has approved 49 laws to support education from the preschool to post-graduate level.

On the other hand, it is fair to ask whether imposing the entire education responsibility on one congressional committee would not so overload its Members that Congress would become even more relegated to the role of either accepting or rejecting Administration proposals—without the expertise or the time to initiate?

There are over 111 education programs now in operation, administered by 42 departments, agencies, and bureaus of the Federal government.[21] In only 2 agencies of the Federal government is education the agency's primary concern; the Office of Education, now a division of the Department of Health, Education, and Welfare which will dispense $4 billion of the annual total of $11 billion; and the National Science Foundation, established in 1950 as an independent agency "to develop and encourage basic research and education in the sciences." (See Chart 84)

There are numeroous instances of applications being shunted from agency to agency while each claimed the other should finance it. For instance, the Office of Economic Opportunity does not consider the role of the Office of Education when making projections of future Headstart program needs. They do not even maintain information on how many projects they are funding jointly with the Office of Education. As one OEO official put it,

"You can't legitimately say there has been close relationship between the Office and Education and OEO. There has been a spirit of competitiveness." [22]

This dispersion complicates Congress's job of evaluating Federal programs immeasurably.

CHART 78

[Congressional committee jurisdiction over agencies administering major educational programs]

Committees	Agencies
Senate committees:	
Labor and Public Welfare.	National Institutes of Health. Public Health Service. National Science Foundation. Office of Education. Veterans' Administration.
Aeronautical and Space Sciences.	National Aeronautics and Space Administration.
Armed Services	Defense Department.
Banking and Currency	Housing Home Finance Agency.
Agriculture and Forestry	Agriculture Department.
Joint Committee: Atomic Energy.	Atomic Energy Commission.
House committees:	
Education and Labor	Office of Education.
Science and Astronautics.	National Science Foundation. National Aeronautics and Space Administration.
Interstate and Foreign Commerce.	Public Health Service. National Institute of Health.
Agriculture	Agriculture Department.
Banking and Currency	Housing Home Finance Agency.
Veterans' Affairs	Veterans' Administration.
Armed Services	Defense Department.

The structure of Federal legislation is further complicated by its relationship to state and local governments. Money is dispersed by means of loans, grants-in-aid, and contracts for work done, directly to the states, directly to the local government, directly to the institution or agency, or through a combination of these three interacting in varied and complex sets of relationships and formulae.

Dr. James E. Allen, Jr., Commissioner of Education, State of New York, has said,

"The emergence of the Federal government in a clearly strengthened role of financing education creates a new concept of shared responsibility for education involving a Federal-state-local partnership. The separate roles in this family of governments still need clearer definition and interpretation." [23]

See footnotes at end of pt. II.

Summary

The multiplicity of programs, of administering offices, and of channels of authority is a serious hurdle in the path of responsible Congressional oversight, understanding or creativity. It is a nightmare for local school officials; it minimizes comprehensive planning, initiative for change, and the opportunity to make of urban education a promising source for meaningful social change. The crisis is well-defined when we accept the fact that despite all obstacles urban education is the only truly promising source for meaningful social change in America's cities.

VI. CONCLUSION

The debate over whether there should be such a thing as Federal aid to education is behind the Congress. Unfortunately the end of that debate has not been accompanied by any clear Congressional opinion on what the priorities should be in a program of Federal aid to education. A review of existing and proposed legislation in the light of the unfolding tragedy in contemporary urban education leads us to some firm conclusions.

1. *The multitude of education legislation inhibits the systematic and comprehensive school planning which must occur in Americas' cities if urban education is to make the "quantum" jump necessary to produce what the Civil Disorders Commission calls the "equality of results."* The 111 Federal programs for aid to education touch on practically every aspect of education, but they frequently apply different and competing standards, are implemented by different and competing Federal offices, and are funded through different and competing channels of government authority. Even if all the programs were sound, and they are not all sound, the artificial separation of them into a multiplicity of administrative mechanisms defeats any local or State effort at comprehensive planning. A school district or system must now go one way for library aid, another for construction aid, a third for curriculum, etc. The inevitable result is the artificial breakdown of local consideration of school needs into non-related approaches to each component part of education. At best the school in need can only adjust to its deseparation within the administrative nightmare imposed by the segmented bureaucracy of Washington. The school cannot do that one thing it must be able to do above all else—devise a comprehensive plan to provide real education to urban children. It is unable to say: "Here is the best approach to education in this school and you should assist in the implementation of this single, integrated, comprehensive plan."

2. *The "something for every thesis" approach to Federal aid deprives Congress of the opportunity to concentrate on the desperate urban need for improved education in basic learning skills.* Those in Congress most concerned with education share no common thesis on the ills of urban schools. To some the answer is vocational education, but teaching basic skills is less important than teaching how to learn. To some the answer is teaching the dropout rather than providing the kind of meaningful education which will prevent dropouts. To some the whole answer is racial integration, even though it is merely one way of encouraging the acquisition of the basic tools of learning. The simple fact is that if urban education cannot do a better job of teaching the three R's, no real progress in the "cities' crisis" will be made.

3. *Congressional preoccupation with the legal formula by which Federal aid is extended to education obsures the need for vast improvements in urban education and its results.* It may satisfy those who worry endlessly about constitutional purity to preserve the doctrine of States Rights even when the States don't meet their responsibilities, but a timid interpretation of the law will never produce a revolution—and urban education needs a revolution. It is wrong for Washington to run every school district in the nation not just because the constitution forbids it, but because it would not produce good education. But it is equally wrong to condemn children to a life of misery because initiative in their local school district was absent when we demanded that initiative before we would act. The Federal government must be bold enough to tie its aid to the States with strings that demand action in the crisis of urban education. And the States must be bold enough to act. If the local authorities won't act on their own, the States should. If the States won't act on their own, the Federal government should. It is ludicrous to say that in this, the best-educated nation in all human history, the least fortunate and skilled among us must find their own wisdom and initiative and optimism to better their own education system before we are legally able to help. That is not devotion to constitutional principle, it is slavery to words without even the common sense to give them meaning.

4. *The Congress can meet its responsibilities in the urban education crisis only by a bold, new departure in legislation*—a comprehensive Urban Education Act, which will pull together in one law and one office all of the existing Federal programs relevant to urban education and will break new ground in the comprehensive nature of its approach, in the detail of State and local action it requires, and in the magnitude of the funds it provides.

The Congressional record of progress in aid to education in the last five years is praiseworthy. More than in any other field, education has been the beneficiary of Congressional attention in the 1960's. It is a measure of how severe the crisis in urban education is to conclude, as we do, that the progress that has been made cannot begin to do the job.

(Attached are summaries of each major Federal legislative program in education.)

APPENDIXES TO PART II

I. The Elementary and Secondary Education Act of 1965. Public Law 89–10.

A. Improving Education of Educationally Deprived Children—Title I.

B. School Library Resources, Textbooks, and Other Instructional Materials—Title II.

C. Supplementary Educational Centers and Services—Title III.

D. Cooperative Research Program—Title IV.

E. Strengthening State Departments of Education—Title V.

F. Bilingual Education Program—Title VII.

G. Charts 79–82.

H. Sources.

II. The Economic Opportunity Act of 1964. Public Law 88–452.

A. Headstart—Title II.

B. Headstart Followthrough—Title II.

C. Upward Bound—Title II.

D. Job Corps—Title I–A.

E. Neighborhood Youth Corps—Title I–B.

F. VISTA—Title VI.

G. Other Programs; Work Experience—Title V, College Work-Study—Title I, Government-Industry—Title II–A.

H. Charts 83–85.

I. Sources.

III. The Civil Rights Act of 1964—Title IV, VI. Public Law 88–352.

A. Program—Title IV.

B. Chart 86.

C. Sources.

IV. The National Defense Education Act of 1958. Public Law 85–864.

A. Strengthening Instruction in Critical Subjects——Title III.

B. State Programs in Guidance, Counseling, and Testing—Title V–A.

C. Counseling and Guidance Training Institutes—Title V–B.

D. Institutes for Advanced Study—Title XI.

E. Loan Forgiveness—Title II–D.

F. Charts 87–94.

G. Sources.

V. Public Library Services and Construction Act. Public Law 88–269.

A. Public Library Services—Title I.

B. Public Library Construction—Title II.

C. Interlibrary Cooperation—Title III.

D. State Institutional Library Services—Title IV–A.

E. Sources.

VI. The Child Nutrition Act of 1966. Public Law 89–642; The National School Lunch Act. Public Law 87–688.

A. Equipment Program to Initiate or Expand School Food Service.

B. Pilot School Breakfast Program.

C. Special Milk Program for Children.

D. The National School Lunch Program—Sections 4, 11.

E. Chart 95.

F. Sources.

VII. School Aid to Federally Impacted and Major Disaster Areas of 1950. Public Law 81–815; Federally Impacted Areas. Public Law 81–874; Higher Education Facilities Act of 1963. Public Law 88–204.

A. School Construction in Areas Affected by Federal Activities.

B. Financial Assistance for Local School Districts in Areas Affected by Federal Activities.

C. Grants for Construction of Undergraduate Academic Facilities—Title I.

D. Sources.

VIII. The Education Professions Development Act of 1967. Public Law 90–35.

A. Teacher Corps—Title V–B, Subpart I.

B. Prospective Teachers Fellowship Program—Title V–C (V–D).

C. Experienced Teacher Program—Title V–C (V–D).

D. Chart 96.

E. Sources.

IX. The Vocational Education Act of 1963. Public Law 88–210; National Vocational Student Loan Insurance Act. Public Law 89–287.

A. Vocational Education Grants.

B. Residential Schools and Work Study.

C. Vocational Education Research and Training.

D. Smith-Hughes Funds.

E. George-Barden Act.

F. Vocational Student Loans.

G. Charts 97–101.

H. Sources.

X. The Manpower Development and Training Act of 1962. Public Law 87–214.

A. Manpower Development and Training (Institutional and On-the-job Training).

B. Occupational Training in Redevelopment Areas.

C. Manpower Research Program.

D. Industry-Government Basic Education Programs.

E. Chart 102.

F. Sources.

XI. Adult Basic Education Act of 1966. Public Law 89–750.

A. Adult Basic Education Program.

B. Charts 103–104.

C. Sources.

XII. President Johnson's Proposed Education Legislation 1968.

XIII. Legislation Related to Urban Education—90th Congress, Second Session.

XIV. Footnotes to Part II.

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—PUBLIC LAW 89–10

Purpose: To strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

Expenditure:	*Billion*
Fiscal year 1966 (appropriated)	$1.15
Fiscal year 1967 (appropriated)	1.39
Fiscal year 1968 (appropriated)	1.60
Fiscal year 1969 (authorized)	3.10

Cities: 20 major cities, Titles I-V, fiscal year 1967, $217,909,807 (Chart 79).

Programs:

Title I. Improving Education of Educationally Deprived Children.

Title II. School Library Resources, Textbooks and Other Instructional Materials.

Title III. Supplementary Educational Centers and Services.

Title IV. Cooperative Research Programs.

Title V. Strengthening State Departments of Education.

Title VII. Bilingual Education Program.

Improving education of educationally deprived children—Title I

Program: Funds are provided to establish, expand, and improve programs designed to meet the special educational needs of educationally deprived children attending public or private schools. Money is appropriated on the basis of family income ($3,000) and state per pupil expenditure in relation to the national average on a program by program basis as submitted to and evaluated by the state, local or public agency.

Funding: Awards are made to state educational agencies on the basis of the number of children aged 5–17 from low-income families and the state average expenditure per pupil. The Federal contribution is 100%, but is limited to 30% of the local agency's budgeted expenditures for the current fiscal year.

Expenditure (estimated):

Fiscal year 1966	$987,000,000
Fiscal year 1967	1,050,000,000
Fiscal year 1968	1,200,000,000

Cities: 20 major cities fiscal year 1967 $180,048,822 obligated (Chart 85).

Effects:

1. Expenditure. The twenty major cities got 17% of the funds in FY 67—a level inadequate for the needs of urban education.

2. Penetration of the Program.

(a) During the first year of operation, 1.5 million urban children were involved or 18% of the national total pupil population.

(b) Of the 27,000 school districts, 25,000 were eligible for Title I and 17,000 participated, during the first year of the operation of the program.

(c) In 1966–68, 155 schools and 13,851,317 children participated.

Conclusion: This program has not reached the number of urban children needed.

3. Program Content and Implementation.

(a) During the first year of operation, two-thirds of the projects were for reading and remedial language arts.

(b) Seven million dollars were expended on English-as-a-second-language programs in FY 66.

(c) 5.7% of the funds were used for preschool programs in FY 66.

(d) In both FY 66 and FY 67, 4.5% of the funds were used for food and health programs.

Conclusion: Programs are diverse, but not always concentrated on what is most needed in urban areas or spent on a synergistic approach to elementary and secondary education.

4. Effect on pupil achievement.

(a) In FY 66 one-fifth of the States reported noting some "improvement in pupil achievement."

(b) Chart 86 indicates some degree of improved achievement.

5. Problems.

(a) There has been some confusion between the Office of Economic Opportunity and the Office of Education in preschool programs.

(b) Funding was a major problem. States reported that Congressional appropriations schedules do not properly mesh with the school budgeting cycle, causing hesitancy in planning and hiring until the last minute. Apprehension about future Federal funding caused some cities to integrate Title I programs into their educational systems only on a short term basis.

(c) Funding to districts on a low-income basis means that money goes to districts and is used for all students in the district, many of whom are not of the low-income factor.

6. Amendments, 1967.

(a) The low-income factor was raised from $2,000 to $3,000 and use of per-pupil expenditure figure of one-half the national average, if that is greater than the State's expenditure, was authorized. Funds are given as incentive grants to the states.

(b) Funding is authorized to be appropriated one year in advance.

Conclusion: The change in allocations to the cities caused by the change in low-income factor probably will be minimal (Chart 87), though it is expected that $343 million more will go to poorer states. The change in the national average figure, however, caused a great deal more funds to go to the southern states. Advance funding will help stabilize the program considerably if, indeed, schools did fail to participate for that reason.

7. Appraisals.

(a) The Office of Education felt that too much money was spent in 1966 on audio-visual aids.

(b) Creative and diverse programs were devised, but that merits were sometimes in question. John L. Cleveland of Berkeley states:

"A good thing about Title I is that you don't have to succeed. You just have to try something new."

(c) The National Advisory Council on Disadvantaged Children said:

"Many needy children are not receiving sufficient help . . . migrant children, pupils in private and parochial schools are not receiving a fair share . . . alarming lack of personnel."

(d) The Civil Rights Commission in hearings in Cleveland, Rochester, Boston, San Francisco, and Oakland reports in the Booklet, "A Time to Listen . . . A Time to Act," 1967:

"These (compensatory) programs have not had lasting effects in improving achievement of the students . . . Negro children attending desegregated schools that do not have compensatory education programs perform better than Negro children in racially isolated schools with such programs."

The hearings were based almost entirely on interviews and personal testimony.

(e) A General Electric research unit did a study under an HEW grant and Dr. Alice Rivlin, Assistant Secretary of Health, Education And Welfare for Planning and Evaluation, Office of Education reports:

"Federal funds so far have failed to stop the downward spiral of poor children's achievement."

The study was based on fourteen school districts and 140 schools. Results show progress in the achievement rates of some poor children in some places and programs, but generally the trend remains downward. This report is not yet available.

(f) Fragmentation of Federal programs and effort was early noted in debate on 1965 amendments when minority spokesmen Quie, Goodell, Ayres, and Erlenborn said,

". . . there is an almost total inability to establish meaningful priorities among educational needs to be dealt with by Federal programs."

(g) Samuel Miller Brownell, Superintendent of Detroit schools and U.S. Commissioner of Education from 1953 to 1956, said Federal funds for school construction must be provided "if the full effect of Public Law 89–10 is to be realized. The additional classroom facilities that are necessary to carry out particularly Title I require expenditures . . . that are not available at the local level."

(h) Erling O. Johnson, Superintendent of Anoka, Minnesota, schools, said,

"There is no more pressing need . . . than for buildings. I am convinced that Federal funds are urgently needed for this purpose, and I recommend that Congress provide them in large amounts."

(i) Republicans Alphonzo Bell (California) and Ogden Reid (New York) said there was an "urgent need for the Commissioner of Education and the Director of the Office of Economic Opportunity to give further thought to clarifying the relationship between Headstart programs of OEO and the preschool programs funded under Title I of Public Law 89–10."

(j) Thomas W. Carr, Staff Director of the National Advisory Council on the Education of the Disadvantaged Children says,

"Too many programs are piecemeal approaches . . . many are offering only vaguely added enrichment efforts . . . many are completely lacking in relevance to kids."

(k) Marion B. Folsom, Eastman Kodak Company, formerly of HEW 1955–58, recommended that "Title I of the bill be amended to require matching grants by the States . . . the need is much greater than can be met by the funds to be authorized in this bill."

(l) "The Washington Monitor," a publication of the National School Public Relations Association, in December, 1967, noted of Title I,

"Greatest progress occurred where a comprehensive program involving multiple activities was provided for students . . . merely reducing pupil-teacher ratio without additional services or specialized instruction, does not significantly improve student performance. However, where a comprehensive program is provided, a reduced pupil-teacher ratio has a beneficial impact."

School library resources, textbooks, and other instructional materials, title II

Program: This program provides grants to states for acquisition of school library resources, textbooks, and other printed and public instructional materials for use by teachers and children in the public and private elementary and secondary schools.

Funding: Awards are made to state agencies by formula based on school age population plus state plans. The Federal contribution is the amount equal to the amount expended by the State in carrying out the plan.

Expenditure:	*Million*
Fiscal year 1966 (appropriated)	$100
Fiscal year 1967 (appropriated)	102
Fiscal year 1968 (appropriated)	104
Fiscal year 1969 (authorized)	167
Fiscal year 1970 (authorized)	206

Cities: 20 major cities fiscal year 1967, $9,683,124 obligated (Chart 85).

Effects:

1. Expenditure. 1967 figures indicate 10% of the funds going to the twenty major cities.

2. Need Factor.

(a) 70% of the elementary schools and 53% of all public schools do not have school libraries.

(b) The Report of the National Advisory Commission on Civil Disorders noted lack of textbooks in urban areas.

(c) Harold Howe, U.S. Commissioner of Education, testified in 1966 to "the $900 million gap between necessary school library expenditures and the present level of spending."

(d) One-fourth of the high schools do not provide free textbooks. Students often must spend from $4.76 to $12.32 annually for such materials.

3. Penetration of the program. An estimated 49 million students and 1.9 million teachers have access to material acquired under Title II. (In 1965, in the 15 major large cities, the combined enrollment was 4,206,000.)

4. Program Utilization. In FY 66 and 67, 45 states used over 50% of their allotments for library resources. This may not be the area of greatest need in the urban areas.

5. Amendments, 1967. Participation is allowed to two new groups: Indian children

and children enrolled in overseas dependent schools with an added cost of $125,000 and $404,000 respectively.

6. Appraisals.

(a) Thomas W. Carr, Staff Director of the National Advisory Council on the Education of Disadvantaged Children said,

"Too many teachers are not even aware of their own library resources; books are not selected scientifically or even rationally . . . universities, textbook publishers, and teachers must work together to develop relevant educational materials for disadvantaged youngsters."

Supplementary educational centers and services—Title III (PACE—Projects to advance creativity in education)

Program: This program provides grants to local educational agencies for innovative and exemplary educational programs and for supplementary educational centers.

Funding: Until 1967, awards were made to local educational agencies based on school age population plus application from local educational agencies. Federal contribution was 100%. As a result of 1967 amendments, 75% of the awards will be made to state educational agencies in FY 69, and 100% in FY 70. Federal contribution remains 100%.

Expenditure:	*Million*
Fiscal year 1966 (appropriated)	$75
Fiscal year 1967 (appropriated)	135
Fiscal year 1968 (appropriated)	208
Fiscal year 1969 (authorized)	527
Fiscal year 1970 (authorized)	566

Cities: 20 major cities, fiscal year 1967, $15,237,391 obligated (Chart 79).

Effects:

1. Expenditure.

(a) In 1967, $15 million of $135 million went to twenty major cities. This is 12% of the funds.

(b) Money expended each year is swinging toward the larger (over 3,000 students) districts. Such districts got 29% of total Title III funds in 1966, and 49% in 1967.

2. Penetration of the Program.

(a) Since enactment, 4,435 proposals have been submitted by 9,000 districts (out of 27,000). 39% of the proposals submitted and 29% of the amounts requested have been funded.

(b) Over 10 million public and private elementary and secondary pupils, preschool children, out-of-school youth, classroom teachers, parents and other adults are being touched by this program. (There are five million urban school children.)

3. Program Content.

(a) 59% of the programs are for planning activities, 41% for operation.

(b) Eighteen (of 1,774) of the PACE projects at a cost of $1,989,998 (1965–67) were for Spanish speaking pupils.

4. Problems.

(a) As a result of the fact that funds used are to be supplementary to rather than supplanting basic local expenditures, it has been found that schools deep in the poorer sections of the cities needing playgrounds and other recreational facilities and new equipment and programs because of the age of the schools, often are not funded.

(b) Before the 1967 amendments, States feared direct appropriations to local agencies because Title III includes an anti-discrimination clause.

(c) As a result of the 1967 amendments, cities fear that funding to the States will discriminate against large city districts or against school districts with large minority populations.

5. Amendments, 1967.

(a) Instead of direct funding to local agencies, state educational agencies will administer 75% of the funds, the Office of Education the remaining 25%, in 1969, and in 1970, the States will assure complete responsibility.

(b) Title III is amended to include Indian children and dependents overseas at a cost of $205,000 and $527,000 respectively.

6. Appraisals.

(a) The House Republican Policy Committee, 1966, criticized "the granting to the Commissioner of Education under Title III of the sole power to determine which applicant school districts are to receive funds." (Partly rectified by 1967 amendments.)

(b) The National Advisory Committee on Civil Disorders cites the lack of coordination between this aid for "exemplary" programs and school desegregation, recommending that Title III funds be confined to "exemplary-racially balanced" school programs.

(c) There is overlap and redundancy of Title III projects and research projects of Title IV ("planning programs"), special programs for the "disadvantaged" in Title I, language programs in Title VII, Vocational Education Act, Adult Basic Education Act, Economic Opportunity Act special programs, Civil Rights Act.

Cooperative research program—Title IV

Program: This program, formerly public Law 83–531, supports research, surveys, and demonstrations in the field of education for the purpose of developing new knowledge about major problems in education and for developing new applications of this knowledge with the ultimate goal of improving education at all levels. Other programs which have been heretofore separate entities are now part of Title IV and will be summarized briefly.

Research and Development Centers. Intellectual and financial resources are concentrated in a number of centrally located institutions where scholars and researchers study and develop techniques and programs for improving education.

Regional Educational Laboratories. A national network of twenty regional educational laboratories has been created to speed progress in education at all levels. Their over-riding goal is to disseminate and implement the results of research.

Educational Research Information Center, ERIC. This is the first nation-wide information system designed to serve American education by providing ready access to research findings.

Research Training. This program seeks to improve the quality of training for educational researchers, research programs, and to enable a greater number of persons to pursue careers in educational research.

Funding: Awards are made to institutions of higher learning, laboratories or centers on the basis of ability to provide training and soundness of the proposal. Federal contribution is up to 100%.

Expenditure.—Cooperative Research Programs:

	Million
Fiscal year 1962 (appropriated)	$5
Fiscal year 1963 (appropriated)	6
Fiscal year 1964 (appropriated)	11
Fiscal year 1965 (appropriated)	15

Research under Title IV:	*Million*
Fiscal year 1966 (appropriated)	$70.0
Fiscal year 1967 (appropriated)	70.0

Cities: 20 major cities fiscal year 1967 $12,940,470 obligated (Chart 79).

Effects:

1. Expenditure.

(a) In fiscal year 1967, $12.9 million of $70.0 million was spent in twenty major cities (17%).

(b) $4.2 million was used for 128 projects, approximately twelve directly relating to problems of urban education.

2. Program Content:

(a) There are eleven Research and Development Centers—one is concerned wholly with urban education.

(b) There are twenty Educational Laboratories, two of which are studying urban education problems. (Southeast and New York City).

(c) There are thirteen Educational Research Information Centers—ERIC.

(d) 128 projects were funded in FY 66, approximately twelve directly relating to urban education.

3. Amendments:

(a) 1966 amendments permitted research contracts with private as well as public organizations and authorized purchase as well as construction of research facilities.

(b) 1967 amendments provided for evaluation of programs or projects of the Elementary and Secondary Education Act (ESEA) and Adult Education Act of 1966, and ESEA Amendments.

4. Appraisals:

(a) The report of the National Advisory Commission on Civil Disorders suggests that evaluation funds and procedures should be built into every program funded.

(b) Insufficient dissemination of information is the most often cited criticism of the research programs.

(c) "Expanded funds should be made available to prepare individuals competent in practical applied research." (New York State Education Department.)

(d) Coordination between Title IV ESEA and research programs of the National Defense Education Act, Civil Rights Act, Economic Opportunity Act, Vocational Education Research is needed.

(e) Coordination between research of Title IV and programs and research done under Title I, II, III, V, and VII seems needed.

Strengthening State departments of education—Title V

Program: This program provides funds to state agencies for educational planning, data collection and dissemination, and improving the quality of teacher training.

Funding: Awards are made to state education agencies. 98% of the funds are allotted on the basis of $100,000 per state and on the basis of public school enrollment. 25% of the funds, and 27% of the personnel is expected to work on planning. 15% of the sums appropriated are reserved for special cooperative projects of State Departments. Federal contribution is 100%.

Expenditure:	*Million*
Fiscal year 1966 (appropriated)	$17.0
Fiscal year 1967 (appropriated)	22.0
Fiscal year 1968 (appropriated)	29.7
Fiscal year 1969 (authorized)	80.0
Fiscal year 1970 (authorized)	80.0

Effects:

1. Expenditure. Smaller and less populous states have suffered from the distribution formula. (1967 amendments have altered this to some degree.)

2. Program Content and Implementation.

(a) State personnel hired to work on Federal programs are almost entirely associated with administrative and curriculum supervision to the detriment of planning. In 1966, 20% of the positions were in planning; in 1967, 14%.

(b) Some money has been used to initiate cooperative projects between states and to develop and implement an integrated educational information system.

(c) Research Coordinating Units have been set up between states to investigate common problems and share in the knowledge gained. Problems of vocational education and large city schools are expected to be part of this research.

3. Amendments:

(a) 1966 amendments eliminated the provision in the 1965 Act requiring that beginning in FY 67, states match Federal funds provided under this title.

(b) 1967 amendments provide that 40% of the funds will be allotted equally among the states, and 60% on the basis of population.

4. Appraisal:

(a) The relationship and coordination of state research information system and Title IV research programs (ERIC) is needed.

(b) The degree to which state planning involves urban planning should be defined and more interrelated.

(c) The degree to which interstate coordination and information involves inter-urban cooperation should be increased.

Bilingual Education Program—Title VII

Program: This program authorizes grants to local educational agencies to assist in planning, establishing, and operating special programs designed to meet the special educational needs of children of limited English speaking ability between the ages of 3 and 18. Need is defined as children from families with incomes below $3,000 or receiving payments under Title IV of the Social Security Act.

Funding: Awards are made to local educational agencies and institutions of higher education on the basis of low income and the number of children in each state between the ages of 3 and 18 of limited English speaking ability.

Expenditure:	*Million*
Fiscal year 1968 authorized	$15
Fiscal year 1969 authorized	30
Fiscal year 1970 authorized	40

Cities: No funds are specifically earmarked for urban areas.

Effects:

1. Expenditure. It is estimated that education spends $1 billion to teach foreign languages. The degree to which bilingual education programs will save on this figure by preserving knowledge of the second language is relevant (though probably minimal).

2. Need Factor.

(a) The target population for this program has been estimated at anywhere from 3 million to 5 million children, including 1½ million who are Spanish speaking in the Southwest, 80,000 American Indians, 1 million who speak other languages, 226,000 Puerto Ricans in New York, and a few Chinese Americans.

(b) The need for bilingual programs has been linked with educational achievement and income levels. In the Spanish speaking Southwest, the median school years attended is 8.1 for Spanish speaking (8.4 in urban communities) while for the Anglo community it is 12.1. The median income for the same region is $2.084 ($3,197 in the cities) while for the Anglo community it is "somewhat higher."

3. Penetration of Other Federal Programs.

(a) There are a multitude of Federal programs which have already and are now using funds for this purpose. (Chart 88) The Elementary and Secondary Education Act Titles I and III, Adult Education Act, Higher Education Act of 1965 Title V, National Defense Education Act Title XI, Cuban Refugee Assistance—Total expenditure in 1967: $30,144,000.

(b) In 1966, 5% (142,000 of 3 million) of the children needing help were being reached in bilingual programs under Title I and III of the Elementary and Secondary Education Act.

(c) In 1966, of 517 institutes under the National Defense Education Act Title XI, 52 were for teachers of the deprived, one for teachers in bilingual education. In California 1% of the teachers teaching bilingual programs spoke Spanish, but 10% of the teacher aids spoke Spanish.

(d) The Bureau of Indian Affairs used $1,170,000 of $5 million for bilingual education, and provided 530 teacher aids through the program.

4. Success of Bilingual Programs as Identified in the Dade County, Florida Project.

(a) Fifth graders can learn equally well in both English and Spanish (not even the best college level language programs can do this.)

(b) Half the pupils enrolled were English speaking, half Spanish speaking. The English speaking pupils tended to learn Spanish at about the same rate the Spanish students learned English.

5. Appraisals.

(a) Harold Howe, Commissioner of Education, Office of Education in testimony on the Bilingual Education Bill before the Subcommittee on Education, Committee of Education and Labor, said,

"A major question is whether we want to have special legislation and special programs each time we want to meet a problem in education."

(b) The National Advisory Commission on Civil Disorders recommends:

". . . substantial appropriation to support an intensive year-round program beginning in the summer of 1968, to improve the verbal skills of people in low-income areas with primary emphasis on the language problems of minority groups."

(c) The main problem of the urban ghetto is not a secondary language—there is no Federal program for the Negro language problem which is two-fold: low basic skill achievement and the division between white spoken English and Negro spoken English.

(d) Lack of coordination between Federal programs and the Federal architecture has created redundancy and overlap of programs and waste of funds. Coordination with research programs (Title IV, National Defense Education Act, Higher Education, Adult Basic Education) is not apparent.

CHART 79

[Elementary and Secondary Education Act Federal expenditures 1966-67]

Cities	Title I	Title II	Title III	Title IV
Baltimore	$7,213,457	$195,534	$71,345	$28,709
Boston	2,631,823	171,149	None	179,525
Buffalo	4,923,854	215,700	621,939	92,994
Chicago	25,165,115	1,802,425	1,434,458	909,427
Cleveland	5,111,373	356,834	416,047	202,987
Dallas	2,511,624	296,140	67,524	109,253
Detroit	11,221,537	695,352	31,152	108,966
Houston	3,496,120	449,933	982,549	18,663
Los Angeles	14,745,945	725,199	690,282	1,430,431
Milwaukee	2,636,828	239,318	578,017	None
New Orleans	4,354,459	406,835	733,865	176,000
New York	69,790,350	2,490,995	3,493,853	5,364,859
Philadelphia	$11,847,163	$496,442	$1,467,299	$1,931,766
Pittsburgh	3,190,339	107,671	960,447	357,670
St. Louis	4,605,187	226,882	727,863	219,170
San Antonio	2,929,620	179,467	568,689	None
San Diego	2,227,688	78,648	309,695	23,873
San Francisco	3,227,000	178,779	385,265	243,652
Seattle	1,568,303	193,339	1,014,724	365,249
Washington	5,642,037	176,432	682,378	1,177,276
Total	180,048,822	9,683,124	15,237,391	12,940,470
Grand total		$217,909,807		

CHART 80

[Pupil achievement: Elementary and Secondary Education Act, title I, 1966]

Test	Grade span	Number of children	Pretest/posttest interval	Change in grade equivalent
Reading vocabulary	1 to 3	125	0.29	0.30
Reading comprehension	1 to 3	105	.29	.20
Reading test	1 to 3	52	.10	−.10
Word recognition	1 to 6	167	.11	.13
Sentence meaning	1 to 6	156	.12	.05
Paragraph meaning	1 to 6	129	.14	.17
Reading survey	1 to 12	136	.30	.55
Word meaning	4 to 6	59	0.22	0.20
Paragraph meaning	4 to 6	59	.22	.15
Word meaning	1 to 6	52	.20	.02
Paragraph meaning	1 to 6	53	.20	.01
Arithmetic	1 to 3	75	.10	.60
Arithmetic reasoning	1 to 3	125	.29	.48
Arithmetic fundamentals	1 to 3	108	.29	1.69

Source: "Elementary and Secondary Education Amendments of 1967." pts. 1 and 2, hearings before the Committee on Education and Labor, House of Representatives, 90th Cong., 1st sess., U.S. Government Printing Office, Washington, D.C., March 1967.

CHART 81

[Comparison of title I allocations for major cities]

	Public Law 89-10	
	$2,000	$3,000
Los Angeles	$13,741,067	$15,684,785
San Francisco	2,852,255	3,439,379
Washington, D.C	5,642,037	6,311,232
Chicago	20,355,903	24,870,245
Baltimore	5,602,473	7,631,576
Detroit	9,513,647	10,910,357
St. Louis	3,912,199	4,666,355
New York City	65,403,817	75,439,537
Philadelphia	10,135,150	12,578,673

Source: "Elementary and Secondary Education Act Amendments of 1967—Report together with Supplemental and Individual Views," Rept. No. 726, 90th Cong., 1st session, Nov. 6, 1967.

The following report is a summary of activities for the education of non-English speaking children. The following table indicates the funding of projects specifically assigned to meet the special educational needs of non-English speaking persons.

CHART 82

[Report on Office of Education program making assistance available to non-English speaking children—Fiscal years 1967 obligations]

Elementary and Secondary Education Act:	
Title I	$7,000,000
Title III	5,639,000
Adult Education Act	4,850,000
Higher Education Act of 1965: Title V	970,000
National Defense Education Act: Title XI	985,000
Cuban refugee assistance	10,500,000
Total	30,144,000

Source: "Bilingual Education Programs," hearings before the Committee on Education and Labor, House of Representatives, 90th Cong., 1st sess., U.S. Government Printing Office, Washington, D.C., June 28-29, 1967.

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THE ECONOMIC OPPORTUNITY ACT OF 1964—PUBLIC LAW 88-452

Purpose: To mobilize the human and financial resources of the nation to combat poverty.

Expenditure:	*(Appropriated)*
Fiscal Year 1965 (million)	$798
Fiscal Year 1966 (billion)	1.500
Fiscal Year 1967 (billion)	1.600
Fiscal Year 1968 (billion)	1.700

Cities: 20 major cities, Fiscal Year 1965-67, $543,700,000; Fiscal Year 1967, $235,900,000 (Chart 83).

Effects: In twenty major cities, 5.8 million people were reached, 57% of whom (in 1966) were non-white.

Programs:

Headstart. Title II.

Headstart Followthrough. Title II.

Upward Bound. Title II.

Job Corps. Title I, Part A.

Neighborhood Youth Corps. Title I, Part B.

VISTA. Title VI.

Work-Experience. Title V.

Work-Study. Title I.

Government-Industry. Title II, Part A.

HEADSTART—TITLE II

Program: The Economic Opportunity Act (EOA) contained no direct reference to a preschool program for disadvantaged children or to its follow-up. It was initiated in 1965 as an experimental summer program and was later extended to a year-round program to help disadvantaged preschoolers prepare for later school experiences.

Funding: Awards are made to Community Action Agencies (CAA) funded under Section 204 or 205 of the Economic Opportunity Act or to "delegate agencies" of the CAA. Federal assistance may not exceed 80% of the costs except in very poor communities where grantees can be relieved of all or part of the non-Federal share.

Expenditure:

Fiscal Year 1967 (expended)	$349,245,000
Fiscal Year 1968 (estimated expenditure)	352,000,000

Cities: 20 major cities, Fiscal Year 1967, $57,523,552 obligated (Chart 84).

Effects:

1. Expenditure.

(a) In 1967, approximately 16% of the funds went to 20 major cities.

(b) In 1968, the average cost per child for the summer program is expected to be $218 and for the full-year program, $1,025.

2. Penetration and Implementation of the Program.

(a) In 1967, Headstart provided for 850,000 summer and year-round preschoolers, 119,044 of whom were in the 20 major cities. (Chart 90).

(b) 30% of the 2.5 million children between the ages of 3 and 5 marked for involvement have been reached.

(c) 150,000 teacher aids were used for children with language problems.

(d) Health services were included in most of the programs, funded by Headstart if they were not already available.

3. Pupil Achievement

(a) Pupil achievement shows that there is initial improvement of from 8 to 10 IQ points, but that after six months of the normal curriculum there is no significant difference.

4. Side Effects.

(a) Programs developed under Headstart have been included as regular elementary school programs in areas with a high percentage of economically deprived children in 51% of the communities visted by the Office of Economic Opportunity (OEO).

(b) There has been some degree of evidence of greater community involvement in the schools and some degree of carry over to the home environment as a result of this program.

5. Problems.

(a) Lack of facilities in the winter months.

(b) Insufficient number of trained personnel.

(c) Lack of funds.

(d) Time lag between application approval and funding.

(e) Overstrict codes which make many target areas ineligible to participate.

(f) Unnecessary evaluation procedures.

(g) Duplicated staffs.

6. Appraisals.

(a) Dr. Leon Eisenberg, Psychiatrist-in-Chief, Massachusetts General Hospital, Boston, Massachusetts:

"Headstart cannot substitute for the long overdue improvement in the elementary schools which have failed the Negro and Puerto Rican children. It can only prepare them to reap the full benefits of better education when it is provided."

(b) Dr. Martin Deutsch, Director of the Institute for Developmental Studies, Department of Psychiatry, New York Medical College:

"Giving the deprived child a quick, one-shot preschool opportunity simply is not enough. There is already highly disturbing evidence that the advantages gained from such a program, while beneficial as the child enters first grade, are quickly lost . . . it is folly to hope that such a program can continue to offset inadequate schools in later years."

Headstart followthrough—Title II

Program: Followthrough is designed as a pilot program to show what can be accomplished with comprehensive efforts to build upon the Headstart foundation. It is expected that these efforts will give Headstart children a better opportunity to retain the gains they have made under Headstart program through extracurricular programs like remedial aid, hot lunches, medical and dental attention.

Expenditure:

Fiscal year 1967 (planning grants)	$300,000
Fiscal year 1968 (estimated expenditure)	120,000,000

Effects:

1. The estimated cost per child is $526.30.

2. This program is expected to provide for 190,000 children.

Upward Bound—Title II

Program: This is a precollege program for impoverished high school students who are capable of attending college, but cannot hope to do so because of the psychological, social, and environmental conditions of poverty. The project consists of two phases: a six to eight week intensive summer educational program; and an effective "follow-up" phase during the academic year, through after school tutoring and weekend sessions.

Funding: Awards are made to accredited colleges, universities, secondary schools with residential capacity, or a Community Action Agency with one or more accredited academic institutions. Federal assistance may not exceed 80% of the costs except in very poor communities where grantees can be relieved of all or part of the non-Federal share.

Expenditures:	*Million*
Fiscal year 1967 expended	$28.2
Fiscal year 1968 expended	35.2

Cities: 20 major cities, fiscal year 1967, $9,173,052 (Chart 84).

Effects:

1. Expenditure.

(a) Approximately one-third of the 1967 funds were expended in twenty major cities.

(b) The cost benefit ratio indicates that the increased earnings as a result of the added education is a positive figure relative to the original outlay. (Chart 85)

2. Penetration of the Program.

(a) Of an esitmated 600,000 eligible, 23,000 were enrolled in 1967.

(b) In 1967, there were 248 programs in operation; 125 applications had to be turned down for lack of funds.

3. Program Achievement.

(a) Data from six of the first eighteen demonstration projects indicate that 80% of the participants were admitted to college and 12% of thesce dropped out during their freshman year (which is about the same rate as for other college students.)

(b) 91% of the 8-11th graders enrolled last summer voluntarily continued in the Upward Bound follow-up sessions in addition to their regular high school studies.

(c) Thus far the program has seemed to demonstrate that although a one-year stay in the program can change students' attitudes toward their own future, a longer stay in the program is probably necessary to convince these students that it really is possible for them to participate in the benefits of higher education.

Job Corps—Title I, part A

Program: The Job Corps consists of men and women aged 16 to 21 and is located at conservation camps and training centers or on unused military installations or leased facilities in or near urban areas. It is aimed at skill training and work experience for those who need a change of environment and individual help to develop talents.

Funding: Awards are made to Federal, state, or local agencies or private organizations in accordance with the age guidelines and on the basis of those who are most likely to continue living in poverty if they are forced to live in their present environment. Enrollees receive room and board, medical and dental care, a monthly allowance of $30 and a terminal allowance of $50.

Expenditure:	*Million*
Fiscal year 1966 (expended)	$251.0
Fiscal year 1967 (estimated expenditure)	325.0
Fiscal year 1968 (estimated expenditure)	321.0

Cities: 20 major cities, fiscal years 1965–67. $17,625,322 obligated (chart 85).

Effects:

1. Expenditure.

(a) A low percentage of the funds have been expended in twenty major cities.

(b) The cost per enrollee in 1966 was $11,252 and $12,510 in the cities.

2. Program Penetration and Implementation.

(a) In 1966 there were 73 Job Corps centers; 14 served urban areas. 28% of the Corpsmen were from cities of over ¼ million population.

(b) Originally the program was to enroll 40,000 the first year and 100,000 the second year. The first year, the enrollment was 20,340.

3. Program Achievement.

(a) In 1966, the dropout rate was 32%.

(b) Enrollment was often at 49% of capacity.

(c) Of 1,167 graduates in March, 1966, 571 were employed, 380 went in the armed forces, and 216 went back to school.

(d) There is considerable evidence that once back in the local community environment, enrollees tended to revert to old ways and that they seldom had learned any lasting skill to change their mode of existence.

(e) Of the 60,000 youths who have passed through Job Corps centers from 1965–1967, 26,000 held jobs earning an average of $1.71 per hour.

(f) Educational materials developed by Job Corps are being used by 84 schools throughout the Nation.

4. Problems and Criticism.

(a) High salaries of employees.

(b) Confusion over funding between the Office of Economic Opportunity (OEO), the Department of Agriculture, and the Department of Labor.

(c) Non-use of already existing facilities.

(d) Poor discipline; instances of riots.

(e) No provisions for job placement.

(f) Poor coordination with other programs.

Neighborhood Youth Corps—Title I, part B

Program: This is a year-round and summer work-training program for disadvantaged young people, grades 9–12 or ages 16–21 from low income families. There are two types of programs—in-school projects involving work and study and out-of-school projects for dropouts who are unemployed involving work and study. The purpose of the program is to encourage these young people to return to school and resume their education or to help them acquire work habits and attitudes that will improve their employability.

Funding: Awards go to local groups who sponsor projects or employers. The Federal government will finance up to 90% of the cost of projects payable in cash or kind. In on-the-job training projects the Federal government pays legitimate training costs while the employer pays the trainee's wages.

Expenditure:

Fiscal year 1966 (expended)	$161,542,267
Fiscal year 1967 (expended)	325,000,000
Fiscal year 1968 (authorized)	410,000,000

Cities: 20 major cities, fiscal year 1967, $98,012,268 (HEW obligated) (chart 84).

Effects:

1: Expenditure.

(a) Department of Labor figures show 1967 expenditures of $348,833—$235,276 of which were urban.

(b) Health, Education and Welfare figures indicate a lower percentage going to the cities.

2. Program Penetration and Implementation.

(a) Total enrollment for 1967 was 325,000 of which 104,826 were from the twenty major cities.

(b) 20% of the in-school projects included remedial education; 10% of the out-of-school projects included remedial education.

3. Program Achievement.

(a) In Detroit, six precincts served by the Neighborhood Youth Corps said crime was reduced by 20%.

(b) The type of jobs provided were 37% landscaping, 24% clerical, 14% custodial, 14% teacher aids, 8.5% forestry.

4. Appraisals.

Sar Levitan of the Center for Manpower Studies, George Washington University, Washington, D.C., summarized in *Poverty and Human Resources Abstracts,*

"The Neighborhood Youth Corps program is a mixture of work experience, income support, anti-riot insurance and 'aging vat' . . . remedial education or training components and the experience gained on the Neighborhood Youth Corps assignments is of doubtful value."

VISTA—Title VI

Program: This is a manpower program that provides volunteers who are willing to live and work with the poor. The six-week training program trains volunteers for specific jobs and locations.

Funding: Awards are made to neighborhood, community, city or state organizations, public or private nonprofit institutions or agencies. Volunteers receive room, board, health care, personal expenses and $50 per month.

Expenditure:	*Million*
Fiscal year 1965 (obligated)	$9.4
Fiscal year 1966 (obligated)	30.0
Fiscal year 1967 (expended)	26.0

Effects:

1. In 1967, 4,000 volunteers were trained, 824 were working in twenty major cities. (Chart 84)

2. This program is really only ancilliary to the education effort. To the degree it can be coordinated with other programs, it can affect the effort.

Other programs

Work Experience Program—Title V.

This program seeks to raise the employability of needy adults with emphasis upon unemployed parents of dependent children.

This program is duplicated by the Adult Basic Education Act, the Manpower Development and Training Act, and the Vocational Education Act.

In 1965, there were 88,700 participants, in 1966, 19,962. Cost: $151,085,000.

This program is not directly relevant to our concerns regarding the elementary and secondary urban education system.

College Work-Study Program—Title I.

This program provides part-time employment opportunities for students in institutions of higher education who are from low income families. It is designed to provide income and work experience.

In 1965, the Office of Economic Opportunity granted $12 million to 648 institutions to assist 38,015 students.

This program is not directly relevant to our concerns regarding the elementary and secondary urban education system, except to the degree that it can be coordinated with other programs like Upward Bound and student loans, or to the degrce that guidance and counseling can utilize it in helping needy students go to college.

Government-Industry Coordinated Programs—Title II–A, Sec. 206.

Under an Office of Economic Opportunity grant of $96,500 Laurens County, South Carolina called on the U.S. Research and Development Corporation of New York to run a 10-week course in basic reading and arithmetic for Laurens "unemployables."

MIND, Inc. (Methods of Intellectual Development) was hired and went into operation in a rented-run-down mansion with 80 people, some of whom were completely illiterate, the average IQ being 75. Seventy-two completed the course, 68 got jobs, and it is estimated that the program created $140,000 in yearly take-home pay.

CHART 83

[Federal expenditure for the poor under Economic Opportunity Act programs]

City	1960 poor	Percentage of total population	Grants to cities	
			Fiscal year 1967	Fiscal years 1965–67
New York	$1,245,162	16.0	$68,065,714	$145,264,690
Chicago	513,328	14.5	41,811,083	88,667,947
Los Angeles	771,547	31.1	12,780,717	44,730,741
Philadelphia	364,608	18.2	17,491,677	40,971,265
Detroit	433,051	25.9	20,749,329	46,351,907
Baltimore	212,154	22.6	6,223,076	14,692,770
Houston	265,046	28.2	1,535,092	6,416,711
Cleveland	197,446	22.5	9,246,156	20,495,919
Washington	160,960	21.1	19,016,801	46,691,342
St. Louis	180,507	24.1	6,887,744	8,207,032
Milwaukee	99,653	13.4	2,708,351	6,256,716
San Francisco	$110,467	$14.9	$7,343,968	$15,698,679
Boston	130,355	18.7	7,695,738	20,395,033
Dallas	177,085	26.1	352,429	1,575,539
New Orleans	192,393	30.7	298,385	4,313,358
Pittsburgh	222,239	36.8	6,672,948	19,466,532
San Antonio	225,985	38.5	2,370,444	7,080,487
San Diego	140,444	24.5	1,744,900	4,010,346
Seattle	94,876	17.0	2,046,672	4,839,086
Buffalo	130,224	24.4	879,661	2,681,548
Total	5,867,530		235,920,885	548,807,648

Source: Office of Economic Opportunity.

CHART 84

[Federal expenditure in 20 major cities]

Cities	Headstart		Upward Bound	Job Corps	Neighborhood Youth Corps		VISTA
	Number	1967 expenditures	1966–67 expenditures	1965–67 expenditures	Number	1967 expenditures	Number
Baltimore	946	$695,570	$299,562	$59,249	1,591	$1,859,440	109
Boston [1]	1,710	2,061,200	1,060,491	1,052	1,073	1,518,220	15
Buffalo	1,336	583,356	111,463	None	1,898	1,599,890	44
Chicago	29,566	10,458,116	1,306,646	1,416,096	16,752	13,765,132	90
Cleveland	3,465	2,111,535	293,099	4,086,709	3,566	4,411,170	4
Dallas	785	393,359	177,988	None	1,002	1,308,750	None
Detroit [1]	8,075	2,017,375	542,386	1,307	5,258	4,934,380	29
Houston [1]	6,355	1,577,782	649,180	77	1,919	2,417,350	43
Los Angeles	6,780	10,581,359	733,348	1,997,000	10,521	9,654,530	44
Milwaukee	973	1,161,950	316,574	None	1,174	934,020	35
New Orleans	3,953	1,665,651	799,820	None	1,322	1,644,050	None
New York	28,130	8,811,108	1,742,389	3,965,362	33,311	26,715,740	190
Philadelphia [1]	7,140	4,578,535	332,307	772	4,479	6,466,187	60
Pittsburgh	3,745	1,650,996	496,549	None	3,782	3,255,999	31
St. Louis	2,710	2,267,784	694,545	3,536,328	2,468	3,209,230	30
San Antonio	3,556	829,385	None	None	2,330	2,568,120	None
San Diego [1]	3,364	1,673,409	None	290	1,923	1,744,900	25
San Francisco	(2)	918,483	357,426	None	1,295	1,598,410	20
Seattle [1]	1,615	1,556,699	114,286	535	1,016	1,314,590	25
Washington	4,840	1,929,900	642,733	2,560,545	7,866	7,092,160	30
Total	119,044	57,523,552	9,494,792	17,625,322	104,816	98,012,268	824

[1] Incomplete.

[2] Not available.

Source: "Programs for the Disadvantaged," Office of Education.

CHART 85

[Upward Bound—Cost benefit analysis]

	High school graduate over high school dropout (88 percent of participants)		1 to 3 years college attendance over high school graduation (44 percent of participants)		College graduate over high school graduate (22 percent of participants)	
	3 percent	5 percent	3 percent	5 percent	3 percent	5 percent
Benefits:						
Current capital value of increase in lifetime earnings	$5,083	$2,978	$6,772	3,406	$11,252	$6,561
Stipend, room and board while in Upboard Bound program	798	798	798	798	798	798
Total	5,881	3,776	7,570	4,204	12,050	7,359
Costs:						
OEO grant	1,919	1,919	1,919	1,919	1,919	1,919
College costs			2,261	2,176	2,026	1,915
Wages foregone while attending summer program	400	400	400	400	400	400
Tota	2,319	2,319	4,580	4,495	4,345	4,234

Source: Judith Segal, "Benefit and Costs of Upward Bound," Office of Economic Opportunity, June 24, 1967.

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THE CIVIL RIGHTS ACT OF 1964—TITLES IV, VI, PUBLIC LAW 88-352, "DESEGREGATION OF PUBLIC EDUCATION"

Purpose: To provide specialized assistance to help public school systems and school personnel cope with problems relating to school desegregation through technical assistance, grants to school boards, and training institutes.

Funding: Awards are made to local educational agencies and institutions of higher education on the merit of the proposal and on need. Federal contribution is 100%.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$8
Fiscal year 1968 (appropriated)	8

	Million
Fiscal year 1967 (appropriated)	$8
Fiscal year 1968 (appropriated)	10
(budget request $30 million)	

Aid for Public School Desegregation—Title IV

Program: This program provides assistance to schools and school personnel in coping with problems arising from school desegregation. The assistance is made available in three ways: technical assistance, grants to school boards, and grants to training institutes for teachers and other school personnel. The institutes are conducted by colleges and universities. The program is administered by Department of Health, Education and Welfare.

Desegregation of Public Education—Title IV

Program: This program authorizes the Attorney General under certain conditions, to sue to prevent school segregation when he receives a written complaint signed by a parent or group of parents stating that his or their minor children, as members of a class or persons similarly situated, are being deprived by a school board of the equal protection of the laws. Also, the Attorney General may sue when he receives a written complaint signed by an individual who has been denied admission to a public college because of his race, color, religion, or national origin, and who certifies that the suit will materially further orderly desegregation in public education. This program is administered by the Department of Justice.

Nondiscrimination in federally assisted programs—Title VI

Program: Increasingly the provisions of Title VI are being used to enforce desegregation in urban schools where *de facto* segregation exists. Title VI states, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance." The Department of Health, Education and Welfare reports the elementary and secondary school systems in all fifty states will be surveyed to obtain information about the racial characteristics of student bodies and facilities needed for a systematic Title VI compliance program. Practices such as racial discrimination in assignment of teaching staffs, gerrymandering of school attendance zones, overcrowded classes in largely Negro schools, and provision of inadequate instructional facilities for Negro and other minority group students will be reviewed.

Effects:

1. Expenditure. Approximately ¾ of Title IV funds have gone to programs in the Southern and Border States. (Chart 86)

2. Achievement in Desegregation.

(a) 90 of the dual school districts have been eliminated since the program began. Of these 90, 37 subsequently complied with the Federal law and HEW guidelines, and 53 remained in noncompliance.

(b) In 1966, 466 dual school systems (white and Negro) had eliminated dual systems, and provided one—of those, 200 were in Texas.

(c) Title IV of the Civil Rights Act specifically forbids the government from issuing any order to achieve racial balance in schools in areas which did not have legally separate schools for Negroes in the past. Therefore, no action to reduce *de facto* segregation in Northern schools has been taken by the Federal government. Increasingly Title VI is being used to circumvent this problem.

(d) In large city school systems teacher segregation persists. In Detroit 80.7% of the Negro teachers in 1965–66 taught in schools in which more than half of the pupils were Negroes; in Chicago the figure was 95.9%, in Atlanta 99.8%, and in Philadelphia 91.8%.

(e) Many statistics indicate that there is temporary improvement in Negro achievement when schools are integrated, but few statistics indicate any long-term improvements, environmental factors seeming to take on significance as time goes on.

(f) As the law prohibits "assignment of students to public schools in order to overcome racial imbalance," busing and redistricting techniques have been left to local governments whose attempts in this direction have met with political disfavor in most instances.

3. Amendments and Changes to Achieve Desegregation and Racial Balance.

(a) In order to spread the funds nationwide, the Elementary and Secondary Education Act, 1967, Sec. 2 states that regulations must be "uniformly applied," and Secretary Gardner of Health, Education and Welfare stated that there is an effort being made to place civil rights compliance staffs in each of the nine regional offices, North, South, East, and West.

(b) In an effort to end teacher desegregation, a House bill was passed as an amendment to the Elementary and Secondary Education Act of 1967 ordering compliance with the law "with respect to student and faculty assignment." This amendment was not passed in the final form of the bill.

(c) The Report of the National Advisory Commission on Civil Disorders recommends an increase in Title IV funds, ending the ban on Title IV funds to decrease *de facto* segregation and coordination in implementation with Title III of the Elementary and Secondary Education Act.

4. Appraisals of the Desegregation Effort.

(a) Teacher desegregation. The Cleveland Public School system, like others, reported that virtually all teachers have a college degree, and teachers must agree to teach in any school where they might be needed or assigned.

(b) Floyd McKissick, President of the Congress of Racial Equality, has said,

"A Negro child's achievement is very highly correlated with his feeling that he can control his own destiny . . . In fact, total reliance on integration—which amounts to reliance on acceptance by the white man—is at direct odds with that sense of control over one's destiny."

(c) Christopher Jencks of the Institute for Policy Studies, Washington, D.C., says,

". . . that Negro students do better in predominantly middle-class schools and worse in predominantly lower-class schools, but that racial integration has little or no independent effect. Integrating poor Negroes with poor whites, in other words, probably does no good. Integrating poor Negroes with middle-class Negroes might do as much good as integrating them with middle-class whites, but as a practical matter there aren't enough middle-class Negroes to go around. (One reason for this is that 40% of all white-collar Negroes send their children to private schools—an incredible finding which deserves study.)"

CHART 86

[Equal Educational Opportunities program grants and institutes supported, fiscal years 1965, 1966, and 1967]

	Total projects
Southern and border States:	
Alabama	18
Arkansas	10
Delaware	4
District of Columbia	1
Florida	42
Georgia	14
Kentucky	12
Louisiana	2
Maryland	4
Mississippi	10
Missouri	4
North Carolina	16
Oklahoma	9
Tennessee	20
Texas	7
Virginia	19
West Virginia	1
Subtotal	193
Northern and Western States:	
Arizona	1
California	12
Connecticut	2
Illinois	1
Indiana	2
Massachusetts	1
Michigan	6
Nevada	1
New York	12
New Jersey	1
New Mexico	1
Oregon	1
Pennsylvania	4
Subtotal	45
Grand total	238

Source: "Grants and Institutes Supported," Division of Equal Educational Opportunities, Office of Education, Department of Health, Education, and Welfare, 1967.

Sources

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THE NATIONAL DEFENSE EDUCATION ACT OF 1958—PUBLIC LAW 85–864

Strengthening instruction in critical subjects—Title III

Program: This program provides matching grants to states and loans to private nonprofit elementary and secondary schools. The funds are for laboratory and other special equipment and materials to strengthen instruction in nine critically important subject areas: science, geography, civics, mathematics, modern foreign languages, English, reading, history, and economics.

Funding: Awards are made to states for grants and to private nonprofit schools for loans on the basis of state plan formula based on school-age population. Federal contribution is 50% of the state expenditure.

Expenditure:	*Million*
Fiscal year 1959–64 appropriated	$193.3
Fiscal year 1965 appropriated	76.6
Fiscal year 1966 appropriated	88.2
Fiscal year 1967 appropriated	88.2
Fiscal year 1968 appropriated	88.2

Cities: 20 major cities fiscal year 1967 $6,747,681 obligated (Chart 87).

Effects:

1. Expenditure.

(a) In 1967, the 20 major cities received a low proportion of Title III funds.

(b) Per pupil expenditure in the cities was $2.00 against $1.89 average for NDEA III in FY 66.

(c) 95% of the school districts find that the necessity to provide matching funds is not a hardship.

(d) School districts of low economic ability make more frequent use of NDEA III funds and receive more aid.

2. Program Penetration.

(a) Between 1959–1964, 60,407 projects were approved, and 9,504 classroom and laboratories were added to facilities.

(b) Until 1965 science, mathematics, and modern foreign languages received virtually all the emphasis. Now, however, English and reading are being given increasing priorities. (Chart 94)

(c) Focus of this program has not been on the basic skills.

State programs in guidance, counseling, and testing—Title V–A

Program. This program provides matching financial assistance to states for establishment and maintenance of guidance, counseling, and testing programs in public elementary and secondary schools or public junior colleges and technical institutes.

Funding. Awards are made to states on the basis of state plans and formula based on school-age population. Federal contribution is 50% of state expenditure.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$20.5
Fiscal year 1966 (appropriated)	24.5
Fiscal year 1967 (appropriated)	24.5
Fiscal year 1968 (appropriated)	24.5

Cities: 20 major cities fiscal year 1967 $2,983,574 obligated (Chart 87).

Effects:

1. Expenditure.

(a) In 1967 the 20 major cities received a low portion of Title V–A funds.

(b) The Federal contribution from 1958–1966 was 10.8%, (state 4.8%, local 84.7%).

2. Program Penetration:

(a) In 1965–66, 37,800 full-time-equivalent counselors were employed in guidance and counseling programs in elementary and secondary schools and junior colleges. 91% of the funds supported secondary school programs, 7% supported elementary.

(b) Counselor-student ratio has improved. In 1958 there were 12,000 counselors serving half of the secondary school population; in 1966 there were 34,500 serving over 80% of the students in secondary schools. (Chart 84) To achieve the recommended ratio of 1:300, a total of 144,810 additional would be required.

3. Program Achievements:

(a) Students attending college and post-secondary vocational-technical schools increased. (Chart 90) No doubt the increase is due not only to NDEA funds, but to the increased number of students graduating and the Manpower Development and Training Act.

(b) The school retention rate has increased (Chart 91). It is difficult to assess what the influence of Title V–A funds has had in this regard. State educational agencies report that identification of dropouts and early counseling have made a difference in the retention rate.

(c) Standardized testing to identify abilities has been stimulated. (Chart 92)

4. Appraisals:

(a) Don D. Twiford, Chief, Guidance and Personnel Services Branch and Staff, U.S. Office of Education:

"The future of guidance is in the direction of a more comprehensive complex of services, patterns of which now exist in some schools systems."

(b) The State of Michigan reports:

"Local school districts continue to report a shortage of qualified counselors in sufficient quantity to fill all positions particularly at the elementary level."

Counseling and guidance training institutes—Title V–B

Program: This program provides grants or contracts to operate institutes for individuals engaged in and teachers preparing to engage in advanced study in counseling and guidance.

Funding: Awards are made to institutions of higher education on the basis of proposals. Federal contribution is 100% of the institutions' costs; participants receive $75 per week.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$7.2
Fiscal year 1966 (appropriated)	7.2
Fiscal year 1967 (appropriated)	7.2
Fiscal year 1968 (included in title XI institute figure).	

Effects:

1. Title V–B has supported institutes training 13,071 guidance-counselors at short-term summer institutes and 6,328 at regular session. The trend has been to increase emphasis on a full academic year of graduate professional education. (Chart 93)

2. 1968 marks the first year special institutes to train counselors for the "disadvantaged" have been sponsored by Title V–B. Ten programs enrolling a total of 330 at a cost of $1,100,000 is anticipated.

Institutes for advanced study—Title XI

Program: This program provides advanced study for elementary school and secondary school teachers and specialists in public and private nonprofit schools.

This program also provides financial assistance in the form of contracts with institutions of higher education for operation of short-term or academic year institutes of advanced study for teachers of disadvantaged youth.

Funding: Awards are made to institutions of higher education on the basis of proposals. The Federal contribution is 100% of the institute costs, participants receive $75 per week.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$29.6
Fiscal year 1966 (appropriated)	34.8
Fiscal year 1967 (appropriated)	30.0
Fiscal year 1968 (appropriated)	37.2

(Includes Title V–B Counseling and Guidance).

Effects:

1. 11 short term institutes trained 443 elementary and secondary teachers at a cost of $765,000 to teach English to speakers of other languages.

2. One institute was supported at the University of Denver for teaching history to disadvantaged Spanish-Americans.

3. Special institutes to train teachers of disadvantaged youth were started in 1965. Thus far 347 programs have been funded, 15,400 teachers have participated, and the cost was $24,800,000. (Chart 94)

Title II–D

Program: This title gives loan forgiveness to students who teach in public or private nonprofit elementary or high schools with high concentrations of students from low income eligible families under the Elementary and Secondary Education Act (ESEA). The forgiveness rate is 15% for each year of teaching.

Expenditure:	*Million*
Fiscal year 1966 (appropriated)	$10
Fiscal year 1967 (appropriated)	13
Fiscal year 1968 (appropriated)	13

CHART 87

[National Defense Education Act (NDEA) 1967]

Federal expenditure	Title III	Title V–A
Baltimore	$256,470	$49,188
Boston	93,787	40,680
Buffalo	70,748	50,160
Chicago	917,906	169,550
Cleveland	199,274	86,334
Dallas	215,070	NA
Detroit	[1] 1,038,008	1,648,120
Houston	274,127	70,911
Los Angeles	11,208	13,811
Milwaukee	216,756	76,228
New Orleans	263,500	67,893
New York	1,500,000	369,000
Philadelphia	750,695	146,036
Pittsburgh	297,080	43,457
St. Louis	59,744	36,505
San Antonio	84,202	34,010
San Diego	128,922	NA
San Francisco	44,260	NA
Seattle	149,492	None
Washington, D.C	176,432	81,691
Total	6,747,681	2,983.574

[1] Includes loans to private schools.

Source: "Profiles of 20 Major Cities," Office of Programs for Disadvantaged, U.S. Office of Education, Department of Health, Education, and Welfare, January 1968.

CHART 88

[Percentage of funds for NDEA approved projects by subject]

Subject	1959	1960	1961	1962	1963	1964	1965	1966
Science	77.3	75.3	73.2	72.1	73.4	73.0	65.7	42.9
Mathematics	7.4	8.5	8.5	8.9	8.7	10.8	11.0	6.2
Modern foreign languages	15.3	16.2	18.3	19.0	17.9	16.2	12.0	7.8
History							2.5	10.5
Civics							.6	2.2
Geography							1.9	6.7
Economics								.2
English							2.3	8.9
Reading							4.0	14.6

Source: "Notes and Working Papers Concerning the Administration of Title III of the NDEA," prepared for the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, U.S. Government Printing Office, Washington, D.C., June 1967.

CHART 89

[National Defense Education Act (NDEA) the counselor-student ratio]

School year	Counselor-student ratio [1]		
	Secondary	Elementary	Junior college
1958–59	1:960		
1959–60	1:640		
1960–61	1:570		
1961–62	1:550		
1962–63	1:530		
1963–64	1:525		
1964–65	1:475	[1] 1:17,490	[1] 1:880
1965–66	1:460	1:10,200	1:920

[1] The National Defense Education Act was amended in 1964 to include elementary schools, junior colleges, and technical institutes. The latter data are not available at this time.

CHART 90

[National Defense Education Act (NDEA) rate of continuing education enrollment]

Year	High school graduates	1st time college students	Total college enrollment	Vocational-technical school enrollment
1958	1,500,000	775,000	3,236,000	14,896
1963	1,960,000	1,046,000	4,495,000	[1] 56,226
1965	2,642,000	1,442,000	5,526,000	100,209
Percent of increase, 1958-65	76	86	78	573

[1] The Manpower Development and Training Act was passed in March 1962.

Note: The increase in vocational-technical school enrollment is the most dramatic in any area of postsecondary education. No doubt the increased enrollment reflects the availability of facilities that were developed through the Manpower Development and Training Act of 1962.

CHART 91

[National Defense Education Act (NDEA) pupil retention rate]

School year pupil entered 5th grade	Retention per thousand pupils who entered 5th grade			
	5th grade	High school graduates	Year of high school graduation	1st-time college students
1950-51	1,000	582	1958	308
1954-55	1,000	642	1962	343
1957-58	1,000	710	1965	378

Note: In 1958, the year before title V went into effect, 582 of each thousand 1950-51 5th-graders graduated. By 1965, 710 of each thousand 1957-58 5th-graders graduated, a 22 percent increase n the retention rate.

CHART 92

[National Defense Education Act (NDEA) Growth in the Counselor and Guidance Testing Programs]

Year:	Number of tests administered (nonpublic)
1958-59	202,139
1965-66	[1] 640,140

[1] Title V-A was extended to elementary schools in 1964.

Note: Standardized tests administered in nonpublic secondary schools under title V-A increased from 202,139 in 1958-59 to 640,140 in 1965-66. The 1965-66 testing includes both elementary and secondary schools.

Source for preceding 4 charts: "Notes and Working Papers Concerning Administration Programs Authorized Under Title V of NDEA," prepared for the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, October 1967, pp. 5-8.

CHART 93

Number of students attending title V-B counseling and guidance institutes, 1959-60 through 1966-67

Year	Regular session	Short term	Total
1959-60	265	2,210	2,475
1960-61	612	2,744	3,356
1961-62	562	2,564	3,126
1962-63	620	1,947	2,567
1963-64	682	1,578	2,260
1964-65	1,164	738	1,902
1965-66	1,013	720	1,733
1966-67	1,410	570	1,980
Total	6,328	13,071	19,399

Source: Ibid., p. 16.

CHART 94

[NDEA (title XI) institutes for advanced study]

Fiscal year	Number of programs		Estimated number of participants		Estimated amount of funds	
	Total	Disadvantaged youth	Total	Disadvantaged youth	Total	Disadvanvantaged youth
1968	449	94	18,000	4,600	$30,000,000	$6,600,000
1967	517	92	17,700	3,700	30,000,000	6,000,000
1966	554	84	23,000	4,000	34,890,000	7,700,000
1965	494	77	20,400	3,100	29,600,000	4,500,000
Total	2,014	347	79,100	15,400	124,490,000	24,800,000

Source: Office of Education.

Sources

"Notes and Working Papers Concerning the Administration of Programs Authorized Under Title V of the National Defense Education Act, as Amended," Prepared for the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, U.S. Government Printing Office, Washington, D.C., October 1967.

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"Fact Book—Office of Education Programs," Office of Administration/Management Evaluation Branch, Office of Education, Department of Health, Education and Welfare, Washington, D.C. January, 1967.

PUBLIC LIBRARY SERVICES AND CONSTRUCTION ACT—PUBLIC LAW 88-269

Purpose: To extend and improve public library services where adequate services are lacking, to promote interlibrary cooperation, and to assist in providing certain specialized state library services, and to provide for construction.

Funding: A basic grant is allotted to each state, and the balance of funds allotted to each is proportional to the ratio of state population to national population. The Federal share ranges from 33 to 66% (except for FY '67 when Title III was 100%, thereafter becoming 50%, and Title IV which was 100%, thereafter becoming 33 to 65%).

Expenditure:	Million
Fiscal year 1965 appropriated	$55
Fiscal year 1966 appropriated	55
Fiscal year 1967 appropriated	76
Fiscal year 1968 appropriated	76

Public library services—Title I

Program: This program promotes the extension of public library services to areas without such services or with inadequate services, by grants used to help finance the cost of salaries, books, materials, and equipment.

Expenditure:	Million
Fiscal year 1965 appropriated	$25
Fiscal year 1966 appropriated	25
Fiscal year 1967 appropriated	35
Fiscal year 1968 authorized	45
Fiscal year 1969 authorized	55

Effects:

1. New York State has used Title I to promote outreach of the public library to the disadvantaged.

2. The Report of the National Advisory Commission on Civil Disorders says there are fewer books per pupil in Negro pupils' libraries.

Public library construction—Title II

Program: This program promotes public library service through aid for construction in areas lacking library facilities.

Expenditures:	Million
Fiscal year 1965 (appropriated)	$30
Fiscal year 1966 (appropriated)	30
Fiscal year 1967 (appropriated)	40
Fiscal year 1968 (authorized)	50
Fiscal year 1969 (authorized)	60

Effects:

1. New York State reports that rising costs of construction demand increased funding in order to provide the facilities needed.

2. The average public library several years ago was 57 years old, indicating that many libraries are in need of renovation, expansion or modernization.

Interlibrary cooperation—Title III

Program: This program establishes and maintains local, regional state or interstate cooperative networks of libraries for the systematic and effective coordination of the resources of school, public, academic and special libraries and special information centers.

Expenditure:	
Fiscal year 1965	----------
Fiscal year 1966	----------
Fiscal year 1967 (appropriated)	$375,000
Fiscal year 1968 (authorized)	7,500,000
Fiscal year 1969 (authorized)	10,000,000

Effects: 1. There is under discussion a similar program for higher education. Title IX of the Higher Education amendments, 1968 (H.R. 15067) proposes a "network for knowledge" scheme—specialized library and computer networks, and other sharing of educational resources among colleges and universities. Such a plan could very well be utilized in the urban school system.

State Institutional Library Services—Title IV-A.

Program: This program establishes and improves state institutional library services such as state correctional hospital libraries and other state-supported institutional libraries.

Expenditure:	
Fiscal year 1965	----------
Fiscal year 1966	----------
Fiscal year 1967 (appropriated)	$375,000
Fiscal year 1968 (authorized)	7,500,000
Fiscal year 1969	10,000,000

Effects: 1. New York State reports the need for increased funding so that they can provide library service to special segments of society. They are already using funds to provide services to patients, inmates, residential training schools, orphanages, and hospitals.

Source

"Fact Book—Office of Education Programs," Office of Administration/Management Evaluation Branch, Office of Education, Department of Health, Education and Welfare, January, 1967.

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THE CHILD NUTRITION ACT OF 1966—PUBLIC LAW 89–642

Purpose: This act recognizes the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn as demonstrated under the national school lunch program; it acts as a measure to safeguard the health and well-being of the Nation's children; and it encourages the domestic consumption of agricultural and other foods by the States.

Equipment program to initiate or expand school food service

Program: This program provides means to supply schools in low income areas with equipment for storing, preparing, transporting and serving food to children.

Funding: Awards are to the states on the condition that at least one-quarter of the equipment cost shall be borne by State or local funds.

Expenditure:

Fiscal year 1967 (expended)	$710,000
Fiscal year 1968 (available)	750,000
Fiscal year 1969 (available)	6,000,000

Pilot school breakfast program

Program: This program provides money to help provide breakfasts that improve child nutrition to preschool, elementary and secondary public and private and particularly to schools in low-income areas on a nonprofit basis, free or at a reduced price.

Funding: Awards are made to the states on the basis of $50,000 per state to assure a minimum program and on the basis of per capita income of each state and the level of participation.

Expenditure:

Fiscal year 1967 (expended)	$566,000
Fiscal year 1968 (available)	3,500,000
Fiscal year 1969 (available)	6,500,000

Effects:

1. Program Penetration and Achievement.

(a) In FY 67, 4.1 million breakfasts were served to 80,232 children in 752 schools in economically depressed areas; ¾ were free or at a reduced price. (Chart 101)

(b) "Operation Metropolitan," starting this year, is aimed at bringing into the program 2.8 million children in 15 major cities. Now only 34,000 get either breakfast or lunch.

(c) Although there is no tabulated data as to how children benefit in terms of increased achievement because of this program, various testimony indicates fewer latenesses to school, increased ability to communicate because of communication practice at the table, height and weight gain, increased ability to concentrate, and fewer discipline problems.

(d) This program is to be extended under Public Law 90–302.

Special milk program for children

Program: This prorgam provides reimbursements to encourage consumption of milk by children in public and nonprofit private elementary and high schools, child care centers, settlement houses, and summer camps.

Funding: Awards are made to states and administered by state agencies. There are no matching provisions but the cost of milk in excess of the Federal reimbursement must be borne by sources within the state.

Expenditure:

Fiscal year 1965 (expended)	$97,417,000
Fiscal year 1966 (expended)	96,523,000
Fiscal year 1967 (available)	99,170,000
Fiscal year 1968 (available)	102,299,000
Fiscal year 1969 (available)	104,000,000

THE NATIONAL SCHOOL LUNCH ACT—PUBLIC LAW 87–688

The national school lunch program—Sec. 4, 11

Program: This program provides commodity and cash grants to assist in providing adequate school lunches, free or at a reduced price to children who are unable to pay the full price.

Funding: Awards are to state educational agencies. Apportionment of funds among the states is on the basis of participation rate and assistance need rate.

Expenditure:

Fiscal Year 1947–66 (billion expended) (Cash and commodities)	$3.9
Fiscal Year 1967 (million expended) ($2 million additional for Sec. 11)	338.0
Fiscal Year 1968 (million estimated expenditure)	456.0

Effects:

1. Expenditure.

(a) In 1967, 43.2% of meals to the "needy" were free, 12.1% of the non-needy were free. (Chart 101)

2. Penetration of Program.

(a) In 1967, 610 "needy" schools were reached, 72,334 non-needy schools. (Chart 101)

(b) In 1967, 18.3 million children (which is 36.5% of the children in school) were reached by this program. 133,403 were classed as "needy." (Chart 101)

(c) Less than 1% of the meals served in 1967 went to the "needy."

3. Estimated Need

(a) In March, 1965, 4.5 million children under the age of 6 had working mothers; 6.5 million children between the ages of 6 and 11 had working mothers.

(b) 725,000 children between the ages of 1 and 6 and one million between the ages of 6 and 11 had family incomes of less than $5,000.

(c) Day care facilities have increased due to the model cities program, grants from the Office of Economic Opportunity, and the Social Security Amendments.

4. HR 15398 to extend and expand the National School Lunch Act, passed the House, March 5, 1968, and became law May 8, 1968 under Public Law 90–302.

(a) HR 15398 amends Public Law 87–688 to include preschool children, day care facilities, and programs undertaken during the summer months.

(b) HR 15398 makes the Breakfast Program permanent.

CHART 95

[Consumer food programs, fiscal year 1967 summary]

	Lunch		Breakfast
	Sec. 4	Sec. 11	
National school lunch and breakfast programs:			
1. Number of schools	72,334	610	752
2. Number of children	18,323,127	133,403	80,232
3. Total meals served	3,131,500,569	15,504,097	4,147,245
4. Free meals percent	12.1	43.2	76.1
5. Local food purchases	$869,712,474	$3,806,482	$549,639
6. Federal payments	[1] $148,394,863	$2,000,000	$566,458

[1] Includes $709,863 for nonfood assistance under the Child Nutrition Act of 1966. Does not include commodity donation.

Special milk program:	
1. Number of outlets	95,139
2. Number of ½-pints served	3,027,203,000
3. Federal expenditures	$99,169,960

Source: U.S. Department of Agriculture, Consumer and Marketing Service.

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SCHOOL AID TO FEDERALLY IMPACTED AND MAJOR DISASTER AREAS OF 1950—PUBLIC LAW 81–815

School construction in areas affected by federal activities

Program: This program provides assistance for school construction (1) in school districts that have had a substantial increase in school membership as a result of Federal activities, and (2) school districts with substantial numbers of pupils who live on Federal property.

Funding: Awards are made to local educational agencies or other Federal agencies on the basis of the number of federally affected children multiplied by a percentage of the cost of construction. Federal contribution averages about ⅔ of the total funds expended by the local school districts for construction.

Expenditure:	*Appropriated*
Fiscal year 1965	$57,580,000
Fiscal year 1966	49,370,000
Fiscal year 1967	22,317,000
Fiscal year 1968	22,937,000

FEDERALLY IMPACTED AREAS—PUBLIC LAW 81–874

Financial assistance for local school districts in areas affected by federal activities—title I

Program: This program provides grants for the maintenance and operation of school districts which provide free public education to children who either live on Federal property or whose parents are employed on Federal property.

Funding: Awards are made to local educational agencies and other Federal agencies on the basis of the number of federally connected children multiplied by a percentage of the local contribution rate in the second preceding year. Federal contribution averages about 5–6% of the total current maintenance and operating expenditures for all children in the 4,200 eligible school districts.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$332
Fiscal year 1966 (appropriated)	388
Fiscal year 1967 (appropriated)	416
Fiscal year 1968 (appropriated)	416.2

THE HIGHER EDUCATION FACILITIES ACT OF 1963—PUBLIC LAW 88-204

Grants for construction of undergraduate academic facilities—Title I

Program: This program aids in the construction and improvement of facilities of public community colleges, technical institutes, and other undergraduate facilities.

Funding· The program allots to states by formula, 40% for public community colleges and technical institutes and up to 33⅓% for other undergraduate institutions plus approval of individual projects.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$233
Fiscal year 1966 (appropriated)	460
Fiscal year 1967 (appropriated)	460

Effects of Facilities Programs under Public Laws 81-815, 81-874, and 88-204:

1. Expenditure.

(a) One-third of all public elementary and secondary students affected by Public Law 81-815 came from families with an average median income of $6,638, which is $978 above the national average.

(b) In 1965 under Public Law 81-874, 4,107 school districts educating 13 million students were eligible, but only two million of this number were actually "Federally connected." (The law gives aid to school districts, many of which include large numbers of non-Federally connected students.)

(c) Appropriations for operation are increasing over construction appropriations.

2. Program Achievement.

(a) Between 1950 and 1963 classrooms were provided for over two million children.

(b) Between 1965 and 1967, 497 projects for public community colleges and technical institutes (which are found mostly in the urban areas) were approved.

3. Amendments to Public Law 81-815 and Public Law 81-874 under the Elementary and Secondary Education Act, 1966.

(a) Public Law 81-874 was liberalized by making districts with 400 Federally connected children eligible (instead of the 3% of children Federally connected which was previously required.

(b) Public Law 81-815 was extended to cover construction in impacted areas for one year.

(c) Public Law 81-815 permitted districts to qualify for aid if they experienced 6% (1.5% per annum) increase over a four-year period, rather than the 5% over a two-year period (2.5% per annum which was previously required.)

4. Appraisals of Facilities and Construction Programs.

(a) The New York State Education Department says, (March 1968):

"Many districts, especially in our older communities, are sorely in need of additional assistance to build new schools. A school construction act which directs Federal funds to the highest priority construction needs should be devised."

(b) The Report of the National Advisory Commission on Civil Disorders says, (March, 1968)

"Inner-city schools are not only overcrowded, they also tend to be the oldest and most poorly equipped."

(c) Floyd McKissick, President of the Congress of Racial Equality says,

"The psychological factor which new and improved facilities would make might also give parents some real involvement in the schools their children attend."

(d) Jesse Burkhead in his book *Input-Output Relationships in Large City High Schools* indicates that the newer the building the fewer the dropouts.

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THE EDUCATION PROFESSIONS DEVELOPMENT ACT OF 1967—PUBLIC LAW 90-35

(To amend and extend title V of the Higher Education Act of 1965, Public Law 89-329)

Purpose: To coordinate, broaden, and strengthen programs for the training and improvement of the qualifications of teachers and other educational personnel for all levels of American educational system so as to provide a better foundation for meeting the critical needs of the Nation for personnel in these areas.

Expenditure: Fiscal year 1967, $910 million authorized over 3 years.

Effects:

1. Problems and Proposals.

(a) The New York State Education Department reports the same problem with The Education Professions Development Act (EPDA) as with The Elementary and Secondary Education Act Title V—that with the growing volume of Federal programs flowing through state boards, there are not adequate funds provided for good implementation of programs.

"Estimates are that the New York State appropriation for the 1968-69 fiscal year (for EPDA) might be about $1 million. The three percent allotted for state administration would not make it possible to carry out the intent of the act with the necessary personnel at the state level."

(b) A New York University Task Force studied the problem of extra stipends and incentive pay and came to the following conclusions:

"Extra pay . . . would not provide psychological motivation for teachers or raise morale. The salaries of the city teachers should be competitive with suburban school districts in order to attract and hold good teachers. Our experience and study indicates that the "total school pattern," including the type of principal, the size of classes, the involvement of parents, the relationship of the school to the community and teacher competence determine the quality of education.

"Other incentives short of extra pay might be built into the system . . . Sabbatical leaves, shortened teaching days, supportive workshops and courses, teacher aides or assistants."

(c) Once again coordination of teacher training programs at the Federal level has led to fragmentation of effort at the local level. Harold Howe II, U.S. Commissioner of Education has said,

"Legislative authority is fragmented over many laws each enacted to meet a specific need and each administered in accordance with separate legislative intent. Applications must be fashioned to meet the differences in law instead of educational needs."

The New York University Task Force also defined the problem, "There is a need . . . a concentrated interdisciplinary approach to an entire school district."

The extent of fragmentation can be delineated as follows:

1. Title XI of the National Defense Education Act cannot provide training at less than the graduate level. (Ph.D. level)

2. Institutional development grants are given only in conjunction with Title V (c) Higher Educaton Act fellowships, though it may need such a grant to prepare for good fellowship programs.

3. Present programs do not permit a continuum of teacher education.

4. Vocational education, basic adult education, Headstart and other teacher training programs are not coordinated with the Higher Education Act or the National Defense Education Act.

(d) The National Advisory Commission on Civil Disorders says,

"We recommend that EPDA program focus on the special need for expanding the supply and improving the quality of teachers working in schools serving disadvantaged children."

2. Amendments to the Higher Education Act, 1967 and 1968.

(a) The Education Professions Development Act succeeded only in bringing together the Teacher Corps and other fellowship programs from the Higher Education Act.

(b) The Education Professions Development Act added a Subpart 2—"Attracting and Qualifying Teachers to Meet Critical Teacher Shortages."

(c) HR 15067, amendments to the Higher Education Act now under consideration extends medical insurance to the Teacher Corps and authorizes state agencies to administer directly programs of teacher and teacher aide recruitment and training.

Teacher Corps—Title V-B, subpart 1

Program: This program provides teams of teacher interns for supplementary teaching tasks and for work in home-school relations in areas with large numbers of disadvantaged students. Each team of 3 to 10 is supervised by an experienced teacher who coordinates the interns graduate studies at a nearby university with practical experience. Corpsmen become employees of the local school districts. Two years of college training is a prerequisite to entering this program.

Funding: Awards are made to local educational agencies and institutions of higher education based on the competence of the institution and access to a local district. Federal contribution is 100% except to on-the-job corpsmen which is 90%.

Expenditure:	*Million*
Fiscal year 1966 (appropriated)	$9.5
Fiscal year 1967 (appropriated)	7.5
Fiscal year 1968 (appropriated)	13.5

Cities: 20 major cities, fiscal year 1967 $5,584,378 obligated (Chart 96).

Effects:

1. Expenditure.

(a) A large proportion of 1967 funds went to the twenty major cities.

(b) As of June, 1967, cost per trainee per year to train and pay was $8,480.

2. Penetration of the Program.

(a) In 1966, applicants exceeded authorized positions by 8 to 1 (10,000 applicants, 1,213 positions). There is an estimated shortage of 170,000 teachers or a 20% vacancy in elementary school city ghettos.)

(b) 384 of the 945 interns were teaching in the city schools in 1966.

(c) 268 experienced teachers (having a Masters Degree and having taught in slum schools for five years) were training 945 interns (usually having a bachelors degree) in 277 teams at 50 colleges and universities in 1966.

(d) 101 interns in 1967 were available for service in Spanish speaking programs.

(e) As of 1967, the corps had volunteers in 111 of the 27,000 school districts.

3. Program Achievement.

(a) Almost without exception universities working with the teams have made changes in their curricula for all teacher training programs as a result of this program.

(b) No effects on pupil achievement have been cited as a result of the program, though reaction of the students to the interns was usually favorable. (Studies have not proved that smaller classes substantially affect achievement unless there is an accompanying comprehensive education plan directed to the particular needs of the disadvantaged student.)

(c) Of the 945 "teacher interns," 362 have worked in poverty communities, and 335 have lived in such areas prior to joining the Teacher Corps. It is, therefore, difficult to assess to what degree the training programs are successful, especially in attracting and training new teachers.

4. Problems and Proposals.

(a) The necessity under this program to utilize staff for field assignments takes teachers out of the teaching field, which is diametrically opposed to our efforts to increase the quantity of teachers at all levels. Daniel E. Griffiths, Dean of the New York University School of Education says,

"Only a small cadre of professors are themselves comfortable in slum areas. Most universities are understaffed in relation to field work assignments . . . there is a need to involve local teachers and community leaders in this internship process and they should be paid as 'Clinical Assistants.'"

(b) The problem of coordination and duplication between this program and other programs is not resolved.

(c) Teacher recruitment is a continuing problem and programs thus far have largely failed in attracting people to the field who would not ordinarily have been so attracted. (The bachelor's degree requirement and lack of other incentives or recruitment program may be the cause.)

(d) As appropriations are made to universities and local districts, the state agencies have been utilized mainly as an approval agency, by-passing many available resources and coordination opportunities which the states could provide. The New York State Education Department recommends:

"Funds should be made available for State Education Department staff to work with schools and colleges in the development and supervision of programs under the Teacher Corps."

Prospective teachers fellowship program—Title V–C (V–D)

Program: The purpose of the program is to improve elementary, secondary, preschool, post-secondary adult education and vocational education by strengthening the preparation and improving the qualifications of college graduates committed to teaching careers. Fellowships are awarded for one to two years of graduate study to an advanced degree other than the doctorate (the graduate fellowships programs under Title IV of the National Defense Education Act requires doctoral study.)

Funding: Awards are made to institutions of higher education on the basis of national need and an equitable distribution for experienced teachers. Federal contribution is 100% of program costs, $2,500 per student, $4,000 per experienced teacher for one year.

Expenditure:	*Million*
Fiscal year 1966:	
Fellowships	$7.5
Institutional assistance grants	5.0
Fiscal year 1967:	
Fellowships	12.5
Institutional assistance grants	5.0
Fiscal year 1968:	
Fellowships	12.5
Institutional assistance grants	7.5

Effects:

1. In 1966, 1,330 fellowships were supported (2 years); in 1967, 806 new fellowships were supported; in 1968, 1,500 new fellowships were supported.

2. A 2-year fellowship program at Texas Western trains elementary teachers for Mexican-American children.

3. No percentage figures on the number of teachers trained for the disadvantaged are available, but as fellowship awards are granted with this priority in mind, it is estimated that 30–40% of the fellowships are so designed.

Experienced teacher program—Title V–C (V–D)

Program: This program encourages experienced teachers to up-grade their teaching skills and thereby strengthen elementary and secondary education. Graduate fellowships up to two years to experienced teachers and specialists recommended by local school systems are awarded. This program has been expanded to include teachers of preschool, post-secondary, and adult and vocational education programs. (V–D)

Funding: Awards are made to institutions of higher education on the basis of fellows studying who are interested in teaching and pursuing degrees other than the doctorate. Federal contribution is $2,500 per fellow per year to the institution. Fellows receive $2,000 the first year, $2,200 the second.

Expenditure:	*Million*
Fiscal year 1966 (appropriated)	$7.5
Fiscal year 1967 (appropriated)	12.5
Fiscal year 1968 (appropriated) (includes prospective teacher and institutional grants)	35.0

Effects:

1. Penetration.

(a) 500 teachers have been trained under this program.

(b) One program was to train 30 secondary teachers (20 for New York City) for language training to culturally deprived children.

2. Appraisal.

(a) No programs or recommendations relate to standardization of certification requirements.

(b) No legislation enacted or under consideration deals with "incentives" to attract experienced and potential teachers to teach in problem areas. (Sec. 504 of Public Law 90–35 provides programs only to identify, publicize, and encourage persons to enter the field of teaching.)

(c) Title V–D of the Education Professions Development Act expands the act to include preschool, post-secondary and adult education programs or vocational education programs, but does not coordinate them with training programs still under existence in other acts.

(d) There has been no interdisciplinary effort at coordinating aspects of teacher training toward urban education training.

CHART 96

[Teacher Corps]

City	Teacher Corpsmen	Fiscal 1967 funds
New York	51	$806,658
Chicago	60	917,267
Los Angeles	39	511,179
Philadelphia	34	425,681
Detroit	16	263,550
Baltimore	None	None
Houston	8	192,109
Cleveland	18	157,727
Washington	29	458,269
St. Louis	None	None
Milwaukee	11	285.267
San Francisco	22	176,290
Boston	14	277,541
Dallas	None	None
New Orleans	14	155,451
Pittsburgh	29	386,246
San Antonio	None	None
San Diego	19	311,942
Seattle	None	None
Buffalo	20	$259,201
Total	384	5,584,378

Sources: Office of Economic Opportunity; Office of Education.

Sources

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THE VOCATIONAL EDUCATION ACT OF 1963—PUBLIC LAW 88–210

Purpose: To strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation. Preceding were a series of vocational education acts beginning with the Smith-Hughes Act of 1917. This act expands old programs and puts special emphasis on unemployed school dropouts.

Expenditure:	*Million*
Fiscal year 1964 (appropriated)	$56.9
Fiscal year 1965 (appropriated)	140.4
Fiscal year 1966 (appropriated)	259.6
Fiscal year 1967 (appropriated)	257.8
Fiscal year 1968 (appropriated)	256.4

Vocational education grants

Program: This program provides grants to states to supplement local funds for vocational education plans, including construction of facilities. High school students, graduates preparing to enter the labor market, persons in need of training, or retraining (except those receiving allowances under certain other Federal programs) and to persons suffering academic, socioeconomic, or other handicaps are eligible.

Funding: Awards are made to states on the basis of approved plans. Formulas are based on population by age groups and per capita income. Federal contribution is 50% matching.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$106.0
Fiscal year 1966 (appropriated)	159.7
Fiscal year 1967 (appropriated)	198.2
Fiscal year 1968 (appropriated	199.3

Cities: 20 major cities fiscal year 1967 $22,339,317 obligated (Chart 97).

Effects:

1. Expenditure.

(a) The Advisory Council on Vocational Education says cities have tended to be shorted on the allocation of construction funds under this act.

(b) A study in Detroit revealed that in FY 1967 out of $9.5 million appropriated to the state of Michigan, Detroit got $2.5 million or 26.2% of the Federal funds. Only 14.9% of the school enrollment is in Detroit (though the proportion of need may be greater.)

(c) Proportion of funds used for teacher training was:

	Percent
1965	42.6
1966	38.8
1967	28.6

(d) The Federal share of vocational education costs has risen from 16% to 26% since passage of the bill. From 1964–66 Federal grants rose four times, state and local expenditure doubled.

(e) Expenditure in relation to other educational programs. It was cited in Hearings on HR 15066 on February 21, 1968 that 3% of the Health, Education and Welfare budget is for vocational education, while twice as many dollars go to aid college students. (Note: The Department of Labor also finances some vocational education programs; therefore, it cannot be concluded that vocational education receives half as many funds as aid to higher education.)

2. Program Penetration.

(a) Construction of area schools has risen from 405 to 1,101, or about 300 per annum.

(b) The total number of schools offering vocational education programs in 1966 was 17,066. (See Chart 98 for breakdown of types.) The major participant is the comprehensive secondary schools.

(c) 145,000 teachers have been trained for vocational education.

(d) Enrollment has reached 7 million—3 million adults and 4 million students. (Chart 99)

(e) No information on age, race, education, or family income of the students enrolled has been gathered due to the act's requirement that only expenditure and enrollment be reported by the States.

3. Program Achievement.

(a) It is estimated that only 1.7 million or 14% of the 7 million enrolled is receiving training leading to gainful employment, despite the fact that 50–60% of graduating students do not go to college.

(b) The ability of the program to reach the "needy" and disadvantaged has been minimal. (Chart 99) The Advisory Council on Vocational Education says the reason is two-fold: the inability of poor school districts to allocate funds (50% matching requirement) and because of the enormous cost of up-dating or adding programs in large urban school systems.

4. Relativity of Training Offered to Manpower Needs.

(a) All areas show an increase in enrollment, the most significant of which is home economics. (Chart 100)

(b) There is a low percentage of enrollment in the fields in which employment is regarded to be plentiful and needed: technical, health, and service industries. (Chart 106) The Advisory Council on Vocational Education says the reason is that programs are not available.

5. H.R. 15066 to Amend the Vocational Education Act. (Hearings held February, March, April, 1968, by the House Committee on Education and Labor.)

(a) Lowers the age necessary for enrollment from 18 to 16.

(b) Continues the research, occupational guidance, and improvement of curriculum programs.

(c) Repeals residential schools programs and work-study programs, but adds "exemplary programs and projects" and "cooperative education programs." (The difference is not quite clear.)

(d) Earmarks 25% of the funds in excess of base allotment appropriated in 1969 and thereafter for the disadvantages (Sec. 205).

(e) Overall statewide matching instead of approval by category.

(f) Increased home economics funds ($15 million per year) and creation of a new category for this purpose.

(g) Repeals the Smith-Hughes, George-Barden and supplementary acts.

(h) Provides for advance funding.

6. Appraisals of Vocational Education.

(a) The Report of the National Advisory Council on Civil Disorders says that in the major cities there are often not enough special vocational schools to meet the need, that they are not effectively linked to job opportunities, that greater emphasis needs to be put on literacy training, and that additional funds are required.

(b) The Advisory Council on Vocational Education 1968 says,

"Vocational offerings tend to suffer in both quantity and quality in the slums of the large cities if for no other reason than that most school offerings suffer from overcrowding, deficient personnel, inadequate budgets, and deteriorated facilities."

(c) With regard to the relationship between vocational education training and manpower needs, the Advisory Council on Vocational Education takes this philosophical stand,

"The objective of vocational education should be the development of the individual, not the needs of the labor market. One of the functions of an economic system is to structure incentives in such a way that individuals will freely choose to accomplish tasks which need to be done."

(d) There is no indication that this program has in any way alleviated the dropout problem.

(e) Coordination between this program and the Neighborhood Youth Corps, Job Corps, Manpower Development and Training, and even programs within the act like work-study, research, and categorical grant programs, has not been demonstrated.

(f) Though a majority of the funds and enrollment is to the comprehensive secondary schools, vocational education has remained outside the mainstream of the average school curriculum.

Residential schools and work-study programs

Program: This program provides grants to schools, agencies, and institutions for construction, equipment, and operation of residential vocational educational schools. These schools are for youths who are between 15 and 21 and need full-time study on a residential basis. It also provides grants for work-study programs.

Funding: Awards are made to state boards for vocational education on the basis of state plan and formula based on population aged 15 to 20. Federal contribution is 100% for FY 65–66, 75% with state matching for FY 67–68.

Expenditure:	Million
Fiscal year 1965 (appropriated)	$5
Fiscal year 1966 (appropriated)	25
Fiscal year 1967 (appropriated)	10
Fiscal year 1968 (appropriated)	10

Cities: 20 major cities, fiscal year 1967 $588,819 obligated (work-study only) (Chart 97).

Effects:

1. No funds have ever been appropriated for residential schools.

2. Work-study programs are duplicated in many other programs, but the concept has been well received. The problem for students in obtaining useful, long-term employment experience is the minimum age limits for employment in many states, and the Federal minimum wage law.

3. Problems seemed to have been lack of financial resources for expansion, and difficulty in finding suitable jobs.

4. H.R. 15066 to amend the Vocational Education Act repeals both of these programs, but provides explicitly for "work experience programs such as cooperative work-study" and "exemplary programs" which might include released time programs.

Vocational education research and training

Program: This program supports research development designed to help adults and young people acquire the basic knowledge, skills, and personal characteristics necessary to assure success in entering the job market.

Funding: Awards are made to colleges and universities or institutions with approval of the state vocational boards on the basis of the proposal. Federal contribution varies according to the proposal but averages about 80%.

Expenditure:	Million
Fiscal year 1965 (appropriated)	$11.8
Fiscal year 1966 (appropriated)	17.8
Fiscal year 1967 (appropriated)	10.0
Fiscal year 1968 (appropriated)	10.0

Effects:

1. Expenditure.

(a) One-third of the money spent in 1965–67 was on curriculum development.

(b) A breakdown of the usage of funds is as follows:

40% demonstration and pilot projects.

30% research projects.

20% support of two research centers.

10% training.

2. Program Achievement.

(a) 124,000 teachers were trained in 1966.

(b) 400 projects have been initiated.

(c) Dissemination of research is through two National Vocation Research Centers, and by publication of a section on research in the "American Vocational Association Journal."

(d) To meet long-range needs, an "Education System for the 70's" has been started.

(e) Criticism is still directed toward lack of dissemination of research information and programs for implementation.

(f) Lack of coordination between research projects of this act and the Manpower Development Training Act, Adult Basic Education, and other vocational research efforts is a major weakness in the implementation of this program.

Smith-Hughes funds

Program: This program provides for vocational education and teacher training in agriculture, trade and industries, and home economics.

Funding: Awards are made to states based on state plan and formula based on rural, urban or state total population according to program. Federal contribution is 50% matching.

Expenditure: Permanent funding of $7.1 million.

Effects:

1. In 1965, funds were broken among the three groups as follows:

3.0 million agriculture.

3.0 million trades and industries, home economics.

1.1 million teacher training.

2. An example of the proportion of funds which Smith-Hughes contributes to the Vocational Education Act effort is indicated in Chart 101. In 1966, it was approximately 2%.

3. HR 15066 to amend the Vocational Education Act repeals Smith-Hughes and replaces only the home economics category.

George-Barden Act

Program: This program provides for vocational education in agriculture, home economics, trades and industry, distributive occupations (sales and marketing), fishery trades, health occupations, and for highly skilled technicians.

Funding: Awards are made to states based on state plan and formula based on farm, non-farm, rural fishery industry or state population. Federal contribution is 50% matching.

Expenditure:	*Million*
Fiscal year 1965 (appropriated)	$49.7
Fiscal year 1966 (appropriated)	49.9
Fiscal year 1967 (appropriated)	49.9

Effects:

1. In 1965 funds were distributed in the following categories as defined by the Office of Education:

	Million
Technical	$15
Agriculture	10
Trades	8
Home Economics	6
Practical nursing	5
Distributive	2
Fisheries	180,000

2. An example of the proportion of funds which the George-Barden Act contributes to the Vocational Education Act effort is indicated in Chart 107. In 1966, it was approximately 5%.

3. HR 15066 to amend the Vocational Education Act repeals the George-Barden Act and replaces only the home economics category.

THE NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965—PUBLIC LAW 89–287

Purpose: To establish a system of loan insurance and supplementary systems of direct loans to assist students to attend post-secondary business, trade and technical and vocational schools.

Funding: Awards are made to states, non-profit agencies, institutions or organizations on the basis of agreements with states or institutions. Federal contribution is $10,000 for each state plus an amount based on population aged 18–22.

Expenditure:

Fiscal year 1966 (million appropriated)	$1.0
Fiscal year 1967 (million appropriated)	1.8
Fiscal year 1968 (million appropriated)	7.9
Fiscal year 1966 (for Student Loan Insurance Fund)	$50,000
Fiscal year 1967 (million)	3.2

Program: This program makes educational loans available through commercial sources for students attending post-secondary business, trade, technical, and other vocational schools. The funds are distributed either as "seed" money to guarantee agencies (loans), or as a payment of interest charges on loans to students who borrow under the program whose adjusted family income is less than $15,000 a year.

Effects:

1. In 1967, 1,145 loans were made for $741,000. In 1968, 9,548 loans were made for $7.9 million.

2. The program has been slow in getting started because of the difficulty in establishing accredition requirements for vocational schools.

3. Although there are no statistics yet available on the actual benefits students receive from these loans, there is some information about the type of student who is benefiting. The percentage of Negroes who have obtained loans is almost as great as of whites.

4. Bankers are generally enthusiastic about the program, but would like better criteria or more help by liaison officials to determine who most needs the loans.

CHART 97

[Vocational education: Federal expenditure, 1966–67]

	Vocational education grants	Vocational work-study
Baltimore	$233,795	$86,302
Boston	176,191	37,346
Buffalo	545,000	None
Chicago	2,628,782	None
Cleveland	1,300,088	141,057
Dallas	512,895	None
Detroit	[1] 2,542,959	(2)
Houston	626,073	None
Los Angeles	2,561,190	38,253
Milwaukee	568,654	11,200
New Orleans	520,466	13,736
New York	1,705,000	137,500
Philadelphia	1,533,429	(2)
Pittsburgh	3,216,222	(2)
St. Louis	550,000	(2)
San Antonio	556,086	27,961
San Diego	489,000	(2)
San Francisco	601,463	37,500
Seattle	699,346	27,000
Washington	$772,678	$30,96
Total	22,339,317	588,819

[1] Includes loans to private schools.

(2) Not available.

Source: "Profiles of 20 Major Cities," Office of Education, Department of Health, Education and Welfare, January 1968.

CHART 98

[Number of schools offering vocational education by type]

Vocational school (secondary)	431
Vocational school (postsecondary)	290
Junior college	385
University	168
Comprehensive secondary school	15,592
Combination (secondary/postsecondary)	186
Total	17,066

Source: Division of Vocational and Technical Education, Department of Health, Education, and Welfare, 1966.

CHART 99

[Enrollments in vocational-technical education by level, fiscal years 1965, 1966, and 1967]

	1967	1966	1965
Total	7,002,598	6,070,059	5,430,611
Secondary	3,528,170	3,048,248	2,819,250
Postsecondary	504,047	442,079	207,201
Adult	2,889,714	2,530,712	2,378,522
Special needs, separate programs	80,667	49,002	25,638
Additional enrollment included in programs reported under:			
Secondary level	(46,625)		
Postsecondary	(16,785)		
Adult	(29,840)		
Subtotal	(93,250)		
Total enrollment in special needs program	(173,917)		

Source: Office of Education.

CHART 100

[Enrollments in vocational-technical education, by program fiscal years 1965, 1966, and 1967]

	1966–67 percent increase	1967	1966	1965
Total		7,002,598	6,070,059	5,430,611
Agricultural production	13.6	809,834	794,986	831,848
Off-farm agricultural occupations		142,138	112,368	55,681
Distributive education	6.9	481,201	420,426	333,342
Health	1.6	114,652	83,677	66,772
Home economics (useful)	30.0	2,129,610	1,855,824	2,084,351
Home Economics (gainful)	.7	49,746	41,846	14,169
Office	22.4	1,568,197	1,238,042	730,904
Technical	3.8	268,174	253,838	225,737
Trades and industry	20.6	1,439,046	1,269,051	1,087,807

Source: Office of Education.

CHART 101

[Vocational education—expenditures by category—1966]

	Total	State and local	Smith-Hughes	George-Barden	1963 act
Agriculture	$88,755,028	$63,125,860	$2,328,331	$7,728,624	$15,572,215
Distributive education	27,847,486	20,800,997		1,844,592	5,201,898
Health	21,777,204	15,669,253		3,053,945	3,054,004
Home economics	14,834,620	11,330,378	22,730	958,499	2,523,011
Homemaking	98,256,545	90,698,378	494,378	7,063,786	
Office	91,590,294	68,173,233			23,417,058
Technical	59,400,969	39,547,144		8,884,190	10,969,632
Trades and industry	185,541,136	135,346,722	2,205,171	5,748,165	42,241,076
Fishery	676,822	392,433		190,820	93,570
Guidance	4,613,722	3,563,344			1,050,379
Other (n.e.c.)[1]	25,090,134	18,145,655			6,944,470
			(Federal)		
State supervision	15,863,580	9,516,700	6,346,880		
State administration	4,560,699	1,779,367	2,781,332		
Total	638,808,239	478,089,464	14,178,820	35,472,621	111,067,313

[1] Across-the-board expenditures.

Source: Office of Education.

Sources

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THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962—PUBLIC LAW 87–214 (AMENDED 1965 PUBLIC LAW 89–15, 1966 PUBLIC LAW 89–792)

Purpose: To deal with the problems of workers facing job displacement, the special problems of the hard-core unemployed, other unemployed and underemployed, and the emergence of skill shortages in certain occupations. Recently, emphasis has been put on training the illiterate jobless and the unemployed school dropouts.

Expenditures	Total (obligated)	Urban (obligated)
Fiscal year:		
1963	$58,525,000	$48,000,000
1964	147,705,000	121,000,000
1965	288,510,000	236,000,000
1966	365,104,000	295,700,000
1967	346,711,000	277,400,000
1968	337,500,000	[1] 270,000,000

[1] Estimated.

Manpower Development and Training (Institutional and On-the-Job Training)

Program: This program provides occupational training, basic education, and job placement for trainees. Training is conducted either in vocational schools or on-the-job or both. Eligible are unemployed workers with a family income of less than $1,200 per year, persons working below their skill capacity, those unemployed because their skills are obsolete, disadvantaged youth between 16 and 22, and persons who will be trained first for skills needed within the labor areas in which they live.

Funding: Awards are made to State Vocational Education Agencies or other agencies designated by States, or direct agreement between the U.S. Commissioner and the training facility on a project by project basis. Federal contribution is 100%.

Expenditure:

Health, Education & Welfare:	
Fiscal year 1966 (million obligated)	$126.5
Fiscal year 1967 (million obligated)	123.0
Department of Labor:	
Fiscal year 1966 (obligated)	$138,226,688
Fiscal year 1967 (obligated)	121,185,676
Urban:	
Fiscal year 1966	------------
Fiscal year 1967 (obligated)	122,097,000

(Chart 102)

Effects:

1. Expenditure.

(a) In 1967 urban areas received approximately 50% of the funds expended.

(b) Cost per trainee in 1965 was $1,900 for institutional training, and $520 for on-the-job training.

(c) In 1965, first-year wages paid to on-the-job trainees indicate average wages of $3,455 the first year and more than $4,300 the second year.

(d) Based on the 1965 average wage rates, the educational expense is repaid in two years in the form of taxes.

2. Program Penetration.

(a) 613,000 persons have been enrolled since 1962.

(b) In 1966, the 230,000 enrolled constituted 6% of the total unemployed.

(c) Type of trainee.

More than ½ of the recipients of the Manpower Development and Training Act funds in 1963 were high school graduates. In 1965 the percentage was 49%.

In 1965 39% of on-the-job trainees were under 19 years of age and 18% of the institutional trainees were under 19. (The unemployment rate for the teenage group is three times the national average, estimated to be 3 million youths.)

In 1965 20% of the on-the-job trainees were non-white, and 33% of the institutional trainees were non-white.

(d) Penetration of urban areas.

In 1967, of the total 267,556 enrolled, 96,206 were in 20 major cities. (Chart 102).

Special programs under the experimental and demonstrations projects operation enrolled 20,000 disadvantaged urban ghetto youths in 1965.

3. Program Achievement.

(a) The employment rate is 83% for institutionally trained persons and 97% for on-the-job trainees.

(b) The ability to coordinate the Manpower Development and Training Act programs with other training programs is demonstrated by its connection with the following groups:

1,900 affiliated State Employment Service Offices.

The Urban League in 24 cities.

60 community organizations.

21 national service and trade associations.

24 different labor organizations.

Many corporations.

(c) The ability to recruit is demonstrated by the 171 Youth Opportunity Centers which provide individualized service to any youth needing employment oriented counseling, testing, referral to training and other agencies, job development and/or placement. Many of these centers now service hard-core adults as part of the Human Resources Development plan.

4. Future Government plans include:

(a) "A Selected Cities" Task Force to work in some 25 to 30 cities to plan, coordinate, and expedite manpower activities.

(b) "Plans for Progress," a coordinated effort of Health, Education and Welfare, Office of Economic Opportunity and the Department of Labor to establish an organization of businesses to increase job opportunities for minorities.

(c) National-State Manpower Development System.

5. Proposed Legislation to Amend the Manpower Development Training Act. (The National Manpower Act of 1968.) HR 16623.

(a) Title I—

Revises the statement of purpose to emphasize the problems of the unemployed and underemployed.

Amends Section 106 to require job vacancy and labor supply information.

Establishes a community service employment program for the hard-core, emphasizing coordination and consolidation of all various programs through a prime local sponsor.

Creates an Economic Opportunity Corporation to coordinate and provide technical assistance under private sector job programs.

Establishes study and oversight by the General Accounting Office of Federal work and training programs.

(b) Title II—Tax credits for employment of the hard-core poor.

6. Appraisals.

(a) The Civil Rights Commission cites certain failures of the program.

Unions have been able to delay the inception of training programs in a local area under their jurisdiction. Training for jobs in organized high-paying occupations is thus restricted. (Negroes constituted 2.5% of the apprentices in the labor force in 1960.)

There are no jobs available after training, and programs fail to obtain jobs for their graduates.

The trend to place new factories in the suburbs and public transportation costs being greater commuting from city to suburb than vice versa causes unemployment.

(b) The National Advisory Commission on Civil Disorders cites the following needs of the program:

"Elimination of barriers to full participation of ghetto youth in vocational education programs . . .

"Follow-up support and assistance to ghetto youth receiving vocational training . . . the most successful vocational programs are those which assume responsibility for placing their graduates and thus get feedback on their strengths and weaknesses."

(c) Passage of the National Manpower Act of 1968 would help alleviate some of the present problems of the Manpower Development and Training Act and move work training legislation along the correct direction of coordination of effort, involvement of the private sector, and emphasis on skill training rather than providing jobs.

Occupational training in redevelopment areas

Program: This program provides training and retraining to persons residing in designated redevelopment areas for jobs in public works projects or other job vacancies.

Funding: Awards are made to State Vocational Education Agencies or other public or private agencies on a project by project basis. Federal contribution is 100%.

Expenditures:	*Obligated*
Fiscal year 1966 (Health, Education & Welfare and Department of Labor)	$21,962,452
Fiscal year 1967	223,994,449

Effects:

1. In 1965, 21 states participated.

2. Trainees approved.

1965	2,193
1966	13,440
1967	17,409

Manpower research program

Program: The research program is committed to improvement of the operational programs, search for new perspectives and approaches to manpower problems, and early warning on emerging problems. 1965 amendments brought together under Title I all the research related programs—experimental, demonstration, and pilot projects. There are four kinds of programs: research contracts, small research grants, grants for doctoral dissertations in the manpower field, and institutional grants for developing manpower research capabilities.

Expenditure:	*Obligated*
Fiscal year 1963	$821,580
Fiscal year 1964	2,100,000
Fiscal year 1965	2,100,000
Fiscal year 1966	3,796,547
Fiscal year 1967	3,799,886

Effects:

1. Types of studies conducted.

(a) Motivation for work.

(b) The search for work.

(c) Matching workers and jobs.

(d) The manpower implications of a changing economy.

(e) Job training in correctional institutions.

(f) Labor mobility studies.

(g) International manpower research.

2. Conclusions of research have become operational in such programs developing as:

(a) "Job Development Program"

(b) Training programs for vocational teachers

(c) Human Resources Development Program (for the disadvantaged)

(d) Counseling programs

(e) Job Placement programs

Industry-Government basic education programs

Program Example: Under provisions of the Manpower Development and Training Act and the cost assumed by the departments of Labor and Health, Education, and Welfare, the government has undertaken a pilot-project contract with 7 major steel companies for raising the achievement levels of 1,600 steel workers in Baltimore and Gary through a private company called B.F.E., the Board of Fundamental Education, in a program which boasts of being able to bring employees up to a 4th-grade level in 150 hours at a cost of $300 per participant.

Program Example: SEED, a joint government-industry operation worked with both the New Jersey State Employment Service and local companies and enlisted 2,000 trainees and industry thinks the project was successful. 50% dropout rate made the program go unfunded next year. The Department of Labor, Commerce and, Health, Education, and Welfare contributed $1,108,335, local companies $335,000.

CHART 102

[Manpower Training: 1966–67 Federal Expenditures]

Cities	Slots	Funds
Baltimore	2,766	$3,722,000
Boston	4,529	4,672,000
Buffalo	1,151	1,551,000
Chicago	9,156	11,562,000
Cleveland	2,163	2,602,000
Dallas	1,019	1,316,000
Detroit	3,828	7,350,000
Houston	3,017	4,088,000
Los Angeles	23,326	27,755,000
Milwaukee	1,509	2,674,000
New Orleans	1,224	1,523,000
New York	14,435	17,280,000
Philadelphia	6,151	4,992,000
Pittsburgh	3,902	5,525,000
St. Louis	2,419	2,869,000
San Antonio	1,988	2,752,000
San Diego	815	1,069,000
San Francisco	6,377	[1] 12,926,000
Seattle	2,282	2,501,000
Washington	4,149	3,368,000
Total	96,206	122,097,000

[1] Includes Oakland.

Source: "Profiles of 20 Major Cities," OE, Department of Health, Education, and Welfare, January 1968.

Sources

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ADULT BASIC EDUCATION ACT OF 1966—PUBLIC LAW 89–750—TITLE III (AMENDED PUBLIC LAW 90–247)

Purpose: To provide instuction below the college level to persons 18 years old and over who have not achieved a high school education and who are not presently enrolled in schools.

Funding: Awards are made to State Education Agencies on the basis of a basic allotment to each state plus a formula based on number of individuals 18 or over who have not completed more than 5 grades of school. Federal contribution is 90% for FY '67 and '68.

Expenditure:

Fiscal year 1965 (appropriated)	$18,612,000
Fiscal year 1966 (appropiated)	20,734,063
Fiscal year 1967 (appropriated)	29,200,000
Fiscal year 1968 (estimated)	30,600,000
Fiscal year 1969 (estimated)	40,000,000

Cities: 20 major cities, fiscal year 1967, $6,396,645, obligated (chart 103).

Adult basic education

Program: This program provides grants to State Educational Agencies for support of state programs that provide instruction below the college level to persons 18 years old or over who have not achieved a high school education. Emphasis is on fundamental skills such as reading, writing, speaking, and arithmetic.

Effects:

1. Expenditure.

(a) Approximately 21% of the funds in 1967 went to the 20 major cities.

(b) Of the $30 million spent in 1967, $4,850,000 was spent on English taught as a second language.

2. Penetration of the Program.

(a) Enrollment level. In 1965, enrollment was 40,000; in 1968 it will reach 500,000.

(b) The estimated target population is 24 million who can't function at an 8th-grade level, or 16,300,000 who have completed less than the 8th-grade level. (In 1964 this included 9,348,000 whites and 3,234,000 non-whites.)

(c) Penetration of urban areas. 63.4% of enrollment is in the urban areas.

(d) Type of enrollee (1966) indicates the program is largely successful in attracting low income poor achievers who desire self-improvement, not necessarily jobs.

Ethnic origin: 56.6% white, 35.3% Negro, 11.1% Puerto Rican, 5.5% Mexican-American, 2.3% Oriental, .8% American-Indian.

Grade level achievement in terms of years attendance (rarely is reading achievement within the grade level of school attendance): 4.0% no grade, 14.3% 1–3 grade, 31.0% 4–6 grade, 33.0% 6–8 grade, 9.9% 9–10 grade, 2.5% graduate.

Reasons for enrollment: 63% for general improvement, 29% to get a better job or any job.

Employment status of enrollee: 54.4% employed, 39.9% unemployed.

Income of enrollees:

[In percent]

Under $3,000	53.9	37.6
Between 3,000–4,000	8.8	13.4
Between 4,000–6,000	9.0	16.5
Over $6,000	5.4	15.5

(e) 35,000 teachers are presently employed.

3. Program Achievement:

(a) Learning Centers are located in available structures and are open from 8AM to 10PM. Before individualized instruction it took 150 hours to raise one grade level; now with individualized instruction it takes 50 hours to raise one grade level.

(b) There are no figures yet available on earning level change as a result of this program, but in a small survey of 500 in Forsyth County, North Carolina, some interesting results are reported in terms of change caused by this program. (For complete breakdown, see Chart 104)

4. Appraisals:

(a) The importance of basic education was stated by Stephen F. Keating, President, Honeywell Inc. when he declared that they have advertised repeatedly for skilled and unskilled workers and were willing to train workers, with little response. He said that many people who could fill these positions cannot read well enough to locate their advertisements in the papers.

(b) The New York State Department of Education recommends that the Adult Education Act

"be amended to enable a high school education for all, regardles of age"

"should make evaluation and documentation of adult education programs mandatory"

"Funds for training teachers, counselors, supervisors and administrators should be allocated to the states on a population basis (now it is on number of individuals between a certain age of a certain level of achievement)"

(c) The National Advisory Commission on Civil Disorders recommends:

"Intensive concentration on basic verbal skills . . .

"Adult Basic Education—is meeting only a small fraction of this need . . .

"The Adult Basic Education program is a sound instrument for implementing an intensive literacy program . . . It should be strengthened."

CHART 103

[Adult basic education: Federal expenditures, 1966–67]

Baltimore	$167,990
Boston	32,500
Buffalo	218,145
Chicago	502,402
Cleveland	303,133
Dallas	None
Detroit	427,814
Houston	None
Los Angeles	414,820
Milwaukee	161,418
New Orleans	129,654
New York	1,019,627

CHART 103—Continued

[Adult basic education: Federal expenditures, 1966–67]

Philadelphia	$521, 236
Pittsburgh	323, 916
St. Louis	134, 838
San Antonio	79, 702
San Diego	28, 426
San Francisco	330, 305
Seattle	51, 440
Washington	1, 549, 279
Total	6, 396, 645

Source: "Profiles of 20 Major Cities," OE-HEW, January 1968.

The following tabulations are the results of a recent survey among ABE students in Forsyth County. Of the 500 survey sheets sent, 371 were returned and tabulated.

Some duplication is obvious, as the survey was intentionally general by nature and content and did not purport to return technical data.

CHART 104

[Adult basic education: Results of ABE survey, Sept. 30, 1966]

Question: Since enrolling in adult basic education classes have you—

1. Found a job	53
2. Changed jobs for better pay	17
3. Got a promotion	24
4. Got a raise	66
5. Opened a savings account	49
6. Moved to better housing	50
7. Made a major purchase (car, furniture, appliance)	86
8. Discontinued public aid	87
9. Opened a checking account	48
10. Started a budget	71
11. Made home improvements	88
12. Registered to vote	124
13. Attended a play, concert, or cultural event	114
14. Joined a civic organization	80
15. Subscribed to a major publication	65

Source: Office of Education.

Sources

"Adult Basic Education Program Summary," U.S. Office of Education, Department of Health, Education and Welfare, Washington, D.C., March, 1967.

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"Federal Legislation and Education in New York," The University of the State of New York, The State Education Department, Albany, New York, March, 1968.

The Report of the National Advisory Commission on Civil Disorders, Bantam Books, New York, March, 1968.

"The 10-Mile Gap—Solving Problems of Education, Motivation, and Employment in Urban Areas," A Speech by Stephen F. Keating, President, Honeywell, Inc., 1967.

PRESIDENT JOHNSON'S PROPOSED LEGISLATION, 1968

1. *Stay in School Program*. $30 million to rescue troubled boys and girls before they drop out of school. This program was already provided for by Congress in the 1967 Elementary and Secondary Education Act amendments, Sec. 172. $30 million per fiscal year 1968 and 1969 was authorized to be appropriated to carry out the program.

2. *Partnership for Learning and Earning Act of 1968*. H.R. 15066. To streamline and strengthen the vocational education law. (1) new flexibility to matching grants to states; (2) $15 million for special experimental programs; (3) revise and consolidate existing vocational laws; (4) encourage states to plan a long-range strategy. (Hearing held before the House Subcommittee on Education, February 20, 21, 1968.

3. *Educational Opportunity Act of 1968*. (1) to set a national goal that there be no barrier to obtaining higher education; (2) to help 1½ million students attend college through student aid programs; (3) strengthen the Guaranteed Loan Program; (4) $15 million for new programs of tutoring and special services; (5) to unify and simplify aid programs, College Work-Study, Educational Opportunity Grants, National Defense Education Act Loans.

4. *Networks for Knowledge Act of 1968*. Pilot program to provide financial incentives for colleges to pool their resources. Title IX of H.R. 15067, Higher Education Act Amendments of 1968. Hearings February 26—March 1, 1968.

Sources: Congressional Record, February 5, 1968. H778–781.

LEGISLATION RELATING TO URBAN EDUCATION—90TH CONGRESS, SECOND SESSION (SEPTEMBER 4, 1968)

Public law

H.R. 15398. This bill is to amend the National School Lunch Act. It extends the national school lunch program to child day care institutions and puts the pilot breakfast program of the Child Nutrition Act on a permanent basis by extending the authorization for the program. The bill passed the House March 5, 1968, the Senate April 17, 1968, and was approved May 8, 1968, to become Public Law 90–302.

In conference

S. 3769, H.R. 15067. This bill extends and amends the Higher Education Act of 1965, the Higher Education Facilities Act of 1963, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, and amends the Higher Education Act of 1965, the Higher Education Facilities Act of 1958, and the National Defense Education Act of 1958. This bill extends community service and continuing education programs and library resources programs, strengthens developing institutions programs, extends the Education Professions Development programs with emphasis on training teachers for the disadvantaged, provides for equipment and materials, guidance and counseling and language development programs, provides for a new program called "Networks for Knowledge" aimed at the sharing of educational resources among colleges and universities, provides for educational facilities and education programs for public service, extends the Talent Search program and transfers Upward Bound from the Office of Economic Opportunity, provides loan forgiveness for teachers serving in schools serving a high percentage of children from low income families, and provides for cooperative education programs.

H.R. 18366, S. 3770. This bill, The Vocational Education Amendments of 1968, incorporates the Administration's Partnership for Learning and Earning Act (H.R. 15066), repeals the George-Barden Act, and Transfers all Vocational education funds (including Smith Act funds) to the new, consolidated vocational education program; establishes a National Advisory Council on Vocational Education; requires States to establish State advisory councils to qualify for Federal funds, reserves funds for research, exemplary projects, and State special emphasis programs; requires the submittal of State annual and long-range plans; authorizes grants for homemaking education—cooperative vocational education programs, and early education of handicapped children; and requires the Commissioner to prepare a catalog of all educational Federal assistance programs.

Reported

H.R. 15045. This bill extends the life of the Manpower Development Training Act of 1962 for an additional three years. Hearings were held May 15 and 16, 1968, before the House Committee on Education and Labor and the bill was subsequently reported to the House. Considered along with this bill was H.R. 16625, known as the National Manpower Act of 1968 which was to amend the Manpower Development and Training Act by revising the purpose to emphasize the problems of unemployment and under-employment, require job vacancy and labor supply information, establish a community service employment program coordinating all present programs, create an Economic Opportunity Corporation to coordinate and provide technical assistance under private sector job programs, provide for evaluation and oversight by the Comptroller General of Federal work training programs, and provide for tax credits to private industry for employment of the hard-core unemployed.

Pending

H.R. 1198, S. 3. This bill provides for judicial review of the constitutionality under the first amendment of grants and loans to educational institutions pursuant to any of nine specified acts of Congress. S. 3 has passed the Senate. Hearings have been held on H.R. 1198 before Subcommittee Number 3 of the House Committee on the Judiciary but no further action has been taken. The Supreme Court decision on *Flast vs. Cohen* June 10, 1968, tends to make this legislation unnecessary and may withhold further action on this bill.

S. 2910. This bill, known as the Veterans-In-Public-Service Bill, Subchapter V provides special encouragement and economic support to veterans who are willing to devote a part of their lives to preparing for and pursuing teacher or other public service careers in deprived areas. One day of hearings has been held before the Subcommittee on Veterans Affairs of the Senate Committee on Labor and Public Welfare. No further action has been taken.

S. 3063. This bill, known as the Emergency Employment and Training Act of 1968 provides for community employment and training leading to jobs in the competitive economy and private enterprise employment and training for 2.4 million people at a cost of $9 billion over a four-year period. Hearings have been held. The bill is presently pending before the full Senate Labor and Public Welfare Committee.

S. 584. This bill provides for the consolidation of all existing Federal manpower training programs within the Department of Labor. No hearings have been scheduled. The bill is pending in the Senate Committee on Labor and Public Welfare.

H.R. 12280. This bill will provide one million jobs for under-employed or unemployed persons at a cost of $4 billion annually. Federal grants are to be provided to government agencies and to private nonprofit groups to support creation of new jobs. Hearings were held May 7, 8, 9, 20 and July 1, 1968, and more are scheduled in the field. The bill is before the Select Subcommittee on Labor of the House Committee on Education and Labor. Considered along with this bill in the same hearings was H.R. 14493, known as the Conyers Plan. The bill provides for a permanent program of basic education and on-the-job training for unemployed persons, creates three million new jobs, and raises the minimum wage to $2 an hour.

H.R. 4574, S. 812. This bill, known as the Human Investment Act, allows tax credits to employers for expenses of providing job training programs. No hearings have been scheduled by either the House or the Senate. The bill is pending in the House Ways and Means Committee and the Senate Finance Committee.

H.R. 5450. This bill, known as the Revenue Sharing Bill, provides for coordination of categorical grants into block grants, grants unrestricted funds from the Federal government to the States, and institutes a Federal income tax credit for all State and local taxes paid. No hearings have been scheduled. The bill is pending in the House Ways and Means Committee.

FOOTNOTES TO PART II

[1] Harold Howe II, U.S. Commissioner of Education, "Notes and Working Papers, Title I, Elementary and Secondary Education Act—Part 2, Chapters 4–6," Prepared for the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate,

U.S. Government Printing Office, Washington, May, 1967, page 913.

[2] "Page Report—Three Seminars on Innovation," U.S. Office of Education, October, 1967.

[3] Profiles of Twenty Major Cities," Office of Programs for the Disadvantaged, U.S. Office of Education, Department of Health, Education, and Welfare, January, 1968.

[4] Dr. Leon Eisenberg, Johns Hopkins University, "Youth and the War on Poverty," Chamber of Commerce, Washington, D.C., 1967, page 38.

[5] Fred Briznak, Program Director Upward Bound, Office of Economic Opportunity, Telephone Conversation, March 25, 1968.

[6] "Grants and Institutes Supported," Division of Equal Educational Opportunities, Office of Education, Department of Health, Education, and Welfare, 1967.

[7] Harold Howe, U.S. Commissioner of Education, Department of Health, Education, and Welfare, *Hearings before the Committee on Education and Labor*, House of Representatives, 90th Congress, 1st Session, H.R. 6230, March 2, 3, 6, 7, 8, 1967, page 33.

[8] "Nutrition and Schoolwork—Selected Excerpts, 1941–1951," Library of Congress Legislative Reference Service, Washington, D.C., *Congressional Record*, 1959, page 8201.

[9] Harold Howe, U.S. Commissioner of Education, *Hearings before the Committee on Education and Labor*, House of Representatives, op. cit., page 45.

[10] Harold Howe II, U.S. Commissioner of Education, "Statement Before the General Subcommittee of Education of the Committee on Education and Labor," House of Representatives, February 20, 1968, page 3.

[11] Ibid., page 10.

[12] Ibid.

[13] Sargent Shriver, *Hearings Before the House Committee on Education and Labor, Subcommittee on the War on Poverty Program*, March, 1966, page 595.

[14] *Hearings on 1966 Amendments to the Economic Opportunity Act*, 89th Congress, 1st Session, Senate Committee on Labor and Public Welfare, page 566.

[15] W. Willard Wirtz, Secretary, U.S. Department of Labor, Office of Manpower, Policy, Evaluation and Research, "1966 Report of the Secretary of Labor on Manpower Research and Training under Management Development Training Act," U.S. Government Printing Office, Washington, D.C., 1966, page 10.

[16] Gilbert Burck, "A New Business: Reclaiming Human Resources," *Fortune Magazine*, January, 1968, page 189.

[17] Ibid., page 161.

[18] "Narrative Summary of National Data on Students in Adult Basic Education," U.S. Office of Education, March, 1967 .

[19] Conversation with officials of the U.S. Office of Education.

[20] "Adult Basic Education—Results of Adult Basic Education Survey," September 30, 1966.

[21] The Federal Government and Education," House Document No. 159, 88th Congress, 1st Session, U.S. Government Printing Office, Washington, 1963, page 5.

[22] Dr. Leon Eisenberg, op. cit., page 37.

[23] Harold Howe II, U.S. Commissioner of Education, Department of Health, Education, and Welfare, "Before the Subcommittee on Education of the Committee on Labor and Public Welfare," U.S. Senate, September 18, 1967, page 6.

III. RECOMMENDATIONS

The following recommendations reflect a sense of urgency imposed not by the reality of urban violence, but by the reality of opportunities too long denied the ghetto residents of America. Every year, every month, every week of delay in substantive action widens the gulf between our peoples and serves only to make more likely the violence of the frustrated and the fearful alike.

Our recommendations stem from the conclusions of our analysis of the current structure of urban education and the current status of Federal aid to education. We believe firmly that the gap between student attainment in the core cities and in the suburbs cannot be explained simply by the qualitative imbalance of the two educational systems, but must reflect a failure of urban education to accommodate itself to the unique educational needs of the urban student.

The current concept of Federal aid to education, in the form of categorical grants for a wide variety of programs inadequately funded or coordinated has failed to promote comprehensive change in urban education. It has affected insufficiently an insufficient number of students.

The recommendations reflect a new approach to Federal aid to education, which is both a bold departure from and a logical extension of present practice, policy and legislation. The eight principal theses of the recommendations are the following:

1. While recognizing the needs of rural and suburban education, a priority must be extended to the needs of urban elementary and secondary schools. We propose targeting massive Federal funding toward the city schools of the environmentally disadvantaged children. We neither underestimate the problems of education outside the core city, nor recommend that current Federal programs dealing with such problems be affected in any way. We believe, however, that if the evils of ghetto America are to be ended, emphasis must be given to urban education at this time.

2. Federal aid should offer each urban educational area an opportunity to restructure its entire educational system—and Federal aid should encourage such change. Because each urban center will have different requirements to satisfy the needs of its students and different interpretations on how best to satisfy those needs, the opportunity for change afforded by Federal aid should not be interpreted as the right of Washington to dictate change. There are inherent difficulties in the current structure of urban education—in its system of and approach to instruction, in its concepts of control over education, in the financing of local education, and in the administrative management of education. These are all problems of mammoth scope and challenging complexity. Our approach would encourage consideration of these overriding questions and would allow total reform and innovation in a local school system. However, for those areas which are not yet prepared to rethink these fundamental questions, our recommended approach would still permit major success in immediate revision of the instruction and internal organization of urban education systems.

3. Under our new approach, for Federal approval, an urban education agency plan would have to be fully comprehensive and internally consistent. For the first time, Federal aid would afford urban education agencies the opportunity to rewrite their own systems from a total point of view—considering all aspects of education: teacher quality and recruitment; curriculum; facilities; supplementary services; and internal management and organization. And for the first time, Federal aid would require urban educational agencies to consider changes in all these areas if plans are to be approved. In the recommendations to follow, those having to do with the Comprehensive Educational Program and with the Synergistic Curriculum must be considered by the local education agencies, but are not required as a part of each and every local plan.

4. Federal aid under the new approach would be dependent upon consideration by the urban education agency of the value of a synergistic curriculum—a curriculum based on planning which considers each and every aspect of education and its effect on every other aspect. Synergistic curriculum planning would, in other words, consider basic skills and vocational/technical education, recreation and extracurricular activities, cultural development and the development of personal creativity and self-reliance, remedial programs and a wide range of academic skills *all in one package*—with each as an integral part of the student's education, and with each supported by every other.

5. Federal aid to urban education should require participating local officials to involve the broader community in the comprehensive planning for education—both in the sense of parent interest and in the sense of engaging the talent available from the private sector in making public education relevant and excellent.

6. A new Federal approach to urban education would require substantial new Federal funds for education. This fact is based on the realization that new funds, in addition to those currently being spent in the cities, are necessary to make urban education relevant and excellent, that the tax structure of most cities and states cannot carry the added burden, and that, therefore, it is the Federal government that must pay the additional costs.

7. Concommitant with development of urban education planning, an Associate Commissioner of Urban Education should be appointed within the Office of Education in the Department of Health, Education and Welfare.

8. In order to provide the massive number of qualified teachers necessary to any success in urban education, concentration on and new effort in funding of massive teacher training is required.

A new focus on urban education

1. New Federal legislation should be passed to focus exclusively on urban schools, restricting funds to the local education agencies which lie within a Standard Metropolitan Statistical Area, as explicitly defined by the Bureau of the Census.

2. To qualify an area should be required to meet defined criteria of need measured in the percent of all children aged 3 to 18 inclusive:

(a) who are children of families having an annual income of less than a defined low-income factor;

(b) who are receiving aid under the program of Aid to Families with Dependent Children under the Social Security Administration; and

(c) who fail to meet a basic level of reading competence as determined by a national examination administered by the states.

3. Implementation of the new urban education approach should initially give priority to those portions of the local area which demonstrate the greatest need.

4. In participating areas, all Federal aid to pre-primary, elementary and secondary education should be pulled together under the single new Federal program, although local planners should make every effort to build upon the accomplishments of existing programs under ESEA, the Vocational Education Acts, and other programs dealing with education.

Comprehensive education planning

5. For a local plan to qualify for aid, approval by both the state and Federal government should be required.

6. For a local plan to qualify for aid, consideration must be given to teacher recruitment and quality with specific attention to the following:

(a) the recruitment of teachers from all minority groups and both sexes, with emphasis on males;

(b) liaison with other government agencies and youth programs, and identification of students in secondary schools who are interested in teaching as a profession and would qualify;

(c) the utilization of manpower from private industry, and the use of community residents and students for tutorial purposes;

(d) simplifying and making more efficient certification and acceptance procedures and the establishment of relevant scholastic background requirements so that entrance into the school system as a teacher is not prevented by an insurmountable barrier of administrative or irrelevant requirements;

(e) establish pay structures and levels sufficiently competitive to attract teachers of excellence;

(f) establishing sensible promotion systems with adequate recognition of merit;

(g) in-service training programs with pay;

(h) leave-of-absence programs for additional academic preparation with pay and tenure provided;

(i) leave-of-absence programs to enter private industry in exchange programs;

(j) incentive pay programs for specialized preparation in urban education;

(k) opportunities for teachers to undertake additional education in extra-curricular fields relevant to the education process.

7. For a local plan to qualify for aid, consideration must be given to facility requirements and use with specific attention to the following:

(a) a program of modernization for the prevention of overcrowding and for the improvement of the learning environment;

(b) renovation and expansion of old buildings, construction of new buildings, and the provision of modern equipment;

(c) new concepts in facility location and utilization—such as educational parks, magnet schools, and other structural patterns;

(d) the expansion of current recreational facilities—and the coordination, development, and construction of municipal and educational facilities for recreational purposes.

(e) new concepts in establishing centers of education in non-urban settings for both educational and recreational purposes considering the year-round nature of educacational needs. Such concepts might include camps, farms, use of National or State parks.

8. For a local plan to qualify for aid, consideration must be given to "pre-school" programs:

(a) We suggest that the arbitrarily chosen age of five years as the point to begin school is no longer valid for the needs of the urban community and consideration be given to lowering the age level for the beginning of school to three.

(b) Programs developed for this purpose should include medical care, dental care, other physiological needs, nutrition—and parent orientation and involvement.

9. For a local plan to qualify for aid, consideration must be given to a year-round school system. Using the vast complex of educational facilities and manpower available, the local education agency should begin to treat education as a full 12-month operation. Such a program should not be merely a re-scheduling of events, but should be fully consistent with a new synergistic curriculum of academics, culture and recreation.

10. For a local plan to qualify for aid, consideration must be given to a priority emphasis on the basic skills, especially reading and communication—the ability to read the written word, to understand and to be understood.

11. For a local plan to qualify for aid, consideration must be given to qualitative improvement in the relevance and mechanics of its technical/vocational education program—fully integrated into the synergistic curriculum and not as a substitute for emphasis on the basic skills.

(a) Every effort should be made by Federal, State and local officials to give vocational education the social status commensurate with its relevance in an increasingly mechanized society.

(b) Regardless of any new focus given to vocational education, local plans should treat it as merely one part of a student's education. Vocational education should build upon a sound foundation in basic learning skills.

(c) Local planners should consider the validity of a work-study program through cooperative education between the public schools and private industry as part of attention paid to the vocational education portion of the synergistic curriculum.

12. For a local plan to qualify for aid, consideration must be given to special programs for the gifted disadvantaged students to insure that they receive the stimulus to develop to their fullest potential.

13. For a local plan to qualify for aid, consideration must be given to a broad range of supplementary services to the teacher and the student, with specific attention given to the following:

(a) major guidance counseling system designed for maximum personalization through a low counselor-student ratio;

(b) a program to provide continuity in the counselor-student relationship;

(c) integration of the guidance program into the new synergistic curriculum;

(d) a specially prepared program for college entrance and job placement guidance;

(e) pre-school guidance program for parents;

(f) systematic and continuing testing programs for counseling purposes;

(g) professional referral services for medical, dental and other physiological problems;

(h) early identification and referral for physically and mentally handicapped, emotionally disturbed and mentally retarded students, and proper programs to meet the educational needs of these students;

(i) development of programs to hire community residents, especially mothers, to do part-time administrative work, such as, but not restricted to: playground, cafeteria and study hall supervision; office assistance; clerical assistance to teachers, especially in attendance recording, etc.;

(j) pay to students to offer administrative assistance and to perform other useful tasks in and around the school;

(k) the health and nutrition of the students through continuation and expansion of programs under the Federal school lunch plan and the Child Nutrition Act.

14. For a local plan to qualify for aid, consideration must be given to altering the concept that urban education stops at age 16 and grade level 12—and should have to demonstrate that programs for continuing education are being developed.

15. For a local plan to qualify for aid, consideration must be given to the concept of decentralizing the administration of the school system to bring it more in touch with the demands and needs of the local community area. Consideration toward the following objectives should be required for a system in which:

(a) A Community School Board (an organizational body representing a subcommunity within the city) could be given the following responsibilities:

(1) determination of curriculum policy;

(2) budget formulation and expenditure;

(3) establishment of staff positions and salary scales, including district superintendent and the authority over collective bargaining with teachers;

(4) personnel appointment, including district superintendent, selection, and granting of tenure;

(5) control over school property, construction and design;

(6) determination of district organization within and among schools;

(7) zoning and pupil assignment;

(8) textbook and other equipment determination;

(9) contracting authority with other institutions or individuals;

(10) conduct of relations with other districts;

(11) adherence to building maintenance standards;

(12) collection and submission to the central education agency of information on expenditures and other data necessary for preparation of the budget allocation formula, records of pupil performance on standardized tests, attendance data, etc.;

(13) use of total pupil achievement and performance records for public information and evaluation purposes;

(14) provision of space or equivalent for classes as requested by the Central School Board for physically and mentally handicapped, emotionally disturbed and mentally retarded students;

(15) all other responsibilities not reserved to the Central School Board;

(16) consultation with teachers and students in planning policy, particularly at the secondary school level.

(b) The Central School Board (an organizational body representing the city as a whole) should be given the following responsibilities:

(1) development and administration of an objective and equitable formula for total annual budget allocations to the Community School Boards;

(2) pupil transfers and alteration of school districts to correct overcrowding or underutilization;

(3) collective bargaining with labor other than teachers;

(4) preparation of the capital budget for facilities after consultation with the Community School Boards;

(5) consultation on school design, but without limiting authority;

(6) advice on minimum standards of maintenance;

(7) leadership through planning and inter-district cooperation;

(8) relations with the State and Federal government;

(9) central information for public purposes on the school system;

(10) data processing and collection center;

(11) accounting and auditing procedures; program-planning-budgeting system if desired;

(12) purchasing service for its own use, and for district school use if requested;

(13) city-wide testing services;

(14) management of city-wide programs for physically and mentally handicapped and emotionally disturbed and mentally retarded students.

(c) A mechanism is established to settle disputes between the Community School Board and the Central School Board.

16. For a local plan to qualify for aid, consideration must be given to changes in educational management such as re-invigoration of existing decision-making processes.

(a) Attention should be required to the potential use of a cost-effectiveness measurement system where priority is given to that method or combination of methods which produces the best success of learning in the student.

(b) Attention should be required to the potential use of a program-policy-budgeting approach which includes a balanced use of technology, facilities and manpower to derive the most effective and successful learning process—insuring the most beneficial use of available funds and avoiding the mammoth waste of misdirected and underutilized assets.

Synergistic curriculum

17. For a local plan to qualify for aid, consideration must be given to utilization of a synergistic curriculum—a curriculum based on a program which considers each and every aspect of education and its effect on every other aspect of education.

18. The two basic requirements of curriculum planning should be emphasis on basic skills and provision of a comprehensive range of academic subjects.

19. Sound curriculum planning should include recognition of the history, culture, and contributions of minority groups.

20. The curriculum should include a full range of optional, vocational and technical courses and training.

21. The curriculum should include extracurricular programs of extensive variety with meaningful supervision.

22. The curriculum should include a full range of recreational activities with attention to physical fitness.

23. The curriculum should include programs to develop the self-reliance and personal creativity of students as individuals and as members of society.

24. Consideration must be given to utilization of new and improved curriculum structures including some of the following:

(a) low pupil-teacher ratio;

(b) modular scheduling;

(c) non-graded classes;

(d) team teaching;

(e) independent study;

(f) individualized instruction.

25. Consideration must be given to the utilization of electronic instruction, including:

(a) educational television;

(b) computer-based instruction;

(c) teaching machines;

(d) other electronic devices.

26. Consideration must be given to utilization of revised, updated, and imaginative texts and printed materials, films and tapes, expanded library equipment and books, and coordinated inter-library systems.

27. Consideration must be given to providing curriculum redevelopment and re-evaluation programs involving teachers and professional consultants.

Community participation

28. For a local plan to qualify for aid, every effort should be required to assure active participation in the planning by officials of private independent schools, private industry, and higher education institutions, especially those in the local area.

29. For a local plan to qualify for aid, the role of the private sector should be made an integral part of the education system. Consideration of the following should be required:

(a) programs using on a volunteer or purchase basis private sector personnel, facilities and methods for teacher recruitment, guidance and testing services, volunteer assistance, facility use and future planning and development;

(b) purchase from private industry of specific education services designed to meet modern education needs;

(c) development of local tax incentive and credit proposals to encourage participation of the private sector in local education.

30. For a local plan to qualify for aid, consideration must be given to making the role of higher education an integral part of the education system which may include such areas as:

(a) teacher training and apprenticeships;

(b) curriculum development and evaluation on a continuing basis;

(c) long-range planning for educational needs;

(d) involvement of college or university faculties and staffs in various advisory, supervisory or participatory roles.

31. For a local plan to qualify for aid, provision should be made for local private school students who are educationally deprived to take advantage of special services available to public school students—through arrangements such as dual enrollment, educational radio and TV, and mobile educational services and equipment.

32. For a local plan to qualify for aid, dramatic attempts must be included to involve the community in the education process of its students and in education itself. Consideration must be given to the following:

(a) specific programs of public relations for a community's knowledge about its school system;

(b) specific programs of community information about the success of the local schools—in comparison, with other schools and in absolute achievement levels;

(c) development of educational facilities in neighborhood centers where the physical structure of the building can serve as a shell for a variety of community activities including adult education, cultural and arts activities, recreation, health services and public affairs information.

(d) use of educational facilities as neighborhood centers on a year-round, 7 day-a-week, 16 hour-a-day basis.

33. For a local plan to qualify for aid, Local Advisory Councils should be required for the purpose of evaluating education programs and making recommendations for the improvement of the education system. The Councils should include:

(a) persons knowledgeable in the field of public elementary and secondary education;

(b) persons knowledgeable in the field of local private elementary and secondary education systems;

(c) local public school officials;

(d) local higher education officials;

(e) local government officials;

(f) private citizens and others having special knowledge and experience with urban education, including representatives of engaged private industry where appropriate.

Funding

34. The Federal government should provide those funds necesary to implement the new approach to Federal aid to urban education and the specific urban education program outlined here over and above those funds now provided by local and state educational agencies to the local area. Funds can also be made available to a "Metropolitan area" if that area presents a plan consistent with the intention and requirements of other recommendations. Such a program should demonstrate that it clearly meets the needs of the urban core and would, by its metropolitan nature serve to solve the dilemma of urban education.

35. The State and local governments should not be allowed to reduce the amounts which they currently spend on education. As the costs of education increase, once Federal involvement under the new program is fully implemented, the Federal percentage share of the cost of local education should not be allowed to increase to the disadvantage of the Federal government.

36. The Federal government should be allowed to withhold funds from the state or the locality if a local plan is not being implemented according to the specifications of the program approved by the Federal government.

37. The Congress should consider establishing an alternative funding procedure by which the Federal government, when a state shows an unwillingness to recognize the needs of an urban educational system, can by-pass a state and deal directly with the local education agency.

38. Funds which can be allotted to any local educational agency for the implementation of the program should not exceed the following:

(a) For the purposes of implementing a program to satisfy the needs of urban education, including programs for disadvantaged pre-school children, but not including programs for physical facility expansion, an annual amount equal to the number of students in the local education area multiplied by approximately $867.*

(b) For the purposes of expanding physical facilities, a total amount distributed over a period of years equal to the number of classrooms in the local education area needed to achieve a student-classroom ratio of 24 to 1 multiplied by approximately $64,000.*

39. The Congress should authorize and appropriate a sum of $39,692 million for the five-year cost of the new approach to, and legislation for, Federal aid to urban education. This figure reflects a major increase in Federal spending for education, but entails some savings from existing programs under current law, such as ESEA, whose projects in many areas would be made part of the new comprehensive approach. Anticipated year-by-year needs are as follows: 1st FY, 0; 2nd FY, $6.107 million; 3rd FY, $2.555 million; 4th FY, $10.203 million; 5th FY, $12.829 million.

Federal reorganization

40. We recommend the establishment in the Department of Health, Education, and Welfare, under the supervision of the Commissioner of Education, of a Bureau of Urban Education to implement the new approach to Federal aid to urban education. The Bureau of Urban Education should undertake the following responsibilities:

(a) review and acceptance of State approved local plans according to specified criteria including the implementation of reading competence standards and examinations;

(b) development and operation of an information center collecting and providing information on research, implementation of pilot programs on urban areas and education policies from public and private sources, the development and operation of a system of dissemination of research results and evaluations to local school systems;

(c) professional and expert assistance to local educational agencies for consultation purposes in the development of urban education planning;

(d) submission to Congress of an annual report and recommendations on programs in effect and on functions of the Bureau;

(e) the operation of enlarged teacher training programs for teachers of urban disadvantaged youth.

41. The Associate Commissioner in charge of the newly created Bureau of Urban Education should be appointed by the President and confirmed by the Senate.

42. The budget of the newly created Bureau of Urban Education should be submitted to the Congress as an entirely distinct line item for the scrutiny of the appropriate committees of Congress.

43. We recommend that a per annum figure of $6,000,000 or a total of $30,000,000 over a five-year period be authorized and appropriated for the purposes of administering the Bureau of Urban Education; an additional $30,000,000 should be authorized and appropriated for the purposes of making studies preparatory to the implementation, execution, and evaluation of the urban education plans.

44. We recommend the establishment of a National Advisory Council which shall be appointed by the President and shall consist of 12 members, a majority of whom should be broadly representative of the educational and cultural resources of the United States and of different geographical areas. The Council should include persons knowledgeable in the field of urban education, state and local public school officials, government officials, private citizens, and other

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* With preparation of legislation, figures may be slightly altered and will increase each year by a factor relative to the cost of living index.

persons having special knowledge and experience with respect to urban education. The National Advisory Council should:

(a) make recommendations for the improvement of the program, its administration and operation, including its effectiveness in meeting the purposes of the new federal approach to urban education;

(b) evaluate programs and projects carried out under this new approach and disseminate the results thereof;

(c) review, evaluate and transmit to Congress and the President the reports submitted pursuant to evaluation procedures;

(d) report specifically on which of the various urban education programs hold the highest promise of raising the attainment of the educationally deprived in urban areas;

(e) make an annual report of its findings and recommendations to Congress and the President.

Teacher training

45. The newly established Bureau of Urban Education within the Office of Education should coordinate all existing Federal teacher training programs as they relate to urban education, utilizing them as a single package directed toward attracting and training more and better teachers for the urban communities.

46. An extensive series of year-round institutes leading to a degree in urban education should be supported by the Federal government on university and college campuses throughout the country to retrain qualified teachers willing to teach in urban areas.

47. Funds should be provided by the Federal government to institutions of higher education throughout the country to develop curricula pertinent to the problems of urban education—and programs leading to a degree in urban education.

48. Scholarship support programs should be provided on a wide basis to students throughout the country enrolled in urban education teaching programs, with a loan-forgiveness provision for students who teach in that area of the urban center which the local education agency defines as that area most in need of more and better teachers.

49. A program should be established by the Bureau of Urban Education to seek out persons throughout the country willing to become teachers or teacher aids in urban areas with a high proportion of disadvantaged students.

50. A program should be established by the Bureau of Urban Education to provide funds for an intensive course of study leading to a degree in urban teacher aid techniques.

51. We recommend that a total of $787,000,000 of new funds be authorized and appropriated for the purpose of establishing teacher and teacher aid training programs: $230 million for the first Fiscal Year; $350 million for the second; $127 million for the third, and $40 million for the fourth and fifth years.

In conclusion, we should point out that these recommendations have not treated the subject of racial integration in the public schools in any major way. Racial integration—in society at large and in the schools—is of vital importance for the growth of a progressive and harmonious community.

But too many have come to think of racial integration as the major or only reform needed to make elementary and secondary education sound. This simply is not so.

The Supreme Court said in 1954 that separate education for blacks and whites is inherently unequal education. We agree. The Court did not say that integrated schools are inherently good schools.

Our recommendations concentrate on improving the quality of urban schools. The current monopoly of attention commanded by the debate over racial integration makes it difficult to focus on the more critical and far-reaching reforms which are needed in urban education. The debate over racial integration should not be allowed to delay comprehensive improvement in the schools of our troubled cities. The issues should be kept separate.

There are no panaceas to America's urban crisis. Realizing that there are many fronts that should be treated, we believe that Congress must move now with courage and optimism in the field of education—that area which offers the greatest hope of breaking the cycle of our urban dilemma.

Awaiting the future in fear can be fatal. America must shape its future with faith—faith in our capacity to do what needs doing, faith in the healing power of hope, faith in the reason of men who are part of the American dream.

SOVIET NAVAL BUILDUP

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BOB WILSON. Mr. Speaker, on September 24, the very day that the latest publication of the authoritative Jane's Fighting Ships disclosed in London that a massive Soviet naval buildup threatens the Mediterranean and the Far East, the administration imposed a slashing new reduction of civilian personnel employed in our vital naval research facilities.

These cuts were imposed in the Naval Electronic Laboratory Center, the Naval Undersea Warfare Center, the Naval Weapons Center, and similar laboratories where our Navy is seeking new means of coping with the ominous Russian threat. Just as we learn that Russia has developed nuclear submarines with capabilities far beyond our original assessment, the administration has decided to economize and cut back our means of meeting the new threat.

The President tells us that the Russians, by invasion of Czechoslovakia, unleased "the dogs of war." Yet he is now firing the dogcatchers.

The Johnson-Humphrey administration maintains that it must take $3 billion of an overall $6 billion budget cut from our defense expenditures. If this is what they are doing, let them be consistent. A disproportionately large amount is slashed from vital naval research. But the Office of the Secretary of Defense remains overstaffed with 2,157 civilians getting in each other's way. Any personnel reduction should first be made in the Defense Secretary's office.

As matters now stand, the arbitrary reduction of experienced research personnel, in San Diego and elsewhere, comes at a time when these men are busy with high-priority projects.

Jane's naval publication, which draws information from the British Royal Navy and other sources, said:

> It would be unwise not to be fully aware of the overall increase in the size of the Soviet Navy or its penetration of the Mediterranean . . . of its concentration in the Far East . . . of its moving in to fill the voids created by the evacuation of other major naval powers . . . of the very numerous intelligence collection ships deployed in all the seven seas . . . of the Soviet Navy's general ubiquity to the embarrassment of British and American naval operations and exercises.

The publication said the rapid buildup of the Soviet Navy was highlighted by very sophisticated new nuclear submarines. Yet the administration is cutting back on the very facilities, the antisubmarine research centers, that are striving to cope with this threat to our security.

I believe that these unwise and misplaced cuts should be rescinded at once. Future systems of defense depend on the research now being penalized. Let the fat first be cut from among the civilian personnel now overstaffing the Defense Secretary's office.

JETS TO ISRAEL

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. BLACKBURN. Mr. Speaker, under leave granted to extend and revise my remarks on H.R. 19908, I should like to make it clear that my nay vote against the Foreign Assistance Act of 1968 is consistent with my position that I have maintained since coming to this Congress from the Fourth District of Georgia; that is, that the entire area of foreign assistance should be carefully reviewed by the Congress so as to eliminate the tremendous waste involved with it, as well as to assure ourselves that we are achieving the objectives that we hoped for in establishing such a program in the first instance.

I am not satisfied that we have been achieving these objectives. However, this is not the main thrust of my remarks today. I want to make it clear that this vote against the Foreign Assistance Act of 1968 does not reflect my very positive attitude that the President must move forward with the sale of supersonic jets to Israel, which in my opinion, is the sole anchor securing our interests in the Middle East against the violent storms that beset these countries now.

I am including in these remarks a copy of a letter I have sent to the President reflecting my stand on this matter and urging that he move with all due speed in assisting Israel in maintaining her military strength:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 25, 1968.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I wanted to write you and ask that, contrary to my vote against the Foreign Assistance Act of 1968, which was consistent with my actions since coming to the Congress with regard to Foreign Aid, I hope that you will pursue with all dispatch the consummation of an agreement with Israel so that we can provide this country with supersonic jets and other equipment necessary to maintain this gallant country's ability to preserve itself against its enemies, as well as to maintain peace in the Middle East.

Sincerely,

BEN B. BLACKBURN,
Member of Congress,
Fourth District, Georgia.

CONGRESSIONAL REFORM

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. CURTIS. Mr. Speaker, as a result of recent increased interest in congressional reform legislation, we have been receiving requests from the general public, as well as new requests from the political science community, for historical and technical information on this subject.

I have asked unanimous consent to place in the RECORD at this point the following items: First, "Congressional Reform: Proposed Legislative Reorganization Act of 1967,'" being a summary of major provisions of the bill, together with a brief account of significant events leading up to the creation in 1965 of the Joint Committee on the Organization of the Congress; second, "The Reorganization of Congress: A Comparison of the Efforts of 1946 and 1967"; third, "A Short History of the Development of the House Committee on Rules"; and fourth, a comparative analysis of significant features in S. 355, the Legislative Reorganization Act of 1967, passed by the Senate, March 7, 1967, and referred to the House Committee on Rules, March 9, 1967, and two bills which have been written subsequent to passage of S. 355 by the Senate: H.R. 15687, a suggested revision of S. 355 introduced by Mr. SMITH of California on February 29, 1968, and later revised, and H.R. 18039, introduced by Mr. MADDEN on June 20, 1968.

All four of these items were prepared by Mr. Walter Kravitz, a specialist in American National Government for the Library of Congress. Mr. Kravitz has been in Government service for more than 20 years, and recently received his 20-year Federal Service Award pin on August 5 from LRS Director Lester S. Jason.

Following military service in the Army in World War II, Mr. Kravitz, a native of Brooklyn, N.Y., attended the New York University, where he received the B.A. degree in 1949 and the M.A. degree in government in 1950. Moving to Washington in 1950, Mr. Kravitz began doctoral studies in government at the American University and took a position with the Securities and Exchange Commission. He joined the staff of the Library of Congress in 1951 as an exchange accessioner in the Exchange and Gift Division. He was promoted to head of the Division's receiving and routing section in 1952, before transferring to the General Reference and Bibliography Division as a junior bibliographer.

In 1953 he was advanced to international organizations research analyst and later in the year was assigned to head the Division's reference information and telephone inquiry unit. He moved on to the History and Government Division of the LRS in 1957 to serve as social science analyst. Over the years he has been promoted to progressively more responsible positions and was named to his present post earlier this year. The recipient of several outstanding performance ratings, Mr. Kravitz is a member of the District of Columbia and the American Political Science Associations. He is presently working on a history of the U.S. Senate and is the author of articles which have appeared in encyclopedia yearbooks.

Mr. Kravitz has rendered outstanding service to the joint committee from the beginning of the committee's labors. He is one of the most dedicated, capable, and patient public servants I have met in the many years I have served in the U.S. House of Representatives. The Legislative Reference Service can be justifiably proud to name Walter Kravitz among its top specialists, for he is surely in the front rank of experts today on the workings of the U.S. Government, and the Congress in particular.

The above-mentioned articles are as follows:

CONGRESSIONAL REFORM: PROPOSED LEGISLATIVE REORGANIZATION ACT OF 1967

(By Walter Kravitz, analyst, American National Government, Government and General Research Division, September 22, 1967)

CONGRESSIONAL REFORM IN 1967

For the first time in 21 years, and only the second time in its entire history, Congress in 1967 seriously considered an omnibus bill to improve its own organization and procedures. The first comprehensive statute to reorganize the Federal legislature had been enacted in 1946. Among other things, this earlier Legislative Reorganization Act consolidated and reduced the number of standing committees, improved committee procedures, provided for the acquisition of professional committee staff, expanded the Legislative Reference Service as a research and reference arm of Congress, attempted to strengthen Congress' fiscal procedures, relieved Congress of some petty but time-consuming functions, and established lobby registration regulations.

During the next five years the Senate Committee on Government Operations twice reviewed the operation of the Reorganization Act—in 1948 and 1951—and recommended improvements. Congress failed to act on any of these.

By the early 1960's it had become clear that while the 1946 statute contained much of value it was also deficient in several respects. The new fiscal procedures, including the provision for a legislative budget, had been tried and abandoned. The provision for Congressional adjournment on July 31 of each year was regularly circumvented. Court decisions and administrative inadequacies had restricted the potential of the Lobbying Act. Questions were raised about the nature of the committees' professional staffs.

Moreover, many problems untouched by the 1946 Act and others that had arisen since its passage led to a growing demand in Congress, in the press, and among students of Congress for another thorough review of Congressional machinery. Symptomatic of this concern was the 26th American Assembly, which met from October 29 to November 1, 1964 to discuss *The Congress and America's Future*. From these meetings emerged a comprehensive list of congressional reform suggestions. Regional American Assembly meetings during the next six months gave intensive study to the same subject. And on November 24, 1965, NBC News presented on nationwide television the results of a management study of Congress by Arthur D. Little, Inc., in a program entitled, "Congress Needs Help."

By this time Congress had already decided to conduct its second comprehensive introspective examination. As in the mid-1940's, the vehicle chosen for the study was a special Joint Committee on the Organization of the Congress. It was established by Senate Concurrent Resolution 2 of the 89th Congress, upon which final action was taken March 11, 1965. The Joint Committee consisted of six Senators and six Representatives. Senator A. S. Mike Monroney of Oklahoma, who as a Representative had been vice chairman of the committee that produced the 1946 Act, sponsored the resolution in the Senate and served as cochairman of the 1965 Joint Committee. Cochairman for the House was Representative Ray J. Madden of Indiana.

The Joint Committee held 40 days of hearings between May 10 and September 23, 1965. It heard 199 witnesses, including 17 Senators and 59 Representatives. Numerous Members of Congress, political scientists, organizations, and government officials submitted statements for the record. The testimony, together with documents and submissions, filled 15 printed volumes totaling 2,322 pages. In addition, the Joint Committee's staff interviewed Members and staff of the committees of both Houses, reviewed reports of their of their activities, and evaluated the proposals and recommendations in the works of political scientists and study groups.

Out of these investigations and several months of executive meetings emerged the Joint Committee's Final Report of July 28, 1966. It contained almost 120 recommendations for reorganization and reform of the committee system, fiscal controls, staffing, research services, ethics, housekeeping, and the lobbying act. Bills based upon the Report were introduced in both Houses in the fall of 1966, but crowded legislative schedules prevented floor consideration that year.

Reintroduced early in 1967 as S. 355, the proposed Reorganization Act became the first major legislative measure considered by the Senate in the 90th Congress. Debate on it occupied 18 days between January 25 and March 7. Of the 132 amendments offered on the floor, 40 were adopted (including one that was later withdrawn). The Senate passed the bill March 7 by a 75–9 rollcall vote and sent it to the House of Representatives where, two days later, it was referred to the House Committee on Rules. That Committee held one brief hearing April 10, but as of this writing has taken no further action.

In an effort to meet privately voiced objections to several provisions of S. 355, the Democratic Representatives on the Joint Committee prepared a revised version, printed June 16, 1967. Representative Richard Bolling of Missouri, a member of the Committee on Rules, introduced another suggested revision of the measure, H.R. 10748, on June 12, 1967. And Representative Ogden R. Reid of New York offered still another version, H.R. 12570, on August 23.

As approved by the Senate, the proposed Reorganization Act attempts to streamline, democratize, and make more efficient the organization and operations of Congress in a wide variety of ways. It gives particular attention to the committee system.

To strengthen majority rule in committee procedures, the bill gives a committee majority the right to call special meetings and to force the reporting of bills. Public access to committee operations is enhanced by encouraging open business meetings and hearings, and the broadcasting of hearings. A week's public notice of hearings and public announcement of committee votes on reporting measures are also required.

In the area of committee jurisdiction and realignment, the bill settles jurisdiction over urban affairs in the two Banking Committees and changes their names appropriately. A Veterans' Affairs Committee is created in the Senate to match the already existing House Committee. In the House of Representatives, the Committee on Education and Labor is split in two, an Education Committee and a Labor and Public Welfare Committee, and appropriate areas of jurisdiction now held by other committees are transferred to the two new entities.

The bill attempts to reduce the heavy committee responsibilities of Senators. Because they are fewer in number than the Representatives yet must deal with substantially the same volume of legislation, Senators serve on as many as five committees at the same time and, in addition, to several subcommittees on each committee. To reduce this burden, S. 355 requires a gradual reduction in the number of committees to which any Senator may be assigned, the eventual goal being a maximum of two. Parallel reforms attempt to reduce the sizes of committees, limit the number of chairmanships (both committee and subcommittee) any single Senator may hold, and forbid the assignment of a Senator to more than one of the following committees of more than ordinary public policy responsibility: Appropriations, Armed Services, Finance, and Foreign Relations.

A number of the bill's provisions attempt to bolster the ability of Congress to control its committees and to make them serve the Congress more efficiently. For example, one section requires committees to make their reports on bills available at least three days before the measures come to a floor vote, so that the membership may have sufficient time to study the issues. Furthermore, committees are asked to make printed hearings available before floor consideration begins. Each House is given the opportunity to exercise a more systematic restraint upon the proliferation of subcommittees, and perhaps equally important over the tendency of subcommittees to become autonomous units, by the requirement for a single annual authorization of funds for each standing committee. In addition, committees are given wider latitude in holding hearings while their parent Houses are meeting. Finally, to encourage Congressional oversight of programs administered by the Executive Branch, the measure expands the definition of legislative review, permits each committee to employ a review specialist to assist it in this function, and requires each committee with review duties to report annually on its activities.

The rights of the minority party in the legislative process receive special and significant recognition in S. 355. The minority is accorded as a matter of choice and of right the power to hire a minimum number of professional and clerical staff on committees. The minority is also granted minimum time for the appearance of its witnesses at committee hearings. Finally, the bill grants time for the preparation of minority or supplemental views on committee reports and declares that these shall be printed in the same volume as the report.

S. 355 attempts to establish parity between the two Houses of Congress in one aspect of their relations involving conferences. Under present rules, only the conferees on the part of the House may have printed a report and explanatory statement of the decisions of the conference. The Reorganization Act extends this right to the conferees on the part of the Senate. It also permits the publication of individual views of conferees, which is presently forbidden.

In the area of fiscal controls, procedures, and information, the bill establishes five major reforms. First, it enlarges the scope and functions of the Government Accounting Office to enable it to supply a variety of budgetary and fiscal data to Congress, its committees, and its Members. Second, it attempts to involve Congress in the evolution of the Program-Planning-Budgeting System now under way in the Executive Branch. Third, it requires the Executive Branch to supply more detailed fiscal data and forecasts. Fourth, it repeals the moribund fiscal portions of the 1946 Legislative Reorganization Act and substitutes new appropriations procedures for considering the overall budget and for the review of multiagency programs. Fifth, it commands the substantive legislative committees to estimate the projected five-year costs of new programs, to review systematically grant-in-aid programs, and wherever possible to authorize new programs on, and transform old ones to, an annual appropriation basis. In addition, the bill requires a rollcall vote on all regular appropriations measures and on bills altering the salaries of Members of Congress.

S. 355 attempts to expand Congressional sources of information in a number of ways. For committees, there are provisions permitting enlargement of the permanent professional staff and their further training. Committees are also granted the authority to hire temporary consultants and research organizations. For Senators, the bill grants each a legislative assistant. For Members of both Houses, there is provision for expanded travel allowances to their States and districts. For Congress as an institution, the bill rewrites the basic statute of the Legislative Reference Service in the Library of Congress and provides authority for its reorganization along lines that will attune it more closely to the research needs of the legislature.

The Reorganization Act attempts to deal with a number of vexing housekeeping problems. It provides for a more efficient and economical Congressional telephone system and the development of more rational Congressional pay systems. It creates a Joint Committee on Congressional Operations to provide a central authority for housekeeping in the Capitol, to carry on a continuing study of Congressional organization and operations, to examine the possibilities of automatic data processing for Congressional uses, and to identify court actions of interest to Congress as an institution. An Office of Placement and Office Management is established to assist Members in hiring qualified staff and to supply expert assistance on efficient office management. The bill calls for a reorganized and professionalized Capitol Police Force, for free (instead of fee supported) Capitol tours, and for college age (rather than high school age) pages. In addition, S. 355 requires Congress to adjourn each year during at least the month of August. Congress is also relieved of the burden of postmaster and rural route mailman appointments. Finally, the Act revises the administration of the House Employees Classification Act.

The penultimate title of S. 355 substantially revises the Lobbying Act. Administration of the statute is transferred from officials of the two Houses of Congress to the Comptroller General of the United States. The definition of lobbying activities is altered somewhat to conform with court decisions. In addition, the coverage of the Act is expanded and strengthened.

THE REORGANIZATION OF CONGRESS: A COMPARISON OF THE EFFORTS OF 1946 AND 1967

(By Walter Kravitz, analyst in American National Government, Government and General Research Division, November 8, 1967)

INTRODUCTION

During its 178 years of continuous existence, Congress has only twice undertaken a large-scale introspective review of its organization and operations. The first investigation, conducted in 1945 by the first Joint Committee on the Organization of Congress, was eventually climaxed by enactment of the Legislative Reorganization Act of 1946. Congress created a second Joint Committee on the Organization of the Congress 21 years later, in 1965. By the spring of 1967 its legislative child, the proposed Legislative Reorganization Act of 1967, had passed the Senate by a 75 to 9 roll call vote (on March 7) and was in the hands of the House Committee on Rules.

The following analysis discusses the major problems considered by the two Joint Committees, compares their responses to those problems, and describes the disposition Congress made of their recommendations. For purposes of convenient discussion, the problem areas have been arranged in seven broad categories. It should be understood, however, that there is much overlapping among them. Moreover, a number of minor proposals have been omitted in the interest of brevity. The categories are:

1. The overburdened Congress
2. The Committee system and related problems
3. Fiscal controls and procedure
4. Research facilities
5. Housekeeping
6. Lobbying
7. Political parties

Also for convenience, the detailed analysis is preceded by a summary.

A. SUMMARY

1. *The Overburdened Congress.*—In 1946, Congressional reformers believed that the burden imposed on Congress by minor legislation and the governing of the District of Columbia was one of the institution's most critical problems. The first Joint Committee consequently suggested that Congress divest itself of this petty labor and, with the exception of responsibility for the District of Columbia, most of its recommendations were enacted into law. In 1966, the problem did not appear to loom so large as it had ten years earlier and the second Joint Committee made only minor recommendations, including one for a regular annual Congressional recess and another for a five-day workweek.

2. *The Committee System and Related Problems.*—The Joint Committee of 1946 pushed through a drastic realignment of Congress' committees that eliminated useless committees, concentrated responsibility for programs, and resolved many jurisdictional difficulties. The second Joint Committee tended to emphasize refinements in jurisdictions, particularly those that would align them to deal more effectively with the evolution of the Program-Planning-Budgeting (PPB) System in the Executive Branch. Its recommendations, however, were received with such hostility that the portions relating to the Senate were drastically cut even before the bill was brought to the floor; the portions relating to the House are evidently under similar fire in that body.

Both the first and second Joint Committees attempted to relieve the burden of excessive committee assignments in the Senate by limiting them.

In the area of committee staffing, the first Joint Committee was confronted with lack of numbers as well as quality. The Act of 1946 therefore established the basis for minimum professional committee staffs. While the second Joint Committee also requested an increase in quantity, it was equally concerned with quality. The Senate accepted most of its recommendations for minority staff, additional professional training of staff, and provisions for the employment of temporary special experts.

Turning to committee procedures, the 1946 panel was concerned principally with regularization, and the bulk of its recommendations were accepted. In 1966, the second Joint Committee gave some attention to amplifying those regularizing rules, but it also struck out in new directions: to open committee operations to the public view, to eliminate proxy voting, to enhance minority rights, and to permit greater freedom for committee meetings while the Houses of Congress are in session. The proxy voting prohibition was considerably weakened by the Senate.

Both Joint Committees refused to make any direct attack on the custom of seniority in the appointment of committee chairmen. Instead, both attempted to limit the powers of chairmen somewhat.

At the insistence of the 1946 Joint Committee, Congress for the first time gave clear statutory recognition to its oversight function. The duty was vested in the committees and an attempt was made to arrange the jurisdictions of committees so as to facilitate oversight. The second Joint Committee concluded that Congress was still not living up to its oversight responsibilities, chiefly because it had not provided its committees with tools for implementation. It therefore prescribed, and the Senate accepted, the employment of special staff for oversight purposes and a system of procedures to be made obligatory for committees.

3. *Fiscal Controls and Procedure.*—The two Joint Committees differed drastically in their approach toward improving the ability of Congress to exercise adequate control over the fiscal policies of the Federal Government. Most of the emphasis in 1946 was placed on techniques for coordinating fragmented Congressional handling of revenue and appropriation measures. These failed. While the second Joint Committee also recommended a coordinating device, it was much more modest in what it hoped that device would accomplish. Furthermore, the 1965–1967 group gave at least equal attention to four other broad problems of fiscal control and procedure which either did not exist in the day of the first Joint Committee or which it ignored: the acquisition by Congress of sufficient relevant budget information; assistance in budget evaluation; Congressional participation in the evolution of the PPB System; and more active participation by program-oriented committees in fiscal control, particularly in the direction of converting programs to an annual appropriation basis.

4. *Research Facilities.*—Both Joint Committees endorsed the need for an independent pool of experts to supply Congress with research assistance. In 1946 this resulted in establishing the Legislative Reference Service on a firm statutory basis, raising its stature in the Library of Congress, and expanding the number and quality of its staff. The second Joint Committee sought to improve the quality of the work produced by the Service, first, by strengthening its capacity to provide indepth research, and, second, by organizational revisions that, it was hoped, would bring the Service into a more intimate relationship with Congress.

5. *Housekeeping.*—The first Joint Committee recommended creation of a Congressional stenographic pool, which was not accepted, and a raise in the compensation of Members of Congress plus a Congressional retirement system, which were accepted. The second Joint Committee said nothing about these.

Both Joint Committees recommended establishment of a Congressional personnel office, and the 1965–1967 group added to the functions of this office that of providing office management assistance to Members.

The first Joint Committee sought to give Members staff to relieve them of nonlegislative work. The second Joint Committee recommended staff to help Members carry out their legislative functions.

Finally, the panel of 1965–1967 decided that Congress needs a Joint Committee on Congressional Operations to carry on continuous studies of Congressional organization and procedure, to supply coordinated supervision of general housekeeping functions, and to keep Congress informed of court proceedings in which it has a vital interest.

6. *Lobbying.*—At the urging of the first Joint Committee, Congress for the first time enacted a statute to require lobby organizations to reveal their activities. The second Joint Committee concluded that this approach of revelation rather than control was the proper one. It therefore limited its recommendations to suggestions for closing loopholes in the law and for strengthening its administration.

7. *Political Parties.*—A major concern of the first Joint Committee was the role of political parties in Congress. It recommended two major reforms designed to encourage party responsibility. Congress rejected them. The second Joint Committee was silent on political parties.

B. ANALYSIS

1. The overburdened Congress

As the students of Congressional reform saw it in 1946, the magnitude of the legislative workload had reached alarming proportions. Their solution was to have Congress slough off some of its traditional legislative functions. After numerous interviews with Members of Congress and considerable study, a Committee on Congress of the American Political Science Association declared in 1945: "Congress as an institution is handicapped in the performance of its proper functions . . . by being overburdened by many local and private matters which divert its attention from national policy-making. . . ."[1] The report went on to suggest that Congress divest itself of responsibility for governing the District of Columbia and of the whole range of private bills; others advocated abolishing the Private Calendar.[2]

Impressed by these reports and also by the considerable volume of testimony it received on the subject, the first Joint Committee issued a broad series of recommendations in its Final Report.[3] These included self-rule for the District of Columbia, the delegation of private claims to the Federal courts and the Court of Claims, and empowering Government agencies and departments to handle administratively such matters as pensions and requests for the construction of bridges. With one exception, all these were translated into statutory language and enacted by the Legislative Reorganization Act of 1946.

The exception was home rule for the District of Columbia. The Joint Committee did not incorporate the proposal in its bill because the matter was already contained in a pending measure. That measure failed in 1946, and while the Senate passed similar home rule bills on numerous occasions in the two decades that followed, the House never concurred.

The 1946 Act relieved Congress of a considerable portion of its petty legislative business, but it did not strike that business out completely. The Private Calendar remained. Twelve classes of claims were exempted from the Federal Tort Claims Act (title IV of the 1946 Act), and the number of such exemptions increased somewhat during the years that followed. Moreover, Congress was still faced with large and increasing numbers of private immigration bills, plus, of course, governance of the District of Columbia.

The second Joint Committee made no recommendations in this general area. It received little direct testimony on the subject and none of the private studies conducted on Congressional reform in the 1960's had much to say about it. The single exception involved home rule for the District of Columbia. Significantly, a Dartmouth College survey of Members' opinions on that proposal disclosed that 53 percent opposed it.[4] Although the Joint Committee achieved no consensus, two of its Members, Representatives Hechler and Cleveland, endorsed D. C. home rule in supplemental views.[5]

Scheduling.—One approach to the workload difficulties of Congress is to eliminate classes of functions. The other side of the coin involves more efficient use of Congressional time so that whatever functions Congress chooses to retain may be handled expeditiously. Both Joint Committees considered this approach and evolved an almost identical recommendation.

Both accepted the idea that Members must have time to mingle with and sound out their constituencies and that the increasingly lengthy sessions of Congress threatened serious incursions into the implementation of that fundamental process. The first Joint Committee recommended a Congressional recess from July 1 to either September 10 or October 1 in each year.[6] However, by the time both Houses of Congress had finished dealing with that proposal it had been transformed into a provision for sine die adjournment each year on the last day of July, except in time of war, or during a Presidentially proclaimed national emergency, or unless Congress provided otherwise. In practice, Congress has virtually ignored the law; it adjourned by July 31 in only two of the 20 sessions following enactment of the 1946 statute. The Joint Committee of 1965–1967 renewed the recommendation of its predecessor, suggesting that Congress recess during the month of August.[7] The requirement was accepted by the Senate.

In 1946 the first Joint Committee recommended that Congress experiment with schedules to provide alternately three full days for committee meetings and three full days for Chamber sessions. It also suggested experimentation with evening sessions.[8] In 1947 the Senate tried and then abandoned the alternate scheduling system. The second Joint Committee urged Congress to schedule committee and floor business on a five-day workweek instead of the present informal three-day system.[9] The recommendation was merely exhortatory; it was not included in the bill the Joint Committee suggested as the Legislative Reorganization Act of 1967.

2. The committee system and related problems

Considering the crucial role of committees in the legislative process, it is not surprising that both the first and second Joint Committees devoted a large proportion of their time and attention to the committee system. In some cases the problems of 1946 were quite similar to those of 1965. In other instances, the circumstances and therefore the responses were radically different.

Committee Alignment.—Each House in 1946 had an inordinate number of standing committees—33 in the Senate, 48 in the House of Representatives. Many committees were the vestigial remains of issues once vital but by 1946 almost totally irrelevant. These relics of a previous era did little or no work. Aside from providing their chairmen with extra staff personnel, they served only to provide freshmen Members with unimportant committee assignments. On paper the large number of committees imposed a heavy burden on Members; in the House some Representatives served on as many as eight committees while in the Senate ten assignments were not infrequent. In many cases this did in fact impose a burden, for senior Members would sit only on the more important committees. Moreover, responsibility for action in any broad area of public policy was often scattered among a number of committees, frustrating any concerted approach to that policy. Finally, the system encouraged frequent disputes because of overlapping jurisdiction, and this was aggravated by the fact that these jurisdictions were seldom spelled out in any detailed manner.

As a result of the first Joint Committee's recommendations, the Act of 1946: (1) consolidated the Senate's 33 committees into 15 and the 48 of the House into 19; (2) attempted to align the new committees so that each would encompass a major area of public policy and/or administration; (3) wrote into the rules of both Houses detailed jurisdictional descriptions for each committee; (4) attempted to make those jurisdictions similar as between committees of the two Houses, to encourage joint hearings; (5) empowered the Senate's presiding officer to settle juris-

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dictional controversies subject to appeal; and (6) limited Senators to membership on two standing committees, with some exceptions.

By 1965 the Senate had 16 standing committees and the House 20. Understandably, there was little agitation for a reduction in numbers. In fact, the second Joint Committee was requested by some to create more committees. However, much more emphasis was given to the need for a further realignment of committee jurisdictions in both Houses, first, to equalize the workload, and second, to bring about greater parallelism between the jurisdictions of similar committees of the two Houses. In addition, the second Joint Committee took particular note of the argument that the evolving Program-Planning-Budgeting System in the Executive Branch makes it incumbent upon Congress to realign the jurisdiction of its committees along program rather than agency lines.

Consequently, the second Joint Committee made a number of recommendations for revising committee jurisdictions in both Houses to meet these objectives.[10] Opposition to some of the proposals was judged to be so great in the Senate that a few of the more significant were omitted from the bill even before it came to the floor. Similarly, there is reason to believe that considerable opposition to the jurisdictional realignment provisions relating to the House exists in that body.

Committee Assignments.—As already noted, one of the rationales for consolidating standing committees in 1946 was that in so doing the burden of numerous committee assignments would be reduced. While the number of standing committees had not appreciably increased by 1965, the second Joint Committee was nevertheless confronted with the same problem. Indeed, there may have been more basis for complaint in 1965 than in 1946. The heart of the matter lay in the proliferation of subcommittees, 278 in 1965 compared with 174 in 1945. The Joint Committee found that Senators in the 88th Congress *averaged* 19.5 assignments (of all kinds) while Representatives averaged 7.4.[11] One-quarter of the Senators had more than 25 such assignments. Members of the Senate complained to the Joint Committee that they could not possibly fulfill all their committee responsibilities, first, because of the intolerable workload, and second, because of scheduling conflicts among their assignments.

The Joint Committee did not consider the problem serious in the House, but it did recommend reforms in the Senate.[12] In general, Senators were to be limited to two major committees plus one minor committee. Four major committees were labeled exclusive because of their heavy workloads and no Senator was to serve on more than one of them. Furthermore, with certain exceptions, no Senator might be chairman of more than one committee nor more than one subcommittee on each of his major committees. The Senate retained the substance of these recommendations, but larded them heavily with grandfather clauses to protect Senators' current assignments.

Committee Staffing.—Another concern of both Joint Committees was that of providing adequate and competent staff for Congressional committees. In 1946, the primary objective seemed to be sufficient numbers. The Reorganization Act of 1946 attempted to alleviate the meager staff facilities of the time by authorizing each standing committee to employ four professional and six clerical staff members on a permanent basis, without regard to political affiliation.

Between 1946 and 1965, the second Joint Committee discovered, most committees had substantially increased their staff resources beyond the numbers set in the 1946 Act. The Joint Committee nevertheless concluded that each committee should be authorized to employ two additional professional staff members (plus the review specialist discussed below).

Beyond mere numbers, the second Joint Committee took notice of three additional problems relating to committee staff: minority staff requirements, professional training of staff, and the need for temporary special experts. It recommended a variety of proposals to deal with these aspects of staffing, all of which were adopted by the Senate.[13]

Committee Procedures.—To improve the operating procedures of Congressional committees, the first Joint Committee recommended a variety of provisions, most of which Congress enacted. These included injunctions upon each standing committee to (1) set aside a regular period each month when Members might appear and explain their bills, (2) fix regular weekly, biweekly, or monthly meeting days for the transaction of business, additional meetings to be called by the chairman, and (3) keep a complete record of all committee proceedings, including a record of votes.

Turning to hearing procedure, the Act of 1946 laid down general regulations for advance receipt and digesting of testimony. It also enjoined committees to open their hearings to the public.

The general thrust of the 1946 Act was to regularize committee procedures. The recommendations of 1966 were designed to amplify that regularization. For example, the second Joint Committee expanded the provisions relating to witnesses and summaries of hearings, although these were considerably watered down by Senate amendments. But the Joint Committee of 1965–1967 also struck out in new directions. It was concerned, for example, with enhancing the image of Congress by opening its operations to the public gaze. Greater public access to committee proceedings should be encouraged, thought the Joint Committee, by holding not only open hearings but also open business meetings whenever practicable. The Joint Committee also agreed that hearings should be broadcast. In addition, it recommended that two weeks public notice should be given for hearings, a provision the Senate reduced to one week. Finally, it was recommended that committees make public announcement of committee votes.[14]

In the area of internal committee operations, the second Joint Committee laid heavy emphasis upon prohibition of the practice of proxy voting. The Final Report concluded that "the evils of the practice outweigh [any] advantage."[15] However, Senate amendments made the prohibiting language in the proposed Reorganization Act so ambiguous that for all practical purposes proxy voting in committees would not be seriously inhibited.

The rights of the minority party receives special recognition in S. 355. The minority is accorded as a matter of choice and of right the authority to hire a minimum number of professional and clerical staff on committees. The minority is also granted minimum time for the appearance of its witnesses at committee hearings. Finally, the bill grants time for the preparation of minority or supplemental views on committee reports and declares that these shall be printed in the same volume as the report.

Finally, the second Joint Committee reexamined that provision of the 1946 Act forbidding standing committees to sit, without special leave, while the Senate or the House, as the case might be, was in session. This was originally adopted on the theory that it would improve floor attendance by eliminating conflicts with committee meetings. The second Joint Committee decided the priorities should be reversed. Committees should be permitted to conduct *hearings* during floor sessions, declared the Joint Committee, if consent is obtained from the majority and minority leaders. This would eliminate obstruction to committee hearings by a single objection.[16] For its own procedures, the Senate amended the language to permit its committees to sit *for any purpose* during floor sessions of the Senate, if approved by the joint leadership.

Committee Chairmen.—Representations were made to both Joint Committees that the custom of appointing committee chairmen on the basis of seniority be abolished or modified. Both groups refused to do so. Instead the first Joint Committee implicitly, and the second explicitly, attempted to approach the problem by circumscribing the powers of chairmen.

In the Act of 1946 the prerogatives of committee chairmen were somewhat limited by ordering committees to set aside monthly docket days for hearings, and regular meeting days for business. Chairmen were also commanded to report promptly any measures approved by their committees and to take necessary steps to bring them to a vote.

The bill of the second Joint Committee gave to the Senate an already existing House rule permitting a majority of the membership of a committee to call a special meeting if the chairman fails or refuses to do so. Moreover, the proposed 1967 Act requires the filing of a committee report within seven business days upon request of a majority of the committee. As noted above, language to prohibit proxy voting in committees, another Joint Committee recommendation, was weakened by Senate amendments.

Oversight.—Congress has always had the implied function of oversight, that is, of inspecting and reviewing the performance by the Executive Branch of the duties assigned to it by the Constitution and by Congress itself. It appeared to many observers in 1946 that Congress was not fulfilling this function adequately. The first Joint Committee concluded that special investigation committees, at that time in great use, did not provide the kind of continuous surveillance the function demanded.[17] It recommended that the practice of creating these special bodies be abandoned, and it succeeded in having put into the 1946 Act the language of section 136, ordering all standing committees to "exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee . . ." Moreover, the 1946 realignment of committee jurisdictions was designed to coordinate the Congressional committee system with the organizational pattern of the Executive Branch in order to facilitate oversight.

Whatever the efficacy of these alterations, the second Joint Committee also received many expressions of concern about Congressional oversight. These led that panel to conclude that the 1946 Act had not achieved the desired result because it did not provide concrete means of implementation. It therefore recommended: (1) adding to the permanent staff of each standing committee a review specialist to be assigned exclusively to the oversight function; (2) annual reports by all committees on their oversight activities; (3) regular review by committees of reports required of the Executive Branch; and (4) hearings on major reports submitted by the Executive. In addition, the second Joint Committee suggested that "oversight" be redesignated "review" as a more accurate and understandable term.[18] These recommendations were agreed to by the Senate with two modifications. One amendment made employment of a review specialist permissive rather than mandatory. The other was designed to make clear that the specialist would operate within the overall structure of a committee's staff rather than separate and apart from it.

The 1965–1967 Joint Committee was also concerned with the proliferation of multiagency Federal programs that cut across committee jurisdictional lines. In the proposed 1967 Reorganization Act the Appropriations Committees are authorized to deal with these

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in a systematic fashion. Finally, the Act calls upon each legislative committee to initiate a systematic review of grant-in-aid programs under its jurisdiction.

Miscellaneous Committee Reforms.—Unlike the first Joint Committee, the second concluded that Congress requires more institutional devices to control its committees and to make them more efficient. Toward these ends, the proposed Act of 1967 requires committees to make their reports on bills available at least three days before the measures come to a floor vote, so that Members may have sufficient time to study the issues. Furthermore, committees are asked to make printed hearings available before floor consideration begins. Each House is given the opportunity to exercise a more systematic restraint upon the proliferation of subcommittees and over the tendency of subcommittees to become autonomous units by the requirement for a single annual authorization of funds for each standing committee.

3. Fiscal controls and procedure

In 1965 as in 1946 proponents of Congressional reform were troubled by the uncoordinated manner in which Congress dealt with one of its great constitutional responsibilities, control of the Federal purse. The first Joint Committee evolved a wide variety of proposals to deal with this condition, the boldest of which failed.

To coordinate revenue raising and appropriations, the Act of 1946 exhorted the relevant committees in both Houses to meet jointly at the beginning of each session and to prepare and report a legislative budget for the ensuing fiscal year. It was hoped that by this device Congress could fix rational ceiling expenditures. A half-hearted attempt was made to implement this procedure, but it was soon abandoned. The 1946 Act also called for general expenditure analyses by the Comptroller General of each agency in the Executive Branch, a function Congress never funded.

The Act of 1946 did, however, bring about some lesser reforms in the appropriations process. No general appropriation bill may come to the floor until printed committee hearings and reports have been available for three days. The staff of the House Committee on Appropriations was eventually bolstered under terms of the Act. Finally, a series of provisions limited amendments to appropriation measures.

Although the second Joint Committee shared the concern of the first about Congressional fiscal procedure, its recommendations were much more modest. As embodied in the proposed 1967 Act, one declares that the Committees on Appropriations shall hold public hearings on the budget, within 30 days of its receipt, to examine the President's basic recommendations and budget policies. Furthermore, the Act encourages joint hearings by the two committees.

Of at least equal concern to the second Joint Committee were four additional problems of fiscal organization. First, the reorganization panel concluded that Members are not receiving enough relevant budget information upon which to base rational decisions. Its chief recommendations in this area would: (1) have the GAO provide information on the location and nature of fiscal data available in the Federal agencies and also prepare up-to-date tabulations, (2) require the President to supply five-year financial projections on proposed and existing legislation, and (3) require the President to submit on June 1 of each year updated budget summaries. In addition, the Joint Committee suggested the use of automatic data processing machinery systems for retrieving fiscal data and manipulating them in meaningful fashion.

Second, the 1965–1967 Joint Committee believed Congress should receive more assistance in budget evaluation, particularly in relation to the Planning-Programming-Budgeting System. Under the proposed 1967 Act the GAO is to provide expert assistance of this kind and the Appropriations Committees are to consider and report on cost-effectiveness programs. Third, the Joint Committee was anxious to have Congress associated as intimately as practicable with the development of the PPB System in the Executive Branch. It therefore recommended that the GAO participate, on behalf of Congress, in the evolution of that system.

Finally, the second Joint Committee sought to strengthen the fiscal operations of all committees by asking them to include five-year cost projections in their reports on all new legislation, to convert fixed obligation programs to annual appropriations wherever possible, and to authorize new programs on an annual appropriations basis if practicable.[19]

4. Research facilities

Reformers in 1946 and 1966 both accepted the proposition that "sound congressional decisionmaking is rooted in the availability of accurate information and expert analysis,"[20] that the complexity and sheer number of the required policy decisions are too overwhelming for any single Member,[21] and, therefore, that Congress must maintain research and technical assistance facilities to supplement the individual and collective knowledge of the legislature.

Furthermore, the first and second Joint Committees endorsed the principles that research can be most effectively supplied by a pool of independent experts, and that the Congress should have direct access to its own separate research agency.

To implement this position, the first Joint Committee, in the Act of 1946, raised the stature of the Legislative Reference Service to that of a department in the Library of Congress, gave it for the first time a statutory basis, briefly defined its functions, and authorized an expansion of personnel to include top level specialists in 19 broad fields.

While reindorsing the principles of the first Joint Committee, the panel of 1965–1967 sought to redefine them more sharply in the light of twenty years' experience. It offered a series of recommendations designed to encourage the Service to give greater emphasis in its work to research, rather than to reference. The proposed Act of 1967 would change the organization's name to the Legislative Research Service and authorize its Director to take certain reorganizational steps that would contribute to such emphasis. In addition, the second Joint Committee concluded that closer direct contact between the Service and Congress should be encouraged and that this would have to involve greater autonomy for the organization within the Library and more direct surveillance of the Service by the Joint Committee on the Library.[22] Most of the Joint Committee's suggestions were incorporated in the proposed Act of 1967. The Senate added a provision authorizing the Service to acquire and use automatic data processing machinery in its work.

5. Housekeeping

Both Joint Committees considered a miscellany of Congressional housekeeping problems. On some the two panels adopted the same approach. For example, both Joint Committees recommended establishment of a Congressional personnel office.[23] Congress failed to enact that suggestion in 1946. It passed the Senate in 1967, as did the second Joint Committee's additional recommendation that the same organization provide office management assistance to Members.

In other ways, the two Joint Committees adopted different, sometimes strikingly different, attitudes toward similar problems. For example, the 1946 group urged creation of a Congressional stenographic pool, a suggestion Congress rejected and the second Joint Committee did not repeat.

More significant, perhaps, is the difference in approach to Member's staff. The 1946 Joint Committee emphasized the need to relieve Members of *nonlegislative* work. It therefore recommended that each Member be authorized to employ a high-caliber administrative assistant.[24] Congress did not include that provision in the 1946 Act, but over the years it did gradually increase the number of staff positions allotted to both Senators and Representatives. The second Joint Committee concluded that Members require more staff assistance in their *legislative* work. It therefore recommended that each Senator be authorized to hire a legislative assistant to provide aid on general legislative and committee functions, and that each Representative allocate a portion of his clerk hire allowance for that purpose.[25]

Another marked difference of approach emerged in the matter of the salaries of Members of Congress. A major provision of the 1946 Act was its response to pleas for higher salaries by a provision that increased the compensation of Members from $10,000 to $12,500 per annum. In addition, the 1946 legislation established a Congressional retirement system. The second Joint Committee made no recommendations in this area.

But the 1965–1967 group did attempt to deal with a variety of matters ignored in 1946. For example, the second Joint Committee decided that the study of Congressional organization and procedures should be a permanent and continuing concern of Congress rather than a once-every-20-years project. Furthermore, its examination of the overall housekeeeping arrangements of Congress convinced the 1965 panel that these required central supervision and coordination. In particular, the panel felt that the development of automatic data processing and information retrieval systems for the use of Congress would proceed haphazardly and inefficiently without central planning. Finally, the second Joint Committee concluded that Congress ought to have its own agency for identifying court proceedings affecting the vital interests of Congress as an institution and that could arrange for appropriate representation of Congress in such actions.

All these functions, the Joint Committee decided, should properly reside in a single entity. It therefore recommended, and the proposed Legislative Reorganization Act of 1967 contains provision for, a Joint Committee on Congressional Operations.[26]

6. Lobbying

The first Joint Committee heard numerous complaints about the activities of organized pressure groups attempting to influence Congress on pending legislation. Its response to the problem was designed not to curb these activities but rather to provide procedures that would give Congress and the public legitimate information about lobby organizations, information that would permit Congress better to evaluate their activities and pleas. The result was the Federal Regulation of Lobbying Act, title III of the 1946 Reorganization Act.

The Act requires organized groups, and their agents, who seek to influence legislation to register with the Secretary of the Senate and the Clerk of the House of Representatives, such registration to include quarterly statements of expenditures and listing of contributors of $500 or more. All these data were to be printed in the *Congressional Record*.

After reviewing the operation of the statute, the second Joint Committee decided it would not strike out in new directions but rather seek to correct the flaws exposed by the experience of 20 years. One of these, it concluded, resulted from Supreme Court interpretations that, in effect, exempted many organizations with obvious legislative inter-

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ests. "The act is also deficient," declared the Joint Committee's Final Report, "in that there is no clear-cut responsibility for policing registrations or satisfactory procedures for making registration information available to the public. As a result, present registrations reveal only a small fraction of the money paid and received for lobbying activities. Furthermore, the act tends to penalize the more conscientious registrant and reward the individual or organization less candid about legislative activities."[27]

The Joint Committee therefore recommended, and the Senate passed, the following major revisions of the Lobbying Act:

(1) To deal with a Supreme Court decision, lobbyists are redefined as those having as their "principal" purpose (rather than "substantial" purpose) the influencing of the passage or defeat of legislation.

(2) To deal with charges of nonenforcement, administration of the Act is transferred to the Comptroller General.

(3) To close the loophole for those organizations that claim it is impossible for them to separate lobbying expenditures from expenditures for other purposes, such organizations are to be required to file total receipts and expenditures plus an estimate of that portion used for lobbying purposes.

(4) To close another loophole, the revision requires full disclosure of contingent fee arrangements involving lobbying.

7. *Political parties*

The first Joint Committee devoted a great deal of attention to the role of political parties in Congress. In doing so, it was influenced by demands from, among others, the American Political Science Association Committee on Congress for new devices and techniques to encourage party responsibility in the legislature.[28]

Consequently, the 1946 Joint Committee recommended (1) that both Houses establish formal majority and minority policy committees, and (2) that the combined majority policy committees of both Houses serve as a formal council to meet regularly with the President in order "to facilitate the formulation and carrying out of national policy, and to improve relationships between the executive and legislative branches. . ."[29] The House of Representatives refused to accept these proposals and they were omitted from the 1946 Act, although partially implemented subsequently by separate actions by the party organizations in each House.

The second Joint Committee made no recommendations on the subject of political party organization.

FOOTNOTES

[1] American Political Science Association. Committee on Congress. The Reorganization of Congress. Washington, Public Affairs Press, 1945. p. 78. Hereinafter cited as *APSA Report*.

[2] *APSA Report*, p. 79; Galloway, George B. Congress at the Crossroads. New York, Crowell, 1946. p. 67–68.

[3] U.S. Congress, Joint Committee on the Organization of Congress. Report . . . pursuant to H. Con. Res. 18. Senate Report No. 1011. 79th Congress, 2d session. March 4, 1946. p. 24, 25. Hereinafter cited as *1946 Final Report*.

[4] Congressional Reorganization Problems and Prospects. Michael O'Leary, ed. Hanover, N. H., Public Affairs Center, Dartmouth College, July 1964. Appendix C.

[5] U.S. Congress. Joint Committee on the Organization of the Congress. Final report . . . pursuant to S. Con. Res. 2. Senate Report No. 1414. 89th Congress, 2d session. July 28, 1966. p. 81. Hereinafter cited as *1966 Final Report*.

[6] *1946 Final Report*. p. 25–26.

[7] *1966 Final Report*. p. 55.

[8] *1946 Final Report*. p. 26.

[9] *1966 Final Report*. p. 55.

[10] *1966 Final Report*. p. 14–18.

[11] *1966 Final Report*. p. 61.

[12] *1966 Final Report*. p. 18–20.

[13] *1966 Final Report*. p. 21–23.

[14] *1966 Final Report*. p. 8–13.

[15] *1966 Final Report*. p. 9.

[16] *1966 Final Report*. p. 13.

[17] *1946 Final Report*. p. 5–6.

[18] *1966 Final Report*. p. 23–25.

[19] *1966 Final Report*. p. 25–36.

[20] *1966 Final Report*. p. 39.

[21] *1946 Final Report*. p. 14.

[22] *1966 Final Report*. p. 39–42.

[23] *1946 Final Report*. p. 16–17; *1966 Final Report*. p. 50–51.

[24] *1946 Final Report*. p. 15–16.

[25] *1966 Final Report*. p. 36–38.

[26] *1966 Final Report*. p. 45–48.

[27] *1966 Final Report*. p. 52.

[28] *APSA Report*. p. 79.

[29] *1946 Final Report*. p. 13.

A SHORT HISTORY OF THE DEVELOPMENT OF THE HOUSE COMMITTEE ON RULES

(By Walter Kravitz, analyst in American National Government, Government and General Research Division, March 8, 1968)

EARLY HISTORY, SIZE, AND COMPOSITION

From the First Congress, in 1789, there has always been a Committee on Rules in the House of Representatives. For ninety years it was the practice of the House to set up a select committee at the beginning of each Congress authorized to report a system of rules. During this period the committee exercised little, if any, influence over the legislative program or the content of policies. So minor a role did the committee play in early days that no appointments were made to it in the 15th, 16th, 18th, 19th, and 21st Congresses. And for many years in the early history of the House the Rules Committee made no reports.

The committee continued to be a select committee until the rules revision of 1880 when it was made a standing committee, with its membership fixed at five, in accordance with the previous usage. And it has remained a standing committee down to the present time.

In its composition the Committee on Rules has apparently always been bipartisan, with the majority party in the House having a majority of its members. Its size was increased to 10 members in 1910, to 11 in 1911, to 12 in 1917, and to 14 in 1935. Between 1935 and 1944, the party ratio was 10 majority to 4 minority, except during the 78th Congress (1943–1944) when it was 9 and 5. In 1945 the size of the committee was reduced to 12, with a majority-minority party ratio of 8 to 4. On January 31, 1961, at the beginning of the first session under the Kennedy Administration, the House voted 217 to 212 to enlarge the committee for the duration of the 87th Congress to 15 members, 10 majority and 5 minority. That increase was made a part of the permanent rules on January 9, 1963 by a 235–196 vote.

DEVELOPMENT OF COMMITTEE POWERS

The powers and privileges of the Rules Committee developed gradually over the years. Until 1841 its responsibility ceased for all practical purposes after it reported a code of rules at the beginning of each Congress. In 1841 the Speaker's ruling that the committee might "report from time to time" was sustained on appeal by the House. This was the first in a series of innovations that transformed the Committee on Rules into an instrument through which the House may exercise special power for a particular piece of legislation. (V *Hinds' Precedents of the House of Representatives* § 6780).

The next step came in 1853 when the House adopted a resolution providing that this committee's report "shall be acted upon by the House until disposed of, to the exclusion of all other business, anything in the rules hereby temporarily adopted to the contrary notwithstanding." (*Globe*, 33d Congress, 1st Session, Volume 28, part 1, p. 4.)

In 1858 the House authorized appointment of a select committee, of whom the Speaker was to be one, to revise the rules and report at the next session. This was the first time in the history of the House that its presiding officer had served on one of its committees. From 1858 to March 19, 1910, the Speaker continued to be a member of the Rules Committee, serving as its chairman and exercising its authority. From 1789 to 1911 the Speaker also made all committee assignments, including those to the Committee on Rules. Thus, after 1858, the powers of the committee and the authority of the Speaker were closely connected, a circumstance which served both to enhance the role of the committee and to strengthen the influence of the Chair.

Another major step in the development of the powers of the Rules Committee took place in 1883. In that year the House upheld a Speaker's ruling that the committee might properly report a special order providing for the consideration of a particular bill. (IV *Hinds' Precedents* § 3160). This ruling, in which the Speaker supported the authority of a committee of which he was himself chairman *ex officio*, initiated the modern practice whereby the Rules Committee has reported special orders, resolutions, or "rules"—the terms are interchangeable in this context—providing times and methods for the consideration of special bills or classes of bills. Under this procedure the House may take up particular legislation by majority vote instead of being forced to rely on suspension of the rules, which requires a two-thirds vote, or unanimous consent. After 1883, points of order made against reports of the Rules Committee were seldom upheld by the Chair. Prior to that time it had been the custom for each committee desiring to bring a bill to the House floor to propose its own special order. By 1890 the function of proposing special orders for the consideration of business had become the exclusive prerogative of the Rules Committee. Hinds tells us that this procedure was not in great favor during the 48th, 49th, and 50th Congresses, but that it was used frequently in the 51st Congress, "and since 1890 has been in favor as an efficient means of bringing up for consideration bills difficult to reach in the regular order and especially as a means for confining within specified limits the consideration of bills involving important policies for which the majority party in the House may be responsible." (IV *Hinds' Precedents* § 3152).

In 1891 the right to report at any time was conferred upon the Rules Committee, and in 1893 it was given the right to sit during sessions of the House. (IV *Hinds' Precedents* § 4321).

During the period 1890–1910, the Rules Committee rose to a pre-eminent position in the congressional committee system under the masterful leadership of chairmen like Speakers Thomas Brackett Reed and "Uncle Joe" Cannon. Thanks to a series of favorable rulings by themselves and other Speakers, which were sustained on appeal by the House itself, the Committee on Rules acquired the power (a) to consider and report special orders, (b) to sit during sessions of the House, (c) to report matters not previously introduced, reported, or committed to it, and (d) to have its reports immediately considered.

Even after the Speaker was removed from the committee, its powers increased. In 1920, Speaker Gillett ruled that the committee might "report a resolution providing for the consideration of a bill which has not yet been introduced." (VIII *Cannon's Precedents* § 3388). And in 1933 Speaker Rainey upheld the committee's right to report a resolution for consideration of a bill on which the House had refused to act under suspension of the rules. (VIII *Cannon's Precedents* § 3389).

By the exercise of these powers the Rules Committee can sift the business coming from the other committees of the House, decide which bills shall have the right-of-way to consideration on the floor, and determine the order in which they shall be taken up. Through its power to report new business, it has original as well as secondary jurisdiction over the legislative agenda. It can substitute its own judgment for that of the legislative committees of the House on matters of substantive policy by forcing amendments to bills as a condition for giving them a "green light" to the floor. The Rules Committee can also determine the duration of debate on a controversial measure and restrict the opportunity to amend it, thus expediting or delaying a final decision.

Moreover, since the Rules Committee is the usual channel through which amendments to the rules can reach the House, it is able to promote or prevent rules changes and thereby promote or prevent parliamentary reform. In short, the Committee on Rules is to a large degree the governing committee of the House. To it the House has largely delegated the power to regulate procedure vested in the House itself by the Constitution.

Through special "rules" this powerful committee is able to advance directly, or to retard indirectly, any measure that it selects for passage or pigeonhole. At least three kinds of special rules are reported by the Rules Committee: (1) closed rules limiting the amendment of pending measures; (2) open rules permitting their amendment; and (3) rules providing that all points of order against a proposition be considered as waived. By the exercise of its powers the Rules Committee can also function as a steering committee, steering the House in whatever direction the exigencies of the hour appear to demand.

TWENTIETH CENTURY DEVELOPMENT

In 1909, the House adopted a potential restriction on the Rules Committee's power to control access to the House floor when it provided for Calendar Wednesday. Under the rule, each Wednesday is reserved exclusively for the various standing committees to call up for consideration bills and resolutions not otherwise privileged. The leadership of the House has generally ignored this procedure for bringing up measures blocked in the Rules Committee. For many years, the "call of the committees" has usually been dispensed with by unanimous consent, on motion of the Majority Leader. The rule was last invoked in 1962.

The "revolution of 1910," which reduced the powers of the Speaker of the House, left those of the Rules Committee intact. But the Speaker lost his seat on that committee and it was increased in size from 5 to 10 members.

In 1924 the "pocket veto" power of the chairman of the Rules Committee was curbed after Chairman Campbell had exercised his discretion to the extent of holding in his pocket a number of resolutions which he had been authorized by the committee to report some weeks before. In order to prevent a repetition of such arbitrary action, the House Rules were amended in 1924 by adding the following paragraph:

"The Committee on Rules shall present to the House, reports concerning rules, joint rules, and order of business within three legislative days of the time when ordered by the Committee. If such rule or order is not considered immediately it shall be referred to the calendar and if not called up by the member making the report within nine days thereafter, any member designated by the Committee may call it up for consideration."

Subsequently, this paragraph was amended to provide that if such rule or order is not called up within seven legislative days, "any member of the Rules Committee may call it up as a question of privilege and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose." (House Rule XI, paragraph 22).

Another change in the rules of the House was adopted in 1924 which, while it applies to every standing committee, was designed in part to restrict the prerogatives of the Committee on Rules. The Discharge Rule, first adopted on June 17, 1910, was amended in 1924, so as to set at 150 the number of signatures required on discharge petitions. This number was raised to 218 in 1935 where it remained until 1959 when the admission of Alaska and Hawaii raised it temporarily to 219. When the size of the House returned to 435 in 1963, the number of signatures required dropped back to 218.

Under this rule it is in order to file a motion to discharge the Rules Committee from the further consideration of special orders of business provided that the special order has been before the committee for at least seven days prior to the filing of the motion to discharge. Twice a month it is in order to call up the motions which have been placed on the discharge calendar. When the House begins the consideration of a bill under this rule, it remains the unfinished business of the House until fully disposed of without intervening motion except one motion to adjourn.

Traditionally, the Committee on Rules functioned as the agent of the majority party in the House, using its powers to facilitate the legislative program of that party, the wishes of its leadership, and the program of the Administration. In 1937, however, the New Deal lost control of the Rules Committee when three of its Democratic members joined with the four Republican members to block or dilute floor consideration of controversial Administration bills. From 1945 to 1960 the coalition consisted of two Democrats and four Republicans, exactly half of the committee's 12 members. From 1955 to 1960 the chairman of the committee was himself the acknowledged leader of the coalition.

This bipartisan coalition controlled the Committee on Rules from 1937 to the beginning of 1961, except during the 80th Congress (1947–1948) and the 83rd Congress (1953–1954) when, dominated by Republicans, the committee again functioned as the agent of the majority party in the House. At the beginning of the 87th Congress (1961), and after a dramatic confrontation on the floor of the House between Speaker Sam Rayburn and Rules Committee chairman Howard W. Smith, the House voted by a narrow margin to enlarge the committee. Two Democrats and one Republican were added, giving the Democratic leadership a majority on most committee votes from the 87th through the 90th Congresses.

As a result of repeated complaints of the "obstructive tactics" and the "undemocratic and arbitrary dictatorship" of the Rules Committee, the House amended its rules at the beginning of the 81st Congress (January 3, 1949) by adopting the so-called "21-day rule." This rule stipulated that a resolution providing for the immediate consideration of a public bill already reported and which had been before the Rules Committee 21 days without being given clearance to the House floor could be called up on discharge days (second and fourth Mondays each month) by the chairman of the committee which had reported the bill, and that "the Speaker shall recognize the Member seeking recognition for that purpose . . ." The 21-day rule was abolished at the beginning of the 82nd Congress.

It was resurrected in a modified form at the beginning of the 89th Congress (January 4, 1965). Under the new regulation, when any resolution providing for consideration of a bill had been in the Rules Committee for 21 days, it was in order for the Speaker, on discharge day, to recognize a committee chairman or other authorized committee member to call up the resolution for action. Whereas the rule of the 81st Congress *required* the Speaker to recognize the member who rose to call up the resolution, the rule of the 89th Congress gave the Speaker authority to act "in his discretion." The rule was used eight times during the 89th Congress. It was rescinded at the beginning of the 90th Congress (January 10, 1967) by a vote of 232 to 185.

Prior to 1965, the Committee on Rules had the power under certain conditions to prevent bills from going to conference. It exercised that right, for example, late in 1960 on an education bill. In 1965, at the same time the House adopted the second 21-day rule, it also curbed that power.

THE COMMITTEE'S RULES OF PROCEDURE

Under Rule XI, clause 26 (a), the rules of the House of Representatives are the rules of its committees so far as applicable. The clause provides further that committees may adopt additional rules not inconsistent therewith, and many committees have done so. The Committee on Rules first adopted such additional regulations on February 28, 1967, as follows:

"Rule 1. Meetings

"The Committee on Rules shall meet at 10:30 a.m. on Tuesday of each week while the Congress is in session. Meetings shall be called to order and presided over by the Chairman or, in the absence of the Chairman, by the ranking Majority Member of the Committee present as acting chairman.

"Meetings and hearings of the Committee shall be open to the public except when a majority of the Committee determine that testimony received may bear upon matters affecting the national security, Executive sessions of the Committee shall be closed.

"For the purpose of hearing testimony, a majority of the Committee shall constitute a quorum.

"A printed transcript of any hearing or public meeting of the Committee may be had if the Chairman decides it is necessary, or if a majority of the Members request it.

"A Tuesday meeting of the Committee may be dispensed with where, in the judgment of the Chairman, there is no need therefor, and additional meetings may be called by the Chairman or by written request of a majority of the Committee duly filed with the counsel of the Committee.

"Rule 2. Voting

"No measure or recommendation shall be reported or tabled by the Committee unless a majority of the Committee is actually present.

"A roll call vote of the Members of the Committee may be had upon the request of any Member.

"Rule 3. Reporting

"Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chairman or acting Chairman shall report the same or designate some Member of the Committee to report the same to the House, as provided in the Rules of the House.

"Rule 4. Committee staffing

"The professional and clerical staffs of the Committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of the members of the staffs and delegate such authority as the Chairman deems appropriate. with the exception of the Minority staff, who shall be selected by and under the general supervision and direction of the Ranking Minority Member of the Committee.

"Rule 5. Miscellaneous

"The Committee shall prepare, maintain, and publish for the Members of the Committee, so far as practicable, a calendar listing all matters formally before it. Information on the Calendar shall include the numbers of the bills or resolutions, a brief description of a bill's contents, including the legislative committee reporting it and the name of the principal sponsoring Member. For purposes of this rule, matters formally before the Committee include: bills or resolutions over which the Committee has original jurisdiction and bills or resolutions from other committees concerning which the chairman or designated member of such committee has requested a hearing in writing and forwarded to the Committee on Rules a copy of such bill or resolution as reported, together with the final printed committee report.

"Upon adoption of the rules and procedures of the Committee at the opening of each Congress, the Chairman may have these rules and procedures printed in an early issue of The Congressional Record."

STAFF

Until 1950 the professional staff of the committee usually consisted of a single clerk with occasionally an assistant clerk. The minority party was first assigned a clerk of its own in 1950. By 1968 the staff included a counsel, an assistant counsel, a minority counsel, and an additional staff member. From time to time, the committee also employs the services of the House Parliamentarian, most often in drawing up the technical language of "rules" it reports to the floor.

COMMITTEE JURISDICTION

The Committee on Rules has jurisdiction over (a) the rules, joint rules, and order of business of the House and (b) recesses and final adjournments of Congress. Primarily the jurisdiction of this committee is over propositions to make or change the rules, for the creation of committees, and directing them to make investigations. It also reports resolutions relating to the hour of daily meeting and the days on which the House shall sit, and orders relating to the use of the galleries during the electoral count. (House Manual and Rules. 1967. §§ 715–717.) In addition, it has been held as recently as August 19, 1964 that the committee may report a resolution fixing the order of business and the manner of considering a measure, even though adopting that resolution would have the effect of discharging another committee from a matter pending before it.

CHAIRMAN OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON RULES SINCE ITS ESTABLISHMENT AS A STANDING COMMITTEE

Chairman	Political affiliation and State	Term of service in House	Term of service as chairman
Samuel J. Randall [1]	Democrat, Pennsylvania	1863–90	1875–81—44th–46th Cong.
Joseph Warren Keifer [1]	Republican, Ohio	1877–85; 1901–11	1881–83—47th Cong.
John G. Carlisle [1]	Democrat, Kentucky	1877–90	1883–89—48th–50th Cong.
Thomas Brackett Reed [1]	Republican, Maine	1877–99	1889–91—51st Cong.
Charles F. Crisp [1]	Democrat, Georgia	1883–96	1891–95—52d–53d Cong.
Thomas Brackett Reed [1]	Republican, Maine	1877–99	1895–99—54th–55th Cong.
David B. Henderson [1]	Republican, Iowa	1883–1903	1899–1903—56th–57th Cong.
Joseph G. Cannon [1]	Republican, Illinois	1873–91; 1893–1913; 1915–23.	1903–10—58th–61st Cong., 2d sess.
John Dalzell	Republican, Pennsylvania	1887–1913	1910–11—61st Cong., 2d–3d sess.
Robert L. Henry	Democrat, Texas	1897–1917	1911–17—62d–64th Cong.
Edward W. Pou	Democrat, North Carolina	1901–34	1917–19—65th Cong.
Philip P. Campbell	Republican, Kansas	1903–23	1919–23—66th–67th Cong.
Bertrand H. Snell	Republican, New York	1915–37	1923–31—68th–71st Cong.
Edward W. Pou	Democrat, North Carolina	1901–34	1931–34—72d–73d Cong., 2d sess.
William B. Bankhead	Democrat, Alabama	1917–40	1934–35—73d Cong., 2d sess., 74th Cong., 1st sess.
John J. O'Connor	Democrat, New York	1923–38	1935–38—74th Cong., 1st sess., 75th Cong.
Adolph J. Sabath	Democrat, Illinois	1907–52	1939–46—76th–79th Cong. 1951–52—81st Cong.
Leo E. Allen	Republican, Illinois	1933–61	1947–48—80th Cong. 1953–54—83d Cong.
Howard W. Smith	Democrat, Virginia	1931–67	1955–66—84th–89th Cong.
William M. Colmer	Democrat, Mississippi	1933–	1967– —90th Cong.

[1] Speaker of the House.

THE PROPOSED LEGISLATIVE REORGANIZATION ACT OF 1968

(A comparative analysis of significant features in three versions, with emphasis on those affecting the House of Representatives: S. 355, passed by the Senate March 7, 1967; referred to the House Committee on Rules March 9, 1967; H.R. 18039, a suggested revision of S. 355, introduced by Mr. Madden, Ind., June 20, 1968; Smith bill, a suggested revision of S. 355, introduced by Mr. Smith, Calif., February 29, 1968, as H.R. 15687, and later revised)

(By Walter Kravitz, specialist in American National Government, Government and General Research Division, June 24, 1968)

1. In the column describing S. 355 as passed by the Senate, *italics* indicates Senate amendments.

2. In the columns for H.R. 18039 and the Smith Bill, section citations are given only when they are different from the relevant material in S. 355. Unless otherwise noted, the renumbering in the H.R. 18039 column also applies to the Smith Bill.

3. Technical changes made by H.R. 18039 and the Smith Bill in the language of S. 355 are not noted.

TITLE I

Section and subject	S. 355	H.R. 18039	Smith bill
102(a): Calling of committee meetings	Makes applicable to the Senate present House procedure that permits a majority of the committee to have a special meeting called upon written request. Also, in the absence of the chairman, the senior member of the majority party present shall preside.	Same as S. 355	Same as S. 355.
102(b): Open committee business meetings.	Standing committee meetings for the transaction of business (as distinguished from hearings) shall be open to the public except: (1) *during executive sessions for marking up bills*, (2) *for voting*, (3) when the committee by a majority vote orders an executive session.	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 123(a).]	Committee business meetings are to be opened whenever the committee by majority vote decides to open them. (a) *Strikes* flat prohibition of closed business meeting. (b) *Strikes* all mention of exceptions to the prohibition; *i.e.*, re markups, voting, or when the committee orders executive session.
102(b): Public announcement of committee votes.	Requires announcement, in a committee report on any measure, of the result of each rollcall vote upon that measure, including the votes of individual members, *unless the vote results were previously announced*.	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 123(a)].	A tabulation of the vote *on a motion to report* shall be announced, and also published in the committee report. (a) *Strikes* requirement for announcing vote of each individual Member. (b) *Strikes* requirement for announcement of votes on amendments, limiting it to motions to report. (c) Instead of option on vote to report (*i.e.*, public announcement *or* printing), requires both. [These revisions made sec. 102(d) unnecessary; it was therefore stricken.]
102(c): Filing of committee reports	Requires the filing of a committee report, upon any legislative measure approved by a committee of either House, within 7 calendar days (exclusive of days on which that House is not in session) after the filing with the committee clerk of a written request made by a majority of the committee.	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 123(b)].	Same as S. 355.

TITLE I—Continued

Section and subject	S. 355	H.R. 10839	Smith bill
102(d): Proxy voting in committee	The committee vote *to report* a measure or matter shall require concurrence of a majority of the members present. No member may cast a proxy vote to report a measure or matter *if the committee's rules forbid proxies for that purpose.* No proxy vote may be cast for that purpose *unless the absent member has been informed of the measure or matter on which he is to be recorded and has affirmatively requested that he be recorded thereon. Action by a committee in reporting a measure or matter in compliance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee, and no point of order shall lie against it on the ground that any action was not taken in compliance with those requirements. Nothing shall prevent any committee of either House from (1) providing by rule for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a quorum less than a majority to take any action other than the reporting of a measure or matter.* [In substance, the Senate amendments (1) restrict proxy prohibition to reporting actions, rather than to all actions of a committee as was intended in the original bill, (2) permit proxy voting unless a committee's rules specifically forbid it, (3) eliminate general proxies, and (4) invalidate points of order against m]easures reported in violation of the subsection.	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 123(c)].	Deleted.
102(d): Publication of committee voting.	Whenever a committee reports a measure or matter by rollcall vote, the committee's report shall include a tabulation of those votes by members.	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 123(c).]	Deleted. [See sec. 102(b), above.]
102(e)"(e)": Minority or supplemental views.	On notice given at the time of committee approval of a measure, any member shall be entitled to at least 1 day in which to file minority or supplemental views. These shall be printed as a part of the committee report in the same volume. The cover of such report must bear a recital to the effect that such views are included. In the absence of timely notice, however, the committee report may be filed and printed immediately without such views. Nothing will preclude the filing of supplemental reports to correct technical errors. [Senate amendments (1) deleted provision for the committee clerk to distribute copies of approved final report to all committee members, (2) altered the entitlement from 2 days to 1 in which to file views.]	Same as S. 355. [Renumbered sec. 102(b)"(g)".]	Same as S. 355. [Renumbered sec. 102(d)"(e)".]
102(e) "(f)": Availability of committee report 3 days before floor vote.	Committee reports upon a legislative measure must be filed at least 3 calendar days (excluding Saturdays, Sundays, andlegal holidays) before any floor vote may be taken thereon. Committees shall make *every reasonable effort to make* printed hearings available to Members before floor consideration of that measure. These requirements would not apply to a declaration of war or national emergency by Congress. *The entire subsection may, in addition, be waived (1) in the Senate by joint agreement of the majority and minority leaders, (2) in the House by joint agreement of the Speaker and the minority leader, upon their determination that such waiver is required because of imminence of sine die adjournment, the expiration of an act sought to be amended, or the immediate financial needs of the Government.*	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 123(d)].	Exempts from the 3-day rule: (1) privileged reports from House committees as set forth in House rule XI, clause 21, of the 90th Cong.; and (2) legislative veto procedures. *Strikes* all waiver authority in the House, by the Speaker and the minority leader. In the Senate the right to waive is to be unlimited by any conditions. [Renumbered sec. 102 (d) "(f)"].
102(e) "(g)": Committee funds	Each standing committee may file 1 annual resolution to provide funds for staff in excess of the statutory limit. The resolution should specify by name and amount all subcommittees to be funded for that year. The annual authorization resolution must be filed not later than Jan. 31. If the committees are not organized by that date the resolutions must be filed within 30 days after a majority of a committee's members have been designated. For additional funds, a supplemental resolution would be required, containing an explicit statement of the reason such funds were not sought in the first resolution.	Same as S. 355 [Renumbered sec. 102(b)"(h)".]	Deleted.
102(e) "(g)": Minority staff	A committee would be required to give fair consideration to the minority in the appointment of staff personnel pursuant to authorization resolutions.	Same as S. 355 [Renumbered sec. 102(b) "(h)".]	Deleted.
102(e)"(h)": Printing of committee rules (deleted).	[Senate deleted subsection providing for annual printing of each standing committee's rules.]	Same as S. 355	Same as S. 355.
102(e)"(h)": Exemption for Appropriations Committees.	Both Appropriations Committees are exempted from all provisions of sec. 102.	Adds exemption for House Rules Committee. [Renumbered sec. 102(b)"(i)".]	Same as H.R. 18039. [Renumbered sec. 102(d)"(g)".]
103(a): "Sec. 133A(a)". Public notice of committee hearings.	Each standing committee shall give public notice of the date, place, and subject matter of any hearing at least 1 week before it begins, unless the committee determines there is good cause to begin such hearing earlier. [Senate amendments (1) reduced minimum advance notice from 2 weeks to 1, (2) deleted requirement for majority vote by a committee to waive 1-week notice.]	Same as S. 355, but applicable *only* to Senate. [Renumbered sec. 124(a).]	*Adds* select and special committees to the provision. [Numbering same as S. 355.]

TITLE I—Continued

Section and subject	S. 355	H.R. 18039	Smith bill
103(a): "Sec. 133A(b)". Open committee hearings.	Each hearing must be open to the public, unless the committee determines that testimony to be taken (1) may relate to a matter of national security, (2) may tend to reflect adversely upon the character or reputation of any individual, or (3) *may divulge matters deemed confidential under other provisions of law or Government regulation.*	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124(b)].	Committees may close hearings "for any other urgent reason," in addition to the 3 specific exemptions in the bill. [Numbering same as S. 355].
103(a): "Sec. 133A (b)" broadcasting of committee hearings.	Hearings open to the public may be broadcast by radio or television, or both, under rules adopted by the committee. [Senate amendments (1) deleted requirement for majority vote by committee prior to each hearing to authorize broadcasting, (2) deleted power of the chairman to have hearings broadcast at his discretion with approval of a committee majority.]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124 (b).]	Committees may permit broadcast of hearings if (1) they are transmitted as a public service without commercial sponsorship, and (2) a witness does not object to the broadcasting of his testimony. *Also:* (1) adds language to assure that the decision to permit broadcasting remains with the committee, and (2) adds photographing and motion pictures to the provision. [Numbering same as S. 355.]
103(a): "Sec. 133A(c)"—Witnesses' statements at committee hearings.	Each voluntary witness shall file with the committee clerk, at least *1 day* before his appearance, a written statement of his proposed testimony. Filing may be waived by the *committee chairman and ranking minority member.* Committee staff shall prepare, before each day of hearing, digests of witnesses' filed statements, *if requested by the committee.* [Senate amendments (1) reduced filing time from 2 days to 1, (2) gave waiver power to chairman and ranking minority member rather than to committee as a whole, (3) made prehearing digests optional.]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124(c)].	Deleted. Restores, instead, the language of sec. 133(e) of the 1946 act re filing of statements by witnesses, but without the provision for staff preparation of digests of witnesses' statements. [Restored language placed in sec. 103(a) "sec 133A(a)"].
103 (a): "Sec. 133A (d);". Summaries of daily testimony at committee hearings.	Staff shall prepare a summary of the testimony given each day before the committee, *if such action is requested by the committee.* After approval by the chairman and the ranking minority member, each summary *may* be included in the printed hearings. [Senate amendments made both provisions optional.]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124 (d)]	Deleted.
103 (a): "Sec. 133A (e)". Minority witnesses at committee hearings.	In any hearing before a standing committee the minority of the committee may call witnesses selected by them *during* at least 1 day of such hearing, if request is made to the chairman by a majority of the minority before completion of the hearing. [Senate changed "on" to "during".]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124(e)]	Do. *Adds* to sec. 103(a) "Sec. 133A(a)": "The minority members of the committee shall have a reasonable opportunity to call witnesses before such hearing."
103(a): "Sec. 133A(f)"—Point of order on committee hearing.	No point of order shall lie against a measure on the ground that hearings were not conducted in accordance with the provisions of sec. 133A. [Senate added this subsection to the bill.]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124(f).]	Deleted.
103(a): "Sec. 133A(g)"—Exemption for appropriations committees.	Both Committees on Appropriations are exempted from all provisions of sec. 103. [Senate amendment.]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 124(g).]	*Adds* exemption for House Rules Committee. [Renumbered sec. 103(a) "Sec. 133A(c)."]
104: Committee meetings during sessions of the Houses.	No standing committee of either House may sit, without special leave, while its House is in session. Exempted from this prohibition are: both Committees on Appropriations, and the House Committees on Government Operations, Rules, and Un-American Activities. In addition: (1) in the Senate any other standing committee may sit *for any purpose* while the Senate is in session if the majority and minority leaders, or their designees, concur; (2) in the House any other standing committee may conduct a hearing while the House is in session if the Speaker and the minority leader concur. [Senate amendment gave its committees the right to sit for any purpose while it is in session, rather than merely for hearings.]	Same as S. 355, but applicable *only* to the Senate. [Renumbered sec. 125.]	Same as S. 355; *except* that in the House, hearings may be held only when the House is engaged in general debate.
105(a): "Sec. 136 (a), (b)" legislative review purposes and functions.	The purposes of legislative review (oversight) and the specific functions of standing committees in this area are redefined in broader and more comprehensive terms than in the Legislative Reorganization Act of 1946. [The Senate rewrote the section to give the review functions to the committees directly instead of to the review specialists as in original bill. Another Senate amendment permits all standing committees to request the Comptroller General "to investigate and report on any matter relating to the receipt, disbursement, and application of public funds" on laws within their jurisdictions.]	Retains most of the details of review purposes, but deletes all of the detailed description of review functions. [Renumbered sec. 103(a) "Sec. 136(a)"]	Same as H.R. 18039. [Numbering same as S. 355.]
105(a): "Sec. 136(c)". Review specialists.	An additional staff position of review specialist for each standing committee *may* be appointed by the chairman with prior approval of the ranking minority member, to assist in the performance of the committee's review functions. [Senate amendment made employment of review specialists permissive rather than mandatory. Also, the Senate added language to make clear that the review specialist would operate within the overall structure of the committee staff, not separate and apart from it.]	Eliminates the title "review specialist" and substitutes instead provision for 1 professional staff person to assist the committee in the performance of its review functions. This person is to be in addition to the professional staff to which a committee is otherwise entitled. In the House, the additional staff person is to be appointed by a majority vote of the committee (instead of by the chairman with prior approval of the ranking minority member). [Renumbered sec. 103(a) "Sec. 136 (b)".]	Same as H.R. 18039. [Renumbered sec. 105(a) "Sec. 136(c)"].

TITLE I—Continued

Section and subject	S. 355	H.R. 18039	Smith bill
105(a): "Sec. 136 (d), (e)" reports of legislative review activities.	Each standing committee shall submit to its House an annual report of its review activities, not later than Mar. 31 of each year beginning 1968. Committees may exclude matters they determine should not be made public in the interest of national security. Within 10 days after submission of all reports, they are to be transmitted, as appropriate, to the President, the Director of the Administrative Office of the U.S. Courts, the Board of Commissioners of the District of Columbia, and the heads of other appropriate agencies, corporations, and instrumentalities of the Government.	Each standing committee of both Houses shall submit to its House not later than Jan. 1 of each year an annual report of its review activities. *Strikes* detailed language of S. 355 re content of reports and their distribution. [Renumbered sec. 103(a) "sec. 136 (c)".]	Same as H.R. 18039, *except* that annual submission date is Mar. 31. [Renumbered sec. 105(a) "sec. 136(b)".]
105(a): "Sec. 136(g)" exemptions	Both Appropriations Committees and the proposed House Standards and Conduct Committee are exempted.	*Adds* House Rules Committee; *strikes* House Standards and Conduct Committee. [Renumbered sec. 103(a) "sec. 136 (d)".]	Same as H.R. 18039. [Renumbered sec. 105(a) "sec. 136(d)".]
106(b): "Sec. 135(c)" separate conference reports and individual views.	Each conference report shall be printed as a report in each House and be accompanied by an explanatory statement prepared by the conferees from that House, thus permitting the Senate to adopt the practice now in effect in the House. Any conferee shall be entitled to file his additional individual explanatory statement as an appendix to the statement of the conferees from his House. If available in time, the individual statement shall be printed together with the statement of the conferees from his House.	Requires a single, jointly prepared explanatory statement by the conferees of both Houses. (a) *Eliminates* separate explanatory statements by each House. (b) *Strikes* permission for additional individual explanatory statements. (c) *Strikes* equal floor time for proponents and opponents of a conference report. [Renumbered sec. 104(b).]	Same as H.R. 18039, *except* retains provision for equally divided time on debate of conference reports if such time is limited, in either House, *but* such time shall be equally divided between the majority and minority parties (instead of between proponents and opponents of the report).
121: Jurisdiction of Senate standing committees.	(1) The Committee on Banking and Currency is renamed the Committee on Banking, Housing and Urban Affairs. (2) A Committee on Veterans' Affairs is created.	Same as S. 355	Same as S. 355.
122: Senate committee membership	Deals with committee assignments in the Senate	do	Do.
131: Jurisdiction of House Committees	House standing committee jurisdictions are realined as follows: (1) The Committee on Banking and Currency is renamed the Committee on Banking, Housing, and Urban Affairs, with additional jurisdiction over urban affairs generally. (2) A new Committee on Education is established with jurisdiction over the educational activities of the current Committee on Education and Labor, including some areas not now specifically cited in the rule defining the latter's jurisdiction (library services and construction, school construction, arts and humanities, vocational education, scholarships and intercultural activities, special educational programs, measures relating to economic opportunity and alleviation of poverty), plus transfers of jurisdiction from other committees, including: from the Committee on Agriculture, agricultural colleges and experiment stations and agricultural educational extension services; from the Committee on Interior and Insular Affairs, mining schools; from the Committee on Interstate and Foreign Commerce, public health and quarantine including the Public Health Service and the National Institutes of Health. (3) The Committee on Education and Labor is redesignated the Committee on Labor and Public Welfare, retaining its present jurisdiction over labor, plus areas not now cited in the rule defining its jurisdiction (industrial safety, equal employment opportunities and fair employment practices, manpower development and training), plus transfers of jurisdiction from other committees as follows: from the Committee on Merchant Marine and Fisheries, maritime unions; from the Committee on Interstate and Foreign Commerce, railroad labor. (4) The Committee on Science and Astronautics receives jurisdiction over research and development in environmental science, including the Environmental Science Services Administration, from the Committee on Interstate and Foreign Commerce, and its present jurisdiction is redefined to include "scientific research and development generally." (5) A bipartisan Committee on Standards and Conduct is established to recommend to the House of Representatives necessary rules and regulations to insure proper standards of conduct. (6) Minor technical changes (see sec. 131(b)(16), p. 41, and (c), p. 42) to eliminate obsolete language.	Deleted.	Deleted.

TITLE II

202: Budgetary and fiscal data processing system.	Directs the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget to develop, establish, and maintain a standardized information and data processing system for budgetary and fiscal data for use by all Federal agencies.	Rewritten so that the Secretary of the Treasury and the Director of the Bureau of the Budget are to develop, establish, and maintain the standardized information and data processing system for budgetary and fiscal data *in cooperation with the Comptroller General*. *Adds* to the provision for this system the modifying phrase: "Insofar as practicable."	Same as H.R. 18039.

TITLE II—Continued

Section and subject	S. 355	H.R. 18039	Smith bill
203(a): Budget standard classifications	Directs the Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget to develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies to meet the needs of all branches of the Government and to facilitate setting up of the data processing system. Initial classifications are to be established on or before Dec. 31, 1969. The data processing and standard classification functions are to be performed as part of the joint program established pursuant to sec. 111(f) of the Accounting and Auditing Act of 1950.	Rewritten so that the Secretary of the Treasury and the Director of the Bureau of the Budget are to develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal programs *in cooperation with the Comptroller General.* *Eliminates* deadline for establishing initial classifications.	Same as H.R. 18039.
203 (b): Reports	The 3 above officials are to report on their activities annually to Congress on or before Sept. 1. Reports in 1968 and 1969 shall give special attention to progress in developing standard classifications. Thereafter, reports are to give information on changes in and additions to the previously established classifications.	Removes the Comptroller General from the preparation of an annual report on performance of the functions called for in sec. 202 and 203, *but* the report is to include such comments of the Comptroller General as he deems necessary and advisable.	Do.
204: Distribution by Comptroller General of program and fiscal data.	The Comptroller General is to provide information on the location and nature of data in Federal agencies on their programs, activities, receipts, and expenditures. This shall be furnished any member, committee, or joint committee on request. He is also to prepare, to the extent feasible, summary tables of such data on request of any member, committee, or joint committee.	The Comptroller General shall, upon request, provide *only* to committees and joint committees (eliminating mention of individual members) information on the location and nature, and, to the extent possible, prepare summary tables, of data on programs, activities, receipts, and expenditures of Federal agencies.	Do.
New 204(b): Data processing systems for Congress.	No provision (but see sec. 402, Joint Committee on Congressional Operations).	The Comptroller General shall develop, establish, and maintain information and data processing systems for the fulfillment of the "substantive responsibilities" of Congress, as determined by the President pro tempore of the Senate and the Speaker of the House. [New sec. 204(b).]	No provision (but see sec. 402, Joint Committee on Congressional Operations).
205: GAO assistance for cost-effectiveness studies.	The Comptroller General shall make available employees expert in analyzing and conducting cost effectiveness studies of Government programs, and assign them on request and on a temporary basis to any committee or joint committee.	Same as S. 355	Same as S. 355.
206: Current budget information from Comptroller General.	The Comptroller General is to collect up-to-date data on changes in the President's budget caused by new requests, supplemental requests, action by Congress or its committees or subcommittees, expenditures, revenue receipts, and other legislation, and furnish reports from time to time to each Member, committee, and joint committee of Congress. To the extent feasible, he is also to furnish tabulations of such budget data on request of any Member, committee, or joint committee.	*Eliminates* mention of appropriations subcommittees from the list of sources to be used by the Comptroller General in collecting up-to-date budget information. *Eliminates* requirement that this updating include changes caused by enactment of laws other than appropriations acts. *Eliminates* requirement that the Comptroller General furnish reports based on this information. *Eliminates* obligation of Comptroller General to prepare tabulations of such information for individual Members, but *retains* obligation to prepare them for committees and joint committees.	Same as H.R. 18039.
207(a): GAO internal organization	The Comptroller General shall organize the GAO as he deems necessary to carry out the functions and duties imposed on him by this part.	Same as S. 355.	Same as S. 355.
New 207(b): Data processing capacity for Congress in GAO	No provision:	The Comptroller General: (1) is authorized to acquire data processing capacity to carry out his responsibilities under this part and to meet any additional requirements the President pro tempore of the Senate and the Speaker of the House may determine; (2) shall prepare and maintain a plan coordinating the responsibilities assigned to him under this act; (3) shall submit recommendations re effective use of data processing and systems design by Congress. [New sec. 207(b).]	No provision.
207(b): Hiring of experts and consultants by Comptroller General.	The Comptroller General is authorized to hire experts and consultants at rates not in excess of $200 a day. Not more than 15 may be employed at any time. No expert may be so employed for more than 120 days during any year.	*Strikes* limiting date (Dec. 31, 1969) on Comptroller General's authority to hire experts and consultants (because the deadline for initial classifications is eliminated in sec. 203(a)). [Renumbered sec. 207(c).]	Same as H.R. 18039, *except:* Provides that consultants shall be paid at a rate no higher than the per diem equivalent of GS-18. [Numbering same as S. 355.]
207(c): Comptroller General's report	The Comptroller General shall report annually to Congress on his performance of the functions and duties imposed by title II, pt. 1.	Same as S. 355 [Renumbered sec. 207(d).]	Same as S. 355.
New 208: Construction clause on Comptroller General's functions.	No provision	New section asserts that nothing in pt. 1 of title II shall impair the Comptroller General's authority under the budget acts of 1921 and 1950 or any other acts. [New sec. 208.]	Same as H.R. 18039.
221(a): "Sec. 201(b)". Supplemental budget information.	The President shall transmit to Congress on June 1 of each year beginning 1968 an updated budget reflecting all changes since the transmittal of the January budget.	The President's supplemental budget summary for the upcoming fiscal year is (1) to be delivered not later than June 1 (rather than *on* June 1) to provide flexibility, (2) to include any recommendations the President may care to make, and (3) to include up-to-date data on the current fiscal year. [Renumbered sec. 221(b) "Sec. 201(b)".]	Do.

TITLE II—Continued

Section and subject	S. 355	H.R. 18039	Smith bill
221(a): "Sec. 201(c)," 4-year summary of estimated expenditures.	The President shall transmit to Congress on or before June 1 of each year, beginning 1970 (1) summaries of estimated expenditures on continuing programs for the next 4 fiscal years; (2) summaries of estimated expenditures in future fiscal years of balances carried over from the upcoming fiscal year.	**(a) *Strikes* requirement that the President submit on or before June 1 summaries of estimated expenditures for the next 4 fiscal years. (b) *Adds* provision that the Budget shall contain for each proposal for new or expanded functions, activities, or authority, a tabulation of appropriations and expenditures for the ensuing year and the estimated appropriations for the 4 following years. [Renumbered sec. 221(a) "Sec. 201(a)-(12)."]**	**Same as H.R. 18039.**
221(a): "Sec. 201(d)" report on gross expenditures.	The budget shall include the gross amount of expenditures and estimated expenditures of all programs of the Government.	Deleted	Deleted.
231(a): Appropriations Committee procedure, open hearings and broadcasting.	Applies the same language as sec. 103(a), "sec. 133A(b)" re open hearings and broadcasting of hearings to the 2 Appropriations Committees.	do	Do.
231 (b), (c), (d), (e): Hearings on the budget as a whole.	The Committee on Appropriations shall hold public hearings on the budget, within 30 days after its transmittal to Congress each year, to examine: (1) the basic recommendations and budgetary policies of the President in the presentation of the budget; (2) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts. Testimony shall be received from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other witnesses as the Appropriations Committees desire. Each Member of Congress shall be furnished with a copy of the printed transcript of the hearings. The hearings may be conducted before joint meetings of the 2 Appropriations Committees.	Same as S. 355. [Renumbered sec. 231 (a), (b), (c), (d).]	Same as S. 355. [Renumbered as in H.R. 18039.]
232: Budget review of multiagency programs by Appropriations Committees.	The 2 Committees on Appropriations or their duly authorized subcommittees shall examine and review multiagency programs annually.	(a) *Eliminates* mention of Appropriations subcommittees. (b) *Adds* language to permit *selective* examination and review of such programs.	Same as H.R. 18039.
233(a): Appropriations Committees: Proxy Voting, publication of committee votes.	Applies to the 2 Appropriations Committees the language of sec. 102(d) re proxy voting and publication of votes on reporting measures or matters.	Deleted	Deleted.
233(b): Appropriations Committees: Reports	Appropriation Committee reports shall include an analysis of the major factors taken into consideration by the committee in reporting the bill and recommending the appropriations contained therein. The reports shall also state the consideration given to cost effectiveness studies relating to programs for which funds are recommended.	Deleted.	
233(c): Reports on supplemental and deficiency appropriations.	Appropriation Committee reports accompanying supplemental or deficiency appropriation bills shall include an explanation of the nature of each request, and the reason it was not made or could not have been made for inclusion in the regular appropriation bill, either of the current or the next fiscal year.	do	Do.
234: Yea and nay votes on appropriations, bills.	The question of final passage of any appropriation bill in either House shall be decided by a yea and nay vote. Conference reports are exempted.	Same as S. 355, but made applicable *only* to the Senate. [Renumbered sec. 233]	Deleted.
235: Rollcall votes on compensation of Members of Congress.	Separate rollcall votes shall be taken on measures changing the compensation of Members of Congress. [Senate amendment.]	Deleted	Do.
241: GAO assistance to committees	At the request of any committee or joint committee, the Comptroller General shall designate GAO employees to explain and discuss any GAO report which would assist the committee or joint committee in its consideration of proposed legislation or its review of any program or Federal agency within its jurisdiction.	The obligation to explain and discuss GAO reports with committees is placed directly upon the Comptroller General, rather than having him designate employees for that purpose. The language is altered on the ground that there is an implied authority for the Comptroller General to delegate the function.	Same as H.R. 18039.
242: GAO reports to committees	Copies of GAO reports to Congress shall be delivered to both Committees on Appropriations, both Committees on Government Operations, any committee of either House or any joint committee with jurisdiction over any program or Federal agency dealt with in the report, and, on request, to any other committee of either House or joint committee.	The present language of sec. 242(a)(3) requires the Comptroller General to send GAO reports to committees according to their jurisdictions, implying that in some cases he would have to determine which committees have jurisdiction over specific areas. The proposed revision strikes this language, and obliges him instead to deliver reports to committees requesting them. Copies of all reports will still go to the Appropriations and Government Operations Committees of both Houses.	Do.
243: Agency statements on GAO reports.	Requires statements by Federal agencies of action taken in response to GAO reports, such statements to be submitted to both Appropriations Committees in connection with their 1st request for appropriations.	Deleted.	Deleted.
251: Cost estimates by legislative committees.	Committee reports accompanying each bill or joint resolution shall contain (1) estimates of the cost for the current and the next 5 fiscal years and a comparison of these estimates with any made by any executive agency, or (2) *the reasons why the furnishing of such information is impracticable. On revenue measures, such report shall require only an estimate of the gain or loss in revenues for 1 year.*	Same as S. 355	*Strikes* provision that committees may escape providing 5-year estimates of costs by stating reasons why compliance is impracticable.
	If a report does not comply with these requirements, the consideration of the bill or joint resolution would not be in order.	Deleted	Same as S. 355.

TITLE II—Continued

Section and subject	S. 355	H.R. 18039	Smith bill
252: Appropriations on annual basis	Each committee and joint committee with legislative jurisdiction shall, when recommending legislation, *endeavor to insure* that all continuing Government programs and continuing activities of Federal agencies are appropriated for annually. Each committee and joint committee shall review, from time to time, any program under its jurisdiction not appropriated for annually to ascertain whether such program could be shifted to annual appropriations.	Modifies all subsections of sec. 252 to emphasize that the requirements are optional with the committees.	Same as H.R. 18039.
252 (c): Review of grant-in-aid programs.	Each committee and joint committee shall periodically make a complete review of grant-in-aid programs over which it has jurisdiction.	Same as S. 355	Same as S. 355.
253(a): Appropriations Committee exemption.	Defines legislative jurisdiction and exempts the Committees on Appropriations from part 5.	do	Do.
253(b): Joint Committee on Atomic Energy.	For the purpose of sec. 251, the House and Senate members of the Joint Committee on Atomic Energy shall be treated as a committee of the House and Senate, respectively.	do	Do.
301(a): Increase of committee professional staff.	Increases from 4 to 6 the number of permanent professional staff members authorized by the Legislative Reorganization Act of 1946 for standing committees, these to be in addition to any other additional staff members heretofore authorized for any such committee.	do	Do.
301(a): Minority staff for committees: professional.	The minority members of a committee may, if they desire, select 2 of the 6 professional staff, and the committee shall hire or fire such staff upon request by a majority of the minority members.	On House committees *only:* minority party shall be permitted 2 professional staff, in addition to the 6 professional staff, to be appointed (and fired) by majority vote of the full committee. Selection of the minority professionals is to be made upon the recommendation of the chairman after consultation with the ranking minority member.	Do.

TITLE III

301(b): Minority staff for committees—clerical.	The minority members of a committee may, if they desire, select 1 of the 6 clerical staff, and the committee shall hire or fire such staff upon request by a majority of the minority members.	In the House, appointment of 1 clerical minority staff is made subject to vote of the full committee.	Same S. 355.
301(c)"(g)": Minority staff when no vacancies are available.	When there is no vacancy on the permanent staff to which a minority appointment can be made, it shall nevertheless be made, and the person so appointed shall be paid from the contingent fund until a vacancy occurs, at which time the minority staff member shall succeed to that vacancy, although not necessarily at the same salary rate as his predecessor.	Same as S. 355	Do.
301(c) "(h)": Fair treatment for minority staff.	Minority staff shall be accorded equitable treatment on salary rates, assignment of facilities, and accessibility of committee records.	*Eliminates* language permitting minority committee staff equitable treatment with respect to accessibility of committee records.	Do.
301(c) "(i)": Committee consultants and consultative organizations.	By joint action of the chairman and ranking minority member, a standing committee may hire consultants or consultative organizations, on a temporary basis (not to exceed 1 year), if approved by the Committee on Rules and Administration for Senate committees or the Committee on House Administration for House committees, and if the Senate or House, as the case may be, adopts a resolution authorizing specified amounts for that purpose. Consultants (if not procured by contract) shall not be paid more than the highest gross rate possible for a regular employee of the committee. Committees procuring the services of consultants or organizations shall furnish to the Committee on Rules and Administration, for Senate committees, or the Committee on House Administration, for House committees, information concerning the qualifications of the consultants or organizations, to be retained by those committees for inspection by interested persons.	Consultants and research organizations are to be selected by the committee, *not* by the chairman and ranking minority member acting jointly.	Same as H.R. 18039.
301(c)"(j)": Specialized training for committee staff.	Standing committees are authorized to assist professional staff members to obtain specialized training useful in their official functions, if approved by the administration committees of their respective Houses and if funded by the Houses.	Same as S. 355	Same as S. 355.
301(d): Senate committee staff compensation.	With certain limitations, raises the maximum permissible salaries for Senate committee professional staff to the level of House committee staff salaries. [Senate amendment.]	Retains the substance of the provision, but revises salary amounts to conform with latest pay increases, announced June 12, 1968, and effective July 1, 1968.	Same as H.R. 18039, *except* that it revises salary amounts to conform with pay scale prior to the June 12 order.
321: Legislative assistants for Senators	Each Senator is authorized to employ a legislative assistant.	Retains the substance of the provision, but revises salary amounts to conform with latest pay increases.	Deleted.
322: Members' and staff's travel allowances.	Senators' round trips to their home States are increased from 6 to 7. Representatives' round trips to their districts are increased from 4 to 7. Aggregate number of round trips for a Senator's staff is increased from 4 to 5. Aggregate number of trips for a Representative's staff is increased from 2 to 4.	*Strikes* provision for Representatives' round trips (because of greater increase adopted by the House in 1967).	Same as H.R. 18039. [Renumbered sec. 321.]
323: Congressional telephone system	Senate Sergeant at Arms and Clerk of the House are to make a study of the telecommunications requirements of Congress and formulate plans for congressional participation in the Government-wide leased line telephone system, or for establishing a separate congressional system. [Senate amendment removed this study from the direction and supervision of the proposed Joint Committee on Congressional Operations.]	Same as S. 355	Same as S. 355. [Renumbered sec. 322.]
323(b): Senate telephone and telegram allowances.	Senate Sergeant at Arms is to formulate a plan for consolidating telephone and telegram allowances of Senators into a single allowance.	do	Same as S. 355. [Renumbered sec. 322 (b).]

TITLE III—Continued

Section and subject	S. 355	H.R. 10839	Smith bill
324: Senate employees' salaries	Senate Committee on Appropriations is requested to recommend a plan for converting Senate employees' salaries to a gross rate basis. [Senate amendment.]	Deleted. (Implemented by the Legislative Appropriations Act of 1968.)	Deleted.
331: Legislative reference service, revision of its statute.	The Legislative Reference Service is redesignated the Legislative Research Service, and its duties, administration, and relationships with Congress and with the Library of Congress are comprehensively redefined. Among the more significant features:	*Adds* language to insure research independence of the Service. *Eliminates* authority for ADP function in LRS. [Senate amendment.]	Same as H.R. 18039.
	(1) The Director is to be appointed by the Librarian of Congress *after consultation with the Joint Committee on the Library*. His salary is raised from GS–18 to that of Executive Schedule level V. (2) The Director is given broader statutory authority in the appointment of personnel and in the administrative organization and operation of the service. (3) Allotment of research personnel to supergrade positions is removed from the civil service quota system and made subject to approval by the Joint Committee. (4) On request, the service shall prepare concise legislative histories of measures upon which committee hearings are to be held. (5) The service's budget is to be prepared by the Director, then submitted by the Librarian as a separate item in the Library's budget estimates. (6) The Director is authorized to hire or contract for experts, consultants, and research organizations on a temporary basis. (7) The Director is to file with the Joint Committee an annual report detailing all phases of the Service's activities.	Same as S. 355	Same as S. 355.
	(8) *The Service is authorized to perform machine research operations and acquire automatic data processing equipment and personnel for that purpose.* [Senate amendment permitted the Librarian to appoint a Director after consultation with, rather than after obtaining prior approval of, the Joint Committee. Also, the Senate deleted a provision vacating the Director's position and requiring a new or reappointment within 60 days.]	Deleted	Deleted.
332 Joint Committee on the Library: Staff and reports:	The Joint Committee is authorized to employ one professional and two clerical staff to assist in the performance of its review functions. The Joint Committee is required to submit to Congress an annual report on the activities of the Legislative Research Service and other matters within its general jurisdiction as it deems appropriate. [A Senate amendment eliminated reference to a review specialist.]	Same as S. 355	Same as S. 355.
333: House Coordinator's Office abolished and functions transferred.	The Office of Coordinator of Information is abolished, and its personnel, records, property, etc. is transferred to the Legislative Research Service.	Repeals the legislation establishing the Office. *Strikes* provision transferring Coordinator's records, functions, and personnel to the Legislative Research Service. *Strikes* savings provision.	Same as H.R. 18039.
335: Senate public address system	Authorizes the Senate majority and minority leaders to take appropriate action leading to the installation of a public address system in the Senate Chamber. [Senate amendment.]	Same as S. 355.	Same as S. 355.
TITLE IV			
401: Joint Committee on Congressional Operations: Composition	The joint committee is to consist of 5 Members from each House, appointed by the President pro tempore of the Senate and the Speaker of the House, respectively. In each House, the membership shall consist of 2 members from the Government Operations Committees (1 majority, 1 minority), 2 from the administration committees (1 majority, 1 minority), and 1 additional. Chairmanship of the joint committee will be a Representative in even-numbered Congresses, a Senator in odd-numbered Congresses.	Deleted	*Eliminates* requirement that the joint committee's membership be taken from certain standing committees, but retains provisions for 3 from majority party, 2 from minority party, from each House.
402: Joint Committee on Congressional Operations: Duties.	(1) Continuing study of congressional organization and operations, and recommend improvements. (2) Continuing study of automatic data processing and information retrieval systems for Congress.		**Adds the following duties: to study and investigate— (1) lobbying activities under the Lobbying Act, (2) violations of the statutes prohibiting lobbying with moneys appropriated by the Federal Government, (3) Executive branch publicity and propaganda activities and expenditures not specifically authorized by law, (4) activities designed to influence any Government agency in making recommendations to Congress or in that agency's rulemaking or policymaking functions. *Strikes* authority for providing appropriate representation in the courts on behalf of Congress (No. 4 under S. 355).**
	(3) Identifying and calling attention to court actions or proceedings of vital interest to Congress; (4) Arrange for appropriate representation of Congress in such actions, on approval of the President pro tempore, the Speaker, and the majority and minority leaders. (5) Absorb functions of the Joint Committee on the Disposition of Executive Papers (sec. 406). (6) Supervise Office of Placement and Office Management (sec. 407). [Senate deleted joint committee supervision of Capitol guides (sec. 424).]	Deleted.	

TITLE IV—Continued

Section and subject	S. 355	H.R. 18039	Smith bill
403: Joint Committee on Congressional Operations: Powers.	The Joint Committee may sit and act during sessions, recesses, and adjourned periods; require the attendance of witnesses, the giving of testimony, and the production of documentary evidence; make necessary expenditures; administer oaths; make rules for its organization and procedure; issue subpenas. Joint Committee recommendations are to be made only with approval of a majority of its members.	Deleted	Same as S. 355.
404: Joint Committee on Congressional Operations: Staff.	By majority vote, the joint committee may hire up to 6 professional and 6 clerical staff members, at rates no higher than the top GS level, on a permanent basis, without regard to political affiliations and solely on the basis of fitness to perform their duties. It may employ additional personnel to help carry out its functions in re the disposition of executive papers. It may also use the services of Federal departments and agencies, and contract for the services of experts or consultants at rates not in excess of $100 per diem.	do	Same as S. 355, *except: Strikes* provision for additional staff to carry out functions for disposition of executive papers. *Strikes* $100 per diem, substitutes per diem equivalent of highest GS grade.
406: Joint Committee on Disposition of Executive Papers, abolished.	This joint committee is abolished and its functions, records, etc., are transferred to the Joint Committee on Congressional Operations.	do	Same as S. 355.
407: Office of Placement and Office Management.	Establishes an Office of Placement and Office Management, under the supervision and control of the Joint Committee on Congressional Operations, to: (1) assist Members, committees, and officers of Congress, on request, in filling personnel and office management requirements; (2) accept applications for employment and test qualifications; (3) on request, furnish advice and information re office management; (4) maintain a list of private management concerns for the use of Members and committees.	(a) Creates an Office of Placement and Office Management of the House under the supervision of the Clerk of the House. (b) Creates an Office of Placement and Office Management of the Senate under the supervision of the Secretary of the Senate. (c) Directs the Clerk and the Secretary to cooperate in carrying out their functions. [Renumbered sec. 401, 402.]	Same as S. 355, *except:* (a) Staff of the Office to be appointed by the Joint Committee on Congressional Operations, not by the Director. (b) *Strikes* detailed description of the functions of the Office. [Numbering same as S. 355.]
421 Congressional officers' authority over congressional employees.	Authorizes officers of Congress to prescribe training, promulgate working rules, and remove or discipline congressional employees under their supervision, thus clarifying their authority over patronage employees.	Same as S. 355	Same as S. 355.
422 Capitol Police reorganization	Capitol Police Board shall formulate a plan for conversion of the police into a professional force, giving consideration to the force's operation on the basis of standards comparable to those of the District of Columbia Police force, providing for appropriate training, and for replacing present police with professional members, as vacancies occur, on the same basis as recruits selected by the Metropolitan Police. The Board is to report its recommendations at the earliest practicable date. [Senate amendment struck a provision for making the Capitol Police a part of the Metropolitan force. Also, struck a provision for recruiting Capitol Police through the Metropolitan force.]	The plan is to provide for recruitment solely on the basis of fitness to perform police duties (rather than on the same basis as recruits are selected by the Metropolitan force). This change was adopted because the Metropolitan force's criteria might be unnecessarily restrictive for Capitol Police purposes.	Same as H.R. 18039.
423: Senate and House pages	Limits pages to 12th-grade graduates under the age of 22. Pages must agree to serve at least 3 months. Law relating to education of pages is repealed. Permits full pay for pages of the Senate during proposed August adjournment.	*Eliminates* provision that pages shall be above high school age. *Adds* provision that the pay of House pages shall continue during recesses (in line with similar provision relating to Senate pages).	Same as H.R. 18039.
42: Capitol Guide Service and free tours.	Establishes a Capitol Guide Service, under the supervision of a Board composed of the Architect of the Capitol and the Sergeants at Arms of the 2 Houses, to furnish free guide service to Capitol Building visitors. Guides would also assist Capitol Police on special occasions. The Chief Guide would be paid $9,800 per annum; other guides, not to exceed 20, would be paid $7,200 per annum. Guides would be Government employees, entitled to retirement, health, and insurance benefits available to congressional employees. [The entire section is a Senate amendment. The Senate also deleted sec. 406(b) giving the Joint Committee on Congressional Operations responsibility for the Guide Service.]	Completely rewrites section on Capitol guides, retaining free tours, providing for inclusion of guides within annuity benefit program, making them congressional employees with all rights pertaining thereto, and authorizing the Board to fix the guides' salary rates. The rewritten material also deals with operational and transitional problems not mentioned in the Senate version.	Same as H.R. 18039, *except:* (1) The Board shall fix guides' salaries with prior approval of the Joint Committee on Congressional Operations; (2) and at a per annum rate not lower than current pay.
433: August recess for Congress	Congress shall adjourn not later than July 31 each year, either sine die or until after Aug. 31, the date to be fixed by concurrent resolution adopted by rollcall vote in each House. Not applicable when a state of war exists.	Same as S. 355	Same as S. 355.
441: Removal of postmasters from congressional patronage.	Both Houses are removed from participation in postmaster appointments. (1) Language affecting the Senate declares that postmasters at post offices of the 1st, 2d, and 3d classes shall be appointed by the Postmaster General in the competitive civil service in accordance with the civil service laws and rules. (2) Language affecting the House prohibits recommendations to the Postmaster General, re his appointment of postmasters of any class, by Members of Congress, political party officials, or officers or employees of the Federal Government, or the solicitation of such recommendations.	*Retains* the language removing the Senate from post office appointments. *Strikes* the prohibition on recommendations.	Same as H.R. 18039.
443: Vacancies on rural routes	The filling of vacancies on rural routes is made subject to the same prohibitions as in (2) above in sec. 441.	Deleted	Deleted.

TITLE IV—Continued

Section and subject	S. 355	H.R. 18039	Smith Bill
451–456: Revision of House Employees Position Classification Act.	Amends the House Employees Position Classification Act by shifting administrative authority from the Committee on House Administration to House officials, while retaining final policy approval for the committee, in the following significant ways: (1) Removes obsolete language re the position of minority pair clerk in the House. (2) Authorizes the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster to submit to the Committee on House Administration their joint recommendations for revision of the compensation rates of House employees under their jurisdiction. (3) Relieves the Committee on House Administration of the ministerial duty of prescribing, revising, and maintaining position standards and governing the placement of position in the appropriate levels and schedules, transferring those duties to the Clerk, Sergeant at Arms, Doorkeeper, and Postmaster. (4) Authorizes the cited House officers to place each position under their respective jurisdictions in its appropriate class, compensation level, and schedule, and further authorizes them to change the classes and levels as they deem necessary. (5) Revises the House employees step increase system, and permits the cited House officers to make further revisions. (6) Permits those officers to set higher compensation levels for certain positions. (7) Gives those officers authority over reductions in compensation levels under certain circumstances. (8) Authorizes those officers to make initial appointments to positions under their jurisdictions. (9) Authorize those officers to establish additional positions as they deem warranted. (10) Formally reaffirms the designation of the House Publications Distribution Service and authorizes the House Doorkeeper to establish a system of compensation for extra services performed by Service employees.	Deleted	Same as S. 355.
471: House employees pay conversion from basic to gross system.	The entire section presents a detailed method for converting the pay system of all employees of the House and of its committees from the present basic-plus-increments pay scale to a single gross-figure scale.	do	Same as S. 355.
481: Members' stationery allowances	Stationery allowances for Representatives and Senators shall be used only for stationery and office supplies, and the part not so used shall be returned to the Treasury at the end of the fiscal year. [Senate amendment.]	do	Deleted.
New 472: Sick pay for Representatives' staff.	No provision	No provision	A Representative's staff member, who has been on that Representative's payroll for at least 1 year previous, and who has been absent because of illness for more than 30 days, shall be paid from the contingency fund of the House rather than from that Representative's clerk hire allowance, for up to 6 months, upon request of the Representative, and if proper medical verification is supplied. [New sec. 472.]

TITLE V

Section and subject	S. 355	H.R. 18039	Smith Bill
501, 503, 506, Lobby Act: Duties and powers of comptroller general.	Transfers administration of the Lobbying Act from the Clerk of the House to the Comptroller General; who shall: (1) retain lobby statements for 5, instead of 2, years; (2) prescribe forms and regulations; (3) make lobby statements available for public inspection; (4) notify persons who have not filed of their obligation to do so; (5) notify lobbyists of their incomplete or inaccurate reports; (6) refer violations to the Justice Department for appropriate action; (7) study and report to Congress on possible improvements in the act; (8) make an annual report to Congress on the administration of the act.	Same as S. 355 [Renumbered sec. 501, 504, 505, 507, 508 because of technical changes.]	Transfers administration of the Lobbying Act to the Joint Committee on Congressional Operations. Its duties shall be substantially the same as those in the column under S. 355 numbered (1), (2), (3), (6), and (8). In addition, it shall: (a) issue regulations after notice and hearing, such regulations to be published in the CONGRESSIONAL RECORD and in the U.S. Code as a note to the appropriate title; (b) refer to the Justice Department information obtained in its studies of executive branch lobbying (see sec. 402); (c) issue advisory rulings on whether registration or filing is required in individual cases. [Renumbered secs. 501, 504, 505, 508, 509.]
502(b): Estimates of lobbying expenditures in certain cases.	Organizations receiving or spending money only in part for lobbying purposes shall file statements declaring only that portion. If this cannot be done accurately, organizations shall file total receipts and expenditures plus an estimate of that portion used for lobbying purposes.	Same as S. 355 [Renumbered sec. 504(b).]	The estimates of lobby spending would be available for public inspection, as in S. 355, but the total receipts and expenditures statement would not, unless the Joint Committee should so order. [Renumbered sec. 504(d).)
504: Lobby Act—Substantial purpose definition.	Redefines the application of the act to include persons receiving money for the "substantial purpose" (rather than "principal purpose" as in the 1946 act) of influencing the passage or defeat of legislation.	Same as S. 355 [Renumbered sec. 506.]	Same as S. 355.
505(c): Lobby Act—Contingent fees	Requires full disclosure of contingent fee arrangements involving lobbying.	Same as S. 355 [Renumbered sec. 507(c).]	Contingent fees *prohibited.* [Renumbered sec. 508.]
505: Lobby Act—Exemption for broadcasting.	Exempts broadcasting from the act, placing it on a par with the press.	Same as S. 355 [Renumbered sec. 507(d), (e).]	Same as S. 355. [Renumbered sec. 507 (c), (d).]
507: Lobby Act—Violations	Punishments of up to $5,000 fine and/or up to 1 year imprisonment are applied to violation of the Comptroller General's regulations as well as to violations of the act. Deletes any further penalties for persons convicted of violations.	Same as S. 355 [Renumbered sec. 509.]	Same as S. 355. [Renumbered sec. 510.]

TITLE V—Continued

Section and subject	S. 355	H.R. 18039	Smith Bill
New 502: Expenditure reporting minimum raised.	No provision.	Lobbyists' obligation to keep and report expenditure records is made applicable to expenditures exceeding $50, rather than $10 as in the 1946 act. [New secs. 502 and 504(d).]	Same as H.R. 18039. [New secs. 502 and 504(c).]
New 504(c) quarterly reports	do	The act of 1946 requires quarterly reports to be filed no later than 10 days after the end of the quarter. The new language permits filing of such reports within the month following the end of the quarter. The 1946 act requires such reports to be complete as of the day preceding the filing. The new language requires only that the report be complete for the quarter to which it applies. [New secs. 504(c) and 507(b)(3).]	Same as H.R. 18039. [New secs. 504(b) and 507(b)(2).[1]
New 507(g): Deregistration of lobbyists	do	New language permitting deregistration when a lobbyist has terminated all activities subject to registration and reporting. [New sec. 507(g).]	Same as H.R. 18039. [New sec. 507(e).]
New 508 "sec. 310(b)": Administrative Procedures Act.	do	Brings the Comptroller General under the provisions of the Administrative Procedures Act, but only in respect to rules and regulations to be promulgated by him under the amended Lobbying Act. [New sec. 508 "sec. 310(b)".]	No provision.
New 508 "sec. 310(c)": Obligation of Comptroller General to accept lobby filings.	do	"Nothing contained in this title shall be construed to authorize the Comptroller General to decline to accept for filing any report or statement duly prepared in accordance with the requirements of this title and with rules and regulations promulgated thereunder." [New sec. 508 "sec. 310(c)."]	Do.
601: Effective dates	30 days after enactment: Title I, and parts of II, III, and IV. Other provisions, either Jan. 1, 1968, 3 months after enactment, beginning of next Congress, or beginning of next fiscal year.	Effective date of title I: All of title I to become effective Jan. 1, 1969, to avoid possible complications that might arise from implementation of committee procedural provisions in the middle of a Congress. Other technical changes.	Same as H.R. 18039.

SCHWEIKER PRAISES ST. JOSEPH'S-GONZAGA HOME

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SCHWEIKER. Mr. Speaker, all too often the quiet, yet effective charitable efforts of people go unnoticed by the public. I would like to take this time to bring to your attention the laudable and unselfish work of the Daughters of Charity at the St. Joseph's-Gonzaga Home for orphaned and abandoned young girls in Germantown, Pa.

In 1797 a group of Catholics organized the St. Joseph's Society in Philadelphia to care for the orphans of the yellow fever epidemic victims. Since that time the society has provided a home to hundreds of young children who have been abandoned or orphaned. The work of the society has been directed to young girls who are sent to St. Joseph's by the Catholic Social Services in Philadelphia. These children receive professional treatment from a staff which includes a psychiatrist, a psychologist, social worker, teacher, group social worker, and a child care professional. They also receive excellent medical treatment, education, and the loving care of the Sisters who live with them.

The children live in small groups according to their ages and in many cases attend local parochial schools. It is the aim of St. Joseph's to help the children to return to their families where possible or to be placed in foster homes which are carefully selected by the Catholic Social Services.

Hundreds of young girls have been given a helping hand and a home throughout the home's almost 200-year history. Many Sisters have dedicated their lives toward caring for these children and among the most outstanding was Sister Mary Gonzaga Grace who gave 67 of her 85 years to St. Joseph's. Through her direction, the Home was expanded and eventually moved to its present permanent location in Germantown from small quarters near Holy Trinity Church in Philadelphia.

The conditions at St. Joseph's have not always been the best, nor the easiest. Yet with the unceasing efforts of dedicated individuals such as Sister Gonzaga who, in the 1800's, carried St. Joseph's through the plague, the anti-Catholic riots and the Civil War, the home has continued to keep its doors open.

On September 22, 1968, more doors were opened at St. Joseph's with the dedication of the new St. Joseph's Hall. This new building with the Gonzaga Memorial, which was dedicated to Sister Gonzaga in 1898, will continue to be pillars of strength, guidance, and love to the many homeless children who are sent to St. Joseph's.

The bright and happy faces of the children at St. Joseph's are a living tribute to the many Sisters who are giving them a helping and guiding hand.

The Sisters of St. Joseph's-Gonzaga are to be commended for their unfailing devotion to these needy children. I salute them.

HERMAN NELSON CONTRIBUTED MUCH TO ALABAMA

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BEVILL. Mr. Speaker, Mr. Herman Nelson, who recently passed away, was one of the ablest and most dedicated public servants the State of Alabama has ever known. Mr. Nelson started work as a rodman on a surveying crew in 1922 and worked his way up to the position of State highway director.

Alabama was indeed fortunate to have had the services of Mr. Nelson, and at this time, I am placing in the Extensions of Remarks of the CONGRESSIONAL RECORD an editorial from the Birmingham News which pays tribute to Mr. Nelson:

HERMAN NELSON

Perhaps the most sensitive post in any Alabama state administration has been that of state highway director.

The director's lot is not always a happy one, sitting between the need to build and improve a highway system and the limits of available funds, and the need to resist, where reason dictates resistance, the political pressures to submerge more worthy road planning in favor of an avalanche of local demands for pet projects.

To the credit of the late Herman Nelson, state highway director under four governors, he resisted unreasonable pressures to the limit of his authority and he filled that post with personal integrity and professional competence.

As a career state engineer he displayed amazing knowledge of not just the major traffic arteries ranging throughout Alabama but hundreds of the less traveled blacktops that feed into the major systems.

The sound reasoning that engineering and law-trained Herman Nelson brought to the difficult task he performed will become more and more apparent as the state's major highway growth continues.

Alabama has been fortunate to have received the services of a person of his ability and sense of dedication.

THE CENTRAL ARIZONA PROJECT REVISITED

HON. WILLIAM HENRY HARRISON

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HARRISON. Mr. Speaker, on September 5, the House of Representatives accepted the conference report on S. 1004, the Colorado River Basin Project Act of which the highly controversial central Arizona project is the principal provision.

The House action was taken without a rollcall vote.

The Senate accepted the conference report on September 12 and the bill lies now upon the desk of the President awaiting signature.

When signed into law, it will initiate the largest reclamation project ever authorized in a single act of Congress. For those States which benefit at all, there is much gain in the central Arizona bill.

Wyoming has consistently opposed passage of central Arizona legislation, not in pursuit of obstructionism, but in the legitimate protection of her interests in the perpetuity of her right to waters under the basic law of the Colorado River: the Colorado River Compact of 1922, the Upper Colorado River Compact of 1948, and the Colorado River Storage Project Act of 1956.

The House considered this legislation last May and saw fit to pass H.R. 3300 which we know today after conference as S. 1004.

I offered an amendment that would have required the augmentation of the Colorado by four million acre-feet annually by January 1 of 1990. This amendment was defeated.

However, the House did report out a bill better for Wyoming, and I believe for all the Colorado Basin States, than the measure passed by the Senate. Wyoming's knowledgeable State engineer, Mr. Floyd Bishop, drew the same conclusion in a letter to me dated August 13, in which he said:

> The House-passed version of the Bill (H.R. 3300) is considerably better so far as Wyoming is concerned, but still leaves much to be desired.

In the course of debate on H.R. 3300, I engaged the distinguished chairman of the House Interior and Insular Affairs Committee [Mr. Aspinall] in an exchange; the purpose of which was to make crystal clear that it was not the intention of the House to alter the basic law of the Colorado River.

Mr. Aspinall provided such assurance in unequivocal terms and the editor of the Cheyenne, Wyo., State Tribune, Mr. James Flinchum, was moved to write in an editorial May 17 that the exchange was "one insurance policy between us and a possible future of water starvation."

Mr. Flinchum wrote:

> The importance of the exchange of remarks between Congressman William Henry Harrison and Representative Wayne Aspinall of Colorado . . . cannot be minimized. It was done with careful preparation, and the purpose of it was to lay a foundation of further support to the legal claim that Wyoming makes to its water that pours down the Green River into the Colorado River system.

In the course of the debate, and in my own primary campaign for reelection, a number of misconceptions were generated concerning the affect of central Arizona on the State of Wyoming. These misconceptions centered around:

The quality of the record that had been established and upon which Wyoming might have to enter into a litigation at some future time; the prospects that Wyoming had in Congress for reversing this apparently inevitable legislation; the source of funds with which central Arizona would be constructed—the reclamation fund as opposed to a general fund appropriation; and the long and short-range impact of this legislation upon Wyoming.

Mr. Bishop addressed himself to these questions in his August 13 letter which I ask to be printed in the Record at this point in my remarks.

State of Wyoming, State Engineer's Office, State Office Building,
Cheyenne, August 13, 1968.

Hon. William Henry Harrison,
Member of the Congress, Longworth House Office Building, Washington, D.C.

Dear Bill: Thank you for your letter dated August 5, 1968, referring to the Central Arizona Project. I think that you are correct in stating that the Central Arizona Project legislation, particularly S. 1004 which was passed by the Senate during this Congress, is bad for Wyoming. The House-passed version of the bill (H.R. 3300) is considerably better so far as Wyoming is concerned, but still leaves much to be desired.

The bill which was recently approved by the Senate-House Conference Committee contains one provision which is particularly disturbing to me. That provision is included in Title II, Section 201, and states:

"Provided, That for a period of ten years from the date of this Act, the Secretary of the Interior shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River."

This provision apparently proscribes any studies of trans-basin diversions of water in the western United States which might supply the water supply presently available for use within the Colorado River drainage. Such a provision is inconsistent with the fundamental criteria of sound long-range planing, and should be resisted in every way possible. Exclusion of this provision would greatly improve this legislation. I think that Wyoming has built a good record in the hearings and the debate on the Central Arizona Project legislation. At some future date we may well want to call on some of the information in the record to substantiate our position in the courts or in the Congress.

This has been an uphill battle from the start, and it has become increasingly evident that some of our sister states were far less interested in a long-range solution to the broad water problems of the West than they were in the expedience of authorizing projects within their individual states. So long as this attitude is prevalent, it will be difficult to pass the type of legislation necessary to provide long-range solutions.

You are correct when you state that the Central Arizona Project would be constructed with money from an appropriation from the General Fund rather than the Reclamation Fund. The bill approved by the Conference Commitee authorizes appropriations of over $1.3 billion for the construction of the projects authorized by it. The Reclamation Fund is inadequate to provide such a large sum of money.

It is my understanding that the Reclamation Fund is primarily used for planning purposes and for the study of new projects. Of course, it is true that the Reclamation Fund is a possible source of funding reclamation programs. It is also a fact that Wyoming resources contribute heavily to the Reclamation Fund and that the State of Wyoming benefits far less than some of our sister states in the West.

While the Central Arizona Project legislation does not create any immediate problems for the State of Wyoming, it does add a sense of urgency to water development within the Green River Basin in Wyoming which was not present previously. I feel strongly that we in Wyoming must make every effort to utilize our compacted share of the water of the Colorado River Basin as rapidly as we possibly can. By all means, we must plan now to develop projects which will beneficially use our full entitlement of Colorado River water within the next fifteen to twenty years.

Under existing circumstances, it is unlikely that reclamation projects necessary to utilize this water will be authorized or constructed. Consequently, the State of Wyoming is going to have to assume the initiative. Informed people in Wyoming agree that the State must become more active in water development than it has been in the past.

In my opinion, the entire Reclamation program is in need of a new approach. Federal water development programs are not presently doing what must be done in Wyoming. These programs must be significantly modified if they are to fulfill the need for development in a state like ours. The present approach of directing these programs to a bureaucratic organization leaves something to be desired.

Personally, I would like to see the Reclamation Program reoriented to provide guaranteed financing of projects planned and constructed by the individual states. Such an approach would be more responsive to the wishes of local interests.

I am hopeful that during the upcoming session, the Wyoming Legislature will take a good, hard look at the problems which are arising concerning the future development of Wyoming's water resources. I would hope that the Legislature would make provisions so that the State might become more active in the water resource field. Wyoming's best hope lies in the State's ability to assume the burden of financing future water projects rather than placing such a heavy dependence upon federally sponsored projects. I do not advocate a rejection of present federal programs, but I cannot realistically state that the present and future outlook for Wyoming receiving much federal help in water projects is very bright.

With best personal regards,

Sincerely,

Floyd A. Bishop,
State Engineer.

Mr. Speaker, my purpose today is not simply to rehash a fait accompli. The central Arizona project will soon become law and Wyoming has done her best to protect her interests and to a large extent failed.

I have no personal political interest in the remarks I make today, I will not henceforth be concerned professionally with the future of the central Arizona project, nor the incalculable problems which will be its progeny. My purpose in these remarks is to lay the foundation for the introduction of a bill which addresses itself to Wyoming's chief concern at this point with the central Arizona project.

My bill would affect, and I hope completely vitiate, a provision of title 2, section 201, which puts a 10-year moratorium on any meaningful survey leading to augmentation of the Colorado River system.

I labor under no grand illusion that this bill will pass this year but I feel that in deference to the record of this legislation and the interest of my State, legislative history ought to be created showing that Wyoming has attempted to afford herself this protection.

My bill is brief. I shall read it into the Record at this place in my remarks:

H.R. 19970

A bill to require the Secretary of the Interior to undertake certain studies with respect to the importation of water into the Colorado River Basin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the proviso in Section 201 of the Colorado River Basin Project Act, the Secretary of the Interior shall undertake reconnaissance studies for the importation of water into the Colorado River Basin from other natural river drainage basins outside of the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River. The Secretary of the Interior shall begin such reconnaissance studies no later than January 1, 1970.

This bill addresses itself to language in section 201 of S. 1004, which asserts:

> *Provided,* That for a period of ten years from the date of this Act, the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River.

As Mr. Bishop pointed out, in a comment with which I thoroughly agree:

> Such a provision is inconsistent with the fundamental criteria of sound, long-range planning and should be resisted in every way possible.

I cannot agree with my good friend, the Congressman from Colorado, that the conference report containing this 10-year moratorium could be signed into law "without sacrificing the west-wide water planning concept," as Mr. Aspinall asserted in his remarks of September 5.

I can, however, agree with the distinguished chairman that "without augmentation of the water supplies available from the Colorado River, there can be no successful central Arizona project." Mr. Aspinall might have added that without augmentation there might be no future development in southern Wyoming which could well be a water-short area in the next two or three decades.

And, unfortunately, I cannot agree with my valued friend that the matter of central Arizona has been resolved to the satisfaction of both the Pacific Northwest and the Colorado River Basin States, and I can assure him emphatically that it has not been resolved to the satisfaction of Wyoming.

The Congressman from Pennsylvania [Mr. Saylor] pointed out in his remarks of September 5 that "We now abandon the traditional concept of regional or 'statewide' resource development and planning."

I fear that we have made this drastic rupture of existing policy without adequate recourse to sound and sensible planning for the future of all the Colorado Basin States.

I submit my bill not for passage in the 90th Congress, but to clarify the Record and legislative history for future Congresses, and perhaps for future courts.

I ask, Mr. Speaker, that editorials pertaining to the central Arizona project, from the May 17, 1968, and the August 23, 1968, issues of the Cheyenne, Wyo., State Tribune, be printed in the Record at the conclusion of my remarks:

[From the Cheyenne (Wyo.) State Tribune, May 17, 1968]

CAP Is Not Law Yet

While the people of Wyoming are preoccupied with intramural political squabbles, taxes and community college votes, there is one issue that transcends all the rest. That issue is water; and another crucial step affecting the future of this state was taken yesterday on the floor of the U.S. House of Representatives when the Central Arizona Project bill was passed by that legislative body.

The importance of the exchange of remarks between Congressman William Henry Harrison and Rep. Wayne Aspinall of Colorado, chairman of the House Interior Committee and the bill's floor manager in yesterday's enactment proceedings, cannot be minimized. It was done with careful preparation, and the purpose of it was to lay a foundation of further support to the legal claim that Wyoming makes to its water that pours down the Green River into the Colorado river system, and from whence the Central Arizona Project will draw the supplies for the farms and cities it will serve.

While Wyoming was alone in the House yesterday and Harrison's was the single voice raised in opposition to the Central Arizona Project measure, and while the backers of the CAP are cheering today over their victory, there is many a slip 'twixt the cup and the lip. One such slip already is visible.

For the very same reason that Wyoming voices its objections, but with much less moral ground to stand on, the forces of the Pacific Northwest in the person of Senate Interior Committee Chairman Henry Jackson have spoken out today against the House version of the Central Arizona Project.

The Pacific Northwest does not accept, says Mr. Jackson, the provision in the House bill providing for a study of augmenting the water supply of the water-bankrupt Colorado River which will be called on to supply vast new amounts of water to the Central Arizona Project.

Since a Senate bill passed last year under Mr. Jackson's watchful scrutiny did not contain such a provision, at least in the strength of the one in the House bill, and gained overwhelming support with the assistance of Arizona's old Sen. Carl Hayden, it can be assured that both Jackson and Hayden possess enough influence to push at least in that body for exclusion of the augmentation study provision.

Jackson says today that he dosen't even intend to call up the Central Arizona Project for Senate concurrence to the House-passed amendments, which if true will leave the House legislation in limbo. Jackson hopes to put a squeeze on Arizona and Colorado interests and force them into acceding to the Pacific Northwest demands which amount to a requirement that the water in that region not be touched. Any suggestion even of a water augmentation study chills the people of Oregon and Washington state, to say the least, in the same fashion it does those of Wyoming, except they have a vastly greater water supply in the Columbia river.

Will Colorado and Arizona, and most importantly Colorado, cave in on this pressure play? Colorado has much at stake in the Central Arizona Project, specifically $390,000,000 worth of water storage projects, or just precisely half of the sum that is proposed for expenditure on the Central Arizona Project itself.

But Colorado also has something of a stake in the fight to preserve the water rights of the Upper Colorado River Basin states which are in so much demand by the Lower Basin states; without any water, those five reservoirs might ultimately have no worth, value or meaning whatsoever 20, 30 or 100 years in the future.

What Colorado does, and how Wayne Aspinall reacts to the demands of the Pacific Northwest states embodied in the ultimatum laid down today by Senator Jackson, the powerful chairman of the Senate Interior Committee, may affect the fate of our own state.

In the meantime, we have one insurance policy between us and a possible future of water starvation. That is the one written into the bill yesterday by Congressman Harrison, in a colloquy with Aspinall on the House floor, which would provide the basis for a suit in the federal courts if the occasion should arise that Wyoming would be denied its water rights that will be used downstream by the Central Arizona Project, when the time came for this state to use that water.

[From the Wyoming State Tribune, Aug. 23, 1968]

Robbed, Raped and Rejected

The brutal fact is that in the matter of Colorado river water, the state of Wyoming is alone and isolated, deserted by her neighbors for the most part and bereft of political power. Perhaps it is this knowledge that prompted Governor Hathaway's expression of outrage yesterday at the joint conference committee's report on the Central Arizona Project which left this state high and dry.

It is not difficult to find the source of our troubles. Washington's Sen. Henry M. (Scoop) Jackson, chairman of the Senate Interior Committee, in combination with his House counterpart, Rep. Wayne Aspinall of Colorado, chairman of the House Interior Committee, worked out a neat deal that in return for a bundle of boodle for Colorado in the form of several hundred million dollars worth of dam projects for that state on Colorado river tributaries, precluded any effort to make use of water from the Columbia river for stream augmentation purposes in the Colorado River Basin for a period of 10 years.

The joint conference committee report which is largely the work of these two committee chairmen, bans any study of importation of water into the Colorado River Basin for that period of time. Which probably means forever and ever, they hope. Or at least Senator Jackson hopes. So do the people of the Pacific Northwest.

The Pacific Northwest doesn't want to give up its water. On the theory that any study of water augmentation of the Colorado River Basin would look first at the closest and easiest source, they are adamantly opposed to any such proposal. And perhaps they are right; when you look at it, it is a pretty selfish world with every man for himself and the weakest getting the shaft. In this case it is the state of Wyoming which has equal strength in the Senate with the rest of the states, but only one member of the U.S. House of Representatives. And however much was sought to be made of this fact in the primary election campaign just past, it is still just one vote no matter who casts it or who represents the state of Wyoming even if he were possessed with the voice of a foghorn and the stature of Gargantua.

Wyoming lacks people power which is to say political power, and no votes to trade on in the Congress of the United States; and that is the awful thing we have to contemplate. That plus the shameless conduct of some of our erstwhile friends in neighboring states who have sold their souls for a mess of dam projects.

Perhaps the only thing we can do, as Stan Hathaway did yesterday is to point out the immorality of this whole thing, such as the writing into the conference committee's report the ban on any study of water importation into the Colorado River Basin for an entire decade—one-tenth of a century—as if the passage of time would make this problem fade away instead of heighten it as each year goes by.

Ultimately, we suppose, when all the water is used up by those demanding it downstream, and Wyoming shall have no water to give to those demanding it, then they will start seeking the inevitable, which is to say they will begin looking—10, 15 or 20 years later—at the only source that may be possible, the water in the Columbia River Basin, or Canada, or elsewhere.

By that time this state will have been robbed of its heritage by its stronger, greedier and more ruthless neighbors, who then will turn on each other. All of this as a result of this one conference committee's report—the product of a group of legislators from both the House and the Senate, if you please—that has sold our state down the river.

Somewhere, somehow there must be a way to make our feelings known other than just expressions of bitterness. While we have only one member of the House, we have two senators; hopefully they may convey the resentment of this one state, in some fashion, that will make some impression on those who have concocted this document with such ruthless disregard of our rights.

PHANTOM JET FIGHTER FOR ISRAEL

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. McCARTHY. Mr. Speaker, in April of 1968, I cosponsored legislation authorizing the sale of Phantom jet fighter planes to the tiny nation of Israel.

Since that time, no action has been taken on this critical issue while at the same time, the Arab nations in the Middle East have beeen building up their military strength.

Since the outbreak of the war in the Middle East in June 1967, the Arab nations of the Middle East have been receiving virtually unlimited quantities of war materials from the Soviet Union and various other countries. As a result the military power of the Arab States is substantially superior to their position at the outbreak of the war.

Obviously, Israel cannot obtain planes from the Soviet Union. Unless the United States makes available modern, jet fighter planes to Israel, there is a real danger that the Arab States will view their growing power in relation to Israel as an opportunity to resume aggression once again.

Mr. Speaker, I urge that swift action to assist Israel be taken on this matter so that the balance of military power in the Middle East will be maintained and peace and stability in that critical area will prevail.

NIKOLA PETKOV—BULGARIAN NATIONAL HERO AND MARTYR

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. FRIEDEL. Mr. Speaker, September 23, 1968, marked the 21st anniversary of the execution of Nikola Petkov, Bulgaria's national hero and greatest martyr, by the Communists. One might rightfully ask why we in the Congress of the United States should note this occasion. The answer is simply this—that we Americans, who have been brought up in the tradition of liberty and freedom, have a natural sympathy with those who also long for independence and the right of self-determination as a free nation.

A number of incidents in Nikola Petrov's life are of special interest. He received a law degree in Paris, where he spent most of his youth. During the Nazi occupation of Bulgaria, he was an underground leader of his native land and was imprisoned several times by the Germans.

When the Nazis were driven out of Bulgaria, Nikola Petkov took part in the first coalition government of his country. In 1944, that brave nation was attacked and invaded by the Russian armies. He then fought stubbornly against the ensuing Communist outrages, terror, and violence. A period of cruel suffering, bloody sacrifices, and a desperate fight for liberty and human rights followed.

As a result of Petkov's activities on behalf of his homeland, he was charged with conspiracy against the state and the Soviet Union and was sentenced to death.

Prior to the execution a representative of the Bulgarian Communist Government appeared in Nikola Petkov's prison cell and offered him a pardon if he signed a petition in which he declared his repentance.

> You are even trying to desecrate my sacred memory.

Petkov replied.

> My sentence was passed by your Moscow masters and no one can revoke it. I do not seek any mercy from you! I want to die so that my people may be freed sooner.

The heroic example set by Nikola Petkov shook the free world and opened its eyes to the treacherous intentions and methods of the Bolshevist international conspiracy and the tragic fate which Soviet imperialism is preparing for all of humanity.

On September 21, 1968, a memorial meeting was held in New York City and next day, on Sunday, a religious service took place in the Russian Orthodox Church at 3500 Massachusetts Avenue NW., in Washington, D.C.

I strongly urge that we give our moral support to Bulgaria's cause and participate as far as possible in the observance of this occasion. By our doing so, we not only inspire all Bulgarian exiles and the whole Bulgarian nation, but also all the millions of peoples behind the Iron Curtain in the captive nations.

OUR SPACE EFFORT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the Soviet achievement of a circumlunar flight and recovery of the spacecraft in the Indian Ocean yesterday should serve as a lesson and warning to the United States. As a lesson, it has shown us that the Soviets are continuing an aggressive space program aimed at space supremacy in the years ahead. It also serves as a warning that it is the intention of the Soviet Union to be the technological leader in the world. This carries with it the attendant capability of utilizing this technology for both military as well as utilitarian application.

Mr. James E. Webb, on his recent announcement of retirement, warned the American people that we are taking a position of being second in space. This is a position that cannot be tolerated if our national interests are to be served.

The fiscal year 1969 appropriation for NASA is the lowest in 6 years and represents a declining effort in space. It is essential that we reexamine our current space effort and reaffirm our intention to develop and maintain preeminence not only in space but in the vast technology that supports space and represents a basis for the advance of technology in general.

A timely assessment of the current achievement of the Soviets in their space program by Victor Cohn and George C. Wilson, of the Washington Post, of September 23, is included for your information:

A SOVIET GIANT STEP IN RACE TO THE MOON

(By Victor Cohn and George C. Wilson)

The Soviet Union has achieved another "sputnik"—a space first with much of the impact of her launch of the world's first artificial satellite on Oct. 4, 1957.

By sending an unmanned craft around the moon and back to earth for a safe landing, the Russians have significantly improved their already good chance of beating the United States to manned exploration of the moon.

American space officials expect the Russians to follow up their successful Zond-5 flight with a manned circumlunar mission "within months" and perhaps top that with a landing on the moon.

But, even in advance of such attempts, the Zond-5 feat is one of the greatest of the space age. Some space specialists called it "the greatest so far."

The Russian accomplishment, National Aeronautics and Space Administration chief James E. Webb told The Washington Post yesterday, is "a tremendous and major thing" and "the most important demonstration to date of all the capabilities required for operations around the earth and outward to the moon and planets—in other words, all the capabilities for any purpose in space."

Zond-5 shows, he added, that with their "very sophisticated and able capacity," the Soviets "are taking a whole series of steps to develop options that they think will make a great difference in their future as a nation."

He said he believes the Soviet plan is to send men around the moon and then "forge ahead on a number of fronts."

One of Webb's principal deputies, Brig. Gen. Samuel C. Phillips, U.S. Apollo program director, called the Russian feat "fabulous" and "fantastic"—an important technical accomplishment."

Sir Bernard Lovell, British astronomer whose Jodrell Bank Observatory followed Zond's course, said: "It makes it highly probable that a Russian will get a close look at the moon quite a long time before an American does."

The United States' next manned space flight is to be Apollo 7, putting three men in round-the-earth orbit in mid-October.

Then, around Christmas-time, will come Apollo 8, and NASA has said a circumlunar trip could be part of this three-man mission. But the actual chance of doing so is unofficially called only "one in 10" by informed officials.

Apollo 8 will not carry the Lunar Module—the two-man moon-lander which U.S. spacemen expect to ride down to the lunar surface—because of development difficulties on the part of its manufacturer, Grumman Aircraft Engineering Corp.

Apollo 9, now scheduled for March, should carry this and all other moon-flight equipment.

LATE 1969 TARGET SET

If Apollo 7, 8 and 9 go as planned, the next step for the U.S. could be landing men on the moon—hopefully not later than the end of 1969.

The U.S. plans to put men on the moon by circling it with the main Apollo spacecraft, then detaching the rocket-powered Lunar Module or space landing craft to make the touchdown.

Russia cannot beat this moon-landing schedule, space officials estimate, if all goes well.

If the U.S. makes the first moon landing, Webb predicted, Russian will respond with some other act—probably putting up a big space station to orbit the earth and act as a way-station for regular flight to the planets or moon.

But if the U.S. flubs somewhere on the way to the moon this year or next—in the thinking of Webb and other officials—Russia may try for a moon landing.

SOVIETS' BIGGER ROCKET

The Soviets now have a rocket bigger than the 7.5-million-pound thrust Saturn 5—our 36-story-high moonflight rocket—"very near to flying," Webb said. In its first form, he added, this would not have much more thrust than Saturn 5—although enough for a moon-landing mission—but in later forms it could grow to a rocket twice as powerful.

It is this growing capability that makes U.S. space officials feel:

Zond-5 is a significant building block in a Soviet space program designed to explore the moon and the planets.

The Soviets are under less time pressure, thanks to their experience with Zond flights. They are in position to keep the center of the world stage as they systematically send other ships around the moon on Zond-5's trail.

The U.S., on the contrary, has no comparable knowledge about the ruggedness of its Apollo craft in the moon or far-space environment.

Zond's success, U.S. troubles with the lunar landing "bug" and recent NASA budget cuts all appear to be shifting the odds in the moon race in favor of the Soviets, NASA officials had rated the odds as even before Zond-5.

U.S. BUDGET CUTS

NASA asked for $4.37 billion for fiscal 1969. A Senate-House conference committee has recommended $3.995 billion. Webb said Sept 16, in announcing his resignation, that budget cuts had put the U.S. second to Russia in the space race.

Beyond Apollo, the U.S. has funded no large-scale programs. The Russians, according to Mstislav V. Keldysh, president of the Soviet Academy of Sciences, are focused on "the setting up of interplanetary stations and the reaching of other planets."

There was little doubt about one fact, however, in U.S. space officials' minds: the U.S. should have the capability to do just what the Russians have done with Zond-5, once it gets ready to send men to the moon.

SEES U.S. POTENTIAL

Vincent L. Johnson, NASA deputy associate administrator for space science engineering, called the Russian re-entry and landing "exactly what our Apollo ship will do, and I don't think most of us consider that the most difficult part of the lunar trip. The actual lunar landing, then the takeoff from the moon and rendezvous with our main spaceship will be the most difficult part."

What Zond did, nonetheless, must be rated a huge technological achievement. What it did was:

Fly a perfect path from the moon, along a narrow re-entry corridor, according to Lovell, of only two degrees.

Return on a trajectory precise enough to avoid either skipping out from the earth's atmosphere, back into space, or entering too fast and burning out.

Survive its 25,000-mile-an-hour collision with the earth's atmosphere, then parachute gently down into history.

LANCE CPL. WAYNE E. CHRISTOPHER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. LONG of Maryland. Mr. Speaker, Lance Cpl. Wayne E. Christopher, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

A MARINE IN VIETNAM

A 19-year-old Marine from Lansdowne has been killed in Vietnam, the Defense Department announced yesterday.

Lance Cpl. Wayne E. Christopher was killed September 11 during a mortar barrage in Quang Tri province:

Corporal Christopher had been in Vietnam since May 14 and was a fire-team leader assigned to the 1st Battalion, 3d Marine Division.

ACTIVE IN SPORTS

Born in Baltimore, he had lived for the past thirteen years at 221 Second avenue, Lansdowne. He attended Lansdowne Senior High School and enlisted in the Marines in January, 1967, during his senior year.

His father, William H. Christopher, said yesterday that his son was not "the complaining type," but that he wrote his family saying it was "hell" in Vietnam.

The father said his son was quite active in sports and played in organized football and baseball leagues in the Lansdowne area.

He was also an active member of St. Clements Catholic Church in Lansdowne.

Besides his father, he is survived by his mother, Mrs. William H. Christopher, and five brothers, John W., Robert F., Dennis R., Ronald E., and Gary L. Christopher, all of Lansdowne.

RICKOVER ASSAILS "TORPID" PENTAGON

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. RIVERS. Mr. Speaker, on September 19 the Joint Committee on Atomic Energy issued another one of its fine studies on our progress with nuclear submarines of advanced design.

In taking its testimony the Joint Committee heard considerable criticism from Admiral Rickover as to the methods used in the Department of Defense for making its decisions with respect to new weapons—particularly as relate to the decisions made on new types of submarines.

At a time when our committee among others has called attention to the alarming increase in Soviet submarine capability, it is certainly shocking that Admiral Rickover still has to fight with the Department of Defense to get new types of submarines built—especially the electric drive submarine which was requested by the Department of Defense last year and fully approved and funded by the Congress.

At least the Congress can note with pride the continued efforts that Admiral Rickover is making to see that our submarine fleet is adequate to the challenge.

Mr. Speaker, under unanimous consent, I incorporate in the RECORD at this point the story from the New York Times of September 20 entitled "Rickover Assails 'Torpid' Pentagon." I include "Excerpts from Rickover's Criticism of Pentagon":

RICKOVER ASSAILS "TORPID" PENTAGON—SAYS ITS SIZE BLOCKS ACTION—CONTENDS OFFICIALS ARE BLINDED BY OWN POWER

(By John W. Finney)

WASHINGTON, September 19.—Vice Adm. Hyman G. Rickover has complained to Congress that the Defense Department has become so excessively large that it has "gone out of control" of its leaders and is impeding action on vital military matters.

In what amounted to an indictment of the Pentagon structure created by former Defense Secretary Robert S. McNamara, the admiral also protested that the Defense Department was dominated by officials who were blinded by their own power and who insisted upon making technical decisions although they lacked technical expertise.

"In a homely manner of speaking," he said, "the Defense Department is constipated; it must be purged or it will become increasingly torpid."

DISPUTE OVER SUBMARINE

Long a critic of the McNamara regime in the Pentagon, Admiral Rickover delivered probably his most outspoken indictment of Defense Department management in a statement to the Joint Congressional Committee on Atomic Energy. His testimony before the committee last July was made public today.

The subject of the committee hearing—and obviously the source of much of the admiral's renewed indignation with Pentagon management—was the recent Defense Department decision to stop construction of a new type of nuclear submarine that would be driven by electric motors and be substantially quieter than present atomic submarines.

The $140-million project was stopped last May by the Defense Department on the ground that the submarine would be too costly and not represent a significant technical advance—contentions disputed by Admiral Rickover and Adm. Thomas H. Moorer, Chief of Naval Operations, in closed-door testimony before the committee.

Admiral Rickover contended that the Pentagon's decision to stop a project that it had already approved and Congress had authorized illustrated how the Pentagon had become bogged down in an overcentralized, overly elaborate decision-making process.

The basic problem, he said, is that in the last eight years the "civilian general staff" of the office of the Secretary of Defense has "become so vast that it has gone out of control of its own leaders.

LAYERS OF OFFICIALS

There are now, he continued, "so many layers of administrators that they constitute a thicket impending action on vital matters for which D.O.D. approval must be obtained."

"Potentially more dangerous" than inordinate size of the Defense Department," he said, "is the fact that, by virtue of sheer power and blinded by their own propaganda, those in charge consider themselves competent to engage in actual design of complex technical equipment and in the detailed direction of military operations."

"We have created a form of organized disorganization," he said, "because the chief administrative goal of the Department of Defense appears to be the exercise of control in areas where their staff is not expert."

Under its "social science" approach to decision-making, Admiral Rickover said, the Defense Department managers substitute "method" for "substantive knowledge" and make little allowance for technical expertise in the military services in reaching their decisions.

"What is forgotten by those who set up these elaborate decision-making processes," he said, "is that the military is an operational organization with specific technical tasks to perform, and that these require a high degree of specialized technical knowledge and experience."

So enthralled has the Pentagon civilian general staff become with studies, the admiral said, "that even when actual proof is presented that the Soviets are outdistancing us in submarines, it is impossible to break the spell—the studies must continue."

On the electric-drive nuclear submarine, for example, he said, the Defense Department, in its dealings with the Navy, "seems to be playing a game—a game which one side, the Defense Department, has the power to set and change the rules of the game at will—and uses this power.

"Each new document prepared by the Defense Department contains new arguments against the electric-drive submarine. Each time the Navy answers one question, another is brought forth. Issues previously agreed to are constantly requestioned."

Admiral Rickover offered two "simple remedies" to the present management of the Pentagon: Reduction of the Defense Department headquarters staff to the size it had in 1960 before Mr. McNamara took over, and, secondly, return to the military services of "the right to run their own department—and not remain the servants of the vast defense headquarters civilian directorate."

In an indirect jab at Mr. McNamara, the admiral said that "no one managing our military establishment can be called a great administrator when, under his Administration, our competitive position vis-a-vis a potential enemy deteriorates."

Somewhat the same criticism was contained in the platform adopted by the Republican party at its convention in August. Charging that the Administration of the Defense Department had become "cumbersome" and "'overcentralized," the Republican platform said that military research and development projects had been "inhibited and stagnated by inexpert and cost-oriented administrators."

While Republicans may be intent on making a partisan issue out of the McNamara management of the Pentagon, it was apparent from the committee report that the Rickover criticism was shared by pro-Administration Democrats on the committee.

In a foreword to the testimony, the committee said that on the basis of the electric-drive submarine project, "it is evident that major delays and inefficiencies are being injected by the imposition of higher echelon reviews after the organization directly responsible for carrying out the project completes its reviews and reaches its decisions on how to conduct the work."

"By holding up projects once authorized and supported by major committees of Congress, such as the electric-drive submarine, and then delaying decisions for interminable periods, the nation is deprived of important military capabilities," the committee said.

Excerpts From Rickover's Criticism of Pentagon

What is basically wrong with the Defense Department in my opinion is the excessive size of its headquarters—its civilian general staff, which has grown at such a prodigious rate in the last eight years that it has now reached what in an atomic bomb is called a "critical mass."

As you know, when a critical mass is reached, the bomb "takes off"; it is out of control. The D.O.D. headquarters staff has become so vast that it has gone out of control of its own leaders.

There are so many layers of administrators that they constitute a thicket impeding action on vital matters for which D.O.D. approval must be obtained. At numerous points there are barriers—often manned by relatively minor administrators—which check progress. In consequence, almost nothing can now be decided without inordinate delay.

It is bad enough to make wrong decisions but infinitely worse to make none at all—as happened with the aircraft carrier John F. Kennedy. By simply refusing to act on the request of the armed forces and of Congress that the carrier be nuclear-powered, the civilian general staff killed the project and got its wish to have it powered by conventional fuel.

Currently the building of the electric drive submarine is being held up possibly with the hope for the same result. This is a dangerous game. Our enemies will not politely hold their hand while still another study is made by the Defense Department.

METHOD IS DECISIVE

Obsessed with the fallacy that the decision-making process can be made "scientific," the civilian general staff has built a complex apparatus for the evaluation of military hardware requested by the armed forces.

The deciding criterion has been "cost-effectiveness," a social science concept that gives inadequate weight to the factor of military effectiveness, which cannot readily be quantified and fed into computers.

Men without the necessary technical training and practical experience hold positions of authority within the civilian headquarters organization, positions that permit them to decide technical and operational matters. They customarily substitute "method" for "substantive knowledge."

This is typical of the social science approach which at present permeates the civilian headquarters of the Defense Department, where social scientists hold high positions.

In education, it has led to the dogma of the progressive educationists that knowing how to teach is more important than knowing what to teach.

In management, it fosters the delusion among high-ranking administrators that the position they hold of itself invests the holder with competence in all areas of his domain.

We have created a form of organized disorganization because the chief administrative goal of the Department of Defense appears to be the exercise of control in areas where their staff is not expert. This is why their dream of total efficiency through a new "science" of management has so often been shipwrecked on the hard rock of reality.

PROOF FOR ANYTHING

The vast organizational structure built up by the civilian general staff is out of proportion to the administrative work that needs to be done. It is designed to serve two additional purposes—neither of them contributing in any significant manner to military effectiveness.

First, it gives play to the theoretic concepts of the social scientists and to their postulates on how decisions should be arrived at.

Second, it offers "proof" to the uninitiated public that the job is getting done. This is accomplished by complex charts and lengthy "word-engineered" organization descriptions.

The civilian general staff can point to these and to its large number of administrators as "proof," as uncontradictable authority that everything necessary is being done. And all of this is expounded and celebrated by the D.O.D. public relations staff—its propaganda arm.

They will "prove" when profits on military contracts increase, that in fact the Defense Department is "saving" money. They will counter Congressional questioning of Defense Department decisions by "proving" that a highly scientific decision-making process is at work and Congress need entertain no doubts or misgivings.

Recently I testified that we may find ourselves in the midst of elaborate cost-effectiveness studies when our opponents demonstrate they have outproduced us in the sinews of war. But so strong is the civilian general staff's enthrallment with studies, that even when actual proof is presented that the Soviets are outdistancing us in submarines, it is impossible to break the spell—the studies must continue.

Lack of funds cannot be used to excuse the D.O.D.'s delay in authorizing new design submarine construction. Congress has not only made the necessary funds available but has repeatedly urged that the new type submarines be built without delay. Further, the Navy has offered to provide funds from other Navy programs for the increased cost.

The manner in which the electric drive submarine has been handled by the Department of Defense is far more important than the specific issue of the submarine itself. If this manner of doing business—where the highest levels of civilian and military administration in the Department of Defense become involved in details of warship design, including submarines—is indicative of the way other Department of Defense projects are being handled, we are in serious trouble.

I believe it is incumbent on those of us who are familiar with the fundamental principles involved in the issue of the electric drive submarine to express our deep concern.

OBVIOUS SIMPLE REMEDIES

Question. Would you provide your recommendations on what needs to be done in the Department of Defense to correct this situation?

Answer. I believe what I have just said leads to some obvious simple remedies.

First, I would require the D.O.D. headquarters—the civilian general staff—to be drastically reduced in number. As an immediate step I would require that it be reduced to the levels of numbers and of high level position it had in 1960.

Second, I would return to the three services the right to run their own departments—and not remain the servants of the vast defense headquarters civilian directorate.

The D.O.D. has become unmanageable because of its huge size. This would be equally true of any other centrally controlled organization with similar responsibilities and with many billions of dollars to spend.

The immense growth of recent years was never the intent of Congress, and it is Congress that can and should require immediate return to the basic concept of the Defense Department. The Lord hasn't created people with sufficient wisdom to run these vast organizations. The corrective judgment of the legislative process must therefore be used.

The military establishment should, of course, be managed by a civilian headquarters staff, but the staff should set policy and not engage in detailed administration and operation, and in the design of military equipment, as it now does. In a homely manner of speaking, the Department of Defense is constipated; it must be purged or it will become increasingly torpid.

I well know the reluctance of the legislative branch to interfere with an agency of the executive branch. But after all, Congress does have the constitutional authority to "raise and support" our military forces.

Surely this means more than merely appropriating funds. As the representative of the people in whom all authority ultimately resides, the Congress has the responsibility of "oversight"—of making certain that the taxes paid by the people are spent wisely and in the public interest.

Lately, I find myself thinking of the commission set up after the end of World War I by the Weimar Republic to study and report on the causes of Germany's defeat. The commission found that a major cause of this defeat was the amount of paper work required of the armed forces. Toward the end, they were literally buried in paper.

I hope we will never have to appoint a similar commission.

TRAGIC MYOPIA MARKS JOHNSON-HUMPHREY VIEW OF U.S.S.R.

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MESKILL. Mr. Speaker, it is being reported authoritatively by the news media that the Johnson-Humphrey administration notified the Soviet Union that we would not interfere if they had to invade Czechoslovakia. I do not know whether these reports are right but they have the ring of truth: such action is totally in keeping with the tragic myopia which has always guided the Johnson-Humphrey administration in its relations with the Soviet Union.

In spite of the Soviet Union's record of breaking more than 1,000 treaties in its history of oppression and aggression, the Johnson-Humphrey administration persists in regarding them as just an ordinary, civilized nation pursuing legitimate national interests.

Thus, they are always caught off base when the Soviets hit hard. The invasion of Czechoslovakia caught the administration completely off guard. With lightning speed, it was accomplished before they knew anything about it.

And what was the fearsome response of the U.S. Government to this flagrant suppression of liberty?

Why, it was to cancel the planned visit to Russia of the University of Minnesota band. That must have shaken the very walls of the Kremlin.

We need a new Republican administration led and staffed by people who understand the fundamentals of world politics, who appreciate the threat of world communism, and who place the security of the United States first.

WE ALL WANT TO SEE THE WAR END

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. CLEVELAND. Mr. Speaker, once again this fall, America undergoes the important rite of electing its President and many of its other national leaders. Once again this fall, political passions will reach the boiling point, and many harsh words, charges, and countercharges will ring out across the land. And perhaps once again—although I hope not—the American people will hear the easy political promises of certain peace in Vietnam, as they did 4 years ago.

Four years ago, the introduction of the peace issue into the 1964 presidential campaign led the American people into believing that we would not get involved in fighting a war in Asia. Even more tragically, I believe, it led Hanoi into believing that we would not. This is a mistake we cannot afford to repeat. We must make it clear to Hanoi that we want peace, but an honorable peace and one which will allow the South Vietnamese to decide for themselves what their future course will be.

It is important to remember that all of us want to see this tragic conflict in Vietnam come to an end. All of the candidates want peace, in spite of whatever label may be attached to them. To label one candidate a "Hawk" and the other a "candidate of peace" is only to obscure the issue and to mistake their positions.

Mr. Speaker, I want to include in the RECORD at this point an editorial which appeared earlier this month in a New Hampshire weekly newspaper called the Coos County Democrat. This piece was written by its thoughtful and distinguished editor, Clinton White, and is entitled "We All Want To See the War End." It restores the perspective with which we must view the Vietnam situation in its relation to the presidential campaign, and I therefore commend it to the attention of my colleagues:

[From the Coos County Democrat, Sept. 4, 1968]

WE ALL WANT TO SEE THE WAR END

There is something that all Americans and the whole world must understand. The nominees of the Democrat and Republican parties are as much concerned with bringing the war in Vietnam to an end as are the elements in both parties who failed to win the nominations. We have every confidence that either nominee would exert his every effort to stop that war.

Attaching labels such as dove or hawk to candidates is unfortunate. Certainly neither Richard Nixon nor Vice President Humphrey want to see the war continued; certainly both appreciate its high cost in lives and in money that could improve conditions within our country. However, both are honest and practical men who realize that following the McCarthy line could not possibly result in lasting peace. It could result in making the great sacrifices that have been made by our boys useless.

We believe that it is the almost unanimous wish of all Americans that the war be brought to a close as soon as possible. We do not believe that the close vote on the Vietnam plank in the Democrat platform is any true measure of the feelings of Americans about how. We believe there are many more Americans who favor the planks as adopted than the close vote would indicate.

We greatly respect the courage and idealism of Senator Eugene McCarthy, who stepped out alone in New Hampshire against the vast power of a president in office and won in our first in the nation primary. This doubtless was a big factor in the President's decision to retire. His victory was in capturing a big majority of the delegates.

We interpret that vote, however, to a deep opposition to the administration rather than as an endorsement of his ideas on Vietnam. New Hampshire's vote on the Vietnam plank would not represent majority views in our state, we believe, but a big majority of our delegates were committed by law to him.

If, however, the late Sen. Robert Kennedy had not entered the race, along with those who came later and if that liberal support had gotten behind Sen. McCarthy instead of opposing him, his vote would have been much higher.

Perhaps many Democrats felt somewhat about him as we did. Their confidence in his qualifications for the office of president may not have matched their respect for him.

MAJOR AMERICAN ORGANIZATIONS URGE RESUMPTION OF FULL MILITARY AID TO GREECE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DERWINSKI. Mr. Speaker, Members of the House have expressed great interest in the developments in Greece and have properly noted the submission of a new constitution for ratification by the Greek people and the steady reconstruction of a political democracy in that land. Most Members, I am sure, have appreciated the great cooperation that the Greek Government has continued to provide within the NATO Alliance and the effective role that the Greek Government plays in maintaining an effective defense against Soviet moves in the Mediterranean.

Therefore, I believe it is especially interesting to note that the American Legion at its convention in New Orleans September 10 to 12 and the Veterans of Foreign Wars at its convention in Detroit August 17 to 19 adopted resolutions concerning U.S. relations with Greece.

I include the resolutions as part of my remarks.

Major American Organizations Urge Resumption of Full Military Aid to Greece

The American Legion and The Veterans of Foreign Wars of the United States adopted, during their National Conventions, held in New Orleans on September 10–12 and Detroit on August 17–19 respectively, the following resolutions concerning U.S. relations with Greece:

RESOLUTION 265—AMERICAN LEGION

Whereas, The American Legion is deeply concerned about the increasing Russian naval force in the eastern Mediterranean and the increasing Soviet penetration of the Middle East and North Africa; and

Whereas, Greece stands as an indispensable NATO ally in the defence of Europe's eastern and southern flanks; and

Whereas, the Greek government has demonstrated unwavering support of the Atlantic Alliance, outstanding cooperation with United States military forces in the region, and unrelenting opposition to communism; and

Whereas, the Greek government displayed restraint and statesmanship in cooperating with the United States and Turkey in settlement of the Cyprus crisis; and

Whereas, this military-backed government has pledged itself to domestic reforms and to an orderly return to constitutional democracy, and has already prepared for a September 29 referendum on a new constitution; and

Whereas, The American Legion believes that the utmost encouragement should be extended to the government of Greece in its efforts to rebuild a truly representative democracy; now, therefore, be it

Resolved, by the American Legion in National Convention assembled in New Orleans, Louisiana, Sept. 10, 11, 12, 1968, that The American Legion:

1. Expresses its gratitude for the cooperation Greece has afforded the United States Sixth Fleet and other U.S. military forces; and

2. Urges the United States Government to resume shipment to Greece of all authorized military aid and to encourage, via all appropriate avenues, the orderly return to parliamentary rule in that country.

RESOLUTION 258—VETERANS OF FOREIGN WARS

Whereas, The United States has squandered billions on foreign assistance to nations which have been pro-communist and have turned against us in favor of communist aggression; and

Whereas, there are, fortunately, some nations which are still willing to stand and be counted in the struggle against communist aggression; and

Whereas, the Soviet Union is actively supporting aggression against nations of the free world; and

Whereas, the still free nations that are resisting communism have taken a stand with the United States in the defense of freedom; and

Whereas, the resumption of military aid to Greece is particularly important in view of communist moves into the eastern Mediterranean and Middle East; and

Whereas, these freedom-loving nations must have economic and military assistance if they are to perform their full role alongside the United States in opposition to communism; now, therefore

Be it resolved, by the 69th National Convention of the Veterans of Foreign Wars of the United States, that the United States provide full military and economic assistance for Greece, the Republic of China, Turkey, Spain, Portugal, South Vietnam, Indonesia, Korea, Thailand, the Philippines, and such other nations that stand with us and need our help.

ANGEL ON OUR WINGTIP

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DORN. Mr. Speaker, our distinguished, able, and beloved colleague from Indiana, Richard L. Roudebush, past national commander of the Veterans of Foreign Wars, wrote a magnificent letter to his constituents following a recent plane crash in Georgia. I commend this superb letter to the attention of our colleagues in the Congress and to the people of our entire country:

Angel on Our Wingtip

La Grange, Ga.—The newsletter this week originates from my hospital bed in southern Georgia.

Our small plane crashed in the hilly Georgia pine country during a return trip to Indiana from the Republican National Convention in Miami.

Flying has become routine, but I have always been uneasy in an airplane. My work in Congress, however, has required a great amount of travel by plane.

Often during the past eight years on my scores of air trips between Washington and Indianapolis, I have thought about the possibility of a crash.

I'm sure this occurs to other people who must travel frequently by plane.

It was an incredible experience. We were having difficulty finding our fueling destination at Pine Mountain. There was ground haze and air turbulence, and the landing strip was difficult to see in the heavily wooded hills.

As we were making our approach the plane suddenly seemed to "drop" and nosed toward the trees.

I will never forget the sight of those tree tops rushing up at us. When I shut my eyes I can still see those trees hurtling toward our plane.

Then we hit the trees. The impact at air speed was terrific. The only way I can describe it would be like crashing a car head-on into a brick wall.

I was still conscious when we hit the ground. Sitting next to the door, I tried to force it open with my shoulder, but it was jammed.

I saw flames licking back along the fuselage.

Despite the pain in my left leg and arm, I realized that if we didn't get out we would be burned to death.

But the door wouldn't budge. About that time I saw a big, muscular young man running toward the plane.

He wrenched the door open and I fell out through the opening. The young man and his companions dragged me away from the flames and then got all of the passengers out before the cabin burned up within minutes.

It was 18 miles to the nearest hospital over bumpy roads and we were placed in the back of a pick-up truck for the trip.

We will remember that journey for awhile, but we made it safely to the hospital at La Grange.

There must have been an angel on our wing tip that day over Georgia because we all survived—including my dear wife, Marge; our good friends and neighbors, Ken and Velma Biddle; their daughter, Mary Frances, and the Biddle's foreign guest, Mrs. Yolanda Bajo from Brazil, who was coming to Indiana for a visit.

We learned later that the nine young men who saved us from the burning plane were college students from Florida working on a construction job at a new golf course next to the airport we were trying to reach.

They later paid us a visit at the hospital. They had seen our plane crash into the trees, catch fire, and plummet into a pine thicket at the edge of a fairway. They were 350 yards away, but raced to the plane quick enough to save us.

We owe our lives to these young men who risked their lives by entering a burning plane which might have exploded. Even after we were all out, one of them plunged back into the cabin and made a search to be sure no one was left.

Sudden injury and death are ever-present in our modern-day life, but so are the old virtues of courage, selflessness and bravery.

I am looking forward to returning back home to Indiana as soon as possible and the doctor promises me that I can travel to Noblesville around Labor Day.

HUMPHREY TIFTS WITH GOP DRAGONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MICHEL. Mr. Speaker, I suppose that we can all sympathize with Vice President Humphrey as he struggles to get out from under the blanket symbolized by the sorry record of the Johnson-Humphrey administration but unfortunately for him and for the country, the sad facts are there for all to see and his desperate attempts to somehow indict Richard Nixon and the Republican Party for the country's ills just will not wash.

An excellent column by Mr. Paul Hope appearing in the September 23 edition of the Washington Star sets out the whole story in excellent fashion and I call the attention of my colleagues to what I consider the key sentence in the article:

> The difficulty in accepting Humphrey's thesis is that the Democrats have been in power for 28 of the last 36 years. If the country is beset by all the troubles Humphrey talks about—and it is—and if some party has to be assigned the blame, it would seem logical that the party that has been in power most the last third of a century would have to bear the primary responsibility.

Under unanimous consent, I submit the entire column for inclusion in the Congressional Record, as follows:

Humphrey Tiffs With GOP Dragons

(By Paul Hope)

For a candidate who says a president should not be elected on a campaign designed to exploit fears, Hubert Humphrey is dredging up a lot of bogeymen.

The vice president keeps talking about a "New Day," but before he gets there, he apparently has to fight through a field full of Republican dragons.

There is depression to the right, nuclear holocaust to the left, and black and white terrorism dead ahead.

There is almost nothing wrong with the country that can't be cured if the voters elect Humphrey and reject Republican Richard Nixon.

To hear Humphrey tell it, "riots, rumors and racisms that divide and frighten the country" are the invention of Nixon and the Republicans.

In his opening campaign speech, Humphrey said:

"We must ask ourselves: Which costs less—on the one hand, crime, delinquency, welfarism, unemployment and pent-up emotion in our people? . . . or on the other hand, positive, constructive programs to build opportunity for every American?"

The difficulty in accepting Humphrey's thesis is that the Democrats have been in power for 28 of the last 36 years. If the country is beset by all the troubles Humphrey talks about—and it is—and if some party has to be assigned the blame, it would seem logical that the party that has been a power most of the last third of a century would have to bear the primary responsibility.

Humphrey's campaign is primarily an anti-Nixon crusade because to be otherwise, he would have to admit some Democratic failings. And Humphrey is not ready to take that step with President Johnson still in the White House and ready to chop him off at the knees the first time he suggests the administration might have done something wrong in the past five years.

So Humphrey will continue, and no doubt step up, his personal attack on Nixon.

The other day Humphrey called Nixon a "demagogue." According to the dictionary, demagoguery is arousing "prejudices and passion of the populace by rhetoric, sensational charges, specious arguments, catchwords, cajolery, etc."

Let's apply that to a few of Humphrey's statements:

Specious arguments: "Richard Nixon says medicare is wrong—a Socialist scheme—and he opposes it to this day. . . . He has been for and against Social Security, for and against minimum wage coverage, for and against civil rights." Nixon's press chief, Herbert G. Klein, could hardly be faulted for denouncing that statement as "absolutely inaccurate" and "a distortion of the record."

Catchwords: "If Mr. Nixon is going to play Fearless Fosdick, that's his privilege."—from a discussion of crime during a press conference on the beach at Seaside Park, N.J.

Sensational charges: "Mr. Nixon has sacrificed our national interest for political demagoguery or for political tactics."—from a discussion of the nuclear non-proliferation treaty during the beach press conference.

Rhetoric: "Ugly riots, ugly rumors, ugly racisms divide and frighten the people. Burning, looting and white and black terrorism make headlines. . . . Are we to settle for hate, fear, separatism? . . . I intend to make this election a referendum on human rights and opportunity in America."—from his campaign opening address in Washington.

"Crime," said Humphrey in New Orleans, "is not, and should not be, a partisan political issue." To which he immediately appended: I could give you figures to prove that the crime rates are highest in states with Republican governors."

Humphrey implies that Nixon's suggestion for a delay in ratification of the nuclear non-proliferation treaty is a policy that would lead to nuclear holocaust.

If Nixon gets in the White House, says Humphrey, the nation's prosperity will disappear and down the drain will go the new car, the better home, the better job and the better education.

The "New Day" is just over the horizon, says Humphrey. But barring the gate is Fearless Fosdick. So far, Humphrey hasn't gotten around to explaining exactly what his "New Day" would be or how he expects to achieve it—nor has he defined precisely which of the "old days" of the past 36 years he's trying to get away from.

HUMPHREYISM

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SCHADEBERG. Mr. Speaker, starting today, I will make public a daily "Humphreyism" culled from the Vice President's public utterances.

The collection of Humphreyisms should be shared with all voters. I will attempt to do this on a daily basis from now until election day, November 5.

HUMPHREYISM NO. 1

I'm Lyndon Johnson's Eleanor Roosevelt.

(From the book, "The Drugstore Liberal," Sherrill and Ernst, p. 2)

THE SUPREME COURT AND OUR CONSTITUTION

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BURKE of Florida. Mr. Speaker, once again, award-winning editor of the Fort Lauderdale News, Mr. Jack W. Gore, has brought to the front in an editorial that appeared in the September 17 edition of the Fort Lauderdale News, an editorial about the Supreme Court and our Constitution.

Its thorough and candid appraisal of this country's Constitution and the recent decisions of the Supreme Court are indeed thought provoking. I commend Mr. Gore's article to my colleagues and to the citizens of our Nation, including those who sit on the Bench of the highest Court in this land—the Supreme Court.

ONE HUNDRED AND EIGHTY-ONE YEAR OLD CONSTITUTION NEEDS AMENDMENT TO CURB SUPREME COURT DECISIONS

Today for those who are interested, and their ranks appear to be growing smaller all the time, marks the 181st anniversary of the signing of the Constitution of the United States.

Here in Broward County most of the ceremonies designed to commemorate this most important event will be staged under the auspices of the Daughters of the American Revolution who will conduct a week-long series of special programs aimed at reviving public interest in one of the most remarkable documents ever conceived and put together by a liberty-loving people.

Most of us are well aware of the struggle and the controversy that went into the drafting of the Constitution. Yet, all too few Americans today seem to be aware of the insidious influences that are at work to convert the Constitution into something far different than our forefathers had in mind when they affixed their signatures to the document 181 years ago.

These men were smart enough to realize that times would change, conditions would change and other things would happen which would necessitate future generations of Americans revising the Constitution.

Thus, they prescribed a definite formula for doing that, but they made sure that it couldn't be done in any hasty or ill-conceived fashion. They thought that by requiring changes in the Constitution to be approved first by the Congress and then by the legislatures of three-fourths of the states, they had erected lasting safeguards to fast changes in the basic structure and basic laws of this nation.

For many years this was the way things worked out. But then something happened that our forefathers could hardly have foreseen. This was a tendency on the part of the U.S. Supreme Court to interpret the Constitution not from what it said in black and white but from what some of the Justices thought it should say.

Thus, basic changes began to be wrought in our governmental system not through any action by the Congress or by the legislatures of the states, but solely through decisions and dictates of the U.S. Supreme Court.

Our forefathers, for instance, were clear and explicit in writing into the Constitution a clause which said that all powers not expressly conferred upon the federal government by the Constitution resided in the states.

This was the medium through which the original framers of the Constitution hoped to prevent the federal government which, in the beginning was nothing more than a creature of the individual states within the union, from becoming the all-powerful master of its creators.

Since there was nary a word in the Constitution that bestowed any power upon the federal government to tell the states how to run their schools or to determine the qualifications of their own voters, it was assumed such powers would remain vested in the states until such times as these powers might be given to the federal government via the constitutional amendment process.

There have been no such constitutional amendments even considered by the Congress in the 181 years since the Constitution was signed. Yet, we now see the federal government assuming virtually dictatorial powers over state and local public school systems. We also see the federal government dictating to the states just how they shall determine voter qualifications and, in the case of a few states, doing this in a highly discriminatory fashion.

This has come about through decisions of the Supreme Court which have broken sharply with precedents of many years standing. As we said, the present Supreme Court no longer considers its functions to be limited to interpreting the Constitution as it is written, but it has expanded its functions to the point where it is now engaged in rewriting the Constitution to fit its own philosophies.

In this process both the Congress and the states have been completely bypassed. And through this process we have seen the federal government become the master rather than the servant of the states and of the people.

This was not what the original framers of the Constitution had in mind 181 years ago when they deliberately and wisely attempted to limit the powers of the federal government. But what they didn't and couldn't foresee was the necessity for putting some limitations on the power of the Supreme Court to do what no other branch of our government can do, and that is to change the Constitution arbitrarily and high-handedly, in some cases, to suit their own purposes.

That is one of the few mistakes our forefathers made back in 1787, and while it may be a little late to start locking the barn door, we still think there is an urgent necessity for a constitutional amendment which will put the Supreme Court back to its proper place in our government of being an interpreter of the law as written rather than a maker of new law.

JACK W. GORE.

PUBLICATION OF EULOGIES TO SENATOR ROBERT F. KENNEDY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. FRIEDEL. Mr. Speaker, I am asking for this time to inform the House that the Joint Committee on Printing is receiving many calls in connection with the publication of congressional eulogies expressed in tribute to Senator Robert F. Kennedy. The Joint Committee has now set the closing date of Friday, October 4, for final acceptance of any further insertions in the CONGRESSIONAL RECORD. It must be noted that ample time has been extended to all Members desiring to express their sentiments and depth of feeling relative to the tragedy of Senator Kennedy's assassination on June 6, 1968. It is the intention of the Joint Committee that these tributes be published and distributed later this year. For that reason, all copy must be submitted on or before the above-mentioned date.

THE CALIFORNIA TABLE GRAPE SECONDARY BOYCOTT IS UNFAIR AND ILLEGAL

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TALCOTT. Mr. Speaker, last Thursday the California grape growers gave three sacks of California table grapes to each congressional office. The grapes were universally acclaimed as "beautiful, delicious." Some eagerly wished that "we could get more of them." California table grape growers have every right to be proud of their excellent product.

A few Members, after notifying the news media, of course, returned a few sacks of grapes to the office of the gentleman from California [Mr. MATHIAS] to exploit, or aid and abet, the secondary boycott which several eastern unions are trying to impose against the California grape growers.

It mattered little to the two gentlemen from New York that wages for farmworkers in California are 35 percent higher than in New York and that every working and living condition is better.

Also, they either liked the grapes or believe in "tokenism" because no one returned all of the gift grapes—they or their office staffs simply could not resist eating a few on their way to the TV cameras.

There is no strike by grape pickers in Calfornia. They are satisfied. They earn more in the California vineyards than they can earn any place else in the world.

Because the attempted strike has failed, resort to an unfair, illegal secondary boycott has been attempted. Members of the Congress ought to review the facts before they support illegal secondary boycotts. Secondary boycotts of perishable farm products are extraordinarily vicious to the grower, the farmworker and the consumer.

The public is unerringly fairminded when the facts are known. Unfortunately, misrepresentation of the facts is a basic weapon of this secondary boycott.

I believe I can document the following:

Table grape workers and their families are not the destitute, miserably housed, hungry people that some propaganda has pictured. There is no strike by workers employed by California growers in the production or harvest of table grapes. The oft-repeated assertion that there is a strike by table grape workers is not true.

Most workers in the table grape harvest are paid on a combination hourly and piece-rate basis. All California farmworkers are protected by workmen's compensation insurance, disability insurance, farm labor camp regulation, farm labor-contractor regulation, wage collection law, child labor law, transportation regulations, wage payment law and minimum wages for women and minors, and the California Rural Legal Assistance. With these benefits and superior working and living conditions, the workers themselves have rejected the efforts of pressure unionization. The proof of this is that California table grapes are being harvested and marketed throughout the country with little hindrance.

Faced with almost complete failure to sign up table grape workers in its union, the United Farm Workers Organizing Committee has sought to use food trade unions in major cities to pressure retail food stores and produce wholesalers into a boycott of table grapes in an attempt to force growers to sign UFWOC contracts which, in turn, would force farmworkers to join the union whether they want to or not.

California farmers recognize a man's right to work, and to join any organization he wishes, so long as it is not compulsory. Growers of fruit and vegetables are in an extremely vulnerable position, with no bargaining powers. This makes agriculture different from all other industries. Imagine yourself as a farmer with a perishable crop ready to harvest tomorrow and a strike is called against you. Your crop could represent hundreds of thousand of dollars and will spoil in 2 or 3 days in the hot sun or a rain. What negotiating powers does a farmer have at a bargaining table when his crop is rotting and the other side is just stalling? In agriculture, time is the major factor—and it is all on the side of the striker.

Public support of the table grape boycott, or any boycott, will hurt the grape pickers themselves; their families; other farmworkers; and the public, as well as the innocent, hard-working, heavy taxpaying farmers.

Mr. Speaker, it might surprise you to know that the California grape growers are not huge corporate businesses.

The Delano grape growers came to this country in the late 1920's and 1930's, mainly from Yugoslavia and Italy, with no money. They took menial jobs, worked long and hard, spent frugally, and saved. Families pooled their savings and gradually acquired small plots of land. They planted grapes and improved the land and their stock. Two generations later the families are still working together. Average land holdings are 450 acres, with ownership often shared by many relatives. Of 70 grape farms in the Delano area, all but two are family-owned. These penniless, immigrant grape growers cared about their families, their land, their grapes and they have through patience, hard work, frugality, and skill produced an unexcelled product which is enjoyed throughout the country.

These farmers care about their employees, the employees' families, and their communities.

We ought to learn the facts before we condone secondary boycotts of perishable food.

NIXON HAS OHIO ROOTS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MILLER of Ohio. Mr. Speaker, Ohioans can point with pride to the accomplishments of native sons in almost every field of human endeavor. But there is one area where Ohio enjoys exclusive recognition and distinction, and that is as the "Mother of Presidents."

Only 35 men have served as President of the United States and Ohio has furnished eight of these. Since the Civil War there has seldom been a presidential election year when at least one Ohioan has not been a presidential nominee, or at least a convention aspirant of prominence.

The Republican presidential nominee this year, Richard M. Nixon, has lived in the States of New York and California. But the roots of the Nixon family go back into my district in southeastern Ohio. An article by Mr. Bill Miller, editor of the Logan Daily News, Logan, Ohio, on September 6, 1968, gives some interesting background on the Nixon family.

Under unanimous consent I submit the article for inclusion in the CONGRESSIONAL RECORD, as follows:

NIXON HAS ROOTS IN OHIO HILL COUNTRY

(By Bill Miller)

A sturdy tribe of Nixons in Hocking, Vinton and Perry counties will testify to the Ohio heritage of Richard Milhaus Nixon, Republican candidate for President of the United States.

Nixon currently is described as a man without roots, after he left his native California to make his home in New York City. But the roots of his family go deep into the Ohio hill country.

All his grandparents, all his great-grandparents and all but three of his great-great-grandparents lived at one time in Ohio, must of them in the Hocking-Vinton area. There are still 15 Nixons listed in the Logan-McArthur phone book, and all but three of them are in the Logan exchange.

Another clan of Nixons live in the Gore-New Straitsville area, all descendants of a Nixon who came to Ohio from Virginia with his brother, the great-great-grandfather of Richard Nixon, around 1844.

Richard's great-great-grandfather, George Nixon, was 60 years old when he moved to Vinton County in 1844. One of his sons, George III, followed him to Ohio in 1853, became a soldier in the Union Army during the Civil War and was killed at Gettysburg in 1863, leaving a family of eight children.

One of those eight children was Samuel Brady Nixon, who was 14 when his father was killed. At 26 he married the daughter of a neighboring storekeeper, Sarah Ann Wadsworth, and they became the parents of Richard Nixon's father, Frank, and four other children.

Sarah Nixon died in 1886 and Samuel Nixon was married again, to Luthera Wyman. To this union was born one son, Hugh, and all six of Sam Nixon's children were still young when he moved to the Ebenezer-Hue-Mt. Pleasant community on the Hocking-Vinton county line.

A gravestone marking the last resting place for Samuel Nixon, both his wives and a daughter Irene can be found in the cemetery alongside the Mt. Pleasant Methodist Church, on one of the highest ridges in the Hocking hills.

It was in this community that Richard Nixon's father grew up. Most of those years, the family lived in a log cabin on Potters' Ridge, just south of Hue, and Frank Nixon attended Ebenezer school and Ebenezer Methodist Church.

In those years, the Nixons were all industrious hill farmers and Democrats, as were most of their neighbors.

Frank Nixon broke with family tradition and joined the Republicans during the McKinley presidential campaign. McKinley, then Ohio's governor, won Frank's loyalty when he came to McArthur for a campaign rally and parade and admired Frank's horse during the parade.

Frank Nixon was 23 when he moved to Columbus in 1901. He worked there for six years as a streetcar operator, then moved in 1907 to Whittier, Calif.

There he married Hannah Milhous, mother of the presidential candidate. He worked in California as a rancher and carpenter, using skills he had learned in his native Ohio hills. Later he became a storekeeper.

He raised his family as Quakers and Republicans and lived to see his son become the U.S. Vice President. He died in 1956, before Richard's re-election and his subsequent fame as a presidential candidate.

Frank Nixon was born in Elk Twp., Vinton County, a few miles north of McArthur, in 1878. The house where he was born no longer exists, but some of the houses where he lived in later years are still standing.

He was known as a "steady, hard-working boy" during the 12 years he lived in the Ebenezer neighborhood.

His two younger brothers became school teachers in the area. Ernest later became a professor in agronomy and plant culture at Pennsylvania State College, and Hugh became a realtor in California.

During most of his boyhood, Frank lived in the log house on Woodgeard Rd., just south of Rt. 56 at Hue. In later years, the logs were covered with vertical boards, and more recently another imitation stone composition siding was added.

The Nixon clan has multiplied mightily in this area, and has many relationships with families of other names.

Stanley Nixon of Logan says there are four or five clans of Nixons in Hocking County. He is a distant cousin of Richard Nixon, but figures he is as closely related to the presidential candidate as any of the other local namesakes.

Clarence, Larry and Kenneth Nixon all are local cousins, as is Mrs. Frieda Willige. Mrs. William Loomis of Logan is an aunt of Harold Nixon, another cousin.

Of the Gore clan, Charles and Lloyd still live in that area, and Loren Nixon lives at New Straitsville.

Eight years ago, Richard Nixon made two campaign trips by train through his father's native hills. Once he stopped at Logan, and on another occasion made stops at Athens, Hamden and Chillicothe.

Many Nixons and relatives of Nixons turned out on those occasions. One clan had posted a sign on their farmhouse, "Nixons for Kennedy", but they all welcomed Richard and took more than a little pride in being related to a presidential candidate.

There has been no report yet in 1968 just where all the Nixons stand, but it is a good bet that most of them will be voting for "Cousin Dick".

READING THE RECORD OF CANDIDATE HUMPHREY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ASHBROOK. Mr. Speaker, recent discussions of the hardness or softness of candidate Humphrey have centered too much on the emotional and too little on the factual.

Few will deny that it is at best difficult to even determine a relatively constant position on an issue by the Vice President, but he has cast the heaviest shadows on the soft side. The Chicago Tribune discussed the soft positions of Mr. Humphrey and came up with examples in all three areas: inflation, communism, and law and order.

I would suggest in addition that Mr. Humphrey is also soft on consistency. There is more than one example available of Humphrey the candidate disagreeing with Humphrey the elected official.

For example, the Tribune quotes the Humphrey speech during which he suggested that he might lead a mighty good revolt himself.

As candidate in 1964 Mr. Humphrey came out with the position that:

> A Presidential candidate should be saying and doing things to promote respect for law.

The Humphrey record is replete with examples of inconsistencies, double standards, errors in judgment, contradictions and political shifting. Some of this is documented by the editorial from the September 15 Chicago Tribune which I include at this point in the Record;

Where Hubert Is Soft

Gov. Spiro Agnew, Republican candidate for Vice President, has infuriated the "liberal" left with his casual remark that Hubert Humphrey, the Democratic Presidential aspirant, has been "soft on inflation, soft on communism, and soft on law and order over the years."

Larry O'Brien, Fast Talker Humphrey's campaign manager, is joined by elements of the eastern seaboard "liberal" press in muttering darkly about an assumed disposition of the Nixon-Agnew ticket to "take the low road." Even the Republican leaders in Congress, Sen. Dirksen and Rep. Ford, said they knew of no evidence to back up the assertion that Humphrey has been "soft on communism," and under these pressures Gov. Agnew has seen fit—needlessly, we think—to retract his remarks applying to communism.

All of these people haven't read the record. It is simple to demonstrate that Humphrey, as part of the biggest spending apparatus in the history of the world, has helped generate inflation thru the issuance of printing press money to cover the constant federal deficits.

The Fast Talker has never tried to dissemble his own spending proclivities. In November, 1949, he said on a Town Meeting of the Air radio program, "To those who have been calling me the greatest spender, I want to say you haven't seen anything yet." This newspaper said in an editorial Nov. 27 of that year:

"Mr. Humphrey has never been deterred by such sordid details as the expenditure of the taxpayers' money. A compilation of measures he introduced in his first four months in the Senate totaled up to 22 billion dollars."

Soft on law and order? That is disposed of by Humphrey's celebrated utterance in New Orleans July 18, 1966: "I've got enough spark in me to lead a mighty good revolt." This when riots were occurring all over the country.

Allan Ryskind, in his biographical study "Hubert," provides documentation on Fast Talker Humphrey's outlook on communism, all the more interesting in the light of the Soviet Union's recent blatant military intervention in Czechoslovakia.

On Jan. 8, 1945, after his first defeat for election as mayor of Minneapolis, and four years before his advent in the Senate, Humphrey spoke before the men's club of the First Congregational Church of Minneapolis. The war in Europe was then approaching an end, and, in anticipation of its finish, he said that differences were already cropping up between the United States and Russia.

"We have to keep in mind what Russia wants and needs," he said, and part of what he thought Russia wanted and needed were these:

"Border states which are friendly to the Soviet Union and governments in those states which will not serve as agents of anti-soviet forces.

"An outlet into the Mediterranean.

"A rectification of her boundaries with Poland and Romania.

"The inclusion of the Baltic states into the Soviet Union."

Continuing, Humphrey stated: "I would say that these are the major demands of the Soviet Union, none of which are in any way impossible of solution, and all of which fit very nicely into a more secure and stable Russia. . . . The answer to a [soviet] fear psychosis is the establishment of conditions which promote and guarantee security.

"Russia, more than any other major power because of her past history and because of evidence of intrigue against her, is going to demand conditions of security and obtain them, even if she has to do it thru a system of alliances and outright absorption of neighboring states. . . .

"The major political danger arising in Europe is not that of communism but is rather the greater danger of the old rightist ruling forces of the past seeking to dam up the change that is certain to sweep over the continent. . . .

"It appears that Europe is going to the left. This does not necessarily means communism or socialism, but it does represent a revolutionary change in the thinking of a great part of the people."

Mr. Ryskind comments: History has demolished his outspoken belief that communism was not the major threat to Europe during those times. There was, furthermore, something callous in Humphrey's suggestion that the west should approve, the Soviet Union's incorporation of the Baltic states and large slices of Poland.

"As a self-proclaimed liberal, shouldn't Humphrey have been as strongly opposed to Stalin's aggressive designs as to Hitler's? Neither the Baltic states nor Poland had revealed any enthusiasm for soviet domination. In 1939, the soviets had received assurances from Hitler, both orally and in the nazi-soviet pact, that there would be no opposition to soviet seizure of the eastern half of Poland and the Baltic states.

"When the soviets gobbled up the half of Poland bequeathed to them by Hitler, they cruelly suppressed the population and deported tens of thousands of Poles into the interior of Russia. They were scarcely less harsh in their treatment of the Baltic states. After trumping up charges of anti-soviet activities, the soviets sent the Red army marching into these tiny nations in 1940. Waves of arrests, mass deportations, and the cruel suppression of all opposition became the order of the day. Humphrey, however, didn't mind telling Minnesotans that it was best for the United States to indorse these soviet actions."

In 1948, while campaigning for the Senate, Humphrey lashed out at the western policy of containing the Communists. The Minneapolis Morning Tribune on Oct. 12 of that year quoted him as telling the National Federation of Jewish Women, "I don't believe in the policy of containment." A week later the same paper quoted him to the effect that containment of Russia or any other country was "un-American." [It might be un-Russian, but precisely why was it un-American?] Still another report stated that he had urged the United States to go on the "offensive" by offering American aid to soviet satellites.

Humphrey's concern for the safety of Russia's borders, his indorsement of "outright absorption of neighboring states," and his judgment on the iniquity of containment amount, all together, to encouragement of all the territorial grabs the Soviet Union has made since 1945, topped off now by the subjection of Czechoslovakia because of some slight yearnings for freedom.

Mr. Agnew might add to his observations on what Fast Talker Humphrey is "soft on" where he is "soft in"—namely, the head.

VETERANS' ADMINISTRATION AND VETERANS ORGANIZATIONS HELP ALL VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TEAGUE of Texas. Mr. Speaker, in a recent column, Mr. Drew Pearson indicated that the "Legion should help Negro veterans." The Veterans' Administration and the veterans organizations have been active for years in trying to assist veterans from all walks of life, in representing every race, creed, and color. In recent months because of the Vietnam war the Veterans' Administration and the veterans organizations have intensified their efforts and in support of this fact, under leave to extend my remarks, I am enclosing a copy of a letter from the Administrator of Veterans' Affairs to Mr. Pearson together with specific examples of what is being done for the returning veterans:

Mr. DREW PEARSON,
Washington, D.C.

DEAR MR. PEARSON: I read with great interest your column in the September 5 Washington Post, headed "Legion Should Help Negro Veterans."

I appreciate the compassion and concern that prompted the column on this subject, for the problem is one in which all America has a stake. Because of your obvious interest, I thought you might like to know some of the efforts already well underway on behalf of veterans, especially those placed at a disadvantage because of color barriers, lack of education, etc. I have been with the Veterans Administration since 1946, and I can assure you that these efforts far surpass the helping hand extended to veterans of our earlier wars.

Your column suggested, "What we need to do is to get the list of returned veterans from the Veterans Bureau and seek the men out to offer help and guidance."

The VA couldn't agree more wholeheartedly. In fact, the VA has been supplying such lists for nearly six months to the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the AMVETS, and these organizations have cooperated magnificently in seeking out and offering help to servicemen returning to their communities.

But the government, and in particular President Johnson and Rep. Olin E. Teague, Chairman of the House Committee on Veterans Affairs, has long recognized the obligation to give meaningful help to our returning Vietnam era veterans,.particularly those who might have the most difficulty finding their rightful place in society. Here, in capsule form, are some of the programs that have been established, and each is an innovation in its own right:

A letter spelling out benefits and offering specific help is going to every discharged veteran, something never done before.

Since last February, U.S. Veterans Assistance Centers have been set up in 21 major cities, and this one-stop concept is being extended to an additional 49 locations. The centers are manned by representatives not only of the VA, but also from other federal agencies, and are operated in cooperation with state and local officials. Instead of a "drop in if you like" approach, personnel at these centers actively seek out disadvantaged veterans. If telephone calls don't do the job, the veteran is sought out through personal home visits. Already, more than 51,000 veterans, a great many of them Negroes, have received this unprecedented personalized help in getting started on jobs or education and training. (Four sample case histories on Negro veterans assisted at the USVACs are enclosed for your information.)

For the first time in history, VA has stationed personnel in battle zones. VA teams are serving at six bases in Vietnam briefing our combat men even before they become veterans. So far, 358,000 men have been oriented concerning veteran benefits; 44,000 have received individual counseling, and more than 18,000 applications for benefits have been started in the pipeline.

The Department of Defense's "Project Transition" gives a boost to disadvantaged men in the six months before they return to civilian life. By imparting employment skills, the Department is smoothing the transition to civilian life for many thousands of servicemen who most need this kind of help.

Through Executive Order, the President established "Transition Appointments" in the Federal Civil Service permitting priority employment in the first five levels of Civil Service of veterans needing experience, skill and education providing they at the same time continue their education on a part-time basis.

The President asked and Congress enacted without dissent a resolution seeking the cooperation of private industry in giving job priority to veterans.

Unlike its two predecessors, the current G.I. Bill permits veterans to complete high school while receiving VA payments without reducing their entitlement to advanced education. Some 17,000 veterans have already benefitted by this proviso, and, of course, many thousands of Negroes are included among the 838,000 veterans who have trained under usual provisions of the Third Generation G.I. Bill in the past two years.

These are some but not all of the imaginative, aggressive programs now in operation to combat the very problem delineated in your excellent column. But we need all the help we can get in making these efforts truly productive for our veterans and for America.

I do appreciate your attention to this important matter, and it might be that you would want to publish some of the information in this letter as a further incentive to win the cooperation of all our citizens.

Sincerely,

W. J. DRIVER,
Administrator.

ATLANTA, GA.

A 21-year-old Negro Army veteran who was discharged Spring 1968.

Several attempts were made by the VA's Contact Office to reach the veteran. Finally, the veteran was reached by a home visit by the Atlanta director of Contact and Administrative Service.

The interview developed that this Vietnam veteran, who had interrupted his education after three years of high school, was particularly interested in obtaining a Civil Service appointment with the Post Office. He had made an application direct. The Civil Service transitional appointment was explained as well as all VA benefits and the veteran was scheduled to come in to USVAC. Because of the veteran having a wife and a young son, he had to go back to his old job which he did not like, pending getting on with the Post Office. For this reason he did not keep his appointment at USVAC.

When he was not heard from a revisit was made and the Contact Representative convinced the veteran's wife that the best way for her husband to get an appointment with Civil Service was the transitional appointment. The veteran came to USVAC the next morning, filed for VA assistance in completing high school and arranged with the Civil Service Representative stationed at USVAC to be referred to the Post Office for a transitional appointment.

He obtained a transitional appointment, PFS–5, at the main Post Office in Atlanta and will enter Booker T. Washington High School this week to complete his high school training. The veteran is aware that when he finishes high school, he will still be eligible for 24 calendar months of full-time additional training in such field as he may desire.

HOUSTON, TEX.

A 39-year-old Negro veteran who retired from the Army March 1968.

He came into USVAC for assistance in finding employment and information on veterans benefits. He is married and has 4 children.

He was assisted in applying for a Certificate of Eligibility for education for one of the Houston Independent School District's evening schools. The certificate was issued to him May 9.

While there, he was interviewed by the Texas Employment Commission Representative who learned, during the job development, of his extensive background and experience in supply while in the Army. He referred the veteran to a department store warehouse and he was hired less than two weeks after discharge as warehouse manager at $485.00 a month starting salary.

He was contacted late August for follow-up information on his progress and adjustment. He said that he could not ask for better job relations. He appreciated being put to work by his employer in a job with responsibility and which paralleled his experience and knowledge in the service. He was accepted right away by his fellow employees and made to feel comfortable which, he said, was a great help to a man who had spent such a long time in the service. He has had a great deal of help and cooperation from those employees he supervises as well as from his superiors. He said he has had one raise in salary since he started work and is in line for another. He likes his work and his environment on the job very much.

He plans to try to use his Certificate of Eligibility to enroll in evening school in September under the G.I. Bill to get his high school diploma.

The veteran volunteered the information that he feels the personnel of the USVAC went "all out" for him. He said he does not believe he could have made it to his present status without their help and wanted to again thank all concerned for their interest and help.

WASHINGTON, D.C.

A black couple, both with service in the Marines in the Pacific, both discharged July 1968.

She has a high school diploma but he does not. They visited USVAC seeking help in finding employment and in establishing credit. Just after getting married they had gone to a furniture store and negotiated for furniture costing $1,100. They paid $100 down and agreed to pay $45 a month for 30 months. They located an apartment thinking the furniture would be delivered as promised. The store refused delivery because neither had previously lived in the Washington area, they had no established credit and were not working.

A Veterans Benefits Specialist from USVAC visited the furniture store with them and the credit manager agreed to extend them credit if they would reduce their purchase to $700 and if USVAC would help one of them locate employment.

Within a few days USVAC had secured jobs for both veterans. Noteworthy is the fact that, since they had no telephone, the VA official who had worked with them visited their apartment personally to inform the wife of her job and when to report to work.

SAN FRANCISCO, CALIF.

A black veteran from Alabama discharged from the Army at Oakland, Calif., after duty in Vietnam July 1968.

The veteran wanted to remain in the Bay area because his fiancee was from San Francisco. He returned there after a visit to his parents and started reviewing information provided him during counseling before and during discharge. He decided on a visit to the USVAC because he had heard from some friends that they were helped there.

In late July he visited the center to ask about employment with the thought of going to school while he worked. He was accompanied to the California State Employment Service and the Civil Service Commission office by the employee working with him at the USVAC. The Civil Service representative arranged for an interview with Personnel at the Alameda Naval Air Station, because the veteran's service specialty as helicopter mechanic seemed to give promise of employment.

He was interviewed, passed written and physical examinations and reported to work as a welder helper a week later. He is a high school graduate and is looking forward to using G.I. Bill eligibility to continue his studies while working.

GOVERNMENT EMPLOYEES ARE IN A UNIQUE POSITION

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BLACKBURN. Mr. Speaker, I think we all recognize that Government employees are in a unique position, and because of the uniqueness of their position, compulsory arbitration between Federal employees and agency heads is inescapable. The right to strike and the economic pressures upon employer and employee alike, which are created by strikes in the private sector, would not be present in disputes and resulting strikes in the Federal Establishment. In fact, should a strike occur in the Government Establishment, as we have witnessed in past months, for example the garbage strike in New York and teachers strikes in several States, what is adversely affected is the public good and not the profits of a private business establishment. I think we would all agree that the welfare of the public is too valuable a right to be seriously damaged or hindered where the dispute involves public employees. Thus, I accept and support compulsory arbitration as a final means of settling such disputes.

I believe that the agency head himself should have authority to select two arbiters. He should be free to select these arbiters from any sector of our society. In like measure, I would suggest that the head of the union or the chief spokesman for the aggrieved employees should have equal freedom in selecting two arbiters to represent his position.

The final selection would be three arbiters who would themselves be selected by the four arbiters previously selected. I would suggest that these three arbiters be selected by the vote of a majority of the four previously selected arbiters. These three arbiters should be chosen with a view toward strict impartiality. I should think that these three arbiters should not be presently employed by, either in a managerial capacity or otherwise, any Federal agency. Former employees or department heads might be acceptable, provided, they had not been so engaged for a period of no less than 18 months.

I sincerely believe that an arbitration board of seven members selected as I have outlined above could resolve differences in an impartial manner and more importantly, such an arbitration board could enjoy the confidence of the employee, the agency, and the general public, and further could protect the legitimate interests of each.

The second matter to which I will address myself is that of the desirability of voluntary unionism in the Federal Establishment.

I am sure that we are all equally familiar with the provisions of the late President Kennedy's Executive Order No. 10988. This Executive order represents the last public announcement of official position by the late Chief Executive.

I suppose the first official pronouncement on unionism in the Federal Government was that of President Theodore Roosevelt in 1903, when he ordered the reinstatement of an employee who had been discharged by the Government Printing Office because of his refusal to join a union. At the time of the order for reinstatement, President Roosevelt announced:

> It is adjudged and awarded that no person shall be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization, and that there shall be no discrimination against or interference with any employee who is not a member of any labor organization by members of such organization.

Until recent months no one has seriously contended for compulsory unionism, or payments to any organization as a condition for Federal employment. In September of 1967, President Johnson established a commission to study the general topic of employee-employer relationships. That Commission received testimony on the general topic of compulsory unionism. Public statements by some leaders in the labor movement gave rise to considerable speculation that President Kennedy's Executive order, which permits voluntary unionism but expressly rejects the concept of compulsory membership, was under discussion by the President's Commission. These public pronouncements, in some instances, went so far as to predict that compulsory unionism was a distinct probability. In the face of such speculation and debate, the White House has seen fit to remain noncommittal. Members of the Commission, until recent weeks, remained equally silent. Their silence only tended to give credence to the speculation.

In the light of the public speculation and official silence, Senator BENNETT introduced a measure in the other body which would protect as a matter of law the right of Federal employees to exercise their individual discretion as to the benefits of joining or refraining from joining with a union. In the House, I, along with a number of my colleagues from both sides of the political aisle, have joined in sponsoring similar legislation. To date, approximately 40 Members of the House and Senate have joined in sponsoring this legislation or legislation with a similar import.

It is also my pleasure today in introducing this measure to include a provision that will provide that a Federal employee shall have the right to refrain from joining a Government employee union.

Some might ask, "Why the need for a law when the President himself through Executive order can carry out the intentions of such legislation?"

For myself, I think it is unfair to the President to leave the burden, with its possible political implications, of such a major matter of policy upon his shoulders.

Anyone in political life is aware of the political pressures which are subject to the control of labor leaders. I will not argue against their right to exercise political pressures which are subject to the control of labor leaders. To the contrary, it is through the political forum that all citizens and organizations, including unions and businessmen alike, give direction to our Nation's affairs. But political pressure, like all forms of power, is subject to being abused.

I very strongly feel that in the Federal Establishment compulsory unionism could only serve to benefit the union leaders and would have at best, questionable, and at worst, possibly serious adverse effects upon employer-employee relationships. In short, I suspect that union leaders are now applying pressure upon the Chief Executive for compulsory unionism in the Federal Establishment. Their ambitions will serve their own best interest, and the best interests of the public and employees in the Federal Government are secondary. I feel that the pressure upon the President for compulsory unionism is going to continue and such pressure can only be removed through congressional action.

I am aware of the contention of spokesmen for the unions that employees who are nonunion members are recipients of the benefits of union activities and that such employees are obtaining benefits without paying their share of the costs. My only answer to this argument is that the unions, when they organize in an agency, do so with the knowledge beforehand that they must organize under such terms and conditions as will be established by the Congress, and at present by the Chief Executive. They are free not to conduct organizational efforts if they feel that they are not going to receive fair treatment. That decision is theirs to make.

But those of us in the legislative branch do not have the freedom to disassociate ourselves from the duty of protecting the public interest. In my opinion, we should not allow Federal employees to be subject to pressures from union leaders while conducting their duties for the general public. Presently, they are free from direct pressures, but only because the union must seek to serve the employee and not vice-versa. I would suggest to you that compulsory unionism would permit union pressures upon employees, perhaps at times to the detriment of their primary duty to serve the public interest. To me, one of the clearest testimonies for voluntary unionism is the long success and health of the unions in the Postal Establishment. Those unions have been compelled from the beginning of their organization to seek to serve the best interests of the postal workers. They have served the workers well, and thus have enjoyed a long-term and healthy existence. To change the basic relationship between the union and the workers by requiring compulsory unionism, would, I fear, lessen the continuing pressures for union leadership to serve the employees. It could result in employees finding themselves then in service to the union leaders. Surely no one would advocate such a change in positions.

As a final observation, the conclusion is inescapable that any union dues paid by Government employees must come from the taxpayers. To the extent that such dues represent an expense to the employee for the purpose of retaining his position, which would be the case if compulsory unionism were required, the taxpayers would be thus compelled to subsidize union activities. I would anticipate that pressure for wage increases would be generated by reason of the fact that employees' cost of holding their jobs would be increased to the extent that union dues were required.

When we recognize the vast numbers of Government employees and the tremendous financial resources which could be made available if compulsory unionism were required, we can immediately see the prospect of tremendous political activities by unions directly subsidized out of tax revenues. Such activities surely would not be in the best public interest.

MONSIGNOR WUJEK

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. PATTEN. Mr. Speaker, it has been my pleasure, over the years, to have the good advice and counsel of a truly wonderful priest, Monsignor Wujek, now 90 years old, who will be honored by his many parishioners and friends on October 6, 1968.

This country has grown from the many millions of people who came from Europe, men like Monsignor Wujek who upheld and loved this new land and flourished under its great freedoms. He developed great Americans through his school system and the schoolboys have now become leaders in medicine, pharmacy, science, and industry.

When we are looking for answers to our social ills, I just wish we knew why it is that almost everyone who came under the influence of men like Monsignor Wujek grew up to be moral, clean, and well behaved—men who loved their country and their church.

I am happy to insert into the RECORD the resolution passed by the borough of South River, N.J., to honor this wonderful, God-fearing man:

RESOLUTION

Whereas Monsignor Wujek was born on August 25, 1878 and

Whereas he is in his 90th year of life and

Whereas he has been a priest since his Ordination in Turin, Italy in 1912 and

Whereas he has been the pastor of St. Mary's Roman Catholic Church for the past 40 years and

Whereas he has been a contributor to the youth of his parish and the youth of the community and

Whereas he has contributed his guidance, his benevolence and affection on the citizens of the Borough of South River and

Whereas in appreciation of his many fine qualities and his service to his parishioners and to the citizens of the Borough of South River and

Whereas his parishioners and friends have dedicated Sunday, October 6, 1968 as a Day of Honor to Monsignor Wujek

Now therefore be it resolved that Sunday, October 6, 1968 is hereby declared Monsignor Wujek Day in the Borough of South River.

WALTER C. KULIK.
FLOYD WYLUDA.

CONGRESSMAN RODINO'S LONG MISSION FULFILLED—COLUMBUS DAY TO BECOME A NATIONAL HOLIDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. RODINO. Mr. Speaker, June 28 was a rare and most memorable day for me. It marked the achievement of a goal I have worked toward ever since I came to Congress in 1949. For on that day I stood at President Johnson's side as he signed into law H.R. 15951, the uniform Monday holiday bill to become effective in 1971. And in that act is a provision for one new holiday—the celebration of Columbus Day as a holiday throughout the Nation on the second Monday of each October.

On May 27, 1949, I first introduced legislation to authorize national holiday status for Columbus Day. Now, after almost 20 years, my long-sought dream—which at times seemed almost impossible of fulfillment—has become a reality.

And so it is that I feel a special communion of spirit with the great Genovese navigator whose own quest—a voyage into the unknown Western Ocean in search of a route to the fabulous East—was for so long, and by so many, deemed a foolish vision.

Christopher Columbus was a complex man, courageous and eager for action and adventure, yet also, a singularly sensitive man of deep religious faith. And he had a dedicated, almost mystical, conviction in the validity of his cause and the potential for success of his "Enterprise of the Indies."

It was, in the first place, a great achievement that Columbus was able to obtain support for what so many considered an improbable or impossible venture. His initial proposal in 1484 to Portugal, then the most forward-looking country in exploration, was rejected.

So, in 1485, Columbus turned to Spain to seek the support he needed. However, the Kingdom of Spain was then heavily engaged in a struggle to expel the Moors from Spain. So, as Columbus' distinguished biographer, Samuel Eliot Morison, has written in his definitive book, "Admiral of the Ocean Sea," in asking the Spanish sovereigns for resources to acquire three ships, outfit them, man them and provision an expedition for a year, it "was as if a polar explorer had tried to interest Lincoln in the conquest of the Antarctic about the time of the Battle of Gettysburg."

Columbus first presented his request to the Spanish monarchs in 1486. There followed then the 5 or 6 most painful years of his life. He had to sustain his faith and courage in his enterprise in constant and agonizing struggle with persons of no knowledge or respect for his judgment and experience. His correspondence in later years often mentioned with bitterness those difficult years when he was mocked, scorned, and treated with contempt.

At last, in despair, Columbus again made overtures to Portugal and, through his brother, Bartholomew, to England and France. These were all equally fruitless. He suffered through these years periods of severe financial distress, but nevertheless persevered in pursuing his vision.

In January of 1492, the Moorish stronghold of Granada capitulated. Yet within a short time Columbus received what seemed a final rejection of his proposal, and he prepared to leave Spain. But in a final interview with Queen Isabella—a woman of great intelligence and foresight, and in character very similar to Christopher Columbus—the great navigator convinced her that the risk of his enterprise was worth the price it might cost in considering the tremendous potential it offered for gaining resources and glory for Spain and for furthering the service of Christianity.

After months of preparation Columbus left Palos de la Frontera with a largely Spanish and Portuguese crew. And after a stop in the Canary Islands the three tiny, frail vessels—the *Nina*, the *Pinta*, and the flagship, *Santa Maria*—set sail into the unknown, uncharted Western Ocean on September 9.

With his prayer upon departure, "Jesus and Mary be with us on the way," this undauntable man of faith began the voyage that was to benefit future ages and to change the course of human civilization. And despite the smouldering discontent of the crew, which threatened to flare into open mutiny, the great captain general, with his compelling conviction and faith confronted this critical moment and conquered it.

Landfall came the night of October 12. The fateful hour for the Western World came at 2 a.m., when the *Pinta's* lookout gave the long sought cry: "Tierra, tierra." And land it was—the eastern coast of one of the Bahamas now called San Salvador. Thus then ended the historic first voyage of Christopher Columbus, admiral of the ocean sea, who so heroically braved the myth and mysteries of the unknown western seas to open the New World to civilization and colonization.

That bold and daring venture—a milestone in the history of mankind—deserves beyond doubt to be remembered anew each year. In and of itself, it is sufficient reason to justify a national celebration in a country that owes its existence to that magical moment of discovery.

But I would emphasize, Mr. Speaker, that I envision celebration of Columbus Day as a national holiday as more than that—in fact, as a multipurpose day of commemoration.

The national Columbus Day observance will be an ideal day for an annual reaffirmation by the American people of their faith in the future, and a declaration of willingness to face with confidence the imponderable and unknown challenges we will confront in the future. In the courageous spirit of Columbus, we will pay tribute to the virtue of perseverance and faith against the paralysis of baseless, unfounded fear and ignorance.

Columbus Day will also be a perfect occasion for the Nation to pause to pay homage to the cause and challenge of discovery, invention, and exploration. We can review our progress in the search for advances to improve our way of life, eliminate the undenied inequities which exist in our country, and find means to eradicate the sources of poverty, unrest, and divisiveness.

And finally, Columbus Day will be a special day to honor immigrants of all nationalities and to acknowledge their contributions to the building of a strong, just, and prosperous United States.

President John F. Kennedy rightly called us a "nation of immigrants," and in honoring Christopher Columbus we will be honoring the "father of immigration." It is significant to realize that this new national holiday bill includes only two national holidays which pay tribute to individuals—George Washington's Birthday to honor the Father of our Country and Christopher Columbus Day to honor the father of immigration.

In commemorating the role of immigrants on Columbus Day we will do more than show our gratitude for their countless contributions to the growth and prosperity of our Nation. For we will be simultaneously striking a powerful blow against discrimination and the intolerable prejudice of those who insist upon measuring a man by where he comes from, or where his parents or their parents came from.

I am proud to have had a part in the long struggle to end the offensive national origins quota system in our immigration laws, which at last came to an end on July 1 of this year, so we now have a system based, as it should be, by judging prospective immigrants on their individual ability, integrity, and desire for U.S. citizenship.

Columbus Day will be a reminder to all of us of what can be done, what can be accomplished, if we guide ourselves by the same virtues of determination, courage, faith, and vision that brought Columbus successfully through that long, dark, and lonely first voyage into an unknown world.

Mr. Speaker, I would close by quoting the most eloquent lines that George Santayana, the great Spanish-American philosopher, has written which express so movingly the significance of Columbus Day:

> Columbus found a world and had no chart,
> Save one that faith deciphered in the skies:
> To trust the soul's invincible surmise
> Was all his science and his only art.

GROTON RESOLUTION ON SCHOOL AID FUNDS

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

September 16, 1968

Mr. ST. ONGE. Mr. Speaker, I am inserting into the RECORD a resolution adopted recently by the town council of Groton, Conn., supporting an amendment to H.R. 18037. This amendment would make available the sum of $90,965,000 for school assistance in federally impacted areas under Public Law 874. It further provides that such funds shall not be subject to the antideficiency statute, and shall also be exempt from the limitations contained in the Revenue and Expenditure Control Act of 1968.

In the town of Groton almost 40 percent of the students in the public schools are children of Navy families living on tax-exempt Navy property. If the $91 million requested under Public Law 874 were frozen, the town would have no alternative but pay a significant portion of the cost of educating Navy children out of local tax funds.

This could mean a severe burden for Groton's property owners who would in effect be subsidizing the education of Navy dependents, and thus ultimately shoulder a burden which should be borne by all of the taxpayers of the United States. Unfortunately, the acute situation faced by Groton is typical of the hardships which will be encountered by many other communities in Connecticut if these funds are not made available.

This matter is now pending before a Senate-House appropriations conference committee. Hopefully, the conferees will reach a favorable decision in the very near future, so that the difficult financial burden on the local communities may be eased.

The resolution of the Groton Town Council follows:

RESOLUTION SUPPORTING AMENDMENT TO H.R. 18037

Whereas, the United States Senate has passed an amendment to H.R. 18037, appropriating funds for the Department of Health, Education, and Welfare, which makes available $90,965,000 for school assistance in federally impacted areas and which provides that such funds shall not be subject to the Anti-Deficiency Statute, and shall be exempt from the limitations contained in the Revenue and Expenditure Control Act of 1968, and

Whereas, said Bill is now being sent to Conference Committee to resolve the differences between the Bill passed by the Senate and by the House of Representatives, and

Whereas, the freezing of said $90,965,000 has reduced federal aid to the Town of Groton under P.L. 874 in the amount of $258,417, and

Whereas, the Town of Groton with its vast military population will be forced to furnish considerable local funds to educate the children of its military personnel unless these funds are released, be it

Resolved, that the Groton Town Council strongly urges the Conference Committee to approve this amendment to H.R. 18037 and furthermore urges the House of Representatives to pass said amendment, and be it further

Resolved, that the Groton Town Council request the President of the United States in his evaluation of the program of federal aid to impacted areas, to consider the deleterious effect which the freezing of these funds would have on a community with a vast military population such as Groton, and be it further

Resolved, that the Town Manager is hereby directed to send certified copies of this resolution to the President of the United States, to all six Connecticut Congressmen, to Speaker of the House McCormack, to the conferees representing the Senate and the House of Representatives, and to Senators Ribicoff and Dodd.

This is to certify that at a meeting of the town council of the town of Groton held on September 9, 1968, the above resolution was adopted.

SALLY M. SAWYER,
Town Clerk.

A PIONEER SOCIETY MERITS FULL PRAISE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. QUILLEN. Mr. Speaker, prevention of blindness is a great service to mankind, and I commend the national society for its very commendable work.

Blindness is the disease that Americans fear most, other than cancer. This is ably and clearly emphasized in an editorial which appeared in the Bristol Herald Courier on Monday, September 23, 1968, entitled "A Pioneer Society Merits Full Praise."

I have always supported legislation for

the benefit of the blind as well as for the prevention of blindness.

I would like to share the editorial with the readers of the Record, as follows:

A Pioneer Society Merits Full Praise

The National Society for the Prevention of Blindness, the oldest voluntary national organization engaged in this field of health, is in its 60th year of service.

It was in 1908 that the society began its vision-saving history when it fought for legislation to require that prophylactic drops be put into the eyes of every newborn baby.

At the time, 25 per cent of all children in schools for the blind had been needlessly blinded at birth by an infectious disease called "babies' sore eyes." Today, the disease has been virtually eliminated.

In the 1950s, the society participated in research to investigate an increasing incidence of a type of blindness called retrolental fibroplasia among children. It was discovered that the too-liberal administration of oxygen to premature infants was the cause.

In the 1960s, because of the dramatic increase in the average life span, much of the society's work is in educating older citizens about what they can do to treat or prevent cataracts and glaucoma. The society emphasizes that fully half of all blindness, whether due to disease, accident, neglect or ignorance is preventable.

Speaking of prevention, the Guild of Prescription Opticians is currently conducting a national Protective Eyewear Program—PEP—to inform the general public as to the availability and advisability of what used to be called safety glasses. Now known as protective eyewear, and indistinguishable from ordinary glasses, the shatterproof lenses have now become available for everyone who wears glasses and for millions more who wear sunglasses.

Some 500,000 eye injuries are suffered each year by Americans, says the Guild, and more than 160,000 of these involve children. The opticians, of course, hope to sell glasses, but it is difficult to argue with their contention that this toll could be significantly reduced if people who wear glasses would wear protective eyewear.

A recent survey revealed that Americans fear blindness more than any disease except cancer. Clearly, when it comes to preventive health, the eyes have it.

YOUR DOLLAR TODAY

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mrs. BOLTON. Mr. Speaker, my concern about the dangers of inflation has been constant over the past several years. I have fought those measures that I have felt would contribute to this inflation, and have voted consistently against increasing the national debt limit.

We should examine with microscopic care all legislation that comes before us to make sure it does not carry the seeds of further inflation.

As a woman—in communication with the women of my district—I am all too familiar with the catastrophic results of inflation, not only on the family budget but on savings that most families would acquire for their retirement days.

Inflation, too, certainly has a cruel effect on those on fixed incomes—annuitants and pensioners. Many of these people are actually enduring want because of its consequences.

On Monday, September 23, the Cleveland Press began a series called "Your Dollar Today," dealing with the shrinking purchasing power of the dollar.

For this series, City Editor Bill Tanner assigned Cleveland Press specialized writers in many fields to gather and verify facts about the cost of living. Among those who helped compile the series were: Barbara Bratel, foods editor and home economist; Bob Brennan, real estate editor and authority on housing; Joe Collier, medical reporter and star feature writer; Marie Daerr, who writes of golden agers and is an expert on social security; Ray de Crane, business editor and authority on income tax; Anthony Mazzolini, labor writer and wage-hour analyst; and Bud Weidenthal, specialist on college education. Their reports were turned over to Julian Krawcheck, general assignment reporter, who consulted further with economists and other money experts.

While only the first section of the series has reached me, I am certain that it will be a comprehensive review of inflation—its causes and cures. Believing it will be of great interest to my colleagues and other readers of the Record, I am including the first article by Mr. Krawcheck, entitled "We Call This Fear Inflation," as follows:

Your Dollar Today: We Call This Fear Inflation

(By Julian Krawcheck)

In a time of unparalleled prosperity, when more Americans are working and earning more money than ever before, there is worry in the land.

Worry about Vietnam.

Worry about disorder in the streets.

Worry about Russia.

Persistent as these concerns are, none strikes at the vitals of the thoughtful citizen more than the anxiety about spiraling prices in the market place. For as wages go up, prices go up—some say it's the other way around—and the cost of living keeps soaring.

We call this inflation, and to millions of Americans there is no greater fear than the fear of the shrinking dollar that inflation brings.

For these anxious millions, a ghost rides in the land of plenty. It is the ghost of the Great Depression—and the specter brings chilling thoughts.

The question, "Will it happen again?" is heard more and more.

Why this fear in the face of the affluence we see all about us—the full dinner pail, the peak employment and production, the 300 horses pawing restlessly in every garage?

Item: Living costs have risen 20% in the last decade, 6.6% since 1966. It now takes $4643 to buy what $3000 bought in 1949—$8417 to equal $3000 in 1939.

Item: Buying power of the average factory worker is down 21 cents a week since 1966 despite record pay boosts. In Cleveland the factory worker has seen his 9.9% average wage increase since 1965 wiped out by a 11.4% rise in local living costs.

Item: Greatly higher taxes—U.S. income and Social Security, local income and property—combined with higher living costs have outstripped the salary raises of many more affluent workers.

Item: Food price boost may reach 5% to 6% before the end of the year. Costs of education, medical care and housing are up sharply.

Item: Brokers fear the speculative bubble is about to burst as investors show increasing preference for "safe" bonds over uncertain common stocks.

This, then, is the inflation picture as we come to the end of summer, when the living is easy, and enter a new season, when roseate dreams often dissolve in the chill autumnal air.

What do individual families think of it all? How has inflation affected them?

"My husband had to take a second job in order for us to make out," said the wife of a municipal worker. "We need the money, but we want Papa home nights."

A West Side retiree, one of thousands who live on a fixed income and are especially vulnerable to inflation, complained: "Our income has not kept abreast of the rise in the cost of living. It has taken all the fun out of retirement."

An East Side executive, in the $25,000-a-year class, reported:

"I got a $1600 raise last spring. Already this has been wiped out by increases in taxes and college costs for our son without figuring in other cost-of-living increases.

"We had to give up plans for adding a family room to the house and we put off buying air-conditioning and color TV. When it came time to paint the house, I did the painting myself for the first time in years.

If these families, all with reasonably assured incomes, feel the pinch of the depreciated dollar, how much more must the poverty-level family be affected?

BATTLEFIELD AIR SUPERIORITY: THE AMERICAN LEGION RESOLUTION CONCERNING AIR-TO-AIR FIGHTER AIRCRAFT

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. PRICE of Illinois. Mr. Speaker, as a member of the House Armed Services Committee I have watched for some years the deterioration in technical superiority of our air-to-air fighters compared to that of the Soviets. There is no better way to point this up than to recognize that in the Korean war our air-to-air kill ratio was 14 to 1, and in the present conflict over North Vietnam the air-to-air kill ratio is 5 to 1. The kill rates are even less favorable when considering only encounters with the Mig–21. Even the advantage we do have is brought about by the determination, skill, and tactics of our pilots rather than by a technical edge of the U.S. Air Force fighter airplanes over their Soviet-built counterpart—the Mig–21.

The abject horror of this developing situation is not readily apparent to us. No American ground forces have been called upon to fight since the early days in World War II in North Africa without absolute air control of the battlefield. This dependence on air superiority has led the Army and the Marine Corps to develop some remarkable tactics and techniques. All of these—the air mobile concept, the extensive use of helicopters and light airplanes—depend on this battlefield air superiority. Notwithstanding any attitude that we might have about war, all of us agree that we must have adequate military strength, and to see our ground forces' light aviation shot down like sitting ducks because we have lost battlefield air superiority is unthinkable.

I recently read a speculative article in American Aviation which emphasizes the seriousness of the situation, when through a greater part of the 1970's our air-to-air fighters have to face the Mig-23—a Soviet-built, missile-carrying fighter, with which the Soviets are now equipping their air forces. Our Navy, as a matter of urgency, is developing an air superiority airplane, the VFX–1, to be followed by the VFX–2 in answer to the Soviet threat and as a complement to the late model ground attack airplane with which our fleet will soon be equipped. But I despair at the pace at which the Air Force is developing a suitable air-to-air superiority fighter, the projected FX.

The American Legion at its recent national convention in New Orleans recognized this deficiency in our future military posture by passing a resolution on the subject. I know of no more devoted and knowledgeable group of Americans than the National Security Commission of the American Legion, and I would commend to you the heeding of their recommended action.

I am including in the RECORD the speculative article by Michael Getler in American Aviation, and the American Legion resolution, as follows:

[From American Aviation, Aug. 5, 1968]

HOT AIR SUPERIORITY

(By Michael Getler)

BANGKOK, THAILAND, August 5, 1971.—Five U.S. Air Force F–111 fighter-bombers were shot down today by a flight of new Soviet-built, missile-carrying fighters, identified by U.S. pilots as MiG–23s.

It was the first combat appearance for the MiG–23 in the war that has been raging here at a stepped-up tempo since the Thai government asked for and got a major U.S. military commitment to the battle six months ago.

According to U.S. Air Force pilots, about 15 MiGs jumped the F–111s and their F–4 fighter escorts as the bomb-laden F–111s were about to begin runs against heavily defended guerrilla strongholds in the northwestern section of the country. The U.S. fighters gave chase but the MiGs outran them to the border of North Vietnam.

The new MiGs are believed to be based at three airfields in the Hanoi area. Under terms laid down at the conclusion of the war in Vietnam in 1969, U.S. planes cannot violate North Vietnamese airspace.

Officials here said that the nationality of the pilots flying the MiGs could not be ascertained.

Entry of the highly advanced fighter plane into the war already has produced a shock wave among military commanders here and is certain to jolt the Pentagon, Congress and the White House.

The MiG–23, also known in western circles by its NATO code-name, Foxbat, was first seen publicly in July 1967, at the Domodedovo air show outside Moscow. At that time, the Russians claimed world speed and payload-to-altitude records for the twin-engine, delta-wing, twin-tail aircraft. The Soviets also claimed the craft could fly at three times the speed of sound.

The MiG–23 figured prominently in Defense Department budget hearings the following winter when several senators and congressmen demanded that the Pentagon accelerate U.S. plans to build a new fighter to replace the venerable but aging F–4 and counter the Soviet threat.

The Air Force, after many delays and funding limitations, was finally allowed to start development of a new fighter, then known as the FX, in early 1969. That new craft, however, is not expected to be ready for operational service for at least another two years.

Thus, U.S. military commanders here are faced for the first time since the early days of World War II with the prospect of losing air superiority to the enemy.

Appearance of the MiGs today corroborates reports in the press over the past several months that a new type of fighter plane had been spotted by U.S. reconnaissance moving in numbers from the North Vietnamese port of Haiphong to airfields surrounding Hanoi. The Pentagon had claimed it had no official information about such reports. There is still no official estimate regarding the number of MIG–23s in North Vietnam, but unofficial estimates run as high as 200, with more said to be arriving each week.

If these reports are true, then not only will the security of U.S. bombers be in jeopardy, but inland base camps and carrier task forces off shore may also feel the blow of enemy air power for the first time in almost 30 years.

The F–4 fighter, now in its 12th year of service and 10th version, is the only thing in the current Air Force and Navy inventory that can rise to meet the MIG challenge; but, though once the world's best, the F–4 will be badly outclassed, according to observers here.

The losses suffered in the skies over Thailand today, coupled with the prospect of lost air superiority, are also apt to bring back into focus in Washington some of the bitter arguments that raged over defense policies back in the late 1960s.

For several years prior to 1969, the Air Force had battled unsuccessfuly for money to begin development of a new air superiority fighter to replace the F–4. Then Secretary of Defense Robert S. McNamara said that a replacement would not be needed before the late 1970s, and the project became an annual budget casualty, though some research was done on engines and components.

The Navy, on the other hand, was principally occupied in those days with trying to rid itself of its costly and overweight version of the F–111. The Navy did not get started on a suitable carrier-based replacement for the F–4 until last year, and only after it had made an abortive attempt to develop an "interim" replacement for the F–111.

Both services throughout this period had been hobbled by delays due to budget restrictions caused by the war in Vietnam, and by the Pentagon's attempt to merge the new fighter programs even though the joint Air Force/Navy F–111 program was clearly not working out as planned at the same time.

Meanwhile, the Soviets, at Domodedovo, had displayed more than a dozen new military aircraft that impressed many analysts, though some others pointed out that the Soviets often use air shows to bluff the United States.

Furthermore, the MiG–23 was billed in some quarters primarily as an interceptor, rather than a fighter, while others pointed out that earlier versions of the MiG had also been wrongly tagged when they first appeared.

Some doubted that the Soviets would put their newest aircraft in the hands of another nation, and said even if they did so, U.S. pilots would prevail. Others pointed toward the use of the front-line MiG–21 in Vietnam and the excellent performance turned in by that craft in the hands of the North Vietnamese, especially toward the war's end.

There was also a mood of detente between the U.S. and USSR in the late '60s that some officials saw as an across-the-board accommodation. Others warned that while nuclear warfare was indeed unthinkable, U.S.- and Soviet-built weapons might still be confronting each other over foreign lands in smaller wars for years to come.

Finally, 1968 was an election year in the United States, and many candidates were saying that there would be no more Vietnams. Some believed this; others took it as campaign oratory.

Whatever the arguments of the late '60s, this is 1971 and the mood of field commanders here has changed swiftly and dramatically. There is now a sense of foreboding mingled with just a touch of "I told you so," a sense of frustration that something that has always been taken for granted was allowed to slip away and that it is going to be a long, bloody wait to get it back.

Unlikely? Perhaps.

RESOLUTION 225 (MARYLAND): AIR-TO-AIR FIGHTER AIRCRAFT

Whereas, The American Legion in its National Convention last year supported the development and procurement of high performance fighter aircraft; and

Whereas, The wisdom of this action has been demonstrated in recent months by the clear indications that the Soviets are continuing to push ahead in the area of aeronautical development; and

Whereas, The implications of this Soviet emphasis on advanced fighters are compounded by the fact that United States fighter aircraft developments have not kept pace with Soviet developments; and

Whereas, The recent conflict between Israel and Egypt has clearly demonstrated the need for air superiority if a force is to obtain or maintain superiority on the ground; and

Whereas, Studies have shown that our technology can provide an advanced fighter aircraft that will be superior in aerial combat to Soviet aircraft; and

Whereas, Funds have been requested in the Department of Defense Appropriations Bill for Fiscal Year 1969 to permit the Air Force and the Navy to proceed with designs and preliminary work on the avionics and engine for such advanced fighter aircraft; and, now, therefore, be it

Resolved, By the American Legion in National Convention assembled in New Orleans, Louisiana, September 10, 11, 12, 1968, that the Department of Defense, the Administration and the Congress fully support and expedite the development and procurement of superior air-to-air fighter aircraft; and, be it further

Resolved, That the Secretary of Defense be urged not to compromise or otherwise degrade such aircraft in their design or performance through attempts to achieve commonality.

THE NOTE ON THE FLOWERS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MILLER of Ohio. Mr. Speaker, on September 6, 1968, Sgt. Michael L. Griffith, U.S. Army, the son of Mr. and Mrs. Wayne Griffith of Lancaster, Ohio, was killed by enemy fire in Vietnam. Sergeant Griffith had served 5 months and 16 days in Vietnam.

Two of his high school classmates, brothers, Pfc. Pat Balser and AlC Tom Balser, pinned the following note on the flowers they sent for Mike's funeral:

DEAR MIKE: We pay tribute to you and for your love of God, our country and love for

humanity in this world. We will do all we can because you paid it all. God bless you.

It seems to me a fitting tribute to Sergeant Griffith that two other young men in the service of their Nation would express their feelings in such a way. This brief but poignant note speaks well for the young men who penned it, the soldier who gave his life, and the younger generation in general.

THE NEW YORK TIMES TAKES A CONSIDERED LOOK AT THE ARNHEITER CASE

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. STRATTON. Mr. Speaker, the other day, September 10 to be exact, my colleague from New York [Mr. RESNICK] inserted into the RECORD a rather lengthy attack on a detailed report on the famous Arnheiter case, which had been prepared by a member of the staff of the Armed Services Committee for the use of the committee. Mr. George Norris was the committee counsel who prepared that report, to which the gentleman from New York [Mr. RESNICK] took such strong exception.

On page 26324 of the RECORD for September 10, 1968, Mr. RESNICK refers to a "so-called investigation conducted by Mr. George Norris" and further categorizes this inquiry as "an obviously biased, startling collection of inaccuracies, slurs, and gossipy insinuations which run throughout what was purported to be an objective examination of the case by a disinterested party." Moreover, Mr. RESNICK calls Mr. Norris "a gentleman who fails to state the basis for any competency on his part to review and evaluate, let alone pass judgment on a matter which should be wholly within the purview of those familiar with the exercise of command at sea in naval vessels."

I believe I am in a position, Mr. Speaker, to comment on Mr. Norris' credentials. Not only has he been a distinguished member of our Armed Services Committee staff for several years, but for the past 2 years he has also served as counsel to my Subcommittee on Antisubmarine Warfare. He is, in fact, an expert on naval matters, and on naval command relationships.

It is interesting that the gentleman from New York [Mr. RESNICK] should have complained that a member of the staff of the House Armed Services Committee has addressed himself to the issues involved in the Arnheiter case, basing his complaint on the ground that this case ought to be exclusively the responsibility of "those familiar with the exercise of command in naval vessels." For it was only a little while ago that the gentleman from New York [Mr. RESNICK] addressed a specific demand to the House Armed Services Committee that we conduct a full investigation into the Arnheiter case on the ground that Mr. RESNICK was not satisfied with the findings of those top professionals in the Navy Department who were uniquely "familiar with the exercise of command at sea in naval vessels" and wanted a survey made instead by Members of the House whose special responsibility was the conduct of our Armed Forces. In fact it was specifically in response to this request that Chairman RIVERS designated Mr. Norris to review the entire record of the Arnheiter case, classified as well as unclassified, and to submit his findings to the chairman so that a determination could then be made as to whether the matter did warrant further investigation by the full committee. It would be hard to imagine a fairer or more proper procedure for Chairman RIVERS to have followed in this case. The Norris report, already inserted into the RECORD, was the result of this assignment.

I know Mr. Norris. I have the highest regard for his professional ability, for his complete integrity and fairness, and for his accuracy. I would have the fullest confidence in the results of any inquiry he might make into naval matters, just as I know that Chairman RIVERS has that same kind of confidence. The attack on Mr. Norris by the gentleman from New York [Mr. RESNICK] is unfair and unwarranted.

Basically, Mr. RESNICK takes exception to the Norris report because it does not agree with his own views with respect to the Arnheiter case. Instead of offering any further defense of Mr. Norris or his conclusions in this case, however, I think it would be more to the point for me to invite the attention of the House to the fact that in recent weeks Mr. Norris' conclusions in the Arnheiter case have been borne out almost entirely by a source that could hardly be considered as having any special, built-in basis toward the Navy or toward things military in general, the New York Times. On August 11, 1968, while Congress was in recess for the national political conventions, the New York Times published in its magazine section an article by Mr. Neil Sheehan, one of the Times' regular reporters covering the Pentagon, entitled "The 99 Days of Captain Arnheiter." What is interesting is that on his own, and apparently without access to any of the classified records in the case, Mr. Sheehan came up with virtually the same conclusions as had Mr. Norris.

Because so much has been written on this case, and so many Members of the House have interested themselves in it in one way or another, I therefore take this opportunity, Mr. Speaker, to insert in the RECORD at this point the full text of the Sheehan article.

Following the Sheehan article I will also insert an exchange of letters between Mr. RESNICK and Mr. Sheehan which were published in the letters column of the New York Times Magazine section on September 15, 1968.

Those Members who for one reason or another during the recess did not have occasion to read the Sheehan article will, I am sure, find it most interesting, and will recognize that it confirms in a very dramatic and impressive way the splendid reporting job on a complex issue already performed for this House by Mr. George Norris of the Armed Services Committee staff.

The article and the letters referred to follow:

THE 99 DAYS OF CAPTAIN ARNHEITER

(By Neil Sheehan)

On the morning of March 31, 1966, Chief Radioman Everett R. Grissom handed Lieut. Comdr. Marcus Aurelius Arnheiter a terse order from the Bureau of Naval Personnel in Washington. The four lines of coded teletype informed Arnheiter that he was relieved of command of the U.S.S. Vance, a radar picket destroyer escort on Vietnam patrol. He had been her captain only 99 days.

In the two years and four months since then, the dispute over what happened on the Vance during those 99 days has grown into one of the major Navy squabbles of the decade—the Arnheiter Affair.

Arnheiter has waged a crusade to reverse the effects of that four-line order, in Congress, the press and the law courts. He and his band of supporters, including Capt. Richard G. Alexander, once one of the Navy's most promising officers, have challenged the judgment and integrity of several admirals and questioned the Navy's sense of justice and fair play. In the process of seeking to save Arnheiter's career, Captain Alexander has destroyed his own.

The Navy hierarchy, though rebuffing Arnheiter's appeals, has been at odds with itself over the handling of the case. This high-level uncertainty has helped to create persistent doubts within Navy ranks as to the propriety of Arnheiter's abrupt relief.

The Navy's version of the 99 days on the Vance is based in large measure on an informal investigation that began on April 6, 1966, at Subic Bay in the Philippines. For six and a half days, a Navy captain took sworn testimony from Arnheiter, his subordinate officers and several members of his crew.

In the end, the Navy decided that the Vance's captain had been removed for good reason. Arnheiter had been destroying the morale of his crew and had "exercised bad judgment and lack of integrity in so many important matters" that he did not deserve command, either at sea or ashore.

Arnheiter counters that he has been the victim of a mutiny and two conspiracies. His subordinates, he says, were a sloppy "bunch of dissident malcontents . . . a Berkeley-campus type of Vietnik/beatnik." He aroused their anger by attempting "to make a man-of-war out of a roach-infested yacht" and by "lashing out relentlessly to find and engage the Vietcong" on coastal patrol off South Vietnam.

These "collegians in uniform" staged the first mutiny and conspiracy by secretly making "fallacious or frivolous allegations" against him to his superiors. His superiors panicked, he says, and summarily relieved him without warning, in violation of Navy regulations. The Navy hierarchy, he claims, has since sought to sacrifice him (the second conspiracy) to conceal its first error.

Lengthy tape-recorded interviews with a number of officers and sailors who served under Arnheiter, a reading of the sworn testimony at Subic Bay and the gathering of other evidence, aimed at reconstructing what happened on the Vance, disclose a radically different version of his 99-day reign.

As the officers and crew tell it, the script of their voyage might have been drawn from "The Caine Mutiny," "Mr. Roberts" and "The Bedford Incident." They tell of a "paranoid" captain, a real-life Queeg, who exhibited strange quirks and ran his ship with tyrannical whimsy. They say he enforced discipline with a martinet's fetish for shined belt buckles and shoes, but violated Navy regulations and the orders of his superiors whenever it suited him and tried to run a private war. He created doubts about his personal courage, but sought acclaim as a war hero by fraud and at the needless risk of the lives of his crew.

When he took over command of the Vance at Pearl Harbor on Dec. 22, 1965, they say, the 22-year-old destroyer escort lacked the spit and polish of a flagship, but it was a fine ship with good morale. It was not to remain very long in that state.

In the six days before the Vance sailed for Guam on Dec. 28 en route to Vietnam, Arnheiter made a number of unusual demands. For example, he ordered Lieut. Ray S. Hardy, the executive officer, to get him a white toilet seat to replace the regulation black one in the private bathroom off the captain's cabin.

"You've got to be kidding, X.O.," said Lieut. (j.g.) Robert Gwynn, the supply officer, when the executive officer relayed the order. The days just before deployment for extended patrol are the most hectic for a ship's supply officer, and Gwynn, a careful, even-tempered man who now works as a production analyst at Baxter Laboratories near Chicago, recalls that the was "busy as hell" getting essential material aboard. Arnheiter also mentioned the matter to him directly, Gwynn says, and told him to obtain the white toilet seat before the ship departed in two or three days.

The only way to comply in this short a time, Gwynn recalls, was to submit the request on a special high priority, walk the paper work through the processing stages at the supply depot and personally pick up the item. He was too embarrassed to ask the depot personnel to walk the request form through; he did it himself. Even so, Gwynn says, the matter ended unhappily when the Vance's ship fitters accidentally scorched the white toilet seat with a welding torch while installing it. (The new captain also had the ship fitters raise the level of the sink so that he could wash more easily and install a ship's phone next to the commode so that he could talk while sitting on his new toilet seat.) Arnheiter now says that he ordered white toilet seats for all latrines on the ship because the black ones were "cruddy," but he does not remember if Gwynn obtained white seats for any bathroom other than that of the captain.

About 500 miles out of Hawaii, Arnheiter held the first of several "war councils" with Hardy and the other principal officers. The participants were all to wear pistols, the captain instructed, and armed sailors were to be posted at the forward and rear doors of the officers' wardroom to maintain security.

"There's no VC out there," Hardy recalls. "We're about 7,000 miles from Vietnam." He asked Arnheiter why the officers had to wear pistols. "He said, 'It's just to emphasize that this is a warlike gathering,' " Hardy remembers "I kind of laughed at him, you know, hoping he would laugh back, that he realized that this was a humorous thing, but boy, no, it wasn't. He just scowled at me as if to say, 'You don't really understand the program, Hardy.' "

Lieut. William T. Generous, the Vance's operations officer and the man Arnheiter now accuses of master-minding the conspiracy against him, characterizes this first "war council" as a "three-to-four-hour harangue" by the captain. Succeeding sessions followed the same pattern. The officers were permitted to say very little, he says. "Monologue doesn't describe it."

Arnheiter explained, using sketches and diagrams, how he intended to use a 16-foot Fiberglas speedboat as bait to draw fire from the Vietcong on the coast or in junks near the shore. A variation on the theme would be to send out the ship's slower motor whaleboat as a decoy to "incite the enemy."

The captain had purchased the speedboat in Hawaii with $950 from the crew's recreation fund without consulting the recreation committee. He subsequently had fierce sharks' teeth painted on the bow, a machine gun mounted in the middle and a 3-by-5 foot American flag affixed to a staff near the stern.

"He had a three-wave invasion," says Generous, describing how Arnheiter sketched the speedboat dashing close to the shore, with the larger motor whaleboat in between it and the Vance, which would be lurking just out of sight over the horizon.

The American flag streaming from the speedboat's stern "was going to fire up all the hatred and bitterness of the Vietcong," Generous recalls, "and they were going to see this poor little semi-defenseless speedboat and they were going to really chop it up." But the armed crew of the motor whaleboat would support the speedboat and radio the Vance to "come steaming to the rescue and blow whatever it was out of the water" with her twin-three-inch guns, or bombard the Vietcong on the shore.

The only problem, the captain told his officers, was to find an officer and crew willing to get shot at in the speedboat. Lieut. (j.g.) Luis A. Belmonte, the ship's gunnery officer, volunteered because he was a bachelor and he felt it was his job He then "volunteered" some of his men. Belmonte, a small wiry man with the build of a bantamweight boxer, says the captain praised him for being "audacious" (one of Arnheiter's favorite words) and said that "there would be a Silver Star in it for me."

The Vance's operations order contained strict rules of engagement designed to discourage the ship from engaging in shore bombardment or other participation in the land war. The Vance's mission in the Navy's coastal patrol off South Vietnam (called Operation Market Time) was the dull business of inspecting junks and sampans for contraband and infiltrators. The captain told his officers, however, that he considered these rules "unfair" and "overly restrictive," Hardy says. His plan would provide means "of getting around them, circumventing them" so that "we can get a chance to shoot the guns at the beach." The Vance was permitted to return fire in self-defense, and the captain said he interpreted this provision "to include the ship's boats, plural," Hardy reports. As he had told the crew at the change-of-command ceremony, Arnheiter intended to take them "where the action is."

The ship docked in Guam on Jan. 7 for a week's repairs to an engine, and Arnheiter, a man of enormous energy where his enthusiasms are concerned, proceeded to impress more vividly upon the officers and crew another promise he had made at the change-of-command ceremony—that life under him would be "different."

The "audacious" Lieutenant Belmonte was set to work stealing 25 55-gallon oil drums from the pier for target practice at sea. He was also ordered to produce 200 sandbags. They were to be stacked along the deck as protection for a 30-man "special fire team" Arnheiter was mustering to shoot at VC junks. The team would also act as a landing party in the event of an opportunity to fight ashore. The captain finally settled for 60 sandbags after Hardy warned him that 200 which would weigh about 14,000 pounds, might affect the ship's stability in a heavy sea.

Gwynn, the supply officer who had been sent on the toilet seat hunt, also had a sizable shopping list. At the top was $285 worth of movie and still camera film. He had already purchased $85 worth in Pearl Harbor with Government funds, but the captain liked to have his picture taken constantly and wanted more. The rest of the list consisted of an air conditioner for Arnheiter's cabin (to supplement the ship's system) and a cigar humidor, demitasse cups and candelabras for the wardroom. Arnheiter has since said he intended to transform the wardroom into "a gentlemen's club" and wanted to expose his "rustic" young officers to "sophisticated living." But Gwynn failed to procure either the air conditioner or the appurtenances of the good life for the wardroom.

The wardroom did, however, acquire a silver coffee server on Guam. Generous, the operations officer, says he stole it from the officers' club at the captain's urging while the officers were attending a buffet dinner Arnheiter gave there for the wife of a colleague.

At the end of the same evening after considerable drinking had been done, Belmonte and Ensign Michael R. McWhirter stole two large silver candelabras from the club. Hardy says he asked them to take the candelabras because the captain eyed them repeatedly and remarked "how fine they would look in the wardroom." "He kept going on and on about how there must be some audacious officer that can bring this about," Hardy says. "It was painfully evident that he wanted this done, short of going up there himself and grabbing these things and walking out the door with them."

McWhirter was caught in the act by a waiter, but Belmonte managed to get his candelabra out of the club and it was taken back to the ship. The next morning, Hardy says, he told Arnheiter that the candelabra would have to be returned because it was obvious that a Vance officer had stolen the item.

Arnheiter has since denied urging his officers to steal either the coffee server or the candelabra. He has produced a statement signed by two Guamanian waiters at the officers' club saying that the candelabra had been swiped as a drunken prank and that the captain had apologized for his officers. A friend of Arnheiter's who obtained the signatures for him says that the captain wrote the statement himself and that the waiters do not read English well and only glanced at the statement before signing it. In any event, the statement makes no mention of the coffee server; it still graces the Vance's wardroom table.

When asked now why they were willing to steal for Arnheiter, the officers explain that their actions must be understood in the light of their being junior officers acting at the behest of their captain—a position that is still surrounded with a kind of sacred aura. Hardy grants that it involved "a compromise of integrity," but he says the thefts were committed to show the captain that they "would do what he wanted them to do and be the kind of officers he wanted them to be."

When the Vance left Guam on Jan. 14 for a refueling stop in the Philippines and the final leg of the journey to Vietnam, the captain began to give his officers further lessons in what he has termed "the highest forms of gentlemanly conduct."

A former member of Toastmasters International, Arnheiter instituted a program of extemporaneous after-dinner speaking. The topics were written on little slips of paper and put under each officer's plate until his turn came. The topics included "Etiquette in an opera box" and "The proper use of a finger-bowl."

One day at sea, the "boner box" appeared. This was a small, padlocked wooden filecard box with crossbones painted on it. The captain began levying 25 cent fines on the officers for offenses—their own or those of their subordinates—involving etiquette, dress or behavior. They were required to come to lunch each day carrying four quarters. Hardy a polite, soft-spoken man, and an Annapolis graduate like Arnheiter, would read off the offenses while the captain stood by and watched each culprit drop his quarter or quarters into the box.

Most of the fines were for unshined belt buckles or shoes, sweat stains on shirts or what Arnheiter decided were breaches in table manners. Lieut. (j.g.) Julian R. Meisner, the assistant weapons officer, lost quarters on five occasions for laying his knife down on the table or on his plate with the blade turned outward.

The boner box netted a total of about $30 during the cruise. Approximately a third came from Ensign Bernard O. Black III, the ship's youngest officer and "boot ensign," who could never keep his shirt tucked in to the captain's satisfaction.

Arnheiter used the money to buy cigars for the wardroom. The majority of the officers were not fond of cigars, however, and Arnheiter, who is, did most of the smoking. Hardy says the captain frequently kept the cigar supply in his cabin and smoked there as well.

The captain deemed it a "gentlemanly" characteristic to eat light lunches, and he wanted Lieut. (j.g.) James M. Merkel, an antisubmarine warfare specialist whom Arnheiter had earlier made his public relations officer, and Lieut. (j.g.) Gerald J. Prescott, the communications officer, to lose weight. So all the officers began to subsist on a steady luncheon diet of cottage cheese and fruit or peanut-butter-and-jelly sandwiches. Ensign John J. Hannigan 3d, 205 pounds of muscle and bone and a former University of Maryland halfback, recalls being irritable because he was always hungry.

Actually, there was good reason to economize at this time because the captain had depleted (Belmonte says "raped") the mess fund of $185 in Guam to pay for a formal dinner at the club and for the buffet there for the wife of a friend.

The captain joined the ship's mess, buying a share of the mess fund, as of Jan. 1—but he had $150 of the Guam expenses backdated to the month of December, even though the expenses had been incurred in January. This procedure reduced the size of the mess fund at the point at which Arnheiter was buying in, thereby lowering the cost of his share from $18.99 to $7.14. The captain ultimately parted with another $10 after the officers complained to Hardy that they were being cheated. He never made up the full amount, however. Arnheiter has indignantly denied trying to bilk his subordinates and claims that mess accounts should be compiled in the manner he had directed. Navy regulations state otherwise.

In retrospect, the officers regard Arnheiter's doing up to this point as no more than a prelude to what was to come when he finally went to war off Vietnam on Jan. 20.

Instead of concentrating on his mission of inspecting junks and sampans, the officers say, the captain had his ship spend the first week of patrol cruising close to shore, poking into bays where it might be shot at. He also monitored, without authorization, radio frequencies used for gunfire missions in the hope of "getting in on the action." He constantly harangued the crew over the loudspeaker. The sailors were beginning to refer to the captain as "Mad Marcus," Radarman 3/c William Sides says. "He was always talking, talking. Everything was Vietcong-infested this and Vietcong-infested that."

On Jan. 27, Arnheiter sent the engineer officer, Lieut. (j.g.) Edward Hopkins (Hoppy) Mason, gunnery officer Belmonte and a crew of armed sailors ashore in the motor whaleboat to investigate a group of about 100 Vietnamese walking down the beach with bundles. To Mason they "just looked like people carrying bundles," but to Arnheiter they were Vietcong porters carrying off supplies landed by a submarine. He decided some pole-type markers visible on the beach had been placed there to guide the submarine to the spot. Radioing for air support, he reported seeing "porters running wildly under heavy loads and dispersing over sand dunes."

Mason remembers that, as he was moving toward shore, Arnheiter was talking to him on the radio, "trying to needle me into shooting" the whaleboat's machine gun over the heads of the people on the beach to make them stop running. "He was all up and excited about it. Fire. Shoot on the beach, over their heads or something." A calm Georgian, Mason recalls resisting because he could see women and children, believed that wild firing from the machine gun could not be controlled, "and I can't see shooting a bunch of civilians or even shooting at them."

The thought "also crossed my mind," Mason says, that "you don't know what's going to go through his [the captain's] head if there's a lot of shooting going on. He's liable to interpret my shooting as somebody else's shooting and start shooting himself" and "a lot of people might get killed that shouldn't be."

The Vietnamese on the beach turned out to be refugees carring their belongings away from a bombed-out village, and the poles were markers for an American amphibious landing the previous week. Mason believes some of the villagers ran at the sight of the ship because they were afraid it was going to open fire. He recalls that Arnheiter was "very upset" by the outcome. "He wanted them to be VC porters."

In this period and subsequently, Hardy and the others say, the captain attemtped to give his superiors the impression he was carrying out his mission by falsifying reports on the number of junks and sampans inspected. One way Arnheiter accomplished this, Hardy recalls, was to stretch the definition of an inspection to include any junks or sampans sighted on the horizon. The captain would also simply announce that Generous and his assistants in the operations department, which kept track of the inspections, had forgotten how many had been inspected, Arnheiter now contends that only he kept an accurate tally.

On the morning of Jan. 28, the U.S.S. Leonard F. Mason, a full-fledged destroyer with five-inch gun batteries instead of the twin three-inchers the Vance carried, came steaming past. Arnheiter asked the Mason by flashing light where she was going, and the destroyer replied that she was heading north on an urgent mission.

The captain, Generous says, had previously learned from coded fleet radio messages that Operation Masher, a major offensive against the enemy involving the Army's First Cavalry Division (Air Mobile), was about to begin in the Bongson district at the northern end of the Vance's patrol area. Arnheiter set off after the Mason at the Vance's near-top speed of 17.5 knots.

As the ship moved north, Market Time headquarters in Saigon radioed the Vance and other patrol ships to stay out of the area off the coast where the operation was taking place so that the destroyers on gunfire missions would have full freedom of maneuver. Generous says he delineated the prohibited area on a chart and then took the message and the chart up to the captain on the bridge. Arnheiter looked at the chart, read the message and initialed it. "He just sort of grunted," Generous says, "and we kept on going right into that prohibited area." Arnheiter had a way of tuning out anything he didn't want to hear, Hardy recalls.

The Vance was required to report its position every two hours to the Navy's Coastal Surveillance Center at Quinhon. When the next reporting time came at 2 P.M., the Vance was within the prohibited zone. Generous prepared the normal message giving the ship's correct location and sent it to the bridge for routine approval before transmission. It was returned with a different position written on it, which put the ship further out to sea and "about 10 to 15 miles" from where it actually was.

Generous says that he called the captain on the ship's phone and told him that the position he wanted sent was "not correct" and repeated the ship's true position. "Well, you can send it like that, can't you, Tom?" Generous, a slim, intense man with black-rimmed glasses, recalls the captain asking rhetorically. "I immediately thought," Generous says, "if I say, 'Yes, I can,' that's my baby, and if we ever have to go to court-martial or any kind of legal proceedings, he's going to say: 'I asked him if he could send it, and he said yes; therefore it was his responsibility.' So I rejoined with: 'If that's what you want me to do sir.' " Generous says the captain repeated the first rhetorical question, and he made the same reply; the process was repeated two or three times.

Finally, as Generous recalls, the captain said, "I desire it," words which Arnheiter had often told his officers were tantamount to an order. (The captain had a habit of ending this sentence, Generous says, with a stiff flip of the hand from the wrist to hurry the recipient on his errand.)

"Aye, aye, sir," Generous replied and sent the message. He took the precaution, however, of having the ship's correct position noted in the combat information center log, and he followed the same procedure on the many subsequent occasions when the captain ordered false positions sent. Arnheiter now argues that he did not go into the prohibited zone.

That afternoon and the next day, the captain pestered the Mason and the aerial spotter directing the Mason's fire to give him a target. He forget his call sign on the radio, addressed the spotter as "circling aircraft" and fouled the Mason's gun range by getting between the destroyer and its target—three *gaffes* of the first order in military etiquette.

The testimony of the Vance officers in this period is largely corroborated by tape recordings of Arnheiter's radio transmissions, made by the captain of the Mason, and by his observations and those of officers on the destroyer U.S.S. Bache.

On the afternoon of Jan. 29, apparently growing impatient, Arnheiter radioed the airborne spotter that he saw "some bunkers and trenches . . . on top of a sand dune. It looks like a good mission for me." He first told the spotter there were "no people" there and then said he saw a "machine gun in sand dune." He fired two shells from his three-inch guns without permission from the spotter.

The spotter ordered him to "cease fire" and said, "I am unable to see gun emplacement." Arnheiter replied that he could see it, and the spotter then let him fire six rounds without air observation.

There was nothing there but sand," Hardy says. And Belmonte christened the incident "the crab shoot." The captain of the Mason also saw nothing, but he was worried that several of the Vance's shells that missed the dune might hit American or South Vietnamese troops fighting 3,000 to 5,000 yards inland.

That night Arnheiter wrote and transmitted to his superiors a combined after-action report and press release. It was also routed to other Navy headquarters and was, along with similar reports that followed, released to news media by the Navy information office in Saigon.

The Vance, he wrote, "directly supported the major push by the U.S. Army's First Cavalry Division" by responding to an "urgent fire request by the III Corps U.S. Navy gunfire support team." He continued: "Proceeding at full speed to a position within 1,200 yards of the Vietcong-controlled coastline," the Vance delivered 17 rounds of "highly accurate bombardment against known Vietcong machine-gun bunkers and an entrenchment approximately 2.5 miles away. The very first round was observed to hit one of the bunkers."

Arnheiter ended the report with a capsule biography of himself in which he said he was "a grandson of the late Baron Louis von Arnheiter, an early pioneer in manned flight." (This writer has been unable to find any trace of the late Baron Louis von Arnheiter or of a von Arnheiter family in reference works on German nobility. Histories of manned flight also make no mention of a von Arnheiter—or even of a plain Arnheiter. The captain now says the baron was his great-grandfather.)

The next afternoon, dressed in helmet and flak jacket, with an ever-present bone-handled .38-caliber revolver on his hip, Arnheiter renewed battle with what his subordinates and other witnesses say were imaginary Vietcong. "The gremlins," Generous calls them.

After unsuccessfully pestering the destroyer Bache to give him a target, Arnheiter said he saw suspicious movement on the rock and jungle face of a mountain about 800 yards away which plunged sharply to the sea. He fired tracer bullets at the spot with an M-1 rifle, shouted that he could see the muzzle flashes of Vietcong guns and told the .50-caliber machine gun to "neutralize" the enemy fire. When the machine gun opened up, bright flashes erupted on the rocks. "They're shooting at us," the captain yelled. He ducked behind the thin metal shield protecting the gun control equipment on the top of the ship and ordered the Vance's twin three-inch guns into action, Hardy says.

Ensign Hector Cornejo, then a chief petty officer and the ship's medic, remembers going out to the main deck to see what was happening and finding Chief Radioman Grissom looking through binoculars at the mountain.

"Hey, Chief Grissom," he asked, "what are we shooting at?"

"Two chickens," said Grissom, handing Cornejo the glasses. Cornejo says he saw a Vietnamese peasant's hovel on a ledge jutting out about 80 to 100 yards off to the right of the target. "These two chickens were in the front yard," Cornejo recalls, "running around like mad. Rat-tat-tat, blam-blam-blam, and they'd run like hell, flapping their wings—you know, like when a dog chases chickens."

Cornejo and the others believe the Vance was shooting at the ricochets of its own shells. They saw no suspicious movement, heard no return fire and saw no splashes in the water that would indicate incoming bullets. Men watching from the Bache through long-range glasses saw nothing, either.

According to Hardy, earlier in the day the captain had told him he was going to make believe the Vietcong were shooting at the ship so he could fire the guns and give the crew the feeling they were "engaging the enemy." But Arnheiter swears that he saw muzzle flashes and heard the crack of enemy bullets overhead. Hardy and Belmonte acknowledge that he might have convinced himself that he was being fired at since he—and only he—took shelter behind the metal shield.

This was one of Arnheiter's uncaptainly actions that made the two officers wonder about his personal courage. They also cite the fact that he had gone into the secure, Government-held port of Quinhon wearing a flak jacket, carrying two pistols and guarded by sailors armed with tommy guns. Mason says Arnheiter also requested the erection of a bulletproof steel shield on top of the ship, specifically to protect the captain. Mason delayed the project, and the shield was never built.

After sending another stirring after-action report and press release to his superiors, Arnheiter on Feb. 1 sailed back to the prohibited zone where the Mason was firing and shot up a deserted masonry structure on the coast. Belmonte, who later spent a year ashore in Vietnam with the Marine Corps as a naval gunfire spotter, says he believes it was one of the many Buddhist or Taoist shrines that dot the Vietnamese countryside.

Hardy says that the captain became so enthralled with the shooting and with describing it to the crew over the loudspeaker from the top of the ship that he forgot where he was going and almost ran the Vance aground on the beach. The executive officer had to take command of the bridge at the last minute and order violent maneuvers to avoid a wreck.

On a number of other occasions, the officers say, the captain needlessly endangered the ship by going into very shallow water. Frequently he forgot he had the command and walked off the bridge with it.

Arnheiter now says he wrote the press releases "for chuckles" and the amusement of other captains who saw them on the fleet radio nets. The captain of the Mason was not amused. He ordered the Vance to "clear the area immediately" after Arnheiter fouled his range a second time, and then he wrote a detailed "confidential—for officers' eyes only" report on what he had seen and heard and had it hand-carried to his division commander.

"All this phony heroics sickened us," Cornejo says. "I was ashamed for the ship," Belmonte recalls. Cornejo says the crew felt Arnheiter was "making them the laughingstock of the fleet."

There were no more gunfire incidents after this, but the captain continued his search for action, sending the speedboat and the motor whaleboat out as bait in the vain hope of drawing fire.

In mid-February, after an officer flew out from Saigon to warn Arnheiter about his activities, the Vance had to be transferred from the central region to Vietnam's southern coast along the Gulf of Thailand. The Vietnamese navy commander in the central region had refused to assign any more liaison officers to the ship.

Arnheiter had got into squabbles with them, accused them of cowardice, and further irritated them by picking up innocent fishermen as Vietcong suspects and by making a habit of shooting in front of or over the junks and sampans with his rifle and pistols. He also stove in gunwales on some of the junks by forcing them to come alongside quickly. He continually unnerved his own officers as well by shooting from the bridge at water snakes or sharks swimming alongside junks they were inspecting.

Arnheiter's explanation is that the junks and sampans were always trying to evade him and that he is such an excellent shot he hits exactly what he is aiming at and never endangers anyone.

By mid-February, life under Arnheiter was beginning to have a serious emotional effect on the 14 officers (who were physically closest to the captain) and some of the 150 men of the crew as well. Belmonte began keeping a "Marcus's Madness Log"—random notes on the captain's behavior written on slips of paper and the backs of forms. However, some officers were far more affected than others, and a few sailors—a very few—even liked Arnheiter.

Each day began at 6 A.M. with "Hellcats Reveille," 4 minutes and 10 seconds of bugle calls played at peak volume over the loudspeaker system—except in the captain's cabin, where Arnheiter had the speaker turned off. Belmonte estimates it was audible about a mile from the ship. A fife and drum march called "Roast Beef of Olde Englande," played at equal volume over the system, summoned the officers to lunch and dinner. Hardy says the captain told him it "got the digestive juices flowing."

The crew was on strict water rations in the tropical heat, but the sonarmen, whose compartment was next to the captain's cabin, logged Arnheiter's long showers—the record was one that lasted 27 minutes. The captain also had fresh water poured every hour over blankets and an awning slung around his cabin to cool it.

Arnheiter denies enjoying anything beyond the "standard comforts" accorded a ship's commanding officer. He says a report that he kept a bottle of whisky in his cabin is "a damn lie."

The officers say they were losing sleep and having trouble getting their work done because the captain consumed about four hours of each day, two at lunch and two at dinner, with his harangues. At night, when they were ready to go to sleep and he seemed to function best, he would launch the motor whaleboat in one of his schemes "to engage the enemy" or he would summon one of the officers to his cabin to work on one of his "programs."

As the officers' performance fell, his criticism of them grew. Hardy remembers frequent summonses to the captain's cabin at midnight to listen to two or three hours of complaints. The executive officer would then have to get up at 5:45 A.M. to do his morning navigation, but Arnheiter took to sleeping until noon, Hardy says. The captain would emerge at lunch looking fresh, dressed in a clean pair of shorts and wearing his customary baseball cap.

To try to preserve their sanity, the officers began composing mocking songs about the captain. One verse, written by Generous and sung to the tune of "There Is Nothing Like a Dame," was called "Ave, Ave, Marcus A.":

"We got Brasso, we got guns,
We got mess nights with our funds,
We got scratches on the keel plates from the shallow water runs,
We got speeches after dinner, when the smoke gets very dense—
What ain't we got? We ain't got sense.
Ave, ave, Marcus A.,
Ave, Caesar Rex,
Ave, ave, Marcus A.,
You're so funny we don't need sex."

Electronics Technician 3/c John K. Lundy also drew cartoons of Arnheiter which were copied on a Xerox machine in the radio room and passed around among the officers and some of the crew.

There is confusion over the composition date of two prime exhibits the captain displays as evidence of mutiny—a spoof plan of the day and a bogus Familygram he received in the mail from an unknown source, many months after being relieved. Among other barbs, the Familygram pokes fun at Arnheiter's claim to noble descent with the remark that his elusive baronial ancestor "married my grandmother who was Baroness Bungus von Buttbrusher and I have their marriage license to prove it."

The officers dispute Arnheiter's mutiny charge. Lieutenant Meisner says that he remembers writing the parodies with a typewriter whose purchase slip shows he did not buy it until April 6, six days after the captain was relieved. And Meisner and the other officers claim that the fake Familygram and plan of the day were passed around only aboard ship and were not mailed to their own families or to those of the crew. They do not know how Arnheiter received his copy.

The humor had only a passing effect, for in the isolated confines of the ship, 306 feet long and 37 feet wide at the beam, the officers and the crew could not escape the captain. "You never knew when the big bird was going to come out of his cabin and let fly on your head," Belmonte says. He, Merkel and a number of the other junior officers and Generous mocked and cursed the captain's actions in front of the enlisted men. But Generous wept one night while making a tape recording to send home to his wife.

On Feb. 28, Lieut. George W. Dando, a Presbyterian minister and the squadron chaplain, arrived for a two-week visit. Dando says he would have eventually reached the Vance in the course of his rounds, but he decided to go sooner than scheduled because he had heard that the officers and sailors had been writing to their wives and to the chaplain in Hawaii about the commanding officer's strange practices. Comdr. Donald F. Milligan, the chaplain's boss and Arnheiter's operational commander at Subic Bay, had also learned of these letters. At the same time he had been receiving disturbing reports about Arnheiter from the captains of destroyers on shore bombardment duty.

In the letters to Hawaii, the Roman Catholics in particular had complained about being forced to attend Protestant-style religious services. One such letter, from Lieutenant Generous, a practicing Roman Catholic, to the Catholic chaplain in Pearl Harbor, is another of Arnheiter's major pieces of evidence. But Navy lawyers say that the sending of such a letter does not constitute conspiracy and "mutiny via use of the mails," as Arnheiter has charged.

Arnheiter now insists that his services were merely "moral guidance sessions." He scheduled them in place of the regular weekly Protestant services, gave a sermon at the first one about there being "no atheism in a foxhole" and about the Titanic's band playing "Nearer My God to Thee" as the ship went down (a legend Arnheiter related as fact) and had the men take off their hats, pray and sing hymns normally associated with Protestant faiths. Hats are usually doffed in the military only at religious services.

Chaplain Dando found the officers and some of the crew in what he considered an alarming state of emotional depression. Boiler Tender 1/c Richard A. MacSaveny had been put on heavy doses of tranquilizers after confessing to Cornejo, the medic, that he had twice pointed a 12-gauge shotgun at the captain's head. "He told me he came within a hair's breadth of blowing the s.o.b.'s head off," Cornejo says, "but when it got to the point of pulling the trigger, he thought of his own wife and kids and didn't do it."

Either at this time or shortly afterward, Boatswain's Mate 1/c Johnnie Lee Smoot, whose deck gang caught the brunt of Arnheiter's whirlwind operations with the speedboat and the motor whaleboat, was also put on tranquilizers for nervous depression. His condition continued to deteriorate, however.

Chaplain Dando listened to the officers' voluminous complaints and told them that, if they felt this strongly, "you've got to stiffen your backbone and do something about it" by making formal and official charges against the captain. He got no reaction. "Arnheiter had them completely cowed," he says. "These people had withdrawn to the point, psychologically speaking, where they were dangerous. I could not tell what they would do."

When he tried to explain to the captain one evening what he was doing to his crew, the chaplain recalls, Arnheiter treated him to a four-to-five-hour harangue designed to convince him that everything was fine.

The chaplain says he got the feeling that "no one could tell him anything." He left the ship, mulled the problem over for about a week and then reported to Commander Milligan and told him he felt that "something must be done" about the Vance.

Arnheiter contends that the chaplain, a rugged-looking man who had spent three years as a security guard in the military police and as an Army education specialist before entering a seminary, was just a "neophyte and a do-gooder."

Shortly after the chaplain departed, Hardy, who insists he tried to stay loyal to the captain, enforce his orders and hold the ship together, began taking two kinds of pills for a developing ulcer. Every time Arnheiter would summon him on the phone, he says, "my stomach would twist up into a knot."

Hardy's stomach was given one of its worst jolts in late March. Navy headquarters in Saigon received an intelligence report that a Chinese submarine was going to rendezvous with Vietcong junks off the southern coast to transfer arms. The Vance and a number of smaller patrol craft were ordered into a secret 96-hour alert to detect the submarine.

Arnheiter summoned his crew to the fantail, called for a supreme effort to find the submarine and vowed to "kill it" with underwater explosives if it did not identify itself as friendly. As a last resort, he said, the Vance would ram the submarine.

A lieutenant commanding one of the swift patrol boats attached to the Vance, Cornejo reports, protested to Arnheiter that it was against international law to sink other nations' submarines. Arnheiter retorted that he was captain of the Vance and knew what he was doing. "That kind of guy", Radarman 2/c Robert V. Cheadle says, "could start World War III."

Curiously, the Vance's officers do not recall reacting to this announcement. "We were probably too browbeaten," Generous says. "The ridiculous piled on you so often," Belmonte explains, "that you started to live in the atmosphere of the ridiculous."

For the next 48 hours the Vance enjoyed a short if enforced period of silence—at least for most of that time. Not even the prospect of a Chinese submarine persuaded Arnheiter to suspend "Hellcats Reveille" or "Roast Beef of Olde Englande," but no paint chipping, slamming of hatches or other loud noises were permitted in order to preserve quite for the sonarmen listening for the sub.

Then at noon, on the third day, Arnheiter, without a word to higher headquarters, his officers say, ordered the speedboat lowered and had the crew spend the rest of the day water-skiing and drinking beer from the motor whaleboat. Hardy, who knew he was still on a submarine alert, went to his stateroom in disbelief. When the captain began a running commentary in sportscasters' fashion over the loudspeaker system, Belmonte ripped the speaker out of the bulkhead in the junior officers' compartment.

Arnheiter now says the Vance was at anchor for six hours refueling patrol craft and that he took advantage of the lull to "improve morale." His officers say the refueling operations did not last nearly this long and that, in any case, the frolicking speedboat would not have helped the sonar operators.

Ironically, Arnheiter's final undoing appears to have been what the executive officer and Generous say was his attempt to put an official seal of distinction on his exploits. He had them propose him for the Silver Star, the Navy's third highest combat award, for "setting a resolute example of gallantry and intrepidity in action through persistent displays of boldness, audaciousness and courage in the leadership of officers and men."

Arnheiter says the two men spontaneously asked to propose him for the medal, that he merely "suggested phrases" from official examples in Navy regulations and "never saw" the proposed citation and the covering letter from them to Commander Milligan.

They say the idea was his, that he called Hardy to his cabin with a pad and pencil and dictated to him the proposed citation and the covering letter so that the clerk who typed them would think they had originated with the executive officer. While considerably more inflated and pompous, the citation does resemble Arnheiter's earlier extravagant press releases. (The sand dune in the incident on Jan. 29, which in the press release acquired machinegun bunkers and entrenchments, now bristled with "a company of Vietcong hard-core soldiery.")

When approached by Hardy, Generous told the executive officer he would sign the covering letter to Commander Milligan and obtain the third required signature from an enlisted man only if Hardy would sign a sealed affidavit that set forth the truth. The executive officer agreed, Generous typed the affidavit and they both signed it.

Commander Milligan later stated that he did not see the affidavit, which he received in a separate, sealed envelope with the words "to be opened only by the direction of Lieut. R. S. Hardy, U.S.N., or Lieut W. T. Generous, U.S.N.," typed on the outside. The Navy says the envelope remains sealed in a safe in Washington. Generous, however, provided this writer with a copy of the affidavit.

The captain was proposed for the Silver Star, the affidavit states, "solely as a result of implicit direction.

"The idea for this award was generated by Commander Arnheiter himself, despite what the letter says. The words of the letter were dictated to Lieutenant Hardy by Mr. Arnheiter. The letter is anything but a spontaneous attempt to cover a deserving officer in glory. It represents, rather, a shameful farce, and a degrading of all those brave men who have earned the award.

"We further state that we, as the two most senior officers under the command, signed the letter in order to preserve peace in the ship; and that we did so in the belief that some action would take place to prevent the actual bestowing of the award."

If it did not, they pledged to ask Commander Milligan to open the sealed envelope.

Lieut. Uldis Kordons, the squadron communications officer, returned to Manila on March 26 after a stay on the Vance. He gave Milligan a report similar to that of Chaplain Dando. The chaplain prepared a sworn statement and both men urged Milligan to act. Coming on top of this and all he had heard before, the Silver Star proposal appears to have decided Milligan to move.

On March 29, he went to the cruiser-destroyer group commander, Rear Adm. D. G. Irvine, and told him and Rear Adm. Thomas S. King Jr., who was replacing Admiral Irvine at the time, what he had learned. He recommended that Arnheiter be relieved so that an investigation could be conducted. A request was made to the Bureau of Naval Personnel, and the four-line order of relief to Arnheiter followed.

Arnheiter's last week on the Vance was marred by the disappearance of the tape bearing "Hellcats Reveille" and "Roast Beef of Olde Englande" on it. Someone took the tape off the recorder under the main loudspeaker station and apparently threw it into Manila Bay.

The day before Arnheiter was relieved, Smoot, the boatswain's mate who had been using tranquilizers, left for the psychiatric ward at the Clark Air Force Base Hospital.

The manner of his relief, Arnheiter argues, was a violation of Navy regulations in that he should have been shown the accusations against him and been given an opportunity to answer them before being taken off the ship.

The Vance was due to return to Vietnam after the short stay in Manila at the end of March for repairs, and the Navy says that regulations permit relieving a commander under circumstances where war needs require speed. Arnheiter's rights, the Navy says, were carefully protected during the investigation and the exhaustive reviews that followed.

Some Navy officers privately concede that the regulations were bent in the initial act of getting Arnheiter off the ship. There was time to have informed him of the allegations before removing him. The order also relieved him permanently of command of the Vance, instead of just physically removing him from the ship while the investigation was conducted. But officers say that the real error, in retrospect, was the failure to court-martial him after the investigation. Although it would not surprise some officers if Arnheiter were eventually court-martialed for his attacks on the integrity of some admirals—and he has said he would welcome a trial—the Navy seems reluctant to do so for fear of making him a martyr.

The formal court of inquiry he is demanding, the Navy contends, would be a waste of time and money. Arnhetier wants the court to consist of elderly retired admirals, on the grounds that the present Navy hierarchy is virtually all prejudiced against him.

Admiral King, the group commander, recommended that Arnheiter be given a punitive letter of reprimand. Vice Adm. Walter H. Baumberger, Commander Cruiser-Destroyer Force Pacific at the time and the next higher echelon of command, disagreed. Baumberger contended that most of the 40 "findings of fact" that emerged from the Subic Bay hearing were either unsubstantiated or that the extent of culpability could not be proved. He recommended that Arnheiter be given another command under close supervision "to provide an opportunity for reassesment of his abilities."

Admiral Baumberger subsequently decided that he was wrong and that Arnheiter had learned nothing. The admiral said so in the last fitness report he gave Arnheiter before the Vance's captain was transferred to his present graveyard post as a communications staff officer at Treasure Island, Calif.

Adm. Roy L. Johnson, Commander in Chief, Pacific Fleet, disagreed with both Admiral King and Admiral Baumberger. He overruled Baumberger's opinions on the "findings of fact." He also recommended that Arnheiter not be penalized with a letter of reprimand, but that his relief be upheld "for cause," i.e., for good reason, and that he never be given a command again, either ashore or at sea. This was the position the Navy finally adopted.

One of the most persistent questions in the case has been just how Arnheiter became captain of the Vance in the first place. Capt. H. Lynn Matthews, the Bureau of Naval Personnel officer handling lieutenant commanders at the time, says Capt. Richard G. Alexander achieved the appointment by trickery.

Matthews says he was vigorously opposed to giving Arnheiter a command and that a five-man command clearance board, of which both he and Alexander were members, had cleared Arnheiter only in "emergency" situations where no other qualified officer was available. However, in September, 1965, Matthews says, Alexander showed him a letter to Arnheiter from Vice Adm. Benedict J. Semmes, Chief of Naval Personnel, informing Arnheiter that he would be made captain of the Vance.

Matthews says he has since discovered that this letter had not been properly routed through officers who knew of the restriction on Arnheiter's command clearance before it was signed by the admiral. Matthews claims that "Captain Alexander had done this pretty much on his own."

Alexander denies any trickery. He says he assigned Arnheiter to the Vance on instructions from the senior member of the command board. Matthews, he says, was not even a member of the board. And "contrary to all lying insinuations of someone in Washington, there was absolutely no restriction on [Arnheiter's] command clearance as being for emergency use only." (Two other officers on the board say that Matthews was a member and that there was such a restriction.)

After Arnheiter was relieved, Alexander explains, he had "a feeling in my bones" that the Vance's captain had been "sabotaged by dissident junior officers." The feeling grew into a conviction strong enough to gamble his carrer on Arnheiter's behalf because he believes the case has seriously endangered the authority of a warship captain and the principle of command responsibility within the Navy.

A tall, aloof man with the strinkingly handsome, aristocratic features of a storybook naval officer, Captain Alexander says he had long felt the Navy's promotion policies were so conservative that they were driving out talented, if controversial, officers. He was not a personal friend of Arnheiter's but had come to admire him in the course of their professional relationship and because of Arnheiter's articles on antisubmarine defenses. Alexander also notes that Arnheiter had received outstanding fitness reports in his last major assignment before the Vance and had been recommended for a command by his superiors.

Officers friendly with Alexander find it difficult to explain why he carried the struggle to the point of committing professional suicide. He is now Assistant Chief of Staff for Operations in the Boston Naval District, a deadend post. At one time he was designated for command of the battleship New Jersey. One officer notes that throughout his unusually fine career as a staff officer and destroyer commander, Alexander had always been outspoken on controversial subjects and had usually been proved correct. "You're dealing with an individual," he says, "who had been wrong very few times in his life, and he's not going to let go of this dying cat yet."

Arnheiter's articulate and well-publicized case has indeed won him sympathy in the Navy from officers who dislike the manner of his relief and who fear the possibility of being undermined by clandestine complaints from juniors. "To the subalterns of many a ship, the Light has been lit," Arnheiter warns, "and the Way has been paved."

Arnheiter gave the impression in lengthy interviews with this writer that he was still unaware of the effect his actions has had on his crew, despite the six and a half days of testimony at Subic Bay. "The only mistake I made," he says, "was being too compassionate and not giving Hardy and Generous the ax while I could."

His letters to Congressmen and newspaper editors, often mailed free in franked Navy envelopes, are entitled, "The Vance Mutiny." He attributes his demise entirely to the "mutiny and conspiracy afloat" that he says were masterminded by Generous, "an atheist and conscientious objector" with "a twisted and diabolical mind." The "incompetent" Hardy was allegedly the co-conspirator and the "beatnik" Belmonte, Cornejo and others were participants to varying degrees.

Generous is now on a scholarship at Stanford University, studying for a doctorate in American history. He spent 18 months on Vietnam patrol on the Vance, both before and after Arnheiter's 99 days. He says he believed in fighting the Vietnam war then and still does. A Phi Beta Kappa and honor graduate in Navy R.O.T.C. from Brown University, he says he might have made a career of the Navy if it had not been for Arnheiter.

His conscience troubles him. "I'm not proud of what I did," he says. "You were constantly—over the most minor things sometimes and sometimes over really major things—torn between having to obey him and the law. Supposing I had gone to war with him about those false position reports . . . pressed court-martial charges. Practically speaking, that's absurd. That makes a nice kind of novel, that kind of stand, but that doesn't happen in the real world.

"So what you end up doing is something sneaky, like I did, and that's send the ——— thing and then make a log entry. That's Pontius Pilate."

The "beatnik" Belmonte now makes a business of restoring old homes in San Francisco. He enjoyed his subsequent year in Vietnam as a gunfire spotter with the Marines and says his sole reason for leaving the Navy was Arnheiter. "Suppose some friend of Arnheiter's was on one of my promotion boards five years from now?" he asks.

Belmonte and Generous are suing Arnheiter for defamation of character and invasion of privacy, and he is countersuing them.

The "incompetent" Hardy has since been promoted to lieutenant commander. He offered to make his fitness report file, containing the record of his entire performance in the Navy, available to this writer for publication. (Arnheiter has provided only some of his reports and has declined full access to his file despite repeated requests.)

Hardy is now assigned to the Key West (Florida) Test and Evaluation Detachment. His conscience troubles him, too. He worries that innocent people might have been killed or injured by stray shells in one of Arnheiter's "engagements with the enemy."

Boatswain's Mate 1/c Johnnie Smoot has now retired from the Navy and is working as a painter at an aircraft repair facility in Oklahoma City. He had wanted to stay in the Navy for 30 years, he says, but left at the end of 21 because he was afraid he might encounter another Captain Arnheiter.

During the month and a half he spent in psychiatric wards before being released, Smoot says, the psychiatrists would not believe the stories he told them about life under Arnheiter—"they said I must have talked that way about all my captains."

Then he adds: "Arnheiter should have been there instead of me."

ARNHEITER: ANNAPOLIS, 1952

A boyish-looking man of 43 years, Marcus Aurelius Arnheiter, one of twin sons of a singing instructor and choirmaster in New Jersey and New York City, entered West Point in 1946. He flunked out at the end of a year and stated upon resigning that he "did not wish to devote [his] life to military service." In 1948 he entered the Naval Academy, graduating in 1952 and standing 628th in a class of 783 midshipmen. While there he got into trouble with the academy commandant for writing an article for a student publication on the sexual escapades of Horatio Nelson, the British naval hero.

Lieutenant (j.g.) Arnheiter emerged from the Navy's electronic officers' school in 1954, 39th in a class of 39. The next year he was passed over for promotion to full lieutenant; only about 5 per cent of all Navy officers are passed over when they become eligible for that particular promotion. Navy sources say that Arnheiter's last fitness report as electronics officer on the destroyer Fiske in 1956 indicates he received nonjudicial punishment for being absent without leave, an unusual offense for an officer. The report predicted that he "will never make a naval officer."

His fitness reports over the years fluctuate from excellent to poor, Navy sources say. Some of his superiors were highly impressed with his energy, imagination and writing and speaking skills, while others were irritated by his actions to the point of seriously questioning his judgment.

During a three-year tour at the Pentagon from 1960 to 1963, Arnheiter became acquainted with a number of admirals. He took part in an internal Navy intrigue to divert budget funds from aviation to antisubmarine warfare programs by writing a novel called "Shadow of Peril" under a pseudonym. Arnheiter also openly published controversial articles in military magazines on serious weaknesses in the country's antisubmarine defenses. These articles aroused the anger of the Navy's airmen, but were praised by destroyer officers and surface-ship admirals.—N.S.

[From the New York Times, Sept. 15, 1968]

THE 99 DAYS ON THE VANCE

To the EDITOR:

Apparently Neil Sheehan ("The 99 Days of Captain Arnheiter," Aug. 11) cast himself in the role of judge and jury, and, after interviewing some of the principals in the Arnheiter case, passed judgment and wrote his story, executing his decision and Lieutenant Commander Arnheiter at the same time.

First of all, his account presents an incredibly lopsided picture of life on the Vance during the 99 days when Arnheiter was in command. (Surely somewhere in the 11-odd pages that the article spanned, space could have been found for Arnheiter to give his version of some of the incidents that occurred, but doubtless, this would have detracted from the entertainment value of the article.)

Secondly, Mr. Sheehan totally ignores the main point of the matter: that the Navy has never to this day given Arnheiter a fair trial and an opportunity to reply to these charges. Mr. Sheehan fails to mention that approximately one fifth of the Members of the House of Representatives (86 Congressmen) signed a petition asking the Navy to hold a formal court of inquiry into the matter—and the Navy refused, and has continued to refuse all requests both from individual Congressmen and from private citizens, as well.

He fails to mention that a taxpayer-supported component of the United States Government has conducted itself in a manner which can only be described as "the public be damned." It has deliberately released to the press false information and has twisted and squirmed in every possible way to avoid giving this man the fair hearing and the "day in court" to which he is entitled.

The fact is that the United States Navy is more concerned with preserving its own image of infallibility—no matter what the cost in honor and integrity—than it is in seeking the truth. It is determined to perpetuate its decisions—no matter how bad they may be—rather than admit to even the possibility of a mistake.

The 86 Congressmen who signed that petition are not attempting to judge Arnheiter. They are merely asking that he be given a fair trial. But apparently they're asking for quite a lot—at least more than the Navy wants to give.

Joseph Y. Resnick,
House of Representatives.

Washington.

The author replies: "A pedestrian is hit by an automobile and a reporter is told to investigate the circumstances and write a story. He interveiws the driver of the car at great length and then conducts similarly lengthy interviews with numerous eyewitnesses. The eyewitnesses tell him a version which differs radically from that of the driver. The reporter also finds that the driver's version is contradicted at essential points by tape recordings of the driver's conversations at the time of the accident and by other documentary evidence. When the reporter writes his story, he gives the driver's version. But his story reflects the weight of the evidence. If the story did not, the reporter would be misleading the reader. I tried not to mislead the reader in the account of Lieut. Comdr. Marcus Aurelius Arnheiter's 99 days as captain of the U.S.S. Vance.

"Mr. Resnick is presumably referring to the Navy's refusal to convene a formal court of inquiry into the case when he speaks of 'a fair trial' for Mr. Arnheiter. I reported this. I also reported that a week after Mr. Arnheiter was relieved, a Navy captain took six and a half days of sworn testimony from Mr. Arnheiter, his subordinate officers and crewmen of the Vance in what the Navy calls an informal inquiry. Mr. Arnheiter was represented by a lawyer and the verbatim record shows he was given full opportunity to reply to the charges against him.

"Mr. Arnheiter was subsequently given months on Navy time to draw up a voluminous written rebuttal to the charges. His case has been exhaustively reviewed at all responsible levels of the Navy and each reviewing authority has maintained that Mr. Arnheiter's rights have been fully protected. The Navy contends that a formal court of inquiry at this point would be a waste of time and money. I reported this as well and left it to the reader to decide who is right.

"The point of the matter is what happened on the Vance during those 99 days. Mr. Resnick became Mr. Arnheiter's Congressional champion without bothering to interview the officers and men who had served on the Vance. Eighty-five other Congressmen took Mr. Resnick's word and signed the petition for a court of inquiry. Mr. Resnick also recently publicized his role in the case in paid political advertisements while unsuccessfully seeking the Democratic nomination for the Senate. His chagrin at my account is understandable."

LASTING IMPLICATIONS OF THE FORTAS CONFIRMATION CONTROVERSY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. PODELL. Mr. Speaker, I have had several occasions in recent weeks to express my views on the controversy surrounding the confirmation of Mr. Justice Abe Fortas to various groups within my constituency. I oppose those who are seeking to prevent this confirmation for the following principal reasons: First, Mr. Justice Fortas is eminently qualified; and, second, the arguments raised against him, and the tactics being used to enforce them, create a dangerous precedent for the future, threatening the independence of our judiciary branch.

My full views concerning these vital questions follow:

Whether Mr. Justice Abe Fortas should be confirmed by the Senate as Chief Justice of the United States is one of the most vital questions currently confronting the conscience of this Nation. Because I believe it is the duty of elected officials to speak and explain their views on the great issues of the day, I take this opportunity to explain why I enthusiastically support the confirmation of Mr. Justice Fortas.

Mr. Justice Fortas has had an extraordinarily distinguished career in the law after attending public schools in Memphis, Tenn. He finished at the top of his class at the Yale Law School; he became a law professor at that law school upon graduation; he has been a top-level Federal administrator; he has been hailed as one of the Nation's outstanding lawyers; and he has already served, after confirmation by the Senate, for 3 years as an Associate Justice of the U.S. Supreme Court. In terms of wisdom, intellect, character, and experience, his fitness to be Chief Justice cannot reasonably or fairly be assailed.

What then is the basis on which a small band of partisan Senators plan to filibuster in order to prevent the confirmation of Mr. Justice Fortas? Two major arguments are raised. One is that a President should not appoint a Chief Justice in the final months of his tenure in office. Neither logic nor precedent support this contention. Presidents from George Washington to Dwight D. Eisenhower have made appointments to the courts close to the end of their terms. And there is no good reason why they should not have done so. A President is no more disqualified from making appointments at the close of his tenure than he is from discharging the other duties of his office; the power of veto, the power of treaty, the power of appointment are all his until January 20.

The other argument is that Justice Fortas should not become Chief Justice because they do not agree with his judicial philosophy. This argument not only is irrelevant to the question of whether Mr. Justice Fortas is qualified, but also misconstrues the role of the Supreme Court in our constitutional system. In that system, our Federal courts are independent of the other branches of Government, the Congress and the executive, and the grant of life terms to Federal judges is designed precisely in order to assure that independence. There are those who would destroy that independence by requiring that a nominee's confirmation turn upon his philosophical agreement with an overwhelming majority of the Senate—I say "overwhelming majority" because a vociferant minority would use the filibuster in hopes of preventing a Senate vote on the matter of confirmation. It is my view that it is antithetical to our form of government to allow Congress, or a small minority of Congress to exercise such a controlling influence over the Supreme Court.

I, therefore, believe the arguments raised against the confirmation of Mr. Justice Fortas are totally without foundation. But more important, the raising of these arguments, and the tactics being used to enforce them, create a dangerous precedent for the future. Should the opposition prevail, it could well mean in the future that practically no man could be confirmed to the Supreme Court no matter what his qualifications may be; for there will always be a minority of people who disagree with his philosophy, and can filibuster to prevent a vote by the full Senate. This tactic is alien to the democratic process of majority rule, and its efforts would seriously endanger the function of our Supreme Court. Further, if the opposition were to prevail, vacancies in our Federal courts would have to go unfilled for perhaps a year or more at the close of each presidential term, thereby creating a heavier backlog in our courts and delaying, even perhaps denying, the proper dispensation of justice.

To deny Mr. Justice Fortas confirmation as Chief Justice is to raise these dangers to our form of government, and is to deny an honorable man confirmation on a false basis. The issue should be simple: Is Mr. Justice Fortas qualified? I think the answer is so obviously affirmative as to warrant no debate: Even Richard Nixon, standard bearer for the party in opposition to Mr. Justice Fortas, recently characterized Mr. Fortas as "one of the ablest Justices on the Court." He, therefore, should be immediately confirmed so that the Supreme Court may go about its work.

HON. ROBERT L. F. SIKES

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. McMILLAN. Mr. Speaker, I want to join the members of the Florida delegation and Congressman Sikes' host of friends in honoring him on the floor of the House for his long and impressive tenure of service in the House of Representatives.

I understand Congressman SIKES enjoys the distinction of serving the State of Florida longer than any other Congressman and I am certain that we do not have a more active or influential member of the House Appropriations Committee than Mr. SIKES.

The State of Florida is extremely fortunate in having a man of Congressman SIKES' ability and determination to serve them here as their Representative in the National Congress.

I have had the opportunity and pleasure of serving with Congressman SIKES during his entire tenure of service in the Congress and I know that he will continue for a number of years to be one of the most influential Members of this body. Again, I want to congratulate the State of Florida for their good judgment in keeping a man of Congressman SIKES' ability as their Representative in Congress.

IMPORT QUOTAS ON FOREIGN MEAT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. NICHOLS. Mr. Speaker, on May 1, 1967, during the first session of this Congress, I introduced H.R. 9499 which would place import quotas on foreign meat and meat products. It would also make a number of changes in the system under which foreign meats and meat products are allowed into this country. Although the Committee on Ways and Means held hearings on the import problem this year, no action has been taken on specific legislation in the various fields where imports are endangering domestic products.

Those of us who support limits on imports are called protectionists by those who favor unrestricted trade with other nations. I want to make it clear that where the importation of foreign meat is concerned, I am a protectionist. First, I want to protect the consumer from purchasing meat or meat products which might have been processed in unsanitary conditions or damaged in some way during shipment to America.

Second, I want to protect the cattlemen of this country from being undercut from low-quality, low-priced meat. There are thousands of cattlemen, both large and small, in the United States who have a considerable investment in their operations. Imports already are threatening domestic cattle operations, but a heavy influx of imports, which could be possible under present legislation, would severely hurt our domestic cattle industry.

It appears now that we will not take any action on this legislation in the Congress. However, I certainly intend to reintroduce identical or similar legislation as soon as the 91st Congress convenes next January.

Mr. Speaker, a recent release from the American National Cattlemen's Association further stresses the need for this legislation, and I insert that release in the RECORD at this point:

DENVER, September 17.—The sudden decision of New Zealand and Australia to halt all beef shipments to the United States for the remainder of 1968 clearly reveals the haphazard, unbusinesslike operation permitted under our present meat import laws which adversely affect both domestic producers and exporting countries.

Bill House of Cedar Vale, Kans., president of American National Cattlemen's Association made that statement today upon learning of the announcement issued in Wellington, N.Z. by the meat boards of those two countries. He said their cattlemen are now faced with at least two months without a major market for beef which undoubtedly will affect their prices. Their painful position parallels the problem faced in earlier months by U.S. cattlemen when excessive imports were being dumped on our shores, House said.

Self-imposed reduction of domestic beef tonnage during this period of extra-heavy imports was the only factor that saved domestic producers from disaster, House pointed out.

House recalled that ANCA had called attention to this erratic and harmful pattern several times previously this year in an effort to encourage Congress to adopt "clean-up language" in the meat quota law of 1964 which can be accomplished in the proposed amending statutes.

The abrupt facing of facts on the part of the two major beef exporting countries means that the Congress must also realize that the many far-seeing Congressmen and Senators sponsoring the Meat Quota Act amendments are correct in demanding changes that would benefit domestic cattlemen and give exporting countries a reasonable share of the U.S. market on a stable basis, House said.

The ANCA president cited the fact that shipments of beef now enroute by ship will likely keep the channels full through October, and probably into November. This is historically a period of heavy cow marketings by domestic cattlemen which will give an adequate supply of the same type beef at a competitive price.

House said the United States has always had the potential to provide all the beef required by our consumers at reasonable prices, with the added benefit of better quality and full assurance of proper wholesomeness under the new 1968 meat inspection law. But, he added, we have been denied the opportunity to supply the domestic market by economic squeezes contrived in the name of well-meaning but grossly mismanaged worldwide sociological actions.

The current development focuses attention upon the immediate need for some corrections which will enable U.S. cattlemen to supply consumers on a year-around basis on a mutually beneficial basis. Listing the amendments to the meat import law as a part of these essential corrections, House said these would eliminate the 10% override on the basic import quota; adjust the base period on quotas to the year 1962; and establish quarterly quotas.

Four points were cited by the ANCA president as a part of the effort being made by U.S. cattlemen to set up a fair standard of benefit to the American consumer, the economy and the government's ruinous international trade deficit:

"1. The Australian and New Zealand beef supply should at this time be shifted to protein-short countries to prevent suffering and even starvation, if indeed these exporters do have beef to ship. Australia has had to deny its own people the amount of beef they would like to have in order to ship it to the United States for dollars. Thus their own domestic market could be profitably boosted.

"2. The ANCA proposals have been made in the interest of market stability for all concerned. Disruption of the market by artificial means is to be deplored. A program to assure a constant, normal supply of wholesome beef will provide consumers with an opportunity to budget month-in and month-out at a stable price, and will also provide the U.S. cattlemen with a chance to market part of their cow herds that has proved to be unprofitable in the past several years.

"3. The current situation should serve to remind consumers that they depend upon the U.S. producers for the major part of their beef, and the supply can be increased if domestic cattlemen are afforded the opportunity to do so within the framework of the American economic incentive system.

"4. The balance of trade deficit plaguing the United States further demands that domestic production be encouraged as an adjunct to shoring up the entire economy. Beef was cited by *Wall Street Journal* recently as one of the consumer items swelling the import-export deficit that must be corrected by an incoming Adminstration to save the nation's dollar position."

FEDERAL HIGHWAY FUNDS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BOB WILSON. Mr. Speaker, the administration has again employed one of its favorite political devices—a freeze on Federal highway aid funds until at least December of this year. This is a typical administration ploy to make the spending cut imposed by Congress particularly distasteful in an effort to pressure the House and Senate into accepting something less than the $6 billion spending reduction ordered in the Revenue and Expenditure Control Act of 1968.

According to the Secretary of Transportation, no new Federal aid highway projects will be approved until December 1, 1968, in a so-called effort to save $200 million toward the $6 billion cut ordered by Congress.

Mr. Speaker, the American people are not fooled by this sham. The public knows full well that the highway trust fund was established for the sole purpose of constructing, improving, and maintaining our national highway system and that the trust fund is sustained by highway user taxes which are quite separate and distinct from the general revenue funds of the Treasury. The withholding of these funds by deferring new highway projects will in no way help to balance the budget. This freeze is not unprecedented, but is only the latest of a series that began 2 years ago. The President has just pulled another penny prize out of his fiscal "bag of tricks."

This freeze will have drastic effects on the completion of the Interstate System nationwide, which has already been postponed beyond its completion target date of 1972 by numerous other delays in the construction program. I know I need not take my colleagues' time to discuss the urgent need to complete this long-overdue Interstate System.

In my own State of California, the

effect of this fund deferral will be quite serious. California will be forced to defer $150 million in new construction projects scheduled to proceed between now and December or even longer, if the ban is extended beyond December 1. Such a on-again, off-again highway construction program causes serious difficulties for the construction industry and, more particularly, for the highway construction workers whose livelihood depends on consistent employment opportunities.

For these reasons, I join my colleagues in urgently requesting the administration to reconsider this new arbitrary highway fund deferral and to keep faith with the States and the people in allowing the scheduled completion of our highways without additional political shenanigans.

CONSTITUTION IS LEGAL SIMPLICITY

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. UTT. Mr. Speaker, in these days when the American Constitution is under attack by the detractors of this great Republic, it is refreshing to find the editor emeritus of the San Diego, Calif., Union writing an editorial pointing out the greatness and the importance of our Constitution.

Editor Pourade's article refers to several short textbooks on the Constitution which were written by W. Jefferson Davis, under the sponsorship of the American Academy of Public Affairs. These short textbooks are handy to have and should be made available to the schoolchildren of America. The editorial follows:

CONSTITUTION IS LEGAL SIMPLICITY

Up until a few years ago controversy over the Supreme Court flowed at high levels; to the average person, the court was something beyond reach, and its constitutional decisions weighed only upon the learned.

But Earl Warren brought the court down to earth, so to speak, and everybody began to see that no matter what the court said it affected everybody's life as well as the life of the country.

It has been said that the Constitution of the United States is what the Supreme Court says it is. Unfortunately, that has become true.

For years now, Jefferson Davis of San Diego has been pointing this out in a series of little books he has written under the sponsorship of his American Academy of Public Affairs, which has a notable list of active and inactive supporters.

He is publishing the fourth this month, timed for the observance of Constitution Day, which is Tuesday. It is titled "The Supremacy of the Constitution."

The other books are "Law of the Land," "Usurpers of Power," and "Judicial Tyranny."

None of them are large, nor are they academic. They seek to explain the Constitution of the United States and how it is being changed not by the vote of the people but largely extension of executive power.

President John F. Kennedy made a speech at American University which still today influences attitudes toward the Constitution.

Mr. Kennedy dismissed the Constitution as a document for an agrarian society.

His conclusion must be weighted against the thoughts of some of the great minds of history, and not just from our own land.

Gladstone said, "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

Lord Bryce, a student of government, said, "The American Constitutional Convention was the greatest body of men that every sat in a single chamber."

To William Pitt, one of the greatest statesmen in English history, the Constitution "will be the wonder and admiration of all future generations and the model for all future constitutions."

Now we have Earl Warren. No doubt Mr. Warren, as Chief Justice of the United States, will insist he defers to no man in his respect for the Constitution.

The presidential nomination of Justice Abe Fortas to succeed Warren has brought to a head, at long last, the fight over the Supreme Court and its constitutional authority.

The Senate does not seem of a mind to eagerly accept Mr. Fortas as chief justice. A full examination of the court's self-designated powers to change the Constitution without the consent of the people is long overdue.

Warren has made it plain he will not surrender his post until Fortas is confirmed—if he ever is. Thus he seeks to perpetuate a 5-4 margin by which it has been contended that the court has been converted into a body that not only judges the law but makes the laws.

In this view the Supreme Court has become an instrument of executive power as well as a social weapon for social changes as decreed by a handful of men.

In his new book, Davis recalls that there long has been a recognition among more thoughtful lawyers and legislators, as has been stated, that "those who contrive and strive to change our form and methods of government by devitalizing our Constitution, are as much engaged in overthrowing the government as alien and domestic fanatics who plot to overthrow the government by a violent revolution."

Davis' little books are the textbooks of the Constitution and the Supreme Court for those who want to know the facts and read the arguments, without having to become members of the bar.

ADMINISTRATOR JAMES WEBB, OF NASA, RETIRES AFTER EXERCISING DYNAMIC LEADERSHIP IN SPACE PROGRAM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. EVINS of Tennessee. Mr. Speaker, Administrator James Webb, of NASA, has announced he is retiring from his position as Administrator of our great space exploration program.

Administrator Webb has served 8 years in this capacity, and during this period our space program has shown its greatest forward thrust and its greatest progress.

I am sure the President will appoint a successor, but he will never find another James Webb. Jim has been effective, capable, forceful, dynamic and, I might add, most successful in his leadership of the space program and its outstanding program in which he can take justifiable pride in accomplishment.

During the decade since sputnik was launched our Nation has made great strides and advances in our program of space exploration. During 8 years of this vital and crucial period the space program has been under the able leadership of James Webb. It was during this decade that the United States launched 12 manned flights—all successful—and 100 successful unmanned flights. James Webb and the Nation can be proud of the great progress and achievements of our great space program.

Certainly we in the Congress regret the retirement of James Webb. Certainly he richly deserves his well-earned retirement, and we wish for him the very best of good luck and success in the years ahead.

THE STRANGE CASE OF STOKELY CARMICHAEL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. WYMAN. Mr. Speaker, it continues to distress thousands of Americans that the Department of Justice does not proceed against Stokely Carmichael for violation of present law. In a speech in the House of Representatives on December 12, 1967, I urged that the Department of Justice take action to deport Carmichael, pointing out that Carmichael is a derivative citizen of the United States having been born in Jamaica. He was the son of parents subsequently naturalized and became a citizen by operation of law.

If Carmichael should be convicted of a violation of the Immigration and Naturalization Act—8 U.S.C. 1481(9)—he will lose this derivative citizenship and can be deported. We should act to deport him once and for all time. This section directly provides that a person who is a citizen of the United States whether by birth or naturalization, shall lose his nationality by "violating or conspiring to violate any of the provisions of section 2383 of title 18, or willfully performing any act in violation of section 2385 of title 18, or violating section 2384 of title 18—when he is convicted thereof—by a court of competent jurisdiction." The statute further provides that the burden of proof in such cases shall be merely by a preponderance of the evidence.

Section 2385, to which the Immigration Act has reference, prohibits advocacy of the overthrow of our Government in the following respects and language clearly applicable to Carmichael's utterances and acts:

> Whoever knowingly or willfully advocates, advises, or teaches the desirability of overthrowing or destroying the Government of the United States . . . or
>
> Whoever . . . attempts to organize any . . . group or assembly of persons who . . . advocate or encourage the overthrow of (the United States) . . . by force or violence.

Surely the evidence shows conclusively such a violation—repeatedly. In this connection, I commend an article written by John D. Lofton, Jr., which appeared in the Manchester Union Leader of Tuesday, September 17, entitled, "Carmichael Treatment Is Preferred—Plus." This story illustrates once again the deeply disturbing fact that despite the record of this man he has not been prosecuted by the Justice Department.

Failure to act in notorious cases such as this is continuing evidence of the need for a radical change in the policies and leadership of the Department of Justice. The article follows:

CARMICHAEL TREATMENT IS PREFERRED—PLUS

(By John D. Lofton, Jr.)

WASHINGTON, D.C.—Over the past few years, Stokely Carmichael has:

Urged individuals to say "Hell, no" to the draft; advised negroes to threaten burning down Washington, D.C. if they do not get home rule (this being one of Carmichael's more ridiculous exhortations since black people comprise more than half of the District's residents and any carrying out of the threat would of course guarantee the homelessness of thousands of negroes); said that the only solution to the American negroe's problem is "armed revolution;" called for the creation of maximum damage with a minimum loss of black people through "guerrilla warfare;" and brandishing a pistol during the April riots in Washington, counseled a window breaking youth that if he meant business he should have a gun.

Late last year on a vehemently anti-American global tour, Carmichael addressed 4,000 Cubans at a "Che Guevara Week" meeting and told them, "We do not want peace in Vietnam, we want the Vietnamese people to defeat the United States."

He also boasted that "we have our own list, and it includes MacNamara, Johnson and Rusk—if we have to kill them, we will."

This month, in his new role as prime minister of the Black Panther Party (Carmichael had a dispute with the Student Non-Violent Coordinating Committee and they gave him the boot) Carmichael told a rally in Oakland, Calif., that the black revolution is entering "the period of armed struggle."

A revolutionary differs from a militant, he said, in that he accepts no compromise with the existing system and "must be ready to pick up a gun.

"Don't wear a leather jacket unless you are ready to kill," said Carmichael.

A black leather jacket and a black beret are the uniform of the Black Panther Party.

The only thing more contemptible and despicable than the public utterances of Stokely Carmichael is the spineless indecisiveness of the U.S. Government in dealing with him. For years, Carmichael has been publicly urging that people burn, kill and refuse to serve in the armed forces, yet the Department of Justice under the leadership of Mr. Big, Ramsey Clark (whom Rep. Sam Devine (R-Ohio) once described as having all the courage of a "bull butterfly" in dealing with matters such as this) refuses to lift a finger, even though there seems to be ample evidence to obtain an indictment.

VIOLATED U.S. CODE

Dean Joseph O'Meara of the Notre Dame Law School in an article in the American Bar Association's Journal last year suggested that Carmichael has clearly violated Title 50, section 462 (a) of the U.S. Code which states: "Any member of the Selective Service System or any other person . . . who knowingly counsels, aids or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title . . . shall upon conviction in any district court of the United States or competent jurisdiction be punished by imprisonment for not more than five years or a fine of not more than $10,000 or by both such fine and imprisonment."

Former Supreme Court Justice Charles Whittaker has written a Washington newspaper: "Based upon press reported statements, actions and conduct of Mr. Carmichael, and assuming them to be true, I have no doubt whatever that Mr. Carmichael has thereby violated existing federal statutes and, of course, such violations constitute a basis for his prosecution under those statutes so violated."

And still, nothing is done.

REFUSED ACTION

While the Department of Justice has refused to take any sort of action against Carmichael, the U.S. State Department at least has done something . . . they returned his passport which they revoked in August of last year for unauthorized travel to Cuba.

You see, the passport was returned because Mr. Carmichael presented an affidavit promising he would not travel to any restricted countries.

Admittedly, the areas of travel restriction and anti-draft counseling are like most complex legal matters, intricate and involved.

But we can't help but believe that had the Justice Department applied the same amount of diligence toward an indictment of Mr. Carmichael as they have in preventing bank mergers and jailing corrupt union leaders, he would have been brought to the bar of justice many months ago.

Can you think of any other reasons why we need a change of administration?

THE PASSING OF "MR. MOTHER LODE" CLOSES A GOLDEN ERA

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. JOHNSON of California. Mr. Speaker, today would have been the 86th birthday of a man fondly known throughout California as "Mr. Mother Lode." The late Archie D. Stevenot personified the progressive pioneer spirit which resulted in the development and growth of this mining area of the State of California. He was a member of a true 49'er family and he carried throughout his life the rugged traditions of those days more than a century ago. Archie is gone now; he died last month after an extended illness.

A proposal has been made that a bridge across Stanislaus River, which must be constructed as a result of the relocation of Highway 49 caused by a major Army Corps of Engineers construction project, be named in Archie's honor, and I certainly wholeheartedly endorse this proposal.

Archie Stevenot was responsible for much of the development of the Mother Lode area. His grandfather came to San Francisco, Calif., August 9, 1849. Within a few months, he had traveled to Calaveras County and pitched his tent near Carson Hill which became the Stevenot homestead and remains in the family today. It was on this propery that a prospector found gold nuggets the size and shape of melon seeds and excitedly displayed them to his employer, Gabriel Stevenot, saying, "Melonie, Melonie." From this came the name Melones by which the community has been since known, and is the site of New Melones Dam, a major multiple-purpose water resource project which is being constructed on the river and requires the relocation of Highway No. 49.

The very existence of Highway No. 49 can be attributed directly to Archie Stevenot, who singlehandedly formed the Mother Lode Highway Association in 1919 and embarked upon a most successful campaign to have California State Highway No. 49 developed as a route which connects all of the colorful and historical area of the Mother Lode region which first attracted to the Golden State, the miners of the gold rush of '49.

Archie Stevenot's record of other accomplishments is tremendous. He became postmaster at Carson Hill at the age of 22, and was superintendent of one of the largest mining operations in the State of California, the Calaveras Consolidated Mining Co., which during its operation yielded some $26 million in gold. He organized what later became the California State Chamber of Commerce, was responsible for the rebuilding of the Mark Twain cabin on Jackass Hill near Sonora, and gave it to Tuolumne County as a historical attraction. Mr. Stevenot also operated the major hotels in Merced, for many years the "gateway" to Yosemite National Park, and during this period in his life, entertained such dignitaries as King Gustav of Sweden, Carlos P. Romulo, Ambassador of the Phillipines, Cardinal Spellman, the papal secretary who later became Pope Pius XI, Mrs. Eleanor Roosevelt, and many others, but he was loved throughout California because he was equally attentive to a mineworker or an Indian as to heads of state.

In recognition of the tremendous service to the Mother Lode area, the California State Legislature officially bestowed upon Archie Stevenot the title, "Mr. Mother Lode," a name by which he had been called many years prior to this official act. I know of no one more representative of this colorful and beautiful region than Archie Stevenot. I certainly hope that he will be remembered forevermore by the naming of the new Stanislaus River Bridge at Melones in his honor.

TRIBUTE TO NIKOLA DIMITROV PETKOV

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mrs. KELLY. Mr. Speaker, Nikola Dimitrov Petkov was born in Sofia, Bulgaria, in 1894, the son of Dimiter Petkov, a self-educated peasant from Dobrudja, who became Prime Minister of Bulgaria. Nikola earned a law degree in Paris, and from his early youth worked for the betterment of the lot of the peasantry of Bulgaria and in so doing dedicated himself to their cause and the cause of freedom and justice by taking an active part in the politics of his country.

Nikola Petkov soon was recognized as a gifted leader and eventually became the official leader of the powerful Peasant Party in Bulgaria. He was an arch foe of all forms of totalitarianism and, in turn, a true liberal who fought for a more democratic society for his people. He meant to attain his goal through the democratic process of free elections and parliamentary methods but unfortunately, circumstances and the tragic turn of events in Bulgaria toward the end of World War II prevented the working of the democratic process there. Despite such conditions, Petkov clung to his ideals and managed to hold his own against his unscrupulous Communist foes as a member of the new coalition government. He fought courageously against Communist outrages, terror, and violence from 1945 until the day of his arrest on June 5, 1947.

Nikola Petkov was one of the most courageous fighters against the forces of tyranny in the Balkans, and an outspoken champion of the democratic way of life. Until the day of his arrest he made good use of his parliamentary immunity and unmasked the treacherous intentions and concealed designs of the Communist leadership in Bulgaria. He openly accused them of being Stalinist agents. As a result of such firm opposition to communism his foes accused him of conspiracy against the state, and also an agent of Anglo-American capitalism. Then, a day after the U.S. Senate ratified the peace treaty with Bulgaria, he was arrested inside the Bulgarian parliament building—this done in defiance of the law that made him immune from arrest. On August 16, Nikola Petkov was sentenced to die on the gallows, and on September 23, 1947, he was hanged. Thus ended the stormy and promising career of the most dauntless public servant in recent Bulgarian history. On the observance of the 21st anniversary of his execution we do homage to his memory and to the spark of freedom which we know burns continuously in his beloved country.

PRESIDENT JOHNSON AND THE ADMINISTRATION OF JUSTICE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. CORMAN. Mr. Speaker, it was more than 179 years ago that our first President described the administration of justice as "the firmest pillar of government." Our 36th President, Lyndon Johnson, has moved more effectively than any other to bolster this indispensable pillar.

Under President Johnson's leadership, with the vigorous support of Chairman Celler and Congressman McCulloch, the Congress has done more in 5 years to assure justice for all citizens than it had done in the preceding 50 years. The results are without parallel.

For example, the barrier of racial discrimination which stood for so long between citizens and their precious right to vote was finally removed.

Historic legislation, followed by effective enforcement, produced in 3 years a 94-percent increase in Negro voter registration in five Deep South States. Representative government was enhanced dramatically in these States and in others.

President Johnson obtained new legislative and administrative tools to implement the Supreme Court's 1954 declaration that segregated schools are unconstitutional. The tools have proved very useful.

Of the Negro students in the 11 States that comprised the Confederacy, 1 percent attended desegregated schools in 1964. By 1968, the total had reached more than 20 percent. Racial discrimination in education is sure to decrease even more rapidly, in the North as well as the South, under standards being developed by Government litigation.

By mid-1968, the Government had filed or joined 189 suits under the school desegregation provisions of the 1964 Civil Rights Act. Only 22 school desegregation cases had been brought or joined by the Government during the 4 years preceding the act.

Also, under President Johnson:

Hotels, motels, restaurants, hospitals, parks, and libraries were at last opened to all citizens.

People were given the protection of Federal law in the exercise of their Federal rights.

Racial discrimination in employment was outlawed.

Fair jury selection was required in Federal courts.

Historic criminal convictions were obtained in civil rights cases, such as that of seven white men in the deaths of three civil rights workers in Mississippi.

Conciliation was used to unite our Nation.

All Americans were assured an equal right to buy or rent a home.

Government civil rights litigation, previously centered in the deep South, was expanded to cover the entire Nation.

These civil rights actions are now part of the Johnson administration's unsurpassed record in the pursuit of equal justice.

Another part of the pursuit of justice, an important one, is the President's actions against crime.

He observed in 1965:

> No right is more elemental to our society than the right to personal security and no right needs more urgent protection.

Lyndon Johnson became the first President in our history to furnish national leadership in combating crime. He has moved in unprecedented fashion to strengthen law enforcement and increase public safety.

Recognizing that America for generations had starved its law-enforcement agencies of the necessary resources and manpower, the President devised a strategy creating Federal support for these agencies, but without infringing on the constitutional principle that responsibility for law enforcement is primarily local.

At the heart of his strategy was the Crime Control and Safe Streets Act, authorizing Federal grants for the planning and initiation of programs to strengthen all segments of local and State law enforcement.

The theory of the act was supported by nearly 3 years of grant experience under the law enforcement assistance program, a pioneer endeavor proposed by the President in the first crime message ever sent an American Congress.

Under the program, the Federal Government provided more than $20 million to support 356 projects in 50 States, the District of Columbia, the Virgin Islands, Guam, and Puerto Rico—bringing fresh experience and knowledge to law enforcement and accelerating efforts against crime.

Many other significant anticrime steps were taken by the Johnson administration.

A National Institute was created to bring modern science and technology to bear against crime.

A Federal Judicial Center was established to improve the court system through research and planning.

The Federal drive against organized crime was intensified dramatically, with indictments totaling 2,084 during the 4-year period ending last December 31, compared with 442 during the previous 4 years.

New and promising rehabilitative techniques were established in the Federal prison system.

A new Bureau of Narcotics and Dangerous Drugs was created to move against the illegal sale and use of drugs.

The National Crime Information Center, a computerized index of crime and criminals, was inaugurated to serve Federal, State, and local agencies.

Through these historic actions to insure the safety and rights of every citizen—together with advances in health, job training, housing, education, and other areas—President Johnson and the 89th and 90th Congresses have brought vast new strength to the pillar of justice in America.

HOOVER SPOTLIGHTS CRIME PROBLEM

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. WYATT. Mr. Speaker, the September 23, 1968, issue of the Evening Star contained a column by David Lawrence captioned "Hoover Spotlights Crime Problem." This concerns FBI Director J. Edgar Hoover's testimony on September 18, 1968, before the National Commission on the Causes and Prevention of Violence. As Mr. Lawrence points out in his column, Mr. Hoover's statement is about 7,000 words long. I wish it were possible for every American to read the entire statement. Mr. Lawrence has done a good job in picking out some of the major points of the testimony and I include his column in the RECORD:

HOOVER SPOTLIGHTS CRIME PROBLEM

J. Edgar Hoover knows more about the crime wave and some of its causes than anybody in government, as he is the head of the Federal Bureau of Investigation which maintains intimate relations day by day with the law-enforcement agencies of states, counties and cities throughout the country. He made a formal statement a few days ago to the National Commission on the Causes and Prevention of Violence.

It was about 7,000 words long. It contained authentic information of direct interest to the American people. It was not presented in full text on television or radio or in the press. A few extracts are worth special attention:

"Of an estimated 3,750,000 serious crimes reported in 1967 to law-enforcement agencies, 484,900 were violent crimes in the classification of murder, forcible rape, robbery, and aggravated assault. . . .

"Over-all, crime in the United States rose 21 percent during the first six months of 1968 over the corresponding period in 1967. . . .

"Serious crimes 7 each minute, violent crimes 1 each minute, murder 1 every 43 minutes, forcible rape 1 every 19 minutes, aggravated assault 1 every 2 minutes, robbery 1 every 2½ minutes, burglary 1 every 20 seconds, auto theft 1 every 48 seconds, larceny 1 every 30 seconds."

Hoover points out that 411 police officers have been killed in the last eight years and that, "of the offenders previously convicted, two-thirds had been granted leniency in the form of parole or probation."

The FBI director stresses the fact that, in 1967, persons under 18 years of age constituted 49 percent of those arrested for serious crimes in America. He adds that a study of all criminal careers reveals that of the 12,026 perpetrators of violent crimes arrested in 1966 and 1967, there were 922 murderers with an average criminal career of 11 years and 7 arrests.

The cost of crime in money is estimated by Hoover at more than 27 billion dollars a year. As far as street "demonstrations" and riots are concerned, the FBI director says, a number of "subversive and extremist organizations which advocate force and violence" strive in every possible way to disrupt law and order. He asserts that "prominent among these is the Communist Party U.S.A." He declares that it "has long been Communist policy to charge and protest 'police brutality' wherever possible—particularly in racial situations—in a calculated effort to discredit law enforcement and to accentuate racial issues."

Hoover analyzes the campus-oriented movements and mentions that "a large proportion of the new leftists was reared in affluent homes." He describes the activities of "hate groups," both white and black, and expresses the belief that "the whole problem of violence in American society has been intensified by the recent growth of black extremist organizations." He continues:

"Within the past year, there have been sufficient contacts between militant black nationalists and representatives of unfriendly or hostile countries to indicate a degree of foreign involvement, participation, and influence in the activities of black extremists in this country. These foreign contacts serve to increase the potential for violence by giving inspiration, encouragement, and support to the revolutionary aims, doctrines, and activities of black extremists in this country. . . .

"FBI investigations of black extremists have uncovered innumerable allegations that these individuals have obtained firearms and are encouraging residents of ghetto areas to procure weapons.

"The demagogic exhortations of a number of civil rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience. . . .

"Public officials themselves have played a part in the buildup of permissiveness and violence because of their tendency to overlook a little 'law breaking' by pressure groups, apparently in the hope that this is the way to satisfy the demand and blunt it."

Hoover refers also to the criminals let loose on technicalities and to the ill effects of crime programs on television and in movies, and thinks that too much publicity has been given generally to the antics of extremists. Maybe all candidates for public office would be helped to understand the crime problem if they read the entire statement made by the director of the Federal Bureau of Investigation.

FIFTEENTH SESSION OF THE ASSEMBLY OF CAPTIVE EUROPEAN NATIONS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. RODINO. Mr. Speaker, unfortunately the House adjourned early yesterday and I was therefore unable to address my colleagues on the occasion of the 15th plenary meeting of the Assembly of Captive European Nations on September 24.

This is a particularly important meeting in ACEN's history, in view of the recent shocking and sad events in Czechoslovakia. However, I was glad to learn from Dr. George M. Dimitrov, chairman of the assembly, that the meeting would concentrate on this situation in planning its future progress toward restoration of self-determination in the captive nations.

It is highly significant that this subject is missing from the agenda of the current session of the United Nations, which, by the intent of its charter, was created to protect small and weak nations against injustices by the great and developed powers.

The tragic events of Czechoslovakia have shown the world that the concept of collective security and self-determination in the world, enunciated for the first time by President Woodrow Wilson half a century ago, is still a dream. The Soviet Union flouted these principles of the United Nations, and in a most flagrant way. While posing as a champion against now virtually non-existing colonialism in Africa and Asia, it is imposing red colonialism throughout Eastern Europe—the successor to the brown colonialism of Hitler.

The tragedy of Czechoslovakia—Hitler's former "Protectorate of Bohemia and Moravia"—is a dramatic illustration of the real situation in all of Eastern Europe today. We are witnessing a display of the old Russian imperialism under the guise of so-called progressive communism. We see how Moscow, at the same time, attacks the development of a national political system and society in Czechoslovakia and yet manipulates the old national feuds of the Balkan nations to silence criticism from Yugoslavia. This is the same tactic Moscow uses in the Middle East to stir up Arab nationalism against a settlement or understanding with Israel. And the Middle East is the target of the great design of the Soviet Union, in which Eastern Europe is caught as a springboard.

The only hopeful factor in the Czechoslovak tragedy is that it has brought some adverse results for Moscow. For by their brutal move in Czechoslovakia the Soviets have lost a whole generation of young people and intellectuals, not only in Czechoslovakia but also in other countries of Eastern Europe.

The tragic events in Czechoslovakia serve to remind us of the peril to the West in trusting any agreement with Communist regimes that does not contain built-in safeguards for effective enforcement. Let us hope that this cruel oppressive action will open the eyes of nations throughout the world to the true nature of Soviet communism.

GRAPES OF WRATH

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BURKE of Florida. Mr. Speaker, by far, the great majority of Americans are deeply concerned with the breakdown of law and order in our country. They are concerned by the permissive, tolerant attitude of the administration in its handling of those who have publicly burned and defiled our flag, of the unlawful demonstrators, and the rioters who have militantly burned and looted our cities.

They are shocked by what they saw at the Democratic Convention in Chicago, when a few dissenters demonstrated, not in a peaceful mood as some would like us to believe, but in a militant demonstration of what may be commonplace in our country in the near future, since coming events often cast their shadows before. I have always stated that it is important that we as free Americans recognize the constitutional rights of all Americans to freedom of speech and peaceful assembly, but while the constitutional rights should forever be preserved, that does not carry with it the right of any person to engage in acts against the public safety or in violation of the law.

The first duty of those in authority, not only in Washington, but in every other community throughout the land, is the preservation of public order and the firm enforcement of the law. The rights and privileges of those countless good Americans who obey the law and keep the peace must be given priority above all others at all times.

Since the time when I was sworn in as a Congressman in January 1967, I have seen a great deal of violence resulting from massive demonstrations.

I have seen the city of Washington burned and looted. I have seen armed guards and soldiers on duty to prevent burning, looting, and pillage, not only of the Capital, but possibly the White House itself. I have seen demonstrations of many kinds, but last Thursday, here in the halls of Congress we passed a new milestone on this road to permissive anarchy.

Last Thursday two New York Members of the Congress led a demonstration here in the Longworth House Office Building against another Member of Congress, a good friend and colleague of mine; namely, Congressman Bob Mathias, who represents the 18th District of California which is located in California's San Joaquin Valley.

The strange thing about the two Congressmen who headed a hastily assembled mob, composed of employees from their offices and a few others, and in the presence of the press, was that they were demonstrating against an outstanding American who has brought honor, not only to himself, but to his country.

Bob Mathias saw military service with the U.S. Marines. In 1948 and 1952 he represented the United States in the World Olympics and was the Gold Medal winner of the decathlon event in both of those years. He represented the Amateur Athletic Union in Europe as a representative of the State Department during an international program for the promotion of American youth programs. He served as personal representative for President Eisenhower at Melbourne, Australia, for the Olympics of 1956, and served at the request of the State Department as good will ambassador, and served as a promoter and participant in educational youth programs in many countries, and at the special request of Presidents Eisenhower, Kennedy, and Johnson, he served on the President's Committee on Physical Fitness.

The cause of the demonstration by the two New York Congressmen was because Congressman Mathias had taken it upon himself, as a matter of courtesy, to distribute grapes, grown by his constituents in his congressional district, to all of his fellow Congressmen.

The two Congressmen who led Thursday's demonstration, however, were offended by Congressman Mathias' gift because of a farm-labor dispute in California. I do not wish to discuss the merits or demerits of the farm-labor dispute, but it does seem to me when the processes of government have broken down so far that Members of Congress can only communicate with another Member in the heat of a hastily assembled mob in the presence of the press, that the time has come to despair about the future of the Congress—yes, even for our country. Surely we have not reached the point in our history that each and every objection that one may have against another should result in mob action by way of civil disturbances.

Presumably it was the intent of the demonstrators that they grab a large chunk of publicity for themselves and their boycott, by not only returning the grapes, but smearing the floors of the House Office Building with these grapes and with all the loud and boisterous trappings of disorder that unfortunately are in fashion today.

It is my pleasure to have had the opportunity of serving on the House Agriculture Committee with Bob Mathias, and let me state here and now that his conduct here in Congress, as well as his past record as a good American is a striking contrast with some of the demonstrators who assembled outside of his office.

One of the interesting observations, however, with regard to the "grapeacade" as carried on by the Members from New York, was the fact that they returned only a portion of their gift of grapes, since I fear like the forbidden fruit in the Garden of Eden, the grapes were just too tempting for their private palates.

THE PUBLIC MUST ACT AGAINST ATROCIOUS GANG ACTIVITIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DERWINSKI. Mr. Speaker, in many areas of the country patterns of violence stemming from gang activities have erupted often with a tragic and sinister ending. It is obvious that steps must be taken to halt this violence in order that the rights of decent law-abiding citizens can be maintained.

The South Suburban News, a Negro-oriented weekly serving the Chicago area, carried a very timely and vigorous editorial Saturday, September 21, which I believe merits evaluation by the Justice Department and school officials.

Public Must Act Against Atrocious Gang Activities

During the year of 1968 more than seventy-five black youths in Chicago were killed in gang related incidents. Nearly three-hundred youths were victims of beatings and sniper attacks with the result that many were seriously wounded to the extent, that they may never recover and live normal lives.

Serious factors concerning gang members and gang activities are that the youths are taught to disregard the rights of other humans. Most citizens, including parents of gang members are afraid. some to the point of being terrified.

We must ask the question; "What kind of adults are we, to allow these gang activities to continue in our communities?"

The answer undoubtedly is that we as adults must be cowards or so wrapped up in ourselves, that until something happens to some member of our own families we don't become concerned. Recently the Blackstone Rangers (who are being investigated for the misuse of funds from a federal grant for the purpose of training gang members to become productive citizens) proclaimed that they are now the Peacestone Nation working for the betterment of the black citizenry, uniting with other gangs throughout the nation.

On publishing information pertaining to the Peacestone Nation farce, we let it be known that as publishers we doubted their sincerity. We did, however, attempt to cooperate with the hope that our efforts would help the gang members become worthwhile citizens.

Gang members and their actions today, are just as animalistic and savage as could possibly be, when young honor students are shot down because they refuse to join gangs and ten year-old boys are forced to kill, rob, extort, and destroy property. We as adults are guilty for allowing these conditions to exist. We call on all citizens to join in concerting efforts to end these horrible gang activities before other innocent human minds and lives are destroyed.

"Isn't it disturbing that we do not know who the next gang victim may be? How can our consciences allow us to sleep peacefully at night when we have such gang activities taking place in our schools and communities.

We the publishers that request new laws to deal with gangs do not know whether these laws IF enacted and enforced can end deadly gang activities. But at least we have taken a step to do something to end gang lawlessness, and focus attention on doing something about these activities.

If such laws are enacted they may be applicable to syndicated crime gang activities, and destructive student protesters who are no longer interested in what is best for all Americans.

ANNIVERSARY OF THE BALFOUR DECLARATION

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. PODELL. Mr. Speaker, I have today introduced a concurrent resolution to extend congratulations and felicitations to the people of Israel upon the 51st anniversary of the Balfour Declaration, which will be celebrated on November 2, 1968.

On November 2, 1917, as Foreign Secretary in the ministry of Lloyd George, Lord Arthur James Balfour, with the concurrence of Winston Churchill, President Woodrow Wilson, and Field Marshall Smuts, made public the declaration, whereby the British Government with the approval of its principal allies of the First World War declared that it viewed with favor the establishment in Palestine of the national home for the Jewish people. The declaration further set forth the intent and the promise of the British Government to use its best endeavors to facilitate the achievement of that objective.

The concern of the American people with Palestine has been an enduring one. The American view was clearly set forth by President Wilson when he said in 1919:

> I am persuaded that the Allied Nations with the fullest concurrence of our own Government and people are agreed that in Palestine shall be laid the foundations of a Jewish Commonwealth.

Although not a member of the League of Nations, the United States insisted as one of the allies whose war effort had aided in the liberation of Palestine from Turkish dominion upon the right to participate in the appropriate disposition of that land. This right was in fact recognized by Britain and by the Council of the League of Nations.

As a further demonstration of the deep American interest in establishing a Jewish national homeland in Palestine on June 30, 1922, the Congress unanimously passed a joint resolution signed by President Warren G. Harding declaring that the "United States of America favors the establishment in Palestine of a national home for the Jewish people."

Indeed, so intense was American interest in achieving the objectives of the Balfour Declaration that the United States and Great Britain entered in 1924 into the separate Anglo-American Palestine Mandate Convention. Pursuant to this Convention, which incorporated in full the League of Nations mandate, the United States formally consented to the administration of Palestine pursuant to the League mandate.

The paramount objective of the mandate, like that of the Balfour Declaration, was the establishment of the Jewish national home in Palestine to be accomplished by large-scale Jewish immigration and by the settlement of Jews on the land of Palestine. Everything else in the mandate was subordinate to this principal objective.

The policy of the United States has never veered from that objective. Every President of the United States from Woodrow Wilson to Lyndon B. Johnson has reaffirmed that policy. Vice President HUBERT H. HUMPHREY and former Vice President Richard M. Nixon, as candidates for the Presidency, have asserted their faith in this traditional policy of the Government of the United States.

This American commitment to the principle of a Jewish national home has been repeatedly affirmed by the Congress from the joint resolution adopted by the Congress on June 30, 1922, to adoption by the House and the Senate, prior to this August recess, of an amendment to the pending foreign aid bill calling upon the President of the United States to sell to Israel Phantom supersonic jet fighters.

During the millennium of the Diaspora, the Jewish aspiration for a national homeland was an amorphous dream. Under the inspiring leadership of Dr. Theodor Herzl this dream was shaped into a concrete goal. With the perspicacious guidance of Dr. Chaim Weitzmann, this goal upon publication of the Balfour Declaration, was inscribed in covenants among nations.

Despite the universal approbation of nations, the achievement of that goal was beset with many difficulties. Arab spokesman contended that this objective violated the Arab's right of self-determination and violated this basic principle in President's Wilson's Fourteen Points.

There was in fact no dilemma here for President Wilson nor for any other leaders of the Allied Powers. Throughout vast areas of the Ottoman Empire, millions of Arabs were held in bondage to the Turk. They were freed by force of Allied arms and over 1,000,000 square miles of territory was made available for Arab independence. Out of this vast area, a small sector comprising not more than 1,000 square miles would be set up as a Jewish national homeland, an area in which the faith, history, and traditions of the Jewish people were deeply rooted in the antiquity of that soil.

It is a fact that contemporary Arab leaders were in accord with the justice of the Palestine solution. In 1919 Emir Feisal, representing his father, Sharif Hussein, acknowledged leader of the Arab independence movement, signed an agreement with Dr. Chaim Weitzmann, representing the World Zionist Organization, which confirmed the Balfour Declaration and looked toward encouraging large scale immigration of Jews into Palestine. So dedicated a friend of the Arab people, Col. T. E. Lawrence, confirmed the view that the Arab people had been justly served in the treaties agreed upon after the war.

It is a dismal historical fact that Great Britain betrayed its trust in a move toward appeasement of Arab nationalists. Instead of carrying out the principal objective of the mandate, Great Britain promulgated in 1939 its infamous White Paper, which denied that Palestine was to become a Jewish State and severely restricted Jewish immigration into Palestine in order to prevent the Jewish people from becoming a majority in the territory. In complete disregard of the mandate, Great Britain embarked upon a program to establish an Arab state in Palestine with the Jewish people as a permanent minority sharply restricted as to land ownership.

The Permanent Mandates Commission of the League of Nations promptly condemned the illegality of the White Paper. It was denounced by President Roosevelt and by such British leaders as Winston Churchill and Clement Attlee. The British White Paper was but part and parcel of the Chamberlain government policy of appeasement which threw Czechoslovakia to the Nazis.

The Chamberlain plan for an Arab state in Palestine was aborted by the outbreak of the Second World War. The end of the war brought the problem of a Jewish national homeland into a new, sharp focus. Six million Jews were destroyed by Nazi hordes. The remnants of the Jewish people in Europe, the handful of survivors of the Nazi concentration, were in desperate need for a land where they could enjoy freedom and dignity. Despite insistent urging by President Truman, Britain refused to open the doors of Palestine to Jewish immigration.

Driven by despair, Jews loaded themselves into unseaworthy ships and tried to enter Palestine despite the British ban on immigration. The saga of the "Exodus 1947" shocked the conscience of the world. With an inhumanity that defies description, more than 4,000 Jews en route to their homeland were ruthlessly and unconscionably transported by the British to Germany.

Ultimately the problem of Palestine came before the United Nations under one of its lofty aims to "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." The United Nations in its most significant action agreed to the establishment of a Jewish State in Palestine predicated not only upon human need and compelling humanitarian considerations, but upon a series of the most solemn international engagements on the faith of which the Jews by extraordinary exertions have built in Palestine a vigorous community, which has enriched not only the Jewish people but their Arab neighbors as well.

The establishment of the State of Israel provoked immediate reaction among Arabs leading to war and hostility. In 1956 and again in 1967, the State of Israel was obliged to resort to arms in self-defense against Arab plans to destroy that Nation. It is a tribute to the spirit and dedication of the people of Israel that they have successfully withstood this bestial assault upon their Nation.

The term "the Middle East" has become a convenient shorthand expression for a galaxy of human problems that encircles the earth. A major phase of that problem is that major powers have it within their hands to plunge the earth into darkness with thermonuclear explosion clouding the aspirations of peoples in all areas of the world for peace and security.

It is indeed tragic that polarization of issues between the East and the West has immobilized the United Nations to the extent that the powder keg in the Middle East threatens all the world with the holocaust of modern warfare. The United Nations established its capacity as an instrument for international peace and justice two decades ago when it provided the legal framework for the creation of the State of Israel. It can confirm its role by an honorable settlement of the crisis in the Middle East.

As we approach the 51st anniversary of the Balfour Declaration, we must renew our efforts and our dedication to the cause of international peace, justice, and security and fervently hope for the realization of the words of the prophet that "nation shall not make war upon nation and not know war anymore."

DRUG COMPANY, GUILD OFFER RX FOR RETARDED

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DANIELS. Mr. Speaker, one of the most useful organizations in the archdiocese of Newark is the Mount Carmel Guild. I am very proud and happy to serve as a member of the board of directors of the Mount Carmel Guild and to do what I can to help carry forward its good work of helping people to help themselves.

The guild's programs are coordinated by the Right Reverend Joseph A. Dooling, and in a large measure the accomplishments of the guild can be credited to him. Through his efforts thousands of handicapped persons have been able to live useful productive lives.

Mr. Speaker, on Sunday, September 8, 1968, the New York News published a most perceptive article describing what the guild has done and is doing in Hudson, Essex, Union, and Bergen Counties of New Jersey. I insert this article to be published at this point in the RECORD.

The article follows:

DRUG COMPANY, GUILD OFFER RX FOR RETARDED

(By Sylvia Carter)

At 28, he hadn't been away from home for 16 years. His IQ tested 40. His father had no idea of what to do with him.

Now, the man described above, known affectionately as "The Kid," is a custodian at Hoffman-LaRoche Pharmaceutical Co., whose offices are located in Clifton and Nutley.

The drug firm was in the news recently when the bludgeoned body of employe Joan Carole Freeman was found in its Clifton plant. Investigators reasoned that she may have been slain because she had seen a spy stealing industrial secrets. Unfortunately such stories get more publicity than the firm's extensive rehabilitation projects among the handicapped.

The Kid's success as an employe, and that of about 15 other mentally and physically handicapped persons at the firm is due partly to the company's progressive policies.

But a lot of credit goes to an organization that not only trains mentally retarded persons for jobs, but also helps them find jobs and keeps an eye on them after they start work—Newark's Mt. Carmel Guild.

The guild wasn't much more than a hand to pass out soup and clothes when it was organized in 1930. Since then it has helped thousands of residents of Bergen, Essex, Hudson and Union Counties.

The guild's programs are run by the Archdiocese of Newark's Rt. Rev. Joseph Dooling, but the guild staffers couldn't be less concerned about the color and religion of the residents. They just pick people with problems, put them in one of their many programs—and go to work.

Besides training mentally retarded residents the guild has programs for the visually handicapped and for those with speech and hearing defects.

Hoffman-LaRoche quietly has been a leader in working with handicapped employes.

Although the custodian may never be able to work without supervision nor achieve an advancement, he's doing useful work. And he's proud that he learned how to make his lunch sandwiches, take the right bus and do a job.

Another Roche employe, Ailene Adnathy of 204 Hillside Dr., Newark, is a tiny, attractive girl who does numerical keypunch jobs. Talking about her job—"I love it"—and future plans for more schooling or a special vacation, she sounds like any enthusiastic 20-year-old.

But Ailene's pert appearance, in a brilliant orange dress with co-ordinating scarf and earrings, is marred by a brace on her right leg. And she has some residual retardation from cerebral palsy.

After finishing a keypunch training program Ailene still wasn't fast enough at her work to get a job—at most places, that is.

But Ailene has plenty of personality and ambition. After Hoffman-LaRoche personnel people interviewed her, they liked her, placed her and now trust her completely (even a supervisor doesn't always realize a new employe in the department is handicapped. A handicapped person may get a bit of extra patience, but won't be treated as "different." Co-workers are never told about the situation).

Ailene admits cheerfully: "I may have to try a card 10 times when I first get a new job." She is eager to go to school and learn typing, so she can do more varied programs.

"I've just had a vacation," pretty Ailene bubbles, "but I didn't go anywhere. I'm saving for a car, so my father won't have to come for me after work. And then my sister, another girl and I hope to go to Bermuda for a vacation next year." Ailene's boyfriend works at the pharmaceutical house, too, and also is going back to school.

In the payroll department there's a quiet, reserved girl who doesn't smile as often as Ailene does—yet. Let's call her Mary.

Mary really had a double problem. Before she came to Roche about eight months ago and started her filing job, she was not only mildly retarded but was a former drug addict.

Mary, a long-haired blonde, now is trusted to do anything.

When her supervisor filled out a report on her after six months she came to Lloyd Ross, co-ordinator of the Mt. Carmel Guild's work with the firm, and asked: "What can I put Mary down as only 'good' or 'fair' in? If I put 'excellent' on everything there's no room for improvement on the next report."

Ross, who conducts the guild's therapy sessions for drug addicts also, says not all placements work out so smoothly.

One girl who washes bottles had to be suspended for unexcused absences from work. The company disagreed when Ross suggested they should fire her, so a week's suspension was the compromise.

"It's not that the girl doesn't want to work," Ross says. "She knows she did something wrong but she'll do it again, so she has to learn she can't. Under normal circumstances she would be fired." The girl was raised in an orphanage, and is retarded, with a psychiatric problem besides. Whether her reliability will improve is still uncertain.

It is a certainty, though, that she'll eventually be fired if it doesn't.

"They know they've earned every cent when they get a paycheck," says a spokesman for the company's handicapped employes.

Often, he explains, jobs are geared to the handicapped. A messenger boy who is a cerebral palsy victim won't have to drive to the airport, for instance, but will still have plenty of useful errands to do. A noisy business machine that drove other employes crazy proved perfect for a deaf employe.

Roche officials hope other companies will follow its example.

"A company that makes life-saving drugs has an obligation quite different from one that makes neckties," says the spokesman. "Although I don't mean to belittle neckties—if one of those doesn't come up to snuff, no harm's done."

The guild has programs to train women 16 or older for employment in industrial sewing, as nurse's aides, or working in housekeeping, cooking or baby care jobs (home management). For men there is a vocational program in carpentry.

The drug firm's leaders—along with the guild workers—are making sure not only that "no harm's done" but that they help, too.

THUMBS DOWN ON SUBSIDY FOR CAMPUS RIOTERS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial called attention to action by both the House and the Senate in adopting provisions which prohibit payment of scholarship funds to students participating in riots. In this connection I would like to point out that in the Independent Offices and Housing and Urban Development Appropriations bill a similar provision was included in reference to scholarships granted by the National Science Foundation and its programs. The Senate amended this provision to provide that this action be taken in the event of violation of the law or damage to the physical property of a university.

I accept this amendment as being desirable, and this is now a part of the Independent Offices appropriations bill.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial from the Nashville Banner in the RECORD herewith.

The editorial follows:

THUMBS DOWN ON SUBSIDY FOR CAMPUS RIOTERS

House and Senate conferees have acted wisely in refusing to subsidize campus riots. That is by simplest definition the stand they took by writing into the federal higher education bill the provision for mandatory severance of federal aid to any students who participate in such riots.

The stipulation belongs. By the money measures now being ironed out for eventual adoption, the federal expenditure is expected to run to $6 billion—a substantial amount indeed to be supplied by the nation's taxpayers. The millions tapped for it are entitled to assurance that not a dollar of it will be used to finance ingrates less interested in education than in wrecking its institutions.

There are millions of young men and women desirous of finishing their formal education, and worthy of help by loans or grants. State resources are mobilized for that. Private colleges and universities, and tax-supported institutions, are maintained, furnishing enlarged facilities to meet the growing need. Individual benefactors, along with taxpayers are making these investments, to improve the educational opportunity for this and subsequent generations.

Trouble-making cadres from campus to campus are bent on demolishing this structure—on the rule-or-ruin premise; staging rebellions and violence, contemptuous of all restraint and defiant of all authority. In case after case, the miscreants have been there by a subsidy of one form or another; and in many instances their attempted revolutions—from camp-ins to arson for takeover—have been directed by itinerant firebrands not even enrolled.

Colleges and universities on the alert will have no difficulty, certainly, in pinpointing student participants; and it will involve no strenuous intelligence work to identify any in that number who are there on the Federal cuff.

From the left the shrill cry will go up that this is an "academic" trespass on the "rights" of these anarchic freeloaders. The trespass has been theirs, on the valid right of every law-abiding member of the student body; the vast majority enrolled for an education and not for a course in year-long, Castro or Ho Chi Minh version of "Hell Week."

Congress knows the temper of an America-minded decent constituency long ago fed up with hooligans on or off the campus.

The law belongs as drawn, to exclude these characters from the public, tax-supplied trough; to terminate a subsidy of outlawry that never did make sense. Concerned lawmakers now should see to it that it is enforced to the letter.

TWENTY MONTHS OF SERVICE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. UTT. Mr. Speaker, an example of what can be done toward economy and efficiency in a public office, when there is a determination to work in the interests of the taxpayers, is contained in the following report by Dr. Robert Peterson, superintendent of Orange County, Calif., schools. Dr. Peterson won a hard fought campaign for his office, and took over the administration of the county schools 20 months ago. He has reduced debt, enhanced employee morale, kept budgets within guidelines permitting a tax reduction, and maintained efficiency and work volume with 10 percent less work force, in spite of an increased school enrollment of more than 20,000 pupils. He deserves the highest commendation. His report follows:

TWENTY MONTHS OF SERVICE

(A summary by Dr. Robert Peterson)

In taking over the direction of the Orange County Schools Office in January 1967, there appeared to me to be two major problems. The Office was afflicted with a lack of unified purpose and was plagued with a one hundred thousand dollar debt which had been allowed to develop during the previous superintendent's tenure.

Along with the two major problems, there were many others of smaller proportions. Not every problem is solved. However, many improvements have been accomplished and additional projects are in process. Some of the favorable results that can be mentioned now include:

1. A "team-effort" approach has been developed for the entire Office. An illustration of this approach in action is the involvement of the entire staff in the planning and operation of the Academic Decathlon.

2. This Office has now officially closed the books on the debt ridden Orange County Schools Office Data Processing Center by a partial payment to the one remaining creditor. Through diligent efforts, the liquidation check was in excess of sixty thousand dollars. This sum gave the creditor an income which was better than fifty cents on each dollar owed.

3. In spite of increased student enrollment in Orange County schools which exceeded twenty thousand pupils, the total Office staff has been reduced by more than ten percent. This commendable reduction has been accomplished without a drastic reduction in work performed.

4. Budget totals for the coming year have been kept within the limits set by the Supervisors. This accomplishment has contributed in a small way to making it possible for the Supervisors to reduce the county wide general tax by three cents this year.

5. A new section in this Office has been started that will be responsible for studying and evaluating various educational programs within and outside the office.

6. A procedure has been set up which requires competitive estimates or bids on Office contracts involving more than fifty dollars.

7. As vacancies develop among the certificated staff, advertisements are sent to all possible contacts so that the very best of replacement personnel can be available for screening committee considerations.

8. Managerial costs in one division of the Office have been reduced by more than fifteen percent without an excessive loss in efficiency.

9. Efforts are now underway to produce special and unique instructional films so that teachers will have a better selection of materials concerning local history, patriotic events, and basic methods of study.

10. Your superintendent has presented more than eighty talks to various service clubs, church groups, and other such civic meetings during the past months.

A NATION IN CRISIS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TEAGUE of Texas. Mr. Speaker, on August 25, 1968, the Reverend H. Lively Brown, pastor of the First United Methodist Church in Corsicana, Tex., delivered a sermon entitled "A Nation in Crisis." It was met with much enthusiasm and I have received any number of copies of this sermon which was sent to me by people who heard it delivered.

Reverend Brown has served for 20 years as a minister in Methodist Churches. He is a marine veteran of World War II and has held a commission as an Air Force Reserve chaplain for the past 10 years.

I think the Members of this body and all who receive copies of the CONGRESSIONAL RECORD will be inspired by Dr. Brown's sermon and I am pleased to insert it at this point.

A NATION IN CRISIS

(Sermon by H. Lively Brown, Given at First United Methodist Church, Corsicana, Tex., Aug. 25, 1968)

I am departing from my original topic this morning to share with you some thoughts which have been upon my mind for several months. These have reached their culmination with the invasion of Czechoslovakia this past week. It requires no great deal of intelligence to see that something is terribly amiss in our land. In ten years illegitimacy has increased 100%, along with the greater knowledge and accessibility of contraceptives. Abortions are estimated to exceed 100 thousand a year. Pornography has become a 200 billion dollar business which has multiplied four times in two years Every kind of obscenity is commonplace. Moving picture shows are more frank and bold than ever we had dreamed, leaving very little to the imagination. The television shows which come into our homes are filled with profanity and are replete with suggestive plots. There is little wonder that so many homes are breaking up and marriage is no longer considered sacred. That which God intended to be beautiful and sacred has become cheapened and vulgar by our society.

Crime is at an all time high. The crime rate is increasing five times faster than the population increase. Our crime bill is more than 20 billion dollars a year. For every dollar we spend on churches we spend $12,000 on crime. Combine all the money given to religion, education, medicine and automobiles and the sum total would be less than that given to gamblers in America.

Juvenile delinquency is increasing seven times as fast as the population increase. Sloth and laziness have become virtuous while industry, conservation and patriotism have become vices and sins. The juveniles with long dirty hair, bare feet, filthy clothes, and a vocabulary consisting of four letter words which are as filthy and dirty as they, are looked upon as respectable. They habitat, love strangers, give away flowers, but do not love parents.

The Constitution of our nation has become a shield for degeneracy, and a protection for evil doers. We use it to protect the criminal, to release the insane to walk the streets, and fall upon it as the grounds for insurrection and violence. We eliminate the death penalty for all but Presidents and Presidential candidates. We permit the burning of the flag . . . then of Detroit . . . Washington, D.C., and the threat of burning the nation down is the cry that follows. Our national conventions to nominate presidential candidates are as armed camps. Our Administration yields to threats, orders policemen to permit stealing and looting, burning and crime . . . for fear of making someone or some group angry. The yielding to this sort of "blackmail" as yielding to all blackmail, is at best futile.

The Supreme Court rules in favor of criminals, rather than seeking to protect society. It rules in favor of the Communists of our land, refusing to order them to register as Communists, allowing freedoms which they do not deserve, and protecting them with rights which they seek to destroy. To argue for such is like a baby chicken arguing for the rights of a hawk to consume it . . . like a canary bird arguing for the rights of a cat to enter the cage . . . like a lamb arguing for the rights of a lion to enter into the sheepfold.

This is, all too briefly, the picture of our society today.

THE RESPONSIBILITY

There is political responsibility to be assessed. No person, even slightly informed, can be ignorant of the Communists plan to dominate and rule the world. And yet, some of our political leaders because of some idealistic dream which they hold refuse to believe this and feel if we continue to give and give surely the Communists will change their way of thinking. We need to remember the words of that great American, Dwight D. Eisenhower, who stated only a few days before his last series of heart attacks that the Communists have not deviated from their dream of ruling the world. The Communists have told the world, they have told us, they have written it out for us, and they have repeated it again and again. Recall the words of Nikita Khrushchev:

"We, the world's Communist leaders, have set our watches so that our mighty armies will keep in step and march confidently toward world domination . . . Nuclear war should be prevented but there will be liberation wars as long as imperialism exists, as long as colonialism exists. What should be our attitude in regard to such uprisings? It should be most favorable . . . These uprisings are directed against decayed reactionary regimes, against the colonialists. Communists support such just wars fully and without reservation and march in the van of the people fighting for liberation . . . We must work for peaceful coexistence which is a form of intense economic, political and ideological struggle between the proletariat and the aggressive forces of imperialism . . . Eventually even the most inveterate skeptics will make their choice in favor of socialism."

A change of leadership in the Kremlin has not led to a change in their philosophy of government irregardless of what some idealists would have you believe.

Political figures in our nation have yielded to pressures from groups which have been infiltrated with communism. Our national leadership has not stood strong on the great and vital issues of our day and upon the foundation stones which constitutes the basis for our being. The Federal Government has not only permitted the violation of civil law, but has encouraged it and has protected the ones who break civil laws. When one is encouraged to break some laws, and is protected as he breaks others, the natural sequence of events is to break any and all laws which he may choose to break. The ultimate "right" is that of taking another man's life . . . and why not . . . all things "are relative . . . there are no absolutes . . ."

There has been an irresponsible PRESS. By the PRESS, included is all news media. No one facet of American life can soar to such sublime heights and plunge to such degrading depths. The press of our land does an injustice to America and to the world by the constant parading of the unusual, the vile, the ugly, as if it were commonplace. The distortion of truth, by exaggeration of a small event, gives an impression that this were the normal course of everyday life.

I know that many of our national publications claim they do not make the news, that they are unbiased. But when articles appear as reporting which heap contempt upon individuals with different political philosophies, when photographs are chosen with care to illuminate candidates with whom they agree and to degrade individuals with whom they disagree, what other word can you use except biased?

After the untimely and tragic death of President John F. Kennedy, the press had much to say about the "climate" of Dallas that killed the President, the "climate" of the South, the "climate" of the rich "capitalists" in Dallas, the "climate" of the conservatives . . . etc. To be perfectly honest, no one knows who killed President Kennedy. We did not all kill him . . . nor did any of these "climate factors." It has been most interesting to note that after the death of the Senator, no one has written about the "climate" of Los Angeles, or California, or the West Coast. This is a perfect illustration of the news media manifesting bias toward the south and the southwest. This has been a major contributing factor in the racial unrest in our nation.

It is strange that those furthest from the racial problems seem to be the most authoritative about them. The large northern cities have had more racial troubles than all the south combined. Let the northern press solve their problems then seek to solve those of the south.

Professors in our colleges and universities must assume a certain responsibility for much of the unrest of our land. This does not, of course, refer to all professors, nor to all institutions. I had the privilege of being minister of a university church for several years and I have many good friends among the faculty. I know the things for which they stand and the things in which they believe which includes the American philosophy of life. But one would have to be blind and deaf to be unaware of the strong vein of socialism flowing through many of our institutions of higher learning. The matter of "academic freedom" has come to be understood as license for revolt and the privilege of insurrection. These socialist teachers, who have never done anything to earn a dollar but have spent all of their time in school and in the classroom, seem to know all the problems and have all the answers before them wrapped up in a socialistic package. They feel free to march on the government, and to lead students to violence. It has become the accepted intellectualism of our day to be anti-American, and anti-capitalist. The very system they seek to destroy has built the university where they attended and pays their salary where they teach. I would have to agree with Waggoner Carr, former Attorney General of the State of Texas, these individuals who advocate the overthrow of our government should be dismissed.

Preachers must assume responsibility for the kind of nation we have. Too many men of God have become men "of the mob." Preachers have left their calling to proclaim the "Good News" that faith in Christ changes the heart of a man, and have begun to march on the mayor's office, and on the nation's capitol to lead the mob to "get something for nothing." There is not the slightest hint in all the Bible, that the work of the man of God is to lead people to rebel against the government, nor to seek "hand-outs" from those who work to be given to those unwilling to work. Paul writes: "If any man will not work, neither should he eat." (2 Thess. 3: 10) The Bible teaches "Thou shalt not steal . . ." "Thou shalt not covet . . ." Preachers will do well to preach the "Good News" to lost men, that to know Christ makes a man NEW. And that this will be evidenced in his relationship with other individuals.

Parents must assume responsibility. There are notable and classic exceptions, but all too often we have been guilty of raising an "un-spanked and un-disciplined" generation. We have tried to give our children more than we had. They have accepted it . . . now they want someone else to keep on "giving them more and more for less and less." An undisciplined child at home will be undisciplined at church, at school, and in society. Discipline is an essential part of civilization. The "un-spanked" generation is now "spanking" society. Parents who have thought only of self, and have turned their children "out on the world" are reaping the results of "wild oats scattered." Come here any Sunday evening and see the parents who are missing and you see the youth who are also absent. And yet it is in the worship of God that this nation came into being.

The populace must accept responsibility for things as they are. There has been injustice, irresponsibility, and indifference. There has been a desire for non-involvement and escapism. While responsible people refuse to involve themselves, the irresponsible minority moves ahead with all enthusiasm and diligence, and one day the lethargic populace awakens to find that while they slept, the freedoms for which they worked and in which they believed had been taken away. General Lewis Hershey in speaking to us at the Reserve Officers Association in Miami, Florida said there is the great mass of people in America today who are asleep and I wonder what will happen when they finally awake.

Personal guilt must be assessed and responsibility for individual crimes placed upon the guilty person. Our day of "psychological testing and psychiatric examinations" so often declares that anyone who commits a crime really isn't guilty, they are just "sick." The crime is the product of society and the poor culprit who killed someone else, really is a good fellow, he just didn't get a fair deal from his environment. So our sentimental courts will release the guilty with no thought of sympathy for the family of the one against whom crime has been committed. Personal guilt is a fact. It is a Biblical fact, a legal fact, and a very important fact. Apart from this recognition there can be no safety for anyone in any society. Individuals who commit crimes are guilty, and must be punished. Society must be protected from such ones.

WHAT ARE THE POSSIBILITIES?

The United States of America may become a socialist State. There is more and more Federal control in all of the business life of our nation. There is hardly a business which does not have to comply with federal requirements for various causes which range from employment of certain minority groups, whether qualified or not, to maintain a separate set of books, for the government, at the expense of the business. There are more and more employees of our government, which grows larger and larger each year. There is more and more of a "give-away" program fostered by our federal government.

Have you heard the story about the wild hogs in the Ozark mountains? No one could catch any of this herd of hogs. The wild animals evaded dogs, hunters, and trappers. Finally a trapper came through the village and remarked that he would capture the hogs. Three weeks later the hogs were safely enclosed in a strong fence. When asked how he did the impossible, he replied: "I scattered a little corn . . . and they ate it. I scattered more corn, and they ate that. Finally, I put out enough corn to lead them into a trap . . . If I can get any animal to eat my corn, I can trap him . . ." While we aren't animals, we can become snarled in the trap of dependency upon federal "hand-outs" until our freedoms are gone and we have become a socialist state.

There is the possibility of internal collapse. If any individual makes a salary of $300 a month, and he pays $100 a month house payment, $100 a month car payment, and uses $100 a month for groceries, he has used up all his salary. He needs a boat, a television set, new clothes, new furniture, expense for operating the car and boat, money for medical, insurance, and other items all of which amounts to an additional $200 a month. Each month he borrows the extra $200. When the note comes due, he borrows the interest and re-finances. By simple arithmetic one is confronted with the eventuality of bankruptcy. The economy of our nation is in much the same condition. Our national debt continues to rise. If there is no curb to extravagance, and an effort made to balance our budget, there will inevitably be an internal collapse.

There is the possibility of anarchy. Mobarchy leads to anarchy. How many lives could be lost, and across what lines the issues would be drawn, is speculation. The racial unrest in our nation will not continue with burnings, lootings, riots and killings without eventual retaliation . . . and where will it all end?

Can these things happen to our nation? Take a walk through the cemetery of dead nations: Go to Egypt and visit the dusty tombs of the pharaohs in the pyramids . . . Babylon . . . with more than two million men working for years to build her walls and her city, is found only in history books and by the archaeologist. The Persian empire in all her glory and beauty . . . gone forever . . . Nineveh, with her towers and bastions . . . long since fallen and dust covered . . . Carthage . . . 100 years before Rome, the great commercial metropolis on the bay of Tunis, a part of the civilization that gave the alphabet to the Greeks, and language to the Hebrews. Where Now? Her arms were the terror of nations. She controlled 16,000 miles of coastline. Her Hamilcar led 300,000 troops. It is hardly worth a visit to see her dust. Corinth . . . situated on the isthmus of the Peloponnesian peninsula, once the seat of luxury, art, commerce and trade . . . now is but a few stones for the tourists to see. Ephesus . . . once the metropolis of Asia, the Paris of her day, with buildings larger than our nation's capitol, with the Temple to Diana, with her amphitheater . . . now gone forever . . . The Alhambra, the palace of Mohammedan kings and Granada . . . all gone . . . Herculanaeum and Pompeii . . . long since gone . . . with bits of the civilization sold for relics. Thebes . . . for over a thousand years among the largest and wealthiest cities of the world, now a mass of decay and ruin. Greece . . . under Alexander ruled the known world . . . long since has faded into obscurity. Rome . . . ruled the known world for many, many years . . . and is no more . . . The Spanish Armada and the glory of Spain are but history. France with her Napoleon . . . gives a picture of culture and people who are no more . . . Britain . . . once roared as a mighty lion . . . now is little more than an impotent whisper . . . A walk through the cemetery speaks to us that our nation, too, can pass away. One of the gravest dangers of all is to assume that such is impossible.

Our only hope is re-discovery . . . of the God who brought us thus far and the principles upon which our nation was established.

What can be done?

We need to relearn the meaning of certain terms.

"Freedom" Not only our freedom but freedom in relation to other people.

"Rights" We have rights it is true, but they end when they conflict with the rights of others. We are part of a society.

"Responsibility" A strange new word it seems this is. And

"Character" Without which this nation will soon cease to exist.

Secondly, there is a great need for political involvement on the part of all responsible people. Citizens need to vote. Responsible men need to vote for men and issues . . . rather than a party. They need to listen to what a man has to say, not the appearance he makes on a television screen. Or else they only discover they have sold themselves and the things in which they believe for naught. The average citizen needs to keep in touch with his representative, expressing himself on vital issues. Letters are important. I have written more letters these past two years to people in authority than ever before and have had the satisfaction of seeing some of the things I have cherished come to pass.

Third, there has never been a great nation without patriotism. There has not been a time in the history of our nation when patriotism was at such a low ebb. Begin at the top or the botom of the political spectrum, but begin! Emphasize patriotism in the home, in the schools, and in every walk of life. Let us not permit the burning of the flag, the anti-American speeches from public rostrums, and the teaching of revolution in our schools.

"THE FLAG GOES BY

"(By Henry Bennett)

"Hats off!
Along the street there comes
The blare of bugles, the ruffle of drums,
A flash of color beneath the sky:
Hats off! Our flag is passing by!

"Blue and crimson, and white it shines,
Over the steel-tipped ordered lines,
Hats off! The colors before us fly,
But more than the flag is passing by.

"Sea fights, and land fights, grim and great,
Fought to make and save the State:
Weary marches, and sinking ships;
Cheers of victory, on dying lips!

"Days of plenty and years of peace,
March of a strong land's swift increase:
Equal justice, right and law;
Stately honor and reverend awe.

"Sign of a nation, great and strong
Toward her people from foreign wrong:
Pride, and glory, and honor . . . all
Live in the colors to stand or fall.

"Hats off!
Along the street there comes,
A blare of bugles, a ruffle of drums,
And loyal hearts are beating high:
Hats off! Our flag is passing by!"

Fourth, let parents be the kind of parents who build good homes and good citizens. Let honesty and integrity prevail in the home and be taught to the children. One of the greatest things a parent can do is to furnish society with fine children who will serve as good citizens.

Finally, the Gospel of Christ is not dependent upon America, but . . . America is dependent upon the Gospel of Christ. This nation was conceived in evangelical favor. She has come forth from many dark hours by the power of God's hand and the revival of God's people.

When the citizens of this land attend church, live consecrated lives, seek to be the kind of Christians of which the New Testament speaks, they are at the same time helping create a Country strong and great.

This is a critical hour, and our only way out is up.

ARMISTICE DAY—A SPIRIT TO REMEMBER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HORTON. Mr. Speaker, I am introducing a resolution today which I feel will set in motion the national observance of a day we all want to remember—November 11, 1968—the 50th anniversary of Armistice Day.

I would like you to join me in this measure to establish a Joint Select Committee on the Observance of Armistice Day, composed equally of majority and minority members, which will make recommendations for this great day in the history of our Nation.

It was 11 o'clock on the 11th day of the 11th month, 50 years ago, that the order was given which silenced the artillery fire that had shattered Europe for 4 years and had cost this Nation not only millions of dollars to finance but 112,432 American lives.

Here at home the reaction was immediate. Every street was thronged with crowds and it sounded as if every band in America was playing at once. The whole land was loudly expressing its relief that the horrors of this war were at last finished and that American boys would soon be over here instead of "over there."

The anniversary of that joyous day became a holiday. With each passing decade and each new war, November 11 became a day to honor all veterans of all wars, and Armistice Day became Veterans Day. Over the years the celebration became more somber and reflective than the wildly exultant Armistice Day it originally commemorated.

I certainly do not criticize the change in the way this holiday is celebrated and its broadening to cover all wars. I do, however, feel that the original Armistice Day should not be forgotten. We are approaching the 50th anniversary of that day and I feel the occasion ought to be marked by fitting ceremony and observance as the day on which the First World War ended.

The ideals of Armistice Day and the joy of the Nation at learning of the end "of the war to end all wars" are well worth remembering, for the ideals are still with us and the hope of ending war is one of our most cherished dreams. The spirit of those times holds great significance for us here 50 years later.

The end of the Great War is more to us than a significant day in our history. It is the symbol of the hope of a nation, and is for both reasons worthy of observance on its 50th anniversary.

I feel therefore that speedy passage of my measure to provide for a Joint Select Committee on Observances of the 50th Anniversary of Armistice Day is important. That committee should begin as soon as possible to consider and arrange observances and to assist organizations and localities in their own plans for the appropriate recognition of Armistice Day.

PEACE PEOPLE ARE PHONIES

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ZABLOCKI. Mr. Speaker, prior to the national conventions, during the conventions, and since then, our Nation has witnessed the activities of a movement that is threatening the American political system.

To those of us who had the occasion to witness first hand the antics and tactics of the hippies, yippies, and what have you, it was obvious from the start that their primary interest was not peace in Vietnam, but total anarchy.

There have been many others who have heretofore discounted these dissidents as mere idealistic youth. They have refused to look beyond the innocent "flowers" of peace and see what a threat they are to our American system.

When Senator EDWARD KENNEDY, an outspoken critic of the administration's Vietnam policy and Vice President HUBERT HUMPHREY recently became targets for antiwar demonstrators, many people had to admit that the so-called peace advocates are interested in disrupting the country.

I was pleased to hear the highly respected news commentator for MWAL-TV on September 20 put the "peace movement" in perspective. I would like to call the attention of my colleagues to his succinct and thought-provoking analysis of this disturbing facet in our society today:

COMMENTARY OF JOSEPH MCCAFFREY, WMAL-TV, WASHINGTON, SEPTEMBER 20, 1968

What happened at Boston when, not only the hapless target of most of the current hate, Hubert Humphrey, was harassed but also Senator Edward Kennedy drew boos and jeers, points up what has become increasingly obvious in the last month.

The so called Peace People are phonies. When they moved not only against Humphrey in Boston, but also against Kennedy, a man who has a greater feeling about the war in Viet Nam, and a better understanding of it than they do, they showed they were only using the so called peace issues as a front.

What they seek to do is to destroy the government of the United States. The first step is to destroy the elective system. Then next they seek to bring down the government. That is so shocking that it sounds unbelievable.

And this is to their advantage. Too many refuse to believe this is their objective, and so they continue to thrive.

But these people are anarchists.

They want to destroy the system and then start all over again from perfection.

They do not know, or knowing refuse to understand, that this government is built on compromise. The Keystone of our system, the Congress, is a compromise, developed from compromise by the 55 men who put together the constitution. This whole system hangs together in a delicate balance. A balance which can be destroyed by violence.

We are witnessing today an atomic age Know Nothingism; yes, an intellectual Know Nothing movement which is the more dangerous because it has the affluence of a booming economy to keep it afloat.

Strangely enough, the greatest thing that could happen, as far as this movement is concerned, is for George Wallace to be elected. Then it would have what it wants, a head-on direct confrontation. It would have what it is asking for, a blood soaked civil war, which, it believes, would destroy our system forever. That is the kind of "peace" these people want. Their first victim is Hubert Humphrey.

RESPONSIBILITY OF THE INDIVIDUAL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ASHBROOK. Mr. Speaker, the public statements of FBI Director J. Edgar Hoover attract the interest and attention of all Americans concerned with improving law and law enforcement in our Nation. Many years of unselfish public service on a nonpartisan basis have led to this unique station in public life.

Thus, I hope that a statement made by Director Hoover last summer will be seriously studied. Mr. Hoover responded to questions posed by the chairman of the board of Pontiac Press, Harold A. Fitzgerald, and the Philadelphia Inquirer published the gist of the replies.

Mr. Hoover discusses not only problems but the causes and the solutions which he believes will improve our society. The article is divided into areas concerning: civil disobedience, rights and responsibilities, duties of the citizen, the public's attitude, and the threat of communism.

It is worth emphasizing that he remarks:

> Respect for the law means respect for the rights of others. America needs a re-emphasis on community cooperation, mutual trust and the responsibility of the individual.

This key to overcoming the threats against the good and just in America must be emphasized. The responsible individual lies at the heart of Mr. Hoover's remarks:

I include the article at this point in the RECORD:

[From the Philadelphia (Pa.) Inquirer, June 23, 1968]

FBI DIRECTOR SPEAKS OUT: J. EDGAR HOOVER'S VIEWS ON VIOLENCE IN AMERICA

PONTIAC, MICH.—J. Edgar Hoover says "a rising contempt of and disrespect for law and order lies at the heart of the growing violence in America today."

The long-time director of the Federal Bureau of Investigation made the statement in reply to a series of questions from Harold A. Fitzgerald, chairman of the board, the Pontiac Press.

Following is the text of the questions and answers:

"Question. What, in your opinion as our Nation's leading law enforcement officer, is the main cause behind the violence which is sweeping our country?

"Answer. A rising contempt of and disrespect for law and order lies at the heart of the growing violence in America today. This disrespect is reflected in many ways: a spiraling crime rate, riots, civil disobedience, rebellion on our campuses, and the rise of extremist racial and vigilante groups. Respect for law and order is the cement which holds the varied and often hostile groups of a democracy together. The moment individuals or groups distrust the law and attempt through coercion, intimidation or violence, to take matters into their own hands, the orderly fabric of society bursts. This is what we are seeing today.

"Question. What are your views on civil disobedience?

"Answer. Civil disobedience is a pernicious doctrine which is undermining respect for law and order. Proponents of this doctrine assert that civil disobedience is justifiable if the acts are open, not violent, respectful of the rights of others, and have the purpose of focusing attention on significant moral issues of the day.

"To individuals enthused about a current moral problem, to appeal to civil disobedience may seem great. But to break the law even 'gently' can have eventual tragic consequences. Suppose every group or individual who felt he had a righteous cause did likewise? What would happen? We would have chaos. Moreover, what starts out as a planned, controlled incident of civil disobedience may mushroom into open violence or riots. Also, if the situation falls under the influence of extremists or avowed agitators, great damage can result.

"AGE OF RIGHTS

"Question. Respect for law and order seems passe. What has brought our country to this situation?

"Answer. We are living in an age when too many citizens are thinking about their 'rights' and 'privileges' and too little about their 'duties' and 'responsibilities.' The emphasis today is too heavily weighted on the permissiveness of the individual—that anything he feels best for himself he should do regardless of how it may affect others. Respect for the law means respect for the rights of others. America needs a re-emphasis on community cooperation, mutual trust and the responsibility of the individual.

"Question. Has the Communist Party sought to capitalize on this breakdown in respect for law and order?

"Answer. The Communist Party, U.S.A., is busily attempting to capitalize on the current social unrest, divisiveness and tensions in our society. Not since the depression days of the 1930s has the Communist Party had such a fertile field of discontent to exploit. Social chaos and disorder are tailor made for the growth of the Communist virus. The party is elated to see Americans denounce other Americans, to see incidents of civil disobedience, to see the growing disdain for the law.

"Question. What can news media do to aid local law enforcement when a breakdown in law and order occurs?

"Answer. Report the facts promptly and accurately. In situations of lawlessness, great damage is done by false rumors and gossip. The news media can render tremendous aid to the restoration of law and order—or in preventing disorder—by fair and honest reporting. On the other hand, a disservice is performed if the news media overemphasize extremist statements by agitators or report isolated incidents of violence as indicative of general conditions. The news media can aid by promptly transmitting to the public any instructions issued by the authorities such as hours of a curfew, data relative to traffic conditions and areas where citizens should not travel.

"CITIZENS' DUTIES

"Question. What types of positive action can citizens take in helping reverse our constantly rising crime rate?

"Answer. One, attempt to remedy the conditions, such as poverty, discrimination, poor housing, which help breed crime;

"Two, obey the laws themselves—not scoff at traffic tickets, cheat on income tax returns, poke fun at law enforcement officers;

"Three, be willing to pay the taxes necessary to give the local police officers the equipment, personnel and training they need. Police salaries are far too low. We must recognize that effective protection costs money—your money;

"Four, accept personal responsibility—to serve on an anticrime commission, work with young people, help clear an old field for a playground;

"Five, report pertinent information immediately to the proper authorities. Too many Americans today are unwilling to cooperate with law enforcement, even refusing to furnish vital data in their possession;

"Six, don't be a silent confederate of the criminal by leaving your keys in the car, your front door unlocked at night or a ladder by the rear window;

"Seven, be optimistic. Crime is not an incurable disease. It can be reduced or even eliminated.

"Question. What are some of the major crime problems we are likely to encounter this summer?

"Answer. Serious crimes against the person, such as murder, rape and aggravated assault, increase during the summer months. Summer abets the operation of gangs and hoodlum lawlessness. Also, if extremist groups and individuals continue to inflame communities, the possibility exists that civil disorders and riots may again erupt in urban areas.

"PUBLIC'S ATTITUDE

"Question. What are some of the problems encountered by the FBI in its fight against the forces of organized crime?

"Answer. A major difficulty is public indifference, stemming partly from the 'Why should I get involved?' attitude and partly from the fact that the products of organized crime appeal to some segments of the population. This was true, for example, during Prohibition days, when people wanted liquor and saw nothing wrong with patronizing a murderous bootlegger to get it. It is true today with respect to gambling, in that naive persons fail to realize that by doing business with bookmakers and policy operators they are making it possible for the hoodlum element to bribe police, amass gigantic fortunes, and undermine our society.

"Another difficulty is the fantastic amount of money available to the underworld, permitting hoodlums to influence legislation, bribe police and pay off judges and juries to win acquittals when they have to stand trial.

"A third difficulty is the ostensibly reputable positions many hoodlums hold in their communities, mainly because their wealth enables them to engage in legitimate business, live in expensive neighborhoods, and contribute to various worthy causes. To be expected, this sense of wealth and respectability is a major cause of the public's apathy regarding their activities.

"A fourth problem is the ruthlessness of the organized underworld and the number of gunmen at its disposal to kill or intimidate witnesses, enforce discipline, and actually wage minor 'wars' when the occasion demands. This ruthlessness has instilled great fear in the underworld—and in some communities—and is chiefly responsible for the notorious code of 'omerta'—or 'silence'—which often protects hoodlums from effective prosecution.

"COMMUNIST PERIL

"Question. Mr. Hoover, would you care to identify some of the organizations which are today undermining respect for law and order?

"Answer. The Communist Party and its fronts have for years taught disrespect for our laws. Also, we have a number of extremist groups, both of the right and the left, such as the Ku Klux Klan, Minutemen, Nation of Islam, Revolutionary Action Movement, and the Student Nonviolent Coordinating Committee—SNCC. Recently, a New Left student group, the Students for a Democratic Society—SDS—has encouraged resistance to the draft and general hostility to our democratic structure of government.

"Question. What role does the use of firearms play in criminal violence?

"Answer. During 1967, serious assaults where a gun was used as a weapon rose 22 percent over the previous year, and one out of every five assaults was committed with a gun. For the criminal, the gun represents one of the most readily available, deadly and easily used weapons in the arsenal of violence.

"Question. What can citizens do to help foster a renewal in the spirit of obeying the law?

"Answer. Citizens can set a personal example of obeying the law themselves and encouraging others to do likewise. Far too many adults set bad examples for others to follow. We must encourage respect for our Flag, our history, our principles of free government. Young people in particular must learn the significance of the law. Respect for law's not something to be learned in 'one big bite' but is the result of living this principle day after day."

JEWISH NEW YEAR

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mrs. KELLY. Mr. Speaker, on the occasion of this Rosh Hashanah, I extend to all of my Jewish friends and constituents my warmest regards and sincere best wishes for a prosperous and bountiful new year.

It is fitting that at this season the Jewish faithful take stock of themselves—of past thoughts and actions; of future plans and resolutions.

For, on the evening of September 22, the shofar sounds its call, summoning Jews all over the world, calling the faithful to celebrate the Sabbath of the year, according to the command of the law:

> In the seventh month, on the first day of the month, shall be a solemn rest unto you, a memorial proclaimed with the blast of horns . . . a holy convocation." (Leviticus xxiii: 24.)

Thus, on one of Judaism's most important holy days, the year 5729 comes into being.

The significance of the observance of Rosh Hashanah cannot be overemphasized. For Rosh Hashanah is not only the joyous advent of another year. It is, at the same time, a day of judgment, a signal to meditation and self-examination, which are necessary for spiritual rebirth in every individual. In the High Holy Days, every Jew must consider himself judged by his Creator. But he must also be aware that Rosh Hashanah is a "day of remembrance": God is mindful of His people and expects obedience to His law. Rosh Hashanah serves to remind the faithful of the joy and satisfaction in obedience to that law—a joy which the ancient Psalmist describes as more to be desired than fine gold, and sweeter than honey.

Thus, if Rosh Hashanah is a time for self-study, it is also a time for prayer, for expression of the heartfelt wish that all wickedness in the souls of men be utterly dissolved, that all men everywhere will come to live by the law motivated by love for other men and nations. On the solemn and holy day, Jews throughout the world pray not only for themselves but also for the peace and welfare of the world, for a positive answer to the prayer which implores:

> May the old year expire and with it, its curses, and may the New Year begin with its blessings.

I know that the will and endurance of the Jewish people will serve as an inspiration to the human race in its progress toward the triumph of compassion and good will, and the banishment of hatred, false pride, and cruelty. May we come one step closer, in the coming year, to the achievement of universal racial, national, and religious understanding, for which all men of honest faith have for so long so earnestly labored. I join with you in the prayer that God may bestow, in this restless age, His blessing upon all Jews, all men, all nations of good faith. For it was not vainly written:

> Let the floods clap their hands: let the hills be joyful together before the Lord; for He cometh to judge the earth; with righteousness shall He judge the world, and the people with equity. (Psalm XCVIII, 8–9.)

OVERHAUL OF GOVERNMENT CALLED FOR BY MATHIAS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. GUDE. Mr. Speaker, one of the most pressing initiatives by Congress has been disappointingly dormant for over 3 years. I am referring to a bill introduced by our distinguished colleague from Maryland, Congressman CHARLES McC. MATHIAS, JR., to establish a Hoover-type commission to examine the organization and efficiency of the executive branch of our Government. Increased efficiency in all areas of the Government is without a doubt one of the key focuses of political thought today and with good reason. We all are aware of the dire need for reexamination of our established institutions in the context of our increasingly complex and demanding society.

I would like to take this opportunity to commend my fellow colleague from Maryland for his admirable efforts on behalf of establishing this commission. I have previously spoken on the floor to this effect and reassert my position of strong support. I, therefore, submit for the benefit and consideration of my fellow members on the House Government Operations Committee and my colleagues in the House, an editorial which appeared in the September 12 issue of the Laurel County News, Laurel, Md.:

OVERHAUL OF GOVERNMENT CALLED FOR BY MATHIAS

Rep. Charles McC. Mathias Jr., R-6th, a candidate for the U.S. Senate, has long advocated an independent blue-ribbon commission to review the organization and management of the executive branch of government.

Mathias notes that it has been 21 years since the first Hoover Commission, which served this same purpose, was established. He feels the time is ripe again "not for any search for scandal, not for a hostile probe, but for a general overhauling to make the massive Federal establishment more responsive to current demands and more capable of meeting future needs."

The congressman points out that some Federal agencies are experimenting with the most advanced techniques of systems analysis and management and others "have had to be dragged, kicking and screaming into this decade."

"In far too many instances," Mathias says, "particularly in rapidly growing areas such as urban affairs, education and manpower training, new approaches and new missions have simply been piled on top of old ones. It is this very lack of uniformity, this absence of consistency or coherence, which has convinced me that managerial reforms to be effective, must be broad and deep."

Rep. Mathias observes that through his studies, he has become convinced "that what we need is not more coordination of existing offices, but rather a thorough reassessment of the allocation of responsibilities within the executive branch as a whole."

The fact of the matter is that there is no governmental machinery that has proved capable of reviewing overall governmental operations.

A special commission to review the operation of the executive branch would be supported by the prestige of its individual members and by the strength of its Congressional and Presidential mandate. The panel would be authorized to gather a sizeable and expert staff, and to consult individuals with professional backgrounds in many fields, both inside and outside the government. It would have the detachment and objectivity secured by its lack of involvement in the day-to-day workings of government and it would be completely non-partisan.

At a time when the Federal government is growing at such an alarming rate, it is certainly evident that this situation is in need of correction.

Rep. Mathias deserves high praise for his recommendations. The tensions created almost daily in our cities, combined with the pressures and demands on every level of government, make the need for executive branch reform imperative.

Mathias' proposal of a special commission is a sound one and Congress should act upon it at the earliest possible date.

DID WASHINGTON ACQUIESCE TO INVASION OF CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DERWINSKI. Mr. Speaker, as the Soviet vise on Czechoslovakia produces steady evidence of removal of the last visages of freedom, we must necessarily review the entire chain of events in the Czechoslovakian crisis.

Therefore, a column in the Aurora Beacon-News Tuesday, September 10, by Dumitru Danielopol, noted international columnist of the Copley Press, merits study since it raises a very fascinating question of the possibility that the Johnson administration affirmatively sanctioned the Soviet seizure of Czechoslovakia.

The column follows:

DID WASHINGTON ACQUIESCE TO INVASION OF CZECHOSLOVAKIA?

WASHINGTON.—Did Washington acquiesce to the invasion of Czechoslovakia?

The State Department has denied there was an understanding between the Soviet Union and the Johnson administration that gave the Russians the green light in Czechoslovakia.

Under Secretary Robert McCloskey called reports of a Soviet-American deal "malicious and without foundation."

But his denial doesn't necessarily end the matter. There may not have been an explicit agreement with the Russians, but many experts believe an implicit one existed.

"The comfortable defensive West did not move a man or a gun in Central Europe to deter the militarists in Russia, or even make them think twice, before they marched in," said the London Economist.

A gesture on the part of the West, when the Soviet troops were lingering in Czechoslovakia after the maneuvers in July, would have indicated to the Russians that the West was concerned about the high-handed methods used against the Czechs. It would have strengthened the hand of the moderates in the U.S.S.R.

"There can be no doubt that if the boot had been . . . on the other foot . . . Mr. Kosygin would have been bringing pressure on the West in any way he could," the Economist said.

The West, however, did nothing. It didn't even bring the issue to the United Nations General Assembly.

"That would at least have developed the political confrontation on a world stage, and not behind closed doors at Cierna and Bratislava," said the Economist.

"It might also have served as a reminder to the Soviet militarists that the invasion would have to be justified before world opinion."

Kremlinologist Victor Zorza went even further.

"The West's failure to take a firm stand," he wrote in the London Guardian, "meant that the hard-liners in the Kremlin could argue—as they undoubtedly did—that the United States was prepared to give Russia carte blanche in Czechoslovakia."

The American attitude at the time was that any kind of gesture would "rock the boat" and give the Russians an excuse to intervene.

President Johnson also was eyeing a possible trip to Moscow for a summit conference with Kosygin.

The fact that the casual muted warnings by the State Department—that a military coup in Czechoslovakia would strain relations between the United States and the Soviet Union—were not taken seriously by the Kremlin should come as no surprise. In a speech on May 21, Eugene Rostow, undersecretary of state of political affairs, said, "We were and are opposed to communism and concerned about its spread." But he added that that was all the United States was prepared to do.

He made it clear the United States had no intention to intervene in affairs behind the Iron Curtain.

"We did of course resist Communist efforts to extend what Churchill first called the Iron Curtain," he said. "But we did not attempt to intervene on the other side of the line—either in East Germany in 1953 or in Hungary in 1956 . . ."

The Reds who listened saw the green light.

LETTER TO CHIEF JUSTICE WARREN ON RESERVES

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. HÉBERT. Mr. Speaker, on September 19, 1968, I dispatched a letter to Chief Justice Earl Warren, which speaks for itself. The letter follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., September 19, 1968.

HON. EARL WARREN,
Chief Justice of the United States, U.S. Supreme Court, Washington, D.C.

DEAR MR. CHIEF JUSTICE: I have reference to the action taken on September 12, 1968, by Justice William O. Douglas granting a stay of execution to preclude the assignment of certain reservists to duty in Vietnam.

It is my understanding that the stay order issued by Justice Douglas on September 12, 1968, was provided telephonically by Justice Douglas to the Clerk of the Court. However, my efforts to obtain a certified copy of the stay order have been unavailing. As a matter of fact, neither the U.S. Department of Justice nor the Office of the General Counsel of the Department of the Army, as of September 18, 1968, had been able to obtain a certified copy of this order.

As you are aware, this case involves 113 Army reservists of the 1002d Combat Support Company presently stationed at Fort Meade, Maryland. These members of this Army reserve unit now on active duty have contended that they have been ordered to active duty illegally.

Accordingly, these reservists instituted suit against the United States Government in Federal Court for the purpose of obtaining a judicial determination that their orders to active duty were illegal and, consequently, required their immediate release from active duty.

The suit brought in United States District Court for the District of Maryland, Civil Docket No. 19734, Morse vs. Boswell, was adjudicated on August 6, 1968, by United States District Judge Frank A. Kaufman, who dismissed the petition of the plaintiff for relief.

Subsequently, this District Court decision was affirmed by the United States Court of Appeals on August 26, 1968.

I am advised that thereafter the attorney for the plaintiffs in the case, contacted both you and Justice Black requesting that a stay order be granted preventing the assignment of these 113 unit members to Vietnam, pending a possible determination by the U.S. Supreme Court to grant certiorari. However, on September 6, 1968, both you and Justice Black denied this request.

Despite the action taken by you and Justice Black, it appears that the petitioners then, on September 12, 1968, contacted Justice Douglas, under somewhat bizarre circumstances, for the purpose of reversing the action taken by you and Justice Black and obtaining a stay order.

The sought-after say order was then directed by Justice Douglas despite the fact that he, admittedly, because of his location, did not have access to all the pertinent ramifications of the case and despite the fact that he was aware that his colleagues, on earlier deliberations and under presumably more favorable circumstances, had denied such a request.

I have consulted with numerous members of the Bar for the purpose of determining whether, in their judgment, and viewed as the attorney for the petitioners, there remains a substantive legal question concerning the provisions of law and the authority utilized by the President of the United States to order these reservists to active duty. In all of these discussions I have been unable to find any responsible member of the law profession who finds any reasonable basis for questioning the decision rendered by the United States District Court in this matter. This assessment is one obviously shared by the United States Court of Appeals, and apparently also by both you and Justice Black.

Despite this absence of a substantive and unresolved legal issue in the suit brought by these reservists, Justice Douglas nonetheless issued his stay order.

The Secretary of the Army, by reason of this stay order, is now apparently precluded from utilizing these reservists in the manner calculated to best serve the national interest. Moreover, this stay order has the effect of casting a serious legal cloud over the utilization of thousands of other reservists who have been involuntarily ordered to active duty under the authority provided in Public Law 89–687, as well as all other reservists not presently on active duty.

The issuance of this stay order and the attendant publicity given it has therefore had a demoralizing effect on not only the many thousands of dedicated and loyal reservists who are now serving their country on active duty, but has subjected the entire Reserve program to unnecessary ridicule and embarrassment by inferentially questioning the very essence of its being.

The mischief resulting from this arbitrary and capricious action by Justice Douglas is both incalculable and irreparable. His action has encouraged the filing of numerous similiar suits throughout the country by reservists who have been ordered to active duty under the provisions of Public Law 89–687. Undoubtedly, these actions now being filed by other reservists have been directly precipitated by the issuance of this stay order and the unfounded hope that such action could ultimately effect their early release from active military service.

Although the authority to grant a stay of execution has been granted to the courts and specifically to each U.S. Supreme Court Justice by statute, it is, as I am certain you will agree, an authority to be used with the utmost discretion and only after the most careful and diligent weighing of the relative equities involved.

The circumstances surrounding the issuance of this stay order, in my view, clearly indicate that Justice Douglas was either unmindful of the implications of his actions, or worse, chose to disregard them entirely. In either event, his issuance of a stay order can therefore only be characterized as being arbitrary and capricious—an action which cannot but adversely affect the already tarnished image of the United State Supreme Court.

Although I presume that shortly after the Court reconvenes on October 7, 1968, it will act quickly to cancel this unfortunate stay order the damage done by Justice Douglas cannot now be undone.

In view of these circumstances, you can readily understand my concern that continued indiscriminate and capricous use of this stay order authority may rquire Congress to legislate on the subject.

I would be reluctant to recommend a legislative proscription of this judicial authority. Therefore I am impelled to ask whether the Court itself can within its own organization and authority establish rules of procedure which will preclude a repetition of this unfortunate circumstance in the future.

Sincerely,

F. EDWARD HÉBERT.

THE DIALOG ON THE OFFICIAL MEDICAL CARE COST ESTIMATES ON GOVERNMENTAL PROGRAMS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. CURTIS. Mr. Speaker, it has been my privilege these past few months to encourage a dialog on the issue of health care costs in governmental programs between Mr. Robert J. Myers, F.S.A., Chief Actuary of the Social Security Administration, and Dr. Barkev S. Sanders, former Chief of the Division of Health and Disability Studies of the Social Security Administration, who holds a Ph.D. from Columbia and an LL.B. from Georgetown University.

Dr. Sanders initially wrote me on March 19, 1968 taking issue with an article in the February 27, 1968 Wall Street Journal, written by Mr. Dennis Farney, which represented the prevailing view of the administration and the news media that the recent alarming costs of medicare and other health care programs were first, unexpected, and second, due to a great extent to increases in physician's fees. Dr. Sanders letter was an extensive effort to document the error of the news stories. I placed Dr. Sander's letter in the Record of March 25, 1968—see Congressional Record, pages 7553–7557—and invited officials from the Social Security Administration to reply.

Mr. Robert J. Myers did reply to Dr. Sander's criticism on April 12, 1968, and I placed his letter in the Record along with a rebuttal by Dr. Sanders on June 18, 1968—Congressional Record, 17645–17650. Mr. Myers has provided me with a surrebuttal on July 25, 1968, which, due to the recess for the conventions, I have not had an opportunity to place in the Record until today.

I do not gainsay the fact that correspondence is a limited way to conduct a dialog of this importance, but it seems to be the only way available at present.

The Social Security Advisory Council was restructured in 1963 to continuously and comprehensively review the operation of the social security system. However, it has jailed in this junction as might have been expected from the narrowly based selection of membership of the Advisory Council—see my remarks, Congressional Record, volume 109, part 7, page 9246; volume 109, part 13, pages 17309–17311; volume 113, part 21, pages 28461–28466—the Council has avoided the type of critical analysis required. Typical of Executive commissions, its major effect has been to subvert congressional study rather than foster it.

The issue is far too important to the American people to be dropped. They deserve a full and open discussion of the best way to provide health care. I am hopeful that in the near future the Congress will be able to develop the dialog in a more expeditious manner, through open committee hearings, with direct testimony of witnesses, under cross-examination.

Mr. Myers letter follows:

Department of Health, Education, and Welfare Social Security Administration,
Washington, D.C., July 23, 1968.

Hon. Thomas B. Curtis,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Curtis: In the *Congressional Record* for June 18, you inserted a letter from me concerning the criticisms of Dr. Barkev S. Sanders as to the cost estimates that I have prepared over the years for the legislation leading to the Hospital Insurance program that was enacted in 1965. Also inserted was a reply to my letter by Dr. Sanders. You generously offered to place any further rebuttal from me in the *Record,* and this letter constitutes such a further dialog. I shall here take up only the major factual points that I wish to make in regard to Dr. Sanders' letter.

As my most important point, I must reiterate the criticism that Dr. Sanders does not recognize the true meaning and purpose of the cost estimates that were made in early 1965 and prior years, when a level-earnings assumption was utilized. These estimates were developed for the purpose of analyzing costs relative to taxable payroll, so as to obtain the proper financing basis in the contribution-rate schedule—and not to show benefit-disbursements data for future years in terms of dollars. The cost estimates made in 1965 following the consideration of the Committee on Ways and Means were made on a completely different, non-comparable basis, since they utilized increasing-earnings assumptions. These latter estimates had the same primary purpose as the earlier ones—namely, to be used as a basis for developing contribution rates—but they also could serve the purpose of considering the estimates of future benefit disbursements in terms of dollars. The earlier cost estimates contained subsidiary estimates using rising wages over the short-term future that were more properly usable for considering projected future benefit disbursements, but Dr. Sanders always has chosen to ignore those published data.

In considering the 1967 experience for disbursements for benefits and administrative expenses for insured persons, it is now estimated that this "actual" figure on a "cash" basis was about $2.99 billion. I should point out that this figure is an estimate and is subject to some revision in the future before it can be termed "final," since the reported data from Treasury statements include both the insured population and the noninsured population; there are not yet completely final data from our tabulations to make a final subdivision between these two categories. Dr. Sanders criticized me for making an estimate of this item of $2.78 billion in December 1967—on the grounds that I was making estimates after the fact; actually, this preliminary estimate was made in September, at which time aggregate data were available for only slightly more than half of 1967, and even less data were available as to the subdivision between insured and noninsured, so that a considerable amount of estimation was involved. This figure was published in documents before December, and the figure was merely used in the indicated report for the sake of consistency.

In any event, considering the currently estimated "actual" experience of $2.99 billion for disbursements for benefit and administrative expenses in 1967 with respect to the insured population, Dr. Sanders compares this with the estimate of $2.28 billion made when the legislation was enacted in 1965, and he states that the difference is 131%. Actually, the difference is only 31%, which is a considerable variation of the actual experience from the estimate (and which, of course, I wish had been much less), but nevertheless it is a difference of less than one-quarter as large as the difference that Dr. Sanders states.

When comparing the foregoing "actual" figure for 1967 with the estimate that was made in 1963, Dr. Sanders finds a difference of 243%. In this comparison, he improperly used the estimate based on level-earnings assumptions, whereas the same source clearly stated the estimate based on rising-earnings assumptions, which is more realistic when considering estimated disbursements in terms of dollars and not relative to taxable payroll. The correct comparison should have been between the "actual" figure of $2.99 billion and the estimate of $1.72 billion—the difference being 74%, not the 243% that Dr. Sanders stated.

Dr. Sanders believes that the estimated "actual" figure for 1967 would be higher if it were considered on an "accrual" basis, as is the best procedure for proper analysis, than if it were considered on a "cash" basis. I do not yet have all the data necessary to estimate this figure to an accrual basis, but I believe that there will be little difference. The reason for this is that the 1966 experience (July-December) on a cash basis was considerably below the actual accrual, and this difference was made up in 1967, so that it is possible that the cash basis for that year was even higher than the accrual basis. I believe that, since 1967, we are very close to an accrual basis in our actual cash payments.

Dr. Sanders uses a newspaper quotation of Secretary Cohen as evidence that my estimates for the Hospital Insurance program are too low and should be at least 50% higher. As it happens, Secretary Cohen was not talking about the Medicare program, but rather about the Medicaid program and the newspaper mixed up this reference. It would seem that, if Dr. Sanders had done adequate research, he would have gone back to the original source of the newspaper story for the correct statement—namely, the *Congressional Record* for May 9 (page S5201, column 1, answer to Question 4).

In regard to hospitalization per insured person per year, Dr. Sanders incorrectly states that, as late as the 1965 hearings of the Committee on Ways and Means, I was using 2.37 days for this rate and that I did not allow for a rise in hospital utilization once the program was introduced. There are several errors in this statement. For a 60-day maximum benefit period, I used 2.44 days in the first few years of operation and 2.72 days thereafter (see pages 7 and 22 of *Actuarial Study No. 59*). For comparability with actual experience, these rates should be increased by 5% to allow for the 90-day maximum benefit period—namely, to 2.56 days in the first few years and 2.86 days thereafter. Following the hearings before the Committee on Ways and Means, and taking into account the public testimony and the views of the Committee members, I increased the rate from the low-cost estimate in the first few years and the intermediate-cost estimate thereafter to the high-cost estimate throughout—namely, 3.01 days for a 60-day benefit period and 3.16 days for a 90-day benefit period the (the latter being what was contained in the actual legislation).

Preliminary analysis of the actual experience during the first 18 months of operation yields an estimate of the utilization rate that is about 10% higher than according to the estimate which was made at the time the legislation was enacted and on which the financing was originally based. This difference is by no means of the magnitude stated by Dr. Sanders when he says that "Mr. Myers in estimating the costs of hospitalization initially was about 50 percent too low, and eventually 100%." Even comparing the 2.56 days as the early estimate for a 90-day benefit period in the early years of operation with the preliminary indication of the actual experience shows a difference of about 30%—not 50% or 100%. In fact, it is mathematically impossible for an estimate to be 100% too low as compared with actual experience, unless the estimate had been zero!

In discussing the percentage of beds occupied by persons aged 65 and over, Dr. Sanders uses several different figures that had been quoted for this item for the pre-Medicare experience. Actually, many of the statements that had been made in this connection were very rough estimates, and I am convinced now that the actual figure was about 28% and was certainly no lower than 25%. Dr. Sanders is in error in dealing with this item when he applies the assumed 20% increase in hospital utilization that was imbodied in the final cost estimates. This 20% increase should be applied to the 25% occupancy ratio or the 28% occupancy ratio, whichever is believed to be the proper level for the pre-Medicare utilization. This yields either a 5.0% increase or a 5.6% increase, and not the 3% increase that Dr. Sanders derives by applying the 20% increase to a previously-stated 10% increase. In other words, the 20% increase applied to the previous total utilization, and not to the increase in utilization of 10% that had previously been presumed over a long period of years. If the correct procedure had been followed, the current utilization proportion of about 33% is about equal to or, at worst, is only somewhat higher than had been estimated, but is not an increase of at least double and as much as fourfold as Dr. Sanders states.

This estimate of an increase of 5% in hospital occupancy due to persons aged 65 and over was prepared to indicate that Medicare would not flood hospitals with aged patients, as was being claimed at that time by critics of the program. As you are aware, the experience has shown that hospitals have been capable of handling the increase in patients that Medicare involved.

Dr. Sanders improperly compares estimated level-costs with the ultimate combined employer-employee contribution rate of 1.8% (in 1987 and after) under present law. The concept of level-cost is, in essence, an average cost over the period considered in the cost estimate, and so it is not comparable with the ultimate contribution rate in an increasing-rate schedule. Any comparison of early level-costs should be with a figure of 1.38% as currently estimated for present law, and not with the ultimate rate of 1.8% in the schedule.

Dr. Sanders states that I have committed a "logical fallacy" in pointing out that the estimated contribution income for 1967 was underestimated and that this is an offsetting factor against the underestimate of the disbursements for that year. He states that this is like saying that two wrongs make a right. Once again, I must reiterate that Dr. Sanders has apparently not understood the purpose of the cost estimates. This purpose is not primarily to develop estimates of income and outgo in terms of dollars, but rather it is to develop the relationship between these two items, so that adequate contribution rates can be developed. Therefore, it is not only proper, but essential that analysis be made of the experience for both disbursements and income as well.

In summary, I wish to make it quite clear that my analysis of the developing experience has indicated that the estimates for the Hospital Insurance program that were made when it was enacted—and that were the significant ones insofar as the financing and the adoption of the program were concerned—were somewhat too low. However, the differential involved was far less than the 3-fold or 4-fold extent that Dr. Sanders states. Moreover, part of the difference arose because of certain matters that were not fully predictable—e.g., the sharp increase in hospital costs that began at the time the Medicare legislation was under final consideration, well before the program went into effect. In any event, in the future, I shall analyze the operating data as it becomes available (as I have always done for all other parts of the Social Security program) and determine the extent to which it differs from the original estimates, and why this has occurred. This is not only interesting from the standpoint of analyzing the accuracy of the original estimates, but it also gives necessary background data for current and future consideration of the financing of the program.

Sincerely yours,

ROBERT J. MYERS,
Chief Actuary.

ATTORNEY GENERAL CLARK IGNORES THREAT OF ELECTION DAY SABOTAGE

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. CRAMER. Mr. Speaker, on September 9, 1968, yippie leader Jerry Rubin announced publicly in Chicago that the yippies and others are going to cause serious election day disruptions which he himself stated would necessitate the presence of "the National Guard all over the country."

I called attention to this threat in a public statement on September 11 which appears following these remarks. Rubin, along with David Dellinger, who led the march on the Pentagon, and the heads of the SDS—Students for Democratic Society—made similar public announcements before the holocaust that took place in Chicago. In view of the past performances in Chicago I cannot understand why the Attorney General is not heeding this new challenge to law and order in America.

The latest proof of the substance of this threat to our representative process through free elections is contained in the "Washington Merry-Go-Round" column of today—a copy of which appears after these remarks.

The thrust of the "Merry-Go-Round" article is that these rabble-rousers are threatening to disrupt the election in areas that would ordinarily vote overwhelmingly Democrat and thus deny the Democrat nominee of many votes. Despite this partisan tinge in the article, in that I have been fighting against all forms of violence and civil disturbances for many years and as author of the antiriot bill, which is now law and is part of the 1968 anticrime law, I believe it is my duty to again call to the attention of the Congress and the American people that these violent activists have put America on notice of their intentions and to warn that these threats cannot be ignored. Chicago should convince the Justice Department of this.

The exposé contained in the Washington Merry-Go-Round article indicates that intelligence reports acquired prior to the Chicago convention accurately foretold of the trouble impending not only in Chicago but at Columbia and Harvard as well. The column further points out that many of the leaders of the youth rebellion "have made unauthorized trips to Hanoi."

I am again calling upon the Attorney General to properly alert all law-enforcement agencies as well as the FBI to this threat and am demanding that the Anti-Riot Act be fully enforced and these militant leaders who have taught and preached violent civil disturbance, who have used interstate commerce facilities to organize them and have actually accomplished such destructive acts, be fully prosecuted and put out of business before they can carry out their further threat aimed at disrupting the election in many critical areas of this country on November 5.

[From the Washington Post, Sept. 25, 1968]

U.S. "RED GUARDS" PLAN NOVEMBER 5 ACTION

(By Jack Anderson)

America's red guards, exultant over their success in sabotaging the Democratic convention in Chicago, now hope to sabotage the national election on Nov. 5.

They are making elaborate preparations to zero in on key, big-city precincts, which normally produce an overwhelming Democratic vote. They intend to disrupt the voting by staging noisy protests, intimidating voters and sabotaging the voting machines.

Their purpose is to deprive Hubert Humphrey of the votes he would need to carry such swing States as New York, California, New Jersey, Massachusetts, Michigan and Pennsylvania. By bringing Humphrey down to humiliating defeat, they hope to teach the Democrats that they must reckon with the new left in the future.

The young militants discovered in Chicago that they could make an impact on national politics all out of proportion to their numbers. Now they intend to disrupt the November election, taking their tactics from the revolutionary textbooks that come out of Castro's Cuba and Mao's China.

The election sabotage will be masked, of course, as peaceful demonstrations. Ostensibly, the demonstrators will turn out to protest the fact that young men who are eligible to be drafted and killed in Vietnam at age 19 aren't eligible to vote in most states.

The real aim of the ring-leaders, however, will be to upset the election and wreck the Democratic Party. Out of the wreckage some leaders hope they might even be able to build a militant, new left-wing party.

Until Election Day, the young militants will keep in practice by disrupting campaign rallies, heckling presidental candidates and stirring up trouble. They are even looking ahead to the presidential inauguration next January 20 when they plan to stage more Chicago-style demonstrations.

CAMPUS CAPERS

They also intend to contribute to the preelection chaos by keeping university campuses in turmoil. Again, they hope to produce a voter reaction against the Democrats who, being more liberal, get most of the blame for the eruptions on the campuses, in the streets and in the ghetto.

This column has had access to intelligence reports, going back prior to the Chicago convention, which have given startlingly accurate warnings of trouble before it happens. Invariably, violence has flared up at precisely the times and places that the intelligence reports have predicted.

A Sept. 13 intelligence report, for example, forecast the trouble at Columbia and warned of worse disturbances at Harvard.

The classified message declared: "Plans made for second disruption at Columbia University when school opens for fall term. Students reportedly will not negotiate with university officials but attempt to shut down school operations.

"This disturbance will allegedly be used as a pattern for similar uprising at Harvard University during the first two weeks in November Harvard records reportedly will be seized and Xeroxed, and several buildings will be occupied."

Another intelligence report has warned that the biggest disturbances will come the last week in October on campuses across the country. This will be part of "a new internationally coordinated protest against the war in Vietnam . . . the British, Japanese and Vietnamese sections of the antiwar movement are planning an international protest during the last week of October."

The American red guards, according to the confidential report, plan to form "an American section to participate in the forthcoming international demonstrations against the war in Vietnam."

HANOI INFLUENCE

It seems more than a coincidence that many of the leaders who have masterminded the youth rebellions have made unauthorized trips to Hanoi.

In Saigon, the Vietcong have smuggled leaflets to American GIs urging them to get in touch with the Students for a Democratic Society, the same group which is now fomenting violence on the campuses. Earlier, the SDS helped to precipitate the violence in Chicago.

The grateful Vietcong sent a message to the demonstrators: "We express to you our deep sympathy and ask you to convey to the American people our heartfelt thanks for their participation in or support of the recent action in Chicago . . .

"Your recent actions in Chicago, as well as throughout the United States, against the

U.S. policy of aggression in Vietnam have strongly stimulated our people in South Vietnam who are conducting the powerful general offensive and widespread uprisings throughout South Vietnam."

The same militants who have expressed such outrage over alleged U.S. "aggression" in Vietnam seem not the least disturbed over the recent Soviet aggression against Czechoslovakia. Their hero in Hanoi, Ho Chi Minh, actually declared his support of the Soviet invasion. But apparently this doesn't trouble the American red guards, who are critical only of the U.S. and the West.

[A News Release from Congressman William C. Cramer, Republican of Florida]

Threat of Election Day Violence Demands Enforcement of Anti-Riot Act

U.S. Rep. William C. Cramer, R-Fla., today charged Attorney General Ramsey Clark with "dragging his feet" in the enforcement of the Federal Anti-Riot Act. Cramer, author of the Act, called upon Clark to "fully implement and enforce the Anti-Riot Act in an effort to ward off the threat of election day violence."

Cramer's latest criticism of Clark was in response to Yippie Leader Jerry Rubin's threat, issued in Chicago Monday, to cause serious election day demonstrations which will necessitate the presence of "the National Guard all over the country."

Cramer said this sinister threat cannot be taken lightly in view of what took place in Chicago at the Democratic National Convention following similar new left warnings.

"I am becoming increasingly alarmed over the obvious reluctance on the part of the Attorney General to enforce the Anti-Riot Act," Cramer said. "It is becoming crystal clear that the Attorney General's soft stand on civil disturbance is being interpreted by these radical agitators as a green light to disrupt the nation at will.

"We cannot allow the elective process to be interfered with in America. A stern warning by the Attorney General followed up by prosecutions of those involved in the Chicago disorders is essential to show these people that America will not stand for interference with her most sacred institutions."

Cramer said that the Chicago violence is a classic example of the evil the anti-riot, anti-civil disturbance act was drafted to cure. "Certain individuals announced in advance of their intention to cause violence, crossed state lines to further their dastardly cause, and actually did cause the violence. This is a clear breach of the Federal anti-riot law and the failure of the Justice Department to apprehend and prosecute these lawbreakers is unconscionable."

"The law cannot serve as a deterrent unless it is enforced," Cramer said. "Until the Justice Department makes a determined effort to enforce the anti-riot act, the act itself will be a useless weapon in the war on public disorder."

Cramer added that Attorney General Clark's refusal to enforce the law is a breach of his oath of office and his duties under the Constitution of the United States.

Cramer has written Clark previously calling for an investigation of the Chicago disorders looking towards Federal prosecution under the Anti-Riot Act.

HON. HORACE B. KORNEGAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TEAGUE of Texas. Mr. Speaker, along with every Member of this House I deeply regret the decision the gentleman from North Carolina [Mr. Kornegay] has made to retire from the Congress. I fully appreciate the personal reasons for making this decision, and know that they are valid and real, but the public at large is losing a devoted, able and dedicated public servant, and the people of his district are losing a Congressman who has represented them well and with distinction.

A former Member of this House and one who sat here longer than I once said that there were two types of Congressmen, those who want to talk about public issues and those who want to do something about them. Horace Kornegay falls in the latter category. Since he began his service in the Congress he has followed the practice of carefully analyzing the problems presented to him before his two committees, asking searching questions during the course of the hearings and voting intelligently in the committee and on the floor once the legislation was presented to the House for final action.

I will not attempt to characterize or describe the gentleman from North Carolina's service on the Committee on Interstate and Foreign Commerce, but I do know of his careful attention to the issues of the Committee on Veterans' Affairs. Congressman Kornegay is a lawyer by profession and from my observation, an excellent one. He has been particularly interested in the question of judicial review of veterans' claims and at my request visited England to see in operation the system which that country has for the handling of its veterans' claims. It was no accident that two important laws providing for independent medical expert opinion on the medical aspects of a veteran's claim was later provided and enacted into law following Mr. Kornegay's visit to England. Nor was it any accident that the statement of the case was written into our laws after the gentleman from North Carolina had reviewed similar procedure in Great Britain. Both of these proposals have been a great assistance to veterans of this country and will continue to be so long as we have a veterans' program.

The gentleman from North Carolina [Mr. Kornegay] shares with me my interest in what became Public Law 89–785, which has one of the greatest potentials for training badly needed health personnel of any law which has been enacted through the Congress in recent years. The fact that it has not been fully implemented by the Veterans' Administration is not the fault of the chairman or of the gentleman from North Carolina. Administrative agencies cannot be compelled sometimes to take action which is in their own best interest.

Coupled with his warm personality, his engaging manner and his ability to think clearly and concisely, the gentleman from North Carolina has carved a unique place for himself in the Halls of Congress. As I indicated earlier, we shall miss him in the 91st and other Congresses and the country is the poorer because Horace Kornegay will not be a Member of the Congress after January 1969.

TED MAKALENA, HAWAII'S GOLFING GREAT, DIES AT 34

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. MATSUNAGA. Mr. Speaker, Hawaii mourns the passing of its international golfing star, Ted Makalena. Death came to the great 34-year-old athlete as the result of complications suffered in a swimming accident while he was on a beach outing with his wife and four children.

Ted Makalena was not only Hawaii's greatest golfer, but he was also an exceptionally fine gentleman. He was a devoted husband and father, and his friendliness and the warmth of his spirit endeared him not only to the people of his own beloved Hawaii, but also to millions of fans throughout the Nation.

Governor Burns has designated September 28 as "Ted Makalena Day" in the Island State to honor the memory of this golfing great whose untimely death is a profound loss to the world of sports.

The people of Hawaii shared the elation of Ted's victories and showered encouragement on him when he lost. The poignant lines from "To an Athlete Dying Young" by the poet Housman are recalled—

> The time you won your town the race,
> We chaired you through the market-place
> Man and boy stood cheering by,
> And home we brought you shoulder-high.
>
> Today, the road all runners come,
> Shoulder-high we bring you home,
> And set you at your threshold down,
> Townsman of a stiller town.

Although Ted's valiant heart is stilled, he will be long remembered and admired. I know that my colleagues in Congress would wish to join with me in extending heartfelt condolences to the Makalena family.

In his memory, I include in the Congressional Record articles and editorials from our Honolulu newspapers paying tribute to the late Ted Makalena:

[From the Honolulu Advertiser, Sept. 14, 1968]

Ted Makalena

Four large manila envelopes in the newspaper library, jammed with clippings, attest to Ted Makalena's intense activity in the world of golf.

He was another in the string of athletes who brought credit to Hawaii in big time sports competition.

The as yet unexplained swimming accident that culminated in his death early yesterday at age 34 cut off a promising career in professional play.

Starting as a caddy at Waialae 25 years ago, Makalena turned professional in 1955. He had not quite hit his stride, although there were some great moments such as in the 1964 Canada Cup at Kaanapali when he tied for third with Gary Player, close behind Jack Nicklaus and Arnold Palmer, then golfdom's big three.

Makalena played tournaments in Spain, Japan and Mexico as well as in the Mainland U.S. and Hawaii, and he was to have gone to the World Cup in Rome this November.

He had not reached the point of being a top money winner. A candid assessment by Nicklaus was that Makalena still had things to learn about the big time. But Nicklaus predicted that within a few years Makalena would be consistently in the money.

Meantime, he was popular among the better-known pros and they rooted him on, taking pleasure in his successes. A testimonial to that popularity was the donation of $5,000 by the touring pros at the Kemper tournament in Massachusetts as soon as they heard of his accident.

We join the community in extending sympathy to Mrs. Makalena and their four children. Their loss is Hawaii's loss.

[From the Honolulu Star-Bulletin, Sept. 13, 1968]

A Champion Departs

Ted Makalena, ex-caddy, son of a greenskeeper, international golfing star, husband, father of four, is dead. He brought much credit to Hawaii in his short life of 34 years, by his performance on the golf course and his actions off it.

Ted Makalena was a man of quiet dignity. He was respected by his fellow competitors in the golfing world and revered by his friends and neighbors and family.

He loved the outdoor life. When he could not find a game to play you could always find him watching one.

He loved his family, and although he traveled the world in his search for golfing glory, he was happiest when he was home in the bosom of his family.

He received the injuries that caused his death while on a beach outing with his wife and four children. The children—three girls and a boy, Ted Junior who is also known as "Honey Boy," although he feels he has outgrown the nickname—are healthy and handsome youngsters.

They and their mother will carry on. They will always have the memory of their husband and their father before them, as a champion. That is a distinction that does not come to every wife and to every child.

[From the Honolulu Advertiser, Sept. 14, 1968]

Thousands Mourn Their Friend Ted

(By Hal Wood)

"Hey, Ted! Did you bring enough poi to the Mainland to last you through the tournament?" hollered Bing Crosby at Hawaii's golfing great, Ted Makalena.

"He doesn't need any poi," shot back Bob Hope as Ted prepared to tee-off in the Crosby clambake in California a decade ago." He carries his poi right with him."

The ever-smiling, always quiet Makalena just grinned as he endured the kidding from two of the world's most famous show people.

Ted is gone now, but the memory lingers on.

He was a friend of the famous, the ditch diggers, the wealthy, the hackers, the caddies, the politicians, entertainers, and the man in the street.

Today, from New York to San Francisco, from Canada to Mexico, Ted is being mourned by thousands who came to know him not only as a fine golfer, but as a close friend.

Ted was king of golf in Hawaii and was known to most of Hawaii's 700,000 residents. But he was known by millions on the Mainland.

Makalena never made it big on the golf tour, as far as collecting the almighty dollar was concerned, but he made it big in another department—collecting friends.

I recall walking with Ted down the fairways on the Silverado Country Club in Napa, Calif., last year. A we strolled along, spectators on the sidelines waved or shouted hello to him. He seemed to know everybody in the crowd—and he walked to the sideline to talk to most of those who called to him.

I was with Ted and his wife, Mary Lee, in Tokyo a couple of years ago for the World Cup matches. Not only was Ted greeted with affection by the golfers from 30 nations, but he seemed to know everyone in the city of 10 million.

If Makalena had a fault on the golf tour it was that he was too friendly. Such men as Jack Nicklaus and Billy Casper claimed he lost his concentration by talking to friends in the gallery.

But Ted was always the type of man who enjoyed friendship more than money.

Walter Nagorski, the Ft. Shafter pro who has been around the golf scene for a long time, tells of the time about 12 years ago when he and Ted went back to the Mainland to play in the National Open.

"We went up to my home area in Michigan," recalls Walter. "We wanted to sharpen up our games so we were hitting some golf balls at a country club driving range.

"As we hit the balls we noticed the club pro, Jim Devaney, was holding a clinic for about 40 youngsters.

"Devaney looked over our way and after watching Ted with his fluid swing hit some beautiful shots, asked me if Makalena would hit some balls for the kids.

"That was right down Ted's alley because he loved children. So we went over and while I took the microphone, explaining what he was doing, Ted hit every shot in the book.

"The kids became so engrossed in the show that Ted hit balls for them for more than 1½ hours. As we got ready to quit, they asked him to hit more.

"He agreed and one boy asked him if he would try and hit one 260 yards over a tree at the end of the range.

"Ted said he would try and I said I would give him two chances. On the very first swing Makalena hit a ball that carried 260 yards in the air, clear over the tree. The little golfers watched with amazement that turned to loud applause. They said they never had seen anything like it before.

"But as much as they enjoyed it, Ted enjoyed it more."

That was a true picture of Ted Makalena—an athlete who not only loved the game of golf, but also his fellow man.

[From the Honolulu Advertiser, Sept. 14, 1968]

Hawaii Golfers Mourn Makalena's Death

(By Monte Ito)

Hawaii's golfing circle joined his family and many friends in mourning the death of Ted Makalena, the State's brightest golfer and only member of the National PGA tour.

Ted died at 12:30 a.m. yesterday in Kaiser Hospital at the age of 34. He never regained consciousness following a swimming accident last Sunday off Kuhio Beach.

"He was a very close friend and I was really shook up at the news of his death," said Thomas A. T. Ching, Hawaii delegate to the United States Public Links Golf Association and founder of the Hawaii Public Links Golf Association.

"His passing is a great loss to Hawaii. You couldn't find a finer gentleman on and off the course and he was a dedicated family man.

"I got to know him real well when he was about 14 and I encouraged him to stay with golf. Even then he showed tremendous promise and it was easy to predict a great future for him," he added.

Ernie Werner, golf pro at the Kahuku municipal course, called Ted's passing a "great blow."

"I felt just as numb as the time my son Didi was lost at sea in 1957. Didi and Ted were friends. When I was at the Ala Wai I ran a junior golf tournament and Didi and Ted made the finals. Ted beat my boy but I was proud to hand him the trophy. I still have pictures of the presentation and I have prized it all these years. That was in 1949."

Billy Arakawa, golf shop manager at the Mililani course, recalled the many times he had played with Makalena in friendly rounds.

"Ted was a rare golfer in that he never eased up on his game even when he was playing a casual round. He tried his best every time he played. Not many golfers have this ability to play under constant pressure without relaxing, yet enjoy the game.

"All his future was ahead of him," Arakawa declared.

Bob Tom, chairman of Hawaii's Junior Golf Program, called Makalena's death a real blow to golf in the Islands.

"Ted's winning the Hawaiian Open in 1966 was the incentive that led to the organization of our junior golf program," Tom stated.

"I talked to him about plans for a junior tournament at the Ala Wai in December that year and Ted agreed to talk to the kids and present the awards. We had about 80 players and Larry Stubblefield just beat out Chipper Garris for the championship.

"Not only the players but their parents were thrilled by Ted's talk. He was the inspiration behind our Junior Golf Program. He helped in every way he could and just before going on tour last summer he donated 10 dozen golf balls.

"Hawaii will miss Ted, and I know all junior golfers in Hawaii share the same feeling," added Tom.

Sam Kapu, starter at the Ala Wai municipal course, recalled that Ted was well liked by everyone when he was the pro at the Ala Wai.

"He treated everyone as his friend and he was nice to them," recalled Kapu.

"This is a terrible thing to happen to one of our best loved golfers."

"What a tragedy!" exclaimed Paul Spengler Jr., one of Hawaii's leading amateur golfers. "I played with him as his partner in the Bing Crosby Pro-Am in 1967. We finished second and it was a lot of fun playing with Ted.

"I always thought Ted was one of the best. It was only a matter of more experience on the tour before he started winning. He proved he had the game when he won the Hawaiian Open at home in 1966."

Dennis Tosaki and Kazu Shirai, two close friends who often attended sports events with Ted, were at a loss for words when they heard of his death.

"I just don't know what to say," Shirai stated. "He was a good friend, and a real sports fan. He liked all sports, especially football.

"I remember when I was playing for the Asahi baseball team and Ted was assistant pro at Waialae he would come out to the ball park around 5 p.m. and run around the field with us," Shirai added.

"I'm going to miss Ted—we all are," said Tosaki. "I don't think there was a more sports-minded fan than Ted. He was fun to be with and fun to play with," he added.

A DAY TO READ INSURANCE POLICY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DERWINSKI. Mr. Speaker, last week we observed Constitution Day and significant editorial commentary properly recognize the day. One of the most significant editorial commentaries that came to my attention appeared in the Chicago Suburbanite-Economist Wednesday, September 18. I believe this commentary on Constitution Day is well worth greater public review:

A DAY TO READ INSURANCE POLICY

Yesterday was Constitution day. Usually its observance is confined to patriotic speeches delivered by judges as they swear in a group of new citizens. The inductees are impressed with the rights granted them under our constitution. The speeches are unnecessary because the new citizens usually have personal recollections of experience under other forms of government which make them realize the advantages of being U.S. subjects far more than any words that can be hurled at them.

In fact, in view of the civil uprisings that are taking place today perhaps it is the native born citizens who need to be reminded of the constitution, the document on which our personal freedom rests.

The constitution has been likened to an insurance policy. We, as citizens are beneficiaries of this policy.

It is a contract with destiny; guaranteed by the honor and integrity of our founding fathers. Its premiums have been paid with the blood, brains and sweat of millions of loyal Americans. We, the present generation of loyal Americans, swear to keep this policy in force by maintaining and defending the principles embodied in the constitution and the bill of rights.

It would be well for every citizen to read the constitution.

The principles it enumerates are at the heart of the present national debate.

Freedom of speech, the press and the right of the people peaceably to assemble and to petition the government for a redress of grievances are guaranteed.

However, the very first sentence of the preamble contains the words "insure domestic tranquility." Congress is also specifically empowered to "suppress insurrections." Treason is defined as "levying war against them (the United States) or in adhering to their enemies, giving them aid and comfort. No person shall be convicted for treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

In short, when does "peaceful assembly" become "insurrection" or "treason?" If we can agree on that line much of the controversy surrounding today's disturbances will be solved. It's a constitutional question.

WE CAN SALVAGE OUR SHIPWRECKED MERCHANT MARINE: A REASONABLY PRICED SOLUTION OF THE PROBLEM WHICH MAY BRING SOME DISSENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following outstanding article from the September issue of Navy magazine:

WE CAN SALVAGE OUR SHIPWRECKED MERCHANT MARINE: A REASONABLY PRICED SOLUTION OF THE PROBLEM WHICH MAY BRING SOME DISSENT

(By Capt. E. B. Perry, USN, retired)

For well over half a century it has been our enacted National Maritime Policy that we shall have an American Merchant Marine that is:

Necessary for the national defense, a fourth arm supporting our armed services wherever they are.

Capable of developing and maintaining our foreign and domestic commerce—the lifeblood of our Nation.

Sufficient to carry a substantial (50 per cent) portion of our water-borne import and export commerce.

Devoted to carrying all our own water-borne commerce between U.S. ports with no foreign-flag competition.

Able to provide guaranteed shipping services at all times on all routes which are essential to our welfare.

Be constructed in the United States of American design, the products of our mines, fields and industry, and built with the know-how and skill of American labor.

Be owned and operated under the United States flag by our citizens with each and every ship manned by American personnel.

Consist of the best-equipped, safest and most suitable types of vessels, second to none and far superior to many foreign-flag vessels which engage in trade to our shores.

SUBSIDIES IN PERSPECTIVE

It would be rather difficult to imagine a wiser, sounder or more essential national policy, if we are to be strong as a maritime nation, sufficient in sea strength and a first-class world power. To implement that policy, certain necessary steps have been taken.

Because our national standard of living is far above that of all competitors, it was found necessary to provide Federal construction-differential subsidies—shipyard labor cost support—for American-flag ships built within our borders to engage in foreign trade. This permits our steamship lines to acquire ships at some sort of parity with their low-cost foreign competitors.

Subsidy is not confined to the maritime trade; it is an accepted practice in agriculture, the aircraft industry, railroads, carrying the mails and many other fields. With our high cost of labor, particularly in fields in direct competition with low-cost foreign labor, a fair and reasonable subsidy is necessary. Without it many of our industries could not exist. Shipyard labor in Japan averages about 90 cents an hour. American shipyard labor averages about $4.50 an hour. Set that up on your abacus and the need for a labor cost differential becomes quite apparent. It might be marveled that the construction-differential can be kept as low as 55 per cent.

SEAGOING LABOR COST

Our seagoing labor costs run about five times those of most of our foreign-flag competition. To aid the owners of certain of our vessels engaged in foreign trade there has been provided Federal operating-differential subsidies which are to be no more than is fair and reasonable; again a matter of labor cost support.

While the Merchant Marine Act of 1936 does not limit this aid only to dry cargo and passenger vessels in liner operations, presently only 14 steamship companies, generally known as the "subsidized lines" receive this aid, supposedly under severe restrictions and regulations. The tramps, tankers and bulk carriers, confronted with the same labor cost problems, are being left to fend for themselves.

As a result, the few vessels of the subsidized lines, about 320 in number and many of them aging, constitute our "maritime mite" with the ranks of all other types of merchant ships—just as essential to our defense and commercial welfare—being depleted year by year with their trade and revenues going to low-cost foreign-flag ships.

Our Government does provide certain mortgage arrangements for owners who build their ships in U.S. yards. Different from many loans granted from our Treasury to foreign nations, our steamship lines are required to honor their commitments, interest and principal.

WEAK IMPLEMENTATION

With such a wise and stout policy, and the means set up to make it work, just why are we slipping into the status of a third or fourth-class maritime nation? We are strong as to policy; we are woefully weak as to implementation. Much of the fault rests upon the shoulders of some appointed officials who do not see the need of an American Merchant Marine despite the lessons of both World Wars, the Korean conflict and our logistical problems in Viet Nam—to say nothing of our balance of payments problem. Certainly, our maritime industry, with the various segments selfishly at loggerheads with each other, is not without blame. Until there is strong and educated leadership guiding our maritime affairs, we shall drift from bad to worse.

There can be no question as to our need for a merchant fleet as an auxiliary for our armed services, whether the wars or emergencies are at home or abroad. The very officials who have contended otherwise are now seeking funds for the construction of some very controversial and expensive vessels, to be under their direct command, to do the job that our American Merchant Marine could have and can do far better at one-tenth the cost. This is the very unrealistic Fast Deployment Logistic ship program, FDL; more realistically FIDdLe-FaDdLe.

If we are to ship and receive goods and persons from overseas ports, we must have American-flag ships. We cannot depend upon any foreign flag to act as a wet nurse. The services which we may expect and the costs for those services are dependent upon our ability to serve ourselves. Without an American Merchant Marine we shall become sitting ducks, and will we be plucked!

We are plagued by an increasing balance-of-payments problem. Every shipment of cargo in an American bottom works to our credit; in 1966 it was estimated that even our small fleet earned us $914 million on the credit side. Just one shipment of about 9,000 tons from New Orleans to Bombay in a foreign ship debits us to the tune of about $350,000.

We are not transporting anything like our share of our imports and exports, less than 8 per cent. The other 92 per cent travels in foreign-flag ships which are collecting the sizable revenue. Foreign-flag ships have engaged in our domestic commerce and have been sought to move our vital supplies to Viet Nam. All of these services cost us money which finds its way into foreign pockets.

Those of our public officials who have little regard for the need of an American Merchant Marine would have us build American ships in foreign shipyards, contending that such action would save us money. But every such ship so built would debit our balance of payments by about $5 million. There are presently, under the regulations of our Maritime Administration, more than 100 subsidized ships which should be replaced due to their age. Foreign construction of those ships could worsen our balance of payments problem by about a half-billion dollars and, at the same time, nick the tax returns to our Treasury by untold millions. And still we would not be building up the size of our fleet, only replacing existing vessels by *un*-American ships.

We can salvage our American Merchant Marine within the framework of existing legislation provided all hands conform to the spirit and provisions of the Merchant Marine acts presently on the books. We need not scurry around and try to write new laws to regain our former status as first-class maritime power. We have a sound policy; all that is needed is a will to make it work.

PRODUCTION LINE SHIPS

First and foremost we need ships, many more of them and of all types. They must be American in all respects—by design, construction and operation. They should be built in production line programs, at least 25 to a course. They should be reasonably standardized with an absence of controversial features, dreamlike conceptions and avoiding the fetish of always increasing the installed horsepower, size and construction costs. By adopting such a program, similar to the very successful C–2, Victory, Liberty and Mariner programs, we could cut our construction costs by at least 25 per cent, and we could soon have a fleet which we can, and must, support.

Our operating costs should, and must be, reduced even though this may be somewhat distasteful to the seagoing unions. Public support to seagoing featherbedding cannot long endure. The base wages and fringe benefits of seagoing labor are out-of-hand and must be reduced to the level of acceptable American practices. Just as examples, few of us expect an annual 75–day paid vacation nor do we expect to reap all of the rewards granted to others on a "me too" basis. If we make a contract, we live up to it and expect others to do the same.

With more ships, offering more job opportunities, the press for overmanning our existing ships would become unsupportable. Seagoing labor would do well to re-examine its position and take steps to fall in line with nation-wide practices. With sound leadership—government, management and labor—and without harm to any man, our operational costs may be made fair and reasonable.

SALVAGE MISSION

What would such a salvage mission for our shipwrecked American Merchant Marine cost? If we had an annual program of about 25 new vessels of moderate design and characteristics, reasonably standardized and built on a production line basis, it is probable that the construction-differential need not exceed $110 million. This estimate does not contemplate the building of ships two or three of a class, promoting ships of untried design for questionable ventures, or the constant trend towards ships of greater speeds and sizes. Nor does it contemplate the retirement of existing ships, "obsolete" only because of their age.

What we require is more ships, seaworthy ships, ready and able to earn a part of their keep. Of the $110 million appropriation, many of those dollars would return to our Treasury via our Internal Revenue Service. They would not drop into foreign pockets nor would they be wasteful expenditures.

Operating-differential subsidy is another and somewhat more complex matter. Our current requirements for far too few ships and sailings runs about $200 million annually. This too-great cost is the result of the demands of the seagoing labor union leadership. They have been able to promote the gross over-manning of our declining numbers of ships, the payments of far-above-average base wages and fringe benefits mostly unknown to American Labor. Under the "fair and reasonable" provisions of the Merchant Marine Act of 1936, operational-differential subsidy payments could be reduced by about 25 per cent, but this only if management becomes aware that subsidy money will not be paid without public support. And if our Maritime Administration—without fear or favor and backed by the political party which put them in office—hews to the "fair and reasonable" provisions of that Act. Insofar as the proper manning of a ship is concerned, that is the responsibility of our Coast Guard, not that of union bosses.

With an appropriation of less than a third of a billion dollars we can revitalize our essential American Merchant Marine and be back in business. Many of those appropriated dollars will return to our Treasury as revenue. One third of a billion dollars is not chicken feed despite our current lavish spending. But compared to the billions which we pour into Viet Nam, shoot at the moon and hand out to foreign nations, it is picayunish.

We would be building up our capital in our own resources, defense and commercial, to return us dividends. We surely will be damned if we don't and cannot be damned if we do.

But—and there always is a but—our merchantship service must be devoted to our national welfare and not be a grab bag for the selfish interests of any segment of our maritime industry. Is that too much to expect? Maybe so, unless all hands mend their ways towards a maritime future as glorious as our past.

THE KENNEDY ROUND TALKS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ZWACH. Mr. Speaker, through every means of communications the American public was properly conditioned for the great benefits that would flow to humanity from the 1964–67 Kennedy round discussions dealing with foreign trade.

Prenegotiation anticipation claims were abundant in every news item, and in every headline. During this 4-year period of table discussion with representatives from some 50 nations, many decisions were reached. In many of these decisions, though, it has become apparent that the several parties did not agree on the same item.

An example of this is the "good faith" expressed by the European participants not to raise the duty on imports—if we agreed to cut our countervailing duties back by 50 percent over a period of 5 years. Therefore, our first cutbacks have been made, but in the European Common Market we see an increase in duties of 11 cents per bushel for corn, and 9 cents per bushel for sorghum. These duties are used by the importing countries to support the price of the domestic production in most nations.

This variable import duty as of June 18, 1968, in the EEC nations amounts to $1.50 per bushel on soft wheat, $1.32 on corn, and 84 cents per bushel on barley. Present Minneapolis prices on No. 2 Yellow corn is $1.09 per bushel.

If our American-produced corn is sold here for $1.09 per bushel, then shipped overseas and has a new price of $2.35 a bushel to equal the support price in the EEC nations, American taxpayers are, in reality, paying for the subsidization of foreign farmers. Most of the subsidy is raised by various import duties.

Again, a case in point will clarify the above statement. The variable duty or levy in European Common Market nations on June 18, 1968, was $55.13 per metric ton, while the guarantee to domestic producers of corn is set at $52.62 a ton.

Mr. Speaker, serious doubts now exist on either the value of increasing the value of American farm exports, or of the authenticity of the agreements reached at the GATT Conference. Can we expect farmers to produce at any price to meet foreign domestic prices when these governments can vary their entrance price at any time and at any level? What future does the American farmer have?

Second, what reason do we have for believing that the surplus "levies" which they attach to our imports cannot be used to subsidize their exports to us? Uncle Sam ends up paying for both programs, both of which have the ability of doing ill to our own prices.

The eagerness of our friends in the EEC to raise, rather than lower, these duties does not indicate their willingness to "expand trade" or to move in the direction of "free trade" as we were led to believe would be the result of the Kennedy round.

With domestic producers experiencing low prices, and an unsympathetic administration, surely Congress should take some action to protect our own producers and suppliers.

HORTON NOTES DISMAY OVER CZECH INVASION EXPRESSED BY SOVIET PEOPLE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HORTON. Mr. Speaker, the terrible invasion of Czechoslovakia by the Soviet Union has had repercussions around the world. It has even found its way through the Iron Curtain and resulted in doubts and reservations by the Soviet people themselves against the actions of their leaders.

James Critchlow, director of the information division of the Radio Liberty Committee has compiled an excellent review of the reactions of the Soviet people as gathered through several sources.

I would like to share this review with my colleagues. It provides an unusually objective report.

In a letter to me, Mr. Critchlow added some information about feelings of the Soviet students.

He said:

> Since writing the review I have heard from a Russian-speaking visitor to Leningrad, who was there until September 1, that "all his acquaintances, including Communist students, reacted with great hostility to the occupation. One of these students, a Party member, added that the entire intelligentsia are against the Party decision and that workers as well support the intelligentsia. He further stated that complete disillusionment and anger against the Party are prevailing presently among the Party members. In talks on Czechosolvakia, students, including Party members, responded when the Party was discussed that they were impotent, as everything was decided by 'those idiots up there'."

The text of the Radio Liberty report on the Soviet reaction follows:

Memorandum to: Howland H. Sargeant, President, Radio Liberty Committee, Inc.
From: James Critchlow, Director of Information, RLC.
Subject: Czechoslovakia and the Soviet Public—A Review.

The full story of *Soviet citizens' reaction* to the Czechoslovak invasion may be long in unfolding, but significant patterns are already emerging from the telexes of our Munich analysts and other sources. Many Soviet citizens clearly have *doubts and reservations* about the move by their leadership, with some open dissent reported.

1. THE OFFICIAL VERSION

Anomalies in domestic propaganda during the crisis are revealing. The morning after the nighttime occupation, Radio Moscow's regular 6 a.m. (local time) review of the day's Soviet newspapers simply skipped all mention of Czechoslovakia, even though "Pravda"—kept off the stands for four hours beyond usual deliverytime—was set up with a major article in defense of the military action. (As of 6 a.m., the lead story of the day was still a report on Communist youth activities in a Ukrainian village.) Moscow's home service finally broke news of the invasion to citizens at 7:45 a.m. (*a full two-and-a-half hours after Radio Liberty's first bulletin to Soviet audiences*) with a TASS communique. The "text" of the purported request for Soviet help by nameless Czech officials did not come on the air until 4 p.m. But by then the CPSU's usual crisis machinery was functioning, with factories, farms and other units throughout the country halting work for "unanimous support" meetings. (Our researchers telexed from Munich that the main thrust of Soviet propaganda was to emphasize the "peaceful and reasonable" reception accorded to Soviet forces, in spite of the "counter-revolutionary underground" backed by Western imperialists.)

Meanwhile, internal sources carried *little hard news* of what was happening. Radio Moscow's evening newcast the day after the invasion stated rather lamely that "the Czechoslovak People's Army and formations of the People's Militia are not showing resistance to the Soviet troops" and TASS reported without detail that many Czechoslovaks had expressed gratitude.

As time went by without a break in the stalemate *Moscow output became more candid* (perhaps under pressure by competition from us and others), even mentioning such negative facts as the firing of Soviet tanks and the killing of Soviet soldiers and two journalists. Such incidents, however, were invariably ascribed to "anti-socialist forces."

For Soviets who followed their own media attentively, *there was no lack of eyebrow-raising material*. On the day (August 23) that "Pravda" frontpaged a TASS statement that the situation in Czechoslovakia "in general continues to remain normal," President Svoboda turned up inexplicably—in Moscow to discuss "problems of mutual interest." Intriguing is a circumstantial report from the respected Paris "Le Monde" that Soviet television *tricked viewers* by substituting footage of Svoboda filmed earlier at the Bratislava meeting—when he was smiling—for shots of his actual arrival in Moscow—when he was scowling. The Soviet public was also left in the dark on the whereabouts of *Alexander Dubcek, denounced as a "traitor"* and "leader of a right-opportunist minority" of the Czechoslovak leadership, until Dubcek re-emerged a few days later in Soviet press, radio and TV as "First Secretary of the Central Committee of the Communist Party of Czechoslovakia" and participant in a "comradely discussion" just ended in the Kremlin. And his subsequent speech to his countrymen on return to Prague was reported in detail, if with some slanting. A quick rehabilitation!)

Mass condemnation of the occupation which poured forth from such quarters as Yugoslavia and Rumania; the French, Italian and scores of other Communist and Left parties; and, among individuals, Bertrand Russell, Jean-Paul Sartre and Dr. Spock, as well as a host of other sources around the world, was of course *beamed steadily to Soviet audiences by Radio Liberty and its fellow broadcasters*. Soviet outlets were hard put to counter with approvals from abroad. Predictably, statements by the four Kremlin "allies" were played for all they were worth, as well as those from certain Arab countries. Otherwise, media were reduced to echoing such relatively faint voices as the Argentine CP organ "Nuestra Palabra" and the People's Vanguard Party of Costa Rica.

The list of *major stories ignored completely*, or distorted unrecognizably, is a long one. Near its head I would put the U.N. Security Council debate; it went on for days without notice from Soviet domestic media. Even U.N. delegate *Malik's speeches reached his fellow citizens only via "bourgeois" radio broadcasts*—and through jamming, at that. (RL's U.N. correspondent, Germain Bykowsky, reported at length on Czech *Foreign Minister Hajek's Security Council address*, which was a masterful job of hoisting the Soviet leadership by its own Marxist-Leninist petard, *tailormade for Soviet audiences*.)

2. SOVIET PUBLIC OPINION

One can only speculate about how much the Czech heresy had begun to *infect Soviet public opinion* before the Kremlin acted. Prior to the invasion our audience research reports from Max Ralis' staff contained positive (and often envious) references by Soviet citizens to the liberalizing trend. You will recall that a prominent Soviet literary figure who visited the West after Novotny's overthrow spoke of the great interest in developments, telling an interviewer last spring:

"Everything is known in Moscow. Everybody is glued to the radio. One can notice that the streets are empty and quiet. People are at home and listening."

This same man commented, however:

"Don't think that liberalization is so popular in our country. Among the intelligentsia in Moscow and Leningrad, undoubtedly. There exists, though, an enormous mass of officials, the new 'Soviet bourgeoisie' if you will, who are hostile to all change. They want only an apartment, or a car. You are disagreeably surprised by our newspapers, by the incessant propaganda and boredom? Eighty per cent of the writers would agree with you. Our newspapers, though, are not designed for them but for the 20 to 30 million 'bourgeoisie' who are the regime's mainstay."

(One wonders whether even the Soviet "bourgeoisie" hasn't been shaken by the specter of re-Stalinization which has emerged in recent weeks.)

The distress that Czechoslovakia must have been causing the leadership, on purely political grounds, is borne out by the fact that *Academician Sakharov* (the top Soviet nuclear physicist associated with H-Bomb development) *praised developments there* in his remarkable memorandum published in full by the "New York Times" on July 22.

The Soviet Republic *bordering on Czechoslovakia is the Ukraine*, where recent ferment has led to arrests and trials. It may be no accident that Politburo member Shelest, the Ukrainian Party Chief, is believed to be one of the most vocal supporters of action to stifle the Czech reformers.

Direct evidence of how Soviet citizens reacted to the invasion itself is fragmentary, but highly suggestive. A "New York Times" correspondent reported from Moscow that some people had "turned pale" on hearing the news. One *extreme response* was the demonstration by a group of dissident intellectuals (General Grigorenko, Pavel Litvinov, Mrs. Daniel, and a few others) who appeared with banners bearing such legends as "Long live a free and independent Czechoslovakia" and were promptly arrested. (One of the demonstrators, the poetess Natalya Gorbanevskaya, was later released together with her three-month-old baby; she circulated a signed letter ending with the words: "The belief that the Czechs and Slovaks, when thinking about the Soviet people, will think not only about the occupiers but also about us gives us strength and courage.") An American correspondent said he had heard reports of *unrest among Moscow students* (who during the Hungarian events of 1956, as we later learned, had been posting transcripts of foreign radio broadcasts on their bulletin boards). A Russian-speaking Canadian newsman reported from Rostov-na-Donu in South Russia that people there were *skeptical of official propaganda:* one man commented, *"My po-vidimomu proschitalis"* ("We must have miscalculated.") In Prague, a visiting Soviet scientist skeptically told a French journalist, "I'd like to know the names of these eminent persons who are supposed to have called on the Soviet army." Perhaps most significant of all is the fact that, with cold neo-Stalinist winds blowing, *no really major figure of the Soviet intelligentsia has lent his name* (as of this writing) to the "unanimous support" campaign mentioned above—a pointed omission and departure from standard practice. Most Muscovites bearded on the street by Western correspondents expressed unqualified support for their government's action, but whether from conviction or caution is open to doubt. No one can guess where the center of gravity of public opinion on the Czechoslovak question really lies, but the gingerly handling of the crisis in home media is a sign of official nervousness. Above all, there is the fact that on the night of the invasion *VOA and BBC rejoined RL, after a five-year hiatus, as targets of Soviet jamming* (which is, of course, only partially effective against powerful short-wave transmitters).

3. MORALE OF THE SOVIET OCCUPATION FORCES

Before departing for Czechoslovakia, each Soviet soldier was given a tract explaining his mission:

"Soviet soldier! You are going to fraternal Czechoslovak territory to perform your duty as an internationalist. The present situation in Czechoslovakia is such that counter-revolutionary forces, operating openly under the mask of 'democratization' and 'liberalization' of the existing order, are taking the country toward restoration of capitalism. This offensive by reaction is inspired and maintained by the imperialists, first and foremost those of the United States and the German Federal Republic . . .

"Soviet soldier! Perform your sacred internationalist duty, act with courage and determination against all who resist . . ."[1]

Foreign correspondents reports from Czechoslovakia were rife with evidence of *disillusionment* by Soviet soldiers when they found that the "counter-revolutionaries" were the population itself, and saw their tanks being painted with red swastikas. Beneath the menacing posture, many were frightened and uneasy, others disgusted. Some soldiers were seen in tears. One Russian told a Czech that he would like to give up his uniform and walk away. The "Washington Post" correspondent heard that 400 KGB men had been sent in to keep things in hand, and that many of the original troops had been replaced with fresh contingents—possibly only a rumor. A "free" Czech station inside the country broadcast, *in Russian*, an eyewitness account (monitored in the West and rebroadcast to the USSR on tape by RL) of one *Soviet soldier's suicide*.

A Czech refugee gave four reasons for demoralization of the Soviet troops: (1) the *unanimity of the population*, (2) the fact that the *Communist Party was directing the resistance*, (3) the fact that the *Czechs overwhelmingly supported their leaders* and (4) the *determination of the population* for independence. He said a Soviet tank officer had told him of his astonishment at seeing Prague Communist militants come up to Soviet soldiers with their Party cards in hand, to explain the true state of affairs in the country. (Report carried by Agence France-Presse.)

Because the Czechoslovaks are fellow Slavs, many of them Russian-speaking, they seem to have reached the occupiers far better than did the Hungarians of 1956. Nor were all of the contacts low-level: a "Washington Post" Prague correspondent wrote that "the incipient dilution of fervor for the occupation is most acute among Soviet officers and troops in close contact with their opposite members in the Czechoslovak Ministry of Defense and general staff, it was reported." (Is it merely wishful thinking to recall the "Decembrists," the 19th Century band of anti-tsarist Russian officers infected with Western heresies by their exposure abroad during the Napoleonic wars?)

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[1] Full text published in "Le Monde" of August 27. A copy of the tract was obtained by a Yugoslav visitor to Brno.

4. THE OUTLOOK

Many experts have speculated that Soviet dithering before the final decision to invade betrayed a lack of unity in the Politburo itself—as shown by the fact that the full complement of that body had to travel to Cierna for negotiations. The initial failure of the occupation, with all its attendant embarrassments at home and abroad, must have lent ammunition to Soviet "doves." Add to this the pressures from the Sakharovs, the Solzhenitsyns, and other dissident intellectuals, together with the host of unsolved economic and social problems that affect all levels of the population, and the position of the leadership can only be less than secure. *Short-term prospects for Czech (and Soviet) liberals* are grim; for the long run there are *signs of hope.*

Throughout all of these events, Radio Liberty in its round-the-clock broadcasts has continued to act as a catalyst in Soviet ferment. Never has its unique role as a voice of Soviet citizens abroad been more evident. As Moscow propaganda tuned up to the invasion, our London commentator Zaitsev (a veteran Soviet journalist who defected recently) was on hand with an insider's interpretation for listeners. Former Soviet Navy officer Kartashev spoke from first-hand knowledge of military morale problems. Temirov, onetime instructor at the Moscow Institute of Red Professors, covered the party-member's angle. (I hope it isn't unfair to single out these few from the many staffers who turned to with commentaries, news items, analyses, press reviews and other material. And, of course, Radio Liberty must share credit with other broadcasters: in particular a yeoman job was done by Voice of America, whose regular staff tripled its programming output during the peak of the crisis.)

JUIR CRITCHLOW.

NEW YORK, N.Y., *August 30, 1968.*

PSYCHOLOGISTS FOR SOCIAL INVOLVEMENT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HALL. Mr. Speaker, an organization of 20 psychologists who call themselves distinguished, recently circularized many of their colleagues around the Nation urging unqualified endorsement of the report of the National Advisory Commission on Civil Disorders. The petition appealed to all psychologists to rubber-stamp this committee's determination that "recent disorders result largely from conditions of discrimination, poverty and unemployment which have their roots in racial prejudice." One of those who was solicited with this petition was Dr. T. William Howard, Ph. D., consulting psychologist of Springfield, Mo., and a diplomat, American Board of Examiners in Professional Psychology. Dr. Howard considers the request of the Psychologists for Social Involvement biased and unscientific, to say the least. Because his answer is so pertinent to many of the issues that confront our Nation today, I submit a copy of the petition of Psychologists for Social Involvement, followed by the response from Dr. Howard for inclusion in the RECORD, as follows:

MAY 10, 1968.

DEAR APA MEMBER: Twenty distinguished psychologists have endorsed the following statement:

As psychologists we are particularly concerned with the influences of enviroment upon behavior. We endorse the conclusion of the National Advisory Commission on Civil Disorders that the recent disorders result largely from conditions of discrimination, poverty, and unemployment, which have their roots in racial prejudice. As *citizens*, we strongly urge that direct action be taken to combat these unjust conditions. Concrete evidence of changing conditions, rather than vague hopes for the future, must be apparent without delay in order to avoid the death and destruction that is incipient in our nation.

Nancy Bayley, Leonard Berkowitz, Leon Festinger, Eleanor J. Gibson, James J. Gibson, David A. Grant, Harry Helson, Ernest R. Hilgard, Nicholas Hobbs, James Jenkins.

David Krech, Donald G. Marquis, Abraham Maslow, Paul E. Meehl, Neal Miller, Theodore Newcomb, James Olds, Thomas Pettigrew, Carl R. Rogers, Theodore Sarbin.

We are writing to ask that you join these psychologists by endorsing this statement. The statement, endorsed by thousands of psychologists, will be presented to the President, Members of Congress, the platform committees of the major parties, and the various news media. (We hope that your signature will be only a first step and that you will at this time write to your Congressman and become actively involved in community efforts.)

Signature ----------------------------------
Name (Please Print) ----------------------
State of Residence-------------------------

We would also appreciate your help with the following:

1. Our limited funds have permitted this mailing only to APA members whose names begin with letters A through K. We urge you to ask your friends and acquaintances with names beginning with L through Z to send us a letter or postcard endorsing the statement to the address below. Endorsements by graduate students and psychologists who are not APA members are welcomed.

2. Check here ---- if you would have preferred a stronger statement.

3. A small donation ($1.00 or less) would help defray the cost of this mailing and enable us to expand our effort.

Please return this form with your signature as soon as possible to: Psychologists for Social Involvement, P.O. Box 31283, San Francisco, California 94131.

ROBERT E. HARRIS, Ph.D.,
Coordinator.
L. ALAN SROUFE, Ph.D.
Secretary-Treasurer.

AUGUST 2, 1968.

Dr. ROBERT E. HARRIS,
Coordinator, Psychologists for Social Involvement, San Francisco, Calif.

DEAR DR. HARRIS: Thank you for letting me see your statement. In many ways I am in sympathy with it. Certainly I would like to "avoid the death and destruction that is incipient in our nation." But I have some questions.

In the first place, does your statement imply that the "civil disorders" are justified by the "discrimination, poverty, and unemployment . . ."? Are civil disorders a response to some "higher duty" that excuses, or even demands, violations of the law? Are the rioters people who "just can't help" burning down buildings, endangering lives? Should the police take immediate and "direct" action to suppress violations of the law, or should they "discuss the matter with leaders" as they did in Watts and Detroit? What "direct" action do you advocate for arsonists?

With regard to "environmental influences," is not your statement an environmental influence? Is not the "negotiating" and "granting demands" of those in violation of the law a reward of aggression? Does not reward increase aggression?

Do you really think that these "civil disorders" are "largely" the result of "discrimination, poverty, and unemployment"? Were those arrested last summer and this spring impoverished and unemployed? Am I mistaken in thinking that history records no nation so concerned about its downtrodden as is America today? Do not welfare programs proliferate and federal training programs spring like weeds? And do revolutions *really* spring from the "downtrodden"?

I am afraid something of the "white man's burden" is implied by your statement. Equality of opportunity is actually increasing, and non-discrimination is "the law of the land." With more equal opportunities I believe the Negro can deliver himself; he does not need—and he will probably resent the implication that he does—the help of "Massas" of any hue (even the distinguished psychologist variety).

Civil disorders weaken the law. It is romantic, isn't it to hope for prosperity where distinguished men imply endorsement of violations of the very law that sustains us?

I hope that the "distinguished psychologists" favoring your statement will consider some of these questions. At the very least, I hope you will not imply your position is "scientific." I hope you will agree that it is an emotional exhortation, and the passion does not lead to the considered judgments required by science. Improving the condition of the poor can be justified on humanitarian grounds; you do not need to pretend "science" endorses you—and while you may need to use exhortation, you do not need half-truths, extortion, and blackmail (i.e. "If we don't do it they'll burn us out.")

Yours sincerely,
T. WILLIAM HOWARD, Ph.D.,
Clinical Psychologist.

P.S.—As you ask, I will send copies of this reply to my senators and congressman.

TWH.

A MATTER OF RESPONSIBILITY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ZWACH. Mr. Speaker, I have 87 outstanding weekly newspapers in my Sixth Congressional District of Minnesota. Most of them are very independently minded, and follow an editorial policy of "telling it like it is."

I am thankful for these outspoken ladies and gentlemen of the press, for their opinions, and for the thinking their editorials generate in the minds of our people.

Typical of this editorial expression is the following which appeared in the Renville Star-Farmer of September 12, which I would like to share with my honorable colleagues here in Congress:

A MATTER OF RESPONSIBILITY

We are living in an era in which the federal government has become all powerful, particularly in supplying funds to help states and cities to conduct numerous programs of social welfare—housing, unemployables, and even rodent infestation.

One of the reasons why there will be less heard of government plans to rebuild American cities, wipe out poverty and find jobs for the unemployed may be found in the record of government efforts in these directions in the past seven years.

According to figures published in the very factual U.S. News & World Report recently, after seven years of striving, the government has achieved little other than to run up huge bills and expand an already gigantic bureaucracy. During this time, the federal debt has risen by $63 billion, the value of the dollar has declined 13.5 cents, taxes on incomes of individuals have gone up by $30 billion and on corporations by $10 billion. The civilian bureaucracy has increased during that seven years by 421,000 new jobs—that's a lot of vote power for the incumbent administration. It will take your vote, my vote and the vote of every aroused American to off-set that padding and inaugurate a new management which is at least dedicated to states rights and the free enterprise of the individual.

An interesting bit of tabulation was recently released by the National Association of Manufacturers: "Your IOU for the United States public debt is getting bigger. Each American at the end of May owed $91 more as his share of the nation's debt than he did on the same day (May 31) in 1967. This sum, according to the Tax Foundation, Inc., represents the difference between the per capita U.S. debt on May 31, 1967 ($1,676) and on May 31, 1968 ($1,767). On May 31 of this year, the total U.S. debt was $353 billion, $21 billion higher than on the same day in 1967. This is one more reason why it is necessary to cut federal spending now!"

My, that gesture which President Johnson consented to of $6.5 billion cut in federal spending in return for passing the new income tax surtax is really impressive, isn't it?

In spite of the great portion of this national debt used to alleviate the domestic social ills, big city problems have grown steadily worse, respect for law and order has grown more steadily inadequate, and too many colleges have become centers of socialistic and communistic-inspired rioting rather than seats of learning. If nothing else, the past seven years have shown the futility of looking to government as the chief architect of progress—it's time to return administration of economic and industrial progress to the system of free enterprise.

If we haven't the united front to contest a rising tax program, the least we can do is to take some action regarding the ways in which our money is spent . . . the horrible known stories of senseless waste in federal spending are legendary, including many ridiculous expenditures in the $152 billion in foreign aid down to the $210 doorknobs for the Pentagon.

If we haven't written the people who control federal spending—our Congressmen (Congressman John Zwach has a commendable record of attempting to stem the avalanche of spending), our Senators and the President of the United States, lately—perhaps it's time we got at it, and we can also effectively register our protest at the polling stations this coming November 5.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SCHERLE. Mr. Speaker, this is the 247th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT RECOMMENDS CODE OF ETHICS FOR MEMBERS OF CONGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. EVINS of Tennessee. Mr. Speaker, as Congress approaches adjournment, it is appropriate and fitting to emphasize that the House has taken an important and constructive action in adopting the official rules of conduct recommended by the House Committee on Standards of Official Conduct.

Certainly the chairman of the committee, the gentleman from Illinois [Mr. PRICE], and members of the committee are to be commended for their dedication, perseverance and courage in recommending a strong, reasoned code of conduct.

It is my belief that this code will prevent the tearing down of the institution of Congress and will add to the stature and prestige of our legislative branch of Government.

In this connection I place my recent newsletter, Capitol Comments, in the RECORD because of the interest of my colleagues and the American people in this most important matter.

The newsletter follows:

[From Capitol Comments by JOE L. EVINS, Member of Congress, Fourth District, Tennessee]

HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT RECOMMENDS CODE OF ETHICS FOR MEMBERS OF CONGRESS

A code of standards for guiding and governing the ethical conduct of Members of the House of Representatives, officers and employes was recommended by the Committee on Standards of Official Conduct. This Select Committee of 12 members was appointed by the Speaker after the House in a resolution called for the preparation of a comprehensive code of ethics for Members of the House. Your Representative was honored to be among those chosen and selected from the entire membership of the House to serve on the Committee and to draft the code of standards for Members of Congress.

Following extensive public hearings, studies and discussions, the Committee prepared its report which includes a number of recommended standards including a retirement for disclosure of personal interests in businesses which engage in substantial transactions with the Federal Government or which are subject to regulation by agencies of the Federal Government. In addition to the requirement for public disclosure and bars against conflict of interest, Members, officers and employes of the House—under terms of the code—will be required to comply with the following standards:

I. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

II. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of Rules of the House and to the rules of duly constituted committees thereof.

III. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

IV. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization or corporation having a direct interest in legislation before the Congress.

V. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity from any person, organization, or corporation in excess of the usual and customary value for such service.

VI. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

VII. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial or other fundraising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

VIII. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

The great majority of the Members of both Houses of the Congress are honorable and exercise care and prudence in the conduct of their personal affairs, and their conduct is beyond question or reproach. However, as in any organization, there are always those—a small minority—who break the rules. In this connection the Senate has reprimanded one of its Members and the House has refused to seat a Member. This recommended code of ethics will serve as a standard for Members and will serve also to prevent the tearing down of the institution of Congress. When adopted, this code will add to the stature and prestige of our legislative branch of Government.

U.S. TEXTILE IMPORTS IN JULY 1968

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. McMILLAN. Mr. Speaker, under unanimous consent I insert in the Extensions of Remarks of the RECORD a statement concerning U.S. textiles imports during the month of July 1968. The jobs of thousands of good American citizens are being threatened by the great volume of textiles being shipped into this country from cheap labor countries at the present time. I do hope that the Congress of the United States will take definite action on this subject before we adjourn since it seems that the administration is not using its authority to control importation of textiles at the present time.

The statement follows:

U.S. TEXTILE IMPORTS IN JULY 1968

TOTAL

Imports of cotton, wool, and man-made fiber textiles during July 1968 hit an all-time high of 299 million equivalent square yards—an increase of 38.7% over July 1967, and a 2.7% increase over the previous high of 291.8 million SYE set in January 1968.

COTTON

Cotton textile imports during July were 135 million SYE—26.9% below the record high of 184.6 million SYE imported in September 1966, but 5% above the 128.8 million SYE imported in July 1967.

WOOL

Wool textile imports during July 1968 were 21.5 million SYE—an increase of 7% over the previous high of 20.1 million SYE set in October of 1965 and an increase of 46.3% over July 1967.

MAN-MADE

Man-made fiber textile imports during July 1968 were 142 million SYE—an increase of 19.2% over the previous high of 119.1 million SYE set in January 1968, and an increase of 96.9% over July 1967. July 1968 is the first month that man-made fiber textile imports exceeded cotton textile imports.

LEGISLATION TO REORGANIZE THE SELECTIVE SERVICE SYSTEM

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MATHIAS of Maryland. Mr. Speaker, I am today introducing a bill which reorganizes the Selective Service System.

This would bring employees of the Selective Service System under the classified civil service, a step which is long overdue both in the interest of sound personnel administration, uniformity of administration, and also in recognition of the dedicated and often overlooked services of the clerks and other employees of the thousands of selective service boards throughout the United States.

The manner in which the Selective Service System deals with its employees requires updating just as there is widespread recognition in almost every quarter in this Nation that the way in which men are selected for the Armed Forces has resulted in many serious inequities and should therefore be changed. My bill would accomplish both essential purposes.

Selective Service employees have long been in an anomalous situation. Although they are Federal employees, they have been denied many of the rights and benefits of Federal employees. I am not now indulging in criticism of any individual or group but simply stating the fact when I point out that these employees of a large and an important Federal agency have been largely the forgotten people of our Government.

I have learned with great interest and approbation of the pioneering work being done by the National Federation of Federal Employees to improve the pay and working conditions of these employees and to modernize personnel administration in the Selective Service System. Dr. Nathan T. Wolkomir was on unassailable ground when he pointed out that for more than 20 years these employees were bypassed in pay increases and other benefits and, of prime importance, found little response—except a "father knows best" response—when individually they sought redress. Only recently, as a result of vigorous efforts by the NFFE in which Selective Service officials are finally making a more constructive response, that union has been granted formal recognition under Executive Order 10988, and some steps have been taken to update the Service's pay structure.

However, Mr. Speaker, the "too little and too late" aspects of these actions serve to point up graphically the need for substantive law—for action by the Congress to bring these employees within the purview of the classified civil service.

In this connection, it is to be noted that the administration is on record in favor of such action. Testifying recently on a bill to accomplish this purpose, John W. Macy, Jr., Chairman of the U.S. Civil Service Commission, stated:

> It is the decided policy of the Government to pay clerical employees nationwide salary rates fixed on the basis of the level of duty and responsibility of their positions.
>
> We see no justification for continuing an exception which works to the disadvantage of a large number of local board clerks of the Selective Service System who are performing duties which are so important to the nation.

Mr. Speaker, as Dr. Wolkomir has pointed out in his extensive testimony and other studies of this vital issue, Selective Service personnel policies have been based "largely on a form of outmoded paternalism, wholly out of place in this day and time, and in the Government at any time. This has been operative instead of modern, progressive personnel policies and programs."

> There was, perhaps, some excuse for all this when the agency originally was established in the urgent haste of the World War II national emergency. But that emergency has long since passed. Selective Service no longer is a "temporary" agency—and has not been for more than two decades.

There is no excuse whatever for that sort of a situation in an agency which is permanent, is carrying on immensely important continuing functions, and gives little indication of passing from the national scene in the immediate future. Studies by the NFFE as well as official surveys have revealed the gross inequities to which Selective Service employees continue to be subjected. Even with some recent adjustments which we have been able to secure for these employees their pay still varies widely and inexplicitly and in virtually all cases it is below, often shockingly below, the pay for comparable positions elsewhere in the Federal service. As there is very general agreement in the country that the manner in which men are chosen for the Armed Forces has proved to be inequitable and urgently requires examination and revision in the light of experience, so there is authoritative agreement that personnel administration within the Selective Service System itself is in equally urgent need of modernization.

Mr. Speaker, there is ample evidence from this latter source, from extensive testimony already on the record before committees of the Congress, and otherwise, to prove the need for prompt and firm action by the Congress. The overwhelming weight of evidence points to the need to bring these employees under the classified civil service and to do so first and foremost as a step dictated by every tenet of efficient personnel administration. However well meaning, however fatherly or paternalistic selective service management may be, retention of the present haphazard, unfair, inequitable methods cannot be rationalized on any sound ground.

Since there is such a preponderance of opinion in support of bringing these employees under the classified civil service the issue now becomes not so much one of the merit of that proposition—which now is so generally acknowledged—but rather how it can be done most effectively and most appropriately.

I believe that my bill to improve the Selective Service System is linked in a very definite way with the policies which govern the administration of the personnel engaged in carrying out the basic function of the System. They are not separate issues but facets of the same highly important issue. For that reason, Mr. Speaker, I am introducing this bill. I believe that it is of such overriding national importance that it should have prompt consideration and favorable action by the Congress.

DRIVE TO UNIONIZE GRAPE-PICKERS THREATENING

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. UTT. Mr. Speaker, in the Washington Evening Star of September 24 there appeared a column by James J. Kilpatrick which set forth the true situation involving Cesar Chavez and his boycott against the handling of California grapes in order to coerce independent grapepickers to become members of his union.

In view of the fact that several Members of Congress are openly supporting the illegal boycott, I would suggest a wide reading of Mr. Kilpatrick's statement. The article follows:

DRIVE TO UNIONIZE GRAPEPICKERS THREATENING

(By James J. Kilpatrick)

The great grape boycott of 1968 has been in progress for more than four months now; it has involved the mayors of 20 major cities, among them Lindsay of New York and Cavanagh of Detroit; it has drawn statements from Richard Nixon on one side and from Hubert Humphrey on the other—but here in the preoccupied East, no one seems to have heard much about it.

This is a pity, for the issues in this labor dispute reach far beyond the fields of the San Joaquin Valley. If the AFL–CIO's United Farmworkers Organizing Committee succeeds in its ruthless power play for the grapepickers—and Humphrey has given the boycott his blessing—a fateful precedent will have been set for the unionization of farm workers generally.

In theory, this might be a good thing; but theory and reality run into head-on collision when they meet on the American farm. Unlike other producers in the private sector, the farmer is peculiarly dependent on factors beyond his control. Like St. Paul, he is in perils often—in peril of rain, in peril of hail, in peril of the market, in peril of drought, bugs, fungus, blight, in peril of hoof and mouth disease. Add to these perils the peril of a strike at the hour of harvest, and only the great corporate farms will survive.

With a handful of exceptions, the grape producers of California never would qualify as great corporate farms. Most of the producers are relatively small operators. Ironically, they constitute an ethnic minority in themselves, for many of the growers are first-generation immigrants who have applied European thrift and family labor to the development of their farms. They are the ones who are threatened with extinction in the UFWOC's campaign.

The union's object is not to organize farm workers through the ordinary techniques of recruitment. These techniques have failed. Of the estimated 8,000 California laborers who pick grapes (along with other fruit and vegetable crops), only two or three percent voluntarily have joined the union. Now the press-gang goal is to dragoon these workers into the AFL–CIO by compelling the growers to sign union shop contracts. The nationwide boycott called by the union against California table grapes is intended to whip the farmers into submission.

It is important to understand what the fight is not about. It has precious little to do with the migrant workers, though some of the knee-jerk supporters of the boycott may not comprehend this. Saturday Review magazine, for example, has been bleeding for "the migrant family that suffers most, living from hand to mouth in its shabby home away from home." The workers involved in the grape dispute are predominantly permanent residents of California.

Neither does the controversy revolve about wages or working conditions. Grapepickers receive a base of $1.50 an hour, plus 25 cents for each 36-pound "lug" they fill. An experienced picker may fill ten lugs an hour; even inexperienced teen-agers fill three or four an hour. During the peak of the harvest, workers are in the vineyards ten to 12 hours a day, six days week. Certainly, it is hard physical labor, but a family that wants to work may earn a couple of thousand dollars in the brief harvest season alone.

At bottom, the struggle is a pure power struggle. The stakes are enormous. In the whole of the nation's labor force, only two significant segments remain for unionization. One is composed of public employees, such as teachers, who are signing in droves; the other embraces farm workers. Millions of dollars in union dues and assessments are up for grabs.

The only organized opposition to Cesar Chavez and his AFL–CIO group is to be found in the Agricultural Workers Freedom to Work Association, led by 36-year-old Jose Mendoza. Unlike Chavez, who is a professional unioneer, Mendoza is a grapepicker. He knows enough to beware of false prophets who might destroy the vineyards altogether; and he knows, too, that the good grapes of personal freedom never can be gathered from the thorns of coerced unionization.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHERLE. Mr. Speaker, this is the 248th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

WHO'S FOOLING WHOM?

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BURKE of Florida. Mr. Speaker, I sincerely hope that the Czechoslovakian crisis will serve as a reminder to the administration and others of the true intent of communism in the area of world peace.

For too many years the State Department has held to the view that the Soviet Union has relaxed their desire to hold onto the Communist bloc nations. Our foreign policies have been geared to this understanding and we were told that America could develop working programs with the Soviet Union and that they would eventually become our allies.

The White House has gone to great lengths to expand East-West trade with the Soviet bloc and has prompted more cultural exchanges with the Russians, including the first transcontinental flight between New York and Moscow; and we have allowed our relations with our NATO allies to deteriorate.

More recently the administration signed a nonproliferation pact with Russia at a time when evidence indicates there now exists a missile gap in our country's missile arsenal, and that Russia may lead us soon in nuclear missile might.

We Americans desire peace in this world and peace with the Soviet Union and the other Communist nations, if this is possible. But can we, in good conscience hope for peace when there remains so much doubt as to whether or not the Communists can really be trusted.

Personally, I feel that the Communists can no more be trusted today than when Stalin literally stole the Eastern European countries following World War II and placed them under his Soviet dictatorship.

Let us look at events as they appear, not those of the 1940's and 1950's, but of recent months to see if Russia has been trustworthy and merits our friendship. There is plenty of evidence to indicate the Soviets talked of peace but not really wanted peace.

The Soviet Communists have always aided the North Vietnamese regime of Ho Chi Minh in their battle to take over South Vietnam. Without the billions in aid and encouragement poured into Hanoi by Russia, this tragic war would have been over long ago.

When the *Pueblo* was hijacked by the Communist satellite, North Korea, last January, the administration made no attempt to obtain immediate recovery of the ship. Instead, President Johnson and his State Department pleaded with Russia to have North Korea release the ship and its crew.

Of course, the Russians immediately rebuffed such a proposal and flatly stated that the job to retrieve the ship was ours and not theirs. We are still negotiating for the release of the ship and its crew.

Following the 1967 Middle East war, it was the Soviet Union which chanted the loudest for peace, but which at the same time rearmed the hostile Arab nations immediately after the Arabs were soundly defeated.

While the administration has refused to sell Phantom jet fighters to Israel with the hope that the Middle East can be calmed, the Soviets have not only rebuilt the Arab armies with more modern, sophisticated weapons and equipment, but they have also supplied Soviet military experts for the purpose of training the Arabs to help them to prepare for future wars.

We do not have to look thousands of miles away to find the Soviet version of peace. Ninety miles off our Florida shoreline in Cuba is a good example as reports have been issued continuously in recent months that the Castro-controlled government in Cuba is training subversives and revolutionaries including students from the United States in the art of rebellion.

There is proof of a definite link between Castro and some of the black militant groups in this country, but unfortunately the administration has not taken a firm stand about it. We have ignored Cuba—the cobra of the Caribbean—and instead have played up to Russia even though the Soviets are pumping billions into the Cuban economy and have sent thousands of Soviet experts over the island to groom the Cubans for future subversion of the Western Hemisphere.

A more recent example of his revolutionary activity is the machinegun killing of the American Ambassador to Guatemala.

It appears that the Soviet Union may have fooled some of those in the State Department, but it is hoped that the eyes of our experts on foreign affairs were opened wide by the events in Czechoslovakia.

I hope that the voices of those of us who have been wary of East-West trade relations and closer alliances with Russia will now be heeded and our foreign policy reviewed.

The Communists only respect strength, and until we can realize the need for us to achieve the power we once held, we will never be able to talk peace with Russia and mean it.

Khrushchev said, "Your grandchildren will live under communism." Let us stop kidding ourselves. Khrushchev was not kidding.

WRITER POINTS OUT TWO ERRORS IN GREAT SEAL OF THE UNITED STATES

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BARING. Mr. Speaker, William E. Sweikert, Jr., a building inspector for the city of Las Vegas and a well-known philosopher of etymology, has written an article in which he points out there are two glaring errors in the structure of the Seal of the United States, on the reverse side, that throws the entire meaning of the symbol of context with its original conception and creation.

I commend my colleagues to read the following article by Mr. Sweikert.

THE GREAT SEAL OF THE UNITED STATES: ITS SIGNIFICANCE AND INTERPRETATION

It is obvious, to the student of the ancient gnostic wisdom teachings, that much of the chaos our country is experiencing is basically caused by a complete deviation from the original concepts that our Forefathers attempted to establish when they conceived this form of Government in its original structure, function and order. It is important to understand and realize that for the first time in the history of the world a Government was formed and based upon the dignity of man.

It should be further recognized, and is obvious to me, that many who have written articles on the history and meaning of our countrys symbology do not present any indication of being knowledgeable of the ancient wisdom teachings from which the symbology originated. They each comment on the religious implications that appear in the symbology on the exoteric level and completely ignore the significance of the factor that necessitates the "Separation of Church and State". Why, if our symbol contains so much religious essence, should there be a separation? The apparent reason was—that it was necessary—due to man's lack of conscious awareness of reality and his lack of understanding in properly and accurately interpreting the symbols.

The Great Seal of the United States contains symbology borrowed from the ancient gnostic teachings established by carbon dating as existing many centuries B.C. and the same source of our present "Christianity" and other religions. However with the exception of a limited few the problem of interpretation was as apparent then as it is today.

There are two glaring errors in the structure of the seal, on the reverse side, that throw the entire meaning of the symbol out of context with its original conception and creation. It is also significant to note that the reverse side of the seal is profusely endowed with religious symbology, and is not made available to the general public by the Government Bureau of Engraving and Printing. Only the Obverse side is listed (Item #400) on form 9326.

To set the foundation for these errors, one must understand that the two most prominent writers, on this subject, in the past, are in contradiction with each other. Concerning this contradiction in general, there is one factor where all agree—that is—the Continental Congress resolved, that Benjamin Franklin, John Adams and Thomas Jefferson, three of the fine men responsible for establishing the structure, function and order of this form of Government were to design a symbol depicting this particular form of the structure, function and order.

The conceptions behind the pattern of this Government in its original structure are exoterically expounded in lectures, dramatized in rituals and summarized in the symbols of one of the largest fraternal organizations on this continent, while they are more fully understood in the parent fraternity in England.

The first referred to error appears in the triangle or cap stone over the pyramid. It is worthy of note that the triangle is one of the two oldest symbols known to our historians and dating back some 70,000 years. In its original adoption by Adams, Franklin and Jefferson, who were reported to be students of the gnosis and creators of our original form of Government, the triangle was drawn as an equilateral triangle. Those revising the structural characteristics of the Seal, over the years, were apparently unaware of the significance of the original structure and changed it to an isosceles triangle which throws its meaning completely out of context. The structural characteristics of the triangle are obviously different in some government publications from the one appearing on plate XXII of the Bureau of Engraving and Printing. Printed matter by Mr. Maverick contains an artist conception that again differs from the so called original, while the writings of Case contains an additional difference that does not appear in other writers interpretations. These factors substantiate a lack of knowledge and understanding of the importance of the original structure of the pyramid and cap stone symbol.

The triangle should be equilateral. It is one of the most common symbols in all world religions and found adorning the Renaissance churches in Europe. It can also be found in the center of King Solomons Temple, as it is a representation of the triad. The triad is the representation of the Father, Mother, Son principle, the symbol of the basic element of all things that exists, the atom. It is the symbol of balance—the positive and negative and its manifestation in balance which is the principle of our legistative and administrative branches of government held in balance by the judicial. These three factors in balance are basicly the underlying natural order laws of the creating process which is a rythmic balance interchange in all transactions of nature. It is the principle upon which the continuity of the Universe depends and likewise is the one principle upon which the continuity of man's transactions, his health, happiness and very existance depends. Balance is the principle of unity, of oneness. In it is the stability which lies on the factor of cause. Balance is the foundation of the Universe, our Government, and all that is, has ever been, or ever will be. To deviate from the equilateral triangle in our symbol is inconceivable to any student of the gnostic teachings and yet apparently is unrecognized by any of the writers here-to-for, or the administrators of our Government.

The second error appears in the structure of the eye in the triangle. It is referred to by all previous writers as the "Eye of Providence". The "Eye of Providence" is also referred to as the "Third Eye", or in the eastern philosophies as the "Center Eye". Plotinus said that the eye would not be able to see the sun if, in a manner, it were not itself a sun. The sun is the source of light and that light is symbolic of the intelligence and of the spirit; then the process of seeing represents a spiritual act and symbolizes understanding. Hence the third eye also referred to as the divine eye of the Egyptians is one of three eyes in Egyptian hieroglyphics. The possession of two eyes conveys physical normality and its spiritual equivalent and it follows that the third eye is symbolic of the superhuman or the divine. The eye which appears on the dollar bill under magnification appears to be the proper representation of the "Eye of Providence," however the eye that appears on plate XXII of the Bureau of Engraving and Printing is obviously the eye of Osiris. Anyone can observe the globular structure of the tear duct designating it as a left eye. To reiterate the Egyptians had three different eyes in their symbology, two of which appear frequently, one reserved with discretion, but found in Hermetic teachings. The two found frequently were the left eye representing the Moon God, Osiris and the right eye representing the Sun God, Ra. One does not have to be a student of the gnostic teachings to open any book on Egyptian symbology and compare plate XXII with the eye symbols, to recognize that the eye in the triangle is a duplication in structure of the Moon God symbol and most any student can recognize that it is completely out of context with the intended symbolical meaning.

The entire original symbol, on the esoteric level, represents the destiny of man, the path of his development to the highest level or state of consciousness that one can achieve in his man state. Man in this state influences and subsidizes all within his sphere of influence. The word subsidizes is nothing more than a synonym for charity, or helping ones brother, which is an inherent or innate quality of the most intelligent or more highly evolved man state. The symbology, when applying to our government structure represents the individual state instead of the individual man. Each state was to develop as a self functioning entity within the government structure and subsidize the government itself.

It appears that there has been a complete deviation from this original concept. There has taken place a reversal of the principle symbolized by the great seal. Our government administration is instead preforming the subsidation.

Not enough of our legislators have here-to-fore given credence or put forth effort to understand the true meaning of the symbology and have granted no authority for any further description or explanation. It is questionable whether or not there is any authority within the Government Administration, qualified to evaluate any rendered interpretation. Likewise, any esoteric interpretation would be open to attack by many on an emotional basis for which there could be no qualification or referent.

Another irregularity in transposing the structural characteristics of our symbol is noted in the lines eminating from the triangle. Plate XXII of the Government Bureau of Engraving and Printing shows the triangle being formulated by the individual lines representing force, while the representation on the dollar bill more closely simulates its true structure. In this presentation the triangle consists of definite lines in a field of brightness disseminating from the source. It is evident that as each person adds to and changes the structure of our great seal he set the foundation for misinterpretation, and since it is religious in essence this substantiates the necessity of separation of church and state.

To deny that each structural characteristic of the Great Seal of the United States is meaningful and significant is to deny the directive from the Continental Congress and to ignore this factor is to profess a lack of understanding of its original intent. To make no attempt to understanding and practice the concepts contained therein is the greatest crime that could possibly be perpetrated against our society, our government and religious heritage.

ANOTHER BUDGETARY GIMMICK

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. CURTIS. Mr. Speaker, the September 16, 1968, issue of the St. Louis Globe-Democrat has a revealing editorial showing how the administration is not living up to the congressional mandate for spending cutbacks.

The administration has just announced that Federal highway spending will be cut $200 million during the current fiscal year in partial compliance with the Revenue and Expenditure Control Act of 1968 which requires $6 billion in expenditure reductions during fiscal year 1969. However, the $200 million is not actually being cut but only deferred until fiscal year 1970 which begins July 1, 1969.

Moreover, this supposed reduction comes from a Federal trust fund, not from programs financed by general tax revenues which Congress clearly intended should be the programs to be cut.

This editorial follows closely upon an article in the New York Times of September 12, 1968, showing how similar budgetary gimmicks are being used by other agencies of the Federal Government to avoid making any real expenditure reductions—see CONGRESSIONAL RECORD, September 17, 1968, 27261–27262.

Such relevations explain why the Joint Committee on Reduction of Federal Expenditures now estimates net total budgeted outlays for fiscal year 1969 to be $191 billion—see CONGRESSIONAL RECORD, September 18, 1968, 27313.

Thus, instead of a $6 billion expenditure reduction from $186.1 billion to $180.1 billion for fiscal year 1969 as mandated by the Congress, we now have an estimated increase of $5 billion.

What further evidence is needed to show that this administration is unable and unwilling to undertake the responsible fiscal action necessary to restore a healthy U.S. economy and to eliminate ever-increasing inflation?

The editorial follows:

BUDGETARY SLEIGHT OF HAND

If the head of a household declares he is going to "save" money merely by postponing rather than foregoing the purchase of a particular item he is cheating on the family budget. This is clear and simple.

Not so by Washington standards, where little is clear and nothing is simple. Such a manipulation of the books is called "economy."

A recent example of the government's budgetary sleight of hand act is the announcement that federal highway spending will be cut $200 million during the current fiscal year.

The action is presented as part of the Administration's response to the congressional demand that federal expenditures be reduced by $6 billion this fiscal year.

To achieve this "reduction"—minimal as it is—state proposals for new federal-aid highway projects will be deferred until about Dec. 1. After then plans will be accepted for new projects at a rate that will allow the states to commit, by the time the fiscal year ends next June 30, most of the money held back by the deferral.

This is an example of federalia's "new economics" at work. The Administration may claim it's abiding by the letter of the congressional order for cutbacks in spending. It's certainly not living up to the intent.

When Congress approved President Johnson's request for a 10 per cent income tax surcharge, it was with the unmistakable understanding that the Administration would respond by slashing the federal budget.

This clearly meant cutting back executive branch programs which thrive on general revenue, not highway projects that are administered through a trust fund endowed with earmarked receipts—money which by law cannot be spent for any other purpose and which was never intended to be used as a pea in the Administration's shell game of economy.

The Administration refuses to call a spade a spade. Instead of making a sincere effort to reduce the obese federal budget, it practices bookkeeping chicanery, attempting to juggle rather than balance spending.

It is ludicrous to try to fit the word "economy" into such a performance.

A NATION IN CRISIS—SERMON BY REV. H. LIVELY BROWN

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. TOWER. Mr. President, there came to my attention recently a sermon given on August 25, 1968, by the Reverend H. Lively Brown, of the First Methodist Church, Corsicana, Tex. In this sermon, the Reverend Mr. Brown comments on the areas of crisis in the Nation today. I have found the sermon to be most enlightening and wish to share it with Senators and other interested persons. I, therefore, ask unanimous consent that the sermon be printed in the Extensions of Remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

A NATION IN CRISIS

(Sermon by H. Lively Brown, First United Methodist Church, Corsicana, Tex., Aug. 25, 1968)

I am departing from my original topic this morning to share with you some thoughts which have been upon my mind for several months. These have reached their culmination with the invasion of Czechoslovakia this past week. It requires no great deal of intelligence to see that something is terribly amiss in our land. In ten years illegitimacy has increased 100%, along with the greater knowledge and accessibility of contraceptives. Abortions are estimated to exceed 100 thousand a year. Pornography has become a 200 billion dollar business which has multiplied four times in two years. Every kind of obscenity is commonplace. Moving picture shows are more frank and bold than ever we had dreamed, leaving very little to the imagination. The television shows which come into our homes are filled with profanity and are replete with suggestive plots. There is little wonder that so many homes are breaking up and marriage is no longer considered sacred. That which God intended to be beautiful and sacred has become cheapened and vulgar by our society.

Crime is at an all time high. The crime rate is increasing five times faster than the population increase. Our crime bill is more than 20 billion dollars a year. For every dollar we spend on churches we spend $12,000 on crime. Combine all the money given to religion, education, medicine and automobiles and the sum total would be less than that given to gamblers in America.

Juvenile delinquency is increasing seven times as fast as the population increase. Sloth and laziness have become virtuous while industry, conservation and patriotism have become vices and sins. The juveniles with long dirty hair, bare feet, filthy clothes, and a vocabulary consisting of four letter words which are as filthy and dirty as they, are looked upon as respectable. They habitat, love strangers, give away flowers, but do not love parents.

The Constitution of our nation has become a shield for degeneracy, and a protection for evil doers. We use it to protect the criminal, to release the insane to walk the streets, and fall upon it as the grounds for insurrection and violence. We eliminate the death penalty for all but Presidents and Presidential candidates. We permit the burning of the flag . . . then of Detroit . . . Washington, D.C., and the threat of burning the nation down is the cry that follows. Our national conventions to nominate presidential candidates are as armed camps. Our Administration yields to threats, orders policemen to permit stealing and looting, burning and crime . . . for fear of making someone or some group angry. The yielding to this sort of "black mail" as yielding to all blackmail, is at best futile.

The Supreme Court rules in favor of criminals, rather than ruling to protect society. It rules in favor of the Communists of our land, refusing to order them to register as communists, allowing freedoms which they do not deserve, and protecting them with rights which they seek to destroy. To argue for such is like a baby chicken arguing for the rights of a hawk to consume it . . . Like a canary bird arguing for the rights of a cat to enter the cage . . . like a lamb arguing for the rights of a lion to enter into the sheepfold.

This is, all too briefly, the picture of our society today.

THE RESPONSIBILITY

There is political responsibility to be assessed. No person, even slightly informed, can be ignorant of the Communists plan to dominate and rule the world. And yet, some of our political leaders because of some idealistic dream which they hold refuse to believe this and feel if we continue to give and give surely the Communists will change their way of thinking. We need to remember the words of that great American, Dwight D. Eisenhower, who stated only a few days before his last series of heart attacks that the Communists have not deviated from their dream of ruling the world. The Communists have told the world, they have told us, they have written it out for us, and they have repeated it again and again. Recall the words of Nikita Khrushchev:

"We, the world's Communist leaders, have set our watches so that our mighty armies will keep in step and march confidently toward world domination . . . Nuclear war should be prevented but there will be liberation wars as long as imperialism exists, as long as colonialism exists. What should be our attitude in regard to such uprisings? It should be most favorable . . . These uprisings are directed against decayed reactionary regimes, against the colonialists. Communists support such just wars fully and without reservation and march in the van of the people fighting for liberation . . . We must work for peaceful coexistence which is a form of intense economic, political and ideological struggle between the proletariat and the aggressive forces of imperialism . . . Eventually even the most inveterate skeptics will make their choice in favor of socialism."

A change of leadership in the Kremlin has not led to a change in their philosophy of government irregardless of what some idealists would have you believe.

Political figures in our nation have yielded to pressures from groups which have been infiltrated with communism. Our national leadership has not stood strong on the great and vital issues of our day and upon the foundation stones which constitutes the basis for our being. The Federal Government has not only permitted the violation of civil law, but has encouraged it and has protected the ones who break civil laws. When one is encouraged to break some laws, and is protected as he breaks others, the natural sequence of events is to break any and all laws which he may choose to break. The ultimate "right" is that of taking another man's life . . . and why not . . . all things "are relative . . . there are no absolutes . . ."

There has been an irresponsible press. By the press, included is all news media. No one facet of American life can soar to such sublime heights and plunge to such degrading depths. The press of our land does an injustice to America and to the world by the constant parading of the unusual, the vile, the ugly, as if it were commonplace. The distortion of truth, by exaggeration of a small event, gives an impression that this were the normal course of everyday life.

I know that many of our national publications claim they do not make the news, that they are unbiased. But when articles appear as reporting which heap contempt upon individuals with different political philosophies, when photographs are chosen with care to illuminate candidates with whom they agree and to degrade individuals with whom they disagree, what other word can you use except biased?

After the untimely and tragic death of President John F. Kennedy, the press had much to say about the "climate" of Dallas that killed the President, the "climate" of the South, the "climate" of the rich "capitalists" in Dallas, the "climate" of the conservatives . . . etc. To be perfectly honest, no one knows who killed President Kennedy. We did not all kill him . . . nor did any of these "climate factors." It has been most interesting to note that after the death of the Senator, no one has written about the "climate" of Los Angeles or California, or the West Coast. This is a perfect illustration of the news media manifesting bias toward the south and the southwest. This has been a major contributing factor to the racial unrest in our nation.

It is strange that those furtherest from the racial problems seem to be the most authoritative about them. The large northern cities have had more racial troubles than all the south combined. Let the northern press solve their problems then seek to solve those of the south.

Professors in our colleges and universities must assume a certain responsibility for much of the unrest of our land. This does not, of course, refer to all professors, nor to all institutions. I had the privilege of being minister of a university church for several years and I have many good friends among the faculty. I know the things for which they stand and the things in which they believe which includes the American philosophy of life. But one would have to be blind and deaf to be unaware of the strong vein of socialism flowing through many of our institutions of higher learning. The matter of "academic freedom" has come to be understood as license for revolt and the privilege of insurrection. These socialist teachers, who have never done anything to earn a dollar but have spent all of their time in school and in the classroom, seem to know all the problems and have all the answers before them wrapped up in a socialistic package. They feel free to march on the government, and to lead students to violence. It has become the accepted intellectualism of our day to be anti-American, and anti-capitalist. The very system they seek to destroy has built the university where they attended and pays their salary where they teach. I would have to agree with Waggoner Carr, former Attorney General of the State of Texas, these individuals who advocate the overthrow of our government should be dismissed.

Preachers must assume responsibility for the kind of nation we have. Too many men of God have become men "of the mob." Preachers have left their calling to proclaim the "Good News" that Faith in Christ changes the heart of a man, and have begun to march on the mayor's office, and on the nation's capitol to lead the mob to "get something for nothing." There is not the slightest hint in all the Bible, that the work of the man of God is to lead people to rebel against the government, nor to seek "handouts" from those who work to be given to those unwilling to work. Paul writes: "If any man will not work, neither should he eat." (2 Thess. 3:10) The Bible teaches "Thou shalt not steal . . ." "Thou shalt not covet . . ." Preachers will do well to preach the "Good News" to lost men, that to know Christ makes a man NEW. And that this will be evidenced in his relationship with other individuals.

Parents must assume responsibility. There are notable and classic exceptions, but all too often we have been guilty of raising an "unspanked and un-disciplined" generation. We have tried to give our children more than we had. They have accepted it . . . now they want someone else to keep on "giving them more and more for less and less." An undisciplined child at home will be undisciplined at church, at school, and in society. Discipline is an essential part of civilization. The "unspanked" generation is now "spanking" society. Parents who have thought only of self, and have turned their children "out on the world" are reaping the results of "wild oats scattered." Come here any Sunday evening and see the parents who are missing and you see the youth who are also absent. And yet it is in the worship of God that this nation came into being.

The populace must accept responsibility for things as they are. There has been injustice, irresponsibility, and indifference. There has been a desire for non-involvement and escapism. While responsible people refuse to involve themselves, the irresponsible minority moves ahead with all enthusiasm and diligence, and one day the lethargic populace awakens to find that while they slept, the freedoms for which they worked and in which they believed, had been taken away. General Lewis Hershey in speaking to us at the Reserve Officers Association in Miami, Florida said there is the great mass of people in America today who are asleep and I wonder what will happen when they finally awake.

Personal guilt must be assessed and responsibility for individual crimes placed upon the guilty person. Our day of "psychological testing and psychiatric examinations" so often declares that anyone who commits a crime really isn't guilty, they are just "sick." The crime is the product of society and the poor culprit who killed someone else, really is a good fellow, he just didn't get a fair deal from his environment. So our sentimental courts will release the guilty with no thought of sympathy for the family of the one against whom crime has been committed. Personal guilt is a fact. It is a Biblical fact, a legal fact, and a very important fact. Apart from this recognition there can be no safety for anyone in any society. Individuals who commit crimes are guilty, and must be punished. Society must be protected from such ones.

WHAT ARE THE POSSIBILITIES?

The United States of America may become a socialist State. There is more and more Federal control in all of the business life of our nation. There is hardly a business which does not have to comply with federal requirements for various causes which range from employment of certain minority groups, whether qualified or not, to maintain a separate set of books, for the government, at the expense of the business. There are more and more employees of our government, which grows larger and larger each year. There is more and more of a "give-away" program fostered by our federal government.

Have you heard the story about the wild hogs in the Ozark mountains? No one could catch any of this herd of hogs. The wild animals evaded dogs, hunters, and trappers. Finally a trapper came through the village and remarked that he would capture the hogs. Three weeks later the hogs were safely enclosed in a strong fence. When asked how he did the impossible, he replied: "I scattered a little corn . . . and they ate it. I scattered more corn, and they ate that. Finally, I put out enough corn to lead them into a trap . . . If I can get any animal to eat my corn, I can trap him . . ." While we aren't animals, we can become snarled in the trap of dependency upon federal "hand-outs" until our freedoms are gone and we have become a socialistic state.

There is the possibility of internal collapse. If any individual makes a salary of $300 a month, and he pays $100 a month house payment, $100 a month car payment, and uses $100 a month for groceries, he has used up all his salary. He needs a boat, a television set, new clothes, new furniture, expense for operating the car and boat, money for medical, insurance, and other items all of which amounts to an additional $200 a month. Each month he borrows the extra $200. When the note comes due, he borrows the interest and re-finances. By simple arithmetic one is confronted with the eventuality of bankruptcy. The economy of our nation is in much the same condition. Our national debt continues to rise. If there is no curb to extravagance, and an effort made to balance our budget, there will inevitably be an internal collapse.

There is the possibility of anarchy. Mobarchy leads to anarchy. How many lives could be lost, and across what lines the issues would be drawn, is speculation. The racial unrest in our nation will not continue with burnings, lootings, riots and killings without eventual retaliation . . . and where will it all end?

Can these things happen to our nation? Take a walk through the cemetery of dead nations: Go to Egypt and visit the dusty tombs of the pharaohs in the pyramids . . . Babylon . . . with more than two million men working for years to build her walls and her city, is found only in history books and by the archaeologist. The Persian empire in all her glory and beauty . . . gone forever . . . Nineveh, with her towers and bastions . . . long since fallen and dust covered . . . Cathage . . . 100 years before Rome, the great commercial metropolis on the bay of Tunis, a part of the civilization that gave the alphabet to the Greeks, and language to the Hebrews, Where Now? Her arms were the terror of nations. She controlled 16,000 miles of coatline. Her Hamilcar led 300,000 troops. It is hardly worth a visit to see her dust. Corinth . . . situated on the isthmus of the Peleponnesian peninsula, once the seat of luxury, art, commerce and trade . . . now is but a few stones for the tourists to see. Ephesus . . . once the metropolis of Asia, the Paris of her day, with buildings larger than our nation's capital, with the Temple to Diana, with her amphitheater . . . now gone forever . . . The Alhambra, the palace of Mohammedan kings and Granada . . . all gone . . . Herculaneum and Pompeii . . . long since gone . . . with bits of the civilization sold for relics. Thebes . . . for over a thousand years among the largest and wealthiest cities of the world, now a mass of decay and ruin. Greece . . . under Alexander ruled the known world . . . long since has faded into obscurity. Rome . . . ruled the known world for many, many years . . . and is no more . . . The Spanish Armada and the glory of Spain are but history. France with her Napoleon . . . gives a picture of culture and people who are no more . . . Britain . . . once roared as a mighty lion . . . now is little more than an impotent whisper . . . A walk through the cemetery speaks to us that our nation, too, can pass away. One of the gravest dangers of all is to assume that such is impossible.

Our only hope is re-discovery . . . of the God who brought us thus far and the principles upon which our nation was established.

What can be done?

We need to relearn the meaning of Certain terms.

"Freedom:" Not only our freedom but freedom in relation to other people.

"Rights:" We have rights it is true, but they end when they conflict with the rights of others. We are part of a society.

"Responsibility:" A strange new word it seems this is. And

"Character:" Without which this nation will soon cease to exist.

Secondly, there is a great need for political involvement on the part of all responsible people. Citizens need to vote. Responsible men need to vote for men and issues . . . rather than a party. They need to listen to what a man has to say, not the appearance he makes on a television screen. Or else they only discover they have sold themselves and the things in which they believe for naught. The average citizen needs to keep in touch with his representative, expressing himself on vital issues. Letters are important. I have written more letters these past two years to people in authority than ever before and have had the satisfaction of seeing some of the things I have cherished come to pass.

Third, there has never been a great nation without Patriotism. There has not been a time in the history of our nation when patriotism was at such a low ebb. Begin at the top or the bottom of the political spectrum, but begin! Emphasize patriotism in the home, in the schools, and in every walk of life. Let us not permit the burning of the flag, the anti-American speeches from public rostrums, and the teaching of revolution in our schools.

"THE FLAG GOES BY

"(By Henry Bennett)

"Hats off!
Along the street there comes
The blare of bugles, the ruffle of drums,
A flash of color beneath the sky:
Hats off! Our flag is passing by!

"Blue and crimson, and white it shines,
Over the steel-tipped ordered lines,
Hats off! The colors before us fly,
But more than the flag is passing by.

"Sea fights, and land fights, grim and great.
Fought to make and save the State:
Weary marches, and sinking ships;
Cheers of victory, on dying lips!

"Days of plenty and years of peace,
March of a strong land's swift increase:
Equal justice, right and law;
Stately honor and revered awe.

"Sign of a nation, great and strong
Toward her people from foreign wrong:
Pride, and glory, and honor . . . all
Live in the colors to stand or fall.

"Hats off!
Along the street there comes,
A blare of bugles, a ruffle of drums,
And loyal hearts are beating high:
Hats off! Our flag is passing by!"

Fourth, let parents be the kind of parents who build good homes and good citizens. Let honesty and integrity prevail in the home and be taught to the children. One of the greatest things a parent can do is to furnish society with fine children who will serve as good citizens.

Finally, the Gospel of Christ is not dependent upon America, but . . . America is dependent upon the Gospel of Christ. This nation was conceived in evangelical favor. She has come forth from many dark hours by the power of God's hand and the revival of God's people.

When the citizens of this land attend church, live consecrated lives, seek to be the kind of Christians of which the New Testament speaks, they are at the same time helping create a Country strong and great.

This is a critical hour . . . and our only way out . . . is up . . .

The Reverend H. Lively Brown received his Bachelor of Arts Degree from Daniel Baker College in Brownwood, Texas with a major in History and Government. His Bachelor of Divinity Degree was received from Perkins School of Theology, Southern Methodist University. He has completed the classroom work for a Master of Theology degree at Texas Christian University.

The Reverend Mr. Brown has served for 20 years as a minister of Methodist churches and is at present in his second year as senior minister of the 1400 member First United Methodist Church of Corsicana, Texas.

He is a Marine veteran of World War II and has held a commission as an Air Force Reserve Chaplain for the past ten years. This last year he was the National Chaplain of the Reserve Officers Association and gave the dedicatory prayer at the unveiling of the Minuteman monument at No. 1 Constitution Avenue in Washington, D.C. on February 22, 1968. A documentary motion picture was made of the Citizen-soldier for television and his prayer was used at the climax of the film. It is as follows:

"In this perilous day when strong men lose their courage and the weakhearted are willing to give up in despair, remind us that the minutemen of old overcame odds that appeared insurmountable while we in futility so often are willing to abandon principles for which others have bled and died.

"In the dedication of this building we consecrate ourselves anew to the sacrifice which are necessary to keep men free. In thy name we pray. Amen."

NEWSLETTER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. LONG of Maryland. Mr. Speaker, in my latest newsletter, I urged my constituents to register so that they will be able to vote in the November election, and I listed for them places and times of registration. I should like to insert the newsletter in the Record at this time:

Register To Vote for President and Congressmen

On November 5, your fellow Americans will go to the polls to elect a President and members of Congress. Will you be one of the voters? Not unless you are registered. If you have not registered, you may still do so until 4 p.m., October 7. Do it now! Your vote has never been more important. Here's when and where:

Baltimore County.—County Office Building, Towson—Monday through Friday, 9 a.m. to 4 p.m.

Police Headquarters, Kenilworth Drive near York Road and Bosley Avenue, Towson—Monday and Wednesday through Friday, 9 a.m.–4 p.m.; Tuesday, 9 a.m.–8 p.m.: Saturday, 9 a.m. to noon.

Harford County.—County Office Building, 18 Office Street, Bel Air—Monday to Wednesday and on Friday, 9 a.m. to 4 p.m.; Thursday, 1 p.m. to 8 p.m.

ANOTHER HARFORD FIRST

The new $4 million accelerator at Edgewood Arsenal was just dedicated by your Congressman. Another nuclear first for Harford County.

HOME THE GUARDSMEN

Three hundred National Guardsmen, formerly at Middle River and now in New Mexico, may be released up to six months early. The Air Force is considering it.

IS THIS TOLL NECESSARY

Transportation Secretary Boyd promises an early decision on my request for a Federal investigation of the recent ten-cent toll hike on the Susquehanna River Bridge. *You* can help get this toll increase revoked by petitioning Secretary Boyd through your Congressman.

WATER AND SEWERAGE

Hyde Park, Relay-St. Denis, Chesaco Park, Parkville and Halethorpe Terrace need sewers; Pikesville, Perry Hall and Towson need improved water service. Your Congressman has requested swift action on a $1.5 million Federal grant.

OFFICE ON WHEELS ROLLING

A Towson man, quizzed by a CIA agent, asks me to find out whether the agent is the real McCoy . . . Tenants of an Aberdeen apartment house complain that mailmen leave letters with a semi-literate janitor . . . Back River resident reports old tires and other debris littering the shore . . . A Havre de Grace woman wants more University of Maryland extension courses. Bring *your* problems to my Office on Wheels:

September 28—Joppatowne Plaza, 10 a.m. Parkville Post Office, 11 a.m.

October 5——Dulaney Valley Shopping Center, 10 a.m. Stoneleigh Shopping Center, 11 a.m.

FREE TO YOU

The United States Constitution; Doing Business with the Federal Government; Infant Care—while my supply lasts.

COMMENCEMENT ADDRESS BY THEODORE READE NATHAN

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. JAVITS. Mr. President, I commend to the attention of my colleagues the commencement address by Theodore Reade Nathan, director of the Lincoln Square Academy in New York City.

It is heartening to learn that an educational institution such as Lincoln Square Academy says to its graduates:

> At Lincoln Square Academy, we strive to cultivate mature, sensitive, informed and creative young intellects. We refuse to settle for slipshod instruction and capsulized snap courses. We will not add our quota to a generation of swaggering, empty-headed, long-haired or short-skirted young cynics. The streets are too full of them already.

I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Commencement Address Delivered by Theodore Reade Nathan, Director, Lincoln Square Academy

Honored Guests, and all of you who have brought your hearts to bid our graduates Godspeed, the most moving of all events on the calendar of our school year is this annual convocation to say "Hall"—and never "Farewell"—to our graduating classes.

Those of you who have served as captive audience to my random remarks for almost four years, can now settle back comfortably—or perhaps uncomfortably—confident I will reprise the birth of our school, its growth and widening influence.

You also expect—somewhere along the way—a reminiscence worth at least the smile of recognition.

And here it is—I recall some terrifying moments in a jet above the Azores when the voice of the pilot came over the loudspeaker: "Will the passengers please fasten their seat belts. I have two items of important information—one good and one bad. I will tell you the bad one first. We have strayed off course. We may land suddenly and we don't know where. And now for the good news. We are well ahead of schedule."

As one of the navigators—and there are many—who are guiding Lincoln Square Academy, let me assure you that we are right on course. We know our destination and are way ahead of schedule.

We are making scholastic history—expanding again this year into added space to take care of a large and healthy waiting list attracted by our small classes—by our ratio of a teacher for every seven students, and by our constantly enriched curriculum with its emphasis on the arts and humanities.

The humanities have been taking a bit of a beating lately. Recent events persuade me to bring you a message of some substance on this subject, one that you may find more vital than diverting.

A few days ago, I showed Mrs. Paine, the President of our Board of Trustees, a brief bit of verse I had written. She asked that I read the lines to you. They may be appropriate now:

"In a world that may vanish by bomb or by rocket
Where man measures man by the size of his pocket
Where peace is the subject of much conversation
As nation continues to war against nation,
Where everyone challenges everyone's border
Outraging the law and abandoning order . . .
Let us pause to reflect in this most solemn season
That all we have gained has not given us reason,
That all we have learned has not taught us to love—
That, perhaps, it amuses the being above
As he sits there alone in his own silent night,
Brushing aside someone's new satellite—
Pondering whether, considering us,
The task of Creation was worth all the fuss."

Some of the recent deep and tragic scars on the soul of our people cannot be healed by any remedy but time—perhaps not even by time. Demented forces, creating unimaginable violence and chaos, seem to stalk our land.

I am not certain that these evils can be cured by more severe gun laws alone, or poverty marches or by pulling down slums and putting up public housing that few can afford. I am not confident that crime is as much the result of underprivilege as it is of underpunishment.

We must teach the difference between right and wrong to the growing child—in the classroom. It is too late to teach it to the grown man in the courtroom.

Young people in our land are blessed with far more luxury and leisure than in other parts of the world where drudgery, regimentation and routine are the rule. Yet our tender loving care, permissiveness, progressive education and sentimentality seem to breed bands of hoodlums with a built-in sneer for their elders and a switchblade knife for society.

I am no protagonist of so-called "progressive education." I am afraid that—as a result of it—many of our children have shown too little progress and received too little education.

I am not convinced, either, that a school is improved if teaching is adjusted to the point where everybody passes. I am not impressed by report cards so politely worded that the student is unaware of his failure and the parent is unsure whether standards of scholarship, conduct and character are still important. Nor am I in sympathy with the educational philosophy that even the brightest student must move ahead at a snail's pace so that the slowest is not left behind.

Is it not a national disgrace that, in so many areas, an obsolete system produces tens of thousands in high school who cannot read anything above the level of a comic book or write anything more significant than obscenity on a lavatory wall?

Fortunately, at Lincoln Square Academy, we strive to cultivate mature, sensitive, informed and creative young intellects. We refuse to settle for slipshod instruction and capsulized snap courses. We will not add our quota to a generation of swaggering, empty-headed, long-haired or short-skirted young cynics. The streets are too full of them already.

The theatre, the cinema and contemporary literature, have embraced a new realism in which few, if any, subjects are barred. The facts of life no longer need be delicately explained at home. They are available for a few quarters in crude and shocking detail on the rack of any store that sells paperback books.

Children are still required to prove they have come of age in order to purchase a pack of cigarettes, but they can buy a piece of printed pornography long before they grow tall enough to reach it.

If we stand appalled at a nightmare of assassination, muggings, violence and perversion—we don't have to look far for the causes.

But why don't we do something about it?

What has happened to our conscience?

What has happened to our pride?

Where do we get the colossal nerve, the hypocrisy, to blame the children? Our generation is responsible for producing the movies, the TV shows, the literature and the license.

And the greatest horror of all is that there is no horror—at what we, ourselves, have done to them.

Perhaps, instead of the annual commencement "pep talk," we owe something of an apology to our graduates.

In these hours when they have seen and read so much recent evidence of death and decay—I would say to them—and to all youth: "You, too, are the resurrection and the life!"

For the world is desperately in need of the gifts you will bring to times as troubled as ours. Mankind might lose its stability, perhaps its very sanity, were it not for the blessed solace of music and dance and the soaring inspiration of literature and art. That is your responsibility, your great destiny . . . to help men find peace in their hearts and among themselves.

Today, the arts of the theatre, the widening opportunities in every branch of communication and entertainment, offer you the chance to bring your talents to millions who need the hopes and dreams you can give them.

That is the dedicated purpose of this school, to lift your souls—and ours—above the shambles of disorder and discontent into a higher place where we may peer into the mind of God.

Youth must be served, in our time, as never before. And youth is serving, serving well, here at home and on distant anguished battlefields—on the threshold of a new tomorrow which we must brace ourselves to meet with mingled bravery and apprehension.

The borders of space and time are falling away. We face problems and consequences the like of which have never been matched in history.

Yet, what a wonderful time to be young! To live life to the hilt; to fight for your right to grow up free men and women—drawing upon the courage and optimism of youth to meet the overwhelming challenge you must face.

You are growing up in an hour of great decision and you must do something. You must think, study, speak, and be ready to act when the time comes for action.

If there are wrongs, work to right them. If there are abuses, strive to correct them.

Tremendous power will be placed in your hands, power to destroy everything man has accomplished or to build a brave new world.

Now go—as graduates—and build it!

May this school live and grow and prosper for future generations of doers and dreamers, teachers and students who will pioneer in unimagined dimensions of achievement.

May the lessons learned within its classrooms aid mankind to leap beyond the orbit of the ordinary, to pierce the veils of superstition and fear, to serve the cause of learning, brotherhood and peace as long as Lincoln Square Academy exists.

And may that be for always!

SCHWEIKER PRAISES ST. JOSEPH'S-GONZAGA HOME

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SCHWEIKER. Mr. Speaker, all too often the quiet, yet effective charitable efforts of people go unnoticed by the public. I would like to take this time to bring to your attention the laudable and unselfish work of the Daughters of Charity at the St. Joseph's-Gonzaga Home for orphaned and abandoned young girls in Germantown, Pa.

In 1797 a group of Catholics organized the St. Joseph's Society in Philadelphia to care for the orphans of the yellow fever epidemic victims. Since that time the Society has provided a home to hundreds of young children who have been abandoned or orphaned. The work of the Society has been directed to young girls who are sent to St. Joseph's by the Catholic Social Services in Philadelphia. These children receive professional treatment from a staff which includes a psychiatrist, a psychologist, social worker, teacher, group social worker, and a child care professional. They also receive excellent medical treatment, education and the loving care of the Sisters who live with them.

The children live in small groups according to their ages and in many cases attend local parochial schools. It is the aim of St. Joseph's to help the children to return to their families where possible or to be placed in foster homes which are carefully selected by the Catholic Social Services.

Hundreds of young girls have been given a helping hand and a home throughout the home's almost 200-year history. Many Sisters have dedicated their lives toward caring for these children and among the most outstanding was Sister Mary Gonzaga Grace who gave 67 of her 85 years to St. Joseph's. Through her direction, the home was expanded and eventually moved to its present permanent location in Germantown from small quarters near Holy Trinity Church in Philadelphia.

The conditions at St. Joseph's have not always been the best, nor the easiest. Yet with the unceasing efforts of dedicated individuals such as Sister Gonzaga who in the 1800's carried St. Joseph's through the plague, the anti-Catholic riots and the Civil War, the home has continued to keep its doors open.

On September 22, 1968, more doors were opened at St. Joseph's with the dedication of the new St. Joseph's Hall. This new building, with the Gonzaga Memorial, which was dedicated to Sister Gonzaga in 1898, will continue to be pillars of strength, guidance, and love to the many homeless children who are sent to St. Joseph's.

The bright and happy faces of the children at St. Joseph's are a living tribute to the many Sisters who are giving them a helping and guiding hand.

The Sisters of St. Joseph's-Gonzaga are to be commended for their unfailing devotion to these needy children. I salute them.

TEXAS SCHOOL BOARDS TAKE TOP HONORS IN NEA-THOM McAN SCHOOL BOARD AWARDS, WITH FORT WORTH LEADING

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. YARBOROUGH. Mr. President, every year the National Education Association's Association of Classroom Teachers and the Thom McAn Shoe Co. salute the school boards of America in the annual school boards awards program. The awards spotlight outstanding examples of dedication and devotion on the part of lay citizens who have accepted the charge and trust of our public schools and children by serving their local boards of education.

Each of the 8,500 local associations affiliated with the NEA are eligible to make nominations—and the national awards are presented to three school boards, those with enrollments of less than 6,000 students, those between 6,000 and 75,000, and those with enrollments of more than 75,000.

The competition is tough, and the award is coveted. I am happy to state that this year the board of trustees of the Texarkana, Tex., schools won a Certificate of Merit for the South Central United States; that the Mesquite Independent School District of Mesquite, Tex., won a Distinctive Merit Award for the South Central United States; and that the Alamo Heights School Board of San Antonio, Tex., was a regional winner for the South Central United States.

National first place for systems with more than 75,000 enrollment this year was awarded to the Fort Worth Independent School District, of Fort Worth, Tex.

I wish to congratulate publicly these Texas school boards for their outstanding leadership, recognized nationally, and I ask unanimous consent that the outline of activities which merited the award of first place to the Fort Worth board be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

FORT WORTH INDEPENDENT SCHOOL DISTRICT, FORT WORTH, TEX., NATIONAL FIRST PLACE—SYSTEMS OVER 75,000 ENROLLMENT

Recognizing that the purpose of education can only be fully implemented in a climate of productivity and equity, the Board of Education of the Fort Worth Schools along with the teachers examined personnel conditions and promotion procedures within and between the various segments of the educational community.

To insure democratic development of the professional communications agreement, the board pointed out that this agreement must be a two-way street. The board promptly took the initiative and asked the Fort Worth Classroom Teachers Association to help with one of the "problems of mutual concern"—conducting a study and making recommendations in an effort to improve personnel policies in general and promotion policies in particular for the Fort Worth Public Schools.

Where has it led, this two-way street of the professional communications agreement? It has resulted in a set of completely new and fair personnel and promotion policies which will have beneficial and probably profound effects on public education in Fort Worth throughout the foreseeable future.

These new policies which were editorially referred to in the *Dallas Times Herald* as wafting "across the educational field like an invigorating summer breeze" make it fitting and proper that tribute be paid to the dedicated lay citizens who have a problem common to all school systems and who have made great strides toward solution as an example to others.

Mr. YARBOROUGH. Mr. President, notice should also be taken of the individuals associated with this achievement: Loyd L. Turner, president, Fort Worth Independent School District; Julius Truelson, superintendent of schools; and Weldon Wicker, president, Fort Worth Classroom Teachers Association.

SLASHING BUDGETS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ZWACH. Mr. Speaker, one of the most widely read and highly respected newspaper editors in my Sixth Congressional District is a 70-year-old ball of fire, O. B. Augustson of the West Central Daily Tribune at Willmar, Minn.

Mr. Augustson is a leading exponent of countryside development to bring about an economic revitalization for our rural areas, both the farms and the towns. Besides writing many editorials on the subject, he is also sought after as a speaker on this subject.

But Mr. Augustson's interests lie not only in that field. I was particularly interested in an editorial on "Slashing Budgets" which appeared in the West Central Daily Tribune issue of September 17.

Because this is a matter which concerns all Members of Congress, I am happy to insert Mr. Augustson's editorial in the CONGRESSIONAL RECORD for consideration by my colleagues:

SLASHING BUDGETS

With the rising costs of governments, from top to bottom, there seems to be a growing cry for slashing of budgets. Especially is this true on the national level. Here to obtain the surtax increase the domestic budget was trimmed. Now a similar pruning hook is being proposed for foreign aids. The overpowering national debt and the constant taxpayer load are leading factors in these reductions.

Of course the subject is an intricate one. It is not a simple matter of taking the axe and swinging it around to cut any item in the budget that comes along or the amount of such item. To do so would be to harm and curtail many valuable and necessary programs. This cry of the reactionary is anything but practical or realistic. He ignores all the good, thinks only of the tax dollar saved. After all to have good government and enable it to do its work there must be money wherewith to do it.

We have many federal programs which we should retain and be willing to foot the bill. Programs that are good in themselves but directly or indirectly good for the entire economy and the entire society. The farm program we believe is one of these.

But this does not mean that a good pruning hook cannot be brought out to trim those budgets to their absolute necessity. To cut out the waste, the inflated costs, perhaps some featherbedding and payrolls which simply are not justified. Or the duplications of efforts or soft jobs with little or no service plus political plums.

From summer to summer we have made the acquaintance of Mr. Ernest Hazel Jr. of Washington, Missouri who with his wife annually spend their summers in a cottage on Green Lake. We have enjoyed visiting with him. Product of the business world Mr. Hazel has conservative leanings and seems to like to exchange views with an editor of more liberal philosophy. We do not always agree but we have substantial respect for his convictions and see much truth in his viewpoints. He even honors our editorials and our newspaper by reading this publication all summer long while at the lake. We appreciate this compliment a great deal. Shows on his part an open and considerate mind. Incidentally, Mr. Hazel furnished us with some data on the amount of foreign aids dished out. From 1945 through 1966 a total of 122 billions of dollars handed out all over the world. This figure does not include the costs of our World War Two either. Most staggering is the fact that only one nation out of 120 or more has paid back its "loan" with interest.

Perhaps some of these unlimited budgets can cause even a good Democrat to wonder. Something along the line of a Democratic leader in the Senate, Senator Symington when he said recently—"It is becoming increasingly disturbing to note the apparent inability of this government to control its economic future". He then censures all the federal agencies for asking all that the traffic will bear and more.

It is our feeling that even as a liberal and one favoring so many federal projects and agencies that expenditures for such could go too far and that a good pruning hook could be applied to a lot of it to cut out waste, soft jobs, padded payrolls, projects that could be left to citizens and community action and agencies whose costs are not simply justified.

THE CHANGING FACE OF OUR IMPORTS

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article written by O. R. Strackbein, chairman of the Nationwide Committee on Import-Export Policy entitled "The Changing Face of Our Imports."

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

THE CHANGING FACE OF OUR IMPORTS

(By O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, September 5, 1968)

This country's imports have undergone a revealing change in recent years. The most significant shift has occurred in the mix of our imports. In former times the heaviest single share of the total goods brought into this country were raw materials.

RAW MATERIAL IMPORTS

The following table shows the trend of imports of raw materials as a share of total imports:

Raw materials as percent of total imports

1901–10	45.8
1911–15	47.7
1921–25	48.5
1926–30	49.3
1931–35	44.5
1936–40	46.7
1946	52.7
1947	49.6
1948	48.2
1949	48.3
1950	48.2
1951	50.3
1953	44.5
1955	42.7
1957	40.4
1958	36.8
1960	32.3
1961	30.5
1962	29.8
1963	28.5
1964	29.1
1965	26.3
1966	23.2
1967	21.3
1968 (1st quarter)	19.3

Source: The Statistical Abstract of the U.S.; OBR 68–31, May 1968, U.S. Dept. of Commerce.

During the first decade of this century imports of raw materials averaged a little over 45% of all imports. This share reached almost 50% (49.3%) during the five-year period 1926–30. Those were the prosperous years. That ended with the Great Depression. During the next decade, 1931–40, the average again settled down to 45%.

After reaching a level of 49% once more in the years 1951–52, a steady decline set in. In 1953 the share had fallen to 44.5%, in 1955 to 42.7%, and by 1958 to 36.8%. The decline continued, reaching 32.3% in 1960, 29.8% in 1962, 26.3% in 1965 and on down to 21.3% in 1967 and 19.3% in the first quarter of 1968. (Overseas Business Reports, U.S. Dept. of Commerce, May 1968, p. 3; June 1968, p. 3).

Thus the raw-material share of our total imports was cut almost exactly in half between 1955 and 1967. It must, however, not be concluded from this review that imports of raw materials declined. They rose from $4.8 billion in 1955 to $5.6 billion in 1967. Their growth was simply far outstripped by other classes of imports.

IMPORTS OF MANUFACTURED PRODUCTS

The most notable increase in the share of total imports has been recorded by manufactured products, including manufactured foods. The latter have been separately classified over the years.

Here will be noted a trend almost the exact opposite of the one recorded by raw materials.

The following table shows the trend in imports of manufactured goods (including manufactured foods) as a share of total imports:

Manufactured goods as percent of total imports

1901–10	36.8
1911–15	34.9
1921–25	33.8
1926–30	31.7
1931–35	36.7
1936–40	32.8
1946	28.0
1947	28.9
1948	28.7
1949	30.1
1950	27.5
1951	27.0
1953	30.6
1955	32.6
1957	37.2
1958	42.4
1960	46.6
1961	45.4
1962	47.6
1963	49.2
1964	49.0
1965	50.3
1966	54.7
1967	58.3

Source: Same.

Early in the century (1901–10) imports of manufactures represented 36.8% of our total imports. This share, however, declined quite steadily, reaching 31.7% in the five-year period of 1926–30. There was a revival to 36.7% in 1931–35 but then another recession. In 1947 the share was down to 28.9%; in 1950 it was down to 27.5% and in 1951, to 27.0%. From that point another increase set in, reaching 32.6% in 1955 and 42.4% in 1958.

The rise did not stop there but has continued upward, with minor exceptions, reaching 46.6% in 1960, passing the 50% mark in 1965 and reaching 58.3% in 1967.

Whereas the imports of *raw materials* increased from $4.8 billion in 1955 to $5.6 billion in 1967, the imports of *manufactured* goods rose from $3.7 billion in 1955 to $15.6 billion in 1967. In other words, while imports of raw materials rose by some $810 million or 16.7%, imports of manufactured goods increased by $11.9 billion or 320%. In dollar value imports of the latter class increased 14½ times as rapidly as the imports of raw materials during the 1955–67 period.

During a more recent period, i.e., from 1960 to 1967 imports of raw materials increased only $925 million compared with an increase of $8.7 billion in the imports of manufactured goods.

During a yet more recent period we find imports of raw materials declining by $4 *million* between 1965 and 1967. By contrast imports of manufactured products increased by $4.8 *billion*.

What is the meaning of the trend that is so unmistakable, both in its sharpness and its persistence?

The explanation is to be found in the relative competitive advantage enjoyed by imports of different classes. While some goods are imported because they are not produced in this country as in the case of coffee, cocoa, tea, bananas, crude rubber and tin, in which event the trend in imports depends principally on population growth or other factors, in other instances imports owe their purchase-justification to lower costs than those of their domestically-produced counterparts; and the lower costs are principally attributable to lower foreign labor costs.

In the latter category the advantage becomes greater as the number of steps in the production of the goods increases. The number of hours of labor applied per unit of production is the deciding factor in such instances. If only one or two applications of labor are made, the saving through importation of goods from low-wage countries is at the minimum. The amount of saving, which is to say, the bargain, increases with each successive application of labor. If this goes through four or five steps of production on the way to becoming a finished product, the saving will be much greater than that represented by buying raw materials.

Since foreign labor costs per unit of production are distinctly lower than in this country the great increase in our imports of manufactured goods should cause no surprise. It would be expected.

From this behavior of imports it follows that it would be relatively difficult to export manufactured goods from a high-wage-cost country, such as the United States.

Once more the test of the pudding will be in the eating of it. If we examine our export statistics (Statistical Abstract of the United States, 1947, 1956, 1968; also OBR 68–31, U.S. Dept. of Commerce) we can trace the trend in our exports of manufactured products. The percentages of our total exports represented by manufactured products since the end of World War II were as follows:

Manufactured goods as percent of total exports

1946	78.2
1947	70.8
1948	67.0
1949	62.4
1950	62.8
1951	62.7
1953	74.3
1955	67.1
1958	67.8
1959	66.5
1960	61.8
1961	61.1
1962	64.4
1963	63.9
1964	63.2
1965	63.7
1966	69.0
1967	66.2

Source: Same.

Here there is visible no definite trend. The share of manufactured products of total exports was about the same in 1967 as in 1958 and 1955. Compared to the trend in our imports of manufactured goods the exports virtually stood still in point of their share of total exports. Foreign countries found no particular adavntage in buying more heavily of our manufactured goods.

Actually the trend reflected in the total exports of manufactured goods covers up significant subsidiary trends in some of the component products.

For example, exports of machinery and of chemicals have enjoyed an expansive trend while exports of some other products have suffered reverses. While exports of *machinery and transport equipment* rose from $6.992 billion in 1960 to $12.573 billion in 1967, the exports of *iron and steel* fell from $878 million in 1960 to $561 million in 1967. Exports of the machinery group rose 80% while in 1960 exports of iron and steel declined sharply, having been 57% higher in 1960 than in 1967. *Textile* exports rose only a little over 10%, moving from a level of $478 million in 1960 to $530 million in 1967. The rise in prices no doubt accounted for this increase. *Clothing* exports rose only $24 million between 1960 and 1966, rising from $140 million to $164 million.

Imports of all these products greatly outpaced exports during these years proportionately.

While exports of machinery and transport equipment rose 80%, *imports* climbed from $1.467 billion in 1960 to $5.791 billion in 1967, or by 295%.

The decline in iron and steel exports, noted above, was accompanied by a sharp import rise. These moved from $431 million in 1960 to $1,372 million in 1967, for a increase of $941 million or 218%.

Imports of textiles and clothing rose much more sharply than their exports. Compared with an export increase of only a little over 10% from 1960–68, imports increased from $562 million to $811 million or by 44%. However, the import rise was already well under way in 1960. If we go back to 1958 the rise through 1967 was 110%. A yet sharper rise in clothing imports occurred while exports rose less than 20%.

Beside machinery exports *chemical products* have enjoyed a considerable export expansion. They rose from $1.776 billion in 1960 to $2.802 billion in 1967, or by 57%.

Machinery and transport equipment, and chemical exports combined accounted for 67% of our total nonagricultural exports in 1967. Machinery and transport equipment alone represented 55% of total exports in that year. Exports of all other nonagricultural products totaled only $7.639 billion in 1967 of a grand total of $23 billion nonagricultural exports. Agricultural exports themselves were $6.383 billion in the same year or about 20% of total exports.

The lag in the growth of exports of a broad miscellany of manufactured goods may be seen in the following table which represents a classification of exports under the category of "Other Manufactured Goods" in the Statistical Abstract. This category represents about two-thirds of all exported nonagricultural manufactured goods other than the machinery and chemical classifications already presented:

Other manufactured goods

[Exports in millions]

	Value
1956	$3,399
1957	3,860
1958	3,183
1959	2,975
1960	3,657
1961	3,499
1962	3,539
1963	3,829
1964	4,479
1965	4,839
1966	5,279
1967	5,375

This broad classification of exports includes paper manufactures, rubber manufactures, iron and steel mill products, copper and aluminum manufactures, hand tools, textile manufactures and clothing, printed matter, scientific professional and controlling instruments, photographic supplies.

In this group a sharp increase was shown in the exports of scientific, professional and controlling instruments. They rose from $145 million in 1956 to $565 million in 1966.

Unfortunately there is doubtful continuity in the statistics when we go back beyond 1960, because of changes made in particular classifications.

Nevertheless it is apparent that with the exception of machinery and transportation equipment and chemicals our exports of a very broad spectrum of other manufactured goods has been most uninspiring with a few exceptions such as scientific apparatus.

The next table shows the exports of machinery and transportation equipment:

MACHINERY AND TRANSPORTATION EQUIPMENT EXPORTS

[In millions of dollars]

Year	Electrical machinery	Industrial machinery	Agricultural machinery	Automobiles and parts	Total
1931–36	62.6	94.7	26.7	167.3	379.8
1936–40	105.6	281.8	68.0	417.4	912.1
1946–50	455.0	1,178.0	99.0	1,578.0	3,428.0
1951	633.0	1,575.0	141.0	2,176.0	4,680.0
1953	893.0	1,719.0	138.0	2,803.0	5,671.0
1955	838.0	1,734.0	123.0	2,617.0	5,454.0
1957	1,030.0	2,541.0	133.0	3,154.0	7,025.0
1959	987.0	2,277.0	144.0	2,606.0	6,202.0

UNDER CHANGED CLASSIFICATION

Year	Electrical apparatus	Machinery, except electrical	Agricultural machinery and tractors	Transportation equipment	Total
1957	874	3,102	509	1,784	5,760
1959	867	2,818	501	1,487	5,172
1961	962	3,526	505	1,651	6,139
1963	1,118	3,993	605	1,784	6,895

UNDER NEW CLASSIFICATION

Year	Electrical apparatus	Machinery, except electrical	Agricultural machinery and tractors	Transportation equipment	Total
1960	1,090	3,386	565	2,517	6.992
1963	1,493	4,209	645	2,540	8,243
1965	1,660	5,274	865	3,445	10,147
1966	1,899	5,779	860	3 714	11,161
1967	2,096	5,951		4,525	12,573

Source of above tables: Statistical Abstract of the United States, U.S. Department of Commerce, and Survey of Current Business, U.S. District of Columbia.

EXPORT AND IMPORT TRENDS

The phenomenon of disparate export trends mentioned above calls both for further analysis and an attempt to find an explanation of the difference.

Further examination reveals that the "miscellaneous manufactures" combined produced a "value added" total in their production in this country of $87.5 billion in 1965, compared with the comparable total of $90.5 billion for machinery and transportation equipment, and chemical manufacturing in the same year. The following table provides the details:

Value added by manufacturing industries, 1965

[In billions of dollars]

Miscellaneous manufactures:	*Value added*
Textile mill products	7.649
Apparel and related products	8.427
Paper and allied products	8.400
Printing and publishing	11.888
Rubber and plastic products	5.657
Primary metal industries	18.759
Fabricated metal products	14.208
Instruments and related products	5.046
Miscellaneous manufacturing	7.462
Total	87.496
Machinery, transportation equipment, and chemicals:	
Chemicals	19.721
Machinery (except electrical)	22.819
Electrical machinery	20.222
Transportation equipment	27.727
Total	90.489

The foregoing table shows the near parity of the "value added" by manufacturing in both groups of industries, in 1965, i.e., $87 billion for the larger group and $90 billion for the smaller group.

If we now compare the exports of goods from both groups we find a remarkable divergence. Exports from the miscellaneous group totaled only $5.375 billion in 1967; those of machinery and transportation, and chemicals, $15.375 billion, or nearly three times the exports of the first group.

By contrast imports under the first group were $8.953 billion in 1967 while imports of the machinery and chemical group were distinctly less, or $6.754 billion. The first group (miscellaneous manufactures) suffered a trade *deficit* of $3.578 billion in 1967 while the machinery and chemical group enjoyed a trade *surplus* of $8.624 billion.

Exports of the first group (miscellaneous) increased only 41.6% from 1960 to 1967. Those of the second (machinery, etc.) group rose 75.3% or nearly twice as rapidly.

On the other hand, imports of the two groups increased in reversed proportions between 1960 and 1967. The first group recorded an increase in imports of 168.0%; the second, one of 284.0%. Notable are the increases in each case in the imports compared with the much lower increases in exports.

The next table will show these transactions:

[Dollar amounts in billions]

Miscellaneous manufactures:	
Exports, 1967	$5.375
Imports, 1967	8.953
Deficit, 1967	3.578
Percent increase of imports 1960–67	168.0
Exports, 1960	$3.791
Imports, 1960	3.342
Deficit, 1960	.449
Percent increase of exports 1960–67	41.6
Machinery, transportation, equipment, and chemicals:	
Exports, 1967	$15.375
Imports, 1967	6.754
Surplus, 1967	8.621
Percent increase of imports 1960–67	248.0
Exports, 1960	$8.768
Imports, 1960	1.942
Surplus, 1960	6.826
Percent increase of exports 1960–67	75.3

The change since 1960 again shows the more lively performance of the machinery and chemical group. The first or miscellaneous group's *deficit* widened seven-fold in the seven years while the second group increased its *surplus* by nearly $2 billion.

Nevertheless, not to be overlooked was the increase in *imports* under both classifications, or 168% and 248% respectively, while exports increased much more modestly (41% and 75%, respectively for the two groups.)

We may now ask what factors might have accounted for the great divergence in performance of each group. While it might be helpful to go back beyond 1960, we have already indicated the statistical difficulty. Since 1960 our exports of machinery, nonelectrical and electrical combined, have reached a cumulative total of $49.8 billion.

MACHINERY EXPORTS, NOT INCLUDING TRANSPORTATION EQUIPMENT

[Dollar amounts in billions]

Year	Nonelectrical	Electrical	Total
1960	$3.386	$1.090	$4.476
1961	3.743	1.225	4.968
1962	4.087	1.361	5.448
1963	4.209	1.493	5.702
1964	4.860	1.665	6.525
1965	5.274	1.660	6.934
1966	5.779	1.899	7.678
1967	5.950	2.097	8.047
Total	37.288	12.490	49.778
Increase 1960–67 (percent)	75.7	92.3	

FOREIGN INVESTMENTS

The increase in machinery exports, visible from the foregoing table has gone hand in hand with the great expansion of our foreign investment, and may be attributable in a great degree to the flow of such investments. In 1950 our direct investment in foreign enterprise was only $11.788 billion. By 1960 this level had risen to $31.815 billion. At the end of 1966 the total was up to $54.562 (See Survey of Current Business, U.S. Dept. of Commerce, September 1967, p. 39 ff.) The 1967 outflow was $3.02 billion, thus bringing the total at the end of that year to $57.582 billion.

This was an increase of $25.767 billion since 1960. These investments brought on a strong demand for American machinery and equipment from the countries where the investments were made.

In the field of manufacturing, the chemical industry has since 1964 been the leading single industry in the outlay for foreign investment. During the three year period, 1964–66, this outflow amounted to $1.087 billion. The rise in chemical exports noted previously may be related quite closely to this flow of investment.

Raw material and semi-manufactured chemical products exported from this country found a ready market in these foreign-based plants. In 1966 alone our exports of chemical elements and compounds, and plastic materials, and resins accounted for $1.5 billion or more than 50% of our total chemical exports.

Thus was the export ascension of this one small group of industries (machinery and transport equipment, and chemicals) an exceptional and special post-war development. With the installation of so much American machinery abroad ($49.8 billion since 1960) foreign production of many products was increased.

One by-product was no doubt the shrinkage of the export market for other American-produced goods, the miscellaneous group, for example. It may, of course, be said that this country would in any event have been unable to compete successfully for the overseas market for those goods, and that by investing abroad American capital at least gained the benefit derived from supplying those markets from within. At the present time the annual dividends derived from these investments is appreciably greater than the annual outflow of new investments. This positive return helps keep the balance of payments account from getting completely out of hand.

Nevertheless, the sluggish export performance of most of our industries and the much greater increase in imports of even those products in which our exports have done best, attest to the weak international competitive standing of this country. But for the machinery and chemical account our balance of trade would be in a worse state than it actually finds itself. Moreover, the great lead in exports of these few products is being steadily eroded by the sharp rise in imports. We saw, for example, that against an export increase of 75.3% for the active export group from 1960–67, imports of the same products increased 284.0%. It will not require many years at this rate of growth for imports to close the gap.

TRENDS OF TRADE WITH INDUSTRIAL COUNTRIES

Japan

The great shift in imports already noted came principally in our trade with the industrialized countries, particularly with Japan, West Germany and Canada.

In the case of Japan, a country with which we have had a phenomenal trade increase since World War II, we moved into a deficit position in 1965. The first deficit was one of $357 million. This compared with an unusual trade surplus of $739 million in 1961. The next deficit (1966) was one of $599 million. It declined to $303 million in 1967. The table below shows the trend:

U.S. TRADE WITH JAPAN

[In millions of dollars]

	1950	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1st half 1968
Exports	416	848	966	1,340	1,739	1,414	1,714	1,908	2,057	2,363	2,695	1,446
Imports	182	666	1,028	1,148	1,054	1,357	1,497	1,768	2,414	2,962	2,998	1,795
Deficit			−62						−357	−599	−303	−349
Surplus	234	182		192	739	57	217	140				

Our imports from Japan consist principally of manufactured products. During the first six months of 1968 some 80% of our imports from Japan were in the form of manufactured goods. During that time, with imports at $1.795 million and exports at $1,446 million, the trade deficit reached $349 million, indicating an annual rate of well over $500 million for the calendar year 1968. Our average duty on dutiable imports from Japan was 14.2%.

Of our exports to Japan during the first six months ($1,446 million) only about a third were finished manufactures.

West Germany

West Germany has also swung about in her trade balance with us. During the first 6 months of 1968 we exported $821.9 million to that country while our imports were $1,335.7 million, leaving us with a deficit of $513.8 million. A year ago our deficit for the same period was only $42.5 million. However, the full year of 1967 left us with a deficit of $279 million. In previous years up to 1966 we had enjoyed a surplus in our trade. In 1965 it was $161 million, in 1960 at about the same level, or $170 million. In 1966 the tide changed. We experienced a deficit of $220 million. The first half of 1968 has already exceeded the whole deficit of 1967 by over 2 to 1.

(1968 trade statistics for West Germany and Japan are taken from FT 990, June 1968, Bureau of the Census, USDC.)

U.S. TRADE WITH WEST GERMANY

[Amounts in millions]

	1958	1960	1965	1966	1967	1st half 1968	Percent increase or decrease 1958–67	Percent increase or decrease 1960–67
Exports	$737	$1,067	$1,502	$1,577	$1,676	$821	127	57
Imports	629	897	1,341	1,797	1,955	1,335	211	127
Deficit				−220	−279	−513		
Surplus	108	170	161					

Our trade with West Germany has shown sharply contrary trends since 1958. While our exports rose 127% from 1958–67 our imports increased 211%. Since 1960 our exports rose 57% while imports went up 127%. Little wonder that we have moved into a deficit position.

The average duty on our dutiable imports from West Germany in the first half of 1968 was 9.75%.

Canada

Canada has also changed from a deficit to a surplus trade position with the United States. In 1967 we still enjoyed a modest but fast-declining surplus of exports to Canada. This surplus had shrunk to $73 million. As recently as 1965 we had a surplus of $753 million in our trade with that country. In 1960 our surplus had been $808 million, and $764 million in 1958.

During the first half of 1968 we fell into a deficit of $386 million. Our exports through June 1968 to Canada were $3.913 billion. This was a gain of $246 million over the first half of 1967; but our imports jumped to $4.299 in the same period. This was a leap of $862 million and, of course, swamped the rise in exports.

The principal cause of the turn-around in our trade with Canada was, of course, the virtually free-trade agreement in automotive products with that country in 1965. However, that agreement does nothing to explain the reversal of our trade position with Japan and West Germany.

U.S. TRADE WITH CANADA

[Dollar amounts in billions]

	1958	1960	1965	1966	1967	1st half 1968	Percent increase, 1958–67	Percent increase, 1960-67
Exports	$3.437	$3.708	$5.585	$6.636	$7.172	$3.913	109	93
Imports	2.673	2.900	4.832	6.125	7.099	4.299	166	145
Surplus	.764	.808	.753	.511	.073			
Deficit						−.386		

Italy

Italy has not yet made the turn-about in her trade with us but has greatly narrowed her deficit. In our trade with that country we have had surpluses of $300–400 million during most of the first half of the 1960–70 decade. In 1965 a decline set in when the surplus dropped to $244 million, and the decline has continued through the first half of 1968. The surplus narrowed to $144 million in 1966 and then to $117 million in 1967.

During the first half of 1968 our exports to Italy were $548 million, compared with imports of $532 million, showing a surplus of only $16 million. At an annual rate this would be only $32 million. During the first half of 1967 this surplus was $83 million or $166 at an annual rate, or five times as high as in 1968.

The following table shows our trade with Italy in the past several years:

U.S. TRADE WITH ITALY

[Dollar amounts in millions]

	1958	1960	1963	1965	1966	1967	6 months, 1968	Percent increase, 1958–67	Percent increase, 1960-67
Exports	$493	$650	$880	$864	$887	$972	$548	97	50
Imports	272	393	492	620	743	855	532	214	119
Surplus	221	257	388	244	144	117	16		

Once again, our imports have grown much more rapidly than our exports. Both from 1958–67 and from 1960–67 our imports from Italy grew twice as rapidly as our exports.

The United Kingdom

Our trade with the United Kingdom has fluctuated considerably during the past decade and established no clear pattern. In 1958 and 1959 we ran a deficit of $13 million and $243 million, respectively. This was followed by six years of surplus trade, hitting a low of $69 million in 1962 from a hign of $418 million in 1960. Then the trend again reversed itself, reaching another high in 1964, at $328 million. Another drop-off then occurred, carrying in 1966 to a deficit of $103 million. In 1967 the surplus reappeared, at the level of $251 million. During the first half of 1968 a surplus of $38 million was recorded. Since 1960 through 1967 our exports to the U.K. increased only 39% while our imports from the same source rose 72%.

U.S. TRADE WITH THE UNITED KINGDOM

[Dollar amounts in millions]

	1958	1960	1963	1964	1965	1966	1967	6 months 1968	Percent increase 1958–67	Percent increase 1960–67
Exports	$851	$1,410	$1,161	$1,471	$1,565	$1,683	$1,960	$1,018	130	39
Imports	864	992	1,079	1,143	1,405	1,786	1,709	980	98	72
Surplus		418	82	328	160		251	38		
Deficit	−13					−103				

Britain continues as an important customer for our exports, near the $2 billion mark. She is, however, far surpassed by Canada, and very substantially by Japan, and rests on a level with West Germany.

Netherlands, Bel-Lux, France, Sweden

Three European countries, Netherlands, Bel-Lux and France have remained on an even keel so far as the trend of U.S. trade is concerned since 1960. Our exports to the Netherlands from 1960–67 increased 73%, our imports 75%; our exports to Belgium-Luxemburg increased 61% and our imports 61%; while in our trade with France our exports rose 77% and our imports 74%.

Such parallelism is phenomenal, not only in the very close parity in the increase of exports and imports with each country but in the increase with all three countries.

Our trade has, however, continued at a high surplus, especially with the Netherlands. Our exports to that country were 3 to 1 over our imports in 1967 (exports of $1,238 million; imports, $372 million). In the case of France, our exports still exceed our imports by 48%. Belgium was much nearer a balance, lagging by only 20% in 1967. In the first half of 1968 Belgium swung into the surplus column by $27 million, meaning a deficit for the U.S.

The EEC as a whole in the 1st half of 1968, fell short only 2%½ of a balance.

In the case of *Sweden*, our imports from 1960–67 have increased three-fold as rapidly as our exports, but the level of trade is of a lower magnitude. In 1967 we still held a surplus position of some 16%, greatly narrowed since 1960 from our surplus position of over 70%. The trend would indicate a reversal in a few years if the current direction of trade continues. In the first half of 1968 our export surplus dropped to less than 2%.

(NOTE.—All the foregoing balances are calculated on the basis of f.o.b. import values, foreign port of shipment. If they were calculated on a c.i.f. basis which is the practice of nearly all the other leading trading nations, the trade balance would show a deficit for the United States, both in our trade with the EEC countries for the 1st half of 1968 ($213 million, using a surcharge of only 10% on the f.o.b. value of imports to bring them to the c.i.f. value), and in our trade with Western Europe as a whole ($187 million, again using the 10% addition to obtain the c.i.f. value of imports).)

Exports to the *EEC* Countries during the first six months of 1968 were $2.951 billion. Imports were $2.877 billion. If 10% is added to the latter total, it rises to $3.164 billion or $213 million above exports. For Western Europe as a whole our exports were $5.265 billion, compared with imports of $4.957 during the first half of 1968. If the imports are enhanced by 10% to bring them to a c.i.f. basis, they rise to $5.452 billion, leaving our trade at a deficit of $187 million, as noted above.

OTHER AREAS OF THE WORLD

Asia exclusive of Japan

Contrary to the trend of our trade with the other countries reviewed above, the growth in our exports has exceeded the growth in our imports with the Asiatic areas other than Japan.

India and *Pakistan* are the two leading trading partners in mainland Asia. The following table sets forth our imports and exports to these two countries since 1958. Since 1958 our exports to India grew 206% compared with a 56% increase in our imports. From 1960–67 the increase was 49% compared with a 30% increase in our imports.

In our trade with Pakistan our exports rose 209% from 1958–67 compared with a 108% growth in imports. The respective figures for the 1960–67 period were 105% and 50%.

These trends are in strong contrast to those encountered in our trade with the industrialized countries. Moreover, our trade surplus with India and Pakistan have continued at a high level. The following table will show the results:

U.S. TRADE WITH INDIA AND PAKISTAN

[Dollar amounts in millions]

	1958	1960	1965	1967	Percent increase, 1958 to 1967	Percent increase, 1960 to 1967
India:						
Exports	$312	$640	$928	$955	206	49
Imports	189	228	348	297	56	30
Surplus	123	412	580	658		
Pakistan:						
Exports	112	169	336	346	209	105
Imports	26	36	45	54	108	50
Surplus	86	133	291	292		

The increase in our exports to these two countries is principally if not wholly attributable to the extension of aid to them. The following table lists the aid since 1960:

MAJOR U.S. GOVERNMENT ASSISTANCE

[In millions of dollars]

	1960	1962	1964	1965	1966
India	523	534	864	849	751
Pakistan	229	323	377	348	211

It may be concluded that it was not our competitive standing that accounted for our continuing surplus in our trade with India and Pakistan. Of our nominal total export surplus in our trade with the world in 1967 nearly a billion dollars was accounted for by the surplus in our trade with these two countries, or $950 million. Our nominal world surplus, including shipments under AID and PL 480, was $3.477 billion.

South America

Our trade with South America (not Latin America) has been quite stagnant during the past decade. We have generally been in a deficit position in the aggregate, amounting to $309 million in 1967.

Our exports from 1958–67 grew only 6%, our imports only 16%. From 1960–67 our exports grew 12% and our imports 9%. Both figures are in current and not constant dollars.

In the case of *Argentina* our exports dropped 34% from 1960–67 while our imports rose 43%. Nevertheless we still had a surplus of $90 billion in 1967. Our exports to *Brazil*, by contrast, rose 27% from 1960–67, while our imports declined 2%. In 1967 our trade with Brazil showed a deficit of $12 million, and we regularly incur a deficit in our trade with that country, usually considerably larger than the one of 1967.

Our trade with *Colombia* has not prospered in recent years. Since 1960 both exports and imports have declined. Exports dropped by 11% and our imports by 20%. Nevertheless we have continued to register a deficit in our trade with that country, although a relatively small one of $22 million in 1967.

Our exports to *Chile* have been growing probably as the result of our aid payments. From 1960–67 our exports grew 28% while our imports declined 9%. In the past six years this aid has averaged about $100 million annually, and no doubt accounted for our increase in exports. This has moved us into a surplus position in our trade with that country. This amounted to $73 million in 1967. In 1958 we ran a deficit of $6 million.

Venezuela leads all other South American countries in the amount of U.S. trade. However, our exports declined 27% from 1958–67, but rose 7% from 1960–67. Our imports rose 10% in the first period and 4% in the 1960–67 years. We have run a sizable deficit in our trade with Venezuela, which is the principal source of our petroleum imports. In 1967 the deficit was $394 million. This was larger than our deficit with all of South America, including Venezuela, in 1967. This was, as already noted, $309 million.

Mexico

We have run a steady surplus in our trade with Mexico, but the proportion of the surplus to our exports to that country has declined. From 1958–67 our exports to Mexico have risen 37% compared with a rise of 65% in our imports. From 1960–67 the respective figures were 41% and 69%. Even so our surplus continues sizable. In 1967 it was $475 million. This was 38% of our exports to Mexico compared with 50% in 1958. The gap in other words, is narrowing appreciably, but is still large.

South Africa

We regularly export much more to South Africa than we import from there. However, in recent years our imports from there have grown about twice as rapidly as our exports. From 1958–67 our exports grew 71%, our imports 132%. From 1960–67 the respective rates of growth were 54% and 112%. The trend is therefore away from the larger surplus, as in the case of Mexico. While our surplus was still equal to 46% of our exports in 1967, it had dropped from 61% in 1960.

OLD TRADE POLICY OUT OF FOCUS

From the foregoing review it becomes clear that the position of the United States in the competitive world of international trade has changed radically since the existing trade policy was adopted a generation ago (1934).

The advent of the policy was indeed grounded in the Great Depression. It was launched as a temporary measure to help in the process of putting the millions of unemployed back to work. The tariff cutting program, however, was not integrated with the new economic policy that became the objective of feverish political activity. Rather, the dismantling of the tariff represented a quenching of hostile sentiment generated by the depression against anything that could handily serve the purpose of a scapegoat. As a political weapon opposition to the tariff was a valuable instrument to be used against the status quo. The public hated all that was a part of the prosperous days that had gone before. The Hawley-Smoot tariff fell victim to the blight of guilt by association. While the public longed for the return of prosperity it was to be by a different route, sharply divorced from the policies that were blamed for the debacle.

The tariff, inordinately high, to be sure, was caught in the maelstrom and was marked for special therapeutic attention. It would have been dismembered forthwith and thrown into the furnace but for the fact that some important vote-bearing interests would have found vengeance too painful to themselves. The temptation itself therefore had to be tempered. The cooling draughts of vengeance could, moreover, be drawn out over a longer period. Tariff reductions have already spanned a period of 34 years, and have four more years to run.

It did not occur to the dismantlers that the vast fall-back in the economy, which brought down the gross national product from $103 billion in 1929 to $55 billion in 1933 could hardly have been caused, as the economists would have it, by that part of the economy that represented only 5.0% of the gross national product, which is to say, our exports. During that four year period (1929–33) exports declined $3.5 billion compared with a shrinkage of $48 billion in the GNP. The attribution of such an abysmal slide to the tariff gives adequate evidence of the irrationality that afflicts the public when economic frustration overwhelms the land.

Since the 1933–35 period our tariff has been reduced an average of 80% or more. When the Kennedy Round is fully in effect the average duty on dutiable items will be some 7%–8%, down from slightly over 50% when the tariff-reduction program was begun in 1934.

In other words, trade was to be progressively freed, if not all the way to free trade, at least to the very borders of that ideal. That this zeal for de-control of this one segment of the economy while nearly all other parts of the economy were brought progressively under more control was a contradictory course made no impression.

In time the forces of the free market were naturally distorted by control legislation and in many instances set aside quite effectively; but foreign trade alone was to be governed by free market forces. The result of the divided policy was that heavy cost burdens were placed on domestic production incident to the succession of legislative enactments demanded by the electorate for a variety of reasons that were oblivious of our international competitive position.* In view of the heavy cost factor of employee compensation in production (roughly 80% of all corporate costs), competitive maneuverability by industry in relation to the foreign competitive challenge virtually disappeared. There was left only a 20% margin (the part not going toward employee compensation) out of which taxes and profits must·be paid a quite rigid frame-work for competitive adjustment *vis a vis* imports.

Proof of cost disadvantages suffered by domestic industry as a result of the higher costs has been ignored and industry simply charged with inefficiency whenever it found itself unable to compete. This irrational posture has continued to bedevil our national trade policy. That the policy is badly out of focus will become evident from a few citations of import performance.

It is worth noting in the context of the low level to which our tariff has already been reduced and the yet lower level it will reach at the conclusion of the Kennedy Round that the great tide of rising imports of the past few years recorded in preceding pages has occurred in the face of current low tariff levels even before the large remainder of the Kennedy Round has been placed in effect.

Our imports from *Japan* increased 161% from 1960–67. Our exports to the same country in the same period increased only 101%. During the first half of 1968 our imports from Japan jumped 25.6% compared with the same period in 1967. Exports increased only 10%.

These surges in imports occurred in the face of an average duty of 14.2% on imports from Japan in 1968. (See FT 990, June 1968, p 51, 1. 32.) This average duty is well above the existing average duty on dutiable imports of total imports, which is approximately 11%. (See Supra, p 49, 1. 1.)

Imports from *West Germany*, which also saw a rapid advance, twice as rapid as the expansion in our exports to that country from 1960–67 (exports rising 57%, imports 127%), carried an average duty in the first half of 1968 of 9.75%, or higher than the expected level of all U.S. duties at the end of the Kennedy Round. During the first half of 1968 imports from West Germany increased 45.7% over the level of the first half of 1967 while exports actually declined 6%.

Imports from the EEC countries increased 35.7% during the same period, with total duties averaging 10.85%. Exports increased one tenth as much or 3.2%.

The countries cited are, of course, recognized as highly industrialized and as the source of the increasing flow of manufactured goods. It is precisely this type of imports that (1) represents the principal threat to employment in this country and (2) creates pressure for higher efficiency, which is to say replacement of men by machines.

It would be very difficult indeed to read into the record of imports cited above any possible support for the idea that our duties should be further reduced in order to increase our trade.

CONCLUSION

We have seen the transformation of our import trade and the trend of our imports and exports. Not only have our imports moved ever more heavily into the form of manufactured goods but with few exceptions, such as machinery and chemicals, have risen with startling rapidity compared with our exports.

The trend should have been no surprise. Our trade policy hand-in-hand with our domestic economic and social welfare policy, albeit unwittingly, sedulously paved the way for what happened. Any other outcome would have been in defiance of all the laws of economics.

This country during the Great Depression acknowledged and recognized the dependence of mass-production on mass consumption. This dependence came to be seen as a matter of consumer purchasing power, and the latter in turn came to be seen as equally dependent on wages. Accordingly efforts were made to protect wages against a fatal contraction that would leave masses of goods accumulating on shelves facing a shrinking and insufficient effective consumer demand. A logical sequence as it was seen, was the abolition of child labor and then the setting of floors under wages and a ceiling over hours. The idea was that cost competition would otherwise drive wages down and either deepen the Depression or prevent our moving out of it. World War II solved that particular problem.

These measures were more negative than positive in nature. A positive impetus was needed and it was discerned in collective bargaining as a long-range substitute for pump-priming. If wage and hour bargaining were made obligatory consumer purchasing power would be given an upward push through rising wages. With a fixed base assured by minimum wages, a needed lifting thrust would be provided by the bargaining power of union labor.

Such was the reasoning.

The equation, however, became deeply affected by war, cold war and the arms race. The combination of minimum wages, obligatory collective bargaining, war and defense costs were powerful forces exerting a rising pressure on costs; but that was not the whole of it. Farm price supports, social security, unemployment compensation, medicare, aid to education and to foreign countries, and the war on poverty added their quotas to increasing costs of production.

It is obvious, of course, that not all these measures raised costs, dollar for dollar, because in varying degrees some of them led to increasing productivity. Nevertheless the upward trend of costs is continuing and the pressure for further levies on the economy is not slackening. Demands for further assessments on production to further the social programs are forthcoming, and the very voter who is responsible for the rising cost will, as a consumer, be all the more attracted by import bargains that are easier on his pocketbook. He will not look upon himself as implicated in any way, i.e., as a cause of the higher domestic prices, preferring to blame the politicians and the "inefficiency" of industry, an inefficiency that is belied by our industrial leadership of the world. This leaves him free to pick and choose between domestic and imported goods, and thus to shift the blame for the industrial and labor predicament in the face of rising import competiton, and to act irresponsibly.

He has de facto helped to hand-tie American industry competitively and has thus underwritten the growing vulnerability of a growing spectrum of industry to imported goods that are produced under lesser cost burdens. The consumer's cry for greater productive efficiency as a remedy is ill-conceived and lifted from the economic context. The trouble is that greater efficiency in industries that lead the world in point of productivity can only be achieved by drastic dis-

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*Indisputable evidence of cost disparity between domestic and foreign production is fortunately on hand in one industry, namely the American *merchant marine*. Federal wage surveys of costs incurred in both shipbuilding and ship operation, both here and abroad, are made periodically. U.S. costs are a little over twice the foreign costs in both fields. This disparity, which has widened some 10% in the past 10 years, explains the subsidy, without which American flag vessels would be driven from the seas.

placement of workers, such as occurred in the coal industry ** thus adding to the problems with which the nation is already deeply beset.

It must be obvious that the contradiction between the domestic and the foreign economic policy is coming inexorably to a head, and that a remedy is imperative for industrial survival and labor's full employment at decent wages. A reasonable sharing of the market, industry by industry, as imports encroach too perilously on the foundations of our mass-production, mass-consumption interdependence would overcome the peril without doing violence to the principle of fair competition.

MR. WILLIAM BLACKIE, CHAIRMAN OF THE BOARD OF THE CATERPILLAR TRACTOR CO.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MICHEL. Mr. Speaker, Mr. William Blackie, chairman of the board of the Caterpillar Tractor Co., is recognized throughout the world as one of the leading exponents of free trade and this recognition was underscored last night in Philadelphia when he spoke to the annual meeting of the Foreign Traders Association of Philadelphia where he received the association's award for contributions to the expansion of U.S. trade.

A press release stressing the key points of his remarks before the association will be of interest to my colleagues I am sure and I insert it in the RECORD at this point.

PHILADELPHIA.—The United States must accept the leadership in expanding international trade to help build a more peaceful productive world, William Blackie, chairman of Caterpillar Tractor Co., declared tonight.

He spoke at the annual meeting of the Foreign Traders Association of Philadelphia, Inc., where he received the association's award for contributions to the expansion of U.S. trade.

"The responsibilities of leadership have been thrown upon our country—and so have its opportunities," Mr. Blackie said. "If, as I think we do, we seek to have a peaceful productive world somewhat in our own image, we must accept both the role and the responsibilities of leading others toward that goal."

By pursuing opportunities through trade and investment abroad, American businesses can become even greater contributors to a society which can only be as great as its industry is progressive, Mr. Blackie said. Benefits to the nation would include more productive employment, more foreign exchange with which to purchase needed imports, and a greater contribution to the balance of both trade and payments.

"In order to realize these benefits—and to do so as soon as possible—we should abandon faltering negative reactions and attack the problems of the day with aggressive, positive policies designed to build a better future," he declared.

"Instead of continuing fiscal policies which are a cause of our monetary troubles, we should adopt the proved disciplines which will restore order.

"Instead of fighting a delaying action against imports, we should be aggressively seeking to expand our exports.

"Instead of introducing more impediments to the movement of capital and goods across international borders, we should be giving our full support to the development of a code of international trading which is not only freer but is also fairer.

"Instead of raising more restrictive trade barriers—such as are currently being proposed—we should be exercising a keen sensitivity about the adverse effects these could have upon our international relationships and in affairs of state that are more important than business matters."

Reduction of international trade barriers under the General Agreement on Tariffs and Trade has benefitted all participating nations—and few, if any, more than the United States, Mr. Blackie said.

"Now, however, the results of the recent and most successful round of negotiations under GATT are being threatened by the attempts of certain segments of U.S. business to have new barriers raised against imports which compete with their products."

These attempts, if successful, would bring reprisals by other countries designed to reduce U.S. exports to them, he pointed out. In addition, they are creating hostility that will make more difficult the negotiations now so importantly needed to bring about a general reduction of nontariff devices which are unduly impeding trade and interfering with the full force and effect of tariff reductions, he declared.

Mr. Blackie said the recent round of negotiations under GATT should be allowed to go into full effect, and emphasis should be placed now on removal of discriminatory nontariff devices designed to restrict imports or to stimulate exports—beyond the allowable provisions of GATT.

It would seem appropriate to recognize the plea of lesser developed countries for special consideration which would permit them to export whatever they may have to sell—and, if necessary for that purpose, to be granted special dispensation which would waive the GATT principle of nondiscrimination on a most-favored-nation basis, he said.

"Instead of more monetary aid to the emerging nations, we should be giving more thought to how they might be helped to help themselves by trade."

Controls on U.S. investment abroad should be abolished at the very earliest possible time and preferably no later than the day after a settlement is reached in the Vietnam conflict, Mr Blackie said.

"Over a considerable period of time the income from direct private investment abroad has substantially exceeded the outlays for such a purpose and except for exports such income has constituted the largest contribution to the U.S. balance of payments," he pointed out.

In addition, the overseas subsidiaries and affiliates of American concerns are frequently the means by which exports from the United States are expanded and proliferated.

Mr. Blackie said the failure of the communist economic system, in contrast to the success of free enterprise capitalism, is causing socialist nations of Eastern Europe to adopt some basic elements of capitalism.

"Our cause might be better served if we were to stop regarding all of these countries as mere components of one monolithic bloc," he said. "If they were treated more as independent sovereign states, does it not seem possible that there might be a better prospect of accelerating the tendency toward greater independence which, in several instances, is already rising to the surface."

Mr. Blackie said the U.S. must not concentrate too intently on the idea that the competitive battle will be fought in the producing-exporting countries. Instead we should be considering the significance of a stronger probability that it will be fought in the much greater third party importing markets outside these countries, he asserted.

"Instead of proliferating into a number of regional customs unions or common markets, the way should be prepared to have the industrialized countries eventually become one big common market of free countries trading and investing freely in confident interdependence.

"Instead of relying on or hoping for wage inflation abroad, we should be acting diligently and responsibly to keep costs and prices down at home. Instead of thinking of our companies as localized units of only American business, we should be considering how their resources might better be exploited in the total world of expanding industry and commerce."

QUESTIONNAIRE TO CONSTITUENTS

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BOW. Mr. Speaker, as has been my custom for some time, I have prepared and will mail shortly a questionnaire to all of the voting citizens of the 16th Congressional District of Ohio. As I have told them many times, "Your Congressman, FRANK T. BOW, would like your opinion," and I hope there will be a heavy response so that we can lay plans for legislative work in the future.

The questionnaire will contain an explanatory message as follows:

DEAR CONSTITUENT: Some of my friends and colleagues urged me to suspend the fall questionnaire this year because they said the people are growing tired of campaign discussions and will not respond. I have disregarded this advice, for it seems to me that the discussion of government problems during the campaign has heightened interest in and knowledge of the issues and should result in a bigger and better informed response to the annual fall poll. I hope you agree and will take a few moments to indicate your position on the questions.

Many of them relate both to actions taken by the 90th Congress, now near the end of its two-year term, and to action suggested for the 91st Congress which will convene in January.

Space is provided below for your personal comment concerning the most important problem for the 91st Congress.

Please do not hesitate to write or call me whenever you wish to express your opinion or if you have a Federal Government problem with which I can be of assistance.

FRANK T. BOW.

The questions will read as follows:

** The *coal mining industry* was confronted with extinction fifteen years ago as a result of competition from oil, gas and imported residual fuel oil. Cost-reduction was an imperative. The industry succeeded, by introduction of mammoth machinery, to reduce costs sufficiently to become competitive with domestic fuels and in foreign markets. The cost, however, was ghastly in terms of employment. Jobs were cut from 480,000 in 1950 to 142,000 in 1965. The result was "Appalachia" from which recovery has not yet been achieved. The meaning of substantial reduction of production costs is but little appreciated. The example of coal stands as a mute monument.

FRANK T. BOW'S 1968 FALL QUESTIONNAIRE

	His	Hers
For each of the following questions, please check the 1 alternative that most closely represents your opinion (space is provided for both husband and wife):		
1. Do you think our present draft law should be—		
(a) Abolished in favor of a voluntary Army with the draft available in time of war	☐	☐
(b) Changed to a strict lottery	☐	☐
(c) Changed to draft 19-year-olds first	☐	☐
(d) Changed to give college graduate students automatic deferments	☐	☐
(e) Continued pretty much as is	☐	☐
2. Should we attempt to curb rioting and disturbances in our cities by—		
(a) More Federal, State, and local programs and funds to up-grade the ghettos and ghetto residents	☐	☐
(b) Stricter law enforcement and riot control by authorities	☐	☐
(c) More emphasis on involvement of private interests in the ghettos	☐	☐
(d) Combination of (a), (b), and (c)	☐	☐
3. Should the Government attempt to hold down inflation by—		
(a) Increasing income taxes	☐	☐
(b) Reducing Government spending		☐
(c) Reducing Government spending and increasing income taxes	☐	☐
(d) Instituting wage and price controls	☐	☐
(e) Take no further steps at this time	☐	☐
4. There is considerable dissatisfaction with the present system of electing a President. Would you favor—		
(a) Abolishing the electoral college but retaining the electoral vote system, automatically awarding the electoral votes to each State to the winner of the popular vote	☐	☐
(b) Determining the electoral vote of a State on the basis of one vote to the popular winner in each Congressional district plus two at-large votes for the statewide popular winner	☐	☐
(c) Dividing the electoral vote of a State according to the percentage of total popular vote for each candidate	☐	☐
(d) Electing the President by direct popular vote	☐	☐
5. If the Paris peace talks continue to be stalemated, what kind of policy do you think the United States should follow in Vietnam?		
(a) Withdraw immediately	☐	☐
(b) Withdraw to populated areas only	☐	☐
(c) Stop all bombing of North Vietnam	☐	☐
(d) Maintain present military and diplomatic efforts	☐	☐
(e) Turn the major burden of the fighting over to the South Vietnamese	☐	☐
(f) Wage all-out attack for military victory	☐	☐
6. Do you think that the peace demonstrations will—		
(a) Lead to peace	☐	☐
(b) Contribute to better communication in our society	☐	☐
(c) Make no contribution, but are not harmful	☐	☐
(d) Contribute to confusion and discontent in our society	☐	☐
(e) Lend encouragement to the enemy	☐	☐
7. Criticism of the welfare program based upon its lack of incentive to learn or earn has resulted in many suggestions for subtitute programs or revision of present programs. Do you favor—		
(a) Continuation of welfare as now constituted	☐	☐
(b) Continuation but with special incentives for job training for mothers including support for day-care centers while mothers train or work	☐	☐
(c) Substitution of guaranteed annual income (most suggest $600 per year per family member with $3,000 maximum) with incentive provisions to get head of household trained and employed	☐	☐
8. The 90th Congress enacted a dozen consumer protection laws including auto safety, "wholesome meat", "wholesome poultry", truth in lending and established a National Commission on Product Safety. Do you believe—		
(a) The Federal Government has a responsibility to assure that every product is safe, honestly advertised, serviceable, etc	☐	☐
(b) The Federal Government has gone as far as it should in this field of legislation	☐	☐
(c) The Federal Government has no responsibility in this field of legislation	☐	☐

The following questions ask your opinion regarding the priority of Federal programs (please indicate your opinion concerning the relative priority and the extent to which each should be supported):

9. Which of the following programs deserve priority in the allocation of Federal monies in 1969–70? Rank 1 to 10 in order of priority and indicate whether you think the Federal Government should spend more (M), less (L), or the same (S) for each:

	Rank		His			Hers		
	His	Hers	M	L	S	M	L	S
Education	☐	☐	☐	☐	☐	☐	☐	☐
Poverty program	☐	☐	☐	☐	☐	☐	☐	☐
Housing	☐	☐	☐	☐	☐	☐	☐	☐
Space	☐	☐	☐	☐	☐	☐	☐	☐
Defense	☐	☐	☐	☐	☐	☐	☐	☐
Welfare	☐	☐	☐	☐	☐	☐	☐	☐
Foreign aid	☐	☐	☐	☐	☐	☐	☐	☐
Farm program	☐	☐	☐	☐	☐	☐	☐	☐
Law enforcement	☐	☐	☐	☐	☐	☐	☐	☐
Health	☐	☐	☐	☐	☐	☐	☐	☐

10. Which of the following should be given priority on the agenda of the 91st Congress? Rank 1 to 7 in order of priority:

	Rank	
	His	Hers
Tax reform	☐	☐
Revision of electoral system	☐	☐
Revision of welfare laws	☐	☐
Federal tax sharing with States	☐	☐
Hoover-type commission to improve government management and organization	☐	☐
Revision of draft law	☐	☐
Other	☐	☐

11. Do you think the activity of the Federal Government in the following areas should be more (M), less (L), or the same (S)?

	His			Hers		
	M	L	S	M	L	S
(a) Generation of electric power	☐	☐	☐	☐	☐	☐
(b) Creation of additional national parks and recreation areas	☐	☐	☐	☐	☐	☐
(c) Encourage Indians to train for jobs and assimilation in off-reservation society	☐	☐	☐	☐	☐	☐
(d) Air and water pollution control grants to States and cities	☐	☐	☐	☐	☐	☐
(e) Health research	☐	☐	☐	☐	☐	☐
(f) Distribution of food to needy American families	☐	☐	☐	☐	☐	☐
(g) Distribution of food to other areas of the world	☐	☐	☐	☐	☐	☐
(h) The Apollo moon project	☐	☐	☐	☐	☐	☐
(i) Development of an orbiting bombardment system	☐	☐	☐	☐	☐	☐
(j) Development of an antiballistic missile system	☐	☐	☐	☐	☐	☐

PERSONAL COMMENTS

THE ATOM AND TRANQUILLITY

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. BAKER. Mr. President, on December 12, last year the Senate passed Senate Resolution 155, stating its sense that the construction of nuclear desalting plants in the Middle East would promote objectives in the highest interest of the United States and materially aid the prospects for a durable peace in that war-weary corner of the world. That resolution was sponsored by 53 Members of this body, men of all political persuasions.

A specific proposal for the construction and operation of such plants has been made by General Eisenhower and former AEC Chairman Lewis L. Strauss. As a result of the Senate resolution, a detailed feasibility study is now underway under the auspices of the AEC. And both major and national political parties have endorsed the concept of nuclear desalting in the Middle East in their 1968 platforms.

Mr. President, on September 5, the Albuquerque Tribune lent its editorial support to this proposal. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ATOM AND TRANQUILITY

In one short sentence of their long-winded national platform, the Democrats joined the Republicans in supporting one of the most imaginative and promising projects for peace and prosperity in the Middle East.

The Chicago platform says:

"We support efforts to raise the living standard throughout the Middle East, including desalinization and regional irrigation projects which cut across state frontiers."

Thus both political parties have now endorsed the Strauss-Eisenhower plan for U.S. aid in the construction of immense nuclear-fired plants that would produce sweet water from the sea for irrigation and power for the joint benefit of the Arabs and Israel.

These plants would be the heart of great agricultural-commercial developments in the expectation that in economic co-operation lies the way to peace. We believe this is the road to follow.

Senate and State Department backing of the plan already has been given. The U.S. Atomic Energy Commission now is making its studies. These must not be delayed.

Adm. Lewis Strauss, former Chairman of the Atomic Energy Commission and originator with General Eisenhower of the proposal, is no starry-eyed dreamer.

With the nationwide support the project now has, contesting groups in the Middle East would help themselves and the world by beginning the negotiations that could make this plan a shining reality.

Such peaceful use of the split atom could unite the nations that so continuously threaten the peace.

A PROGRESS REPORT ON THE HONEY IMPORT BILL

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HALL. Mr. Speaker, the September 1968 issue of the American Bee Journal includes an excellent analysis of the honey import bill by my friend and colleague, Congressman JAMES SMITH, of Oklahoma. I insert the article at this point in the RECORD:

A PROGRESS REPORT ON THE HONEY IMPORT BILL

(By Congressman JAMES V. SMITH, Fourth District of Oklahoma)

I thought that I should report to members of the American Beekeeping Federation concerning the present status of the honey import bill, H.R. 10677, which I originated in the House of Representatives on behalf of the honey producers.

The Ways and Means Committee recently held omnibus hearings on all import legislation which has been introduced in the House of Representatives during the 90th Congress which, of course, included the bill affecting honey and honey products. At this time the Committee has not reported out any legislation favorably and, since the House is rushing for adjournment, it appears that this legislation will probably be held over until the 91st Congress.

It is my opinion that the Committee has not found reason to act quickly on this legislation because of several reasons but notably due to the total opposition which this bill has faced from the U.S. Tariff Commission. The Commission has reported its findings to the Committee in which it goes into considerable detail as to the reasons for the Commission's opposition. Primarily the Commission is opposed to the bill because they state that the enactment of this bill would contravene a U.S. commitment under the General Agreement of Tariffs and Trade not to impose a duty higher than 1 cent per pound on honey. The imposition of a quota on honey and honey products would also contravene a commitment under Article XI of the GATT not to impose quotas on such products, according to the Commission.

Further, the Commission sets forth to the Committee that, under Section 22 of the Agricultural Adjustment Act, there are procedures whereby the President may impose a fee up to 50 percent or a quota on imports of honey or honey products should imports thereof come in under such conditions and in such quantities as to render, or tend to render ineffective, or materially interfere with the price support program with respect to honey. It does not appear that the Secretary of Agriculture has ever requested the President to initiate an investigation under Section 22.

As well, we have received considerable opposition from the American Bakers' Association who state to the Committee that they could conceive of no justification for any tariff on imported honey, much less the imposition of a quota. The Association takes the position that, according to government statistics, annual imports of honey for the years 1963 through 1966 were less than 8 million pounds, or less than 3 percent of our domestic annual production of 280 million pounds. The Association, however, admits to the Committee that Mexico and Argentina are the source of some 95 percent of the imported honey which their industry consumes.

It appears to me that beekeepers of this country are receiving tremendous opposition to their proposal which is going to be offset by additional hard legislative work on my part and other Congressmen, to be able to realize the enactment of this legislation. The mood of Congress at this time is not to disallow importations into this country of any product even though restrictions can be justified, as in the case of the beekeepers, whereby the importation of these products are causing serious economic results among honey producers.

Please be assured that I will continue to do everything in my power to cause the realization of this legislation, and I think the rightness of this legislation should have some merit as we proceed through the legislative channels of the House.

(EDITOR'S NOTE: Of course, this was written before the adjournment of the 90th Congress. This article points out clearly the tremendous opposition to this bill, which should emphasize the real need for honey producers to write their representatives urging them to support H.R. 10677.)

SENATE—*Friday, September 27, 1968*

(Legislative day of Tuesday, September 24, 1968)

The Senate met in executive session at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, may Thy truth make us free—free from pride and prejudice and from all the ugly sins of disposition that doth so easily beset us.

Lift us above the mud and scum of mere things to the holiness of Thy beauty so that the common tasks, and the trivial round may be edged with crimson and gold.

This day in our fellowship and in our service, let us put into the fugitive fragments of every day such quality of work as shall make us unashamed when the day is over and all the days are gone.

Heal the divisions which shorten the arm of our national might as we stand at this crossroads of history. Make us tall enough for these testing days.

We ask it in the dear Redeemer's name. Amen.

SUPREME COURT OF THE UNITED STATES

The **PRESIDENT** pro tempore. The question is on the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if no Senator desires to speak tomorrow, Saturday, on the pending business of taking up the nomination of Mr. Justice Fortas, it is the intention of the leadership, on that basis, to have the Senate go over until Monday. But if any Senator wishes to speak tomorrow on the pending matter, the leadership will be most happy to accommodate him or them and call a session for tomorrow. We do not wish to abridge the right of anyone to speak; and I make these remarks for that reason.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I would certainly want to reserve the right to speak tomorrow.

Mr. MANSFIELD. I hope the Senator understands fully the point I am making.

Mr. STENNIS. I thought the Senator had finished that point.

Mr. MANSFIELD. If any Senator does not wish to speak tomorrow, it is my intention to file the cloture motion today. If a Senator wishes to speak tomorrow, we will be glad to call the Senate into session so that those who desire to do so on tomorrow may be given the opportunity to speak.

The only reason I make the statement, I would say to the distinguished Senator from Mississippi, is that I should like to put the Senate on notice that if no one is to speak tomorrow, it is the intention to file the cloture motion today, so that we would not be in session tomorrow. The intervening day would be Monday, and 1 hour after convening on Tuesday the vote on the motion for cloture would take place. If, however, there are Members who wish to speak tomorrow, the Senate will be in session for that purpose and the cloture motion will be filed tomorrow.

So this is just an explanatory statement which I wish to make at this time.

Mr. STENNIS. Will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I thank the Senator, and it is very commendable of him to inform the Members of the Senate.

However, for the time being, I should like to reserve the right to speak tomorrow. I do not know what the situation will be today, but later in the day, and before very long, I shall try to advise the leader as to the situation.

Mr. MANSFIELD. That is fair enough.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. I had planned, perhaps, to speak somewhat briefly this afternoon. But if we are going to be in session tomorrow, I may defer my remarks until tomorrow. If I do not get the opportunity to speak this afternoon on the pending motion, I should like to speak tomorrow.

As I understand, it is a question of the vote on the cloture motion being on Monday or Tuesday.

Mr. MANSFIELD. No, definitely it will be Tuesday, regardless. But if we do not meet tomorrow, I would file the cloture motion today. If we meet tomorrow, I would have to file it tomorrow because of the one intervening day requirement.

Mr. McCLELLAN. That is what I was most concerned about, that the vote on the cloture motion would be on Tuesday rather than Monday.

Mr. MANSFIELD. That is correct.

Mr. McCLELLAN. I do not know whether the distinguished leader would be prepared at this time to give an indication of proceeding beyond that date with respect to a second cloture motion, in the event that should become necessary. At the moment, I think in terms primarily of my own commitments. I should like to discuss the matter with the Senator.

Mr. MANSFIELD. I shall be happy to make a statement at this time which will encompass my feelings on the matter.

Much will depend on the outcome of the vote on Tuesday next. It is my present intention to move at least for a second vote on cloture, but that decision will not be finalized until we see what the results are on the first vote.

Mr. McCLELLAN. I can appreciate that.

Mr. MANSFIELD. And I do not intend to keep the Senate in session all year, I say to the distinguished Senator from Arkansas.

Mr. McCLELLAN. I thank the distinguished leader, and I certainly commend him for that decision and that assurance.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. It is my understanding that the Senator from Montana has decided to file a cloture motion either today or tomorrow.

Mr. MANSFIELD. Yes; depending on whether or not the Senate is to be in session tomorrow.

Mr. STENNIS. I shall confer as soon as I can with the Senator from Montana, which will be within the hour.

Mr. MANSFIELD. Mr. President, I shall leave at the desk the cloture motion, so that Senators will be aware of what the procedural situation is at the present time, and I would hope that not later than 3 o'clock this afternoon it might be possible to inform the Senate as to whether or not there will be a session tomorrow.

I thank the Senate for its consideration and courtesy.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may speak on an extraneous matter for 5 minutes.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection? The Chair hears none, and it is so ordered.

THE RESIGNATION OF GEORGE W. BALL AS AMBASSADOR TO THE UNITED NATIONS

Mr. ALLOTT. Mr. President, in 1962 I had the honor to be a delegate to the United Nations, by virtue of an appointment by President John F. Kennedy.

My experience in that capacity has, I think, provided a little unusual knowledge and insight in the matter which I propose to discuss briefly for a few minutes.

Never in the history of the country have we seen such a disintegration of an administration as we have been witnessing in the past few months, with people leaving Cabinet posts to enter political campaigns, leaving Cabinet posts to enter private life and lucrative jobs, and people deserting the ship one after another. But the matter which came to our attention yesterday is one which must shock every American, and it ties in particularly to the situation which we face now with regard to the pending nomination. We have all been aware of this game of political and musical chairs that has been going on.

I have in my hand an article from a wire service that states:

> Hubert Humphrey said last night he would be "very much moved" by the foreign policy advice of George Ball, who quit the United Nations to join the Vice President's campaign.

Mr. President, it must come as a shock to the American people that the man who resigned yesterday to join Mr. HUMPHREY's political campaign was confirmed by the Senate only the day before, so we have probably the shortest ambassadorship in history; a man confirmed by the Senate one day, who left the ambassadorship to the United Nations the next day to join a political campaign. From the text of these wires, it appears that he may achieve even a greater role in Mr. HUMPHREY's campaign.

I would say this to Mr. HUMPHREY. A man who will desert the ship as rapidly as Mr. Ball deserted it will desert Mr. HUMPHREY down the road just as fast it suits his occasion and needs.

But I am shocked by things beyond this political chicanery. Here we are involved in the United Nations where we are facing more critical problems than at any time in history. We have the Vietnam issue, and the continuing efforts to arrive at some understanding with the North Vietnamese in Paris. At the same time we have the Secretary General of the U.N., who should be removed, recommending that the United States should disarm and leave ourselves at the mercy of the North Vietnamese in Vietnam. We have the Near East situation, and everyone who can read knows that this is one of the most explosive situations in the entire world. And, of course, we have the grave crisis precipitated by Russian barbarism in Czechoslovakia.

We have numerous other matters before the United Nations which are a vital importance to this country.

So at this hour, at this moment, 24 hours after the Senate has confirmed this man, the President and the Secretary of State are faced with this resignation so that Mr. Ball can go out on the political campaign trail, presumably with the idea that he will be the Secretary of State at the end of the campaign.

To put the matter in ordinary everyday street language, what this amounts to is exactly like the captain or quarterback of a football team, who sees his team lined up on the field, ready for the kickoff, and at that moment, at that very moment, walks over to his coach and says, "Coach, I am sorry. I am quitting."

At a time when we needed help, at a time when we needed leadership in the United Nations, at a time when we need strong and knowledgeable men, at a time when we need men of loyalty, loyalty to the President and loyalty to the Secretary of State, but most of all loyalty to the American people, this man has such a small concept of his job that he can quit it and, for all practical purposes, leave the first post leaderless because no matter what the qualifications of the new Ambassador may be he cannot step into a job like that, considering the mammoth problems he faces, and do the job we would like to have him do in the United Nations.

I think this is one of the most shocking pieces of political chicanery that has come down the turnpike during my political life. I hope others will speak out, because we should let Mr. Ball know not just what Republicans and Democrats think about it, but what all of the American people think about his abandonment of his duties and his loyalties at such a critical time in American history.

I yield the floor.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1461) making continuing appropriations for the fiscal year 1969, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 945) to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution in which it requested the concurrence of the Senate:

H.R. 19831. A bill to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds; and

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

RESIGNATION OF GEORGE W. BALL, AMBASSADOR TO THE UNITED NATIONS, AND NOMINATION OF J. RUSSELL WIGGINS

Mr. MANSFIELD. Mr. President, I must say that I was surprised, as were many other Senators, at the sudden resignation of Ambassador George W. Ball as chief of the U.S. delegation to the United Nations, and our Ambassador to that organization, but that is his privilege. The President did notify the leadership yesterday morning, and the ranking members of the Committee on Foreign Relations as to what was going to occur on yesterday afternoon respecting this matter.

There is a bright lining to this decision, though, in the man of outstanding quality whose name the President has forwarded to the Senate as a successor to Ambassador Ball. Most Senators in this Chamber, I am sure, know or know of Mr. J. Russell Wiggins; know of his splendid integrity and ability, and know him as a man of wide knowledge and understanding—a man who, because of his background, will not go "cold," so to speak, into the new post which he is about to assume.

I can think of no better man at this time than Mr. Wiggins to take over the vacancy which has been caused by the resignation of Mr. Ball. I look forward, in the months ahead, to the highest quality of representation on the part of Mr. Wiggins in his capacity as chairman of the U.S. delegation to the United Nations and as our Ambassador to that body. The President could not have made a better and wiser choice than the choice he has made in Mr. J. Russell Wiggins.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. HANSEN. Mr. President, I rise to speak on the subject which is foremost in the minds and in the consciences of all of us here in the Senate today. My remarks today will be of a frankly personal nature, even though this may run counter to some of the traditions of Senate debate. I say that they will be personal for several reasons. The first of these reasons stems from the fact that some of the leading newspapers in the country and some of the supporters of the nomination of Abe Fortas to the Chief Justiceship have repeatedly expressed the fear that debate on the Senate floor on this extremely complex issue will become an ugly debate and a debate which does not become the dignity of either the principal personalities involved or the Senate of the United States.

I wish to meet this expressed fear, and I hope that it is not intended as a self-fulfilling prophesy, by stating at the outset that I do not intend to hide behind empty phrases, hollow cliches, or thinly veiled insinuations in the debate which is sure to envelop us here in the Senate in the coming days. I intend to express myself as clearly and as simply as possible and I believe that a statement of personal views at the outset is best suited to this purpose.

Second, while there are many issues involved in this debate, I believe that one of the paramount issues facing the Senate turns on the question of human judgment. We will be discussing the judgment of the President of the United States and certain actions he has taken pursuant to that judgment. We will be discussing the judgment of the nominee in question. And in so doing, we will be expressing our own personal judgment as Members of the Senate. All of us are made up of like frailties. All of us are subject to like imperfections. But one of the principal confrontations in this entire debate will center around the judgment of the President of the United States and the judgment of Mr. Abe Fortas, as pitted against the judgment of duly elected Senators who are doing their utmost to fulfill the constitutional requirement of advising and consenting to the express wishes of our Chief Executive.

I do not know Justice Abe Fortas. I have never met him. I have, however, read everything that I could obtain on the life and views of this remarkable man since his name was placed in nomination by the President.

From what I have read, there can be little doubt in my mind that he is a man who is professionally qualified to sit on the Supreme Court of the United States. His abilities as a lawyer are legend. His expertise in legal analysis is unquestioned. His acute intelligence and intellectual honesty cannot be impugned. But above all these qualities, it appears that Mr. Fortas is a man of intense loyalty to both his friends and companions and to a set of ideological principles to which he has subscribed. It is this loyalty which makes the difficult task of the Senate in advising and consenting all the more bewildering and complex.

I believe, from what I can read that his sense of loyalty to friend and cause has been the real reason for the dramatic errors in judgment on the part of Mr. Fortas which the Senate is being called upon to review today. The unswerving personal loyalty of Mr. Fortas to the now President of the United States and to the controversial programs, policies, and philosophies of this administration, gives focus to this entire debate and gives cause for the rejection of this nomination.

It is this loyalty which dramatizes a fundamental shift in the form of government as practiced by the present administration. This administration, more than any other in the history of this Republic, has sought to personalize the power of Federal Government and has sought to reduce the participatory nature of our entire constitutional system.

The checks and balances which were so carefully established by the inspired framers of the Constitution have been blurred, confused, weakened, and brought into disrespect by the President of the United States and this administration. The power of the Congress has been deliberately diminished and the Supreme Court, principally through the activities of Justice Fortas, has been brought into questionable repute.

Actions, practices, and relationships between the President of the United States and Justice Fortas, only recently revealed, point up the close interrelationships between certain business interests and the highest political office of the land. To tolerate the linking of these interests with the Supreme Court of the United States threatens the very fabric of our democracy.

Justice Oliver Wendell Holmes once described the atmosphere of the Supreme Court during its deliberations on cases brought before it as being like the quiet in the center of the storm. Senate investigations have revealed that a member of that Court, namely, Justice Fortas, has moved out of the quiet of that sanctified storm center on numerous occassions and has participated to an unknown degree in the political decision-making processes surrounding events and political crises of unparalleled importance to this country.

Mr. Justice Fortas, apparently at the direct personal request of the President of the United States, has involved himself in events leading to the suppression of horrifying race riots, to legislative action following a tragic political assassination, to the enunciation of social and political programs of this present administration in the state of the Union message of the President of the United States, and to the suppression of criticism of an unpopular war that more than any other single thing has divided and disrupted our country and brought fear and distrust to our citizens.

The storm center of proper judicial deliberations, as described by Justice Oliver Wendell Holmes, is too demanding to leave any room or cause for members of the Supreme Court to exercise their views or their talent in the greater political arena of this country. The President of the United States is certainly entitled to the advice, counsel, sympathy, and support of the best minds and institutions in this country in meeting the fantastic crises which buffet our National Government.

But there is one exception to this license which I believe all Americans would like to see granted to their elected President. That exception excludes the Supreme Court and its members from qualifying as susceptible to the call of the President.

Mr. Justice Fortas revealed to the Senate Judiciary Committee, after persistent probing by diligent committee members, that he had indeed called a former business associate who had been critical of administration policies and pronouncements concerning our national involvement in the war in Vietnam.

We will recall now that other members of the Supreme Court; namely, Justice Stewart and Justice Douglas, have repeatedly expressed the view that the conscription of our young men to fight in this war does raise questions which are justifiable and which should be heard by the Supreme Court. Some citizens in this country have been bending every effort to bring the Vietnam war issue before the Supreme Court and I ask the Senate now: Is it irrelevant to our constitutional government and to the separation of powers that a member of the Supreme Court serves as a spokesman for a questionable war? Of course that is not irrelevant.

The next question to be asked and a question which I regret was not asked by the Senate Judiciary Committee in its investigation of Mr. Justice Fortas, is whether or not Mr. Justice Fortas would see fit to disqualify himself from the Bench if the Vietnam war issue were brought before the Court. Is it proper that the President of the United States called upon his loyal supporter Abe Fortas to defend a tragic war which has been mismanaged, inexpertly explained, and for which national justification has been sought after the fact? I think not.

Finally, Mr. President, I would like to call attention to the business interests of the President of the United States and of Mr. Abe Fortas. In February of 1968, the Ripon Forum published an excellent article entitled "The SMIC Boondoggle." That article was placed in the CONGRESSIONAL RECORD on September 17, 1968, by Senator GRIFFIN. The Ripon Forum summarizes this article as follows:

> SMIC stands for the Southwestern Military Industrial Complex or to put it more personally, the friends of L.B.J. Funny thing: since Lyndon became President stock prices of SMIC firms have soared; Texas has increased its defense contracts by 460%; and old SMIC stalwarts like Abe Fortas and Ed Clark have had appointments that enable them to keep an eye on their business interests while serving our country.

Under the heading of "Conflict of Interest," this article describes the new style of administration as practiced by President Johnson. I read this portion of this article for the edification of all Senators:

> The Clark appointment is not—with all its crassness atypical. Another Johnson advisor, Justice Fortas, served as director of various SMIC-related corporations. Before ascending to the Supreme Court, Justice Fortas was part of the highly successful New Deal law firm of Arnold, Fortas and Porter, a Washington firm specializing in lobbying and tax law. He defended Johnson—subsequent to the Texas Senatorial election of 1948—against charges of election fraud in a case taken to the United States Supreme Court. In 1963 he undertook the defense of Bobby Baker, another chore presumably of the utmost political importance to Mr. Johnson.
>
> Fortas, then, is more than simply a "Johnson advisor"; he is a trusted political ally. So when Fortas acted as the President's envoy in settling the details of the Dominican crisis, he carried with him at least the aura of Johnson's personal endorsement.
>
> It is therefore particularly distressing that at the time of the Dominican mission Fortas was a member of the Board of Directors of the SuCrest Corporation, a major purchaser of Dominican sugar. That Johnson sent him into so obviously compromising a situation is evident of the President's almost incredible insensitivity to the issues raised by conflict of interest.
>
> Fortas and Clark are merely representative personalities. Throughout the last 30 years, people who have played ball with Johnson have found that he plays ball with them. As President, he has elevated this habit into a new style of administration, "cronyism," in the furtherance of which public spending is distributed like private largesse.
>
> Clever exploitation of political power for personal gain has, of course, many precedents in American history. But this ought not obscure the effects of the Johnson-SMIC combine on America and the future course of its foreign policy. The recent trends described above are not simply a matter of mink or vicuna coats. A powerful segment of the national leadership, perhaps including the President himself, is deriving enormous economic benefits from the prolongation of the war in Asia. The result is a conflict of interest of grave proportions and worldwide significance.
>
> When President Eisenhower left office, he indicated the inherent danger in the relationship between government and the defense industry, and he has noted that a rapid expansion of military spending tends to undermine democratic institutions, much as the influence of Congress has been reduced in the past four and a half years.
>
> It need hardly be added that the reelection of Lyndon Johnson in 1968 will increase the influence of SMIC in the White House and cause a commensurate loss in independent judgment in the formulation and execution of American foreign policy. Surely, Mr. Johnson's cronyism will be and should be an issue in the coming campaign.

Mr. President, Mr. Johnson's cronyism has become an issue in the coming campaign, and it is Mr. Johnson who has made it an issue. His nomination of Abe Fortas to the Chief Justiceship of the Supreme Court of the United States has crystalized serious questions concerning the conduct of his administration.

Within the past several days, other evidence has been brought to light by none other than Ralph Nader, a courageous young crusader for consumer interests. In an interview between a representative of Playboy magazine and Mr. Nader, Mr. Nader outlines a practice of lobbying that apparently has become commonplace on the Washington scene. Mr. Nader says, in part:

> But you also have the wealthy Wall Street-Washington law firms that represent the huge corporations, and here the ethical problems become really acute. . . . Now, you've got to remember that whenever a major industry gets into *real* trouble, it doesn't go to its trade association or to its house counsel, but to these Washington-Wall Street firms that are staffed by men who have served in government, who have penetrated the interstices of power and who are thus eminently qualified to mediate and resolve problems—who are, in short, masters of preconflict resolution, or the art of settling prob-

lems in the back room before they burst into the public limelight and generate democratizing pressures that cannot be controlled. In this case, the Tobacco Institute, the industry spokesman, enlisted a number of top Washington law firms, the most important of which were Arnold, Fortas and Porter—of which Abe Fortas, now a Supreme Court Justice and a longtime friend of L.B.J., was a senior partner—and Covington & Burling, led by Thomas Austern, a veteran lawyer and backslapping Washington contact man. These lawyers, with the occasional help of Mr. Fortas, met daily to plot a strategy that would decide the government's public policy on a major health problem for years to come, and they lobbied relentlessly with Congressmen, bringing to bear all their influence and all the economic power of the tobacco industry.

I ask unanimous consent, Mr. President, that the relevant portions of the article from Playboy magazine, for October 1968, be printed in the Record at this point.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

Playboy. Who are the "lobbyist-lawyers" you criticize for persuading Congress to go easy on corporate crime?

Nader. First of all, let me explain that there are two basic strata in the legal profession in this country. On the one hand, you have a majority of lone lawyers who work with poor or middle-class clients; you can have serious ethical problems with this type of lawyer in the accident, estate or loan area, but the abuses generally affect only individual clients who are exploited in one way or another. This is the more petty type of legal chicanery, which, while it must be corrected, does not create a legitimizing legal framework for itself. But you also have the wealthy Wall Street-Washington law firms that represent the huge corporations, and here the ethical problems become really acute. The worst problem is at the top, not the bottom; the legal profession, like a fish, rots from the head down. My interest, consequently, is primarily focused on these mega-law firms, because they are among the strongest power brokers in our society, particularly between industry and Government; and they are also the least understood power elite in the nation.

These law firms, as the legal agents of the large corporations, are involved directly in preserving and extending corporate exploitation of the consumer, often under Government protection via laws they draft. Such lawyers have abdicated or distorted their legal ethics and their responsibility to the public interest for million-dollar retainers. The behavior of these firms is particularly irresponsible because they also set the ethical tone for the little lawyer who works with individual clients; as he gazes up at the Olympian peaks of the Wall Street-Washington law firms and witnesses the squalid blue-chip cavorting of the country's best-paid and most respected lawyers, it's inevitable that he will want his slice of the pie, too. After all, he'll say to himself, if they're rewarded with $500,000 homes and invitations to the White House, why shouldn't he, in his own little practice, emulate their example? And so the whole sordid ethical code of these large firms filters down the line and helps create the same kind of operational atmosphere for other lawyers.

Playboy. What specific unethical acts do you claim these large law firms commit?

Nader. Let me give you two examples. And let me stress at the outset that their activities, while profoundly unethical, are rarely illegal; they stay within the strict letter of the law—which they or their predecessors often helped write. As a case in point, let's take the cigarette-labeling legislation that passed Congress in 1965. Here you had a question of great and lasting significance for public health: What should Congress do, if anything, in the light of the Surgeon General's report on the health hazards of smoking? There was a considerable demand, voiced by public and echoed in Congress, that strict legislation be passed, warning the consumer of the dangers of smoking and initiating antismoking campaigns and research for safer cigarettes on a large scale. As this controversy got under way, the tobacco industry began marshaling its forces in Washington through its lobby, the Tobacco Institute, headed by ex-Senator Earle C. Clements, which mobilized legal support for the industry.

Now, you've got to remember that whenever a major industry gets into *real* trouble, it doesn't go to its trade association or its house counsel, but to these Washington-Wall Street firms that are staffed by men who have served in Government, who have penetrated the interstices of power and who are thus eminently qualified to mediate and resolve problems—who are, in short, masters of preconflict resolution, or the art of settling problems in the back room before they burst into the public limelight and generate democratizing pressure that cannot be controlled. In this case, the Tobacco Institute, the industry spokesman, enlisted a number of top Washington law firms, the most important of which were Arnold, Fortas & Porter—at which Abe Fortas, now a Supreme Court Justice and a longtime friend of L. B. J., was a senior partner—and Covington & Burling, led by Thomas Austern, a veteran lawyer and backslapping Washington contact man. These lawyers, with the occasional help of Mr. Fortas, met daily to plot a strategy that would decide the Government's public policy on a major health problem for years to come, and they lobbied relentlessly with Congressmen, bringing to bear all their influence and all the economic power of the tobacco industry.

What was the result? Congress passed a Cigarette Labeling Bill—spearheaded by Dixiecrat legislators from tobacco states—that was completely without teeth; a bill, in fact, that the tobacco industry had desired desperately and which fulfilled its every corporate need. The bill did three major things for the industry. First, by requiring that each cigarette pack be labeled on the side with the message "Smoking may be hazardous to your health," it put the smoker on notice and gave the industry a persuasive defense against potential liability suits. Now they can say to the plaintiff in court, "Since we warned you before you assumed the risk, we are absolved of all responsibility." Let me add parenthetically that even the wording of this warning was weak: "Smoking *may* be hazardous to your health," instead of, as the Surgeon General's report and every other serious study demonstrates, "Smoking *is* dangerous to your health." The second boon the bill gave the industry was that it headed off the states from taking any action to protect consumers from smoking hazards at least until 1969. This was very important to industry, because legislators in New York State, under the leadership of state senator Edward Spino, were on the verge of passing very tough legislation against cigarette advertising, and a number of other states seemed ready to follow New York's lead. So the bill gave the industry a five-year breathing space, during which time its products could continue to be sold while innovations such as the 100-millimeter cigarette could be introduced. The third thing the bill did for the industry was to preclude the Federal Trade Commission, which had just issued some stringent proposed rules concerning cigarette advertising, from acting in any way again, at least until 1969. So this bill, which many naive citizens viewed as a blow to the tobacco industry, actually constituted a Congressional surrender to the industry. And who were the architects of this remarkable tour de force? Washington corporate attorneys who listen to after-dinner pontifications about lawyers' being the soul and conscience of society.

Let me give you just one more example of this type of thing. One of the smallest but most powerful Washington law firms, which is also most adept at defeating the public interest, was Clifford & Miller, headed by the redoubtable Clark Clifford, friend of Presidents and presently our Secretary of Defense. As a result of the conviction of General Electric, Westinghouse, Allis-Chalmers and other companies for violation of the antitrust act by collusive long-term price-fixing, which was designed to maintain high wholesale prices for GE's and other corporations' electrical equipment, a number of municipalities and other customers demanded repayment of overcharges. After a good deal of grumbling, the companies agreed to pay out about $500,000,000 in punitive damages. Prior to most of these settlements, GE called in Clark Clifford, who knows his way around Washington, and asked him to use his considerable influence to persuade the Internal Revenue Service to rule that the money GE and the other culpable companies had to pay out in damages was tax-deductible. After some persuasive representation by Clifford, believe it or not, the IRS ruled just that—which meant that the punitive damages GE and its price-fixing partners paid out as restitution for their own criminal activities were written off as "ordinary and necessary" business expenses; and as a result, the amounts were offset against profits and the Federal Government got 50 percent less in tax payments from the electrical companies involved—a difference ultimately underwritten by the American taxpayer. So Clark Clifford saved GE over $100,000,000; even a one-percent fee for such services would amount to $1,000,000. This is the kind of leverage—and incentive—these top Washington lawyers have. Even if the public interest is sacrificed in the process, no criticism is leveled at these attorneys.

Playboy. How do the top corporation lawyers gain such influence?

Nader. By skillfully coordinating the influence of their corporate client with their own personal influence in Washington. They have done this in many ways, but the most important factor has been their ability to curry Presidential or Cabinet-level favor—by helping the President, for example, get business support for his tax legislation and balance-of-payments policies, by lobbying in Congress for his legislative programs, by working for the party organization and raising campaign funds, by setting up key task-force advisory committees, by persuading prominent businessmen to accept high-level Government appointments and by frequently assisting the Chief Executive and other high officials on a wide range of ticklish policy matters. Now, all of these nonremunerative "public services," of course, have an implict *quid pro quo.* The lawyer is repaid with special early access to Government information that will be of use to his corporate clients on rulings, regulations, licensing or quotas; or the Government will take a stand favorably disposed to a particular economic interest represented by such a lawyer; or a Federal agency will delay in acting contrary to that economic interest.

Playboy. Wouldn't lawyers such as Clifford and Fortas answer you with the argument that they are only serving their client and that in a free society everyone has a right to legal representation?

Nader. No one questions a company's or an industry's right to legal representation. It's *how* they're represented, and for what purpose, that is the issue. If there were law firms on the other side to represent the consumer, to make secret information public, to engage in meticulous advocacy, to expose pay-offs and other undesirable practices, then lawyers like Clark Gifford would not be such influential industry lobbyists.

> There's nothing reprehensible or unethical, for example, about a criminal lawyer representing a crime chieftain, because his efforts are countered and the public protected by the district attorney's office, the police and the whole prosecuting machinery of the state. There are, unfortunately, no such countervailing forces in Washington.
>
> It has to be driven home to the American people that the relationship between big business and these top law firms is not a normal attorney-client one but a partnership extending far beyond the court process into legislation, administration, political and diplomatic lobbying, business investments and directorships. The American people must know how much power these lawyers have and how that power is frequently exercised to the public detriment. During the 1966 auto-safety battle in Congress, for example, the four U.S. auto companies hired attorney Lloyd Cutler to represent them. Cutler had the special task of preventing the law from including criminal penalties for willful and knowing violations that would endanger human life. Somehow, he persuaded Congress that criminal sanctions for such acts as knowingly putting defective vehicles on the market and not recalling them, watering down or adulterating brake fluids, etc., would be punitive, unnecessary and impossible to enforce. Before Congress caved in to Cutler, who applied a good deal of pressure, Senator Vance Hartke, who had introduced the criminal-sanctions provision, asked why there was such desperate lobbying by the auto industry to forestall a sanction that would apply only to knowing and willful violations of the law and not to structural flaws or failure to innovate safety improvements. He didn't get an answer. Did Mr. Cutler have an ethical and professional responsibility to consider the human and social effects of his services? Did he appreciate the fact that he was exempting from criminal penalties not only his four auto-company clients but also thousands of suppliers and distributors whose integrity Mr. Cutler might not so easily vouch for? Apparently, he lost little sleep over this dilemma.

Mr. HANSEN. Mr. President, this country and its political institutions are being threatened by minorities on the left and minorities on the right as it has never been threatened before. The appeal of George Wallace, a demagogue and spoiler of Democratic institutions and principles, can no longer be ignored.

Pious mumblings by certain apologists that a sustained battle over the confirmation of Abe Fortas to the Chief Justiceship of the Supreme Court are predicated on an effort to irresponsibly discredit and demean the stature of the Court are as unrealistic as they are condescending. The stature of the Court has been demeaned already by the monumentally poor judgment displayed by the President of the United States and by Justice Fortas since his ascension to a seat on the Supreme Court.

The George Wallaces of this country, as much as we might denounce them, and I here denounce him, are not tilting at windmills when they raise fear and suspicion over the posture of the Supreme Court. But the Supreme Court will not be reformed and the administration of our Federal Government will not be reformed by the insinuations and panderings to fear and ignorance from the likes of George Wallace.

The role of the Supreme Court in our national life and the functioning of the executive branch of the Federal administration can and should be reformed from within our two great political parties. A nomination of Justice Abe Fortas to be Chief Justice of the Supreme Court is a tragedy at this time in our national history. It is a tragedy for the Supreme Court itself which has been discredited and brought under the cloud of suspicion among our Nation's citizens. It is a tragedy for the President of the United States, who in the closing days of his administration has chosen to stake his personal pride, prestige, and power on the confirmation of this nomination. It is a tragedy for the President because the nomination will not be confirmed by the Senate in the 90th Congress.

Lastly, it is a personal tragedy for Mr. Abe Fortas. A man of great ability, great compassion for the rights of individual citizens and minorities, a man who has labored unstintingly throughout his life for the causes and the persons to whom he has committed his loyalty, has now been thrust into the eye of public scrutiny, debate, and controversy. It is doubly a tragedy for Mr. Fortas because he undoubtedly served at the will and call of the Chief Executive and Commander in Chief to whom he believed he owed a personal loyalty. But that does not excuse. It does not excuse the President for his misjudgment, the Justice for his impropriety, or the Senate from its solemn responsibility to correct a matter which is obviously wrong.

I call upon the President of the United States to withdraw the nomination of Abe Fortas to the Chief Justiceship, and I call upon Mr. Fortas to resign his seat on the Supreme Court immediately. The evidence brought to light on this matter so far is justification enough for both of these requests. And how much more evidence is there? We have just seen the tip of the iceberg. The Senate Judiciary Committee hearings were halted prematurely. What lies beneath the surface?

STATEMENT ON THE PUERTO RICAN CONNECTIONS OF ABE FORTAS

Mr. President, I would like to discuss with the Senate for a few moments a matter which reflects on the judicial propriety shown by Associate Justice Abe Fortas.

In pursuing this discussion, I want to make it clear that I speak as a nonlawyer on this subject. But I speak as a Senator who is deeply concerned, as a layman and citizen, in what appears to be a clear instance where a Justice has brought himself to the consideration of a case, tainted with a bias which was bound to affect his decisionmaking capability.

We know that Mr. Justice Fortas served as Under Secretary of the Interior from 1942 to 1946. According to his testimony before the Senate Judiciary Committee, one of his responsibilities was "supervision of the Division of Territories, which had its own chief." In this capacity, Justice Fortas had an intimate part to play in the creation of the Commonwealth of Puerto Rico and in its later development and relationship with the U.S. Government.

According to an article written by Marquis Childs, appearing in the Washington Post on May 22, 1946, Abe Fortas left the Department of the Interior in 1946 and "within a few days he had accepted a $12,000 retainer to represent the Government of Puerto Rico in this country."

I shall read this article, entitled "Law Industry," by Marquis Childs, because it is short, and relevant to our discussion here.

> One of President Truman's recurring complaints is that he finds it more and more difficult to recruit able men for public office. Boom-time prosperity is luring them into private business.
>
> Younger men have left the Government in droves. One goal is in the law industry here in Washington. It is fast becoming nothing less than that—an "industry," with office space so scarce that houses are being remodeled and suites of offices rented even before the plaster is dry.
>
> One of the recent recruits to the law industry is Abe Fortas, who was Undersecretary of the Interior for nearly four years. A few days after he left the Department of the Interior to join partnership with trust-buster Thurman Arnold, Fortas accepted a $12,000 retainer to represent the Government of Puerto Rico in this country.
>
> A press release issued by the Office of Puerto Rico—a recent creation of the Territory's Gov. Rexford G. Tugwell—declared that Fortas would represent his important new client "in all future proceedings before the United States Supreme Court, the United States Circuit Court in Boston and agencies of the Federal Government." This announcement touched off a dispute which may affect the entire law industry in Washington.
>
> It so happens that Puerto Rican legal matters in this country have been ably handled by the Department of the Interior and the Department of Justice at no cost to the government of Puerto Rico. In the past three years, 18 cases have been briefed and argued by Justice and Interior. Of the cases in which decisions have been rendered, only one was lost.
>
> Therefore, Solicitor Warner W. Gardner of the Interior Department was considerably surprised by the announcement of Fortas' retainer. Gardner promptly called on Tugwell to explain just what the relationship was.
>
> In the course of his letter to Tugwell, he quoted at length from a letter that Fortas had written less than a year before on this very same subject. Because it has so much bearing on the whole question of the propriety of those who leave the Government to take cases in which they have had a previous interest, the Fortas letter is worth quoting.
>
> "I believe," said Fortas when, as Undersecretary in charge of territorial affairs he wrote to Tugwell to protest against the same kind of arrangement, "that continuing representation of a Government or a governmental agency by private attorneys is unsound and unwise. I know that, from time to time, governmental agencies must and should retain private counsel on specific matters in order to assist Government counsel. But except for such specialized assistance, governments and governmental agencies should, in my opinion, be represented by lawyers who are public officials. In my opinion, it is neither seemly nor appropriate for governmental agencies to be represented by counsel who are not regularly constituted public officials."
>
> Fortas went on to say that such a relationship "is apt to lead to embarrassment, regardless of the unimpeachable character of the private attorneys who might be concerned." "In the event," he said, "that the private lawyers obtained law business from private sources which involved dealing with the Government, it is obvious that the situation would be embarrassing for both the lawyers and the Government."
>
> That was good counsel. The interweaving of private and public business is dubious. No matter how good the intentions, the public customarily gets the short end of the bargain.
>
> When New Dealers such as Fortas leave the Government, they do not mean to surrender

> their convictions or their objectives. They are convinced that they can help the cause of liberalism and at the same time make more money than the Government can pay them.
>
> The prototype, of course, is Thomas G. Corcoran, who was so close to the New Deal and President Roosevelt. Leaving the Government, he went into a private law office and his fabulous fees are part of the Washington legend. His old friends in the Government gave invaluable aid.
>
> The Washington law industry is taking on oppressive size. While former New Dealers flourish, the really big money goes to the old established firms, some of which have opened branch offices here. A dozen proposals before Congress would increase the legal barriers that the Government must face in doing its job. That means more fees, and the public finally foots the bill.

We learn from the article that—

> A press release was issued by the Office of Puerto Rico—a recent creation of the Territory's Governor, Rexford G. Tugwell—declaring that Fortas would represent his important new client "in all future proceedings before the United States Supreme Court, the United States Circuit Court in Boston, and agencies of the Federal Government."

Justice Fortas was confirmed for his seat on the Court by the Senate on August 11, 1965, and he took his oath of office and seat on October 4, 1965. On June 13, 1966, the Supreme Court handed down the case of Katzenbach, Attorney General, et al. against Morgan et ux, which concerned the 1965 Voting Rights Act passed only a year before by Congress. In that act, persons who were literate in Spanish, if evidenced by completion of the sixth grade in a Puerto Rican school, are eligible to vote, thus abrogating the New York requirement. The majority of the Court held that Congress has the power under section 5 of the 14th amendment to prohibit the English literacy requirement of the State of New York. The State of New York was prevented from exercising its judgment on requirements for electors by a contrary finding of the Congress. Justice Harlan dissented, being joined by Justice Potter Stewart.

Several plaintiffs were involved in this series of cases, but all in substance represented a class of citizens of Puerto Rican background living in the continental United States. As Justice Harlan presented in his dissent, section 4(e) of the 1965 Voting Rights Act applied principally to the Puerto Rican situation:

> Although the statute is framed in general terms, so far as has been shown it applies in actual effect only to citizens of Puerto Rican background, and the Court so treats it.

I do not propose to go into the merits or demerits of the majority finding by the Supreme Court in the Katzenbach against Morgan cases. But of great relevance to our discussion and debate here in the Senate is the propriety of Justice Fortas in participating in this decision. We learn from Justice Harlan's dissent, at page 669, footnote 9:

> There were no committee hearings or reports referring to this section, which was introduced from the floor during debate on the full Voting Rights Act. See 111 Con. Rec. 11027, 15666, 16234.

We also learn that Rafael Hernandez Colon, Attorney General, argued the cause and filed a brief for the Commonwealth of Puerto Rico, as amicus curiae, urging reversal in these cases.

Further, we learn that Abe Fortas' former law firm, according to his own testimony at page 178 of the Judiciary Committee hearings, continues its relationship, as far as Justice Fortas is aware, in the capacity of private counsel to the Commonwealth of Puerto Rico to this very day.

And, finally, we learn that, on July 25, 1966, Abe Fortas, as Associate Justice of the Supreme Court of the United States delivered a speech during the celebration of Constitution Day in San Juan, Puerto Rico. The uniqueness of this speech lies not in its substance, but in the circumstances surrounding its deliverance. In the words of Justice Fortas, he said to the people of Puerto Rico:

> I come to you today—on this great occasion—as the representative of the President of the United States.

The speech which was delivered by Justice Fortas was considered by many Puerto Rican citizens to reflect a strong partisan view in support of the present regime in Puerto Rico. Being unfamiliar with the political situation in Puerto Rico at the present time, I would be unqualified to reflect on that judgment. I can only attest to the fact that exception to the speech was taken by certain opponents of the reigning majority in Puerto Rico at the present time. It was felt by these Puerto Rican citizens that Justice Fortas had entered into the forbidden political field of status and had voiced a partisan opinion. These citizens feel that the status question is still a lively issue involving basic constitutional questions which someday are likely to reach the Supreme Court.

In light of the Katzenbach against Morgan case and the participation of Justice Fortas with the majority of the Court in the disposal of that case, it appears that the concerns of Puerto Rican citizens regarding the judicial review of constitutional questions are well founded.

There are many deeply disturbing questions which come to mind on this matter at this time. Perhaps most disturbing of all is the fact that the Senate Judiciary Committee has closed its hearings and a full disclosure of potential judicial impropriety may never be made. Nevertheless, I believe it is relevant to ask whether the law firm of Arnold and Porter participated in any way in either the passage of the 1965 Voting Rights Act in Congress or in the preparation of briefs and arguments for the Commonwealth of Puerto Rico in its amicus curiae appearance before the Supreme Court in the Katzenbach against Morgan cases. Answers to these questions appear to me indispensible before the Senate can make a judgment on whether or not Justice Fortas was qualified to participate in the Katzenbach against Morgan cases. Judicial impropriety is a major issue before the Senate at this time. Should Justice Fortas have disqualified himself from sitting in judgment on these cases affecting a class of citizens and a Government with whom he had had a longstanding and complex relationship?

Here, again, I believe we have seen the tip of the iceberg. What lies beneath the surface?

Judicial propriety is a major issue before us. The Chief Justice and Associate Justices of the Supreme Court must be as far above suspicion as Caesar's wife.

I believe that qualification of Justice Fortas for participation in the cases involving the voting rights of Puerto Rican citizens can be seriously doubted at the present time. What other cases are there where a similar disqualification may exist?

We are obviously dealing with the life of an extraordinary man. He did not come to the Supreme Court as an empty vessel. And it is asking too much of him as a human being to expect him to sit in judgment on cases as an empty vessel. The problem which he faces and which we face in making a judgment on his confirmation is not that he has had inadequate experience in the complicated issues which may face the Court, but that he has had too much experience. The problem for him and for us, is not that he has not seen the fire of public issues and been seared in the heat of political and ideological controversy. No, the problem is that he has seen and heard and advocated and committed his extraordinary talent, and, indeed, his life, to too many of these controversies.

So, despite the extraordinary abilities of this man, and the extraordinary experience that he has had during his lifetime, I believe that it is only right for his sake, for the sake of the Supreme Court, and for the sake of the proper functioning of the Government of the United States, that this proud and sensitive man resign from his seat on the Supreme Court immediately.

Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, sometime later today—if not today, tomorrow if we have a session on tomorrow—I shall address myself at least briefly to the pending business, the motion to take up the nomination of Mr. Justice Fortas to be Chief Justice of the United States.

At this time, however, I shall address myself to a different situation, one that I believe is of grave importance to the security of this Nation. At least, it has some ramifications in that respect. It is a problem that has become very serious, and unless it is solved, it can have an impact on the defense posture of this Nation.

THE F-111

Mr. McCLELLAN. Mr. President, on last Monday, September 23, another F-111 airplane crashed at Nellis Air Force Base, Nev. This was an F-111A, the Air Force tactical bomber version of the famous TFX—the super wonder plane—authored by the former Secretary of Defense, Mr. Robert S. McNamara. As we know, it was erroneously and extravagantly claimed that this plane, the TFX series, would serve many purposes and be able to perform a multitude of military missions for both the Air Force and the Navy.

Full information on this most recent crash—the second TFX plane lost this month—is not yet available. The cause—

why this plane crashed—is still unknown; and in view of its complete destruction, it may be quite a long time, if ever, before the cause can be determined.

Fortunately, however, according to press reports, the two pilots ejected and parachuted to the ground. One of the pilots, I understand, received some injuries, but the other escaped unharmed.

Mr. President (Mr. PELL in the chair), this brings to eight the number of F–111A aircraft that have been lost or totally destroyed in crashes. In addition, two out of six of the total F–111B's, the Navy version of this plane, that have been flight tested have crashed and are total losses. Thus at least, 10 out of about 100 of these planes that have been built, tested, and flown have crashed and been lost. This poor performance, which has taken the lives of nine pilots and permanently disabled another, further fortifies grave doubts that have arisen and have long been entertained about the technological and engineering soundness of this TFX series of airplanes.

The clearly established inadequacy of the Navy version caused Congress this year wisely to withhold appropriations for the further procurement of any additional F–111B's. However, Congress is in the process of appropriating money for the Navy to proceed with research and development of a suitable substitute and replacement for the faulty and combat-ineffective F–111B.

I do not recall at the moment the amount of money in the defense appropriation bill for this research which has the purpose of enabling the Department of Defense to pursue the objective of developing a plane to take the place of the F–111B, which has proved to be an untrustworthy weapon. Years of effort failed to produce a TFX for the Navy which could be made to operate safely and to carry out the required naval combat missions which it was represented that it would be able to perform at the time the contract for procurement was let.

Also, in the Department of Defense appropriation bill, Congress is providing this year more than $1⅓ billion for further research, development, and procurement of a number of F–111A's and other Air Force versions of the TFX plane. This is being done in the hope and expectation that the Air Force TFX can yet be developed into a safe, reliable, and effective military weapon. But after 6 years of research and development, construction, and testing, we still are not reassured, even with the spending of more money, that the Air Force tactical version, the F–111A, and the other types of F–111's being produced for the Air Force will be made safe and effective combat weapons.

We hope that they can be made into reliable weapons because of the billions of dollars involved in this program. No one wants the program to fail. There is too much involved with respect to the security of our country, our military power and strength, and our defense posture for us to be without this type of weapon when it is anticipated that it may be needed.

I think it is already known, Mr. President, beyond any peradventure of doubt that it will never be the weapon for which we contracted, and the weapon which we bought. Let us hope, however, that an effective aircraft can at least be salvaged from this program.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. McCLELLAN. I yield.

Mr. STENNIS. Mr. President, I wish to repeat what I said before about the very fine service to the Nation's military strength which the Senator from Arkansas [Mr. McCLELLAN] has rendered in connection with the TFX matter. It was testimony developed by the Senator from Arkansas that gave us such confidence in the Committee on Armed Services this year in the authorization bill concerning our final judgment with reference to the Navy version of the TFX when we took it out of the bill. That was in January or February, or perhaps March, when the bill was marked up. Later, that position prevailed in the Senate and the House.

The Senator stated that he hopes a weapon will come out of all this.

Mr. McCLELLAN. That is, at least in the Air Force version.

Mr. STENNIS. I was going to say that the Senator was referring to the Air Force version.

Mr. McCLELLAN. Surely.

Mr. STENNIS. The Air Force version still has the possibility of developing into an effective weapon. I do not want to discredit it, but it has not proved itself yet.

Mr. McCLELLAN. It is far from it, after 6 years of development. Again, I wish to say—and I have no reservation in saying this—that I hope we are able to salvage something and make an effective weapon of it, but I think we know it will never be the weapon promised. I think we know that already.

Mr. STENNIS. Yes; but I know the Senator is still hopeful, I know I am, because of the need for it. There is an interim need involved, and it is the only thing we have in that field; and if it should be totally deficient so that it cannot overcome these defects, we would have a great void. I would like to see some of the money redeemed that has been spent.

Mr. McCLELLAN. Yes. I am sure the Senator knows that at all times in the Committee on Appropriations I have advocated giving the Department of Defense every dollar it requested for the Air Force plane.

Mr. STENNIS. Yes. The Senator is correct.

Mr. McCLELLAN. I have not advocated withholding $1 from the Department of Defense that it said it needed to develop the plane. Long before we made the determination, I had very strong misgivings about the Navy plane. I did not think it would work, and I did not think they could perfect it or make of it an effective weapon, and I so stated. I think that has been proven subsequently, and that my judgment was sound.

However, we have so much at stake and the need may be so great when the time comes that I am concerned and hopeful that we will get a good weapon some day in the Air Force version of the TFX.

Mr. STENNIS. There have been other instances where we have had trouble, as we are having now in this instance, where it was possible to overcome the difficulties and make a real weapon.

I join with the Senator in being hopeful. The Senator not only supported the money for the Air Force version, but he also has supported providing enough money, and he has given fair treatment in connection with the Navy version.

Mr. McCLELLAN. What I objected to, and the only thing I objected to, was providing money to procure it before it had been demonstrated that it would be a weapon that would add strength to our military arsenal. I did not want us to buy a weapon that was going to be ineffective, thereby throwing away billions of dollars.

Mr. STENNIS. I thank the Senator for yielding.

Mr. McCLELLAN. But, Mr. President, the number and frequency of failures and crashes of the various models of the TFX are, indeed, serious and are greatly discouraging. Six years of research, development, and construction—of concerted, intense, and expensive effort—have gone into the production of this weapon. The results obviously are most unsatisfactory and disappointing. This program needs major improvements that will convincingly demonstrate that we can and that we will, without further undue or unnecessary delay, be able to get the technological and engineering defects out of this plane and make a weapon of it that will meet the performance standards and specifications in the procurement contract. I do not think it will ever measure up to that, but perhaps it will approach the requirements sufficiently to be a suitable plane.

The research and development failure to produce the F–111B as an adequate weapon to meet the needs of the Navy in the early 1970's will undoubtedly detract from our naval strength and defense posture at that time. This will leave a gap in our naval arsenal that must be filled at the earliest possible date. We certainly must do everything we can to prevent a similar gap from occurring in our Air Force arsenal. If the F–111A plane cannot be improved—if it cannot be perfected and made safe—so as to measure up to the weaponry performance that is required and for which it was designed, then we need to make that determination with all deliberate speed and move to the development and procurement of a replacement for it.

This TFX procurement program was inaugurated to provide weapons to meet a potential threat to our national security—an eventuality for which we felt we must be prepared. The danger that necessitated this TFX program has not vanished. It is still with us.

It will be remembered that in March of this year the first F–111A's were sent to Southeast Asia for "combat trials" as they were called. "The F–111A Goes to War" blazed the headlines on front pages of the press. Within 4 weeks, while flying a total of only 50 missions, three of the eight planes that were sent to Vietnam were lost. I do not understand that any of these plane were shot down by the enemy. They were lost because of defects in the plane or errors by the pilots flying them, and not from action of the enemy.

Because of this heavy loss, the planes in Vietnam have been withdrawn from further combat for the past 5 months and now are grounded while efforts are being made to ascertain the causes of these crashes and to determine whether the defects in this weapon can be remedied. The answer to this is urgent. The present dilemma must be resolved as soon as possible.

Mr. President, I wish to make clear, most emphatically, that nothing I have said here today is in any way critical of our present Secretary of Defense, Mr. Clark Clifford, nor is it intended to reflect upon his administration of that office. He inherited this problem, and I have every confidence that he is trying, in good faith and with great diligence, to solve it.

Every fault and blame associated with the failures that have attended this procurement program from its inception are definitely attributable to the decisions and administration of his predecessor.

Mr. President, so that the record may be clear on this matter, I ask unanimous consent to have printed in the RECORD a table showing the dates of crashes and the types of planes which have been lost and the causes of the crashes insofar as they have been ascertained or reasonably determined.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

F-111 CRASHES

Date	Ship	Location	Purpose of flight	Cause
Jan. 9, 1967	USAF No. 9	Edwards AFB	Training	Engine stalls on landing approach; wings in wrong position.
Apr. 21, 1967	Navy No. 4	Long Island	Test	Engine stalls on takeoff when translating cowls were closed.
Oct. 19, 1967	USAF No. 18	Fort Worth	do	Structural failure of speed brake.
Jan. 3, 1968	USAF No. 19	Edwards AFB	do	Weapons bay gun caused fire.
Mar. 28, 1968	USAF production airplane	Southeast Asia	Combat	Unknown; plane never recovered.
Mar. 30, 1968	do	do	do	Unknown; control lost due to jamming by sealant tube or to broken actuator rod.
Apr. 22, 1968	do	do	do	Unknown; plane never recovered.
May 8, 1968	do	Las Vegas	Training	Lost control when hydraulic actuator rod came apart.
Sept. 11, 1968	Navy No. 2	Los Angeles	(Phoenix missile) testing	Failure in the control system; rudder hard-over indicated via radio, pilot and aircraft not recovered.
Sept. 23, 1968	USAF production airplane	Las Vegas	Training	Unknown; plane crashed on landing approach.

Note: Air Force planes, 8 lost out of approximately 90 produced to date; Navy planes, 2 lost out of 6 produced.

Mr. McCLELLAN. Mr. President, again I point out that the table of F–111 crashes covers only 10 airplanes. I notice the press refers to the last plane as being the 11th and not the 10th plane lost. The reason for the disparity is that the table makes no reference to an F–111A aircraft which was damaged in a landing accident.

I ask unanimous consent to have printed in the RECORD an article published in the New York Times for September 25, and an article published in the Washington Post for September 24, on this subject.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 25, 1968]

AIR FORCE TEMPORARILY HALTS ALL FLIGHTS OF F–111

(By Richard Witkin)

The Air Force ordered a temporary halt to all F–111 flights yesterday after a crash Monday at a base in Las Vegas.

It was the second time this year that flights of the $6.9-million swing-wing plane, a focus of bitter dispute since its inception, had to be stopped pending a search for accident causes.

Monday's crash was the second this month and the 11th since the plane began flying. The two pilots saved their lives by triggering the escape capsule, but one suffered back injuries.

Even before yesterday's order, the almost 100 F–111's in service, including five stationed in Thailand for Vietnam combat duty, had been severely restricted in the type of flying they could do.

This restriction was ordered early this month when a test sample of a critical piece of F–111 structure cracked during a rigorous test at the San Diego plant of the manufacturer, the General Dynamics Corporation.

The Thailand-based planes have not been flying combat missions since the first halt in flying May 9. They had been on the verge of doing so when the test rig cracked in San Diego.

Monday's trouble developed, the Air Force disclosed, when the plane was at a 300-foot altitude, a mile from the runway, on a landing approach to Nellis Air Force Base.

The plane "began a slow pull-up maneuver" and the pilots, one an Australian flight lieutenant, "were unable to maintain aircraft control."

After the pilots ejected, the plane crashed 250 feet short of the landing strip. The announcement concluded by saying:

"The Air Force is temporarily restricting F–111 aircraft from flying pending further investigation of this accident."

The term "grounding" is used only when the cause of trouble is believed to be known and planes are to be kept down until specified repairs or design "fixes" can be made.

The presence of an Australian aboard the plane that crashed Monday appeared almost certain to produce a new uproar in that country.

Only last week, in the wake of news about the structure that cracked during a ground test, opposition members of the Australian House vehemently questioned the wisdom of going ahead with acceptance of the rest of Australia's $300-million order for 24 F–111's, including spare parts and ground equipment.

Defense Minister Allen Fairhal, who came to General Dynamics' Fort Worth plant the beginning of this month to accept the first and only Australian F–111 that has been delivered so far, acknowledged that the structural failure "could be quite a serious matter."

But he added quickly that it could be a simple matter and that he still had complete confidence that the problems would be overcome.

There is no apparent pattern to the technical troubles that have beset the F–111 so far. But the establishing of a pattern has been severely handicapped by the fact that several of the downed planes, including the three that crashed on combat sorties from Thailand, have not been found.

Superficially, at least, the swing-wing feature, one of the boldest departures in a highly advanced design, has been one of the least troublesome items.

The purpose of the swing-wing is to give the plane the best possible flight characteristics, both at very slow speeds and at top speeds of up to 1,650 miles an hour.

During take-off and landing, therefore, when slow speeds are desired, the wings are positioned almost straight out from the fuselage. They are pivoted sharply backward in flight for supersonic speeds.

So far as is known, none of the 11 accidents has been caused by a mechanical malfunction of the swing-wing mechanism, although one was caused when the pilot inadvertently moved the wings back instead of forward during a landing approach.

Pilots who have flown the plane have been highly pleased by the way the mechanism works, noting particularly the minimum changes in the balance of the plane.

Still, there is deep concern in the Air Force, at the moment, as a result of the crack encountered in the recent ground test.

The crack occurred in the structural part that connects the wings to the rest of the plant. It is a 3,000-pound steel part known as a "carry through fitting." It runs across the center of the plane and has pivots at either end to which the movable wings are attached.

When the Air Force announced on Sept. 6 that the crack had occurred and that some high-stress F–111 maneuvers had been banned pending an inquiry, it said a basic defect in the "carry through fitting" itself had been ruled out.

Officials said they were 90 per cent sure that the crack had been caused by improper bolting of an aluminum plate on the fitting's rear surface.

It was hoped that the 10 per cent of doubt would be cleared up, and any necessary "fixes" decided on, by last week. But reliable sources said yesterday that the trouble had still not been pinpointed.

If it proves necessary to strengthen or alter the bolt insertions, the cost could be big and delays in resuming unrestricted F–111 flights could be considerable. On each F–111, there are 30 bolts for each of 10 aluminum plates, or 300 bolts in all. The plate where the crack occurred was designed to cover a hollowed-out area in the fitting, in which jet fuel could be carried.

The dispute over the F–111 began almost from the day when, in the fall of 1962, Robert S. McNamara, then Secretary of Defense, ordered that it be built by General Dynamics. In doing so, he overruled the unanimous recommendation of top uniformed officers that it be built by the Boeing Company.

Also at the heart of the dispute were the objections of the Air Force and the Navy to the idea that essentially a single plane be built to perform missions for both services.

By the time that test versions of the Air Force and Navy planes, which did have some differences began accumulating significant flight time, costs of both had soared and so had the weights.

The overweight problem was particularly serious for the Navy because it had the problem of operating from carriers.

[From the Washington (D.C.) Post, Sept. 24, 1968]

Pilots Safe as F-111A Crashes

Nellis AFB, Nev., Sept. 23.—A swing-wing F-111A crashed and exploded into flames today as it attempted to land at Nellis Air Force Base, the major pilot training facility for the controversial $6 million fighter-bomber.

The two pilots ejected safely and escaped injury. They were Lt. John M. Nash of the U.S. Navy and Flight Lt. Neal Pollock, an Australian military trainee.

An Air Force spokesman said that the plane was returning from a routine training flight when it plummeted to the ground about 100 yards short of the runway.

Some 20 F-111A's are based at Nellis where crews undergo training for the Air Force. A number of pilots from Australia also are assigned to the training program to prepare for the delivery of about two dozen F-111A's to Australia by the U.S. Government.

There have been eight previous major accidents involving the F-111A. Three crashed in Southeast Asia. On Sept. 11 an F-111B, the Navy version of the Air Force fighter-bomber crashed at sea.

At one time the F-111A was grounded by the military because of the rash of crashes. They still have not returned to combat.

Mr. McCLELLAN. Mr. President, I emphasize that I am not opposed to this airplane program. I want the plane to meet success as a weapon, but I do not want this country to continue pouring money into it if it is determined to be a hopeless proposition, and if it is going to turn out as has the Navy version.

I have confidence that we have the engineering talent, the technology, skill, and judgment to make that determination. I also have faith that the present administration and the Department of Defense will make that determination and then we can know whether we must start all over again, as we are going to have to do with respect to the Navy plane, or whether we can move with all possible speed to make this plane the weapon we had hoped it would be, a weapon to add to the strength of our military forces.

Mr. STENNIS. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. STENNIS. I repeat, the Senator from Arkansas has made a real contribution in bringing before the Senate and the Nation the facts, as well as his good judgment, on this troublesome but highly important matter. I know that he will continue to follow in this field.

Mr. McCLELLAN. I thank my friend. We work together on the Appropriations Committee. I think we all feel this way about it. It was, in the beginning, as my distinguished friend knows, not popular to challenge the judgment of the Secretary of Defense. As chairman of the Permanent Subcommittee on Investigations, I did not relish the responsibility that fell upon me in this matter. There was certainly nothing pleasant about it. But there are times when we have enough information, and a conviction that is compelling, that we must accept such responsibility and try to perform the duty that devolves upon us.

I thank my good friend again for his complimentary references to the efforts of the Senator from Arkansas.

Mr. President, I yield the floor.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President——

Mr. MANSFIELD. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I yield.

ORDER FOR RECESS TO 10 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I would like at this time, once again, to call the attention of the Senate to the situation which faces the leadership with reference to a possible meeting on Saturday. I have received no notice yet from any Member of the Senate that he intends to speak tomorrow. I would like to ask the distinguished Senator from Mississippi [Mr. Stennis] at this time what his thoughts are on the question.

Mr. STENNIS. Mr. President, I am prepared to answer the leader. Earlier in the day, when the leader raised this question, I had in mind that I had a speech that I was expecting to make today, and I knew of perhaps other Senators. But we have made a survey now of the situation. As the Senator from Mississippi understands, a great part of Monday will be devoted to this subject matter, and I believe we will come in at 10 o'clock.

Mr. MANSFIELD. Ten o'clock.

Mr. STENNIS. Several more Senators want to speak, but, I think, so far as the immediate situation on cloture is concerned, that would be time enough to make those speeches, especially in view of the fact that so many Members of the Senate really need to be away tomorrow in connection with their campaigns. So if it is agreeable, that is our desire, and we would not insist on a session tomorrow.

Mr. MANSFIELD. Mr. President, I appreciate the consideration which the distinguished Senator from Mississippi has given to the statement of the joint leadership.

At this time, Mr. President, with the permission of the Senator from North Carolina [Mr. Ervin], I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the majority leader request that when the Senate recesses today, it recess in executive session?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, as the matter has been passed over several times, I ask unanimous consent that toward the shank of today there be a period of 1 hour for transaction of routine morning business, with a limitation of 3 minutes on statements.

Mr. RUSSELL. Mr. President, reserving the right to object, does the Senator intend to take up any legislative business in that period?

Mr. MANSFIELD. If there are conference reports—and I know of none—and remarks, insertions, and the like. I had thought it might be possible to take up the continuing resolution, which was passed by the House yesterday and reported by the Appropriations Committee this morning, but I have been requested not to take it up.

Mr. RUSSELL. So the Senator has not any intention at the present time to take up legislative matters?

Mr. MANSFIELD. No. Would the Senator object to taking up unobjected to items on the calendar?

Mr. RUSSELL. I have no objection to any specific matter on the calendar, but I am getting concerned about the Department of Defense appropriation bill, since no emergent items in that bill will be passed in action on the continuing resolution. I would hope such business could be held up until we are assured that dependents of men fighting in Vietnam will not have to forgo their subsistence, and I use the word "subsistence" advisedly, because those in the lower grades do receive merely subsistence.

Mr. MANSFIELD. The Senator has a valid point. I am willing to state that there will be none.

Mr. WILLIAMS of Delaware. Mr. President, in line with what the Senator has said, I have canvassed this side and Senators here have agreed to cut their speeches down and carry them over. I think some Senators may find it desirable just to incorporate them in the Record. With the understanding that we will come in at 10 o'clock on Monday to give us more time, they have agreed to hold them over and not ask that the Senate come in tomorrow.

Mr. MANSFIELD. I thank the Senator for his understanding and cooperation.

Mr. STENNIS. Mr. President, if the Senator will yield further, I do not want to seem selfish about this, but the time today will be taken, and I hope I can have at least 2 hours on Monday——

ORDER FOR RECOGNITION OF SENATOR STENNIS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Mississippi [Mr. Stennis] be recognized for 2 hours on Monday.

Mr. WILLIAMS of Delaware. Mr. President, that is satisfactory. I mentioned that to Senators on this side. They understand there will be at least 2 hours set aside for the Senator from Mississippi. He has been most cooperative, and we certainly agree to that request.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. Without objection, the request that the Senator from Mississippi be granted 2 hours on Monday is agreed to.

Without objection, the request for the transaction of routine morning business later today is agreed to.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, as long as we have the question of the Saturday session straightened out, I ask that the cloture motion be read at this time so that the Senate can be on notice. It is my intention to send telegrams out immediately to all Democratic Senators, regardless of their positions, requesting them to be in attendance in the Senate at 10 o'clock Tuesday next for the purpose of voting on the cloture motion which will be read shortly.

I would hope that if some of those telegrams go to offices of Senators, the office staffs of those Senators will make it a primary point to get in touch with the Senators so that they will be notified and be back here, if at all possible. I would hope, further, that none of these telegrams would be "buried" in any "recess," so that they will not be made available to Senators themselves.

The PRESIDING OFFICER. Does the Senator from North Carolina yield for that purpose?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. The cloture motion will be read.

The assistant legislative clerk read the cloture motion, as follows:

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending motion to proceed to the consideration of Abe Fortas, of Tennessee, to be Chief Justice of the United States.
>
> Philip A. Hart.
> Mike Mansfield.
> Claiborne Pell.
> Birch Bayh.
> Mark O. Hatfield.
> Joseph M. Montoya.
> Gale W. McGee.
> Frank E. Moss.
> Quentin Burdick.
> Chas. Goodell.
> Edward W. Brooke.
> Jennings Randolph.
> Walter F. Mondale.
> Jacob K. Javits.
> Charles H. Percy.
> Joseph D. Tydings.
> Warren G. Magnuson.
> Stephen M. Young.
> Lee Metcalf.
> Harrison Williams.
> Thomas H. Kuchel.
> William Proxmire.
> Clifford P. Case.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the cloture motion lie at the desk for the remainder of the day, for other Senators who may wish to do so to sign it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from North Carolina for his usual unfailing courtesy.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, the good and wise men who fashioned the Constitution had earth's most magnificent dream.

They dreamed they could enshrine the fundamentals of the government they desired to establish and the liberties of the people they wished to secure in the Constitution, and safely entrust the interpretation of that instrument according to its true intent to a Supreme Court composed of mere men.

They knew that some dreams come true and others vanish, and that whether their dream would share the one fate or the other would depend on whether the men chosen to serve as Supreme Court Justices would be able and willing to lay aside their own notions and interpret the Constitution according to its true intent.

They did three things to make their dream come true.

They decreed that Supreme Court Justices should be carefully chosen. To this end, they provided that no man should be elevated to the Supreme Court until his qualifications for the office had been twice scrutinized and approved, once by the President and again by the Senate.

They undertook to free Supreme Court Justices from all personal, political, and economic ambitions, fears, and pressures which harass the occupants of other public offices by stipulating that they should hold office for life and receive for their service a compensation which no authority on earth could reduce.

They undertook to impose upon each Supreme Court Justice a personal obligation to interpret the Constitution according to its true intent by requiring him to take an oath or make an affirmation to support the Constitution.

It is no exaggeration to say that the existence of constitutional government in America hinges upon the capacity and willingness of a majority of the Supreme Court Justices to interpret the Constitution according to its true intent. In consequence, no more awesome responsibility rests upon any Senator than that of determining to his own satisfaction whether or not a presidential nominee to the Supreme Court possesses this capacity and this willingness.

In expressing my views concerning the President's nomination of Justice Fortas to be Chief Justice of the United States, I shall ignore these words of advice reputedly spoken by Mark Twain:

> Truth is precious; use it sparingly.

I shall tell some fundamental truths about the Constitution and some tragic truths about the Supreme Court as it is now constituted. Moreover, I shall state with candor the basis for my sincere conviction that the elevation of Justice Fortas to the office of Chief Justice of the United States would bode little good for constitutional government in the United States.

I love the Constitution. I know that apart from its faithful observance by Congress, the President, and the Supreme Court, neither our country nor any single human being within its borders has any security against anarchy or tyranny.

Let us recur to the dream of the Founding Fathers.

If we are to understand why the Founding Fathers had this dream and how they undertook to make it a reality, we must know what was in their minds and hearts, and analyze their handiwork in the light of such knowledge.

The Founding Fathers had suffered many wrongs at the hands of a centralized and distant government, whose arbitrary actions they were powerless to check or restrain. Their tragic experience had implanted in their minds a fear of centralized and distant government and instilled in their hearts a love of freedom.

To them, freedom was not an intellectual abstraction, or an empty word to adorn an oration upon an occasion of patriotic rejoicing. It was an intensely practical reality, which was capable of concrete enjoyment in a multitude of ways in daily life. It meant the power to determine one's own actions and live one's own life free from governmental tyranny. As a consequence, it is not surprising that the Founding Fathers stated in its preamble that they wrote the Constitution to preserve the blessings of liberty for themselves and their posterity.

The Founding Fathers did not rely solely upon the practical wisdom gained by them from their own experience in framing the Constitution. They were profound students of history. As such, they were well versed in the heartbreaking lesson taught by the story of man's fight against governmental tyranny in all generations and in all lands for the simple right to govern himself and live in freedom. This lesson is epitomized in these words of Woodrow Wilson:

> Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

The Founding Fathers were also familiar with the political philosophy of Thomas Hobbes, John Locke, and Baron Montesquieu. They accepted as an absolute verity the aphorism of Hobbes that "freedom is political power divided into small fragments." Indeed, one of their number, James Madison, elaborated upon it in this way:

> The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, few, or many, and whether heredity, self-appointed or elective, may justly be pronounced the very definition of tyranny.

Like Locke, they knew that no man is free if he is subject to the inconstant, uncertain, unknown, and arbitrary will of other men; and like Daniel Webster, they knew that "whatever government is not a government of laws is a despotism, let it be called what it may."

The Founding Fathers had meditated much upon their own experience, history, and political philosophy, and had discovered this shocking but everlasting truth: Nothing short of tyranny can put an end to the insatiable hunger of government for power; and in its ardor to expand and multiply its power, government will extinguish the right of men to govern themselves and live in freedom, unless it is restrained from so doing by basic law which it alone can neither repeal nor amend.

For these reasons, the world has never known any other group of men as well qualified as the Founding Fathers to write a constitution for a nation dedicated to the proposition that its people are entitled to govern themselves and live in freedom.

What has been said makes it plain that the Founding Fathers purposed in their minds and hearts to create a nation which would be ruled by the dictates of laws rather than the wills of men and in which the people would have the right to control government and live in freedom. To this end, they wrote a constitution, which they intended to last for an indefinite time and constitute "a law for rulers and people" alike at all times and under all circumstances (*Ex Parte Milligan*, 4 Wall. 2, 18 L. ed. 281). This constitution became effective as the supreme law of the land upon its subsequent ratification by the States.

The Founding Fathers set out in the Constitution the fundamentals of the Government they desired to establish and the liberties of the people they wished to secure. Their chief object in so doing was to put these fundamentals and these liberties beyond the reach of impatient public officials, temporary majorities, and the varying tides of public opinion and desire (*Ex Parte Milligan*, 4 Wall. 2, 18 L. ed. 281; *South Carolina* v. *United States*, 199 U.S. 437; 50 L. ed. 261; Thomas M. Cooley's "Constitutional Limitations").

They undertook to further this object by inserting in article VI the requirement that all legislators, all executive officers, and all judges, Federal and State, "shall be bound by oath or affirmation to support this Constitution." By this requirement, the Founding Fathers clearly meant to impose upon all occupants of Federal and State offices the absolute obligation to perform their official duties in conformity with the intent of those who framed and ratified the Constitution as expressed in that instrument (*Gibbons* v. *Ogden*, 9 Wheat. 1, 6 L. ed. 23; *Ex Parte Bain*, 121 U.S. 1, 30 L. ed. 849; *Lake County* v. *Rollins*, 130 U.S. 662, 32 L. ed. 1060).

The Founding Fathers knew, however, that "useful alterations" of the Constitution would "be suggested by experience." Consequently, they made provision for amendment in one way, and one way only; that is, by the concurrence of Congress and the States as set forth in article V (James Madison: The Federalist, No. 43).

Since the Constitution is a written instrument, its meaning does not change, unless its wording is altered by an amendment adopted in the manner prescribed by article V (*South Carolina* v. *United States*, 199 U.S. 437, 50 L. ed. 437). Those who assert the contrary merely seek ostensible reasons to justify disobedience to the Constitution's commands and evasion of its prohibitions.

These considerations moved Judge Thomas M. Cooley to declare in his great work on Constitutional Limitations that "a court or a legislature which should allow a change in public sentiment to influence it in giving to a written Constitution a construction not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty."

Let us consider what additional things the Constitution does to make the Federal Government a government of laws and not of men, and to secure to the people the right to control such government and live in freedom.

First. The Constitution divides the powers of government between the Federal Government and the States by delegating enumerated powers to the former and reserving all remaining powers to the latter. By so doing, the Constitution enables the Federal Government to perform its limited functions as a central government, and leaves to the States the authority to regulate their internal affairs. This division of powers has inestimable values for a country as big in area and population as the United States. It lessens the danger of tyranny inherent in concentrating power in a distant government, and recognizes the truth that "local processes of law are an essential part of any government conducted by the people." Manifestly, "no national authority, however benevolent, that governs" 200 million people in 50 States "can be as closely in touch with those who are governed as the local authorities in the several States and their subdivisions." (*Bute* v. *Illinois*, 333 U.S. 640, 92 L. ed. 986). This division of the powers of government inspired Chief Justice Chase to make this terse and accurate analysis of our organic law:

> The Constitution, in all its provisions, looks to an indestructible union composed of indestructible states. (*Texas* v. *White*, 7 Wall, 700, 19 L. ed. 227).

Second. The Constitution distributes all the powers delegated by it to the Federal Government to the legislative, executive, and the judicial departments of that Government to prevent "the accumulation of all powers in the same hands."—James Madison: The Federalist, No. 47. In so doing, it vests the power to make laws in Congress, the power to enforce laws in the President, and the power to interpret laws in the Supreme Court and such inferior courts as Congress might establish.

Third. The Constitution limits the powers of the Federal and State Governments in various ways. For example, it forbids them to pass bills of attainder and ex post facto laws, or to deprive any person of life, liberty, or property without due process of law.

Fourth. The Constitution secures to each person specific liberties, which he is entitled to assert against government itself. For example, it secures to him the right to freedom of speech and religion, the right to earn his livelihood in any lawful calling, the right to acquire, use and dispose of property, and the right to do such things and enter into such contracts as may be necessary to the exercise of the liberties secured to him.

Fifth. The Constitution confers upon the people the direct power to elect Senators and Representatives and the indirect power to select the President. But neither the States nor the people have anything to do with the appointment of Supreme Court Justices or other Federal judges, although such Justices and judges have power to adjudicate their rights and responsibilities under the Constitution and the laws. Such Justices and judges are nominated by the President and confirmed by the Senate, and for this reason are independent of the States and the people.

Sixth. The Constitution establishes the principle that in all cases involving the interpretation of the Constitution, the Supreme Court has final authority, and its interpretation is binding on Congress, the President, the States, and the people. This is an awesome authority because upon its proper exercise hangs the existence of constitutional government in the United States.

Seventh. The Founding Fathers were acutely aware of this, and took strong measures for men bent on establishing a republic to induce Supreme Court Justices to decide cases in accordance with the Constitution and to use its provisions as the sole tests for determining the validity of congressional, Presidential, and State action. To this end, they undertook to make the Justices independent of Congress and the President and immune to State and political pressures by providing in the Constitution itself that they are to hold their offices for life and receive for their services a compensation which cannot be diminished.

Eighth. The power to interpret the Constitution, which is assigned to the Supreme Court, and the power to amend the Constitution, which is vested in the Congress and the States acting concurrently, are vastly different. The power to interpret the Constitution is the power to ascertain its meaning, and the power to amend the Constitution is the power to change its meaning. Justice Cardozo put the distinction between the two powers tersely when he said:

> We are not at liberty to revise while professing to construe (*Sun Printing and Publishing Ass'n* v. *Remington Paper and Power Co.*, 235 N.Y. 338, 139 N.E. 470)

Justice Sutherland elaborated upon the distinction in this way:

> The judicial function is that of interpretation: it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to miss all that the phrase "supreme law of the land" stands for and to convert what was intended as inescapable and enduring mandates into mere moral reflections (*West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379, 404, 81 L. ed. 703, 715)

Ninth. Since it is a judicial tribunal, the Supreme Court acts as the interpreter of the Constitution only in a litigated case whose decision of necessity turns on some provision of that instrument. As a consequence, the function of the Supreme Court in the case is simply to ascertain and give effect to the intent of those who framed and ratified the provision in issue. If the provision is plain, the Court must gather the intent solely from its language, but if the provision is ambiguous, the Court must place itself as nearly as possible in the condition of those who framed and ratified it, and in that way determine the intent the language was used to express. For these reasons, the Supreme Court is obligated to interpret the Constitution according to its language and history.

The Founding Fathers did not put their sole reliance in these things to keep Congress and the President in bounds. They incorporated in the Constitution a system of checks and balances to deter them from improvident and unconstitutional behavior. But they did not devise a single positive provision other than the requirement of an oath or affirmation to safeguard the country against the danger that the Supreme Court might abuse its power to interpret the Constitution, and amend that instrument while professing to interpret it.

Chief Justice Harlan F. Stone had this omission in mind when he stated this truth concerning Supreme Court Justices:

> While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our exercise of power is our own sense of self restraint (*US.* v. *Butler*, 297 U.S. 1).

The omission of the Constitution to provide any real check upon unconstitutional behavior on the part of the Supreme Court was not overlooked during the contest over ratification.

Elbridge Gerry, George Mason, and others opposed ratification on this ground. Let me quote what they had to say on the subject.

Elbridge Gerry asserted:

> There are no well defined limits of the Judiciary Powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver, *thus far shalt thou go and no further*, and as they cannot be comprehended by the clearest capacity, or the most sagacious mind, it would be an Herculean labour to attempt to describe the dangers with which they are replete.

George Mason made this more specific objection:

> The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states.

Others declared, in substance, that under the Constitution the decisions of the Supreme Court of the United States would "not be in any manner subject to revision or correction," that "the power of construing the laws" would enable the Supreme Court of the United States "to mould them into whatever shape it" should "think proper;" that the Supreme Court of the United States could "substitute" its "own pleasure" for the law of the land; and that the "errors and usurpations of the Supreme Court of the United States" would "be uncontrollable and remediless."

Alexander Hamilton overcame these arguments, however, to the satisfaction of the ratifying States by giving them this emphatic assurance:

> The supposed danger of Judiciary encroachments . . . is, in reality, a Phantom.

He declared, in essence, that this was true because the men selected to serve as Supreme Court Justices would "be chosen with a view to those qualifications which fit men for the stations of judges" and that they would give "that inflexible and uniform adherence" to legal precedents and rules, which is "indispensable in the courts of justice." He added that these qualifications could be acquired only by "long and laborious study"—Hamilton: The Federalist, Nos. 78, 81.

By these statements, Alexander Hamilton correctly declared that no man is qualified to be a judge unless he is able and willing to subject himself to the self-restraint, which is an essential ingredient of the judicial process in a government of laws.

Two questions arise: What is the self-restraint which constitutes an essential ingredient of the judicial process in a government of laws? How is it acquired?

Alexander Hamilton's statement furnishes answers for these questions.

Self-restraint is the capacity and the willingness of the qualified occupant of a judicial office to lay aside his personal notions of what a constitutional provision ought to say and to base his interpretation of its meaning solely upon its language and history. In performing his task, he does not recklessly cast into the judicial garbage can the sound precedents of his wise predecessors.

This self-restraint is usually the product of long and laborious legal work as a practicing attorney or long and laborious judicial work as a judge of an appellate court or a trial court of general jurisdiction. It is sometimes the product of long and laborious work as a teacher of law.

One does not come into possession of self-restraint, however, by occupying executive or legislative offices or by rendering aid to a political party or by maintaining a friendly relationship with a President or by adhering to a particular religion or by belonging to a particular race. And, unhappily, some men of brilliant intellect and good intentions seem incapable of acquiring it or unwilling to exercise it.

I have discussed in detail the sound doctrine that self-restraint on the part of judges is an essential ingredient of the judicial process in a government of laws.

This inquiry naturally arises: Why is this so? This inquiry is especially pertinent at a time when judicial activists declare by their actions, if not by their words, that it is permissible for them to revise or update the Constitution according to their personal notions while they are professing merely to interpret it.

Justice Benjamin N. Cardozo answered this inquiry tersely and conclusively in his illuminating book on the "Nature of the Judicial Process." In demolishing the basic premise of judicial activists that the judge is always privileged to substitute his individual sense of justice for rules of law, Justice Cardozo said:

> That might result in a benevolent despotism if the judges were benevolent men. It would put an end to the reign of law.

What has been said makes this obvious: The Founding Fathers intended that the Constitution should operate as an enduring instrument of government whose meaning could not be changed except by an amendment made by Congress and the States in conformity with article V. The contention to the contrary is necessarily founded on the assumption that George Washington and the other good and wise men who fashioned the Constitution were mendacious nitwits who did not mean what they said.

Chief Justice Marshall undertook to entomb this contention forever in his great opinion in *Gibbons* v. *Ogden*, 22 U.S. 1. He declared in that case:

> The enlightened patriots who framed our Constitution and the people who ratified it must be understood . . . to have intended what they said.

Since the true meaning of a provision of the Constitution always remains the same unless it is altered by an amendment under article V, it should receive a consistent interpretation, and not be held to mean one thing at one time and another thing at another time, even though circumstances may have so changed as to make a different rule seem desirable.

Chief Justice Edward Douglas White, one of the ablest lawyers and wisest Justices ever to grace the Supreme Court Bench, made some sage comments on this subject in his famous dissenting opinion in *Pollock* v. *Farmers' Loan and Trust Co.*, 157 U.S. 429, 651–652. He said:

> In the discharge of its function of interpreting the Constitution, this Court exercises an august power. . . . It seems to me that the accomplishment of its lofty mission can only be secured by the stability of its teachings and the sanctity which surrounds them. . . . The fundamental conception of a judicial body is that of one hedged about by precedents which are binding on the Court without regard to the personality of its members. Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this Court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value and become a most dangerous instrument to the rights and liberties of the people.

What has been said does not deny to the Supreme Court the power to overrule a prior decision in any instance where proper judicial restraint justifies such action. A sound criterion for determining when proper judicial restraint justifies a judge in overruling a precedent is to be found in the standard which Judge Learned Hand says his friend and colleague, Judge Thomas Swan, set for his own guidance:

> He will not overrule a precedent unless he can be satisfied beyond peradventure that it was untenable when made; and not even then, if it has gathered around it the support of a substantial body of decisions based on it.

In ending this phase of my remarks, I emphasize that precedents set by the Supreme Court on constitutional questions were tenable when made if they conformed to the intention of those who framed and adopted the constitutional provisions involved, no matter how inconsistent they may be with the views of Justices subsequently ascending the Bench.

For several generations, the people of America had no reason to doubt Alexander Hamilton's assurance concerning the kind of men who would be selected to sit upon the Supreme Court. With rare exceptions, Presidents appointed to the Court men who had long and laboriously participated in the administration of justice either as practicing lawyers or as judges of State courts or as judges of Federal courts inferior to the Supreme Court, and who possessed and exercised the self-restraint which constitutes an essential ingredient of the judicial process in a government of laws. As a consequence, they performed their judicial labors in obedience to the principle that it is the duty of Supreme Court Justices to interpret the Constitution, not to amend it.

Candor compels me to say, however, that these things are no longer true, and that a substantial number of recent appointees to the Supreme Court are judicial activists who seek to rewrite the Constitution in their own images by adding to that instrument things which are not in it and by subtracting from that instrument things which are in it.

I shall not make any dogmatic assertion as to why this is so. But I will have the temerity to suggest that too many political appointments have been made of late to these judicial offices.

The task at hand compels me to tell the truth about the Supreme Court.

I know it is not popular in some quarters to tell the truth about the Supreme Court. Admonitions of this character come to us daily from such quarters:

> When the Supreme Court speaks, its decisions must be accepted as sacrosanct by the bench, the bar and the people of America, even though they constitute encroachments on the constitutional domain of the President or the Congress, or tend to reduce the States to meaningless zeroes on the nation's map. Indeed, the bench, the bar, and the people must do more than this. They must speak of the Supreme Court at all times with a reverence akin to that which inspired Job to speak thus of Jehovah—"Though He slay me, yet will I trust Him."

To be sure, all Americans should obey the decrees of the Supreme Court in cases to which they are parties, even though they may honestly and reasonably deem such decrees unwarranted. But it is sheer intellectual rubbish to contend that Americans are required to believe in the infallibility of Supreme Court Justices, or to make mental obeisance to their aberrations or usurpations. Americans have an inalienable right to think and speak their honest thoughts concerning all things under the sun, including the decisions of Supreme Court majorities. It is well this is so because the late Chief Justice Harlan F. Stone spoke truly when he said:

> Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action and fearless comment upon it.

As one who has spent much of his energy and days in the administration of justice as a practicing lawyer, and trial and appellate judge, I have the abiding conviction that "tyranny on the bench is as objectionable as tyranny on the throne," and that my loyalty to the Constitution requires me to oppose it.

I do not enjoy expressing my disapproval of actions of the Supreme Court. My father, who practiced law at the North Carolina bar for 65 years, taught me at an early age to venerate the Supreme Court. One of the most treasured memories acquired by me as a small boy is that of the day he took me to the old Supreme Court Chamber, showed me the busts of great jurists of the past, and said to me in a tone of reverential awe: "The Supreme Court will abide by the Constitution, though the heavens fall."

I regret to say, however, that the course of the Supreme Court in recent years has been such as to cause me to ponder the question whether fidelity to fact ought not to induce its members to remove from the portal of the building which houses it the majestic words, "Equal justice under law," and to substitute for them the superscription, "Not justice under law, but justice according to the personal notions of the temporary occupants of this building."

In saying this, I am not a lone voice crying in the wilderness. I call the attention of the Senate to what the late Justice Robert H. Jackson said of the Court of which he was then a member in his concurring opinion in *Brown* v. *Allen* (344 U.S. 643).

I quote Justice Jackson's word:

> Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of the Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles.

Justice Jackson closed his observations on this score with this sage comment:

> I know of no way we can have equal justice under law except we have some law.

Supreme Court Justices, judges of Federal courts inferior to the Supreme Court, State judges, lawyers, and journalists have charged that during recent years a majority of the Supreme Court has repeatedly rendered decisions incompatible with the language and the history of the Constitution.

I wish to call to the attention of the Senate a resolution which was adopted by the chief justices of the States of Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming, at Pasadena, Calif., on August 23, 1958.

This resolution is an astounding document without precedent in the annals of our country. The 36 State chief justices who adopted it loved the Constitution and were qualified by legal learning and judicial experience to appraise aright what the judicial activists on the Supreme Court are doing to the system of government that instrument was ordained to establish. In this resolution, these State chief justices cited many recent decisions of the Supreme Court inconsistent with the powers allotted or reserved by the Constitution to the States, and implored the Supreme Court to "exercise one of the greatest of all judicial powers—the power of judicial self-restraint—by recognizing and giving effect to the difference between that which, on the one hand, the Constitution may prescribe or permit, and that which, on the other, a majority of the Supreme Court, as from time to time constituted, may deem desirable or undesirable, to the end that our system of federalism may continue to function with and through the preservation of local self-government."

Let me read excerpts from the resolution as it appears on pages 432 and 433 of the hearings on the nomination under present scrutiny:

> "DOUBT" IN RECENT DECISIONS
>
> It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast. We find first that, in constitutional cases, unanimous decisions are comparative rarities and that multiple opinions, concurring or dissenting, are common occurrences.
>
> We find next that divisions in result on a 5-to-4 basis are quite frequent. We find further that, on some occasions, a majority of the Court cannot be mustered in support of any one opinion and that the result of a given case may come from the divergent views of individual Justices who happen to unite on one outcome or the other of the case before the Court.
>
> We further find that the Court does not accord finality to its own determinations of constitutional questions, or for that matter of others. We concede that a slavish adherence to *stare decisis* could at times have unfortunate consequences; but it seems strange that under a constitutional doctrine which requires all others to recognize the Supreme Court's rulings on constitutional questions as binding adjudications of the meaning and application of the Constitution, the Court itself has so frequently overturned its own decisions thereon, after the lapse of periods varying from 1 year to 75, or even 95 years. See the tables appended to Mr. Justice Douglas's address on *"Stare Decisis,"* 49 Columbia Law Review 735, 756–758.
>
> The Constitution expressly sets up its own procedures for amendment, slow or cumbersome though they may be.
>
> These frequent differences and occasional overrulings of prior decisions in constitutional cases cause us grave concern as to whether individual views of the members of the Court as from time to time constituted, or of a majority thereof, as to what is wise or desirable do not unconsciously override more dispassionate consideration of what is

> or is not constitutionally warranted. We believe that the latter is the correct approach, and we have no doubt that every member of the Supreme Court intends to adhere to that approach, and believes that he does so.
>
> It is our earnest hope, which we respectfully express, that that great Court exercise to the full its power of judicial self-restraint by adhering firmly to its tremendous, strictly judicial powers and by eschewing, so far as possible, the exercise of essentially legislative powers when it is called upon to decide questions involving the validity of State action, whether it deems such action wise or unwise. The value of our system of federalism, and of local self-government in local matters which it embodies, should be kept firmly in mind, as we believe it was by those who framed our Constitution.
>
> At times the Supreme Court manifests, or seems to manifest, an impatience with the slow workings of our federal system. That impatience may extend to an unwillingness to wait for Congress to make clear its intention to exercise the powers conferred upon it under the Constitution, or the extent to which it undertakes to exercise them, and it may extend to the slow processes of amending the Constitution which that instrument provides.
>
> The words of Elihu Root on the opposite side of the problem, asserted at a time when demands were current for recall of judges and judicial decisions, bear repeating: "If the people of our country yield to impatience which would destroy the system that alone makes effective these great impersonal rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming. We shall not be making progress, but shall be exhibiting that lack of self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they are struck by the impulse of the moment." Quoted in 31 "Boston University Law Review" 43.
>
> We believe that what Mr. Root said is sound doctrine to be followed toward the Constitution, the Supreme Court and its interpretation of the Consitution. Surely, it is no less incumbent upon the Supreme Court, on its part, to be equally restrained and to be as sure as is humanly possible that it is adhering to the fundamentals of the Constitution with regard to the distribution of powers and the separation of powers, and with regard to the limitations of judicial power which are implicit in such separation and distribution, and that it is not merely giving effect to what it may deem desirable.
>
> We may expect the question as to what can be accomplished by the report of this Committee or by resolutions adopted in conformity with it. Most certainly some will say that nothing expressed here would deter a member or group of members of an independent judiciary from pursuing a planned course.
>
> Let us grant that this may be true The value of a firm statement by us lies in the fact that we speak as members of all the State appellate courts with a background of many years' experience in the determination of thousands of cases of all kinds Surely there are those who will respect a declaration of what we believe.
>
> And it just could be true that our statement might serve as an encouragement to those members of an independent judiciary who now or in the future may in their conscience adhere to views more consistent with our own.

Before passing from this phase of my remarks, I invite the attention of the Senate to two books: "The Bill of Rights," which was authored by the late Judge Learned Hand, one of America's wisest jurists of all times, and "States' Rights, the Law of the Land," which was written by my good friend, Charles J. Bloch, one of America's most knowledgeable authorities on the Constitution. These books reveal in graphic fashion how judicial activism is converting the government of laws the Constitution was ordained to establish into a government of judicial activists.

Judge Hand asserted, in essence, in the "Bill of Rights" that the Supreme Court had converted itself into a "third legislative chamber" which had actually usurped the power to legislate in violation of the Constitution creating it; and that if there is to be a "third legislative chamber" to write new laws, its members ought to be chosen by the people and not attain their offices by lifetime appointments which, in effect, make them "a bevy of platonic guardians."

I venture to suggest that any Supreme Court Justice who prefers to amend the Constitution and make laws rather than interpret them ought to lay aside his judicial robes, enter the political arena by seeking election to the Senate or House of Representatives, and thus give the people from whom all the just powers of government are derived an opportunity to declare by their votes whether they approve or disapprove his proposals for remaking our governmental and legal institutions and our society in his own image.

The tragic truth is that in recent years the Supreme Court has repeatedly usurped and exercised the power of the Congress and the States to amend the Constitution while professing to interpret it.

On some occasions it has encroached upon the constitutional powers of the Congress as the Nation's legislative body. On other occasions it has stretched the legislative powers of Congress far beyond their constitutional limits. On occasions too numerous to mention, it has struck down State action and State legislation in areas clearly committed by the Constitution to the States and on other occasions it has undertaken to rob private persons of basic freedoms.

In so doing, the Supreme Court has overruled, repudiated, or ignored many precedents of earlier years. Its prodigality in overruling previous decisions prompted one of its recent members, the late Justice Owen J. Roberts, to make this comment in his dissenting opinion in *Smith* v. *Allwright*, 321 U.S. 649, 669:

> The reason for my concern is that the instant decision overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only.

Activist Supreme Court Justices attempt to justify their action in attributing new meanings to the Constitution in these ways:

First. Supreme Court decisions are binding on all persons except Supreme Court Justices. The reason for this distinction is that Supreme Court Justices must be free to consider and decide anew all constitutional questions coming before the Court. Otherwise, the Constitution will be frozen in the pattern which one generation gave it, and government will be seriously handicapped, notwithstanding the powers granted by the Constitution to the United States and the powers allotted or reserved by that instrument to the States extend into the illimitable future. Since the doctrine of stare decisis; that is, the principle that judges stand by the decisions of their own courts, would handicap Supreme Court Justices in considering and deciding anew all constitutional questions, the doctrine has become obsolete and must be disregarded, despite the fact that such a course of action will rob constitutional interpretations of their continuity and stability and leave public officials and people without meaningful constitutional rules to govern their conduct.

Second. The due process clauses of the fifth and 14th amendments empower Supreme Court Justices to strike down as unconstitutional any Federal or State laws or procedures which do not comport with their undefined notions of decency, fairness, or fundamental justice.

Third. As the majority opinion in *Harper* v. *Virginia State Board of Elections*, 383 U.S. 663, states:

> Notions of what constitutes equal treatment for purposes of the Equal Protection Clause do change.

When the "notions" of Supreme Court Justices change, the meanings of constitutional provisions change accordingly.

One comment on the Harper case seems to be appropriate. If the Constitution is to change its meaning to match the fluctuating notions of Supreme Court Justices, America is in for an uncertain constitutional future. This is true because the dictionary says that notions are "more or less general, vague, or imperfect conceptions or ideas."

When he delivered the Carpentier Lectures at Columbia University Law School in March of this year, Justice Black described judicial activists aright, made some trenchant remarks on their misuse of the due process clauses of the fifth and 14th amendments, the equal protection of the laws clause of the 14th amendment, and other constitutional provisions as vehicles for imposing their personal wills upon the American people; and stated with clarity the obligation which the Constitution imposes upon Supreme Court Justices. I quote his observations on these subjects:

> First. During the course of the lectures I shall discuss specifically "judicial activism," "judicial restraint," "due process of law" and First Amendment rights. In all that I say I shall emphasize my reasons for believing * * * that the courts should always try faithfully to follow the true meaning of the Constitution and other laws as actually written, leaving to Congress changes in its statutes, and leaving the problem of adapting the Constitution to meet new needs to constitutional amendments approved by the people under constitutional procedures.
>
> Second. When I get to the other meaning of "judicial activist," however, namely, one who believes he should interpret the Constitution and statutes according to his own belief of what they ought to prescribe instead of what they do, I tell you at once I am not in that group. The courts are given power to interpret the Constitution and laws,

> which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to "adapt the Constitution to new times." The soft phrases used to claim that power for judges have siren-like appeal. For one who has a legitimate power to interpret there is at first a certain persuasive note in the constant repetition to him that in explaining a Constitution meant for the ages he should not stick to its old 18th century words but substitute others to make the Constitution best serve the current generation. And there is a certain appeal in the argument that the dead should not control the living. But adherence to the Constitution as written does not mean we are controlled by the dead. It means we are controlled by the Constitution, truly a living document. For it contains within itself a lasting recognition that it should be changed to meet new demands, new conditions, new times. It provides the means to achieve these changes through the amendment process in Article V.
>
> Third. I think these historical events graphically illustrate the kind of awareness of past English practices which led to the adoption of our Constitution with its Bill of Rights' safeguards against excessive legislative, executive or judicial power.
>
> Judges may also abuse power, of course, not because they are corrupt, but because of a completely honest belief that unless they do act the Nation will suffer disaster. Unfortunately such honest belief too often reflects nothing more than an all-too-common human hostility to change. Other judges, with an equally honest belief that changes are absolutely imperative, take it upon themselves to make changes which Congress alone has legislative power to make. Thus, for the reasons that I have been discussing I strongly believe that the public welfare demands that constitutional cases must be decided according to the terms of our Constitution itself and not according to the judges' views of fairness, reasonableness or justice. This will be discussed in greater detail in my lecture on due process. Because of my ultimate faith in the people and their representatives, I have no fear of constitutional amendments properly adopted, but I do fear the rewriting of the Constitution by judges under the guise of interpretation.
>
> Fourth. In the past a majority of Supreme Court Justices have on occasion used the Due Process Clause to strike down federal and state laws which these Justices found to be "unreasonable," "arbitrary," "capricious" or "contrary to a fundamental sense of civilized justice." The clause has also been used to hold laws, trials and conduct unconstitutional which are "unfair," "shock the conscience," and "offend the community's sense of fair play and decency."
>
> Since, as I expressed in my first lecture, the cornerstone of my constitutional faith is a basic belief that our written Constitution was designed to prevent putting too much uncontrollable power in the hands of any one or more public officials, I cannot subscribe to such a loose interpretation of due process which in effect allows judges, and particularly Justices of the United States Supreme Court, to hold unconstitutional laws they do not like. For what else is the meaning of "unreasonable," "arbitrary" or "capricious"—what sort of limitations or restrictions do these phrases put on the power of judges? What, for example, do the phrases "shock the conscience" or "offend the community's sense of fair play and decency" mean to you? I submit that these expressions impose no limitations or restrictions whatever on judges, but leave them completely free to decide constitutional questions on the basis of their own policy judgments. I deeply fear for our constitutional system of government when life-appointed judges can strike down a law passed by Congress or a state legislature with no more justification than that the judges believe the law is "unreasonable."
>
> Fifth. This use of the Due Process Clause has been so thoroughly discredited that the Court has recently been less willing to use it. But now there is creeping into Court opinions a willingness to hold laws unconstitutional on the same "shock the conscience" basis by invoking equal protection (*Hood* v. *DuMond*, 336 U.S. 535, 562–564, particularly note 14; *Harper* v. *Va. Bd. of Elections*, 383 U.S. 663) or some other clause. Obviously the equal protection clause is no more appropriately used for a shock-the-conscience test than the Due Process Clause. The Constitution simply does not give judges any such boundless power.
>
> Sixth. I believe strongly that judges are restrained by the Constitution, and that changes in that basic charter should be made by the people and their representatives and not by judges.
>
> Seventh. Of course I realize "that it is *a constitution* we are expounding." But this does not mean that in order to obtain results thought to be desirable at the time, judges may rewrite our basic charter of government under the guise of interpreting it.
>
> Eighth. Let me say in closing that it may be that those who wrote the Constitution would have done better to provide the federal courts with the power to substitute their choice of constitutional values for the choice made by the Constitution itself. Even were I able to agree that this is true, however, I still could not accept it consistently with my oath to support the Constitution. That oath means to me that I should support the Constitution as written, not as revised by the Supreme Court from time to time. And I am content to accept the Constitution as written until the people change it in the way its provisions prescribe.

This ends the quotations from Justice Black's lectures.

What the judicial activists on the Supreme Court have done to the powers allotted or reserved by the Constitution to the States beggars description.

A study of the decisions invalidating State action and State legislation compels the conclusion that these Supreme Court Justices now deem themselves to be the final and infallible supervisors of the desirability or wisdom of all State action and all State legislation.

This is tragic, indeed, because there is nothing truer than the belief attributed to the late Justice Louis D. Brandeis by Judge Learned Hand:

> The States are the only breakwater against the ever pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive.

I shall not undertake at this time to enumerate or analyze all of the cases in which the Supreme Court as now constituted has usurped and exercised the power of Congress and the States to amend the Constitution while preferring to interpret it, or encroached upon the constitutional domain of the Congress as the national legislative body, or stretched the legislative powers of Congress beyond their constitutional limit, or struck down State action and legislation in areas clearly committed by the Constitution to the States or robbed private persons of basic freedoms. Subsequently, however, I will call the attention of the Senate to some of these cases in which Justice Fortas has participated during his 3 years' service as an Associate Justice.

In making the foregoing remarks, I have been conscious of the inadequacy of language. I have necessarily used the term Supreme Court or the term Supreme Court Justices to signify members of the Court who were responsible for the decisions I have mentioned. I have not overlooked the fact, however, that most of these decisions were handed down by a sharply divided court, and that in many of them there were strong dissents by some of the Justices who asserted in no uncertain terms that the majority decisions were incompatible with the Constitution.

Complete candor compels the identification of the judicial activists now serving on the Supreme Court. While some other justices may on occasion follow Homer's bad example and nod, the judicial activists now occupying the Supreme Court bench are Chief Justice Warren, and Justices Douglas, Brennan, Fortas, and Marshall.

It would not better the constitutional ideology of the Supreme Court a bit if the Senate should accede to the proposals of the President that Mr. Fortas be made Chief Justice in place of Mr. Warren, and that Judge Homer Thornberry, of the U.S. Courts of Appeals for the Fifth Circuit, be made an Associate Justice in place of Mr. Fortas. This is so because his opinions in *United States of America* v. *the State of Texas* (252 Fed. Supp. 234), and other cases show that Judge Thornberry is likewise at heart a judicial activist.

In closing this phase of my remarks, I wish to comment on the cliches of those who champion or seek to justify judicial activism. They assert with glibness that the Constitution is a living document which the Court must interpret with flexibility.

When they say the Constitution is a living document, they really mean that the Constitution is dead, and that activist Justices as its executors may dispose of its remains as they please. I make an additional observation on this subject: If the Constitution is, indeed, a living document, its words are binding on those who pledge themselves by oath or affirmation to support it.

What of the cliche that the Supreme Court should interpret the Constitution with flexibility? If those who employ this cliche meant by it that a provision of the Constitution should be interpreted with liberality to accomplish its intended purpose, they would find me in hearty agreement with them. But they do not employ the cliche to mean this. On the contrary, they use the cliche to mean that the Supreme Court should bend the words of a constitutional provision to one side or the other to accomplish an object the provision does not sanction. Hence, they use the cliche to thwart what the Founding Fathers had in mind when they fashioned the Constitution.

The genius of the Constitution is this: The grants of power it makes and the limitations it imposes are inflexible, but the powers it grants extend into the future and are exercisable on all occasions by the departments in which they are vested. In consequence, Congress may change at any time the laws governing any matter the Constitution commits to the Federal Government. Like observaions apply to the powers the Constitution allots or reserves to the States.

Moreover, Congress and the States may amend the Constitution at any time by the methods prescribed by article V.

What has been said makes these things as clear as the noonday sun in a cloudless sky:

First. Apart from faithful observance of the Constitution by Congress, the President, and the Supreme Court, neither our country nor any human being within its borders has any security against anarchy or tyranny.

Second. The Supreme Court can compel Congress and the President to observe the Constitution. But no authority external to themselves can compel Supreme Court Justices to observe their constitutional obligation to base their interpretation of the Constitution upon its language and history.

Third. It is idle to suggest that Congress and the States can redress the consequences of judicial usurpations by exercising their power to amend the Constitution. In the first place, the Constitution cannot be amended fast enough to redress the consequences of wholesale judicial usurpations; and in the second place, it is absurd to expect that Supreme Court Justices who do not observe the language and history of existing constitutional provisions will abide by the language and history of newly adopted amendments.

Fourth. This being true, the only restraint on unconstitutional behavior on the part of Supreme Court Justices is their own sense of self-restraint.

Fifth. No matter how great his qualifications in other respects may be, no man is fit to be a Supreme Court Justice if he lacks a sense of self-restraint or is unwilling to exercise it. The presence of such Justices on the Supreme Court imperils our most precious right—the right to be governed by the Constitution. They are invariably judicial activists, who seek to rewrite the Constitution according to their personal notions while professing to interpret and love it. Unlike the foreign conqueror, they do not rob us of our rights in one fell swoop. No. They nibble them away one by one and case by case. But the end result is the same: The destruction of constitutional government. In his Farewell Address to the American people, George Washington warned us not to travel the road which the judicial activists would have us take. He said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. . . . But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

It is well to remember that George Washington was President of the Convention which drafted the Constitution and knew what was in the hearts and minds of those who framed it.

Sixth. The Court, as now constituted, has already taken us a long way down the road which George Washington told us not to travel. As a consequence, words of the Constitution no longer mean what they have always meant, history and precedents are disregarded, and decisions on crucial constitutional questions are based on personal notions which a majority of the Justices happen to share from time to time.

I shall now apply what I have said to the pending question: Should the Senate consider the President's nomination of Justice Fortas for the post of Chief Justice of the United States? I respectfully submit that the Senate should refuse to do so for these two reasons:

First. The Senate has no legal authority to advise and consent to the President's proposal that Mr. Fortas be appointed Chief Justice in place of Chief Justice Warren because the latter has not retired from "regular active service" as Chief Justice as required by the applicable statute.

Second. Even if it had the legal authority to act, the Senate should refuse to advise and consent to Mr. Fortas' nomination for reasons disclosed by the hearing record and the nominee's 3-year service as Associate Justice.

Let me elaborate upon these reasons in their numerical order.

Chief Justice Warren has certainly not retired within the meaning of the statute, which is found in section 371 of title 28 of the United States Code. Indeed, he stated, in substance, in a press conference called by him, that he would not retire unless Mr. Fortas is confirmed as his successor.

The joint decision of the Chief Justice and the President that the Chief Justice's resignation is to be effective on the confirmation of his successor by the Senate has attempted to change, subtly but importantly, the constitutional function of the Senate. Whereas, in the past, the Senate considered the qualifications of the nominee against the demands of the office, now, in practical effect, the Senate is also choosing between the incumbent and his successor. Two questions implicit in this controversy are: Which Chief Justice is to be preferred—Mr. Fortas or Mr. Warren? Is a court with Mr. Warren and Mr. Fortas to be preferred over a court with Mr. Fortas and Mr. Thornberry? Such questions have not been involved in Supreme Court nominations in the past, and they should not be involved now.

The communications between Chief Justice Warren and the President set forth in the hearing record make it clear that the Senate must either take Mr. Fortas or keep Mr. Warren as Chief Justice. This is unprecedented in the history of the Supreme Court appointments.

As a result of the arrangement between the President and Chief Justice Warren, the Senate has only two choices to make. It must take Mr. Fortas or keep Mr. Warren as Chief Justice. As a consequence, the Senate is denied the right even to contemplate that there is a possibility the people of the United States might have the benefit of the services as Chief Justice of one of the thousands of other lawyers or Federal or State judges throughout the United States, who have manifested their ability and willingness to accept the Constitution as the rule for their government.

These communications also make it obvious that Chief Justice Warren and the President are professing to act under the statute governing the retirement of Supreme Court Justices. This statute, which is found in section 371 of title 28 of the United States Code, makes it plain that the President and the Senate do not have the power to appoint a successor to a Supreme Court Justice until he "retires," and that a Supreme Court Justice does not retire unless he "retires from regular active service" as a Supreme Court Justice. Section 371 reads as follows:

> § 371. Resignation or retirement for age.
>
> (a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.
>
> (b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires. As amended Oct. 31, 1951, c. 655, § 39, 65 Stat. 724; Feb. 10, 1954, c. 6, § 4(a), 68 Stat. 12.

This statute makes it plain that the President cannot appoint, by and with the advice of the Senate, a successor to a Justice unless such Justice retires, and that a Justice does not retire unless, in the words of the statute, he retires "from regular active service" as such Justice. The exchange of communications between the President and Chief Justice Warren and press dispatches make it obvious that Chief Justice Warren has not retired, but, on the contrary, is performing regular active service as Chief Justice of the United States, and does not intend to retire unless Mr. Fortas is confirmed as his successor.

Surely, an act of Congress, which has been enacted into law by Congress and signed into law by the President, ought to be binding on the President, on the Chief Justice of the United States, and on the Senate.

To be sure, the Senate has sometimes confirmed the nominations of judges of inferior Federal courts in cases where their predecessors announced their purpose to retire when their successors were qualified, but in no case has the retiring judge attempted to dictate to the Senate his choice of a successor. At any rate, none of this alters in any degree the words of the act of Congress. Murders and larceny have been committed in all generations, but such precedents have not made murder meritorious and larceny legal.

Also, it should be mentioned that there

is no validity whatever to the claim that the Chief Justice must remain an active member of the Court until his successor has qualified in order to provide for continuity in his office. Title 28, section 3, of the United States Code, provides:

> Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the Associate Justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

Thus, Justice Black, with his many years on the Court, would certainly be able to handle the chores of the office of Chief Justice until a new Chief Justice is confirmed by the Senate.

Mr. President, I assert, with all the emphasis at my command, that the Senate should respect a law the Senate assisted the House in enacting, which specifies in plain language that the President and the Senate cannot appoint a successor to a judge who retires until the judge who has allegedly retired has retired from regular active service as such judge.

I wish to discuss at this time the overriding reason why I believe the Senate should not consider the nomination of Mr. Fortas to be Chief Justice of the United States or to confirm such nomination in the event it should take such question up for consideration.

No matter what other gifts or attainments one may possess, he is not qualified to be a Supreme Court Justice unless he is both able and willing to subject himself to the self-restraint which enables him to accept the Constitution as the rule for the government of his judicial action and makes him refrain from attempting to revise or update that instrument according to his personal views as to what is desirable when he undertakes to interpret it.

I again invite attention to a quotation from an opinion by Chief Justice Stone. which I mentioned earlier in my remarks.

I do this because Chief Justice Stone certainly had this truth in mind when he affirmed in *United States* v. *Butler*, 297 U.S. 1, 78–79, that—

> While unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint.

Some men possess the ability and the willingness to exercise self-restraint in judicial offices; others do not. The reason for this is revealed by some illuminating observations of Daniel Webster. He said:

> Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

It is impossible to overstate the crucial importance of the requirement that a Supreme Court Justice be both able and willing to exercise self-restraint in his judicial labors. If he lacks either the ability or the willingness to do so, he cannot and will not support the Constitution, no matter how much he may proclaim his love for it.

If it is to determine whether Mr. Fortas is able and willing to accept the Constitution as the rule for the Government of his judicial action, the Senate must consider and answer these questions: Why was the Constitution written? Do the words of the Constitution have fixed and unchanging meanings? What obligation does the Constitution impose upon a Supreme Court Justice? Will Mr. Fortas perform this obligation if he is elevated to the post of Chief Justice?

First. Why was the Constitution written?

While the framers of the Constitution undertook to answer this question in its preamble, the most telling answer to it is to be found in the opinion which Justice Davis wrote for the Supreme Court in its most courageous decision of all times, *Ex Parte Milligan* (71 U.S. 1).

After alluding to the struggle of Englishmen against tyranny for freedom and the right of self-government and declaring that—

> The founders of our Government were familiar with that struggle and secured in a written Constitution every right which the people had wrested from power during a contest of ages.

Justice Davis declared:

> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Second. Do the words of the Constitution have fixed and unchanging meanings?

The answer to this question is explicit in article VI, which declares that the Constitution shall be the supreme law of the land, and article V, which authorizes Congress and States acting in combination to alter its meaning.

It is manifest that the Constitution cannot operate as the supreme law of the land unless its meaning is fixed, that is, established; and unless its meaning is unchanging, that is, stable.

Chief Justice Marshall rightly affirmed in *Marbury* v. *Madison* (1 Cranch 137, 175), that the principles of the Constitution "are designed to be permanent"; and Justice Brewer rightly declared in *South Carolina* v. *United States* (199 U.S. 437, 448) that—

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted, it means now.

I quote in full what Justice Brewer said on this subject in South Carolina against United States:

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a government its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded. As said by Mr. Chief Justice Taney in *Dred Scott* v. *Sandford*, 19 How. 393, 426:
>
> "It is not only the same in words, but the same in meaning, and delegates the same powers to the Government, and reserves and secures the same rights and privileges to the citizens; and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day."
>
> It must also be remembered that the framers of the Constitution were not mere visionaries, toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them, putting into form the government they were creating, and prescribing in language clear and intelligible the powers that government was to take. Mr. Chief Justice Marshall, in *Gibbons* v. *Ogden*, 9 Wheat. 1, 188, well declared:
>
> "As men whose intentions require no concealment, generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said."
>
> One other fact must be borne in mind, and that is that in interpreting the Constitution we must have recourse to the common law. As said by Mr. Justice Mathews in *Smith* v. *Alabama*, 124 U.S. 465, 478:
>
> "The interpretation of the Constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law, and are to be read in the light of its history."
>
> And by Mr. Justice Gray in *United States* v. *Wong Kim Ark*, 169 U.S. 649, 654:
>
> "In this, as in other respects, it must be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers of the Constitution. *Minor* v. *Happersett*, 21 Wall. 162; *Ex parte Wilson*, 114 U.S. 417, 422; *Boyd* v. *United States*, 116 U.S. 616, 624, 625; *Smith* v. *Alabama*, 124 U.S. 465. The language of the Constitution, as has been well said, could not be understood without reference to the common law. 1 Kent Com. 336; Bradley, Jr., in *Moore* v. *United States*, 91 U.S. 270, 274."
>
> To determine the extent of the grants of power we must, therefore, place ourselves in the position of the men who framed and adopted the Constitution, and inquire what they must have understood to be the meaning and scope of those grants.

Third. What obligation does the Constitution impose upon a Supreme Court Justice?

The answer to this question is explicit in article VI, which prescribes that Supreme Court Justices "shall be bound by oath or affirmation to support this Constitution."

The task of Supreme Court Justices is to interpret the Constitution and the laws, not to amend them. Their oath or affirmation to support the Constitution obligates them to accept that instrument as the rule for their government. If they fail to do so, they make the Constitution a "solemn mockery"—Marbury against Madison; and "abrogate the judicial character of the Supreme Court"—Scott against Sandford.

As Chief Justice Marshall so well declared in *Gibsons* v. *Ogden* (9 Wheat. 1, 188):

> As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said.

By this statement, Chief Justice Marshall makes it as clear as the noonday sun in a cloudless sky that the task of the Supreme Court as the interpreter of the Constitution is simply to ascertain and give effect to the intent of those who framed and ratified it. If the constitutional provision at issue is plain, the Court must gather the intent solely from its language; but if the constitutional provision at issue is ambiguous, the Court must place itself as nearly as possible in the condition of those who framed and ratified it, and in that way determine the intent the language was used to express.

There is no substance to the philosophy of judicial activism that Supreme Justices are at liberty to revise or update the Constitution while professing to interpret it. Indeed, this philosophy is utterly repugnant to the objective of a written constitution. As Justice Frankfurter declared in *Ullman* v. *United States* (350 U.S. 422, 428):

> Nothing new can be put into the Constitution except through the amendatory process. Nothing old can be taken out without the same process.

Indeed, all that can be soundly said on this subject was stated in indisputable fashion by Chief Justice John Marshall in Marbury against Madison. I read from pages 179 and 180 of the original report in that case:

> From these, and many other selections which might be made, it is apparent, that the framers of the constitution contemplated that instrument as a rule for the government of courts, as well as of the legislature. Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner, to their conduct in their official character. How immoral to impose it on them, if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support?
>
> The oath of office, too, imposed by the legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words: "I do solemnly swear, that I will administer justice, without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as ————, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States." Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? if it is closed upon him, and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime.
>
> It is also not entirely unworthy of observation, that in declaring what shall be the supreme law of the land, the constitution itself is first mentioned; and not the laws of the United States, generally, but those only which shall be made in pursuance of the constitution, have that rank.
>
> Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument.

It necessarily follows that Judge Cooley was right when he asserted in his "Constitutional Limitations" that—

> A court * * * which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty.

Fourth. Will Mr. Fortas perform the obligation the Constitution imposes on a Supreme Court Justice if he is elevated to the post of Chief Justice?

The issue whether Mr. Fortas will support the Constitution if he becomes Chief Justice must be determined by his words and his deeds. His words and deeds make it manifest that he is either not able or not willing to perform this obligation.

In the very nature of things, he cannot support the Constitution if he believes, as he asserts, that it has no fixed and unchanging meaning and that the Supreme Court is at liberty to remake it.

Let us consider his words. On one occasion after becoming Associate Justice, Mr. Fortas made this assertion to the Virginia Trial Lawyers Association:

> The great invention of the Supreme Court by the framers of the Constitution makes change possible with some degree of care.

And on another occasion, March 20, 1968, he made this statement to an audience at American University:

> But the words of the Constitution were not written with a meaning that persists for all time. Words are not static symbols. Words may be carved in impervious granite, but the words themselves are as impermanent as the hand that carved them. They reflect light and shadow, they are modified by rain and sun, they are subject to the changes that a restless life brings upon them. So the specific meaning of the words of the Constitution has not been fixed and unchanging. They never will be fixed and unchanging. The Constitution is not static. But the changes in those words—changes in the meaning of those words—have not, as one might think, been arbitrary or haphazard.

When Justice Fortas wrote his dissenting opinion in *Fortson* v. *Morris* (385 U.S. 231, 247–249), he said:

> Much water has gone under the bridge since the late 1700's and early 1800's. Our understanding and conception of the rights guaranteed to the people by the "stately admonitions" of the Fourteenth Amendment have deepened, and have resulted in a series of decisions, enriching the quality of our democracy, which certainly do not codify State's rights, governmental theories or conceptions of human liberties as they existed in 1824, the date when Georgia adopted its present system of choosing a Governor. * * * This Court's apportionment and voting rights decisions soundly reflect a deepening conception, in keeping with the development of our social, ethical, and religious understanding, of the meaning of our great constitutional guaranties. As such, they have reinvigorated our national political life at its roots so that it may continue its growth to realization of the full stature of our constitutional ideal.

These words exemplify the semantic eloquence of Justice Fortas. But they fail to bring any comfort to those of us who believe that the American people have a right to be governed by the certain and constant precepts of the Constitution rather than by the arbitrary, inconstant, and uncertain personal views of the activist Supreme Court Justices. This is so because what they actually mean is this: As the water flows under the bridge and the ink flows from the pen of the judicial activist, the Constitution automatically amends itself to conform to what the judicial activist conceives to be his deepened social, ethical, and religious understanding, notwithstanding the phraseology of the Constitution has not been changed by Congress, and the States by an amendment conforming to article V.

These words and other words of Justice Fortas justify this prophecy made by Dr. Alfred Avins in the autumn 1968 issue, page 8, of Ideas:

> It can safely be predicted that a Fortas Court would be an identical twin to a Warren Court. The United States Constitution would enjoy a quiet repose in a judicial antique shop while the Court wandered off into new pastures. For a government of laws and not of men, this is a chilling thought.

His statements put Mr. Fortas among the judicial activists who regard the Constitution as something in the nature of a quivering legal aspen leaf, whose meaning trembles and changes when sitting Supreme Court Justices waiver in mind and new Supreme Court Justices ascend the Bench.

After reading these words of Justice Fortas, I wonder why George Washington, Benjamin Franklin, James Madison, Alexander Hamilton, and the other good and wise men who framed the Constitution put provisions in that document requiring Supreme Court Judges to take oaths to support a Constitution whose words Justice Fortas says have no fixed meaning, and specifying that the Constitution can be amended, that is, changed in meaning, only by the joint action of Congress and the States.

Let us consider his deeds.

His deeds as an Associate Justice are even more emphatic. They make it obvious that he is one of the judicial activists now serving on the Supreme Court who toy with the Constitution as if it were their personal plaything instead of the precious inheritance of all Americans. I recount a few of these deeds.

Mr. Fortas joined in the 5-to-4 decisions in *Miranda* v. *Arizona* (384 U.S. 436); *United States* v. *Wade* (388 U.S. 218); *Gilbert* v. *California* (388 U.S. 263); and *Stovall* v. *Denno* (388 U.S. 293), which create artificial rules of evidence for all criminal trials in Federal and State courts. These newly created rules are repugnant to the words and history of the fifth and sixth amendments upon which they are allegedly based, and permit multitudes of murderers, rapists, burglars, robbers, and thieves to go unwhipped of justice. In the final analysis, these decisions rest on the strange assumption that society needs little protection against criminals, but criminals need much protection against law-enforcement officers.

Mr. President, I submit that this is no time for Justice Fortas and his associates on the Supreme Court bench to be inventing new and artificial rules of evidence, contrary to the words and the history of the Constitution, which result in many criminals going unwhipped of justice. I say this because crime is rising and rampant in our country.

In yesterday's issue of the Washington Evening Star, I saw a photograph of a house of God which stands almost in the shadow of this Capitol. As the photograph showed, a sign erected in front of this house of God stated that it was necessary to close the doors when services were not in progress, to keep thieves from stealing the possessions of God from the house of God.

As I say, Mr. President, I think it is time to be strengthening the laws against crime, instead of inventing new and artificial rules of evidence contrary to the words and history of the Constitution, and placing handcuffs upon prosecuting attorneys and law-enforcement officers.

Mr. President, Mr. Fortas joined in the 6-to-2 decision in *United States* v. *Robel* (U.S. 358), and the 5-to-4 decision in *Keyishian* v. *Board of Regents* (385 U.S. 589), which adjudge that the first amendment right of association confers upon Communists a constitutional right to work in defense industries vital to our national security, of which they cannot be deprived by Congress, and a constitutional right to teach in the schools of the States, of which they cannot be deprived by the legislatures of the States. Mr. Fortas joins in these decisions notwithstanding he admits in his booklet on "Dissent and Civil Disobedience" that "the Communist Party is devoted to overthrowing the Government of the United States by force and violence."

Mr. Fortas joined in the 7-to-2 decision in *Katzenbach* v. *Morgan* (384 U.S. 641), in which the Court adjudges that the fifth section of the 14th amendment empowers Congress to supplant a nondiscriminatory State voting qualification with a newly created Federal voting qualification, notwithstanding the State voting qualification is in complete harmony with the 14th amendment, and notwithstanding articles I and II and the 10th and 17th amendments vest the power to prescribe voting qualifications in the States and deny it to the Congress. This decision illustrates judicial activism in its most virulent form.

Mr. Fortas joined in the 6-to-3 decision in *Amalgamated Food Employees* v. *Logan Plaza* (20 L. ed. 603), which holds that by virtue of the freedom of speech clause of the first amendment union pickets now enjoy a constitutional right to invade the private property of a businessman against his will for the purpose of urging his customers not to deal with him, and that no Federal or State court in the land can grant the businessman any protection against such invasion of his private property. This decision converts a trespass of great antiquity into a new judge-made right, and is inconsistent with the law of private property which has prevailed in Anglo-American jurisdictions for hundreds of years. To be sure, the decision does indicate the attitude of mind exhibited by Mr. Fortas and four other Justices in their 5-to-4 decision in *National Labor Relations Board* v. *Allis-Chalmers Manufacturing Company* (U.S. 175), which nullifies the clearly expressed purpose of Congress set out in section 7 of the Taft-Hartley Act that those who labor in American industry should be free to refrain from participating in strikes or other concerted union activities.

Mr. Fortas joined in the 6-to-3 decision in *Memoirs* v. *Massachusetts* (383 U.S. 413), the 7-to-2 decision in *Redrup* v. *New York* (386 U.S. 767); and the 5-to-4 decision in *Katner* v. *California* (383 U.S. 422), which hold that States and municipalities are constitutionally impotent under the freedom of speech and press clauses of the first amendment and the due process clause of the 14th amendment to enact effective legislation prohibiting the peddling of pornography for filthy lucre, no matter how licentious such pornography may be, unless they can prove the nebulous proposition that the pornography is "utterly without redeeming social value."

There are many other cases which illustrate Mr. Fortas' conviction that the words of the Constitution have no fixed and unchanging meaning, and that the Supreme Court is at liberty to remake that instrument at will.

These things mean little or nothing to those who would as soon have our country ruled by the arbitrary, inconstant, and uncertain wills of Supreme Court Justices as by the certain and constant precepts of the Constitution. But they mean everything to those of us who love the Constitution and believe it evil to twist its precepts out of shape even to accomplish ends which may be desirable.

If desirable ends are not attainable under the Constitution as written, they should be attained in a forthright manner by an amendment under article V and not by judicial alchemy which transmutes words into things they do not say. Otherwise the Constitution is a meaningless scrap of paper.

I oppose the elevation of Mr. Fortas to the high office of Chief Justice of the United States. I do so because I love the Constitution and believe tyranny on the bench to be as objectionable as tyranny on the throne.

Mr. President, I yield the floor.

(The following colloquy occurred during the delivery of Mr. ERVIN's address, and is printed here at the conclusion of Mr. ERVIN's address by unanimous consent.)

Mr. CURTIS. Mr. President, will the Senator from North Carolina yield for one or two questions?

Mr. ERVIN. I am delighted to yield to my good friend the distinguished Senator from Nebraska.

Mr. CURTIS. I am very much interested in having the response of the distinguished Senator from North Carolina because he is one of the outstanding lawyers, not only of this body but also throughout the land, and he is well grounded in the Constitution.

Does the Senator from North Carolina regard the role of the Senate in the placing of someone on the Supreme Court, whether it be a Justice or as Chief Justice, as something more than mere acquiescence to the fact that the Executive has sent down the name of someone trained in the law and who may be personally known to him?

Mr. ERVIN. Before I answer the question, I should like to thank my good friend from Nebraska for the compliment he has paid me, especially when he himself is a distinguished lawyer and a constitutional scholar.

My answer to the question is that perhaps the most solemn duty that devolves upon a Member of the Senate is that of determining for himself the qualifications of one who is nominated by the President for the office of Chief Justice of the United States or for the office of Associate Justice of the United States.

I say that because the very continuance and existence of constitutional government in the United States depends upon the faithful observance of the principles of the Constitution by the Supreme Court of the United States.

It is incumbent upon a Senator, in determining whether he shall vote to confirm a nominee for the Supreme Court, be he a nominee for Chief Justice of the United States or an Associate Justice, carefully to analyze all of his qualifications.

Among those qualifications are personal integrity and legal learning; but there is a third qualification which is just as indispensable, if not really more important, and that is whether the nominee is both able and willing to interpret the Constitution according to the intent of those who framed it and ratified it. If a man is unable or unwilling to assign to a provision of the Constitution a meaning which is consistent with its language and its history, he is totally unfit to be a Supreme Court Justice, no matter what his integrity may be and no matter what his learning may be.

Mr. CURTIS. The Senator from North Carolina regards, then, the role of the Senate as a coequal part in the selection process, and not merely to perform a pro forma ratification or certification as to the abstract academic qualifications of whomever the President might select?

Mr. ERVIN. In my honest judgment, a Senator is derelict in the performance of his constitutional obligation as a Senator if he votes to confirm a nominee for the Supreme Court simply because he has been named by the President of the United States, whoever that President may be.

Mr. CURTIS. The people generally, and the press and others, rightfully refer to a President's Cabinet as his Cabinet. We talk about President Roosevelt's Cabinet; we talk about President Kennedy's Cabinet; we talk about President Eisenhower's Cabinet; we talk about President Johnson's Cabinet. In the Senate's ratification of members to serve in the Cabinet, or the executive branch generally, what we are doing there is to ratify and confirm helpers for the President. Is that not true?

Mr. ERVIN. That is true.

Mr. CURTIS. And we should give great weight to his wishes and conform to his views?

Mr. ERVIN. That is right, because fundamentally we are confirming the nomination of officials who are, in a very peculiar sense, to be advisers to the President and perform duties in the President's executive position.

Mr. CURTIS. And they serve for a limited time and then go out of office?

Mr. ERVIN. That is correct.

Mr. CURTIS. Now, with the Supreme Court, instead of ratifying someone as a helper to the President, are we not participating with the President in selecting someone for a third, independent branch of the Government that passes on acts of both the legislative and the executive?

Mr. ERVIN. I am certainly in full agreement with the answer implicit in the question of the Senator from Nebraska. The members of the Supreme Court, who hold office for life, have the most sacred obligation to interpret the Constitution according to its true intent; and the fundamental conception is that they shall be independent of the President, and independent of the Congress, and independent of every other power on earth save and except the Constitution, which they are sworn to uphold.

Mr. CURTIS. Is it not true that the advice and consent of the Senate as to the finest lawyer, the greatest citizen, the most devoted man to our institutions and our Constitution would be of no effect unless the President nominated him?

Mr. ERVIN. That is true.

Mr. CURTIS. Likewise, the President is not vested with the sole power to name the judiciary?

Mr. ERVIN. That is true; and I think that the Founding Fathers recognized the gravity of the solemn obligation which would be imposed upon members of the Supreme Court to interpret the Constitution correctly, and not according to their own personal notions. So they made it obvious that they intended that every serious consideration should be given to the selection of Supreme Court Justices, and for that reason they provided those qualifications in every respect should be scrutinized twice, once by the President and the second time by the Senate.

I think perhaps, if one can infer that the Founding Fathers made any distinction about which of those scrutinies was most important, they probably regarded the scrutiny of a judge's qualifications by the Senate as the most important, because the President is one human being, and naturally all of us wish to do well by our friends. They recognized, as Alexander Hamilton recognized in the Federalist Papers, that sometimes men would be appointed as judges because of their friendship and relationship to the President.

So I think the Constitution requires the duties of the Senate's advice and consent to judicial appointments because it recognizes that it would be very unlikely that all the Members of the Senate would be friends of the nominees, and in consequence they would be able to give a nominee the impartial scrutiny which is necessary if we are to have capable Supreme Court judges.

Mr. CURTIS. Would not the Senator from North Carolina say that the doctrine of the separation of powers enunciated in the Constitution and the doctrine of a totally independent judiciary is so ingrained in the American people, and has been down through the years, that it is totally unheard of to refer to the Court as the President's Court or as the Congress' Court?

Mr. ERVIN. There is no question about that, because the Constitution clearly contemplates that the power to make law, which is vested in the Congress, and the power to execute the laws, which is vested in the President, and the power to interpret the laws, which is vested in the Supreme Court, are separate and distinct powers and must forever be kept separate and apart from each other.

Mr. CURTIS. And is it not true that the humblest citizen in the land, with perhaps the least opportunity for educational advantages, may not be able to articulate very well, but he knows that, intentionally or accidentally or ill-advisedly, if either the Congress or the President intrudes upon his rights, there is a third, independent branch that can step in and help him? Is that not true?

Mr. ERVIN. Yes; and the Constitution was very carefully framed with the idea that the Supreme Court, above all the judicial tribunals, would safeguard and protect the basic freedoms of all Americans even against the most drastic assaults upon those freedoms by the other two branches of Government.

Mr. CURTIS. And it is the opinion of the distinguished Senator from North Carolina that there could be a government of limited powers without a judiciary that is totally independent?

Mr. ERVIN. The Senator from Nebraska could not possibly be more sound in his belief than that expressed in the obvious answer to the question.

Mr. CURTIS. I thank the Senator.

Mr. ERVIN. I would like to say to the Senator from Nebraska that there was a most interesting exchange of letters in the first days of our Republic that bears on the first question the distinguished Senator from Nebraska put to the Senator from North Carolina. It happened that a war was raging in Europe, and President Washington requested Thomas Jefferson, who was his Secretary of State, to convey to Chief Justice John Jay, of the Supreme Court, the request of President Washington that the Supreme Court should advise President Washington in respect to the matter of that raging war in the hope that we might be able to escape involvement in it.

Pursuant to the commission given him by President Washington, Thomas Jefferson, as Secretary of State, wrote a letter to Chief Justice John Jay informing him that the President was in need of their advice on this important subject, and asked Justice Jay, in effect, to convene the Supreme Court, which was then in adjournment, and give President Washington advice with relation to the war that was then in progress.

Chief Justice John Jay summoned the Supreme Court to meet, and later he conveyed their response to President Washington's request in a letter to Thomas Jefferson, the Secretary of State.

He pointed out in that letter that, owing to the differences between the duties and the powers of the executive branch of the Government and the Supreme Court, the members of the Supreme Court thought it would be improper for them to undertake to advise President Washington in respect to a matter which belonged within the executive branch of the Government; and they pointed out in that letter the distinction between Supreme Court Justices and members of the Cabinet, and suggested to Thomas Jefferson, the Secretary of State, that President Washington should look to the heads of the departments—that is the constitutional term for members of the Cabinet—for advice on matters which fell within the domain of the executive branch of the Government.

Mr. CURTIS. If the Senator will yield further, I should like to ask him this: The junior Senator from Nebraska feels that there are many unanswered questions in the record of the hearings, which is available to the Members of the Senate, due to Mr. Fortas' refusal to return and provide the committee with information, Mr. Barr's declining to appear, and Mr. Pierson's declining to attend. There is nothing in the record that throws any light on the financial arrangement, and how it was set up, in reference to the series of lectures at the American University. We do not know what Mr. Porter said, if anything, to the donors. We do not know what was in the minds of the donors. We do not know whether those donors were regular contributors to the American University. The whole transaction might be without blemish, but we do not know.

My question is this: Does the Senator feel that, with the many unanswered questions, and especially in the light of the refusal of Mr. Fortas to respond to the committee's request to appear again, and of the other two members of the executive branch declining to appear, that, on the basis of the record we have, with all those unanswered questions, we are ready to vote to take up the serious question of this appointment?

Mr. ERVIN. I certainly think that the Senate should not take up consideration of the appointment, for the reasons so well stated by the distinguished Senator from Nebraska. I have also stated that I did not think that we ought to take up the appointment because the statute clearly contemplates that a successor cannot be appointed to a sitting Justice, under the retirement statute, until that sitting Justice actually retires, and that he does not actually retire until he withdraws from regular active service.

I will also say that to my mind, as the Senator from Nebraska stated in substance, evidence was produced before the committee after Justice Fortas had originally appeared, indicating that Justice Fortas' action as a confidential adviser to the President had been more extensive than Justice Fortas admitted at the time of his original appearance before the committee. When he was requested to appear to clear up these matters, one of them being whether or not he had actually participated in the writing of the President's 1966 state of the Union message, he declined to do so.

I think he should have come back, because he had evidently forgotten that that had ever occurred, at the time of his first appearance, for he made a statement which excluded evidence of that character from his testimony about his relations with the President.

When that question arose, not only was Mr. Justice Fortas invited to come back to clear up the question, but also the Secretary of Defense, Mr. Clark Clifford, and Mr. W. DeVier Pierson, the White House counsel. All three of those gentlemen declined to appear, invoking what they called executive privilege, though Mr. Clifford did write a letter to the committee, in which he stated that on a number of occasions, both before and after Mr. Fortas' appointment to the Supreme Court, he had been present at the White House when Mr. Fortas had conferred with the President, largely upon the subject of Vietnam.

It was rather noticeable that Mr. Clifford made no reference in his letter to the testimony which had been produced before the committee indicating that after Richard Goodwin had allegedly written or assisted in writing the state of the Union message in 1966, the message was turned over to Secretary Clark Clifford, who was then a practicing lawyer, and to Mr. Justice Fortas for revision.

As the Senator from Nebraska, a distinguished trial lawyer, knows, there is an old rule of evidence at the common law that where a charge is made about one, under circumstances where, if it is untrue, he would naturally deny it, if he fails to deny it he thereby admits, impliedly, by his silence, that the charge is true.

That is the only inference I can draw concerning the failure of Mr. Justice Fortas to return to the committee the information about the state of the Union message, and the silence of Secretary Clark Clifford with respect to the same matter.

Mr. CURTIS. But is it true that the record does reflect an admission on the part of Mr. Fortas that he conferred and perhaps advised with the Chief Executive on matters relating to the Vietnam war?

Mr. ERVIN. Yes; he stated that on his first appearance. He also stated on his first appearance that he had some connection—his testimony being somewhat indefinite—with the action which the President took with respect to the riots in Detroit.

Mr. CURTIS. Yes; now, on the subject of the Vietnam war, is it not entirely possible that a case may come before the Supreme Court in the near future questioning the legality of the Vietnam war?

Mr. ERVIN. As I judge from the press, two cases of that kind have already arisen as a result of orders signed by Associate Justice Douglas which, in effect, stay the sending of certain reservists who have been called into active service to Vietnam.

Mr. CURTIS. How about matters arising out of the Detroit riots? Were there not questions involved there concerning the matter of Presidential power?

Mr. ERVIN. I think there is no question but that a number of cases could arise out of those riots, in one form or another.

Mr. CURTIS. A question of Presidential power might be involved?

Mr. ERVIN. Yes.

Mr. CURTIS. A question of Federal power might be involved?

Mr. ERVIN. That is true.

Mr. CURTIS. A question of military power might be raised by the riots?

Mr. ERVIN. There is no question about that.

Mr. CURTIS. And a question of State power to act?

Mr. ERVIN. That is correct, because this is peculiarly a situation which falls within what one might call the twilight zone between the power of the Federal Government, on the one hand, and the power of the State government on the other.

Mr. CURTIS. And, arising out of these things, it is conceivable that a case involving the entire range of criminal offenses and the whole range of civil rights might arise out of the events which occurred in that Detroit riot; is that not true?

Mr. ERVIN. There is no question about that, because, under recent decisions of the Supreme Court extending the power of the Supreme Court over criminal trials, both in Federal and State courts, it is possible that a multitude of cases of criminal nature may come before the Court for resolution as a result of those riots.

Mr. CURTIS. Mr. President, so that the RECORD may truly reflect the situation, is it not true that the Detroit riots occurred in 1967?

Mr. ERVIN. That is my recollection.

Mr. CURTIS. And in what year was Mr. Fortas elevated to the Supreme Court?

Mr. ERVIN. He became a member of the Supreme Court in the fall of 1965, if my recollection serves me right.

The senior Senator from Florida reminds me that it was on August 11, 1965, that he formally became a member of the Supreme Court.

Mr. CURTIS. The role and powers of the Federal Government in that instance were enunciated in a statement of the President of the United States.

Mr. ERVIN. The Senator is correct.

Mr. CURTIS. If those powers were ever questioned and Mr. Justice Fortas does not disqualify himself, the matter will come before a court presided over by a man who was, in part, the architect of the Federal position.

Mr. ERVIN. The Senator is correct. It was for that reason that I stated to Mr. Justice Fortas in the hearings before the Judiciary Committee that I thought it was highly improper for a Supreme Court Justice to advise the President concerning any matter of governmental policy. By so doing, a Supreme Court Justice disables himself in either one or two ways. He either disables himself to act in an impartial manner in the case of litigants before the Court, or his advice to the President requires him to deprive the litigants in that case of the benefit of his views, because he would have to recuse himself.

Mr. CURTIS. Mr. President, does the Senator from North Carolina agree with the Senator from Nebraska that certainly there is no implication that either the President of the United States or Mr. Justice Fortas wanted to do wrong or to violate any code of ethics? Apparently they were fast friends of many years and had great confidence in each other, and it happened, but with no intent to violate any of the proper procedures?

Mr. ERVIN. The Senator is correct. I would like to call the attention of the distinguished Senator from Nebraska to the fact that after he had retired from the Supreme Court bench, the late Justice Owen J. Roberts made a public address in which he stated that no member of the Supreme Court, in his judgment, ought to undertake any extrajudicial duties of any kind. He stated that he had succumbed to the temptation to do so on two occasions, and that he felt that he had made a serious mistake which affected his own personal welfare and that of the Court. And he advised that no Justice of the Supreme Court should ever undertake any extrajudicial duties.

He also made what I think is a very significant statement to the effect that no Associate Justice of the Supreme Court should ever be nominated to be Chief Justice. While he did not state the basis for that statement, I think the only inference to draw from it is that an Associate Justice can entertain an ambition to be appointed Chief Justice of the United States by the President. He is likely in that event to sacrifice to some extent his judgment and opinions to those of the President.

I think that is human nature. I do not care how good a man he is.

Mr. CURTIS. I would agree very much with the statement of the distinguished Senator.

I want to impress upon the record that we are dealing with broad, fundamental principles involving the separation of powers, and in no sense are we raising these points in any way to besmear or harm the good name of either the Chief Executive or Mr. Justice Fortas.

Mr. ERVIN. That is true. It is for these fundamental principles that I have based my opposition to Mr. Justice Fortas. I do so on the following two grounds:

First, there is no vacancy to be filled.

Second, Justice Fortas, in my judgment, is a judicial activist, and by reason of that, if confirmed as Chief Justice, he would add to the Constitution things that are not in it and would subtract from the Constitution things that are in it.

I think he will do that with the best of intentions.

Daniel Webster said that the Constitution was written to protect men against men of good intentions.

Today, the principal litigant before the Supreme Court of the United States is the Government of the United States. And many of the cases which come before the Supreme Court, even in cases where the Government is not a litigant, are cases which involve the validity, the scope, or the significance of the policies of the executive branch of the Government which have been enacted into law.

For this reason, no Justice of the Supreme Court should undertake to advise the executive branch of the Government with respect to policies of the executive branch of the Government, or the action of the executive branch of the Government, because they are likely to appear before the Court and either require him to act impartially or recuse himself.

Mr. CURTIS. In that connection, it is no doubt true that the Solicitor General of the United States makes more appearances before the Supreme Court than any other one lawyer in the land.

Mr. ERVIN. The Senator is correct. And, as the Senator from Nebraska knows, the Solicitor General of the United States is the advocate before the Supreme Court of the executive branch of the Federal Government.

Mr. CURTIS. The great magnitude of cases where the powers and the actions of the Federal Government are being weighed in which the Government is not a direct party, as the distinguished Senator has pointed out, constitute a great portion of the matters coming before the Supreme Court.

Mr. ERVIN. That is undoubtedly correct.

Mr. CURTIS. Mr. President, I thank the distinguished Senator from North Carolina. He has rendered a great service. I hope that if we are called upon to take up the nomination that the hearings will be opened and these many questions will be answered before we are asked to proceed with the matter.

Mr. ERVIN. Mr. President, I thank the Senator.

Mr. HART. Mr. President, will the Senator yield to me briefly?

Mr. ERVIN. Mr. President, I am delighted to yield to the distinguished Senator from Michigan.

Mr. HART. Mr. President, actually the exchange between the Senator from North Carolina and the Senator from Nebraska intrigued me. I know that those who are seeking to bring this matter to a vote should not say anything at this time. However, it is hard to resist. It is a delight to hear the able lecture that the distinguished Senator is conducting.

Mr. ERVIN. I reciprocate the remarks of the Senator from Michigan.

Mr. HART. Mr. President, the Senator from North Carolina and the Senator from Nebraska agreed that it would be unwise and undesirable to permit an Associate Justice to be elevated to Chief Justice. And, as I understood it, the reason was that there might be ambition to advance which might influence the judgment and opinions of an Associate Justice. And, in a fashion, I have no quarrel with that.

I rise only to question those who are always lecturing us that one should have prior judicial experience on any court before his name is sent to the Senate. If there is validity to the concern that the Senator from Nebraska and the Senator from North Carolina have voiced, does it not reach to the whole proposition, because a man who is an Associate Justice has relatively limited further goals? Somebody who is an appellate Federal judge or a district judge or a judge of a State supreme court clearly has the ambition at least to become an Associate Justice of the Supreme Court of the United States, and I think the logic applies equally to both.

Mr. ERVIN. I say to the Senator from Michigan that until I read the speech which the late Justice Owen J. Roberts made subsequent to his retirement from the bench, I had always been inclined to assume that it would be a good thing to promote an Associate Justice to the position of Chief Justice. But after reading that speech and reflecting on the matter, I believe it is a mistake. I believe it is a mistake because I think there is a temptation to an Associate Justice, to aid the President, because the President is the only man on the face of the earth who can nominate him for the office of Chief Justice in the event a vacancy arises.

I admit that I naturally have some very strict views on the relationship of a Justice with reference to his service and public activity because of an experience in North Carolina. During Reconstruction we had a Chief Justice who was an able judge, but who became a convert of the Republican Party, and he made some political speeches. A number of Democratic lawyers signed a statement which appeared in the press, criticizing the Chief Justice for forsaking the judicial field and entering the political arena; and the Chief Justice undertook to attach some of those lawyers for contempt of court, and we had quite a hassle in North Carolina about the matter.

In my early days, I recall my father telling me about those events and also making a statement which I accepted because I thought it was a pretty good instruction—that when a man became a judge, he should be like the fellow who entered through the portals of Dante's inferno, where it said, "Abandon hope, all ye who enter here."

Justice Roberts stated in that speech, in substance, that a Supreme Court Justice should abandon all further hope of political advancement or anything of that sort, and even hope of judicial advancement.

Mr. HART. I am not expressing an opinion by my question as to whether it is wise or unwise to restrict the list of possible Federal court appointees to those who have had prior judicial experience. But I do know that there are many who suggest that is the source to which the President should look for judicial nominees. I suggest that they should read the concern voiced by Senator ERVIN and Senator CURTIS with reference to the possibility that sitting judges will at least unconsciously have their opinions and decisions influenced by the possibility that they might be invited to enter the Supreme Court. That was the only reason I rose.

Mr. ERVIN. I believe it is an interesting question and a very important question. Generally, I believe it is very good for a man to be put on the Supreme Court of the United States who has had judicial experience at either the Federal or the State level. Frankly, I voted for Justice Fortas' confirmation when he was nominated to be an Associate Justice in 1965. At that time, he had had no judicial service, and he had not participated in the making of any judicial opinions. I am frank to state that the words he has spoken since he became Associate Justice and the official judicial actions taken as Associate Justice have convinced me that it would be very unwise for the Senate to confirm him for the office of Chief Justice.

Unfortunately, some people who have judicial service do not acquire or are not able or willing to exercise the self-restraint which makes it possible for them to accept the Constitution as the rule for their Government, as Chief Justice Marshall declared, in Marbury against Madison, they should.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from California.

Mr. MURPHY. I have just been handed an item from the AP wire that seems germane to the discussion. It is a cause of further concern to me, since we have been dealing with matters of judges, justice, courts, legal procedures, jurisprudence, and the rest. I suggest that the distinguished Senator might wish to comment on this, if he has not already seen it. It is a further indication of some of the pitfalls and complexities which have crept into our system, and I may say that it is a cause of further worry to me.

This item from the Associated Press has just been taken from the ticker:

> A Texas lawyer has asked the Federal court to halt the Senate filibuster against the appointment of Abe Fortas as Chief Justice of the Supreme Court.
>
> Robert E. Looney, Houston, in a suit filed in the U.S. District Court, said the attempt to block the appointment is unconstitutional because the Senate already confirmed Fortas a Supreme Court Justice.

I go on to quote the distinguished lawyer, Robert E. Looney:

> "Once confirmed, always confirm" is the doctrine Looney asked the Court to uphold. He said no further Senate action is needed to elevate a sitting Supreme Court Associate Justice to the job of Chief Justice.
>
> Looney named Senator STROM THURMOND, R, S.C., and Senator JAMES O. EASTLAND, D, Miss., as chief defendants in his suit but asked the list should include all Senators who take part in the filibuster.
>
> In his long, rambling brief, Looney accused the Senate opponents of Fortas of "proceeding with a desperate, reckless ferocity and hunger for political acquisition that bodes our Nation no good."

Looney has other ideas about the law. I do not think he has been here; I think he has been in Houston.

I quote further:

> By the manner in which they are proceeding, he said, and by the earlier actions of the Judiciary Committee, including the showing of obscene movies to criticize a Supreme Court's decision, the opponents are also undermining respect for law and order.

Mr. Looney has a remarkable approach. That name fascinates me—"Looney."

> "If the defendants are allowed to continue in their unlawful reckless and irresponsible efforts to block the appointment," Looney said, "what is left of the respect, confidence and sense of security held by our citizenry for our courts and our laws will be destroyed."
>
> Looney also said the charge of "cronyism" used to describe Fortas' relationship with President Johnson was wrongfully used by the defendants. He said "It is the highest

> medal of personal achievement and excellence in a man's profession and in his personal integrity to be the close friend, confidant, and sometimes intellectual sounding board of probably the greatest President in the history of our nation."
>
> Looney asked the court to schedule a hearing at the earliest possible time for the purpose of determining whether a temporary restraining order should be issued to stop the filibuster.

I would be glad to hear the comments of the distinguished Senator from North Carolina with respect to Mr. Looney.

Mr. ERVIN. I may not have the benefit of all the facts, but I infer from what the distinguished Senator from California read that Mr. Looney is both the lawyer and the plaintiff in the case. If so, it is a perfect illustration that when a man is his own lawyer, he has a fool for his client.

Mr. MURPHY. I thank the distinguished Senator.

Mr. ERVIN. I would also say, although he did not make me a defendant in the case, that if Mr. Looney, instead of writing such an amusing complaint, had read a little law he would have discovered that under the law, the office of Chief Justice is separate from the office of Associate Justice, and whereas Mr. Fortas has been confirmed as Associate Justice he never has been confirmed as Chief Justice. Furthermore, if Mr. Looney had read a little of the history of the United States he would find that the two Associate Justices who were appointed Chief Justices by the President; that is, Associate Justice Edward Douglas White and Associate Justice Harlan F. Stone, had their nominations submitted to the Senate by the President and the Senate proceeded to confirm them, recognizing the office of Associate Justice and Chief Justice are separate offices.

Mr. HART. Mr. President, will the Senator from North Carolina yield to me so that I may make a brief comment?

Mr. ERVIN. Mr. President, without losing my right to the floor, I yield to the Senator from Michigan.

Mr. HART. Mr. President, very early in the development of this issue someone told me that there was no need for the Senate to advise and consent that an Associate Justice be made Chief Justice; that this could be done by executive action. I confessed at that time that I did not know if it were possible, but that I felt it was very desirable that the Senate assert the right to advise and either consent or disagree on the nomination.

I consequently share the views expressed by the Senator from North Carolina. I would quarrel with Mr. Looney's concept of what is going on here, if I heard the Senator from California correctly. Mr. Looney alleges that the opponents to the Fortas nomination are proceeding recklessly. My quarrel is that they are not permitting us to proceed at all.

Mr. MURPHY. Mr. President, if the Senator will yield to me, I suggest that perhaps he should get in touch with Mr. Looney, for starters, and explain to him what we are doing here.

Inasmuch as I am not a lawyer, I would not presume to disagree with my distinguished and esteemed friend from Michigan. However, as far as I am concerned, I think that there has been a great deal of ground covered here and a great deal of progress made. I certainly heard a great deal more about this matter than I knew when I made a statement before the names of the nominees were sent up. I thought it would be a bad idea as a matter of policy for the appointments to be made at this particular time when we are nearing the day when the people of this Nation—and this Government belongs to the people—will have a chance to elect a new government. I thought it would be prudent, wise, and considerate, particularly under the conditions, that these appointments be left to the judgment and the choice of the new Government which properly should reflect the feelings of the electorate, the people in control of this Government.

I think the discussions I have listened to have been most persuasive and most interesting and enlightening. I cannot agree with my distinguished friend from Michigan. I cannot wait to hear more from my friend, the distinguished Senator from North Carolina, who is a fine constitutional lawyer, and many other Senators. In addition, I have a speech that I have gone to some length to prepare which may approach the problem from a little different point. I think the healthiest way to proceed in this great body is through discussion and dialog.

I have been listening since I have been in the Senate and I have found that the more extended the discussion, the more intelligent the final solution becomes. That has been one of the great purposes of this body.

I have enjoyed the discussion and I believe I have benefited by it, and that I have learned a little about the law. After reading this report on Mr. Looney I am tempted to take a short course in the law. Who knows, I might still graduate from something, for I am running out of time.

Mr. HART. If the Senator will yield to me further, I would like to express a few thoughts with respect to the validity of rule XXII, and make one comment about Mr. Looney. I think it goes to a more serious point.

If I heard the Senator from California correctly, Mr. Looney suggested the unconstitutionality of the action of those who are delaying the opportunity to bring the name before the Senate for discussion. I am not sure I agree with Mr. Looney's suggestion that there is anything unconstitutional.

I wish to get to a point he does raise in my mind, and perhaps it is entirely different than what has been raised in the pleadings in that action. There is a troublesome element. It goes not so much to the question of getting ourselves into a position where we can advise and either consent or reject a particular nomination.

The Constitution is very clear that with respect to treaties, the affirmative vote of two-thirds of this body is required before action can be had. Some five other matters require affirmative two-thirds votes. I think there are no other constitutional requirements for a vote by two-thirds of the Senate.

The clear constitutional implication is that a majority may act in all but the half dozen numerated areas. These past days the question before us is whether we shall proceed to consider the nomination of Mr. Fortas. This is not one of the areas where the Constitution requires a two-thirds vote. I have had the feeling, of course, that a majority of Senators are prepared to proceed. I have no idea what the decision will be after the question comes before us, as to whether the Senate would consent or not. But the Senate adopted, long years ago, and more rerecently with some modifications, has maintained a rule that permits a third of us to prevent the majority from acting. If a minority will not permit a vote, then it takes two-thirds before we can discharge what I think is a constitutional responsibility, a responsibility to advise on whether to consent or to reject.

I do not know whether that troubles Mr. Looney, but it troubles me. I have a suspicion that young people around the country who wonder why this system seems to sputter and putter and run off the rails periodically will find it very difficult not to see in this further reason for lessening of respect for the operation of, as they put it, "the establishment." If it becomes clear that "the establishment" has written rules for itself which deny the majority the ability to act—would not those young critics of the establishment be further convinced the system is off the rails?

I think that goes far beyond the question of whether we will be permitted to consider Mr. Justice Fortas' nomination or not; it goes to rule XXII and its validity. That is the difficulty I have, at least, in trying to make it clear to those who wonder about the effectiveness of our system and the reason for that kind of inhibiting rule.

I know that the able senior Senator from New Jersey who is here, and I have joined at the opening of every new Congress in an effort to at least trim back that rule which gives a minority such overriding control on very vital questions.

Mr. MURPHY. Mr. President, will the Senator from North Carolina yield me a few moments, for one or two remarks in response?

Mr. ERVIN. I am glad to yield to the Senator from California, provided that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. I thank the Senator from North Carolina.

Of course, I am not surprised, and I know the great concern of the distinguished Senator from Michigan with regard to youth. But "youth" is a broad term. Lately, it has seemed to me that, as in so many other instances, in this new and complex society of ours, the emphasis is placed improperly.

For instance, we saw youths in Chicago who would be in disagreement with the Senator from Michigan because they certainly were not interested in majority rule. They were interested in imposing the will of the few on the question of the unfortunate——

Mr. HART. They did not operate under a rule XXII. They just shouted. That is the point I seek to make. Rule XXII is dressed in very attractive garb, with all the emoluments of "the establishment." But it has the very same effect; it prevents the majority acting. Yippies can cluster in the gallery of a meeting room and by yelling prevent the majority at the meeting from acting. And whether it is by yelling or rule XXII, the result is about the same—a minority prevents decision by the majority.

Mr. MURPHY. Fortunately, this body does not operate as they did in Grant Park across from the hotels in Chicago. But I am in agreement on majority rule. When I first had the great privilege of joining this body, I had some misgivings about rule XXII. I listened on many occasions to all the arguments as to why rule XXII should be changed. I also listened to all the arguments why rule XXII is a very good safeguard.

I do not know the origin of the rule. I do not know when it came into being or who was responsible for it. But, having gone over it, and read all I could on it, I have concluded that rule XXII may in the past have done more good for the welfare of the people of this great Nation than it did harm.

That is why, on several occasions, I have joined those who opposed changing rule XXII. I shall continue to oppose any change in rule XXII until better arguments or some other conditions are shown to me that changing rule XXII will be for the benefit of the general welfare of the people of this great Nation who, I continue to say, in the final analysis, control and own this Government.

I thank my distungushed colleague from North Carolina for permitting me to inject this information into the RECORD. I thought it was interesting.

I also thank my distinguished colleague from Michigan for his patience with me in trying to explain the things which I remember well.

Mr. ERVIN. Let me say to the Senator from Michigan that the difference between Mr. Looney and the Senator from Michigan is this: Mr. Looney wants an injunction to have this stopped, and the Senator from Michigan wants a writ of mandamus.

Mr. HART. I want the roll called so that we will be in a position to take up the name of Abe Fortas.

Mr. CASE. Mr. President, will the Senator from North Carolina yield me 1 minute, without losing his right to the floor?

Mr. ERVIN. Mr. President, I am glad to yield to the Senator from New Jersey with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I am in complete support of the Senator from Michigan that there is very good reason why rule XXII should be changed. Many reasons have already been advanced. I suggest, for the consideration of my beloved colleague from California, but not at this time, because at this time rule XXII and the current issues are so inextricably interwoven in people's minds, including his own, that it is an almost absolute rule in politics that if a certain tactic is available, it must be used.

In the interest of our friends from the South in many matters in regard to civil rights, they are forced to use delaying tactics, which the rules permit, only because the rules permit them. I am sure that it goes against their own inclination, on many occasions, and their better judgment.

This rule is a bad rule. It permits the perpetuation of injustice. It should be changed. It should not be available so that a man need not be subject to the pressure to use it.

I hope very much that before too many new Congresses and sessions of the Senate have gone by that we shall have accomplished a better revision than the pitifully small improvement we have made during the 14 years since I came to the Senate.

I thank my colleague from North Carolina for yielding to me.

Mr. ERVIN. Mr. President, I think that rule XXII is perfectly constitutional. The Constitution provides that each House may determine the rules of its proceedings. The Senate adopted rule XXII in pursuance of that constitutional authority. I think rule XXII is very wise. It does two good things. It protects a minority which thinks it is right against the tyranny of the majority. That is very desirable. Majorities need no protection. It is only minorities which need protection.

Second, it gives me an opportunity to enlighten Members of the Senate who are so foolish as not to accept my sound views on all questions. The only thing about rule XXII that does not work right is that its use does not get Senators in the Chamber to listen to me, many times.

Rule XXII is needed. It tends to expand the ability of the minority to convert an erroneous majority to its views.

It is a wise and enlightened process and should be treated with great veneration by all men.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. ERVIN. Mr. President, I am glad to yield, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator for yielding. I do not rise to defend a filibuster, because I firmly believe that as long as Senators are seeking the floor to speak on the issue before the Senate—and are addressing themselves to that issue without resort to dilatory tactics, then we do not have a filibuster. That is precisely the situation here at this time. Many Senators who have something to say on the issue before the Senate have not yet had an opportunity to take the floor. Thus, we do not have to defend a filibuster for we do not have a filibuster.

Mr. President, I would like to quote from a speech made by a very distinguished American on this particular subject. That American, once a member of this body, gave a speech which reads in part as follows:

> When we speak of majorities in the Senate—based solely on the numerical division of the Members—we speak in hollow terms. The Senate was conceived as a body of equals, with each of the States in the Union equally represented. Majority rule obviously did not underlie this concept. Here was a forum in which minorities—minorities of populations or minorities of ideas—could stand on equal footing with the most overpowering majority.
>
> Under this system, the 15 million people of New York have no more votes in the Senate than the 110,000 people in Nevada. Does that imply any intent for the majority to reign supreme here? Certainly not; the implication is clearly contrary to the principle of the resolution sought to be brought before us—

At that time there was a resolution before the Senate seeking to amend rule XXII—

> It would be folly to yield to New York the power to shut off the voice of Nevada; it would be a greater travesty upon justice to permit Nevada to invoke cloture against New York.
>
> * * * * *
>
> I sincerely believe that the right of unlimited debate in the Senate is an essential safeguard against potential total supremacy of the executive branch.
>
> A man elevated to the office of the Presidency has virtually unlimited powers of influence over his countrymen. His own personality is a force of great impact upon all the people of the Nation and, in fact, upon the people of the world. Add to those powers directly all those less-conspicuous powers of his aides, his administrative agencies, and the multitude of channels which feel his influence, and you have a force no other representative government has ever entrusted for long to one man.
>
> If on occasion you grant to this titular head of government the further intoxicant of an overwhelming majority of loyal supporters in the legislative branch, then, Mr. President, you have a force well-nigh irresistible. The distinctions between executive and legislative are difficult to preserve under such circumstances; mere memorandums become laws, and laws become mere memorandums.
>
> In such a situation, which, happily, is more hypothetical than historical, the entire theory of our governmental system of checks and balances dissolves and evaporates. There is no one to check and no one to balance, unless and except the remaining minority has the prospect of holding each decision up to lengthy and thorough inspection here on the Senate floor.

In another part of the speech, this distinguished American added:

> There is no such thing as a "reasonable limit" on free speech.

Mr. President, I ask unanimous consent that the full speech to which I am referring be printed in the RECORD. It is particularly noteworthy that this speech was given by none other than Senator Lyndon B. Johnson on the Senate floor on March 9, 1949.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SPEECH BY SENATOR LYNDON B. JOHNSON, GIVEN ON MARCH 9, 1949, IN OPPOSITION TO A SENATE RESOLUTION PROVIDING FOR A TWO-THIRDS CLOTURE RULE

In this debate, however, we are asked to choose between the freedom to enact laws hastily and the freedom to speak. For me, this is no choice. I cannot embrace any freedom which demands, as the terms for its existence, the imprisonment of another and more precious freedom.

* * * * *

There is no such thing as a "reasonable limit" on free speech. Good intentions, gentle reforms, and reasonable limits have destroyed more freedoms than evil forces could ever do, and I fear that danger now. As a distinguished Senator from Missouri, Senator Reed, once said: "Cloture means the granting of a power. Whenever you grant a power, you must assume that the power will be exercised. So when we discuss this proposed rule, we must do so in the light not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm."

* * * * *

When I say minority, I do not limit the term to mean only the South. A peculiar and passing interlude in history has vested the defense of the fillibuster in the South, but only temporarily. The fillibuster is not a Southern creation; it belongs to all the Nation, and to all the minorities—racial, religious, political, economic, or otherwise—which make up this Nation. I can foresee unlimited situations in which some of the minority groups, which have for 10 years agitated so earnestly for the fillibuster's aboliton, would want, and would use if they could, the filibuster to defend their rights.

* * * * *

In this country, a majority may govern, but it does not rule. The genius of our constitutional and representative government is the multitude of safeguards provided to protect minority interests. On the legislative level, where the laws are written, the House of Representatives was so designed by the architects of our Constitution that virtually every valid sectional or local interest would, at least, have a guardian here to scrutinize each law which might be enacted. But those guardians, in most instances, have little time and few opportunities to give voice to their thoughts on the floor for the benefit of their own constituents, their colleagues, or the people of this country.

The citadel of this carefully planned protection of minority rights is the Senate. Here, Members must be somewhat older in years than in the House, their term of office is deliberately less abrupt. As the House is designed to provide a reflection of the mood of the moment, the Senate is meant to reflect the continuity of the past—to preserve the delicate balance of justice between the majority's whims and the minority's rights.

* * * * *

When we speak of majorities in the Senate—based solely on the numerical division of the Members—we speak in hollow terms. The Senate was conceived as a body of equals, with each of the States in the Union equally represented. Majority rule obviously did not underlie this concept. Here was a forum in which minorities—minorities of population or minorities of ideas—could stand on equal footing with the most overpowering majority.

Under this system, the 15 million people of New York have no more votes in the Senate than the 110,000 people in Nevada. Does that imply any intent for the majority to reign supreme here? Certainly not; the implication is clearly contrary to the principle of the resolution sought to be brought before us. It would be folly to yield to New York the power to shut off the voice of Nevada; it would be a greater travesty upon justice to permit Nevada to invoke cloture against New York.

* * * * *

I sincerely believe that the right of unlimited debate in the Senate is an essential safeguard against potential total supremacy of the executive branch.

A man elevated to the office of the Presidency has virtually unlimited powers of influence over his countrymen. His own personality is a force of great impact upon all the people of the Nation and, in fact, upon the people of the world. Add to those powers directly all those less-conspicuous powers of his aides, his administrative agencies, and the multitude of channels which feel his influence, and you have a force no other representative government has ever entrusted for long to one man.

If on occasion you grant to this titular head of government the further intoxicant of an overwhelming majority of loyal supporters in the legislative branch, then, Mr. President, you have a force well-nigh irresistible. The distinctions between executive and legislative are difficult to preserve under such circumstances; mere memorandums become laws, and laws become mere memorandums.

In such a situation, which, happily, is more hypothetical than historical, the entire theory of our governmental system of checks and balances dissolves and evaporates. There is no one to check and no one to balance, unless and except the remaining minority has the prospect of holding each decision up to lengthy and thorough inspection here on the Senate floor.

* * * * *

Checks and balances, as I interpret the theory, imply that the authors of our form of government were not so worried about good legislation being delayed as they were about bad legislation being delayed not at all. I believe it was their thought that the minority, no matter how small numerically, might always have something to say that the momentary majority should hear. The right to check and balance was not granted to the majority, because a majority rarely seeks control over itself. Those rights were conceived and installed in the Constitution solely as safeguards for minorities.

Examine the branches of our Government, examine the struggles and conflicts of philosophy, and this is evident: The distinction between our form of government and totalitarian government is the distinction between the executive and legislative branches.

* * * * *

If we fall prey to this trend here in the Senate, then the legislative branch of Government will surrender its most effective guarantee of a check on itself and a balance against the executive branch. For unlimited debate is a check on rash action within the legislative channels and a balance against abuses in the executive branch. Furthermore, we will be surrendering this guarantee at a time in our history when all evidence indicates a greater need to preserve and encourage the right to criticize and challenge mass opinion.

* * * * *

So, Mr. President, it is my conviction that the right of unlimited debate here in the Senate is an essential safeguard for the public's right to full information on all legislative decisions; second, as a safeguard against the deliberate or accidental destruction of the distinctions between the legislative and other branches of government; third, as a safeguard for Members here—both majority and minority—against rash, impetuous action, or action predicated on incomplete or inaccurate information.

* * * * *

Our predecessors here—the great names of American political history—were keenly aware of the responsibilities resting upon their decisions. They made no effort to dismiss their duties in great haste. They weighed a man's convictions, not by the clock, but, rather, by what he had to say.

Read through the transcripts of the Senate's proceedings when giants like Webster, Calhoun, and Clay stood here. No official record was kept of the length of time they spoke, as measured in hours and minutes; but we find, if we look, that a speech by Webster, back in 1830, filled 30 pages of the Journal; John C. Calhoun's last speech on slavery in 1850 was 22 pages long; Henry Clay, speaking on the compromise of 1850, expressed his firm convictions for 26 pages. Perhaps styles of oratory have changed in freedoms; and the inability or unwillingness of men to utilize their freedom does not justify taking of it from them.

The freedoms we enjoy today are not freedoms of our own making. Through all the long history of civilizations preceding ours, mankind's highest aspiration has been for greater freedom. It was not until this Union of States was formed a little more than a century and a half ago that freedom found a sanctuary. I do not propose to tear down that sanctuary now, in the name of haste, because I believe the freedom to speak—the freedom of unlimited debate somewhere in our lawmaking process—is the keystone of all other freedoms.

* * * * *

Look back at the governments of history. The senior Senator from Texas, Mr. Connally, a few days ago very appropriately referred to debates in the Roman Forum. Rome enjoyed its greatest progress, its greatest era of achievement during the days when great orators could stand in the forum and speak with freedom. When, in irritation, the Caesars and their partisans removed that freedom, Rome began fading as an influence in the world; and the way was paved for a long succession of arbitrary monarchs and dictators. The right of unlimited debate in the Senate of France was lost in 1814, a victim of cloture—and there followed a century and longer, of internal confusion and strife. In England, the House of Commons gave up its right to unlimited debate in 1888. That nation has produced some great Prime Ministers since—men who had the privilege, as well as the talent, to speak thoroughly and forcefully, but it would be difficult for any Member of the Senate to name any lengthy list of members of Parliament who have inspired their countrymen with arguments advanced on the floor of the House of Commons since 1888.

I am no historian, but as I have studied the history of governments gone before us, I have been impressed by the fact that the freedom of unlimited debate in legislative chambers has been given up many times by members themselves who were irritated or frustrated by a minority. But so far as I have found, once that freedom was yielded, it has never been returned. If we now give up this freedom in the Senate, I, for one, do not expect to live to see its return. For that reason, I cannot and I will not join hands with those who seek to throw this freedom out the window now.

* * * * *

If, Mr. President, I were given a choice, if I should have the opportunity to send into the countries behind the Iron Curtain one freedom and only one, I know what my choice would be. I would send to those lands the very freedom we are attempting to disown here in the Senate. I would send to those nations the right of unlimited debate in their legislative chambers. It would go as merely a seed but the harvest would be bountiful; for by planting in their system this bit of freedom we would see all freedoms grow, as they have never grown before on the soils of eastern Europe.

* * * * *

This freedom we debate, Mr. President, is fundamental and indispensable. It stands as the fountainhead of all our freedoms. If we now, in haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities. I do not want my name listed as one of those who took this freedom away from the world when the world most needed it.

Mr. HART. Mr. President, will the Senator from North Carolina yield to me so I may comment?

Mr. ERVIN. I yield, without losing the floor.

Mr. HART. Senator Johnson was wrong twice in that speech. He was wrong when he spoke of the unlimited power of the Presidency and probably would agree on that. And he was wrong on rule XXII, and the concept of "unlimited debate." My first vote in the Senate, in January 1959, was against my then majority leader, Senator Johnson, on the change of rule XXII.

Mr. ERVIN. Let me first comment on what the Senator from Michigan [Mr. GRIFFIN] has said. Robert M. LaFollette, the elder, who was a great liberal, said, in substance, that whenever the Senate abolished the right of unlimited debate, it would at that moment sound the death knell of liberty.

The President may have changed his mind since he was in the Senate. Whether he is wiser today or more foolish today than he was then, I will not say, but I always recall that when I came to the Senate, back in June 1954, he gave me some instructions to the effect that I should never vote for cloture. I have followed his precept and his example during my course of duty in the Senate. I think I learned that lesson perfectly, because once a man stands on the floor of the Senate and honestly presses his views, views he conscientiously entertains, and seeks to persuade me or any other Senator of the error of our ways, I am going to give him the right to speak, if I can.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. McCLELLAN. As I understand the Senator, he referred to the Miranda decision.

Mr. ERVIN. Yes.

Mr. McCLELLAN. Am I correct—I am sure I am, and I think this RECORD should reflect it over and over—that in order to obtain the conclusion reached, the effect of the Miranda decision was to overrule three previous decisions of the Supreme Court involving the identical issue with respect to whether the Constitution required that warnings be given to the accused—warnings such as were required, I might say, for the first time by the Miranda decision?

Mr. ERVIN. Yes. Those warnings were invented for the first time on the 13th day of June 1966, which indicates to my mind that after all, there is something in the old superstition that 13 is an unlucky number.

Mr. McCLELLAN. It was an unlucky day for the forces of justice, and it certainly was a tragedy for law and order in this country.

Mr. ERVIN. The Senator is absolutely correct. The Miranda case not only overruled the cases which held that warnings were not required to be given, but as a matter of fact it overruled literally hundreds of Federal and State decisions holding that voluntary confessions were admissible in evidence as evidence of the guilt of the accused.

Mr. McCLELLAN. The first case directly on that issue decided by the Supreme Court, as I recall, was the case of Wilson against United States, decided in 1896—the year I was born, incidentally. That decision was later reaffirmed and cited approvingly where the same issue arose again in another case, in 1912. The third time it was directly before the U.S. Supreme Court was as late as 1958.

So from 1896 through 1912 to 1958, the Court uniformly held that these warnings were not required.

Mr. ERVIN. The Senator is correct.

Mr. McCLELLAN. As I recall, 24 Supreme Court Justices participated in those three decisions, and counting the four dissenting Justices in the Miranda case makes a total of 28 Justices of the Supreme Court, who have held contrary to the five Justices who issued the majority opinion in the Miranda case. The Court in the Miranda case has made a new rule, and a change in procedure, to favor criminals at a time when crime is on the rise in this country with a momentum never before experienced.

Mr. ERVIN. Yes; the decision in the Miranda case, which became the majority decision only by the vote of Mr. Justice Fortas, entirely ignores the fact that society and the victims of crime are just as much entitled to justice as the accused.

Mr. McCLELLAN. As I interpret the decision, the consequence has been to trample upon the rights of a victim to be safe and secure, and to deny the prosecution the use of the evidence of the criminal act when the suspect voluntarily confesses, when a prescribed fourfold warning was given.

Mr. ERVIN. That is correct. As a result of the decision, according to evidence taken before the Subcommittee on Crimes and Criminal Procedures of the Committee on the Judiciary, headed by the distinguished Senator from Arkansas [Mr. McCLELLAN], hundreds and hundreds of self-confessed murderers, rapists, arsonists, burglars, thieves, and other criminals have gone entirely unwhipped of justice.

Mr. McCLELLAN. Many of them continue to roam the streets today pursuing the nefarious crimes for which they should be in jail.

I thank the Senator from North Carolina.

(This marks the end of the colloquy which occurred during Mr. ERVIN's address and which was ordered to be printed at this point in the RECORD.)

VIETNAM—A RENEWED PROPOSAL FOR PEACE

Mr. SYMINGTON. Mr. President, a year ago next week I had just returned from Vietnam—a trip which included visiting the Far East, Middle East, and Europe—specifically Japan, Hong Kong, South Vietnam, Laos, Thailand, Israel, Greece, Italy, and Great Britain.

At that time I said on the floor of the Senate:

> In Vietnam the pot has boiled over. In other countries where we have binding commitments, however, the water also is becoming very warm indeed.

That prediction has now turned out to be correct.

At that time also, October 3 last, I said:

> The resources of any country, even those of the United States, are not inexhaustible; and therefore these developments in the Middle East and Europe should also be considered as we in turn consider future policies incident to Vietnam.
>
> I have presented for many months my conviction that the United States is overcommitted and overextended. We need a great deal of money to handle all these commitments along with our growing problems at home, and we do not want to jeopardize the integrity of the dollar.
>
> In addition, and most important, is the matter of American lives. In this latter connection, the campaign here to cease air attacks against North Vietnam is receiving full attention in the other countries. But all civilian and military people abroad with whom I discussed this matter warn that another cessation of the raids against North Vietnam would guarantee additional casualties in South Vietnam (13,500 Americans have already been killed, 85,000 wounded).

That was 1 year ago. Today the casualties are 28,211 killed, and 176,456 wounded.

Last March 31 the administration announced that North Vietnam would not be attacked above the 20th parallel, despite the fact that over 90 percent of all military targets in North Vietnam are above that parallel.

As a result, the bombing of North Vietnam we are doing today is nearly all form, with little substance. It might as well be a cessation.

In that address a year ago, I also suggested:

> Instead of only another cessation in the air attacks against North Vietnam, therefore, I propose that this Government announce, as of a certain date, the cessation of all (offensive) military action in South Vietnam as well as over North Vietnam; also announce that there will be no reinforcements into the theater.
>
> The Government would announce that these policies were being undertaken "in earnest hope" that their adoption would result in prompt and meaningful negotiations in the interest of a just peace.
>
> At the same time the United States should also announce that, if after this cessation of all military action in South Vietnam, as well as North Vietnam, the North Vietnamese and Viet Cong nevertheless continued hostilities, then the United States would feel free to pursue this war in any manner of its own choosing.
>
> It would appear that the political objectives of the United States have now been achieved through the creation, by means of free elections, of the present Saigon Government, and the military objectives of this Government have never included the invasion of North Vietnam, or the occupation of Hanoi, or the taking over of the Government of North Vietnam.
>
> Concurrently with the above proposed announcement of United States policy, the Government of South Vietnam should announce its willingness to negotiate with anybody, and offer amnesty to members of the Viet Cong.

That was a year ago. Since these observations, our casualties have more than doubled, additional tensions, such as the *Pueblo*, have developed in the Far East, and things are not exactly quiet in the Middle East and Europe.

And 30 billion additional dollars which might have gone into worthwhile domestic and international programs have instead gone down the drain.

What is there to show for this high cost in lives and treasure except further loss in the political, military, and economic prestige of the United States?

I therefore renew the recommendation I made a year ago. Not one word of it need be changed.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. McCLELLAN. Mr. President, I had

fervently hoped that the pending business would never reach the Senate for debate. I still hope that the pending motion before the Senate, to take up the nomination of Mr. Justice Fortas to be Chief Justice of the United States, will not be agreed to.

I had hoped that this matter, with its disagreeable contents, might pass us by, and that we would not be compelled to meet what is to me obviously our responsibility to consider and deal with this nomination.

I believe this nomination never should have been made. It is an unfortunate nomination. It is one that creates division. It is provocative and is causing concern in an area where deep concern, doubt, and lack of confidence already exist.

Procedurally, of course, the pending motion is the usual, and conforms in every way with the rules and with the established practice of the Senate. Under normal circumstances, in the normal course of Senate functions and procedures, this motion would be quite proper, and the leadership not only would be fully justified but also would be obliged to take the initiative to bring this issue before the Senate.

Mr. President, normal and routine circumstances with respect to the pending business do not now prevail. Instead, present in the consideration of this nomination are unique and extraordinary circumstances of such compelling force that they cannot be disregarded or shunted aside. Some of these circumstances are unpleasant. I do not relish either the opportunity or the necessity to talk about them.

As I have indicated, it is regrettable that this issue has reached the Senate floor for debate. Some of these circumstances are both unpleasant and unprecedented, and when placed in their proper perspective and carefully considered, they clearly suggest the wisdom of making disposition of this nomination without long and thorough debate.

But if what these circumstances suggest as a wise course to pursue is not pursued—and so far it has not been—then we would have no alternative except to engage in thorough and possibly long debate. These circumstances also dictate the prudence of disposing of this issue before confirmation of the nominee actually becomes the pending business of the Senate.

It seems to me that there are many sound and persuasive reasons why the pending motion should be rejected.

I presume to discuss only a few of those reasons this afternoon. In fact, Mr. President, it is really my purpose to make a preliminary and comparatively brief argument with respect to my position and to explain my opposition to this nomination.

As I have said, this is an unwise and most unfortunate appointment. Therefore, while my remarks today may be more or less in general terms and brief, at a later date, if a wiser course is not followed and the confirmation of this nominee is still insisted upon, I propose to go into greater detail and be more thorough and explicit in my reasons for opposing this confirmation.

I think now it is quite apparent to everyone that it was an unwise and unfortunate decision on the part of the President to send this nomination to us. It should never have been sent to us, for it surely must have been known at the time—and I say this, Mr. President, in kindness, and with all due courtesy and deference—that this nomination would be highly controversial and provocative and that it would likely precipitate a bruising and grueling battle of debate and contention which is now shaping up in this body.

Mr. President, in the light of developments thus far and considering what is almost certain to transpire if the Senate is forced to consider it, this nomination should now be promptly withdrawn. In saying that I am being kind to the nominee and I do not intend to reflect upon him or to condemn him. I think it is for his welfare and I think it would be a wise course of action and ultimately a favor to him. Yes, I say that in kindness and not as an enemy. I say it in a spirit of friendship.

Mr. Justice Fortas, in my judgment, out of proper deference to the President, to his colleagues, and to the High Court upon which he now serves, should immediately ask the President to withdraw his name

I know that it is unlikely that course of action will be taken. I know that in all probability my views could not persuade or induce that action to be taken, but I want to suggest that obstinate insistence that the Senate confirm this nominee can only produce a regrettably prolonged, grueling, and bitter debate, which means a confrontation that will most likely inflict wounds and suffering that should be avoided.

This battle is being joined in the consideration of the pending motion to make the question of the confirmation of this nomination the pending business of the Senate. If that battle is prolonged by the opposing forces, and it most likely will be, I am constrained to predict that some of the unhappy consequences will be, first, and I regret to say this, a further diminution in the personal and official popularity of the President.

I know I am speaking frankly, and I believe in doing so, I am more of a friend than those who might be invited to consider these remarks, and be critical of them. Second, Mr. President, if this debate is continued for a long period of time, serious injury to the Democratic Party and its candidates for President and Vice President in the coming election will result. I do not want to do anything to injure them. But like other Senators, I face a duty, if action is insisted upon by the sponsors and by the promoters of this nomination.

Next, Mr. President, worst of all the long debate on this issue, the things which will be said here, the facts which will be discussed here, and the records that will be examined and presented here will further impair public confidence in the Supreme Court.

Mr. President, I need not remind you that public confidence in the Supreme Court today, according to all the polls and commentaries, is at it's lowest level during the 20th century. There is a reason for that. It is not just a happenstance. Millions of Americans would not be concerned and the polls would not reflect the rapid decline in public confidence in this great institution, if public confidence in the Court had not diminished.

I say that, and I am supported by the polls. The Gallup poll is a national poll and has a pretty good reputation—one of the best, perhaps. In July 1967, according to the Gallup poll, 46 percent of the people rated the Court unfavorably. In the latest poll, in July of this year, made by the same pollster, 53 percent of the people rated the Court unfavorably.

Another national poll shows a decline during the past year and shows that the rate dropped by a much larger percentage. Again, there is some reason for that.

But that reason is not found in this body. The blame cannot attach to the Senate for the decline in the confidence of the people in the Supreme Court of this land, because of those who write their smear editorials and impugn the motives of this body when it deals with one of the most vital issues that can come before it and that issue is the integrity, the dignity, the prestige, the respect, and the image of the Supreme Court of this land. We must deliberate at great length when a nomination comes before us with the controversial and provocative attachments or tendencies which are associated with this one.

Mr. President, this body has a constitutional duty to try to make certain that it does not place its stamp of approval upon those causes, or to promote those who aspire to be in a judicial position and who, by their decisions, however sincere they may be, have followed a philosophy and embarked on a course that is causing a lack of confidence on the part of the American people in the Supreme Court as an institution.

Yes, Mr. President, this body has a duty to inquire further into the nomination than merely to determine the nominee's legal and professional capacity. There is more involved, and if we go no further, when there are suggestions of other factors and lack of qualities which should be weighed and considered, if we go no further and do not go into these matters and weigh them, we would be derelict in our duties and, by acquiescence, contribute to what is happening in this country today. I cannot be a party to it.

Mr. President, worst of all, it will impair the public confidence in the Supreme Court. Yes, it could well tarnish the image of the Court and leave ugly scars that only time, and possibly a very, very long time, can remove.

What I have just spoken on, Mr. President, is not reckless speculation. These are surely possibilities, and I believe they are strong and imminent probabilities. They should be weighed on the scales of reason and practicality before the Senate travels down that road leading to confirmation.

Whether it should be weighed, whether we are coerced into traveling that road, or whether we do it on our own volition, we cannot escape the responsibility for taking those matters into account.

The pending motion poses a great issue at a crucial period in the history and life of the Supreme Court of the United States as an institute of justice under law.

This nomination raises questions that involve much more than the professional qualifications of the nominee. It raises questions of propriety of conduct which, if practiced, can only detract from respect and public esteem and confidence that the Court must maintain if it is to survive as now constituted and as a cherished, revered, and trusted institution of Government.

Mr. President, this decline in public confidence in the Supreme Court must be checked. It cannot continue. It must be checked and reversed and started in the other direction.

I know it is said there is no power to reach the Court except by impeachment; and that is true. But there are both the power and the duty here on our part, as representatives of the people of the sovereign States of this Nation, to let this record reflect the purpose of this body to do its full duty in weighing all these matters before giving its stamp of approval to elevating one whose decisions have contributed to the very problem that I am discussing.

Mr. **HART.** Mr. President, will the Senator yield for just a comment?

Mr. **McCLELLAN.** I am always delighted to yield to my good friend from Michigan.

Mr. **HART.** Does not the Senator recognize that, although he may think we are wrong, there are a great many of us who regard it our duty and the duty of the Senate in this matter to act; to let the roll be called and let the majority decide whether we shall bring the nomination up? Only then we can discuss the nomination of Abe Fortas on the merits. Then our duty, as we see it, will be to act; to call the roll on the proposition: Do we consent to the nomination or do we not?

Does not the Senator understand that there are many of us who have interpreted that course as our duty; who believe a judicial nomination should be on the merits?

Mr. **McCLELLAN.** I do understand the Senator's position. I assure him every deference and accord him every privilege that I take unto myself. What I am trying to make the Senator understand, is that many of us disagree with him. Many of us believe this nomination should not be here. We believe it is unfortunate, and we believe it could be more than unfortunate if it remains here. We are required to go through the processes that the distinguished Senator feels we should not go through. I say that as a friend to the parties involved. I feel it deeply, and I regret it. The sooner the nomination can be withdrawn, the better it will be for everybody—for the Justice who is involved, the President, the party, the Senate, and the Nation.

Mr. **HANSEN.** Mr. President, will the Senator yield?

Mr. **McCLELLAN.** I yield for a question, if I do not lose the floor.

Mr. **HANSEN.** I would like to make the observation that in this country we are dedicated to the principle that the majority shall rule, and yet I would be not true to myself and my conscience if I were not to observe at this time that the majority is not always right.

I heard the distinguished senior Senator from Arkansas speak very eloquently and forcefully this morning on another matter, the TFX. I recall very clearly how much of a minority he found himself in at that time when he first spoke out against the contracts being granted by the Government of the United States, and against the position that was taken by most of the prominent people in the executive department of the Government. He found himself quite alone, and yet, by exercising the right that he is exercising here this afternoon, in speaking out, in exposing and laying bare his conscience and his convictions, it seems to me he served a most useful and valuable public service.

I would suggest to my distinguished and cherished friend from Michigan that that is precisely what those of us who have spoken so far and those who have not yet been accorded the privilege of speaking out yet want to do. We want to be certain we have that right.

We may not be in the majority, but I suggest the people of the United States have already expressed their opinion on this matter. They have already shown, by their decline in respect for the Supreme Court of the United States, as they judge and evaluate its decisions, that the Court does not reflect the feelings of the majority of the people in this country.

So I would like to compliment my very distinguished friend from Arkansas for the great public service I think he is rendering the country and the Senate this afternoon. No one has studied more diligently the ramifications involved in these nominations than has my distinguished friend from Arkansas.

It seems to me that what we are really trying to do is be certain that the Senate of the United States and the people of this country shall make a judgment only when they have all of the facts before them as we are able to develop them. It is in that spirit that I want to express my appreciation to the Senator from Arkansas for the contribution he is making.

Mr. **McCLELLAN.** I thank my distinguished friend from Wyoming. I appreciate his comments.

May I say that on Monday of this week I addressed a group of my constituents, the Little Rock Advertising Club, at Little Rock. They were very interested in this matter. It is one of the most prominent issues now being discussed throughout the country. The Senator mentioned the TFX. I said to my people down there, with regard to the pending nomination, that the nomination posed a vital issue, one in which personal pride, stubbornness, and official obstinacy—if that develops—should be subordinated and should give way to the national interest.

I pointed out that obstinacy, egotism, stubbornness, and pride could do great harm, and I cited the TFX as an example. There was never any legitimate excuse for that issue to be forced. All they had to do was to submit the reasons, but they were obstinate: "Who dares to challenge us?"

There are some things that are bigger than an individual's personal pride, his stubbornness, and his obstinacy. This nomination should not be here, as I said before. It was bound to have been quite obvious that it would be highly controversial and provocative. Not only that, but since it has come before us, here is a record that justifies this controversy more than even then. Each day, it seems to me, material facts are becoming available not only to reinforce the opposition of the nomination, but to give compelling reasons to the proponets and to the source of the appointment that the nomination should be withdrawn.

Mr. President, I yield to the distinguished Senator from Mississippi, without losing my right to the floor.

Mr. **STENNIS.** Mr. President, before the Senator from Arkansas leaves the subject he is discussing; namely, confidence in the Court and the prestige and image of the Court being injured, I may say that I do not believe that any Senator is more qualified to express himself on the subject, in sincerity, in experience, and with an idea of responsibility to the Senate and to the country, than is the Senator from Arkansas.

The Senator handled a very delicate subject in a meaningful way. I wish the Senator were mistaken when he says that the prestige of and the public confidence in the Court are at issue. I wish the Senator were mistaken in that, but I think he is correct; and the issue must be met, as the Senator is meeting it.

I believe that the great pity here is not that we are discussing this matter on the motion to take up. The pity is that there are not more Senators present to hear us.

It was my good fortune to attend a law school where the entire faculty, men of considerable prestige and great ability, all emphasized the prestige, the importance, and the competence of the U.S. Supreme Court. That belief was instilled in me. They meant it, and I accepted their views 100 percent. I remember, a few years after that, the proposal to, as it was called, "pack" the Supreme Court. I remember their reaction to that proposal, and I remember mine; and I remember the bill being killed.

But I think the idea lived on, and it has existed among some of the members of the Court ever since—the idea of rewriting or recasting, or whatever term one wishes to use, the Constitution of the United States. And little by little, case by case, at intervals, that is what has been done; and there has never been a chance to really bring that practice into review here in this forum until now. I think it is very fortunate that the circumstance arose, and I am glad for the Senator to discuss it. I believe that bringing this matter out in discussion may be the beginning of the restoration of more confidence in the Supreme Court and the enhancement of its prestige; and that is the Senator's purpose, I am sure.

Mr. **McCLELLAN.** Let us hope good will ultimately come from it.

Mr. **STENNIS.** Yes. We must get at this thing.

Mr. McCLELLAN. Sometimes we must endure pain or unpleasantness, in order to reverse a trend. Sometimes we must deny ourselves something we have an appetite for, if health is to be restored.

Here we have a condition where there must be some restoration. It cannot continue to go down as it is going today. Something has to be done.

Yes, I remember. It is not pleasant. What we are doing here, what I am doing now, almost makes me sick at heart to have to do it.

I will say something here that I do not think I have ever said in this body before. We spoke of the TFX. Does the Senator realize that when I started that investigation, I did not want to do it? It became my duty. I did not initiate it. Another Senator initiated it.

Mr. STENNIS. That is correct.

Mr. McCLELLAN. Another Senator wanted to investigate it. He felt that a wrong had been done. I did not do it on my own.

When I began that investigation, the Senator will remember that I had the President of the United States on the other side, the Vice President of the United States on the other side, the Attorney General on the other side, and that great intellectual giant who could do no wrong, the then Secretary of Defense, on the other side. I had most of the press, the liberal press particularly, saying Mr. McNamara could do no wrong, and asking me, in effect, "Who are you to dare to challenge that giant brain?"

I had some members of my own committee who had grave doubts about the wisdom of such an investigation. Many times I wished that that cup would pass from me, that I would not have to do it.

Oh, I could have avoided it. I could avoid this. I could go fishing. I could remain silent, and say nothing, and let my silence acquiesce.

But I did not come to the U.S. Senate to be a nonentity. I did not come here to avoid my responsibilities. And I am no more courageous than dozens of my colleagues, perhaps all of them. I make no special claim about that.

There comes a time in public affairs when men who have positions of responsibility have to grit their teeth and resolve to carry on in the course that their conscience dictates to them is right; and if they do not do that, or when they fail to do it, great injury may occur.

I think, Mr. President, and I say it without reservations, that already great harm has come from this nomination. Enough has already happened. I think the nomination should be withdrawn.

I have no hesitancy in saying that the issues involved here are of such gravity, as I said a moment ago, that personal pride, stubbornness, and official arrogance should be subordinated to and give way to the national interest and the public welfare. I know many are asking in their hearts today, both for and against this nomination, both in the Senate and outside of it, "What is the way out? What is the best thing to do under the circumstances regarding this issue?"

I was quite interested yesterday, and somewhat pleased, when I read the editorial in the Washington Evening Star entitled "The Fortas Impasse." It is dated Thursday, September 26, 1968. I shall not read all of it, but I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FORTAS IMPASSE

The Senate has now opened debate on the nomination of Abe Fortas as chief justice of the United States. There is no indication that those who oppose Fortas have softened their determination to block the appointment by any means available.

If there has been any change, the opposition has hardened. The Senate is now debating whether or not even to consider the nomination. That argument may drag along for five days. Then, assuming that the senators decide to tackle the real question, a prolonged discussion—more commonly known as a filibuster—could run for two weeks before an attempt would be made to cut off the argument with a cloture vote.

Our position, from the beginning of the controversy, has been that the filibuster should not be employed to block the nomination; that the appointment should be voted on by the Senate without delay, and that Fortas should be accepted or rejected solely on the basis of his qualifications. Parliamentary gamesmanship and overheated election year politics should play no part in a decision of such overriding national importance. Although certain revelations concerning some of Fortas' extracurricular activities have shaken our confidence in the outcome, we still believe that the best interests of the country would have been served if the question had come promptly and cleanly to a vote.

But it is now abundantly clear that the vote will not be prompt and that the intervening debate will not be clean. Instead, the work of the Senate will come to a standstill at least until the middle of October. And during that period, an associate justice of the Supreme Court—and the court itself—will be subjected to an all-out, no-holds-barred attack.

Neither of these prospects is really acceptable. The backlogged legislation cannot wait. The court is already held in such questionable public esteem that a bitter, politically-inspired attack in the Senate could seriously undermine public confidence in the judicial branch of government. And in the end, should Fortas win confirmation, his position as chief justice would be so seriously compromised as to make his tenure in office a prolonged personal agony.

Under the circumstances, we regretfully conclude that the interests of Justice Fortas, the court and the nation make it necessary to find a way out of the existing impasse. The Senate should cut the knot by some such stratagem as a motion to recommit the nomination or a resolution that no vacancy exists on the court. Failing that, President Johnson should seriously consider withdrawing the Fortas nomination.

Mr. McCLELLAN. I shall read a part of it. As we all know, the Washington Star, as a matter of editorial policy, has supported this nomination. I have no quarrel with them about that. I can understand that, to many, the first impression would be to want to support it.

Who would not? He had already been confirmed to the position he now holds as Associate Justice, and one would normally think, "All right, just confirm him." I have no quarrel with anyone who has different views from mine.

But this newspaper, which has supported the nominee, after weighing the conditions—the very things I am talking about—came to this conclusion, comparable to the opinion I am expressing today.

Listen:

> But it is now abundantly clear that the vote will not be prompt—

That is what I have tried to point out—

> and that the intervening debate will not be clean.

They may call it unclean. Perhaps it may be. I hope it does not become unclean, but I hope we can keep it factual. Who can object to that?

Does anybody object to discussing the facts here and arguing them and applying them to reason and logic and right or wrong? No.

The editorial goes on to say:

> Instead, the work of the Senate will come to a standstill at least until the middle of October.

They say we are to blame. They say we can quit talking and vote today. Again, I said before that I could remain silent and acquiesce in something that I think is a great harm and wrong. I am not going to do it. I do not mean that boastfully. I am not constituted that way. I cannot do it.

I do not think that any other Senator should do it if he has a deep conviction. I make no apology. I simply appeal to the sources that can prevent it and should prevent it. I do not stand alone.

I know that the Senator from Mississippi and I are referred to, along with other Senators from our section of the country, as bigots by some of the oversophisticated editorial writers and columnists.

Calling me names or calling the Senator from Mississippi names does not change reality. It does not dethrone truth. Nor do those kind of tactics commend themselves to the esteem of those who profess to believe in free speech and open debate.

Such tactics reflect upon those who use them. However much those tactics are employed, I do not propose to be deterred from what I conceive to be my duty, because I do not stand alone, nor does the small group of opponents from the South stand alone. Nor are they now a little handful.

Those Senators in opposition constitute a double handful. Our number is growing because ours is the right position.

I continue to read from the editorial:

> And during that period, an Associate Justice of the Supreme—and the Court itself—will be subjected to an all-out, no-holds-barred attack.

I question that it will be a no-holds-barred attack. I do concede that in regard to decisions in which this nominee has participated, there will be debate. And if that is attack, that is attack.

Since when has the Supreme Court become so sacrosanct that one cannot disagree with it and comment upon their disagreement? We have not reached that point in America yet. We still have some liberty.

The editorial continues:

> Neither of these prospects is really acceptable. The backlogged legislation cannot wait. The Court is already held in such questionable public esteem—

I did not say that. Listen to that point. The supporters of this nomination say:

> The Court is already held in such questionable public esteem that—

And this was before the nomination reached the Senate floor. I have been talking about that. It is not the fault of the Senate. The Court has only itself to blame. We do not have to go beyond it to find the source and the cause.

The editorial reads:

> The court is already held in such questionable public esteem that a bitter, politically-inspired attack in the Senate could seriously undermine public confidence in the judicial branch of government.

If the Court is right and if what it has done is correct and if the Court is above reproach in what it has done and if these decisions are sound and constitutional, I challenge any Member of the Senate speaking on the other side of this measure to shatter the truth of this statement. The truth of the statement would still prevail.

However, if the Court is wrong—and I think they are wrong in some decisions—they may not be able to stand the spotlight of examination and truth. It will be debated, but not in a willful or vicious manner. It will be done in a manner relating to the duty of a Senator representing the people of a sovereign State.

The editorial continues:

> And in the end, should Fortas win nomination, his position as Chief Justice would be so seriously compromised as to make his tenure in office a prolonged personal agony.

That is not an opponent speaking. That is a supporter who has a strong, persuasive influence in the profession of news dissemination.

Some days ago I had my staff prepare a motion to recommit with instructions to the Judiciary Committee to withhold further action on this nomination until it was determined that a vacancy exists. And I shall talk about that a little later. But here is what is recommended by one who sees substantially what I see as to what the consequences will be.

I am sure they speak as a friend of the nominee. I am sure they speak as a friend of the President. I hope I can be considered in that same category, because I have no vindictiveness here. I will not get credit for it in some quarters. However, who cares as long as one is right? I have not received credit before, and neither have other Senators when they speak on the floor conscientiously and with dedication to a conviction they possess. Who cares whether one gets credit for it? It is a duty to be performed. And if I do my duty as I see it, I have no need to worry about receiving credit. I have not worried about any criticisms that have come my way in the past, and I shall not do so now.

The editorial continues:

> Under the circumstances, we regretfully conclude that the interests of Justice Fortas, the Court and the Nation make it necessary to find a way out of the existing impasse.

I did not say that. I said something of that order today, but I did not say this. Someone else said it.

I thought of it. I made some preparation for this. I have talked about it to others, but I have not spoken about it here yet.

The editorial continues:

> The Senate should cut the knot by some such stratagem as a motion to recommit the nomination or a resolution that no vacancy exists on the Court. Failing that, President Johnson should seriously consider withdrawing the Fortas nomination.

I believe the latter should come first. In view of what has developed and what the facts are and the circumstances that now prevail, I believe that the President should now withdraw this nomination.

I repeat: I believe Mr. Justice Fortas should request the President to withdraw his name, and this should be done now, before more harm is done.

Yes, Mr. President, as we know, this is delaying some business of the Committee on the Judiciary, and we will not be able to process the other nominations. I use this just as an illustration. I do not know what is pending in other committees. I have not gone into that. But 13 nominations are pending in the Committee on the Judiciary: U.S. district judge, Associate Justice of the Supreme Court, member of the Civil Rights Commission, U.S. circuit judge for the third circuit, U.S. district judge for the District of Columbia, Administrator of Law Enforcement Assistance and two associate administrators, U.S. attorney in Texas, U.S. marshal in North Carolina, U.S. circuit judge for the District of Columbia, U.S. district judge for the northern district of Georgia, and U.S. attorney for the district of Connecticut.

Other nominations may be submitted. But the ones I have enumerated are being delayed. Action by the committee is necessarily deferred while this debate continues.

In order to make the motion to bring up this matter, we had to defer the Defense appropriation bill—a $71 to $72 billion appropriation to carry on the defense of this country. Another appropriation bill was reported today, for foreign aid, and that also must be deferred. How many more bills must wait?

We are in an election year. I am not involved. But many other Members of this body are campaigning and need to be in their home State, and Congress can adjourn within a week after this matter is disposed of. But this issue has to be forced. Again I say, Mr. President, it is most unfortunate, and harm is being done.

I ask unanimous consent that a list of nominations pending in the Committee on the Judiciary, to which I have referred, be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MEMORANDUM TO SENATOR M'CLELLAN ON PENDING NOMINATIONS BEFORE THE SENATE JUDICIARY COMMITTEE

Name	Position	Subcommittee	Hearing
Cecil F. Poole (California)	U.S. district judge, northern district of California		
Homer Thornberry (Texas)	Associate Justice of the Supreme Court	Full committee	Yes.
Maurice B. Mitchell (Colorado)	Member of the Commission on Civil Rights	Ervin, chairman; McClellan, Long, Kennedy, Bayh, Smathers, Hruska, Fong, and Thurmond.	No.
David Stahl (Pennsylvania)	U.S. circuit judge, 3d circuit	Eastland, chairman; McClellan and Hruska	Oct. 2, 1968.
David G. Bress (District of Columbia)	U.S. district judge for the District of Columbia	do	Sept. 12, 1968.
Patrick V. Murphy (New York)	Administrator, law enforcement assistance	McClellan, chairman; Ervin, Hart, Eastland, Kennedy, Hruska, Scott, and Thurmond.	
Ralph G. H. Siu (Hawaii)	Associate Administrator, law enforcement assistance	do	
Wesley A. Pomeroy (California)	do	do	
Morton L. Susman (Texas)	U.S. attorney, southern district of Texas		
J. Paul Teal, Jr. (North Carolina)	U.S. marshal for western district of North Carolina		
Harold B. Sanders, Jr. (Texas)	U.S. circuit judge, District of Columbia	Eastland, chairman; McClellan and Hruska	Oct. 2, 1968.
Albert J. Henderson, Jr. (Georgia)	U.S. district judge, northern district of Georgia	do	Do.
Jon O. Newman (Connecticut)	U.S. attorney, district of Connecticut	do	

Mr. McCLELLAN. If someone inquires, "Why can you not move on these things?" the answer is, "Here, in this body, we are proceeding with something else"—something that, in my judgment, should be dispensed with.

Mr. President, the first question that should be decided—I referred to it a moment ago in my statement—is the question of a motion to recommit. The editorial referred to it as a resolution of this body declaring that no vacancy exists. I am willing to go either route. If it is the judgment of this body that we should adopt a resolution declaring that there is no vacancy, and I believe this body would be justified in doing so, it would be a correct finding of fact. If we decide that should be the course that wisdom dictates, to recommit with instructions to the Committee on the Judiciary to make a determination as to whether a vacancy exists and then to report to the Senate—whichever course, in the judgment of the Senate, is wise and best—I would be glad to accept it and would wholeheartedly cooperate.

Mr. President, does a vacancy exist? I believe that question must be settled before we vote on this nomination. If it does not exist, we would be establishing a dangerous precedent, and I shall state why. Hereafter, any member of the Court or any official of this Government appointed by the President and confirmed by this body can submit his resignation contingent—not to take effect, but contingent—upon his successor being nominated and confirmed. That can have strings to it—"If you nominate and confirm the man I want for my successor." And the whole proceeding in connection with this nomination smacks of just that sort of arrangement.

Why do I say that? In the first place, Chief Justice Warren, on June 13, wired the President:

> MY DEAR MR. PRESIDENT: Pursuant to the provisions of 28 U.S.C. Section 371(B), I hereby advise you of my—

Retirement? No. He did not say "of my retirement." He said:

> intention to retire as Chief Justice of the United States effective at your pleasure.

That was a telegram. Then what happened? On the same day he wrote a letter. I suppose it is all right to send a telegram and a letter about the same matter. I have no quarrel about that. The distance between the White House and the Supreme Court is approximately a mile. He said in the letter:

> MY DEAR MR. PRESIDENT: In connection with my retirement letter of today—

I suppose he means his telegram. I believe the first one was a letter instead of a telegram.

> MY DEAR MR. PRESIDENT: In connection with my retirement letter of today, I desire to state my reason for doing so at this time.

Listen to this reason. He had a reason for doing it. He knew best what that reason was. He stated the reason. It was a valid reason. He had made that determination. I know of no charge having been made, no formal charge that this reason existed. He made the determination voluntarily, of his own volition, and acted accordingly:

> I desire to state my reason for doing so at this time.
>
> I want you to know that it is not—

He states what are not the reasons—

> because of reasons of health or on account of any personal or associational problems, but solely because of age.

Well, if it was a good reason on the 13th of June, that reason increases in force and persuasion by every passing day. If age was the reason, then there is more reason now. There is more of the same reason now than there was then.

> I have been advised that I am in as good physical condition as a person of my age has any right to expect.

We are all glad of that. We are all gratified that it is not a health problem. I say that with all sincerity.

> My associations on the Court have been cordial and satisfying in every respect, and I have enjoyed each day of the 15 years I have been here.

So it is not dissatisfaction.

> The problem of age, however, is one that no man can combat, and, therefore, all eventually must bow to it. I have continuously been in the public service for more than 50 years. When I entered the public service, 150 million of our 200 million were not yet born.

The letter goes on to say:

> I, therefore, conceive it to be my duty to give way to someone who will have more years ahead of him to cope with the problems which will come to the Court.

Another statement voluntarily made, of his own volition, and which emanated from the decision he made. He said it is his duty.

I need not read any more of that letter.

(At this point, Mr. MURPHY assumed the chair.)

Mr. ERVIN. Mr. President, will the Senator yield on that point?

Mr. McCLELLAN. I yield to the Senator. I simply wish to put this matter in its proper perspective without taking anything out of context.

Mr. ERVIN. I wish to ask the Senator from Arkansas if he is aware of the fact that the Court of Claims decided in the case of Wilson against United States that the power to resign or retire from judicial office is a power which belongs to the judge alone and not the President, and it may be without the acceptance of the President.

Mr. McCLELLAN. The Senator examined that decision, I am sure. I am not familiar with it, but we do know the President has no power to remove. He cannot say, "Get out." He cannot say, "I am tired of you. I do not think you are doing right. Your decisions do not always please me." He cannot say, "Give me your resignation." The President has no such power. The Senator from North Carolina is correct because only the man himself can make the decision and take action to bring about his retirement. I do not think the President has to accept the retirement. I think he could retire even without the acceptance of the President.

I have been handed a copy of the decision in the case to which the Senator referred, which states:

> If a judge wishes to resign he, of course, may do so whether the President wants him to or not.

I recall the case now. I have read it. To tell the truth, we have so much material here and there are so many things that can be said and discussed that are absolutely pertinent to the issue, that are relative to thorough debate that one cannot retain it all.

The case further states:

> On the other hand, neither the President nor anyone else has the legal right to force him to resign.

Let us see what the President said.

> It is with deepest regret that I learn of your desire to retire—

It is not retirement. Had he given a date and fixed a date it would be a retirement effective as of a date—

> that I learn of your desire to retire, knowing how much the Nation has benefited from your service as Chief Justice. However, in deference to your wishes, I will seek a replacement to fill the vacancy in the Office of Chief Justice that will be occasioned when you depart.

The word "retired" can be used there because he is not going to depart until he retires. It is synonymous with retirement.

"When you" retire and "depart." I have thought I was going to do things and changed my mind. As we go a little further I think the facts bear out that there is a retirement "if" and then the letter relates the if. I do not think I need to read much further—

> when you depart. With your agreement, I will accept your decision to retire effective at such time as your successor is qualified.

Mr. President, that is very indefinite. He has not retired yet and it has not been accepted because there has been no successor qualified. He has to pass through these portals with the sanction, approval, and confirmation of this body before he is qualified to take the oath.

So he is not out of office; he is still in office. He has not retired and until he retires there is no vacancy. We have no vacancy.

I have before me an article from the Charlotte Observer dated August 25, 1968. My recollection is that the Charlotte Observer is a rather liberal newspaper. I wish to ask the distinguished Senator from North Carolina whether it is rather liberal. I am sure they support this nomination.

Mr. ERVIN. I would say it is liberal in the modern acceptance of that very much used term.

Mr. McCLELLAN. Whether they are liberal or conservative, let us see what they said. I am certain they would not publish a falsehood. The article states:

> HELENA, MONT.—Chief Justice Earl Warren, whose retirement from the Supreme Court has become ensnarled in a Senate fight over a successor, says he may still be presiding over the high court when it opens its new year in October.
>
> But Warren predicted the Senate eventually will approve Justice Abe Fortas to take his place rather than keep him.

I am sure this article appeared in other newspapers.

I did not know we had a choice here. Keep him? He is retired. There is a vacancy. Or is there? If. The entire connotation of the retirement is "If you can get Mr. Justice Fortas confirmed and qualified." If. Then he goes further.

> Warren told a college luncheon here, "I'm very much afraid I'm going to have to open up that Court in October."

I am persuaded at the moment that he is entirely right about that, that his judgment in that respect is infallible.

Then follows:

> "Those people in Washington who have refused to approve the nomination are not trying to keep me."

In other words, he is saying that we do not want him.

Why do we have to keep him if he is retired? If his age compels retirement, if his age dictates he should get out, if his age makes it his duty to retire, as he says, why do we keep him?

Reading on:

> "Between accepting Fortas and keeping me, they are going to take Abe Fortas."

Why, Mr. President? When did circumstances ever before in the history of this Nation create a situation where the Senate had such two poor alternatives? I do not recall it.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. I invite the attention of the Senator from Arkansas to the statement taken from the 1967 Corpus Juris Secundum, pages 228 and 229, which appears on page 30 of the hearings, as follows:

> A resignation to take effect at a future date may be withdrawn before such date, even though it has been accepted, and even against the will of the body to which it is tendered, and which has accepted it, and it has been held that a resignation which is both contingent and prospective may be withdrawn before the occurrence of the specified contingency, notwithstanding a purported acceptance.

Does that not mean that Chief Justice Warren has not retired at all?

Mr. McCLELLAN. If he can get Fortas appointed, I am confident that he will fix a date and depart. Unless that is done, I have every reason to suspect that if that does not happen, he has no intention of retiring now.

Mr. ERVIN. Another statement which appears on page 31 of the hearings—67 Corpus Juris, is as follows:

> A statement by an officer that he contemplates a resignation or that his statement may be regarded as a resignation under a certain contingency which does not occur is without effect.

Now, do not those principles of law show that Chief Justice Warren has not retired at all?

Mr. McCLELLAN. The story I just read shows that he is going to open the Court.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that under the statutes embodied in title 28, section 371, subsection (d), of the United States Code, it provides that the President by the advice and consent of the Senate can appoint a successor to a Justice who retires, that a Justice does not retire unless he retires from regular active service as a Justice?

Mr. McCLELLAN. That is correct.

Mr. ERVIN. Would the Senator from Arkansas tell me what authority of law the President has to appoint and the Senate has to confirm a Justice successor to another Justice who has not retired?

Mr. McCLELLAN. I do not know that there is any authority to do that. There are only nine positions on the Supreme Court, and only one Chief Justice position. There are no vacancies at the present.

Mr. ERVIN. I should like to say to the Senator that if the President can appoint a successor to a Justice who has not retired, then he can appoint successors to all Justices who have not retired, and he can do that without a time limit. He could, if the Senate were so foolish as to confirm them, have all the positions on the Supreme Court foreclosed for 25 or 30 years depending on the life and number and different ranks he has had confirmed.

Mr. McCLELLAN. May I say, how many men are there on the Court? Some three or four members of the Court, who might exercise the same wisdom that prompted the Chief Justice to submit his letter of intention to retire, might likewise do the same, and we could have three or four more nominations up here with the same contingency. It is not improbable. If this one works, why not do it again? It would be a nice and pleasant pastime for the appointing authority. The whole thing smacks just a bit of collusion. There is an attempt, it seems to me, to coerce: "Give us what we want or Justice Warren will go back on the bench." In my judgment, that is beneath the dignity of these high positions. I say that seriously. I think that everyone, every lawyer, every jurist in this country would agree with that, if that is a fact.

The Senator says it is a fact. I say that these facts justify in every way our present discussion.

I would also point out that Congress enacted the statute which has been codified as 28, United States Code, annotated, section 315, as follows:

> Whenever the chief justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act until such difficulty is removed or another chief justice is appointed and duly qualified.

Well, if he retires and there is not a confirmation, the Court would not be without an Acting Chief Justice. Congress has provided that the next in rank would step up and act as Chief Justice until the vacancy is filled. Well, there is nothing new about having an acting official. We have done it all the time. Cabinet members retire, various officers of the agencies retire and appointments are made. Presidents give careful consideration to applicants.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator recall that Chief Justice Warren was the successor to Chief Justice Frederick M. Vinson, and that Chief Justice Frederick M. Vinson died in office and that the office of Chief Justice was vacant for some days and some weeks before Chief Justice Warren was appointed and qualified?

Mr. McCLELLAN. I recall that very well. I do not recall the length of time, but I do recall it, because I served with the distinguished Chief Justice, Mr. Vinson, in the House of Representatives from 1935 to 1938. I knew him and admired him and remember his passing. It was very sad, and we felt we had lost a great man. I had great respect for him.

When Justice Warren was appointed, I thought possibly it was a great appointment. I never dreamed that he would have established or ingrained into the Court's proceedings and into its deliberations what is now known as the Warren philosophy. I did not know that it would work and operate to bring about a change in the interpretation of the Constitution.

Mr. ERVIN. I will ask the Senator from Arkansas if the Supreme Court of the United States did not continue to operate during the period that elapsed between the death of Chief Justice Frederick M. Vinson and the date of qualification of Chief Justice Warren.

Mr. McCLELLAN. I think that is correct.

Mr. ERVIN. Therefore, there is no substance to the assertion that it is necessary for Chief Justice Warren to remain in office until his successor is qualified; is there?

Mr. McCLELLAN. Of course not; but when the vacancy actually occurs, when he retires, when he steps down, there should be expeditious handling of the matter. The position should be filled, because we should try to have at all times, subject to unavoidable, brief intervals, a court composed of nine of the ablest men, ablest lawyers and jurists, in our land. That is what we should strive for and what is desirable.

Mr. ERVIN. I believe the Senator from Arkansas will agree with me that the Court should be filled with nine men who would, as Chief Justice Marshall declared in Marbury against Madison, accept the Constitution as the rule for the governing of their judicial actions.

Mr. McCLELLAN. Yes. I simply cannot agree with the philosophy that often predominates in this Court—that "the Constitution is whatever they decide it is." I do not agree with that. That is why I cannot understand the Miranda case and other decisions. From the founding of this Government on down, able jurists, Justice Oliver Wendell Holmes among others, held that such warnings as Miranda dictates were not required. What changed? Not a word was changed in the Constitution; not a comma was inserted; not a period was extracted. It was as it always had been with respect to this issue. What changed? Only a court, five members of whom, including this nominee, refused to follow precedent and confirm or ratify what had become and had been the law of the land since this Government was founded. Why the departure?

These are things I do not understand; and they carry with them a signal, a warning of danger, if the trend is not stopped.

What was the necessity for it? Nobody benefited from it—no one except the criminal element in this country—and the public interest and public safety and the innocent victims have suffered.

Mr. ERVIN. I would like to ask the Senator from Arkansas if they did not base the majority decision—that is, the 5-to-4 decision—in the Miranda case upon the words of the Constitution which say, "No person shall be compelled in any criminal case to be a witness against himself."

Mr. McCLELLAN. Yes; and, of course, that clause of the Constitution was involved in all of the other three decisions that the Court had passed on. Nothing had changed.

Mr. ERVIN. I would like to ask the Senator from Arkansas if he can comprehend how any judges who are willing to give to the simple words of the English language their plain meaning can possibly say that words which provide that "no person shall be compelled in any criminal case to be a witness against himself" can have any possible application to a voluntary confession made by the accused in the custody of an officer when no court is in session and no case is being tried.

Mr. McCLELLAN. Until there is a charge, there is no case.

There must be a case against someone to sustain that position. There is no case against someone until there is a charge against someone. As long as an officer is investigating and trying to get information as to who committed the crime, there is no case. There may be a potential case. Unless a case is finally and formally presented, there is no criminal case. We could argue about that a long time. The Court went on a tangent and so held, whereas before that, 24 justices had held otherwise.

We hear much about precedents. Some say there is no precedent here, I think this kind of supposed retirement shatters all precedent. But let me say this about precedent. Those who have overruled precedent and refused to follow precedent and refused to respect and honor decisions of the Court before them, interpreting the Constitution, where the safety of society and the rights of individuals are involved, do not come here with a very good reasoning when they argue, "Well, to do that you violate precedent."

Mr. ERVIN. I would like to ask the Senator from Arkansas if there were any precedents for the Miranda case.

Mr. McCLELLAN. There was no precedent; quite the contrary.

Mr. ERVIN. The President is quoted in the press as having said that there is no precedent for insisting on the right of unlimited debate where a nomination to the Supreme Court is involved.

Mr. McCLELLAN. No one has ever questioned the right to do it under the rules of the Senate, and they cannot question it now.

Mr. ERVIN. I want to ask the Senator from Arkansas if there is any precedent for a President saying to the Senate, in effect, that "You can take the man I designate"—that is, Mr. Fortas—"or you can keep the incumbent, Mr. Warren, as the Chief Justice."

Mr. McCLELLAN. There is no precedent for that. Let me make this statement, and I do it considerately and conscientiously. This seems to be an arrangement. "If the arrangement works, Chief Justice Warren retires. If it does not work, he is still in office. You are going to put up with Mr. Warren or you are going to take Mr. Fortas."

Mr. President, that is an unhappy choice. If the Chief Justice has reached the age where duty dictates that he retire, he should say it. He presents to us an unhappy choice.

Talk about a filibuster. Every time we decide to make a concerted fight here, on the basis of conviction, it is a filibuster. We are just getting started. We have not begun to scratch the surface of the logical, relevant, pertinent, and compelling arguments in this matter. I said in the beginning that prolonged and thorough debate would develop a situation here, which would not be a happy one.

I am saying again and again, "Spare this body this unpleasant duty. Withdraw this name. It is controversial; it is provocative, especially under these circumstances."

Mr. President, I am not just talking here for information. If the facts that are in the record that is before the Committee on the Judiciary, and the documents that it has received as exhibits in the hearings on this nomination, were brought to the floor of the Senate and exhibited, it would have to be done in secret session. Why, Mr. President? Because some of them that were involved in cases that went to the Supreme Court, upon which Justice Fortas participated and rendered per curiam decisions, are so indecent and so degrading that they cannot be shown to this gallery.

Yet today those documents, those degrading films, those indecent films, pictures, books, and articles, have been given judicial sanction and made legitimate in interstate commerce for sale, to pollute the moral and social backbone of this Nation. They have been made legal, Mr. President. You can now walk down to newsstands in a number of cities, put down your $1 and get a magazine of two dozen pages, with two dozen pictures not one of which any Senator would dare hold up in his hand here and show to this audience.

Yet that class of pictures and material has been legalized, in effect, because this Court, Justice Fortas participating, rendered per curiam decisions—which means "We do not reveal why, we just reverse the conviction."

This material was weighed, seized, and considered as evidence on charges of crime against a defendant, and the defendant was found guilty; and some of the language used by the Court in describing this material, some of the language used by the trial judge in writing his opinion about it, is not fit to be repeated here in these remarks. It is in the record of the hearings. I shall not repeat it, but on page 295 of the printed record of the hearings is shown what a judge said about these movie films that you can go and buy for $10 or $15 apiece. You would not show them, and you would not sit and observe them, in mixed company. You would blush if you were in a dark room by yourself. Yet such has Supreme Court sanction. No reason was given by the court for their approval.

The proponents argue, "There could have been four or five reasons why they reversed the conviction." Yes, there could have been. But were there? And if there was a different reason, other than holding that they were not obscene, that they were the right kind of literature, of which the laws and the Constitution did not prohibit dissemination, why did they not say what they held, and give their reason for reversal?

Mr. President, I say without any reservation that as a result of these decisions, today this country is flooded with pornographic literature, films, pictures, and magazines, and the situation is growing worse.

I see in the chair as Presiding Officer the distinguished Senator from California [Mr. MURPHY]. He knows better than I the truth of what I am saying today. He lives out there with it. He experiences it.

He knows what has happened in the last 2 years to law and order in the California communities where this pornographic material is available, and these films are peddled, and you can walk in and see them for a dollar or a dollar and a half. He knows what the conditions are. The sheriff of his county will tell you that crime has risen, in some respects, 500 percent in that area during the last 2 years.

That is what is happening. Those are the consequences.

Are we bigots? That is what some would call us, if we stand here and try to protect and defend common decency and morality in American social life.

Are we? Mr. President, I say to you this nomination should be withdrawn. We should not be compelled to make a long, prolonged, and thorough discussion of these issues. What is on the surface is enough. I challenge anybody to read the record, to look at the films, to look at the material, to look at what this judge said who tried the case, and then tell me that one who votes summarily to reverse a conviction on it, without explanation, sanctioning it, giving it judicial sanction, does not promote obscenity and filth. Do you know what the purveyors of pornography are doing now? They are advertising these films, and this pornographic literature, with this statement. I hold a copy of an advertisement in my hand. These advertisements are appearing in many cities. In Florida, specifically Miami, Fla., from the September 14 issue of the Miami News; I quote an advertisement:

> Exclusive—

Big words, headlines:

> Supreme Court Ruling.

Then it says:

> 100 percent complete nudity no longer obscene.

A Supreme Court holding.

I say to the Senate, in view of the pictures I have seen, in view of the exhibits now on file with the Committee on the Judiciary, the publishers are fully justified in publishing this advertisement, and they are not exaggerating.

I say that, and certain Senators would tell me that we should be silent, not say anything, not debate it. Mr. President, I do not think that anyone who has seen these pictures, or who would dare see them, will stand up here and try to justify it, except to say, "Well, maybe they decided it on some other basis."

Well, maybe they did, but I say to the Senate, the American people have got a right to know what reason the Court used as a basis for its opinion. The consequences are reprehensible. They are destructive. They are vile. They will do great damage to the social structure of this Nation.

Yes, I say it, and I say these things without reservation and without fear of successful contradiction.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. RUSSELL. Mr. President, I have not seen these films. I have heard them described a number of times, and according to any old-fashioned idea of obscenity, they certainly appear to have reached the zenith of obscenity.

I understand that these decisions struck down a number of State laws.

Mr. McCLELLAN. Yes, they strike down State laws.

Mr. STENNIS. Eighteen.

Mr. RUSSELL. I know they did in my State.

Mr. McCLELLAN. They did in my State, in a case involving an article in a magazine, or a book or booklet.

Mr. RUSSELL. Our State Supreme Court upheld our law but it was appealed and also struck down by the Supreme Court.

Mr. McCLELLAN. The Court struck it down with a per curiam decision and did not say what was wrong.

Mr. RUSSELL. The Court makes no attempt to protect minors.

Mr. McCLELLAN. The Court suggests that there is a different standard between minors and adults. Apparently they deal with it by saying, "Well, you cannot protect grownups. They have a right to do what they want to. You can pass a law to protect minors."

I do not think, however, that anyone can deny that we cannot protect the youth of this land if we legalize this, even though we prohibit the sale of such material to minors. They will get it, and the Senator knows they will get it today with the looseness and permissiveness and lawlessness in this Nation. The Senator knows they will get it. And they are getting it.

Mr. RUSSELL. It seems to me from an advertisement of the nature that the Senator read that it would be impossible to restrict the showing of those films to adults. There would not be any way on earth to protect minors and to prevent them from seeing the films to the same degree that adults can.

Mr. McCLELLAN. I do not think that they can protect the youth. I agree with the Senator.

However, I say that to legalize this filth is to support and sustain the attack that these filth manufacturers are making by the pornographic commercialization that is going on throughout this country. We cannot sustain and maintain the character of this Nation if we demoralize and immoralize the youth of this country.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. STENNIS. Mr. President, I thank the Senator for yielding. Going back to the reasons given, as I understand, these cases, in effect, nullify the State law in some 10 or 12 cases—some east of the Mississippi River, some west of the Mississippi River, and some up as far as New York State.

Mr. McCLELLAN. The Senator is correct. One film that came out in New York is called "Flaming Creatures." And, brother, that is an understatement.

It makes one sick to look at it. It is despicable. Depraved acts are displayed in the film.

Mr. STENNIS. Will the Senator tell us the period of time in which some of these cases were decided? Did they not accumulate in the Court, and were not quite a few decisions rendered in 1966?

Mr. McCLELLAN. The Senator is correct. The decisions were rendered in 1966 and 1967, a great many of them. I think that in 1966 alone, as I recall it, there were 26 decisions. Twenty-two opinions were reversals. As I have said, many of these films were filth.

Mr. STENNIS. The cases to which the Senator refers were convictions or they would not have been in the Court.

Mr. McCLELLAN. The Senator is correct.

Mr. STENNIS. Twenty-two out of 26 convictions were reversed?

Mr. McCLELLAN. The Senator is correct. I think one of them was not reversed. As I recall, he voted for reversal, but I am not sure. We will check that out.

I had not intended to go into this in detail today, because I say again that if this issue is going to be thoroughly debated—if that is what they want—I do not think that they should come here and say that Mr. Fortas is a great legal scholar and a great judge. I do not think that is the way we should discharge our responsibility.

These things must be delved into, and if they insist that this matter be debated and that the Senate act formally and confirm or not confirm the nomination, the things must be gone into.

They may call it a filibuster or whatever they care to call it. I do not care what they call it. However, there are men in the Senate who have a conviction in depth concerning the inequity of this thing. Those men do not propose to remain silent.

Mr. STENNIS. Are those films available so that they can be seen by any Senator who wishes to view them for his own information?

Mr. McCLELLAN. Some of them are available. Some of them were made exhibits. The two films that the judge talked about—where the language he used was not too bad because he kept it as nice as he could to depict and describe the pictures as he saw them—are there, as I recall, as exhibits. They can be seen by Senators.

As I recall it, "Flaming Creatures" is an exhibit and can be seen. I do not have a member of the staff present to advise me on that. However, I believe that I am correct.

There are dozens of these magazines showing what I have described, and they are there as exhibits.

We had testimony that as a consequence of these decisions, the area is flooded with these pornographic materials.

Mr. STENNIS. The Senator has covered that, and I am glad to know that they are available. I think they should be available. And if one sees his duty as I do, it is his duty at least to view some of those films and thereby get a clear picture of what has been done in those 22 cases.

Mr. McCLELLAN. I assume that any Senator can arrange to see them. However, if they are to be shown here—and let the record reflect that they were shown and that Senators viewed them with an idea of knowing exactly what was involved—then I must say to my distinguished friend, the Senator from Mississippi, that we will have to move to go into secret session and clear the galleries. We could not sit in here—I would not—and watch those pictures run with a mixed audience in the galleries.

Even if it were not a mixed audience, we would want this room to be dark. That is the character of these pictures.

Mr. STENNIS. Would the Senator develop a little more in detail the method of disposition the Court used as to these cases, or most of them, as to whether they gave an opinion? The Senator said that in one of the California cases, I believe, the trial judge gave a written opinion and the Senator did not care to put that opinion in the record because the description used such foul language—and it had to be foul—to describe the film. However, did the Court give any reasons?

Mr. McCLELLAN. Mr. President, 17 out of 22 cases were reversed during the 1966 term. They were reversed on per curiam opinions. No reason was given. That includes the films about which I have talked and particularly the film in the Schackman case. That is the film the judge viewed in the trial of the case and made his finding and inserted it in the record.

Mr. STENNIS. Mr. President, how did Mr. Fortas vote on that decision?

Mr. McCLELLAN. He joined in the per curiam opinion to reverse the conviction.

Mr. ERVIN. It was a 5-to-4 decision.

Mr. McCLELLAN. The Senator is correct.

Mr. President, I had not intended to go into this aspect of the case today. These things will be brought to the attention of the Senate. We are trying to get them fully documented so as to show the place and time and to get a complete record.

I have other material that I could read about it.

Mr. STENNIS. The Senator has rendered a great service in bringing this material to the attention of the Senate.

Mr. McCLELLAN. Mr. President, this gives an illustration of the seriousness of the matter. I think it behooves each Senator to explore and examine the matter thoroughly and come to his own conclusions.

Mr. STENNIS. Mr. President, I have seen one of the films and I agree. I think it is a Senator's duty to look at the films.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MURPHY. Mr. President, there is one very important point to make in this matter. It has been covered very well by my distinguished colleague, the Senator from Arkansas. But I think it is of extreme importance that the decision on the matter of morals, the matter of public acceptance, the matter of what is decent and acceptable is made by the people in the community.

In setting up our system of government, the Founding Fathers made certain that the wishes of the people should pertain in all matters. On this basis, we have a most important process, which is the jury trial. In many of these cases there had been a jury trial, and the jury had found that these were pornographic—these films, these books, these photographs. The jury found without question that they were pornographic. Then this was taken to the next court, then to the next court; and in a majority of cases to the Supreme Court of the State. In each case, it was judged to be pornographic.

Mr. McCLELLAN. All the way up.

Mr. MURPHY. All the way up.

Mr. McCLELLAN. Not in one case, but in 2 dozen or more.

Mr. MURPHY. Finally, it went to the Supreme Court, and by a 5-to-4 decision in most cases—I believe in all cases, if I recall correctly——

Mr. McCLELLAN. I believe there was an exception, because some members of the Court held that one case was moot.

Mr. MURPHY. The Senator is correct. But the reversal reversed every State court down the line and down to a trial by jury at the outset.

Mr. McCLELLAN. The Court overruled the jury.

Mr. MURPHY. And this is the thing that I believe is of extreme importance.

Mr. McCLELLAN. The Court cited no error in the trial. The Court cited no error in the proceedings. It simply per curiam summarily reversed the conviction.

Mr. MURPHY. I believe it is important to note that the trial by jury; the next step, the high court; the next step, the higher court; and, finally, the supreme court of the State were overruled summarily by a 5-to-4 decision.

There is something wrong with this process if that is posisble.

Mr. McCLELLAN. As I recall, in the county of Los Angeles, in the State of California, one can hardly get a court to issue a warrant today. They simply are taking the position, "What is the use? It will not be sustained." And it is difficult to get anyone to try to prosecute.

Mr. MURPHY. The sheriff of Los Angeles County, which I believe is the largest sheriff's area in the world—he has the responsibility for 54 good-sized communities—Sheriff Peter Pitchess, who is a former member of the Federal Bureau of Investigation, a man of high esteem, a leader in the community and well respected, invited me and two other gentlemen to come to his office so he would have a chance to tell us what was happening, to show us what the results were, and to explain to us what the results were as it spreads across the country. This is how I first came to knowledge of these motion pictures and the situation of the magazines, the printed matter, and the photographs that can be bought by anyone. The concentration started in an area between Hollywood and Beverly Hills. One can walk into a bar, buy a glass of beer, and stand there and look at this pure, unadulterated filth—nothing artistic, nothing to recommend. Pure pornography is the way judges describe it.

The sheriff's men go to try to stop this, and they are told that this show, this obscenity in extreme, is protected by the Constitution of the United States, protected by the decision of the Supreme Court.

I have been around; I have seen everything three times; but I was so shocked at this that I found it unbelievable. And I am certain that the Members of this distinguished body who have not seen these things cannot imagine what we are talking about.

I have been informed that the Supreme Court subpenaed some of these films. Whether the members of the Court looked at the films, I do not know. But if they did not view the films and made this judgment, I believe they did a very dangerous thing. I think they may be flying blind in this instance. If they did view the films and made this judgment, I do not know what we will have to do in order to remedy this situation, because this is not just vulgarity—this is the worst possible use of film that I have ever seen or could imagine.

I hope all Members of the Senate, before they make this most important decision—which they will be obliged to make—have an opportunity to really know what we are talking about and really understand the process, the steps, and what has been overthrown by the decision of this Court on a 5-to-4—very uncertain—reversal of the decisions of the State courts.

I thank the distinguished Senator from Arkansas for yielding.

Mr. McCLELLAN. I thank the distinguished Senator from California. I appreciate very much his contribution.

I am familiar with the situation in California because of testimony we have received and from exhibits that were brought from California, which have been filed with the committee. I know that the conditions there are very unsatisfactory.

Mr. President, I have not concluded my remarks. There are subjects and issues involved, particularly the extrajudicial activities of the nominee, to which I have not even referred and which I have not discussed in any particular this afternoon, but which I shall discuss if we are compelled to continue this debate.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "New Chief Justice," published in the Arkansas Democrat of June 26, 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. I invite special attention to the last paragraph of this editorial.

Mr. President, it is my earnest hope—and I express it with the full depth of my capacity for conviction and sincerity—that this nomination will now be withdrawn.

Now, if it is not withdrawn, the leadership of this body should promptly offer a resolution or a motion of recommittal that will dispose of the nomination, so far as concerns any further consideration of it under the present circumstances.

We were just talking about court decisions relating to pornography. Senators will recall that a few days ago, when the Senate was debating the gun-control bill, unexpectedly in the course of the debate, like a clap of thunder out of a clear sky, the minority leader submitted an amendment, sent it to the desk, and had it read and printed. As I recall, the majority leader commended the minority leader for doing so, and gave his support to the proposal. It was an amendment to deny to the Supreme Court the right to hear obscenity cases on appeal from the judgment of any State court. Some of us raised the question as to whether the gun-control bill was the proper vehicle for such legislation and said that if it were to be made a vehicle for stripping the Supreme Court of the jurisdiction that it now enjoys, there were some other areas in which some of us thought the jurisdiction might well be curbed. As a result, the next day that amendment was withdrawn and was subsequently introduced as a bill, S. 4058. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

"1466. Determinations of fact.".

SEC. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.
"3001. Judicial review.

"§ 3001. Judicial review

"(a) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obsecene, lewd, lascivious, indecent, vile, or filthy."

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity____ 3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity____ 3001".

Mr. McCLELLAN. Mr. President, the bill provides for stripping the Supreme Court of its jurisdiction over obscenity cases. Perhaps I am wrong, but I do not recall that Congress has ever stripped the Supreme Court of jurisdiction of anything it has given the Court heretofore. Has it? I know of no instance. Talk about precedent: This is a precedent. Why? Because the leadership of this body, our distinguished leaders on both sides of the aisle, sensed the terrible conditions that prevail and concluded, I am certain, that the time has come for Congress to act and take away from the

Supreme Court the jurisdiction to consider the filthy cases of pornography that the Court has been reversing and sanctioning.

Oh, Mr. President, I never dreamed—I hear some who say, "I had a dream," but I did not have such a dream—that the day would come when the decisions of the Supreme Court would cause the leaders of this body to rise up in indignation and demand by legislation that they be stripped of jurisdiction and power to pass on the decency of literature and films being peddled and commercialized by smut manufacturers of this country. But it happened; it is here; it is a fact.

Mr. President, this nomination should be withdrawn. I hope I do not have to speak on this matter again. The sooner the nomination is withdrawn, the better.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. LONG of Louisiana. I wish to ask the distinguished Senator from Arkansas this question. Rather than to withdraw from the Court jurisdiction to hear cases involving pornography, filth, and smut, would it not be better to put men on that Court to hear the cases who have better judgment?

Mr. McCLELLAN. I agree with the Senator but we do not have the appointing power. However, we are asked to elevate, to promote, and to give our approval and sanction to one who is partly responsible, at least one-fifth responsible, for the conditions which I just described which prompted the introduction of the bill I referred to.

I thank the distinguished Senator.

Mr. President, I understand a conference report is to be considered. With that in mind I yield the floor, because I have said enough unless there is a prolonged debate, and if those who favor the nomination want a prolonged debate there is much more that can be said in many areas that have not been touched on.

EXHIBIT 1

[From the Arkansas Democrat, June 26, 1968]

NEW CHIEF JUSTICE

Republican Senators Thurmond, Tower and Griffin are indulging themselves in wishful thinking if they believe that (1) Lyndon Johnson is going to wait on the new President to appoint a chief justice and (2) that they could block his appointment if he doesn't.

LBJ may be a lame duck but he hasn't lost his quack. Why should he, with six months to go? If you were he and took the pride in the social changes effected by the court, wouldn't you make the appointment to replace the retiring Earl Warren?

From the point of view of those who would like to see more interpretation and less creation of laws by the court, we are of the opinion that we might come out better with a Johnson appointment. Since he isn't running for anything, he could make a nonpolitical appointment if he wanted to. (Some say this would be an impossibility for Lyndon Baines Johnson, but these same people never thought he would voluntarily back out of the 1968 campaign, either.)

But the new President, provided that he is either Dick Nixon or Hubert Humphrey, won't be that unfettered. Both Nixon, because of his conservative philosophy, and Humphrey, because of his support of the Vietnam War, have alienated the liberal community. In order to get its support, both of them will have to make all kinds of promises, and there is nothing the liberals in either party would like better than the naming of one of their number to the Supreme Court.

As for blocking President Johnson's appointment, this is nonsense. The Senate has done this 21 times in the history of the country but only once since the turn of the century. In 1930, it rejected by a vote of 41 to 39 Hoover's appointment of Circuit Court of Appeals Judge John J. Parker because in those dark days of bootlegging and depression he was thought to be (would you believe it?) too conservative. But while there have been other controversial appointments—Brandeis, Black, Stone, Hughes, Warren—the Senate's power to advise and consent in Supreme Court appointments has yielded to party loyalty, which was unforseen by the framers of the constitution. Despite the harassment of Thurgood Marshall and the opposition that developed just because he was a Negro, he was confirmed last fall by a vote of 69 to 11. With 63 Democrats and only 36 Republicans in the Senate, the President could almost get Gunnar Myrdal confirmed if he set his mind to it.

Hopefully, Mr. Johnson will not reach so far to his left. The chief justice, it seems to us, should come from the great middle ground, which is where most Americans stand. Right now the court is overloaded with liberals—activists like Warren, who without batting an eye will overturn any precedent in order to expand the rights of individuals. Besides Warren these activists include Marshall, Brennan, Fortas and Douglas—and quite often, Justice Hugo Black joins them. There are only three—White, Harlan and Stewart—who speak for the moderates, although not consistently, as evidenced by Justice Stewart's amazing resurrection last week of an 1866 anti-slave law to support open housing.

The Warren Court, with just two decisions, desegregation and one-man, one-vote, has had as profound an effect on this country as any other group of men in our history. Some of its decisions have been good; many of them have been bad, and practically all of them have been extreme. One very obvious result is the widespread lawlessness and violence in this country; another is the lack of respect for the Supreme Court itself.

The mood of the nation, the results of the political primaries, the confusion of our young people . . . all these things would suggest that the Supreme Court has had enough judicial extremism these past 15 years. It is now time to appoint a different type of man as chief justice—not one who would take the country back in time but one who would give it a little first-aid and conciliation.

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD seven editorials and an article urging that the Senate advise and either consent to or reject the nomination of Mr. Justice Fortas on its merits, and not through filibuster.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 1968]

THE REAL THREAT TO LAW AND ORDER

The gods on Mt. Olympus must rock with laughter as they view the godlike mortals of the United States Senate on Capitol Hill preparing for the great Fortas filibuster. The filibuster, you understand, is to have the wholehearted support of most of those stalwart Southern Senators who have for so long stood four-square for "law and order" as they choose to define it—and for outright defiance of the United States Constitution.

Mouthing phrases about "massive resistance" and clamoring for a sterner administration of justice—by which they mean a disregard of due process—these solons have incontinently labored throughout their Senate careers to oppose the enforcement of every edict of the Federal courts respecting the civil rights of Negroes and every measure enacted by the Congress to protect those civil rights. Looking at the law as no more than a system of retribution, they have sought incessantly to strip it of those procedural safeguards which civilized men have devised to protect liberty and assure justice.

Abe Fortas is their target because the Supreme Court is their target. They do not want him as Chief Justice of the United States for the same reason that they do not want Earl Warren as Chief Justice—because these are men who recognize that the Constitution of the United States—like any fundamental charter—is designed to impose restraints on the passions and impetuosities of rulers and peoples. It decrees that there are things that may not be done, however well-intentioned, by policemen or prosecutors or censors, by legislative bodies or by executive agencies. Impatient with these restraints as they are impatient with whatever thwarts their own intransigent views of law and order, they seek to destroy the authority of the Supreme Court—and thus to destroy the supremacy of the Constitution.

And this, in simple truth, is the real threat to law and order in the United States. It would substitute for the rule of law the absolute authority of transient legislative majorities. It would subordinate the Judicial branch of the Government to the Legislative, making subservience to prevailing congressional attitudes the price of confirmation to judicial office.

It would not do to acknowledge this, of course, so the case against Justice Fortas has been dressed up in a variety of subterfuges. A President soon to leave office shouldn't have nominated him; he shouldn't have told the President the time of day, even when asked, once he ascended the Supreme bench: he took part in a *per curiam* decision restraining suppression of a film which Strom Thurmond considers dirty.

The transparency and absurdity of these trumped up allegations made it necessary to come up with something more damaging. Scratch long enough into the private lives of most public men and you will find something they wish they hadn't done. Justice Fortas took a foolishly fat fee for conducting a series of seminars at American University; and one of the persons who contributed to his honorarium may become a litigant before the Supreme Court. There is no use trying to defend this impropriety or to pretend that it would not have been more fastidious had the Justice declined any honorarium at all. But does the offense really constitute a ground for impeachment—or even for disqualification for advancement to the Chief Justiceship? It is at best a makeweight argument against confirmation. But it is no more a novelty among Justices than the counseling of President.

In the course of the tedious and frustrating filibuster which is about to commence, it is important to keep one's eye on the main issue. The main issue is that the United States Senate ought to have a chance to vote on the confirmation of Abe Fortas. An Associated Press survey released the other day found 47 Senators favoring confirmation, 27 opposed, 22 undecided and 4 were not reached.

A filibuster is the natural weapon of Senators who know that they cannot win their cause by argument or by reason or on the merits. And so they rely on sheer obstructionism—on blocking rather than accepting majority rule. Their aim is a monstrous one. They seek to destroy the independence and integrity of the Supreme Court. They threaten the very idea of an ordered system of liberty under law.

[From the New York Times, Sept. 21, 1968]

The Fortas Debate

An ugly dispute is expected on the floor of the Senate early next week when debate begins on the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States. If the debate limits itself to the central issue of Mr. Fortas' qualifications for the highest judicial office in the country, it will be a useful and necessary exercise of the Senate's constitutional right to advise and consent.

On the basis of the general level of discussion in the Judiciary Committee, the only way the Senate can go is up. Southern Senators led by Chairman Eastland of Mississippi and Mr. Thurmond of South Carolina tried to hang Justice Fortas for all the civil rights decisions of recent years and, most fantastic of all, for the Supreme Court's position (usually without opinion) on freedom to publish and to exhibit magazines and movies alleged to be obscene. After nearly three months, the Judiciary Committee by 11 to 6 did recommend to the full Senate that Mr. Fortas be approved.

The Senate can, and we hope will, elevate the discussion in coming days. It has a clear right to measure Mr. Fortas' conduct on the bench against that of his colleagues and his predecessors. It should take up any matters that shed light on his respect for the ethical standards of a Supreme Court Justice. It should surely explore his views on the separation of the judicial, executive and legislative branches of the Federal Government.

Mr. Fortas has been accused of extrajudicial activities while on the bench, including giving advice to the President on administrative and legislative subjects and accepting an inordinately large fee for teaching a university seminar. Such accusations are perfectly proper subjects of discussion in the Senate.

But there is no need for personal vilification; for charges of "cronyism" with President Johnson; for a replay of Mr. Fortas' and the Court's opinions on civil rights, the "pornography" test cases and the landmark decisions on the rights of criminal defendants.

This is the stuff of filibuster, not debate. Unfortunately, a filibuster is threatened. Attorney General Ramsey Clark—who is emerging as a bulwark in Washington against emotionalism—said that those Senators who attempt filibuster will really be trying to "undo the great progress made in civil rights these past few years."

When the entire record is fairly weighed by the Senate we believe Mr. Fortas will be confirmed. He has excellent judicial qualifications and he has already proved his value on the Supreme Court. His peers think so; a group of 151 prominent attorneys, including twenty law school deans and seven past presidents of the American Bar Association, have urged approval of his nomination.

There is an added reason for the Senate to act and vote without undue delay. The new Supreme Court term opens Oct. 7. For a filibuster to be in progress while cases are being heard—and while Associate Justice Fortas, on the bench, is in daily danger of having his name maligned—would be disruptive and an intrusion upon the judicial branch of the Government. When the new October term begins, the Chief Justice should be Abe Fortas.

[From the Washington Post, Sept. 8, 1968]

The President, the Senate and the Court

The idea that President Johnson should have abstained from nominating a new Chief Justice in order to allow the next President to make that choice ought to be understood for what it is: a phony gimmick, so alien to American tradition, so devastating to the operations of the Supreme Court, so open to retaliation that it can only be a smokescreen behind which politicians hide their animosity toward the President on their real reasons for opposing Mr. Fortas.

The idea promulgated by Governor Agnew that the current situation is all the fault of Chief Justice Warren is the same kind of gimmick. Since the summer is the only time a member of the Supreme Court can leave it without disrupting its activities, the full implication of the Governor's comment is that a Justice is denied the right to retire in presidential election years regardless of his age or personal inclination.

Despite the statements of Sen. Robert Griffin and Richard M. Nixon that Mr. Johnson should have held the nomination open for the incoming President, all of American history says he should have not. No President has ever handed a vacancy on the Supreme Court along to his successor without trying to fill it. George Washington was the first to nominate a justice during an election year and Dwight D. Eisenhower was the last. In between, Adams, Jefferson, John Q. Adams, Van Buren, Tyler, Fillmore, Buchanan, Hayes, Cleveland, Harrison, Taft, Wilson, Hoover, and Franklin D. Roosevelt sent nominations to the Senate during an election year. In fact eight of those Presidents made nominations for Supreme Court seats *after* the election in which their successor was chosen but before the date arrived for him to take office.

Similarly, there is no tradition in American history of the Senate denying confirmation to nominees in order to give an incoming President a chance to choose a different man. Five of the 96 men to sit on that bench were confirmed by the Senate, although they were nominated by a President who had already been voted out of office. Among those is John Marshall, the greatest Chief Justice of all, who was nominated by John Adams in January of 1801 after Adams had lost the Presidency to Thomas Jefferson. Another 11 were nominated by a President a few months before an election. Among those were Chief Justice Oliver Ellsworth who was nominated by George Washington in March of 1796, and Chief Justice Melville W. Fuller who was nominated by Grover Cleveland in May of 1882.

Only two of the 11 Presidents who sent Supreme Court nominations to the Senate in the ten months immediately preceding an election have had their choices turned down. Those two, John Tyler in 1844 and Millard Fillmore in 1852, were caught in the political and sectional bitterness of their times. Tyler made five nominations to fill two vacancies just before and just after the 1844 election and had only one confirmed. The Senate refused to confirm all three of the men nominated by Fillmore in his last year in office. Three other Presidents, John Q. Adams, James Buchanan and Rutherford B. Hayes, were unsuccessful in their efforts to fill Supreme Court vacancies in their last months in office but each of the three sent his nomination to the Hill after his successor had been chosen.

Only once since the Civil War has the Senate refused to confirm a nomination made by a President during an election year. That was when retiring President Hayes appointed Stanley Matthews two months after the 1880 election. The Senate refused to act pending the inauguration of President Garfield. Garfield promptly resubmitted Matthews' name and he was then confirmed. Since that time the Senate has confirmed before that year's election nominations made in May of 1888, July of 1892, February of 1893, February of 1912, January and July of 1916, March of 1932 and January of 1940. The latest election year nomination was made on Oct. 15, 1956, by President Eisenhower. That was of Justice William J. Brennan Jr., who served with a recess appointment until he was confirmed the following March.

These facts, we think, make it clear that there is no substance to the claim of Senator Griffin and Mr. Nixon that President Johnson should have deferred to his successor in selecting a new Chief Justice. This is particularly true in light of the difficulties a delay until next spring in replacing Chief Justice Warren will impose on the Supreme Court.

Nor do we think there is any substance to the claim that the Senate should enforce such a period of abstinence upon the President. Mr. Nixon should be the first to recognize the possibility that a barrier erected by his friends in the Senate now could encourage other Senators to erect a similar barrier if he is elected and has the opportunity to make nominations to the Court. The spirit of retaliation has ranked high in history among the causes of senatorial refusal to confirm presidential nominees to the Court. Of the 19 men the Senate has turned away, 12 were caught in the violent struggles between the President and the Senate between 1830 and 1870.

Since Mr. Nixon can look forward to making two or three nominations within the next four years, if he is elected and even if the pending nominations are confirmed, he would do well to reconsider the false ground on which his latest comment about the Fortas nomination is based, particularly in light of the fact that he considers Mr. Fortas to be "one of the most able justices in the country."

[From the Denver Post, Aug. 18, 1968]

Bring Fortas Appointment to a Vote

The U.S. Senate will be guilty of shameless politicalizing if it does not move promptly, when it reconvenes in September, to cut off debate and bring to a vote the nomination of Justice Abe Fortas to be chief justice of the Supreme Court.

For 179 years the Senate has recognized that whenever there is a position on the court to be filled, the president then in office—whether he has four years, one year, one month or even a shorter time still to serve—has full constitutional power to make the necessary appointment.

This year for the first time in history a group of headstrong senators are trying to thwart the constitutional authority of the President.

They argue that because President Johnson had only 7 months left to serve when he nominated Fortas the Senate should not permit him to name a new chief justice.

Republican members of the anti-Fortas group are acting out of raw partisan considerations. They are hopeful that, if a vote on Fortas can be prevented by means of a filibuster this year, Richard Nixon may enter the White House next January and have the opportunity as one of his first acts to name a Republican to head the court.

Their position is unworthy of the Grand Old Party and it is significant that some of the most highly respected senate Republicans, including Everett Dirksen of Illinois, Edward W. Brooke of Massachusetts and Clifford P. Case of New Jersey, are having nothing to do with it.

Also, their position has alarmed the American Bar Association and well it might.

What they are really trying to do is make the chance to name a chief justice a sort of bonus prize for the winner in the November election. The result might well be to encourage presidential candidates to use the court position for vote bargaining purposes.

The court, obviously, should not become the football in the game of politics. The integrity of our entire system of justice requires that court appointments be made for merit rather than for patronage.

On the basis of merit and qualifications Fortas cannot be faulted.

Joining with the anti-Fortas Republicans are certain southern Democratic senators.

They have been using red herring tactics, talking a great deal about certain court opinions in which Fortas has participated relating to the constitutional rights of accused persons and to pornography.

Their disreputable effort to make it appear that Fortas favors criminals and peddlers of sex probably has fooled no one. It seems obvious their real objection to Fortas is his liberal position on the right of all persons, regardless of race, color or wealth, to fair and equal treatment before the law.

These southerners hope that if Fortas can be kept out of the chair of the chief justice, someone less liberal than he will be nominated in the future.

There can be no doubt that the Senate will approve the Fortas appointment if it can be brought to a vote. The minority opposed to him is setting a dangerous precedent for interference by the legislative branch with the work of the co-equal and independent judicial branch of government.

Theirs is a sorry performance which the Senate majority must move promptly to set right.

[From the Detroit Free Press, Sept. 16, 1968]

The Senate Should Vote on Fortas Nomination

The historic fight over the nomination of Abe Fortas as chief justice should, by all rights, reach the first of a series of climaxes tomorrow. If a quorum can be assembled, and if a coalition of committee members does not block the nomination from going to the floor, the Judiciary Committee should report the nomination out then.

It is probable that President Johnson's nominee will pass this first test, if only because some of his opponents accept the logical argument that this ought to be decided by the full Senate. Sen. Sam Ervin of North Carolina, for one, has accepted this position.

But what happens then? The Constitution says that the Senate should give its advice and grant or withhold its consent to the appointment. This is a vested constitutional right, and Sen. Robert Griffin is correct when he says it is not a *pro forma* right.

Sen. Griffin's original argument, that a lame duck President should not make such appointments, is absurd, but if he wants to base his vote on that reasoning, that is his prerogative. He is also correct in telling Mr. Nixon to stay out.

If Strom Thurmond wants to base his conclusions on the dirty movies that were protected from the censor's wrath by a Fortas ruling, this is his privilege too. Or a senator may take umbrage at the assistance Mr. Justice Fortas gave to President Johnson while sitting on the court (and he would be on better grounds here).

Certainly some will object to the source as well as the size of the fees Mr. Fortas collected for teaching a seminar at American University.

For that matter, if a senator chooses to vote against Mr. Justice Fortas because the justice's wife smokes cigars and he plays the violin, the Constitution would uphold him. No senator even has to explain why he votes against confirmation.

What is so obnoxious about the anti-Fortas crusade, however, is not the grounds on which the opponents have tried to stop the confirmation. The objectionable aspect is that the nominations may be defeated by a minority of senators whose chief weapon is a talent for sustained talk. At this point, at least, the anti-Fortas forces will not permit a vote on the Senate floor.

And if the filibuster is customarily objectionable as an instrument for frustrating the majority will, it is doubly so in this instance. A judicial nomination is a perishable commodity, especially when the President is approaching the end of his term. To delay it may well be to kill it, even though there seems to be a majority willing to support the nomination.

The court and the country deserve a clearcut decision, not a stalemate. The Senate should either vote Mr. Fortas up or vote him down. And if Sen. Griffin really has the interest of the court at heart, he will see that the whole Senate is not denied the opportunity to vote.

[From the Denver Post, Sept. 8, 1968]

Fortas Is Worth a Filibuster

About the last thing the country needs in this tense and contentious autumn is a filibuster in the Senate of the United States.

If a filibuster, however, is the price that has to be paid to win confirmation for Abe Fortas as chief justice of the Supreme Court, then we believe the price is not too high.

We do not believe President Johnson ought to withdraw Fortas' name. We believe he and the Senate leadership of both parties ought to insist on a vote on the Fortas nomination, even if they have to sit through a filibuster until Christmas in order to get it.

A majority of the Senate, which includes Senate Republican Leader Everett Dirksen, favors the Fortas nomination and will vote for it if it gets a chance.

But a minority made up of conservative Republicans and Southern Democrats is set to talk the nomination to death. At this stage, the administration cannot muster the two-thirds vote necessary to invoke cloture and break the filibuster.

But once the filibusterers take the floor and shut off the business of the Senate and the nation, the mood of the Senate might shift in favor of cloture. Or the mood of the nation might force it to shift.

There could hardly be a more ridiculous and irritating spectacle than a meaningless talkathon carried on by a minority to thwart the will of the Senate and keep the President of the United States from exercising his constitutional power to appoint justices of the Supreme Court.

Members of the Senate will be eager to wind up their business and return home for the campaign. The country will be impatient with foolish antics in the Senate at a time when grave national problems need attention.

Let the Senate leadership keep the Senate in session through a month of foolish filibustering and the case for cloture will become increasingly compelling.

Abe Fortas, as this newspaper has pointed out repeatedly, is extraordinarily well qualified to be chief justice. Few men in our judicial history have brought such a distinguished record to the post.

But the issue is larger than Fortas. The issue is whether the Senate will use its power to advise and consent as a means of vetoing or reshaping the constitutional doctrines developed by the judicial branch of government.

There could hardly be a greater danger to the constitutional separation of powers, and the precedents set in this case could haunt the nation for generations to come.

If a minority can now block Fortas, there will be a standing temptation to make every judicial appointment in the future into a political tug-of-war.

Fortas deserves to be confirmed. And the majority in the Senate ought to be able to outlast the minority that wants to block his confirmation. Let the battle be joined, and let the filibuster begin, if it must.

[From the Los Angeles Times, Sept. 10, 1968]

Time for Action on Justice Fortas

(Issue: Is it right to allow a small minority to block any Senate decision, pro or con, on this controversial nomination?)

Senate Majority Leader Mike Mansfield has indicated he is prepared to take unusual parliamentary steps if need be to bypass the Judiciary Committee and bring the nomination of Abe Fortas as chief justice of the United States to the Senate floor. What the committee does when it meets today could be the determining factor.

The Fortas nomination has been mired in the Judiciary Committee since July. Initially, opposition to it was based on the feeling of some senators that President Johnson, as a lame duck, should permit his successor to select new members of the Supreme Court as vacancies occurred. In the course of lengthy hearings on Fortas, however, new arguments against confirming him arose.

It developed, for example, that while a member of the court the associate justice on a number of occasions acted as an adviser to the President on diverse matters. Though Fortas himself cited extensive precedent wherein members of the court have been called upon by various Presidents for advice or other services, his specific relations with Mr. Johnson clearly raised troubling questions of propriety in many minds.

Questions were also raised about controversial decisions written or concurred in by Fortas as part of the so-called liberal majority on the high court. The scope and direction of some of these rulings and the reasoning used to support them has been responsible for additional opposition to his nomination.

In any event the Judiciary Committee hearings on Fortas have provided ample opportunity for a full airing of his record and qualifications. As a result opponents of his nomination say they believe a good case has been made for rejecting him as chief justice. That choice, however, is still up to the entire Senate.

Up to now a minority on the Judiciary Committee has been able to block any floor action. Should the issue reach the floor, moreover, a filibuster to prevent a decision is threatened. Both of these tactics are wrong and dangerous.

They are wrong because they would permit a minority which may not reflect the popular will or interest to impose its wishes on a body representing the entire citizenry. And they are dangerous because of the precedent they could set in preventing any action on appointments of this kind.

The Senate may accept or reject the Fortas nomination as it sees fit. The important thing is that it be permitted to express its choice, That, certainly, is the intent of the Constitution.

[From the New York Times, Sept. 12, 1968]

In the Nation: U.S. Senate Versus Fortas

(By Tom Wicker)

WASHINGTON, September 11.—President Johnson's nomination of Abe Fortas to be Chief Justice of the United States has produced one of the most complex and fascinating controversies since Majority Leader Johnson led the fight in the late fifties against President Eisenhower's nomination of Lewis Strauss to be Secretary of Commerce. This reflects the fact that nothing is so shattering in American politics as one constitutional branch in collision with another.

In the Fortas matter, the Senate is threatening open opposition to the executive branch, and a more subtle conflict with the judicial branch—a sort of two-front war within the system of checks and balances that could have far more fateful consequences than Fortas' service or Johnson's vindication.

THE POLITICAL SNARL

There are at least five separate strands, of varying worth, in this snarl of politics, ideology and constitutionality. The first of these, most loudly asserted by Senator Robert Griffin of Michigan, the Republican leader of Fortas' opposition, is also the least.

But the likelihood is that the charges against Warren's procedure, as well as the criticism of Fortas' political activities, are less important in themselves than in giving a color of merit to a fourth and stronger thread in the tangle—the desire of Senate Republicans and of Nixon to reserve such a vastly important appointment for themselves. (It is fascinating to speculate on Nixon's choice. Would it be Thomas E. Dewey, perhaps? Herbert Brownell? Charles Rhyne?)

A GALLING PRECEDENT

The Republicans have a galling precedent. For six long years, from 1954 through 1960, Democratic Congressional majorities—again led by Senate Majority Leader Lyndon Johnson—repeatedly refused Eisenhower's annual pleas to create more Federal judgeships to relieve critically overcrowded dockets. In 1959 Eisenhower even offered, to no avail, to divide his nominations to these judgeships equally between Democrats and Republicans.

Once the Democrats were in office and in control of Federal appointments, naturally, they lost no time in creating 73 new judgeships.

Griffin, with some support from Richard Nixon, maintains that it is too late in Johnson's term for him to make such an important appointment. This is patent nonsense: Johnson does not cease to be President and his powers—of veto, appointment and the like—run undiminished until next Jan. 20. Thousands of major appointments have been made by "lame ducks" and a goodly number might just be made by Richard Nixon four or eight years from now.

A CONTINGENT RETIREMENT

A somewhat better argument against Fortas' confirmation is that Chief Justice Warren had no right to make his retirement contingent upon qualification of a successor, in effect giving the Senate a choice between Johnson's nominee or Warren himself. There is some suspicion in the Senate that this was the President's idea, not Warren's.

There may also be some validity to the argument that Johnson chose cronies in Fortas and Judge Thornberry—who was named to take Fortas' present seat on the Court—and picked, in Fortas, a man who had breached judicial custom in continuing as something of a political adviser to the President.

It is the final strand of the snarl, however, that bears meaning far beyond the identity of the next Chief Justice, or of the man who chooses him. It is the question whether Abe Fortas' fitness to be Chief Justice is to be judged by his character and ability or by decisions he already has written or concurred in.

Numerous Senators—mostly Southerners—strongly disagree with Fortas' civil libertarian views and those of the Court on which he serves. If his nomination is to be defeated for ideological reasons, it might well bring undue Senate influence to bear on future Court decisions, and even on Presidential appointments, and it could cause other sitting justices to guard their flanks at the expense of bold decisions, lest they too be excluded by the Senate from the Chief Justiceship. The net effect could only be an impairment of judicial independence.

JUDICIAL INDEPENDENCE

The Supreme Court, on the other hand, is a "policy court" whose decisions profoundly affect every aspect of American life. Since Senators are human and political, they can hardly be expected to be altruistic and theoretical about such an unusual chance to influence the course of vital events as is provided by the nomination of a Chief Justice.

That is why, at the least, the Fortas matter ought not to be smothered in a committee dominated by Southerners, or filibustered to death by a minority. If the policies of the Warren Court are what is to be tried, then the whole Senate ought to stand up and be counted.

ROUTINE MORNING BUSINESS

Mr. **WILLIAMS** of Delaware. Mr. President, under the previous order, I ask that the Senate proceed to the transaction of routine morning business as in legislative session.

The **PRESIDING OFFICER** (Mr. HANSEN in the chair). Under the previous order, the Senate will proceed to the transaction of routine morning business, as in legislative session, with statements limited to 3 minutes.

HEALTH SERVICES AND FACILITIES AMENDMENTS—CONFERENCE REPORT

Mr. **HILL**. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 1, 1968, pp. 28847–28850, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **HILL**. Mr. President, this conference report was signed by all of the conferees on the part of the Senate and by all of the conferees on the part of the House.

REGIONAL MEDICAL PROGRAMS

As passed by the House, H.R. 15758 authorized a total of $150 million in appropriations for the regional medical programs to combat heart disease, cancer, stroke, and related diseases during the 2 fiscal years 1969 and 1970. For the same 2 years the Senate approved a total of $205 million. The conference substitute authorizes a total of $185 million for the 2 years 1969 and 1970. The conferees did not agree to any authorization for 1971 but gave assurances that the program is a permanent one and agreed to consideration of the authorizations for 1971 and subsequent years at a later date. The Senate had approved an authorization for $200 million in appropriations for 1971.

AGRICULTURAL MIGRATORY WORKERS

As passed by the House, H.R. 15758 authorized a total of $21 million in appropriations for health services for domestic agricultural migratory workers during the 2 fiscal years 1969 and 1970. For the same 2 years the Senate had approved authorizations totaling $24 million. The conference substitute provides for a total of $24 million in appropriation authorizations for 1969 and 1970. The conferees did not agree to any authorization for appropriations in 1971 but gave assurance that authorizations for 1971 and subsequent years would be considered at a later date and agreed that this program is a permanent one that will continue to be separately identifiable. The Senate had approved an authorization of $20 million for appropriations in 1971.

ALCOHOLICS AND NARCOTICS REHABILITATION

Both the House bill and the Senate amendment established programs for facilities for alcoholics and for narcotics addicts. The conference substitute is the same as the House bill except that a provision of the Senate amendment to this title was agreed to provide that in making grants to carry out the purposes of this title, the Secretary shall assure that no individual shall be made the subject of research unless he explicitly agrees to become a subject therefor.

HEALTH FACILITIES CONSTRUCTION AND MODERNIZATION

The Sentate amendment provided through amendments to title VI of the Public Health Services Act, known as the Hill-Burton Hospital Construction Act, for a 2-year extension of existing law, with a 30 million increase in authorizations for the current fiscal year for new hospital construction and modernization, together with a new 3-year program of direct Federal loans at 3-percent interest for hospital modernization at the rate of $200 million a year, and a new 3-year program of federally guaranteed loans at 3-percent interest for modernization of hospitals at the rate of $200 million a year.

The conference substitute makes no change in the authorization for appropriations for the current fiscal year, and provides authorizations of $295 million for grants for the construction and modernization of hospitals and other medical care facilities for the fiscal year ending June 30, 1970. The conference substitute does not include either of the two proposed new loan programs.

Although a majority of the House conferees were adamant in their refusal to agree to any new loan program for the modernization of hospitals and other health care facilities, there was agreement that the House Committee on Interstate and Foreign Commerce will hold hearings on the need for Federal assistance for the construction and modernization of hospitals and other medical care facilities at an early date next year.

SPECIALLY QUALIFIED SCIENTIFIC, PROFESSIONAL, AND ADMINISTRATIVE PERSONNEL

The Senate amendment provided for the compensation of a position within the Public Health Service at level I of the executive schedule, and a position at level II of the executive schedule. The House bill contained no provision on this subject. The conferees agreed to two positions at level II of the executive schedule to aid in the recruitment of qualified personnel in the Public Health Service.

MEMORIALS AND ACKNOWLEDGMENTS

The conferees also agreed to the Senate amendment providing authority for the Secretary of Health, Education, and Welfare to provide suitable acknowledgments of efforts of persons who have contributed substantially to the health of the Nation, and acknowledgments of gifts for health purposes.

VETERANS EDUCATION BENEFITS

The Senate amendment provided that grants, awards or loans to students under the Public Health Service Act shall not be considered a duplication of benefits for purposes of laws relating to veterans educational benefits. This provision is designed primarily to prevent students who receive an award of Federal loans or scholarships from losing veterans education benefits under a recent General Accounting Office decision. In determining the amount of such scholarships or loans, the availability of veterans benefits are taken into account. The conferees agreed to this amendment of the Senate.

GORGAS MEMORIAL LABORATORY

The Senate amendment provided an increase in authorization of appropriations from $500,000 a year to $1 million a year for the work of the Gorgas Memorial Laboratory. The House bill contained no provision on this subject.

The conference substitute authorizes an increase in appropriations of $500,000 for the fiscal year ending June 30, 1970.

SOLID WASTE DISPOSAL

The Senate amendment provided a 1-year extension at the current authorization level of $32.5 million for the program of research and demonstrations into disposal of solid wastes. The House bill contained no provision on this subject.

The conference substitute authorizes $32 million for this purpose for the fiscal year ending June 30, 1970.

The conference report is signed by all of the conferees on the part of the Senate and by all of the conferees on the part of the House.

Mr. President, I move the adoption of the report.

The motion was agreed to.

DUTIABLE STATUS OF CERTAIN ORES

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7735.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Williams of Delaware, and Mr. Carlson conferees on the part of the Senate.

SUSPENSION OF DUTY ON CERTAIN ELECTRODES

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17104.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 17104) to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. Mr. President, the amendment was designed to permit States to borrow against next year's appropriation to meet current commitments under their public assistance programs in the last quarter of a fiscal year. Because of the subsequent enactment of a supplemental appropriation bill, the amendment is now unnecessary.

I move that the Senate recede from its amendment.

The motion was agreed to.

GUN CONTROL ACT OF 1968

Mr. LONG of Louisiana. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17735.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG of Louisiana. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Dodd, Mr. McClellan, Mr. Ervin, Mr. Eastland, Mr. Tydings, Mr. Magnuson, Mr. Pastore, Mr. Hart, Mr. Dirksen, Mr. Hruska, Mr. Thurmond, Mr. Scott, and Mr. Pearson conferees on the part of the Senate.

TREASURY RAID

Mr. WILLIAMS of Delaware. Mr. President, in today's Washington Evening Star, there is published an excellent editorial entitled "Treasury Raid."

The editorial calls attention to some irresponsible promises that are being made by presidential candidate Humphrey, and calls particular attention to the fact that his most recent promise will cost the taxpayers $12 billion per year.

The question is asked whether Mr. Humphrey overlooked reminding the American people of the cost of the programs as well as the benefits thereof.

I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TREASURY RAID

Hubert H. Humphrey, as everyone knows, has been having a tough time getting his presidential campaign off the ground. But even so his proposal for a 50 percent increase in Social Security benefits is a shocker.

Humphrey would spread this hike over four years, winding up with an increase of about $12 billion a year. The problem of how to foot the bill does not worry the Vice President. He would raise part of the money from higher Social Security taxes and an increased tax base. What about the remainder? No problem in the Humphrey thinking. Simply unlock the Treasury vaults and take it from general revenues.

Heretofore the Social Security people have said that the program is actuarially sound because the beneficiaries pay for it in taxes on their earnings during their working careers. This method was used to finance the 13 percent increase approved earlier this year. But let the politicians once start raiding the general funds, and the sky will be the limit.

Humphrey justifies his scheme for dipping into general tax revenues by saying that he wants to "ease the burden which Social Security contributions place upon our working people." Who does he think pay the taxes which create the general fund revenues? In case he doesn't know, the working people pay them.

The Vice President also says he wants to make Social Security benefits "inflation proof" through automatic increases tied to consumer prices or rising living costs—another pie-in-the-sky proposal.

At the close of the fiscal year last June 30 the budget deficit was about $25 billion. In other words the government's general revenues fell this far short of being enough to pay the bills. And these deficits feed the price inflation, which has been running around 4 percent a year. Humphrey's proposal, had it been in effect in the past fiscal year, would have resulted in a bigger deficit and more inflation. True, he says the country shouldn't worry about deficits in the future—that somehow they will disappear. We'll believe that when we see it.

Meanwhile, back to the working people and that tax burden which so concerns Mr. Humphrey. If his suggested raid on the Treasury becomes an actuality, the working people can be very sure of one of two things: They will pay through the nose in even higher taxes. Or they will pay through the insidious process of more inflation which, year after year, will eat into the purchasing power of every dollar they earn or have.

U THANT MUST GO

Mr. DODD. Mr. President, I am sure that other Senators share my indignation over Secretary General U Thant's gratuitous intervention against American policy in Vietnam. Not only did U Thant tell the press that, in his opinion, a majority of the United Nations countries would support a General Assembly resolution asking the United States to stop bombing North Vietnam, but he even outlined the wording of his proposed resolution in these terms:

> The General Assembly, deeply concerned at the war in Vietnam, convinced that the essential first steps should be taken to move the conflict from the battlefield to the conference table so as to lead to meaningful and positive steps toward a peaceful solution of the problem: "Requests that the bombing of North Vietnam, that is, the Democratic Republic of Vietnam, should cease."

Ambassador Ball is to be congratulated on his blunt protest to the Secretary

General. Reporting on his conversation with Mr. Thant, Ambassador Ball said that he had told him:

> We did not regard his discussion of the problem in Vietnam as in any way helpful in furthering the serious and searching negotiations now in progress in Paris.

Ambassador Ball also made it clear that U Thant's statement was issued without any consultation with the U.S. mission, and he added, in an obviously calculated manner, that he did not know whether the Secretary General had discussed the matter with Hanoi before making his proposal.

As the nationally syndicated columnist, David Lawrence, pointed out on Wednesday of this week, although the Secretary General is entitled to his personal opinion, the requirements of his position make it essential for him to maintain an impartial posture in matters involving differences between member states. His future usefulness as a go-between and arbiter is gravely impaired if he commits himself to an openly partisan position as he did in this case.

Moreover, this is not the first time that U Thant has displayed an open anti-American bias or the total lack of the sense of diplomacy which a man in the position of Secretary General must have.

The Secretary General has made it clear in numerous statements that he looks upon the Vietcong insurgency as a genuine civil war rather than as a special kind of aggression to which both Moscow and Peking had given the name "wars of national liberation."

He has made it clear this his sympathies lie with Ho Chi Minh and against the Saigon government and its American allies.

While repeatedly deploring our bombing of the north, he has, with the exception of a single perfunctory statement, not had a word to say about the tens of thousands of victims of Vietcong terrorism in the south.

In the Congo crisis he repudiated the policy of conciliation which had been followed by his predecessor, Dag Hammarskjold, in favor of a policy of costly and ruinous military action against Katanga. Whereas Hammarskjold had sought a peaceful settlement of the Katanga conflict and lost his life en route to a meeting with Tshombe for the purpose of discussing such a settlement, under the rule of U Thant the U.N. had no diplomatic contact of any kind with Tshombe, other than threatening him with military action, while U Thant's greatest personal contribution to diplomacy in the Congo was to call Tshombe "a clown."

U Thant again showed his true colors during the Cuban missile crisis of 1962. The crisis had been terminated by an agreement between President Kennedy and Premier Khrushchev calling for onsite inspection in Cuba by U.N. observers, to assure that the missiles were in fact removed. But when U Thant visited Cuba on October 30, his major accomplishment was to take a stand which completely undercut and voided the agreement on onsite inspection. Indeed, he virtually told Castro to refuse onsite inspection.

Speaking to the press after his meeting with Castro, U Thant said:

> Some press reports said before I left on my trip that I was coming to arrange for the presence of the UN in Cuba. This is totally in error *because it would constitute an infringement of the sovereignty of Cuba.*

He also condemned the American blockade. When Castro in his conversation with U Thant charged that the American blockade was illegal, U Thant commented in these terms:

> This blockade has been an extremely unusual thing, a very unusual act, except in time of war.

Castro demanded to know if the "U.S. blockade had any basis in international law." U Thant replied:

> That is exactly my point of view. It has no legal basis whatsoever.

Mr. President, it should be clear to all that U Thant has completely outlived his usefulness as Secretary General of the United Nations. Indeed, his usefulness was outlived long ago; and in the light of his record I still find it impossible to understand why the U.S. mission to the United Nations voted and lobbied for his reappointment as Secretary General in 1966.

U Thant has served to bring the United Nations into disrepute and gravely impaired its utility.

The American people have had their full of him.

The U.N. should ask this misfit to go. U Thant should be paid up for whatever time remains for him to serve as Secretary General and he should promptly vacate the office and the premises.

The time has come to say to him in words that were used on another occasion:

> You have tarried too long for the little good you have done. In God's name, go!

HENRY BARNES—AUTHENTIC AMERICAN GENIUS

Mr. TYDINGS. Mr. President, an authentic American genius died last week—and because he contributed so much to the major city of my State, I must say a word about him.

Henry Barnes came to Baltimore in 1953. He could not forgo the challenge. Baltimore was in one of the worst traffic messes in the Nation. And Mr. Barnes tackled the mess with ingenuity, daring, and courage. Those were, perhaps, his three most outstanding qualities; and he made admirers of the most skeptical, and charmed his most angry detractors.

Mr. Barnes tamed the traffic of Baltimore; and because he could not turn his back on challenge, he took on New York. I suppose it might be said that New York killed him. But certainly he would not have wanted to die in any other way. After all, one heart attack after another did not persuade him to retire or, indeed, to slow down perceptibly.

Mr. President, Henry Barnes was one of the most appealing, delightful public figures in the Nation. I shall miss him, and I know that all Baltimoreans share my feeling of loss.

I ask unanimously consent to have printed in the Record a eulogy by Edgar L. Jones, of the Baltimore Sun.

There being no objection, the eulogy was ordered to be printed in the Record, as follows:

Henry Barnes, Doctor of Traffic

(By Edgar L. Jones)

Long before "innovative" became the bureaucratic byword, Henry A. Barnes was the living cigar-breathing, loquacious exponent of trial-and-error administrative creativity. Sizing up a traffic snarl on the spot, he fiddled personally with the traffic control box while motorists burned.

Stalled drivers shook their fists at him, and Hank Barnes only grinned his wide-open grin, with the Terry-Thomas gap in the front teeth, and went on with his adjustments. In the retelling, he enjoyed his "goofs" as much as his achievements, and never hesitated to admit he was wrong. But he wasn't wrong often.

When he was only a consultant here in early 1953, Henry Barnes showed what it meant to be innovative when he borrowed some signal equipment, empty oil drums and plenty of paint and signs, created makeshift traffic islands and lanes, and got a smooth flow going at Pratt and Light streets, until then an impossible mess.

He later tackled Park circle, where previous engineers had tried and failed, and worked out a combination of lanes, islands and lights that has functioned ever since, despite heavy increases in traffic volume. He saved the city about $3 million, which it had been prepared to spend, by devising a simplified solution to the incessant jam at Hilton street and Frederick and Caton avenues. He nearly tripled the hourly flow over the Hanover street bridge, once a dreaded bottleneck, and he put together the ingenious alternative plans for handling Stadium traffic.

Henry Barnes assured the Mayor of Denver, where he was then employed, that he wouldn't touch a permanent job in Baltimore "with a ten-foot pole." But of course he did, because Baltimore had a reputation for the worst traffic delays on the East Coast, and he wanted to show what he could do, just as he later went on to New York as a final demonstration of his zeal as a soldier of traffic misfortune.

A man of limited formal education, having left school as a boy to start working, Henry Barnes had a four-dimensional concept of the time-space relationship of cars to street surface and a self-confident belief that he could talk his way out of anything he had talked himself into. He fought when he had to with the public works directors, city councilmen, transit officials, the Charles street merchants, tree lovers, truckers, Flower Mart ladies and advocates of the status quo for monuments.

To his detractors, Henry Barnes was a pugnacious publicity hound, but he wasn't that. He was a showman, to be sure, and often caustic in his comments, but it was all a part of his taking his plans to the public. He involved Baltimoreans in his daily operations as they were never involved before or since in municipal affairs. Baltimoreans knew what Barnes was up to, and he backed off when they hooted, beamed when they applauded. A screwdriver and a lot of sass were his stock in trade, but public support was his mainstay.

"There's more traffic control in a pail of paint than in almost anything else," Henry Barnes used to say, and he painted the town yellow. He moved curbs, rounded corners, created one-way streets galore, put up two lights for every previous one, erected left-turn, and no-turn and "O.K." signs, and created an electronically controlled signal system that continues to function long after increasing traffic should have ground to a halt.

While it is the "in" thing now for public administrators to sit at their desks and talk of being innovative, Henry Barnes got out and personally shifted oil drums, retimed traffic lights and measured the depth of snow treads on buses. He was on his job eighteen hours a day, observing, talking with individuals and groups, flying over snarls, racing to fires and making plans. He was a genius combined with personal commitment, and he lived it to the last. Any time others talk of being innovative, they need look no further than the man who gave pedestrians the Barnes Dance.

INVESTIGATION OF PRIDE, INC., NEEDED

Mr. BYRD of West Virginia. Mr. President, on September 6, 1968, I inserted in the CONGRESSIONAL RECORD certain information concerning Youth PRIDE, Inc., and Youth PRIDE Economic Enterprises, Inc.—PEE.

At that time I expressed the hope that the Senate Permanent Subcommittee on Investigations, chaired by the distinguished senior Senator from Arkansas [Mr. MCCLELLAN] would scrutinize the material and determine the advisability of instigating a thorough investigation into the past activities of PRIDE. I continue to believe that a thorough investigation of these activities would be appropriate.

I ask unanimous consent to insert in the RECORD a copy of a letter addressed to Secretary of Labor W. Willard Wirtz on September 13, 1968, by Elmer B. Staats, Comptroller General of the United States, together with a copy of a letter dated September 18, 1968, from the Secretary of Labor to the Honorable CARL HAYDEN, chairman of the Senate Committee on Appropriations.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., September 18, 1968.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: In view of our previous correspondence and the materials which were placed in the Congressional Record dealing with Youth Pride, Inc., I believe you will agree with me that the letter I have received from the Comptroller General ought to be made a part of the record. I am enclosing a copy of it for whatever use you may wish to make of it.

The Comptroller General notes at the top of page 3 that:

"Since the necessary procedures have been established and substantially implemented, we certify to you that the recordkeeping and accounting procedures of PRIDE and PEE are in proper order."

The Comptroller General goes on to take note of various allegations of irregularities in payroll procedures and other matters affecting project administration.

You should know that the Department will continue to give full attention to the matters mentioned by the Comptroller General as well as to those issues developed in our own continuing observation of the project.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

WASHINGTON, D.C.,
September 13, 1968.

The Honorable the SECRETARY OF LABOR

DEAR MR. SECRETARY: The purpose of this letter is to apprise you of our findings and conclusions regarding our evaluation of the current recordkeeping and accounting procedures of Youth Pride, Inc. (PRIDE). As you know, the General Accounting Office is making an audit of PRIDE pursuant to a request of the Senate Committee on Appropriations. Because of its close relationship with PRIDE, we are also making an audit of Youth Pride Economic Enterprises, Inc. (PEE).

In its Report No. 1484, dated July 30, 1968, the Committee stated that:

"The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary."

We have construed the reference in the Committee report concerning the propriety of the recordkeeping and accounting procedures to mean that an evaluation is required as to whether PRIDE's and PEE's accounting systems and the internal controls directly related thereto are currently in proper order. Management controls not directly related to the accounting systems, such as those involving performance of operating programs, have not been considered by us in making the evaluation called for by the Committee report.

On the basis of our review of the accounting system and internal controls in use by PRIDE, we apprised Department officials of our conclusions that certain weaknesses would have to be corrected before we could certify that PRIDE's recordkeeping and accounting procedures were in proper order. These weaknesses pertained to (1) distribution of payroll checks to enrollees, (2) preparation, submission, and verification of enrollees' time and attendance reports which form the basis for making payroll payments to enrollees, and (3) verification of payroll calculations.

Our review disclosed that time and attendance reports used to prepare enrollee payrolls were maintained and approved by the same supervisory personnel who controlled the distribution of paychecks to enrollees. Such a procedure does not provide for adequate internal controls and safeguards to avoid check payments on the basis of time and attendance records approved for nonexistent persons. We noted also that numerous recipients of payroll checks could not adequately identify themselves. We concluded that paymasters should be designated to distribute payroll checks independently of the supervisory personnel who maintain and approve time and attendance reports and that payroll checks should not be distributed unless enrollees provide paymasters with appropriate identification.

Also, we concluded that the payroll office at PRIDE was not performing a sufficient amount of verification work in connection with enrollee payroll preparation, such as comparing information on time and attendance reports with Operations Department morning reports, and testing payroll calculations made by the contractor engaged to prepare enrolee payroll checks. We believed that these procedures needed to be strengthened to assure reasonable accuracy and propriety in payroll operations.

We apprised the Department of Labor of our findings and conclusions and the Department subsequently conveyed them to PRIDE. By letter dated September 3, 1968, the Administrator, Bureau of Work-Training Programs, informed us that PRIDE had advised him of steps that had been taken or which were to be taken to improve recordkeeping and accounting procedures. The Administrator enclosed a letter to him dated September 3, 1968, from the Executive Director, PRIDE, which enumerated these steps.

We have subsequently noted that the following corrective actions have been taken by PRIDE.

1. A Director of Administration and a paymaster were hired and have reported for duty.
2. An adequate procedure for testing the accuracy of the payroll has been established.
3. A master list of current employees has been prepared.
4. Morning reports are being compared with biweekly time and attendance reports on a test basis.
5. Beginning today, the paymaster and his staff, independent of supervisory personnel in the Operations Department, are distributing checks to employees; checks are given to employees only upon presentation of adequate identification; and employees are required to sign for their checks.

Since the necessary procedures have been established and substantially implemented, we certify to you that the recordkeeping and accounting procedures of PRIDE and PEE are in proper order.

We wish to point out, however, that no system of accounting and internal controls, regardless of how well devised, can be expected to provide complete protection against all types of fiscal irregularities such as kickbacks of pay by employees to their supervisors and collusion between employees for the purpose of diverting funds to unauthorized uses.

Our interim report on the audit of PRIDE and PEE submitted to the Chairman, Senate Committee on Appropriations, on September 6, 1968, describes numerous allegations of irregularities in pay and other matters that have come to our attention thus far in connection with our audit of PRIDE and PEE, and certain irregularities indicated as a result of a Department investigation of payroll check endorsements. We transmitted a copy of this report to you on September 10.

We believe that these allegations and possible irregularities indicate that serious problems and deficiencies may exist in management areas not directly related to the accounting systems which could jeopardize the successful achievement of the stated program objectives of PRIDE and PEE. In our opinion, the questions raised by these allegations and possible irregularities should be seriously considered by the Department in addition to its consideration of the propriety of recordkeeping and internal controls.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

TRIBUTE TO PHILIP E. SPALDING, SR.

Mr. FONG. Mr. President, I rise to pay respectful tribute to a distinguished resident of Hawaii, Philip E. Spalding, Sr., long-time business executive, generous patron of the arts, active educational and civic leader, Mr. Spalding passed away in Honolulu last Saturday, September 21, at the age of 77.

His death followed by nearly 6 months the passing of his beloved wife, Mrs. Alice Cooke Spalding, on March 30 this year.

The family thus suffered a double tragedy within a short period of time, and the community mourns a beloved couple whose many, outstanding good works will long endure.

The Spaldings made notable contributions to the cultural life of Hawaii. They helped promote local artists and sculptors. They worked for many years on behalf of the Honolulu Academy of Arts, which Mrs. Spalding's mother, Mrs. Anna Charlotte Rice Cooke, founded. Mr. Spalding was elected the academy's second president in 1948, a position he held till 1958.

The Spaldings contributed numerous works of art to the academy. In 1966 they donated $10,000 to the academy to help pay for a Monet oil painting.

Their Honolulu home, famous for its Japanese garden, was a gathering place for members of the art, business, and educational world. There, in his quiet, genial way, Mr. Spalding with his charming wife were gracious hosts of numerous receptions for friends and guests through the years.

Mr. Spalding was born in Minneapolis, Minn., on November 5, 1889, the son of A. Walter and Anna Spalding.

He arrived in Hawaii in 1912 as a young engineer and Stanford University graduate to fulfill a contract to build a marine barracks at Pearl Harbor. Charmed with the islands, he lived in Hawaii for the rest of his life.

He married Mrs. Spalding on March 18, 1917.

He served in the U.S. Army as a captain and assistant chief of staff at the Army's Hawaiian Department headquarters in 1918–19.

He then became associated with Lewers & Cooke, a building supply firm, from 1919 to 1924, resigning as vice president.

In 1924 he joined C. Brewer & Co., one of Hawaii's largest corporations. He was with the firm till 1951, serving as president from 1941 to 1951, and continuing as a director.

He was also a director of the Hawaiian Electric Co. since 1926, becoming its board chairman in 1947.

He was elected president of the Hawaiian Sugar Planters Association in 1950.

In education, he gave enlightened leadership to the University of Hawaii during the difficult World War II years and during the postwar years of adjustment, growth, and development. His tenure as chairman of the university's board of regents lasted for 17 years, from 1943 to 1960.

In 1955, he became the first president of the University of Hawaii Foundation. Spalding Hall on the campus was named in his honor in 1964.

In civic affairs, Mr. Spalding served as a trustee of Leahi Hospital and was its president from 1932 to 1945. He was also a trustee of the Queen's Hospital and Palama Settlement, and also served on the Honolulu Planning Commission and the Republican County Committee.

He is survived by two sons, Philip E. Spalding, Jr., president of Hawaiian Western Steel, Ltd., and Charles C. Spalding, president of Hawaiian Insurance & Guaranty Co.; eight grandchildren, one great-grandchild, and two brothers, Walter T. Spalding, of Honolulu, and James Spalding, of New York.

The community will miss Mr. Spalding, as it has missed his late wife. Mrs. Fong and I join the people of Hawaii in extending our deepest sympathy and sorrowful aloha to the family.

GEORGE KENNAN ON THE DETENTE

Mr. DODD. Mr. President, in an interview that was printed in the New York Times this last Sunday, George Kennan, former Ambassador to the Soviet Union and one of the State Department's chief advisers on Soviet affairs over a period of several decades, called for the dispatch of 100,000 American troops to West Germany as a warning to the Soviets, and challenged the widespread belief in the existence of a detente.

Mr. Kennan said:

> I have never understood this talk about detente. I have not seen any evidence of detente and I wouldn't trust any so-called detente if it is not supported by free contacts between governments and people.

As Senators will recall, I have spoken repeatedly on the myth of the detente, the last time on August 2 of this year.

I therefore welcome this realistic assessment, and I welcome it all the more because it comes from a man of Mr. Kennan's stature and reputation.

Mr. Kennan's authority on Soviet affairs gives him the ability to influence public opinion. I hope the public will pay heed to his recent pronouncement. His influence would, however, be much greater if his position were more consistent.

Mr. Kennan is a man of culture and sensitivity, who has never hesitated to make clear his revulsion for the totalitarian brutality of Soviet communism. On the other hand, he has repeatedly called for compromise with the Soviets, and he has charged that reconciliation with the Soviet Union was being prevented or retarded only by our own prejudices and suspicions.

In early 1956, he delivered a lecture calling upon the West, in the interests of a settlement with the Soviet Union, to accept the permanency of the Communist regimes which the Soviets had established in Central Europe.

The Poznan revolt in Poland and the October revolution in Hungary, which took place on the heels of his remarks, demolished, far more effectively than any argument could have done, his thesis that the Communist governments of central Europe were here to stay.

At the Pacem in Terris convocation which took place in February of 1965, Mr. Kennan, apparently having recovered his faith in the possibility of a detente, chided the United States for being too suspicious in its attitude toward the Soviets and called for "an act of faith."

In this speech Mr. Kennan did not spell out exactly what he meant by an "act of faith." But in other statements which he made about the same time, he called repeatedly for an expansion of trade with the Soviet Union, without conditions of any kind.

In calling for a new act of faith, Mr. Kennan ignored the countless "acts of faith" in which we engaged in the postwar period in an effort to improve relations with the Soviets, to all of which the Communists responded with contempt and ingratitude and new provocations and aggressions.

A year later on February 6, 1966, Mr. Kennan, in testifying before the Foreign Relations Committee on Vietnam, said that as a result of our involvement in Vietnam:

> Our relations with the Soviet Union have suffered grieviously as was to be expected, and this at a time when far more important things were involved in those relations than what is ultimately involved in Vietnam and when we had special reason, I think, to cultivate those relations.

Like the Mr. Kennan of today, I find it difficult to understand all the talk about detente. Like him, I must say that I have not seen any evidence of detente. I welcome the recent clarification of his views, and I hope that he will not again relapse into some of the inconsistencies which have characterized his past statements.

AIR TRAFFIC CONGESTION

Mr. McINTYRE. Mr. President, it is doubtful whether there could be more accurate evidence of the dilemma faced by the Federal Aviation Administration than the recent meeting on new FAA proposals to control traffic congestion on the Nation's airways. These new proposals, issued on September 4, 1968, envision a restriction on the numbers and types of aircraft using five of the country's major airports. The allocations give major consideration to the commercial airline passenger at the expense of the owners and operators of private planes.

There are many factions within the aviation industry, each of them extremely jealous of its rights and privileges. Whatever decision is eventually reached by the FAA will not solve the problems of the industry. Nor will it fully please any of the factions involved.

For example, the traveler who uses commercial jet transportation wants airports at major cities as close to the metropolitan centers as possible in order to save him time. He takes the position that it is futile to take a jet plane from one city to another on a flight airborne for an hour and a half—and then take an additional hour and a half or more to get from the airport to his business appointment. On the other hand, the noise made by a modern jet at takeoff and landing is something more than a whisper. And the residents around airports complain vigorously to their congressional representatives about the noise problem. There is also no doubt that the exhausts of jet planes contribute to air pollution. Hence, there is considerable pressure to move airports as far from urban centers as possible, thus defeating to a large extent the speed and convenience of jet transportation.

The airline industry contends that the convenience of the public is best served by an adequate number of flights between major cities. Their 100 passenger planes—with larger ones soon to come—best serve the interests of the public, they say. However, the owners of private and corporate aircraft claim that the economic interests of the country will be hurt unless their planes, often carrying busy executives, have free and unlimited access to major airports.

The air traffic controllers say there is a real and present danger to air passengers in the crowded airspace over large cities, however, there are people in the industry who claim the congestion is exaggerated and that the delays are part of an FAA plot to emphasize the need for greater appropriations for the Nation's air systems.

And so there is claim and bewildering counter claim, all of them backed up with impressive statistics. The overall problems of aviation in this Nation are already gargantuan. And they are growing at a tremendous rate. The solution to them all cannot be achieved quickly. It will take time, prodigious planning and a massive expenditure of money. All factions of the industry agree about that.

There is also general agreement that a desperate situation already exists. And that some interim measures must be taken to relieve it.

As I said earlier, whatever measures are taken will displease some element of the industry—or some segment of the general public. Nevertheless, this is no time for doing nothing. I wholeheartedly support whatever carefully considered temporary action is taken by the FAA to ease the effects of long overdue neglect of this problem. During the interim period immediate implementation of programs designed to cure the causes of this situation must be undertaken.

An example of present day nonaction on the part of Congress is contained in an item published in Aviation Daily of September 23, 1968. I ask unanimous consent that the item, entitled "FAA Preparing Fiscal 1970 FAAP Program With 'Inadequate' $30 Million," be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

FAA PREPARING FISCAL 1970 FAAP PROGRAM WITH "INADEQUATE" $30 MILLION

While the aviation community waits to see what action—if any—Congress will take on a new airport development program, FAA's Airports Service is about to begin preparing a fiscal 1970 Federal-Aid Airport Program based on the $30 million appropriated by Congress.

This appropriation—less than half the amount allowed for the program in recent years—is a compromise figure adopted by Congress with the expectation that a new airport development plan will supplant the existing FAAP before fiscal 1970 begins.

This expectation grows fainter daily. If the House and Senate act on a successor to FAAP early next year the program could go into action during fiscal 1970, Airports Service Director Chester B. Bowers believes. "But," he told The Daily in an interview, "the only thing we can do at the moment is go ahead on the $30 million."

This amount is generally agreed to be hopelessly inadequate. For fiscal 1969, when FAAP obligations totaled $88 million, the agency received $390 million in requests. The number of applications for airport aid "has gone up rather spectacularly in the last four or five years," Bower notes.

Since the $30 million is all that's available now government airport planners feel they must preserve the continuity of the program by planning for a 1970 program at that level, and will ask for applications for 1970 FAAP funds within the coming month. If and when the system changes FAA will change to accommodate to it.

Meanwhile, Bowers says, "We're going to stretch the $30 million as far as we can, then hope for a new program or a supplemental appropriation."

One of the devices that will be used to stretch this money is a new FAA task force made up of experts from the Airports, Air Traffic and Flight Standards service, which is now studying 18 of the nation's busiest airports to identify both long-term and short-term improvements that could expand the capacity of these fields.

QUICK, CHEAP IMPROVEMENTS EMPHASIZED

Because most airport planning concentrates on long-term large-scale development, the task force is paying special attention to changes that can be made quickly and at low cost—improving taxiways and holding aprons, adding short runways, clarifying markings, etc. The group is working with local experts and drawing on recommendations of airport users at Atlanta, Boston, Chicago, Cleveland, Denver, Las Vegas, Los Angeles, Memphis, Miami, New York, Oakland, Philadelphia, San Juan San Francisco, Seattle and St. Louis. It will report back to FAA about the middle of October.

The short-term improvements it recommends will be given high priority in the 1970 FAAP program, Bowers says, but first priority must go to completion of projects that have been partially funded in previous years. Because FAAP money has been so scarce in recent years FAA has supported many projects piecemeal, advancing money to cover only the work that can be performed in a given year. This category of projects will account for "a good bit" of the $30 million, Bowers says.

High priority will also go to airports designed to relieve congestion in busy areas, particularly general aviation fields. The special task force is studying this aspect of the situation at its 18 locations.

The fiscal 1969 FAAP program, which was released by FAA last April, was stalled for a time by Budget Bureau restrictions on the funds FAA was allowed to obligate. However, several weeks ago BOB cleared the rest of the $88 million for obligation so grant agreements that were delayed up to two months are now being processed.

NEGRO HISTORY AND CULTURE

Mr. SCOTT. Mr. President, my bill to establish a Commission on Negro History and Culture—S. 2979—is pending before the full Senate Committee on Labor and Public Welfare. I hope the committee will take favorable action on this bill before the end of this session.

During the hearings which the Subcommittee on Arts and Humanities held on my bill, it was made abundantly clear that there has been neglect of equal black-white intercultural teaching. There must be a massive effort made toward bringing into the view of this country the role of the Negro in American history.

I am gratified to know that there is some recognition of this need within the academic community as evidenced by the correspondence from the American Association of State Colleges and Universities which sets forth some programs at institutions of higher education designed to fill this need.

I am especially pleased to note that two institutions of higher learning in Pennsylvania are among the black history pioneers. Pennsylvania State University initiated a course stressing the role of the Negro in American history and Cheyney State College is offering Swahili as well as black history this year.

Such efforts, Mr. President, are indeed encouraging. However, the overview of the task of researching, preserving and disseminating information about the role of the black American in history shows that this small beginning can be greatly spurred by the Commission on Negro History and Culture.

I ask unanimous consent that the letter and press release from the American Association of State Colleges and Universities be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
STATE COLLEGES AND UNIVERSITIES,
Washington, D.C., September 23, 1968.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: We are following with interest your efforts to establish a Commission on Negro History and Culture. We thought that you might be interested in seeing that many state colleges, state universities and land-grant colleges are aware of the need to bring the Negro's historic and cultural contributions into the mainstream of American higher education.

Enclosed is a copy of a press release we just put out describing briefly some of these programs at member institutions of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges.

Sincerely,

JANE OTTEN,
Director, Office of Information and Research.

PRESS RELEASE OF AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES

WASHINGTON, D.C.—Many public colleges and universities are adding a Black-American dimension to their curriculum this Fall.

Starting this September, "The Role of the Negro in U.S. History" will be part of the required basic history courses at Illinois State University. ISU will also offer a course in Afro-American Literature, team-taught by a black and a white faculty member who will explore the contributions of black writers to American literature. Indiana University will launch Focus: Black America, a year-long look at the social, political and economic contributions of black Americans—and their problems. IU used the Focus series for the first time last year to explore a pressing national problem—the urban community. This year Focus will include beneath its umbrella, courses in Afro-American Literary Relations, the Political Economy of Racial Discrimination, Recent Black-American Literature, Negro Politics in Urban America.

Student demand at the University of Michigan resulted in a new course in Negro history from colonial slave days up to the urban riots of the 1960's. Westchester State College in Pennsylvania is adding a course in the History of the American Negro, as is Oklahoma's Southeastern State College. Northeastern State College, in the same state, is building up its African Studies program.

Morgan State College, a predominantly Negro college in Maryland, will offer Black Literature and Culture and the Negro in Music; its humanities and history courses will now include the contributions of Negroes in these fields. In addition, a student-faculty Committee on Negro and African Life and History is studying the incorporation of more curriculum content concerning the achievements of Negroes.

Sometimes this black dimension comes in response to student demands, but more often colleges and universities are including it to give general recognition to the historic contributons of Amercan Negroes. The student population at California State Polytechnic College at Pomona is less than two per cent Negro, but ten per cent from other minority groups. Yet the college feels that "the most significant changes planned in courses this year are those which are aimed at the interests of students from minority groups." Cal State Poly's new courses include the History of Minorities in America, People of Sub-Saharan Africa, the Sociology of Poverty, and the content of many existing courses will be broadened to include material and discussion on minority group problems. The University of Maryland's English Department is recommending a new course in Folklore and Culture of the American Negro, while UM's Sociology Department has added the Sociology of Race Relations and is revising its course on the Ethnology of Africa.

The Negro in American History, offered at the University of Houston is probably the first course of its kind in a large predominantly white Texas institution. The University of Texas at Austin plans a similar course for next semester. Denver's Metropolitan State College also adds a course in American Negro History, while Fayetteville State College in North Carolina, a predominantly Negro institution, will offer a course in Afro-American History for freshmen and a course in Afro-American Contemporary Politics. The University of Minnesota is working on its series of courses called "African History—1000 A.D. to the Present," which it will offer along with seminars on selected African history topics as an addition to its current Afro-American course offerings.

Pennsylvania State University adds a new course "stressing the role and contribution of the black man in American society"—Afro-American Literature in the 20th Century. Penn State will also continue the Negro in the American Experience, a course it began last Spring. Cheyney State College, a predominantly Negro college in Pennsylvania, has added Swahili to its foreign language program. Cheyney also now offers two new courses in Afro-American history and an introductory course in Afro-American Literature.

At the University of Connecticut, the Departments of Sociology and Anthropology are combining a course tracing the history of black culture in America.

And, the entire curriculum of the nation's newest land-grant school, Federal City College in Washington, D.C., emphasizes the culture and history of the black man in America. Many of the courses are designed to reflect the interests of the majority of students, who are black and come from urban areas.

NEW YORK TIMES SAYS VICE PRESIDENT HUMPHREY TAKES DECIDEDLY MORE CONSTRUCTIVE APPROACH TO REAL PROBLEMS OF CRIME PREVENTION AND CONTROL

Mr. TYDINGS. Mr. President, the New York Times of yesterday summarizes very well the importance and constructiveness of Vice President HUMPHREY's comprehensive proposals on crime control and prevention.

There can be no doubt that only the Vice President, among the candidates in the current presidential election, clearly understands the importance and complexities of the crime problem.

He deserves the applause of everyone sincerely interested in preventing crime for his willingness to state the hard facts about it, and the high costs we must pay to effectively control it.

The New York Times, and I think the great majority of Americans, are much too concerned about crime to be satisfied with simply an emotional or racist wailing about it. As the Times points out:

> Those who take the trouble to examine the actual arguments and proposals of the rival candidates will find that Vice President HUMPHREY offers a decidedly more constructive and statesmanlike approach to the real problems of crime and to ways of preventing and controlling it.

Mr. President, I ask unanimous consent to insert in the RECORD Vice President HUMPHREY's task force report on order and justice and the New York Times editorial to which I have referred.

There being no objection, the report and editorial were ordered to be printed in the RECORD, as follows:

ORDER AND JUSTICE

I. THE PROBLEM OF CRIME

We must start by understanding the problem, recognizing these important facts about crime in America:

First, the chief victims of crimes of violence are the disadvantaged groups in our society—the urban poor, white and black. The highest rates of assault and robbery are found in the inner city. The most frequent victims of these crimes are persons who, because of economic necessity or racial discrimination, have limited choice as to where to live. For example, 84 percent of assualt victims and 70 percent of murder victims in Washington, D.C., are black. And, every attitude survey of ghetto residents has shown that urban slum dwellers consider crime one of their most serious problems. It is in the inner-city where the streets are truly unsafe.

Second, the persons who commit most crimes, especially the more serious crimes of violence, are also the poor and disadvantaged. Historically, the slums have produced disproportionate numbers of criminals—regardless of the racial or ethnic group living there. Every new wave of immigrants, from within America or from overseas, that settled in the most deteriorated and impoverished areas of our cities has experienced a disproportionately high crime rate.

Inadequate educational and vocational opportunities in these impoverished areas are major factors in crime. A federal prison population survey shows the intelligence level of the prisoners follows the same distribution curve as that of the general population, over 80% were high school drop-outs and more than half left school before the 9th grade. A survey of convicted felons in Washington, D.C., showed that 90% had yearly incomes of less than $5,000.

Crime is most common in our slums, but it exists in our suburbs and rural areas, too.

Third, important changes in our society have contributed to an increase in crime just when we have been working hardest to eliminate poverty and slum life. We face the apparent paradox of rising crime rates in a period of general prosperity despite massive efforts to bring all groups into the mainstream of American life. The explanations are several:

The high visibility of prosperity in America has produced a revolution of rising aspirations and heightened frustration among the poor. An increasingly affluent society cannot expect its poor to remain content when all about them they see the great material advantages enjoyed by the many. The great majority of the people who suffer poverty retain their faith in American democracy, and demonstrate that faith by striving for improvement through responsible, law-abiding means. But, it should not be surprising that some resort to illegitimate means to enlarge their share.

Crime is disproportionately committed by young people, and the proportion of young in our population has become greater than at any time in recent history. The unprecedented numbers of young people have taxed our school systems and recreational programs and have contributed to the crisis in our system of criminal justice.

Crime is highest in our larger cities; more Americans than ever before now live in these cities.

More crimes are now reported to the police and improved police department standards have led to more accurate recording of crime reports.

None of these factors explains away or justifies crime. Crime, especially violent crime, is a real and major challenge to our society. But, we must not rush blindly and erroneously to the conclusion that crime in America is the result of a general and increasing moral decay or that crime has no connection with social problems.

The challenge of crime in a free society is serious. It requires an *equally* serious response.

No single approach or institution—whether it be the police, the courts or the correctional institutions—can solve the crime problem alone. Piecemeal, uncoordinated, isolated responses to crime will not work. *To make our streets safer and our law enforcement fairer and more effective, we need nothing less than a firm determination in all parts of the community and the general mobilization of our criminal justice system to do battle with crime on a broad front, ranging from the social problems that are its breeding ground to the institutions that must contend with it.*

II. FEDERAL LEADERSHIP IN INSURING ORDER AND JUSTICE

Crime and disorder continue to be the direct responsibility of state and local governments. But the Federal Government must provide resources and give leadership in establishing a new federal, state, and local partnership to deal with the problem. The Federal Government cannot take over the functions of policing our towns and cities, but it can and should act to make it possible for local agencies to perform their duties more effectively.

We recommend the following guildelines for Federal action in the fight against crime:

First, federal laws dealing with national crime problems should be vigorously enforced. Organized crime and racketeering, the use of interstate commerce to promote rioting and civil disorders, assassination attempts directed at prominent persons, the interstate flight of fugitives from justice, and the operation of criminal cartels that traffic in narcotics, stolen automobiles and other contraband are covered by Federal laws. These laws must be carried out firmly and in closest possible cooperation with state and local authorities.

Second, massive Federal financial aid should be provided to state and local law enforcement agencies. Combating crime is expensive. Much larger funds are needed to hire the necessary number and quality of policemen and correctional personnel or supply the sophisticated equipment required. The cities are encountering increasing resistance to the burdensome sales and property taxes that account for most urban revenues. Budgets for order and justice are squeezed in the eternal competition for public revenues. Without federal help, the cities may lose the fight against crime.

Merely to fill existing vacancies on local police forces and to bring police salaries up to something approaching that of an FBI agent would require in excess of $300 million for the first year alone; to increase the number of police officers sufficiently to provide adequate street patrol would cost many times that. To hire enough corrections personnel to supervise the present number of convicted offenders properly would cost in excess of $400 million for the first year. Massive resources are needed.

Third, the Federal Government should offer *state and local law enforcement agencies technical assistance and support, including the benefits of successful experiments in controlling crime and improving justice.* Optimal crime-deterrence strategy for a police department requires a meaningful research and planning effort, which few departments are able to support. Successful law enforcement experiments conducted in one city are not fully disseminated to others. Most state and local law enforcement agencies need Federal technical assistance in planning a comprehensive and coordinated attack on crime.

Federal leadership and resources to aid state and local law enforcement agencies in devising, evaluating and implementing strategies for crime prevention and control are essential.

Fourth, Federal leadership must be provided to link states, cities and towns together in combatting crime. Federal programs should be regionally oriented. The thousands of separate police jurisdictions, court systems, and correctional institutions can no longer afford to act in isolation. Crime rarely stops at the boundaries of any one jurisdiction. In a highly mobile country, the ultimate treatment of criminals is everyone's concern.

Fifth, the Federal Government should see to it that all the tools of our nation's technology are used to help in the battle against crime. No single police department or court system can mobilize our country's research and development potential unaided. The Federal Government must stimulate and support the necessary research and development and insure that all communities have access to the benefits.

Sixth, Federal funds should be available to help make our cities more secure through proper design and lighting. Every community should have, with Federal assistance where necessary, well-lighted streets and parks. Every locality should be encouraged to re-examine its building and housing codes and its plans for housing projects to insure that premises are physically safe, with adequate locks, suitable means for summoning assistance, warning devices, proper scanning techniques and other modern technological aids.

The record

Under Democratic leadership, the Federal Government has made a strong beginning toward fulfillment of these law enforcement responsibilities.

The President's Commission on Law Enforcement and Administration of Justice (National Crime Commission), composed of experienced law enforcement leaders and our best scientific and academic experts, mapped plans for comprehensive action against crime at the Federal, state and local levels. Broad experimental programs of Federal aid to states and cities explored new lines of action in police, courts, corrections and juvenile delinquency. National enforcement responsibility was recognized through new programs to deal with organized crime and with the narcotics and drug problem.

Implementing the Crime Commission's report, the Johnson Administration in 1967 introduced the Omnibus Crime Control and Safe Streets Act. Its enactment by the Congress in 1968 commits the Federal Government to provide support for, and leadership in, the fight against crime.

The major task now is to implement, imaginatively and boldly, these and other programs. This will require reorganizing the Department of Justice and creating Regional Criminal Justice Centers.

Reorganization of Justice Department

Until recently, the Justice Department has been concerned principally with enforcing Federal laws, and only secondarily with assisting local law enforcement agencies which deal daily with the bulk of crime in America.

To meet its new responsibilities, we recommend that the Department of Justice be reorganized by:

Establishing a second Deputy Attorney General responsible for administering the Crime Control and Safe Streets Act and for coordination within the Federal Government and between the Federal and state or local governments of the many efforts to prevent crime. He should be given an adequate staff of law enforcement experts, including persons with local law enforcement experience.

Establishing Federal law enforcement technical assistance teams, acting under the direction of the new Deputy Attorney General, to respond to local requests for help in devising programs, seeking financial aid and evaluating pilot projects.

Regional criminal justice centers

To bring Federal support closer to the states and cities and to encourage a coordinated attack on crime, we propose:

Creation of Regional Criminal Justice Centers, where new programs can be tried, existing programs evaluated, useful ideas disseminated, better training facilitated and public participation enlisted.

The Federal Government can and must undertake these initiatives—in leadership, technical and financial aid. They will succeed only to the extent that effective action is taken to strengthen and improve the interrelated state and local criminal justice system—the police, the courts, and the correctional institutions.

III. STRENGTHENING OUR LOCAL POLICE FORCES

A. More and better trained police

The major responsibility to combat crime and violence rests with local police forces. Yet, they are finding it increasingly difficult to provide effective protection for every citizen. The reasons are evident.

First, *more* policemen are needed. We have learned by experiment that crime, especially street crime, *can* be reduced by significant increases in the number of policemen on the street. Yet, the National Crime Commission found that almost all large police forces are substantially undermanned.

Second, police are *not paid enough* to attract and retain the needed numbers of high-quality personnel. Salaries have improved, but they are still too low—in terms of the job difficulty, skill requirements and compensation for alternative jobs. The National Crime Commission reported the median *starting* salary in 1966 for patrolmen in the larger departments was $5,300. Of even more significance, the median *maximum* salary was approximately $6,600—not enough to support a reasonable living standard in our large cities.

Third, policemen are seldom *trained* adequately for the difficult and demanding responsibilities they must discharge. Police officers are called upon to make delicate decisions, balancing order and freedom—to regulate the conduct of rebellious children, frustrated students, quarrelling couples, drunken drivers, belligerent and disorderly lawbreakers and people filled with generations of hatred. These decisions must often be made on the street, instantly, sometimes when the consequences of a mistake could be fatal. Yet, too many policemen receive education and training more appropriate to skilled labor than to professionals.

Fourth, police are too often *assigned* to clerical and other duties unrelated to preventing, deterring and detecting crime. The National Crime Commission found that "patrolmen often are overextended to the point of being unable to give adequate attention to criminal matters. In spite of rising crime rates and a continuing low rate of crimes cleared by arrest, a patrolman must normally devote a considerable portion of his time to the performance of noncrime related tasks." [1]

We need a massive effort *now* to increase the number and improve the skills, and make more effective the deployment of law enforcement personnel. We recommend that:

The federal government, on the basis of approved state plans, establish a program of salary supplements—financing additions to the salaries of state and local police officers. This will require amending Title I of the Omnibus Crime Control and Safe Streets Act, which restricts the amount of police salary supplements to no more than one third of most of the money available under the Act. It will also require adoption of a formula to assure that the wage increment to be borne by the federal government does not reduce local compensation.

This formula should provide incentives for early selection and intensive training of new personnel before they enter law enforcement careers (such as police cadet programs), and lateral entry into police forces of highly trained specialists (such as police legal advisers, systems analysts, and the like).

The federal government help pay for the *pre-service* college and specialized training of persons prepared to commit themselves to service in criminal justice.

The Omnibus Crime Control and Safe Streets Act be expanded to provide fellowships to pay the tuition expenses and salaries of *qualified in-service officers* attending college and graduate school, who agree to serve a reasonable period in the police professions.

Federal grants be made available to states for establishing and maintaining Police Training Institutes, including the necessary facilities, instructional personnel and payments to trainees.

The National Defense Education Act be amended to provide aid to colleges and universities in developing police training courses and specialized instruction related to crime prevention and control.

The federal government help recruit, train and place veterans of the Armed Forces, particularly minority group members, for police and correctional service.

The federal government pay the full cost of penetrating research programs to devise ways of selecting persons with the mental, emotional, and physical traits required for law enforcement work.

The federal government establish a program to raise police retirement benefits and to improve benefits to widows and orphans, including scholarships for the children of officers killed in the line of duty.

Local police forces improve the deployment of trained personnel, through extensive use of civilians in duties unrelated to crime prevention and control.

B. Police-community relations

The effectiveness of a police force depends in large measure upon its relations with the local community. The police cannot function effectively in an atmosphere of hostility—where crimes go unreported, witnesses refuse to identify themselves or to testify in court and suspects resisting arrest receive the support of bystanders. Ineffective police service, in turn, denies to the community a climate of law and social order within which liberty can flourish and progress can be made.

Open and meaningful channels of communication between members of the public and the police who serve them are the first prerequisite to improved police-community relations. Police officers must understand the communities in which they work. Members of the community must understand the important and demanding role that the police play in a democratic society. Citizen and police officer alike must reject the stereotypes that bar understanding and prevent communication. Effective dialogue between these groups is essential to the learning process of each.

Communication alone will not suffice. Positive programs are needed—to train police officers in human relations skills, to create opportunities for police and community to interact in nonpunitive situations, to expand citizen participation in the maintenance of social order, and to reduce the severe burden on police created by family disputes.

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[1] National Crime Commission Task Force: The Police, p. 121.

Toward this end, we recommend:

Modern physical facilities to serve not only as centers of police activities but also as centers for community activity.

Precinct community councils, block clubs and the like, through which the exchange of essential information between police and citizens can take place.

New categories of police service, including Community Service Officers drawn from the local community and assigned to follow-up disturbance calls, which now occupy more police resources than any other potentially criminal activity.

Recruitment of more minority group members, coupled with development of special training programs and eliminating obstacles to police work.

Provision of more effective methods and mechanisms for handling citizen complaints.

Enlarged family counseling services, so that potentially explosive domestic situations may be avoided.

The programs must, of course, be carried out locally. But the federal government must play an active part by:

Stimulating development of new and effective police-community relations techniques.

Assisting in financing new community relations programs on the local level.

Providing educational facilities to supplement those available locally.

Promoting the interchange among various localities of information as to programs and techniques.

Financing construction of model facilities.

IV. THE COURTS

A. Court administration

Our entire criminal justice system is undermined by the inefficiency of our courts. Swift and sure justice is the exception, not the rule.

In some states, the time interval from arrest to conviction may consume a year and a half or even more. In some cities, as much as two years pass before an individual arraigned can be brought to trial. Police spend too much time guarding, transporting and processing defendants and waiting in court to testify, and too little in keeping the peace, preventing crime, and apprehending violators. Prosecuting attorneys, defense lawyers, and judges spend inordinate amounts of time in calendar management and other matters ancillary to the judicial proceeding. Witnesses wait and wait; valuable time from their employment is lost.

These delays compromise the deterrent capability of our criminal justice system. Substantial delays and inefficient court administration reduce the likelihood of conviction and dilute the quality of justice. Instead of their "day" in court, persons accused of less serious offenses too often get a couple of crowded minutes. Those charged with serious crimes may wait months for a trial—often behind bars. Others are out on bail for inordinate durations and often become repeaters.

To improve dramatically the administration of our courts, a comprehensive program encompassing more and better-trained personnel, improved management techniques and caseload reduction is essential. We recommend action *now* along the following lines:

Federal grants to law schools, graduate schools and other institutions for special programs to train more prosecutors, public defenders, parole and probation officers and court administrators.

A National Court Assistance Act to provide substantial federal assistance for reform of state and local criminal courts systems, to bring modern management techniques and computer technology to the administration of state and local criminal courts—so that court personnel may be more effectively utilized, caseloads better managed and necessary information communicated rapidly.

Development of sentencing guides to minimize arbitrary variations in dispositions.

Expansion of training programs for judicial personnel.

There is reason to believe that these measures will not succeed unless the caseload itself is reduced. And, paradoxically, a significant proportion of these cases could be better handled through agencies other than the courts. Most arrests involve conduct that has no relation to violence. Alcoholism is involved in more than one out of every three arrests, clogging court calendars. The same situation prevails with respect to many youth offenses.

We recommend that federal support be provided for the creation and improvement of alternate facilities to handle cases that can be appropriately dealt with outside the court system.

In particular, federal assistance should be provided to state and local governments for:

Establishment of Youth Services Bureaus, as recommended by the National Crime Commission; and

Constructing and staffing detoxification units and alcoholic rehabilitation centers.

B. Court decisions

Some candidates for high public office have sought refuge from the complex problem of crime in a free society in the decisions of the Supreme Court of the United States and of lower courts. The High Court's decisions, it is claimed, are a principal cause of the crime rise, the failures of criminal justice, and alleged moral laxity. Whether these views be sincere or whether they represent political irresponsibility, *it is our belief that they are just plain wrong.*

Information compiled by the National Crime Commission makes it clear that the court decisions are not a significant factor in the crime increase. The controversial Miranda decision which requires that suspects be advised of their constitutional rights before interrogation relates only to persons already in police custody.

It affects neither the substantial percentage of crimes not reported to police, nor the seventy-five percent of reported crimes in which the police make no arrest. And in most of the relatively few cases which could be affected by the interrogation rules, studies reveal that adequate evidence other than a confession was available.

Furthermore, until last year, recent decisions, guaranteeing the rights of persons accused of crime, did not apply to juveniles. Yet, offenses by juveniles—according to the most recent FBI statistics—have been the primary source of the increase in reported crimes.

Most important, the hysterical cry that murderers can now roam the streets with impunity as a result of Supreme Court decisions constitutes a dangerous kind of fraud and deception. FBI figures show that the high solution rate for murders has remained almost constant over the years.

There can, and should, be no denial that some court decisions have made the law enforcement task more exacting and demanding in some areas. And yet, many recent decisions have upheld traditional law enforcement practices under severe attack; frisking persons on the street when there is reasonable suspicion of criminal activity; carefully prescribed use of electronic surveillance; searching an automobile without a warrant; use of photographs and other means of identifying suspects during the immediate post-crime stage of an investigation; and taking blood samples and other forms of physical identification following the arrest of a suspect.

Basically, the Supreme Court has ruled that certain methods of obtaining confessions and convictions are incompatible with the requirements of the Constitution. These rules are designed to protect the innocent and to assure the liberties of all Americans. The Supreme Court did not change the Constitution. By applying the Bill of Rights to states and localities, it federalized the standards of law enforcement, requiring state and local police to adjust to higher national standards. Having set this higher standard, the nation must now provide substantial assistance to assist law enforcement personnel to meet it.

The focus of attention upon the Supreme Court is a great public disservice. This scapegoat approach diverts attention from the real problem, and it undermines willingness to accept responsibilities and duties essential to the success of our nation's efforts to combat crime and violence. We cannot, and we must not, evade the difficult task of strengthening our agencies of criminal justice and altering the social and economic conditions that breed crime in all levels of society. And, we are confident that order can be preserved within a framework of justice.

V. CORRECTIONS

According to National Crime Commission estimates, on any day in 1965 348,000 juveniles were confined in detention homes and correctional schools; 343,000 misdemeanants in our local jails; and 591,000 felons in state and federal prisons.

The future for these offenders, most of them convicted of relatively minor offenses, is bleak; the prospects for the society to which they eventually will be returned are no better. Recidivism rates run as high as 70 percent. And, some sources indicate that as high as 80 percent of all crimes are estimated to be committed by previous offenders.

Even more disturbing, criminal careers tend to escalate: the subsequent offenses tend to be more serious than the original ones; the incidence of homicides, rapes, and robberies committed by previous offenders is several times higher than among those arrested for the first time.

These figures should not be surprising. Our correctional institutions are so understaffed they cannot begin to turn offenders toward useful and productive lives; in some cases, they cannot even keep adequate watch. Only one-fifth of the more than 120,000 persons employed in correctional work are primarily engaged in treatment of offenders. There are only 25,000 probation and parole workers, social workers, psychiatrists, psychologists and teachers for the 1.3 million offenders under some form of custody or supervision. A recent survey of 160 penal institutions revealed a total of only 14 full-time psychiatrists and 82 full-time psychologists for nearly 150,000 inmates. Salaries for correctional personnel are very low, below those paid police, and working conditions are difficult. Finally, as a result of all these factors, our overcrowded prisons have become virtual schools for crime.

Yet, a very large proportion of offenders *can* be reclaimed—when a realistic commitment of resources, both human and physical, is made. Rehabilitation *can* work. And, it is the most economical as well as the most humane approach to reducing crime.

The time has come to carry out a massive reform of our entire correctional system. The first step must be to make our federal prison system the model for the nation. Major responsibility, however, lies at the state and local levels. Here also there is a significant role for the federal government, one which combines moral leadership with provision of resources.

We recommend the following approach:

Adequate federal aid for development of dramatically different correctional institutions—smaller, more secure institutions, closer to the home communities of most inmates, and operated in such a way as to build bridges back to community life. We can no longer afford to speed most of the available funds to operate large, fortress-like prisons, antiquated jails and primitive half-way houses which build physically and psychologically unsurmountable walls and perpetuate anti-social behavior.

Federal assistance to increase the number, improve the training and increase the salaries of personnel to supervise and rehabilitate convicted offenders, so that the public is protected against incorrigibles and others are returned to useful, decent lives. We must provide treatment for those in prison and supervision and guidance for those on probation and parole.

Federal support in developing intensive correctional programs and techniques which emphasize rehabilitation and vocational training. Experience has demonstrated that this approach does succeed. It should now be extended to break the cycle of offenders passing endlessly through the revolving doors of our jails and prisons.

Expanded research programs, through the National Institute of Law Enforcement and Criminal Justice, to increase our knowledge of which correctional techniques work best and with what offenders. We need to know much more about how to control the highly dangerous and violent offenders, and which forms of treatment produce the best results for the smallest expenditure.

Federal leadership to encourage development of cooperative arrangements for efficient use of scarce treatment services and other resources. Correctional programs are administered by thousands of governmental jurisdictions. Isolated from each other, they cannot do the job, even with federal help. Engaged in collaborative efforts and supported by the federal government, they can make much progress.

VI. SCIENCE AND TECHNOLOGY

Our investment in science and technology for law enforcement purposes has been totally inadequate. The National Crime Commission reported that "more than 200,000 scientists and engineers have applied themselves to solving military problems and hundreds of thousands more to innovation in other areas of modern life, but only a handful is working to control the crimes that injure or frighten millions of Americans each year." [2]

The federal government must embark on an ambitious and comprehensive research and development program to learn more about the causes of crime, to develop new public safety weaponry, to design new crime prevention devices, and to develop new communications, rehabilitation and training systems.

Through the new National Institute of Law Enforcement and Criminal Justice, established under the Omnibus Crime Control and Safe Streets Act, the federal research, development and evaluation effort in this field will be greatly expanded. Highest priority should be given to the program of the National Institute, placing emphasis on the following items:

Development of communications and allied techniques to help speed policemen to the scene of the crime in the first critical minutes. Speed of response is crucial to apprehension—particularly where crimes of violence are concerned. Communications equipment which could be developed and deployed in the near future could include:

A low-cost, lightweight radio for every police officer.

A cathode ray tube or teleprinter device in every patrol car.

New command and control systems for dispatching officers in immediate response to a call for help.

Development of new techniques for prompt and certain identification of suspects, such as:

An automatic fingerprint recognition system.

Voice, hair, blood and other identification means to augment fingerprints for personal identification.

Development of safe, nonlethal weapons to give the police greater flexibility of response, to reduce risks to bystanders and provide for more humane treatment of offenders.

Full application of science and technology will require costly equipment and highly skilled personnel, which local law enforcement agencies will rarely be able to provide. We recommend that *Regional Crime Institutes be established to operate crime laboratories, conduct research, provide training and technical services (including computer data banks) for local law enforcement agencies.*

VII. THE ROLE OF THE PRIVATE CITIZEN

More efficient police forces, faster and fairer court procedures, and prison probation and parole systems that truly rehabilitate are essential parts of a serious national crime reduction program. But each of the agencies of criminal justice requires the cooperation and support of individual citizens, civic and other private groups, and business organizations to do its job. Moreover, there are vital preventive actions that an individual citizen can and should take to make himself, his family, and his neighbors far safer from the threat of predatory crime. The fact is that we can probably do as much by our private actions to prevent crime as our federal, state or local governments can do to protect us.

We would stress the following opportunities for private action:

First, every individual who is the victim of a crime or who sees criminal or suspicious activity must promptly notify the police. The police never learn of many serious crimes. The President's Crime Commission estimated that a large percentage of the crimes committed go unreported. Moreover, delays in reports of crimes make arrest difficult. Alert and prompt action by private individuals would enable the police to cut deeply into the very large percentage of unreported and unsolved crime, strengthening the threat of sanctions against potential offenders.

Private efforts in reporting suspicious activity can go further. In some cities the police have enlisted taxicab and delivery truck drivers with radios in their vehicles to report on any suspicious activity they see or to help the police locate fleeing felons. Call boxes on street corners for use by citizens would facilitate the reporting of crimes in public places and quicken police response. They should be installed in the high crime areas of our cities.

Second, private citizens must take steps to make themselves, their cars and their homes less vulnerable to criminals by taking the opportunity out of crime. There is good reason to believe that many crimes result less from the criminals' commitment to an unlawful act than from the momentary opportunity created by the victim's carelessness.

Installation and use of proper locks on doors and windows is an example of a simple crime control measure every builder and each citizen can take. The simplest precautions by car owners could reduce the enormous numbers of car thefts. Preliminary estimates indicate that in 42 percent of the 650,000 automobile thefts in 1967, the key was left in the ignition, and that in 80–85 percent, the car was left unlocked. Since car thefts are most often committed by youths, citizen preventive action is particularly important.

Third, business and other private groups have an opportunity to reduce crime and delinquency by offering employment opportunities to those seeking to return to a law-abiding life after a criminal conviction. The National Crime Commission made it clear that reducing recidivism is crucial to controlling crime, since repeaters account for the bulk of the nation's offenses. The Commission pointed out that inability to get a job—or the training necessary to qualify for a job—often made it most difficult if not impossible for those released from prison to avoid the pressures leading to a career in crime. In some communities, local businesses have set up training programs in prisons to help develop skills needed for particular kinds of work on the outside and have guaranteed jobs in that field upon release. These efforts must be expanded. Only in this way can the costly phenomenon of lifetime careers of crime be reduced.

Fourth, citizen crime prevention programs, such as the one carried out by the National Council on Crime and Delinquency, should be expanded to educate the public on private participation in crime prevention and to enlist support at the local level for a just and efficient criminal justice system. Through these citizen programs, the Attorney General and the Secretary of HEW should provide demonstrations of what can be accomplished by private efforts and disseminate literature and other information to help coordinate private and public programs.

Finally, we recommend establishment of a Criminal Justice Service Corps to involve young people in this vital area. Such a program would entail one year's service with the probation office, parole board, correctional authorities, prosecutor's office, the courts, the public defender, bail agencies and other related groups. It would enable a cross-section of America's young people to learn about and to contribute to our criminal justice system.

In short, a strong citizen effort is an essential part of any nationwide program to achieve civil order with social justice. Without active cooperation from private citizens and groups, the efforts of law enforcement agencies are not likely to be fully effective.

VIII. SPECIAL PROBLEMS

A. The problem of riots

As we eliminate misery of our ghettos, establish social justice for all Americans, and eliminate discrimination, we will sharply reduce the threat of riots born of discontent. This is our goal.

But as we seek basic and high priority solutions to these problems, we cannot tolerate lawlessness and riots. However great the grievance, we must face the fact that every riot is unlawful. This violence must and will be ended. It is harmful to the fundamental social goals we all seek.

The National Advisory Commission on Civil Disorders made many important recommendations for the operation of the police, courts and jails as well as military resources in preparing for and dealing with riots. These recommendations must be implemented:

When a riot occurs, there must be rapid introduction of sufficient manpower into the area for prompt action, including, if necessary, augmentation of the police force by adequate numbers of military—National Guard or regular Army. The emphasis must be on additional men rather than on guns.

Curfews should be established early and then systematically tapered off when conditions permit.

Minimum force should be used, but arrests should be made rapidly and in sufficient number to stem the tide of violence; in other words, arrests rather than shooting.

If necessary, tear gas or other nonlethal weapons should be used to contain violence.

Police and military training for riot control is vital.

Advance planning for the integration of local, state and federal forces is essential. There must be central command.

Adequate communication must be provided for all forces.

Access to and prompt evaluation of the necessary data is vital. We must know quickly what is happening, where, and how many persons are involved.

Mobilization of business and government facilities for community needs must be swift.

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[2] National Crime Commission Task Force: Science and Technology, p. 1.

The victims of the riots will need food, housing, clothing and medical care.

Advance planning must be undertaken for the administration of justice, adequate jails, and an adequate number of judges for the courts in order to process the cases.

A central headquarters to provide authoritative sources of information should be planned. Dangerous rumors must be corrected as soon as possible. People must be given accurate and truthful information. This requires the cooperation of radio, television and press.

It is absolutely essential that TV, in particular, and radio and press secondarily, accept their responsibility in these riot situations to report the facts but not to inflame the situation further.

In the area of direct responsibilty, the federal government should:

Provide additional training for the National Guard units in each state in riot control, teamwork, and planning.

Support small, highly-trained National Guard riot control units on continual alert, for short-term service in any community. These units should be directly controlled by the individual state governments or, where appropriate, by the community itself.

Stand ready to respond to any legitmate call from states or cities for military manpower in the event of massive disorders.

See to it that training and proper equipment are available to criminal justice personnel responsible for controlling disorder.

Encourage local efforts to bring into the control process the chief victims of riots—the ghetto dwellers themselves.

Continuously study, update and disseminate to local communities the latest information on control efforts.

B. Juvenile delinquency and youth crime

America's best hope for significantly and continuously reducing crime is to cut into juvenile delinquency and youth crime. In 1965, a majority of all arrests for major crimes against property and a substantial minority of arrests for major crimes against the person involved persons under 21. In 1966, 70 percent of first offenders were under the age of 25. Recidivism rates for young offenders are higher than those for any other age group. Estimates indicate that one in every six male youths will be referred to juvenile court in connection with a delinquent act (excluding traffic offenses) before his 18th birthday. A significant change in any of these figures would result in a substantial, immediate and pervasive improvement in the national crime problem.

But, this problem will not be solved simply by passing more criminal laws or just by increasing the penalty for their violation. Once a juvenile is apprehended by the police and referred to juvenile court, the community has already failed.

No child is born a criminal. But, we know that the environment into which a child is born can either facilitate or retard a child's tendency toward a lifetime of crime. A serious program to prevent juvenile delinquency and youth crime must have as its core a *massive effort to reverse and correct those environmental factors which contribute to the making of criminals.*

In the past eight years, we have devoted substantial resources to education, job training and civil rights. But these efforts are not enough. We must redouble our programs to:

Prepare young people for meaningful employment and enlarge the employment opportunities for youth.

Improve housing and recreational facilities, especially in the more deprived areas.

Intensify public and private efforts to involve young people in community activities and to improve relations between young people and public officials, including police.

Improve the quality of our schools and provide the necessary financial support for the best possible personnel, equipment and buildings.

While the prevention of juvenile delinquency is our first goal, we must also have an effective, efficient and fair system of justice to deal with those young people engaged in criminal conduct. Swift apprehension, thorough investigation, prompt disposition—carried out by persons carefully selected and trained for their functions—should maximize the system's deterrent impact and respect for the law. For more creative and intensive efforts must be directed toward rehabilitation so that young offenders do not become career criminals.

Accordingly, we recommend substantial federal support for:

Formulation of police guidelines and the implementation of police training programs to better equip police to deal with juveniles.

Development of new community correctional programs for juveniles which emphasize vocational training, community service involvement, and avoid the stigma and isolation that follow prison experience.

Development of a greater range of alternatives to jail, such as half-way houses, youth rehabilitation centers, and family-type group homes.

Improvement of juvenile court systems to guarantee that juveniles are afforded due process of law.

C. Organized crime

Organized crime has become one of the largest and most powerful businesses in the United States.

The Internal Revenue Service estimates that illegal gambling alone provides untaxed profits of more than $600,000 each hour. Another recent IRS study showed that organized crime in one midwestern city controlled, or had a large interest in, 89 varied businesses yielding annual receipts exceeding $900 million.

Gambling and loansharking appear to be its principal sources of revenue. But, power and profit are also obtained from labor racketeering, economic coercion and other illegal acts committed in the operation of legitimate businesses owned by organized crime. Organized crime encompasses arson, bank robbery, hi-jacking, disposal of stolen goods, bribery of and extortion from public officials, narcotics distribution, bankruptcy fraud, sale of goods on which no tax has been paid, burglary and many other crimes. Tragically, many of these activities involve massive exploitation of the poor—particularly the residents of our urban ghettos, to whom the syndicate has become a private government looked to for favors and for a degree of costly protection.

The crime syndicate employs or controls thousands upon thousands of people who are not full members. Drawn from a cross-section of America's population, these individuals sell numbers on the streets, peddle narcotics, offer quick cash loans at usurious rates, hijack trucks, and burn down business properties.

As a nation, we are merely picking and scratching at the corporate structure of organized crime. With varying degrees of intensity and success, the federal government has led the fight, but only two and one-half percent of the Department of Justice budget is devoted to organized crime. This is clearly not sufficient to deal with the national security problem that organized crime now represents.

We believe that the federal government must act immediately to:

Increase substantially the personnel of the Department of Justice's Organized Crime and Racketeering Section and consider raising that section to divisional level.

Expand the successful "strike force" approach, whereby investigative teams from many federal agencies work as a unit with federal prosecutors in a metropolitan area.

Institute a planning and research unit in the Organized Crime Section of the Department of Justice.

Computerize the present manual system of collecting and correlating intelligence about organized crime.

When states and cities so request, furnish and finance technical assistance teams to bring to state and local law enforcement the special expertise necessary in organized crime control programs.

Organize and coordinate an investigation of legitimate businesses controlled by organized crime by utilizing the twenty-five or more federal regulatory and administrative agencies that have relevant jurisdiction.

Through the Departments of Commerce and Labor, institute a nationwide education program to alert this country's business and labor leaders to the practices of organized crime and establish a system for reporting and collecting information about organized crime's activities in business and labor fields and to provide utmost protection to those who cooperate.

Through the recently-enacted Omnibus Crime Control and Safe Streets Act, offer grants-in-aid to governmental units to establish organized crime enforcement programs. Grants should also be made available for education and training of personnel working in this field.

But the federal government cannot assume the full law enforcement burden in combating organized crime. Despite periods of intense prosecution in the past seven years, the Department of Justice has been able to convict less than four percent of the organized crime membership. With federal leadership and resources, states and cities must join the fight. Business and labor must commit themselves to the task of eliminating the influence of organized crime in their fields. State and local regulatory agencies must take on the job of dealing with organized crime infiltration into legitimate business.

D. Narcotics and dangerous drugs

Millions of Americans seek escape through the use of narcotics and dangerous drugs.

The drug problem exacts a heavy toll in our society.

Heroin addicts live in the grossest misery.

Stealing by addicts to pay for their drug supply constitutes a most serious crime problem.

Organized crime, the principal importer of heroin from foreign nations, reaps the benefits.

Great demands are placed upon the resources of our police, courts, prisons and social service agencies to control drug abuse. In the past few years, one state alone spent a quarter of a billion dollars in these efforts.

Thousands of youths experiment with dangerous drugs, ignorant of possible harmful effects and defiant of those who preach caution and reason.

Some of the drug laws and associated law enforcement practices have helped to breed a general disrespect for the law and its agents.

The temptation towards extreme action to deal with the drug problem is great. Some cry for high mandatory penalties for possession, as well as sale, of narcotics and dangerous drugs. Others feel strongly that criminal sanctions have failed and that this approach produces more harm than good; they advocate creation of a legally controlled supply of narcotics and dangerous drugs.

We believe that neither step is appropriate at this time. Existing high mandatory sentences have not controlled supply or use of drugs. Nor is legalization of drug and narcotic use appropriate. Research and scientific experimentation in these fields have just begun. As with medicines, drugs and opiates must be demonstrated to lack harmful effects before distribution may be considered.

In light of present knowledge, we recommend the following program:

Substantially increased treatment programs at the federal, state and local levels, through expanded federal funding. Existing laws should be amended to encourage and permit controlled experimental programs.

Strengthened enforcement of federal narcotics laws, distinguished between the unfortunate victims of drug addiction and the criminals who would exploit drug addiction for profit—particularly the peddlers of dope to the young.

Vigorous efforts to control importation of illegal narcotics and dangerous drugs, through strengthened intelligence and border surveillance and urgent negotiations with those foreign nations that grow and manufacture the bulk of opium derivatives.

Federal funds and facilities for research and for evaluation of existing treatment programs. Conclusive research findings as to the use and effects of marijuana are a particular priority.

The study of consensual crimes, proposed elsewhere in this paper, should include, as a major part, the appropriateness and effect of the criminal law and its enforcement upon the narcotics and drug problem.

E. Firearms control

Delay in effective legislative action on gun control has aroused grave and proper concern throughout the country.

We serve ourselves and our law enforcement agencies poorly by continuing to condone casual access to firearms for criminal purposes. The tragic assassination of President John F. Kennedy, Martin Luther King and Robert F. Kennedy are but the tip of the iceberg. More than 6,500 other Americans were killed by guns in 1966 alone. Over 55,000 robberies with guns were committed during that year. More people have been killed by private citizens abusing firearms and through gun accidents (since 1900, a total of nearly 800,000) than in all of our wars. Three hundred and twenty-two of 335 police officers murdered in the line of duty between 1960 and 1966 were killed by guns.

Obviously, there are proper uses of firearms—official duty, protection, hunting and other activities. Effective gun control laws need not and should not interfere with these legitimate activities, any more than the licensing of drivers and the registration of vehicles has unnecessarily restricted the use of automobiles.

Existing gun control laws are grossly inadequate. Regulation of mail-order and interstate sales alone does little to restrain acquisition over the counter for wrongful purposes in states without registration and licensing laws. Under the Commerce Clause of the Constitution, the Congress has the power to regulate directly all activities affecting interstate commerce in any way.

If the states do not do what must be done to control these weapons, this authority should be fully exercised by federal legislation to require:

Registration of all long guns and hand guns under simple and speedy procedures.

Licensing of all importers, manufacturers and dealers in guns and ammunition, under reasonable standards which would insure responsibility.

Licensing of all owners and users of guns, under standards insuring responsible usage in the public interest.

F. The District of Columbia

The federal government must make its response to crime in the District of Columbia, where it has direct jurisdiction, a model for the nation of enlightened and effective law enforcement and criminal justice. This will require:

A substantial increase in the *number* and a substantial improvement in the *deployment* of police officers on the streets.

Mobilization of citizen police auxiliaries to aid in detecting and reporting crime and in dealing with community problems.

Complete reorganization of the court and prosecution offices, so that guilt or innocence of every suspected criminal will be speedily and conclusively determined.

Development of new, intensive corrections programs, so that there are no longer unsupervised offenders wandering the streets while on probation, no longer overcrowded jails lacking in work training and education programs, and no longer former convicts searching unaided for jobs and opportunities.

Further extension of the programs now in effect to involve the police more deeply in the problems and concerns of the neighborhood.

IX. POSSIBLE LIMITS FOR THE CRIMINAL SANCTION

Our criminal laws need continual examination in the light of current values, modern understanding of human behavior, and recognition of their consequences.

America is undergoing profound social changes. We are learning much more about why people behave as they do, how the law affects that behavior and where it fails to have any influence. It is time for the nation to consider the limitations of the criminal law in controlling private behavior, especially with regard to crimes without victims.

The problem of private, consensual crime can be explored only at the national level. *We recommend appointment of a National Commission on Non-Victim Crime to determine the facts about such crimes, about the effects of the laws against them, and about the attitudes of the American public toward them.* We have to know how much undesirable activity is deterred by the threat of arrest. We have to know more clearly the social and economic costs of enforcing the laws against such crimes. We have to know how much more serious crime—robbery, bribery, and extortion—is created by these laws. We have to know how many people engage in such forbidden conduct. *In short, we must reconsider this entire problem of nonvictim crimes.*

MEMBERS OF THE VICE PRESIDENT'S TASK FORCE ON ORDER AND JUSTICE

Chairman: Dr. James Q. Wilson, Professor of Government, Harvard University, Cambridge, Massachusetts.

Identifiable members

Berl I. Bernard, former Director, U.S. Commission on Civil Rights, Washington, D.C.

Dr. Alfred Blumstein, former Associate Director, National Crime Commission, Washington, D.C.

Vincent L. Broderick, Attorney; former Commissioner of Police, New York City.

Donald E. Clark, Assistant Professor of Law Enforcement, Portland State College; former Sheriff, Multonomah County, Oregon.

Mrs. Patricia Harris, Howard University School of Law, Washington, D.C.

Herbert T. Jenkins, Chief of Police, Atlanta, Georgia.

Stanley Lowell, former Deputy Mayor of New York City; and former Chairman, New York City Commission on Human Rights.

Lloyd E. Ohlin, Professor of Law, Harvard University; former Associate Director, National Crime Commission.

Harold Rothwax, Attorney, New York City.

James Vorenberg, Professor of Law, Harvard University; former Executive Director, National Crime Commission.

Dr. Marvin Wolfgang, Professor of Sociology, and Director, Center for Studies in Criminology and Criminal Law, University of Pennsylvania.

[From the New York Times, Sept. 26, 1968]

THE CAMPAIGN: CRIME CONTROL

Since crime and social unrest have both increased over the past decade, Richard M. Nixon and his running mate, Gov. Spiro T. Agnew, have made the restoration of "law and order" the chief theme of their campaign. Despite this emphasis, it cannot be said that they have clarified these difficult problems or offered specific, convincing programs to cope with them.

Their basic policy statement, "Toward Freedom from Fear," which Mr. Nixon issued last May, begins: "In the last seven years while the population of this country was rising some 10 per cent, crime in the United States rose a staggering 88 per cent."

That is a dubious statistic but there is no doubt that serious crimes such as robberies and assaults have increased substantially. The difficulty is that nobody knows why. Mr. Nixon briskly and confidently declares that "the role of poverty as a cause of the crime upsurge in America has been grossly exaggerated." This unsupported—and insupportable—assertion enables Mr. Nixon to ignore the social roots of crime and the slow and costly programs needed to get at those roots.

Mr. Nixon harks back to the oldest theory of crime control when he calls for doubling the rate of convictions and for harsher punishment of criminals. Strict repression has never succeeded in the past as a deterrent to most kinds of crime. Sending young offenders to prison sooner and keeping them there longer will not help as long as two-thirds or more of the graduates of most prisons and "reform schools" commit fresh crimes once released.

In discussing muggings and robberies, Mr. Nixon makes his now familiar assertion that the Supreme Court's decisions on criminal procedure are "hamstringing the peace forces in our society and strengthening the criminal forces." This is loose and inflammatory language coming from an experienced attorney.

The Supreme Court has been trying to make police and prosecutors observe decent and human standards, as the best of them already do. It has always been true that, if police could keep a suspect in a chair for, say, twelve hours and question him in relays, they could probably sweat a confession out of him, whether he was guilty or not. But is this the American ideal of justice?

Organized crime which controls gambling, narcotics and loan sharking provides Mr. Nixon with an inviting target; but he is remarkably thin when it comes to offering substantive solutions. Organized crime is a serious challenge. So is street crime. But crime with its many faces is so varigated, so complex and so intractable that there are no simple answers and no quick solutions, although the speeches of Mr. Nixon and Governor Agnew intimate that such answers are right at hand.

The merit of Vice President Humphrey's position paper on crime is that it takes a balanced view. The paper makes clear that crime has social origins and that the nation cannot reasonably expect to reduce crime until it creates more jobs and better schools and houses in the slums, both rural and urban. But Mr. Humphrey avowedly recognizes that improved social conditions are not enough, and Government has to devise specific programs to make the police, the courts, the prison and the probation system work more effectively.

The Humphrey recommendations draw heavily on the two-year study of the President's Commission on Crime and on the work of Senator Tydings of Maryland, the Senate's foremost student of the crime problem. They also candidly acknowledge a fact which Mr. Nixon evades, and that is that there is no way to fight crime cheaply.

The most important statistic in the law-enforcement field is that 90 per cent of all money is spent for police salaries. It is impossible to make police work truly professional unless salaries are raised substantially. To increase police salaries to the level of those paid F.B.I. agents and to fill existing vacancies on local police forces would cost $300 million annually. To provide an adequate number of policemen patrolling the streets would cost several hundred million more. Only the Federal Government can provide this money because state and local governments, depending principally on sales and property taxes, are already under severe financial strain.

In addition to making provision for better-paid, better-trained and better-equipped police forces, Mr. Humphrey sets forth similarly ambitious, detailed programs for overhauling the nation's under-staffed prisons and modernizing its crowded courts. Mr. Nixon, too, has noted that the courts are overburdened but he has put overwhelmingly greater stress on attacking the Supreme Court than he has on strengthening local and state courts where criminal cases are actually decided.

The demand for more "law and order" ranks with Vietnam as one of the emotional issues of the campaign. For those who consult only their emotions, Mr. Nixon's emphasis on repression has had much the greater appeal. Yet those who take the trouble to examine the actual arguments and proposals of the rival candidates will find that Vice President Humphrey offers a decidedly more constructive and statesmanlike approach to the real problems of crime and to ways of preventing and controlling it.

REPORT ON UNITED NATIONS AD HOC COMMITTEE ON SEABEDS; COMMENDATION OF U.S. DELEGATION

Mr. PELL. Mr. President, the U.N. Ad Hoc Committee To Study the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction concluded its third and final meeting on August 30 in Rio de Janeiro. I was unable to attend the meeting, but as a Senate advisor to the U.S. delegation, I have completed a review of the activities and findings of the 35-nation Committee.

Of paramount interest is the Committee's final report to the General Assembly, in fulfillment of its U.N. mandate to examine the various implications of the Maltese proposal of August 17, 1967. This report reviews the Committee's original mandate and in accordance with it, points out the various scientific, technical, economic, military, political, and legal aspects of the problem; in conclusion, the report offers two sets of basic principles to cover the exploration and use of the seabed and ocean floor beyond the limits of national jurisdiction. One set—set A—represents the thinking of the developing countries, and the other set—set B—the thinking of the more industrially advanced countries, including of course the United States. I ask unanimous consent that both sets of principles be printed at this point in the RECORD.

There being no objection, the sets of principles were ordered to be printed in the RECORD, as follows:

SET A

(1) The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, are the common heritage of mankind and no State may claim or exercise sovereignty over any part of the area mentioned in resolution 2340 (XXII);

(2) The exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be carried on exclusively for peaceful purposes;

(3) The exploration, use and exploitation of this area, and the subsoil thereof, as referred to in the title of the item, shall be carried out for the benefit and in the interest of mankind;

(4) The exploration and use of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, and the exploitation of their resources shall be carried on in accordance with the principles and purposes of the Charter of the United Nations and an international regime to be established with the purpose of contributing to the maintenance of international peace and security, the respect for the territorial integrity of States and the interests of the coastal States, and the promotion of economic development, particularly that of the developing countries, whether coastal or land-locked;

(5) The international regime to be established shall also consider the way for the most appropriate and equitable application of benefits obtained from the exploration, use and exploitation of the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, through a suitable international machinery, for the economic, social, scientific and technological progress of the developing countries;

(6) All activities in the sea-bed and ocean floor and the subsoil thereof, as referred to in the title of the item, shall conform to the following guidelines, aimed at protecting the rightful interests of other States:

(a) No impediment shall be created to navigation and fishing nor shall there be undue interference with the laying and maintenance of submarine cables and pipelines;

(b) Coastal States closest to the area in which any activities occur shall be consulted lest their rightful interests be harmed;

(c) Any such activity must take into account the economic interests of the developing countries so as not to be detrimental in particular, to the activities undertaken within the national jurisdiction of those countries;

(d) Appropriate safety measures shall be adopted in all activities of exploration, use and exploitation of the area and international co-operation for assistance in case of mishap shall be facilitated;

(e) Pollution of the waters of the marine environment, specially radio-active contamination, shall be avoided by means of international co-operation;

(f) No damage shall be caused to animal and plant life in the marine environment;

(g) Damages caused by any such activities entail liability.

(7) The sea-bed and ocean floor, and the subsoil thereof, as referred to in the title of the item, shall be open to scientific investigation, without discrimination, and States shall foster international co-operation in this investigation so as to enable all States to have access to it, disseminate its results and provide technical assistance to the developing countries;

(8) The United Nations, in co-operation with the specialized agencies and IAEA, shall take adequate measures to ensure the observance of these general principles and guidelines and the implementation of the objectives set forth in this declaration with the aim of promoting international co-operation in this field.

SET B

(1) There is an area of the sea-bed and ocean floor and the subsoil thereof, underlying the high seas, which lies beyond the limits of national jurisdiction (hereinafter described as "this area");

(2) Taking into account relevant dispositions of international law, there should be agreed a precise boundary for this area;

(3) There should be agreed, as soon as practicable, an international regime governing the exploitation of resources of this area;

(4) No State may claim or exercise sovereign rights over any part of this area, and no part of it is subject to national appropriation by claim of sovereignty, by use or occupation, or by any other means;

(5) Exploration and use of this area shall be carried on for the benefit and in the interests of all mankind, taking into account the special needs of the developing countries;

(6) This area shall be reserved exclusively for peaceful purposes;

(7) Activities in this area shall be conducted in accordance with international law, including the Charter of the United Nations. Activities in this area shall not infringe upon the freedoms of the high seas.

Mr. PELL. Mr. President, since a single set of principles was not able to command strong endorsement from a majority of the delegations, there was of course some disappointment on the part of the participants. Perhaps the most disappointing of all, however, was the refusal of the Soviet Union and its bloc allies to support the inclusion of any set of principles in the committee's final report.

Nevertheless, I think it is most important to note that the general disappointment was one of unfulfilled hopes, rather than of bitterness toward future prospects for agreement. Indeed, I am informed that there was a feeling in general that if the conference had lasted a few days longer, agreement on a single set of principles could have been reached among a vast majority of the delegations.

In analyzing the two sets of principles, such possibility for agreement is quite understandable, recognizing the high degree of complementation between the two. For example, both sets of principles include the following crucial points: First, the area beyond national jurisdiction to be reserved exclusively for peaceful purposes; second, said area not to be subject to national appropriation; third, said area to be exploited in the interests of mankind, with particular attention to be given to the needs of the developing countries; and, fourth, exploitation of the resources of said area to be governed by an international regime.

With substantial agreement on these very basic points, I increasingly believe that a broad understanding can be reached with respect to the Continental Shelf issue and the accompanying boundary problem. Recognizing that the boundary matter raises several problems, particularly for many of the Latin American countries, I am nevertheless confident that this issue can be resolved internationally—once the developed countries commit themselves to a strong international regime to govern the exploitation of seabed minerals beyond the limits of national jurisdiction.

In this regard, I would urge the executive branch to give as much time as possible to the study of alternative types of regimes, and I should hope that among the alternatives studied would be my own suggestion for an international licensing authority.

With attention focused on the coming session of the United Nations General Assembly, I am most anxious that the momentum of the Rio meeting be maintained. If the significant progress made at Rio de Janeiro can be carried forward immediately, I am confident that the General Assembly will adopt a basic set of principles, thus enabling it to delineate a significant action program which will assure as soon as possible, order and tranquillity in the exploration and use of inner space.

As a part of this program, I should hope that the General Assembly would create a permanent committee to deal with the seabed issue, as proposed at the Rio meeting by the Belgian delegation. The terms of reference for such a committee should be broad enough to allow it to oversee the basic areas covered in the Ad Hoc Committee's final report. In suggesting broad terms of reference for a permanent committee, I would emphasize that the entire seabed issue is primarily, and of necessity, a political one, lest those nations with no undersea capability be excluded from the decision-making process regarding the disposition of more than two-thirds of the entire globe. Along the same line, but perhaps at a later date, the terms of reference for a permanent committee could be expanded further to include the whole of ocean space, that is the superjacent waters as well as the seabed.

Moreover, given all the legal questions raised in the Ad Hoc Committee's final report, the General Assembly should give a great deal of consideration to calling a third international law of the sea conference. As a corollary action, attention should be given to the desirability or undesirability of placing a "freeze" on claims of national jurisdiction until such time as all the legalities have been resolved by international agreement.

In closing, I wish to commend the entire U.S. delegation on its fine work at the Rio conference, and in particular, special commendation is most deserving on behalf of the head of the U.S. delegation, Mr. David H. Popper, Deputy Assistant Secretary, Bureau of International Organization Affairs of the Department of State, and Mr. Leonard C. Meeker, State Department Legal Adviser.

LIFE MAGAZINE ARTICLE ON PRIDE, INC.

Mr. BYRD of West Virginia. Mr. President, Life magazine for September 27 contains an article that purports to give a picture of the activities of Pride, Inc., in Washington, D.C.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DUDES SHOW THAT WITH A LITTLE HELP THEY CAN HELP THEMSELVES IN A CORPORATION CALLED PRIDE

(By Jack Rosenthal)

Leon Brown flails his hefty arm angrily as he recalls an encounter with police last year. "Sure I punched 'em in the mouth a few times. But not until they beat the I-don't-know-what out of me." His audience consisted of a couple dozen of the dudes—as ghetto youths call themselves—and a visitor, the judge who sentenced him to 90 days. "But let me tell you," Brown went on. "There won't be any next time. I'm too busy here."

Another voice. Roscoe Brockenberry is 27, the second of 17 children, open-faced, friendly and as solid as a truck tire. He is also proud: he has been out of jail for 19 straight months. That is the longest he has been free since he was 15, when he was busted for 130 "creeps"—cat burglaries. "Then some of the dudes showed me you could get just as much time for creeping as you could for armed robbery—and get better scores robbing. So I did that." Why? "For survival." And why did he stop? "Because of Pride. If Pride hadn't been, I know I'd still be doing wrong."

That neither Leon Brown nor Roscoe Brockenberry nor some 1,000 other young men from the ghetto are doing wrong any more is unquestionably a matter of pride, both their own and that of the organization bearing that name. Pride, Inc. exemplifies the way that, in Washington and a score of other cities, youth gangs are turning from crime to capitalism. Young men whose ingenuity and energy have been limited to "hustling" in ghetto streets are moving to self-development, to constructive businesses.

These groups need and accept outside assistance, but they are wary of it, lest it threaten the independence which gives dignity. One group turned down an offer of $60,000 because it had to be used for band instruments. In some cases the gang names they still use—Thugs, United, Vice Lords, Invaders—almost seem calculated to scare off outside help.

But increasingly gangs which formerly traded in violence are running laundromats, gas stations and leather goods stores, and even companies to process computer punch cards and make films.

The most advanced of all is Pride, Inc. When it began, a year ago, Pride was simply a four-week summer rat control and alley cleaning program. But it was grounded on an innovative principle, perceived by the three people who now lead it—Engineer Carroll Harvey, Chemist Marion Barry and Sales Executive Mary Treadwell. All had been civil rights activists in Washington. They reasoned that existing ghetto social structures, like gangs, could and should be used, not fought. In some cities where gangs are passé, as in Washington, programs might work through fluid groups of "walking partners."

To begin the $300,000 pilot program, funded by the Department of Labor to hire 1,080 youths, they first recruited 21 street leaders. Three days later, every job was filled. (The U.S. Employment Service announced 439 similar jobs on the same day—and gave up trying to fill them after three weeks.) Impressed, Secretary of Labor Willard Wirtz authorized an additional $2 million.

Success with a four-week crash program was one thing. It was quite another to make something permanent out of a thousand hardcore dudes, two thirds with arrest records. Gradually, new programs were developed: a landscaping business which now holds more than $100,000 in private and government contracts; Pride Artco which sells Martin Luther King plaques and will produce other work by black artists; a painting and maintenance business. Dudes are training now for a 200-job automotive center. And a few weeks ago, ex-creeper Roscoe Brockenberry led trained interviewers back onto the street—to survey a proposed fifth enterprise, packaging and selling Negro-directed cosmetics. Most Pride members are still employed at cleanup work. But as the businesses grow, members can move into them.

One of the most serious early problems was to win the support of the dudes for expert advice, which often meant white advice. There was grumbling that Pride was becoming "just another bunch of little pickaninnies being led around by Mr. Charley." In time, however, "ex-po-tise" was no longer a derisive taunt.

An enduring difficulty is that even the sharpest hustlers need time to learn new skills. "If we could attract just three or four younger Negroes with business background," says director of operations Barry, "it could make the difference." Finally there is the built-in problem of a membership which knows more about crime than business. Virginia Congressman Joel T. Broyhill, for example, argues that to give federal funds to Pride youths "with criminal records as long as your arm is like pouring money down a sewer." He also charges that Pride is a haven for addicts and has padded its payrolls.

"We assume there will be some backsliding," says Jack Howard, executive assistant to Secretary Wirtz. "If there isn't, Pride isn't reaching the right population. Besides, when months pass with no evidence to support the rumors, they would appear to be exaggerated."

Despite the criticisms, there are some early indicators of Pride's impact: school dropout rates among its members have fallen dramatically. In the past year there have been only 27 arrests among the 1,000 dudes—a radically low rate among ghetto youth. Some families—like the Barnos, whose four sons together bring home $257 a week from Pride jobs—have found a measure of financial security for the first time. A dude who opened a savings account last year now has $1,200 in it.

"Pride, Inc.," says Judge Charles Halleck of the District of Columbia Court of General Sessions, "is doing more to straighten out people than the whole penal system."

Secretary Wirtz concedes that the original grant to Pride was a gamble. But he recently announced a new grant, this time $3.8 instead of $2 million. "This is not a gamble. It is an investment."

What is the judgment of the dudes themselves? "We're working in a good climate," says one of them. "You don't have some Charley hanging over your head all day ready to fire you in a minute. You're not afraid to make mistakes so you're not afraid to try"

DIRECTORY OF HOW TO HELP: NUMBERS TO CALL WHEREVER YOU LIVE

(Compiled by Life and listed below are some groups similar to Pride that are active in major United States cities. They need your help for a diversity of projects from film making to riot control. All of these groups are in good standing in their communities, but many members have been in trouble before and some may be again. Your investment, be it money—which is needed by them all—time or goods, is venture capital.)

Albany—The Brothers: community newspaper, photography workshop. Needs: office equipment, photographic supplies, mobile public address system, black volunteers. Phone 465-3347.

Boston—Youth Alliance: riot patrol, youth center, employment and job training. Needs: office equipment, walkie-talkies, cameras, tape recorders, black and white volunteers. 427-2205.

Buffalo—US Now: job placement, cultural activities. Needs: office space and supplies, job offers, black volunteers. 854-1063.

Chicago—Conservative Vice Lords, Inc.: Afro-American shop, tenants' rights action group, film making, art gallery workshop, teen restaurant. Needs: photographic and art supplies, restaurant and office equipment. 521-9745.

The Spanish Lords: employment service, street cleaning, neighborhood repairs. Needs: jobs, volunteer carpenters to train in repair work. 733-2178.

Youth Organization of Black Unity: civil rights, politics. Needs: mimeograph machine. 638-2349.

Cleveland—Pride, Inc.: janitorial service, welding school, furniture cooperative. Needs: volunteers with business administration experience. 541-1900.

Dayton—Dayton Youth Patrol, Inc.: youth fashion store. Needs: pool tables, station wagon, black and white volunteers with retail clothing business experience. 228-7581.

Detroit—Afro-American Kin Kindel: self-education. Needs: books, Negro art, black volunteers as counselors and tutors in basic education. 831-5252.

Detroit Brothers Inc.: Afro-American jewelry shop, employment. Needs: business equipment, black volunteers as business advisers and job counselors. 923-2300.

Eastern Teen Club: tutoring, art, performing arts. Needs: a building, workshop, sewing and recreation equipment, black or white volunteers for tutors and performing arts instructors. 833–5630.

East Side Voice of Independent Detroit: political education, playground building, community patrol, job placement. Needs: office equipment, black volunteers, especially lawyers, business administrators. 822–1451.

Jeffries Gentlemen: recreation, job training, film company. Needs: money for an African culture shop, recreation, industrial and business equipment, black male volunteers. 831–0445.

Meldrum Club: monthly cleanups, arts and crafts classes. Needs: arts and crafts supplies, black and white volunteers, craft instructors. 833–5630.

Project S.O.S.: entertainment, job referral. Needs: musical instruments, amplifiers, public address system, lighting equipment, costumes, sewing equipment, jobs in entertainment, black volunteers, instructors in arts, movie technicians. 833–5630.

Indianapolis—College Room: on-job training in building trade skills. Needs: building materials, black and white volunteers. 926–0695.

Kansas City—Black Youth of America: community programs, cleanups. Needs: office equipment, black volunteers. WA 1–4251.

Los Angeles—Green Power Foundation, Inc.: manufacturing baseball bats, providing jobs. Needs: equipment of all kinds for future programs, black and white volunteers. 749–1261.

Sons of Watts: setting up small businesses, teaching job skills and business procedures, recreation. Needs: moving vans, buses, black and white volunteers. 567–1481.

Milwaukee—Wright Street Betterment Association: recreation center. Needs: sewing machines, kitchen equipment, small tools, recreation equipment, black and white volunteers. 244–1510.

Minneapolis—Indian American Youth Center: recreation, employment service. Needs: educational, art and recreation supplies, black and white volunteers as teachers and counselors. 333–4521.

The Way: tutoring, art and dance classes, recreation. Needs: educational, art and recreation supplies, black and white volunteers as teachers and counselors. 823–8228.

New Orleans—Black Youth for Progress: voter registration. Needs: office equipment, black volunteers. 283–1414.

House of Wisdom: Nat Turner Theater and House of Wisdom restaurant. Needs: kitchen and theater equipment. 3437 Fern, no telephone.

Thugs United: vocational training, record shop, community development. Needs: office and recreation equipment, black volunteers. 949–3391.

New York—East Harlem College Student Society: tutoring high school dropouts and students. Needs: funds to rehabilitate a school building, school supplies, black and white volunteers. 427–5400.

Lower East Side Action Project: storefront clubs with varying activities. Needs: furniture, office equipment, 673–8800.

The Real Great Society: music, dance classes, school and work-study programs, karate, camp and children's street theater, Puerto Rican and Afro-American history, art gallery. Needs: IBM machines, photographic equipment, a building for a theater, black and white volunteers. 533–6600.

Tompkins Square Community Center: job training. Needs: office machines, cameras and film, small power tools. Black and white volunteers (preferably Spanish-English speaking). 533–4160.

Young Citizens for Progress: building vest pocket parks, carpentry, masonry and plastering training. Needs: a truck, building materials, black and white volunteers as carpentry and masonry teachers. 427–5400.

Youth Service Agency Satellite Program: street academies, medical and dental services, starting businesses, homes for homeless youths, help for addicts, newspaper, camping. Needs: tools, schoolroom supplies, recreation equipment, black and white volunteers. 433–2690.

Philadelphia—The Blacks of Soul Society: raising money for a community center. Needs: play equipment, black and white volunteers for fund-raising events. EV 6–4860.

Can do: home improvement, employment, newspaper. Needs: money for self-help center and office equipment. PO 3–6800.

Mantua Community Planners: house rehabilitation, playgrounds, job placement, legal services. Needs: office and playground equipment, football uniforms, used trucks, lumber, tools, paint and black and white volunteers for sports, tutoring. EV 7–3398.

Mystic Knights of the Sea: recreation center being established as job-training project. Needs: recreation and industrial equipment. BA 5–9426.

Twelfth and Oxford Corp.: film making, neighborhood rehabilitation. Needs: money for scholarship fund, to buy neighborhood businesses. 787–6112.

The Young Great Society: orphanage, sports, health center, tutoring, job placement, leadership training, shuttle service to jobs, house rehabilitation. Needs: black and white volunteers as lawyers, businessmen to help with loan applications, accountants. EV 7–3670.

Pittsburgh—Respect, Inc.: job placement, library, seminars. Needs: books by black authors, lounge and office furnishings. 683–4444.

Sacramento—Congress for Young Adults: recreation, social and community work programs, cultual history, job training and placement. Needs: equipment for classes, black and white volunteers. 446–7577.

St. Louis—Better our Communities, Inc.: extermination, cleanups, landscaping. Needs: power lawn mowers and mechanical street sweepers, weed killer, fire hoses, uniforms, trucks, forestry and landscaping experts as volunteers. VO 2–5010.

East St. Louis Black Egyptians: bookstore, learning-recreation center, cultural events. Needs: two buildings, books, tables, chairs, lamps, recreation equipment, black and white volunteers. 875–1834.

San Francisco—Leway, Inc.: recreation, job placement. Needs: culture and recreation center, volunteers. 362–2935.

Mission Rebels in Action: trucking business, home repair, carpentry training, restaurant. Needs: office equipmnet and sewing machines, black and white volunteers for tutoring, counseling. job placement. 431–2224.

New Society Youth Club: community beautification, outdoor recreation center, vocational training. Needs: typewriters, sewing machines, cooking and sports equipment, volunteers for counseling, recreation. 282–8065.

Washington, D.C.—New Thing Art and Architecture Center: arts program. Needs: film, photographic and office equipment, musical instruments, black volunteers for cultural program. 332–4500.

Wilmington—The Black Alliance of Delaware: job counseling, setting up businesses. Needs: black volunteers. 658–6641 (ext. 479).

EIGHTEEN THOUSAND DEAD IN BIAFRA SINCE WEDNESDAY

Mr. PROXMIRE. Mr. President, on Wednesday of this week, on behalf of myself and Senators SPARKMAN, DODD, CARLSON, KENNEDY, and HARTKE, I introduced Senate Concurrent Resolution 80, dealing with the concern of Congress for the immediate relief of the starving in Nigeria-Biafra.

Yesterday, as my daily statement on human rights, I placed in the RECORD a wire service article about Biafra and the unbelievable death rate that now prevails in that area of horror. The story quoted the leader of the Red Cross in that area as saying the death rate had "stabilized" at 6,000 per day and that this rate could be maintained only if the 100 tons of food now being flown in daily was to continue arriving.

How strange it is, Mr. President, that a story telling the world that 6,000 people are dying of starvation every single day should be considered a piece of relatively good news. What the story meant to convey is that only 6,000 people die every day and that the rate would not escalate if food supplies could be maintained at the present airlifted rate.

Well, Mr. President, since the introduction of the concurrent resolution dealing with this problem, 18,000 have died because somehow the world community has failed, and failed horribly, to meet this challenge to our very right to call ourselves "civilized" or "humane."

That also means, Mr. President, that by the time the Senate reconvenes on Monday next that another 18,000 will have died, meaning that a total of 36,000 innocent human beings will have perished from starvation since introduction of the Senate concurrent resolution calling for their immediate relief.

Yet, tying this death rate to a mere 3 or 4 days is meaningless when we realize that this rate has been standing since early this summer. A counting shows that more than half a million have died since this June.

Every Senator should realize that every week the population of a city of 50,000 in his own State is wiped off the face of the earth. For this very reason, it is my fervent hope and that of the distinguished cosponsors of Senate Concurrent Resolution 80, that the Senate will act with the utmost dispatch on the resolution.

Surely, the least we can do in Congress is to express our official concern for this blot on mankind's history. We must adopt Senate Concurrent Resolution 80 forthwith.

ENROLLED BILLS SIGNED

The PRESIDING OFFICER announced that on today, September 27, 1968, the President pro tempore signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 1340. An act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes; and

H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

PETITION

The PRESIDING OFFICER laid before the Senate, signed by Mr. Charles

J. Davis, and sundry other citizens of the State of Florida, remonstrating against giving aid in any form to the enemies of this Nation, which was referred to the Committee on Foreign Relations.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 19908. An act making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1595).

By Mr. MANSFIELD, from the Committee of Appropriations, without amendment:

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal year 1969, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of treaties were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Executive E, 90th Congress, second session, Convention on the Recognition and Enforcement of Foreign Arbitral Awards; with two declarations (Ex. Rept. No. 10);

Executive I, 90th Congress, second session, Convention on Transit Trade of Landlocked States; without reservation (Ex. Rept. No. 11);

Executive G, 90th Congress, second session, Convention Establishing a Customs Cooperation Council, together with the protocol concerning the European Customs Union Study Group; with a reservation (Ex. Rept. No. 12); and

Executive F, 90th Congress, second session, Text of a Partial Revision of the Radio Regulations (Geneva, 1959), with a final protocol; without reservation (Ex. Rept. No. 13).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

S. 4089. A bill to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 4090. A bill for the relief of Lam Ah Fuk; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 4091. A bill for the relief of Dr. Chong Ho Park and In Whau Park; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 4092. A bill for the relief of Young Sup Chung and his wife, In Hi K. Chung; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. KUCHEL):

S. 4093. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 4094. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4095. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4096. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4097. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4098. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4099. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4100. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 4101. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; to the Committee on Interior and Insular Affairs, by unanimous consent.

(See the remarks of Mr. MURPHY when he introduced the above bills which appear under a separate heading.)

S. 4089—INTRODUCTION OF BILL TO IMPROVE THE JUDICIAL MACHINERY BY PROVIDING FOR FEDERAL JURISDICTION AND A BODY OF UNIFORM FEDERAL LAW FOR CASES ARISING OUT OF AVIATION AND SPACE ACTIVITIES

Mr. TYDINGS. Mr. President, in April of this year I introduced two bills, S. 3305 and S. 3306, to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aircraft crash disasters. These bills were referred for study to the Subcommittee on Improvements in Judicial Machinery of which I am chairman; and the subcommittee held 5 days of hearings on the bills, hearing testimony of judges, law professors, lawyers specializing in aircraft accident litigation, and airline executives. These hearings not only brought into focus some of the obstacles to efficient judicial handling of today's litigation; they also helped to shape modifications of the pending legislation.

As I indicated when I introduced those bills, my interest in aviation activity litigation was initially stirred by Judge Peirson M. Hall, of the U.S. District Court for the Central District of California. Judge Hall brought to my attention the problems which arise today in the litigation which ordinarily follows modern aircraft crashes. I discovered that unlike the engineers who have moved air travel from the biplane to the supersonic jet, we have not developed many significant innovations for the handling of litigation arising from air crashes. The remedies which were barely adequate in a bygone era are completely inadequate to provide swift and efficient justice to the aggrieved dependents of the victims of a modern day air disaster.

The sole legal course open to the dependents of a victim of today's air crash is a wrongful death action governed by State law. Such suits are subject to State statutes of limitations and State restrictions on the amount of recovery, as well as State rules of liability for defective products, for indemnity contribution and liability of joint tortfeasors. These rules of the various States, quite naturally, differ widely. Because people from all over the country may be involved in any single modern air disaster, the laws of a number of States will typically be involved. Furthermore, the remedy may be sought in a State court of the decedent's residence, in the State court where the injury occurred, or, under the diversity jurisdiction, in any of a number of Federal district courts.

This system of handling aircraft crash litigation involves untold expense to the litigants, it requires an extremely large expenditure of judicial time, and it frequently postpones the rendering of justice so long that the ultimate award is of little assistance to the dependents during the time of their greatest need. Furthermore, under the existing system, the possibility looms that the survivors of different individuals on the same plane may have different law applied to their cases and achieve differing results, even though these people are all victimized by the same crash and the same engineering defect or human error.

The principal shortcoming of the present method of handling aircraft crash cases is its failure to give recognition to the fact that the common and crucial issue in any aircraft disaster case is a determination of fault for the crash. The negligence or fault involved is uniform with respect to all of the passengers. And since all were killed, or injured in the same disaster, it would seem that a uniform rule of damages should be applicable. To ensure a uniform and expeditious result, therefore, it seems that all cases should be consolidated for pretrial purposes and for trial of the common question of liability applying a single body of law. Such a trial would join and bind all of the various parties to the crash—the passengers, the airline, the manufacturer, and any other potential party.

S. 3305 and S. 3306 were introduced as initial attempts at giving recognition to the shortcomings of the present system and replacing it by a more expeditious, efficient, and fair manner of disposing of air disaster cases. S. 3305 and S. 3306 were introduced as exploratory efforts at treating the air disaster cases by replacing the multitude of diverse State rules with uniform Federal law, and replacing the jurisdiction of the State courts with Federal jurisdiction which would facilitate consolidation of all cases.

Both of the bills recognized these general principles. They differed in the specificities of their approaches, and, to some extent, in the scope of their endeavor.

As I indicated at the outset, during the hearings this spring and summer, the Senate Subcommittee on Improvements in Judicial Machinery received a number of important suggestions for the improvement of the legislation, and, on the basis of the suggestions, I have now developed a somewhat revised approach for the handling of the litigation arising from aircraft crashes. S. 4089, which I am introducing today, embodies that revision.

S. 4089 differs from S. 3305 and S. 3306 principally in the scope of the legislation. Whereas S. 3305 applied only to interstate commerce flights, and S. 3306 applied to all aviation and space activities, the jurisdictional and substantive law provisions of the new bill are more intricately woven. The new bill limits the availability of exclusive Federal jurisdiction to those aircraft crashes which ordinarily involve substantial numbers of people and multiple courts. This is the type of crash which is creating the most serious problems for the court system, and it is the type of crash in which consolidation seems the most desirable. On the other hand, the new bill provides that the substantive law shall apply to all aviation activities, so that a uniform body of law is applicable to all activities in the skies. With regard to space activities, the new bill recognizes the basic Federal interest in all space activities, and therefore provides for Federal jurisdiction over all space activity litigation, but it also recognizes that space activity may well lead to areas beyond the national sovereignty, and therefore it provides that the Federal body of substantive law shall not be applicable to space activity which is outside the national sovereignty of the United States.

Specifically, the new bill provides for exclusive Federal jurisdiction over actions arising from aircraft operations of common carriers, planes with a seating capacity of 10 or more passengers, accidents injuring five or more passengers, and actions arising out of space activity. Concurrent Federal and State jurisdiction is provided for accidents arising from ground activity incidental to any of these operations, as well as for accidents arising from the operations of certain classes of large aircraft, high-performance aircraft, and public aircraft. Concurrent jurisdiction is also provided for aviation or space activity claims arising out of an occurrence which also gives rise to a claim arising under the Federal Tort Claims Act. The Federal substantive law, established by the bill, is applied to all aviation activity, including public and general aviation activities, and to all space activity, except to the extent that it conflicts with other Federal law or treaty. Also specifically excluded from the substantive law coverage is space activity which is outside the national sovereignty of the United States.

Several other changes in the revised legislation also bear mention. The new bill eliminates the revisions of the Federal Tort Claims Act, contained in S. 3306. It also adopts the Multidistrict Litigation Act procedures for consolidating cases, and extends these procedures beyond the pretrial stage. The revised bill substitutes negligence and contributory negligence for the comparative negligence formula which was included in S. 3306. A new provision for the entry of judgment on separate issues or claims in the course of the trial of a case is also a feature of the revised bill. This provision is to be added so that it will be possible to have a single trial on the liability issue, enter a binding judgment on that question, and then redistribute the cases to the various local Federal district courts for trial of the damages questions where such a procedure seems desirable.

I expect that the Judicial Improvements Subcommittee will continue to study this problem, using the revised bill as a frame of reference. I feel that the history of aircraft crash litigation amply demonstrates the need for improved judicial machinery to provide swift justice to those victimized by an aircraft disaster. In the not too distant future, new 500-passenger supersonic transports will be handling much of our commercial air traffic. Engineers and Government officials are already redesigning airports and safety procedures for these new planes, yet our legal system faces the new era with legal machinery that is not even adequate to the task of resolving effectively and swiftly the cases arising from today's crashes. Unless we redesign our judicial procedures, legal chaos will be inevitable should one of these huge new planes crash. I suggest that S. 4089 may be an appropriate vehicle for our use in seeking to bring the necessary improvements to our judicial machinery.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4089) to improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of aviation and space activities, introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 4089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 85 of title 28, United States Code, is amended—

(1) by adding a new sentence at the end of section 1333 as follows:

"The admiralty, maritime and prize jurisdiction herein does not extend to any case arising under chapter 174 of this title, and may extend in relation to the subject matter of chapter 174 of this title only to the extent provided in section 1363(b) of this chapter.";

(2) by striking out the period at the end of section 1346(b) and by inserting in lieu thereof a comma and the following: "except that cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 174 of this title, shall be governed thereby.";

(3) by adding a new section following section 1362 as follows:

"§ 1363. Aviation and space activities

"(a) The district courts, including those of the Canal Zone, Guam, Puerto Rico, and the Virgin Islands, shall have original jurisdiction, exclusive of the courts of the States and of all other courts, of any action for damages for injury or loss of property, or personal injury or death arising out of, or in the course of, an accident, which arises out of, or in the course of—

"(1) the flight, takeoff or landing of an aircraft

"(A) operating as a common carrier, or

"(B) having a seating capacity of ten or more persons;

"(2) the flight, takeoff or landing of an aircraft and which proximately results in the death of or personal injury to five or more persons; or

"(3) space activity.

"(b) All the district courts mentioned in subsection (a) of this section and the courts of the States, territories, possessions, and Commonwealth of Puerto Rico shall have original jurisdiction, concurrently with any admiralty or maritime jurisdiction which may otherwise exist, of any civil action not covered by subsection (a) of this section which arises out of, or in the course of, ground activity which is incidental to any of the aircraft operations or space activity described in subsection (a) of this section.

"(c) Except as provided in subsections (a) and (b) of this section, all of the district courts mentioned in subsection (a) of this section concurrently with the courts of the States, territories, possessions and the Commonwealth of Puerto Rico shall have original jurisdiction of any civil action which:

"(1) arises out of or in the course of an accident which arises out of or in the course of the flight, takeoff or landing of a—

"(A) large aircraft,

"(B) high performance aircraft, or

"(C) public aircraft; or

"(2) arises out of a transaction or occurrence which gives rise to an action of which the district courts otherwise have jurisdiction under section 1346(b) of this chapter, and to which chapter 174 of this title is applicable.

"(d) Except as provided in subsections (a), (b) and (c) of this section, original jurisdiction of any civil action arising under chapter 174 of this title shall be vested in—

"(1) the courts of the states, territories, possessions and the Commonwealth of Puerto Rico, and

"(2) the district courts, only to the extent such district court jurisdiction exists under other provisions of law, *Provided* that for the purposes of this clause and such other provisions of law, chapter 174 shall be deemed not to be a law of the United States.

"(e) Definitions

"(1) as used in this section

" 'accident' means any occurrence which proximately results in the death of or injury to persons or injury to or loss of property and includes any occurrence which, if it occurred with respect to a civil aircraft in flight, would be an accident within the meaning of Title VII of the Federal Aviation Act of 1958 (49 USC § 1441, et seq.)

" 'large aircraft' means an aircraft of more than twelve thousand five hundred pounds maximum certificated takeoff weight.

" 'high performance aircraft' means a jet or rocket-powered aircraft of more than six thousand pounds maximum certificated takeoff weight or turbine-powered aircraft of more than eight thousand pounds maximum certificated takeoff weight.

" 'jet or rocket-powered aircraft' does not include any aircraft which uses a propeller or similar blade mechanism as a means of propulsion.

" 'maximum certificated takeoff weight' means, with respect to an aircraft, the weight certificated as such in accordance with the Federal Aviation Act of 1958, or a successor statute, or, if the aircraft has not been so certificated, the maximum certificated takeoff weight for which such aircraft would be certificated in accordance therewith.

" 'ground activity' means operations or activity related to or in the course of embarkation upon or disembarkation from an aircraft, missile or space vehicle occurring immediately before takeoff, or launch or immediately after landing.

"(2) Except as provided in subsection (e)(1) of this section, the definitions of terms in section 2741 of this title are applicable to terms used in this section.

"(3) Except as provided in subsections (e) (1) and (2) of this section, the definitions of terms in section 101 of the Federal Aviation Act of 1958 (49 USC § 1301) are applicable to terms used in this section.

"(f) Jurisdiction of actions against the United States is not created under this section, but exists to the extent provided in other provisions of law."; and

(4) by amending the analysis at the beginning of chapter 85 to add the following new item:

"1363. Aviation and space activities.".

SEC. 2. Chapter 87 of title 28, United States Code, is amended—

(1) by striking out the period at the end of section 1402(b) and inserting in lieu thereof a comma and the following: "except as provided in section 1408 of this title.";

(2) by adding after section 1407 a new section as follows:

"§1408. Actions involving aviation and space activities; service of process

"(a) Any action under subsection (a) of section 1363 of this title may be brought in the judicial district in which the plaintiff resides, or has his or its principal place of business, or in which the defendant resides, is incorporated, is licensed to do business, is doing business, or may be found. Any action against the United States under section 1346(b) of this title governed by chapter 174 of this title and which arises out of or in the course of such aircraft operations or space activity as are described in section 1363(a) of this title may be brought in any judicial district.

"(b) Process in the actions referred to in subsection (a) of this section (including third-party and other ancillary proceedings) may be served throughout the jurisdiction of the United States. Upon application and cause shown, in accordance with the Federal Rules of Civil Procedure, a subpena for attendance at a hearing or trial in any action referred to in subsection (a) of this section or in any action in a district court referred to in section 1363(c) of this title may be served at any place.

"(c) If actions referred to in subsection (a) of this section, arising out of the same occurrence, are brought in more than one district, the judicial panel or multidistrict litigation authorized by section 1407 of this title may:

"(1) transfer such actions to any district for any or all purposes, as well as for pretrial proceedings, and

"(2) at any time or stage in the proceedings, retransfer any, or any number of such actions, or any separate claim, cross-claim, counter-claim, third-party claim or issue or any number of claims, cross-claims, counter-claims, third-party claims or issues therein to the district from which originally transferred or to any other district.

"Transfers and retransfers under this subsection shall be determined by the same factors as transfers under section 1407(a) of this title. The provisions respecting the designation of, assignment of, and assignment of functions of the judicial panel on multidistrict litigation, the provisions for procedure and review, and all other provisions of the remainder of section 1407 of this title shall apply for all purposes, as well as for pretrial proceedings to actions subject to this subsection, to transfers and retransfers under this subsection, and to actions or parts of actions so transferred or retransferred.

"(d) This section does not affect any laws or rules of law or treaty provisions governing the propriety or convenience of venue within the United States as a whole."; and

(3) by inserting the following new item at the end of the analysis at the beginning thereof:

"1408. Actions involving aviation and space activities; service of process.".

SEC. 3. Chapter 161 of title 28, United States Code, is amended—

(1) by striking the period at the end of section 2401(b) and inserting in lieu thereof a comma and the following: "except as provided in subsection (c).";

(2) by inserting at the end of section 2401 a new clause, as follows:

"(c) A claim against the United States governed by Chapter 174 of this title shall be forever barred unless action is begun not later than one year after such claim accrues: *Provided, however*, that a right to seek contribution as provided for in section 2752 of this title by service of a third-party complaint is forever barred unless the third-party action is begun within ninety days after the institution of the action against the third-party plaintiff, or within one year after the original plaintiff's right of action shall have accrued, whichever shall be later.";

(3) by inserting in the text of section 2415(b) after the word "Congress," the following: "and except as provided in subsection (c), "; and

(4) by renumbering in section 2415 the respective subsections (c), (d), (e), (f), (g) and (h) as (d), (e), (f), (g), (h), (i), and inserting a new subsection as follows:

"(c) Subject to the provisions of sections 2401(c) and 2416 of this title, every action for money damages brought by the United States or an officer or agency thereof which is founded upon a tort and which is governed by chapter 174 of this title shall be barred unless the action is begun not later than one year after the right of action first accrues.".

SEC. 4. Chapter 171 of title 28, United States Code, is amended—

(1) By striking out the colon between the word "occurred" and the word *"Provided"* in the first paragraph of section 2672 and inserting in lieu thereof a comma and the following: "except that cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 174 of this title shall be governed thereby:";

(2) By adding a new paragraph at the end of section 2674 as follows:

"The manner and extent of liability of the United States under the provisions of this title relating to tort claims, in cases arising out of, or in the course of, aviation activity or space activity as defined in chapter 174 of this title shall be governed thereby."; and

(3) By adding a new clause at the end of section 2675 as follows:

"(c) This section does not apply to any claim to which Chapter 174 of this title is applicable.".

SEC. 5. Part VI of title 28, United States Code, is amended—

(1) by adding a new chapter 174 following chapter 173 as follows:

"CHAPTER 174—AVIATION AND SPACE ACTIVITIES

"SUBCHAPTER I.—GENERAL PROVISIONS

"Sec.
"2741. Definitions.

"SUBCHAPTER II.—SUBSTANTIVE LAW

"Sec.
"2751. Substantive law, generally.
"2752. Accident actions; death actions, survival of personal injury actions.
"2753. Time limitations.
"2754. Exception of compensation remedy.
"2755. Exclusion of outer space matters.

"SUBCHAPTER III.—DISTRICT COURT PROCEDURE

"Sec.
"2761. Jury trial;
"2762. Death actions, survival of personal injury actions;
"2763. Separate trials and judgments.

"SUBCHAPTER I.—GENERAL PROVISIONS

"§ 2741. Definitions.

"(a) Except as provided in this subsection, words and phrases for which a meaning is prescribed in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. § 1301) have the same meaning where used in this section. As used in this section and in section 1363 of this title, if applicable—

"(1) 'aircraft' excludes ground effect machines and similar devices.

"(2) 'air space' includes all places in the air space outward from anywhere on the earth.

"(3) 'flight' includes any motion or movement of anything in or through air space or outer space and any operation or navigation of aircraft, including motion, movement, or operation below navigable air space.

"(4) 'landing' includes any manner of anything coming down or descending from flight to the surface, or below, of the earth until it comes to repose, any crashing of anything into the earth until it comes to repose, any landing run, if any, of an aircraft, missile, or space vehicle until it comes to repose, and, the whole period until all persons have disembarked therefrom.

"(5) 'launch' includes any manner of ascent from the surface, or below, of the earth into flight of any missile or space vehicle, any manner or transition from static repose into flight of a missile or space vehicle, either under its own power or by any kind of catapult, or ballistic or other means of projection incidental to launch or flight under its own power, the whole period, if any, immediately prior and incidental to flight during which a missile or space vehicle is producing any thrust by its own power, whether or not any initial motion or movement thereof has occurred, and, the whole period commencing when any person comes aboard for the purpose of ascent into flight.

"(6) 'missile' or 'space vehicle' includes any missile, rocket, space vehicle, satellite, or other device or object now known or hereafter devised or used for launching or flight, and any stages, pieces or parts thereof or substance therein.

"(7) 'outer space' means all places outward from anywhere on the earth beyond air space and includes all places in or on anything in orbit or any celestial body.

"(8) 'takeoff' includes any form of ascent by an aircraft into flight from the surface of the earth, any form of catapulting or other projection thereof into flight, the whole period commencing with the application of takeoff power or thrust at or immediately prior and incidental to the takeoff run of an aircraft, and, the whole period commencing when any person comes aboard for purpose of ascent into flight.

"(b) As used in this chapter—

"(1) 'aviation activity' means any flight, takeoff or landing of any aircraft anywhere, or the flight or landing of any person or thing which departs from an aircraft during any such flight, takeoff, or landing.

"(2) 'space activity' means any flight, or any launch or landing incidental to or for the purpose of such flight, anywhere, to, from or in outer space, of any person or thing, or any transaction or occurrence in, or the presence of any person or thing in, outer space.

"SUBCHAPTER II.—SUBSTANTIVE LAW

"§ 2751. Substantive law, generally.

"(a) Subject to the exceptions, limitations and exclusions of this subchapter, there hereby exists a uniform body of Federal law governing all civil legal relations and all acts, transactions, matters, and things, (including injury or loss of property or personal injury or death, regardless where consummated) arising out of, or in the course of, aviation activity or space activity. The civil legal relations governed thereby include all personal rights and liabilities (including those of all corporations, companies, associations, firms, partnerships, societies, joint stock companies, governments and governmental entities as well as individuals) and all property rights and liabilities. Said body of law is exclusive of any other law (including the law of the several States, and of the territories and possessions, the Commonwealth of Puerto Rico, the District of Columbia, and the admiralty or maritime law) except to the extent that the application of local law rules, including but not limited to rules of domestic relations and inheritance law, would not thwart the purpose of this section. The rules of said body of law shall be ascertained by decisions of courts of competent jurisdiction in cases or controversies, subject to any other applicable Federal law or regulation having the force of law, or treaty or other agreement having the force of a treaty.

"(b) This section does not affect—

"(1) the power (of whatever extent, if any, as otherwise may exist) of the several States, territories, possessions, the Commonwealth of Puerto Rico and the District of Columbia of:

"(A) Criminal jurisdiction and application of the criminal laws;

"(B) Civil and administrative penalties and forfeitures imposable for the enforcement or vindication of public rights, powers or duties;

"(C) Service of process;

"(D) Taxation;

"(2) the power of the several States of economic regulation of commerce by air which is wholly intrastate, to the extent that the same is not subject to, or is granted exemption from, economic regulation by an agency of the United States. 'Economic regulation' as used in this clause means regulation of matters and things which, if in interstate or foreign commerce, would be within the jurisdiction of the Civil Aeronautics Board (or a successor agency) under Title IV of the Federal Aviation Act of 1958, or a successor statute.

"§ 2752. Accident actions, death actions, survival of personal injury actions

"(a) There is hereby specifically included in the body of law created in section 2751 of this subchapter the right of action for damages for injury or loss of property, or personal injury or death arising out of, or in the course of, an accident, as defined in section 1363 of this title, which arises out of, or in the course of, aviation activity, or space activity, subject to the exceptions, limitations and exclusions of this chapter. In any such action, the contributory negligence of the plaintiff shall operate as a complete defense. A right of contribution shall exist among all parties who would have been liable to the plaintiff if sued separately. The amounts of recovery or liability shall be apportioned in accordance with the gravity of the breach of duty of the respective parties found liable. Any party defendant may assert its right of contribution against any person not originally a party to the action by service of a third-party complaint in accordance with the provisions of Rule 14(a) of the Federal Rules of Civil Procedure.

"(b) For the exclusive benefit of the decedent's surviving spouse, children, parents, or dependent relatives, as provided by the wrongful death or other relevant law of the domicile at death of the decedent in cases where that domicile and law can be ascertained without undue inconvenience and where supplementation of this section by such law would not thwart the purpose of this section—

"(1) the right of action for death exists under subsection (a) of this section, and

"(2) the right of action for personal injury to the decedent under subsection (a) of this section survives.

"(c) The recovery under subsection (b)(1) of this section shall be a fair and just compensation for the pecuniary loss sustained by those for whose benefit the right of action exists. The recovery under subsection (b)(2) of this section shall not include any damages for pain, suffering or disfigurement. There shall be no limitation on the amount of recovery except as otherwise or hereafter provided by treaty or other valid international agreement, or other federal law or regulation having the force of law.

"§ 2753. Time limitations

"Every right of action under section 2752 of this subchapter is forever barred unless the action is begun not later than one year after the right of action accrues; *Provided, however,* that a right to seek contribution as provided for in Section 2752 of this title by service of a third-party complaint is forever barred unless the third-party action is begun within 90 days after the institution of the action against the third-party plaintiff, or within one year after the original plaintiff's right of action shall have accrued, whichever is later.

"§ 2754. Exception of compensation remedies

"The provisions in this subchapter do not include any right of action for damages for personal injury or death where any such right of action would be inconsistent with the provisions or intent of any workmen's or employees' compensation statute or system, or similar system of compensation or benefits, and do not affect the operation of any workmen's or employees' compensation statute or system or similar system of compensation or benefits.

"§ 2755. Exclusion of outer space activity

"(a) The substantive law provided in this subchapter does not apply to any space activity which is outside the national sovereignty of the United States.

"(b) The exclusion of certain space activity by subsection (a) of this section is so provided, notwithstanding the inclusion of all space activity, for purposes of jurisdiction and procedure only, in section 1363(a) of this title.

"(c) The substantive law, if any, to be applied to such space activity as is excluded by subsection (a) of this section shall be such as may be otherwise or hereafter created or recognized by treaty or international agreement having the force of treaty. Nothing in subsection (a) of this section prevents the application by reference or otherwise by treaty or international agreement having the force of treaty, of the provisions of this subchapter to such otherwise excluded space activity.

"SUBCHAPTER III.—DISTRICT COURT PROCEDURE

"2761. Jury trial.

"In actions in Federal district courts under this chapter, except actions against the United States, there is a right of trial by jury of any issue of fact therein regardless where the action arises, if in an otherwise like case, but which arose at law, such right would exist under the United States Constitution.

"§ 2762. Death actions, survival of personal injury actions.

"(a) If an action arising out of aviation or space activity provided for in section 2752(b) of this chapter or a similar action, if any, provided for in any other law applicable to space activity, is brought in a Federal district court, otherwise having jurisdiction, the same may be brought in behalf of all of the beneficiaries by one or more of them or by the personal representative of the decedent. All such claims of all of the beneficiaries of a decedent shall be brought in one action.

"(b) For the purposes of this action, the district court may in its discretion appoint a personal representative of the decedent if one has not been otherwise properly appointed. Such personal representative shall have the responsibilities and duties of a fiduciary in the State in which the personal representative is initially qualified to act. A personal representative qualified to act hereunder in one district is qualified to act in any other district to which or in which the action, or any part thereof, may be transferred or is pending.

"(c) The verdict shall apportion the recovery, if any, among those entitled to the benefit thereof in proportion to the loss they severally suffered by reason of the death of the decedent. The damages shall not form a part of the estate of the deceased.

"(d) Where a right of action mentioned in subsection (a) of this section exists for the death of a person, and there is already an action pending in a district court in behalf of the decedent for personal injury claimed to result from the same occurrence, a separate action for such death shall not be brought, but the court shall permit whoever may bring an original action for the death of the decedent to be substituted as a party in the pending action, upon application properly and timely made in accordance with the Federal Rules of Civil Procedure, and the action shall thereafter proceed as if originally brought as an action for the death of the decedent.

"§ 2763. Separate trials and judgments.

"In any action referred to in section 1408 (a) of this title—

"(a) Separate trial may be had of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue, or of any number of claims, counterclaims, cross-claims, third-party claims or issues, if such separate trial is otherwise proper.

"(b) Upon the separate trial of any issue or issues within a claim, cross-claim, counter-claim, or third-party claim, or when there are multiple parties thereto, the court may direct the entry of a final judgment as to one or more but fewer than all of the issues or parties upon an express determination that it is in the interest of efficient administration of justice to do so and upon an express direction for such entry of judgment."; and

(2) by adding a new item at the end of the analysis of part VI as follows:

"§ 174. Aviation and space activities.. 2741.".

Sec. 6. The Act entitled "An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes", approved March 9, 1920 (41 Stat. 525, as amended; 46 U.S.C. 741 et seq.), is further amended by adding a new section at the end as follows:

"Sec. 14. This Act does not apply to any claim for damages (by any party) for injury or loss of property or personal injury or death to which chapter 174 of title 28 of the United States Code is applicable.".

Sec. 7. The Act entitled "An Act relating to the maintenance of actions for deaths on the high seas and other navigable waters," approved March 30, 1920 (41 Stat. 537; 46 U.S.C. 761 et seq.), is amended by adding a new sentence at the end of section 7 thereof as follows: "This Act does not apply to any case to which chapter 174 of title 28 of the United States Code is applicable."

Sec. 8. The Act entitled "An Act authorizing suits against the United States in admiralty or damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (43 Stat. 1112, as amended; 46 U.S.C. 781 et seq.), is further amended by adding a new section at the end as follows:

"Sec. 11. This Act does not apply to any claim for damages (by any party) for injury or loss of property or personal injury or death, to which chapter 174 of title 28 of the United States Code is applicable."

Sec. 9. The Act entitled "An Act for the extension of admiralty jurisdiction", approved

June 19, 1948 (62 Stat. 496; 46 U.S.C. 740), is amended by adding a new sentence at the end of the first paragraph therein as follows:

"Said jurisdiction shall not extend to or include any case arising under chapter 174 of title 28 of the United States Code, and may extend in relation to the subject matter of said chapter 174 only to the extent provided in section 1363(b) of title 28 of the United States Code.".

SEC. 10. (a) Nothing in this Act shall deprive any court of jurisdiction of any pending action, nor deprive any person of any existing substantive right.

(b) This Act is applicable only to claims or matters in controversy arising from accidents occurring after the date and time of its enactment.

S. 4093–S. 4101, INCLUSIVE—INTRODUCTION OF BILLS AND RESOLUTIONS PERTAINING TO OWNERSHIP OF LANDS ALONG THE LOWER SECTION OF THE COLORADO RIVER

Mr. **MURPHY**. Mr. President, on July 15 of this year I introduced a series of bills and resolutions pertaining to the ownership of lands along the lower section of the Colorado River. Since the bills pertained to matters under the jurisdiction of the Committee on Interior and Insular Affairs and since the resolutions pertained directly to the bills, the Senate granted unanimous consent for the referral of both the bills and the resolutions to the Interior Committee.

Today, in behalf of my colleague, the senior Senator from California, and myself, I introduce another series of bills and resolutions similar to the ones I introduced on July 15 and dealing with the same matter. I ask unanimous consent that these bills and resolutions, too, be referred to the Committee on Interior and Insular Affairs.

The **PRESIDING OFFICER**. The bills and resolutions will be received and appropriately referred.

The bills, introduced by Mr. MURPHY (for himself and Mr. KUCHEL), were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 4093. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 4094. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4095. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4096. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4097. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4098. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4099. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 4100. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 4101. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California.

RESOLUTIONS PERTAINING TO OWNERSHIP OF LAND ALONG THE LOWER SECTION OF THE COLORADO RIVER

Mr. MURPHY (for himself and Mr. KUCHEL) submitted the following resolutions, which were by unanimous consent referred to the Committee on Interior and Insular Affairs:

S. RES. 398

Resolution to refer the bill (S. 4093) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4093 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California unto W. O. Davies: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his finding of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 399

Resolution to refer the bill (S. 4094) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands sutiated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4094 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Glenn Gould: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his finding of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 400

Resolution to refer the bill (S. 4095) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4095 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto H. E. Welch: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a Trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any legally or equitably due from the United States to the claimant.

S. RES. 401

Resolution to refer the bill (S. 4096) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4096 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverdale, State of California unto Martha Butler: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 402

Resolution to refer the bill (S. 4097) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4097 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Robert H. Clark and Laura E. Clark: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 403

Resolution to refer the bill (S. 4098) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4098 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto William A. Goodchap and Roberta L. Goodchap. It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 404

Resolution to refer the bill (S. 4099) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4099 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Owen Prather: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 405

Resolution to refer the bill (S. 4100) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4100 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto E. H. Wilson: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 406

Resolution to refer the bill (S. 4101) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon

Whereas there is pending in the Senate of the United States a bill designated as S. 4101 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California unto Ralph Lindemuth: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

RESOLUTIONS

SENATE RESOLUTION 397—RESOLUTION TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "ASPECTS OF INTELLECTUAL FERMENT AND DISSENT IN THE SOVIET UNION"

Mr. DODD submitted the following resolution (S. Res. 397); which was referred to the Committee on Rules and Administration:

S. RES. 397

Resolved, That there be printed as a Senate document a study entitled "Aspects of Intellectual Ferment and Dissent in the Soviet Union," prepared at the request of Senator Thomas J. Dodd by the Legislative Reference Service of the Library of Congress; and that there be printed 10,000 additional copies of such document for the use of the Committee on the Judiciary.

SENATE RESOLUTION 398 THROUGH SENATE RESOLUTION 406—RESOLUTIONS RELATING TO OWNERSHIP OF LANDS ALONG THE LOWER SECTION OF THE COLORADO RIVER

Mr. MURPHY (for himself and Mr. KUCHEL) submitted certain resolutions (S. Res. 398 through 406) relating to ownership of lands along the lower section of the Colorado River, which were referred to the Committee on Interior and Insular Affairs.

(See the above resolutions printed in full when submitted by Mr. MURPHY, which appear under separate headings.)

SENATE RESOLUTION 407—RESOLUTION TO PRINT AS A SENATE DOCUMENT A STAFF STUDY ENTITLED "STEEL IMPORTS"

Mr. LONG of Louisiana. Mr. President, on behalf of the Committee on Finance, I am submitting a resolution to authorize a report prepared by the staff of the committee entitled "Steel Imports," December 19, 1967, to be printed as a Senate document. This report is a statistical and analytical work dealing with the impact of steel imports on the domestic economy.

At the time of its original printing, the Government Printing Office was authorized to place it on sale. They did so, and sold every copy. The copies printed for the use of the Committee on Finance have also been exhausted, but demand for the document continues at a high rate.

I hope that this resolution will be acted on before adjournment so that those seeking copies of this document may be able to obtain them.

Mr. President, this document highlights a problem which has every prospect of becoming a very important economic issue for this Nation to solve.

I ask that the resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 407) was referred to the Committee on Rules and Administration, as follows:

S. RES. 407

Resolved, That there be printed as a Senate document, a staff study by the Committee on Finance, U.S. Senate, dated December 19, 1967, entitled "Steel Imports," and that there be printed one thousand copies for use by this committee.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 1008

PAYMENT FOR DEATH OF SHEEP FROM NERVE GAS

Mr. BENNETT. Mr. President, I send to the desk for printing an amendment which I intend to offer to H.R. 18707, the

Department of Defense appropriation bill.

On March 13, 1968 the U.S. Army conducted a test at Dugway Proving Ground near Skull Valley, Utah, during which a quantity of nerve gas was sprayed from an aircraft. Due to unforeseen conditions, this nerve gas spread beyond the military reservation and resulted in the killing of some 6,000 sheep which were on the winter range adjacent to the Dugway Proving Ground. The Army, in cooperation with the Departments of Health, Education, and Welfare and Agriculture, conducted extensive tests to determine for a certainty whether the Army nerve gas was responsible for the death of these animals. The sheep began to die within hours after the tests were conducted and to those that did not die, hundreds had to be destroyed because of crippling effects.

Finally on August 20, the Secretary of the Army approved the claim of the Anschutz Land Co. and under the Military Claims Act immediately paid $5,000 to the claimant. The balance of the claim, $371,685, has been reported to the Bureau of the Budget for transmittal to the Congress.

Mr. President, I ask unanimous consent at this point to include in the Record a release dated April 18, 1968, made by the Office of Public Affairs, the Department of Defense, entitled "Status Report on Investigation of Sheep Deaths in Utah."

There being no objection, the release was ordered to be printed in the Record, as follows:

[From the Department of Defense, Office of Public Affairs, Washington, D.C., Apr. 18, 1968]

Status Report on Investigation of Sheep Deaths in Utah

Brigadier General William W. Stone, Jr., Office of Research and Laboratories, Army Materiel Command, has completed the initial phase of the Army's investigation into the cause of the deaths of the sheep in the Skull Valley area of Utah. His report is now undergoing technical review by scientists and staff officers in the Department of the Army.

This investigation was conducted at Dugway Proving Ground, and in Skull Valley and Rush Valley by technical teams from the Proving Ground, Edgewood Arsenal, U.S. Public Health Service, U.S. Department of Agriculture and Utah State Departments of Health and Agriculture. These teams operated independently but in a highly cooperative manner, exchanging all information obtained.

The Army investigations are continuing and its findings to date have not been conclusive as to the specific cause for the death of the sheep. The evidence pointing to Army involvement is as follows:

a. Symptoms of an unknown sickness were reported as appearing on 14 March 1968 in the sheep at White Rock in Skull Valley close to the eastern border of Dugway Proving Ground, and 27 miles east of the test site. By 15 March 1968 large numbers of sheep started dying at White Rock and in other herds of sheep further to the east in Skull Valley. The highest death rate was among the sheep at White Rock. The deaths in sheep occurred following a spray trial of a persistent chemical nerve agent from a high performance aircraft on 13 March 1968 at Dugway Proving Ground.

b. Although there was a wind from the south-southwest at the time of the 13 March 1968 test, the wind shifted about two hours later and blew from the west. It can be postulated that any very small particles of agent remaining airborne could have been transported into the areas in Skull Valley and Rush Valley where sheep were later affected.

c. There were scattered cumulus clouds in the general area at the time of the test and scattered rain showers developed during the early evening. One of these rain showers could have washed this airborne agent out of the air and deposited it on vegetation and the ground.

d. Cholinesterase depression in the blood of affected Skull Valley sheep points toward exposure to an organophosphorus compound. Many common pesticides, the nerve agents, and some noxious plants can cause this depression. Cholinesterase depression in the blood is the most sensitive indication of exposure to nerve agents or pesticides. This depression occurs at exposure levels well below those where there are visible or otherwise noticeable symptoms.

e. Although symptoms of the affected sheep differed initially from those expected from past laboratory experience with other animals, continued feeding experiments with the agent have essentially reproduced the later symptoms found in the sick Skull Valley sheep.

f. The total report indicates an extremely wide variety of possibilities as to what caused the sheep deaths; these have been explored and eliminated. There is no current evidence that the cause of death is to be found among poison plants, pesticides, or bacterial or viral infections.

g. Since 20 March 1968, several hundred samples of water, soil, snow, vegetation, and wool from Skull and Rush Valleys have been analyzed looking for evidence that the agent has escaped from the Proving Ground; all these samples were negative. Recognizing that something had in fact killed the sheep and that it could have been the agent, a few very large samples of vegetation were collected by Dugway Proving Ground scientists from the White Rock area to obtain increased sensitivity. By 10 April 1968 this difficult analysis had proceeded in the Proving Ground laboratories and elsewhere to the point where it was considered possible that traces of a nerve agent or a similar organic compound were present in two extracts of samples collected in the White Rock area. Although there are still confirmatory tests to be completed in several laboratories on these and other samples, this is an indication that the agent could be present in an area where sheep died. Intensive collection of additional large samples in other areas where sheep died is now going forward. Confirmatory laboratory findings are also being sought from large samples sent to Edgewood Arsenal and the National Communicable Disease Center.

Since that date the National Communicable Disease Center, Atlanta, Georgia, reports that their scientists have now isolated traces of an identical organophosphorus compound in snow, water and grass, and in the blood, liver and stomach contents of dead sheep in Skull Valley. It can be concluded that these compounds are related to the nerve agent samples provided by Dugway Proving Ground. Tests conducted to date at the Department of Agriculture Laboratories at Ames, Iowa, have not confirmed these findings.

Although the foregoing evidence points to the Army's involvement in the death of the sheep it is also clear that there are many questions still unanswered and which should be the subject of continuing investigation. For example:

a. Why have sheep been affected seriously with no effect on humans whatsoever and only a slight cholinesterase depression in cattle and perhaps horses. The rodent population density before and after the test is unchanged. Apparently the sheep were affected by eating contaminated vegetation. However, to obtain the sheep deaths observed, from the small amount of agent that current data indicate could have gotten to Skull and Rush Valleys as a result of the 13th March test, the sheep by some as yet unknown mechanism must have become highly sensitized to the agent. The opinion that the deaths were caused by a combination of factors, of which the agent was only one, has been orally expressed by many of the investogators, Army and otherwise.

b. As long as the possibility exists that the Army may have been involved, the existing safety procedures at the Dugway Proving Ground laboratories need to be reviewed by an unbiased group. In this regard the Department of the Army has proposed the formation of a Federal Inter-Agency Committee to conduct such a review. This proposal suggests the participation of representatives of the U.S. Department of Health, Education, and Welfare, Department of the Army, Fish and Wildlife Service, Department of the Interior, U.S. Department of Agriculture, Utah State Division of Health, Utah State Department of Agriculture, National Aeronautics and Space Administration and representatives from private agencies with special capabilities. This proposal is currently under consideration by the Department of Defense.

There is no evidence of any hazard to humans in the area.

Mr. BENNETT. Also, Mr. President, I ask unanimous consent to include in my statement a release made by the Legislative Liaison Office of the Department of the Army dated August 20, 1968 in which Secretary of the Army Stanley R. Resor indicated that he had approved payment of the claim to the Anschutz Land Co. and under the provisions of the Military Claims Act he immediately paid $5,000 to the claimant leaving the rest to be paid after Congress approves funds to liquidate this claim against the U.S. Government.

There being no objection, the release was ordered to be printed in the Record, as follows:

Department of the Army, Office
of the Secretary of the Army,
Washington, D.C., August 20, 1968.

INFORMATION FOR MEMBERS OF CONGRESS—FURNISHED BY: OFFICE, CHIEF OF LEGISLATIVE LIAISON

Secretary of the Army Stanley R. Resor approved a claim for the death and injury to some 6,000 sheep submitted by the Anschutz Land Company, Denver, Colorado arising out of an incident which took place on 14 March 1968 near the Dugway Proving Ground, Utah.

The Secretary approved the payment of $5,000 to the claimant; the balance of the claim—$371,685—has been reported to the Bureau of the Budget for transmittal to the Congress.

The claim was approved under the authority contained in the Military Claims Act (10 U.S.C. 2733) which provides that the Secretary of the Army may approve payment for claims up to $5,000 for damages incident to the noncombat activities of the Army. The Department of the Army investigation found that compensation by the Army is proper in this case. Approval of the claim does not constitute a finding that the Department of the Army was negligent. Under the Military Claims Act, compensation is proper where the Army's activities contributed to the loss.

The claimant has submitted a separate claim for damage to land which will be adjudicated at a later date.

As a result of this incident the existing procedures, monitoring equipment, facilities and safety regulations used by Dugway Proving Grounds are presently being reviewed by a Federal inter-Agency Committee formed at the request of the Secretary of the Army. The Committee consists of representatives of several Federal and State agencies and is chaired by the Surgeon General of the United States Public Health Service.

Mr. BENNETT. Unless the Anschutz Co. obtains these funds at an early date they will not be able to buy a new herd and as a result the ewes cannot be bred to produce offspring next year. If this occurs, there will be greater damages assessed against the Army because this livestock company will then not only lose the initial herd but the marketing of wool, the loss of new offspring, and will not be able to sell mutton and lamb from the excess number of the herd which is usually culled out each year.

In talking with officials of the Bureau of the Budget I have not been able to get positive assurances that a final supplemental appropriation bill will be submitted to Congress. I was informed that there was a possibility that the President will hold over all of the claims items and thus require the new President to submit these claims and requests for supplemental funds after taking office next January.

For the reasons set forth above, I would hope that the chairman of the Appropriations Committee and my other colleagues in the Senate will approve this amendment which would add $371,685 to the amount already included in the Defense appropriation bill to pay military claims.

The **PRESIDING OFFICER.** The amendment will be received, printed, and will lie on the table.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

J. Paul Teal, Jr., of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years, vice Paul D. Sossamon.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee in writing, on or before Friday, October 4, 1968, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** Is there further morning business?

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS UNTIL MONDAY, SEPTEMBER 30, 1968, AT 10 A.M.

Mr. LONG of Louisiana. Mr. President, I wish to ask if there are any other Senators who wish to conduct morning business at this time. If there are no other Senators desiring to speak at this time, I move that the Senate, in executive session, stand in recess, under the order previously entered, until 10 a.m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 25 minutes p.m.) the Senate, in executive session, took a recess until Monday, September 30, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27 (legislative day of September 24), 1968:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

William F. Nettell
John A. McGough
John W. Reiter
Richard J. Andrews
Jon W. Young
Tom H. Graening
Mark E. Libby
James A. Fetters
Charles M. Wrighter
Robert G. Frame
John H. Distin
Michael K. Bell
Evan L. Stoll, Jr.
Bruce Y. Arnold
James H. Getman
Carmond C. Fitzgerald
John C. Voden
Michael F. Cowan
Michael A. Bradaric
Walter W. Prelle
Charles R. Lewis
George M. Devanney
Richard S. Tweedie
James R. White
George P. White, Jr.
Lynn H. Degrow
George C. Carter
Russell J. Collins
John W. Martin
Richard A. Knisely
Richard B. Cook
Thomas W. Snook
George J. Sepel
Henry J. Dresch
Roger A. Brunell
Richard M. Larrabee III
Robert E. Williams
Paul J. Pluta
John A. Donofrio
Geoffrey C. Kline
James L. Barth, Jr.
Robert A. Montgomery, Jr.
Thomas J. Schaeffer
Andrew J. Sedlock
Louis P. Manfra
Neil Wise
French H. McElrath
Richard K. Clark
Richard B. King II
William R. Slate
James H. Wihlborg
John R. Donaldson
Daniel J. Hines, Jr.
James F. Verplanck
Kenneth L. Ervin
George J. Munkenbeck, Jr.
Harry J. Godfrey III
Clifford J. Appel
Allen T. Maurer
Helmut E. Walter
Rex M. Wessling
Lawrence F. Cox, Jr.
Gordon A. Olson
David B. Lorenz
Charles S. Kennedy, Jr.
Chad B. Doherty
Ronald E. Beck
Mark L. Solberg
Joseph F. Angelico
Milton R. Rose
David M. Strasser
Theophilus B. Houston, Jr.
Lewis Miller
Timothy J. Wood
Thomas C. Greene
Wayne R. Till
Donald J. Freedman
Preston L. Foskey
James R. Townley, Jr.
Terry W. Sinclair
Stephen F. Mullins
Gary J. E. Thornton
Robert E. White III
David E. Prosser
Robert F. Riley, Jr.
James R. Peek II
John R. Painter
Philip J. Berger
Douglas M. Miller
William H. E. Nock III
David H. Lyon
Michael S. Macie
Randall J. Peterson
Robert E. Long
Mark A. McDermott
Drew R. Hamblin
David J. West
James P. Mahone
Stephen W. Clark
Jack A. Lang
Jerome C. Cobb II
James L. MacDonald
Wilson G. Churchill
Richard C. Motter
Robert W. Sitton
Bennett C. Osborne
Larry G. Bickmore
James J. Shaw, Jr.
Terence T. Post
Terence M. O'Connell
Richard L. Zeiders
Leo B. Tyo
Roger D. Enstrom
Warren C. Hoyt
Harvey B. Packard
Dallas G. Schmidt, Jr.
Peter R. Hoffman
Jerald B. Rainey
Robert A. Byers
David G. Johnson
Rob R. Hathway
Donald D. Stansell
Willis E. Sanders
Douglas J. Wood
Wallace R. Potvin
William Z. Erwin
Keith King
Dale E. Long
Donald L. Meinen
Ralph B. Steinfeldt
Gerald A. Parr
Philip M. Mayer
Roger A. Garlow
Leonard M. Strong
Christopher D. Willis
William R. Knight III
Michael E. Maliniemi
Ronald R. Crooker
Jerry L. Echols
Robert V. Renaud
Thomas B. Urbanowicz
Danford A. Silva
Francis R. Tardiff
John A. Buzga
James E. Doyle
Lawrence L. Jenkins
William B. Clow

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Clinton H. Smoke
Arden B. Chittick
Conley D. Nelson
Neil A. Wagstaff
Clarence C. Martin
Robin F. Krause
Edward A. Harmes III

The following-named Reserve officer to be a permanent commissioned officer of the Coast Guard in the grade of lieutenant (junior grade):

Charles G. Hill, Jr.

The following-named officer of the permanent commissioned teaching staff of the Coast Guard Academy to be an associate professor in the grade of commander:

Jimmie D. Woods

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835 title 10, United States Code, as amended. All officers are subject to physical examination required by law.

CAPTAIN TO MAJOR

Line of the Air Force

Aamodt, Clark E.
Abell, John B.
Abein, Thomas J.
Abrahamson, James A.
Adams, Harlen G.
Adams, Richard E.
Adams, Richard J.
Adams, Winfred P.
Adcock, Billy D.
Ahern, Edward J.
Ahlefelder, Henry J.
Aimo, Joseph
Alberts, John R.
Albertsen, John S.
Albright, Theodore L.
Alderman, Winters, G. H.
Alexander, Dean E.
Alexander, Douglas W.
Alexander, Douglas M.
Alexander, James W.
Alfred, Loren R.
Allbritton, James W.
Alldever, Duane G.
Alleman George T., Jr.
Allen, Bennie R.
Allen, Benny J.
Allen, David H.
Allen, Ira F.
Allen, Melvin L.
Allison, George B.
Allison, John C.
Allman, Fred D.
Alvarez, Ariel
Aly. Charles E.
Amend, Dale N.
Amend, John S.
Ammon, Glendon L.
Amsler, Gordon M.
Anders, William A.
Anderson, Allen L., Jr.
Anderson, Austin D.
Anderson, Carl A.
Anderson, Don L.
Anderson, Edwin M., Jr.
Anderson, Everett E.
Anderson, Glenwood J.
Anderson, John M.
Anderson, Kenneth A.
Anderson, Milton W.
Anderson, Mylus G.
Anderson, Richard E.
Anderson, Robert D.
Anderson, Warren L.
Anderson, Wayne C., Jr.
Anderson, William G.
Anderson, William L.
Anthony, James L.
Anthony, Victor B.
Apple, Nick P.
Applegate, James E.
Arata, Harold J.
Arata, Paul F., III
Arcari, Paul W.
Archer, Norma A.
Arenas, Thomas J.
Arndt, Charles L.
Arquette, Charles A., Jr.
Asbury, Francis L.
Ashley, Daniel L., Jr.
Ashnault, Paul O.
Aslin, Clinton H.
Athanas, Athas J., Jr.
Atkins, David G.
Atkinson, Donald M.
Atkinson, Gary D.
Atkinson, Rowland R., Jr.
Aulbach, George F., Jr.
Austin, Franklin H., Jr.
Austin, George A.
Austin, Harold D.
Avila, George C., Jr.
Axelrod, Harry I.
Babbitt, Frank K., Jr.
Babcock, Leon W., Jr.
Baber, Ralph K.
Bachelor, James T.
Backues, Billy G.
Baetz, Gary D.
Bagwell, Robert E.
Bailey, Benjamin N.
Bailey, Charles S.
Bailey, Donald R.
Bailey, Melvin A
Bain, Donald W., Jr.
Bainum, Charles W.
Baird, Robert D.
Baird, Robert V.
Baker, Marlin R.
Baker, Ward J.
Baker, Willard K.

Ballard, Jack S.
Ballif, Bruce B.
Balzen, Earl W.
Banks, George G.
Banks, James E.
Bargery, Basil L.
Barker, Raoul S.
Barkus, Robert B.
Barkwill, John F.
Barlow, Wesley J.
Barlow, William J.
Barnard, Austin A., Jr.
Barnes, Edward G.
Barnes, John B.
Barnes, Walter E., III
Barras, Gregory I.
Barrell, James L.
Barrett, William R.
Barron, Larry L.
Bartholomew, David B.
Bartholomew, Richard A.
Bartleson, Fred D., Jr.
Bartlett, Dean D.
Bartlett, Stanley D.
Barton, Gerard S.
Basquez, Joseph G., III
Bassett, Cecil A., Jr.
Batchelor, Charles C.
Bates, Albert R.
Batson, Louis R., Jr.
Battle, Ed L.
Bauer, Richard F.
Bauer, Robert F.
Bauman, Edward J.
Baumgardner, Max E.
Baumgartner, William P.
Baxter, William W.
Bayly, Philip A.
Bayus, Richard M.
Beadle, Marion D.
Beale, Robert S.
Beaman, Paul C.
Beard, James P.
Beardsley, Clarence J.
Beatty, Joseph A.
Beaudoin, Clarence J., Jr.
Bechtle, Walter E.
Beck, Donald P.
Beck, Gordon N.
Beckman, Rodney B.
Bedke, Ernest A.
Bedsworth, Bobby D.
Behunin, Otto E.
Belknap, Dennis J.
Bell, Douglas C.
Bell, Jimmie E.
Bellinger, Richard A.
Belsjoe, Thomas B.
Bender, Hubert L.
Bender, Leo H.
Bendrick, Frank E.
Benedict, Donald F.
Benge, Bobby J.
Bennett, Clyde E.
Bennett, Robert E.
Benson, Douglas W.
Bent, Peter W.
Benton, Charles R.
Bentz, Richard
Beoddy, John J.
Beran, John F.
Beresford, Theodore F., Jr.
Bergstrom, James W.
Berkley, Dale W.
Bernasconi, Louis H.
Berry, Kay L.
Berry, Millard F., Jr.
Berryhill, James V.
Berthold, David F., Jr.
Bethke, George E.
Beuke, Theodore R.
Beyer, William R.
Bianchino, Richard A.
Biersack, Elmer R.
Biggs, Robert L.
Binish, Robert H.
Birkett, Robert C.
Birkner, Harry
Birmingham, Daniel J., Jr.
Birr, Thomas G.
Bishop, Alexander Y.
Bishop, Arthur N.
Bixby, Harvin D.
Blackman, Gordon N.
Blackwell, John W.
Blair, William D.
Blake, Daniel, Jr.
Blake, Thomas C., Jr.
Blanchard, Phillip B.
Blanchard, Wesley K.
Bland, William J.
Blank, Emanuel T.
Blanton, Harvey B., Jr.
Blanton, John W.
Bleacher, Ralph D.
Blinn, Robert H., Jr.
Boddie, James T., Jr.
Bode, John R.
Bodenhamer, Kenneth D.
Boinest, James W.
Boland, Robert L.
Bolduc, Roger J.
Bolin, John W., Jr.
Bonanni, Peter A.
Bond, Gerald E.
Bond, Wayne C.
Booker, Hillard C.
Boone, Earle M.
Booth, William K.
Borland, Jack G.
Boseman, Paul M.
Bottoms, William H., Jr.
Bouchard, Philippe O.
Boulware, Robert H.
Bourn, Daten O.
Bouton, Lloyd M.
Bowden, Charles K.
Bowden, Fred L.
Bowen, Kenneth R.
Bowen, Richard A.
Bowersock, Dave E.
Boyer, Gary L.
Brackett, Donald F.
Braddock, Julian C.
Braden, Robert H.
Bradley, Charles W.
Bradshaw, John B.
Brakebill, Dale L.
Bramlett, John C., Jr.
Bramwell, Stanley K.
Brander, Albert
Brandon, Francis E., Jr.
Brannon, Gordon L.
Branton, Charles E.
Brasuell, Rollo W.
Brattain, Thomas L.
Braunstein, Eugene D.
Breaux, Marvin R.
Breckner, William J., Jr.
Brehm, Lawrence R.
Breland, Rodney L.
Brennan, Edward M.
Brennan, Lowell S.
Brennan, William F.
Brewer, Stanley M.
Briggs, Ronald A.
Brinson, Kenneth G.
Brister, Eric J.
Brittain, Douglas B.
Broadway, Cary L.
Brock, Eugene B.
Brodman, Robert F.
Broker, John A., Jr.
Brooks, Elmer T.
Brooks, Jackson P.
Bhoschat, Donald F., Sr.
Brotherston, Joseph H.
Brotnov, Harmon M.
Broussard, Arthur E., Jr.
Brown, Billy J.
Brown, Charles D.
Brown, David L.
Brown, Donald D.
Brown, Floyd W., Jr.
Brown, Gerald C.
Brown, John H.
Brown, Paul
Brown, Robert M.
Brownfield, Bird R.
Bruce, Clarence K.
Brun, Robert J.
Brundrett, Wallace M., Jr.
Bruno, John B.
Bry, William C.
Bryan, Delano R.
Bubick, Raymond J.
Buchanan, Charles A.
Buchanan, Herbert
Buchter, Richard F.
Buck, John T.
Buckley, Sims A.
Buie, Al
Buikema, Kenneth E.
Buran, Emil L.
Burbey, Ralph D.
Burgess, Elvin A., Jr.
Burggrabe, Donald E.
Burke, David J.
Burkett, Delmar E.
Burkett, Walter M.
Burleson, Donald R.
Burns, Lindo L.
Burns, Robert J.
Burpee, Richard A.
Burris, John W.
Burris, Marvin E.
Burroughs, William D.
Burt, David N.
Burton, Robert W.
Burwell, Edward M.
Busch, Bruce W.
Busch, Warren L.
Bush, Gaston O.
Bush, George H.
Bush, Robert E.
Bushey, George D.
Bushong, Eugene M.
Butt, Lucious C.
Butts, Ray F.
Bylinski, Joseph J.
Caffey, Clement D.
Cain, Keith M.
Caine, Philip D.
Caldwell, Bruce T.
Caldwell, James G.
Caldwell, Troy L.
Calhoun, James N.
Calvert, Donald L.
Camacho, Raymond
Campbell, Gerald E.
Campbell, Howard H.
Campbell, Melvin C.
Campbell, Thomas J.
Canfield, Paul C.
Cannon, Jerald D.
Cannon, Mervyn M.
Canon, William R.
Capaldo, Roy P.
Capper, Dennis L.
Card, Merritt C.
Cardosi, John C.
Carey, Kenneth V.
Carl, Martin J.
Carlson, Fredric J.
Carlson, James W.
Carnes, Hugh B., Jr.
Carpenter, Joe V.
Carpenter, Kenneth B.
Carr, Wayne A.
Carrington, William M
Carroll, William R., Jr
Carrothers, William S., Jr.
Carruthers, William M
Carson, David L.
Cartee, Dale E.
Carter, John L.
Carver, James E.
Case, Benjamin L.
Cassell, Robert T.
Castleberry, Ronald G
Castles, John H.
Casto, James F.
Cates, Joseph R.
Catherine, Carl C.
Cathey, Carl H., Jr.
Catton, Ronald E.
Caven, Charles A.
Cebehabersky, Jack V.
Chamberlain, Frank D., Jr.
Chambers, Everett A.
Chambers, William A.
Champlin, James L.
Chancey, John W.
Chapel, Kieran O.
Chapman, Kenneth N.
Chappell, Richard G.
Chase, Robert S.
Chastain, Robert L.
Chastaine, Laverne A.
Chatfield, George A., Jr.
Cheatham, Richard D., Jr.
Cherrington, John R., Jr.
Chestnut, Joseph L.
Chiota, Anthony J.
Chipman, Jerry L.
Chivers, Edgar P.
Christeson, Gerald L.
Christi, Christus
Christian, Richard E.
Christiansen, Evan C.
Christiansen, Roger H.
Christiansen, Von R.
Christopoulos, Arthur G.
Chubb, Melvin F., Jr.
Chung, Winchell D.
Chura, Francis R.
Claiborn, Edward L.
Clardy, David B.
Clark, Charles H.
Clark, Elvin M.
Clark, James R.
Clark, James R.
Clark, Ralph L.
Clark, Robert M.
Clark, Robert S.
Clarke, James E.
Clarke, John A.
Clarke, Robert N.
Clarkson, Joseph E.
Clary, James C.
Claunch, George E.
Clayburn, Grant B.
Clayton, Harold L., II
Clayton, John F.
Clegg, David H.
Clegg, Maurice V.
Clements, Gerald H.
Clemons, Leroy S.
Cleveland, Frederick H.
Clifford, Lawrence E.
Clifford, Robert V.
Cline, Joseph P.
Clutter, Roderick W.
Coates, Harry J., Jr.
Cobb, Kenny D.
Coe, John C., Jr.
Cohen, Edward D.
Cole, Earle R.
Cole, Edward H., Jr.
Cole, Victor P.
Colford, James W.
Collier, James L.
Collins, David
Collins, David J.
Collins, Phillip B.
Colson, Harold G.
Colton, Charles A.
Colwick, Harold D.
Conduff, Lloyd E.
Conger, Douglas J.
Conkling, Davis B.
Conley, Edwin J., Jr.
Conlin, Robert A.
Connally, Glen R.
Conner, Arlie R.
Connolly, Joseph H.
Connolly, Vincent J.
Connors, John S.
Conroy, Joseph M.
Conway, Richard P.
Conwell, Leslie C.
Cook, Donald E.
Cook, Frank E.
Cooke, Walter D.
Cooley, Carroll R.
Coons, Donald E.
Cooper, Charles D.
Cooper, Marvin E.
Cope, Edward A.
Copp, Arthur J.
Cormier, Roy L.
Cornelius, John T.
Corrigan, Clayton H.
Cory, Gerald A., Jr.
Corzilius, David S.
Cosgrove, Raymond E.
Cost, Dennis E.
Couch, Willard A., Jr.
Coulter, Herschel E., Jr.
Coulter, Robert K.
Countryman, William E.
Cournoyer, Henry J., Jr.
Courtright, John F.
Covert, Willis D.
Cox, Gene A.
Cox, Glenn T.
Cox, Idys W.
Coyle, Edward M.
Coyle, Francis S., III
Conyer, Richard L.
Cozine, John E., Jr.
Cracraft, Jack E.
Craig, David E.
Craig, Marvin L.
Craig, Wilbert F., III
Crampton, Henry E. III
Crandan, Donald C.
Craven, William E.
Craver, Jesse C., Jr
Crawford, Charles E.
Crawford, Gary D.
Crawford, James C.
Crenwelge, Joe E.
Crews, Glen T
Crihfield, Bobby L.
Crook, Marcus F.
Crow, Myron W.
Crumbaker, David M.
Cruzan, Donald E.
Cuellar, Andres N.
Cummings, David Q.
Cummings, Jack C.
Cunningham, Charles J., Jr.
Cunningham, John T., III
Cuny, Theodore W., Jr.
Cupfender Norman M.
Curatelli, John J.
Currier, Vincent E.
Curry, Donald L.
Curry, Gene D.
Curtis, Herbert B.
Curtis, James R.
Curtis, John W.
Curtis, Lewis G.
Cyr, Arthur R.
Dahl, Gordon I.
Dahlberg, Irvin W.
Dahle, Simend E.
Dahlquist, Lamont R.
Dahmen, Gerald K.
Dailey, Keith G.
Dair, Donald G.
Dale, Neil F.
Daley, Robert J.
Damon, Edward R.
Daniel, Henry L., Jr.
Daniels, Louis E., Jr.
Dantzler, Gerald T.
Danz, Raymond A.
Darling, Frederick R.
Darlington, Norman W
Darsey, Wilbur A.
Dasanmartino, Paul, Jr.
Daugherty, Tim T.
Daugherty, William L.
Daughtry, John F.
Davidson, George R.
Davilla, Sidney T., III.
Davis, David H., Jr.
Davis, Dempsie A., Jr.
Davis, Fred M.
Davis, Harry A., III.
Davis, Hugh A.
Davis, James W.
Davis, Jerry G.
Davis, Milford E.
Davis, Reginald R.
Davis, Richard.
Davis, Walter R.
Davis, Wayne E.
Dax, Raymond E.
Day, Charles B.
Dean, Ernest S., Jr.
Decarlo, Anthony J.
Dedinas, Joseph V.
Dedominicis, John A.
Defelice, Rocco.
Deghuee, John F.
Deloache, Kelly L.
Delong, Robert E.
Delong, Robert I.
Delorenzo, Felix S.
Delorenzo, Francis J.
Deming, Wilfo E., III.
Denice, John J.
Denman, Howard R.
Denney, Floyd C.
Denny, Jack E.
Denzer, Frank L., Jr.
Depriest, Van A.
Dersheimer, George F.
Desilets, Martin G.
Desmond William R.
Desrochers, Norman A.
Desroches, Paul J.
Detar, Dean E.
Devens, Allyn M.
Dewerd, Thomas G.
Dewitt, John S.
Dibartolo, Eugene N.
Dickens, Freddie D.
Dickey, Gerald D.
Dickinson, James H.
Dickman, Everitt W.
Dickman, Henry J., Jr.
Dickson, Marshall W., Jr.
Dickson, Thomas P.
Didamo, Francis A.
Dietze, Robert J.
Dille, Roy B., Jr.
Dillon, John Z.
Dillon, Kenneth W.
Dillon, Larry A.
Dimski, Jack C.
Disbrow, David E.
Ditz, James P.
Diven, William L.
Dockery, George E.
Dodds, William G., Jr.
Dodson, Richard B.
Doggette, James C., Jr.
Doherty, Charles J.
Dollahon, William J.
Dombrowa, Theodore J.
Donald, Frank L., Jr.
Donaldson, Robert D.
Donaldson, Robert J.
Donlon, James M., Jr.
Donohoe, Paul J.
Doole, William H. E.
Doren, Anthony J.
Dorwart, Jason D.
Doscher, Stanley
Dostie, Francis A.
Doty, Billy G.
Downes, Larry B.

Doyle, Billy C.
Doyle, William L., Jr.
Drablos, Donald S.
Drawbaugh, Robert E.
Driscoll, Dennis R.
Drobot, John J.
Dryden, Gary L.
Drye, Homer F.
Dube, Francis P.
Dubois, James W.
Duckworth, Richard D.
Duet, Daniel S.
Duff, Howard J.
Duffett, Walter N.
Duffy, Daniel H.
Duffy, John J., Jr.
Dugard, George A.
Duke, Thomas A.
Dunbar, James R.
Dunham, Robert L.
Dunlap, Francis E.
Dunn, James D.
Dupont, Holbrook B.
Durazo, Charles G.
Durdin, Thomas N.
Durflinger, Dale J.
Durkee, William L., Jr.
Dutcher, William W.
Dutnell, Richard C.
~~Dutton,~~ Richard K.
~~Duval,~~ Ronald C.
Dvorchak, Stephen R.
Dyer, Pintard M. III
Dyer, Richard E.
Dyer, Thomas J. III
Dyes, Lynn S.
Early, William N.
Easom, Charles H.
Eassa, Edward J.
Eddy, David H.
Edgar, Charles O.
Edgar, Norman R.
Edgerly, Robert
Edgren, Robert D.
Edwards, Alan M.
Edwards, Harry N.
Edwards, John R. Jr.
Edwards, Lloyd
Edwards, Ronald L.
Egan, John R.
Egbert, James E.
Eggleston, John D.
Ehmke, Charles A.
Einstein, Walter O.
Elftmann, John W., Jr.
Ellermets, Arne
Elliott, Donald E.
Elliott, Richard D.
Elliott, Robert L.
Ellis, Donald E.
Ellis, Keith W.
Elmer, Dean A.
Elwood, Niles T.
Ely, Richard K.
Emerson, Delbert A., Jr
Emig, Charles W.
Enbysk, Howard R.
English, Edwin E., Jr.
Enty, Arthur D.
Eppinger, Dale L.
Equi, Dino P.
Erickson, Paul E.
Ericson, David M., Jr.
Ermel, Eldon C.
Ermel, Fred W. Jr.
Esterlin, Francis E., II
Eubanks, Robert E.
Evancho, Michael E., Jr.
Evans, David W.
Evans, Robert E.
Evans, Wilfred E.
Everett, James D.
Everson, David
Ewing, Charles V.
Ewing, Don R.
Ewing, Wilbur E., Jr.
Fagan, Willis F.
Falck, Louis K., Jr.
Falconieri, Louis

Fallows, Thomas E.
Falls, Clyde L., Jr.
Falzon, Alexander
Farmer, Grover C.
Farnsworth, William W.
Faulkner, Frederick H.
Faurer, Judson C.
Fawcett, Horac K., Jr.
Fawcett, Robert G.
Feather, George K.
Feil, John A.
Felciano, Franklyn M.
Felmley, Jerry J.
Fendrick, William A.
Fenimore, John W.
Fennewald, Joseph A.
Fenton, George C.
Ferguson, Harold B.
Ferrell, Furman C.
Ferzacca, Albert L.
Fincher, Thomas H.
Fink, Richard B.
Finley, Robert A.
Finn, Robert J.
Finn, William V.
Finnegan, John L.
Finnegan, Neil F.
Fiola, Armand J.
Fish, Stephen B.
Fisher, Charles W.
Fisher, James P.
Fisher, Robert H.
Fisher, Samuel L.
Fisher, William E.
Fitton, Crosley J., Jr.
Fitts, Richard E.
Fitzgerald, James C.
Fitzsimmons, Norman H.
Flanders, Edward D.
Fleener, Delbert W.
Fleet, Ronald P.
Fleming, Peter M.
Fleshman, Roger F.
Fletcher, Carl C., Jr.
Flood, James L.
Florman, George L.
Flowers, Jack L.
Floyd, Leland D.
Flynn, Charles L.
Foley, Daniel J., Jr.
Foley, James R.
Foley, Paul K.
Follmer, William J.
Folsom, Carl M.
Font, William I.
Ford, Stanley J.
Ford, Walter J.
Forstner, George C.
Forsythe, David A.
Foster, Gerrit D., Jr.
Foster, John L.
Foster, William E., Jr.
Founds, Boyd E.
Fournier, Joseph D. L.
Fouss, Richard W.
Fox, James D.
Fox, Robert W.
Fox, Roland R.
Foy, Robert J.
Fraga, Thomas Z.
France, Warren G.
Francis, George F.
Francis, Philip B.
Franklin, John M.
Franklin, Sidney B.
Franks, Tullos L., Jr.
Frazier, Allison A.
Frazier, Therman E.
Freedman, Bernard
Freeman, Roy B., Jr.
French, Harold S.
French, Lawrence R.
Freund, Richard M.
Frewen, Franklin D.
Frey, Roger A.
Frisbie, Erwin C., Jr.
Frisch, Jerome A.
Frizzell, Donaldson D.
Fry, David C.

Fry, Lyle M.
Frye, Vernon L.
Frymire, Randolph W.
Fulgham, George S.
Fulghum, Gary G., Jr.
Fulk, James L., Jr.
Fullam, Wayne E.
Fuller, Benjamin R., III
Fuller, Robert R., Jr.
Fullmer, Wayne M.
Fults, Jim
Funai, Donald K.
Funderburk, Elmer, Jr.
Furlow, James D.
Furtner, Ralph W.
Gabby, Harold H.
Gabriel, Arnald D.
Gafney, James M.
Gallanger, Clifford L.
Gammage, Frank T., Jr.
Gander, John F.
Gannaway, Jay T.
Garcja, Rudy M.
Gardecki, Anthony
Gardella, Edward A.
Gardner, Melvin S.
Gardner, Richard A.
Garey, James R.
Garner, Jerry G.
Garner, Mark S., Jr.
Garner, William D.
Garove, Eugene
Garrick, Howard T.
Gary, Jack W.
Gatt, John M.
Gaty, Charles L.
Gatz, Richard M.
Gawler, William C.
Gecewicz, Leo J.
Gee, John P.
Geer, Richard L.
Gehrig, George T.
Gehring, Philip F., Jr.
Geib, Philip G.
Geist, Thomas J.
Gemienhardt, Lloyd L.
Genereaux, Robert J.
Geran, Daniel B.
Gerbing, Frederick B.
Gergen, Thomas F.
Germani, Joseph G.
Germscheid, Thoma C.
Gerzina, Anthony W.
Gholson, Gerald E.
Giannangeli, Anthony R.
Gibbs, Charles A.
Gibson, Billy R.
Gibson, William L.
Gilbert, Ernest G.
Gilbert, Kenneth L.
Gilbert, Richard L.
Gill, John H., Jr.
Gillen, Thomas E.
Gilligan, Ray G.
Gilliland, Jack E., Jr.
Gilpin, Jerry M.
Giordano, Robert L.
Girard, Robert M.
Girling, Wallace D.
Givani, Ernest E.
Givens, Richard E.
Gladney, Horace M.
Glen, Dwight P.
Glenn, Bobby W.
Glenn, James M.
Gochnauer, James R.
Godfrey, Harold T., Jr
Godman, Eugene O.
Goetz, Muriel A.
Goetze, Earl E.
Goforth, Charles T., Jr
Golden, Maurice F., Jr
Goldstein, Donald M.
Gomas, Roger A.
Gomez, Jose F.
Goodbody, Thomas L., Jr.
Goode, Howard, Jr.
Goodenough, Jerry C.

Goodfellow, James F.
Goodman, Donald W.
Goodrich, Ivor K.
Goodrich, Jerome C.
Goodwin, Philip A.
Goodwin, William J., Jr.
Gordon, Archibald E.
Gordon, Robert J.
Gore, Robert R.
Gorman, Rodney J.
Gorski, Eugene S.
Gorton, William A.
Goss, Eugene T., Jr.
Gowing, Donald R.
Grabler, Ronald V.
Graetch, Joseph E.
Graham, Gary G.
Graham, William W.
Grainger, Wayne F.
Grassan, George D.
Gravette, James A.
Gray, Eugene T.
Gray, Michael
Green, Billy L.
Green, Henry W., Jr.
Green, Phillip R.
Green, Wade L.
Green, Warren G.
Greenberg, Lester
Greenblatt, Owen L.
Greene, Taylor H.
Greenwood, Edward E.
Greenwood, Edwin L.
Greer, James M.
Greever, Robert S.
Gregory, Carl R.
Gregory, Leland H., Jr
Griffin, Daniel S.,
Griffin, Francis L.
Griffin, William C.
Griffith, Joe T.
Grigsby, Bert E.
Grimes, Jerry S.
Grimm, Don A.
Gross, Thomas L.
Groves, Harold L.
Grubb, Robert F.
Gruer, Allan L.
Grumbach, Delbert T.
Gruver, Neill R.
Grzebiniak, Valentine J.
Gubler, Brian T.
Guerney, Walter S.
Guillotte, Dolphus E., Jr.
Gulley, Coleman H.
Guptill, Murray T.
Gustafson, Ronald E.
Guthrie, Gerald D.
Guyton, Sam M., Jr.
Gylov, Palle R.
Haase, Ronald L.
Haber, Joseph M.
Hackman, Victor L.
Hackney, Hunter F.
Haffner, Richard W.
Hagan, Marion F., Jr.
Hagen, Wayne H.
Hagenbrock Harry H.
Hagloch, Elmer I.
Hagood, John M., Jr.
Hahn, Ernest R.
Hahn, Jack
Hahn, Robert A.
Haile, Allen C.
Haines, Robert D.
Hairston, Victor E.
Halbert, John G.
Halbert, John T.
Hale, Ira D., Jr.
Hale, Jay G.
Hale, John W.
Hale, William E.
Hales, Glen H.
Hall, Bud T.
Hall, Donald J.
Hall, Gene F.
Hall, James F.
Hall, Jimmie R.
Ham, Charles D.

Ham, Ronald L.
Hamel, Raymond F.
Hamilton, William M.
Hamley, Gordon B.
Hammett, David M.
Hammond, Constance
Hammond, Robert A.
Hancock, David L.
Hand, John W.
Handley, Thomas A.
Haning, James R.
Hanner, Ronald V.
Hansell, Haywood S., III.
Hansen, Alfred G.
Hansen, Wynn D.
Hanson, Stanley C.
Hardaway, Charles E.
Hardee, John H.
Hardin, Marion S.
Harding, James R.
Hardy, John S.
Hargis, Jerry W.
Hargraves, William F., II.
Hargreaves, John J.
Harlan, Maurice R.
Harmon, John F.
Harnly, Myron D.
Harper, Jackson D.
Harpster, Milton H.
Harrell, Charles E.
Harrington, Basil V.
Harrington, Harry G.
Harris, Frank E.
Harris, Gerald A.
Harris, Jerry D.
Harris, Leonard G.
Harris, Marshall E.
Harris, Peter W.
Harris, Virgil W.
Harris, William G., Jr.
Harrison, Gerald D.
Harrison, John W.
Harrison, William L.
Harry, Lee R.
Harsh, Eugene S.
Hart, Richard L.
Harter, Joseph M.
Hartsfield, Henry W., Jr.
Hartstein, Frederick C.
Hartung, William E.
Harvill, Preston S., Jr.
Harz, Donald K.
Haskins, Gale L.
Hastings, Loyal D.
Hatch, John E.
Hatch Monroe W., Jr.
Hathaway, James H.
Hathcock, Robert G.
Hause, Richard G.
Haverland, Bobby H.
Hawkins, Clifton J.
Hawkins, Jerome D.
Hawkins, Van E.
Hayes, Charles K., Jr.
Hayes, Robert E.
Hayman, Gary E.
Haynie, John M.
Hays, Leo P.
Haywood, Andy L.
Haywood, Ronald E.
Head, Gerald A.
Headley, Lanny J.
Heagy, Robert T., Jr.
Heckel, Gayle D.
Hector, Perry G.
Hedgepeth, Willis E.
Hee, Edward K. Y.
Heffernan, Robert E.
Hegwer, Frank A.
Heisel, Donald F.
Helm, Donald E.
Helm, Merritt H., Jr.
Helms, Sanda B., Jr.
Helsten, Charles T.
Hennings, Arthur A., Jr.
Hendrick, Alton J.
Henkle, Dallas M.

Hennigar, Harry J., Jr.
Henning, Bobby L.
Henning, Robert G.
Henningson, Edwin A.
Henrie, Gordon C.
Henry, Jay F.
Henry, Richard L. W.
Hensley, Russe D., Jr.
Herman, Milton J., Jr.
Hermann, Daniel A.
Herod, Samuel P.
Herrington, Don L.
Hermann, Armin F., Jr.
Herty, Frank B., Jr.
Hess, Robert C.
Hesse, Roderick L.
Hesseltine, William H., Jr.
Hettinger, Edward J.
Hewston, Robert A.
Hickman, Elmer J.
Hicks, Robert E., Jr.
Hicks, Robert W.
Hilbun, William H. III.
Hildreth, Richard L.
Hilgenberg, Gerald T.
Hilkemeier, Donald
Hill, Benjamin F., Jr.
Hill, Charles E.
Hill, George T.
Hill, Ray D.
Hilland, Richard W.
Hilton, Richard D.
Himebaugh, Rodric, J.
Hinley, Raymond F.
Hines, Charles C.
Hines, Frank T.
Hines, Rondal O.
Hinkley, Waynar, J. C.
Hinterthan, Winfried W.
Hinton, Jerald L.
Hintz, James G.
Hintzen, Robert L.
Hirsh, Leon S., Jr.
Hivner, James O.
Hlawek, Robert A.
Ho, Walter T. M.
Hobgood, William A.
Hoch, John A.
Hock, William J., III
Hodges, Russell B.
Hodgson, Newton H., Jr.
Hoelzer, Ronald N.
Hofmann, Frederick L.
Holden, Kenneth L.
Holland, Darrell T.
Holland, John T.
Holland, Leslie R., Jr.
Holley, Edward M.
Hollis, Grant W., Jr.
Holly, Ronald D.
Holmes, Charles W.
Holmes, Douglas J.
Holt, Ralph L.
Holt, Roland R.
Holt, William B., Jr.
Holter, Paul C.
Holubec, Melton G.
Honingford, Richard H.
Hooker, Thomas M.
Hooper, Claren B., Jr.
Hoover, Richard L.
Hopkins, Thomas C.
Hopson, James F.
Horinek, Ramon A.
Horky, Frederick P.
Horn, William D.
Horne, Keith G.
Horner, Jack D.
Horrell, Reginald S.
Horton, Joseph R.
Hoskinson, Thomas M.
Hossley, Donald D.
Hotchkiss, Clayton E.
Houck, Fern L.

Houde, Frank L.
Howard, George M.
Howard, Joe A.
Howe, James O., Jr.
Howey, Robert S.
Hoye, Dennis E.
Hudel, Perry A.
Hudson, Charles L.
Hudson, Edwin C.
Huey, Peter D.
Huffman, Charles E.
Huffman, Harold J.
Huggins, Bobby G.
Hughes, Frank A.
Hughes, Jerome E.
Hughes, Louis N.
Hughes, Vincent C., Jr.
Hull, Chad T.
Hull, Robert W.
Hullinger, William P.
Hunder, Richard A.
Hundley, Franklin D.
Hunn, Van
Hunsuck, John D.
Hunsucker, Coley A.
Hunt, David A.
Hunter, George F.
Hurtado, John V.
Huskin, Frank P., Jr.
Huyett, Melvin A.
Igelman, David D.
Inge, Walter H., Jr.
Isler, James R.
Iverson, Alan R.
Iverson, William L.
Jacko, Edward J.
Jackson, Franklin M.
Jackson, Glen A.
Jackson, Kaye D.
Jacobs, Delbert H.
Jacobs, James L.
Jacobs, Joseph H.
Jacobs, Max R.
James, Charles L., Jr.
James, Raymond F. X., Jr.
James, Thomas M.
Jameson, George W.
Jameson, Randolph C.
Jans, Orvel K.
Jasinski, John M.
Jatras, George
Jeanes, Cecil B., Jr.
Jeffords, Jacque M.
Jeffries, William R., III
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Jelarcic, Roland J.
Jernigan, Edward E.
Jernigan, Leon S.
Jewett, Douglas A.
Jochen, Clarence H.
Joern, John G.
John, Lemuel N., Jr.
Johnson, Benny F.
Johnson, Charles M.
Johnson, Charles R.
Johnson, Deward
Johnson, Edward H.
Johnson, Edward S.
Johnson, Edward V., Jr.
Johnson, Edwin W.
Johnson, Gilbert E.
Johnson, James D.
Johnson, James R., Jr.
Johnson, Jerry
Johnson, Jerry E.
Johnson, Kenneth O.
Johnson, Larry E.
Johnson, Paul A.
Johnson, Richard H.
Johnson, Robert E.
Johnson, Ward A.
Johnson, Wayne M.
Johnson, William C.
Johnson, William D.
Johnson, William J., III
Johnston, Bruce J.
Johnston, Robert L.
Jokela, Allan M.
Jones, Charles L.
Jones, Charles W.
Jones, David G.
Jones, George E., III
Jones, Harold D.
Jones, James B., Jr.
Jones, John G.
Jones, Joseph M.
Jones, Raymond L.
Jones, Richard C.
Jones, Robert E.
Jones, Robert F.
Jones, Russell W.
Jones, Simon R., Jr.
Jordan, Edward P.
Jordan, James E.
Jordan, Ralph M., Jr.
Jordan, Wayne E.
Jordan, Donald L.
Julian, Robert E.
Justeson, George R.
Kaminski, Joseph J.
Kamish, Daniel J.
Kan, Robert S.
Kangas, Walter W.
Kapka, Dale V.
Kapke, Robert J.
Karam, Raymond A.
Karnes, John H.
Karolczyk, Edward.
Karth, James M.
Kastenholz, Adol, Jr.
Kastilahn, Donald M.
Kaufmann, Donald R.
Kauppila, Calvin R.
Kaus, Norbert R.
Kavanagh, Robert Z.
Kay, Wayne G.
Keddington, Neil H.
Keeler, Walter D.
Keenan, Eugene P.
Keenan, James C., Jr.
Keenan, Thomas P., Jr.
Keene, Gordon E.
Kehoe, Peter P.
Keith, Alton P.
Keith, Patrick.
Keith, Ted R.
Kelly, James A.
Kelly, James S.
Kelly, Vernon B., Jr.
Kelly, William E.
Kelsey, Loyal L.
Kennebeck, George R., Jr.
Kennedy, Andrew.
Kennedy, Leland T.
Kennedy, Patrick J.
Kenney, Charles E.
Kennon, Frederick A.
Kent, Richard B.
Kepley, J. H. Allen.
Kern, George W.
Kerr, Kenneth L.
Ketchum, Lowell D.
Kibler, Ronald F.
Kiefer, Richard J.
Kilbourne, Jimmy W.
King, Andrew J.
King, George W.
King, Hubert G., Jr.
King, J. R.
King, Thomas T.
Kinkel, Charles H.
Kinney, James S.
Kirchner, Lewis, G.
Kirk, Charles N.
Kirk, Eugene J., Jr.
Kirkpatrick, Kenneth A.
Kirste, Milton R.
Kishline, Samuel J.
Kittler, Richard M.
Klausner, William W.
Kline, Gerald D.
Klonoski, Frank J., III
Klung, Henry A., Jr.
Knauss, Russell N.
Knedlik, Donald E.
Koch, William C., Jr.
Koehly, Paul V.
Kogge, Henry J.
Konneker, Peter A.
Kopsick, John, Jr.
Korzep, David A.
Koski, Francis H.
Kovacich, Vincent J.
Kowalczyk, Michael R.
Kowalski, Gean G.
Kral, Ralph J.
Kraus, Jon P.
Kressin, Wolfgang K.
Krim, John W.
Kroese, Coe J., Jr.
Krueger, Douglas W.
Krueger, Earl L.
Krueger, Kenneth J.
Krug, Earl E.
Krupinski, Joseph A.
Kruse, Dean
Krutsinger, Edwin H.
Kuhn, Howard F.
Kuhns, James K.
Kujawa, Walter A.
Kukowski, Theodore T.
Kunc, Fred V.
Kunkel, James F.
Kunz, Richard E.
Kunz, Ronald R.
Kuprenas, Algimantas J.
Kuske, Elwood C.
Kustelski, Thomas A.
Kuwamoto, Melvin M.
Kvetensky, Warren S.
Laber, Roger C.
Labernik, Theodore J.
Labranche, William E.
Lackey, Henry F.
Lafave, Kenneth E.
Lafleur, Ray C.
Lafond, Roger A.
Lamb, George H.
Lamb, Henry A.
Lamb, Leroy A., Jr.
Lamb, Robert W.
Lamb, Walter A.
Lambert, Roland T.
Lampe, Donald K.
Lanan, Kenneth F.
Lang, Henry S., Jr.
Langford, Albert R., Jr.
Langford, John W.
Langford, Walter M., Jr.
Langley, Duane D.
Langley, Richard A.
Lanning, Robert G.
Lanphear, Wayne A.
Lantier, Ward J.
Lantz, Richard M.
Lapham, John S.
Lapp, James R.
Larimore, William H.
Larkin, Arthur R.
Larrabee, Edward R.
Larsen, Richard N.
Larsen, Robert D.
Larson, Gerald D.
Laughlin, Ronald L.
Law, Donald K.
Lawhon, Gerald L.
Lawrence, Gerald C.
Lawrence, Stanley A.
Lawson, William E., III
Lawter, Owen R.
Lawyer, Richard E.
Layton, Robert F.
Leahy, Robert E.
Leal, Richard E.
Leaphart, John L.
Leaverton, Charle W.
Leavitt, Alfred G.
Leblanc, Leroy F.
Lecates, Walter F., Jr.
Ledbetter, Melvin N.
Ledbetter, Ray H.
Lee, Bennon
Lee, James D.
Lee, James L., Jr.
Lee, John P.
Lee, Robert E.
Lee, Thomas H.
Leeka, Richard B.
Leffler, Donald D.
Legg, Edgar E.
Leggett, Carl L.
Lehman, William B.
Lehr, Harry J., Jr.
Leiby, Richard G.
Leigh, Gerald G.
Lein, Larry L.
Leiter, Bernard M.
Lemke, Clyde W.
Lemmon, William B.
Lenz, Howard T.
Leonard, Dan W.
Leonard, Rupert A., Jr.
Leong, George K. M.
Lepage, Francis W.
Lerner, Vance
Leroy, Ronald S.
Lescher, Charles O., Jr.
Lesster, William C., Jr.
Letnes, Douglas R.
Letto, Augustine R.
Leutwyler, Cooke H.
Leventis, John K.
Levine, Alexander A.
Levy, Stuart W.
Lewin, Thomas J.
Lewis, Duane L.
Lewis, Edwin R.
Lewis, John C., III
Lewis, Robert F.
Light, Willford D., Jr.
Lilly, Ira B., Jr.
Lind, Robert C.
Lindenmeyer, Edgar J.
Lindsey, John C.
Linseisen, Frank J.
Lipsey, Victor H.
Lipsky, Joseph R., Jr.
Lisko, James R.
Lisle, Alan G., Jr.
Little, John D.
Littman, Mayer
Lloyd, Edward A.
Locht, John A.
Lodge, William G. S.
Lofton, Theo G.
Long, Francis J.
Long, Joseph T., Jr.
Long, Raymond N.
Long, Warren L.
Loosley, Donald J.
Loosley, James H.
Lorch, John H. V.
Lott, James S.
Loukota, Robert D.
Low, Edward
Lowery, Fred L.
Lowry, Burlin
Lucero, Antonio H.
Luckenbill, Clive D.
Luecke, Conrad J.
Luhks, Ronald A.
Lukens, Kenneth W.
Lukens, Leland K.
Lund, John M.
Lund, William W.
Lundin, Perry J.
Lunnen, Ray J., Jr.
Lurie, Alan P.
Luther, James N.
Luttrell, Alfred N.
Lyle, William W.
Lynch, John S.
Lynn, Roy H., Jr.
Maas, Edwin R., Jr.
MacDonald, Roy
MacGregor, John E., Jr.
Mackall, Frederick T.
Mackin, Paul C.
Macomber, Edward M.
MacQueen, George F.
Maddox, Robert A.
Magdefrau, Caril F.
Magtutu, Paul W.
Mahew, James H.
Mahoney, George F.
Mahrt, Martin H.
Maier, Lothar T.
Makinson, Jimmie L.
Malicki, Gerald C.
Maloney, Douglas H.
Manigault, Elwood
Manion, Adelbert J.
Manion, Martin F.
Mann, Dalton L.
Mann, Wayne A.
Manning, John F.
Manns, Ralph E., Jr.
Mansperger, Carl A., Jr.
Maratos, Stanley G.
Marcellino, Micha R.
Marchant, Richard L.
Marchon, Donald F.
Marcotte, Wayne W.
Markey, Ronald L.
Markowitz, Harold, Jr.
Marlin, James W., Jr.
Marshalek, George M., Jr.
Marshall, James C.
Marshall, Jerry E.
Marshall, William F., Jr.
Marshall, William L.
Martel, Richard N.
Martin, Bobby J.
Martin, Bobby L.
Martin, Charles H., Jr.
Martin, James D.
Martin, Jerry R.
Martin, Jimmy G.
Martin, Paul A., Jr.
Martin, Paul L., Jr.
Martin, William C.
Martinez, Edmund E.
Martino, Salvatore F.
Maruyama, Takeo
Marz, David E.
Mason, Andrew F., Jr.
Mason, Kenneth J.
Mason, Robert C.
Massengale, Wendell H.
Masson, Richard W.
Mateik, Daniel G.
Mathis, James R.
Mathis, Paul C.
Matters, Duane H.
Matthew, Robert E.
Mattison, David D.
Mattson, Wayne O.
Mauger, Harold A., Jr.
Maxson, Edwin R.
Maxwell, Samuel C.
May, Donald M.
Mayfield, William E.
Mays, Robert C.
McAllister, Karl D.
McAllister, William D.
McAuliffe, Francis G.
McBride, Roger T.
McCarley, Martin L., Jr.
McCartney, Robert R.
McCarty, William S.
McClaine, Richard E.
McClellan, Paul E.
McClelland, Lester C.
McClendon, Robert N.
McClure, Samuel L.
McCoid, James H.
McConathy, Jack, Jr.
McConnell, Anderson G.
McConnell, Herbert E.
McCormack, Eugene L., Jr.
McCormick, Everett C.
McCormick, William W., Jr.
McCoy, Lelian D.
McCracken, James D.
McCright, Gerald D.
McCrillis, Walter C.
McCulloch, Samuel D., Jr.
McCullough, Marlo G.
McCullough, Walter J.
McDonald, James G.
McDonald, John S.
McDonald, William M.
McDowell, Gerald A.
McEwan, Ronald J.
McFarlane, Raymond E.
McGee, Edward V.
McGee, Gerald E.
McGee, John F., Jr.
McGee, Joseph W.
McGinn, John R.
McGovern, John F.
McGraw, Joseph F.
McGroarty, Robert P.
McGuire, Charles A.
McGuire, Richard L.
McHugh, Joseph A.
McIlvaine, Francis J.
McJoynt, Albert D.
McKay, Peter R.
McKay, Robert R., Jr.
McKelvey, James L.
McKelvey, Robert D.
McKenna, James L.
McKenzie, Larry W.
McKone, John R.
McLamb, Estel W.
McLaughlin, Rober C.
McLean, Michael A.
McLendon, Charles L.
McMahon, John F., Jr.
McManus, Richard L.
McMonigle, Joseph P.
McMullen, Jack L.
McNally, Ray F.
McNeil, Dale E.
McPherson, James K.
McQuitty, Charles R.
McWilliams, William D., III
Medeiros, Raymond R.
Meiners, Herman P., Jr.
Meinert, Ronald E.
Meinig, Helmut P. M.
Meisenheimer, Rob A.
Meisinger, Kenneth R.
Melancon, Joheph L., Jr.
Mellerski, Robert A.
Mellott, Lester R., Jr.
Melone, Sabato J.
Merkle, Edward P.
Merrell, Alfred L.
Merrill, Charles D.
Metcalf, James R.
Metcalfe, Frank W.
Meyer, Albert D.
Meyer, Donald H.
Meyer, Richard L.
Meyers, Ronald J.
Meyers, Thomas R.
Michalove, Lawrence G.
Mickelson, Russell C.
Mier, Colbert L.
Mieth, Ivan G.
Milan, Earl E.
Milburn, Richard A.
Miles, Percy W., Jr.
Millay, Albert K.
Miller, Clifford
Miller, Duane A.
Miller, Edward P.
Miller, Eric E.
Miller, Eugene F.
Miller, Gene A.
Miller, George M.
Miller, Gerald S.
Miller, James R.
Miler, John B., Jr.
Miller, John R.
Miller, Ralf M.
Miller, Richard M.
Miller, Robert D.

Miller, Robert J.
Miller, Wayne E.
Millhaem, Robert N.
Milliken, Gordon J.
Mills, Michael M.
Milton, Hugh M., III
Minihan, Donald J.
Mirich, Guy S.
Mitchell, Andrew D.
Mitchell, James R.
Mitchell, Jimmie R.
Mitchell, Paul L.
Mitchell, Wallace E.
Mittelman, Leonard
Mitts, John E.
Mobley, Billy M.
Mobley, John O., Jr.
Mohler, Thomas F.
Monahan, George L., Jr.
Monroe, Paul L.
Monsees, James M.
Montgomery, Richard D.
Montgomery, Russell N.
Moody, Wendell F.
Moore, Burton T.
Moore, Charles F.
Moore, Harry W.
Moore, John F.
Moore, Leon M.
Moore, Michael K.
Moore, Richard E.
Moore, Thomas L.
Morales, Rafael
Moran, Edward J.
Morgan, Boyd A.
Morgan, Charles E., Jr.
Morgan, Eugene T.
Morgan, Hugh M.
Morgan, Joseph P.
Moring, Eugene E., Jr.
Morlock, Leroy E.
Morris, Dan
Morris, Frank J.
Morris, Jack K.
Morris, Lloyd V.
Morrison, Franklyn C.
Morrison, Robert G.
Moser, John T.
Moses, Kenneth H.
Mosteller, Melvin R.
Motal, Delbert R.
Motley, Albert E., Jr.
Motsinger, Harold V.
Mower, Roland D.
Mowry, Byron M.
Mrak, Steve V.
Mudzo, Michael G.
Mulch, Leroy R.
Mulkey, Charles W.
Mullenger, Robert W.
Muller, Albert F.
Munna, Joseph V.
Munson, Lloyd M.
Murchison, Benjamin F., Jr.
Murphy, Charles H.
Murphy, Edward J.
Murphy, John T.
Murphy, Luther G.
Murphy, Stuart T.
Murray, James D., Jr.
Murray, Richard S.
Murtaugh, John K.
Muskat, Michael S.
Mussman, Arthur C.
Myers, Dewitt H.
Myers, Franklin W.
Myers, Gene O.
Myers, James E.
Nadler, Charles P.
Naegle, Thell S.
Nagley, William S.
Nanning, Ronald L.
Nash, Howard G.
Nash, Monte E.
Naslund, Willard E.
Nasypany, Raymond
Nay, Gerald L., Jr.
Neal, Guy W.
Needham, Richard C.
Neely, Joseph A.
Neff, Robert A.
Negaard, Gordon R.
Neilson, Herbert E.
Nelson, Conover A., Jr.
Nelson, Elton M.
Nelson, James W.
Nelson, Merle A.
Nelson, Oscar W., Jr.
Nelson, Richard L.
Nelson, Val G.
Nepa, Aurelio, Jr.
Neubeck, Francis G.
Nevins, Joseph K.
Newcomer, Robert W.
Newell, Jack L.
Newman, Roy I., Jr.
Newsom, Ronald A.
Newsome, Richard S.
Newton, Frank A.
Newton, Tyree H.
Nicholas, Michael C.
Nichols, David L.
Nichols, Donald C.
Nichols, William P. J.
Nickerson, Ronald E.
Nielson, Roland A.
Nine, Robert E.
Nixon, George S.
Noble, Richard J.
Nolan, James W.
Nolan, John F.
Nolan, Richard A.
Nordlie, Roland L.
Norman, Bobby L.
Norman, Warren E.
Nottingham, William H.
Nou, Juri V.
Nowakowski, Anthony J.
Nowland, Benoni, IV
Noyes, Ronald W.
Nunenkamp, Max T.
Nunley, Billy F.
Nunley, Bobby J.
O'Banion, Glenn A.
O'Brien, Alva B.
O'Brien, James
O'Brien, Robert J.
O'Brien, Thomas E.
O'Bzut, Nicholas P.
O'Connell, Arthur J.
O'Connor, Patrick J.
Odgers, Peter W.
Odland, Robert B.
Oehme, Chester G., Jr.
Oetting, George D.
Offen, Curt R.
O'Halloran, Leo D., Jr.
O'Hanian, John P.
O'Hara, Thomas A., Jr.
Ohlson, Nils A.
Okeefe, Cornelius J.
Oldroyd, David A.
Oliphant, John E.
Oliver, Alan F., Jr.
Oliver, Robert L.
Olivier, Donald G.
Olson, Arthur W., II
Olson, Neale E.
Olson, Vernon R.
O'Neill, John T.
Oppel, Albert F.
Ormand, Lowell W.
Orme, Gordon R.
Orr, Charles L.
Ortega, Lorenzo T.
Osaki, Ted M.
Osborne, William R.
Ostrominski, John
Oswald, Jack H.
O'Toole, Patrick J.
Ott, Franklin D.
Otteson, David E.
Ottman, Willard G.
Otto, Douglas C.
Overacker, William E.
Overall, Douglas
Overly, James D.
Oveson, Richard M.
Owen, James M.
Owens, Max G.
Owens, Wayne E.
Paetzel, Harold R.
Page, Lawrence F.
Paige, Frederick D.
Painter, Richard G.
Palcowski, Richard V.
Palko, Edmund P.
Pankey, Harold E.
Pannell, William P.
Paoletta, Benjamin P.
Paquette, Eugene F.
Park, Richard N.
Parker, Pasco
Parker, Vernon H.
Parrish, John A., Jr.
Partridge, James D.
Paschal, Richard B.
Passi, Henry R.
Patrick, John R.
Patrick, Thomas J.
Patterson, Billy R.
Patton, Billy D.
Paul, Donald G.
Paul, Norman M., Jr.
Paulson, Donald N.
Pawlik, Harry
Paxson, Norman T.
Payne, William M.
Pearson, Leroy M.
Peck, Victor H.
Pecuch, Albert C.
Peek, Kenneth L., Jr.
Pennington, David J.
Perdue, Jacque M.
Perdue, Raymond G., Jr.
Perino, Michael B.
Perkins, Charles M.
Perkins, John E.
Perkins, John H.
Perkins, Thomas E., III
Perren, Gerald J.
Perrin, David L.
Perrin, Leroy J.
Perroots, Leonard H.
Perry, Johnny L.
Perry, Joseph J.
Peschel, Franklin D.
Peter, Robert A.
Peterman, Gerald W.
Peters, Harold W.
Peters, Leroy R.
Peterson, Arthur A.
Peterson, Charles D.
Peterson, Donald C.
Peterson, Donald H.
Peterson, John F.
Peterson, Kenneth L.
Peterson, Leonard R.
Peterson, Milton R.
Peterson, Robert A.
Peterson, Vernon C.
Peterson, Wilbur D.
Petrak, Herbert G.
Petrie, Russell G.
Petteway, Clark H.
Petty John, Jimmy C.
Pew, Robert M.
Peyser, Daniel B.
Pfeiffer, Charles A.
Pfeiffer, Larry C.
Phares, Norman R.
Pheiff, Robert F.
Phelan, Thomas J., Jr.
Philbrick, Gene E.
Phillips, B. Ellis
Phillips, Fred B.
Phillips, John L.
Phillips, Orlan T.
Phillips, Robert S.
Pickett, Thomas J., Jr.
Picking, Franklin W.
Pickitt, John L.
Pierce, Ralph A.
Pinette, Ronald E.
Pinson, Charles R.
Piotrowski, John L.
Pirkey, Frederick E.
Pitstick, William F.
Pitt, Robert W.
Pittenger, Eugene W.
Pixley, John J.
Plaisance, New C., Jr.
Plumb, Randall L.
Plummer, Orel L.
Plutt, Phillip E.
Poe, Joe E.
Poindexter, Luther R.
Poirier, John T.
Polk, Adrian V.
Pollard, Ben M.
Polson, Harold O.
Poncar, Jerry V.
Ponton, James O.
Poole, George W.
Poor, William B.
Poore, Donald W.
Poore, James W.
Poore, Walter H.
Pope, Dallas H.
Poppe, Robert T.
Poppert, Richard E.
Porter, David L.
Porter, James W.
Porter, William C.
Porter, William E.
Poteet, Bobby S.
Poteete, John D., Jr.
Potter, Merwin E., Jr.
Poukish, Philip E.
Powell, Jack H.
Powell, William Y.
Pralle, James R.
Prater, Richard H.
Pratt, John C.
Pretlow, James P., Jr.
Prewitt, George P.
Price, John H., Jr.
Price, Norris E.
Prince, Philip S.
Pritchett, Larry W.
Prokofieff, Igor P.
Prophett, Abner
Propst, Robert W.
Pruden, Albert L., Jr.
Pruitt, Leslie D.
Pryor, James A.
Puckett, William E.
Pung, James C.
Putney, Robert F.
Pyatt, Robert C.
Pyke, James A., Jr.
Pyne, Wallace R.
Quast, Emil T.
Quinlan, Edward M.
Quinlan, John P.
Quinlan, William F.
Rader, Paul L.
Radke, Paul F., Jr.
Ragan, Claude H.
Rainey, Charles A.
Raisor, Harry E.
Raitt, William W.
Ramey, Albert A.
Randolph, Bernard P.
Rankin, Kenneth E.
Ransom, Charles E.
Rapuand, Joseph M.
Raschke, Rupert T., Jr.
Rasmussen, Robert A.
Raspberry, Everett T., Jr.
Raudenbush, Paul E.
Rausch, Russell R.
Rawie, Carl W.
Ray, James S.
Ray, Robert B.
Rea, Arthur M.
Rea, Chalmers F.
Reddington, Matthew D.
Reding, John J.
Redmond, Robert
Reed, Edward S.
Reed, Guy A., Jr.
Reed, John W.
Reed, Lester W., Jr.
Reed, Norman E.
Reeder, Lloyd
Reeder, Martin G.
Reese, Clyde H.
Reese, Jerry W.
Reese, Robert D.
Reichelderfer, John W.
Reid, James E.
Reid, Robert, Jr.
Reilly, James J.
Reimer, Gary B.
Remsburg, Clark L.
Renko, Thomas M., Jr.
Repp, Robert M., III
Reyes, Edward D.
Reynolds, William R.
Rhoads, Donald G.
Rhodes, Harold B.
Rhodes, Robert N.
Rice, George E.
Rice, Tommy E.
Richards, Charles M.
Richards, Frank D.
Ridlinghafer, Billy R.
Riede, Philip J.
Riedel, Emil G., Jr.
Riegle, Robert M.
Rierson, Charles M., Jr.
Rigby, William G.
Riggs, Leland S., Jr.
Riley, Mitchell B.
Rios, William
Ripley, Roy L.
Rissi, Donald L.
Ritchey, John W.
Ritchie, Welton C., Jr.
Ritenour, John D.
Roades, Charles W.
Robb, Wesley E.
Robbins, Clyde R.
Robbins, Gary W.
Robel, Richard F.
Roberts, Albert J., Jr.
Roberts, Clifford K.
Roberts, David L.
Roberts, Lionel W.
Robertson, Jimmie R.
Robertson, O. D.
Robertson, Orbie G.
Robertson, Valden L.
Robidoux, Joseph E.
Robinett, Eugene D.
Robinson, George D.
Robinson, Richard D.
Robinson, Richard O.
Robinson, Wilbur L.
Robinson, Zane H.
Robson, Donald E.
Rodenhizer, Donald
Rogers, Albert G.
Rogers, Charles J., Jr.
Rogers, Frank N.
Rogers, James K.
Rogers, John A.
Rogers, Robert I.
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Rohr, Donald F.
Rohrlick, Myles A.
Rollins, John O., II
Rollman, Leo F.
Roos, Herbert L., Jr.
Roosa, Stuart A.
Roque, Bernard A.
Rose, Robert D.
Rose, Samuel R., Jr.
Rosenlof, Kenneth D.
Ross, Alfred P., Jr.
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Rossacci, Pasquale F., Jr.
Rossmeisl, Robert D.
Roth, William E.
Rothlisberger, William O.
Rough, Floyd D.
Rousseau, Robert G.
Rouze, Donald L.
Royston, Craig
Ruana, Raymond M.
Ruberg, Arthur J.
Ruby, Norman A.
Rudzki, John E.
Rufty, Franklin G., Jr.
Rule, Ronald E.
Rumsey, Edwin F.
Ruppenthal, Fredd C.
Russ, Robert D.
Russell, Charles H., Jr.
Russell, Charles R.
Russell, Howland S.
Russell, Jerry W.
Russell, Robert L.
Russell, Robert S.
Rustvold, Clarence A.
Ruth, Alfred E., Jr.
Ruth, John C.
Ryan, Arthur R.
Ryan, Eddie W.
Ryan, Jack B.
Sachs, Robert L.
Sackschewsky, Donald M.
Sadler, Deryl L.
Sadler, Harry R.
Sager, Robert E.
Sahlman, Armas F., III
Salisbury, Earnest E.
Salter, James E.
Salyer, John A.
Samos, Gerald J.
Samuelson, Reid R.
Sanborn, Morgan W.
Sanborn, Walter R.
Sandberg, Jack L.
Sanders, Lawrence N.
Sanders, Steven R.
Sanders, William H.
Sandifer, Jerry K.
Sandler, Donald T.
Sandstrom, Jack H.
Santagati, Ronald S.
Sargent, Arthur, Jr.
Saunders, William W.
Savage, Hugh A.
Sayre, George M., Jr.
Scabavea, Andy S.
Scanlan, Tracy A.
Schade, David U.
Schadel, Harold A.
Schaefer, William E.
Schaff, Robert M.
Schartman, Paul A.
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Scheid, Donald J.
Schick, Donald E., Jr.
Schieman, Gordon E.
Schirmer, Gerald C.
Schlenker, Richard A.
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Schluter, Henry A.
Schneider, Darrell A.
Schnieders, Thomas H.
Schoenecker, Robert W.
Schoeplein, Charles W.
Schoolfield, Scott M.
Schorsch, Rudolf H.
Schuler, Larry L.
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Schutes, John G.
Schwabcher, Michael F.
Schwankl, Gerald C.
Schwartz, Harold
Schwartz, James W.
Schwenk, Larry D.
Schwieren, Richard D.
Schwietz, Thomas E.
Scoggins, Jack B.
Scott, Glyndon V.
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Scott, Ronald W.
Scully, David J.
Seals, Billy R.
Seamands, Donald L.

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Seay, James T.
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Secord, Richard V.
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Serex, Henry M.
Sessa, Patrick C.
Setliff, Jasper A.
Setlow, Andrew D.
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Shaleski, Reginald W.
Shanahan, Wayne K.
Shaner, Carl W.
Sharkey, Byron L.
Sharpe, Hardy R., Jr.
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Shaw, Donald E.
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Shaw, Ward C.
Shaw, William H.
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Sheffield, John M., Jr.
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Shelton, Franklin D.
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Shermer, Ace E.
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Shineman, Francis L.
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Shookman, Loyd A.
Short, Donald L.
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Siegmund, Frederick R., Jr.
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Sihler, Edward A.
Silverstein, Jack
Simitjis, Thomas G.
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Singleton, Elmer R.
Singleton, Lonnie A., Jr.
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Skelton, Charles B.
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Skipton, Charles P.
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Small, John W.
Small, Leland F.
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Smetana, Duane W.
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Smith, Chauncey D., Jr.
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Smith, James S.
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Smith, John E.
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Smith, Lester S.
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Smith, Robert M.
Smith, Thomas D., III
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Smith, Thomas W.
Smith, Warren P., Jr.
Smuck, Barre E.
Snavely, Richard C.
Sneary, Richard L.
Snell, Richard T.
Snelling, John H.
Snowden, Richard M.
Snowden, Wendell
Snyder, Benjamin C.
Snyder, Earl P., Jr.
Snyder, Omar G.
Soherr, Paul E.
Solomon, Harry
Solomon, Howard N.
Solomon, Robert C.
Somerder, Herbert E.
Somers, Richard L.
Sotrines, Frank A.
Soule, Ronald J.
Souvignier, Douglas R.
Sowders, John H.
Sowers, Richard S.
Spallina, Marvin G.
Spangler, Wilson H., Jr.
Sparkman, Jimmy R.
Sparks, David C.
Sparks, Gerald D.
Spaulding, Keith H.
Spegal, Donn A.
Speight, Will O.
Spivey, Delmar B.
Sprague, Russell K.
Spratt, Victor M., Jr.
Springer, James A.
Springer, Richard M.
Springer, Robert D.
Springston, Theodore, Jr.
Spurrier, Donald L.
Stagg, Jerome A.
Staller, Kenneth W.
Stalnecker, Howard G., Jr.
Stanfill, Grant C.
Stanford, Jesse E.
Stanford, Nolen B.
Stanley, J. T.
Stanley, Lee R.
Stanton, Joseph S., Jr.
Starling, Laramie D.
Stathopoulos, Anthony
Steel, Tommy R.
Steele, Ralph D.
Steen, Joe R.
Steen, John A.
Stegall, Julius R.
Steinke, David G.
Stephen, John G.
Stephens, Jerry D.
Stevens, Jack D.
Stevens, Jerry E.
Stewart, George F.
Stewart, Jerry C.
Stewart, Sam P.
Stickney, Henry E.
Stiffler, Robert M.
Stilwell, Kenneth R.
Stinson, James E.
Stirk, John J.
Stitt. Howard D,
Stjean, Frederick J.
Stmartin, Roy L.
Stoddard, George J.
Stoeckle, Edward R.
Stokes, Elbert R.
Stokes, Marion D.
Stolpe, Robert D.
Stone, Don W.
Stone, James E.
Stone, Reed L.
Stone, Roland J.
Story, Alfred F.
Story, Conrad L.
Stout, Thomas A.
Strain, Robert B.
Strait, Ernest D.
Straub, Edward C.
Strebeck, George E.
Streett, Donald P.
Stricker, Richard J.
Stricker, Werner
Strickland, Robert K.
Strittmatter, Leonard E.
Strohecker, Harry F.
Strotman, Bruce D.
Stuart, Robert B.
Stuart, Theodore W. A., Jr.
Stull, Rondall H.
Stumpf, Lawrence
Sturgess, Thomas W.
Sturk, Robert L.
Sturtevant, Richard C.
Sullins, Dee G., Jr.
Sullivan, Farrell J.
Sullivan, John R.
Sullivan, Robert L.
Sullivan, Robert M. Jr.
Summers, Clarence S., Jr.
Sund, William A., Jr.
Supercynski, Florian A.
Suther, John A.
Sutton, Stephen L.
Suver, James D.
Swafford, John E., Jr.
Swalm, Thomas S.
Swanson, James O.
Swanson, Ronald E.
Swearengen, John F.
Sweetwood, Robert D.
Swett, Ben H.
Swift, Charles F., Jr.
Tadlock, Carl E., Jr.
Talley, Dorsey J.
Talley, William H.
Tanner, James L.
Tapman, Thomas F.
Tarbet, Thomas M.
Tardif, Charles H.
Tarochione, Steven R.
Tate, George R.
Tatro, Eugene C.
Tauzel, William R., Jr.
Taylor, Billie J.
Taylor, Billy G.
Taylor, Claret D.
Taylor, Donald M.
Taylor, Franklin D.
Taylor, John F.
Taylor, Ralph C.
Teagarden, C. C.
Tebben, Gerald D.
Teed, Charles M.
Templeton, William P.
Terpening, Andrew L.
Terrell, Everett K.
Terry, Andrew G., Jr.
Teskey, Harland E.
Thelen, Boyce C.
Theunissen, Gerald J.
Thomas, Charles D., Jr.
Thomas, David W.
Thomas, Floyd L.
Thomas, George E.
Thomas, Kenneth C.
Thomas, Kenneth E.
Thomas, Leland C.
Thomas, Lloyd H.
Thomas, Oscar L.
Thomas, Timothy L.
Thomas, Virgil D.
Thomas, Wayne H.
Thompson, Jack E.
Thompson, James E.
Thompson, James E.
Thompson, James L., Jr.
Thompson, John A., Jr.
Thompson, Leland L., Jr.
Thompson, Ray G.
Thompson, Raymond E.
Thompson, Robert I., Jr.
Thompson, Thurston A.
Thompson, Warren N.
Thomson, Alan H.
Thomson, Alec W.
Thornhill, William J.
Thornton, John D., Jr
Thornton, Leonard F.
Thornton, Richard W.
Thornton, William L.
Thorp, James V.
Thorpe, Norman R.
Thurston, Robert F.
Tibbitts, Therice E.
Tidwell, Marion F.
Tidwell, Robert L.
Tierney, Marion W.
Tietbohl, Frederick J., III
Tilley, Tommy A.
Tillotson, James A., Jr
Timpko, Charles M., Jr.
Tindall, Ira F.
Tindall, Richard D.
Tingley, Ronald D.
Tinney, Jack S.
Tissot, Raymond E.
Toft, Donald L.
Tokar, Donald E.
Tolbert, William T.
Tolstead, Robert L.
Tomaskovic, Thomas M.
Tomes, Jack H.
Toney, Robert L.
Tortorilla, Harold O.
Trabun, Samuel J.
Tracy, Bryce L.
Trapp, Charles E., Jr.
Trapp, Theodore J.
Trask, John R.
Travis, Marvin T.
Treacy, William O.
Treen, Harlin P.
Trexler, Charles C., Jr.
Trickey, Ronald E.
Trifilio, Nicholas R.
Tripp, Harold D.
Trivitt, Philip K.
Trolinger, Donald C.
Tropio, Thomas A.
Trottier, William B.
Trout, Myron B.
Trout, Richard G.
Trudell, Alfred A.
Trudell, Ronald D.
Trzcinski, Robert J.
Tschetter, Timothy
Tubb, Donald J.
Tucker, Gordon L.
Tucker, Ronald J.
Tucker, Sidney L.
Tucker, Thaddeus W., II
Tucker, William L.
Turner, Hiram G.
Turner, Hugh A.
Turner, Richard D.
Turner, Thomas A.
Tussey, Frank D.
Tuttle, George G.
Tuttle, Robert R.
Tuttle, William C.
Tweedie, Robert L.
Tyler, William L.
Tyndall, Edward F.
Uher, Edward L.
Ulmer, Stiles C., Jr.
Ulshafer, Paul M.
Underhill, George, Jr.
Underwood, David B.
Underwood, Harold W.
Underwood, John D., Jr.
Unrein, Philip J.
Unser, Oscar E.
Upp, James R.
Ursini, Samuel M.
Usher, William R.
Utley, Russell K.
Utman, Howard W.
Vacin, Frank L.
Valentine, Edward J.
Valentine, Harold J.
Valle, Manuel D. J.
Valley, Joseph H., Jr.
Vance, David R.
Vancura, Lawrence A.
Vandriel, Charles E.
Vanhorn, Arthur E.
Vanhoutum, Richard K.
Vanness, Charles R.
Vannier, Vern F.
Vanree, Harold G.
Vanspeybroeck, Donald J.
Vanwinkle, Wayne E.
Varnum, John W.
Vatis, Martin D.
Velde, Lee D.
Vermeys, Carlton P.
Vestal, Perry M.
Vetters, William E., Jr.
Vick, Dewain C.
Vickery, John D.
Vincent, Herman G.
Vitori, Theodore E.
Voegelin, Alvard M., Jr.
Voelker, Robert G.
Vogel, Richard D.
Vogler, Charles C.
Vogler, Frederick J.
Volgenau, Ernst
Volkstadt, Wilfred G.
Volpe, John M.
Von, Vernon M. H.
Vongohren, Edward V.
Vonkleist, Robert V.
Vonwolffradt, Gustav S.
Waddill, Roger G.
Waddle, Bobby G.
Wade, Austin R.
Wagner, Eugene P.
Wagner, Paul E.
Wagoner, Paul D.
Wahlquist, Lauren B.
Waiss, Terrill E.
Wakafuji, James I.
Walbridge, James S.
Walden, Charles E.
Waldman, James H.
Walker, Donald C.
Walker, Edward P.
Walker, Fernie J.
Walker, Joseph E.
Walker, Leland G.
Walker, Leonard S., III
Walker, Norman B.
Walker, Stuart D.
Walker, Wallace J.
Walker, Whitney C.
Walkowski, Raymond J.
Wallace, Jarrell R.
Wallace, Richard S.
Wallace, Robert E., Jr.
Waller, Larry D.
Walters, Rives M.
Waltman, Donald G.
Walton, Robert G.
Waltz, Burton L.
Ward, Brien D.
Ward, David M.
Ward, Ronald J.
Ward, William E.
Wareham, William A.
Wargowsky, Richard G.
Waring, George B.
Warinner, Algernon S., II
Warloe, Roger O.
Warner, Morris T., Jr.
Warner, Ronald L.
Warren, Robert J.
Warwick, Daniel P.
Wathen, John A.
Watson, Gerald S.
Watson, James R.
Watson, John T.
Watson, Robert J.
Watson, Ronald W.
Weaver, Burl J.
Weaver, James A., Jr.
Weaver, Thomas G.
Webb, Gerald M.
Webb, Leonard W.
Webber, Peter J.
Weber, Alban L.
Weber, Daniel R.
Weber, Paul L.
Webre, Eugene J.
Webster, Donald N.
Webster, Fate L.
Weiner, Arthur C.
Weiner, Sidney W.
Weisiger, Donald H.
Weiss, James E.
Weissenborn, Ronald E.
Welch, John F.
Welch, Larry D.
Welch, Loren E.
Welch, William W.
Welling, Gordon L.
Wellington, Raymond, Jr.
Wendland, James L.
Wenker, William J.
Werner, Reuel T., Jr.
West, Charles B.
West, Charles G.
West, David A.
West, Jerry G.
Westcott, Russell G., Jr.
Wester, Donald E.
Wetzl, Thomas G.
Whalen, Donald L.
Wharton, Browning C., Jr.
Wheeler, Elmer G., Jr.
Wheeler, Karl A.
Wheeler, Terrence G.
Wheeler, William H.
Whistler, Joseph Y.
White, George A.
White, Lawrence A.
White, Leslie W.
Whitehouse, Larry V.
Whitehurst Rex A.
Whiteside, Jack H.
Whitfield, Marvin C.
Whitmore, Bickie B.
Whitt, Joe B.
Whitten, William E.
Whitwell, Franklin C.
Wichy, Bismarck
Wicker, Thomas J.
Wiese, Richard B.
Wiesner, James F.
Wilde, James B.
Wiles, Donald A.
Wilkinson, Thomas C.
Will, Jimmy D.
Williams, Cleveland D.
Williams, Dallas L.
Williams, Donald C.
Williams, Earle D., Jr.
Williams, James A.
Williams, James R.

Williams, Jimmy R.
Williams, Joseph B.
Williams, Lee E.
Williams, Pete C.
Williams, Philip P.
Williams, Robert W.
Williams, Rodney P.
Williamson, John W.
Williamson, Mahlon J.
Williamson, Willi R.
Willis, Franklin E.
Willis, Robert E.
Willis, William S.
Wilson, Albert H.
Wilson, Burke L.
Wilson, Dick E.
Wilson, Glen H.
Wilson, Glenn H.
Wilson, Harold D.
Wilson, Harold L., Jr.
Wilson, Kenneth V.
Wilson, Robert R.
Wimbley, Charles O.
Wimer, Jack W.
Wingate, Dale E.
Wingfield, Billy J.
Winkler, John L., Sr.
Winner, Donn C.
Winston, Donald K.
Winters, Albert C., Jr.
Winters, Richard A.
Wirth, Peter C.
Wirth, William R.
Wise, Boyd E.
Wise, Lee B.
Wiseman, William R.
Witherspoon, Robert W.
Withrow, Bobby L.
Witzig, Herman R.
Wolf, Donald K.
Wolf, Richard H.
Wolfkeil, Wayne B.
Wolford, Leland
Wollaston, Dean E.
Wolniewicz, Peter F.
Womack, Clarence E.
Womack, Willis G.
Womble, William O.
Wood, Barry O.
Wood, Don C.
Wood, Floyd D.
Wood, James E.
Wood, James T.
Woodhead, Robert E.
Woodring, Joe L.
Woods, Byron B.
Woods, Ronald D.
Wootton, Wayne F.
Worden, Alfred M.
Worden, Dwight C.
Workmon, Edward E.
Worthy, William E.
Wray, Robert D.
Wright, Arthur L.
Wright, Charles W.
Wright, Clifton D., Jr.
Wright, Gene T.
Wright, James R.
Wright, Richard D.
Wright, Sidney J.
Wright, William H.
Wyman, Myron L.
Wyrick, Carl A.
Yager, Donald E.
Yancey, Kenneth E., Jr.
Yancy, Raymond C.
Yates, Donald R.
Yeager, Jerry L.
Yearsley, William R.
Yoder, Robert D.
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Yost, Daniel C.
Young, Edward D., Jr.
Young, Russell A.
Youngblood, Russell W.
Younkman, Robert J.
Yount, Charles F.
Zachary, John D.
Zaike, Donald A.
Zambiasi, Raymond J.
Zaretsky, Michael G.
Zarr, Robert D.
Zeeck, Richard C.
Zeybel, Henry L.
Zienert, Clarence E.
Ziliak, Wayne C.
Ziman, Robert L.
Zink, Donald L.
Zuckerman, Donald L.
Zwack, Edward W.

CHAPLAINS

Abernethy, Alfred J.
Benda, John J.
Fairless, Mark W.
Flinn, James E.
Fox, Winston P.
Gibson, Vancil V.
Hardin, Newton R. N.
Hunt, Asa E., III
Hunt, Mansfield E.
Kilpatrick, August C.
Kingsley, Earl J., II
Ludwig, Paul W., Jr.
O'Malley, James G.
Rasberry, John E.
Shoupe, Edward E.
Smith, Rufus G.
Tabb, Robert W.
Taylor, James R.
Vaughn, Earl F.

DENTAL CORPS

Aslanis, James T.
Awtry, Teddy D.
Bernhard, Lee F.
Bernui, Rolando
Bigalke, James F.
Brown, Cecil E., Jr.
Buchen, Bayard A.
Burrows, Bradley H.
Butz, Donald J.
Cecconi, Bert T.
Charron, Thomas W.
Crockett, Leonard D.
Doran, John E.
Eberly, David S.
Fowler, James A., Jr.
Frisbie, Orton D.
Fry, Hiram R.
Garner, Robert S.
Gerhardt, Donald E.
Hardeman, James A.
Hawkins, Maynard A.
Keith, Wayne K.
Killoy, William J.
Legan, Joseph J.
Morse, Donald P.
Myers, John W.
Nill, Christian W.
Ohta, Ralph M.
Rehg, Paul J.
Richards, Ellsworth R.
Sanders, Dick W.
Simmonds, Charles R.
Stobie, James L.
Svensson, Ernest D.
Swanson, Ben Z., Jr.
Swartz, William L.
Swayne, Paul R.
Swimley, Dwight C.
Tilles, Arthur M.
Tuggle, Dewey H., Jr.
Welker, William A.
Wellins, Stanley L.

MEDICAL CORPS

Abernathy, James P.
Anderson, Judson T.
Axelrod, Arthur J.
Bentlage, Charles H.
Bielstein, Henry V. A.
Brix, John F., Jr.
Brown, Horace J.
Campbell, John L., II
Chambers, Clint E.
Chapman, Calvin C.
Chapman, Robert M.
Coolidge, Thomas T.
Coursey, John W.
Cox, Hugh A.
Crawford, William O., Jr.
Curtis, Kenneth W., Jr.
Derby, Alfred J.
Dibbell, David G.
Dunn, Jared M.
Dyer, James W.
Ellison, Richard B.
Farber, George A.
Ferguson, Emmett B., Jr.
Gamse Norman L.
Goodman, Gerald N.
Grillo, Donald
Hallewell, John D.
Hart, James E.
Hauver, Robert C.
Hermann, Elmer R., Jr.
Holder, David L.
Holt, Robert S.
Hylton, Robert R.
Igleman, Jon M.
Johnson, Williard L., Jr.
Jones, Otis W.
Joycolon, Jose L.
Kachinski, Frank E.
King, William H.
Kozub, Robert E.
Laubach, John B.
Marshall, Angus
Martinezoferrall, Jose A.
McCarthy, Thomas M.
Mediavilla, Antonio F.
Metheny, Ralph S., Jr.
Nahn, Charles E., Jr.
Neal, Joseph A.
Nonas, Constantine J.
Perezvarela, Manuel R.
Pietz, Wesley F.
Poel, Robert W.
Ragsdale, Richard M.
Red, Donald E.
Reinarz, James A.
Rhein, Leroy W.
Richie, Robert E.
Schultz, Morris A.
Sloan, Alexander M.
Smith, Oren R., Jr.
Stahl, Norman L.
Voss, Wilber C.
Walter, William H., III
Wanamaker, John L.
White, Cecil E.
White, Jerry A.
Whiteside, Clarence K., Jr.
Williams, John L., Jr.
Young, Frank W.
Zimmerman, Frank W., Jr.

NURSE CORPS

Badgett, Gladys R.
Bemis, Elizabeth B.
Carter, Phyllis J.
Casey, Eunice R.
Clementi, Mary F.
Costabile, Helen C.
Daniels, Della J.
Davenport, Lorraine M.
Deptula, Geraldine B.
Dolan, Mary E.
Donahue, Virginia A.
Duval, Lorraine M.
Fellin, Elizabeth T.
Flitsch, Erma
Foley, Eileen H.
Franchina, Gloria M.
Greene, Mary B.
Hale, Beatrice J.
Haskins, Helene R.
Hernandez, Rosa
Hillis, Helen R.
Hodge, Barbara R.
Johnson, Dolores
Kerwood, Joyce E.
Kidder, Joanne
Lau, Evelyn C. M.
Leftenant, Mary E.
Lewis, Rita L.
McClurkin, Frances M.
McMurdo, Ruth A.
Miller, Frances R.
Normand, Jeannine V.
Novotny, Dorothy R.
Park, Elizabeth L.
Phillips, Hazel L.
Pounds, Myrtle Y.
Radvansky, Mary E.
Sidisin, Ruth K.
Skler, Rose
Smith Joanne P.
Sorrell, Ethel E.
Strippy, Elizabeth J.
Sturm, Reva I.
Thomas, Peggy J. T.
Tucker, Ona M.
Vosburgh, Rita G.
Weisenfluh, Norma J.
Wettle, Mary J.

MEDICAL SERVICE CORPS

Aaron, Robert V.
Blair, Herbert L.
Blum, John L.
Chamberlain, Morrison E.
Clark, Gerald R.
Gildner, John L.
Harn, Thomas J.
Lindsley, Adolph A.
Mansfield, William P., Jr.
Mugford, Frank M.
O'Connor, James P.
Pridgen, Aubrey W.
Rosenthal, Harry
Scolard, Dominic C.
Slagel, Ronald V., Jr.
Small, Arthur H.
Stephenson, Roger D.
Straughn, Herbert E.
Tonn, Arthur H.
Tuck, Charles W.
Wells, Darius L.
Woodruff, Richard E.

VETERINARY CORPS

Anstadt, George L.
Ashby, William T.
Carter, Vernon L., Jr.
Casey, Harold W.
Ewing, Dean E.
Lacroix, John T.
MacKenzie, William F.
Murray, James L.
Shiflett, Richard M.
Smith, Alvin W.
Springs, John M., Jr.
Temple, Harold G.
Wise, David
Wisecup, William G.

BIOMEDICAL SCIENCES CORPS

Choisser, Donald C.
Chavotta, Charles A., Jr.
Destefano, Peter
Elliott, Albert M.
Haffer, Charles T.
Hancock, James A., Jr.
Hattesen, Jack E.
Higgins, Donald D.
Holtzman, Charles F.
Johnson, Jordan D., Jr.
Keleske, Dolores P.
Kingsley, Willard E.
McCambridge, John J.
Noe, Edward R.
Parrish, Dale W.
Pizzuto, Joseph S.
Podkin, Marvin
Sadanaga, John Y.
Schenkel, Edward F.
Smith, Billy S.
Thomas, Robert E.

FIRST LIEUTENANT TO CAPTAIN

Line of the Air Force

Abate, Joseph D.
Ache, Leroy P.
Achin, Raymond R.
Ackerman, James L.
Ackert, Bruce
Adams, Charles C.
Adams, Donald L.
Adams, Duane A.
Adams, John S., Jr.
Adams, Wendell M.
Adams, William E.
Ahart, Richard A.
Ahl, Arthur W.
Ahrens, James A.
Akley, James K.
Alba, Michael S.
Albrecht, Charles F., Jr.
Aldinger, Richard T.
Aldridge, Robert P., Jr.
Alenius, John T.
Alexander, Charles R.
Alexander, Kenneth G.
Alexander, Lonny R.
Alexander, Richard A.
Alexander, Robert M.
Alexander, Roland T.
Alexander, Theodore G.
Allan, Donald F.
Allan, Ronald J.
Allen, Douglas J.
Allen, John C.
Allen, Maxie W.
Allen, Wayne L.
Allison, Kent V.
Allport, Charles W.
Allsbrook, John W., Jr.
Alonge, Joseph C.
Altick, Stephen F.
Altman, Edgar A., Jr.
Altman, Herbert.
Altwies, James E.
Alvarez, Humberto H.
Ambre, William A.
Ames, James R.
Amfahr, Harold M.
Amoscato, Guy T.
Andersen, William C.
Anderson, Carlton E.
Anderson, Gerald W.
Anderson, John A.
Anderson, John M.
Anderson, Kenneth L.
Anderson, Paul C.
Anderson, Ralph L., Jr.
Anderson, Raymond E.
Anderson, Richard C.
Anderson, Robert F.
Anderson, William E.
Anderton, David W.
Andre, Jan B.
Andreasen, Clell.
Andreoni, Alan J.
Andrews, Melvin R., Jr.
Andrews, Merle F.
Andrus, James G.
Anibal, Edward F., Jr.
Annis, James R.
Anspaugh, Charles C.
April, Paul K.
Armenta, Gilbert.
Armstrong, John J.
Armstrong, Robert M.
Arner, Lorenz D.
Arnold, John D.
Arnold, Richard W.
Arnsdorff, Alton G., Jr.
Arrington, Robert E.
Arthur, Hayward B.
Asbill, Morris W., Jr.
Ashby, Lawrence E.
Ashman, Jerome P.
Ashy, Joseph W.
Atchison, David A.
Atchison, Richard M.
Atteberry, Glen, A.T.U.
Austin, William F., III
Auth, Edward G., Jr.
Autry, Gene A.
Averhart, Jesse M.
Ayres, Roger A.
Baber, James J., Jr.
Babler, Myron J.
Backman, Vernon E.
Bail, Charles E., II
Bailey, Charles H.
Bailey, Gordon D.
Bailey, Richard
Bailor, Ronald O.
Baily, Joseph J., III
Baj, Chester T., Jr.
Bajuk, Terence G.
Bak, Edmund J.
Baker, Bobby L.
Baker, Bryce H.
Baker, Charles S.
Baker, Donald E.
Baker, Earl D.
Baker, John A.
Bakos, Andrew E.
Bale, Don E.
Ball, Gary A.
Ballard, Bobby D.
Ballman, Arthur C., Jr.
Balut, Ramon R., Jr.
Banks, Frederick M.
Banks, Ronald W.
Bannon, John J., Jr.
Bardwell, Stanford O., Jr.
Barkhurst, Paul D.
Barnes, Elliott B., Jr.
Barnes, William J., Jr.
Barnett, Everett E., Jr.
Barnhill, Charles C., Jr.
Barr, Michael J.
Barr, Michael L.
Barranco, Stephen S.
Barreire, William
Barrett, Ford H.
Barrett, Melvin R.
Barrows, Charles V.
Bartley, Robert W.
Bassett, Louis C., Jr.
Bates, Roy D., Jr.
Bates, Thomas M.
Batson, Thomas S., Jr.
Batte, George A.
Baucom, Donald R.
Bauer, Frank J.
Bauer, Gerald H.
Bauer, Richard H.
Baughman, Gary L.
Baum, Carl E.
Baumgartner, Robert L.
Baun, Raymond J.
Baxter, Robert H.
Bayley, Harry P.
Bazerque, Bertrand H., III
Beaky, Charles M., Jr.
Beasley, Earle C.
Beatty, James F., Jr.
Beaty, James K., Jr.
Beaudry, Richard G.
Beaulieu, Leo J.

Beaumont, Lincoln S., Jr.
Bechler, Wayne R.
Beck, Bradley T.
Beers, L. N.
Behrens, Dennis D.
Bell, Darwin L.
Bell, James R.
Bell, Lee D.
Bellas, Robert.
Bender, Arthur.
Benedict, Carl J.
Benedict, Gary A.
Bennett, Garnett T., III
Benson, Larry L.
Benten, William A.
Benton, Frank M., Jr.
Berdan, Richard L.
Bergen, John K.
Berkshire, John H.
Berlin, Martin S.
Bernard, Albert R., Jr.
Bernard, John F., Jr.
Berringer, Lynn T.
Berry, Gene A.
Berry, James S.
Berube, Paul J.
Best, Roy W.
Bettex, Leonard C.
Betts, Carlton L.
Bevans, Peter C.
Beverly, Edward J., Jr.
Bewley, Ronald L.
Bezanson, Richard H.
Bianco, Matthew C.
Bickenbach, Jerry B.
Biegalski, Conrad S.
Bielstein, John C.
Bierly, Richard M.
Biestek, Harold F.
Bifolchi, George J.
Bigelow, James N.
Bigelow, Joseph P.
Bigham, Eugene F.
Bikker, Arthur W.
Billington, Gordon F.
Bilse, Marvin R.
Birchfield, James R.
Bird, Robert E.
Birk, Peter K.
Birnbaum, Moe
Bishop, Charles L.
Bishop, Halford R.
Bissonnette, Donald K.
Bittorf, Norman G.
Bjornstad, Eugene N.
Black, Franklin J.
Black, Robert E.
Blackburn, James C.
Blackmon, Norman V.
Blackstock, Jimmy D.
Blair, Albert W.
Blair, Robert L.
Blaisdell, Michael P.
Blake, Ronald H.
Blakemore, Philip D.
Blakley, Norman L.
Blasingame, Doyle D.
Blizzard, Clarence, Jr.
Blocker, Gettis A.
Bloom, Philip J.
Bloomberg, Elliott L.
Blum, Franklin E.
Blythe, Herman E.
Bobko, Peter B.
Bockelman, David C.
Bode, Richard D.
Bodenheimer, Clyde E.
Boecking, William D. G.
Boersig, George R.
Boettger, Albert J., Jr.
Bogart, James H.
Bogemann, Lawrence L.
Bohler, Donald M.
Boldrick, Michael R.
Boles, Billy J.
Bolinger, Bobby G.
Bolls, Larry R.
Bolrter, Carl H.
Bomber, Thomas M.
Bond, Jack C.
Bonham, Lawrence D.
Bonwell, Raymond E., Jr.
Booher, Donald R.
Boone, Donald
Boone, Leo D.
Boone, Thomas S.
Booth, Frederick E.
Borden, Murray L.
Borin, Dennis J.
Boros, William G.
Borra, Anthony G.
Bosser, Robert L.
Bossi, Karl R.
Boswell, Homer D.
Bouchoux, Gerald E.
Bowden, Peyton R.
Bowen, Albert S.
Bower, Larry E.
Bowers, Bruce G.
Bowers, Hilton C.
Box, Gene E.
Boyd, Billy E.
Boyd, Charles H.
Boyd, Hubert D.
Boyd, Lawrence E.
Boyd, Raymond G., Jr.
Boyer, Winfred R.
Boyle, John J.
Boynton, Gerald L.
Bozeman, Tandy K.
Brace, Donald C.
Bracher, Phillip E.
Bradley, Thomas P.
Bragan, Robert A.
Brake, Francis B.
Brakeley, Peter W.
Bramble, Harold K.
Brame, Charles E.
Branch, Robert H., Jr.
Brandt, Karl F., Jr.
Braxton, Richard B., Jr.
Breault, Robert P.
Brenizer, Robert F.
Brennan, Leo J.
Breslin, Richard D.
Brewster, John H., Jr.
Brick, John E.
Bricker, Eugene W.
Brickman, William A.
Bridge, Jason K.
Bridges, Earl R.
Bridges, John D.
Bristol, William E.
Brocklehurst, Gordon B.
Broening, Gerald F.
Brooks, Donald A.
Brooks, Jerry C.
Brooks, Ronald B.
Brooks, Thomas A.
Brooks, William C.
Brooks, William E.
Brothers, John N.
Brown, Christopher H.
Brown, Guy E., II
Brown, James W.
Brown, Jerry E.
Brown, Leland D., Jr.
Brown, Robert M.
Brown, William A., Jr.
Brownell, Thomas F.
Brownfield, Orlen L.
Browning, William A.
Brubaker, Stanley E.
Bruce, Daniel R.
Bruce, Donald W.
Bruce, Nelson E.
Brucher, John M.
Brungart, David L.
Brunton, Robert K.
Bryan, James B., III.
Bryan, Thomas D.
Brzozowski, Thomas S.
Buchanan, George W.
Buchanan, Glenn M.
Buchenauer, Robert L.
Buckley, John R., Jr.
Buell, Alan D.
Buick, John R.
Bullard, Barry W.
Bullock, Lawrence J.
Bumen, Robert L.
Bumgarner, James A.
Bundy, Wayne P.
Buono, William A.
Burbage, Paul H., III
Burch, Thomas E.
Burchette, Jerry E.
Burkart, Joseph A., II
Burke, Billy E.
Burke, Walter F.
Burkhead, Hubert W.
Burley, Joseph T.
Burmeister, Edwin
Burnett, Donovan O.
Burns, Bruce A.
Burns, James E. S.
Burns, John L.
Burns, Robert D., Jr.
Burns, Robert G.
Burres, Keith E.
Burrow, Jessie H.
Burrows, Bruce T.
Burrus, James C.
Burton, Walter L.
Bussell, Robert L.
Butchko, Michael J., Jr.
Butler, Charles M.
Butler, Leonard A.
Butler, Norman R.
Butler, William K.
Byerly, Kirk L.
Byrd, Harold C.
Byrd, Ronald H.
Byrd, William B., Jr.
Byrne, Richard L.
Byrne, Stewart R.
Bythewood, Daniel H.
Cady, John R.
Cagle, Thomas G.
Cain, James E.
Caldwell, Lapsley R., Jr.
Calhoun, Joseph S.
Callaghan, John M.
Callin, John H.
Callis, William C.
Calvaresi, Anthony I.
Calvez, Clifton A.
Camarand, Warren J.
Campbell, Alan D.
Campbell, Burton W.
Campbell, Harvey C.
Campbell, Jimmie R.
Campbell, Richard S.
Campbell, Ronald P.
Campisi, Vincent R.
Candray, Arnold J.
Canfield, John M.
Capellman, James J.
Capps, Ted C.
Caravaglio, Francis J.
Carey, Edward H., Jr.
Carey, John J.
Carlsen, Edward, Jr.
Carlson, David R.
Carlson, Raymond A.
Carlson, William R.
Carmichael, Maurice A.
Carpenter, Daryl M.
Carpenter, John P.
Carpenter, Peter F.
Carpenter, Philip C.
Carr, Edward J.
Carroll, Howard K.
Carroll, John L.
Carson, David A.
Carstensen, John R.
Carter, Bruce R.
Carter, Charles R.
Carter, William E.
Carter, William P.
Cartwright, Francis E.
Carver, Linwood J.
Case, Carl T.
Casey, David R.
Cash, Jimmy L.
Casleton, Ronald G.
Casperson, David I.
Caswell, Stephen L.
Catherall, Michael H.
Caudill, Charles R.
Cavell, James E.
Cavender, Dwight B.
Cello, Gregory J.
Cepull, Donald C.
Challis, Ford F.
Chambers, Eldon A.
Chambers, John A.
Champion, Joel T.
Chancellor, James J.
Chaney, Eugene S.
Chapman, John W.
Chapman, Peter H., II
Charlow, Joseph F., Jr.
Chase, Duane B.
Chastain, Calvin H.
Chasteen, Calvin L.
Chatwood, Gerald L.
Chavanne, William G.
Chelette, Herman E., Jr.
Chelland, Eugene J.
Chellman, Edward M.
Chirco, Samuel
Choronenko, Iwan
Chrisman, Kenneth L.
Christensen, Carl A., Jr.
Christensen, John L.
Christianson, John W.
Church, James B., Jr.
Churchill, Howard A.
Chute, William M., II
Chihoski, Edward R.
Chiplickas, Algimantas J.
Claflin, Richard A.
Clanton, Paul L.
Clardy, Charles W.
Clare, Eugene J.
Clark, David W.
Clark, Frank B., Jr.
Clark, Hurshal S.
Clark, John G.
Clark, John W.
Clark, Kirk B.
Clark, Robert C.
Clarke, George W., Jr.
Clary, James R., III
Clawson, Lynn
Clegg, Donald H.
Clement, Bryan B.
Clemons, Gerald L.
Click, John E.
Cline, Vinton J.
Clopton, Wilbur R.
Close, Jay G.
Cloud, Rex E.
Coady, Robert F.
Cobb, Jerry R.
Cobb, Larry D.
Coble, Charles A.
Coble, Don C.
Coble, John E.
Cochran, Billy N.
Cochran, Donald R.
Cochran, Roger W.
Cody, John C.
Coe, Peter S.
Coffey, Francis J.
Coil, Johnnie G.
Cole, Charles M., Jr.
Cole, Gordon E.
Coleman, Cooper V.
Coleman, Donald F.
Colley, Jack
Colligan, John J.
Collins, Thomas W.
Collman, Ronald G.
Colpitts, Michael F.
Coltrane, Neal E.
Comeau, Charles L.
Conaty, Thomas P., Jr.
Condit, James C.
Congleton, Roger V.
Conlan, Ralph E.
Conn, Frederick J., III
Connally, Walter R.
Connelly, Peter J.
Conner, Castex P., Jr.
Conner, William L.
Connerat, Edwin B., Jr.
Connolly, James M.
Connolly, Robert J.
Connor, Joseph P.
Conrad, Dale D.
Conrad, Joseph P.
Cook, Daryle D.
Cook, James T.
Cooke, George E.
Cooke, John D.
Cooke, Paul M. T., Jr.
Cooke, Willis R.
Cooksey, Mellwood, Jr.
Cooley, Gilbert K.
Cooper, Harry E.
Cooper, Horace J.
Cooper, William T.
Cope, William L.
Copeland, Jerry
Coprivnicar, Frank J.
Corbalis, Fred F., Jr.
Cornetet, Gerald F.
Corr, James F.
Correll, Monte R.
Corrigan, James W.
Corrigan, Terence P.
Corsi, James A.
Costa, Nicholas P., Jr.
Costantino, James D.
Costanzo, Lawrence G.
Cotarobles, Amado L.
Cote, Ronald A.
Cottrell, Leah R.
Cottrell, William A.
Coulter, Arthur C.
Coupland, Hoyt D.
Courrier, Ernest A., Jr.
Cox, John E.
Cox, Wesley A.
Cozzens, Stuart G.
Crabtree, Allen F., III
Crake, Roger L.
Craska, Paul D.
Crawford, Jessie K.
Crawford, Roger A.
Crawford, Thomas J.
Crawshaw, Wharton R.
Crenshaw, Jerry R.
Crews, Donald A.
Crofoot, William R.
Croissant Leroy E.
Cromer, Alvis V., Jr.
Cromwell, Kenneth E.
Crone, Gene H.
Crooch, Dorven K.
Crook, Gordon R.
Crooks, Thadis W.
Crosby, Francis C.
Cross, Frank A., III
Crossman, Charles K.
Crosta, Leo
Crouch, Dennis E.
Crouter, John E.
Crowder, Philip R.
Crowley, Jackson D.
Cruger, Sterling R.
Crump, Herschel W.
Crunkleton, Jerry H.
Culhane, Peter K.
Culp, Aubrey M.
Culp, Gary
Culver, Kenneth W.
Cummings, Jan G.
Cummings, Melvyn D.
Cummings, Peter
Currier, Robert D.
Currier, Thomas J.
Currin, David D.
Curtis, Arthur W.
Curtis, Carl R.
Curtis, James A., Jr.
Curtis, John E.
Curtis, John R.
Custard, Randal D.
Custis, Joseph E.
Cuthbert, Bradley G.
Cutter, James D.
Cwynar, Richard W.
Czahor, Raymond E.
Czech, Felix
Dagley, Larry K.
Dahlman, James G.
Daigle, Robert V.
Daisher, Philip E.
Dale, Charles L.
Dallenbach, Donald D.
Dalrymple, Robert S.
Dalton, Charles F., Jr.
Dalton, John C.
Dalton, Ronnie D.
Daly, Robert W., Jr.
Damm, Donald B.
Danber, Edward B.
Danforth, George S., III
Daniel, Gerald A.
Daniel, Marshall E., Jr.
Daniel, Robert P.
Darby, Charles V., II
Darcangelo, Robert J.
Dardeau, Arthur T.
Dash, Ernie R.
Daugherty, James R.
Daugherty, Jerry W.
Davenport, Cecil O.
Davies, Joseph E.
Davis, Allan S.
Davis, Chovine R., III
Davis, Clarence L.
Davis, Clifford D.
Davis, Glenn L.
Davis, James L.
Davis, Joel C.
Davis, John W., III
Davis, Joseph T., Jr.
Davis, Ralph L., Jr.
Davis, Richard E.
Davis, Robert E.
Davis, Robert L.
Davisson, Dean C.
Dean, Darral D.
Dean, John G.
Dean, Robert L.
Dearrigunaga, Ramon E.
Deary, William A.
Deberry, Robert D.
Decaire, John A.
Decker, Lambert J., Jr.
Declerck, Robert P.
Decosmo, Ronald L.
Deeter, Stanley B.
Degen, Thomas E.
Deichelmann, Samuel M.
Deinhammer, Richard A.
Delaney, James H.
Delestine, Gary R.
Delgado, Jose A.
Delong, James C., Jr.
Demarco, Robert V.
Deminico, Joseph J., Jr.
Dennis, Leslie E., Jr.
Denny, Robert F.
Dentremont, James A.
Deporter, Elden L.
Deppen, John J.
Depriest, Charles D.
Derby, Roger C.
Derstine, Paul E.
Deslucamatteoni, Daniele
Devaney, James E.
Devine, Thomas J.
Dewar, Dudley R.
Diaiso, Robert J.

Dibbens, Marvin F.
Dibell, David L.
Dick, Charles R.
Dickson, Allan M.
Dierlam, Mark J., III
Dietel, George W.
Dietrich, Frederick L.
Dillenbeck, Richard C.
Dillinger, Jay A.
Dinley, James E., II
Dinning, Otis O., Jr.
Dinsmore, John C.
Dixon, Darryl D.
Dixon, George R.
Dlugos, William T.
Dobias, Leonard J.
Dobson, George E.
Dodd, Lee P., Jr.
Dodge, Harvey L.
Dodge, William R.
Doerk, Robert K., Jr.
Doherty, Robert E.
Dolfi, Joseph A., Jr.
Domuret, Allan J.
Donaca, Richard R.
Donahoe, James B.
Donald, Robert K.
Donoghue, David E.
Donovan, Daniel J., II
Dorman, Ralph T.
Dorr, James E.
Dorr, John K.
Dotson, Patrick S., Jr.
Doty, Mickey D.
Doublier, Rene M.
Down, Donner A., Jr.
Downs, Clelland R.
Drake, William H.
Draper, Charles T.
Drezek, Thomas Jr.
Driggers, Milton V.
Drinnon, Donald T.
Driscoll, Dennis R.
Druyun, William S.
Dryden, Joseph W., Jr.
Dubois, Robert L.
Dubose, Wesley G.
Dubuy, Henry E., Jr.
Duckworth, Kenneth J.
Duerksen, Jarol F.
Duigon, Theodore H., Jr.
Dukes, Douglas W.
Dulevitz, Alexander R.
Dumas, Charles J.
Dunbar, William F.
Dunco, Robert M.
Dunda, Peter P.
Dunkelberger, Robert J.
Dunker, Edward H. M.
Dunlap, Royce E.
Dunn, Bruce E.
Dunn, Daniel R.
Dunne, Edward J., Jr.
Dunning, Thomas B.
Dupuy, Paul J.
Durrett, John C.
Duston Arthur G., IV
Dwyer, Paul G.
Dykes, Frederick T.
Earl, Joseph D.
Earlewine, Robert E., Jr.
Earley, William A.
Early, Ross F.
Eastburn, Early T.
Eastburn, Rolland P.
Eastep, Gary E.
Easter, John R.
Easton, Gary E.
Easton, Gary N.
Eaton, James D., Jr.
Eberle, George R., III
Ebert, James J.
Echelberger, Arthur D.
Eckel, Dean L.
Eckel, George M., III
Eckert, Jon S.
Eckhart, Thomas K.
Eddy, Gerald V.
Edge, Thomas H.
Edler, Anthony L.
Edmunds, Rane S.
Edrington, Paul K.
Edwards, John P., Jr.
Edward, Lendy C.
Edwards, Lloyd A.
Edwards, Melvin P.
Edwards, Ronald G.
Egerton, James S.
Ehly, Clarence B.
Ehmig, William A.
Eikelbarner, John F., II
Eilers, Dennis L.
Eilerts, Richard D.
Eisenach, Clifford W.
Eisinger, Jerry B.
Elden, Donald G.
Elder, Paul W.
Ellenburg, Kay R.
Eller, Richard A.
Elliott, Harvey R.
Elliott, John R.
Elliott, Leland R.
Elliott, Robert J.
Elliott, Warren G.
Ellis, Noel G., Jr.
Ellis, Stephen H.
Ellis, Vernon D.
Elmer James L.
Emberlin, Richard L.
Emigholz, Nicholas W.
Engels, Geoffrey P.
Engle, Ira, Jr.
Enloe, John D.
Entwistle, John W. C., Jr.
Epperson, Jon O.
Eppig, Carl C.
Epstein, Howard M.
Erickson, Charles E.
Erickson, Stephen C.
Erickson, Vern E.
Ermi, Keith
Ernest, Kenneth E.
Ernest, Ronald G.
Erts, Thomas F.
Ertz, Ernest J.
Eubank, Francis L., Jr.
Evans, Arthur F.
Evans, Robert G.
Evans, Stephen H.
Evans, Yarnell C., Jr.
Everhart, Richard V.
Fabian, Felix M., Jr.
Fabian, John M.
Fabian, William H.
Facey, Edward A. III
Faessler, Lawrence J.
Fagley, Richard D.
Fairburn, David R.
Fairchild, Edward A.
Fairfield, John S.
Fairfull, Douglas T.
Fairweather, James D.
Faison, Lawrence E.
Falconer, Norman R.
Fallon, Clifford B.
Faloon, Robert L.
Farley, Joseph N.
Farman, Michael S.
Farmer, Robert A.
Farnham, John W.
Farrington, Arthur D.
Farris, James S.
Fassero, Joseph M.
Faulkner, Jack C.
Faulkner, James R.
Faust, William M.
Fausto, Peter F.
Fayko, John K., Jr.
Fedak, William A.
Fee, David T.
Feighery, Daniel J.
Feir, Marvin L.
Fellows, Richard W., Jr.
Felts, Robert L.
Fer, John
Ferguson, Gordon S.
Ferguson, William G.
Ferm, Rodney E.
Ferrell, Oscar L.
Ferris, Dean L.
Fetter, Jerry A.
Fiddler, John F.
Fiebler, Frederick A.
Fields, David A.
Fields, Walter C., Jr.
Figgins, Jerry M.
Fink, Raymond O.
Finkbiner, Ronald R.
Finkle, Gary D.
Finley, Theodore R.
Finnigan, Charles A., Jr.
Florino, Thomas D., Jr.
Firl, Rodney W.
Fischer, Frank C.
Fischer, John R.
Fisher, John C.
Fisher, Kenneth S.
Fitch, Lee N.
Fitzgerald, Daniel L.
Fitzgerald, Dennis C.
Fitzgerald, James D.
Fitzgerald, William J.
Flaherty, Martin J., Jr.
Flanagan, Euge F., Jr.
Flannery, John P.
Flechtner, Robert H.
Fleming, Kenneth H.
Fletcher, Orvil W.
Fletcher, William D.
Flinn, Lawrence E.
Floodas, James G.
Flower, Robert M.
Flowers, Ronald N.
Floyd, Johnny B.
Flynn, Brian J.
Foley, Peter K.
Folks Richard L.
Fontana, Charles J.
Forbes, Lee J.
Ford, George E.
Ford, James P.
Foreman, Alling C.
Foreman, William L.
Forrest, Gary F. II
Fortmayer, Carroll J.
Foster, Theodore P., Jr.
Fountain, Woodson M.
Fournier, Robert E.
Fowler, Charles W.
Fowler, Gerald J.
Fox, Darrell L., Jr.
Fox, Edward H.
Fox, Gordon W.
Fox, Joseph J.
Frampton, Gene D.
Franco, Guillermo A.
Franklin, Charles E.
Franks, James A.
Franks, Walter L., Jr.
Franzetti, Joseph N.
Frasher, Edgar W.
Frederick, John P.
Freeman, Harold R.
Freilino, John E.
French, Teddy B.
Frese, Gerald W.
Freshcorn, Frederick L., Jr.
Frick, Roland D.
Friebel, William R.
Friedler, Paul S.
Frigyes, Lewis
Fritz, Nicholas H., Jr.
Fritzel, Roger N.
Frutchey, David W.
Frymire, Robert C.
Fuller, Philip S. B.
Fuller, Robert R.
Fullerton, Bruce E.
Fulton, Allan C.
Gabel, James A.
Gadd, Richard B.
Gaffney, John E.
Gage, Donald H.
Gagen, James R.
Gainer, Jere A.
Gaiser, Carl E.
Galbach, Charles R.
Galbraith, Russell D.
Gallacci, Norman G.
Gallagher, James P.
Gallagher, John A.
Gallegos, Benito H.
Gallo, James S.
Gallo, Robert E.
Gallop, Jon L.
Galloway, Terrence L.
Galyen, James M.
Gam, Michael P.
Gambrell, Charles E.
Gannon, James P.
Garbutt, Stuart E.
Garcia, Robert, Jr.
Gardner, Benjamin A., Jr.
Gardner, David N.
Garner, Hugh T., Jr.
Garner, Thomas L.
Garren, Roy C.
Garrison, Harry E.
Garrity, Frank O., Jr.
Gaskill, Brian E.
Gasparro, George G.
Gassmann, Joseph
Gastner, Robert R.
Gaston, Thomas D.
Gateff, Dugan S.
Gates, James L.
Gates, William J.
Gaulin, Robert R.
Gaylor, Wayne T.
Geiger, John A., Jr.
Geiser, Anthony F.
Gemelli, Glenn G.
Genewick, Michael S.
Genovese, Donald O.
George, Paul L.
Gerken, Frederick E., Jr.
Gertsch, William D.
Getchell, George L.
Getzoff, Ronald A.
Geubtner, John J.
Giannantonio, Joseph A., II
Gibbs, Richard L.
Gibbs, Vann B., Jr.
Gibson, John W.
Giddens, Charles W.
Gibert, Keith G.
Gilbert, Thomas M.
Gilchrist, Larry K.
Gilden, Robert C.
Giles, Roger T.
Gilg, John F.
Gillson, Arthur W.
Gillum, Charles R.
Gilmartin, Richard T., Jr.
Gilstad, Dennis W.
Gish, Donald L.
Gist, Tommy E.
Gittleman, Arnold J.
Givens, Donald L.
Giza, Ronald T.
Glagola, John E.
Gleason, Edwin M.
Gleason, Kemper J.
Glick, Howard H.
Glowatski, Edward A.
Gober, Donald W.
Godbey, Harvey J.
Godowski, John L.
Goins, Elmer E., Jr.
Gold, Harvey D.
Golden, James B., Jr.
Golden, Norman G.
Goldfarb, Abraham
Goldman, Paul T., Jr.
Goldman, Robert J.
Goldsmith, Maynard L., Jr.
Gondron, Melvin L.
Gonzales, Jose R.
Gooch, Lawrence L.
Goode, Thomas N.
Goodenough, Russell E.
Goodhue, Bruce S
Goodin, Donald D.
Gooding, Theodore J.
Gordon, Gerald D.
Gorley, Joseph E., Jr.
Gouette, Peter A.
Gowell, Wyrewood A.
Graczyk, Donald L.
Grady, Sanders W.
Graef, Claus D.
Graf, Ronald D.
Graham, Carl G.
Graham, Larry J.
Gransewicz, Robert C.
Grant, Francis D.
Graver, Charles D.
Gray, David L.
Gray, Gary W.
Gray, Willie W., Jr.
Graybill, Mark H., Jr.
Graybill, Thomas S.
Graziadei, John D., Jr.
Greeley, Philip J.
Green, Howard W.
Green, Robert D.
Greene, Albert R., Jr.
Greene, Jack D.
Greene, Richard S.
Greenstein, Sanford
Greenstine, Robert B.
Greenway, Vance E., Jr.
Greenwell, Jerome E.
Greer, Charles W.
Greer, George R.
Gresley, Stephen C.
Grewe, Gerald H.
Griffin, Arthur M.
Griffin, Charles F.
Griffin, Chester W., Jr.
Griffin, William A.
Griffith, John G., Jr.
Griffith, Rodney S.
Grimm, Richard W.
Grosmann, John J.
Gross, Larry R.
Gross, Philip C.
Grosskopf, George K.
Grove, Norman J.
Groves, Robert E.
Gruendyke, Richard L.
Guarracino, Charles P.
Guenther, Michael A.
Guerrieri, Ronald E.
Guilmartin, John F., Jr.
Guinn, George S.
Gulbrandsen, Robert A.
Gunning, John R.
Guptill, Roy N.
Gura, John T.
Guthridge, Robert B.
Guthrie, Michael J.
Guttman, John T.
Guy, Alden R.
Guzalak, John P.
Gwilliam, George W.
Gyauch, Michael P.
Haba, Gerald E.
Habblitz, Clifford L., Jr.
Haberstich, Charles H.
Haefner, Harry G.
Hagel, Donovan E.
Hager, Harry J.
Hairston, James J., Jr.
Hale, Charles E., Jr.
Hale, Clovis R.
Hale, David L.
Hale, Richard E., Jr.
Halgren, Gael M.
Hall, Gayle D.
Hall, Henry V.
Hall, Jack R.
Hall, Lanny W.
Hall, Lawrence A.
Hall, Walter E.
Hallager, Donald J.
Halligan, John E.
Halligan, Raymond J.
Hallock, David B.
Hallsworth, Frederick P.
Hamilton, Cosmo G.
Hamilton, Edward E.
Hamilton, Grifford E.
Hamilton, John G.
Hammons, Thomas M.
Hamner, James H.
Hamp, Carl R.
Hampton, Gerald M.
Hanby, James W.
Hand, Douglas K.
Handley, Edwin D., Jr.
Handsel, Roy M.
Handy, James H.
Hankins, James P.
Hanley, Pierce J.
Hanlin, Thomas G., II
Hanna, Mark A.
Hannan, Ronald D.
Hansen, Neil P. H.
Hansen, Orrel T.
Hanson, Merrill K.
Hanus, Robert G.
Hanus, Russell A.
Hara, Tooru
Hard, Donald G.
Hardacker, Ralph J.
Hardman, James D.
Hardy, Tristam M.
Harger, Bruce S.
Hargrove, William W., II
Harmon, Daniel K.
Harmon, David S.
Harmon, George E.
Harmon, Larry R.
Harmon, Robert T.
Harms, Frederick G., Jr.
Harmuth, Michael W.
Harper, Bruce E.
Harper, James E., Jr.
Harper, Richar B., Jr.
Harrington, Paul E., Jr.
Harris, Max H.
Harrison, Billy M.
Harrison, Foster W.
Harrison, George B.
Harrison, Walter J.
Harrison, William C.
Harroff, Merlin J.
Hart, Donald H.
Hartman, Charles C., Jr.
Hartmann, John R.
Harvey, Larry E.
Harvey, William T.
Harwell, Blake B.
Harwick, Alexander H. C.
Hastings, Charlie W.
Hathaway, David J.
Haug, Gunter
Haugen, William J.
Hauschka, Kurt C.
Hauser, Jack C.
Hauth, Floyd F.
Havranek, Richard J.
Hawkins, Thane D.
Hawn, James H.
Hayden, Harvey L.
Hayes, Frank M.
Hayes, Peter D.
Haynes, Emerson L., Jr.
Heacox, Donald J.
Healy, Raymond G.
Healy, Raymond V.

Heaphy, William J.
Heatherly, James C.
Heberlein, Louis H., Jr.
Heck, David A.
Heckman, Ralph P.
Hefty, Henry O.
Heinisch, Harry C., Jr.
Heiskell, Lucius L.
Hemminger, David W.
Henderson, Larry L.
Hendryx, Frederick, L.
Henkle, Edward B.
Henn, Charles L.
Hennessy, David A.
Henning, Hal P.
Henshaw, Robert A.
Hentges, William J.
Hentosz, Jon N
Hepburn, Philip R., Jr.
Hermann, Sigwulf
Herrin, Billy R.
Herring, Kenneth D.
Herrington. David J.
Hershberger, Steven L.
Herter, Walter C.
Hertzog, Randolph B. E.
Herzik, Aubrey M.
Hetrick, Dean A.
Heye, Paul F.
Hickman, David M.
Hickman, Donald W.
Hickman, Raymond L.
Hickman, Roger A.
Hicks, Jackson L.
Hicks, Warren L.
Hieronymus, Robert E.
Hieser, Michael W.
Higbee, Paul N.
Higdon, Thomas N.
Higgins, Bobby J.
Higgins, Cornelius J.
Higgins, Erma J.
High John T., III
Hignett, Gary E.
Hill, Franklin G.
Hill, Gayle W.
Hilliard, George III
Hinds, Franklin S.
Hines, Edward E.
Hines, Joseph V.
Hird, William G.
Hisel, Robert J.
Hitchings, Owen L.
Hoberman, Errol S.
Hockenberry, Everett D., Jr.
Hockensmith, William R.
Hockert, Charles W.
Hodges, Don W.
Hodges, Joe W.
Hodges, Murry E., Jr.
Hodgkinson, Richard L.
Hoepner, Richard W.
Hoff, Anthony L.
Hoffert, Richard L.
Hoffman, John A.
Hogan, Anthony T.
Hogan, James J., Jr.
Hohl, Winton C.
Hohman, Robert L.
Hohman, Thomas A.
Hoke, Russell M.
Holbrow, Willmore F., Jr.
Holcomb, Robert G.
Holihan, Larry C.
Holin, Lyle M.
Holley, James R.
Hollingsworth, Charles V.
Holloway, Robert J.
Holt, David E.
Holtz, Ronald E.
Honesty, Maynard L.
Hooks, Kenneth R.
Hooper, Donald G.
Hoover, Robb L.
Hopkins, Carroll E.
Hopkins, Laymon R.
Hopkins, Robert S.
Hopkins, Roger E.
Horton, Claude R., Jr.
Horton, Frank B., III
Hosford, Gary B.
Houck, Freddie R.
House, Jerry R.
Houston, Carl B.
Houtary, Richard H.
Hover, Jerry W.
Howard, James D.
Howard, Jerry W.
Howard, Joseph C.
Howard, Robert M., Jr.
Howard, Russell, Jr.
Howell, John F.
Howell, Thomas H.
Howell, William P.
Howen, Robert D.
Howo, William Y.
Huard, Joseph E.
Hubbard, David B.
Hubbard, Phillip M.
Huchberger, Bertrand
Hudack, Larry J.
Huestis, James A.
Huff, Dennis E.
Huffines, Billy W.
Huffman, Dale B.
Huggins, Hoyt W.
Hughes, Thaddeus E.
Hugie, John R.
Huisjen, John H.
Humes, Edward E.
Humphrey, James L., Sr.
Humphreys, Richard G
Humphreys, Robert E.
Hunsicker, David E.
Hunter, Gerald D.
Hunter, Jack J., III
Hunter, Morgan
Hunter, Raymond F.
Hunter, Terry A.
Huntsman, Robert J.
Hurst, Claude J.
Hutchinson, Donald L.
Hutchinson, Robert L.
Hyatt, George R., III
Hyder, Anthony K., Jr.
Hyder, James T., II
Hyduk, Norman M.
Hyeknudsen, Carl, Jr.
Iaccarino, Andrew
Inman, Brownie N.
Irons, Otis E.
Irwin, Jon K.
Irwin, William R.
Ivory, Regonald E., Jr.
Jachman, Paul H.
Jackson, Edgar A.
Jackson, Edward L.
Jackson, Gary R.
Jackson, Grover, E.
Jackson, John T., III
Jackson, Peter H.
Jacobs, Arthur D.
Jacobs, Carl E.
Jacobs, Harvey A.
Jacobs, Michael F.
Jacobson, Edwin C.
Jacobson, Loren A.
Jacobus, Kenneth H.
Jaeger, Julius P.
Jaglinski, Charles T., Jr.
Jamba, John W.
James, Bobby L.
James, Darrell R.
James, John T.
Jameson, Arlen D.
Jameson, Jerry W.
Janicke, Gerald J.
Janicke, Jerome T.
Janssen, Howard G.
Jarboe, Daniel J.
Jarman, Larry E.
Jarrell, Thomas H.
Jasinowski, Jerry J.
Jedlicka, Richard A.
Jensen, Fred C.
Jensen, Larry O.
Jensen, Niels D.
Jerrick, Thomas F.
Jeter, David R.
Jeter, Thomas G., Jr.
Jevcak, Joseph J.
Johnson, Albert L.
Johnson, Carl N.
Johnson, Charles B.
Johnson, Douglas A.
Johnson, James C.
Johnson, Jimmy L.
Johnson, Johnny R.
Johnson, Leo
Johnson, Martin D.
Johnson, Ralph K.
Johnson, Richard A.
Johnson, Richard C.
Johnson, Richard M.
Johnson, Richard R.
Johnson, Robert S.
Johnson, Robert W.
Johnson, Thomas P., Jr.
Johnson, William N.
Johnston, Bernard W.
Johnston, Charles H., Jr.
Johnston, James M., III
Johnston, Leo E., Jr.
Jones, Charles C.
Jones, Jerry P.
Jones, Johnnie A.
Jones, Lionel T., Jr.
Jones, Patrick L.
Jones, Phillip T.
Jones, Rethel H., Sr.
Jones, Robert B.
Jones, Sanford L., Jr.
Jones, Tommy B., Jr.
Jonke, Frank J.
Jordan, John D., Jr.
Jordan, Malcolm E.
Joslin, Charles S., Jr.
Jostad, Leo D.
Jourdenais, George H.
Justice, William P.
Kagan, Stanly S.
Kahler, Lamonte M.
Kalishek, Richard W.
Kameen, Anthony J.
Kammer, Gerry D.
Kane, Jay W.
Kane, Robert W.
Karr, Charles L.
Karwoski, Robert
Kasch, Norman W.
Kasperbauer, James C.
Katz, Jonathan S.
Katz, Michael P.
Kauer, Donald F.
Kaufman, Carl L.
Kautz, Ronald E.
Kavanaugh, Michael J.
Kazmar, William J.
Keaney, Thomas A.
Keays, Wendall L.
Keck, Harold G., Jr.
Keefe, Francis D.
Keeler, Kenneth E.
Keighery, Robert P.
Keller, Kenneth F.
Keller, Peter A.
Kelley, Charles D.
Kellum, Ralph C.
Kelly, Gary W.
Kelly, James J.
Kelly, Robert F.
Kelly, Wilfred L.
Kem, Robert S.
Kemp, Jay D.
Kemp, John E.
Kemp, Terry S.
Kennedy, Arthur D.
Kennedy, George B.
Kennedy, John E.
Kennedy, Thomas M., Jr.
Kenney, Hubert J.
Kennington, Roy G.
Kenny, Thomas E.
Kenworthy, Kay H.
Kepner, Dennis A.
Kepple, Thomas L.
Kerkman, Dennis J.
Kerlin, Norman A., Jr.
Kerner, George M.
Kerr, James R.
Kerr, John G.
Kershasky, James M.
Ketter, Lawrence W.
Keuter, Edwin L.
Kidby, William M.
Kiehle, James H.
Kiehm, John K. S.
Kielpinski, Thomas J.
Kieser, Robert F.
Kiffer, John F.
Kilgore, Franz V.
Kimball, Frank T.
Kimsey, Forest M.
Kincade, Claude G., Jr.
Kincaid, James W., Jr.
King, David D.
King, George S.
King, Roger C.
King, Walter L.
Kingery, Thomas L.
Kingston, George
Kinnan, Joseph E.
Kinser, Edward L.
Kintz, Paul A.
Kirkbride, Robert E.
Kirsch, James A.
Kirschman, Richard H.
Kirschner, Duane W.
Kitchen, Robert W.
Klamt, Darold A.
Klass, Richard L.
Klehr, Edward E.
Klein, Mark A.
Kleinrock, Bernard J.
Kleiser, Eugene V., Sr.
Kline, Norman H. G.
Klinglesmith, Jerry D.
Knight, James B.
Knight, James E.
Knipp, William N.
Knops, John H.
Knutson, Donald D.
Knutson, Lawrence W.
Kobelt, Richard W.
Koeppel, Ronald W.
Kohlmann, Dennis
Kohnke, Walter R.
Kokotajlo, Frank
Konopka, Robert C.
Koob, Stephen J.
Kooser, Robert K.
Kopka, John S. III
Korpi, Raymond C.
Koski, Kenneth G.
Kovalenko, Virgil N.
Koverman, William M.
Krach, Thomas H.
Krahenbuhl, David W.
Krajewski, Donald E.
Kralovec, Joseph A.
Kramer, Davis J.
Kramer, Lloyd R.
Krauss, Doyle W.
Krebs, Richard G.
Krebs, William E.
Kreisinger, Robert H., Jr.
Krieger, Edward W.
Kronsted, Paul W.
Kropf, Arnold N.
Krosnoff, Gregory J.
Krouse, Kieth E.
Krumrey, Gardner D.
Kucera, Charlie G.
Kucera, William D.
Kuczaj, Charles S.
Kuhns, Dale H.
Kun, Louis A.
Kuppler, Wayne W.
Kurtz, Hugo E.
Kusumoto, Mikio R.
Kyer, David A.
Laabs, Donald E.
Labarge, Peter D.
Labriola, James M.
Lair, Jerry L.
Laird, Gerald P.
Lamb, William C.
Lambert, Edgar G.
Lambert, Robert W.
Lamm, Harold S.
Lammers, Kenton E.
Lamont, David C.
Lana, William W.
Lancaster, James F.
Lancaster, Lanny T. G.
Landers, Paul E., Jr.
Lane, Howard L.
Lang, Paul M.
Lanier, Eugene B.
Lannon, Robert G.
Lape, Gary D.
Larabee, Harry W.
Larabel, Dale R.
Large, Charles C.
Large, Robert W.
Larochelle, Donald Z.
Larsen, Ronald E.
Larsen, Roy N.
Larson, Allan D.
Larson, Charles A.
Larson, George W., Jr.
Latham, Wilbur J., Jr.
Lattig, Kent W.
Laugen, Elwood N.
Laughlin, Charles E.
Laughton, Roy L.
Laurits, Juri
Lausten, Lawrence R.
Law, Richard F.
Lawler, Harold K.
Lawrence, Anthony
Lawrence, Dennis T.
Lawson, Neal C.
Layton, Daniel E.
Lazzaro, Joseph A.
Leader, Ronald V.
Leatham, Anthony L.
Leavitt, John T.
Lecleir, James J.
Ledford, Finley P., III
Lee, David L.
Lee, David R.
Lee, James A.
Lee, James A., III
Lee, James M.
Lee, Leonard C.
Lee, Raymond H.
Lee, Thomas E.
Leeser, Leonard C.
Lefave, Joel J.
Lefevre, William H.
Lehman, Donald R.
Lehman, Samuel R.
Lehtola, Donald E.
Leich, Frederick H.
Leiker, Anthony D.
Lemieux, Joseph D. W.
Lemont, Charles J.
Lengyel, Laurence R.
Lenning, Richard W.
Lenox, Hamilton T.
Lepage, Godfrey W.
Lesher, Victor L.
Lesko, Kenneth A.
Leslie, Darrell J.
Lester, Peter M.
Lett, Hector K.
Lewis, Bobby P.
Lewis, Donald W.
Lewis, William W.
Liberty, Lamoyne A.
Light, Roger B.
Lightsey, Robert H.
Liles, Robert L., Jr.
Lilley, John K.
Lilly, Bob P.
Lincoln, Robert F.
Lindell, Chad Q.
Lindgren, John O., Jr.
Lindley, Theodore T.
Lindley, Thompson
Lindsey, Joe W.
Link, George K.
Lipnicky, Ronald J.
Lison, Robert H.
Lloyd, Carrington M., Jr.
Lloyd, Robert S.
Locke, George D., Jr.
Lockhart, Johnny G.
Lockhart, Thomas G.
Lockwood, Franklin J.
Logan, George F., Jr.
Lommatzsch, Jerry C.
London, William J., Jr.
Loney, Charles D.
Long, Albert W., Jr.
Long, William R.
Lonie, Clayton C.
Loper, Phillip W.
Lopez, Juan F.
Lopez, Manuel, Jr.
Lopresto, Raymond Jr.
Lord, Morton A.
Lorenzini, Dino A.
Lotzbire, Bruce J.
Lovegren, Nelson L.
Loveless, David E.
Lovretich, Robert J.
Lowry, Charles P.
Lowther, Roger L.
Lucas, James H.
Lucas, John R.
Luce, Lee A.
Lucia, William A.
Luebbermann, John N.
Luger, Jerome R.
Luke, Terry R.
Lumpkin, Donald E.
Lundberg, Loren G.
Lundberg, Roger D.
Lundgard, Jack P.
Lutes, Kenneth O.
Lutkenhouse, Joel J.
Lutton, Stephen C
Lutz, Dale M.
Lyddane, George H.
Lynch, Graham D.
Lynch, Valentine F.
Lynn, Lawrence A., Jr.
Lyon, David C.
Maas, John A.
MacCraw, Robert B
MacGinnis, David D.
Mack, James E.
Macklem, Allan W.
MacLennan, Jerome C.
MacNaughton, Robert L.
MacNevin, Charles H.
Madden, Dennis P.
Magoulas, Jerry M.
Maguire, John J.
Mahach, Thomas G.
Mahoney, Joseph P. Jr.
Main, James R.
Mainord, William R.
Major, Berry F., Jr.
Major, Michael G.
Malberg, Carl H.
Maldonado, Dennis R.
Mallory, Paul G.
Malloy, Joseph E.
Maloney, Earle F., III
Maney, Joe L.
Mangina, Joseph A.
Manley, Patrick J.
Mannex, Henry R.
Manning, Glenn R.
Manolis, George
Manske, Charles J.
Manuel, Jerry B.
Marcak, Bernard
Marck, Ronald V.

Markle, Gene L.
Marland, William M.
Marriott, William R.
Marshall, Larry G.
Marshall, Lyman W.
Marshall, Phillip W., Jr.
Martin, David H.
Martin, David W.
Martin, Don M.
Martin, Frank K.
Martin, Harreld P.
Martin, James E.
Martin, Jerry J.
Martin, John L.
Martin, Julius C.
Martin, Raymond C.
Martin, Robert K.
Martin, Ronald G.
Martinelli, Edward A.
Masdon, Samuel L., III
Mason, Jerry N.
Masson, John D.
Mastal, Jerome
Mastin, William A.
Mather, Dean L.
Mathews, Wilford D., Jr.
Matteson, George T.
Matthews, John W.
Mattioli, Daniel T.
Mattox, Gary E.
Mauldin, Shephen L., Jr.
Maule, William A.
Maury, James R.
Mauton, Clifford J.
May, Denny L.
May, Harold D.
May, William B.
Mayfield, Earl B.
McAnulty, Jerry D.
McAtee, Thomas P.
McCallon, Larry K.
McCarson, Tillman D., Jr.
McCarthy, Michael E.
McCauley, Thomas H.
McChesney, Jack L.
McCleery, Samuel R., Jr.
McClintock, Raymond M., Jr.
McClure, David O.
McCombs, James C.
McConnell, Allan D.
McConnell, Robert J.
McCormack, James M.
McCormick, Jack E.
McCoy, Albert G.
McCracken, Robert J.
McCrank, James M.
McCreary, Galen W.
McCurdy, Ronald E., Jr.
McCurry, John F.
McCusker, Robert J.
McDaniel, Bruce L., Jr
McDaniel, John D.
McDermont, Alexander V.
McDonald, Bruce A.
McDonald, Clinton R.
McDonald, Fred L.
McDonald, James R.
McDonald, Martin J.
McDonald, Michael N.
McDonnell, Paul J.
McDonough, Robert L.
McDowell, Ross G.
McElroy, Daniel R.
McElroy, Stephen M.
McElwain, Stuart
McFarland, David L.
McGee, David R., Jr.
McGehee, Charlie R.
McGhan, Standley A.
McGlothlin, Ronald E.
McGough, Bobby F.
McGrath, John I.
McGrath, William J.

McGraw, Spencer D.
McGraw, Thomas F.
McHale, John W.
McHargue, Patrick H.
McHargue, Robert M.
McHollan, James A.
McHugh, Eugene D.
McIntyre, David E.
McIntyre, Sidney G.
McIver, Alexander, Jr.
McKay, Hugh G.
McKee, Frank T.
McKee, Robert C.
McKenna, George W.
McKenna, William M., III
McKinley, James D.
McKinney, Charles C.
McKnight, Frank J.
McLaren, Robert D.
McLaughlin, Howard A.
McLaughlin, Robert G.
McLemore, Colby F.
McLester, Judson C., III
McManus, Brian H.
McMullin, Melvin C., Jr.
McNamara, Roger T.
McNeff, Charles P.
McNelly, Gerald B.
McNichols, Charles W. III
McNitt, Gary N.
McNulty, Richard C.
McPherson, Ronald L.
McRae, Michael S.
McWilliams, Robert R.
Meade, Lawrence K., Jr.
Meade, Ted A.
Meaux, Chester L.
Meceda, John R.
Medlock, Michael P.
Meehan, Dallace L.
Meek, Stephen L.
Meier, James W.
Meinhart, Robert R.
Mekkers, Wallace L., Jr.
Melin Carl D.
Meldeny, Harry A., Jr.
Mennuti, Edward J.
Merkel, Philip A.
Merrell, Robert H.
Merryman, Paul D.
Merz, Douglas B.
Metcalf, Stanley B.
Mettler, Stephen C.
Mewhinney, Leonard S., Jr.
Meyer, Charles M.
Meyer, Cletus D.
Meyer, John C.
Meyer, Richard A.
Meyer, Roland E.
Meyer, Walter D.
Meyr, Herbert C.. Jr,
Mezzo, John M.
Miaskowski, Robert F.
Michels, Gary A.
Mickel, Richard S.
Mickley, Charles L.
Miga, Michael J.
Miko, John F.
Mikolainis, Mindaugas V.
Milberg, Warren H.
Miles, Gary A.
Miles, Louis W.
Milhouse, John C., Jr.
Millar, Charles M., Jr.
Miller, Arthur R.
Miller, Billy J.
Miller, Bob T.
Miller, Carl W.
Miller, Dennis R.
Miller, Edmund R., III
Miller, Fredric L.
Miller, Herbert W.

Miller, John W.
Miller, Richard B.
Miller, Robert J.
Miller, Rodney J.
Miller, Thomas K., Jr.
Millis, David C.
Mills Wesley A.
Mills, William T.
Minkler, John A.
Mitchell, Charles R.
Mitchell, Lyndon B., II
Mize, John D.
Moats, Wilton B., Jr.
Modders, John N.
Moeller, Terry J.
Mollicone, James V.
Molvar, Jan T.
Monahan, John E.
Money, Richard W.
Monkres, Donald D.
Monroe, Kenneth J.
Monroe, Michael M.
Montgomery, Walter R., Jr.
Montulli, Louis T.
Moore, Clinton C., Jr.
Moore, David E.
Moore, James T.
Moore, Kenneth W., Jr.
Moore, Robert L.
Moore, Thomas K.
Moorman, Thomas S., III
Moreland, Huey H.
Morgan, Ivan G.
Morin, Dale E.
Morrell, Billy T.
Morrell, Robert G.
Morris, Frankie E.
Morris, Gayle N.
Morris, James P., Jr.
Morris, Larry E.
Morris, Phillip M.
Morris, Ronald D.
Morrison, Joseph G., IV
Morrison, Roger A.
Morrison,, Wayne E.
Morton, Fred L.
Morton, Richard J.
Morton, Robert M.
Moser, Corwin A., Jr.
Mosher, Alan L.
Moss, Howard T.
Mosson, Francis
Motyka, Edwin J.
Moulton, David W.
Mozingo, Wilbur E., Jr.
Muckstadt, John A.
Muehring, Gene H.
Muench, David L.
Muhr, William R.
Muldowney, Francis W., III
Mulkey, Bruce K.
Mullaney, Gerald A.
Mullen, James V.
Mulligan, Michael E.
Mullins, Meredith W.
Mullins, Roger C.
Mundy, Charles J.
Munson, William E.
Murden, Craig E.
Murphy, James R.
Murphy, Paul F.
Murray, Arthur L., Jr.
Murray, Raymond A.
Murray, Roger M., Jr.
Murray, William L.
Muzio, David L.
Naftanel, John C.
Nagle, John F.
Namaksy, Adolph J., Jr.
Namenuk, Boris V.
Nameth, Maxie S.
Nanjo, James T.
Nash, John C., III
Nash, Marshall B.
Nasmyth, John H.
Neal, Richard L.

Neale, Carter C., Jr.
Neblock, Charles E.
Needham, Kenneth E.
Neff, Ted A.
Nelson, Gary G.
Nelson, Gordon F.
Nelson, Lonnie B., Jr.
Nelson, Marshall D.
Nelson, Ronald J.
Nelson, S. L.
Nelson, Terry W.
Nelson, William E.
Nelsonkortland, Robert E.
Nemecek, Glen E.
Nemeth, Joseph S.
Nesejt, Charles R.
Nesti, Roger K.
Nettleton, John G.
Netzinger, Don L.
Neubert, Thomas L.
Nevins, Arthur G.
Newhall, Frederick C.
Newman, Edwin C.
Newman, Hartley S., Jr.
Newman, John D.
Newton, Murray L.
Nichols, George W.
Nichols, Howard F., Jr.
Nichols, James L.
Nichols, Laymon H.
Nichols, Matthew G., Jr.
Nicholson, Daniel A.
Nicholson, Robert K.
Nicola, Kenneth L.
Nidiffer, Kenneth E.
Niebauer, David J.
Nielson, Steve W.
Niemann, William J.
Niquette, Thomas H.
Nixon, James A.
Noble, James D., Jr.
Nolan, Gerald T.
Noon, Milford L., Jr.
Nordman, Vernon H. D.
Norsworthy, Morris E.
Nottingham, Wesley D.
Nuber, Philip W.
Nuccio, Antonino J.
Nutt, Donald G.
Oberg, Robert R.
Obermeyer, Ronald W.
O'Connor, Edward A., Jr.
Odom, James B.
Ohman, Nils B.
Ohr, Kenneth J.
Olansen, John B., Jr.
Oleary, John R.
Oley, Frank A., Jr.
Oliver, George M.
Olsen, Ben
Olsen, John P.
Olson, Alan E.
Olson, Daryl F.
Olson, David G.
Olson, David S.
Olson, Robert E.
Omalley, Thomas C.
Oneal, Quentin F., Jr.
Oneil, Burton D.
Orcutt, James R.
Oreilly, Patrick J.
Orourke, William R., Jr.
Orozco, Raymond R.
Osborn, James F.
Ostergaard, Ray D.
Osterhout, David S.
Otto, Darryl D.
Overley, David N.
Overstreet, William L., Jr.
Owen, Walter L.
Owens, David A.
Owens, Joel P.
Owings, Will L., Jr.
Ozawa, Galen M.
Ozment, Herbert P.

Packham, Richard L.
Paddon, Harry G., III
Page, Embert G.
Paige, John K.
Palladino, Gennard
Palmer, Donald S.
Palmer, Gerald F.
Palmerino, Francis A.
Panka, Emerance M.
Pappadakis, Constantine J.
Paquet, Robert D.
Parise, Robert D.
Park, Robert E.
Parker, Evans T.
Parker, John L.
Parker, Raymond C.
Parker, Richard C.
Parrett, Rufus N.
Pass, Ronald I.
Pastore, Kenneth W.
Patrick, James R., Jr.
Patrie, Stanley A., Jr.
Patterakis, Chris G.
Patterson, Robert E.
Patterson, William B.
Paulson, James R.
Pawlick, Joseph F., Jr.
Payne, Edwin C.
Payne, Glenn D.
Pearson, Benjamin J., II
Pearson, Kent S.
Peck, Frank E.
Peck, Gaillard R., Jr.
Pederson, David J.
Pederson, Donald F.
Pedlikin Howard L.
Pedretti, David J.
Peebles, Charles F.
Peebles, Hervey A.
Peeples, Paul W.
Peeples, Robert A.
Pemberton, Daniel H.
Penas, Clark R.
Pendleton, Winston K., III
Percy, Donald G.
Perella, Francis J.
Perkins, Ernest R.
Perkins, Sheppard E., Jr.
Perlotto, Richard E.
Permaul, Nehru
Perrey, Richard A.
Perry, Ben F.
Perry, Glenn G., Jr.
Perry, Lawrence R.
Petelin, John A., Jr.
Peters, Charles R.
Peters, John D.
Peterson, Alfonsa
Peterson, David W.
Peterson, Edward A.
Peterson, Ernest R.
Peterson, Franklyn J.
Peterson, Nelda M.
Petlak, Edward J., Jr.
Petrie, Frank L., Jr.
Peucker, Otto W.
Pewthers, Morris G.
Pflaum, Dale E.
Phelps, Larry L.
Philibert, Aaron O., Jr.
Phillips, Charles L.
Phillips, David D.
Phillips, Garth E.
Phillips, Henry M.
Phillips, James C.
Phillips, Lawrence G.
Phillips, Maxey J.
Phillips, William E., Jr.
Phillips, William R.
Picard, Richard L.
Piccolo, Sam
Pickard, George W.
Piepenburg, Dwayne D.
Pierre, Elizabeth
Pietila, John D.

Pignone, Francis X., Jr.
Pike, James E.
Pill, Garlin D.
Pimentel, Antonio T.
Pinder, Clark S.
Pinson, Jim G.
Piowaty, John F.
Pirtle, Paul E.
Piszczek, Stephen P.
Pitner, Robert B.
Pittman, Howard W.
Pittman, James C., Jr.
Pittman, Robert
Pitts, Donald A.
Piver, Charles R.
Placko, Jerry S.
Pladars, Andris
Plate, Gary K.
Platek, Anthony W.
Plecenik, Michael M., Jr.
Plummer, Ernest L.
Plummer, Thomas H.
Plunkett, Richard A.
Poates, John T.
Pocsik, James M.
Pokorny, Otto T.
Pokorny, William E.
Polk, John E.
Polk, Perry W.
Pollak, James E.
Pool, Nicholas E.
Poole, Jerry A.
Pooser, Lucius B.
Poplawski, Robert
Porter, Carlos A.
Porter, Jimmie
Post, Delbert A.
Postman, Robert J.
Potter, Elmer E.
Potts, Douglas W.
Poucher, Frank I., Jr.
Powell, Arthur A.
Powell, Douglas W.
Powell, James D.
Powell, John P.
Powell, Robert W.
Powell, William S.
Power, Charles F.
Prah, James R.
Preciado, Willie M.
Prescott, Paul R.
Pressick, James E.
Pribus, Glenn F.
Price, Charles S.
Price, Donald S.
Price, Karl V.
Price, Steven E.
Procanik, Anthony, Jr.
Provines, James L., II
Prows, Lee S.
Pruden, Ronald R.
Pruss, Theodore
Pruyne, Kermit K.
Pugh, James O.
Pullin, Harry D., Jr.
Pullium, Jerry C.
Purser, Tom V.
Pyle, Richard A.
Quantock, Russell A.
Quillin, Raymond L.
Quinn, John A.
Quist, Peter P.
Rabbitt, James F.
Raborn, Robert E., Jr.
Rader, Robert D.
Radloff, James L.
Radoy, Charles H.
Ragland, Cordell F.
Raison, William T.
Ramella, Eugene
Rampy, Johnny M.
Ramsey, Richard A.
Randall, Kenneth D.
Randazzo, Richard J.
Randolph, Donald D.
Rank, Lawrence M.
Rankin, Bobby G.
Ranson, William J.

Rapalee, Ernest W., Jr.
Rappold, Robert A.
Rasmussen, Kenneth H.
Ratliff, Earl R.
Ratterree, Thomas W.
Rausch, John T.
Raven, John B.
Ray, William T.
Raymer, Thomas E.
Raynes, George D.
Reagan, Norman W.
Reaver, Russel J.
Rec, John R.
Rector, Edwin
Reddel, Carl W.
Rede, Hector
Redmon, Hubert L.
Reed, Walter A., Jr.
Reese, Donald E.
Reese, Thomas L.
Reeser, Robert B.
Reeves, Jerry D.
Reeves, Manford J.
Reeves, Raymond J., Jr.
Reh, Lawrence
Reid, Barry L.
Reid, Francis G.
Reidy, John A., Jr.
Reining, Rodney J.
Reinman, Robert A.
Rene, Richard A.
Rennaker, Robert L.
Rex, David A.
Reynolds, Bobby D.
Reynolds, Harold T.
Reynolds, Jon F.
Rhoades, Roger S.
Rhoades, Thomas S.
Rhoads, Howard H.
Rhodes, Charles E.
Rhodes, Nelson D.
Rhyne, Gerald L.
Riccio, Louis M.
Rice, Lawrence C.
Rich, Gerald P.
Richards, James A.
Richards, James C.
Richards, Lon D.
Richards, Robert M.
Richardson, Colin
Richardson, David A.
Richardson, Everett B.
Richardson, Robert R.
Richardson, Tommy L.
Richwine, Barton W., Jr.
Riddle, George E.
Rider, Ray L.
Ridgway, Robert S.
Riedel, Jay E.
Riffel, Paul F.
Riley, Robert F.
Riner, Wiley A.
Rinker, Bruce C.
Rios, Robert C.
Ripper, John V.
Risch, Gregory M.
Ritchie, William J.
Rivera, Antonio
Rizek, James E.
Roadarmel, Stanley B.
Robbins, Eugene L.
Robbins, Warren G.
Roberson, John M.
Roberson, Joseph E.
Roberson, Paul L.
Roberson, Van B.
Roberts, Clyde H.
Roberts, David E.
Roberts, James E.
Roberts, James E.
Roberts, James E.
Roberts, John K.
Robertson, Dwight P.
Robins, Cecil C.
Robinson, Gerald D.
Robinson, Irl D., Jr.
Robinson, Michael N.
Robinson, Paul K., Jr.
Robinson, Peter D.
Robinson, Stephen R.
Robinson, Thomas J.
Robinson, William T., Jr.
Robinson, Willis C., III
Robison, Jimmie J.
Roderick, Norman F.
Rodgers, William M.
Rodieck, Roy H.
Roe, David H.
Roeder, George L.
Rogers, Charles E.
Rogers, Dana B.
Rogers, David A.
Rogers, Harry C., III
Rogers, Harvey W.
Rogers, James R.
Rogge, Henry M.
Rohrbough, Stephen W.
Rokke, Ervin J.
Rolka, Thomas A.
Romano, Rudolph T.
Rompf, Robert A.
Romstad, Terry D.
Ronchetto, Joseph B.
Roney, Frederick D.
Roodzant, Leslie H.
Roome, Lewis M.
Rooney, John P., Jr.
Rosella, Donald V.
Rosenhoover, Donald E.
Rosenthal, William C.
Ross, Craig A.
Rosselli, Patrick H.
Rost, Paul F.
Roshold, Robert C.
Rothrock, James G.
Rounds, Gordon M.
Rowe, David C.
Rowell, Arlington L.
Rowley, Thomas E.
Roy, Paul R.
Rozeboom, Victor E.
Rubenson, George C., Jr.
Rubinstein, Herbert S.
Ruehle, Daryl D.
Ruffini, Thomas E.
Ruggia, Mario
Rundell, John M., Jr.
Runkle, Richard K., Jr.
Rusbuldt, Robert P., Jr.
Rush, Francis M., Jr.
Rush, Ronald C.
Rushforth, Charles P., III
Ruskiewicz, Daniel F.
Russell, Ray L.
Russell, Robert B.
Russin, Robert E.
Ryan, Donald J.
Ryan, Edward J., Jr.
Ryan, James A.
Ryan, Robert L.
Ryan, Thomas A.
Ryer, Richard T.
Sabo, Francis
Sahley, Norman J.
Saiki, Edwyn M.
Sailer, Allen J.
Salome, Gerald A.
Salvadore, John J.
Sammons, Robert K.
Sampson, Michael D.
Sams, Donald D.
Sanchez, Paul M.
Sanders, Jack N., Jr.
Sanders, Richard D.
Sanders, Richard F.
Sanders, Robert J.
Sanders, William D.
Sanford, Glenn F.
Sanford, Lash G., Jr.
Sanford, Lonnie T., III
Santamaria, John, Jr.
Sarat, Bartholemew, P.
Sasser, George F.
Sather, Harold D.
Sauter, Harold C.
Sawyer, Donald W., Jr.
Sawyer, William E.
Scarlett, Joseph R.
Schaller, Robert C.
Scauzillo, Robert J.
Schafer, Daniel R.
Schamberger, Randall L.
Schaumberg, Robert S.
Scheibe, Richard C.
Scheil, Roger R.
Schibler, Mark C.
Schichtle, Casper J., Jr.
Schieber, Michael T.
Schiller, Harvey W.
Schloeman, Howard L.
Schlue, Joseph W.
Schmidt, Eldon E.
Schmidt, Walter K.
Schmitt, Edward A., Jr.
Schmitz, Kenneth A.
Schneider, James D.
Schneider, Marvin L.
Schnelker, David F.
Schoder, Barry E.
Schoof, Richard J.
Schrade, Bobby D.
Schraeder, Harold D.
Schrock, Derel D.
Schroetel, Albert H.
Schuermann, Max L.
Schulte, Richard J.
Schwalin, Arthur E.
Schwam, Stephen R.
Schwartz, Ray D.
Schwartz, Steven G.
Schwecke, Alfred M.
Schwertner, Charles J.
Scifers, Leonard V.
Sciutti, Walter J., III
Scoles, James M.
Scott, Joseph L.
Scott, Randall F.
Scott, Robert W.
Seagren, Leonard A.
Seale, Heyward L.
Seale, Kenneth L.
Sealy, William F.
Sears, Hayden F., Jr.
Seasholtz, Gary L.
Seastrom, Dale E.
Seaton, Michael B.
Sebolka, James B. T.
Sebren, William E., III
Seger, Daniel R.
Seioman, Barry A.
Seiot, Richard J.
Sellers, Joe L., Jr.
Semonsky, Leo
Senn, Gene B.
Serina, Gerald
Seute, Robert M.
Severo, Orlando C., Jr.
Shade, Eugene W.
Shafer, Ronald L.
Shane, Larry L.
Shanks, Jesse W., Jr.
Shapek, Raymond A.
Sharp, Jimmy R.
Sharp, Larry L.
Sharp, Paul D.
Sharpe, Walter R., Jr.
Shaughnessy, John F.
Shaw, David R.
Shea, Robert
Shea, Robert V., Jr.
Shearon, Bernard F., Jr.
Shefl, Frank O.
Shepardson, Jon E.
Sheppard, Richard R.
Sheppard, William D.
Shepperd, Donald W.
Shera, James H.
Sherlock, Harry A.
Sherman, Jay D.
Sherman, Richard H.
Sherrard, William A.
Shields, Francis S.
Shilling, Franklin L.
Shine, Anthony C.
Shindl, Henry E.
Shipman, James M.
Shipman, Robert L.
Shirley, Stephen J.
Shockley, Jackson C.
Shonts, John M.
Short, Charles D.
Shoutta, Jon T.
Showers, Rodney E.
Shupp, Richard W.
Sichel, Edgar F.
Sidebottom, Harold W.
Sidletsky, James J.
Siebert, Frederick W., Jr.
Siegfried, William L.
Sigman, Allen
Sikorski, Paul M.
Siltanen, David M.
Silverbush, Edward
Simons, Robert K.
Simonsen, Thomas J.
Simpson, John C.
Simpson, Laird E.
Sims, Arthur M.
Sims, Hugh D.
Sims, Wayne R.
Sinclair, Edward M.
Singler, Cletus E.
Singleton, Ivan J.
Singleton, Jerry A.
Sinicrope, Albert N.
Sisk, Jerome M.
Skanchy, Thomas C.
Skaret, Garry J.
Skarke, Richard J.
Skartvedt, David A.
Skatberg, Leon S.
Skinner, Rondall E.
Slater, Richard G.
Slaven, Onva R.
Slessler, Larry W.
Sloan, James E.
Smart, Wayne G.
Smedley, Robert R.
Smiley, William A.
Smith, Alan T.
Smith, Bruce N.
Smith, Charles H.
Smith, Clayton N.
Smith, Dennis E.
Smith, Donald N.
Smith, Douglas B., Jr.
Smith, Dustan T.
Smith, Floyd R.
Smith, Francis J., Jr.
Smith, Francis K.
Smith, Graham M.
Smith, Gregory H.
Smith, James R.
Smith, Jerry L.
Smith, John E.
Smith, John H.
Smith, Lawrence E.
Smith, Lester C.
Smith, Marvin W.
Smith, Reeves P., Jr.
Smith, Riley M.
Smith, Robert B.
Smith, Ronald L.
Smith, Rowland F., Jr.
Smith, Stephen B.
Smitley, Rodger A.
Smits, Charles A.
Smull, Richard N.
Snyder, Lynn E.
Snyder, Terry W.
Snyder, Warren D.
Sodemann, Neil E.
Solomon, Ernest S.
Somma, Michael T.
Sommer, Arthur B.
Sorenson, Donald N.
Souhrada, James
Sourk, Kenneth A.
Southworth, David M.
Sowa, Joseph P.
Spargur, Robert E.
Sparhawk, John C., Jr.
Spencer, James D.
Spicer, Edward L.
Spjut, Ronald W.
Spory, Ralph M., Jr.
Sprengelmeyer, David J.
Sproston, Marvin R.
Sprotbery, Dale H.
Sproul, Lawrence G.
Sproul, Parker D.
Stachelczyk, Victor S.
Stachurski, Richard J.
Stafford, Roy W., Jr.
Staggs, Kenneth E.
Staley, Henry A.
Stames, Thomas T., Jr.
Stamets, Leigh E.
Stankewich, Andrew W., Jr.
Stanovich, Robert
Stanton, Edward J.
Staples, Jon R.
Stapp, James L.
Starkey, James F., Jr.
Starkie, John R.
StClair, Meredith P.
Steele, Michael T.
Steele, Phillip A.
Steele, Robert A.
Steele, Russell W.
Steffel, Thomas V.
Steffens, John H.
Stein, Bernard M.
Steininger, Warren L., Jr.
Stelmar, Thomas E.
Stenback, Paul R.
Stenseth, Paul A.
Stenstrom, Thomas L.
Stephan, Brian G.
Stephens, Carroll J.
Stephens, William R.
Stephenson, Gilbert D.
Stephenson Gorham B.
Stepniewski, Andrew Z.
Stetson, John A.
Stevens, Joseph E.
Stewart, Donald M.
Stewart, Edmund B.
Stewart, James A.
Stewart, James R.
Stewart, Laymon D.
Stewart, Leslie W., Jr.
Stewart, Roger I.
Stice, William H.
Stiles, Thomas L.
Stillman, Robert L.
Stith, Donald D.
Stock, Harold S.
Stock, Ronald P.
Stockton, Robert S.
Stoll, Harold W.
Stone, Frank G., III
Stonemark, Richard D.
Storey, Francis B.
Storm, Sperry E.
Story, Leland S.
Strasser, Theodore J., Jr.
Strawn, Leon F.
Strehle, William H., Jr.
Strickland, Bryan D.
Strickland, James O., III
Strine, Richard L.
Stripling, William D.
Strong, Ronald D.
Stryker, Blair C.
Stuecklen, Klaus H.
Stump, Charles H.
Stump, Kenneth H.
Sturm, William J.
Stutts, George F.
Sullenberger, Don S.
Sullivan, Albert
Sullivan, Burrell F., Jr.
Summerfield, C. D., Jr.
Sumrell, Howard C.
Sunderman, Dewayne O.
Sundstrom, Bryce M.
Susi, Ronald A.
Svitenko, Lewis C.
Svoboda, Ludvik Z.
Swain, Walter B.
Swan, Richard C.
Sweazy, Stewart B.
Sweginnis, Robert W.
Swennes, David O.
Swiler, William G.
Swim, Stanford M.
Swonson, John C., Jr.
Syarto, Gene E.
Sykes, Larry D.
Tagaras, Michael T.
Talbot, Donald E.
Talbot, Grady E.
Talcott, Arnold R.
Tall, Raymond R.
Talley, Bernard L., Jr.
Talley, Robert J.
Tanner, Robert W.
Tantillo, Frank A.
Tapia, Manuel H.
Tatum, Leonard C.
Tatum, Paul V.
Taylor, Allen K.
Taylor, Charles S., Jr.
Taylor, Lee
Taylor, Leroy C.
Taylor, Ronnie G.
Taylor, Terry K.
Teal, David J.
Teasdale, Irvin C.
Tech, Laverne R.
Tedford, Billie D.
Teigen, David H.
Teitler, Barry M.
Temple, David B.
Terkuile, Roger C.
Terry, Jack O.
Terry, Sidney C.
Terwilliger, Richard L.
Tessmer, Arnold L.
Tetrault, Gene R.
Thackray, Robert G.
Thalberg, William J.
Thames, Harry W.
Thatcher, Chester H., Jr.
Thatcher, Paul D.
Thayer, John M., Jr.
Theberge, Royal R.
Thomas, Albert M.
Thomas, Ivan L.
Thomas, James H.
Thomas, Kenneth W.
Thomas, Lowell R.
Thomas, William A., Jr.
Thomason, Thomas J.
Thomasson, David E.
Thomes, James T.
Thompson, Barry L.
Thompson, Clyde W.
Thompson, George M., Jr.
Thompson, Glen A.
Thompson, Glen M.
Thompson, Harold D.
Thompson, Huel R.
Thompson, Mark E.
Thompson, Reynold J.
Thompson, Richard B.
Thompson, Ronald
Thomson, Patrick R.
Thomson, Paul N.
Thorne, John W., Jr.
Thornton, Attwood F.
Thorp, Charles B.

Throldahl, Bobby D.
Thursby, William R., Jr.
Tice, Charles D.
Tiedman, Allen J.
Tietge, Michael R.
Tilbury, Brian
Tilford, Philip B.
Tilley, Lloyd L.
Tillman, Joe A.
Tilton, Frederick E.
Timmerman, Joe A.
Tingle, Roy L.
Tinius, Jack L.
Tinsley, James A., Jr.
Tirman, Valentin W., Jr.
Tobey, William F.
Tobin, Louis J.
Tobin, Maurice V.
Tocado, Douglas M.
Tock, Donald G.
Todd, Gale B.
Tokar, Paul
Toler, John R.
Tollstrup, Deon J.
Tomb, Robert
Tonda, Harold K.
Toney, William E.
Tosti, Ralph J.
Toth, William J.
Towery, Carl D.
Towslee, Donald L.
Toy, Gary J.
Trachta, Melton E.
Tracy, Peter W.
Traister, Martin S.
Travis, George S., Jr.
Travis, Kenneth H.
Trawick, Aldolphos
Tribo, Ronald J.
Tribula, Edward M.
Trickett, Philip E.
Trimarchi, Victor G.
Trimmer, Ray A.
Triplett, Eugene B.
Trojanowski, John W.
Trolenberg, Paul E.
Trotman, Virgil R.
Trouy, Victor R.
True, James L., Jr.
Tschirhart, Leslie H.
Tsuhara, Freddie M.
Tubbs, Ronald C.
Tull, James R.
Tupper, Nathan G.
Turk, Walter F.
Turman, Robert E.
Turner, Charles L.
Turner, David C.
Turner, Dion W.
Turner, James R.
Turner, Louis W.
Turner, Mary N.
Turner, Michael A.
Tuttle, William C., Jr.
Twardzik, Robert P.
Tweddle, Donald L.
Underdal, Stanley J.
Urban, Frank R.
Urbano, Carl B.
Urbanski, Raymond M.
Usher, Harry A., II
Uthe, Warren A.
Valerio, Arnold A.
Van Poznak, David
Vandeventer, J. H., Jr.
Vandillen, Kenneth B.
Vanhorn, Harry, Jr.
Vanore, Armand R.
Vansant, Bradley
Vansickle, Lawrence J.
Vanvoorhis, Harry J.
Varn, Benjamin F., Jr.
Vasilik, Michael V.
Vasquez, Louis R.
Vaughan, David K.
Vaughan, David W.
Vaughan, Leon T., III
Vaughan, Elmer D.
Vecchio, Raymond R.
Vega, Robert E.
Venables, Rodney E.
Ventura, Joe E.
Verhees, Donald L.
Verhoef, Robert W.
Verley, Larry K.
Vesely, Charles J.
Vettel, John W., Jr.
Viccellio, Henry, Jr.
Vick, Ralph E.
Vicknair, Rene M., Jr.
Vickrey, Charles W.
Vickrey, Porter E.
Vilensons, John J.
Vinakhens, Andris
Vinup, Glen W.
Vipond, George H.
Vipperman, David E.
Vogan, Arthur W.
Vogtli, Joseph H., Jr.
Vojir, Joseph L.
Volpicelli, Louis R.
Voorheis, Wilber J.
Vosmera, George B.
Wagner, Albert M.
Wagner, Fredrick A.
Wagner, Richard E.
Wajda, Walter L.
Wakefield, Frank E.
Walder, Glen W.
Waldron, Thomas R.
Walker, Edgar S.
Walker, Gary L.
Walker, James H.
Walker, John H.
Walker, Kenneth E.
Walker, Larry D.
Walker, Robert G.
Walker, Robert W.
Walker, Ronald L.
Walker, Ronald M.
Wallace, Larry W.
Wallace, Paul A., Jr.
Wallett William F., Jr.
Walters, Gary E.
Walther, Glen P.
Walton, Dale D.
Walton, George T., Jr.
Walton, James M.
Wambough, John H., Jr.
Wang, Joseph C. T.
Wanless, Loren E.
Ward, Jerrold D.
Ward, Omer L., Jr.
Ward, Willis N.
Ware, Billy I.
Ware, Christopher G.
Warner, Edward L., III
Warner, Gerald A.
Warner, James A.
Warren, Edward E.
Washburn, James L., Jr.
Waterhouse, Edward W.
Watkins, Richard E.
Watson, Howell N., Jr.
Watson, Roger C.
Weatherbie, Niel K.
Weatherhead, Herbert J.
Webb, Roy G.
Webb, Stuart A.
Weber, David C.
Weber, Nolan E.
Weber, Richard L.
Weber, Wolfdieter P.
Webster, James K.
Wedemeyer, Austin C.
Wedin, Gustave A., III
Weeks, Willie M., Jr.
Wehmhoner, Martin C., Jr.
Weidinger, Lawrence J.
Weight, Robert H.
Weil, Frederick W.
Weilacher, Lester A.
Weiland, William J.
Weiner, Leonard J.
Weiss, Jerold L.
Weiss, Walter A., Jr.
Welborn, Danny J.
Welch, Gary G.
Welch, Robert P.
Welde, Francis J.
Wells, Courtney W.
Wells, Donald M.
Wells, Joseph E.
Wells, Peter C.
Wells, Robert F.
Wells, William A.
Welp, David W.
Welsh, Francis J.
Welsh, Warren P.
Welton, David L.
Wendt, Douglas M.
Wenzel, Edwin H.
Werner, James K.
Wesone, Thomas L.
Wesley, Harold W.
Westbrook, Bruce M.
Westhorp, David C.
Westling, Kip
Wettestad, Warner T.
Whatley, Orion B., Jr.
Wheeler, Edd D.
Wheeler, Richard C.
Whelton, Matthew B., Jr.
Whisonant, Clinton T.
Whitaker, William L., III
Whitcomb, Harold C.
Whitcomb, Robert E.
White, Benjamin T.
White, Charles M.
White, Edward T., Jr.
White, Farris N.
White, Florin W., Jr.
White, George W.
White, Gerrald G.
White, Gurney D.
White, James M.
Whitehead, Victor W.
Whitescarver, John P.
Whiting, Evans K.
Whitlock, Jerry D.
Whitman, David S.
Whittenberger, Steven J.
Whittington, Richard J.
Whorton, William M.
Wiand, Harold F.
Wick, Daniel W.
Wicklein, Walter A., III
Widdis, James W., Jr.
Wiese, Earl J., Jr.
Wifall, James R.
Wigginton, Harold E.
Wilkerson, Danny F.
Wilkins, Donald A.
Willard, John D., Jr.
Williams, Channing G.
Williams, Charles F., Jr.
Williams, Douglas D.
Williams, Francis F., Jr.
Williams, Grant L.
Williams, Jan K.
Williams, Jimmy L.
Williams, Kenneth L.
Williams, Merle R., Jr.
Williams, Michael R.
Williams, Richard A.
Williams, Walker M., III
Willman, Gary L.
Wilson, Arthur J., III
Wilson, Charles R.
Wilson, Dwight F.
Wilson, Franklin E.
Wilson, Fred A., Jr.
Wilson, Glen D.
Wilson, Gordon S.
Wilson, J. Leon
Wilson, James A., Jr.
Wilson, James R.
Wilson, John L.
Wilson, Lyle E.
Wilson, Marion G.
Wilson, Murle A.
Wilson, Thomas L.
Wilson, Thomas W., Jr.
Wilson, William P.
Wimsett, Kurtis B.
Winkler, Anthony J.
Winstead, Robert L.
Winston, Charles C., III
Wirtanen, Dalton N.
Wise, Robert M.
Wiser, Joe B.
Wishart, James P.
Witcofski, Ronald L.
Withee, Harmon T.
Wittekind, Robert L.
Wittnebel, Robert F., Jr.
Wojnar, Peter J., Jr.
Wolf, Richard G.
Wolfe, Bruce R.
Wolfe, John D.
Wolff, Warren W.
Wong, Ronald G. K.
Wong, Wendell M. Y.
Wood, Daryl P.
Wood, Thomas W.
Wood, Vern M.
Woodcock, Larry A.
Woodman, Donald K.
Woods, William J.
Woodson, Edward M.
Woodwell, Donald R.
Woodworth, Woodie
Wormser, Owen H.
Worrell, Bruce, Jr.
Wrenn, James E.
Wright, David R.
Wright, Leonard L.
Wright, Lyle H.
Wright, Robert A.
Wright, Susan M.
Wright, Wayne W.
Wrinkle, Frederick R.
Wuehler, James G.
Wyatt, Ralph E.
Wyckoff, Robert A.
Wylie, Allan R.
Wylie, John H., Jr.
Wynn, Franklin L.
Yagodzinski, Francis P.
Yannarella, Anthony M.
Yarber, Nathan L.
Yarbrough, Donald E.
Yarrigle, Robert C.
Yeager, Kurt E.
Yohe, Wayne I.
Yokom, Gerald G.
York, George A., Jr.
York, Michael L.
Young, Billie N.
Young, Duke A.
Young, Eugene J., II
Young, George C., Jr.
Young, Gerard T.
Young, James B.
Young, Larry N.
Young, Leroy C.
Young, Richard E.
Young, Richard S.
Young, Thomas W.
Young, Walter H. W.
Youngblood, Winston R.
Younkin, Gary D.
Zabel, Albert R.
Zaleski, Joseph R.
Zanca, Robert F.
Zang, Robert A.
Zaring, Robert K.
Zehrer, Frederick A., III
Zeltman, Francis E., Jr.
Zerumsky, Adolph G., Jr.
Zick, Karl F.
Zierbold, Ronald J.
Zieg, Duane H.
Ziegwied, George O.
Ziemer, Thomas F.
Zimmerman, John F.
Zimmerman, Jon C.
Zingg, John A.
Zumbro, Paul E.
Zurla, Charles F., Jr.

CHAPLAINS

Elliott, Harold
Irvin, Henry C.
Kennedy, Joseph W.
Nelson, Samuel D., Jr.

DENTAL CORPS

Albright, Laurence W.
Andres, Carl J.
Bock, Joseph F., Jr.
Brannon, Robert B.
Bump, Robert L.
Coffee, Larry L.
English, John R.
Gleason, Robert W.
Gough, Robert W.
Gray, Gary G.
Harrold, Charles Q.
Helfert, William H.
Henry, Donald W.
Huffman, Gerald G.
Jochetz, Calvin L.
Klepetko, Ronald F.
Lalonde, Joseph B.
Megela, John, Jr.
Post, Richens W.
Shelton, Andrew P.
Smith, James F.
Smith, Robert N.
Stanger, James H.
Sturrup, Randolph W.
Vitek, George L., Jr.
Wasserman, Sheldon

MEDICAL CORPS

Alexander, Raymond H.
Asplen, Charles H.
Barnes, Robert J.
Burt, Frederick N.
Chamberlain, Maurice S.
Cotton, Leonard B., Jr.
Dichsen, Donald V.
Gaffney, Clyde M.
Goolsby, Charles D.
Gregory, Hugh S.
Johnson, Don E.
Jordan, Michael L.
Lamb, Thomas H.
Legett, John A.
Lilly, Paul H., Jr.
Maioriello, Richard P.
Moon, Lynn B.
Munn, William C., II
Munson, Herbert G.
Pittman, James A.
Ramsay, James G., Jr.
Rytting, James E.
Sanders, Lawrence T.
Saylor, Jack L.
Stoner, John C.
Troxler, Raymond G.
Zeller, Myron J.

NURSE CORPS

Adkins, Leona F.
Beaugez, Annette M.
Bobko, Stephen E.
Boudreau, Joan M.
Brown, Elizabeth A.
Carlson, Yvonne C.
Clark, Donna D.
Courter, Janice K.
Danhof, Roger J.
Dellesky, Mary A. L.
Diem, Betty I.
Duerksen, David W.
Eliseo, Irene J.
Engel, Dallas D.
Estes, Patricia L.
Farrell, Barbara L.
Filer, Margurite E.
Forstrom, Donna M.
Ganser, Carol A.
Goff, Joseph H.
Goins, Phyllis N.
Goodwin, Barbara A.
Hagan, Faye T.
Havens, Mary L.
Heacock, Susan K.
Hines, Bertha J.
Holtz, Jerry G.
Hoy, James R.
Hunt, Maureen A.
Irish, William R.
Kurt, Jerome C.
Kuzmich, Nancy
McCabe, Patricia A.
Mohr, Thomas C.
Munro, Jean A.
Nathan, John G.
Overton, Dale H.
Payton, Ruth G.
Pearcy, David A.
Pennington, Donna A.
Phillips, Georgia E.
Piper, Doris A.
Pfratt, Gordon L., Jr.
Price, Carolyn M.
Reimann, Lawrence L.
Richardson, Kenneth W.
Robertson, Robert H.
Scaccia, James M.
Schaefer, Joann L.
Shulse, John R.
Stone, Alexis A.
Surette, Joan E.
Swaine, Shirley A.
Swope, William C.
Travis, Barbara A.
Wachtel, Juddie L.
Wall, Joan G.
Wallace, Clara B.
Wilder, William M.
Young, Willie E.,
Zorza, Paul M.

MEDICAL SERVICE CORPS

Armentrout, Stacy B.
Batch, Larry L.
Boglin, William N.
Bolton, Bassel E., Jr.
Bowker, Charles S.
Carlile, Bruce E.
Depriest, Larry T.
Dexter, John E.
Dyer, Richard F.
Elias, Edward E.
Gibson, Reginald P.
Gregg, Bruce P., Jr.

Grizzard, Donald C.
Handley, James G.
Huoni, Dana B.
Inman, Gilbert R.
Iott, Robert O.
King, Thomas W.
Kirkpatrick, Fred
Lakey, Gene A.
Landry, Francis J.
Lawrence, Charles W.
Lehmiller, David J.
Lentz, Gary D.
McCann, Ray E.
Mills, Robert L.
Moore, Gary A.
Norville, Jerry L.
Redfield, Richard E.
Reilly, Neil B.
Rowe, Bobby G.
Scarbrough, Jessie F.
Smith, George D.
Stone, Carl P.
Stover, William L.
Thomas, William H., III.
Tittle, Robert A.
Ussery, Bobby G.

VETERINARY CORPS

Hall, Allen, III.
Henke, Robert P.
Inman, Roger C.
Jessop, Morris E., Jr.
Johnson, David K.
Simmonds, Richard C.
Thigpen, Clifton K.

BIOMEDICAL SCIENCES CORPS

Baker, Verlyn J.
Crisman, Jon E.
Elles, Richard R.
Evans, David R.
Falconer, Dennis D.
Fallon, Paul F.
Good, Merrill R.
Graham, Roger B.
Harrah, Carlold B.
Kammeler, Richard A.
Lefebvre, Edward E.
McGhee, Wyatt L.
Milner, Eldon S.
Pfoff, Billy J.
Pollard, Thomas J.
Rodriguez, Virginia L.
Sheffield, Paul J.
Strate, Robert D.

EXTENSIONS OF REMARKS

ASSURING MIDDLE EAST PEACE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. JAVITS. Mr. President, only 15 months after the conclusion of the 6-day war of June 1967, through Soviet deliveries of new stores of sophisticated modern arms, Russian "advisers," and economic and diplomatic support, Arab militarism has risen from the ashes of defeat to renew its warfare against Israel through guerrilla incursions and border attacks. The Arabs seek to erode efforts for peace by diplomatic maneuverings and threats of another round in the Arab-Israel war.

With the growing Soviet position of strength in the Middle East and the increased Arab bellicosity, it would seem logical, that the United States would bolster our friends in the area. We are not doing this in the case of Israel even though both political parties in their platforms have planks pledging arms aid to Israel to preserve its freedom and to maintain the balance of power in the Middle East. And both Houses of Congress have similarly gone on record.

The administration must no longer hesitate to discharge the expressed will of both political parties and of both Houses of the Congress—and the will of the American people—but should immediately commence the arrangements to permit Israel to purchase needed supersonic Phantom jets from the United States.

I wish to append an article from the September 13 issue of a leading New York weekly, the Jewish Press, which eloquently states the case for this aid. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.S. DELAY COULD BE COSTLY

The United States has delayed the shipments of Phantom Jets to Israel far too long. As of this moment Soviet ships are making ominous military moves in the Mediterranean and a constant surveillance of the U.S. fleet is underway by Soviet TU–16 jet bombers, with "Egyptian" markings. These jets carry radar and submarine detection devices. Russia and the Arab nations know exactly how many ships and submarines we have in the Mediterranean, and where they are.

It is ironic that Russia has placed these supersonic jets at the Arabs disposal when Russia needs every one of these planes for defensive warfare!

U.S. intelligence claims there are only 4,000 Russian personnel in Syria, Egypt and Algeria. However, with the Russian "advisors" who are piloting these planes, our sources claim the figure comes closer to 10,000 men.

If Russia should give the word tomorrow to the Arabs to attack—it would be impossible for Israel to withstand the onslaught of the TU–16 jets. Not only that, the U.S. forces in the Mediterranean would be completely overpowered and destroyed. The Russians have charted our every move in the Mediterranean for the past three months. It would be a simple task to pre-set their missile control computer in Egypt and create all kinds of havoc in a matter of minutes.

However, if the U.S. would send Phantom jets to Israel, we would stand a fighting chance. Once the gauntlet is dropped it will be too late!

The U.S. must realize the immediate danger to this country as well as Israel and ship the Jets immediately—if only for our own safety!

ISRAEL'S URGENT NEED FOR PHANTOM JETS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FISHER. Mr. Speaker, I am deeply disturbed, as are many Americans, about the continued unrest in the Middle East.

To my mind the state of affairs in that part of the world could be greatly assisted if this country made up its mind, and promptly, to provide Israel with the arms that it needs for its own defense. We cannot expect the Arab world to lessen its pressures or to change its warlike intentions other than through a realization that another conflict with Israel would have as devastating an effect as the last one. The Arab world, like its sponsor the Soviet Union, understands only one deterrent factor, force of arms.

Israel is today a beleaguered state surrounded by enemies. It has no desire for territorial expansion and it wants nothing more than to be left in peace. But peace for Israel is impossible in the light of the insistent pressures, terrorist activities and open threats of conflict which constantly face it from the Arab nations.

Since the Israel-Arab conflict in 1967, the Soviet Union has furnished the Arabs at least 450 tanks and 250 aircraft. The Arabs today have roughly twice the number of aircraft than the Israelis have. Although Israel has made appropriate deposit of the outstanding balance for the Mirage-V jet fighters ordered from France, France has so far been unwilling to supply these aircraft to Israel.

Premier Eshkol during his conversations with President Johnson requested 50 F–4 Phantom jets. The official position of the administration is that "the President agreed to keep Israel's military defense capability under active and sympathetic examination and review in the light of all relevant factors, including the shipment of military equipment by others to the area."

That "sympathetic examination" is still undoubtedly going on, but no F–4's are being sold to Israel. The ostensible reason for this appears to be that the administration hopes to reach an understanding with the Soviet Union over an arms balance in the Middle East. I, too, believe in a limitation of arms in the Middle East, but not a unilateral limitation by which our friends are deprived of the means to defend themselves while the Arab forces are generously supplied with arms by the Soviet Union.

And in any event I must point out that any understanding with the Soviet Union relating to an arms balance in the Middle East must now be viewed in the light of the recent actions of the Soviet Union in Czechoslovakia.

Mr. Speaker, both on the basis of national interest, as such is furthered by any step toward maintaining world peace, as well as on the basis of moral considerations which our country traditionally has viewed as a proper basis for its foreign relations, dictate that the administration's "sympathetic examination" be translated into prompt delivery of F–4 Phantom jets and such other armaments as are required by Israel at the very earliest date.

Our friends need our help, and our interests dictate that we give this help.

By following this course, we will actually be helping to preserve the peace and prevent war in the Middle East.

CUBAN EXILES IN FLORIDA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FASCELL. Mr. Speaker, during all of its history, the United States has opened its doors and its heart to those who flee despotism, privation, and repression. The landing each day in Miami of the freedom airlift from Cuba is but an updated version of the arrival of the *Mayflower* in 1620. As with the *Mayflower*, the airlift brings with it a people searching for new horizons, seeking the recapture of lost liberties and subsequently content that their quest has been fulfilled.

With minor exceptions, those who come to our shores under these conditions become productive and exemplary citizens. However, there are some who, through a misguided fervor to restore in their country the liberties they find in America, engage in wanton acts of violence which cause irreparable harm to the country which gave them refuge.

Typical of these extremists is a small but determined group in the Miami area whose most recent activities include the sniping of vessels in the Miami port, extortion, and the terrorist bombing of business places. Needless to say, the people of the Miami area are horrified by their acts of terrorism.

A particularly apt résumé of the activities of the extremists and of the effects of their actions appeared in the September 23, 1968, issue of the Miami News:

CUBAN EXILES LIVING WITH "REIGN OF TERROR"

(By Terry Johnson King)

By the time you read this, some Cuban exile terrorist may have planted another bomb somewhere.

Perhaps it will have gone off.

If so, as sure as Castro makes little red statements, there will be a "secret" hand-delivered (nobody ever knows by whom) press release. It will be signed Ernesto, Antonio, or some Latin-flavored name, and it will claim credit for the violence.

The reason it is hand-delivered is because these terrorists know a federal statute when they see one—they're not about to mis-use the mails.

If the bomb doesn't go off, and many don't, you may not even hear about it. For every attempted bombing that is investigated (36 so far this year in Dade County attributable to exile sources) a number go unreported for fear of unfavorable publicity.

It's like fighting a libel suit, to report an unexploded bomb; it only calls attention to a bomb-worthy situation.

Miami's Cubans are living with a reign of terror that, so far, has been largely confined to their own neighborhoods and businesses. Almost daily now, incidents are reported locally as anti-Castro factions drown their sorrows and vent their frustrations in dynamite and C-4 plastic explosives.

It has been an escalating war. It started with smoke bombs and tear gas being tossed into festive gatherings among Cubans, set off by malcontents who said the exiles had no business having parties while their country was in the hands of Communists.

From there it grew. Dynamite was tossed into stores that sent drugs to Cuba—they were "trading with the enemy" when they sent badly-needed supplies of pencillin and antibiotics to the aged and infirm in that country.

Then it was C-4 plastic bombs—a sophisticated weapon, and too sophisticated, it turned out, for the clumsy terrorists. It was a long time before they could figure out how to make the things go off.

And finally into such advanced warfare as sniping of a Polish ship in Miami's harbor last week; and the increase in bombings of commercial establishments which do not "cooperate" with the terrorists.

Miami Police Chief Walter Headley says much of the bombing is done for extortion. Merchants are asked to contribute to the counter-revolutionary causes. If they don't, they quickly learn the consequences. Cuban sources say extortion has nothing to do with it—it is simply a "philosophical" method of keeping the community in line, supposedly so it can fight the tyranny of Castro.

Last week, four reporters-in-exile were blindfolded and driven aimlessly about the city, and finally taken to a hooded character who said he was "Ernesto"—the leader of Poder Cubano (which translates as Cuban Power but, confusingly, it is not the same group which calls itself Cuban Power).

The cloak-and-dagger encounter was reported straight-facedly, including the statement that Dr. Orlando Bosch, one of the noisiest of the militant anti-Communists here, would assume leadership of Poder Cubano.

It could have been for real (some of the newsmen have their doubts)—or it could have been somebody else's cunning plot. For Bosch, who knows full well there's a bounty on the head of any member of Poder Cubano who is identified, has disappeared in the wake of the unwelcome publicly. All par for the course.

There are some 54 exile groups. The most aggrèssive are a small minority. They are controlled and financed by the wealthy who lost great hoidings when Castro took over nine years ago, but managed to fall back on resources they'd been bundling out of Cuba in the years before.

Some of the groups consist of men who fought with Fidel until the surface was scratched and his communism came out. Others are outright suporters of former dictator Fulgencio Batista, hopeful of putting his policies, through a puppet, back in operation.

Election year speeches tend to encourage them. Ed Gurney, Republican candidate for the U.S. Senate from Florida, said last week, "we should train, equip and aid responsible Cuban freedom fighters in their efforts to overthrow the Castro government."

The key word in the statement may be "responsible," but none of the militants are likely to admit they are irresponsible—and responsible people are not likely to be militants.

Also fanning the flames of the near civil war that brews in Cuban neighborhoods are the extreme right-wing exile publications. Chief of these is a newspaper, "Patria," which is commonly supposed to exist on money from Batista.

In addition there are bulletins, magazines, other papers, newsletters—published here, in California, New York and Mexico—which deify the terroristic strikes against non-cooperators, either here or elsewhere.

Aside from Poder Cubano and Cuban Power, the most militant groups are: White Hand, directly by a man who calls himself Michelta; the 7th of December Movement, directed by a man who signs himself Antonio, and the Secret Anti-Communist Army.

The MIRR—Insurrectional Movement of Revolutionary Recovery—is generally presumed to be the front organization for Poder Cubano. And another group, not heard of too often, has entered the age of specialization: the Garcia-Cornillot Group makes a practice of bombing just foreign consulates of countries that trade with Cuba.

All the terrorists have the same modus operandi. A bomb is set, and if it goes off successful, a press release is issued claiming credit.

Those from Poder Cubano are signed "Ernesto." The signature is wavery, obviously left-handed. The fact that the signatures vary bears out the theory that the group consists of 10 people, each of whom calls himself Ernesto and is entitled to act independently of the others whenever he can gather his own cadre.

White Hand and Cuban Power peevishly charge that Poder Cubano swipes their headlines by claiming responsibility for ALL acts of violence, some of which the other struggling groups have committed.

With all the various organizations, methods and philosophy, there is one unified aim of the militants: to return the Cuban exiles to a "free" Cuba, no matter what means must be taken. This, despite the fact that recent studies indicate the vast majority would stay in Miami even if Fidel toppled.

They are settled here, most have more physical comforts than in their lower-middle class pre-Castro life. Rather than provoke unpopularity in the exile community, however, they continue to profess Cuban super-patriotism.

The identities of many of the terrorists in this new-style Cuban Mafia are known, but as one bombed-out businessman said, "Why should I ask for a second dose? I do not wish to discuss the matter further." He termed it "an unfortunate accident."

His associates reckon the next time he is asked to support the Cubans' favorite charity—anti-Castroism—he will do so more readily.

Meanwhile, the Miami-based consuls of countries that trade with Cuba tremble daily as they start their cars (a bomb was wired to the Mexican counsel's auto), open their offices (the Spanish National Office of Tourism has had three bombs planted), or go into their homes (a bomb exploded in the garage of the British counsel's Coral Gables residence.)

Hardware stores do a brisk trade in one-way mirrors and door-peepers. Fear lies over the Cuban community like a catafalque. Nobody wants to do anything with an unexpected present—it could be a time bomb.

One businessman, a boat-builder, recently called the Hialeah police when a heavy, clumsily-wrapped package arrived from an unknown character in New Jersey—where they had just uncovered a Cuban arsenal. The bomb squad unpacked a propeller being sent back for repair.

The police and the FBI reckon they have not gathered enough legal evidence to convict any of the people they suspect of being terrorists. They wring their hands and exchange bits of information, most of which is obsolete by the time they uncover it.

And meanwhile, the Cuban exiles live in a climate of fear they thought they had escaped when they fled their homeland.

The offenses committed by the terrorists are violations of local laws, but there are also national and international implications. For these reasons I have had the staff of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, of which I am chairman, working on this matter.

Various agencies of the Federal Government that are concerned with enforcement of Federal laws involved are within the subcommittee's jurisdiction, including the Justice Department, the Bureau of Customs, and the Coast Guard. In addition, I have recently written to the Attorney General as follows:

SEPTEMBER 23, 1968.

Hon. RAMSEY CLARK,
The Attorney General, Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Recent terrorist activities in Miami and other parts of our nation, perpetrated by a small group of Cuban extremists, are endangering American lives and property.

The vast majority of Cuban exiles have proven to be exemplary guests in our nation. However, this militant minority is violating not only our local laws with attacks on foreign ships and bombings of business places, but also is violating a host of Federal laws.

For these reasons, I seriously urge a prompt and thorough investigation by the Federal Bureau of Investigation, Immigration authorities and other agencies involved to bring these criminals to justice.

While I fully support the legitimate efforts of the Cuban exiles to free their homeland, we cannot allow a terrorist minority to jeopardize lives and blatantly violate our laws in the name of patriotism.

Sincerely yours,

DANTE B. FASCELL,
Chairman.

CUTBACKS IN SCHOOL FUNDS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, September 26, 1968

Mr. JAVITS. Mr. President, the Labor-HEW appropriation bill, now in conference, contains a number of provisions in disagreement wherein the Senate has increased Federal school aid funds over the amounts in the House bill and, in a number of instances, over the President's budget. The attached editorial from the August 2 Rome Daily Sentinel is indicative of the widespread public support at the community level for needed funds for our schools.

The Nation's children are the Nation's future. And their education assures the future both for them and for our country. I am hopeful that the conference committee, of which I am a member, will have the vision to approve these needed funds. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHNSON CUTS ROME SCHOOL AID

Passing almost unnoticed in the President's impromptu press conference the other day was his off-hand reference to the fact that he did not intend to release the more than 90 million dollars Congress had authorized to aid schools in federally-impacted areas.

Rome is such an area because of the added burden placed upon it by the children attending our schools who are related to Griffiss AFB. Failure to release these funds will cause the local system to lose approximately $250,000 it has budgeted for the coming year.

These funds were allocated by the Congress only after considerable study and thought in both houses and careful consultation with school officials from all over the nation, including a representative from Rome.

Why President Johnson chose to ignore this documentated need we may never know. He may have been chastising the Senate for failing to approve his Supreme Court designations or he may have been disturbed at the inflationary implications of the steel settlement. He can point to the mandate handed him by Congress to save $6 billion of federal spending.

In any case, the impact on the school budget will be considerable and the necessary cuts to cover the loss of a quarter of a million dollars will be difficult for the school board. If this federal money is to be permanently cut off, the costs will be added to the local tax dollar.

TOWNSEND PROPOSAL EXPANDED TO AID ELDERLY, OTHERS IN NEED

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. McFALL. Mr. Speaker, for the past several Congresses, I have offered legislation proposed by the Townsend Foundation to improve economic conditions of the Nation's elderly.

The late Dr. Francis Townsend accomplished much during his lifetime to focus public attention on this great need. In my judgment, a large share of the credit for eventual development of the present social security program rightly belongs to Dr. Townsend and his dedicated associates.

The gnawing fear of the future felt by millions of Americans a few decades ago now has diminished and the phrase, "over the hill to the poor house," no longer is commonplace.

Most of us will agree, however, that further improvements in our present system of providing security for older Americans and the public assistance programs may be both necessary and desirable.

In the 90th Congress I introduced H.R. 5930, which is somewhat different from the original Townsend bill. In addition to providing monetary benefits to persons 60 and above, based upon minimum wage standards, it also would assist persons who becomes unemployed due to automation—students, and the disabled.

This measure contains many ideas worthy of exploration and as a matter of public service I feel it important that the proposal be before the Congress in order that its contents receive full consideration in developing new approaches to meet unfilled needs.

On August 22, Mr. John Doyle Elliott, secretary of the Townsend Foundation, appeared before the Democratic platform committee in Chicago. He discussed H.R. 5930 and how its provisions could be made applicable to our present society.

The following is Mr. Elliott's testimony:

From the start, of the social security issue, over thirty-three years ago, it was my conviction only an impoverishing version of social security could ever result from the stingy principles and policies adopted in 1935—and that applying the already obsolete rules of scarcity would cruelly mismanage the abundance even then clearly within our grasp.

Since World War II, virtually every Congress has *fulfilled my prophecy* by passing ever broader Social Security Amendments, *only to face the necessity for still greater ones, every time.* The growing problem steadily outran the feeble remedy. History's time's run out for mere steps-in-right-directions.

When he signed the latest, 1967 Amendments, President Johnson created a new commission "to examine any and every plan, however unconventional, which could promise a constructive advance in meeting the income needs of all the American people." A most encouraging and revealing action and announcement.

That Commission, The President's Commission on Income Maintenance Programs, should cornerstone the Institute on Retirement Income, urged by the Senate's Special Committee on Aging—especially in view of their report announcing that they've at last concluded that *lack of income* "is now more than ever the MAJOR PROBLEM" of the elderly (Senate Report No. 1098). And, even more especially, their admonition that the situation will "steadily worsen unless a genuinely comprehensive federal action is fashioned."

THE TEST OF PROPHECY IS FULFILLMENT

Facts: In spite of *all* our social security programs and policies (both public and private, combined with *all other income* people themselves can acquire), those over 65 *share less and less, year by year,* in up-to-date income and living. Analysis of Census Bureau's annual reports (Series P-60), on income-distribution to persons by age and sex, authentically certifies that truth:

In 1947, persons over 65 had only 34.5% the median income of persons *25* through *64*. By 1964, it was down to 31%—by 1965, 30.5%. *In 1966,* despite the 7½% benefit increase by the 1965 Amendments (and liberalization of government, labor and business plans), it fell to 28.9%—a DROP of over 16%! From 1947 to 1966.

Even had the 1947 ratio improved, say to half the up-to-date, adult level, it would have geen a severely punishing failure. But, it *dropped over 16%!*

In recent years, this decline has *accelerated*. In 1964, men over 65 had a median income of $2,037—*$2,904 LESS* than men *55* to *64* (women over 65 had $952—$958 less than women 55 to 64). In 1965, it was $2,116—*$3,134 LESS* for men ($984—$1,035 less for women). *In 1966*, it was $2,162—*$3,588 LESS* for men ($1,087—$1,129 less for women).

A final fact completes the picture. The same source shows in 1947, 10,641,000 aged 65 and over—in 1966, 17,937,000—increased *68.9%*. In comparison, in 1947 we had 72,497,000 and in 1966, 85,241,000 aged *25* through 64—increased only *17.6%*. Thus, the elderly are increasing *four times* as rapidly as younger adults. From 1947 to 1959, the ratio was but 3½ to 1; *showing it to be a rising one.*

In short, steadily greater economic depression for an ever greater part of our adult population—to whose membership virtually all of us are destined—*the aged.*

I believe nobody can require a more unanswerable picture of failure. Present stingy programs have been better than none; but, imagination can't grasp the utterly excuseless privation and denial amidst abundance endured by American people because of these mean programs, based on the obsolete rules of scarcity. Only to the extent that we wipe out this *deflation of human living* can we ever beat inflation which is its inevitable counter-effect. Nor can we achieve the just equality the name "America" has always promised—except as we put an end to this bitter inequality.

Therefore, our leadership at last calls for real answers to "the income needs of all the American people." That call not only recognizes the failure of past policies (but for which that call would never come), but also signifies that they do not have "adequate financial mechanism" to implement the prosperity which *must* move in if poverty *is to move out.*

I—and those I represent—have known that "mechanism" over all past years of this issue. My personal assignment has been to preserve it and to develop its application as our country's social security experience (under present programs) unfolded during these past three decades.

Since our responsible national leadership has now withdrawn its commitment to apply programs based on the old principles of scarcity which were adopted in 1935—I now present that "mechanism"—the one, do-the-job plan. First, I hereto attach a completely drafted bill—H.R. 5930, sponsored by Rep. John J. McFall—which completely defines and provides for the rights, purposes, authorities, duties and ways-and-means necessary to end the problems of social security and poverty in this land.

Then, I herein present certain purposes and provisions and deal with certain questions as to this bill's necessity for the prosperity which alone can displace that poverty.

Purpose: To amend Title II of the Social Security Act to provide a national pension for retirement at age 60, disability and certain other conditions. For all persons equally—sufficient to protect even beneficiaries with no resource other than this benefit from poverty.

Beneficiaries: (a) All persons aged 60 and over, or disabled, or female heads (regardless of age) of families having persons under age 18 dependent on them or persons aged 18 to 25 engaged in full-course educational, or vocational training so long as they advance in accordance with accredited standards in schools, or other training supervision approved by the Secretary of Health, Education, and Welfare—subject to $1 monthly loss of benefits for each full $2 earned monthly in employment, or self-employment, in excess of $100 monthly—shall be full and equal, "primary," beneficiaries.

(b) All persons found *physically and mentally competent*, but whose employment has been eliminated by changes in industry and business resulting in employers having no work for which such persons are qualified—subject to $2 monthly loss of benefits for each full $3 earned in employment, or self-employment—and subject to such persons (in common with any other disabled beneficiaries) fully cooperating in any programs approved by the Secretary of HEW to qualify them for existing and available employment consistent with their health and abilities shall also be full, "primary" beneficiaries.

(c) All persons under age 18 orphaned, or otherwise deprived of parental support, or dependent on any of the above "primary" beneficiaries—subject to $1 monthly loss of benefits for each full $2 earned monthly in employment, or self-employment in excess of $50—shall be entitled to one-third of the benefit currently being paid to "primary" beneficiaries.

Definition of poverty: Sec. 230(11) of H.R. 5930 (attached) states, "The terms 'poverty' and 'free from poverty' refer to and relate to an individual's having or lacking sufficient money-income to enable him reasonably to command fully healthful diet, respectable clothing and housing, full medical and health insurance and care, normal participation in recreational, social, cultural and public life and affairs; and in no case shall such money-income accruing to an individual over 18 years of age be justly considered to amount to less than the money-income received from a regular employment-rate of 40 hours a week under the prevailing Federal Minimum Wage."

Benefits: In view of the above definition of poverty and the requirement that the benefits of this Act "assure persons having no resource other than their benefits under this title freedom from poverty"—and since the Federal Minimum Wage is $1.60 an hour—the full, "primary" benefit now would not be less than $260 a month.

Payment of benefits: In place of present Social Security taxes, there will be a tax of 1% *for the first six months* under this Act on the *gross money-receipts* of all persons and companies (except the first $250 monthly of personal gross receipts will be exempt). Starting with the seventh and every third month thereafter, the tax rate will rise ¼%, until it reaches 2½%, as of the 22nd month.

Beginning with the seventh month, after defraying administrative costs monthly from each month's revenue, respectively, the revenue from the first month will be distributed as benefits—the revenue being equally divided by the number of full benefits eligible (taking into account the number of full benefits represented by all the various partial benefits); etc., each succeeding month.

Section 212 of H.R. 5930 provides that these benefits will absorb all benefits under present OASDI programs. Any OASDI benefits temporarily greater than initial benefits under this Act will be paid at full rate by using needed money from the OASDI Trust Funds. Nobody will lose any benefit already earned.

The need and cost of nearly all Public Assistance will automatically be absorbed by benefits under this Act. Public Assistance titles should not be repealed because exceptional circumstances in individual cases and possible catastrophes might find the benefits of this Act temporarily inadequate.

Before turning to the "financial technology" through which such benefits are to be implemented, beneficially to all honest interests, let us note certain obvious truths about these benefits. First, the benefits of this Act will stand the permanently and temporarily unemployable (as distinguished from unemployed who are employable) *solidly* on a "floor of prosperity" below which they need never live. Present programs' inadequate benefits literally hang people under a "ceiling of poverty"—right in the midst of its misery.

Nobody need more than look at the millions—especially our ever-growing legion of elderly—who are unemployable, to realize that until we establish this "floor of prosperity" below which all persons encountering unemployability need not live—we won't conquer poverty and its unjust evils, no matter what other successes and glory we achieve. In fact, the greater our other successes and glories, the less justified becomes our continued allowance of poverty in any form!

Second, the benefits herein proposed must be viewed in the light of creating what other proposals and existing programs do not—that prosperity (as defined above) which must replace the poverty which constitutes our problem—and our danger beyond anything any foreign foe may venture.

In this respect, we have so-called "poverty-lines" (as promulgated by the Soc. Sec. Admin.) and "eligibility-criteria" (per war-on-poverty officialdom for calibrating individuals' needs for aid). These standards are not only "ceilings for poverty" under which people are suspended, right in poverty's midst; they're not better than halfway up out of it, to start with! Not, at least, as far as freedom from want is concerned, even though superior to Public Assistance standards, now, in most States.

These "poverty-line" and "eligibility-criteria" standards postulate about $3,300 a year for a city family of four (parents and 2 children). Less than $70 a month per person. For a rural family, it's nearly a third less. Why, it costs $2 *a day* to board our pet cat when we have to be away—in a cage! Cat and dog pensions for people?! War on poverty?!?! The irony is this—*these "poverty-line" and "eligibility criteria" standards are the up-to-date "Betterments" being proposed in compliance with the old, obsolete concepts and rules of scarcity on which present policy and programs are based! And they are better than most States present Public Assistance guides—in many states, extremely better.*

On the other hand, effective since the first of this year, is the new Federal Minimum Wage—product of many, many years of testimony, study and debate. It is Congress' *own judgment* of the minimum, money-income for an individual worker to keep fit to work—the minimum for which we may conscientiously (and in law) take the time, life of another for our benefit, or profit.

The Minimum Wage is in no way related to whether a person is man, or woman. In city, or country. Old, or young. A single, unattached person; the only breadwinner of a family; or, one of several earning members of a family. It is strictly minimum, as of the individual person, regardless of any other consideration.

It is *very close to* twice that for a single, unattached, city individual by the "poverty-line" and "eligibility-criteria" standards; nearly thrice that for a country individual. It's nearly all that allotted a city family of four. Nearly *half again* that accorded a family of four in the country.

These "Poverty-Line" and "Eligibility-Criteria" standards are right down in the poverty pit!

They can never lead to ending poverty. Rather, they will serve to perpetuate it.

Only instituting the floor of prosperity conceived in the benefits provided by the great, national pension of H.R. 5930—the Pay-As-You-Go Social Security and Prosperity Insurance Act—can lead to the end of poverty and make social security a living fact in our country. Without these benefits, poverty will continue.

Therefore, I advocate that the Party of Progress and Justice—the Democratic Party—adopt in 1968 a Platform plank declaring this Party's purpose to be *the establishment of that floor of prosperity below which Americans will no longer need to live to the end that freedom from want and the equality among all Americans which has so long evaded us will be achieved.*

The retirement test: This is specified above in the descriptions of the various beneficiaries. It is of utmost importance as the provision which inter-relates equitably the unemployables receiving the benefits of this plan and the employed, working population. There must exist a thoroughly defined bridge between the employed and employable and those who are unemployable both in the normal sense (like the aged, the physically and mentally disabled) and in the sense of being wrongfully retired and unemployable—their occupations rendered unworthy of hire by progress and change, for example—or, as yet, not having obtained the education, training, or experience to command existing employment.

In my research and analysis and study, this $1-for $2 ratio between benefits and earnings, this specific "retirement test" was formulated. In 1955 and 1956, constructing bills competently to embody this great-national-pension concept, it was applied. It called for (and H.R. 5930 now so calls) beneficiaries to be allowed to earn $100 a month ($50 for dependent children), then lose $1 for each full $2, monthly, earned in employment, or self-employment.

Workers and earners—especially since spouses will have exactly the same retirement rights and benefits as workers for money-pay—workers will be able to EASE from full employment into retirement over a significant span of years, without hardship. A worker will be eligible at 60 completely to retire. But, he could well afford, in most cases, to ease up on such activities as overtime and other pressures, say after age 55—or, even, if health, or other interests so advised, after age 50.

With the spouse acquiring the same benefit at 60, most couples could well afford to discount possible earnings in favor of health, for example, in the years prior to retirement.

On the other hand, many workers—their spouse's benefits considered—*being averse to retirement,* hale and hardy—they need not fully retire. A worker could ease up on his work at age 55 (or, even, 50)—ease into partial retirement on benefits offset by earnings after 60—and continue substantially productive to age 70, or even older, before becoming fully retired.

However, let this be clearly realized: The just described bridge between employment and retirement can only exist desirably and *equitably if the poverty-excluding benefits of this plan exist!* Under lesser benefits (to say nothing of the poverty-perpetuating, scarcity-conceived benefits of present plans—and, just as bad, under the "poverty-line" and "eligibility-criteria" standards we've discussed)—under such anti-prosperity schools of thought and program, no result worthy of the name American can be remotely hoped for! Let alone this happy "easing" into retirement—and out!

Without these benefits and the prosperity only they embodied in our Federal Social Security system can ever provide, the needed and inspiring, just and equality fulfilling attainments of freedom from want and of happiness successfully pursued are out of the question.

To be specific: If this plan were now our law, the primary benefit would be of the order of $260 a month, $100, plus twice $260 ($520), would be $620 a month—before a worker would have eliminated his whole benefit by earnings. Such a worker couldn't be considered as retired—certainly not impoverished.

In the same light, consider the disabled beneficiary. The disabled could strive for rehabilitation and attain whatever productive and occupational ability he might actually have as his potential—realize his actual potential, whatever it might be. In all respects, he would be motivated by gain—handicapped by no penalty. *Let all Americans be so insured—instead of facing the punishing poverty, discrimination and degradations past and present—even contemplated policies embody!*

Like nothing else possible, this would activate the last vestige of motivation in a disabled person to undertake, strive to accomplish and master, earn and serve—foster, not penalize, every desirable and commendable pride and dignity. But, only IF the "prosperity-insuring" benefits of this plan are instituted.

Like the retired elderly, the disabled beneficiary will be able to EASE in and out of retirement, as opportunity, health and ability appropriately indicate.

In the same way, dependent children will be able to ease into productive occupation, aiding in family support, gaining experience, funding towards future education—with every pride based on full equality of rights and fully respectable position and opportunity.

Again, however, it must be noted that no such benefits to society and the image of our country in the minds of Mankind are possible, unless there exists the Social Security-benefit system defined and provided by this Act.

Surely, I don't need to complete the list of beneficiaries and the application of this retirement test—under this benefit plan—any further. Let us turn to the essential question of the "financial mechanism to make these potentials realities."

WAYS AND MEANS—THE FINANCIAL TECHNOLOGY

In terms of amounts of money, the Pay-As-You-Go Social Security and Prosperity Insurance Act is virtually unprecedented. Contemplating not less than 25 million primary beneficiaries at a monthly benefit probably to average (taking account of various deductions via retirement tests, etc.) over $200 a month—it is of the order of a probable $70 billion a year, under present conditions and standards; this, it is always to be remembered, however, is also the measure of the value of the losses we now bear because of the problems this will solve. An investment in prosperity and unfolding economic growth and social achievement without precedent.

To take such a sum out of wages, salaries, profits, etc., which now exist, is out of the question. Present, scarcity-conceived policies and programs seem to have approached the limit on that kind of thing—with the poverty-stricken results that should have been expected.

Under the advent of abundance, we began the production of a new commodity—it goes under such names as sufficiency, surplus and, of course, abundance. It is really our constantly growing ability to produce; not only expanding, but accelerating under the impact of such wondrous tools as automation and, now, cybernation.

It is out of this new productivity which we've so frequently failed to employ, except in ways which resulted in automation, for example, taking jobs, income and life away from people. In all justice and right, such a thing as automation should never have hurt anybody and should have benefited all.

I believe the "ways and means"—the system of finance—presented in this Pay-As-You-Go Social Security and Prosperity Insurance Act—will create new, additional money representing such new, additional, expanding productivity. *By financing the benefits of this plan with this new money*—instead of money detracted from existing income—we will create a new employing force which will constantly grow in direct step with our ever-rising productivity.

Then the poverty represented now by the sorely under-financed people who would, dominantly, be the beneficiaries of this plan—that poverty will be replaced by a wondrous, new prosperity.

Furthermore, it is a prosperity which can never exist unless exactly the things proposed in this plan are actually done. That is unanswerable logic.

Under the pressure of emergency, or necessity, we have done this sort of thing, but without definitively realizing that we were creating "new money" for new, or additional needs and purposes. For example: We did not finance World War II out of our 1935 to 1938 economy—out of such levels of wages, salaries, profits, etc.

Congress declared "State of War" the law of the land. Under that authority, our Government instituted legal contracts with industry, business and labor to do all the things to achieve victory. These contracts under the law of the land authorized the additional, new money—*by contract law*—which financed the entire war-effort and everything directly and indirectly connected with it.

It was not financed out of existing money, or production, or capital—like the mere $35 billion a year national income previously in force. It was financed out of our unused productivity—by the legal authorization, based in an Act of Congress, for it to be done. Overnight unemployment vanished everything was humming!

Another example: The last Congress added 35 cents an hour of new money—not money out of existing funds—to every employment contract under the Federal Minimum Wage; raising the Minimum Wage from $1.25 to $1.60 an hour. New money, not money out of existing incomes, by a universal contract imposed by Act of Congress on other contracts, namely, Minimum Wage employment contracts.

Further example: Every time labor and employers institute a raise in wages, etc., by newly negotiated employment contracts, and for numerous other benefits as well, the same thing happens. Contract law creates—authorizes—new, additional money in recognition of new productivity, new economic values, economic growth.

Examples and experience are endless—but, they've not been thought of in this light. Certainly not in relationship to our problems of social security and poverty. Our new industry of space—that of electronics—they are not burdens—they are sources of new employment and new prosperity.

That is what we must make of our social security and poverty problems—*sources of new employment and prosperity.* Not liens on existing income and production. This time, we must do it consciously, deliberately—because the substance of value involved is not one we can put on the market and sell—not even to government. Old age retirement years can't be sold to somebody else, for example.

Yet it is the most precious, valuable of all forms of wealth—human life *itself.*

For years, now, with rising frequency, study after study has emerged verifying what many of us clearly discerned in the 1930's—that we have the wealth-producing ability to abolish poverty. But, we are endlessly admonished *that we do not "possess adequate financial mechanisms to make these potentials realities."*

Section 214 of the Pay-As-You-Go Social Security and Prosperity Insurance Act presents that adequate mechanism, or financial technology, so to speak. It is a tax on the gross receipts of all persons and companies, nationally.

By its very prima facie definition, it automatically applies to and embraces all business contracts and transactions executed in the whole United States of America.

Therefore, in addition to all the wages, salaries, profits, commissions, rents, rates, fees, dividends royalties, interest, capital gains and taxes (which, when expended by government become the other categories of incomes to people) in addition, this Act will authorize 2½% more money. Just like the extra 35 cents an hour on minimum wages—by the same authority—an Act of Congress. Than which nothing could be more valid!

With that money, let us finance the retirement years, life under disablement, a substitute for the family's lost breadwinner, full support for the qualified student to procure the full education God gave him the ability to acquire and the character to desire—and support for those whose jobs are destroyed incident to progress.

There is the missing "mechanism"—the "financial mechanism" to make our potentials to abolish poverty into realities.

Observe certain obvious facts: The gross receipts of all persons and companies exactly equal all the wages, salaries, profits, rents, rates, commissions etc., of all persons and companies. The same sum of all these forms of income to people and companies also exactly equals the *price-cost structure* of all goods, commodities and services. Money is the common denominator of all such values agreed, contracted—and consequently is the medium of their exchange. For people, that same money is the *very license to live.*

The auto manufacturers and allied industries, by contract with the unions, created pensions and numerous other considerations. For the 30-years-in-the-industry worker they created very much the same retirement finance this plan will create for all the American people. Of course, for the 15-year worker they could do only half as well and for others accordingly. But this Act will cover *all* employment of *all* the people *all* the time.

There is no good reason at all why we can't—by this universal contract of the gross receipts tax—based on the gross, current, dollar value of all other contracts, transactions and incomes—*provide exactly such fine social security and freedom from poverty for all the American people.*

No reason why we can't, as the President requested via the Commission on Income Maintenance Programs, "meet the income needs of all the American people" in all the areas of life and its contingencies reflected in the benefit categories of Social Security and this Act.

No matter how these problems may ever be *replaced by blessed, happy solutions, precisely the things defined and provided by this plan will have to be done—most especially of all, the authorization will have to be made of the new, extra money to finance exactly the benefits, or income to people herein proposed.*

I believe no other thing—had we had it in the past—would have done so much good for our people, or been so mightily to the credit of our country in the conscience of Mankind as would this plan. While we've foregone that profit—yet, by the same reason and merit *no other thing can do so much good, in the same areas, and for the same reasons in the future.*

EVALUATIONS

The "universal contract" of the gross receipts tax will (under any given rate) automatically alter its yield of money-revenue in direct ratio to any and all economic advances and/or any other changes. The benefits will not be left stranded behind the times, so notoriously and punishingly the case with most present and past programs.

Unlike even present, unique and rare programs (and proposals) altering benefits in compensation for changes in cost-of-living and, lately waking up, for changes in standards-of-living, too—this Act will not wait for changes to take place and for accommodation of benefits to them. The revenue will automatically increase and its distribution will automatically and swiftly be reflected in benefits.

Whenever, due to technical progress, or any other cause, a development occurs which would, otherwise, cause unemployment, or displacement of jobs—even their elimination—this gross receipts tax will automatically cause this new, different form of productivity to produce money-revenue to finance new demand, hence new employment.

No other "mechanism" can so meticulously, so automatically, fully have this result.

The definition of gross income—gross receipts, adopted in H.R. 5930, embodying this plan, is taken directly from the Indiana Gross Income Tax Act, in operation since 1934. There is no question, therefore, as to its administrative efficacy. An entirely similar system has been in operation, with famed administrative efficiency, for the same period, in Hawaii.

The specific adoption of the Indiana definition of the tax-base forecloses what may be termed "academic" arguments—or strategems of reactionism. For example, those who always cry "inflation!"—or, those who (not thinking, merely reacting vocally) allege that such a tax would "pyramid" prices as goods were sold from the manufacturer to the retailer to customers (with the numerous steps intervening)—thus, they claim, inflating prices.

Without having to examine such arguments at all, the Indiana experience automatically renders them nil—because, if they held any truth, Indiana could not have kept it in operation a few months, let alone 34 years!

Had we been so foresighted and morally concerned in the past as to realize when our great progress, necessary for the betterment of *all of us,* involved injury and loss to some of us, *we should have fully compensated those injured, or damaged*—that realization could have enabled us to face the problems in their infancy. We could have headed off the history of lagging social justice dogging our wondrous technical progress. Today, the results of that failure, morally and otherwise, in flame and riot, bid us to honor justice in the fullest way—and promptly—from here out.

This line of perception calls attention to the losses and costs to all of us which our failure to preceive and do these things we ought to have done has caused us, as a people, and in terms of the strength, unity and prestige of our country in the world.

A look at any recent monthly issue of the Social Security Bulletin shows the expenditures for outrageously inadequate benefits and results—*yet totalling some $30 billion a year!* And all of it—together with all other public and private efforts combined—have actually lost ground (as I documented early in this testimony) against the problems.

All those and inestimable resulting losses and costs will be abridged, absorbed by this program—plus successful ending of the problems' evil damage, too—a double payoff.

Actually, the indirect losses have been represented and manifested by our numerous "recessions." Listing here would be endless and to little end. Anybody caring to recall them will soon realize that the value lost of idle men, idle money and idle machines and plant capacity, since, say, 1930, is a figure much greater than the cost of World War II.

There are also the intangible losses, not measurable in money, weights and rules. The loss of heart and faith among our people—the failure and penury and dependence where respectable success and justified pride should have known fulfillment—our tarnished image to the world indicate its nature.

Had we done these things for people—prospering instead of impoverished retirement—decent care and support in disability and in family loss of the breadwinner—educating those denied it—decent, poverty-free support of those denied hire by the impact of automation and other progress until they could acquire new, employable skills:

Had we done these things for the freedom and prosperity of people, we'd have prospered our country beyond estimate. We'd have made the mightiest investment in national glory and human betterment ever yet conceived.

How in the past, how in the future can we better employ our money and wealth?

In terms of evaluation, let us look at the question of inflation. Whenever proposals to advance social justice by any use of money have been made, "Inflation!" they cried.

Under this plan, there will be no inflationary effects—because it is dedicated explicitly to one, direct thing, namely, to reflate the deflated human life in our economy. If anything is not inflationary, that's it!

By its very definition, the gross receipts tax on all persons and companies will draw revenue from all economic activities and functions—those tending to result in inflation, those tending to result in deflation, included. That revenue will be channeled to finance human living and economic operations at the average levels, the norms. Nothing can be more non-inflationary than that.

Explicity, it is the most anti-inflationary, anti-deflationary, pro-stabilizing possible program.

Should it not be asked, "How can anybody stand beside Liberty in New York Harbor, behold the multi-multi-billion dollar skyline of Manhattan—then, contemplate the ghettos of Harlem—yet fail to comprehend where the inflation really is?"

Or, "How behold the stupendous rocketing of California to the status of Number One State, surpassing even New York—then, contemplate the ghettos of Watts—yet fail to see where the inflation is and where it is not—and where the deflation must be made, before inflation is ever going to be deflated?" I don't think persuasion on this point requires any excursion around the whole country to establish the point.

Yet those and like ghettos are but a part of the real, whole one. In every community in our land, there's the ghetto of our elderly whose average member lives on but a third (in fact less) of the up-to-date, adult standard of income, the very license to live—with multitudes faring much, much worse! Then, there's the misery of the disabled and the families deprived of parental support. Those like the coal miners with their skills rendered obsolete and valueless by the very progress which is so essential to our general betterment; and those lacking in the tools of education and training. There is the real ghetto—sprawling from coast to coast.

Inflation and all that ghettoism are both products of the same failure to recognize abundance and its nature—mistakingly trying to manage abundance by the obsolete, punishing rules of scarcity. The unhealthy, destructive immoral poison of that injustice has been accumulating now for a solid minimum of 40 years.

I don't believe we have time remaining to play with palliatives for another span of years—rather I believe we have but time, as a major national project, to take the full actions necessary, now, promptly to wipe out poverty. Let us no longer squander "History's precious gift of time." The things spelled out in this plan must come to pass.

I respectfully urge, therefore, that the American Party of Progress—the Democratic Party—adopt and promote a Platform Plank to establish a floor to prosperity below which Americans will no longer need to live—to replace the mean, discriminatory concepts of scarcity which have defeated fulfillment of our country's promise of liberty and justice to all—honest equality.

Profoundly grateful that in this year 1968 the truth has focused and the President has directed at last that we must "examine any and every plan", I am proud to present this plan, the Pay-As-You-Go Social Security and Prosperity Insurance Act and H.R. 5930 embodying it—confident that the time is at hand when the great achievement in human betterment and world-inspiring unfolding of a new order of human freedom, which this plan will provide, will be called for by our country.

GEORGE WALLACE—AN ANSWER?

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ESHLEMAN. Mr. Speaker, I would like to take this opportunity to introduce a few questions and facts about George Wallace that may be of interest to Congress and the American people who will shortly cast their ballots for our next President.

FOUR QUESTIONS TO ASK YOURSELF ABOUT WALLACE

Would you really want George Wallace's finger on the "button"?

Who are Wallace's associates who might become Cabinet officers or other Government leaders?

Does Wallace have any program for America beyond the two-point speech he uses constantly?

Without sufficient Congressmen from his party serving in Washington, how does Wallace plan to bring about the changes he talks about?

WALLACE CAN SAY ANYTHING—DELIVER NOTHING

Wallace has no party structure behind him. There is no slate of congressional candidates or even courthouse candidates included in his American Independent Party campaign. The AIP is not a third party, it is a nonparty. It is one man running for the Nation's top job with no officials to back him should he be elected. Our system of government was established with checks and balances so that no one man could seize total power. The American people hardly want a change in that philosophy.

WALLACE RECORD DOES NOT REFLECT HIS PROMISES

His record as Governor shows fiscal irresponsibility with budgets up 50 percent and bonded State indebtedness at all-time high.—From the Bureau of Census reports on State government finances and the annual reports of the State comptroller of Alabama for 1963 and 1966.

His record shows that centralized State power at the expense of local government was preferred in Wallace administrations.—From an article by Victor Gold, "The Rise and Stand of George Corley Wallace," Human Events, January 27, 1968.

His record shows that Alabama took $2 in Federal funds for every dollar it paid into the Federal Government under Wallace rule.—From a special report of the Library of Congress, "Selected Federal Expenditures and Total Tax Collections by State, Fiscal Year 1967."

His record shows that while Wallace was Governor the crime increase in Alabama was consistently greater than the national rate of increase.—From the Uniform Crime Report for the United States, published annually by the FBI.

ALABAMA UNDER WALLACE WING

Of interest to wage earners: Alabama ranked 48th among the States in per capita income, $900 below national average.—From the Survey of Current Business, U.S. Department of Commerce, August 1968.

Of interest to parents: Alabama ranked 48th among the States in money spent per pupil in public schools. Also had one of the highest illiteracy rates in the Nation.—From Estimates of School Statistics, National Education Association, published annually.

A MOST IMPORTANT POINT ABOUT WALLACE

Wallace cannot win nationwide. By voting for Wallace you are really throwing away your one chance of getting something better for your country.

THE IMPORTANCE OF GEOGRAPHY IN THE FOREIGN SERVICE CURRICULUM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HAMILTON. Mr. Speaker, the next October begins the 50th anniversary year of the School of Foreign Service, Georgetown University. The school is now in the process of revising its curriculum in the hope of making it even more effective in preparing young men and women for serving their country abroad. As the Nation's oldest institution for the training of personnel for careers in both diplomacy and trade, the School of Foreign Service has produced in its half century an impressive number of graduates.

Dr. Hunter, a professor of geopolitics at the School of Foreign Service for 22 years, has written an interesting and informative article about the importance of geography in the school's curriculum. As a protege and associate of Dr. Edmund A. Walsh, S.J., the school's founder, Dr. Hunter outlines the integral role of a broad interrelated background in government, economics, history, language, philosophy, and geography seen in the school's original structure. This, rather than any specialized or narrow training, would best prepare men to grapple with the problems of international relations and foreign trade. Because of the significance of this development, not only to other colleges and universities but also to those who are intending to prepare themselves for service abroad, I submit the article for inclusion in the RECORD, as follows:

SOME THOUGHTS AND OBSERVATIONS ON GEOGRAPHY AT GEORGETOWN UNIVERSITY

(By James M. Hunter)

"What's in a name?" Shakespeare cast his thought to roses, but herein attention is directed to the following: (1) School of Foreign Service, (2) College of Arts and Sciences, and (3) Geography. There is more than an adequate reason for this since it is felt that the variety of interpretations involved has, in part, influenced the present status of this University. No more than a passing glance can be devoted to the first two items. However, it should be sufficient to raise a vital and fundamental question without being presumptuous enough to assume the true knowledge of each. The third case is entirely different. It involves a chosen discipline, a life's work and a desire for a just treatment of a noble science. Hence, the third item can be analyzed with authority while only generalizations will be made on one and two.

It seems well within the realm of reason to assume that the graduates of the School of Foreign Service should be able to attain positions overseas with either private enterprise or the government. This situation obviously requires a sound knowledge of areas outside of but related to the United States if the individual is to perform his functions at the highest degree of efficiency. Of course there may be many other goals but it is questionable that any could be considered more fundamental.

Excluding the fact that in some cases the parents select the course and school, it also should be considered that each student was motivated, in part, to this specific choice through a definite interest, of one sort or another, in foreign regions, and that someday it is well within the realm of possibilities that he will be required to understand and work in one of them. Had he wanted merely a major in Economics, History or Government his logical action would have carried him to a different school within the University. This generalization is indeed brief, but who can deny, with sound logical reasons, that foreign service automatically involves foreign areas? By implication this is also in the name of the School.

In contrast with the former, it would appear that the main purpose and function of any Liberal Arts program would be to educate students in any or all the Arts and Sciences and to assure that within that process there is a liberalization that will extricate the mind from the bonds of provincialism or any other stultifying force. To be sure, the method and procedure to this goal will vary from school to school just as the desire and ability of the students involved will not be constant. Still the fundamental function, as found in the name, remains similar. Any student in any Liberal Arts program should find available the widest possible variety of disciplines for his selection of a major, along with the greatest number of courses therein. Any school which attains this goal with the highest degree of efficiency will never want for faculty, finances or students. All students should not be "poured" into the same mold. The University should fit the needs of the students.

At Georgetown University a basic problem of curriculum is found within each of the before mentioned schools and also exists as a vital question between them. Students who select the Liberal Arts and Science program are able to graduate with credit in all the courses found in the present Foreign Service curriculum and in addition will have a definite major such as History, Government or Economics. On the other hand it can be stated, that the graduate of the School of Foreign Service will hold credits in most of the courses found in the Liberal Arts program, but will not have a major in a specific discipline. At this time there is nothing unique or different to distinguish the graduate of the Foreign Service School. Basically he has the same curriculum as is found in the Liberal Arts program. "What's in a name?" Shakespeare continued "That which we call a rose By any other name would smell as sweet". The curriculum of the School of Foreign Service has the smell of Liberal Arts.

How could changes in the curriculum of each school benefit the students and the University. A full answer to this question cannot be stated by *any* single individual. However, constructive suggestions are apt to come from almost anyone. It is hoped that these suggestions will fit the latter description: (1) the Liberal Arts and Science School must expand its selection of majors; (2) Each Department must be free to develop a basic format which will be essential and adequate for that discipline and for the variety of student; (3) Among the *many* additions should be the science of Geography; (4) All disciplines must be received as equals in status. If this sounds idealistic, it is no more so than the motto "educate the whole man." In fact the latter is possible only when all the former are available.

Likewise suggestions to strengthen the Foreign Service School can be enumerated: (1) Reexamination of the curriculum as it existed in 1946, for example, could reveal the unique quality and purpose of the School. This is not a process of "going backwards instead of forward". Indeed it could be a partial solution to solving the future. Perhaps it would be found that around that date or shortly thereafter "the baby was thrown out with the bathwater"!; (2) Geography is primary to an adequate education and preparation for foreign service; (3) Each course, and indeed the sequence of courses must never lose sight of the primary function of the school. Thus a given course in one school should be geared and numbered for that school and any substitution of courses between the schools should be only with the approval of the department advisor and the evident need and interest of the student. It can be seen that a common problem, for both schools, is the lack of a viable geography program. The remainder of this article is devoted to that problem.

Geography is a Science. It is and has been a very respected academic discipline and program in leading Universities all over the world for hundreds of years. Upon graduation vast numbers find employment as geographers in Education, Industry, Agriculture and Research. Governments find that it is of primary importance in the formation, interpretation and implementation of state policy, domestic and foreign. However, contrary to common thought at Georgetown University, Geography is not the science of the planet Earth. It is not the study of the relationship between man and the natural environment and neither is its content that of the adjustments man has made to his environment. Finally and most emphatically, Geography is not the process of memorization of facts and place names.

The above are factual statements. To anyone doubting them or who may want to challenge the nature of geography it would be only an elementary task in research to find, within the span of a few hours, vast and significant verification. Such literature is available and accessible for all who are interested. Therefore it would seem fair and logical to assume that the majority, if this is the character of the process, of those molding academic policy at Georgetown University over the past fifteen years or so have (1) never been able to comprehend that the above are facts; (2) they disbelieve them but have not researched them; or (3) they hold predelictions along with an unwarranted hierarchy of disciplines and other prejudices. But before going any further let it be firmly stated, however, that this short article does not involve personalities. It is not directed toward any one individual nor any one group. Such an attitude, although prevalent at Georgetown, is really of little value since it generally fails to reach to the basic issues. In fact this article is merely an honest response to an invitation and the sole purpose of it involves the desire to strengthen the University by a reaffirmation of geography and thus contribute at least to the fulfillment of a basic need of the students of the Walsh School of Foreign Service. The intent is to be objective and to approach the subject in accordance with the standards set down in "Mores of Methodological Writing" (R. Hartshorne, The Nature of Geography, Association of American Geographers).

In 1946 when students were returning to the University after the second World War and also, in many cases, after extended travel which had increased their informal knowledge of the known habitat of man, this University had the beginnings of a formal program in Geography. It was not comparable to the level offered by other Institutions. However, the prospects of a future situation were presented in a charming and favorable manner when this writer accepted the invitation to join the faculty. Progress and development were assured.

At that time six semester hours were required in the College of Arts and Sciences and a graduate of the School of Foreign Service would have ten hours and several in allied fields. For the next several years the former school had many different teachers and none was satisfied with the slight progress. Each of these men in turn sought and found productive positions. It is apparent the program had to face far too many unnecessary obstacles. Nongeographers created geographic policy. Later, after the unification of the staffs in the two schools, it was finally possible for this writer to recommend two students with a major in Geography for the Baccalaureate degree. One was given recognition by the National Council for Geographic Education for his scholarship. In the College of Arts and Sciences it can be said emphatically that Geography has never been granted equal status with the other disciplines. This policy spread to the University level when unification of faculty and departments took place.

In 1946, on the so called other side of the campus the atmosphere was more conducive for growth. Under the leadership of The Rev. E. A. Walsh, S.J. the School of Foreign Service gave due recognition to the qualities and values of the science. Progress, although slow, was present and it was apparent that his plan included the expansion of the formal program. One entire wing on the first floor of his proposed building was devoted entirely to increasing those facilities which are essential to a well developed program. It is indeed truly unfortunate for the University that this building was not constructed and that its place was taken by a parking lot and a Gym.

Father Walsh held a warm attitude toward the science perhaps as an outgrowth of his overseas duties and quick intellect. He realized the untold variables distributed over the earth and he attempted to understand them. His international recognition, perhaps, reached its zenith when he was called upon by the government of the United States to interrogate K. Haushofer. Father Walsh was able to expose the distortion Haushofer and the Nazi government had given geography. He was able to do so simply because he had read and studied geography and kept abreast of Haushofer's work in the Zeitschrift fur Geopolitik. It was at this time that Georgetown University, primarily through the leader of the School of Foreign Service, enjoyed an era of international and national fame. All too often his valuable contributions are minimized or even forgotten. However, the School, its various programs, and hence the reputation and function were all vested in one man. Great as he was, it proved to be an unhealthy situation. The effectiveness of The School of Foreign Service was directly related to the well-being of the individual. Father Walsh after a period of ill health died and with him, apparently, went all his productive plans.

A change occurred in University leadership which although similar in structure it was dissimilar in viewpoint. A new curriculum deemed best by them was developed. The discipline of Geography was all but eliminated in the University. In the School of Foreign Service, where it is most essential, it was almost impossible for the student to even select it as an "elective". Thus the entire University program stands in contrast to the general situation in Colleges and Universities in the United States, and in the World, where Departments of Georgraphy are rapidly increasing and expanding. The primary exception to this forms an interesting pattern. Its structure is composed of those schools sponsored either directly or indirectly by the Roman Catholic Church. Only two Universities in this category can boast of adequate programs! (This situation is rather difficult to understand since we are all well aware of the active role the Jesuits, for example, took in providing leadership in the exploration and even the mapping of new lands. But apparently this is where their development in the science rests. None of them is within the list of scholars who know the nature of Geography.) Albeit, it should be obvious by now that no matter how sincerely this curriculum was developed, it has many errors and shortcomings. The program in Geography was cut in order to provide available additional hours for courses in other fields. Thus the very basic lack of an adequate selection of a major was further reduced.

It is obvious that Geography or for that matter ANY selected subject may not be necessary for every student. Likewise, it should be equally obvious that it, or any other selected discipline, would be critical in some programs. It is suggested that the latter, without doubt, are The School of Foreign Service students along with the Government and History majors. Further, it is recommended that majors in Physics, Biology and Chemistry along with those in Business Administration and Economics would find six hours correlated with their interests extremely valuable. However, Geography should have recognition and status beyond this service function. Any student so inclined should be able to select this science as his major in a true and adequate College of Arts and Sciences. At the present, under the existing curriculum this right is denied the Georgetown student. A change in the following direction is warranted.

Geography is a chorological science; empirical, idiographic, and in part nomothetic. It is dedicated to the acquisition and understanding a knowlege of the earth's shell as the habitat of man. The achievement of this goal is in direct relation to attaining an awareness of how man has integrated the heterogeneous phenomena into homogeneous, functioning units. The earth's shell includes the surface of the earth along with the zone of mineral resources and the atmosphere. Within this totality there is infinite variety which man, as yet, is unable to resolve. To organize this habitat of man geographers have constructed a system of classifications. Thus while examining the earth-shell it becomes evident that there are different population zones and patterns, mountain ranges, patterns and methods of land utilization, atmospheric conditions, and political organizations among a host of other variables.

These are grouped first according to their general character. Further investigation will reveal that there are dissimilar features within these similarities which will also distinguish a unique character from the general. The heterogeneous phenomena may at first seem divisible into separate components of human and "physical". Indeed they may be so treated in other disciplines. Geography, however, has the core of its subject matter in the reality of the habitat: in the analization of the integrated Whole formed by the intimate, intrinsic interrelationships between the human and non-human variables. It is not concerned with a view limited to the individual non-human phenomena, in structure nor with particular categories of them. Neither is it concerned with the social life of man nor any aspect of it when it is separated from the rest of the habitat. The striking contribution which Geography makes to knowledge is that all the earth-shell objects, found and treated independently in other sciences, are brought together as they exist in reality; as integrated and interrelated Wholes. Scholars of all types could profit from such knowledge.

Geography has evolved through the development of ideas and concepts. It would be difficult to indicate the genesis since surely the first use of any of its content was informal. Man traveled and as he ventured away from his known habitat, he was confronted by new surroundings and different problems. Upon his return perhaps he reported his observations, by description, to his neighbor. In this process Geography developed as a chorographic subject. Georgetown students need to hold a knowledge of this view.

Later, scholars were able to organize the content of these earlier descriptive observations and give them meaning through analization and interpretation. Thus Geography was changing from chorography to chorology. Georgetown students need to hold a knowledge of this change before they can fully comprehend the science.

Plato, Aristotle, Strabo, Ptolemy and Kant are names our students are no doubt familiar with, but to fully know Plato and the rest their views on and use of Geography is essential. This is especially true for Kant who established Geography as a University discipline and successfully taught it for some forty semesters. Our Georgetown scholars need this knowledge. Strabo suggested that anyone interested in a solution of the common problems of man such as those connected with population density or with the world's starvation zones would also be interested in geography since a knowledge of it would be essential to the process of solution. He also identified Geography as being exceedingly important for all generals and "Geography, in addition to its vast importance to social life and the art of government . . . marks him who cultivates it as a man earnest in the great problems of life and happiness." Yes, our students could profit and gain new ideas if they could study

Geography. They would become familiar with the ideas of Ritter, von Humboldt, Peschel, von Richthoften, Ratzel, Hettner, Sauer and Hartshorne. They would come to know where von Moltke learned his Geography. They would be able to identify the geographic concepts which are being implemented by the Soviet Union, and they would know the real problems in Southeast Asia.

The Association of American Geographers published in 1965 a report; *Geography in Undergraduate Liberal Education*. On page three, six significant values of the science are listed. It is felt that they are worthy of being repeated herein:

(1) It exibits the causal interrelations of physical, biotic and human phenomena, and shows how these can serve as clues to the origin and function of socio-economic and political processes.

(2) It stimulates the observation of pattern, especially regularity in the occurrence of landscape phenomena.

(3) It provides the key to understanding the importance of place in human affairs, in historical as well as in contemporary perspective, so that the student sees the present world in context.

(4) It cultivates as sense of value relative to man's stewardship of the earth.

(5) It fosters the appreciation of differences and simularities from place to place; the geographer views the world as both richer and more significantly complex because it is diverse.

(6) It involves the student directly in the study of the real world (through map and photo interpretation and field work) and encourages him continually to test obstraction against experience.

Now if there is anyone who feels he would not profit from a real study in Geography, he must be one of two possible types. It is assumed the first of the two classifications would be the individual who holds a complete knowledge of the truth. It is doubtful that he will ever exist. The second must be the anthesis of this or the man who knows nothing of the truth, the fool.

Names are important, but they must have true implementation if they are to have significant meaning. The curriculum of The Welsh School of Foreign Service must include course work which will center attention on the reality of the earth-shell as the the home of man if its goal is to be attained. The College of Arts and Sciences must be liberalized and expanded in order to fulfill its basic function. In each case it is evident that Geography becomes a key discipline. It must be permitted to contribute its true portion of knowledge to Georgetown students, but the discipline should not be hampered and governed by the immature concept of the name held by non-geographers.

One last idea from Hettner's work, "Das Wesen und die Methoden der Geographie", *Der Geographische Zeitschrift*, Vol. XI, 1905, Leipzig, p. 551, in which science is divided into three types: (1) the systematic which considers concrete objects such as in botany or zoology; (2) the chronological or historical sciences in which *time* is primary and; (3) the chorological in which *space* is primary.

"With the same right as the development in time, the arrangement of things in space demand special attention, and one is astonished that logicians who realize the necessity of the former/as at Georgetown University?/ overlook the latter. Reality is comparable to a three-dimensional room which we can observe under three different aspects. In the first we see the connection of the factual relation, in the second the evolution (development) in time, in the third the arrangement and classification in space. As long as we renounce an observation from this third aspect, reality is two dimensional and we cannot realize it to its full extent and multiplicity . . ."

TEACHER CORPS OFFERS SECOND CAREER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, the Labor-HEW appropriations bill is now before the conference committee. I was pleased that the Senate adopted an amendment to the bill which appropriated $31.2 million for the Teacher Corps and I hope the conference committee can fund this program at a level of at least $24,600,000.

A recent article in the Washington Evening Star of Tuesday, September 24, pointed again to the value of the Teacher Corps. For the information of my colleagues I include this article at this point in my remarks:

YEARS TO ENJOY: TEACHING OFFERS SECOND CAREER

(By Theodor Schuchat)

"I have been waiting for you to discuss retraining for the elderly who want a change in occupation and who are not ready for retirement," a New Jersey reader wrote recently.

"Where, for instance, could a person aged 58 in real good physical health, with a good education beyond the master's degree, and who wants to leave teaching for some other type of work, go for counseling and re-training?"

My advice to this reader is to seek professional vocational counseling from an executive recruiting firm. Though he wants to leave the classroom, many other older people are trying to get teaching jobs as a "second career."

In Miami, a judge, retired after 16 years on the bench, wanted to do something to prevent poverty's ills rather than facing them in his courtroom. He joined the Teacher Corps.

Teacher Corps experience with older teacher-interns has been good. In Houston, second careerists last year included a Cuban petroleum engineer who fled the Castro revolution and a missionary who had served in the interior of Mexico, as well as a lieutenant colonel who has retired after 25 years in the Army.

The Corps is an effort to bring new blood into the educational system. Newcomers work with experienced teachers, learn as they teach and receive beginners' salaries.

Two years ago, Willis Wellmon was a promotional tobacco salesman. This fall he will be the principal of a school.

The school, in the small town of Cashiers, enrolls only 80 students. Still, Wellmon will supervise three teachers and he himself will teach the eighth grade in all subjects.

Wellmon has been able to make the changeover from a purely commercial career to one that he finds far more exciting, thanks to the Teacher Corps.

The corps accepted Wellmon as one of five students working together under an experienced teacher. The team spends half the day studying at Western Carolina University and the other half teaching in the Jackson County school system.

Mornings, he got up an hour early in order to serve oatmeal to those children who came to school without breakfast. After two years of study, teaching, and community work, Wellmon graduated last spring into his second career.

How did Wellmon, a salesman with two children, manage to develop a new life for himself?

To begin with, the corps pays about $3,800 a year to recent graduates and to some carefully selected persons like Wellmon who are enthusiastic about teaching as a second career. In addition, Wellmon had a small income, about $50 a month, to help tide him over. And, of course, he was willing to sacrifice a little to do something that "made him feel good."

William A. Denny finds the atmosphere of the Teacher Corps a "lot more hopeful" than that of his former position as minister of a suburban Presbyterian congregation in Council Bluffs, Neb.

Denny was in pre-service training this summer at the University of Nebraska in Omaha. He found the teacher interns who were studying and teaching with him very stimulating, and he thinks it's encouraging that young people are "interested in helping others and in using their best talents to do so."

After two years, Denny will teach in the urban slums of Council Bluffs, Iowa. His wife helps family finances by working as a first-grade teacher.

Denny seldom feels old alongside the students of 22 to 25. When the subject of age arose recently and Denny was about to refer to his own disparagingly, one of his classmates remarked, "No you are not old; you are one of us."

For further information, write to the Teacher Corps, Washington 20202.

CRIME, ONE OF THE GREATEST PROBLEMS FACING OUR NATION

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. TAYLOR. Mr. Speaker, there is no doubt that the problem of dealing with crime and planned law violation constitutes the greatest, or one of the greatest problems facing our Nation. As never before we need to teach and show respect for law and order. Respect for law means respect for the officer on the streets risking his life to protect innocent people from hoodlums and criminals.

I was much disappointed in the TV news media and other news media who quickly condemned the mayor and law enforcement officers in Chicago because they took forceful action to stop an illegal mob who desired to disrupt the convention and embarrass our Nation in the eyes of the world. Obviously, they presented only one side of the story and gave a biased picture.

The following articles, one an editorial by Curtis Russ in the Waynesville Mountaineer, entitled "Newsmen Must Cooperate or Assume Blame," one by Andrew Tully, entitled "The Big Issue Is Crime," and the other by Betty Beale, entitled "Washington Newshen Defends Chicago Cops," deserve the attention of my colleagues and the American people in general.

[From the Waynesville Mountainer, Sept. 9, 1968]

NEWSMEN MUST COOPERATE OR ASSUME BLAME

One of the more disturbing aspects of the Democratic National Convention was the unbridled eagerness of television commentators to use the event as a vehicle for their self-righteous condemnation of police officers and others charged with the responsibility of keeping order both at and near convention hall, and in other public areas of Chicago as well.

Time and time again, the commentators cried or implied "police brutality." One must hope that the public was not deceived by such hysterical arrogance and pious hypocrisy on the part of men who call themselves "news reporters." It needs to be said, and it needs to be understood, that the Chicago police did an incredible job under the most frustrating of circumstances. Moreover, the security forces inside convention hall deserve to be commended instead of condemned for the manner in which they performed their duty.

The public has been subjected to a steady stream of tearful accounts of how various reporters were cracked across the head by police during efforts to disperse mobs of dirty, smelly hippies threatening to take over the city. Police were bitterly condemned by representatives of television networks, at least one leftwing news magazine, and several newspapers. Inflammatory accusations against the police were published and broadcast, including quotes attributed to some officers, that were too absurd to be believed. It was one-sided all the way, with never an acknowledgement that the reporters had forced their way into situations where they did not belong. Anyone who has watched a performance by arrogant, self-important reporters in time of crisis is bound to contemplate that they asked for the cracked skulls that some of them got.

Inside convention hall, it was the same story. On Tuesday evening, the convention chairman was pounding the gavel in repeated demands that the aisles be cleared and that order be restored when the Georgia delegation decided to walk out. A CBS reporter decided, of course, that this did not apply to him. He had already aired several interviews with members of the Georgia delegation; there was nothing else short of harassment that could be reported. But the CBS man rudely persisted, and with his paraphernalia deliberately continued to help clog and block an exit. When he would not move voluntarily, he was moved forcibly. Quickly he and Walter Cronkite donned their cloaks of martyrdom, and there was a pious tirade about "brutality."

This is not news reporting. It is dangerous nonsense. Somewhere along the line reporters must learn—or be taught—that they are not privileged characters. Their kind of conduct in recent years has brought the entire profession into disrepute. For too long it has been a journalistic fad to "make" news instead of reporting it. The civil disorders throughout the country have too often been inflamed and exaggerated—and, say it like it is: distorted—by newsmen who have wantonly tossed aside their professional integrity.

While we are at it, it needs to be said that the emotional atmosphere hovering over Chicago during the Democratic Convention was in large measure a creation of the news media. The newspapers, television and radio can take credit for the building of threatening, demanding, volatile pressure groups which have been puffed into undeserved importance by an endless and inordinate amount of publicity. The irrelevant and often treasonous mouthings of trouble-seeking hippies and loud-mouthed agitators have been circulated around the world to such a degree that America's image has been twisted beyond recognition.

What it amounts to is contrived anarchy—a fateful season when the irrational, the irreverent and the irresponsible are taking over. The nation's police stand between society and disaster—at the very time that society is being deluged by the news media with phony charges of "police brutality."

With rare exception, the police in Chicago and elsewhere are doing what they are paid to do—and that society, whether it fully realizes it or not, had better pray that law enforcement officers will continue to do.

If newsmen—or men who call themselves newsmen—want to continue to help provoke and encourage violence, and project themselves into disorder, we suppose they cannot be stopped. But when they suffer a cracked skull as a result of their own presumptuous conduct, they have no one to blame but themselves. They will be getting what they deserve—WRAL–RV Viewpoint, Jesse Helms.

The Big Issue Is Crime

(By Andrew Tully)

WASHINGTON.—That FBI crime report revealing that serious crime in 1967 showed a whopping 16 per cent increase over 1966 has prompted some of the amateur psychologists in journalistic circles to holler that they told us so, and when is America going to do something about the poor in the big-city ghettos?

I trust government will move a lot faster in this direction than heretofore, because the plight of the ghetto dwellers is an outrage in an affluent society. But the FBI report rejects the fashionable notion that crime is primarily a product of the deprivation suffered by these poor families.

In the first place, the FBI noted that what it calls "trends" in serious crime were a problem in all areas, although less so in rural districts. Most revealing is that crime in the suburban communities rose by the same 16 per cent as the national average. The increase in the big cities was only slightly higher—17 per cent.

How do our amateur psychologists figure this one? In suburban areas, the residents are mostly white and their children go to good schools, staffed by good teachers. They live in decent housing. Nobody goes hungry except those wretched individuals on reducing diets. Yet our suburban youth are committing serious crimes at a rate 16 per cent higher than in 1966—and the adjusted rate for 1968 is still higher.

I suspect the answer to this was found in Chicago during the Democratic convention. There was a hard core of trained nihilists in those mobs that made the city a shambles, but the majority was composed of kids who had been reared on healthy food excellent schooling and generous allowances. They came from colleges where only the exceptionally bright—or exceptionally atheltic—get a free ride. They were the product of a philosphy of permissiveness on the part of their comfortably off parents, further nutured by schoolmasters who encouraged them to take a good run in the yard.

The conduct of these mobs and the filth that spewed from their mouths, plus the FBI figures on suburban crime, emphasize again that law and order will be the No. 1 issue of the campaign. The Democrats' battle over the Vietnam plank was spectacular evidence of the division within the party, and undoubtedly will hurt Hubert Humphrey's changes in November. But Vietnam is not next door. Crime and violence are daily visitors to Main Street.

Dick Nixon, who knows an issue when he sees one, has made it plain he will hammer hard at the law-and-order theme. He also can be expected to make capital of the rancid happenings in Chicago to suggest to the voters that if the Democratic party cannot bring order to its own deliberations, it can scarcely be expected to bring order to the nation.

Humphrey already has acknowledged the problem in the increasing toughness of his stand on crime and mob violence. To the consternation of the farout liberals, he has even defended Chicago's Mayor Dick Daley for "trying to protect lives" during the Democratic bloodletting, Like Nixon, Humphrey is a political animal, and he lost no time in rejecting the Gene McCarthy viewpoint that the mobs were composed of good, wholesome Wheaties eaters who merely wanted to "participate."

The Vice President, I expect, was echoing the thoughts of millions when he deposed that the "obscenity, profanity and filth uttered night after night in front of the hotels was the kind of talk you'd put anybody in jail for."

I expect, also, that doting parents who reared their youngsters on ol' Doc Spock's theory that kids should be permitted to go on their own destructve way now may be having some second thoughts. They could be wondering whether their monthly checks have financed a generation of monsters whose greatest need is a session in the woodshed followed by a dose of Emily Post.

Washington Newshen Defends Chicago Cops

(By Betty Beale)

WASHINGTON.—A week ago this columnist returned from Chicago, unbloodied, unpelted and even unbruised, thanks to the Chicago police.

It is time one member of the media gave the other side of the picture because the public has the right to know.

Never has a law-enforcing group been more sorely tried. They received both bodily injury and unspeakably vile treatment from the hippies in Grant Park. Yet never at any time did I see policemen show more courtesy than the police of Chicago. Courtesy, of course, is only due people who show some courtesy themselves.

And despite the difficult circumstances in which they had to maintain order they managed to prevent a fatal catastrophe.

We heard the word "over-reacted" used a lot by commentators last week and by busy politicians who were assuming that what they had been told was correct.

But if there was ever an over-reaction to any fact of life during those seven days in Chicago, it was the over-reaction of the media to any effort whatsoever to stop the hippies from the most flagrant civil disorders and disgusting disturbances of the peace.

Every time a newsman was hurt, the screams of protest went around the world, but how much was said about the newsmen who taunted the police or tried to get action for the TV cameras? A member of the Vice President's coterie heard two reporters having a great laugh in the Coffee Shop of the Conrad Hilton about how they agitated in Grant Park until the police started pushing them around.

Wyoming Sen. and Mrs. Gale McGee and their two grown children walked over to the park to see for themselves what was going on and they arrived when the changing of the National Guard troops was taking place.

Walking through a gang of hippies they saw two girls, one playing the flute. Then they saw a TV camera team lead the girls over to the exact place by the troops where they wanted them to stand. And when their camera started to roll, the girls cried, "Don't beat me! Don't beat me!" It takes no imagination, to figure how this contrived scene would look on the screens in millions of American homes.

In the convention hall Mrs. McGee said a youth of about 15 sat in front of them and clapped hard at everything said that he liked, and shouted four-letter words at everything he didn't like. Instead of just grabbing him and removing him, as the police would have done in most civilized places, the Chicago police asked him first to stop it. But he paid no attention to them so "they had to take him out," said Mrs. McGee.

The cameras probably caught the big policeman bodily forcing the mere youth to leave, giving the television viewer the idea he had nothing to provoke such reaction.

And what, by the way, has happened to the news media that provocation is left out of, or played down in, story after story? Most announcements or headlines told what the police did to the hippies but left out or skimmed over what the hippies did to the public or police.

Sen. Daniel Inoyue of Hawaii, World War hero and Democratic keynoter, said the hippies were throwing paper bags of human excrement at the police and guards in Grant Park. They were also throwing broken beer bottles and rubber balls stuck with long nails aimed for the eyes.

How would those commentators who thought the police "overreacted" have behaved if those things had happened to them?

For three straight minutes late Tuesday night, or rather early Wednesday morning, an estimated 3,000 hippies shouted in unison, directed by a leader, an obscene curse at the President of the United States. They were either cursing the police in the same way or calling them pigs. And I used to think that insulting an officer was against the law!

Why was an electronic amplifier allowed to remain in the park all day and night where obscenities were shouted until 4 a.m.? I asked a police officer. There was a city ordinance against such use, he said, but if they arrested those using it they would only be fined and somebody might be killed in the process. If this wasn't under-reacting, what is?

Mayor Daley was constantly referred to on the air in slurring accents as the boss of Chicago. He may be, and he is responsible, no doubt, for some bad as well as some good. But Chicago is only one city.

Two famous TV commentators were bossing the presentation of slanted news that affected the minds of millions of Americans in hundreds of cities. As Liz Carpenter said at a women's luncheon during the convention, in all the talk of brutality there had not been "one word about the TV network brutality—the commentator clubbing" of the mayor.

When the mayor fails to do what the majority of the people in Chicago want they can at least vote him out. But no vote can stop the bossism of the airwaves where editorializing has been substituted again and again for straight reporting. One NBC commentator virtually campaigned for Teddy Kennedy throughout Tuesday evening.

It the past I have been proud to be a member of the Fourth Estate, but after this past week I feel a burning inward shame. In my mind freedom of the press has always been necessary to liberty. The Bible states it most beautifully: "You shall know the truth, and the truth shall make you free."

But how much truth, and how much biased opinion are the people, and especially the youth of America getting?

A clean, well-combed, pretty young girl for Sen. McCarthy was one of five of us who shared a taxi to O'Hare Airport Friday and the conversation turned to what the hippies had done to convert the serious business of nominating a presidential candidate into a circus of vulgarity.

Unbelievably, she stood up for the right of the Grant Park crowd to curse the President. She had no respect for the highest officer of our land.

When one of the passengers blamed a man who was leading the youth to such actions, she said he was all right; he was a friend of hers.

Why had he come to Chicago, what did he want to do, I asked?

"Destroy the government," she replied calmly. That this was treason didn't bother her.

I am not familiar with the man's record eso I do not know if that is his avowed aim. also I do not know if that is his avowed aim. ported him and his undertaking indicated that the truth had not reached her as it is not reaching millions of young people.

Maybe the media had better ask itself why.

Because of the fearful climate in America nothing very funny happened at either convention. Most amusing thing at the GOP Convention to Justice Abe Fortas was the sight of multimillionaire former Ambassador to Great Britain Jock Whitney and his lawyer partner Walter Thayer taking part in the hoopla of the Rockefeller demonstration the night Rocky was nominated. He recognized them on TV although neither was identified.

NORTH AMERICAN ROCKWELL HIRES THE UNEMPLOYABLES

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. REINECKE. Mr. Speaker, one of the most encouraging developments of 1968 is the emergence of a new and growing dimension of business responsibility in the area of training the hard-core unemployed. Experience has demonstrated the success of the private sector in efficiently and effectively training the unskilled for valuable and productive employment. Increasingly aware of the importance of their role in tackling the social ills which blight this Nation, private industry is initiating work training programs designed to prepare the unemployed for meaningful jobs which offer good wages.

North American Rockwell Corp. has made a step in this direction with the formal opening of Nartrans, a subsidiary company designed to hire and train those individuals previously considered as unemployable. Forty percent of the people employed at Nartrans have arrest records and 15 percent speak little or no English. The work force is divided about evenly between Negroes and Mexican-Americans. Mr. Robinson, general manager of the new company, points out that police records which usually hamper employment in areospace industries will not necessarily bar employment at Nartrans. Once employees attain a minimum skill level, they may transfer to better jobs at other North American companies, remain at Nartrans, or leave to join other organizations.

In praise of the initiative and involvement of North American I offer the corporation's statement describing its job training program for inclusion in the RECORD:

EL SEGUNDO, CALIF., July 16, 1968.—The formal opening of Nartrans, a new subsidiary of North American Rockwell Corp. to hire the so-called "hard-core" unemployed, took place today when top company executives welcomed an initial work force of 125 production employees to the plant site at 531 Mateo St. in Central Los Angeles.

Nartrans employment is expected to increase to 175 by August, and the subsidiary plans to hire an additional 225 persons during the next 12 months.

Employees, drawn from people normally considered unemployable by industry, will perform machine shop operations, drafting, typing and key punching, and will produce plastic bags, shipping pallets and crates.

President of the new company is Elmer P. Wohl, vice-president-Administration, for North American Rockwell's Aerospace and Systems Group, and the general manager is Robrt C. Robinson, a space engineer who worked on the Saturn V launch vehicle, and a former U.S. Army pilot.

Work performed at Nartrans will be contracted from North American Rockwell's five Southern California divisions. When employees reach a minimum level of skill, they can move to better jobs at these divisions, remain at Nartrans, or go to other companies.

In addition to on-the-job training, employees will be offered remedial training in such things as reading, arithmetic, and office practices. They will be hired initially through the Concentrated Employment Program of the California State Employment Service. Starting wages are $2 an hour with maximum rates set at $2.35 to $2.50 per hour.

Robinson, who heads a group of 65 staff employees, explained hiring procedures and detailed operations of the new facility. He pointed out that police records, which normally make it difficult for an individual to get a job in aerospace, will not necessarily bar employment at Nartrans. Fringe benefits, in addition to two-week paid vacations and nine paid holidays, include paid bus transportation for the first three weeks of employment, free eye glasses, and a contributory group insurance program.

North American Rockwell provides the building and equipment for the new operation and pays the cost of administration and materials used. A part of the cost of counseling, testing, training and supportive education will be paid through the U.S. Department of Labor under its MA-2 program. The company will receive no profit on the contract. The estimated annual operating costs of Nartrans is slightly more than $2 million.

ANOTHER AIDE IN TROUBLE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. GROSS. Mr. Speaker, a former White House counsel to Presidents Kennedy and Johnson, Myer "Mike" Feldman, is in trouble with the Internal Revenue Service. That agency says Feldman owes the Government more than $100,000 in unpaid Federal taxes and civil fraud penalties.

It is interesting to note that while employed as counsel for the U.S. Senate Banking and Currency Committee and as an assistant to the then Senator John F. Kennedy, Feldman was a stockholder in radio stations in California, Pennsylvania, Oregon, and Oklahoma.

Further detalis of the Feldman case are set forth in an article written by Mr. Clark Mollenhoff and published in the Des Moines Register and Tribune. The article follows:

FORMER AIDE TO PRESIDENT IN TAX FIGHT—UNITED STATES SAYS HE OWES MORE THAN $100,000

(By Clark Mollenhoff)

WASHINGTON, D.C.—The Internal Revenue Service (IRS) has notified Myer (Mike) Feldman, former White House counsel to Presidents Kennedy and Johnson, that he owes more than $100,000 in unpaid federal taxes and civil fraud penalties.

Feldman told The Register that he is contesting the tax agents' claim that he willfully failed to pay the full federal income taxes over a five-year period.

Tax agents initially contended Feldman owed an additional $123,651 in back taxes, interest and civil fraud penalties. Additional interest has accrued since that first determination of alleged deficiency.

HIRED LAWYER

The 51-year-old former Philadelphia lawyer said that he has hired Lipman Redman, a Washington tax lawyer, to handle the details of his protest of what he called "an unreasonable and arbitrary action" by the federal tax officials in assessing 50 per cent civil fraud penalties and other penalties.

Expense items represented an important part of the dispute. Feldman declined to discuss details but contended that tax agents had arbitrarily disallowed all expenses claimed in some periods, even a salesman's salary and expenses.

The IRS sent the Feldman tax case to the Justice Department for possible criminal prosecution by the Tax Division, but the department declined to prosecute, Feldman said.

"They decided they didn't have a case," Feldman told The Register.

Although he is well-acquainted with many of the top officials in the Justice Department and the IRS, Feldman said that he has made no effort to use his position as a former high official to influence the case.

"It has been handled on a straight legal basis," Feldman said. "I have had absolutely no contact with any official at any time. My lawyer has dealt only with the career people, the Civil Service employes, as far as I know."

Feldman confirmed that a substantial part of the tax dispute involves income from four radio stations in which he had an interest from 1957 to early 1961. Those stations are: KOMA, Oklahoma City, Okla.; KLAD, Klamath Falls, Ore.; KITO, San Bernardino, Calif., and WADK, Newport, R.I.

FELDMAN ANGRY

Feldman was angry that details of his long-secret tax problem had become known to some reporters. Feldman said he had been hopeful of working out a compromise of his tax difficulties with the Internal Revenue Service, but that "any publicity is almost certain to harden the views at Internal Revenue Service and make it more difficult to work out a settlement."

The failure to reach an agreement in private with tax officials would mean Feldman would be required to take his case into the United States Tax Court where all details could be subject to a public hearing.

"I have been careful to avoid any action that might be considered pressure," Feldman said. "I would probably have been more successful in getting a settlement if I had tried a little pressure."

The Feldman tax matter has been in the process of investigation and evaluation since 1963. Recommendations for criminal prosecution have been rejected by the Justice Department tax division after extensive study.

The length of the study was cause for concern by some officials who contend it was "studied to death." The long study permitted the six-year statute of limitations to expire on what was considered by some to be "the best case" for possible criminal action.

ASSISTANT TO SORENSEN

A major part of the tax dispute involves the years prior to 1961 when Feldman was named by the late President John F. Kennedy as deputy special counsel in the White House.

Feldman served as an assistant to White House counsel Theodore Sorensen. When Sorensen left the White House after Kennedy's assassination elevated Lyndon Johnson to the presidency, Feldman was moved up to serve as counsel to President Johnson. He served in that capacity until his resignation in January, 1965.

The first notice of a possible federal income tax deficiency was served upon him in 1964 when he was White House counsel, Feldman said. He said it "was possible" that the one visit he had with an Internal Revenue agent was at his office in the White House when they had a brief discussion of sizable business deductions ranging from $30,000 to $40,000.

Feldman said he declined to have further discussions with the tax agent, and from that time dealt with the IRS only through his lawyer.

Feldman said that the serious stage of his tax difficulty in late 1964 had no relationship with his resignation in January, 1965. He said that President Johnson "had no knowledge about it," and that as far as he knew no on else in the White House had any information about the controversy that had arisen over his federal income tax returns.

"I considered it a private matter, and I handled it as a private matter," Feldman said. "I had decided prior to that time that I was going to get out of government for the very good reason that I wanted to set up a law practice."

NO CONNECTION

"There was absolutely no connection between my tax matter and my decision to resign from my White House job."

Feldman said the tax dispute involves the years 1957, 1958, 1959, 1960 and 1961. He said the amount in dispute for 1961 is "no more than $50 or so." The largest amounts of claimed tax deficiency involve the years 1957 and 1958, Feldman said, but he declined to discuss the details.

He said he believes the government's claim for civil fraud penalties only involved 1957 and 1958, but that 1959 might possibly be included.

Internal Revenue Commissioner Sheldon Cohen has declined any comment on the Feldman case, contending that dealings with Feldman and his lawyer are confidential under the internal revenue law.

Mitchell Rogovin, assistant attorney general in charge of the tax division, said he did not personally handle the decision to reject criminal prosecution. "Apparently the lawyers felt they just didn't have a case," Rogovin said.

Rogovin said he was counsel for the I.R.S. several years ago and, in that capacity, had approved sending the Feldman case to the Justice Department for study for possible prosecution. He said he did not recall the details.

Feldman received a bachelor's degree from the Wharton College of the University of Pennsylvania, and in 1938 received a law degree from the University of Pennsylvania Law School.

He practiced law in Philadelphia from 1938 until 1942 when he joined the Army Air Corps. After military service he became special counsel to the chairman of the Securities and Exchange Commission in 1946 and served in that capacity until 1954.

From 1955 to 1957 Feldman was counsel for the Senate Banking and Currency Committee, and in 1958 he became legislative assistant to then Senator John F. Kennedy. He was a member of Senator Kennedy's campaign team in 1961, and often accompanied him on the campaign.

REWARDED FOR WORK

In 1961, Feldman was rewarded for his work with one of the most important jobs in the White House.

Sorensen, in his book "Kennedy," paid tribute to Feldman as one of the key men in the White House in dealing with a wide range of government agencies. Sorensen wrote:

". . . So I depended in the special counsel's office on Mike Feldman and Lee White to handle many agency problems and pressure groups under the direct supervision of the President. Feldman, for example, served among other things as the channel for most business requests—on tariffs, airline routes, and subsidies, to name a few.

" 'If Mike ever turned dishonest, said the President one day, 'we would all go to jail.' "

It was said in jest because there was never any complaint that Feldman was other than scrupulously honest in the dealings with the federal agencies in his jurisdiction.

While employed as counsel for the Senate Banking and Currency Committee and as legislative assistant for Senator Kennedy, Feldman was dabbling in a number of outside business operations, including at least four radio stations. He was one of four partners in Radio Associates, Inc., which owned station KITO in California. Feldman held a 35 per cent interest in Key Stations of Drexel Hill, Pa., which owned station WADK in Newport.

SOLD INTERESTS

Federal Communications Commission (FCC) records show that Feldman was one of five stockholders in station KLAD in Klamath Falls, Oreg., and held 35 per cent of the stock. The FCC records show that Feldman held a 15 per cent interest in KOMA in Oklahoma City.

He sold his interests in radio stations in 1960 and in January, 1961, prior to taking the White House job that could have entailed some dealings with the FCC.

Since leaving government, Feldman has been practicing law in the firm of Ginsburg and Feldman at 1700 Pennsylvania Ave. His plus third-floor office looks down on the Executive Office Building and the street in front of the White House.

His partner, Charles David Ginsburg, was executive director of the President's riot commission and was active in Vice President Hubert H. Humphrey's campaign for the Democratic presidential nomination.

Feldman was an active supporter of the late Senator Robert F. Kennedy for the Democratic presidential nomination prior to his assassination in June but has not been active on behalf of any other candidates up to this point.

REPORT TO THE PEOPLE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BURKE of Florida. Mr. Speaker, as the second session of the 90th Congress draws to a close, and at the end of my second year representing the people of the 10th Congressional District of the State of Florida, I feel it is important that I give an accounting of my activities to those whom I am privileged to serve—the people.

For this reason you will find in this report, which is being mailed to residents of the 10th Congressional District, a review of my service, my voting record on the major bills, my successes and defeats on legislation, and other matters which I believe are important to those I have represented here in the 90th Congress:

AN HONOR TO SERVE YOU

First, let me say that it is an honor and inspiration for me to have the opportunity to serve you in Congress. We live in troubled times, but despite the trouble, riots and the disorders, it is my opinion that we are not a sick society as some would like us to believe. The majority of us Americans are concerned for the general welfare of our citizens and are desirous of peace—not peace by capitulation or appeasement—but peace of a nature that will bring dignity, honor and respect to those in our Armed Services who have made the supreme sacrifice for their country, as well as those who still stand ready in defense of our country and dedicated to keep America strong and free.

It is my opinion that our country today is very much alive; that we Americans are valiant, strong, forward looking, and benevolent. I am confident that with God's help we will meet our challenges head on, and we will fulfill the American promise of freedom—in a nation dedicated to Thanksgiving for the abundance that God has given to us as free Americans.

VICTORIES

I am happy that a number of bills which I introduced or co-sponsored were enacted into law. These were bills which makes it a crime to desecrate our flag, creates a new House Ethics Committee, provides compensation for police killed or injured while on federal duty, increases pay for postal employees, clamps down on imports which harm American work forces and businesses, provides across the board increases to social security recipients, allows tax credits to businesses which train the unskilled, instructs Federal authorities to arrest persons crossing state lines to incite riots.

A LOSS FOR ALL

I considered it a great loss to the American taxpayer when the 10 percent surtax was signed into law. I opposed the tax increase and urged the administration to cut expenditures as a means to help the wage earner by cubing inflation. I fear that the promised cuts of federal spending will not materialize.

I consider this a most unfortunate tax, especially when the administration pushed the tax hike through Congress and failed to consider a proposal which I supported that would have doubled personal income tax exemptions from $600 to $1,200.

CONGRESSMAN J. HERBERT BURKE SPEAKS OUT

(I have from time to time spoken out on various subjects when I felt the issues required me to do so, for instance:)

Warned repeatedly that expenditures of huge allocations of federal funds for welfare is not the answer to combat America's social ills. Stressed need for more vocational training and job security through private enterprise.

Saved American taxpayers $11.5 million by charging improper back door aid to enemy nations which resulted in the State Department cancelling sorghum and grain contracts with hostile Arab states.

Continuously warned against inflationary spiral which erodes the dollar's purchasing power and especially eats away fixed income.

Urged the administration to counter the rapid and powerful buildup of the Communist forces in the Mid-East and Mediterranean.

HERE TO SERVE YOU

As your Congressman, I am your personal representative and spokesman here in Washington. During the past two years, I have always solicited your views, which to me are most essential and welcome.

I have processed more than 100,000 replies to individual pieces of mail since I took office together with 9,000 individual special problem requests, some of which have been fairly routine, while others have been extremely complicated.

I have held to the view that if you have a problem or an opinion that is important enough for you to write to me about, it is important enough for me to care about and assist you if I am able to do so.

One of the most satisfying rewards for a Congressman comes in his ability to help a constituent, especially when he is able to receive a favorable decision for some deserving citizen caught in the maze of red tape so prevalent in some of Washington's bureaucracies today.

SOME BILLS I HAVE INTRODUCED

The following are some of the bills which I introduced this session. They are pending in various House Committees. These bills would:

H.J. Res. 970—Propose a Constitutional Amendment to bar subversives from working in defense plants.

H. Res. 1268—Urge the administration to sell phantom jet fighters to Israel and give Israel further military aid as needed.

H. Res. 609—Call for hearings on Gulf of Tonkin Resolution.

H.R. 19142—Permit the Southern District Federal Court to hold sessions in Ft. Lauderdale.

H.J. Res. 435—Allow states to handle their own educational system.

H.R. 13413—Provide for humane treatment of animals in research facilities.

H.R. 14540—Provide assistance to industries and businesses to pay partial salaries in training the unskilled.

H.R. 17717—Equalize pay of retired members of uniformed services.

H.R. 18982—Strengthen the law prohibiting the movement of switch blade knives in interstate commerce.

H.R. 8178—Allows social security recipients to earn unlimited outside income.

H.R. 10374—Make unlawful use of credit card a federal crime.

H. Con. Res. 402—Express a sense of Congress to keep American rights in Panama Canal.

H.R. 13414—Provide aid to train more nurses.

BURKE REPORT CARD

(Votes on recent key issues from the 90th Congress):

Truth in lending, for.

Bar trade to Reds under Export-Import Bank, for.

Remove gold cover backing of American currency, against.

Travel tax on overseas travel, against.

Increase GI and Veterans benefits, for.

10 percent surtax on all income, against.

Omnibus anti-crime bill, for.

Clean meat act, for.

Cutback gigantic farm subsidies, for.

Increase rent supplement, multi-million dollar federal housing, against.

Drug abuse act to curb flow of LSD, other hallucinary drugs, for.

Foreign aid, against.

Expand vocational education, for.

Deny federal aid to college students involved in riots, for.

Increase social security benefits, for.

Head start program, for.

Strengthen U.S. defenses, for.

Higher education act, for.

LOS ANGELES LAW ENFORCEMENT HAMPERED BY LACK OF RADIO FREQUENCIES

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CORMAN. Mr. Speaker, we in the Congress have attempted to help State and local governments contend with large-scale civil disturbances by passing legislation which will help to better train and equip our police to cope with such emergencies. We have also enacted legislation in an attempt to help protect local firemen whose lives are threatened twice—once by the fires they must fight and at the same time by the rioters who would rather see our cities burn to the ground.

Yet, more and better equipped and trained policemen and firemen are not the total answer to preventing an outburst from becoming a full-blown riot. From my service on the National Advisory Commission on Civil Disorders, I found that one of the most widespread misconceptions was the belief that the only way to stop a disorder was to use immediate and violent force. Yet, all the evidence which we considered, not to mention simple humaneness, indicates that what is needed is to get enough policemen on the scene quickly enough so that little or no force will have to be used. The immediate display of the potential for maintaining order is the critical factor in efforts to maintain order.

The key to displaying this potential lies in the ability of our public safety forces to quickly converge upon an explosive situation and coordinate their efforts once they arrive. If this is to be accomplished, it will be because they have the capacity to effectively use two-way radios in such emergencies. Unfortunately, our police did not have that capacity during the Watts riot of 1965, nor during the disturbances of 1966, nor during the disastrous summer of 1967, and they do not have it today. As a member of the House Subcommittee on Regulatory Agencies, I have heard and read the testimony of many of the chiefs of police who had to cope with civil disorders in their cities last summer, and they have consistently and emphatically told me that the Federal Communications Commission has failed to give them enough radio channels to do their job effectively. Consequently, when a disturbance breaks out, their radio equipment becomes so overloaded that it often becomes useless at the very moment it is needed most.

I have listened to a tape recording of the police radio dispatches during a riot. Two things are significant about it. First, the stream of messages is virtually continuous—with no breaks or pauses. As the chief of police told me:

> We couldn't put another message in there if we had to.

Second, the tape is a monolog of the radio dispatcher at central headquarters. There were so many messages to go out from headquarters over the few channels available that police cars and men with radios could not call headquarters. If a policeman on the beat was in trouble and needed assistance, he could not use his two-way police radio to call for help. As was stated at the recent Los Angeles hearings:

> That is how two-way radio gets transformed into one-way radio by overloading.

When the necessity is greatest to quickly move men to the scene of an emergency and continually coordinate their activities once they arrive, policemen cannot reach headquarters with valuable information on how the situation is developing and in turn headquarters is often unable to reach each man with instructions as to where he is needed most.

There are simply too many messages which must go out over the same channel, and it is as if a whole city block were on the same telephone party line and everyone was trying to call out at the same time.

Obviously the answer to this situation is not simply more policemen, nor is it simply better training and equipment. For even if there were an adequate number of specially trained and equipped officers to meet any situation, too few radio channels would prohibit police chiefs in most American cities from adequately deploying these additional men.

The National Advisory Commission on Civil Disorders recognized the severity of the situation, and we recommended, in our report "that the Federal Communications Commission make sufficient frequencies available to police and related public safety services to meet the demonstrated need for riot control and other emergency use." The FCC responded, not by allocating more of the radio spectrum to the public safety services, but by "splitting" the channels they already held. What this means is that existing two-way radio equipment must be modified at great expense so as to permit more radios to operate in the same amount of spectrum space. It is as you made a two-lane highway into a three-lane highway, not by widening it, but by narrowing the two lanes until you could squeeze in a third one. The result would be that the highway could carry a limited amount of additional traffic, but, of course, there would also be many more accidents. In two-way radios, such "accidents" cause interference and interference means delay in getting the message through.

Obviously, a few seconds delay in directing operations when fire victims are trapped or an airliner is making an emergency landing could be disastrous. Chief Nielson of the Los Angeles Fire Department told the subcommittee that—

> During the Watts Riots, one hundred ten companies were being controlled by radio communications at the same time. The air was completely saturated and a large percent of the messages were unintelligible or never did get through.

Unless this problem is solved, all of the efforts of the Congress this year to aid our public safety forces will be to no avail.

While this problem is intolerably worse during times of crisis, it has plagued our public safety services for years and our subcommittee's hearings prove that it continues to plague them in their everyday operations. The burgeoning suburban areas surrounding our cities, our expanding population, the mounting crime wave across the Nation, all portend the need for more police, more firemen, and more of all the others who make up the public safety services. In addition, there is the need for a better technology to enable the public services to cope with these problems, and in part, that technology is here. We could today equip every policeman with a miniature, hand-carried radio which would permit him to constantly keep in touch with, and be instructed by, his base headquarters. The President's Crime Commission, as well as the National Advisory Commission on Civil Disorders, recommended their immediate, widespread use. But police do not presently have sufficient channels for the radios they do have, and they could never handle all these additional miniradios. Clearly this will require that more of the radio spectrum be allocated to the public services.

Modern technology also makes it economically feasible. to patrol an entire city from the air by using helicopters. In Lakewood, Calif., where this has been done on an experimental basis, Deputy Sheriff John Knox termed the results a "tremendous success." He stated that the crime rate went down in Lakewood, while in the surrounding areas it went up. But this too requires an expanded communications capability and presently that capability has been expanded to the bursting point.

This is why the President's Crime Commission recommended in its report that—

> The FCC should develop plans for allocating portions of the TV spectrum to police use.

The problem is that the FCC has allocated only 1 percent of the radio spectrum to be used for public safety while commercial television—which often seems to be more "commercial" than "television"—has been allocating about 52 percent of the spectrum. Ironically, the greater portion of that 52 percent remains unused by television and unavailable to police, fire, and other emergency services who desperately need it because of the policies of the Federal Communications Commission. It is deplorable that such a situation could have been allowed to develop, and it is inexcusable that it should be allowed to continue, when the tragedies in our cities have pointed so clearly to the need for action, when our public safety officials have been pleading for help, and when two Presidential Commissions have recommended a specific course of action.

Of course, simply protecting lives and property is not enough. The roots of the civil disturbances in our cities run deep. At their base is unemployment, poor housing, inadequate educational and recreational facilities, poorly administered city services, and in general, a growing dissatisfaction with the kind of life to be found in our cities. Private businessmen who would help to provide the unemployed with jobs, building contractors helping to rebuild our cities, and many others who attempt to provide needed goods and services as widely and as cheaply as possible, all reply upon the use of two-way radio in the daily performance of their work. It is these people who provide the economic and social climate in which our cities function. If this climate is viable and healthy, those who live in the city will not be likely to be dissatisfied.

In addition, the use of two-way radio by local governments is not limited to emergency users. To efficiently control traffic, maintain streets, parks, and lights, inspect housing, pick up and dispose of garbage, operate school busses, and a host of other services, city administrators are growing increasingly dependent upon two-way radio to help them get the job done at the least cost. Not only does radio communications promote better service, but it saves tax dollars.

I shall have more to say about this in the days to come. But it is becoming increasingly clear that the Congress alone cannot provide all of the answers to our problems in the cities. The Federal Communications Commission also has a role to play, and it is now time for them to fulfill their responsibility.

A TRAGIC CUT IN THE ALLIANCE FOR PROGRESS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FASCELL. Mr. Speaker, the deep slash in the funds for the Alliance for Progress, approved by the House a few days ago, can have very serious, even tragic, consequences.

During the past 7 years we have forged a new partnership with our sister republics of the Western Hemisphere—a partnership dedicated to nothing short of a wholesale peaceful revolution in the economic and social domain.

Built on the principle of self-help, this partnership, embodied in the Alliance for Progress, is one of the keystones of our future well-being and security in a rapidly changing, dangerous world.

We had pledged to contribute up to $1 billion a year in private and public investment to Alliance undertakings. This sum, as large as it is, accounts for only a small fragment—less than 10 percent—of the total new investment in Alliance projects and programs during the last 7 years.

We are going back on that pledge this year. Unless the Senate changes the outcome of this matter, fiscal 1969 Alliance loan funds will be slashed from $625 million to $270 million.

Mr. Speaker, I was among the first in the House to urge a billion dollar cut in this year's aid program. I felt that such a cut was necessary at a time when extraordinary demands are being made of the American taxpayer, and I was delighted when the Congress went along with my proposals and reduced the foreign aid authorization by $1 billion.

At the same time, I have cautioned against indiscriminate slashes in our foreign policy undertakings, particularly those which relate to the future well-being and security of the Western Hemisphere. This is one area whose needs and problems we cannot afford to ignore.

The devastating effect of the proposed cut in the Alliance for Progress loan funds is described eloquently by Virginia Prewett in a column which she wrote for the Washington Daily News.

Miss Prewett is a very perceptive and knowledgeable observer of the Latin American scene, and her comments regarding the affect of the cuts that I described merit thoughtful consideration of every Member of Congress. While I must take issue with Miss Prewett's indictment of the record of the 90th Congress—a record which I believe is notable for many positive accomplishments—I would like to commend her column to the attention of my colleagues.

The article is as follows:

SLASH OF AID TO LATINS WILL HURT

(By Virginia Prewett)

The deep House cut in Alliance for Progress loans funds has fallen as a heavy blow on Latin America.

"It could not come at a worse time, or have a worse effect," is the way the U.S. Ambassador to the Organization of American States, Sol. M. Linowitz, sums up.

If not repaired by Senate action in the present Congress or by the next Congress in January, the cuts in fiscal 1968's Alliance loan fund from $625 million to $420 million, and finally to $270 million, will prove devastating to this nation's credibility in the hemisphere.

GOOD FAITH

A $150 million or even a $355 million cut in Alliance loan funds may not irretrievably sink Latin America. But it may sink this country's good faith with Latin Americans—and for an infinitestimal fraction of our national wealth that we would lend out at interest.

The Alliance cut could not come at a worse time for the following reasons:

Latin America, after a painful period of readjustment and tooling up, has in the last year or two made basic reorientations that the U.S. urges as a spur to hemisphere development. Acceptance of the long, hard and difficult task of creating a Latin American Common Market is one example.

Latin America is going through a time of extreme uncertainty because of the increasing tendency among the industrialized countries where our neighbors sell their exports to close doors against those exports. This includes the U.S., where the tendency is strong.

Latin America in very recent weeks has been shocked throughout by the Russian invasion of Czechoslovakia.

For years, our country has been in competition with Russian ideology and with a two-pronged communist penetration attempt in Latin America. Latin American governments were already alert to Castro's overt subversion out of Cuba. But many Latin Americans have tended to distinguish sharply between Castro and an image of Russia as an essentially peace-loving nation basically interested only in trade expansion among smaller nations.

OPPORTUNITY

The rape of Czechoslovakia rudely jolted many Latin Americans. Never in recent decades has the United States had a better opportunity to consolidate its political defense and economic relations in the New World.

Then along came a Know-Nothing House of Representatives to slaughter the aid program that our entire government—including the House—has spent years building up as a symbol of friendship and good intentions in the hemisphere.

A great nation cannot behave this capriciously to its allies and not suffer for it.

AMERICAN CAMPUSES: STAGING GROUND FOR VIOLENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ASHBROOK. Mr. Speaker, Dr. Glenn S. Dumke, chancellor of California's State college system has predicted what many of us have feared for some time: "That this coming school year is going to be a year of even more widespread attempts at turbulence."

Dr. Dumke noted that this year, however, administrators of institutions of higher education are "combat ready." Unfortunately this is the case. They are not only "combat ready," far too many of them are combat trained and some have had a baptism by fire in the not-too-distant past. And all this to the detriment of the silent majority of students and faculty who are bent on gaining an education rather than creating turbulence. Combat conditions are certainly not conducive to the learning process and our institutions of higher education should not have to function on an alert status.

Dr. Dumke also predicts that unless administrators begin treating their problems—specifically the problems created by a fanatical fringe—the freedom which is so often the flouted excuse for campus anarchy will be the first target of external controls.

An excellent example of failure in this area is the recent decision to permit Black Panther Eldridge Cleaver to lecture at Berkeley. There can and should be ample room for exploration, discussion, and a free flow of valid ideas within the limits of responsibility and decency, but Cleaver violates even the most generous standards of both responsibility and decency.

Our colleges and universities have too frequently become staging areas for anarchy rather than staging areas for responsibility. A great deal is at stake, not the least of which is the freedom of the silent majority.

In addition, as Dr. Dumke stated:

> If the college ends its objectivity by becoming a participant or protagonist, then society will be left without any institution which is given the job of confronting social problems without partisanship, in a true scholarly and objective manner. If the colleges abdicate this responsibility for the sake of being partisans, society will be in a bad way.

American colleges are faced with a major challenge and if they do not face it and meet it themselves, others must and will.

Two editorials in the September 22 edition of the Chicago Tribune elaborate on both the remarks of Dr. Dumke and the incredible acceptance into the academic community of Eldridge Cleaver:

THE UNIVERSITIES—"COMBAT-READY"

With the advent of a new academic year, the chancellor of California's vast state college system warns in a copyrighted interview with U.S. News & World Report that the campuses may expect "even more widespread attempts at turbulence" than have been witnessed in previous years. We have already been given a taste of things to come in the black vandalism in the Union building at the University of Illinois in Urbana and in the bellicose activities by student revolutionaries against the harassed administration of Columbia university in New York.

The California chancellor, Dr. Glenn S. Dumke, held out the hope that universities and colleges by now should have learned something from experience. "We're 'combat-ready,'" he told U.S. News.

We believe that the most important thing Dr. Dumke forecasts is that, if means of containing these revolutionary uprisings are not soon devised, the universities, their faculties, and the great "silent majority" of students and faculty alike are going to suffer, and that the institutions of higher education will be the less in future days.

He says that if faculties don't come up with the answer, and soon, "an answer will come—either from an outraged citizenry, the state legislature, or thru administrative edict." He says that, specifically, the faculties must determine whether the campus is to be used as a staging area for violent social change and revolution, or whether it should not.

Dr. Dumke also predicts that if this problem is not answered to the satisfaction of the citizens and taxpayers, and of their legislative representatives, then society is going to restructure higher education in a way that administrations, faculty, and students will be unhappy about.

Some of the likely changes, he says, will be legislative definitions of academic freedom, legislative and fiscal restrictions on certain types of courses, and the probable reduction of public universities and colleges from places of free inquiry to a role as training centers for certain professions and vocations.

If drama schools present objectionable plays, the chancellor believes, then drama schools will run the risk of elimination. If student publications are given to public assaults on accepted standards of public decency, then there won't be any more student publications.

It seems to us that the possibility of such developments as Chancellor Dumke forecasts might be persuasive in showing even the revolutionists and nihilists on the campuses that, if they persist, they will be cutting off their noses to spite their face. Their slogans call for unrestricted freedom, but if citizens and legislators come to decide that a continuation of campus excesses is intolerable, there is bound to be a great diminution of freedom for everyone. Faculty activists should also perceive what effect that would have upon them.

Dr. Dumke thinks that unquestionably campus agitation is the product of an international network of militants, activists, and revolutionists, not all of whom are Communists, but some of whom are anarchists and nihilists. He adds, however, that the Communists are always poised and ready to move in and exploit any inflammable situation.

If free inquiry and the scholarly pursuit of truth are to survive in this country to any degree, the time has come for the "silent majority" of students and faculty to defend their heritage from the new barbarians.

THE DEATH WISH AT BERKELEY

It is incredible that the board of regents of the University of California has allowed an invitation to stand which will bring Eldridge Cleaver to the Berkeley campus to lecture even once in a course called "Experimental Social Analysis." The invitation, made thru the Berkeley academic senate, was opposed by Gov. Ronald Reagan and Speaker Jesse Unruh of the California Assembly. Tho their fellow regents cut the number of Cleavers' appearances [and of any other outsider in a single quarter] from a proposed 10 to only one, a majority vote of 10 to 8 permitted Cleaver one lecture. Reagan may be forced to challenge the faculty on his own.

Cleaver is "minister of information" of the Black Panther party, a far-out black revolutionary organization. He has spent most of his adult life in prison. He was first convicted of possession of marijuana at the age of 18. In 1958 he was sentenced to 14 years on conviction of assault to kill and rape. He served

9 years. He is charged now in California on three counts of attempted murder and three counts of assault in consequence of a two-hour gun battle April 6 with Oakland police.

Despite this background, Cleaver was nominated for lecturer by a sociology student, and the faculty approved. The course was to be called "Dehumanization and Regeneration in the American Social Order," having to do with racism. Gov. Reagan and Unruh rarely see eye to eye, but they did on this. Reagan said he would not put up with even a single lecture. Unruh called the invitation evidence of a "death wish" on the part of the faculty.

What kind of stuff would Cleaver peddle from the lectern? We submit a few samples from his orations. First:

"We need a lawyer today who has a lawbook in one hand and a gun in the other, so that if he goes to court and that doesn't come out right, he can pull out his gun and start shooting. I hope you people will take guns and shoot judges and police."

Again: "The pigs of the power structure say the people are impotent, that we can't control things any more, that we have to leave things to pigs like Dean Rusk or that Texas pig in the White House. As long as there are people on this earth they will always be able to take control of their own destiny and pull down the pigs of the power structure.

"They say if you want a bad example, look to China. Well, I ain't gonna look to China. I done looked to China. And I see Mao Tse-tung took up a gun, took the coolies away from the ricksha, and now he's got the hydrogen bomb. And I say that's all right. . . .

"I am not a freak of violence. Guns is ugly. People is what's beautiful, and when you use a gun to kill a person you're doin' something ugly. But there are two forms of violence—violence to liberate yourself and violence visited on you to keep you in your place. We have to make a choice between continuing to be the victim, or decide to take our freedom.

"If you ain't part of the solution, you part of the problem, you dig? There's no more middle ground. We gonna provide a situation that's gonna force the Babylonians to deal with it."

Cleaver ended his harangue with the threat that unless he gets his way "there going to be blood on the streets of Babylon."

Yet a Berkeley professor, defending his lectureship, said of the author of this concoction of violent and ungrammatical language that Cleaver would be much "in the tradition of the 'artists in residence' " often invited to campuses. If you lean toward artists in gunmanship and revolution, you might conceivably agree.

ADDRESS BY POSTMASTER GENERAL W. MARVIN WATSON, AT THE CHAMBER OF COMMERCE DINNER, COMMONS RESTAURANT, NORMAN, OKLA.

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ALBERT. Mr. Speaker, earlier this month Postmaster General W. Marvin Watson spent a very busy and eventful day in the State of Oklahoma. One of the major events of that day was a visit to Norman, Okla., and to the beautiful campus of the University of Oklahoma. The Postmaster General addressed the Norman Chamber of Commerce that evening. In his speech, he discussed some of the problems of the Post Office Department and the progress being made in the handling of the millions of pieces of mail delivered throughout the United States each day.

Under the unanimous consent request I include the speech delivered by Postmaster General W. Marvin Watson at Norman, Okla,, on September 16, 1968:

Address by Postmaster General W. Marvin Watson at the Chamber of Commerce Dinner, Commons Restaurant, Norman, Okla.

I want to tell you how pleased I am to be with you here tonight.

That pleasure has several roots.

First, I enjoy meeting people, and having once been closely associated with the Chamber of Commerce in Texas, I particularly enjoy talking to people who speak the same language and share the same ideas.

Second, this is my fifth speech today. I began my day with a stamp unveiling ceremony up in Enid . . . at 7:30 this morning. I hope I said the right things in that speech at Enid . . . since the shock of a 7:30 speech was even more severe than I had expected.

Then I dropped down for a postal award ceremony and then a luncheon meeting and another talk in Oklahoma City. And after I said thanks to the Kiwanis Club there . . . I went back on up to Ponca City . . . inspected the post office there . . . said a few words to the employees . . . and then participated in another dedication ceremony.

After that I flew here to Norman . . . was taken on a tour of your very impressive University by Dr. Hollomon . . . enjoyed a fine reception . . . and then came over here.

So my second reason for being glad to see you is that when I look out there and see all those faces . . . I know I've somehow made it through a busy day.

I haven't had so much fun . . . since I was in the Marine Corps Boot camp . . . and my sergeant asked me gently to take the obstacle course with a full pack.

There are a few other reasons why I am pleased to be with you as well.

My good friends Senator Mike Monroney and Congressman Tom Steed originally suggested that I visit Norman . . . and see for myself that all the fine things they've told me about this city and the University were true. You know some people in Texas have the reputation of exaggerating a little bit. And Mike and Tom wanted me to know that they weren't engaging in an Oklahoma variation of the definition of a railroad tie as a Texas toothpick.

Well, I am completely convinced that their reports and the reports of my staff . . . on the quality of your university . . . are borne out by fact.

During the months I have been serving as Postmaster General . . . I have made it a policy to get away from the confines of my desk . . . to break through the chains of paper that tend to bind a man to Washington . . . and see for myself.

It is all too easy in Washington . . . to get bogged down . . . and to become a prisoner of reports . . . of documents . . . of second and third and fourth hand versions of fact.

I spent much of my adult life in the business world . . . and I learned there that correct decisions must be made on the basis of fact . . . not fancy . . . not reports.

When I worked in the steel industry . . . I made it my business to see how steel was produced.

And now I direct the nation's second largest civilian industry—for the Post Office Department ranks right behind General Motors in the number of employees.

So, in line with this policy of first hand observation . . . I have traveled 62,000 miles, and inspected 141 postal facilities in 84 cities, 29 states, the District of Columbia, the Virgin Islands, and Puerto Rico.

I have shaken hands with and exchanged views . . . with 37,500 postal employees.

Sometimes I differed with those employees . . . more often I agreed with them . . . always I learned more about this vast logistics and materials handling operation that we call the postal service.

Now I have had the opportunity to learn more about a great university. And my personal assistant, Dr. Lloyd Taylor has also been working with the University staff . . . serving as an extension of my eyes and ears . . . and I look forward to hearing a full report from him on what he has learned.

Certainly, I already have no doubt whatsoever that the University is fully capable of extending greater assistance to us in our effort to strengthen our training effort.

My friends, in the restless, ever changing world in which we live, the word "explosion" is more and more frequently used to describe current events. There is the threat of nuclear explosion, and the number of nations now holding in their hands the H-bomb has increased to five. There is the population explosion, in which nations such as India and the countries of Latin America find themselves overwhelmed, their productivity increases absorbed by ever new legions of hungry mouths. There is the violence explosion, for which our crime statistics form the fever chart.

But, from my desk in Washington, the explosion that most immediately concerns me is the "information explosion." Years back a leader of another nation threatened to bury us. Well, it often seems that we are going to bury ourselves, not with nuclear fall-out, but with piles and piles and piles of paper. This blizzard of paper is produced by the most dynamic economy in the world.

Our gross national product is about $860 billion.

We are in the 91st month of unprecedented economic prosperity.

Our index of industrial production is about 165 per cent of what it was back in 1957 to 1959.

Personal income rose to $689 billion a year as of last month.

We are better educated than ever before. The average number of school years completed per citizen is at an all-time high of 11.8. More Americans are going to school than ever before. And the Federal, State and local governments are pouring almost $30 billion into education, more than twice the entire national income of Spain and 70 per cent of the entire income of Italy.

In short, the United States right now has more people earning more and learning more than at any time in its history—or the history of any nation in the world.

What does this mean for the Postal Service? Simply that we are the mirror of this affluence, this rising standard of living and learning.

For this rising standard has produced the "information explosion" with its fall-out of paper. And much of this paper is moving through the mails. The mail statistics, my friends, are almost staggering.

Back a century ago the average mail patron wrote six letters a year; now the figure is 412 a year for every man, woman and child in the country, and seems sure to reach 500. And, of course, we have over 200 million Americans compared to 36 million in 1867.

As a result right now—this year—we are moving 84 billion pieces of mail. During the last Christmas Holiday period alone the Post Office Department delivered as much mail as is handled in France all year.

How do we keep from being smothered by this deluge of mail?

How do we reduce to the absolute minimum the direct and indirect cost of mail service to our society?

The really enormous increase in mail volume places us in a new dimension. Old ways of thought, old methods simply will not cope with this problem. In fact, I would say that right now your Post Office is in its third period of development.

The first such period was when Benjamin Franklin established the United States Postal Service. This was the period of *organization*.

The second period was when President Lincoln's Postmaster General, Montgomery Blair, paved the way for the Universal Postal Union, and established free city mail delivery, the money order system, and the railway postal service. This was the period of extension.

The third period coincides with . . . right now . . . and can be called the period of the *postal industrial revolution*.

This revolution is not alone a matter of machines . . . though new machines we have . . . including possibly one of the most complicated and advanced machines in the world—the automatic ZIP code reader.

This revolution is not alone a matter of information gathering . . . though for the first time we have one of the greatest electronic information gathering networks in the world—providing us with a kind of radar to forecast unusual mail volumes . . . so that we can prepare for them.

This revolution is not alone a matter of research . . . though for the first time in history . . . we have an Assistant Postmaster General for Research and Engineering . . . with adequate funds and staff to search out new and better ways of solving old problems.

This revolution is not alone a matter of management . . . though we have assembled the best management team we can find . . . and are combing and searching through that old Post Office Department in an intensive drive to find better . . . and cheaper . . . ways of doing our job.

This revolution, of course, involves mechanization . . . it involves information . . . it involves research—but it involves the most basic ingredient of all—people.

During my travels around the country, I have seen for myself that we have fine postal workers . . . who possess an excellent spirit of public service.

But in a post-industrial revolution society or organization . . . spirit alone is not enough.

We need trained people.

Fortunately, I am not alone in recognizing that fact.

Both Senator Monroney and Congressman Steed have given us strong support in our effort to create a training program adequate for a Twentieth Century Post Office.

I think that their interest—their true devotion to the needs of the Post Office Department—is well known to all. But I must say again that the leadership which they provide and their understanding of our problems has made a vast difference for me as Postmaster General as it has for Postmasters General in the past and will in the future.

With their assistance, we have in the past months been reexamining our training needs and requirements. The comprehensive study on which we have embarked is very nearly complete.

I have personally been deeply involved in this, both in the planning stages and during on-site inspections as I have travelled across this country. I have looked at many locations and several are under final consideration. My inspection here at Norman—and the prior inspections of my staff—places this area in that final group.

However, we have not made the last determination and I do not expect to make it until next month. At that time I will announce the results of our study and will certainly inform Senator Monroney and Congressman Steed and Dr. Holloman of any conclusions that might affect this outstanding University.

My friends, I believe we are at the threshold of great breakthroughs in postal technology.

Those breakthroughs will carry out the mandate given me by President Johnson when he asked me to "give the American people the finest mail service it has ever known through improved management, better training and through enlisting the best brains you can find."

I want you to know . . . I want Senator Monroney and Congressman Steed to know . . . that I intend to carry out the President's mandate. And I hope that effort will involve the University of Oklahoma and the many fine people who made this visit so enjoyable and such a unique learning experience.

RAYMOND BROOKS, NEWSPAPERMAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PICKLE. Mr. Speaker, the dean of the Texas newsmen quietly slipped from our midst last week. Raymond Brooks, Austin, died Thursday afternoon at the veterans hospital in Houston.

He called himself a "blacksmith of words," and indeed he was. But he was much more. He not only was dean of the Capitol correspondents but he was also a mighty man who was quick, energetic, imaginative, extremely able—and always a busy, busy man.

I treasure my associations with him over the years as one of my prized possessions. He was my good and dear friend for 30 years. He was a seasoned and balanced newsman. I never knew him to write a poor story. I never knew him to take advantage of a set of facts to the detriment of any individual. I never knew him to approach a story from anything but the positive side. He was a reporter—and interpreter by nature. And above all, he was a gentleman.

The Austin American-Statesman, his journalistic home, ran a beautiiful story and editorial about this distinguished writer and historian, and I am pleased to include it in the RECORD, as follows:

RAYMOND BROOKS, NEWSPAPERMAN

He gulped his coffee steaming hot.

It would disappear before most of his cohorts could stir the sugar into their cup.

He was in and out of sight as if someone was waving a magic wand over his head. One moment he was here, the next he was there, and suddenly he was gone.

His pencil ran across the pages of his notebook with a mixture of abbreviations, long hand and shorthand; but like most old timers he preferred loose sheets of paper, and these he stuffed into his coat side pocket one atop another.

His head was a storeroom of facts and figures that rolled effortless onto the typewritten page with an accuracy that was uncanny. Many of the "playbacks" he wrote in recent years—incidents of Texas political and governmental life—were from memory and required only a minimum of checking with the official record.

Eight years ago he slid into his chair at the Capitol pressroom. It was his 65th birthday, but there was no clue from him. In the Senate close friends without his knowledge were preparing a resolution in tribute to the Dean of the Capitol Press Corps and to a former parliamentarian of the State Senate.

It was in the heat of a regular session and the Senate morning call consumed more time than usual. In addition a prominent visitor was introduced. Press time for the afternoon paper was but minutes away and he broke for the press table with the intention of telephoning a few stories to the city desk.

A colleague literally held him by his coattail until Lt. Gov. Ben Ramsey could call him to the platform for the reading of the resolution, after which he was invited to address the Senate.

But the 65th birthday was only a brief milestone in the life of one of Texas' most devoted, most sincere and knowledgeable newspapermen. Until a few weeks ago his typewriter remained active. During the recent session of the legislature, from his hospital bed in Houston, and without benefit of reference books or the office files he wrote a "playback" on the legislative career of Senator Dorsey Hardeman of San Angelo, whose final term expires in January.

Like most newspapermen he had a variety of interests. He was an avid hunter, a marksman and an authority on military and hunting rifles.

In the office files there are several years of "Capitol A" columns. Some of the greatest of these are already included in documentaries on Texas government and politics. And these "playbacks," as he called them, were the direct result of his photographic memory.

Raymond Brooks was a great newspaperman.

OF THE THREE, ONLY MR. HUMPHREY OFFERS QUALITIES NATION WILL DESPERATELY NEED

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FULTON of Tennessee. Mr. Speaker, this is a year of agonizing decision for the people of the United States. America's military might is severely challenged by Communist aggression while our domestic tranquillity has been ruptured by social upheaval which, while long in ferment, has burst forth and threatens to indelibly stain our national fiber and fabric.

A time of great decision is upon the American people and that decision is whether or not we move forward with courage to face and tackle the problems which face us; do we simply hold the line or do we do an about face and threaten the very foundations of our Constitution and democratic free government?

I have read a great deal and thought even more about the crisis at hand. However, I have yet to see the issues, alternatives, and possible consequences put as lucidly as they were this past Sunday, September 22, in an editorial published in the Nashville Tennessean entitled "Of the Three, Only Mr. HUMPHREY Offers Qualities Nation Will Desperately Need."

Mr. Speaker, I include the text of this editorial in the RECORD at this point and commend it to my colleagues for their consideration:

OF THE THREE, ONLY MR. HUMPHREY OFFERS QUALITIES NATION WILL DESPERATELY NEED

As voters look to the November election in the troubled and turbulent year of 1968 there is a cloud of uneasiness and unrest settling over the land.

The war in Vietnam threatens world peace and drains the domestic economy. Warfare in the cities threatens order and drains national self-confidence.

Old people seem unable to communicate with the young; young people say they don't trust anybody over 30. White people are hostile to black people because of riots in the cities; black people are hostile to white people because of justice too long denied; the well-to-do and the middle class think of the poor as shiftless and lazy; the poor think of the rich as arrogant and the middle class as unfeeling.

In this environment the voters enthusiastically respond to overworked political cliches as they look for too-simple solutions to the most complex equations in the history of man.

A candidate says, "let us have law and order," and this evokes an emotional outburst as if the crying needs of the cities suddenly had been met.

A candidate says, "let us get all the way in the war in Vietnam, or get all the way out," and there are cheers and ovations as if the critical conflict in Southeast Asia has been won.

It is because these simplistic, cut-and-dried statements express what people want to do—not what can be done—that Richard M. Nixon now leads in all the public opinion polls in the race for the presidency and George C. Wallace has found such widespread favorable voter sentiment.

Mr. Nixon is the master of mixed generalizations. Mr. Wallace is the master of specific generalization. In ordinary times the vague utterances of Mr. Nixon would be uninspiring and the direct slams of Mr. Wallace would be a joke.

In the current campaign there is not a single issue which Mr. Nixon has met head-on; not a single problem area for which he has offered a clear-cut, positive workable program.

And there is not a single issue for which Mr. Wallace hasn't offered a positive answer—invariably the wrong one.

In the early days of the campaign Mr. Nixon's strategy has been to obscure the issues in a smokescreen of meaningless rhetoric. Mr. Wallace has had a different approach. He has sought to set fire to the issues and let reason burn. But at some point the voters of the nation must come to see through the smoke and fire and view the future of the country in terms of what must be done and what can be done realistically.

And there is but one candidate in the race for the presidency who has demonstrated a recognition that it will take more than campaign oratory to make a successful presidency.

Hubert H. Humphrey, the public opinion polls indicate, is not ahead in the political popularity contest.

He has not sought to become an "easy answer" candidate. He knows and admits there are no easy answers. Beyond that his personality, his wisdom, his compassion and his conviction have been submerged over a period of trying years in the fog of unpopularity which has surrounded the administration of President Lyndon Johnson.

Too few people have come to see him as his own man.

But as the few remaining weeks pass before the election, the voters of the nation are going to have to ponder the true nature of the world in which they live. They are going to have to look honestly at the three men who ask for their votes and decide which one of the three can best be trusted with the trying and tremendous power of the presidency. They must ask: Can Richard Nixon be trusted? Should George Wallace be trusted?

The voters must look at each man as an individual and judge not what the man promises he will do, but what can be done to take the nation through a terribly difficult time.

It is easy to promise—as Mr. Nixon does—that he will end the war and that in the meantime he will prosecute it more effectively. It is easy to promise—as Mr. Wallace does—that he will "win the war or get out."

It is easy to promise—as Mr. Nixon does—that rioting in the streets will end when he becomes President because law and order will prevail. It is easy to promise—as Mr. Wallace does—that rioters will be shot.

It is more difficult and less popular to say candidly to the American people—as Mr. Humphrey does—that it will require still more patient, more determination and a greater effort than ever before to find a way to peace in Vietnam. It is more honest—if less attractive—to say to the American people that more and better trained and better paid police officers are needed to fight crime—but to admit that the riots and violence in the slums of the cities won't go away until conditions which create unrest are wiped out.

These are not words most Americans want to hear. Mr. Humphrey is challenging the nation at a time when its people want to turn away from reality and seek shelter from pressure and tension. But this is no time to dodge or hide.

Throughout his career Mr. Humphrey has been the apostle of the unpopular cause. If one figure in American politics has been willing to stand up against the storm and tide of extremism it has been Mr. Humphrey.

When the nation was hung up on witch hunts, and Mr. Nixon was leading the way, Mr. Humphrey was working to put down false fears and to protect the rights and reputations of innocent citizens.

When the nation was hung up on racism and Mr. Wallace was leading the way, Mr. Humphrey was working to provide laws to bring about equal justice and opportunity for every citizen.

He has been a progressive mayor, a thoughtful senator, a party leader dedicated to reform and opposed to blind reaction. If, as Vice President he has been part of an administration which seems to have been too much influenced by the military, the question now for the voters is which of the three candidates has the fortitude and integrity to break away from a course of militarism?

The answer is Hubert Humphrey.

If he has been part of an administration during which riots have developed in the streets, the question now for the voters is which of the three candidates has the judgment and compassion to find the long-range answers to social disorder?

The answer is Hubert Humphrey.

And which of the three candidates has the insight to recognize the forces at work in the world and has the capacity to deal with those forces in the search for peace?

Again, the answer is Humphrey.

Which of the three candidates has the intellect and balance and self-confidence to hold in his hands the awesome power of the nuclear bomb? That is the ultimate and dangerous question.

Certainly the answer is Hubert Humphrey.

It is true there have been some experiences that have eluded him. He never appeared on national television with a pet puppy dog to explain away questionable campaign contributions. That was Mr. Nixon's major acting role. He never appeared on national TV standing in a schoolhouse door in an effort to keep Negro students out of school. That was Mr. Wallace's scene.

Mr. Humphrey's record is not marked by scandal or stupidity and it gives insight to the sort of man he is: honest, a fighter, intelligent, loyal to a fault.

True today he seems unpopular. He is harassed and heckled. But he is no quitter.

It is in the nature of the American citizen to analyze and reflect soberly before deciding on matters of great consequence.

The coming election is of the greatest consequence. What is needed is leadership that is willing to deal with determination and conscience in the years ahead, attracting—not dismissing—the best brains available and the best talent available to move the country on a sensible and sound course.

The times are perilous. Wishing they would change and putting false hopes in phantom leaders will only make the future more difficult.

The nation needs Hubert Humphrey to be president more than Hubert Humphrey needs the office to climax a career of distinguished service.

He is the candidate who can be trusted. This newspaper endorses his candidacy, pleads his cause and urges his election.

LEADERS OF RIOT LISTED

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WHITENER. Mr. Speaker, on Saturday, September 21, 1968, a column by Ray Cromley of the Newspaper Enterprise Association in the Shelby, N.C., Daily Star set forth some background information on leaders in the Chicago riots.

Mr. Cromley's column gives information which should be known by all of our people. It is regrettable that at the time of the riots in Chicago that some of the news media did not see fit to advise the public as to the past records of those who were fomenting strife during the Democratic National Convention.

I make the column a part of my remarks at this point in the Record:

Leaders of Riot Listed

(By Ray Cromley)

Washington.—Because there's talk they'll attempt a new "confrontation" on election day, now is a good time to jot down a few notes about three top strategists of the Chicago youth riots.

David Dellinger, 53, was born at Wakefield, Mass. In Oct. 1940, he refused to register for the draft. He balked even at registering himself as a conscientious objector.

As a result, Dellinger was indicted by a New York grand jury. He pleaded guilty and was sentenced to one year and a day in prison.

On being released, Dellinger registered for military service but said he was a conscientious objector. In June 1943, he was charged with failure to report for a physical examination. He again pleaded guilty and was sentenced in Aug. 1943 at Newark, N.J., to two years in prison.

Little was heard of Dellinger for the next two decades.

It is known that he was editor of Liberation magazine published by the Fellowship of Reconciliation and that in April, 1964, he traveled to Cuba legally as a news representative. Since then he has spoken out for the Castro regime at meetings sponsored by the Fair Play for Cuba Committee.

As chairman of the National Mobilization Committee to End the War in Vietnam, Dellinger was a major organizer of the Oct. 1967 march on the Pentagon.

Jerry Clyde Rubin, 30, was born in Cincinnati, Ohio, attended Oberlin College for one year and the University of Cincinnati five years, ending up with a B.S. degree in American history in 1962. He later did graduate work in sociology. He traveled to Cuba illegally in 1964.

Rubin has been a full-time paid employe of the Vietnam Day Committee. At a rally sponsored by that committee in 1965, he favored "massive civil disobedience" and was quoted as saying, "We must consider treason—deliberate sabotage of the war machine."

Rubin was arrested three times in 1965–66, once in San Francisco in connection with a demonstration against Gen. Maxwell Taylor, once in Washington, D.C., for causing a disturbance during a session of the House Committee on Un-American Activities and once for demonstrating on the University of California campus.

In 1966, he helped manage the congressional campaign of Robert Scheer foreign editor of Ramparts magazine. In 1967, he was an unsuccessful candidate for mayor of Berkeley, Calif., on a platform opposing war and "American imperialism" and espousing black power and the legalization of marijuana.

As a co-ordinator of the Oct. 21, 1967 march on the Pentagon, Rubin was quoted as saying, "The peace movement is no longer one of merely protest and demonstration. We are now in the business of wholesale and widespread resistance and dislocation of the American society. We, the American people, are going to have to close down the Pentagon, the universities, the banks. . ."

On June 13, 1968, Rubin was arrested by the New York City police on a charge of possessing marijuana. He is, at present, a leader of the Youth International Party (Yippies).

Thomas Hayden, 28 was a founder of the Students for a Democratic Society (SDS), was a principal author of the 1962 Port Huron Statement, which is the basis of SDS ideology, and was an SDS national president. He is now one of the society's most prominent spokesmen.

In December-January, 1965–66, Hayden went to North Vietnam illegally with Communist Party USA theoretician Herbert Aptheker and with Staughton Lynd.

In September, 1967, Hayden and 40 other Americans went to Bratislava, Czechoslovakia, for a one-week conference with North Vietnamese and Viet Cong representatives. From there he traveled to Cambodia as representative of an American peace committee. In Nov. 1967, the Viet Cong released three U.S. prisoners of war in his custody. In Jan. 1968, he flew to Cuba as an associate editor of Liberation magazine.

Hayden was one of the instigators of the demonstrations against Dow Chemical Co., recruiters at Rutgers University. He is quoted as having said, "The issue is not that Dow Chemicals has free speech but rather that they are war criminals. . . . I think that in this case civil disobedience is justified."

HUMPHREYISM NO. 2

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHADEBERG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

From a collection of Representative HENRY C. SCHADEBERG (R., Wisc.):

"I was thinking how lucky we are to be Democrats. Look at the fun we have. Look at the joy we have. Look at the spirit we have." (Speech by Hubert H. Humphrey, San Antonio, Tex., Sept. 17, 1964.)

RUMANIA REWRITES HISTORY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. DERWINSKI. Mr. Speaker, an example of deliberate Communist manipulation of history and the persistent propaganda operations of Communist governments is covered in a very fascinating article by Dumitru Danielopol of the Copley Press.

Mr. Danielopol, a diplomat in the pre-World War II legitimate Rumanian Government, is especially equipped to discuss this subject:

[From the San Diego (Calif.) Union, Aug. 31, 1968]

RUMANIA REWRITES HISTORY IN FEAR OF SOVIET UNION

(By Dumitru Danielopol)

The tragedy of Czechoslovakia may finally convince the West to ignore Communist fairy tales. The latest comes from Rumania, a country obviously frightened by the Prague coup yet obedient to Red ways.

The Rumanian latest fairy tale concerns Aug. 23, an important date in the history of the country. It was on that day in 1944 that King Michael overthrew the military regime of Marshal Ion Antonescu and brought the country out of the Fascist Axis.

Though the minuscule Communist Party in Rumania had nothing to do with the coup, and in fact opposed it, the Rumanian Reds have claimed credit for it ever since they took power.

This year's effort comes from a pamphlet issued by the Rumanian Embassy in Washington entitled "Aug. 23—A Glorious Page in Rumania's History."

It claims that "it was the historic mission of the party of the Communists to unite into a single stream the broad masses of the people, the political circles, all forces interested in the overthrow of the military-fascist dictatorship.'"

This is sheer poppycock.

Lest the Reds start believing their own lies, it behooves us to keep the record straight.

In 1944 conditions under which Rumania could escape the Axis were being negotiated in Cairo. Constantin Visoianu, who was to become Rumania's foreign minister and is now chairman of the Rumanian National Committee in Washington, spent months talking to the British and the Americans.

He represented King Michael and the three top parties of Rumania—National Peasant, National Liberal and Social Democrat. The three represented 95 per cent of the population.

Though nonexistent as a party, some Communists were kept informed as a gesture toward the Soviet Union.

The date for the king's move was fixed for Aug. 26. However the British and American negotiators wouldn't give their consent unless the Russians too approved. The Soviets dragged their feet. A Rumanian coup did not meet their plans. They preferred to take the country without an armistice. The Red army launched a massive offensive in the north.

The king and his advisers decided they couldn't wait any longer. They made their move ahead of schedule on Aug. 23.

Marshall Antonescu was summoned to the Royal Palace and arrested. King Michael went on the radio and ordered the army to stop fighting the Allies. A coalition government was sworn in.

Moscow was furious.

Two jittery leaders, who had been taken by surprise, Lucretiu Patrascanu and Emil Bodnaras, feared that Moscow would consider this a doublecross.

As a matter of fact Patrascanu, who became minister of justice in the subsequent cabinet, was later arrested by his fellow Communists, tried for deviation and treason, tortured until he lost his mind, and executed.

He has now been "rehabilitated" posthumously by his executioners.

When the king acted there were still considerable Nazi forces in Rumania. When they recovered from their surprise, they counterattacked and tried to capture Bucharest and arrest the king and his new cabinet.

Units of the Rumanian army stopped the Germans.

"We had armed some Communists just for this purpose," recalls Visoianu, "but there was not one in sight. They disappeared with their weapons. They kept these to use them later against their own compatriots, in order to take over the country. The Communists had no more to do with the overthrow of Antonescu than the man in the moon."

Just for the record.

BIAFRAN EMERGENCY RESOLUTION

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PELLY. Mr. Speaker, like all Americans I am deeply distressed at the daily reports of starving Biafran men, women, and children. Tens of thousands of innocent die from disease and starvation of epidemic proportions. Indeed, photographs in news magazines tear at the heartstrings of every civilized person.

Mr. Speaker, the responsibility of all nations of the world grows with the death of each man, woman, and child. We can no longer be lulled by the claim that the elimination of tens of thousands of persons is merely an internal affair. To do so would be an admitted bankruptcy of our moral courage and our humane concern for others.

The United States has, as in many other cases, pledged its cooperation in providing humanitarian assistance to these suffering people. Unfortunately, however, efforts in Addis Ababa to mediate the differences which have brought on this situation have been unsuccessful. Thus, delivery of food and medical supplies has been denied these starving people.

It is out of a feeling of genuine concern for these people, Mr. Speaker, that I join with other of my colleagues in sponsoring a resolution calling upon the President to make every effort, through the U.S. delegation to the United Nations, to bring before that body, for its consideration at the earliest possible time, the matter of developing and achieving some practical means for meeting the urgent and extraordinary humanitarian relief requirements of the needy in the Nigeria-Biafra area.

This situation demands the immediate attention of the House and I am hopeful that the sense of concern expressed in this resolution will become a reality before this Congress adjourns. Let us demonstrate our concern.

PROJECT TRANSITION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BINGHAM. Mr. Speaker, I recently became aware of the efforts the Department of Defense is making through Project Transition to prepare servicemen before they are discharged to take on productive and well-paying jobs upon their return to civilian life.

At my request, the Defense Department has prepared a memorandum on this excellent project which is set forth below.

The Defense Department should be commended for its wisdom in undertaking this activity so that men in uniform may be better equipped "to share adequately in the abundance of American life." The cooperation of American industry in providing the needed training is also commendable and welcome. The same is true of the cooperation of educational institutions and of local and State law-enforcement agencies which are also providing training. The various advantages of the program are summarized at the conclusion of the memorandum.

The Defense Department's memorandum follows:

THE DEPARTMENT OF DEFENSE TRANSITION TRAINING AND EDUCATION PROGRAM FOR RETURNING SERVICEMEN

Beginning this fiscal year over 900,000 men will be discharged from the Armed Forces. What will happen to this huge source of potential manpower?

Many men will be returning to jobs they held before entering service.

Others will desire to take immediate advantage of the GI Legislation for furthering their education.

A large number will hopefully utilize the civilian-related skills they acquired while in our Armed Forces in seeking direct employment in American business and industry, and in government service.

This enormous outpouring of men will be desirous of adjusting as quickly as possible to civilian pursuits.

But there does exist among our servicemen a significant number who entered the Armed Forces with low educational achievement or no skill. Many of these men have served in rigorous assignments in combat and combat-supported activities which did not permit furthering their education or acquiring a civilian-related skill. These young soldiers, sailors, airmen, and Marines want to become immediately productive. Many are not inclined toward college preparation. Some cannot afford protracted schooling. They want an immediate good paying job which will allow them to participate in the better things which American life can offer them.

We do know that American business and industry and labor, and indeed government, look continuously for individuals who can bring along a skill to do a job efficiently and economically.

Many of the returning servicemen will not be in a positive position to meet this kind of demand.

For this reason the Department of Defense is now seeking to provide to this group, during their last six months of service, maximum inservice training or education to bring them to the level of where they can be employed in a worthwhile job. The entrance badge of our technological society is a needed skill. The quicker many men can obtain this badge, the faster they become individually self-sufficient. What the Department of Defense has done in its program, identified as Project Transition, is to recognize this crucial fact. It is providing training or educational assistance for the servicemen who have no skill or have limited education below the high school level.

It has undertaken to do this in a unique way. It recognizes that many government agencies are charged with certain responsibilities to veterans. It also recognizes that American business and industry as well as local, state, and Federal agencies have continuous demands for trained people and can offer training to meet their varying manpower requirements. It also recognizes that the American serviceman has already acquired through his military training, responsibility, responsiveness, discipline, teamwork, a sense of orderliness and a desire to get a job done in a timely and effective manner.

The Department of Defense is asking American industry to provide to those men training, while still in uniform, in a job for which an industry has a specific requirement. What this offers is an opportunity for immediate placement upon separation, so that most of the economic adjustment problems will not even arise. It is also asking government agencies to provide their resources for this effort.

What the Defense Department has attempted to do is to serve as a catalyst. Over 65% of the men leaving the service who have six months of time remaining desire to participate in the transition program. Thus, Project Transition tries to bring all available government services and training resources of industry closer to the men prior to their separation. It does not itself duplicate these functions. It merely serves to make them more readily available to the men.

We have found from experience with the program since January of this year (1968) that the men welcome the opportunity in our counseling program to sort out the facts and options concerning their future prior to leaving the service. The counseling and training programs go hand in hand. These young men are already much concerned about their future. They want to share adequately in the abundance of American life. They have been mobile during their military service so that they are ready to consider going to a new community where a good job may be. They would like to anticipate a fresh new life. But they also know that life is competitive and many are impatient to make a good adjustment.

Project Transition provides an opportunity for these young men to think critically about their future, assess their own capabilities, and obtain an educational or skill level which can make them immediately productive.

There are four basic elements in the program.

First, the *counseling* session provides service personnel with an opportunity to sort out options for the future and to decide what skill training or education program can be pursued within the service time remaining.

Second, the *education* program offered is principally aimed at preparing to achieve the necessary levels to be awarded the high school equivalency diploma. Other individual academic courses to supplement skill training may also be taken. Paths are opened to higher education, primarily for careers in public service for many who had no idea of going to college.

Third, *skill training* is offered through three sources:

1. The Department of Defense utilizes its on-going formal school courses which are civilian-related. But these courses are only used when there are scheduled shortfalls in attendance for those who normally would be trained for military duties. In addition, the on-the-job training programs which utilize the many opportunities offered on a military base, are employed. Work in the local banks, the PX, computer machine room, welding shop and a whole variety of other occupational pursuits are made available if resources and time permit.

2. The Department of Defense utilizes the Manpower Development and Training Act resources of the Department of Labor. Project officers indicate the type of training desired and the Office of Education and the Department of Labor with state agencies arrange and manage the course offerings. In addition, some Federal agencies provide training to meet their own skill demands.

3. A major effort is being made with American industry to provide the skill training for the jobs it needs. The unique part of this program is that industry provides such training at its expense on or near a military base. A young serviceman obtains the training he desires and industry in turn gets a man trained against its own standards and requirements. These young men enter employment immediately upon discharge.

Fourth, the program offers *placement* services. Here the Department of Defense relies upon the United States Employment Services and the state agencies and upon business and industry to provide the placement opportunities. The program has found so far that the men are intensely interested in any training programs where training and placement go hand in hand. Thus, the offerings of American industry in Project Transition became particularly important. Industry training under the program is almost invariably linked with placement since companies have largely entered into the training in order to obtain good men.

The program outlined is an all-volunteer effort. Each soldier, sailor and Marine currently in the United States and all airmen at Air Force installations world-wide are given a questionnaire during their last six months of service. Those who indicate that they do not wish to reenlist are additionally questioned concerning their desire to enter into Project Transition. Between 65–70% of these men consistently express a wish to enter the program. When their decision is made, the counseling process begins to sort out their interests and their desires for education, training, and placement.

The program is administered on a highly decentralized basis. Under broad policy guidance from the Department of Defense, the base commanders are responsible for developing programs which can be accomplished within their regular mission and along the lines of the requirements of the men desiring to enter the program. The decision to release some men for a few hours of on-duty time or to conduct the bulk of the program off-duty, or by other combinations of time arrangements, is the commanders' option. The same decision applies to the use of the regular formal or on-the-job training programs of the base. The program is designed to be flexible in view of the basic mission and readiness requirements of the various commanders.

Through his project officers the commanders work out mutually agreed upon programs with industry, local, state and Federal agencies, schools, and colleges, and other agencies who desire to participate. When possible, the commander supplies facilities for outside agencies or arranges with them to utilize public or private off-post facilities furnshed by local government or business. Large companies which desire to train at several installations across the nation make initial arrangements with the Department of Defense and the individual Services then make further arrangements with the local commanders. Local and regional arrangements with business and industry are made by the base personnel.

While the program is primarily aimed at those without a civilian-related skill or with a low educational achievement, with emphasis upon those who have served in combat, attempts are made to provide some kind of service to others. These include some men who are retiring after 20 or more years of service, many of whom have served in the Infantry, Artillery, or in the Armor. In addition, there are some men who have learned skills while in service, but who, during the last six months want to upgrade those skills to meet industry standards. A quick move in this direction helps many to eliminate underemployment.

On the educational side the Department of Defense is receiving help from universities, colleges, and junior colleges in developing innovative programs for many men with leadership and other qualifications who heretofore, because of previous environmental limitations, had no thought of moving into college training. One college has offered ten credit hours toward a teaching career during the last six months of service for those interested in eventual teaching in the ghetto area of St. Louis. Twenty four men have already completed this program and this fall are entering into an on- and off-campus work study program in the St. Louis school system. Other colleges have been asked to provide other types of courses which will help these young men enter productive fields such as public service.

During the period this program has been in operation, the Department of Defense has found that it has been having a positive effect upon reenlistment. The counseling period has enabled many of these men for the first time to weigh both the opportunities of an Armed Forces career and the opportunities of civilian life in a proper perspective. When they have a clear picture of their investment in the Services, their opportunities and the prospects in areas where they would wish to return, many make affirmative judgments about a career in the Army, Navy, Air Force or Marine Corps.

The Department of Defense has worked closely with local and state law enforcement agencies in the development of law enforcement training. The City of Los Angeles developed a standard training program and the first class recently graduated from a program in which local and state personnel provided the training staff for soldiers from Fort Irwin, California. Another program is beginning at Camp Pendleton, California for Marines. It is hoped that these courses will spring up at many other sites to provide men for our law enforcement agencies throughout the nation. The Department of Defense is also working with the Justice Department in developing a training program to provide correctional personnel for Federal prisons.

Where does the program stand at the present time?

The goal of the Department of Defense is to provide an opportunity for expression of interest through the questionnaire to about 500,000 men each year. Of these men it is hoped also to provide some counseling which will help them decide about the future, make contacts concerning the use of their service-acquired skills, or receive inservice education and training in order to obtain a civilian-related skill. The Department of Defense, for this latter group, hopes to make available training or educational opportunities to approximately 150,000 men each year.

This goal will be reached provided good counseling staffs can be developed and maintained and the full resources of American industry, local, state and Federal government agencies can be brought to bear. The Department of Defense's financial contribution is largely in providing the administrative staff and counselors and some training, largely on the job, utilizing already available facilities and people. It has been relying upon the financial support of American industry and the government agencies who have regular responsibility for training and placement in order to provide the resources for these two vital activities.

Since January 1968 over 200,000 men have completed questionnaires. Over 150,000 service personnel have been counseled.

Of those who were counseled and chose to receive education or training during their last six months of service, about 13,000 have completed some training course and another 13,000 are now in training.

Of those who desire some opportunity for this education and training, 70% choose the skill training route and 30% select the path toward education. Most of the latter desire to receive a high school equivalency certificate before leaving the service.

Approximately 50 major American industries or business organizations are providing training and some 150 other smaller local and regional industries are supplying training support to the bases near their plant or business locations as well as placement opportunities. The Department of Defense intends to expand continuously this industry base.

A good amount of the training courses are heavily weighted in the direction of service-type occupations, such as automobile repairmen, TV and electronic equipment servicemen, small appliance repairmen, welders, computer technicians. The range also extends from pipefitters, draftsmen, office machine repairmen to sales representatives and law enforcement officers. These courses are responsive to interests of the men and to the needs in civilian life. No courses are offered for which there is no employment demand.

State and local agencies have provided over 80 courses for training over 800 personnel to date.

The Manpower Development and Training Act program provided skill courses for over 1500 men during the last four months of FY 68, and it is hoped that about 10,000 men can be so trained in FY 69. These courses are particularly tailored for those who would otherwise have no negotiable skill prior to their release from active duty.

During the six months in which the program has been in operation, certain conclusions may be drawn. The program:

1. Is reaching many men at a very critical point in their life when they want to build upon their recent military service in the very best way possible.

2. Is increasing the services to the veterans at a very critical time when they have some opportunity to reflect positively on what kind of aid they may desire.

3. Helps to counterbalance immediately some slippage in concern for the returning soldier, sailor, airman, or Marine at a time when attention is riveted upon other pressing problems.

4. Provides to the men while still in uniform a very meaningful expression of the public interest and concern for their immediate future in a manner heretofore not demonstrated to the returning serviceman.

5. Enables servicemen to make rational choices in a favorable decision-making climate while they still have the security of the uniform, including an opportunity to take a hard look at the realities of civilian life, weighing his goals against his own capabilities.

6. Provides an opportunity for those who would otherwise be returning to a critical urban or rural environment to make a choice for mobility and follow a good industry job to a new community.

7. Helps universities and colleges to provide innovative programs to men who may never have sought such training under the GI benefits.

8. Enables American industry to convert to immediate use a very ready, capable, and interested manpower pool through training according to its own requirements.

9. Enables the Armed Forces to offer a recruiting incentive to all prospective applicants by providing not only a career program with security, but an option for closing the loop back to civilian life with an educational or training advantage for all personnel when they leave the service at the conclusion of their military obligation.

10. Permits the Veterans' Administration, Department of Labor, Office of Education, Department of Commerce, Justice Department, as well as local and state governmental jurisdictions to give wider and more immediate support to the servicemen in the fields where they have the responsibility and capability.

11. Lays the basis for a more meaningful use of GI benefits to those individuals who most need to consider the value of these benefits.

12. Enables those who have developed or realized their leadership potential while still in uniform to give more positive expression to this capability by training in public service or other occupations where this leadership quality can be fully utilized.

13. Eliminates the possibility for some men entering the category of disadvantaged by giving them the opportunity to become immediately self-sufficient.

14. Enables many men who would otherwise spend long periods in job search or uncertain training to acquire a skill and enter immediately into the role of a positive economic contributor to American life.

PONTIAC, MICH., BUSINESS & PROFESSIONAL WOMEN'S CLUB

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mrs. GRIFFITHS. Mr. Speaker, the National Business & Professional Women's Club is a great organization which has existed in the United States for some 50 years. Historically, it is interesting to understand the motivation for the formation of each of these clubs and the things which brought them together as a national organization.

On Saturday evening, September 21, I was present at the 50th anniversary of the Pontiac, Mich., Business & Professional Women's Club. One of the members, Mrs. Margaret Cole, had done a great deal of research through the records and she reported on the history of that club. It was particularly interesting to me. Many of the women named as speakers or as members became the foremost women of the State of Michigan. They added greatly to the quality of American life. For the benefit of those who are interested in such historical organizations, I am pleased to spread Margaret Cole's remarks on the RECORD, as follows:

PONTIAC BUSINESS & PROFESSIONAL WOMEN'S CLUB, 1910–68: HISTORICAL HIGHLIGHTS PRESENTED AT GOLDEN ANNIVERSARY DINNER, SEPTEMBER 21, 1968

(By Margaret Cole)

According to Mrs. H. H. Thatcher, first President of Pontiac Business and Professional Women's Club (1918–19), the "Women were organized and classified in order to aid in war relief and the first gathering of this group in 1918 was sponsored by the government." That same year a group of business women of Saginaw entertained the business women of the state, in order "to effect the organization of the Business Women's Association of Michigan and to assist in its work."

The following June a second meeting was held with Mrs. Elizabeth Sears, of New York, representing the National Business Women's Committee. At this meeting Mrs. Grace Thatcher, of Pontiac, was appointed a delegate to the Convention of the Women's Association of Commerce of the United States to be held in St. Louis in July, 1919.

In January 1920, at a board meeting in Detroit the action of the Michigan delegation at St. Louis was ratified and it was recommended that the group join the new National Federation of Business and Professional Women's Clubs. The object of the organization was "To encourage the organization of Associations of Business and Professional Women in all parts of the State of Michigan; to promote and protect the interests of women in the professional, civic and industrial world; to become the source of information with respect to new opportunities for women, and to encourage all women to greater effort in developing efficiency in the more important activities of the world's work."

At the state meeting held in Saginaw on June 21, 1919, Mrs. Thatcher was elected Treasurer, a position to which she was reelected in 1920. Pontiac also had its first national officer when Mrs. Thatcher was elected a National Vice President at the meeting held in Flint on May 20, 1922.

The name of Ann Nusbaumer appeared as a Charter Member of the Pontiac Club. 1921 records indicate there were 58 paid members, among them Grace Heitsch, still an active member, and Jessie Brewer.

Meetings were held in the Board of Commerce where the B&PW had clubrooms. One of the early community projects undertaken by the club was that of establishing an employment agency and lounge rooms for business women in the city. Too, the club was concerned with the question of coordinating with the Girls Protective League to see what could be done to make the club rooms more useful to girls.

In 1924 the advisability of the location of an information bureau for business women and the concern for closing stores on Saturday night in Pontiac was of utmost importance.

In March of that same year, the Executive Director of the Girl Scouts was employed and B&PW Club offered the use of their clubrooms as an office for the Director. Among the programs presented that year was a message from Adah Shelly, City Librarian, telling of the needs of the City Library. George H. Gardner of the Pontiac Daily Press addressed members advocating the election of Governor Grosbeck. Among those whose names appeared as active members at this time were Vera Bassett, Gertrude Hock, Ruth Kimball (Starker) and Fritzi Stoddard. That same year members voted to raise dues from $3 to $5 and assess a 10¢ fine for unexcused absences. The Little Theater of Pontiac was supported by club interest and funds.

Scholarships were the main goal for the year 1925 and this continued to be a project that has carried on through the years. It is interesting to note that concerns at that time have but been enlarged upon today. Miss Eleanor Hutzel, Bureau of Education, State Dept. of Health, in speaking to the group reported, "there is too much criticism of the boys and girls of today and not enough understanding. One thing in which the club could use its influence is in removing from the newsstands, pamphlets of an undesirable type."

The group also participated in a "City Beautiful" contest with two types of contests, (1) Paint Up & Clean Up, (2) Lawn, Flower and Shrubs.

Mrs. George T. Hendrie invited B&PW members to the Mid-western Conference of the National Woman's Party held at her home in Bloomfield Hills. As the report indicated "located near Detroit."

The club contributed to City Hospital for a "free bed" that was being maintained by the City Federation.

Dr. Farnham spoke of the inadequacy of present hospital facilities and explained the offer of the Sisters of Mercy of Dubuque, Iowa, to build here. This was to become St. Joseph Mercy Hospital of Pontiac. The club pledged toward this effort, the money raised by individual pledges.

The club also supported the Recreation Dept's Doll and Pet Show.

As a means of increasing friendliness and good fellowship in the Club, the President, Mabel Judd, (1923–1925) suggested that each member call others by their first name.

Mrs. W. H. Collier reported on the Women's World Fair held in Chicago. Emphasis was placed upon the fact that the popular type of woman today is the one who does things.

"Preparation for War and Education for Peace" was the title of an address by Mrs. A. H. Crowell the early part of 1926 during Ann Nusbauner's presidency (1925–1927) Mrs. Crowell stressed the *Preparation for War* and stated, "That great authorities in America today are discussing the inevitability of war, that education for war will not bring peace, but, as in the planting of grain, the yield is increased many times. The solution of the problem is *love* and *cooperation*, not hate."

During this same period a Mr. Rollins of Detroit spoke on "Narcotics," the problem seemingly of great concern at that time. A report from the U.S. Treasury stated that there were a million drug addicts and that the number was increasing by a thousand daily.

In keeping with their concern for scholarships, the club purchased textbooks and supported a girl attending Oakland County Normal. Equipment was purchased for a "Well Baby Center" located in the southern part of the City and directed by the Visiting Nurses Association.

During the years that Vera Bassett served as president, (1927–1929) the club contributed to funds to help defray expenses of a Vocational Teacher in our City. In March 1928 members traveled to Rochester and helped celebrate the 1st Anniversary of the Rochester Club. Pontiac B&PW Club sponsored the organization of the club the previous year. Of interest too was the fact that members participated in the parade of the new D.U.R. (Detroit United Railway) cars.

With permission from the State President, the club entertained surrounding clubs at dinner at Stevens Hall with 98 members attending.

The location of the clubs meeting place was changed during this time and records show that the meetings were held in the First Baptist Church and in Dr. Campbell's office. Later the meeting place was again changed to the Masonic Temple club rooms, during the term of office of Harriet Ratliff (1929–1931).

It was in 1933 during Margaret Hawkins presidency (1931–1933) that Vera Bassett moved and Grace Heitsch supported, "that Pontiac B&PW take out an Associate Membership in the International Federation of Business & Professional Women's Clubs," the cost being $5.00. This action carried the support of the entire membership. During this time club members were also actively protesting House Bill 381 (a bill to prevent the employment of married women). The ensuing years found such able persons as Grace Heitsch (1933–1935) and Pauline Hammond (Brodie) (1935–1936) serving as President. Club activities included the support of the Community Chest, Library, Welfare, Visiting Nurse Ass'n., Emergency Nursery Schools and Scholarships.

In January of 1937, under the leadership of Daisy Jewett, the Pontiac Club was Incorporated. 1938 found the group recommending to the Federal Communication Commission the issuance of a radio station license to Pontiac Broadcasting Company. Again, the club backed Saturday night closing of stores in Pontiac. The Red Cross Relief Fund was also supported by the club.

The following year (1938) under the leadership of Eva Dyer (1938–1940) the club furnished the Girls Club room at the Juvenile Home, provided candy and nuts at Christmastime to Whittier School children, supported the YMCA and Community Chest as well as contributed individually to the Needlework Guild. A special money-making project that provided funds for the furnishing of the room at the Juvenile Home was that of selling evergreen trees. Members sold 1,000 trees at 10c each.

Activities supported by the club during Jane Danton's presidency (1940–1942) were the Family Service Bureau, replacing and repairing furniture at the Juvenile Home. The club wrote Rep. Clark Adams opposing a minimum wage for women. A highlight of the year was the election of Daisy Jewett to the office of Secretary of the Michigan Federation of B&PW Clubs.

The Club Bulletin was named "Listening In" during Gladys Maxwell's term of office (1942–1943) and the main project of the club was that of sending kits to the boys at Battle Creek Hospital. Pontiac Club hosted the "Cabaret Party" held at the State Convention.

In 1943, under the guidance of Thelma Sharritt, the Pontiac B&PW Club was the first service club in Pontiac to recruit and sponsor a WAC (Women's Army Corps). This was Phyllis Coutenmanche, a teacher at Eastern Jr. High School in Pontiac.

1944 found Ethlynn Peterson, President. Daisy Jewett was elected to the office of President of the Michigan Federation of B&PW Clubs; Eleanor Lockman Sec./Treasurer of District One and Pontiac celebrated the Silver Anniversary of the National Federation with Lean Lake Forest as speaker. The club supported the American Red Cross and sent yarn and wheel chairs to Percy Jones Hospital in Battle Creek. A contribution to the National Federation's Chinese Nursing Fund was also made. That year the club won the Emilia Kennedy Award for stabilizing its membership. The award was presented at the State Convention.

Projects that earned the support of the club during the years 1945–1947 while Lenore Stephens and Eleanor Lockman served as presidents included: Contributed to Oakland County United War Fund, March of Dimes, Boy's Club of Pontiac, Red Cross, and the club gave an annual subscription of "Independent Woman" to the Pontiac City Library.

Margaret Cole served as president during 1947–48 and it was during this time that the club gave $800 to the Leader Dog League for the Blind. This covered the purchase of a leader dog, training of dog and training of the handicapped person to whom the dog was given. The club joined the list of Needlework Guild Contributors. A letter received from Michigan State Governor Kim Sigler stated in part, "your theme, 'We Face Tomorrow' is an example of the realism, combined with the idealism which makes the B&PW Federation a potent force."

October 1948, Pontiac B&PW Club witnessed the chartering of the Keego Harbor B&PW Club, with Eloise Varion (Riley) serving as President of Pontiac (1948–49).

Plans for a Civic Auditorium in Pontiac were being formulated and the Club supported this project along with presenting an exhibit of Harmon Foundation Portraits of famous Americans of Negro origin, during 1949–1950 when Hazel McGirr served as president.

180 members and guests attended the an-

nual guest night dinner at Stevens Hall in April of 1950 at which time Dr. H. Marvin Pollard of the University of Michigan Medical School spoke. Oakland County Medical Society and other community service clubs were guests at this meeting. Serving as president during 1950–1951 was Josephine Seeley.

The club continued to carry on its community projects during the presidencies of Harriet Gates (1951–52) and Mary Mitchell (1952–54). In December 1952 Pontiac B&PW Club announced the purchase of its third leader dog. This dog went to a young Pontiac mother who was referred to the club by the League of the Blind. In 1953 packages were sent to the American Consulate General for Youth Reconstruction and Self Help Organization. These packages of clothing were sent to Korea. It was interesting to note that at this time Fritzi Stoddard closed her shop and as the article in the Pontiac Press stated at that time, "after 40 years of bringing chic to the City."

A resolution appeared in the Michigan Business Woman's Bulletin in Sept. of 1954 upon the death of Ann Nusbaumer as well as an editorial in the Pontiac Press on Oct. 2, 1954. Both stated that Ann was the last active charter member of the Pontiac B&PW Club. In October of that same year Pontiac Club members were again saddened by the the death of Daisy Jewett. The club contributed toward the new home of the National Federation in their memory. Serving as president of the club at this time was Kay McPherson (McKenzie).

On April 9, 1955 members were happy to congratulate Mr. & Mrs. H. H. Thatcher on the occasion of their 65th wedding anniversary. To the list of community projects that the club continued to support during the presidency of Dee Salton (Nichols) (1955–57) were a $200. contribution to Girls Ranch and the placing of two roadmarkers to the entrance of the City. (These were B&PW Club Emblems.) During this time Pontiac had three District 10 Committee chairmen: Jane Danton, Cancer Fund, Eva Dyer, Parliamentarian and Margaret Cole, Membership.

Proceeds from a Bridal Fashion Show were given toward the Civic Auditorium Fund during Ora Randall (Derbyshire) presidency (1957–1959) and the club gave $150 to the Leader Dog for the Blind in the name of Nolan Kaiser. A life membership in the club was given to Mary Todd at this time.

Members participated in the Greater Pontiac Centennial celebration while Rosamond Haeberle served as president (1959–1961) and the club held a 40th Anniversary party at Devon Gables, 1959 being the 40th Anniversary year of the National Federation. Virginia Allen, Past State President and present Membership Chairman of the National Federation delivered the main address.

Although Mrs. Thatcher was unable to attend because of ill health, she sent greetings. The club gave a scholarship to Oakland University to Sandra Lemon of West Bloomfield in keeping with their scholarship interest and President Rosamond Haeberle was elected Secretary of District 10 of the Michigan Federation and Ann Stapp served as District Membership Chairman.

The Pontiac Symphony Orchestra was among the many community projects that the club participated in during the time that Anne Stapp (McGuire) was president (1961–1962) of the Pontiac Club.

Serving faithfully during 1962–1964 was Rose McDonald and during this time a scholarship was presented to a Pontiac High School senior to attend the University of Michigan's School of Nursing.

A room at Pontiac General Hospital was furnished by funds contributed by the Pontiac B&PW Club during the period 1964–1966 when Margaret Cole was returned to the office of President. It is interesting to note that installing the officers at that time was Past National President Marion McClench who is with us tonight. Your president also served as Secretary of the Michigan Federation's Revolving Cancer Fund and was one of 10 women in Michigan selected to attend a briefing of the NASA Project at Cape Kennedy in Sept. 1965. As a result of this briefing, the State Personal Development Committee held a conference (Women in the Space Age) at Oakland University on April 2, 1966 with Margaret Cole serving as chairman. Members of the Pontiac Club served as hostesses. (I might add that our speaker tonight, The Hon. Martha Griffiths, was one of the outstanding panelists at that conference).

It was in April of 1965, that Rosamond Haeberle was elected Director of District 10 and Amy Carlson, Anne Stapp McGuire and Helen Kinney served as committee chairmen.

During the past years (1967–1968) community interest was directed toward the support of activities of Pontiac's YWCA and our President, Lucinda Wyckoff, served as a member of the Board of Directors of the YWCA.

Thus far this year, President Helen Kinney, has been actively engaged in local activities and has served as chairman of the Michigan Breakfast at the National Convention. Certainly one of the highlights will be recorded as the Golden Anniversary of the Pontiac Business and Professional Women's Club (1919–1968) that we are celebrating tonight.

I cannot conclude this sketch of history of the Pontiac Business & Professional Women's Club without paying special tribute to our *oldest living* member who during the years has given so very much to each and every one of us, not only of herself but of her beautiful philosophy of life. Mary Todd, who celebrated her 99th birthday on May 13th. I wish to extend congratulations to the club on her behalf.

HIGHWAY CUTS IMPROPERLY APPLIED TO GENERAL REDUCTION IN BUDGET

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MESKILL. Mr. Speaker, by including $200 million in Federal highway aid reductions in the $3.5 billion budget reduction figure, the Johnson-Humphrey administration is trying to fool the public—as usual.

The highway program has nothing to do with the regular Federal budget. It is paid for by the special highway trust fund. This fund receives the gasoline and other motor vehicle taxes we pay and they are earmarked solely for highway uses.

Not only is it false bookkeeping to claim these cuts as part of general budget reductions, the highway cuts themselves are unwarranted. These cuts will delay the completion of safe highways. This is at a time when 90 million vehicles are crowding the existing roads.

It is shameful that the Johnson-Humphrey administration would gamble with public safety while claiming this is part of prudence in Government. It is shameful, but I guess it has to be added to the long list of other attempts to fool the American people, all of which adds up to the infamous "credibility gap."

THE 15TH ANNUAL RED MASS OF THE ARCHDIOCESE OF DUBUQUE, IOWA—SERMON BY FATHER GERALD SHEKLETON OF DUBUQUE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CULVER. Mr. Speaker, I recently had the opportunity to attend the annual red mass of the Archdiocese of Dubuque, held this year at St. Mary's Church in Waverly, Iowa. For the past 15 years, this mass has been said every year for members of the legal profession in northeast Iowa.

But as the celebrant of the mass, Father Gerald Shekleton, of Dubuque, said in his sermon that day, this year the special mass takes on added significance "as disrespect for the legal threads of our society's existence have torn their cohesive bonds asunder."

Father Shekleton noted "The age-old moral dilemma with which every healthy society must come to terms" as the heart of our present problems in this country today—"drawing the fine line between the function of government and the obligation of the citizen to himself and to his country."

He said:

> Vigorous democracy must preserve the proper balance between the duties of government and the responsibility of its citizens. When one is exaggerated at the expense of the other, the balance is lost, society suffers.

Mr. Speaker, at this critical period in our national history, I think that Father Shekleton's remarks have equal relevance for us, as legislators, as they do for the lawyers and judges of northeast Iowa. I commend his comments to my colleagues in the House, and under unanimous consent include them at this point in the RECORD:

> In the Providence of God the Archbishop of Dubuque, together with a group of his clergy, the distinguished members of the Bar and Bench, guests of the Archdiocesan Lawyers Guild, members of St. Mary's parish in Waverly, the People of God, are gathered around the altar of the Lord to beg the blessings and guidance of the Holy Spirit in this annual Red Mass.
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> Today, Sunday, September 15, 1968, marks the 15th time this special Mass has been offered in the Archdiocese of Dubuque and all of us express public thanks to God for the many graces granted to the legal profession here in Northeast Iowa these past 15 years. Again this year we repeat the prayer priests recite today in their breviary: "Holy Spirit, one with the Father and the Son, deign at this hour to come down on us without delay, and pour out your graces over our soul."
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> May I be permitted a personal note? My home town is not far from here. It is Greene in Butler County. One of Iowa's most distinguished members of the bench is Judge Henry Graven, a fellow townsman of mine who is present with us today. I recall so well back in the 30's when rumor had it Attorney Graven was being considered for a federal judgeship. Naturally we were delighted, and when the choice was made public the town of Greene took on a new luster and stature.
>
> Happily, over the years Judge Graven has acquitted himself well. He has brought new dignity and respect for the body of law.

And we salute him for his great contributions, not only to our community, but to the state and country.

Today, also, we salute all the members of the legal profession. We look upon you as the great defenders of justice, protectors of our liberty and spokesmen for what is right.

The importance and significance of the Red Mass in these delicate days cannot be minimized. A quick glance of the events, just in our country, in the past twelve months, reveals the rapid unravelling of the very fabric of our society as disrespect for the legal threads of its existence have torn their cohesive bonds asunder. Only last week we learned with regret that major crime in this country has taken a sharp turn upward, an increase of 16 per cent in one year. Serious crimes increased 89 per cent between 1960 and 1967, while violent crimes have gone up 73 per cent so far in the 60's.

These are days of crucial concern for every American. The waves of rioting, burning, and looting, the take over of administration buildings and imprisonment of officials at our colleges and universities, the open counseling of our youth to ignore and violate laws are leading to such a complete disregard and disrespect for the law that the very foundations of our democratic way of life are being undermined. Without law and order, we face complete anarchy.

At the heart of the problem is an age-old moral dilemma with which every healthy society must come to terms. It is that of balancing the rights of the individual against the good of society as a whole; drawing the fine line between the function of government and the obligation of the citizen to himself and to his country.

As lawyers you have heard it said so often that a stable, vigorous democracy must preserve the proper balance between the duties of government and the responsibilities of its citizens. When one is exaggerated at the expense of the other, the balance is lost, society suffers.

Today we are losing our perspective in the proper role of government in relation to the individual. Too many of us confuse the desire for something with the right to something. There are certain rights in a free democracy which are the function of government to guarantee and protect.

But there are other so-called rights, about which we hear a great deal lately, which are not really rights at all. They have taken on an aura of credence of rights because of the myths surrounding them. In the process of perpetuating these myths, genuine rights such as the right of the majority to freedom from fear, to protection by the law, and to the freedom to choose, have been so twisted and degraded that the true meaning of real rights has been obscured and mocked.

It is becoming increasingly fashionable today to justify almost anything by calling it a right. It is your duty, as well as mine, to see that the eternally true values of our civilization are not swept away by the torrent that now engulfs us.

Speaking in 1895 in Chicago Archbishop John Ireland of St. Paul remarked, "Law is order in liberty, and without order liberty is social chaos. The highest test of a people's fitness for free institutions is their willingness to obey law."

Violence and destruction is nothing new to America. Our history is filled with it. In the past by demanding respect for law and order we have turned back violence and restored peace and tranquility. We must do it again.

But the recent wave of civil disobedience and other infractions of law, point out so forcefully that all these antics are so contrary to the great traditions left us by the founders of this republic. Our greatest fear today is that this new massive wave of disrespect for law and authority will not only undermine the institutions of our free society, but lead us down the road to social suicide.

History teaches us that law and order is the greatest bulwark of individual liberty. It defines and protects every man's individual rights, but it also imposes individual responsibility on every man to respect and recognize the individual rights of others. When law ceases to function, tyranny begins.

Violence and disrespect for law and authority is not confined to America. We witness it in every corner of the world, in every strata of society, by individuals, groups and entire nations. Law, we know, can unfortunately be a tool of violence in the hands of the powerful against the weak, especially so when the basic rights of men are overrun.

Speaking to the graduating class of Princeton University in 1835 the forceful Judge Wm. Gaston of North Carolina, who was the founder of the Supreme Court of that state, said, "Rebellion against the law is in the nature of treason. The law deserves our obedience, it alone can reconcile the jarring interests of all and blend into one harmonious union the discordant materials of which society is composed."

We hear a great deal these days about uniting political parties. We should talk more about uniting America.

Reform and renewal is not limited to the Church. Every facet of our society is experiencing change. Some call it revolution. People are developing new values.

Reform any and every structure you desire, but they will all remain ineffective unless minds and attitudes are shown the worth of true values, and made to act in accordance with those values.

I'm afraid there is a *hesitancy* among us today to speak about the dignity of law. The American Way of justice still stresses individual liberty. It is this precious legal system which guarantees free speech, free choice of religion, free movement, free press, free trial, free choice of employment, yes, free men.

If these are days of uncertainty, and insecurity, they are also days of hope and confidence. These are days when we look with courage to the noble men of the legal profession to be the real leaders in bringing back the respect and dignity that is due the law. It should be repeated here that respect for law results only when persons understand the law and when persons feel that the law is fair and that the law itself respects all persons, regardless of race, color or creed.

In asking you to create a new era of respect for law I would remind you that law partakes in the nature of the holy. Judge and lawyer must never overlook this aspect of legal statutes. The holiness of law has been recognized by men in so many ways.

Moses legislated for his people only after conversing with God. In the psalms judges are divinely addressed in these words: "Gods you are, I myself have declared it; favored children, everyone of you, of the most High."

Judges and barristers should be holy men. Their profession demands it. They dispense justice and justice is the proper virtue of God.

There is still another virtue so closely identified with men of the bar and bench, a virtue which we need to hear more of in this age of pervasive anxiety. It is wisdom. Alfred Lord Tennyson wrote that "knowledge comes, but wisdom lingers." True wisdom, of which the world now is desperately in need, can be found only in the light of Christ atop the mountain.

Here at this Red Mass you renew your dedication to holiness, reason and wisdom. And you do so in the presence of your God.

The scales of justice are delicately balanced. It doesn't take much to throw them off. Men must respect law and order, but law and order must also respect men.

Today with St. Paul I say, I stand before the Father from "whom every family in heaven and on earth takes its name; and I pray that He will bestow on you gifts corresponding to the richness of His glory. May He strengthen your inner selves with power through His Spirit. May Christ dwell in your hearts through faith; and may love be the root and foundation of your life."

We pray God that He will make your hands, steady, enlighten your minds, strengthen your hearts, to make pure and reasonable judgments.

It is for us now to ask the Holy Spirit to "banish all trouble of mind, to bestow health and to give the good blessings of everlasting peace.

"May the blessed God, whose glory resounds through all creation, Father, Son, and likewise the Holy Spirit, grant us this. Amen."

NATIONAL HIGHWAY WEEK PROCLAIMED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CORMAN. Mr. Speaker, National Highway Week has been proclaimed by the President of the United States for September 22 to 28, 1968. There is no more important contribution to our way of life than our highways, and this proclamation is a most fitting tribute to our highway program.

Every facet of our daily life is tied to our highway system. No phase of our life—whether it be our economy, jobs, community, or cultural, recreational or educational pursuits—is carried on without use of highways. The network binds us together as a nation. The movement of people and goods, which are the mainstay of this country's growth and development, cannot exist without the arteries of the roads we have developed throughout this country.

In my own State of California the movement of people and goods is particularly dependent on good highways. California has continuing programs to finance, build, and maintain both its freeways and State highways and the essential city streets and country roads. In developing these necessary highways, California has in the past and continues to lead the world in the use of the latest techniques in design and construction, as well as in operation and maintenance. Continued study and research are leading to more effective route locations, more efficient estimates of traffic flow, better design, and as a result, better service to highway users and the community.

In the same vein, the Federal Government is continually studying and researching for ways to perfect the entire highway system, for we must have a developmental program to meet the needs of an ever-changing society. As our population centers expand, the need for expanded highways becomes essential. Every level of government has the responsibility to continue its efforts to create a system that will meet not only the needs of every American, but will protect the communities through which these highways pass. In effect, our highway system must serve the people and the community.

National Highway Week gives recognition to the gains of the highway system in the United States, and rightfully so. The attendant problems and solutions to them must also command our attention. It is a time for pride and for reflection. As President Johnson's proclamation stated:

> The Federal government is concerned both with improving the quality of highway transportation and with achieving the social good that is implicit in our highway program.

THE ULTIMATE FOLLY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HALPERN. Mr. Speaker, seldom before in our history has the madness and folly of war been more tragically illustrated than in Vietnam.

For 5 long years we have fought in that distant land and 25,000 of our finest young men have died, our wounded number in excess of 170,000, another 2,000 more are either missing or captured by those whom we war against. And in this same and tragic period of time, this Nation of ours has spent untold billions of dollars, not to build or to create, but to destroy and to lay waste a land and a people.

And for what reason? Can this administration tell us why we are in Vietnam? What, I ask, in the name of reason justifies our having 500,000 American young men 12,000 miles away from home?

The late Gen. Douglas MacArthur warned us that "Men will not fight and die without knowing what they are fighting and dying for." But in Vietnam, men are both fighting and dying, without really knowing the reason why.

The President has promised us peace, but there is no peace, only more war and more killing and more wounded and more billions being wasted in a conflict that has morally weakened our posture among the community of nations.

The President has pleaded for patriotism without ever having told us what he really considers patriotism to be; he has both acted and reacted in this conflict without ever feeling any need to explain why or for what reason; in virtually all matters relating to the war he has acted as a man more concerned with his place in history, than with seeking a just and honorable end to the hostilities.

Through all of this the madness and folly goes on and no one either can or will tell us how or when or by what means it will end.

The people have grown weary of the struggle, for it has gone on for so long; and the deaths are so many; and the money wasted so great; and the lies and distortions and half-truths so numerous, that the people seek some kind of escape from the reality of this grievous tragedy. And who can blame them?

We must not—however awful its reality—forget about Vietnam and those who fight and bleed and die there, for if we do, we will have fallen victim to the same terrible malady that has laid this administration so low, a malady which forgets that soldiers and marines and sailors, are persons, too.

Victor Gollancz, in his book, "From Darkness to Light," has written:

> We shall never stop war, whatever machinery we may devise, until we have learned to think always, with a sort of desperate urgency and at utter self-identification, of single human beings.

It is this fear, the fear that we will forget, that those who fight in Vietnam are not one great faceless mass, but that they are in fact men with families and friends and loved ones; with careers planned and others interrupted and still others never again to be regained, that leads me to join with my distinguished colleague, the Honorable WILLIAM MOORHEAD, of Pennsylvania, in asking that this Government begin to disengage itself from Vietnam by commencing to bring the troops home.

I am well aware that there are no simple solutions to the tragedy of Vietnam, but I also know that it can go on forever, unless we begin now, to put a stop to it, for there must be a point of beginning.

General Eisenhower once told the noted author John Gunther that "I hate war as only a soldier who has lived it can, only as one who has seen its brutality, its futility, its stupidity."

I, too, hate war and all that it involves, but more particularly Vietnam, for it is the ultimate folly. Let us then, now, resolve to put an end to it, once and for all time.

CONTINUE INSISTENT MOVES FOR PEACE

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PHILBIN. Mr. Speaker, I supported the minority report of the convention platform committee on Vietnam and Asia.

The proposal to stop bombing over North Vietnam, while continuing to provide all necessary air support and other support of American troops in the expectation of restraint and reasonable response from Hanoi is designed to spark early peace.

Over a period of time now this Government has ordered several bombing halts or reduced bombing in an effort to induce Hanoi to negotiate the peace in good faith. But there has been no real, significant response to date.

Our Armed Forces have also avoided striking at large population centers in Vietnam, although there are many so-called military target areas therein where military supplies of all kinds flow in a steady stream to permit deadly attacks upon American boys, our allies, and the indigenous population.

I have voted for a plan to favor an international presence in Vietnam to represent the world community with responsibility and authority: First, to assist in and assure the conduct of a free election; second, to assure the protection of all minorities against reprisal; third, to make arrangements and to supervise the earliest possible withdrawal of all outside military forces from Vietnam, consistent with the safety of our troops, wards, and the helpless peoples of the areas; and fourth, to facilitate the transition from war to peace.

These provisions would foster self-determination for the people of South Vietnam through free elections, so that the Government of South Vietnam can be chosen democratically by the people, and to provide free election results, full freedom for all political groups in South Vietnam, and opportunity for them to present their candidates and programs.

To my mind, this plan would continue to carry out, and would clarify in some respects, the observations and efforts for cessation of hostilities and campaigns for the establishment of peace that our Government has been conducting for some period of time without appreciable response from Hanoi.

In my estimation, this is no time for us to engage in semantics or quibble over language. The aim is peace at the earliest time, and I hope that Hanoi and the Soviet Union, and all other parties involved, will soon make up their minds to bargain in good faith at the peace conference, and in every other way, to end the fighting and agree upon a suitable peace.

We must keep in mind that up to this time the cessation of bombing over wide strategic areas in Vietnam has not been effective in securing a sincere response from Hanoi that would move toward a real truce and sincere bargaining for peace. Meanwhile, the enemy is steadily improving his striking power and strategic position and posing fresh threats of death or serious injury to American boys and our allies.

We have repeatedly and insistently held out the olive branch of peace but, in fact, it has not been accepted by the enemy.

It is a serious question how long we could continue to stop bombing and other military operations, while the enemy maintains a stony silence to our appeals and moves for honest negotiations and peace.

How long can we wait without bringing more death and destruction to our heroic boys and those fighting gallantly with them to resist ruthless aggression and make enduring peace? How can we arrange a truce to discuss cessation of hostilities and terms of withdrawal and pacification so long as the enemy will not even answer our appeals and affirmative acts to stop the fighting?

In any event let us keep trying with all our hearts.

A PLEA TO PARTICIPATE IN DEMOCRACY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BRADEMAS. Mr. Speaker, because I believe strongly, as I am sure every

Member of this House does, that it is important to encourage the widest possible participation in the workings of our democratic system, I am sending to the citizens of my district, without regard to their political affiliation or preference, the following message to encourage them to be sure to register and to vote in the forthcoming elections.

The message follows:

YOU CAN'T VOTE IF YOU'RE NOT REGISTERED

SEPTEMBER, 1968.

DEAR FRIEND: The freedom that we cherish in America depends on you, the individual citizen, and on your participation in our democracy.

Yet millions of Americans fail to register and vote for those who represent them in government at every level.

Whether you are a Democrat, Republican or Independent, be sure you are registered to vote. How you vote is your business, but be sure to vote!

The last day you can register is Monday, October 7.

If you are not yet registered, I urge you to do so at your county courthouse or with any legally authorized registration agent.

Sincerely,

JOHN BRADEMAS,
Member of Congress.

To be eligible to vote: 21 years of age on or before November 5, 1968. United States Citizen. Six months residence in Indiana. Sixty days residence in the township. Thirty days residence in the precinct.

Registration deadline: October 7, 1968.

Cautionary note: If you have moved within the same city, you can transfer your registration by notifying the Voter Registration Office in your county.

WHERE TO REGISTER

St. Joseh County: Bureau of Voter's Registration, Room 24, Courthouse, South Bend—Tel: 233-9307, Hours: Mon. thru Fri., 8:00 a.m to 4:30 pm.

Kosciusko County: Clerk's Office, County Courthouse, Warsaw—Tel: 267-5371. Hours: Mon. thru Fri., 8:00 am to 4:00 pm. Sat. 8:00 am to 12 Noon.

Marshall County: County Clerk's Office, Plymouth—Tel: 936-3520 or 936-3359. Hours: Mon. thru Fri. 8:00 am to 4:00 pm, Sat. 8:00 am to 12 Noon.

Elkhart County: County Courthouse, Main & Lincoln Streets, Goshen—Tel: 533-4610, Hours: Mon. thru Sat. 8:00 am to 4:00 pm. Closed Wed. & Sat. afternoons.

Municipal Building, Registration Office, 219 S. Second Street, Elkhart—Tel: 523-2144. Hours: Mon. thru Sat. 11 a.m to 6:00 pm.

NOTE: In each county you also can register with your precinct committeeman or woman, town clerk, or any other deputized registration agent.

You must register in person.

Any registered voter may send right now for his absentee ballot. Last day for making application for absentee ballot is November 2, 1968.

COLUMBUS LODGE NO. 2143 AN OUTSTANDING ORGANIZATION

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. GROVER. Mr. Speaker, Columbus Day, with its exciting historical implications for all Americans, will have even deeper meaning to all in 1968, for the Congress has passed into law a long-awaited move to make Columbus Day a national holiday beginning in the year 1970.

This comes as proud news to all the wonderful Americans of Italian descent in the Second Congressional District of New York, and perhaps more so to the members of one of our country's largest, most dynamic and successful, community-minded and productive fraternal lodges in the United States.

I refer to Columbus Lodge No. 2143, Massapequa, N.Y., of the Sons of Italy in America, and to honor them and the memory of Christopher Columbus, I am pleased to submit for the RECORD a short history of this great lodge.

HISTORY OF THE FORMATION OF COLUMBUS LODGE NO. 2143, MASSAPEQUA, N.Y., OF THE ORDER SONS OF ITALY IN AMERICA

(By Dominic Baranello, Ex-Venerable)

Approximately five years ago, a small group of persons of Italian heritage were discussing the national coverage by press, radio and television which were creating a distorted image of Italian-Americans as being associated with crime and violence. We believed that there should be an organized group who would promulgate and emphasize the sterling qualities of Americans of Italian origin who constitute one of the most wholesome segments of Italian life. We know that they are peaceful, law-abiding and useful citizens, making a heroic contribution to the greatness of America, in sharp contrast to the small coterie of individuals whose misdeeds have been recited, chapter and verse, across the length and breadth of our country. We were of the opinion that America is great because it consists of a combination of the best qualities of all ethnic groups. We, who have been brought up in the pleasant homes of our parents, who were Americans of Italian origin, know of the splendid qualities which are innate in persons of Italian heritage, such as wholesomeness, family pride, industriousness and a determination to inculcate into the minds of their children ideals of service so as to become splendid American citizens.

Accordingly, we reviewed the ideals and aspirations of several organizations, and it was the opinion of our group that the Order Sons of Italy in America, which is a nation-wide organization of many years standing devoted to the principles of a belief in God, of Liberty, Equality and Fraternity, and to the Constitution of the United States of America, conformed to the ideals and aspirations of our proposed membership.

Various meetings were held with prominent citizens of our community in attendance, in order to develop a procedure to apply for a Charter from the Grand Lodge of the State of New York. Great assistance was rendered to us in this formative period by Joseph Nigro, Supreme Trustee: Carmine Cocchiola, Chairman of the Grand Lodge Nominating Committee; Honorable Carmine A. Ventiera, Ex-Grand Venerable of the State of New York; Gregorio Morabito, Grand Recording Secretary, and many other members of the Order.

Election of officers was held on December 4, 1963, and the following members were elected, unanimously: Venerable, P. Vincent Landi; Assistant Venerable, Angelo Roncallo; Ex-Venerable, Dominic Baranello; Orator, Gaetano Sanzone; Financial Secretary, Louis Agresta; Corresponding Secretary, Vincent J. Floriani; Treasurer, Felix Alfino; Trustees, John Musicaro, Frank Tucci, Anthony Corso, Frank Badame, Anthony Romanelli; Masters of Ceremonies, Frank DiDomenico, Joseph Cali; Sentinel, Edward Caliguri; Chaplain, Angelo Lavoro.

Application was thereafter made to the Supreme Council of the Supreme Lodge of the Order Sons of Italy in America, after recommendation and approval of the Grand Executive Council of the State of New York, by Dominic Baranello, Angelo Roncallo and P. Vincent Ladi, for a Charter to constitute a Subordinate Lodge in Massapequa, New York, under the title of Columbus Lodge #2143. Said application was granted, and the Charter was duly issued on December 12, 1963, having been signed by John Ottaviano, Jr., as Supreme Venerable; Modest Mele, Supreme Recording Secretary; Peter A. Brevett, Grand Venerable of the State of New York, and Gregorio Morabito, Grand Recording Secretary of the State of New York.

Columbus Lodge #2143 was installed at an elaborate ceremony on February 16, 1964, and approximately 300 persons initiated as members. Many officials of the Order attended and participated in the ceremony of initiation. The Sponsoring Lodge was Loggia Glen Cove #1016 of Glen Cove, New York, of which Angelo Zuccallo was the Venerable. Honorable Carmine A. Ventiera, Ex-Grand Venerable, presided, and Supreme Trustee Joseph Nigro acted as Herald.

Among the speakers who congratulated the Lodge were: Honorable Francis X. Giaccone, Ex-Grand Venerable and New York State Commissioner of Human Rights; Hon. Joseph F. Carlino, Speaker of the New York State Assembly; Honorable Joseph A. Suozzi, Justice of the Supreme Court of the State of New York; Hon. Carmine A. Ventiera, Administrative Judge of the Civil Court of the City of New York and Ex-Grand Venerable; Joseph Nigro, Supreme Trustee; Carmine Cocchiola, Chairman of the Nominating Committee; Angelo Zucallo, Venerable of the Sponsoring Lodge, and many other State, County and Order Sons of Italy in America officials.

The Lodge has acquired the following committees to conduct its various activities:

Anti-Defamation, Armed Forces Welfare, Bingo, Blood Bank, Bond, Bowling, Building, By-Laws, Columbus Day Parade, Community Welfare, Credit Union, Entertainment, Hospitality, House Committee, Insurance, Journal Committee, Lapsation, Man of the Year, Membership, Memorials, Orientation of New Members, Program, Public Relations, Raffle, Scholarship, Sports Activities, Visitation to Lodges, Welfare and Youth Activities.

The Lodge has purchased a building to be used by the members, which at present has a value of approximately $250,000. A great deal of alterations to the building have been made by the voluntary labor of our members. A portion of the building is being used by various charitable organizations, such as, senior citizens, youth activities, blood bank and bingo. The Building Committee, of which Frank Tucci and Julius Mattei are co-chairmen, has shown tremendous initiative in their plans for the buildng, the home of our Lodge. At least once a year, the Chairman of the Scholarship Committee arranges for an activities counsel lecture for high school students planning to attend college and also for the awarding of scholarship grants at the graduation exercises of our local high schools.

Each year a Man of the Year is selected, based upon his outstanding contribution to the community and to the Order. Since the inception of our Lodge, the following have been selected as our Men of the Year and have been suitably honored. Those selected were Raymond J. Lockhart, Supt. of Schools, Massapequa; Hon. John Volpe, Gov. of the Commonwealth of Massachusetts; and the Hon. Fortune Pope, Businessman and Editor of the newspaper, "Il Progresso".

The Lodge has received the splendid cooperation of our ladies who hold regular meetings to assist our Building Fund. One of the exciting features of our Lodge is our newspaper, known as the "Navigator", which is published monthly. Its first editor was

Alfonso Muscillo and its present editor is Frank DiDomenico. They both were very diligent in developing the Navigator and it is now being published on a self-supporting

Together with other lodges on Long Island, Columbus Day parades have been arranged

basis.

which have been a tremendous success. In some instances, as many as thirty bands have participated in the parades.

Our Lodge sponsored the formation of the Enrico Fermi Lodge of Freeport, which now has approximately 300 members and the William Paca Lodge, Lindenhurst, which presently has approximately 250 members. Prospective candidates are carefully screened by the Membership Committee prior to initiation. The present membership of our Lodge is approximately 1400 members. Our Lodge has been honored by the election at the Grand Convention of our Order of P. Vincent Landi as First Asst. Grand Venerable and Alfonso Muscillo as Grand Trustee.

The great progress of Columbus Lodge is due to the enthusiasm and cooperation of the membership and the entire Massapequa community. With God's help, we shall continue to progress during the ensuing year.

THE SOVIETS AIM AT GERMANY

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WATSON. Mr. Speaker, the administration apparently believes in the old adage that "silence is golden," because silence is the only way to describe the State Department's reaction to the events leading up to the Soviet invasion of Czechoslovakia.

In a statement earlier this week, I pointed out that American intelligence sources must have known in advance of the invasion of Czechoslovakia and yet the public was not informed of this aggressive act until it had been virtually accomplished.

Now that the Kremlin is once again putting the pressure on West Germany it leads one to wonder if the administration will adopt an attitude of see no evil, hear no evil, or speak no evil in the event our ally, West Germany, is invaded.

Certainly, such an invasion looms as a distinct possibility, and the American people have a right to know what steps the White House is taking to prevent such an operation.

Mr. Speaker, in a recent article, my good friend, the distinguished journalist, Anthony Harrigan, described the intent of the Soviet Union in this latest power play. His analysis is not only highly perceptive and timely, but Mr. Harrigan also offers positive alternatives available to our Government in the event the Soviets decide to commit aggression in West Germany. I include the article as a part of my remarks, as follows:

THE SOVIETS AIM AT GERMANY

(By Anthony Harrigan)

While press reports dealing with the invasion of Czechoslovakia have emphasized Soviet ruthlessness and Czech misery and despair, the real meaning of the occupation may have escaped both news media commentators and the general public. It is increasingly clear that the massive Soviet troop movement should be seen as a far-ranging and daring scheme to further alter the power balance in Europe and to intimidate and demoralize West Germany.

The most significant fact in the Czech situation is not that the Czech version of communism has been crushed by the USSR but that the Soviet regime has shifted a tremendous portion of its armed forces to the West and is now poised for a massive confrontation with the NATO countries, with the apparent aim of neutralizing the Federal Republic of Germany.

Had the Kremlin been solely concerned with bringing the Czechs back into line, it could have accomplished its goal with only a modest display of armed force—one airborne division sent to Prague, for example. Instead, the Soviets shifted an estimated 650,000 troops, or 40 divisions. This amounts to almost one-third of the Soviet Army, a massive deployment that indicates commitments to a military-political objective of major proportions.

Soviet divisions formerly stationed in Iron Curtain countries, and sent into Czechoslovakia, have been replaced in their satellite bases by fresh troops from the USSR.

This is a troop movement on the order of World War II battle operations, and obviously required months of preparation and logistics planning. It is reasonable to conclude this huge, costly operation had its inception as far back as the 1966 Warsaw Pact "October Storm" maneuvers when the Red Army practiced long-range troop deployments from the Soviet heartland.

After focusing almost entirely on the tragedy of the Czech people, European observers are waking now to the strategic significance of the invasion. Lajos Lederer, a British commentator writing from Belgrade, reports that "Yugoslav military intelligence experts believe that the Soviet reinforcements of 30 to 40 divisions are not deployed across the Carpathian Mountains into the Danube Valley simply to intimidate the Czechoslovak resistance."

The real attempt at coercion seems aimed at the Germans, Dr. Kurt Kiesinger, the German Chancellor, had no sooner protested the Soviet invasion than Moscow Radio broadcast a saber-rattling statement, saying Kiesinger's remarks "can be interpreted as a declaration of war, and the necessary consequences will be drawn from this fact in Eastern Europe."

This statement underscores the Soviet intention to use its massive new power in Central Europe to exert psychological pressure against the Germans in an effort to demoralize them so that they will break away from the West.

While there is no evidence of a failure of nerve in Germany, the NATO situation suddenly is critical. Before the Czech invasion, the Soviets had only 20 divisions deployed against Germany. Now they have 40. Moreover, for the first time since the end of World War II, Soviet troops have taken up positions on the Czechoslovak-German border. NATO faces this threat with only 24 divisions.

Dr. John Erickson of Edinburgh University, a specialist in Soviet military affairs, has concisely stated the significance of the Soviet deployment:

"The disastrous consequence of the affair is that the new Soviet posture which results from it, makes Central Europe a much more dangerous place. Russian and German-American forces which were probably several days separate from each other, could now come into an explosive contact within a few hours."

What the Soviets have done is adopt a forward strategy in Central Europe. They have moved a massive ground army into frontline positions. It would be absurd, after the fact of the invasion of Czechoslovakia, to imagine that this huge military force henceforth will only be used in bluffing operations. The indications are that Soviet military thinking envisions other invasions in Central Europe and does not exclude a limited ground operation against West German territory.

The Soviets may be convinced that the United States would not use either tactical or strategic nuclear weapons in defense of West Germany, and lacks the ground forces to successfully counter a conventional Soviet advance against West Germany, for example.

As in so many other phases of defense thinking, the United States and its NATO allies have mistakenly assumed that the Soviets would exercise restraint if they were not provoked. One assumption was that the Soviets would *not* adopt a forward strategy, that they would progressively cut back on the size of their ground forces in Eastern Europe. Suddenly, however, the Soviets have escalated their military power in Europe. In recent years, the United States reduced its tactical nuclear capability in Europe, as a gesture of American restraint. Now, Soviet rocket-armed forces face U.S. and German troops in Bavaria. Meanwhile, the Soviets are taking over full command of Warsaw Pact installations, such as air defense units and radar stations in Hungary.

It is likely that the Warsaw Pact system will be completely revised, with Polish troops in Hungary and Hungarian troops in Poland—all to promote political reliability in the event of internal or external crisis.

Thus what the world sees in Czechoslovakia today is bridge-building, but not the kind envisioned by sentimentalists in the United States and Europe. For the Soviets, the bridge-building is military in character, with the bridge being constructed between the USSR and West Germany—and for military traffic to the West.

The new Soviet military presence in Central Europe is now an accomplished fact. It might have been prevented, however, had the public in the United States and free European countries been alerted to the threat of Soviet invasion of Czechoslovakia.

A question that should be answered by responsible governmental authorities in the West is: why wasn't the public told about the invasion threat? It is impossible to believe that the Soviets moved 40 divisions, and stockpiled the necessary fuel and other supplies, without Western intelligence agencies gaining knowledge of the move.

If the White House had advance intelligence information on the invasion, why were the American people kept in the dark? And why, in the face of menacing Soviet troop movements in Europe, did the administration continue to push for the "non-proliferation" treaty that would prevent West Germany from acquiring defensive nuclear weapons to protect its frontier against Soviet aggression?

As a matter of fact, the *Sunday Times* (London) reports: "The West German intelligence agency, under its dynamic new chief, Gen. Gerhard Wessel, was among the first to present concrete evidence to the Bonn government and NATO countries that the Warsaw Pact 'maneuvers' were an elaborate cover for the full-scale invasion plan."

The United States, with its "spy in the sky" satellites, also must have information on Soviet troop movements. In addition, agents in the East Bloc, as well as electronic monitoring systems, must have produced data on invasion moves well in advance of the actual crossing of the Czech border.

Had this data been made public in Washington, worldwide protests might have deterred the Soviets from completing their military move, thereby saving the Czech people from new captivity and preventing a major alteration in the strategic balance in Europe.

Americans have reason to wonder, in view of the peculiar handling of information on the invasion of Czechoslovakia, what will happen if the Soviets prepare for a lightning assault against West Berlin. Will intelligence information be forwarded to the highest levels and be acted upon promptly, militarily and politically, to deter the Soviets? Or will the West Berliners suffer the fate of the Czech people? Will the response from Washington again be too little and too late?

The fact that this is a pertinent question illustrates the danger of demoralization in Germany. If the West Germans should become convinced that their security won't be protected, and that West Berlin may fall as Prague fell, they may opt for Cold War neutralism that will spare them occupation by the Red Army. If this should happen, the entire framework of the free world's defense against the Soviet empire would be cracked.

For the time being, the need is for the West Germans to receive the firmest and most public assurances from Washington that strong forces of U.S. troops, including formations armed with tactical nuclear weapons, will remain on hand to prevent any breaching of the frontier.

Beyond this, however, the West Germans need a permanent guarantee of security against the immense Soviet military machine in Central Europe. For the Germans, no doubt, the most effective deterrent to general war in Europe would be possession of their own defensive, tactical nuclear weapons. A beginning could be made with installation of nuclear minefields under West German control, which would be a highly credible deterrent to a Soviet assault. Until the Soviets see the Germans equipped with the strongest defensive weapons available, they will be strongly tempted to use force against the Bonn government as they used their tank power against the wayward communists in Prague.

In view of the crisis situation now prevailing in Central Europe, and the need of the West Germans for a limited nuclear capability for effective defense, it would be tragic, not merely shortsighted, for the U.S. Senate to approve the "non-proliferation" treaty. The immediate problem for the United States, as the leader of the free world, is to strengthen NATO and apply a brake to Soviet military ambitions in Europe.

NEW CHIEF OF SCS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HAMILTON. Mr. Speaker, Kenneth E. Grant, a career conservationist with the Soil Conservation Service, took charge of SCS work as State conservationist in my State just a few months before I was elected to the Congress in 1964.

I am delighted to note that his second promotion since he left our State in 1967 means that he will succeed Administrator D. A. Williams when he retires shortly.

I followed Ken Grant's career as State conservationist in Indiana very closely. He quickly earned a national reputation in soil and water conservation circles. He was the Department of Agriculture representative on the Ohio River Basin studies, first of its type to be completed, the Inter-Agency Committee for the Wabash River Basin, and the technical advisory committee of the Wabash Valley Interstate Commission.

And he received national attention for leadership in developing the first resource conservation and development project in the Nation—about 45 are underway now—and in stimulating accelerated cooperative efforts of local, State, and Federal agencies in multipurpose watershed projects.

Mr. Grant's work in Indiana was so outstanding that he was promoted to SCS Associate Administrator in March 1967.

His performance in the SCS No. 2 post resulted in his designation as Administrator to succeed Dr. Williams.

Ken Grant's many friends and admirers in the Hoosier State are happy that his career in SCS, which began in 1946 in his native New Hampshire, has been capped by arrival at the top post in his chosen field. We wish him well.

CZECHOSLOVAKIA AND THE VULNERABLE RUSSIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. DERWINSKI. Mr. Speaker, the further rape of the peoples of Czechoslovakia by Moscow and its puppets confirms what many of us have been propounding for years; namely, the brute force of Soviet Russian imperio-colonialism has been and is the chief enemy of the captive nations and the free peoples of the world. Those who have naively preached "bridges of understanding," the disintegration of the Red empire, the new breed of Russian Communists and the like should go into permanent hiding. Those who attempted to play down the 10th observance of Captive Nations Week in order not to irritate the Russians and to stay their hand as concerns Czechoslovakia are doubtlessly exuding with shame.

The Russian rape of Czechoslovakia is cause enough for a wholesale reevaluation and change of our policy in relation to the Red empire. Outstanding criticisms of the current, shortsighted policy can be found lucidly stated in the recently published book, "The Vulnerable Russians." Authored by Dr. Lev E. Dobriansky of Georgetown University, this instructive work provides all the essential outlines of Soviet Russian imperiocolonialism which we now see spectacularly operating in Czechoslovakia, as in Hungary 12 years ago.

The work is now available at the Georgetown University bookstore, White Gravenor, Georgetown University, Washington, D.C. The following review by Dr. José Ma. Hernandez, editor of the WACL Bulletin, a publication of the World Anti-Communist League headquartered in Seoul, Korea, amply shows the nature and worth of the book:

"THE VULNERABLE RUSSIANS" BY LEV. E. DOBRIANSKY: A REVIEW BY THE EDITOR, WACL BULLETIN

Men of today, and even the most reputedly intellectual of them, have taken it for granted that the Soviet Union is a monolithic empire and that it is as impregnable as a hermetically sealed bastion.

With a few bold and sharp blows Dr. Dobriansky smashes this myth of Russian monolithic inviolability. He presents facts and figures, against which no argument to the contrary is possible, that the Russians, after all, are not invulnerable and that, in the first place there is no such thing as a Soviet Union. It is a vast charnel house where 112 million Russians hold in the hollow of one hand the fate of 122 million Non-Russian whites the "Captive Nations" groaning beneath the heel of the Soviet Communist Party.

These hapless, helpless, but not hopeless hostages to fortune are being denied the basic and irreducible rights of free men by the heartless and inhuman masters of lies, deceit, intimidation, propaganda, and the *fata morgana* peaceful co-existence.

The Free World, and notably the United States of America, are now in a state of mesmeric stupor by the Communist experts of Soviet cold war strategy and tactics, in order to drown the righteous cries and protests of the captive nations. This explains why the Captive Nations Week Resolution passed by the United States Congress in 1959 rocked the Soviet Empire to its foundations and the tremors are still being felt up to this hour. This Resolution was of such transcendental importance not only to the captive peoples under the yoke of Russian imperialism but also to the whole human race which must find in this great document the very essence of freedom without which there can be no peace on earth.

For instance, one of the most important parts of the Resolution reads: that "the imperialistic policies of Communist Russia have led through direct and indirect aggression to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cosackia, Turkestan, North Vietnam, and others . . ." It is quite clear that the Resolution is of tremendous significance in the history of man's struggle to be free from all sorts of bondage.

Needless to say the Resolution and the Proclamation that followed it immediately triggered a violent reaction in Communist Russia. Khrushchev went so far as to say, "The only enslaved peoples are in the capitalistic countries."

Dr. Dobriansky deplores the fact that in the United States there is a great deal of misunderstanding born of naivete or rank ignorance of the real nature of the Russian Empire. This ignorance has led many Americans into a maze of tragic contradictions.

The call for peaceful co-existence by the Russian Imperialists for example, has been taken at its face value without realizing that in Communist semantics an innocent-looking flower really hides a serpent beneath it. Many persons in the free world have jumped, as a consequence, to the conclusion that Soviet Russia means peace, that Soviet Russia's magnificent obsession is to establish peace all over the world.

Some influential Americans and well-meaning Europeans have even gone to the extent of believing that Russian communism will eventually evolve into a capitalistic democracy because of its apparent adoption of some of the free world's democratic economic and social measures. They point out that "the Russian doubling of the housebuilding rate, added investments in food production, the reduction of hours of labor, greater job mobility, the institution of installment credit, some market determination of production, the profit motive, and increases in pensions and peasant incomes" are sure indications of the Soviet Communists' true spirit of reconciliation with the democracies and the principle of free enterprise.

The author says with regard to this: "The bounds of human illusion are sometimes indefinable." The motivation behind all these seemingly progressive and evolutionary economic changes is still the acquisition of more funds and resources to pursue Moscow's world-wide cold war operations.

The thesis of the whole book is quite clear. The free world and specially the United States of America must see through the make-believe front of Soviet Russia, must get deeply involved in the cold war, and beat Soviet Russia in her own game. The "*ersatz* Russian image must be destroyed." We must unmask the Russian bear and show him in his true colors. We must match his propaganda with more effective weapons of mass communication.

Dobriansky says, "On the information and propaganda front, our policy should concentrate on the captive nations, specially those in the USSR, the chief source of the world's problem on peace or war.

After building up on his thesis that Soviet Russia can be beaten at her own game, Dobriansky who is the Chairman of the National Captive Nations Committee, outlines for America and the Free World what can be done in this respect. He concludes:

"Subject to conditions, *climate*, and circumstances, these devices and their uses include the Kerstern freedom corps idea, a Freedom Commission and Academy, a Special Congressional Committee on the Captive Nations, a revitalized Voice of America and a Radio Liberation as propaganda media, aid to underground resistance groups, a communications network ranging from secret printing to space satellites, economic warfare, diplomatic manipulations, the U.N. forum, facilities of friendly and like-minded countries, subversion of Red control centers, utilization of labor unions, churches, veteran groups and other private channels, money counterfeiting, bribery programs and so forth. The devices are endless, and the enormous difference between our use of them and the enemy's use of some of them is that we could enlist vastly more among the captives to participate than he can among free men. Of incalculable advantage to us is the other important dimension of the Cold War, namely between the captive nations and the Red-controlled state. Building the Johnsonian bridges of understanding helps the state, not the people or nation."

This monumental, well-documented book will certainly make few eyebrows rise—that is, if they have not been completely browbeaten by the Russian Communists.

APOLLO PROGRAM STATUS REPORT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, last weekend the Soviet Union announced the return of its unmanned spacecraft Zond 5 from an historic flight around the moon. This scientific and technological achievement brings the Soviet Union a large step closer to the landing of a man on the lunar surface.

The American space program is not wallowing in neglect. Congressional cutbacks in NASA's budget preserved the Apollo lunar landing project virtually intact. Progress continues toward reaching the goal President Kennedy set forth almost a decade ago.

On Friday, October 11, 1968, the United States will launch a crew of three astronauts into earth orbit from Cape Kennedy. Their Apollo 7 mission calls for 10 days, 19 hours and 40 minutes in low earth orbit to test the operations and capabilities of the command service module. This section of the spacecraft when coupled with the lunar excursion module will provide the actual vehicle for our astronauts to use in traveling to the moon.

Late in December 1968, Apollo 8 is scheduled for launch. The Saturn V rocket will undergo its first manned flight then. Exact plans for the mission have not been formulated yet. They are contingent upon the results from Apollo 7, and upon the decision of whether or not to attempt a 4,000-mile earth orbit with that shot. In the first quarter of 1969, the lunar excursion module will fly aboard a second Saturn V booster. If all goes well, Apollo Missions 8, 9, and 10 will set the stage for a lunar landing on Apollo 11 before the end of calendar year 1969.

I would like to call the attention of my colleagues in the House to the following summary of the latest progress being made in preparation for these important Apollo launches:

APOLLO STATUS SUMMARY

APOLLO 7

The space vehicle Flight Readiness Test, one of the final major milestones in preparations for the Apollo 7 mission, is underway at Kennedy Space Center. The test is scheduled to reach time zero at 8:00 a.m., EDT on Friday, September 27. The prime crew of Astronauts Walter M. Schirra, Jr., Donn F. Eisele and Walter Cunningham will participate in the test in a shirtsleeve atmosphere, without space suits. The hatch will remain open.

The test schedule calls for checks of the major abort modes used in the mission as well as simulated liftoff and some six hours of plus time. The test will be followed by a data review and preparations for spacecraft hypergolic loading, scheduled for next week.

APOLLO 8

The spacecraft has been removed from the vacuum chamber and moved to a test stand in the high bay of the Manned Spacecraft Operations Building for a series of Service Propulsion System (SPS) engine modifications and checks which will continue into next week.

Manned altitude runs were successfully completed in the Apollo 8 spacecraft in the Kennedy Space Center vacuum chamber last weekend. The prime crew of Astronauts Frank Borman, James Lovell and William Anders spent some 13½ hours in the spacecraft on Friday, September 20. The backup crew of Astronauts Neil Armstrong, Edwin E. Aldrin and Fred W. Haise, Jr., completed their run in 10½ hours on Sunday, September 22.

The Apollo 8 launch vehicle is undergoing checkout in high bay #1 of the Vehicle Assembly Building, Complex 39. Modification work is scheduled this week. Sequence malfunction checks and swing arm verification will be conducted next week. Thermal insulation installation of the first stage F-1 engines is continuing.

APPOLLO/SATURN 504

Lunar module #3—Manned altitude runs in the Kennedy Space Center vacuum chamber scheduled this week are Run #3 for the back-up crew and Run #4 for the prime crew. The first of four manned runs was completed on Saturday, September 21, with backup Commander Charles Conrad, Jr., and backup Lunar Module Pilot Alan L. Bean participating. A second run with the prime crew Commander James A. McDivitt and Lunar Module Pilot Russell L. Schweickert aboard was completed on Monday, September 24.

The first stage of the fourth Saturn V launch vehicle left Michoud at 7:00 a.m. September 24 aboard the NASA Barge "Orion" for the Florida launch site. It is to arrive at the Kennedy Space Center, Friday, September 27. The instrument unit will be shipped from the Marshall Space Flight Center September 30 aboard the Super Guppy aircraft.

The second and third stages of the A/S 504 launch vehicle are in work cells in the low bay of the Vehicle Assembly Building undergoing preerection checkout.

SATURN V TEST

S-II-6, the second stage for the sixth Saturn V vehicle, is scheduled to undergo acceptance testing October 1 at the Manned Space Flight Center Mississippi Test Facility. It will be fired for the flight duration of about six minutes.

DEVELOPMENT TESTS

Lunar Module Test Article Eight (LTA-8) is being readied for a series of manned vacuum chamber tests at MSC beginning in mid-October.

A total of five mannings is planned in two test phases to be conducted in Chamber B of MSC's Space Environment Simulation Laboratory. Dry runs are scheduled this week and next to checkout test procedures.

The tests will subject the lunar module to a simulated space environment in order to help verify the vehicle for lunar landing missions. A similar series of manned tests at MSC May 27–June 1, 1968, helped clear the way for manned Earth-orbital flights with the Apollo Lunar Module.

Grumman Aircraft Engineering Corporation consulting pilots Gerald Gibbons and Glennon Kingsley will be prime crewmen for the vacuum chamber tests, which are scheduled to be completed early in November, and Astronaut James Irwin will serve as a backup crewman. Irwin and Gibbons were prime crewmen and Kingsley was a backup crewman for the previous series of LTA-8 chamber tests.

LTA-8 has been modified since its previous vacuum chamber test to incorporate the latest type of thermal insulation and surface coating. The vehicle is constructed of the same basic materials and contains most of the same equipment, displays and systems as LM's to be used for manned landings on the Moon. LTA-8 is not equipped with active propulsion systems since rocket engines cannot be fired in the vacuum chamber.

SOVIET THREAT TO PEACE IN THE MIDDLE EAST

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mrs. KELLY. Mr. Speaker, much is being written concerning events in the Middle East—but relatively little about the causes of the explosive situation in that area.

Why is there so little reference to the long-range objectives of the U.S.S.R. with respect to the Middle East? The goal of the Soviet Union is to control the military, economic, and political destiny of that crucial region. The Russians make no bones about it. They want to play the same role in the Middle East as they do today in Eastern Europe.

How do they propose to achieve that objective?

In many ways. While the United States remains preoccupied with efforts to bring peace to the Far East—while many other countries recoil at Soviet actions in Czechoslovakia—the Russians are: Entering into agreements with the nations of the Middle East, supplying them with military and economic aid; building gas and oil pipelines connecting the Soviet

Union with that region; furnishing arms to several Arab States; prospecting for oil; securing drilling and oil refinery concessions; promoting economic development projects; and concluding various barter agreements.

In addition, the Soviets are endeavoring to: Maintain a sizable, modern fleet in the Mediterranean; make arrangements with the Western European countries for the delivery of 48-inch diameter pipe and other vital equipment; increase the scope and the substance of their bilateral trade agreements; tighten up the restraints on East Europe's expanding trade with the West; render Eastern Europe increasingly dependent on the Soviet economy; acquire control over strategic components of Europe's energy resources; become the keeper of the "Gateway to the East"—the Suez Canal and the eastern Mediterranean region; and, ultimately, replace the United States and other oil companies in the Middle East.

In light of this evidence, should the policy of the United States revolve around the question of sending a handful of planes to besieged Israel, or should we rather face up to the increasing Soviet penetration of the Middle East and try to cope with the real threat to peace and Israel's security? Unless we put an end to the Communist exploitation of the age-old conflicts, animosities, and insecurities prevalent in the Middle East, we will never see lasting peace in that region—or succeed in securing the primary source of Western Europe's energy resources.

Some candidates for national public office are also giving vent to their views. This may be a popular issue—but the discussion remains shallow and not very productive.

In addressing ourselves to this problem, could we not suggest some effective international arrangements to guarantee the security of the national frontiers in the Middle East—international cooperation and aid in solving that region's economic problems—and internationally accepted restraints on the shipment of arms to that area?

A peaceful settlement of the Arab-Israeli conflict remains our prime objective. We must energetically pursue this goal.

HERMAN ROSANETZ AIDS THE AGED

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. KUPFERMAN. Mr. Speaker, my constituent, Herman Rosanetz, has been diligent in his service to our aged citizens.

Some of the press comments with respect to his labors in this area are hereafter set forth:

[From the World Journal Tribune, Oct. 12, 1956]

HE WON SECURITY FOR MOM

(By Marianne Cole)

Early next month there will be a special day for Sarah Rosanetz, a 75-year-old widow living at 68 E. Third St. It will be the day she receives her first $35-a-month Social Security check.

What makes Mrs. Rosanetz's case so special is that her son, Herman, is largely responsible for the fact that his mother can collect benefits for the first time in her life even though she never worked under Social Security.

He campaigned for eight years in the face of persistent discouragement for the legislation that makes it possible for citizens over 72 to collect without having made Social Security contributions.

Previously, these senior citizens could not qualify unless they had a minimum of six calendar quarters credit.

WIDOWED MOTHER

Herman Rosanetz, a 46-year-old shipping clerk, was only six when his father died. His brother, Asher, was four. Mrs. Rosanetz took home work from the tie industry to support herself and her two youngsters. When Herman was 10 he got an after-school job as an errand boy to help out.

A bachelor, Rosanetz is now sole support of his aged mother—at least, until she gets her first government check.

Over an eight-year period Rosanetz wrote hundreds of letters and made countless trips to Washington. He appeared before the Ways and Means Committee, of which Rep. Eugene J. Keogh, D., Bklyn., is a member.

DILIGENT SERVICE

Last month Rosanetz received a letter from Keogh stating: "I want you to know that I know of no one who more diligently pursued the cause of those over 72 years who were not previously covered by Social Security."

The amendment for which he campaigned was passed by Congress last March and went into effect the first day of this month. Checks will be mailed around Nov. 3.

Persons who will be 72 this month or who are over 72 and who have applied for hospital insurance should have been contacted by their Social Security offices about the special benefits. Those who have not applied for Medicare should get in touch with their Social Security offices for information.

[From the East Side News, July 15, 1966]

EAST SIDER WINS SOCIAL SECURITY BATTLE FOR AGED CITIZENS OVER 72

East Side News extends congratulations to an East Side resident who labored most diligently and without any cooperation from any organization or individual to obtain an amendment to the Social Security Act permitting citizens over 72 years of age to receive monthly payments, even though they had not made any social security contributions.

He is no other than Herman Rosanetz, who resides at 68 E. 3rd Street. For eight long, tedious years, and in the face of persistent discouragement, he labored on in the belief that his cause was just.

During that period, Mr. Rosanetz had appeared before the Congressional Committee on Ways and Means and before the joint meeting of the Board of Estimate and the Finance Committee of the City Council, pointing out that citizens over 72 had long been forgotten and that it was high time that they should be covered by Social Security.

The amendment for which he had campaigned is now part of Section 228 of the Social Security Act. Those citizens who have not made any contributions to the Social Security Fund may visit, if they wish, their nearest Social Security office on Aug. 1 to file an application to receive benefits of $35 a month. However, if these aged citizens had applied for Medicare, which most of them have done, the Social Security office will obtain the necessary information from their applications.

It must be remembered, however, that if the aged citizens are receiving in one way or another government pensions they are not eligible to receive Social Security benefits.

This special amendment goes into effect on Oct. 1 of this year. Checks will be mailed around Nov. 3.

Mr. Rosanetz is not yet satisfied with such a small monthly benefit. He has asked President Johnson to recommend to the Congress in January of 1967 larger Social Security benefits by using general revenues of the United States Government. He believes that these elderly citizens should receive $200 a month instead of $35. He is hopeful that the President will see the light and adopt his proposal.

He deserves the gratitude of the American people for a task well accomplished. East Side News agrees with Mr. Rosanetz that no aged person in our rich land should live in poverty.

As one who has introduced and sponsored legislation for our senior citizens, I am pleased to acknowledge the work done by Mr. Rosanetz.

WIDNALL QUESTIONNAIRE RESULTS

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WIDNALL. Mr. Speaker, in May of this year, I polled 145,000 households in my district, the Seventh District of New Jersey, on spending priorities for Federal Government programs. Considering the number of appropriation measures which are still a matter of debate for the Congress, I believe the results of this poll would be very useful to my colleagues in this evaluation.

The first question which I asked, dealt with a program known as the human renewal program which more than 70 of my Republican colleagues here in the House suggested in March of this past year. It suggested a list of immediate budget deferrals, a net cut of over $4 billion in Federal expenditures, and a redirection of several billion dollars to problems involving vocational education, low-income housing, water and air pollution control, job training, crime control, and an urban reserve fund. The support for this type of an approach, as the results indicate, was overwhelming.

Second, I listed 17 program areas and asked my constituents if they preferred to see more, less, or about the same amount of Federal funds spent in these areas. The list, which I will submit for the RECORD shows the areas in order of priorities, with air and water pollution control, education, help for the elderly, job training, and slum clearance leading the field, and space exploration, SST development, subsidies for agriculture and foreign aid trailing far behind in this list of preferences.

I include at this point a section of my Newsletter of May 1968, dealing with the human renewal fund, and the results of my questionnaire:

[Excerpts from the Widnall Newsletter, May 1968]

A PROGRAM FOR HUMAN RENEWAL

In March, I joined with seventy House Republican colleagues in calling for immediate deferrals of $6.6 billion in federal expenditures to meet a growing economic crisis, and a reordering of national priorities to redirect $2.5 billion of this savings to meet urgent human needs here at home. Unlike the usual generalized calls for cutbacks or increases in expenditures we made specific program and budgetary recommendations.

The table below illustrates our proposed reordering of priorities. We have moved to implement these recommendations through manpower and employment incentive bills, which I have co-sponsored, seeking to mobilize private industry, through tax credits, to train the hard core unemployed and those whose skills need upgrading, for existing jobs. We also call for increased vocational educational and technical training, as well as a job inventory, to match existing unused skills with existing unfilled jobs nationally.

[Figures in dollars]

Urban reserve fund (to be allocated)	billion	1
Jobs	million	500
Vocational education	million	250
Housing	million	250
Pollution control	million	250
Crime	million	100
Rural revitalization	million	100
District of Columbia	million	50

New housing funds would utilize the existing rent certificate or leased public housing program which I authorized in 1965, and the National Home Ownership Foundation Act, if enacted, proposed by Senator Charles Percy of Illinois and me. Leased public housing, utilizing privately owned housing on a voluntary basis, provides immediate decent shelter to our low income citizen at far less cost than conventional Government housing programs, while keeping property on local tax rolls. The home ownership program would utilize private organizations and private capital, backed by a Federal guarantee, with a repayable interest subsidy, to provide home ownership opportunities for lower income families, increasing community responsibility and stability.

Our specal Task Force on Crime has made recommendations in five specific areas for increasing efforts against crime. I have sponsored an increase in the authorization for water and sewer facility assistance, badly needed among Bergen County communities. Another bill we have offered seeks to provide incentives for industrial development in rural areas to stem the flow of the unemployed to the cities.

The list below details proposed expenditure cuts. We have cut $71 million from the Post Office and Treasury Department Appropriations bill. The Appropriations Committee has cut $45 million from the Appalachia program and $100 million from the National Science Foundation budget, and the President has deferred new construction on public buildings. Our greatest success has been in the space program, where a total of $380 plus million of our $400 million proposed cut has been achieved.

It is not our intention to rule out other responsible budget cuts, or to ignore other possibilities for meeting human needs. Our hope is to stimulate action and debate that will be responsive both to the economic needs of our nation and of our less fortunate citizens, in light of an intolerable budget deficit and limited resources. Your reaction to this approach, and additional suggestions which you may have, which can be recorded on the questionnaire below, would be helpful and welcome.

Immediate budget deferrals

60-percent reduction of military personnel in Europe	$2,080,000,000
Supersonic transport (except R. & D.)	222,000,000
Defense-supported arms sales abroad	200,000,000
Civilian space program	400,000,000
Highway beautification	85,000,000
Longworth House Office Building renovation	$6,058,000
Madison Library	2,500,000
Government Printing Office Building (site acquisition and design)	2,500,000
USDA ($10,000 maximum subsidy limit per farm)	410,000,000
Freeze on moderate- to high-income apartment programs	400,000,000
Foreign aid	700,000,000
Forest roads construction (50 percent new)	45,790,000
Arts and Humanities Foundation	9,800,000
Public buildings (site acquisition and planning)	5,497,000
Public information	100,000,000
Post office buildings (50 percent unobligated NOA)	26,121,000
Freeze on Government civilian employment at 97 percent	961,000,000
National Science Foundation	250,000,000
Forest highways (50-percent new construction)	15,000,000
Earth description and mapping (50 percent NOA)	6,750,000
President's contingency reserve (1968 level)	400,000,000
Public works (20-percent stretchout)	200,000,000
Appalachia (1968 level)	86,900,000
Total	6,614,916,500

RESULTS OF WIDNALL QUESTIONNAIRE, MAY 1968

1. Would you support a program that would accomplish both a net reduction in expenditures and a reordering of spending priorities similar to the "human renewal" program approach discussed above?

	Percent
Yes	67
No	8
No opinion	25

2. What priorities in each of the following areas would you establish with reference to whether the Federal Government should spend more, less, or about the same next year as was spent last year?

[In percent]

	More	Less	Same
1. Air and water pollution control	71	6	23
2. Education	57	12	31
3. Help for the elderly	54	10	36
4. Job training	55	14	31
5. Slum clearance	49	19	32
6. Hospital and health care	44	16	40
7. Commuter rail transportation	43	17	40
8. Help for the needy	45	21	34
9. Low income housing	45	23	32
10. Parks, recreation, and conservation	38	18	44
11. Highway construction	31	26	43
12. National defense	20	30	50
13. Public works	19	44	37
14. Space exploration	10	63	27
15. SST development	10	69	21
16. Subsidies for agriculture	5	78	17
17. Foreign aid	3	84	13

HUMPHREYISM NO. 3

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1968

Mr. SCHADEBERG. Mr. Speaker, under unanimous consent I submit Humphreyism No. 3 for inclusion in the CONGRESSIONAL RECORD, as follows:

From a collection of Representative HENRY C. SCHADEBERG, Republican of Wisconsin.

"I'm going to run for President on the record of this Democrat Administration." (Denver, Colo., May 8, 1968.)

PUBLIC EXPECTS ADEQUATE RAILROAD SERVICE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HOWARD. Mr. Speaker, Mr. Anthony Haswell, executive director of the National Association of Railroad Passengers, has written a most interesting article for the Passenger Train Journal, which I think will be of interest to my colleagues. Mr. Haswell points out that while the railroads seek public support and understanding of the problems of railroads, they are at the same time seeking to end passenger service and are putting many of their assets into nonrailroad enterprises. Mr. Haswell argues that the railroads deserve fair treatment from the Government, which heavily subsidizes railroad transportation competitors. But the public has a right to expect adequate service from the railroads which seek its support.

PROMOTION OF WHAT?

(By Anthony Haswell, executive director, National Association of Railroad Passengers)

Much has been said in recent years about the plight of the railroads vis-a-vis their competitors in terms of taxation and government financial assistance. Some critics of the railroads believe that an important cause of the problem is that railroads are not nearly so aggressively "promoted"—both inside and outside of government—as are highways, automobiles, airports, airlines and waterways. According to this thesis, if railroads were adequately promoted, the end result would be a fair shake from government, enabling them to compete effectively and provide the modern, up-to-date freight and passenger service that everybody wants.

Recently the industry has taken two tangible steps to remedy the alleged promotional deficiency. One was their successful support of the establishment of the Federal Railroad Administration within the Department of Transportation, a policy making, promotional unit that is hoped to do the same for the railroads as the Bureau of Public Roads and the Federal Aviation Admininstration have done for so many years for highways and air transport. Second, rail leaders are pleading with their friends such as railfan groups to help gain public sympathy for railroad problems and appreciation of the value of railroads to the country.

So far, so good. But the railroad companies want to increase their profits, while the public wants better train service—that is, full development of the inherent advantages of railroads for the benefit of shippers and travelers. These objectives are in serious conflict, for rail management has determined that the surest, quickest route to increased profits is thru curtailment of passenger service and thru massive investment of assets in other modes of transportation and in nontransport enterprises—assets that would otherwise be available for improving and modernizing both freight and passenger service.

Promotion of railroad financial interests as determined by management rather than better service for the public, is clearly the approach taken by the Federal Railroad Administration. It has said not one word of criticism of railroad investment in outside enterprises, and is publicly in favor of permitting railroads to discontinue any passenger service they see fit. At the same time, the railroads seek to persuade their friends on the outside to promote train discontinuances and outside investments on the ground that such policies will result in better service. Fortunately, enough of us have read *Alice In Wonderland*.

We do not begrudge railroad security owners of a fair return on their investment. Indeed, we believe that were railroads treated equally by government with regard to other modes, they would be able to provide excellent freight *and* passenger service *and* earn a handsome profit. We stand ready to assist the railroads in any possible way in solving their fundamental problems. But we must reject their plea that we "promote" programs designed to increase their profits without regard to whether the public interest will be served thereby. And we object to a tax-supported government agency lending its assistance in this direction.

[Correct to September 6, 1968]

NEWS SHORTS

The Interstate Commerce Commission has ordered the Penn Central to keep the Chicago to New York "Admiral" and the Pittsburgh to Chicago "Fort Pitt" running. Citing the railroad's arbitrary removal of mail and express from these trains to freights, the ICC said that any losses incurred by the trains were precipitated by the railroad. . . . The ICC also ordered the Chicago and Eastern Illinois Railroad to stay in the passenger business by ordering the "Danville Flyer" to remain in operation. The C&EI's "Flyer" (a two coach, buffet-lounge train) was hailed by the Commission as superior to alternative transportation in the area. . . .

Grand Trunk-Canadian National is working on a plan with Greyhound Lines (and perhaps one or more airlines) whereby interline ticketing could be performed by either company. GT–CN is afraid they will be left high and dry by some of their American rail connections, and so are taking proper precautionary actions. GT's westbound "Maple Leaf" may be rescheduled to arrive in Chicago earlier in order to make major westbound rail connections. Also, the Grand Trunk is adding a new stop: East Lansing, Mich. Trains will stop on Fridays and Sundays for the convenience of Michigan State University's 40,000 students.

Seaboard Coast Line wishes to end the Atlanta-Jacksonville remains of the "Dixie Flyer" as well as the local Washington to Jacksonville "Sunland". Baltimore & Ohio will end St. Louis-Cincinnati service on the "Metropolitan" (coach-only) on Sept. 12, leaving only the "George Washington" on that run. Burlington seeks to end the Alliance-Billings coach train it now operates through the Nebraska-Montana foothills, as well as the "Nebraska Zephyr" between Galesburg, Illinois and Lincoln, Nebraska.

As expected, Southern Pacific moved to end the "Cascade." Public hearings have been scheduled and a bitter fight will no doubt ensue. The "Cascade" is a vital link between GN, NP, UP and ATSF, the cutting of which would harm transcontinental service.

The Illinois Central's application for new electric commuter equipment is now in Washington awaiting approval. Quick action could give IC's commuters a break by the Fall of 1969. The cars will be electric bi-levels, a unique type of rail equipment. They will be air-conditioned and radio-equipped and will differ from other gallery suburban cars by having the engineer on the lower level (the pantograph occupies the upper space at the end of the car) and a small door at the cab end of the car in addition to the main center doors.

THE ANTIPOVERTY PROGRAM GETS RESULTS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. UDALL. Mr. Speaker, today I would like to say a few words about Leonardo Vega, a recent Job Corps graduate who hails from Nogales, Ariz. Mr. Vega has recently acquired his first job, thanks to his Job Corps experience and a new program initiated by the International Brotherhood of Carpenters. He is one of three young men from the Timberlake Job Corps Center at Ripplebrook, Oreg., to be selected for apprenticeship as a carpenter in Portland, Oreg. Mr. Vega is employed by the W. C. Silvers Co. of Portland.

The carpenter's union, under contract with the Office of Economic Opportunity, conducts preapprenticeship training in 14 Job Corps centers across the Nation. These programs enable young men like Mr. Vega to graduate from the Job Corps with ready employment in carpentry. This relationship between OEO's Job Corps and the International Brotherhood of Carpenters is indeed praiseworthy. I am pleased to know that this fine young man from Arizona is able to benefit from it.

I would like to include at this point in the RECORD, Mr. Speaker, an article carried in the September 4 Oregonian which further discusses this valuable program in which Leonardo Vega is enrolled:

JOB CORPS GRAD NOW APPRENTICE CARPENTER

An 18-year-old Job Corps youngster was working at his first job Monday—thanks to a new apprenticeship program initiated by the International Brotherhood of Carpenters.

Newest apprentice carpenter in the Portland area is Leonardo Vega of Nogales, Ariz., who until a week ago was a member of the Timberlake Job Corps Center at Ripplebrook in Clackamas County.

Vega and two other center youths recently qualified for apprenticeship following three months of intensive training by the Carpenters' Union.

The training program is part of a contract the carpenters have with the U.S. Department of Labor, U.S. Forestry Service and the Office of Economic Opportunity.

Under it, Job Corps youngsters such as Vega are given both classroom and on-the-job training. The program is supervised by Charles Miller, coordinator for the carpenters.

Lyle Hiller, international carpenters representative, observed that the union has placed its pre-apprenticeship training program in 14 Job Corps Centers across the nation.

"It's great for the youngsters," he said. "It gives disadvantaged boys a trade for life."

"The union benefits by obtaining competent apprentices trained in our own methods. There is a major need for new carpenters throughout the country—and this program is helping to provide many of them for the expanding construction industry."

Vega, who is working on the new Bank of California building, at SW Broadway and Washington Street, was hired by the W. C. Silvers Co., general contractors, at a starting wage of $3.37 an hour.

How does he like the job?

"It's wonderful," he said. "I like it very much. And I particularly like becoming an Oregonian."

TESTIMONY OF LOUIS A. LERNER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PUCINSKI. Mr. Speaker, Mr. Louis A. Lerner, executive vice president and general manager of the Lerner Home Newspapers in Chicago testified earlier today before a subcommittee of the House Judiciary Committee on the Failing Newspaper Act.

Mr. Lerner represents the largest weekly chain in America and because of the huge success of his papers, he knows well the problems the small newspaper publisher faces in America.

Louis Lerner, several years ago inherited the serious responsibility of running the Lerner chain of newspapers following the death of his father, Leo A. Lerner, who founded the Lerner Home Newspapers.

Leo Lerner was a giant among American journalists. His ability to grasp the true meaning of our democracy and to translate into words the yearnings and the longings of her people for human dignity was a source of inspiration to all of us on Chicago's Northwest side.

But Leo Lerner's fame was not limited to the Northwest side of Chicago. Over the years he developed a strong following for his philosophies and ideologies among serious thinkers all over this country and in many parts of the world.

Louis Lerner, the son, today runs the Lerner newspapers in the same spirit of fairness and dedication laid down by his late father.

It is for this reason that I particularly respect the statement made before the Judiciary subcommittee today by Mr. Louis Lerner. Obviously, we cannot take lightly the serious message Mr. Lerner presented to the committee regarding the legislation at hand.

I am placing his statement in its entirety in the RECORD so that my colleagues can appreciate the depth of understanding Louis Lerner has applied to this legislation.

I trust my colleagues can better understand the purport of this legislation by reading carefully Mr. Lerner's excellent statement which follows:

TESTIMONY OF LOUIS A. LERNER, BEFORE THE SUBCOMMITTEE NO. 5 OF THE HOUSE JUDICIARY COMMITTEE

Mr. Chairman, Members of the Committee: I am the Executive Vice President and General Manager of forty-one community and suburban newspapers in the Chicago metropolitan area. These newspapers are, according to Bryce W. Rucker of Southern Illinois University in his new book, *The First Freedom*, the largest single group of urban and suburban newspapers in the United States. Our newspapers cover an area where more than one million people live.

The total circulation of the Lerner Home Newspapers group is 326,000. We have papers on the street five days a week. The largest paper has a circulation of 54,000, and the smallest only 1,600. Of this total, 65% is paid in advance, and the balance is delivered free or on a voluntary paid basis. Our newspaper organization is bigger than 80% of the daily newspapers in America.

We cover suburbs and cities, single family residences and large apartments, areas in need of urban renewal, and Chicago's famous Lake Shore Drive. We have a different paper for the predominantly Greek-German community of Ravenswood, and a different newspaper for the Irish-Jewish community of Rogers Park. We have a different newspaper for the Gold Coast, and a different one for the high-rise suburbs of Skokie, Lincolnwood, Glenview and Des Plaines.

There are more than 250 community and suburban papers in the Chicago area, and every one of them strives to do just this.

It is important for a newspaper to serve the interests of the local community in which it is published. It must, of course, lead the community and not follow it. This we try to do through the confidence of the neighborhood and through this rather complex and interrelated system of different papers for different communities within the city of Chicago and for the suburbs.

Our editorial direction does not change, however, What we believe in, we believe in in all 41 newspapers. We do not have, like some large daily chain publishers, one editorial policy in the north and another in the south.

It seems to me that those who are behind this bill think that there is only one medium in any city worth talking about—the daily newspaper. This is, of course, utter nonsense. There are many different media with great importance: radio, television, the weekly newspaper, the suburban newspaper, the shopping guide—everything has something to offer in terms of communication. Can it be said that the daily newspaper is the only one needing special legislation?

The daily newspaper as an institution is hide bound in tradition and is moribund in its thinking. As a matter of fact, even the spokesman for the daily publishers, the American Newspaper Publishers Association, has warned that there may not be a daily newspaper as we know it thirty years from now.

But whose fault is this? Why does this industry need separate legislation to protect itself from itself?

Let's look at some comparable circulation figures which I think would serve to illustrate my point. My figures are taken from the 1962 edition of Editor and Publisher Yearbook and from the 1968 edition. In 1961, the Chicago Daily News had a circulation of 515,000. In 1967, they had a circulation of 462,000. In 1961, the Chicago Tribune had a circulation of 854,000. In 1967, it had a circulation of 805,000. The Milwaukee Journal had a circulation in 1961 of 372,000. Last year the circulation was 368,000. These are just some examples of something that is happening in many parts of the country, and this is not necessarily due to the problems presented to this Committee and the solving of those problems thereof through the bill in question.

Who says that the future must be in the form of the daily newspaper? There are many different things on the horizon, and certainly the form of this decaying institution will change. Why must this bill save the daily newspaper publishers from themselves? Why not, for example, a special bill for blacksmiths, for crystal set makers or isenglass manufacturers?

The suburban phenomenon in newspapers is nothing new. It has been in full blast since the end of World War II. Why then all of a sudden are the daily newspapers finding it necessary to start moving in on the suburban weekly publishers? Because they finally woke up, because they finally saw what was happening.

How can we compete with the big daily newspapers? It's not easy, but we still manage to do almost six million dollars a year in volume, just a small portion of what papers like ours take in as a whole in the Chicago area.

The Chicago daily newspapers have four different methods that they use to compete with the suburban and community newspaper publisher. Method one will be covered by Stuart Paddock, and that regards the establishment of a new daily newspaper owned by the downtown daily and fed by them through transfusion in a local area.

Method number two is the method which is used by the Chicago Daily News and the Chicago Sun-Times, also Field Enterprise operations. They zone their advertising into north, south, west, and northwest areas of the city and suburbs. This special section takes advertising out of these areas and puts no local news (except for bride's pictures) back into these communities. What they are doing is insidious. They are taking the advertising base and giving very little in return. We think that when you take dollars out of a community, you have to put news back in.

Method number three, and method number four, are both used by the Chicago Tribune. It is interesting to note, by the way, that there are other Tribune-owned newspapers in Chicago; the Chicago American does no zoning whatsoever, and it is the only daily newspaper in Chicago which does not.

Method three is a zone section, similar to that used by the Sun-Times and Daily News, broken down into north, northwest, south, southwest, and west areas of the city and suburbs. This is included as a part of the Chicago Tribune, and is called the neighborhood news section. The areas which are covered by the Tribune are extremely vast in the territory they cover. For example, the north area goes from downtown Chicago to the Wisconsin state line. The Tribune, however, does give the readers some news of the area, but of course the area covered is huge, and so it does not get down to covering the specifics in the detail which we think is necessary.

Method number four is used by the Tribune in the following manner. They have started a new newspaper and have bought a commercial printer in the Chicago suburb of Hinsdale, which is west of the city. They have started a three day a week tabloid newspaper called "The Trib". This paper is distributed on a "piggy-back" basis, along with the Chicago Tribune. They cover the news in many areas on a more detailed basis than the overall neighborhood news or metropolitan zone edition does. They still, of course, cover a much broader area than the community or suburban paper involved.

This is the newest method used, and one which may be, in the long run, the most effective, although, at this time, no one can be sure.

As I said before, when you take the dollars out of a community, you have to put news back in. Unfortunately, all of the daily newspapers do not feel this way. If HR 19123 were to pass, the predatory practices of the daily newspaper could take many communities and strip them almost completely clean of any meaningful news about these neighborhoods. We think that newsprint should be spent on news and not on promotional gimmicks. Some newspapers are almost as bad as your local gas station.

So, then, the daily newspaper in format and tradition is not geared to the problems and the solutions that we need today.

The daily newspaper industry has found out a few things, however. A revolution in production via offset printing, for example, was pioneered by the weekly press in America, and the daily papers, bogged down by the tremendous investment in letterpress equipment and their lack of interest in change, are just now reaping the benefits.

Let me say that our newspapers are 100% union. We have the Printing Pressmen, the Newspaper Guild, the Mailers, the Teamsters, and the International Typographical Union. We have been able to make the new processes in offset and computer typesetting work and work well. As a matter of fact, we have just finished installing a computer with the full cooperation of the union. It is interesting to note that we have been able to make this work successfully but many daily newspapers have not, and apparently, because of their short-sightedness, they need a special bill passed for them.

We were among the first in the United States to go into the production of an offset newspaper. No one offered us a special bill if we would fail, and as a matter of fact, those were the predictions at the time.

The daily newspapers too have started to move out into other fields. The Kansas City Star owns a printer in the suburbs of Chicago. The Field Enterprises and the Tribune Company have gone into the commercial printing business. The Milwaukee Journal has bought a large commercial printer in Wisconsin. The Los Angeles Times is a story unto itself.

Many weekly publishers, including ourselves, make things a lot easier by the outside printing they do. Should the daily newspaper take this end over as well? Should the injection of more dollars into an area by a monopoly paper drive out the weekly paper and the commercial printer and other medium who has been there for years? I have no objection to competition on a profitable, costed, legitimate basis. But to accumulate profits through anti-trust exemptions and then move in does something to the law of competition as I think most of us understand it.

I would suggest that any daily newspaper publisher who owns any other enterprises, such as encyclopedias, educational or scientific organizations, outside printing plants, radio stations or television stations, be required to divest themselves of these so that we can get a true picture of what the newspaper itself is doing. I think that this would be an interesting thing to see even today. Cash conquers all, think the daily newspaper publishers, and no matter what the community thinks or needs, cash shall overcome.

What is needed in this newspaper business on all levels, daily and weekly, is thought, imaginative vision, and appreciation of the problems of the future and the industry. What is not needed is the carte blanche this bill will give the daily newspapers.

When we are asked who our competition is in Chicago, our answer is simply: "The Chicago daily newspapers." We compete for ads, we compete for readers, we compete for circulation. I am happy to say that in many areas we have them beaten. I want to give a few small examples.

About six months ago, our newspapers talked to Congressman Roman Pucinski, and he told us of President Johnson sending a foreign emissary to Hanoi to explore North Viet Nam's terms for entering peace talks and to tell Ho Chi Minh that we would stop bombing that country if Ho would promise not to increase infiltration in South Viet Nam. We ran this story on Sunday, February 11. The New York Times broke it on Tuesday, February 13. If the Lerner papers had not been covering a local congressman speaking off the cuff, that story would never have come out as it did. I am happy to say we were 48 hours ahead of the country.

On the same page, however, to go from the national to the local, is a story about a baby park that belonged to a lovely old lady who is now in a rest home. Her nephew had been anxious to sell it to clear up her estate. This small baby park was owned by the family, and the city had just leased it for many years. One morning, one of our reporters went by and noticed that it had a for sale sign on it. We got on the story right away, and after some months, through the work that our newspapers did, we were able to have the Chicago Park District buy this small baby lot.

Would the daily newspaper operate on this level? I think not, and therefore it is more important that papers like ours continue instead of leaving it all to Big Brother.

However, in a number of ways we aren't as lucky. For example, after the Tribune Company bought the American some years ago, they dropped Drew Pearson. We carried the Pearson column for a number of years on an exclusive basis in Chicago. One Friday morning as I was driving to work I heard on the radio a promotional ad for the Chicago Daily News that they were now going to carry the Pearson column starting the following Monday. I called John Osenenko at the Bell-McClure Syndicate and asked them exactly what happened, and their answer was: "Well, of course we wanted a daily outlet so we dropped your papers." They did say, of course, that we could continue to handle the column if we wanted to, but obviously we didn't care then. This is, I think, an example of the high-handed way in which the syndicates operate in collusion with the daily newspapers.

In addition to that, the weekly newspaper has a serious problem with cooperative advertising. In direct violation of the intent of Congress, many companies insist through their agent, the Advertising Checking Bureau of New York, that they cannot place their advertising in anything except the daily newspapers, or that they cannot place their advertising in anything except the newspapers audited by the Audit Bureau of Circulation. This is fairly common, but no one has told them to stop.

For example, according to a letter from the Advertising Checking Bureau to one of our advertisers: "Most co-op plans today stipulate that the Advertising Checking Bureau daily and Sunday newspaper automatically qualify, and other papers will be considered only if the dealer submits a request in advance of his advertising." This certainly seems to be a violation of the Clayton and Robinson-Patman Acts, and I believe this is a matter for the Attorney General and the Federal Trade Commission to investigate.

Let's take a hypothetical situation, in a suburb which is growing, and that the daily papers have had its eyes on for years without knowing how to get into it. One of the giants of the daily newspaper industry starts a suburban paper in a town in competition to one of ours, let's say. Circulation is going down in the inner city, and so twenty years too late the big daily starts a paper in the suburbs. He keeps it going for three years by pouring hundreds of thousands of dollars down its throat, cuts the rates, promotes like crazy, and finally, through sheer dollars, put me out of business. What then is to prevent the big publisher from closing down the failing paper, raising all the ad rates, and insisting that the advertiser now use just the original daily publication, possibly in its zone edition. There is no more competition. If a man wants to promote his retail business, he's locked in.

There are fake failings as well. Any publisher worth a lead slug can make a paper look like a loser in a minute.

This bill, as well as the original bill, would allow a rich and powerful newspaper to join with a smaller paper in another community, and by a combination of resources, rates and profits, drive out of business a less well financed competitor.

If this bill is passed, the publishers who have been counting the money for all these years without thinking about it very much are going to get smart very quickly. Their ingenuity in operating without sanctions will help to destroy the community and suburban newspaper industry. The very imagination which, had they used it well for the past thirty years, would not make this bill necessary today.

The Lerner group is the largest weekly chain in America today in numbers of papers. We would, I would imagine, with the use of House Bill 19123, and its counterpart in the Senate, swallow up some of our competition. Then, of course, with the law of the jungle rampant, we would be chewed up, and so on and on.

Is a special bill needed for the newspaper publisher? No. Let them continue to operate by serving the public and putting out the best newspaper he can put out. That, and nothing else, will solve his problems.

RICHARD M. NIXON CALLS FOR MAXIMUM U.S. AID TO STARVING BIAFRANS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. NELSEN. Mr. Speaker, the magnitude of the catastrophe which has befallen the people of Biafra has become terribly apparent for anyone willing to take but a few moments to read the reports coming from that unfortunate land. The toll that starvation is taking among these people nearly staggers the imagination. The world sits as spectator to what threatens to be the genocide of an entire people.

Pleas for help have come from organizations and persons throughout the world. On September 10, 1968, Richard M. Nixon, adding his voice to this throng, in a statement noted this terrible tragedy which is taking the lives of over 6,000 Biafrans every day. He stated that the time for talk and wringing of hands is long past and voiced the plea to President Johnson to give this crisis all the time, attention, imagination and energy that he can muster and to put the full wealth, power, and prestige of our Nation behind an effort to end the slaughter of these innocent men, women, and children who, without help, are doomed. I certainly agree with Mr. Nixon.

I place the full text of Mr. Nixon's statement in the RECORD at this point together with an article which appeared in this morning's Washington Post:

STATEMENT OF RICHARD M. NIXON

The terrible tragedy of the people of Biafra has now assumed catastrophic dimensions. Starvation is daily claiming the lives of an estimated 6,000 Ibo tribesmen, most of them children. If adequate food is not delivered to these people in the immediate future, hundreds of thousands of human beings will die of hunger.

Until now efforts to relieve the Biafran people have been thwarted by the desire of the Central Government of Nigeria to pursue total and unconditional victory and by the fear of the Ibo people that surrender means wholesale atrocities and genocide.

But genocide is what is taking place right now—and starvation is the grim reaper.

This is not the time to stand on ceremony or to "go through channels" or to observe the diplomatic niceties . . . The destruction of an entire people is an immoral objective, even in the most moral of wars. It can never be justified; it can never be condoned.

Voluntary organizations such as the Red Cross, The Church World Service and Caritas have rushed thousands of tons of protein-rich nourishments and baby foods to the vicinity of the stricken region. Much of the food remains nearby while these children starve to death.

The time is long past for the wringing of hands about what is going on. While America is not the world's policeman, let us at least act as the world's conscience in this matter of life and death for millions.

The President of the United States is a man charged with responsibilities and concerns all over the world. But I urge President Johnson to give to this crisis all the time and attention and imagination and energy he can muster. Every friend of humanity should be asked to step forward to call an end to this slaughter of the innocents in West-Central Africa.

America is not without enormous material wealth and power and ability. There is no better cause in which we might invest that power than in sparing the lives of innocent men and women and children who otherwise are doomed.

[From the Washington Post, Sept. 26, 1968]

BIAFRAN DEATHS DAILY: 6,000

SANTA ISABEL, FERNANDO PO, September 26.—The head of Red Cross operations in Biafra says deaths from starvation have stabilized at 6,000 a day. He added that sufficient supplies are now being delivered to the shrinking rebel state in eastern Nigeria to prevent an increase in the rate.

The representative, Henri Jaggi, said the 100 tons of food being flown daily from Santa Isabel and Sao Tome, and additional supplies from Gabon, are quickly distributed by 117 Red Cross people in the field.

The Red Cross has operated out of this Spanish possession off the coast of eastern Nigeria since relief operations began. At one time, about six flights per month departed from here, but these were suspended when Biafran airports were cut off by federal Nigerian troops. Now the flights have resumed, but it is not clear where they are landing.

The Biafrans are reduced to defense of one town, Umuahia. Their 7 million people once lived in an area of 29,000 square miles. Now refugees are squeezing into the 3,000 square miles left of Biafra after 15 months of civil war.

THE BIG GAME

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. DORN. Mr. Speaker, during these days of demonstrations, civil disorder and crime, we sometimes fail to recognize the good things taking place in our country.

The following article was sent to me by Mr. Gene Fuller, director of recreation for the city of Aiken, S.C., in my congressional district. I hope every Member reads it. This is the answer to crime. This is what America is all about.

THE BIG GAME

(By Eugene M. Fuller)

On February 24, 1968 in Aiken, South Carolina, a program was conducted to climax Aiken's Recreation Department's Church League Basketball season.

A basketball game was played, hot dogs served and a group of professional football players played a basketball game. This doesn't sound very earth shattering, but the basketball game played was The Big Game, where 59 teams, representing 14 different churches, 700 boys and girls, played in one game. It was labeled The Big Game—Basketball With A Halo—the largest basketball game played in the U.S.A. in 1968—the HA's vs the LO's.

Hotdogs were served to all. There was one special hotdog 59 feet long, symbolizing one foot for each team. Later a group of professional football players played a local basketball team called the Celestial Five, a team made up of the clergymen of the 14 churches that played in the big game.

There were many who contributed to the game. The ball used was sent from the biggest man in basketball, Wilt Chamberlain; a knife to cut the 59-foot hotdog was provided by the Cutlery company; letters of best wishes came from the Basketball Hall of Fame, college basketball teams and many many more . . . **The Big Game was a big day in Aiken,** South Carolina!

What made this such a big day? It was a living example of America in Action with free men at work and play—although different in their social and religious ways, but together. People came together and displayed perhaps the freedom our forefathers provided and guaranteed when they drew up our Constitution and Bill of Rights. Only in a free land, such as ours, could such a program be conducted. **The Big Game was truly** America in Action—Freedom in Action.

LONG BEACH PORT PILOT AWARDS PRESENTED TO RIVERS, HARLLEE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. GETTYS. Mr. Speaker, it has just come to my attention that my esteemed friends and colleague, Chairman L. MENDEL RIVERS of the House Armed Services Committee and Rear Adm. John Harllee, chairman of the Federal Maritime Commission, were recently presented the "Honorary Port Pilot" award by the Port of Long Beach, Calif.

Recognition of the the contributions of these two distinguished Americans to the important field of international trade is fitting and appropriate, and I place the following newspaper report of the presentation ceremony in the RECORD:

LONG BEACH PORT PILOT AWARDS PRESENTED TO RIVERS, HARLLEE

WASHINGTON.—The Port of Long Beach, California, honored two top-ranking officials in the field of international world trade and port development here last Friday, June 14.

Representative Rivers, South Carolina, Chairman of the Committee on Armed Services, and Rear Admiral John Harllee (U.S.N., Ret.), Chairman of the Federal Maritime Commission, were presented with the Port of Long Beach "Honorary Port Pilot Award" Friday evening at a reception at the Willard Hotel.

Congressman Rivers and Admiral Harllee are well known throughout Southern California for the work they have done to assure that the Port of Long Beach has the necessary ocean shipping facilities to meet the growing demands of world markets, as well as modern facilities for the 60 steamship lines that serve the Port.

The "Honorary Pilot Awards" were presented by members of the California Congressional Delegation and officials of the Port of Long Beach.

The Port of Long Beach presented its first award, in 1954, to the President of the United States, Dwight D. Eisenhower, and, since that time, the Port has honored 24 outstanding persons for contributions to world trade.

MASS TRANSPORTATION: KEY TO URBAN DEVELOPMENT

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mrs. DWYER. Mr. Speaker, as a Member of Congress who has long and actively been concerned with the need to improve urban mass transportation facilities and services in our Nation's metropolitan areas, I am delighted to bring to the attention of our colleagues two documents of exceptional importance.

The first is the text of a speech delivered by our distinguished coileague from New Jersey [Mr. WIDNALL] before the recent convention of the American Transit Association in Cleveland. Congressman WIDNALL has provided outstanding leadership in the effort to improve mass transportation services and I am confident our colleagues will find his remarks of great value.

The second is the text of a major article published in the October 1 issue of Forbes magazine dealing with the increasingly critical transportation crisis, especailly as it affects mass transportation and other transportation services in major urban areas.

The documents follow:

A LEGISLATOR LOOKS AT THE FUTURE

(Address by Congressman WILLIAM B. WIDNALL)

The title of this address is "A Legislator Looks at the Future." I did not pick it. It was bestowed on me. I took the required look and almost cancelled the engagement. Then I remembered the "gloom and doom" base upon which most daily newspapers operate and decided to show up anyway. When I remember the dark days when the mass transit bill was in jeopardy in 1964, and contrast the ease with which we extended the funding authorization and the program's life in the Housing Bill signed August 1, I cannot help but be encouraged by the prospects we have.

I can recall, as I am sure most of you can, the agonizing days of 1964 when we first placed mass transit on the statute books. At the time, the proposal was most controversial. Gloom spilled over our conferences. Some legislative leaders were unsure of the Congress' temper and wishes. And a few tables had to be pounded by brave souls before mass transit legislation could be put to the test and passed. But it did and now we are looking to the future.

What of the future? What additional legislative tools do we need in this field? Those are not easy questions.

It is easy to propose the indefinite extension of the program and increased funding. I am for such legislative activity. But just how to do it? That is not so easy.

Since the basic law was enacted in 1964, I have not enjoyed the legislative support from the Administration that I had in that year. The Administration did not openly oppose my proposals, but it restricted them. It cut back authorizations; it looked with disfavor on an unlimited extension of the program's life.

Why? Simply, because they had budgetary requirements and what was proposed did not originate with the Administration.

Overall, at least in their estimation, we were in competition with them for their piece of the monetary pie and for such things as rent supplements and demonstration cities they had, what for them were, priority commitments.

The Housing Bill of 1968, signed into law a month and a half ago, by President Johnson authorized the spending of almost $5 billion in the next two fiscal years, 1969 and 1970. There are estimates that the costs for the next 40 years will approximate $50 billion. Now, the additional authorization in the next two years for mass transit is a large sum, just under $200 million. It is, however, small when compared with what is being committed in a variety of other causes. And, if the present Administration runs true to form, it and its adherents will not give needed support to mass transit, neither to the extension of its program nor to additional authorizations. I suggest you give attention to this problem.

At the same time, I would advise against the kind of support that was offered in a suburban Washington editorial column 10 days ago where it was suggested that the adjacent counties add an additional tax on purchased gasoline for the specific purpose of raising funds to pay for the cost of extending mass transit into their areas. It was argued that the authorization of such a tax would have a two-fold result. First, it would raise funds for mass transit. Second, it would discourage drivers from using their cars and instead induce them to ride mass transit which would produce additional revenue.

Regardless of the soundness or lack of it of these two arguments individually, their dual presentation to, I should say confrontation with, the newspaper's public convinces me of the old adage, "With such friends, who needs enemies?"

This same kind of mentality proposes using the highway trust fund, a tempting but losing proposition from the start. We must face it—there are many more people driving and riding in automobiles than there are driving and riding in mass transit. This would not preclude using such funds to provide high speed lanes for buses.

What I think we need at this point is proof of the service we render. Something beyond scale models and drawings and estimates and the courage of our convictions.

The entire annual appropriation for mass transit can be swallowed up by the project needs of Washington, Seattle, San Francisco, New York, or any of our large cities. If given to any one of them, it would still be years befor the visible justifications would be evident.

What we need is a continuing program modelled along the lines of the thinking which produced the Neighborhood Development Program of Urban Renewal Title V of this year's Housing Act.

Given that, with the program restructured to annual production results, we would have something to show, and something to improve, and add to each year. We would be building both to immediate needs and long-range goals.

Federal help to cities for physical development programs has been essential to building better neighborhoods and providing a decent home for millions of Americans.

These physical development programs have been tailored to promote and encourage local planning and local initiative. As our population has grown, the need for decision at the local level has become even more and more important.

It simply would be impossible to develop comprehensive urban rebuilding and rehabilitation programs without such techniques as urban renewal, public housing, rent certificates, lower middle-income housing, open space grants, and the whole system of FHA insurance. These programs must be continued properly administered and funded at levels adequate to assure local governments with the funds necessary at the time needed. Tying them together is mass transit.

The Federal emphasis of the last decade in the field of transportation has been the successful effort to link together the metropolitan centers of the 48 contiguous states by means of the Interstate Highway System. Now as its completion approaches, we should refocus our attention on where another part of the problem is—the urban areas of America.

In assigning priorities to problems which confront urban America, transportation has to be among the first. We will have no chance to remedy the problems of urban decay, unemployment, civil disorders—or even the financial crisis common to most cities—if we have choked to death in our congestion. Transportation in metropolitan areas should be much more than a system by which people and goods are moved efficiently. Transportation is a land use planning tool with the capacity to enhance that which is good and help correct that which is bad. Our primary goal—in transportation as in everything else—must be the improvement of the quality of our environment.

When a new freeway is constructed, the benefits to the public are obvious—high-speed access to the central city; seventy miles an hour speeds through areas which previously had been covered at a tortuously slow pace. We start to measure distance in minutes rather than miles. What is not so obvious nor so pleasant to contemplate are the social costs which may also result: The ribbon of high-speed freeway can also result in the disruption of a city's social fabric. People, families, neighborhoods, and community growth patterns can become the victims of improper planning and of the impact of substantial land takings in metropolitan areas. This does not, however, have to be the case.

Urban transportation should be guided by the following considerations:

1. An urban transportation system should be a tool for shaping the growth of the metropolitan area and should have as its primary purpose the improvement of the quality of the environment.

2. There should be a locally worked out solution that reflects a balance of transportation types most appropriate for the particular area.

3. Preferential funding should not be the basis upon which the means selection is made.

4. In order that transportation systems can be planned and programmed intelligently, assured long-term funding for all selected types is essential.

Placement of all Federal transportation programs under the Department of Transportation should prove most helpful to urban areas. Coordination of transportation planning with other community goals through the requirements of the Federal Aid Highway Act of 1962 is essential.

Metropolitan transportation needs require that any system combine the various types of mass movement so that each plays its appropriate role. Private vehicles and buses, railways as well, all have their contribution to make.

The original Interstate System of 41,000 miles is nearing completion. This magnificent program was funded with the Federal Government providing 90% of the cost, and the local share 10%. Prudence dictates that we must be now thinking what form the Federal highway support programs will take in the future when the Interstate System is completed.

I cannot over-emphasize the importance of local determination in grant-in-aid programs. In the area of urban transportation, this is a crucial consideration. Each metropolitan area must decide for itself the solution to its transportation problem. What may be highly satisfactory for New York or Cleveland, or Los Angeles, may have little applicability to another city. Communities over 50,000 are now required to have a continuing comprehensive cooperative transportation planning program." This is a good requirement, provided it reflects an objective solution to the problem and is combined with a land use plan. Keeping planning decisions at the local level, should produce a program that will reflect the views of the citizens who will have to live with whatever solution is devised.

One local level that transportation planning has not sufficiently reached is that of the inner city worker seeking employment. Transportation networks, economic development, and job opportunities obviously go hand in hand. During the past decade, industry has migrated from North to South, from city to suburban fringe, partly, at least, on the basis of labor supply. Beltway loops and circumferential highways act as links between industrial parks.

Unfortunately, in the process, employment problems of minority groups and inner city lower income families have been increased. Old industry has left, and new job producing business has not relocated in the ghetto. According to the Bureau of Labor Statistics, 62% of valuation permits for new industrial buildings, and 52% for mercantile establishments were issued for suburban locations from 1960 to 1965. The five cities of Baltimore, New York, Philadelphia, San Francisco and St. Louis alone lost 360,000 low-skilled manufacturing jobs from 1951 to 1965.

Housing discrimination, or the lack of housing at prices they can afford, makes it difficult for minority group and other low income workers to follow where the jobs go. When they turn to the alternative of transportation from home to work, the inner city low income resident finds commuting costs, in terms of both time and money, discouraging if not prohibitive. To give but two examples: from San Francisco's Hunters Point to East Bay industrial locations in Contra Costa County, there may be three or four transfers, four or five hours of commuting time roundtrip, with costs at $15 per week. A resident of Harlem commuting to an aircraft factory on Long Island would have to spend $40 per month.

Despite an estimated 1.5 million new manufacturing jobs since 1951 set up on the rim of the central cities, there is little commutation by inner city residents, especially nonwhite males. The 1960 Census of five selected cities showed a range from 16% of the inner city non-white work force in Baltimore to 3.1% in New York in terms of outward bound commuters. Two recent studies of the industrial growth fostered by the Washington, D.C. Beltway came to the conclusion "that the lack of public transportation makes it difficult or impossible for Central City residents who do not have private cars to follow the jobs to the suburbs."

America is a nation of automobiles. Eighty per cent of white American households own cars, including 89% of all house holds earning over $6,000 annually. Half of minority house holds do not own cars, however, and although they have more wage earners per family, lower income and minority families have fewer two car families. Operating expenses and insurance costs are much higher for the inner city resident also.

We see the results of the lack of inner city jobs, the lack of suburban low-cost housing, and adequate transportation facilities in the unemployment figures. Non-white unemployment is nearly double that of whites; 30 to 50 per cent of nonwhite teenagers are unemployed; subemployment at part-time or poverty wage jobs is as high as 35 per cent in some areas.

What can be done? What role can transit play in solving this national problem?

Some say that the black community is no longer interested in moving, that it wants to attract and own job-producing operations within the inner city. Others claim that business relocation into the ghetto is economically unfeasible and that suburbanization is the only answer.

While I see some merit in both points of view, their development will take time. Neither will provide a full answer alone to job demands, and in either case, transportation will still be vitally important. The inner city firm needs adequate freight transportation facilities. The suburban worker is already plagued by inadequate transportation to the outer industral parks. There is another way to get jobs and people together.

The Kerner Commission, however else you may view it, recognized this. One of its specific recommendations was the "provision for transportation between the ghetto and outlying employment areas," a problem which, the report said, "has received little attention from city planners and municipal officials."

From the articles in your weekly publication, I know this Association has not ignored the problem or the HUD-sponsored demonstration projects to date. Your membership will undoubtedly be called upon to play a major role as we move from experimentation and concern to application and solution.

The riders are there. For the past two years, a $2.7 million Federally-assisted research project has been carried out in Watts to assist residents not only in reaching jobs but schools, stores, medical care and other outside services. Passenger traffic on the buses has increased from 800 rides daily to as high as 2800 daily in the space of three months.

Without ruling out other forms of transit, particularly where new lines are being installed, bus service appears to have an inside track as a solution due to its flexibility. In the District of Columbia, a new bus service has been instituted directly between black southeast Washington and white upper northwest Washington during peak hours. In my own area of New Jersey, after nearly two years of planning and petitioning, a new bus franchise route has been approved by the ICC to service a large industrial park development between terminals in Paterson and New York City. Besides new routes to provide direct access to places of work, approaches such as the HUD-sponsored Los Angeles test whereby buses controlled traffic lights along their routes, cutting as much as 75% off previous delays, can be utilized.

If existing transit agencies and companies do not move to meet this need, it seems clear that others will. A black business organization called NEGRO is trying to establish a community-owned bus line in Watts. Ghetto car owners in Providence, Rhode Island, taking advantage of the fact that some cities pay transportation expenses for residents trying to reach health and welfare services, are being paid as drivers on call from a central dispatcher. So-called gypsy cabs serve areas of Harlem and Bedford-Stuyvesant in New York City.

I don't doubt that some form of subsidy, hopefully temporary, will be necessary in many cases while the passenger potential is being tapped. Such a subsidy is justified by the problem of getting information on jobs or on-the-job training to inner city workers. Studies have shown that the most effective means of transmitting job information is the informal system through friends, neighbors, relatives and others in the community. But the social and economic isolation of the ghetto dries up the grapevine. This has to be overcome.

While the problem of spreading job information is not directly your concern, it is important to remember that information on the availability of adequate transportation plays a major part in the decision of a worker to pursue these new opportunities. I mentioned before that a new crosstown bus route has been started in Washington, D.C., to assist lower income workers in their attempts to reach jobs. Apparently, from a check my office made, the only publicity carried out on this new route was in the newspapers and on the inside of other buses. It is not surprising, then, to find much of the traffic generated using the bus as an express downtown instead of crosstown.

As we approach the establishment of service of this nature, we are going to have to use a little imagination not only in routing and equipment, but in promotion as well. Many of the potential customers, through no fault of their own, have had such poor education that they have little inclination or ability to read newspapers, even if they could afford them. They may not be riding other buses because they are unemployed, lacking the mobility the new service is designed to provide. We need to reach them through their own media, and where they live. That means easy-to-read notices in laundromats, churches, barbershops, beauty parlors, corner groceries, carryouts; that means using the grapevine of neighborhood and social workers, bloc clubs and tenant organizations, ministers, and bartenders; that means using what the kids call soul radio, as well as community newspapers.

Will interest in the transportation needs of the inner city resident forfeit the suburban support for mass transportation programs? As a suburban Congressman, I do not think so. We need all the support we can get. Our urban goals are broader than simply transporting someone into the central business district.

Transport innovation will to a large degree dictate what is possible, and the extent to which transport policy is directed to achieving urban goals will determine what is feasible.

A common interest in adequate transportation planning and policy can be assumed for both suburbanite and inner city resident. As an extra bonus, it may serve as a political and physical bond, a much-needed contact point between the two Americas many now fear are forming in relative isolation, distrust, and misunderstanding.

As a legislator looking to the future, then, I welcome your advice, your ideas, and your support, and I thank you for the opportunity to meet with you here today.

The U.S. Lopsided Transportation Budget

Stacked-up airplanes, jammed highways around the cities, inadequate local bus service, rundown railroad trains. What can be done about them? Most people throw up their hands in despair. They say, "The only practical solution is the injection of billions of dollars of public money," followed by "Where's the money coming from, in the face of educational needs, poverty programs, not to mention Vietnam?"

Hold a minute. That answer is not quite sound. The fact is, there is public money available for transportation needs, $5.5 billion in federal money alone, another $9 billion in state and local money. The only trouble is, it's being spent in a lopsided and basically senseless manner. There is tax money already in hand that could be spent for airports. For mass transit. For speeded-up corridor railroad trains. Unfortunately, much if not most of the money actually is going toward making it more and more difficult for most Americans to get from hither to thither.

If that sounds like an overstatement, consider this: Jets fly at 600 miles an hour, DC-3s at 200. Yet, in this age of the jet, according to a study by Lockheed, it takes "45 minutes longer on the average to get from downtown New York to downtown Washington than it did 20 years ago using DC-3s." If this affects only the more affluent portion of the population, consider this: Millions of Americans once rode to work comfortably, efficiently, inexpensively by mass transit—buses, subways, elevated trains, electric trolleys. Today that great system is only a fraction of its former size and no longer efficient or comfortable. One result is that in many areas, the jobless cannot get to where the jobs are. In other areas, working men must spend hours and hundreds of dollars a year on crowded highways. That's what our billions have accomplished.

Why has our transportation system become such a mess? There are a multitude of answers, but they all boil down to one: We are spending our billions in a way that even a Hottentot would consider irrational. Practically all the Federal Government's expenditures are for highways. Says Alan S. Boyd, Secretary of the Department of Transportation: "Everybody talks about a balanced transportation system. We've got about $4.5 billion a year going into the Highway Trust Fund. On the other side of the scale, we have $175 million going into mass transit [both rail and bus] and $65 million for airports. We've got a bucketful of money for highways and only a medicine dropperful for the rest."

In a nation with 100 million automobiles, highways are an obvious necessity. Just as obviously, however, they are not the complete solution to our transportation problems. Since 1957 the Federal Government has spent $36 billion collected from taxes on tires and gasoline to pour 220,000 miles of concrete. The state governments have spent another $58 billion. Yet, as every motorist knows, the traffic problem hasn't gotten any better; it's gotten worse in many areas.

MORE ROADS—MORE TRAFFIC

One reason, of course, is that there are more cars on the road. Another is that highways encourage people to drive more. As Harold E. Wirth, a Washington lobbyist for Firestone Tire & Rubber and chairman of the District of Columbia chapter of the Highway Users Conference (which is also a lobby), says: "Trouble is, every time you build one of these roads, they're so damned good, everybody flocks to them." He says it with a smile: He's paid to keep the concrete flowing; the theory is that highways sell rubber.

The highway lobby's solution is a variation on the hair-of-the-dog-that-bit-you theory: If you have a hangover, the cure for what ails you is another drink. If you have a traffic jam, build another highway.

It hasn't worked so far. It cannot work. Highways don't run from nowhere to nowhere. They link cities. And the cities, by their very nature, are bottlenecks. They can handle just so many cars, and that will always be true until some genius figures out a way of making streets elastic. That is why, as cars approach a city, in some places even before they reach the suburbs, traffic becomes jammed. Laying down more highways cannot possibly alleviate the problem, because the problem is the city itself. Just one car too many acts as a cork, closing the bottleneck and backing up traffic for miles. The city is the problem, but the cities are not getting the money; it's going for ribbons of concrete.

The solution clearly is to bring more people, especially commuters, into the cities by mass rapid transit, thus relieving the congestion in the streets. Most of the nation's major cities now recognize this, but it's not easy. First, where will the money come from? As Boyd has pointed out, while there's more than enough for highways, there's only "a medicine dropperful for the rest." Another reason is the highway lobby, by far the most powerful in the U.S.

The highway lobby is not a sinister thing. It represents a major part of the U.S. economy, on which millions of Americans depend for a livelihood, directly or indirectly: the oil companies, the auto companies, the tire companies, the trucking companies, the highway construction companies. It represents the man who owns an auto agency in a small New England town and the widow running a gas station along an Indiana highway. It represents the trade uinons whose members work on the highways.

The highway lobby has behind it some of the most powerful state political machines in the U.S. In many states, the highway department produces the grease that keeps the machine running. Since the gasoline pump is one of the most efficient tax-collection agencies ever devised by man, in many states it takes in more money than any other state department. It has more contracts to give out; it has more favors to offer (like running a highway past someone's land even though common sense says it should be elsewhere).

Finally, like the gun lobby, the highway lobby has the strength of a great mystique. There are millions of Americans who just plain love cars. They will make any sacrifice to own and drive a car. A car is not a necessity in New York City; it can more aptly be called an expensive nuisance. The auto insurance rates in New York are among the highest in the U.S. In some parts of the city, it costs as much as $75 a month to garage a car. In midtown, the parking lots charge as much as $1.50 an hour. The traffic is agonizing. In spite of this, 1.5 million cars are owned by New Yorkers. That's how powerful the mystique is.

GENEROSITY ON CAPITOL HILL

If all this were not enough, the highway lobby has never hesitated to spend money: an estimated $500 million a year. Part of this goes to legislators—local, state and federal. According to a recent story in the *Des Moines Register*, 13 of the 34 members of the House Public Works Committee, which has jurisdiction over highway legislation, have received campaign contributions from the highway lobby ranging from $500 to $3,000. It's also accepted practice for industry associations belonging to the Highway Users Association to ask key members of Congress to address their meetings for a fee that may run as high as $5,000.

The highway lobby makes it a practice to fight mass transportation. It argues that mass transportation is a waste of money because few people will use it since "surveys show they prefer their cars." Alan Boyd, however, disagrees: "the community hasn't had a chance to make a choice. There's money for highways, and that's it."

Basically, the highway lobby has two motives. One is obvious: The better the highways and the worse public transportation becomes, the more people will prefer to drive cars; already one family in four is a two-car family. The other motive is less obvious but equally powerful: The highway people don't want to see gasoline go the way of the cigarette so far as taxes are concerned. As things now stand, the federal gasoline tax is only 4 cents a gallon, 11% of the typical price, and typical state and local taxes run to another 7 cents, 20% of the price. By contrast, in New York City, for example, cigarette taxes run to 24 cents a pack, about 50% of the price.

Like cigarettes, gasoline is a product that people will buy at almost any price. By seeing to it that gasoline taxes go only for highways, the highway lobby interests hope to kill the temptation on the part of governments to tax gasoline for general revenue purposes.

One of the cities that has decided to fight building more highways and, instead, create a mass transportation system to bring in people is San Francisco. The Bay Area now has 3.5 million people; by 1980 it will have 12 million. To Mayor Joseph L. Alioto, a tough, former antitrust lawyer, it's obvious that there just isn't any way they will all be able to get around by car. "Some of them are just going to have to get the hell out of their cars and use other means of transportation," he says. San Francisco has launched a $1 billion Bay Area Rapid Transit project called BART, and Alioto is having the devil's own time finding the money to complete it, partly because of the highway lobby's opposition. The lobby is dead-set against BART because, says Alioto, it "looks on BART as competitive with their automobiles. . . . I've written letters to all the company presidents concerned, telling them they should call off their dogs, explaining that they are not representing their best interests. Any answers? Just one from Standard Oil of California. They're willing to talk about it."

While fighting BART, the highway lobby is pushing for four miles of freeway through the city's recreation and watershed land, Alioto says the city doesn't want highways there. The highway lobby is also trying to build a freeway through the city's famous Golden Gate Park. "We told them [the highway lobby] they can go to hell," says Alioto. "They aren't going to build a freeway through this city unless they go underground."

Another city that has been attempting to block new highways, substituting mass transportation, is Washington, D.C. For the past five years, the U.S. Bureau of Public Roads has been trying to build a new bridge over the Potomac and a series of inner belt freeways. Citizens' groups have opposed the project on the grounds that it would destroy part of the Mall, cut through miles of park land, and further congest traffic. The lobby is going to have its way. In August Congress passed the Federal-Aid Highway Act of 1968, which *ordered* the District of Columbia to start construction of the contested project in "not later than 30 days." Mayor Walter E. Washington, and the Secretaries of Transportation, Interior, and Housing & Urban Development all urged President Johnson to veto the bill, but he signed it anyway because of what Boyd calls blackmail. Democratic Representative William H. Natcher of Kentucky, chairman of the Appropriation Subcommittee for the District of Columbia, threatened not to release one penny of the money Congress had voted for the subway Washingtonians really want "unless those highway projects get going beyond recall." Such is the power of the highway lobby.

UPROAR IN THE GHETTOS

This obsession for building highways while neglecting every other form of transportation has not only complicated the nation's transportation problem; it also has acerbated its racial problems. With freeways already linking the cities, there soon won't be any place to build more—except right inside the cities themselves. And that's what the highway lobby is pushing for. There is a certain logic in the lobby's position: Wherever the cities constitute a bottleneck, pave them over. Understandably, when an engineer plans a freeway, he picks a route that runs through relatively inexpensive property. Not always but usually, that means the Negro ghettos. It's a question of dollars and cents, not race prejudice, but it nevertheless infuriates the inhabitants of the ghettos, for it means tearing down the houses in which they live. Granted these houses freuently are slums, the inhabitants of the ghettos have no other place to live.

Urban freeways, therefore, have become a major issue among Negroes in several cities and towns in northern and border states, including Nashville, Tenn.; Ossining and Tarrytown, N.Y.; Baltimore and Philadelphia. They were a major cause of the riots that swept Newark and Detroit last year.

Partly for this reason, partly because of the other problems it causes for the city, including pollution and increased congestion, and partly because all the other means of transportation are demanding urgent attention, opposition to building more freeways is growing. So far, it has not reached such proportions that it greatly disturbs the highway lobby. Jerry W. Poole of the American Petroleum Institute, which represents the major oil companies, for example, simply dismisses the complaints of Negro leaders and of mayors like Alioto with the statement: "We *have* to relocate and tear down. You can't do this without irritating somebody." John de Lorenzi, public relations director of the diehard American Automobile Association, is even more cavalier. "Fighting freeways is an emotional thing," he says. "It seems to be the new 'in' thing. Last year, it was Vietnam; this year, highways."

One reason the highway lobby can afford to dismiss its critics is the fact that, in a sense, the highway program is self-generating. Proposals to appropriate money for airports, for mass transportation and for improving the nation's railroads all must compete with proposals to appropriate money for defense, for housing, for education, for the support of agriculture. The highway program has its private pork barrel, the Federal Highway Trust Fund. Every time a motorist or trucker buys a new tire or a gallon of gasoline, he pays a tax that goes into this fund and cannot be used for any purpose except highways, that cannot be tapped by anyone not even by the Department of Defense.

Congressmen who believe the nation's transportation is unbalanced have argued in favor of using part of the Highway Trust Fund for other means of transportation, to build new airports, for example. The highway lobby has beat them off. AAA attended both national conventions to lobby for "a plank protecting the Highway Trust Fund." De Lorenzi says: "We fight hard. You never know where the threat will pop up. Even Alan Boyd has been suggesting the use of highway money for parking lots near transit stations."

It's a fact of bureaucratic life that, if a government agency has money, it will find a way to spend it. Given the nature of the Federal Highway Trust Fund, the highway program has a never-ending supply of money.

On top of this is another fact: Under the National Highway Act, states that decide to build a highway can get 90% of the money from the Highway Trust Fund. Faced with a choice between constructing a mass-transit system that will cost it 100 cents on the dollar and a freeway that will cost it only 10 cents on the dollar, the temptation for a state to build a freeway is almost irresistible.

What about the airplanes? What has the power of the highway lobby to do with airplanes stacked up for hours over New York's Kennedy Airport or lined up on the runways at Chicago's O'Hare. The answer is: *Plenty*. Last year in the U.S., $625 million was budgeted for airport building, expansion and modernization. Of this, just $65 million, over 10%, came from the U.S. Government. This meant of course that, while local governments could build highways with 10-cent dollars, they had to build airports with 90-cent dollars. The result has been predictable, and it is going to get worse.

The airport situation is tied to the other forms of transportation in yet another way. Few people want airports near their homes: The noise is getting worse and worse. The only solution is to build new airports far out in the country. But that solution runs right smack into the problem of urban congestion: How are passengers disgorged, say, at the far tip of Long Island, going to make the 100 miles into Manhattan. By car? It would take six hours to make the trip. The solution is comfortable, efficient, high-speed rapid transit. But where is the money coming from? Not from the arlines. They are hard put to finance the fleets of new airplanes they have contracted for.

But many of the new aircraft may turn out to be unusable unless something is done about the airport situation. The airlines last year owned 2,188 planes; by 1974 they'll have 3,400. Private planes totaled 114,000 and will top 170,000 by 1974. Already the Federal Aviation Administration has ordered the airlines to reduce the number of flights into the busier airports at the busiest times. This, of course, will alleviate the situation. But it will—in the long run—cause a deterioration in comfort and convenience and reduce the range of choice available to air travelers. (Already the once-wonderfully convenient New York to Washington air shuttle has been curtailed.) Most important of all, it will limit the expansion potential of the busiest routes and lead to even greater problems for the airlines a few years from now.

Given the continuing growth of air travel, New York has to have a fourth airport. No doubt it will eventually get one—but too late to prevent continuing crises. New Jersey and New York still are at least a year or two away from agreeing on a site. Even after they do agree, it will take an estimated eight or nine years to build the airport. Once built, there will remain the problem of getting people to and from the airport.

The highway lobby has a standard answer, of course: Build another highway. Cleveland tried it, and learned that it wasn't an answer at all. The new highway quickly became as congested as the old. Cleveland has since built a rapid-transit system out to its airport, and that does work. New York, which has an even worse problem than Cleveland's since Manhattan is completely surrounded by water, is talking about extending the subway to La Guardia and the Long Island Railroad to Kennedy. The problem is: Money. New York can get all the money it wants to build a highway across Manhattan that will obliterate thousands of homes and businesses, including Chinatown, which is, among other things, a great tourist attraction, but money to bring people into New York quickly and comfortably? Congress already has decided on its priorities: $5 billion for highways; $175 million for mass transit. When that $175 million is divided among 50 states, the figure becomes meaningless.

Another example of Congress' sense of proportion: The need for a high-speed train between Washington and New York, and New York and Boston has long been obvious. Nowadays, in rush hour, a man has to spend 40 or 50 minutes getting to National Airport and an hour or more getting from La Guardia to New York, and this for a 50-minute plane ride. It wouldn't make sense if there were a high-speed train between Washington and New York.

A train going 125 miles an hour is technically feasible. Japan has one running between Tokyo and Osaka. It has been a huge success, a huge financial success. Last year, it earned $96 million on revenues of $310 million. Japan has decided to extend the line throughout the islands, 650 miles.

Penn Central is attempting to duplicate the Japanese feat. So far, it has failed. It was supposed to start operating its high-speed train in October 1967 but, says Boyd, "They're running into all sorts of technical problems on this thing." Why? "Largely because we tried to do it on the cheap."

The Japanese government spent $1.3 billion to build the Tokyo-Osaka railroad. The U.S. Government has put up $12 million for the high-speed Washington-New York train. Twelve million dollars couldn't build 14 miles of highway.

At that, Congress was generous, possibly because Congressmen spend much of the year in Washington and travel frequently to New York. High-speed trains are needed all over the U.S., wherever a megalopolis has developed—from San Francisco to Los Angeles, for example, and from Chicago to Milwaukee and Detroit. The necessity has left the legislators cold.

FROM TROUBLE TO CATASTROPHE

Until now, the nation's transportation mess has been merely an inconvenience. It has merely meant getting snarled in traffic, coming late to work on commuter trains which break down periodically, waiting hours in airlines terminals for a plane to arrive. Unless something is done—and soon—however, there is a good chance that the mess may lead to catastrophe. Over all the nation's overcrowded airports, near-misses have become a commonplace. According to Kenneth T. Lyons, president of the National Association of Government Employees, "The safety factor at Washington's National Airport has degenerated to a point that almost daily there are reported and unreported near-misses averaging five a day." The nation's luck can't hold out forever.

The failure to spend money on mass transportation could lead to a catastrophe of another sort. To cite just one example: Over the years, the New Haven Railroad has steadily been running down. It has become so unreliable that fewer and fewer people use it every year; they just can't depend on the New Haven. Nevertheless, it still carries 30,000 commuters to and from work each day.

If the New Haven should break down completely, it would take at least 25,000 automobiles to get those commuters to work. (The average automobile carries 1.1 passengers.) In simple fact, they would never get to work, for 25,000 more cars on the highways leading into New York would create a traffic jam all the way to Greenwich, Conn. Building 50 more highways wouldn't help, since Manhattan can be entered only through bridges and tunnels. Building more bridges and tunnels wouldn't help, because Manhattan can't take any more cars; it's only 22 square miles.

Some of the nation's leading corporations, which have offices in Manhattan, would just have to declare a long holiday.

BILLIONS NEEDED

According to Department of Transportation experts, it would take a minimum of $37 billion over the next five years to make even a start on cleaning up the nation's transportation mess: $5 billion for corridor trains—Boston to Washington to New York; Chicago to Milwaukee and Detroit; San Francisco to Los Angeles—$4 billion for airports, $5 billion for airways (that is, for automated controls of flights), $8 billion for mass transit, the rest for establishing bus transit, fringe parking, automated roadways and the like. That kind of money can only come from the U.S. Government—and justifiably so, since an efficient transportation system is vital to an efficient economy.

But, to quote Alan Boyd again: "Congress appropriated only $175 million for mass transit for 50 states. At best one city, after a couple of years of haggling, might get $900,000. Now what the hell good is that going to do against $1 billion available for highway projects?"

Only three years ago, at the start of his first elected term in office, Lyndon B. Johnson had high hopes of doing something about the situation. He told FORBES at the time: "We need a transportation policy. There are conflicting interests at work. We've got to let the truckers know they can't contribute to a $100-a-plate dinner for a Congressman and then own him. The railroads can't have any more Jay Gould empires. The airlines can't just serve their own interests and tell us who's going on the Civil Aeronautics Board. But they're all children in the woods of Government. They've got to be led. Transportation [a national program] has to be sold to this country. You've got to get the people excited about it."

A first step was the establishment in 1967 of a Department of Transportation. Its mission was to see to it that the U.S. got a balanced, modern transportation system. Johnson was then at the height of his power. But then the soaring cost of the Vietnam war destroyed the possibility of getting additional money for mass transit or for air travel. Later, as the President's power and influence waned with his popularity, the vested interests, especially the highway and trucking people, were able increasingly to have their way in Congress. So much so that, in struggling to prune the budget this year, the Administration has been unable to make any important cuts in the highway program—which is certainly one of the more postponable and inflationary items in the federal budget. The best the Administraton has been able to do is to "stretch out" (i.e., postpone) $200 million, less than 5% of the $5.5-billion federal highway budget.

One solution to the problems that is gaining in support is for an Airways Trust Fund, financed by taxes on airline passenger tickets and aviation gasoline (not jet kerosene). Another possible fund might finance mass transit and railroad passenger travel. But these would be solutions of desperation. The mind boggles at the prospect of a federal budget straitjacketed by an endless series of earmarked taxes and spending mandates.

Will federal money be forthcoming for transportation in a more straight-forward and sensible way? Will the next Administration be able to come to grips with the problems? Whatever it does, one thing seems certain: It will have to consider seriously diverting some gasoline-tax revenues for other forms of transportation. Only the gasoline tax offers a convenient and relatively painless way to raise the money; there are too many other demands pressing on general revenues in an already overswollen federal budget.

But something will have to be done, because the U.S. is heading for a transportation mess that is going to affect not only the quality of life in this country but our economic life as well—to say nothing of our image as the industrial leader of the world.

KAUAI HOTEL MANAGER, GRACE BUSCHER, RECEIVES HIGH RECOGNITION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MATSUNAGA. Mr. Speaker, Hawaii has long been known for her natural beauty and the warmth with which she welcomes visitors. In recent years the surge of tourist travel has resulted in an incredible increase in the construction of vacation hotels and resorts; in some unfortunate cases, the natural and delightful Hawaiian setting has been sacrificed for expediency. It is therefore with a deep sense of pride and pleasure that I call to the attention of my colleagues in Congress the wonderful job that Miss Grace Buscher has done in maintaining the flavor and atmosphere of "Old Hawaii" as the manager of the Coco Palms Hotel, on my native island of Kauai.

Miss Grace Buscher's talented management of the Coco Palms Hotel has helped to maintain Kauai's unique charm and beauty, culture and tradition, despite the crush of increasing tourism and the inevitable temptation of overdeveloping. As a personal friend, I would like to extend my deep appreciation to Miss Buscher for her efforts to preserve the beauty and peace of our delightful island. The Kauai County Board of Supervisors recently passed a resolution commending her for excellent work. It is with considerable pride in the well-deserved recognition that has thus been accorded Miss Buscher that I now submit that resolution for inclusion in the CONGRESSIONAL RECORD in order that my colleagues and others may know of her efforts in preserving Hawaii's beauty:

RESOLUTION 32

Whereas, the Kauai visitor industry, nurtured through the years by public and private investment, has grown to become one of the major sectors of our economy; and

Whereas, the rapidity of this industry's growth has focused the attention of local government on the urgent need to maintain a balance between development and preservation of our Island's quality in terms of its beauty and the histories, cultures and traditions of its peoples; and

Whereas, it has been the officially stated purpose of the County of Kauai to preserve, as much as possible, the beauty, flavor, individuality and unique charm of our Island through careful attention to planning and through the legislation of ordinances which are designed to control development and encourage such to occur in keeping with our objectives; and

Whereas, an excellent example of this concept has been and is continuing to be maintained through the years in the on-going development of the Coco Palms Hotel, Wailua, Kauai; and

Whereas, the multiple aesthetic values of the Coco Palms Hotel, so evident despite its unprecedented growth, can be directly attributed to the foresight and boundless talents of one Miss Grace Buscher, its manager; and

Whereas, through her efforts, the culture of "Old Hawaii" is so effectively preserved and presented to the public in the midst of an established, profit-making enterprise which substantially contributes to the economy of our Island; and

Whereas, it is unanimously agreed that such outstanding attention to the ideals and goals of our people deserves recognition from their representative governmental body; Now, therefore,

Be it resolved by the board of supervisors, county of Kauai, State of Hawaii that Miss Grace Buscher be officially recognized and commended for her creative efforts in support of County's objectives.

Be it further resolved that copies of this resolution be forwarded to Miss Grace Buscher; to the president of Island Holidays Resorts, Inc., her employer; to The Honorable John A. Burns, Governor of the State of Hawaii; all Kauai representatives to the State Legislature; the Hawaii Visitors Bureau; the Hawaii Hotel Association; the Kauai Visitor Industry Organization; the Kauai County Advisory Committee on Tourism; and the Kauai County Advisory Committee on Economic Development.

GEN. JAMES GAVIN INTERVIEWED IN FORBES

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. MORSE of Massachusetts. Mr. Speaker, many Members of Congress has long believed that the techniques of systems analysis and systems management could have applicability to the solution of some of our most urgent social problems.

One of the chief exponents of the techniques, Gen. James Gavin, now president of the Arthur D. Little Co., warns that we cannot expect too much of them.

Interviewed in the October 1 issue of Forbes magazine, General Gavin does point out that if systems management is seen as knowing all there is to know about all the aspects of a problem, then it can be helpful in urban and related areas.

Because of the widespread interest in this topic, I include the text of the interview:

(Note.—An interview with General James Gavin, Chairman of Arthur D. Little Inc.: In World War II he jumped into history as commanding general of the 82nd Airborne, but, when the war ended, Lt. Gen. James M. Gavin, did not simply fade away. He achieved equal fame as the Army's director of research and development. A man constantly sparking ideas—and never afraid to express them—he eventually found himself in such profound disagreement with his fellow generals that he retired from the Army—to start a new career as U.S. ambassador to Paris. Gavin is now chairman of Arthur D. Little, Inc., the Cambridge, Mass., management development firm, and as such, a leading authority on the systems approach, the modern technique for coping with problems.)

Question. General Gavin, we've come to you with something that's been nagging at us for a long time. We keep hearing that science may be able to solve the social problems afflicting the country: Crime, race relations, education, transportation. The secret weapon is supposed to be systems analysis. The aerospace people are using it to put a man on the moon and the military uses it to accomplish the most complex tasks. We've talked to businessmen who think systems analysis can do the same for social problems. At Forbes we've been skeptical. We want to know what you think. But first of all, what is systems analysis?

Gavin. It's an over-all view of an operation that could be industiral, social or a combination of both. When you use the systems approach, you deal with the whole package, you view all the components as a package; you don't deal with the components themselves. In the case of manufacturing autos, the package would consist of the raw materials, labor, the factories and facilities, what goes into the auto—steel, glass, paint, everything. Ideally, you could put all these things into a computer and get a mathematical picture of the whole thing.

Question. Fine, General but is it a magic formula? What are the limitations? And what are the possibilities?

Gavin. You could have a lot of fun in an interview if I'd blast the systems approach. I'm not going to do that. But it does have its limitations. The trouble is that in our homogenized society we much prefer slogans to well thought-out sentences. You run into it everywhere: In politics, business, everything. But all of us here working on these problems are very skeptical about the wide-spread acceptance of the so-called systems approach as the open sesame, the magic word that would cause the whole thing to unfold in detail and thus provide very simple solutions to very complex problems.

In my own opinion, knowing the theory of the systems approach is nothing in getting the answers to the problems unless you know the problems. You gotta be able to ask questions. You got to know the nitty-gritty dirty details. Thus the nature of the problem changes. You have to know the people. You have to know the scales. You have to know the raw materials. You have to know the probable return for investment made on the part of anyone whether it's human energy or dollars or whatever. You must be absolutely sure of all the variables. And this is where the systems approach to social problems runs into trouble. People are volatile, unreliable, unpredictable. That makes it difficult, almost impossible sometimes to use the systems approach to social problems.

As an example, now I'm an honorary member of the youth alliance of a black group in Boston. They're interested in providing some dignity to their own community and law and order and so on, and they're succeeding. They're doing a lot. They tend to take the law into their own hands, but they're doing pretty well.

The sort of question I get is how do you identify enterprenurial skills. Who the hell is running things over there? It's hard to identify the leadership, and the leadership changes. Their business practices are so unsophisticated as to cause them to get into all kinds of ——— things that later don't work out and you have to work closely with them. You think you have something going for you and then it isn't working right. In the white community they've been doing these things so long that you know everyone. But in the black community we're trying to push them into things so fast and a lot of them are so ambitious about it that you can make some serious mistakes in identifying the business leadership and the effect of people and you have to work with people to find out how things are going. And then adjust as you go along.

I know some in Washington who are talking about systems approach in a big way. That's their business. But I like to do it my way because you know what the hell you're doing and you can see results. I've got some very able blacks in Arthur D. Little and we're working in Los Angeles, in East Cleveland, in any number of cities now and we're working right down at the nitty-gritty curbstone level. And getting things done.

There's a black group in New York's Bedford-Stuyvesant area trying to get capital to make African-type garments, colorful. The blacks will buy to identify themselves, and the whites will buy to salve their conscience for so long being so insensitive to the condition of the blacks. But these people need capital. These guys are already tied in to cosmetics in the Watts area and they've got hair spray that puts a sheen on the hair.

They have more orders than they know what to do with but they need capital. We're working hard on this now. I have great respect for this way of doing it.

Let me draw a parallel for you: Once upon a time we had to launch a satellite and Werner von Braun and I worried our hearts out about the ——— thing, because we had so many things we didn't know how to solve. We didn't know how to solve the heat problem, the reentry problem. Then you have the very difficult problem of liquid oxygen and the jet fuel. But we finally got the first one launched and in fact it was responsible for the Explorer I. We worked on what we called the building-block principle. We understood every component 100%, and if anything happened we knew what to do to help that problem. And when we finally went off the pad our system worked because we knew what the hell was in it.

We had competitors at that time who worked on the systems approach. They just dumped the complete thing, took her down and let her go. And then tried to debug her. And ——— it was a costly business. It finally only worked because the building-block knowledge that went into it made it work. The analogy fits in the race problem. You have a lot of people, you have raw materials, you have business opportunities. You have all the ingredients but you've got to understand them and understand that they change all the time. And understand that your evaluations might be quite wrong and you have to be prepared to change. And then with willingness you can go ahead and help these people do things. But you must approach it from this end. Later on as you see the thing, it turns into a system, a total, well that's OK. But, first, you've got to deal with the components. The little plastic disk that costs 25 cents could cause an orbital flight to collapse. On the pad. Because you didn't happen to understand the particular components of that little part.

Question. The building blocks in the case of the aerospace program are inanimate things. In the case of any social problem whether it's transportation, education or the slums, the building blocks are human beings. So really you have to know the human beings first. This is what your'e saying.

Gavin. People surprise you. For example there's a black woman in a midwest city on the board of trustees of a junior college. We went out to help locate the college. The trustees proposed putting a junior college right near the edge of the black community. I think, gee this is fine: The kids can all walk to the school. But the black lady was furious. She wanted it close to the white community so it would be an integrated school and not an all-black school. But you don't know this until you talk to her and find out. In fact, the trustees on the board couldn't understand why she wouldn't go along and yet she wouldn't say what she felt. She didn't want to be an Uncle Tom about it.

Question. General, not all of the building blocks are black ones. Some of them are white. The working-class whites who resent seeing the blacks make progress, the recent immigrants and poor southern whites who vote for Wallace. And even the well-meaning whites who think the blacks should take it easy.

Gavin. I said to one of my more affluent friends down in Cape Cod last weekend that the rich get rich and the poor get poorer. That's reality. And he didn't like it at all. Yet what I said is supportable by numbers. In this country the rich are getting richer and the poor are getting poorer. And the numbers of them are increasing. You do have a number of building blocks. There's a white withdrawal to the suburbs and their nice little garden homes and their split-level houses and this and that. Two cars. More and more poor get stuck in the city with a very rapidly deteriorating environment. And it gets worse while the other gets better.

You've got a lot more than blacks to deal with, I'd agree. Right now we're talking to businessmen, and from my experience the first thing you've got to have is a businessman who is a chief executive taking a personal interest in the problem. He can't tell his vice president for public relations to go and represent him. He's personally got to take an interest in it. It's an executive problem now. It's a chance to do something for your community. It isn't public relations.

Question. But there are a great many businessmen and even a greater number of stockholders who say: Why should these be our problems? What do we care about Negroes in the slums? What do we care about transportation? What do we care about education? What do we care about anything except manufacturing hairpins and getting an operating profit of 10%. Why should they care about any kind of problem which doesn't affect their operation?

Gavin. You ask, "Why should industry bother?"

You don't have to be a genius nor have a crystal ball to look at where this country is in terms of where it was and where it's going. I can see the conditions now prevalent up and down the eastern seaboard and in other parts of the country. I don't see how industry can live as islands of affluence and profitability in seas of squalor and want. I don't see how industry can live like that. You can't act as though these problems aren't going to be here. And if the conditions of our environment—pollution, traffic congestion, deterioration of housing, population growth continue on and on it will create a social environment in this country that's just unbelievable. I don't see how industry can ignore it. The wise in industry have begun to deal with it now before it gets worse.

You know we don't have to live this way. We don't have to live like this. You know how I feel about it. I'm frankly worried. Business has got to deal with these problems. After all this is the mark up. These are the people who should be purchasing the pots and using the services of industry. They've got to be reasonably prosperous, contributing taxpayers. This is good business to help them get like that. It's good business to be concerned with the problems and it's better business to start dealing with them now rather than ten years from now when it's going to become appallingly out of hand.

Question. You're talking about a problem we see every day. People say; "We need more airports." But then they say, "but don't build it near my house; it will hurt my eardrums and my property values." Or, "I'm for integration, but keep 'em out of my kid's school." So even if the systems approach can view the problem whole, what good is it if the voters and taxpayers don't see it whole?

Gavin. This is because of a leadership failure in this country. No one makes the big decisions. There's a gross failure in the Establishment, in the leadership in this country. The values of our leadership are completely out of whack with the people themselves. I think what the candidates today are saying is irrelevant to the hour. Really, I think so. Not a word came out of Miami. I went down to Miami and came back before the votes were taken. There wasn't a word said down there about the young people, about their participation in government, getting the vote to the 18-year-old. Nothing said about the specifics, about the domestic condition. All motherhood and virtue. My God, what are we talking about? What they're saying is totally irrelevant today in this country of ours. What you're seeing now is real lack of leadership, real understanding leadership at the national level.

The lack of leadership is felt because the average person on the street today knows more than a head of state knew a generation ago, because every day he looks at TV and sees Czechoslovakia being invaded; he sees riots in Cleveland; and yet all we can tell him is all you've got to do is change your representative in Congress and send someone else down there who will begin to deal with these problems in 1972.

Therefore, we're going to follow two alternatives: We're either going to have a regressive government that fails to provide the sort of leadership we need and then we're going to have very serious disorders in this country, or we'll somehow manage to find the kind of leadership we had in a comparable way in the early 1930s when we had a President who went on radio for fireside chats with the people, to talk about all the problems. He did it with great frequency and he had experts with him and he talked about this side of it and that side of it and ended up bringing about a revolution in our society. I believe, and I say this publicly, we should have an executive who comes right to the people on prime time with some frequency the moment he takes over—maybe every week or so—to talk about what the real problems are. The people must get a sense of participation in what is happening in this country. Particularly the young people need a sense of participation.

If we could achieve that we could talk about getting the electorate to respond by sonar electronic devices and we could hold a national town meeting of the country. I think that this is technically feasible. Not to vote on issues, not to bind the present to any policy but to give people a sense of participation in giving direction to this country which they now feel is totally lacking.

Question. One of the most confusing things is this: How do you identify black leadership? Who are the people you are supposed to deal with?

Gavin. Too put it bluntly, whites are being asked to do what blacks won't do. That's the strange thing about this. A reasonably intelligent, concerned American would look at this thing and say, ———, we have a revolution on our hands in this country right now but we don't realize it. We have people like the Youth Alliance in Roxbury, wearing arm bands, having walkie-talkies, taking over law and order and not allowing the police in. They asked the police not to come in. And everybody agrees that this is the way to do it and it works. Now you have the Blackstone Rangers which is another sort of a problem. You've got the Panthers which is another kind of problem, but they're really interrelated. According to the Brandeis (University) group (studying violence), 50% of these people are armed in their homes now, the whites as well as the blacks. Mostly whites, blacks have a hard time getting weapons. It doesn't take much common sense to see you've got a revolution here. You're recognizing nonlegal bodies as being the proper appointed leaders of the community, and that's where the leadership is—strangely enough. Businessmen will have to work with these people instead of the black Harvard graduates. They've got a position of respect and leadership in the community. You've got to recognize and you've got to work with them to do certain things.

You have to look at black leadership a little differently than you look at white leadership because the way it came into being is different from most whites but not all whites. We think of it as a sort of underdeveloped-country area. You have certain raw resources there, you have people, you have materials, with a little capital and a little identification of leadership. In our own way at Arthur D. Little, we're working with their building blocks. We do jobs for federal, state, city or a small business that's trying to start in these areas. We don't do it for charity. And for this we get paid our regular consultant fees. Aside from this, it's probably the most important thing we're involved in these days.

WANTED: 45,000 DISCIPLES—THE WAR AGAINST CRIME AND RIOTS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CRAMER. Mr. Speaker, I had the privilege of addressing the Society of National Association Publications in Washington recently at the time when Resurrection City was in existence, and shortly after the unprecedented riots and burnings in the Nation's Capital.

Under these circumstances, I felt duty bound to discuss these matters, having been in the forefront of the legislative efforts to do something about these problems, including my successful sponsorship of the Antiriot Act, numerous anticrime bills, and the attempt to get a bill passed to rid the Capital of Ressurection City and any other public property campins in the future.

I was proud to receive a very thoughtful article from the Hardware Retailer, a nationwide magazine, reflecting on this problem, which article I place in the Record for the attention of my colleagues:

WANTED: 45,000 DISCIPLES

(By Bob Vereen)

Most thoughtful Americans are appalled at today's rapid decay of authority, our mushrooming crime rate, the frightening tendency of the courts and do-gooders to protect the rights of criminals and minorities at the expense of crime's victims and the welfare of the majority of American citizens.

We are reaching a time in our history when prompt and definitive action must begin. We must re-establish certain basic truths upon which our government and our nation were founded—that while the rights of the individual must be protected, such protection does *not* extend *to the forceful deprivation of someone else's rights!*

This is not a political editorial, but rather, a call to action regardless of your political party. Become *involved* this election year in letting local and national candidates—especially for the House, the Senate and yes, even the Presidency—know your feelings and views on crime and lawless in America.

Last month I attended a publishing convention in Washington, D.C., where I listened to the author of our nation's Anti-Riot Law describe the behind-the-scenes carnage that was Resurrection City. I heard him outline the broken promises made by those behind the Poor People's March, heard him tell of looting, robbing, arson and killings in Washington that became so numerous that today, as you read this, bus drivers in our nation's capital will not accept cash fares during the evening hours.

If you want to ride a bus, you use paper scrip. Why is scrip necessary?

Because there have been so many robberies, muggings and even murders of bus drivers that it is not safe to use our nation's currency in our own capital.

Did you know that police—and police dogs—are on full-time duty on Capitol Hill to escort government employees from their offices to their cars or public transportation at night? It is not safe to be on the streets of Washington alone. Nor is it safe in parts of Cleveland, New York, Chicago and many other cities.

If you are as I am, you *knew* some of this. You'd read about it in the papers. But the horrifying impact of it didn't reach me until I heard Rep. Bill Cramer of Florida describe it in person.

What can you and I do? We can become concerned . . . vitally interested . . . active, regardless of political preferences. I have personaly vowed to make my feelings known to my representative and our two senators and to encourage my personal acquaintances to launch a letter campaign urging strict law enforcement and stiff penalties for criminals—especially the crimes of looting, arson and robbery. And for rioting.

Each of us can become *a missionary for law and order* in America. We must be strongly for genuine civil rights and equal opportunity, but we must also cry loudly to every politician and bureaucrat that millions of Americans demand *law enforcement* too.

Hardware Retailer's readers are respected business leaders at every level—manufacturing, wholesaling and retailing. Our readers are scattered throughout more than 10,000 cities, towns and small communities all over America. You truly blanket America.

There will be more than 45,000 copies of this September 1968 issue distributed in our industry. If each reader would become an *activist* in this cause, what an avalanche of mail we could shower on present or hopeful politicians.

Why not add the practicality of "civics" to our industry's many meetings and gatherings? Would it be wrong at sales meetings or store meetings to urge *greater participation* in local affairs? Would it be wrong to prepare a manual of instructions on better community relations? Indeed, would it be wrong to throw the spotlight on hardwaremen at any level who have *accepted* the mantel of civic responsibility and worn it well so as to inspire even greater effort on the part of more people?

Legislative activity, as Bill Mashaw noted last month in his editorial, long has been a mainstay of Association programming and needs. But this strikes at a more fundamental problem—indeed at the very heart of America's being.

It is a common cause to *all* law abiding citizens—to your fellow merchants, whether large or small; to your employees; whether you employ 1 or 1,000; to your fellow church members; to the parents of your children's friends, etc.

Never before has it been so necessary that normally docile American citizens become aroused *to full participation* in their government. We must contribute and participate if we expect to survive.

THE STEUBEN SOCIETY OF AMERICA

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CURTIS. Mr. Speaker, it was my great pleasure to have the opportunity to address the Steuben Society of America at their 23d Biennial National Convention which was held in St. Louis, August 20–25, 1968.

The Steuben Society of America has had a long history of service to this country in the tradition of Friedrich Wilhelf von Steuben, for whom the society is named. Von Steuben emigrated to this country in 1777 after having served as a high-ranking officer in the army of Frederick William I of Prussia. His services were badly needed and his talent put to good use. After reporting immediately to Gen. George Washington in February 1778, he undertook the training of the Continental Army and served as acting inspector general. By April of that year Washington made him inspector general with the rank of major general. In the winter of 1788–89 Steuben prepared his "Regulations for the Order and Discipline of the Troops of the United States," which became the military bible of the Continental Army. At Yorktown Steuben commanded one of the three divisions of the victorious American army, and after the war Steuben assisted Washington in preparation of a plan for the future defense of the United States and in the arrangements for the demobilization of the Continental Army. He died a U.S. citizen in Onieda County, N.Y., in 1794.

The Steuben Society of America, composed of Americans of German origin, has been formed to emulate the ideals of this remarkable man. I am inserting in the Congressional Record the "Fourteen Points About the Steuben Society of America—Its Policies and Activities" together with a short history of the society prepared by the Library of Congress. In addition, I am inserting in the Congressional Record eight resolutions adopted by the delegates to the 23d Biennial National Convention of the Steuben Society which met in St. Louis, Mo., August 20–25, 1968, and the 1968–70 platform and program of the National Council, Steuben Society of America:

Fourteen Points About the Steuben Society of America

ITS POLICY AND ACTIVITIES

1.—This Society aims to loyally support the Constitution of the United States of America, advocates the proper application of its provisions, and endeavors to inculcate the principles underlying government by a Federal Republic with limited, delegated powers.

2.—This Society is dedicated to maintaining the independence and sovereignty of the United States of America and its freedom from all foreign influence.

3.—This Society engages in City, County, State and National civic affairs. The Unit attends to local matters, the District Council to a larger political division, the State Council to State matters and the National Council to National matters and Foreign Affairs.

4.—This Society pledges itself to promote the election to public office of men and women known to be reliable and worthy, who will strive to preserve and strengthen our Constitution and sovereignty, and who recognize our Constitution as the supreme law of the land.

5.—This Society uses the American language. The groups of the Society are units for the civic education and activity of members though not without social and cultural endeavor. It considers the teaching of the German language essential to the promotion of good will and friendly relations with Germany.

6.—This Society hopes to bring together all American citizens of Germanic origin for the purpose of safeguarding and promoting their political and civic stature.

7.—This Society is not a secret Society, but is of a non-public character.

8.—This Society employs a Ceremonial and Order of Business.

9.—This Society's "Constitution and Statutes" are modeled after the general principles of representative government. It provides for the opportunity of the able member to advance. There is no super-body of self-instituted and self-perpetuating governors.

10.—This Society is composed of administrative groups, known as "Units" and executive groups, called "Councils". To the District Councils are elected delegates and alternates from Units on a representative basis. To the State Councils are elected delegates and alternates from Units; Chairmen and Secretaries of District Councils are automatically delegates. The National Council is composed of delegates and alternates elected in each State on the basis of the number of Units. Such elections have the nature of promotion for ability displayed and service rendered.

11.—This Society's members must be citizens of the United States of America, must be able to vote, be of good repute and, wholly or in part, of Germanic origin. Persons who were shifters and trimmers, or who are known to possess no pride of ancestry are not eligible. Men and women alike are eligible for membership. No distinctions are drawn as to creed or political tendency.

11a.—Germanic immigrants, desirous of becoming citizens, who otherwise possess the above-mentioned qualifications may join a "Prospective Citizens League". Where such a League does not now exist, a group of 15 or more such future citizens may apply to the nearest Unit or Council of the Society for a charter.

12.—This Society holds that quality is the first consideration, quality being based not on wealth or position, but upon personal worth.

13.—This Society endeavors to maintain strict discipline. Self-seeking is made impossible by the Laws of the Society. This Society supplements the activities of German-American organizations in a hitherto neglected field, and is not in conflict with any existing organization. The Society was organized in May, 1919, and operates in many States. Public discussion of intrinsic and internal affairs and the resources of the Society by unauthorized members is not permitted.

14.—This Society is dedicated to enlightened participation in local, state and national affairs. It is not in any sense a political party, nor a group serving the purposes of any political party, nor shall it serve any individual's personal ambitions.

The policies of the Society on all issues are developed by open debate in Units, Councils and especially at the State and National Conventions. These policies on important issues are clearly stated in the State and National Platforms and Programs, issued after each convention. These Platforms, the "Steuben News," and direct communications convey our stand to the public, to our government and to our elected representatives.

The Steuben Society of America

At the turn of the century there was a strong indication that the future looked brighter and more promising for the German element in the United States. Aware of the great advantages of having a centralized organization, a small group of representative citizens of the various States decided to call a meeting to be held in Philadelphia to form a national organization. This organization was to be called the National German-American Alliance, and its aims were to be solely for the "purpose of promoting everything that is good in German character and culture, and that might accrue to the benefit and welfare of the whole American nation."

This meeting was called and took place on October 6, 1901, in the hall of the German Society of Pennsylvania. The business of the day was "combined with a celebration of the 'German Day' in commemoration of the landing of the German Pilgrims in Philadelphia on October 6, 1683." The principles adopted by this new organization were on the highest level of loyalty, patriotism, and devotion to their adopted country. "In recognition of this fact, the Alliance was, after a painstaking investigation of its aims and purposes, incorporated on February 27, 1907, by an Act of Congress."

"In accordance with its principles, the German-American Alliance promoted the culture of gymnastics, song, music, art, literature and the study of foreign languages. By lifting its members from the narrow limits of club life, it induced them to acquire the right of citizenship as soon as they were legally entitled to it, in order that they participate in all affairs of public life." The committees of the Alliance made various studies and offered certain suggestions for the "preservation and wise utilization of all natural resources of our country." By establishing Junior Orders it attempted "to inspire the younger generation to continue the good work of their fathers, and to display the same industriousness, enterprise and patriotism." Through these many works the Alliance "strove in many directions to win recognition for its motto: 'Always true to our adopted country; ever ready to risk all for its welfare; respecting the law, and sincere and unselfish in the duties of citizenship.' "

When the World War came and ill feelings toward Germany became common, the National German-American Alliance decided to dissolve of its own accord. (Senator William H. King of Utah introduced a bill to repeal the Charter of the Alliance.) The Alliance dissolved voluntarily on April 13, 1918, "a month before the charter was repealed. The funds of the Alliance, amounting to $30,000, were turned over to the American Red Cross."

Shortly after this some suggestions were made to form a new society, but a decision was postponed. Finally, in the spring of 1919, a group of men, all from New York, held meetings and discussed the idea of a new society. Thus, the "Steuben Society of America, an organization of American citizens of

German descent in honor and commemoration of the maker of the American Army," was founded. "The Society's Creed is:

"One country—A country so fair, tolerant and just that all who live in it, may love it.

"One flag—An American flag for American purposes only.

"One language—The language of truth spoken in any tongue in which one chooses to speak it."

The aims and purposes of the Society are on the highest plane of patriotism, of devotion, and of service to America. They stand for the support of the U.S. Constitution; for aid in defending the independence and sovereignty of the U.S.; for urging its members to participate in all phases of national life; for offering guidance to its members in making them better citizens of their adopted country; and for helping in "reestablishing that harmonious, neighborly cooperation and feeling of solidarity among the various racial elements of our composite population which existed before the World War."

September 17, the birth date of General Steuben, has been designated "Steuben Day" which will be celebrated "with patriotic speeches and other entertainments fit for such an occasion." The first "Steuben Day" was held in 1922 in New York with more than 1500 members in attendance.

RESOLUTION 1. THE WARREN RESIGNATION?

Resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: Earl Warren, Chief Justice of the Supreme Court has presented his resignation to President Lyndon B. Johnson, without specifying a date of resignation, but, is reported to have made the resignation conditional upon the appointment and affirmation by the Senate of a new Chief Justice, raising the question, whether, in fact, a vacancy on the court now exists; and

Whereas: Justice Warren has stated that in the event the Senate does not confirm by giving its advice and consent to the nomination of the current nominee, he would withdraw his designation. We maintain that, in fact, no vacancy does now exist; and

Whereas: This is tantamount to dictating to the Senate, the Congress and the People of the United States, by the Chief Justice of the Supreme Court as to who shall serve on that body; and

Whereas: Such form of resignation is highly irregular in the annals of the court;

Now therefore be it resolved that: We petition the Senate to refrain from giving its advice and consent to this nomination; and be it further resolved that a copy of this resolution be submitted to the members of the United States Senate and other authorities concerned.

RESOLUTION 2. THE INJUSTICES OF THE SELECTIVE SERVICE ACT

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The participation in the National Defense of the United States of America is the legal and moral obligation of all citizens and well trained armed forces are a necessity in these perilous times; and

Whereas: In order to fulfill these obligations it has been necessary to impose military training on our men; and

Whereas: There are many inequities and injustices in the present Selective Service Act and much dissension and evasion is taking place today, and while the reasons for some are fundamentally wrong, there is an urgent need for certainty in the Selective Service policies in order that our youth may be apprised of their obligations and commitments for military services.

Now therefore be it resolved that the Congress immediately come forth with a new and completely equitable program of Selective Service to rectify the present chaotic situation.

RESOLUTION 3. THE TAKEOVER OF CZECHOSLOVAKIA

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The free world has been shocked by the recent criminal invasion of Czechoslovakia by troops of Soviet Russia and several subservient Warsaw Pact nations, and;

Whereas: The Steuben Society of America has throughout the years reaffirmed its stand for all nations' right of self-determination, and;

Whereas: The Steuben Society of America has stated its opposition to the doctrines and practices of Communism, and;

Whereas: The Steuben Society of America has continually advocated non-interference in the internal affairs of other nations by military or other means, and;

Whereas: The invasion of Czechoslovakia violates the Charter of the United Nations.

Now therefore be it resolved: That this convention hereby condemns most strongly the barbarous invasion and take-over of Czechoslovakia and that we recommend to our national leaders that we withdraw all financial and material assistance to all nations that have troops participating in the take-over of Czechoslovakia.

Further, that our government be urged to stop all future aid to any nation whose government indicates a design to subjugate other nations. Further, that our government take all other necessary steps to effectuate the intent of this resolution.

RESOLUTION 4. THE ONE-MAN, ONE-VOTE DECISION OF THE SUPREME COURT

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The Supreme Court in the so called "one-man, one-vote" decision has rendered unconstitutional at least one house of most of the state legislatures; and

Whereas: representation to many areas of some states would in fact be denied representation under this rule; and

Whereas: There has been submitted to the states, a proposed amendment to the constitution to remedy this situation.

Now therefore be it resolved that: The Steuben Society of America urges support for the proposed amendment to our federal constitution to permit state legislatures to have one house of the legislature to be composed of members elected on a geographical consideration rather than by population.

RESOLUTION 5. BALANCED BUDGETS AND INFLATION

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The Federal budget deficit for the fiscal year ending June 30, 1968, exceeded the unbelievable amount of 25.4 billion dollars; and

Whereas: The massive federal deficit spending has now reached the highest level since World War II; and

Whereas: The persistent deficits of the federal government have generated oceans of inflation and caused our currency to be depreciated in buying power; and

Whereas: This trend of succeeding deficits and lack of fiscal control threatens our entire economic future and stability as a nation;

Now therefore be it resolved that: The Steuben Society of America, hereby resolves, calls and implores all Americans to demand that the Federal government immediately halt deficit spending and require that balanced budgets be the order of the day so that inflation shall be halted and economic stability again be restored before our nation is plunged into a sea of economic disaster; and

Be it further resolved that copies of this resolution be sent to all political parties having candidates for the office of President of the United States in the coming election, for their guidance and information.

RESOLUTION 6. REDUCTION OF NATIONAL DEBT

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: The fiscal stability of our nation has been seriously threatened by continual deficits in our budget; and

Whereas: There have occurred instances of appropriated money for foreign aid and other purposes which have remained unspent from one fiscal period to another,

Now therefore be it resolved that: This convention go on record as urging the next congress of the United States to enact legislation to provide that all such unspent moneys shall be used to reduce the existing national debt and for no other purpose.

RESOLUTION 7. RECENT UNIVERSITY STUDENT "SIT-INS"

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: we have noted with dismay the recent succession of so called student "sit-ins" at such leading universities as the University of California at Berkeley, Columbia University and Northwestern University, to name only a few; and

Whereas: The University Administrators have tolerated such unlawful conduct on the part of the students and in many instances rewarded it; and

Whereas: These student "sit-ins" by a small percentage of the total enrollment at said universities has disrupted the entire educational process; and

Whereas: The purpose of a university is to educate and develop the character of an individual in a climate of intellectual freedom unimpaired by anarchy; and

Whereas: Tax supported or private endowed institutions of higher learning do not have as their purpose the encouragement of mob rule and anarchy;

Now therefore be it resolved that: The Steuben Society of America condemns all unlawful Student "sit-ins" and other unlawful activity and recommends that university administrators resort to immediate disciplinary action and punishment under law when necessary to correct such improper student action.

RESOLUTION 8. COMMEMORATIVE STAMP FOR JOHN AUGUSTUS ROEBLING

A resolution adopted by the 23d National Convention of the Steuben Society of America in St. Louis, Mo., August 20–25, 1968

Whereas: Construction of the Brooklyn Bridge was commenced in 1869; and

Whereas: Its design and engineering and the manufacture and use of wire cable therein by John Augustus Roebling were without precedent in America; and

Whereas: The said John Augustus Roebling was a naturalized citizen of German origin whose life and work were in the best tradition of the United States.

Now therefore be it resolved that: The Steuben Society of America respectfully requests that the Postmaster General of the United States issue a 100th anniversary commemorative stamp in honor of John Augustus Roebling and the Brooklyn Bridge.

1968–70 Platform and Program of the National Council, Steuben Society of America

Adopted by the 23d Biennial National Convention—St. Louis, Mo., August 20–25, 1968

PREAMBLE

In these times of increasing interdependence of nations, of newly enfranchised peoples and of social and political upheaval, the tremendous challenges confronting the United States of America compel us to champion the priceless heritage of freedom passed on to us by our forefathers and to affirm the principles of government rooted in the dignity of the individual and the equality of citizens, no matter what their race, color or creed, and to uphold and defend the Constitution of the United States.

We condemn all attempts by all groups to take the law into their own hands under any pretext whatsoever.

As are all guaranteed constitutional rights, Civil Rights are indivisible and must be applied to all persons alike.

PLATFORM

Firmly pledged to these convictions, we submit the following Platform and Program:

1. Government system

(a) We reaffirm our faith in, and pledge our allegiance to, the system of government as set forth in our Constitution: the Executive, the Legislative, and the Judiciary, each adhering to the duties assigned to it by the constitution.

(b) We advocate that any change in our system of government be made by the constitutionally directed process of amendment.

(c) We urge that all concepts of an all-powerful central government and welfare state be rejected.

(d) We support legislation which would revise the Electoral College system so the votes of the Electors may be cast in proportion to the popular vote cast for each candidate for President and Vice President in the fifty States.

(e) We advocate a constitutional amendment to make Executive international pacts and agreements subject to the advice and consent of the Senate as are international treaties.

(f) The Constitution provides that Federal Judges shall be nominated by the President, and appointed "by and with the Advice and Consent of the Senate," by majority vote, "during good Behavior."

We propose that the Constitution be amended to terminate the appointment on the judge's 70th birthday.

We maintain that the Senate has the power and the duty to prescribe a standard for "good" judicial "Behavior."

(h) We favor a roll call in both Houses of Congress on all bills and measures involving the expenditures of moneys.

(i) We urge the Congress to establish a United States Foreign Service Academy comparable to the Academies for our Military Services, to assure personnel of highest caliber and loyalty for the Department of State and the Diplomatic Service.

2. Communism—Subversion

(a) We propose to fight the doctrines and practices of communism and other forms of subversion.

(b) We advocate the exclusion or dismissal of all Communists and other proponents of subversion from public office and any other positions of public trust, and endorse the continuance of the House Un-American Activities Committee.

3. National defense

(a) We reaffirm: Congress has the sole power to declare war.

(b) We advocate adequate preparation for the defense of our country with the most sophisticated weapons. In the event of a constitutionally declared war, all the resources of the country as well as its manpower, shall be made available as the Congress shall prescribe.

(c) We urge a revision of the Military Selective Service Act of 1967 to remove its injustices and uncertainties.

(d) We strongly urge the continuance of reserve forces for the defense of our Country and that the National Guard be continued.

4. Space agency

We recommend that all space planning and development be accomplished through the joint efforts of the Federal Government within sound budgetary allotments and private industry.

5. Foreign affairs

(a) General: Conscious of the gravity of world problems, we advocate that our Government in its relations with other nations pursue policies which embody these concepts:

(1) The interdependence of the free world, of which we form an integral part, is the harsh reality of international life; however, the unity, friendship, and economic well-being of all the nations in our own hemisphere should have priority in United States diplomacy.

(2) We urge the exercise of caution in entering into international agreements, pacts, commitments and treaties.

(3) Admission to the United Nations of newly independent countries and the exercise of the full powers and rights of such membership shall be based upon national stability and political maturity. Member nations shall be denied a vote during delinquency in payments of their assessments.

(4) The constitutional guarantees and the sovereignty of the United States must not be surrendered to any suprastate or world government.

(b) Foreign Aid: We urge that all authorizations and appropriations for foreign aid be curtailed and its distribution rigorously supervised "on the spot" in the nations receiving such aid. No aid shall be given Communist or Communist-controlled nations, or nations failing to co-operate with the United States to solve its balance of payments problems.

Expropriation of American property without equitable compensation shall disqualify recipients from such aid. The principle of the sanctity of private property must not be bargained away in international agreements.

(c) Self-Determination: We advocate that the government of the United States pursue its traditonal policy of giving moral and material assistance to the reunification of Germany and all other nations which have been partitioned and are striving to reunite under the age-old law of self-determination.

We endorse the observance of Captive Nations Week.

(d) Common Market:

(1) We favor close cooperation with the European Common Market. However, should the Common Market take any action prejudicial to any segment of our economy, we recommend that the Federal Government take such supportive measures necessary to preserve our competitive position.

(2) We favor the establishment of a Common Market in our own hemisphere to obtain the potentials inherent in a Common Market.

(e) Metric System: As an instrument of industrial and commercial efficiency, we advocate adoption of the Metric System.

6. Immigration

(a) We firmly believe that the immigration laws must serve the best interests of our Nation and all of its people and that the Immigration and Nationality Act of 1965 be amended to correct present inadequacies therein, so as to achieve the intended goal of this legislation.

7. Taxation

We believe that current methods of taxation are confiscatory and tend toward the destruction of our free institutions; therefore we advocate that studies now under way of both Federal and State tax systems be expedited to achieve a more equitable tax structure.

8. Currency and balanced budget

(a) We advocate a return to sound fiscal policies directed toward a balanced budget, the maintenance of a sound currency and constant appraisal of administrative operations directed toward economy and increased efficiency in government functions.

(b) We recommend that the national debt be amortized annually.

9. Government subsidies

(a) We believe that the granting of subsidies should not be made a permanent Federal policy. Consequently, we advocate that existing subsidies, except where required for defense purposes or to meet foreign competition, be eliminated in an orderly manner so that our domestic production and markets will not be adversely affected.

(b) We advocate that United States "Counterpart Funds" be made available at low exchange rates to Americans traveling or staying in countries where such funds exist.

10. Government Employment–Civil Service

(a) We believe that government service should be fostered as a career.

(b) Qualifications for employment by the Federal Government under Civil Service jurisdiction should be based on merit only.

(c) We advocate that any public servant who under oath shall refuse to answer questions concerning his or her loyalty to this Nation, shall be suspended and his or her remuneration shall cease.

(d) Officials in positions of policy-making power shall not be protected by civil service status.

(e) We vigorously oppose the weakening of the present provisions of the Hatch Act as it applies to Government employees.

11. Veterans

We advocate that veterans receive adequate care from our Government for service-connected disabilities.

12. Business, capital and labor

(a) We advocate fair and effective enforcement of laws designed to prevent monopoly and restraint of trade, by capital and labor. The ability of small business to compete in a free market must be preserved.

(b) We believe that the incentive and initiative of the individual must be encouraged, and that government should not compete with private industry.

(c) We maintain that the public interest demands that labor and management discharge their responsibilities to achieve industrial peace and maximum efficiency in production in order to halt the wage-price spiral, and to enable the United States to compete with other countries for world trade.

(d) We advocate that labor and management take more effective measures to retrain employees whose jobs may be abolished through automation.

(e) We advocate legislation to set up binding arbitration procedure in all cases where labor and management have failed to come to an agreement in order to prevent any work stoppages affecting vital public needs, national defense, or any federal, state or municipal government operations.

(f) We favor the trial of unfair labor practice cases in Federal district courts.

Complainants should have the alternative right to present their own cases, or to have local U.S. attorneys present them.

13. Education

(a) We oppose any attempt at Federal Control of education via Federal aid to education. The principle of separation of church and state faces a serious challenge by Federal aid to parochial schools.

(b) The knowledge of foreign languages is essential for completion of scientific courses in most of our educational institutions, and for cultural, scientific, political and economic intercourse among nations. Among the foreign languages, the study of German is a more critical need and should be more effectively encouraged.

(c) We believe that school books treating with historical and cultural subjects should be based upon accurate unbiased research. We advocate that courses in the history of the United States and of civil government be required subjects in the curricula of all our institutions of learning.

We condemn all attempts to use educational institutions for the furthering of private interests or for propagation of ideas subversive to our form of government. We advocate the continued study by Government agencies and private organizations of the manifold problems facing youth today.

14. Social security

(a) We advocate that funds collected under the Social Security Act be ear-marked and used exclusively in payment of social security benefits.

(b) We advocate that social security benefits be paid to all those entitled thereto, regardless of any other income.

(c) We favor the voluntary medical insurance plan. Any extension of either the fields and/or scope of coverage beyond the present law must be on a self-sustaining sound financial basis.

15. Public health, narcotics and drugs

(a) We urge more stringent laws to control the import, manufacture and traffic in narcotics and hallucinatory drugs.

Maximum penalties must be made mandatory for the criminal pusher.

Recent Supreme Court decisions make a new approach necessary to the effective apprehension, prosecution and conviction of the violator.

(b) We advocate a comprehensive program of education on the dangers of narcotics and said drugs. We should modernize and humanize our Federal laws, so the victimized addicts may receive medical treatment, assistance and rehabilitation.

(c) We propose that maximum precautions be exercised in the use of chemicals and biological agents in products intended for public use or consumption. We urge continued measures to effectuate the objectives of the Pure Food and Drug Act.

(d) We urge the Federal Government to intensify its efforts in cooperation with the States to eliminate the pollution of our air and all bodies of water.

(e) We favor the establishment of regional medical programs to combat the major illnesses, such as heart disease, cancer and others.

16. Conservation

(a) We favor the conservation, development and effective control of our Nation's natural resources and their sound utilization for the present and future welfare of the people.

(b) We advocate the strict enforcement of the laws protecting our National Parks, all bodies of water, forests and all other natural resources affecting our national economy. We urge the preservation and protection of our monuments.

17. Historic preservation

The enhancement and protection of places which remind us of our heritage are matters of government concern and further provision therefore should be made by the Congress for such preservation.

MIAMI HERALD FAVORS FIRM U.S. STAND IN THE MIDDLE EAST

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. FASCELL. Mr. Speaker, I believe that Members of the House will be interested in an editorial which appeared in the Miami Herald urging the United States to adopt a firm stance in the Middle East.

The editorial aptly points out that Russian designs on the Eastern Mediterranean can permanently alter the balance of power in that area and lead to a world conflict.

To forestall this possibility, the editorial urges that the United States make perfectly plain its national interest in the Middle East and commit itself to the continued existence of Israel through a mutual defense agreement.

Mr. Speaker, this is precisely the course which I have urged on our Government in my House Resolution 1185, which I introduced in the House of Representatives on May 23 of this year.

I urge that this proposal be given immediate attention by our Government.

Mr. Speaker, the text of the Miami Herald editorial follows:

TOUGH LINE IN MIDEAST IS PROPER U.S. STANCE

A "cease-fire" in the Middle East apparently is only a license to fire at will. Once again the big guns sound along Suez. And once again they speak not only of war between Egypt and Israel but of the dangerous Soviet involvement in this sensitive quarter of the world.

Like it or not, the United States cannot escape its own involvement. The Presidential candidates this year sense that and are committed to the defense of Israel by one means or another.

None of this has deterred the Arab states. Recently President Nasser of Egypt informed King Hussein of Jordan that he will be ready by 1970 to fight the "war of revenge" against Israel.

In Iraq, whose socialist government was overthrown by one which is equally nationalistic, General Bakr's junta has announced that it does not intend to resume diplomatic relations with the United States.

The pattern of build-up is familiar. Indeed, if history notoriously repeats itself the Middle East is a clear example. Five years ago David Ben Gurion wrote in his book, Israel: Years of Challenge, how "After the war of independence, we offered our hand in peace to the Arabs who had tried to destroy us, but they rejected it. The armistice agreements were not honored, and the Arab states warred against us by boycott and blockade, and by sending marauders across our borders. During the first nine months of 1955, incursions from the Gaza Strip alone cost us 153 dead and wounded . . ."

At the center of this pattern stands Russia, which is building up its air and naval strength in the Mediterranean area while supplying most of the Arab states with arms. The Times of London sees in this "a shift in the hitherto accepted balance of East-West power" which is of "much greater significance than the permanent posting of Russian troops in Czechoslovakia."

The latest surge in fighting does not necessarily presage a fourth round of the war but it is the kind of incident that could mushroom into a world conflict. Taking it to the United Nations Security Council, as Israel has done, is proper but probably futile.

The big powers have it within their means to cool off the Middle East if they communicate. But this they cannot seem to do. To repeat what we have said many times before, it is important that the U.S. make perfectly plain its national interest in the Middle East and its opposition to so-called wars of revenge. In short, it must commit itself to the continued existence of Israel through a mutual defense agreement. There is no answer to a tough line in these circumstances other than one just as tough.

LOS ANGELES REPRESENTATIVE EDWARD R. ROYBAL MAKES HIS 18TH REPORT FROM WASHINGTON TO THE RESIDENTS OF CALIFORNIA'S 30TH CONGRESSIONAL DISTRICT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ROYBAL. Mr. Speaker, one of the important responsibilities of a Member of Congress is to fully inform his constituents about his activities on their behalf in the Nation's Capital.

For that reason, I would like to include in today's CONGRESSIONAL RECORD the text of my 18th report from Washington to the residents of the 30th Congressional District of California.

In addition to my regular series of reports from Washington, I have also sent out 14 special reports designed to cover all other major items of legislation considered by Congress, events of national and international significance, and particularly, those matters of immediate concern to the Metropolitan Los Angeles and southern California area.

My 18th report from Washington follows:

COLORADO RIVER AGREEMENT

One of the longest and most famous water fights in the history of the West was settled by Congress this year when it gave final approval to the Colorado River Basin Project—the largest reclamation program ever authorized in a single piece of legislation.

I joined with the other members of a united California Congressional Delegation (representing all shades of political opinion and every section of the State) in sponsoring this historic compromise measure—designed to end a bitter interstate feud over use of Colorado River water that had been going on since 1922, while at the same time protect California's vital water rights in this life-giving river/artery of America's Great Southwest.

The bill guarantees Golden State water users 4.4 million 'acre-feet' annually from the Colorado, and provides a start toward the goal of a comprehensive regional water resources development program to include all the 11 States with territory West of the Continental Divide.

An act of true water statesmanship, the Colorado River legislation is an excellent example of how serious differences and basic conflicts in American life can be resolved peacefully and to the ultimate advantage of all concerned—whenever men of good will sit down together, discard narrow partisan interests, and work out equitable solutions to their mutual problems by dealing fairly with all interested parties.

FIVE MILLION DOLLAR GRANT FOR DOWNTOWN LOS ANGELES

I was pleased to announced approval of an additional $5.4 million federal grant for our downtown Bunker Hill development complex—bringing total government assistance for the project so far to over $21 million.

The 136 acre high-density residential and commercial development plan is expected ultimately to attract a combined public and private investment of some $500 million and go a long way toward helping revitalize downtown Los Angeles.

Based on a study by the world renowned architect, I. M. Pei, the Bunker Hill project will increase the density of development in the area, re-align Flower and Hope streets to expedite through-traffic and provide direct access to parking, offer an ultramodern multilevel hilltop street system which will separate pedestrians and vehicular traffic, and provide a series of three concentrations of major high-rise buildings.

INVASION OF CZECHOSLOVAKIA

As a member of the House Foreign Affairs Committee, I have joined with a bipartisan majority of the Committee in co-authoring a sharply worded resolution calling on Congress to condemn the brutal Warsaw Pact invasion of Czechoslovakia as a "flagrant violation of Czechoslovakia's territorial integrity and political independence, an affront to human rights, and an unlawful use of force contrary to the fundamental principles of the United Nations Charter and of international law."

This tragic subjugation of a people struggling to regain at least a measure of independence ranks with the Hungarian suppression of 1956, the building of the Berlin Wall in 1961, and the Cuban Missile crisis of 1962 as visible proof of the failure of the communist system to fulfill the elemental human aspiration for an opportunity to live and grow in an atmosphere of personal dignity and freedom.

It should also serve as a timely warning to us all of the continuing need to maintain our NATO Defense Alliance in a strong and vigilant posture so that there will never be any question of our ability or willingness to adequately protect this Nation's vital interests whenever and wherever they may be threatened.

JOBS

The American free enterprise system has again demonstrated dynamic leadership qualities by coming to grips with and finding practical, common sense, workable answers to some of today's most difficult urban problems.

A recent example of this encouraging development is the remarkable success of the new JOBS (Job Opportunities in the Business Sector) program of the National Alliance of Businessmen, organized under the direction of Henry Ford II and working in close cooperation with such outstanding private industry groups as the National Association of Manufacturers.

In the first four months of operation, the JOBS program has already recruited nearly 70,000 hard-core unemployed—running far ahead of its goal to hire, train, and find permanent jobs by next summer for 150,000 men and women who are now out-of-school and out-of-work.

I enthusiastically support this kind of healthy industry-government partnership, and have introduced legislation in Congress, H.R. 17567, to provide American businessmen with a federal tax credit as an additional incentive for private enterprise to invest in nationwide job expansion programs.

GORDON L. M'DONOUGH

Los Angeles County lost one of her most outstanding public servants in the passing of Gordon L. McDonough, my predecessor as a Representative in Congress, and previously a member of the County Board of Supervisors—with a distinguished record of over 30 years of service to the citizens of Los Angeles.

For those who were privileged to have known Gordon McDonough, he set a personal example of the highest standard of sincere, dedicated, and capable public service. His passing is deeply regretted.

CALIFORNIA WORK INCENTIVE PROGRAM

Joe Pollard, Los Angeles County Board of Supervisors' Washington Representative, outlines the new $6 million, federal-state-county work incentive (WIN) program designed to give some 6,500 Los Angeles area welfare recipients a chance of training and jobs—thus enabling them to move off the county welfare rolls and into productive employment.

Part of a nationwide effort approved by Congress last year, the WIN program will provide nearly 100,000 unemployed Americans (16,000 in California alone), who are now receiving AFDC public assistance payments, with worthwhile job opportunities this year.

If administered properly, this new work incentive program can go a long way toward helping relieve our nation's increasing tax burden, while offering citizens a real chance to become contributing members of society, able to support themselves and their families in dignity and play a useful role in their home communities.

PEACE AND STABILITY IN THE MIDDLE EAST

Due to the dangerous imbalance of military power that has existed for some time in the Middle East—posing a continuing threat to the fragile peace and stability of that volative region—I introduced a resolution, H. Res. 1267, in the House earlier this year to express the sense of Congress that the United States should not stand idly by while the Arab nations rapidly re-armed with military equipment supplied by Soviet Russia and other Eastern European countries.

My resolution also declared that until permanent peace is achieved and the arms race ended, the U.S. should sell sufficient advanced military jet fighters to the Government of Israel to provide a deterrent force capable of preventing future aggression in the Middle East.

I am happy to report that this "sense of Congress" approach has now been adopted by both the House and Senate as a warning to those who would attempt to disrupt the precarious stability of this area, and ignite a spark that could easily involve the world in another tragic and unnecessary war.

We all earnestly hope that the major powers, as well as those nations most directly concerned, will be able to find a basis for an enduring and workable peace—and thus begin to look beyond the present conflicts and tension toward a new, more promising era of greater security for all.

But, until that day arrives, a realistic analysis of the situation would seem to give us little alternative but to try to maintain some kind of deterrent balance between the opposing sides—as the best practical way of keeping the peace in that ancient and strategic crossroads of civilization.

SERVICE ACADEMY EXAMS

All young men from the 30th District who are interested in competing for 1969 nominations to the Air Force, Naval, Military, or Merchant Marine Academies should plan to take the U.S. Civil Service Commission's special Academy Designation Exam scheduled to be given in Los Angeles during October and again in November. For more information, contact our District office on 688-4870.

YOUTH AND BUSINESS

Wallace Jamie, director of public relations for the Carnation Company in Los Angeles, stopped at the Capitol during a recent trip to Washington, to discuss achievements of the government's Head Start and Upward Bound programs in Southern California.

Jamie, a leader in promoting youth-oriented programs aimed at improving education and job training, has been particularly active with the Youth Opportunities Foundation, an industry-supported foundation which provides college scholarships and other educational assistance for young men and women in our low income areas.

REDWOOD NATIONAL PARK

A half century of disagreement in the battle to save California's giant redwood trees has been resolved by Congressional approval of a compromise bill establishing a 58,000 acre Redwood National Park along the Pacific Coast in Humboldt and Del Norte Counties.

As co-author of the original Redwood legislation, I had hoped for a substantially larger park area, but, under current budget and fiscal conditions, I believe the compromise agreement was a good one—providing a significant beginning toward a meaningful Redwood National Park—and representing one of the most notable conservation achievements of the 90th Congress.

Encompassing over 30,000 acres of virgin timber land, this historic action will include all of the largest and most impressive trees in both the Redwood Creek and Mill Creek drainage basins, and enable us to share with future generations of Americans this priceless California heritage of natural beauty and primeval forest.

WAR ON POVERTY

Los Angeles, already the recipient of more than $75 million in federal anti-poverty assistance, is among the chief beneficiaries of this concerted new approach to solving the tragic paradox of extreme poverty for some 30 million disadvantaged citizens, in the midst of an all-time record prosperity for most Americans.

Recent grants and contracts awarded to benefit Los Angeles area residents include: $7.6 million for Head Start pre-school training for children of low income families, including medical, dental, social and psychological services; some $850,000 to the Youth Training and Employment Project for a series of basic education, vocational training and job placement programs for young people living in East Los Angeles; more than $1 million to the Mexican American Opportunity Foundation for recruitment, in-depth counseling, job training and supplementary education; nearly $1.3 million to provide a wide range of legal services to those low income residents of Los Angeles County who are unable to secure the services of an attorney; and over $1 million to be matched by the Los Angeles City School System for a unique "New Careers" program for teacher aides and community relations specialists.

AT YOUR SERVICE

The members of my Congressional office staff in Washington, as well as those in our Los Angeles District Office, are anixous to help you in any way they can. Please continue to make full use of the many services available through our offices by contacting us whenever you feel we can be of personal assistance.

THE BACKWARD THREAT

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, the threat and danger of a backward reactionary trend was noted by columnist Carl T. Rowan in a recent issue of the Washington Star.

This is a timely warning, Mr. Speaker, which I include with my remarks:

A BOLD AND BOASTFUL DASH BACKWARD

(By Carl T. Rowan)

Some observers are saying, with commendable charity, that the United States is retreating into an era of deep conservatism.

A look at the 90th Congress and the current political campaign suggests that what is happening is more serious than that.

Millions of Americans, perhaps a strong majority, seem to be saying: "We've had our fling with liberalism, with charity, with 'decency,' and all we got was new evidence that this is a cruel, ungrateful world. From now on we will play it mean and tough and rough.

Why would an observer conclude that some of the heart has gone out of this society, and that it now beckons an era of repression and reaction?

He would note that the House of Representatives has cut the foreign aid program to a point where the poor nations of the world must regard it either a joke or an insult.

He would observe that powerful forces in and out of Congress are now warring on the war on poverty, bidding to douse even the faint hope that has flickered among America's 26 million poor people.

He would sense a reversion to racism that is so strong that two presidential candidates are catering to it. He would hear Richard Nixon promise to halt even the present paltry efforts to enforce a 14-year-old school desegregation decree that has been so ignored, defied, and circumvented that it constitutes a national disgrace.

He would note a growing tendency of millions of Americans to believe that, if they just double the conviction rate, build more penitentiaries, and grant wider powers to more policemen, a tranquil age of law and order will be theirs.

It is not hard to find reasons to "justify" this shift in the American mood. We have put perhaps $140 billion into foreign aid since World War II without producing a vocally grateful world, shaped in our image. We do find that, for all our welfare expenditures, America's poor are increasingly discontended. It is true that, even after passage of those civil rights laws and the hiring of a few black people at the front counters, Negroes are pouring their anger into the streets. Lawlessness does abound in every element of society with various minorities threatening to push it to the point of anarchy.

But all this does not negate the fact that the current American trend amounts to a retreat from responsibility, a rush from reason, a very dangerous flight from reality.

Consider the House's 45 percent cut in the foreign aid budget to a mere $1.6 billion. This is Congress kissing off the Alliance for Progress, reneging on the promises of John F. Kennedy and Lyndon Johnson. This is Americans saying that the "shark" of the hemisphere is going to hoard its wealth while the "sardines" of Latin America fend for themselves.

Some day down the road that callous gamble may cost us more in a Latin "Vietnam" than what we have spent in two decades of foreign aid.

And, of course, what this says to Asia and Africa is hardly likely to inspire anyone to emulate us or our institutions.

As for the reactionary drift on domestic matters, one wonders if any amount of talk or logic can reverse it. A "threatened" majority is indulging itself in a bellicose flexing of its muscles. The most bellicose believe that they have no security except to repress those who symbolize the threat. They believe their power so great that repression cannot possibly backfire into a greater tragedy.

Unhappily, the leaders of this conservative trend seem to have no eye for history or the lessons it might offer.

Apparently only the bitter taste of experience will reveal the price of this society's bold and boastful dash into the past.

PAUL O'DWYER FOR THE U.S. SENATE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PODELL. Mr. Speaker, the people of the State of New York have a unique opportunity to elect to the U.S. Senate a man who will measure up to the highest standards of integrity and performance in that body, Paul O'Dwyer, the distinguished Democratic candidate. Paul O'Dwyer became the Democratic candidate for the U.S. Senate as a result of his victory in a historic primary, the first primary used in the State for the nomination of party candidates for statewide office.

Paul O'Dwyer is a distinguished member of the New York bar who has devoted a substantial part of his professional life and a substantial part of his nonprofessional interests to improving the lot of the oppressed, the underprivileged, the alienated, and the poor. Whenever injustice rears its ugly head, Paul O'Dwyer is near by, stripped for action, ready to do battle in the interests of justice.

Paul does not boast about his dedicated devotion to the cause of the underprivileged any more than he would boast about his breakfast menu. Fighting for the underdog is as much a necessity of life for Paul O'Dwyer as food, clothing, and shelter. Certainly there is no secret about his aid to Israel, when the new state came under attack from the Arabs immediately after its creation. The civil rights movement has had no firmer friend, and, as Sidney Zion, a perceptive reporter on the New York Times recently suggested, Paul O'Dwyer has handled civil rights cases so obscure that they did not rate even a line in the Negro press. And certainly no honest union, seeking to organize underpaid, underprivileged, minority groups of workers, need be concerned about legal fees, since Paul O'Dwyer unbounded talents can always be enlisted in support of its organizing efforts.

Although he is the Democratic candidate for the U.S. Senate, Paul O'Dwyer has thus far refused to endorse the Democratic national ticket of HUMPHREY and MUSKIE. Inevitably his failure to do so has brought some threats of retaliation from some Democratic leaders in our State. I disagree with Paul O'Dwyer's refusal to support the Humphrey-Muskie ticket. Where the choice is HUBERT HUMPHREY on the one hand and on the other the likes of Richard M. Nixon or George C. Wallace, it is an affront to commonsense to proclaim neutrality in speech, in spirit, and in support.

However, I disagree sharply with those Democratic leaders who either overtly or covertly plan such retaliation. Such action is clearly offensive to the policy made public by Vice President HUBERT HUMPHREY and degrades the choice made by the enrolled voters of our party in an open primary. It is clear to me that threats of retaliation will have no effect upon Paul's ultimate judgment.

In fact that is a thing that singularly distinguishes Paul O'Dwyer from his Republican opponent. Paul is ever ready at the drop of a ballot to sacrifice electoral victory on the altar of his principles. In contrast to Paul, his Republican opponent is involved in a frenetic, contradictory, and schizophrenic effort simultaneously to engage with and disengage from the Nixon-Agnew ticket. While voicing his support for the Nixon-Agnew ticket, this Republican Senate candidate has attacked his national party candidates in a manner which would be defined as an unfair campaign practice if performed by a Democrat.

I believe it imperative for the Democrats in our State to unite behind the Senate candidacy of Paul O'Dwyer. A united party can elect Paul O'Dwyer, and Paul O'Dwyer's victory will carry not only New York State into the Humphrey-Muskie column but also the entire Nation.

"YOU ARE THE SALT OF THE EARTH"—A SERMON BY GUY F. HERSHBERGER, COLLEGE MENNONITE CHURCH, GOSHEN, IND., AUGUST 4, 1968

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BRADEMAS. Mr. Speaker, I had the privilege last month of listening to a most thoughtful sermon delivered by a distinguished religious leader in my congressional district, Dr. Guy F. Hershberger, of Goshen College.

The sermon, entitled "You Are the Salt of the Earth," was delivered at the College Mennonite Church on August 4, 1968.

The text of the sermon follows:

YOU ARE THE SALT OF THE EARTH[1]

(By Guy F. Hershberger)

Salt is a substance necessary for physical health. Because of its importance ancient peoples used it as a symbol of that which is significant spiritually. Salt has qualities of cleansing, seasoning and preservation and thus it came to serve as a symbol for what is healthful, clean and pure, zestful, constant and durable in the spiritual realm. It was associated with godly things, just as a foul smell was associated with what is evil. For this reason it was brought into the cult of the Old Testament. Salt was sprinkled on offerings to God (Lev. 2:13). The ancients bathed newborn babies in a saline solution. Salt was used to drive away evil spirits. Because of its qualities of preservation, solemn agreements between persons became binding when the parties, after making their pledges to each other, sat down to eat together—bread and salt. This is the covenant of salt referred to in Numbers 18:19. In 2 Chr. 13:5 the wickedness of Jeroboam in rebelling against the throne of David is decried as all the greater because what he did was done in violation of a covenant of salt.

Health, cleansing, seasoning, preservation—these are qualities associated with salt, and these are the qualities Jesus had in mind when he said in the Sermon on the Mount:

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[1] A sermon, College Mennonite Church, Goshen, Ind., Aug. 4, 1968 Text: Mark 9: 33–50; Matt. 5: 13.

"You Are the Salt of the Earth." Jesus uses the expression in the context of Christian discipleship. A disciple is a follower of Christ, and the follower of Christ must be salt, bringing health to human society.

In Luke 14:25–35 Jesus tells the disciples that if they would follow him they must count the cost, and be prepared to carry on to the finish. They must have the qualities of endurance—the lasting, preserving, constant qualities of salt. For a church to be the church—that is a body of disciples—there must be harmony and peace within. In Mark 9 Jesus rebuked the disciples for their factionalism, and said: "Have salt in yourselves, and be at peace with one another."

What does this mean for Christians in Goshen in 1968?

Let us note a few specifics by way of illustration:

First, it means that when Christ calls his disciples the Salt of the Earth he is conferring upon them an amazing title. Those first disciples? A little band of 12 men? They the healers and preservers of the world? Yes, this little band of 12 men and every Christian who follows in their train. Yes you and I, insignificant though we be. But remember, the quantity of salt in any meal is never large. A pinch of salt, the recipes read—and it is this little pinch that makes all the difference in the world. As one cross on Calvary was sufficient to provide salvation for all men; as 10 righteous men saved the ancient city of Sodom; so small handfuls of faithful disciples in innumerable instances have been the remnant that rescued society from its own decay. No matter how insignificant you may think you are, your task is to be here in this world touching the decaying life, there to heal and through the power of God to redeem.

What does it mean to be the Salt of the Earth? It means in the second place that we must have a sound doctrine of salvation: Not a superficial, legalistic view of the atonement which says merely that Christ paid for our sins, bringing inner gladness to the soul, which is ours to enjoy, ever resting sweetly resting, and leave it at that. No—the atonement means much more than this. It means being born again, made anew, becoming atone with Christ, laboring together with him, taking up our cross even as he took up his cross, and following him, doing his work in the world. To be the Salt of the Earth means to walk the way of the cross, as Paul describes it in Galations 2:20: "I have been crucified with Christ; it is no longer I who live, but Christ who lives in me."

What does it mean to be the Salt of the Earth? It means in the third place that we Christians must be an evangelizing fellowship of believers, working together for the advancement of the Kingdom. The final instruction of Jesus to the disciples was: Go forth, teach all peoples, and baptize them. God sent his Son that *whosoever* believeth may be saved. This *whosoever* is an important word here. In New Testament days the *whosoever* meant Jews *and Gentiles,* and Jews regarded Gentiles as dogs. In Menno Simons' day it meant German, Roman, *and Turk,* and in his day the Turk was the symbol of about everything that Europeans despised, and made people's hairs stand on end about as the sound of the word communist does to Americans today.

Christians have trouble learning what *whosoever* really means. Three times Peter on the house top in Joppa refused to eat the animals which in a vision had been sent for his meal, insisting that they were dirty, until the Lord took these "dirty" creatures straight to heaven, with the stinging rebuke: "It is not for you to call profane what God counts clean" (Acts 10:15). Not until he had thought long and hard on these words, and then had witnessed the receiving of the Holy Spirit by the Gentiles, was he able to welcome them into the fellowship of the church and say: "Truly I perceive that God shows no partiality, but in every nation any one who fears him and does what is right is acceptable to him" (Acts 10:34–35). The obvious lesson here is that whosoever responds to the Gospel of Christ today, be he black or white, rich or poor, *or whosoever,* is to be received into the fellowship as *a full participant, without distinction or discrimination.*

What does it mean to be the Salt of the Earth? It means in the fourth place that we must give attention to the weightier matters of the law, as Jesus says in Matthew 23: "Woe to you . . . hypocrites! For you tithe mint and dill and cummin, and have neglected the weightier matters of the law, justice and mercy and faith." There is nothing wrong with owning property, for example, but when Christians are more concerned about their property rights than they are about the human and spiritual welfare of their neighbors they are no longer the Salt of the Earth. A few years ago when the Mennonite Biblical Seminary in Elkhart sold a building lot to a family whose color was different some very religious neighbors came to protest, even bringing a Bible to prove their case. As usual in such cases, one of the objections was that property values would come down. Happily, one of the objectors later had a conversion experience something like that of Peter when he had the vision of the sheet coming down from heaven. Incidentally, the house has since been built on the lot, the property is well cared for and the value of the neighboring properties has not deteriorated. We should be grateful to the Seminary for its refusal to be intimidated in the face of great opposition (the Ku Klux Klan at one point burned a cross on the Seminary grounds), for in that which they did here they were the Salt of the Earth. They did something to keep that particular spot in Elkhart County from deteriorating in the way of racial hatred and economic selfishness. Our property rights are a lesser matter of the law. The neighbor's human welfare is the weightier matter.

What does it mean to be the Salt of the Earth? It means in the fifth place that we as citizens of the Kingdom of God must not confuse the Kingdom with some other kind of kingdom. Some people seem to think the United States, or the American way of life, is the Kingdom of God. Or the capitalist system is the Kingdom of God. In Germany 30 years ago there were some professing Christians who hailed Hitler as a Messiah and identified the Third Reich with the Kingdom of God. Then since Satan is the enemy of God, Christians who are thus confused conclude that any people or nation or economic system which is different from their own belongs to the kingdom of Satan. Since on the international scene the principal enemy of the west is supposed to be communism they become emotionally involved in a "holy war" against communism, and before they know it they are sure everything they don't like is communism and everybody whose policies or program they don't like is a communist. The State Department is full of communists, they say. Since the Supreme Court has stood out for the rights of black citizens, it too is tainted with communism. So Earl Warren must be impeached, and Abe Fortas must not become chief judge. Martin Luther King was a communist, the National Council of Churches is riddled with them, and even the RSV Bible, someone said, means Russian Standard Version. Absurd as these charges are, numerous religious radio broadcasts counched in pious language repeat this line so consistently that many Christian people come to believe it. Recently it has been proposed that Elkhart County participate in a proposed COG—a Council of Governments—the merits of which I don't profess to know, except that I am certain the proposal did not originate in the Kremlin. But, sure enough, a letter to the editor of the *Goshen News* a week or so ago actually inquired whether COG was not a communist proposal.

(May I say, parenthetically, that a better knowledge of what is going on in the world might help people to get a more balanced view of matters such as these. But the reading which can produce such knowledge and such balance must go beyond the local newspaper and the *Readers Digest.*)

Atheistic communism is evil because it is atheistic, not necessarily because its economic system is different from ours. I personally prefer the free enterprise system to the opposite kind. But there are serious evils in both systems and it may well be that in some societies under certain conditions some other system is better than ours would be. At any rate, I don't think you can find the Bible supporting any one form of economic system, or any one type of government, and certainly not any one political party. The Bible recognizes that in this world there must be governments, that in this life people must have food and clothing and shelter, and that implies economics of some kind. But what form the government or the economy shall take is not said. It can take, and in the history of the world it has taken, many forms—and what the form is really doesn't matter. What does matter is that the people be Christians, seeking first the Kingdom of God, going forth in faith that whatever else is necessary will be added.

Once we come to this way of thinking we are in a position to take a Christian attitude toward the people who live in communist countries. We will endeavor to get acquainted with them and when we do so we will discover that there are many Christians among them, doing what they can to be the salt of that part of the earth. Then instead of fighting these people, whether in physical combat on the battle field, or by propaganda warfare by newspaper, radio or even from the pulpit, we will do what we can to reach them with Christian love, to extend the hand of fellowship to those who are Christians, and to win to Christ those who are not. To this end we must daily hold up in prayer our missionaries and relief workers in Vietnam who are truly a Salt of the Earth in that unhappy land. And we should rejoice that in their very difficult situation they have refused to identify themselves with the program of the American military and instead have witnessed against that program—a witness which has been put into print and has found its way into the hands of administrators and legislators alike in our government in Washington. To be the Salt of the Earth is not to confuse the Kingdom of God with some other kingdom, not even with the United States of America.

What does it mean to be the Salt of the Earth? It means, in the sixth place, that Christian disciples and the Church must be prophetic. A prophet is one who speaks for God. John the Baptist was a prophet. Jesus was a prophet, and more than a prophet. Great movements in the history of the church have always been led by prophets—men and women who had a vision of what God had to say for their time and then went forth to say it. The Anabaptist fathers were like that. Walter Rauschenbusch says it this way: The Anabaptist "communities were prophetic . . . the forerunners of the modern world. They stood against war, against capital punishment, against slavery, and against coercion in matters of religion before others thought of it." To do this they had to speak out against the beliefs and practices of many people who called themselves Christians—just as Jesus had to speak out against the beliefs and practices of the Scribes and Pharisees of his day. And, of course, when they did so they got into trouble. Jesus recognized it when he said a prophet is not honored in his own country. They finally put Jesus to death and also most of his 12 disciples. The same thing happened on a large scale in the sixteenth century. And there may even be a few persons in our audience this morning who found themselves at least in the military guard house, if not in Leavenworth federal prison, during World War I when as conscientious objectors they stood out, and spoke out, against the evil of war.

So we must recognize that the role of the prophet is not always easy. Martin Luther King and Robert Kennedy were assassinated because they spoke out against the evils of their day. Name whom you will among the prominent Americans who have suffered violent death in the past decade and everyone I think was a person who had spoken out against something in our society which he believed to be wrong and needed to be changed. A few may have been mistaken as to what was right. But the great majority, I believe, were speaking against specific evils which needed to be spoken against.

As Christians we must maintain a prophetic voice for that which God would have us proclaim. And we must not be deterred by fear lest some people be disturbed by what we do or say. There is always the temptation to shrink from opposition and be content to simply "mind our own business." The early Quakers were noted for their prophetic witness, carrying on what they called the "Lamb's war." (The Lamb's war is a spiritual, not a carnal war). But the time came when Quakers grew weary in well doing and when, as one of their historians says, their religion instead of being a delight to the Christian, became "an awful duty." Then when some of them felt the Spirit moving them back into the Lamb's war again the complacent London Yearly Meeting counseled them to "study to be quiet and mind your own business, remembering that the spiritual Jerusalem is a quiet habitation. . . ." Now I doubt if it is possible to find any New Testament teaching that we are to mind our own business. Jesus had to tell even Joseph and Mary that he had to be about his Father's business—not his own—and so must we, if we are to be the Salt of the Earth.

What does it mean to be the Salt of the Earth? It means in the seventh place that in 1968 we must do and say something about the climate of violence in which we live today in our country. This is not going to be easy because the American people have spent 350 years building up this climate. Read John A. Lapp's article in the August *Christian Living* to see what I mean. Even children's stories of the first Thanksgiving Day in Colonial Massachusetts are illustrated with pictures of pious Puritan preachers walking to church with muskets flung over their shoulders. From Puritan Massachusetts to the gold mining operations at Sutters Mill in California the American frontiersmen shot their way across the land, killing the Indians and the animals which fed them, and keeping order not by law but by the self-appointed vigilante with his six-shooter. The *Toronto Globe* said recently that the Americans pushed across the wilderness frontier ahead of the law, and the law has never quite caught up with them, even now. It is good, now and then, to read what other peoples have to say about us.

A hundred years ago Cornelius Vanderbilt declared he could not build the New York Central Railroad and pay any attention to the laws of New York. Ku Klux Klansmen ride at night even in our time to destroy churches and men who stand for the right. We live in a free-wheeling, individualistic gun culture which assumes that ownership of guns is a basic human right like the right to food, health, happiness, or freedom of religion. Pick-up trucks have their gunracks. Toy counters at Woolworths are loaded with guns and tanks for the training of our children in the art of violence. Small boys must be fitted out with cowboy suits and at least two guns in the holsters. Until the Houston baseball players became Astronauts they were Colts. I had always thought the colts in whose honor they were named were horses until I visited Houston one time and learned that they were Colt revolvers.

Now when the public is becoming aroused about this gun culture the gun lobby is doing its best to prevent legislation for the registration and control of guns, and some are arguing piously that such would be unconstitutional because the second amendment says: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Would they have us believe that a gun in the hands of Sirhan Sirhan, James Earl Ray, or Lee Harvey Oswald constitutes a well-regulated militia? Who needs a gun anyway? And whoever does, who is he that he should object to its registration? Who is the congressman so remiss in his duty as to fail to support such necessary elementary steps for bringing order out of this chaotic situation? And finally, who is the Christian, who is the Mennonite, who does not feel moved to prophesy to his representative in Congress concerning this serious matter? Happily the congressmen of the third and fourth Indiana districts voted in favor of the mild bill recently passed by the House of Representatives, restricting a bit the mail order sale of arms (although not all Indiana congressmen did so). But this is not enough, and Congress should be urged to do more.

Then there is the television with its scenes of violence not fit for children to see. In the home where I grew up—and in which my children grew up—guns were never included in the play equipment, but I don't know whether this could have been said if these families had grown up in the TV age. For this reason I think Christians in this TV age have an obligation to pester the TV industry and the governmental agencies which regulate it until its programs cease to display violence and to feed the gun culture of our time. The TV and the mass media are in need of a generous dose of salt supplied by Christian people.

WHAT IF SALT LOSES ITS SAVOUR?

Now just a word about salt losing its savour. What does this mean? Chemists tell me that genuine salt—pure, unadulterated salt—never deteriorates. It always keeps its saltness. Never loses its savour. In ancient times, however, when salt was scarce and costly, dishonest merchants adulterated their salt with other substances. Then when the salt leached out of the mixture what was left was no salt at all. So when Jesus spoke of salt losing its savour he was talking about the counterfeit residue which remained after the real stuff was gone.

Christians are the Salt of the Earth, placed here for its preservation and health. This morning we have noted just a few of the many things in our world today to which some Christian salt needs to be applied. Are we getting it done? If not what does this mean? Does it not mean that we are but counterfeit residue? That we are of no earthly good—and if not then of no heavenly use either. Jesus puts it in pretty plain words: "It is no good for the soil or for the manure pile; it is thrown away. Listen, then, if you have ears!"

SALT MAKES FOR A GOOD TASTE

One final word: Salt in the food makes for a good taste. Christians who are the Salt of the Earth leave a good taste wherever they go. "Let your speech always be gracious, seasoned with salt," says Paul (Col. 4:6). To be the Salt of the Earth is not to open ugly wounds and run in the salt with sandpaper. It is not to go about with a sour-puss, long face, hanging crepe on every door. For people over 60 it is not to assume the role of super-critic, censuring and decrying everything younger generations are doing. This is a temptation of older people, especially if in their own best days they had over-rated their own indispensability. It might help those of us over 60 to remember now and then that Jesus was only 33 when he died. That Martin Luther was 34 when he nailed his 95 theses on the Wittenberg door. That Conrad Grebel founded the Anabaptist movement at 27. That Thomas Jefferson wrote the Declaration of Independence at 33. That Martin Luther King became the leader of black America at 27. That Robert Kennedy died at 42. That John F. Funk founded the *Herald of Truth* at 28. That Daniel Kauffman was an organizer and first moderator of the Mennonite General Conference at 33. That Harold S. Bender launched the *Mennonite Quarterly Review* on the road to the recovery of the Anabaptist vision at 29. That it was young conscientious objectors under 30 in the army camps of 1918 who by their steadfast faith paved the way for the kind of recognition which COs enjoy today. And that the 500 to 1,000 Mennonites presently engaged in Pax and voluntary service throughout the world are for the most part under 30. Indeed, one is tempted to ask whether the earth would not have the benefit of more Christian salt than is now the case if only there were a higher proportion of younger persons in positions of leadership.

But this Salt of the Earth business also has something to say to those who are under 30. They also must have salt with savour which leaves a good taste. Young cynics who scoff at their elders and decry everything done by those past 35 are doing serious harm to their own usefulness, and are themselves well on the road to becoming sour-puss old men, salt without savour. Go down the roll of young Mennonites in history called a few moments ago and see how they operated. They worked with their elders. They were laborers together with those who had gone before. They were established in the faith. They drew their inspiration from the Bible and the heroes of the Christian faith down through the centuries.

As one CO under 30 in World War I put it: "I do not believe that I am seeking martyrdom. . . . I want to go out into the world and make use of what little talent I may have acquired by long and laborious study. But . . . I dare not purchase these things at the price of eternal condemnation. I know the teaching of Christ my Saviour. He taught us . . . to love our enemies, to bless them that curse us, and do good to them that hate us. . . . We would indeed be hypocrites and base traitors to our profession if we would be unwilling to bear the taunts and jeers of a sinful world, and its imprisonment, and torture or death, rather than to participate in war and military service. We know that obedience to Christ will gain for us the glorious prize of eternal life. We cannot yield, we cannot compromise, we must suffer."

If the present generation under 30 is to make its contribution as the Salt of the Earth it must draw its inspiration from the same source that the author of this statement drew his—not from the flower children of San Francisco, nor from the so-called Students for a Democratic Society, nor from the extremists of Berkeley and Morningside Heights. The reformer too must have salt which has kept its taste. And when he speaks it will be with words of wisdom, seasoned with salt, so that even his enemies will inwardly like him even while outwardly disagreeing with him.

Salt gives zest to food, joy to the common affairs of the day, the zest of serenity, of trust, of worship. May our thoughts, our speech, and our acts, whether we are under 30, over 60, or in between, always be gracious, seasoned with salt, so that we may know what is proper to say and how to say it on every occasion. You are the Salt of the Earth, but if the salt has lost its savour, wherewith shall it be salted? Amen.

OUTLOOK

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. BOW. Mr. Speaker, interest is growing rapidly in the issues raised by the proposed FAA order to restrict the use of some of our major airports.

Businessmen in my district are concerned and the economic repercussions will be felt throughout the country if these proposals are finally approved.

To further enlighten those who are interested in the issue, I include in the RECORD an editorial from Pilot, the magazine of the Aircraft Owners and Pilots Association, and an article from the same magazine which relates to the recent testimony of J. B. Hartranft, Jr., president of AOPA, before a Senate subcommittee.

Both the editorial and the article contain worthwhile suggestions which should be considered carefully in connection with the FAA proposals.

The editorial and article follow:

OUTLOOK

In a few months there will be a new President and Administration in Washington. So far as general aviation is concerned, we hope that will include the Department of Transportation. But a new DOT secretary might replace the socialized transportation notions of an Alan Boyd with just another equally uninformed or unconcerned DOT head. The basic danger remains: civil aviation cannot be subverted to the whims and notions of unqualified men. It is far too complex, dynamic and fast-moving to be toyed with by bureaucrats.

We've always had our problems with the FAA and its predecessor organizations, but the majority of FAA officials with whom we dealt seemed to understand what we were talking about. Even though general aviation has survived and grown in essentially a hostile, pro-airline atmosphere, it has grown nevertheless, and to an extent unequaled elsewhere on earth. But to subvert civil aviation to the rule of disinterested men from the world of shipping, railroading or highways, political appointees, or learned theorists from the halls of ivy, is dangerous. Congress itself recognized this in 1958 when it finally removed the FAA from the Department of Commerce and made it an independent agency. But it's now back under a nonaviation authority, and is in just as much trouble as would be the U.S. Treasury under the control of an expert in animal husbandry.

For once, the FAA itself needs help and understanding. Our emotions are mixed, of course; the hostile climate in which general aviation has grown has been nurtured largely by the FAA. But today, they can't even make their own policy. Disinterested as they have been in the past, the FAA would never have turned the airspace, airports and air navigation facilities over to the commercial airlines as DOT Secretary Boyd and his bright young theorist, Cecil Mackey, is trying to do. As a matter of fact, the FAA has actually been exhibiting a little more understanding of general aviation in recent years. Ironically, much of this has come in the regime of a nonflying ex-Air Force general, "Bozo" McKee. Now he has resigned suddenly, with the usual platitudinous exchange of letters with the White House. If the low morale of the rest of the FAA is any indicator, McKee probably resigned out of sheer disgust with DOT machinations.

With Mr. Boyd's testimony before the Monroney Committee now on the public record, it's clear that general aviation is of no interest or concern to the Johnson Administration. Once Mr. Boyd is replaced, it can very well be with a man equally as dangerous, with the FAA helpless in his hands as well. We can only conclude what AOPA's testimony advocated before Monroney: return the FAA to an independent status.

At this moment, general aviation's future is not bright. If Secretary Boyd has his way, we're going to be forced to pay great sums for facilities we have never required, nor do we now. Various "safety" rules are in the works to restrict general aviation, and give almost unrestrained priority to the airlines.

But general aviation is fighting back. Individuals in all parts of the country are making their thoughts and wishes known to their members of Congress. At this point, with the DOT having made the Administration's position clear, we have little to lose. There is the usual loose talk about the "emergency need" for expanded funds to ease the congestion on the Air Traffic Control system. However, over 90% of general aviation could continue to operate if the whole IFR system was shut down. Every major airport from Los Angeles to New York could bog down and collapse, and general aviation would still be able to operate, while the airlines would not.

AOPA, and other general aviation spokesmen, have now taken what is virtually a unanimous stand on principle. The DOT is trying to ram its destructive proposals through Congress before this session adjourns. But key members of Congress now are aware of this opposition, and they don't appear to be ready to accept the DOT-airlines thesis that this is an emergency.

Faced with a hostile DOT, at this juncture general aviation has nothing to lose by continuously and repeatedly opposing their high-handed proposals right to the end of this session of Congress.

WE'VE HAD ENOUGH OF DOT

Two years ago the U.S. Congress was considering establishment of an Executive Department of Transportation as a superagency responsible for all modes of travel in this country. At the time, many aviation organizations in particular either strongly opposed or voiced reservations about the wisdom of including the Federal Aviation Agency as an element of that department. They recalled too well the short shrift civil aviation had received for so many years under the Department of Commerce before being accorded a comparative first class citizenship by passage of the Federal Aviation Act of 1958.

Now, after a little more than a year of watching pre-1958 treatment of general aviation revisited, at least two major representatives of that segment of civil aeronautics want out.

Testifying before the Aviation Subcommittee of the U.S. Senate Committee on Commerce recently, AOPA President J. B. Hartranft, Jr., called for reestablishment of FAA as an independent Federal agency, declaring: "We have had more than enough of the Department of Transportation." That attitude was also expressed during the same subcommittee hearing by Frank Kingston Smith (AOPA 124393), executive director of the National Aviation Trades Association, which represents about 500 leading fixed-base operators from throughout the country.

The subject of and reason for the hearings were the complex, interwoven issues of airport development, airways modernization and user charges. The flintstone that sparked the demand was comprised of increasing pressures being brought by DOT that appear to be designed to tax and regulate general aviation either out of existence or into a state of regression. Those pressures were overtly manifested by two proposed pieces of legislation fostered within DOT (see July PILOT, page 25) and by statements made by DOT Secretary Alan S. Boyd at the Senate hearings.

Boyd and other Executive Department officials, in response to a Presidential proclamation, have been contending that civil aviation is a "special benefit" and that the users of it therefore should foot the cost almost entirely for the Government to provide the airways system. They have claimed—with increasing frequency and loudness—that only the airlines contribute to the cost of the system, while general aviation sneaks in for a free ride. Therefore, they have proposed to increase fuel taxes for general aviation to an ultimate 10 cents a gallon and are openly encouraging airports to institute landing fees against private aircraft.

At the same time they claim that general aviation still would contribute less to the cost of the airways system than the airlines, so the general aviation segment would receive even less consideration for the proposed additional tax burden than it receives under the existing tax structure.

"Nonsense," Hartranft told the Senate Aviation Subcommittee. General aviation is the only segment of U.S. aviation that is paying its way and more. "Consider these facts," he said:

"The airlines enjoy a protected market to prevent destructive competition but they pay nothing for this protection; no commercial activity in general aviation enjoys the same privilege.

"The entire operation of the Civil Aeronautics Board is for the mutual protection of the airlines and their customers, but neither pays to support the operation. General aviation does not even have an equivalent source of statistical information but, as a general taxpayer, supports CAB's existence.

"NACA and NASA aeronautical research and development efforts have responded almost exclusively to space, military and airline demands; the attention to general aviation has been microscopic. The general taxpayer has supported it all.

"The airlines have a guaranteed loan program; general aviation has none.

"The airlines have a supersonic aircraft development program largely supported by the general taxpayer; general aviation has nothing remotely comparable.

"All airlines have received, and many still receive, operating subsidy at general taxpayer expense; general aviation has never had such assistance.

"For years the airlines have had some guaranteed income from mail pay; only recently have air taxis been able to penetrate this market. The rest of general aviation has nothing comparable.

"Because of operating subsidies, airline customers have been able to—and on local service airlines still can—purchase transportation at less than the full cost thereof; general aviation users have always paid the full cost of their transportation.

"Where landing fees are charged to both parties, the airlines pay at lower rates than most general aviation due to the operation of minimums and the allocation to general aviation users of costs caused by airlines.

"The airlines generally do not pay the state tax burdens for aircraft registration, airman licensing and fuel excises; general aviation does pay.

"The airlines have not built and maintained a single airport for their own or public use; general aviation has done so in 6,296 cases.

"The airlines pay less in Federal fuel excise taxes than does general aviation.

"General aviation provides all the revenue at the thousands of airports not served by the airlines. Even at those 521 airports served by the airlines upon which we have been able to get the data . . . general aviation provides from 22% to 63% of the revenue.

"The cost of goods and services bought by general aviation on the airport includes a substantial percentage for the airport landlord.

"General aviation makes relatively few demands upon the airways system in proportion to its hours of flying; the exact reverse of the airline case.

"Those who say general aviation does not pay its way and cite figures to prove it are using mathematics to confuse rather than reveal the truth. We do, can and will pay our way in our own time."

AOPA has pointed out repeatedly that the "share of airways costs" Boyd claims is paid by the airlines is fallacious. In reality, the airlines contribute nothing from their operating revenues, other than two cents a gallon on aviation gasoline used in the comparatively few piston-engine aircraft still used in scheduled air carriers operations. Jet fuel is tax-free. Even the two cents a gallon now paid on avgas by the airlines would be eliminated under the DOT-advanced proposals.

Boyd's own callous disregard for general aviation was reemphasized when he told the Senate subcommittee: "The Federal Government has a greater interest in promoting the efficiency of the common carrier system of air transportation than it does in promoting private air transportation and, where a choice must be made, the common carrier system will receive preference."

All indications since the birth of DOT are that the choice was an immediate one. In a shortsighted, arbitrary manner, Boyd and Company have chosen to neglect or discount the economic, cultural and other contributions general aviation makes to the thousands of communities it serves, in AOPA's opinion.

The Senate Aviation Subcommittee is chaired by Sen. A. S. Mike Monroney of Oklahoma, who reportedly bridled at some aspects of the two legislative proposals submitted by Boyd. The recent hearings of the subcommittee in fact may have been partially elicited as a result of those proposals.

Sen. Monroney is not altogether averse to the concept of user charges. Apparently, however, he took exception to features of the DOT's proposed bills that would severely restrict Federal financial participation in airport development programs and that would irrevocably rule out establishment of a trust fund to finance such programs.

During the recent hearings, Sen. Monroney claimed that he had conducted a poll of all pilots residing in Oklahoma which indicated the majority favored user charges. An AOPA survey was made in that same state last month. (See accompanying article, "APOA Polls Oklahoma Pilots On User Charges.")

The Aviation Subcommittee issued a report earlier this year (see March PILOT, page 31) as a result of hearings concerning airport problems and safety that were held last summer. That report understood the apparent need for accelerated and expanded Federal participation to bring about the earliest possible completion of a national system of airports; immediate steps to alleviate congestion in the few terminal areas where it exists; and establishment of a trust fund program to partly finance the many facets of the overall aviation picture where Sen. Monroney and others believe a crisis situation has transpired.

The Senator appears to be wedded to the trust fund concept and, despite controverting testimony offered at both public hearings conducted by his subcommittee, he seems to believe that the user charge approach offers the only means to achieve it. Following the most recent hearings, Sen. Monroney immediately drafted a bill that reportedly reflected a compromise between his committee's earlier report and the DOT proposals. It also allegedly contained some of the recommendations made by AOPA and others, however.

A week after the hearings, the full Senate Commerce Committee favorably reported a Bill (S. 3641) to establish an airways-airport trust fund, double the size of the present Federal Airport Aid Program (FAAP), and provide a $1 billion guaranteed loan program for terminal area developments. The committee recommended establishment of passenger ticket taxes of 8%, air freight taxes of 5%, and excise taxes of seven cents a gallon on all general aviation fuel for a period of five years to support the trust fund. Each year, $150,000,000 of the trust fund would go for 50–50 matching grants for airport development. Another $250,000,000 would go for capital investments in airways facilities. Anything remaining in the fund would go to offset operating costs of the airways. Trust fund revenues could be expected to be short of the amounts required for all of these purposes, so some appropriations from the general fund still would be required to carry out the program.

The bill also calls for a cost allocation survey to be made by the Department of Transportation and the findings to be reported to the Congress within two years. The bill directs that the Secretary shall consult fully with and give careful consideration to the views of the users of the system."

In conducting the hearings, Sen. Monroney left the implication that he felt too much time and energy were being expended by general aviation and airline interests in clawing at one another's throats. On numerous occasions in the past he has demonstrated with both, declaring that they face a common crisis, soluble only through cooperation, compromise and the advancement of positive ideas.

AOPA does not argue with the need for positive ideas. In his statement, Hartranft advanced 14 new recommendations as well as reiterating nine previously offered suggestions that AOPA believes would, in the long run, prove mutually beneficial to all segments of aviation and the national interest.

AOPA's latest recommendations were that:

1. A grant in aid program for airport development should be authorized at a level of $100,000,000 annually for the next 10 years.

2. Complete development aid should be given only for the first 3,500 feet of each paved and lighted runway and associated taxiways, ramps and land for public use airports.

3. Improvements to existing airports that already meet the development standards above should take second priority on a 50% matching fund basis.

4. Conditions imposed on development aid should include granting of tax relief for public use portions of privately owned, public use airports; release of land not required for common public use to fee simple ownership on publicly owned airports; provision by states of aeronautical counterparts to the highway department; airport planning and design that emphasizes parallel runway development as a solution to congestion relief and utility enhancement; and provision of lease terms to concessionaires that would allow them to amortize their capital investments over a reasonable period of time.

5. A $1 billion revolving loan program with interest rates at Treasury levels should be established to accelerate development of public use airports.

6. Loans should be available to both public and private owners of public use airports without conditions other than that they be for the enlargement or improvement of runways, taxiways, ramps, terminal buildings, access roads and similar essential facilities for public use in common; that they be maintained for public use for a period of 30 years; and that adequate security be provided.

7. Conditions restrictive of traffic, in the form of required landing fees or other specific charges, "prime time" charges, prohibitions of certain kinds of classes of traffic and similar measures should be strictly prohibited.

8. The principle of "first come, first served" in airport traffic acceptance should be clearly declared.

9. Administration of the programs should be vested in the FAA Administrator, not the DOT Secretary.

10. Rather than doing so much planning and planning control at the Federal level, these matters should be left to state and local authorities who are going to have to live with the completed projects.

11. Establishment, maintenance, improvement and operation of the airways is a Federal responsibility accepted and enacted by law, stated to be in the public interest for the safety service and defense of the nation at large; therefore it should be financed from general funds.

12. Every public use airport meeting the minimum standards in paragraph 2 above should be provided with some kind of an instrument approach.

13. Emphasis should be placed on employment of low cost facilities which have proven themselves adequate for the purpose.

14. Expansion of the flight service station system to provide service where it is needed should be paced to the expansion of flight operations.

With specific regard to user charges, Hartranft said that Government programs adopted in the public interest and imposed by law should be paid for by the public. AOPA recommended to the Senate Aviation Subcommittee, therefore, that no proposal for user charges should be considered for adoption at this time. Should subsequent intensive study by the House Ways and Means Committee (the legislative body responsible for initiating revenue measures) indicate that aviation user charges are needed, the most equitable method of implementation would be in the form of a uniform excise tax on all fuels used by all aircraft operators, regardless of the nature, location or character of their activity, Hartranft told the subcommittee.

That method of inducing airline interests to contribute a true share of "user charges" would be a hard pill for DOT to swallow. There are too many officials in that agency who appear to look upon the airline industry with paternalistic protection. The distorted view that DOT seems to hold of general aviation, on the other hand, serves only to derogate private aircraft operations and defeat the sense of the Federal Aviation and Federal Airport Acts, Hartranft has charged.

"This being the kind of 'leadership' we can do without, we recommend here and now that FAA be reestablished as an independent agency," Hartranft told the subcommittee. "We cannot speak to the disillusionment, widely reported in the press, of the maritime industry, high speed rail advocates, highway trust fund contributors and other interests, but we have had more than enough of the Department of Transportation."

AMERICAN ECONOMY: STRENGTHS AND WEAKNESSES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of the sixth in my series of radio broadcasts on the issues facing the Nation in this election year:

The American Economy: Weaknesses and Strengths

Our nation has great strength. The strength is not just the power of our bombers, the missiles, and guns. Our real strength—our greatest strength—is the production of our factories, the imagination and diligence of our people, the wealth and resources of our richly blessed land.

The American economy—envied by all the world—is the bedrock source of all our power.

Today, I want to talk to you about the state of that economy—its achievements and its weaknesses. I want to talk about debts and deficits, about government spending and inflation, about the power of the dollar and industrial growth, and what I think needs to be done to set the American economy on a steady and sure course.

These are complicated matters. And they seem far away from our everyday lives. But that is a false impression. The economy cuts deeply into the personal lives of all of us. The economy is your job, and your neighbor's job; your house and the bank's mortgage; your baby's clothes and the hospital's bills; your paycheck and the government's taxes. In the past few years, we have learned much about the workings of economic matters. Our economy has never been stronger and more vigorous than during the 1960's.

1. June marked the 88th month of uninterrupted prosperity and economic expansion. Average duration of previous periods of prosperity was about 30 months.

2. After taking into account taxes, price increases and other deductions, the average family of four in Indiana today has $1736 more disposable income than in 1960. This increase in real income amounts to 31%—an increase equal to all the gains of the preceding 19 years.

3. In the past seven years, 10 million more Americans are at work and more than 12 million Americans have moved above the poverty line.

4. Unemployment has dropped to 3.5%, the lowest it has been since 1953.

This record of accomplishment offers a stark contrast with the economic performance of the nation during the fifties. In this period, there were 3 recessions; unemployment climbed to 7%; and fiscal year 1959 produced the largest peacetime budget deficit—$12.4 billion. Expenditures as a percentage of GNP were greater during the six Republican fiscal years between 1954 and 1960 than during the past four years. Whereas federal administrative budget expenditures were 16.3% of GNP during the last six fiscal years of the 1950's; during the four years of the Johnson Administration, expenditures averaged *less than 16%* of GNP. In fiscal 1968, federal expenditures exclusive of the cost of the Vietnam war will amount to less than 15% of GNP. And even if Vietnam expenditures are included, the total federal budget expenditures in 1968 will amount to less than 17½ percent of GNP.

In short, during the 1950's spending was up, revenue was down—prices were up, jobs were down. Today that dangerous trend has been reversed. Today's economy offers much to cheer about. But there are also some trouble spots.

1. An increasing price instability.

2. The American economy is beginning to expand much too rapidly. The record increase of $20 billion in GNP during the first quarter of 1968 is dangerous to our economic stability.

3. The federal deficit in fiscal year 1968, of approximately $20 billion, has resulted in a dangerous tightening of the money supply and increased interest rates. For the first time in 50 years the Treasury has to pay 6% to borrow money. Mortgage rates are approaching 7% on the average and running above that in many areas. The major contributor to the deficit is the more than $30 billion a year needed to carry on the Vietnam War.

4. A deteriorating position with respect to our balance of payments and a decline in the strength of the dollar in the international money market. In 1967, this country ran a balance of payments deficit of nearly $4 billion. In the first quarter of 1968, we markedly improved that position. First quarter figures on an annual basis show a $2.4 billion deficit.

THE PROBLEM

The problems of the American economy are the problems of prosperity. While we have a growing economy, more people employed than ever before, and more buying power than ever before, we clearly have the beginnings of a wage price spiral, a decline in confidence in the dollar, and the possibility of chronic budget deficits slowing our real growth in the future.

RECOMMENDATIONS FOR DEALING WITH ECONOMIC PROBLEMS

1. We should first exercise fiscal restraint. This requires that we establish clear spending priorities, and then cut the federal budget to match these priorities. To do this, I propose the following cuts in the federal budget:

A. A freeze on government employment at 97% of the present employment level. This reduction in government employment would save the federal government approximately $1 billion.

B. Cancellation of the super-sonic transport, thereby saving $225 million.

C. A reduction in spending in the space program.

D. A reduction in foreign aid—particularly in the areas of military assistance, direct governmental support loans, and huge development projects. Money should be directed instead to place more emphasis on technical assistance. We should give no more aid to a country than their own bureacracy is capable of administering. Savings about $1 billion.

E. A cutback in funds allocated for research and development.

F. A deferral of public works projects.

Secondly, for the future, we must establish clear spending priorities. We must recognize and observe the limitations of our economic policy. The United States Congress and the American people must make a commitment to spend for those things that are important and necessary, and to give up those things of lesser importance. This country cannot do everything for others, or everything for itself.

Thirdly, our economic and trade policies of the future must be geared toward the goal of a world-wide trading and financial community free from restraints on exports and imports. At the same time we are lowering trade barriers, it is only fair that the government assist those businessmen, farmers, and workers who because of increased imports face serious financial problems. In the past trade adjustment assistance has been ineffective. This program needs to be replaced with a fair and workable plan. The test for eligibility should be simply: immediate relief is made available whenever increased imports are a substantial cause of injury.

Fifth, in order to continue to play upon the strength of the American economy, we must encourage competition in this country by anti-trust actions and by the removal of excessive regulations on American business.

And finally, the policies of the future must continue to be based on the economic knowledge we have gained during the Kennedy-Johnson Administration. This means an active government fiscal policy designed to keep the growth of private demand and public wages reasonably in line with the expected growth in our productive capacity, which is approximately 4 to 4½ percent per year.

The choice is, it seems to me: Are we going to retreat to the chaotic economic policies of the past—with cycles of boom and bust, feast and famine—or are we going to continue the steady, measured policies of recent years which produce consistent and enduring economic growth? Do we want to slide up and down, or do we want to march steadily, surely toward greater prosperity for all Americans.

On the whole, we are a wealthy nation—growing more prosperous every day. But that is not enough. For those to whom much is given much is expected.

We must remember that economic policies and the wealth they generate are used wisely only when they are used to serve the needs of the people. We must not judge our nation by the quantity of its goods, but rather by the quality of the lives of all the people.

Wealth brings new burdens, but they are burdens accompanied by challenge and opportunity.

I believe the suggestions I offer today to guide our economic future form a policy that can meet these demands, while continuing our growth.

They are policies of fiscal responsibility—and human responsibility. They are not radical, but contemporary; not extravagant, but progressive. They are policies which form the sure and steady course for the American economy.

GOOD GUN CONTROL BILL IS APPROVED

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. McCARTHY. Mr. Speaker, on Monday, September 23, the lead editorial in the Buffalo Courier-Express was entitled: "Good Gun Control Bill Is Approved." In the editorial, the Buffalo Courier-Express praised Congress for enacting the bill extending the mail-order ban to shotguns and rifles.

I think the Buffalo Courier-Express is to be commended for taking this enlightened stand. The Courier-Express has in the past opposed repressive antigun laws but has shown courage and enlightenment in supporting the measure that passed the Senate.

So that other Members of the House will have an opportunity to read the Courier-Express editorial, I include it in the Record, as follows:

Good Gun-Control Bill Is Approved

The bill banning interstate mail-order sales of rifles and shotguns which the Senate has approved seems to correct adequately a defect in the Crime Control and Safe Streets Act which was passed by Congress earlier this year. The original law outlawed the interstate mail-order sale of handguns and certainly the ban should be extended to shotguns and rifles. The bill now goes to a joint House-Senate conference where early agreement on a final draft of the measure is expected.

The Courier-Express, which has strongly opposed legislation requiring federal licensing and registration of firearms, has long felt that a law against mail-order sales of long guns and handguns would be of national benefit. The problem is that the most vocal advocates of gun-control legislation have always insisted that the law go far beyond this—almost to the point, in some extreme cases, of making it virtually impossible to possess firearms legitimately. There also are die-hards who vehemently oppose any type of gun-control legislation.

Those at the extreme on both sides of the question probably will fight the Senate-approved bill—some on grounds that it goes too far and some on grounds that it doesn't go far enough. But those who view the matter objectively, rather than emotionally, probably will agree that the measure fills a need of society without infringing on basic rights of the public.

We would suggest that those who think the federal government should go further in curbing the use of firearms should devote their efforts to the passage of legislation which would impose a mandatory long-term prison sentence on anyone convicted of using a handgun or a long gun in the commission of a crime.

If a 10-year or 15-year sentence in such cases were mandatory—not discretionary with the judge and with no possible suspension or lessening of the sentence on any grounds such as a first offense or mitigating circumstances—and if the sentence was added to any sentence imposed for the actual commission of the crime, we are certain that the use of firearms in criminal activity would be reduced substantially. Legislation of this type would strike directly and forceably at those who misuse firearms and would not affect in any way the sportsmen and others who use them legitimately.

JUSTICE DEPARTMENT COVER-UP

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ASHBROOK. Mr. Speaker, it will be recalled that back in 1963 three State Department employees testified before the Senate Internal Security Subcommittee to the effect that they knew nothing, nor were a party to, the installation of a listening device in the office of Otto F. Otepka, the State Department security officer, whose case has since become a national issue. After testifying before the subcommittee, the three later sent a letter to the subcommittee acknowledging that their previous testimony had been untrue and misleading and they did, in fact, have knowledge of the installation of a device in Otepka's telephone.

Later the three officials again appeared before the subcommittee, and this time delivered the best examples of evasion, double-talk and misrepresentation rendered by supposedly responsible Government employees in a long time.

Since that time no attempt has been made by either the State Department or the Justice Department to prosecute these three on charges of possible perjury. In 1967 I asked the Justice Department how the case was coming, having seen a letter from the State Department stating that the transcript of the hearings had been sent to Justice for review and possible prosecution. Justice wrote back and stated that no transcript had been referred to them, and that the committee before which the testimony took place refers the case to Justice for possible action.

Next, Senator Strom Thurmond sent Justice the statements of the three State Department employees, pointing out in detail the inconsistencies in their testimony. Justice replied by saying that the committee would have to refer the charges.

On June 5, 1968, the subcommittee voted to ask Justice to review the testimony.

On September 18, the Government Employees Exchange printed the partial text of a letter from the Justice Department to another Senator explaining why the Justice Department was not going to push for prosecution. One of the reasons given was the 5-year lapse of time which might prove to be a violation of the constitutional right to a speedy trial.

The Justice Department, in mentioning the speedy trial aspect, cited the case of United States against Parrott. The summary of this particular case as it appears on page 196 of the Federal Supplement 248 reads:

> The District Court, Gasch, J., held, inter alia, that indictment would be dismissed for failure to afford defendants a speedy trial under record including showing that delay of at least approximately 22 months between the date when criminal reference report was referred to United States Attorney and date of indictment was the result of inaction amounting to negligence in the U.S. Attorney's Office, that no adequate explanation of that delay had been forthcoming, and that defendants were prejudiced by the delay.

So the Justice Department is citing a case in which the U.S. Govrenment was negligent in its duties to support their argument for taking no action. From what I can ascertain, it appears that the U.S. Government, through the Justice Department, has delayed this case 5 years and is now using this excuse to justify their action.

I have again written to the Justice Department asking for more particulars on their handling of the case. I include the text of my letter to Justice, along with their reply to me back in 1967, and the article, "Charges Against Reilly, Belisle, Hill Not To Be Pressed by Justice, Vinson Informs Clark," from the Government Employees Exchange of September 18, 1968, in the Record at this point:

September 26, 1968.

Hon. Ramsey Clark,
Attorney General of the United States, Washington, D.C.

Dear Mr. Clark: This inquiry concerns the delay by the Justice Department in deciding not to prosecute the three State Department employees, Messrs. Reilly, Hill, and Belisle, which case was referred to your office by the Senate Internal Security Subcommittee on June 5 of this year.

On August 8, 1967, Assistant Secretary for Congressional Relations, William Macomber, Jr., responded as follows to an inquiry from another Congressional office:

"I have been informed that the transcript of the testimony given before the Senate Internal Security Subcommittee by Messrs. John F. Reilly and Elmer Hill has been forwarded to the Department of Justice for review and recommendation on possible perjury charges against these witnesses."

At a press conference on January 4, 1968, Secretary of State Dean Rusk was asked why no action had been taken in four years on the perjury charges. He replied, "I think this is a decision of the Department of Justice, based on the record."

On December 8, 1967, Assistant Attorney General Vinson replied to my query on the possible perjury charges:

"Having searched our files and discussed this matter with Mr. Macomber, I can advise you that his information is apparently in error. There has been no such referral of the transcript of the testimony of Messrs. Reilly and Hill to this Department for review and recommendation on possible perjury charges."

The record, referred to by Mr. Rusk above, indicates that the Senate Internal Security Subcommittee began its last series of hearings on State Department Security in February, 1963; they ended in May, 1965. Otto F. Otepka was the first witness, followed by a score of others, including Reilly, Belisle, and Hill. It is my understanding that, observing a long established practice, the Subcommittee dispatched a copy of the stenographic transcripts of each witness' testimony to the Justice Department through the F.B.I. Among the transcripts were the testimony of Hill on July 6, 1963; Belisle on July 29, 1963; and Reilly on August 6, 1963 when each denied any knowledge of the tapping of Mr. Otepka's phone.

The record also indicates that testimony by State Department witnesses before the Subcommittee showed that the Department of Justice began an investigation of Mr. Otepka in July, 1963, which was to continue for some time. F.B.I. agents who talked with Mr. Otepka in August, 1963, advised him that the investigation was being made, not at the request of F.B.I. Director J. Edgar Hoover, but at the behest of the Attorney General's Office. Any investigative data obtained, including the testimony of Reilly, Belisle, and Hill, was coordinated with and furnished to the Attorney General's offices and to the Internal Security Division.

In view of the deep involvement of the Justice Department in the Otepka case, I should appreciate knowing whether the Justice Department received copies of the testimony of Reilly, Belisle, and Hill as early as 1963.

In his letter of December 8, 1967, Mr. Vinson also stated:

"Instances of possible perjury before a committee of Congress are brought to the attention of the Department of Justice for review and prosecutive determination by direct referral from the Congressional committee before which the testimony was given."

In clarification of the above statement, I should like to know what statutory or other basis is there which requires the Justice Department to suspend prosecution on possible felonies until referral by a congressional committee?

This question is especially pertinent in view of Justice Department policy in 1964. According to his testimony before the Senate Internal Security Subcommittee, Mr. J. Walter Yeagley, Assistant Attorney General in charge of the Internal Security Division, Department of Justice, required no congressional referral before initiating action. On August 14, 1964, Mr. Yeagley was asked by Mr. J. G. Sourwine, counsel for the Subcommittee:

"Mr. Sourwine. Do you remember the referral to the Department (of Justice) of the case of William Weiland for determination as to whether the Department desired to prosecute for perjury in connection with, or growing out of his testimony before this subcommittee?

"Mr. Yeagley. I do not believe the Wieland case was formally referred to us for determination as to whether prosecution for perjury was feasible. His testimony, however, had been brought to our attention and *we made an examination and arrived at a determination merely because we felt it was our responsibility to do so, but I do not recall a referral.*" (Subcommittee Hearings, State Department Security—1963—696, Part 1, p. 88) [Emphasis added.]

Mr. Yeagley's Internal Security Division derives its jurisdiction regarding perjury cases involving government employees from Section 13, E.O. 10450, which states:

"The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate government security program." (See U.S. Govt. Org. Manual, 1968–69, p. 222.)

This phase of my inquiry concerns the so-called "mutilation of documents" charges which were brought against Otto Otepka but which were dropped in June, 1967. An article in the Washington Post of June 7, 1967, written by George Lardner, Jr., stated:

"Irving Jaffe, Justice Department attorney representing State in the proceeding, said he moved for dismissal of the ten charged for varied, 'technical, legal reasons.'"

The article went on to say:

"Dismissal of the 'mutilation' charges, Jaffe declared, *'had nothing to do with (problems of) proof,'* but he declined to elaborate." [emphasis added]

My third question, of course, is why Otepka was not prosecuted by the Justice Department for violation of 18 U.S.C. 2071, and what were the "technical, legal reasons" for dropping the charges if, as the Washington Post quotes Jaffe, a question of proof was not involved?

Your reply to these three specific questions, all possibly involving malfeasance on the part of the Justice Department, will be appreciated.

Sincerely,

JOHN M. ASHBROOK,
Representative to Congress, 17th District.

DEPARTMENT OF JUSTICE.
Washington, D.C., December 8, 1967.

Hon. JOHN M. ASHBROOK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in response to your letter of November 15, 1967, in which you quote from a letter of William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations, concerning testimony of Messers. Reilly and Hill before the Senate Internal Securities Subcommittee.

Instances of possible perjury before a committee of Congress are brought to the attention of the Department of Justice for review and prosecutive determination by direct referral from the Congressional committee before which the testimony was given. Having searched our files and discussed this matter with Mr. Macomber, I can advise you that his information apparently is in error. There has been no such referral of the transcript of the testimony of Messers. Reilly and Hill to this Department for review and recommendation on possible perjury charges.

Sincerely,

FRED M. VINSON, Jr.
Assistant Attorney General.

[From Government Employees Exchange, Sept. 18, 1968]

CHARGES AGAINST REILLY, BELISLE, HILL NOT TO BE PRESSED BY JUSTICE, VINSON INFORMS CLARK

In a response to an inquiry made by Senator Joseph Clark for a constituent in Upper Darby, Pennsylvania, Fred M. Vinson, Jr., Assistant Attorney General, indicated that the Department of Justice would not press perjury charges against John F. Reilly, David I. Belisle, and Elmer D. Hill growing out of their testimony before the Senate Internal Security Subcommittee in 1963.

The three men figure prominently in the Otto F. Otepka case. Senator Strom Thurmond by letter earlier this year had asked the Department to review the testimony given by the three men after it was disclosed that they had altered it at the hearings of the former top Security Evaluator at the Department of State. Mr. Otepka's appeal for reinstatement is now before the Civil Service Commission's Board of Appeals and Reviews. Mr. Thurmand's request was rejected at that time by Mr. Vinson on the contention that the Department couldn't act unless it was instructed to do so by a congressional committee. A resolution adopted by the Senate Subcommittee on Internal Security on June 5, this year, initiated the review.

Below appears a partial text of the August 21, 1968, letter addressed to Senator Clark by Mr. Vinson:

"Our examination of the record of the subcommittee's hearings, consisting of 1806 pages in twenty parts, indicated that testimony given by these individuals in July and August 1963 (Hill—July 9, 1963; Belisle—July 29, 1963; and Reilly—August 6, 1963) was substantially modified in later appearances before the committee in November 1963.

"Making the assumption that the earlier testimony was not truthful, we concluded that the matter *did not merit presentation to a grand jury at this late date.*

"The mere fact of contradictory statements under oath is not enough to establish perjury under the special rule applicable to perjury prosecutions. In view of the corrective testimony of the witnesses subsequent to their initial testimony, the case would have presented grave difficulties before a jury.

"Moreover, under the decisions of the District of Columbia Circuit where this prosecution would lie, prosecution might have already been *impossible because of the lapse of time* between the 1963 statements and the present time. The rule in that Circuit is that *substantial delay may be a violation of the Constitutional right to a speedy trial even if the prosecution is brought within the period of limitations*. United States v. Parrott, 248 F. Supp. 196 (1965).

"Sincerely,

"FRED M. VINSON, Jr.
"Assistant Attorney General."

AMERICA'S INCREDIBLE ATTORNEY GENERAL

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ROUDEBUSH. Mr. Speaker, my newsletter follows:

AMERICA'S INCREDIBLE ATTORNEY GENERAL

During his five years in office, LBJ has made some startling appointments, but the most bizarre of all has turned out to be Attorney General Ramsey Clark.

If there is one place in this country that we need a hard-nosed, no nonsense person it is in the Attorney General's office.

An effective, hard-hitting Attorney General could lead the anti-crime crusade in this nation and be a rallying point for our harassed and maligned police departments.

A tough Attorney General could also press the prosecution of those in organized crime, communist agitators who travel state to state stirring up riots, and those who break other Federal laws.

But, Clark has turned out to be super-soft on law enforcement and has actually denied there is a crime wave in this country.

And; incredibly, Clark seems more worried about "police violence" than the fact that in most cities in the United States it isn't safe on the street at night.

Clark testified recently here that "of all violence, police violence in excess of authority is the most dangerous. For who will protect the public when the police violate the law?"

Clark completely ignores the fact that violent crimes have increased 73% during the years since 1960.

And, while Clark sets up our police departments as the "bogeymen" to watch out for, he even goes further in condemning American society as one "that celebrates the power of violence."

At the same hearing in which Clark delivered his attack on the American police departments, FBI Director J. Edgar Hoover stoutly defended our police, saying:

"The violence of the criminal, often cold-blooded and calculated, is especially felt by law-enforcement officers. Crime and violence are increasing primarily because there is a mass deterioration in the respect shown for the rule of law in our nation and for some who enforce it. Heightening the atmosphere of resentment of authority and irresponsibility to others in our society is an all-too-prevalent defiance of duly established laws and rules that is euphemistically termed 'civil disobedience.' The demagogic exhortations of a number of civil rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience."

I believe the American people will take the word of J. Edgar Hoover over LBJ's bleeding-heart Attorney General who worries more about the police, than the fact that our cities have been wracked by riots, crime is out of control and communist-incited riots and demonstrations have become common place.

When Clark made his incredible attack on the police, we checked a local Washington, D.C. newspaper that week, to find out how bad the police were "misbehaving."

We couldn't find any accounts of police brutality, but we did note that:

1. Mayor Walter E. Washington of Washington, D.C., was victimized by a burglar in his bedroom. The mayor chased him out, but lost $70 and his wallet.

2. Two university coeds were approached by five thugs while walking near the Kennedy Center for the Performing Arts, in a fashionable neighborhood. One girl was slugged and robbed of $20, the other was raped.

3. A gunman kidnaped and assaulted a 24-year-old nurse near Dupont Circle.

4. Five bandits robbed a Washington bank of about $22,000 then traded shots with the manager of a neighboring store as they fled. From across the street, students at an elementary school lined classroom windows to watch the action.

5. In suburban Washington, two men took $3,477 from a chain food store—but were wounded and captured in a gun battle with police.

This was a typical day in the nation's capital, where the United States Attorney General sits in his office and worries about "police violence."

A church within two blocks of the Capitol dome has had to close its doors during all hours but when services are in progress, because of vandalism and theft. At the same church, a woman was stabbed at the altar while praying.

LBJ should fire Ramsey Clark immediately and appoint someone that at least recognizes the problem.

MR. NIXON AND AMERICAN POPULATION GROWTH

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. PODELL. Mr. Speaker, like millions of Americans, I have been entranced by the series of radio and television commercials promoting the presidential aspirations of Mr. Richard M. Nixon, as well as by news reports setting forth Mr. Nixon's prescriptions for the cure of America's ills as he dissects the

American dilemma and subjects its bits and pieces to microscopic examination.

I must confess that I have learned to admire the objectivity of Mr. Nixon when, for example, he contrasts the economic stagnation of the Nixon-Eisenhower years with the historic growth of the gross national product with the unprecedented increase in the numbers of people gainfully employed and with the sharp decline in the unemployment rolls, which have characterized the past 7 years of Democratic administration.

I think that it is high time that some prominent national Republican figure, and I credit Mr. Nixon for taking the initiative in this respect, has called attention to the dismal failures of the likes of such as Gov. Nelson A. Rockefeller and Mayor John V. Lindsay, Republicans both, to maintain law and order with or without justice in the city of New York.

Crime in New York City during the Rockefeller and Lindsay administrations has reached such unprecedented levels that organized criminal activity takes place in broal daylight right on the steps of city hall as well as in public offices owned, maintained, occupied, but obviously not controlled, by the city's department of social services.

Indeed, so rampant has crime become in New York City that it would not cause a ripple of surprise if someday in broad daylight the city hall itself is stolen with the mayor inside his office. So it is all to the good that Mr. Nixon courageously calls the attention of the American people to the inability of the Republican State and city administrations to curb crime and maintain public order.

I might suggest to Mr. Nixon that it would serve no useful purpose on his next visit to New York City to denounce the U.S. Supreme Court for its decisions in the Miranda and Escobedo cases or other judicial decisions relating to confessions. Those decisions have in fact made no impact on law enforcement in New York City. Obviously, there can be no confession without prior apprehension. And in New York City, while the crime rate goes up, the arrest rate declines in absolute and in relative figures.

Apparently, there is one thing though about the Democratic administration during the past 7 years that bugs Mr. Nixon terribly because he harps on it so frequently. "During the 7 years of the Democratic administration," Mr. Nixon says, "population has increased 10 percent." Mr. Nixon becomes so impassioned about this statistic that he invariably splutters out the sentence in a manner that makes impossible comprehension of the missing words symbolized by the dots in the quotation.

I rather imagine that all of America shares Mr. Nixon's concern that the American population has increased "only 10 percent" in 7 years of Democratic administration. Certainly the specter of a vast continental area stretching from the Atlantic to the Pacific, from Canada to Mexico, devoid of people is indeed a frightening one.

Based on my best knowledge, information, and belief, I had had the distinct impression that Democrats were indeed doing everything in their power to promote our population growth. Evidently, Mr. Nixon does not think much of Democratic progress and achievement in this vital area. I suggest that many Democrats are prepared, in the interests of patriotism, to submerge partisan differences and cooperate fully with Mr. Nixon to improve America's world posture with respect to population growth. No decent American would support a program for a stunted American population.

All that is necessary to mobilize America's resources for this objective is for Mr. Nixon to spell out precisely and frankly what he, personally, and Republicans, generally, propose to do to increase America's population growth. I do not doubt for a single moment that the American people will wholeheartedly follow Mr. Nixon's leadership in this respect.

WHERE DOES NIXON STAND?

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, it is not difficult to understand why Republican leaders are doing everything possible to prevent a TV debate between presidential candidates. They are making all kinds of alibis to prevent a face-to-face discussion of the issues where everyone can best judge the views, character, personalities and ability of the three leading candidates.

It will be especially interesting to learn where Mr. Nixon stands on the important issues that face the Nation and our people.

I would like to include with my remarks, Mr. Speaker, an editorial by Robert Spivack in a recent issue of Washington, D.C., Examiner. The Spivack column, which follows, raises some interesting questions which the public is entitled to know:

LET THE PEOPLE KNOW

(By Robert Spivack)

Vice President Humphrey is trying in every way a candidate can to get former Vice President Richard M. Nixon to let the public know where he stands on the major issues of the day.

Nixon, understandably, does not want to be drawn out. He wants no nationwide TV debate, he does not meet the press for full-blown news conferences, he uses a kind of sign language to tell the public where he stands.

Now it's possible that people do understand what Nixon would do if he were elected President, along with a Republican-controlled Congress.

Sen. Strom Thurmond seems satisfied, on the one hand, and Mayor John Lindsay seems almost equally pleased. But if Thurmond and Lindsay both find the former Vice President's views okay, then maybe there is something wrong with them, with him, or with us.

The more Nixon campaigns the more difficult it becomes to visualize just what he would do about the major problems he would inherit the moment he took office.

All right, let's grant Nixon immunity from commenting on the proposed advancement of Justice Abe Fortas to Chief Justice. This is a hot and prickly issue and no matter what stand he takes there is hardly a vote to be won.

But there are other problems that will be with us after Congress goes home and the public is entitled to some specific discussion about them. People are not for Nixon because he has "charisma." And being for him because they are sore at the Administration, or the black militants, or the noisy Left public moods do not remain fixed forever.

Let's take several of the major domestic problems, since Spiro T. Agnew now says that he and the No. 1 Republican do not have any plan for ending the war in Vietnam.

For example, what about the War on Poverty? Would Nixon abolish the Office of Economic Opportunity? Would he merge it into the Depts. of Labor and H.E.W.? Would he curtail Head-start, VISTA?

Or take the question of grants for local communities of the kind now being made by the Dept. of Housing and Urban Development? Would Nixon abolish this program? Or change it? If the latter, what changes would he make?

Or what about the economy in general? Would Nixon do anything about high prices? Does he favor wage and price control? Would he curtail the power of the Federal Reserve Board, as recommended by Rep. Wright Patman? Would he roll back interest rates?

In many ways the biggest hurdle the Republicans have to leap is that feeling among many Americans that the election of the Grand Old Party means hard times. If Nixon could reassure working people and those on fixed incomes that they would have job security under Republican rule, or protection against inflation, his worries (and theirs) would be over.

It's really not a question of accommodating Hubert Humphrey to answer these questions.

When people get done talking about "law and order" or the war, they still have to worry about paying their bills, getting medical care at prices they can afford, and putting away a little for a rainy day.

These may not be the "big issues" that keep the university "think tanks" busy, but when the voter goes into the polling place these are also the things that concern him as he makes his personal, momentous decision, choosing the next President.

EDITORIAL PRAISES U.S. ASSISTANCE TO VOLCANO VICTIMS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ROYBAL. Mr. Speaker, on July 29 Mount Arenal, a volcano located some 60 miles north of San José, Costa Rica, began erupting after five centuries of inactivity. More than 65 people were killed and over 6,000 refugees evacuated in the immediate disaster area. Ash has fallen 50 miles to the north and west of the volcano, with the heaviest damage due to ash fall reportedly occurring just west of the mountain.

The United States immediately offered disaster relief assistance. Two helicopters to assist in evacuation, tents, blankets, and medical supplies were requested by Costa Rican Civil Defense authorities and flown in from the Canal Zone. In response to a request by President Trejos, President Johnson sent a special team of three leading U.S. scientists to work with the Costa Ricans in gathering data on the volcano's activity.

It is believed that the damage and

destruction constitute a serious setback to the agriculture of Costa Rica and to the country's stabilization and diversification program.

Our assisance is appreciated and I ask permission to reprint in the Congressional Record an editorial from a San José newspaper expressing gratitude to the United States for the help rendered Costa Rica during its tribulations.

[A U.S. Embassy translation of editorial in La Republica of San José, Costa Rica, Aug 2, 1968]

Yankee Imperialism

How many times have we seen the phrase "Yankee Imperalism" or some such painted on the walls of our city as a demonstration of hate toward the United States! We won't go into the political reasons for such propaganda but we do wish to call attention to it as we contemplate the generosity and altruistic spirit of the Government of the United States and the American residents in our country in these moments of intense suffering and grief for our homeland.

Far be it for us to ignore the ample humanitarian cooperation of many other sister nations, but we wish to extol especially the moral and material support of the United States because we feel its detractors should analyze the facts with more courtesy and fairness.

Lest anyone misinterpret our words, it is only fair to recognize the generous and humanitarian spirit of the American people toward all the countries of the world in time of tragedy. In the field of cooperation and friendship, few peoples can boast of more worthwhile performance.

Five years ago, when the volcano Irazu erupted, the assistance of the American government and people was immediate and ample. The people of Cartago still remember the quiet tireless work of the Seabees in defense of their city. Today history repeats itself, in its tragic consequences and in the examples of cooperation and sympathy. The American people have responded quickly and generously, not only in material goods and economic aid, but also with acts of personal courage which the Costa Rican people will never forget. A group of men left their work and their homes and marched toward the scene of the tragedy to cooperate with the rescue and refugee efforts, even at the risk of their own lives.

We don't think everything they do is good, and many times we have disagreed with their policy, attitudes and conduct: we have protested what we consider its myopia in international affairs, but in our present agony we keep silent.

So today those grimly lettered signs on our city's walls are all the more obvious and painful, because we know they do not represent the sentiment of the Costa Rican people.

We think we speak for our people—for the men who have suffered irreparable losses, for the homeless, the bereaved, for the children in their suffering—as we express our thanks to all our sister countries who have responded to our needs, and to the government and people of the United States who, with so much Christian liberality and compassion, have given us an example of their "imperialism."

HOUSE OF REPRESENTATIVES—*Monday, September 30, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Hear my prayer, O Lord, and give ear to my supplications.—Psalm 143: 1.

We thank Thee, our Father, for this moment of prayer when we turn our hearts unto Thee and in all sincerity of mind and heart receive the guidance of Thy good spirit.

Let not the glory of this day, nor the glow of good health, nor the glamour of our position blind us to the seriousness of our tasks and deceive us into thinking that we can depend upon ourselves alone. All we are and all we have is a trust, O Lord, from Thee. Help us to be wise stewards of Thy gifts and to use them for Thy glory and to make more secure the freedoms of our country.

Bless these Representatives with Thy gracious favor, our people with the fruits of Thy loving spirit and all of us together with the faith in democracy that never falters and never fails.

We pray in the name of Him for whose kingdom we labor. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 26, 1968, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3068) entitled "An act to amend the Food Stamp Act of 1964, as amended."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 119) entitled "An act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3865) entitled "An act for the relief of Mauritz A. Sterner."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14935) entitled "An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15758) entitled "An act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes."

The message also announced that the Senate recedes from its amendments to a bill of the House of the following title:

H.R. 17104. An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum.

The message also announced that the Senate recedes from its amendments to the bill (H.R. 17735) entitled "An act to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Dodd, Mr. McClellan, Mr. Ervin, Mr. Eastland, Mr. Tydings, Mr. Magnuson, Mr. Pastore, Mr. Hart, Mr. Dirksen, Mr. Hruska, Mr. Thurmond, Mr. Scott, and Mr. Pearson to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17324) entitled "An act to extend and amend the Renegotiation Act of 1951," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Gore, Mr. Talmadge, Mr. Hartke, Mr. Williams of Delaware, Mr. Carlson, Mr. Bennett, and Mr. Curtis to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 653) entitled "An act to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Williams of Delaware, and Mr. Carlson to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7735) entitled "An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Williams of Delaware, and Mr. Carlson to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10837, DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill H.R. 18037 making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1969.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CHIEF JUSTICE WARREN'S APPOINTMENT

Mr. **RIVERS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. **RIVERS**. Mr. Speaker, 15 years ago today President Dwight Eisenhower appointed Earl Warren Chief Justice of the United States.

Events have proven that this was not President Eisenhower's finest hour.

SETTLEMENT OF CLAIMS AGAINST DISTRICT OF COLUMBIA

Mr. **TENZER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8140) to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Amendment: Page 2, line 8, strike out "Commissioners" and insert "Commissioner".

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

Mr. **GERALD R. FORD**. Mr. Speaker, reserving the right to object, would the gentleman from New York indicate that this has been cleared with our members on the committee?

Mr. **TENZER**. Yes, it has. I would say to the distinguished minority leader, the amendment merely changes the word "Commissioners," which is in the plural, to read "Commissioner" to conform with the change made in the structure of the District of Columbia government.

Mr. **GERALD R. FORD**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SLATOR C. BLACKISTON, JR.

Mr. **TENZER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6862) for the relief of Slator C. Blackiston, Jr., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Amendment: Page 1, line 7, strike out "$9,515.73" and insert "$3,500.00".

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. **CARTER**. Mr. Speaker, I wish to announce, however, had I been present during that rollcall No. 357 on September 26, I would have voted "yea" on the substitute amendment offered by the gentleman from Ohio [Mr. Bow].

AUTHORIZING FEDERAL SPONSORSHIP OF AN INTERNATIONAL AERONAUTICAL EXPOSITION IN THE UNITED STATES

Mr. **RIVERS**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12012) to encourage worldwide interest in U.S. developments and accomplishments in military and related aviation and equipment by authorizing Federal sponsorship of an International Aeronautical Exposition in the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, is there an estimated cost for the staging of the proposed air show?

Mr. **RIVERS**. Mr. Speaker, if the gentleman will yield, we think it will cost less than $1 million. The object of the bill is to set up an air display of our equipment similar to the show that has been put on in London and Paris. The object of it would be to show the world the needs that are met by our aerospace industry, both military and, principally, civilian. We do not know what it would cost, but it will not cost much because most of the expense would be paid for by the industry, the admission gained from people who would come to see the show, and income from displays. We have set up a commission. We have guidelines. We had 1969 as our goal, to start with, but we do not think we can get it properly prepared before 1970, so we have requested a change in the date.

Mr. Speaker, the bill, H.R. 12012, authorizes the appropriation of funds not to exceed $750,000. These funds would be in the form of working capital to support the preplanning necessary for an international aeronautical exposition in the United States.

The purpose of the bill is to encourage worldwide interest in U.S. developments and accomplishments in military and related aviation and equipment by authorizing Federal sponsorship of such an international exposition.

For years American industry has supported international expositions in Paris and recently—to a limited degree—at Farnsborough, England. The exposition authorized under this proposed legislation would be similar in scope to the Paris Air Show which has been held for the past 50 years or more on a biennial basis.

In 1966 a market survey conducted by the Department of Commerce revealed that the United States dominates sales in the aerospace field with 80 percent of total sales representing goods produced in the United States or through licensees. That same survey also revealed that the U.S. share of the market is now being attacked aggressively by several European countries. In order to hold our own leadership in the aerospace field, it would, in my opinon, be most helpful to sponsor an international aeronautical exposition here in the United States.

The National Aviation Club of Washington, D.C., has proved that a national air exposition can be held successfully at Dulles International Airport at a very low cost and without interruption to normal air traffic in the area. The show at Dulles last year experienced an actual cash loss of $3,000. This loss would have been turned into a substantial profit had there been charges for admission and programs. Therefore, there is every reason to believe that an international exposition such as proposed in H.R. 12012 would be self-sustaining.

The bill has the support of the Department of Defense and it was overwhelmingly supported by the Committee on Armed Services. I ask for its favorable consideration by the House.

We do not know what it will cost, but it will be minimal.

Mr. **GROSS**. The gentleman thinks the cost would be less than $1 million?

Mr. **RIVERS**. I think so.

Mr. **GROSS**. And this is of an international character?

Mr. **RIVERS**. It is of international character. Why should we go, or have the other countries of the world go to Paris or London to see airplanes, their parts and manufacturers, their engines and the products of our aerospace industry, when we have the biggest such industry on earth here? People ought to come to the United States, and it would kind of help our balance-of-payments situation.

Mr. **GROSS**. The sponsors will not exhibit the F–111, will they?

Mr. **RIVERS**. You cannot tell what they will do these days.

Mr. **ARENDS**. Mr. Speaker, will the gentleman yield?

Mr. **RIVERS**. With the permission of the gentleman from Iowa, I am delighted to yield.

Mr. **GROSS**. I yield to the gentleman from Illinois.

Mr. **ARENDS**. I am glad the gentleman called up this bill for consideration. This is a bill that was reported out unanimously, I believe, last week. There may have been one vote against it. This is an objective thing for us to do. I am pleased it has been called up so rapidly, and I hope it will have the consideration of the House at this moment.

Mr. **GROSS**. Further reserving the right to object, we could probably save a substantial amount of money in that this Government would not have to pay the expenses of a lot of people jumping off to Europe to see an air show over there. There ought to be some saving. I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to establish and conduct an International Aeronautical Exposition (hereinafter in this Act referred to as the "exposition"), with appropriate emphasis on military aviation, at a location of his choice within the United States. The exposition shall be held at such time, but not later than 1969, as the President may deem appropriate.

Sec. 2. For the purpose of conducting the exposition, the President is authorized—

(1) to appoint and fix the compensation of such officers and employees as he may deem appropriate, without regard to the civil service laws and the Classification Act of 1949, as amended;

(2) to obtain temporary or intermittent services as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) at rates not to exceed $100 per diem in the case of any individual;

(3) to charge and collect admission, exhibition, and other fees;

(4) to accept donations of money, property, or personal services;

(5) to request the head of any department or agency to detail personnel to assist in the conduct of the exposition, and the head of each such department or agency is authorized to detail personnel for such purpose, with or without reimbursement;

(6) to acquire (by purchase, lease, or otherwise), construct, maintain, and improve real and personal property and interests therein;

(7) to enter into and perform, with any person or body politic, contracts, leases, cooperative agreements, or other transactions on such terms as he may deem appropriate, without regard to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(8) to establish and prescribe the functions of such advisory committees as he may deem appropriate; and

(9) subject to such supervision and review as he may prescribe, to delegate to the Secretary of Defense, or to such other person he may select any of his authority under this Act.

Sec. 3. (a) No officer or employee appointed to a position under this Act shall receive compensation at a rate in excess of the maximum rate established under the Classification Act of 1949, as amended, nor shall any such officer or employee receive compensation at a rate in excess of the rate payable under such Act to an officer or employee in a position of the same level of difficulty and responsibility.

(b) Individuals appointed under this Act to positions in recognized trades or crafts, or in unskilled, semiskilled, or skilled manual labor occupations, shall receive compensation in accordance with prevailing wage board rates at the location selected by the President.

Sec. 4. (a) Any property acquired under this Act and remaining upon the termination of the exposition shall become the property of the Department of Defense or such other Federal department or agency as the President may direct.

(b) The net revenues derived from the exposition, after payment of the expenses of the exposition, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Sec. 5. To the extent that appropriations made to any Government department or agency are available for such purpose, such department or agency is authorized to participate in the exposition, as an exhibitor or otherwise.

Sec. 6. There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Sums appropriated under this section shall remain available until expended.

With the following committee amendments:

On page 1, line 8, strike out "1969" and insert "1971".

On page 3, line 8, after "Defense" insert ", the Secretary of Commerce,".

On page 4, line 12, strike out the sum "$5,000,000" and insert the sum "$750,000".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ATTACKS ON RICHARD NIXON BY GEORGE BALL

Mr. **WYATT**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. **WYATT**. Mr. Speaker, the spectacle of the low-level guttersnipe attacks made on Richard Nixon by George Ball as agent for Vice President Humphrey is more than I can silently bear. George Ball has served during the formulation of the Lyndon Johnson Vietnam policy as Under Secretary of State, and more recently as U.S. Ambassador to the United Nations. He is one of the principal architects of our past and present Vietnam policy. I have personally heard him on various occasions defend and articulate the Johnson Vietnam foreign policy. If he was in disagreement with this policy, he never opened his mouth publicly. He stayed on in his position and publicly defended the President. If he really disagreed with our policy, he then must be regarded as a man of utterly no principal whatsoever.

For him now to engage in mudslinging and name calling at the lowest possible level is some indication of his personality and character deficiencies, and certainly is not consistent with the high offices he has held in our Government. Perhaps he has done this country a service by revealing publicly the real George Ball. More aptly, he has unwittingly revealed the real desperation of the Humphrey campaign.

DUTY ON PARTS OF STETHOSCOPES

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6909) to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate of stethoscopes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BUSH**. Mr. Speaker, reserving the right to object, will the distinguished chairman explain the purpose of the bill?

Mr. **MILLS**. Mr. Speaker, will the gentleman yield?

Mr. **BUSH**. I yield to the gentleman from Arkansas.

Mr. **MILLS**. I thank my friend from Texas for yielding.

Mr. Speaker, the purpose of H.R. 6909, as amended and unanimously reported by the Committee on Ways and Means, is to provide that the rate of duty on parts of stethoscopes shall be the same as the rate of duty on stethoscopes.

Stethoscopes are presently dutiable under tariff schedule item number 709.10 at 17 percent ad valorem. Parts of stethoscopes, on the other hand, are presently classified under item 710.27 at 32 percent ad valorem.

The existing differential between the dutiable status of stethoscopes and parts of stethoscopes was created by the Technical Amendments Act of 1965 under which the rate of duty on stethoscopes was reduced in conformity with a U.S. Customs Court decision. However, the same provision was not made for parts of stethoscopes in the act of 1965, and for this reason, parts of stethoscopes have remained dutiable at the higher rate.

The bill would correct this situation by providing the same rate of duty on parts of stethoscopes as would be applicable to stethoscopes.

Furthermore, Mr. Speaker, in recognition of the omission of parts of stethoscopes in the change in classification made for stethoscopes in the Technical Amendments Act of 1965, the bill provides that import entries of parts of stethoscopes made after August 30, 1963, and on or before the date of enactment may be liquidated or reliquidated at the lower rate of duty upon a request therefor filed with the customs officer concerned on or before 120 days after enactment.

Favorable reports on this bill were received from the Departments of State, the Treasury, Labor, and Commerce. An informative report was received from the Tariff Commission.

As stated before, Mr. Speaker, the committee is unanimous in recommending to the House the enactment of the bill.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I support this bill (H.R. 6909) which will provide for a uniform rate of duty on the importation of parts of stethoscopes. At present, parts for stethoscopes are subject to a higher rate of duty than the stethoscope itself. While both the stethoscope and its components were subject to negotiation in the so-called Kennedy round of tariff reductions, because the components started out at a much higher rate of duty than was applied to the stethoscope itself, the negotiators could not achieve a uniform rate of duty applicable to both.

Admittedly, the bill will result in a gratuitous reduction in the duty on stethoscope parts. The amount involved is not significant, however, and I know of no opposition to the bill. Favorable reports were received from all of the Government agencies concerned. I urge your favorable consideration of this legislation.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 709.10 of the Tariff Schedules of the United States is amended by inserting ", and parts thereof" after "stethoscopes".

(b)(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(2) Upon request therefor filed with the collector of customs officer concerned on or before the one hundred and twentieth day after the date of the enactment in this Act, the entry or withdrawal of any article—

(A) which was made after August 30, 1963, and on or before the date of the enactment of this Act, and

(B) with respect to which the amount of duty would be smaller if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act.

With the following committee amendments:

On the first page strike out lines 3, 4, and 5 and insert the following:

"That (a) the article description for item 709.10 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows: 'Percussion hammers, stethoscopes, and parts of stethoscopes'."

On the first page, line 10, strike out "collector of".

On page 2, line 1, insert "officer" after "customs".

The committee amendments were agreed to.

COMMITTEE AMENDMENT OFFERED BY MR. MILLS

Mr. MILLS. Mr. Speaker, I offer a further committee amendment which is not printed in the bill. There was an error made in the typing on page 2, line 4, where the word "officer" should be printed in italics.

The Clerk read as follows:

Committee amendment offered by Mr. Mills: On page 2, line 4, the word "officer" should be printed in italics.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TREATMENT OF CERTAIN NONRESIDENT ALIENS UNDER THE RAILROAD RETIREMENT ACT

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7567) to amend the Internal Revenue Code of 1954 with respect to the definition of compensation for the purposes of tax under the Railroad Retirement Tax Act, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. BETTS. Mr. Speaker, reserving the right to object—and I shall not object—I do so for the purpose of yielding to the chairman.

Mr. Speaker, I yield to the chairman of the committee.

Mr. MILLS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 7567 is to exclude from the scope of the Railroad Retirement Tax Act, the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act services performed by nonresident aliens who are temporarily in the United States as participants in cultural exchange or training programs. The Treasury Department has no objection to this measure, and the committee has unanimously reported this bill.

The exclusions provided by the bill would be applicable only to nonresident alien individuals who are temporarily in the United States in a nonimmigrant status under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act. It will be recalled by Members of the House that subparagraph (F) concerns bona fide students who are qualified to pursue a full course of study and who come to the United States temporarily and solely for the purpose of pursuing a course of study at a designated educational institution. Subparagraph (J) concerns bona fide students, scholars, trainees, teachers, specialists, and similar persons who temporarily come to the United States as participants in programs designated by the Secretary of State for the purpose of teaching, studying, consulting and receiving training.

Mr. Speaker, the services of nonresident alien individuals in these categories are already excluded from the taxes imposed by the Federal Insurance Contributions Act and the Federal Unemployment Tax Act and from the benefits provided under the Social Security Act. These exclusions were enacted in the Mutual Educational and Cultural Exchange Act of 1961 and were provided because these alien individuals are in the United States for such a short period of time that they have little expectation of realizing any social security or unemployment benefits. In addition, the exclusion of these individuals was considered to contribute to the objectives of the exchange program.

The Mutual Educational and Cultural Exchange Act of 1961 did not, however, contain a similar exclusion for the services of these aliens under the Railroad Retirement and Unemployment Insurance Acts. The failure to enact such exclusions at that time presumably was based on the thought that such alien individuals would not be rendering services which would be subject to the railroad employment provisions.

It has developed, however, Mr. Speaker, and has been brought to the attention of the Committee on Ways and Means that there are such instances. For example, there are doctors who participate in exchange or training programs at hospitals owned by railroads. The Committee on Ways and Means believes that the reasons underlying the exclusion of the services performed by such aliens from the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and the Social Security Act are equally applicable to the railroad employment provisions. Accordingly, H.R. 7567 would exclude services performed by these alien individuals from the railroad employment provisions with appropriate provision for credit or refund for railroad retirement taxes paid with respect to the service excluded under the bill. As is true under present law, the exclusion applies only for the period the nonresident alien individual is present in the United States in the specified status and only for services performed to carry out the purpose of the alien's visit to the United States; namely, as a participant in the cultural exchange or training program.

Mr. Speaker, I urge the adoption of this bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I strongly urge support for this bill (H.R. 7567) which was introduced by my distinguished colleague, the gentleman from Virginia [Mr. Poff]. The purpose of the bill is to provide an exemption from taxes levied on railroad employees for railroad retirement and unemployment insurance for nonresident aliens temporarily in the United States as participants in a cultural exchange or training program. In the Mutual Educational and Cultural Exchange Act of 1961, such employment was exempted from the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the Social Security Act. At that time, however, it was not brought to our attention that there might be facilities—such as hospitals—maintained by a railroad, employment in which would be subject to the employment taxes applicable to other railroad employees. If the Congress had known this, I am confident that the exemption would have been provided at the same time as an exemption was provided from social security and unemployment taxes.

The exemption is limited to nonresident aliens temporarily employed in the United States under various exchange programs. It was felt that it would be inequitable to subject their wages to the social security and unemployment taxes in view of the fact that they would not be able to qualify for benefits. The same is true with respect to the benefits provided for railroad employees. It is equally inequitable to tax the wages of these aliens under the provisions of law governing railroad employees when they will not be employed for a sufficient length of time to qualify for any of the benefits.

The bill also provides procedures whereby those taxes which have been paid on account of exempt employment will be refunded if a timely claim is filed. Since the failure to exempt this form of employment initially was due wholly to oversight, in correcting that oversight it was felt that the correction should be made retroactive. While the amounts involved are not of any great significance, the principle is sound. I do not think that we can justify taxing the wages of aliens under retirement and unemployment compensation programs if the qualifications for benefits are such that we know these aliens will never be in a position to receive any benefits.

I urge favorable consideration of this legislation.

Mr. **POFF**. Mr. Speaker, under the Mutual Educational and Culture Exchange Act of 1961, Public Law 87-256, foreign exchange visitors studying in this country are not required to pay social security taxes on their earnings. This is because they are required after their studies are completed to return to their native countries and apply the skills they have acquired in behalf of their fellow countrymen. Thereafter, they remain ineligible for immigration to the United States for a period of 2 years. The rationale behind this exemption was that an individual should not be required to pay taxes into a program from which they probably would never draw benefits. However, Public Law 87-256 did not extend this same privilege to individuals subject to the Railroad Retirement Act. Exchange visitors who are employed by the railroads are required to pay the taxes even though they have little hope of acquiring benefit entitlement. A minimum of 10 years' service is necessary to qualify for benefits under the Railroad Retirement Act.

This tax treatment is inequitable and has worked unexpected hardships in specific employment situations. Some railroads own and operate hospitals for the benefit of their employees. Workers in such hospitals are subject to the Railroad Retirement Act. When a foreign exchange doctor accepts an assignment to one of these hospitals, he is required to pay railroad retirement taxes.

The fact that these doctors are subject to railroad taxes makes it increasingly difficult for railroad hospitals to attract such doctors. Naturally, they prefer to work for employers who are not compelled to collect this tax from their modest salaries.

The Treasury Department has stated:

> Failure of Public Law 87-256 to exempt such individuals from the Railroad Retirement Act and Railroad Retirement Tax Act appears to have been an oversight.

The bill which I introduced and which is before us at the present time eliminates this discriminatory tax treatment and would correct an obvious inequity. I urge its adoption.

Mr. **BETTS**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3231(e)(1) of the Internal Revenue Code of 1954 (relating to definition of compensation) is amended by inserting after the second sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

SEC. 2. Section 1(h)(1) of the Railroad Retirement Act of 1937 is amended by inserting after the second sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

SEC. 3. (a) The amendments made by this Act shall apply with respect to service performed after December 31, 1961.

(b) Notwithstanding the expiration of the applicable statutory period of limitations, in any case where such period has expired on the date of the enactment of this Act or expires within six months after such date, claim for credit or refund of any overpayment of tax under chapter 22 of the Internal Revenue Code of 1954 which results from the amendments made by this Act may be filed at any time within one year after the date of the enactment of this Act.

With the following committee amendment:

On page 2, strike out lines 14 to 24, inclusive, and insert:

"SEC. 3. Section 1(i) of the Railroad Unemployment Insurance Act is amended by inserting after the first sentence the following new sentence: 'Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be.'

"SEC. 4. (a)(1) The amendments made by the first two sections of this Act shall apply with respect to service performed after December 31, 1961.

"(2) Notwithstanding the expiration before the date of the enactment of this Act or within 6 months after such date of the period for filing claim for credit or refund, claim for credit or refund of any overpayment of any tax imposed by chapter 22 of the Internal Revenue Code of 1954 attributable to the amendment made by the first section of this Act may be filed at any time within one year after such date of enactment.

"(3) Any credit or refund of an overpayment of the tax imposed by section 3201 or 3211 of the Internal Revenue Code of 1954 which is attributable to the amendment made by the first section of this Act shall be appropriately adjusted for any lump sum payment which has been made under section 5(f)(2) of the Railroad Retirement Act of 1937 before the date of the allowance of such credit or the making of such refund.

"(b) The amendments made by section 3 shall apply with respect to service performed after December 31, 1967."

Mr. **MILLS** (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREE ENTRY OF CELLULOSIC PLASTICS MATERIALS USED IN ARTIFICIAL KIDNEY MACHINES

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 13419) to amend the Tariff Schedules of the United States to permit the free entry of certain cellophane membrane, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BETTS**. Mr. Speaker, reserving the right to object—and I shall not object—I do so for the purpose of yielding to the chairman.

Mr. Speaker, I yield to the chairman of the committee.

Mr. **MILLS**. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 13419, as unanimously reported by the Committee on Ways and Means, is to provide for the duty-free importation of cellulosic plastics materials imported for use in artificial kidney machines.

The cellulosic plastics materials which would be permitted duty-free entry under this bill are used in kidney machines to remove poisonous matters from the human body that normally are removed by healthy kidneys.

Your committee was informed that presently the most efficient cellulosic materials for such use in kidney machines are currently available only under the trade name of "Cuprophane" from Germany. Further, it has been indicated that although American producers are attempting to make a product which is comparable to the German product, they as yet have been unable to produce one commercially.

Imports of this cellulosic plastics material are now dutiable under item 771.30 of the Tariff Schedules at the rate of duty of 20 percent ad valorem. This rate is already scheduled for reduction in four additional stages to 11 percent ad valorem pursuant to the Kennedy round trade agreement.

Given the present applicable rate of duty on imports of this material, and its importance to the some 800 chronic kidney patients receiving treatment by dialysis, the Committee on Ways and

Means was of the opinion that elimination of the duty, under certain specified conditions, is in order. This is particularly true in the absence of a domestically produced product of equal efficiency.

The committee noted, however, that cellulosic plastics materials have many uses and, therefore, has amended the bill, as introduced, to provide duty-free entry only when such materials are imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician.

Favorable reports were received from interested executive branch agencies on this measure, and as stated before, the committee is unanimous in recommending to the House enactment of H.R. 13419.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Missouri.

Mr. HALL. I want to compliment the committee for bringing this bill forward under this arrangement, and I should like to ask a question. Is the title of the committee report on H.R. 13419 merely a typographical error? I notice that the proper phraseology is used for cellulosic plastics materials in the bill itself.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Arkansas.

Mr. MILLS. In accordance with an amendment adopted to the bill by the committee it was necessary for us to amend the title. The bill itself, on page 2, shows the proposed amendment to the title, to read as follows:

> A bill to amend the Tariff Schedules of the United States to permit the free entry of cellulosic plastics materials imported for use in artificial kidney machines.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I presume that means plastics materials of a nature related to cellulose.

Mr. MILLS. It does. It was thought advisable not to include the word "Cuprophane" because that is a trade name.

Mr. HALL. I thank the gentleman.

Mr. TENZER. Mr. Speaker, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New York.

Mr. TENZER. I should like to ask the distinguished chairman of the Ways and Means Committee whether this means imports for the exclusive use of this cellulose product in kidney machines, or whether it can be used for any other purpose?

Mr. MILLS. It is confined to that specific use.

Mr. BYRNES of Wisconsin. Mr. Speaker, this bill (H.R. 13419) provides for the duty-free entry of a specific form of cellophane membrane which is required in artificial kidney machines. Because of the limited demand, this membrane is not produced in the United States. There are today approximately 1,000 persons who must rely on an artificial kidney machine for survival. The cost of providing this service is a real burden, whether borne by the individual, their families, or the facility. Elimination of the duty on the importation of the cellophane membrane will alleviate that burden.

The bill is very limited. Only the specific type of membrane which is imported by a hospital or a patient pursuant to a prescription will be exempt from duty. I certainly agree that an exemption is warranted in such circumstances and urge support of the legislation.

Mr. BLACKBURN. Mr. Speaker, today, I rise in support of H.R. 13419, a bill to amend the Tariff Schedule to permit the free entry of a certain cellophane membrane—cuprophane.

This material is used in artificial kidney machines and at the present time has a 20-percent ad valorem tariff levied against it. Cuprophane is manufactured by the J. P. Bemberg Co., Wuppertal, West Germany, and this company is the sole producer of this product. Our domestic producers of cellophane do not produce cuprophane or a compatible substitute. Thus, medical supply laboratories must buy the German product burdened by a high tariff.

A person with chronic kidney failure must have a dialysis treatment at least twice a week for a period of 8 hours. During each treatment, approximately 34 to 40 sheets of cuprophane are consumed at an average cost of $1.44. It is estimated that my bill would save between 30 to 35 cents per treatment to the patient who uses the Klung kidney machine. While I realize that this saving is not significant in light of the total cost of that of the equipment needed to operate a kidney center, it is inhumane to erect a barrier of taxes between lifegiving medical care and the patients who need such care. Revenues raised through such tax levies are truly blood money.

In order to increase the capability of our kidney centers to meet the needs of the community, a program of home dialysis treatment has been inaugurated. Under this program, the patient buys a small home artificial kidney machine and performs a dialysis treatment twice a week. These home machines cost approximately $5,000. My bill provides a method whereby home patients can secure cuprophane free of tariffs after obtaining a prescription from their physicians. I feel it is essential that we do everything possible to encourage expansion of home treatment of chronic kidney failure so that our hospital centers will be able to handle more patients. Hospital and institutions carry out over 90 percent of the hemodialysis treatments in the United States. The U.S. Public Health Service and the Veterans' Administration carry out approximately 72,800 dialyses each year. It is estimated that around $43,000 would be saved by the Federal Government this year if my bill is enacted.

The saving to the Government and the private patient will become more and more significant as additional patients are added to this program. Approximately 700 people are maintained by the Government kidney centers at the present time. It is estimated that with the coming of the home treatment equipment, over 48,000 people will be receiving dialysis treatment from the Federal Government within the next 6 years.

As a matter of principle it is unconscionable to uselessly add cost to a product which is required only for the medical care of people who would die without it. A recognition by Congress of the high humane motives behind this legislation, and the small loss to the Federal Treasury should insure prompt passage.

Mr. BETTS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 13419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 4, part 4, subpart A of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 445.25 the following new item:

"445.27	Cuprophane	Free	Free"

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 854.10 the following new item:

"854.20	Cellulosic plastics materials imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician	Free	The column 2 rate applicable in the absence of this item.

"(b) Headnote 1 of such part 4 is amended by striking out 'and 852.20' and inserting in lieu there ', 852.20, and 854.20'.

"(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act."

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendment and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Tariff Schedules of the United States to permit the free entry of cellulosic plastics materials imported for use in artificial kidney machines."

A motion to reconsider was laid on the table.

DEVELOPMENT COMPANIES TREATED AS REGULATED INVESTMENT COMPANIES

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15023) to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I shall not object, but I reserve the right in order to yield to the chairman of the committee for an explanation of the bill.

Mr. MILLS. I thank my friend from Wisconsin.

Mr. Speaker, this bill (H.R. 15023) relates to the asset diversification requirement for a so-called development company which qualifies for regulated investment company tax treatment. The advantage of this tax treatment is that the company only pays tax on the income which it retains and does not pay any tax on the income which it distributes to shareholders. This bill has been reported unanimously by your committee and the Treasury has indicated that it does not object to its passage.

Present law generally requires a regulated investment company to diversify its investments within prescribed limits. There is a limited exception, however, for a development company. This is a company which is principally engaged in furnishing capital to new, small businesses, businesses principally engaged in developing or exploiting new products.

A development company can rely on the exception to the general asset diversification requirement only if no more than 25 percent of the value of its assets represents securities of issuers in which, first, the company has held an interest for 10 years or more, and, second, the development company's holdings represent more than 10 percent of the voting stock of each issuer. Even after this 10-year period, however, a development company may retain its "excess holdings" and continue to qualify as a regulated investment company. It can do so by relying on a savings provision in present law which applies to regulated investment companies generally.

A case has come to the attention of the committee of a development company relying on the savings provision I have just described to continue to qualify as a regulated investment company. The company continues to qualify for this preferential tax treatment even though the company can no longer make "development company" type investments in small, new businesses principally engaged in developing or exploiting new products. This situation—that of a former development company qualifying as a regulated investment company even though it is not making investments in small, new businesses—frustrates the purpose of providing the present exception for the development company and making preferential tax treatment available to it. Your committee does not believe this situation should be permitted to continue. As a result, the committee has decided to limit the general savings provision so that a development company cannot rely on it. The result generally is to require a development company, if it is to continue to qualify for regulated investment company tax treatment, to dispose of its "excess holdings."

The sudden withdrawal of the right of a development company to rely on the general savings provision of present law would, your committee believed, be unfair to companies which in good faith are relying on this provision. The committee's bill therefore, permits a development company a 20-year period, as contrasted to the 10-year period of existing law, in which to dispose of its excess holdings so as to continue to qualify for regulated investment company tax treatment. The bill requires a company to evidence its intent to dispose of its excess holdings, however—if the company wants to retain regulated investment company tax treatment—by disposing of at least 40 percent of its excess holdings not later than the close of the 15th year. The company must dispose of all its excess holdings by the close of the 20th year for it to continue to qualify for regulated investment company tax treatment.

Mr. BYRNES of Wisconsin. Mr. Speaker, this bill (H.R. 15023) deals with a special problem which has arisen on account of the requirements under existing law for qualification as a regulated investment company. The amendment in question is based on experience. When the law was first written, we had no experience to serve as a guide.

A regulated investment company is treated under the tax laws as a conduit, being taxed only on the income which is not distributed to its shareholders. This enables the small shareholder to obtain a wide diversity of investment through the purchase of stock in a regulated investment company. It gives the small investor a spreading of risk and diversity which he could not otherwise obtain.

Because of the special tax treatment, the qualifications for a regulated investment company are necessarily restrictive. There are limits to the proportion of its assets which such a company can invest in a single stock. Those limits are predicated upon the value of the stock rather than its cost.

In the case brought to our attention, a regulated investment company—for which special rules were provided as a company furnishing capital to new enterprises—made an investment which was well within the prescribed limitations. In this particular case, however, that investment increased in value more than hundredfold. In fact, the investment increased in value to the extent that its value overshadowed all other investments of regulated investment company.

Under existing law, the company is required to dispose of the excess investment within a 10-year period in order to bring the ratio of that investment within the limitations prescribed for an investment company. Until this was accomplished, the investment company could no longer invest in new and developing enterprises. It could no longer serve as a development company.

The bill would extend the period for divestment, requiring at the same time that during the extended period—and by the close of the fifth year of the extension—the investment company must have taken steps to divest itself of the excess stock in order to be in a position again to meet the limitations prescribed by law. If the company has so acted by the end of the fifth year, the company will then have an additional 5 years to complete the transition.

I think that the situation—as it was presented to the committee—clearly demonstrated the need for remedial action. My only dissatisfaction resulted from the fact that in the situation in question, the regulated investment company—or development company—had not brought the matter to our attention at an earlier date. I did not like the idea of having the company wait until it was "under the gun" before seeking a solution of the problem. The requirement that action be initiated within the first 5 years of the extension will, I hope, avoid any similar emergency in the future. In consideration of this, I support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 851(c)(2) of the Internal Revenue Code of 1954 (relating to investment companies furnishing capital to development corporations) is amended by striking out "10 or more years" and inserting in lieu thereof "20 or more years".

(b) Paragraph (4) of section 851(e) of such Code (relating to definitions) is amended to read as follows:

"(4) DEFINITIONS. The terms used in this subsection shall have the same meaning as in subsections (b) (4) and (c) of this section, but in applying subsection (b)(4)(A) to an investment company to which this subsection applies any debt obligation issued with a maturity date of not more than five years shall be treated as a cash item if the obligation is not convertible and is not associated with the issuance of stock rights or warrants."

(c) Section 851(d) of such Code (relating to determination of status of regulated investment companies) is amended by adding at the end thereof the following new sentence: "If a corporation qualifies as a regulated investment company for any taxable year without the application of this subsection but would not qualify for such taxable year without the application of the provisions of subsection (e), this subsection shall not be applicable to such corporation for any subsequent taxable year for which the Securities and Exchange Commission fails to make the determination provided for in paragraph (1) of subsection (e) or for which the corporation fails to satisfy the limitation set forth in paragraph (2) of subsection (e)."

(d) The amendments made by subsections

(a) and (b) shall be applicable to taxable years beginning on or after January 1, 1967. The amendment made by subsection (c) shall be applicable to taxable years beginning after the date of enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) section 851(e) of the Internal Revenue Code of 1954 (relating to investment companies furnishing capital to development corporations) is amended—

"(1) by striking out paragraph (2) and inserting in lieu thereof the following:

" '(2) Limitations.—

" '(A) Excess investigations after 15 years.—If—

" '(i) at the close of any taxable year (whether beginning before, on, or after the date of the enactment of this subparagraph), more than 25 percent of the value of the total assets of an investment company is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 10 or more years, and

" '(ii) at the close of the fifth taxable year following such taxable year (but only if such fifth taxable year begins after the date of the enactment of this subparagraph), the investment company has not reduced by at least 40 percent its holdings of each issue of securities described in clause (i) which represented the excess investment in such securities (as determined under paragraph (5)),

the provisions of this subsection shall not apply at the close of any quarter of such fifth taxable year to such investment company, unless at the close of such year the securities described in clause (i) represent 25 percent or less of the value of its total assets (or are reduced to 25 percent or less of such value within 30 days thereafter).

" '(B) Excess investments after 20 years.—The provisions of this subsection shall not apply at the close of any quarter of a taxable year to an investment company if at the close of such quarter more than 25 percent of the value of its total assets is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 20 or more years preceding such quarter unless the value of its total assets so represented is reduced to 25 percent or less within 30 days after the close of such quarter.'; and

"(2) by inserting after paragraph (4) thereof the following new paragraph:

" '(5) Rules for application of paragraph (2)(A).—

" '(A) Excess investment.—For purposes of paragraph (2)(A), the excess investment with respect to any issue of securities described in clause (i) of such paragraph held by an investment company is an amount equal to an amount determined by multiplying—

" '(i) the aggregate value of the securities described in clause (i) of such paragraph, reduced by an amount equal to 25 percent of the value of the total assets of the investment company, by

" '(ii) a fraction the numerator of which is the value of such issue of securities and the denominator of which is the aggregate value of all securities described in such clause (i) held by the investment company.

" '(B) Substitution for less-appreciated securities.—If the percentage appreciation in value per share of any issue of securities described in clause (i) of paragraph (2)(A) is less than the average percentage appreciation in value per share of all issues of securities described in such clause, the reduction, or any part thereof, in the holdings of such issue required under clause (ii) of paragraph (2)(A) shall be treated as satisfied by a reduction (in addition to the reduction required under such clause) of a dollar amount of the holdings of any other issue of securities described in clause (i) of such paragraph, the average appreciation in value per share of which is higher than the average appreciation in value per share of all issues of securities described in such clause, equal to the dollar amount of such issue which would have to be disposed of to effectuate such reduction or such part. This subparagraph shall apply only if the investment company files a statement, at the time of making its return for the taxable year, identifying the transaction or transactions in which its holdings of such other issue were reduced in substitution for a reduction in the holdings of such issue.

" '(C) Time for making determinations.—For purposes of subparagraph (A) of this paragraph and clause (ii) of paragraph (2)(A), all determinations shall be made as of the close of the applicable taxable year referred to in clause (i) of paragraph (2)(A). For purposes of applying subparagraph (B) of this paragraph, all determinations shall be made at the time of the transaction identified by the investment company under such subparagraph.'

"(b) Section 851(d) of such Code (relating to determination of status of regulated investment companies) is amended by adding at the end thereof the following new sentence: 'If a corporation meets the requirements of subsection (b)(4)(A) at the close of any quarter of any taxable year (whether beginning before, on, or after the date of the enactment of this sentence) by reason of the application of the provisions of subsection (e), this subsection shall not apply to such corporation for any subsequent quarter of any taxable year (beginning after the date of the enactment of this sentence) for which the Securities and Exchange Commission fails to make the determination provided for in paragraph (1) of subsection (e) or for which the corporation fails to satisfy the limitations set forth in paragraph (2)(A) of subsection (e) or the limitation set forth in paragraph (2)(B) of such subsection.'

"(c) The amendment made by subsection (a) shall apply to taxable years beginning on or after January 1, 1967. The amendment made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 698

Mr. **HOLIFIELD**. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on S. 698, a bill to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

REDEMPTION OF SAVINGS NOTES

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15114) to extend to savings notes the provisions of the Second Liberty Bond Act relating to the redemption of savings bonds and the payment of losses incurred in connection with such redemption.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, and I do not object to this and in fact favor the legislation, but I reserve the right in order that the chairman might give the House a brief explanation. I yield to the gentleman from Arkansas for that purpose.

Mr. **MILLS**. Mr. Speaker, the purpose of H.R. 15114, as unanimously reported by the Committee on Ways and Means, is to authorize the Secretary of the Treasury to utilize private financial institutions in redeeming savings notes in the same manner as they are presently utilized in the redemption of savings bonds.

Mr. Speaker, an essential aspect of the efficient operation of the Department of the Treasury's U.S. savings bond program is the utilization of private financial institutions as paying agents in connection with the redemption of such bonds. These institutions are generally local banks, trust companies, savings and loan associations, credit unions, and similar financial organizations.

Use of these paying agents throughout the country has been found to be both economical to the Government and convenient from the standpoint of members of the public who participate in the savings bond program. Prior to 1944, the year private institutions were first authorized to make redemptions, savings bonds could be redeemed only at Federal Reserve Banks and branches. This arrangement was very inconvenient to the public, and I am advised that at one point late in the war the Federal Reserve banks and branches were running some 10 or 11 weeks behind in handling redemption requests from the public.

Today, however, there are about 16,500 private financial institutions qualified as paying agents for savings bonds, and the services of these institutions in redeeming bonds are conveniently available to the general public at some 30,000 locations throughout the country. Use of these paying agents since 1944 has enabled the Government to effect redemptions of savings bonds at the very economical cost of approximately 12.9 cents per bond.

The Department of the Treasury began the issuance of savings notes, popularly referred to as freedom shares, on May 1, 1967. These savings notes may be purchased only by buyers of savings bonds, and the notes now being issued bear a 5-percent interest rate. The notes have a maturity of 4½ years but may be redeemed 1 year after the date of issue at the option of the owner. The first freedom shares thus became eligible for redemption on May 1, 1968.

Freedom shares are sold through the same issuing agencies as savings bonds, and it is desirable both from the standpoint of convenience to the public and economy to the Government that they be redeemable through the same outlets as savings bonds. H.R. 15114 would, therefore, amend the Second Liberty Bond Act to authorize the Secretary of the Treasury to use the same financial institutions to make payments in connection with redemptions of these savings notes as are presently used to make payments on savings bonds.

The Committee on Ways and Means also believes it only equitable to accord such paying agents the same relief from liability for losses in the handling of freedom shares as is provided under existing law with respect to savings bonds. At the present time, section 22(l) of the Second Liberty Bond Act, as amended—31 United States Code 757c(l)—authorizes the relief of paying agents for savings bonds from liability to the United States in cases in which it can be established that such losses resulted from no fault or negligence on the part of the paying agent. Section 2 of the bill, H.R. 15114, therefore, would extend the same relief to these paying agents in their services with respect to these notes.

Mr. Speaker, as previously indicated, the Committee on Ways and Means was unanimous in recommending enactment of this bill, and I urge its approval by the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. There is a report widely circulated that the other body is out to load ungermane amendments upon certain bills approved by the House.

Mr. Speaker, I would hope that we might have the assurance from the leadership of this committee that these bills now being passed under unanimous consent will not come back to the House with ungermane amendments on any of them.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. It would be my hope that these bills would be passed by the other body without amendment. They have pending before them, I understand, one bill of relatively minor importance that went to the Senate by unanimous consent, which they have not completed, and which is to be taken up again. There are a number of amendments that have already been adopted to it. It may take several days for those additional amendments, which I understand are pending, to be considered by the other body. It may be that those amendments will be attached to that particular bill and thus not be necessary to add amendments to these particular bills that we are considering in the House here today. Certainly that would be my hope.

Mr. BYRNES of Wisconsin. It is my opinion that if the other body does use these bills to amend or to add on extraneous amendments, they might as well not do so because they will probably kill the bills themselves.

Mr. MILLS. Mr. Speaker, if the gentleman will yield, I would agree with my friend, the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I rise in support of H.R. 15114. Provisions of existing law relating to the redemption of savings bonds and the payment of losses incurred in connection with such redemption are made applicable to "savings notes" by H.R. 15114.

Saving notes, generally referred to as "freedom shares" have been issued by the Treasury Department since May 1 of 1967. Freedom shares are a special type of savings bond payable 1 year after the date of issue at the option of the owner. A slightly higher interest rate is paid to the purchaser in order to compensate him for committing himself not to redeem the note until at least 1 year after its issuance. Freedom shares may be purchased only by individuals who are also purchasers of regular savings bonds.

It is well-known that a vital part of our savings bond program has been the participation of our banks, savings and loan associations, credit unions, and other financial institutions as financial agents. By acting as collecting agents these groups have provided a widely distributed outlet that serves the public convenience and thereby facilitates the sale and redemption of bonds.

The committee was advised that freedom shares are generally sold through the same issuing agencies as savings bonds. In order to serve the public convenience, the freedom shares should also be redeemable through the same financial institutions as savings bonds. The committee bill would authorize this result.

Provisions of existing law relieve financial institutions from liability for losses in handling saving bonds where it is established that such losses resulted from no fault or negligence on the part of the paying agent. This bill would relieve paying agents from liability under the same circumstances with reference to redemption of freedom shares.

In order to improve the ability of the Treasury to serve the public and efficiently perform its duties in connection with the sale of freedom shares, I urge all my colleagues to join me in supporting this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 22(h) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c (h)), is amended by inserting "and savings notes" after "bonds".

SEC. 2. The first sentence of section 22(l) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(l), is amended by inserting "and savings notes" after "bonds". The second sentence of such section is amended by striking out "such bonds," and inserting in lieu thereof "such bonds and notes,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GASOLINE AND LUBRICATING OIL TAX CREDITS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17332) to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain use of gasoline and lubricating oil, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, but I reserve this time in order that I may yield to the chairman of the Committee on Ways and Means, the gentleman from Arkansas, for a brief explanation of this bill.

Mr. MILLS. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, the bill presently before the House, H.R. 17332, amends the Internal Revenue Code by extending the time for claiming credits or refunds of gasoline and lubricating oil excise taxes in certain cases, making it similar to the time presently available in the usual case for income tax refunds. This bill has been reported unanimously by your committee and its enactment is favored by the Treasury Department.

Before the Excise Tax Reduction Act of 1965, special procedures were available for claiming refunds of the excise tax on gasoline used by farmers and local transit systems and in certain other circumstances. Claims for those refunds had to be filed within 3 months of the end of the taxable quarter or year, or else the claims were completely barred. The 1965 act added a provision for a credit against income tax in place of the refund procedure. The new procedure could also be used under the 1965 act for lubricating oil used otherwise than in a highway motor vehicle.

Although a useful new procedure was thereby made available, there was retained the idea of a very short time limit for filing claims. If the credit was not claimed within the time for filing the income tax return, the credit was entirely barred. This is in contrast to the income tax procedure where a late-filed return will normally result in an addition to tax only if there is an underpayment, and where a refund can be claimed within 3 years after the return is filed. This bill permits a claim for credit against income tax—that is, the 1965 act procedure I mentioned—to be filed at any time when the taxpayer could file a claim for credit or refund of income taxes on account of other income tax credits. This will generally mean that such a claim can be filed within 3 years after the income tax return was filed.

Those who apply for refunds under the old provisions—governmental bodies and exempt organizations—are treated similarly to those who use the income tax credit procedure— they are given 3 years after the expiration of the old 3-month limit for claiming repayments, a total of 39 months. The bill also conforms the highway trust fund provisions dealing with such repayments so that they are essentially the same as those dealing with the income tax credits.

In short, this bill continues the objective of the 1965 Excise Act on simplifying procedures for taxpayers and removing unintended hardships. Essentially, it makes it easier for taxpayers to claim the credits or refunds already authorized by the Internal Revenue Code.

Mr. Speaker, H.R. 17332 is a good bill and I urge its enactment.

Mr. **FARBSTEIN**. Mr. Speaker, will the gentleman yield?

Mr. **BYRNES** of Wisconsin. I yield to the gentleman from New York.

Mr. **FARBSTEIN**. I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Arkansas [Mr. Mills] if it is possible to explain the reason that there was a difference in time originally so that it becomes necessary to equate them at this time?

Mr. **BYRNES** of Wisconsin. I might say to the gentleman from New York that I believe it was just a matter of oversight.

Mr. **MILLS**. I believe I would agree that what we were trying to do was establish this procedure for the individual to receive his credit for the excise tax that he was entitled to get back by deducting it from his income.

Mr. **FARBSTEIN**. I understand that.

Mr. **MILLS**. But when we did that we did not address ourselves to the 3-month limitation within which he had to do it, so if he is to use his income tax return he then would have the same 39 months with respect to that claim of refund on excises that you would have for income tax payments and purposes. It was just an oversight.

Mr. **FARBSTEIN**. If the gentleman suggests that it was an oversight, then there is no further point in my pursuing it, because basically it seemed to me a question why it should become necessary at this time to equate the period with this item as with another because I thought normally there is a basic reason for a change.

Mr. **MILLS**. We just missed on the statute of limitations when we established this new procedure.

Mr. **FARBSTEIN**. I thank the gentleman.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, this bill (H.R. 17332) extends the time for claiming a credit or refund of excise tax on gasoline or other petroleum products used for nonhighway purposes and for local transit systems. This credit was provided in the Excise Tax Reduction Act of 1965.

Under present law, however, any credit for the excise tax must be claimed at the time of filing the income tax return. This has proven impractical, since it may only be a matter of a few months from the payment of the excise tax to the filing of the income tax return. The bill would extend the period for claiming a credit to conform to the normal income tax procedure, in recognition of the fact that since the 1965 act it has been possible to credit overpayments of the excise tax against any income tax due.

In providing that the credit may be claimed at any time during which a credit could be claimed for an overpayment of income taxes, the bill makes more effective the privilege first granted in the Excise Tax Reduction Act of 1965. It is a good amendment and has my full support.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6420(b)(2)(B) of the Internal Revenue Code of 1954 (relating to the time for filing claims) is amended to read as follows:

"(B) no claim shall be allowed under this section with respect to gasoline used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of an overpayment of income tax for such taxable year. In the case of a person qualified by subsection (h)(1) to receive payment, the claim must be filed within 39 months after the close of such taxable year."

(b) Section 6421(c)(3)(A)(ii) of such Code (relating to the time for filing claims) is amended to read as follows:

"(ii) no claim shall be allowed under this subparagraph with respect to gasoline used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of an overpayment of income tax for such taxable year. In the case of a person qualified by subsection (i)(1) to receive payment, the claim must be filed within 39 months after the close of such taxable year."

(c) Section 6424(b)(1) of such Code (relating to the time for filing claims) is amended to read as follows:

"(1) General rule. Except as provided in paragraph (2)—

"(A) not more than one claim may be filed under subsection (a) by any person with respect to lubricating oil used during his taxable year; and

"(B) no claim shall be allowed under this paragraph with respect to lubricating oil used during any taxable year unless filed by such person not later than the time prescribed by law for filing a claim for credit or refund of an overpayment of income tax for such taxable year. In the case of a person qualified by subsection (g)(1) to receive payment, the claim must be filed within 39 months after the close of such taxable year. For purposes of this subsection, a person's taxable year shall be his taxable year for purposes of subtitle A, except that a person's first taxable year beginning after December 31, 1965, shall include the period after December 31, 1965, and before the beginning of such first taxable year."

Sec. 2. Section 209(f)(3) of the Highway Revenue Act of 1965 (relating to general provisions for transfers from the Highway Trust Fund) is amended by striking out "before July 1, 1973,".

Sec. 3. (a) The amendments made by the first section apply to taxable years beginning after June 30, 1965.

(b) The amendment made by section 2 applies to payments made for period beginning after June 30, 1965.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following language:

"That (a) section 6420 of the Internal Revenue Code of 1954 (relating to gasoline used on farms) is amended—

"(1) by striking out subsection (b), and

"(2) by striking out paragraph (2) of subsection (h) and inserting in lieu thereof the following:

"'(2) Limitations.—In the case of a person described in paragraph (1)—

"'(A) not more than one claim may be filed under this section with respect to gasoline used during its taxable year, and

"'(B) no claim may be filed after the close of the 39th month which begins after the close of such taxable year.

"'(3) Allowance of credit against income tax.—

"'For allowance of credit against the tax imposed by subtitle A for gasoline used on a farm for farming purposes, see section 39.'

"(b) Section 6421 of the Internal Revenue Code of 1954 (relating to gasoline used for certain nonhighway purposes or by local transit systems) is amended—

"(1) by striking out subsection (c) and inserting in lieu thereof the following:

"'(c) Quarterly Claims.—If $1,000 or more is payable under this section to any person with respect to gasoline used during any of the first 3 quarters of his taxable year, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this subsection shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.'; and

"(2) by striking out paragraphs (2) and (3) of subsection (i) and inserting in lieu thereof the following:

"'(2) Exception for quarterly claims.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (c).

"'(3) Limitations.—In the case of a person described in paragraph (1)—

"'(A) not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), with respect to gasoline used by such person during its taxable year, and

"'(B) no claim may be filed after the close of the 39th month which begins after the close of such taxable year.

For purposes of subparagraph (A), any claim filed under subsection (c) shall not be taken into account.

"'(4) Allowance of credit against income tax.—

"'For allowance of credit against the tax imposed by subtitle A for gasoline used as provided in this section, see section 39.'

"(c) Section 6424 of the Internal Revenue Code of 1954 (relating to lubricating oil not used in highway motor vehicles) is amended—

"(1) by striking out subsection (b) and inserting in lieu thereof the following:

"'(b) Quarterly Claims.—If $1,000 or more is payable under this section to any person with respect to lubricating oil used during any of the first 3 quarters of his taxable year, a claim may be filed under this section by such person with respect to lubricating oil used during such quarter. No claim filed under this subsection shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.'; and

"(2) by striking out paragraphs (2) and (3) of subsection (g) and inserting in lieu thereof the following:

"'(2) EXCEPTION FOR QUARTERLY CLAIMS.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (b).

"'(3) LIMITATIONS.—In the case of a person described in paragraph (1)—

"'(A) not more than one claim may be filed under subsection (a) with respect to lubricating oil used by such person during its taxable year, and

"'(B) no claim may be filed after the close of the 39th month which begins after the close of such taxable year.

For purposes of subparagraph (A), any claim filed under subsection (b) shall not be taken into account.

"'(4) ALLOWANCE OF CREDIT AGAINST INCOME TAX.—

"'For allowance of credit against the tax imposed by subtitle A for lubricating oil used as provided in this section, see section 39.'

"(d) Section 39(c) of the Internal Revenue Code of 1954 (relating to exception) is amended to read as follows:

"'(c) EXCEPTION.—Credit shall not be allowed under subsection (a) for any amount payable under section 6421(c) or 6424(b) if a claim for such amount is timely filed.'

"(e) Section 6513(b) of the Internal Revenue Code of 1954 (relating to time prepaid income tax considered paid) is amended by adding at the end thereof the following new paragraph:

"'(4) The amount allowable as a credit under section 39 for any taxable year shall be deemed to be allowable on account of a payment of tax on the last day prescribed for filing the return under section 6012 for such taxable year (determined without regard to any extension of time for filing such return).'

"(f)(1) The amendments made by subsections (a) and (b) shall apply to gasoline used after June 30, 1965. For purposes of such amendments, in the case of a person described in section 6420(h)(1) or 6421(i)(1) of the Code, its first taxable year beginning after June 30, 1965, shall include the period after June 30, 1965, and before the beginning of such taxable year.

"(2) The amendments made by subsection (c) shall apply to lubricating oil placed in use after December 31, 1965. For purposes of such amendments, in the case of a person described in section 6424(g)(1) of the Code, its first taxable year beginning after December 31, 1965, shall include the period after December 31, 1965, and before the beginning of such taxable year.

"SEC. 2. Section 209(f)(3) of the Highway Revenue Act of 1956 (relating to general provisions for transfers from the Highway Trust Fund) is amended by striking out 'before July 1, 1973,'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEFINITION OF EARNED INCOME FOR PENSION PLANS OF SELF-EMPLOYED INDIVIDUALS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18253) relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I do not object to the bill—but I reserve this time in order to yield to the gentleman from Arkansas for a brief explanation.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, the bill presently before the House, H.R. 18253, amends the effective date of a 1966 amendment to Internal Revenue Code provisions regarding retirement plans for self-employed individuals, the so-called H.R. 10 plans. Your committee has ordered this bill reported unanimously and the Treasury Department has informed your committee that it has no objection to the bill's enactment.

When Congress enacted H.R. 10 in 1962, it permitted contributions to H.R. 10 plans in amounts up to the lesser of $2,500 or 10 percent of the owner-employee's "earned income" from the business. Where capital was a material income-producing factor, no more than 30 percent of the income from the business could be treated as "earned income" for purposes of applying the 10-percent limitation.

Since such plans could accumulate income without paying income taxes on the earnings of the invested funds, the 1962 act penalized contributions to the plans in excess of the amount permitted to be contributed. To avoid hardship in certain limited circumstances, Congress permitted contributions greater than the maximum otherwise allowed, where those contributions are in the form of premiums for annuity, endowment, or life insurance policies and are not greater than the average amount deductible by that owner-employee in each of the 3 next preceding years.

In 1966 Congress considerably liberalized the law regarding such plans—among other changes, the 1966 act removed the 30-percent limitation that I have described. These changes were prospective only. One effect of this prospective change is that, for 3 years after this change, those who use the insurance premium averaging provision must include in that average years as to which the 30-percent limitation applied. For those individuals, then, the repeal of that limitation does not become fully effective for some time.

This bill permits those who apply the averaging provisions to compute their averages for taxable years beginning after December 31, 1967, without regard to the now-repealed 30-percent limitation. This bill also removes any uncertainty as to the effective date of the repeal of the 30-percent limitation by providing that it applies to taxable years beginning after December 31, 1967.

Mr. Speaker, I urge the passage of H.R. 18253.

Mr. BYRNES of Wisconsin. Mr. Speaker, this bill—H.R. 18253—merely clarifies what was intended when the Congress adopted the amendments to the Self-Employed Individuals Retirement Act, H.R. 10, as a part of Public Law 89–809. By that amendment, we changed the formula for the 3-year averaging provisions in determining whether contributions made to a pension plan were excessive. It was not clear, however, whether the new 3-year averaging provisions applied only prospectively, which meant that 3 years would have to elapse before these provisions became fully effective, or whether such provisions should be taken into account in computing the average of the preceding years to be used as a base for the current year. We intended the latter rule, and this bill clarifies the point.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

There was no objection.

The Clerk read the bill, as follows:

H.R. 18253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(d) of Public Law 89–890 (80 Stat. 1578) is amended by adding at the end thereof the following new sentence: "The amendment made by subsection (c) shall apply with respect to taxable years beginning after December 31, 1967, and in the case of a taxpayer who applies the averaging provisions of section 401(e)(3) of the Internal Revenue Code of 1954 for a taxable year beginning after December 31, 1967, the computation of the amount deductible under section 404 of such Code for any prior taxable year which began before January 1, 1968, shall be made, for purposes of such averaging provisions, as if the amendment made by subsection (c) were applicable to such prior taxable year."

With the following committee amendment:

On page 1, line 3, strike out "Public Law 89–890" and insert: "Public Law 89–809".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CUSTOMS CONVENTIONS RELATING TO THE ENTRY OF PROFESSIONAL EQUIPMENT, CONTAINERS, AND CARNETS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18373), for implementing conventions for free admission of professional equipment and containers, and for ATA, ECS, and TIR carnets, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I do so in order that I may yield to the chairman of the Committee on Ways and Means for a brief explanation of the bill.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, the purpose of H.R. 18373, as unanimously reported by the Committee on Ways and Means, is to implement U.S. accession to five international customs conventions. The Senate gave its advice and consent to U.S. accession to these five customs conventions on March 1, 1967. These conventions deal generally with the facilitation of temporary entry of certain specified goods into the territory of the parties and with expediting the customs clearance of such temporary importations through adoption of an international customs document known as a "carnet." Two of the conventions provide for the temporary importation of professional equipment and of containers, and the other three conventions provide a system whereby payment of duties on certain goods temporarily imported is guaranteed by a private association, such as a chamber of commerce, through the use of the international customs forms.

Each of these conventions is in force with respect to all of the major trading countries of Europe as well as to several other countries. The Committee on Ways and Means is informed that these customs conventions will be of direct benefit to American business interests doing business in the territories of the other parties to the conventions.

The customs treatment provided for in each of these conventions is for the most part already granted by the United States or can be extended administratively by the Department of the Treasury under existing legislative authority. However, full implementation of these conventions does require certain amendments to the tariff laws of the United States.

The bill as reported by the committee would provide for these changes necessary to permit full U.S. accession to these customs conventions.

First, the bill would permit the duty-free entry of the international customs forms—the carnets—when imported already printed for issuance by private organizations in this country to U.S. exporters seeking customs advantages accorded by these carnets in foreign countries.

Second, the bill would amend existing law which provides for the temporary entry of professional equipment and tools of trade by nonresidents temporarily sojourning in this country by permitting the temporary entry to be made either by the individual nonresident or by the foreign organization he represents. Presently, the import entry can only be made by the nonresident sojourning temporarily in the United States.

The bill, as reported, would also permit the duty-free entry of component parts for repair of such professional equipment temporarily admitted into the customs territory of the United States.

Finally, the bill would permit the duty-free entry of component parts for the repair of containers used in international traffic. These containers are already granted duty-free entry under existing law. The bill provides that the above changes would be made effective by Presidential proclamation in connection with the entering into force for the United States of the customs conventions.

The Committee on Ways and Means is informed that 30 business organizations, including the U.S. Chamber of Commerce and the U.S. Council of the International Chamber of Commerce, have supported U.S. accession to these conventions. Further, the committee is unaware of any objection to the proposed changes in U.S. tariff law contained in the bill as reported by your committee.

In recommending the changes in tariff law necessary to permit the United States to fully accede to these customs conventions, the Committee on Ways and Means is limited in its jurisdiction to a consideration of the changes in tariff law required for such accession. The committee is of the opinion that this bill is reasonable for that purpose. Accordingly the committee unanimously recommends enactment of H.R. 18373.

Mr. BYRNES of Wisconsin. Mr. Speaker, this bill (H.R. 18373) is intended to implement conventions entered into by the United States governing the admission of professional equipment and containers. The bill relates primarily to equipment that is admitted temporarily for some specific purpose, such as a container which will be returned after the goods have been removed. Since these conventions have been adopted by all of the major trading countries of Europe, as well as several other countries, implementation is necessary if the United States is to be a party where the conventions do not conform with our existing tariff schedules.

The bill has wide support from all types of business organizations, including the U.S. chamber. To my knowledge, there is no opposition. Accordingly, I am pleased to join the other members of the committee in supporting this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

There was no objection.

The Clerk read the bill, as follows:

H.R. 18373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 5, schedule 2, Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting the following new item:

"	270.06	Printed matter, carnets, which are international customs forms, printed in English or French, whether or not also printed in an additional language, and parts thereof......	Free	".

SEC. 2. The article description in item 864.50, Tariff Schedules of the United States (19 U.S.C. 1202), is amended to read as follows:

"	....	"Camping equipment imported for their own use by nonresidents sojourning temporarily in the United States".		"

Schedule 8, part 5, subpart C, Tariff Schedules of the United States (19 U.S.C. 1202), is amended by inserting the following new item:

"	864.80	Professional equipment and tools of trade imported for their own use or under their personal supervision by nonresidents sojourning temporarily in the United States or imported by a partnership, association or corporation whose principal place of business is in a foreign country for temporary use by it or under the personal supervision of a representative of such partnership, association, or corporation; *Provided, however,* That no requirement of supervision by a nonresident shall apply in the case of cinematographic equipment imported for the production of a film under a coproduction contract..........	Free	".

SEC. 4. Section 322(b), Tairiff Act of 1930 (19 U.S.C. 1322(b)), is amended as follows:

(a) by striking out "and" at the end of subparagraph (2);

(b) by striking out the period at the end of subparagraph (3) and by inserting in lieu thereof "; and"; and

(c) by inserting at the end thereof the following new subparagraph:

"(4) component parts for the repair of containers temporarily in the United States."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That part 5 of schedule 2 of the tariff schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 270.10 the following new item:

"'	270.15	International customs forms (carnets), and parts thereof, in English or French (whether or not in additional languages).	Free..	Free.'

"SEC. 2. (a) The article description for item 864.50 of the tariff schedules of the United States (19 U.S.C. 1202) is amended to read as follows: 'Professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents'.

"(b) Headnote 1 for subpart C of part 5 of schedule 8 of such Schedules is amended—

"(1) by inserting '(a)' after '1.';

"(2) by inserting '(1)' after 'except that' in the first sentence, and by inserting before the period at the end of such sentence the following: ', and (2) in the case of professional equipment and tools of trade admitted into the United States under item 864.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure'; and

"(3) by adding at the end thereof the following:

"'(b) For articles admitted into the United States under item 864.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.'

"SEC. 3. (a) The article description for item 808.00 of the tariff schedules of the United States (19 U.S.C. 1202) is amended by inserting before the period at the end thereof of the following: ', and repair components for a particular container of foreign production which is an instrument of international traffic'.

"(b) Headnote 1 of subpart C of part 1 of schedule 8 of such schedules is amended by inserting before the period at the end thereof the following: ', and also covers certain repair components'.

"Sec. 4. Each of the preceding sections of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention or conventions which such section implements."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GLOBAL COMMUNICATIONS SATELLITE SYSTEM

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18486) to amend the Internal Revenue Code of 1954 with respect to the treatment of income from the operation of a communications satellite system, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas [Mr. Mills]?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, but do so in order that I might yield to the gentleman from Arkansas, the chairman of the Committee on Ways and Means, for a brief explanation.

Mr. MILLS. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin.

Mr. Speaker, this bill (H.R. 18486) provides that foreign entities participating in the global communications satellite system, an international joint venture known as the International Telecommunications Satellite Consortium, are not to be subject to U.S. income taxation on their share of the earnings derived from the system. This removes the possibility under existing law that a small number of these foreign entities might be subject to U.S. taxation. This bill has been approved unanimously by your committee and the Treasury has urged its adoption.

The United States participates in this system through the Communications Satellite Corporation which we know as Comsat. I should note at this point that the bill does not affect in any way the U.S. taxation of Comsat. Most of the 61 foreign countries which participate in the joint venture do so through a government ministry or agency. A few foreign countries, however, participate through a quasi-governmental agency or a private corporation.

The joint venture basically derives its revenues from furnishing satellite capacity to the various participants. In other words, the joint venture's revenues generally are derived from renting satellite channels. The net revenues after deduction of expenses are then distributed pro rata to the various participants.

These net revenues, or earnings, clearly are exempt from U.S. income taxation in the case of the majority of the foreign participants, because these participants are foreign governments or governmental agencies which the Internal Revenue Code exempts from U.S. income taxation.

The U.S. tax status of the other foreign participants—those which are private corporations or quasi-governmental agencies—is not clear, however, under present law. The possibility exists that these participants might be subject to U.S. income taxation on their share of the joint venture's earnings. This possibility would materialize only if three conditions were met:

First. These participants would have to be considered engaged in business in the United States.

Second. The earnings, which are derived from furnishing satellite capacity, would have to be considered income from U.S. sources.

Third. In the case of the participants which are quasi-governmental entities, it would have to be determined that they were private corporations, rather than governmental agencies.

In view of this possible differential treatment under the U.S. tax law of the foreign entities participating in the joint venture, depending on the form of the entity the foreign government had selected, the administration requested the exemption embodied in this bill. Moreover, there is a real question whether it is appropriate for the United States to tax income derived by the foreign entities from renting satellite capacity.

It is appropriate in view of these considerations to provide an exemption from U.S. income taxation for foreign entities which participate pursuant to a designation by a foreign government in the joint venture, the global communications satellite system, or a successor organization. The exemption provided by the bill, however, only applies to the earnings which the foreign participant derives from the ownership or operation of the communications satellite system.

The amendment made by the bill applies with respect to taxable years beginning after December 31, 1966.

I urge that this bill be adopted.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. FARBSTEIN. I presume this deals with the Comsat Corp.; it that correct?

Mr. MILLS. No; Comsat is the American entity, but it is not at all affected by what we are doing here. It is the counterpart representing other countries that are also parties to the International Telecommunications Satellite Consortium which we are dealing with here.

Mr. FARBSTEIN. This all comes as the result of a satellite being thrown off into the heavens from the United States in—whatever you call it——

Mr. MILLS. The consortium which manages the use of the satellite is a joint venture. The question is whether the United States is to tax these foreign partners in the consortium on their share of the earnings from it. It is a joint venture, engaged in by representatives of, I believe, some 62 countries that own an interest in this international joint venture, known as the International Telecommunications Satellite Consortium. The majority of the foreign countries clearly get their share of the revenues from this international operation free of any Federal tax because they participate in it through a government ministry or agency. Some of the countries, however, operate through a quasi-governmental entity. In their case there is a question as to whether they, too, like the other countries where a government agency is involved directly, would be exempt from U.S. tax on their share of the earnings.

Mr. FARBSTEIN. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, this bill (H.R. 18486) exempts from taxation foreign participants in the global communications satellite system. A foreign nation—or the official entity representing that nation—which participates in the existing International Telecommunications Satellite Consortium might be subject to U.S. income taxation on a proportionate share of the Consortium's earnings. This is an international joint venture, and the participants should not by reason of participating in such a venture become subject to U.S. income taxes.

It is clear that where the foreign participation is by the government itself, such governments do not become subject to U.S. income taxation. It is not clear where the foreign participation is through a corporation or other quasi-governmental entity. The bill would eliminate any doubt in the latter case.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 18486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 883 of the Internal Revenue Code of 1954 (relating to exclusions from gross income) is amended by inserting "(a) Income of Foreign Corporations From Ships and Aircraft.—" before "The", and by adding at the end thereof the following new subsection:

"(b) Earnings Derived From Communications Satellite System.—The earnings derived from the ownership or operation of a communications satellite system by an entity designated by a foreign government to participate in such ownership or operation shall be exempt from taxation under this subtitle, if the United States, through its designated entity, participates in such system pursuant to the Communications Satellite Act of 1962 (47 U.S.C. 701 and following)."

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1966.

With the following committee amendment:

On page 1, beginning in line 10, strike out "an entity" and insert "a foreign entity".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATUTORY MERGERS OF THE PARENT'S STOCK

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18942) relating to the income tax treatment of certain statutory mergers of corporations, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order to yield to the gentleman from Arkansas for a brief explanation of the bill.

Mr. MILLS. I thank my friend from Wisconsin; as he knows, the bill, H.R. 18942, is concerned with tax-free statutory mergers where the properties are acquired with the stock of the parent of the acquiring corporation. This bill has been approved unanimously by your commttee, and the Treasury has indicated that it has no objections to it.

Under present law in many circumstances one corporation may acquire the stock or the assets of another corporation in exchange for the stock of the acquiring corporation without any tax to the transferor corporation or to those shareholders of the transferor who receive only stock in the acquiring corporation. These transactions are referred to as "tax-free reorganizations" and are of three types.

First. A statutory merger or consolidation—usually referred to as an "A reorganization."

Second. The acquisition of 80 percent of the stock of another corporation for voting stock of the acquiring corporation—usually referred to as a "B reorganization."

Third. The acquisition of substantially all the properties of another corporation solely for voting stock of the acquiring corporation—usually referred to as a "C reorganization."

In both the "B" and "C" type reorganizations, a corporation which is a subsidiary may acquire stock or assets of another corporation in exchange for the stock of the subsidiary's parent corporation. However, this is not so in the case of a type "A" reorganization—a statutory merger. Thus, in the case of a statutory merger the parent corporation must first acquire the desired assets and then transfer them to the subsidiary. For business or legal reasons in some cases it may not be possible to go through these two steps.

There is no reason why the privilege allowed to a parent and subsidiary in the "B" and "C" reorganizations should not also be extended in the case of statutory mergers.

The first section of the amendment changes the law to treat all three types of reorganizations in substantially the same manner in many cases where a parent and subsidiary are involved. Thus, under this amendment a subsidiary corporation may acquire substantially all of the properties of another corporation in a statutory merger in exchange for the stock of a corporation which is the parent of the acquiring corporation.

The amendment is not intended to change existing reorganization law in any manner except that it modifies the present "continuity of interest" requirement to the extent that it permits the use of the stock of the parent corporation in the same manner as the stock of the subsidiary corporation could have been used.

The amendment is to apply to transactions after the date of enactment.

The second section of the amendment deals with the basis of property or stock acquired in a reorganization by a corporation. Under present law, the statute specifically states that where properties or stock are acquired by the issuance of stock of the acquiring corporation, the basis of the assets or stock is to remain the same as it was before the acquisition. However, the present statute does not specify what the basis is to be when assets or stock are acquired with Treasury stock, with a parent corporation's stock, or with stock in a parent purchased by a subsidiary and then used in the acquisition. In the interests of clarity and certainty it is desirable to have the statute cover the cases which are not now specifically covered. For this reason the amendments made by section 2 of the amendment make it clear that whenever a corporation acquires property or stock in a reorganization by an exchange of its stock or its parent's stock, the basis of the property or stock is to remain what it was in the hands of the transferor corporation or the transferor stockholders.

The amendments with respect to the basis rules are effective with respect to plans of reorganization adopted after the date of enactment. No inference is intended as to present law. In both cases it is intended that prior law be interpreted as if this bill had not been enacted.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 18942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 358(e) of the Internal Revenue Code of 1954 (relative to the exception to the rule for determining basis to distributees in corporate reorganizations) is hereby amended to read as follows:

"(e) EXCEPTION.—This section shall not apply to property acquired by a corporation by the exchange of its stock or securities (or the stock or securities of a corporation which is in control of the acquiring corporation) as consideration in whole or in part for the transfer of property to it."

(b) The amendments made by subsection (a) shall apply in respect to plans of reorganization adopted on or after June 22, 1954.

SEC. 2. (a) Section 362(b) of such Code (relating to basis of property transferred to corporations in corporate reorganizations) is amended by striking so much of the last sentence as follows the word "reorganization" and inserting in lieu thereof the following: "unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer."

(b) The amendments made by subsection (a) shall apply with respect to transactions after December 31, 1963, in taxable years ending after such date.

SEC. 3. (a) Section 368(a)(2) of such Code (relating to special rules with respect to the definition of corporate reorganizations) is amended by adding at the end thereof the following new subparagraph:

"(D) STATUTORY MERGER INTO A CONTROLLED CORPORATION USING STOCK OF CONTROLLING CORPORATION.—If a corporation (hereinafter called the controlling corporation) is in control of another corporation, then the acquisition of the stock of a corporation merged into the controlled corporation solely for stock of the controlling corporation shall not disqualify a transaction under paragraph (1)(A) if such transaction would have disqualified under such paragraph if such acquisition had been made entirely for stock of the controlled corporation."

(b) Section 368(b) of such Code (relating to definition of a party to a reorganization is amended by adding at the end thereof the following: "In the case of a reorganization qualifying under paragraph (1)(A) of subsection (a) by reason of paragraph (2)(D) of that subsection, the term 'a party to a reorganization' includes the controlling corporation referred to in such paragraph (2)(D)."

(c) The amendments made by subsections (a) and (b) shall apply to statutory mergers occurring after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That (a) section 368(a)(2) of the Internal Revenue Code of 1954 (relating to special rules with respect to the definition of corporate reorganizations) is amended by adding at the end thereof the following new subparagraph:

" '(D) STATUTORY MERGER USING STOCK OF CONTROLLING CORPORATION.—The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subparagraph as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1)(A) if (i) such transaction would have qualified under paragraph (1)(A) if the merger had been into the controlling corporation, and (ii) no stock of the acquiring corporation is used in the transaction."

"(b) Section 368(b) of such Code (relating to definition of a party to a reorganization) is amended by adding at the end thereof the following new sentence: 'In the case of a reorganization qualifying under paragraph (1)(A) of subsection (a) by reason of paragraph (2)(D) of that subsection, the term "a party to a reorganization" includes the controlling corporation referred to in such paragraph (2)(D).'

"(c) The amendments made by subsections (a) and (b) shall apply to statutory mergers occurring after the date of the enactment of this Act.

"SEC. 2. (a) Section 358(e) of the Internal Revenue Code of 1954 (relating to the exception to the rule for determining basis to distributees in corporate reorganizations) is amended to read as follows:

" '(e) EXCEPTION.—This section shall not apply to property acquired by a corporation by the exchange of its stock or securities (or the stock or securities of a corporation which is in control of the acquiring corporation) as consideration in whole or in part for the transfer of the property to it.'

"(b) The last sentence of section 362(b) of such Code (relating to basis of property transferred to corporations in corporate reorganizations) is amended to read as follows: 'This subsection shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer.'

"(c) The amendments made by subsections (a) and (b) shall apply only in respect of plans of reorganization adopted after the date of the enactment of this Act.

Mr. **MILLS** (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD at this point.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF MULTIPLE CUSTOMS DUTIES ON HORSES TEMPORARILY EXPORTED FOR USE IN RACING

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15003) to amend item 802.30, Tariff Schedules of the United States, so as to prevent payment of multiple customs duties by U.S. owners of racehorses purchased outside of the United States, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object—I do so for the purpose of yielding to the chairman.

Mr. Speaker, I yield to the chairman of the committee.

Mr. **MILLS**. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 15003, as unanimously reported by the Committee on Ways and Means, is to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing. Racehorses are ordinarily dutiable under item 100.75 at 6 percent ad valorem. Under present customs practices, however, racehorses imported from abroad, on which the duty already has been paid, when exported for the purpose of racing and subsequently reimported, are again dutiable despite the initial payment of duty at the time of original importation.

Mr. Speaker, item 802.30 of the Tariff Schedules of the United States does generally provide for the duty-free reentry of foreign articles which are exported for use temporarily abroad for exhibition or at any public exposition, fair, or conference and which, when returned, are imported by or for the account of the person who exported them. In 1950, however, the Customs Court ruled that racehorses sent abroad for racing are not entitled to reentry free of duty into the United States under the predecessor provision to item 802.30.

The Committee on Ways and Means is unanimous in its agreement, however, that horses imported from abroad on which a duty already has been paid and which are subsequently exported for the purpose of racing are in reality similarly circumstanced with the articles provided for in item 802.30 and, therefore, should not be subject to additional duties for each subsequent reentry into the United States.

Accordingly, H.R. 15003 would provide a separate line item in part 1 of schedule 8 of the Tariff Schedules to provide for the duty-free entry of horses purchased abroad on which the duty has been paid and which have been exported solely for the purpose of racing.

Mr. Speaker, favorable reports on this bill were received from the Departments of State, Treasury, Labor, and Commerce, and an informative report was received from the Tariff Commission.

As stated before, the Committee on Ways and Means is unanimous in recommending to the House enactment of this measure.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Item 802.30 of section 1202 of title 19, United States Code, is amended so that it will read as follows:

"Exhibition or use at any public exposition, fair, or conference including animals racing for purses".

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202), is amended by inserting after item 802.30 the following new item:

'	802.40	In the case of horses, use for racing............................	Free...........	The column 2 rate applicable in the absence of this item.	''

Mr. **MILLS** (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing."

A motion to reconsider was laid on the table.

TAX PROVISIONS RELATING TO DISTILLED SPIRITS

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11394) to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order to yield to the gentleman from Arkansas, the chairman of the committee, for an explanation of the bill, and I yield to the gentleman.

Mr. **MILLS**. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, the bill presently before the House, H.R. 11394, amends the distilled spirits excise tax provisions of the Internal Revenue Code.

This bill has the effect of removing unnecessary procedural complications regarding distilled spirits, domestic, imported, and exported. At the same time, however, adequate controls are provided so the Internal Revenue Service can insure against misuse of these provisions. Your committee has ordered this bill reported unanimously and the Treasury Department has informed your committee that, in the form in which the bill is now presented, it has no objections to the bill's enactment.

The first section of the bill extends the disaster loss refund provisions available under present law when spirits are at the bottling plant but the bottling process has not yet been completed. The bill extends these provisions to cover such losses where the spirits have been bottled but are still on the distilled spirits plant premises. This change will avoid the need of relatively expensive insurance to cover the taxes which have already been paid on those spirits. At the same time, since at this point the spirits have not yet been removed from Internal Revenue Service supervision, this charge is expected to cause no administrative difficulties.

Section 2 of the bill permits drawback of the tax that has already been paid, when distilled spirits are exported, without requiring those spirits first to be sent back to the plant at which they were originally bottled. Broad regulatory authority is given to the Internal Revenue Service to insure that this procedure will be available only under the necessary supervision and that appropriate evidence is presented as to the actual exportation of the distilled spirits. A conforming amendment is made to the Tariff Act of 1930 to provide the same procedure for distilled spirits exported as ships' stores.

Section 3 permits bulk imported distilled spirits to be transferred from customs custody to internal revenue bond for nonbeverage use without payment of internal revenue taxes at that point. As with domestic spirits, the appropriate taxes will be paid when the spirits are withdrawn from internal revenue bond. This is designed to simplify storage problems of importers of bulk distilled spirits. This section also makes it clear that, when the transfer from customs custody to internal revenue bond involves a transfer from one person to another, then the liability for taxes is passed along with control of the spirits. And, as I indicated before, this section also makes it clear that imported bulk spirits are not eligible for the "bottled in bond" privileges available to domestic spirits. A conforming amendment is made to the tariff schedules to impose customs duties when the spirits are removed from customs custody even though no internal revenue taxes are determined at that time.

Mr. Speaker, I urge the passage of H.R. 11394.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 5008(c) of the Internal Revenue Code of 1954 (relating to loss or destruction of distilled spirits) is amended by adding at the end thereof the following new sentence: "Whenever any distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling are lost by reason of flood, fire, or other disaster after completion of the bottling and casing or other packaging before removal of the distilled spirits from the premises of the distilled spirits plant to which removed from bond, the Secretary or his delegate shall under such regulation as he may prescribe, abate, remit, or without interest, credit or refund the tax imposed on such spirits under section 5001(a)(1) to the proprietor of the distilled spirits plant who withdraw the distilled spirits on payment or determination of tax."

Sec. 2. The second sentence of section 5062(b) of such Code (relating to drawback in case of exportation of distilled spirits) is amended to read as follows: "The preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped and marked especially for export, under regulations prescribed by the Secretary or his delegate."

Sec. 3. (a) Section 5232 of such Code (relating to imported distilled spirits) is amended to read as follows:

"Sec. 5232. Imported distilled spirits.

"Imported distilled spirits in bulk containers may, under such regulations as the Secretary or his delegate shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of the distilled spirits plant without payment of the internal revenue tax imposed on imported distilled spirits by section 5001. Such spirits of 185 degrees or more of proof may be redistilled or denatured and such spirits of any proof may, without redistillation or denaturation, be withdrawn for any purpose authorized by this chapter, in the same manner as domestic distilled spirits, except that such spirits may not be bottled in bond under section 5233."

(b) Headnote 3 for part 12 of Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows:

"3. The duties prescribed on products covered by this part are in addition to the internal revenue taxes imposed under existing law or any subsequent Act. The duties imposed on products covered by this part which are subject also to internal revenue taxes are imposed only on the quantities subject to such taxes, except that in the case of distilled spirits transferred to the bonded premises of a distilled spirits plant under the provisions of section 5232 of the Internal Revenue Code of 1954 duties are imposed on the quantity withdrawn for customs custody."

Sec. 4. The amendment made by the first section of this Act shall be applicable to losses sustained on or after the first day of the first month which begins more than 20 days after the date of the enactment of this Act, and the amendment made by section 2 shall be applicable to articles exported on or after such first day. The amendments made by section 3 shall be effective on and after the 90th day following the date of the enactment of this Act.

That paragraph (1) of section 5008(c) of the Internal Revenue Code of 1954 (relating to loss or destruction of distilled spirits) is amended—

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That paragraph (1) of section 5008(c) of the Internal Revenue Code of 1954 (relating to loss or destruction of distilled spirits) is amended—

"(1) by striking out 'before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises' and inserting in lieu thereof 'before removal from the premises', and

"(2) by inserting after 'such loss occurred' in subparagraph (B) the following: '(i) before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises and (ii)'.

"Sec. 2. (a) The second sentence of section 5062(b) of the Internal Revenue Code of 1954 (relating to drawback in the case of exportation of distilled spirits) is amended to read as follows: 'In the case of distilled spirits, the preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped or restamped, and marked, especially for export, under regulations prescribed by the Secretary or his delegate.'

"(b) The second paragraph of section 313(d) of the Tariff Act of 1930, as amended (19 U.S.C. sec. 1313(d) (relating to drawback) is amended—

"(1) by inserting 'or determined' after 'been paid' each place it appears,

"(2) by striking out the colon and the proviso, and

"(3) by adding at the end thereof the following new sentence: 'In the case of distilled spirits, the preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped or restamped, and marked, especially for export, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.'

"Sec. 3. (a) Section 5232 of the Internal Revenue Code of 1954 (relating to imported distilled spirits) is amended to read as follows:

" 'Sec. 5232. Imported distilled spirits

" '(a) Transfer to Distilled Spirits Plant Without Payment of Tax.—Imported distilled spirits in bulk containers may, under such regulations as the Secretary or his delegate shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on imported distilled spirits by section 5001. The person operating the bonded premises of the distilled spirits plant to which such spirits are transferred shall become liable for the tax on distilled spirits withdrawn from customs custody under this section upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

" '(b) Withdrawals, etc.—Imported distilled spirits transferred pursuant to subsection (a)—

" '(1) may not be bottled in bond under section 5233,

" '(2) may be redistilled or denatured only if of 185 degrees or more of proof, and

" '(3) may be withdrawn for any purpose authorized by this chapter, in the same manner as domestic distilled spirits.'

"(b) Headnote 3 for part 12 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) is amended to read as follows:

" '3. The duties prescribed on products covered by this part are in addition to the Internal-revenue taxes imposed under existing law or any subsequent Act. The duties imposed on products covered by this part which are subject also to internal-revenue taxes are imposed only on the quantities subject to such taxes; except that, in the case of distilled spirits transferred to the bonded premises of a distilled spirits plant under the provisions of section 5232 of the Internal Revenue Code of 1954, the duties are imposed on the quantity withdrawn from customs custody.'

"Sec. 4. (a) The effective date of this Act is the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

"(b) The amendments made by the first section of this Act shall apply only to losses sustained on or after such effective date. The amendments made by section 2 shall apply only to articles exported on or after such effective date. The amendments made by section 3 shall apply only to withdrawals from customs custody on or after such effective date."

Mr. **MILLS** (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendment and that it be printed in the Record.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FACILITATING THE PRODUCTION OF WINE

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H.R. 14095, to amend the Internal Revenue Code of 1954 so as to make certain changes to facilitate the production of wine, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order to yield to the gentleman from Arkansas, the chairman of the committee, for an explanation of the bill, and I yield to the gentleman.

Mr. MILLS. I thank my friend for yielding.

Mr. Speaker, the bill presently before the House, H.R. 14095, amends the Internal Revenue Code excise tax provisions relating to wine production, in several respects. These amendments have the effect of simplifying and permitting greater leeway in the use or application of certain treatment processes, both in terms of the nature of the processes and the geographic places where they are conducted. Your committee has ordered this bill reported unanimously and the Treasury Department has indicated that, in the form in which the bill is now presented, it has no objections to the bill's enactment.

The first section of the bill permits special natural wine to be used in wine production. However, in so doing it extends to special natural wine the present prohibition on the use of natural wine whose sugars have been refermented. This amendment will enable wine producers to salvage, by distillation, the alcohol from special natural wine which has become unmarketable.

Section 2 permits wine spirits to be added to natural wine produced by fermentation in any bonded wine cellars located within the same State in which the addition is to take place. This change liberalizes to a significant extent the limitation of present law, under which a winemaker may add wine spirits only to natural wines produced in the winemaker's own wine cellars in the same State.

Section 3 of the bill simplifies the production of procedures and calculations on the amelioration and sweetening of, and the addition of wine spirits to, high acid wines. The limitation on sweeting high acid wine will be based only upon the total solids content of the finished wine rather than also on a volumetric limitation. This change will permit winemakers to produce wine, sweetened with pure dry sugar or liquid sugar, containing the maximum authorized total solids content. Liquid sugar may be used, but only to the extent that it does not increase the total volume of the finished wine above what it would be if the maximum authorized use had been made of dry sugar only. This section of the bill also makes it clear that wine spirits may be added at more than one stage in the process of wine production as it is frequently necessary to add wine spirits at both an early and a later stage of production.

A technical amendment is made in section 3. Finally, the bill corrects a reference in existing law regarding cellar treatment of specially sweetened natural wines, special wines, and agricultural wines.

Mr. Speaker, H.R. 14095 is a good bill and I urge its enactment.

Mr. CORMAN. Mr. Speaker, I rise to support the proposal now before the House to amend the Internal Revenue Code of 1954 to provide ways to facilitate the production of wine in this country.

Generally, the changes provided in H.R. 14095 simply permit greater leeway in the use of certain processes in wine production. From time to time, as in any industry, alterations in processes are desirable and must be considered. The wine industry believes these amendments to the statute are necessary for proper wine production. After careful consideration of the matter, the committee has recommended to the House that favorable attention be given to the proposal, and that the bill to provide for these changes be passed.

While technical in content, the changes indicated are of great importance to the wine industry and are considered proper by Government authorities involved with the industry.

Mr. Speaker, I ask my colleagues to give this matter their careful consideration today, and pass this bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5373(a) of the Internal Revenue Code of 1954 (relating to wine spirits) is amended to read as follows: "The wine spirits authorized to be used in wine production shall be brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from—

"(1) fresh or dried fruit, or their residues,

"(2) the wine or wine residues therefrom, or

"(3) special natural wine under such conditions as the Secretary or his delegate may by regulations prescribe;

except that where, in the production of natural wine or special natural wine, sugar has been used, the wine or the residuum thereof may not be used if the unfermented sugars therein have been refermented."

Sec. 2. Clause (B) of section 5382(b)(2) of the Internal Revenue Code of 1954 (relating to specifically authorized treatments) is amended to read as follows: "(B) in the case of still wines, wine spirits may be added in any State only to natural wines produced by fermentation in bonded wine cellars located within the same State."

Sec. 3. Subsection (b) of section 5383 of the Internal Revenue Code of 1954 (relating to high acid wines) is amended to read as follows:

"(b) High Acid Wines.—

"(1) Amelioration.—Before, during, and after fermentation, ameliorating materials consisting of pure dry sugar or liquid sugar, water, or a combination of sugar and water, may be added to natural grape wines of a winemaker's own production when such wines are made from juice having fixed acid content of more than five parts per thousand (calculated before fermentation and as tartaric acid). Ameliorating material so added shall not reduce the natural fixed acid content of the juice to less than five parts per thousand, nor exceed 35 percent of the volume of juice (calculated exclusive of pulp) and ameliorating material combined.

"(2) Sweetening.—Any wine produced under this subsection may be sweetened by the producer thereof, after amelioration and fermentation, with pure dry sugar or liquid sugar if the total solids content of the finished wine does not exceed (A) 17 percent by weight if the alcoholic content is more than 14 percent by volume, or (B) 21 percent by weight if the alcoholic content is not more than 14 percent by volume. The use under this paragraph of liquid sugar shall be limited to cases where the resultant volume does not exceed the volume which could result from the maximum authorized use of pure dry sugar only.

"(3) Wine spirits.—Wine spirits may be added (whether or not wine spirits were previously added) to wine produced under this subsection only if the wine contains not more than 14 percent of alcohol by volume derived from fermentation."

Sec. 4. Subsection (b) of section 5385 of the Internal Revenue Code of 1954 (relating to specially sweetened natural wines) is amended to read as follows:

"(b) Cellar Treatment.—Specially sweetened natural wines may be blended with each other, or with natural wine or heavy bodied blending wine in the further production of specially sweetened natural wine only, if the wines so blended are made from the same kind of fruit. Wines produced under this section may be cellar treated under the provisions of section 5382 (a) and (c). Wine spirtis may not be added to specially sweetened natural wine."

Sec. 5. Section 5386(b), and the last sentence of section 5387(a), of the Internal Revenue Code of 1954 (relating to cellar treatment or special natural wines and agricultural wines) are each amended by striking out "as provided in section 5382(c)" and inserting in lieu thereof "under the provisions of section 5382 (a) and (c)".

Sec. 6. The amendments made by this Act shall take effect on the first day of the first month which begins 90 days or more after the date of the enactment of this Act.

With the following committee amendments:

On page 2, line 14, insert "(a)" after "Sec. 3.".

On page 2, line 23, insert "a natural" after "juice having."

On page 3, after line 21, insert:

"(b) Sections 5383(a) (relating to sweetening of grape wines), 5384(a) (relating to natural fruit and berry wines), and 5385(a) (relating to specially sweetened natural wines) of such code are each amended by striking out 'less than 14 percent' and inserting in lieu thereof 'not more than 14 percent'."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NONRECOGNITION OF GAIN IN CASE OF 12-MONTH LIQUIDATIONS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18101) to amend the Internal Revenue Code of 1954 to correct an inequity with respect to the applicability of the rules involving recognition of gain or loss on sales or exchanges in connection with certain liquidations, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, I reserve the right in order to yield to the gentleman from Arkansas, the chairman of the Committee on Ways and Means, for an explanation of the bill. I now yield to the gentleman from Arkansas.

Mr. **MILLS.** Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, the bill, H.R. 18101, is concerned with two aspects of the provision of present law which provides for no recognition of gain to a corporation where within a 12-month period it sells its business and distributes the proceeds to its shareholders in a liquidating distribution. The bill has been unanimously approved by your committee. The Treasury has indicated that it has no objection to the first of the modifications and that it favors the enactment of the second.

Present law provides that if a corporation adopts a plan of complete liquidation and within 12 months distributes to its shareholders all of its assets, then gain or loss is not recognized to the corporation for tax purposes as a result of any sales of business property—other than regular sales of inventory—made by it during this 12-month period. Before this provision was enacted in 1954, if a corporation in liquidation sold its property and distributed the proceeds to the shareholders, both the corporation and the shareholders were taxed on the gain realized by each but if a corporation distributed its property to the shareholders who then immediately sold it, only the shareholders were taxed on the gain realized. Thus, the provision adopted in 1954, which I have referred to, eliminated the tax at the corporate level when in a 12-month period the corporation sold the business property and made liquidating distributions, in order to accord this situation approximately the same treatment as where the distribution was of the assets in kind which were then sold by the shareholders.

The provision I have just described is not available, however, in the case of a corporation defined as a "collapsible corporation." This is a corporation which shareholders formed or used with the intent to sell the stock, or distribute the property in liquidation, before the corporation realized gain on property which it either had constructed or produced or had purchased. The avoidance of the corporate tax is prevented in the case of a collapsible corporation by recognizing ordinary income to the shareholders, instead of capital gain, either if the stock is sold or the corporation is liquidated. To accomplish this result it is also necessary to deny a collapsible corporation the benefits of the 12-month liquidation provision.

In general, however, the sanctions imposed by the collapsible corporation provision apply only for a limited period of time. Relief from taxation of the gain on a sale of stock as ordinary income is provided both where "purchased assets" have been held by the corporation for more than 3 years and where "constructed or produced assets" have been held by it for more than 3 years.

However, through a quirk in existing law, the right to liquidate a corporation within a 12-month period without the recognition of gain on sales by the corporation is available to a corporation which has held "purchased assets" for 3 years but is not available to a corporation which has held "constructed or produced" assets for more than 3 years.

This difference in treatment arises because it is only corporations defined as collapsible corporations which are denied the 12-month liquidation provision. In the case of purchased assets, a corporation is, by definition, no longer a collapsible corporation when it has held such assets for more than 3 years. On the other hand, in the case of a corporation holding "constructed or produced" property, the statute merely provides that ordinary income treatment will not apply to a shareholder when stock is sold, but there is nothing in the definition which says that such a corporation is no longer a "collapsible corporation."

It seems clear that the benefits of the special liquidation were denied in the case of constructed assets held for more than 3 years through an inadvertence at the time the provision was originally enacted. The amendment made by the first section corrects this error in the statute so that in the future both a corporation which purchased assets more than 3 years ago and a corporation which constructed assets more than 3 years ago will be able to qualify under the 12-month liquidation provision.

The amendment I have just described is to be effective with regard to sales and exchanges occurring after the date of enactment of the bill.

The second provision in the bill eliminates an abuse which has developed under the 12-month liquidation provision. As I have already indicated, under this provision a corporation may sell business properties within the 12-month liquidation period without the recognition of gain or loss. However, some corporations have been selling assets on which there is a loss shortly before the adoption of a plan of liquidation and then selling the assets on which there is a gain after the adoption of the plan. In this manner these corporations manage to obtain tax benefits from the losses on property which has depreciated, but pay no tax on the gain attributable to property which has increased in value. While an attempt has been made to prevent this manipulation by regulations, in the main this attempt has not been successful. The amendments made by the second provision of the bill deal with this problem by adding two new features to the 12-month liquidated section.

The first of these features provides that in determining whether a particular transaction results in ordinary gain or loss or capital gain or loss, the 12-month liquidation provision is to be disregarded. This is necessary because under present law in the case of most business assets all gains and losses in a taxable year are considered ordinary gains and losses if the losses exceed the gains but are considered capital gains and losses if the gains exceed the losses. In such a case, it is possible for a corporation to sell one factory and have an ordinary loss recognized at the beginning of the year—before the adoption of a plan of liquidation—and than later—after the adoption of the plan—sell another factory and have no gain recognized because the sale is within the liquidation period. The first feature added by the second provision of the bill makes this incongruous result impossible since the character of all gains or losses will be determined without regard to the 12-month liquidation provision.

The second feature added by this provision provides that if, in the 2-year period before the adoption of the plan of complete liquidation, ordinary losses from business property exceed ordinary gains from business property, then this excess of losses over gains is to result in the recognition of an equal amount of gain during the liquidation period but, of course, only to the extent of the actual gains which occurred during the liquidation period. The first gains recognized are to be treated as ordinary gain, to the extent of the actual ordinary gains, and then, if there is any more gain to be recognized, the remainder is to be treated as capital gain.

Both features of this second provision of the bill apply to plans of complete liquidation adopted in taxable years beginning after the date of enactment of the bill. However, to be sure that the provision is only prospective in effect, in determining the gains and losses in the 2-year preliquidation period only sales and exchanges occurring after the date of enactment of the bill are to be taken into account.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I join in supporting this bill—H.R. 18101—which deals with the provisions of the Internal Revenue Code relating to corporate liquidations. The bill does two things. First, the bill conforms the provisions relating to sales of property in pursuance of a plan of liquidation with the provisions governing "collapsible corporations." Apparently through oversight, the rules for collapsible corporations did not conform to the preliquidation rules where the property had been held by the so-called collapsible corporation for more than 3 years.

In addition, the bill tightens up the rules governing preliquidation sales to prevent a situation where some property may be sold in advance of a liquidation in order to establish a loss, while the remaining properties on which there would be a gain are disposed of under the nonrecognition provisions of the law. The Treasury regarded this as a "loophole" and I am inclined to agree.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 18101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (A) of section 337(c)(1) of the Internal Revenue Code of 1954 (relating to gain or loss on sales or exchanges in connection with certain liquidations) be amended to read as follows: "made by a collapsible corporation (as defined in section 341(b)) unless section 341(a) does not apply to the sale or exchange of stock of such corporation because of section 341(d)(3), or".

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) subparagraph (A) of section 337(c)(1) of the Internal Revenue Code of 1954 (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended to read as follows:

" '(A) made by a collapsible corporation (as defined in section 341(b)) other than a corporation to the sale or exchange of stock of which section 341(a) would not apply by reason of section 341(d)(3), or".

"(b) The amendment made by subsection (a) shall apply with respect to sales or exchanges of property made after the date of the enactment of this Act.

"Sec. 2. (a) Section 337 of the Internal Revenue Code of 1954 (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended by adding at the end thereof the following new subsections:

" '(e) Coordination With Section 1231.—In applying section 1231, the determination as to whether any gain or loss is a recognized gain or loss shall be made without regard to this section.

" '(f) Effect of Loss Transactions Before Adoption of Plan.—

" '(1) In General.—If—

" '(A) the aggregate of the gains which would, but for this subsection, not be recognized by reason of subsection (a) exceeds the losses not recognized by reason of subsection (a), and

" '(B) there is an excess of preliquidation losses over preliquidation gains during the 2-year period ending on the day before the date of the adoption of the plan of complete liquidation,

then notwithstanding subsection (a) there shall be recognized so much of the gains referred to in subparagraph (A) as equals in amount whichever of the following amounts is the smaller: (i) the excess referred to in subparagraph (A) or (ii) the excess referred to in subparagraph (B).

" '(2) Application of paragraph (1).—The gains which are recognized by reason of paragraph (1) shall be determined, first, by recognizing (in order of time) those gains which are not (or are considered as not) gains from sales or exchanges of capital assets held for more than 6 months, and then by recognizing (in order of time) any other gains.

" '(3) Preliquidation losses and gains.—For purposes of this subsection—

" '(A) "A preliquidation loss" is any loss from a sale or exchange (during the 2-year period ending on the day before the date of the adoption of the plan of complete liquidation) to which this section would apply if occurring within the 12-month period referred to in subsection (a), other than a loss from (or considered as from) the sale or exchange of a capital asset.

" '(B) A "preliquidation gain" is any gain from a sale or exchange (during the 2-year period ending on the day before the date of the adoption of the plan of complete liquidation) to which this section would apply if occurring within the 12-month period referred to in subsection (a), other than a gain from (or considered as from) the sale or exchange of a capital asset.

" '(4) Certain preliquidation losses not in anticipation of liquidation.—If the taxpayer establishes that one or more of the preliquidation losses arose from transactions which were not in anticipation of liquidation of the corporation and if the aggregate amount of such losses exceeds the aggregate amount of preliquidation gains, then for purposes of this subsection—

" '(A) such losses shall be treated as losses which are not preliquidation losses; and

" '(B) the taxpayer shall be treated as having no preliquidation gains.'

"(b) The amendment made by subsection (a) shall apply in the case of plans of complete liquidation adopted during taxable years beginning after the date of the enactment of this Act, except that in applying subsection (f) of section 337 of the Internal Revenue Code of 1954 (added by such amendment) there shall be taken into account only sales and exchanges of property occurring after the date of the enactment of this Act.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the committee amendment and that it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend section 337 of the Internal Revenue Code of 1954 with respect to the recognition of gain or loss on sales or exchanges in connection with certain liquidations."

A motion to reconsider was laid on the table.

INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1578), to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs, which as unanimously reported to the House by the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, but I do so in order to yield to the gentleman from Arkansas, the chairman of the Committee on Ways and Means, for an explanation of the bill.

Mr. MILLS. I thank my friend, the gentleman from Wisconsin [Mr. Byrnes].

Mr. Speaker, the purpose of S. 1578, as passed by the Senate and unanimously reported by the Committee on Ways and Means, is to authorize the annual appropriations of such sums as may be necessary for the payment of the U.S. share of the expenses of the International Union for the Publication of Customs Tariffs and of the Bureau established to carry out the functions of the Union. The authorizations would be limited to 6 percent of such expenses per annum.

Mr. Speaker, the International Bureau for the Publication of Customs Tariffs is a small, technical organization, the sole function of which is to translate and publish customs tariffs of member countries into five official languages—English, Franch, German, Italian, and Spanish. It was founded in 1890 by the United States and 40 other countries and now has over 70 members.

The work of the International Bureau is considered by our own Department of Commerce to be of major benefit to U.S. export expansion efforts. The International Customs Journals published by the Bureau are often the only available English translations of foreign tariffs, and their availability considerably lessens the cost to the Department of supplying tariff information in translated form to the U.S. business community and to other government agencies.

The increase in the complexity of tariffs and the rise in the number of new nations has led to a significant increase in the workload of the International Bureau. Moreover, comprehensive changes in the tariffs of most major trading nations resulting from the recent Kennedy round of multilateral tariff negotiations has greatly increased the Bureau's workload, and its present budget has become inadequate to its task.

Mr. Speaker, member nations are grouped for assessment purposes in seven categories, based on the value of their international trade. The United States is in the first category and until 1949 was assessed $2,233 a year. That year, a protocol to the original convention was adopted and approved by the Senate which raised the overall budget and increased the U.S. portion to $8,658 per annum.

Because of its increased workload and the necessity for updating its budget to adequately perform its functions, the Bureau has asked its member countries to double their contributions. As of the end of 1966, 49 of the 75 members had done so. The bill before the House, S. 1578, will permit the United States to do likewise.

Mr. Speaker, favorable reports on this legislation have been received from the Departments of State, Treasury, Commerce, and Labor, and an informative report was received from the Tariff Commission. The Committee on Ways and Means is of the opinion that the work of the Bureau is of very considerable benefit to the export trade of the United States and to the Government agencies concerned therewith and, as stated before, the committee is unanimous in recommending to the House enactment of S. 1578.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Arkansas if I am correct that, as I understand it, this then would be approximately $17,000?

Mr. **MILLS**. The gentleman is correct, about $17,300 maximum.

Mr. **GROSS**. This means an increase from 1949 from the sum of $2,300 to $17,300?

Mr. **MILLS**. We can go back further than that. I believe that was the amount we were paying in 1900.

Mr. **GROSS**. Can we say that that is a pretty good indication of the inflation that has taken place under the Great Society in the past few years?

Mr. **MILLS**. But that is applicable throughout the world, and I believe it has happened throughout the world. Many additional countries, of course, have been added to this group, which of course has increased the workload.

Mr. **GROSS**. I thank the gentleman for yielding.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Department of State such sums as may be necessary, including contributions pursuant to the convention of July 5, 1890, as amended, for the payment by the United States of its share of the expenses of the International Union for the Publication of Customs Tariffs and of the Bureau established to carry out the functions of the Union.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE TARIFF SCHEDULES OF THE UNITED STATES

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2155) to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

On page 1, in the 4th column of the table following line 7, strike out "0.75¢ per lb." and insert: "0.6¢ per lb."

On page 1, line 8, after "2." insert: "(a)".

On page 2, after line 2, insert:

"(b) Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1969, January 1, 1970, January 1, 1971, and January 1, 1972, item 149.48 of the Tariff Schedules of the United States (as added by the first section of this Act) is amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof, respectively, '0.4¢ per lb.', '0.3¢ per lb.', '0.1¢ per lb.', and 'Free'.

"(c) (1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act and amended by subsection (b) of this section) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

"(2) For purposes of section 351(b) of the Trade Expansion Act of 1962, the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934."

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order that the chairman of the committee [Mr. MILLS] may explain the amendments of the Senate.

Mr. **MILLS**. Mr. Speaker, will the gentleman yield?

Mr. **BYRNES** of Wisconsin. I yield to the gentleman.

Mr. **MILLS**. Mr. Speaker, as the Members will recall, the purpose of H.R. 2155, as passed by the House on March 14, 1967, was to amend the Tariff Schedules of the United States to make fresh Chinese gooseberries subject to the tariff rate equivalent to the general tariff level applied to berries rather than the tariff level applied to other fruits. Specifically, the bill would have changed the tariff rate from 17.5 percent ad valorem to 0.75 cents per pound—the rate of duty on berries which existed before the Kennedy round reductions commenced on January 1, 1968.

The substance of the House bill was agreed to in the other body. However, it was found necessary to make technical amendments to the provisions of the House-passed bill to take into account the results of the Kennedy round of trade negotiations. These negotiations were completed on June 30, 1967, after H.R. 2155 was passed by the House, and the results of the negotiations proclaimed to be effective beginning January 1, 1968.

One of the Senate amendments assures that the periodic reductions in duty on berries agreed to the Kennedy round will apply to imports of Chinese gooseberries.

Under the Senate bill, the new rate is treated as a rate of duty proclaimed by the President as being required or appropriate to carry out trade agreements to which the United States is a party rather than being treated as a statutory rate. This technical amendment assures that under the new rates of duty, the adjustment assistance and escape clause provisions of the Trade Expansion Act will apply with respect to Chinese gooseberries just as they would apply if the rate had been established by trade agreement authority.

The technical amendments appear meritorious, and I recommend that the House concur.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate ammendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in connection with any or all of the bills that are considered under this procedure today.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION TO CONSIDER CERTAIN BILLS IN LEGISLATIVE PROGRAM THIS WEEK

Mr. **McFALL**. Mr. Speaker, I ask unanimous consent that it may be in order this week on any day from Tuesday until the end of the week to call up under the general rules of the House two bills, first, the bill (H.R. 19418) to expedite the retirement of Government capital from the Federal intergovernment credit banks; and second, the bill (H.R. 19747) to strengthen and improve the Older Americans Act of 1965.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

Mr. **GERALD R. FORD**. Mr. Speaker, reserving the right to object, would the gentleman from California assure the House that if this unanimous consent is agreed to that it is only for the consideration of the two bills and not for their approval.

Mr. **McFALL**. Mr. Speaker, will the gentleman yield?

Mr. **GERALD R. FORD**. I yield to the gentleman.

Mr. **McFALL**. It is my understanding that that is correct. They would be considered under the rules of the House and be open for amendment by Members of the House.

PARLIAMENTARY INQUIRY

Mr. **GERALD R. FORD**. Mr. Speaker, may I make a parliamentary inquiry.

The **SPEAKER**. The gentleman will state the parliamentary inquiry.

Mr. **GERALD R. FORD**. Mr. Speaker, pursuant to the way in which the unanimous-consent request has been put, the bills would be considered either in Committee of the Whole or in the House itself and in either case they would be open to amendment at any point?

The **SPEAKER**. The gentleman is correct.

Is there objection to the request of the gentleman from California [Mr. McFALL]?

There was no objection.

LEGISLATION PROGRAM

Mr. **McFALL**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to

the request of the gentleman from California?

There was no objection.

Mr. McFALL. Mr. Speaker, I have asked for this time for the purpose of making an announcement as to the legislative program.

Mr. Speaker, I am informed by the Committee on the District of Columbia that tomorrow they will ask unanimous consent for the consideration of the following bills:

S. 2439, to increase the number and salaries of judges of the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia, the salaries of the District of Columbia Court of Appeals and the District of Columbia Tax Court, and for other purposes;

S. 1246, District of Columbia Public Space Utilization Act, amended;

S. 1247, District of Columbia Public Space Rental Act, amended;

S. 2017, authorizes the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years; and

S. 2592, to amend section 539 of the act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia.

S. 2496, authorizes the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area——

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman from California will yield, is this a unanimous-consent request that the gentleman is making?

The SPEAKER. The gentleman from California is making the announcement that these bills may be called up by unanimous consent on tomorrow or any other day this week.

Mr. GERALD R. FORD. Mr. Speaker, is this a unanimous-consent request?

The SPEAKER. No, the gentleman is not making a unanimous-consent request but is simply making the announcement that the bills may be considered under unanimous consent just the same as the bills from the Committee on Ways and Means were considered.

Mr. GERALD R. FORD. And they would all be subject to objection, if someone were so disposed?

The SPEAKER. Yes.

Mr. GERALD R. FORD. Mr. Speaker, may I ask the distinguished gentleman from California with reference to the two bills, the Older Americans Act Amendments of 1968 and the other bill expediting the retirement of Government capital from the Federal Intermediate Credit Bank, does the gentleman know on what day of this week those bills would be programed?

Mr. McFALL. I believe they would be programed on tomorrow.

The SPEAKER. Of course, subject to the calling up of conference reports.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, is the conference report on the vocational education bill coming up tomorrow?

The SPEAKER. The Chair has no information about that report having been filed.

Mr. YATES. I thank the distinguished Speaker.

AMENDING SECTION 502 OF THE MERCHANT MARINE ACT, 1936

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17524) to amend section 502 of the Merchant Marine Act, 1936, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amendment: Page 1, line 6, strike out "June 30, 1970," and insert "June 30, 1969,".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished chairman of the Committee on Merchant Marine and Fisheries explain this amendment?

Mr. GARMATZ. Mr. Speaker, the House passed the bill with a 2-year program to expire on June 30, 1970. The other body decided on 1 year which would cut it back to June 30, 1969. We are accepting the Senate amendment.

Mr. GERALD R. FORD. In other words, instead of a 2-year program, it is a 1-year program?

Mr. GARMATZ. The gentleman is correct.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ALL COLLEGES AND UNIVERSITIES SHOULD COPY DUKE'S REGULATIONS

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I have received from the president of Duke University of Durham, N.C., a copy of the policy set forth by a student-faculty-administration committee governing pickets, protests, and demonstrations at that university. It is a model that should be copied by every institute of higher learning in the country. Had such regulations been in effect at Columbia University, for an example, that once eminent university would not be in the shambles it is now in.

These regulations are not in any way oppressive; not in any way a breach of the right of peaceful assembly, protest, or demonstration. They are guidelines of such commonsense that it amazes the reasonable man that they are not in effect everywhere at every college and university. This policy statement says one other thing between the lines: that Duke is in business to provide academic knowledge and academic freedom at the same time and that, under responsible leadership, they can be had simultaneously.

I commend the president of Duke and the student-faculty-administration committee. They have shown others the way. I can only hope others have the commonsense to follow.

I make a copy of the Duke policy a matter of record in the hopes that it will act as a challenge to the faculty and the student body of that great school to enforce and live up to its commonsense:

STATEMENT OF POLICY AND RULES AND REGULATIONS ON PICKETS, PROTESTS, AND DEMONSTRATIONS, DUKE UNIVERSITY, AUGUST 2, 1968

Duke University respects the right of all members of the academic community to explore and to discuss questions which interest them, to express opinions publicly and privately, and to join together to demonstrate their concern by orderly means. It is the policy of the University to protect the right of voluntary assembly, to make its facilities available for peaceful assembly, to welcome guest speakers, and to protect the exercise of these rights from disruption or interference.

The University also respects the right of each member of the academic community to be free from coercion and harassment. It recognizes that academic freedom is no less dependent on ordered liberty than any other freedom, and it understands that the harassment of others is especially reprehensible in a community of scholars. The substitution of noise for speech and force for reason is a rejection and not an application of academic freedom. A determination to discourage conduct which is disruptive and disorderly does not threaten academic freedom; it is, rather a necessary condition of its very existence. Therefore, Duke University will not allow disruptive or disorderly conduct on its premises to interrupt its proper operation. Persons engaging in disruptive action or disorderly conduct shall be subject to disciplinary action, including expulsion or separation, and also to charges of violations of law.

RULE

Disruptive picketing, protesting or demonstrating on Duke University property or at any place in use for an authorized University purpose is prohibited.

DEFINITION

Disruptive picketing, protesting, or demonstrating consists of any conduct which directly interferes with the orderly operation of the University or with the lawful pursuits of any member of the University community or any person otherwise on University premises with the express or implied permission of the University.

Without in any way limiting the scope of the foregoing definition, the following actions are specifically prohibited:

a. Unauthorized occupancy of University facilities or buildings.

b. Interference with the rights of students, faculty or staff and persons who are guests of the University to gain access to any University facility for the purpose of attending classes, participating in interviews, conferences or any other proper purpose.

c. Interference with the orderly operations of the University, by breach of the peace, physical obstruction or coercion, or by noise, tumult, or other forms of disturbance.

d. Interference with University traffic, be this traffic pedestrian or vehicular.

IMPLEMENTATION

Violation of the rule stated above shall lead to appropriate disciplinary action. Charges of such violations may be brought by the President or his delegated representatives. Lack of prompt response to a cease and desist order by the President or his representative will constitute an aggravation of the offense.

HEARING AND APPEAL

Hearing Committees will be appointed by the Executive Committee of the Academic Council to judge initially and expeditiously all cases involving students which arise under the regulations that pertain to pickets, protests and demonstrations. The Hearing Committees are to be regarded as a temporary arrangement subject to re-examination after the report of the Committee on Judicial Procedures is at hand.

A Hearing Committee will consist of two faculty members, one Dean and two students. These students will be selected from members of the judicial boards or governments in the undergraduate, graduate or professional colleges or schools. The Chairman of the Hearing Committee will be designated by its members.

The Hearing Committee will conduct its proceedings in accordance with academic due process.

The decision of the Hearing Committee shall be final if the accused is exonerated or if there is no appeal. In other cases appeal may be taken to the President, in which case such appeal shall be solely on the record of the proceedings before the Hearing Committee. Argument on appeal shall be on written submission, but the President may in addition require oral argument.

The procedures for faculty members will follow the arrangements provided under the regulations for the guarantee of tenure in the University.

The procedures for non-academic employees will be as provided in the *Personnel Handbook.*

AMENDMENTS

These regulations on Pickets, Protests, and Demonstrations may be changed or amended by the University at any time but any such change or amendment shall be effective only after due notice or publication. These regulations supersede any regulations heretofore issued on the subject.

PRIDE

Mr. **BROYHILL** of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. **BROYHILL** of Virginia. Mr. Speaker, I never cease to be amazed and appalled at the failure of these liberals who are engaged in so freely handing out the taxpayers' money to crooks to "tell it like it is."

Specifically, Mr. Speaker, I mean the failure of the Vice President of the United States, the Secretary of Labor, and, most recently and shockingly, the Comptroller General of the United States, to tell it like it really is about PRIDE, Inc., the training center for corruption Secretary Willard Wirtz just refunded with $3,800,000 of taxpayers' funds in defiance of the expressed will of Congress.

On September 4, Mr. Speaker, I related in some detail to this House the activities of PRIDE leaders, including taking and pushing of narcotics, murder of innocent businessmen, "selling" of posters to frightened merchants under threat of arson or worse. Two days later, our distinguished colleague in the other body, the Honorable ROBERT BYRD of West Virginia, read to the Senate a report from the General Accounting Office that 87 percent of the PRIDE employees they had so far interviewed had substantiated charges ranging from forced kickbacks to supervisors and payroll padding to pushing of narcotics by PRIDE officials.

Now, Life magazine, in the September 27 issue, reports in some seven pages of praise for PRIDE, that Jack Howard, Executive Assistant to Secretary Wirtz, says, and I quote:

> We assume there will be some backsliding. If there isn't, PRIDE isn't reaching the right population. Besides, when months pass with no evidence to support the rumors, they would appear to be exaggerated.

Unfortunately for Mr. Howard, and the Life reporter he either knowingly duped or cooperated with in a planned whitewash of PRIDE, the rumors are no longer rumors, nor were they rumors as much as 20 days before the Life story reached the newsstands.

Mr. Speaker, Life failed to tell it like it is. What appeared on the pages of Life was an apology for one of the worst organizations being operated in this country under a pretense of fighting poverty. I believe I have at least a partial explanation as to why Life failed to tell it like it is, and why Life's reporter failed to see it like it is even when it was pointed out to him.

Life's reporter may not have known about the PRIDE supervisor who took his crew into Ben Brown's liquor store and shot Mr. Brown while his boys were busily removing the bottles from the shelves. He certainly failed to mention it. He may not have known about the PRIDE boys who sent their friends into a local market to warn the manager, whom they had twice robbed and assaulted, that they'd "really get him next time" when they got out on parole. He certainly failed to mention it. He may not have known about the PRIDE boys whose bonds were being posted during the April Washington riots by the "chairman of the board" of PRIDE—with taxpayers' money.

But he did know that the General Accounting Office was investigating PRIDE, and failed to mention this fact in his article. Perhaps I have an explanation for even this omission, Mr. Speaker, and I would like at this point to read the explanation as it was given to me by letter from that reporter:

> DEAR CONGRESSMAN: I enclose, with my warm thanks for your helpfulness and courtesy to me, a copy of the Pride article which appears in the current Life.
>
> In the light of reports about the GAO investigation made public since the article went to press, I think it only fair for me to explain that when I talked with GAO investigators earlier, their view was that the books were in rather good order and that if there were problems, they were not extensive. One told me he found financial records in better condition than many businesses he has examined.
>
> In any event, I appreciate your taking the time to give me a helpful interview.
>
> Sincerely,
>
> JACK ROSENTHAL.

Mr. Speaker, I am today asking the Comptroller General of the United States to give me an explanation of this letter. I long ago quit expecting the Department of Labor to tell it like it is. But the Comptroller General of the United States is charged with conducting investigations for the Congress of the United States—not with providing information to members of the press to whitewash corrupt programs. I am asking the Comptroller General what investigator on his staff, if any, told Mr. Jack Rosenthal of Life that he found financial records of PRIDE, Inc., in better condition than many businesses he has examined; what investigator on his staff, if any, said PRIDE's books were in rather good order and that "if there were problems, they were not extensive."

The problems I related to the Members of this House on September 4 were extensive, Mr. Speaker. They were problems of murder, addiction, narcotics sales, payroll padding, robberies, assault, arson, and blackmail.

I regret that Life magazine failed to tell it like it is, Mr. Speaker. But the editors and staff of Life magazine are members of the free press, and they can tell it as they choose, right or wrong. But Congress must demand that the Comptroller General of the United States and his staff tell it like it is, Mr. Speaker. The entire Congress deserves an explanation of this incident, Mr. Speaker, and I, for one, demand one.

LOW-LEVEL ATTACKS ON THE REPUBLICAN NOMINEE

Mr. **FRELINGHUYSEN.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **FRELINGHUYSEN.** Mr. Speaker, I am shocked that former Under Secretary of State and former U.N. Ambassador George W. Ball, and now a key foreign policy adviser to Mr. HUMPHREY, should be engaging in low-level attacks on the Republican presidential nominee, Richard Nixon. That these attacks should have been made from the facilities of the U.S. State Department, which obviously should not be involved in politics, makes them even more unseemly.

Furthermore, Mr. Ball's abrupt resignation from the United Nations only a day after his formal confirmation by the U.S. Senate, and his replacement by a man with no diplomatic experience, downgrades and demeans the U.N. It gives the unmistakable impression to members of that body that the United States cares little or nothing for that international organization.

Following up his initial attack on Mr. Nixon, Mr. Ball stated, wholly without foundation, that the Republican nominee would "probably escalate the Vietnam war if he becomes President." He also accused Mr. Nixon of moving from one position to another according to "political exigency." Well, let us take a look at Mr. Ball's record.

Mr. Ball was appointed Under Secretary of State on December 4, 1961; he resigned from that position on September 30, 1966. During Mr. Ball's tenure of office troop strength in Vietnam increased to 330,000 men. In 1962–63 the United States sent 7,000 U.S. advisers to Vietnam, and by the end of 1963, 14,000 men had been sent there.

This so-called dove, Mr. Ball, was sitting in the State Department as Under Secretary when the bombing of North Vietnam began in February 1965. He was there on March 9, 1965, when the first U.S. combat troops went into Vietnam. He was there in July 1966 when the decisions were made to increase the troop level to 438,000, and also to bomb Hanoi and Haiphong.

Interestingly, on June 26, just before the bombing of the oil dumps began, Under Secretary of State Ball was on NBC's "Meet the Press" where he assured the world that no decision to bomb Hanoi and Haiphong had been made. Was he ignorant of the decision that had been made or was he lying?

One might contend that Mr. Ball, as a member of the administration's team, had no right to speak out. While this may be true, George W. Ball, on April 2, 1967—by then former Under Secretary of State—appeared on another "Meet the Press" program. When asked about the bombing in Vietnam, he replied:

> Well, I think the bombing is a significant element in what is being done to try to stop the aggression of the North Vietnamese.

In another spot on the same program he said:

> I think the American people by and large fully support the Administration position. I think this is shown by every indicator.

Mr. Ball also said:

> I would say that what we are doing in Viet Nam is giving support to a nation which is exercising the right of self-defense.

So, even after he had left the Department and as a private citizen, Mr. Ball failed to raise a voice against administration policy. It will be interesting to see if this newly hatched "dove" has now changed his position.

In the light of these statements and Mr. Ball's record, any words of his about our presidential candidate come with poor grace. Mr. Nixon has never sent an American boy overseas to fight in a foreign war. As a matter of fact, as part of the Eisenhower team Mr. Nixon helped terminate the Korean war. Mr. Ball as a member of the present Democratic administration from 1961 to 1966 has participated in decisions sending over a quarter of a million men to Vietnam. These actions have cost the United States 4,179 dead and 30,093 wounded in 1966.

REPORT OF REPRESENTATIVE ALEXANDER PIRNIE, PRESIDENT OF THE U.S. GROUP TO THE INTERPARLIAMENTARY UNION, LIMA CONFERENCE, SEPTEMBER 5–13, 1968

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. Pirnie] is recognized for 60 minutes.

Mr. PIRNIE. Mr. Speaker, as President of the U.S. Group to the Interparliamentary Union, it is my privilege at this time to report to the Congress on the results of the 56th plenary session of the world's oldest international organization of parliamentarians.

The conference held in Lima, Peru, during the period September 5–13, was noteworthy in many respects. In addition to providing an enlightening experience for those of us who were afforded an opportunity to be in attendance, it was the occasion for the passage of resolutions having special significance to the United States and the free world. I will elaborate on this later in the report but first I wish to comment on the delegation's brief visit to Colombia en route to our primary mission in Peru.

The other members of the U.S. Group were Senators Gordon Allott, of Colorado, Howard W. Cannon, of Nevada, B. Everett Jordan, of North Carolina, Ralph C. Yarborough, of Texas, and Representatives E. Ross Adair, of Indiana, Emilio Q. Daddario, of Connecticut, Edward J. Derwinski, of Illinois, Paul C. Jones, of Missouri, Robert McClory, of Illinois, Joseph M. McDade, of Pennsylvania, John S. Monagan, of Connecticut, and W. R. Poage, of Texas.

Our 13-member delegation departed Washington on Sunday, September 1, flying nonstop to Bogotá, Colombia, where we were warmly received by our able Ambassador Reynold E. Carlson and a distinguished group of Colombian legislators.

In the course of making the arrangements for our brief stay in Colombia we indicated to Ambassador Carlson our desire to make this visit to the capital of our friendly South American neighbor as meaningful as possible. We expressed a desire to meet with some of our counterparts in the Colombian Congress for the purpose of exchanging views on our respective responsibilities. We also hoped to gain a better understanding of the problems confronting Colombia and of the proper role of such U.S.-supported activities as the Alliance for Progress in developing solutions for these problems. In short, we wanted to see as much and learn as much as we possibly could during our necessarily brief stay in Bogotá. What we were able to accomplish in less than 3 days was beyond even our most optimistic expectations.

As previously mentioned, the welcome extended us was most cordial. We were immediately made aware that we were among friends who shared our sincere desire to improve already good U.S.-Latin American relations.

Significant events that we shared during our stay in Bogotá are deserving of special mention. First, it was our privilege to be received by Colombian President Carlos Lleras Restrepo. We conferred with him for more than an hour and during the course of this friendly exchange between President Lleras and our delegation it was emphasized from both sides that the relationship between our two nations has been both friendly and productive. It was also stressed by the President and by me as spokesman for our delegation, that it was our desire that this partnership continue in the years ahead.

President Lleras had prepared for our visit special remarks which are appended to this report so that all of my colleagues will have a chance to learn of the thinking of this distinguished Colombian.

Also during our stay in Bogotá we participated in the first roundtable discussion between United States and Colombian Congressmen ever held in that nation. This special program arranged by the Embassy proved most rewarding for us and I am confident that the Members of the Colombian Congress who participated also found the session of great value. We exchanged views on our respective roles in our Parliaments, discussed the election process, reviewed existing bilateral agreements between our countries and answered questions relative to some of the serious domestic problems we face at home. For example, during the discussion on the Alliance for Progress Senators Allott and Yarborough and Representative Adair outlined our current fiscal situation. Among other things, they pointed out the necessity for our reducing some of our expenditures abroad during a period in which we find it necesary to raise taxes and lessen our support for some of our programs at home. This straight talk was understood by the Colombian Congressmen and I believe it gave them new perspective in their views toward the United States.

The roundtable discussion continued for more than 2 hours, in fact we all were so absorbed in the program that we failed to notice that it had extended beyond the designated time limit. We were sharing and learning together and I believe that all of us would have liked to hold back the clock so that we could continue this exchange of views. Speaking in behalf of the entire delegation, I can say that it was an experience we shall long remember.

In addition to having the special meeting with the President and participating in the roundtable discussion with the Colombian legislators, our group was officially received in the house and senate chambers. Senator Yarborough addressed a session of the senate and it was my privilege to perform this pleasant assignment before a full meeting of the house. According to the reports we received, this was the first time that Members of Congress of the United States had been so received.

We also attended the Labor Day reception for Colombian labor leaders at the U.S. Embassy and met with the American Society in Colombia at a luncheon meeting during which Senator Jordan and Representative Derwinski spoke on developments at home.

The reception accorded us by the people and officials of Colombia was most cordial and the response of the news media could only be described as enthusiastic. Our every move was chronicled in the press and several editorials appeared.

El Siglo, one of the leading dailies in Bogotá observed:

> Thirteen distinguished Congressmen from the United States are guests of Colombia. They will remain in Bogotá for three days, on their way to Lima, where they will be attending an Inter-American Parliamentary Meeting. During their stay in this capital (Bogotá) they will meet with the Colombian Legislative Chambers and with the President.
>
> Their visit is a pleasant one in all aspects. Because it is an honor to count them as our distinguished guests and because it is an opportunity for them to realize the efforts we are achieving to overcome our underdeveloped stage. And finally, because they will be able to appreciate the friendship and support given by our fellow countrymen to the people and government of the United States.
>
> Things at a distance are much different from what they are in reality. The consideration of an anguished cry for help can not be the same when physical and personal means are lacking for its evaluation. The distinguished Congressmen that today visit us will have a chance to observe with their own eyes that we are properly utilizing the dollars sent to us, that we are investing them in important works, that there is no waste, and that our people are not lazy, but hard workers.
>
> Welcome to Colombia; your presence among us will be a happy experience for you, just as we hope for the continuance of a policy of good will from the American Government and Congress, necessary for the solution of our problems.

Another prominent journal in Bogotá, Tiempo, took note of our visit to Colombia and in an editorial praising the value of such exchanges between legislators from different nations, said, in part,

> The U.S. Congressmen's visit to Bogota was obviously timely and pleasant. And even though it was a short one, there is hope that it will clarify misunderstandings and further strengthen relations between the two countries.
>
> These congressional exchanges constitute the best way for people from different countries to get to know each other when they take place in an informal atmosphere and are not surrounded by stiff, official protocolary measures and do not attempt to become supranational affairs.

It is difficult to assess the precise value of our pause in Colombia. We can only be guided by the reports of our Embassy staff in Bogotá who maintain that we served to improve the understanding between our two nations and our visit will have lasting significance.

For the second time in a matter of just a few days, the leadership of our delegation was received by a Chief of State of a South American country shortly after our arrival in Peru. Senator ALLOTT, Congressman DADDARIO, and I met with President Fernando Belaunde-Terry prior to the opening session of the Interparliamentary Union Conference. Later the same day, I called on Andres Townsend, President of the Peruvian Chamber of Deputies and Carlos Manuel Cox, President of the Peruvian Senate. While our very demanding schedule did not permit lengthy discussions with these distinguished Government officials the conferences were very stimulating. I found both very knowledgeable respecting our affairs and deeply imbued with a desire to continue an effective partnership between our respective nations.

From the moment we arrived in the Peruvian Parliament, which was the site for our entire conference, it was apparent that the No. 1 topic of conversation in the days ahead would be the recent intervention in Czechoslovakia by the Warsaw Pact nations. Ironically, the first agenda item before the Committee on Political Questions, International Security, and Disarmament, on which Congressman DADDARIO and I served as representatives of the United States, was a draft resolution condemning the intervention of States in the domestic affairs of other States, a subject which the Soviet Union proposed 2 years ago. Equally ironic was the fact that the delegate from Czechoslovakia, Mr. Novy, was scheduled as the rapporteur for this committee.

Unfortunately, the seats assigned to the Czechoslovakia delegation were never filled and this void served as a constant reminder throughout the conference of their tragic absence.

Immediately after the initial session of our Committee on Political Questions was underway a French delegate addressed the gathering and in very strong terms called for the IPU to condemn the U.S.S.R. and its Warsaw Pact allies for their intervention in Czechoslovakia. At the high point of his remarks he turned from the empty seats reserved for the Czechoslovak delegation, pointed his finger at the U.S.S.R. delegation and charged "the victims are absent but their assassins are here." The emotional impact of this statement was felt throughout the Chamber and it was obvious to even the casual observer that the Soviet delegation and its Warsaw Pact partners were to be on the defensive for the entire conference.

Speaking for the U.S. delegation, I made it unmistakably clear that we deplored the aggressive acts of the U.S.S.R., East Germany, Poland, Bulgaria, and Hungary. I called upon the Soviet Union and her allies "to withdraw their forces and to cease all forms of interference in Czechoslovakia's internal affairs—not next month, not next week, but now." The complete text of my remarks is appended. Delegate after delegate from nations around the world took the floor to join in this condemnation. The near unanimity of this attitude became evident immediately.

Congressman DERWINSKI, in a subsequent session, entered the debate and in a forceful address emphasized the concern of the free world over the "international lawlessness of the U.S.S.R." The Congressman, quoting President Johnson, emphatically stated:

> Let no would-be aggressor misjudge American policy—there will be no condoning aggressors and no appeasement of those who prowl across national boundaries by this or by any other American Administration.

Representative DERWINSKI concluded his remarks, which appear in their entirety at the end of this report, by suggesting to the Chief of the Soviet delegation that he "go back to Moscow and tell your associates that the freedom which your government is attempting to suppress in Czechoslovakia will overwhelm you, and the development of free institutions is long overdue and inevitable in all of Eastern Europe."

Repeated attempts were made by the Soviet delegation to have our committee report out a draft resolution consisting only of a statement of general principles on nonintervention. Such was not the mood of our membership. The Soviet delegation was repeatedly frustrated in its effort to modify what it considered language too strong to be acceptable. With only slight adjustments to remove certain unparliamentary language from the final resolution, our committee rejected all Soviet attempts to delete amendments specifically referring to Czechoslovakia. The stern resolution was approved.

Thereupon the Soviet Union delegation, accompanied by the delegations from Bulgaria, Mongolia, Hungary, and Poland staged a walkout, announcing that they were withdrawing from the Conference and would have to carefully consider future participation in IPU activities.

This resolution as passed, along with the other resolutions approved at the conference, appears at the end of this report.

The Union's action on this resolution was not the only move by this international body of parliamentarians that disturbed the Soviets.

Over the strong objections of the U.S.S.R. delegation the IPU approved the Republic of South Vietnam's application for reaffiliation with the Union. South Vietnam had been a member of our organization but its membership was suspended following the coup of 1962. The bylaws of the Interparliamentary Union require a duly constituted parliament in each of its member nations and since such a body ceased to exist in the Republic of South Vietnam in 1963, that nation was denied participation until its Congress should be reconstituted.

Now, as we know, the Republic of South Vietnam has had open and free elections establishing a duly constituted Parliament. Therefore it was in order that it should apply for reaffiliation with the IPU. It was anticipated that the Soviet bloc with their expressed hostility to South Vietnam and their long seeking of membership in the Union for East Germany, North Korea, and North Vietnam would endeavor to defeat any effort to act favorably on the application from the South Vietnamese.

The Union's Executive Committee, on which Representative DADDARIO serves, recommended to the Council that South Vietnam's application for resumption of membership in the Union be approved. It soon appeared that the opponents of such action realized that they would not be able to obtain widespread support for their effort to have the South Vietnam application rejected so the strategy was focused on postponing consideration of the matter until the session in Vienna in April 1969. The U.S. delegation strongly objected to such delaying tactics and we moved to bring the matter to a vote in Lima. Our opinion that South Vietnam now possessed a duly constituted Parliament was sustained by the IPU Council on a rollcall vote of member nations. Each nation has two votes in the IPU Council and on the final tally the Republic of South Vietnam's application for reaffiliation was approved by an overwhelming vote of 77 to 27 with 11 abstentions.

The significance of this action extended far beyond the confines of the Peruvian Parliamentary Chamber. On September 18, Ambassador Cyrus Vance, in the negotiations in Paris between the U.S. and North Vietnam over the conflict in South Vietnam, referred to the action of the IPU to refute the Hanoi government contention that the Republic of South Vietnam does not have a legitimate government that represents the people of that war-torn nation. Because of the vital importance of the Paris peace talks I include at this point excerpts from Ambassador Vance's September 18 remarks:

> Excellency, you continue to try to deny the legitimacy of the Government of Viet-Nam and to picture the Liberation Front as the legitimate voice of the South Vietnamese people. Your constant repetition of this claim will not change fiction into fact or, as you often say, black into white. As we have said earlier, the fact is that the Front was created in Hanoi. Its leadership was not elected by the people. It speaks only for itself, and for the Lao Dong party and Hanoi. It does not speak for the people of South Viet-Nam.
>
> The South Vietnamese have their own popularly elected and constitutionally based Government. That Government was selected in free elections in which nearly 60 per cent of the adult population of the South cast ballots. An even larger number of people might have voted had it not been for the large-scale campaign of violence and terror carried out against them by the Liberation Front and your military forces.
>
> The Government in the South has a large and functioning Administrative machine serving the people in all provinces. It has an effective military establishment. It is, in short, a reality with which your Government must be prepared to deal.
>
> I do not propose to dwell further on this matter except to cite one additional recent example.
>
> One week ago today, in Lima, Peru, the International Parliamentary Union re-admitted the Republic of Viet-Nam to membership by an overwhelming vote. Delegates from 41 countries voted in support of the Republic of Viet-Nam. Among those supporting its re-admission were 12 Asian countries. Only 13 countries voted against the Republic of Viet-Nam, and most of them were Communist countries. The only Asian vote against re-admission was that of Outer-Mongolia.
>
> This additional international recognition of the Government of the Republic of Viet-nam further emphasizes its standing in the eyes of most of the world. And it further weakens the unfounded claims you have made in support of the Liberation Front, which you have created.

While debate on the resolution pertaining to the interventoin in Czechoslovakia and our consideration of the Republic of South Vietnam's application for reaffiliation dominated the majority of our deliberation in Lima, these subjects were but two of the many discussed. Other questions, involving economic, social and political matters were reviewed and resolutions approved. These resolutions are appended.

The Educational, Scientific and Cultural Committee took an active part in the conference proceedings. The Committee, having previously recommended adoption of a draft resolution on "Parliament's Role in the Elaboration and Control of National Science Policy," debated this subject at length in Lima.

As Rapporteur of the Committee, Congressman McClory reviewed the vital role of science and technology in the rapid progress made by the developing countries, and emphasized the necessity of applying science and technology to bridge the gap toward greater economic and social development.

In describing the language of science as a universal language, Congressman McClory demonstrated that cordial relations between peoples of the world and the ultimate goal of world peace can be promoted effectively through the adoption of sound policies of scientific development and control.

In pointing to the rapid advances resulting from scientific and technological discoveries, Mr. McClory cautioned against the unintended consequences and damaging byproducts which scientific exploitation frequently produce. Attention was directed to the dangers associated with aircraft noises and specifically sonic boom, water and air pollution, the side effects and other possible hazards resulting from the use of drugs, including risks involved in the administration of drugs to cattle and other livestock bred for human consumption. He added that the parliamentary role must include control of scientific abuse, unintended byproducts and other dangers resulting from scientific and technological research and development.

In concluding his report, Congressman McClory set the tone of the Committee's position in these words:

> Let me express the hope, on behalf of all of my colleagues who have been privileged . . . to participate in the discussions . . . that the appropriate and planned utilization of scientific and technological knowledge and know-how for the benefit of mankind can transform our world of disparity, doubt, indifference and even discord into one of hope, progress, purpose and harmony.

Following Mr. McClory's report, more than 25 delegates from as many countries presented constructive statements on the general subject of the role of parliament in the elaboration and control of national science policy. Among those who participated were Mrs. Hedwig Meermann, Chairman of the Committee and a delegate from West Germany, as well as members from the delegations of Canada, Australia, Great Britain, the Soviet Union, Rumania, France, and others.

At a committee session that followed the general debate, Congressman Monagan discussed the subject of expanded cultural exchanges between nations, emphasizing the benefits that would result and the goals to be achieved through such people-to-people exchanges. As a result of Mr. Monagan's report the Committee agreed that it would continue discussion of such expanded cultural exchanges at the April 1969 Interparliamentary meeting in Vienna.

The Committee expects to continue its consideration of matters of prior concern; namely, first, the fight against illiteracy; second, the application of science to economic development; third, national science policy; fourth, cultural exchange, as well as others. In addition, there appear to be general interest in assigning a new study subject to the Committee for future sessions. This study subject—"The Obligation of Parliament To Protect the Human Environment and To Preserve Natural Resources for Future Generations"—was urged by Mr. McClory and Committee members from Great Britain, the Netherlands, Sudan, Denmark, and from several other delegations. The ultimate decision as to the subject of future study will, of course, be made by the Executive Committee.

Mr. Speaker, every member of our delegation was active in committee work during the course of the IPU conference. Each of our delegates was faithful to the tasks assigned and contributed full measure to the important work carried on by their committees and in promoting harmonious and close relations with delegates of other countries. A listing of committee assignments follows:

Committee on Political Questions, International Security and Disarmament: Representatives Pirnie, Daddario, and Adair;

Parliamentary and Juridical Committee: Senators Allott, Yarborough, and Cannon;

Economic and Social Committee: Senator Jordan and Representatives Poage and Jones;

Educational, Scientific, and Cultural Committee: Representatives McClory and Monagan; and

Committee on Non-Self-Governing Territories and Ethnic Questions; Representatives Derwinski and McDade.

The work of the Executive Committee was most exacting and Congressman Daddario participated actively in each session. Further he displayed sound parliamentary strategy in the stirring Council deliberations which he shared with Senator Allott and Congressman Derwinski. All three of these delegates were most effective in their roles and played a major part in the success attained.

Several administrative tasks had to be taken care of at Lima, the most important of which involved the election of a president for the IPU and the filling of three vacant seats on the Union's Executive Committee. Mr. Chandernagor of France was the successful Presidential candidate winning on the third ballot from among a field that included Mr. Vilfan of Yugoslavia, Mr. Aranegui of Spain, and Mr. Matine-Daftary of Iran. Representatives of Cameroon, Peru, and India were elected to fill vacant seats on the Executive Committee.

The question of "universality" which had been discussed at great length during our Dakar conference, was not considered in depth during our sessions in Lima. However, because of the continuing importance of the subject the Executive Committee appointed a committee of five to serve on a special universality task force with the responsibility for reviewing the matter in detail and reporting its findings to the committee during our 1969 conference. The task force is composed of the following: United States, Mr. Alexander Pirnie; U.S.S.R., Mr. J. I. Paletkis; Australia, Mr. C. W. Bridges-Maxwell; Sweden, Mr. Kaj Bjork; and Peru, Mr. Louis Alberto Sanchez.

Mr. Speaker, the report of our delegation would not be complete without high praise for the outstanding support we received from Ambassador J. Wesley Jones, who made it clear to our delegation that he and his staff wished to be working partners with us. That we were able to accomplish so much is attributable in no small part to the fine support given us by a very capable team of specialists who represent and serve the United States in Peru.

Praise is also due every member of our delegation for tireless efforts to contribute to the success of our mission. Without exception our delegates seriously applied themselves to the tasks with which we were confronted and were faithful in their attention and adherence to the demanding schedule established for them. Our daily work began with an early morning delegation strategy session in a conference room at our hotel and from there we would go immediately to the parliament building where we frequently were engaged in committee meetings well into the evening.

Once again, we were privileged to have as a member of our delegation the Honorable Katherine St. George, our able executive secretary. Mrs. St. George, who had a long and distinguished career in the House of Representatives, is a former President of the U.S. group and her familiarity with the problems and programs of the union enabled her to serve as a valuable consultant to our group. In the same way we benefited from the presence of Judge Homer Ferguson.

Also, accompanying us was a fine staff which served around the clock to perform in most excellent manner the many assignments that were given. Mr. Darrell St. Clair served as our administrative officer and Miss Milrae Jensen was our administrative secretary. Once again, the Department of State assigned a staff consultant, Mr. Donald F. McHenry, to provide us with timely counsel as the occasion warranted. This service he rendered with outstanding competency. Throughout the trip we once more benefited greatly from the fine services of Mr. Sherwood L. Boehlert, a member of my staff, who provided very valuable liaison assistance during the entire mission.

I would also like to make very special mention of the performance of our military escort headed by Col. John O. McFalls. The entire journey was carefully planned and efficiently executed. The other members of the staff included: Lt. Col. LeRoy W. Svendsen, Jr., House of Representatives liaison officer; Col. Robert Burwell, Air Force medical officer; M. Sgt. Donald P. Twombly, USAF; T. Sgt. P. O. Van Gilder, USAF.

I mention all of these people and their many contributions because as chairman I recognize, perhaps more than anyone else, that the success of the mission depended upon their enthusiasm, cooperation, and efficiency.

The material mentioned above follows:

Speech by Hon. Alexander Pirnie, Chairman, U.S. Delegation, Interparliamentary Conference, Lima, Peru

Mr. President, the United States delegation is deeply honored to be a partner to this 56th Conference of the Interparliamentary Union. We come to this magnificent chamber with high hope that what we may accomplish here in the important days ahead will have lasting significance.

First, let me extend to our host, the Peruvian government, our deepest appreciation for the gracious manner in which we have been received. The efficiency and consideration characterizing the arrangements have impressed us greatly and we are confident that our stay in this fine country will be memorable in every way.

Regrettably it has been two years since our last plenary session. Last fall, as now, international tensions were high and the need for meaningful dialogue among our members was very real. All of us hoped that the session long planned for Moscow would lessen this tension and advance the cause of world peace.

It had always been recognized that the host country was extending an invitation to the Union and not to individual members. Therefore, the action by the Soviet Union to exclude a member was contrary to Union principles and could not be permitted. Although improvised Executive Committee and Council sessions were held in Geneva, the anticipated opportunity for a timely and needed contribution to the best interests of the Union and the world was lost.

The cancellation of the Moscow meeting prevented the discussion by the full Conference of the situation in Southeast Asia where the United States has supported the efforts of the government and people of South Vietnam to determine their own destiny free from outside interference. There have, however, been significant developments in the interim. They are reflected in the hope expressed by the Secretary-General in his report—a hope shared by the United States—that the negotiations now taking place in Paris may be a turning point leading to a just, honorable and durable peace at the earliest possible date. I cannot overemphasize my country's fervant desire for a peaceful settlement in Vietnam.

While we lost an opportunity for timely and important discussions in Moscow, as we reconvene here in Lima that opportunity is renewed. Let us use it to good advantage.

Mr. President, at the outset I wish to make an observation which can have a real bearing upon the future stability of the Union.

There has been a growing tendency in recent years for the Union to become so involved in the crises current at the time of our meetings that we have failed to keep in mind the basic purpose of our organization, namely the promotion, strengthening and improvement of the parliamentary form of government.

Ours is a unique forum, one that brings together legislators—the voice of the people—from all parts of the world. We should embody in our discussions an exchange of ideas on parliamentary structure and the activities of the branch of government in which we are privileged to serve, the branch of government closest to the people.

Our continuing task should be to improve the manner in which we represent the people. We should be searching constantly for new approaches to our problems, new methods of tailoring the operation of the legislative branch so as to more efficiently and effectively serve the needs and aspirations of the people. We should seek to strengthen the role of Parliament throughout the world—as the spokesman and protector of free people everywhere.

We can all learn from each other, but such knowledge is less likely imported during the course of heated debate. It can come as the result of calm, cool dialogue between members who seek to find friendship and understanding. It is in our mutual interests to forge working partnerships between members who cherish that friendship and understanding.

There is a great need for us to be creative, imaginative, and resourceful in the discharge of our duties. The world is beset with problems; it is our responsibility to discover and develop their solutions.

I know we cannot and should not avoid critical issues, no matter how continuous, and for that reason I wish to address myself to the most sensitive item on our agenda. Before doing so, however, I wish to express my strong feeling that if we continue to devote ourselves exclusively to areas of difference too complex for us to cover in depth in the periods allotted to our conferences, we will only emphasize misunderstandings and never fully explore the areas of mutual interest and concern.

It is significant that the first draft resolution scheduled for debate in this conference decries intervention in the domestic affairs of states and calls for the protection of their independence and sovereignty. Ironically, the subject was first introduced by the Soviet Union which has persistently maintained it to be a principle of paramount importance and unquestioned validity. But what happened to this principle on August 20th last when Soviet troops and armor swarmed over the border into Czechoslovakia where they now remain?

What happened to this principle when troops of Poland, Hungary and East Germany joined the occupying force?

Was this invasion provoked by any hostile or aggressive act of Czechoslovakia? No.

Were any lives or property of the invading nations being imperiled by disorder within Czechoslovakia? No.

Did the government of Czechoslovakia invite the invasion of forces of the Soviet Union and its allies? The answer is again, no.

The only offense of Czechoslovakia was the introduction of changes within the social, economic and political structure of its own nation—changes approved by its people, expressing their wishes in their own internal affairs.

The Soviets have demanded the rolling back of these changes. Members of the government of Czechoslovakia have been arrested, confined and coerced. In an atmosphere of compulsion, conferences between Czech and Soviet leaders have been held, but the Czechs remained firm. As a result of this cruel invasion, what negotiation failed to accomplish, force is now compelling.

The duly-constituted Czech Parliament and even members of the Socialist system, Rumania and Yugoslavia, have called for prompt termination of this occupation but the troops and armor remain.

Daily reports reveal the systematic reimposition of the restrictive measures which the Czech people and government had determined to discard. This specter haunts us all. As parliamentarians we cannot ignore the appeal of the Czechoslovak National Assembly to Parliaments of all countries and to world public opinion for protection of their sovereignty. Therefore, we must call upon the Soviet Union and its allies to withdraw their forces and to cease all forms of interference in Czechoslovakia's internal affairs—not next month, not next week, but now!

Statement by Congressman Edward J. Derwinski, of Illinois, Against Soviet Seizure of Czechoslovakia, During Debate at the Interparliamentary Union Conference in Lima, Peru, September 6, 1968

Mr. Chairman, since many parliamentarians have effectively spoken today, analyzing the situation in Czechoslovakia, I need not repeat the detailed criticism leveled at the policies of the Soviet Union. Thorough criticism has been effectively expressed by numerous speakers properly concerned over the international lawlessness of the U.S.S.R.

Instead, I address myself directly to my “old acquaintance, Mr. Paletskis, and must point out to him and the other Soviet delegates that their government's action warrants world condemnation.

The actions of the Soviet Union in seizing Czechoslovakia in collaboration with four of its Eastern European satellites is a shocking display of imperialism and colonialism. The policies of the Soviet Union are so brutal, tragic and dangerous that its officials such as Mr. Paletskis must be bluntly advised of the effect of their policies.

It is clear that the U.S.S.R. has attempted to justify its occupation of Czechoslovakia by establishing an extremely dangerous concept in its relations with other Communist governments. May I point out that officials of the Warsaw Pact governments which collaborated with the U.S.S.R. must be painfully aware of the obvious U.S.S.R. rationale; namely, that the U.S.S.R. has the right to intervene in the internal affairs of Poland, Hungary, Bulgaria, East Germany, Romania, and Mongolia. I do not believe that any objective analysis can sustain this rationale of the U.S.S.R. May I emphatically state that the United States recognizes that we do not have any justification for interference in the internal affairs of any NATO country or any nation.

There are also rumors that the U.S.S.R. intends to repeat its actions elsewhere in Eastern Europe.

In taking note of this possibility, I wish to quote excerpts from a speech made by President Johnson last Friday, August 30th:

"Let no would-be aggressor misjudge American policy. . . . There will be no condoning aggressors and no appeasement of those who prowl across national boundaries—by this or by any other American administration.

"We cannot and we must not in the year 1968 return to a world of unbridled aggression. Surely it is too late in history for small nations to be denied their right to national existence. The Charter of the UN makes this a fundamental right of all nations, regardless of ideology, alliances or political distances. There should not be any doubt in the minds of anyone as to where the United States of America stands on a question so fundamental to the peace of the entire world.

"Let no one unleash the dogs of war. Let no one even in this period of highly charged domestic debate in our country ever doubt what the true views of the American people are on these matters."

Let me re-emphasize the basic fact expressed by President Johnson which I have just quoted—that people of the United States are determined that tyranny will not prevail anywhere in the world, and they will not acquiesce to Soviet imperialism and the expansion of its colonial structure.

Mr. Chairman and delegates, I believe that the Soviet occupation of Czechoslovakia is a sign of weakness, not strength. The peoples of the Soviet Union are deprived of all basic freedoms. Freedom of speech, press, political activity, and especially freedom of religion, are unknown in the Soviet Union today. Let us remember that Jewish, Catholic, Protestant, Orthodox and Muslem believers in the Soviet Union are all victims of religious persecution by a government legally committed to atheism.

The government of the Soviet Union Union deliberately suppresses the legitimate nationalism of the Baltic peoples, Ukrainians, Armenians and all other non-Russia nationalities within the U.S.S.R. Therefore, any type of free expression, such as was developing in Czechoslovakia, could cause a major movement against the Communist dictatorship within the U.S.S.R.

The Soviet government is contradicting the natural desire of people for freedom and individual opportunity. It would be far more practical for the Soviet Union to withdraw its troops and those of its satellites from Czechoslovakia and in a positive sense introduce freedom to its own subjects.

Of course, Mr. Paletskis, you do not understand political debate, for it is an experience not enjoyed in Russia. The U.S.S.R. is the poorer because it lacks free institutions. You should trust your citizens. People are born free and if they are deprived of freedom, the effect is to frustrate the very best in man.

Mr. Paletskis by appearance conveys a "grandfather" image. However, in actions his government shows itself to be a greater despot than the worst of the Czars.

The Soviet delegates must have noted the pride and spirit with which free parliamentarians conduct themselves at these conferences. My "old" acquaintance, Mr. Paletskis, would enjoy participation in this discussion much more if he were a product of a free electoral process. If the Soviet delegation were legitimately elected and truly represented the wishes of their people, they would understand, respect and cooperate with the objective attitude of free world parliamentarians.

It is obvious that the government of the Soviet Union is in effect a victim of its own propaganda. For example, the Soviets forever raise the fear of resurrection of German militarism and then ironically use East German military forces in the occupation of Czechoslovakia.

Soviet propaganda violently attacks the "capitalistic" system and yet when the leaders of Czechoslovakia made small steps toward the restoration of profit incentive to stimulate their economy, the Soviets crushed the development and doomed the Czechoslovakians to further economic stagnation.

History shows that a despotic government cannot suppress legitimate nationalism of people or their basic desire for freedom under governments of their own choice. The Soviet empire is doomed to disintegration. Only when true freedom and independence are provided to all people behind the Iron Curtain will a lasting contribution to world peace and progress be made by the Communist camp.

Don't fight the inevitable, Mr. Paletskis. Go back to Moscow and tell your associates that the freedom which your government is attempting to suppress in Czechoslovakia will overwhelm you, and the development of free institutions is long overdue and inevitable in all of Eastern Europe.

Remarks by Dr. Carlos Lleras Restrepo, President of Colombia, Addressed to the U.S. Delegation to the Interparliamentary Union Meeting, Bogota, September 3, 1968

I am pleased to extend to you my greeting and those of the Colombian Government. We appreciate your visit as an expression of friendship between our two countries, and we welcome this opportunity to exchange views on our bilateral relations as well as on Interamerican Affairs with such distinguished members of the United States Congress.

Relations between Colombia and the United States are strongly influenced by a tradition of close and fruitful cooperation. Decades of working together in the multiple tasks of forging an Interamerican Juridical System and setting the foundations of a just and prosperous hemispheric economy have established strong ties between our two Governments and our peoples.

The Interamerican System is a remarkable and unique development in the field of international relations. It began as a political and juridical concept at the end of the 19th Century. During World War II the American States agreed to establish a system of cooperation for mutual defense in view of the common danger. This cooperation was to be continued after the war in order to eliminate the internal risks brought about by poverty and underdevelopment. However, the reconstruction of Europe and the Cold War concentrated the attention of the United States in tasks outside of this Hemisphere. Then at the beginning of this decade the Alliance for Progress extended the Interamerican System into the economic and social fields.

This great cooperative effort is being threatened by fears and doubts in the United States as well as in Latin America. In Latin America there is skepticism in certain circles concerning the effectiveness of the Alliance, and fear that it may become an instrument of domination of the recipient nations. In the United States there is fear that the Alliance funds are being misused. There has also been a tendency in the juridical and political spheres, to return to positions of hardness that are reminiscent of the old spheres of influence concept. I have no doubts concerning the usefulness of the Alliance, and the positive results it has produced in Colombia. We have received significant assistance from the Alliance in our development effort. At the same time we are engaged in a comprehensive national program of self-help covering agrarian reform, improved taxation, social reforms, increased saving and investment, which we consider an indispensible part of the National Transformation.

COLOMBIA AND THE ALLIANCE PROGRESS

When the Alliance for Progress was launched in August 1961 Columbia was already pursuing actively the goals of economic progress and social justice. An agrarian reform bill was well on its way towards enactment in the Congress and a Development Program had been drafted by the government planning office. Our representatives had participated actively in the promotion and establishment of the Interamerican Development Bank, and we had argued strongly for the stabilization of commodity prices and the negotiation of an International Coffee Agreement.

We therefore welcomed the Alliance with enthusiasm as an answer to the challenge of underdevelopment, and clear commitment on the part of the United States to provide vigorous support to the process of democratic change in the Hemisphere.

After seven years of operation each one of us can probably point out shortcomings in the implementation of programs and areas where results have not been up to expectations. These shortcomings—inherent in any human endeavor should not obscure the fact that the Alliance is still one of the boldest experiments in international relations today. Our disappointment with certain procedural aspects should not lead to frustration or despair. It is clear that we underestimated the nature of the challenge of economic backwardness and social inequities. The effort to transform our Hemisphere will have to be measured in terms of decades rather than years.

Within the Alliance for Progress framework Colombia has received substantial support both of a multilateral and a bilateral kind. The former consists principally of loans and technical assistance obtained from the Interamerican Development Bank of which Colombia is a member. The financial activities of the Bank of Columbia cover many fields. In the strictly economic development sector there have been loans for electric power, industry, agricultural machinery and the modernization of our maritime ports. Loans for social improvement have been obtained for low cost housing, education, water and sewage facilities.

Bilateral assistance has been obtained from the Agency for International Development in the form of project loans and program loans. Purchases of surplus agricultural products under the terms of Public Law 480 have also been made. Project loans from A.I.D. have been granted for low cost housing and educational projects, for agrarian reform and supervised agricultural credits and for rural electrification. These loans have provided very useful supports to social welfare projects which are urgently needed and cannot await the long-term results of the strictly economic development programs.

Another form of bilateral cooperation has been the support which the United States Government and Congress have given to the International Coffee Agreement. Although world coffee prices have continued to decline in spite of the Agreement, violent price fluctuations have been avoided and a certain order has been achieved in the world coffee economy. As the world's largest coffee consuming nation, the United States has played a decisive role in bringing about the Agreement and we appreciate the enlightened role of the Congress and the Administration in this matter which is of vital importance to Columbia and to thirteen other coffee producing countries in the Hemisphere.

An important part of bilateral assistance to Colombia has been the A.I.D. program loans. These loans are not assigned to any specific project but are given in support of an over-all development program as balance of payments assistance for the maintenance of a minimum import level. They are utilized for the purchase of goods and services originating in the United States.

The day to day management of this bilateral assistance is not altogether free from difficulties and misunderstandings. The negotiation of the loan agreements is becoming increasingly complex and time consuming as is the subsequent implementation. Some of the delays result from differences on policy matters but there are procedural delays which unduly complicate and postpone disbursements. In the recent past as your own balance of payment problem has become a major preoccupation we have noticed a tendency to interweave the bilateral assistance with trade consideration which in our opinion are not very pertinent to our development policies. And as the resistance to the Foreign Aid Bill in congress has increased there has been a tendency to include in it provisions connected with special interests totally unrelated to the fundamental objective of promoting the development of the recipient nations.

For example, A.I.D. has insisted upon a system of prior approval in Washington for certain imports financed by the program loan, while manifesting its disagreement to the principle of import licensing. We have also disagreed with the provisions designed to guarantee the maintenance of a certain United States share of the Colombian market as a condition to the program loan.

I should also express to you our preoccupation with certain protectionist policies in the United States. In order to increase and diversify our exports we have encouraged the sugar industry and the exports of cotton textiles. An obvious market for these commodities is the United States, but the existence of fixed quotas has severely limited the growth of these new export items.

When the problem of foreign assistance is discussed the subject of foreign private investment as a possible substitute is sometimes raised.

We welcome foreign investment as a source of additional resources, new technology, administrative techniques and employment. We have given foreign investment a non-discriminatory treatment vis-a-vis domestic capital and our tradition has been one of respect for contracts and fairness in dealing with foreign capital. But there are limitations to the role of private foreign capital in the development of the national economy.

It cannot be considered an adequate substitute for the flow of public funds in the form of loans which constitute an advance of future savings and will eventually be paid off. There are certain sectors such as public utilities which are no longer considered attractive for private investment domestic or foreign. And there are certain other sectors of the economy which no nation wants to be subject to outside control indefinitely. That is why, all other things being equal, we would prefer to obtain foreign resources in the form of debt rather than in the form of direct investment. By maintaining the ownership of the means of production in Colombia hands we will encourage a healthier attitude towards private investment in general. At the same time we eliminate a potential source of political friction with the capital exporting countries.

To conclude let me put forth some suggestions as to possible improvements in the operation of the Alliance. One way to avoid some of the difficulties mentioned above is to put the Alliance increasingly on a multilateral basis.

Bilateral negotiations could sometimes be interfered with by political considerations or by matters which are not relevant to the goals of the Alliance. A paradoxical result of this situation is that the process of granting bilateral assistance may lead sometimes to friction and ill feeling between the two governments. The World Bank and the Interamerican Development Bank are multilateral institutions with long and fruitful experience in dealing with Latin America. They would serve as adequate channels for financial assistance from the United States as well as from other developed nations in a multilateral framework but in the meantime a resolute and sincere effort can be made to maintain cordiality and good understanding between the concerned parts. A more imaginative approach should be given to the problem of trade between developing and developed nations, particularly between Latin America and the United States. We have argued in favor of a better international division of labor within the Continent. Without underestimating the importance of Latin America integration we believe that a special and realistic kind of economic complementation of the Continent must be contemplated. The trade possibilities which the Latin American countries offer each other are considerable, but they are insufficient. We have to increase our exports to the enormous North-American market. Looking into the future we foresee the establishment in Latin America of labor-intensive industries which will supply the United States. Just as the textile industries moved from New England to the South in the search of more abundant labor we can envisage their gradual movement to Latin America as the capital intensive and technology intensive industries offer more attractive jobs to workers in the United States.

We must give back to the Alliance its original mystique, its appeal to higher ideals, its commitment to noble ends.

We must emphasize to public opinion in the Continent the enormous political and juridical progress which the Alliance implies. This great collective effort cannot be abandoned at the appearance of the first obstacles. It has already been suggested that we move from self-help to self-management. Certainly we can improve the operation of the Alliance by removing methods that create friction and give the impression of a desire to dominate and to introduce colonial practices.

As you see the interamerican agenda is long and complex, but the magnitude of the problems requires nothing less and we are engaged in a race against time. After seven years, the Alliance for Progress shows a positive balance in spite of the many problems it has encountered. Rather than slackening our efforts this is the time to pledge ourselves anew to the great and noble ideals which inspired the Alliance. That is precisely what the people and the Government of Colombia are now doing. We are certain that with your help the United States will continue to support this effort towards a more just and prosperous hemispheric economy.

[Item 3 of the agenda]

CONCRETE MEASURES FOR ENSURING, IN PARTICULAR AT THE PARLIAMENTARY LEVEL, THE IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE INADMISSIBILITY OF INTERVENTION IN THE DOMESTIC AFFAIRS OF STATES AND THE PROTECTION OF THEIR INDEPENDENCE AND SOVEREIGNTY

(Draft resolution presented by the Committee on Political Questions, International Security and Disarmament)

Rapporteur: Mr. V. Novcy (Czechoslovakia).

The 56th Inter-Parliamentary Conference.

Noting the great international significance of the Declaration adopted by the XXth Session of the United Nations General Assembly on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty,

Expressing serious concern that, despite the unanimous approval and adoption of the above-mentioned Declaration, some States continue armed intervention in the domestic affairs of other States in different parts of the world, as well as carry on other forms of direct or indirect interference with the sovereign independence of other countries and nations, resulting in increased international tension and in threats to universal peace,

Giving full support to the Resolution adopted by the XXIst Session of the United Nations General Assembly on the Implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty,

Realizing the urgent need for adoption by Parliaments of concrete measures so as to achieve strict observance of the principles of the said Declaration,

A. *Considers it its duty* to call upon the Parliaments of all countries:

1. To contribute, in all their foreign-policy activities, towards the strict implementation of the principles of the Declaration of the XXth Session of the United Nations General Assembly on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, as well as of the Resolution on the implementation of this Declaration adopted by the XXIst Session of the United Nations General Assembly;

2. To secure the immediate termination and permanent avoidance of recourse to armed intervention and, while respecting the rights of the occupied peoples to self-defence, abstention from the promotion or organization of subversion, terrorism and sabotage by States, or other indirect forms of intervention in another State, for the purpose of jeopardizing its security, changing by violence the existing system or interfering in civil strife in another State;

3. To oppose actively all actions directed towards interference in the domestic affairs of other States, particularly by open parliamentary discussions of such actions, by refusal to approve appropriations for carrying them out and by countering all other actions which hamper the unconditional application of the humane principles of non-intervention and national independence in the practice of international relations;

4. To ensure that all peoples and nations freely exercise their right to independence, sovereignty and self-determination without foreign interference and with absolute respect of human rights and fundamental liberties;

B. *Disapproves* of the military action undertaken against Czechoslovakia in violation of the United Nations Charter and international law and of the steps taken against the State's legitimate representatives with the object of preventing their voices from being heard;

C. *Endorses,* in spite of the veto, the Security Council's draft resolution of August 23, in particular the call for withdrawal from Czechoslovakia of the foreign forces participating in the occupation and the cessation of all other forms of intervention in Czechoslovakia's affairs;

D. *Pays tribute* to the victims and expresses its admiration to the Czechoslovak nation and Parliament for the unanimity and firmness of their resistance in the hope that it will permit Czechoslovakia to recover its freedom and sovereignty without delay.

Implementation of the Council Decision on the Dispatch of a Committee of Enquiry To Occupy Jordanian Territory

The Inter-Parliamentary Council,

Noting the oral report made by the Acting President on the implementation of the Council Decision on the dispatch of a Committee of Enquiry to occupied Jordanian territory,

Aware of the resolutions adopted by the Security Council on June 14, 1967 and by the General Assembly on July 4, 1967, concerning the civilian populations in the area of conflict in the Middle East,

Decides:

1. To make contact with the UN Secretary-General's special representative, Mr. Nils, Gussing, who has visited the area, and any other representative sent by the UN Secretary-General on a similar fact-finding mission, and to obtain all the reports and information made on these missions, and

2. To instruct the President of the Inter-Parliamentary Council and the Secretary General of the Union to implement the above Decision and report to the Council in Vienna.

The Events in Nigeria

(Draft resolution adopted by the Committee on Political Questions, International Security and Disarmament)

The 56th Inter-Parliamentary Conference,

Realizing the danger of the conflict and its tragic consequences on the life of the people in Nigeria,

1. *Supports* the humanitarian efforts undertaken by the Consultative Committee of the OAU on Nigeria, currently meeting in Addis Ababa;

2. *Appeals* to the leaders of both parties concerned to accept the good offices of the Committee and to consider any proposal which may lead to possible reconciliation;

3. *Calls upon* the leaders of African nations due to meet in Algiers to continue to do their utmost for the peaceful settlement of the conflict.

[Item 4 of the agenda]

Parliament's Role in the Elaboration and Control of National Science Policy

(Draft resolution adopted by the Educational, Scientific and Cultural Committee)

The 56th Inter-Parliamentary Conference,

Considering science to include not only the basic study of natural laws but also the application of this knowledge for mankind's needs through development, technique and technology,

Noting the continually increasing importance of science in the life of all peoples and its essential role in economic development,

Recognizing the necessity for every State to set its own goals, to formulate and implement a science policy in harmony with its own national development, and to help itself towards the achievement of its goals,

Recognizing also the universal nature of science, the imperative necessity for international co-operation in the different branches of science and the mutual benefits to be derived from world-wide co-operation in all scientific fields,

Considering that the agreements reached in the spheres of disarmament and restrictions on nuclear weapons create favourable conditions for the future development of peaceful forms of scientific and technical research,

Aware of efforts to promote national science policy planning by Unesco, the Advisory Committee of the Economic and Social Council of the United Nations on the Application of Science and Technology to Development, and other international organizations, and of the advantages of strengthening the relationship between the Inter-Parliamentary Union and Unesco in this area as well as in other fields of common interest,

Believing that it is the responsibility of Parliaments to help formulate and control national science policies and to ensure that scientific advances are applied for the peaceful development of the national economy and for social progress,

1. *Reaffirms* the resolution adopted by the 55th Inter-Parliamentary Conference on the Application of Science and Technology to Economic Development, drawing particular attention to the invitation to developing countries to establish organs and institutions for studying means of harnessing the national scientific and technological potential for the purpose of economic development;

2. *Requests* that Unesco continue its role, in co-operation with other international agencies, of assisting nations with science policy planning;

3. *Expresses* the hope that the developed nations will search for new ways to share the benefits of their scientific knowledge and capabilities with the developing nations for the maximum benefit of all the peoples of the world;

4. *Urges* all Parliaments to ensure that national scientific activities are provided with the human, financial and material resources necessary for their full development and to establish the governmental bodies and institutions required for the elaboration and coordinated implementation of a national science policy, giving emphasis to education as well as to research and development;

5. *Recommends* that each Parliament take the initiative in defining the objectives of a national science policy designed to meet its national needs and the guiding principles for achieving those objectives;

6. *Recommends further* that all parliamentarians be made aware of their new responsibilities in the sphere of science and technology;

7. *Invites* consideration by legislative assemblies of the following procedures to ensure that their new responsibilities in the field of science are fulfilled:

(a) Establishment of standing parliamentary committees specially constituted for the examination of questions relating to science policy with the aim of helping to co-ordinate scientific activities and preventing duplication of effort without adversely affecting basic scientific research;

(b) Provision to parliamentarians of access to all sources of information and the assistance necessary for debating questions regarding science policy with a full knowledge of the facts;

(c) Creation of opportunities for exchanging ideas with qualified representatives of the scientific community drawn from industry, education and other, private circles, as well as from Government.

(d) Adoption of long-term and medium-range plans for scientific development, as well as functional budgets for scientific activities;

8. *Urges* that all Parliaments maintain vigilance to assure that national science policy is directed mainly towards peaceful purposes and human betterment.

[Item 5 of the agenda]

Colonialism, Neo-Colonialism and New Forms of Racial, Religious, Political and Economic Discrimination

(Draft resolution presented by the Committee on Non-Self-Governing Territories and Ethnic Questions)

Rapporteur: Mr. P. de Montesquiou (France).

The 56th Inter-Parliamentary Conference,

Recalling its attachment to the basic principles contained in the Universal Declaration of Human Rights and guaranteed by Article 55 of the United Nations Charter and in the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the United Nations General Assembly in Resolution 1514 (XV),

Aware that respect of fundamental rights and freedoms is an integral element of the dignity of human beings, the violation of which, by acts of racial, national or religious intolerance, is liable seriously to compromise international security,

Deeply concerned that, despite the recent liberation of many peoples from colonialist rule, there remain a great number of human beings in certain parts of the world who are still under its yoke,

Deeply concerned, furthermore, at the maintenance and practice of racial discrimination in certain States which constitute a denial of the right of peoples to self-determination, in particular by the policy of apartheid,

Convinced that the efforts to promote human rights throughout the world are not sufficient to eliminate all forms of intolerance,

Noting that the gap between the industrialized and the developing nations is widening and that this constitutes one of the most urgent problems of the age which seriously hinders the establishment in the developing countries of effective freedoms based on the economic, social and cultural promotion of the individual,

1. *Condemns* violations of human rights and fundamental freedoms wherever they occur;

2. *Associates* itself with the work of the numerous international organizations preoccupied with these problems, particularly the General Assembly, the Economic and Social Council and the Commission on Human Rights of the United Nations;

3. *Invites* delegates to take action in their respective Parliaments to ensure the adoption of the legislative measures which would promote absolute respect for human rights and the elimination of all forms of discrimination based on race, sex and religion, as well as of all propaganda designed for this purpose;

4. *Urges* them to increase their efforts for the acceleration of the process of decolonization of the still dependent territories on all continents, in keeping with the United Nations resolutions;

5. *Appeals* to National Groups to exert their influence to urge their Governments to co-operate with the United Nations without delay by taking positive steps against violations of the territorial sovereignty of nations;

6. *Urgently requests* Governments:

(a) to seek a solution for alleviating the economic difficulties of developing nations resulting from the trade and econonic conditions maintained by neo-colonialist policies;

(b) to support the work of the 1964 Geneva Conference on Trade and Development, especially regarding the state of world market prices for raw materials, the intensification of technical aid and investments of a productive character;

(c) to support the granting of aid through the intermediary or international organizations.

[Item 6 of the agenda]

METHODS OF PROVIDING AID TO DEVELOPING COUNTRIES THROUGH STABLE PRICES FOR EXPORTED PRODUCTS, DEVELOPMENT OF PRIMARY INDUSTRIES AND EFFECTIVE FINANCIAL ASSISTANCE

(Draft resolution adopted by the Economic and Social Committee)

The 56th Inter-Parliamentary Conference,

Convinced that continued efforts are essential to accelerate economic and technological progress and to promote mutual understanding among nations,

Recognizing that the economic growth of developing countries at a satisfactory pace is a question of fundamental importance not only for these countries but for the future of mankind,

Convinced that the "Principles governing international trade relations and trade policies conducive to development", adopted by the United Nations Conference on Trade and Development in 1964, create the basis for normalizing international trade and reflect a progressive conception of international economic relations,

Considering that the deterioration in terms of trade, that is to say in the relations between the prices of exported and imported goods, seriously impedes the economic progress of developing countries,

Supporting the intensive efforts of the developing countries to put an end to economic backwardness as quickly as possible and to build up a strong national economy,

Taking into account the need for encouraging the development of products of national importance, the expansion and diversification of all channels of international trade and, more particularly, the stabilization of equitable prices for basic exports of developing countries,

Appeals to the Parliaments of all countries to exert influence on their respective Governments:

1. to mobilize the efforts of their States for the speedy implementation of the decisions of the United Nations Conferences on Trade and Development contributing towards the expansion and normalization of international trade, on the basis of the principles of equality, respect for sovereignty, non-interference in internal affairs of countries and mutual benefit;

2. to make every effort to ensure the practical realization of the decisions adopted by the United Nations Conferences on Trade and Development held in New Delhi with regard to:

(a) the stabilization of prices of raw materials and basic products;

(b) the promotion of industrialization;

(c) the provision of financial aid without strings on an international, multilateral or bilateral basis to the developing countries;

(d) the provision of technical advice and assistance of all types;

(e) the reduction of restrictive trade barriers;

(f) the establishment of supplementary financial measures, as set out in Annex IV 18 to the Final Act of the first Conference and now under study by the Intergovernmental Group on Supplementary Financing, designed to deal with problems arising from adverse movement in export proceeds of a nature which cannot adequately be dealt with by short-term balance of payments support.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I appreciate the gentleman yielding.

I want to commend the gentleman for giving us this report, and I am sure that we will find it helpful and profitable as we deal with matters in this area, and I commend the others who made the trip.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to my fellow delegate, the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I thank the gentleman for yielding.

I want to say, Mr. Speaker, that I concur in the report and in the conclusions of the gentleman from New York [Mr. PIRNIE], respecting the significance of this meeting and the contribution made by the members of the U.S. delegation.

I want particularly to commend the gentleman for his leadership, for his direction, and for the personal contribution that the gentleman made to these rather tempestuous and, in my opinion, rather significant debates. Of course, the gentleman has made a full report of the formal activities of the committees and on the various subjects with which they were concerned. I will not do that. The gentleman has referred to a subject in which I was interested, that relating to the stimulation of cultural exchanges between nations as a means of reducing tensions. Even though I must say the atmosphere at this particular time was not particularly suited to an extension of this concept, nevertheless there was a very interesting discussion and one that the members of the subcommittee decided to continue in Vienna.

In addition to the committee work, and perhaps in some ways more important, there were the political discussions. It was very significant to me, and I think the gentleman would agree, that there was a changed atmosphere about the whole meeting which was in contrast to the atmosphere that existed in Teheran and Dakar. It was one that was favorable to the United States and some of our old friends who had not been as steadfast in the past as we thought they might be, were very enthusiastically with us.

I think it is significant that the Inter-Parliamentary Union took the action it did. I think we were much more forthright and much more correct than the United Nations themselves, which has not taken this definite and specific action.

So I agree, Mr. Speaker, that this was an important meeting and one in which the delegation due to the leadership of the gentleman from New York [Mr. PIRNIE], and the interest and the hard work of all the members of the delegation, was a memorable one in which we served the best interests of the United States.

Mr. PIRNIE. I thank the gentleman.

I would like to make this additional observation, that the exchange in which you have expressed such an interest and have been so persistent in bringing to the attention of the Inter-Parliamentary Union is another aspect of the opportunity which this gathering presents for individuals to exchange their views and to give personalities to countries.

The friendly and kindly way in which the gentleman from Connecticut has advanced this idea, in my opinion, has contributed greatly to the atmosphere in which we were working. It certainly is a field in which you have to move slowly—you have to extend the invitation and then welcome the response when the climate is right for its acceptance. I believe if the effort is pressed, as your committee is indicating, it can serve as a valuable adjunct to the basic objectives of the Inter-Parliamentary Union, which are to develop and expand the idea of representative government, to give it new dignity and strength in all nations, so that it will accept direct responsibility to the people and not be a rubberstamp.

I want to commend the gentleman for the role he has played in this important field.

Mr. MONAGAN. I thank the gentleman for his remarks.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Illinois, a valued Member of this delegation.

Mr. DERWINSKI. Mr. Speaker, I wish to associate myself with the report of our chairman and commend him on providing the House with such a detailed report on this conference, as well as our stop in Bogota.

I would also wish to emphasize the point that the gentleman from New York made concerning the great importance of the readmission of South Vietnam to the Inter-Parliamentary Union and the emphasis that Mr. Vance placed upon this in his remarks a week later in Paris.

In so doing, I would emphasize that our colleague, the gentleman from Connecticut [Mr. DADDARIO], who preceded us to Lima to serve, on the Executive Committee and participated in all council deliberations, and had as his major assignment the admission of South Vietnam, and due to the cooperation of the Members and the contacts that were made, this was eminently successful.

When you look at the vote, which was 77 to 27, you will see that it was an overwhelming victory any way you look at it. It demonstrated the mood of the Union. It demonstrated also the fact that the delegates were not diverted by Soviet charges against us on Vietnam. They were primarily concerned with the Soviet seizure of Czechoslovakia, and so the persistence which Mr. DADDARIO displayed in the Executive Committee and in the Council produced these results.

Mr. Speaker, I should also mention that you are correct, as you pointed out, the mood was so different. The key issue was Czechoslovakia. Our colleague from Pennsylvania, [Mr. MCDADE] and I served on the Committee for Non-Self-Governing Territories, which was conspicuous by its inactivity. Even though the Soviets throughout the conference tried to throw out red herrings to distract attention from Czechoslovakia, delegate after delegate returned to that issue, a very effective demonstration of world opinion.

I believe that your report very properly emphasizes the effective work which went on at all levels in the Executive Committee, in the Council, and then in the various individual committees. I think it demonstrated the overall effectiveness and success of our delegation.

I must emphasize that your leadership and thorough mastery of assignments certainly directly contributed to the results. I commend the gentleman from New York for his very diligent attention to this task for the years he has served as chairman of our group.

Mr. PIRNIE. I appreciate the very gracious comment of the gentleman from Illinois. I feel that I should add with respect to his service that the report is entirely inadequate in describing the climate he produced by his very strong speech. It had humor which was refreshing, but it had a message which was lasting. I am very sure that those who were in the conference that afternoon will long remember the way in which you called upon the Soviets to try freedom instead of force and see what would happen. I think it was a great contribution. I thank the gentleman for all phases of his participation in this effort.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am glad to yield to the gentleman from Illinois.

Mr. McCLORY. I wish to join in complimenting the gentleman from New York on his report, and also to concur in the observation that has already been made that the gentleman from New York gave able leadership and direction to our U.S. delegation to the Inter-Parliamentary Union at its 56th meeting in Lima, Peru.

I would like to comment, too, on behalf of all the delegates that a great deal of preparatory work preceded our actual attendance and participation in the conferences in Lima. There were, of course, monthly meetings which were held. In addition, there were conferences with representatives of the Library of Congress. There were conferences with representatives of the State Department and our own individual efforts, which resulted in careful preparatory work in anticipation of the job that we undertook to perform in Lima, Peru.

I would also like to observe that in my opinion the exchanges which occur between Representatives of the Congress as parliamentarians in our U.S. system with those parliamentarians or representatives of people of the other nations are, in my opinion, extremely significant and perhaps much more significant than the exchanges which occur at the diplomatic level where, of course, the persons involved are not elected by the people whom they represent.

The benefits of these exchanges are not directly observable, but I am confident that they penetrate into the very work which is carried on by the representatives of the nations, participating in the Inter-Parliamentary Union activities, and in the countries which they represent.

I would like also to concur in the accomplishments of this session of the Inter-Parliamentary Union, not only in behalf of the Educational, Cultural, and Scientific Committee, of which I am privileged to serve as vice chairman, but also with respect to the work of the other committees, and to note that the new president of the Inter-Parliamentary Union, Mr. Andre Chandernagor, of France, is an able parliamentarian, who was the candidate of our delegation and who is going to give new vitality and direction and new depth of thought to this organization of parliamentarians.

I think we can be justifiably proud of the accomplishments at Lima. I think we can look forward to additional benefits flowing from this activity.

Also I would like to observe that in my opinion the relations between our Nation and the nations of Latin America are most significant and most important.

This meeting in Lima, Peru, gave us a wonderful opportunity to solidify and to develop those close relationships and to gain a better understanding of them, and it gave them an opportunity to appreciate better our own position.

So the conference this year, taking place as it did in Lima, Peru, followed by our visit to Bogota, Colombia, it seemed to me, took on special significance and special importance insofar as our work as representatives of the people and as Members of the Congress of the United States.

I express my pride and the honor which I feel came to me in serving as one of our U.S. delegates. I commend this extremely important activity of the U.S. Congress and of our country. I commend also the gentleman and all the others to whom reference was made for their contributions to this successful meeting which took place so recently.

Mr. PIRNIE. Mr. Speaker, I thank the distinguished gentleman very much for his contribution, and particularly for his underscoring the preparation by the members of the delegation. I appreciate very much the faithfulness with which they attended meetings and the cooperation which they extended to each other, which represented a team effort with which I was proud to be associated.

I am very glad the gentleman mentioned that phase of the work.

I would like also just to add that the gentleman's services as vice chairman of his committee illustrate another role in which the gentleman is doing a very efficient job of representing this phase of the parliamentary responsibility. I extended our congratulations to the gentleman when we reported our spring meeting in Dakar. When we indicated to the Congress the gentleman had been named as vice chairman. He will continue to serve in this responsible capacity.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am happy, Mr. Speaker, to yield to our colleague from Pennsylvania, who added greatly to the success of this mission.

Mr. McDADE. Mr. Speaker, I thank the gentleman from New York for his kind comments and for yielding.

Mr. Speaker, I could not let this afternoon pass without taking part and making a few comments about the recent trip that a group of us made as delegates from the United States, to the IPU Conference in Lima, Peru.

First and foremost, I extend to the distinguished and able gentleman from New York my own very personal high regard for the manner in which the gentleman conducted himself as chairman of the U.S. delegation.

I think the best evidence of the work of the gentleman from New York and, indeed, of other members of the delegation, was the chance it gave a newcomer like myself to see the esteem and rapport these gentlemen had with the parliamentarians from over the world. It was apparent to me almost from the moment we had the first session of all the parliamentarians from around the world that the able gentleman from New York and his delegation had cemented relationships with other delegates from all over the world that were built on trust and built on mutual respect. This comes, as all of us know as parliamentarians, only if one devotes one's self to the rigid attention to detail and the hard work that can go on when a debate is to take place in a parliamentary body.

I believe I should mention, too, I was deeply impressed by the work which the gentleman from Connecticut [Mr. DADDARIO], a member of the Council and of the executive committee, did in engaging in a heated parliamentary dispute with the members of the Soviet bloc and working with the gentleman from New York to make sure that the main resolution which was presented to that meeting—namely, the resolution condemning the Soviet Union for its invasion of Czechoslovakia—was presented in an appropriate framework where there could be a clear expression, not fettered by procedural imperfections. The question was clearly presented in the glaring spotlight of world public opinion for those parliamentarians to vote on.

It is indeed a great tribute to the gentleman from New York, to the gentleman from Connecticut, and to the others that they were able to steer that resolution so expertly to the floor of the full parliament.

My deep respects, once again, and commendation to the gentleman from New York for his leadership. I believe each of us in this House can be singularly proud of the manner in which he conducted his chores as chairman of this delegation to this important international meeting.

I thank the gentleman.

Mr. PIRNIE. I thank the gentleman from Pennsylvania very much for his observation, and I wish to concur in his expression of high regard for the manner in which Congressman DADDARIO discharged his assignment.

The gentleman is quite correct when he says that a background of experience in a body such as the Inter-Parliamentary Union is important. One does have to have acquaintance with these delegates from other nations in order to share one's ideas. The handicap of language is bound to create difficulties, but they can be abridged if friendship is deep enough and if the background is broad enough.

Congressman DADDARIO has recognized this and has acted in a manner which has enabled him to grow in stature. It is all to the good of the country he so ably represents.

Now, Mr. Speaker, I should like to conclude my remarks by saying it is always a privilege to represent this great Nation of ours under any circumstances, but in this time of world unrest, in this time of international misunderstanding, it is a little heartening to engage in any mission in which the net result seems to be the strengthening of the bonds of understanding between this country and a substantial part of the world.

There are those, of course, who do not desire to draw closer in understanding.

They have purposes of their own which they wish to serve, and they do so selfishly and recklessly. But most of mankind is still on the side of peace and understanding, and to them we turn for the cooperation and help, which will make this world more secure and also at the same time serve the best interests of mankind.

I thank all who made it possible for us to have had this representation experience.

CPL. TIMOTHY J. DAY AWARDED BRONZE STAR MEDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, in the last part of November and first part of December I led a team of volunteers to Vietnam to do some on-the-scene studies of the problems of Vietnam with the view of making some appraisals of the problems and making a report. This we have done and thousands of people have responded favorably to our report. A member of our team, Mrs. Harold "Jackie" Day, was a mother of a U.S. Marine corporal, Timothy J. Day, in Vietnam.

This young man served with great distinction and recently was presented by the President of the United States with the Bronze Star Medal. This is worthy and appropriate recognition and I take pleasure in placing it in the CONGRESSIONAL RECORD so those who read the CONGRESSIONAL RECORD may have the benefit of the satisfaction that comes from reading about the brave and honorable men who serve their country in periods of crisis:

U.S. MARINE CORPS, HEADQUARTERS,
FLEET MARINE FORCE, PACIFIC,
FPO, San Francisco.

The President of the United States takes pleasure in presenting the Bronze Star Medal to Corporal Timothy J. Day, United States Marine Corps, for service as set forth in the following citation:

"For meritorious service in connection with operations against insurgent communist (Viet Cong) forces in the Republic of Vietnam while serving with Company A, First Reconnaissance Battalion, First Marine Division from December 1966 to December 1967. During this period, Corporal Day performed his duties in an exemplary and highly proficient manner. Displaying outstanding knowledge of jungle warfare tactics and patrolling techniques, he participated in fifty-three long range reconnaissance patrols and was instrumental in gathering vast amounts of valuable intelligence information. On several occasions his heroic and professional actions enabled the patrol to successfully complete hazardous missions. On 1 May 1967 while serving as a Team Leader with a reconnaissance patrol operating in the vicinity of Phu Bai, Corporal Day demonstrated exceptional courage when the patrol came under heavy enemy fire from a numerically superior enemy force. Disregarding his own safety, he moved from one position to another encouraging his men and directing accurate fire against the enemy. Although he sustained a painful fragmentation wound, he continued to direct his men throughout the night until the enemy withdrew. Near Tam Ky on 22 July 1967, when an estimated force of eighty Viet Cong was detected in the vicinity, Corporal Day established an observation post 100 meters from his patrol's defensive perimeter and directed air strikes and artillery fire against the entrenched enemy. As a result of his skill in adjusting supporting fire, fifteen enemy were confirmed killed. While serving as Assistant Patrol Leader in the vicinity of Chu Lai on 28 August, Corporal Day fearlessly conducted a search of a Viet Cong stronghold where he uncovered a tunnel complex, captured an enemy rifle and pack and destroyed a rice cache. From 22 December to 26 December 1967, Corporal Day served as Patrol Leader on a reconnaissance patrol in Loc Thua Thien Province and displayed exceptional skill in maneuvering his men and deploying them into defensive positions. On 26 December, he observed an enemy soldier approaching the patrol's observation post and quickly fired at him. Although Corporal Day sustained a serious wound in the exchange of fire, he succeeded in alerting his men to the presence of the enemy and prevented a surprise attack. His exemplary leadership and steadfast determination inspired all who observed him and contributed significantly to the accomplishment of his unit's mission. Corporal Day's exceptional professional skill, both initiative and courageous devotion to duty throughout were in keeping with the highest traditions of the Marine Corps and of the United States Naval Service."

Corporal Day is authorized to wear the Combat "V".

For the President:

V. H. KRULAK,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific.

BLUEPRINT FOR PROGRESS—NEW GOALS FOR AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GUBSER] is recognized for 60 minutes.

Mr. GUBSER. Mr. Speaker, in all recorded history no government has done more to help its people achieve a better life than ours. In no other civilization have average citizens lived as well as most Americans do today.

But the shining brightness of success has also served to illuminate our failures. America has done well, but there is much more to do.

This Nation has always accepted change as necessary to a dynamic and vigorous society. And we have achieved change through orderly process and a close relationship between the people themselves and their Government.

Today many people no longer feel that closeness. They sense a fundamental conflict between human rights and the power structure; they have lost a sense of self in an age of paternalism; government, instead of being a personal thing, has become a far-off decision-making process conducting wars which should have been avoided and developing programs which reduce men to numbers or statistics. We have made the mistake of trying to computerize the human soul!

Clearly, it is time that we release our minds and abilities from the intellectual straitjackets of old and rigid labels like liberalism, conservatism, progressivism, and reaction.

The time has come for us, as representatives of the people, to fashion a new and modern "Blueprint for Progress—A New Set of National Goals."

In so doing, we can achieve a national sense of direction and systematically implement the purposes set forth in the preamble to our Constitution.

I. TO SECURE THE BLESSINGS OF LIBERTY

The riddle of why the world's most resourceful and prosperous nation must endure stubborn poverty, racial unrest, crime, and violence is one which cries out for an immediate answer.

But an honest concession to the reality that available resources can stretch only so far forces us to admit that as long as so much of our wealth is dedicated to a war or preparation for war, our attack on domestic problems will be less than optimum.

An honorable way must be found to extricate this Nation from the folly of conducting a land war in Asia which it cannot win and dare not lose. The responsibility this Nation has assumed as the world's conscience and police force must in future years be shared with the entire free world. This goal is our most urgent priority.

A traditional military victory in Vietnam is no longer possible. Therefore, since peace must come through negotiation, our every talent and resource must be tuned to the requirements of the negotiating process. If that process requires the exercise of power, it must be forthcomnig. Conversely, if circumstances of the moment require restraint, then we should so respond.

To anyone who knows the military plight of our GI's in Vietnam, the prospect of an unconditional bombing halt without a quid pro quo guarantee against infiltration is unthinkable. But rigid and doctrinaire thinking should not foreclose a temporary, unilateral concession which might produce favorable results without undue risk. In any event, concessions should not become commitments until they produce quid pro quo concessions.

Regardless of the outcome of negotiations, this Nation cannot remain committed to a military presence in South Vietnam. Let us pride ourselves with having stopped a takeover of that country by force, but let us not assume the continuing burden of providing the security which the South Vietnamese must provide for themselves.

REJECT THE ROLE OF THE WORLD'S POLICE FORCE

A gradual and planned disengagement should start now, with a goal of removing all combatant U.S. forces by Christmas of 1969. The people of Southeast Asia should know that we cannot police the area in perpetuity. Additionally our worldwide military commitments should be substantially reduced.

Such goals need not be a repetition of the arms scrapping which led to World War II, and the military lethargy that gave us the Korean war.

ACCEPT THE ROLE OF NATION BUILDER

Military retrenchment need not signal a return to isolationism, which simply will not work in the shrunken world of the electronic, jet, and space age. Rather, it will allow us to emphasize the positive element of building nations, as distinguished from destroying them.

On August 9, 1966, I addressed the House of Representatives on the subject of "Our Crumbling Foreign Policy" and made several positive recommendations. I have reviewed those proposals and believe them to be still sound and practical.

We must accept the reality that there cannot be an American solution to every world problem.

We should reevaluate international agreements and regional agreements with the aim of strengthening and not dominating them.

We should preserve and strengthen the United Nations as a social action agency and international forum.

We should organize a Council of Free Nations to supplement the United Nations, as suggested by former President Herbert Hoover. Such a council, unlike the United Nations, would not be hamstrung in dealing with Communist aggression.

Since 1966 a new and exciting technique for nation building has come to my attention. In recent years great progress has been made in education for participation in multinational communities. Recent international education conferences have done much for both the underdeveloped and highly developed nations which participated. Education for such a purpose must be placed alongside efforts for local, State, and national development.

ISLANDS OF FREEDOM

In 1966 I suggested a completely new approach to foreign aid—whereby we would focus our aid upon selected areas of the world to create "islands of freedom" surrounded by seas of communism.

Citing Berlin, Japan, and Formosa as examples of what freedom can achieve if assisted in an effective manner, I said:

> Our islands of freedom, like oil spots, would expand outwardly to envelop ever-increasing areas and groups of people who would crave a taste of the success they see at the center.

I would add one thought to these views expressed in 1966. Experience has shown that loans made to developing countries by international organizations instead of by the United States alone produce better results. This trend should be accelerated.

And, I would repeat what I said in 1966:

> Money and force, admittedly useful tools in the building of peace, are secondary to human considerations. And any foreign policy which does not recognize this fact is doomed to failure.

II. TO PROVIDE FOR THE COMMON DEFENSE

A vital component of any foreign policy is the military strength to insure its success. Too little strength can detract from our ability to concentrate on national goals, while too much can drain our resources and infringe upon our ability to achieve those goals.

It is my considered belief that we can maintain a satisfactory level of strength with substantially lower appropriations if our defense goals are synchronized with our foreign policy objectives.

If we are not to be the world's police force, the emphasis in recent years on mobile, combat-ready strike forces can be reversed. The existence of such a force makes it too easy to put out one more brushfire and once more be the cop on the beat. Our experience in Vietnam should have taught us that brushfires often burn out of control.

Top priority must be assigned to keeping lines of communication open. Primarily, this is the job of the U.S. Navy, which, due to block obsolescence and a shortage of first-line ships, is in a poor state of readiness. We must once again have a first-class Navy.

The condition of our merchant marine is worse. Modern ships compatible with the status of a major maritime power need to be built.

We should candidly recognize that this Nation is falling behind in military research and development. The leadtime between research and production is getting longer and longer, making the risk of an undernourished research program greater and greater. If an arms race develops, we should not start that race with a knowledge deficit of several years. We must reduce the probability that somehow, someday, an aggressor may possess a technological death grip on the rest of the world.

THE DRAFT

Currently completed studies indicate that an all-professional military service is possible when proper career incentives are offered. So the military draft should be phased out as a career military service is phased in. In the meantime and until it is abolished, greater certainty should be built into the Selective Service System. A system which calls for a maximum exposure of a registrant for a fixed and predictable period, after which he is exempt, is workable.

CUT REDTAPE—REDUCE COSTS

The costs of redtape in military procurement are astounding to the student who honestly studies the system. Accounting requirements, renegotiation, and unrealistic sections of the armed services procurement regulations often increase procurement costs and do not protect taxpayers. These requirements are causing all but large Government-dominated industry and inefficient small producers to concentrate on commercial instead of defense business. The end result will certainly be higher prices, premature standardization, and developmental atrophy.

Revisions in our military priorities could trim our normal defense budget by 20 percent and release funds for urgent domestic needs.

III. TO PROMOTE THE GENERAL WELFARE

Poverty, racial unrest, disrespect for law and order, and the blight of our cities, alternate in the American conscience as our most pressing domestic problems which restrict the general welfare.

An honest probe beneath the surface of these problems immediately reveals a common contaminating factor. Whether it is poverty, a racial problem, law and order or urban blight, it almost always involves those who have not been properly educated.

Over 3 million Americans are illiterate. The high school dropout rate is as high as 60 percent in big city ghettos. Minority group children are 2 years behind others when they start school. Adult education programs reach less than 3 percent of those who have had less than a sixth grade education.

These truths, plus the facts that earning power is directly proportionate to educational achievement and the unemployment rate is inversely proportionate, emphasize that our most urgent domestic goal must be the improvement of education and its extension to every segment and section of America.

BETTER EDUCATION FOR MORE PEOPLE

Every citizen must have the right to be educated to his full capacity.

But rights always involve responsibilities. So it follows that every citizen has the obligation to exercise that right.

If we can rationalize and justify imposing a military obligation on a young man because it is in the national interest, what is wrong with requiring him and his sister as well to assume an educational obligation for the same reason? If some States can constitutionally require school attendance to a certain age, why would it be wrong for the Federal Government to require each citizen to be educated to a certain fraction of his capability?

Of course, there will be the problem of the child who becomes a dropout to support indigent parents or for other economic reasons. But we have this problem with the military draft and somehow it is overcome.

Minimum wage regulations, union requirements, and child labor laws would have to be reviewed and administered with intelligence and flexibility to make work-study programs and part-time employment of students feasible. Subsidies may be required but they can be justified as superior to welfare.

This is not an administrative impossibility. In fact, it is no less feasible than is the administration of selective service. Though it may be engaging in fantasy, perhaps when the great day comes when we eliminate the draft, the vast machinery of selective service can be directed to administering the terms of a "National Educational Obligation Act."

Headstart and other preschool programs have proven their worth. They deserve increased emphasis.

Federal assistance to elementary and secondary education should be continued with administrative improvements which would consolidate and simplify existing programs. The Federal Government should once and for all accept its obligation to make "in lieu of tax" payments to federally impacted local school districts.

Educational content, techniques, and instructional methodology must constantly change to be relevant to modern national goals and purposes. So it follows that research and development are as essential to education as they are to industry or the national defense. Our Government must place more emphasis upon this important area.

A system of block grants to local districts should replace the present hodgepodge of federally controlled programs. Such grants must be carefully designed to provide equalization as between areas with varying abilities to pay and to present the maximum incentive for investment by State and local governments in improving education. Federal funds for education should inspire and supplement local spending, not discourage and replace it.

HIGHER EDUCATION

The importance to a Nation of a vast and expanding system of higher education cannot be overemphasized. As the Association of American Universities has put it:

> The growth of the National economy depends increasingly upon the scientific insights, the technological advances, and the educated people produced in institutions of higher education.

Higher education is a proper Federal responsibility and a means should be found of making it available to the masses of underprivileged who are capable of profiting from it, but whose financial resources are not adequate to purchase it. Student aid and loan programs with vigorous recruiting must attract the needy and disadvantaged to higher education.

Stronger and more consistent Federal support is essential to increase the capability of higher education to carry out the basic research so essential to our Nation's well-being as well as that of the world. Safeguards currently available to insure that colleges and universities do not become "research factories" which deny undergraduates a reasonable exposure to outstanding teachers must be maintained.

As a final goal of higher education, an effort should be made to involve the youth of our Nation as junior partners in the making of national policy.

Raised in an age of permissiveness where little has been required in exchange for the fruits of our society, young people have not developed a sense of closeness or involvement with policymaking. So from their detached and impersonal points of view they see only what is wrong—a war they do not believe in, social injustices, poverty, and corruption. As a result they revolt at being a number, a statistic, or data on electronic tape. They revolt because they do not feel personally involved.

I do not advocate that decisionmaking be turned over to our young people but I do say that a means must be found which will involve them as apprentices and make them part of the process. Congressional committees and executive agencies could solicit consensus position papers on national issues which stem from student-elected forums. Representatives of such groups should be heard in formal hearings and on national study groups and commissions.

The most articulate and knowledgeable generation we have produced must not be written off and ignored as a group of spoiled brats. They have much to offer which we should gratefully solicit. Without doubt some of what they offer would find its way into public policy.

By the same token the senior citizens of America have a wealth of wisdom and experience to offer. Their counsel and help must also be solicited and heeded.

ADULT AND VOCATIONAL EDUCATION

Something must also be done for youths who are not and will not become associated with higher education.

A massive program to upgrade human skills and increase earning power is essential if great segments of our population and succeeding generations are to escape the hopelessness of poverty.

The morass of proliferated Federal programs for this purpose ought to be consolidated and wherever possible, administered by the responsible and trained people in our educational system.

Private enterprise must be encouraged to conduct training programs in cooperation with local school districts. Such programs should be job oriented to avoid the waste of training a person for a job which does not exist.

The Human Investment and National Manpower Acts, which I have introduced, serve this purpose and will direct the great training capability of private enterprise to this tremendous task. They should be passed as part of a complete reorganization and streamlining of Federal adult and vocational training programs.

JOBS AND POVERTY

If income is a reliable measure of poverty, then more and better jobs are one important way out of poverty.

Years of controlled prosperity have not cracked the hard core of poverty. Unemployment remains high as large numbers of people sink deeper into poverty in the midst of affluence. Consumption and demand have zoomed steadily upward, but still there are no jobs for the hard core poor.

Private enterprise must again be encouraged to create employment opportunity for the poor through private investment. The time has come when the new economics must be moderated with a mix of the economics which built this Nation, and we must turn away from an economy overdominated by government. The proposed Human Investment Act, the Opportunity Crusade, and the National Manpower Act are trends in this direction.

THE POVERTY PROGRAM

Education and jobs, both important weapons in the fight against poverty, will miss the mark unless incentive is stimulated, work habits are acquired, and the so-called establishment cares enough to encourage the poor and assist them in matching skills with available employment.

The war on poverty has involved the poor and has created local awareness of what must be done, and in that sense it has been successful.

But in a larger sense it has failed miserably by committing the mistake of assuming that enough money will solve any problem. Money in quantity has set off a power struggle, attracted those with political or self-serving motivation, and substituted one power structure after another, each of which became so immersed in building its own power base that it forgot its basic mission of helping the poor. Instead of unifying our people, the program has divided them into mutually distrustful camps.

The billions spent in the war on poverty should be redirected largely to education and training. Grants to localities for the poverty war should be limited to established agencies which can restore contact between the poor and the so-called "establishment." The gap in our society—yes, even the class hatred engendered by the war on poverty—must be bridged. Poverty is everybody's problem.

IV. TO ESTABLISH JUSTICE

Today, more than 100 years after the Civil War, we have not fully eradicated the shame of racial discrimination from our national scene. But in recent years, progress toward that goal has been phenomenal. Following the landmark school desegregation case decided by the Supreme Court in 1954, Congress acted in 1957, 1960, 1964, 1965, and again in 1968 to pass major civil rights bills. In addition, dozens of executive orders and a continuous succession of court decisions have accomplished miracles of reform.

Unfortunately, an illusion has developed that the mere passage of laws will suddenly provide minorities with equal housing, equal opportunity, and equal economic status. False hopes are generated which are doomed, for practical reasons, to frustration and disappointment.

If justice is to prevail and past wrongs against minorities are to be atoned for, we must concentrate on implementing laws already on the books instead of searching for new ones which are mere symbols, and not solutions.

LAW AND JUSTICE

Human rights and dignity and the fruits of human labor cannot be enjoyed except under the protection of law and justice.

Police and law-enforcement officers must be helped by providing better salaries, better training, improved techniques and research. Our courts must provide a realistic redefinition of the proper limits of individual rights and the rights of a citizenry in general. Lawlessness can not be tolerated.

But in the final analysis, we must recognize that the seeds of lawlessness are produced from the roots of poverty, discrimination, ignorance and blight—both urban and rural. An attack against these problems is also an attack against crime and lawlessness.

V. TO INSURE DOMESTIC TRANQUILLITY

To improve the quality of American life we must improve education, housing, job training, health and environmental facilities, and conservation.

Homeownership as opposed to subsidized rentals should be brought within the reach of Americans in every economic stratum. Two million family units can be constructed annually if FNMA and FHA are expanded, interest rates kept at a reasonable level, and the supply of mortgage money increased.

Greater private effort to eliminate slums and ghettos is urgently needed. If government has the power to condemn a building as not fit for habitation, it has the right to use its taxing power to encourage improvements of slum dwellings and their replacement. Revolving funds, guaranteed loans, joint participation loans, and other devices can influence greater involvement of the private sector in eliminating slums.

A slum exists because it is profitable to somebody. Eliminate profit or point the way to a better profit, and that somebody will clean up the slum.

Herein lies an important consideration in curing urban blight. If the Federal grant or subsidy is too great, a program is quickly diluted to the point where it goes to seed. Guaranteed Federal cost sharing attracted too many cities to urban renewal, and today weeds are growing in block after block which once provided housing for the elderly or accommodated taxpaying small businesses. The Federal model cities program has set off a grant rush to Washington which will proliferate the program in small but meaningless droplets over too wide an area. These programs, because the Federal Government offers so much which is so thinly spread, fail in what should be their principal goal—to ignite a chain reaction of private investment in our developing cities.

One of the causes of our urban crisis is the mass exodus to the cities of rural people displaced by mechanization on corporate farms and the shift away from an agrarian-type national economy. These people have their religious, family, and historical roots in the country and are truly not happy in the city. Perhaps rural renewal or rural rehabilitation can help the cities, and private interests can be encouraged to invest, hire, and attract these people, whose hearts are in the country, back to rural America.

CONSERVATION

It is ironic that as a society grows, improves, and prospers, it becomes increasingly careless about preserving the great gifts which God has given it. Air and water are polluted, the countryside is slashed and beaten to serve the material needs of man, and the chance for future generations to enjoy a part of this world as God created it disappears.

Conservation must be a policy which intelligently weighs and resolves the material needs of society against the extent to which nature should be disrupted to meet those needs. Government has not accepted this responsibility but it should—before it is too late.

TRANSPORTATION

From its beginning, our Government has been the principal architect of the Nation's transportation systems. Today we need new and inspired thinking which looks 50 years ahead and renounces the old and tired ways of building things that are out of date before they are off the drafting boards.

Freeways are becoming elongated parking lots and mere connecting links between bottlenecks. Obviously, rapid underground mass transit is the answer.

Such a transit system has been proposed by Mr. Larry Edwards, a former project engineer of the Polaris program. It involves deep tunnels in solid rock below lakes and rivers in which motorless trains will travel at speeds up to 500 miles per hour. The system is based upon sound scientific principles and Mr. Edwards can answer any technical doubt. All that is required to fully test the concept is an appropriation of $10 million. This appropriation should be one of our first orders of business.

Equally imaginative thinking must be applied to air traffic control lest the slaughter of the airways surpass the mayhem of our highways. A new system of airports which can accommodate private and commercial aircraft in separate patterns is an immediate national requirement and should be paid for by users in direct proportion to the extent of their use. Just as the truck owner pays greater highway taxes, so should the profitable commercial airline pay its just share. Jet fuel and aircraft gasoline should be taxed. These and other revenues generated by aviation belong in a special trust fund devoted exclusively to making air travel safer.

Development of the smog-free electric or power cell automobile deserves Government encouragement, as do our merchant marine and our system of roads and waterways.

Transportation development is a field where Government energy is not only proper but imperative.

VI. TO FORM A MORE PERFECT UNION

Admittedly the nuclear space age requires more of central government than required in our earlier history. But somehow I feel we have made the mistake of sometimes assuming too quickly that the answer to every human problem must come from a central government. And in so doing, we have failed to fully utilize the strength and ingenuity of the American individual, the family and intermediate communities.

A return to a proper balance between government of the lesser and intermediate communities and the Federal Government is one of our greatest national needs. In addition we need a more reasonable division of participation between public and private enterprise.

Agricultural price supports should be abolished; all industries, except those essential to the national interest and in the developmental stage, should operate without subsidy. A permanent Hoover Commission should be established and the Post Office Department reorganized upon sound business principles.

A true separation and balance of powers among the executive, judicial, and legislative branches of Government must be restored.

Congress, sometimes unfairly maligned as laggard and inefficient, should reassert its right to be the policymaking arm of Government. Only two men in the Federal executive and judiciary are elected by the people, while every Member of the Congress regularly faces the electorate. If we are to have democracy in more than name only, then those who make the people's policy must be answerable to the people.

No member of the legislative branch should personally handle campaign funds, and all details of campaign financing must be public property. Campaign expenditures should be limited, and a reasonable tax deduction for campaign contributions allowed.

As the need is shown, Congress should continuously improve and revise its existing code of ethics, improve and streamline its committee structure, and assume its role of overseer. A nonpartisan constituent service staff should be organized to render direct services to constituents so congressional offices can spend more time at their primary function of legislating. Data banks and computers should be utilized so knowledge is as accessible to the Congress as to the executive branch.

Congress should require by law that except under unusual and specified circumstances each year's revenues shall at least equal the year's expenditures. A flexible tax factor should be applied to tax returns which will reflect the Government's most recent balance sheet by either giving the taxpayer a credit or imposing an added tax. No system could guarantee a Congress more responsive to the people.

Lastly, it is important that President Hoover's idea for a National Resources Planning Board—later revived as President Eisenhower's Commission on National Goals—be continued on a permanent basis. I shall offer legislation to accomplish this because I believe the establishment and continuous review of our long-range goals, with their steady implementation, are imperative.

These improvements and a continuing search for new ones could indeed make this a more perfect union.

CONCLUSION

Mr. Speaker, I realize I have outlined an extensive set of national goals. Candidly, I recognize that all of them may not be realized during my lifetime.

But, Mr. Speaker, if we are to fulfill the trust placed in us as elected representatives, then we have the duty to envision, to hope, and to plan for this Nation's future.

Hopes, aspirations, plans, and energy are the raw materials of progress upon which we can build human dignity and a better America. This "blueprint for progress" represents my hopes, my aspirations, and my plans. To implement them, I pledge you and the American people my total energy.

ICC SHOULD PROTECT RAIL PASSENGER SERVICE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 10 minutes.

Mr. PELLY. Mr. Speaker, my congressional district and in particular, the city of Seattle, is the western terminus of two great railroads—the Great Northern and the Northern Pacific. Each of these railroads provides daily superior Pullman and coach passenger service to and from Chicago and intedmediary stops. These trains are the famous Empire Builder and the Northcoast Limited. The Pacific Northwest is fortunate, too, to have the Union Pacific's City of Portland. I know of no finer trains anywhere. I know, because I ride these trains regularly.

Recently the Interstate Commerce Commission began a study of the need for rail passenger service and its seems inconceivable to me that there can be any finding except that it is essential to the public interest. With our growth of population and the problems and congestion of major airports, it cannot find otherwise.

I hope next year the Congress will act to assure authority to the ICC to require adequate passenger service.

Meanwhile, certain railroads like the Southern Pacific took the position that they have no obligation to furnish passenger transportation and are proceeding to discontinue and discourage any service at all. It is essential for the ICC and the Congress to act.

What is happening is obvious, when one train is discontinued it ceases to be a feeder for other trains. For example, curtailment of passenger service by the Penn-Central between New York and Washington, D.C., and Chicago, or the scheduling of arrivals so as not to connect with other departing trains cuts into the through passenger travel. Sometimes I think there is a conspiracy to discourage travel by train, so as to justify cutting out service.

Let me cite cases such as when the New York-Chicago's 20th Century Limited was discontinued, or when the Broadway Limited and General were cut back.

I had one experience which demonstrates what is going on. I called the Southern Pacific thinking I would travel on the Cascade from Seattle to Oakland and then take the California Zephyr up the beautiful Feather River canyon and on to Chicago. What did I discover? There was a 5-minute connection with a change in stations required and no holding the train for through passengers. You can bet I did not go that way.

Another device to discourage passenger business is the elimination of commissions to travel agents on long-haul passenger business.

As I say, Congress must step in. The railroads, it appears to me, are juggling figures to make their losses on passenger trains bigger. For example, the hauling of mail, I am told, has been transferred to fast freight trains, so this revenue is no longer credited to the passenger end of the business.

Of course, I have a special interest in the Southern Pacific continuing the Cascade as a vital link and feeder service between the Great Northern, the Northern Pacific, the Union Pacific and other lines. But, there are similar situations which must get the surveillance of Congress, and then legislation must be passed to assure that the Nation's railroads provide service vital to the public interest.

Mr. Speaker, I have been urging the House Committee on Interstate Commerce to act. It has had a very heavy schedule I know, but next January it must give high priority to this transportation crisis. Otherwise, the end can only lead to nationalization of our railroad system. And, that would be a sad day in the history of America.

PAPER WASTE IN THE AGRICULTURE DEPARTMENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. Talcott] is recognized for 2 minutes.

Mr. **TALCOTT**. Mr. Speaker, the Government probably spends $2 billion a year on paper alone. Thousands of employees are required to imprint, fill in, shuffle and sort, mail, file and destroy these enormous mountains of paper and forms.

The Department of Agriculture is one of the greatest paper offenders in the Federal Government. Recently one of my constituents received 11 "crop report" forms all from the same place demanding completion and return to the same place. This proliferation of forms sought essentially the same information.

A casual glance, or a thorough reading, of the questions shows that the whole project is pure makework for thousands of bureaucrats and an enormous burden and inconvenience upon thousands of farmers during their busiest season.

It would be a simple matter to obtain this information—if it is of any value to anyone—all at one time in one simple form instead of piecemeal every 8 or 9 days.

Most of the questions are inapplicable or not within the ken of the recipient. The applicable questions are usually reiterations of previous inquiries.

If the answers are tabulated or fed into data processing machines, we are in double trouble because the Federal data banks are being filled with useless garbage—duplicative answers to inane and inapplicable questions.

The waste of electronic data processing facilities and data bank capacity is more sophisticated and concealed than the waste of paper and paper shufflers, and it is therefore many times more extravagant.

The reduction of paper work would be a simple, easy and effective way to economize the time and effort of Government personnel and to reduce waste of Federal funds.

REPRESENTATIVE SAYLOR CLEARS THE CLARION RIVER ISSUE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Saylor] is recognized for 30 minutes.

Mr. **SAYLOR**. Mr. Speaker, I take this occasion to make a forthright statement to clear the issues in a controversy concerning the future of the Clarion River in my congressional district. I also take this opportunity to respond to my would-be critics who have publicly made charges alleging that I have in the course of my congressional responsibilities adversely affected the future of the Clarion River.

The issue is not whether the Clarion River should remain a free-flowing scenic river from Ridgway, Pa., to its confluence with the Allegheny River, nor whether it should be harnessed as suggested by the Corps of Engineers with a possible reservoir site near St. Petersburg, Pa.

The issue is whether the Clarion River should be the subject of an integrated study by all agencies of the Federal Government in cooperation with the Commonwealth of Pennsylvania to determine the Clarion River's best use.

I shall set out in detail the chronology of events which have precipitated many uninformed statements and press charges concerning the Clarion River.

SCENIC RIVERS LEGISLATION

In June 1958, Congress established the Outdoor Recreation Resources Review Commission, on which I was privileged to serve as a member. Our Commission emphasized that adequate opportunities for water-based outdoor recreation be accessible to all Americans and made certain recommendations which should be taken to meet this objective, one of which stated that certain rivers be preserved in their free-flowing condition and natural setting.

Later in 1962, the President approved a policy statement concerning the use and development of water and related land resources with the further recommendation that wild river areas should be maintained and used for recreational purposes.

In 1963 a coordinated 2-year study of some 650 rivers of the United States was initiated jointly by the Departments of Interior and Agriculture. Among those studied was the Clarion River in Pennsylvania. This joint study culminated in the transmittal of an executive communication from the Secretary of the Interior, dated March 3, 1965, proposing legislation to establish a national wild rivers system.

A bill to establish a national wild rivers system was introduced that month and passed the Senate on January 19, 1966. An amendment offered on the floor by Senator Joseph S. Clark, Jr., and joined by Senator Hugh Scott, included the Clarion River in its provisions. In his remarks, Senator Clark stated he had received the approval and endorsement of Pennsylvania's Secretary of Forests and Waters, Maurice K. Goddard, for the inclusion of the Clarion River.

On May 9, 1966, I introduced a bill to establish a national scenic rivers system and the Clarion River was included in the study category. Congress adjourned without House action on either the Senate or House bill.

ACTION OF 90TH CONGRESS

Shortly after the 90th Congress convened in 1967, I again introduced a bill to establish a national scenic rivers system. The following day a similar proposal was introduced in the Senate. Both included the Clarion River in Pennsylvania.

I first heard of a possible dam on the Clarion River in July 1967, when a constituent requested information on certain activity in the area. An inquiry with the Corps of Engineers revealed that any study was purely in a preliminary stage and only "generalized information" was available.

On February 19, 1968, the House Committee on Interior and Insular Affairs, on which I serve as the ranking member, announced hearings on scenic rivers legislation. The public hearings in March 1968, includes Secretary Goddard's testimony supporting the legislation, excerpts of which follow:

> Waterways which are suitable for the Scenic River designation have been identified, and recognition by the Congress and the Federal Government will serve as an added impetus for preservation and protection of these irreplaceable resources. . . .
>
> The provision in the bill; for States and/or local governments to administer Scenic Rivers if they meet the minimum criteria as determined by the Secretary of the Interior, is particularly appealing. . . .
>
> It appears wholly appropriate and increas-

> ingly evident that the preservation of these unique and rare stretches of our great streams and rivers are assured.
>
> It is recommended that approval of H.R. 8416 be given as expeditiously as possible so that the present river basin studies and deliberations on reservoir sites and free-flowing streams, may be resolved.

Subsequently, I was advised by the Corps of Engineers that public hearings would be held on June 18, 1968, at Knox, Pa., the ultimate purpose of which was to determine the possible inclusion of a reservoir on the Clarion River in a comprehensive report and study as directed under the Appalachia Act. Due to the press of business on the House floor, I was unable to be present on the weekday set. I did suggest an alternative date but this was ignored by the Corps.

On June 27, 1968, the House Interior and Insular Affairs Committee concluded its executive consideration of legislation to establish a national scenic rivers system which included the Clarion River and the bill passed the House on September 12, 1968. A compromise has been reached with the Senate and the measure will soon become law.

COMPREHENSIVE STUDY UNDER THE APPALACHIA ACT

Under the Appalachia Act, the Corps of Engineers was ordered to develop a water resource plan in Appalachia from southern New York, western Pennsylvania, to central West Virginia. The Clarion River site is but one of 23 similar sites under discussion affecting countless communities.

My experience with Corps of Engineers' proposals in the past shows that many projects die aborning after unnecessarily causing wild expectation and serious consternation, disturbing land values, and upsetting community planning. Since there is no assurance that a Clarion site will be selected, the Corps should have withheld announcement at least until adequate facts had been ascertained.

Instead, the Corps' announcement of the project by its very nature and substantial cost could not help but create great excitement. The prospect was packed with promise for an area that deserves a chance at economic invigoration, yet there are many issues to be resolved before any proposal of such vast dimension can become a reality.

UNANSWERED QUESTIONS

Numerous questions must be thoroughly evaluated and studied to bring a degree of balance and objectivity into the analysis. These are just a few which must be answered before any one individual can determine whether such a project is in the best interests of the area involved:

First. What is the real estimate of the project's cost, a point on which a $100 million to $200 million figure has been bantered about?

Second. Is there a basis for the Corps' estimate of $3 million to remove acid mine drainage when the Pennsylvania Department of Mines believes that a minimum of $60 million would be required to do the job?

Third. Would the reservoir as a recreational facility and an industrial attraction overcome the loss of 9,500 acres of farms and woodlands plus loss of employment in otherwise developing future coal deposits, oil reserves, and timber?

Fourth. Would two or three smaller reservoirs provide equal benefits without destroying so much land area and inundating entire communities?

Fifth. Would it be practical to install hydroelectric generating facilities, as the Corps recommends, or is the electric utility company which investigated the damsite correct in concluding that little or no energy would be produced during normal flow and that power facilities would detract from rather than stimulate economic development?

Sixth. If the proposed reservoir is to be designed for multipurpose water development, can the Corps give assurance that future recreational benefits will not be hampered or subjugated? (People surrounding the existing projects at Conemaugh, near Blairsville, and Mahoning, near Dayton, were highly optimistic during initial discussions and construction stages. Not one original recreational promise has been fulfilled by the Corps on these reservoir projects in over 20 years.)

Mr. Speaker, these and other matters should be given more than casual consideration before the Corps of Engineers sets out to activate public enthusiasm for its proposals. To excite hope and promise without specific guarantees is unconscionable.

Even I—a Member of Congress and the duly-elected Representative of this district—am unable to obtain a preview of the proposed Corps of Engineers report to determine what it contains. As recent as September 16, 1968, I sent the following telegram to the District Engineer at Pittsburgh:

> Please advise current status of report on your study under Appalachia Water Resource Survey. When will report be transmitted from your office and to whom? I would like to obtain a copy.

The following day, Col. Wayne S. Nichols sent this message:

> In reply to your telegram of September 16 requesting advice re status of our study concerning Water Resources Appalachian Region, this office recently completed a Water Resources Study and submitted same in *draft* form to our Division Office in Cincinnati, Ohio, for review, possible revision and ultimate inclusion in the comprehensive plan for the development of water resources in the Appalachian Region to be prepared by the Secretary of the Army as a component of the overall Appalachian Regional Program. As you know, the Appalachian Regional Development Act of 1965 (Public Law 89–4) *requires the Secretary of the Army to submit the Water Resources Development Plan for the Appalachian Region to the Appalachian Regional Commission for submission to the President and by him to Congress with recommendations not later than December 31, 1968*. It is believed that *any release of the material prepared by this office would be considered premature* by the aforementioned authorities.

I repeat the District Engineer's statement:

> Any release of the material prepared by this office would be considered premature.

How can anyone at this time give unqualified support to such a vast project without knowing its contents?

If the Corps recommends the Clarion Dam for study; if the Secretary of the Army recommends the same to the President and Congress, an in-detail feasibility study must be completed which may take several years; and if the feasibility study is then accepted, it must still be approved by the Appalachia Regional Commission, the President, and the Congress.

The waiting period for completion of such projects is long enough even after final approval. They must be authorized and they must be funded, a condition of immense proportion at a time when both Federal and State Governments face critical budgetary problems.

Mr. Speaker, it appears to me from this chronology of events that the facts concerning the inclusion of the Clarion River in a national system of wild and scenic rivers is abundantly clear. It should also be emphasized that the Corps of Engineers has through subterfuge raised the hopes of the people of Clarion and Jefferson Counties into believing that there exists a reality of immediate construction of a huge reservoir in the area which will enhance economic development, control and abate acid mine drainage, reclaim strip-mined areas, control floods, establish water quality, provide recreation, and generate hydroelectric power.

At the same time, I have been unduly accused of impeding the economic development and future progress of the area. Let me say that I have, during my public career, been mistakenly charged with falsehoods by well-meaning but extremely misinformed individuals and organizations. It is discouraging for the moment, but as in most instances, cooler heads and reason prevail.

CONGRESSIONAL RESPONSIBILITY

After reviewing all the evidence—including the action of my Pennsylvania colleagues Senators CLARK and SCOTT, the testimony from the State, and the fact that no responsible person in the State or Federal Government has come forth to assure that the report by the U.S. Army Corps of Engineers on the 23 reservoir sites, including the Clarion, now in draft form and subject to much revision, will recommend a better use of the water and related resources of the river—I was left with only one decision concerning the Clarion River.

That decision, Mr. Speaker, relates back to the old adage which my constituents in the 22d Congressional District know full well—"A bird in hand is worth two in the bush."

Since the study proposed by the passage of the Wild and Scenic Rivers Act is now a reality, I consider it better to have the Clarion River included in the provisions of that act rather than hope that it might be included in the Corps' water resources development survey.

Because of the time factor, I am particularly pleased that the Clarion River is among those which could become a part of the scenic rivers system. Like the reservoir proposals, it, too, cannot be decided for some time to come, but—whatever the outcome of the Corps of Engineers' study—residents of the area can take satisfaction in the knowledge that

Congress, in enacting the scenic rivers bill, did not deprive the Clarion River of an opportunity to achieve the national prominence it so richly deserves.

DO NOT BE MISLED

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New York [Mr. ADDABBO] is recognized for 15 minutes.

Mr. **ADDABBO**. Mr. Speaker, a planned scare campaign has been waged in my congressional district, and in other districts, for the last 6 months, and I wish to bring it to the attention of my colleagues for their protection and information. Notices, leaflets, and articles have appeared in factories, offices, and have been distributed on the streets and in public parking lots, alleging that a bill before Congress would convert the social security program into a welfare-type program. Most of these leaflets allege that this bill has already passed the House.

I have supported the social security program since coming to Congress 8 years ago, and I supported the amendments of 1967 which increased benefits by 13 percent and expanded coverage to hundreds of thousands of our citizens. I would never stand for any watering down of the provisions of this valued program, and resent the misrepresentations which this campaign seeks to make.

Confused and irate constituents concerned about the claims made in this campaign have written to me; and the gentleman from Arkansas [Mr. MILLS], chairman of the Committee on Ways and Means, has provided a clear refutation of the erroneous claims. His statement is as follows:

> As you know, H.R. 5710, which was introduced early in 1967, contained the Administration's proposed amendments to the Social Security Act. Hearings were held on this legislation last March and April. Subsequently, however, the Committee on Ways and Means reported out a clean bill, H.R. 12080, which was approved on January 2, 1968, as Public Law 90-248, the Social Security Amendments of 1967. Consequently, the original Administration bill, H.R. 5710, can now be considered a dead bill, since it was superseded by the bill that was enacted into law.

Mr. Speaker, in spite of the statement of Chairman MILLS and many pronouncements, this scare campaign has continued. The Social Security Administrator has found it necessary to issue a statement which I believe should go a long way toward clearing up any misunderstandings. The text of that statement follows:

[From Social Security News, Social Security Administration]

DON'T BE MISLED

> Describing as a hoax the contents of an anonymous flyer now circulating in the New York area, Robert M. Ball, Commissioner of Social Security, states that there is no House Bill 5710 now before the Congress, as the flyer alleges.
>
> The Social Security Commissioner further stated there are no other bills before the Congress that would do what the flyer threatens—"channel the money you have paid and will pay in the future into welfare programs with the Administrator empowered to determine what retirement benefit, if any, you would receive based on his determination of your need."
>
> There are absolutely no bills pending or under consideration, Ball said, that would provide for a test of need in the social security program or that would give discretion to administrators in determining the amount of benefits.
>
> The flyers urging people to write to their Congressmen and Senators are being passed around in factories and offices, the Commissioner said. Some have been posted on public bulletin boards and some have been given out in the streets or placed under windshield wipers on parking lots.
>
> Misled by the false information in the flyers, thousands of people have written to their Senators and Congressmen, Commissioner Ball said. He urged anyone who receives one of the flyers to inform the nearest social security office as to how he received it so that investigation may be made of the source.
>
> He noted that House Bill 5710, which the flyer identifies as the bill before Congress, never would have done any of the things described in the flyer and that, moreover, that bill was extensively amended after extensive consideration of the House Ways and Means Committee, and became House Hill 12080, which passed the Congress, and was signed into law by President Johnson on January 2, 1968.
>
> This is the legislation, Commissioner Ball said, that increased the social security benefits of the nearly 24 million people on the social security benefit rolls by 13 percent—that made over 300,000 additional persons newly eligible for payments—that added new Medicare benefits—and that made many other significant improvements in social security. It did none of the things that this flyer attributes to House Bill 5710.

Mr. Speaker, without a doubt, those who still spread this rumor are knowingly spreading a willful lie; I say this because of the many refutations which have been made. My public pronouncements go back to last spring, and I include an editorial from the Long Island Press of April 15, 1968, which was prompted by my press release. The editorial follows:

RUMORS DIE HARD

> Last year, during the debate over revisions in the Social Security Law, an unsigned pamphlet was circulated among senior citizens, claiming certain amendments would create sweeping changes in the law. It claimed that benefits would be pegged to need and the administrator would have authority to determine the amounts. The pamphlet has surfaced again recently, causing a flurry of inquiries to local congressmen.
>
> Ever since Social Security became law more than 30 years ago it has been a target of crackpots and rumor-mongers. But, as Rep. Joseph P. Addabbo of Ozone Park pointed out, the new law that went into effect in February contains no such amendments and none are even dimly contemplated. These are just more of the old "scare tactics," as Mr. Addabbo said, and should be ignored.

Mr. Speaker, with all this prior and public knowledge, this erroneous information is still, to this date, being disseminated and, therefore, must be labeled a willful lie and a scandalous attempt to promote ungrounded fear among the people. I thank the people of my district who have brought this matter to my attention, for only by bringing these matters to light and asking questions and not believing everything we read can we stamp out that which attempts to spread fear and insecurity among the people.

ESTABLISHING A NATIONAL "SHUT-IN'S DAY"

Mr. **WATSON**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. **WATSON**. Mr. Speaker, today I am sponsoring a resolution comparable to that introduced by our colleague from Massachusetts [Mrs. HECKLER] to set aside the last Sunday in April as a day commemorating all persons whose physical disabilities force them to remain at home or in hospitals and institutions.

This resolution would authorize the President to issue annually a proclamation calling public attention to the special event, which would be designated "Shut-In's Day."

The proclamation would request officials of the Government to display the flag of the United States on all Government buildings during the day and urge the American people to remember the sick and disabled through personal visits, messages, and other acts of kindness.

Mr. Speaker, the return of thousands of seriously wounded veterans from Vietnam dramatically points up the need for a national day of remembrance for the handicapped.

Civic and religious organizations are actively engaged in promoting new programs to encourage the practice of friendship for the sick and shut-ins; however, the war in Vietnam has added a new dimension to this movement.

With nationwide attention focused on a special day of remembrance for afflicted shut-ins, I believe that more people will become involved in making life easier for them through deeds of charity.

Too often, for the thousands of Americans confined to a wheelchair or bed, life seems to be laden with indifference. Sometimes just a brief visit to the infirm can add new hope to their lives, and acts of kindness can help to alleviate human suffering and bring spiritual uplift to shut-ins in moments of stress and futility. Americans are not a callous people, and I feel that they would respond overwhelmingly in behalf of a national day committed to the less fortunate among them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUNNEY (at the request of Mr. McFALL), for today, and the balance of the week, on account of official business in the 38th Congressional District of the State of California.

Mr. BROWN of Ohio (at the request of Mr. GERALD R FORD), for September 23 through September 30, on account of business concerning the Seventh District of Ohio.

Mr. Utt (at the request of Mr. Gerald R. Ford), for the period through October 15 or adjournment of Congress, whichever is earlier.

Mr. Matsunaga (at the request of Mr. McFall), for today through October 4, on account of official business.

Mr. Ryan (at the request of Mr. McFall), for the week of September 30, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Sullivan, for 1 hour, on October 1, 2, or 3; and to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. Carter) to revise and extend their remarks and to include extraneous matter:)

Mr. Gubser, for 60 minutes, today.
Mr. Pelly, for 10 minutes, today.
Mr. Talcott, for 2 minutes, today.
Mr. Saylor, for 30 minutes, today.

(The following Members (at the request of Mr. O'Neal of Georgia) to revise and extend their remarks and include extraneous matter:)

Mr. Addabbo, for 15 minutes, today.
Mr. Boggs, for 1 hour, on October 2.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

(The following Members (at the request of Mr. Carter) and to include extraneous matter:)

Mr. Gude.
Mr. Morton.
Mr. Schadeberg in two instances.
Mr. Quillen in four instances.
Mr. Fulton of Pennsylvania in five instances.
Mr. Blackburn in three instances.
Mr. Scherle.
Mrs. Bolton.
Mr. Ayres.
Mr. Battin.
Mr. Derwinski in two instances.
Mr. Cunningham.

(The following Members (at the request of Mr. O'Neal of Georgia) and to include extraneous matter:)

Mr. Hungate.
Mr. Wolff.
Mr. Long of Maryland in three instances.
Mr. Bolling.
Mr. Fisher in two instances.
Mr. Corman.
Mr. Leggett.
Mr. Podell in three instances.
Mr. Hamilton in 10 instances.
Mr. O'Hara of Illinois.
Mr. Johnson of California.
Mrs. Griffiths.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 17126. An act to amend the Food and Agriculture Act of 1965.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 119. An act to provide for a National Wild and Scenic Rivers System, and for other purposes; and

S. 3068. An act to amend the Food Stamp Act of 1964, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 27, 1968 present to the President, for his approval, bills of the House of the following titles:

H.R. 1340. An Act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes; and

H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commission, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

ADJOURNMENT

Mr. O'NEAL of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 1, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2236. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of the Federal Register's reproduction of the text of the new Manual for Courts-Martial, pursuant to the provisions of 10 U.S.C. 836(b); to the Committee on Armed Services.

2237. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of the Federal contributions program for equipment and facilities for the quarter ending June 30, 1968, pursuant to the provisions of subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2238. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of Federal contributions for personnel and administration for the fiscal year 1968, pursuant to the provisions of subsection 205 of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2239. A letter from the Administrator, Small Business Administration, transmitting the annual report on the financial management, and procurement assistance activities of the Administration for 1967, pursuant to the provisions of the Small Business Act, as amended; to the Committee on Banking and Currency.

2240. A letter from the Comptroller General of the United States, transmitting a report of the opportunity for savings in procurement costs by improved procurement policies and procedures, National Aeronautics and Space Administration; to the Committee on Government Operations.

2241. A letter from the Comptroller General of the United States, transmitting a report on the substantial benefits available through earlier collection of mortgage insurance premiums, Federal Housing Administration, Department of Housing and Urban Development; to the Committee on Government Operations.

2242. A letter from the Comptroller General of the United States, transmitting a report on the need to improve management controls over ammunition development, Department of the Army; to the Committee on Government Operations.

2243. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2244. A letter from the Secretary of the Treasury, transmitting copies of a report listing claims settled under the Military Personnel and Civilian Employees Claims Act of 1964, as amended, for fiscal year 1968; to the Committee on the Judiciary.

2245. A letter from the national president, Jewish War Veterans, U.S.A., National Memorial, Inc., transmitting the annual audit for the period April 1, 1967, to March 31, 1968, pursuant to law; to the Committee on the Judiciary.

2246. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for an additional Assistant Secretary in the Treasury Department; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of September 26, 1968, the following bill was reported on September 27, 1968:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7151. A bill to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes; with amendment (Rept. No. 1932). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted September 30, 1968*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. S. 3736. An act to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex.; with amendment (Rept. No. 1933). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee of Conference. S. 698. An act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in confromity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes (Rept. No. 1934). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. **EDWARDS** of California:

H.R. 20083. A bill to authorize the Secretary of the Interior to establish a national wildlife refuge in the South San Francisco Bay area; to the Committee on Merchant Marine and Fisheries.

By Mr. **GUBSER**:

H.R. 20084. A bill to amend the act of August 24, 1935, to require certain contractors with the United States to give an affidavit with respect to payment of subcontractors; to the Committee on the Judiciary.

By Mr. **KUYKENDALL**:

H.R. 20085. A bill to amend the Uniform Time Act of 1966 so as to reduce from 6 months to 4 months the period for which daylight saving time shall be in effect; to the Committee on Interstate and Foreign Commerce.

By Mr. **MORRIS**:

H.R. 20086. A bill to equalize civil service retirement annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. **O'NEILL** of Massachusetts:

H.R. 20087. A bill to equalize the rates of disability compensation payable to veterans of peacetime and wartime service; to the Committee on Veterans' Affairs.

By Mr. **WATSON**:

H.J. Res. 1462. Joint resolution designating the last Sunday in April of each year as Shut-In's Day; to the Committee on the Judiciary.

By Mr. **CUNNINGHAM**:

H. Con. Res. 837. Concurrent resolution to express the sense fo the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. **ADAMS**:

H.R. 20088. A bill for the relief of Encarnacion Brillantes; to the Committee on the Judiciary.

By Mr. **ADDABBO**:

H.R. 20089 A bill for the relief of Mordechai Elbaum; to the Committee on the Judiciary.

H.R. 20090. A bill for the relief of David Hajblaum; to the Committee on the Judiciary.

H.R. 20091. A bill for the relief of Jakob Kohen; to the Committee on the Judiciary.

By Mr. **BRASCO**:

H.R. 20092. A bill for the relief of Francesca Finazzo Mazzamuto and Antonina Mazzamuto; to the Committee on the Judiciary.

H.R. 20093. A bill for the relief of Giuseppe Sassano; to the Committee on the Judiciary.

By Mr. **BROWN** of California:

H.R. 20094. A bill for the relief of Maria Olivia Castaneda-Estrada; to the Committee on the Judiciary.

H.R. 20095. A bill for the relief of Isidro C. Cautivar; to the Committee on the Judiciary.

H.R. 20096. A bill for the relief of Siu Fung Stella Chan; to the Committee on the Judiciary.

H.R. 20097. A bill for the relief of Brenda Obana Espiritu; to the Committee on the Judiciary.

H.R. 20098. A bill for the relief of Pietro Gallidoro; to the Committee on the Judiciary.

H.R. 20099. A bill for the relief of Sung Ja Hyun; to the Committee on the Judiciary.

By Mr. **FINO**:

H.R. 20100. A bill for the relief of Giuseppina Angeloti, also known as Giuseppina Angeloti Dall'Agnul; to the Committee on the Judiciary.

H.R. 20101. A bill for the relief of Enrico Bruschi, Giovanna Bruschi, Lorena Bruschi and Antonella Bruschi; to the Committee on the Judiciary.

H.R. 20102. A bill for the relief of Bonaventura Di Lorenzo; to the Committee on the Judiciary.

H.R. 20103. A bill for the relief of Choon Ja Lee; to the Committee on the Judiciary.

H.R. 20104. A bill for the relief of Ippolita Maffei; to the Committee on the Judiciary.

H.R. 20105. A bill for the relief of Giuseppe Rizzo, Angela Rizzo, Vincenzo Rizzo and Antonino Rizzo; to the Committee on the Judiciary.

H.R. 20106. A bill for the relief of Domenico Trimarchi; to the Committee on the Judiciary.

By Mr. **IRWIN**:

H.R. 20107. A bill for the relief of Stefania Chaber; to the Committee on the Judiciary.

H.R. 20108. A bill for the relief of Mara Dragobratovic; to the Committee on the Judiciary.

By Mr. **KEITH**:

H.R. 20109. A bill for the relief of Alberto Gomes DePina; to the Committee on the Judiciary.

By Mrs. **KELLY**:

H.R. 20110. A bill for the relief of Greta Hall; to the Committee on the Judiciary.

By Mr. **O'NEILL** of Massachusetts:

H.R. 20111. A bill for the relief of Pompilio da Cunha; to the Committee on the Judiciary.

H.R. 20112. A bill for the relief of Nelia Isabel da Trindade Bettencourt Dores; to the Committee on the Judiciary.

H.R. 20113. A bill for the relief of Manuel Lima; to the Committee on the Judiciary.

By Mr. **PODELL**:

H.R. 20114. A bill for the relief of Josef Sheviki his wife Sofia Sheviki (Shweki) and their two minor children Sima Sheviki and Aharon; to the Committee on the Judiciary.

By Mr. **QUILLEN**:

H.R. 20115. A bill for the relief of Dr. Jorge Fuxa; to the Committee on the Judiciary.

By Mr. **RESNICK**:

H.R. 20116. A bill for the relief of Anastasia Kokinis; to the Committee on the Judiciary.

H.R. 20117. A bill or the relief of Giovanni Rossi; to the Committee on the Judiciary.

By Mr. **ROYBAL**:

H.R. 20118. A bill for the relief of Patricia Anne Duffy; to the Committee on the Judiciary.

H.R. 20119. A bill for the relief of Kil Hann Kim; to the Committee on the Judiciary.

By Mr. **SCHWEIKER**:

H.R. 20120. A bill for the relief of Vincenzo Domenico Lazzaro; to the Committee on the Judiciary.

By Mr. **TEAGUE** of California:

H.R. 20121. A bill for the relief of Antonio Boluna; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

402. The **SPEAKER** presented a petition of Mr. Benjamin L. Ehrlich, Joliet, Ill. relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Monday, September 30, 1968*

(Legislative day of Tuesday, September 24, 1968)

The Senate met in executive session at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

Dear Heavenly Father, we are conscious of Your presence this morning as we take time to pray. Pressures of duty and demands are upon us daily. There is little time for quietness, meditation, and prayer.

Here at the place of highest government legislation, we are witness to our Nation's recognition of our common belief in God as we pause for this moment of prayer.

We give thanks for the different religions of our land. Especially, we are grateful for the great truths of Judaism. During these holy days we have been again reminded of these truths. We are strengthened by them.

Bless this Nation under God. Guide and inspire our leaders. Bless this world with Thy peace. We pray in the Master's name. Amen.

SUPREME COURT OF THE UNITED STATES

The **PRESIDENT** pro tempore. The question is on the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

ORDER FOR ADJOURNMENT

Mr. **MANSFIELD**. Mr. President, on page 28570 of the RECORD of Friday, September 27, 1968, is a statement by me which would indicate that we would come in at 10 o'clock on Tuesday morning next. If I made that statement, I was in error.

Therefore, at this time, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until 12 o'clock noon tomorrow.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **ALLOTT** obtained the floor.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **ALLOTT**. I yield to the distinguished majority leader, with the understanding that I do not lose my right to the floor.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I make the usual request that during the shank of this afternoon, there be a period for the transaction of routine morning business, as in legislative session, and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

CLOTURE MOTION

Under the order of September 27, 1968, the following additional Senators have added their names as signers of the cloture motion: VANCE HARTKE, HUGH SCOTT, CLINTON P. ANDERSON.

Mr. ALLOTT. Mr. President, ever since wire service teletypes first began clattering with rumors of the alleged resignation of Chief Justice Warren, there has been unprecedented national interest in the events precipitated by the pending nomination of Abe Fortas to be Chief Justice of the United States. We are now engaged in the motion to take up the final Senate debate on the consequences of these recent events. It is the kind of debate which will always spring up, full blown and full of fight, whenever there are decisions to be made involving the lives and ambitions of men in high places. We are, as the Attorney General remarked on the first day of the Judiciary Committee hearings, "talking about the three highest offices in the United States—the office of the President, the office of the Chief Justice, and the highest legislative body, the U.S. Senate."

The present debate in the Senate, which has been consuming Senators' energies and demanding the attention of the Nation, is thus borne on a tide of tremendous historic consequence. The emotions this nomination has inflamed and the reason it, hopefully, has inspired, will require the thoughtful attention of every American long after the final curtain of silence falls on this question here in the Senate.

This Senator recalls a similar sense of drama which animated a debate earlier in this session of Congress. That debate involved questions concerning S. 917, later known as the Omnibus Crime Control and Safe Streets Act of 1968. As Senators may recall, that debate culminated, for all practical purposes, in the rollcall on May 21 on an amendment, in the nature of a substitute for title II of the bill offered by the Senator from Maryland [Mr. TYDINGS]. Title II, which the Tydings amendment proposed to strike, related to admissibility of confessions, reviewability of admissions in evidence of confessions, reviewability of admissions in evidence of confessions in State cases, admissibility in evidence of eyewitneses testimony, and procedures in obtaining certain writs of habeas corpus. That rollcall was the catalytic result of a direct and open confrontation between the legislative branch of this Government and its executive and judicial branches. I believe that the historic encounter culminating in the rollcall on the Tydings substitute was a palpable turning point in the history of the 90th Congress. The present controversy concerning the confirmation of the present nominee, an imbloglio unthinkable a year ago, is perhaps a direct result of the consequences of that vote and reflects the deep concern of the great majority of the American people in the administration of justice in this country.

Mr. President, it is clear that any effort to reject the pending nomination of Associate Justice Abe Fortas to be the Chief Justice of the United States is fraught with historic obstacles. As Alexander Hamilton once observed, the Senate is not likely to reject a Presidential nomination "where there were not special and strong reasons for the refusal." It seems clear to me that those of us who oppose this nomination must be able to demonstrate those "special and strong reasons" to the satisfaction of the Senate; to do less pettifogs the issue and denigrates constitutional duty.

Mr. President, since the past may be instructive of the present, it might be wise to reflect for a moment on the history of that part of the Constitution which enables both the President and the Senate to share joint responsibility for the confirmation process.

The particular article of the Constitution with which we are dealing today, article II, section 2, clause 2, provides that the President shall nominate and, by and with the advice and consent of the Senate, appoint judges of the Supreme Court. Simple language on its face; but the fact is that this procedure was the subject of much heated controversy during the Federal Convention. As the notes taken by Robert Yates, a member of the Convention indicate:

> To that part of this article also, which gives the President a right to *nominate*, and with the consent of the Senate to appoint all the officers, civil and military of the United States, there was considerable opposition. It was said that the person who *nominates* will always in reality *appoint*, and that this was giving the President a power and influence, which together with the other powers bestowed upon him, would place him above restraint or control. In fine, it was urged, that the President as here constituted, was a *king* in everything but name. (*Secret Proceedings and Debates of the Federal Constitution*, 1821, at page 75.)

This same concern was manifest by anxious citizens of the new Republic subsequent to the promulgation of the proposed Constitution. Alexander Hamilton sought to calm this apprehension by showing that it was wiser to have nominative powers confined to an executive rather than dispersing them among a larger and more unwieldy legislative body where nominees might reflect the "full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly." The President, thought Hamilton, "will have fewer personal attachments to gratify than a body of men, who may each be supposed to have an equal number, and will be so much less liable to be mislead by the sentiments of friendship and affection."

We are about to test Hamilton's disarming observation with bipartisan effort. This same effort will also determine whether in effect the person who "nominates will always in reality appoint" those designated for certain public offices. This willingness to test the propriety of certain Presidential nominations requiring Senate confirmation is perhaps best summarized by the comment of the distinguished Senator from Washington [Mr. MAGNUSON] prior to the refusal of the Senate to confirm the appointment of Lewis Strauss as Secretary of Commerce:

> I do not think anyone is anointed simply because he is appointed. (*Con. Rec.*, 86th Congress, 1st Session, p. 9982).

I know there is some confusion in the public mind regarding the necessity for a debate here in the Senate on issues involving the wisdom of confirmation of a particular political nomination. Some citizens assume that such a nomination is tantamount to appointment to the office, and there is really nothing the Senate can or should do about it. These people fail to recognize, of course, that the ordinary power of appointment is confined to the President and Senate jointly, and that each body must exercise its best judgment independently if constitutional responsibility is to be fulfilled.

Mr. President, the din of debate here in the Senate loudly proclaims the fact that the constitutional duty of this body will be properly discharged since we are writing a record which will contain the thoughts and arguments concerning the wisdom of the pending nomination. These records are the public domain. The Senate's role in the appointment process is open to public scrutiny, in marked contrast to the President's role where the public is never fully advised concerning deliberations on all nominees' qualifications prior to the submission of the final nomination to the Senate.

Of course, the restraining influence of the Senate in the appointment process is exceedingly important. This influence was the subject of one of the Federalist papers, where it was observed:

> To what purpose than require co-operation of the Senate? I answer that the necessity of their concurrence would have a powerful, though in general a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity. . . . It will readily be comprehended that a man, who would otherwise have himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the Legislature. (The Federalist, No. 76, Alexander Hamilton.)

Despite the sense of urgency which eminates from the White House with regard to this nomination, and the bleating impatience of some of the country's newspapers who excoriate those questioning the wisdom of elevating this Associate Justice over his senior brethren to become Chief Justice, there does appear to be an increasing number of Senators who are anxious to raise thoughtful concern about the propriety of the pending nomination. Perhaps this willingness to stand up against whose who demand instant action justifies Hamilton's observation that the independence of the Senate insures against the possibility of successful efforts by the Executive to use undue influence to obtain confirmation of nominations.

Hamilton stated:

> Though it might be allowable to suppose that the executive might occasionally influence some individuals in the Senate; yet the supposition that he could in general purchase the integrity of the whole body would be forced and improbable. A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will be sufficient ground of confidence in the probity of the Senate, to rest satisfied not only that it will be impracticable to the Executive to corrupt or seduce a majority of its members; but that the necessity of its cooperation in the business of appointments will be a considerable and salutary restraint upon the conduct of that magistrate.

Recent history reflects the willingness of certain aggrieved Senators to seek refuge in the Constitution when they felt compunction to resist a presidential appointment. Note the language in the minority report filed in connection with the Strauss nomination back in 1959:

> We cannot in good conscience agree with the contention frequently advanced . . . that we who serve in (the Senate) should automatically and unquestioningly give our consent to every nomination. We believe . . . that it (the power of advice and consent) is one of the most important of the checks and balances which have contributed so greatly to the vitality and stability of our system of government. When serious questions are raised as to the fitness of a nominee . . . we feel that the Senate must discharge its function carefully and resolutely. The performance of its duty may be both distasteful and time consuming but it cannot be shirked on either ground. (CONGRESSIONAL RECORD, 86th Congress, First Session, Page 9984)

The Office of the President, the Office of the Chief Justice, and the U.S. Senate—these three great institutions of our Republic have precipitated a collision course with history now occasioned by this debate. None of us here can overlook the fact that the central issue here is the great admiration and respect each of us has for these offices. These offices must constantly inspire the greatest admiration and confidence of our citizenry lest their importance become eroded by public derision and disrespect.

I am constrained to interpolate at this point that there is a great difference between the situation in 1959 concerning the confirmation of Mr. Strauss as Secretary of Commerce and the nomination here. In the latter instance, the term of office which would have been created by Mr. Strauss' confirmation would have been terminated, in almost any event, a little more than a year later. The nomination we are now considering is that of appointing a man to a position for a lifetime job.

There is no opportunity here for the voters to exert their influence or state any reasons why they think he should be removed. But the Strauss nomination was fought by a minority out of the committee with vehemence bordering on viciousness and malice. I know of no nomination which has been fought in the Senate since I came here with all of those elements present.

Mr. President, I yield to no man in my high regard for respect for the Supreme Court, because I recognize the great truth contained in De Tocqueville's comment:

> The peace, prosperity, and the very existence of the Union are vested in the hands of the seven Federal judges. Without them the Constitution would be a dead letter. . . . Their power is enormous, but it is the power of public opinion. They are all-powerful as long as the people respect the law; but they would be impotent against popular neglect or contempt of the law.

Mr. President, I think the nominee himself has been somewhat surprised by the tremendous public interest displayed during the 9 days of public hearings devoted to the question of his nomination.

Of course the public is interested. And the public's interest transcends any consideration of mere respect for law and order—that ofttimes overworked phrase which has nonetheless struck a vital chord in the contemporary public conscience. Perhaps we should be reminded of what the public has had to say about the Supreme Court today, and what its overall appraisal is of the way the Court has been performing. A Gallup poll, the latest one, I believe, issued July 9, 1968, helps understand the public concern about this question. I ask unanimous consent that this poll, entitled, "The Gallup Poll—High Court Gets a Low Rating" be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 10, 1968]

THE GALLUP POLL—HIGH COURT GETS A LOW RATING

(By George Gallup)

PRINCETON, N.J., July 9.—Favorable attitudes toward the U.S. Supreme Court have declined during the last year, as judged by a nationwide Gallup survey just completed.

Today, unfavorable feelings toward the High Court outweigh favorable sentiment by a 3–2 ratio. In a survey reported in July, 1967, Americans showed feelings toward the Court—with about as many giving it "excellent" or "good" marks as gave it "fair" or "poor" rating.

Over the past 30 years the Gallup Poll has regularly checked on the public's attitudes toward the Supreme Court as a branch of government. This survey was not designed to gauge public reaction to the recent Administration appointments of Abe Fortas and Homer Thornberry to the Court.

This is a question put to a representative national sample of 1534 adults the last weekend in June:

"In general, what kind of rating would you give the Supreme Court—excellent, good, fair or poor?"

[In percent]

	Latest	July 1967
Excellent	8	15
Good	28	30
Total, favorable	36	45
Fair	32	29
Poor	21	17
Total, unfavorable	53	46
No opinion	11	9

A person's opinion of the Supreme Court is closely related to how he identifies himself politically. Rank-and-file Republicans are most critical of the Court (60 percent gave the Court an unfavorable rating) while Democrats are about evenly divided between favorable and unfavorable ratings.

Persons with college training are more inclined to give the Court a favorable rating than those with less formal education. Still, college-trained persons are evenly divided in their evaluation of the Court.

Southerners are more critical of the Court than are residents of other regions. About half of young adults, those in their twenties, give the Court either an "excellent" or "good" rating, while older persons tend to be less favorably disposed toward the Court.

Following are the results by major groups in the population:

[In percent]

	Excellent	Good	Fair	Poor	No opinion
National	8	28	32	21	11
Republicans	7	21	35	25	12
Democrats	10	32	30	17	11
Independents	7	29	32	24	8
College	14	34	27	21	4
High school	6	29	35	20	10
Grade school	6	21	31	23	19
East	11	32	31	16	10
Midwest	8	31	29	17	15
South	5	18	35	31	11
West	9	31	33	19	8
21 to 29 years	11	37	32	12	8
30 to 49 years	9	31	31	18	11
50 and older	6	19	32	29	14

Mr. ALLOTT. Mr. President, lest we yield too much to popular opinion here, I think it might be wise to add to the body of my remarks today what certain State and Federal judges have had to say about the Supreme Court, and I would ask unanimous consent that these articles be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, I think it is significant to note that these opinions were expressed in October of 1958 before the present nominee was a member of the Court. I think that Members of the Senate are quite able to judge whether these opinions of 1958 still represent those of State and Federal judges across the land today.

Mr. President, I recognize that one cannot put too much stock in opinion polls such as these, particularly since the entire Supreme Court is not on trial here; only the merits of the present nominee are now in question. I do not propose to lose sight of that fact. In this respect, the Senate is on trial here, not the Supreme Court. However, the way in which we discharge our constitutional responsibility under article II may in large measure help the public to regain some of the respect for the institutions of government—a respect which is so desperately needed today. I cannot agree more with De Tocqueville's observation that the Supreme Court is "all powerful as long as people respect the law; but they would be impotent against popular neglect or contempt of the law."

Mr. President, our duty to advise and consent to the Fortas nomination has not been materially helped by the exchange of letters and telegrams between Chief Justice Warren and the President which have precipitated this debate. Even the New York Times of June 30, 1968, characterized this exchange as "calculated vagueness," and went on to observe:

> Now that the niceties are over, it is time for formalities. The President ought to stop the end runners on Capitol Hill by accepting the Warren retirement without opening up an escape hatch of his own. The reasons of age the Chief Justice gave for quitting the bench preclude his return in any event.

Mr. President, obviously, the reasons Mr. Warren gave for quitting the bench will not preclude his return to the bench as Chief Justice during the October term.

If there had not been a "calculated vagueness" in this whole question of Mr. Warren's "retirement," perhaps the entire atmosphere surrounding the Fortas nomination might have been considerably less clouded by political and personal overtones. It appears passing strange to me that a retirement, based upon the clear language of the United States Code, by one so versed in the law, should necessitate two explanatory letters and a telegram in order to convey its message. It is even more unbelievable that the person downtown who has, within the last 2 years received so many of these requests to be relieved of duty should not be more versed in accepting an offer to retire. But, of course, the fact is that these letters back and forth did not constitute an unequivocal offer or acceptance to retire. This question was deliberately left unclear in order to preclude the possibility that Mr. Warren would not be sitting as Chief Justice in the event Mr. Fortas' nomination was not confirmed by the Senate. It appears to me that the consequence of all this calculated phraseology back and forth between Mr. Warren and President Johnson raises a legitimate question of whether or not there is at present an actual vacancy in the office of the Chief Justice. No one, even those most ardently supporting the nomination of Mr. Fortas, has suggested that Mr. Warren does not have the authority to sit as Chief Justice during the October term of the Court.

Now I am not going to further cloud the question of whether or not there is a vacancy in the office of the Chief Justice of the United States with any legal sophistry. I think this issue has been pretty well discussed already. The way in which the issue has been approached in other cases may be instructive as to the present matter, and I think it was best resolved by the judge's approach taken in *Ham* v. *State ex rel Blackman*, reported in 49 So. 1032, at page 1033, wherein it was stated:

> It has been often held that the words "vacancy" and "vacant," when applied to an office and as used in a statute, have no technical meaning, but only their common or popular meaning. These words, when so used, are held to mean empty, unoccupied, without an incumbent. The office is vacant whenever it is unoccupied by a legally qualified incumbent who has a lawful right to continue therein until the happening of some future event. Sanders v. Blackmore, 104 Mo. 340, 15 S.W. 960; State v. Bemenderfer, 96 Ind. 374; People V. Henderson, 4 Wyo. 535, 35 Pac. 517, 22 LRA 751.

I subscribe to this commonsense approach to the question of whether or not a bona fide vacancy presently exists in the Office of the Chief Justice of the United States. Let me for the moment apply this approach to the pending controversy on this point. On June 13, 1968, Chief Justice Warren, in the pertinent portion of his first effort to resign, stated:

> I advise you of my intention to retire effective at your pleasure.

The effect of such a statement certainly did not effect an immediate resignation, for, as is pointed out in 67 C.J.S. section 57, at page 225,

> Resignation of an office is the act of giving it up; the act of an officer by which he declines his office and renounces the further right to use it.

Mr. Warren's second letter, undated, but presumably written the same day, that is June 13, advanced that the reason for his desire to retire was based "solely because of age," presumably to take advantage of the emoluments provided by 28 United States Code 371 (b). Again, nothing magical resulted from this letter which would effect a bona fide retirement.

Thirteen days later, and 8 days after rumors of Mr. Warren's resignation were hitting the wire services, the President responded, on June 26, by stating in pertinent portion:

> With your agreement, I will accept your decision to retire effective at such time as a successor is qualified.

Now, the recognized law on this question states:

> A statement by an officer that he contemplates a resignation, or that his statement may be regarded as a resignation on a certain contingency which does not occur is without effect. 67 C.J.S. Sec. 55, p. 227.

In other words, Mr. President, there is no vacancy in the Office of Chief Justice of the United States until a successor to Mr. Warren has been duly qualified; and until that time Mr. Warren is the only legally qualified person in the country who has the lawful right to sit as the Chief Justice. We are thus in the position of recognizing that old maxim that two bodies cannot occupy the same place at the same time. And we are in this awkward position simply because of the "calculated vagueness" which has marred this nominative process of Mr. Fortas from the very beginning.

Despite the reasons which have been advanced that "we must always have a Chief Justice," I cannot see why recourse cannot be made to the existing provisions of the United States Code to allow an Acting Chief Justice to dispense the functions of the office until such time as a successor to Mr. Warren has been duly qualified. In this regard, I should like to direct the attention of Senators to 28 U.S.C. 3, which provides:

> Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the Associate Justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

Recourse to this existing provision of the Code would merely require an unequivocal resignation by Mr. Warren, and an unequivocal acceptance of such resignation by Mr. Johnson. This procedure seems simple enough to me, and would be purely reasonable unless, of course, there are political and personal considerations surrounding this nomination and resignation which lurk below the surface of appearance. I suspect the latter; and I suspect that every American is equally aware that politics rather than age is what motivated this alleged resignation. It is a pity, perhaps, that 28 United States Code 371(b) emoluments do not recognize politics as a reason for retirement or resignation rather than limiting such a possibility solely to age.

In the meantime, Mr. Warren has stated in a press conference that he will stay on as Chief Justice of the United States if the Senate does not confirm Abe Fortas as his successor.

I want to read that again; in the meantime, Mr. Warren has stated in a press conference that he will stay on as Chief Justice of the United States if the Senate does not confirm Abe Fortas as his successor.

Such a statement merely serves to dramatize the fact that there is no bona fide vacancy requiring Senate action at this time; it also dramatizes Mr. Warren's feeling that either the Senate move in the direction he and Mr. Johnson want us to or he will stay on the Court and continue to hand down opinions which have caused many of us here in the Senate so much concern.

I must say that the position the Chief Justice has taken in this matter—in effect dictating to the Senate that one man, Abe Fortas, shall take his place, and no other—is extremely offensive to my sense of justice; it is extremely offensive to my sense of the law, and it is extremely offensive to my oath of office as a U.S. Senator.

Mr. President, presuming, without admitting, that this question of vacancy is no impediment to confirmation of the present nominee at this time, we must move from an examination of the resignation portfolio to delineate some of the areas of concern about the propriety of the Senate's confirmation of this presidential nomination.

Let me, therefore, direct the balance of my remarks to the questions raised by the nomination of Mr. Justice Fortas to assume the center seat of the High Court and the seat at the end of the conference table around which the decisions of the court are finalized.

The appearance of Mr. Justice Fortas before the committee consumed pages of testimony and required 12 hours of examination by committtee members. However, as Senators know from their study of the hearing record, Mr. Fortas declined on several instances to answer questions regarding his past judicial decisions or legal questions which he might have subsequent occasion to decide upon. The majority report of the committee approved this disinclination on the part of the nominee by observing:

> To require a Justice to state his views on legal questions or to discuss his past decisions before the committee would threaten

> the independence of the judiciary and the integrity of the judicial system itself. It would also impinge on the constitutional doctrine of separation of powers among the three branches of Government as required by the Constitution.

This is a very commendable commentary on the part of the majority of the committee, to admonish strict adherence to the constitutional doctrine of separation of powers in order to restrain legislative inquiry or interference into matters judicial. But this same majority of Senators on the committee was silent when it came to a similar statement of whether this doctrine of separation of powers was strictly adhered to insofar as judicial participation by this nominee in matters legislative. I have searched the committee report in vain for any explanation or justification for this incursive activity. And yet no issue raised in this entire controversy of confirming Mr. Fortas as Chief Justice is more important to me than the question of whether, through unavoidable circumstances arising out of his personal association with the President or just plain design, the doctrine of separation of powers which the nominee invoked to preclude senatorial inquiry into his decisions on the bench was equally respected with regard to his activities in nonjudicial matters dealing with the administration of this Government.

As Senators know, I voluntarily appeared before the Judiciary Committee on September 16 to relate the circumstances which led me to believe that the nominee, Mr. Fortas, was involved in formulating a legislative amendment to the Treasury-Post Office appropriations bill while a member of the Supreme Court. Since these events have had a decisive impact upon my determination to resist the confirmation of this nominee, I shall now read my statement before the Judiciary Committee. It was as follows:

> I appear here today, voluntarily, at the invitation of one member of the Judiciary Committee. My appearance is occasioned by conjecture, arising out of a press conference I had in Denver, Colorado, on August 24th. At that time, I was asked, in substance, the basis of my opposition to the confirmation of Justice Fortas as Chief Justice of the United States Supreme Court.
>
> My reply, also in substance, was that I had good and valid reasons which I proposed to include in my statement when this matter came up on the floor of the Senate, inasmuch as I had been informed that Mr. Fortas had been involved in the formulating of legislation while a member of the Supreme Court.
>
> Some versions of the story have become confused by the telling and re-telling of what I stated at that time.
>
> I appear here to state the facts and circumstances upon which my determination was made.
>
> On the morning of May 27th, a meeting was called of the Subcommittee of Appropriations for Treasury and Post Office. I am a member, but not the ranking member, of that Subcommittee. I had been attending the meeting of that Subcommittee regularly in working with the Chairman, Senator Monroney. It is my recollection that Senator Monroney called me that morning, and I was also informed by the members of the staff as to the subject matter of that hearing. We were to meet in open session on the regular appropriations items and in Executive Session on the special legislative language concerning the protection of candidates.
>
> The Treasury Department produced an amendment to accomplish this purpose and it was discussed thoroughly by persons present who included: Secretary of Treasury, Mr. Fowler; Mr. Barr, Under Secretary of Treasury; Mr. Rowley, Director, U.S. Secret Service and other staff members; The Chairman, Mr. Monroney, and myself. Senator Yarborough was also present for a substantial amount of time, but not during the entire session.
>
> During the course of the hearing, Mr. Barr was called to the telephone in the northeast corner of the room and spent a considerable amount of time on the phone—perhaps as much as ½ hour. He returned to the table and we continued to discuss the legislative amendment which was necessary in order that Secret Service protection could be extended to Presidential and Vice Presidential candidates in addition to the increase of money required for such action.
>
> Late in the morning the Committee went into Executive Session to discuss the proposed Treasury amendment, in all of its ramifications, with the Treasury officials.
>
> As the hour approached 12:30 p.m., Senator Monroney had indicated that he had to get on with another appointment and that the Committee would meet in open session for further testimony that afternoon. The meeting, therefore, adjourned approximately at 12:30 p.m., and Senator Monroney left at once.
>
> As I was picking up my papers and turning away from the table, Mr. Barr came around the north end of the table and showed me a piece of white paper at which I glanced. It appeared to me to be the same legislative amendment that had been presented during the discourse. He said the following, in substance: "I have been on the phone with the White House." To which I answered, "Yes, I know." He then stated in substance: "This is the amendment they want at the White House. It has been gone over by DeVier Pierson and Abe Fortas, they have cleared it, and they can live with it."
>
> My reply, in substance, was that I realized the necessity of this amendment and that we would consider it in the Subcommittee Mark Up and that I would support it.
>
> Whereupon I left the room.
>
> There may have been staff members still present in the room or other members of the Treasury Department but there was no one within hearing in the room at the time of this conversation with Mr. Barr.
>
> My thoughts at that particular moment are perhaps not relevant, but since I did not, nor do I have, any occasion to doubt the veracity of Mr. Barr, I concluded that Mr. Justice Fortas had indeed been involved in the formulation of this legislative amendment.
>
> Upon that conclusion, among others, I cannot support his nomination for Chief Justice.

Since, after I gave that statement to the Committee on the Judiciary on September 16, nothing has been heard from either the Assistant Secretary of the Treasury, Mr. Barr, nor from one of the special legislative counsels at the White House, Mr. Pierson, both of whom were involved in the events I related to the committee, I believe it is reasonable to conclude that my testimony must stand as the unrefuted truth.

Mr. President, let me make the RECORD perfectly clear on these events. In order to resolve certain questions developed by my testimony the Judiciary Committee very properly invited both Mr. Barr and Mr. Pierson to appear and testify in these hearings. Both men refused to accept these invitations, invoking executive privilege to justify such refusal. Because these members of the executive branch declined to honor the committee's invitation to testify, the hearing record on the Fortas nomination has been rendered curiously incomplete. For example, a question clearly presents itself as to the weight which can be accorded to Mr. Fortas' denial that he had ever helped to frame a measure since becoming a Justice of the Court—reported on page 104 of the hearings—when my uncontradicted testimony quotes a member of the executive department as saying to me: "This is the amendment they want at the White House. It has been gone over by DeVier Pierson and Abe Fortas; they have cleared it, and they can live with it." Reported on page 1349 of the hearings.

Mr. President, at this time I should like to add to my prepared text two or three remarks.

I do not know Mr. Barr well, but, as I stated a few moments ago, I have never had any reason to question his integrity or his veracity, and I do not wish to do so now.

The significance of my testimony before the Committee on the Judiciary does not become clearly apparent until one considers that, if either Mr. Pierson or Mr. Fortas had written a letter to the committee, even without an appearance there, saying that the Senator from Colorado was mistaken, or that he must have misunderstood Mr. Barr, or if Mr. Barr had written such a letter saying that he does not doubt the integrity of the Senator from Colorado, but he is sure that he misunderstood him at that time, then this matter would be put in an entirely different light. In that situation the testimony of the Senator from Colorado would be in the same status as contradicted testimony in a court case. And one could then judge upon the circumstances and the three or four persons involved who was telling the truth.

The significant thing here is that the testimony was given on September 16 and that Mr. Barr, Mr. Fortas, and Mr. Pierson all had an opportunity to make a statement either in writing or by appearing personally as to the veracity of the circumstances in the statement that was made by me before the Committee on the Judiciary.

Each of the three pleaded what in effect was executive privilege. But I hardly see how executive privilege applies to a statement that is made by a member of the executive branch to a Senator, and especially if it is made in a committee room.

So we have this situation uncontested, undenied, uncontradicted where there is a definite discrepancy, a definite inconsistency, a definite hole in the testimony. And noting that all three of these people refused to take the opportunity to explain or deny the statements contained in my testimony, the logical and reasonable person can only assume that my statement before the Judiciary Committee is true in its entirety.

Until these questions are resolved, both for the sake of the nominee and the benefit of the country, our judgment on Mr. Fortas' qualifications must be imperfectly posited upon a record containing important conflicts, contradictions, and inconsistencies. It seems eminently apparent to me, Mr. President, that in view of these developments, and with continued silence from the executive branch, that the record developed by the Judiciary Committee contains important, unanswered questions which only the nominee himself can answer.

Mr. President, as I indicated with reference to the alleged resignation of Chief Justice Warren, this controversy has been marred from its inception by personal and political aspects which lurk below the surface of appearance. The exchange of correspondence between Mr. Warren and Mr. Johnson has created a situation which is distinguished only by the confusion it has engendered. But that confusion did not cease with the "calculated vagueness" of the resignation. It has continued to blur the picture of the nominee cast upon the hearing record of the Judiciary Committee. As a result of the frustrated efforts by the committee to pry into the dark crevices of inconsistency which developed after the initial hearings had been completed, the Senate is being asked to vote upon the basis of a hearing record which remains confused by questionable fissures of inconsistency. Here again, it seems perfectly clear to this Senator that there is more to this issue than is apparent on its face.

Some of Mr. Fortas' defenders have attempted to dispose of the question of the Justice's refusal to reappear before the committee by saying that the invitation to return was in reality ill-concealed harassment bordering on discourtesy. Perhaps this was the price his supporters on the committee were willing to pay in order to assure a committee vote to bring this nomination out onto the Senate floor. But then again perhaps some Senators understood that there was little possibility of harassment because it was unlikely that either the nominee or specified witnesses in the executive branch would ever appear to testify.

Thus, Mr. President, we are left with the problem of this incomplete record—and it is not an insignificant niche—a harmless error to use the terminology of the Supreme Court in disposing of certain cases before it. The words of Justice Fortas, reported on page 106 of the record, wherein he said "I guess I have made a full disclosure now" and now open to speculation as a result of disclosures which were made subsequent to his last appearance before the committee.

Under these circumstances, Senators are not unlike judges called upon to review an incomplete trial record. We too can make some logical deductions as to why this hearing record before us today is not complete. I think the logical deduction which must be made is that Mr. Fortas had not made a full disclosure concerning the extent of his activities in formulating executive and legislative proposals.

Some citizens, Mr. President, might not see the dangers involved when a member—even this talented and capable member—of the Supreme Court continues to advise and participate in certain essential executive or legislative matters. Perhaps a little history can cast this question in the proper light in order to grasp the grave consequences of this kind of activity by a member of the Court. In this regard Hamilton observed:

> By being often associated with the executive they (judges) might be induced to embark too far in the political views of that magistrate, and thus a dangerous combination might by degrees be cemented between the executive and the judiciary departments. It is impossible to keep the judges too distinct from every other avocation than that of expounding the laws. It is particularly dangerous to place them in a situation to be either corrupted or influenced by the executive.

I cannot believe that the best interests of the Republic—or of one of its temporary administrations—are best served when executive or legislative policies are fashioned with the assistance of intimate consultation with a member of the Supreme Court. I believe my constituents would share a similar sense of outrage if they thought any Member of the Senate was sitting at the side of a Supreme Court Justice in order to participate in judicial determinations on legislative matters which he had helped to draft here in the Senate. The people expect an independent judiciary. An independent judiciary assures public respect and insures individual independence from overreaching governmental domination. The Constitution guarantees and affirms this personal liberty. And since separation of powers—shared powers, really—is the mainstream of this complicated and delicate instrument we call the Constitution, I think we in this Senate ought to respect this doctrine and assure its continuation in this Government.

The consequences of failing to respect this doctrine on the part of the nominee are onerous indeed. The consequence is particularly burdensome in this instance because it demands a denial of elevating Justice Fortas to the second highest post in the land—the Chief Justice of the United States. It could be argued, of course, that this was merely a slip or a momentary separation from the fruits of good judgment. Perhaps. But how many times has the Supreme Court demanded the release of self-confessed killers or rapists because a county sheriff failed to respect the legal amenities involved with obtaining a search warrant—c.f. *Bumper* v. *North Carolina*, 391 U.S. 543—or a police interrogator failed to give every single one of the warnings required by cases like Miranda or Escobedo? Is liberty served only in the latter situation? Or is the doctrine of separation of powers no less a liberty and so easily disregarded that we are about to reward its transgressor rather than admonish him? I should hope not, for as Hamilton also observed:

> Liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments.

Mr. President, I have deliberately tried to delineate my position against the confirmation of Justice Fortas from the day when he was first nominated by President Johnson. I have made no secret since then of my disenchantment with his participation, as it was reported to me by Assistant Secretary Barr, in legislative affairs pending before the Appropriations Subcommittee on which I serve.

But there are good and sufficient reasons for refusing confirmation other than this single instance on which I have direct knowledge. Senators who have read the hearings are aware that Justice Fortas stated on page 104:

> I do not want to talk about specific matters on which I have been consulted.

Despite the fact that he did not want to talk about these specific matters—on the basis, I presume, of some kind of perverse notion of executive privilege—the nominee when questioned directly did admit that he had taken part in the consultation prior to the issuance of the Presidential message ordering Federal troops into the city of Detroit. Now, Mr. President, I agree entirely with Mr. Fortas' characterization that these riots precipitated a "critical and desperate situation" and that any decision to send Federal troops into that city was fraught with complication. I know that cool and deliberate judgment was called for. The fact that it may have been too deliberate was of course one of the cries of anguish that issued forth from the office of the Governor of Michigan at the time.

But what would have happened if, for example, a woman, widowed by the action of those troops, were to have brought suit against the United States, alleging that their presence in Detroit was unlawful under the circumstances, and such a controversy were to reach the Supreme Court? Mr. Fortas certainly would have disqualified himself under such circumstances, of course, but I wonder what grounds would have been given for such disqualification to hear the case. In any event, it certainly would have been unfortunate to have lost the unique powers of legal talent which Mr. Fortas would otherwise have been able to exercise—and which citizens pay him to exercise.

In this regard, I am left with the same questions as those posed by the distinguished junior Senator from Michigan, for whose penetrating research and great effort on this issue the Senate is so greatly indebted, and which are reported on page 50 of the Judiciary Committee hearings:

> Is it in the public interest to assume that Justices who have engaged privately in such executive activity would disqualify themselves from consideration of resulting litigation?
>
> If justices who engage privately in such executive activity while sitting on the Bench do disqualify themselves, of course, the number of Justices available on the Court to decide particular cases is accordingly reduced.
>
> If the Senate should be satisfied that there is nothing wrong in the case of one or two Justices participating in executive decisions, there could be nothing wrong if the President consults regularly and privately with four or five Justices—or more. In such a situ-

ation, who will decide the cases that come to the Supreme Court?

Mr. President, this incursive effect on the doctrine of separation of powers is also demonstrated by the nominee's testimony regarding his participation in certain questions involved with the war in Vietnam. There are two aspects of Mr. Fortas' involvement on issues concerned with the Vietnam war which give me pause—one perhaps more serious and difficult than the other. On the one hand, Mr. Fortas stated on page 106 of the hearings:

> Justice Fortas. Perhaps I can say there have been stages in the fantastically difficult decisions about the war in Vietnam where I have participated in meetings of the kind that I described. I say that because it has been published, and it is true. Now, I am not an expert on Vietnam or the Far East, or anything like it. But the President seems to think that I can serve a function by setting forth the considerations that have been stated by others on various sides of the question. And that I have done.

Mr. Fortas explained that his role had been solely that of one who sits in on these meetings while other people expressed their views.

> The President—

He stated—

> always turns to me last, and he then expects me to summarize what has gone on.

Of course, I cannot say whether it has been the quality of the views of those expressed by these White House advisers, or the way in which Justice Fortas has summarized them, that has allowed this Vietnam war to become the monumental fiasco it has. In any event, the image the nominee has suggested is that of a judicious balancing of arguments in formulating decisions concerning this war. A judicious balancing of these arguments, however, does not hide the fact that the question of involvement with the Vietnam war remains a potentially justiciable matter which may yet find its way before the Supreme Court. As Mr. Justice Douglas stated in his dissenting opinion in O'Brien against United States:

> The underlying and basic problem in this case, however, is whether conscription is permissible in the absence of a declaration of war. That question has not been briefed nor was it presented in oral argument; but it is, I submit, a question upon which the litigants and the country are entitled to a ruling.

The question obviously arises whether Justice Fortas has again been privy to information imparted during these executive sessions at the White House which would necessitate his disqualification were the question of the legality of the involvement of the United States in the Vietnam conflict to come before the one forum to which Mr. Fortas owes his sole responsibility.

The other aspect of the nominee's involvement in questions surrounding the Vietnam conflict which gives me greatest pause and concern, however, revolves around his alleged telephone call to Paul Lazarus, Jr., president of the Federated Department Stores, concerning Mr. Lazarus' estimate of the actual costs of the war.

This issue was raised several times during the initial course of the hearings. The best and perhaps the most illuminating exchange takes place at pages 167 and 168 of the hearings, wherein the Senator from North Carolina [Mr. Ervin] asked the nominee:

> Did you call any businessman at a meeting in Hot Springs and remonstrate with him concerning a statement he had made about the increased cost of the Vietnam War, and tell him that the President was very much dissatisfied with this statement about some $5 billion figure, about increasing costs of the Vietnam war?
>
> Justice Fortas. I called a friend who was at Hot Springs at a businessmen's meeting, a man with whom I had served on the board of directors of one of the largest companies in the country. I told him at that time, as a citizen, that I was very distressed about a statement attributed to him that I considered to be wrong and which had as its purport—as its possible purport and possible effect the presentation of an incorrect view to the American people of the consequences, financial consequences, of this Nation's participation in the Vietnam war.
>
> Senator Ervin. Now, did you do that on your own volition, or did you do it at the request of someone?
>
> Justice Fortas. Senator, I will not go into any conversations, either to affirm them or to deny them, that I have had with the President. I ask you please to understand that, and please to excuse me. I know how easy it is to say no, the President did not say something to me. But the question "What did he say?" would follow, and so on. I must ask you to indulge me to this extent. I have endeavored Senator, and Mr. Chairman, to err, if I erred, on the side of frankness and candor with this committee. But I think that it is my duty to observe certain limits, and one of those limits is any conversation, either affirmance or denial, that I may have had with the President of the United States.

The essential propriety of this telephone conversation, which causes me this concern, also seems to have been shared by the distinguished senior Senator from Arkansas. He raised the issue again in the hearings, on page 228, and after pointing out that Mr. Lazarus' estimate of the budget deficit turned out to be closer to the actual reality of the situation than that proposed by Justice Fortas, stated:

> Senator McClellan. I may be wrong—I am just looking at it from the standpoint of a citizen, and as a Member of the Congress. Here is a situation where apparently you were wrong and the man turned out right. But irrespective of that, suppose he had been wrong, to that extent. I am just looking at it from the standpoint of businessmen meeting, and they make their own investigation and do the best they can, and they think there has been a mistake made in the budget estimate in the amount of the deficiency. And yet, because they make some statement about it, it makes a President's friend on the Supreme Court so concerned that he calls him up. This would indicate he took him to task about it. Maybe you just had a friendly conversation.
>
> But you see the implication of this, as it goes out, that businessmen may wonder, then, if they are going to be reprimanded, maybe they should keep their views to themselves if some member of the Supreme Court is going to call them up and take them to task about it. That is one aspect of this.

The sequel to this question of the actual budget estimate deficit is perhaps best characterized in an article which appeared in the September 1, 1968, issue of Fortune, at pages 168 and 169. A portion of the article, entitled "How the Old Politics Swamped the New Economics," gave some history on the administration's sensitivity to any prestigious businessmen's organization fuzzing up their rosy picture of the national economy with a realistic appraisal of our fiscal turmoil:

> The Administration showed an extreme sensitivity to any public discussion of war costs. In a speech to a Business Council meeting that May (1967), Paul Lazarus, Jr., president of the Federal Department Stores, predicted a rise in Vietnam expenditures to $26.9 billion and a shortfall in revenues due to a decline in personal and corporate incomes in 1967. This forecast predicted a fiscal deficit in the range of $15 billion to $18 billion. Justice Abe Fortas telephoned his friend Lazarus to protest that the estimate was exaggerated and that its publication did a disservice by undermining confidence in the conduct of the war. As it turned out, Lazarus was right and Fortas was wrong. A few weeks after Fortas telephoned Lazarus, Secretary Fowler revised his estimate of the budget (deficit) upward, but only to $11 billion. (The final figure was $25 billion.)

Mr. President, I interpolate at this point that the final figure was not $11 billion, but $25 billion. So here we have the precedent, according to Fortune magazine and according to Mr. Fortas' own admission, that he called Mr. Lazarus, taking him to task because he alleged there was going to be a $5 billion deficit. This was later revised upward by the Treasury Department to $11 billion and it finally ended up at over $25 billion, and this is what Justice Fortas was taking Mr. Lazarus to task about.

Here again, we have a member of the judicial branch remonstrating businessmen who had made an independent study of the national economy. If such remonstration was actually needed, I believe, and I believe the American people believe, it should have been done by those who bear the responsibility for the preparation of the budget estimates—those in the executive department. The fact that the Justice was in error in May of 1967 and got around to admitting his error in July of 1968 does not mollify the issue.

Mr. President, I think it is clear from the events I have been relating today that Justice Fortas has not respected the general doctrine of separation of powers as embodied in the Constitution. I also believe that this continued activity in the nonjudicial functioning of the affairs of the Republic is detrimental to the best interests of our citizens. In this area I include: the crucial matter of his alleged participation in a legislative item which was pending before a Senate subcommittee on which I serve, the nominee's acknowledged participation at the White House in potentially justiciable matters concerning the war in Vietnam, and his participation and counseling with regard to the order authorizing the presence of Federal troops in Detroit following the tragic outbreak of riots in that city last year. I cannot dismiss these intrusions as mere piccadilloes perpetrated by a Supreme Court Justice who was trying to alleviate the burden of his friend and our President. The fact is that he has continued to perform in areas outside the constitutional scope of his duties in a pattern of conduct unbecoming a member of the High Court.

Mr. President, one other question continues to bother me and I feel compelled to add it to the body of my general remarks today. As Senators know, subsequent to Mr. Fortas' last appearance before the Judiciary Committee, the dean of the law school of American University here in Washington appeared on September 13 to testify that the nominee had recently received $15,000 for a series of nine seminar meetings with a class of 17 law students. This is pretty expensive lecturing, Mr. President, when you consider there were only 17 students. Actually the fee came from a nice little kitty of $30,000 which was solicited by Mr. Fortas' former law partner, Mr. Paul Porter. The remaining $15,000 "overhead" went to defray such expenses as providing tuition for those 17 students and the salary of a researcher who was hired to help the Justice prepare for these seminars.

Mr. President, that is a pretty high salary for a researcher, or else it is a terribly high tuition which the 17 students are paying.

Originally scheduled to appear nine times for these 2-hour seminars, Mr. Fortas was forced to cancel one of his seminars with these law students in order to appear before the Judiciary Committee to testify on his qualifications to be Chief Justice of the United States. Juvenile Court Judge Orman W. Ketcham pinch-hitted for the detained Justice, meeting in one of the Supreme Court conference rooms, and has been quoted as saying that he received no compensation for filling in for Justice Fortas.

Now, Mr. President, I have no intention of delaying the Senate today in a discussion as to whether this $15,000 fee, which approached 40 percent of his $39,000 annual salary, was unduly exorbitant. In the light of circumstances to which we are not privy this simply does not seem to me to be a matter for respectable Senate inquiry. What I do think is a matter for respectable Senate concern, however, is the manner in which this fee was collected. It was not paid by American University directly to Justice Fortas. It was not collected from a group of donors who were anonymous benefactors willing to underwrite Mr. Fortas' summer services. Rather, the testimony of Dean Tennery reveals, this money was solicited from, and paid by, five of Justice Fortas' former business associates or clients of his former firm in which his wife is presently a partner. This select group included: Gustave Levy, chairman of the New York Stock Exchange and partner in Goldman Sachs & Co.; John L. Loeb, partner in Carl M. Loeb, Rhoades & Co.; Paul D. Smith, general counsel of Philip Morris Inc.; Maurice Lazarus, vice chairman of Federated Department Stores, and Troy V. Post, chairman of Great America Corp.

I think that there are at least two very vital issues which are presented by this disclosure by Dean Tennery. The first issue was presented in an article which appeared in the September 18 issue of the Wall Street Journal entitled "Judicial Propriety: The Fortas Case."

Mr. President, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Judicial Propriety: The Fortas Case

(By Jerry Landauer)

Washington.—Every so often some judge doffs his black robe and becomes entangled in a matter that requires a new look at prevailing expectations of judicial behavior. One such matter is Supreme Court Justice Abe Fortas' recent and most rewarding series of lectures at American University.

The implications of Mr. Fortas' summer services are being disputed, but the facts seem plain: He was paid $15,000 for a series of nine law school lectures and for preparing materials for future seminars. His fee came from a $30,000 kitty solicited by Paul Porter, Mr. Fortas' former law partner. The remainder went for expenses, including tuition for the 17 students and the salary of a researcher hired to help the Justice prepare.

Except for its exceptionally handsome size (approaching 40% of his $39,500 annual salary), the fee would hardly be questioned if it had been paid by the university or by a large group of anonymous donors. But former partner Porter raised the money from a select circle—Gustave Levy, chairman of the New York Stock Exchange and partner in Goldman Sachs & Co.; Troy V. Post, chairman of Greatamerica Corp.; John L. Loeb, partner in Carl M. Loeb, Rhoades & Co.; Paul D. Smith, general counsel of Philip Morris Inc., and Maurice Lazarus, vice chairman of Federated Department Stores.

FACULTY LUSTER

To be sure, B. J. Tennery, the law school's youthful dean, was simply seeking to enhance his faculty's luster and to offer top students a rewarding experience. Mr. Porter raised the money as he saw fit at the school's request, and Dean Tennery says he sent the $15,000 upon conclusion of the series and without consulting lecturer Fortas. "He left the amount entirely to me," the dean explains, telling interviewers, "We made a conscientious effort not to let him know the names of the contributors."

Aside from embarrassing his Supreme Court star, Dean Tennery harbors no regrets or doubts. Enlisting the Justice's teaching skills was a truly rewarding experience, he says. But Sens. Robert Griffin, Sam Ervin, Strom Thurmond and other foes of the Fortas nomination to become Chief Justice are seizing on the lucrative lectures as another reason for denying Senate confirmation. "This is the last straw," Sen. Griffin asserts, suggesting a violation of judicial ethics.

More likely, though, the extra Fortas earnings pose questions more of propriety than of ethics. In part this is because Justice Fortas wouldn't in any event participate in Supreme Court cases involving the five contributors. Most are or were regular clients of Arnold, Fortas & Porter (now Arnold & Porter), and in such circumstances judges invariably withdraw. Hence conflict of interest in the classic sense appears remote.

But the conduct of any judge, to say nothing of one on the highest court, surely should be measured against more exacting standards—ones sensitive enough to assure not only the avoidance of wrongdoing but the avoidance of suspicion.

Admittedly, such standards can't neatly be codified in some handy manual to which a judge can turn when in doubt. So, though the Fortas fees are bound to figure in the Senate struggle over confirmation, their propriety ought really to be resolved in calmer deliberation, using traditional techniques that have helped the judiciary maintain a reputation for rectitude.

Over the years and case by case, bench and bar have gradually developed informal yet widely accepted codes of conduct to help judges steer clear of trouble and to shore up confidence in the impartiality of the courts. From time to time the United States Judicial Conference, composed of the chief Federal circuit judges and the Chief Justice, issues rulings that though lacking the force of law are nonetheless generally obeyed. Thus in 1963, when this newspaper discovered judges sitting as officers and directors of profit-making enterprises, the conference promptly prohibited the practice.

Justice Fortas' fees don't transgress the letter of that resolution. But the conference might consider whether such payments from businessmen do breach the spirit. (The question is magnified by the size of the Fortas payment; according to Dean Tennery, $2,000 is the normal fee for American University guest lecturers.)

Certainly by inference, the Canons of Judicial Ethics, fleshed out by advisory opinions of the American Bar Association's Committee on Professional Ethics, already discourage acceptance of such fees. According to Canon 25, judges should avoid giving ground for suspicion that they're wielding the prestige of office to persuade or coerce contributions for charity. Bar association opinions dating to 1942 further urge judges even to discourage use of their names on fund-raising pamphlets for such civic causes as art museums.

POSSIBLY UGLY PRECEDENT

Implicit in all these is a prohibition against a judge himself benefiting outright from gifts to a non-profit university—gifts solicited, moreover, by a former associate. Just as ignorance of the law is no legal excuse for breaking it, so purity of motive or even ignorance of the circumstances is no protection against possibly ugly precedent.

Justice William O. Douglas' off-the-bench earnings emphasize the need for clearer, tighter standards. Late in 1966 the Los Angeles Times discovered that Mr. Douglas was receiving $12,000 a year from the Albert Parvin Foundation, "largely as an expense account," the Justice explained, but one which he wasn't required to itemize. The foundation holds a large mortgage interest in a Los Vegas casino, plus stock in companies employing gamblers who've become involved in celebrated "bugging" cases—of the kind that frequently reach the Supreme Court docket.

Inevitably, permissible conduct by members of the Supreme Court tends to affect the rest of the judiciary. Chief Judge William J. Campbell of Federal District Court in Chicago served with Justice Douglas on the Parvin Foundation (without pay, however, Judge Campbell says). Similarly, Justice Fortas' backstage advising of old friend Lyndon Johnson finds parallels in the lower courts. In Missouri, a district judge who in 1967 struck down the state legislature's plan for Congressional redistricting later met quietly with Gov. Warren Hearnes and legislative leaders. The Supreme Court subsequently stayed the decision on other grounds, but the impropriety remains—the judge talked with participants about a political matter that will likely wind up again in his court.

Such lapses do seem exceedingly rare. For the most part the judiciary has avoided scandal and warded off Congressional interference by moving quickly to suppress public doubts and by clearing up ambiguities in the evolving body of judicial standards. The bench has resisted initiatives in Congress, by Democratic Sen. Joseph Tydings of Maryland among others, that would require disclosure

> of financial interests to judicial superiors. "Regardless of the merits," the Judicial Conference successfully argued on Capitol Hill, "Federal judges should not be singled out from other officials of the Government to make such reports."
>
> CONFIDENTIAL STATEMENTS
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> Since then, however, Congress has begun requiring high officials in the Executive branch to submit confidential statements of assets and income. This year, too, both the Senate and House, in adopting codes of ethics, compelled legislators to file similar statements, part for public inspection and part for examination only by Congressional ethics committees if the need arises. Perhaps judges oughtn't to be excluded from similar efforts to impose additional self-restraint.
>
> If the judiciary's established methods fail to resolve questions about the highest judges in the land, the Supreme Court itself should exercise its broad rulemaking and supervisory powers. As author Joseph Borkin suggests, the nine Justices could begin requiring financial reports from the 469 Federal judges, refining standards of conduct—including their own—when indicated.
>
> If the bench doesn't police its own members, it will inevitably invite the scandals it wants most to avoid.

Mr. **ALLOTT**. Mr. President, for the information of those Senators present in the Chamber, I should like to read one or two paragraphs which pertain to the discussion:

> More likely, though, the extra Fortas earnings pose questions more of propriety than of ethics. In part this is because Justice Fortas wouldn't in any event participate in Supreme Court cases involving the five contributors. Most are or were regular clients of Arnold, Fortas & Porter (now Arnold & Porter), and in such circumstances judges invariably withdraw. Hence conflict of interest in the classic sense appears remote.
>
> But the conduct of any judge, to say nothing of one on the highest court, surely should be measured against more exacting standards—ones sensitive enough to assure not only the avoidance of wrongdoing but the avoidance of suspicion.

And further:

> Implicit in all these is a prohibition against a judge himself benefiting outright from gifts to a non-profit university—gifts solicited, moreover, by a former associate. Just as ignorance of the law is no legal excuse for breaking it, so purity of motive or even ignorance of the circumstances is no protection against possibly ugly precedent.

The avoidance of any kind of impropriety which might bring discredit to any judicial office has already been the subject to one of the canons of judicial ethics of the American Bar Association. I believe that the disclosure by Dean Tennery of the procedure employed to obtain this $15,000 does not comport with the standard recognized by Canon 4 in the Canons of Judicial Ethics. Canon 4 states:

> A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

There is a second aspect of this question which was revealed on September 18. It was revealed that one of the contributors to this Fortas fund was Troy V. Post, a Dallas insurance executive who is a former business associate and friend of Mr. Fortas, is the father of a man who is appealing a conspiracy and fraud conviction through the Federal courts. In this connection, I should like to read a portion of an article entitled "Fortas Approved by Senate Panel—Filibuster Looms" published in the New York Times on September 18 which deals specifically with this new wrinkle which developed after Justice Fortas' last appearance before the Judiciary Committee:

> It was learned today that one of the contributors, Troy V. Post, a Dallas insurance executive who is a former business associate and friend of Mr. Fortas, is the father of a man who is appealing a conspiracy and fraud conviction through the Federal courts.
>
> The son, Troy V. Post Jr., has appealed his 18-to-24-month sentence to the Court of Appeals for the District of Columbia. From there, his only appeal would be to the Supreme Court.
>
> Before he became a justice, Mr. Fortas was a director of the Greatamerica Corporation, a holding company. The elder Mr. Post was its chairman and president.
>
> Friends of Justice Fortas have said that he was not told that Mr. Post was one of the contributors, and they pointed out that he has routinely excused himself from consideration of all cases involving former clients or business associates.
>
> FREE PENDING DECISION
>
> The younger Post was convicted of conspiracy and 12 counts of mail fraud in Federal District Court here on June 20, 1966. He and two other men were found guilty of collecting $1.5-million by selling memberships in a proposed new golf club in nearby Rockville, Md., and of siphoning off much of the money into their own pockets.
>
> The appeal was argued before the Court of Appeals on Dec. 5, 1966. Post, a 38-year-old former lawyer in Texas and the District of Columbia, is free pending a decision on the appeal. He is employed by an insurance company in Birmingham, Ala.
>
> It was disclosed before the Senate Judiciary Committee last week that Justice Fortas was paid $15,000 plus secretarial expenses for conducting a nine-week seminar on law and the social environment.
>
> The money was paid by American University from a $30,000 fund raised last winter by Paul A. Porter, a former Washington law partner of Justice Fortas, from the elder Mr. Post and four other wealthy businessmen who were friends of Mr. Porter or Mr. Fortas.
>
> According to Judiciary Committee records, Mr. Post contributed $5,000 to the fund. Neither Justice Fortas, Mr. Porter, Mr. Post nor any of the other contributors is an alumnus of American University.

Here again, the Canons of Judicial Ethics are not silent on the issue of accepting gifts, even through mesne conveyance, from those whose interests are likely to be submitted to him for judgment. Canon 32 states:

> Canon 32—Gifts and Favors: A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

Mr. President, I should like to add one or two words outside my original text, that if Mr. Fortas continues these extracurricula incursions, there will be few cases left on the Supreme Court upon which he may sit as a Supreme Court Justice.

Mr. President, I am not suggesting in any way that these two particular canons were intentionally violated when Mr. Justice Fortas received this $15,000 fee for participating in these very prestigious seminars with the 17 outstanding students at American University Law School. But I am suggesting that there is a definite appearance of impropriety on the part of Mr. Justice Fortas' acceptance of these funds under these circumstances. Much of this could have been dispelled, perhaps, if the Justice would have reappeared before the Judiciary Committee to impart his explanation of what in fact did occur. His failure to reappear has left these questions in limbo and the people, even his supporters, with a nagging sense of uneasiness.

These Canons of Judicial Ethics are no more than standards of propriety universally expected of a judge. Strictly adhered to, these standards insure that those who grace our courts will continue to be robed in dignity and respect. A liberal construction of these canons, however, invites unfortunate revelations like these—revelations which are wedges forcing gradual disruption of public confidence in those individuals charged with the administration of justice.

Mr. President, I have tried to lay out today as clearly as I know how those reasons which compel me to resist elevating Mr. Justice Fortas to the office of Chief Justice of the United States. Before concluding, however, I do want to make it perfectly clear that I have never questioned the enormous abundance of legal talent apparently possessed by Mr. Justice Fortas. It was for this reason that I originally concurred in the judgment of the Senate earlier at the time Mr. Fortas was appointed as an Associate Justice, almost exactly 3 years ago. At that time there was also the extreme sense of urgency occasioned by the untimely death of Adlai Stevenson and the subsequent selection by the President of Mr. Arthur Goldberg to be the Ambassador to the U.N. As Senators recall Justice Goldberg was prevailed upon to resign as a member of the Supreme Court, and Mr. Fortas was named to take his position.

The duties and the office of the Chief Justice of the United States, however, transcend a mere requirement for great legal talent. At this pinnacle of judicial power a Justice must have displayed personal as well as a legal capacity for judgment and wisdom. The undenied activities of this nominee, while an Associate Justice of the Supreme Court, in nonjudicial matters which I have outlined today have caused me to arrive at the decision I am indicating today.

I cannot proceed at this time to reward appreciation for essentially nonjudicial service by consenting to the present nomination. My respect for the Constitution and the institutions of its government have compelled this decision.

As I have stated, originally I opposed this nomination because of Mr. Fortas' alleged involvement in the preparation of a legislative amendment then pending on an appropriations item before one of the Appropriations Subcommittees on which I serve. Subsequent to this, of course, many other good and sufficient reasons were developed within and without the hearing record of the Judiciary Committee. Some of those matters, which are a part of the record and which have continued to plague my understanding of the nominee's qualifications, have been made a part of this statement here on the floor of the Senate. Other questions, developed outside the hearing room or after the nominee's original appearance before the committee, remain in such a state today that I do not believe the Senate would be well advised to consent to the confirmation of Mr. Justice Fortas as Chief Justice. From the outset, the nomination of Mr. Fortas has been distinguished by its opacity of motive rather than its capacity for truth.

Mr. President, there are great currents moving through the Senate today, reflecting in part the great turmoil and current abroad in the land. There is a power and a responsibility at stake. I think it is time for the Senate to recognize responsibility and exercise its power to deny the confirmation of Mr. Justice Fortas to be the next Chief Justice of the United States.

Mr. President, I yield to the floor.

EXHIBIT 1

[From the U.S. News & World Report, Oct. 3, 1958]

WHAT 36 STATE CHIEF JUSTICES SAID ABOUT THE SUPREME COURT—FOR THE FIRST TIME, HERE IS FULL TEXT OF HISTORIC REPORT

The chief justices of 36 States recently adopted a report critical of the Supreme Court of the United States, declaring that the Court "has tended to adopt the role of policy maker without proper judicial restraint."

This report, approved by the chief justices of three fourths of the nation's States, found that the present Supreme Court has abused the power given to it by the Constitution. The Court is pictured as invading fields of Government reserved by the Constitution to the States.

Full text of this historic document has not previously been given wide distribution. It is printed below, together with the formal resolution of approval by the Conference of State Chief Justices.

The Conference of Chief Justices, meeting in Pasadena, Calif., on Aug. 23, 1958, adopted a resolution submitted by its Committee on Federal-State Relationships as Affected by Judicial Decisions. Vote on the resolution was 36 to 8, with 2 members abstaining and 4 not present. Text of the resolution:

"Resolved:

"1. That this Conference approves the Report of the Committee on Federal-State Relationships as Affected by Judicial Decisions submitted at this meeting.

"2. That, in the field of federal-State relationships, the division of powers between those granted to the National Government and those reserved to the State Governments should be tested solely by the provisions of the Constitution of the United States and the Amendments thereto.

"3. That this Conference believes that our system of federalism, under which control of matters primarily of national concern is committed to our National Government and control of matters primarily of local concern is reserved to the several States, is sound and should be more diligently preserved.

"4. That this Conference, while recognizing that the application of constitutional rules to changed conditions must be sufficiently flexible as to make such rules adaptable to altered conditions, believes that a fundamental purpose of having a written Constitution is to promote the certainty and stability of the provisions of law set forth in such a Constitution.

"5. That this Conference hereby respectfully urges that the Supreme Court of the United States, in exercising the great powers confided to it for the determination of questions as to the allocation and extent of national and State powers, respectively, and as to the validity under the Federal Constitution of the exercise of powers reserved to the States, exercise one of the greatest of all judicial powers—the power of judicial self-restraint—by recognizing and giving effect to the difference between that which, on the one hand, the Constitution may prescribe or permit, and that which, on the other, a majority of the Supreme Court, as from time to time constituted, may deem desirable or undesirable, to the end that our system of federalism may continue to function with and through the preservation of local self-government.

"6. That this Conference firmly believes that the subject with which the Committee on Federal-State Relationships as Affected by Judicial Decisions has been concerned is one of continuing importance, and that there should be a committee appointed to deal with the subject in the ensuing year."

Following is full text of the Committee's report as approved by the State chief justices:

"FOREWORD

"Your Committee on Federal-State Relationships as Affected by Judicial Decisions was appointed pursuant to action taken at the 1957 meeting of the Conference, at which, you will recall, there was some discussion of recent decisions of the Supreme Court of the United States and a resolution expressing concern with regard thereto was adopted by the Conference. This Committee held a meeting in Washington in December, 1957, at which plans for conducting our work were developed. This meeting was attended by Sidney Spector of the Council of State Governments and by Professor Philip B. Kurland of the University of Chicago Law School.

"The Committee believed that it would be desirable to survey this field from the point of view of general trends rather than by attempting to submit detailed analyses of many cases. It was realized, however, that an expert survey of recent Supreme Court decisions within the area under consideration would be highly desirable in order that we might have the benefit in drafting this report of scholarly research and of competent analysis and appraisal, as well as of objectivity of approach.

"Thanks to Professor Kurland and to four of his colleagues of the faculty of the University of Chicago Law School, several monographs dealing with subjects within the Committee's field of action have been prepared and have been furnished to all members of the Committee and of the Conference. These monographs and their authors are as follows:

"1. 'The Supreme Court, the Due Process Clause, and the In Personam Jurisdiction of State Courts,' by Professor Kurland:

"2. 'Limitations on State Power to Deal with Issues of Subversion and Loyalty,' by Assistant Professor [Roger C.] Cramton;

"3. 'Congress, the States and Commerce,' by Professor Allison Dunham;

"4. 'The Supreme Court, Federalism, and State Systems of Criminal Justice,' by Professor Francis A. Allen; and

"5. 'The Supreme Court, the Congress and State Jurisdiction Over Labor Relations,' by Professor Bernard D. Meltzer.

"These gentlemen have devoted much time, study and thought to the preparation of very scholarly, interesting and instructive monographs on the above subjects. We wish to express our deep appreciation to each of them for his very thorough research and analysis of these problems. With the pressure of the work of our respective courts, the members of this Committee could not have undertaken this research work and we could scarcely have hoped, even with ample time, to equal the thorough and excellent reports which they have written on their respective subjects.

"It had originally been hoped that all necessary research material would be available to your Committee by the end of April and that the Committee could study it and then meet for discussion, possibly late in May, and thereafter send at least a draft of the Committee's report to the members of the Conference well in advance of the 1958 meeting; but these hopes have not been realized.

"The magnitude of the studies and the thoroughness with which they have been made rendered it impossible to complete them until about two months after the original target date and it has been impracticable to hold another meeting of this Committee until the time of the Conference.

"Even after this unavoidable delay had developed, there was a plan to have these papers presented at a seminar to be held at the University of Chicago late in June. Unfortunately, this plan could not be carried through, either.

"We hope, however, that these papers may be published in the near future with such changes and additions as the several authors may wish to make in them. Some will undoubtedly be desired in order to include decisions of the Supreme Court in some cases which are referred to in these monographs, but in which decisions were rendered after the monographs had been prepared. Each of the monographs as transmitted to us is stated to be in preliminary form and subject to change and as not being for publication.

"Much as we are indebted to Professor Kurland and his colleagues for their invaluable research aid, your Committee must accept sole responsibility for the views herein stated. Unfortunately, it is impracticable to include all or even a substantial part of their analyses in this report.

"BACKGROUND AND PERSPECTIVE

"We think it desirable at the outset of this report to set out some points which may help to put the report in proper perspective, familiar or self-evident as these points may be.

"First, though decisions of the Supreme Court of the United States have a major impact upon federal-State relationships and have had such an impact since the days of Chief Justice Marshall, they are only a part of the whole structure of these relationships. These relations are, of course, founded upon the Constitution of the United States itself. They are materially affected not only by judicial decisions but in very large measure by acts of Congress adopted under the powers conferred by the Constitution. They are also affected, or may be affected, by the exercise of the treaty power.

"Of good practical importance as affecting federal-State relationships are the rulings and actions of federal administrative bodies. These include the independent-agency regulatory bodies, such as the Interstate Commerce Commission, the Federal Power Commission, the Securities and Exchange Commission, the Civil Aeronautics Board, the Federal Communications Commission and the National Labor Relations Board.

"Many important administrative powers are exercised by the several departments of the executive branch, notably the Treasury Department and the Department of the Interior. The scope and importance of the administration of the federal tax laws are, of course, familiar to many individuals and businesses because of their direct impact, and require no elaboration.

"Second, when we turn to the specific field of the effect of judicial decisions on federal-State relationships, we come at once to the question as to where power should lie to give the ultimate interpretation to the Constitution and to the laws made in pursuance thereof under the authority of the United States. By necessity and by almost universal common consent, these ultimate powers are regarded as being vested in the Supreme Court of the United States. Any other allocation of such power would seem to lead to chaos. See Judge Learned Hand's most interesting Holmes Lectures on 'The Bill of Rights' delivered at the Harvard Law School this year and published by the Harvard University Press.

"Third, there is obviously great interaction between federal legislation and administrative action on the one hand and decisions of the Supreme Court on the other, because of the power of the Court to interpret and apply acts of Congress and to determine the validity of administrative action and the permissible scope thereof.

"Fourth, whether federalism shall continue to exist and, if so, in what form is primarily a political question rather than a judicial question. On the other hand, it can hardly be denied that judicial decisions, specifically decisions of the Supreme Court, can give tremendous impetus to changes in the allocation of powers and responsibilities as between the federal and State governments. Likewise, it can hardly be seriously disputed that on many occasions the decisions of the Supreme Court have produced exactly that effect.

"Fifth, this Conference has no legal powers whatsoever. If any conclusions or recommendations at which we may arrive are to have any effect, this can only be through the power of persuasion.

"Sixth, it is a part of our obligation to seek to uphold respect for law. We do not believe that this goes so far as to impose upon us an obligation of silence when we find ourselves unable to agree with pronouncements of the Supreme Court—even though we are bound by them—or when we see trends in decisions of that Court which we think will lead to unfortunate results.

"We hope that the expression of our views may have some value. They pertain to matters which directly affect the work of our State courts. In this report we urge the desirability of self-restraint on the part of the Supreme Court in the exercise of the vast powers committed to it. We endeavor not to be guilty ourselves of a lack of due restraint in expressing our concern and, at times, our criticisms in making the comments and observations which follow.

"PROBLEMS OF FEDERALISM

"The difference between matters primarily local and matters primarily national was the guiding principle upon which the framers of our national Constitution acted in outlining the division of powers between the national and State governments.

"This guiding principle, central to the American federal system, was recognized when the original Constitution was being drawn and was emphasized by De Tocqueville [Alexis de Tocqueville, author of 'Democracy in America']. Under his summary of the Federal Constitution he says:

" 'The first question which awaited the Americans was so to divide the sovereignty that each of the different States which compose the union should continue to govern itself in all that concerned its internal prosperity, while the entire nation, represented by the Union, should continue to form a compact body and to provide for all general exigencies. The problem was a complex and difficult one. It was as impossible to determine beforehand, with any degree of accuracy, the share of authority that each of the two governments was to enjoy as to foresee all the incidents in the life of a nation.'

"In the period when the Constitution was in the course of adoption, the 'Federalist'—No. 45—discussed the division of sovereignty between the Union and the States and said:

" 'The powers delegated by the Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the internal order and prosperity of the State.'

"Those thoughts expressed in the 'Federalist,' of course, are those of the general period when both the original Constitution and the Tenth Amendment were proposed and adopted. They long antedated the proposal of the Fourteenth Amendment.

"The fundamental need for a system of distribution of powers between national and State governments was impressed sharply upon the framers of our Constitution not only because of their knowledge of the governmental systems of ancient Greece and Rome. They also were familiar with the government of England; they were even more aware of the colonial governments in the original States and the governments of those States after the Revolution.

"Included in government on this side of the Atlantic was the institution known as the New England town meeting, though it was not in use in all of the States. A town meeting could not be extended successfully to any large unit of population, which, for legislative action, must rely upon representative government.

"Local Government: 'A vital force'

"But it is this spirit of self-government, of *local* self-government, which has been a vital force in shaping our democracy from its very inception.

"The views expressed by our late brother, Chief Justice Arthur T. Vanderbilt [of the New Jersey Supreme Court], on the division of powers between the national and State governments—delivered in his addresses at the University of Nebraska and published under the title 'The Doctrine of the Separation of Powers and Its Present-Day Significance'—are persuasive.

"He traced the origins of the doctrine of the separation of powers to four sources: Montesquieu and other political philosophers who preceded him; English constitutional experience; American colonial experience; and the common sense and political wisdom of the Founding Fathers. He concluded his comments on the experiences of the American colonists with the British Government with this sentence:

" 'As colonists they had enough of a completely centralized government with no distribution of powers and they were intent on seeing to it that they should never suffer such grievances from a government of their own construction.'

"His comments on the separation of powers and the system of checks and balances and on the concern of the Founding Fathers with the proper distribution of governmental power between the nation and the several States indicates that he treated them as parts of the plan for preserving the nation on the one side and individual freedom on the other—in other words, that the traditional tripartite vertical division of powers between the legislative, the executive and the judicial branches of government was not an end in itself, but was a means toward an end; and that the horizontal distribution or allocation of powers between national and State governments was also a means towards the same end and was a part of the separation of powers which was accomplished by the Federal Constitution. It is a form of the separation of powers with which Montesquieu was not concerned; but the horizontal division of powers, whether thought of as a form of separation of powers or not, was very much in the minds of the framers of the Constitution.

"TWO MAJOR DEVELOPMENTS IN THE FEDERAL SYSTEM

"The outstanding development in federal-State relations since the adoption of the National Constitution has been the expansion of the power of National Government and the consequent contraction of the powers of the State government. To a large extent this is wholly unavoidable and, indeed, is a necessity, primarily because of improved transportation and communication of all kinds and because of mass production.

"On the other hand, our Constitution does envision federalism. The very name of our nation indicates that it is to be composed of States. The Supreme Court of a bygone day said in *Texas* v. *White*, 7 Wall. 700, 721 (1868): 'The Constitution, in all its provisions, looks to an indestructible Union of indestructible States.'

"Second only to the increasing dominance of the National Government has been the development of the immense power of the Supreme Court in both State and national affairs. It is not merely the final arbiter of the law; it is the maker of policy in many major social and economic fields. It is not subject to the restraints to which a legislative body is subject. There are points at which it is difficult to delineate precisely the line which should circumscribe the judicial function and separate it from that of policy making.

"Thus, usually within narrow limits, a court may be called upon in the ordinary course of its duties to make what is actually a policy decision by choosing between two rules, either of which might be deemed applicable to the situation presented in the pending case.

"But, if and when a court in construing and applying a constitutional provision or a statute becomes a policy maker, it may leave construction behind and exercise functions which are essentially legislative in character, whether they serve in practical effect as a constitutional amendment or as an amendment of a statute. It is here that we feel the greatest concern, and it is here that we think the greatest restraint is called for. There is nothing new in urging judicial self-restraint, though there may be, and we think there is, new need to urge it.

"It would be useless to attempt to review all of the decisions of the Supreme Court which have had a profound effect upon the course of our history. It has been said that the Dred Scott decision made the Civil War inevitable. Whether this is really true or not, we need not attempt to determine. Even it is discounted as a serious overstatement, it remains a dramatic reminder of the great influence which Supreme Court decisions have had and can have.

"As to the great effect of decisions of that Court on the economic development of the country, see Mr. Justice Douglas' Address on *'Stare Decisis'* [to stand by decided matters], 49 Columbia Law Review 735.

"SOURCES OF NATIONAL POWER

"Most of the powers of the National Government were set forth in the original Constitution; some have been added since. In the days of Chief Justice Marshall, the supremacy clause of the Federal Constitution and a broad construction of the powers granted to the National Government were fully developed and, as a part of this development, the extent of national control over interstate commerce became very firmly established.

"The trends established in those days have never ceased to operate and, in comparatively recent years, have operated at times in a startling manner in the extent to which interstate commerce has been held to be involved, as for example in the familiar case involving an elevator operator in a loft building.

"From a practical standpoint, the increase in federal revenues resulting from the Sixteenth Amendment—the income tax amendment—has been of great importance. National control over State action in many fields has been vastly expanded by the Fourteenth Amendment.

"We shall refer to some subjects and types of cases which bear upon federal-State relationships.

"THE GENERAL WELFARE CASE

"One provision of the Federal Constitution which was included in it from the beginning but which, in practical effect, lay dormant for more than a century, is the general-welfare clause. In United States v. Butler, 297 U.S. 1, the original Agricultural Adjustment Act was held invalid. An argument was advanced in that case that the general-welfare clause would sustain the imposition of the tax and that money derived from the tax could be expended for any purposes which would promote the general welfare.

"The Court viewed this argument with favor as a general proposition, but found it not supportable on the facts of that case. However, it was not long before that clause was relied upon and applied. See Steward Machine Co. v. Davis, 301 U.S. 548, and Helvering v. Davis, 301 U.S. 690. In those cases the Social Security Act was upheld and the general-welfare clause was relied upon both to support the tax and to support the expenditures of the money raised by the Social Security taxes.

"GRANTS-IN-AID

"Closely related to this subject are the so-called grants-in-aid which go back to the Morrill Act of 1862 and the grants thereunder to the so-called land-grant colleges. The extent of grants-in-aid today is very great, but questions relating to the wisdom as distinguished from the legal basis for such grants seem to lie wholly in the political field and are hardly appropriate for discussion in this report.

"Perhaps we should also observe that, since the decision of Massachusetts v. Mellon, 262 U.S. 447, there seems to be no effective way in which either a State or an individual can challenge the validity of a federal grant-in-aid.

"DOCTRINE OF PRE-EMPTION

"Many, if not most, of the problems of federalism today arise either in connection with the commerce clause and the vast extent to which its sweep has been carried by the Supreme Court, or they arise under the Fourteenth Amendment. Historically, cases involving the doctrine of pre-emption pertain mostly to the commerce clause.

"More recently the doctrine has been applied in other fields, notably in the case of Commonwealth of Pennsylvania v. Nelson, in which the Smith Act and other federal statutes dealing with Communism and loyalty problems were held to have pre-empted the field and to invalidate or suspend the Pennsylvania antisubversive statute which sought to impose a penalty for conspiracy to overthrow the Government of the United States by force or violence. In that particular case it happens that the decision of the Supreme Court of Pennsylvania was affirmed. That fact, however, emphasizes rather than detracts from the wide sweep now given to the doctrine of pre-emption.

"LABOR-RELATIONS CASES

"In connection with commerce-clause cases, the doctrine of pre-emption, coupled with only partial express regulation by Congress, has produced a state of considerable confusion in the field of labor relations.

"One of the most serious problems in this field was pointed up or created—depending upon how one looks at the matter—by the Supreme Court's decision in Amalgamated Association v. Wisconsin Employment Relations Board, 340 U.S. 383, which overturned a State statute aimed at preventing strikes and lockouts in public utilities. This decision left the States powerless to protect their own citizens against emergencies created by the suspension of essential services, even though, as the dissent pointed out, such emergencies were 'economically and practically confined to a [single] State.'

"In two cases decided on May 28, 1958, in which the majority opinions were written by Mr. Justice Frankfurter and Mr. Justice Burton, respectively, the right of an employee to sue a union in a State court was upheld. In International Association of Machinists v. Gonzales, a union member was held entitled to maintain a suit against his union for damages for wrongful expulsion. In International Union, United Auto, etc. Workers v. Russell, an employee, who was not a union member, was held entitled to maintain a suit for malicious interference with his employment through picketing during a strike against his employer. Pickets prevented Russell from entering the plant.

"Regardless of what may be the ultimate solution of jurisdictional problems in this field, it appears that, at the present time, there is unfortunately a kind of no-man's land in which serious uncertainty exists. This uncertainty is in part undoubtedly due to the failure of Congress to make its wishes entirely clear. Also, somewhat varying views appear to have been adopted by the Supreme Court from time to time.

"In connection with this matter, in the case of Textile Union v. Lincoln Mills, 353 U.S. 448, the majority opinion contains language which we find somewhat disturbing. That case concerns the interpretation of Section 301 of the Labor-Management Relations Act of 1947.

"Paragraph (a) of that section provides: 'Suits for violation of contracts between an employer and a labor organization representing employes in an industry affecting commerce as defined in this chapter, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.'

"Paragraph (b) of the same section provides in substances that a labor organization may sue or be sued as an entity without the procedural difficulties which formerly attended suits by or against unincorporated associations consisting of large numbers of persons. Section 301(a) was held to be more than jurisdictional and was held to authorize federal courts to fashion a body of federal law for the enforcement of these collective-bargaining agreements and to include within that body of federal law specific performance of promises to arbitrate grievances under collective-bargaining agreements.

"What a State court is to do if confronted with a case similar to the Lincoln Mills case is by no means clear. It is evident that the substantive law to be applied must be federal law, but the question remains: Where is that federal law to be found? It will probably take years for the development or the 'fashioning' of the body of federal law which the Supreme Court says the federal courts are authorized to make. Can a State court act at all? If it can act and does act, what remedies should it apply? Should it use those afforded by State law, or is it limited to those which would be available under federal law if the suit were in a federal court?

"It is perfectly possible that these questions will not have to be answered, since the Supreme Court may adopt the view that the field has been completely pre-empted by the federal law and committed solely to the jurisdiction of the federal courts, so that the State courts can have no part whatsoever in enforcing rights to recognize by Section 301 of the Labor-Management Relations Act. Such a result does not seem to be required by the language of Section 301 nor yet does the legislative history of that section appear to warrant such a construction.

"Professor Melter's monograph has brought out many of the difficulties in this whole field of substantive labor law with regard to the division of power between State and federal governments. As he points out, much of this confusion is due to the fact that Congress has not made clear what functions the States may perform and what they may not perform. There are situations in which the particular activity involved is prohibited by federal law, others in which it is protected by federal law, and others in which the federal law is silent. At the present time there seems to be one field in which State action is clearly permissible. That is where actual evidence is involved in labor dispute.

"STATE LAW IN DIVERSITY CASES

"Not all of the decisions of the Supreme Court in comparatively recent years have limited or tended to limit the power of the States or the effect of State laws. The celebrated case of Erie R.R. v. Tompkins, 304 U.S. 64, overruled Swift v. Tyson and established substantive State law, decisional as well as statutory, as controlling in diversity [of citizenship] cases in the federal courts. This marked the end of the doctrine of a federal common law in such cases.

"IN-PERSONAM JURISDICTION OVER NONRESIDENTS

"Also, in cases involving the in-personam [against the person] jurisdiction of State courts over nonresidents, the Supreme Court has tended to relax rather than tighten restrictions under the due-process clause upon State action in this field. International Shoe Co. v. Washington, 326 U.S. 310, is probably the most significant case in this development.

"In sustaining the jurisdiction of a Washington court to render a judgment in personam against a foreign corporation which carries on some activities within the State of Washington, Chief Justice Stone used the now-familiar phrase that there 'were sufficient contacts or ties with the State of the forum to make it reasonable and just, according to our traditional conception of fair play and substantial justice, to enforce the obligation which appellant has incurred there.'

"Formalistic doctrines or dogmas have been replaced by a more flexible and realistic approach, and this trend has been carried forward in subsequent cases leading up to and including McGee v. International Life Insurance Co., 355 U.S. 220, until halted by Hanson v. Denckla, 357 U.S. decided June 23, 1958.

"TAXATION

"In the field of taxation, the doctrine of intergovernmental immunity has been seriously curtailed partly by judicial decisions and partly by statute. This has not been entirely a one-way street. In recent years, cases involving State taxation have arisen in many fields. Sometimes they have involved questions of burdens upon interstate commerce or the export-import clause, sometimes of jurisdiction to tax as a matter of due process, and sometimes they have arisen on the fringes of governmental immunity, as where a State has sought to tax a contractor doing business with the National Government. There have been some shifts in holdings. On the whole, the Supreme Court seems perhaps to have taken a more liberal view in recent years toward the validity of State taxation than it formerly took.

"OTHER FOURTEENTH AMENDMENT CASES

"In many other fields, however, the Fourteenth Amendment has been invoked to cut down State action. This has been noticeably true in cases involving not only the Fourteenth Amendment but also the First Amendment guarantee of freedom of speech or the Fifth Amendment protection against self-incrimination. State antisubversive acts have been practically eliminated by Pennsylvania v. Nelson, in which the decision was rested on the ground of pre-emption of the field by the federal statutes.

"THE SWEEZY CASE—STATE LEGISLATIVE INVESTIGATION

"One manifestation of this restrictive action under the Fourteenth Amendment is to be found in Sweezy v. New Hampshire, 354 U.S. 234.

"In that case, the State of New Hampshire had enacted a subversive-activity statute which imposed various disabilities on subversive persons and subversive organizations. In 1953, the legislature adopted a resolution under which it constituted the attorney general a one-man legislative committee to investigate violations of that act and to recommend additional legislation.

"Sweezy, described as a non-Communist Marxist, was summoned to testify at the investigation conducted by the attorney general, pursuant to this authorization. He testified freely about many matters but refused to answer two types of questions: (1) inquiries concerning the activities of the Progressive Party in the State during the 1948 campaign, and (2) inquiries concerning a lecture Sweezy had delivered in 1954 to a class at the University of New Hampshire.

"He was adjudged in contempt by a State court for failure to answer these questions. The Supreme Court reversed the conviction, but there is no majority opinion. The opinion of the Chief Justice, in which he was joined by Justices Black, Douglas and Brennan, started out by reaffirming the position taken in *Watkins* v. *United States*, 354 U.S. 178, that legislative investigations can encroach on First Amendment rights. It then attacked the New Hampshire Subversive Activities Act and stated that the definition of subversive persons and subversive organizations was so vague and limitless that they extended to 'conduct which is only remotely related to actual subversion and which is done free of any conscious intent to be a part of such activity.'

"Then followed a lengthy discourse on the importance of academic freedom and political expression. This was not, however, the ground upon which these four Justices ultimately relied for their conclusion that the conviction should be reversed. The Chief Justice said in part:

" 'The respective roles of the legislature and the investigator thus revealed are of considerable significance to the issue before us. It is eminently clear that the basic discretion of determining the direction of the legislative inquiry has been turned over to the investigative agency. The attorney general has been given such a sweeping and uncertain mandate that it is his discretion which picks out the subjects that will be pursued, what witnesses will be summoned and what questions will be asked. In this circumstance, it cannot be stated authoritatively that the legislature asked the attorney general to gather the kind of facts comprised in the subjects upon which petitioner was interrogated.'

"Four members of the Court, two in a concurring opinion and two in a dissenting opinion, took vigorous issue with the view that the conviction was invalid because of the legislature's failure to provide adequate standards to guide the attorney general's investigation

"Mr. Justice Frankfurter and Mr. Justice Harlan concurred in the reversal of the conviction on the ground that there was no basis for a belief that Sweezy or the Progressive Party threatened the safety of the State and, hence, that the liberties of the individual should prevail.

"Mr. Justice Clark, with whom Mr. Justice Burton joined, arrived at the opposite conclusion and took the view that the State's interest in self-preservation justified the intrusion into Sweezy's personal affairs.

"In commenting on this case Professor Cramton says:

" 'The most puzzling aspect of the Sweezy case is the reliance by the Chief Justice on delegation-of-power conceptions. New Hampshire had determined that it wanted the information which Sweezy refused to give; to say that the State has not demonstrated that it wants the information seems so unreal as to be incredible. The State had delegated power to the attorney general to determine the scope of inquiry within the general subject of subversive activities.

" 'Under these circumstances, the conclusion of the Chief Justice that the vagueness of the resolution violates the due-process clause must be, despite his protestations, a holding that a State legislature cannot delegate such a power.'

"PUBLIC-EMPLOYMENT CASES

"There are many cases involving public employment and the question of disqualification therefor by reason of Communist Party membership or other questions of loyalty.

"Slochower v. Board of Higher Education, 350 U.S. 551, is a well-known example of cases of this type. Two more recent cases, Lerner v. Casey, and Beilan v. Board of Public Education, both in 357 U.S. and decided on June 30, 1958, have upheld disqualifications for employment where such issues were involved, but they did so on the basis of lack of competence or fitness.

"Lerner was a subway conductor in New York and Beilan was a public-school instructor. In each case the decision was by a 5-to-4 majority.

"ADMISSION TO THE BAR

"When we come to the recent cases on admission to the bar, we are in a field of unusual sensitivity. We are well aware that any adverse comment which we may make on those decisions lays us open to attack on the grounds that we are complaining of the curtailment of our own powers and that we are merely voicing the equivalent of the ancient protest of the defeated litigant—in this instance the wail of a judge who has been reversed. That is a prospect which we accept in preference to maintaining silence on a matter which we think cannot be ignored without omitting an important element on the subject with which this report is concerned.

"Konigsberg v. State Bar of California, 353 U.S. 252, seems to us to reach the high-water mark so far established by the Supreme Court in overthrowing the action of a State and in denying to a State the power to keep order in its own house.

"The majority opinion first hurdled the problem as to whether or not the federal question sought to be raised was properly presented to the State highest court for decision and was decided by that court. Mr. Justice Frankfurter dissented on the ground that the record left it doubtful whether this jurisdictional requirement for review by the Supreme Court had been met and favored a remand of the case for certification by the State highest court of 'whether or not it did in fact pass on a claim properly before it under the due-process clause of the Fourteenth Amendment.' Mr. Justice Harlan and Mr. Justice Clark shared Mr. Justice Frankfurter's jurisdictional views. They also dissented on the merits in an opinion written by Mr. Justice Harlan, of which more later.

"The majority opinion next turned to the merits of Konigsberg's application for admission to the bar. Applicable State statutes required one seeking admission to show that he was a person of good moral character and that he did not advocate the overthrow of the National or State Government by force or violence. The committee of bar examiners, after holding several hearings on Konigsberg's application, notified him that his application was denied because he did not show that he met the above qualifications.

"The Supreme Court made its own review of the facts.

"On the score of good moral character, the majority found that Konigsberg had sufficiently established it, that certain editorials written by him attacking this country's participation in the Korean War, the actions of political leaders, the influence of 'big business' on American life, racial discrimination and the Supreme Court's decision in Dennis v. United States, 341 U.S. 494, would not support any rational inference of bad moral character, and that his refusal to answer questions, 'almost all' of which were described by the Court as having 'concerned his political affiliations, editorials and beliefs' (353 U.S. 269), would not support such an inference either.

"Meaning of refusal to answer

"On the matter of advocating the overthrow of the National or State Government by force or violence, the Court held—as it had in the companion case of Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232, decided contemporaneously—that past membership in the Communist Party was not to show enough bad moral character. The majority apparently accepted as sufficient Konigsberg's denial of any present advocacy of the overthrow of the Government of the United States or of California, which was uncontradicted on the record. He had refused to answer questions relating to his past political affiliations and beliefs, which the bar committee might have used to test the truthfulness of his present claims. His refusal to answer was based upon his views as to the effect of the First and Fourteenth Amendments. The Court did not make any ultimate determination of their correctness, but—at 353 U.S. 270—said that 'prior decisions by this Court indicated' that his objections to answering the questions—which we shall refer to below—were not frivolous.

"The majority asserted that Konigsberg 'was not denied admission to the California bar simply because he refused to answer questions.'

"In a footnote appended to this statement it is said, 353 U.S. 259:

" 'Neither the committee as a whole nor any of its members even intimated that Konigsberg would be barred just because he refused to answer relevant inquiries or because he was obstructing the committee. Some members informed him that they did not necessarily accept his position that they were not entitled to inquire into his political associations and opinions and said that his failure to answer would have some bearing on their determination whether he was qualified. But they never suggested that his failure to answer their questions was, by itself, a sufficient independent ground for denial of his application.'

"A 'convincing' dissent

"Mr. Justice Harlan's dissent took issue with these views—convincingly, we think. He quoted lengthy extracts from the record of Konigsberg's hearings before the subcommittee and the committee of the State bar investigating his application. 353 U.S. 284–309. Konigsberg flatly refused to state whether or not at the time of the hearing he was a member of the Communist Party and refused to answer questions on whether he had ever been a Communist or belonged to various organizations, including the Communist Party.

"The bar committee conceded that he could not be required to answer a question if the answer might tend to incriminate him; but Konigsberg did not stand on the Fifth Amendment and his answer which came nearest to raising that question, as far as we can see, seems to have been based upon a fear of prosecution for perjury for whatever answer he might then give as to membership in the Communist Party.

"We think, on the basis of the extracts from the record contained in Mr. Justice Harlan's dissenting opinion, that the committee was concerned with its duty under the statute 'to certify as to this applicant's good moral character'—p. 295—and that the committee was concerned with the applicant's 'disinclination' to respond to questions proposed by the Committee—p. 301—and that the committee, in passing on his good moral character, sought to test his veracity—p. 303.

"The majority, however, having reached the conclusion above stated, that Konigsberg had not been denied admission to the bar simply because he refused to answer questions, then proceeded to demolish a straw man by saying that there was nothing in the California statutes or decisions, or in the rules of the bar committee which had been called to the Court's attention, suggesting that a failure to answer questions 'is *ipso facto* a basis for excluding an applicant from the bar, irrespective of how overwhelming is his showing of good character or loyalty or how flimsy are the suspicions of the bar examiners.'

"Whether Konigsberg's 'overwhelming' showing of his own good character would have been shaken if he had answered the relevant questions which he refused to answer, we cannot say. We have long been under the impression that candor is required of members of the bar and, prior to Konigsberg's we should not have thought that there was any doubt that a candidate for admission to the bar should answer questions as to matters relating to his fitness for admission, and that his failure or refusal to answer such questions would warrant an inference unfavorable to the applicant or a finding that he had failed to meet the burden of proof of his moral fitness.

"Let us repeat that Konigsberg did not invoke protection against self-incrimination. He invoked a privilege which he claimed to exist against answering certain questions. These might have served to test his veracity at the committee hearings held to determine whether or not he was possessed of the good moral character required for admission to the bar.

"The majority opinion seems to ignore the issue of veracity sought to be raised by the questions which Konigsberg refused to answer. It is also somewhat confusing with regard to the burden of proof. At one point—pp. 270–271—it says that the committee was not warranted in drawing from Konigsberg's refusal to answer questions any inference that he was of bad moral character; at another—p. 273—it says that there was no evidence in the record to justify a finding that he had failed to establish his good moral character.

"Also at page 273 of 353 U.S., the majority said: 'We recognize the importance of leaving States free to select their own bars, but it is equally important that the State not exercise this power in an arbitrary or discriminatory manner nor in such way as to impinge on the freedom of political expression or association. A bar composed of lawyers of good character is a worthy objective but it is unnecessary to sacrifice vital freedoms in order to obtain that goal. It is also important to society and the bar itself that lawyers be unintimidated—free to think, speak and act as members of an independent bar.'

"The majority thus makes two stated concessions—each, of course, subject to limitations—one, that it is important to leave the States free to select their own bars and the other, that 'a bar composed of lawyers of good character is a worthy objective.'

"Avoiding 'a test of veracity'

"We think that Mr. Justice Harlan's dissent on the merits, in which Mr. Justice Clark joined, shows the fallacies of the majority position. On the facts which we think were demonstrated by the excerpts from the record included in that dissent, it seems to us that the net result of the case is that a State is unable to protect itself against admitting to its bar an applicant who, by his own refusal to answer certain questions as to what the majority regarded as 'political' associations and activities, avoids a test of his veracity through cross-examination on a matter which he has the burden of proving in order to establish his right to admission to the bar.

"The power left to the States to regulate admission to their bars under Konigsberg hardly seems adequate to achieve what the majority chose to describe as a 'worthy objective'—'a bar composed of lawyers of good character.'

"We shall close our discussion of Konigsberg by quoting two passages from Mr. Justice Harlan's dissent, in which Mr. Justice Clark joined. In one, he states that 'this case involves an area of federal-State relations—the right of States to establish and administer standards for admission to their bars—into which this Court should be especially reluctant and slow to enter.' In the other, his concluding comment—p. 312—says: '[W]hat the Court has really done, I think, is simply to impose on California its own notions of public policy and judgment. For me, today's decision represents an unacceptable intrusion into a matter of State concern.'

"The Lerner and Beilan cases, above referred to, seem to indicate some recession from the intimations, though not from the decisions, in the Konigsberg and Slochower cases. In Beilan, the schoolteacher was told that his refusal to answer questions might result in his dismissal, and his refusal to answer questions pertaining to loyalty matters was held relevant to support a finding that he was incompetent. 'Incompetent' seems to have been taken in the sense of unfit.

"STATE ADMINISTRATION OF CRIMINAL LAW

"When we turn to the impact of decisions of the Supreme Court upon the State administration of criminal justice, we find that we have entered a very broad field. In many matters, such as the fair drawing of juries, the exclusion of forced confessions as evidence, and the right to counsel at least in all serious cases, we do not believe that there is any real difference in doctrine between the views held by the Supreme Court of the United States and the views held by the highest courts of the several States.

"There is, however, a rather considerable difference at times as to how these general principles should be applied and as to whether they have been duly regarded or not. In such matters, the Supreme Court not only feels free to review the facts, but considers it to be its duty to make an independent review of the facts. It sometimes seems that the rule which governs most appellate courts in the view of findings of fact by trial courts is given lip service, but is actually given the least possible practical effect.

"Appellate courts generally will give great weight to the findings of fact by trial courts which had the opportunity to see and hear the witnesses, and they are reluctant to disturb such findings. The Supreme Court at times seems to read the records in criminal cases with a somewhat different point of view. Perhaps no more striking example of this can readily be found than in Moore v. Michigan, 355 U.S. 155.

"In the Moore case, the defendant had been charged in 1937 with the crime of first-degree murder, to which he pleaded guilty. The murder followed a rape and was marked by extreme brutality. The defendant was a Negro youth, 17 years of age at the time of the offense, and is described as being of limited education—only the seventh grade—and as being of rather low mentality.

"He confessed the crime to law-enforcement officers and he expressed a desire to plead guilty and 'get it over with.' Before such a plea was permitted to be entered, he was interviewed by the trial judge in the privacy of the judge's chambers and he again admitted his guilt, said he did not want counsel and expressed the desire to 'get it over with,' to be sent to whatever institution he was to be confined in, and to be placed under observation. Following this, the plea of guilty was accepted and there was a hearing to determine the punishment which should be imposed.

"About 12 years later the defendant sought a new trial, principally on the ground that he had been unfairly dealt with because he was not represented by counsel. He had expressly disclaimed any desire for counsel at the time of his trial. Pursuant to the law of Michigan, he had a hearing on this application for a new trial. In most respects his testimony was seriously at variance with the testimony of other witnesses. He was corroborated in one matter by a man who had been a deputy sheriff at the time when the prisoner was arrested and was being questioned.

"The trial court, however, found in substance that the defendant knew what he was doing when he rejected the appointment of counsel and pleaded guilty, that he was then calm and not intimidated, and, after hearing him testify, that he was completely unworthy of belief. It accordingly denied the application for a new trial. This denial was affirmed by the Supreme Court of Michigan, largely upon the basis of the findings of fact by the trial court.

"The Supreme Court of the United States reversed.

"The latter Court felt that counsel might have been of assistance to the prisoner, in view of his youth, lack of education and low mentality, by requiring the State to prove its case against him—saying the evidence was largely circumstantial—by raising a question as to his sanity, and by presenting factors which might have lessened the severity of the penalty imposed. It was the maximum permitted under the Michigan law—solitary confinement for life at hard labor.

"The case was decided by the Supreme Court of the United States in 1957. The majority opinion does not seem to have given any consideration whatsoever to the difficulties of proof which the State might encounter after the lapse of many years or the risks to society which might result from the release of a prisoner of this type, if the new prosecution should fail. They are, however, pointed out in the dissent.

"Another recent case which seems to us surprising, and the full scope of which we cannot foresee, is Lambert v. California, 355 U.S., decided Dec. 16, 1957. In that case a majority of the Court reversed a conviction under a Los Angeles ordinance which required a person convicted of a felony, or of a crime which would be felony under the law of California, to register upon taking up residence in Los Angeles.

"Lambert had been convicted of forgery

and had served a long term in a California prison for that offense. She was arrested on suspicion of another crime and her failure to register was then discovered and she was prosecuted, convicted and fined.

"The majority of the Supreme Court found that she had no notice of the ordinance, that it was not likely to be known, that it was a measure merely for the convenience of the police, that the defendant had no opportunity to comply with it after learning of it and before being prosecuted, that she did not act willfully in failing to register, that she was not "blameworthy" in failing to do so, and that her conviction involved a denial of the process of law.

" 'A deviation from precedents'

"This decision was reached only after argument and reargument. Mr. Justice Frankfurter wrote a short dissenting opinion in which Mr. Justice Harlan and Mr. Justice Whittaker joined. He referred to the great number of State and federal statutes which imposed criminal penalties for nonfeasance and stated that he felt confident that "the present decision will turn out to be an isolated deviation from the strong current of precedents—a derelict on the waters of the law."

"We shall not comment in this report upon the broad sweep which the Supreme Court now gives to habeas-corpus proceedings. Matters of this sort seem to fall within the scope of the Committee of this Conference on the Habeas Corpus Bill which has been advocated for some years by this Conference for enactment by the Congress of the United States, and has been supported by the Judicial Conference of the United States, the American Bar Association, the Association of Attorneys General and the Department of Justice.

"We cannot, however, completely avoid any reference at all to habeas-corpus matters because what is probably the most far-reaching decision of recent years on State criminal procedure which has been rendered by the Supreme Court is itself very close to a habeas-corpus case. That is the case of Griffin v. Illinois, 351 U.S. 12, which arose under the Illinois Post Conviction Procedure Act.

"The substance of the holding in that case may perhaps be briefly and accurately stated in this way: If a transcript of the record, or its equivalent, is essential to an effective appeal, and if a State permits an appeal by those able to pay for the cost of the record or its equivalent, then the State must furnish without expense to an indigent defendant either a transcript of the record at his trial, or an equivalent thereof, in order that the indigent defendant may have an equally effective right of appeal. Otherwise, the inference seems clear, the indigent defendant must be released upon habeas corpus or similar proceedings.

"Probably no one would dispute the proposition that the poor man should not be deprived of the opportunity for a meritorious appeal simply because of his poverty. The practical problems which flow from the decision in Griffin v. Illinois are, however, almost unlimited and are now only in course of development and possible solution. This was extensively discussed at the 1957 meeting of this Conference of Chief Justices in New York.

"We may say at this point that, in order to give full effect to the doctrine of Griffin v. Illinois, we see no basis for distinction between the cost of the record and other expenses to which the defendant will necessarily be put in the prosecution of an appeal. These include filing fees, the cost of printing the brief and of such part of the record as may be necessary, and counsel fees.

"The Griffin case was very recently given retroactive effect by the Supreme Court in a *per curiam* [by the court as a whole] opinion in Eskridge v. Washington State Board of Prison Terms and Paroles, 78 S. Ct. 1061. In that case the defendant, who was convicted in 1935, gave timely notice of an appeal. His application then made for a copy of the transcript of the trial proceedings to be furnished at public expense was denied by the trial judge.

"A statute provided for so furnishing a transcript if 'in his (the trial judge's) opinion, justice will thereby be promoted.' The trial judge found that justice would not be promoted, in that the defendant had had a fair and impartial trial, and that, in his opinion, no grave or prejudicial errors had occurred in the trial.

"The defendant then sought a writ of mandate from the Supreme Court of the State, ordering the trial judge to have the transcript furnished for the prosecution of his appeal. This was denied and his appeal was dismissed.

"In 1956 he instituted habeas-corpus proceedings which, on June 16, 1958, resulted in a reversal of the Washington court's decision and a remand 'for further proceedings not inconsistent with this opinion.' It was conceded that the 'reporter's transcript' from the trial was still available. In what form it exists does not appear from the Supreme Court's opinion. As in Griffin, it was held that an adequate substitute for the transcript might be furnished in lieu of the transcript itself.

"Justices Harlan and Whittaker dissented briefly on the ground that 'on this record the Griffin case decided in 1956 should not be applied to this conviction occurring in 1935.' This accords with the view expressed by Mr. Justice Frankfurter in his concurring opinion in Griffin that it should not be retroactive. He did not participate in the Eskridge case.

"Just where Griffin v. Illinois may lead us is rather hard to say. That it will mean a vast increase in criminal appeals and a huge case load for appellate courts seems almost to go without saying. There are two possible ways in which the meritorious appeals might be taken care of and the non-meritorious appeals eliminated.

"One would be to apply a screening process to appeals of all kinds, whether taken by the indigent or by persons well able to pay for the cost of appeals. It seems very doubtful that legislatures generally would be willing to curtail the absolute right of appeal in criminal cases which now exists in many jurisdictions.

"Another possible approach would be to require some showing of merit before permitting an appeal to be taken by an indigent defendant at the expense of the State.

"Whether this latter approach, which we may call 'screening,' would be practical or not is, to say the least, very dubious. First, let us look at a federal statute and Supreme Court decisions thereunder. What is now subsection (a) of Section 1915 of Title 28, U.S.C.A. contains a sentence reading as follows: 'An appeal may not be taken *in forma pauperis* [as a poor man] if the trial court certifies in writing that it is not taken in good faith.'

"This section or a precursor thereof was involved in Miller v. United States, 317 U.S. 192, Johnson v. United States, 352 U.S. 565, and Farley v. United States, 354 U.S. 521, 523. In the Miller case the Supreme Court held that the discretion of the trial court in withholding such a certificate was subject to review on appeal, and that, in order that such a review might be made by the Court of Appeals, it was necessary that it have before it either the transcript of the record or an adequate substitute therefor, which might consist of the trial judge's notes or of an agreed statement as to the points on which review was sought.

"Similar holdings were made by *per curiam* opinions in the Johnson and Farley cases, in each of which the trial court refused to certify that the appeal was taken in good faith. In each case, though perhaps more clearly in Johnson, the trial court seems to have felt that the proposed appeal was frivolous, and hence not in good faith.

"The Eskridge case, above cited, decided on June 16, 1958, rejected the screening process under the State statute there involved, and appears to require, under the Fourteenth Amendment, that a full appeal be allowed—not simply a review of the screening process, as under the federal statute above cited. The effect of the Eskridge case thus seems rather clearly to be that, unless all appeals, at least in the same types of cases, are subject to screening, none may be.

"It would seem that it may be possible to make a valid classification of appeals which shall be subject to screening and of appeals which shall not. Such a classification might be based upon the gravity of the offense or possibly upon the sentence imposed. In most, if not all, States, such a classification would doubtless require legislative action. In the Griffin case, it will be recalled, the Supreme Court stated that a substitute for an actual transcript of the record would be acceptable if it were sufficient to present the points upon which the defendant based his appeal. The Supreme Court suggested the possible use of bystanders' bills of exceptions.

"It seems probable to us that an actual transcript of the record will be required in most cases. For example, in cases where the basis for appeal is the alleged insufficiency of the evidence, it may be very difficult to eliminate from that part of the record which is to be transcribed portions which seem to have no immediate bearing upon this question. A statement of the facts to be agreed upon by trial counsel for both sides may be still more difficult to achieve even with the aid of the trial judge.

"The danger of swamping some State appellate courts under the flood of appeals which may be loosed by Griffin and Eskridge is not a reassuring prospect. How far Eskridge may lead and whether it will be extended beyond its facts remain to be seen.

"CONCLUSIONS: THE JUSTICES SUM UP

"This long review, though far from exhaustive, shows some of the uncertainties as to the distribution of power which are probably inevitable in a federal system of government. It also shows, on the whole, a continuing and, we think, an accelerating trend toward increasing power of the National Government and correspondingly contracted power of the State governments.

"Much of this is doubtless due to the fact that many matters which were once mainly of local concern are now parts of larger matters which are of national concern. Much of this stems from the doctrine of a strong, central Government and of the plentitude of national power within broad limits of what may be 'necessary and proper' in the exercise of the granted powers of the National Government which was expounded and established by Chief Justice Marshall and his colleagues, though some of the modern extensions may and do seem to us to go to extremes. Much, however, comes from the extent of the control over the action of the States which the Supreme Court exercises under its views of the Fourteenth Amendment.

"We believe that strong State and local governments are essential to the effective functioning of the American system of federal government; that they should not be sacrificed needlessly to leveling, and sometimes deadening, uniformity; and that, in the interest of active, citizen participation in self-government—the foundation of our democracy—they should be sustained and strengthened.

"As long as this country continues to be a developing country and as long as the conditions under which we live continue to change, there will always be problems of the allocation of power depending upon whether certain matters should be regarded as primarily of national concern or as primarily of local concern. These adjustments can hardly be effected without some friction. How much friction will develop depends in part upon the wisdom of those empowered to alter the boundaries and in part upon the speed with which such changes are affected. Of course, the question of speed really involves the exercise of judgment and the use of wisdom, so that the two things are really the same in substance.

"We are now concerned specifically with the effect of judicial decisions upon the relations between the Federal Government and the State governments. Here we think that the over-all tendency of decisions of the Supreme Court over the last 25 years or more has been to press the extension of federal power and to press it rapidly.

"There have been, of course, and still are, very considerable differences within the Court on these matters, and there has been quite recently a growing recognition of the fact that our government is still a federal government and that the historic line which experience seems to justify between matters primarily of national concern and matters primarily of local concern should not be hastily or lightly obliterated. A number of Justices have repeatedly demonstrated their awareness of problems of federalism and their recognition that federalism is still a living part of our system of government.

"The extent to which the Supreme Court assumes the function of policy maker is also of concern to us in the conduct of our judicial business. We realize that in the course of American history the Supreme Court has frequently—one might, indeed, say customarily—exercised policy-making powers going far beyond those involved, say, in making a selection between competing rules of law.

"We believe that, in the fields with which we are concerned and as to which we feel entitled to speak, the Supreme Court too often has tended to adopt the role of policy maker without proper judicial restraint. We feel this is particularly the case in both of the great fields we have discussed—namely, the extent and extension of the federal power, and the supervision of State action by the Supreme Court by virtue of the Fourteenth Amendment. In the light of the immense power of the Supreme Court and its practical nonreviewability in most instances, no more important obligation rests upon it, in our view, than that of careful moderation in the exercise of its policy-making role. We are not alone in our view that the Court, in many cases arising under the Fourteenth Amendment, has assumed what seem to us primarily legislative powers. See Judge **Learned Hand on the Bill of Rights.**

"We do not believe that either the framers of the original Constitution or the possibly somewhat less gifted draftsmen of the Fourteenth Amendment ever contemplated that the Supreme Court would, or should, have the almost unlimited policy-making powers which it now exercises.

"It is strange, indeed, to reflect that, under a Constitution which provides for a system of checks and balances and of distribution of power between national and State governments, one branch of one government—the Supreme Court—should attain the immense and, in many respects, dominant power which it now wields. We believe that the great principle of distribution of powers among the various branches of government and between levels of government has vitality today and is the crucial base of our democracy.

"We further believe that, in construing and applying the Constitution and laws made in pursuance thereof, this principle of the division of power based upon whether a matter is primarily of national or of local concern should not be lost sight of or ignored, especially in fields which bear upon the meaning of a constitutional or statutory provision, or the validity of State action presented for review. For, with due allowance for the changed conditions under which it may or must operate, the principle is as worthy of our consideration today as it was of the consideration of the great men who met in 1787 to establish our nation as a nation.

" 'Doubt' in recent decisions

"It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast. We find first that, in constitutional cases, unanimous decisions are comparative rarities and that multiple opinions, concurring or dissenting, are common occurrences.

"We find next that divisions in result on a 5-to-4 basis are quite frequent. We find further that, on some occasions, a majority of the Court cannot be mustered in support of any one opinion and that the result of a given case may come from the divergent views of individual Justices who happen to unite on one outcome or the other of the case before the Court.

"We further find that the Court does not accord finality to its own determinations of constitutional questions, or for that matter of others. We concede that a slavish adherence to *stare decisis* could at times have unfortunate consequences; but it seems strange that under a constitutional doctrine which requires all others to recognize the Supreme Court's rulings on constitutional questions as binding adjudications of the meaning and application of the Constitution, the Court itself has so frequently overturned its own decisions thereon, after the lapse of periods varying from 1 year to 75, or even 95 years. See the tables appended to Mr. Justice Douglas's address on *'Stare Decisis,'* 49 Columbia Law Review 735, 756–758.

"The Constitution expressly sets up its own procedures for amendment, slow or cumbersome though they may be.

"These frequent differences and occasional overrulings of prior decisions in constitutional cases cause us grave concern as to whether individual views of the members of the Court as from time to time constituted, or of a majority thereof, as to what is wise or desirable do not unconsciously override a more dispassionate consideration of what is or is not constitutionally warranted. We believe that the latter is the correct approach, and we have no doubt that every member of the Supreme Court intends to adhere to that approach, and believes that he does so.

"It is our earnest hope, which we respectfully express, that that great Court exercise to the full its power of judicial self-restraint by adhering firmly to its tremendous, strictly judicial powers and by eschewing, so far as possible, the exercise of essentially legislative powers when it is called upon to decide questions involving the validity of State action, whether it deems such action wise or unwise. The value of our system of federalism, and of local self-government in local matters which it embodies, should be kept firmly in mind, as we believe it was by those who framed our Constitution.

" At times the Supreme Court manifests, or seems to manifest, an impatience with the slow workings of our federal system. That impatience may extend to an unwillingness to wait for Congress to make clear its intention to exercise the powers conferred upon it under the Constitution, or the extent to which it undertakes to exercise them, and it may extend to the slow processes of amending the Constitution which that instrument provides.

"The words of Elihu Root, on the opposite side of the problem asserted at a time when demands were current for recall of judges and judicial decisions, bear repeating; 'If the people of our country yield to impatience which would destroy the system that alone makes effective these great impersonal rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming. We shall not be making progress, but shall be exhibiting that lack of self-control which makes great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they are struck by the impulse of the moment.' Quoted in 31 'Boston University Law Review' 43.

"We believe that what Mr. Root said is sound doctrine to be followed toward the Constitution, the Supreme Court and its interpretation of the Constitution. Surely, it is no less incumbent upon the Supreme Court, on its part, to be equally restrained and to be as sure as is humanly possible that it is adhering to the fundamentals of the Constitution with regard to the distribution of powers and the separation of powers, and with regard to the limitations of judicial power which are implicit in such separation and distribution, and that it is not merely giving effect to what it may deem desirable.

"We may expect the question as to what can be accomplished by the report of this Committee or by resolutions adopted in conformity with it. Most certainly some will say that nothing expressed here would deter a member or group of members of an independent judiciary from pursuing a planned course.

"Let us grant that this may be true. The value of a firm statement by us lies in the fact that we speak as members of all the State appellate courts with a background of many years' experience in the determination of thousands of cases of all kinds. Surely there are those who will respect a declaration of what we believe.

"And it just could be true that our statement might serve as an encouragement to those members of an independent judiciary who now or in the future may in their conscience adhere to views more consistent with our own."

Report on High Court: Who wrote it, who approved it

These 10 State justices were members of the committee which drew up the report on the Supreme Court.

Frederick W. Brune, Chief Judge of Maryland, chairman.

Albert Conway, Chief Judge of New York.

John R. Dethmers, Chief Justice of Michigan.

William H. Duckworth, Chief Justice of Georgia.

John E. Hickman, Chief Justice of Texas.

John E. Martin, Chief Justice of Wisconsin.

Martin A. Nelson, Associate Justice of Minnesota.

William C. Perry, Chief Justice of Oregon.

Taylor H. Stukes, Chief Justice of South Carolina.

Raymond S. Wilkins, Chief Justice of Massachusetts.

Also voting to approve the report were chief Justices from 26 other States: Alabama, Arizona, Colorado, Delaware, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Virginia, Washington, Wyoming.

Voting against the report were chief justices from seven States, one territory: California, New Jersey, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, Hawaii.

Abstaining: Nevada, North Dakota.

Not present: Arkansas, Connecticut, Indiana, Puerto Rico.

[From the U.S. News & World Report, Oct. 24, 1958]

How U.S. Judges Feel About the Supreme Court

(A critical attitude toward the Supreme Court is now found to exist among federal judges. This is revealed in a poll by "U.S. News & World Report." The poll asked federal judges whether they agreed with a report adopted recently by 36 State chief justices. That report criticized the Supreme Court for playing a "role of policy maker." Of federal judges who expressed an opinion, 54 percent agreed with that criticism. Replying to the poll were 128 judges representing all regions of the country.)

A poll of judges in federal courts indicates that a majority of the judges who expressed an opinion are critical toward the Supreme Court of the U.S.

This majority agreed with the conclusion of a report by 36 State chief justices that the Supreme Court "too often has tended to adopt the role of policy maker without proper judicial restraint."

A minority of judges who replied disagreed with that conclusion.

There are 351 judges, active and retired, on U.S. district courts and U.S. circuit courts of appeals. These were asked by "U.S. News & World Report," in a mail questionnaire, whether they agreed or disagreed with conclusions in a report approved by the Conference of Chief Justices of State Supreme Courts.

This report, critical of the Supreme Court of the U.S. was approved, 36 to 8, in a formal vote by the Chief Justices of State Supreme Courts at their annual meeting last August. Four justices were not present at the vote; two abstained.

Full text of the report itself, more than 11,000 words, was mailed by "U.S. News & World Report" along with the questionnaire to all federal judges.

Each federal district and circuit judge was asked simply to mark an "X" before the statement "I agree" or "I disagree" with the conclusions of the report adopted by the Conference of State Chief Justices. This report did not directly concern itself with the issue of segregation of races in schools, nor did it mention the Supreme Court decision in the desegregation cases. It did criticize the Supreme Court for lack of "proper judicial restraint" in rulings that deal with the "extent and extension of federal power, and the supervision of State action by the Supreme Court by virtue of the Fourteenth Amendment."

In the poll by "U.S. News & World Report," replies were received from 128 judges, or 36.5 per cent of those polled. Replies were representative of all regions and of the full membership of judges of the U.S. district courts as well as of judges of U.S. circuit courts of appeals.

Of all those who answered the questionnaire:

Forty-six per cent expressed agreement with the conclusions of chief justices of State supreme courts.

Thirty-nine per cent disagreed with the State chief justices.

Fifteen per cent preferred not to express any view.

Of all those who did express an opinion:

Fifty-four per cent agreed with the report of the State chief justices, which said that the Supreme Court of U.S. "too often has tended to adopt the role of policy maker without proper judicial restraint."

Forty-six per cent disagreed with this conclusion.

By regions, the judges voted this way:

From Washington, D.C., replies were received from 38.5 per cent of the 26 judges sitting on U.S. district courts and U.S. circuit courts of appeals.

Of those in Washington, D.C., who replied:

Eighty per cent agreed with the chief justices of the State supreme courts in their criticism of the Supreme Court of U.S.

Twenty per cent disagreed.

There were no replies received from the "no opinion" category.

It is in the nation's capital that judges are most closely in contact with the Supreme Court of U.S.

In the South, 50 per cent of the federal judges replied.

Of those who replied from the South:

Fifty-five and one-half per cent agreed with the report of the State chief justices that the Supreme Court of U.S. has acted without proper judicial restraint.

Twenty-eight per cent of judges in the South disagreed.

Sixteen and one-half per cent mailed back the questionnaire but preferred not to express a view.

(States of South: Ala., Ark., Fla., Ga., La., Miss., N.C., S.C., Tenn, Tex, Va.)

Outside the South, 33 per cent of the judges replied.

Of those who replied from outside the South:

Forty-two and four-tenths per cent agreed with the report of the State chief justices in their criticism of the Supreme Court of U.S.

Forty-three and one-half percent disagreed.

Fourteen and one-tenth per cent who replied preferred not to express a view.

Of those outside the South who did express their views:

Forty-nine and four-tenths per cent agreed with the State chief justices.

Fifty and six-tenths per cent disagreed.

Gallup appraisal. A response of 36.5 per cent to a mail poll is rated by those whose business it is to conduct polls as "very good indeed."

George Gallup, Director of the American Institute of Public Opinion, when asked prior to the completion of the above poll to evaluate mail questionnaires generally, said this:

"A mail return which receives from 20 to 30 per cent of replies is about average. Anything from 30 to 40 per cent is very good.

"A questionnaire to which the recipient can give an offhand reply will get better results than a questionnaire which requires the recipient to read any lengthy document before replying. If you get a 30 to 40 per cent return, therefore, when there is a lengthy document accompanying the questionnaire, to be read by the recipient, I should say the results would be very good, indeed."

A mail poll drawing replies from 36.5 per cent of all federal judges other than those on the Supreme Court of U.S. itself is described by professional samplers of opinion as providing a fair measure of opinion of all the judges polled.

What the poll tells. The poll of U.S. district judges and judges on the U.S. circuit courts of appeals, as a result, shows this:

A majority of federal judges participating in the poll are agreed that the Supreme Court "too often" has not exercised "proper judicial restraint" in exercising its power to make policy.

This majority approved the statements of the 36 chief justices of State supreme courts that "in the light of the immense power of the Supreme Court and its practical nonreviewability in most instances, no more important obligation rests upon it, in our view, than that of careful moderation in the exercise of its policymaking role."

A majority of federal judges participating likewise agrees with the report of the chief justices of State supreme courts when it says: "We are not alone in our view that the Court, in many cases arising under the Fourteenth Amendment, has assumed what seem to us primarily legislative powers."

The poll made by "U.S. News & World Report" was conducted by the mail to determine whether or not federal judges agreed or disagreed with the formal poll of State chief justices in the view expressed in their report that the Supreme Court is extending the power of the Federal Government at expense of the individual States "without proper judicial restraint."

Critics of criticism. The New York "Times" is reported to have made an effort through its own reporters to dissuade judges from participating in the poll. "Times" reporters called by telephone a number of judges and, some of these judges say, argued with them that they should not reply.

While the poll by "U.S. News & World Report" was in progress, the New York "Times" printed a story under a headline: "Judges Angered by Poll on Court, More Than a Score Express Indignation over Magazine Survey on Critical Report." This story said that New York "Times" reporters had "sampled" federal judges in "several cities." The article expressed the opinion that not a quarter of those polled would reply. In Washington another newspaper, the "Post and Times Herald," also polled some of the federal judges about the "U.S. News & World Report" poll. The "Post and Times Herald" predicted that "less than a 20 per cent return" would be received.

The "U.S. News & World Report" poll was conducted in confidence, and judges were not asked to sign their names. A substantial number, nonetheless, did sign their names after checking the answer.

The Supreme Court of U.S. many times in the past, as now, has been a center of controversy over the use of its power. The report of chief justices of State supreme courts and the poll of judges on federal courts below the Supreme Court reveal a strong undercurrent of criticism of the Supreme Court among judges themselves. The report of the State chief justices was printed in full text in the October 3 issue of "U.S. News & World Report."

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONTROL OF TIME TOMORROW UNTIL 1 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer on tomorrow, the time be equally divided, until 1 o'clock, between the distinguished minority leader, the Senator from Illinois [Mr. Dirksen], and the majority leader, or by whomever they may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, in discussing a matter such as this, which involves the highest judicial office under our constitutional government, I believe it is our duty to strive, of course, to remain at all times impersonal and impartial.

I believe that in participating in this discussion, no one could be more impersonal than I. I have not had a chance to know Mr. Fortas personally. I have not been on the premises where he has been, and have not had a chance to visit his office, or have any connection, in any way, with anyone who was his client. My position is completely impersonal. I have no objection to him as a man, nor do I question his very fine ability. But I am concerned about matters far beyond mere personalities.

I have no doubt in my mind that the President has the authority to send us this nomination. That is his constitutional function. I think, however, that it is a mighty bad practice, especially for this office, for the Senate to be faced with a kind of hybrid resignation, with a resulting hybrid nomination. To say the least, it certainly leaves the Senate of the United States, which has a corresponding constitutional duty, in the position that we do not know what the situation is legally, and we do not know exactly what we are passing on, and it leaves the people in the same state of mind.

Mr. President, I think that this office is second only to that of the President of the United States. And it is even more important because it is on a life tenure basis. No President can serve for more than 4 years without being reelected, whereas a person who holds this position holds it for life under the present law with good behavior—whatever the term good behavior means.

On the average, this could be for 20 years. In the case of Chief Justice Warren, it has already been for 15 years.

Mr. President, I move over what could be termed the personal part of the nomination with reference to both Mr. Fortas and the President. I note my objection, though, to the method used and the hybrid situation created, which would not be enough to establish my conclusion on the merits against Mr. Fortas.

Without claiming any credit, for the belief, I do not believe that anyone has been taught any higher respect for the court and the judicial branch of the Government—and especially the Supreme Court of the United States—than was my privilege.

I went to a law school that emphasized our respect for our judicial system. At that time there was a very intimate personal relationship between the members of the faculty—which was most outstanding—and the students. I know that they uniformly emphasized the great respect that a practicing lawyer and a citizen ought to have, and wanted to have, for the judicial branch of the Government and for the Supreme Court of the United States which had such a huge role to play in our whole constitutional system. I have clung to that teaching and belief. I have tried to pass it on to my son when he decided to study law and went to a law school.

I find here, though, that we are under a special obligation and a positive duty to move into a field that might be contrary to our wishes. It goes to the policies of the Court. It goes to the consideration that it appears the justices have given to cases before them, consideration far beyond what I was taught was a proper function of the Court.

I make no apologies for moving right in on those constitutional principles. But it is not any attack on the Court itself.

I do want to say in passing that in the matter of the last 10 years, even though I favor the independence of the judicial system to a great degree, I have decided that under the trend of the times and the complexities of our Government and the trend of some of the Justices on the Court that we ought to limit the term in years and not have these appointments for life.

I think it would come nearer to giving continuity to the Court as such and would keep the members of the Court from being subject to every wind that might blow and, at the same time, avoid perpetuating and compounding error if we were to provide that they would be appointed for a term of years, at the end of which their services were automatically terminated. However, they would be paid a salary for life.

I would like to see a constitutional amendment passed to limit the term of service to 10 years.

I have struggled with that subject. I introduced a measure in the Senate once to provide, in effect, that the Senate would not confirm nominations to the U.S. Supreme Court for Associate Justices—not for Chief Justice—unless at least one out of every two members was a man with at least 10 years of judicial experience.

That is not involved in this matter. However, I think that within itself would be a long step forward.

I would not rule out any nominee merely because he had not had judicial experience. However, I settled the matter in my own mind by deciding that it would be better to have half of the nominees coming to the Court be men with at least 10 years of judicial experience.

I mention that to show that this matter of struggling with the personnel of the Court is not a new one to me. Also, when the matter of the extrajudicial activity of Mr. Justice Fortas came up, I did not like it one bit, as I will point out later. It is not the first time that I have brought up that subject matter. There have been activities pursued by other members of the Court, and they were official activities. I protested those from this desk, and I will continue to do so, because it is totally contrary to my concept of the proper activities of a member of that Court.

I find here, and I have been disappointed to find, that Mr. Justice Fortas has been connected from the time he became a member of the Court to some degree with the preparation of state of the Union messages. We all know that a state of the Union message is a political document in part and it is in part a declaration of political policy by the incumbent President, whoever he is. To that extent, it is not proper for a member of the Court to participate in the preparation of such a document.

I know that it may be difficult for a member of the Court who has been charged with an ardor for public life and public questions, who has been accustomed to making our system work when called on, to be called on for something of that kind. It is hard for such a man to stay out of the matter. I am not preaching a doctrine here that I have not practiced with my friends on the bench.

I think of one man in Mississippi particularly. That man is a member of the Court of Appeals. He and I have always been personal friends and political friends, too. I recommended him for appointment as a judge. However, since he became a judge, I have never mentioned any political matters to him, and I will not, because it is my idea that when a judge takes his oath and becomes a member of the judicial branch of the Government, that is politically holy ground that they have chosen. They did not have to accept it. However, once they have accepted it, they are bound by an obligation to stay in that and in that alone.

So, I was disappointed to learn these things about Mr. Justice Fortas and his activities. I was extremely disappointed to learn that there was some activity on his part in the preparation of more than one type of legislation, or the giving of advice or being connected with the preparation of legislation in some way.

The Senator from Virginia [Mr. SPONG] just pointed out that two matters are pending in the Court at the present time and that the Court will have to pass on each of them in the fall session. These matters grow directly out of the war and the policy question connected with the war. They involve the matter of whether men can be called to service and sent to fight even through the Selective Service when there has been no affirmative declaration of war by Congress. Therefore, what is the power of the President, even under his general authority to act in an emergency?

That is one of the most far-reaching questions that could come up.

Another matter has been filed by members of the Reserve. I have already said something about that on the floor of the Senate. As a Member of the Senate, I was terribly disappointed to see them file the suit, much less to see a member of the Supreme Court of the United States give a stay of execution, which is a kick in the face, one might say, to all the machinery in the operation of the war.

I cannot think of anything that goes more to the heart of our present situation than the case about the power of the President to call up the Reserves, there being no officially declared war and really no declaration of emergency by the President of the United States. Certainly, a man who has been advising about the policies of this war has no business sitting on a case such as that.

It does not make any difference whether or not illustrations can be given. Those are just, clear, vivid, positive, and immediate. But the principle of the thing as the Senator from Virginia mentioned, is that it is indefensible and cannot be sustained or justified under any circumstances.

We know that the President of the United States needs advice and counsel, and I have seen many instances in connection with this war when he needed it. But the bounds of the judicial system cannot be overrun. The men who must guard a separate and independent judicial system are those who occupy the post, those who wear the robes.

So I was disappointed. Those activities are a factor in my thinking about what should be done in this matter.

Frankly, I was amazed—it is almost unbelievable—about what I have learned about the new field of law on pornography that has been created by the Court in the last few years. Perhaps, according to a few people, it may be old-fashioned even to mention restrictions or restraints with reference to pictures or magazines of that kind. I do not believe that represents the thought of more than a small fraction of the people of this Nation. I believe that, basically and fundamentally, a strong current, which runs deep, of decency and cleanliness of thought and manners strongly condemns the indecency.

Twenty-two such cases were reversed on their facts, after there had been convictions in the State courts. They were reviewed by the high State courts and were brought to the Supreme Court of the United States, which reversed many of them, and Mr. Justice Fortas was active in those cases. The facts in those cases could be put before a thousand cross-sections of the men and women of this country—not specially selected, but a thousand cross-sections throughout the country—and I do not believe that more than two or four of the thousand would approve the material in those cases that was declared legal by a majority of the Court. In declaring it legal, the Court swept away virtually all the old standards.

These things must be looked at; they must be weighed. By making those exhibits—the pictures, the films, and the magazines—legal, they swept away virtually all the old standards of the American courts as to decency. The law of pornography is a new science, one might say—this modern law of pornography that they have enunciated over there.

I give the illustration about the basic opinion of the people at the community level because that is one field of law in which the basic theme of it, the bedrock principles of it, rests with the people of the community level. That is the standard that the English-speaking people adopted long before we had a nation. They brought it here with them. It was written into their laws, their colonial laws. It was carried forward in their State constitutions and their State codes and was also adopted by the Federal courts.

The amazing set of facts outlined on the floor of the Senate so vividly by the Senator from Arkansas last week is certainly a new chapter in the judicial history of this Nation. It is something I cannot ignore, and it should not be ignored by this body. As I see it, the Court has released on the helpless public a wave of smutty magazines and slimy films that represents the foulest, the vilest, and the most indecent pictures ever approved by any English-speaking court in all recorded history. I say that without any fear of contradiction—the foulest, the vilest, and the most indecent pictures ever approved in any English-speaking court in all recorded history. They include pictures of nude males and females, with contortions and manipulations that are almost beyond belief. I saw the pictures, and I believe every Senator should see them before he casts a vote in this matter. As a sense of duty—a sense of duty only—I would recommend that they see them. We do have that duty, and we must pass on the matter.

It is rather sad to have to relate this fact, but I understand that there were perhaps four or five different grounds upon which a decision for reversal could have rested, according to the record—three or four grounds besides the question of whether or not the pictures were decent or indecent. I do not wish to accuse the members of the court of cowardice. But it is almost unbelievable to me that there would be so many instances in which the record just says "reversed," without giving a reason. In a limited way, I have had some judicial responsibility, and I know that if one feels he is on sound ground, he does not fail to give a reason, especially at the top level, in a matter as far-reaching as this, especially when it means releasing on the youth of the country the greatest accumulation of filth of its kind that has ever been released on an unsuspecting people. to pollute and defile their minds.

If one feels he has to do that because of a technicality, he is going to give his reasons. I do not believe they reversed those cases on a technicality or on anything that related to a procedural matter. If they had, they would have said so, for the reasons I have given.

I understand they created a very flourishing business for these filmmakers, distributors, and sellers, as well as for the magazines; but certainly they were not protecting free enterprise, and the matter was not decided on that ground. They did not give an opinion with respect to questions the record shows are very revealing.

Mr. President, I wish to repeat my thought that it was through a sense of duty that I viewed some of the films, and it is through a sense of duty that I submit to other Senators that they should view them, although I leave to them the final decision. There will be full debate on this matter beyond the vote tomorrow. I would like to see that matter gone into in further detail.

I must say that I am impressed by the fact that after Mr. Fortas had testified before the committee, additional facts came out. He was invited by the committee to return. He had already set the precedent of going before the committee, but he did not accept their second invitation.

A very esteemed member of the Cabinet, who is a highly valuable member and one that I am learning to have great confidence in for his ability and his integrity, was invited to appear before the committee on the same relevant subject, and he did not come. He declined repeatedly. An Under Secretary, a man just below the Cabinet level, whom I also personally know and for whom I have high respect, and I respect him as well as the Cabinet officer I mentioned, did not come in either. The only conclusion I can reach from their failure to come in is that their testimony would not have helped the case any. I am driven too that conclusion, and further, I conclude what they would have had to say would have hurt the case. In deciding the case all testimony has to be taken into consideration, and that is what I conclude. I submit that to Senators for what it may be worth.

I hope there will be debate on this matter beyond the vote tomorrow so that that matter can be gone into by members of the committee. I would be glad to hear what those who support the nomination have to say, as well as other Senators.

With respect to the standards I have talked about, advising and counseling with other branches of Government and new standards in the pornographic field, the first point relates directly to the conduct of Mr. Fortas in advising outside the judicial branch and the other standard relates to the new cases that have been decided.

This new concept as to pornography has been established by the Court in decisions over a period of 3 years during which Justice Fortas has been on the Court. Some of those decisions have been five-to-four decisions, and decisions in which no reasons were given. Considering all the cases that have been so decided in 3 years, if Mr. Fortas were given the added prestige, power, and leadership of the Court for 20 years, what should we expect by then? Those are things that are too much for me to ignore.

We are compelled to look at all the facts.

By the way, Mr. President, this is the first time in almost a century, I think, that there has come before the Senate the direct record of a Justice, as well as the record of the Court. I do not think it would be well for this to happen too often. I think it requires a set of unusual facts before the Senate should go minutely into the record. However, I think that in this instance it has been constructive, very wholesome, and a very necessary thing to have done so. It would not hurt the Court if every 30 or 40 years we were to give proper consideration to their activities.

I do not mean that any one man in the Senate can decide what is going to be done about it, but there are 100 Senators and out of the Senate we would get some kind of conclusion that would probably be sound, wholesome, and helpful to the Nation as a whole. I speak with great deference to all members of the Court.

On another overwhelming general point, in the background I have already mentioned of respect for the Court and those trying to perform their duties, I am convinced that the Court has been used by some of its members during the last 40 years, perhaps, certainly within the last 20 years, that there has been far too much espousal of policies in which members of the Court believe, and the majority of them conclude. In that way they have gone far, far overboard in amending our basic law, the Constitution.

Perhaps the people have been a little too slow in amending the Constitution. It might be that the machinery of amending it is a little too much of an obstacle and that there are too many restraints. However, as a practical matter, with respect to the requirement of the affirmative vote of two-thirds of the membership of each House and the concurrence of three-fourths of the States before an amendment to the Constitution can be adopted, that matter could be presented at some time and debated by both sides. That requirement may be too severe a test in vastly changing times.

But it was unthinkable and unheard of that any nine men should take over the amending and rewriting of our basic law whenever they thought that a better policy was sound or practicable, or more practicable, or was needed. There can be much argument about whether changes in the law should come but I believe few Americans actually believe that any nine men, or any nine people under our system, have the authority under any circumstances to launch into new fields of constitutional activity and accomplish their end by decisions of 5-to-4, or 6-to-3, or unanimously, and say, "This is the law; this is the supreme law of the land; and everyone must obey it."

I do not believe anyone would advocate that, but, I say, because I honestly believe it, that is exactly what the Court has been doing over and over again. I think they are sincere. I would never demean Mr. Warren. I look to the good side of a person, but I believe he honestly decided that he was made for the times, to work to the end of getting extensions, redefinings, and new meanings into a great many parts of the Constitution of the United States, and that he went to work with that end in mind. He has been rather successful. I do not say that he is dishonest about it, but I believe it is a role which no man, under our system, should be authorized to do. When it is done, and time goes on, it will cause serious trouble and challenge our constitutional system.

With all due deference, I believe that Mr. Fortas, as Chief Justice of the United States, would be a continuation of that same philosophy and that same activity.

I did not reach that conclusion lightly. I read every case that Mr. Fortas took part in, and gave them all considerable study. There are a great number of them.

Mr. President, before I proceed with my prepared remarks, let me observe that I do not make any apologies, nor take much time to explain the matter here of taking up time on the motion to take up the nomination of Mr. Justice Fortas.

I know that any far-reaching policy can be reviewed properly by this body, taking into consideration the amount of time it takes for the pros and cons. I have been around here long enough to know that if we just go right on into the motion to pass a bill or to confirm a nomination, even though we have a very reasonable and considerate majority leader—which we do have now—I know that as a general proposition, under pressure to take up other matters, that time can, nevertheless, look long to him, but mighty short to the other side.

Mr. President, cloture motions have a way of coming with great regularity and promptness—repeatedly with promptness. To get into the heart of this thing, I think it is wise that we have a rule which will give us a chance, at least two chances, to get into these matters and really discuss them, expose the views and get to the facts, and then get those facts out to the people. People do not yet know about the pornography issue, for instance.

I am going to discuss this issue case by case. The Court has taken 40 years to rewrite the Constitution so that I believe each Senator could not take 40 minutes to express himself fully upon what he feels about that question, if he has any feelings one way or the other—and I am sure he has—that this is not a matter of our leader trying to press us. I do not argue that at all; but this debate has given some the idea that someone is doing a wrongful thing here by debating it a little, even before the motion to take up has prevailed. This is one place where it can be discussed, and for that I make no apologies, if it takes us a little time.

I know there is another guideline they are trying to get. The Senator from Virginia just mentioned it. They do not want the Court to convene until Justice Warren sits down as Chief Justice. That is the way they see it. I do not blame them. If I were handling the matter, I would try to avoid a situation like that, too.

We are talking about the situation on its merits, and so is everyone else.

Mr. President, in connection with the examination of Mr. Fortas, the point was made by the Senator from Michigan last week that he approved the position Mr. Fortas took in not going into, and declining to go into, an analysis of a particular case in his examination before the committee. I think that is correct. I think he has a right to do that. I think in most cases it would be a Justice's duty to do that. I do not believe our responsibilities here go so far as to pick to pieces, with the Justice himself as a witness, a particular case and call on him to give his reasons for his position.

But, with equal firmness and finality of opinion on the related point, I think it is our duty, nevertheless, under certain circumstances, to analyze that case, ourselves, and pass on it as a matter of policy by the Court and as a matter of political philosophy of the Court. That was the position maintained by the Senator from Michigan in his argument, and it was the position of some of the members of the Judiciary Committee, as I understand. But I say that to emphasize that I do not judge Mr. Fortas for saying he respectfully declined to go into the case.

At the same time, in analyzing the political philosophy and the impact on the public mind of these pornography cases, it is not only our privilege to go into that, but it is our duty.

Mr. President, it was only after mature consideration that I concluded that I could not vote for the confirmation of Mr. Abe Fortas as Chief Justice of the Supreme Court.

My position, as I have pointed out, is totally impersonal; nor do I challenge the right of the President to make the nomination under existing conditions. My position is based on high constitutional principles, principles which arise from my great and growing concern over the lack of judicial restraint which has been the hallmark of the Court in too many instances, especially over the past 15 years.

I simply believe that it is high time to call a halt to judicial legislation and to make a new start which hopefully will return the Court to basic and fundamental judicial and constitutional principles. I do not believe that this would be probable or possible with Justice Fortas at the helm.

Indeed, with Mr. Fortas as Chief Justice, the very opposite may be expected. He is clearly alined in personal and judicial philosophy with the "liberal wing" of the Court and often provides the fifth vote in the all too numerous 5-to-4 decisions by which our highest Court asserts its assumed role as the keeper of the Nation's conscience. I simply believe that the country can ill afford another 15 or 20 years of the Court arrogating to itself the function, in all too many cases, of declaring the law to be what a majority of the Justices think it should be rather than letting their decision rest on the law as reflected by the Constitution itself.

In its zeal for social reform and its disregard all too often of accepted legal precedents and standards to reach results which it considers to be morally right or socially or politically desirable, the Court has often twisted and contorted the Constitution, assumed that it is the first among the co-equal branches of Government, impaired the system of traditional checks and balances, upset the delicate balance of Federal-State relations, and enunciated rules of law which deny the government and the public a fair trial in criminal cases. This is indeed a sad state of affairs, and I hate to have to state these facts.

A nationwide poll released on July 9, 1968 shows that today unfavorable feelings toward the Court outweighs favorable sentiments by 3-to-2 ratio. Only 8 percent of those polled gave the Court an excellent rating; 28 percent rated it good; 32 percent rated it fair; and 21 percent rated it poor.

This is a tragic condition. I am among the last who would want the court to run its business on the basis of a Gallup poll, or to run the country on the basis of a Gallup poll, as far as that is concerned. But the fact that this state of affairs has been brought about is certainly a tragic condition.

I am never overly impressed by the results of polls, which are announced virtually daily on every conceivable subject. However, it is necessary to note that the public confidence in the Supreme Court has been seriously undermined and is in question.

Of course, the Court as a body has and is entitled to the benefit of the doubt. It is entitled to all presumptions, except in the face of conclusive presumptions to the contrary, of innocence, integrity, and judicial fidelity. I believe the American people are not, to an appreciable degree, quick to go off on a tangent with reference to a serious question such as this, but they are plagued by doubts. I, too, have been plagued by doubts as to just how far this matter could go. I attribute full sincerity to the members of the Court, but if our people have little or no confidence in the Supreme Court, it certainly follows that their confidence in our judicial system and our Government itself is also in issue. Continued lack of public confidence can only lead to a further breakdown in law and order and respect for legal processes. This is a disturbing and alarming trend which can only be reversed by a return to judicial restraint and basic and recognized legal principles.

I would be happy to think that out of this debate—and I want to see every point on both sides vigorously presented—might come to a clearer understanding and a firmer sense of confidence in that august body. If that result could follow, our time would be well spent.

It is notable that criticism of the Court for forsaking the traditional policy of judicial restraint for that of judicial activism has come from the legal profession itself. In the summer of 1958—10 years ago—the Conference of State Chief Justices overwhelmingly adopted a report which charged the Supreme Court with "impatience," with a "lack of self-control," and with "tending to adopt the role of policymaker without proper judicial restraint." The measured indictment of the State chief justices was that "individual views of the members of the Court as to what is wise and desirable" had begun to override "a more dispassionate consideration of what is or is not constitutionally warranted." This criticism is even more warranted today than 10 years ago.

Mr. President, that is a significant point, as I see it. Certainly this is no idle statement. While those justices of the supreme courts of the then 48 States—I believe it was 48 then; 48, or 50, whichever it was—did not vote unanimously, as I remember, there were only four absentees and only 6 dissenting votes. I think that is correct. All the others voted for the report. The vote was overwhelmingly in favor of the adoption of that critical language, and this conference of the chief justice of State courts included some very able men, with broad views, who, in thus criticizing the highest court in the land, were going against the grain of every instinct and every professional inclination, and against the embodied traditions of the offices they were then holding.

I believe this indictment is one of the most significant things that have happened; but I think that instead of it having some positive effect on the court as a whole, it seems to have stirred even more of the justices to less restrained activity.

Mr. President, I do not know what the result of our vote on this matter will be. I believe, however, that if as a result of our vote we do not proceed to the consideration of the nomination of Mr. Justice Fortas as Chief Justice of the United States or if he is not confirmed, our response will be heard throughout the entire Federal judicial chamber, the legislative chamber, and in the executive branch of the Government by some of these department heads who are given a lot of power and assume a lot of power.

The decisions of the Court indicate that at least a majority of the members consider it to be their duty to intervene for the purpose of rescuing the country from the consequences of its own indifference and from what the Court considers to be the failure of elected representatives to settle national problems which the Court thinks cry out for solutions. Nowhere is this feeling better evidenced than the following statement of Justice Douglas, an early mentor of Justice Fortas, concurring in reversal but dissenting to remand, arguing for dismissal, in *Bell* v. *Maryland* 378 U.S. 226, 243, 244–245 (1964)—and this was before Mr. Justice Fortas was on the Court:

> We have in this case a question that is basic to our way of life and fundamental to our constitutional scheme. No question preoccupies the country more than this one; it is plainly justiciable; it presses for decision one way or the other; we should resolve it. *The people should know that when filibusters occupy other forums, when oppressions are great, when the clash of authority between the individual and the State is severe, they can still get justice in the Courts. When we default as we do today, the prestige of law in the life of the nation is weakened.* (Emphasis added.)

I hope Senators will listen to this statement:

> This cult . . . of liberation judicial activists . . . appears to believe that the Court can find in a 4000-word eighteenth century document or its nineteenth century Amendments, or can plausibly supply, some clear bulwark against all dangers and evils that today beset us internally. This assumes the Court will be the dominant factor in shaping the constitutional practice of the future and can and will maintain, not only equality with the elective branches, but a large measure of supremacy and control over them. . . . (This) seems to me a doctrine wholly incompatible with faith in democracy, and insofar as it encourages a belief that the judges may be left to correct the result of public indifference to issues of liberty in choosing Presidents, Senators, and Representatives, it is a vicious teaching.

Those are not my words. Nor are they the words of some extremist or uninformed layman. They were written by the late Justice Jackson as long ago as 1955 in his book, "The Supreme Court in the American System of Government"—pages 57 and 58.

I refer to those quotations to lay the background concerning some thoughts that have been breathing and seething and coming to the top, thoughts that go beyond what I think constitutes judicial function. My belief is supported here by the late Justice Jackson.

Justice Harlan has been equally critical of the tendency toward judicial activism. In his dissenting opinion in the apportionment case of *Reynolds* v. *Sims*, 377 US.S 533, 624–25 (1964), he said:

> This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle", and that this Court should "take the lead" in promoting reform when other branches of government fail to act. *The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements . . . This* Court . . . does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process.

Mr. President, those are the words of Mr. Justice Harlan upon what should be the proper approach for a court which is ordained as a judicial body and cannot serve its high purpose when it exceeds its authority even to satisfy justified impatience.

Mr. President, I do not like to refer to myself or my experience. However, I do know from 10 years as a trial judge of a court of unlimited jurisdiction, civil and criminal, that there is no such thing as absolute justice. There is no such thing as having rules of law or equity that can assure absolute justice.

There is a practical side to every human institution, and self-government is a human institution. Things cannot be absolute. Constitutions are made to try to keep things within balance. Constitutions are made by the people.

The people are better governed, I believe, when that rule is followed.

So my concern is not because members of the court are concerned about the justice of an individual case or a movement or a reform, or whatever it may be. I want them to be men of feeling, compassion, and courage.

My complaint is that those things generate zeal and lead, consciously or unconsciously, into a willfulness and a sense of mission. In the following of that mission, the Constitution suffers.

We can amend our Constitution. We perhaps should consider amending the amending process. We perhaps have dragged our feet some in that field. However, the answer is not for any nine men or a majority of those nine men to take over a matter and bring about a cure when the legislative or the executive branches of the Government have failed to act.

In order to underscore what I have said, I would like to discuss some of the many cases decided in the last 10 or 15 years which clearly show the trend of judicial activism, usurpation of legislative powers by the Court, and the tendency of the Court to test the validity of legislation by its view of its wisdom. The latter, of course, is an attribute of the power to make laws, not of the power to interpret them.

Mr. President, I have been careful to give the date of each of these cases and to point out whether Mr. Justice Fortas was a member of the Court. I point out that he did not become a member of the Court until October of 1965.

Some of these cases were decided prior to that time. I have already referred to some of the cases decided prior to that time in order to lay a background.

We are all familiar with the Court's departure from long-established precedence in the desegregation and discrimination field, and I will touch upon this only briefly.

I do not base my opposition primarily on this group of cases. However, I should like to mention two or three recent cases which demonstrate the extreme to which the Court is prepared to go in order to reach a result which is considered morally, socially, or politically desirable.

In *Reitman* v. *Mulkey*, 887 U.S. 369, 379–380 (1967), the Court struck down a ratified initiated constitutional amendment which, until superseded by other constitutional amendment, debarred the legislature from enacting open housing legislation. This holding was reached even though the Court acknowledged that the equal protection clause imposed no obligation on a State to enact an open housing law, and despite the fact that it had long been held that this clause protected only against State action and that State inaction was not within its protection.

Although the Court acknowledged in Reitman that the equal protection clause did not impose upon a state any obligation to enact an open housing law, and suggested that a statutory repeal of such enactment would give rise to no violation of that clause, nevertheless, it agreed with the California courts that ratification of the initiated constitutional amendment which, until superseded by another constitutional amendment, debarred the legislature from ever reenacting such legislation, did give rise to a denial of equal protection. It is noteworthy that the ratified amendment was entirely neutral in that it did not command private owners to discriminate or to refrain from discriminating; but the Court held that the effect of its ratification was first, to "create a constitutional right to discriminate on racial grounds in the sale and leasing of real porperty"; second, to expressly authorize and constitutionalize "the private right to discriminate"; and, third, to "encourage and significantly involve the state in racial discrimination." This is a very farfetched view.

Mr. President, the enactment of legislation in the matter of open housing—it is controversial for the Nation, it is controversial in Congress—was fought tooth and nail, so to speak, on the floor of the Senate, and that bill became law. I did not vote for it. The side I was on lost that legislative battle. But at least it was a legislative battle, and that is the place where those matters should be fought. When that law comes under the question, the Court can pass on it, and a person must live with the law. That is what I preach, whether the law is to my liking or not to my liking.

My complaint in this instance is that here are cases in which a so-called reform was sponsored and brought into being beyond the call of the Court's power.

In *Jones* v. *Mayer Co.* 392 U.S. 409 (1968) the Court held that Civil Rights Act of 1866 "bars all racial discrimination, private as well as public, in the sale or rental of property." Justice Harlan and Justice White dissented in that case. I believe I have already expressed myself about the legislative process and that, having operated in this field, I was bound by it. But this is judicial legislation, with respect to a statute that is over 100 years old and has been interpreted and lived under and lived by according to the interpretation of the Court all these years. That opinion, which is judicial legislation at its worst, goes far beyond the provisions of the open housing legislation recently passed by Congress, which was considered to be about as all-encompassing and exclusionary in the field as possible.

As I have stated, prior to 1966 Federal intervention to enforce 14th amendment rights was conditioned upon "State action" contributing to a denial thereof, and, accordingly, did not extend, and could not be invoked, to reach interference with individual rights attributable to the behavior of individuals acting privately and free and clear of any involvement with State or local offices. This hitherto well-established principle has apparently now gone by the boards, since at least six Justices—including Justice Fortas—in *United States* v. *Guest,* 383 U.S. 745, 762, 784 (1966), indicated that "State action" was no longer required as a condition precedent to the enforcement of Federal legislation adopted to implement the 14th amendment.

Mr. President, I know that a trial judge has a great deal of discretion. If he wishes, he can bring many of his rulings into a field where he is allowed discretion. If the superior court thinks he was honestly using his discretion, he will not be reversed as often as he would otherwise. That is a sort of down-to-earth, day-to-day illustration of what I believe has happened in the Supreme Court with respect to the broad language of the 14th amendment. A majority of the court can bring almost any kind of case, within certain fields, within the terms of some of the loose language of the 14th amendment; and they just keep on stringing it out and rewriting it and rewriting it. In some of those cases they may have reached sound decisions, as to an individual case. It may be a principle that is sounder than any thought of heretofore. That is not my point. My point is that we must stop the trend of a majority of the Court—however good their purposes may be—elongating and extending on and on the application of some of the amendments that contain loose language which can be made to mean almost anything, within limits, that a majority of the Court may at that time think is sound; and thereby it becomes constitutional law, which cannot be overruled by Congress, cannot be set aside by the Chief Executive and cannot be changed until a constitutional amendment is adopted by two-thirds of Congress and by three-fourths of the States. It is an impossible situation. It can be changed.

Some members of the Court could say they thought the majority went too far and would limit the application. Frankly, I should like to see the time when there are fewer members of the Supreme Court who are inclined to stretch things out and keep going that way.

I have read quotations of the late Justice Jackson, and from dissenting opinions in some cases, showing what the members of the Court think about how far we are going—and they think it is too far; and how fast we are going—and they think it is too fast.

The only way to slow it down is to try to have more men with somewhat different views. It is no reflection on Mr. Fortas or Mr. Warren that I believe that if Mr. Fortas were to succeeed to this office, it would mean more of the same trend. If that trend continues for another 20 years, we will have an entirely new Constitution of the United States—almost entirely new—without Congress or the people ever having crossed a "t" or dotted an "i."

The critical domestic issue of the day is law and order. Despite rampant crime in the streets, the Supreme Court has for some years consistently handed down decisions which have hamstrung law enforcement officials, given the presumed rights of criminals a preferred position over the established rights of society and, in general, made the apprehension, conviction, and punishment of lawbreakers far more difficult.

I did not have to read anything in the record of hearings to reach that conclusion. I reached that conclusion gradually on the floor of the Senate, and as I have read these decisions and tried to measure the impact, and have seen what happened thereafter. I reached that conclusion by talking to policemen, some of whom did not know who I was, and who did not know my background. I learned it from policemen, and not particularly policemen in my home State, although I have discussed the matter with them also. I am talking about policemen in Washington, D.C. I still have an affinity for them. When I first came here and had more time, I used to go around to the police stations at night and talk to these men, and I would go with them in their cars and make the rounds with them. I talk to some of them now here and in other States, east of the Mississippi River and west of the Mississippi River.

I am not surprised when they tell me how they are restricted and handcuffed; but most important is the gnawing uncertainty they have. They do not know if the law is going to be with them or not; and they do not know what the situation will be if someone hollers "police brutality."

I do find one thing. They are retiring as fast as they can, and the better officers retire sooner. I find that it is becoming more and more difficult to get the right kind of recruits because they do not know where they will stand and they feel as if the shoe is on the other foot, that the law has been leaning against them. I think they are right about it. I thought so when some of these decisions came out.

I am a great believer that the proof of the pudding is in the eating, and in order to determine the proof of a policy or the soundness of a law one must get to the ground level to find how a policy or a law operates.

I have no cure-all for lawlessness, but we are not going to solve it until we change some of these rules and instill in the police and other law enforcement officers the strong belief that they will be backed up rather than cut down by court rulings and that they have the strong respect and backing of the people.

We appropriate money here and we have tried, but I do not think we have gotten to the heart of the matter. We must create respect and backing for our law enforcement officers.

Under the guise of protecting the constitutional rights of the many, the Court has actually succeeded in granting license to the few. In so doing it has swept away one of the most precious rights of every law-abiding citizen; namely, the right of protection by the law and self-preservation. The situation finally became so intolerable that the Congress was compelled to include provisions in the 1968 omnibus crime bill designed to protect the fabric of our society from the excesses of the Court.

I refer to laws passed in this Chamber and signed by the President which had to do with criminal procedure and criminal evidence rules that had been changed or abrogated in several instances by the Supreme Court.

One of the most notorious cases in this area is *Miranda* v. *Arizona*, 384 U.S. 436 (1966) where Justice Fortas voted with the majority. This and other decisions along the same line certainly did not disappoint the expectations of judicial activists. Under the law as announced in Miranda, prior to any questioning of a detained or arrested person, the police must warn that he has the right to remain silent; that anything he says can be used against him in court of law; that he has the right to the presence of an attorney; and that, if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires. According to the Court there can be no effective waiver of the right to counsel during interrogation unless specifically made after the required warnings have been given.

The most devastating criticism of the decision in Miranda came from the Justices who dissented. They criticized the holding as "neither compelled by the language of" the self-incrimination guarantee of amendment No. 5; as being "at odds with American and English legal history," and as involving "a departure from a long line of precedent." These dissenters—Justices White, Harlan, and Stewart—also charged the Court with having formulated new rules which not only will prevent "the use of compelled confessions, but for all practical purposes will forbid interrogation except in the presence of counsel."

> Without the reasonably effective performance of the task of preventing private violence and retaliation it is idle—

Said the dissenters, for the Court—

> to talk about human dignity and civilized values.

The dissenters said that they feared that rule announced in Miranda would measurably weaken the ability of criminal law to perform and that there was every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what the court had previously thought to be the most satisfactory kind of evidence, will now, under this new version of the fifth amendment, either not be tried at all or acquitted. That is exactly what is happening. Many of them not being tried at all. I have had personal experience. I do not mean that I have been arrested or that they have failed to try me or convict me because of the Miranda rule. I have personally observed cases where the police have not been able to operate under the Miranda precedent.

Subsequent developments have borne this out. The dissenters' views are supported fully by many responsible police officials. In many cases, the Miranda rule has returned a killer, a rapist, or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleased him.

The field of electronic eavesdropping and wiretapping is another area in which the Court has completely disregarded older precedents. In *Berger* v. *New York*, 338 U.S. (1967), in invalidating a New York law which authorized pursuant to issuance of a warrant, the installation of an electronic recording device in the room or office of a suspect, the Court imposed such stringent procedural requirements as to cast doubt as to whether law enforcement officers thereafter might be enabled constitutionally to employ eavesdropping equipment. Justice Fortas sided with the majority in this case. Justice Stewart, in a dissent, accused the Court of rewriting both the Constitution and the statute.

Justices Black, Harlan, and Stewart, all of whom dissented, agreed that the Court had construed amendment No. 4 in a manner calculated to render any eavesdropping statute constitutionally unworkable. The effects of this and other decisions in this area is one of the matters which the Congress attempted to correct in the omnibus crime bill passed this year.

I point that out, to show the trend and the possibilities for rulings in times like ours. I think that when limited fields are under judicial warrant therefor, law enforcement officers will have to be authorized to use electronic devices.

In *Katz* v. *United States*, 389 U.S. 347 (1967), the Court followed up the Berger decision by holding that the search and seizure provision of the fourth amendment was violated by an eavesdropping device attached to the outside of a public telephone booth from which the defendent made numerous calls. As a result, a conviction for violation of Federal gambling laws was set aside.

In a series of cases (*Marchetti* v. *United States*, 390 U.S. 39 (1968), *Grasso* v. *United States*, 390 U.S. 62 (1968), and *Haynes* v. *United States*, 300 U.S. 85 (1968)), the Court has imposed severe restrictions on the power of the government to require registration by its citizens. Marchetti and Grasso involved the Federal gambling tax laws while *Haynes* concerned the National Firearms Act. In all three cases convictions were voided on the theory that the registration requirements involved hazards of self-incrimination, and that those who properly assert the constitutional provision may not be punished criminally for failing to comply with the registration requirements. Thus the Government was deprived of yet another weapon in its war against crime.

In *Burgett* v. *Texas*, 389 U.S. 190 (1967), the Court in a 6-to-3 decision, with Mr. Fortas siding with the majority, held that informing the jury of prior convictions for the purpose of more severe punishment as provided by the statute so prejudiced the accused's right to a fair trial as to violate due process of law when the prior convictions were secured in proceedings in which the accused was denied his constitutional right of counsel.

That is not an overwhelming case and can have a limited application, I assume. I remember cases where proof had to be brought out, but for them to hold that they must go back and not use any of those cases to make out a third conviction charge, so to speak, unless they can prove that all constitutional rights in the question were observed and in the other cases, when the standards required now were not even required then, shows how we are immobilizing and cutting off, to an unreasonable degree, I think, the avenues open to the law enforcement officers in their efforts to protect the public.

Some people think of cases being between the accused and the police, which is not true at all. The indictment reads: "The people of X State" when most of them read "the people of the State of Massachusetts," for example, "judge so and so." It is society we are trying to protect not the policeman as such.

Here is a case that, to me, was really shocking. It represents the trend—and this was a 6-to-2 decision, whether a 5-to-4 decision or whatever—in *United States* v. *Jackson*, 390 U.S. 570 (1968), the Court in a 6-to-2 decision, with Justice Fortas with the majority, held the death penalty provision of the Federal Kidnapping Act, known as the Lindbergh law, unconstitutional as being violative of both fifth and sixth amendments.

Here is a case, though, that really goes too far—a 5-to-4 decision, with Fortas in the majority. The Court held in *United States* v. *Wade*, 388 U.S. 218 (1967), that identification in a postindictment lineup was such a critical prosecutive stage that the defendant is entitled to the protection of counsel. It further held that in-court identification by a witness who viewed the defendant at a pretrial lineup must be excluded unless it can be established that such identification had an independent origin or that the error in its admission was harmless. This is probably an impossible burden. Justices White, Harlan, and Stewart, who dissented, criticized the holding as a "new per se rule of constitutional law." They did not say it was an extension of an old rule, but new, within the creation of the Court—while Justice Black, dissenting in part, maintained that the Court has no constitutional warrant for imposing this new rule of evidence on State courts.

In the majority opinion in *In re Gault*, 387 U.S. 1 (1967), Justice Fortas literally threw out many, many years of established jurisprudence by holding that in adjudications entailing a determination that a juvenile is delinquent, and "which may result in a commitment to an institution," the juvenile and his parents must be notified that the child is entitled to be represented by counsel retained by them or appointed by the court. This decision will have grave repercussions because juvenile proceedings heretofore have been considered to be nonadversary and correctional, not criminal, in nature.

That is the basic concept of the juvenile court, that an offender will not be charged with the crime he has committed, we will not go that route at all, it will be ignored so far as its being a crime is concerned, that we are not proceeding against him in an adversary way. This is purely protectional and correctional, and the offender is so treated. They even have special courts and special judges. Now they have set the precedent here, according to the holdings, that in all those procedings, they will have to follow all the requirements here about notice and chance to have counsel before it can even be referred to later.

In *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968), in a 6-to-3 decision, with Mr. Fortas siding with the majority, the Court held that a defendant cannot "constitutionally be put to death if the jury that imposed or recommended it was chosen by excluding veniremen for cause simply because they voiced general objections to the death penalty or expressed conscientious or religious scruples against its infliction." This reversed a long-standing rule of judicial procedure and is but another step to deny the State a fair trial in criminal proceedings.

That requirement is not technical. It is wrapped up in the question, "What do you believe about the imposition of the death penalty?" But that is not the point it goes on at all. It just means that the Court has almost totally, in effect, repealed the imposition of the death penalty because it has withheld the power and the right of the State, except through guesswork, to excuse from the jury a prospective juror who is totally opposed to the death penalty being imposed, regardless of the facts.

If the Congress had repealed it, or if the legislature of a State had repealed it, that would be one thing; but it is a different thing for the Court to come in here, after hundreds and hundreds of years of their procedural rule, and do it. It is just commonsense that if a jury that is open to the question is to be picked—and it requires 12 of them to vote for a unanimous verdict—and the jury has to set the death penalty as the punishment, it must be made up of men who are not constitutionally or religiously opposed to the death penalty. By the way, in almost all cases in the States, the judge does not set the penalty. The juries have to find, as a part of their findings, that the death penalty is to be imposed. So it is just another case where the majority decided, "We ought not to have it, so we will rule it out on this ground."

Simmons v. *United States*, 390 U.S. 377 (1968), involved the use of a defendant's admission of ownership of an article of incriminating evidence made in an attempt to suppress the use of the item as evidence. The defendant testified at the suppression hearing that the article belonged to him and the prosecution introduced his admission of ownership in the evidence at the trial. The Court reversed, in a 6-to-2 decision, with Mr. Fortas joining with the majority, holding that this violated the defendant's fifth amendment protection against self-incrimination.

Justice Black, in a dissenting opinion, tersely summed up my feelings on this issue, and others, in which the Court has been overly protective of the presumed constitutional rights of criminals and overly neglectful of the basic rights of society. He said:

> The importance of bringing criminals to book is a far more crucial consideration than the desirability of giving defendants every possible assistance in their attempts to invoke an evidentiary rule which can result in the exclusion of highly important evidence.

We should also take note of the adverse effects on federalism and the balance of Federal-State power which are directly attributable to judicial review as currently exercised. The power usurped by the Court by its aggressive utilization of judicial review has resulted in the distortion of the allocation of authority among the remaining component units of our Federal system, notably the States. There has been a relentless subjection of the States to uniform national standards, coupled with an unavoidable diminution of their discretion to employ diverse means for performance of the functions still entrusted to them.

Absorption of virtually all of the provisions of the Bill of Rights that are susceptible of application as limitation against States has been accomplished since 1963, although prior to that time most of these protections have been held applicable only to Federal action.

The Court has also run a judicial bulldozer over both State and Federal antisubversion laws, and, in so doing, has seriously impeded efforts to protect both the State and Federal Governments against persons with subversive or disloyal tendencies.

In *Whitehill* v. *Elkins*, 389 U.S. 54 (1967), the Court, by a 6-to-3 vote, with Justice Fortas siding with the majority, held unconstitutional a requirement that applicants for teaching positions in Maryland subscribe to an oath which would certify that the teacher was not engaged in "one way or another in the attempt to overthrow the Government of the United States, or the State of Maryland, or any political subdivision of either of them, by force or violence." Justices Harland, Stewart, and White, dissenting, contended that the oath, judged solely on its own terms, had no constitutional informity since it merely asks a prospective employee whether he is now in one way or another engaged in an attempt to overthrow the Government by force or violence, and thus there was no violation or infringement of anyone's freedom of association or speech.

Whitehill is merely one of the latest in a series of cases holding invalid loyalty oaths and statutes relating to the employment of "subversives" in public offices on grounds of "overbreadth" or "vagueness" or both. Typical of these cases are *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966), and *Keyishian* v. *Board of Regents*, 285 U.S. 589 (1967). These and other rulings have cast in doubt the validity of many statutes and administrative regulations based thereon at the State and Federal level and, disregarding the express intent of the lawmakers, have opened the door for the employment of known Communists in positions of trust and responsibility. The dissenting opinion in Whitehill by Justice Harlan summed up the situation tersely in saying:

> The only thing that does shine through the opinion of the majority is that its members do not like loyalty oaths.

Mr. President, I am no professional anti-Communist speaker. I do not go around the country, or anywhere else, making speeches on the subject of communism that could be called for political purposes. I do not believe I have ever uttered a word along that line. But let me say that I have lived mighty close to the war going on, and I know what it is to wake up at night and to think about those men over there. I do not deserve any credit for being concerned, because I have facts about it flowing through me every day.

I do not understand, and I am sure the American people do not understand, a policy that we must, half way around the world—and I support that war—fight communism, just to keep it from spreading, and then turn around and find, in decision after decision, our Nation's highest Court saying that one of the States cannot discharge a schoolteacher, entrusted with the teaching of our youth, when he will not make this mere assertion, as the Justice put it, that he is not tied in with the Communist movement in any way.

As I say, the people do not understand that, and I do not understand it. I do not know what the remedy is. We are going in two directions at once, and I do not know what to do. I have no quick answer, no quick remedy.

But I know, as a part of this picture, just as certainly as we are standing here, when we get down to the heart of these Supreme Court decisions—I am not accusing them of any leaning toward communism; I am not saying that at all—but there is something wrong with its thinking when any nation is called on this way to put its youth out, fighting, on the other side of the world, against Communists, and then will not let the States protect the youth in their own schools. That is a part of the whole subject. I am quoting here what the Justices said about it, not what I say.

My allotted time is up, and there are other Senators who wish to speak; but there is another case here, that everyone presently knows about, and that is the Robel case, where the same principle, almost, was involved, except that instead of being a schoolteacher, in this case it was a factory worker in an industrial plant for our Department of Defense, making war materials, who refused to take the oath; and they could not discharge him.

Why? Mr. Fortas, in the majority opinion, said that the section involved was void as being "an unconstitutional abridgment of the right of association protected by the first amendment."

That is what the decision is based on—the requirement that his right of association be protected. This man, working up here in this defense facility, was a member of the Communist Party, and they were trying to discharge him. The Supreme Court of the United States stopped it, and said, "Oh, you must not abridge his right of association, which is protected by the first amendment."

Mr. President, what do the American people think about all that? It is part of the picture. We talk about not considering these cases; we talk about having a limited debate about it; we talk about not giving it a few days' time.

Mr. President, the thing that hurts me is that we have waited so long to do it. We have neglected these matters. We have not brought them into review as they should have been.

As I say, Mr. President, my time is up. The Senate has been very liberal in allowing time to me. Many other cases and decisions could be mentioned, but I wish, in conclusion, merely to make one quotation, by way of summary, about what I think has been an unwarranted extension of power by the Court itself.

Thomas Jefferson said, a long time ago:

> The germ of dissolution of our Federal Government is in the judiciary—the irresponsible body working like gravity, by day and by night, gaining a little a day and gaining a little tomorrow and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

I do not believe that that will come true. I think Mr. Jefferson overstated the case in those words. But I do think he pointed out a problem, a possibility, and that we must heed his advice to the extent of doing something about it.

Because of this trend, and for the reasons I have given, including the trend toward overextension of their judicial authority, their judicial legislative activism, their good faith—or at least I call it good faith—but overzealous application of their prerogative of rewriting, because they think it is right to do so, the Constitution of the United States, and their lack of the required judicial restraint, as a matter of constitutional principle, I oppose and shall continue to oppose, on the facts, the confirmation of the nomination of Mr. Fortas.

Mr. President, I yield the floor.

(The following colloquy occurred during the delivery of Mr. STENNIS' address and is printed here at the conclusion of the address by unanimous consent.)

Mr. SPONG. Mr. President, since the favorable report by the Senate Judiciary Committee on the nomination of Justice Abe Fortas to become Chief Justice of the United States, I have reviewed carefully and with an open mind, the record and the testimony on the nomination.

Prior to hearings by the committee, objections were raised concerning the right of the President to make the appointment in the last months of his administration. These objections seemed to me to be obviously partisan, as well as without legal foundation.

During the hearings the question was posed whether a vacancy actually exists on the Supreme Court. A careful review of the exchange of communications between Chief Justice Warren and the President leads only to the conclusion that the resignation is contingent upon the confirmation of the present nominee. Thus, the Senate's role has been changed. The Senate is asked not only to weigh the nominee's qualifications, but to choose between the nominee and the incumbent. Although judges of lower Federal courts have resigned subject to the qualification of their successors, this type of contingent resignation is without precedent in the history of the Supreme Court. There is serious doubt if the Senate can advise and consent under these circumstances. I do not believe that it should.

For the Senate to acquiesce would establish a dangerous precedent—a precedent that dims the aura of judicial independence, and makes the Senate party to transgressions of the separation of powers as well as to an erosion of its own constitutional responsibility.

After the hearings began, I became concerned over the accounts of extra-judicial activities credited to Justice Fortas. Testimony indicates that the nominee, after becoming a Justice of the Supreme Court, has acted as an adviser to the President and has acted on behalf of the President in regard to such political questions as the conduct of the war in Vietnam, the Detroit riots, the drafting of recent legislation providing for Secret Service protection for presidential candidates, and the drafting of the state of the Union address in 1966. Justice Fortas' own testimony is that he participated in conferences leading to Executive decisions regarding the conduct of the war in Vietnam and the Detroit riots.

It has been suggested that the transgressions of the doctrine of separation of powers should be overlooked because of the activities of certain past Justices in acting as advisers and conferees to the executive branch of our Government. I do not regard breaches of this doctrine by former Justices as having any more propriety than those suggested by the record of the hearings before us. And past practices may only be viewed in the broad context of history—not within the narrower confines of the exercise of the constitutional responsibility of a Senator to grant or withhold advice and consent to the confirmation of a Chief Justice.

The Founding Fathers contemplated a government wherein its three branches would be independent of each other. They recognized the virtue of an independent judiciary, and sought to assure an aloofness and freedom from executive influence for our Federal judges. Only under such a system can the public have confidence in the independence and impartiality of the Court. This requires a faithful observance of the separation of our judiciary from politics and policy-making by both the executive and the judiciary.

Chief Justice Stone recognized this necessity when, in correspondence with President Roosevelt in July 1942, he made in his letter the following statement:

> Any findings that I might make (which, unlike judicial findings, could not be restricted to evidence appearing of record), and any action I might recommend, if adopted, would almost certainly become the subject of political attack.
>
> A judge, and especially the Chief Justice, cannot engage in political debate or make public defense of his acts. When his action is judicial he may always rely upon the support of the defined record upon which his action is based and of the opinion in which he and his associates unite as stating the ground of decision. But when he participates in the action of the executive or legislative departments of government he is without those supports. He exposes himself to attack and indeed invites it, which because of his peculiar situation inevitably impairs his value as a judge and the appropriate influence of his office.

It has also been suggested that the nominee's extra-judicial role as a Presidential adviser is not relevant to this debate unless one believes that his participation in the making of executive policy will affect his judgment on future issues likely to come before the Court, and that this possibility is somewhat remote. An examination of the cases that have come before Justice Fortas in the past and which will be presented to the Court in the near future indicates that this possibility is not remote, but is inevitable.

In two cases decided early in 1967, *Holmes* v. *United States*, 391 U.S. 936 and *Hart* v. *United States*, 391 U.S. 956, the Supreme Court was asked to consider a challenge to the selective service law on the ground that in the absence of a declaration of war, conscription is not authorized by the Constitution. In both of these cases the Court and Justice Fortas had before them an issue which involved the legal basis of action concerning the war in Vietnam.

In early September, Justice Douglas granted a stay to preclude the assignment of certain reservists to duty in Vietnam. Subsequently, similar cases have arisen. These cases involve the contention by the reservists that they were called to active duty illegally, and the Court and Justice Fortas will have to decide whether to accept the cases for argument before the Supreme Court on this issue.

Justice Fortas' admitted participation in discussions and decisions concerning the operation of the war in Vietnam and the sending of American troops to that country clearly raises the question of whether he can consider impartially the legal questions involved in these matters.

Justice Fortas could of course disqualify himself in the cases involving Vietnam which will come before the Court this term, although he has not chosen to do so thus far. His disqualification would not be unprecedented nor unduly damaging to the operation of the Court. However, this situation demonstrates the unfortunate consequences of Justice Fortas' involvement with the executive branch and brings into serious question his judgment in becoming so involved.

Perhaps the most unfortunate aspect of these hearings was the testimony of Dean B. J. Tennery of the Washington College of Law, American University, that Justice Fortas accepted a fee of $15,000 for eight lectures on "Law and Social Environment" delivered this past summer. The money was provided from funds solicited by Mr. Paul Porter, a former law partner of Justice Fortas, and contributed by five businessmen with extensive and diverse financial interests who apparently had no previous connection with American University, but were friends or former business associates, either of the nominee or Mr. Porter. The holdings and activities of the donors are such that the likelihood of their having an interest in litigation before the Supreme Court is quite possible. The circumstances surrounding this entire episode give me grave concern about Justice Fortas' discretion.

It would have been helpful if more information had been made available for consideration by the Senate, particularly concerning the circumstances surrounding the payment of the nominee's fee for his lectures at American University, and on the allegations that he participated in the drafting of specific legislation and in the preparation of the 1966 state of the Union address.

If one is to accept the unrefuted testimony in the record of the committee hearings, one can only conclude that this man of brilliance and unquestioned ability has demonstrated a lack of discretion and judgment essential to the high post—the highest judicial position in our Nation—for which he has been nominated.

In conclusion, I question whether a vacancy actually exists because of the conditional retirement of Chief Justice Warren and do not believe the nomination should be considered by the Senate.

However, should the Senate elect to consider the nomination I shall oppose it.

Mr. BYRD of Virginia. Mr. President, I shall do something which the leadership says has not been done during this debate: I shall speak directly on the pending question, and very briefly.

At the moment, the question before the Senate is not whether Mr. Justice Fortas shall be confirmed as Chief Justice, but whether the Senate shall proceed to consideration of his nomination.

In my judgment, the Senate should not proceed for at least 1 week—1 week from today being the date on which the Supreme Court reconvenes from its summer recess.

Yes, the Senate and the American people should keep an eye on Monday, October 7.

Whether a vacancy in the position of Chief Justice does in fact exist, I feel is questionable. Chief Justice Warren has stated in press interviews that if Mr. Justice Fortas is not confirmed he, Mr. Warren, will continue to serve as Chief Justice.

It can be argued that if a vacancy does exist then Mr. Warren cannot continue unless he is again confirmed by the Senate—which confirmation I submit would not be forthcoming.

Mr. Warren, in the way he conditioned his retirement, has acted in a manner unbecoming the great office of Chief Justice. It is unprecedented in the Supreme Court.

The method used by Mr. Warren and the President says, in effect, that Mr. Warren will retire as Chief Justice provided the Senate confirms Mr. Fortas as his successor.

In other words, Mr. Warren is retiring conditionally or provisionally and saying to the Senate, "You either take my preference as a successor or I won't retire."

I should think that the Senate would not want to be so coerced.

It has been contended that the procedure used by Mr. Warren insures that there will always be an administrative head of the Supreme Court. But the law already takes care of that by providing that whenever the Chief Justice is unable to perform his duties, or the office is vacant, his powers and duties shall be assumed by the Senior Associate Justice until another Chief Justice is confirmed by the Senate.

Thus, there will always be an acting Chief Justice, whether or not the office is filled.

In considering the pending question, the Senate, I should think, would not want to agree to this motion prior to Monday, October 7.

If a week from today Chief Justice Warren takes his place as head of the Court, then there would be physical evidence that no vacancy now exists in the position of Chief Justice.

If, on the other hand, Mr. Warren is absent when the Court convenes, then it could remove one of the arguments now being made against the confirmation of Mr. Fortas.

The Senate next week will be in a better position to evaluate whether a vacancy actually exists in the office of Chief Justice.

It would be unwise, I think, and unjustified, for the Senate to agree to the cloture provision which will be voted on at 1 p.m. tomorrow.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRIFFIN. Before the Senator proceeds with his prepared text, I would like to clarify the record concerning the fact that although Justice Fortas was invited to return by the Committee on the Judiciary, he did not.

Mr. President, Mr. Justice Fortas was invited not once, not twice, but on three different and separate occasions by the Senate Judiciary Committee and its members to return to clarify questions which arose concerning his qualifications for Chief Justice of the United States. At each stage of the hearings when such a new question of substance arose, Justice Fortas was invited to come back.

For example, when the hearings held by the distinguished Committee on the Judiciary were closed on July 21, its chairman stated:

> We close the committee hearings subject to Mr. Justice Fortas' returning.

A question had been raised at that point in the hearings as to whether or not there was a possible conflict of interest when Justice Fortas sat on a certain case that involved a former client of his. The testimony was to the effect that although Mr. Fortas had received $11,000 for representing an individual in an obscenity matter he did not disqualify himself in a similar case in which this former client was involved—hearings, pages 296–297.

I understand that an invitation to come back and explain this question was extended to Justice Fortas through Mr. Warren Christopher, Deputy Attorney General of the Justice Department. But Justice Fortas sent word back through Mr. Christopher that he did not wish to return and appear before the committee on or about July 23. At that point, the Senate and the Congress recessed for the conventions, and there was no further activity until September.

On September 9, 1968, the junior Senator from Michigan sent a memorandum to the Senate Judiciary Committee, calling attention, for the first time, to some new matters. These included the report that Mr. Fortas had actually participated in the drafting of the 1966 state of the Union message and the report that he had participated in drafting a certain piece of legislation.

At that point, the chairman of the Judiciary Committee sent a telegram to Mr. Justice Fortas requesting him to come back and testify on these new charges. Mr. Justice Fortas sent a formal letter back at that point and refused to appear a second time—hearings, page 1285.

The committee did reopen the hearings, took additional testimony, and heard the testimony of Senator ALLOTT directly as to Mr. Justice Fortas' participation in the drafting of certain legislation. But, as the Senate knows, the committee did not hear from Justice Fortas.

Finally, as the resumed hearings were about nearly concluded, Senator McCLELLAN, in open committee session, stated that there were still 24 hours to go before the time limit that the committee had imposed upon itself expired, and that in view of the record and in view of the refusal of the administration witnesses and others to testify, he wanted to extend another opportunity to Justice Fortas to return to the committee—hearings, page 1361.

In my opinion, it is important for the RECORD to reflect the fact that there were three different times when Mr. Fortas was requested to come back before the committee to clear up serious questions concerning his qualifications for Chief Justice of the United States. As the Senate knows, he did not come back.

I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator. That is new information for me. I had not gotten the details of that.

Mr. President, on the question of executive privilege, may I ask the Senator from Michigan if the members of the Cabinet and at the sub-Cabinet level pleaded executive privilege with reference to their testimony.

Mr. GRIFFIN. As I read the letter that came from the Secretary of Defense, I do not believe it would be interpreted as pleading executive privilege. His letter appears at page 1363 of the hearings.

However, reading the other two letters, I do not see what other interpretation could be put on them. They provided no information and stated that "based on long-standing precedents," or words to that effect, I must, therefore, respectfully decline to appear. Thus, I do not know to what other ground one could point to other than "executive privilege."

Mr. STENNIS. I asked the Senator that question because I interpreted the letters the same way. I read the record. I feel very friendly toward these two gentlemen—I have made that clear—but at the same time I am driven to the conclusion that, if the testimony would have been favorable, they would have come. I have to make that conclusion. That is no reflection on them; the very opposite is what I intend to say. However, that fact impressed me.

I know I sustained the question of executive privilege in what was a very hotly contested matter a few years ago. I was chairman of a committee that was having an investigation when President Kennedy was President, and I sustained the point of executive privilege. Mr. McNamara and his staff were the ones in question. But I think that required the Executive himself to plead the executive privilege. That is the way I remember it, at least. Although the question was not in real issue—the committee did not put it in issue—and I do not think that is a controlling point here. I went into that because I wanted to give the basis for my conclusion for judging the impact of their failure to testify.

Mr. **YOUNG** of North Dakota. Mr. President, will the Senator yield?

Mr. **STENNIS**. I yield.

Mr. **YOUNG** of North Dakota. I read a recent newspaper account—I do not know whether it is correct or not—that this holding could change the decision in the case of the man convicted of murdering seven nurses in Chicago.

Mr. **STENNIS**. That is correct. It is entirely possible that that could happen. It would require a new procedure. As I recall, the person who murdered those young ladies has already been convicted. The case has been tried, and the death penalty has been imposed. Under the ruling to which I have referred, a habeas corpus proceeding probably will be brought and the court will probably hold, to be consistent, that the case will have to be retried. He will at least get a new trial, and in that case the defendant will just be able to sit there day after day and object to even the State's finding out about those jurors and as to how they felt about the death penalty. The defendant himself could raise the point, and it would be virtually impossible to get a jury that would bring in such a verdict when there was no right to exclude those who do not believe in it. That is a very serious matter. It is possible—I am not saying what the court will do, but it is possible—for actions to be brought with respect to all those under sentence of death now, testing out this question, because the rule was not applied when they were convicted. The rule did not exist then.

Mr. **YOUNG** of North Dakota. Mr. President, will the Senator yield for a question?

Mr. **STENNIS**. I yield.

Mr. **YOUNG** of North Dakota. Does not that mean a court could not impose more than a life sentence, rather than a death penalty?

Mr. **STENNIS**. As I said just as the Senator was coming into the Chamber, the answer is, "Yes"; that is the practical effect of it. It would not be absolute, but I do not see how the State would have one chance in a thousand, under this rule, to get a jury that would bring in a verdict imposing the death penalty. I do not see how it would work. I do not see how it could operate except as I have indicated. In the decision to which I have referred, the court said:

> If the jury that imposed or recommended it was chosen by excluding veniremen for cause simply because they voiced general objections to the death penalty or expressed conscientious or religious scruples against its infliction.

It is a rather involved matter, but it certainly leaves a State without that arm.

(This marks the end of the colloquy which occurred during Mr. STENNIS' address and which was ordered to be printed at this point in the RECORD.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 119. An act to provide for a National Wild and Scenic Rivers System, and for other purposes;

S. 3068. An act to amend the Food Stamp Act of 1964, as amended; and

H.R. 17126. An act to amend the Food and Agriculture Act of 1965.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. FANNIN. Mr. President, I am opposed to the nomination of Abe Fortas to be Chief Justice of the United States because I do not believe that his appointment to this high post serves the best interests of the United States.

I have no doubt that Mr. Fortas is qualified in the technical sense. I know that he is learned in the law and possesses the adequate background and experience for the position. In short, I will concede that he is professionally qualified. But this does not mean that he should be automatically approved by the Senate, in rubberstamp fashion. The Senate is not acting in the role of "bar examiners" but has a much bigger role to play under its constitutional duty to "advise and consent." It has a right and a duty to closely examine every relevant fact about a nominee. The scope of the examination is very broad—as broad as it needs to be. The Constitution places no limits on the Senate in this important exercise of authority.

Many supporters of this nomination seem to feel that the Senate is limited in the scope of its examination. They argue, for example, that the Senate ought not inquire into the judicial philosophy of a nominee. Others say that we should not get into the political aspects of the appointment. I am at a loss to understand why these areas should be avoided. As a matter of fact, this is exactly where the Senate should conduct its deepest probing. Particularly now.

Increasingly in recent years the Court, apparently abandoning any pretense of judicial restraint, has moved into the political arena and, as an activist court, has become involved in political issues which traditionally have been regarded as matters properly handled by the legislative branch. The Court is no longer limiting itself to interpreting law: it is in fact creating it by judicial fiat. I mention just a few examples: the decisions on open housing, school desegregation, and apportionment. These decisions as I see it were designed to put into effect the Court's social and economic views. The Court apparently reasoned that since Congress would not act in these areas, it, the Court, would be obliged to do so. In order to insure the continuation of this Warren Court philosophy, the Chief Justice conditionally resigned.

Thus, according to the plan the nomination of a suitable liberal who would shore up these social gains would be assured. Mr. President, this is politics. Can anyone say that the Senate should not look into this area in these circumstances? Those who take the position that politics or judicial philosophy should not be inquired into are in effect contending that even though the President weighs the political and judicial philosophy of a prospective appointee, the Senate when debating confirmation may not consider it.

Mr. President, I would like to go further into the Senate's right of inquiry into judicial philosophy of Supreme Court nominees. I am indebted to Mr. William H. Rehnquist, a prominent attorney in Phoenix, who has given me the benefit of his thinking on this subject. He has studied this matter in some depth and I would like to share this study with the Members of this body.

Mr. Rehnquist points out that the Supreme Court does make policy. John Marshall's justification for the doctrine of judicial review—the right of the Supreme Court of the United States to declare an act of Congress unconstitutional—was based on the theory that the people, by adopting the Constitution, had circumscribed the powers of the various branches of the Government, and it was the duty of the Court to interpret these limitations. It has become increasingly clear, through the succeeding century and two-thirds of the Court's history, however, that the Court's function in this regard is by no means an automatic one. Particularly with the adoption of the "Civil War amendments" to the Constitution, with their vague, broad terms such as "due process of law" and "equal protection of the laws," a great latitude for interpretation of meaning has been opened, such that reasonable men could disagree about just what the Constitution meant. During at least three different periods in its history, the Court's decisions have evoked sharp criticism from responsible segments of national opinion, charging that Justices were reading into the Constitution their own personal predilections:

First. The pre-Civil War court, which

in 1857 decided the Dred Scott case and limited the power of Congress to regulate slavery in territories;

Second. The "conservative" Court of the first third of the 20th century, which found in the 14th amendment restrictions on governmental power to regulate business; and

Third. The "liberal" Court presided over by Earl Warren, which has found in the 14th amendment limitations on governmental power to deal with criminals, Communists, and demonstrators.

It is unnecessary at this time to determine who is right and who is wrong in these various disputes. It is sufficient that they exist, because their mere existence indicates that there are substantial areas of sharp disagreement as to what key provisions of the Constitution mean. And so long as this is the case, Justices in choosing between these positions must necessarily make policy.

The policymaking functions of the Justices have long been recognized by men who were themselves Justice. Felix Frankfurter, in a private note to Justice Louis D. Brandeis, remarked 30 years ago:

> I deem it highly important that the American people get it deeply into their bones that the constitution is, indeed, largely "what the judges say it is." (Quoted in Max Freedman's 1965 Rosenthal's lectures, Northwestern University.)

Robert H. Jackson, in his work "The Struggle for Judicial Supremacy" described the Court "as a continuous constitutional convention which, without submitting its proposals to any ratification or rejection, would amend the basic law."

If, then, we can assume that the Supreme Court does make policy, the lack of any popular control over its decisions short of amending the Constitution presents, according to Mr. Rehnquist, something of a paradox in a government supposed to be ultimately responsible to the electorate. This has been recognized by diverse authorities on the subject, for example, the late Judge Learned Hand in his work, "The Bill of Rights", Prof. Alexander M. Bickel of Yale Law School in "The Least Dangerous Branch." One need not go further and, in view of this paradox, urge the curbing of the authority of the Supreme Court, in order to address the Fortas question. One need only say that the paradox should be minimized by making full use of machinery already provided in the Constitution for some degree of popular control: that is, the power of appointment by a President who is elected by the Nation as a whole, and confirmation by a Senate which is composed of two popularly elected members from each State.

The ABA House of Delegates at its recent meeting in Philadelphia has taken the position that if the President nominates to the Supreme Court an admittedly capable lawyer, the Senate ought to confirm him as a matter of course, without inquiry as to his judicial philosophy. If this is in fact the ABA position, it is contrary to both history and principles, for Presidents have from the beginning of the Nation used the power to appoint Justices as an instrument to affect the philosophy of the Court.

The most casual reference to the history of the Court shows this to be the fact—Adams' appointment of Marshall as Chief Justice, Jefferson's appointment of Joseph Story—which did not have the effect that Jefferson thought it would; Story, though a good Democrat at the time of his appointment, sided with Marshall once he became a member of the Court—Lincoln's appointment of Salmon P. Chase—he badly wanted a Justice who would uphold the validity of the Legal Tender Acts, and thought Chase would be that man: he, like Jefferson, was disappointed; and the following more recent examples:

First. William Howard Taft, when President, did his best to restore a conservative influence to the Court; he named six of the nine Justices, and is reported to have said: "——— you, if any of you die, I'll disown you."

Second. Franklin Roosevelt, upon the retirement of Justice Van Devanter in 1937, was afforded his first appointment to the Court. He was heavily indebted to Senator Joseph Robinson, of Arkansas, the leader of the Democratic Party of the Senate for a number of years, who was even then leading the fight in the Senate for Roosevelt's Court packing plan. Yet Roosevelt, even before Robinson's untimely death a short time later with the vacancy unfilled, had confided to Henry Morgenthau that he could not appoint Robinson to a seat on the Court, as he was expected to do, "because he is not sufficiently liberal"—quoted in Baker, Leonard, "Back to Back: The Duel Between F.D.R. and the Supreme Court," Macmillan, 1967, page 250.

Third. Press comment on the Warren resignation suggests that the Chief Justice definitely wishes President Johnson to appoint his successor because of his desire to have a fellow liberal succeed him.

No fair-minded person can honestly deny that Presidents throughout the Nation's history have definitely considered the judicial philosophy of an appointee to the Supreme Court, and so far as I am aware there has been no serious challenge to the propriety of the President's doing so. He is one of the two popularly elected agencies that participate in the appointment of judges who, once ascended to the bench, are all but immune from popular control. There is every reason for the President to consider the judicial philosophy of a potential appointee.

One who adheres to the ABA position described above or to the position apparently taken by the Justice Department in this matter is reduced to contending, as I mentioned, that even though the President, when he appoints, can and does consider the judicial philosophy of the appointee, the Senate when it debates confirmation may not consider it. There is no logical argument flowing from the appointment of responsibility in the Constitution that suggests the Senate is bound to take what it gets from the President in this regard.

There may be a tradition of confirmation of the President's choices for his Cabinet without close inquiry, but this type Executive appointment is quite different from a judicial appointment. Even the Cabinet tradition was broken during the Eisenhower administration by the Senate's refusal to confirm the nomination of Lewis Strauss.

Although in the case of many nominees senatorial inquiry has been perfunctory, this has not always been the case.

Mr. Rehnquist wrote an article for the Harvard Law Record some time ago based on a thorough study of the lengthy debate in the Senate over the confirmation of President Hoover's nomination of John J. Parker, then a judge of the court of appeals for the fourth circuit, to the Supreme Court. Though the nominee failed of confirmation by a vote of 41 to 39, there was not any serious suggestion from either proponents or opponents that he was not a competent lawyer or that his judicial philosophy was not an appropriate subject for senatorial scrutiny. The opposition was led by Senator William E. Borah of Idaho, one of the greatest constitutional lawyers to have served in the Senate. It is interesting to note that during the course of the debate, Senator George Norris, of Nebraska, said:

> When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of these qualifications—but we ought to know how he approaches the great question of human liberty.

What is Mr. Fortas' judicial philosophy? How does he stand, for example, with the majority of the Warren court? How do his views compare with the current opinion of the American public which, according to the polls, disapproves of the Warren court's opinions? The evidence indicates that Mr. Fortas, who has been on the court for 3 years, is an activist rather than a jurist who exercises judicial restraint. In addition, he has not shown that he favors any judicial approach different from that of the Warren court which over the years has distorted our Constitution, coddled criminals, and impeded the enforcement of our laws. In fact, Mr. Fortas and Mr. Warren voted together on 252 out of 281 cases. If this is so, this is reason enough to take a position against Mr. Fortas. It is this fuzzy approach, this trend to permissiveness, that has brought the Nation to the state of turmoil and uncertainty that we find today. The American people are simply fed up with this and are demanding that steps be taken to reverse this dangerous trend. It is the Senate's duty as a body and mine as an individual to back up the American people and to attempt to see that there is a change in direction. The way to do this is to see that appointees to the Court reflect views more in keeping with the concepts deeply held by the vast majority of American citizens. I submit that Abe Fortas is not such an appointee. Rather, his appointment would help to continue the Court in the same direction. This we do not want.

Mr. President (Mr. SPONG in the chair), there is another matter which the Senate should examine in detail and reflect upon and that is the appointee's sense of judicial propriety and good judgment. This is entirely apart from his technical qualifications or his judicial philosophy. What does the record show on this? It shows that Abe Fortas engaged in a number of outside activities while serving as Associate Justice. The nature of these activities and the circumstances under which they were done raise the serious question of whether Mr. Fortas violated the "good behavior" clause of the Constitution. Let me examine some of the activities briefly.

Mr. Fortas, as jurist, has participated in White House policy discussions and meetings on such items as the Vietnam war and race relations and race riots. As a member of the highest court, he had no business getting involved in such matters, and he knew it or should have known it. The fact that he did so participate is a serious reflection on the soundness of his judgment and his concept of what is proper or improper. Surely, the American people have a right to expect more from a man to be elevated to such a high post—a man who, above all, is supposed to understand the "separation of powers" concept.

Was this his only indiscretion? No. The record shows that he also wrote speeches and statements for the President on a number of subjects while an Associate Justice. Moreover, and in additon to these activities, Mr. Fortas went even further and actually participated in the formulation and drafting of legislation. This is a particularly serious abuse of the separation of powers doctrine, since, in reality, all three branches are involved. Thus, we have the strange circumstance of a member of the High Court drafting legislation for the executive branch to be submitted to the legislative branch for action. The implications of this situation are frightening.

What else did Mr. Fortas do to bring discredit on the Court? During the last year he called a prominent leader of business to correct what he—Fortas—felt was an error in the presentation of the "financial consequences of the Vietnam war." This is a highly improper act, and again Mr. Fortas knew, or should have known, that it was.

But this is not the end of Mr. Fortas' activities in his role as adviser and confidant to the President and also part-time jurist. Also touching on the fitness of Mr. Fortas to serve as Chief Justice is the matter of his receiving $15,000 to teach a 9-week law seminar last summer at American University. The money came from a fund raised by Paul Porter from business friends. Mr. Porter is a friend and former law partner of Fortas. It is at least interesting to note that one of the contributors, a former business associate of Mr. Fortas, is also the father of a man who is appealing a conspiracy and fraud conviction through the Federal courts.

Mr. President, from what I have just briefly cited and from what others have developed at length, it is submitted that Mr. Fortas has not lived up to the standards expected of the judiciary and particularly a Supreme Court Justice. Let me read some of the canons of judicial ethics of the American Bar Association and see whether Mr. Fortas' conduct measures up.

> Canon 4. Avoidance of impropriety: A judge's official conduct should be free from impropriety and the appearance of impropriety: he should avoid infractions of law: and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.
>
> Canon 24. Inconsistent obligations: A judge should not accept inconsistent duties: nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.
>
> Canon 25. Business Promotions and Solicitations for Charity: A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interest of others: he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interests into conflict with the impartial performance of his official duties.
>
> Canon 28. Partisan politics: While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another. * * *
>
> Canon 32. Gifts and favors: A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

Mr. President, is there any doubt that these canons have been violated? And it causes one to wonder how many other instances there may have been which have not yet come to light. The question arises, if Mr. Fortas pays no heed to the ethics of his profession, to what does he pay heed? What is his sense of values? What can the public expect? Certainly not much in the way of confidence.

The supporters of Mr. Fortas attempt to make the point that this discussion on the floor is damaging the reputation of the Court and bringing that body into disrepute. But what about the activities of Mr. Fortas? Are they not damaging the reputation of the Court and impairing its integrity? And, Mr. President, what about the public's loss of confidence in our Government if the Senate, being aware of Mr. Fortas' background and questionable activities, should nevertheless confirm him? Would not the Senate be derelict in its duty to advise and consent?

Mr. President, the argument is made that there should be no further discussion of Mr. Fortas at this time because we are still only on the motion to take up Mr. Fortas' nomination. In my opinion, it is entirely proper to have discussion at this time on the preliminary question of whether to take up the nomination. The point is that there is as yet no vacancy and, therefore, no reason for the Senate to be considering this nomination.

This nomination came to the Senate in a most unusual manner. In effect, Earl Warren submitted a letter to President Johnson in which he offered to resign. He did not actually resign and set no date when the alleged resignation was to come about. He did, however, insist upon a condition that the resignation be effective at such time as his successor was confirmed. In short, Earl Warren offered to step down under circumstances where he could control who his successor might be; thus, if the prospective appointee were satisfactory and in fact were confirmed, then and only then would he actually resign. This Mickey Mouse type of arrangement is an affront to the Senate and the American people. It smacks of a "deal" and was obviously designed to permit Earl Warren to name his own replacement. But, more significantly, these circumstances make it clear that no vacancy actually exists. There exists only the possibility of a vacancy provided certain conditions are met.

As the distinguished Senator from Arkansas points out in his most persuasive individual views on the report on Abe Fortas:

> The Senate was in effect told that he (Earl Warren) will retire if, and only if, the Senate confirms Mr. Justice Fortas. If the present chief justice wishes to retire, that is his privilege. But it is not a legitimate prerogative to condition his retirement upon the elevation of one specific associate justice to be his successor. This is a subtle form of coercion to which the Senate must not yield.

Mr. President, I am not a lawyer so I do not want to discuss at length the many decisions of the Warren court which I feel are tearing at the moral fiber of this country and undermining the rights of society. I ask unanimous consent, however, at this time to have printed in the RECORD at the conclusion of my remarks an article appearing in U.S. News & World Report for September 2, 1968, entitled "From State Judges: Growing Attacks on the Supreme Court."

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **FANNIN**. Mr. President, much has has been said on the subject of Justice Fortas and pornography. There is no point to getting into the matter further. I would, however, like to record my shock at learning that Mr. Fortas voted to reverse obscenity convictions in 35 out of 38 cases since he became an associate justice.

Mr. President, for the reasons indicated, I oppose the elevation of Mr. Fortas to be Chief Justice.

EXHIBIT 1

[From the U.S. News & World Report, Sept. 2, 1968]

FROM STATE JUDGES: GROWING ATTACKS ON THE SUPREME COURT

(NOTE.—Is the U.S. Supreme Court taking the law into its own hands, rewriting the Constitution, usurping the functions of Congress and interfering with the rights of States? High Court opinions are coming under increasing fire from State jurists. Two examples appear below. A justice of Pennsylvania's Supreme Court attacks recent rulings in criminal cases. Utah's Supreme Court accuses the U.S. Court of amending the Constitution by "judicial fiat.")

(From a recent address by Justice Michael A. Musmanno of the Supreme Court of Pennsylvania chiefs of police in Philadelphia.)

Something must be done to curb the irresponsible decisions coming down from the

Supreme Court of the United States, decisions which are crippling the police in their duty to prevent crime, to detect criminals and to prosecute those who have declared war on society. . . .

Let me be specific: Just a little over a month ago the Supreme Court invalidated the conviction of a man who was proved guilty of one of the most revolting crimes in the calendar of hideous offenses. (This man) held up a young woman and her male escort with a rifle. Threatening to kill them if they resisted, he raped the girl. Then he tied them to individual trees and raped the girl again. Then he shot both of them. Fortunately, they recovered.

The police obtained a search warrant and went to the house where the defendant lived with his grandmother. The grandmother said she did not need to see the search warrant and invited the police in to search the house. They found the rifle which had been used in the shootings. The man was tried, he was positively identified by the victims of his bestial crimes, and the jury found him guilty.

The U.S. Supreme Court reversed the verdict on the ground that the police did not read the search warrant to the grandmother. Now, I say that that is the kind of decision that causes people to wonder if the Supreme Court isn't straining at the gnats of technicalities and swallowing camels of flagrant criminality. . . .

And then there is the fantastic Miranda decision, which should be repudiated by the Supreme Court as soon as there can be obtained five Justices who are as concerned about the rights of the people as they are about those who are involved in crime.

The Miranda decision is not an adjudication; it is an indictment of the police of the United States. It accuses the police of trickery, coercion and "third degree" methods, and then lays down rules for the police which are strait jackets.

It says that, even though the suspect has been informed that he does not need to speak unless he wants to—and then he does speak—he may order the police to cease interrogating any time he wishes.

Suppose the suspect has stated that he shot someone, but not fatally, and then refuses to be interrogated further. A regard for humanity and elementary decency requires that the police ask the admitted shooter where his victim lies bleeding. Even though the suspect is disinclined to speak further, some entreaty on the part of the police might finally induce him to give information which might save the wounded man from dying. But according to the Supreme Court the rights of the accused go beyond the rights of the victim. . . .

The public rejoiced when the Supreme Court on June 10, upheld the right of the police to frisk a person suspected of carrying firearms.

But the dancing in the streets was premature because on that very same day the Court handed down a decision reversing the conviction of a trafficker in narcotics because the police had searched him and found heroin in his pocket, even though the suspect had made a quick grab into his pocket as if to get a gun. If the suspect had actually had a revolver, that would have been the end of the policeman, but according to the Supreme Court the policeman was not justified in searching him. . . .

The Supreme Court, as presently constituted, has not only impeded the police in the faithful discharge of their duties, but some of its decisions have interfered with the security of the United States in its never-ending battle against spies and subversives representing our mortal enemy, Communist Russia.

On Dec. 11, 1967, the Supreme Court held that a member of a Communist-action group, Eugene Robel, could not be prosecuted for working in a war defense industry even though an act of Congress specifically prohibits such employment under penalty of a prison sentence. In that case, Chief Justice Warren held that Robel might not have agreed with the Communist conspiracy of which he was willingly a member.

That is like saying that a wolf, devouring the flesh of a sheep dragged to its lair by his fellow wolves, might not have approved of the method by which his brother wolves got his dinner for him.

Then, seeking another reason to support his decision, Chief Justice Warren said Robel might not have known of the criminal objectives of the Communist Party. That would be to say that either Robel was a moron or that our whole educational system has broken down, because nothing is better known than the intent of the Communists to overthrow our Government by force and violence.

According to Chief Justice Warren's reasoning in this case, the member of a Communist-action group cannot be kept off an American warship unless he openly brandishes the auger with which he intends to sink the ship.

And then there was the Keyishian case, where Justice Brennan said that a college professor may not be dismissed for teaching and advocating in college, or anywhere, the overthrow of our Government by force and violence. According to this reasoning, Benedict Arnold could not be dismissed from teaching at West Point.

I am afraid that some members of the Supreme Court are taking undue liberties with the Constitution. Justice Brennan, who wrote the majority opinion in the Keyishian case, spoke of academic freedom as a constitutional right. The Consitution does not mention academic freedom. Anyhow, what Justice Brennan advocated was not academic freedom but academic anarchy!

Chief Justice Warren, in the Robel case, kept insisting that Robel was entitled to associate with Communist conspirators because he is guaranteed the right of association by the First Amendment to the Constitution. The First Amendment does not mention the right of association—nor does any other Amendment.

The Supreme Court . . . is also setting itself up as a body that is not, by the remotest interpretation, even mentioned by the Constitution. The Supreme Court is acting as a super-Senate. It is now unabashedly making law.

On June 3 of this year, the Court—in the Witherspoon case—practically wiped out capital punishment without the slightest authority to do so. I, myself, oppose the death penalty, but if it is to be eliminated, this must be done by Congress and the State legislatures.

In that case, the defendant was being pursued by the police. He concealed himself in a trailer truck, and then when a policeman arrived, he premeditatedly and cold-bloodedly murdered him. He was convicted and sentenced to death.

The Supreme Court reversed the conviction on the thesis that persons who opposed capital punishment were excluded from the jury. Justice Stewart, who wrote the majority opinion, said that the State had entrusted "the determination of whether a man should live or die to a tribunal organized to return a verdict of death."

Now, this was written by a Justice of the Supreme Court, but it is stuff and nonsense just the same. The jury was not organized to return a verdict of death. It could have brought in a verdict of murder with life imprisonment, second-degree murder, manslaughter, or it could have acquitted outright.

What the majority did in this case was to walk across the Capitol grounds and take seats in the Capitol to sit as a superlegislature. This was an invasion of the legislative department of Government which in itself is unconstitutional. . . .

I conclude that something must be done to curb the self-assumed arbitrary power of the Supreme Court. . . .

It is to be hoped that the Court will apply its own curb, but, if it does not, then it will be well to remind the Court that it is subject to the authority of Congress, because the supreme judicial power of the United States is not vested in the Supreme Court but "in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Also that the Supreme Court shall have such appellate jurisdiction "under such regulations as the Congress shall make." And that the supreme law of the land is not what the Supreme Court says, but the Constitution of the United States "and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States."

[From the U.S. News & World Report, Sept. 2, 1968]

GROWING ATTACKS ON SUPREME COURT

(All five justices of the Utah Supreme Court—three of them former Democrats and two former Republicans serving on a nonpartisan court—concurred earlier this year in an opinion in a criminal case that contained these passages.)

The United States Supreme Court, as at present constituted, has departed from the Constitution as it has been interpreted from its inception and has followed the urgings of social reformers in foisting upon this nation laws which even Congress could not constitutionally pass. It has amended the Constitution in a manner unknown to the document itself.

While it takes three fourths of the States of the union to change the Constitution legally, yet as few as five men who have never been elected to office can, by judicial fiat, accomplish a change just as radical as could three fourths of the States of this nation.

As a result of the recent holdings of that Court, the sovereignty of the States is practically abolished, and the erstwhile free and independent States are now, in effect and purpose, merely closely supervised units in the federal system.

In addition . . . we are disturbed in the attitude of the criminal element in our society since the federal courts have arrogated unto themselves the powers and duties which rightfully belong to the State courts. It is a daily occurrence when some known burglar or thief flouts a police officer and threatens to "get his badge" and threatens the trial judge with having him taken before the judge of the federal court. . . .

The prime prerequisite toward a good relationship between a prisoner and his rehabilitation is his acknowledgment and acceptance of the fact that he has done wrong and a realization on his part that society is his benefactor, trying to improve his lot so that he can become a useful citizen.

It is difficult to supervise a man who is looking for loopholes through which he may escape from the results of his criminal tendencies. Each time he is let out on a technicality, he believes the court is on his side and so he does not have to conform to any standard except that which he sets for himself.

A constant stream of writs of habeas corpus flows from the prison daily, complaining about the lack of beefsteak and pie, and other frivolous matters. Suits are filed against judges who, in the performance of their duties, sentence criminals to prison, etc. . . .

The decisions of the United States courts have in effect invited or caused prisoners to look for technicalities of how to "get out of it" or to "beat the rap."

The time was when a lawyer could counsel his client to plead guilty and receive supervision and training so that he might be a better citizen when he had paid his debt to society. Such advice came from honest lawyers who thought more of the future of the defendant than they did of getting a guilty man off.

No longer can an attorney safely do that, for to do so will likely result in a release of the prisoner on habeas corpus upon the ground that the lawyer was incompetent and had not put the State to as much expense as possible.

VISIT TO THE SENATE BY SENATOR MATIN-DAFTARY OF THE IRANIAN SENATE

Mr. **ALLOTT**. Mr. President, we are very honored and happy to have with us this afternoon a member of the Iranian Senate.

Mr. Matin-Daftary was head of his parliamentary delegation to the Inter-Parliamentary Union in Lima, Peru, during the forepart of this month.

I have known him, as has the distinguished senior Senator from Tennessee [Mr. GORE], for a great number of years. He is a man of unusual ability. He heads the judiciary committee in his own senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a short biography of Senator Matin-Daftary.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHIC DATA: HIS EXCELLENCY AHMAD MATIN-DAFTARY, MEMBER OF THE IRANIAN SENATE

Senator Matin-Daftary has had a long career of public service in Iran. He has served several terms as a member of the Iranian Senate, beginning in 1949. He has been a professor of law, an official of the Imperial Ministry of Foreign Affairs, a judge and an author. He has served his nation in the high offices of Minister of Justice and Prime Minister.

Senator Matin-Daftary is not unknown in international councils. He was associated with his nation's mission to the League of Nations, and with various international commissions. He is best known to and respected by American legislators for his distinguished association with the Interparliamentary Union, and Senator Matin-Daftary's visit to Washington in September of 1968 is occasioned by his having traveled to the Americas to that Union's conference in Lima earlier this month.

Throughout the Senator's long and varied career in public service he has remained steadfast to the patriotic principles which, under the leadership of His Majesty Shah Reza Pahlavi, have led Iran to progress and prosperity.

[The distinguished visitor rose and was greeted with applause, Senators rising.]

The **PRESIDING OFFICER**. The Senate is very happy to welcome you here today.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The **PRESIDING OFFICER** laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1578) to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 6862. An act for the relief of Slator C. Blackiston, Jr.;

H.R. 8140. An act to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes; and

H.R. 17524. An act to amend section 50 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2155) to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. **EASTLAND**. Mr. President, the question is: Will the Senate advise and consent to the nomination of Abe Fortas to be Chief Justice of the United States?

The first question to be resolved in regard to the nomination of Abe Fortas, to be Chief Justice of the United States, is whether or not Earl Warren's stated intention to retire, contingent upon the happening of a future event and, according to the only authority on the question, revocable at any time prior thereto, gives rise to a responsibility on the part of the Senate to consider the nomination of his successor.

The coequal role of the Senate in the process of selecting Judges of the Supreme Court is set forth in article II, section 2, clause 2 of the Constitution of the United States, wherein it clearly states that—

> The President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; . . .

Pursuant to the foregoing provisions of the Constitution, Congress provided for the retirement of Federal judges with the enactment of 28 U.S.C., section 371 (b), which states:

> The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

In order to assure that the Court would always have a Chief Justice while the office is vacant, whether by death, inability, resignation or retirement, the Congress has wisely provided by 28 U.S.C., section 3, that "his powers and duties shall devolve upon the Associate Justice next in presidence."

Thus, it is within the context of the Constitution and laws of the United States that the letters and telegrams which collectively constitute the retirement in question must be considered. By letter dated June 13, 1968, Chief Justice Warren notified the President as follows:

> Pursuant to the provisions of 28 U.S.C., section 371(b), I hereby advise you of my intention to retire as Chief Justice of the United States effective at your pleasure.

The President replied by letter of June 26, 1968:

> With your agreement, I will accept your decision to retire effective at such time as a successor is qualified.

By return telegram, the Chief Justice acknowledged the President's "letter of acceptance of my retirement." The same day the President nominated Abe Fortas to be Chief Justice and Homer Thornberry to be Associate Justice, vice Justice Fortas.

Unfortunately, this exchange between the President and the Chief Justice gives rise on its face to the charge that they are in effect saying to the Senate: Either you advise and consent to the nomination of Abe Fortas or the present Chief Justice will revoke his intention to retire and continue to serve indefinitely.

There are many who believe that the Senate cannot or should not even consider a nomination when no vacancy actually exists, nor is this the first time that this issue has been raised. Charles Warren, a great historian, in volume II of his "History of the Supreme Court" notes with apparent approval that—

> Early in January the President had informed visitors that he had decided to appoint Judge Strong to the Grier vacancy, but the hope was generally expressed that he would not repeat what the Nation termed "an act of very doubtful propriety" when the President had nominated Stanton to the Supreme Court Bench long before any vacancy existed, the immediate result of which was the curious spectacle of a judge dead and buried in state, while his predecessor sits on the Bench and goes to the funeral.

Many agree with what Nation magazine said in 1870 in regard to the Stanton nomination, and further believe that the Fortas nomination in 1968, in the absence of a present vacancy is "an act of very doubtful propriety."

If the Senate believes that is within its "power" to consider a nomination prior to the occurrence of a vacancy, then we must decide what if any weight should be assigned to this "act of very doubtful propriety" in determining whether or not to confirm under these circumstances. In determining this question I would like to note at this point an interesting colloquy between Senator ERVIN and, the Attorney General:

> Senator ERVIN. Now, it is your position, is it, that a President can nominate and the Senate can confirm the appointment of Supreme Court Justices when no vacancy exists on the Supreme Court?
>
> Attorney General CLARK. Absolutely, Senator.
>
> * * * * *
>
> Senator ERVIN. Now, if the President can appoint—can nominate, and the Senate can confirm the nomination of a Supreme Court Justice when there is no vacancy, then a President, if he has an agreeable—I started to say subservient—but I will say an agreeable Senate, could appoint nine Supreme Court Justices to take the place of any nine sitting Chief Justices at any time that they retired or resigned or died, could he not?
>
> Attorney General CLARK. My experience with the Senate, brief though it is, indicates it is unlikley, that they would be confirmed under those circumstances. We have checks and balances in the Government—among the branches of Government. But the power of the President to nominate and the power of the Senate to confirm has been manifested time and time again.

This exchange is interesting because, while reaffirming the "power" of the President to nominate and the Senate to confirm in the absence of a vacancy, the Attorney General states that in his opinion, if the President nominated nine men without vacancies, then "it is unlikely they would be confirmed under those circumstances." Why? Because "we have checks and balances in the Government." In other words, while the Attorney General thinks the President has the "power" to nominate absent a vacancy and the Senate the "power" to confirm, he acknowledges that such circumstances may be considered by the Senate in determining its approval or disapproval, and in certain cases, that is, the nomination of nine men without a vacancy instead of one, the Senate would refuse to confirm on that basis alone. So it is all right to nominate one without a vacancy but not nine. Yet, if the principle is sound when applied to nine, why is it not equally sound when applied to one? At what number between one and nine is the "checks and balances system" triggered so that "it is unlikely that they would be confirmed under those circumstances."

The determination of these questions notwithstanding, I believe that the gravamen of this question is not so much whether a retirement or stated intention to retire is instanter, at a time certain or dependent upon the happening of a future contingency such as the qualification of a successor, but whether or not such retirement is revocable or irrevocable. For if an announcement of retirement, or resignation for that matter, is irrevocable, the retiring Justice, whatever his secret motives or intentions, is precluded from playing any role in the process by which the Constitution provides for the selection of his successor. Even if, as the Attorney General has suggested, an agreement, could always be forced upon the President, once the announcement was made, such a man would have no legal means by which to enforce such an agreement and could certainly have no influence in any event upon the Senate of the United States. There is no language in the Constitution, either expressed or implied, that allows a retiring Justice to select his successor by threat of revocation if the President and/or Senate do not do his bidding. As distressing as it may be to a member of the Court, the Constitution provides that the President shall appoint, with the advice and consent of the Senate. It makes no mention or provision for the Court or the members thereof to play any part whatsoever in that process. Of course, if a Justice was intent on circumventing this constitutional exclusion, he could do it by use of a revocable retirement.

This is not to say that the mere fact that the Chief Justice's retirement is revocable is conclusive evidence, in and of itself, that he is attempting to circumvent the Constitution by threatening to withdraw his retirement if his chosen successor is not approved, or to prevent the next President from naming his successor. This cannot be said to be true, ipso facto, even when considered together with the fact that he has praised the Fortas nomination and that Justice Fortas, judging from his past decisions, can be counted on to continue the philosophy of the Warren court.

Yet when considered in the light of other developments, it becomes very difficult to reach any other conclusion.

For instance, at his press conference on July 5, the Chief Justice was asked:

> Perhaps you are aware there are some stories to the effect that you resigned at this time because you did not want Mr. Johnson's successor to be in a position to appoint your successor.

For reasons best known to himself, the Chief Justice declined to comment.

This past week, a story in the Washington Post revealed that the Chief Justice had been asked whether he would revoke his retirement if the Fortas nomination is not confirmed. For reasons best known to himself, the Chief Justice declined to comment.

During the hearing on this nomination I asked the Attorney General:

> In your judgment is the resignation of Chief Justice Warren irrevocable?

This question was pressed by a number of Senators but the Attorney General declined in each instance to take a position because "there is no precedent in law that we have found on that issue," and in any event, the question is "irrelevant" and "immaterial to the purposes of this hearing." Contrariwise, while there may be no Federal cases on this subject, there is ample authority for the position that the retirement is revocable.

According to 67 Corpus Juris Secundum, on Officers, Section 55(f), at pages 228, 229:

> A resignation to take effect at a future date may be withdrawn before such date, even though it has been accepted, and even against the will of the body to which it is tendered, and which has accepted it, and it has been held that a resignation which is both contingent and prospective may be withdrawn before the occurrence of the specified contingency, notwithstanding a purported acceptance.

I would also take issue with the Attorney General's belief that the question is irrelevant and immaterial to the Senate's consideration of the Fortas nomination.

Senator FONG asked the Attorney General:

> Now, should a successor not be confirmed, and there is a probability that a successor may not be confirmed in this instance, could the next President of the United States, say President Nixon, act upon that request and appoint a successor, and if he does, and the Senate does confirm the successor, but the Chief Justice does not retire, can he still legally retain the office of Chief Justice?

The Attorney General replied:

> There are so many improbables in your hypothesis, it is very difficult for me to wrestle with it. I won't say which seems the most improbable. It would be hard to measure.

However, the Attorney General noted that—

> A vote for confirmation will remove the possibility, much less any probability, which is hard to believe, of the question that you fear ever arising.

Thus, even he cannot refrain from citing the threat of revocation as a reason to vote for confirmation.

On the other hand, the other proponents of the nomination in the Senate have openly declared that Justice Warren will revoke his retirement in the event the Fortas nomination is not confirmed. For instance, as early as June 28, 1968, an article by Lyle Denniston of the Washington Evening Star, entitled "MANSFIELD Warns Foes on Court Fight," quotes Senator MANSFIELD as saying:

> The choice before the Senate is between Fortas being approved or Warren staying on.

The threat has been asserted by the proponents of this nomination on numerous occasions and I do not believe they would do so without knowing whereof they speak, or in other words, without having some clue as to the Chief Justice's motives and intentions.

Of course, the Attorney General said in reply to a question by Senator FONG:

> I think it is noteworthy that through history this has happened as to the judiciary scores of times, and the situation that you envision has never happened and does not seem likely to happen.

Yet never before has there been reason to believe that a retiring Justice did not intend to act in good faith. Never before has it been publicly speculated that a judge was willing to retire at the end of one President's term in order to prevent his successor from being named by the next President, in this event, possibly the Republican nominee, who the Chief Justice reportedly dislikes with some intensity. Never before has the threat of revocation been used publicly or privately as an instrument to pry loose a nomination. And all of this without a word of denial or clarification from the Chief Justice for a period of 3 months. Even the New York Times, which supports the nomination, as early as June 30, termed "unfortunate calculated vagueness in the exchange between the President and Chief Justice Warren."

And called upon the President to accept the Warren retirement "without opening up an escape hatch of his own."

For observed the Times:

> The reasons of age the Chief Justice gave for quitting the Bench preclude his return in any event.

But such clarification has not been forthcoming. We would all like to believe, as does the Attorney General, that a man means what he says and says what he means. Unfortunately, this cannot be assumed in this case because of the foregoing facts and circumstances.

One concluding observation on this subject: In Marbury against Madison the Supreme Court of the United States explained the three essential steps in the appointment process to be the nomination by the President; the advice and consent of the Senate; and the appointment by the President, of which the commission is merely the evidence. The only step remaining being the qualification of the nominee. We make a mockery of this process if we acknowledge the right of a retiring Justice to nullify this process at any point prior to the actual taking of the oath by the appointed successor.

Thus the question is: Should the Senate vote on a nomination under the threat, whether implied or expressed, of a revocation by the Chief Justice. Should the Senate by this precedent allow all retiring Justices in the future to use this device to circumvent the appointment process provided by the Constitution, by allowing them to threaten the President and/or the Senate with revocation if their choice of a successor is not appointed, or if a person not of their liking is, or even if the choice of a successor should, by circumstances, fall to a President other than the one intended? I think not. And is there anyone in this Senate who believes the framers of the Constitution had any such intention? I believe not.

Appearing before the Senate Judiciary Committee, Justice Fortas frequently alluded to the separation-of-powers principle in declining to answer questions concerning his opinions rendered in cases before the Supreme Court. At one point Justice Fortas said:

> I will not be an instrument by which the separation of powers in our Constitution is called into question.

Ironically, Justice Fortas by his own role as a presidential adviser has called into question the principle of separation of powers. It is necessary at this point to recount the facts developed in the record of the hearing.

The New York Times magazine of June 4, 1967, stated:

> It doesn't occur to him (President Johnson) not to call Fortas just because he's on the Supreme Court. Fortas is also drawn into nonjudicial matters by friends who want Government jobs and know he still carries weight at the White House.
>
> Periodically word leaks out about Fortas' involvement in such matters as the unsuccessful campaign to land Bill D. Moyers the job as, Under Secretary of State and his efforts to secure a Federal judgeship for David G. Bress, the U.S. Attorney for the District of Columbia. Other moonlighting chores are White House assignments—advising the President on coping with steel price increases and helping to frame measures to head off transportation strikes. With the increasing intensity of war in Vietnam, Fortas is also consulted more and more on foreign policy.

The July 8, 1968, issue of Newsweek magazine stated:

> More mornings than not, says one intimate, Fortas wakes up to a phone call from the President and a pithy reading of the "literary gems" from the eight or ten morning papers Mr. Johnson peruses regularly. And few important Presidential problems are settled without an opinion from Mr. Justice Fortas. "My guess, "says an insider well placed to make one, "is that the first person the President consults on anything is Abe Fortas."

The July 5, 1968, issue of Time magazine states:

> No one outside knows accurately how many times Fortas has come through the back door of the White House, but any figure would probably be too low.
>
> * * * * *
>
> It probably never occurred to Johnson that his friend's elevation to the high court would make him any less a Presidential adviser. And to date, it has not.

Time magazine reported in that same July 5 issue:

> One achievement for which Fortas can claim no laurels was Johnson's response to last summer's Detroit riot. Fortas wrote the President's message ordering Federal troops into the city.
>
> It was an unfortunate speech, blatantly political and overly technical at a time that called for reassurance. Johnson, however, was shocked that anyone would dare criticize it. "Why" he told a visitor, "I had the best constitutional lawyer in the United States right here, and he wrote that."

Justice Fortas was also questioned concerning an article by New York Times reporter Fred Graham which stated that the Justice had called a Mr. Lazarus to admonish him about a speech concerning the cost of the Vietnam war. According to Mr. Graham:

> Business executives at the meeting said at the time that Mr. Lazarus had quoted Justice Fortas as saying that "the president was upset."

Following Justice Fortas' appearance before the committee, questions were raised concerning an article appearing in the July 22, 1968, issue of the New Yorker magazine which stated:

> Nonetheless, (President) Johnson called him (Richard Goodwin) back to the White House to help prepare the State of the Union message in 1966. He was up two days straight working on it, and then a doctor came in and gave him an injection, as though he were a machine, so he could stay up even longer.
>
> Then Johnson handed the speech over to Abe Fortas and Clark Clifford, the New Dealers and Fair Dealers, who began chopping it up, Goodwin retired to his hotel room exhausted.

Senator GORDON ALLOTT also testified that on May 28, 1968, during the consideration of an amendment to extend Secret Service protection to presidential and vice-presidential candidates, Mr. Barr, Under Secretary of the Treasury, said:

> I have been on the phone with the White House. . . . This is the amendment they want at the White House. It has been gone over by De Vier Pierson and Abe Fortas; they have cleared it, and they can live with it.

The foregoing constitute representations by various persons and publications as to Mr. Fortas' role as a presidential advisor.

I do not believe I am being unfair by characterizing Mr. Fortas' answer to these asserted activities as vague and abstruse. Certainly the Justice cannot be said to have availed himself of the opportunity to set the record straight. As stated by Justice Fortas himself:

> I do not want to talk about specific matters on which I have been consulted.

Justice Fortas did deny specifically the allegation in the New York Times story of July 4, that he had recommended Mr. Moyers or Mr. Bress for appointments.

As to his role as an adviser to the President, Mr. Fortas testified:

> No. 2, the President of the United States, since I have been an Associate Justice, has done me the honor, on some occasions, of indicating that he thought that I could be of help to him and to the Nation in a few critical matters, and I have, on occasion, been asked to come to the White House to participate in conferences on critical matters having nothing whatever to do with any legal situation or with anything before the Court or that might come before the Court.

According to Mr. Fortas, he advised the President "only in matters that are very perplexing and that are of critical importance to the President, where he wants some additional assistance."

Did he advise the President in coping with steel price increases? Mr. Fortas replied:

> I just cannot place it.

Did he advise the President during the Detroit riot? Mr. Fortas acknowledged:

> I was one of those people, and I am proud of it if I was able then or at any other time to be of the slightest service to the President or to my country.

Did he write the President's message ordering Federal troops into Detroit? Mr. Fortas answered:

> I do not think it would be proper to go into specifics, but I can say to you that I did not write that message. I did see it before it was delivered. But I did not write it.

Did he approve it?

> No, sir; the President does not ask my approval.

Then why was it shown to him?

> I do not want to do anything, say anything, go into anything that is an act of violence on the office of the Presidency, or that, in any way, may operate now or in the future to hamper any President of the United States in the discharge of his terrible burdens in consulting anybody he wants to. But I may say to you in this specific instance that the President, in that critical and desperate situation, called together not only members of his Cabinet, but as is his custom, as is well known, people in whom he has trust, to make sure that when he reached a decision, it was reached on the basis of taking into account all possible factors.

Did he advise the President on Vietnam?

> Perhaps I can say there have been stages in the fantastically difficult decisions about the war in Vietnam where I have participated in meetings of the kind that I described. I say that because it has been published, and it is true.

Did he call Mr. Lazarus to admonish him for a critical speech to a group of businessmen about the cost of the Vietnam war?

> Yes, but Mr. Lazarus was a "personal friend".

Did he help write the state of the Union address in 1966? Mr. Fortas declined an invitation to reappear before the Judiciary Committee to answer.

Did he draft or approve legislation providing Secret Service protection to presidential and vice-presidential candidates? Mr. Fortas declined to reappear before the Judiciary Committee to answer.

And how many other instances have there been that have not leaked out because of the close security surrounding the White House? We must wait for time and history to unlock those secrets.

Perhaps most revealing is Justice Fortas' reply to the following query by Senator ERVIN:

> Now, I want to ask one question I think that the nominee is at liberty to answer.
>
> The New York Times of January 4, 1967, carried an article written by Fred P. Graham entitled "The Many-Sided Justice Fortas": As I understand it, Mr. Graham is a reporter who specializes in covering the Supreme Court, and is highly respected in the journalistic world.
>
> This article has a picture of President Johnson and Mr. Justice Fortas entitled in part as follows:
>
> "'Activist'—As one of Johnson's closest friends, and one of the shrewdest lawyers in Washington, Fortas' instinct for making the wheels turn did not vanish when he donned the robes."
>
> Now, I would be glad to have any comments you make on that. Of course, that is a statement of Mr. Graham, and not by you.

Mr. Fortas' reply is interesting because he did not choose to quarrel with Fred Graham's description of his role since becoming a Justice but elected instead to defend his role by citing a list of instances in which past Justices have reportedly acted as advisers to Presidents, including but not limited to, Justices Parker, Roberts, and Jackson. Without further explanation Justice Fortas concluded:

> That would be my comment to what you have said.

Apparently, Mr. Fortas' position is that while he has been a Presidential adviser while serving on the Court, such conduct is justified by historical precedents. To the contrary, there has never been a time when such conduct has been accepted. Perhaps it can be said that prior to the mid-1940's it was the subject of controversy. In 1946 and 1947 the American Bar Association Journal and the Senate Judiciary Committee took forthright stands soundly condemning the use of judges in executive capacities.

At this time I should like to note that there are basically two situations in which judges have been called upon to play roles in the executive branch of the Government. The first is where the judge is called upon to accept a public position such as head of a Presidential commission. Here his role is known to the public. They know the scope of his duties and obligations. His actions are a matter of public record and subject to public scrutiny. If the Justice acts upon a matter that subsequently comes before the Court, the litigants are apprised of this by the public record and may avail themselves of the opportunity to request the Justice to excuse himself. The Justice himself, knowing his involvement in a case before Court is a matter of public record, will feel more compelled to withdraw from its consideration without being formally requested to do so. As a matter known to the public, his involvement will not as readily give rise to public suspicion of wrongdoing. Yet, as we shall see, even this use of judges by the executive branch of Government was so soundly condemned by the American Bar Association Journal and a report of the Senate Judiciary Committee in the mid-1940's, that there was an abrupt halt to the practice and with the single exception of the Warren Commission, no sitting Justice of the Supreme Court has been called upon to play such a role since that time.

On the other hand, there have been some instances in our history when Justices have reportedly acted as confidential advisers to the President. Here the judge's role is not known to the public. The nature and scope of his activities are kept secret and are not, therefore, subject to public scrutiny. Litigants in cases before the Court have no way of knowing of a judge's involvement or how his judgment in the matter may have been prejudiced. For instance, a litigant challenging the constitutionality of our involvement in Vietnam might not realize that one of the Justices had acted as an adviser to a President on that matter. And when acts hidden from public view are made known, suspicion of wrongdoing may be the natural consequence, damaging public confidence in the Court. Thus, this category of judicial participation in executive affairs, into which Justice Fortas' conduct falls, has never been defended or approved by anyone, except perhaps those who were defending their own misconduct.

As I have already stated the use of Federal judges in any executive capacity was condemned in an editorial in the December 1946 issue of the American Bar Association Journal, wherein it stated:

> The problem before the association's committee goes deeper than the impairment of the work of the Court by the absence of its members, at a time when some of its members from time to time disqualify themselves because of their previous connection with Government litigation. The deeper question is of the independence and aloofness of the Court as a separate branch of the Government and the freedom of its members from Executive influence.
>
> The recurrence of conditions such as these does incalculable harm to the confidence of the profession and the public in the impartiality and independence of the Court, and also is repugnant to the fundamentals of our form of government. As President Truman said on November 11: "Our Government is founded upon the constitutional principle that the three branches of the Government are independent of each other. Under this principle our country has prospered and grown great."
>
> So forthright a declaration can be made effective only through insistence upon the highest standards of experience, judicial temperament, and proved courage, for all appointments to judicial office, and then a faithful observance of the reality of independence and separation from politics and policymaking, on the part of each the executive and the members of the Court.

In 1947, the Senate Judiciary Committee in executive report No. 7 issued an unqualified condemnation of the practice of judges participating in the affairs of the executive branch as stated by the following language:

> The Committee on the Judiciary of the United States Senate declares that the practice of using Federal judges for nonjudicial activities is undesirable. The practice holds great danger of working a diminution of the prestige of the judiciary. It is a determent to the proper functioning of the judicial branch of the Government.

The report noted that according to "Warren: The Supreme Court in the United States History," such men as Jefferson, Madison, and Pinckney had said that the use of judges in such nonjudicial activities made the Court an annex of a political party and an auxiliary to the executive. Such use of judges was characterized as unwise and degrading.

The following language of the committee report is of special interest when considered in light of the questions raised in regard to this nomination:

> On this occasion your committee has been requested to go beyond the simple report on these nominations and to offer some commentary on the propriety of employing court justices in executive agencies of the Federal Government.
>
> The growing practice of drafting judges to fill executive posts is a matter of serious concern. Justices of the Supreme Court have been used in this manner as in the case of Justice Roberts in the Pearl Harbor inquiry and Justice Jackson in the Nuremberg trials. In like manner Federal circuit judges, district judges, and justices of the Court of Claims have been called upon to perform executive and other nonjudicial functions.
>
> Sometimes the assignment results in the permanent withdrawal of the judge from the Nation's judiciary. At other times the judge is merely "borrowed," for temporary executive duty and then is returned to the bench. On still other occasions the judge leaves one judicial post to engage in executive activities and is subsequently appointed to another judgeship often higher in rank than the one previously held.
>
> Seriously disturbed by the growing frequency of this practice, and deeply concerned about its effect on the Nation's judiciary, the committee requested this report on the subject.
>
> * * * * *
>
> When the architects of the Constitution embodied in it the principle of the separation of powers—legislative, executive, judicial—they wisely gave to each the power to resist encroachment on the part of the others. Strongest of these powers in the case of the judiciary is independence of the judges maintained by security in tenure of office, by fixed salaries, and by clear delineation of jurisdiction. "The judiciary," wrote Hamilton, "is in continual jeopardy of being overpowered, awed or influenced by its coordinate branches."
>
> * * * * *

It is well settled that judges of constitutional courts cannot be compelled to perform nonjudicial functions or duties. Whether they may do so voluntarily at the behest of the Chief Executive is another matter. Elements other than statutory are present. Public opinion is a compelling factor. It is difficult for a judge to refuse the Executive when the request is placed on the plane of patriotism in time of war. Even without the compelling argument of war a judge is embarrassed in refusing an appointment when urged to serve on the grounds of indispensibility, even though the doctrine of the indispensible man has no real place in American public life.

Personal motives may easily join with the urgent call to duty in exerting strong pressure on the judge to accept nonjudicial appointments. Ambition is a wholesome human trait and judges are human. If it becomes common to expect executive appointments, judges may slip into the frame of mind which seeks promotional opportunity at the hand of the Executive and the quality of the judicial character may be impaired. This could take on an ugly political tinge if judges came to see in the Executive appointment a chance to advance themselves politically or a chance to aid the Chief Executive politically.

Thus, while judges may not be compelled to accept executive posts, their freedom of voluntary choice is readily susceptible to strong public and personal forces. The judge is placed in a worse position than that of mere embarrassment; except in rare cases he has little freedom to choose. It is not conducive to an independent judiciary or in keeping with public respect for the impartial dispensation of justice to place judges in a position where they may feel the pressure or influence of the executive branch.

In the realm of judicial ethics, one of the great figures in Anglo-American law, Sir Matthew Hale, when he became in 1660 the Chief Baron of the Exchequer, laid down the precept "to be continually had in remembrance" that "I be wholly intent upon the business I am about, remitting all other cares and thoughts as unseasonable, and interruptions."

It was on this ground that Justice Harlan F. Stone declined to consider the chairmanship of the Atomic Energy Commission in September, 1945. In a letter to Senator Arthur H. Vandenberg, Justice Stone observed that "the duties of a Justice of the Supreme Court of the United States are difficult and exacting. Their adequate performance is in a very real sense a 'full-time job.' I have accepted the office, and acceptance carries with it the obligation on my part to give whatever time and energy are needful for the performance of its functions."

Bar associations have long been aware of the need to safeguard the independence of the judiciary and to preserve its high quality. The Canons of Judicial Ethics of the American Bar Association admonish a judge not to accept "inconsistent duties" (canon 24); that "his conduct should be above reproach" (canon 34); and that he may not practice law, although he may "act as arbitrator or lecturer upon or instruct in law, or write upon the subject, and accept compensation therefor" but only so long as "such course does not interfere with the due performance of his judicial duties" (canon 31).

Upon another occasion the American Bar Association's committee on professional ethics and grievances was asked to rule whether a judge might also properly hold an office in another branch of the Government—such as the executive. The committee held that this was clearly improper, since it "might easily involve conflicting obligations."

It was on this ground that Justice Stone declined a second opportunity to serve in the executive branch of the Government. It was proposed to make him the decisive arbiter of a five-man United States Ballot Commission set up to handle the problem of soldier voting during the late war. In response to a request for his views, the Justice wrote:

". . . I regard the performance of such a function as incompatible with obligations which I assumed with the office of Chief Justice, and as likely to impair my usefulness in that office.

"It is enough to say, without more, which might be said, that action taken by the Chief Justice in connection with the administration of the proposed legislation might become subject to review in the Court over which he presides and that it might have political implications and political consequences which should be wholly disassociated from the duties of the judicial office."

In light of the above canons, the committee on professional ethics and grievances of the American Bar Association was asked to rule whether it was proper for a judge to conduct, for a newspaper, a column of comment, on current news items and matters of general interest. The committee held that, while such conduct involved no wrongdoing, it was not in accordance with canon 24 that a judge should not accept "inconsistent duties," and that such activity might lead, or be thought by the public to lead, "to impairment of judicial efficiency."

It was also pointed out that since canon 34 requires judicial conduct to be "above reproach," any activity which may be viewed with disfavor by many people as not consistent with judicial obligations comes within the scope of the canon. In the same vein, a former judge has written that a judge "should not allow other affairs . . . to interfere with the prompt and proper performance of his judicial duties . . .".

It should be remembered that a judge is the human embodiment of an office dedicated to impartial justice, and fair dealing—an office which must have and demand the highest public respect. Many forms of activity which are permissible in the ordinary affairs of the everyday world are not permissible to the bench. A judge who embarks upon official nonjudicial activities in another branch of the government lays himself open to the charge that he is undertaking "conflicting obligations" or "inconsistent duties", that in spirit he is violating the doctrine of the separation of powers; and that in discharging his nonjudicial duties he is neglecting the proper performance of the judicial ones.

Such charges or beliefs, even if entertained only by a few, may readily bring the bench into reproach. While it has been argued that a judge may properly act in two separate capacities, one judicial and one nonjudicial, this ignores the human element that the same man is the tangible representative of intangible offices. He cannot be divided in fact or in spirit so that at one time he sits as judge and another as a public official of a nonjudicial character. The detachment with wihch judges normally surround themselves, and which the public expects, is one of the safeguards of the proper administration of justice. The mantle of judicial probity cannot and should not be worn or laid aside as convenience suits. Particularly in matters of internal concern, to step from the justice seat to next day direct paticipation in controversial public activities "runs counter to accepted ideas of propriety" and brings judicial and other affairs into too close an association.

The high standard demanded of the Federal judiciary and its complete attachment to things judicial should not be subjected to the disintegrating erosion of particular exceptions. The business of judges is and should remain judging. The great respect with which courts generally, and the Federal judiciary especially, are regarded has been attained through an unremitting devotion to the highest ideals. At one time in Anglo-American history, judges were in low repute because of their improper conduct both on and off the bench. The personal touch in judicature may be a blighting touch, and even slight deviations from a superior norm of behavior may destroy the respect of courts as tribunals of impersonal justice. In the words of Judge Bond:

"Perhaps it is only by preserving the conception of a court of justice as something larger than the men who carry it on, as something which transcends them, and compels their reverence, that the ground gained through the centuries and left to us of the later generations, can be held secure."

Where there are no legal rules of conduct precisely laid down in statute law, and where the judge may be in a difficult position in declining the request to serve in an executive post, the burden of discretion falls heavily upon the Chief Executive. He must exercise exceptional care in making appointments of this kind.

The nominating power is far reaching; it has significances and implications not always easy to see. An Executive appointment praise-worthy in the public service may imperceptibly work greater harm to the judiciary. The Executive must forbear the temptations of using judges for their prestige. He must decline to use public opinion against the bench. Judicial eminence is the great intangible value of public faith in justice; and faith in public institutions is the very foundation of the good society.

In cases where Federal judges accept the responsibility of extra-judicial duties or functions in the executive branch of the Government, several undesirable results may follow:

(1) Reward may be conferred or expected in the form of elevation to a higher judicial post.

(2) The judicial and executive functions may be improperly merged.

(3) The absence of the judge from his regular duties increase the work load of the other judges of the court, if any, and may result in an impairment of judicial efficiency in the disposition of cases.

(4) Nonjudicial activities may produce dissension or criticism and may be destructive of the prestige and respect of the Federal judiciary.

(5) A judge, upon resumption of his regular duties, may be called upon to justify or defend his activities under an Executive commission.

In view of the facts established, the conclusion is inescapable that Justice Fortas has engaged in those activities condemned in the foregoing editorial in the American Bar Association Journal and the report of the Senate Judiciary Committee.

In determining whether Justice Fortas' conduct has been consistent with the Canons of Judicial Ethics of the American Bar Association, it would be well to cite here a few of those canons which seem to apply to the facts developed in the Judiciary Committee's hearings on this nomination.

Canon 4—Avoidance of Impropriety: A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law, and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life should be beyond reproach.

Canon 24—Inconsistent Obligations: A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

Canon 28—Partisan Politics: While entitled to entertain his personal views of political

> questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another. . . .
>
> Canon 32—Gifts and Favors: A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

It was testified during the hearing by Mr. B. J. Tennery, dean of the Law School of American University, that Justice Fortas was paid the sum of $15,000 for delivering nine lectures this past summer at the American University School of Law. Dean Tennery testified that the money used to pay Justice Fortas this fee was donated to the American University School of Law through the fundraising efforts of a former law partner of Justice Fortas. Dean Tennery furnished the names of the five contributors and each is a wealthy person with wide-ranging connections in the community of big business. There is every chance that litigation involving any one of these contributors, or corporations with which each is intimately connected, could come before the Supreme Court of the United States for decision.

This situation certainly does not comport with the standards of judicial conduct embodied in the Canons of Judicial Ethics.

In passing judgment upon Justice Fortas' conduct in regard to this and other matters the Senate should be mindful of the American Bar Association's Canons of Judicial Ethics, as well as the formal and informal opinions of the Committee on Professional Ethics and Grievances. Perhaps these canons, and their interpretation, are best summed up by the following language from formal opinion No. 193:

> The judicial office is one of great power. The action of a court may vitally affect the life, the liberty, the property, and the happiness of any person subject to its jurisdiction. The judicial power should be used only as an instrument to accomplish the due administration of justice. It should never be used or seem to be used to advance either the private or political welfare of the person holding the judicial office. The acts of the judge should be free from partiality, bias, or prejudice, and should never be actuated by any selfish motive. Moreover, the judge should give to the performance of his judicial service his intellectual powers and attainments fully and unstintingly. His labors should not be interfered with by outside distractions. His work should be carried on and his judgment rendered in a sound judicial atmosphere, untainted by the currents engendered by political controversy, ambition, and contest. Finally the judge should so perform the duties of his office as to command the respect and confidence of the people in his competency, integrity, and impartiality.

On Monday of last week Senator GRIFFIN inserted in the CONGRESSIONAL RECORD Mr. Fortas' listing in the 1965–66 edition of "Who's Who in the South and Southwest," wherein Mr. Fortas listed himself as "now, Presidential adviser, Washington" and his "Office: care the White House, 1600 Pennsylvania Avenue, Washington."

On its face, the listing raises serious questions. At the time Mr. Fortas had no official position at the White House.

In 1965, testifying at the Judiciary Committee's hearings on his nomination as an Associate Justice, Mr. Fortas said that:

> My relationship with the President has been exaggerated out of all connection with reality.

It is passing strange the biography submitted to the Judiciary Committee and approved by Mr. Fortas contain any reference to his being a "Presidential adviser," nor did it list his office as being "the White House, 1600 Pennsylvania Avenue."

We cannot know why Mr. Fortas listed himself as a Presidential adviser or his address as the White House. Of course, a client or prospective client who needed influence with the Executive could hardly fail to be duly impressed.

I would also like to note that in formal opinion 249—December 19, 1942—the American Bar Association's Committee on Professional Ethics had this to say:

> We are asked to define the word "addresses" appearing in the second paragraph of Canon 27, the relevant portion of which reads:
>
> "Publication in reputable law lists in a manner consistent with the standards of conduct imposed by these canons of brief biographical and informative data is permissible. Such data must not be misleading and may include only a statement of the lawyer's name and the names of his professional associates; addresses, telephone numbers, cable addresses; branches of the profession practiced; date and place of birth and admission to the bar; . . ."
>
> It is our opinion that an address (other than a cable address) within the intendment of the canon is that of the lawyer's office or of his residence. Neither address should be misleading. If, for example, an office address is given, it must be that of a bona fide office. The residence address, if given, should be identified as such if the city or other place of residence is not the same as that in which the law office is located.
>
> What constitutes a bona fide office will depend upon particular facts and circumstances. Whether the lawyer has a lease of the office, a telephone there, his name on the building directory or office door, and whether there is some one in the office to transact his business are elements which may be helpful in the determination of such a question—but cannot be regarded as the sole or absolute test.

In regard to the testimony concerning American University I would like to note the following language from the ABA's Standing Committee on Professional Ethics, informal opinion No. 390, November 22, 1966, wherein it states:

> Our Committee has recently had occasion to consider the question of a judge soliciting for contributions from large foundations to establish a fine arts building as a facility complementary to the public library where the judge had been a member of the Literary Board of the library for nearly 30 years in his home city.
>
> In our informal opinion No. C–327, the Committee held that while Canon 25 referred specifically "only to solicitation for 'charitable' enterprises, the basic object of the Canon is to eliminate the use or appearance of use of the power and prestige of the judicial office to persuade others to contribute; and that it would apply equally to solicitations for funds for the establishment of an art museum or for educational purposes, or other matters of this sort." The Committee expressed itself as sympathetic with the purpose and object of the solicitations in that instance, but felt it would be unwise to make an exception to what is considered the basic objective of the Canon.
>
> I note in your letter you recognize that it would be improper for a judge to solicit a lawyer for any of the purposes indicated in your letter, or any person or institution that is reasonably likely to have litigation before the Court, "such as railroads, financial institutions, manufacturers and the like." It seems to me that this statement of those you would exclude tends to highlight the problem. You would, of course, exclude officials of business institutions; but how can it be ascertained that any particular person or institution is not likely to have litigation or be interested in litigation which is pending or may arise in your court. What is possibly more important, how would the public know who was or might be involved in litigation? Furthermore, does not the Canon envisage (properly) that there is prestige attached to the position of a judge and that such prestige should not be used or seen to be used for the purpose of persuading others to contribute?

There are other opinions which forbid a judge from accepting directly or indirectly, loans or gifts or fees from lawyers or potential litigants. There are many opinions to the effect that a judge's relationship with a former law firm should be above even the appearance of impropriety. There are other opinions that limit the role a judge's wife should play in political matters lest her actions arouse suspicion.

These opinions and others, considered together and applied to the factual situation in this case leads me to believe that Justice Fortas' conduct falls short of these standards. What weight should be given to these matters is, of course, a matter for each Senator to decide for himself.

Finally, we come to the question as to whether or not the performance of the nominee as an Associate Justice warrants his elevation to the office of Chief Justice of the United States. An examination and analysis of his opinions and decisions as an Associate Justice, and his public writings and statements, clearly demonstrate that his judicial philosophy disqualifies him for this high office. Unfortunately, it is apparent from the nominee's performance as Associate Justice that he has joined ranks with those judicial activists who have become so overzealous in their obsession with the rights of the lawless that they completely disregard the rights of society; judges who have turned the temple of justice into a criminal sanctuary; judges more concerned with theories of sociology than sound principles of law; judges more concerned with articulating some novel legal concept, or coining a clever phrase, than in seeing justice done; judges who call to mind Milton's accusation:

> License they mean when they cry liberty.

Understandably, I share the concern of many Americans that our judicial system is being threatened by the actions of judges who have forgotten that they are appointed, not anointed; who, regardless of their good intentions, seem to have become so intoxicated with power that they are incapable of exercising the judicial restraint which should be expected of them. Their actions call up the words of Daniel Webster:

> Good intentions will always be pleaded for every assumption of power. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

This nomination cannot be considered in a void. It must be considered in light of the turbulent times in which we live. Millions of concerned, patriotic, sincere Americans are disturbed over the erosion of morality, public and private; they are troubled that the moral and ethical standards which have held us together as a civilized society are under incessant attack; they are disturbed that the age-old and time-honored institution of private property is belittled; and they are concerned most of all that a permissive society is allowing criminals to assault the person and property of the citizen.

At a time when the American people are frightened and concerned about the rising tide of crime, Mr. Justice Fortas joins in decisions which further expand the rights of criminal suspects and inhibits the power of law-enforcement officers to deal with the problem of crime. At a time when the citizens of America are perturbed and distressed at the open and blatant sale of obscene and pornographic materials to people, including children, Mr. Justice Fortas joins in decisions reversing the convictions of smut peddlers, which results in local and State law-enforcement officers being placed in a legal straitjacket, and the smut peddlers being emboldened to take an attitude of "anything goes." At a time when the American people feel acutely menaced by external Communist aggression and internal Communist subversion, Justice Fortas joins in a decision which holds that a Communist is entitled to employment at a defense facility. At a time when the public is appalled by the disintegration of private and public morals, Justice Fortas joins in an opinion of another Justice holding that alien homosexuals are not excludable from the United States under the immigration law. And, at a time when the American people are distressed that the rights of private ownership of property are being increasingly challenged, Mr. Justice Fortas joins in a decision that an owner of private property cannot invoke the trespass laws to eject hostile pickets from his property.

In summation, the main thrust of Justice Fortas' philosophy as expressed in his opinions is to tear down those ideas, ideals, and institutions that have made this country great; those standards of private and public conduct that have sustained our people in peace and war.

These are times that call for the nomination of a Chief Justice of the United States who can command the trust and respect of the American people, not a man whose public record has been called into question and whose nomination is already embroiled in bitter controversy.

It is eminently proper that the Senate carefully consider the decisions in which Justice Fortas has participated as an Associate Justice of the Supreme Court, along with his public statements and writings. During the course of the hearings held by the Judiciary Committee on this nomination the distinguished senior Senator from North Carolina placed into the record numerous opinions and decisions of the Supeme Court participated in by the nominee. In my opinion, Senator ERVIN made some very cogent and perceptive remarks about the meaning of these decisions and opinions. After Senator ERVIN had thoroughly discussed some of these cases, he was congratulated by one of the strongest proponents of this nomination, the distinguished Senator from Michigan. The following colloquy occurred between the Senator from Michigan and the nominee:

> Senator HART. * * * The Senator from North Carolina has reviewed a good many of these cases, and I would like for the record to indicate that I think that that is both appropriate and proper. I think your declining to attempt to amend an opinion here is also appropriate—but that the Committee present to the Senate in this record as contained in those opinions the reflection of your philosophy is right. I think we can thank Senator Ervin for doing it.
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> Justice FORTAS. Senator, may I say that I agree with what you have said.

There are those who contend that the judicial philosophy of the nominee as embodied in his decisions and opinions, and public writings and statements, should not be considered by the Senate in determining whether to advise and consent to the nomination. These people maintain that the only matters which should be considered by the Senate are his professional qualifications. They would restrict the inquiry of the Senate to such questions as "Would the nominee be a competent Chief Justice?" and "Does the nominee possess sufficient legal skill and knowledge to serve as Chief Justice?"

This narrow and restrictive view of the function of the Senate in giving its advice and consent finds no support in the Constitution of the United States or the precedents of the Senate. It is well known that the last nominee to the Supreme Court whose nomination the Senate refused to confirm, Judge John J. Parker, possessed outstanding professional qualifications. His nomination was rejected by the Senate solely on the basis of his judicial philosophy.

During the course of the hearings on the pending nomination, the distinguished Senator from Michigan referred to a statement made by Justice Felix Frankfurter to the Senate Judiciary Committee while his nomination to be an Associate Justice was pending. I would like to briefly quote from the transcript of the hearings on this point:

> Senator HART. To make an observation which really does not ease our problem, but refers us back to another chapter of the same story, and I think adds balance, perhaps, to the discussion—this committee many years ago had before it Felix Frankfurter. At that time, Dr. Frankfurter was not a member of the Court, but was a public figure, had written many papers, some books. If I may, Senator, I would like to read a part of Dr. Frankfurter's reply when this same dilemma was presented to the committee, and to him.
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> Included in his answer was this comment:
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> "While I believe that a nominee's record should be thoroughly scrutinized by this committee, I hope you will not think it presumptuous on my part to suggest that neither such examination nor the best interests of the Supreme Court will be helped by the personal participation of the nominee himself. My attitude and outlook on relevant matters have been fully expressed over a period of years and are easily accessible. I should think it not only bad taste, but inconsistent with the duties of the office for which I have been nominated for me to attempt to supplement my past record by present declarations."
>
> And that was spoken by a man who was not even on the Court. And while there was a record of his attitude on public questions, it was not a record so precise as the nominee's record; namely, opinions which he himself had written.

Here we have a nominee whose record is precise on many public questions. This record consists of his decisions and opinions as an Associate Justice of the Supreme Court. In accordance with the observations of the distinguished Senator from Michigan and Justice Frankfurter, I believe that this record should be carefully examined by the Senate in determining whether to advise and consent to this nomination.

I would first discuss the views of the nominee on one of the most important issues of today. This is the question of to what extent, if any, do demonstrators and protest marchers have the right to use public and private property to facilitate their protest or demonstration? The converse of the question may be stated as, "What duty do owners of private property and State and municipal governments owe to demonstrators and protest marchers to permit them the use of their property in order to facilitate the protest or demonstration?"

I believe that under the Constitution and laws of the United States and of the several States a demonstrator or protest marcher has absolutely no legal right to use municipal or private property to conduct a demonstration. I believe that a great majority of the American people and of this Senate share this view.

However, I will demonstrate that the nominee under consideration by the Senate believes that demonstrators and protest marchers do have a right to use property under the ownership and control of municipalities to conduct demonstrations. He also believes that the municipalities are under a legal duty to provide the facilities to make the demonstration effective. The nominee calls into question the right and power of owners of private property to exclude demonstrators and protest marchers from their land.

This is a very novel—and in my judgment—dangerous proposition. The preamble to our Constitution states that it is designed to protect "life, liberty, and property." There is no doubt but that private ownership of property was one of those basic fundamental rights which the Framers intended to enshrine forever in the Constitution. The fifth amendment provides, in part, that the United States shall not take private property except upon just compensation and by due process of law.

The attitude of the nominee toward the rights of property owners and municipalities as against the rights of demonstrators and protest marchers is manifested in two principal sources: His recent book entitled "Concerning Dissent and Civil Disobedience" and his joining in the majority decision in the case of *Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza, Inc.* (478 October term, 1967), decided May 20, 1968, and found in the record of the hearings on this nomination at page 451 and the following.

Let us first examine some of the writings of the nominee in his book "Concerning Dissent and Civil Disobedience." I earnestly urge all Senators to read and analyze the contents of this book, especially as it deals with the rights of property owners and municipalities as against the rights of demonstrators and protest marchers.

In discussing the alleged duty of a municipality to provide facilities for the staging of a demonstration, Justice Fortas makes the following statement:

> But at the same time, *it is the city's duty under law*, and as a matter of good sense, to make every effort to provide adequate facilities so that the demonstration can be effectively staged, so that it can be conducted without paralyzing the city's life, and to provide protection for the demonstrators. The city must perform this duty. ("Concerning Dissent and Civil Disobedience," p. 36.)

Let us consider the deep and profound meaning of this statement of the nominee's concept of the law. It simply means that 10,000 demonstrators can elect to go to any city to stage a demonstration and such city will be under a legal duty to provide facilities for the staging of such demonstration. Of course, this would also place the city under a heavy financial burden.

The authorities in charge of the District of Columbia voluntarily decided to provide facilities this past spring for a number of demonstrators. The place where these demonstrators were permitted to live became known as Resurrection City. The distinguished junior Senator from West Virginia, who is well versed in these matters, has conservatively estimated that it cost the District of Columbia and the Federal treasury $1,700,000 to provide these facilities.

It is one thing for the city of Washington and the Federal Government to voluntarily decide to pay for this type of activity, but it is entirely different for a Federal court to order some other municipality to do the same. What city can afford this? We all know the financial plight of our cities and towns. Many of them run a deficit under the best of conditions. Are they now to be forced to put a contingent item in their budgets for providing adequate facilities for demonstrators? It would be terrible for this notion of the duties of our cities to provide facilities for demonstrators to be announced as a rule of law. Yet Justice Fortas has made it plain that he will lead the Court in that direction if he becomes Chief Justice.

A case involving this very issue was recently decided during the recent Democratic National Convention in Chicago. A suit was filed in the U.S. District Court for the Northern District of Illinois by the National Mobilization Committee to End the War in Vietnam, Rennie Davis, Tom Hayden, and others, against Hon. Richard J. Daley, mayor of the city of Chicago, and others. The plaintiffs claimed to represent thousands of demonstrators who wished to use certain public property in the city to facilitate the effective staging of the demonstration. They specifically sought the use of a large public park in which the demonstrators could sleep.

On August 23, 1968, Hon. William J. Lynch, judge, U.S. district court, entered an order denying all relief to the plaintiffs. He also filed with the order a memorandum of decision. Judge Lynch dealt with the portion of the complaint which would require the city of Chicago to permit the demonstrators to use such public park in the following language:

> The plaintiff organization also seeks a large public park or facility in which its members could sleep. Such a use of the parks is in violation of existing ordinances, and permits have never been granted for such a purpose in the past. This court believes that it indeed would be a novel interpretation to hold that the First and Fourteenth Amendments requires a municipal government to provide a public park as sleeping accommodations for persons desiring to visit the city. Yet this in effect is what the plaintiffs ask this court to do.

In my judgment Judge Lynch was completely correct in his decision. I think that that decision is completely consistent with the Constitution and the court decisions which have interpreted it.

I believe it would be a tragedy to elevate a person to the office of Chief Justice who would reverse this decision of Judge Lynch. Justice Fortas leaves no doubt that he would lead the Court as Chief Justice to reverse this decision. Neither Chicago nor any other American city should be placed under this unfair burden.

Let us now examine Justice Fortas' views as to the rights of owners of private property as against the rights of demonstrators. At page 22 of his book Justice Fortas makes the following statement about the power and duty of the State to punish criminal acts:

> The state may and should act if the protest includes action directed at carrying out an attempt to overthrow the government by force or violence; or if it involves physical assault upon, or substantial interference with the rights of others, or (ordinarily) trespass upon private property which is not open to the public.

The use of the word "ordinarily" is most interesting in this context. The question immediately arises: "What are the extraordinary circumstances under which the State may not act to punish trespass upon private property which is not open to the public?"

A clue to the answer to this intriguing question may be found in another statement made on page 62 of the book:

> An organized society will not endure invasion of private premises or public offices, or interference with the work or activities of others *if adequate facilities for protest and demonstration are otherwise available.*

But suppose adequate facilities for protest and demonstration are not otherwise available. Then obviously, under those circumstances, Justice Fortas would condone trespass on private premises and public offices. We well remember an instance of a few years ago in which demonstrators in a Midwestern city learned that a local judge belonged to an organization not to their liking. They began to march around his house at night demonstrating their feelings. Serious trouble was barely averted by the police. This seems to be the type of demonstration on public or private property that Justice Fortas condones.

One other quotation from his book will shed some light on Justice Fortas' ideas on this subject:

> For example, if the participants unlawfully prevent the movement of traffic or if they unlawfully and needlessly trespass on private property, the fact that their speech is constitutionally protected will not necessarily shield them from arrest for the traffic violation or the trespass. The words may not occasion punishment, but the attendent circumstances may.

If a trespass on private property is unlawful, why must it also be needless in order to be punished as a criminal trespass? The answer, which is consistent with the other expressed views of Justice Fortas, is that if the trespass is necessary in order to effectively stage a demonstration when no other facilities are available, then the trespass on private property cannot be punished, even though it is otherwise unlawful.

The doctrine that owners of private property must dedicate their property to the use and benefit of demonstrators, and the courts should compel such action, is a pernicious one. It has no place in American jurisprudence.

Justice Fortas has given judicial expression of the views expressed in his book by his vote with the majority of the Court in the Logan Valley Plaza case, which I have previously mentioned. The Logan Valley Plaza case involved a suit brought in the State courts of Pennsylvania by the owners of a shopping center and a store located therein to enjoin members of a labor union from picketing on private property owned by the plaintiffs. The pickets were carrying signs requesting prospective customers of the supermarket not to shop there. The State courts of Pennsylvania held that the owners of the shopping center and the supermarket were entitled to an injunction prohibiting such picketing under the Pennsylvania trespass statutes. The Pennsylvania courts held that the property upon which the picketing took place was under the private ownership and control of the plaintiffs, and the plaintiffs had the right to exclude persons from the premises who were attempting to hurt their business.

The case was appealed to the Supreme Court of the United States, which reversed the decision of the Pennsylvania Supreme Court by a vote of 6 to 3. Justice Fortas was one of those who comprised the majority of six. The Court held that the shopping center was the "functional equivalent" of a "business block" and found that the shopping center was comparable to a "company town." On that basis, the Court held that the pickets did have the right to use the privately owned premises to conduct their demonstration, and that consequently the owners of the supermarket and the shopping center could not obtain an injunction under the trespass laws in the Pennsylvania courts.

Mr. Justice Black wrote a ringing dissenting opinion in this case which, in my judgment, completely refutes the erroneous holding of the majority of the Court participated in by Justice Fortas. Justice Black made the following cogent and correct statement of the law:

> Logan has improved its property by putting shops and parking spaces thereon for the use of business customers. Now petitioners contend that they can come onto Logan's property for the purpose of picketing and refuse to leave when asked, and that Logan cannot use state trespass laws to keep them out. The majority of this Court affirms petitioner's contentions. But I cannot accept them, for I believe that whether this Court likes it or not the Constitution recognizes and supports the concept of private ownership of property. The Fifth Amendment provides that "no person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation." This means to me that there is no right to picket on the private premises of another to try to convert the owner or others to the views of the pickets. It also means, I think, that if this Court is going to arrogate to itself the power to act as the Government's agent to take a part of Weis' property to give to the pickets for their use, the Court should also award Weis just compensation for the property taken.
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> * * * * *
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> To hold that store owners are compelled by law to supply picketing areas for pickets to drive store customers away is to create a court-made law wholly disregarding the constitutional basis on which private ownership of property rests in this country.
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> * * * * *
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> These pickets do have a constitutional right to speak about Weis' refusal to hire union labor, but they do not have a constitutional right to compel Weis to furnish them a place to do so on his property.

If we want to protect the rights of private property from further encroachment, we should not advise and consent to the nomination of Justice Fortas to be Chief Justice.

Another area of decisions participated in by Justice Fortas which should be closely scrutinized is in the area of obscenity.

Mr. Justice Fortas has joined in majority decisions of the Supreme Court reversing convictions in a series of obscenity cases. The facts in a number of those cases are shocking to the conscience and to every sense of decency and morality. Our early common law, adopted from England, forbade lewd exhibitions and obscene publications. These principles were absorbed into our laws through recognition by the early American courts and were later codified by most of the States. These laws, based on moral norms, were designed and intended for the protection of the sacred family structure and the community. They have governed and admirably served the people of our Nation for close to 200 years.

These protective barriers have now been torn asunder by incredible Supreme Court decisions in which Mr. Justice Fortas participated and approved. Late Supreme Court decisions have practically destroyed the validity and effectiveness of State laws on obscenity.

This deplorable condition has resulted from a series of decisions handed down in May and June of 1967 in which the Supreme Court reversed 22 out of 26 State and Federal obscenity determinations.

Since Justice Fortas came on the Court, the Supreme Court has considered a total of 38 cases where obscenity was an issue. Of these cases, Justice Fortas voted 35 times to reverse obscenity convictions; he declared one case to be moot and voted to affirm only two lower court judgments.

This is a shocking record. This traffic in smut and pornography must be stopped. It is undermining the moral fiber of our people, especially the youth.

I would like to clear up one misconception about these obscenity cases. Some supporters of this nomination seek to minimize and belittle these shocking decisions involving the showing of obscene films by referring to "stag movies" and "girlie films." This leaves the distinct impression that all that is involved is a private showing of these offensive movies. The fact is that the cases decided by the Court, in which Justice Fortas participated involving obscene movies, involved public showings of obscene movies which had been publicly advertised. Admission was open to the general public upon the payment of an admission fee.

These movies are not private showings but are open to the general public.

Some of the supporters of this nomination take the position that there is no way of knowing whether Justice Fortas actually viewed the obnoxious and offensive material involved in these obscenity cases. This argument, of course, has no substance. The crucial issue in any obscenity case is whether the alleged obscene material is protected by the "freedom of speech" clause of the first amendment, or whether it is outside the protective power of that amendment, and thus obscene. A judge would be remiss in his duty if he decided an obscenity case without viewing and examining the alleged obscene materials.

We have the written words of Justice Fortas to assure us that he has always felt an obligation as a Justice of the Supreme Court to examine this alleged obscene material in deciding obscenity cases. In his dissenting opinion in *Ginsberg* v. *New York* (390 U.S. 629, 671), decided April 22, 1968, Justice Fortas strongly chided the majority of the Court for failing to examine the alleged obscene material involved in that case. Ginsberg had been convicted by the State courts of New York of selling so-called girlie magazines depicting nudity to a 16-year-old boy. The majority of the Court, with Justice Fortas and two other Justices dissenting, affirmed this conviction. In his dissenting opinion Justice Fortas strongly stated that it was the duty of the Court in such cases to make an examination of the alleged obscene material:

> The Court avoids facing the problem whether the magazines in the present case are "obscene" when viewed by a 16-year-old boy, although not "obscene" when viewed by someone 17 years of age or older. It says that Ginzberg's lawyer did not choose to challenge the conviction on the ground that the magazines are not "obscene." He chose only to attack the statute on its face. Therefore, the Court reasons, we need not look at the magazines and determine whether they may be excluded from the ambit of the First Amendment as "obscene" for purposes of this case. But this Court has made strong and comprehensive statements about its duty in First Amendment cases—statements with which I agree. . . .
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> In my judgment, the Court cannot properly avoid its fundamental duty to define "obscenity" for purposes of censorship of material sold to youths, merely because of counsel's position. By so doing the Court avoids the essence of the problem; for if the State's power to censor freed from the prohibitions of the First Amendment depends on obscenity, and if obscenity turns on the specific content of the publication, how can we sustain the conviction here without deciding whether the particular magazines in question are obscene?

In this connection, Justice Fortas referred to a quotation from the opinion of the Supreme Court in the case of *Jacobellis* v. *Ohio* (378 U.S. 184, 190):

> We reaffirm the principle that, in "obscenity" cases as in all others involving rights derived from the First Amendment guarantees of free expression, this Court cannot avoid making an independent constitutional judgment on the facts of the case as to whether the material involved is constitutionally protected.

There are those who suggest that Justice Fortas voted in these obscenity cases on the basis of some issue other than obscenity. Many of his votes involved decisions rendered in per curiam opinions of the Court. However, it should be pointed out that the 35 cases out of 38 cases considered by Justice Fortas in which he voted to reverse obscenity convictions had one issue in common. That issue, of course, was the obscenity of the materials involved in the case. It would stretch our power of belief to the breaking point to ask us to assume that he voted to reverse the convictions in these 35 cases on some issue other than obscenity.

There is a recurring pattern in his decisions in these obscenity cases, and that is to bend over backwards to uphold the right of the peddlers of filth to publicly disseminate obscene material.

If we want to stop this filth and trash, we should not advise and consent to this nomination.

Another area of cases which the Senate should carefully consider in passing upon this nomination are decisions by Justice Fortas in cases involving the internal security of this Nation.

Since he has been an Associate Justice of the Supreme Court, Justice Fortas has consistently voted to uphold the rights of Communists and other subversives against efforts by the State and Federal governments to proceed against these persons in order to combat subversion.

One of the worst decisions participated in by Justice Fortas in this field is *U.S.* v. *Robel* (389 U.S. 258). In that case, the Court, by a 6-to-2 vote, with Justice Fortas among the majority, declared Section 5(a)(1)(D) of the Subversive

Activities Control Act of 1950 to be unconstitutional. This section provides, in pertinent part, that when a Communist-action organization is under a final order of the Subversive Activities Control Board to register, it shall be unlawful for any member of the organization to engage in any employment in any defense facility.

A final order of the Board requiring the Communist Party of the United States to register as a Communist-action organization under the act became effective on October 20, 1961. At that time Robel, an acknowledged and self-confessed member of the Communist Party, was employed as a machinist at the Seattle, Wash., shipyard of Todd Shipyards Corp. On August 20, 1962, the Secretary of Defense, acting under authority delegated by section 5(b) of the act, designated that shipyard a "defense facility." Robel's continued employment at the shipyard after that date subjected him to prosecution under section 5(a)(1)(D), and on May 21, 1963, an indictment was filed charging him with a violation of that section.

The U.S. District Court for the Western District of Washington granted Robel's motion to dismiss the indictment in October 1965. The United States took a direct appeal to the Supreme Court. The Supreme Court affirmed the judgment of the district court and held that the pertinent part of the act was unconstitutional as an abridgment of the right of association protected by the first amendment.

Justice White, joined by Justice Harlan, issued a strong dissenting opinion, in which they attacked the majority decision. They used the following persuasive language in their dissenting opinion:

> The national interest asserted by the Congress is real and substantial. After years of study, Congress prefaced the Subversive Activities Control Act of 1950, 64 Stat. 987, 50 U.S.C. §§ 781–798, with its findings that there exists an international Communist movement which by treachery, deceit, espionage, and sabotage seeks to overthrow existing governments; that the movement operates in this country through Communist-action organizations which are under foreign domination and control and which seek to overthrow the Government by any necessary means, including force and violence; that the Communist movement in the United States is made up of thousands of adherents, rigidly disciplined, operating in secrecy, and employing espionage and sabotage tactics in form and manner evasive of existing laws. Congress therefore, among other things, defined the characteristics of Communist-action organizations, provided for their adjudication by the SACB, and decided that the security of the United States required the exclusion of Communist-action organization members from employment in certain defense facilities. After long and complex litigation, the SACB found the Communist Party to be a Communist-action organization within the meaning of the Act.
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> Given the characteristics of the Party, its foreign domination, its primary goal of government overthrow, the discipline which it exercises over its members, and its propensity for espionage and sabotage, the exclusion of members of the Party who know the Party is a Communist-action organization from certain defense plants is well within the powers of Congress.
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> Congress should be entitled to take suitable precautionary measures. Some Party members may be no threat at all, but many of them undoubtedly are, and it is exceedingly difficult to identify those in advance of the very events which Congress seeks to avoid. If Party members such as Robel may be barred from "sensitive positions," it is because they are potential threats to security. For the same reason they should be excludable from employment in defense plants which Congress and the Secretary of Defense consider of critical importance to the security of the country. (389 U.S., pages 285–287.)

In my judgment, this Robel decision is one of the most damaging cases to the national security decided by the Supreme Court in recent years.

A related case decided by the Supreme Court is *Schneider* v. *Smith* (390 U.S. 17). In that case, the Court, with the help of the vote of Justice Fortas, upheld the right of a person who admitted he had been a member of the Communist Party of the United States and several other organizations on the Attorney General's list of subversive organizations to be employed as a merchant seaman on American-flag vessels.

I think it is disgraceful for the Court to uphold the rights of these subversives to continue to be in positions in which they can give aid and comfort to the enemy. This Nation is engaged in a struggle against international communism, both at home and abroad. The American people are threatened by external Communist aggression and internal Communist subversion. Ships are constantly leaving America with men and materiel in support of our military efforts in Southeast Asia to repel Communist aggression. It is outrageous that Communists should receive the sanction of the Supreme Court—always with the vote of the nominee—to work in shipyards and sail on these vessels. These subversive persons are thus placed in a position to be privy to military secrets, such as the date, destination, and contents of shipments of materiel.

Justice Fortas has also helped the Court to hold that Communists have a constitutional right to teach the youth of our country in public institutions of learning. One of the worst things that is happening in our society today is that known subversives are permitted to brainwash our schoolchildren. Many efforts on the part of State and local governments to control this evil situation have been struck down by the Supreme Court of the United States and other courts following its lead.

For instance, in *Keyishian* v. *Board of Regents of New York* (385 U.S. 589). Justice Fortas provided the crucial fifth vote in a 5-to-4 decision in which the Supreme Court held that the New York law which barred members of the Communist Party from teaching at State colleges and universities was unconstitutional.

Incidentally, there are those who object to characterizing Justice Fortas' vote in unfortunate 5-to-4 decisions of the Court as being the "crucial" or "swing" vote. These persons say that the vote of anyone of the five Justices comprising the majority might be characterized as the "crucial" or "swing" vote. However, the point is that it is Justice Fortas' name that is before the Senate for our approval to be Chief Justice. For the purposes of our consideration, his vote is crucial on 5-to-4 decisions. If he had voted the other way, these decisions would have gone the other way, with the result that the Court would not have made so many bad decisions.

Mr. Justice Clark, joined by Justices Harlan, Stewart, and White, issued a blistering dissenting opinion in the Keyishian case. The dissenting opinion pointed out that the Court was departing from two prior recent decisions of the Supreme Court on the precise question of whether Communists had a right to teach in the schools. These cases which were repudiated by the majority in Keyishian are *Adler* v. *Board of Education* (342 U.S. 485 (1952)), and *Beilan* v. *Board of Education* (357 U.S. 399 (1958)).

Justice Clark, speaking for the dissenters, stated:

> Then in 1952, in Adler v. Board of Education, supra, this Court passed upon the identical statute condemned here. It, too, was a declaratory judgment action—as in this case. However, there the issues were not so abstractly framed. Our late Brother Minton wrote for the Court:
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> "A teacher works in a sensitive area in a schoolroom. There he shapes the attitude of young minds toward the society in which they live. In this, the state has a vital concern. It must preserve the integrity of the schools. That the school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as a part of ordered society, cannot be doubted."
>
> And again in 1958 the problem was before us in Beilan v. Board of Education, supra. There our late Brother Burton wrote for the Court:
>
> "By engaging in teaching in the public schools, petitioner did not give up his right to freedom of belief, speech or association. He did, however, undertake obligations of frankness, candor and cooperation in answering inquiries made of him by his employing Board examining into his fitness to serve it as a public school teacher."
>
> And on the same day in Lerner v. Casey, 357 U.S. 468, our Brother Harlan again upheld the severence of a public employee for his refusal to answer questions concerning his loyalty. (385 U.S. 624)

In concluding his opinion, Justice Clark pointed out that the effect of the majority decision was that the Supreme Court was instructing State and local educational authorities that they must employ as teachers persons dedicated to subverting our youth. Justice Clark made the following powerful statement:

> The majority says that the Feinberg Law is bad because it has an "overbroad sweep." I regret to say—and I do so with deference—that the majority has by its broadside swept away one of our most precious rights, namely, the right of self-preservation. Our public educational system is the genius of our democracy. The minds of our youth are developed there and the character of that development will determine the future of our land. Indeed, our very existence depends upon it. The issue here is a very narrow one. It is not freedom of speech, freedom of thought, freedom of press, freedom of assembly, or of association, even in the Communist Party. It is simply this: May the State provide that one who, after a hearing with full judicial review, is found to have wilfully and deliberately advocated, advised, or taught that our Government should be overthrown by force or violence or other unlawful means; or to

> have wilfully and deliberately printed, published, etc., any book or paper that so advocated and to have personally advocated such doctrine himself; or to have wilfully and deliberately become a member of an organization that advocates such doctrine, is prima facie disqualified from teaching in its university? My answer, in keeping with all of our cases up until today, is "Yes." (385 U.S., pages 628–629.)

In a similar case, Justice Fortas voted with the majority in the case of Whitehill against Elkins in holding that a Maryland teacher's oath was unconstitutional. This oath merely required an applicant for a teaching position to certify that he is not engaged in an attempt to overthrow the Government of the United States, or the State of Maryland, or any political subdivision of either of them, by force or violence.

What can be wrong with that? Should not a State be able to expect the minimum of loyalty as set out in the oath? The majority of the members of the Supreme Court, including Justice Fortas, obviously think not. Justice Harlan, speaking for himself and Justices Stewart and White, wrote a dissenting opinion in the Whitehill case. He pointed out that the majority of the Court was giving judicial sanction to their own personal notions about loyalty oaths. He decried this breach of the duty of judicial self-restraint in the following words:

> The only thing that does shine through the opinion of the majority is that its members do not like loyalty oaths. Believing that it is not within the province of this Court to pass upon the wisdom or unwisdom of Maryland's policy in this regard, and finding nothing unconstitutional about the oath tendered to this appellant, I would affirm the judgment of the court below. (389 U.S. 63.)

If we wish to uphold the rights of the Federal, State, and local governments to impose a reasonable loyalty oath as a condition for government employment, then the Senate should refuse to advise and consent to this nomination.

In many of the cases to which I have previously referred, Mr. Justice Fortas has exhibited what I consider to be an undue concern and solicitude for the rights of the individual as against the rights of society. One would think that he would consistently apply his feelings in the decision of all cases in which he participated.

However, this is not so. The area of labor-management cases provides an unexplained and unexplainable exception to the usual trend of decisions by Mr. Justice Fortas exalting personal and individual rights. It seems that he is not willing to give the member of a labor union the same protection against arbitrary, unfair, and punitive action by the union that he is so generously willing to afford the criminal suspect, the subversive, and the smut peddler.

I refer to the decision of the Supreme Court in the case of *NLRB* v. *Allis-Chalmers Mfg. Co.* (388 U.S. 175). That, again, was a 5-to-4 decision, with Justice Fortas providing the vital fifth vote.

In the Allis-Chalmers case the Court held that the National Labor Relations Act does not prohibit a union from obtaining a judgment of a court against a union member for his failure to participate in certain union-sponsored activities, such as an economic strike. The Court upheld the right of the union to have a court impose such a fine against a union member.

This holding is completely contrary to the plain meaning of parts of sections 7 and 8 of the act. The pertinent parts of sections 7 and 8 are as follows:

> SEC. 7. Employees shall have the right to . . . engage in . . . concerted activities . . . , and shall also have the right to refrain from any or all of such activities . . .
>
> SEC. 8(b) It shall be an unfair labor practice for a labor organization or its agents—
>
> (1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided*, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein . . .

Justice Fortas joined with others on the Court in this case to formulate some "judge-made" law, completely contrary to the law enacted by Congress. The holding of the majority was roundly condemned by the dissenting opinion written by Mr. Justice Black, which was joined in by Justices Douglas, Harlan, and Stewart. Justice Black showed how the majority of the Court had formulated a new rule of law at variance with the act of Congress, as follows:

> With no reliance on the proviso to § 8(b)(1)(A) or on the meaning of § 7, the Court's holding boils down to this: a court-enforced reasonable fine for nonparticipation in a strike does not "restrain or coerce" an employee in the exercise of his right not to participate in the strike. In holding as it does, the Court interprets the words "restrain or coerce" in a way directly opposed to their literal meaning, for the Court admits that fines are as coercive as penalties imposed on citizens for the nonpayment of taxes. Though Senator Taft, in answer to charges that these words were ambiguous, said their meaning "is perfectly clear," 93 Cong. Rec. 4021, II Leg. Hist. 1025, and though any union official with sufficient intelligence and learning to be chosen as such could hardly fail to comprehend the meaning of these plain, simple English words, the Court insists on finding an "inherent imprecision" in these words. And that characterization then allows the Court to resort to "what legislative materials there are." In doing so, the Court finds three significant things: (1) there is "not a single word" to indicate that § 8(b)(1)(A) was intended to apply to "traditional internal union discipline in general, or disciplinary fines in particular"; (2) the "repeated refrain" running through the debates on the section was that Congress did not intend to impose any limitations on the "internal affairs of unions"; (3) the Senators who supported the section were primarily concerned with union coercion during organizational drives and with union violence in general.
>
> Even were I to agree with the Court's three observations about the legislative history of § 8(b)(1)(A), I do not think they alone justify disregarding the plain meaning of the section, and it seems perfectly clear to me that the Court does not think so either. The real reason for the Court's decision is its policy judgment that unions, especially weak ones, need the power to impose fines on strikebreakers and to enforce those fines in court. It is not enough, says the Court, that the unions have the power to expel those members who refuse to participate in a strike or who fail to pay fines imposed on them for such failure to participate; it is essential that weak unions have the choice between expulsion and court-enforced fines, simply because the latter are more effective in the sense of being more punitive. Though the entire mood of Congress in 1947 was to curtail the power of unions, as it had previously curtailed the power of employers, in order to equalize the power of the two, the Court is unwilling to believe that Congress intended to impair "the usefulness of labor's cherished strike weapon." I cannot agree with this conclusion or subscribe to the Court's unarticulated premise that the Court has power to add a new weapon to the union's economic arsenal whenever the Court believes that the union needs that weapon. That is a job for Congress, not this Court. (388 U.S., pages 200–202.)

This trend of the judicial activists on the Court, of whom Justice Fortas is a prominent member, to incorporate their notions of what is right and just into the Constitution and laws is highly dangerous to our liberty. The Senate should not countenance this trend by giving its advice and consent to this nomination.

For all of these reasons, I strongly urge the Senate to refuse to give its advice and consent to the nomination of Justice Fortas to be Chief Justice of the United States. To so refuse, would be to let the American people know that at least one branch of Government is back on the right track.

Another issue before the Senate is Mr. Fortas' position in the case of Miranda against Arizona and the subsequent cases based upon its precedent.

In his testimony before the Judiciary Committee, Mr. Fortas sought to dismiss the impact of the Miranda case by contending that it only adopted standard FBI procedure and made it applicable to local police; that there was no reason to believe the opinion would make it more difficult to prosecute criminals and that there are no facts or studies to warrant such assumptions.

As to the first contention, it is misleading to contend that Miranda simply adopts FBI procedure. As noted by Justice Harlan, dissenting:

> Heaviest reliance is placed on the F.B.I. practice. Differing circumstances may make this comparison quite untrustworthy, but in any event the F.B.I. falls sensibly short of the Court's formalistic rules. For example, there is no indication that F.B.I. agents must obtain an affirmative "waiver" before they pursue their questioning. Nor is it clear that one invoking his right to silence may not be prevailed upon to change his mind. And the warning as to appointed counsel apparently indicates only that one will be assigned by the judge when the suspect appears before him; the thrust of the Court's rules is to induce the suspect to obtain appointed counsel before continuing the interview.

It is also misleading to attempt to equate the problems which confront local police and the FBI. The percentage of arrests made in this country every year by FBI agents is only a small part. Crimes of violence such as riot, rape, robbery assault, and murder seldom fall within the jurisdiction of the FBI. By the very nature of its jurisdiction the FBI is seldom called upon to stop the commission of a crime in progress, at the scene, amid the violence and confusion of the street, face to face with dangerous felons. Information obtained from a suspect may not merely be necessary for future trials, it may be necessary to protect his own life and lives of others, to find out where the accomplice is, whether he is armed, and so forth. Another item Mr. Fortas neglects to point out is that the number of FBI agents is very small compared to the number of police. Practically all of the agents in the field are graduates of law. They are paid on a scale with attorneys working for the Government. Because their criminal jurisdiction is narrow, they can specialize in those areas. Certainly the FBI is the greatest law enforcement organization in the world, but to attempt to equate their problems with those of the policeman on the beat is illogical.

Mr. Fortas sees nothing in the decision that would warrant an assumption that there will be fewer successful prosecutions as the result of Miranda or even fewer confessions. Justices Black, Harlan, Stewart, and White thought otherwise.

Here are a few comments by Mr. Justice Harlan, dissenting, White and Stewart concurring:

> Rather, the trust of the new rules is to negate all pressures, to reinforce the nervous or ignorant suspect, and ultimately to discourage any confession at all. The aim in short is toward "voluntariness" in a utopian sense, or to view it from a different angle, voluntariness with a vengeance.
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> There can be little doubt that the Court's new code would markedly decrease the number of confessions.
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> * * * * *
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> We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control, and that the Court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation.
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> * * * * *
>
> In conclusion: Nothing in the letter or the spirit of the Constitution or in the precedents squares with the heavy-handed and one-sided action that is so precipitously taken by the Court in the name of fulfilling its constitutional responsibilities. The foray which the Court makes today brings to mind the wise and farsighted words of Mr. Justice Jackson in *Douglas* v. *Jeannette,* 319 U.S. 157, 181 (separate opinion): "This Court is forever adding new stories to the temples of constitutional law, and the temples have a way of collapsing when one story too many is added."

No, Mr. President, Senators who have voiced criticism of the Miranda decision are by no means alone in their opinion. It is shared by four of the nine members of the Court. Some apologists for the majority opinion have suggested that we have been too harsh in our condemnation. I would answer by drawing your attention to the dissenting opinion of Mr. Justice White, Harlan and Stewart concurring:

> The most basic function of any government is to provide for the security of the individual and of his property. *Lanzetta* v. *New Jersey,* 306 U.S. 451, 455. These ends of society are served by the criminal laws which for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values.
>
> The modes by which the criminal laws serve the interest in general security are many. First the murderer who has taken the life of another is removed from the streets, deprived of his liberty and thereby prevented from repeating his offense. In view of the statistics on recidivism in this country and of the number of instances in which apprehension occurs only after repeated offenses, no one can sensibly claim that this aspect of the criminal laws does not prevent crime or contribute significantly to the personal security of the ordinary citizen.
>
> Secondly, the swift and sure apprehension of those who refuse to respect the personal security and dignity of their neighbor unquestionably has its impact on others who might be similarly tempted. That the criminal law is wholly or partly ineffective with a segment of the population or with many of those who have been apprehended and convicted is a very faulty basis for concluding that it is not effective with respect to the great bulk of our citizens or for thinking that without the criminal laws, or in the absence of their enforcement, there would be no increase in crime. Arguments of this nature are not borne out by any kind of reliable evidence that I have seen to this date.
>
> Thirdly, the law concerns itself with those whom it has confined. The hope and aim of modern penology, fortunately, is as soon as possible to return the convict to society a better and more law-abiding man than when he left. Sometimes there is success, sometimes failure. But at least the effort is made, and it should be made to the very maximum extent of our present and future capabilities.
>
> The rule announced today will measurably weaken the ability of the criminal law to perform these tasks. It is a deliberate calculus to prevent interrogations, to reduce the incidence of confessions and pleas of guilty and to increase the number of trials. Criminal trials, no matter how efficient the police are, are not sure bets for the prosecution, nor should they be if the evidence is not forthcoming. Under the present law, the prosecution fails to prove its case in about 30% of the criminal cases actually tried in the federal courts.
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> * * * * *
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> . . . But it is something else again to remove from the ordinary criminal case all those confessions which heretofore have been held to be free and voluntary acts of the accused and to thus establish a new constitutional barrier to the ascertainment of truth by the judicial process. There is, in my view, every reason to believe that a good many criminal defendants who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence will now, under this new version of the Fifth Amendment, either not be tried at all or will be acquitted if the State's evidence, minus the confession, is put to the test of litigation.
>
> I have no desire whatsoever to share the responsibility for any such impact on the present criminal process.
>
> In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss, in human dignity. The real concern is not the unfortunate consequences of this new decision on the criminal law as an abstract, disembodied series of authoritative proscriptions, but the impact on those who rely on the public authority for protection and who without it can only engage in violent self-help with guns, knives and the help of their neighbors similarly inclined. There is, of course, a saving factor: the next victims are uncertain, unnamed and unrepresented in this case.

Mr. President, I can think of nothing that has been said about Miranda that more clearly expresses my own view than the foregoing words of Justice White.

Lastly, Mr. Fortas says he knows of no studies on Miranda that tend to show that Miranda has made the prosecution more difficult. Apparently Mr. Fortas has not read the findings of the Senate Judiciary Committee's Report No. 1097, 90th Congress second session, wherein it said:

> The case of *Escobedo* v. *Illinois,* 378 U.S. 478 (1964), set the stage for another most disastrous blow to the cause of law enforcement in this country. This case, along with others, formed the basis for the decision in *Miranda* v. *Arizona,* 348 U.S. 436 (1966). In *Miranda,* the Supreme Court held that an otherwise voluntary confession made after the suspect was taken into police custody could not be used in evidence unless a fourfold warning had been given prior to any questioning. The majority opinion in this respect reads:
>
> "Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly, and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking, there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned." (384 U.S. at 444.)
>
> After considering the testimony of many witnesses, and statements and letters of many other interested parties, the committee found that there is a need for legislation to offset the harmful effects of the Court decisions mentioned above. These decisions have resulted in the release of criminals whose guilt is virtually beyond question. This has had a demoralizing effect on law-enforcement officials whose efforts to investigate crimes and interrogate suspects have been stymied by the technical roadblocks thrown up by the Court. The general public is becoming frightened and angered by the many reports of depraved criminals being released to roam the streets in search of other victims. For example, the infamous Mallory was convicted on another rape charge shortly after his first rape conviction was reversed by the Supreme Court.
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> * * * * *
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> The Honorable Alexander Holtzoff, U.S. district judge for the District of Columbia, also discussed the harmful effects of *Miranda.* He said the case would result in reducing the use of voluntary confessions in a very large percentage of cases. This hinders the quick and efficient enforcement of the criminal law.
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> Quinn Tamm, executive director of the International Association of Chiefs of Police, agreed that the *Miranda* case will materially reduce the number of confessions from defendants.
>
> Statistical evidence further indicates the harmful effects of the *Miranda* decision. During the subcommittee hearings, Arlen Specter district attorney of the city of Philadelphia, revealed a study on the effects of *Miranda* conducted by his office. The results indicated that prior to the *Escobedo* case, 90 percent of the suspects would make a statement, often not incriminating on their face, but valuable in investigating the crime. After *Escobedo,* only 80 percent would give

statements. After the second circuit *Russo* case, only 68 percent of suspects would give statements. Then came the *Miranda* case in June 1966. For a period after *Miranda,* out of 5,220 suspects arrested for serious crimes, 3,095 refused to give a statement. This is a percentage of only 41 percent who would give statements, a decrease of 49 percent since *Escobedo*. These statistics are inclined to become more alarming as more criminals become more familiar with *Miranda*.

Aaron Koota, district attorney for Kings County, New York, conducted a similar survey, indicating that prior to *Miranda,* approximately 10 percent of the suspects involved in serious crimes refused to make statements or confessions to police. After *Miranda,* 41 percent refused to make statements or confessions. Specifically, between June and September of 1966, Mr. Koota revealed that 130 of 316 suspects refused to make any statement at all. In only 30 of these 130 cases did Mr. Koota have sufficient evidence to prosecute apart from the confession. Mr. Koota was unequivocal in stating that confessions are helpful in securing convictions.

Charles E. Moylan, Jr., State's attorney for the city of Baltimore, Maryland, reports more disturbing statistics. Mr. Moylan said:

". . . [W]e used to get . . . (confessions) in 20 to 25 percent of our cases, and now we are getting . . . (them) in 2 percent of our cases. The confession as a law-enforcement instrument has been virtually eliminated" (hearings, p. 622).

Mr. Moylan noted that the *Miranda* case has encouraged criminals, discouraged the police, and disappointed the public that depends on the courts for protection.

Frank S. Hogan, New York County district attorney, reported similar findings. In the 6 months prior to the *Miranda* case, 49 percent of the nonhomicide felony defendants in New York County made incriminating statements. In the 6 months after this decision, only 15 percent of the defendants gave incriminating statements. Mr. Hogan characterized it as being most harmful to efforts to convict criminals who roam our streets and assault our citizens.

* * * * *

A letter from H. R. Morton, chief of police of the city of Fresno, California, is typical of those letters received by the subcommittee explaining the plight of law enforcement officials. Chief Morton writes:

"It appears to be well established that the *Escobedo* and *Miranda* decisions have had a decidedly adverse effect upon law enforcement. Examining the fact that law enforcement officers are not thoroughly schooled in constitutional law, may shed some light on the situation. Contributing to the overall problem, however, is the difficulty with which lower courts apply the *Escobedo* and *Miranda* principles. In many instances they are arriving at decisions which are poles apart under very similar circumstances. "The number of convictions and guilty pleas have declined drastically since the pre-*Escobedo* days of 1963. This is in spite of the fact that felony arrests have increased 75 percent since 1963.

"Figures such as those shown make a travesty of the efforts of dedicated law enforcement officers. In previous years and through 1963, there had been a gradual increase in the number of felony arrests and the percentage of those arrests which terminated in a conviction or plea of guilty. This trend, which I attributed to better police methods, was drastically reversed after *Escobedo* and the California decision in *Dorado*.

"Fresno county court records show that the fiscal year 1965–66 experienced a new high in the number of felony cases in which criminal informations were filed. In spite of this new high, the percentage of guilty pleas as compared to complaints filed, dropped to a new low. The percentage drop in guilty pleas amounts to 24 percent since the pre-*Escobedo* and pre-*Miranda* era. One of the most disturbing facts, however, is that for the first 6 months after the 1966 *Miranda* decision, dismissals before trial are already higher than for the entire preceding year.

"It may appear rather trite to reiterate that the Supreme Court has contributed immeasurably to the above facts, but I am compelled to do so. Advancements in training police personnel and the utilization of more science in crime detection methods are no doubt partial solutions to the mounting crime toll, but they certainly are not the complete answer. There are too many crimes in which no physical evidence of value may be found and well-trained investigators are definitely thwarted when they must tell a suspect that he has a right to say nothing to them.

"I hope that the above comments may be of value to you and wish you success in your attempt to remedy this situation. Certainly, as the dissenting opinion in *Miranda* expressed, no other country in the world has ever had such restrictions nor are such restrictions founded on a constitutional basis" (hearings, pp. 695–696).

The committee is convinced from the mass of evidence heard by the subcommittee, much of which is printed in the transcript of hearings, that the rigid and inflexible requirements of the majority opinion in the *Miranda* case are unreasonable, unrealistic, and extremely harmful to law enforcement. Instance after instance are documented in the transcript where the most vicious criminals have gone unpunished, even though they had voluntarily confessed their guilt. The transcript and subcommittee files contain testimony and statements from district attorneys, police chiefs, and other law enforcement officers in cities and towns all over the country, demonstrating beyond doubt the devastating effect upon the rights of society of the *Miranda* decision. The unsoundness of the majority opinion was forcefully shown by the four dissenting justices, who also predicted the dire consequences of overruling what theretofore had been the law of the land, confirmed in 1896 in *Wilson* v. *U.S.,* 162 U.S. 613, and in 1912 in *Powers* v. *U.S.,* 223 U.S. 303, and in other more recent Supreme Court decisions.

In view of the foregoing, I do not believe that the Senate should advise and consent to the nomination of Abe Fortas to be Chief Justice of the United States. The Senate should not vote on this nomination under the threat of Chief Justice Warren's revocation of his announced intention to retire. To do so would make a mockery of the appointment powers provided for by the constitution. The Senate should not vote for confirmation because to do so would put the Senate's stamp of approval upon Justice Fortas' conduct, which has been called into question, and upon his decisions, which have already done irreparable injury to our Nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the Senate faces an historic and momentous decision in the question of whether or not to recommend the confirmation of the nomination of Justice Abe Fortas to be Chief Justice of the United States. We must each be cognizant of the consequences which are likely to flow from the action we take on this appointment. If the nomination is confirmed, we may well be effecting the policy of the Supreme Court for 20 years or more. Supreme Court Justices are not elected every 2 years—or every 4 or 6 years. The Supreme Court is not responsive to the democratic process. It is, essentially, the most undemocratic institution in our system of government.

Because it is a court—and not a legislature nor an executive body—many observers of our constitutional system have felt that the Supreme Court's relative insulation from the political—or, if you will, the democratic—process is both wise and highly desirable. The difficulty with this line of thinking lies in the enormous role the Court has assumed in the lives of Americans. Even the most casual student of the Supreme Court must admit that the decisions of the Court affect the lives of Americans in most fundamental ways—certainly as fundamentally as the decisions reached by Members of Congress or by the President, all of whom are elected by the people. When the Supreme Court makes such decisions, we are perilously close to government without the consent of the governed.

Therefore, it is my contention that the power of the Senate to advise and consent to this appointment should be exercised fully. To contend that we must merely satisfy ourselves that Justice Fortas is a good lawyer and a man of good character is to hold to a very narrow view of the role of the Senate, a view which neither the Constitution itself nor history and precedent have prescribed. It further serves the end of removing the Supreme Court even further away from the democratic process and our system of checks and balances. For these reasons, I believe a most thorough consideration of this appointment is completely justified.

Mr. President, one Senator, although speaking in opposition to this nomination, sought to dispose of the argument that Justice Fortas has been improper in his dealings with the executive and legislative branches. The argument was advanced that a very distinguished South Carolinian—the Honorable James F. Byrnes—had engaged in similar extrajudicial activities during his tenure on the Supreme Court. Portions of Governor Byrnes' book, "All in One Lifetime," were quoted in order to substantiate this point. In my judgment, the passages quoted were not given proper emphasis.

The day after Pearl Harbor had suffered a sneak attack on our Navy, the President invited Associate Justice James F. Byrnes to call on him to talk with him about the emergency legislation that would be necessary, recognizing the essence of a state of war.

Only a short time before this, Justice Byrnes had left Congress, where he had been a member of the Senate Foreign

Relations Committee and chairman of the Naval Appropriations Subcommittee. The President sought the advice of Justice Byrnes on many emergency proposals before Congress, particularly those affecting our war production.

However, when asked by the President to take leave of absence from the Court and become the director of an agency having charge of all war production, Justice Byrnes advised the President that he would like to know exactly what he had in mind. When told the extent of the service contemplated, without hesitation, Justice Byrnes agreed; but instead of remaining on the Court as the President had suggested, he immediately resigned, giving up its lifetime opportunity for service, its prestige, and its security.

Justice Fortas very adroitly stated the precedents of former Justices with reference to assistance to the Chief Executive; except, however, he stated them only to the degree they favored his position. In the instance of Justice Byrnes, he failed to state the position Justice Byrnes took when called upon to assist the President to a degree that his assistance might create any conflict of interest of his position between the Court, Congress, and the executive branch. When that possibility arose, Justice Byrnes immediately resigned instead of seeking to be promoted and confirmed.

The significant fact is that Justice Byrnes realized it would not be proper for him to remain on the Supreme Court, and he resigned from this important post. Justice Fortas has involved himself in a broad series of matters and with no thought of resigning. Justice Byrnes saw the conflict and stepped down. Justice Fortas ignores the conflict and accepts the effort to elevate him.

I should like to read a brief excerpt from an article which appeared in the Harvard Law Review in November 1966. This article was written by Archibald Cox who was Solicitor General of the United States from 1961 to 1965:

> The Court's influence, moreover, goes well beyond the formal limits of its decrees. Its opinions are often the voice of the national conscience. It shapes as well as expresses our national ideals. The educative force of its opinions cannot be ignored in the process of decision. Had the Court affirmed the convictions of the sit-in demonstrators, for example, a lawyer might accurately have said that the decision had nothing to do with morality or policy but resulted from the limited function of a constitutional court. To the layman and legislator, however, the Court's decree would have legitimatized the convictions and even the racial discrimination that lay behind them. The force of legality would have influenced both the national consciousness and the debate upon legislative measures. In short, whatever the legal conception, affirmance of the convictions would have aided the advocates of segregation. Similarly, the declination of jurisdiction in the reapportionment cases could not have been neutral; it would have put some stamp of legality upon malapportionment regardless of the technical limitations of the judicial rationale.

The point that Mr. Cox appears to be making is that the Supreme Court's decisions cannot be viewed solely in a legalistic light. The Court's decisions—despite the narrow limits of a particular case—in fact carry enormous and persuasive weight as a force in our society. As Mr. Cox points out, the public—and he includes legislators—is not necessarily aware of the often technical issues involved in a series of cases involving the rights of criminal defendants, or pornography, or civil disobedience. An additional and important side effect of these decisions—an effect perhaps more important than the purely legal ramifications of the decisions—is to place the weight of the Court, the stamp of its approval—upon a particular trend or force on the contemporary American scene.

PORNOGRAPHY

Let us consider, for an example, the matter of pornography. Pornographic material is certainly not something new. While I do not pretend to be a scholar in this area, I would imagine that pornography—in one form or another—has been around almost as long as civilization. Had the Supreme Court ruled the reverse on all of its decisions on this subject of the last few years, and had law enforcement agencies been free to prosecute the panderers of this filth vigorously, undoubtedly some traffic in obscene literature and movies would continue to exist. Mankind has yet to discover the key to persuading all of its members of the wisdom of seeking the virtuous life.

Yet what we must remember is that even if pornography would continue to exist, it would lead a marginal, secretive, and underworld existence. It would exist illegally, under risk of penalty, and behind closed doors. It could not clothe itself—if that is the proper term—in the garb of legality and respectability.

What the Court has done is to give pornography a legitimate and open place in American society. The basic idea seems to be that to do otherwise unduly restricts free speech. Yet the effect is to place few, if any, restrictions upon the growth of traffic in pornography and the incredible limits which may now be legitimately explored in such material. Some might say that if free people choose to enjoy such, that is their right. May I suggest that a society which refuses to even attempt to preserve its own standards of decency is seriously and tragically endangered. We should also note that widespread acceptance of and obsession with obscenity and sexual license were characteristic of the decadent societies which preceded the collapse of many civilizations—most notably Greece and Rome.

Mr. President, I believe the Supreme Court's decisions with regard to pornography have encouraged its use and extended the extremity of its form. Aside from the difficulties for law-enforcement agencies created by these decisions, the Court has given such filth a respectability it does not deserve. I do not wish to sound like a Puritan. I do not suggest that the Court and this Congress should enforce a rigid, puritanical code upon this Nation. Without suggesting myself what is the dividing line between free speech and pornography, I do contend that the movies and the magazines which the Supreme Court has declared not to be obscenity are indeed hard-core pornography.

Mr. President, I believe that it is time for the Senate to declare to the Supreme Court, to the President, and to the American people that the Supreme Court will no longer have a free hand in governing at will—with no checks or balances exercised by Congress. Justice Fortas has shown, by his record on the Supreme Court, that he is not only content with the Court's trend in these cases, but also that he is willing to take these trends to further extremes. By refusing to confirm this nomination we can reassure a concerned America that standards do exist, and that action will be taken to preserve them.

Mr. HART. Mr. President, will the Senator yield for a question, without losing his right to the floor?

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Michigan without losing my right to the floor, and that any questions or remarks the distinguished Senator may have will not cause the situation to be considered a second speech by me upon resuming.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HART. Mr. President, early in the remarks of the Senator from South Carolina, and then a moment ago, I understood the Senator from South Carolina to urge that the Senate exercise carefully its responsibility to advise and either consent or withhold consent. He cautioned us at the outset that it is a serious question when we are presented with the issue of consent or withholding our consent in the instance of the elevation of a Justice to be Chief Justice.

Do I understand the Senator from South Carolina as being willing to let the Senate have the name of Abe Fortas before it so the Senate can do precisely what he has been urging us to do?

Mr. THURMOND. Mr. President, the Senator from South Carolina realizes that the matter is now before the Senate on a motion to take up; and if the Senate, in its wisdom, takes up the nomination, which it can do, that is one thing. The opinion of the Senator from South Carolina is that the nominee is so objectionable, for the reasons that the Senator from South Carolina has stated and will state in the remainder of his address, that the Senator from South Carolina does not believe that the Senate will even wish to act upon this nomination. The nomination will be considered in this debate, it has been considered, and I am sure other Senators wish to address the Senate later. I believe the distinguished Senator from Tennessee wishes to address the Senate. Therefore, it is before the Senate now. It is being considered regardless of the procedural question before the Senate.

Mr. HART. Mr. President, will the Senator yield further on the same conditions?

Mr. THURMOND. Mr. President, on the same conditions I ask unanimous consent that I may yield to the Senator from Michigan.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HART. Mr. President, I take it that the Senator from South Carolina does not agree with me that the nominee, the Court, the Senate, and the country deserve a clear-cut decision by this body, not on the question of whether we shall take up and consider the nomination of Abe Fortas, but on the question of whether we shall advise and consent or withhold our consent with respect to his elevation.

Mr. THURMOND. Mr. President, the Senate has the power to take up this nomination, if it so desires, but if the sentiment of the Senate is such it does not wish to take it up, if the qualifications of this nominee are such that the Senate does not favor taking it up, and, following the rules of the Senate, the Senate does not take it up, then the matter is res ipsa loquitur; that is, it speaks for itself.

Mr. HART. With the latter comment I would certainly agree, Mr. President.

Mr. THURMOND. Mr. President, I am very much concerned about aspects of Justice Fortas' philosophy as evidenced by his role in a number of Supreme Court decisions which have reversed State supreme court decisions holding certain materials to be obscene. In Schackman against California, the Supreme Court reversed the judgment of the superior court which had held a number of films to be obscene. This was a per curiam opinion which gives no explanation for this reversal except the citation of another per curiam opinion, *Redrup* v. *New York* (386 U.S. 767).

The Shackman case involved the film entitled O–7 which was discussed in the Judiciary Committee and other similar films. The material in Schackman against California was also viewed by a Federal district court in a declaratory judgment action by Schackman. The district judge, Judge Hauk, in 258 Federal Supplement described O–7 as follows:

> The dominant theme of the material, taken as a whole, appeals to a prurient interest in sex of the viewer and is patently offensive in its emphasis. The film is entirely without artistic or literary significance and is utterly without redeeming social importance.

Another film in the Schackman case, O–12, was viewed by Judge Hauk, and he described it in the following manner:

> The dominant theme of the film taken as a whole, obviously is designed to appeal to the prurient interest in the sex of the viewer and is patently offensive. The film is entirely without artistic or literary significance and is utterly without redeeming social importance.

While explaining his interpretation of the legal questions surrounding the Schackman material, Judge Hauk added:

> The court viewed at length and completely and in toto each and every one of the films which are incorporated into the complaint as exhibits and which were the subject matter of the criminal prosecutions complained of by petitioners . . .
>
> The court concludes as a matter of law that the exhibits and each of them are clearly, unequivocably and incontrovertibly obscene and pornographic in the hard-core sense because they come within the reasonable purview and ambit of both the Federal judicial definition of obscenity and hard core pornography, *Roth* v. *U.S.* ((1957) 354 U.S. 476).

Mr. MURPHY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I am pleased to yield to the distinguished Senator from California, without losing my rights to the floor, and with the understanding that, upon my resuming, it will not be considered a second speech during this legislative day.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I should like to ask my distinguished colleague whether these films or motion pictures have any connection, in any way, with the normal motion picture which is made in Hollywood by members of the Motion Picture Producers Association for exhibition in theaters. These are not the kind of pictures to which the Senator refers, are they?

Mr. THURMOND. Mr. President in replying to the distinguished Senator from California, I would say that the able member of the police department who came and testified here indicated it was not the type of picture produced by the motion picture industry in California, but that certain persons had been employed to make the obscene films, purely from a monetary standpoint, and they do not fall in the category of those made by the motion picture industry in California.

Mr. MURPHY. Is it not a fact that this type of film would never be allowed to be shown, had not the Supreme Court reversed the numerous decisions of the several State courts, not only by the State courts but also beginning with jury trials, the district courts, the appellate courts, and then the supreme courts in a number of States, all reversed in the same manner that my colleague has described; and is it not also true that the indefinite, 5-to-4 decisions mean, evidently, that the Justices could not really decide whether the quality of these films should bar them—that is, these films would never be shown any place where the public might be exposed to them; is that not correct?

Mr. THURMOND. I think that the position of the distinguished Senator from California is correct.

Mr. MURPHY. I gained a knowledge of these films because the sheriff of Los Angeles County, Peter Pitchess, a former member of the FBI, who is highly regarded, well respected, and has been the sheriff of Los Angeles County for many years, called them to my attention. He pointed out that a little area that lies between Hollywood and Beverly Hills, known as the County Strip, still belongs to the county of Los Angeles and falls in his jurisdiction. He pointed out that the bar owners along there charge $1 for a glass of beer and one can stand there and be exposed to this type of film, where, under normal conditions, the sheriff and his men would go in and stop such a filthy exhibition.

Now, whenever his men try to accomplish that, they are told by the owners, or the managers of the bars who are responsible for the exhibition, that they cannot stop them because they are now protected by the Supreme Court and the Constitution of the United States.

Mr. President, I would hate to think of what our Founding Fathers, those who originally signed the Constitution of the United States, would say to an accusation such as that.

The sheriff further pointed out that the crime rate in this area has gone up way beyond the rise in crime in other areas, that the cost of law enforcement has risen way out of proportion, and that now, as a result of the protection of the Supreme Court and the Constitution, which they claim, one can buy magazines and still photos openly, freely available to anyone who can walk in and buy them.

So that the damage being done is just beginning. The fact that these State court decisions and decisions of juries have been reversed is just loosing the floodgates of this type of thing, at a time when many of us were worried about reviving and rebuilding some of the moral standards, about bringing back proper respect for law and order, justice and obedience, about getting respect of one citizen for another, of putting back together the pieces of this great country that, little by little, have been fractionized so that now there is great confusion around the country.

Is it not true that this strange, sweeping series of reversals has done so much to injure the morals and moral strength and beliefs and respect in this great country?

Mr. THURMOND. In response to the able Senator from California, I would say that the statement he is making is in line with that of the member of the police department of Los Angeles who came before the Judiciary Committee and testified. They brought along with them various samples of magazines they had picked up at different places, which showed the most obscene, hard-core pornography. Further, he indicated very strongly that law enforcement there now is becoming more and more difficult as the days go by. His conclusion is synonymous with that expressed in the remarks of the distinguished Senator from California.

Mr. MURPHY. I ask my distinguished colleague one further question: Is it not true that in these films—at least the ones that were shown me by Sheriff Pitchess—there is not the slightest attempt at entertainment, there is not the slightest attempt at any artistic endeavor, there is not the slightest attempt at anything except exactly what is portrayed? They are made without dialog, they are made without any sound track, they are made without any musical background. It is, in my humble opinion, the lowest and most evil form of pornographic approach that I have ever witnessed. If I had not seen the exhibition of some of these films, myself, I would not have believed it possible.

What disturbs me is that we know the Supreme Court subpenaed these films. I do not know, nor have I been able to ascertain, whether or not the members of the Court before voting on this matter ever saw the films. If they did not see the films, I would say they were voting and passing judgment without full knowledge; and if they did see the films, then I would hesitate to express my opinion of the votes that were cast to reverse all these decisions by the State courts, all the way up the line to the supreme courts of the States. As I recall, there were seven or eight or 10 State supreme court cases in all.

Mr. THURMOND. In response to the distinguished Senator from California, I repeat a statement I made just a few moments ago, probably before the distinguished Senator from California came into the Chamber. I quoted Judge Hauk when he said:

> The court viewed at length and completely and in toto each and every one of the films which are incorporated into the complaint as exhibits and which were the subject matter of the criminal prosecutions complained by petitioners. . .

Mr. MURPHY. That is the California court?

Mr. THURMOND. That is correct; and we had information that the Supreme Court did view those films and considered them before the Court handed down its decisions.

I remind the distinguished Senator further that, although the juries had in many cases acted on these films—the juries had held them to be obscene in 38 cases in which Justice Fortas participated—Justice Fortas voted to reverse 35 of them. The question was a moot one in one of those cases, and in two cases he voted to affirm the finding of obscenity. Some people point out that he did take action in a certain case to find there was obscenity. But there were only two——

Mr. MURPHY. Two out of 35?

Mr. THURMOND. Two out of 38, and he voted to reverse 35.

Mr. MURPHY. Did I recite the judicial progress correctly when I said that in the majority of these cases—at least 15 that I know of—there were jury trials, they went up to the district courts, then up to the appellate courts, then on up to the State supreme courts? So this was not just a cursory observance of the facts by a jury that perhaps was not fully informed or by a judge who had not taken a careful look. I believe in two of the courts three judges sat in the appellate courts and in the district courts. Then in the supreme courts of those States the entire State supreme court would sit. And in all of these cases the decisions were reversed by 5-to-4 decisions of the U.S. Supreme Court.

Mr. THURMOND. In response, the Senator from California is substantially correct. There were not jury trials in every case, but in some cases where there were not jury trials the judges felt they were bound by the decisions of the Supreme Court and made the holdings they did. In cases that had gone to the Supreme Court, such a strong position had been taken at the Supreme Court level that even the sergeant himself said it has become very difficult in California to get a judge even to issue a complaint against a defendant now, because, he said, "There is no use—the Supreme Court will throw it out." It has made it very difficult for law-enforcement officers to enforce the law.

The local judges in California, State and local, evidently have reached the conclusion that obscenity now is a wide open question. It must be. I do not know of anything that could be more so. I think there is only one phrase by which to call the films being shown now in the centers referred to by the Senator, in bars, and those that were brought into the Judiciary Committee—"expose all" films, because that is what they do—expose all, and in a very indecent manner.

As the Senator has said, there is no attempt at recreation. There is no attempt at information. There is no attempt at inspiration. But it is just "expose all," appealing to the very lowest instincts of a person along that line.

Mr. MURPHY. Mr. President, will the Senator yield for one further point?

Mr. THURMOND. I yield.

Mr. MURPHY. The reason I raised this point is that at noontime I was asked to appear on a television show. This matter was discussed at some length. One of the men on the television show asked me, "Well, now, do you believe in censorship?" So he was apparently using the word "censorship" in order to affect my feelings with regard to this matter.

I pointed out to him that censorship by the people of a State or by the people of a nation is something that I think is well within the rights of the people. I do no think censorship should rest on a small, self-appointed group. I do not think it should rest with one man or three or four. But I think, when the people of the State of California decide that what is being exhibited, because of the circumstances created by the Supreme Court decisions, is bad for the general welfare, the moral structure of the people, and that it is not in keeping with what is generally accepted as good manners within the community, I would be for that kind of censorship. My position with regard to this nomination is strengthened every day by the mail and the communications that I receive from my State.

People are interested out there, and the mail is coming in in large amounts every day, at an average rate that varies between 50 and 75 to 1 in favor of the position that I have stated and the position that my distinguished colleague has taken in this matter, that this is a matter of vital importance; and I thank the Senator for bearing with me in order to make the RECORD clear on this point. I wanted to make sure that the industry of which I was a part for so many years has no involvement in this sort of thing, nor will it. I wanted to make sure that there is not some misunderstanding and confusion about that, just as there may be misunderstanding as to why we are having this colloquy. There should not be.

Continually the point is raised, should we not allow the Senate to decide? Mr. President, we are doing exactly what should be done before a decision is made. We are examining every facet of the performance, the character, the philosophy, and the habits, old and new, of the nominee to the most sensitive job in the Nation, save only that of the President.

Since this role has been left to us, not as a power but as an obligation of the Senate, I would be willing to sit here just as long as my colleagues want to sit here, to make certain that we have all the information before we decide whether or not even to examine this nomination.

I thank the distinguished Senator.

Mr. THURMOND. Mr. President, in response to the statement of the distinguished Senator from California, I repeat that the sergeant from the police department in California, in charge of vice matters out there, specifically told us that these films were not made by the reputable movie producers in California. Of course, I was pleased to hear that. I had thought that was the case, anyway. But these films were made by people who were employed by those who wanted to put out this literature and these filthy films from a purely financial, monetary standpoint; and the reputable people who make movies are not engaged in this type of activity at all.

I concur in the statement with regard to this position, the Chief Justiceship of the Nation, that it is the second most powerful position in America, because the Court has such tremendous appellate powers and other powers to act. To promote a man with the reputation, the philosophy, and the record of this particular nominee to the position of Chief Justice of the Nation—the official title being Chief Justice of the United States—in my opinion, would be a great injustice to the people of this Nation.

It is my opinion, further, that if the Senate will turn down this nomination, we will thus indicate to the President and future Presidents that we recognize our responsibility as Senators. After all, this is a dual responsibility. The President merely picks or selects or chooses the individual for a position of this kind, and the Senate has the responsibility of probing into his background, into his character and integrity, and into his philosophy, and determining whether or not he is a properly qualified person to fill the particular position under consideration at the time.

It is my opinion that if we turn down this nominee, it will be the greatest step toward the promotion of good government that has occurred in the United States since I have been a Member of this body.

Mr. MURPHY. Mr. President, if I may interrupt again, I think probably one of the reasons that I am receiving so much mail on this subject from constituents in my State of California is the unfortunate feeling of the people toward the activities and decisions of the Supreme Court over the last several years. Along with some of the decisions that many good lawyers and judges, and certainly many individuals, do not agree with, we have the experience of a tremendous rise in crime levels; and somehow, the people of my State seem to associate the two things together.

I can understand that, because, as has been pointed out, if you make it possible for criminals to operate with immunity, you invite illegal operation. If you make it possible to sell, display, and exhibit pornography of this type, and make it impossible for the law enforcement officers to do anything to protect the public standards, the public morals, and the public character, you certainly are inviting more crime, more civil disorders, more civil disobedience, and all the other things that have caused us so much trouble and so many problems, and have done so much unnecessarily to disrupt this great Nation of ours.

All these things seem to go together. It is my hope, that as a result of the long and careful examination which is now taking place, and which will continue to take place, we here in the Senate may begin, in some small way, to restore confidence in government, to restore confidence in the elected representatives of the people, and to restore, all across this great Nation, the confidence of our constituents who will finally say, "Well, we have people up there who know what they should do in our best interests, who know what our wishes are, and who will stand up and carry them out in the way we want them to."

That is one of the things, I think, is going to come from all this. Of course, I am sorry for the embarrassment, I am sorry for the unfortunate personal aspects of a situation such as this, when it must occur. But I think, over all, more good will result than harm.

I thank my colleague.

Mr. THURMOND. In reply, Mr. President, I commend the distinguished Senator from California for the careful attention he has given to this nomination, and for the sound conclusion he has reached concerning it. I fully believe that the people of California and of this Nation greatly appreciate those who are willing to take this stand, which is not a pleasant stand to take. Knowing the Senator from California as I do, as being a man of strong character and great courage, I predicted he would take that position.

Mr. President, this is the material which the Superior Court of California said was obscene and the U.S. Supreme Court reversed in a 5-to-4 decision with Justice Fortas providing the fifth vote.

Mr. President, the importance of the role of Justice Fortas in creating a situation where the States are unable to effectively regulate printed filth is very forcefully brought into focus by Mr. James J. Kilpatrick in the August 13, 1968, edition of the Evening Star.

Mr. President, I ask unanimous consent that that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUGGESTION: LET A MOVIE DECIDE FORTAS' FATE

Getting back to Abe Fortas: At some point within the next few weeks, after the Democrats have ended their convention in Chicago, the Senate will take up the question of confirming the President's nominee for chief justice of the United States. Let me venture a proposition that might save a whole lot of time.

If the question is presented in the usual way, a filibuster could tie the Senate in knots. A vote on cloture would result in bruising conflict. Meanwhile, the consideration of urgent legislation would be delayed or foreclosed altogether. It is not a pleasant prospect.

As an alternative, a suggestion is in order that the whole question be permitted to turn on a viewing by the Senate of the movie known as 0–12. An hour's explanation beforehand would suffice. Then put the question.

The movie (it is more accurately a 14-minute silent film strip) figured in the trial and conviction of Harry Schackman and five others in Los Angeles two years ago. Schackman is the operator of certain arcades in L.A. and Beverly Hills. The public is freely invited to come in, and to activate coin-operated viewing machines, in which his films are displayed. If the viewer wishes, he may buy a duplicate reel.

Schackman and his codefendants were convicted by a jury (and the point of jury trial should be kept in mind) for violating California's state law against the exhibition of obscene motion pictures. In a corollary proceeding, Federal District Judge A. Andrew Hauk viewed the films; he found them "clearly, unequivocally, and incontrovertibly obscene and pornographic in the hard-core sense." The Superior Court of California upheld Schackman's conviction.

On June 12, 1967, the U.S. Supreme Court entered this brief order: "Schackman v. California. Per Curiam. The judgment of the Superior Court of California, County of Los Angeles is reversed. Redrup v. New York, decided May 8, 1967."

That was all there was to it. Warren, Clark, Brennan and Harlan noted that they would affirm the conviction. The reversal thus was the work of Black, Douglas, Stewart, White—and Fortas.

Now, I have seen the film 0-12. There is not the slightest doubt in my mind of its obscenity as a matter of law. Its sole appeal is a prurient appeal. It is utterly without redeeming social importance. It goes far beyond community standards of decency. This was the verdict not only of the trial jury, but of every judge who viewed the evidence until the conviction was overturned by Black, Douglas, Stewart, White—and Fortas.

Let me put it bluntly: If this filthy little peep-show qualifies for protection under the lofty ideals of "Freedom of speech and of the press," as the First Amendment is interpreted by a majority of the high court, something is fearfully wrong.

What do senators think? They too are sworn to uphold the Constitution. They have every right to view the Schackman reversal, if they please, as a vivid embodiment of the whole dismaying trend of extremism on the U.S. Supreme Court. The majority's brusque order of June 12, 1967, is part of a pattern that runs through the fabric of constitutional law as tailored by Mr. Justice Fortas. This was his idea of protected speech. Does the Senate agree?

The same films should be exhibited to Homer Thornberry, and the same hard questions put to him: Does he agree with Judge Hauk? Or with Justice Fortas? Thornberry has been nominated to replace Fortas. How does his mind work? What are his constitutional attitudes in his symbolic field? Thornberry scarcely could refuse to answer. The Schackman case is closed.

That's the size of the parliamentary proposition: Boil the issue down to this lip-licking slut, writhing carnally on a sofa, while a closeup camera dwells lasciviously on her genitals. Free speech? Free press? Is this what the Constitution, means? The Constitution, we may remember, is what five judges say it is, no less, no more. So remembering, will the Senate advise and consent?

Mr. THURMOND. Mr. President, the film entitled "Flaming Creatures," is the same film which was involved in *Jacobs v. New York,* 388 U.S. 431. In this case the appellants were convicted for distributing an obscene film. Although the Court in a per curiam opinion dismissed the appeal as being moot, it is evident from reading Chief Justice Warren's dissent and from the descriptions of the film by Senators who have seen it, that the Court as well as most citizens would agree that "Flaming Creatures" is obscene. Chief Justice Warren said:

> This film is not within the protections of the First Amendment. We formulated the test in that case so being whether the material was utterly without social value, whether it went substantially beyond customary limits of candor in representing sexual matters, and whether "to the average person, applying contemporary community standards, the dominant theme of the material takes as a whole appeals to the prurient interest. This film falls outside the range of expression protected by the First Amendment according to the criteria set out in Roth.
>
> For the reasons I have given, I would consider this appeal on the merits and I would affirm these convictions.

I think it is very significant to note that Justice Fortas stated in this case that he would have reversed the lower court decision.

As I said at the outset, I am very much concerned about the affect of the Supreme Court decisions which claimed to have applied the Roth standard but reversed State decisions without any real explanation for the reversal. I believe these decisions are the primary cause for the lack of enforcement of our obscenity laws and the proliferation of this type of filthy and obnoxious material.

I have carefully reviewed the entire record of Justice Fortas with regard to obscenity cases before the Court. Since Justice Fortas came on the Court in late 1965, the Court has considered a total of 38 cases where obscenity was an issue. Depending upon the way one counts these cases, one might raise the number as high as 51 lower court judgments immediately affected. However, some of these cases were lumped together into single decisions so that the most correct view is that the Court passed judgment a total of 38 times. Of these cases, Justice Fortas voted 35 times to reverse obscenity convictions of the immediate lower courts; he declared one case to be moot and voted to affirm only two lower court judgments.

The Court as a whole voted to reverse 32 convictions in the 38 cases, held two moot, and affirmed lower court judgments in four cases.

This is an appalling record, but it is significant that the record of Fortas is worse than the record of the Court. The two cases in which he voted to affirm the judgments were the first two cases in which he participated in this field: Ginzberg against United States and Mishkin against New York. These cases were significant mainly for the confusion which they cast upon the field of obscenity law enforcement. Ginzberg concentrated upon the manner in which the materials were presented to the public, and Mishkin dealt with the question of materials of interest restricted to sex deviates. Thus, neither one of these decisions has been of much help to the obscenity problem in general. Except for one case in which the Court unanimously decided that the issue was moot, Fortas has voted to upset the obscenity standards involved in every other case which has come before him.

Mr. President, I ask unanimous consent that this list of cases be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Cases which the Court affirmed, Fortas concurring:

Ginzburg v. *U.S.* (383 U.S. 463) 1966; "Eros"—magazine.

Mishkin v. *N.Y.* (383 U.S. 502) 1966; Bondage Books.

Cases which the Court affirmed, Fortas holding conviction should be reversed:

Landaw v. *Fording* (388 U.S. 453) 1967; "Un Chant d'Amour"—film.

Ginsberg v. *N.Y.* (390 U.S. 629) 1968; N.Y. Minor Statute—"girlie" magazines.

Case which the court held Moot, Fortas holding conviction should be reversed: *Jacobs* v. *N.Y.* (388 U.S. 431) 1967; "Flaming Creatures"—film.

Cases which the Court and Fortas held Moot: *Tannenbaum* v. *N.Y.* (388 U.S. 439) 1967; N.Y. Minors Statute—"girlie" magazines.

Cases which the Court and Fortas reversed:

Keney v. *N.Y.* (388 U.S. 440)—1967; paperback books.

Redrup v. *N.Y.* (386 U.S. 767) 1967; paperback books.

Friedman v. *N.Y.* (388 U.S. 441) 1967; bondage books & magazines.

Ratner v. *Calif.* (388 U.S. 443) 1967; bee" film.

Austin v. *Ky.* (386 U.S. 767) 1967; girlie magazines.

Cobert v. *N.Y.* (388 U.S. 443) 1967; girlie films.

Sheperd et al. v. *N.Y.* (388 U.S. 444) 1967; bondage books & nude photos.

Gent v. *Arkansas* (386 U.S. 767) 1967; girlie magazines.

Avansino et al. v. *N.Y* (388 U.S. 446) 1967; bondage books & nude photos.

Aday v. *U.S.* (388 U.S. 447) 1967; paperback books.

Corinth Pub. v. *Wesberry* (388 U.S. 448) 1967; paperback books.

Books, Inc. v. *U.S.* (388 U.S. 449) 1967; paperback book.

Rosenbloom v. *Va.* (388 U.S. 450) 1967; nudist magazines.

A Quantity of Books v. *Kansas* (388 U.S. 452) 1967; paperback books.

Mazes v. *Ohio* (388 U.S. 453) 1967; paperback books.

Interstate Circuit v. *Dallas* (391 U.S. 53) 1968; Dallas movie classification ordinance.

Shackman v. *Calif.* (388 U.S. 454) 1967; girlie films, D–15, 0–7, 0–12 films.

Holding v. *Blankenship* (387 U.S. 94) 1967; Okla. Censor Board.

Interstate Circuit v. *Dallas* (390 U.S. 676) 1968; "Viva Maria," film.

Potomac News Co. v. *U.S.* (389 U.S. 47) 1966; nudist magazines.

Conrad Chance v. *Calif.* (389 U.S. 89) 1967; nude photos.

Glen Conner v. *City of Hammond* (389 U.S. 48) 1967; girlie magazines.

I. M. Amusement Corp. v. *Ohio* (389 U.S. 573) 1968; girlie film.

Central Magazines Sales v. *U.S.* (389 U.S. 50) 1967; nudist magazines.

Rabeck v. *Beck N.Y.* (391 U.S. 462) 1968; girlie magazines.

Robert-Arthur v. *Tenn.* (389 U.S. 578) 1968; "Mondo Freudo"—film.

Teitel Film v. *Cusack* (390 U.S. 139) 1968; "Rent-A-Girl"—film.

Felton v. *City of Pensacola* (390 U.S. 340) 1968; nudist magazines.

Lee Art Theater v. *Virginia* (392 U.S.) 1968; "Erotic Touch of Hot Skin" and "Rent-A-Girl"—films.

Percy Henry v. *Louisiana* (392 U.S.) 1967; girlie magazines.

Redmond v. *U.S.* (384 U.S. 264) 1966; mailing obscene film.

"Memoirs of a Lady of Pleasure" v. *Mass.* (383 U.S. 413) 1966; book.

CRIMINAL PROCEDURE

Mr. THURMOND.: The impact of the Supreme Court rulings on pornography—both as a legal and as a political or social force—has been repeated in other important areas. In my judgment, it would be naive to believe that the Court's long series of decrees in favor of criminal defendants has had no impact on the problem of criminality in our nation. The effect of the Court's rulings has thus been to hamstring law-enforcement agencies and to add to the increasing criticism of the police, as opposed to the criminal. Similarly, the Supreme Court has placed both the legal effect of its decisions and the prestige of the Court's favor against antisubversion laws. The effect of these rulings has been to encourage the concept that Communist Party membership is as legitimate as membership in the Democratic or Republican Parties.

Justice Fortas has made it clear during his service on the Court that he does not take exception to the trends present in the Court's rulings. Should he be confirmed, we can be confident that the Court's role as an activist yet non-democratic institution will continue, and probably expand. I believe the Senate should reject this nomination, and reverse this trend in the Court.

I should like to point out the record of Justice Fortas on criminal procedure since he has been on the Supreme Court.

Miranda v. *Arizona*, 1966

In a 5–4 decision, the Court considered four criminal cases on appeal. In one, Miranda, 23 years old, confessed to the kidnaping and rape of an 18-year-old girl near Phoenix, Arizona. His voluntary confession, including a description of the crime, was made to police during a two-hour interrogation. The Supreme Court overruled his conviction. The Court held that once a defendant is in the custody of police, he must be informed of his right to have his lawyer there, and if he is indigent, that one will be appointed for him. Further, that the police must ask no questions of the defendant if he says he does not want to answer their questions or that he wants a lawyer present.

Justice White, in a strong dissent, stated: "In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him."

He noted further: "The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it."

Justice Fortas sided with the majority opinion.

U.S. v. *Wade*, 1967

The defendant, indicted for robbing a bank in Texas, was placed in a line-up in which each person wore strips of tape on his face, as the robber had allegedly done, and on direction repeated words like those the robber had allegedly used. Two bank employees identified the defendant as the robber.

A majority of the Court held that the defendant was entitled to a new trial because his lawyer was not present for the line-up procedure.

Justice Fortas, joined in reversing the conviction, but wrote a dissenting opinion in which he went further and urged that the line-up procedure, in which the defendant spoke words aloud, violated the defendant's right against self-incrimination.

Spencer v. *Texas*, 1967

The defendant was convicted of murder with malice of his common-law wife. Defendant had previously been convicted of murder with malice of another person, and under Texas law, this prior conviction was introduced at the trial, making him eligible for a greater sentence.

A majority of the Court upheld the Texas law.

Justice Fortas dissented in this split decision, and would have overturned the Texas statute.

Witherspoon v. *Illinois*, 1968

The defendant was convicted of murder and sentenced to death. Illinois law provided that a prospective juror in a capital case could be challenged for cause if he was opposed to the death penalty.

The Supreme Court, in a 6–3 decision, overturned the conviction on the grounds that the Illinois law was unconstitutional in that it prevented the defendant from having a trial by a representative jury. This case allows persons opposed to capital punishment to sit on juries in capital cases.

Justice Fortas sided with the majority.

SUBVERSIVE ACTIVITIES

In addition to Justice Fortas' record on the Supreme Court in the important areas of obscenity and criminal procedure, his decisions concerning subversive activities deserve critical attention. The Supreme Court's decisions in this vital area have seriously hampered the efforts of the Federal and State governments to curb the activities of those who would subvert our Republic.

Albertson v. *Subversive Activities Control Board*, 382 U.S. 70 (1965)

Under the Subversive Activities Control Act of 1950, members of the Communist Party were required to register with the Subversive Activities Control Board. The defendant's conviction for failing to register was reversed by the Supreme Court. The Court held that since registration as a Communist might be used as an investigatory lead, the Fifth Amendment protection against self-incrimination prevents the Government from requiring registration of Communists. Justice Fortas voted to strike down this Federal statute.

United States v. Robel, 389 U.S. 258 (1967)

Robel was convicted of violating a Federal statute which prohibited Communists from working in defense plants. Even though the defendant was an active member of the Communist Party, the Court held that the statute was unconstitutionally broad and, therefore, violated the defendant's right of association, which the Court apparently felt was superior to the right of the Nation to protect itself from sabotage. Justice Fortas voted with the majority on this case.

DeGregory v. New Hampshire, 383 U.S. 824 (1967)

The defendant was convicted of failing to answer questions about his past affiliation with the Communist Party. The defendant did not plead the Fifth Amendment but based his objection to answering questions on the First Amendment right of association.

The Court took careful note of the fact that the State attorney general had not proved sufficient connection between the defendant and the current subversive activities in the State of New Hampshire. By reversing this conviction, the Court denied the State the use of its investigatory power to discover the very connection which the Court said the State had not proved. Justice Fortas voted to reverse this conviction.

Another loyalty oath case, which stripped the State of New York of its right to prohibit Communists from teaching in its educational institutions, was *Keyishian v. New York Board of Regents*, 385 U.S. 589 (1967). This was another 5 to 4 decision in which Mr. Justice Fortas joined in the majority opinion which held that the New York statute suffered from overbreath and vagueness in violation of the First Amendment. Under the New York statute the Board of Regents had promulgated rules and regulations and had provided for listing subversive organizations after requisite notice and hearing, and provided that membership in a listed organization after the date of this listing would be prima facie evidence or disqualification as a public employee.

Briefly, the statute in question provided that no person should be employed by the State who actively advocated the doctrine that political subdivisions of government should be overthrown by force or violence, who prints or distributes written material which teaches this doctrine and who advocates the "propriety of adopting the doctrine contained therein" or organizes or becomes a member of a group which advocates the overthrow of the government by force.

It is quite interesting to note some of the language of this statute which was patently misconstrued by a majority of the Supreme Court. Speaking of the "vagueness of subsection (1)(a) of Section 105 which bars employment of any person who 'by word of mouth or writing willfully and deliberately advocates, advises or teaches the doctrine' of forceful overthrow of government," the Court said, "This provision is plainly susceptible to sweeping and improper application. It may well prohibit the employment of one who merely advocates the doctrine in the abstract without any attempt to indoctrinate others, or incite others to action in furtherance of unlawful aims." To my way of thinking, to suggest that one could advocate a doctrine in the abstract "without any attempt to indoctrinate" is as cogent as the argument that one would be permitted to use slanderous language so long as he didn't actually try to convince others of the implication of the slander. The Court went on to say: "Similar uncertainty arises as to the application of subsection (1)(b) of § 105. That subsection requires the disqualification of an employee involved with the distribution of written material 'containing or advocating, advising or teaching the doctrine contained therein.' Here again, mere advocacy of abstract doctrine is apparently included. And does the prohibition of distribution of matter 'containing' the doctrine bar histories of the evolution of Marxist doctrine or tracing the background of the French, American, and Russian revolutions? The additional requirement, that the person participating in distribution of the material be one who 'advocates, advises, teaches, or embraces the duty, necessity or propriety of adopting the doctrine' of forceful overthrow, does not alleviate the uncertainty in the scope of the section, but exacerbates it. Like the language of § 105(1)(a), this language may reasonably be construed to cover mere expression of belief."

This opinion, which would be ludicrous if it were not such a serious proposition, says in laymen's language that advocating, advising or embracing is synonymous with the mere expression of belief in a given doctrine. In the dissenting opinion, the four dissenters noted that: "The majority makes much over the horribles that might arise from subsection (1)(b) of § 105 which condemns the printing, publishing, selling, etcetera, of matter containing such doctrine. But the majority fails to state that this action is condemned only when and if the teacher also personally advocates, advises, teaches, etcetera, the necessity or propriety of adopting such doctrine. This places this subsection on the same footing as (1)(a). And the same is true of subsection (1)(c) where a teacher organizes, helps to organize or becomes a member of an organization which teaches or advocates such doctrine, for scienter would also be a necessary ingredient under our opinion in Gerner, supra. Moreover, membership is only prima facie evidence of disqualification and could be rebutted, leaving the burden of proof on the State. Furthermore, all of these procedures are protected by an adversary hearing with full judicial review."

Another very interesting sentence in the majority opinion reads, "We do not have the benefit of a judicial gloss by the New York courts enlightening us as to the scope of this complicated plan," as if such judicial gloss would have made any difference. I might remind the Senate that the Court was given the benefit of judicial gloss in ***Elfbrandt*** **v.** ***Russell***, **348 U.S. 11 (1966)**, by the Arizona Supreme Court which the court specifically rejected in that 5 to 4 decision.

This was the case in which the Supreme Court struck down an affirmative oath to support the U.S. Constitution and the constitution of the State of Arizona. In complete disregard for the right of the State to restrict access to the minds of the children in the public schools to teachers loyal to the concept of orderly government, the five man majority exalted the Court created "right of association" above every other provision of the Constitution and above the first right of government—the right of self-preservation.

I would like to call to the attention of the Senate three other short passages from the dissenting opinion of Keyishian: "The blunderbuss fashion in which the majority couches 'its artillery of words' together with the morass of cases it cites as authority and the obscurity of their application to the question at hand makes it difficult to grasp the true thrust of its decision. At the outset, it is therefore necessary to focus on its basis.

"This is a declaratory judgment action testing the application of the Feinberg law to appellants. The certificate and statement once required by the Board and upon which appellants base their attack were, before the case was tried, abandoned by the Board and are no longer required to be made. Despite this fact the majority proceeds to its decision striking down New York's Feinberg law and other of its statutes as applied to appellants on the basis of the old certificate and statement. It does not explain how the statute can be applied to appellants under procedures which have been for over 2 years a dead letter. The issues posed are, therefore, purely abstract and entirely speculative in character."

"It is clear that the Feinberg law, in which this Court found 'no constitutional infirmity' in 1952, has been given its death blow today. Just as the majority here finds that there 'can be no doubt of the legitimacy of New York's interest in protecting its education system from subversion' there can also be no doubt that 'the be-all and end-all' of New York's effort is here. And regardless of its correctness neither New York nor the several States that have followed the teaching of Adler for some 15 years, can ever put the pieces together again. No court has ever reached out so far to destroy so much with so little."

"The issue here is a very narrow one. It is not freedom of speech, freedom of thought, freedom of press, freedom of assembly, or of association, even in the Communist Party. It is simply this: May the State provide that one who, after a hearing with full judicial review, is found to willfully and deliberately advocate, advise, or teach that our Government should be overthrown by force or violence or other unlawful means; or who willfully and deliberately prints, publishes, and so forth any book or paper that so advocates and who personally advocates such doctrine himself; or who willfully and deliberately becomes a member of an organization that advocates such doctrine himself; or who willfully and deliberately becomes a member of an organization that advocates such doctrine, is prima facie disqualified from teaching in its university? My answer, in keeping with all of our cases up until today, is 'Yes'!"

STATE-FEDERAL RELATIONS

Mr. President, the fourth category of decisions in which the views of Justice Fortas should be subjected to careful attention and critical analysis concerns State-Federal relations. The freedoms which the American people enjoy are buttressed by numerous constrictions on the use of power. Governmental power is divided among three branches of the Federal Government and is also divided between the Federal Government and the States. A disturbing trend toward the centralization of power has set in, and the Supreme Court has aided in this trend. More and more decisions about people's lives are made in Washington rather than in the States which are closer to the people. The end result of this trend can only be a lessening of the freedoms of the American people.

Justice Fortas' positions in these decisions should be noted, for what they have done and for what they indicate he may be inclined to do in future cases.

Cardona v. *Power*, 1966

A New York statute required literacy in the English language as a prerequisite to voting. The Supreme Court upheld the law.

Justice Fortas dissented, holding that such a law violated the 14th amendment.

Katzenbach v. *Morgan*, 1966

When Congress passed the Voting Rights Act of 1965, a provision was included which prevented a State from requiring English literacy as a voting requirement. The Supreme Court upheld the power of Congress to pass this law which voided a New York statute.

Justice Fortas voted with the majority.

Brown v. *Louisiana*, 1966

Defendants conducted a silent demonstration in a public library, refusing to leave when asked to by library personnel.

Justice Fortas wrote the prevailing opinion which overturned the convictions.

Harper v. *State Board of Elections*, 1966

Virginia law required payment of a poll tax as a prerequisite to voting. The Supreme Court held the law unconstitutional.

Justice Fortas voted with the majority.

Justice Black, in his dissent, stated: "It seems to me that this is an attack not only on the great value of our Constitution itself, but also on the concept of a written constitution which is to survive through the years as originally written unless changed through the amendment process which the framers wisely provided."

SEGAL PHILOSOPHY

Mr. President, we have before us today a very serious question with regard to the future of our country. The substantive issue, of course, is whether the Senate should give its advice and consent to the nomination of Abe Fortas as Chief Justice of the United States. But in that particular issue, geared to the times we live in and the personalities at hand, there is a much broader issue of transcendant importance which goes to the very roots of our Nation and to the legal framework of our lives.

That fundamental question bears not only upon our concept of government, but also upon our view of man and the way we think he should function in a society.

We have had extensive hearings with regard to the nomination of Justice Fortas. We have gone into a great many things. We have studied a great many items in detail. Part of this inquiry went into Justice Fortas' opinions and the opinions of the Court itself. Part of the inquiry went into the attitude of Justice Fortas to the U.S. Constitution, and part studied Justice Fortas' view of the role of a Supreme Court Justice in our society.

In all of this inquiry, there was perhaps an implicit understanding that what we are being asked to confirm is not merely the person of Mr. Fortas, but also the judicial philosophy which he has come to represent, both because of his own actions and because of the actions of his supporters. The Christian Science Monitor recently noted that Mr. Fortas had become a symbol. The approval or disapproval of the nominee has come to be understood as official recognition of the philosophy of judicial activism. That is not to say that there have not been other activists on the Court before or at present. But at no other time has the issue come to such a head. The direction of the Court's decisions has unequivocally become apparent. The decisions of more than a decade have had time to bear fruit. The public is at last in the position to see the effects of this philosophy.

The manner in which the nomination was made by the President fortunately has served to demonstrate that the confirmation of Mr. Fortas as Chief Justice is not only the continuation of the past policies but is, in a very real sense, an accolade. It is not only a confirmation of the man, but confirmation, a vote of confidence, in the direction of the Court. The fact that the nominee was chosen from the present roster of Associate Justices indicates that no new philosophy or no reform is intended. The age of Mr. Fortas indicates that his philosophy could be expected to reign for possibly 20 years or more. And finally, the conditional resignation of Chief Justice Warren indicates that the appointment is considered to be a step towards continuity in the policies of the so-called Warren court. When Chief Justice Warren was appointed, the direction which the Court was to take was as yet unknown and unexpected. But now that direction is very clear. It is plain that Chief Justice Warren intends to stay in office if the nominee is not confirmed. The arrangement between the President and the Chief Justice encroaches upon the power of the Senate in giving advice and consent. The Senate is effectively denied a choice. We are offered either Mr. Warren in the short range or Mr. Fortas in the long range. We are asked either to continue Mr. Warren or to continue the policies which have dominated the Court under his rule.

The role of Chief Justice is not simply a role which demands objective, quantifiable qualifications. The Constitution does establish specific qualifications for judicial appointment to the courts of the United States. Although a number of bills have been introduced for the purpose of establishing minimum requirements, the Congress has failed to remedy this inadequacy. Thus we are assured by some that Mr. Fortas is an able lawyer, with long experience in the Nation's courts.

However, legal ability, scholarly background, and mental capacity are not sole qualifications of a Justice. Despite the lack of constitutional or statutory guidelines, individual Senators are not relieved of the responsibility for forming a judgment as to the competence of each designee for the position to which he is nominated. The mere fact that the President has designated a particular person for this post does not relieve Senators from their responsibility for assessing the wisdom of the appointment.

When we speak of wisdom, we must go beyond mere ability or mere competence. We must determine how the man would use that ability and for what goals and in what manner. Thus a man's philosophy, both his philosophy of life and his philosophy of judicial interpretation, are extremely relevant to this most important position. If we confirm this appointment, we are saying in effect that we as a Nation are choosing to elevate to a position of honor a certain man in a certain situation. It is a powerful post. It is the second most powerful post in the United States. We give the holder of that position not only power but a special additional honor and dignity. In short, we are expressing a certain fealty both to the man and to the particular philosophy that he represents.

I have said that Justice Fortas is a symbol. He is a symbol of a certain outlook toward the law and our national heritage. Those who endorse that outlook have been particularly concerned to see that the nominee is approved, for if he is approved, it will be interpreted by those in the press and elsewhere as an endorsement of the Warren court and its policies.

What are these social forces which I have described? Let me point out that when the nominee was nominated to the position of Associate Justice in 1965, I was strongly opposed to his confirmation then. At that time, I spoke as follows: "One essential element of the competence required is often described as 'judicial temperament.' Judicial temperament is a requisite because of the nature of the position. One of the most essential elements of judicial temperament is the ability to interpret and apply the law to specific cases and controversies and, in so doing, to refrain from substituting individual opinion for the applicable law.

"Law by its very nature is largely composed of absolutes. It is from this quality of the law that stability and order inures. Judicial temperament requires sufficient respect for the rule of law to overcome any disagreement with a particular law.

"After careful examination of the available information on the nominee, Mr. Fortas, I am convinced that he is totally lacking in judicial temperament. Both his public conduct and his words demonstrate a disdain for absolute values and that he holds a philosophy based on relativism."

The record since 1965 shows this to be an accurate assessment. Our hearings have shown time and time again that Justice Fortas is an activist. "Judicial activist" is commonly held to mean a person who believes that the law should be reinterpreted to meet changing situations. Certainly both the Constitution and the laws in this country are capable of change. But the changes involved are a political question which ultimately are subjected to the decision of the people. Our Founding Fathers established complicated mechanisms to regulate social change. Their view was that such changes should be instituted through the legislative process. They realized the danger and injustice of arbitrary and rapid change. And so, even the will of the people was to be expressed through a system of checks and balances. Thus, if situations change, and the people wish appropriate adjustments, these adjustments must come about only through legislative action. The laws passed through this legislative process must receive an unvarying interpretation if justice is to be dispensed. Thus, a judicial activist is one who has the exact opposite of the judicial temperament.

However, there is a second sense, and perhaps this is even a more important sense, in which Justice Fortas is an activist. He believes that the law, in the legislative process, in its execution and in its judicial interpretation bears a wide social responsibility. He believes that he, as a lawyer, should have a direct involvement in situations to manipulate the social structure and to take on a responsibility for the lives of the citizens. Since established law is one of the absolute values of our society, it is easy to see that both his public conduct and his professional career and his words demonstrate a disdain for evenhanded interpretation of the law. It was no difficult task in 1965 to predict the course he has pursued since he came on the bench and one does not need a prophet to say what course he will take in the future. Everyone in Washington knows of Justice Fortas' backstage role in public affairs. They know how his skillful career has been conducted in the gray area of executive regulation and personal contact with powerful people, as well as clever application of the law.

Thus the two aspects of his career have come under close scrutiny of the Judiciary Committee: His particular view of the law as a social justice and his belief in social activism, which has transcended his role as an Associate Justice. The two aspects are intertwined. Once a man adopts a view of social mobility and relentless change, it is inevitable that he should view law as a handmaiden to change. Law in the hands of the Courts becomes an instrument of social manipulation, not a contract upon which society can depend.

I have regretfully come to the conclusion that Justice Fortas did not leave the Judiciary Committee with a clear picture of his views. For example, when asked, "To what extent and under what circumstances do you believe that the Court should attempt to bring about social, economic, or political changes?" Justice Fortas responded, "Zero, absolutely zero." However this statement must be balanced by his subsequent statement that "if people believe that laws are operating in an unconstitutional way, they can start a lawsuit, and they can go to the Supreme Court; and the Supreme Court can rule upon it applying the Constitution—not in spite of the Constitution, but applying the Constitution."

Justice Fortas also told the following to the Judiciary Committee: "But certainly I believe firmly, profoundly, that the words of the Constitution are our guideposts, and our only guideposts in deciding what the Constitution says. And then you have to take a look at what judges have decided in the ensuing years and what they have said about the meaning of those words."

That also sounds fine, until you start wondering why he refers to words merely as "guideposts." A word is more than a guidepost. It seems to me that Mr. Fortas' true and complete views were presented on March 20, 1968, when he said at American University:

"But the words of the Constitution were not written with a meaning that persists for all time. Words are not static symbols. Words may be carved in impervious granite, but the words themselves are as impermanent as the hand that carved them. They reflect light and shadow, they are modified by rain and sun, they are subject to the changes that a restless life brings upon them. So the specific meaning of the words of the Constitution has not been fixed and unchanging. The Constitution is not static."

When I opposed the nomination of Mr. Fortas in 1965, I attached as an exhibit a lecture which he gave in 1946 when he was Undersecretary of the Interior. That was a long time ago, but it is relevant to the present topic and I think it probable that the statements I am about to quote fairly and profitably describe his present views and activities. He said then: "But the human past is not longer suitable to the material present. It hasn't been for some time, but we have now reached the point where drastic readjustment of human personality and conduct appears necessary for survival." The question then arises as to how this readjustment of human personality and conduct will come about.

Will human beings continue to regulate their own conduct, or will society, that is to say, the government, with the police power of the State, undertake to lay down guidelines for the readjustment of human personality?

Mr. Fortas answered this way in 1946: "No one is without a part to play in this challenging undertaking; the church, the home, schools, and government should set themselves to the task of examining and undertaking and treating the ills that beset society—and the individual."

The speech of Justice Fortas from which I have been quoting was from the series entitled "The William Alanson White Memorial Lectures," dealing with "The Psychiatry of Enduring Peace and Social Progress."

These interests were again apparent this summer when Justice Fortas participated in the seminar at American University on "Law and the Social Environment." When Dean Tennery came before us with his wonderfully candid explanation, he told us: "And as each of you, I hope, is aware, the law is a vehicle for the peaceful structuring of social aims and expectations."

Dean Tennery described a view of law that is not only his own, but which, in my judgment, reflects the nominee's preoccupations. It is precisely Justice Fortas' confusion of law with the social sciences and his view of the judicial processes as an exercise in treating social ills that seem to have resulted in his particular concept of the role of law.

It is when this sociological approach is combined with the compulsion of the State that we achieve widespread and deliberate injustices, resulting in social chaos. I am not aware that the law is "a vehicle for the peaceful structuring of social aims and expectations," to use Dean Tennery's phrase. It is not the law, in itself, to which we gave an assent in our obedience to State authority. It is rather to the legislative process which forms our laws. We give assent to Court decisions and agree to abide by the outcome, precisely because the Court is a body which supposedly refrains from structuring social aims. In other words, we agree to abide by the outcome of the judicial processes, precisely because it does not intend to add to the legislative process. The Legislature is the vehicle for social change, not the law. Thus when the Supreme Court upsets precedents which have stood since 1789, it is judicial tyranny. When the Supreme Court countenances the application of sociological principles, we have not an absolute standard of justice but judicial psychotherapy.

Those who endorse Justice Fortas for Chief Justice are in general those who seem to have a similar view of the law. Mr. William T. Gossett, president of the American Bar Association, praised Mr. Fortas as "one who could inspire . . . confidence in the law and our system of jurisprudence as a positive force in our society." The president-elect of the American Bar Association, Bernard G. Segal, said of Mr. Fortas that: "His opinions show a sure awareness of the larger functions of law in a modern democratic society."

What are these larger functions?

Larger than what?

Obviously, the implication is that a new view of law and the courts is called for, one in which the law takes a "positive role."

There is no room in our society for an activist role for the judiciary. Such a judiciary cannot dispense justice. Under our Constitution and under our tradition of law, we have ample mechanisms to make needed adjustments to our laws. The Constitution lays down the fundamental procedure for the enactment of legislation which pertains to the common interests of the States. The Constitution further lays down procedures for changing the Constitution itself. The role of the judiciary is that of a passive and detached observer who ascertains the facts in a given situation and compares them to the settled principles of law. The activist role is restricted to the Congress and, in certain designated areas, to the Executive. Even the Congress is sharply restricted in the matters in which it can legislate.

Unless the Constitution or a law receives generally consistent interpretation, no citizen will have any ground upon which to plan his life and activities. It is not enough to say that everyone must obey the law. A citizen wants to have the privilege of knowing what the law says before he adopts a course of action and he has the right to expect that the ground rules will not be changed midway through the course by the unexpected whim of the judiciary. Society is composed of a multitude of such individuals, some at the beginning of their life as a citizen and some who have established a considerable record of participation. It is in the nature of things that this overlapping is a continuous organic process. There is no one point at which we can stop, with justice, and say from now on, things will be different. Problems do arise in social structure and changes frequently must be made. But those changes must be made according to the due process established for that purpose. For the judiciary to arrogate to itself a "positive" role or a "larger function" is to attack the very constitutional framework which creates a Republic based upon the consent of the governed.

SEPARATION OF POWERS

Finally, we must consider certain nonjudicial activities of Justice Fortas which are relevant to this nomination. It is well known that Justice Fortas, prior to his elevation to the Supreme Court in 1965, was a man of great influence in the councils of government here in Washington. His friendships were numerous, uncommonly influential, and well placed both in and out of government. It is only natural that he acquired a reputation for an ability to influence the course of events in government. There is, of course, nothing necessarily wrong in such an arrangement. His counsel was apparently sought, and freely given. Involvement in all branches of government became a habit with Mr. Fortas. When he became a Supreme Court Justice, he did not break the habit.

Persuasive evidence was introduced in the hearings that Justice Fortas transgressed the separation-of-powers doctrine in both the executive and legislative branches. The evidence, which came from credible sources and was not refuted, indicates that Justice Fortas participated in the drafting of President Johnson's state of the Union message and in the drafting of legislation to provide Secret Service protection for presidential candidates. Such activity on the part of a member of the Supreme Court is improper. The prospect of a Justice ruling on a matter before the Supreme Court in which he had been personally involved violates both standards of judicial ethics and the concept of separation of powers.

OTHER ACTIVITIES

The testimony of Dean B. J. Tennery of the law school of American University must also be given the most serious consideration. Justice Fortas was paid $15,000 by American University to conduct a seminar for the law school. The seminar consisted of nine lectures during the summer of 1968. The highest sum previously paid by the law school for similar services was $2,500. Justice Fortas was paid from a fund of $30,000 raised for this seminar by Mr. Paul Porter from five prominent individuals. Mr. Porter is a former law partner of Justice Fortas, and Mrs. Fortas is still associated with the firm. As far as can be determined, none of the five individuals had any prior association with American University. Apparently the five are friends of Mr. Porter and/or Justice Fortas. All of the contributors have extensive business interests and are directors of large corporations, any of which could have cases before the Supreme Court.

The role of a Supreme Court Justice is unique in Government. A member of Congress, for example, is an advocate for the people and cannot remain indifferent to the outcome of causes which he believes are in the best interests of the Nation. A Supreme Court Justice cannot allow himself to appear to be active in public affairs. He cannot involve himself in situations which could compromise or constrict his work on the Court. The price of judicial detachment is high in human terms; but the dignity and authority and reserve of the Court come from the stature of those who are willing to pay the price.

For all of the reasons outlined above, the Senate should refuse to concur in this appointment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, the Senate of the United States is now engaged in a serious undertaking. It could be that we are in the process of deciding not only who shall or shall not be the Chief Justice of the United States, but that we will also by that decision set the tone of the Supreme Court and thus of the entire judicial machinery of our Government for the forthcoming decade. Indeed, Mr. President, I am persuaded that this is the nexus that jells the opposition to the confirmation of Justice Fortas to be Chief Justice of the United States.

Much that has been said and done in the hearings and in the debate is irrelevant, and I very much fear that this is not the Senate's finest hour. We ought at least, it seems to me, to have gotten far enough along procedurally to have debated the nomination itself and not merely to be hung up on a motion to call up the nomination for consideration.

Is not the nomination of the Justice of the United States Supreme Court by the President to be Chief Justice deserving of the consideration of the Senate?

Procedural questions aside, each Senator has searched his own conscience and intellect in deciding whether to advise and consent to the nomination of Mr. Justice Fortas.

The distinguished senior Senator from North Carolina [Mr. ERVIN] has said—and I refer to the Judiciary Committee hearings—that there are two points to consider; first, does a vacancy exist on the Supreme Court or in the office of Chief Justice; and, second, does Justice Fortas have the necessary judicial restraint. Those seem to me to be reasonable limits for our consideration.

But the junior Senator from Michigan [Mr. GRIFFIN] has gone further. He told the Judiciary Committee that we must look beyond mere qualifications. He did not say how far beyond. But he did from the beginning threaten a filibuster and questioned, it seemed to me, the right or the propriety of the submission of this nomination or any nomination by President Johnson because his term of office will end January 20, 1969.

Fortunately, as the debate has proceeded, this particular contention is not now frequently heard. It was never a tenable position. The President of the United States is elected for a constitutional term of 4 years. There is no legal, constitutional, moral, or political tenet upon which the Office of the President of the United States can be diminished by one day. The responsibility is full every day the incumbent is President.

Certainly, Mr. President, the Senate must look at the background, the educational and the professional experience of the nominee. We did that with respect to this nominee in 1965. The Senate approved his nomination as a member of the Supreme Court.

We should consider his character and moral qualifications. We did that in 1965. And the Senate approved.

We might consider, I suppose, the motivation of the nominating authority. We did that in 1965, I take it. We approved.

We might consider the nominee's basic philosophy. This was done in 1965. The Senate approved.

I do not think we made a mistake in 1965. Some of my colleagues evidently feel that we did. Some seem to have problems of one kind or another. I have none.

I strongly support the nomination of Justice Fortas.

I have known Abe Fortas well and favorably for many years. He and I came to Washington about the same time as young men. I have seen him grow in experience and ability and wisdom. I know his integrity. I know his judicial temperament. I know his keen intellect. I know his ability to weigh causes and issues and circumstances in the balance.

I hold him in the highest esteem, and I consider his qualifications to be Chief Justice eminent, indeed, Mr. President.

I am confident that should the Senate confirm this nomination, he would write a brilliant chapter, unexcelled by any Chief Justice in the history of our country.

This is the measure of the man, of the scholarship of his mind that I hold.

Certain questions have been raised concerning events since 1965, and these most assuredly can and should be examined. First of all, questions have been raised about decisions in which Justice Fortas has participated.

I have been amazed to hear in the Senate today that somehow constitutional questions should be submitted in some indirect way to popular referendum. Our forefathers did not ordain such a Constitution. Perhaps what we have heard in the last few days illustrates the wisdom of the forefathers in giving to judges of Federal courts tenure during life and good behavior.

Justice Fortas has been accused in some way of favoring pornography and obscenity, or something of that sort. Lawyers are aware of the distilled character of issues that finally reach the highest Court. In this particular case, the controversy reached the Supreme Court on six issues—procedural, legal, constitutional. We do not know upon which point the decision turned. But an effort has been made to prejudice public opinion, not only against this nominee but the entire Court as well; not only with respect to this case, but also with respect to others.

For example, it is said that a criminal is released by a technicality. Mr. President, what is a technicality? The Constitution of the United States is a technical and a legal instrument. The one-sided issues fall by the wayside in the lower courts. It is the tough, hard, close decisions, that advance to the highest Court of the land.

Justices of the Supreme Court have the constitutional duty and responsibility to render decisions according to the Constitution and the law. Facts are usually determined, and it is upon the application of the Constitution and the law upon stipulated facts that decisions turn. If a man's constitutional rights have been violated, who is to accuse the Court of favoring criminality because it renders a so-called technical decision preserving the constitutional rights of the accused? Such travesty upon jurisprudence I have never heard as has occurred in the consideration of this nomination.

Frankly, I do not believe the decisions in which Justice Fortas has participated are at the bottom of the opposition to his confirmation. What has really happened is that some people are taking advantage of the situation to chastise the Warren Court. It may well be that such a sentiment is justified upon occasion. Yes, Mr. President, I must in honesty frankly confess to my own exasperation at times. But Abe Fortas, to refer to a practicing, ancient Hebrew religion with which Abe is familiar, is being made a scapegoat. The fairness and justice of this is subject to question.

Some may say that these cases should be examined and discussed to learn the philosophy of the nominee. We knew his general philosophy in 1965, and I do not believe it has changed.

In 1965, Abe Fortas was a democrat—with a small "d." He still is. I do not refer to this in a partisan, political party way, either. He believed then and believes now in equality of opportunity for all. So do I. In justice for all. So do I. In fairness to all. So do I—including Justice Abe Fortas. He believed then and believes now that the protection of our Constitution and our laws should be extended to all, even to those accused of crime. He still does. So do I. He believed then and he believes now that educational opportunities should not be denied to some because of lines artificially drawn or because of the happenstance of birth or religious affiliation.

Of course, when one decides specific cases in a court of law, broad philosophy must be matched with the facts and circumstances of the case at hand. I would not attempt to justify or explain the reasoning of the Supreme Court in all cases. I am sure that I would have arrived at different conclusions with respect to some of the cases by the Court had I been a Justice of the Court. But I have not taken the oath as a Justice of the Supreme Court. Abe Fortas has. And he took a solemn oath to uphold the Constitution and the laws of the United States of America—not as the Constitution might be popularly interpreted or favored at a particular time, but as it is written.

As I have said, Abe Fortas is being made a scapegoat. I think this is wrong. If he and some other members of the Court are the rascals, the knaves they have been pictured by certain extremists, they then should be impeached. Whether Justice Fortas is confirmed or not as Chief Justice, he is a Justice of the Supreme Court. Will the Senate, finding him lacking in the qualifications to be Chief Justice, remain quiet as he continues to be a Justice—with no more vote, with no more decisive power, than as Chief Justice?

Mr. President, ours is an age of controversy and change. It is inevitable, then, that the record of a Justice would be controversial. Indeed, decisions deal alone with controversy. The fact that a Justice has the responsibility of deciding upon controversial issues according to the Constitution and the law does not mean that either the decisions are evil or that those who render them are evil. Someone must decide. Let me repeat: It is the close, hard issues upon which there is sharp disagreement that reach the level of the highest appellate court.

Well, Mr. President, the point that a vacancy may or may not exist on the Court or in the office of Chief Justice is, it seems to me, not further given weighty consideration. This was given careful consideration in the hearings by the Attorney General and I thought he dealt with it quite ably.

Another matter which has been discussed and quite properly so, it seems to me, since it has occurred since 1965, is the fee Justice Fortas received from American University.

This has caused some genuine concern, not particularly, I believe, because of the size of the fee, but because of the circumstances surrounding the raising of the fund out of which the fee was paid.

The essential facts, as I understand them, are that Justice Fortas was invited to organize and conduct a teaching program for outstanding Washington area law students. The seminar was conceived as an opportunity for Justice Fortas to organize his thoughts on matters of paramount national concern and engage once again in the challenge of teaching young men, which had been such a significant phase of his early professional life in the law.

The Justice agreed to deliver a series of lectures to the various sections of the seminar, to conduct student participation, and prepare teaching material which might be prepared for the benefit of the university and which would be, it was hoped, of value to similar courses in other law schools.

Other Justices, other judges, other public officials have similarly aspired to make a contribution and others have received compensation. I say this in no critical sense at all, but as a matter of fact. The obvious purpose and intent of the arrangement was not financial. I am advised that when Justice Fortas undertook this task he set no fee and he had no understanding as to the amount of compensation he would receive.

I must say I am a bit more careful than that when I go out to make a lecture. I seek to have understandings. But in this case, Justice Fortas left the financial arrangements to the judgment and discretion of American University law school. Eventually a number of individual contributors, who were in fact longtime friends and business associates of the Justice, and three of whom were longstanding clients of the firm of Arnold & Porter, or associated with businesses which were clients of the firm, agreed to underwrite the fund to finance the seminar at American University.

The law school then, for reasons about which I am not advised, decided to provide Justice Fortas with $15,000 for the seminary work and for the preparation of the teaching materials, which it was privileged to publish.

The university, I understand, did not advise him of the source of the funds and made no public announcement of the source of the funds. As far as I know, this is not customary for colleges and universities.

The distinguished minority leader, the Senator from Montana [Mr. MANSFIELD], has described this incident as unfortunate, and in light of all the circumstances now I would agree with the description. It could have been handled quite differently and the same purposes, entirely worthy as I see them, could have been served without ground for innuendo. But let me hasten to emphasize there has been no charge of corruption, although this may be the implication left by some. There is no ground for such implication or for such inference. To begin with, the names of those who underwrote the seminar series were not disclosed to Mr. Justice Fortas or to anyone other than those directly involved until the inquiry by the Senate committee.

Furthermore, it should be emphasized that the amount of the fee paid to Mr. Justice Fortas for his work and the rights to his materials was not unreasonable compensation in light of his legal experience, his reputation, the importance of his lectures, and the potential value of his writings and his materials to the university.

I wonder what the legal fee of a prominent attorney would be for as many appearances in a courtroom as Justice Fortas prepared for and gave lectures. As a lawyer, I daresay his fee would have been much more. Considering the many demands on the Justice's time, it can properly be assumed that his decision to work on the lectures and the materials was not motivated by the amount of the fee but by his professional interest in the subject to be covered and his desire to continue his contacts with law students and with the education of young lawyers.

I have personal knowledge that Justice Fortas did not become a member of the Supreme Court because of the remuneration of the position. He declined the appointment. I saw the handwritten note that he sent to President Johnson expressing appreciation but politely declining to accept. He was persuaded to accept, and that entailed a very great financial sacrifice. But I am glad he did. I think he is a great Justice, and he has rendered a valuable service.

I am sure that lawyer fees, surgical fees, and lecture fees, appear large when measured on an hourly or weekly wage basis. Perhaps some of my colleagues would be willing to look at their own fees for lectures and for writing articles and books. Former Presidents and former generals have written books that brought them not a few thousand dollars, but vast fortunes. I do not cite this as being wrong. Indeed, this is not to infer wrong. On the contrary, let me be personal. I feel a sense of public service by giving lectures to the youth of our land. I began my public career as a teacher. There is an old saying that once a teacher always a teacher. There are few things I do that thrill me and challenge me more than to stand in an auditorium before a group of the bright, young minds of the youth of today—the leading citizens of tomorrow—and try to instruct, to guide, and to inspire them.

Moreover, I feel complimented by an invitation to address colleges throughout the country. I have accepted many such invitations. When outside my own State of Tennessee, the fees are substantial—not as if I had sung a song about the *"Harper Valley PTA" or had removed a* portion of Portia's anatomy with the skill of a surgeon, but because the fee is commensurate with the knowledge, experience, and standing of the lecturer, as well as with respect to the time and effort of both preparation and delivery of the lecture.

I must say, it has never occurred to me to ask a college where it got the money when it pays me for giving a lecture to its assembly.

I pause for any Senator who has made such an inquiry to stand and cite any such instances.

Public men have a responsibility to the public and that responsibility is not narrowly confined to the duties of the office, or to voting in the Senate, for instance. It is a position of leadership and such position entails many facets.

I might say further that, this incident aside, Justice Fortas has consistently avoided either the possibility of favoritism and conflict of interest, or even the barest appearance of such possibility.

In the first place, the record is clear that Justice Fortas has disqualified himself in matters in which his former law firm have been retained as counsel. He has taken himself out of such cases, whether the firm directly participated in the litigation before the Court, or at any preliminary stage in the controversy. A partial list of cases which have been argued by members of his former law firm include *Tehan* v. *Shott*, 382 U.S. 406 (1966); *Engineers* v. *Chicago, Rock Island & Pacific Railroad*, 382 U.S. 423 (1966); *Burns* v. *Richardson*, 384 U.S. 73 (1966); *Levin* v. *Mississippi River Fuel Corp.*, 386 U.S. 162 (1967); *United States* v. *Third National Bank*, 390 U.S. 171 (1968). Justice Fortas has excused himself in all these cases and in each case in which members of his former firm were retained as counsel.

Moreover, Justice Fortas has declined to participate, not only in cases in which his former firm was retained, but as well in cases in which the firm was not retained but which involved clients of that firm. See in this respect *Federated Department Stores* v. *Gerosa*, 385 U.S. 454 (1967); *Chicago and North Western Railroad* v. *Chicago, Burlington & Quincy Railroad*, 382 U.S. 422 (1966); *Holt* v. *Allegheny Corp.*, 384 U.S. 28 (1966).

In fact, the record suggests that Justice Fortas has insisted on leaving the Bench, even in instances where the firm or its clients were not participants but which touched on issues which might be of concern to those former clients of his. The Justice recused himself, for example, in *Liggett & Myers Tobacco Co.* v. *Pritchard*, 382 U.S. 987 (1966), 386 U.S. 1009 (1967), which involved neither Philip Morris Inc., a client of Arnold & Porter, nor the firm, but which raised questions as to the liability of a cigarette company for lung cancer, and in *FTC* v. *Procter & Gamble Co.*, 386 U.S. 568 (1967), and *United States* v. *Von's Grocery Co.*, 384 U.S. 270 (1967) which also involved neither clients nor the firm, but which raised issues with which the Justice, as a practicing lawyer, had been engaged on behalf of clients of the firm.

As it now develops, each of the contributors to the law school teaching fund had either known Justice Fortas personally or had an association with Arnold & Porter. Justice Fortas therefore, by his own standards of practice since 1965, had already taken himself out of any cases in which they might be involved. Their contributions, therefore, could not raise a conflict problem, whether or not they had been known to the Justice, which they were not. Nor could the number of cases from which the Justice might disqualify himself have been increased because of them or their contribution.

I am submitting for inclusion in the RECORD lists—which may not be complete—of the cases in which the justice has voluntarily recused himself. It is clear that he has adopted a firm, fixed practice of disengagement in any case in which his firm has been retained, in which a regular client of that firm during his years with it is involved, or in which an issue of patent interest to such a client is involved. Propriety demands no less, of course. But in the light of this record of judicial rectitude, it is preposterous to suggest that those who contributed to the American University Law School to support his teaching seminar could have expected favor, or that Justice Fortas would have been tempted to it.

Mr. President, how far can we go?

I ask unanimous consent that this listing of cases be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **GORE**. Mr. President, as for the question of teachers receiving remuneration therefor, teaching has always been recognized as an appropriate, additional duty of Federal judges and justices. So has writing. Indeed, the writings of Federal judges like Learned Hand, though they may have brought remuneration to the author, have contributed enormously to the legal literature, the legal lore, and the wisodm of our books on jurisprudence.

One of the greatest justices in the history of the Court, Justice Stoney, supplemented his judicial salary by serving as a professor at Harvard, for which he received both salary and a home.

As the majority report pointed out, many other Justices have combined their teaching activities with their judicial duties, much of it here in the Washington area.

At the present time, there are Federal judges who maintain a salaried teaching position in many of our great law schools. This is true of State judges. I am a graduate of a night law school in Nashville, Tenn. Many eminent judges of courts of record have been teachers in that school. Indeed, one of the most inspiring teachers I ever had in any course was a judge who regularly presided over a court of record, and came in the evenings to impart his wisdom, his learning, and his experience to young men seeking to learn the law.

Since when did this become a disqualification? It is part of the practice, and a rich part of the practice, of the judiciary, and an enriching experience for the youngsters seeking to learn the law. One such example is Judge Paul Hayes of the court of appeals for the second circuit, and now a professor at Columbia Law School. Another modern justice has written at least two dozen books since coming to the court.

Canon 31 of the Canons of Judicial Ethics of the American Bar Association provides:

> He (a judge) may properly act as arbitrator or lecture upon or instruct in law, or write upon the subject, and accept compensation therefor, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law.

Teaching and writing, in short, have never been thought to be grounds for judicial disqualification, and should not be so considered in this case.

Justice Fortas began his legal career as a teacher of the law. Graduating with honors, he was invited by his university to become immediately a member of the teaching staff of its college of law.

Before coming to Washington and into Government service, he was a distinguished member of the faculty of Yale Law School. As a member of the bar, he was noted for the thoroughness and effectiveness with which he taught young members of his firm the skill and advocacy of legal counsel.

The seminar at American University, the first time he had returned to teaching in three decades, was not another set of speeches. It was a highly creative adventure in the teaching of law, intended to explore interactions of the legal process and the contemporary social environment. Justice Fortas originated the curriculum. It required great work, hours of work, days of work, not just an hour before a group of students, as is the case with a lawyer who studies for a lifetime and then appears for an hour in court to win a great point and a great fee for his clients. He composed the reading list. He prepared the extensive reading materials used in the course, and these materials are to be published by the university for its own profit and wide use by other law schools. But much has been made of this.

So has much been made of an allegation that Justice Fortas advised with President Johnson on his state of the Union message. Somehow this has been built into a possible breach of the separation of powers.

I dare say several Members of this body heard President Johnson read it privately before it was delivered and that they discussed it with him. I wish he had invited me. I think I could have improved it. I am sure Justice Fortas could.

And what is wrong with a Justice of the Supreme Court advising with his friend, the President of the United States, upon a message dealing with the state of the Union of the United States of America? I perceive no wrong.

Now, had he advised upon an issue that was before the Court, or one which might come before the Court, then it would have been improper. But a state of the Union message is a political statement of the state of affairs of this country of ours. A Justice of the Supreme Court has every right to be concerned about the state of the Union of the United States of America—its security; its position in the world; its well being. It was a compliment, if in fact he was invited.

Mr. President, I have not spoken this afternoon in the expectation of changing any votes, but with a view to putting the record straight and putting some of the ridiculous statements that have been expressed in perspective.

I shall conclude by calling to the attention of my colleagues the fact that we are now in a disturbed and disturbing period of our history. We are fragmented. We are divided deeply. Government at all levels, and in all respects, is in a state of disrepute. But, Mr. President, by every attack we launch here upon another branch of Government, we are, in a sense, undermining not only ourselves but this particular branch of Government, and Government itself. We are undermining in the eyes of the public all governmental institutions, including the Senate—by innuendo, by unjustified inferences, by unmitigated assaults upon character.

I hope my colleagues, if unaffected in votes by these views, will nevertheless give this collateral thought some consideration in the days and months ahead.

EXHIBIT 1

LIST OF CASES IN WHICH LAWYERS OF ARNOLD & PORTER WERE COUNSEL OF RECORD AND IN WHICH MR. JUSTICE FORTAS DISQUALIFIED HIMSELF (FROM OCTOBER 1965 TO JUNE 1968)

TITLE 382 U.S. (1965–66)

First Security National Bank & Trust Co. of Lexington, et al. v. United States (p. 34).

Seaboard Air Line Railroad Co., et al. v. United States, et al. (p. 154).

United States v. Huck Manufacturing Co., et al. (p. 197).

Tehan, Sheriff v. United States ex rel. Shott (p. 406).

Brotherhood of Locomotive Engineers v. Chicago, R. I. & Pac. R. Co., et al. (p. 423).

Burns v. Richardson (p. 807) (jurisdiction noted).

Jacchimiec v. Schenley Industries, Inc. (p. 841) (certiorari).

Mortimer v. United States (p. 842) (certiorari).

Space Aero Products Co. v. R. E. Darling Co. (p. 843) (certiorari).

Price v. United States (p. 888) (certiorari).

South Florida Television Corp v. FCC (p. 987) (certiorari).

TITLE 383 U.S. (1966)

Graham v. John Deere Co. (p. 1).

Surowitz v. Hilton Hotels Corp. (p. 363).

TITLE 384 U.S. (1966)

Burns v. Richardson (p. 73).

Atlantic Coast Line R. Co., et al. v. Brotherhood of Railroad Trainmen, et al. (pp. 967, 1000) (stay, certiorari).

TITLE 385 U.S. (1966–67)

Atlantic Coast Line Railroad Co., et al. v. Brotherhood of Railway Trainmen, et al. (p. 20) (affirmed per curiam).

Levin v. Mississippi River Fuel Corp., et al., and Alleghany Corp., et al. v. Mississippi River Fuel Corp., et al. (p. 814) (certiorari).

Placid Oil Co., et al. v. Union Producing Co., et al. (p. 843) certiorari).

New York Central Railroad Co., et al. v. Public Service Commission of Indiana, et al. (p. 843) (certiorari).

Brotherhood of Railroad Trainmen, et al. v. Jacksonville Terminal Co., et al. (p. 935) (certiorari).

Kahn v. Fox (p. 935) (certiorari).

Atlantic Coast Line Railroad Co. v. Hodges, et al. (p. 1011) (certiorari).

U.S. ex rel. Shott v. Tehan, Sheriff (p. 1012) (certiorari).

TITLE 386 U.S. (1967)

Levin v. Mississippi River Fuel Corp., et al. (p. 162).

Florida East Coast Railway Co. v. United States, et al. (p. 544) (affirmed per curiam).

American Trucking Associations, Inc., et al. v. Federal Communications Commission, et al. (p. 943) (certiorari).

TITLE 387 U.S. (1967)

Florists' Nationwide Telephone Delivery Network-America's Phone-Order Florists, Inc. v. Florists' Telegraph Delivery Association; and Florists' Telegraph Delivery Association v. Florists' Nationwide Telephone Delivery Network-America's Phone-Order Florists, Inc. (p. 909) (certiorari).

TITLE 388 U.S. (1967)

United States v. Third National Bank in Nashville, et al. (p. 905) (jurisdiction noted).

TITLE 389 U.S. (1967–68)

Carp, et al. v. Texas State Board of Examiners in Optometry, et al. (p. 52) (certiorari).

Beckley Newspapers v. Hanks (p. 81) (certiorari).

United National Life Insurance Co., et al. v. California (p. 330) (dismissed per curiam).

R. A. Holman & Co., Inc., et al. v. Securities and Exchange Commission (p. 991) (certiorari).

TITLE 390 U.S. (1968)

United States v. Third National Bank in Nashville, et al. (p. 171).

Krisel v. Duran (p. 1042) (certiorari).

TITLE 391 U.S. (1968)

Central Bank & Trust Co. v. United States, et al. (p. 469) (affirmed per curiam).

Brotherhood of Railroad Trainmen, et al. v. Jacksonville Terminal Co. (p. 904) (certiorari).

PARTIAL LIST OF OTHER CASES IN WHICH MR. JUSTICE FORTAS DISQUALIFIED HIMSELF (FROM OCTOBER 1965 TO JUNE 1968)

TITLE 382 U.S. (1965–66)

Leh v. General Petroleum Corp. (p. 54).

Florida East Coast R. Co. v. United States (p. 161).

United Gas v. Callery Properties (p. 223).

Willheim v. Murchison (p. 840).

Hughes Tool Co. v. Trans World Airlines, Inc. (p. 842).

Doyle v. United States (p. 843).

Foremost Dairies v. FTC (p. 959).

Superior Oil Company v. FPC (p. 985).

Liggett and Meyers Tobacco Co. v. Pritchard (p. 987).

Gamble-Skogmo, Inc. v. Western Auto Supply Co. (p. 987).

TITLE 384 U.S. (1966)

Holt v. Allegheny Corp. (p. 28).

Railway Clerks v. Florida East Coast R. Co. (p. 238).

United States v. Von's Grocery Co. (p. 270).

TITLE 385 U.S. (1966–67)

Federated Department Stores v. Gerosa (p. 454.)

TITLE 386 U.S. (1967)

Cascade Natural Gas Co. v. El Paso Natural Gas Co. (p. 129).

FPC v. United Gas Pipeline Co. (p. 237).

FTC v. Procter & Gamble Co. (p. 568).

TITLE 387 U.S. (1967)

Udall v. FPC (p. 428).

Mr. HART. Mr. President, I am delighted that the Senator from Tennessee has spoken as he has, for several reasons. First to my colleagues who are as yet not permitting us to take up the nomination, I say, you see the substance that can be developed if you will permit us to get in a position where we can discharge the duty of consideration, of advice and either consent or withholding consent.

Second, in the event the Senate of the United States is not enabled to get in a position to act on the nomination of Mr. Justice Fortas, there will be in this RECORD, stated briefly but most eloquently, an outline of the man, a brief identification of some of the substantive objections which could be voiced if we were in a position to debate the merits, an indication of the response that would be given in the event we were enabled to get in a position to debate the matter. History could look at that and make its judgment as to whether the Senate was wise or unwise, in the event we were not permitted the opportunity to discharge our duty.

I am delighted, notwithstanding the fact that the recommended technique or rule when you are faced with a delaying action such as this is that the moving party shall say nothing. Let them run the clock, and periodically get up and say, "Let us vote." However, it may be that this will be the only chance that voices can be raised to indicate some of the reasons that the professional opinion of the American bar is unreserved in its expression of high regard for Justice Fortas.

Those who are not politically involved, and not among those who have lectured me for 10 years, since I have been here, on how wrong the court is to make sure that the Bill of Rights is available to poor as well as rich Americans, or lectured me about how wrong the court is to suggest that segregation is something that too long was tolerated and no longer shall be permitted, very strongly recommend that the nomination of Justice Fortas be confirmed.

The Senator from Tennessee, in the brief time he took, made rather clear why it is the opinion of most of the members of the American bar—and I suggest the majority of the Members of the U.S. Senate—that Justice Fortas is extraordinarily well qualified.

I hope that we can consider this nomination on the merits. Whether we are passing judgment on the man, Abe Fortas, or the Court, the Warren Court, that judgment, with all its long-term implications for that Court and for this country should be based on the merits.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Michigan in the remarks he has just made in reference to the speech by our distinguished colleague, the Senator from Tennessee. Had I known that the Senator from Tennessee would speak when he did, I would have been in the Chamber. Unfortunately, I arrived toward the latter part of his speech; but I recall that what he said he was attempting to do was to "put some of these matters in perspective."

That he has done. This is a speech which really should have been made while considering the nomination of Mr. Justice Fortas, rather than on the question taking up the nomination, but I express my gratitude to the distinguished Senator from Tennessee for making the remarks he has made, and making them now, so that a least the rest of the Senate will be able to read, if they will, what he said this afternoon. I believe he did an outstanding job in behalf of an outstanding Associate Justice.

Mr. MURPHY. I must say that I, too, was pleased to be present to hear the speech of the distinguished Senator from Tennessee. I think the things said here today, finally, have been properly said, and should have been said, and, as has been suggested, they might well have been said, perhaps, when the Senate took up the nomination of Justice Fortas in the first instance to be a member of the Court.

I unfortunately was not here when that nomination was considered. As I have suggested over these past few days, from time to time it has become the practice, when a nomination comes before the Senate, that we assume the nomination has been carefully scrutinized and studied by someone, and we assume that it is all right, and get pro forma agreement to the nomination.

I have discovered that that is not always the case. I announce that from now on, on all nominations, I shall study them as carefully as I can, because I am afraid I have been derelict in my duty as a U.S. Senator in this respect. I have not had the knowledge of some of the nominations that I should have had, and I publicly apologize and publicly state that I intend to do all I can to rectify that dereliction. From now on, I shall make certain that I am completely agreeable to confirming the nominee before I exercise my right to advise and consent.

So I commend my distinguished colleague from Kentucky for his remarks. They included one or two statements about which I might comment.

It was suggested that Justice Fortas would be made a scapegoat. I assure my distinguished colleague that it is not the purpose of this Senator to make anyone a scapegoat, nor to embarrass anyone. My concern is to make certain that the man who is appointed the next Chief Justice of the United States is the finest man for the job that we can find in the whole country—not just someone on a list of somebody's friends, or a selection from a list of old associates, or a member of a group from one political party or another.

I should like to see future nominations for the Court made by a completely impartial and comprehensive committee of the top jurists of this country, and for us to go as far as we possibly can to eliminate all political and personal considerations, to seek to make sure that the wish of the Founding Fathers—which was, I assure the Senate, in that direction—shall be carried out insofar as we are able.

As to the reference which was made to extremists, I would not know about that. I try to avoid extremism. I do not think that that was the purpose of this discussion; nor has it been political, as far as I am concerned.

These are the only things that concern me in my colleague's remarks.

Equal opportunity? Certainly. Neither Justice Fortas nor any Member of the Senate has all of the claim to the right of equal opportunity. That is not new. That has been going on for some time.

Humanitarianism. We were taught that when we were kids. When a fellow is hungry, one gets him some food. When he is thirsty, one gets him something to drink. When he needs clothing, one gets him clothing.

This was not discovered within the last 5 or 6 years. There are those who would preempt the stage now with relation to arriving at peace in Vietnam. Many a cruel hoax is being perpetrated by people who should know better. These people should know that there are two parties to be considered.

Equal justice. Who will argue against equal justice? Why does this suddenly take on importance in this matter? There is not any Member of the Senate that does not believe in equal justice and would not do everything in his power to achieve equal justice.

Proper protection of the rights of criminals. By all means we should see to that. However, let us not go so far in that direction that the rights of the innocent are completely forgotten and neglected. And this, unfortunately, is the reflection of the attitude of the great majority of the people of my State. This is what is causing them to worry that perhaps we have gone too far.

I assure my colleagues that never at any time in matters of this sort concerning appointments will there be personal or political consideration as far as I am concerned.

I opposed any nomination before the names of the two nominations were made public. I thought I did so for valid reason. I thought the time had come when the people of this great country at the time they cast their votes in November—which is not so far away—should have the right to select people to represent them and that those people so elected should have the right to select the men in high office, including the office of Chief Justice of the United States.

That was at the outset the basis of my disapproval. Since that time, I must say that the discussion has been very enlightening as far as I am concerned. I learned a great deal about the record and the background of the nominee that I did not know before. That information will be of use to me.

Once again, I am glad that my distinguished colleague, the Senator from Tennessee [Mr. GORE], has seen fit to rise and make the presentation he has made so eloquently and brilliantly. His eloquence would lead me to believe that had he remained a teacher, he would have been most effective.

A few years ago, had I been casting a motion picture in Hollywood, I would have cast him in the role of Chief Justice of the United States. However, I think that after this discussion, the accumulation of knowledge will finally bring this august body around to performing its duties, and the nomination will be discussed and determined on its own merits, not for political or personal reasons.

Mr. PELL. Mr. President, as I have stated on previous occasions, I strongly adhere to the view that Justice Fortas would prove an excellent Chief Justice. By temperament, training, and experience, I believe him uniquely qualified.

I hope we can soon get on with the business of discussing the pros and cons of his nomination, not just discussing the pros and cons of taking up the discussion of the pros and cons of his nomination. And, when that discussion is concluded and the time comes, I very much hope our body will confirm him.

In connection with Justice Fortas' nomination, I ask unanimous consent to have printed in the RECORD at this point an editorial from last Friday's New York Times entitled "Justice for Mr. Fortas," which, I believe, covers the situation pretty well and which I commend to my colleagues.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUSTICE FOR MR. FORTAS

There is no question that the United States Senate has the obligation to put Associate Justice Fortas' judicial and ethical standards under the closest examination in fulfillment of its constitutional duty to pass upon Mr. Fortas' nomination for the post of Chief Justice. But this involves debate, not filibuster.

It is clear that some Senators are genuinely disturbed by some of Mr. Fortas' actions after he has ascended the bench. We, too, have questioned the propriety of his acceptance of an unusually high fee, $15,000, raised by his former law partner among private individuals, for giving a series of summer lectures to students.

Senator Mansfield, the majority leader, put it well when he said, "I believe this event in retrospect was unfortunate. . . . While there is not the slightest indication of abuse of office in this criticism, one would hope that Mr. Fortas no less than any of the other members of the Court would henceforth bear these distinctions in mind."

Other questions have been raised about the alleged participation of Mr. Fortas in White House deliberations in preparing legislation. The extent to which he did this is unknown, but from his own testimony before the Judiciary Committee it is apparent that he did not altogether desist from his former role as intimate adviser to the President.

These are matters that need discussion. Whether or not Mr. Fortas is confirmed, guidelines on the propriety of such actions can be clarified by Senate debate.

But nobody in the national audience watching this case unfold during a Presidential election year should be deceived into thinking that the core of the opposition to Mr. Fortas stems from such considerations. Behind the developing filibuster are strong undertones of politics, spitefulness and racism.

The Republican leader of the opposition, Senator Griffin of Michigan, says that "we are asked to rubber-stamp a nomination which rewards an old friend" of the President. What he is really saying is that the post of Chief Justice should be left open for the next President—presumably the Republican candidate—to reward one of his friends. It is no argument against confirmation to say that President Johnson appointed an old friend. The courts of this nation would be decimated if appointees and nominees were ruled out on this ground.

The real leaders of the filibuster are those old guard Southerners, Senator Eastland of Mississippi and Senator Thurmond of South Carolina. They are in effect punishing Associate Justice Fortas for the "sins" of the Warren Court" over the years.

These Southern bigots must be pleased indeed that more respected Senators are serving as their cats'-paws in the case against Mr. Fortas.

"We will deny justice to none, nor delay it"—that is a cardinal principle in Magna Carta. Associate Justice Fortas deserves justice in the Senatorial courtroom and a decision without undue delay. On the basis of his superb professional and intellectual qualifications—and despite some errors of judgment—we still believe that he fully merits confirmation as Chief Justice.

Mr. BYRD of West Virginia. Mr. President, one of the most lamentable indications of the current permissiveness pervading the land is the thinking which has come increasingly to characterize major decisions of the U.S. Supreme Court in the last decade. The philosophy of a majority of the High Court—albeit too often expounded by the slimmest of majorities—is apparently one which holds no man responsible for the consequence of his acts, despite the fact that such acts may threaten the national security, the rule of law and order, individual life and property, and the morals of our children.

I do not mean to imply, of course, that members of this Court believe the imposition of this philosophy is inimical to the national good; but it does seem to me, nevertheless, that in the final analysis the adoption of an increasingly indulgent attitude toward those who cannot or will not abide within the framework of law and decency does in fact contribute to the gradual erosion of our national integrity, our social cohesion, and our moral strength.

I am, therefore, particularly concerned with the President's nomination of Abe Fortas as Chief Justice. For in view of the opinions delivered by Mr. Fortas since his appointment to the Court in 1965, I do not feel that the best interests of our Nation would be served by his confirmation as Chief Justice. Indeed, if Mr. Fortas is confirmed in this position, the Congress will, in essence, be giving its sanction and encouragement to the libertarian, activist spirit which has done so much to usurp the legislative power of Congress, while contributing to the growing disrespect for law, order, individual rights, and public morality. We must not encourage this Court in its mad and rampant course toward a total perversion not only of its historic function but also of the meaning and significance of the U.S. Constitution.

I do not criticize the Supreme Court as an institution, and I do not say that any of the present justices are evil men. But the road to destruction of constitutional government in the United States is being paved by Supreme Court Justices who are either unable or unwilling to subject themselves to the restraint inherent in the judicial process which requires them to lay aside personal notions of what a constitutional principle ought to have said and to be guided solely by what the constitutional principle does say.

But for the faithful observance of the Constitution by the President, the Congress, and the Supreme Court, no man is protected against tyranny on the one hand or anarchy on the other.

Too many recent appointees to the U.S. Supreme Court are judicial activists who appear to interpret the Constitution not according to what it says but according to what it would have said if they had written it. I voted for Mr. Fortas when he was appointed to the Court in 1965, but the words and votes of Mr. Fortas put him among the judicial activists, who toy with the Constitution as though it were their personal plaything instead of the organic law which is the priceless legacy of all Americans.

All Americans should obey the decrees of the Court, but it is intellectual rubbish to contend that the Court should not be criticized or that the Senate has an obligation to place its stamp of approval upon a nominee whose record as a judge reveals a proclivity to amend the Constitution rather than to interpret it.

Moreover, Justice Fortas has, in some of his public utterances, enthusiastically endorsed the doctrine of mass civil disobedience. I cannot, in compliance with my constitutional duty, reward the utterer of these dangerous sophistries, by elevating him to the role of Chief Justice of the United States.

The office of Chief Justice of the United States is, in many ways, more important than that of President of the United States.

If the people disapprove of the acts of a President they may rid themselves of him after 4 years.

But if a Supreme Court Justice does not demonstrate as much devotion to the Constitution as he does to his own personal notions, the country must still put up with him for life.

I have no objections to Mr. Fortas, personally, or to his qualifications as an able lawyer. I have heard nothing which would reflect against his good character and conduct as a citizen. My objections go solely to his judicial philosophy as manifested by his words and actions while serving on the Court.

Supreme Court decisions, in which Justice Fortas has concurred, have resulted in the increase of possible Communist infiltration of our schools and defense plants, and of the Nation at large; in a growing laxness in dealing with criminals; in the increased dissemination of pornographic material throughout the country; in the overturning of long-established welfare practices; and in a profound weakening of private property rights through a far-reaching open housing decision. In each of these decisions the Court has arrogated to itself the legislative function, and, in certain flagrant cases, has read into the Constitution meanings which only a fortuneteller could possibly divine.

Let us examine each one of these issues separately.

First. Communist subversion. In a landmark case, Alberton against Subversive Activities Control Board, handed down in November of 1965, the High Court declared that the Communist Party in the United States is not constitutionally compelled, under provision of the Subversive Activities Control Act, to register its members with the Subversive Activities Control Board. The Court contended, and Justice Fortas concurred with that contention, that orders requiring Communists to register violate their fifth amendment privilege against self-incrimination, even though the Subversive Activities Control Act contains provision that registration in itself cannot be received in evidence against a registrant in any prosecution for violating any criminal statute.

This is an alarming decision; for, in essence, it allows members of a party dedicated to the forceful overthrow of this Government to conceal their membership in that organization for the express purpose of damaging the security of the United States. To say that registration is tantamount to self-incrimination under provisions of the Smith Act is to evince the same kind of fuzzy reasoning, which, in a moment of lunatic extremity, maintains that requiring a criminal to register a firearm is to deprive him of his right against self-incrimination—since for him, to register a gun would be publicly to declare his criminal intent. Can this truly be the meaning of the fifth amendment, that no person "shall be compelled in any criminal case to be a witness against himself?" Can we say then that to commit murder is to incriminate oneself, and thus a constitutionally defensible act? I cannot follow this line of thought, nor can I condone the degree to which, in this case, the Supreme Court has not only misread the Constitution but also usurped the legislative function. Nor can I condone the role of Mr. Fortas in this case—the same Mr. Fortas who, if he is confirmed, will preside as Chief Justice for many years to come. For it seems to me that in this case, as in many others, the Court is far more eager to protect the right of the dissident from social and political conformity, than to protect the majority of our citizens who constitute the social and political norm.

Or consider next, the issue of Communists who teach in our State-supported schools—and the Court's part in assuring these subversives the right to continue to instruct our children and so to mold their minds. The decision in the case of Keyishian against Board of Regents, handed down in January of 1967, serves as a lamentable example. In a 5-to-4 decision, the Court—and Justice Fortas—declared that New York State's Feinberg law, prohibiting subversives from teaching in State schools, to be unconstitutional and hence invalid. The Feinberg law, adopted in 1949, had as its avowed purpose the "elimination of subversive persons from the public school system." It directed the board of regents—the State's ruling educational body—to adopt and enforce regulations for the disqualification or removal of persons in the public school system responsible for "the utterance of any treasonable or seditious word or the doing of any treasonable or seditious act." The Feinberg law directed the board of regents to make a list of subversive organizations and to provide by rules and regulations that membership in such organizations is prima facie evidence for disqualification from teaching in the public schools. The Feinberg law was amended in 1953 to include personnel of any college or other institution of higher education owned and operated by the State. Later in that year the regents listed the Communist Parties of the United States and of the State of New York as subversive organizations.

What the Supreme Court has done, in this case, is to allow members of the Communist Party to continue to hold positions in New York schools with impunity. Justice Clark spoke out against the folly of this decision, in his dissenting opinion. His words speak more eloquently than could I, of the great danger which this decision holds for our Nation:

> The majority says that the Feinberg Law is bad because it has an "overbroad sweep." I regret to say . . . that the majority has by its broadside swept away one of our most precious rights, namely the right of self-preservation. Our public educational system is the genius of our democracy. The minds of our youth are developed there and the character of that development will determine the future of our land. Indeed, our very existence depends upon it. The issue here is a very narrow one. It is not freedom of speech, freedom of thought, freedom of press, freedom of assembly, or of association, even in the Communist Party. It is simply this: May the State provide that one who, after a hearing with full judicial review, is found to have willfully and deliberately advocated, advised, or taught that our Government should be overthrown by force or violence or other unlawful means . . . and to have personally advocated such doctrine himself; or to have willfully and deliberately become a member of an organization that advocates such doctrine, is *prima facie* disqualified from teaching in its university? My answer, in keeping with all of our cases up until today, is "Yes."

"I dissent" he concludes; and with that dissent I most earnestly concur.

Or, next—consider the matter of Communist infiltration of vital defense plants—a situation the Supreme Court has apparently seemed most anxious to exacerbate. I submit, as example, the case of United States against Robel, which was decided by the Supreme Court on December 11, 1967. The decision in this case overturned section 5(a)(1)(D) of the Internal Security Act, as amended, which provides that when a Communist-action organization is under a final order to register, it shall be unlawful for any member of the organization "to engage in any defense facility." The appellee in this case, a member of the Communist Party, was a machinist in a Seattle shipyard. He continued to work at the yard despite an order by the Subversive Activities Control Board requiring the party to register as a Communist-action organization and a directive of the Secretary of Defense designating the shipyard as a "defense facility." As a result, he was indicted for willfully violating the act. When the case came before the Supreme Court, that body held, and Justice Fortas found himself with the majority, that section 5(a)(1)(D) was an abridgment of the right of association protected by the first amendment. Thus, by this incredible contortion of constitutional authority, the Supreme Court, and Justice Fortas with it, contrived to assume that the "right to peaceable assembly" implies the right of admitted subversives to employment in defense establishments essential to the national security. Again, I quote from the dissenting opinion, that of Justices White and Harlan, to underscore my point:

> The right of association is not mentioned in the Constitution . . . [I]t is now apparent that the right of association is not absolute and is subject to significant regulation by the State. The law of criminal conspiracy restricts the purposes for which men may associate and the means they may use to implement their plans.

If the Court has acted in an unconstitutional manner in this case—as I believe it has—it has also acted in such fashion as to endanger the national security. As the dissenting opinion concludes:

> The Court is left with a vague and formless concept of associational rights and its own notions of what constitutes an unreasonable risk to defense facilities.

But communism is not the only issue. The Court's role in fostering a growing laxness in the handling of criminals is notorious, as is Justice Fortas' participation in that role. On June 13, 1966, the Court handed down Miranda against Arizona, whereby a whole new dimension was added to the fifth amendment clause prohibiting the testimony of a man against himself in a criminal case. Justice Fortas concurred with the majority opinion in that case. As Senator ERVIN noted on the floor of the Senate a few weeks ago:

> The self-incrimination clause of the Fifth Amendment, which declares that "no person shall be compelled in any criminal case to be a witness against himself," became a part of the Constitution on June 15, 1790. From that date until June 13, 1966, the U.S. Supreme Court interpreted these words to mean what they said; that is, to have no possible application to voluntary confessions made outside the court.

And now, according to Miranda, the clause is made to cover all voluntary confessions made by a suspect while in the custody of a police officer: such confessions are inadmissible as evidence in court unless the suspect has been given certain warnings which were nonexistent until the decision was made. The dissenting opinion in this case makes all too clear the dangerous effects which the Miranda decision will have—and has had—upon the process of criminal law:

> [T]his decision [can] do [no] other than have a corrosive effect on the criminal law as an effective device to prevent crime. A major component in its effectiveness in this regard is its swift and sure enforcement. The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it. This is still good common sense. If it were not, we should posthaste liquidate the whole law enforcement establishment as a useless, misguided effort to control human conduct.

In summary:

> If further restrictions on police interrogation are desirable at this time, a more flexible approach makes much more sense than the Court's constitutional straitjacket which forecloses more discriminating treatment by legislative or rule-making pronouncements.

These are the words of Justice White, whom Justices Harlan and Stewart joined in dissent. I am reminded of Alice through the looking glass, who complained to the queen:

> One can't believe impossible things.
> I daresay you haven't had much practice—

Replied the queen:

> When I was your age, I always did it for half-an-hour a day. Why, sometimes I've believed as many as six impossible things before breakfast.

How many more impossible things will this Court force us yet to believe? How much longer must we see the Constitution of the United States contorted in a manner which changes its meaning and shears the Congress of its legislative power?

But to proceed further—1 year later, on June 12, 1967, the Court, in three cases—Gilbert against California; Stovall against Denno; and United States against Wade—reversed all previous interpretations of the sixth amendment by declaring it unconstitutional for the victim or witness to a crime to view a suspect for identification purposes between the commission of the crime and the trial of the case, without the presence of an attorney; further, the Court held, no testimony given by either victim or witness in open court is allowable as evidence unless the judge has conducted an inquiry to establish the unprejudicial view of the witness. And again, as Senator ERVIN has so rightly observed:

For all practical purposes, the Supreme Court Justices who joined in the *Miranda*, the *Gilbert*, the *Stovall*, and the *Wade* cases made voluntary confessions that they were amending rather than interpreting the Constitution by holding that these decisions had no retroactive effect.

As if crime and subversion were not sufficient cause for concern, let us consider the Court's role in disseminating pornography—which, studies have indicated, may contribute to the growth of crime, particularly among young people. Consider Schackman against California—June 1967—as a case in point. Justice Fortas' vote in this case had the effect of negating his earlier votes in favor of affirming conviction in the well-known Ginzburg and Mishkin cases. For in Schackman, Justice Fortas voted with the majority, which reversed the judgment of a California court, that certain film material exhibited by a Los Angeles pornograper constituted hard core pornography. In Connor against City of Hammond—October 1967—furthermore, the Supreme Court reversed the obscenity conviction of a Louisiana news vendor who had been convicted of selling nudist magazines. In the cases of Potomac News Co. against United States, and Central Magazines Sales Ltd. against United States—both October 23, 1967—the Supreme Court reversed lower court rulings that had banned from the country a group of obscene Danish publications. In all three of the above-mentioned cases, Justice Fortas voted with the majority, which did not consider the material in question "obscene," according to the standards set in the Roth, Mishkin, and Ginzburg cases.

Finally, let us not forget the recent case of Ginsberg against New York—April 1968—in which the High Court affirmed by a 6-to-3 vote the conviction of a Long Island luncheonette operator for having sold indecent material to a 16-year-old boy. Justice Brennan, writing for the Court, said that the conviction was valid and that the New York statute under which the conviction was obtained was constitutional. Justice Fortas dissented from that opinion.

Related, I think, to the Court's general tendency toward encouraging moral laxity is the recent unanimous ruling which negated the validity of the Alabama statute restricting welfare payments to those households in which a mother does not cohabit with a "substitute father." The overturning of the man-in-the-house law is not only an open invitation to moral irresponsibility, which can now expect recompense, but also, is a further example of the activist Court's determination to provide every possible means of succor to those who contribute the least to society. This decision is an encouragement of disregard for the value of law, the social structure, and individual initiative.

Finally, however, and perhaps most dangerous to the concept of the separation of powers, is the Court's June ruling on the matter of open housing—a decision which undermines the very concept of private property rights guaranteed by the fifth and 14th amendments. This decision, Jones against Mayer Co., not only misinterprets completely the 1866 statute on which it is based, but also utterly preempts the effect of recent congressional action on the same issue. The 1866 law in question proclaims that—

> All citizens of the United States shall have the same right . . . to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property . . .

But, as Senator ERVIN has pointed out:

> By banning so-called discrimination in the sale and rental of all housing the Court "assigns to the words of the Act a meaning they do not have and a purpose they are not intended to achieve. Since a white citizen's right to purchase or lease property has always been subject to the condition that its owner must be willing to sell or lease it to him, the Court distorted the words of the Act in holding that they confer upon a nonwhite citizen the power to compel an unwilling owner to convey or lease property to him.

Such unconstitutional usurpation of the legislative function is, at the same time, a blatant attack upon the constitutional protection of individual property rights, and, as such, a dangerous threat to the very concept of American democracy. The dissenting opinion of Justice Harlan in which Justice White joins, underscores the danger of this threat:

> I think it is particularly unfortunate for the Court to persist in deciding this case on the basis of a highly questionable interpretation of a sweeping, century-old statute which, as the Court acknowledges . . . contains none of the exemptions which the Congress of our own time found it necessary to include in a statute regulating relationships so personal in nature. In effect, this Court, by its construction . . . has extended the coverage of Federal "fair housing" laws far beyond that which Congress in its wisdom chose to provide in the Civil Rights Act of 1968. The political process now having taken hold again in this very field, I am at a loss to understand why the Court should have deemed it appropriate, or, in the circumstances of this case, necessary to proceed with such precipitous and insecure strides.

And yet the strides continue—precipitous and insecure, menacing and ill-advised. I therefore submit that Abe Fortas should not be confirmed as Chief Justice of the United States. His record is proof enough of what we may expect of him in the future.

At a time when crime and disorder and violence are rampant in our country, Mr. Fortas joined in decisions inventing new and artificial rules of evidence for all criminal trials in Federal and State courts and thus placed handcuffs upon prosecuting attorneys, law-enforcement agencies, and lower courts. He also joined in decisions adjudging that Communists have a constitutional right to work in defense industries vital to our national security and a constitutional right to teach in the public schools.

I cannot vote to confirm judicial alchemists who transmute the plain words of the Constitution into things they do not say.

Although the vote on tomorrow will not go to the issue of confirmation itself, it is apparent that there will be no occasion to do so. Therefore, on the vote to invoke cloture and thus close debate on the motion to proceed to the consideration of the nomination of Mr. Fortas to the office of Chief Justice of the United States, I shall vote against cloture.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Huntington, W. Va., Advertiser of September 20, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.S. SUPREME COURT SHOWS SERIOUS LOOPHOLES IN LAW

The senatorial controversy over confirming the nomination of Supreme Court Justice Abe Fortas as Chief Justice underscores public alarm at the liberal drift of court decisions in recent years.

A series of decisions under the leadership of Chief Justice Earl Warren has reversed convictions of rapists, robbers and murderers on the basis of rights for defendants never before recognized.

In 1957 Andrew Mallory was freed of a confessed rape charge for the sole reason that he had been held for seven and a half hours between his arrest and his arraignment.

In 1964 Danny Escobedo was freed of a murder charge because police had refused to allow him to see his attorney before he confessed.

In 1966 Ernesto Miranda was freed of a rape conviction along with three others on different charges because before questioning them police had not advised them of rights that did not officially exist at the time of the interrogations.

The rights that Chief Justice Warren set out for the first time in the Miranda decision of 1966 included informing a prisoner before questioning him that he need not talk, that anything he said could be used against him as evidence, that he had a right to the presence of a lawyer during the questioning and that if he lacked money, the court would appoint one for him.

Miranda and all the other defendants in the four cases decided at that time had been arrested and questioned even before the Escobedo decision.

The police could not have been expected to abide by rights that were not specifically set out in the Constitution, any written law or any court decision.

In using the rights first fully spelled out in 1966 to free prisoners arrested and questioned before that time, the Supreme Court demonstrated a serious loophole in the American system of justice.

The court's decisions were serious enough because of the character of at least three of the defendants freed.

Mallory subsequently received a long prison sentence in Pennsylvania for attacking another woman. Escobedo received a long sentence this year on a marijuana charge, and Miranda is under a long sentence for robbery.

Besides that, a great many other suspects arrested and questioned before the rights had been decreed by the court had to be released.

These included a New York man who had murdered his wife and five children.

The legal loophole is important not only because it has resulted in the release of defendants who were obviously guilty but because in effect the court convicted police of violating prisoners' constitutional rights by an ex post facto decision.

An ex post facto law makes a crime of an act that was not illegal at the time it was committed. Enactment of such a law is expressly forbidden by the Constitution.

And yet, although there was no penalty attached to the decision against the police except the loss of their time in questioning the freed men and seeing the suspects released, the Supreme Court did in fact seem to violate the principle of the prohibition against an ex post facto law.

Some means should be found to plug this serious loophole in the system of criminal law.

Mr. GRIFFIN. Mr. President, the Parsons, Kans., Sun recently published two editorials concerning the nomination of Mr. Abe Fortas as Chief Justice of the Supreme Court.

I ask unanimous consent that the Parsons Sun editorials, entitled "Forever Stuck" and "More Concern," be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Parsons (Kans.) Sun, Sept. 13, 1968]

FOREVER STUCK

It once appeared to many including this newspaper that Abe Fortas, after perhaps a stormy session or two, would be confirmed by the Senate as chief justice of the United States. We were wrong.

The odds are growing that Justice Fortas indeed will not be confirmed, although he would continue as a member of the court if he desired. Rejection of his nomination as chief justice, however, would seem to make untenable even his present position as a mere justice.

The reason for this unprecedented act is politics, chiefly the kind practiced by Lyndon B. Johnson. But then Mr. Johnson has been something of an unprecedented President.

The most damaging disclosure made in Senate hearings, we believe, was that Justice Fortas continued to wear two hats—or at least a robe and a hat—after his appointment to the court. The robe came as part of his judicial attire, the hat as a presidential advisor.

The latter was an old role for the justice, dating from Mr. Johnson's freshman years in Washington. There was nothing wrong in it as long as Justice Fortas was a practicing lawyer making a pile from his own ability and gold-plated connections in Washington.

When he became a member of the topmost court, however, his role should have ceased forthwith. After all, the relationship between the two men changed drastically and at Mr. Johnson's insistence.

It is not necessary to disagree with Justice Fortas' decision and reasoning on the court to say he should act to withdraw his name from consideration as Joseph Kraft, the discerning columnist, suggested on this page Thursday.

The controlling fact instead is that Mr. Johnson cooked up a pot of politics and it has boiled to the explosion point, with the result that the nominee has been forever scarred.

[From the Parsons (Kans.) Sun, Sept. 14, 1968]

MORE CONCERN

The damning evidence continues to mount against Abe Fortas.

Friday's disclosure that the nominee received $15,000 for university lectures this summer, raised by a former law partner from five New York City residents through tax-deductible contributions, will only harden the opposition and raise new questions about the man President Johnson chose to be chief justice.

A United States Supreme Court member should be, like Caesar's wife, above suspicion. He must avoid relations or conflicts which would compromise his position on the highest tribunal of all.

This Fortas obviously has not accomplished or apparently even tried. He continued as an advisor to President Johnson, even going so far as to make a telephone call seeking to soften a presidential critic of the Vietnam war after he went on the court.

The unfavorable testimony of Friday adds to concern about the appointment. There is no explanation yet of why the former law partner took it upon himself to raise the money, why Fortas delivered the lectures under the circumstance or what the interests of the five contributors might be.

If Fortas has a thirst for more income than he receives on the supreme court ($39,000 a year with lifetime tenure,) if he is insistent upon pursuing outside interests and keeping outside connections, then he clearly is not the man to be chief justice.

Even his position as a justice has been put under a cloud by the continuing revelations and it is growing darker.

Mr. HART. Mr. President, on the question of whether we shall agree to take up the nomination, occasionally reference is made to the fact that the Court is not popular, that a great body of American opinion, as reflected in the polls, finds fault with the Court. I am not sure, and I know that those who made that point do not suggest that we determine the question of taking up a Supreme Court nomination on the basis of whether the pollsters tell us it will be popular or not. But to the extent that that consideration is relevant, I ask unanimous consent to have two polls printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. The first is the Lou Harris survey, which shows the results on the question: "President Johnson has nominated Justice Abe Fortas to succeed Earl Warren as Chief Justice of the United States. From what you know or have heard, do you feel that the nomination of Justice Fortas should be confirmed by the U.S. Senate?"

Forty-five percent say "Yes," 25 percent say "Do not confirm," and 30 percent are not sure.

It is correct that a second question shows that the Court's popularity rating ranges from fair to poor.

The second is Sindlinger's daily survey, which shows that 46 percent favor the elevation of Mr. Justice Fortas, 28 percent are against it, and 26 percent have no opinion, of those who are aware of the issue.

I also ask unanimous consent to have printed in the RECORD, in connection with this question, particularly relevant to the vote tomorrow, an editorial published in the Washington Post of Sptember 30, entitled "Justice on Trial."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HART. The editorial urges that the action on Mr. Justice Fortas go forward—in short, that the name be permitted to be brought up, that the Senate debate the issue on its merits, and then that the Senate not only stand up but also be counted.

EXHIBIT 1

[From the Washington Post and Times Herald, Aug. 12, 1968]

THE HARRIS SURVEY: PUBLIC BACKS FORTAS CONFIRMATION, ASSAILS COURT

(By Louis Harris)

Despite criticism of the U.S. Supreme Court and some of its decisions, American public opinion favors Senate confirmation of the nomination of Abe Fortas as Chief Justice by nearly 2 to 1. A national cross section feels, by 45 to 25 per cent, that the appointment should be approved. However, by 58 to 35 per cent, the public also gives the high court itself a negative rating.

The main findings based on a Harris Survey, taken shortly before last week's Republican National Convention, in support of the nomination of Justice Fortas are:

By 69 to 14 per cent, Americans believe that "President Johnson was right to promote a man from within the present Court."

By 62 to 25, they agree that "if the President appoints a qualified man as Chief Justice, the Senate should confirm his choice."

By 45 to 11, they also say that Fortas "is an able Justice," although 44 per cent are uncertain on that question.

Undoubtedly the main reason for the public controversy surrounding the Fortas nomination stems from some of the decisions of the Court in recent years. When presented with the statement that "the present Court has made it harder to convict criminals and was wrong to ban prayers from schoolrooms," those interviewed agreed by 78 to 11 per cent. Support for the more popular "one-man, one-vote" and school desegregation decisions was only 41 to 25 per cent on the positive side.

Two specific charges made during the recent Senate hearings on the Fortas case received no better than minority support. By 44 to 22 per cent the public rejected the view that "Justice Fortas was wrong to sit in on White House strategy meetings." By a much closer 33 to 30 per cent it also refused to go along with the claim that "Chief Justice Earl Warren retired now in order to keep Richard Nixon from naming the next Chief Justice."

Support for the Fortas nomination breaks sharply along regional, educational and political lines. Backing for confirmation is highest in the East and West and lowest in the South. People who did not finish high school give only 39 to 22 per cent backing, while the college-educated support the nomination 52 to 30 per cent.

The heart of the opposition to confirming Fortas as Chief Justice can be found among people who voted for Barry Goldwater in 1964, who are 45 to 29 per cent opposed, and among those who plan to vote for George Wallace, 44 to 30 per cent opposed. Backers of Hubert Humphrey support confirmation 59 to 10 per cent. Wallace voters give the Supreme Court an 86 to 10 per cent negative rating, compared with a 55 to 37 per cent positive rating among Humphrey voters.

A cross-section of 1346 people was asked: *"President Johnson has nominated Justice Abe Fortas to succeed Earl Warren as Chief Justice of the United States. From what you know or have heard, do you feel that the nomination of Justice Fortas should be confirmed by the U.S. Senate?"*

Fortas nomination

[In percent]

Should be confirmed	45
Should not be confirmed	25
Not sure	30

Here is the current rating of the Supreme Court on a scale from poor to excellent:

Supreme Court rating

[In percent]

Good - Excellent	35
Only fair - poor	58
Not sure	7

THE SINDLINGER'S DAILY SURVEY, SEPTEMBER 17, 1968: 49.7 PERCENT OF ADULTS OF VOTING AGE KNOW ABOUT FORTAS SENATE DEBATE

THE QUESTION

On Thursday thru Sunday . . . when we conducted our third weekly pre-election political study . . . we added this question sequence on Abe Fortas: "Have you read or heard anything about the Senate Judiciary

Committee debates over the confirmation of Abe Fortas as the new Chief Justice of the United States Supreme Court?"

If yes, ask: "Should the United States Senate vote on the confirmation of Abe Fortas for Chief Justice—how do you want your Senators to vote—for or against Fortas?"

Knowledge of the Senate Judiciary Committee debate on Fortas varies throughout the nation—by sex, region and by party preference.

By Sex: 59.8 percent of males Know About the Senate Debate; 40.2 percent of females Know About the Senate Debate; 49.7 percent of all adults Know About the Senate Debate.

Thus, only about half of the adult population (of voting age) are familiar with the Senate debate over the confirmation of Abe Fortas as Chief Justice of the United States.

By region of country and by party preference . . . the Know About is as follows:

By region: 60.1 percent in the East; 40.5 percent in the Midwest; 50.5 percent in the South; 48.6 percent in the West.

By party preference: 48.1 among adults who consider self Republicans; 50.6 percent among adults who consider self Democrats; 53.3 percent among adults who consider self Independents; 25.9 percent among adults who are not interested in 3 parties.

46 PERCENT FOR FORTAS, 28 PERCENT AGAINST, 26 PERCENT NO OPINION

Among those respondents who had read/heard about the Abe Fortas debate . . . which projects to about 58-million . . . opinions on how their Senators should vote. varied widely by sex and by region and by party preference.

For confirmation: 46.0 percent for males; 44.7 percent for females; 45.5 percent for total.

For confirmation—by Region: 63.9 percent in the East; 45.6 percent in the Midwest; 22.3 percent in the South; 39.5 percent in the West.

For confirmation—By party preference: 35.2 percent among Republicans; 52.7 percent among Democrats; 46.8 percent among Independents.

Against confirmation—By sex: 31.8 percent for males; 23.0 percent for females; 28.1 percent for total.

Against confirmation—By region: 17.7 percent in the East; 25.9 percent in the Midwest; 54.5 percent in the South; 17.3 percent in the West.

Against confirmation—By party preference: 32.6 percent among Republicans; 23.2 percent among Democrats; 31.4 percent among Independents.

Range of no opinion on confirmation—By sex: 22.2 percent among males; 32.3 percent among females; 26.4 percent among total.

Range of no opinion on confirmation—By region: 18.4 percent in the East; 28.5 percent in the Midwest; 23.2 percent in the South; 43.2 percent in the West.

Range of no opinion on confirmation—By party preference: 32.2 percent among Republicans; 24.1 percent among Democrats; 21.8 percent among Independents.

Thus, from the above, it becomes clear that opinions on Abe Fortas as Chief Justice of the U.S. Supreme Court . . . follows regional/party lines.

EXHIBIT 2

"JUSTICE ON TRIAL"

A. L. Todd's enthralling book, "Justice on Trial," written some years ago about the bitter struggle in the United States Senate over confirmation of Louis D. Brandeis as an Associate Justice of the Supreme Court, is inscribed, perhaps prophetically, "To the President who next appoints a Louis D. Brandeis." Is that President Lyndon B. Johnson? Only a long term of service on the bench can determine whether Abe Fortas is another Brandeis. But there are, nevertheless, illuminating and deeply disquieting parallels between the fight over Fortas today and the fight over Brandeis in 1916.

Both men were nominated by Presidents who had incurred the bitter enmity, not to say hatred, of political opponents and both were scapegoats for their sponsors. Mr. Brandeis was the first Jew ever named to sit on the Supreme Court; Mr. Fortas is the first Jew to be named as Chief Justice of the United States. Both men were extraordinarily successful and distinguished in private practice, handling not only extremely lucrative corporate clients but also championing extremely controversial litigants in outstanding public causes. Both men were exponents of social and juridical philosophies outrageous to the legal and political mossbacks of their time.

But of course opponents in both situations felt obliged to dress up their opposition in respectable reasons. In the Brandeis case, eminent members of the bar, to their everlasting shame, besmirched the nominee's reputation as a lawyer and impugned his professional integrity in the cruelest, most reckless and most irresponsible manner. He was accused by a witness before the Judiciary Committee as "a public agitator" who had played a double role in the life insurance scandals of the time, first on behalf of the policyholders and then "in defense of the life insurance company with its retainer in his pocket." William Howard Taft, a former President of the United States and a contender then for appointment to the Court, did not scruple to say that Brandeis "was entirely without scruple in winning a case at the Bar." The president of a major corporation with which Brandeis had been associated accused him of "unprofessional conduct and of conduct not becoming an honorable man . . ." Elihu Root said, "He has no moral sense."

No doubt the men who leveled these cruel and untrue charges at an honorable man believed at the time, in the depth of their hostility, that they had substance. But the charges, when they had been sifted by the Judiciary Committee, turned out to involve at worst, errors of judgment or peccadillos of taste. On June 1, 1916, the Senate voted on the Brandeis nomination, confirming him by 47 to 22.

There was one significant difference, however, from the Fortas situation today. No one—not even the men most steeped in hatred of Woodrow Wilson—suggested in 1916 that confirmation should be blocked by a filibuster. The Senate took four months to make up its mind about Louis Brandeis. But none of its members was so lost to honor, so devoid of commitment to the concept of majority rule, as to propose a frustration of the whole Senate by sheer obstructionism. Will the Senate be allowed to behave as responsibly now?

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1969, AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1584, House Joint Resolution 1461, which is an extension until October 12, 1968, of the existing continuing resolution.

The **PRESIDING OFFICER.** The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (H.J. Res. 1461) making continuing appropriations for the fiscal year 1969, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was read a second time by its title.

Mr. MANSFIELD. Mr. President, the existing authority under the original continuing resolution expires at midnight tonight. This authority must be extended inasmuch as those programs and activities of the Department of Defense that are funded in the regular Department of Defense Appropriation Act will be without obligational authority, the programs and activities funded in the Foreign Assistance Appropriation Act will lack obligational authority, and the programs and activities funded in the Departments of Labor, and Health, Education, and Welfare Appropriation Act will lack obligational authority.

Under the terms of House Joint Resolution 1461, this existing authority will be continued until October 12, 1968.

Mr. President, I urge the passage of this joint resolution.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. I realize that we have no choice under the circumstances except to pass the joint resolution, and I shall support it. However, I should like to ask this question for the record.

It is my understanding that during this interval we will make an effort to get both the Defense appropriation bill and the foreign aid appropriation bill and the other bills cleared for the President's signature, so that we can hope that a further extension of this type will not be necessary.

Mr. MANSFIELD. That is the intention of the leadership, and I hope we can comply with the suggestion just made by the distinguished senior Senator from Delaware.

Mr. WILLIAMS of Delaware. The reason I ask that question is that some were fearful that with this continuing resolution extending the time to the 12th, there may be a tendency in the Senate to delay, and that we can get another extension and go back on the Defense appropriation afterward. I feel, as the Senator from Georgia said the other day, that it is important to get these matters into conference and try to clear them by October 12, because we are having a little difficulty keeping a quorum present under the circumstances.

Mr. MANSFIELD. I can assure the distinguished Senator that so far as the leadership is concerned, circumstances permitting, we will do our very best to comply with the suggestion made.

The joint resolution (H.J. Res. 1461) was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, as in legislative session, there be a period for the transaction of routine morning business, with a time limitation on statements therein of 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

HARRY S. TRUMAN AND THE UNITED NATIONS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 1459.

The **PRESIDING OFFICER** laid before the Senate House Joint Resolution 1459, recognizing the significant part which Harry S. Truman played in the creation of the United Nations, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 1459) was considered, ordered to a third reading, was read the third time, and passed.

EISENHOWER COLLEGE

Mr. MANSFIELD. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19831.

The **PRESIDING OFFICER** laid before the Senate H.R. 19831 to provide funds on behalf of a grateful Nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 19831) was considered, ordered to a third reading, was read the third time, and passed.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE AND REFER MESSAGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States and appropriately refer the same during the recess of the Senate this evening.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUPREME COURT RESERVIST CALLUP STAY

Mr. THURMOND. Mr. President, we have been debating at length the extent of Supreme Court interference in orderly legislative procedure. I invite attention to the fact that twice within the past few weeks a Supreme Court Justice has arrogated to himself the privilege of countermanding military orders. On September 13, Justice Douglas granted a stay on the order of 113 Army reservists from the Cleveland area to go to Vietnam. On September 22, Justice Douglas granted another stay, holding up the orders of 93 more.

Mr. President, I invite the attention of Senators to the fact that these reservists do not even have a case pending before the Supreme Court. Justice Douglas granted the order strictly on the basis that the Court might consider hearing the case when it reconvenes on October 7. This is a purely hypothetical situation, and it shows the extent to which judicial activism has penetrated the thinking of Justices who are supposed to be independent and free from prejudgment. It hits a new low in showing how far the Court's regard for its independence has sunk. In my judgment, Justice Douglas has arbitrarily inserted himself into the chain of command of the military service. Where will he stop?

Such orders will lessen respect for authority. Instead of following reasonable procedure and pursuing a case through the orderly process of the courts, many men will attempt to seek outside intervention. Contempt for lawful commands will increase. The law under which the callup was made is still on the books. Yet everyone will conclude that the Justice who granted this stay is deliberately flouting the law's intent and purpose. The Armed Forces cannot maintain discipline when Justices of the Supreme Court do not feel that they have to obey the law's provisions. This outrageous attack on law and order by Justice Douglas will have far-reaching effects both on the structure of our military and the whole framework of constitutional government.

LIMITATION OF TAX DEDUCTIONS ATTRIBUTABLE TO FARMING

Mr. METCALF. Mr. President, on September 19 I introduced S. 4059, a bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which tax-loss farmers are now using to offset their nonfarm income. At the time the bill was introduced, 16 Senators joined with me as cosponsors. On the same day a companion bill (H.R. 19916) was introduced in the House by the Representative from Iowa [Mr. CULVER] who was joined by seven of his colleagues as cosponsors.

The September 28 issue of the newspaper Labor contains a comprehensive article written by Harry D. Garduk concerning the need for this type of legislation. By way of background, Labor is a national weekly newspaper owned by 18 unions with membership in the railroad, airline, and related transport fields. At present, it has a circulation of more than 650,000. On April 10 of this year, I called the attention of Senators, as appears on page 9648 of the RECORD, to an editorial that had just appeared in this same newspaper which termed tax loss farming "a mounting abuse which should not be tolerated. As Labor has repeatedly pointed out, it is unconscionable to continue such tax loopholes at a time when American lives are being sacrificed and billions of dollars being spent to wage the war in Vietnam."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGHT TO PLUG TAX LOOPHOLES USED BY "HOBBY FARMERS"

(By Harry D. Garduck)

A group of senators and congressmen launched a drive for legislation to close glaring loopholes by which wealthy "hobby farmers" escape taxes.

The bill in the upper chamber was introduced by Sen. Lee Metcalf (D., Mont.) and co-sponsored by Senators Anderson (N.M.), Bayh (Ind.), Burdick (N.D.), Church (Idaho), Harris (Okla.), Hart (Mich.), Inouye (Hawaii), Mansfield (Mont.) McGee (Wyo.), McGovern (S.D.), Mondale (Minn.), Montoya (N.M.), Moss (Utah), and Nelson (Wis.), all Democrats; also by Pearson (R. Kan.).

In the lower chamber, Rep. John C. Culver (D. Iowa), introduced companion legislation for himself and Congressman Bingham (N.Y.), Evans (Colo.), Hamilton (Ind.), William Hathaway (Me.), Kastenmeier (Wis.), Richard McCarthy (N.Y.), and Reuss (Wis.), all Democrats.

"Hobby farmers," Metcalf pointed out, manipulate their books to show losses that sharply reduce their taxes on income from other sources. They do this by stretching into a tax loophole special accounting rules passed only to help ease bookkeeping chores for the family farmer.

Furthermore, he said, these tax losses are not even true business losses. They frequently represent a hugely profitable investment in the farm which the hobby farmer later cashes in.

Thus a wealthy "hobby farmer" can spend $200,000 to improve his farm and knock $140,000 off his income tax if he is in the 70 per cent tax bracket. When he sells the farm with its improvements, he gets back the $200,000 as profit, but pays only the capital gains rate of 25 per cent, or $50,000. Having saved $140,000 earlier, he's $90,000 ahead.

This loophole is proving so popular that "tax-loss farmers" are squeezing bona fide farmers out of business by bidding up prices of land, Metcalf warned.

It's ironic that tax provisions developed to help farmers, he declared, have been misused to create "hobby farmers" interested only in "farming the Internal Revenue Code."

As a consequence, he said, seven out of eight hobby farms "lose" money by income tax standards in sharp contrast to five out of seven of the less well-equipped, legitimate family farms which make money.

Reuss, the Wisconsin congressman who has long championed tax reform, called hobby farming "a $400 million a year raid on the Treasury."

Only about half of the 18,000 "hobby farms" in the U.S. pay any federal taxes at all, added Indiana's Sen. Bayh. They reportedly gross $4.3 billion a year and pay only $70 million in Federal taxes, or only 1.7 per cent of their gross, he pointed out.

IRS figures show that in 1966 only 251 persons with incomes over $200,000 who owned farms showed net profits in farming whereas 1,185 showed farming "losses."

The new legislation would close the loophope by permitting only $15,000 of farm losses to be used as an income tax offset against nonfarm income.

Mr. METCALF. Mr. President, I point out that in addition to those listed in Labor's article as cosponsors of S. 4059, the distinguished senior Senator from New Jersey [Mr. Case] is one of the original 16 cosponsors of the bill which I introduced on September 19.

On September 26, the St. Louis Post-Dispatch published a thoughtful editorial endorsing my new tax farming bill and called for its enactment in the 91st Congress. I am pleased to know that when the bill is reintroduced at the start of the next Congress, the sponsors of the bill will have this newspaper, with its impressive credentials, in our corner.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch, Sept. 26, 1968]

Closing a Tax Loophole

A much-improved bill to prevent wealthy taxpayers and corporations from evading much or all of their federal income taxes by operating farms at a loss has been laid before Congress by Senator Metcalf of Montana. Our objection to the original bill, that it would be impossible to define "bona fide farmers," to whom the measure would have restricted the tax privileges, has been removed at the suggestion of the Treasury Department, which with the Department of Agriculture endorsed the measure in principle. The Treasury Department said the "bona fide" yardstick would lead to "much controversy and perhaps litigation," and as applied to corporate farms could easily be evaded.

In response to its suggestion Senator Metcalf has adopted a new and objective yardstick. Farm losses could now be offset in full against non-farm income only by taxpayers with non-farm income up to $15,000, and taxpayers with non-farm incomes of $30,000 or more would be excluded.

How much more tax money these provisions would bring into the Treasury is not estimated, but an impressive indication was given by Senator Bayh of Indiana, one of the co-sponsors. Senator Bayh said corporate farms alone, of which there are some 18,000, are reported to gross $4,300,000,000 a year but paid on the average only 1.7 per cent of it in federal taxes, an average lowered by the fact that about half of them paid no federal taxes at all.

There is, we think, no question that the tax loophole should be closed. Industries, brokers, physicians, lawyers, luminaries of stage and screen and other persons of wealth, as Senator Metcalf said, have acquired farms and horse and cattle ranches, often as adjuncts to a country estate, to obtain privileges intended only for ordinary farmers in their payments of federal taxes on income from other sources.

Nor do the undesirable effects of the tax loophole end there. Prices of land are bid up and the products of farmers who require profit from their farming operations in order to live must compete in the marketplace with the products of "tax farmers" who would benefit by selling at a loss.

The only question about closing the loophole is that the means used may apply as a precedent to other forms of business and investment, but we believe the Treasury's formula resolves it. We should like to see the Ninety-first Congress enact the Metcalf bill.

INTERVIEW WITH SENATOR BYRD OF WEST VIRGINIA ON FEDERAL AID TO UNIVERSITY DEMONSTRATORS, RUSSIAN THREATS TO INVADE WEST GERMANY, AND MIDDLE EAST CRISIS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be printed in the Record a transcript of questions asked of me during a television interview on September 25, 1968, and of my answers thereto.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Television Interview With U.S. Senator Robert C. Byrd on Barring Federal Aid to Campus Demonstrators, Invasion Threats by Russia Against West Germany, and Recurrent Violence in the Middle East Between Israel and Egypt, September 25, 1968

Question. Senator Byrd, what is your feeling about the question of Congress barring federal educational grants to students who take part in campus disorders?

Answer. I'm all for it. An education can best be acquired in a positive and constructive atmosphere. But demonstrations and mob violence on the campuses are negative and destructive and they interfere with the efforts of the great majority of serious students who are in college to get an education.

I believe that students should have a voice in college affairs and an opportunity to participate in self-government, but what has been happening on some campuses cannot be simply excused as self-government or "participatory democracy", as the current phrase goes. On the contrary, the aim has often simply been to disrupt and obstruct and to demand license instead of academic freedom.

College demonstrators have no inherent right to demand that they be allowed to establish the rules of an institution, and students who create disorder should be suspended or expelled. Certainly they should not be given subsidies by the government. In many instances, the campus uprisings have been sparked by subversives who are the enemies of our country. Subversion of college students is an ancient device of revolutionaries, and it makes no sense for the government to aid those who would destroy it.

Question. Senator Byrd, how do you interpret the latest Soviet invasion threats against West Germany?

Answer. I think the Soviet Union is treading on very thin ice when it claims the right, under the U.N. Charter, to intervene unilaterally in West Germany to put down what the Soviets' claim is "neo-Naziism and militarism."

The free world is already greatly disturbed over the invasion of Czechoslovakia, and these actions by the Soviets are nothing short of provocative and they are bound to increase world tensions even more. Most authorities and diplomats feel that the questionable grounds used by the Soviets in making their threats are obsolete and in no way relevant to the world situation, as it exists today.

Further, West Germany now is a member of the NATO Pact and, of course, any invasion by the Soviets of that country would be regarded as an attack on all other NATO members, including the United States.

I think that inasmuch as the Soviet Union is citing the U.N. Charter as its authority, it may be well for the U.N. Security Council to take up this threat to world peace, and let the Soviet Union hear the voice of world condemnation for its bellicosity.

Question. Senator Byrd, what is your interpretation of the new outbreak of armed clashes between Egypt and Israel?

Answer. The activities by the armed forces of Egypt along the Suez Canal and along the Sinai Peninsula may indicate a new and very serious phase in the conflict between that country and Israel.

President Nasser of Egypt has only recently been in the Soviet Union and many observers feel that this may be an effort by the Soviet Union to divert attention from its own invasion of Czechoslovakia. This may be part of it; but there are also other factors.

Nasser has been criticized in the Middle East for ineffectiveness in the dispute with Israel, and there may be an effort by Egypt to make it appear that a new attack by Egypt is likely if Israel does not withdraw from the territory it has conquered.

I do not believe that Egypt, despite the fact that it has been re-armed by Russia, is strong enough to attack and prevail over Israel at the present time. Nasser and his Soviet supporters may think that a show of force now might induce the United States to press Israel for withdrawal from conquered areas. This seems to be the feeling in Jerusalem which, for the most part, has reacted coolly to Egyptian fire across the Suez and her ground forays into the Sinai.

I think that Egypt, at this point, has a primary aim of frightening the rest of the world into putting pressure upon Israel.

Interviewer. Thank you very much, Senator Byrd.

STORER BROADCASTING COMPANY OFFERS DISCOUNT TO POLITICAL CANDIDATES

Mr. McINTYRE. Mr. President, Storer Broadcasting Co. announced late last week that it will offer a 25-percent discount to all political candidates using their stations.

This discount will remain in effect during the balance of the present campaign.

I can think of no finer public service and no better way to bring down the incredibly high cost of political campaigning.

As one who has gone through three political campaigns, I can give personal testimony to the high cost of campaigning, and I know that those who are campaigning for National, State and local offices this year applaud the efforts of Storer Broadcasting to make it easier for all candidates to bring their views to the people.

I ask unanimous consent that the announcement by Storer Broadcasting be printed in the Record.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

Storer Grants Discount to all Political Candidates Using Its Stations

Miami, Fla., September 26, 1968.—Effective October 1, for the balance of the current campaign Storer Broadcasting Company radio and television stations will grant a 25% discount off earned commercial rate to all political candidates using their stations, Bill Michaels, Storer President, announced today. The discount is "across the board" and applies to all non-network business, both programs and announcements, both "plans" and frequency discount structures, both radio and television. Additionally, it was announced that all Storer stations have been instructed to intensify their efforts in arranging interview panels and other meaningful appearances of candidates for major offices within the permissible limits of Section 315 restrictions and sound programming. (The law currently provides that political rates can be no higher than comparable commercial rates. The thrust of this policy would make them 25% less than commercial rates.) The decision and announcement are in direct response to the recent recommendation of Chairman Rosel Hyde of the Federal Communications Commission and other similar comments from government officials commenting on the high cost of campaigning and the need of the campaigners to reach more people.

"In all honesty we do not know what the results of this discount will be as far as the candidates themselves are concerned," stated Michaels, "but under the circumstances we felt that it was in order to make a simple, concise and meaningful concession in the direction requested. We do know that it will reflect direct out-of-pocket loss of revenue to the stations, for during the closing weeks of the campaign the television stations in particular, operate on virtually a complete sold-out basis, with or without the discount, and this will simply mean less revenue per spot or program used.

"We feel that in many respects television is being incorrectly blamed for creating high costs of campaigning, whereas the truth of the matter is that the increased amounts spent are the result of the known efficiency of radio and television in reaching the public. These expenditures are larger because the candidates are using the medium in larger quantities than ever before by choice. The candidates with the most serious problem, of course, are those for the local or regional offices, and we hope that this move will in some degree facilitate their use of local radio and television, even though it is at a net financial cost to the station.

"We are not looking for old medals or halos. Business is good, and our stations as a whole are doing well. Our move is made as a gesture of cooperation, not of charity or rate-cutting. We hope that it will be productive for the candidates and the public, and if the results so indicate, we will give serious consideration to the application of the principle on a permanent basis."

The Storer Broadcasting Company stations are: WJBK and WJBK–TV, Detroit; WJW, WCJW and WJW–TV, Cleveland; WSPD and WSPD–TV, Toledo; WAGA–TV, Atlanta; WITI–TV, Milwaukee; WSBK–TV, Boston; WHN, New York; WIBG, Philadelphia; WGBS, Miami; and KGBS, Los Angeles.

WILL HUBERT HUMPHREY REPUDIATE L. B. J.?

Mr. MUNDT. Mr. President, many of Vice President HUMPHREY's "fair weather friends" are proposing that he turn his back on his great benefactor, L. B. J., and repudiate both him and his conduct of the war. I ask unanimous consent to have printed at this point in the RECORD a news release on this subject issued by me yesterday.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE BY SENATOR MUNDT

WASHINGTON, D.C.—In a statement issued from his office here Sunday afternoon, Senator Karl Mundt (R. S.D.), a member of the Senate Committee on Foreign Relations, expressed disappointment over the fact that UN Ambassador George Ball "resigned from his urgent responsibilities at the United Nations almost on the very day of his confirmation by the Senate and thus placed his interest in partisan politics above his sense of service to the high office to which he was so recently appointed."

Mundt said, "In seeking a valid reason for this quick switch from diplomacy to partisan politics, I presume it must be that President Johnson has been viewing with steadily increasing dismay the series of vacillating and contradictory statements being made by his Vice President to his auditors along the campaign trail. Consequently it appears the President has arranged for a switch of American Ambassadors to the UN so that Mr. Ball can travel with Mr. Humphrey in an effort to hold the Vice President to the Administration's position on Vietnam and to eliminate the sly criticisms which have been creeping into Mr. Humphrey's statements. Both in the State Department and more especially at the United Nations, Mr. Ball has been an ardent advocate and a vigorous spokesman in defense of the Johnson-Humphrey Administration of our Vietnam policies and the conduct of the war in Vietnam. So it seems his assignment as advisor to Hubert Humphrey is designed to make sure the Vice President does not waver from the war policies he has helped to evolve and which both he and Mr. Ball have so vigorously supported."

"As a long time associate and friend of Mr. Humphrey," however, Mundt added, "I believe the President and our Secretary of State are unduly alarmed over the possibility that Mr. Humphrey will yield to the siren call of the peace-nicks, the doves, the hippies, the appeasers in Americans for Democratic Action and others urging him to "come home, Hubert, come home to your former lovers". Hubert is a native son of South Dakota and a man who has spent his life in the Great Middle West and our people have certain characteristics which I feel confident Vice President Humphrey shares.

"For example, from my knowledge of Hubert, I do not believe that he is a hypocrite. He speaks fast and often but I do not believe he speaks for the purpose of being deceitful. For four years he has been perhaps an even more ardent, devoted, determined and frequent advocate of this Administration's position and policies on Vietnam than has the President himself. I just can not believe he would now repudiate his past speeches, admit he was guilty of hyprocisy, and indict himself as having repeatedly supported a point of view to which he was individually opposed.

"And I have never known Hubert Humphrey to manifest cowardice. Having so often and for so long given complete and courageous support to the foreign policies and the war time decisions of this Administration and having participated in their formulation, I can not believe he would now run out on his own convictions because of some political fear that to remain consistent might jeopardize his personal political fortunes.

"Finally, Hubert Humphrey in my opinion is no ingrate. He knows better than anyone else the tremendous help the devoted friendship of Johnson has meant to the success of Humphrey. It was LBJ who selected Hubert as his assistant leader in the Senate and it was LBJ who personally chose Hubert as his running mate at the Atlantic City Democratic Convention. Without these great encouragements and boosts by LBJ, HHH knows he would today not even be running for the Presidency and I for one just do not believe that in the closing weeks of the political campaign Hubert would drive the dagger of ingratitude into the back of his illustrious and faithful benefactor.

"I speak as a Republican and as a long time friend of Dick Nixon's, and as one who is actively supporting Nixon in his great campaign for the Presidency. But I do feel that those who do not know Hubert Humphrey well or who do not realize the qualities of citizenship and the personal characteristics which mark the vast majority of people in the Middle West do our Vice President a gross injustice in continuing to suggest that he now divorce himself from Johnson and turn his back on everything for which he has consistently stood for so long. I feel they under estimate Hubert Humphrey when they expect him to do a gross disservice both to his faithful friend, in the White House, his political party, and the power and prestige of the United States in these dangerous times by repudiating the Administration of which he is a part and the policies which he helped President Johnson, formulate and implement. Thus, I doubt the need for George Ball to suddenly quit his post at the United Nations where experienced leadership is now so necessary in order to make certain that Hubert Humphrey 'stay hitched' as a member of the Johnson-Humphrey Administrative team."

KENNAN CALLS UNITED STATES-SOVIET DETENTE PURE MADNESS

Mr. HRUSKA. Mr. President, since August 20, 1968, the policymakers in the White House have seen their hopes for a detente between the United States and the Soviet Union dim in the continuing dusk of detention in Central Europe. The small ray of light of emerging freedom in Czechoslovakia was absorbed in the omnivorous twilight of fear as Soviet-bloc troops occupied that land.

Twice before during this term of Congress I have argued in this Chamber that the Communist threat to the free world had become greater and not less; that the increased threat was not just military, or political, or economic, but all of these—a strategic threat.

The deliberate subjugation of Czechoslovakia points up this strategic threat. On September 5 of this year, I reviewed the six major assumptions underlying the recent attempts of the United States at detente with the Soviet Union. In the sobering aftermath of Czechoslovakia we can see how illusory these tenets of detente are.

It was under the delusion of detente that the United States allowed NATO to deteriorate, that we redeployed military forces in Europe, and that we considered substantial troop reductions in Europe. We ignored the precepts for a sound NATO strategy.

I urged in my statement on September 5 a thoughtful and serious review of U.S. policy in two critical areas:

First, a full-scale conference of North Atlantic Treaty Organization foreign ministers and defense ministers should be convened to review mutual defense arrangements in Europe.

Second, concurrently, the United States must review, in depth, its current policy of "bridge building" to the Soviets.

I take heart that Secretary of State Dean Rusk has recently proposed to hold a group meeting with the foreign ministers of the U.S. NATO allies sometime soon in New York. This is a first step. The administration has taken no such preliminary moves, however, to begin a review of the policy of "bridge building" to the Soviets. In fact, President Johnson still seems to be pursuing the contrary intent of seeking a summit conference with the Soviet leaders.

An Associated Press story, printed in many leading newspapers on September 22, 1968, reported on an extensive interview with George F. Kennan in which he discussed our strategic needs in Europe today. This story points up the folly of the detente mentality. Mr. Kennan is an eminent authority on U.S. foreign policy and on the Soviet Union. He is generally considered the chief architect of foreign policy during the Truman administration, and served the United States for more than a quarter of a century at various top-level posts in the U.S. Foreign Service.

Mr. President, I ask unanimous consent that this excellent article as published in the St. Louis Post-Dispatch be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IDEA OF JOHNSON-KREMLIN TALKS DESCRIBED BY AMBASSADOR KENNAN AS MADNESS

(By Endre Marton)

PRINCETON, N.J., September 21.—The United States should dispatch 100,000 troops to West Germany and then tell the Soviet Union: "We will not take them out until you leave Czechoslovakia," scholar-diplomat George F. Kennan suggests.

He describes as "pure madness" any idea of President Lyndon B. Johnson meeting with Russian leaders under present circumstances.

"What respect would the Russians pay to the word of a lame duck president? What has Mr. Johnson to offer them? It is a bad policy to go and plead with people when you have no cards in your hands, no carrot and no stick," Kennan said in an interview.

Kennan, regarded by many as the top American authority on Communism, strongly questioned that there would be a detente or relaxation of tensions between East and West.

"I have never understood this talk about detente," Kennan said. "I have not seen any evidence of detente and I wouldn't trust any so-called detente if it is not supported by free contacts between governments and peoples."

An atmosphere of co-operation with the Soviet Union, he explained, "simply doesn't exist. Their conspiratorial method of diplomatic action cannot create such an atmosphere."

NUCLEAR WEAPONRY

There has been some progress in the field of nuclear weaponry and the nonproliferation issue, Kennan said. But he went on: "This is not detente. This is simply the dictate of obvious and bitter situation, presenting danger for both. An agreement on nonproliferation can be concluded without affecting our general political relations. The real test of relations would be if the Soviets permitted normal contacts between peoples.

"Any real detente," he said, "would have to begin with agreement on the future of Eastern and Central Europe. But I don't see that anything has changed in this respect, or that we would be any closer to the solution of the German problem."

Kennan said, in reference to published reports that Mr. Johnson still wanted to meet with Russian leaders:

"The suggestion of such a meeting at this time smacks of one of the worst phenomena of American diplomacy in earlier years, namely: the abuse of external relations of our people as a whole for the domestic-political advantage of a single faction or party. The idea of the President's going to Russia at this time strikes me as pure madness."

WHAT TOPIC?

What would Mr. Johnson discuss with the Russians? Kennan asked.

"Germany? There has been no preparation with our allies. The President has nothing new to offer and nothing to suggest. Vietnam? The Russians have warned us a hundred times that Vietnam is a burden on our relations. Is Mr. Johnson in a position to fold up the Vietnam war? I do not think so. And the Russians really cannot undertake to speak for Ho Chi Minh. Perhaps they could use their influence with him but not when they are put on the spot by all the publicity of a summit meeting."

Although talking in scholarly terms, Kennan did not conceal his emotions when he discussed the Czech invasion. In 1938, after the Munich conference where Britain and France sacrificed Czechoslovakia to appease Hitler, Kennan was assigned to the Prague legation and six months later he witnessed the Nazi occupation of that country.

"The Russians did not intervene in Czechoslovakia to re-establish a military balance. They intervened because of their internal weakness," he said.

NO CHALLENGE TO PACT

"It is against the rules of the game for them to intervene when a Communist regime evolves as the Czech Communist regime was evolved. There was no challenge to the Warsaw pact. There was no attempt to overthrow the Communist regime in Czechoslovakia. There was no Western interference. Just because another Communist regime evolves slightly, under the pressure of its own public opinion, in the direction of greater freedom, that is no reason for upsetting the military balance of Europe."

"What should we do now?" Kennan asked. "Perhaps move 100,000 men into Germany and tell the Russians: 'We will not take them out until you leave Czechoslovakia.'

"The trouble is," he continued, "that we don't put any cards in the hands of those elements in the Soviet Union who never liked the idea of sending 300,000 or 400,000 men into Czechoslovakia in the first place and who might like to reverse this policy now."

The United States, Kennan said, was paralyzed during the 1956 Hungarian uprising and is paralyzed now in the Czech crisis because "unfortunately our attention was and is diverted by crises in other parts of the world."

"What could we have done in these situations, if we had not been tied up with these other situations?" he asked, and replied:

"We might, it seems to me, have at least proposed some modification of our military position in Germany as quid pro quo for Soviet forebearance in Hungary or in Czechoslovakia, as the case might be.

U.S. WITHDRAWAL

"We could have proposed, for example, a withdrawal of American forces Bavaria or some other area in return for Russian withdrawal from Czechoslovakia. This might not have been accepted, but it would have given the Czechs a talking point in their dealings with the Russians and exposed the hollowness of the Russian claim that they need for military reasons to station troops along the western border of Czechoslovakia. And there might have been people in the Soviet high command to whom such an offer would have had a serious appeal."

But, Kennan continued, "for this we would have had to have prepared the ground long since in discussions with our European allies—we would have had to clarify Western thinking generally on the question of the function of our forces in Europe and the conditions for their eventual withdrawal. But this—preoccupied with Vietnam and, in general, uninterested in Europe—our government has never done."

And now, he continued, "we are apparently not even reinforcing our troops there, though there are now about half a million more Russians in the area. Moreover, had this thing not come along, we were well on the way to withdrawing our troops unilaterally and the Russians knew it.

"Our forces in Germany were apparently regarded as an expendable asset since we were gradually withdrawing them, yet we were unwilling to use this withdrawal as a pawn in 1956 and again now."

WORLD CHANGE

Neither the United States nor the Soviet Union has recognized that the world has changed since the end of World War II "when the Russian empire was established as a result of our deplorable weakness in 1939," Kennan said.

The Russians, he said, "do not recognize that they cannot get away from such aggression any more before world opinion, and our government does not recognize that, whereas it was obliged to tolerate such aggression in 1956, it cannot and should not pass it over in the same way in 1968."

Kennan was asked whether there was a danger that the Russians, encouraged by a passive attitude, might threaten Western Europe. He replied.

"A year ago I would have said: definitely not. Now I don't know. Recent Russian behavior has not been rational. What happened in Czechoslovakia must be the reflection of some curious internal struggle within Russia. After all the Soviets gained nothing. Surely no one who had primarily Russia's external relations at heart could have made such a decision.

"I cannot believe it was a properly prepared decision of the Soviet hierarchy. It must have been the work of some faction which happened momentarily to be in a position to enforce its will on the others. There is evidence of rivalry between factions in Russia. I strongly suspect the influence of the secret police, supported by a portion of the officer corps and a portion of the party."

NO RUSSIAN GAIN

The Russians did not gain, he continued, because all four areas of Soviet foreign relations suffered.

"In the capitalist world their interest suffered great damage," Kennan said. "The same is true in the nonaligned world, including Tito's Yugoslavia. For Russian relations with Communist parties in the non-Communist world, the Czech invasion was disastrous—in the long run, probably irreparable—the greatest blow since the Hitler-Stalin pact. In the Communist bloc, they secured one satellite precariously and for the moment, but at the cost of largely losing another, namely Romania. In addition to that, the invasion ruined the mild elements of rapprochement with Yugoslavia."

Stalin, Kennan said, was "more prudent in 1948 and wise enough to recognize that force was not enough. He knew that there was no alternative Communist leadership in Yugoslavia to replace Tito and he was too wise to try to overthrow a regime when he had no alternative, just as the Russians have no alternative in Czechoslovakia."

The new Soviet leaders, he said, "did not study their Stalin." There has been a "strange streak of adventurism" in Moscow since Stalin's death which led to the 1962 Cuban missile crisis and, since then, to Soviet penetration in the Middle East and the Mediterranean, he added.

It is regrettable, he said, that the West Germans were late in abandoning the rigid doctrine which barred diplomatic contacts with Communist countries recognizing East Germany.

BRANDT'S POLICY

"Things might have been different if we had more flexibility in past years and if the West Germans had adopted earlier Willy Brandt's policy of let (East German Communist chief Walter) Ulbricht hang himself." Kennan said.

"The mere fact that Ulbricht got so frightened when one began to talk seriously of East-West contacts, shows that Brandt's policy was correct."

Thirty years ago Kennan, then a young Foreign Service officer, wrote in an analysis about the "jealous uncertainty which seemed to make Russian rulers so suspicious, so bureaucratic, so Oriental." Those views did not change, he said, and he added:

"I cannot trust any government which controls closely and jealously the contacts of its own officials and citizens with foreigners and permits them no leeway. Such relationship is precarious: it rests on no cushion of mutual confidence, it can be upset any moment and should not be trusted."

Noting the "almost psychotic fear in the Soviet Union of contacts with foreigners," Kennan spoke about U.S. relations with Britain:

"Take our relations with them. There are a thousand ways we can satisfy ourselves that nothing seriously adverse to our interests is going on there that we wouldn't know about. If we are in doubt, there is always someone to whom we can say: 'Come over, have a drink and let's talk about it.'"

OUR NATIONAL ANTHEM: "OH SAY, CAN YOU—ULP"

Mr. McINTYRE. Mr. President, Members of the U.S. Senate are blessed with many more opportunities than most citizens to attend public gatherings at which our national anthem is sung. For those of us who have any sort of ear for music, the experience can, at times, become quite unnerving.

A distinguished American musician, Mr. George London, formerly with the Metropolitan Opera Company and now musical administrator of the John F. Kennedy Center for the Performing Arts, has recently written a music review of the "Star Spangled Banner." Mr. London and the publishers of Life magazine deserve the thanks of the American people for so clearly presenting the basic musical difficulties which our national anthem poses to singers.

I believe that Mr. London's review will come as welcome expert confirmation of the feelings which many Senators, I am certain, share with me in regarding the difficulty of adequately singing our national anthem. I ask unanimous consent that it be printed in the RECORD following my remarks.

There is another reason, Mr. President, why I bring this matter to the attention of the Senate. Our national anthem, it is true, does have a strong historic place in American history, although it has been our official anthem only since 1931. It does have a certain nobility, and it will always remain close to the hearts of our citizens. Nevertheless, it lacks a certain emotional feeling which the anthems of other nations seem to have.

For example, those of us who have seen the moving picture "Casablanca" may remember the stirring scene which takes place in Rick's American Cafe when Victor Laslow, as a leader of the French resistance, stood up before German military officers to lead his companions in the singing of the "Marseilleise." The Republic of France has truly been blessed with an anthem which, when sung at times of great national stress, can bring tears to the eyes and hope to the heart. So too, the national anthems of Germany, Great Britain, and the Netherlands are outstanding in the deep feelings of patriotism which they are able to generate in the feelings of the citizens of those nations.

On the other hand, the unofficial national anthem of Australia, "Waltzing Matilda" is an example of a song which is popular in its own right as a musical composition.

I would be interested in hearing from Senators who hear or read my words today about their views on our national anthem. Perhaps the time has come to consider some alternative.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"OH SAY, CAN YOU—ULP"—OUR WORRISOME NATIONAL ANTHEM

(By George London)

(NOTE.—Mr. London, a leading bass-baritone of the Metropolitan Opera Company, was recently appointed musical administrator of Washington's John F. Kennedy Center for the Performing Arts.)

One hundred and fifty-four years ago Sept. 13, Francis Scott Key wrote a poem titled The Star-Spangled Banner. He set his words to the tune of a popular English drinking song, To Anacreon in Heaven. It is likely that the lads who sang the original version, in a state of bacchic bliss, were unaware of the song's vocal difficulties. Unfortunately, most of us today who sing The Star-Spangled Banner are cold sober. Congress, in 1931, decreed that this song was to be our national anthem; we've been struggling with it ever since.

The difficulties of our national anthem awe me. I prepare for it as I would for a major operatic role. When required to sing it in public I warm up long in advance and do a lot of worrying and pacing back and forth. And yet I am rarely satisfied with my performance. If you want to know the truth, most singers try to avoid singing it in public. It's just too hard.

The national anthem is sung at ball games, at prizefights, political rallies and the like. As often as not, the soloist is somebody's friend or relative who has recently started to study voice. With the announcement, "Ladies and gentlemen, our national anthem," any other singers in the audience start to sweat for the poor devil. His electronically projected nervousness becomes palpable. It obliterates the music, the words and the patriotic fervor. The performance is greeted with perfunctory applause by perhaps 30 pairs of hands.

What is wrong with The Star-Spangled Banner? First of all, it covers a range of an octave and five tones, far too great for the average untrained voice. In terms of phrasing—where one breathes—it is awkwardly constructed. The words do not automatically (a test in good lyric writing) communicate their message. Many Americans, hazy about the meaning, merely parrot the lyrics and often sing them wrong. There is a popular misconception that the song concerns a battle of the Revolutionary War rather than the attack by the British on Baltimore's Fort McHenry during the War of 1812.

Consider a hypothetical performance of *The Star-Spangled Banner* on, let us say, Columbus Day. The festivities begin with the national anthem. Our troubles start almost immediately. The first two tones are fine: "Oh-oh" emerges with confidence. But the word "say," down on a low B-flat, is, for the sopranos and tenors, just hot air. (All are singing in unison, of course, not in four-part harmony.) Things improve until we get to "twilight's last gleaming." "----ming" is down on another low B-flat, kind of a grunt. Between this and "whose bright stars" there is no chance for a proper breath. Soon everyone is out of rhythm. The same occurs after the low B-flat of *"streaming."* Then, with no time to grab a desperately needed breath, one is confronted by the wicked high F of "the rockets' *red glare.*" The baritones and the basses have by now capitulated and are singing an octave lower. The sound of the congregation has become hesitant and thin, and so it remains through the high F of "land of the *free,*" normally attempted only by the sopranos and the tenors. Finally, all the voices join in confidently on "and the home of the brave!" which only partially dissipates the general malaise. Everybody sits down with a thud.

Over the years a number of songs have been proposed as replacement for the national anthem. Least controversial is *America the Beautiful;* it has dignity but is not exciting. *America* ("My Country 'tis of Thee") has the same melody as *God Save the Queen*. There is occasional activity on behalf of Irving Berlin's *God Bless America*. It's a catchy tune, but it lacks nobility. Then there's *Dixie*. It's one hell of a song, but it is the property of the South.

The finest of all, in my opinion, is the well-loved song, *The Battle Hymn of the Republic*. It was Winston Churchill's favorite hymn, and he asked that it be sung at his funeral. Originally *John Brown's Body*, it was reset, during the Civil War, to a poem by Julia Ward Howe ("Mine eyes have seen the glory of the coming of the Lord"). This version made people aware of its inspiring force. It has, moreover, a range of only one octave, so practically everybody can sing it.

I propose that Congress commission one of our leading poets to write a new set of words to this great hymn, contemporary and divorced from any reference to the Civil War. In this time of stress and division a great new, and *singable*, national anthem would give all Americans a spiritual rallying point independent of party, policy or region.

WHAT TO DO ABOUT THE ELECTORAL COLLEGE?

Mr. MUNDT. As the election of 1968 draws near, more and more citizens are understandably expressing concern about the antiquated procedures by which our electoral college operates. Increasingly serious-minded citizens are asking what is the best and most effective type of reform which should be considered for removing the uncertainties and the inequities of our present procedures.

For many years, the American Good Government Society, headquartered in Washington and directed by Mr. J. Harvie Williams, has been conducting careful studies about the electoral college procedures and the optimum methods for improving them. After long years of analysis and examination, the American Good Government Society has decided that among all the suggestions before Congress dealing with the electoral college, Senate Joint Resolution 12 presents the most effective remedy with the least disruption of our established constitutional concepts.

Mr. J. Harvie Williams testified before the platform committees of both the Republican and the Democratic National Conventions. Both conventions approved platform language which in general encompasses the suggestions made by Mr. Williams in his testimony.

Mr. William has also been active in the recent legal effort before a district Federal court in Virginia to have the existing methods by which the electoral college votes are evaluated and counted declared unconstitutional.

The platforms of both of our major parties contain planks favoring "reform" of the electoral college. Neither party wishes to abolish this institution, which many of us believe to be of supreme importance in our constitutional structure, and essential to effect the separation of executive and legislative powers and to place them on the same foundation in the electorate—the States as such and the people of the United States.

Only one witness, so far as I have been able to learn, urged "reform" of the electoral college before the platform committees of the Republican and Democrat National Conventions.

At least two witnesses urged both parties to abolish the electoral college. Neither platform committee accepted this truly radical proposal, destructive of our constutitional system.

The Republican plank reads:

> We propose to reform the Electoral College system . . .

The Democratic plank reads:

> We urge reform of the Electoral College . . .

The one witness favoring reform of the electoral college before both platform Committees was J. Harvie Williams, executive secretary of the American Good Government Society of Washington, D.C. Mr. Williams made the same statement to both platform committees with slightly different introductory paragraphs. He called the statewide election of all presidential electors "gerrymandering pure and simple, gerrymandering without a taint, gerrymandering perfected and glorified." Mr. Williams added that—

> On its face, then, the upcoming Presidential election will be as gerrymandered as the wit of man has thought to be possible; and this condition is the clear cause of the perplexities that seem to be overwhelming some politicians and many pundits.

Mr. Williams' statement on the sources of power of the Houses of Congress and the sources of power of the Executive, paraphrased from the Federalist No. 39 by James Madison, bring these fundamental ideas into sharp focus. He says:

> Representatives in Congress and representative Electors are *apportioned* together by the Constitution to the People of America who are the source of power of the House of Representatives and of four-fifths of the Executive Power.
>
> The Presidential Electors of each State *allocated* by the Constitution with its two United States Senators represent the States as coequal political societies, and these States are the source of the Senate's power and one-fifth of the Executive Power.

These two paragraphs, it seems to me, make the case against "abolishing" the electoral college from our constitutional structure.

Mr. President, in order that Mr. Williams' statement may be more widely read, I ask unanimous consent that his statement, entitled "Electoral College Reform, a Proposal in Keeping With the Structure of the Constitution," made to the Republican Platform Committee and the separate introduction used before the Democratic Platform Committee be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ELECTORAL COLLEGE REFORM—A PROPOSAL IN KEEPING WITH THE STRUCTURE OF THE CONSTITUTION

(Statement of J. Harvie Williams, before the Republican Platform Committee)

The Republican Platform of 1960 included this plank:

"We favor a change in the Electoral College System to give every voter a fair voice in presidential elections."

That plank was brought forward into the 1964 Platform. If what I say has some weight in your deliberations, the result might include the added thought in this statement.

"We favor a change in the Electoral College to give every voter a fair voice in Presidential elections, *both as a citizen of the United States and of his own State.*"

What we are talking about here is the Constitutional structure of our political society. That is, a limited Constitution of Government, the dual sovereignty of a Federal Union of States, and the separated Legislative and Executive Powers, with both derived partly from the States as coequal political societies and mostly from the People of America in their respective States.

This subject is at par with the Formation of the Union because we seek to reconcile the source and constituency of the Executive Power with the source and constituency of the Legislature power, as the Constitution establishes them.

The Constitution itself reconciles these separated powers by placing them on the same foundation in very nearly the same shapes. But that reconciliation has been distorted by directives of the State legislatures.

That distortion of representation lies solely in the statewide election of the representative members of the Electoral College. An evil distortion, it is the proper target of all valid charges leveled against the Electoral College as an institution. Other charges, by socialists and propagandists, come to nothing under close examination.

The Constitution provides in Article II, Section 1:

". . . He (the President) shall . . . together with the Vice President . . . be elected, as follows:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: . . ."

The whole number of Senators of a State is fixed at two by Article I, and the whole number of Representatives apportioned thereunder varies from one to forty-one among the States according to their proportions of the population of all the States.

Exactly like the at-large election of Representatives in Congress, the election of "representative" members of the Electoral College by general ticket, under the directive of State Legislatures, is gerrymandering pure and simple, gerrymandering without a taint, gerrymandering perfected and glorified.

Neither the at-large election of Representatives nor the election by general ticket of all Presidential Electors is representative of people in proportion to their numbers in the whole population. Both are a representation of States as unequal bodies politic. On its face, then, the upcoming Presidential election will be as gerrymandered as the wit of man has thought to be possible; and this condition is the clear cause of the perplexities that seem to be overwhelming some politicians and many pundits.

Representatives in Congress and representatives Electors are *apportioned* together by the Constitution to the People of America who are the source of power of the House of Representatives and of four-fifths of the Executive Power.

The two Presidential Electors of each State *allocated* by the Constitution with its two United States Senators represent the States as coequal political societies, and these States are the source of the Senate's power and one-fifth of the Executive Power. They are and should be elected by citizens of the respective States in that Federal capacity.

One measure of the tremendous distortion in voting power between citizens of the United States is the contrast between those living in New York who vote for 41 representative members of the Electoral College and their fellow citizens in Delaware who vote for only one.

The time has come to apply the rule of equal representation to the national representative element in Presidential elections, by litigation and by a proper amendment of the Constitution. Such an Amendment would require the election of representative Electors in single-member districts, composed of compact and continuous territory and contain as nearly as practicable the number of people which entitled the State to one Representative in Congress.

Unquestionably, single-member districts is the only way for people to be represented in proportion to their numbers in the population, whether in the Electoral College or in the House of Representatives.

One result from this fair representation plan would be the elimination from our political vocabulary the term "large pivotal State," because United States Citizens in each State will be equally represented and their votes will be of equal value.

Another result would be the elimination of the balance-of-power leverage on large blocks of electoral votes, and thus take the Executive Branch out from under the domination of voting blocs. Members of these voting blocs will, of course, continue to have their rightful political influence in proper proportion to their numbers in the electorate.

The contingent election of a President—when no person has a majority of the Electors appointed—now devolves on the House of Representatives voting by States with one vote each, and a majority of the States required to elect. That provision of the Constitution, which follows the voting plan of the Continental Congress and of the Constitutional Convention itself, is very much in the news today.

It should be superseded by putting the contingent election into a joint session of Congress voting by the head. This would extend the principles of representation of States and People to the contingent choice of a President when the Electoral College fails to elect.

Finally, with the President and Congress responsive to the same constituency of States and People, the ideological conflicts between them will tend to diminish; and the center of political gravity in Presidential elections will move from New York City to about southern Illinois. Hopefully, public quiet as a normal condition will be restored to our people.

ELECTORAL COLLEGE REFORM—A PLANK IN KEEPING WITH THE CONSTITUTION

(Statement of J. Harvie Williams before the Democratic Platform Committee)

The 1968 Republican Platform includes this brief plank:

"We propose to reform the Electoral College system."

It is good as far as it goes, but it doesn't go far enough. When it says "reform" it is good; and it is good when it doesn't say "abolish." All the rest is left up in the air.

May I offer for consideration language that recognizes the Federal structure of the Constitution:

"We favor Electoral College reform to give every voter his rightful voice in Presidential elections, as a citizen of the United States and as a citizen of his own State."

Such a plank will permit the doing of all that needs to be done about the Electoral College; and it leaves no loopholes for proposals destructive of our Constitutional system.

Mr. MUNDT. Mr. President, our gerrymandered presidential elections, arising from State legislative action requiring the statewide election of presidential electors apportioned with Representatives in Congress among the people of America in their several States according to their populations, has split both political parties, permitted foreign ideologies to spring up, and endangers our constitutional system.

The people are as much entitled to choose these representative electors by single-member districts as they are entitled to choose their Representatives by congressional districts. I know of no way by which people can be represented in proportion to their numbers except by single-member districts.

Four-fifths of the presidential electors are apportioned with Representatives to the people of the States in the apportionment acts. Yet, because of State legislative action they are elected statewide. This is a gross and cruel distortion of representative government.

If the principle of popular representation is to prevail in presidential elections the representative electors, like Representatives in Congress, must be elected in single-member districts. There is no other way by which people can be represented in proportion to their numbers in the population of the United States.

An example of distortion is given in two of the exhibits in the Virginia Electoral College case under the head "Congressional Districts Won by Presidential Tickets and Lost in the Statewide Elections—1952–64." They show how the presidential tickets of the major parties carried congressional districts only to lose that representation in the statewide count.

Mr. President, I ask unanimous consent to have printed in the RECORD a consolidation of the two exhibits made by J. Harvie Williams, executive secretary, American Good Government Society, Washington, D.C., who prepared the original exhibits and who was a plaintiff in the Virginia Electoral College case.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL DISTRICTS WON BY PRESIDENTIAL TICKETS AND LOST IN STATEWIDE ELECTIONS, 1952–64

	Presidential elections			
	1964	1960	1956	1952
Number of Representatives in Congress and "representative" electors of President	435	437	435	435
Congressional districts won by presidential tickets:				
Democrats	375	209	107	138
Republicans	60	228	328	297
Total	435	437	435	435
Districts won, but lost in the statewide elections, both parties	38	146	81	97
Democrats	9	43	64	82
Republicans	29	103	17	15

Regional summary	Presidential elections							
	1964		1960		1956		1952	
	D	R	D	R	D	R	D	R
New England (3 of 6 States)	0	0	0	1	3	0	5	0
Mid-Atlantic (3 of 4 States)	0	0	0	41	22	0	27	0
East Central (5 States)	0	5	9	25	11	0	17	0
West Central (2 of 6 States)	0	1	0	4	2	0	2	0
Rocky Mountains (4 of 8 States)	2	1	3	0	0	0	0	0
West Coast (2 or 3 States)	0	6	17	0	7	0	6	0
Border (5 States)	0	2	3	12	5	7	6	5
South (11 States)	7	14	11	20	14	10	19	10
Total	9	29	43	103	64	17	82	15
REGIONAL—BY STATES INVOLVED								
New England—6 States:								
Connecticut	0	0	0	1	0	0	0	0
Massachusetts	0	0	0	0	3	0	4	0
Rhode Island	0	0	0	0	0	0	1	0
Total	0	0	0	1	3	0	5	0
Mid-Atlantic—4 States:								
New Jersey	0	0	0	6	0	0	3	0
New York	0	0	0	20	13	0	14	0
Pennsylvania	0	0	0	15	9	0	10	0
Total	0	0	0	41	22	0	27	0
East Central—5 States:								
Illinois	0	5	0	15	6	0	7	0
Indiana	0	0	1	0	0	0	1	0
Michigan	0	0	0	10	4	0	4	0
Ohio	0	0	5	0	1	0	4	0
Wisconsin	0	0	3	0	0	0	1	0
Total	0	5	10	25	11	0	17	0
West Central—6 States:								
Minnesota	0	0	0	4	2	0	2	0
Nebraska	0	1	0	0	0	0	0	0
Total	0	1	0	4	2	0	2	0
REGIONAL—BY STATES INVOLVED—Con.								
Rocky Mountain—8 States:								
Arizona	2	0	0	0	0	0	0	0
Colorado	0	0	1	0	0	0	0	0
Idaho	0	1	1	0	0	0	0	0
Montana	0	0	1	0	0	0	0	0
Total	2	1	3	0	0	0	0	0
West Coast—3 States:								
California	0	6	13	0	7	0	6	0
Washington	0	0	4	0	0	0	0	0
Total	0	6	17	0	7	0	6	0
Border—5 States:								
Kentucky	0	1	2	0	1	0	0	3
Maryland	0	0	0	3	1	0	1	0
Missouri	0	0	0	7	0	7	4	0
Oklahoma	0	1	1	0	2	0	1	0
West Virginia	0	0	0	2	1	0	0	2
Total	0	2	3	12	5	7	6	5
South—11 States:								
Alabama	0	0	0	1	0	1	0	0
Arkansas	0	0	0	1	0	1	0	1
Florida	0	7	4	0	2	0	3	0
Georgia	3	0	0	0	0	0	0	0
Louisiana	3	0	0	2	0	0	0	1
Mississippi	0	0	0	0	0	0	0	1
North Carolina	0	1	0	7	0	7	0	4
South Carolina	1	0	0	2	0	1	0	3
Tennessee	0	2	4	0	5	0	6	0
Texas	0	0	0	7	6	0	8	0
Virginia	0	4	3	0	1	0	2	0
Total	7	14	11	20	14	10	19	10
U.S. total	9	29	43	103	64	17	82	15

Source: Tabulation prepared from exhibits in "Virginia Electoral College" case by J. Harvie Williams, executive secretary, American Good Government Society, Washington, D.C., July 1968.

IF THE HOUSE ELECTS A PRESIDENT

Mr. MUNDT. Mr. President, much attention has been drawn to our electoral college system of electing the President by the millions of words written and spoken since the nominating conventions of our two major parties. Most of this comment arises from the possibility that the choice of the next President may devolve on the House of Representatives, voting by States. This happens if no candidate receives the votes of a majority of the electors appointed. Many people fear that the House would be deadlocked because no candidate could get the necessary majority of votes of the State delegations in the House.

This frightening situation could not

come up if Senate Joint Resolution 12 had become a part of the Constitution, as I have been urging for 15 years.

Under that proposed constitutional amendment, which 10 Senators have joined me in sponsoring, Congress, not only the House, but the Senate and House voting together, by the head, could not be deadlocked. Congress could make its choice in a single afternoon from the persons having the three highest numbers of electoral votes; and if a choice had not been made by the fourth ballot, then the choice would be limited to the two persons receiving the most votes on the fourth ballot. A quorum would be three-fourths of the whole number of Senators and Representatives.

The present provisions for the House choosing the President are spelled out in the Constitution, and cannot be changed except by amendment of the Constitution.

However, since the U.S. Supreme Court discovered the one-man, one-vote rule in the 14th amendment, a good many people believe that the Supreme Court can apply that rule to the election of those members of the electoral college who are apportioned by Congress among the several States, according to their respective numbers of people, in the Apportionment Act which apportions Representatives on that basis.

This point is fully elaborated in an article beginning on page 763 of the American Bar Association Journal for August, by Howard S. Spering of Washington, D.C. Mr. Spering is the principal attorney in the Virginia Electoral College case brought last April by plaintiffs from each of that Commonwealth's 10 congressional districts, and now on appeal from the special three-judge U.S. court to the Supreme Court of the United States.

Mr. Spering's article, "How to Make the Electoral College Constitutionally Representative," should be read, not only by lawyers, but by every political writer, every editor, every newspaper columnist, and every radio and television commentator on public affairs. After reading it, they will be able to think, write, and speak from greater knowledge of this subject.

To make the article and Senate Joint Resolution 12 available to them, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HOW TO MAKE THE ELECTORAL COLLEGE CONSTITUTIONALLY REPRESENTATIVE

(By Howard S. Spering)

(NOTE.—The gross distortions produced by the present operation of the electoral college can be cured by state legislation establishing a system for the selection of approximately four fifths of the electors from the Congressional districts, Mr. Spering urges. The district system would eliminate the winner-take-all procedure under which all the electors from a state go to the state-wide winner regardless of the fact that the state-wide loser might have won some Congressional districts. It would, Mr. Spering declares, follow the scheme for the electoral college envisioned by the founding fathers. He opposes a direct, nationwide, popular election of the President as advocated by the American Bar Association.)

Gross distortions that exist in the present operation of the electoral college would be eliminated if "constitutionally representative" electors were required to be elected. No amendment of the United States Constitution would be necessary to accomplish this. The state-wide general ticket system of electing Presidential electors imposed by state election laws is the chief cause of the distortions. That system should be ruled unconstitutional and enjoined by the courts.

Prior to 1836 many Presidential electors were elected by popular vote from and by districts within a number of the states in many national elections.[1] Each district elected its own elector, whose party affiliation and vote might be different from those of electors in some other districts within the same state. District electors represented the choice of the people within their respective districts, who had an effective independent voice "as citizens of the United States". The people were not regimented, as they are today under the general ticket system, into voting solely in their capacity "as citizens of their state", having their votes counted on a state-wide basis only and having only one voice expressed uniformly by all of the electors from the state.

Under the Constitution it is population, or people, that determines the whole number of Presidential electors to be elected in each state. Article II, Section I, provides:

> . . . Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; . . .

Thus, each state is entitled to the two (but only the two) electors who are the counterparts of the two United States senators to which it is entitled as a state.[2] The number of additional electors from a state is the number of Representatives of Congress to which the people of the state are entitled. The national apportionment of Representatives among the states is based on the proportion of the total population of the nation in each state, calculated from the latest national census, with 435 now being the total number of Representatives. Each Representative is elected by the people of his Congressional district. The only exceptions to this system are the five states (Alaska, Delaware, Nevada, Vermont and Wyoming) whose population entitles them to only one Representative, and the two states (Hawaii and New Mexico) whose two Representatives are elected at large. It is, of course, possible to have a state-wide at-large election of Representatives if there has been a failure to provide for properly constituted districts.

Congressional districts are now required to be essentially equal, or as nearly equal as is practicable, under the rule in *Westberry* v. *Sanders,* 376 U.S. 1 (1964).

When the proportion of the national population residing in one state increases or decreases substantially enough, that state correspondingly gains or loses one or more Representatives. As a result, California's number of Representatives in Congress grew from twenty-three in 1948 to thirty-eight in 1964. On the other hand, New York's Representatives in Congress diminished from forty-five in 1948 to forty-one in 1964. The number of Presidential electors to which a state is entitled fluctuates with these figures.

It is, therefore, clear that the right to elect one elector, who is the counterpart of a Representative in Congress, lies in the people of each Congressional district. No contention to the contrary can reasonably overcome the effect of all the words in context in the above quoted portion of Article II, Section 1, of the Constitution.[3]

The dual character of persons as "citizens of the United States" and as "citizens of a state" is clearly established in our Constitution. The great compromise established dual representation in a bicameral Congress, providing: (1) for equal representation of states as states, regardless of population or any other measure of size, in the Senate and (2) for representation of the people by Representatives elected directly by the people and apportioned among the several states according to population.

This difference in the character of the representation in the two houses of Congress is sharply drawn in the provisions of Article I relating to qualifications, which specify that a Representative shall be "an Inhabitant of the State *in* which he shall be chosen" and that a Senator shall be "an Inhabitant of that State *for* which he shall be chosen" (emphasis added).

This balanced and symmetrical structure of dual citizenship and dual representation in Congress applies consistently in the parallel structure of dual representation established for the electoral college. Thus, the election of two electors on a state-wide basis is an election *for* the state by persons acting in their capacity as "citizens of the state", and the election of additional electors by each Congressional district would provide separate elections *in* each state by persons acting in their capacity as "citizens of the United States".

Under the state-wide general ticket system, however, all Presidential electors, whether they are counterparts of Senators or of Representatives, are elected by the same state-wide count of votes by which the two electors who are counterparts of the state's two Senators are elected. Many objectionable results flow from this system:

1. All those who vote for the nominee, party or block of electors that receives less than the highest number of votes in the individual state are deprived of representation in the electoral college (a) even if their votes aggregate as much as 49 per cent of all votes cast in the state, and (b) even if their votes constitute a majority, or the highest number, of the votes cast in one or more of the Congressional districts in the state.

2. The weight of each voter's vote will inevitably either (a) be magnified or distorted, when on the winning side, from a plurality, however narrow the margin, to 100 per cent of the total electoral votes of the state, or (b) be completely ignored and destroyed, when on the losing side, and be invidiously misrepresented as if supporting the winning plurality.

3. Different weight is given to the votes of residents of one state from the weight given to the votes of residents of another state. For example, a citizen in New York votes for the election of forty-three electors, while a citizen in Virginia votes for the election of only twelve electors.

4. Many times as many citizens must vote for a particular nominee in large states as in single-Representative states before their voting can have any effect or weight whatsoever in the election of the President.

5. A substantial premium is placed on fraud in the larger states because the small margin that achieves a plurality carries 100 per cent of the large electoral vote of the state.

6. Small splinter parties also can affect the whole electoral vote of a state by controlling the small margin that achieves a plurality in the state. For example, in 1948 Henry A. Wallace drew 509,000 votes from President Truman, thereby throwing the forty-seven electoral votes from New York to Thomas E. Dewey, who had a plurality of only 61,000 votes out of the total of about 6,100,000 votes cast in the state.

7. The "one-man, one-vote" principle[4] of the equal protection clause of the Four-

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Footnotes at end of article.

teenth Amendment is breached in almost every conceivable way.

CONSTITUTIONALLY REPRESENTATIVES ELECTORS

When two electors equivalent to a state's two United States Senators are elected on a state-wide basis, the people are acting in their capacity as "citizens of the state". To this extent, the electoral college system cannot be made to conform to the "one-man, one-vote" principle. The 102 electors so elected, however, constitute only approximately 19 per cent of the total of 538 electoral votes.[5]

The other 36 electors, 81 per cent of the total, if elected one in and by each Congressional district,[6] would be "constitutionally representive" of the people acting in their capacity as "citizens of the United States" in essentially equal districts. Each voter in the United States, without regard to the state of his residence, ordinarily would vote for three electors: one "Representative" elector elected in his Congressional district and two "Senator" electors elected on a state-wide basis. The inequalities of voting in the national elections that now exist between citizens of different states and the gross distortions and misrepresentations of the votes of citizens within the same state would be eliminated with respect to the election of 81 per cent of the electors.

The "one-man, one-vote" principle would be met fully with respect to these electors. The substantive right of the people as citizens of the United States to elect one elector in and by each Congressional district, based on their numbers, would also be satisfied.

The Twelfth Amendment clearly contemplates that the electors of a state may be divided as to the persons voted for as President and Vice President.[7] The district election of "Representative" electors would be fully compatible with this amendment. The general ticket system, on the other hand, precludes any possibility of division of the electoral votes of the state and, therefore, is contrary to the divisibility principle of the Twelfth Amendment.

ADVANTAGES OF REPRESENTATIVE ELECTORS

It is a mathematical fact that the greater the number of units in which elective pluralities are determined and are effective to elect an elector, the smaller will be the population of each unit, the greater will be the citizen's opportunity to have an effective voice in the national election, the smaller will be the number of voters in each unit who are adversely affected by being on the losing side, and the more limited in ultimate effect will be any local election fraud, any splinter party or group, any severe weather condition or other occurrence affecting voter turnout, or any local misinformation that misleads citizens. Thus, election of one elector in each of 436 Congressional districts is more desirable in all of these respects than the present system.

By the same token, one nationwide direct popular vote for the election of the President, without the use of electors, creates the greatest possible premium for election fraud in any area, the greatest potential effect of any splinter party or group, the greatest potential effect of any severe weather condition or other occurrence affecting voter turnout in any area and the most serious consequence of any local misinformation that misleads citizens.

The single nation-wide direct popular vote is somewhat like fungible goods. All the materials put into the large bin or tank from many areas lose their identity completely. There is no pattern of recognizable elements of the people articulated on the basis of local districts in which the voters have an awareness of their problems and interests with respect to national issues and have an effective voice through a district elector.

James Wilson of Pennsylvania, the highly respected lawyer-farmer of the Constitution at the Federal Convention in 1787, did not propose the direct election of the President by the people without electors, as has been stated.[8] Wilson's first motion on the mode of appointing the President proposed an electoral college system for the naming of electors by districts. *Madison's Notes* reported on Saturday, June 2, 1787, the following:

Mr. Wilson made the following motion, to be substituted for the mode proposed by Mr. Randolph's resolution, "that the Executive Magistracy shall be elected in the following manner: That the States be divided into districts; & that the persons qualified to vote in each district for members of the first branch of the national Legislature elect members for their respective districts to be electors of the Executive magistracy, that the said Electors of the Executive magistracy meet at and they or any of them so met shall proceed to elect by ballot, but not out of their own body person in whom the Executive authority of the national Government shall be vested."

Mr. Wilson repeated his arguments in favor of an election without the intervention of the States. He supposed too that this mode would produce more confidence among the people in the first magistrate, than an election by the national Legislature.[9]

There is another important element inherent in the principle of representative government that the founding fathers uniformly adopted throughout the Constitution. With Congressional districts of essentially equal population, a Representative or a Presidential elector from that district represents all of the people residing in the district. His effective weight within the particular framework of government should be, and is, measured by the essentially equal number of persons residing in each such district.[10] He stands on a par with each other Representative or elector, as the case may be. His effective weight is not, and should not be, measured by the number of people who voted for him as against the number of people who voted for a Representative or elector from another district. Neither should his effective weight be, nor is it, measured by the total number of people who voted in his district (whether for or against him) as against the total number of people who voted in another district in the election of a Representative or elector.

DISTRICT SYSTEM PROVIDES FAIRNESS

In any district there are under-voting-age children, resident aliens not permitted to vote and many persons confined to institutions or homes because of illness or other disability. Under our representative system of government, those people are entitled to representation on a basis of equality with all other persons residing in districts of essentially equal population. Because of their large numbers across the nation and the failure or inability for other causes (such as weather, business or whatever) of other qualified persons to vote, only about 37 per cent of the nation's total population voted in the 1964 Presidential election, and only about 38 per cent voted in 1960.

Under the polling concept, it is generally accepted that if only 25 per cent of the population in any district vote in an election, the plurality established by their votes will reach the same elective result that would have been reached by the plurality of the voters if any other percentage of the population had voted.[11] This concept, of course, depends for its validity on the complete freedom of opportunity of all qualified and qualifiable persons in the district to vote and to have their votes properly counted. We take strong measures to secure and protect that complete freedom of opportunity for all citizens to vote by secret ballot and to have their votes properly counted.

Thus, given a fair and representative system of election, it is not so important or meaningful that a President shall have a majority or a plurality of all of the popular votes cast. If the President is elected by a majority (as required under the Twelth Amendment) of the whole number of the electors, 81 per cent of whom shall have been elected by a plurality of the votes in their Congressional districts, each of essentially equal population, his election will more accurately reflect, and more assuredly represent, the choice of the majority of all of the "people", even if, by chance, it does not also reflect the choice of the majority or plurality of those who actually voted in the election.

It is important that the new President shall enter office with a broad base of support demonstrated in the election. The representation of states in the electoral college by the inclusion of 102 electors elected on a state-wide basis adds significant support for the elected President, since the states are important and effective political entities on the national scene. These electors, along with district-elected "Representative" electors, form the President's constituency to which he is responsible—the same as the basic constituency of the national government established by the Constitution.

The present state-wide general ticket system and the proposed direct popular vote on a nation-wide basis each create different effective constituencies for the President, and both are in conflict with the basic constituency grounded in dual citizenship and dual representation.

TO ACCOMPLISH CHANGE

To provide for election of "Representative" electors by each Congressional district does not require an amendment of the Constitution. Each state could amend its election laws to provide for "Representative" electors, and the new election laws would clearly be constitutional. The United States Supreme Court so ruled with respect to a Michigan statute in 1892.[12]

The practical obstacle has been that political leaders in some of the larger states have felt that they can carry more effective weight in the election of the President if all of the electoral votes of their states are cast for one person for President. In fact, it was this practice by dominant political forces in the larger states that forced other states, which had initially used the district system, eventually to adopt the state-wide general ticket system in order not to be placed at a disadvantage by a possible division of their strength.

Many attempts have been made to amend the Constitution to require election of Presidential electors by districts.[13] On occasion a majority of one house or the other of Congress has supported these proposed amendments, but not the two-thirds of both houses at the same time that is required to submit an amendment to the states. A number of other amendments to the Constitution have been proposed over the years, including those for election of the President by direct nation-wide popular vote without intervening electors. But none of these appear to have made any significant progress in either house of Congress. It seems almost impossible to obtain the necessary two-thirds vote of both houses on this subject in view of the factional strength in Congress of some of the political leaders from some of the larger states.

What, then, can be done to improve the system of electing the President? Class actions by citizens of the United States could be brought against the states of their residence to attack as unconstitutional the state election laws that provide for the state-wide general ticket system and prevent the election of one "Representative" elector by each Congressional district. These legal actions, brought in the federal district courts, should

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Footnotes at end of article.

have a good chance for favorable rulings in view of the significant decisions of the United States Supreme Court on election laws in recent years.[14]

Fundamental principles of the Constitution are breached and defied by the statewide general ticket system for the election of electors. These state election laws cannot find authority or justification under the Constitution when exposed to critical analysis.

FOOTNOTES

[1] Maryland, for example, elected its electors by districts in all Presidential elections prior to 1836, except the first two, for a total of ten of the first twelve Presidential elections. See Paullin, The Atlas of the Historical Geography of the United States, 89 (1932). See also the extended historical discussion in *McPhersnn* v. *Blacker,* 146 U.S. 1 (1892).

[2] Each state is also entitled as a minimum to one additional elector, since each state is entitled to one Representative in Congress, even though the state's entire population may be less than the number otherwise represented by each Representative in Congress under the national apportionment system.

[3] It may be noted that the words "in such Manner as the Legislature thereof may direct" relate to procedure, and it is believed that the acts of the state legislatures under such procedural provisions should be limited to conform with, and not to defeat, the substantive rights inherently created by and actually operative in the full context of the provisions of Article II, Section 1.

[4] A fair statement of this principle is: Whenever and wherever voting by any of the people is provided for in state or federal elections, citizens of the United States are entitled to be fairly and equitably represented and effectively weighted, by district units fairly related to their numbers, in the outcome of such election. They are entitled to have their right to vote protected against being abridged, debased, diluted, cancelled, destroyed, discriminated against because of place of residence, or otherwise made ineffective or unrepresentative, by or under any laws or practices of any state, or by any acts of any officials of the state or of any other persons. See *Reynolds* v. *Sims,* 377 U.S. 533, 554–568 (1964).

[5] The District of Columbia now has three electoral votes, two of which I have regarded as equivalent to two United States Senators, although the District does not have any Senators, and the other one I have regarded as equivalent to a Representative in Congress, although the District does not have a Representative. This explains my reference to 436 electors elected by districts, although there are only 435 Representatives. It also explains my reference to 102 electors as equivalent to Senators, although there are only one hundred Senators from the fifty states.

[6] Of course, among the 436 electors would be (1) five elected in at-large state-wide elections in the five states that are entitled to only one Representative, (2) four elected in at-large state-wide elections in the two states that are entitled to only two Representatives and that have not established districts for their election and (3) any electors who might be counterparts of Representatives elected at-large because proper Congressional districts were not established.

[7] The amendment provides that the Presidential electors "shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of *all* persons voted for as President, and of *all* persons voted for as Vice-President, and of the number of votes for *each*, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, . . ."(emphasis added).

[8] Gossett, *Electing the President,* 53 A.B.A.J. 1103 (1967), cites James Wilson as authority for stating that "direct 'election by the people' " was the ideal of the framers of the Constitution for electing the President. The original source materials, *Madison's Notes,* are contained in *Documents, Formation of the Union,* published by the Government Printing Office in 1927. The two partial quotations of Wilson's remarks set forth on the first page of that article appear to be derived from Wilson's first comments on June 1, 1787, in opposition to Mr. Randolph's proposal that the executive magistracy "be chosen by the National Legislature". See pages 134 and 135 of *Documents.* Read in this context, his remarks did not advocate that the President be elected by "direct" election by the people without electors. Wilson's motion the next day, June 2, makes this clear, for it contained the first proposal of an electoral college to be made at the convention. See page 136 of *Documents.* When the subject was reached later, on August 24, Gouveneur Morris of Pennsylvania also opposed election of the President by the national legislature and moved that he "shall be chosen by Electors to be chosen by the People of the several States". This was seconded and supported with four "ayes" (Pennsylvania, Virginia, Delaware and New Jersey) and opposed by six "noes". See pages 611 and 612 of *Documents.*

[9] All quotations are from *Madison's Notes,* see footnote 8 *supra.*

[10] James Wilson is reported in *Madison's Notes* for Saturday, June 9, 1787, as follows:

"He [Mr. Wilson] entered elaborately into the defence of a proportional representation, stating for his first position that as all authority was derived from the people, equal numbers of people ought to have an equal number of representatives, and different numbers of people different numbers of representatives. . . . Representatives of different districts ought clearly to hold the same proportion to each other, as their respective Constituents hold to each other."

[11] Computer predictions of election results from very early returns are based on this polling principle.

[12] *McPherson* v. *Blacker,* 146 U. S. 1 (1892).

[13] See the review of these efforts in *McPherson* v. *Blacker, supra.* See also Ames, "Choice of President and Vice President", in *Proposed Amendments to the Constitution of the United States During the First One Hundred Years of Its History, Hearings on Senate Joint Resolutions 3, 9, 10, 27, 30, 31 and 53. Before a Subcomm. of the Senate Comm. on the Judiciary,* 84th Cong., 1st Sess. 227–252 (1955).

[14] I am informed that class actions of this type are being encouraged by the American Good Government Society, a nonpartisan, nonprofit organization located in Washington, D.C. I wish to acknowledge the substantial assistance on background and source material provided to me by J. Harvie Williams, executive secretary of the society.

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"The electors to which a State is entitled by virtue of its Senators shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof; such districts to be composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the State to one Representative in the Congress; and such districts when formed shall not be altered until another census has been taken. Before being chosen elector, each candidate for the office shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. In choosing electors of President and Vice President the voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein.

"The electors shall meet in their respective States, fill any vacancies in their number as directed by the State legislature, and vote by signed ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, excluding therefrom any votes for persons other than those named by an elector before he was chosen, unless one or both of the persons so named be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors chosen; and the person having the greatest number of votes for Vice President shall be the Vice President, if such a number be a majority of the whole number of electors chosen.

"If no person voted for as President has a majority of the whole number of electors, then from the persons having the three highest numbers on the lists of persons voted for as President, the Senate and the House of Representatives, assembled and voting as individual Members of one body, shall choose immediately, by ballot, the President; a quorum for such purpose shall be three-fourths of the whole number of the Senators and Representatives, and a majority of the whole number shall be necessary to a choice; if additional ballots be necessary, the choice on the fifth ballot shall be between the two persons having the highest number of votes on the fourth ballot.

"If no person voted for as Vice President has a majority of the whole number of electors, then the Vice President shall be chosen from the persons having the three highest numbers on the lists of persons voted for as Vice President in the same manner as herein provided for choosing the President. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them.

"Sec. 3. This article supersedes the second and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution and section 4 of the twentieth article of amendment to the Constitution. Except as herein expressly provided, this article does not supersede the twenty-third article of amendment.

"Sec. 4. Electors appointed pursuant to the twenty-third article of amendment to this Constitution shall be elected by the people of such district in such manner as the Congress may direct. Before being chosen as such elector, each candidate shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. Such electors shall meet in the district and perform the duties provided in section 1 of this article.

"Sec. 5. This article shall take effect on the 1st day of July following its ratification."

THE BATTLESHIP "NEW JERSEY" IS IN ACTION

Mr. McINTYRE. Mr. President, I was pleased to learn today that the battleship *New Jersey* is now on duty off the coast of Vietnam and, during the past 24 hours, has begun to hit strategic targets in the northern half of the demilitarized zone between North and South Vietnam.

The *New Jersey*'s first performance in battle since her recommissioning earlier this year was impressive. Enemy artillery positions and bunkers which had withstood attack from aircraft were quickly destroyed by the *New Jersey*'s 2,700-pound missiles; and gun emplacements which had been dug deep into hillsides and used to harass our ground troops along the DMZ were also reported in ruins.

As one who played some role in persuading the Department of Defense to recommission this battleship, I can testify to the need for such a weapon in the Vietnam theater of operations. With her heavy 16-inch guns and thick armor plating, the *New Jersey* will continue to be able to train her sights on targets far inland, and will help significantly to relieve the pressure on our aircraft and ground troops.

The U.S.S. *New Jersey* will greatly enhance our efforts to make this terrible war more and more costly to the Hanoi regime, and I only regret, Mr. President, that this badly needed weapon was not taken out of mothballs earlier.

NOMINATION OF JUSTICE FORTAS

Mr. McGEE. Mr. President, if one word has come to epitomize the current onslaught against the confirmation of the nomination of Justice Fortas as Chief Justice of the United States, that word is "hypocrisy."

Daily—and interminably—we are told that Justice Fortas' nomination was made by President Johnson who, as a lame-duck President is "playing politics" and attempting to name his own Court prior to leaving office. We are told this is a horrible thing; that Justices are supposed to be detached and somehow "above" politics. We are told that Presidents are not expected to allow politics to influence their recommendations.

Yet, at the same time, we are told by a candidate for Vice President of the United States that Chief Justice Warren did a terrible disservice to the Republican Party by not timing his resignation so that a new President could select his successor. Further, we are told, Justice Warren, after all, owed his appointment to the Republican Party, and therefore, should have been loyal to his benefactors by withholding his resignation until a Republican could act upon it.

Mr. President, such a suggestion reeks partisan politics. It is the more unseemly because it comes from a man who seeks to become Vice President of the United States, on the Republican ticket. Nowhere have I seen this hypocrisy more effectively exposed than in an editorial published in today's Washington Post.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Who Is Being Insensitive?

Like so many of the flying stingers put into motion by Governor Agnew, his latest barb fired at Chief Justice Warren followed a circular course and hit him in the back of the neck. Although he had praise for Mr. Warren's career on the bench, the Governor assailed the Chief Justice for not timing his resignation so as to benefit his party. In other words, he lambasted the Chief Justice for not playing politics with his eminent judicial office.

As the Governor of Maryland sees it, Mr. Warren "owes everything" to the Republican Party. Consequently, he should have waited "until after November" to resign so that Mr. Nixon, instead of President Johnson, could name his successor. That open and crass appeal to partisanship in connection with the Chief Justiceship tells far more about Mr. Agnew's qualifications to be Vice President than it tells about the propriety of Mr. Warren's attempt to retire.

Incidentally, if the vacancy should be filled by the new President, whoever he may be, the action would have to come some time after Jan. 20—not "after November." Confirmation by the Senate would have to follow, and the term of the Supreme Court might well be half over before a new Chief Justice could be seated. It was primarily a desire to avoid such a hiatus which caused Chief Justice Warren to announce his intention to retire last June.

But the worst aspect of this Agnew comment is the implication that the Chief Justice of the United States should be guided by a sense of obligation as a Republican appointee. That benighted concept of a judge's duty makes one shudder at the thought that Governor Agnew might one day have responsibility for the naming of Federal judges.

MONDALE APPLAUDS WIGGINS NOMINATION

Mr. MONDALE. Mr. President, the departure of Ambassador George W. Ball from his United Nations post is a distinct loss for that organization, this Nation, and, indeed, the world.

The loss is, however, substantially diminished by the President's excellent nomination of Mr. James Russell Wiggins to head our legation at the U.N.

I take special pride as a U.S. Senator from Minnesota in commending the appointment of Mr. Wiggins. I think it would be fair to suggest that many of the qualities which make Mr. Wiggins such a splendid choice as America's spokesman at the United Nations were acquired during the many years he spent in Minnesota.

Mr. President, the distinguished staff writer of the Washington Post, Mr. Chalmers M. Roberts, has written an unusually revealing article about Ambassador-designate Wiggins. I note with particular personal pleasure Mr. Roberts' concluding remarks to the effect that James Russell Wiggins, "sprang from the backbone of America." As one who shares proudly a common origin with Mr. Wiggins, and as one who never ceases to be amazed at the contribution Minnesota continues to make to the public life of this Nation, I applaud the President's nomination and ask unanimous consent that the article by Mr. Roberts be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Wiggins Stressed Integrity

(By Chalmers M. Roberts)

"The ideal journalist, the ideal newspaperman," James Russell Wiggins said in a speech a few months ago, "is a man who never forgets which side of the footlights he's on, who never forgets that he is a reporter, a recounter, a narrator, and not an actor, who never forgets that he is an observer and not a mover and shaker."

This has been the guiding principle of Wiggins' career in journalism the last 21 years as managing editor, executive editor and editor of The Washington Post.

It has been this sense of journalistic integrity that set the tone for the paper through two decades. "Nothing could be more alarming or dismaying to me," he added, "or I think to any journalist responsible for a newspaper or any part of it, than to encounter repeatedly the suggestion that the reader knows from the news columns what the views of the newspaper are on various public issues."

Wiggins is among those who subscribe to Walter Lippmann's dictum that "there always has to be a certain distance between high public officials and newspapermen." Wiggins has never been a recluse from officialdom; yet he has never been a crony. He has known Hubert Humphrey as long ago as the day he served on Humphrey's World War II draft board but he has never called him anything but "Mr. Vice President" since he attained that office.

His wit and wisdom, and doubtless the power of his editorship, appealed to Presidents Kennedy and Johnson. While he has been a White House guest, he has not been a White House intimate.

Yet his integrity, the word that most sprang to the minds of his fellow journalists yesterday, once led Mr. Johnson to say that "I have more regard, respect and reverence for Russ Wiggins than for anybody except my father."

EXPERT ON JEFFERSON

The post of Ambassador at the United Nations will be his first venture into government, though there have been offers before. Yesterday he remarked that "I had a Presidential commission once before—in the United States Army Air Corps. I'm accepting this one in the same spirit."

James Russell Wiggins (or J. R. Wiggins—he disdains the alternative of J. Russell) came to The Post in 1947. He never had a college education, a fact that doubtless is amazing to the many who know him as a scholar of American history, a Jeffersonian expert, a man of catholic tastes and a master in the use of the English language.

When he came to The Post it was a small and struggling newspaper. He gave its news pages tone and integrity and in his later years as editor he gave passion to the editorial page as well. He has that capacity for indignation that so well serves a newspaper, and that also can serve a diplomat.

The Wiggins library is jammed with books on every conceivable subject; his appetite for reading is enormous. But he has been no stay-at-home editor for he traveled to all continents to broaden his judgment and increase his knowledge of the facts.

He has been, indeed, "the soul and conscience and driving force" at the paper, as Katharine Graham, The Post's president, put it yesterday.

The Wiggins passion for knowledge covers the spectrum from Soviet-American affairs to the District of Columbia ghettos. He has that sense for news that turns a dropped phrase or two into a front page story. The triumphs and tragedies of man he mixed with the humor of life, in words for The Post and in song for The Gridiron Club of which he is past president.

Russ Wiggins, first of all, has been devoted to the career of journalism which, in his case, goes back to a country weekly in Minnesota in 1922 and today includes the ownership of a similar weekly in Maine.

PEOPLE'S RIGHT TO KNOW

His passion, if there is a single one above all others, is the people's right to know. In the pursuit of this objective he often tangled with the government, including a notable battle that he led in which Secretary of State John Foster Dulles was forced to withdraw an embargo on the right of American newsmen to go to China.

As Wiggins wrote in a preface to a second edition of his book, "Freedom or Secrecy," "one of the worst consequences of secrecy is the license it confers upon deceit." Secrecy, he said, offers "the temptation of sugar-coat every disaster and gild every triumph." If Government can enforce secrecy, he wrote, it "then can manage the news to its taste. It will speak with one voice and, however much that voice may err, there will be none to say it nay."

Wiggins has been a staunch supporter of the Administration's position on the Vietnam war. And like many other Americans, he has been troubled, of late, both by the problem of dissent and by the tendency to picture the Nation as in a state of decline.

DIFFERENCE AND TOLERANCE

"While we concede and defend the right of dissent, it is equally important to acknowledge and support the right to conform," he said in a recent speech. "If one is precious to a minority, the other is sacred to a majority. They are not long found singly and separately, but exist in a complementary relationship, the existence of each making more secure the perpetuation of the other. The preservation of both depend upon majorities and minorities extending to each other that decent deference and toleration without which no society or origins as diverse as ours can long survive."

The lilt of the Wiggins prose, a reminder of the writingf of the Founding Fathers he so much admires, is perhaps an unconscious umbilicus to his deep-seated belief in the future of the Nation those men founded.

Last 4th of July he spoke at the Independence Day celebration of the Sedgwick Historical Society in the town of Sedgwick, Maine.

"INCURABLY OPTIMISTIC"

He pronounced himself "incurably optimistic," declaring that "we are beset as we have often been beset by difficulty." And then he concluded this way:

"The Congress that met in July of 1776, and the Declaration that they framed, promised freedom, but it did not promise freedom from the toil and anguish and ardor of democratic government in the turbulent world of the 18th century. It did not promise it then and it cannot promise it now. Those who know that our institutions promise us not the freedom from problems but the freedom to work at their solution will go forward in the spirit of optimism that has been an American tradition since 1776."

James Russell Wiggins, now nearing 65, sprang from the backbone of America. He has never lost touch.

SENATOR BROOKE'S CALL FOR MODERATION

Mr. DODD. Mr. President, I invite the attention of Senators to a letter to the editor written by the distinguished junior Senator from Massachusetts [Mr. BROOKE], which was published in Friday's edition of the Washington Daily News.

Decrying the intemperance and vituperation which have too often characterized our political campaigns, the Senator outlines a series of solemn resolutions for all of us to take in the interest of decency, fairness, and national unity.

I, for one, endorse his proposed resolutions wholeheartedly.

To let the Senator speak for himself, I ask unanimous consent to have printed in the RECORD the text of his letter to the editor.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR BROOKE PROPOSES RESOLUTIONS

In the remaining week of this political campaign there is a grave need for every American, whatever his politics, to reflect upon the responsibilities of freedom and to measure up to them. This year, more than at any time in a generation, passions and distempers flood the land; they threaten not only to poison the election of 1968 but to undermine the capacity of the next administration to govern.

Intemperance and intolerance serve no one, save those who would corrupt our political life by destroying rational debate and by sowing contempt for our institutions. Those who love this nation, who are devoted to its ideals and committed to resolving its problems, must meet this threat by combining energetic effort in behalf of their preferred candidates with courteous restraint in regard to their opponents.

I profoundly hope that every candidate, every commentator, every citizen will fulfill his special obligations in this election. Our higher responsibility is not to elect one candidate rather than another, but to protect the integrity of the system which permits us to choose among various candidates, to select leaders responsive to popular concerns, to cope with changing needs by changing the individuals and institutions which shape public policy.

Let us all join in a few solemn resolutions:

Let us recognize that one of today's candidates will be tomorrow's President of the United States.

Let us determine to work as hard as we can for the men of our choice, but let us also determine to respect the motives and capacities of the men we oppose.

Let us refrain from the searing, cruel, and unjustified personal attacks which deform public debate.

Let us remember that lively "give and take" need not be vicious "rough and tumble," and that to praise one candidate does not require us to damn another.

Let us replace the vituperation and condescension which produce lasting cleavages with honest argument and mutual consideration.

Let us do nothing in this campaign or thereafter that will set class against class, race against race, region against region.

Let us, in short, so conduct the political contest now under way that the President inaugurated in January will take up his burdens in full confidence that the nation will rally to his standard.

For this is the path to the America we will seek, an America just, orderly, prosperous, and united, a blessing to her people and a model to mankind.

EDWARD W. BROOKE,
U.S. Senator from Massachusetts.

PROPOSED: A "HOT LINE" TO PEKING

Mr. HARTKE. Mr. President, Jess Gorkin is the man who originally proposed to President Kennedy in 1960 that a "hot line" should be established between Washington and Moscow. Eventually that idea was carried out, and now it is possible for the President to call the Kremlin directly and vice versa. The arrangement has been used on several occasions, and it has proved to be a valuable device.

Now Mr. Gorkin, who is the editor of the Sunday newspaper magazine Parade, has proposed that we seek a similar "hot line" to Peking. He notes that there have been 134 formal meetings between the United States and China since 1955, beginning in Geneva and subsequently continuing in Warsaw. He also points out that there is increasing need for the opportunity to talk with Chinese Government figures without the cumbersome apparatus of roundabout diplomacy. Certainly, with an estimated 5 years as the time we have before the Chinese are able to launch intercontinental missiles, we need to look ahead to that prospect and its demand for instant communication in any crisis.

Mr. President, I ask unanimous consent that the "Open Letter to the American People" appearing in the September 29 issue of Parade may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE AMERICAN PEOPLE

It is urgent to begin negotiations now for a hot line between Washington and Peking.

Within five years, American cities will be vulnerable to nuclear bombardment from Red China. This is the sober estimate of Pentagon top generals, who view with deep apprehension the development of Chinese intercontinental missiles.

It was to avert a nuclear calamity that the late President Kennedy and ex-Premier Khrushchev established the emergency communications link between Washington and Moscow.

President Kennedy first listened to my argument for a hot line in 1960 as he strode down a Senate corridor. Before he reached the end of the hallway, he agreed that the Washington-Moscow line should be negotiated. Premier Khrushchev also told me he thought the hot line was an excellent idea. But to achieve it took three years and a Cuban missile crisis.

Intimates assert that President Kennedy considered the rise of Red China as the greatest menace on the world horizon. I have no doubt that he would be seeking another emergency communications system linking Washington and Peking, if he were alive today.

This is not an argument for diplomatic recognition of Communist China. The two nations need not establish diplomatic relations to speak to one another. Indeed, American and Chinese diplomats are already in regular communication in Warsaw. They hold meetings, exchange diplomatic notes and telephone messages. But this route is often slow and uncertain. Washington, it is true, can flash an urgent message to Warsaw in a matter of minutes, using computer-like teletype machines which automatically code and decode the contents. Our embassy can immediately relay the message to the Chinese embassy. But it is inside the Chinese embassy that a dangerous delay can occur. Our intelligence describes the Chinese communications between Warsaw and Peking as "primitive."

Critics question whether the Chinese would pay heed to a message from Washington. Here is the background:

The U.S. and Red China have held 134 formal meetings since 1955. They began in Geneva and were moved to Warsaw in 1958. There, in a Polish palace left over from an earlier era, they face each other across white, carved tables covered with green linen cloths and separated by an open space—symbolic of the vast ideological gulf between the two nations.

Yet the diplomats have managed, upon occasion, to bridge this great gulf. True, the Chinese negotiators are as rigid as steel beams. But the talks have brought the two antagonists together during more than one dangerous crisis. They have cleared up misunderstandings, prevented miscalculations and provided a clear channel of communication.

President Kennedy, for instance, asked the U.S. negotiators to deliver a warning at the Warsaw meeting in March, 1961, that the U.S. would intervene in the Laos-Communist conflict with military force unless the Chinese permitted a cease-fire. The Chinese negotiators brought back word that China would not force a showdown in Laos but would accept an international guarantee of Laotian neutrality. This ended the Laotian crisis that had the world on tenterhooks.

When President Johnson began bombing North Vietnam, he sent assurance through Warsaw that the U.S. had no designs on the territory of either North Vietnam or Red China. At the Feb. 25, 1965, meeting, U.S. Ambassador John Cabot emphasized that the U.S. did not intend to destroy North Vietnam nor invade China.

The Chinese were almost drawn into serious negotiations over nuclear disarmament during 1962–64. It began with a Chinese charge that the U.S. was "sabotaging" disarmament. In rebuttal, Cabot handed the Chinese a booklet spelling out Washington's views on disarmament. He urged the Chinese to read the booklet and give their reaction.

The sparring continued until the Chinese exploded their first atomic device on Oct. 16, 1964. The next day, the Chinese delivered a letter through the Warsaw channels to President Johnson stating: "China will never at any time and under any circumstances be the first to use nuclear weapons."

At the next meeting, on Nov. 25, Chinese Ambassador Wang Kuo-chuan produced a draft of a proposed Chinese-American agreement that neither country would be the first to use nuclear weapons. He called this "practical, fair and reasonable, easily feasible."

Cabot's first response was that the U.S. could not accept mere words which couldn't be verified by inspection nor enforced through international safeguards. Cabot was succeeded by Ambassador John Gronouski, who asked at a meeting on May 25, 1966, whether the Chinese would couple their nuclear-weapons pledge with an agreement to sign the test-ban treaty. Peking later fired back words such as "swindle," "fraud," "preposterous" and "hoodwink"—words, unfortunately, that have become familiar inside Myslewicki Palace where the Chinese and Americans meet.

The Americans have made a number of attempts to put the talks on a more friendly, informal basis. "Let's forget about Taiwans and Vietnams," Gronouski once urged, "and sit down and have a few drinks and tell each other about our private lives." But the RSVP has always been negative.

As frustrating as their meetings have been, there *is* communication. Even during the long intervals between sessions the channel remains open. The Chinese, for example, may deliver a protest note that a U.S. plane has intruded into their air space. Or the U.S. might notify the Chinese that a new satellite is scheduled to pass over their territory. As a diplomatic courtesy, copies of the 1966 Senate hearings on China were delivered to the Chinese embassy in Warsaw.

In the dangerous years ahead, however, the Warsaw link between China and the United States will no longer be sufficient. The highest U.S. officials have told PARADE that *instant* communications between Washington and Peking will soon be essential to world peace.

It has been four years since the Chinese developed their first nuclear bomb. They are expected to master the intercontinental missile in another five years. This will give the next President until the end of his four-year term to arrange a hot line to Peking. In the missile age, indirect communication is too undependable; no communication at all would be folly. And the more tense relations become between East and West the greater the need for communication.

The next meeting in Warsaw will be held after our November election. I urge that the U.S. wait no longer to begin the negotiations for a Washington-Peking hot line.

Sincerely,

JESS GORKIN,
Editor of Parade.

THIRTIETH ANNIVERSARY OF INFAMOUS MUNICH CONFERENCE

Mr. MURPHY. Mr. President, today, September 30, is the anniversary of the infamous Munich conference. Thirty years ago today agreements were reached that led to the dismemberment and later alien occupation of a small, beautiful country which boasted a flourishing economy and a thriving democracy.

That 1938 conference in Munich was the single most dramatic episode in international affairs between the two world wars. It was the culmination of months of unbearable tension and marked the high point for the policy of "appeasement." The decisions at Munich begun a political and moral landslide which resulted inevitably in World War II.

Tragically, Czechoslovakia seems destined to remind the world repeatedly that the dilemma of Munich—the dilemma of how democracies desiring peace should deal with dictatorships bent upon aggression—is still with us.

It was with a coup d'état in Prague in 1948 that Stalin completed his conquest of Eastern Europe. Thereafter, the terms "cold war," "Iron Curtain," and "Soviet satellite" took on special meaning in the political lexicon just as "Munich" and "appeasement" had 10 years before. And now, in 1968, we have again witnessed the brutal subjugation of the brave people of Czechoslovakia simply because they sought a measure of individual and national freedom.

Once again Czechoslovakia has reminded us of the Munich dilemma, a dilemma made all the more critical by the growing destructive capacity of nuclear weapons. But I believe that events in Czechoslovakia, deplorable as they continue to be, may have taught us some important lessons which can help solve the "Munich dilemma."

First, we have once again been reminded of the fundamentally repressive nature of true dictatorships. The Soviet rulers of Eastern Europe dramatically demonstrated that they fear progress and reform, that they fear freedom, that they fear to see the uncensored truth printed in the press, and that they fear even modest expressions of independence and patriotism by a subject people. Faced with a choice between maintaining a facade or friendship with the West and of reasserting their control over a vassal state, the Russians' instinct to safeguard their empire won out. Despite all the talk about peaceful coexistence, and about the cold war being over, the Soviets have shown themselves to be as dangerously belligerent as ever.

Second, the tragic events in Czechoslovakia clearly reveal the bankruptcy of America's current foreign policies. This administration has apparently allowed our strategic superiority to slip and our alliances to deteriorate in the vain hope that the Soviets would no longer consider the United States such a formidable opponent. According to the theory of "parity" or equality in armaments which has achieved considerable currency among civilians in the Pentagon, the Russians, having caught up with us, would no longer need fear or feel inferior to America. Therefore, so the theory goes, the Russians would be more inclined to negotiate with us in good faith. The administration's policy planners decided that the Soviets had "mellowed," that they had given up their dreams of destroying capitalism and of dominating the world, and that they had come to accept reform in the Communist bloc.

Based upon such tenuous theories and upon such wishful thinking about Russia's intentions, the successful Republican foreign policies of former times have been routinely and regularly set aside. Let no one forget that these now-abandoned policies produced an end to the fighting in Korea, secured the negotiated withdrawal of Russian troops from Austria—the only country ever occupied and later set free by the U.S.S.R.—and kept the peace all during the Eisenhower years.

Tragically, Czechoslovakia has proven that the Republican approach to foreign policy and to dealing with the Russians has been correct. We, too, are willing and ready to work for peace and for the reduction of international tensions. But we know that dictatorships respect only one thing in an opponent—strength.

Appeasement of dictators will never work.

Therefore, the Republican Party is committed to the restoration of America's strength—in armaments and in allies. Incidentally, I am pleased to note that the Secretary of Defense, in his statement on September 5 exempting the long-delayed ABM—antiballistic missile—system from funding cuts, has adopted our point of view on the need to negotiate from strength.

There is one final point to be made about the Soviet intervention in Czechoslovakia, and that is that this administration does not seem to have learned anything from it. Almost immediately White House sources indicate that President Johnson hoped the fact Russian troops had occupied Prague would not upset his plans for a summit meeting with Premier Kosygin to discuss general disarmament. Why the Soviets should suddenly be expected to keep any prospective agreements made with their self-appointed capitalist enemies in America when they continued to break solemn promises given to their Socialist friends in Czechoslovakia is an important question for which the administration does not seem to have a suitable answer. Let no one forget that 9 days after assuring Party Secretary Dubcek at Bratislava that Czechoslovakia was free to follow its own road toward socialism without outside interference, Soviet troops occupied Prague. Five days after guaranteeing President Svoboda in Moscow that the Soviets would not meddle in their internal affairs, intense pressure was placed on Czechoslovakia's leaders to oust most leading progressives and the Soviet Communist Party newspaper, Pravda, called for the "liquidation of 40,000 counterrevolutionaries."

Moreover, Vice President **Humphrey**'s foreign policy advisers have noted that the Communist camp is no longer a single, unified bloc, rather it is fragmented. To use their terms, communism is no longer monolithic, it is polycentric. These advisers see the Russian intervention in Czechoslovakia as the "death rattle" of the Soviet empire, and they urge that the United States go on with current administration policies of attempting to achieve detente with the Russians. While we Republicans would also like to see a relaxation of international tensions, two things seem to be wrong with the Humphrey team's analysis. First, even though there are crosscurrents in the Communist world, the Soviet action in Czechoslovakia shows that the U.S.S.R. is an imperialistic superpower, ready and willing to use force to achieve its goals irrespective of whether or not other nations approve. It is obvious that a largely self-sufficient superpower with such motivations constitutes a grave threat to the United States and to world peace of and by itself. Second, an unstable world situation, replete with conflict, normally accompanies not only the creation of empire, but also the dissolution of empire. So if Czechoslovakia does indeed signal the "death rattle" of Soviet empire, which is highly speculative, a very dangerous period lies ahead. When a dictatorship gets into serious trouble at home, it usually begins looking for external problems—contrived if necessary—to divert its peoples' attention from growing internal difficulties.

This brings us to the question of what the United States can do about the Soviet invasion of Czechoslovakia. No matter how strong one's personal feelings are, no matter how outraged one is by the brutal treatment of the Czechoslovakian people and by the Russians' total disregard for world opinion, I doubt that anyone would seriously recommend that the United States should attempt to reverse the current situation by military action.

However, short of military action there is much which could, and should, have been done by the administration. In the tense weeks before the invasion, when it was apparent that the Soviets were contemplating the use of force, the United States should have issued a stern statement condemning such action in advance and warning officially that the military occupation of Czechoslovakia would have serious repercussions on East-West relations.

Great Britain went on record in advance, why did not the United States?

Apparently even the Johnson administration has belatedly come to recognize that its failure to act diplomatically was a mistake, for the President later issued a similar warning in hopes of dissuading the Russians from invading Rumania.

Many may say that diplomatic representations would not have prevented the Soviets from attacking Czechoslovakia. This may be true, but I for one am not inclined to dismiss so lightly the moral impact of world opinion. Therefore, after the invasion, I think the United States should have pressed much more vigorously for a United Nations resolution condemning the U.S.S.R. Before the situation hardened into its present unsatisfactory state, why was not U.N. Secretary General U Thant directed to send United Nations observers to Prague? It seems that the U.N. is always quick to investigate outbreaks of violence in the free world—why should not they operate on the Communists' side of the line once in a while?

If, as is likely, the Russians refused to allow neutral observers to enter Czechoslovakia, the completely unpopular and undemocratic nature of the Soviet action would at least have been underscored before the world. In 1956, America and her friends were able to obtain a U.N. resolution condemning the Soviet invasion of Hungary, and the Russians were forced to prohibit U.N. observers from entering that occupied country. This action allowed the West to remind the world officially at each session of the United Nations that the U.S.S.R. was an imperialistic power and that Khrushchev's cynical comment that "the world will soon forget Hungary" would not be allowed; to stand unchallenged. In fact, it was not until this administration began its current attempts to befriend the Russians that the United States stopped raising the question of the Soviet rape of Hungary in the United Nations.

Third, we should immediately make clear to those who wish to flee from Czechoslovakia that they will be welcome in the United States. After the Soviets crushed the revolt in Hungary in 1956, President Eisenhower sought and received special legislation from Congress to permit large numbers of refugees to immigrate to the United States. Within a year nearly 32,000 Hungarians settled permanently in our country. We have also made it clear that we will provide refuge for all Cuban citizens who wish to escape the Communist tyranny in their homeland. Should we do any less for the brave people of Czechoslovakia?

Fourth, we should suspend for the time being further efforts to conclude further specific agreements with the Soviet Union—both to show our condemnation of Soviet actions in Czechoslovakia and to allow for a "cooling off" period while we assess Soviet intentions in central Europe. It should be noted that the Soviets have moved seven divisions into East Germany and have delivered a threatening note to West Germany warning Bonn to change its policies or "face the consequences." They have also accused the Austrian Government of allowing Czech "counterrevolutionaries" to operate from bases in Austria. Moreover, Pravda has told the United States in very insulting tones that Czechoslovakia is none of America's business and has suggested that we are "confused" if we think the occupation of Czechoslovakia has changed the balance of power in Europe.

The Nuclear Nonproliferation Treaty—NPT—now pending before the Senate is one specific step toward détente which I believe should be delayed for the time being. Although the spread of offensive nuclear weapons should be prevented, the treaty presupposes a degree of confidence in the U.S.S.R. which is difficult to feel in the aftermath of the attack on Czechoslovakia. Moreover, the NPT probably should be reviewed by a new administration because it makes no distinction between the spread of offensive and purely defensive nuclear weapons. In view of the latest evidence of Russia's aggressive nature, we might well want to reconsider the question of supplying purely defensive ABM's to our European allies.

Finally, the Russian occupation of Czechoslovakia provides the United States with an unparalleled opportunity to breathe new life into NATO. During the past nearly 8 years, NATO members have been ignored and insulted by Democratic administrations which were intent on "building bridges" to the East—bridges which passed over the heads of our allies in the West.

As Prime Minister Macmillan once remarked, "Alliances are held together by fear, not by love." The speed with which the Russians occupied Czechoslovakia has caused concern and fear to spread through Western Europe. The Chancellor of West Germany has repeatedly asked for a high-level NATO meeting to review Western Europe's defenses. However, President Johnson and Vice President **Humphrey** seem more inclined to have a high-level meeting to discuss disarmament with the Russians than to meet with our worried allies to discuss problems of our common defense.

Yet, only with the loyal cooperation of allies will the burdens of maintaining the peace weigh less heavily upon the United States.

In my view, it is high time for a change of policies—and a change of administrations—in Washington. It is high time that we stopped treating our enemies like neutrals, neutrals like friends, and friends like enemies.

I ask unanimous consent that a statement entitled "Lessons From Czechoslovakia," written by Ira C. Eaker, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LESSONS FROM CZECHOSLOVAKIA

(By Ira C. Eaker)

The fog of war has lifted over Czechoslovakia sufficiently, and the dust of invasion has settled enough, so that the most astigmatic can see the battered, bloody corpse of Freedom lying in the streets of Prague.

There are now some questions which can be asked, some pertinent observations which can be made and perhaps some lessons for our citizens and our leaders.

How could the men in the Kremlin have dared to commit this brutal crime against international law and human justice?

They were realists. They knew that world opinion seldom succors the weak and never deters the strong. They learned that at the time of the rape of Hungary.

The USSR had succeeded in the destruction of NATO, with the help of that gang boss of the NATO wrecking crew, President Charles DeGaulle, and no longer feared any reprisal from that quarter.

Kremlin leaders had watched the U.S. operations in Vietnam where we failed to take decisive steps for fear of what Russia or Red China might do. They saw Ho Chi Minh outwit us at Paris. They exulted as our Senate doves castigated our President for responding to the call for help from the South Vietnamese. Our spineless response to the Pueblo piracy removed any worry about U.S. aid to Czechoslovakia.

The Reds divined, again correctly, that the United Nations had neither the will nor the power to punish or halt their aggression.

Why did they consider it necessary to punish the Czech Communists for their deviation? The reach for freedom in Czechoslovakia, if allowed to persist, might incite the Poles and East Germans to attempt similar experiments. It could even spread to Russia and lead to further unrest there. The Reds, being practical always, know that it is much easier to extinguish a fire in its early stages.

The timing of the cruel invasion of Czechoslovakia may be fortuitous in some ways, the fact of it can be turned to advantage in some areas.

The fear that the Reds would influence our November elections to our disadvantage has now been removed. They can no longer elect a dove by false hopes of detente or peace.

Those of our leaders who have said that Communism is no longer a monolith and therefore no longer a danger have now been fully exposed. They stand naked in their delusions, convicted as dangerous visionaries.

It must now be clear that we must abandon immediately the policy of unilateral disarmament followed for the past eight years. No critical new weapon system has been developed in all that time despite earnest and unanimous requests from all our military leaders. Some weapons have been upgraded, like Minuteman and Poseidon, but no new major ones have been initiated—no new bomber, no new interceptor, nor any new antisubmarine devices.

Instead, our former strategic superiority of five to one is now reduced to parity, and parity becomes automatic inferiority since our announced policy permits the enemy to strike the first blow.

Perhaps we shall now hear less senseless cooing from the Senate doves, who thus far have expressed more apology for the Russians than sympathy for Czechs. Hopefully we can be done with the nonsense of building bridges to the East and about detente with the Reds. Should the police build bridges to the Mafia or seek detente with criminals?

This does not mean that we should be truculent or provocative toward the USSR or meddle or fish in Red waters. It does mean that we should shed our fears, equal their realism, understand the kind of people we are dealing with and restore our military superiority to such levels that Kremlin leaders will respect it as they did when they pulled their missiles out of Cuba.

Now, after Czechoslovakia, prudent citizens may demand that prospective leaders take the saliva test of realism.

VIETNAM IS CAUSING POLITICAL DISSENSIONS

Mr. HARTKE. Mr. President, Michael Harrington is the well-known author of that very important book which some time ago helped reveal the terrible plight of the poor, the book entitled "The Other America." As a sociologist, he is concerned with the opinions of people as they are reflected in the current Presidential campaign.

This is the theme of his discussion in yesterday's Chicago Sun-Times. In looking at the remarkably large degree of support for Mr. Wallace among unionists and other workers, he finds that their shift away from an advanced domestic program toward a new position "which could push the entire society to the right" is one which is "a social cost of Vietnam." The reason is that our investment of $30 billion a year in our war there has made impossible the program which would do the most to cure the ills of the ghetto—the building of sufficient decent housing. As long as our conflict in Vietnam continues, "building new cities and rebuilding the old is so much pie in the sky."

Mr. President, I ask unanimous consent that Mr. Harrington's article, "The Social Cost of the Vietnam War," may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOCIAL COST OF VIETNAM WAR

WASHINGTON.—Never have reactionaries been so enthusiastic about the working class. They believe that by appealing to the American unionist's worst instincts he can be won from the Democratic Party.

So George C. Wallace packages racism as a class antagonism between common men and bureaucrats and intellectuals. And Richard M. Nixon, the lace-curtain backlasher, praises "law and order," the current euphemism for keeping the black and white poor in their miserable place, but he is probably more interested in taking Dixiecrats from Wallace than labor from Hubert H. Humphrey.

But is the worker a George Wallaceite or a New Dealer? To a significant minority of the rank and file the answer is tricky: They are both.

Factories are not offices even when they pay middle-class wages. They are loud, dirty, alienating places which have driven workers to a certain solidarity, camaraderie (I hope the word does not frighten Spiro T. Agnew, since I speak more of bowling leagues than Leninism) and egalitarianism. But solidarity and camaraderie can be clannish and suspicious of outsiders; egalitarianism can be anti-intellectual. As long ago as Joe McCarthy, one study found the labor ranks to the right of college-educated Republicans on civil liberties issues, but well to their left on economic matters.

So the AFL–CIO has the most advanced domestic program of any mass organization in the country. Many workers who don't share the liberal values in the union platform followed the leadership for bread and butter reasons. For instance, they voted their frontlash concern for jobs in 1964, fearing Goldwater was Herbert Hoover in disguise, and repressed their backlash sentiments. The secret of Wallace's appeal is not that these unionists have had a drastic change of heart, but that they are reversing the order of long-held, contradictory preferences.

This shift, which could push the entire society to the right, is a social cost of Vietnam. The late Dr. Martin Luther King Jr.'s Chicago fair-housing campaign is a case in point. Dr. King rightly asserted that it was an outrage that Negroes were locked up in filthy slums. White working class homeowners interpreted this as an attack on property which they had struggled to acquire.

The only progressive resolution of the antagonism—to build enough decent housing for both—was politically impossible since we were investing $30 billion in Vietnam instead. So the blacks were sent away with empty promises, embittered and perhaps disillusioned with nonviolence, and the whites began to look for Wallace.

There is, however, a way to combat Wallace effectively, and the vice president knows it as well as anyone else. But I am not at all sure he will carry it through. The Alabaman is, after all, a dangerous fraud whose main base is the open-shop, low-wage South, and any growth in his influence can only depress the living standards of the common man even as it exacerbates the tensions which make him fearful. And it is simple enough to prove on paper that racial justice is in the economic interest of even the backlash white, for it would guarantee him, as well as the Negro, a job and the possibility of a better house.

The catch is Vietnam. As long as that conflict continues, building new cities and rebuilding the old is so much pie in the sky. I have long believed that the vice president's enthusiastic huckstering for the war is unconscionable.

I would cite a relevant authority: Lyndon Johnson. On March 31, the President candidly, and perhaps courageously, admitted that his leadership had so divided the nation that he could no longer govern it. Mr. Johnson then perversely demanded that the vice president campaign for the catastrophe he had just defined, but Humphrey should heed the original words of his chief. Vietnam is the outside agitator making it impossible to end civil dissension in America.

BIAFRA RESOLUTION—IN THE AMERICAN FOREIGN POLICY TRADITION

Mr. PROXMIRE. Mr. President, there has been a great deal of discussion recently of a need for rethinking and reshaping our foreign policy to bring it more into step with global political realities. While I may not agree completely with the extreme position that rejects present policy out of hand, the principle of continuous updating the rationale of our foreign policy and its application is certainly a sound one.

However, there is one firm tenet of our foreign policy that has been and must remain in the mainstream of our

foreign relations and that is recognition and protection of the human rights of all men.

Again and again, the United States has made clear to other nations that we cannot tolerate those laws or policies of a nation that deny the basic human rights of their citizens or deprive them of the protection of those same rights.

The occasions on which we as a nation took the part of the oppressed are numerous and we can look upon them with justifiable pride: Czarist Russia, 1911; Ottoman Empire, 1840; Morocco, 1863; Rumania, 1872; Poland, 1918–19; Balkan Wars, 1913; Treaty of Versailles, 1919.

Indeed, Mr. President, it was with this traditional background of deep concern for the rights of the oppressed that the United States led the world in the creation of the United Nations. We recognized that the internal suppression of the rights of men was the cause of ultimate international aggression and destruction of world peace. We realized then, and I hope we realize now, that peace and human rights are inextricably joined together. The violation of rights destroys the possibility for a lasting peace.

Ambassador Goldberg, in testifying before the special Human Rights Subcommittee of the Senate Foreign Relations Committee, made clear this American tradition of concern for the rights of all men. "Concern for the welfare of all peoples is a principal feature of our foreign policy."

Mr. President, unfortunately the U.S. Senate has failed to make clear that the Senate also subscribes wholeheartedly to this foreign policy tenet that must remain unchanged. We have failed to ratify the various Human Rights Conventions, those fundamental expressions of solemn commitment to the United Nations Charter.

As a matter of fact, in the face of a most horrible mass violation of the most basic right of mankind—that of life itself—the Senate of the United States has even failed to take official notice. There has been no pronouncement from the Congress during the entire course of the Nigeria-Biafra civil war. True it is, that individual Senators have taken the floor to voice their personal outrage and frustration that such an unbelievable loss of innocent lives is taking place a few jet hours from our shores. But Congress has not spoken as a body. Six thousand innocents die every day from starvation in Biafra and we have yet to aver to their deaths.

Mr. President, I trust the Senate will act soon and wish unanimity in approving Senate Concurrent Resolution 80, introduced on September 25 by myself and the bipartisan leadership of the Foreign Relations Committee.

CHIEF JUSTICE WARREN'S WORLD LAW DAY ADDRESS

Mr. HARTKE. Mr. President, September 16 was World Law Day, a day of which Chief Justice Earl Warren observed that it is "a day not ordained by any authority but by the acquiescence of many thousands of lawyers and judges throughout the world as an annual demonstration of our belief that it is only through law—just law—based upon the fundamental rights of man that universal peace can be achieved."

Justice Warren spoke those words in the course of one of his rare appearances as a platform speaker, when he addressed a body of world leaders in law and justice convened in the Palace of Justice at Geneva in an international observance of World Law Day. His address, whose words are hopeful for the future of international cooperation and for increased observance of the Universal Declaration of Human Rights, is a wise and dignified statement of the responsibility which nations must assume for their citizens and for each other. The occasion observed the 20th anniversary of the declaration as well as World Law Day.

Mr. President, I ask unanimous consent that this address of Chief Justice Warren may appear in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY EARL WARREN, CHIEF JUSTICE OF THE UNITED STATES, INTERNATIONAL OBSERVANCE OF WORLD LAW DAY—HUMAN RIGHTS, SEPTEMBER 16, 1968, PALAIS DES NATIONS, GENEVA, SWITZERLAND

It is a wholesome sight to witness a gathering, such as this, of people from every continent of the world, all dedicated in hearts and minds to the cause of universal peace. It is reassuring to know that we are not here to solve any crisis, nor settle any disputes; that we do not represent a partisan faith of religion, a restriction based on race or color or an ideology of government or economics. One's thoughts are not confined to any national boundary lines, but are as expansive as the globe on which we live. Here we do not represent our governments nor their special interests. We are here as individuals, members of the human family—and there is but one family. We are not here to praise some members of that family or to condemn others. We are aware of the frailties of human nature and realize that among some who speak loudly of the brotherhood of man, there have been great departures from the basic principles of humanity, and that among those who have made but few assertions concerning their fundamental commitments there have been some who have, on trying occasions, adhered scrupulously to the dignity of the human spirit and to the rights of man.

And so tonight we meet in this beautiful city of Geneva, in an atmosphere of peace to which this wonderful country has dedicated itself in pursuance of universal peace. We gather together not to profess our accomplishments but to declare our aspirations for the world, based upon our faith in humanity, the kind of faith that is based on things not seen. We know the hour is late and that the world is full of danger, but we are not here to conjure with our fears. We have gathered to take counsel with our better natures, because we know that there will be universal observance of human rights only when they are accorded a place in the hearts, minds and hands of men everywhere because they are right.

We meet on what we choose to call World Law Day, a day not ordained by any authority but by the acquiescence of many thousands of lawyers and judges throughout the world as an annual demonstration of our belief that it is only through law—just law—based upon the fundamental rights of man that universal peace can be achieved.

We meet in the year 1968, designated by the United Nations as Human Rights Year in honor of the twentieth anniversary of that great document, the first of its kind in recorded history to be adopted, and without dissent, by the nations of the world in solemn assembly. When we stop to think of the persecutions, the atrocities and the barbarisms that have occurred at times throughout the ages in most lands, it is, indeed, a testament to the inherent goodness of man, that the United Nations could, without dissent, and I quote from its preamble "in recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in world" and then defines those rights explicitly in a Universal Declaration of Human Rights so that "even he who runs may read." It is of equal importance to mankind that the various functionaries of the United Nations would earnestly seek, as they have, to embody these basic principles in their daily work.

It would afford everyone inspiration to read it regularly in its entirety but this is not the time to do so. However, we may appropriately take the time to read Article I which is revealing as to the remainder of its contents. It is short and reads as follows:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood."

From this, the remainder of the great document evolves. From this, we acquire our faith in the objectives of the nations of the world and in the justification for the United Nations itself. Surely there have been departures from it, even gross failures; but the leavening influence of the United Nations and world opinion formed from testing situations by the standards of the Universal Declaration of Human Rights have solved some serious situations, ameliorated others, and are constantly working on still others to achieve agreement in accordance with it.

But it must be remembered that the United Nations is not endowed with the authority to enforce these principles. It is not an international code of laws enforceable as such. It is a Universal Declaration of Human Rights, and the only sanction the United Nations can exact is the influence it can bring to bear on world opinion. The remainder must come from the self-discipline of nations themselves and the aspirations of their people

As we learn of world events from the news media of the day, we realize what a long and tedious job it is to achieve our goal. There is turmoil stemming from injustice on every continent. But this is not a job for the faint-hearted or for those who are easily discouraged. It is for those who believe fervently that all mankind is one family and that if it is to prosper and live in peace each of us has a definite and inescapable responsibility to the whole family of man. We must take note and encourage every movement to that end. This is no time to despair because much has been done and much is augured for the future. The ethical influence of this universal commitment to human rights over the years has made the Declaration a part of customary international law as an ever-present inspiration and reminder of the rights, aspirations and concerns which men everywhere share.

The Universal Declaration of Human Rights has stimulated worldwide interest in the recognition and protection of the individual rights of all people. This dynamic rule of moral law has been a catalyst in the mobilization of world opinion toward the respect for basic rights and the implementation of methods of protecting those rights. Within twenty years since the adoption of the Declaration, over twenty-nine conventions and protocols have been recommended for adoption by states, and many of them have gone into effect. Those documents represent the universal standards to which nations must adhere.

The Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights and the various single-purpose conventions adopted by the United Nations establish the standard of the Declaration as a force of positive international law. An important step toward this end has been the conclusion of a number of binding international conventions in specific areas of human rights, dividing the fundamental freedoms into a flexible series of well-defined issues where the consensus of nations was more promptly obtained. Another step toward the international protection of human rights by positive international law is the European Convention on Human Rights. The rights defined in the Convention and the various protocols are in effect the minimum common denominator of human rights. The member states, united in the belief that the dignity of man is a foundation to world peace, bound themselves to protect the fundamental freedoms of all persons within their jurisdiction, whether citizen, alien or stateless, and devised a system of international machinery to supervise, control and enforce compliance with the obligations imposed by the Convention.

The successful establishment of an international control machinery at the regional level for the protection of human rights has inspired similar projects in Africa and in the Americas. The Congress of African Jurists in 1961 approved a resolution inviting the African Governments to study the possibility of adopting an African Convention of Human Rights. In 1963, the Charter of the Organization of African Unity reaffirmed the adherence of the signatory states to the principles of the United Nations Charter and the Universal Declaration of Human Rights. The Organization of American States in 1959 adopted a resolution calling for the drafting of a Human Rights Convention with a system of guaranties. Proposed drafts have been considered by the Inter-American Commission on Human Rights, and a final draft has been submitted to the Council of the O.A.S. which will consider it at its next meeting this year.

It is evident that within the twenty years since the adoption of the Universal Declaration of Human Rights much has been done to establish and define the universal human rights to which all peoples aspire. As societies develop and technological innovations are discovered, much more has to be done to meet the challenges of today and the future. In this Human Rights Year, there have been three major conferences on human rights, all of which have contributed to the defining and establishing of the common standards for fundamental freedoms to meet the needs of a changing world. The NGO ad hoc Committee at the Geneva Conference on Human Rights, the Montreal Assembly and the Teheran Conference all resolved that the Universal Declaration of Human Rights constituted an obligation on every member of the United Nations and the states should reaffirm their determination to enforce the principles embodied in the United Nations Charter and other international human rights instruments. At each conference, traditional human rights and emerging human rights were discussed, and each conference called for the adoption and implementation of the human rights conventions. These conferences reflect the growing concern not only for the defining and establishing of human rights, but also for the protection of human rights on an international and regional level.

This afternoon, many prominent lawyers, jurists, and scholars at the Work Session of World Law Day-Human Rights at the ILO discussed the proposals and recommendations of the NGO Conference on Human Rights, the Montreal Assembly and the Teheran Conference. Based upon the work of these Conferences, it was decided that all lawyers should make a worldwide effort to persuade governments to lend their full support to the United Nations Covenants on Human Rights and to recommend to their governments the modes of implementation developed at the Work Session.

With the nations of the world in various stages of economic, social, political, and cultural advancement, at the present, a universal system of protection of human rights is not immediately foreseeable. However, it is the duty of all responsible officials to strive at the international, regional, and local level to persuade the nations of the world to adopt the Conventions on Human Rights as standards to measure the progress toward attainment of a universal human rights system of protection.

And so in this 20th year of the Universal Declaration of Human Rights, we lawyers and judges who have aligned ourselves with the movement for world peace through law have much to be thankful for. The movement toward that end is substantial; it is worldwide; and it is to be felt on every continent of the earth. So tonight, on the day we choose to call World Law Day, we reassert our belief that world peace can only be achieved through law, and we pledge our efforts toward the fulfillment of the promise of the Universal Declaration of Human Rights, to embody in all law those basic principles and rights without which there can be neither justice nor peace.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Approval of Loan to Sunflower Electric Cooperative, Inc., Wakeeney, Kans.

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, transmitting, pursuant to law, information on the approval of a loan to the Sunflower Electric Cooperative, Inc., of Wakeeney, Kans., for the financing of certain generation and transmission facilities (with an accompanying paper); to the Committee on Appropriations.

Report of Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that proceedings have been concluded with respect to docket No. 92, *Upper Skagit Tribe of Indians, Petitioner* v. *The United States of America, Defendant,* dated September 23, 1968 (with an accompanying paper); to the Committee on Appropriations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on substantial benefits available through earlier collection of mortgage insurance premiums, Federal Housing Administration, Department of Housing and Urban Development, dated September 26, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve management controls over ammunition development, Department of the Army, dated September 27, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings available by using space on military aircraft to transport baggage between the United States and Europe, Department of Defense, dated September 26, 1968 (with an accompanying report); to the Committee on Government Operations.

Audit Report of the Jewish War Veterans, U.S.A.

A letter from the National President, Jewish War Veterans, U.S.A., National Memorial, Inc., the National Shrine to the Jewish War Dead, transmitting, pursuant to law, their annual audit report for the period April 1, 1967, to March 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

Postal Transportation Act of 1968

A letter from the Postmaster General of the United States, transmitting a draft of proposed legislation to revise the laws relating to the transportation of mail so as to provide the Postmaster General greater flexibility in the procurement of such transportation (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITION AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A resolution adopted by the AVSCOM AFGE Lodge 2301, St. Louis, Mo., praying for an investigation of the activities of the U.S. Army Aviation and Surface Materiel Command; to the Committee on the Judiciary.

A resolution adopted by the city council of the city of Bakersfield, Calif., remonstrating against the involvement in labor-management disputes by officials of municipalities; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPONG, from the Committee on the District of Columbia, without amendment:

H.R. 14098. An act to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended (Rept. No. 1596).

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a treaty was submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Executive K, 90th Congress, second session, Protocol Relating to the Status of Refugees; with two reservations (Ex. Rept. No. 14).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 4102. A bill for the relief of Barbara Rogerson Marmor; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 4103. A bill to provide for the preservation of specimens of coins and medals of the United States; to the Committee on Banking and Currency.

By Mr. ERVIN (for himself and Mr. THURMOND):

S. 4104. A bill for the relief of certain corporations, associations, and individuals; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 30, 1968, he presented to the President of the United States the following enrolled bills:

S. 119. An act to provide for a National Wild and Scenic Rivers System, and for other purposes; and

S. 3068. An act to amend the Food Stamp Act of 1964, as amended.

NOTICE OF PUBLIC HEARING ON BIAFRA

Mr. McCARTHY. Mr. President, the Subcommittee on African Affairs of the Senate Foreign Relations Committee will hold public hearings on the Biafran situation at 10 a.m. Friday, October 4, in room 4221 of the New Senate Office Building. Those organizations and individuals wishing to offer testimony on relief measures for the Biafran people should contact the subcommittee staff assistant, Mr. Donald Henderson, on telephone number 225-5481 or at room 4304, New Senate Office Building.

The subcommittee will investigate further what steps can be taken to relieve the starvation and extreme suffering of the Biafran people in areas under both Biafran and Nigerian control. The subcommittee has previously held a hearing in executive session at which Assistant Secretary of State for African Affairs Joseph Palmer was the principal witness.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

The following-named persons to be representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

Brewster C. Denny, of Washington.

James Russell Wiggins, of the District of Columbia.

The following-named persons to be alternate representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

Marvin L. Warner, of Ohio.

Raymond D. Nasher, of Texas.

NOTICE OF HEARING ON HEALTH COSTS AND THE ELDERLY

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS], I wish to announce that the Subcommittee on Health of the Elderly, U.S. Senate Special Committee on Aging, will conduct a hearing on "Costs and Delivery of Health Services to Older Americans" at 10:30 a.m., October 16, 1968, in Los Angeles, Calif., at the auditorium, room 115, of the State Office Building at 217 West First Street. Testimony taken at that time will continue studies begun by the subcommittee under the chairmanship of Senator GEORGE SMATHERS on June 22 and 23, 1967, in Washington, D.C., and on October 19, 1967, in New York City.

RECESS

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate, in executive session, stand in recess, under the order previously entered, until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate, in executive session, took a recess until tomorrow, Tuesday, October 1, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 30 (legislative day of September 24), 1968:

UNITED NATIONS

James Russell Wiggins, of the District of Columbia, to be a representative of the United States of America to the 23d Session of the General Assembly of the United Nations.

The following-named persons to the positions indicated:

Brewster C. Denny, of Washington, to be a representative of the United States of America to the 23d Session of the General Assembly of the United Nations.

Raymond D. Nasher, of Texas, to be an alternate representative of the United States of America to the 23d Session of the General Assembly of the United Nations.

Marvin L. Warner, of Ohio, to be an alternate representative of the United States of America to the 23d Session of the General Assembly of the United Nations.

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment to the offices indicated:

Foreign Service information officers of class 1, consular officers, and secretaries in the diplomatic service of the United States of America:

Burnett F. Anderson, of the District of Columbia.

Alfred V. Boerner, of California.

Leslie S. Brady, of Maryland.

Jacob Canter, of the District of Columbia.

Alan Carter, of Maryland.

Robert J. Clarke, of Pennsylvania.

Richard G. Cushing, of California.

G. Huntington Damon, of New Hampshire.

Henry A. Dunlap, of Florida.

Gordon A. Ewing, of the District of Columbia.

Lawrence J. Hall, of Texas.

James J. Halsema, of Pennsylvania.

Albert Harkness, Jr., of Rhode Island.

George M. Hellyer, of Washington.

Albert E. Hemsing, of New York.

William E. Hutchinson, of Maryland.

Harold Kaplan, of New Jersey.

William B. King, of the District of Columbia.

Alexander A. Klieforth, of California.

Mark B. Lewis, of the District of Columbia.

Robert A. Lincoln, of the District of Columbia.

Sanford S. Marlowe, of Texas.

Henry L. Miller, Jr., of West Virginia.

John W. Mowinckel, of the District of Columbia.

N. Paul Neilson, of Pennsylvania.

Edward J. Nickel, of Connecticut.

John R. O'Brien, of the District of Columbia.

Daniel P. Oleksiw, of Pennsylvania.

Frank H. Oram, of Maryland.

Hewson A. Ryan, of Massachusetts.

G. Lewis Schmidt, of California.

Leslie Albion Squires, of Hawaii.

William H. Weathersby, of California.

W. E. Weld, Jr., of the District of Columbia.

Joseph C. Wheeler, of Pennsylvania.

Miss Barbara M. White, of the District of Columbia.

Earl J. Wilson, of Texas.

Barry Zorthian, of Virginia.

Foreign Service information officers of class 2, consular officers, and secretaries in the diplomatic service of the United States of America:

Keith E. Adamson, of Kansas.

O. Rudolph Aggrey, of the District of Columbia.

Edward Alexander, of New York.

Robert C. Amerson, of Minnesota.

John M. Anspacher, of the District of Columbia.

Gilbert F. Austin, of Washington.

Arthur A. Bardos, of Maryland.

Walter M. Bastian, Jr., of the District of Columbia.

Bryan M. Battey, of Maryland.

Herbert Baumgartner, of Florida.

Robert H. Behrens, of New Jersey.

Stephen P. Belcher, of the District of Columbia.

Raymond E. Benson, of Florida.

Charles B. Blosser, of the District of Columbia.

Kenneth R. Boyle, of Washington.

David G. Briggs, of Virginia.

Darrell D. Carter, of Illinois.

Terrence F. Catherman, of the District of Columbia.

Philip J. Conley, of Maine.

Robert T. Curran, of Michigan.

Laurence P. Dalcher, of Michigan.

Miss Stella E. Davis, of Georgia.

Fred W. Dickens, Jr., of Illinois.

Wilson P. Dizard, of the District of Columbia.

Frank D. Dorey, of the District of Columbia.

Philip F. Dorman, of California.

Jerry C. Doster, of Virginia.

Darrell I. Drucker, Jr., of Maine.

David J. DuBois, of California.

James R. Echols, of Maryland.

Harold E. Engle, of Kansas.

Richard Erstein, of Minnesota.

John H. Esterline, of California.

Alan Fisher, of the District of Columbia.

Clifton B. Forster, of Maryland.

Carl L. Gebuhr, of Maryland.

Gerard M. Gert, of California.

Jay W. Gildner, of the District of Columbia.

Donald Y. Gilmore, of Maryland.

Henry H. Gosho, of Maryland.

Lemuel E. Graves, Jr., of the District of Columbia.

Fitzhugh Green, of Rhode Island.

William G. Hamilton, Jr., of Pennsylvania.

Robert C. Haney, of California.

Arnold C. Hanson, of Maine.

John R. Higgins, of Pennsylvania.

Arthur S. Hoffman, of Florida.

John F. Hogan, Jr., of Maine.

William C. Holcombe, of Virginia.

Fredric B. Irvin, of Arizona.

Robert A. Jellison, of Indiana.

Edward J. Joyce, of Virginia.

Harry Keith, of Maryland.

Howard E. Kirchwehm, of Illinois.

Joseph C. Kolarek, of Maryland.

Bernard J. Lavin, of Hawaii.

Leopold J. LeClair, of Massachusetts.

Maurice E. Lee, of Pennsylvania.

E. Russell Linch, of California.

Sam H. Linch, of Maryland.

Herbert F. Linneman, of Florida.

Wallace W. Littell, of Maryland.

Robert H. Lochner, of New Jersey.

John L. Maddux, of California.

Haynes R. Mahoney, of Florida.

Jack Masey, of the District of Columbia.

Richard M. McCarthy, of Virginia.

Brooks McClure, of Florida.

James M. McDonald, Jr., of New Jersey.

James C. McIntosh, of Massachusetts.

James Moceri, of Washington.

Paul A. Modic, of Ohio.

G. Richard Monsen, of Utah.

Daniel E. Moore, of Virginia.

Edmund R. Murphy, of California.

David Nalle, of the District of Columbia.

Renzo Pagin, of Virginia.

William K. Payeff, of South Carolina.

John E. Reinhardt, of Tennessee.

Yale W. Richmond, of Virginia.

William H. Rodgers, of Maryland.

Eugene Rosenfeld, of Virginia.

George A. Rylance, of Arizona.

Richard C. Salvatierra, of Arizona.

Edward J. Savage, of the District of Columbia.

Clement G. Scerback, of Maryland.

Norman P. Scott, of Colorado.

Donald T. Shea, of Virginia.

Jack H. Shellenberger, of Maryland.

David P. Sheppard, of the District of Columbia.

Howard R. Simpson, of California.

Abraham M. Sirkin, of Maryland.

L. Clyde Slaton, Jr., of the District of Columbia.

John J. Slocum, of Rhode Island.

Glenn Lee Smith, of California.

Robert D. Smith, of California.

Marvin Sorkin, of California.

Clifford E. Southard, of Illinois.

John C. Stoddard, of Connecticut.

John McH. Stuart, of New York.

Hugh R. Sutherland, of the District of Columbia.

Donald K. Taylor, of Maryland.

Francis B. Tenny, of Virginia.

Hans N. Tuch, of Illinois.

James N. Tull, of Louisiana.

Serban Vallimarescu, of the District of Columbia.

Hoyt N. Ware, of Georgia.

Michael Weyl, of the District of Columbia.

Robert L. White, of Colorado.

Ernest G. Wiener, of the District of Columbia.

Donald E. Wilson, of Maryland.

Richard C. Wooten, of Virginia.

Harold O. Wright, of Illinois.

Foreign Service information officers of class 3, consular officers, and secretaries in the diplomatic service of the United States of America:

Wilfred P. Allard, of Virginia.

James F. Anderson, of Maryland.

William H. Anthony, of California.

Richard T. Arndt, of New Jersey.

William Astill, of Rhode Island.

Norman C. Barnes, of New York.

Carl F. Bartz, Jr., of Texas.

Myron A. Baskin, of New York.

Charles R. Beecham, of Florida.

Holley Mack Bell, of North Carolina.

K. Marshall Berg, of Iowa.

Howard E. Biggerstaff, of California.

Royal D. Bisbee, of Illinois.

James E. Boyle, of Maryland.

William K. Braun, of Ohio.

Peter F. Brescia, of Maryland.

William D. Brestow, of California.

Hedin Bronner, of Maryland.

John F. Buckley, of New Jersey.

Stephen M. Carney, of Florida.

Martin C. Carroll, Jr., of New York.

Bernard Casper, of California.

Frederick J. Cavanaugh, of Massachusetts.

R. Dabney Chapman, of Maryland.

Thomas G. Charouhas, of California.

Dean O. Claussen, of Washington.

Thomas S. Cleveland, of Maryland.

Fred A. Coffey, Jr., of Texas.

Alvin H. Cohen, of Massachusetts.

John D. Congleton, of Virginia.

James D. Conley, of Illinois.

Edward J. Conlon, of Illinois.

Dewey W. Conner, of Kansas.

Edward F. Conyngham, of Oregon.

Lyle D. Copmann, of Nebraska.

Miss Frances E. Coughlin, of California.

Joe B. Cox, of Ohio.

James F. Crane, of California.

Robert D. Cross, of Colorado.

Richard H. Curtiss, of Virginia.

Philip A. Damon, Jr., of Virginia.

Miss Anne M. Davis, of California.

Carl E. Davis, of Florida.

Henry L. Davis, of Florida.

John L. De Witt, of Pennsylvania.

William S. Dickson, of New Jersey.

Richard F. Dienelt, of Pennsylvania.

Arthur V. Diggle, of Illinois.

Philip DiTommaso, of Pennsylvania.

Alan H. Dodds, of Nevada.

Gerald A. Donohue, of Illinois.

Gerhard J. Drechsler, of the District of Columbia.

Frank Eakin, Jr., of New Jersey.

Miss Ann Eckstein, of California.

Horace Y. Edwards, of Texas.

N. Marbury Efimenco, of Florida.

Miss Mary M. Eich, of Pennsylvania.

Douglas A. Elleby, of Maryland.

James A. Elliot, of the District of Columbia.

F. Bowen Evans, of Texas.

E. Lee Fairley, of New York.

Eric Feiler, of the District of Columbia.

Miss Marjorie F. Ferguson, of New Jersey.

Lyne S. Few, of North Carolina.

Edward J. Findlay, of Maryland.

Morton F. Fosberg, of Maryland.

Evan Fotos, of Massachusetts.

Abol F. Fotouhi, of North Carolina.

Eugene J. Friedmann, of Ohio.

Daniel Garcia, of the District of Columbia.

Fentress Gardner, of Florida.

John S. Getchell, of California.

Robert C. Goodman, of California.

Donald G. Gould, of Maine.

William F. Gresham, of Illinois.

Miss Margaret R. Haferd, of Ohio.

Miss Elinor Halle, of Ohio.

Richard P. Harris, of Maryland.

William M. Hart, of Florida.

Theodore G. Hartry, of California.

John L. Hedges, of Illinois.

Richard W. Helgerson, of South Dakota.

Peter J. Heller, of California.

Sherwin P. Helms, of Virginia.

George D. Henry, of Pennsylvania.

Clyde G. Hess, of Vermont.

David I. Hitchcock, of Connecticut.

James Hoyt, of California.

Theodore R. Jaeckel, of the District of Columbia.

Robert B. Jaffie, of California.

Alfred N. Johnson, of North Carolina.

Roy W. Johnson, of New Jersey.

John A. Jones, Jr., of Virginia.

Jack W. Juergens, of Kansas.

Daniel M. Kennedy, of Massachusetts.

Donald J. Kent, of Ohio.

William H. Keogh, of Maryland.

Richard M. Key, of New Jersey.

Stepney C. Kibble, of the District of Columbia.

William D. Killea, of Pennsylvania.

Kenneth D. Koch, of Michigan.

Miss Garnetta Kramer, of Illinois.

Joseph I. Krene, of California.

Thomas R. Kruse, of Iowa.

Ernest G. Land, of the District of Columbia.

Robert E. Lasher, of Maryland.

Robert H. Leeper, of Pennsylvania.

Robert Don Levine, of the District of Columbia.

Miss Joann Lewinsohn, of Oklahoma.

Irving S. Lewis, of Maryland.

Roman L. Lotsberg, of Maryland.

Roger M. Lydon, of California.

Kenneth J. MacCormac, of California.

Pietro V. Marchetti, of Illinois.

William C. Mateer, of Ohio.

James O. Mays, of Georgia.

John R. McCarthy, of Florida.

Richard G. McCloskey, of Washington.

A. Marvin McClure, of Georgia.

Harold G. McConeghey, of Virginia.

Charles A. McGinley, Jr., of Maryland.

James A. McGinley III, of Florida.

Malcolm McLean, of Minnesota.

Charles L. Medd, of New York.

Mrs. Aileen S. Miles, of Virginia.

George E. Miller, of Pennsylvania.

James B. Miller, of Tennessee.

William J. Miller, of Virginia.

Reuben M. Monson, of Texas.

Miss Theresa C. Mravintz, of California.

Stefan P. Munsing, of Michigan.

Clifton B. Naughton, of California.

Howard F. Needham, of Maryland.

Allan Nelson, of California.

Edwin J. Neumann, of Maryland.

Robert L. Nichols, of New Hampshire.

Patrick E. Nieburg, of New York.

Lynn H. Noah, of Vermont.

Tom A. Noonan, of the District of Columbia.

Victor B. Olason, of Washington.

Stuart P. Olsen, of Washington.

Edwin C. Pancoast, of California.

Lewis W. Pate, of Nebraska.

Harris Peel, of Vermont.

Perry L. Peterson, of Nebraska.

James T. Pettus, Jr., of Missouri.

Timothy A. Pfeiffer, of Maine.

J. Paul Phillips II, of Maryland.

Richard B. Phillips, of Colorado.

Edward T. Pinch, of Virginia.

Edward E. Post, Jr., of North Carolina.

W. Clinton Powell, of Hawaii.

Milos O. Ptak, of Ohio.

Paul J. Rappaport, of North Carolina.

R. Randolph Raven, of California.

W. Wolf Reade, of the District of Columbia.

David L. Roberts, Jr., of New York.

Robert A. Rockweiler, of Wisconsin.

Gunther K. Rosinus, of Indiana.

Roger P. Ross, of California.

Nicholas Ruggieri, of Rhode Island.

Irving L. Sablosky, of Illinois.

Cecil L. Sanford, Jr., of North Carolina.

Harold F. Schneidman, of Pennsylvania.

Frank A. Scott, of New Jersey.

Charles D. Searles, of Maine.

Harry E. Sedgley, of California.

Laurence Sharpe, of Maryland.

Leon A. Shelnutt, of Alabama.

John W. Shirley, of the District of Columbia.

P. Warren Simpson, of Maryland.

Morton S. Smith, of Maryland.

Ralph Stuart Smith, of Maryland.

C. Kenneth Snyder, of Florida.

William Lloyd Stearman, of the District of Columbia.

Bart N. Stephens, of Florida.

Victor L. Stier, of California.

Howard E. Stingle, of the District of Columbia.

David L. Stratmon, Sr., of Indiana.

G. Frederick Stutz, of Massachusetts.

G. Scott Sugden, of Maine.

Richard J. Sullivan, of Iowa.

Marshall W. S. Swan, of Maryland.

Ted M. G. Tanen, of California.

Joseph W. Thoman, of Virginia.

George R. Thompson, of New Jersey.

Don R. Torrey, of New Jersey.

Fred W. Trembour, of Virginia.

Neely G. Turner, of California.

Frank D. Underwood, of North Carolina.

G. Claude Villarreal, of Texas.

James K. Welsh, Jr., of New York.

Paul E. Wheeler, of Maryland.

Walter P. White, Jr., of Alabama.

Ernest H. Wiener, Jr., of Pennsylvania.

Arthur K. Willey, Jr., of Connecticut.

John Z. Williams, of New Jersey.

Jack R. Zeller, of Ohio.

Douglas A. Zischke, of Florida.

Foreign Service information officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Donald H. Albright, of Arkansas.

Thomas G. Allen, of New Hampshire.

Philip W. Arnold, of New York.

James M. Ascher, of Illinois.

Theophilus E. Ashford, of New Jersey.

David H. Barnhart, of Arizona.

Edmund A. Bator, of the District of Columbia.

Charles W. Bergstrom, of the District of Columbia.

Herbert K. Berthold, of Indiana.

Peter P. Bielak, of Connecticut.

Edgar S. Borup, of Illinois.

James E. Bradshaw, of Tennessee.

Harry P. Britton, of California.

Melvyn R. Brokenshire, Jr., of Texas.

Michael D. Brown, of New York.

Ivan M. Campbell, of California.

John R. Campbell, of California.

Miss Elizabeth Carver, of North Carolina.

Robert A. Cattell, of Virginia.

John R. Challinor, of Illinois.

Robert L. Chatten, of Utah.

Neale E. Clark, of Nebraska.

Gerald L. Clay, of Nevada.

John D. Clayton, of Oklahoma.

Francis A. Cooke, of New York.

A. Speight Cooper, of Georgia.

William T. Crocker, of Massachusetts.

Allan B. Croghan, of California.

George T. Czuczka, of Virginia.

John J. Daly, Jr., of Pennsylvania.

William B. Davis, of Michigan.

James H. De Cou, of California.

William F. DeMyer, of New York.

Miss Joy A. Dickens, of the District of Columbia.

William E. Dietz, of the District of Columbia.

Mason C. Dobson, of Illinois.

Francis T. Donovan, of Pennsylvania.

Thomas C. Dove, Jr., of North Carolina.

Robert P. Ebersole, of Florida.

G. Michael Eisenstadt, of New York.

Edward A. Elly, of Michigan.

John J. Ewing, of the District of Columbia.

Jack B. Fawcett, of Colorado.

Frederic A. Fisher, of Michigan.

Ben F. Fordney, of Virginia.

George L. Gaddie, of Florida.

Norris D. Garnett, of California.

R. Laurence Garufi, of New Jersey.

Robert V. Gildea, of Maryland.

Arthur S. Giuliano, of New Jersey.

Richard J. Gordon, of Maryland.

Henry O. Green, Jr., of Arkansas.

John L. Griffiths, of California.

Allen C. Hansen, of the District of Columbia.

Howard W. Hardy, Jr., of New Jersey.

Mrs. Elizabeth Earle Heckman of the District of Columbia.

Miss Shirley B. Hendsch, of the District of Columbia.

Harry L. Hughes, of the District of Columbia.

Miss Barbara A. Hutchison, of Delaware.

Jerry L. Inman, of California.

Charles A. Johnson, of Virginia.

Stanton Jue, of California.

Anton N. Kasanof, of Florida.

Sean Kennedy Kelly, of Nevada.

Harry H. Kendall, of the District of Columbia.

Ivan T. Klecka, of Illinois.

Franz E. Krell, of Illinois.

Robert F. Krill, of Pennsylvania.

Charles J. Lahey, of Pennsylvania.

Gilbert I. Laskowski, of Texas.

Milton Leavitt, of Massachusetts.

William R. Lenderking, Jr., of Connecticut.

Theodore M. Liu, of Michigan.

Frenise A. Logan, of North Carolina.

Miss Margaret F. MacKellar, of California.

Herbert C. Madison, of the District of Columbia.

Charles M. Magee, of Mississippi.

James J. Mandros, of Pennsylvania.

Harrington E. Manville, of Colorado.

John A. Mason, Jr., of Pennsylvania.

Donald E. Mathes, of Missouri.

Miss Tana M. Mayland, of California.

Miss Ellen Irene McCullough, of New Jersey.

John F. McDonald, of Maine.

Donald E. McNertney, of Iowa.

Miss Gabriella E. Metcalf, of Maryland

Daniel L. Miller, of California.

James L. Morad, of California.

Gordon W. Murchie, of California.

Arthur R. Nayer, of New Jersey.

Robert L. M. Nevitt, of Pennsylvania.

Edgar E. Noel, of the District of Columbia.

Flemming E. Nyrop, of Virginia.

Blanchard K. Parsons, of New York.

Wilbert C. Petty, of the District of Columbia.

Michael T. F. Pistor, of New York.

William H. Pugh, of New Jersey.

Eugene Frederick Quinn, of Pennsylvania.

Mrs. Katharine D. Ray, of Tennessee.

Donald E. Reilly, of California.

James M. Rentschler, of Pennsylvania.

William H. Riddell, Jr., of the District of Columbia.

Leonard I. Robock, of Ohio.

Robert N. Rogers, of Illinois.

Phifer P. Rothman, of Florida.

Vincent Rotundo, of New Jersey.

Miss Elizabeth K. Rousseau, of the District of Columbia.

Robert R. Ruggiero, of Rhode Island.

Howard H. Russell, Jr., of North Dakota.

John H. Scanlon, of California.

Eugene M. Schaeffer, of Tennessee.

Christopher L. Sholes, of New Jersey.

Edward J. Slack, of South Dakota.

Douglas H. Smith, of the District of Columbia.

Norris P. Smith, of California.

Donald E. Soergel, of Maryland.

Perry J. Stieglitz, of New York.

Miss Constance E. Stone, of Vermont.

Peter N. Synodis, of California.

Miss Margaret V. Taylor, of California.

Vernon R. Telford, of Georgia.

Eugene B. Thomson, of Maryland.

Francis E. Townsend, of Washington.

Graham Tucker, of Virginia.

Richard E. Undeland, of Nebraska.

Jaroslav J. Verner, of Minnesota.

Nicholas Volk, Jr., of New Jersey.

John W. Vonier, of Virginia.

Robert C. Voth, of California.

William N. Wagley, of Florida.

Wilbur F. Weeks, of Connecticut.

Lloyd H. Wilkins, of California.

George G. Wynne, of North Carolina.

Foreign Service information officers of class 5, consular officers, and secretaries in the diplomatic service of the United States of America:

Sime H. Adelman, of Ohio.

Barry E. Ballow, of California.

Miss Ruth Banonis, of Michigan.

Miss Margaret K. Beadles, of Kentucky.

Richard Birn, of New York.

Miss Evelyn M. Blickensderfer, of New York.

Richard A. Boardman, of New York.

Thomas A. Calhoun, of California.

Dino J. Caterini, of Ohio.

Sigmund M. Cohen, Jr., of Illinois.

Miss Patricia E. Connor, of Washington.

Frank Darlington, of Texas.

Miss Dora Dean, of Arizona.

Miss Joan L. Dickie, of New York.

Neal T. Donnelly, of Florida.

William H. Durham, of North Carolina.

Philip W. Ernst, of Minnesota.

Lawrence S. Fein, of Oregon.

Thomas E. Finnerty, of Michigan.

Joel Anthony Fischman, of Massachusetts.

Eli Flam, of Virginia.

James Flood, of Maryland.

Lawrence B. Flood, of California.

C. M. Fry, of Missouri.

Alan L. Gilbert, of Ohio.

Robert E. Goodenough, of the District of Columbia.

Thompson A. Grunwald, of California.

Thomas J. Gunning, of Florida.

Myron L. Hoffmann, of Virginia.

Talbott W. Huey, of Maryland.

John M. Keller, of Minnesota.

Irwin S. Kern, of the District of Columbia.

Edward J. Killeen, of California.

Robert E. Knopes, of Wisconsin.

Bruce R. Koch, of Pennsylvania.

John F. Kordek, of Illinois.

Robert R. LaGamma, of New York.

Leon Lederer II, of Virginia.

Arthur D. Lefkowitz, of New York.

Frank A. Magary, of California.

Malcolm A. McConnell, of Wisconsin.

James D. McHale, of Massachusetts.

John H. Melton, of Montana.

James L. Meyer, of California.

Robert S. Meyers, of California.

Merrill S. Miller, of California.

Howard G. Neuberg, of California.

Kent D. Obee, of Idaho.

J. Richard Overturf, of California.

Edward T. Penney, of Illinois.

Peter J. Reuss, of Florida.

John F. Ritchotte, of Pennsylvania.

Ismael Rivera, of Maryland.

Joel W. Rochow, of Illinois.

Sanders F. Rosenblum, of Michigan.

William A. Rugh, of New York.

Henry B. Ryan, of Illinois.

Richard W. Schmidt, of Maine.

Fred M. Shaver II, of Colorado.

Philip N. Shepherdson, of Illinois.

Miss Dorothy M. Slak, of Ohio.

John E. Slavick, of Ohio.

Frank F. Starbuck, of Florida.

William Stephens, Jr., of Pennsylvania.

Wesley D. Stewart, of Ohio.

Conrad Stolzenbach, of Ohio.

V. Jordan Tanner, of California.

William F. Thompson, of Minnesota.

Franklin J. Tonini, of Florida.

Alfred J. Waddell, of the District of Columbia.

David M. Wilson, of Massachusetts.

Kenneth C. Wimmel, of Ohio.

Peter C. Wolcott, of New York.

Robert J. Wozniak, of Michigan.

William M. Zavis, of Illinois.

Jan R. Zehner, of Ohio.

Foreign Service information officers of class 6, consular officers, and secretaries in the diplomatic service of the United States of America:

Robert K. Baron, of Pennsylvania.

John T. Burns, of Florida.

James B. Carroll, of Illinois.

Miss Eleanor M. De Selms, of the District of Columbia.

Edward D. Franco, of Colorado.

John D. Garner, of Arkansas.

Robert K. Geis, of Texas.

Miss Helen S. Hanson, of California.

Donald W. Hauger, of Florida.

Miss Corinne A. Heditsian, of New York.

Peter J. Hickman, of Texas.

Miss Mary Roberta Jones, of Montana.

David Kuryk, of New Jersey.

Jerry E. Kyle, of California.

Alfred A. Laun III, of Wisconsin.

John R. Lepperd, of Virginia.

David J. Levin, of Pennsylvania.

Jerome K. McDonough, of Massachusetts.

Peter L. Quasius, of Wisconsin.

Harold F. Radday, of California.

John M. Reid, of Virginia.

Richard F. Ross, of Florida.

Richard C. Schoonover, of California.

James H. Sease, of Michigan.

Arnold J. Silverman, of California.

Leon M. S. Slawecki, of Pennsylvania.

Christopher Snow, of Utah.

Jon W. Stewart, of Washington.

Miss Marie Louise Telich, of California.

Daniel L. Traub, of California.

Jeremy W. Tryon, of Massachusetts.

Foreign Service information officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Charles R. Gostlin, of Ohio.

Miss Edith E. Russo, of Maryland.

EXTENSIONS OF REMARKS

SESQUICENTENNIAL CELEBRATED BY FRANKLIN COUNTY, MO.

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. HUNGATE. Mr. Speaker, Franklin County, Mo., which was named for Benjamin Franklin, celebrates its sesquicentennial this year.

Organized in 1818 as the 10th county in the State, it was carved out of the original St. Louis County. In addition to the Missouri River, the Meramec and Bourbeuse Rivers run through rolling wooded hills and plains, while prominent bluffs and interesting caverns accent the melody of nature in Franklin County.

Early inhabitants were the hunter and the settler. While the hunter had no interest in the soil and did not cultivate anything, the settler was interested in becoming established in a new land. The settler found a remnant of the Indians who once belonged to the powerful tribes of the Shawnees, Delawares, and Osages. A village of 200 to 300 lived in the valley of the Bourbeuse which was named Shawneetown.

Many of the early residents settled along the Missouri River on Spanish grants of land ceded by the Spanish Governor of St. Louis. The Labaddie, DuBois, St. John's, Newport, Boeuf, and Berger settlements were among these.

The first store in Franklin County was established at Newport. Presley G. Rule operated the store which kept a small stock of dry goods, groceries, and hardware. Hospitality was unlimited and people enjoyed the gatherings at cornhuskings, logrollings, house raisings, and cottonpickings. Weddings provided the greatest of social events with the festivity often lasting several days. "Running for the Bottle" was one of the curious customs of the wedding celebration. This was a race on horseback from the bride's home to that of the groom with the winner awarded a bottle of whisky.

Many of those early settlers were French hunters and traders and today several of the streams bear their names. Daniel Boone and some of his companions lived for a few years in the southwestern part of the county, now known as Boone Township.

The only white man believed to have been killed by the Indians in Franklin County was John Ridenhour who was shot while watering his horse at a spring near Labaddie. Ridenhour Creek is named for him.

Franklin County has many interesting caverns. The entrance to Fisher's Cave, near Stanton, is by an opening in the bluff of the Meramec River. After passing through a low, long entrance, the cave opens into what is known as the Governor's Ballroom because it was once used for such an occasion.

Meramec Caverns, in the beautiful dells of the Ozark Mountains, on the Meramec, were first discovered by Jacques Renault, of Illinois, in 1716. The caves were used by early miners for storage and shelter while operating a nearby copper mine. In years during and after the Civil War, the caverns were explored further when gunpowder was manufactured at the cave. The Union forces set up the powder kilns in the caverns and slaves found refuge in the caves, a station on the underground railroad.

The Quantrill Irregulars, under Gen. Sterling Price's command in the Confederate Army, captured the gunpowder plant in 1864. Jesse James, Frank James, and Frank Dalton were members of the irregulars and became acquainted with the caverns. Ten years later, after the James gang robbed a train at Gadshill, Mo., they were tracked to the caverns. After a 3-day siege, they escaped by a back route unknown to the posse.

When the county was officially organized in 1818 five commissioners were appointed by the judge of the northern district of the Missouri Territory to lay out the county and fix the seat of justice. They were William Laughlin, Philip Boulware, David B. Moore, David Edwards, and Thomas Buckner. Newport, the only town in the county, was made the county seat.

In 1827 the county seat was moved to Union and 20 years later $5,000 was appropriated for the building of a new brick courthouse. The present courthouse was built in 1923.

Today Franklin County is prosperous and growing and its citizens can take pride in the accomplishments of the past 150 years and look forward to a bright future.

KENNETH GRANT, NEW SCS ADMINISTRATOR

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, September 30, 1968

Mr. HARTKE. Mr. President, in March 1967, Indiana was honored when the Soil Conservation Service chose our State conservationist, Kenneth E. Grant, to be the Associate Administrator of the Agency in Washington.

We are honored again by Mr. Grant's appointment to succeed Don Williams as SCS Administrator.

I join with Ken Grant's many friends and associates in Indiana in congratulating him on this high honor. We know it is a promotion he deserves. We know that he will fill the position with distinction.

To become head of a major Federal agency at the age of 48 is proof enough of Ken Grant's talents and abilities. He worked his way up through the ranks of SCS, starting as a junior soil scientist in his native New Hampshire in 1946 by demonstrating outstanding technical and administrative ability. He had become State conservationist in New Hampshire when he was promoted to the same position in our State in 1967.

I salute Don Williams for his great success as SCS Administrator since 1953 and for splendid service of 32 years with that great Agency. In Ken Grant I am confident that he has a worthy successor.

THE CRISIS IN EASTERN EUROPE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. CUNNINGHAM. Mr. Speaker, today I am joining my colleagues in denouncing the Soviet aggression against Czechoslovakia and the subsequent blackmail threats to Rumania, Yugoslavia, and the Federal Republic of Germany.

One of the most telling cartoons reflecting the Russian reaction which was based on fear of the contagion of freedom of speech and press among the inhabitants of the slave empire was published in a small Swiss paper and reproduced in the New York Times. It shows Russian soldiers fleeing into the inside of their tank when a small mouse appears bearing the flag of press liberty. For the yearning for freedom of speech, assembly, and information are fundamental rights which are inscribed in the hearts of all men, and particularly in the peoples of Eastern and Central Europe who have fought and suffered for the achievements of these freedoms in the past.

Unfortunately, despite the unique bond combining the Czechoslovak party and government leadership which has withstood the worst of the Soviet demands, the occupation cannot hope to change the permanent fate of the country.

The "salami" tactics will finally overcome them, too, as they are enforced at the muzzle of the Russian tank guns and the edge of the Russian bayonets. Already about a dozen of the reformers had to be dismissed from their positions, including the father of the economic reform, Prof. Ota Sik; the Foreign Minister, Prof. Jiri Hajek; Interior Minister, Josef Pavel; and the Chairman of the National Front, Dr. Frantisek Kriegel. Others including Party Secretary Dubcek remain on the purge list of the Communist invaders.

The hub of the matter is the presence of 24 Russian divisions in Czechoslovakia. Until their full withdrawal, no balance of power in Europe can be restored. Russians are present in Czechoslovakia—also in Hungary where they are stationed since 1956—despite numerous condemnatory U.N. resolutions and under a treaty which was concluded with a government not yet in the possession of full sovereignty on May 27, 1957.

All our diplomatic efforts must be concentrated upon achieving Russian withdrawal. As we cannot force it militarily, we must concentrate upon making the occupation cost the Russians prestige, good will, economic sanctions, and international alienation. This necessitates a coordination of propaganda, diplomatic and political activities of our administration, and our public in third world and allied countries and in the United Nations, pointing out not only the details of Soviet aggression but also its potential danger to world peace and security in Europe and elsewhere in the world.

Unfortunately, we are witnessing a halfhearted approach by the present administration until very recently mesmerized by the possibility of a summit with the Russians before its end. To quote the well-known, Democratic Soviet expert at Princeton, former Ambassador George Kennan:

> What respect would the Russians pay to the word of a lame duck president? What has Mr. Johnson to offer them? It is a bad policy to go and plead with people when you have no cards in your hands . . .
>
> The suggestion of such a meeting at this time smacks of one of the worst phenomena of American diplomacy of earlier days, namely: the abuse of external relations of our people as a whole for the domestic-political advantage of a single faction or party. The idea of the President's going to Russia at this time strikes me as pure madness.

Kennan also emphasized that there is no such thing as detente and thereby admitted the failure of the one-sided bridgebuilding policy of the Kennedy and Johnson administrations, which we have recognized for years.

Measures strengthening NATO are also needed, as is a general diplomatic offensive at this session of the General Assembly to push for a withdrawal of Russian troops from Czechoslovakia and Hungary, victims of aggression. In addition, I believe that the House Foreign Affairs Committee has the duty of looking into the present situation in Central and Eastern Europe, areas fraught with dangers to us and to our NATO allies. The committee should come up with suggestions for a new, revised policy by means of a hearing and comprehensive study undertaken by academic experts; here again I am joining my colleagues ably led by the distinguished gentleman from New Jersey. In a parallel development, former Vice President Richard M. Nixon, the Republican presidential candidate, commissioned his staff to reassess the American commitments to Europe and sent ex-Governor William Scranton to Europe for a factfinding tour, steps which can only be welcomed in the confused situation facing us since August 21. The House leadership should not do any less in order to clarify the issues and advise on alternate policies.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SCHERLE. Mr. Speaker, this is the 252d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE 90TH CONGRESS MEETS THE CHALLENGE OF HIGHER EDUCATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. JOHNSON of California. Mr. Speaker, September is, of course, back-to-school month.

September 1968 has added significance for the Nation's colleges and universities. It is in this month that final congressional action was completed on the Higher Education Act of 1968, termed by many in the field of education as one of the most significant aid-to-education bills since the passage of the Elementary and Secondary Education Act of 1965.

The 1968 bill will insure continuation of highly successful programs of assistance to colleges and their students. The legislation marks the most recent step in more than a century of Federal assistance to colleges.

Early in our history, this Nation realized that our material wealth and our democratic form of government both rest upon a well-educated people. The passage of the first Morrill Act in 1862 marked the beginning of a sound Federal policy of assistance to States for agricultural and industrial education through land grants for colleges. The University of California is the Golden State's land-grant institution and consequently receives special consideration in funding programs, although with the expansion of other Federal programs, the State colleges and junior colleges are receiving more and more consideration. This is important because these State and community colleges are playing an increasingly important role in the educating and training of our youth to meet the complex needs of our society.

Much of this expanding of Federal aid to higher education to schools other than land-grant colleges came initially as a result of World War II.

The GI bill made it possible for a vast number of young people to seek a college education. Many of these ex-servicemen could never have afforded the cost of college had it not been for the World War II veterans' benefits program which has been continued through the years to the present. Had it not been for this, the Nation would have suffered severely by failing to develop to the fullest extent possible the scientific, technological, social, economic, and political brainpower resources needed to meet the tremendously complex challenges of the world in which we live today.

During World War II, the Federal Government pumped huge quantities of money into war-related research programs conducted on the campuses of our colleges and universities. This heavy investment in research continued through the Korean war, the cold war, and into the present critical times. Over half of all Federal funds going to colleges and universities of the Nation today is for research purposes, although the emphasis has changed and only a quarter of federally supported projects is directed at national defense. In California, research and demonstration projects have amounted to nearly $200 million in Federal grants a year.

The launching of the first sputnik in 1957 gave added impetus to the idea of strengthening scientific education of individuals as well as assisting institutions. The most notable result was enactment of the National Defense Education Act of 1958 which established federally supported student loan, scholarship, and graduate fellowship programs.

Another major boon in Federal aid to higher education came in 1963 with passage of the Higher Education Facilities Act which authorized the most extensive program of aid to education ever undertaken by the Federal Government. This legislation provided matching grants and loans for construction, rehabilitation, and improvement of classrooms, laboratories, libraries, and other academic buildings. The culmination of our legislative commitment to provide college education for all came with passage of the Higher Education Act in 1965. Since then, Congress has attempted to extend, strengthen, improve, and broaden these programs climaxed by final passage Thursday by the House of Representatives of S. 3769, to extend the Higher Education Act, the National Defense Education Act, the National Vocational Student Loan Insurance Act, and the Higher Education Facilities Act.

More than 192 institutions of higher education in California are receiving Federal funds totaling half a billion dollars annually. The Federal agencies providing these grant funds are: The Department of Health, Education, and Welfare, the Department of Defense, the National Science Foundation, the National Aeronautics and Space Administration, and the Atomic Energy Commission. Additionally, the Departments of Housing and Urban Development and Health, Education, and Welfare provide more than $50 million for construction of dormitories and other facilities plus equipping them.

This heavy investment in higher education is essential because the United States sends a greater proportion of its young people to colleges and universities than any other nation in the world. A century ago, only 2 percent of young Americans entered college. Today, the figure is 50 percent and rising. In a recent Gallup poll, 96 percent of all parents questioned said they wanted their children to enter college. More buildings, classrooms, and laboratories are needed. It is in meeting these construction needs that Second Congressional District colleges benefit most from the education and housing act programs.

Second District colleges have received substantial assistance through the college housing program administered by the Department of Housing and Urban Development.

Chico State College used a $3,200,000 Federal loan to develop dormitory facilities for 528 students, plus dining facilities for 900. Additionally, the student union, with supplemental dining facilities, was constructed through a $1,100,000 college housing loan.

Shasta Junior College used a similar college housing program loan, totaling $1,240,000 to provide housing for 120 and student union and dining facilities for 800 students.

Sierra Junior College has had three such loans, extending back to December 1962. These total more than $1,400,000, including the most recent, a $751,000 dormitory to provide housing for 184 men and a student union and dining facility.

Lassen College, at Susanville, has used a $789,000 loan to provide housing for 128 men and the College of the Siskiyous, at Weed, is providing housing for 70 women through a $336,000 college housing loan.

The Office of Education, an agency of the Department of Health, Education, and Welfare, shares the responsibility for providing adequate facilities. However, the grant funds administered by this agency generally are used for teaching or administrative facilities rather than housing and dining facilities financed through the Department of Housing and Urban Development loans.

Chico State College, facing the necessity to limit its enrollment for the first time in its history—more than 1,000 fully qualified students were turned away from the college this year due to a lack of space—is expanding its physical plant through three Department of Health, Education, and Welfare grants.

Under the Higher Education Facilities Act, Chico State College will receive $822,000 as the Federal share of a $2,490,000 industrial, technological, and agricultural teaching facility. Construction will start in December and is scheduled for completion in December 1970. A Federal grant of more than $1 million will finance one-third of the cost of a classroom-office building due to be completed in March 1971. A third grant of $409,000 will pay one-third of the cost of a boiler plant.

Shasta College dedicated its new campus the first of June this year. Much of the construction, which was started in 1965, was made possible by over $1.7 million in Federal grants and loans.

Lassen College in Weed has just received an Office of Education grant for $401,000 to construct three academic buildings and to purchase two prefabricated buildings.

In addition to the established colleges in the Second Congressional District, we have three new junior colleges just getting under way. Two—the Butte Junior College, now utilizing temporary facilities at Durham High School, and the Columbia Junior College, in Tuolumne County—are junior college district-supported institutions. The third—Tahoe Paradise College—is a private college. Each of these new institutions deserve full support and cooperation in its efforts to establish adequate modern campuses to student bodies with the type of education they deserve. It will take some Federal assistance to do the job, I am sure.

Facilities, as important as they may be, are not the complete answer to insuring that everyone gets the full education he deserves.

The cost of attending college has risen drastically in the past decade, as any parent of a college student can attest.

Our Republic was founded upon the concept of equal opportunity for all, which means equal educational opportunity for all. In the past decade, substantial progress has been made in eliminating economic roadblocks to college education; however, there is much left to be done. It is estimated that, if all financial barriers were removed, an additional 1 million students could enroll in colleges and universities by 1975. The World War II GI bill was the first effort in this direction, followed in 1958 by the National Defense Education Act, and in 1965 by the Higher Education Act. The last two are extended by the Higher Education Act of 1968. These offer aid to the growing number of educationally qualified, but financially needy, students. They work in three ways: Insured loans, grants, and the opportunity to work and study.

While most Federal assistance is in the form of loans or jobs rather than grants, nearly 700 students at six Second Congressional District colleges will receive Federal National Defense Education Act scholarship grants this year. Schools who will use the grants, the amounts available, and the number of students assisted are:

Butte Junior College, $5,000, 10 students; Sierra College, $16,250, 52 students; Shasta College, $40,000, 100 students; College of the Siskiyous, $10,990, 43 students; Chico State College, $225,350, 457 students; and Tahoe Paradise College, $6,900, 12 students. The Federal funds are matched by local funds to provide grants of $200 to $800.

Highlighting the loan program is that authorized under the National Defense Education Act. Four Second Congressional District colleges received $450,000 in Federal aid to assist this school year. These funds provide 90 percent of the student loans with the participating colleges making up the balance. The amounts allocated to the colleges are:

Chico State College, $424,440; College of the Siskiyous, $3,847; Shasta College, $13,374; and Sierra College, $10,732. The National Defense Education Act loans are unique in that part of the loan is forgiven for each year taught in a public school, with extra forgiveness proposed this year for teachers working in poverty areas.

There are a number of different insured loan programs also. Each of these attempts to bring private lending institutions to the aid of students through Federal guarantees of repayments. Amendments added in this session of Congress will raise interest rates from 6 to 7 percent, but hold the student's share of the interest at 3 percent. Hopefully, this will make the program more attractive to local banks, many of whom have been hesitant to make loans at 6 percent when other markets return greater dividends.

Under the work-study program, five local colleges will receive well over $300,000. The Federal funds provide 90 percent of the wages for such part-time jobs as YMCA leaders or teaching assistants.

The 1968–69 academic year will see the first influx of veterans continuing their education under an expanded GI bill, passed in 1967. A single man, without dependents, taking a full course of study, will receive $130 a month. Veterans returning from World War II and the Korean war, impressed their instructors with their maturity and dedication, and I would anticipate that the new group will do equally well.

There are special, profession-oriented, education programs as well. The critical shortage of nurses, for instance, has led the Federal Government to support special professional nursing training. Chico State College is finishing such a 3-year program with a final grant this year of $13,000. Supplementing this is an additional $7,300 set aside for college loans for nursing students at Chico.

Finally, the heart of any school is its library. Grants of over $70,000 will make possible the purchase of books and other educational material by seven local colleges.

Thus, great progress has been made since the first land-grant colleges were established; yet much is left to be done. At present, the Nation allocates $15 billion, or 2 percent of the gross national product, for the support of colleges and universities. College administrators and economists warn that in the next decade we must increase support to $30 billion or 3 percent of the expected gross national product if we are to maintain quality higher education.

Until just recently, the major responsibility for financing our colleges and universities' structure has been State and local governments and private contributions. With their limited tax base, State and local governments face severe limitations in the amount of increased funding that they can afford to finance the growing cost of education at all levels, and especially at the college level. This means that the Federal Government has, and will continue to have, an increasing responsibility to help to provide higher education which our current generation of students and future generations must have if we are to remain a strong Nation economically, politically, socially, industrially, and scientifically.

As one who started his career of public service as a local school trustee 28 years ago, I have consistently and steadfastly endorsed the full development of our educational resources at all levels—elementary, secondary, college and graduate—so that we can take full advantage of the brainpower which is this Nation's most important natural resource.

The House of Representatives has met this challenge through final passage of the Higher Education Act of 1968.

RACINE ELKS YOUTH BAND WINS NATIONAL TITLE

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SCHADEBERG. Mr. Speaker, one of our fine weekly newspapers in the First District of Wisconsin, the Shoreline Leader, carried a story recently about the Racine Elks Youth Band, winners of the 1968 VFW national championship competition.

I am proud to bring to the attention of the Members of this Congress not only the dedication of these fine young people from Racine, but, as well, the pride and affection and the enjoyment we derive from their activities as a community and, for me personally, as their Congressman.

With the permission of this body, the above-mentioned article follows:

Espirit De-Band Helps Elks Win National Title

(By Kaye Poulsen)

The best darn "drum corpsing" band in the world is the Racine Elks Youth band . . . and their home base is "The Drum Corps Capital of the World."

Naturally, the Elks are the closest thing to a drum and bugle corps that a band can get. Not only musically . . . but espirit debank and that same intangible of "togetherness" that binds all Racine units.

Seventeen years ago the B.P.O.E. organized the band to keep the youngsters off the street, busy and out of trouble. Their efforts paid off, in a big way. Little did they realize how the band members would get hooked on music and m & m (marching and manuevering) with the end result of six national titles—four VFW national titles and two American Legion national wins. They recently won the 1968 VFW nationals in Detroit.

Band members of the Elks are musicians first. However, they truly enjoy the challenge, discipline and musicianship of competition.

The boys and girls (all under 21) have found through traveling together during the competition season, the friends one can make forever. The mental and physical alertness they acquire and the attitude are part of the great "Purple and White" bond.

The spirit of sportsmanship has to be a big part of the "intangible" that grows with every Elk from the alumni to the rookies. Rookies can't imagine what a summer would be like without band rehearsals during the week and contests over the weekend.

The alumni can't live without it . . . so they keep active by working behind the scenes and on the field.

Parents (alumni type) have a difficult time in breaking away from the band once their youngster must leave.

Many Elk parents still chaperone only because they can't live without that "Band" life.

It's so much a part of your life you just can't imagine what life would be like without the excitement of traveling, competition and sheer exhaustion.

Not only is it good for the Elks but the parents benefit too. Everybody keeps young and enjoys the young. It's a "thing" that grows and grows and grows and eventually is passed down to the newer Elks and parents.

When the band came home in buses from Detroit, with their new national title, a long motorcade of moms and dads greeted them at highway I-94, their cars decorated with purple and white signs that read "Proud Parent."

All Elk band members must be able to play an instrument . . . even the colorguard must be accomplished musicians. The concert competition, not often attended by the spectators, is the real test for the true Elk musician.

The band is judged solely on instrumentation, interpretation, expression, articulation, intonation, general effect and conducting. Only ex-band members realize this when the Elks are parading down Main st. on the Fourth of July. Yes, there is more to being a marching band than just parades. There is a lot of hard work and heart that motivates every step on the parade route.

Dedication to the band by its members, staff and parents club is evident by the pride that is projected. This pride is obvious by the state and national trophies won by the band . . . triumphs earned humbly and maintained with dignity.

Racine is not only proud of the Elks band but their friends in the city's drum corps boast of having the "best darn drum corpsing band in the country." From a drum corps that's the highest compliment the Elks Youth band can receive.

UNITED NATIONS INITIATIVE NEEDED IN BIAFRA

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHEUER. Mr. Speaker, for the last 3 months, hundreds of thousands of innocent children and adult civilians caught up in the tragedy of the Nigerian civil war, have been starving to death in Biafra as the world has looked on in silent horror.

The casualties there have been many times greater than in Vietnam, and yet world organizations like the United Nations and the Organization for African Unity, stand by the sidelines and do nothing to help the 8 million Biafran civilians trapped in their war-torn country.

The International Committee of the Red Cross estimates some 2 million Biafrans are suffering from severe malnutrition. More than 6,000 Biafrans are dying of starvation every day—half of them children. Hundreds of thousands are near to death.

Even in peacetime, Biafra is far from self-sufficient. And August and September are always the worst months as the people wait for the late September harvest. This year there will be no harvest. After 15 months of civil war, the formerly 29,000-square-mile region has been reduced to 3,000 square miles. More than half of its 8 million people are refugees—some living in camps established by the federalist forces, others in villages, and hundreds of thousands of others wandering through the bush.

The Red Cross, the World Council of Churches, and the Roman Catholic relief organization, Caritas, are operating gallant but inadequate relief operations—they are saving thousands of lives with their air shipments of food and medical supplies but the death rate is still more than 40,000 a week.

A much bigger operation has to be launched immediately. This is not a question of taking sides in the political dispute which triggered the tragic war. This is a matter of simple humanitarianism.

From reports in the New York Times, the Washington Post, and an excellent article in the New Republic last month by Alfred Friendly, there have been cruel mistakes steadily held to on both sides.

Neither the United States nor the United Nations can easily concern itself with the internal political issue, but they can be and should be concerned over the mass starvation of hundreds of thousands of innocent civilians.

Accordingly, I am introducing a concurrent resolution in the House today, calling for a United Nations initiative in the Nigerian civil war.

The bipartisan resolution, cosponsored by more than 50 members is identical to a concurrent resolution introduced in the Senate by Senators PROXMIRE, SPARKMAN, and DODD yesterday.

The resolution calls on the President of the United States to use his influence to achieve an immediate consideration by the United Nations of a relief mission and the placement of United Nations peace observers in the war-torn West African state.

The resolution reads as follows:

H. CON. RES. 834

Whereas the Government of the United States, in concert with numerous national and international organizations, has sought means of providing humanitarian assistance to the suffering innocents in the Nigeria-Biafra area, which means would be acceptable to both sides of the conflict in such area; and

Whereas these efforts have not proven successful in securing the relief required for the needy in such area; and

Whereas the continued deprivation of the basic necessities for continuance of life will result in the death by starvation or related disease of millions of innocents: Now, therefore, be it

Resolved by the House (the Senate concurring), That it is the sense of the Congress that the President should make all necessary efforts, through the United States delegation to the United Nations, to bring before the United Nations, for its consideration at the earliest possible time, the matter of developing and achieving some practical means for meeting the urgent and extraordinary humanitarian relief requirements of the needy in the Nigeria-Biafra area and achieving the immediate placement of United Nations peace observers in such area.

The placement of U.N. peace observers becomes ever more urgent as the total defeat of the Biafran forces comes nearer and nearer. The Federal forces have forecast that final victory should be achieved within 3 weeks. This is probably over-optimistic but whenever the war ends, and the end is certainly near whether or not it is 3 weeks away, there will be an urgent need of neutral observers to insure the prevention of a mass bloodbath. Federal authorities in Lagos have repeatedly given their assurance there will be no bloodbath. With neutral observers present, there will be even more onus on all responsible parties to keep their word.

The Organization of African Unity earlier this month declared its opposition to the United Nations playing a humanitarian or political role in the conflict. The Secretary General of the United Nations, U Thant, said in New York this week that his position on Biafra would be guided by the Organization of African Unity.

I believe Mr. Thant and the OAU should reverse themselves.

I fully understand the problem that secessionism poses for African states. I can understand their reluctance to accept U.N. involvement in Nigeria following the problems of the Congo. But to fail to provide food and supplies to the hundreds of thousands of starving Biafrans would be an atrocious crime against humanity.

The conscience of humanity is the

proper concern of all men and all nations at all times. It is time now for strong words and strong actions; passive grief will bring no relief to the victims of this tragedy.

I call upon all Members of this Chamber to support this resolution.

ADDRESS BY THE HONORABLE CLARK M. CLIFFORD, SECRETARY OF DEFENSE, AT THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SIKES. Mr. Speaker, the Honorable Clark Clifford, Secretary of Defense, delivered on Thursday, September 26, an important speech to the National Security Industrial Association. I take pleasure in submitting it for reprinting in the CONGRESSIONAL RECORD. Mr. Clifford has shown a remarkably fine grasp of the complicated and complex structure of the Defense Establishment within the short time that he has served as Secretary. I have been impressed by his work and by his cooperative attitude.

The address follows:

ADDRESS BY THE HONORABLE CLARK M. CLIFFORD, SECRETARY OF DEFENSE, AT THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION, WASHINGTON, D.C., SEPTEMBER 26, 1968

Mr. Martin, Distinguished Guests, Ladies and Gentlemen: I am pleased to be here, and to participate in your Twenty-Fifth Annual Dinner.

A quarter of a century is a long time in an Association's life. It is even a longer time in a man's life. But there are many of us here tonight who remember with fondness and admiration the great public servant who founded this organization, James Forrestal. Under his leadership, our Armed Forces began new movement toward greater efficiency and combat effectiveness. As our first Secretary of Defense, Jim Forrestal was not afraid to propose new ideas and to fight for them. His objective was progress.

There is a portrait of him hanging behind my desk at the Pentagon. It is a continuing symbol of the man and, in a way, of the Office of the Secretary of Defense itself, for it has looked over the shoulders of each of the eight Secretaries who has followed Jim in that job. Each has dealt with the problems of his day; each has been aided in his task by the National Security Industrial Association.

Since assuming my duties as the ninth Secretary of Defense, I have learned much about the valuable contributions NSIA has made to our defense posture. I am aware of your efforts to help us reduce costs. I know of the outstanding work of your advisory committees, which mobilize scientists, engineers and managers of industry to help us solve difficult technological problems.

I appreciate your efforts and, on behalf of the Department of Defense, I thank you.

This assembly tonight is, however, something more than the annual dinner of a great organization. This audience is as close as one can ever come to assembling the leading representatives—in and out of uniform—of what General Eisenhower once referred to as the "military-industrial complex."

All of us recall his last speech to the Nation as President in January of 1961. Recognizing the absolute necessity for a strong Defense Department and a large and sophisticated arms industry, he felt compelled to draw attention to the fact that their relationship involved some grave implications for the country.

In my view, President Eisenhower's warning is well worth pondering, for this complex represents an immense pool of resources. The capital, manpower, and innovative thinking in this unique combination of industry and the military are equalled nowhere in the world.

Were these resources to be misdirected, squandered or consumed inefficiently, the American people would be poorly served indeed.

Inevitably, there is danger when one is talking about the expenditure of 40 or 60 or 80 billion dollars a year.

Inevitably, there is danger when powerful industries present to Congress and to the Defense Department their logical proposals for new weapons systems or equipment. These are sincere proposals, designed to advance our military strength. The danger arises, not from some sinister intent on the part of the designer, but from the fact that this Nation does not need and cannot afford every new weapons system which resourceful industry can design.

Inevitably, there is danger when each military department sincerely advocates maximum development of the weapons it would use in our national defense. There is danger when patriotic citizens mistakenly believe that something is good for the defense of our country just because potential enemies believe it is good for their country.

I am convinced today, after six months in this office, that the dangers General Eisenhower warned against were real dangers. But I am also convinced that they have been avoided, through the checks and balances of our governmental system. They have been avoided through the alertness of our Congress and the watchfulness of our press. They have been avoided because powerful pressures come from different directions and tend to offset themselves. They have been avoided by the strengthening of the Office of the Secretary of Defense. They have been avoided by the diligence of the Commander-in-Chief.

Industry and the military establishment, in partnership, have maintained a strong, modern and effective defense capable of meeting all tasks assigned by the President in support of our foreign policy and our national objectives. This Nation has more military power today, better balanced in its make up, and better tailored to meet potential military threats, than any country has had in the history of the world.

That is the posture of military strength we maintain—and I pledge that is the posture of military strength we will continue to maintain.

However, I want to talk to you tonight about the subject of our total national strength. This, it seems to me, is appropriate because it is my job as Secretary of Defense to see that our country has the security that it needs. And it certainly is your job as members of this Association.

Security, as we have traditionally viewed it, is the protection of our country from external threats. Our military forces are designed against such external threats; the Congress appropriates funds for this purpose and the American people expect us to fulfill this mission.

The question I raise tonight is: What are the basic elements of our total national security? The answer, I think, is clear. First: the power of the weapons of our armed forces. Second: the quality of the training and leadership of those forces. Third: the unity of the American people. The most modern of weapons will be inadequate to insure our survival in today's world unless our society is keyed to the steady improvement of our political institutions and concerned that all our people participate and share in the benefits of that society.

And I submit tonight that the Department of Defense is not doing enough to promote in a positive way those aspects of our national life which are so essential to the preservation of our fundamental institutions.

What, after all, do the people most earnestly seek?

It would seem clear to me that our people want to secure their freedom. And it would seem clear that the elements of freedom are described in the Preamble to the Constitution of the United States more eloquently than anywhere else.

The establishment of justice.

Domestic tranquillity.

The promotion of the general welfare.

The blessings of liberty.

It was for all those reasons that we sought to form a more perfect union, and it was for those reasons that the people of the United States did ordain and establish our Constitution.

But there are millions of Americans today who have not yet secured for themselves the elements of freedom set forth in the Preamble.

I submit that the Department of Defense, a Department which consumes 9 percent of the gross national product of our Nation, a Department which employs four and one-half million Americans, has a deep obligation to contribute far more than it has ever contributed before to the social needs of our country.

Justice . . . domestic tranquillity . . . general welfare . . . blessings of liberty. Can it be that these essential elements of freedom are a responsibility of the rest of the United States Government, but not of the Department of Defense whose operations account for half of the total expenditures of that Government?

I believe that we in the Department of Defense have not only a moral obligation but an opportunity to contribute far more to the social needs of our country than we have ever done before.

Accordingly, I have today directed the Secretaries of the Army, Navy and Air Force, the Director of Research and Engineering and the Assistant Secretaries of Defense to address themselves to this challenge.

I have asked that they provide me their proposals on how we may assist in alleviating some of our most pressing domestic problems and how the Department of Defense should best organize itself for this purpose.

I am asking for their recommendations by November 30 so that an initial concept can be offered to the new Administration in January.

This effort cannot be successful if we in the Pentagon attempt to implement it ourselves.

The Department of Defense can and must work with industry, with labor and with our great scientific and educational communities. And, of course, we shall need the understanding and support of the Congress.

The proven techniques and skills and resources of industry combined with the proven organization and discipline of the Department of Defense can be utilized together far more effectively than heretofore for the benefit of our Nation.

I believe we can do it.

I believe we must do it.

There will be those who will argue that the Department of Defense is not a social welfare institution and who will contend that it has no business interfering in the internal welfare of our country.

I have no intention of turning the Department of Defense into something it should not be.

Of course, I do not regard the Department of Defense primarily as an instrument of social welfare.

Of course I do not believe that the Department should take over the responsibilities of other governmental or private agencies.

Nothing that I propose tonight, nor anything that I will propose so long as I hold this office, will be permitted to interfere with the performance of our historic mission to defend our nation.

But I do believe that the citizens of the United States have reason to expect—and indeed to demand—that the element of government which spends half of their Federal tax dollars devote more of its time and more of its thinking and more of its resources to those aspects of our domestic problems which are important to our total national security.

Some might ask this question: "Are you attempting to say that a defense contract should consider not only whether the best weapon can be purchased for the cheapest price, but also whether the measurement of social utility should be included in the contract award decision?"

I am not making such a statement tonight. I do not yet know whether this would be a wise course or what changes in the present law should be considered.

But I do know that there are major areas of concern to our total national security in which the Department of Defense—working with industry—can do more. Jobs are a matter of concern. So is education. So are housing, and health and hospital care.

I offer these only as examples of areas in which the Department of Defense can be of greater assistance to the Nation. The first preliminary steps have been taken by the Department in each. Sometimes they have been taken timidly as though the Department of Defense were involving itself in something in which it really had no business.

Housing, hospitals, schools, and employment facilities for the unskilled normally do not possess enough capital resources to make an investment in innovation. They have little or no funds for research and development.

Consider housing.

The average private-sector homebuilder throughout the Nation constructs no more than 50 units a year. The average contractor cannot afford research and development into new materials, advanced design and better production techniques. He is faced with a small local market, he is enmeshed in a tangle of local building regulations, and he has a high per-unit cost which is reflected in his prices.

No wonder that low-income housing is so unattractive to private enterprise. There are not enough incentives to justify an entrepreneur risking his limited capital.

Every major city in the nation is faced wih a serious slum problem, which in turn leads to destructive social and family problems. Furthermore, slums perpetuate themselves. With minimal maintenance costs, and inflated rents, owners have little financial motive to tear down their antiquated structures and replace them with recent housing.

This can and must be reversed.

What is clearly needed are new materials and now production techniques that will make low-income housing a profitable enterprise.

I suggest that is precisely where the Department of Defense can, and must be, innovative and helpful.

The Department is the Nation's biggest single user of housing. We currently spend some $200 million a year in new construction, plus another $450 million a year for maintenance and operation, debt servicing, and leasing of existing military housing. But of this $650 million annually, we have been spending virtually nothing for improvement of materials or better construction techniques.

We have begun to remedy the situation by awarding three contracts to explore whether we can lower the cost of military housing, while retaining quality standards. First reports suggest that savings of 15% or better may be realized through modular design, adoption of factory assembly methods, and volume procurement.

We are now at a stage where, with the support of Congress, we will design a prototype project and build it at George Air Force Base in California. It will be watched with care and evaluated by both the Department of Defense and the Department of Housing and Urban Development.

Should this project turn out as we hope, we will have better military housing at lower cost, higher morale and thus improved military effectiveness. These innovations, passed along to the private economy, should have a beneficial impact on the low-income housing problem in our cities.

This beginning illustrates what can be done by the application to a major domestic problem of the techniques of our Defense effort. I ask members of this association to consider how your company can apply its Defense-gained skills to our national housing problems.

Housing needs help; so do hospitals. Costs are soaring—and for the understandable reason that 70% of hospital operating costs are wages.

Industry clearly can increase the application of its problem-solving resources to hospital design, construction, and maintenance, and to automated record-keeping, laboratory analysis, and routine diagnostic services.

This again calls for a significant research and development effort.

It is an effort generally beyond the scope of a city, county, or church group that builds a new hospital. Hospital design and construction are tradition-ridden. There is a great potential for major labor-saving, cost-cutting improvements in hospital equipment. But the local group which builds a hospital is almost always pressed for funds. It is compelled to use the "low-initial-cost" approach.

This results not in lower health-service cost. It builds in the absolute certainty that costs are going to mount.

Surely there is something we can do. The Department of Defense is one of the world's largest hospital customers. There is every reason to believe that the cooperative approach of industry and the Department can be applied to hospital construction in the same manner that it is applied to the development and procurement of the complex intercontinental ballistic missile.

Therefore, I intend to proceed with a plan developed within the Department of Defense whereby we shall solicit industry for proposals for a whole new generation of hospitals—hospitals so automated that labor costs can be cut drastically and routine services transferred from the overworked doctor and nurse to the sophisticated machine.

This will result in better, more accurate, and less costly hospital management for the military services. Even more significantly, it can point the way to better health care for our citizenry.

Let me now turn to schools and education.

We are far from the optimum development of our educational resources. The blunt fact is that we have focused much of the new technology in education on the exceptional student. For the average or below average youngster, education has been scarcely affected by the scientific revolution since World War II. Educators now say that traditional classroom procedures are not only inefficient but in some cases actually impede the average child's will to learn. If this is true of the student from middle-class America, we must acknowledge how badly we serve the child from the rural slum or the city ghetto, whatever his intellectual endowment may be. Much needs to be done.

The Department of Defense can be, and to a degree has already begun to be, a trail blazer in the improvement of education. My predecessor, Bob McNamara, began the imaginative Project 100,000. He directed that the Armed Services admit to basic training a limited number of men who, under strict earlier regulations, would have been below military entrance requirements. He was convinced that these men, with the benefit of new teaching methods, would learn to do their military jobs satisfactorily. His confidence was justified. Project 100,000 has been a spectacular success. Of the men who entered during the first year of the program, over 90% are now performing effectively on active duty.

The Department of Defense is one of the world's largest educators, and should be one of the world's best. We train military people in 1500 separate skills, and our schools for service children are in 28 countries around the globe.

The training obtained during military service has been for many Americans the open sesame to a fuller life. Now and for the indefinite future, millions more must serve to guard our country against external threats to its security. We can serve them and add immeasurably to that security by seeing to it that they leave military service equipped to accept a larger share of the problems and the rewards of American society.

I know that many of the companies represented here tonight have already entered the education field and have been working with us. I am aware of some promising work but we have just begun to explore the many useful ways for cooperation between industry and the military services. I am convinced, as I hope you are, that continued collaboration will not only help us do our job better, but that it can be the catalyst for improving school systems throughout the country.

Finally, I come to the problem of employment.

The National Alliance of Businessmen, launched last January, as the result of President Johnson's vigorous efforts, has proved that there can be a workable relationship between the Federal Government and private industry in putting to work so-called unemployables from the heart of 50 of the Nation's ghettos.

There is a real potential for defense industry to bring enterprise to the ghetto. There are already encouraging examples of what can be done—such as in the Watts area of Los Angeles and the Roxbury area of Boston. More than 50 of our major Defense contractors have launched specific projects.

I want to see this sort of effort expanded.

As a further step, I have directed today certain changes in the Armed Services Procurement Regulations. The effect of these changes will be to encourage our major contractors to give greater attention to the possibility of locating new facilities in or near labor surplus areas and to give more consideration to placing subcontracts in these areas. Through these changes in our Regulations I want to spotlight a responsibility, shared by the Defense Department and its major contractors, to contribute, wherever practical, to solving the problems of hard-core unemployment.

By law, we cannot award contracts on a sole source basis nor pay a price premium to relieve economic dislocation. This means we are forbidden from setting aside complete procurements for award exclusively to firms in labor surplus areas. We cannot award a contract without competition regardless of the significant contribution such a contract might make to the hard-core unemployment program and the total national interest. I believe the time has come to reexamine this legislative policy.

With the approval of President Johnson, who has given so much of himself to the solution of problems of human rights and human suffering, I intend to join with the Secretaries of Labor and Commerce to determine whether there are still other ways in which the Defense Department and industry can join together in attacking the problems of hard-core unemployment in our society.

Let there be no doubt as to my strong feeling that the Department of Defense has the opportunity and the responsibility to make a greater contribution to the social needs of the country, for it is my certain conviction that such action will contribute to our total national strength.

Not too many years ago, the War and Navy Departments were concerned almost exclusively with men and simple machines. Defense industries were regarded as mere munitions makers. How remote that era seems!

We now have a military-industrial team with unique resources of experience, engineering talent, management and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. Those answers can be put to good use by our cities and our states, by our schools, by large and small business alike. The Nation will be the better and the stronger.

I have no illusions that the tasks we have been discussing are simple, or that they can be accomplished overnight. The problems are many, and they will be with us for too long a time. But I am confident that the defense industries and the Defense Department can, while providing "for the common defence," also "promote the general Welfare" and make even more meaningful "the Blessings of Liberty to ourselves and our Posterity."

To this end, I bespeak your cooperation. I pledge you mine.

TELL US THE TRUTH, UNCLE SAM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. CUNNINGHAM. Mr. Speaker, there was a time when it was considered a sin to tell a lie, but our Government has changed all of that. This is illustrated vividly by an article appearing in a recent issue of the Reader's Digest entitled "Tell Us the Truth, Uncle Sam," by John Barron.

Because that article shows how the credibility gap is destroying the confidence of the American people in their Government, I insert the piece into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

Tell Us the Truth, Uncle Sam

(By John Barron)

Federal agencies and bureaucrats are increasingly engaged in a self-serving policy of official deceit—a shabby practice that debases the quality and character of our democratic process.

Last spring, as Congress sought a $6-billion cut in federal spending before passing the Administration's tax bill, government agencies joined in a scare campaign to forestall economies. Most stunning was a statement by the Veterans' Administration. The spending reduction, it announced, "would require the closing of the equivalent of 30 hospitals." Outraged protests poured into Washington, berating Congress for heartlessly shutting hospitals when hundreds of injured men were arriving weekly from Vietnam. Finally, a bipartisan group of Congressmen had had enough. "You know that VA announcement is utterly false," Sen. John J. Williams (R., Del.) told the Treasury Department. "We want a letter to that effect. Unless you set the record straight, your whole tax bill will go down the drain." The letter came quickly.

Not long ago the Department of Agriculture hurriedly bought 2,900 expensive electric typewriters to use up money left over at the end of the year. The General Services Administration rebelled at this extravagance, pointing out that purchase through competitive bidding would have saved half a million dollars. The Agriculture Department solemnly explained that it had to buy the typewriters immediately because of all the paper work created by a new farm-bill amendment. But the fact was that Congress already had rejected the amendment cited.

Monthly Defense Department reports to Congress have long suggested that the amount of supplies being delivered to North Vietnam by Western ships was an inconsequential trickle. The State Department announced that it was "very sure" that none of the cargoes contained any "military or strategic" materials. But when Congress finally got a look at secret intelligence data, it learned that the number of Allied ships visiting North Vietnam was more than twice what it had been told. And authorities had no idea what material some of them carried.

These examples of official deceit symbolize an ugly phenomenon which today has begun to corrode our democracy. Increasingly, federal departments are caught lying to the public, the press, the Congress, even to each other. Such calculated deception masks mistakes, chokes off enlightened criticism and denies voters facts they need to make intelligent choices. Worst of all, it undermines the trust upon which democratic government and traditions depend.

"Much of the doubt and dissension which torment the nation today results from the belief, too often justified, that our government no longer tells the truth," asserts Sen. Vance Hartke (D., Ind.). "This is not just a moral or a philosophic problem," adds news commentator Walter Cronkite. "Half-truths or lies . . . feed the fire of skepticism and cynicism that can undermine and destroy our democracy."

In recent years the government has tampered with the truth so frequently that the phrase "credibility gap" has gained common acceptance. Like most slogans, it is not always used fairly. Official pronouncements which turn out to be wrong sometimes are the consequence of bad judgment instead of dishonesty. Some issues and programs are so complex that sincere differences about them are inevitable. Yet even after the most charitable allowances are made, the public record remains littered with official lies which no amount of explanation can erase or mitigate.

This war on the truth is waged for fundamental purposes:

To Cover Incompetence: By deceit, bureaucracies seek to hide bungling that would justify the censure or dismissal of their administrators. Consider what the National Aeronautics and Space Administration (NASA) tried to foist off on the public last year.

NASA spends $11,500,000 of the taxpayers' money annually and employs 300 press agents to glorify itself. It initially enjoyed immunity from independent scrutiny and criticism. On the night of January 27, 1967, fire erupted in an Apollo space capsule at Cape Kennedy. Three brilliant young astronauts were suffocated, and our whole program to put a man on the moon was set back a year. NASA attempted to depict the tragedy as simply a bad-luck accident which could not possibly have been avoided.

"Death was instantaneous," it announced. "There was a flash and that was it." "We always have adhered to the highest standards of safety," intoned a space boss. "And yet, in spite of meticulous attention to the smallest detail, this tragedy has occurred."

Soon, these reassurances were shattered. New York *Times* and Washington *Evening Star* reporters learned from engineers who had heard tape recordings that the three deaths had been far from "instantaneous." The astronauts pleaded for help and, as the *Times* disclosed, up to the very end "they were scrambling, clawing and pounding to open the sealed hatch." Rep. William F. Ryan (D., N.Y.) unearthed proof out of NASA's own files that, *as a result of previous blazes*, it had been warned repeatedly of the danger of fire in the capsule. Yet it made no provision of emergency escape.

Next, several Senators asked NASA officials if Maj. Gen. Samuel A. Phillips had not submitted a report devastatingly critical of the Apollo program. "I know of no unusual General Phillips report," replied George E. Mueller, an associate administrator of NASA. The agency admitted that General Phillips had made some "notes." But it belittled their importance, and NASA boss James E. Webb refused to let investigating committees see them.

Representative Ryan obtained a copy of the Phillips report from a secret source. Instead of a few "notes," it was a voluminous document full of charts and evidence. It found the principal Apollo contractor, North American Aviation, Inc., guilty of disastrous mismanagement and waste, and showed that the entire Apollo program was jeopardized by dangerously poor workmanship and skyrocketing costs. Yet additional evidence demonstrated that NASA had done little to correct the conditions pinpointed by Phillips.

Now some Congressmen began to wonder. Had there been favoritism in awarding North American the $5-billion Apollo contract in the first place? A "Source Evaluation Board" of 190 scientists and business advisers had recommended a contractor after an exhaustive study. Had it been North American?

On April 17, the Senate Space Committee summoned Webb. Sen. Margaret Chase Smith (R., Maine) asked the direct question: "Was North American the first choice of the Source Evaluation Board?" "Yes. It was the recommended company," Webb said categorically.

Three weeks later, Senator Smith had the facts—and called Webb back to testify. She asked if it was not true that the experts actually had rated Martin Marietta Corp. above North American. Webb at last admitted that North American was *not* picked by the experts. He and his three assistants had rejected the expert recommendation on their own.

To Forestall Criticism and Discredit Critics: Bureaucrats have perfected the technique of using misinformation to obscure criticism in clouds of confusion. Sen. John C. Stennis (D., Miss.) was jeered after he warned that military spending for fiscal 1966 would be $12 to $14 billion more than the Pentagon claimed. "Pure figments of someone's imagination," said Presidential Economic Adviser Gardner Ackley; and Treasury Secretary Henry H. Fowler joined in ridiculing the Senator's authoritative calculations. Yet soon thereafter the Defense Department had to ask Congress for a $12.7-billion supplement to its 1966 budget.

Next year the ritual deception was shamelessly repeated. Before the defense budget was released, senior military officers secretly reported to Rep. Melvin R. Laird (R., Wis.): "Congressman, we think you ought to know that we've purposely underestimated the war costs by at least $10 billion." Laird then accused the Administration of trying to fool the public about Vietnam war costs by understating the budget. Within hours the then Defense Secretary, Robert S. McNamara, denied the charge.

As it turned out, Laird was more than

right. The military expenditures during fiscal 1967 actually were *$12.1 billion* more than Defense Department assurances. Had the truth been told, the Joint Economic Committee said last year then Congress might have done something to avert the vicious inflation the unbudgeted costs helped cause.

In April 1966, the New York *Times* reported from Saigon that air strikes against the communists had been drastically curtailed because of a shortage of explosives. "It is not true," McNamara vowed to Congress. "All this baloney—and it is only that—about lack of bomb production is completely misleading." Yet at the time the need for bombs was so desperate that the Air Force had to buy back for $21 apiece old 750-pounders which it earlier had labeled surplus and sold to other countries for $1.70 each. The Senate Armed Services Preparedness Subcommittee later produced overwhelming evidence, including official reports from field commanders, that the shortage had been acute.

To Manufacture Propaganda: The Associated Press last year organized a team of reporters to ascertain how much the government spends a year to put out public information. Their staggering finding: $425 million! This "is more than double the combined outlay for news-gathering by the two major U.S. news services, the three major TV networks, and then ten biggest American newspapers," the AP noted. Too often, this colossal publicity apparatus is used to generate deceitful propaganda justifying pet policies and practices.

The Defense Department in recent years, for example, has dazzled the public with claims of immense savings attributed to brilliant and revolutionary management. Yet cold-eyed auditors from the General Accounting Office have discovered hundreds of millions of dollars of these claims to be utterly fictitious—such as the Pentagon's crediting itself with a $51,800,000 "saving" when the Marines did not buy some tanks they never planned to buy in the first place.

For sheer gall, though, no bureaucrats rival poverty-program administrators. Repeatedly they have pictured themselves to the public as slaying dragons of destitution. The facts too often show otherwise. For example, in announcing a "community action" grant for four rural Missouri counties, the Office of Economic Opportunity (OEO) conjured up a compelling scene of want and despair. "Approximately 120,000 needy persons are found scattered in every town and along rural roads in an area 60 miles long and 40 miles wide," said its press release. Rep. William L. Hungate (D., Mo.), who represents the four counties, boggled. Census figures revealed the *total* population of the area to be no more than 105,000. Queried by the Congressman, OEO first said that it had erred, that only 80,000 poor people were huddled in the counties. Challenged again, it ultimately admitted that the right figure was 5000.

Residents of prosperous Danville, Ind. (pop 3287), protested when OEO attempted to force a poverty program on them. But poverty warriors insisted, and to prove their point told Sen. Birch Bayh (D., Ind.) that the little town had 1339 families with incomes under $1000, and 1979 families receiving aid for dependent children. At a public hearing, townspeople cited the government's own statistics to prove that only 382 families had incomes of less than $1000 and only 29 were getting ADC funds. Red-faced, OEO officials said they would check.

"Those figures are for Danville, *Ill.*," one finally announced. "An understandable mistake." But it wasn't. A newspaper investigation verified that the figures were ridiculously inaccurate when applied to Danville, Ill.

OEO has claimed marvelous success for Upward Bound, a program with the worthy objective of putting poor youngsters through college. "They respond as if the floodgates to knowledge had just been opened. They do well in college, they stay in college," it boasted. However, a study by Dr. Joseph Froomkin, of the Office of Education, was not so glowing. "More than half dropped out by the beginning of the sophomore year," he concluded.

Angrily OEO condemned the report as inaccurate and stated that Froomkin had agreed to make corrections on the basis of "more complete data" OEO had supplied. He had agreed to no such thing. Rather, he had asked OEO to send along *any* "new data," but none was ever provided. Moreover, Froomkin's report was based entirely on statements OEO itself had made to Congress. "I'm all for the idea of Upward Bound," he says. "But why not admit how difficult the job really is?"

To Dupe Congress: Often, in evaluating legislation, Congress must rely upon information provided by government agencies. If it is withheld or falsified, lawmakers can be misled into action they otherwise might not approve. Yet today Democrats and Republicans alike complain of difficulty getting straight answers.

After Rep. Wright Patman (D., Texas) sent an inquiry to the Treasury Department, someone there mistakenly attached an internal memorandum to the reply. The memo, obviously intended for the eyes of bureaucrats only, said, "As you will note we purposefully have not answered the question except in a very indirect way."

Testifying in behalf of a bill to create a Youth Conservation Corps, Interior Secretary Stewart Udall read a statement prepared by his underlings. "A recent study has shown that 60 percent of those who went into the old Civilian Conservation Corps program, instead of going back to their old enviromnent, went on to new jobs and new opportunities," he said. But when the Senate Labor Committee asked for a copy of the study, the Interior Department had to admit that there was no such study. Some bureaucrat had simply fabricated it to persuade Congress to do what the Interior Department desired.

Over the years, the Agency for International Development has made many appeals to Congress for foreign-aid funds. Believing what AID said, Congressmen voted billions with the understanding that they were authorizing *loans* which eventually would be repaid. Two years ago came the shocker, when minority leader Everett Dirksen's staff started examining data supplied by the General Accounting Office. They discovered that AID had disguised as "loans" no-strings-attached handouts of $10.1 billion. There is no way of recovering the money, even though many nations who got it have become prosperous and capable of repaying.

Deceit practiced in Washington today is seldom so clearly unmasked. "For every bald-faced lie you can document," says Rep. Thomas Curtis (R., Mo.), "there are dozens of others—more sophisticated, less detectable and thus more destructive." But enough official lies have been documented to create widespread distrust. As a result of doubts spawned by misinformation, the nation finds itself perilously troubled and divided in the midst of the third-greatest war it ever has fought.

The problem of restoring the reputation of our government for truthfulness is one of the first to which the new Administration, be it Democratic or Republican, must turn. The issue here is not a partisan one. It involves the health of the nation at a time when it is beset by crises, foreign and domestic, as grave as any in its history. Historically, free men have responded best to the challenges of their time when told the truth. So will Americans today. Tell us the truth, Uncle Sam. That's what we need.

THE CRISIS IN EASTERN EUROPE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ADAIR. Mr. Speaker, about 12 years ago when Russian tanks were destroying the flower of Hungarian youth, the American people were deeply moved despite our military inaction. From the President and Congress to the man on the street, a moral revulsion was felt, and for a time Budapest became the synonym of man's yearning to be free. Though moral indignation has been ineffective and Soviet troops are still stationed on Hungarian soil, the 6-year boycott of the Kädar regime and the numerous U.N. resolutions made Khrushchev and Kädar realize that some domestic concessions must be granted in order to regain a modicum of respect in the West.

August 21, 1968, will also be a black day in history just as November 4, 1956, has been. This was the day when, despite solemn agreements reached by the Kremlin Poltiburo and the Dubcek government at Cierna and Bratislava, the Soviet Union and four of its unenthusiastic allies occupied Czechoslovakia, arresting five of the highest officials, including Party Secretary Dubcek. For a week, until Prague's surrender terms were made public, even Communist parties in the West and in Rumania and Yugoslavia condemned the aggression and called for Russian withdrawal. Yet to this day not even a United Nations resolution has been passed despite tepid American support, and Jakob Malik is angered even by indirect references to the hideous Soviet crime made by American delegates in United Nations committees.

The Czechoslovak events, however, have political and strategic implications which exceed the tragic local significance of the invasion. They show with merciless clarity the unpalatable truth that many of our policymakers, politicians, and journalists began to minimize in the last few years—the presence of an aggressive and lawless world power bent upon expansion wherever and whenever possible without risking a war with the United States. And this potentially aggressive state, propelled by an ideology that would stamp out freedom of conscience, religion, and political activity cannot be stopped and contained by polite gestures, economic agreements, and close attention to the propaganda charges its leaders make, but only by military strength and unyielding diplomatic insistence upon our rights and rights of the small nations over the world threatened by Communist imperialism.

The recent threat of force against the German Federal Republic clearly demonstrates that the Soviet Union has larger stakes in this game than the submission of Czechoslovakia, which could have been accomplished by one-fourth of the military force which the Russians mustered for the invasion. The political significance of the presence of the 24 divisions in Czechoslovakia and the presence of supporting Russian troops in Hungary and Poland for military blackmail has been aptly described in Anthony Harrigan's article in the Washington Post of September 16, 1968, "The Soviets Aim at Germany" points out:

> The real attempt at coercion seems aimed at the Germans. Dr. Kurt Kiesinger, the German Chancellor, had no sooner protested Soviet invasion than Moscow Radio broadcast a saber-rattling statement, saying Kiesinger's remarks "can be interpreted as a declaration of war, and the necessary consequences will be drawn from this fact in Eastern Europe."
>
> This statement underscores the Soviet intention to use its massive new power in Central Europe to exert psychological pressure against the Germans in an effort to demoralize them so that they will break away from the West.

A sidelight to the Soviet aggression in Czechoslovakia is also provided in the recent memorandum of the American Hungarian Federation to the Secretary of State which points out the reluctance of the Hungarian people and of the quisling Communist government to participate in the Russian aggression. The presence of Soviet occupation troops in Hungary despite free-world protests and numerous U.N. resolutions since 1956 shows that tolerance of the retention of the fruit of one aggression by the Soviet Union only facilitates the implementation of the next imperialist Soviet move once circumstances render such a step possible.

The greatest need today is, however, that of a new policy toward Eastern and Western Europe. The present administration's policies have been proven bankrupt on all fronts. The impossibility of one-sided bridgebuilding has been so well demonstrated that even many of its former adherents have abandoned hope and their former positions. The continued passivity of the administration toward Western European integration and NATO has had sorry results and contributed to the present military and political weakness of NATO, enabling the Soviet Union to attempt to drive wedges between the United States and Germany, and Germany and her other European NATO allies.

There is great need for a reassessment which will do away with the time-honored liberal shiboleths and evaluate the situation primarily from the viewpoint of American national interest and defense against the Soviet Union's military might and ideological challenge. The Republican presidential candidate's study on a global level is a very useful undertaking, but it should be paralleled by similar studies in Congress, particularly by the House Foreign Affairs Committee and hearings with administration officials and academic experts alike. We might be facing a Berlin crisis by the end of the year, or a Soviet invasion of Rumania, events fraught with great danger to NATO security and world peace.

We must discuss, analyze, and evaluate the situation and search for new, equitable, and adequate policies to stem the rising tide of aggression by the Soviet Union. A strong, but fair, criticism of the administration's soft-pedaling policy since August 21, 1968, has been well expressed by the West German journalist Heinz Barth in the Hamburg Die Welt of September 7, 1968:

> America's policy in its sphere of influence is defensive, the Soviet Union's is aggressive. The policy of strict non-intervention with which American diplomacy accepted the Soviet invasion, indeed directly encouraged it, contrasts sharply with the massive pressure simultaneously exerted on Bonn by the Kremlin. . .
>
> A second act of aggression by the Soviet Union would put Johnson in a position despairingly similar to the situation in which the appeasers found themselves six months after Munich.
>
> Moscow is enticing him with the assurance that Prague need not rule out cooperation between the superpowers in other spheres. He is still entertaining the illusion of meeting Kosygin as soon as the storm has died down. Two months before the presidential elections this illusion cannot be described as anything else but pathetic.

We hope that Congress and the American people will find the strength to speak out on the vital issues and prevent acquiescence to further aggressions even in the closing months of the present administration. For this reason it is a pleasure to join the distinguished gentleman from New Jersey and other colleagues in calling for a comprehensive study of the situation and new policies.

OUTSTANDING LAW-ENFORCEMENT OFFICER RECOGNIZED

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. MORTON. Mr. Speaker, in recent years, and particularly in the past few months, law-enforcement officers have been under attack from a number of citizens in our country. Although I am acutely aware of the room for improvement in our law-enforcement system, it seems the abuses of power and the abuses of civil liberties are the images portrayed to the American people.

In view of the adverse coverage of police activities it is my pleasure to bring to the attention of the Congress an example of the quality law enforcement and citizen protection demonstrated by Trooper First Class Robert E. Williams of Centreville, Md.

Trooper Williams was honored on September 27 by the Capital District of Kiwanis International at the district convention in Norfolk, Va., as part of the Kiwanis program, Operation Law and Order. He was presented a plaque in recognition of this first annual award.

Following is a review of the outstanding performance of duty which qualified Trooper Williams for this honor:

> OUTSTANDING LAW ENFORCEMENT OFFICER RECOGNIZED
>
> On January 25, 1968 the clerk at the Centreville Post of the Maryland State Police overheard a broadcast by the Delaware State Police concerning an armed robbery of the First Federal Savings and Loan Company in Dover, Delaware. Due to the fact that tear gas was used during the holdup, alerted the clerk to the fact that TFC. Robert E. Williams was investigating two other armed robberies that had occurred on January 22, 1968. The suspects responsible fitted the description of the suspects in the earlier robberies. The radio clerk immediately broadcast this information to the Easton Barrack and roadblocks were established. TFC. Williams was assigned to patrol north on Route 301 in the direction of the Maryland-Delaware Line on State Route 300. Shortly afterward, TFC. Williams radioed that he was behind a 1966 dark green Chevrolet occupied by two colored males and a white female. Williams was instructed to keep the vehicle under surveillance and trail it to Route 301 and Route 50 at Queenstown, where other officers were stationed in a roadblock. Soon thereafter, Williams hurriedly radioed that the vehicle was apparently suspicious and was stopping on the shoulder approximately three miles north of Queenstown on Route 301, and that he would have to attempt an apprehension. All cars in the immediate area were dispatched to that location to assist. Within minutes, other officers arrived at the scene. TFC. Williams had the three suspects in custody at gunpoint. The prisoners were secured and later transported to the Queen Anne's County Jail.
>
> A search of the vehicle revealed two revolvers under the front seat and one of the suspects had a partially used can of chemical mace in his pocket. The white female had a tear gas pen in her pocketbook and a total of $403.00 was taken from their persons. Six of these bills were found to contain the serial numbers of money taken from the First Federal Savings and Loan Company.
>
> In addition to the apprehension of the subjects in the case at hand, they were later identified as being the persons responsible for the armed robberies of the Seaboard Finance Company, Chestertown, Maryland and Seaboard Finance Company at Dover, Delaware. Both occurred on January 22, 1968. In addition, they were found wanted by numerous other police agencies on similar charges and were believed responsible for ten to twelve armed robberies. They had been operating out of Washington, D.C. and its metropolitan area. All three were subsequently convicted for the robberies of these Finance Companies, receiving heavy sentences.
>
> It should be pointed out that during this apprehension, TFC. Williams, who works as a criminal investigator, was in an unmarked car and attired in civilian clothes, which understandably made his job more precarious. Williams' efforts were recognized by citations from various civic organizations, as well as recommended for recognition by the Department's Performance Analysis Board.
>
> In addition, he has performed as an outstanding criminal investigator in numerous cases, bringing them to a successful conclusion. He is married and lives in Centreville with his wife and five children.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RULES AGAINST SEX DISCRIMINATION ON AIRLINES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mrs. GRIFFITHS. Mr. Speaker, in 1964 the Congress took a momentous step forward in the national effort against discrimination when it included a provision in title VII of the Civil Rights Act of 1964 prohibiting employment discrimination on the basis of sex.

For several years some of the airlines have refused to comply with that requirement of the law in regard to their flight cabin attendants; namely, the stewards and stewardesses. Some airlines have refused to hire men for such positions. Other airlines have discharged women, but not men, when they marry, or reach the age of 32, or in some cases

35. These airlines have claimed that they are exempt from the prohibition against sex discrimination, by virtue of an exception in title VII which permits differences in treatment of men and women employees "in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

After very lengthy proceedings and hearings which had been demanded by some airlines, the Equal Employment Opportunity Commission, ruled on February 21, 1968, that sex is not a bona fide occupational qualification for the job of flight cabin attendant because the duties of that job—whether the employee is called purser, hostess, steward, or stewardess—could be satisfactorily performed by members of both sexes. The Commission's ruling was published in 33 Federal Register 3361. The Commission then proceeded to consider the application of that ruling to the cases then pending before the Commission involving complaints against the airlines which were terminating or reassigning stewardesses, and only stewardesses, on or shortly after they married, or attained a certain age such as 32 or 35.

The Commission has recently issued three opinions in which it has concluded, and I believe rightly, that such discriminatory treatment of stewardesses violates title VII of the Civil Rights Act of 1964. In Neal against American Airlines, Inc., a stewardess was fired because she married. In Dodd against American Airlines, Inc., a stewardess was fired because she reached age 33. In Colvin against Piedmont Aviation, Inc., a stewardess who had been required to sign a pre-employment agreement that the company would fire her on marriage or reaching age 32, was fired when she married. The airlines did not apply such policy to men.

These are very significant opinions and I am sure that the Congress and the public would want to read them. Therefore, I include the three opinions at this point in the RECORD.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Washington, D.C.

[Case No. 6-6-5759 (LA 6-9-9)]

CHRISTIANA J. NEAL, CHARGING PARTY V. AMERICAN AIRLINES, INC., EL SEGUNDO, CALIFORNIA, RESPONDENT

Dates of alleged violations: June 30, 1966, other dates, and continuing.

Date of filing: Charge filed: June 6, 1966.

Date of service of charge: October 5, 1966.

DECISION

Summary of charge

Charging Party alleges unlawful discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964, in that Respondent Employer terminated her employment as an airline stewardess on June 30, 1966, because she was married.

Summary of investigation

Respondent is a corporation engaged in commercial aviation, with corporate offices in New York City, New York. Since 1947, its stewardesses have been covered by collective bargaining agreements.[1] Originally, the stewardesses were represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots Association, International (ALPA); on July 12, 1962, Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union, AFL-CIO, became their certified collective bargaining representative. Until the 1965-1967 contract, none of the contracts contained a provision requiring the termination of stewardesses on marriage. As a matter of unilateral company policy, however, Respondent had terminated stewardesses on marriage since 1935. In 1962, when the Charging Party was hired, she was advised of this policy.

In October 1965, Respondent and the Union executed a new collective bargaining agreement, effective October 1, 1965, until December 31, 1967,[2] which contained the following provision (Article 27-c):

> The Company may, at its option, release from employment a married stewardess at any time following the expiration of six (6) months after her marriage or pregnancy.

The stewardesses interpreted the provision to indicate that henceforth termination on marriage would not be automatic. Accordingly, stewardesses who had previously concealed their married status revealed it to Respondent. Respondent thereupon notified the stewardesses that under its interpretation of the contractual provision, termination after marriage would continue to be automatic. On January 6, 1966, Respondent issued the following policy statement as a memorandum addressed to "All Stewardesses":

> Re: Marriage
>
> The following is a statement of Company policy with respect to the application of the new provision in the Agreement (Article 27-c), . . .
>
> The Company will release from employment a married stewardess on the last day of the sixth month following the original date of marriage. It is expected that each stewardess shall advise the Company promptly, but in any event, no later than thirty (30) days following the date of her marriage so that appropriate planning may be accomplished. Concealment from the Company of the fact of marriage was and remains a cause for discharge.
>
> A married stewardess who, during the six (6) months following the original date of marriage becomes a widow, is divorced, or whose marriage is legally declared invalid, is not subject to the provisions of Article 27-c until or unless she remarries. . . .

Thereafter, Respondent terminated numerous stewardesses because of marriage, including the Charging Party, who was terminated on June 30, 1966.[3]

Prior to her termination, the Charging Party filed a grievance against Respondent, which Respondent rejected on the ground that the termination was in accord with Article 27-c. Subsequently, arbitration proceedings were commenced on the issue in the case of *American Airlines, Inc.* and *Air Line Stewards and Stewardesses Association, Local 550, TWU, AFL-CIO*, Case No. SS-6-66 (Nancy Wheelock Mayfield).[4] On May 22, 1967, the System Board of Adjustment reinstated the grievant without loss of seniority rights and with backpay on the ground that the proper interpretation of Article 27-c called for the following procedure:

> . . . the Airline may exercise the "option" reserved to it in Article 27(c) of the Agreement in accordance with the interpretation of that provision set forth in the accompanying Opinion; namely, to make a good faith decision and judgment whether the facts with respect to the grievant's performance in employment in the six months' period following the date of her marriage and thereafter furnish sound grounds, related to her marriage, for her release from employment.

Thereafter, Respondent instituted suit in the U.S. District Court to vacate the decision,[5] suspended the implementation of Article 27-c pending the resolution of that action, and offered reinstatement with full seniority but without backpay to the stewardesses who had been terminated because of marriage.

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight attendant,[6] and whether the termination or reassignment of stewardesses on or shortly after marriage or on attaining certain maximum ages was unlawful discrimination based on sex. In addition, by letter dated March 25, 1966, Northwest Airlines, Inc., pursuant to section 713(b) of the Act and subsections 1601.28-1601.30 of the Commission's procedural regulations, requested a written interpretation or opinion "that sex is a bona fide occupational qualification for the position of airline stewardess." The Air Transport Association of America, Inc. (ATA), on behalf of its member airline carriers, subsequently joined in that request.[7]

The Commission thereafter suspended the processing of charges alleging discrimination by airlines on the basis of sex in their employment of flight cabin attendants pending a comprehensive study of the issues raised by the charges and requests for an opinion.

On September 12, 1967, a public hearing was held in the matter and testimony presented by the ATA and various airlines; the Transport Workers Union of America, AFL-CIO; the Air Line Pilots Association, International (Steward and Stewardess Division); and a number of other organizations and individuals. Based on its consideration of the record of the September 12, 1967, hearing, the Commission published an Opinion on February 24, 1968, wherein it concluded that sex was not a bona fide occupational qualification for the position of flight cabin attendant because the duties of the job could be satisfactorily performed by members of both sexes.[8] The Commission further stated, in footnote 5 of the Opinion:

> The legality of various other airline policies and practices, such as the termination or reassignment of female flight cabin attendants on or shortly after marriage or on attaining certain maximum ages, such as 32 or 35, which were raised by the pending charges and considered in connection with the September 12, 1967, hearing will be resolved through the issuance of the individual Commission decisions in pending charges.

This is such a decision.

In support of the validity of Article 27-c in connection with the subject case, Respondent submitted its Final Brief before the System Board of Adjustment, in *American Airlines, Inc.* and *Air Line Stewards and Stewardesses Association, Local 550, TWU, AFL-CIO*, case No. SS-4-65 (Shirley Weiss). Respondent argued therein that the adoption of Article 27-c reflected a reasonable exercise of its judgment; that the employment of married stewardesses was not impossible but would lead to operational and administrative problems,[9] would tend to produce a deterioration in service,[10] and would cause martial difficulties for the stewardesses;[11] that Article 27-c is not contrary to public policy, but is supported by public policy factors, such as the promotion of high standards of customer service and marital stability; that similar rules have been upheld in arbitration proceedings and in court decisions, and that Title VII does not involve restrictions on marriage but deals only with discrimination based on sex.[12]

In connection with the hearing on flight cabin attendants, these and other arguments in favor of the no-marriage restriction on stewardesses were made by the ATA, and arguments in opposition to the restriction were made by the unions. The ATA argued

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Footnotes at end of article.

that inasmuch as the airlines apply the marital restriction only to stewardesses and not to other female airline personnel, the restriction could not be discrimination based on sex; that marital restrictions avoid the danger of having pregnant stewardesses fly; and that questions as to the marital status of stewardesses should be settled by collective bargaining. They also referred to the District Court's decision in *Cooper* v. *Delta Airlines, Inc.*, wherein the court found that Delta Airlines' discharge of a stewardess because of her marriage did not violate Title VII.[13]

The unions argued that the airline industry employs stewards today and has employed them in the past and has never terminated them for marriage, indicating that the no-marriage ban is based on sex rather than job classification; that the airline industry does not uniformly apply the no-marriage ban to female stewardesses, and that foreign airlines do not generally terminate stewardesses on marriage, indicating that the no-marriage ban is irrelevant to the performance of the job by women as well as by men; that the termination of stewardesses on marriage tends to remove from the cabin those flight attendants with experience in dealing with emergency situations; that the Federal Aviation Agency, which regulates the employment of flight attendants, and has specific regulations dealing with the number of flight attendants required on a plane,[14] emergency evacuation duties,[15] and flight attendant training,[16] has no regulation requiring the termination of stewardesses on marriage; that the Missouri Commission on Human Rights in connection with charges filed with that agency alleging discrimination based on sex by Ozark Air Lines, which has never employed male flight attendants, stated in a letter of December 12, 1966:

> The limitation upon marriage of hostesses appears to be in violation of the Federal and Missouri Fair Employment Practices Acts which prohibits the imposition of employment restrictions on the basis of sex, in the absence of a *bona fide* occupational qualification which warrants a limitation upon one sex or another;

that a suvey of airline passengers indicated that a substantial majority of those responding opposed the no-marriage ban on stewardnesses or were indifferent to it;[17] that the discriminatory termination of stewardesses on marriage is not cured by offers of ground employment; that there is a public policy against contracts in restraint of marriage; that similar rules have been invalidated in arbitration proceedings; and that there has been a recent trend toward the airlines' elimination of no-marriage restrictions on stewardnesses as a result of arbitrators' decisions and collective bargaining.

Decision

Respondent's argument is premised on the fact that if all the incumbents in a job classification are members of one sex, any conditions of employment relating to that job cannot be based on sex. We do not agree. The concept of discrimination based on sex does not require an actual disparity of treatment among male and female employees presently in the same job classification. It is sufficient that a company policy or rule is applied to a class of employees because of their sex, rather than because of the requirements of the job.[18] Where all the incumbents of a job are members of one sex and particular conditions of employment are applied to the individuals in that job, which are not applied to the employer's other employees or which are not generally recognized conditions of employment, it is necessary to determine whether the conditions are relevant to satisfactory performance of the job, or are based on the sexual identity of the job holder.[19]

A consideration of the airlines' current and past practices and policies, Respondent's arguments in support of its termination of stewardesses on marriage, and its treatment of male flight personnel indicate that the requirement that female stewardesses be terminated on marriage is based on sex. Various airlines currently have in their employ male flight attendants or employed them in the past; no policy of termination on marriage was or is applied to them. Obviously, therefore, the requirement of single status is not related to satisfactory performance as a flight attendant but to the sexual idenity of the incumbent.[20] This is also apparent from an analysis of the arguments made by Respondent in its Final Brief in the Shirley Weiss System Board of Adjustment case, referred to above. Respondent argued therein that the termination of stewardesses is warranted by the facts that our society places the responsibility for homemaking and childrearing on females; that the absences of married females from home on business are more disruptive of family harmony than similar absences by males; that the inability of some married stewardesses to handle the competing demands of home and job would result in inferior customer service; and that it is concerned with telephone calls from stewardesses' husbands with regard to their wives' absences from home, and with married stewardesses' attempts to change schedules to suit their domestic requirements. Patently, therefore, the no-marriage rule has been adopted because *female* flight attendants are involved rather than because marriage disqualifies an individual from performing as a flight attendant. This conclusion is buttressed by the fact that Respondent does not require the termination of male flight personnel, such as pilots, co-pilots, and flight engineers, on marriage although they, like the stewardesses, must be absent from home on flights.[21]

It is clear that Respondent's termination of stewardesses on marriage is part and parcel of its policy of restricting the flight cabin attendant job to women, and is a sex-based condition of employment. The Commission has previously found that sex is not a bona fide occupational qualification for the position of flight cabin attendant, and that an airline, such as Respondent, which pursues a policy of employing only females as flight attendants thereby violates Title VII. We now find that Respondent's no-marriage restriction on stewardesses, an integral part of that policy, is likewise violative of the Act.

Respondent may, of course, lawfully terminate a stewardess who is unable to satisfactorily perform her job because of domestic responsibilities, or for any other reason, just as it terminates other employees who cannot satisfactorily perform their jobs. It cannot, however, terminate her prior to individual dereliction on her part because of its assumption about married women as a class.

We are not convinced by Respondent's argument that if discrimination is found, it can be remedied by applying the no-marriage rule to male flight attendants. Discrimination based on sex unrelated to job performance is not to be eliminated by applying the same irrelevant conditions to members of the opposite sex, just as discriminatorily depressed wage rates based on race are not to be eliminated by similarly depressing the wage rates paid to employees of other races.

Accordingly, reasonable cause exists to believe that Respondent violated Title VII of the Civil Rights Act of 1964, in its termination of the Charging Party on June 30, 1966, in its termination of other airline stewardesses for reasons of marriage, and in its maintenance of a policy and practice of terminating stewardesses because of marriage, as set forth in Article 27–c of its collective bargaining contract.

For the Commission,

[SEAL] MARIE D. WILSON,
Secretary.

June 20, 1968.

FOOTNOTES

[1] Respondents has never employed male flight attendants.

[2] The terms of this contract are still in effect pending the execution of a new contract.

[3] The file indicates that some ground jobs were available to the stewardesses, but only on a bid basis and at lower rates of pay.

[4] The System Board of Adjustment stated that the Mayfield case was a "test case" involving Article 27–c of Respondent's contract and its termination of married stewardesses thereunder.

[5] *American Airlines Inc.* v. *American Airlines Stewardesses System Board of Adjustment et al.*, Civil Action File No. 67–2418, filed on June 21, 1967, and currently pending in the Southern District of New York.

[6] Subsections 703 (a) and (e) of the Act provide, *inter alia*, that it shall be an unlawful employment practice for an employer to discriminate against any individual with regard to hire, discharge, or other terms and conditions of employment except that "it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his . . . sex . . . in those certain instances where . . . sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. . . ."

[7] By letter dated July 20, 1967, Northwest Airlines, Inc., wrote to the Commission indicating that it wished to withdraw its March 25, 1966, request for a written interpretation or opinion without prejudice to the other airlines' requests for such an interpretation or opinion. The other airlines maintained their requests.

[8] 33 Fed. Reg. 3361 (1968).

[9] Respondent contended that telephone calls from stewardesses' husbands with regard to their wives' flight schedules, and married stewardesses' attempts to change schedules to suit their domestic requirements interfered with administrative operations.

[10] Respondent contended that the inability of some married stewardessess to handle the competing demands of home and job would result in inferior customer service.

[11] Respondent argued that as our society places the responsibility for homemaking and childbearing on women, married women's absences from home would be more likely to put a strain on family harmony than similar absences by married men for business reasons; and that stewardesses' absences on flights would, therefore, cause marital disharmony.

[12] In a letter to the Commission of October 25, 1966, Respondent stated:

> American Airlines does not employ male stewards, nor has it ever done so. The Company therefore has not had occasion to determine what, if any, marriage and age reassignment rules would be applicable to men in that position. However, if men were hired as stewards, they would presumably be subject to the same collective bargaining agreement as stewardesses, and that agreement prescribes both the marriage and age reassignment rules. . . . Hence, there is no basis for concluding that the imposition of these rules constitutes discrimination against women on the basis of sex.

[13] 66 LRRM 2489 (E.D., La., New Orleans Div., 1957) currently on appeal in the Fifth Circuit. The *Cooper* decision appears to be based on the rationale that Title VII does not apply to the discharge of a stewardess for reasons of marriage because the Act on its face does not refer to marital status. For the reasons stated below, we respectfully disagree with the Court's opinion.

[14] 14 C.F.R. sec. 121, 391 (1965).

[15] 14 C.F.R. sec. 121, 397 (1965).

[16] 14 C.F.R. sec. 121, 424 (1965).

[17] The survey was conducted in 1965 by the Airways Club, an organization of 25,000 airline passengers who average 25 flights each year and whose membership consists primarily of businessmen. With one-fourth of the membership responding, their response to the question, "Should a stewardess be unmarried?" were as follows:

Yes	862
No	1,445
Don't care	2,827

[18] An analogy may be drawn from Commission Decisions finding discrimination based on race or sex where all the incumbents of a particular job classification are Negro or female, and the wage rate for that classification is depressed as compared with comparable work performed by white or male employees in other job classifications in the plant or in other plants in the industry.

Decision, issued April 17, 1968, in Case No. AU 7–3–173; and Commission Decision and Supplemental Decision issued August 8, and September 16, 1966, respectively, in Case Nos. 5–12–3175 through 5–12–3179.

[19] This would be the case even where, unlike the instant case, sex is a bono fide occupational qualification for the positions involved. Subsection 703(e) provides that an employer may lawfully hire and employ members of one sex only for a job for which sex is a bona fide occupational qualification. This does not, however, permit him to discriminate with respect to the terms, conditions, and privileges of employment of the individuals employed in such jobs if such discrimination is unrelated to the job, or to the reason why sex is a bona fide occupational qualification for the job, and is based on sex. For example, as has been pointed out by the unions, if a department store provided medical insurance coverage for its male sales personnel throughout the store, but excluded the sales women in the foundation department in jobs for which sex would be a bona fide occupational qualification, the exclusion of coverage would appear to be discrimination based on sex.

[20] We find no merit in the ATA's contention that the no-marriage ban does not constitute unlawful discrimination based on sex because it is applied only to female flight attendants and not to other female airline employees. The Commission has stated that where sex is a factor in the establishment and maintenance of a company rule, the fact that the rule is not applied against all members of that sex is no defense to its discriminatory application to some members. Commission's First Annual Digest of Legal Interpretations, CCH Fair Employment Practices Guide, para. 17, 251.043, Opin. Letter 9/9/65.

[21] The irrelevance of marriage to the satisfactory performance of the job of flight attendant is further demonstrated by the fact that the no-marriage ban is not even uniformly applied to female flight attendants. In addition to the Respondent, 25 of the 48 certificated United States airlines furnished information on their policies with respect to marriage by stewardesses in response to a Commission request in connection with the flight attendant hearing. Of these 25, 12 did not require the termination or reassignment of stewardesses on marriage; 2 had options to terminate stewardesses 6 months after marriage, which had not been exercised in recent years; 6 terminated stewardesses on marriage; and 5 had various policies, such as requiring termination for marriage during a probationary period.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, D.C.

[Case No. 6–6–5762 (SF 6–12–57)]

JUNE DODD CHARGING PARTY VS. AMERICAN AIRLINES, INC., NEW YORK, NEW YORK, RESPONDENT

Date of alleged violation: May 30, 1966, other dates, and continuing.

Date of filing: June 6, 1966.

Date of service of charge: October 26, 1966.

DECISION

Summary of charge

The Charging Party alleges an unlawful employment practice based on sex in that Respondent Employer terminated her employment as a stewardess because she reached the age of 33.

Summary of investigation

Respondent is a corporation engaged in commercial aviation, with headquarters in New York City, New York. Since 1947, its stewardesses have been covered by collective bargaining agreements.[1] From 1947 to 1962, the stewardesses were represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots Association, International (ALPA).

The retirement age for all of Respondent's employees except pilots[2] and stewardesses is 65. Prior to 1953, there was no company policy or contractual provision establishing a lower retirement age for stewardesses than for Respondent's other employees. In 1953, Respondent advised its stewardesses that it would commence terminating them at age 32. Thereafter, this matter was discussed between Respondent and Air Line Stewards and Stewardesses Association, International and, on April 18, 1954, a Memorandum of Agreement was executed, effective September 16, 1953. The Memorandum provided that a stewardess employed by Respondent as a stewardess on November 30, 1953, would not be terminated solely because of age, but that any stewardess employed on or after December 1, 1953, would be terminated at 32. Similar Memoranda were executed thereafter.[3]

On July 12, 1962, Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union, AFL–CIO (TWU), hereinafter referred to as "the Union," became the certified collective bargaining representative of Respondent's stewardesses. The first Memorandum of Agreement dealing with the maximum age for stewardesses was executed by the Union on May 17, 1963, to be effective June 1, 1963, concurrently with the basic Agreement. It provided that a stewardess employed on or after December 1, 1953,[4] would be terminated at the age of 33 unless she accepted transfer to other employment with Respondent when she reached 32.[5] In October 1965, Respondent and the Union executed another such Memorandum, which formed Appendix D of its most recent contract, effective October 1, 1965, until December 31, 1967.[6]

The Charging Party commenced work for Respondent on October 15, 1955, and became a stewardess on February 1, 1956. During the period of her employment, she had an excellent work record. On May 27, 1964, shortly before her 32nd birthday, the Charging Party was advised by Respondent that she would have to accept reassignment to ground employment or be terminated at the age of 33. Thereafter, she was offered several ground jobs at higher rates of pay than her salary as a stewardess. On April 28, 1965, she declined in writing to accept reassignment to a ground job. Due to her refusal to accept ground employment, Respondent terminated the Charging Party on May 30, 1966, her 33rd birthday.

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight attendant,[7] and whether the termination or reassignment of stewardesses on or shortly after marriage or on attaining certain maximum ages was unlawful discrimination based on sex. In addition, by letter dated March 25, 1966, Northwest Airlines, Inc., pursuant to section 713(b) of the Act and subsections 1601.28–1601.30 of the Commission's procedural regulations, requested a written interpretation or opinion "that sex is a bona fide occupational qualification for the position of airline stewardess." The Air Transport Association of America, Inc. (ATA), on behalf of its member airline carriers, subsequently joined in that request.[8]

The Commission thereafter suspended the processing of charges[9] alleging discrimination by airlines on the basis of sex in their employment of flight cabin attendants pending a comprehensive study of the issues raised by the charges and requests for an opinion.

On September 12, 1967, a public hearing was held in the matter and testimony presented by the ATA and various airlines; the Transport Workers Union of America, AFL–CIO; the Air Line Pilots Association, International (Steward and Stewardess Division); and a number of other organizations and individuals. Based on its consideration of the record of the September 12, 1967, hearing, the Commission published an Opinion on February 24, 1968, wherein it concluded that sex was not a bona fide occupational qualification for the position of flight cabin attendant because the basic duties of the job could be satisfactorily performed by members of both sexes.[10] The Commission further stated, in footnote 5 of the Opinion:

> The legality of various other airline policies and practices, such as the termination or reassignment of female flight cabin attendants on or shortly after marriage or on attaining certain maximum ages, such as 32 or 35, which were raised by the pending charges and considered in connection with the September 12, 1967, hearing will be resolved through the issuance of individual Commission decisions in pending charges.

This is such a decision.

Respondent makes various arguments in support of its maximum age limitation on stewardesses. It contends that the stewardess position is of interest primarily to young women; that the stewardess has become the image of the industry, symbolizing the youth and vitality of the airlines; that the performance of the stewardess' job requires enthusiasm which is lost with age; that senior stewardesses will lose the motivation required for the job,[11] and thereby provide poor service, which will result in loss of business and good will; that the physical ability and endurance needed for the job require that the stewardess be young;[12] that women between the ages of 38 and 50 undergo changes of body, personality and emotional reactions, which would interfere with their performance of the stewardess' job;[13] that in 1965 the New York State Unemployment Insurance Appeal Board found that Respondent's age limitation of 33 years was reasonable;[14] that the Pennsylvania Fair Employment Practice Commission, in a letter of August 27, 1959, to United Air Lines concluded that the imposition of age limits under forty for stewardesses did not constitute unlawful discrimination based on age under the Pennsylvania Fair Employment Practice Act as the training required to qualify a woman as a stewardess could not ordinarily be undertaken by women of forty or over; that the termination of stewardesses for inability to perform on an individual basis would be objectionable both to the stewardesses and to the unions; that retraining will be needed to qualify stewardesses for new careers, and the percentage of persons utilizing retraining drops markedly when the person advances to the 30's and 40's; that a stewardess who seeks a new carreer will have more job opportunities and be more successful if she does so in her early 30's than at an older age; that stewardesses are not terminated but are guaranteed ground assignment with the benefits and privileges of employment, such as seniority and company benefits, at no depreciation in salary; that it would similarly reassign or terminate stewards if required to hire them; and that questions as to the maximum age of stewardesses may best be settled through the processes of collective bargaining.

Footnotes at end of article.

In connection with the hearing on flight cabin attendants, these and other arguments in favor of the maximum age restriction on stewardesses were made by the ATA, and arguments in opposition to such a restriction were made by the unions. The ATA argued that Title VII does not involve restrictions on maximum age but deals only with discrimination based on sex; and that inasmuch as the airlines apply the age restriction only to stewardesses and not to other female airline personnel, the restriction could not be discrimination based on sex.

The unions argued that the airline industry employs stewards today and has employed them in the past and has never terminated them for reaching their mid-thirties, indicating that the maximum age restriction is based on sex rather than job classification; that the airline industry does not uniformly apply the maximum age restriction to stewardesses, and that foreign airlines do not generally terminate stewardesses in their mid-thirties,[15] indicating that the maximum age restriction is irrelevant to the performance of the job by women as well as men; that the termination of stewardesses in their mid-thirties tends to remove from the cabin those flight attendants with the most experience and mature judgment to deal with emergency situations; that Investigating Commissioners of the New York State Commission for Human Rights found that age does not constitute a bona fide occupational qualification for the position of airline stewardess under that state's prohibition against discrimination in employment based on age, that the establishment of any arbitrary chronological age for the mandatory retirement of stewardesses below that of the standard mandatory retirement age was not warranted, and that such termination should be predicated solely on the individual stewardess' coontinued ability to perform the duties of the position;[16] that a survey of airline passengers indicated that a substantial majority of those responding opposed the maximum age restriction on stewardesses or were indifferent to it;[17] that the Federal Aviation Agency, which has specific regulations dealing with the number of flight attendants required on a plane,[18] emergency and emergency evacuation duties,[19] and flight attendant training,[20] and which has set a maximum age for pilots,[21] has no regulation setting a maximum age for stewardesses; that being over the age of 32–35 does not prevent a stewardess from being attractive and competent to perform the duties of the job; and that because of determinations by the Department of Labor and Defense and collective bargaining efforts by the unions, recent contracts in the industry have been changed to eliminate maximum age restrictions on stewardesses.

Decision

The ATA's argument is premised on the fact that if all the incumbents in a job classification are members of one sex, any conditions of employment relating to that job cannot be based on sex. We do not agree. The concept of discrimination based on sex does not require an actual disparity of treatment among male and female employees presently in the same job classification. It is sufficient that a company policy or rule is applied to a class of employees because of their sex, rather than because of the requirements of the job.[22]

Where all the incumbents of a job are members of one sex and particular conditions of employment are applied to the individuals in that job, which are not applied to the employer's other employees or which are not generally recognized conditions of employment, it is necessary to determine whether the conditions are relevant to satisfactory performance of the job, or are based on the sexual identity of the job holder. As Respondent employs only female flight cabin attendants, as these flight attendants are the only employees reassigned or terminated from their employment at ages 32–33, and as employers do not generally reassign or terminate employees at ages 32–33, it is necessary to determine whether Respondent's maximum age restriction on stewardesses is relevant to the satisfactory performance of the flight cabin attendant job, or is based on the sexual identity of the job holder.

A consideration of current and past practices and policies in the airline industry, Respondent's arguments in support of its maximum age restriction on stewardesses, and Respondent's treatment of male flight personnel, indicate that Respondent's maximum age restriction for stewardesses is based on sex. Various airlines currently have male flight attendants in their employ or employed them in the past; no policy of reassignment or termination for reaching their mid-thirties was or is applied to them. Obviously, therefore, the requirement of being under the mid-thirties in age is not related to satisfactory performance as a flight attendant but to the sexual identity of the incumbent.[23] This is also apparent from Respondent's argument that it terminates stewardesses in their mid-thirties because women thereafter undergo changes associated with the menopause which Respondent contends would interfere with their satisfactory performance of the stewardess job. The sex-based quality of Respondent's maximum age restriction on stewardesses is further evidenced when one considers Respondent's practice with regard to its male flight personnel, such as pilots, co-pilots, and flight engineers. Like stewardesses, Respondent's male flight personnel work irregular hours as the result of round-the-clock airline schedules and changes in time zones; they work at cabin pressures, often in turbulent air; their work requires constant alertness, physical endurance, and emotional stability, and is essential to the safety of passengers and crew. None of these requirements has led Respondent to adopt a policy of terminating male flight personnel in their mid-thirties.

It is clear that Respondent's maximum age restriction on stewardesses is part and parcel of its policy of restricting the flight cabin attendant job to women, and is a sex-based condition of employment. The Commission has previously found that sex is not a bona fide occupational qualification for the position of flight cabin attendant, and that an airline, such as Respondent, which pursues a policy of employing only females as flight attendants thereby violates Title VII. We now find that Respondent's maximum age restriction on stewardesses, an integral part of that policy, is likewise violative of the Act.[24]

This Decision is consistent with the conclusions previously reached by the Departments of Labor and Defense that various airlines' maximum age restrictions on stewardesses were "arbitrarily established and do not constitute a bona fide occupational qualification" under Executive Order No. 11141, which establishes a public policy against discrimination based on age by federal government contractors and subcontractors unless age is a bona fide occupational qualification for the job.[25]

This is not to say that any maximum age restriction applied to a particular job on which only women are employed would necessarily constitute discrimination based on sex. If, for example, sex is a bona fide occupational qualification for a job because sex appeal is an essential qualification for the job, as is the case with various jobs in the entertainment industry, a reasonable maximum age restriction might be relevant to satisfactory performance of the job.[26] The Commission however, specifically found that sex is not a bona fide occupational qualification for the position of flight cabin attendant. Furthermore, when the airlines argued that sex was a bona fide occupational qualification for the position, they did not do so on the ground that the position was akin to certain jobs in the entertainment industry where sex appeal is an essential qualification. Rather, they consistently objected to the inference that stewardesses were employed for their sex appeal, and stressed that the performance of the job required individuals who were attractive and competent to perform the duties involved. As pointed out by the unions, being over the age of 32 does not preclude an individual from being attractive and competent to perform the duties of the flight attendant job.[27]

We find no merit in Respondent's contention that it should be permitted to reassign or terminate stewardesses at ages 32–33 because they thereafter lose enthusiasm, motivation, physical ability, and endurance, and undergo changes associated with the menopause. Federal Aviation Regulations (14 C.F.R. sec. 121.424(b) (1965)) require that flight attendants be given recurrent training at least once each year "and a competence check to determine the attendant's ability to perform assigned duties and responsibilities." If a stewardess is unable to satisfactorily perform her job, Respondent may, of course, terminate her employment as it does that of other employees who cannot satisfactorily perform. It cannot, however, terminate her prior to individual dereliction on her part because of its assumptions about women over 32 as a class.

Accordingly, reasonable cause exists to believe that Respondent violated Title VII of the Civil Rights Act of 1964, in its termination of the Charging Party on May 30, 1966, because she had reached the age of 33, in its reassignment or termination of other airline stewardesses at ages 32–33, and in its maintenance of a policy and practice of reassigning or terminating stewardesses at ages 32–33, as set forth in its Memorandum Agreement, which constitutes Appendix D of its most recent contract.

For the Commission,
[SEAL] MARIE D. WILSON,
Secretary.

JUNE 20, 1968.

FOOTNOTES

[1] Respondent has never employed male flight attendants.

[2] Federal Aviation Regulations prohibit the employment of a pilot on certain scheduled commercial airplanes if he has reached his 60th birthday. 14 C.F.R. sec. 121.383(c) (1964). The Air Line Pilots Association, International is currently engaged contesting that regulation.

[3] None of Respondent's stewardesses were affected by the maximum age restriction until about 1960. Those Memoranda subsequent to the first one contained a provision that Respondent would notify each stewardess employed on or after December 1, 1953, at the time of employment, that the maximum age restriction was a condition of employment.

[4] The Memorandum was not applicable to any stewardess employed as a stewardess by Respondent on November 30, 1953.

[5] The agreement provided that Respondent would pay travel and moving expenses where the transfer was to a city other than the one where the stewardess was based; that the transfer would not result in a loss of seniority or pay; and that the stewardess who chose termination would receive severance pay.

[6] The terms of that agreement are still in effect pending the execution of a new contract.

[7] Subsections 703 (a) and (e) of the Act provide, *inter alia*, that it shall be an unlawful employment practice for an employer to discriminate against any individual with regard to hire, discharge, or other terms and conditions of employment except that "it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his . . . sex . . . in those certain instances where . . . sex is a bona fide occupational qualification reasonably . . . necessary to the normal operation

of that particular business or enterprise."

[8] By letter dated July 20, 1967, Northwest Airlines, Inc., advised the Commission that it wished to withdraw its March 25, 1966, request for a written interpretation or opinion without prejudice to the other airlines' requests for such an interpretation or opinion. The other airlines maintained their requests.

[9] We find no merit in Respondent's contention that the charge is "stale" by virtue of the provisions of Section 706(e) of the Act. The courts have agreed with the Commission's interpretation of that section, namely, that the time period established for the processing of a charge by the Commission is "properly to be accorded a directory rather than a mandatory construction. . . ." ***Dent*** v. ***St. Louis-San Francisco Railroad Co.***, 265 F. Supp. 56 (N.D. Ala., So. Div., 1967). Accord: ***Mondy*** v. ***Crown Zellerbach Corp.***, 271 F. Supp. 258 (E.D. La., New Orleans Div., 1967); ***Ward*** v. ***Firestone Tire & Rubber Co.***, 260 F. Supp. 597 (W.D. Tenn., Western Div., 1966) (dictum). While two courts have concluded that a private right of action could not be maintained after certain statutory periods of time had elapsed ***Miller*** v. ***International Paper Company***, 56 LC para. 9093 (S.D. Miss., Southern Div., 1967), pending on appeal in the Fifth Circuit; ***Cunningham*** v. ***Litton Industries***, 56 LC para. 9078 (C.D. Calif., 1967), pending on appeal in the Ninth Circuit), no court has held that when a charge is timely filed and served, the Commission is thereafter ousted of jurisdiction through the passage of the statutory time period. ***But cf. International Brotherhood of Electrical Workers, Local 5*** v. ***Equal Employment Opportunity Commission***, 56 LC para. 9073 (W.D. Pa., 1967).

[10] 33 Fed. Reg. 3361 (1968).

[11] Respondent contends that senior stewardesses may experience emotional problems resulting from the absence of a permanent home and family relationship, and that their consciousness of their growing age disparity from the junior stewardesses may prevent the development of a cooperative team spirit in the cabin.

[12] Respondent adverts to the irregular working hours which are the result of round-the-clock airline schedules and changes in time zones; the long periods spent in walking, bending, and lifting; the need to serve meals and beverages quickly at cabin pressures in short periods of time, often in turbulent air; the need to give courteous, sympathetic attention to passengers requiring assistance; and the recurrent training given stewardesses, which includes participation in strenuous emergency drills, which require the completion of practice aircraft evacuations in two minutes, under standards fixed by the Federal Aviation Agency.

[13] Respondent adverts to changes in metabolism, and in the endocrine, circulatory, digestive, nervous, and cutaneous systems; and to problems associated with menopause. Respondent has submitted a letter from Dr. Emerson Day, Director of the Strang Clinic, a diagnostic clinic in New York City, which states in pertinent part:

> The need for an age limit for airline stewardesses is clear cut. One could argue between, say, 32 and 34. But certainly an age limit well in advance of the physiological and psychological changes of pre-menopause is completely sound, and for some women this would be in the mid thirties.

[14] Appeal No. 118,040, March 9, 1965.

[15] The unions point out, for example, that airlines in England (BOAC–BEA), Germany (Lufthansa), New Zealand, and Norway retire stewardesses at 55.

[16] Subsequent to these determinations, on January 25, 1968, in *American Airlines* v. *Commission for Human Rights*, 67 LRRM 2363 (New York Supreme Court, Appellate Division, First Department), the Court ruled that the prohibition on discrimination based on age in the New York Law Against Discrimination is limited in its application to persons between the ages of 40 and 65, and that, accordingly, the Act is not violated by an airline's termination of a stewardess at the age of 33. That decision was not appealed.

[17] The survey was conducted in 1965 by the Airways Club, an organization of 25,000 airline passengers who average 25 flights each year and whose membership consists primarily of businessmen. With one-fourth of the membership responding, their responses to the following pertinent questions were as follows:

1. Do you think that the airlines should have age ceilings for stewardesses?

Yes	2, 436
No	3, 033
Don't care	776

2. Would the age of the stewardess matter to you?

Yes	1, 533
No	3, 361
Don't care	1, 091

3. Do you prefer a stewardess of a particular age group?

Yes	1, 693
No	2, 575
Don't care	1, 342

4. If you answered yes to No. 3, which group do you prefer?

18–25	328
26–30	837
31–35	363
36–40	188
40–above	35

[18] 14 C.F.R. sec. 121.391 (1965).

[19] 14 C.F.R. sec 121.397 (1965).

[20] 14 C.F.R. sec. 121.424 (1965).

[21] Footnote 2, supra.

[22] An analogy may be drawn from Commission Decisions finding discrimination based on race or sex where all the incumbents of a particular job classification are Negro or female, and the wage rate for that classification is depressed as compared with comparable work performed by white or male employees in other job classifications or in other plants in the industry.

Commission Decision, issued April 17, 1968, in Case No. AU 7–3–173; and Commission Decision and Supplemental Decision issued on August 8, and September 16, 1966, respectively, in Case Nos 5–12–3175 through 5–12–3179.

[23] The irrelevance of the maximum age restriction to the satisfactory performance of the job of flight attendant is further demonstrated by the fact that it is not even uniformly applied to female flight attendants. In addition to the Respondent, 26 of the 48 certificated United States airlines furnished information on their policies with respect to maximum age of stewardesses in response to a Commission request in connection with the flight attendant hearing. Of these, 8 reassign or terminate stewardesses in their mid-thirties and 18 have no special maximum age restrictions on stewardesses.

We find no merit in the ATA's contention that the maximum age restriction does not constitute unlawful discrimination based on sex because it is applied only to female flight attendants and not to other female airline employees. The Commission has stated that where sex is a factor in the establishment and maintenance of a company rule, the fact that the rule is not applied against all members of that sex is no defense to its discriminatory application to some members. Commission's First Annual Digest of Legal Interpretations, CCH Fair Employment Practices Guide, para. 17, 251.043, Opin. Letter 9/9/65.

[24] This is not to imply that Respondent can remedy its unlawful employment practice by applying the maximum age restriction to stewards. Discrimination based on sex unrelated to job performance is not to be eliminated by applying the same irrelevant conditions to members of the opposite sex, just as discriminatorily depressed wage rates based on race are not to be eliminated by similarly depressing the wage rates paid to employees of other races.

[25] Letters of January 13, and April 14, 1966, from the Manpower Administrator, U.S. Department of Labor, and the Deputy Assistant Secretary (Procurement), Department of the Air Force, respectively. The Air Force subsequently conferred with various airlines on these matters, some of which thereafter abandoned their maximum age restrictions.

[26] But see *Smith* and *Strzelecki* v. *The New Viceroy Restaurant*, Cases No. EA–963 and 964, a January 7, 1966, decision of the Washington State Board Against Discrimination, and its *Policy Statement: Sexiness* and *Age Discrmination*, of November 18, 1965, involving that State's prohibition against discrimination between the ages of 40–65. The Washington Board concluded that while the requirement of "sexiness" for cocktail waitresses was not unlawful discrimination based on age as that characteristic was not "strictly an age condition, although it is a condition that older women as a class may find more difficult to meet . . . [a]ny limit on cocktail waitresses in terms of chronological age will be considered evidence that the cocktail lounge is discriminating because of age."

[27] It is immaterial that Respondent provides other employment for its stewardness after age 32. What is at issue is its policy of requiring their termination *as stewardesses* at that age.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, D.C.,

[Case No. AT 6–9–603 (6–8–6975)]

Mrs. Virginia Lane Colvin, Charging Party vs. Piedmont Aviation, Inc., Winston Salem, N.C., Respondent

Dates of alleged violations: July 23, 1966, other dates, and continuing.

Date of filing: August 16, 1966.

Date of service of charge: October 20, 1966.

DECISION

Summary of charge

Charging Party alleges unlawful discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964, in that Respondent Employer terminated her employment as an airline stewardess on July 23, 1966, because she was married.

Summary of investigation

Respondent, a corporation engaged in commercial aviation since 1948, has headquarters in Winston-Salem, North Carolina; operates in nine states; and employs about 2,000 persons. Its flight attendants were originally represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots Association, International (ALPA). On June 9, 1961, Air Line Pilots Association, International, hereinafter referred to as "the Union", was certified as the collective bargaining representative of Respondent's flight attendants. Its first contract with Respondent was executed on October 2, 1962, and two agreements were negotiated thereafter. The most recent agreement was effective June 1, 1966, until June 1, 1968, with provision for automatic renewal thereafter. None of the contracts contained a provision requiring the termination of flight attendants on marriage. The current contract contains a single description of the duties of Respondent's flight attendants, and it specifically indicates that it is applicable to male and female employees.

From 1948 until May 1, 1962, Respondent hired only male flight attendants; thereafter, it hired only female flight attendants.[1]

Respondent has, however, retained in its employ those male flight attendants hired prior to May 1, 1962, and currently employs

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Footnotes at end of article.

about 24 male and 104 female flight attendants.

When Respondent commenced employing women as flight attendants in 1962, it unilaterally established new qualifications and conditions of employment for the job, which remain applicable to its female flight attendants to the present time. These new conditions of employment were never applied to the male flight attendants. Among these conditions was a policy of terminating female flight attendants on marriage. Each applicant for a flight attendant position was required to sign the following pre-employment agreement:

> Piedmont Airlines Flight Services Department
>
> It is the policy of Piedmont Airlines that only single girls will be assigned to flight duty as Stewardesses. It is also the policy of Piedmont Airlines that when a stewardess becomes married or reaches the age of 32 years, her employment will be automatically terminated at the end of the month of her 32nd birthday.[2]
>
> I hereby acknowledge by my signature to this letter that I understand and agree to be bound by the Piedmont Airlines policy relating to stewardesses as stated above.

Most of Respondent's 24 male flight attendants were married during the course of their employment. There is no reference to their marriage on their personnel records, and their married status has had no adverse effect upon their careers. Respondent's personnel director stated that if any male flight attendants were to be employed, they would be required to meet Respondent's current requirements for the job. He further indicated that the policy of terminating stewardesses on marriage has been established and maintained to avoid the stress on home and family life which would be caused by married stewardesses' absence from home on flights.

In May 1966, the Charging Party advised Respondent that she planned to be married on July 24, 1966 (the date was later changed to July 23), and requested permission to continue her employment as a stewardess after her marriage. Her request was denied. On July 23, 1966, the Charging Party was married, and on the same day Respondent terminated her employment. Subsequently, she received a letter, dated July 25, 1966, from the Division Chief Flight Attendant, on behalf of Respondent, which read as follows in pertinent part:

> In view of your marriage July 23, 1966, to which I was invited and at which I was in attendance, this is to remind you that Company policy requires that a stewardess, upon marriage, resign from Company employment. You will recall that you signed a statement that you would, upon marriage, resign from Company employment. Therefore, this verification of your marriage is considered as a resignation from Company employment. The effective date of your termination is July 23, 1966 . . .

The Charging Party filed a grievance concerning her discharge, which was appealed to the System Board of Adjustment. On November 16, 1967, the System Board of Adjustment denied the grievance on the ground that Respondent's policy of terminating stewardesses on marriage was not in violation of its collective bargaining contract.[3]

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight attendant,[4] and whether the termination or reassignment of stewardesses on or shortly after marriage or on attaining certain maximum ages was unlawful discrimination based on sex. In addition, by letter dated March 25, 1966, Northwest Airlines, Inc., pursuant to section 713(b) of the Act and subsections 1601.28–1601.30 of the Commission's procedural regulations, requested a written interpretation or opinion "that sex is a bona fide occupational qualification for the position of airline stewardess." The Air Transport Association of America, Inc. (ATA), on behalf of its member airline carriers, subsequently joined in that request.[5]

The Commission thereafter suspended the processing of charges alleging discrimination by airlines on the basis of sex in their employment of flight cabin attendants pending a comprehensive study of the issues raised by the charges and requests for an opinion.

On September 12, 1967, a public hearing was held in the matter and testimony was presented by the ATA and various airlines; the Transport Workers Union of America, AFL–CIO; the Air Line Pilots Association, International (Steward and Stewardess Division); and a number of other organizations and individuals. Based on its consideration of the record of the September 12, 1967, hearing, the Commission published an Opinion on February 24, 1968, wherein it concluded that sex was not a bona fide occupational qualification for the position of flight cabin attendant because the duties of the job could be satisfactorily performed by members of both sexes.[6] The Commission further stated, in footnote 5 of the Opinion:

> The legality of various other airline policies and practices, such as the termination or reassignment of female flight cabin attendants on or shortly after marriage or on attaining certain maximum ages, such as 32 or 35, which were raised by the pending charges and considered in connection with the September 12, 1967, hearing will be resolved through the issuance of individual Commission decisions in pending charges.

This is such a decision.

Decision

As noted above, the Commission has previously found that sex is not a bona fide occupational qualification for the position of flight cabin attendant as the basic duties of the job can be satisfactorily performed by members of both sexes. It, therefore, follows that an airline which employs both male and female flight attendants, and which terminates its female flight attendants on marriage while retaining its married male flight attendants is thereby discriminating on the basis of sex.

We are not persuaded by the fact that Respondent did not apply the no-marriage ban to its male flight attendants when it instituted the policy for female attendants in 1962 because all its male flight attendants had been hired prior to the adoption of the restriction. The fact that Respondent imposed the ban simultaneously with its employment of women is further evidence of the discriminatory motivation behind the institution of the policy. Respondent admits that the no-marriage restriction was imposed to avoid the stress on home and family life which would be caused by the absence of married stewardesses from their homes. It does not similarly terminate male flight personnel, such as pilots, co-pilots, and flight engineers, on marriage although they, like the stewardesses, must be absent from home on flights. Respondent's failure to impose the ban on male attendants hired prior to 1962 also supports the conclusion of discrimination. There is no evidence that Respondent attempted to impose the ban on its male flight attendants in 1962 and did not do so because it met with opposition. Nor is it clear that Respondent could not legally have imposed the ban on its male flight attendants simply because they had been hired prior to the adoption of the no-marriage policy. It appears that Respondent failed to impose the ban on male flight attendants not because it could not practically or legally do so, but because it did not consider it relevant to the satisfactory performance of the job by males, but did consider it relevant to the satisfactory performance of the job by females.[7]

It is clear that Respondent's termination of stewardesses on marriage is part and parcel of its policy of restricting the flight cabin attendant job to women since 1962, and is a sex-based condition of employment. The Commission has previously found that an airline such as Respondent, which pursues a policy of hiring only females as flight attendants thereby violates Title VII. We now find that Respondent's practice of terminating stewardesses on marriage, an integral part of that policy, is likewise violative of the Act. While Respondent may, of course, lawfully terminate individual stewardesses who do not perform their job satisfactorily, as it terminates other employees who do not satisfactorily perform, it cannot maintain a policy of terminating all stewardesses on marriage because of its assumptions about married women as a class.

Accordingly, reasonable cause exists to believe that Respondent violated Title VII of the Civil Rights Act of 1964, in its termination of the Charging Party on July 23, 1966, because of her marriage, in its termination of any other airline stewardesses for the same reason, in its requirement that female applicants for employment as stewardesses sign a pre-employment agreement to terminate their employment on marriage, and in its maintenance of a policy and practice of terminating stewardesses on marriage.

For the Commission:

June 20, 1968.

[SEAL] MARIE D. WILSON,
Secretary to the Commission.

FOOTNOTES

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[1] Respondent indicates that it initially hired only male flight attendants because at that time the duties of the job entailed handling baggage; and that when the acquisition of new equipment rendered it unnecessary for flight attendants to handle baggage, it decided to cease hiring male flight attendants and to hire only female flight attendants.

[2] While this sentence does not indicate that stewardesses will be terminated on marriage, that has been Respondent's policy and is its interpretation of the agreement.

[3] *Piedmont Aviation, Inc.* and *Airline Pilots Association International,* ALPA S & S No. 633, Grievance of Virginia L. Colvin. Respondent initially posed as one of the issues for resolution the question of whether its no-marriage policy was violative of Title VII. During the hearing, the parties agreed that this was a "side issue" inasmuch as the question was pending before the Commission. Accordingly, the System Board of Adjustment did not consider Title VII implications.

[4] Subsections 703(a) and (e) of the Act provide, *inter alia,* that it shall be an unlawful employment practice for an employer to discriminate against any individual with regard to hire, discharge, or other terms and conditions of employment except that "it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his . . . sex . . . in those certain instances where . . . sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise . . . ."

[5] By letter dated July 20, 1967, Northwest Airlines, Inc., advised the Commission that it wished to withdraw its March 25, 1966, request for a written interpretation or opinion without prejudice to the other airlines' requests for such an interpretation or opinion. The other airlines maintained their requests.

[6] 33 Fed. Reg. 3361 (1968).

[7] This is not to imply that the way to remedy the unlawful employment practice is to apply the no-marriage ban to Respondent's current male flight attendants or to any male flight attendants it may subsequently hire. A policy which has its genesis

in sex discrimination and is unrelated to job performance is not to be eliminated by applying the same irrelevant condition to members of the opposite sex, just as discriminatorily depressed wage rates based on race are not to be eliminated by similarly depressing the wage rates paid to employees of other races.

PRIVILEGES AND RESPONSIBILITIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. DERWINSKI. Mr. Speaker, I have long emphasized that the youth of our Nation are making a very positive contribution to the growth of our country but the sound sober majority do not receive the attention that a notorious handful achieve.

Therefore, I am pleased to insert an essay carried in the September 19 edition of the Lemonter, by Miss Sandra Oikle, of Lemont, Ill., that was written for the Constitution Week program at Bromberek School in Lemont. It is certainly an inspiring statement which emphasizes the wholesome attitude of young Americans.

The essay follows:

PRIVILEGES AND RESPONSIBILITIES

(EDITOR'S NOTE.—The following essay, written by Sandra Oikle, class of '68, was presented in choral reading by fifth graders at Bromberek School during Constitution Week.)

WHAT ARE THE PRIVILEGES OR RESPONSIBILITIES OF CITIZENSHIP?

(By Sandra Oikle)

I am an American, defender of freedom and guardian of the nation.

The service I render to my country is not only a duty, but an honor and a privilege. Duty, as a citizen whose life holds responsibility for country in high regard. Honor, as an individual before God with respect for the ideals that makes these United States a democracy. Privilege, for the ability to give, and fortunate enough to have been born in a land where my life, mind and ideals are my own.

A good citizen in this republic of ours is that he shall be able and willing to pull his weight; that he shall not be a mere passenger but shall do his share in the work that each generation of us finds ready to hand; and, furthermore, that in doing his work he shall show, not only the capacity for sturdy self-help, but also self-respecting regard for the rights of others.

The rights of a citizen are different in other countries. In the United States, one of the most important rights of a citizen is to vote and choose the people who run the government. The President and the members of the congress and other officials are elected by the people, and only citizens can vote in elections. A citizen also has the right to be elected to a government office. A citizen of a country has certain duties to perform.

A country runs well only if its people are good citizens. We must learn while we are young how the country is run, so that when we are older we will know how to help run it.

Clean politics is simply one form of applied good citizenship. Each country makes its own laws about what the citizen has to do. Part of the duty of the citizen is to respect and obey the laws of his country. A country needs money to run the government, so it is the duties of the citizens to pay taxes. Another duty of the citizen is to help protect and defend his country. When his country needs him he must serve in the Armed Forces.

If we wish to do good work for our country we must be unselfish. There are good citizens and bad citizens. Every man must be granted his liberty and his right to do as he likes with his property or his labor so long as he does not infringe the rights of others.

Here we all are together, glad to be in America, as compared with any other place on earth, and hoping to make America more nearly the kind of place we want it to be. If our country is to be united and strong, everyone of us has his own job to do in cementing all these different kinds of people together into a solid nation.

LETTER FROM AMERICAN LEGION POST NO. 144

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. WOLFF. Mr. Speaker, several weeks ago I received a letter from the Williston, N.Y., Post No. 144, American Legion, regarding the North Korean capture of the U.S.S. *Pueblo.*

This letter is from a group of patriotic Americans who have an understandable concern about the fate of the men of the *Pueblo*. I share their deep concern for the *Pueblo's* crew and thus am pleased to honor the commander's request and place the following letter in the RECORD:

WILLISTON POST NO. 144,
AMERICAN LEGION,
Long Island, N.Y. August 15, 1968.

Hon. LESTER L. WOLFF,
Longworth House Office Building,
Washington, D.C.

DEAR SIR: As of this writing, 205 days have been allowed to elapse since the Communist government of North Korea was allowed to flagrantly commit an act of open piracy with the seizure of the U.S.S. Pueblo and her compliment of 83 American sailors . . . in international waters.

This outrageous act was committed with impunity, and must be causing anxious chills in allied and neutral countries; as it is most certainly having a similar effect on our own citizens, notwithstanding our fighting men. In short, our international honor and reputation is being trampled on and is literally being dragged through the mud with typical Communist cunning and impunity.

Because of the craven attitude displayed by the leadership of this government, we have allowed 83 more men to be thrown into a North Korean hell-hole . . . to join the all but forgotten remnants of at least 600 American prisoners of war that were repatriated after the Korean "peace with honor". To this very day, after at least 100 humiliatingly polite requests in negotiations with Chinese Reds at Warsaw, Poland, these same Americans are still rotting in Communist prisons . . . or what remains of them.

The leadership and members of Williston Post No. 144, American Legion, New York requests that you, as representative of this constituency, exert the full influence and authority of your office in making it clear to the present Administration that it must secure the immediate release of the U.S.S. Pueblo, her entire crew . . . and also the repatriation of the remainder of the American prisoners of the Korean "Police Action", as it was called . . . that are to this day still in Communist captivity.

Our assertion in this matter should be supported by the full might and strategic military superiority at the disposal of this country with the knowledge that the American people, along with the American Legion, stand squarely behind this action.

We also request that the full contents of this letter be inserted into the minutes of the Congressional Record.

Yours very truly,
ROBERT TUCKER,
Commander.

SURVEY OF STATE TAXATION OF NATIONAL BANKS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. PODELL. Mr. Speaker, I have previously called the attention of this House to the decision of the U.S. Supreme Court in Agricultural Bank against Tax Commission holding that under section 41 of the National Bank Act, national banks are immune to State sales and use taxes on the purchase of tangible personal property. To clarify the liability of national banks for such State taxes, I have introduced H.R. 19031 which would subject national banks to liability for nondiscriminatory State sales and use taxes.

I am in the process now of making a survey of the various States to determine the fiscal impact of the Supreme Court decision in each of the States. Preliminary results of the survey indicate:

First. New York State will lose annually $5,000,000 in revenues and is obliged to refund between $8,000,000 and $12,000,000 for collections in past years.

Second. The city of New York's share in the loss of State revenue will amount to $1,750,000 annually.

Third. The State of Alabama estimates annual revenue losses ranging between $250,000 and $300,000.

Fourth. The State of Georgia calculates an annual revenue loss of $2,046,700.

Fifth. The State of Florida estimates an annual revenue loss of between $2,000,000 and $3,000,000.

Sixth. The Commonwealth of Massachusetts will incur revenue losses expected to exceed a quarter million dollars annually.

I have written to the distinguished gentleman from Texas, the Honorable WRIGHT PATMAN, chairman of the House Committee on Banking and Currency, urging prompt committee action on H.R. 19031. The text of my letter to Representative PATMAN follows:

SEPTEMBER 30, 1968.

Re H.R. 19031, a bill to clarify liability of national banks for sales and use taxes.

Hon. WRIGHT PATMAN,
Chairman, House Committee on Banking and Currency, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: On September 10, 1968, I wrote to you about the adverse impact on state and local revenues of the United States Supreme Court decision in Agricultural Bank *v.* Tax Commission (36 L.W. 4686) holding that a state may not impose a sales or use tax on the purchase of personal property by a national bank for its own use.

In that communication we pointed out that Comptroller Arthur Levitt of the State of New York estimated that the Supreme Court decision would result in an annual revenue loss for the State amounting to approximately $5 million. In addition, the State Comptroller estimated that the State would be obliged to refund from $8 million to $12 million in taxes collected from banks in past years.

We further pointed out that the Comptroller of the City of New York, Honorable Mario A. Procaccino, estimated that the City's share in the state annual revenue loss would amount to approximately $1,750,000 annually. In addition, the City will be obliged to refund substantial amounts collected by the City for years before the State preempted the sales and use tax fields.

The adverse impact of the Supreme Court decision will also be reflected in revenue losses in other states. A preliminary survey we have thus far made reveals the following:

We have been informed by Honorable J. B. Whiddon, Chief of the Sales Tax Division of the Alabama Department of Revenue "that the loss in state sales and use taxes on tangible personal property sold to national banks in the State of Alabama would be approximately $250,000 to $300,000 annually."

Honorable Peyton S. Hawes, Commissioner of the Department of Revenue of the State of Georgia, has informed us as follows:

"Since national banks were considered instrumentalities of the Federal government at the time the Georgia Sales and Use Tax Act became effective, purchases of tangible personal property used in their banking operations have been exempted from sales and use taxes . . .

"We followed Agricultural Bank *v.* Tax Commission closely and were hopeful that the Tax Commission would be upheld. Had this occurred, this State should have received from banks and savings and loan associations some $2,046,700 sales and use tax annually, based on present purchases."

Similarly, we have been informed by Honorable J. Ed Straughn, Director of Revenue of the Florida Revenue Commission, that "Florida has no way of estimating accurately just how much revenue that will be lost by the tax immunity allowed banks under the Agricultural Bank decision. Our guess is that it will run from two to three million dollars annually . . . I personally congratulate you on your efforts to remove this unjust immunity."

Honorable John F. Tarrant, Director of Research of the Connecticut Tax Department, has written to us as follows:

"I may say that Connecticut has never subjected purchases by national banks to its sales and use tax on the assumption (right or wrong) that these are Federal instrumentalities, and so no revenue loss was suffered here by virtue of the holding in the Agricultural National Bank Case.

"Connecticut, however, is vitally interested in seeing that these banks are denied the sanctuary of a position as a Federal instrumentality and that they be required to pay the same taxes as state-chartered banks with which they compete."

We have also been informed by the Honorable Elliot L. Richardson, the Attorney General of the Commonwealth of Massachusetts, the state directly involved in the First Agricultural National Bank Case that future annual revenue losses in Massachusetts will exceed a quarter million dollars a year.

My bill, H.R. 19031, a bill to clarify the liability of national banks for state sales and use taxes, is designed to remove the desirability of the states to impose nondiscriminatory sales and use taxes upon national banks through an appropriate amendment of Section 41 of the National Bank Act. In view of the fiscal crisis confronting states and municipalities throughout the nation, it becomes imperative for the House Banking and Currency Committee to report H.R. 19031 favorably so that the House and the Senate may act on this matter before the 90th Congress adjourns.

On September 3, 1968, the Council of State Governments reported that more than half the 24 states that submitted budgets this year raised taxes and found that the number of tax increases in 1968 was unusually large for an even-numbered year. Based on information from the Council of State Governments, four states raised sales taxes, four states raised individual income taxes, and six states raised corporation taxes.

Where the needs of the states for revenues are so clearly and critically evident, there can be no excuse for providing tax sanctuaries for national banks. In the City of New York a worker earning less than $2 an hour is obliged to pay a five percent sales tax on a notebook for his child in school. Under the Supreme Court decision the same notebook purchased by the Chase Manhattan Bank National Association is sales tax free.

Approval of H.R. 19031 will remove so inequitable a distribution of the burdens of state and local government costs.

Sincerely,

BERTRAM L. PODELL,
Member of Congress.

GEN. JIM JERNIGAN—NATIONAL HERO

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LEGGETT. Mr. Speaker, last week the Nation lost a national hero, Air Force Gen. Jim Jernigan. Unfortunately, during Dr. Jim Jernigan's busy life there was little time to eulogize him for his public service.

Jim was a valued friend of the Fourth Congressional District of California where he managed, until last year, the David Grant Hospital at Travis Air Force Base. Many servicemen around the Nation owe their lives to the outstanding medical service personnel at the Air Force Hospital. The Grant Hospital is the "Mayo Clinic" of the service and this reputation was achieved by the professionalism of Jim Jernigan. A native of Kansas, a veteran of the Army Medical Corps of World War II, South Pacfic, he transferred to the Air Force in 1950. He served as Chief of the Consultants Group and Chief Consultant in Surgery for Europe. He subsequently commanded other hospitals in this country, finally rising to Chief of Consultive Services for the U.S. Air Force.

The Vietnam war brought the primary challenge to Jernigan. With the buildup of the war and the escalation of casualties, it befell the David Grant Hospital to handle preliminary care on all returning wounded men. For too long a period of time, the wounded at a rate of 100 a day would be flown to the California base; these men, many times without limbs and still in emergency diagnosis, were but 5 days off the frontline. General Jim pioneered a new Air Force medical mission in this effort. He never lost a patient whether coming in, leaving the base, or under treatment much later. Other hospitals around the country participated in this emergency effort.

Through Jim Jernigan's efforts and the Military Airlift Command, now every military hospital in this country is performing frontline duty.

While in Washington but a year, Jim Jernigan was an able consultant. He continued to give medical assistance and advice to my office and constituents with ability and precision.

The country will miss this outstanding military doctor whose mission in life was not accumulation of wealth but devotion to his fellow men of the highest degree of capability and professionalism.

THE HELPLESS PICK UP THE TAB

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. BOLLING. Mr. Speaker, the following column by John P. Roche which appeared in the September 28, 1968, edition of the Baltimore News-American describes the real choices facing the American people in the election better than anything I have seen:

THE HELPLESS PICK UP THE TAB

(By John P. Roche)

Aristophanes, the ancient Greek playwright, had a line in one of his trenchant comedies which seems extremely relevant to events on the "left" these days.

In loose translation, a frog says to a little boy who is playing with him: "Take it easy! For you, it's fun and games. For me, pain and death."

I keep recalling this injunction as I see statements by various "intellectuals" refusing to endorse Hubert Humphrey and demanding that he and the Democratic party be "penalized" for supporting the war in Vietnam.

For these ideologues, "penalizing" the Democrats is fun and games. They are not going to be hurt by a Republican victory. But what above the impact of this penalty on those who will have to serve the sentence—the poor, the sick, the ghetto dweller?

The logic behind this argument is, of course, that the "horrid" war (in Walter Lippmann's word) is the overriding issue of our time and that our leaders must be taught not to get mixed up in futile squabbles.

While the critics deny the charge of isolationism (and in fact have their favorite wars, which are by definition neither futile nor immoral), the overall impact of their activities clearly strengthens the basic strain of isolationism in the American people.

What keeps responsible leaders awake nights in Jerusalem and Bonn, as well as Saigon, is not the spectre of American arrogance, but the nightmare of American disengagement. They too feel like Aristophanes' frog.

The fun and games must be understood as a venture into catastrophe politics. To teach the Democrats a lesson, the populace is encouraged to elect Richard Nixon and the Republicans, who not only have a far "harder" line in foreign policy than the Democrats, but can also be counted upon to dismantle a number of the most hopeful innovations of the Kennedy-Johnson era, particularly in areas of social welfare.

Take a look some time at the record of House Republicans on such measures as Medicare, O.E.O. funding, education, housing, rent supplements. It is not hard to predict the budgetary surgery of a GOP-dominated House of Representatives.

Catastrophe politics is an old European political custom which usually involves a working arrangement in political rather than organizational terms, between the extremes against the center.

The extremists, nursing dreams of revolution, gang up to destroy the status quo—the system, as they say these days. They operate on the assumption that the worse things get, the better it will be for them.

In the dying days of the Weimar Republic, the German Communist party, for example, cooperated with the Nazis to bring down the Social Democratic government of the Prussian State.

The Communist slogan was "Hitler will bring us to power," that is, Hitler would radicalize the "masses" and drive them into the arms of the Communists. Hitler did in fact "radicalize the masses" and led them in the destruction of the democratic center and the Communists.

Similarly, in France in the early 1950's the Communists and the Gaullists worked together against European integration and succeeded in jointly defeating the projected European defense community.

Each group had its own reasons for generating instability, each felt it would inherit the French State—when the crunch came, however, it was DeGaulle who profited from the polarization.

But the episode that came to my mind when I heard a learned colleague explain why Humphrey must be defeated occurred in Wisconsin in 1946.

A political unknown took out after the distinguished progressive Republican senator, Robert M. Lafollette Jr. Lafollette was a liberal isolationist of immense integrity who had one of the best progressive records in the Senate.

His investigations of anti-union activities in the 1930's had shown him to be a pioneer civil libertarian. But the Wisconsin Communists, who then dominated the Milwaukee CIO Council, knew an enemy of the working class when they saw one.

From their viewpoint, Lafollette, who was a pungent critic of the Soviet Union, had to be destroyed. So they put their energies behind his youthful opponent—and Joseph R. McCarthy won the primary and went on to the Senate.

On Aug. 19, 1946, an article appeared in the Daily Worker entitled "the people won't mourn Lafollette." The people may not have mourned him, but in later years the Communists may well have had second thoughts on the subject.

The analogy obviously can not be pushed too hard. While I have profound disagreements with Mr. Nixon, I do not believe that his election would jeopardize the fundamental principles of our free society.

He is no "fascist." He is an extremely talented, tough-minded conservative who would correctly accept his election as a mandate to eviscerate a number of programs I cherish.

The "punish Humphrey" crew seem to think that politics is played for matchsticks. It isn't—it's played for keeps. But they are in the happy position of knowing that whatever the impact of their fun and games, they will escape the consequences. The helpless will be left to pick up the tab.

MESSAGE TO HIPPIES, BEATNIKS, FROM A VOICE STILLED BY VIETCONG

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. HAGAN. Mr. Speaker, in spite of our soldiers' lack of support from certain segments of our society, our men are still dying in Vietnam. One 20-year-old hero left a message, to be delivered posthumously, for the dissenters and the "anti-everything people." He realized that they are the very individuals benefiting most from the constitutional freedoms our men are giving their lives to preserve. The following UP story appeared in the Savannah Morning News-Evening Press on September 22, 1968:

> HE DIED FOR US: FOR HIPPIES, PEACENIKS TOO
>
> BROWNSBURG, IND.—Army Sgt. Jeffrey A. Davis, 20, who was killed in Vietnam Sept. 4, left a legacy for "the guys with the long hair and protest signs."
>
> Mrs. Janet Davis, his bride of four months, said he wrote the letter last Nov. 1 before he entered the service.
>
> It was marked "To be opened only in the event of my death."
>
> "It is too bad I had to die in another country. The United States is so wonderful, but at least I died for a reason and a good one," he wrote.
>
> He said he died not only for his wife and their relatives but also "for others who enjoy this wonderful country."
>
> "I died for the guys with the long hair and protest signs. The draft card burners, the hippies, the anti-everything people who have nothing better to do. The college kids who think they shouldn't have to serve because they are too good—I died so these people could have a little longer time to try to get straightened out in life. God knows they need it.
>
> "I died so these members of the 'young generation' could have the right to do what they do. To protest, have long hair, go to the college of their choice, wear weird clothes and run around mixed up with no direction at all. I died so they could protest the war I fought and died in.
>
> "I died for the United States."

THE SPECTRUM ALLOCATION CONTROVERSY—HAS THE FCC PERFORMED ADEQUATELY?

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. CORMAN. Mr. Speaker, the House Subcommittee on Activities of Regulatory Agencies, of which I am a member, recently held hearings in Detroit and Los Angeles on the need for the Federal Communications Commission to allocate more frequency spectrum to the users of land-mobile radio. Previously, I have spoken on the floor of how critical this need is for our cities' police and fire departments, as well as the other public safety services. For them, the ability to quickly communicate with other officers or personnel can often mean the difference between life and death or between a limited amount of damage and a catastrophic loss of life and property. These institutions—the public safety services—use land and mobile radio to maintain law and order in our society and to protect its citizens.

Important as this function is, the root causes of these civil disorders, and of other crime in our society is to be found in the economic and social conditions which created them. Congress has made an attempt to cope with these problems. We have enacted legislation to deal with unemployment and housing, to help rebuild the cities, and to foster the efforts of the private sector of the economy to make a significant contribution. Additionally, we have attempted to aid our State and local governments as the yendeavor to build upon law and order and provide each individual with an opportunity to live a full and prosperous life. Much more remains to be done, of course. But it troubles me when I see a great unused potential for help tied to a course of inaction and delay. It troubles me even more when that stifled potential lies in the hands of a part of the Federal Government which should be responsive to the needs and desires of the entire society. For the fact is that at the same time that the Federal Communications Commission could do so much to provide our public safety services with the ability to better protect society, with the same action it could also enable the businessmen and local governments of this country to better assist in making life in our cities rich and rewarding. The action which is needed is for the FCC to reallocate a part of the radio frequency spectrum from its reservation for television, where it has largely gone unused, to the use of land mobile radio, where it is so badly needed.

Small businesses across the Nation are clamoring for additional frequencies in order to enable them to better serve their customers. Given the appropriate tools, these businesses can provide a source of employment to many while at the same time they improve their services and lower costs to customers. The economy and reliability which two-way radio brings to private businessmen and their customers, which inevitably redounds to the benefit of the general public, is quite remarkable.

In Los Angeles, two private individuals have started an agency they call Housekeepers Unlimited. Every day, private buses equipped with two-way radios pick up women who want to do domestic work, but until now have had no way to get to the jobs in the suburbs. Often these women live in areas in which it is dangerous to walk alone and so the buses pick them up and drop them off at their doors. If one of the parties cancels out while the bus is in transit, the central headquarters can match up another employer or worker and radio this information to the bus, thereby assuring all of those who want to work, and who must work in order to support their families, a steady job. So effective and well known has this service become that the California State Welfare Department has sent women who need work to the agency.

In Bellville, Mich., Royce Smith, a local fuel oil dealer, must serve an area of 450 square miles with petroleum products. At our Detroit hearings, he told the subcommittee:

> The people know that my trucks are radio dispatched and that has been about the greatest asset that I have had to my business.

Two-way radio permits him to give same-day service to his customers. Like Mr. Smith, many other small businessmen also find land-mobile radio essential to their operations.

A manager of a taxicab company in Detroit, Mr. Richard A. Pinkston, described to the subcommittee how taxis use two-way radio, not only to dispatch cabs to pick up passengers, but also for more vital jobs. His company receives about 30 calls a week from the Detroit blood bank requesting delivery of needed blood to a hospital. When it is required for an emergency operation, a radio dispatched cab can, in effect, help to save a life. During the recent disturbance following the assassination of Dr. Martin Luther King, this businessman, like so many others, saw his duty to help the local authorities in this time of crisis. Desperately needed hospital employees, doctors and nurses, many of whom lived or worked in the areas torn by the disturbance, were provided special transportation to and from work in his taxis during this critical period when other forms of transportation failed. This public spirited businessman also stated that his company should be adding more cabs to its fleet, but, as he told the subcommittee:

> The reason we don't is that we share our radio channel with five other cab companies, and there is so much frequency congestion. I don't dare put any more cabs or any more units on the air.

Land mobile radio is also essential to the smooth and effective functioning of our utilities. Mr. Theodore P. Rykala, of the Michigan Consolidated Gas Co., described how his company operates 34 base stations and 989 mobile radio units to handle an average of 3,100 calls per day of an emergency nature requiring same-day service. He stated that the volume of air traffic is such that right now he needs three additional channels just to handle the normal flow of messages. During the Detroit riots the congestion was much worse. Yet, their service trucks were able to follow fire trucks into dangerous areas in order to shut off gas leaks which were feeding the flames. More than once it was necessary to use their two-way radios to call for help when snipers or crowds had them pinned down or prevented them from doing their job. Many other businesses rely upon the use of two-way radio on a daily basis, and thereby provide more jobs and better service. But the problem of overcrowding on the few radio frequencies which exist has become so critical that it can take up to half an hour to get the message through. This defeats the very purpose of two-way radio.

Just as businessmen depend upon land mobile radio, State, and local governments also consider it an essential tool which permits them to effectively supply and coordinate the many services for which we pay taxes. At the Los Angeles hearings, a wide range of local governmental users testified. Aside from the police and fire departments' use of two-way radio, which is well known, it is also essential to the effective functioning of the departments of public works, recreation and parks, city airports, traffic control, schools, the Los Angeles Harbor, and city-owned utilities. These less well-known uses of land mobile radio may contribute greatly to a local operational structure which can provide all of the city services which its citizens deserve and pay for through their taxes. Without the use of two-way radio, the administration of city services would get bogged down in the enormity and complexity of the problems it faced and streets would go unrepaired, garbage would go uncollected, parks would go uncleaned, and citizens would become increasingly alienated and dissatisfied.

For example, the sewer maintenance division of Los Angeles must constantly maintain and repair 6,500 miles of mainline sewers and storm drains. The cost in tax dollars would be enormous if after every job a work crew had to return to its home base to receive another work assignment. Moreover, when an emergency occurs, it is essential that the head of the division be able to communicate with each of his work crews so that he may effectively deal with it. Two-way radio is the most efficient way to provide this division with the capacity to perform its job, and it saves money.

The same thing can be said for the city department whose job it is to construct and maintain the streets, as well as provide them with adequate lighting. Similarly, two-way radio makes it possible to keep city parks, beaches, golf courses, and other recreational facilities safe and clean. Even our schools utilize land mobile radio in order to control the operation of school buses and to provide for the safety and security of the children when they are in school, and of the school property when they are absent. Yet, who will say that our cities have been able to adequately provide all of these needed services? Who will say that streets do not need repair, garbage does not need more frequent collection, housing does not need more adequate and thorough inspection? When we have failed in these areas in the past, those who could afford to have moved from the cities to the suburbs taking with them the tax base needed to correct the situation; and they left those who could not afford to move in a worse condition than before. More recently, when we have failed in these areas we have witnessed the tragic results in the widespread rioting by those who must live in the worst conditions every day of their lives. So much more must be done to upgrade life in our cities, and it will require the combined efforts of all three levels of government—local, State, and Federal—even to begin the task. No area which can help to solve this problem can be ignored. Yet, the FCC has failed to recognize its ability to make a substantial contribution in this area. Many frequencies are at the saturation point and are unable to handle any additional messages even on routine days. Should an emergency strike, such as a severe storm or an earthquake, Los Angeles' city services would be paralyzed. To the extent that they cannot quickly move to restore power and clean up streets, the entire city would feel the effects of too few radio frequencies. The cost of this in terms of lives, property damage, manhours wasted, added inefficiency, not to mention anger and frustration, would be staggering.

For all these users of the radio frequency spectrum—State, local, and private—the outlook for the future is uncertain. The best insurance against future civil unrest is a growing, prosperous economy with cities which are able to satisfy the needs of the people. Yet, if we are to meet the needs of tomorrow, something must be done today. The Department of Housing and Urban Development has recently sent the Congress a report on tomorrow's transportation. In it, HUD recommends the development of a system of Dial-a-Buses, which would operate much as the plan of Housekeepers Unlimited which I described earlier, only on a much more extensive, citywide basis. A person would simply use the telephone to call for a bus to pick him up at his doorstep, and then a computer, programed to know the routing of all buses, would schedule a bus in the area to make the required stop. In order to do this, of course, each bus will have to be equipped with a monitor to report its exact position to the central dispatcher, and he will then have to be able to communicate, again by radio signals, with each bus driver in order to tell him where to pick up a passenger. All of this, and much more, is quite feasible today. What it portends for tomorrow is more access for the cities' residents to employment, recreation, and the opportunity to enjoy life. But it will be necessary for all of our resources to be fully utilized in order to bring about this new progress which will help to provide hope for those who live in our cities. This will require that the Federal Communications Commission immediately take steps to assure the public that the resource which is within its control—the radio frequency spectrum—can make its full contribution. Mr. Speaker, it is clear that if this is to occur, land mobile radio users must be allocated more frequency spectrum than they have, and this must be done without delay.

Mr. Speaker, I ask unanimous consent to have the following three newspaper articles, describing the uses to which two-way radios may be placed, inserted in the RECORD at this point:

[From the Long Beach (Calif.) Independent, July 24, 1968]

PUT SILENT ALARM ON RTD BUSES

Southern California Rapid Transit District Tuesday announced installation of an alarm system and a two-way radio in 200 of its buses.

Sam, a silent alarm module, and Emma, which means emergency message alert on two-way radio, started riding the buses Tuesday.

Sam will be used to help reduce the robberies that have plagued bus drivers for months, and Emma will be used to keep buses closer to schedule, transit officials said.

Milton McKay, RTD acting general manager, said the radio system will keep the new dispatch center alert to problems which upset bus travel and will enable drivers to contact police immediately.

McKay said there were 94 robberies on the four-county system this year up to July 18.

[From the Beverly Hills (Calif.) Courier, July 26, 1968]

MOBILE MAID SERVICE PROVIDED

Two young Los Angeles businessmen are providing more jobs for men and women from neighborhoods with their original solution to the maid-finding problem of Beverly Hills and the West Side.

Aaron I. Kapp and Jerry Dobkin, who became good friends while running competing pool service firms, realized how difficult it was for Beverly Hills and West Los Angeles families to hire a maid and then get her there.

They realized also that an unskilled woman in desperate need of a day's work might sometimes take three hours one way by bus from a South Central ghetto area home to a job in Beverly Hills or Bel-Air.

Even then the maid might still be blocks or miles away from work when she left the final bus. And for the employer there was the irritating suspense of whether the maid was late or not coming.

Kapp and Dobkin saw a way to solve both worker and employer problems in this area. So a year ago they commenced calling for maids in a small bus and taking them to and from their jobs. Their operation developed into Housekeepers Unlimited, Inc., now a rapidly expanding firm.

Housekeepers Unlimited is now shuttling enough women from areas around the Coliseum to Westside jobs to prove the service is filling real needs.

[From the Wall Street Journal, Aug. 16, 1968]

Slum to Suburb: Better Transportation Out of Ghettos Sought by United States, Local Groups—Dial-a-Bus Plan, Car Pools Studied to Speed Negroes to Jobs Outside Cities—Shaky Start for Boston Line

(By Richard J. Levine)

WASHINGTON.—Federal transportation planners, long preoccupied with the plight of the suburban commuter, are now trying also to help the guy going in the other direction.

For "reverse commuters"—mostly city slum-dwellers who work in the suburbs—Uncle Sam is financing a growing number of ghetto-transit improvement projects. They range from low-cost rent-a-car plans to new ways to use buses, the only public transportation currently available to millions of slum-dwellers.

In Los Angeles, for instance, Federal officials are struggling to make a go of "bus pools" in which, ideally, the drivers work full-time at the same plants as their passengers. In Flint, Mich., the Department of Transportation anticipates testing "door-to-door" bus service for the poor.

Though many transit companies, plagued by financial woes, have been reluctant to tackle the ghetto problem on their own, some locally sponsored efforts are blossoming, too. Recently, D.C. Transit System in Washington inaugurated three crosstown bus routes designed to shorten round-trip travel time for Negro maids by three hours a day. The Massachusetts Bay Transportation Authority has launched an "employment express" bus service linking Boston's Roxbury ghetto to industrial plants lining suburban Route 128.

A RESPONSE TO RIOTS

This growing, though still limited, response to the ghetto transit problem was initially prompted by the outbreak of racial violence in the big cities. It started in mid-1966 with establishment of a bus line between the Watts section of Los Angeles and hard-to-reach employers. The technique has been repeated in St. Louis and Baltimore and on Long Island in New York.

Now, such efforts are getting a boost from the Johnson Administration's campaign to find jobs in private industry for 500,000 hard-core unemployed persons over the next three years. In the 50 major cities where the National Alliance of Businessmen is recruiting industry to participate, the campaign is creating a growing need for "instant transportation" between slums and jobs. The Alliance has a full-time transportation manager in Washington helping cities initiate transit improvements.

The obstacles confronting the slum-to-suburb commuter are formidable. "Our automobile-based civilization denies more and more jobs, recreation and needed services to persons who lack access to a car," says a Transportation Department official. In about 40% of all families with incomes under $4,000 and in half of all Negro households, no car is available, forcing the wage-earner to rely on public transportation. But most public transportation "historically has been designed to funnel people into a core area, not carry them out," observes Charles Haar, Assistant Secretary of the Department of Housing and Urban Development.

FLIGHT OF THE FACTORIES

Moreover, unless ghetto transportation is substantially improved, the plight of the reverse commuter is likely to worsen—for blue-collar employers are continually fleeing the center city for suburban plant sites. Between 1954 and 1965, about 63% of the industrial plants built in the U.S. went up outside the central city; in the Greater Boston and Los Angeles areas over 80% of all new factories were built in the suburbs during that period.

The Government agency charged with meeting the ghetto transit challenge is the Transportation Department's new Urban Mass Transportation Administration. Transferred from HUD on July 1, it already has suffered its first setback. President Johnson's request for a $25 million research and development budget for urban mass transit in the current fiscal year, up from $10 million last year, has run into a snarl on Capitol Hill. It now appears that transportation planners will have to settle for about $18.9 million.

Whatever money emerges, many planners in and out of Government are hoping 41-year-old Paul Sitton, the Deputy Undersecretary of Transportation recently nominated by the President to head the Urban Mass Transportation Administration, will use much of it to expand the search for new technologies and systems useful in the ghetto. A common criticism of the Government's early reverse-commuter efforts is that "demonstration" funds too often were used simply to establish conventional bus lines rather than to test new concepts.

"UNTAPPED DEMAND"

At HUD, Mr. Haar responds that the conventional bus lines "were quickly visible and met a need." They also have served, he says, to demonstrate a considerable "untapped demand" among ghetto residents for improved transportation.

Trying to tap that demand can be a frustrating experience, however—at least at first. In the first few weeks of Boston's "employment express" bus service, four morning buses hauled a total of only about 65 riders daily from the Roxbury ghetto to Route 128 factories, leaving the Massachusetts Bay Transportation Authority, by its own admission, "a little bit disappointed." And the Century Boulevard line in Los Angeles, the first ghetto bus route established with Federal funds, was used by only 600 to 800 persons a day when it started in mid-1966—though it now is carrying about 3,200 riders daily.

Frequently, Federal officials maintain, the initial problems are a lack of information in the ghetto about new bus service and a reluctance among slum-dwellers to change old travel (or non-travel) habits overnight. But in some cases, they believe, lack of suburban job opportunities leaves potential Negro users of a new bus service, at least at first, with no place much to go. And "improved transportation doesn't in and of itself create jobs," warns William Hibbard, head of the Los Angeles demonstration project.

But transportation planners remain convinced that establishing slum-to-suburb service is an essential step toward opening job opportunities for Negroes. "Without transportation, the fellow contemplating a position in the suburbs has one more reason not to make the effort," says Leo Beebe, executive director of the National Alliance of Businessmen. By the same token, of course, a suburban employer has no incentive to hire ghetto Negroes if they have no dependable way of getting to whatever jobs he has to offer.

Though conventional bus service may help in some cases, Thomas Floyd, director of the Transportation Department's research and demonstration programs in mass transit, is convinced that new concepts must be developed too. In most ghetto areas, he says, regular bus service can survive only with "large operating subsidies." Among the most promising new ideas, Mr. Floyd believes, are rent-a-car plans for the poor and "demand responsive" buses that change their routes as passenger traffic varies.

A THEORETICAL STUDY

Federal law prohibits funding demonstration projects that would actually provide a slum-dweller with the use of a car. But HUD has financed a "theoretical" study by the University of Pennsylvania that examines the use of low-cost, short-term car rental systems to supplement public transportation. This study suggests that one solution to the problem of the poor worker's inability to afford or qualify for auto insurance would be Government help to provide a "group policy" to a private car-rental firm.

Also in the works is a Transportation Department investigation of Government subsidies to ghetto residents for auto repairs and parts replacement. When the slum Negro does own a car, it often is in bad shape; one survey found 46 of 246 cars in Watts unfit for use on high-speed freeways.

Neither car rental nor auto repair plans, however, are likely to be implemented in the near future; special proposals undoubtedly would raise a storm in Congress. Attempts to find new ways to use buses in the ghetto are less controversial and promise to have more immediate impact.

One of the first projects, the Los Angeles bus pool, was started last December to tie low-income areas to aircraft plants in such places as Santa Monica, Long Beach and the San Fernando Valley. Three small nonprofit corporations were established to run the pool. Their 12 buses make pickups at several ghetto points and then run express to the factories, where passengers and drivers get off and go to work.

From the start, the project has been beset by problems. "The main trouble," says project director Hibbard, "has been lack of passengers." Also, many pool drivers have left their factory jobs after a few days, so the project has been forced to rely mostly on full-time drivers.

PERSONALIZED BUS ROUTES

Transportation Department officials are more hopeful about a contemplated experiment that is part of a broad project designed to save the ailing bus system in Flint, Mich. It is an outgrowth of a successful demonstration project conducted in Peoria, Ill., where middle-income commuters were induced to abandon their cars for a "personalized" bus service. The buses picked them up at their doorsteps or a nearby corner, dropped them off at the plant or office, and billed them monthly for guaranteed seats.

In applying this "door-to-door" concept to poor neighborhoods in Flint, transportation planners say it may be practical to substitute two or three pickup points for front-door service, since passengers live closer together in low-income areas. "If Flint succeeds," says a Transportation Department official, "then we'll really have something to sell other communities."

A computerized dial-a-bus system also may play a role eventually. The reverse commuter would simply telephone for a small bus—scheduled by a computer—to pick him up at the doorstep or a nearby bus stop. Critics argue this would be too costly for the poor. But Mr. Floyd of the Transportation Department says "the poor who can't get buses often take taxis," which are more expensive still.

Across the street from the White House, the National Alliance of Businessmen is attempting to find immediate ways for employers to get newly hired ghetto residents without cars to work. One suggestion: Extensive use by slum dwellers of that old suburban institution, the ordinary car pool. "There's solid evidence that the problem can be a short-term one," says John Crain, the NAB's transportation manager. "If we solve it for a week, the person will often find his own transportation" after that.

Use of temporarily idle transportation facilities is another quicky solution advocated by Mr. Crain, with some success. In Houston and Seattle, slum youths are being driven to outlying summer jobs in school buses and other buses not normally used in the summer, and low-income and unemployed persons are being trained as bus drivers on the summer routes.

DEMOCRATIC PARTY PLATFORM AND RIGHT-TO-WORK LAWS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. BLACKBURN. Mr. Speaker, a political party invites repudiation of its candidates when it espouses policies and programs which conflict with the wishes of the people.

An examination of the national platform adopted last month in Chicago reveals that the Democratic Party has refused to reverse or modify its position on the explosive issue of compulsory unionism.

When I speak of compulsory unionism, I am talking about the firing of working men and women from their jobs for their refusal to join or pay monthly dues or fees to labor organizations.

My State of Georgia is one of the 19 States which have adopted right-to-work laws to protect the right of the individual worker to earn his livelihood whether or not he is a union member. Employees in these States are free to join unions or refrain from joining, as they choose.

During the sessions of the 89th Congress the Johnson-Humphrey administration attempted without success to carry out its 1964 platform pledge to repeal section 14(b) of the Taft-Hartley Act. Repeal of that provision would have nullified the existing State right-to-work laws and deprived all 50 States of their authority to outlaw compulsory unionism. Fortunately, the people of this country rose up in righteous anger and prevented the fulfillment of that pledge by the Democratic Party.

Every instrument used to measure public sentiment, including opinion polls and letters addressed to Members of the Congress disclosed that the people were adamantly opposed to the grant of additional power to labor union officials. Surveys by reputable research firms showed that retention of section 14(b) of the Taft-Hartley Act was favored by decisive majorities of Republican, Democratic, and independent voters. In November of 1966 the people emphasized their viewpoint by decimating the ranks of those Members of the Congress who had voted for the ill-fated repeal bill.

Mr. Speaker, the language in the 1968 Democratic Party platform suggests that an attempt is being made to deceive the voters. Whereas the earlier platform made explicit mention of section 14(b), the drafters of this year's platform resorted to semantics. This document avoids mention of section 14(b), pledging—and I quote—

> Repeal of the provision permitting States to enact compulsory open shop laws.

This contradictory phrase—"Compulsory open shop laws"—was invented by union propagandists in an effort to misrepresent the intent and effects of laws forbidding the compulsory union shop. I submit that denouncing the "compulsory open shop" is somewhat akin to condemning mandatory freedom.

Mr. Speaker, the proposed repeal of section 14(b) is clearly unacceptable to the people of this country. That fact of life should be apparent to political leaders who stand or fall on their ability to understand or sense the mood of the people.

Democratic Party candidates are also committed by their 1968 platform to support that legislation known as the common situs picketing bill. It is a bill which would adversely affect both employees and employers in the construction field. Many contracting firms and members of many labor unions are often present on a single construction site. Passage of this bill would empower officials to just one union to halt all work on a construction site as a result of a dispute with one contractor.

There are pronounced differences between the labor planks in the 1968 platforms of the Nation's major political parties. The Republican platform observes that "protection of individual liberty is the cornerstone of sound labor policy." It recognizes that the basic rights of some workers "are inadequately guarded against abuse." It promises "vigorous enforcement of the Taft-Hartley Act and the Landrum-Griffin Act and the addition of new protections where needed." And it also promises "to protect Federal employees in the exercise of their right, freely and without fear of penalty or reprisal, to form, join or assist any employee organization or to refrain from any such activities."

Several of my House colleagues and I are the cosponsors of a bill designed to shield Federal employees from compulsory unionism. An identical bill has been submitted to the other body by Senator Wallace Bennett and several of his Senate colleagues. I confidently predict favorable action by the Congress on this legislation next year.

Mr. Speaker, the lines are clearly drawn by the platforms of our two major parties. If they want the legislative and executive branches of their national Government to be subservient to union officials, the people will vote in November for the Democratic Party. If, on the other hand, they are determined to guard the basic rights of workers against abuse and thereby promote the general welfare, they will support the Republican Party's candidates.

Its posture on the question of retaining or repealing section 14(b) of the Taft-Hartley Act indicates the Democratic Party is contemptuous of the people's will. It is inviting repudiation of its candidates this November.

TELL IT LIKE IT IS—FIRM HAND IS NEEDED

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SIKES. Mr. Speaker, for some time I have held on my desk a strong editorial from the pen of Earle Bowden, editor of the Pensacola Journal. I have shown it to a number of distinguished citizens and colleagues in the House. I feel that it carries such a strong message that it should have wider circulation, and I include it in the Record, as follows:

AS THE EDITOR SEES IT: TELL IT LIKE IT IS—FIRM HAND IS NEEDED

No sir, Mr. President, we don't need another commission.

. . . *No sir,* not one to tell us what's wrong, what's motivating the now-commonplace agonies of violence and recklessness of human behavior in many areas of the American social order.

. . . *No sir,* we don't need any more year-long, costly studies by blue-ribbon panels; indeed, no more voluminous reports to gather dust and go unread . . . scholarly narratives that deplore this and that and tell us what we already know.

Tell it like it is, Mr. President.

Tell us, Sir, that the United States needs leadership.

A strong hand at the helm. A loud voice to silence the noise of bitter outrage.

Yes, tell us, Mr. President, that the United States *does* care about the poor and the minorities and those who consider themselves the victims of exploitation; *does* pledge itself to helping those who will help themselves.

But also tell them that the nation is tired of the *abuse* some of the leaders of the currently popular social movements heap upon our nation.

Tell them that they lie when they claim that efforts have not been made, are not being made, will not be made by "white America" to eliminate discrimination, to improve the lot of all Americans; who say that conditions for black men in America not only are no better than they used to be but are worse and more hopeless than ever.

Tell it like it is, Mr. President.

Tell them, Sir, that we must—as Americans—demand that our elected leadership make it clear that the time for looking the other way is past: That from this day on those who violate the law, however "moral" their motivation, those who sow subversion and disorder, must expect to be dealt with accordingly.

For those who abuse liberty, who use fundamental human rights as license to destroy the republican order of government, tell them: *Enough! Enough!*

We *cannot* let go unchallenged those who seek to tear at the roots of a system of government which, for all its imperfections, is the best ever devised—and which still has the devoted support of a majority of Americans of every race and creed and political persuasion.

Tell them, Mr. President, that nothing good ever came from the lawless.

The ballot—*the sacred ballot*—cannot give way to the bullet, the fire-bomb; the wild-eyed radical who kills and maims, whose greed manifests hatred and hatred manifests a destructive force that can topple governments.

Assassins of what is good and noble, either through an attack on the individual of national significance or an assault on the institutions of individual liberty, must pay the price of their evil deeds.

We cannot tolerate those who admit no authority, except their own capricious will.

Tell it like it is, Mr. President.

It is all very well to have a commission study the source of the flames licking at the national structure, but it is urgent, in the meantime, to turn a hose upon it as well.

No, sir, we don't need a commission to tell us the primary cause of violence in this nation is the reluctance of our national leaders to demonstrate in no uncertain terms that illegal acts will not be tolerated.

Tell them, Mr. President, we cannot allow persons to flaunt the laws of this nation, mutilate flags, burn draft cards, break local ordinances, loot stores, commit armed robbery and murder . . . we cannot let them walk away. It's time to prosecute, to cut through the barrier of restrictive court rulings that make prosecution difficult or impossible.

It is time for you, Mr. President, to cry: *Enough!*

Sorrowfully, Americans have read the words of the anarchists. Listen to the Rev. James Bevel: "I feel no responsibility to a nation-state. I represent conscious energy, which is a universal phenomena. As a result, I don't get too excited when I see a rag on a stick called a flag."

And listen to the Rev. James Groppi, a priest, point his finger at the U.S. Attorney General and say: "If we have to turn the capital upside down—brother, I'm all for it."

Tell them, Mr. President, for all of us who *do* feel a responsibility to America and who *do* "get excited" by the American flag, that they go too far. *Too far.* And we regret that men of the cloth—men of God—would speak the harsh words of anarchists in a land blessed with precious religious freedom. They go too far. *Too far.*

Tell it like it is, Mr. President.

It's time for you, Sir, to take direct action. You must be the voice of reason and responsibility in the land.

It's time to instruct the attorney general of the United States to prosecute the federal law violations brought to his attention, regardless of political circumstances and regardless of the so-called "moral" cause with which these people try to cloak their illegal activities.

If something is not done to halt extremism in this country, to restore a sense of pride in nation and rededication to the principle that this is a nation of laws, then we are in grave trouble. Indeed, the monstrous forces of destruction are only beginning to reap their harvest of hate.

You must, Mr. President, inspire a new direction—a pause to reflect on those verities and time-tested virtues that gave us a common sense of purpose: Personal discipline, sacrifice, honor and integrity, obedience to authority, individual and national respect, religious faith and a willingness to struggle for noble aspirations.

We look to you, Mr. President. We think the people of this nation expect a firm hand, a loud voice to silence the anarchist, a leader who can return the people to reason and responsibility.

This message comes to you, Sir, on the climatic day of Flag Week—the day we honor our nation's banner, its heritage, its history, its high hope for free men everywhere.

We believe we have a strong republic.

Let's keep it strong.

Tell it like it is, Mr. President.

TELLING AMERICA'S STORY THE WAY IT IS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. GUDE. Mr. Speaker, there is a plaque at the U.S. Information Agency with the credo "Telling America's Story to the World"—for years USIA has been doing just that, with great effectiveness. Truth and information have always been the strongest weapon of our democratic system. The USIA and its voice—the Voice of America—have continued to carry our message to the world. Too often their great work goes unnoticed here at home. I should like to call to the attention of my colleagues two recent articles in the Baltimore Sun, one by Paul W. Ward and one by Edward O'Neill. The articles are as follows:

United States-to-Soviet Broadcasts Are Jammed: Four Languages Beamed by Voice of America Are Affected

(By Paul W. Ward)

Washington, September 21.—Jamming of Voice of America broadcasts to the Soviet Union is "still moderately intense," a spokesman for the United States Information Agency asserted here today.

The jamming began as Russian troops plunged into Czechoslovakia 32 days ago, he explained, and affects only broadcasts in Armenian, Georgian, Russian, and Ukrainian.

There has been no jamming of broadcasts in Czechoslovak, Hungarian, Polish or Romanian, he said.

KREMLIN COMPLAINS

Concurrently, it was learned that the Kremlin, which has said nothing about its efforts to keep non-Communist accounts of developments in Czechoslovakia from its 235,000,000 subjects, is complaining about difficulties in getting its own version before Americans.

Its complaints include an allegation that Soviet broadcasts to North America were jammed August 25 and 26 for two hours, between 9 and 11 P.M.

"Some of the wave lengths and frequencies on which Soviet broadcasts in English, Russian and Ukrainian reach the United States were jammed," Moscow asserted in a recent broadcast in English.

FEAR IS BLAMED

"Obviously," it added, "the State Department was afraid the public might not swallow the official lies about an occupation of Czechoslovakia if it had a chance to hear the truth."

Asserting there never has been any jamming of Soviet or other foreign broadcasts to the United States, the USIA spokesman said Moscow's charge had been "carefully checked out" here and adjudged "ridiculous."

Whoever in the United States monitors Soviet broadcasts and reports to Moscow on reception could only have run into some accidental, local interference, if any, the spokesman added.

STARTED AUGUST 20

The jamming of Voice of America broadcasts started August 20 affects not only those to the Soviet Union itself but also those that its troops in Czechoslovakia might otherwise hear.

To counter it, the Voice of America, which broadcasts eight hours a day in Russian and one hour each in Armenian, Georgian and Ukrainian, increased the number of frequencies used in all four languages from nine to twelve as of September 12, the USIA spokesman said.

In addition, he said, it has introduced in all those broadcasts what he called "five-minute spots in each of the [four] languages" to increase the chances of getting through to Armenian, Georgian, Russian and Ukrainian listeners.

FIRST SINCE 1963

Until August 20, there had been no jamming of Voice of America broadcasts in those languages since June 19, 1963. The Soviet Union then abandoned the intensive jamming operations it had maintained for 10 years after Stalin's death.

Romania's Communist regime gave up its jamming operations at about the same time. Poland stopped in 1956. Czechoslovakia and Hungary followed suit in 1964. Bulgaria's Communist regime on the other hand, has never ceased trying to drown out the broadcasts to its 8,260,000 subjects.

USIA: Telling it the American way

(By Edward A. O'Neill)

Washington.—There is a small sign on an office building at Eighteenth street and Pennysylvania avenue that reads, "United States Information Agency: Telling America's Story To The World."

Now and then, tourists or strangers to Washington enter the building to ask directions to the Jefferson Memorial or to ask questions about taxes, and leave with their questions unanswered. Dispensing that kind of information is not the USIA's business.

It is not surprising that people ask such questions. Relatively few Americans outside Washington know what the USIA is or what it does. Its name rarely gets into the papers—when one of its overseas libraries is burned, or when Representative Otto Passman discovers that it has given a book on modern dance to a Danish choreographer, and loudly demands an explanation.

But in Marrakech, Recife, Ouagadougou, Colombo, and in more than 200 other cities and towns around the world, the nature of the agency's activities are very well known. The people of these places visit the United States libraries, buy cheap books produced by the agency, read its publications, listen to the Voice of America, attend English classes, sit at the feet of visiting lecturers and see agency-supplied television programs on their local stations or agency-produced motion pictures in theatres or outdoor showings. They are taught by visiting American professors, they look at American exhibits and they read Agency-supplied stories in their newspapers.

OFFICIAL PROPAGANDISTS

The USIA and its overseas arm, the United States information Service, are the official propagandists of the United States Government.

The agency has come a long way since the slogan "Telling America's Story To The World" was placed on its building at 1776 Pennsylvania avenue. (The number had been 1778, but was changed during the tenure of its first director, Theodore C. Streibert, an advertising and radio executive.) Its role and activities have been greatly refined during the fifteen years of its existence, and it now operates under a clear "statement of mission" set forth by President John F. Kennedy early in 1963. Its mission is "to help achieve United States foreign policy objectives by influencing public attitudes in other countries."

The task of "influencing public attitudes" is charged to 1,400 USIS officers in 100 countries."

These people run more than 200 libraries, reading rooms, cultural centers and information centers. They are backed by more than 2,000,000 American books in USIS libraries and reading rooms, 3,000,000 words of radio-teletyped news and comment yearly and 800 hours of Voice of America broadcasts weekly in 36 languages. With USIA support they put more than 9,000,000 low-priced books in foreign languages in bookstores. They distribute about 80 USIA/USIS magazines and newspapers. They run the State Department's Fulbright and cultural exchange programs.

Frequently, USIS officers have failed to influence "public attitudes" or to persuade hostile people that America's policies were correct. It is difficult to make people in country X understand why the United States is giving weapons to country Y, their bitter enemies, or why America is supporting country A against country B. The nadir is reached when USIS libraries are burned.

Although this might be considered by some as an indication of effectiveness, the more likely reason for the attacks is that the libraries and USIS centers are in places most easily accessible to demonstrators—"good locations."

No libraries have been burned lately, but USIS now faces other and more serious problems: Explaining the war in Vietnam and civil disorder and unrest at home.

The situation makes it difficult for a USIS officer to follow another part of the "statement of mission" which reads: "Activities should emphasize the ways in which United States policies harmonize with those of other people and governments, and those aspects of American life and culture which facilitate sympathetic understanding of United States policies."

Try "emphasizing" the "good side" to some provincial editor in Bangalore, India, who has just finished reading the day's transmission from Press Trust of India, a national news service.

Vietnam has had another effect, disturbing to some people, on USIA activities. In 1964, President Johnson ordered all agencies of the Government to make available for duty in Vietnam the most capable people they had. The USIA, of course, had to comply. At the time of John F. Kennedy's assassination, there were 40 USIS officers in Vietnam, even then a bloated number for a country of 11,000,000 people.

The agency stripped posts throughout the world of some of its best younger men, principally information officers, and as a consequence damaged its strongest operations. At one point, there were nearly 150 USIS officers in the country, taking over, as the United States military did, jobs that were basically Vietnamese.

They became involved in setting up television stations, advising newspapers and radio stations on content and programming, running field propaganda activities with Vietnamese officials, producing leaflets for airdrops (5,600,000,000 last year) and participating in all kinds of psychological warfare activities. The principal USIS officer in the country was given command of all Americans, civilian and military, engaged in psychological warfare and propaganda. This was an entirely new role for USIA, and a bothersome one to many because of the implications and the possible effect on USIS operations elsewhere.

When the Dominican revolt flared in 1965, a similar, but much smaller, buildup of USIS activities in the country was ordered. Santo Domingo had but three USIS officers when the trouble began. Before it was over, the No. 3 man in the agency—the deputy director for planning—was heading nearly a score of officers who were running the local radio station, trying to explain the muddled situation to America's bewildered friends in Latin America and playing middle-man with the American press covering the story.

SOUND BUSINESS

Nothing like Vietnam or the Dominican Republic has occurred lately to impinge on normal USIS activities. However, the USIS operation in Thailand—like the United States military presence—has been beefed up. There are now 50 USIS people stationed in the country, a 250 per cent increase over what it was ten years ago—a period during which most USIS posts around the world have grown smaller and many in Europe eliminated.

The late Sir Harold Nicholson, a diplomatic historian, once wrote: "The practice of diplomacy is not in fact very different from the practice of sound business, in that it relies for its efficacy upon the establishment of confidence and credit."

Over the years, the USIS around the world has established confidence and credit. The Vietnams and the Dominican Republics and whatever similar operations that may come can only badly dilute these assets.

SCRIPPS HOWARD NEWSPAPERS ENDORSE DICK NIXON FOR PRESIDENT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a personal pleasure to place in the CONGRESSIONAL RECORD the excellent editorial and endorsement appearing today in the Pittsburgh Press. Other Scripps-Howard newspapers carrying the endorsement include the Albuquerque Tribune, the Birmingham Post Herald, the Cincinnati Post and Times Star, the Cleveland Press, the Columbus Citizen Journal, the Rocky Mountain News, the El Paso Herald Post, the Evansville Press, the Fort Worth Press, the Hollywood Sun-Tattler, the Knoxville News Sentinental, the Memphis Press-Scimitar, the Stuart, Fla., News, and the Washington Daily News.

The editorial referred to follows:

OUR CHOICE FOR PRESIDENT

When we choose a new President we choose not only a man who will be our leader the next four years; we choose the trend of our future—for four years, and likely for more years to come.

For such are the power and influence of the Presidency, bearing down as they do on our economy, our international relations, and even our personal welfare.

And so it becomes the responsibility of the voter to use the judgment of his mind, not simply his emotions; to apply all the foresight he can command.

In this light, the editors of The Scripps-Howard Newspapers, including The Pittsburgh Press, choose to support Richard Nixon.

They choose Richard Nixon because in editorial conference and after full analysis of all the factors, they see no other real choice in 1968. They believe he offers more hope, on many counts, than Hubert Humphrey and that George Wallace offers no hope at all.

The country is ripe, and apparently eager, for change. Historically, change in Washington has been profitable. We think this year it is unusually necessary. Only Richard Nixon can bring such a change in orderly fashion.

There is division in the country, some of it raucous and disorderly. Hubert Humphrey is the candidate of a grievously divided party. Before he even could try to unify the country, he would have to heal that acrid dissension. Richard Nixon does not have that handicap.

Our Government is overgrown. This, as much as anything, has produced the inflation which jeopardizes the security of our dollar. Hubert Humphrey proposes more of the same. Richard Nixon represents restraint, a new appraisal of what the Government can do and what it ought not try to do.

The country is beset as never before by crime and disorder—and because of these things, woeful injustices. Richard Nixon offers the most hope on this score.

In the hazardous world of these times including the miserable war in Vietnam, we need a President who can keep his cool, who can make a decision and carry it out, who knows when to hold his tongue and when to use it. Richard Nixon's experience and conduct clearly show these abilities. Hubert Humphrey, especially in this campaign, has created strong doubt that he has comparable abilities.

These, then, are the main problems before the country this fall: The need for change, the need for unity among our people, the need for a curb on the extravagant enlargement of government, a need for more justice and less crime and violence, the need for a President who can hold to his moorings.

The Scripps-Howard Newspapers are committed to clear-cut justice, the discipline of law, an effective war on crime, the full blossoming of civil rights for all, equal opportunities for all, a more effective and less costly position for the United States in world affairs, and a much stronger respect in Washington for the stability of the people's money.

We think Richard Nixon is the candidate who offers the most promise of fulfilling these policies. We think he has the experience, the knowledge and the innate intellect which we expect and need in a President. In the circumstances, we can see no other logical choice.

BEN COLE POINTS OUT SUPERIORITY OF INDIANA-STYLE POLITICAL CONVENTION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. BRAY. Mr. Speaker, Ben Cole, veteran Washington correspondent for the Indianapolis, Ind., Star, has written a concise and comprehensive account of how the political convention system functions in Indiana. At a time when many call for major changes in national political conventions, Mr. Cole's assertion that Indiana's system should be examined is timely and should be heeded.

The article, which appeared in the September 25, 1968, Indianapolis Star, follows:

INDIANA-STYLE CONVENTION SUPERIOR

(By Ben Cole)

WASHINGTON—The major political parties have available to them a procedure for national nominating conventions that can deliver them from the pressure for national primaries.

Primary elections, for all their appearance of being "liberal" vehicles to further democratize the country, contain several weaknesses. The chief of these are the inevitable advantage for the candidate with the biggest bankroll and the opportunity for pressure groups to put across captive nominees.

The nominating convention, despite the clamor arising after Chicago, can still be the safest, the best, and even the most democratic way to pick national political tickets.

If the parties wish to find a compromise method for continuing conventions while satisfying the demand for more popular will in the nominating process, they should inquire into the Indiana state convention law.

Despite Indiana's reputation for political shenanigans and tooth-and-claw partisanship, the state operates one of the fairest nominating convention systems ever devised.

The Indiana convention was invented to defeat post World War II popular clamour for a direct state-wide primary. The state tried primary elections in the "Progressive Era" and got burned.

Exploiting the possibilities in a primary, the Ku Klux Klan literally took over Indiana in the early 1920's. The Klan's grand dragon, D. C. Stephenson, declared, "I am the law in Indiana." It was no idle boast!

After Stephenson went to prison for the death of a young woman, the Klan's sheets were ripped; and the politicians went to work to put the political power into safer hands.

The two parties supported a law to return the state to nominating conventions.

The late Governor Paul V. McNutt, the late Governor Henry F. Schricker, Governors Ralph F. Gates, George N. Craig, Harold Handley, Matthew E. Welsh, and the incumbent Roger D. Branigin, all were convention picked.

The convention again fell into disrepute in 1946 when intra-party feuding among Republicans produced charges of "bossism." The demand for a direct primary erupted to shock the party leaders, still remembering what happened a generation before.

Gates, then governor, set out to frustrate the primary demand. Himself a brilliant lawyer, he called on two Democrats and a Republican for assistance. They were State Election Commissioner Edwin M. S. Steers, a successful Indianapolis attorney and a Republican; Commissioner William E. Steckler, a Democrat now a Federal judge, and the late Herbert Kenney, onetime law partner of the late Associate Justice Sherman Minton.

They wrote a law which succeeded far beyond what the authors expected and some party leaders desired.

The crux of their proposal, which the 1947 General Assembly enacted, was secret-ballot voting by the delegates.

Delegates are still elected in the precincts, as before; but once in the convention hall, they find ranks of voting machines waiting for them—one machine for each 75 delegates. Since the Republicans average about 2,400 delegates and the Democrats about 2,600, the hall is well loaded with machines. Each one is attended by a judge and watchers assigned by the candidates.

The first test of machine-voting delegates came in 1948. U.S. Senator William E. Jenner was attempting to win the gubernatorial nomination, facing the hostility of Gates and the competition of a bevy of strong candidates.

Against Jenner were Speaker Hobart Creighton of the Indiana House of Representatives; Walter Helmke, a handsome Fort Wayne attorney with a gift for political organization; and A. V. Burch, the state auditor whose flamboyant campaigns included stirring up the primary issue.

Jenner declared he had all the strength he could get on the first ballot. He failed to heed warnings that there was a move to gang up on him, the plan being for all the other candidates to switch on the second ballot to whomever had the most votes on the first.

Convention Chairman James A. Emmert, the state's attorney general, allowed the candidates to go to the microphone one by one and withdraw in favor of Creighton. It took three ballots, but Creighton won.

Even so, the failure of Gates and his associates—who controlled the convention machinery—to defeat Jenner on the second ballot indicated that some delegates were taking things into their own hands behind the green curtain.

The late Maurice Early, wise political columnist of The Indianapolis Star, said prophetically, "The longer this stays on the statute books, the more independent these delegates are going to be."

Time confirmed Early's prediction. Subsequent conventions have seen party leaders exercising tact and prudence in treatment of delegates.

The party machinery, of course, still retains the direction of the state conventions in Indiana. But the delegates know they have a veto, and they exercise it at the drop of a platform plank.

The most recent example of how the delegates can overrule the party chieftains came in the 1968 Democratic state convention, which was held a few weeks before the national Democratic convention in Chicago provoked a hue and cry for a national primary.

Lieutenant Governor Robert Rock, aspiring to become governor, was opposed in the convention by State Representative Richard Bodine of Mishawaka. The party program called for the nomination, not of Rock, but of Bodine.

Talk around the convention hotels the night before the delegates met had Rock so outmanned that it was wasteful of him even to pay his $2,000 entrance fee.

But the contest next day showed that the delegates, not the party officials, have the last word. When the tellers (usually they are auditors from the State Board of Accounts) tabulated the voting machine results, Rock had 953 votes to 951 for Bodine. Despite protests that many delegates failed to show up to vote, Rock won. Under the old boss-ruled convention system, he truly wouldn't have had a chance; and in a direct primary, such a victory would have come at a prohibitive price.

Members of Congress and political reformers looking for a way to give the National party conventions new life should examine the Indiana system. Indeed, it is strange that the uniqueness of the institution has remained unnoticed for more than 20 years.

REVITALIZED MERCHANT MARINE AND FISHING INDUSTRIES

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. PELLY. Mr. Speaker, on August 16 the president of the Navy League of the United States, Charles F. Duchein, spoke in my district—Seattle, Wash.—on the subject, "The Seafarers of Seattle and Their Business of Shipbuilding."

After adressing himself to the precipitous decline in our national maritime posture, Mr. Duchein observed:

> Even with the rather minimal steerageway attained to date, encouraging signs of progress are emerging to seaward, one heartening sign was the platform the Republican Party adopted at its 1968 Convention. Its adoption of a plank providing for a national "ocean strategy" was of historic significance. An almost unprecedented recognition of the role of the oceans in world affairs was inherent.

Mr. Speaker, last week this recognition by the Republican Party, which Mr. Duchein referred to as being inherent, became explicit. The Republican Party's nominee for the office of President of the United States, Richard M. Nixon, visited Seattle and on September 24 issued the following statement entitled "Toward a Revitalized Merchant Marine," in which he addressed himself to the subject of American seapower:

TOWARD A REVITALIZED MERCHANT MARINE

The Maritime Industry of the United States has been permitted to decline to a point at which the nation's defense and economy are imperiled.

The policies of the present Administration have put us on a course toward becoming a second rate sea power.

Sea power is the ability of a nation to project into the oceans in times of peace, its economic strength, in times of emergency its defensive mobility.

Sea power is composed of all those elements enabling a nation to use the world's oceans advantageously for either trade or defense . . . its navy, its merchant shipping, its ship building, its fishing, its oceanographic research, and its port facilities.

Even a cursory examination of United States seapower today makes it clear that our present course has been wrong.

Two thirds of the Navy's tonnage now afloat was designed during World War II to meet the conditions of that time.

The replacement needs of the United States Navy are so great that last year the Secretary of the Navy stated that the Navy needs to build a ship each week for the next ten years just to keep up.

Our fishing fleet is composed of some 13,000 vessels—most of which are too small and too old for more efficient operation. Some 60 percent are more than twenty years old.

Our shipyards have suffered under misguided federal policies which have given them no incentive to increase productivity; to adequately update plant facilities or to introduce new technology.

In oceanographic sciences, we have only begun to pierce the surface. Almost every day a ship leaves the Soviet Port of Odessa with cargoes for North Vietnam. An estimated 80 percent of the materials used by the enemy in Vietnam arrive by Soviet merchant ships. More than 97 percent of all supplies used by the allied troops in South Vietnam also moves by water—most of it aboard old ships flying the United States flag which are no match for the modern Soviet merchantmen.

Two thirds of our merchant ships are beyond their economic age. By contrast 50 percent of the Soviet fleet is less than five years old. The Soviets are adding at a rate of 100 ships or about one million tons per year to their existing 1,500 ship fleet.

By contrast, the United States now has an active privately-owned merchant marine of fewer than 1,000 ships. We are producing less than 15 ships a year, and we have built only some 300 American-flag merchant men since the end of World War II. In less than a decade, erosion will reduce our fleet to ⅓ of its present inadequate size unless change is forthcoming.

In the early 1970's the Soviet Union, not only will surpass us in number of ships, but also in the quantity of goods they can transport on these ships.

They would not hesitate to use this growing economic power as part of their global strategy. At this very moment, the Soviets have created a rate war to undercut the British on the route from Australia to the United Kingdom in Europe.

Apart from its absolute size, our merchant fleet is dramatically unbalanced. The most glaring deficiency is in the dry bulk carrying segment which is woefully inadequate in lift capability in spite of the vast export and import trade of this country in commodities of this type—imports of raw materials on which this nation's productive capacity depends and exports of farm products that feed the hungry of friendly nations.

In the face of these conditions, there is today in the Executive Branch of our government, a shocking de-emphasis of our national maritime efforts. Continuation of such a lack of interest could only result in making the United States a second-class seapower during the 1970's and beyond.

If we permit this decay to continue we will find that we have abdicated our maritime position to none other than the Soviet Union. Even now their modern merchant fleet ranks 6th in the world—just one place behind our own much older fleet.

In 1965, the present Administration promised to "recommend a new policy for a new merchant marine." It is now nearly four years later and the single "trial balloon" was deflated by a bi-partisan coalition in the Congress. The Administration has failed to present any cohesive program to restore the United States as a maritime power.

The void between promise and action of the past four years has halted maritime progress. Our fleet carryings have declined to record lows, our balance of payments has suffered, vessel obsolescence has multiplied, and our ability to meet our maritime commitments overseas has decreased alarmingly.

Nuclear merchant vessels propulsion which offers an encouraging possibility is ready to be junked by the present Administration—this in spite of the long lead redeveloped in this field during the Eisenhower years with the nuclear ship *Savannah*.

Only through new and advanced technology can the American Merchant Marine minimize its competitive disadvantage with other merchant fleets. The same hold true in other components of sea power; naval, oceanography, and fishing.

COMMERCE

Only 5.6 percent of the United States trade is carried on United States flagships. This is the lowest since 1921.

Soviet flagships already carry more than 50 percent of Soviet cargoes; Sweden, — percent of her own commerce; Norway, 43 percent; Great Britain, 57 percent; France, 48 percent, and Greece, 53 percent. Japan is providing 40 percent right now, but the Japanese shipping policy division has prescribed that by 1975 the Japanese-Flag Merchant Marine should carry 60 percent of Japanese exports and 70 percent of Japanese imports.

The governments and the people of these nations have determined that a high degree of reliance on their own shipping resources is important to their own self interests. We have not.

To state it bluntly, our trade is predominately in the hands of foreign carriers, some of whom may be our trading competitors. We must have more control over the movement of our cargoes—not only for competitive reasons, but also because of the contributions our ships make to our balance of payments.

The stability of the dollar is vital to the whole free world. Increasing our exports is probably the healthiest method of removing our balance of payments deficit.

Exports are those of services as well as goods. Therefore, it is essential to increase United States flag participation in our overseas trade as part of our export promotion policy. This cannot be done with our present fleet or under our present maritime policy.

SHIPBUILDING

Continuing neglect of our vessel replacement has led to an antiquated current fleet.

The New Administration Maritime policy will seek a higher level of coordination between naval and merchant ship building—to create a climate in which the industry can attract the capital and the stable labor force needed to make it competitive with foreign yards and to provide an expansion base for national emergencies.

In turn, I would expect initiative and cooperation from both industry and labor. Until such time as American yards can be independently competitive, I recognize that ship building subsides are necessary to enable shipyards to build ships and deliver them to operators at competitive world prices.

We must set as our goal, a sharp increase in the transport of United States trade aboard American-flag ships. The present rate is 5.6 percent; by the mid-70's, we must see that rate over 30 percent and the growth accelerating.

I support a building program to accomplish that objective.

In keeping with the proven traditions of private enterprise, our efforts will be directed toward creating a favorable shipbuilding environment through a better use of credit facilities and amortization procedures. The use of long range government cargo commitments should be explored as a means to stimulate unsubsidized financing of ship construction.

Ship building is not all financing and steel. This is an industry in which many of our hard-core unemployed, and those whose jobs are displaced by automation might be channeled and trained. During World War II, the United States established records for turning out nearly 6,000 merchant ships. Many of the people who participated in achieving these records have been classified "as untrained." This should serve as an example to us today.

OPERATING SUBSIDY

Since the Merchant Marine Act of 1936 was passed, we have been living with an operating subsidy system. The system has been aimed primarily at removing the wage and cost disadvantage of the American operators who pay seamen in accordance with United States working standards and levels of living.

The subsidy system has had its shortcomings. It has been extended exclusively to liner operations in the foreign trade; it has grown more costly; it has not created a modern merchant fleet even among its recipients nor has it had a basic ingredient—enough reward for increasing efficiency.

I propose, therefore, an immediate reevaluation of this program, in consultation with industry members and labor representatives with the goal of providing more incentives for productivity.

Unsubsidized sectors of our merchant fleet must be given attention, so they too, can replace their deteriorating fleets in the immediate future. Included in this category are those who carry farm products to the underdeveloped nations and the Great Lakes Operators, who daily face competiton from their government-assisted Canadian counterparts.

Also, although the Eisenhower Administration provided the United States with a fourth seacoast through the St. Lawrence seaway, the present Administration has chosen to turn its back on this inland network of water transportation.

Certainly, these segments of our merchant marine can be stimulated by tax incentives and cargo assistance. The United States, in turn, can expect them to make a capital commitment in new ships and facilites.

OCEANOGRAPHY

This Adminstration has paid too little attention to the new opportunities that science and technology can open beneath the surface of the sea.

New leadership will stimulate exploration in scientific study of ocean depth, bringing to light hidden resources. And, we must never lose sight of the importance of oceanography to our Nation's security.

My Adminstration will make full use of the Marine Resources, Engineering and Development Act passed in 1966. That Act established a Cabinet level Council and a study commission, which I will ask next year to submit to the new President and to the new Congress recommendations for bringing about a unified effort in the field of marine sciences and engineering.

FOOD FROM THE SEA

The Administration, of which Mr. Humphrey is a part, also has permitted a deterioration in our seafood industry. Under new leadership we may discover beneath the sea a food supply that will satisfy the growing needs of humanity.

In 1957, the United States imported 33% of all the sea food we consumed. Today that figure has jumped to a startling 71%. In 1938, the United States ranked second to Japan in the amount of fish it caught. By 1965, the United States had slipped to fifth place, passed by Peru, Japan, Communist China and Russia, in that order. During this period, Russia more than tripled her catch, and Japan almost doubled hers, while the United States catch remained virtually the same.

This reflects a failure of our existing federal programs to encourage the fishing industry to modernize fast enough so that it can counter foreign competitors. Meanwhile, Soviet trawler fleets virtually dominate the grand banks off our shores. These trawlers have a multiple capacity—fishing and oceanography and electronic snooping.

At the present time, there is not one modern long range trawler in service in the United States fleet. While the fleets of other countries roam the oceans, our fleets too often can only hug the coast lines.

The Maritime policy of the new Administration will be to accelerate the technological improvements which we know can be achieved today in our fishing industry to make it competitive world-wide.

PORTS

Federal Maritime Policy must recognize not only how essential the fleet is, but also how essential are the facilities and capabilities to handle the fleet cargoes.

The new Administration will encourage further modernization in development of our existing port facilities to meet the needs of the future.

SUMMARY

All our goals will not be accomplished overnight. Restoring the United States to the role of a first-rate maritime power requires the cooperation of management and labor, local port authorities and government; but the leadership for national policy can and will come from a new Administration. To overcome the present maritime crises, I recognize that we have an opportunity and an obligation to reverse the gross deficiencies that have marked the present administration's performance in this field.

We shall adopt vigorous research and development programs designed to harness the latest and best technology to the needs of our maritime fleet. We shall adopt a policy that recognizes the role of government in the well-being of an industry so vital to our national defense, and stimulate private enterprise to revitalize the industry.

We shall adopt a policy that will enable American-flag ships to carry much more American trade at competitive world prices.

The old ways have failed to the detriment of the seaman, the businessmen, the balance of payments, and the national defense.

The time has come for new departures, new solutions and new vitality for American ships and American crews on the high seas of the world.

TWO MARYLAND SERVICEMEN KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LONG of Maryland. Mr. Speaker, Sgt. Raymond Powell, Jr., and Pfc. James O. Arrowood, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

TWO FROM STATE KILLED IN WAR—BALTIMORE AND CUMBERLAND SERVICEMEN LISTED

A career Army sergeant from Baltimore and a Marine private from Cumberland have been killed in action in Vietnam, the Defense Department reported yesterday.

Dead are Sgt. Raymond Powell, Jr., 28, the husband of Mrs. Christie Powell, of 2716 Woodview road, and Pfc. James O. Arrowood, 22, the son of Mr. and Mrs. James C. Arrowood, of Cumberland.

Sergeant Powell, who had been in the Army since his graduation from Carver High School eleven years ago, was first declared missing in action September 9 after a battle near Chung Lai, the Defense Department said.

MOST OF YEARS OVERSEAS

His body was found Thursday, but further details of his death and the battle were not available, the Pentagon said.

Sergeant Powell, who had spent most of his years in the Army overseas, had been stationed with the 1st Air Cavalry in Vietnam since last October. He was due to return to the United States for reassignment October 2.

In addition to his wife, Sergeant Powell is survived by two daughters, Jacqueline and Jeanette; by his parents, Mr. and Mrs. Raymond Powell, Sr., of 2709 Bookert drive; by two brothers, Edward and David, and five sisters, Jacqueline, Rhonda, Gwendolyn, Romaine, and Mrs. Barbara Conley, all of Baltimore.

IN VIETNAM 2 MONTHS

Private Arrowood, a rifleman in the 9th Marine Regiment, 3d Division, was killed September 13 by grenade fragments while his company was taking a hill near Qunag Tri, the Defense Department reported.

He had been in the Marine Corps since February and in Vietnam only two months.

Private Arrowood was a guard on Alleghany High School's championship basketball team in 1964, his senior year at the school. For the past three years he had worked as a grocery clerk.

He is survived by his parents, Mr. and Mrs. James C. Arrowood; a brother, Douglas, and a sister, Margaret, all of Cumberland, and by a half-brother, William Whitacre, of Baltimore.

HIGHWAY FUNDS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. QUILLEN. Mr. Speaker, when President Johnson issued an order to withhold highway funds, it was pure political gimmickry.

In the first place, the highway funds for the Interstate System are in no way related to the President's budget, the general fund deficit, or the national debt, since they cannot be used for any other purpose. When funds are collected they go into a highway trust fund, earmarked by law to be spent on the Federal Interstate System.

But President Johnson issued an order anyway to hold up these funds. Why did he not carry out the intent of the Congress and cut foreign aid, the race to the moon, and other wasteful and useless programs, instead of holding back highway construction?

We need highways in the First District of Tennessee and throughout the country. We need the Interstate System completed and we need more and better roads.

It is high time that the President of the United States stops holding a political hammer over the heads of the people.

An interesting editorial in the Friday, September 27, 1968, Kingsport Times points out some interesting facts, and I would like to share this with the readers of the RECORD:

HIGHWAY FUNDS

It might come as surprise to most citizens but this has been "National Highway Week." The idea being to stress that "Highways are for People."

But it has fallen flat on its face. The well-planned event is as tasteless as a meal without salt. In fact, the man who signed the proclamation designating the week was the cook who left the salt out.

While urging state highway officials to "hold appropriate ceremonies in recognition of what highway transportation means to our nation," President Johnson on the other hand cooled the stove upon which was cooking such ceremonies when he froze federal highway funds.

The cook who spoiled the dish might well have been overstepping his authority. The highway funds are in no way related to the President's budget, the general fund deficit or the national debt since they cannot be used for any other purpose.

In fact the law that President Johnson signed just before issuing the proclamation prohibits the impounding or withholding the funds by "any officer or employe of any department, agency, or instrumentality of the executive branch of the federal government."

This was a blow to the stomach at the time when Tennessee and the other 49 states were in high gear in their highway building.

CAMPUS VIOLENCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. WYMAN. Mr. Speaker, as that time of the year marking the return to campus of millions of younger Americans is here again it is well to reflect that the great majority of our young people are responsible, dedicated, serious, and thoroughly patriotic. They are not crime prone beyond the occasional misdemeanor that is often associated with youthful exuberance.

Not so, however, with a small minority of deliberate rabble rousers and lawbreakers, often aided and abetted by professional hatemongers and even Communist sympathizers. It is the expressed design of this group to make as much trouble and disrupt as many school administrations as they can, via the lie-down, sitdown, criminal trespass and even sticks and stones approach. Forehandedness to deal with this element should include the steadfast determination at the highest national policy levels that such unlawful activity will be dealt with swiftly, firmly and as forcefully as may be required to preserve order on the campuses of our land.

In this cause it might be wise to enlist the support and help of the great mass of the student majority that are law abiding. They must be getting mighty sick of the punks and criminals in their midst, masquerading as students, who are giving many of the responsible students an undeserved public black eye. The student majority would relish a share of the responsibility in a responsible way to help in getting rid of the nihilists on their campus once and for all.

All of which does not mean, of course, that there will be no future dissent. There will be, and there should be, for such dissent is of the essence of academic freedom. But the right to dissent does not include the right to break the law in the process, nor tear down the institutions, nor arrogate to students the faculty function. This is especially so when those who destroy offer no substitute system and no alternative but sheer anarchy—living proof that their activism is in fact pure nihilism.

In this connection I commend a careful reading of an editorial by Allan C. Brownfeld appearing in Roll Call, issue of September 26. Mr. Brownfeld makes the valid point that much of the violence involved in all this student protesting is calculated and planned, just as were the blackwidow spiders, the bags of urine and the golf balls with spikes driven through them that were used on the police in Chicago recently. To meet and prevent this sort of law breaking on campus by firm and effective forehandedness has become a must not only for law-enforcement officials but for university administrators as well.

The editorial follows:

CAMPUS VIOLENCE PLANNED

(By Allan C. Brownfeld)

The take-over of Columbia University last Spring and the violence which erupted on the streets of Chicago during the Democratic National Convention are only fore-runners of the kind of disruption which is planned for the future by youthful activists.

In both the Columbia and Chicago instances, the evidence pointing to a carefully planned politics of "confrontation" is overwhelming.

The New Left's assault against the American University is less an effort to reform it than to, in effect, destroy it. This point was made in an editorial in the Berkeley Barb, a leading underground newspaper: "The universities cannot be reformed. They must be abandoned or closed down. They should be used as bases for actions against society, but never taken seriously. The professors have nothing to teach. . . . We can learn more from any jail than we can from any university."

The fact that student strikes and campus takeovers are less related to particular campus issues than to the general desire by militant student leaders to effect a revolution, not only in the university, but in the society at large, was reaffirmed by Mark Rudd, the leader of the turbulent rebellion at Columbia University.

In a letter addressed to Columbia President Grayson Kirk, Rudd did not hesitate to name "revolution" as the real issue at Columbia: "You are quite right in feeling that the situation is 'potentially dangerous.' For if we win, we will take control of your world, your corporation, your university . . . . Your power is directly threatened, since we will have to destroy that power before we take over. . . . We, the young people who you rightly fear, say that society is sick and you and your capitalism are the sickness. . . . There is only one thing left to say. . . . Up against the wall . . . this is a stick up!"

There were two major demands presented by the Columbia University rebels: (1) A halt in the construction of a gymnasium in Morningside Park. The project had become highly controversial. It was opposed by many Harlem groups as well as a growing segment of the Columbia faculty. At issue were both the use of public park land and the architectural design which provided for separate facilities and entrances for community users and university personnel, inviting the charge that the structure which was actually intended as a service to the community might be turned into a symbol of segregation; (2) Termination of contracts with the Institute for Defense Analysis which, Students for a Democratic Society charged, "works on military projects aimed at the oppression of the people of Vietnam" and "develops riot equipment to commit mass genocide against black people" in the United States.

It appears, however, that the take-over of Columbia had nothing whatever to do with these issues. They were simply pretexts for a long-planned exercise of power. Writing in The New Republic, two graduate students, Dotson Rader and Craig Anderson, reported: "Months before, at an S.D.S. conference in Maryland, the decision had been reached to take physical control of a major American university this Spring. Columbia was chosen because of its liberal reputation, its situation in New York and the fact that it was an Ivy League school. S.D.S. felt it was important at this time to disrupt a private, prestige, tactically vulnerable university."

According to this analysis, the issues which were presented by the student rebels were simply pretexts, "the point of the game was power." To members of the S.D.S. steering committee, Columbia itself was the issue: "It was revolution, and if it could be shown that a great university could literally be taken over in a matter of days, by a well organized group of students then no university was secure. Everywhere the purpose was to destroy institutions of the American Establishment, in the hope that out of the chaos a better America would emerge."

The alleged "success" of the take-over of Columbia University has added to the militancy of the New Left movement. Phillip Abbot Luce, himself a former leader of the pro-Peking Progressive Labor Party, discussed the plans of New Left leaders to stimulate Columbia-like confrontations across the country: "The Columbia experience is being touted by various S.D.S. leaders as an example for other student revolutionaries to emulate in the coming school year. Stealing Che Guevara's call for the creation of many Vietnams throughout the hemisphere, the SDSers claim as their goal the 'creating of two, three, many Columbias.' "

Tom Hayden, one of the founders of S.D.S. who was blamed by Newark, New Jersey officials for helping to instigate the riots in the Negro areas of that city, candidly stated the S.D.S. political approach. Writing in Ramparts, he declared: "Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics."

The revolutionary strategy is to gain student appeal by raising broadly supported issues and then forcing the college administration into refusing to accept student demands.

Thus is created a direct "confrontation" between the revolutionaries and the Administration. Confrontation as a revolutionary tactic works like this: Manipulate people into a posture in which they are in direct conflict with a power source. Violence can then be created. The first element is to enlist broad support for the stated cause through the raising of false issues. Secondly, the power source must be asked to make concessions which they cannot, or will not, accept. The claim is then made that the student will has been thwarted and the only answer is peaceful but extra-legal measures to gain the demanded changes.

While declaring their "non-violence" and their desire to make only reasonable changes in campus policy the revolutionaries attempt to gain strength from outside forces. Unless the school Administration has taken a strong stand against the revolutionaries from the beginning, they will soon be forced to call in outside help. According to Phillip Luce, ". . . this call for the police is exactly what the revolutionaries want at this point in their program. . . . Suddenly from somewhere, a policeman is hit and he, in turn, retaliates and hits a demonstrator. This has a chain reaction and soon there is a near riot."

As the violence increases, spectators, who have no idea how the violence started, are pulled into the riot by their emotional reaction to seeing the police employ defensive strength to restrain the now-fighting students. Once violence develops, the police become rough. Often, as in Chicago, they are guilty of brutal excesses of their own. This is a classic example of how to create a riot condition and then utilize the shock reaction of onlookers to perpetuate it.

An end product is the apparent acceptability of violence. Ultimately, the theory of confrontation leads to the revolutionary proclamation that violence must now be accepted by previously passive students.

The events in Chicago were similarly well planned long in advance. As far back as November 16, 1967, the Village Voice reported the leader of the Youth International Party, Jerry Rubin, as saying: "See you next August in Chicago at the Democratic National Convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets."

What we are faced with is an increasingly militant revolutionary movement on the nation's campuses. We have been told that there will be many more Columbias, and many more Chicagos. These must be carefully prepared for. In doing so, police brutality must be avoided, but firm and effective action must be taken at an early stage in any such insurrection. Only in this manner can such tragedies as Chicago be avoided.

WEIGHTS AND SIZES OF TRUCKS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SCHWENGEL. Mr. Speaker recently I had referred to me a supplementary report by R. E. Livingston, consulting engineer of Denver, Colo., in which it discusses the loading characteristics on the bridges on the defense requirement routes of 12 States. This is an impressive statement and result of thorough study by competent engineers and I think the testimony is of great value as we consider this question of increased weights and sizes of trucks.

Mr. R. E. Livingston as I said is a very competent man. I herewith present his qualifications to establish his authority and competency.

It is my hope every Member of the House of Representatives will take time to read the following statement by Mr. Livingston:

ROBERT E. LIVINGSTON, CONSULTING ENGINEER

PROFESSIONAL MEMBERSHIPS

Registered Professional Engineer.

Member, American Society of Civil Engineers, Colorado Society of Professional Engineers.

Full member, Institute of Traffic Engineers.

Active member, Joint (American Association of State Highway Engineers, National League of Cities, National Association of County Officials) Committee on Urban Transportation Planning.

Member, Highway Research Board committees: Flexible Pavement Design; Design; Highway Economics; Composite Pavement.

AASHO—Illinois Road Test committees: General; Operations (chairman); Highway Ratings; Reviewing and Editing; Executive Committee.

Executive Committee, Western Association of State Highway Officials road test.

Committee on Highways and Transportation, National League of Cities.

PROFESSIONAL HISTORY

Year 1930–33: Instrument Man, Draftsman, Inspector, Colorado Department of Highways.

Year 1933–36: Highway Designer & Design Squad Boss, Colorado Department of Highways.

Year 1936–41: Assistant Design Engineer, Colorado Department of Highways.

Year 1941–45: U.S. Army Engineer, Private to Captain.

Year 1945–46: Design Engineer, Colorado Department of Highways.

Year 1946–48; Special Assistant to Colorado Highway Engineer for department reorganization.

Year 1948–63: Planning and Research Engineer and Secretary of Colorado Highway Commission.

Year 1963–66: Deputy Manager of Public Works (chief of operations), City and County of Denver.

Presently, self-employed consulting engineer.

LOADING CHARACTERISTICS OF THE BRIDGES ON THE DEFENSE REQUIREMENT ROUTES OF 12 STATES

(A Supplementary report by R. E. Livingston, consulting engineer, Denver, Colo.)

In November of 1967, the author of this supplementary report, prepared and published a summary of the loading characteristics of the bridge in 11 states in the Midwest, South and West.

The purpose of the original report was to find out the status of the bridges in the reporting states as it related to the current Federal law on the maximum axle weights and gross weights permitted for vehicles using the Federal Aid Interstate System. It was believed then and now that such a status report would be helpful to legislators, highway administrators and members of the general public having an interest in the administration, management and financing of public highways throughout the country.

The original report and this supplementary issue are concerned with a limited mileage of highways throughout our country designated as "defense requirement routes". They include, in its practical entirety, the Federal Interstate System plus a limited mileage of Federal Aid Primary, Secondary and local routes which would be used during critical periods for the movement of Military personnel, equipment and supplies or for evacuation of disaster areas. These routes are thus the back-bone of our highway transport system in any situation of urgency.

The status report of their design standards compared to present law or any proposed change of that law is considered to be a matter of fundamental concern to all citizens.

The design basis for structures built on the 41,000 mile Federal Aid Interstate System has been tied to a maximum size vehicle having a single axle weight of not more than 18,000 pounds; a tandem axle weight of not more than 32,000 pounds; and, a gross weight of not more than 73,280 pounds. Simply stated the weights referred to were derived from a truck-tractor semitrailer combination with the truck-tractor carrying 20 tons and the semi-trailer rear tandem axle supporting 16 tons. This 20 ton + 16 ton combination becomes the basis for an engineering design referred to in engineer's shorthand as H20S16.

Because an H20S16 design has been used for about 70% of the Interstate System, which is now complete, it has been used in this report and the original one as the basis for comparison on the defense requirement routes studied.

Also, it must be remembered, that any chain is only as strong as its weakest link. In this sense, any section of highway must be restricted to the heaviest load, which can with prudence, be permitted to cross the weakest bridge between terminal points.

With the foregoing concept, the defense requirement routes of 12 Midwest, Southern and Western states were examined in detail in 1968. Most of the states examined in 1967 were again visited in 1968 and the complete records were examined and the results of such examinations were tabulated and analyzed. The detailed findings are shown in the table appended hereto.

SUMMARY TABULATION OF LOADING DATA ON DEFENSE REQUIREMENT ROUTES OF 12 STATES (1968)

State	Total structures in studied system	Loading data								Total bridges other than H20-S16		Mileage of study systems
		H5-H10		H11-H15		H16-H20		H20-S16				
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Colorado	1,854	11	0.6	352	19.0	270	14.6	1,221	65.8	633	34.2	4,734
Illinois [1]	4,635	37	.8	834	18.0	2,286	49.3	1,478	31.9	3,157	68.1	12,756
Iowa	3,020	123	4.1	1,442	47.7			1,455	48.2	1,565	51.8	8,841
Kansas	3,272	2	.1	1,372	41.9	854	26.1	1,044	31.9	2,228	68.1	8,250
Louisiana	4,964	1,795	36.2	2,209	44.5			960	19.3	4,004	80.7	15,662
Minnesota [1]	1,503			911	60.6	252	16.8	340	22.6	1,163	77.4	7,789
Mississippi [1]	2,305	336	14.6	1,514	65.7			455	19.7	1,850	80.3	5,668
Nebraska	1,913	103	5.4	1,182	61.8	225	11.7	403	21.1	1,510	78.9	5,899
New Mexico	1,491	4	.3	567	38.0	58	3.9	862	57.8	629	42.2	4,244
Texas [1]	10,318			1,439	13.9	6,499	63.0	2,380	23.1	7,938	76.9	17,500
Utah	671	14	2.1	193	28.8	23	3.4	441	65.7	230	34.3	2,505
Wyoming	1,750			720	44.1	75	4.3	955	54.6	795	45.4	5,776
Total	37,696	2,425	6.4	12,735	33.8	10,542	28.0	11,994	31.8	25,702	68.2	99,624

[1] 1967 data; all others 1968.

A review of the table permits the following conclusions:

1. In the 12 states tabulated, the defense requirement routes studied totaled 99,624 miles. On these routes there were 37,696 major structures. A major structure in this and in the Federal reporting system is one which is over 20 feet long between abutments, or extreme supports.

2. Of the 37,696 total structures in the studied systems, 25,702 or 68.2% were designed for less than H20S16, the basis of present Federal law. Of more immediate concern, 17,160 or 40.2% of all the bridges involved were designed for H15 or less. An H15 bridge is one which is designed for a succession of vehicles, the heaviest of which is a truck 14 feet long with a gross load of 30,000 pounds distributed 24,000 pounds on a rear tandem axle and 6,000 pounds on the steering axle. Most such bridges were designed and built before World War II. Stated another way, most H15 bridges are 30, or more, years old.

3. The attached table provides an opportunity to look at the rate of progress made in a number of states in transforming their systems from H15 and H20 design loadings to the present H20S16 standard. To illustrate, the table from the original study in 1967 can be compared with the 1968 table with the following results for three western states which have similar reporting systems for the 2 reporting years:

State	Percent of structures other than H20S16			
	1966	1967	1968	Percent gain per year
New Mexico	52.4		47.6	2.4
Utah		36.4	34.3	2.1
Wyoming		46.9	45.4	1.5

From the examples shown it would appear that only between 1.5% and 2.4% of the bridges on our most important roads are replaced in a one year period. At that rate, it would take 20 to 30 years to replace today's substandard structures.

(NOTE.—For the benefit of ready comparison and background, the original 1967 report is reproduced and attached complete.)

September 1968.

LOADING CHARACTERISTICS OF THE BRIDGES ON THE DEFENSE REQUIREMENT ROUTES OF THE 11 STATES

(A report by R. E. Livingston, consulting engineer, Denver, Colo.)

In order to meet requests of the Department of Defense, and for its own use in carrying out its responsiblities in national disaster and relief, the U.S. Bureau of Public Roads with cooperation of the several states, maintains a current record of carrying capacities, horizontal and vertical clearances and other pertinent data on highway structures. The record includes those highway routes which might reasonably be used for important defense shipments or for through movements of troops or military equipment and supplies or for evacuation of disaster areas.

The record is compact and on a uniform basis and thus affords a wealth of information needed by state highway departments and transportation specialists in determining highway routings during critical periods. The routes included are basically comprised of the Federal Aid Interstate and Federal Aid Primary systems, plus certain secondary and local roads of the most advanced design standards and maintenance effort.

Record data for the following eleven states were examined during 1966 and 1967. The record was current for each state in the year indicated below:

Colorado (1967), Idaho (1966), Illinois (1966), Iowa (1967), Kansas (1966), Minnesota (1967), Mississippi (1967), New Mexico (1966), Texas (1967), Utah (1967), Wyoming (1967).

The above states maintain a bridge record, or log, as defined by Federal memoranda which is maintained on a current basis.

Continuous field examination permits each state to report the current load carrying capabilities of each structure. If damage has occurred to any structure since its construction, an appropriate change in its design loading is determined and the record then carries the new value.

There is not available any such consistent record of bridge information as to local roads and municipal streets in any of the states included in this report. For that reason the report will deal only with the road systems in these eleven states which have been designated as necessary for national defense requirements.

This report is confined to an analysis of the load-carrying characteristics of bridges on the studied routes. While it is recognized that there are many structures which are deficient in width or overhead clearance, deficiencies in such elements are not associated with wheel and axle loadings nor does a change in vehicle weight alter width or clearance.

All states represented in the report classify and rate bridges in conformity with standards and procedures of the American Association of State Highway Officials, approved by the U.S. Bureau of Public Roads.

An H20 design standard, as used herein, means that the bridges used by highway traffic have been engineered to carry in each lane a single unit truck weighing 20 tons, measuring 14 feet between the front and rear axles, carrying 4 tons on its front axle, and 16 tons on its rear axle assembly. It is further assumed in the design that this 20-ton truck unit is preceded and followed by trucks of three-fourths the weight of the design unit (15 tons each) with the center of their nearest axles 30 feet removed from the nearest axle of the design unit (note 1).

(NOTE 1.—The description of the placement of the truck train is converted by bridge engineers to a uniform design load of 640 lbs. per linear foot of 10 ft. traffic lane.)

Each of these preceding and following trucks is, in turn, presumed to be preceded and followed by a succession of 15-ton units spaced so that their axles are 30 feet from the nearest axle of the following or preceding unit. This arrangement of truck units in a lane is assumed in order to produce the maximum bridge stress.

The bridge design to handle the H20–S16 unit is prepared in a similar manner. The H20–S16 key unit is composed of a 20-ton truck tractor pulling a 166-ton semi-trailer. The truck tractor is assumed to have the center of its steering axle 14 feet in front of the center of the driving assembly. The distance from the center of the driving axle assembly of the tractor to the center of the trailer unit axle assembly is variable from 14 feet to 30 feet in any dimensional arrangement which will produce the greatest stress in the bridge. The spacing of preceding and following units is the same as for the H20 unit with such preceding and following units presumed to weigh three-fourths as much as the key unit. (54,000 lbs.)

In the states covered by the study engineers currently prepare their designs for new highways on the basis of H20 and H20–S16 bridge loadings. The above-mentioned bridge records of the several states were examined to determine what proportion of the existing bridges are deficient and, when deficient, to what extent.

The appended tabulation was produced as a summation and to allow a comparison of the structures state by state. The bridges were tabulated in loading increments of 5-ton groupings to get a better picture of the extent of deficiency as well as the number of deficient structures.

SUMMARY TABULATION OF LOADING DATA ON DEFENSE REQUIREMENT ROUTES OF 11 STATES (1967)

State	Total structures in studied system	Loading data								Total bridges other than H20–S16		Mileage of study systems
		H5–H10		H11–H15		H16–H20		H20–S16				
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Colorado [1]	2,909	87	3.0	669	23.0	603	20.7	1,550	53.3	1,359	46.7	9,427
Idaho	693	6	.8	322	46.5	11	1.6	354	51.1	339	48.9	3,514
Illinois	4,635	37	.8	834	18.0	2,286	49.3	1,478	31.9	3,157	68.1	12,756
Iowa	3,377	85	2.5	1,614	47.8	600	17.8	1,078	31.9	2,299	68.1	8,808
Kansas	6,939	3	.1	40	.5	4,711	67.9	2,185	31.5	4,754	68.5	11,539
Minnesota	1,503			911	60.6	252	16.8	340	22.6	1,163	77.4	7,788
Mississippi	2,305	336	14.6	1,514	65.7			455	19.7	1,850	80.3	5,669
New Mexico	1,511	7	.5	708	46.9	5	.2	791	52.4	720	47.6	4,228
Texas	10,318			1,439	13.9	6,499	63.0	2,380	23.1	7,938	76.9	17,500
Utah	627	14	2.2	194	31.0	20	3.2	399	63.6	228	36.4	2,376
Wyoming [1]	1,715			729	42.5	76	4.4	910	53.1	805	46.9	5,731
Total	36,532	575	1.6	8,974	24.6	15,063	41.2	11,920	32.6	24,612	67.4	89,336

[1] Includes entire State highway system.

It is noted that in the eleven states, the studied highway routes had a total length of 89,336 miles. This mileage included 36,532 structures, lengths in excess of 20 feet between abutments.

To a great extent, the period of construction can be determined by the design loading. Generally those bridges built to an H15 design standard were constructed during or prior to World War II. The prevailing design for bridges constructed from the conclusion of World War II to 1956 was H20. In that year, the Federal Aid Interstate Act was passed and in 1957 and in subsequent years, the bridges built on the Interstate System have been of H20–S16 design. Many states use H20–S16 criteria on all their principal routes, while many others still use H20 design for some bridges.

The summary tabulation employs the H20–S16 design criteria of the Interstate System as the basis of comparison. It is felt that in this way it is possible to get a broad picture of the capabilities of the total system of defense requirement routes using the most modern criteria as a yardstick. When used in this manner, the table indicates the following:

1. There is a wide variance in the percentage of structures on these critical routes in the several states built to H20–S16 design ranging from a low of 19.7% in Mississippi to a high of 63.6% in Utah.

2. The number of structures rated as H20 is relatively high in several states such as Kansas and Texas. In these states, a high percentage of the H20 structures are modern and adequate for all of today's legal loads.

3. At the time studied only 32.6% of the bridges on these essential defense routes were designed for H20–S16 loading required by standards for the Interstate System while 26.2% were pre-World War II H15 structures or less.

4. By the terms of the Federal Aid Highway Act of 1956, the Secretary of Commerce was directed to report to the Congress on a number of items of vital concern in the field of Federal highway legislation. One such required report deals with "Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal Aid Systems." The Secretary's report on this matter was published as House Document No. 354, 88th Congress, 2nd Session, dated August 19, 1964. On page 6 of that report footnote 2 is significant. It reads: "The following loaded vehicles must not operate over H15 bridges: 3-S2 (5 axles) with wheelbase less than 38 feet; 2-S1-2 (5 axles) with wheelbase less than 45 feet; and 7-, 8-, and 9-axle vehicles regardless of wheelbase." It is noted that these restrictions set forth in the Secretary's report would apply to all of the 9,549 bridges designed for H15 or lower loading. They are in excess of 26% of all the structures on the studied essential defense routes.

5. The fact that Federal Aid financing has been aimed at the completion of the Interstate System in 1972 or soon thereafter while making no provision for completion of the Federal Aid Primary and Federal Aid Secondary Systems at any given date, is apparent in the percentages of structures on the different systems in the independent state studies rated below H20–S16.

6. The large number of bridges on the essential defense routes which have capacity below the critical loading for bridges on the Federal Aid Interstate System is a matter of prime and continuing concern. The fact that existing funding programs do not make provision for the orderly replacement of the deficient structures with a definite target date adds to this concern. It would appear to be inappropriate to consider any relaxation of the present legal limits on weight of motor vehicles until adequate provision has been made for the orderly and complete modernization of the present backlog of deficient structures.

7. No consideration has been given in this report to the effect on pavements of unit loadings or tire pressures. Bridges and pavements do not lend themselves to analysis by the same basic criteria or methods. For bridges the analysis is based on concentrated and gross load. Pavements, on the other hand, are best analyzed by distributed or unit stress anlaysis and the frequency of load applications. A separate report would be required to cover the load-carrying capacity of the pavements within each of the states.

R. E. LIVINGSTON,
Consulting Engineer.

DENVER, COLO., *November 1967.*

CITY MARINE, 27, DIES IN VIET WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LONG of Maryland. Mr. Speaker, L. Cpl. Edgar A. Smith, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his bravery and honor his memory by including the following article in the RECORD:

CITY MARINE, 27, DIES IN VIET WAR—CPL. EDGAR SMITH IS KILLED WHILE ON PATROL

A 27-year-old marine from Baltimore is the latest Maryland serviceman to be killed in Vietnam, the Department of Defense reported yesterday.

He was Lance Cpl. Edgar A. Smith, son of Mr. and Mrs. Edgar H. Smith, of 814 East Cold Spring lane.

Corporal Smith was killed September 19 when he was shot in the head by rifle fire while on patrol near Quang Nam, South Vietnam, his father said.

A member of the 7th Marine Division, Corporal Smith had been in South Vietnam since February. He enlisted in the Marine Corps in September, 1967.

A native of Baltimore, Corporal Smith graduated from Dunbar High School in 1967. He worked as a shipping clerk in New York before going into the service.

In addition to his parents, he is survived by 5-year-old daughter, Rhonda D. Smith in New York, and two sisters, Miss Lois W. Smith, of Hampton, Va., and Mrs. Colleen Clatterbuck, of Baltimore.

AMBASSADOR BALL RESIGNS AT CRUCIAL MOMENT

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mrs. BOLTON. Mr. Speaker, the diplomatic career of Mr. George W. Ball has apparently taken yet another diplomatic bounce, this time to the detriment of American and free world interests at the United Nations.

At the very time when the General Assembly of the United Nations is convening to consider matters critically affecting world peace and security, Mr. Ball has suddenly resigned his post as U.S. Ambassador to the United Nations in order to enter the campaign of Vice President HUMPHREY.

Indeed, Mr. Ball's statement of resignation indulges a level of partisan invective that might better have been used in debate against the Communist enemies of peace and freedom at the United Nations.

Nevertheless, though the ink is hardly dry on his appointment as United Nations Ambassador, Mr. Ball has chosen to place the interests of partisan domestic politics above the solemn responsibilities he so recently undertook on behalf of the interests of his country and the free world.

The United Nations is now confronted with issues of vital importance to world peace. These issues include the continuing tensions in the Middle East, the ruthless invasion of Czechoslovakia by the Soviet Union and its allies, and the tragic civil war in Nigeria. That the Soviet Union recognizes the importance of this United Nations session is reflected by its sending the top-ranking U.S.S.R. diplomat, Foreign Minister Andrei Gromyko, to advance the Communist cause before the world forum.

Thus, no matter how earnest or well-meaning is Mr. Ball's proposed successor, the diplomatic inexperience of our new United Nations Ambassador will place our country's interests at a serious disadvantage in the critical months ahead.

Certainly, Mr. HUMPHREY, who lays claim to a capacity for national leadership, ought to have realized the importance of the present session of the United Nations General Assembly.

Only last week, almost simultaneously with the Ball resignation, the Vice President gave lipservice to the principle of a United Nation peacekeeping force. However, if the Vice President had truly desired to strengthen the U.N.'s peacekeeping capabilities, he would have done well to urge our Ambassador to stay on the job and place national interests above narrow partisan political interests.

As the first woman Member of the U.S. Congress to serve as a member of the U.S. delegation to the United Nations, I have always believed that the post of Ambassador to the United Nations must not be subjected to domestic political exigencies. Toward this end, for more than two decades—through Democratic and Republican administrations—we have labored to make the United Nations an effective instrument of peace.

Now a partisan political act has jeopardized the negotiating position of the United States and the free world at a crucial time. The diplomatic fate of Israel, Czechoslovakian independence, and Nigeria have been subordinated to the interests of the Vice President's political aspirations.

HUMPHREYISM NO. 3

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SCHADEBERG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

HUMPHREYISM NO. 3

From a collection of Representative HENRY C. SCHADEBERG, (R. Wisc.):

"I'm going to run for President on the record of this Democratic Administration." (Denver, Colorado, May 8, 1968.)

ADMINISTRATION HAS MISJUDGED NATURE, AIMS OF COMMUNISTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. DERWINSKI. Mr. Speaker, with the addition of George Ball to the Humphrey campaign strategy staff, it is important to note the degree to which Democrat candidates are calling upon the architects of the disastrous foreign policy which has been carried on by Democrat presidents the last 8 years.

A very timely article written by the internationally renowned columnist, Dumitru Danielopol, appeared in the Aurora Beacon-News on September 11 which emphasizes the foreign policy misconceptions of the administration and makes proper note of the individuals who participated in the disaster.

The article follows:

ADMINISTRATION HAS MISJUDGED NATURE, AIMS OF COMMUNISTS

(By Dumitru Danielopol)

WASHINGTON.—The success of "bridge building" forced the Soviet Union into the criminal invasion of Czechoslovakia, according to Prof. Zbigniew Brzezinski, chairman of the foreign policy task force advising Vice President Hubert Humphrey.

The Columbia University professor is one of the architects, sponsors and advocates of the Johnson administration's policy toward Eastern Europe.

It's not surprising that he tries to salvage something from the wreckage. But to claim "credit" for the invasion—that's preposterous.

The policy of "building bridges" was based on the presumption that the Kremlin leaders had matured and were understanding about the desires of their satellites for socialist independence.

Helping the satellites with trade and aid, it was argued, they would eventually be weaned away from Moscow and the Soviets, too, would grow responsible.

The ruthless military occupation of Czechoslovakia shatters that dream and brought back the horrors of the 1950s and the cold war.

Despite what Brzezinski says, Russia's aggression in Czechoslovakia has dealt a heavy blow to the policy of "detente."

It proves that the administration has once again misjudged the nature of the Communists and their intentions.

It's Vice President Hubert Humphrey who has been saying the cold war in Europe is over.

A recent Harris poll indicates the American people have a better picture of the Kremlin—63 per cent of those questioned said the Czech invasion means "The cold war was on all over again."

It's too early to assess the price of the policy of "building bridges." The Red army is once again in Czechoslovakia. Romania and Yugoslavia are menaced. The Soviets demand that as many as 40,000 Czech liberals and non-Communist activists be purged. Many intellectuals are hiding. Thousands are fleeing the country. No one knows how many will be deported, imprisoned and even killed.

Even some Eastern Europeans at the United Nations have been skeptical of U.S. "bridge building." One Romanian diplomat told me two years ago that it was "an American ruse to bring the Russians into these countries."

"The bridge between Russia and Romania is 30 yards long," he said. "How are you going to prevent the Russians to come in when you are so far away?"

Today Eastern Europe has turned back its clocks. It's 1953 and 1956 again after the abortive revolts in East Germany, Poland and Hungary. Once again the people of Eastern Europe face the inevitability of servitude and the unwillingness and impotence of the West.

The fiasco of Brzezinski's "bridge building" policy was illustrated in his native Poland, one of the favored satellites, where Gomulka's regime has been "bribed" for a dozen years with U.S. dollars.

Despite the trade and aid given the Poles, Poland was one of the aggressor forces used to smash the Czechoslovak liberalization program.

Brzezinski says that despite events in Czechoslovakia, the West must not "relapse into militant anti-Communist hysteria which would only play into the hands of Moscow's bureaucratic fanatics."

"We must differentiate between our immediate outrage and our immediate retaliatory response to express this outrage from our long term policy of building bridges," he says.

The professor's record isn't very good.

CONFUSION AT HIGH LEVELS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. ASHBROOK. Mr. Speaker, the Canton Repository, Canton, Ohio, has editorially commented on the inconsistencies of our foreign policies as given by former Ambassador to the United Nations, Arthur Goldberg.

As they state:

> Our unbelievable lack of foreign policy consistency, as unknowingly pointed up by Mr. Goldberg, must surely subject us to the charge of international discrimination and prejudice.

In detailing the inconsistencies between two statements—separated only by 2 days—I would add that for an example of the double standard in action one must only look at the sanctions imposed against Rhodesia. The full view of the confusion at high levels is readily evident in a contrast between our attempts "to impose our will" upon the people of Rhodesia and the tack taken by the administration following the invasion of Czechoslovakia. This is confusion in practice.

I insert the Repository editorial into the RECORD at this point:

CONFUSION AT HIGH LEVELS

Talk about inconsistency. How mixed-up can one get?

Recent statements by Arthur J. Goldberg, when placed side by side, leave the reader completely bewildered as to what he really is saying.

The former American ambassador to the United Nations, in an article published Wednesday, declared that "Nothing the Russians can do—not even full occupation—can force the compliance and ideological subservience they seek."

He was commenting on the results of the Russian use of troops to compel Czechoslovakia to order its life, ideologically and otherwise, as Russia dictates. He was certainly saying that the Soviet Union was wrong in trying to force its will on Czechoslovakia.

Two days later, in writing about South Africa, Mr. Goldberg said:

"In light of South Africa's unyielding intensifield policy of apartheid—so abhorrent to our commitment to equality for all races—the U.S. government immediately should disentangle itself from remaining economic, military and scientific ties with that country."

Then he went on to propose an arms embargo on our own part and efforts, by us, to persuade other countries to do the same; closing of our missile and space stations in South Africa, banning of official American ships from South African ports, wiping out of the U.S. sugar quota for South Africa and severance of other economic ties.

Is this not attempting to "force the compliance and ideological subservience" the United States seeks?

The former ambassador says that Russia can't accomplish this, even with armed force. But he advocates we do it with a multitude of other types of force.

Mr. Goldberg talked about keeping the lines of communications open with the Communist nations of Eastern Europe as though it were a good policy. But, two days later, he favored breaking off all communications with South Africa.

In the first instance he says:

"We should therefore work to eliminate restrictions on trade, cultural exchanges, travel and investment between this country and Eastern Europe . . . These contacts are not a reward to Communist government. They are the means by which Eastern Europe receives Western ideas and decreases its dependence on the Soviet Union."

Then he says we should shut off Western ideas from South Africa by disallowing "across the board" Government Export-Import Bank loans and investment guarantees for South Africa and that "Commerce Department trade promotion publications for South Africa should be discontinued."

He would isolate South Africa because, "It has increased its suppression of democratic liberties for its people, black and whites alike."

But he would keep open the communications channels to, and even woo, the Eastern European nations (many of which sent their armies to "suppress the democratic liberties" of the people of Czechoslovakia.

How can the former ambassador reconcile these views? It is no wonder that the world can't figure out our government's behavior on the international scene. It is no wonder that we have lost respect when our policies are so contradictory.

Ironically, Mr. Goldberg, in his Eastern Europe article, quoted President Kennedy as follows:

"The United States is neither omnipotent nor omniscient . . . We cannot impose our will . . . we cannot right every wrong or reverse each adversity . . . there cannot be an American solution for every problem."

What, but that, is he advocating with respect to South Africa?

Our unbelievable lack of foreign policy consistency, as unknowingly pointed up by Mr. Goldberg, must surely subject us to the charge of international discrimination and prejudice.

FOR THE NUCLEAR NONPROLIFERATION TREATY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. PODELL. Mr. Speaker, in the far, far distant future, when a contemporary Edward Gibbon writes the definitive history of the decline and fall of the American empire, he will be obliged to record that when the chancelleries of the civilized world were considering the proposed nuclear nonproliferation theory, the august U.S. Senate was preoccupied with looking at dirty pictures.

In order to complete the picture, that historian will be compelled to note that Richard M. Nixon, the Republican candidate for President not only straddled that major issue but sought to surround. It is the clearly asserted position of Mr. Nixon that the United States should take no action on this treaty because of the dismal fact that Soviet Communist troops are in occupation of the state of Czechoslovakia.

It is also a dismal fact that the New York Mets did not win the National League pennant. However, the refusal of the United States to ratify the nuclear nonproliferation treaty will no more result in the exodus of Soviet troops and bring freedom to the Czechoslovakian people than it will take the National League pennant from the St. Louis Cardinals and deliver it intact to the New York Mets.

Indeed, Mr. Nixon's recommendation that the United States do not at this time ratify this treaty confirms the accepted paraphrase of Gen. Douglas MacArthur's dictum at a joint session of Congress: Old Nixons never die, they simply fade into the A. G. New.

The facts which make imperative U.S. ratification of the nuclear nonproliferation treaty are clear enough. Today, five nations possess nuclear weapons: United States, Communist China, France, Great Britain, and the Soviet Union. Based on present industrial capacity, scientific know-how, and experience with nuclear technology, the following 12 nations have the resources to become nuclear powers in the very near future: Argentina, Australia, Brazil, Denmark, Indonesia, Israel, Poland, Portugal, Romania, South Africa, United Arab Republic, and Yugoslavia.

The proposed nuclear nonproliferation treaty finally emerged after hours, days, and years of painful negotiation, seeking an accommodation between Western and Eastern powers, between nations that have and nations that have not nuclear capacity between a desire to curb the spread of nuclear weapon capacity while encouraging the spread of nuclear capacity for civilian pursuits.

In essence, it is the intent of the nuclear nonproliferation treaty to decrease international tensions by reducing the threat of accidental nuclear detonation; by eliminating the danger that brush wars between smaller powers will escalate into nuclear explosion; by decreasing the risk the nuclear weaponry among the smaller powers will unstabilize regional military balances that contribute effectively to the maintenance of international peace and security.

The significance of the treaty was clearly pointed out by the Committee on Arms Control and Disarmament in its report to the White House Conference on International Cooperation. In its report, the committee stated:

> The spread of nuclear weapons threatens to bring about a painful, expensive, and dangerous reorganization of international relations. It threatens to add new dimensions to the very fears that encourage it: new concerns in the struggle for Arab-Israeli understanding; new barriers to a permanent easing of Indian-Pakistini tensions; and new setbacks to improved relations between Western and Eastern Europe.
>
> It threatens established political relationships between countries and within them; dissension over the hard decisions it entails in governments already torn by dissension; realignments associated with shifting power in non-aligned areas; and, for those in major power alliances, the premature assertion of an unreal independence based on nuclear status alone. There are, in these problems, the seeds of a hundred crises.

Mr. Speaker, like every human creation, the proposed nuclear nonproliferation treaty contains its quota of imperfections. Indeed its acceptance by the nations of the world is an inspiring act of faith, embracing substantial obligations upon the part of nuclear powers to aid the smaller powers in the face of aggression and to provide the smaller powers with necessary nuclear resources so that their people may fully enjoy the blessings of this scientific knowledge in their peaceful pursuits.

The faith which is so essential to universal acceptance of this treaty will evaporate in the face of any vacillation upon the part of the United States, particularly since the United States was the prime force moving toward so important a treaty. All of America is deeply disturbed by the plight of the people of Czechoslovakia, but the refusal of our Nation to ratify the nuclear nonproliferation will not help that imprisoned people, but will shatter the hopes of the peoples of the world for freedom from the fear of thermonuclear explosion.

Throughout the history of the United States, the American people have played a vital role in the universal urge for international peace and security. It would be tragic and a denigration of the historic and traditional role of the American people in behalf of peace to delay ratification of the treaty because of the overriding Senate interest in pornography.

VIET MORTARS KILL TWO MARINES FROM DUNDALK, CATONSVILLE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. LONG of Maryland. Mr. Speaker, Cpl. Gary R. Daffin and Pfc. Steven W. Decker, two fine young marines from Maryland, were killed recently in Vietnam. I wish to commend their bravery and honor their memory by including the following article in the RECORD:

> TWO STATE MARINES DIE IN VIET WAR—DUNDALK, CATONSVILLE YOUTHS HIT BY ENEMY MORTARS
>
> Two teen-agers from Maryland, one of them overseas for just sixteen days, have been killed in Vietnam, the Defense Department announced yesterday.
>
> The dead marines are Lance Cpl. Gary R. Daffin, 18, son of Mr. and Mrs. Howard H. Daffin, Sr., of 2943 Cornwall road, Dundalk; and Pfc. Steven W. Decker, 19, son of Mrs. Doris D. McMahon, of 761 West Hills parkway, Catonsville.
>
> Corporal Daffin was killed September 16

by enemy mortar fire while in the border above Quang Tri province.

DUNDALK GRADUATE

He was a 1967 graduate of Dundalk Senior High School and a member of St. Timothy's Lutheran Church.

Corporal Daffin enlisted in the marines in July, 1967. "He believed in what he was doing. He begged us to let him go," his mother said.

His parents have about twelve paintings which he did before joining the marines.

He planned to become a draftsman upon his return from service.

After completing basic training at Parris Island, S.C., he went to Camp Lejeune, N.C., for further training. He went to Vietnam last December.

"He tried to keep his letters jolly," said his mother, "and he didn't talk much about the war."

Survivors besides his parents include two brothers, Howard, Jr., and Lee, both of Dundalk.

HIT 2 DAYS LATER

Private Decker was killed just sixteen days after his arrival in Vietnam when he was struck by enemy mortar fire in Quang Tri province on September 18.

A 1967 graduate of Milford Mill High School, he enlisted in the marines last January. After completing basic training at Parris Island, S.C., he went to Camp Lejeune, N.C., and then to Portsmouth, Va., for sea training before finishing his preparation at Camp Pendleton, Cal.

When he arrived in Vietnam, he wrote to his mother that seasonal rains had flooded much of the area—eliminating most of the places to hide. "You hear them whizzing over you and you just pray they're going to miss their mark," he wrote to his mother recently.

But his mother said that he never complained and that, "He was willing to take whatever came along."

Survivors besides his mother include a sister, Miss Virginia Lee Decker of Fort Meade, Md., and his grandmother, Mrs. Alice E. Helamet, of Baltimore.

CALENDAR OF EVENTS FOR THE NATIONAL GALLERY OF ART FOR OCTOBER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a personal pleasure for me to place in the CONGRESSIONAL RECORD, the calendar of events for the National Gallery of Art for the month of October 1968.

The National Gallery is a continuing source of cultural enrichment offered to the people of the United States, and we in Congress are certainly proud of its fine achievements in the world of the arts.

The calendar follows:

NATIONAL GALLERY OF ART—CALENDER OF EVENTS, OCTOBER 1968

J. M. W. Turner Exhibition: A series of exhibitions of selected paintings from the British collection of Mr. and Mrs. Paul Mellon will be held at the National Gallery during the next several years. The first, consisting of 17 landscapes and seascapes by Joseph Mallord William Turner (1775–1851), opens on the Main Floor October 31st.

Five of the pictures by Turner are recent additions to Mr. and Mrs. Mellon's extensive collection of British art of the past three centuries. *Dort or Dordrecht: the Dort Packet Boat from Rotterdam Becalmed* (c. 1818) was last shown in London in 1953. John Constable is believed to have referred to this celebrated river scene when he described one of Turner's pictures as "the most complete work of genius I ever saw."

A thorough and fully illustrated catalogue will be prepared by the Gallery staff for each of the exhibitions which will occur at intervals of five months.

Special exhibition: Continuing on display through October in the Central Gallery are prints, water colors, and drawings by British artists working in the first half of the twentieth century. Landscapes and architectural views predominate in this selection from the Rosenwald Collection.

Christmas cards: The 1968 selection of National Gallery of Art Christmas cards is now available. Cards are priced at 10, 15, 20 and 25¢ each. For an illustrated catalogue of cards and gift items, write to the Publications Office, or telephone 737–4215, ext. 217.

Free film showings: The recent NBC-Television film *American Profile; The National Gallery of Art* will be shown in the auditorium on Saturdays at 2:00 p.m.

New reproductions: *11'' x 14'' Color Reproductions*: Avercamp, *A Scene on the Ice;* Oswald Birley, *Andrew Mellon;* Chandler, *Captain Samuel Chandler;* Church, *Morning in the Tropics;* Copley, *Eleazer Tyng;* Corneille de Lyon. *Portrait of a Man;* Corot, *Italian Girl;* Cropsey, *Autumn on the Hudson River;* Delacroix, *The Arab Tax;* Doughty, *Fanciful Landscape;* Gian Antonio and Francesco Guardi, *Carlo and Ubaldo Resisting the Enchantments of Armida's Nymphs;* Heade, *Rio de Janeiro Bay;* Moran, *The Much Resounding Sea;* Picasso, *The Tragedy;* Roberti, *The Wife of Hasdrubal and Her Children.*

Recorded tours: *The Director's Tour.* A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director. The portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

Tour of Selected Galleries. A discussion of works of art in 28 galleries. Talks in each room, which may be taken in any order, last approximately 15 minutes. The small radio receiving sets rent for 25¢.

Gallery Hours: Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission is free to the Gallery and to all scheduled programs.

Cafeteria hours: Weekdays, Luncheon Service 11 a.m. to 2 p.m.; Snack Service 2 p.m. to 4 p.m. Sundays, Dinner Service 2 p.m. to 7 p.m.

MONDAY, SEPTEMBER 30, THROUGH SUNDAY OCTOBER 6

*Painting of the week: Claude Lorrain. *The Herdsman* (Samuel H. Kress Collection) Gallery 52, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The Artist Learns from His Contemporaries.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Oxford and Its Art Treasures, Guest Speaker:* Ian Lowe, Assistant Keeper in the Department of Western Art, The Ashmolean Museum, Oxford, England, Lecture Hall 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor*, East Garden Court 8:00.

MONDAY, OCTOBER 7, THROUGH SUNDAY, OCTOBER 13

*Painting of the week: Watteau. *Ceres (Summer)* (Samuel H. Kress Collection) Gallery 54, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The Artist Learns from the Past.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Contemporary Religious Art, Guest Speaker:* Frank Getlein, Art Critic, The Washington Star, Lecture Hall 4:00.

Sunday concert: Mertine Johns, *Mezzo Soprano,* Temple Painter, *Pianist,* East Garden Court 8:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephone 737–4215, ext 272.

MONDAY, OCTOBER 14 THROUGH SUNDAY, OCTOBER 20

Painting of the week: Albert Pinkham Ryder. *Siegfried and the Rhine Maidens* (Andrew Mellon Collection), Gallery 67, Tues. through Sat., 12:00 and 2:00; Sun., 3:30 and 6:00.

Tour of the week: *The Artist Learns from His Master.* Rotunda, Tues. through Sat., 1:00; Sun., 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat., 11:00 and 3:00; Sun., 5:00.

Sunday lecture: *Italian Mannerism. Guest Speaker:* James B. Lynch, Jr., Professor of Art History, University of Maryland, College Park. Lecture Hall, 4:00.

Sunday concert: National Gallery Orchestra. Richard Bales, *Conductor;* Nancy Ellsworth, *Violin Soloist* (Concert in honor of United Nations Day). East Garden Court, 8:00.

MONDAY, OCTOBER 21, THROUGH SUNDAY, OCTOBER 27

Painting of the week: Titian. *Venus with a Mirror* (Andrew Mellon Collection). Gallery 22, Tues. through Sat., 12:00 and 2:00; Sun., 3:30 and 6:00.

Tour of the week: *The Artist Learns from His Surroundings.* Rotunda, Tues. through Sat., 1:00; Sun., 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat., 11:00 and 3:00; Sun., 5:00.

Sunday lecture: *Leonardo and the Arts of Frustration* (Part II). *Speaker:* Raymond S. Stites, Assistant to the Director, for Educational Services, National Gallery of Art. Lecture Hall, 4:00.

Sunday concert: Potomac String Trio. East Garden Court, 8:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

SECOND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF BOTSWANA

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. O'HARA of Illinois. Mr. Speaker, September 30 is the anniversary of the independence of one of the newer countries of Africa to join the community of free nations of the world. Just 2 years ago, the Republic of Botswana achieved its independence. Under the capable leadership of its President, Sir Seretse Khama, that country has made great strides both at home and in the realm of international affairs.

We shall long remember Botswana's first Ambassador to our country and the distinguished record he made during his all too brief period of service at the

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**11'' x 14'' reproductions with texts for sale this week—15¢ each. (If mailed, 25¢ each.)*

United Nations. I refer to the late Dr. Z. K. Matthews, educator, philosopher, humanitarian; one of the great Africans of our time. We hail his memory and salute the new country whose first steps in full nationhood he helped to guide.

We wish them well in the years ahead.

FLORIDA WOODLANDS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SIKES. Mr. Speaker, we in Florida are very proud of the scenic beauty of our State, and we particularly enjoy the beautiful woodlands which are prevalent throughout the length and breadth of Florida. Those Florida woodlands are beautifully described in an editorial in the Pensacola Journal of Saturday, August 17, and I insert it in the Record, as follows:

Florida Woodlands, Bountiful, Beautiful

Many newcomers complain, when they first settle in this area, that West Florida's woodlands do not possess the sharpness of seasonal changes as does the natural growth of northern states.

But if one takes care to peacefully roam the woodlands of this area, he will find a wealth of beauty and change regardless of season.

Of course the pine keeps its coat of green throughout the year, although in the fall and cold weather months, it bashfully drops a needle here and one there as if it would be embarrassed should one catch it changing garments. The work tree of the area, the pine in virgin stands supplied the logs for the settler's first cabins.

In those days, there were plenty of trees to be had for the taking. So only the straight and long ones were cut, the bark skinned away and the timbers allowed to cure, or dry, in the sun; then notches were cut, and with the help of neighbors, the logs were placed one atop the other until the cabin walls were erected. The cypress, found in the boglands, was cut into blocks and with the help of a sharp draw knife yielded the shingles for roofing.

Pines were used for fencing, the pieces trimmed and fitted, and the sections laid at criss-cross angles for strength. It was much later that man invented barb and fence wire. Then he went into the swamps in search of cypress and juniper for posts.

An early user of all trees, the cracker exploited his woodlands as if the supply were endless. He turpentined the pine and cut it for lumber until many heavy stands were gone; in their place came the scrub oak; in spite of its bright green in spring and summer and a canopy of color in fall, the scrub oak yielded only wood for the fireplace. The scrub oak is cleared when man attempts pine tree farming for pulpwood.

West Florida has its native, or wild, dogwood, a retiring little tree except in early spring when it spreads a bridal whiteness across the woods. The holly, though increasingly scarce, keeps a Christmas spirit throughout the year; the holly, sometimes with its bounty of red berries, often is encountered today on woodland strolls.

The bay tree, the laurel and the wax myrtle bush hover near fresh or running water. Today's housewife buys her bay leaves at the supermarket; the early farm wife found this flavoring agent in the woods.

The cedar, as a native, has become scarce. Never a prolific tree, the cedar was sought by early West Florida Crackers for the building of chests and with the shavings saved to hang among garments; thus protected, clothes escaped the moths though not the trace of cedar smell. If there were time, after death, cedar made a solid coffin for the remains, though expediency more frequently settled upon a pine box, appropriately covered, for the dead.

Perhaps West Florida's most magnificent tree is the oak: the water oak and the live oak. Both shed yet remain green year-round. The water oak, with a slightly darker leaf, clings to the lowlands unless deliberately planted, but the live oak seems content with home wherever a bird or squirrel carelessly drops an acorn. A sturdy tree, the oak can withstand heavy storms; it was grown in this area, east of Gulf Breeze, for ship timbers before the advent of steel ships. And it was early sought as the ideal tree for the yard corner because of its spread of shade and coolness in the hot summer.

Often the oak is covered with gray Spanish moss: a growth which, swayed slightly by a breeze, reminds one of the long soft beards of old and wise elders. The oak, like the hickory and other hard woods, prefers the bottom land. These low pockets became known in the vernacular as "hammocks" because of their shaded restfulness; the word, in this use, finally found its way into the dictionary.

The sycamore seems to be a disappearing tree on the West Florida landscape, perhaps because its weak root system has been unable to withstand heavy winds and storms. The chinaberry, apparently introduced into the area after 1900 as an ornamental, is another tree with weak root resistance against storms; the chinaberry lacks the grandeur of the oak, though its blue flowers has a spring fragrance. In recent years, the mimosa, also an Oriental shrub, has been planted as a fast grower.

Though becoming denuded as man cuts away waterfront areas for subdivisions, West Florida, particularly deep in the woods, still displays the black walnut, the hickory nut, the magnolia, the black cherry and the wild mulberry. The huckleberry has become the cultivated blueberry bush for pies, and the swamp tupelo, with its white flowering, is known more by reputation than sight as a source for unusually flavored honey.

The sassafras huddles a mousy brown thing along abandoned fence rows, almost totally ignored now, though at one time its roots were sought for the brewing of spring tonics. And while man's chemical compounds have replaced its flavor as a beverage, root beer still pays homage—in phrase if nothing else—to the first dried then boiled sassafras root of pioneer days.

The gallberry bush whose nectar produces the clearest and best of all honey early was used as a source for switches: the family persuaders in the days prior to contemporary togetherness. The persimmon—or simmon—tree also yielded competent switches, as well as a small tangy fruit sweetened by first frost. Gallberry and persimmon growth is seen in the woods today. Broom sage, pioneer source of brooms, turns a gold brown in unplowed fields during fall. The seedling pecan often joins the chinquapin to produce hard but oil-heavy nuts deep in the woods; and along back roads, the dewberry first and then the blackberry blossom and provide fruit for the birds and pies for those who place flavor above brier scratches.

West Florida's woodlands may differ from those of more northern states; but explored and quietly accepted on their own terms, our trees and shrubs offer pleasant adventure and satisfying discoveries to all men.

HUMPHREYISM NO. 4

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SCHADEBERG. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

From a collection of Representative Henry C. Schadeberg (R. Wisc.):

"My God, I don't [think I should be President]. I think I should be back in Huron running the drugstore." (New York Tribune, January 25, 1960.)

HOUSE OF REPRESENTATIVES—*Tuesday, October 1, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Behold, God is my salvation; I will trust and not be afraid.—Isaiah 12: 2.

O God and Father of us all, who art closer than breathing and nearer than hands and feet, make us truly conscious of Thy presence as we bow in this circle of prayer.

We thank Thee for the refreshment of rest which restores our souls and we ask for strength and wisdom to do our work well this day. In quiet confidence may we keep our hearts with Thee as we face the problems that are presented to us and the perplexities that pursue us.

In spite of all the ill will in our world we pray that we may be the promoters of good will in a firm determination to cross all barriers of race and creed and thus make our contribution to the coming day when justice and peace shall encircle the earth, and in the word of the prophet, "They shall not hurt nor destroy; for the earth shall be full of the knowledge of the Lord."

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 19831. An act to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, New York, as a distinguished and permanent living memorial to his life and deeds;

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations; and

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal year 1969, and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 17, 1968:

H.J. Res. 1299. Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week."

On September 18, 1968:

H.J. Res. 1404. Joint resolution authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week."

On September 20, 1968:

H.R. 15268. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes; and

H.R. 18146. An act to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy.

On September 21, 1968:

H.R. 9362. An act to authorize the Secretary of the Interior to construct, operate, and maintain, the Mountain Park reclamation project, Oklahoma, and for other purposes;

H.R. 10911. An act to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds;

H.R. 11552. An act for the relief of certain property owners in Tate County, Miss.;

H.R. 11782. An act to authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lien allotment selection, and issue appropriate patents therefor to the heirs of Dolly McCovey;

H.R. 14005. An act to authorize the disposition by the city of Hot Springs, Ark., of certain property heretofore conveyed to the city by the United States, and for other purposes;

H.R. 14205. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 21, and for other purposes;

H.R. 16211. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 276, and for other purposes;

H.R. 16402. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket numbered 337, and for other purposes;

H.R. 16880. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gas leases (BLM-A-068348 and BLM-A-068348(C)); and

H.R. 17780. An act to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea.

On September 25, 1968:

H.R. 10573. An act to provide authority to increase the effectiveness of the "Truth in Negotiations Act."

On September 26, 1968:

H.R. 206. An act to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes;

H.R. 5754. An act to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompained by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package;

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority;

H.R. 10482. An act to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure of appeal from certain claims determinations;

H.R. 13669. An act to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims;

H.R. 17022. An act for the relief of Pvt. Willy R. Michalik, RA 15924409;

H.R. 17609. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain lands; and

H.R. 18785. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

On September 28, 1968:

H.J. Res. 1371. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes.

On September 30, 1968:

H.R. 18763. An act to authorize preschool and early education programs for handicapped children.

THE HOUSE BEAUTY PARLOR AND ITS OPERATIONS

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, it is my happy duty as chairman of the House beauty parlor to rise today to say that I am introducing a resolution asking your permission to repay you $7,500 of the $15,000 which the House beauty parlor borrowed from the contingency funds last year. You can look forward to the fact that early next year we will pay the remaining $7,500 and for the first time in its 33-year history the beauty parlor will pay the House an annual sum in lieu of rent. Mr. Speaker, there are no free hair sets.

Gentlemen, there are no free hairdressers.

CONGRATULATIONS ON THE HOUSE BEAUTY PARLOR

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ANDREWS of Alabama. Mr. Speaker, I would like to congratulate our colleague from Michigan [Mrs. GRIFFITHS] for the fine job she has done in connection with the beauty shop here on Capitol Hill. I never shall forget that about 15 months ago the Speaker sent for me, and I met him in his office with the ladies of this House.

They were disturbed about the way the beauty shop had been operating. The Speaker and I suggested that we appoint a committee, which the Speaker did. As a result, these ladies have done a grand job. That beauty shop renders a great service to the ladies on Capitol Hill, and if it had not been for the splendid work on the part of the gentlewoman from Michigan [Mrs. GRIFFITHS], we would still be complaining about that beauty shop.

Mr. RIVERS. Mr. Speaker, if the gentleman would yield, I would ask why does the gentleman not turn over our restaurants to the gentlewoman from Michigan?

Mr. ANDREWS of Alabama. We are going to turn the restaurants over to my friend from South Carolina.

The SPEAKER. The time of the gentleman from Alabama has expired.

FREEDOM OR SLAVERY—IN THE BALANCE

Mr. WIGGINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WIGGINS. Mr. Speaker, it did not take long. Just 1 month after the convention in Chicago, HUBERT HUMPHREY repudiated the judgment of the Johnson administration and its advisers, repudiated the Democratic platform and a decisive majority of the delegates to the national convention—and sold out to the vocal but irresponsible minority in his party.

Mr. HUMPHREY says, if elected, he will stop the bombing of North Vietnam. If such a course, is in America's interest, why is it that he has not urged President Johnson to order a stop to the bombing now?

The answer is obvious. Mr. Johnson has given the Nation the answer. General Abrams in Vietnam has given the answer. Responsible Democrats in Chicago told us all on national TV. Because such an irresponsible course would endanger the lives of American servicemen—that is why.

There is an important lesson for thoughtful Americans in the Humphrey sellout of his party. As the new administration explores every avenue for peace—as it must—there will be many occasions when our leaders will sit across the table from the Communists with the issue of war or peace, freedom or slavery, in the balance.

We have learned something of HUMPHREY's qualifications to sit in that seat. He will sell out for temporary political gain.

It is perhaps fortunate, Mr. Speaker, that the truth was revealed in time.

NIXON SHOULD STATE HIS VIEWS ON VIETNAM

Mr. YATES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, according to this morning's press, certain Republican Members of the House who have been calling themselves the Republican truth squad, sought to criticize Vice President HUMPHREY's speech last night on stopping the bombing of North Vietnam.

I will not comment on the question of the appropriateness of the euphemism with which they drape themselves, but as long as they claim to be looking for truth, why do they not expand their research to their own presidential candidate who apparently is cowering in fear in some bomb shelter while the Vietnam issue rages all around him?

Does not the presidential candidate of the Republican Party have a responsibility to tell the American people his views on Vietnam? Does he favor stopping the bombing of North Vietnam? Will he order it to stop if he is elected President of the United States?

On February 6 of this year, in response to a question whether he thought the administration was wrong in limiting the bombing in an effort to encourage peace talks, he said the only effective way to convince the Vietcong that peace is in their interest is to prosecute the war more effectively. What are his views now? He cannot hide behind the cry of "unity" because the office he seeks is too important. In 1951, former Senator Robert Taft stated to the Senate:

> But it is part of our American system that basic elements of foreign policy shall be openly debated. It is said that such debate and the differences that may occur give aid and comfort to our possible enemies. I think that the value of such aid and comfort is grossly exaggerated. The only thing that can give real aid and comfort to the enemy is the adoption of a policy which plays into their hands as has our policy in the Far East. Such aid and comfort can only be prevented by frank criticism before such a policy is adopted. . . . The best safeguard against fatal error lies in continuous criticism and discussion to bring out the truth and develop the best program.

Mr. Speaker, I suggest that the Republican presidential candidate may want to take a lesson from Senator Taft.

TWENTY-SECOND ANNUAL REPORT ON PARTICIPATION OF UNITED STATES IN WORK OF UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the 22nd annual report on the participation of the United States in the vital work of the United Nations.

1967 was a year in which peace was challenged on three major fronts. On two of these fronts—the Middle East and Cyprus—the United Nations played a significant role in averting a wider conflict. We were not successful in our efforts to have the United Nations contribute to the search for peace in Vietnam, but there is still hope that the U.N. can help us find and implement an honorable settlement.

In the Middle East, despite all attempts to achieve a peaceful accommodation, war broke out in June of 1967. The Security Council, with the full support and encouragement of the United States, called for a cease-fire, which was accepted by both sides.

U.N. observers were posted on the cease-fire lines between Israel and the U.A.R. and between Israel and Syria. Though the peace was still tenuous, the Security Council was able to begin the difficult quest for a durable settlement. The principles for settlement adopted by the Council resolution were entirely consistent with those suggested and supported by the United States.

In November, war nearly erupted between Greece and Turkey over the island of Cyprus. The tension was greatly eased by the diplomatic efforts of my personal representative, Cyrus Vance. Appeals by the Secretary-General, with the complementary action of the Security Council, contributed to a peaceful accommodation.

But the broad purpose of the United Nations goes beyond peacemaking: It can lift human beings from the dark despair of hunger and poverty and disease and ignorance. This report shows that in 1967 several major steps were taken to improve social and economic conditions in many parts of the world—through the U.N. Development Program, the Food and Agriculture Organization, and the many other agencies and commissions which bring hope and compassion to the neglected corners of the world.

The U.N. also acted to extend international law to outer space, and a committee was created to study the unknown benefits—and the unforeseen problems—that will arise from the future use of the ocean depths.

In its 23 years of existence, the United Nations has not always succeeded in its humanitarian goals. But where it has failed, no other creation of man has yet succeeded. The U.N. continues to be man's best hope for a world of peace and progress, where conflict is replaced by cooperation, and violence by the rule of reason.

I commend this report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 1, 1968.*

REQUEST TO POSTPONE ROLLCALL VOTES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any rollcalls tomorrow, except on procedural matters, may be put over until Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, I reserve the right to object.

May I ask the reason for this, in the few remaining days of the Congress?

Mr. ALBERT. That is the reason. We hope to go as far as possible with such bills as we have left on tomorrow.

If we finish today, we may not have any business until Thursday. We are just doing this in case we do not finish up the four bills and conference reports which we hope to get out today.

The reason also we are doing this is because of the religious holy day.

Mr. HALL. Mr. Speaker, is this not the same reason that we languished in idleness on the floor and we were unable to muster a quorum even with the majority party having more than the necessary number of Members for a quorum, less than 2 weeks ago?

Mr. Speaker, I object.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the Members of the House that we will have three conference reports today, and that on Thursday we expect to have the HEW appropriation conference report and the vocational education conference report, with other business.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

GEORGE TILSON WEED

The Clerk called the bill (H.R. 14276) for the relief of George Tilson Weed.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOSE ESTRADA

The Clerk called the bill (H.R. 15402) for the relief of Jose Estrada.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1722) for the relief of Mrs. Beatrice Jaffe.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BEASLEY ENGINEERING CO., INC.

The Clerk called the bill (H.R. 8588) for their relief of the Beasley Engineering Co., Inc.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 743, to refer the bill (H.R. 9826) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims, pursuant to sections 1492 and 2509 of title 28, United States Code.

The **SPEAKER**. Is there objection to the present consideration of the resolution?

Mr. **TALCOTT** and Mr. **HALL** objected, and, under the rule, the resolution was recommitted to the Committee on the Judiciary.

JESUS J. RODRIGUEZ

The Clerk called House Resolution 954, referring the bill (H.R. 13642) to the Chief Commissioner of the Court of Claims.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MR. AND MRS. JOSEPH E. BEGNOCHE

The Clerk called the bill (H.R. 1756) for the relief of Mr. and Mrs. Joseph E. Begnoche.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WALTER A. RADELOFF

The Clerk called the bill (H.R. 3472) for the relief of Walter A. Radeloff.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

NOEL S. MARSTON

The Clerk called the bill (H.R. 9567) for the relief of Noel S. Marston.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REDDICK B. STILL, JR., AND RICHARD CARPENTER

The Clerk called the bill (H.R. 3193) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

There being no objection, the Clerk read the bill, as follows:

H.R. 3193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $17,318.90 to Reddick B. Still, Junior, of Spartanburg, South Carolina and Richard Carpenter of Greenville, South Carolina in full settlement of their claims against the United States for services rendered the Post Office Department in obtaining options on land within the city of Spartanburg, South Carolina in connection with the relocation of the main post office in that city for which they were never compensated because the Government elected to condemn the land upon which the options to purchase had been secured. No part of the amount appropriated in this Act in excess of 33⅓ per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 4, strike "33⅓ per centum" and insert "10 per centum".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCIS M. ROGALLO AND GERTRUDE S. ROGALLO

The Clerk called the bill (H.R. 9566) for the relief of Francis M. Rogallo and Gertrude S. Rogallo.

Mr. **TALCOTT**. Mr. Speaker, by request of the gentleman from Alabama [Mr. Edwards], I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

MAE LAMA MINING CO., LTD.

The Clerk called the bill (H.R. 11255) for the relief of Mae Lama Mining Co., Ltd.

Mr. **TALCOTT**. Mr. Speaker, by request of the gentleman from Alabama [Mr. Edwards], I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

The **SPEAKER**. That concludes the call of the Private Calendar.

RECORDING OF EVIDENCES OF INDEBTEDNESS OF WATER CARRIERS

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7151) to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of the Interstate Commerce Act, relating to water carriers (49 U.S.C. 901 et seq.), is amended by—

(1) redesignating section 323 (49 U.S.C. 923) as section 324;

(2) inserting therein, immediately after section 322 (49 U.S.C. 922), the following new section:

"RECORDING OF EVIDENCES OF EQUIPMENT INDEBTEDNESS

"Sec. 323. Any mortagage (except mortgages under the Ship Mortgage Act, 1920, as amended), lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels, used or intended for use by a carrier subject to this part in interstate commerce or any assignment of rights or interest under any such instrument, or any supplement or amendment to any such instrument or assignment (including any release, discharge, or satisfaction thereof, in whole or in part), may be filed with the Commission, provided such instrument, assignment, supplement, or amendment is in writing, executed by the parties thereto, and acknowledged or verified in accordance with such requirements as the Commission shall prescribe; and any such instrument or other document, when so filed with the Commission, shall constitute notice to and shall be valid and enforceable against all persons including, without limitation, any purchaser from, or mortgagee, creditor, receiver, or trustee in bankruptcy of, the mortgagor, buyer, lessee, or bailee of the equipment covered thereby, from and after the time such instrument or other document is so filed with the Commission; and such instrument or other document need not be otherwise filed, deposited, registered, or recorded uner the provisions of any other law of the United States of America, or of any State (or political subdivision thereof), territory, district, or possession thereof, respecting the filing, deposit, registration, or recordation of such instruments or documents: *Provided however,* That nothing contained in this section shall, in any way, be construed to alter or amend the Ship Mortagage Act, 1920, as amended. The Commission shall establish and maintain a system for the recordation of each such instrument or document, filed pursuant to the provisions of this section, and shall cause to be marked or stamped thereon, a consecutive number, as well as the date and hour of such recordation, and shall maintain, open to public inspection, an index of all such instruments or documents, including any assignment, amendment, release, discharge, or satisfaction thereof, and shall record, in such index the names and addresses of the principal debtors, trustees, guarantors and other parties thereto, as well as such other facts as may be necessary to facilitate the determination of the rights of the parties to such transactions."; and

(3) striking out, in the section analysis of that part the item relating to section 323, and inserting in lieu thereof the following:

"Sec. 323. Recording of evidences of equipment indebtedness.

"Sec. 324. Separability of provisions."

SEC. 2. Section 116, chapter 10, of the Bankruptcy Act (11 U.S.C. 516) is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provisions of this chapter, the title of any owner, whether as trustee or otherwise, to vessels (as the term is defined in the Ship Mortgage Act, 1920, as now in effect or hereafter amended) leased, subleased, or conditionally sold to any water carrier which holds a certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any right of such owner or of any other lessor to such water carrier to take possession of such property in compliance with the provisions of any such lease or conditional sale contract shall not be affected by the provisions of this chapter if the terms of such lease or conditional sale so provide."

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. At this point?

Mr. HALL. At this point, before consideration of the bill.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 359]

Adair
Ashmore
Aspinall
Ayres
Baring
Battin
Belcher
Bell
Berry
Blackburn
Boland
Brademas
Brock
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Fla.
Carey
Clark
Collier
Colmer
Conyers
Cowger
Davis, Ga.
Diggs
Donohue
Dwyer
Edwards, Ala.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Farbstein
Fisher
Ford, Gerald R.
Ford, William D.
Fraser
Fulton, Tenn.
Gallagher
Gardner
Gray
Gurney
Hagan
Halleck
Hamilton
Hansen, Idaho
Hardy
Hathaway
Hays
Hébert
Helstoski
Hungate
Irwin
Jacobs
Jarman
Jonas
Jones, Mo.
Karsten
Kee
Keith
King, Calif.
Kupferman
Landrum
Leggett
Lipscomb
Long, La.
McCarthy
McCloskey
McMillan
Macdonald, Mass.
Mathias, Md.
Matsunaga
May
Miller, Calif.
Minshall
Moorhead
Morse, Mass.
Moss
Murphy, N.Y.
O'Hara, Ill.
O'Konski
Olsen
Ottinger
Pettis
Philbin
Pickle
Pike
Podell
Pollock
Pucinski
Rarick
Reifel
Reinecke
Resnick
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
Sandman
Satterfield
St Germain
Scheuer
Sisk
Skubitz
Smith, Okla.
Snyder
Stephens
Stratton
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Van Deerlin
Walker
Willis
Wilson, Bob
Wolff
Wyatt
Young
Zablocki

The SPEAKER. On this rollcall, 302 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RECORDING OF EVIDENCES OF INDEBTEDNESS OF WATER CARRIERS

The SPEAKER. The Clerk will report the committee amendment.

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment: Page 2, line 21, strike out "equipment" and insert in lieu thereof "vessel".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 913, to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of the Interstate Commerce Act, relating to water carriers (49 U.S.C. 901 et seq.), is amended by—

(1) redesignating section 323 (49 U.S.C. 923) as section 324;

(2) inserting therein, immediately after section 322 (49 U.S.C. 922), the following new section:

"RECORDING OF EVIDENCES OF EQUIPMENT INDEBTEDNESS

"SEC. 323. Any mortgage (except mortgages under the Ship Mortgage Act, 1920, as amended), lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels, used or intended for use in interstate commerce by a carrier, whether or not subject to this part, or any assignment of rights or interest under any such instrument, or any supplement or amendment to any such instrument or assignment (including any release, discharge, or satisfaction thereof, in whole or in part), may be filed with the Commission, provided such instrument, assignment, supplement, or amendment is in writing, executed by the parties thereto, and acknowledged or verified in accordance with such requirements as the Commission shall prescribe; and any such instrument or other document, when so filed with the Commission, shall constitute notice to and shall be valid and enforceable against all persons including, without limitation, any purchaser from, or mortgagee, creditor, receiver, or trustee in bankruptcy of, the mortgagor, buyer, lessee, or bailee of the vessel or vessels covered thereby, from and after the time such instrument or other document is so filed with the Commission; and such instrument or other document need not be otherwise filed, deposited, registered, or recorded under the provisions of any other law of the United States of America, or of any State (or political subdivision thereof), territory, district, or possession thereof, respecting the filing, deposit, registration, or recordation of such instrument or documents: *Provided, however,* That nothing contained in this section shall, in any way, be construed to alter or amend the Ship Mortgage Act, 1920, as amended. The Commission shall establish and maintain a system for the recordation of each such instrument or document, filed pursuant to the provisions of this section, and shall cause to be marked or stamped thereon, a consecutive number, as well as the date and hour of such recordation, and shall maintain, open to public inspection, an index of all such instruments or documents, including any assignment, amendment, release, discharge, or satisfaction thereof, and shall record, in such index the names and addresses of the principal debtors, trustees, guarantors and other parties thereto, as well as such other facts as may be necessary to facilitate the determination of the rights of the parties to such transactions."; and

(3) striking out in the section analysis of that part the item relating to section 323, and inserting in lieu thereof the following:

"Sec. 323. Recording of evidences of equipment indebtedness.

"Sec. 324. Separability of provisions."

SEC. 2. Section 116, chapter 10, of the Bankruptcy Act (11 U.S.C. 516) is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provisions of this chapter, the title of any owner, whether as trustee or otherwise, to a vessel or vessels of the United States (as the term is defined in the Ship Mortgage Act, 1920, as now in effect or hereafter amended) leased, subleased, or conditionally sold to any water carrier whether or not subject to part III of the Interstate Commerce Act, and any right of such owner or of any other lessor to such water carrier to take possession of such property in compliance with the provisions of any such lease or conditional sale contract shall not be affected by the provisions of this chapter if the terms of such lease or conditional sale so provide, and if such lease or conditional sale is recorded under section 323 of the Interstate Commerce Act."

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Strike out all after the enacting clause of S. 913 and insert in lieu thereof the provisions of H.R. 7151, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7151) was laid on the table.

CONFERENCE REPORT ON H.R. 18037, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. **FLOOD** submitted a conference report and statement on the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

AIRCRAFT LOAN GUARANTEES

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2499) to extend the act of September 7, 1957, relating to aircraft loan guarantees.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

Mr. **HALL**. Mr. Speaker, reserving the right to object, is this bill available for the Members on the floor of the House?

Mr. **STAGGERS**. Yes, I am sure it is.

Mr. **HALL**. Mr. Speaker, it is not available at the Speaker's desk. As far as I know, notice was not served that this bill was going to be brought up under unanimous consent, in order that we could do our study and homework, or read the report of the committee prior to the unanimous consent request.

The **SPEAKER**. As far as the Chair is concerned, the gentleman's statement on notice is correct. But the Chair understands that the proposed action has been cleared by the ranking minority Member and the leadership on the Republican side.

Mr. **HALL**. Mr. Speaker, let me hasten to add, under my reservation, that I, too, understand that; for the distinguished chairman of the committee and the distinguished ranking member of the committee have advised me of those facts. But I submit, sir, that there are those who would like to know the processes and program of the House, and would like to reserve the right to do their homework the previous evening or even the same morning. We are going to consider this bill in the shank of this legislative session, and we must not resort to simply clearing with the minority or with the leadership on either side of the House, to the complete obviation of the other Members who are duly elected to represent their constituents.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 7, 1957 (49 U.S.C. 1324 note) is amended by striking the word "ten" and inserting in lieu thereof the word "fifteen" in section 8.

With the following committee amendment:

On page 1, line 6, insert the following:

"Sec. 2. Section 4 of such Act of September 7, 1957, is amended by adding at the end thereof the following:

" '(g) Unless the Secretary finds that the prospective earning power of the applicant air carrier, together with the character and value of the security pledged, furnish (1) reasonable assurances of the applicant's ability to repay the loan within the time fixed therefor, and (2) reasonable protection to the United States.' "

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15758, HEALTH SERVICES AND FACILITIES AMENDMENTS

Mr. **STAGGERS**. Mr. Speaker, I call up the conference report on the bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1924)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—REGIONAL MEDICAL PROGRAMS

EXTENSION OF REGIONAL MEDICAL PROGRAMS

Sec. 101. Section 901(a) of the Public Health Service Act (42 U.S.C. 299a) is amended by striking out "and" before "$200,000,000" and by inserting after "June 30, 1968," the following: "$65,000,000 for the fiscal year ending June 30, 1969, and $120,000,000 for the next fiscal year,".

EVALUATION OF REGIONAL MEDICAL PROGRAMS

Sec. 102. Section 901(a) of the Public Health Service Act is further amended by inserting at the end thereof the following new sentence: "For any fiscal year ending after June 30, 1969, such portion of the appropriations pursuant to this section as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the program authorized by this title."

INCLUSION OF TERRITORIES

Sec. 103. Section 902(a)(1) of the Public Health Service Act (42 U.S.C. 299b) is amended by inserting after "States" the following: "(which for purposes of this title includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands)".

COMBINATIONS OF REGIONAL MEDICAL PROGRAM AGENCIES

Sec. 104. Section 903(a) and section 904(a) of the Public Health Service Act (42 U.S.C. 299c, 299d) are each amended by inserting after "other public or nonprofit private agencies and institutions" the following: ", and combinations thereof,".

ADVISORY COUNCIL MEMBERS

Sec. 105. (a) Section 905(a) of the Public Health Service Act (42 U.S.C. 299e) is amended by striking out "twelve" and inserting in lieu thereof "sixteen".

(b) Section 905(b) of such Act is amended by striking out "and four at the end of the third year" and inserting in lieu thereof "four at the end of the third year, and four at the end of the fourth year".

MULTIPROGRAM SERVICES

Sec. 106. Title IX of the Public Health Service Act is further amended by adding at the end thereof the following new section:

"PROJECT GRANTS FOR MULTIPROGRAM SERVICES

"Sec. 910. Funds appropriated under this title shall also be available for grants to any public or nonprofit private agency or institution for services needed by, or which will be of substantial use to, any two or more regional medical programs."

CLARIFYING AND TECHNICAL AMENDMENTS

Sec. 107. (a) Section 901(c) of the Public Health Service Act is amended by inserting before the period at the end thereof "or, where appropriate, a practicing dentist".

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) Grants under this title to any agency or institution, or combination thereof, for a regional medical program may be used by it to assist in meeting the cost of participation in such program by any Federal hospital."

TITLE II—MIGRATORY WORKERS

EXTENSION OF SPECIAL GRANTS FOR HEALTH OF MIGRATORY WORKERS

Sec. 201. Section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended by striking out "and $9,000,000 for the fiscal year ending June 30, 1968" and inserting in lieu thereof "$9,000,000 each for the fiscal year ending June 30, 1968, and the next fiscal year, and $15,000,000 for the fiscal year ending June 30, 1970".

TITLE III—ALCOHOLIC AND NARCOTIC ADDICT REHABILITATION

Sec. 300. This title may be cited as the "Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968".

Part A—Alcoholic Rehabilitation

Sec. 301. The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is amended by adding after part B the following new part:

"Part C—Alcoholism

"DECLARATION OF FINDINGS AND PURPOSES

"Sec. 240. (a) The Congress hereby finds that—

"(1) Alcoholism is a major health and social problem afflicting a significant proportion of the public, and much more needs to be done by public and private agencies to develop effective prevention and control.

"(2) Alcoholism treatment and control programs should whenever possible: (A) be community based, (B) provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis, and (C) be integrated with and involve the active participation of a wide range of public and nongovernmental agencies.

"(3) The handling of chronic alcoholics within the system of criminal justice perpetuates and aggravates the broad problem of alcoholism whereas treating it as a health problem permits early detection and prevention of alcoholism and effective treatment and rehabilitation, relieves police and other law enforcement agencies of an inappropriate burden that impedes their important work, and better serves the interests of the public.

"(b) It is the purpose of this part to help prevent and control alcoholism through authorization of Federal aid in the construction and staffing of facilities for the prevention and treatment of alcoholism.

"(c) The Congress further declares that, in addition to the funds provided for under this part, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health should be utilized to help eradicate alcoholism as a major health problem.

"CONSTRUCTION GRANTS

"Sec. 241. (a) Grants from appropriations under section 261 may be made for projects for construction of any facilities (including post-hospitalization treatment facilities) for the prevention and treatment of alcoholism, but only to a public or nonprofit private agency or organization and only upon an application (1) which meets the requirements for approval under clauses (1) through (5) and clauses (A) and (B) of section 205(a), and (2) which contains—

"(A) a showing of the need, in the area to be served by the applicant, for special facilities for the inpatient or outpatient treatment, or both, of alcoholism;

"(B) satisfactory assurance that the services for prevention and treatment of alcoholism to be provided through the facility to be constructed, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated or having an arrangement with the applicant, will be part of a program providing, principally for persons residing in or near the particular community or communities in which such facility is situated, at least those essential elements of comprehensive mental health services and services for the prevention and treatment of alcoholism, including post-institutional aftercare and rehabilitation, that are prescribed by the Secretary;

"(C) satisfactory assurance that the application has been approved and recommended by the single State agency designated by the State as being the agency primarily responsible for care and treatment of alcoholics in the State, and, in case this agency is different from the agency designated pursuant to section 204(a)(1), a showing that the application has also been approved and recommended by the agency designated pursuant to section 204(a)(1), and, in case neither of these is the State mental health authority, a showing that the application has been approved and recommended by such authority;

"(D) a showing that under regulations of the Secretary prescribing the manner of determining priorities the project is entitled to priority over other projects for treatment of alcoholism, if any, within the State, and is in accordance with such criteria, including the willingness and ability to provide satisfactory alternatives to custodial care, as the Secretary may determine to be appropriate for purposes of this section; and

"(E) a showing that adequate provision has been made for compliance wih regulations of the Secretary prescribed under section 203(4) relating to furnishing needed services for persons unable to pay therefor and for compliance with State standards for operation and maintenance.

"(b) The amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum, as the Secretary may determine.

"STAFFING GRANTS

"Sec. 242. (a) Grants from appropriations under section 261 may be made to any public or nonprofit private agency or organization to assist it in meeting, for the temporary periods specified in this section, a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the initial operation of new facilities for the prevention and treatment of alcoholism or of new services in existing facilities for the prevention or treatment of alcoholism.

"(b) Grants for such costs for any facility under this section may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of four years and three months after such first day; and such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following such first day, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for alcoholism programs, the relative financial needs of the applicants, and the relative populations of the areas to be served by the applicants.

"(d) A grant under this section may be made only upon an application which meets the requirements for approval under section 221(a), other than paragraph (3) thereof, and only if (1) a grant was made under part A or section 241 to assist in financing the construction of the facility, or (2) the type of service to be provided with the aid of a grant under this section was not previously being provided by the facility with respect to which such application is made.

"SPECIALIZED FACILITIES

"Sec. 243. (a) Grants from appropriations under section 261 may also be made to public or nonprofit private agencies or organizations for projects for the construction of specialized facilities (including post-hospitalization treatment facilities) for the treatment of alcoholics requiring care in such facilities, and for the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this section or of new services in existing specialized facilites for the treatment of alcoholics.

"(b) Grants may be made under subsection (a) only with respect to (1) facilities which are a part of or affiliated with a community mental health center providing at least those essential elements of comprehensive community mental health services which are prescribed by the Secretary, or (2) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of alcoholism.

"(c) Grants made under subsection (a) for the costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

"(d) Before a grant may be made under subsection (a) for a project for the construction of a facility for the treatment of alcoholics the Secretary must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages). The amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum, as the Secretary may determine.

"PROJECTS ELIGIBLE UNDER REGULAR PROGRAM

"Sec. 244. Nothing in this part shall be construed to preclude approval under part A or B of a grant for a project for the construction or initial staffing of a facility for the prevention and treatment of alcoholism.

"PAYMENTS

"Sec. 245. Payments of grants under this part may be made in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

"SHORT TITLE

"Sec. 246. This part may be cited as the 'Alcoholic Rehabilitation Act of 1968'."

Part B—Narcotic Addiction

Sec. 302. The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is further amended by inserting after part C (added by section 301 of this Act) the following new part:

"Part D—Narcotic Addict Rehabilitation

"GRANTS FOR TREATMENT FACILITIES

"Sec. 251. (a) Grants from appropriations under section 261 may be made to public or nonprofit private agencies and organizations to assist them in meeting the costs of construction of treatment facilities (including posthospitalization treatment facilities) for narcotic addicts within the States, and to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A of this part or of new services in existing treatment facilities for narcotic addicts.

"(b) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a treatment facility for narcotic addicts he must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum, as the Secretary may determine.

"(c) Grants made under subsection (a) for the costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

"TRAINING AND EVALUATION

"Sec. 252. The Secretary is authorized, during the period beginning July 1, 1968, and ending with the close of June 30, 1970, to make grants to any public or nonprofit private agencies and organizations to cover part or all of the cost of (A) developing specialized training programs or materials relating to the provision of public health services for the prevention and treatment of narcotic addiction, or developing in-service training or short-term or refresher courses with respect to the provision of such services; (B) training personnel to operate, supervise, and administer such services; and (C) conducting surveys and field trials to evaluate the adequacy of the programs for the prevention and treatment of narcotic addiction within the several States with a view to determining ways and means of improving, extending, and expanding such programs.

"PROJECTS ELIGIBLE UNDER REGULAR PROGRAM

"SEC. 253. Nothing in this part shall be construed to preclude approval under part A or B of a grant for a project for the construction or initial staffing of a facility for the treatment of narcotic addicts.

"PAYMENTS

"SEC. 254. Payments under this part may be made in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine."

PART C—GENERAL

AUTHORIZATION OF APPROPRIATION; AND PROGRAM EVALUATION

SEC. 303. (a) The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is further amended by inserting after part D (added by section 302 of this Act) the following new part:

"PART E—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS FOR REHABILITATION OF ALCOHOLICS AND NARCOTIC ADDICTS

"SEC. 261. (a) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, and $25,000,000 for the next fiscal year for project grants for construction and staffing of facilities for the prevention and treatment of alcoholism under part C or the prevention and treatment of narcotic addiction under part D and for grants under section 252. Sums so appropriated for any fiscal year shall remain available for obligation until the close of the next fiscal year.

"(b) There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the next three fiscal years such sums as may be necessary to continue to make grants for staffing with respect to any project under part C or D for which a staffing grant was made from appropriations under subsection (a) of this section for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970.

"PROGRAM EVALUATION

"SEC. 262. Such portion (as the Secretary may determine) of any appropriation under this title for any fiscal year ending after June 30, 1968, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this title.

"PROTECTION OF PERSONAL RIGHTS OF ALCOHOLICS AND NARCOTIC ADDICTS

"SEC. 263. In making grants to carry out the purposes of parts C and D, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research which is carried out (in whole or in part) with funds provided from appropriations under this part unless such individual explicitly agrees to become a subject of such research."

(b) There are authorized to be appropriated such sums as may be necessary to enable the Secretary to make grants to continue the projects for which commitments were made under section 402(a) of the Narcotic Addict Rehabilitation Act of 1966, but such grants may be made only for the periods specified in such commitments for such projects. Such section 402 is repealed.

NONDUPLICATION

SEC. 304. Title IV of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 is amended by adding at the end thereof the following new section:

"NONDUPLICATION

"SEC. 409. In determining the amount of any grant under this Act for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant."

TITLE IV—HEALTH FACILITY CONSTRUCTION AND MODERNIZATION

SEC. 401. This title may be cited as the "Hospital and Medical Facilities Construction and Modernization Assistance Amendments of 1968".

SEC. 402. (a) Section 601 of the Public Health Service Act is amended—

(1) by striking out "next four" in subsection (a) and inserting in lieu thereof "next five", and

(2) by striking out "and $180,000,000 each for the next two fiscal years" in subsection (b) and inserting in lieu thereof "$180,000,000 each for the next two fiscal years, and $195,000,000 for the fiscal year ending June 30, 1970".

(b)(1) Section 602(a)(1) of such Act is amended by inserting immediately before the period at the end of the second sentence thereof the following: ", and two-thirds thereof in the case of the fifth fiscal year thereafter".

(2) Section 602(e)(2) of such Act is amended (A) by striking out "and" at the end of clause (C), (B) by striking out the period at the end of clause (D) and inserting in lieu thereof "; and", and (C) by inserting after and below clause (D) the following new clause:

"(E) in the case of an allotment thereunder for the fiscal year ending June 30, 1970, one-half of such allotment."

TITLE V—MISCELLANEOUS

SPECIALLY QUALIFIED SCIENTIFIC, PROFESSIONAL, AND ADMINISTRATIVE PERSONNEL

SEC. 501. The proviso of the first sentence of section 208(g) of the Public Health Service Act (42 U.S.C. 210(g)) is amended by inserting "(1)" after "nor more than", and by striking out "and" following the last comma and inserting in lieu thereof "or (2) in the case of two such positions, the rate specified, at the time the service in the position is performed, for level II of the Executive Schedule (5 U.S.C. 5313); and such rates of compensation for all positions included in this proviso".

USE OF ALLOTMENTS FOR COST OF ADMINISTRATION

SEC. 502. Section 403 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2693) is amended by adding at the end thereof the following new subsection:

"(c)(1) At the request of any State, a portion of any allotment or allotments of such State under part A of title II shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under such part; except that not more than 2 per centum of the total of the allotments of such State for a year, or $50,000, whichever is less, shall be available for such purpose for such year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for such year for administration of the State plan approved under such part A not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968."

ACKNOWLEDGMENTS

SEC. 503. (a) Title V of the Public Health Service Act is further amended by adding at the end thereof the following new section:

"MEMORIALS AND OTHER ACKNOWLEDGMENTS

"SEC. 512. The Secretary may provide for suitably acknowledging, within the Department (whether by memorials, designations, or other suitable acknowledgments), (1) efforts of persons who have contributed substantially to the health of the Nation and (2) gifts for use in activities of the Department related to health."

(b) Section 501(e) of such Act is repealed.

DUPLICATION OF BENEFITS

SEC. 504. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.

GORGAS MEMORIAL LABORATORY

SEC. 505. For the fiscal year ending June 30, 1970, the appropriation authorization contained in the first section of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory", approved May 7, 1928 (22 U.S.C. 278), is increased by $500,000.

ONE YEAR EXTENSION OF SOLID WASTE DISPOSAL AUTHORIZATION

SEC. 506. Section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259) is amended—

(1) by striking out "and not to exceed $20,000,000 for the fiscal year ending June 30, 1969" in subsection (a) and inserting in lieu thereof "not to exceed $20,000,000 for the fiscal year ending June 30, 1969, and not to exceed $19,750,000 for the fiscal year ending June 30, 1970"; and

(2) by striking out "and not to exceed $12,500,000 for the fiscal year ending June 30, 1969" in subsection (b) and inserting in lieu thereof "not to exceed $12,500,000 for the fiscal year ending June 30, 1969, and not to exceed $12,250,000 for the fiscal year ending June 30, 1970".

SECRETARY

SEC. 507. As used in the amendments made by this Act, the term "Secretary" means the Secretary of Health, Education, and Welfare.

And the Senate agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER KYROS,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JOE SKUBITZ,
Managers on the Part of the House.

LISTER HILL,
RALPH YARBOROUGH,
HARRISON A. WILLIAMS,
CLAIBORNE PELL,
EDWARD KENNEDY,
JACOB K. JAVITS,
GEORGE MURPHY,
PETER DOMINICK,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enactment clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference:

REGIONAL MEDICAL PROGRAMS

The bill as passed by the House authorized a total of $50 million for the fiscal year ending June 30, 1969, and $100 million for the fiscal year ending June 30, 1970, for regional medical programs for heart disease, cancer, and stroke, and related diseases. The Senate amendment authorized $65 million for the fiscal year ending June 30, 1969, $140 million for the fiscal year ending June 30, 1970, and $200 million for the fiscal year ending June 30, 1971, for this program.

The conference substitute authorizes $65 million in appropriations for the fiscal year ending June 30, 1969, and $120 million for the fiscal year ending June 30, 1970.

Although the authorization contained in the conference substitute is limited to a 2-year period, the managers on the part of the House wish to emphasize that this program, although a newly established one, has already proved its value, and should be considered as a permanent program, subject, however, to periodic congressional review and legislative oversight. The managers on the part of the House agreed to a 2-year limitation in order to provide an opportunity for the 91st Congress to review the operation of the program.

DOMESTIC AGRICULTURAL MIGRATORY WORKERS

The House bill provided a 2-year extension of existing law, authorizing $9 million for this program for the fiscal year 1969, and $12 million for the fiscal year 1970, for grants for health services for domestic agricultural migratory workers.

The Senate amendment provided a 3-year extension of existing law authorizing $9 million for the fiscal year ending 1969, $15 million for the fiscal year 1970, and $20 million for the fiscal year 1971.

The conference substitute provides a 2-year extension, the same as the House bill, with $9 million authorized for the fiscal year 1969 and $15 million for the fiscal year 1970. Although the managers on the part of the House have agreed to an extension of this program limited to 2 years, they wish to emphasize that all the conferees, both on the House and the Senate side, were agreed that this program, because of its importance to the health of the American people, should also be considered as a permanent and separately identifiable program, subject to periodic congressional review, and authorization of appropriations.

ALCOHOLICS AND NARCOTICS ADDICT REHABILITATION

Both the House bill and the Senate amendment established programs for facilities for alcoholic and for narcotics addicts. The conference substitute is the same as the House bill except that a provision of the Senate amendment to this title was agreed to, providing that in making grants to carry out the purposes of this title, the Secretary shall assure that no individual shall be made the subject of research unless he explicitly agrees to become a subject therefor.

HEALTH FACILITIES CONSTRUCTION AND MODERNIZATION

The Senate amendment provided through amendments to title VI of the Public Health Services Act, known as the Hill-Burton Hospital Construction Act, for a 2-year extension of existing law, with a $30 million increase in authorizations for the current fiscal year for new hospital construction and modernization, together with a new 3-year program of direct Federal loans for hospital modernization at the rate of $200 million a year, and a new 3-year program of guaranteed loans for modernization of hospitals of up to $200 million a year, with a Federal subsidy of interest on such guaranteed loans.

The conference substitute makes no change in the authorization for appropriations for the current fiscal year, and provides authorizations of $295 million for new hospital and other medical facility construction and modernization for the fiscal year ending June 30, 1970 (an increase of $15 million over the level of authorizations for fiscal 1969). The conference substitute does not include either of the two proposed new loan programs.

The reason for the action of the managers on the part of the House in agreeing to the 1-year extension of this program is the widespread concern that has been expressed throughout the United States concerning the possible future of this program. The House Committee on Interstate and Foreign Commerce will hold hearings on further extension of title VI of the Public Health Services Act at an early date during the next Congress, and at that time will consider further extensions and modifications of this program, including the subjects of direct loans and guaranteed loans. Such hearings, and comprehensive review, will help to keep this important program a vital and continuing one.

SPECIALLY QUALIFIED SCIENTIFIC, PROFESSIONAL, AND ADMINISTRATIVE PERSONNEL

The Senate amendment provided for the compensation of not more than one position within the Public Health Service at level I of the Executive Schedule, and one position at level II of the Executive Schedule. The House bill contained no provision on this subject.

The managers on the part of the House have agreed to this amendment, with an amendment, providing that the compensation of two such positions may be at level II of the Executive Schedule ($30,000 per annum). The purpose of this provision is to enable the Secretary of Health, Education, and Welfare more easily to recruit specially qualified personnel for the needs of the Public Health Service.

MEMORIALS AND ACKNOWLEDGMENTS

The Senate amendment provided authority for the Secretary of Health, Education, and Welfare to provide suitable acknowledgments of efforts of persons who have contributed substantially to the health of the Nation, and acknowledgments of gifts for health purposes.

The House bill contained no provision on this subject.

The House recedes.

VETERANS EDUCATIONAL BENEFITS

The Senate amendment provided that grants, awards, or loans to students under the Public Health Service Act shall not be considered a duplication of benefits for purposes of laws relating to veterans' educational benefits. This provision is designed primarily to prevent students who receive an award of Federal loans or scholarships as health profession students from losing veterans educational benefits under a recent General Accounting Office decision. In determining the amount of such scholarships or loans, the availability of veterans benefits are taken into account.

The House bill contained no provision on this subject.

The House recedes.

GORGAS MEMORIAL LABORATORY

The Senate amendment provided an increase in authorization of appropriations from $500,000 a year to $1 million a year for the work of the Gorgas Memorial Laboratory. The House bill contained no provision on this subject.

The conference substitute authorizes an increase in appropriations of $500,000 for the fiscal year ending June 30, 1970, for the work of the Laboratory, and the managers on the part of the House expect that a further review of this subject will be made in the future.

SOLID WASTE DISPOSAL

The Senate amendment provided a 1-year extension, at the current authorization level of $32.5 million, for the program of research and demonstrations into disposal of solid wastes. The House bill contained no provision on this subject.

The conference substitute authorizes $32 million for this purpose for the fiscal year ending June 30, 1970.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER KYROS,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JOE SKUBITZ,
Managers on the Part of the House.

Mr. STAGGERS. Mr. Speaker, the conference report the House is considering today involves several very important programs, and the conferees on the part of the House are unanimous in agreeing that this is a good bill and one that deserves the support of every Member.

As passed by the House, this bill provided for an extension of the existing heart, stroke and cancer program for 2 years an extension of the program for grants for health services for domestic agricultural migratory workers for 2 years, a modification and extension of the existing program of grants for construction and operation for facilities for narcotics addicts, and the establishment of a new program supplemental to the existing program of grants for construction and staff of community mental health centers, providing earmarked funds for dealing with the problem of alcoholism.

Several amendments were agreed to in the other body which were considered in conference. The major matter considered by the other body was a 2-year extension of the existing program known as the Hill-Burton or Hill-Harris program of Federal matching grants for construction and modernization of hospitals and other health facilities.

The Senate amendments to the Hill-Harris program provided an increase in authorization of funds for new hospital construction and modernization for the current fiscal year, together with increased authorizations for each of the next 2 fiscal years. In addition, the Senate amendment provided for establishment of a new program of direct loans for hospital modernization and for a program of guaranteed loans for the same purpose, with a Federal subsidy of interest.

Earlier this year our committee considered the question of whether or not to take up legislation extending the Hill-Harris program, and we decided to defer action this year, but I stated that if I were chairman of the committee next year, this program would have top priority on the committee's agenda, and the same commitment was made by the gentleman from Illinois. Unfortunately, however, there has been widespread public concern over the future of this program, so the conferees agreed to a 1-year extension of existing law, together with a relatively modest increase in authorizations for new hospital construction, from $180 million, as presently authorized, to $195 million for the fiscal year ending June 30, 1970.

We agreed in conference that the subject of hospital modernization is a crucial one and we intend to look into the subject carefully during the next Congress to determine the best means of coping with the problem of obsolescence of our national hospital plant.

Mr. Speaker, as passed by the House, the bill provided for a 2-year extension of the existing heart, stroke, and cancer program, generally known as regional medical programs.

We authorized $50 million for fiscal 1969, and $100 million for fiscal 1970. The Senate amendment provided a 3-year extension of the program, but the conference substitute is limited to 2 years, the same as was provided in the House bill. The Senate amendment increased the authorization for the current fiscal year from $50 million to $65 million, and the House conferees went along with this increase, since this amount has been adequately justified in hearings before the Senate Appropriations Committee subsequent to passage of the bill by the House.

The Senate amendment also increased the fiscal 1970 authorization from $100 to $140 million, and the conferees compromised at $120 million for that year.

The House bill provided a 2-year extension of the program of grants for health services for domestic agricultural migratory workers and the Senate amendment provided a 3-year extension.

The conference agreement is limited to 2 years as provided in the House bill, with a modest increase in the House authorization for fiscal 1970 from $12 million to $15 million.

The Senate amendment also contained a 1-year extension of the Solid Waste Disposal Act, and the House conferees agreed to this provision with a reduction from $32.5 million for fiscal 1970 to $32 million. The conference agreement also provides a 1-year increase in authorizations for the Gorgas Memorial Laboratory of $500,000. The work of this laboratory involves the study of tropical diseases.

The House conferees also agreed to provisions of the Senate amendment permitting veterans to receive both veterans educational benefits and scholarships, loans, and fellowships, under health professions acts; permitting the Secretary of Health, Education, and Welfare to grant special recognition to individuals making significant contributions to health; and providing for not more than two positions in the Public Health Service to be compensated at $30,000 a year, so as to permit the Secretary of Health, Education, and Welfare to recruit outstanding people for this service.

Mr. Speaker, as passed by the House the bill authorized a total of appropriations over a 2-year period of $211 million. As passed by the Senate, the bill authorized $1,861 million for a 3-year period. The conference substitute is limited to 2 years, and authorization of appropriations totaling $576.5 million, of which $295 million represents the 1-year extension and expansion of the Hill-Harris program.

The House conferees are unanimous in recommending to the House the adoption of the conference report.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I would like to make some comment with regard to the guaranteed loan program which was in the Senate bill. The conferees agreed to delete this from the finished package, but I do want to make the comment that I have found, as I toured around and discussed the problems of hospitals throughout the country, there seems to be the feeling that through a guaranteed loan type of approach, local money could be loosened up to be moved into the hospital field, which probably would be a relief to taxpayers, and at the same time move on with a more rapid pace in meeting the increase in hospital needs throughout the country.

I did want to comment the committee felt this idea has merit, in our recommendations that this proposal will be considered in the next session of Congress.

Mr. STAGGERS. That is true. I appreciate the gentleman's comment on this. Both the minority and majority members in the group of conferees agreed this should be brought up next year and be considered. We all agreed it was a worthwhile project, but we have not had hearings on it, and we felt we should have hearings, to fully explore the problems involved.

Mr. NELSEN. Mr. Speaker, I thank the gentleman.

Mr. BROTZMAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman from Colorado.

Mr. BROTZMAN. I thank the distinguished chairman for yielding. I should like to speak in favor of this conference report and lend my support to it.

H.R. 15758 is the result of a lot of hard work by our Committee on Interstate and Foreign Commerce. I want to commend the chairman of our committee, the gentleman from West Virginia [Mr. STAGGERS], the ranking minority member, the gentleman from Illinois [Mr. SPRINGER], and the conferees for the fine work they have done on this conference report and on this legislation.

This measure is a progressive and realistic bill to deal with the important problem of our Nation's health. Among other things, this measure extends the Hill-Burton Act for 1 year to keep up with the growing need for hospitals in America. It continues the program of health care for agricultural and migrant workers, and provides a new community program for the care and treatment of alcoholic and narcotic addicts.

I urge the adoption of this conference report.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, when H.R. 15758 passed this House a few weeks ago it covered three health programs. First was the regional medical program, formerly known as heart, stroke, and cancer. We extended it for 2 years and reduced somewhat the authorization recommended by Health, Education, and Welfare. The second program was an extension for 2 years of grants to communities to help care for agricultural migrant labor. The third program was new. It provided a 2-year authorization for grants to assist communities with the construction and initial staffing of treatment facilities for alcoholics and narcotics addicts. Authorization for all three of these programs amounted to $211 million. When the bill reached conference the version presented by the other body extended both the time and the money for these programs for a total of $489 million. The conferees, by holding all of the programs to 2 years and not agreeing to all of the increases, held the totals for this portion of the bill to $249 million which is an increase over the amount passed by the House of $38 million.

If the differences between the two bills presented to the conference were confined to the three programs already mentioned it would be a simple thing to recommend your approval of the conference report. It is not, however, that easy. The other body added to the bill two programs which the House or at least the Commerce Committee had expected to handle next year. Both programs, the Hill-Burton hospital construction program and the solid waste disposal program, would have expired in July 1969.

This would have required fairly fast action in a new Congress but it was felt that particularly in the case of Hill-Burton, about which there is no basic disagreement, it could be accomplished. When confronted with the bill passed by the other body we found more than an extension in the case of Hill-Burton. Two entirely new programs providing direct loans and loan guarantees for hospital modernization were included. The conference accepted a 1-year extension of the solid waste disposal program at the going rate without too much difficulty. In view of the size of Hill-Burton authorizations and particularly the size and the novelty of the loan programs the House conferees felt constrained to extend present Hill-Burton provisions for 1 year only with a slight increase—$15 million—over present authorizations for 1969. The loan programs were not agreed to although both bodies believe there is merit to them. Without hearings and careful and detailed consideration of these provisions by the committee and by the House, approval cannot be justified, and the conference could not conscientiously recommend such approval under present circumstances. We have brought back to the House the conference report containing nothing which is new except facilities for alcoholics and addicts and these were thoroughly considered in the process of the passage of H.R. 15758 by this House. It is my opinion that your conferees have done well in holding this bill within the bounds of both the program and fiscal considerations. I recommend the approval of the conference report.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I am happy to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I should like to inquire of the gentleman from Illinois, who I understand has the time now, if I correctly understand his remarks in regard to the sections of this bill the Senate put in and which apparently have not been agreed to by the conference, with regard to the guaranteeing of loans. Am I correct in saying that the fact that it is not in this bill does not necessarily mean the House conferees are opposed to the concept; it is, rather, that there was not time to have any public hearings whatsoever on the concept.

Mr. SPRINGER. The gentleman is correct. In fact, from what we heard in the 5 hours of conference in two afternoons we were inclined to believe there was merit in this mortgage guarantee program with the interest subsidy. We felt they could go out to private enterprise and get loans faster than they could under the Hill-Burton program.

As the gentleman knows, some of these hospitals have been waiting 2 or 3 years in order to get a grant under Hill-Burton.

We did believe it had merit. We did not believe we would be justified in coming back to this House with a $600 million guaranteed loan program without a single hour of hearings on what was contained in the legislation. That is the reason we did not agree to it. We did say in the conference and I said here on the floor—and it has been agreed to by the chairman of the committee, regardless of whether he is chairman or I am chairman after January 1—that we will go into both the guarantee loan program as well as the direct loan program proposed in the Senate version.

Mr. CLEVELAND. Mr. Speaker, if the gentleman will yield further, and as the gentleman knows, I have a constituent hospital which is most interested in this guarantee loan phase of this legislation. I am glad to hear him say the fact that it has been taken out of the conference report does not reflect any disregard for the merits of the proposal. I further understand the gentleman to say that the hearings on this part of the program can be expected fairly early in the next session of Congress. Is that correct?

Mr. SPRINGER. That has been agreed to. I will ask the chairman of the committee if we do not have an agreement on the question of the hearings as soon as we can conveniently do so after the first of the year on both the direct and the guarantee loan programs.

Mr. STAGGERS. That is my understanding. We have that agreement, both the majority and the minority.

Mr. CLEVELAND. May I inquire further from either the chairman or the ranking minority member? Do I understand that as to those hospitals who at very great risk have gone ahead and made loans and are paying upward of 7 percent in some instances, consideration will be given to them so that they may come under the provisions of such act?

Mr. SPRINGER. I do not think there is any question but what the gentleman's hospital would come under the provisions of the act if it is anywhere near the kind of legislation that is put in on the Senate side. May I say to the distinguished gentleman from New Hampshire his chances of getting a loan quickly would be much greater under the guarantee loan program than under the Hill-Burton Act program if we can take the past experience under the Hill-Burton Act for the length of time it takes to get a grant.

Mr. CLEVELAND. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I now yield to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

As the gentleman knows, I have expressed my support for the extension of the Hill-Burton hospital construction program. It is my understanding that the conference report extends this program for 1 year, through fiscal year 1970. Is that correct?

Mr. SPRINGER. That is correct. That is until July 1, 1970. The House felt that we ought to have at least 1 year beyond fiscal year 1969; that is, July 1, 1969. For that reason we put in the figure of $295 million, which we thought was adequate.

Mr. BROYHILL of North Carolina. And there were no other substantial changes in the Hill-Burton Act made other than the extension of the program as presently written for 1 year?

Mr. SPRINGER. There were no changes in the Hill-Burton Act as a result of this legislation except the extension of the authorization for an appropriation until 1970.

Mr. BROYHILL of North Carolina. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I now yield to the distinguished gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, as a member of the committee, I certainly want to congratulate our chairman and our ranking minority member as well as all of the members of the committee, and I hope a little of it will rub off on me, because I think this is a great piece of legislation. I hope everybody will refresh their memory as to what was in the bill when we debated it and it passed the House and not forget the very many major progressive provisions in this bill regarding heart trouble, strokes, and so forth and all of the other steps forward that this bill provides in the field of health.

I think so far as the hospital funds are concerned there is no need for anyone to be concerned about it after the colloquy that has just gone on before my statement here at this moment.

This is a great piece of legislation. The subcommittee, I know, worked long and hard and the full committee worked long and hard on this. I was pleased to support it, and I hope there will be great benefits that will be derived from this legislation when it is signed into law.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. Is it correct that two level 2 executive positions have been inserted in this legislation; that is, jobs paying $30,000 a year each?

Mr. SPRINGER. May I say to the distinguished gentleman that that was not in the House version but it was in the Senate version. There was considerable debate, may I say, in the conference about these to positions, because I felt sure, and as I said at the conference, that the distinguished gentleman from Iowa was going to ask about these two positions. The position of HEW, as I understand it, was that they needed two positions with this amount of money in them because of the technical qualifications needed, and they could not get them for less than that amount of money. Now, these would be people very highly qualified as administrators in the health field. They would undoubtedly be M.D.'s.

Mr. GROSS. Well, I appreciate the gentleman's reply, but that hardly justifies writing into legislation two supergrade positions. If the committees of Congress are going to write such positions into the authorizing legislation, we are going to be in trouble around here.

Was any notice served upon the Post Office and Civil Service Committee, which under the rules of the House, provides for positions of this kind? Was any representation made to that committee that the gentleman knows of on the part of his committee?

Mr. SPRINGER. Mr. Speaker, if the gentleman from West Virginia will yield further, there was no representation made to the conference as I recall on the part of the Senate conferees with reference to whether this was taken up with either the Senate or House Post Office and Civil Service Committee regarding these two positions.

Now, it is my understanding—and the sole reasoning was that this was a part of the compromise, in order to get these figures reduced—these two positions were a part of the package that was finally arrived at.

The gentleman from Iowa may not agree with us on this and I very well understand how the gentleman feels about it. But we felt that since we came out of this saving well over $1 billion we had made a good compromise on the part of the House. That is about the best explanation I can give the gentleman of the matter.

Mr. GROSS. Is the gentleman from Illinois saying that the compromise was over two $30,000 jobs as between a $1 billion increase and a $200 million increase?

Mr. SPRINGER. All I can say to the

gentleman is that those two jobs were a part of the compromise which was made on the part of the House.

Perhaps the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], would like to offer some further information along this line but that is as near the correct situation as I am able to give it to the gentleman.

Mr. STAGGERS. Mr. Speaker, the gentleman from Illinois is perfectly right. We in conference had several problems in addition to the one that the gentleman from Iowa has mentioned. The Senate version of the bill contained the sum of a bit over $1.8 billion, and when we got through we had cut it to the extent of $1,280 million from the Senate version. This was a part of the compromise.

The fact of the matter is that the Senate version of this pay provision had one of these jobs to be paid at the rate of $35,000. We said we would not go along with that high a salary because we did not want these men, no matter how able they were or how great they were, making more than $30,000. But we did go along with the figure of $30,000. We thought that overall this was a good compromise and we were sure that these men would be of outstanding ability in the fields in which they were engaged. These men will have to come from private life where they are probably making at least $10,000 to $20,000 more. Therefore, we felt this was a good compromise.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, does not the gentleman think it would be good policy to consult with the committee which, under the rules of the House, has the jurisdiction and authority to handle situations of this kind; to make recommendations to the House in matters of this kind?

Does the gentleman not believe that this is a direct violation of the rules of the House that we would be confronted with this sort of a situation here today?

Mr. STAGGERS. I would say to the gentleman in response to his question, that this comes before our committee, the authorization for these positions. The authorization is in section 208(g) of the Public Health Service Act, which is within our committee's jurisdiction. Certainly we did not originate this amendment but it was agreed to as a matter of compromise. It is something that was done by the Senate, and we thought it was the best we could do.

Mr. GROSS. And there were no hearings at all to justify the creation of these jobs; is that correct?

Mr. STAGGERS. The fact is there were several things that were in conference that we did not have hearings on, such as the extension of the Hill-Burton Act. They had a 2-year extension in the Senate, but we secured a compromise back to a 1-year extension whereby we could hold hearings next year for further extension and revision of that act.

Mr. GROSS. I am not going to hold my breath next year until you eliminate these two positions that are being created here, and I must say surreptitiously no, I will not hold my breath until you eliminate those two jobs next year. If I do I will be deader than a doornail.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Speaker, I thank the gentleman for yielding.

I want to join with my colleague, the gentleman from Iowa [Mr. GROSS] in stating that when the next session of Congress convenes, if I am here I will certainly join with the gentleman in an effort to eliminate these two positions that have been added by the conference.

Mr. Speaker, I realize the difficulty of a conference committee, but this recommendation is to establish two positions in the Public Health Service at a salary level above that of the Health, Education, and Welfare Under Secretary, and to me this is a clear indication that we have been in session too long.

For example, these two men will be able to receive a salary in excess of the Under Secretary of Commerce, the Under Secretary of the Interior, the Under Secretary of Labor, the Under Secretary of the Treasury, and so forth. I am not arguing that maybe we should not raise salaries in some of these areas where we need men of science and other higher qualifications, but it does seem to me that this is an irrational and dangerous precedent. We must, I believe, look to the overall picture and do it throughout the Government. Therefore I am opposed to this particular action of the conferees.

In view of the lateness of the session and the unfinished business still before us, I shall not insist at this time on the elimination of this irrational provision. I am prepared, however, to support a motion for the purpose if one is offered.

In the event the conference report is not recommitted, I am serving notice that I intend to introduce legislation next January to eliminate the positions in question. It is my understanding that the Budget Bureau opposes this action, and I would expect the President to prohibit the filling of these positions pending their elimination in the next Congress.

Section 501 would authorize compensation for two positions in the Public Health Service at level H of the executive schedule at the rate of $30,000 per annum.

The highest salary level presently authorized for PHS personnel under section 208(g) of the Public Health Service Act is GS-18, which is fully four grades below level II. This provision was not contained in the House-passed bill; it was added in conference.

I cannot support this provision which would create two positions in the Public Health Service at a salary level higher than that of the Under Secretary of Health, Education, and Welfare. We would have great difficulty in explaining such a gross undermining of the civil service structure of our Government to our constituents. To put the proposed action in perspective, I will enumerate the positions of great responsibility which are presently assigned to level II—the level at which this conference report proposes to compensate two persons in the Public Health Service. Level II presently includes the:

Deputy Secretary of Defense;
Under Secretary of State;
Administrator, Agency for International Development;
Administrator, National Aeronautics and Space Administration;
Administrator, Veterans' Affairs;
Administrator, Housing and Home Finance Agency;
Administrator, Federal Aviation Agency;
Chairman, Atomic Energy Commission;
Chairman, Council of Economic Advisers;
Chairman, Board of Governors of the Federal Reserve System;
Director, Bureau of the Budget;
Director, Office of Science and Technology;
Director, U.S. Arms Control and Disarmament Agency;
Director, U.S. Information Agency;
Director of Central Intelligence;
Secretary of the Air Force;
Secretary of the Army; and
Secretary of the Navy.

As I noted earlier, if two Public Health Service positions are compensated at level II, their occupants will be paid more than the Under Secretary of Health, Education, and Welfare, whose position is assigned to level III. Some of the other positions now in level III are:

Under Secretary of Commerce;
Under Secretary of the Interior;
Under Secretary of Labor;
Under Secretary of the Treasury;
Administrator of General Services;
Chairman, U.S. Civil Service Commission;
Chairman, Federal Trade Commission;
Chairman, Interstate Commerce Commission;
Director, Office of Emergency Planning; and
Director, National Science Foundation.

The compensation of two positions in the Public Health Service at level II is explained in the conference report as a means of enabling the Secretary of Health, Education, and Welfare more easily to recruit specially qualified personnel for the needs of the Public Health Service. I believe there is something radically wrong if the Federal Government must offer sub-Cabinet salaries to attract scientific, professional, and administrative personnel to an operating unit within the Department of Health, Education, and Welfare.

What we have at stake here is not the ability to pay scientific and professional personnel a higher salary but, rather, the integrity of the civil service grade structure which the Congress and the executive branch have carefully developed.

I make no judgment on whether higher salaries may be justified for some individuals in the Public Health Service. If salaries are inadequate, this is a Government-wide problem which obviously would apply also to other departments and agencies of the Federal Government. I submit that elevating employees of a subordinate agency within HEW to a level above the Department's Under Secretary is not the proper method of attaining this goal.

If section 501 is allowed to stand, we might just as well scrap the Federal Government's compensation system. If we do not eliminate this provision, we will most surely be subject to public ridicule.

Mr. **DULSKI**. Mr. Speaker, will the gentleman yield?

Mr. **STAGGERS**. I yield to the gentleman.

Mr. **DULSKI**. Mr. Speaker, I agree with the remarks made by the gentleman from Iowa [Mr. GROSS] and the gentleman from North Carolina [Mr. FOUNTAIN].

Mr. Speaker, I hope that this does not set a precedent for providing positions above the super grades.

A few weeks ago we had a bill with reference to super grades which was defeated by the House, which had to do with positions going over the $30,000 bracket. I am sure we had legislation previous to that and we eliminated that.

Mr. Speaker, this being a very important bill, I do not want to hinder the proceedings so I will place my own objection to this part of the bill at this point in the RECORD.

Mr. Speaker, I am in favor of the conference report on H.R. 15758—but I wish to join my colleagues—the gentleman from Iowa, H. R. GROSS, and the gentleman from North Carolina, L. H. FOUNTAIN—in opposing the creation of two positions at executive level II for the Public Health Service, as provided in section 501 of this bill.

The Post Office and Civil Service Committee, charged with the control of top level positions in the Federal Government, was not contacted relative to these positions. As chairman of this committee, I do not know, at this time, as to the actual requirements for these top jobs, or the proper pay grade or level, if the positions are needed, where they should be placed. These are proper questions that should or would be raised by our committee.

To create these two positions could be the beginning of a precedent that would be disastrous to our present, orderly congressional control of top Federal jobs. Public Law 87-367, in 1961, enunciated this congressional policy; and the House has followed it quite well.

Mr. Speaker, in view of the impropriety of creating these positions, I am today contacting the Secretary of the Department of Health, Education, and Welfare and the chairman of the Civil Service Commission requesting that these executive level II positions not be filled until the Post Office and Civil Service Committee has had an opportunity to determine background information and requirements for these top jobs.

The **SPEAKER**. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. **SPRINGER**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 317, nays 0, not voting 114, as follows:

[Roll No. 360]

YEAS—317

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Barrett
Bates
Battin
Bennett
Betts
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brasco
Bray
Brinkley
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Conable
Conte
Corbett
Corman
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fino
Flood
Flynt
Foley
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Harsha
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Henderson
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Irwin
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kelly
King, N.Y.
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, Md.
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Rosenthal
Roth
Roybal
St. Onge
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Charles H.
Winn
Wright
Wydler
Wylie
Wyman
Yates
Zion
Zwach

NAYS—0

NOT VOTING—114

Adair
Ashmore
Aspinall
Baring
Belcher
Bell
Berry
Blackburn
Brademas
Brock
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Fla.
Collier
Colmer
Conyers
Cowger
Davis, Ga.
Dwyer
Edwards, La.
Evans, Colo.
Farbstein
Fisher
Ford, Gerald R.
Ford, William D.
Fraser
Fulton, Tenn.
Gallagher
Gardner
Gurney
Halleck
Hamilton
Hansen, Idaho
Hardy
Hathaway
Hays
Hébert
Helstoski
Hungate
Jacobs
Jarman
Jones, Mo.
Karsten
Kee
Keith
King, Calif.
Kirwan
Kupferman
Kyros
Landrum
Leggett
Long, La.
McCarthy
McMillan
Macdonald, Mass.
Mathias, Md.
Matsunaga
May
Minshall
Morton
Moss
Murphy, N.Y.
O'Hara, Ill.
O'Konski
Olsen
Passman
Pettis
Pickle
Podell
Pollock
Pucinski
Rarick
Rees
Reifel
Reinecke
Resnick
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Scheuer
Sisk
Skubitz
Smith, Calif.
Smith, Okla.
Snyder
Stanton
Stephens
Stratton
Taft
Teague, Calif.
Tenzer
Thompson, N.J.
Tunney
Utt
Van Deerlin
Walker
Willis
Wilson, Bob
Wolff
Wyatt
Young
Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. King of California with Mr. Adair.
Mr. Aspinall with Mrs. Dwyer.
Mr. Kirwan with Mr. Gerald R. Ford.
Mr. Hébert with Mr. Smith of California.
Mr. Rooney of New York with Mrs. May.
Mr. Brademas with Mr. Collier.
Mr. Leggett with Mr. Pollock.
Mr. Murphy of New York with Mr. Bob Wilson.
Mr. Evans of Colorado with Mr. Minshall.
Mr. Matsunaga with Mr. Belcher.
Mr. Rostenkowski with Mr. Morton.
Mr. Davis of Tennessee with Mr. Talcott.
Mr. Hamilton with Mr. O'Konski.
Mr. Fisher with Mr. Berry.
Mr. Farbstein with Mr. Keith.
Mr. Hays with Mr. Utt.
Mr. Brooks with Mr. Sandman.
Mr. Zablocki with Mr. Reifel.
Mr. Gallagher with Mr. Bell.
Mr. Hathaway with Mr. Wyatt.
Mr. Olsen with Mr. Rumsfeld.
Mr. Moss with Mr. Teague of California.
Mr. Ashmore with Mr. Brock.
Mr. Pucinski with Mr. Pettis.
Mr. Thompson of New Jersey with Mr. Taft.
Mr. St Germain with Mr. Reinecke.
Mr. Pickle with Mr. Blackburn.
Mr. Podell with Mr. Roudebush.
Mr. Wolff with Mr. Skubitz.
Mr. O'Hara of Illinois with Mr. Brown of Ohio.
Mr. Rogers of Colorado with Mr. Smith of Oklahoma.
Mr. Satterfield with Mr. Cowger.
Mr. Ryan with Mr. Snyder.
Mr. Tenzer with Mr. Brown of Michigan.

Mr. Stratton with Mr. Stanton.
Mr. Passman with Mr. Burke of Florida.
Mr. Macdonald of Massachusetts with Mr. Ruppe.
Mr. Long of Louisiana with Mr. Halleck.
Mr. Brown of California with Mr. Mathias of Maryland.
Mr. Baring with Mr. Gardner.
Mr. Kyros with Mr. Gurney.
Mr. Tunney with Mr. Hansen of Idaho.
Mr. Walker with Mr. Kupferman.
Mr. Young with Mr. Rees.
Mr. William D. Ford with Mr. Helstoski.
Mr. Sisk with Mr. Stephens.
Mr. Scheuer with Mr. Conyers.
Mr. Colmer with Mr. McMillan.
Mr. Edwards of Louisiana with Mr. Resnick.
Mr. Ronan with Mr. Rooney of Pennsylvania.
Mr. Roush with Mr. Van Deerlin.
Mr. Jarman with Mr. Jacobs.
Mr. Hungate with Mr. Karsten.
Mr. Kee with Mr. McCarthy.
Mr. Fulton of Tennessee with Mr. Fraser.
Mr. Rarick with Mr. Hardy.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

TO INCREASE NUMBER AND SALARIES OF JUDGES OF THE DISTRICT OF COLUMBIA COURT SYSTEM

Mr. DOWDY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2439) to increase the number and salaries of judges of the District of Columbia court of general sessions and the juvenile court of the District of Columbia, the salaries of the District of Columbia Court of Appeals and the District of Columbia tax court, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Texas?

Mr. NELSEN. Mr. Speaker, reserving the right to object—and I do so for the purpose of receiving an explanation of the bill and I shall not object—but, I believe we should have an explanation of the bill at this point.

Mr. DOWDY. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Speaker, on July 22 the House passed the bill, H.R. 15678, a similar bill, to increase the salaries of the judges of the District of Columbia court system. My intention is to offer an amendment to the similar Senate bill which I have just called up, and to amend it so as to include the provisions of the House bill, which will add these additional judges to the District of Columbia court of general sessions.

Mr. NELSEN. That is the same bill that was passed by the House, I believe, by a vote of 338 to 49, as I recall. And it is my understanding that the gentleman intends to offer an amendment to strike the Senate language and to include the provisions of the House bill by adding two judges. It is also my understanding that the Senate bill did provide for clerks for the judges, but this will also be deleted, and there will be no clerks allowed in the amendment that the gentleman intends to offer?

Mr. DOWDY. That is correct.

Mr. NELSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, further reserving the right to object, this bill provides for increased pay for the judges in the District of Columbia. Is that correct?

Mr. DOWDY. It is identical to the bill that the House passed earlier this year. I believe it was in July.

Mr. GROSS. And it adds two additional judges; is that correct?

Mr. DOWDY. That is correct. The Senate bill provided for five additional judges.

Mr. GROSS. When was the last bill approved that increased the number of judges in the District of Columbia? Does the gentleman have that information at hand?

Mr. DOWDY. It was 4 or 5 years ago.

Mr. GROSS. Was it that long ago?

Mr. DOWDY. I believe that is correct.

Mr. GROSS. When was the pay of the judges increased last? Does the gentleman recall?

Mr. DOWDY. I will see if I can get that information for you from my assistants here. I think it was some years ago.

Mr. GROSS. It seems to me the pay of the judges was increased 2 years ago or at least a few years ago.

Mr. DOWDY. I do not recall the date.

Mr. GROSS. Well, the pay of many of the judges of the District of Columbia was increased less than 10 years ago, I am confident of that.

Mr. DOWDY. The President's Commission on Crime proposed an increase in 1966.

I have the date now—the last increase was in 1964.

Mr. GROSS. Yes; I thought there was an increase as recently as that.

At that time we were told that action was necessary to discharge the business of the courts because of the caseload, and so forth.

But it seems that increasing the pay and increasing the number of judges does not accomplish the results that we were assured would take place.

Do we have any assurance that increasing the salaries now and adding the two additional judges that the caseload is going to be worked out or are we going to be called on again in the immediate future to provide more and higher pay for judges of the District of Columbia and supply more judges?

Mr. DOWDY. Of course, the gentleman knows that I cannot give him any assurance on that.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ADAMS. I might point out to the gentleman that the only way we can handle the increasing crime rate that is occurring in all of the metropolitan cities is not just by having an increase in the police force. We also have to have the courts available to try these cases and parole and probation facilities to provide some true rehabilitation for them who are convicted.

The impact of crime in these cities is rising rapidly and this bill will do no more than keep us even. If we are ever to roll crime back, we are going to need an increase in the number of judges both in the District of Columbia sessions court and the Federal district courts. There were 900 pending felony cases in the Federal district court in March and it was going up about 40 per month.

That is why we have to move in these areas as well as other parts of the criminal law system if we want, and I know the gentleman does, to control crime here. I assume he wants to see that happen.

Mr. GROSS. I happen to believe that if the judges would mete out sentences commensurate with the crimes there would not be so much crime and therefore fewer cases.

Mr. ADAMS. Well, the gentleman is entitled to his belief. This may be a factor in it, but you also have the fact that if you wish to visit the District of Columbia sessions court any day of the week and see the number of cases being handled, you will see why the judges are not able to handle all of these effectively. In bail cases in the District of Columbia sessions court there are as many as 100 cases a day handled by one judge on the assignment calendar. The judge simply cannot make accurate judgments under this type of a caseload.

That is why we need more judges and that is why this bill has bipartisan support.

Mr. GROSS. The gentleman is saying inversely, I take it, that with the increase of two more judges and the increase in pay that the situation will be taken care of.

Mr. ADAMS. No, I am saying to the gentleman that we will be lucky to stay even. If we get additional judges, beyond those in this bill, we may be able to start rolling crime back. If you are going to fight crime in this country, you have to spend the money and have the dedicated people to do it—and not just talk about it.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GUDE. I would like to say that it would be very fortunate if we do stay even, even with these two additional judges. I think we desperately need the five judges that the Senate recommended. I think we desperately need more juvenile court judges which the Senate has proposed.

One of the biggest factors in crime is the fact that 70 percent of the adult defenders have juvenile records. We have a backlog in that in both of these courts.

So I am most disappointed that we are not going further. But certainly I must agree with these amendments.

Mr. GROSS. I do not want to abuse the privilege of reserving the right to object, but I do want to say this.

There are some people around here, and the District of Columbia is teeming with them, and they are also in the Congress, who think every problem can be solved simply by spending more money and adding more employees. I do not agree.

I say again that if the judges would mete out sentences commensurate with the crimes committed in the District and if those who live in the District would display some civic pride and help restore morality and responsibility it would not be necessary to spend so much money on the courts and law-enforcement agencies. I do not agree that simply adding more judges and spending more money on more judges will cure the situation in the District of Columbia.

Mr. GUDE. What I am trying to say to the gentleman is that when the judges are not able to handle the cases and the men are released on the streets and they stay there 9 months before they finally get to trial, it is no wonder that we have difficult conditions in Washington, D.C.

Mr. GROSS. I hope we do not have an aggregation of confirmed golfers and other recreationists sitting on the benches in the District of Columbia. I hope we are getting a day's work out every one of them.

The **SPEAKER** pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

S. 2439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11–902(a) of the District of Columbia Code is amended by striking out "twenty" and inserting in lieu thereof "twenty-five".

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$24,000" and inserting in lieu thereof "$28,000", and by striking out "$23,500" and inserting in lieu thereof "$27,500".

Sec. 2. Subchapter II of chapter 9 of title 11 of the District of Columbia Code is amended—

(1) by adding at the end thereof the following new section:

"§ 11–936. Attorney advisers; compensation

"The District of Columbia Court of General Sessions may appoint and remove attorney advisers equal to the number of judges authorized to serve on such court, and shall fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates."; and

(2) by adding at the end of the analysis of such subchapter the following new item:

"11–936. Attorney advisers; compensation."

Sec. 3. Section 11–702(d) of the District of Columbia Code is amended by striking out "$25,000" and inserting in lieu thereof "$29,000", and by striking out "$24,500" and inserting in lieu thereof "$28,500".

Sec. 4. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$23,500" and inserting in lieu thereof "$27,500".

Sec. 5. Section 11–1502(a) of the District of Columbia Code is amended by striking out "two" and inserting in lieu thereof "four".

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: Strike out all after the enacting clause of S. 2439 and insert:

"That (a) section 11–902(a) of the District of Columbia Code is amended by striking out 'twenty' and inserting in lieu thereof 'twenty-two'.

"(b) Section 11–902(d) of the District of Columbia Code is amended by striking out '$24,000' and inserting in lieu thereof '$28,000', and by striking out '$23,500' and inserting in lieu thereof '$27,500'.

"Sec. 2. Section 11–702(d) of the District of Columbia Code is amended by striking out '$25,000' and inserting in lieu thereof '$29,000', and by striking out '$24,500' and inserting in lieu thereof '$28,500'.

"Sec. 3. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out '$23,500' and inserting in lieu thereof '$27,500'.

"Sec. 4. The amendments made by this Act shall take effect as of October 1, 1968."

Mr. DOWDY. Mr. Speaker, the purpose of this amendment is to add to the Senate-passed bill provisions for two additional judges to be added to the 20 judges of the District of Columbia court of general sessions.

The Senate bill provides for five additional judges for that court, to be added to the 20 judges now on the court.

The Senate bill also provided for two additional judges to be added to the three now sitting on the juvenile court, and for an attorney-adviser or law clerk—who start with a salary of $10,000—for each of the judges of the District of Columbia court of general sessions.

The House District Committee has had no hearings on these proposals for increasing the judges and for these attorney-advisers.

As to the juvenile court, the committee does have before it involved and technical proposals to establish a unified court system to deal with family problems, which would be a complete overhaul of the court of general sessions and the juvenile court.

Under the circumstances, therefore, the District Committee is of the belief that an increase of two judges is sufficient until the next Congress can review, hear, and resolve the whole court situation in the District of Columbia.

The **SPEAKER** pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. Dowdy].

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT

Mr. DOWDY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Dowdy: Amend the title so as to read: "A bill to increase the number and salaries of judges of the District of Columbia Court of General Sessions, the salaries of the District of Columbia Court of Appeals, and the District of Columbia Tax Court, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 698, INTERGOVERNMENTAL COOPERATION ACT OF 1968

Mr. HOLIFIELD. Mr. Speaker, I call up the conference report on the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1934)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act be cited as the 'Intergovernmental Cooperation Act of 1968.'

"TITLE I—DEFINITIONS

"When used in this Act—

"FEDERAL AGENCY

"Sec. 101. The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

"STATE

"Sec. 102. The term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

"POLITICAL SUBDIVISION OR LOCAL GOVERNMENT

"Sec. 103. The term 'political subdivision' or 'local government' means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

"UNIT OF GENERAL LOCAL GOVERNMENT

"Sec. 104. 'Unit of general local government' means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"SPECIAL-PURPOSE UNIT OF LOCAL GOVERNMENT

"Sec. 105. 'Special-purpose unit of local government' means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

"GRANT OR GRANT-IN-AID

"Sec. 106. The term 'grant' or 'grant-in-aid' means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

"(A) to a State; or

"(B) to a political subdivision of a State; or

"(C) to a beneficiary under a plan or program, administered by a State or a political subdivision of a State, which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term also includes money, or property provided in lieu of money, paid and furnished by the United States to any community action agency under the Economic Opportunity Act of 1964, as amended. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

"FEDERAL ASSISTANCE, FEDERAL FINANCIAL ASSISTANCE, FEDERAL ASSISTANCE PROGRAMS, OR FEDERALLY ASSISTED PROGRAMS

"Sec. 107. The term 'Federal assistance', 'Federal financial assistance', 'Federal assistance programs', or 'federally assisted programs', means programs that provide assistance through grant or contractual arrangements, and includes technical assistance programs or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code secs. 47–2501a and 47–2501b).

"SPECIALIZED OR TECHNICAL SERVICES

"Sec. 108. 'Specialized or technical services' means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any department or agency of the executive branch of the Federal Government is especially equipped and authorized by law to perform.

"COMPREHENSIVE PLANNING

"Sec. 109. 'Comprehensive planning' includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources; (B) long-range physical and fiscal plans for such action; (C) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the program; (D) coordination of all related plans and activities of the State and local governments and agencies concerned; and (E) preparation of regulatory and administrative measures in support of the foregoing.

"HEAD OF AGENCY

"Sec. 110. The term 'head of a Federal agency' or 'head of a State agency' includes a duly designated delegate of such agency head.

"TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

"FULL INFORMATION ON FUNDS RECEIVED

"Sec. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivisions shall, upon request, notify in writing the Governor, the State legislature, or other official designated by either, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions. In each instance, a copy of requested information shall be furnished the State legislature or the Governor depending upon the original request for such data.

"DEPOSIT OF GRANTS-IN-AID

"Sec. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

"SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

"Sec. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds, or subsequent to such transfer of funds. States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

"ELIGIBLE STATE AGENCY

"Sec. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

"TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

"STATEMENT OF PURPOSE

"Sec. 301. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments.

"AUTHORITY TO PROVIDE SERVICE

"Sec. 302. The head of any Federal department or agency is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment, to the department or agency by the unit of government making the request, of salaries and all other identifiable direct or indirect costs of performing such services: *Provided, however*, That such services shall include only those which the Director of the Bureau of the Budget through rules and regulations determines Federal departments and agencies have special competence to provide. Such rules and regulations shall be consistent with and in furtherance of the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

"REIMBURSEMENT OF APPROPRIATION

"Sec. 303. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 302 shall be deposited to the credit of the principal appropriation from which the cost of providing such services has been paid or is to be charged.

"REPORTS TO CONGRESS

"Sec. 304. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective

Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

"RESERVATION OF EXISTING AUTHORITY

"Sec. 305. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

"TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

"DECLARATION OF DEVELOPMENT ASSISTANCE POLICY

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources, development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

"FAVORING UNITS OF GENERAL LOCAL GOVERNMENT

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government.

"RULES AND REGULATIONS

"Sec. 403. The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

"TITLE V—ACQUISITION USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

"AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

"Sec. 501. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

" 'TITLE VIII—URBAN LAND UTILIZATION

" 'SHORT TITLE

" 'Sec. 801. This title may be cited as the Federal Urban Land-Use Act'.

" 'DECLARATION OF PURPOSE AND POLICY

" 'Sec. 802. It is the purpose of this title to promote more harmonious intergovernmental relations and to encourage sound planning, zoning, and land use practices by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent practicable in accordance with planning and development objectives of the local governments and local planning agencies concerned.

" 'DISPOSAL OF URBAN LANDS

" 'Sec. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

" '(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

" '(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

" '(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

" 'ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

" 'Sec. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition immediately notify such local government of the acquisition and the proposed use of the property.

" '(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

" '(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

" '(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

" 'Sec. 805. The procedures prescribed in sections 803 and 804 may be waived during any period of national emergency proclaimed by the President.

" 'DEFINITIONS

" 'Sec. 806. As used in this title—

" '(a) "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

" '(b) "Urban area" means—

" '(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

" '(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

" '(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

" '(c) "Comprehensive planning" includes the following, to the extent directly related to the needs of a unit of general local government:

" '(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

" '(2) Long-range physical and fiscal plans for such action;

"'(3) Programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

"'(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

"'(5) Preparation of regulatory and administrative measures in support of the foregoing.'

"TITLE VI—REVIEW OF FEDERAL GRANT-IN-AID PROGRAMS

"CONGRESSIONAL REVIEW OF GRANT-IN-AID PROGRAMS

"SEC. 601. (a) Where any Act of Congress authorizes the making of grants-in-aid and no expiration date for such authority has been specified by law, then prior to the expiration of each period specified in subsection (b) the Committees of the Senate and the House having legislative jurisdiction over such grants-in-aid shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special attention to:

"(1) The extent to which the purposes for which the grants-in-aid are authorized have been met;

"(2) The extent to which the objectives of such programs can be carried on without further financial assistance from the United States;

"(3) Whether or not any changes in purpose, direction or administration of the original program, or in procedures and requirements applicable thereto, shall be made; and

"(4) The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

"(b)(1) A study of a grant-in-aid program to which subsection (a) applies and which is authorized by an Act of Congress enacted before the date of enactment of this Act shall be conducted prior to the expiration of the fourth calendar year beginning after the date of enactment of this Act, and thereafter prior to the expiration of the fourth calendar year following the year during which a study of such program was last conducted under this paragraph.

"(2) A study of a grant-in-aid program to which subsection (a) applies and which is authorized by an Act of Congress enacted after the date of enactment of this Act shall be conducted prior to the expiration of the fourth calendar year following the year of enactment of such Act, and prior to the expiration of each fourth calendar year thereafter.

"STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

"SEC. 602. (a) Upon request of any committee having jurisdiction over a grant-in-aid program, the Comptroller General shall make a study of such program to determine among other relevant matters, the extent to which:

"(1) such program conflicts with or duplicates other grant-in-aid programs; and

"(2) more effective, efficient, economical, and uniform administration of such program can be achieved by changing certain requirements and procedures applicable thereto.

"(b) In reviewing grant-in-aid programs the Comptroller General shall consider, among other relevant matters, and the budgetary, accounting, reporting and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

"STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"SEC. 603. Upon request of any committee having jurisdiction over a grant-in-aid program, the Advisory Commission on Intergovernmental Relations (established by Public Law 86-380, as amended) shall conduct studies of the intergovernmental relations aspects of such program including (1) the impact of such program, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such program with State and local administration thereof, and shall report its findings and recommendations to such committee and to the Congress.

"PRESERVATION OF HOUSE AND SENATE COMMITTEE JURISDICTION

"SEC. 604. Nothing in this Act shall be construed to affect the jurisdiction of committees under the rules of the Senate and the House of Representatives."

And the House agree to the same.

CHET HOLIFIELD,
JOHN A. BLATNIK,
HENRY S. REUSS,
FLORENCE P. DWYER,
JOHN N. ERLENBORN,
Managers on the Part of the House.

EDMUND S. MUSKIE,
SAM J. ERVIN, Jr.,
LEE METCALF,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserting a new text which is a substitute for both the Senate bill and the House amendment. Except for minor, technical, and clarifying changes, this statement explains the differences between the House amendment and the conference substitute.

TITLE I—DEFINITIONS

Section 106. Grant or grant-in-aid

This section defines the terms "grant" and "grant-in-aid". Under the Senate, these terms (subject to certain exceptions) meant payments—

(A) to a State,

(B) to a political subdivision of a State, or

(C) "to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency",

under a fixed authorization which requires matching or contains an allotment formula. The definition in the House amendment was identical except that under clause (C) the plan or program was not required to be State administered. The conference substitute makes two changes in the definition contained in the House amendment: First, the plan or program is required under clause (C) to be administered by a State or a political subdivision of a State. Second, payments by the United States to community action agencies under the Economic Opportunity Act of 1964 are specifically included within the defined terms.

Section 107. Federal assistance, etc.

The Senate bill provided that the terms "Federal assistance", "Federal financial assistance", "Federal assistance programs" and "federally assisted programs" mean programs that provide assistance through grant or contractual arrangements (including technical assistance and assistance in the form of loans, loan guarantees, or insurance), but do not include the Federal payment to the District of Columbia. The House amendment provided only that the term "Federal assistance" did not include the Federal payment to the District of Columbia. The House recedes.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

Section 201. Full information on funds received

The Senate bill required Federal agencies administering programs of grants-in-aid to States or their political subdivisions to notify, on request, the Governor (or official designated by him) or the State legislature of the purpose and amount of actual grants-in-aid to the State or its political subdivisions. The House amendment required notification to the Governor (or his designee) and the State legislature. The conference substitute requires that, on request, notification be given to the Governor, State legislature, or other official designated by either, and that a copy of the requested information be furnished to the State legislature or the Governor depending upon the original request for such data.

Section. 203. Scheduling of Federal transfers to the States

Both the Senate bill and the House amendment contained a section relating to scheduling of Federal transfers to the States. The House amendment, however, deleted a provision of this Section of the Senate bill which directed that the States not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes. The conference report contains this provision of the Senate bill.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

Section 303. Reimbursement of appropriation

The Senate bill provides that funds received by Federal agencies as payment for furnishing specialized or technical services to State and local governments be deposited to the credit of the principal appropriation from which the cost of providing the services was paid or is to be charged, or to the appropriation currently available for the cost of similar services. The House amendment required that these funds be deposited to miscellaneous receipts of the Treasury. The conference substitute provides that these funds will be deposited to the credit of the principal appropriation from which the cost of providing the services was paid or is to be charged.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

Section 401. Declaration of development assistance policy

The Senate bill directed the President to establish rules and regulations for uniform application in the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, for the purpose of assuring that they will most effectively serve the objectives of title IV of the bill. The House amendment authorized him to establish rules and regulations governing the formulation, evaluation, and review of such programs and projects for such purpose. The conference substitute directs the President to establish rules and regulations governing the formulation, evaluation, and review of such programs and projects for such purpose.

TITLE V—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

Section 802 of Federal Property and Administrative Services Act of 1949—Declaration of purpose and policy.

The Senate bill and House amendment both contain an amendment to the Federal Property and Administrative Services Act of 1949. The amendment adds a new title, relating to urban land utilization, to that Act. Under the Senate bill, section 802 of the new title, which contains a declaration of purpose and policy for the title, provides that one of the purposes of the new title is to encourage sound planning, zoning, and land use practices. In the House amendment, the declaration of purpose and policy for the new title contains no comparable provision. The House recedes.

TITLE VI—CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND TO LOCAL UNITS OF GOVERNMENT

Title V of the Senate bill related to congressional review of Federal grants-in-aid to States and to local units of government. The House amendment contained no comparable provision. Title VI of the conference report contains a substitute for title V of the Senate bill. The substitute eliminates sections 501, 502, and 506 of the Senate bill (which contained a statement of purpose and provisions relating to automatic termination of future grant-in-aid programs and to records and audits) and modifies the remaining provisions of the title in the manner discussed below. In deleting section 502 of the Senate bill (automatic termination), the conferees agreed upon the objective that reasonable termination dates be placed on all new programs and on existing programs and make this recommendation to the appropriate committees of the Senate and the House.

Section 601. Congressional review of grant-in-aid programs

This section is based on section 503 of the Senate bill, which provided for Senate and House review of all future grant-in-aid programs which have authorizations of more than 3 years. Such review would consider the extent to which the purposes of the programs have been met, the extent they can be carried on with or without further financial assistance, whether changes are needed in their direction, administration, or purpose in light of recommendations of the Comptroller General and the Advisory Committee on Intergovernmental Relations, and the adequacy of the programs.

The conference substitute provides for review at four-year intervals grant-in-aid programs for which no expiration date has been specified by law. The Committees of the Senate and the House having legislative jurisdiction over such grant-in-aid programs are directed, separately or jointly, to conduct studies of the programs and to advise their respective Houses of the results of their findings. The review would consider the factors listed in the Senate bill (but without any specific reference to the recommendations of the Comptroller General or the Advisory Committee).

Section 602. Studies by Comptroller General of Federal grant-in-aid programs

This section is based on section 504 of the Senate bill, which provided for continuing studies of Federal grant programs to be made by the Comptroller General of the United States. The conference substitute authorizes the Comptroller General to conduct these studies, but only on request of a committee having jurisdiction over the grant-in-aid program.

Section 603. Studies by Advisory Commission on Intergovernmental Relations

This section of the conference report which is not substantially different from section 505 of the Senate bill, provides that upon request of any committee of the Senate or House having jurisdiction over a grant-in-aid program, the Advisory Commission on Intergovernmental Relations will conduct studies of the intergovernmental relations aspects of such program including the impact of such program, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such program with State and local administration thereof. The Commission's findings and recommendations would be reported to the requesting committee and to the Congress.

Section 604. Preservation of House or Senate committee jurisdiction

This section of the conference report provides that nothing in the bill will be construed to affect jurisdiction of committees under the rules of the Senate or House.

ADDITIONAL TITLES OF SENATE BILL

The House amendment deleted titles VII and VIII of the Senate bill, which related to uniform relocation assistance and uniform land acquisition policy, and title IX, which related to judicial review of certain administrative actions under titles VII and VIII. The conference substitute omits these three titles.

The conferees were in agreement on the desirability of the Congress enacting a uniform relocation policy to assist those displaced from their homes, farms or businesses by Federal and federally assisted projects. They were also agreed upon the desirability of a uniform land acquisition policy in cases where Federal or federally assisted programs result in the taking of the land of private owners. They recommend to the appropriate committees of both Houses that action be taken on these objectives as soon as possible.

CHET HOLIFIELD,
JOHN A. BLATNIK,
HENRY S. REUSS,
FLORENCE P. DWYER,
JOHN N. ERLENBORN,
Managers on the Part of the House.

Mr. HOLIFIELD. Mr. Speaker, this bill is the Intergovernmental Cooperation Act of 1968, which was passed unanimously on the floor of the House a week or so ago. A conference has been had with the conferees on the part of the other body, and we have retained the Senate language in most instances.

In particular, due to the commitments that were made in the House by the gentleman from Illinois [Mr. ERLENBORN] and the gentleman from Wisconsin [Mr. BYRNES], we have sustained the House position, refusing to accept the title VII, which was to establish a uniform relocation assistance policy. We have also refused to accept the title, which would have established a uniform land acquisition policy for Federal and federally aided programs. Two other committees of the House have jurisdiction over these particular areas.

One committee, the Committee on Public Works, was holding hearings on the uniform land acquisition subject matter. There we acquiesced to the requests of Members on both sides of the aisle and sustained the House position on this.

In one other adjustment that was made, to which I invite the attention of the House, the House changed the language of the other body, which provided for a mandatory review of those grant-in-aid programs which are on the books and which do not have termination dates. We accepted the language as far as studies made by the committees of jurisdiction that they will report back to the committees of the House in 4 years on those grant-in-aid programs which do not have termination dates. As the Members of the House know, in the last few years practically every grant-in-aid program that has been passed has been passed with the termination dates running for 2 to 3 or 4 years. We feel this is in line with the practices and policies of the House.

We present this conference report with the unanimous approval of the managers on the part of the House on both sides of the aisle. We believe we have done a good job in sustaining the will of the House.

Mr. Speaker, I am pleased to bring before you the conference report on S. 698, the Intergovernmental Cooperation Act of 1968. This is a bipartisan bill sponsored by many Members of the Senate and the House. Its purpose, in brief, is to strengthen State and local government and improve the relations between those governments and the Federal Government through closer cooperation and coordination of policies and activities particularly in the administration and review of Federal grant and loan programs for development assistance. This bill was passed unanimously by the House and your conferees are happy to report that the House particulars were upheld in nearly all instances.

During the debate on the floor, a question was raised about provisions of the Senate bill which would provide uniform relocation and land acquisition policies for the entire Federal Government and federally assisted programs. On these points the Senate receded. Titles VII, VIII, and IX of the Senate bill have been eliminated from the report. The circumstances surrounding the House position on these matters are familiar to all of you. There was a question of jurisdiction and another committee of the House was holding hearings on this matter. I would like to make it very clear, however, that the conferees on S. 698 were in full agreement that uniform relocation and land acquisition policies should be enacted by the Congress to meet very serious difficulties that so many families and businessmen suffer when they are displaced by the operation of Federal and federally assisted programs. We urge that the appropriate committees of both the Senate and the House give this matter the highest priority and report effective legislation.

The conferees did agree to a Senate provision calling for congressional review of Federal grant-in-aid programs. This was considered during hearings in the House, but our committee thought it better not to legislate in this area at that time. A strong case was made in the conference, however, for this study. We were informed that there are grant-in-aid programs on the statute books which have not been properly reviewed for a long period of time and we agreed that the adoption of a policy of congressional review for programs that are 4 years or more in duration and do not have an expiration date would be wise. The Senate version provided for a flat cutoff after 5 years for such programs enacted in the 91st and subsequent Congresses. We could not agree to this, but all conferees supported the objective that reasonable termination dates be placed on all new programs and on existing programs and recommend this to the appropriate committees of the Senate and the House. Our substitute calls for studies after 4 years and reports to the Congress. These studies are to be made by the committee which has jurisdiction over the grant-in-aid authorization and will give special attention to:

First. The extent to which the purposes for which the grants-in-aid are authorized have been met;

Second. The extent to which the objectives of such programs can be carried on without further financial assistance from the United States;

Third. Whether or not any changes in purpose, direction or administration of the original program, or in procedures and requirements applicable thereto, shall be made; and

Fourth. The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

The Senate bill also directed the Comptroller General to make continuing studies of grant-in-aid programs. It was our view that this was a greater burden than we should put on the General Accounting Office at this time and the substitute calls for the Comptroller General to make studies upon the request of any committee having jurisdiction over the grant-in-aid program. This language, of course, does not at all affect the present jurisdiction and authority of the Comptroller who can investigate and audit all Government programs.

The Advisory Commission on Intergovernmental Relations, which proposed this legislation to the Congress, has among its membership our colleagues, the gentleman from North Carolina, L. H. Fountain, the gentleman from Oregon, Al Ullman, and my fellow conferee, the distinguished gentlewoman from New Jersey, Mrs. Florence P. Dwyer. The Commission is authorized to make studies of these programs at the request of committees of jurisdiction.

The conference report clearly states that nothing in this bill will be construed to affect the jurisdiction of committees under the rules of the Senate or the House.

With regard to those titles of the House-passed bill that were also in the Senate bill, the changes agreed upon were mostly of a clarifying nature. There were several which may be classed as substantive.

We broadened the definition of "grant" or "grant-in-aid" to include a beneficiary under a plan or program administered by a State or a political subdivision of a State which is subject to approval by a Federal agency, and to include community action programs under the Office of Economic Opportunity.

The House bill held that States should be accountable for interest earned on deposited grant-in-aid funds pending their disbursement for program purposes. We were persuaded that under the new letter-of-credit procedure interest accumulated would be so small that it would make the accounting for this interest an unnecessary burden and agreed with the Senate to waive this requirement.

In the section on the provision of technical services to States and local governments, the House bill required that reimbursements to the Federal agency providing the service be deposited to miscellaneous receipts of the Treasury. We were persuaded by the Senate that the purpose of this section might be defeated if the reimbursements could not be applied to the principal appropriation of that agency and we agreed to permit this so long as the moneys would go into the appropriation account for the current year.

Now let me briefly summarize the provisions of the bill.

The first substantive title—title II—calls for improved administration of grants-in-aid to the States. It directs Federal agencies, upon request, to give full information to the Governors and State legislators on grants to their States and political subdivisions, thereby providing necessary data upon which to finance and administer cooperative programs under Federal grants-in-aid. It would improve the scheduling of Federal fund transfers to the States and permit the States to budget Federal grant funds in much the same manner as they budget other revenues. This would assure the expeditious furnishing of Federal grant funds through the letter-of-credit procedure. In addition, it would relieve the States from unnecessary and outmoded accounting procedures and the maintenance of separate bank accounts while protecting the right of the executive branch and the Comptroller General to audit these accounts. Finally, title II would permit the head of a Federal agency to waive the single State agency requirement now in many Federal grant programs so that the organization and modernization of State government structures may be facilitated.

Title III would permit Federal departments and agencies to provide technical and specialized assistance to State and local governments on a reimbursable basis but without competing with private enterprise or rescinding any such authority now possessed by any Federal agency with or without reimbursement. This title recognizes that certain categories of specialized personnel and equipment are in short supply at the State and local levels and that direct efforts to procure them can be costly and duplicative. Under this title, the head of any Federal agency providing such services would be required to report annually on the scope of the services rendered to the Committees on Government Operations of the Senate and House of Representatives.

Title IV is designed to provide coordination on the Federal level of the sometime numerous separate assistance programs and funds which may be focused on a given urban or rural community by various Federal agencies. These programs, though beneficial to the areas they serve, are frequently duplicating, overlapping, and sometimes in conflict with each other. Such administration can create severe confusion and have an ill effect on the recipient local government and its future development. Accordingly, the President is directed to establish rules and regulations governing Federal programs and projects to the end that they most effectively serve certain stated objectives considered important to healthful living and orderly community development. The title further requires that all viewpoints and objectives—national, regional, State, and local—to the extent possible, be considered when Federal development projects are being planned. Federal aid, to the maximum extent possible, shall be consistent with the objectives of State, regional, and local comprehensive planning. Each Federal department and agency administering a development assistance program must consult with and seek advice from other significantly affected Federal agencies in an effort to assure fully coordinated programs. Insofar as possible, Federal planning shall be coordinated with and made a part of local and areawide development planning. Furthermore, in order to strengthen general local government, Federal agencies in making loans or grants should give preference to cities, counties, and townships over special-purpose units. This title originally applied only to Federal programs in urban areas but was expanded by the committee to include rural areas where many of the same problems in administration of Federal assistance exist.

Title V provides that in order to promote more harmonious intergovernmental relations, Federal land within urban areas will be acquired, used, and disposed of in conformity with land utilization programs of the affected local governments. The General Services Administration, prior to the disposal of land in urban areas, will give notice to the local zoning authority so that the land may be zoned in accordance with local comprehensive planning objectives, unless GSA deems such advance notice will have an adverse impact on the proposed transaction. The GSA is to consider objections made by local governments and, to the extent practicable, comply with local zoning regulations and planning objectives.

Mr. Speaker, the passage of S. 698 provides an important step in intergovernmental relations in our country. I hope that this report will be overwhelmingly approved.

Mr. Speaker, I yield now to my colleague, the leading minority member of the subcommittee, the gentleman from Illinois [Mr. Erlenborn] for such time as the gentleman may consume.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from California has quite ably explained the results of this conference committee. I reiterate that the most important thing, I believe, for the Members to consider is the fact that we did sustain the position of the House in not including in the bill as a result of the conference any reference to uniform land acquisition or uniform payments for relocation. This commitment was made on the floor, that the conferees would strive to keep these two sections or titles out of the bill.

I think also the provision of title V for renewal of Federal grant-in-aid programs is important. The Senate provision would have provided for periodic review for new programs enacted in the 91st and subsequent Congresses on a 5-year basis in the event the new program did not have a termination date in the authorization. The result of the conference is that all Federal grant-in-aid programs that do not have automatic termination in their authorization will be reviewed within the next 4 years and every 4 years thereafter, so we will have continuous oversight by the committees of jurisdiction.

Other minor adjustments of differences between the House language and the language of the other body were made. In most instances the intent of the House bill was sustained with minor editorial adjustments. I feel the conference was quite successful from the viewpoint of the House, and the bill, as reported by the conference committee and as recommended by the managers on the part of the House, should receive the unanimous support of the Members of the House.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, not only as a former member and alumnus of the Government Operations Committee, but as a Member of the House, I want to express my appreciation and gratitude for the distinguished ranking majority member of the committee and the gentleman from Illinois for the work they were able to do in the conference in improving the language in title VI.

I remember reading an article in the newspaper, I think, a few days ago, that referred to certain "sleeper" bills that ought to be watched in the period between now and the sine die adjournment of this Congress. That list did not include this particular bill, but I think it should have. The language in title VI refers to a quadrennial review of certain grant-in-aid programs—not only those enacted by the 91st and subsequent Congresses, but by previous Congresses, and I am told there are literally scores of those programs enacted in prior years that do not have an expiration date. Under the language of the conference report, which I understand was supplied because of the initiative taken by the House Members of the conference committee, we have some guarantee that there will be a periodic review of these grant-in-aid programs, and that would I think result in a savings to the taxpayers of this country.

So I congratulate the members of the conference committee for a job well done, particularly on title VI of this Intergovernmental Cooperation Act.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mrs. DWYER. Mr. Speaker, I believe the conferees on S. 698, the Intergovernmental Cooperation Act of 1968, have brought back to the House a bill which, in the first instance, corresponds with the wishes of the House as expressed during debate on the bill reported by the Committee on Government Operations and, second, which has been substantially improved by the compromise provision in title VI, providing for periodic review of grant-in-aid programs by the appropriate congressional committees.

As our colleagues will recall, only the Senate bill included such a provision, although in recent years there has been considerable support among colleagues on both sides of the aisle for such periodic review.

The compromise language, which was proposed to the conference by my distinguished minority colleague the gentleman from Illinois [Mr. ERLENBORN], and I, does, I believe, significantly improve on the language in the Senate bill and in the earlier versions of similar legislation introduced by several of us. The compromise provision eliminates the automatic termination feature under which grant-in-aid programs would be ended after 5 years unless the Congress extended them or enacted them with specific termination dates.

This feature, which was originally intended to encourage meaningful committee review of grant programs, was the cause of concern on the part of several of our colleagues. It had also become less significant in recent years in light of the fact that most grant-in-aid programs now carry specific termination dates.

As a substitute for this feature of the program review provision, the conferees agreed to broaden the review requirement to include most existing grant programs as well as future programs where termination dates have not been specified. The benefits of meaningful congressional review, therefore, will be much more broadly applied.

Having urged the requirement of periodic congressional review of grant-in-aid programs for the past 7 years, both as a member of the Advisory Commission on Intergovernmental Relations and as a member of the Committee on Government Operations, I should like to thank my colleagues for their support of the compromise provision, and express the hope that this will be another step in the direction of establishing more effective control and oversight of grant programs. The proliferation of such programs in recent years has imposed on Congress a heavy responsibility to assure the Nation that Federal assistance efforts are, in fact, accomplishing desirable results in as efficient and economical manner as possible.

Mr. HOLIFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. BLATNIK], the chairman of the subcommittee.

Mr. BLATNIK. Mr. Speaker, I should like the record to show the deep indebtedness all of us on the subcommittee and on the full committee owe to our senior colleague, the gentleman from California [Mr. HOLIFIELD], for his leadership and for the additional burden of work he was called upon to exert, far beyond the call of reasonable duty in these difficult closing weeks of the session.

We also are indebted to our colleague, the gentleman from Wisconsin [Mr. REUSS], and the gentleman from Illinois [Mr. ERLENBORN], and the gentlewoman from New Jersey [Mrs. DWYER], not only for their participation but likewise for the splendid cooperation received.

We express our appreciation concerning the contribution they all have made. Without their leadership and the cooperative, positive, and constructive attitude taken, this conference report would not have been possible.

Mr. HOLIFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Speaker, I want to add my voice of commendation for the serviceable and workmanlike job done on this bill by the leadership participating in it, notably the gentleman from California [Mr. HOLIFIELD] and the gentleman from Minnesota [Mr. BLATNIK]; and those on the minority side, notably the gentleman from Illinois [Mr. ERLENBORN].

When the bill cleared this House some days ago the point was made by various Members, mainly members of the House Committee on Public Works, that the conference committee should do what it could to preserve the House version. I believe we have faithfully followed the instincts of the House in that matter, and I believe the conference report presented here today is in the public interest and deserves overwhelming support.

Mr. FOUNTAIN. Mr. Speaker, it gives me great pleasure to rise in support of the conference report on the Intergovernmental Cooperation Act of 1968. The conferees are to be commended for bringing back an improved bill and particularly for the inclusion of title VI providing for periodic congressional review of grant-in-aid programs.

The bill as amended in conference is now essentially the same as the legislation which I sponsored in the 89th Congress and includes most of the titles contained in H.R. 5522 which I introduced in the 90th Congress. I am pleased to note that the conferees endorsed the remaining titles contained in both my bill and the companion Senate bill, and recommended favorable action on these additional titles by the appropriate committees of both Houses.

The adoption of title VI relating to congressional review of grant-in-aid programs is, in my judgment, a real contribution toward strengthening the procedures of the Congress for periodically reevaluating grant legislation. I have advocated the more systematic approach embodied in this title since the 88th Congress when I introduced a bill specifically for this purpose.

Mr. Speaker, the need for regular and systematic review of grant-in-aid programs is especially great today. We are living in a dynamic age, and we cannot continue indefinitely to deal with new public problems by enacting additional grant programs without facing up to the necessity of giving serious consideration to phasing out some of the older programs aimed at problems of another time. The uniform policy and procedure for grant review provided by this legislation is a practical method for enabling the Congress to accomplish this objective in a consistent and timely manner.

I want to express my sincere appreciation to my colleagues on the committee who helped in bringing this legislation to fruition. I believe that history will view the Intergovernmental Cooperation Act of 1968 as a very constructive and important stage in the improvement of relations between the Federal Government and the States and their political subdivisions.

Mr. HOLIFIELD. Mr. Speaker, if there are no further requests for time, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF TITLE OF THE BILL S. 698, INTERGOVERNMENTAL COOPERATION ACT OF 1968

Mr. HOLIFIELD. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 838) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate in the enrollment of the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes, is authorized and directed to correct the title of the bill so as to read: "An Act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to provide for periodic congressional review of Federal grants-in-aid, and for other purposes."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the Record on the conference report just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 14935, MAILING OF MOTOR VEHICLE MASTER KEYS, WAGE BOARD SURVEYS, AND POWERS OF POSTAL INSPECTORS

Mr. DULSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1918)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That (a) chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

" '§ 4010. Nonmailable motor vehicle master keys

" '(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

" '(b) The Postmaster General is authorized to make such exemptions from the provisions of subsection (a) of this section as he deems necessary.

" '(c) For the purposes of this section, "motor vehicle master key" means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations.'.

"(b) The table of sections of chapter 51 of title 39, United States Code, immediately preceding section 4001 of such chapter, is amended by adding at the end thereof the following new item:

" '4010. Nonmailable motor vehicle master keys.'.

"Sec. 2. Chapter 83 of title 18, United States Code, is amended—

"(1) by inserting immediately after section 1716 the following new section:

" '§ 1716A. Nonmailable motor vehicle master keys

" 'Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any matter declared to be nonmailable by section 4010 of title 39, shall be fined not more than $1,000, or imprisoned not more than one year, or both.'; and

"(2) by inserting immediately above item 1717 in the table of sections of such chapter immediately preceding section 1691 of such chapter, the following new item:

" '1716A. Nonmailable motor vehicle master keys.'.

"Sec. 3. The amendments made by the first section and section 2 of this Act shall become effective on the sixtieth day after the date of enactment of this Act.

"Sec. 4. Section 5341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

" '(c) When a wage survey is made for the purpose of establishing wage schedules for employees to whom this section applies, the agency or agencies making the survey shall determine whether there exists in the wage survey area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of Federal positions for which the survey is made. The determination shall be in writing and shall take into consideration all relevant evidence, including evidence submitted by employee organizations recognized as representative of employees in the area. When it is determined that there is an insufficient number of comparable positions in private industry to establish such wage schedules, the agency or agencies making the survey shall establish rates for such positions in accordance with rates paid for positions in private industry in the nearest wage area which is determined by the agency or agencies involved to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the survey is being made. The Civil Service Commission shall prescribe regulations necessary for the administration of this subsection.'.

"Sec. 5. (a) Chapter 203 of title 18, United States Code, is amended by adding at the end thereof the following new section:

" '§ 3061. Powers of postal inspectors

" '(a) Subject to subsection (b) of this section, postal inspectors may, to the extent authorized by the Postmaster General—

" '(1) serve warrants and subpenas issued under the authority of the United States;

" '(2) make arrests without warrant for offenses against the United States committed in their presence; and

" '(3) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

" '(b) The powers granted by subsection (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses.'.

"(b) The table of sections of chapter 203 of title 18, United States Code, immediately preceding section 3041 of such chapter, is amended by adding at the end thereof the following new item:

"'3061. Powers of postal inspectors.'."

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
ROBERT N. C. NIX,
ROBERT J. CORBETT,
Managers on the Part of the House.

A. S. MIKE MONRONEY,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute text. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment, and that the Senate agree to the same.

The differences between the House bill and the substitute agreed to in conference are discussed below.

MAILING OF MASTER KEYS

The purpose of the House bill and the first three sections of the conference substitute is to prohibit, with certain exceptions, the mailing of motor vehicle master keys designed or adapted to operate the ignition switches, door locks, and trunk locks of two or more motor vehicles. The major differences are discussed below.

The House bill applied only to the master keys and other manipulation-type devices. The conference substitute, in addition to prohibiting the mailing of such items, also prohibits the mailing of any advertisement for the sale of such items.

The House bill specifically exempted from the prohibition such items when mailed in accordance with regulations prescribed by the Postmaster General to locksmiths, motor vehicle dealers, employees of parking facilities, common carriers, motor vehicle rental businesses, automobile clubs, and Government supply or procurement personnel.

The conference substitute does not contain specific exemptions, but authorizes the Postmaster General to make such exemptions from the prohibition as he deems necessary.

The House bill authorizes the Postmaster General to require, as a condition for the transmission of such items in the mail, that the mailer file with the postmaster at the time of mailing a certification of the addressee that the addressee is qualified to receive the items through the mail under one of the exceptions, and a certification of the mailer that, according to the information and belief of the mailer, the addressee is so qualified.

The conference substitute does not contain a specific provision as to the certification process. However, the Postmaster General, if he felt it necessary, could require such a certification as a part of any regulations he may issue to control the mailing of such items to the addressees whom he exempts from the prohibition.

The House bill contained no provisions describing a criminal penalty. Section 2 of the conference substitute amends title 18, United States Code, by adding a new section 1716A, which prescribes a criminal penalty consisting of a fine of not more than $1,000, or imprisonment of not more than 1 year, or both, for any person who knowingly violates the nonmailable provisions.

Both the House bill and the conference substitute provide an effective date for these provisions of 60 days after date of enactment.

WAGE BOARD EMPLOYEES

The House bill contained no provision relating to wage board employees.

Section 4 of the conference substitute adds a new subsection (c) to section 5341 of title 5, United States Code, relating to wage board employees.

It is the intention of the new subsection (c) to authorize a procedure whereby special skills for unusual job requirements applicable to Federal wage board employees in a particular wage survey area which are not found in local private enterprise in that area, can be adequately evaluated or equated with comparable positions in private enterprise in wage survey areas outside the local wage survey area.

The new subsection (c) requires an agency making a wage survey, to determine whether there exists in the wage survey area a sufficient number of comparable positions in private industry to establish the wage schedules for the principal types of Federal positions involved. The determination is required to be in writing and must give consideration to all relevant evidence, including evidence submitted by employee organizations recognized as representative of employees in the wage survey area.

When it is determined that there is an insufficient number of comparable positions, the agency making the survey shall establish rates for such positions in accordance with rates paid for positions in private industry in the nearest wage area which the agency determines to be most similar in nature to the population, employment, manpower, and industry, to the wage area for which the survey is being made.

This special authority is not designed to require that every single job within the wage survey area be matched with similar jobs in private enterprise. It is not intended that agency wage boards impose upon private industry to such an extent that item-by-item surveys are conducted. The present method of sampling, so long as it is accurate, effective, and in accordance with uniform practices for all such wage survey areas, may be continued.

The Civil Service Commission is authorized to prescribe regulations necessary for the administration of this subsection.

EMPOWERING POSTAL INSPECTORS TO SERVE WARRANTS AND SUBPOENAS AND TO MAKE ARRESTS WITHOUT WARRANTS

The House bill contained no provision relating to the authority of postal inspectors to serve warrants and subpoenas, and to make arrests without warrants for certain offenses against the United States.

The conference substitute adds a new section 3061 to title 18, United States Code, authorizing postal inspectors, to the extent authorized by the Postmaster General, to serve warrants and subpoenas issued under the authority of the United States, to make arrests without warrants for certain offenses against the United States committed in their presence, and to make arrests without warrants for felonies cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. The authority granted is to be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses.

These provisions of the conference substitute are based on an official recommendation of the Postmaster General, and are similar to provisions contained in H.R. 18100, which passed the House by unanimous vote on September 16, 1968. The enactment of these provisions is recommended also by the Department of Justice.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
ROBERT N. C. NIX,
ROBERT J. CORBETT,
Managers on the Part of the House.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

The House-passed bill related only to the mailing of motor vehicle master keys.

The Senate amendment struck out all after the enacting clause and substituted a new text which includes provisions on three major subjects—

Mailing of motor vehicles master keys;

Wage board rate surveys; and

Postal inspectors' authority to serve warrants and subpenas and to make arrests without warrants.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment, and that the Senate agree to the same.

The conference substitute covers the three major subjects covered by the Senate amendment.

MAILING OF MASTER KEYS

The purpose of the House bill and the first three sections of the conference substitute is to prohibit, with certain exceptions, the mailing of motor vehicle master keys designed or adapted to operate the ignition switches, door locks, and trunk locks of two or more motor vehicles.

The House bill applied only to the master keys and other manipulation-type devices. The conference substitute, in addition to prohibiting the mailing of such items, also prohibits the mailing of any advertisement for the sale of such items.

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The conference substitute does not contain a specific provision as to the certification process. However, the Postmaster General, if he felt it necessary, could require such a certification as a part of any regulations he may issue to control the mailing of such items to the addressees whom he exempts from the prohibition.

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Both the House bill and the conference substitute provide an effective date for these provisions of 60 days after date of enactment.

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Section 4 of the conference substitute adds a new subsection (c) to section 5341 of title 5, United States Code, relating to wage board employees.

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The new subsection (c) requires an agency making a wage survey, to determine whether there exists in the wage survey area a sufficient number of comparable positions in private industry to establish the wage schedules for the principal types of Federal positions involved. The determination is required to be in writing and must give consideration to all relevant evidence, including evidence submitted by employee organizations recognized as representative of employees in the wage survey area.

When it is determined that there is an insufficient number of comparable positions, the agency making the survey shall establish rates for such positions in accordance with rates paid for positions in private industry in the nearest wage area which the agency determines to be most similar in nature to the population, employment, manpower, and industry, to the wage area for which the survey is being made.

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The conference substitute adds a new section 3061 to title 18, United States Code, authorizing postal inspectors, to the extent authorized by the Postmaster General, to serve warrants and subpenas issued under the authority of the United States, to make arrests without warrants for certain offenses against the United States committed in their presence, and to make arrests without warrants for felonies cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. The authority granted is to be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses.

These provisions of the conference substitute are based on an official recommendation of the Postmaster General, and are similar to provisions contained in H.R. 18100, which passed the House by unanimous vote on September 16, 1968. The enactment of these provisions is recommended also by the Department of Justice.

Mr. NIX. Mr. Speaker, the master key bill went to the Senate as one bill and has come back to us as three bills. They are three good bills and this is a necessary procedure since we are so close to adjournment.

First, the House bill on master keys was changed slightly so that the Postmaster General would have the administrative discretion to adjust postal regulations for exemptions as to the mailing of master keys. Then a criminal penalty was added of a $1,000 fine and/or 1 year imprisonment. This will make the law more flexible and the House conferees and myself, as author of the bill, find this satisfactory.

Second, the Senate added a provision providing for arrest and subpena powers for the Postal Inspection Service. This is an anticrime measure and one which will clarify the position of the Postal Inspection Service by statute as to arrest powers. It is a good measure.

Third, another provision was added by the Senate which will allow wage boards to take into consideration the pay scales paid to specialists in another area. For instance, a jet engine mechanic's job should not be compared to a garage mechanic's position because the wage board area is limited geographically. The very next area where specialists are employed should be used for comparison. This Senate amendment will be helpful to rural congressional districts that have a Government installation, such as an air base that is very distant from any other like installation.

I want to thank here and now Mr. Peter Duncan, editorial director of the WCAU television station in Philadelphia. Mr. Duncan is the news editor there and a good one. He is the first person who called this matter to my attention and he and I are coauthors of this bill. I want to congratulate both he and his station for their public service and news coverage.

Let me conclude that the Senate and House conferees worked very hard on this matter and I believe that the conference report deserves the support of every House Member.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. CORBETT].

Mr. CORBETT. Mr. Speaker, I am in full support of the conference report on H.R. 14935 and urge its adoption.

As indicated earlier, the Senate added two additional provisions to our House-passed bill dealing with the mailing of motor vehicle master keys.

The first provision, which clarifies the authority of postal inspectors to make arrests without warrants and to serve warrants and subpenas, is identical to H.R. 18100 which passed the House on the Consent Calendar on September 16.

The second provision, relating to the pay of wage board employees, is designed only to apply the comparability principle to its fullest extent in setting the salaries of certain groups of these employees.

The provision will permit an agency to make a fair, equitable, and relevant wage comparison for a blue-collar employee whose skills and training, and whose degree of technical competence, do not compare with a private enterprise job in the same locality.

In many Federal installations throughout the country, particularly those located in nonindustrial areas, there are employed highly skilled technicians for which there are no similar jobs in the local economy. In such cases, the Senate amendment would permit a wage determination to be made on the basis of similar jobs in private industry in the nearest wage area that is most similar in the nature of its population, employment, manpower, and industry.

Adoption of the Senate amendment in the conference report will permit the so-called comparability principle that has already been established for other Federal employees to be fully implemented in the case of wage board employees when meaningful comparison cannot be made with similar jobs in the same locality.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker, I rise in support of the conference report on H.R. 14935 and in so doing I feel it necessary to review briefly for the Members the background and current status of the methods used by the Federal Government to set the hourly rates of pay for 800,000 wage board employees—laborers, craftsmen, and tradesmen. Section 5 of this bill provides for changes in current procedures of setting the wage rates for certain exceptional jobs.

The Manpower and Civil Service Subcommittee of the House Committee on Post Office and Civil Service has jurisdiction over the wage-setting procedures for these 800,000 blue-collar employees. For several years the subcommittee, of which I have the honor of being chairman, has worked with both management and employee representatives in analyzing the procedures. As a result of our active interest, the subcommittee issued a status report in March 1965—House Report No. 187.

This report revealed many areas that needed correction. These included such items as:

First. There were as many as eight to 10 different wage-setting procedures in the Federal Government, including two different systems in the Department of Defense; and second, for any one metropolitan area there might be several different hourly rates of pay for the same type and level of work, such as carpenters, yet all working for the Federal Government, although for different agencies.

The subcommittee findings were made available to the White House and the Civil Service Commission. In November 1965, the President ordered the Chairman of the Civil Service Commission to develop a common Federal wage system.

After many months, Government technicians, working in cooperation with our subcommittee staff and employee representatives, completed a new coordinated Federal wage system. Our subcommittee, last spring, in public hearings, explored the new plan, hearing from representatives of the Civil Service Commission and departments of the Federal Government, as well as employee groups.

I am happy to announce, Mr. Speaker, that this new system went into effect on July 1st this year. The new wage system, even though it has been in effect less than 3 months, promises to correct many of the problem areas our subcommittee had found and reported.

There is now a single wage system, not only for 700,000 wage board employees in the Department of Defense, but also for the other 100,000 throughout the remainder of the Government. There is a single wage rate for all employees doing the same work in a given labor market area, and the Federal employees from now on will have a more active role in establishing wage policies.

Mr. Speaker, this new coordinated wage system follows two long-established basic principles in setting the hourly pay for our Federal blue collar employees; namely, wages are fixed and adjusted from time to time consistent with the public interest in accordance with the prevailing rate of pay in the private economy; and, within each wage area there will be equal pay for equal work with pay distinctions maintained in keeping with work distinctions.

This new coordinated wage system is definitely a commendable step forward for our wage board employees and I am proud to have played a part in it.

There are, however, areas in our great country where the local economy just does not provide a sufficiently adequate sample of jobs to match some of the highly sophisticated jobs we now have in the Defense Establishment. Our military bases, where we find some of the most complex machines and equipment in our total economy, are often located in isolated areas. And, the isolation is, by and large, excellent, except for one thing—it gets to be rather difficult at times to find comparable jobs in the local private economy for some of the unusual, highly specialized jobs that are found on military bases.

Mr. Speaker, the action proposed by this conference report, to amend the wage board pay procedures, is being taken to bring about fair and equitable pay for those exceptional cases, where there are no comparable jobs in the surrounding area and thereby to assure that the Government continues to have an adequate, high-quality work force.

I feel that our wage board pay system warrants the continued attention of the Congress—and so long as I am chairman of the Manpower and Civil Service Subcommittee there will be an active and continuing review of the system. I, too, am glad to see in this proposed amendment that the Civil Service Commission will continue to monitor the pay system for these 800,000 employees, and will, in addition issue regulations governing the exceptional cases, as proposed by this conference report.

We must continue to exercise caution in dealing with the setting of wage board pay, making sure that even for the highly specialized jobs, the unusual jobs, the basic concept of equal pay for equal work is not abrogated. We must make certain that we pay our blue collar employees a fair wage, both as a simple matter of equity, and so that the Government can retain an adequate and productive working force. Likewise, we must be equally certain that we do not exceed the rates paid for like work in the private economy. It is conceivable that, otherwise, these Government employees could be replaced by contractor personnel at a net saving to the Government. It is important in this wage setting area that we maintain a proper balance and contribute neither to substandard nor inflationary wages.

Mr. Speaker, I am voting for the conference report, which includes the amendment to the wage board pay setting procedures. I want to emphasize that over the long haul the interests of the wage board employees can best be served by the exercise of prudent judgment in the setting of wages, including those for exceptional jobs as provided by this amendment. Fairness and equity, to both employees and management, are the intent of this amendment.

I urge the Members to vote for adoption of the conference report and the proposed legislation for establishing pay rates for exceptional jobs in the Federal Government's wage board system.

Mr. **DULSKI**. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS], a member of the committee.

Mr. GROSS. Mr. Speaker, we are asked to vote today on a conference report on H.R. 14935, a bill entitled Auto Theft Premium Act. This bill passed the House on February 19, 1968, but was amended by the Senate to include a section relating to the granting of greater authority for postal inspectors and an amendment to title 5 of the United States Code relating to procedures for the establishment of rates of pay for the wage board employees.

I am absolutely opposed to the House adopting this conference report for several reasons. The first and one of the most important reasons is that the other body added two amendments that are not germane in any sense of the word to the bill which passed the House. I refused to sign the conference report.

Section 5 of H.R. 14935, relating to the pay of wage board employees, is not germane to this bill but it has far-reaching impact on the Federal Government—in fact, on the Nation's economy.

The amendment is unnecessary for the following reasons:

First. The Civil Service Commission on July 1 of this year, established a coordinated Federal wage system which revised equitable adjustments to area wages where such adjustments appear necessary.

Second. This amendment as proposed in the conference report will in time completely destroy the existing and orderly wage-setting practices for some 800,000 wage board employees.

Third. The amendment is inflationary and undoubtedly would set up a new series of salary demands by industry.

Fourth. The amendment would cost the Government millions of dollars in additional salaries each year.

At this point a word of explanation is necessary. The present method of establishing the wages of the tradesmen, craftsmen, laborers, and unskilled workers is by making a survey of what non-Federal employers pay, within a radius of approximately 50 miles of the Government installation, for which rates are to be established.

Under this system the Civil Service Commission has established a grading system for such employees according to the degree of skill required, experience, and so forth. Such jobs as motor grader operator, automotive mechanic, aircraft mechanic, welder, sheet metal worker, pipefitter, electrician, and machinist, have been classified as grade 10. During the wage-data collecting process information on the non-Federal rates of any one or group of these jobs can be applied to all jobs in grade 10. However, in an area, as for example Oklahoma City, there are an insufficient number of aircraft mechanic positions in private industry by which a direct comparison may be made of the rates for this one position. This amendment to H.R. 14935 provides that the rates paid in another area must be used. The same principle applies to any job where direct wage comparison cannot be made locally.

If this report is approved the aircraft mechanics at Tinker Air Force Base presently receiving $3.24 an hour, could be paid the Tulsa rate of $3.43 or the Fort Worth-Dallas rate of $3.57. Application of this principle would then result in paying aircraft mechanics more than the employees in the other grade 10 positions mentioned above and more than those in higher grades. This is both inequitable and inflationary. There can be no alternative but to increase the rates of all grades.

Another example, based on the provisions of this proposed amendment, is an Air Force installation in a rural area in the Southeast where the local rate of $3.30 for wage board level 10 workers would be increased to the $3.82 paid in a large city 125 miles away.

You can well imagine the effect this will have on the private industry of that local, rural area. Employers will very probably have no alternative but to raise their employees up to the Government rate or even higher. The taxpayers will foot the bill.

I feel that this amendment could easily result in an average increase of 20 cents an hour—a very conservative estimate—for all 800,000 wage board employees. This would be some $416 per person or $333 million a year.

Despite the fact that this amendment has far-reaching import, and notwithstanding there have been extensive public hearings on other proposals to amend the system of setting pay rates for wage board employees, there has not been 1 hour of public hearings relating to this particular amendment before the Subcommittee on Manpower and Civil Service of the House Post Office and Civil Service Committee, even though that subcommittee is responsible for this type of legislation.

I can envision if this amendment were to become law, appeals by blue-collar employees all over America indicating their immediate wages were not in line, were not proper, and that the Government should go to some other area for better definitions for their jobs. This simply means the beginning of the end of the principle of setting rates of pay for wage board employees based on the prevailing rate of pay of private industry in the immediate area.

In fact, I do not believe the sponsors of this amendment actually understood the manner in which wage board pay rates have been established over the years. Government officials have never attempted to match in our private economy in the local areas job for job in a Government activity. The sampling technique has been used equitably over the years.

This amendment would not only be the beginning of the end of the present orderly system of setting wage rates for our 800,000 blue-collar employees, but it would certainly add to the cost of Government. Wages of the blue-collar employees are supposed to be comparable with those paid by industry. However, I have at hand a report issued by the General Accounting Office in July 1968, which clearly indicates that certain jobs at Tinker Air Force Base in Oklahoma can be done more economically by contractors than through the use of Government personnel, due to the differences in the hourly rates of pay. At Tinker Air Force Base the hourly rates of pay for such work as mechanics, electricians, and welders was from $2.75 to $3.03 an hour whereas local contractors were paying $1.71 an hour.

The Executive Director of the U.S. Civil Service Commission, has indicated to the chairman of the Manpower and Civil Service Subcommittee of the House Post Office and Civil Service Committee that this amendment, and I quote "Would do great damage to the prevailing rate principle and to the principle of equal pay for equal work."

Mr. Speaker, in a time where it is absolutely necessary to control the inflationary spiral and hold to the minimum the cost of Government, I cannot understand how this body could vote for this conference report that contains an amendment, section 5, that is as expensive and inflationary as this. You will recall recent events whereby the President indicated concern over inflationary price increases by the automobile industry.

Mr. Speaker, I urge that the Members vote against this conference report.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ECKHARDT. The gentleman from Iowa has pointed out very properly that this is a matter which has not gone through committee consideration.

Has the gentleman considered what the extent of arrests without warrants by officers of the postal service might be?

Mr. GROSS. Will the gentleman please repeat that.

Mr. ECKHARDT. There is another provision in the bill permitting arrests without warrant by some employees of the Post Office Department in cases involving the postal service, not only with respect to Government property and the postal service but apparently it extends to the whole reach of Federal jurisdiction in cases of the use of the mail.

Does the gentleman not think that a matter of this nature should properly go through a committee, for instance the Committee on the Judiciary of the House?

Mr. GROSS. I will say to the gentleman that subject matter was considered by the House Committee on Post Office and Civil Service. It is not germane to this bill and it ought not to have been inserted in it by the Senate.

Mr. ECKHARDT. Mr. Speaker, I shall vote against the conference committee report on H.R. 14935 because I retain doubts about empowering postal inspectors to make arrests without warrants in connection with any conceivable Federal crime involving the use of the mails. I recognize that the more than 1,100 postal inspectors in the United States have customarily performed the usual police functions respecting mail crimes, that they are trained for this function, and that they are more or less directly responsible to the Postmaster General. Since *Alexander* v. *United States*, 290 F. 2d 101, decided by the Court of Appeals for the Fifth Circuit on March 19, 1968, their authority as arresting officers has been challenged. Indeed, that court has held that they have no such authority but are investigators who must utilize the services of such Federal officers as the FBI and the U.S. marshals when arrests, searches, or seizures are to take place.

I would not be so concerned if this act extended the power of arresting officers only to enforcement of laws respecting property of the United States or property in custody of the postal service. This would have covered the facts of Alexander against United States. But section 3061, which was added by the Senate to a House bill making it illegal to mail master keys for vehicles under certain conditions, grants the widest possible arresting authority extending over the whole range of Federal offenses in any way related to the use of the mails.

I am very much concerned about the proliferation of Federal criminal jurisdiction where the jurisdictional act is not actually the act to which real culpability attaches. Until the Civil War Federal criminal law did not extend beyond the punishment of acts "directly injurious to the Central Government." See Federal Criminal Jurisdiction and Prosecutor's Discretion, L. B. Schwartz, 13 Law and Contemporary Problems, page 64.

Then the Post Office Code of 1872 afforded the protection of Federal criminal law against moral corruption and financial deprivation upon showing that postal facilities had been used to promote fraud or lotteries, or to disseminate obscenity. Now use of the mails is written into almost every Federal criminal act as a make-weight basis for Federal jurisdiction, even where the use of the mails is unconnected and unrelated to the criminal activity and is a fortuitous circumstance.

There are presently three large Federal institutions which exercise the general police force, making arrests and searches and seizures with and without warrants, as the law under the circumstances allows: the U.S. marshals and deputies—18 U.S.C. 3053; the Federal Bureau of Investigation—18 U.S.C. 3052; and the Secret Service—18 U.S.C. 3056. The present act would further extend this Federal police power so that three Federal departments would exercise arrest, search, and seizure power, with and without warrants over a very wide range of offenses some of which are only artificially Federal in nature. Such police power would be in addition to the general State police power and the State authority for a citizen's arrest—see, for instance, article 14.01, Texas Code of Criminal Procedure. I have qualms about this proliferation of arrest without warrant.

I am willing to extend authority to postal inspectors to make arrests in connection with acts "directly injurious to the Central Government," and I would give careful, and perhaps favorable, consideration to extending it in the area covered by the Post Office Code of 1872. But I think to extend full police authority to postal inspectors in the whole range of offenses in which use of the mail is one instance of Federal jurisdiction is to create a new, general Federal police force. This is too serious an extension to consider as merely incidental to a prohibition against mailing master automobile keys.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. NIX].

Mr. NIX. Mr. Speaker, I rise to express my unqualified support of the conference report on the bill, H.R. 14935, and urge its adoption.

Mr. Speaker, I ask unanimous consent to extend my remarks at that point in the RECORD immediately following the remarks of the gentleman from New York [Mr. DULSKI].

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

Mr. DULSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the

Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 252, nays 62, answered "present"—1, not voting 116, as follows:

[Roll No. 361]

YEAS—252

Abbitt
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Barrett
Bates
Bennett
Betts
Bevill
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Bolton
Brasco
Brinkley
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Button
Byrne, Pa.
Cabell
Cahill
Carey
Carter
Casey
Clancy
Clark
Clausen, Don H.
Cohelan
Collins
Conable
Conte
Corbett
Corman
Culver
Cunningham
Daddario
Daniels
de la Garza
Delaney
Dellenback
Dent
Dickinson
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fino
Flood
Flynt
Foley
Ford, William D.
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gude
Hagan
Halpern
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Henderson
Herlong
Hicks
Horton
Hosmer
Howard
Hull
Hunt
Ichord
Irwin
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kelly
King, N.Y.
Kluczynski
Kornegay
Kyros
Latta
Lennon
Lipscomb
Lloyd
Long, Md.
Lukens
McClory
McCloskey
McCulloch
McEwen
McFall
MacGregor
Machen
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mayne
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Murphy, Ill.
Natcher
Nedzi
Nix
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Perkins
Philbin
Pike
Pirnie
Poff
Price, Ill.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, N.Y.
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Roberts
Robison
Rodino
Rosenthal
Roth
Roybal
St. Onge
Saylor
Schadeberg
Schneebeli
Schweiker
Schwengel
Scott
Shipley
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Steed
Stephens
Stubblefield
Sullivan
Taylor
Thompson, Ga.
Tiernan
Tuck
Udall
Ullman
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Widnall
Wiggins
Williams, Pa.
Willis
Winn
Wright
Wydler
Wylie
Wyman
Yates
Young
Zion
Zwach

NAYS—62

Abernethy
Andrews, Ala.
Ashbrook
Ayres
Battin
Bow
Bray
Buchanan
Burton, Utah
Bush
Byrnes, Wis.
Cederberg
Chamberlain
Clawson, Del
Cleveland
Collier
Curtis
Davis, Wis.
Denney
Derwinski
Devine
Eckhardt
Esch
Fountain
Gathings
Gross
Gubser
Haley
Hall
Hammerschmidt
Harrison
Hutchinson
Jonas
Kleppe
Kuykendall
Kyl
Laird
Langen
McClure
McDonald, Mich.
Marsh
Montgomery
Morton
Myers
Nelsen
Nichols
Passman
Poage
Price, Tex.
Reid, Ill.
Riegle
Rogers, Fla.
Scherle
Selden
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Tex.
Thomson, Wis.
Vander Jagt
Waggonner
Whitten

ANSWERED "PRESENT"—1

Stuckey

NOT VOTING—116

Adair
Ashmore
Aspinall
Baring
Belcher
Bell
Berry
Blackburn
Boggs
Brademas
Brock
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Fla.
Celler
Colmer
Conyers
Cowger
Cramer
Davis, Ga.
Dawson
Diggs
Dwyer
Edwards, La.
Evans, Colo.
Farbstein
Fisher
Ford, Gerald R.
Fraser
Fulton, Tenn.
Gallagher
Gardner
Gilbert
Gurney
Halleck
Hamilton
Hansen, Idaho
Hardy
Hays
Hébert
Helstoski
Holifield
Hungate
Jacobs
Jarman
Jones, Mo.
Karsten
Kee
Keith
King, Calif.
Kirwan
Kupferman
Landrum
Leggett
Long, La.
McCarthy
McDade
McMillan
Macdonald, Mass.
Mathias, Md.
Matsunaga
May
Michel
Minshall
Moore
Moss
Murphy, N.Y.
O'Hara, Ill.
O'Konski
Olsen
Pepper
Pettis
Pickle
Podell
Pollock
Pucinski
Rarick
Reifel
Reinecke
Resnick
Reuss
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Scheuer
Sisk
Skubitz
Smith, Okla.
Snyder
Stanton
Stratton
Taft
Teague, Calif.
Tenzer
Thompson, N.J.
Tunney
Utt
Van Deerlin
Walker
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. St Germain for, with Mr. Stuckey against.

Until further notice:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Holifield with Mr. Utt.
Mr. Aspinall with Mr. Teague of California.
Mr. Boggs with Mr. Adair.
Mr. Brademas with Mr. Snyder.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Helstoski with Mrs. Dwyer.
Mr. Brooks with Mr. Minshall.
Mr. Hamilton with Mr. Belcher.
Mr. Gilbert with Mrs. May.
Mr. Leggett with Mr. Bob Wilson.
Mr. Pucinski with Mr. Brown of Ohio.
Mr. Pepper with Mr. McDade.
Mr. Hungate with Mr. Pettis.
Mr. Ashmore with Mr. Berry.
Mr. Kirwan with Mr. Pollock.
Mr. Murphy of New York with Mr. Halleck.
Mr. Colmer with Mr. Brock.
Mr. Davis of Georgia with Mr. Keith.
Mr. Matsunaga with Mr. Reifel.
Mr. Olsen with Mr. Bell.
Mr. Farbstein with Mr. Michel.
Mr. Fisher with Mr. Reinecke.
Mr. Reuss with Mr. Rumsfeld.
Mr. Rogers of Colorado with Mr. Cowger.
Mr. Rostenkowski with Mr. Ruppe.
Mr. Stratton with Mr. Sandman.
Mr. Rooney of New York with Mr. Stanton.
Mr. Edwards of Louisiana with Mr. Blackburn.
Mr. Evans of Colorado with Mr. Skubitz.
Mr. Jarman with Mr. Wyatt.
Mr. Thompson of New Jersey with Mr. Brown of Michigan.
Mr. Tenzer with Mr. Taft.
Mr. Walker with Mr. Smith of Oklahoma.
Mr. Landrum with Mr. Burke of Florida.
Mr. Wolff with Mr. O'Konski.
Mr. Moss with Mr. Kupferman.
Mr. Tunney with Mr. Gurney.
Mr. Jacobs with Mr. Hansen of Idaho.
Mr. Macdonald of Massachusetts with Mr. Mathias of Maryland.
Mr. Zablocki with Mr. Moore.
Mr. Van Deerlin with Mr. Roudebush.
Mr. Charles H. Wilson with Mr. McMillan.
Mr. McCarthy with Mr. King of California.
Mr. Kee with Mr. Karsten.
Mr. Pickle with Mr. Podell.
Mr. Fulton of Tennessee with Mr. Fraser.
Mr. Gallagher with Mr. Diggs.
Mr. Brown of California with Mr. Conyers.
Mr. Hays with Mr. Hardy.
Mr. Ryan with Mr. Dawson.
Mr. Sisk with Mr. Scheuer.
Mr. Roush with Mr. Resnick.
Mr. Ronan with Mr. Rarick.
Mr. Rooney of Pennsylvania with Mr. Satterfield.

Mr. CHAMBERLAIN and Mr. CEDERBERG changed their votes from "yea" to "nay."

Mr. SMITH of California changed his vote from "nay" to "yea."

Mr. STUCKEY. Mr. Speaker, I have a live pair with the gentleman from Rhode Island [Mr. ST GERMAIN]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Speaker, I wholeheartedly support the conference report to accompany H.R. 14935, just concluded. I originally introduced legislation placing restrictions on the mail order movement of master car keys which passed the House overwhelmingly. The Senate added a provision which caused the matter to go to conference, and I wish to add that I also wholeheartedly support the addition to the bill made by the Senate committee and adopted by the conference committee. I was named a conferee on this legislation. The conferees met on a Monday and I was in my district on Saturday and Sunday preceding the conference. I fully intended to be present to vote in favor of this conference report, but due to travel irregularities I was not able to return in time. Had I been present I would have, as noted, agreed to the conference report and would have signed the report.

Having introduced legislation to stop the mail-order traffic in master car keys, which keys have greatly added to the number of car thefts in the Nation, I was pleased that this measure originally passed the House by a comfortable margin. I also was thoroughly familiar with the problem involving the wage board employees, which provision was added by the other body. I thoroughly support this provision, as noted above, and had it not been for my travel difficulties I would have been at the conference and signed the conference report.

CIVIL SERVICE RETIREMENT FINANCING

Mr. DANIELS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17682) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17682, with Mr. McFALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. McFALL. Under the rule, the gentleman from New Jersey [Mr. DANIELS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. CORBETT], will be recognized for 30 minutes. The Chair recognizes the gentleman from New Jersey [Mr. DANIELS].

Mr. DANIELS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise to urge my colleagues on both sides of the aisle, Democrats and Republicans, to give their strong support to the legislation before you today, H.R. 17682, the major purpose of which is to improve the financing and funding practices of the civil service retirement system, and to provide certain limited, but needed, improvements in the benefits structure of the system within the framework of the new financing approach.

It is a good bill, a sound bill, and the product of several months of intense work, study and consideration by the House Subcommittee on Retirement, Insurance, and Health Benefits in conducting extensive public hearings, executive sessions and conferences with official representatives of agencies of the legislative and executive branches:

The Honorable John W. Macy, Jr., Chairman of the U.S. Civil Service Commission.

The Honorable Philip S. Hughes, Deputy Director of the Bureau of the Budget.

The Honorable Elmer B. Staats, Comptroller General of the United States, and others.

This bill contains a six-pronged financing approach, the first three of which—dealing with normal cost, future unfunded liability, and the present unfunded liability—are the recommendations—the unanimous recommendations—of the honorable gentlemen whose names I just mentioned.

The remaining three provisions of the financing proposal dealing with future cost of living adjustments, Department of Defense reimbursement for military service, and Government agency reimbursement for unused sick leave, are the recommendations—the unanimous recommendations—of the members of the subcommittee which gave this legislation serious study and consideration. Also, I think the Members of this House should know that this bill was reported favorably by the full Committee on Post Office and Civil Service without a dissenting vote.

Therefore, H.R. 17682 is the product, in part, of the common effort of the officials of the Civil Service Commission, the Bureau of the Budget, and the General Accounting Office; and, in part, by the members of the Retirement Subcommittee whose devoted attention and energies have been directed to a most involved and complex subject.

During the debate on the rule for consideration of this legislation, the House's attention was directed to certain portions of Chairman Macy's views on the reported bill, as set forth in his letter of June 12, 1968.

I would invite the House's attention to the letter from the Chairman of the Civil Service Commission dated March 22, 1968, which appears on page 29 of the report; and to that portion of his letter of June 12, 1968, appearing on page 31 of the report from which I quote:

> Title I of the bill H.R. 17682 includes provisions for (a) employee-agency sharing of full normal costs, (b) 30-year amortization of newly created unfunded liability, and (c) permanent indefinite appropriations equal to interest on the unfunded liability attributable to already enacted legislation. If H.R. 17682 contained only these financing proposals, the Commission would endorse the bill and urge its early enactment.

Accordingly, the Commission, the Budget Bureau, and the Comptroller General support the major financing proposals of this bill. However, the committee does not concur with Chairman Macy's statement that the subcommittee's additional financing provisions do not strengthen the administration's proposals. As pointed out on page 16 of the report, the financing provisions added by the committee will have the effect of further increasing income to the fund and decreasing disbursements from the fund beyond that contemplated in the administration's approach. The fund balance will grow proportionately and the growth in the unfunded liability will become stabilized at an earlier date than otherwise anticipated.

I would also direct your attention to page 24 of the report which states:

> The Civil Service Commission estimates that present employee-agency contributions of 13 percent of total payroll fall short by 0.86 percent of payroll in covering the normal cost of present benefits. By increasing the combined contribution rate to 14 percent (7 percent each from employees and agencies), annual income to the fund will be increased by approximately $220 million ($110 million from employees and agencies, respectively); $190 million thereof is necessary to cover present normal cost, and $30 million thereof will be sufficient to fully finance the normal cost of benefit liberalizations provided herein.

It is emphasized that any additional unfunded liabilities incurred under the provisions of title II of the bill will be covered by section 103(g) of the bill.

I want to publicly commend the ranking majority and minority members of the subcommittee—the gentlemen from North Carolina, Congressmen HENDERSON and BROYHILL, the gentleman from New York, Congressman HANLEY, the gentleman from Pennsylvania, Congressman JOHNSON, and the gentleman from Georgia, Mr. THOMPSON, for their contributions toward the development of a good and sound piece of legislation—H.R. 17682.

The Committee on Post Office and Civil Service believes that the civil service retirement system is one of its most important responsibilities. It is an essential part of a modern employment system designed to attract and retain employees of the caliber to conduct the complex business of government. It contributes importantly to the financial security of millions of past, present and future Federal employees and their dependents. There should never exist the slightest doubt of the system's ability to meet its commitments to these people.

The results of an in-depth study conducted by our standing Subcommittee on Retirement, Insurance, and Health Benefits over an extended period of time most assuredly attest to the fact that any doubt which exists as to the system's ability to meet future commitments is attributable to funding practices which have been grossly inadequate since the program's very inception in 1920.

Federal employees have always contributed the full amount set by law, but, while the Government has contributed substantial amounts to the trust fund, it has failed to appropriate regularly and systematically, on a concurrent basis, sufficient funds to meet the ultimate cost not covered by employees' contributions.

Retirement system financing has been a problem of continuing concern to the Congress, to its respective committees, and to officials of the executive branch. The history of actuarial reports has indicated successively for a long time past an increasingly pessimistic view with respect to actuarial costs and liabilities under the escalating benefits and other liberalizations in the specifics of the retirement programs. In past years, several methods for determining appropriations to meet the Government's obligation to the system have been considered, and some have been adopted. However, the attitudes of various administrations, Congresses, and respective congressional committees has changed from time to time, but facing the problem realistically has been long delayed.

At the end of the fiscal year 1968 the unfunded liability of the system approached $55 billion dollars. Under present financing practices, the unfunded liability will continue to grow by more than $2 billion every year, sometimes much more. Upon full implementation—

in the fiscal year 1970—of the latest salary statute, and subsequent cost-of-living annuity adjustments, the deficiency is expected to exceed $60 billion dollars. By 1975 the disbursements will begin to exceed annual income of $3½ billion. Thereafter disbursements will continue to escalate appreciably under a relatively static income, and result in a declining fund balance. Consequently, to meet benefit payments, all disbursements in excess of current income will have to be met from the fund balance. Without additional funding, that balance will be totally exhausted by 1988. Immediately thereafter, disbursements will exceed income by $3½ billion, and will require direct appropriation to meet benefit payments.

During ensuing years, progressively higher amounts would be required until, at the turn of the century, the necessary direct appropriations will exceed $4½ billion. These substantial sums, it is emphasized, will be an addition to the approximate $3½ billion income received by the trust fund from then-active employee and agency contributions.

The historical pattern of employee-employer contributions to the retirement fund supports the conclusion that deficiencies—that is, accrued liability for which contributions to the fund have not been made—are the responsibility of the Government as the employer. The major causes of such deficiencies have been:

First. Creditable service for which neither the employee nor the employer contributed—such as free credit for military service, and for Federal civilian service during which the employee was not currently subject to the program.

Second, general wage increases which result in benefits based on a higher pattern of salaries than that upon which at least a portion of contributions is based.

Third, liberalizations applying to benefits based on past and/or future service without a commensurate increase in contributions.

Fourth, loss of compounded interest income which would have been earned if the accrued liability had been fully funded.

The Committee on Post Office and Civil Service feels strongly that, in furtherance of the objective of prudent management of the Government's financial affairs, it is important that the Congress provide a definite plan to improve the system's financing.

The major purpose of the legislation is to improve funding practices so as to maintain confidence in the soundness of the civil service retirement and disability fund, and to assure that the necessary money is available when needed to pay the annuities of Federal retirees and survivor annuitants—in full and on time. The legislation also provides certain limited, but needed, improvements in the benefit structure of the program within the limits of the new financing approach.

The bill contains a six-pronged approach, as follows:

First. Normal cost financing through equal employee-agency contributions is retained. Because of the inadequacy of current contributions, implementation of normal cost financing of the existing benefit structure—including the legislation contained in title II—requires an immediate 1-percent increase in the combined contribution rate from 13 to 14 percent of payroll, in the case of employees, and from 15 to 16 percent of payroll in the case of Members, effective in January 1969.

Further, the Civil Service Commission is authorized, when it determines an adjustment in contributions is necessary in the future to meet full normal cost attributable, primarily, to further liberalizations of benefits applicable to active employees, to notify the Congress of the proposed increase. The higher percentage rates, fixed at the nearest one-fourth of 1 percent, will become effective following 90 days of continuous session of Congress after such notice is given, unless before then either the House or the Senate has passed a bill providing a different adjustment or sharing ratio—which would preclude the contemplated action—or either body has passed a resolution specifically disapproving the proposed increase.

Second. The costs of future incremental unfunded liabilities which will result from benefit liberalizations for the active work force are to be fully financed by the Government through direct appropriations to the fund, in equal annual installments, over 30-year periods.

Third. Direct appropriations, under permanent indefinite authority, will be made to meet the Government's obligation for the presently increasing unfunded liability which arises from legislation already enacted, including that created in title II of this legislation, in amounts equivalent to interest on the future accrued deficiencies. This responsibility will be fulfilled by transfers of moneys from the Treasury, beginning on a modest scale in 1971 and progressively increasing by 10 percent each subsequent year. In 1980 and thereafter, the amounts will equal the full equivalent of interest on the unfunded liability.

Fourth. Any future automatic cost-of-living adjustments and newly authorized annuity increases will be paid from the fund only until the end of the fiscal year which follows the fiscal year in which they may become effective. Direct annual appropriations will be required to continue their payment beyond that time.

Fifth. The Department of Defense, beginning in 1970, will be required to reimburse the fund annually for annuity costs attributable to crediting periods of military service.

Sixth. Employing agencies will be required to finance, as a payroll cost, the full cost of granting retirement service credit for unused sick leave—as provided in section 204 of the bill—by depositing into the fund the commuted retirement value of accrual estimated to be equal to 25 percent of cash value.

In the committee's judgment, this approach, while somewhat new in concept and mechanics, is sound and will accomplish the desired results by providing in full for the permanent financing of the civil service retirement system.

The legislation also provides for limited improvements in certain areas of the benefit structure of the retirement program. The normal cost and future financing of these changes are attainable within the realm of the preceding financing provisions:

First. To include as basic pay compensation given in addition to the normal base pay of a civilian position. It contemplates inclusion of all remuneration for personnel services—overtime, differentials, premium pay, and so forth—for purposes of deductions, agency contributions, and the computing of the average salary.

Second. To modify the average salary computation period from 5 to 3 years.

Third. To include for service computation purposes the length of service represented by the calendar value of unused sick leave to the credit of a retiring employee, or an employee dying in service and leaving a spouse or survivor eligible for annuity benefits.

Fourth. To add 1 percent to all future automatic cost-of-living percentage adjustments so as to compensate for the 5-month period elapsing between the Consumer Price Index attainment of a rise of 3 percent and the subsequent payment of the increase.

Fifth. To extend to all survivor annuitants whose remarriages occur on and after July 18, 1966, the amendment in Public Law 89504.

Mr. Chairman, the magnitude of the problem of retirement financing is such that it is imperative that Congress take action toward a prompt and positive solution. While the budgetary impact of this legislation will be sudden and sharp, it will, nevertheless, be far less drastic than if present financing practices continue unchanged.

In view of the urgency to enact a definite program of action to insure the system's ability to fulfill its future obligations, I strongly urge the adoption of H.R. 17682.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to compliment the distinguished gentleman from New Jersey [Mr. DANIELS] for the fine work that he and his subcommittee have performed on this very complex problem and I further wish to urge the House to overwhelmingly pass this bill, even in the face of assurances that it is not going to be taken up in the other body.

Mr. Chairman, there is no need of our getting into a long hard debate on this bill, because I am afraid that the job will have to be done all over again next year.

Mr. Chairman, there is no question that the retirement scheme of the financing must be overhauled and it must be made certain that payments to retirees are guaranteed in perpetuity.

Mr. Chairman, there are many conflicting opinions as to how the refinancing program should be changed. However, every agency concerned agrees that it can work with this bill if it becomes law. And, again, I strongly urge that it be adopted.

Mr. Chairman, there will be an amendment or two offered, one with which I am familiar and will support wholeheartedly; that is the one which takes away from the Civil Service Commission the power to change the rate of employee contributions when it deems it necessary or desirable.

Mr. Chairman, in many respects this is a day of reckoning for the Congress. As with anyone who consistently spends far in excess of income, and who neglects to provide for future contingencies, the day comes when he either faces up, gets his affairs in order, or suffers the consequences.

At the moment we must face up to the unpleasant prospect that a vital Federal employee fringe benefit, one which holds the promise for the future for many millions of persons, faces complete bankruptcy.

We must face up to the fact that the civil service retirement fund is $55 billion in the red. The unfunded liability is growing by more than $2 billion every year, and by 1975 disbursements will exceed annual income. The cash balance in the fund will be totally exhausted by 1988. Thereafter, if we are to continue to meet our responsibilities and obligations under the retirement program, we will have to make direct appropriations beginning with $3½ billion a year, and escalating upward to nearly $5 billion a year, 40 years from now.

We have also got to face up to the fact that this situation did not develop overnight, and that it is the product of years of inadequate financing, neglect, and mismanagement. While employees have always paid their full, fair shares of retirement costs set by law, the Government has not done so.

We have, indeed, appropriated moneys to the fund from time to time, but we have not done so regularly and systematically, or in amounts sufficient to meet the Government's share of operating the program. Additionally, over the years we have enacted a succession of benefit liberalizations and pay raises for which we made no plans whatsoever to pay either the normal cost or the unfunded liability.

As a result of all this, we now must get our affairs in order, as contemplated by this bill, or suffer the consequences.

H.R. 17682 is the product of many months of study and work by the members of the Committee on Post Office and Civil Service. It is our answer to the many expressions of concern about the fund which have been voiced in this Chamber, and elsewhere, over the past few years, and it represents our commitment that the integrity of the civil service retirement system will be maintained, and that there will always be enough money in the retirement fund to permit payment of all benefits, in full and on time, to all past, present, and future Federal employees.

Mr. Chairman, there are probably as many methods, and schools of thought, with respect to financing the civil service retirement system as there are actuaries and economists in the country. Therefore, I think it is important to note that the major financing proposals contained in H.R. 17682 were carefully worked out with, and approved by, the Bureau of the Budget, the Department of the Treasury, the Comptroller General, and the Civil Service Commission. In the final analysis, these are the agencies which will have to live and work with any plan we enact.

I personally have reservations with regard to some of the proposals contained in this bill, and I must admit that I am not too optimistic that future Congresses will appropriate the massive sums of money every year that this bill contemplates. However, I do feel this legislation is a giant step forward in getting our affairs in shape, and I urge its prompt approval.

Mr. CORBETT. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MATHIAS of Maryland. Mr. Chairman, on June 19, 1968, I introduced several bills to improve the civil service retirement system; namely, H.R. 17983, H.R. 17984, and H.R. 17985, which were referred to the Committee on Post Office and Civil Service. I wish to add some comments at this time which underscore the need for action in this area.

H.R. 17983 would provide new length-of-service requirements for Federal employees who retire after age 55 and before age 60. Under present law, an employee may retire at age 55 with 30 years of service and at age 60 with 20 years of service. Thirty years of service is required between these ages. Thus, an employee, age 59, needs 30 years of service to retire while an employee, age 60, can retire after 20 years of service. This situation is remedied by H.R. 17983 which provides a sliding scale for those retiring between age 55 and 60, as follows:

Service required

Age:	Years
55	30
56	28
57	26
58	24
59	22
60	20

H.R. 17682 as reported to the House by the Committee on Post Office and Civil Service contains no provision for new length-of-service requirements for Federal employees who retire after age 55 and before age 60. I submit that the need for such legislation is apparent and would be beneficial both to the Government and to the employees. More employees would choose to retire thus making room for younger people and increasing possibilities for advancement.

H.R. 17682 as reported by the committee is a constructive measure in many respects and reflects the careful study of the committee. However, my own studies as well as the views of Federal employee union leaders whose judgment I respect have indicated the need for prompt action in areas either not covered or covered partially by H.R. 17682. For that reason I have introduced these bills to plug up the loopholes—in fairness to the employees and survivors concerned as well as the best interests of the Government as an employer.

The next bill which I introduced on June 19, 1968, was H.R. 17984. Under present law, when an employee retires he must elect to receive a reduced annuity if he wishes to provide a survivor's annuity for his spouse. If his spouse should die first, he continues to receive the reduced annuity after his spouse's death. H.R. 17984 would provide for restoring the full-rate retirement annuity to the retired employee after the death of his spouse. It seems to me that it is highly improper to continue to collect from the retired employee for a benefit which would be inapplicable in his situation. In addition to the empty loneliness of being without his spouse, the retired employee must continue to pay for a survivor annuity under existing law. H.R. 17984 is based upon the principles of fairness and justice and corrects this obvious inequity. My bill also provides that if the retired employee subsequently remarries, he could provide a survivor's annuity for his new spouse by again electing to receive a reduced annuity and repaying the increased amounts paid to him after the death of his first spouse. H.R. 17682 contains some excellent retirement liberalizations; however, there are no similar provisions to cover these situations.

Mr. Chairman, the last of my current bills on this subject introduced on June 19, 1968, was H.R. 17985. This legislation would provide that retirement annuities of Federal employees would be computed on the basis of a high 3-year-average salary rather than on the high 5-year-average salary under present law. H.R. 17682 as reported to the House by the Committee on Post Office and Civil Service contains a similar provision. The plight of elderly retired Federal employees who are attempting to maintain themselves and their dependents after a lifetime of dedicated public service on their annuities points to the need for improvement in the present method of computing annuities. Various costs which hit these retirees the hardest are for such items as drugs, medical services and surgical appliances, among many others. Many retirees and survivors are existing at a marginal level because of inadequate annuities and rising living costs. Upon retirement Federal employees should be assured of decent annuities. Under the present law, basic annuities are based upon the following formula:

First, 1.5 percent of average salary multiplied by first 5 years of service, plus, second, 1.75 percent of average salary multiplied by second 5 years of service, plus, third, 2 percent of the average salary multiplied by years of service in excess of 10 years.

H.R. 17985 would compute the basic annuities on a straight 2 percent of the average service multiplied by years of service. H.R. 17682 does not contain such provision. The computation on a straight 2-percent basis would provide the Federal employee with an annuity more adequate to maintain him and his dependents during his retirement years. The employee who is engaged in hazardous occupations has his annuity presently computed on the basis of 2 percent and to follow the same ratio of the rate of computation my bill would increase the rate to 2.5 percent. This provision is not included in H.R. 17682.

Under the present law, the years of military and congressional service in the computation of a congressional employee's annuity on a 2.5-percent basis cannot exceed a total of 15 years of service. My bill would remove this inequitable restriction. H.R. 17682 has no such provision.

H.R. 17682 would make a number of changes designed to improve the financing of the retirement program of the Federal civilian service as well as to provide fringe retirement benefits. In order to meet the future increases in the cost of the retirement program H.R. 17682 would increase the contribution rate from 6.5 to 7 percent. My bill, H.R. 17985, would likewise increase the contribution rate from 6.5 to 7 percent. The indications are that the overwhelming majority of Federal employees would be willing to pay their share for added retirement benefits.

Another feature of H.R. 17985 is that it would apply the benefits of the Federal Salary and Fringe Benefits Act of 1966 to all remarriages of the spouse regardless of when the remarriage occurred or when Federal employment terminated. The said 1966 act contained provisions under which the survivor annuity of a spouse would not terminate because of remarriage after age 60 or if the survivor annuity is terminated because of remarriage before age 60, the annuity may be reinstated if the marriage is later terminated. These provisions apply under the present law if the employee was working for the Federal Government on or after July 18, 1966, and the remarriage occurs on or after July 18, 1966. H.R. 17682 would also apply the provision to all remarriages which occur on or after July 18, 1966, regardless of when the employee stopped working for the Federal Government. There is inequity in a situation where the law permits one widow to remarry and retain her annuity but demands another widow to refrain from marriage or suffer the loss of her annuity, solely on the basis of a calendar date. My bill corrects this inequity.

I regard liberalization of Federal retirement benefits as essential if the Government wishes to retain qualified personnel now and in the years ahead. The bills which I introduced on June 19, 1968, would provide for improvements in the Federal retirement system which are vitally needed to update the system. My bills recognize that employees who have given years of faithful service to the Government are entitled to fair and decent annuities at the end of their careers.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina [Mr. BROYHILL], the ranking member of the subcommittee that handled this bill.

Mr. BROYHILL of North Carolina. Mr. Chairman, the legislation before us, H.R. 17682, charts a sound and studied course to stabilize the financing and funding practices of the civil service retirement system, and I urge approval of the measure.

The major purpose of this legislation is to insure the integrity of the retirement fund so that the Government's obligations to Federal retirees and survivor annuitants will be met in full and on time. The construction of this bill, which is the result of extensive hearings, conferences, and executive committee sessions, fully meets that purpose.

The legislation also adds significant and needed improvements in the benefit structure of the retirement system.

The present condition of the retirement fund which has a current unfunded liability of more than $55 billion and which will have exhausted its balance by 1987 at the present rate of benefit payments is the result of inattention and inadequate financing practically since its inception.

While Federal employees have always contributed the full amount set by law, the Government's share, over the years for one reason or another, has fallen short of the necessary amount to meet the ultimate costs of all of the benefits payable under the system.

As the committee report aptly points out, the historic pattern of employee-employer contribution to the retirement fund supports the conclusion that deficiencies are the responsibility of the Government as an employer.

This legislation would improve the financial structure of the system through the following steps:

Employee and agency matching contributions are increased from 6½ to 7 percent, effective in January 1969;

The Civil Service Commission is authorized to adjust the rate of contribution as necessary to meet the normal cost of retirement benefits, subject to veto action by the Congress;

The Government shall through appropriations hereafter pay the increases in the unfunded liability created by any new or liberalized benefits, increases in annuities, interest on the unfunded liability, and the cost of crediting military service.

The bill also establishes a systematic method of stabilizing the unfunded liability of the retirement fund.

Benefits to annuitants under the civil service retirement system are improved in several ways under this legislation.

A key feature is a reduction from the highest-5- to the highest-3-year earning period determining average salary for annuity computation purposes. The resultant annuities under this formula will be more favorable and in my opinion are completely justified and overdue.

This legislation also provides that overtime and other compensation payments be included in determining an employee's basic pay. I fully agree with the committee that overtime, differentials, and premium pay should rightfully be included in determining the average pay in the computation of the annuity benefit.

In addition to these improvements, H.R. 17682 creates a system of crediting unused sick leave for retirement purposes and provides for the continuation or restoration of a survivor annuity when the survivor is remarried on or after July 18, 1966. This latter feature eliminates a troublesome inequity in present law.

Mr. Chairman, I believe that H.R. 17682 reflects sound legislative action to stabilize and preserve the integrity of the civil service retirement fund and I strongly recommend its prompt approval.

Mr. DANIELS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON. Mr. Chairman, the chairman of the Subcommittee on Retirement, Insurance, and Health Benefits, the gentleman from New Jersey [Mr. DANIELS], indeed, deserves the gratitude of all Federal employees and annuitants who have a vested interest in their retirement system, for the deep concern and great courage he has displayed in dealing with a serious and complex matter which has been neglected far too long. Our colleague has described in detail the features of the committee's proposal for the future financing of the civil service retirement system, and the modest improvements in benefits proposed therein.

The real problem of retirement financing, as I see it, is primarily one of budgetary and legislative responsibility. Responsible procedures require that the full retirement system costs involved in Federal program and legislative actions be fully disclosed and the necessary steps be taken to cover those costs when program and legislative decisions are made.

It is useful, I believe, in considering the budgetary and overall financial aspects of H.R. 17682, to think of it in three basic parts:

First, current service liabilities. Each year's service by each Federal employee adds to the future benefits which the retirement system must eventually pay out. Since the employee only contributes part of these benefits through a payroll deduction, the remainder must be paid by the Federal Government.

Each man-year of Federal employment, therefore, has a retirement cost attached to it which is just as truly an employment cost as the wages and salaries currently paid out. To the extent that the sum of the Federal and employee current contribution rate covers actuarial costs, the retirement benefits covered by each current man-year of employment "pay for themselves" and add nothing to the unfunded liability of the retirement fund.

Second, the potential increase in unfunded liability for past service, caused by pay raises and liberalizations of retirement benefits. Every time a Federal pay raise is enacted, the retirement value, and the cost, of the past service of Federal employees is increased. After a pay raise, all the past years of service will be multiplied against a new and increased high average salary in determining retirement benefits. Automatically, the cost to the Federal Government of future retirement payments increases, and none of the increase is covered by employee contributions. Similarly, when benefit liberalizations are enacted, or current annuitants given a benefit increase, or new groups blanketed into the retirement system, the value of future retirement payments increases. Unlike the first category—currently accruing liabilities—these costs are not related to the current level of employment, but simply reflect the impact of pay raises or benefit liberalizations on past service. It is worthy of noting that each $1 of general pay increase entails a retirement cost of $2.50.

Third, the unfunded liability which now exists because the civil service retirement system was not adequately funded in past years. Even if the Federal and employee contribution rates were sufficient to cover fully the currently accruing liabilities, and even if appropriations were made to cover the increase in unfunded liabilities due to future pay raises or benefit liberalizations, the retirement system would still have a large and growing unfunded liability. This arises from the fact that in prior years the retirement system was not funded to cover its full actuarial costs. And since the fund is far below the full actuarial level, it foregoes interest payments each year which add still further to the actuarial deficit.

There, then, are the three major financing aspects of the retirement fund, and each of these aspects is covered by this legislation, in the light of sound budgetary and financial principles.

It is essential to good budgeting that each Federal program be judged and evaluated in the light of its full costs. Each man-year of civil service employment represents a cost to the Federal Government, not only in terms of direct wages and salaries, but also in terms of what that man-year of employment adds to the cost of the retirement system. Federal agency contributions, together with employee contributions, should therefore cover the full amount of what each current year's service by a Federal employee adds to retirement costs.

At the present time, the normal cost of each year's service by a Federal employee amounts to 13.86 percent of his salary. Further changes in the system recommended by the Committee on Post Office and Civil Service will raise normal cost to 13.93 percent. The combined agency-employee contribution amounts to 13 percent, almost a full percentage point lower than full-cost coverage would require. As a consequence, the bill specifies a contribution rate of 7 percent for Federal agencies and 7 percent for employees, and a corresponding one-half-of-1-percent increase with respect to Members of Congress, to cover the full normal cost of present benefits and those contemplated in this legislation, beginning in January 1969. Thereafter, the committee's recommendation provides for future contribution adjustment which imposes a discipline whereby the normal cost of future liberalizations will be recognized and financed on a pay-as-you-go basis.

This latter provision has given rise to some expressions of fear that the Civil Service Commission may arbitrarily propose further increases in employee contributions—a fear which, in my opinion, has no foundation. It is inconceivable, within the terms of this particular provision, that the Commission could justify a proposed increase without explicitly attributing such justification to a subsequent and specific action of the Congress. Moreover, any possible arbitrary motivation would necessarily be tempered, first of all, by the fact that agency contributions would be proportionately increased; and, secondly, by the possibility—as contemplated in the bill—that Congress may prescribe a sharing ratio other than 50–50 on such an occasion.

It is emphasized that requiring employees to share the normal cost on an equal basis does not mean that employees are paying half the cost of the retirement system. Continuing improvements in salary rates and benefit liberalizations have increased—and undoubtedly will continue to increase—the retirement value of past service, whose cost the Federal Government bears fully.

The principle of full-cost coverage for currently accruing service liabilities is not so much a matter of financing, but of full-cost disclosure. We ought to know what the full costs of any Federal program are. Even if the entire Federal retirement system were on a "pay-as-you-go" basis, principles of good budgeting would require that in making evaluations of Federal programs we "impute" a retirement cost to each Federal employee hired.

Of equal importance is that aspect of funding which relates to increases in past service liabilities. Here again, full-cost disclosure is important. When the Executive considers, for transmission to Congress, and when the Congress itself considers pay increase or benefit liberalization legislation, these considerations should be based on a full awareness of the future costs to the taxpayer of the increased retirement payment which will result from the proposed actions. Every pay raise and benefit liberalization has a pricetag for increased retirement payments on past service. Those additional payments will be a cost to the taxpayer. The pricetag should be known and action taken to meet it each time legislation is proposed and enacted. H.R. 17682 makes provision for handling this situation by amortizing such additional costs by appropriation payments into the fund scheduled to relatively coincide with outflow from the fund.

Of paramount importance is that aspect relating to the unfunded liability which has already been incurred, and to be further incurred, by failure to practice full-cost funding in prior years. As pointed out in the committee's report on this legislation, the system's existing $55 billion unfunded liability, while being substantially affected by consistent liberalizations, recurring salary increases, and annuity adjustments, is largely attributable to the loss of interest on the deficiency—an amount that today approximates $1 and three-fourths annually.

The Board of Actuaries of the civil service retirement system has repeatedly recommended that the Government, with respect to the system's deficiency, do no less than appropriate the amount of accruing interest thereon. The committee does, indeed, concur with the actuaries that the existing unfunded liability should not be allowed to continue to soar by reason of the system's not being fully funded in terms of complete actuarial costs. H.R. 17682 provides for minimizing further "loss of interest" growth, and for the stabilization of those deficiencies within the next decade.

Mr. Chairman, the Government's financial obligation is clear. The Government's recognition of, and action to meet, that obligation is imperative. The situation has been studied intensively during the past few years by the Civil Service Commission, the Bureau of the Budget, the Cabinet Committee on Federal Staff Retirement Systems, and the Board of Actuaries and has been discussed extensively with congressional committees. It is time, now, that Congress face the problem realistically and adopt a definite program to meet that problem. Such a program is offered in this bill. I urge this body's full support and unanimous adoption of H.R. 17682.

Mr. CORBETT. Mr. Chairman, I now yield 2 minutes to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Chairman, H.R. 17682 is to strengthen the financial soundness of the civil service retirement system. For years, I have advocated some such action. When I started calling for the Government to meet its obligation to the retirement system, the fund was owed some $40 billion by the Government, and since then Federal payments are further behind so that Uncle Sam is delinquent at least $55 billion. So, I strongly favor the establishment of a plan to restore the integrity of the civil service retirement system.

I note that both the Civil Service Commission and the Bureau of the Budget, which in reality is the President, oppose this bill in its present form. For this reason, I am sure it will never be enacted into law. I note too, that during consideration of the rule making this bill in order, it was stated that any action by the House would be a complete exercise in futility because the Senate has not even held committee hearings on it, nor is any such hearing intended before the close of the 90th Congress. For these and other reasons, I did not support the rule.

However, since I approve of much which this bill would accomplish, and since the legislative record of today's debate may implement action in the next Congress, I intend to support this bill today. Perhaps passage of this measure will point up, if nothing else, the dire need for Congress to come up with a long range proposal to fund the civil service retirement and disability fund.

Meanwhile, I regret that the Johnson-Humphrey administration has failed to offer and support a program along the lines of H.R. 17682.

Finally, I believe increased benefits for retired civil service workers, as provided in this bill, are very much needed.

I urge passage of H.R. 17682.

Mr. DANIELS. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the committee, the gentleman from New York [Mr. Dulski].

Mr. DULSKI. Mr. Chairman, I rise in support of H.R. 17682. First, I wish to commend the distinguished chairman of the Subcommittee on Retirement, Insurance, and Health Benefits, the gentleman from New Jersey, Congressman Dominick V. Daniels, for the leadership he has demonstrated in bringing before the House a bill which embodies the subcommittee's major legislative effort of this session of the 90th Congress. The bill was reported by the Committee on Post Office and Civil Service without a dissenting vote.

The continual deficiency increases in

the civil service retirement and disability fund ultimately will deplete the fund unless action is taken to forestall this tragedy. Thereafter, direct appropriations will be required each year, in addition to employee and employing agency contributions, in order to meet benefit payments as they fall due. Unless steps are taken to eliminate, or at least halt the growth of the unfunded liability, the fund balances will be drawn down and substantial direct appropriations will be required to meet future obligations.

H.R. 17682 proposes—

A system to meet full estimated costs of retirement, including costs of present benefits, costs of benefits already earned but due to be paid in the future;

To provide for costs of benefits resulting from future legislation, including general pay increases, and ease the impact of these costs on the budget for several years into the future;

To increase contribution rates of employees and agencies in January of 1969, and thereafter as required by future liberalizations, to cover normal cost of the benefits in effect;

To provide a measure of "braking" effect on pressures for undue liberalizations;

To control, and eventually stop, growth of the unfunded liability;

To keep fund receipts ahead of disbursements, and prevent depletion of the fund;

To prevent excessive buildup of the fund in advance of actual need for the money; and

To assure payment of earned benefits, in full and on time, without awaiting appropriation action to provide funds for benefits already due.

Our colleague, the chairman of the subcommittee, has cogently set forth the dimensions of the critical problem of financing this important program, and has presented, concisely, and clearly, the committee's program of action to resolve that problem.

Mr. Chairman, I urge the adoption of this vitally important legislation.

Mr. DANIELS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Chairman, I have asked for these 3 minutes first of all to say that I am supporting the proposal as it is before us. However, I would say that the time has come when we must do a little straight thinking on the matter of improved governmental pensions as we differentiate between Government pensions, service pensions, pensions in private enterprise, and pensions in individual annuity plans.

As chairman of the General Labor Subcommittee, I have the duty to study and to research the 1,255,000 individual private and industrial pensions plans in the United States, and I find that there are many differences in the plans and that each of them have at least two or three different principles and concepts that make them questionable as to whether those who are paying into the funds are receiving their just return.

In making these studies we were asked if we wuold look into the so-called Members' pension fund. In looking over the Members' pension fund, we discovered some very strange figures that seem to have escaped the notice of those who have the authority over the civil service funds.

Out of over 800,000 pensioners right now under the Government pension plan there are only 235 Members of Congress who are retired.

In figuring out the amount of money paid in, I find that in the 21 years which we have the statistics on, for the first 9½ years the Government did not pay one cent of its contribution to the Members' pension fund. Yet, we have been able by contributions of Members alone to have carried the load to the extent we have paid $15,214,000 in benefit payments to all the retirees and their families we have paid from the fund.

In the meantime we have also increased the payments to retirees who were under contract prior to the increased benefit payments under the 1957 amendments and we find we increased the payments to those who retired prior to 1959 by over 55 percent without any additional contributions being made.

Yet, we have been able to carry that load plus adding to the survivor benefits. We have been able to carry that load with the payments made by the Congress, and still have a surplus in our own individual fund at the same time of well over $12,000,000.

If you study these figures—and I had the civil service people themselves make out this evaluation—if the Government had paid its share into the Members' fund, separate and distinct from the regular civil service fund, which incidentally can be figured a little more realistically than ours can be simply because there is a measure of security in employment in the civil service whereas there is no guarantee or tenure in the Congress—if they were to pay their share—and if we would have had a 5-percent interest rate during those years, which was available—we would have had a surplus at this time of $25,800,000 in the Members' fund.

This Committee should study the Members' fund separately, in my humble opinion, while they are doing the job they are trying to do to bring the public employees fund into what they call a fiscal responsible basis. They must also recognize there should be a separation of the two funds, because there is little relationship between the Members' fund and its payments in and out of the total fund and the public employees fund as it is operated under the civil service. We are now receiving an interest rate, mind you in 1967, of 3.81 percent and we received 3.94 percent in 1947 when we started. We receive less interest and it is not compounded but is an annual rate of interest than what we received 21 years ago when they started the fund.

Study will show that the pension of Members should be separated and it ought to be made solvent and not based upon the theory of private insurance companies because private insurance companies sign an annuity contract on the basis that every person who takes out the contract is going to live the full number of years and receive the full benefits. Congress does not operate on that basis.

Congress and other public funds do not operate to make profits for stockholders, are not used to build up portfolios, equity holdings, and other capital acquisitions which allow the payment of interest to policyholders and dividends to stockholders.

A public service fund need not carry the full insurance reserve that stock companies carry.

The public funds can and will operate soundly on a flat reserve of a limited number of years benefits in the fund reserve and an automatic increase in contributions if the fund drops below a set floor of reserves.

It must be a pay-as-you-go plan such as social security and most State plans now in existance.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. SCOTT], a member of the Subcommittee on Census and Statistics.

Mr. SCOTT. Mr. Chairman, I rise in favor of the bill.

I do not think there is any doubt among the membership of this body that its retirement fund should be actuarially sound. Certainly, few of us can disagree with the statements we find in the report to indicate the need for this.

The fact that the fund may be depleted by the year 1988, I believe it is, and I do not think we can disagree with the provision that is on page 7 which would credit the fund with sufficient money to make it actuarially sound by 1980.

In the committee when this bill was being considered, I offered an amendment that would provide that for optional retirement of Government employees with full annuity after the 30 years of service regardless of age.

I still think this is a good amendment and I would hope that something of this nature could be done. But it has been offered previously on the floor of the House during this Congress and it has been defeated. I do not intend to do a futile thing and offer it as an amendment this year to the present bill. But let us hope it will be successful in the future.

But there is another objection, it seems to me, to this bill, and that is the one that would transfer to the Civil Service Commission the power to set the rate of deductions from the employee's salary. I believe that is a function of the Congress. The Congress should take the action that puts the funds on solid ground. Even though the bill would permit the Congress to reverse the Civil Service Commission or to veto its action in 90 days, it seems to me that this would be a surrender of the legislative function to an independent agency of the Government. At the proper time I shall offer such an amendment.

Certainly with as many civil service employees as are in my district, I am going to support the bill and vote for it whether the amendment is adopted or not. But I would hope that the Members of this body would give serious consideration to an amendment providing that we would not delegate a legislative function to the Civil Service Commission. Not only would this permit the deductions that would be made from employees' salaries, but it would permit the Civil Service Commission to fix the amount of deductions from Members' salaries, and I just do not think that that is good. I shall speak further on the subject at the time the amendment is offered.

Mr. DANIELS. Mr. Chairman, I should like to ask the gentleman from Pennsylvania if he desires to use any more of his available time.

Mr. CORBETT. Mr. Chairman, we have no further requests for time.

Mr. DANIELS. Mr. Chairman, I have just one additional speaker. I yield such time as he may desire to the gentleman from New York [Mr. HANLEY].

Mr. HANLEY. Mr. Chairman, this measure is designed to strengthen the financial condition of the civil service retirement system—a program in which all Federal civilian employees and retirees, and their families, have a vital stake.

All of the Government's several staff retirement systems are costly and, even without the liberalizations advocated by employees and retirees, costs are soaring. Benefits already earned but not yet payable will, in a few years, require additional appropriations amounting to billions of dollars annually. Rising costs of living, to which benefit adjustments are now tied by law, will add billions more to the future liability. So will future salary adjustments. Retirement system financing has, therefore, become a major problem to executive branch officials and to Congress, as well as a matter of serious concern to thousands of individuals who fear that the economic security they have been counting on for their old age is slipping away.

Against this general background, facing the need for decision on a specific financing proposal is imperative. Methods of financing and funding Federal retirement systems vary: some are contributory, some—technically at least—are noncontributory; some are fully funded, some partially funded, and some are pay as you go. While disagreement continues unresolved over the extent to which the individual employee should share retirement costs, and over the best approach to financing, methods of resolving these problems will have a tremendous impact on the budget of the Government.

Clearly, no one social or economic philosophy can adequately explain all of the changing currents of the retirement movement. The society in which the civil service retirement system was originally designed was relatively static; today's society is characterized by a dynamism that we have not yet learned to assess adequately, much less cope with, and the system shows the strains of the continuing effort to accommodate to this dynamism.

It attempts to cope with a particular set of employment conditions specific to most, but not applicable to all, who serve the Nation's largest and most diversified employer; it must continue to meet those special conditions if retirement is to serve its purpose for these employees and make a positive contribution to the Government's missions.

It attempts to balance divergent interests, accommodate conflicting values, and adjust to continually changing manpower needs and policies; it must continue to do so because that is what our democratic system demands of its public institutions.

It is costly because, despite its various inadequacies, it is essentially generous; it must remain so if the Government is to be a responsible employer.

The public hearings held by the Subcommittee on Retirement, Insurance, and Health Benefits, together with the considerable volume of correspondence it received, presented an opportunity to give appropriate consideration to a number of topics for study. Our major findings and recommendations are summarized in the committee report accompanying this legislation.

The provisions for financing and funding the civil service retirement system has been designed so as to—

First, require Government and employees to share normal costs, including those resulting from future liberalization of benefit provisions;

Second, identify clearly and recognize Government's responsibility for other costs, including those for past service liability and those for postretirement adjustment of benefits; and

Third, provide for maintenance of the retirement fund at a level sufficiently high to assure that all retirement benefits can be paid promptly as they fall due.

This legislation will completely cover normal cost, will automatically neutralize prospective causes of future financial deficiencies as they occur, and ultimately will stabilize the existing unfunded liability of the program. The mechanics of the legislation will require virtually full disclosure of retirement costs and explicitly allocate responsibility for such costs to, first, employees and agencies jointly, second, agencies only, and, third, Government, as distinct from agencies.

Mr. Chairman, in order that there is no question as to the ability of the civil service retirement system to fulfill its future obligations to Federal employees and annuitants, I urge the adoption of H.R. 17682.

Mr. DANIELS. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 17682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CIVIL SERVICE RETIREMENT FINANCING

SEC. 101. Section 8331 of title 5, United States Code is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting a semicolon in lieu thereof; and

(3) by adding immediately below paragraph (16) the following new paragraphs:

"(17) 'normal cost' means the entry-age normal cost computed by the Civil Service Commission in accordance with generally accepted actuarial practice and expressed as a level percentage of aggregate basic pay.

"(18) 'Fund balance' means the sum of—

"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury.

"(19) 'unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members, and former employees and Members, subject to this subchapter, and to their survivors, over the sum of—

"(A) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 8348 (f) of this title; plus

"(C) the Fund balance as of the date the unfunded liability is determined.".

SEC. 102. Section 8334 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) For pay periods beginning after December 31, 1968, the employing agency shall deduct and withhold 7 percent of the basic pay of an employee and 8 percent of the basic pay of a Member. An equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

"(2) The Civil Service Commission shall determine when an adjustment in the percentage of deduction prescribed by paragraph (1) of this subsection is necessary to meet fully the normal cost of the benefits then in effect, and shall transmit notice of proposed adjustment to the Vice President and the Speaker of the House of Representatives. Any proposed adjustment shall become effective at the beginning of the first full pay period which commences at least 60 calendar days (of continuous session of Congress, computed in accordance with section 906(b) of this title) after transmittal of the notice, unless before that date—

"(A) either House of the Congress has passed legislation which provides for a different adjustment; or

"(B) either House of the Congress has passed a resolution which specifically disapproves the adjustment proposed by the Commission.

The same percentage adjustment, fixed at the nearest multiple of ¼ of 1 percent, shall be applied to each percentage prescribed by paragraph (1) of this subsection. Not more than one adjustment shall be proposed in any calendar year.

"(3) The amounts so deducted and withheld, together with the amounts so contributed, shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe. Deposits made by an employee or Member also shall be credited to the Fund."; and

(2) by amending subsection (c) to read as follows:

"(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service, plus each increase in the deduction percentage prescribed under subsection (a)(2) of this section for periods of service to which the increase applies:

	“Percentage of basic pay	Service period
Employee	2½	August 1, 1920, to June 30, 1926.
	3½	July 1, 1926, to June 30, 1942.
	5	July 1, 1942, to June 30, 1948.
	6	July 1, 1948, to October 31, 1956.
	6½	November 1, 1956, to December 31, 1968.
	7	After December 31, 1968.
Member for Member service	2½	August 1, 1920, to June 30, 1926.
	3½	July 1, 1926, to June 30, 1942.
	5	July 1, 1942, to August 1, 1946.
	6	August 2, 1946, to October 31, 1956.
	7½	November 1, 1956, to December 31, 1968.
	8	After December 31, 1968.”.

SEC. 103. Section 8348 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) There is a Civil Service Retirement and Disability Fund. The Fund—

“(1) is appropriated for the payment of—

“(A) benefits as provided by this subchapter; and

“(B) administrative expenses incurred by the Civil Service Commission in placing in effect each annuity adjustment granted under section 8340 of this title; and

“(2) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Commission in connection with the administration of this chapter and other retirement and annuity statutes.”;

(2) by striking out subsections (f) and (g) and inserting in lieu thereof:

“(f) Any statute which authorizes—

“(1) new or liberalized benefits payable from the Fund, other than any increase in those annuities which begin on or before the effective date of the increase;

“(2) extension of coverage to new groups of employees; or

“(3) increases in pay on which benefits are computed;

shall be held and considered to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in equal annual installments over the 30-year period beginning at the end of the fiscal year in which the statute is enacted, with interest computed at the rate used in the then most recent valuation of the Civil Service Retirement System and with the first payment thereof due as of the end of the fiscal year in which the statute is enacted.

“(g) At the end of each fiscal year beginning with 1971, the Commission shall notify the Secretary of the Treasury of the amount equivalent to interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System. Before closing the accounts for each year, the Secretary shall credit to the Fund, as a Government contribution, out of any money in the Treasury not otherwise appropriated, the following percentages of the amounts equivalent to interest on the unfunded liability: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; 70 percent for 1977; 80 percent for 1978; 90 percent for 1979; and 100 percent for 1980 and for each year thereafter. The Commission shall report to the President and to the Congress the sums credited to the Fund under this subsection.

“(h) Each annuity increase authorized by statute enacted after December 31, 1968, and each increase thereafter effectuated under section 8340 of this title, shall be paid from the Fund. Any such increase shall not be payable for any fiscal year which begins more than one year after the effective date of that increase unless and until an appropriation is made by the Congress to compensate the Fund for the cost, as determined by the Commission, of the increase for that fiscal year. For any fiscal year for which the appropriation is not made, benefits under this subchapter shall be determined and paid as though the increase had not been allowed. Nothing contained in this subsection shall prevent payment of any increase for any fiscal year for which the Congress makes the appropriation.

“(i) At the end of each fiscal year beginning with 1970, the Secretary of Defense shall pay into the Fund an amount, as determined by the Commission, sufficient to cover those annuity disbursements made during that fiscal year which are attributable to military service.

“(j) For each employee who has unused sick leave to his credit and who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity, the employing agency shall, under procedures prescribed by the Commission, pay into the Fund an amount equal to 25 percent of the employee's final hourly pay rate multiplied by the number of hours of unused sick leave to his credit.”

SEC. 104. The proviso under the heading “CIVIL SERVICE COMMISSION” and under the subheading “PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND” in title I of the Independent Offices Appropriation Act, 1962 (75 Stat. 345; Public Law 87–141), is repealed.

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

SEC. 201. Paragraph (3) of section 8331 of title 5, United States Code, is amended—

(1) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

“(B) remuneration for service performed as an employee to whom this subchapter applies;”;

(2) by striking out “overtime pay,”; and

(3) by striking out “pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraphs (B) and (C) of this paragraph,”.

SEC. 202. Paragraph (4) (A) of section 8331 of title 5, United States Code, is amended by striking out “5 consecutive years” and inserting in lieu thereof “3 consecutive years”.

SEC. 203. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word “or” at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word “or”; and

(3) by adding the following new paragraph immediately below paragraph (4):

“(5) days of unused sick leave credited under section 8339(l) of this title.”.

SEC. 204. Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(l) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity shall include the days of unused sick leave to his credit, except that these days shall not be counted in determining average pay or annuity eligibility under this subchapter or in computing service under section 8342(h) of this title”.

SEC. 205. Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting “1 percent plus” immediately after the word “by”.

SEC. 206. The provisions of subsections (d) (3) and (g) of section 8341 of title 5, United States Code, shall apply in the case of any widow or widower who shall have remarried on or after July 18, 1966, and immediately prior to such remarriage was receiving annuity from the Fund, except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section.

Mr. DANIELS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that the bill be considered as read, printed in the Record, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The **CHAIRMAN**. The Clerk will report the first committee amendment.

Mr. DANIELS. Mr. Chairman, I ask unanimous consent that the committee amendments printed in the reported bill be considered en bloc.

The **CHAIRMAN**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read as follows:

COMMITTEE AMENDMENTS

On page 2, lines 8 and 13, strike out the period and insert a semicolon in lieu thereof.

On page 4, lines 1 and 2, strike out “Vice President” and insert in lieu thereof “President of the Senate”;

On page 4, line 5, strike out “60” and insert in lieu thereof “90”;

On page 6, line 6, insert the word “the” immediately after the words “in connection with”; and

On page 8, line 20, immediately after the period insert quotation marks.

On page 10, line 21, strike out “(d) (3)” and insert in lieu thereof “(b) (1), (d) (3),”.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. DANIELS

Mr. DANIELS. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. Daniels: On page 10, strike out lines 10 through 17 and insert in lieu thereof the following:

“(l) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity shall, without regard to the limitation imposed by subsection (e) of this section, include the days of unused sick leave to his credit, except that these days shall not be counted in determining average pay or annuity eligibility under this subchapter. Amounts paid into the Fund by the employing agency under section 8348(j), based upon unused sick leave to the credit of an employee shall not be applied toward any deposit due under section 8334 of this title nor shall such amounts be deemed voluntary contributions for the purposes of this title.”.

Mr. DANIELS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, by direction of the Committee on Post Office and Civil Service, I offer this amendment to correct an inconsistency in section 204 of the bill.

The major purpose of section 204 is to grant a modest measure of recompense for unused sick leave to the credit of an employee who retires from Federal service by increasing his actual service by a period representative of the calendar value of such accruals.

Under the bill as reported, an employee retiring, for example, after completing 30 years of service and having 1 year of unused sick leave, would have his annuity computed as though he had performed 31 years of service; whereas, an employee retiring after 45 years of service and having 1½ years of unused sick leave—that is, 50 percent more service and 50 percent more sick leave accrual—would be accorded no recognition whatsoever for his conscientious and prudent exercise of the sick leave privilege.

To illustrate further, let us assume that each such employee has a salary of $10,000. The former would be granted an annuity "payoff" of $200 per year for his $10,000 sick leave account; whereas, by virtue of the maximum annuity being encountered upon completion of 42 years' service, the latter would be granted absolutely nothing for his $15,000 sick leave account.

This amendment, which was unanimously adopted by the committee subsequent to reporting the bill, would accord the 45-year employee treatment equivalent to that which we propose to extend to the 30-year employee. The amendment will preclude the creation of an inequitable and discriminatory situation, and I therefore urge its wholehearted support.

SUBSTITUTE AMENDMENT OFFERED BY MR. GROSS FOR THE AMENDMENT OFFERED BY MR. DANIELS

Mr. GROSS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from New Jersey [Mr. DANIELS].

The Clerk read as follows:

> Amendment offered by Mr. GROSS as a substitute for the amendment offered by Mr. DANIELS: On page 8, line 13, add quotation marks and a period at the end thereof.
>
> On page 8 strike out lines 14 through 20.
>
> On page 9, beginning with line 20 and ending with line 17 on page 10, strike out all of sections 203 and 204.
>
> And renumber the remaining sections accordingly.

Mr. GROSS. Mr. Chairman, I rise in support of the main purpose of this bill, which is to bring order out of chaos, toward making the employees' retirement fund sound, but I do take serious exception to two provisions of the bill. This is one of them, the crediting of sick leave to retirement, and the other being the handing over to the Civil Service Commission of the authority to fix the rate of deductions from payroll.

Mr. Chairman, the substitute amendment I have offered will strike from the bill all provisions relating to the crediting of unused sick leave for retirement purposes.

There is simply no justification for granting this type of "payoff," in this or any other type of legislation, to employees who do not use sick leave. Any kind of "payoff" for unused sick leave, whether in retirement credit or in cash, perverts the entire historical philosophy on which this fringe benefit is based.

Under present law, Federal employees accrue 13 days of sick leave a year with no limit on the amount of that leave which may be carried forward from year to year. It is entirely possible for an employee with 30 years service to have accumulated the equivalent of 1½ years sick leave.

The historical basis, and the underlying philosophy for the sick leave system, is that it is a type of insurance against loss of income during periods of illness. It is a privilege granted by an employer to an employee, and is not and never was intended to be a part of compensation.

Sick leave is provided to an employee not as an absolute, cash-equivalent benefit as in the case of annual leave, but rather on a contingency basis as a reserve for use only if needed.

Sick leave offers protection to employees against loss of income the same way casualty insurance does. It is paid out only when needed, and as with insurance, one hopes that he never needs it. When an individual is fortunate enough not to need his accident or casualty insurance, he is certainly not entitled to have his premiums returned to him. At the same time nothing should be owed to an employee who does not use sick leave because he is fortunate enough not to incur illness or injury.

The provisions which my amendment would strike from the bill would completely reverse the basic concept of sick leave that has governed its use from the very beginning of the system in the Federal service.

The only argument that has been advanced in support of crediting unused sick leave for retirement is that employees would have an incentive to conserve sick leave, and that so-called abuses of the use of sick leave would be lessened. This argument simply does not stand up.

First of all, the sick leave problem has been studied carefully on numerous occasions by the Civil Service Commission, and each study has conclusively refuted the need or desirability for any kind of "payoff" to prevent alleged abuses. If there are abuses in the use of sick leave among individual employees and in the various agencies and departments, the problem should be attacked directly, and certainly not indirectly by means of offering an attractive enticement. The abuse of sick leave is a serious offense, and the offense should be dealt with and punished accordingly. It is absolutely incredulous that we would attempt to correct any alleged abuses by offering rewards in the form of increased retirement benefits.

In addition, Mr. Chairman, should this sick leave provision work as an incentive to conserve sick leave, it would have the effect among some employees of encouraging them actually to hoard sick leave by going to work even though they might be ill. The result, of course, would be that the employee would endanger both his own health, and that of his fellow workers.

There is another aspect to this problem that I think deserves consideration. If we are to reward the employee, who, through good fortune, enjoys good health and does not need to draw on his sick leave protection, what do we do with the employee who, through misfortune, does suffer ill health or an accident and must draw on his sick leave? The answer, of course, is that we do nothing in this bill for the unfortunate employee who has to draw on his sick leave, and we thereby create a monstrous inequity that will haunt the Federal personnel system and this Congress far into the future.

Mr. Chairman, the sick leave provision contained in this bill will increase Federal payroll costs by $22 million annually. This is an additional payroll cost that is entirely unjustified and it is an expense that will not accrue to the benefit of all Federal employees—only to those who are fortunate to be healthy.

The so-called committee amendment to this section, offered by the gentleman from New Jersey, does nothing but make bad legislation worse. Under present law, no one who works for the Federal Government can retire on an annuity greater than 80 percent of his average salary. This applies equally with uniformity, across the board to all employees, to all executives, and to all Members of Congress. But the amendment offered by the gentleman from New Jersey would permit certain employees to draw annuities greater than 80 percent of their average salaries whenever unused sick leave is credited.

Mr. Chairman, the sick leave provisions in this bill, which my substitute will eliminate, are vigorously opposed in formal reports to our committee by the Civil Service Commission, the Bureau of the Budget and the Post Office Department. They are costly, they are discriminatory, and they cannot be justified. I sincerely urge the adoption of my substitute amendment which will strike these provisions from the bill.

Mr. DANIELS. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Iowa.

In response to the gentleman, I would refer him to the colloquy between the members of the subcommittee and the representatives of the Civil Service Commission appearing on pages 120 through 128 of part II of our hearings. On that occasion, the Commission testified that the average use of sick leave Government-wide was about 8.3 days per employee. While the Commission felt that a basic policy issue was involved in the discussion, it was their reaction that if this additional incentive were provided, because it would provide for some additional benefit, there would be extra consideration given by the employees to the use of sick leave as it is earned. In response to a question as to how much the Government might save by providing this incentive with an estimated $22 million annual cost, the Chairman of the Commission stated:

> I think that probably the cost would be offset significantly by a lesser use of sick leave on an annual basis by employees. If we were able to reduce the average use from 8.3 days a year to, say, 7 days a year, that would represent a substantial savings.

In response to a further question as to how much of a saving might result to the Government, Chairman Macy responded:

> If you got everybody to work one more day that would otherwise be spent on sick leave, 90 million dollars would be a reasonable estimate.

It may also be well to invite the Members' attention to that part of Chairman Macy's testimony appearing on page 126 of the hearings wherein he indicates, informally, a relatively high order of priority of this particular provision.

In the discussion on this floor of the Monday holiday bill wherein Columbus Day was made a holiday, I am quite sure that the Members of this body will recall the debate. It was stated that in making Columbus Day a holiday it would cost the Government $85 to $90 million. If that were true then, it is just as true today that if we can conserve sick leave by 1 day, the Government will save $85 to $90 million less the cost of $22 million to which the previous speaker alluded.

As cited on page 18 of the committee's report, bills have been introduced over the years to grant an employee a lump-sum payment, in full or in part, for his accumulated sick leave account, similar to that which is paid for unused annual leave. The excessive cost of such plans have effectively precluded their adoption. In lieu thereof, the committee proposes a limited degree of recompense for unused sick leave by granting service credit equal to its calendar value. In essence, a retiree will receive, during his lifetime, a payoff equal to 25 percent of the actual cash value of his sick leave accruals. As stated in the report:

> This legislation embraces a change in the basic historical philosophy underlying the sick leave system, and grants a limited recognition to those employees who have prudently utilized the sick leave privilege. It is expected that by providing a benefit as an additional incentive to conserve sick leave, there will be extra consideration given by employees, generally, to the use of the leave as it is earned. The total costs of crediting leave will be borne by the employer, but no actual retirement costs will be incurred. It is the consensus of the committee that such additional payroll costs will be significantly offset by the savings resulting from a reduction in the number of days of average sick leave usage throughout the Federal service.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa [Mr. Gross] for the amendment offered by the gentleman from New Jersey [Mr. Daniels].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 27, noes 27.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. Daniels].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Scott: On page 3, beginning with line 21, strike out all of line 21 and all that follows down through the end of line 17 on page 4.
>
> On page 4, line 18, renumber subparagraph (3) as subparagraph (2).

Mr. SCOTT. Mr. Chairman, the entire purpose of this amendment is to provide that the Congress shall continue to set the rates of the deductions that are paid by the employee and by the members as well as by the Government, and all the contributions would be set by the Congress rather than by the Civil Service Commission as is provided in the bill as presently constituted.

Mr. Chairman, it seems to me that the Congress should determine the factors that go into the amounts of deductions. If the members of the committee will look at page 5 of the report they will find that some of the reasons why we have been experiencing a deficiency in the funding of the civil service retirement fund is that creditable service has been allowed by the Congress over the years when an employee or the Government has not contributed into the fund. We have been bringing additional people under civil service retirement who have not paid anything into the fund.

Then, Mr. Chairman, we have had general wage increases which have resulted in benefits based on a higher pattern of salaries to Government employees than that upon which at least a portion of the contribution is based. We have liberalized the benefits based on past or future services without a commensurate increase in contributions and the loss in compounded interest income which would have been earned if the accumulated liability had been fully funded.

Mr. Chairman, it seems to me that there are a number of matters in which the Congress is surrendering its prerogatives to legislate to the executive branch of the Government and here we are giving up our power to set the rates of deductions that the employees pay and that the Government pays to an independent government agency, to the Civil Service Commission. This I am sure we are aware is not a good thing to do. We have been elected by the people of this country to pass or to consider legislation and we should not give up this responsibility under the guise that the Civil Service Commission is more familiar with matters such as this than are we.

It is true that the bill provides that if we are not satisfied with the action which the Civil Service Commission takes we have 90 days during which we can veto the action of the Commission. However, Mr. Chairman, vetoes are something that should be preserved for the executive branch of the Government and not for the legislative branch. It seems inconsistent, Mr. Chairman, for the Congress to bring about conditions that create the need for the increases in rates and then not assume the responsibility for setting those rates.

Mr. Chairman, my amendment is designed to have the Congress retain its responsibility in this field.

Mr. Chairman, there are some who would equate the power to fix rates with the fact that we do have a trust fund that is not actuarially sound. The Congress has not at times faced up to its responsibility of appropriating the necessary funds that are required by law to be appropriated by the Congress. This bill does not compel the Congress to make contributions, it just says that the Civil Service Commission shall fix the rates when a change in the rate is necessary. This is a congressional responsibility.

Mr. Chairman, I urge that this amendment be adopted so that the prerogative of the Congress will be maintained.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is an old story about the cynical older Member of Congress who told a young man when he first came down here that the way to get ahead was to do two things: vote for all appropriations, and vote against all tax bills.

It seems to me that what has happened to the civil service retirement system over the last 20 years is a sham and a disgrace, and it is time we corrected it. This bill at long last will correct and make it sound, rather than bankrupt, which it will be in the next 5 or 6 years, if we do not enact specific legislation of this kind.

Mr. Chairman, this amendment if passed will put us right back into the same old system. What the bill says now if we, the Congress, liberalize the retirement benefits, that automatically it is up to the Civil Service Commission to make the increase in the employee contributions effective. We will have the right to veto them if we do not like the way they put them in effect, or the size of the amount.

But this means once the bill is passed our civil service retirement system will then be put on a sound financial basis, so that it is not bankrupt, and then we will go right back to the same old system where Congress has to increase the employee contributions each and every time.

I can understand this if we were talking about their pay, the Members of Congress usually want to be the ones who put the pay increase into effect. And every time I propose in our committee some kind of an automatic pay increase system they say, "No, we should not delegate the pay increases. We the Congress should take credit for increasing the pay."

But I cannot understand how a man who runs for office wants to say, "We are going to retain the honor at all times and places of increasing the contributions of the employees to the retirement fund."

But I do not want to go home and make a speech to employee organizations and say, "Friends, I just got back from Washington, and I have voted to increase your contributions."

You know, two things are going to happen in this amendment, and that is either we will do as we have done in the last 20 years, and that is not act when we ought to act, and increase contributions and keep the funds sound, or else we will have to take care of them probably at every session of the Congress, or every two or three sessions of the Congress, and will have to vote and debate and argue about some kind of an increase of this sort, and we are simply not going to do it, and we are then going to slip back.

One of the chief controls against excessive increases in employee contributions is that under the terms of the law they are going to have to increase the agency contributions, so there is some safeguard here against these kinds of arbitrary increases that might be contemplated. The further safeguard is that if we do not like it we can veto it.

The job of the Congress is to make policy, and what we are saying in this bill is that it is the policy of the Congress that this fund is going to be kept sound. The policy hereafter is that the contributions of employees will be increased, and make it sound, keep the fund sound. Once we have made the broad general policy, we will keep it in effect.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Virginia.

Mr. SCOTT. I can certainly agree with the gentleman that we want to keep this fund sound, and I believe page 7 of the bill tends to do that where it provides that by 1980 there will be sufficient money credited to the fund to make it sound. But do I understand that the gentleman is saying that Congress would determine the benefits that would be derived by the people when they retire, but we would not assume the responsibility of levying the necessary rates for the funding of this? Is the gentleman saying that the Members should not meet that responsibility?

Mr. UDALL. Members who are as fearless and as responsible and as intelligent as the two gentlemen having this dialog, of course, would do this. But other Members of the House might not, as history has shown in the past that they have not.

I fear that if we leave it to the Congress to increase benefits or increase the contributions to keep the fund sound, we will wind up doing exactly what just has been done in the last 20 years, for one reason or another.

Mr. SCOTT. If this bill passes, as proposed now by the committee, is there any assurance that the Congress will appropriate the necessary money when the commission fixes the rate? Is there not one step left? Does not the Congress have to appropriate the necessary funds?

Mr. UDALL. There have been some delays on the part of the Congress in that area too, as the gentleman knows, and that is part of the reason we are in the situation we are in now.

There are certain aspects of the bill presently that are automatic. But we will get back to where the money is put in before it is available. It is the same as the interest on the public debt. And we do not have to worry about slipping back. I think this amendment is an unwise amendment and defeats the very purpose of the bill.

Mr. Chairman, I ask that this amendment be voted down.

Mr. CORBETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cannot see how this amendment would defeat the purpose of the bill.

The bill is designed to increase the flow of money into the retirement fund. It will do that.

This particular proposal to give the Civil Service Commission power to increase the rates at some later date is certainly a surrender on the part of the committee and of the Congress of its absolute authority and responsibility.

I believe there is a lot of confusion about just what the Congress has done in the past by way of responding to the normal costs of the fund. The Congress may have been a bit derelict in making some direct appropriations, but not nearly as bad as has been emphasized.

But here the issue, I believe, is clear cut—whether or not this Congress and this committee want to keep control of the power to increase the premiums if that is found to be necessary or whether it wants to turn that power over to a nonelected bureaucracy that is responsible to no one except the appointing authority.

Mr. Chairman, I submit this is a good amendment. The gentleman has put his finger on what I believe is the worst defect of this bill, and his amendment would correct it.

Mr. SCOTT. Mr. Chairman, will the gentleman yield

Mr. CORBETT. I yield to the gentleman.

Mr. SCOTT. Would the gentleman agree that the Congress, which sets the standards which brings about the need for this increase, has the responsibility to fix the necessary rates?

Mr. CORBETT. Definitely. I only regret that it is not a matter of law and precedent that when we provide new benefits that we do not provide the means to pay for them at that time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Scott].

The question was taken; and on a division (demanded by Mr. Scott) there were—ayes 24, noes 32.

Mr. SCOTT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. JONAS. Mr. Chairman, I move to strike the last two words.

I have been concerned about the condition of the civil service retirement fund for some time, especially since we handle the funds for the Civil Service Commission in the Subcommittee of the Appropriations Committee on which I serve. All of the members of the committee were disturbed when it became apparent that the unfunded liability of this fund was going up by leaps and bounds. I believe it is now in the range of $50 to $55 billion. We have been calling attention to it every year in the independent offices bill and urging that Congress take appropriate action to put this fund on a sound basis.

There are certain features of this bill that I thoroughly favor, and I congratulate the committee on making it crystal clear that future benefits will have to be provided for in appropriations. But I am disturbed to read what the Chairman of the Civil Service Commission says about this bill. I had assumed that in this legislation we were taking care of the unfunded liability in the retirement fund. But I find that, according to Mr. Macy, this bill provides increased benefits and does not make any provision whatever for paying for them. If Mr. Macy is correct, this bill would create a $3.3 billion increase in the unfunded liability. Is that correct? If so, how can you justify, in a bill designed to eliminate the problem we have with this fund, the creation of another unfunded liability of over $3 billion?

Mr. DANIELS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New Jersey.

Mr. DANIELS. I am quite sure the gentleman from North Carolina was present during my initial presentation, at which time I pointed out that the present contribution of the employee and the Government agency of 6½ percent each make a total of 13 percent. The Civil Service Commissioner, the Budget Director, as well as GAO, have unanimously testified that the normal cost comes to 13.86 percent. There is a deficiency of eighty-six one-hundredths of 1 percent, which costs $190 million a year. That is the deficit we are running into.

However, by increasing both the agency and the Government contributions to 7 percent each, making a total of 14 percent, we now have a surplus of $30 million, because 1 additional percent raises $220 million. Therefore, the differential of fourteen one-hundredths of 1 percent in the normal course permits us to give the benefits that we provide for in this bill.

Mr. JONAS. May I simply read the following paragraph from the letter of Mr. John W. Macy, Chairman of the U.S. Civil Service Commission, to the Honorable Thaddeus J. Dulski, dated June 12, 1968, which appears on page 32 of the report:

> Each benefit liberalization has a price tag. We estimate that the liberalizations proposed by H.R. 17682, including the added 1 percent for the first annuity increase (but not for succeeding increases) would create $3.3 billion in unfunded liability. Enactment of benefit liberalizations over the years, without adequate provision for financing, has contributed substantially to the problem which we are now trying to solve. The urgent need is for adoption of a sound financing plan, not for further benefit liberalization.

Is the gentleman telling me Mr. Macy is incorrect when he says this bill will create an additional unfunded liability of $3.3 billion?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. Jonas was allowed to proceed for 3 additional minutes.)

Mr. DANIELS. Mr. Chairman, if the gentleman will yield, I will say Mr. Macy is not incorrect. He is absolutely correct. But, as I pointed out, the present normal costs comes to 14.86 percent. By providing the additional benefits in this bill, we merely increase the normal cost by seven-tenths of 1 percent, or it will make a total of 14.93 percent. We still are within the 14 percent, that is the 7-percent contribution to be made by the employee and the 7 percent by the Government, making a total of 14 percent. But in addition thereto, there are two other features in this bill.

Mr. JONAS. Mr. Chairman, I did not ask the gentleman about any other features. I asked him if Mr. Macy's statement that this bill will add $3.3 billion to the unfunded liability is correct, and the gentleman says it is correct.

Mr. DANIELS. It is correct, but we are providing for the financing of it in this bill.

Mr. JONAS. Is it true, I ask the gentleman, that not only is the Civil Service Commission opposed to this bill, but also the Bureau of the Budget is opposed to it?

Mr. DANIELS. That is not exactly true, because, if the gentleman recalls my statement when I took the floor, I pointed out there is a six-pronged approach to the funding of this obligation. Three prongs were unanimously recommended not only by Mr. Macy, but by the Director of the Budget and also by the General Accounting Office. But the subcommittee, in its wisdom, added three additional prongs to the financing of this fund.

Mr. JONAS. Mr. Chairman, I would merely point out that following Mr. Macy's letter in the report is one signed by the Assistant Director of the Bureau of the Budget in which he says the Bureau of the Budget recommends against favorable consideration of this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. JONAS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, has the gentleman given any thought to the transferability of funds provided in this bill and what the interest rate will be on the money?

Mr. JONAS. Frankly, I came on the floor prepared to vote for legislation that would correct this situation we are in, which is intolerable and growing worse as the years go by, due to the failure of the Government to pay its part of the money into the fund. I wanted to be sure before the vote comes on this bill whether the statement of Mr. Macy is correct, that it will increase the unfunded liability by $3.3 billion. If that is true—and I take it from the comments that it is true—it seems to me we are moving backward and, instead of improving the situation, we are worsening it.

Mr. GROSS. Mr. Chairman, I would have thought some of the members of the Appropriations Committee would have been very much interested in the transferability of funds provided in this bill and in the interest that is to be paid on the money.

Mr. JONAS. I am sure all members of the Appropriations Committee are interested just as all Members of this body should be interested. We are all interested in the welfare of the taxpayers, or should be.

Mr. GROSS. I agree with that, but, after all, the Appropriations Committee does approve the funds that go to finance the various activities of the Government.

Mr. JONAS. Mr. Chairman, that is correct; and I would say to the gentleman that is a feature of the bill I do not approve.

Mr. DANIELS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman is absolutely correct. There is $3 billion added to the unfunded liability, but I say to the gentleman we provide for payment of it and are taking care of it by the payment of interest into this fund, starting in 1971 through 1980, at which time will be paid 100-percent interest on the fund. This will take care of the unfunded liability.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, the point the chairman of the subcommittee is making is that the whole thrust of this bill is to stabilize and make sound this fund. While the bill does increase the unfunded liability by $3.5 billion, the three prongs financing and strengthening the fund will stabilize that $3.5 billion, so that the fund is still in an absolutely sound position.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I am pleased to yield to the gentleman from North Carolina.

Mr. JONAS. I am seeking help here, and information. Can the gentleman tell me why it is the Civil Service Commission and the Bureau of the Budget do not feel this is sound legislation, as the gentleman now says?

Mr. DANIELS. I stated in my remarks earlier today, the Civil Service Commission, the Bureau of the Budget and the General Accounting Office were unanimous in their recommendation of three prongs of this six-pronged approach, but the subcommittee in its wisdom added three additional prongs, which not only stabilizes the fund but raises the money at an earlier date.

We do not believe the Civil Service Commission is absolutely correct in everything it recommends. After all, we Members of Congress have a judgment to make of our own independent of the findings of the Civil Service Commission. We have a right, and duty, to exercise what we believe is the proper judgment.

Mr. JONAS. I do not follow the recommendations of the people downtown. I just think the House deserves to know during this debate that the Civil Service Commission and the Bureau of the Budget both opposed this bill. I am trying to find out why.

Mr. DANIELS. Not in its entirety.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DANIELS. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. Where the gentleman's logic fails here is that there is a time gap. Originally the Civil Service Commission and the Bureau of the Budget commented on a proposal which had but three financing prongs. To meet those objections the committee added three more. It does not do any good to talk about objections written and directed to a bill with only three prongs and apply them to a bill with six prongs.

Mr. JONAS. I will say to the gentleman that the letter from the Bureau of the Budget is dated not later than June 13, 1968. That is after the bill was drafted and in its present form. The letter states categorically that the Bureau of the Budget does not favor enactment of this legislation and it follows the recommendation of the Civil Service Commission.

That is worthy of consideration, but it certainly is not compelling.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was interested in the comments which were made by the distinguished chairman of the subcommittee to the effect that the Civil Service Commission was not infallible and that the Civil Service Commission could also make mistakes. That was in the tenor of the amendment I offered a few minutes ago, wherein the Congress would maintain its right to legislate.

It was pointed out at that time by others that the Congress did not seem to be able to know what rates should be provided to make this fund actuarily sound and that we had to go to the Civil Service Commission and have the Civil Service Commission tell us what the rate should be.

It seems to me there is a little bit of inconsistency in the argument which was made just a moment ago, compared to the argument that was made in opposition to my amendment.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17682) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, pursuant to House Resolution 1241, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DANIELS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMEND FEDERAL FARM LOAN ACT AND THE FARM CREDIT ACT OF 1933

Mr. POAGE. Mr. Speaker, I call up the bill (H.R. 19418) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations, and banks for cooperatives, and for other purposes, and ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill and that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a)(1) of the Federal Farm Loan Act, as amended (12 U.S.C. 1061(a)(1)), is amended by adding the following two paragraphs at the end thereof:

"As to any class A stock held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, the Governor may at any time require the bank to retire such class A stock if, in his judgment, the bank has resources available therefor, and he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the Federal intermediate credit banks, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841–870), and section 206(a)(4) of the Federal Farm Loan Act, as amended (12 U.S.C. 1072(a)(4) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

SEC. 2. (a) Section 6 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131c), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class A stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class A stock held by the Governor."

(b) Section 16(a) of the Farm Credit Act of 1953, as amended (12 U.S.C. 1131e–1(a)), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class C stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A or class C stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class C stock held by the Governor."

SEC. 3. Section 43 of the Farm Credit Act of 1933 (12 U.S.C. 1134e) is amended by adding the following two paragraphs at the end thereof:

"As to any class A stock of any such bank held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the banks for cooperatives, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841–870), and section 36(a)(3) of the Farm Credit Act of 1933, as amended (12 U.S.C. 11341(a)(3)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 19418. This bill was reported to the House unanimously, and it is a sound piece of legislation which is needed if farmers are to have continued access to adequate credit in the years ahead.

While all lenders have played important roles in supplying farmers' rapidly increasing needs for credit in recent decades, the cooperative Farm Credit System has continued to fill its role of pacemaker in agricultural lending by adapting its loan terms and service to the rapidly changing needs of farmers and their farm supply and marketing cooperatives.

Increasing use farmers and their cooperatives have made of the system over the past 15 years is evidence of this. Farmers' use of the system has steadily increased. Their outstanding loans have grown from $2.5 billion in 1955 to nearly $12 billion in 1968. The proportion of the total credit which all farmers and cooperatives use that is supplied by the cooperative farm credit system has grown from an estimated 13 percent 15 years ago to 21 percent now.

Even more important, despite the rapid decline in the total number of farmers and cooperatives, the number served by the system has increased considerably. The number of farmers using the Federal land banks is up 25 percent. The number using production credit associations is up 40 percent. And the number of cooperatives using the banks for cooperatives has increased 50 percent.

The cooperative farm credit system has kept funds flowing from city investors to our farm communities. Without this flow of money, even more farmers would have been forced to abandon farming as a way of life.

In the past 15 years, farmers' investments in the farm credit system have also risen rapidly—from $180 to $872 million. All but three of the 450 production credit associations and four of the 12 district banks for cooperatives are now completely farmer-owned. The Federal land banks have been farmer-owned since 1947. The Government investment in capital in parts of the system has declined from $280 million in 1953 to $148 million in 1968.

The farm credit system and the Committee on Agriculture have both been working to have all the Government capital stock remaining in the farm credit system retired in the near future. When that happens, farmers will have reached one of their long-term objectives—a completely farmer-owned farm credit system.

And that is precisely what this bill does by accelerating the return of the remaining capital in the Federal intermediate credit banks and the banks for cooperatives.

Mr. POAGE. Mr. Speaker, the bill, H.R. 19418, and its companion bill, S. 3986, are among the most unusual bills which will be presented to the Congress this session in that they cost the Government nothing, involve no new expenditures, set up no new Government programs, add no employees to the public payroll, increase no salaries. In short, they do not contribute to the inflation of our currency nor do they add to our budgetary deficit. On the contrary, they do exactly the opposite. They reduce the involvement of the Government and will return a substantial amount of money to the Public Treasury.

To understand this legislation, one must understand the philosophy and the mechanics of the Farm Credit Administration. The various farm credit institutions are not Government-owned institutions. Certain of the banks do have some Government money invested in their capital structure and it is for this reason only that they were recently brought into the Federal budget for bookkeeping purposes. The 12 Federal intermediate credit banks obtain funds—in addition to their capital and surplus—from the sale of their consolidated debentures in the public securities market. These debentures are not obligations of the United States nor are they guaranteed by the United States. When these banks were established in 1923, the Federal Government did advance the capital necessary to start them in operation. Over the years the production credit associations—the local lending agencies—have gradually purchased the stock of these banks which purchases, together with the earnings, have retired about $454 million of capital stock held by the Federal Government. The Government now holds $125,789,120 stock in these banks. It also holds some $730,000 in the stock of three production credit associations.

There are 13 banks for cooperatives. Their stock also was initially provided by the Government. It was not until 1955 that Congress provided any method for retiring Government capital in these banks. The Government now has approximately $21.7 million invested in these banks. This bill provides a method for the removal of all Government capital from all of these institutions.

The institutions involved hold among their investments Government bonds which will almost equal in value the value of the stock held by the Government. These bonds would not sell at par. It is estimated that they might have an average value of 89 cents on $1. The stock owned by the Government would not sell at par. It is estimated that its present value is approximately 85 cents on $1. The bill provides that the fair value of the stock and of the bonds shall be determined by the Treasurer and the Governor of the Farm Credit Administration, both agreeing, that such an agreement having been reached that the banks shall deliver to the Treasurer enough of the bonds—or cash—to equal in value the stock held urer will be $150 million to the good. The banks will have no Government stock in their structure and will thereby the U.S. Government. Thus, the Government will liquidate its holdings in the banks and the Treasurer will receive the value of this stock in return. The Treasfore automatically move out of the budget bookkeeping. The effect of this will be to remove the banks from any limitation on their lending power as a result of the existing reduction of Government expenditures because there will be no expenditure of Government money made by the banks.

Actually, members of our committee feel that the whole Farm Credit Administration was placed in the Federal budget under a misapprehension. I would refer to page 942 to the appendix to the budget for the fiscal year 1969 which states:

> All expenses including administrative costs are paid from the banks' own resources and thus in no way do they affect the budget of the United States.

In view of this clear-cut statement we have been at a loss to understand why these institutions should be included in the budget but the passage of this legislation will definitely and specifically remove them from budget bookkeeping. Actually, they were included in accordance with a recommendation made in the report of the President's Commission on Budget Concepts—page 30—which indicated that they should be included in the Federal budget totals until such time as they are completely privately owned at which time they should be eliminated from the budget totals.

That is basically what this bill does. It will in that way result in increasing the ability of these institutions to lend to their farmer members some $650 million during the current fiscal year which would be "frozen" in the absence of this legislation. We feel that the public interest requires that any such cut be avoided and when this can be done, and at the same time the cash assets of the Government can be increased, we feel that we have been able to present a unique and constructive piece of legislation which should be passed by this House, we hope by unanimous vote.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I as unanimous consent for the immediate consideration of a similar Senate bill (S. 3986) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for others purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a)(1) of the Federal Farm Loan Act, as amended (12 U.S.C. 1061(a)(1)), is amended by adding the following two paragraphs at the end thereof:

"As to any class A stock held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, the Governor may at any time require the bank to retire such class A stock if, in his judgment, the bank has resources available therefor, and he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the Federal intermediate credit banks, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change his ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841–870), and section 206(a)(4) of the Federal Farm Loan Act, as amended (12 U.S.C. 1072(a)(4)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

Sec. 2. (a) Section 6 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131c), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class A stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class A stock held by the Governor."

(b) Section 16(a) of the Farm Credit Act of 1953, as amended (12 U.S.C. 1131e–1(a)), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class C stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A or class C stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class C stock held by the Governor."

Sec. 3. Section 43 of the Farm Credit Act of 1933 (12 U.S.C. 1134e) is amended by adding the following two paragraphs at the end thereof:

"As to any class A stock of any such bank held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents their fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the banks for cooperatives, and full private ownership has thus been achieved short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841–870), and section 36(a)(3) of the Farm Credit Act of 1933, as amended (12 U.S.C. 11341(a)(3)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19418) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair will state that there might be some other unanimous-consent requests to announce while we are waiting to proceed in connection with District bills.

CONTRACTS FOR INSPECTION, MAINTENANCE, AND REPAIR OF EQUIPMENT IN DISTRICT-OWNED BUILDINGS

Mr. DOWDY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2017) to authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years, and that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is authorized to enter into contracts for periods not exceeding three years for the inspection, maintenance, and repair of fixed equipment in buildings owned by the District of Columbia.

Mr. **DOWDY**. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of S. 2017, which was requested by the District of Columbia government, is to authorize the District to enter into contracts with private concerns for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods up to 3 years. Under existing authority, these contracts must be executed annually. S. 2017 is substantially similar to Public Law 89-276, approved October 20, 1965, conferring authority on the Administrator of General Services to enter into 3-year contracts for the maintenance of fixed equipment in federally owned buildings.

NEED FOR THE LEGISLATION

Under existing law, the District must execute annually contracts for the servicing of fixed-equipment systems such as heating, refrigeration, ventilating, air conditioning, electrical, vertical transportation, plumbing, fire protection, watchman, fuel, and pneumatic tube systems. The District government has found it more economical and efficient to provide for servicing of this type of equipment under contracts with private firms specializing in such services, rather than training skilled technicians and purchasing and storing innumerable spare parts and supplies.

The present 1-year contract limitation precludes the District from obtaining maximum potential benefits and savings. Some contractors engaged on a 1-year basis have not fully carried out their obligation for equipment maintenance and repair. As a result, latent deficiencies have appeared, after a new contractor has been on the job, making it difficult, if not impossible, to prove responsibility for the deficiencies. Consequently, the District government has had to bear the cost of remedying such deficiencies.

A contractor with a 1-year maintenance contract is not encouraged to do more than will keep the equipment operating for that year, since he does not know whether he will be successful in subsequent bidding. Contractors who have had a 1-year contract sometimes refrain from bidding on such work for a subsequent year because they know, from knowledge gained under a prior contract, that abnormal maintenance will probably be required during the ensuing year. Further, a contractor probably would be less likely to neglect needed maintenance during the early years of a long-term contract, since deficiencies could more easily be traced to him and the more extensive maintenance of subsequent years would be his responsibility. Savings through reduction in preparation of plans and specifications and costly advertising would be realized with multiyear contracts.

Contractors would also benefit from multiyear contracts, since they would be able to make larger volume purchases of supplies, spare parts, and equipment. Personnel of the contractor would become better acquainted with the characteristics of the particular equipment being serviced, and the detailed nature of the conditions and circumstances under which the equipment must be operated. This would result in reduced management problems and expense, and provide better service to the using agency. A 3-year contract would encourage better planning by the contractor, so that current maintenance would be accomplished with the prospect of less effort and expense being required in subsequent years.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **DOWDY**. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in connection with each of the District bills that will be considered today, and I further ask unanimous consent that any members of the committee may have the same privilege.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECIPROCAL AGREEMENTS FOR MUTUAL POLICE AID BETWEEN DISTRICT OF COLUMBIA AND OTHER GOVERNMENTS IN METROPOLITAN AREA

Mr. **DOWDY**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2496) to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

S. 2496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is hereby authorized in his discretion to enter into and to renew reciprocal agreements, for such period as he deems advisable, with any county, municipality, or other governmental unit in the States of Maryland and Virginia, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of policemen and other agents and employees, together with all necessary equipment, in the event of war, internal disorder, fire, flood, epidemic, or other public disorder which threatens or has occurred.

SEC. 2. The District of Columbia shall not enter into any such agreement unless the agreement provides that each of the parties to such agreement shall (1) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (2) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement.

SEC. 3. The policemen and other officers, agents, and employees of the District, when acting hereunder or under other lawful authority beyond the territorial limits of the District, shall have all of the pension, relief, disability, workmen's compensation, and other benefits enjoyed by them while performing their respective duties within the District of Columbia.

SEC. 4. The Commissioner of the District of Columbia shall be responsible for directing the activities of all policemen and other officers and agents coming into the District pursuant to any such reciprocal agreement, and the Commissioner is empowered to authorize all policemen and other officers and agents from outside the District to enforce the laws applicable in the District to the same extent as if they were duly authorized officers and members of the Metropolitan Police force of the District of Columbia.

Mr. **DOWDY**. Mr. Speaker, the purpose of S. 2496 is to authorize the District of Columbia government to enter into reciprocal agreements with governmental units in Maryland and Virginia to provide police mutual aid when emergencies threaten or occur.

In recent years, the local jurisdictions which compose the Washington metropolitan area have been confronted with many problems that are regional in nature. Because the metropolitan area comprises parts of two States and the District of Columbia, large numbers of area residents travel back and forth across boundary lines every day, and may be as concerned with, and affected by, what happens in the District of Columbia as they are with events in surrounding communities.

Emergencies such as epidemics, floods, fires, riots, or other internal disorders may affect more than the immediate area of the disaster or may create a sudden temporary need for additional police protection for the people in the affected area. However, police officers cannot now render emergency assistance beyond the boundaries of their own jurisdiction. Your committee believes that the public interest requires that there be some relaxation of the traditional boundary restrictions when actual or impending disaster threatens the public safety anywhere in the area.

BACKGROUND

S. 2496 is patterned after the act approved August 14, 1950 (64 Stat. 441), as amended—78 Stat. 585; District of Columbia Code, section 4-414—entitled "An act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes."

Congress has also authorized the District of Columbia to enter into interstate civil defense compacts (68 Stat. 59). These compacts are intended to provide mutual aid among the States in meeting an emergency or disaster from enemy attack, including sabotage and subversive acts. Pursuant to that act, the District of Columbia entered into compacts with the States of Virginia and Maryland in June 1954.

Some of the contingencies which S. 2496 is designed to cover fall within the area of the agreements reached pursuant to the civil defense legislation. However, these agreements authorized under that act do not, like those contemplated under the authority of S. 2496, provide for emergencies caused by internal disorder. Moreover, the act authorizes agreements between State governments, including the District of Columbia, whereas the present bill provides for agreements between the District Commissioner and county, municipal and other governmental units of the adjacent States.

Our committee understands that police mutual aid agreements cutting across State lines already exist in some locations throughout the country. For example, information received from the International Association of Chiefs of Police indicates that there are arrangements for police mutual aid between Kansas City, Mo., and Kansas City, Kans.; between Rock Island, Ill., and Davenport, Iowa; and between Bristol, Va., and Bristol, Tenn.

The Virginia Legislature approved legislation in its 1968 session which would enable county and municipal goverments in that State, including those in the northern Virginia portion of the Washington metropolitan area, to enter into police mutual agreements with other jurisdictions.

Mr. GUDE. Mr. Speaker, today we have before us a measure which is of utmost importance to the security of the Washington area. S. 2496 provides for reciprocal agreements for police mutual aid between the Commissioner of the District of Columbia and the neighboring police forces of Montgomery, Prince Georges, Howard, and Anne Arundel Counties, as well as other counties in Maryland and jurisdictions in Virginia, in the case of a foreseeable or actual emergency.

In time of such emergency, as recalled by events of the all too recent past, the citizens of the metropolitan area must have the best peacekeeping force to prevent loss of lives and potential damage to property.

The passage of S. 2496 will be to the advantage and benefit of the entire metropolitan area. All of the police chiefs of the area will by virtue of this legislation, be able to lay plans for the most complete protection of their jurisdictions.

This bill is just another example of the interdependence among the various jurisdictions which comprise the Washington metropolitan area, and indeed of a situation which exists in all large metropolitan areas all over the Nation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUIRING WRITTEN NOTICE PRIOR TO FORECLOSURE ON REAL ESTATE IN THE DISTRICT OF COLUMBIA

Mr. DOWDY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2592) to amend section 539 of the act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

S. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 539 of the Act approved March 3, 1901 (31 Stat. 1274), as amended (D.C. Code, sec. 45–615), is amended by inserting the words "AND NOTICE TO BE GIVEN" immediately after the words "TERMS OF SALE" in the title of said section, inserting the subsection designation "(a)" immediately before the first word of such section, and by adding the following:

"(b) No foreclosure sale under a power of sale provision contained in any deed of trust, mortgage or other security instrument, may take place unless the holder of the note secured by such deed of trust, mortgage, or security instrument, or its agent, gives written notice, by certified mail return receipt requested, of said sale to the owner of the real property encumbered by said deed of trust, mortgage or security instrument at his last known address, with a copy of said notice being sent to the Commissioner of the District of Columbia, or his designated agent, at least 30 days in advance of the date of said sale. Said notice shall be in such format and contain such information as the District of Columbia Council shall by regulation prescribe. The 30-day period shall commence to run on the date of receipt of such notice by the Commissioner. The Commissioner or his agent shall give written acknowledgment to the holder of said note, or its agent, on the day that he receives such notice, that such notice has been received, indicating therein the date of receipt of such notice. The notice required by this subsection (b) in regard to said mortgages and deeds of trust shall be in addition to the notice described by subsection (a) of this section."

Mr. DOWDY. Mr. Speaker, the purpose of S. 2592, is to provide that security interests in real property in the District of Columbia, such as deeds of trust or mortgages, can be foreclosed pursuant to power of sale provisions contained in the instruments only after the holder of the note secured by such deed of trust or other security instrument has mailed a written notice of such foreclosure to the owner of the encumbered real property.

The bill further requires that a copy of this notice be sent to the Commissioner of the District of Columbia, or his designated agent, at least 30 days in advance of the date of the sale of said real property.

NEED FOR LEGISLATION

The need for this legislation arises from certain deceptive practices of some firms doing business in the District of Columbia, particularly in the field of home improvement contracting. Although it is believed that the vast majority of home improvers are reliable and fair businessmen, a few operators have engaged in certain unfair sharp practices that must be stopped.

It has been brought to the attention of your committee that some unwary homeowners have been induced to enter into contracts for credit purchases of goods and services, such as improvements to their homes. In such cases, the homeowner signs several papers described by the salesman as being merely necessary formalities, and thereafter discover too late that they have signed notes and deeds of trust on their homes, and even statements that the work has been satisfactorily completed. The fraudulent home improver then negotiates the note and deed of trust to a finance company, and makes inadequate repairs to the house or no repairs at all.

Then, if the owner defaults on the note, the finance company is in a position to foreclose on the deed of trust free from complaints by the homeowner that he had not received satisfactory performance. Because the deeds of trust often contain clauses permitting the trustee to sell on default without giving the homeowner notice of foreclosure, some Washingtonians have had their houses literally sold out from under them.

PROVISIONS OF THE BILL

The bill amends title 45 of the District of Columbia Code, dealing with mortgages and deeds of trust on real property, by requiring in connection with foreclosure proceedings that no foreclosure sale under a power of sale provision contained in any deed of trust, mortgage, or other security instrument, may take place unless the holder of the note secured by such deed of trust, mortgage, or security instrument, or its agent, gives written notice, by certified mail, return receipt requested, of said sale to the owner of the real property encumbered by said deed of trust, mortgage, or security instrument at his last known address, at least 30 days in advance of the date of said sale.

This provision assures notification to the owner of the encumbered property well in advance of the proposed date of sale. This would allow the property owner ample time to seek remedies under existing law. The obligor now has adequate remedy by seeking injunctive relief in the U.S. District Court for the District of Columbia if he has grounds on which to defend himself against the threatened foreclosure. Any homeowner who feels he is being aggrieved may seek legal advice. This may be obtained through the legal aid agencies if such person is indigent.

The bill also requires that a copy of the written notification of the impending foreclosure be sent to the Commissioner or his designated agent at least 30 days in advance of the sale. This notice will give the Commissioner or his agent an opportunity to consult with the borrower and counsel him as to the impending foreclosure sale. The borrower could be advised to seek legal aid should it become apparent that the foreclosure results from a transaction in which the borrower has been victimized.

Public hearings were held by the Senate Subcommittee on Business and Commerce of the Committee on the District of Columbia on December 5, 12, 13, 1967; January 30, 31, and February 1, 1968. Our committee is advised that there was no opposition to the intent of the bill.

Our committee believes that S. 2592 will protect the residents of the District of Columbia by assuring them of an opportunity to defend themselves against foreclosures resulting from unscrupulous business practices and recommends that the bill be enacted.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA PUBLIC SPACE RENTAL ACT

Mr. **DOWDY**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1247) to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

S. 1247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, STATEMENT OF FINDINGS, AND POLICY DEFINITIONS

SEC. 101. This Act may be cited as the "District of Columbia Public Space Rental Act".

SEC. 102. The Congress finds that there is demand in the District for the use of public space for private gain by the owners of property abutting such space, or by the operators of businesses on such property. The Congress further finds that much of the use that is presently being made of such space by such owners or operators, and much of the use that is proposed to be made thereof, would not be in derogation of the rights of the general public to use such space if a determination be made by the Commissioner that some or all of such space is not required for the use of the general public and may be made available for use, for business purposes, by or with the consent of the owners of the private property abutting such public space, subject to the payment of adequate compensation for the use of such public space, and subject to the discontinuance of such use to the extent that the Commissioner may later determine such space to be required for the use of the general public, including use by a public utility company. The Congress therefore declares that public space in the District which the Commissioner finds is not required for the use of the general public may be made available by him for use, for business purposes, by or with the consent of the owners of private property abutting such space, upon payment to the District of compensation for the use of such space, and on the condition that such use will be discontinued in whole or in part whenever the Commissioner determines that all or part of the public space is required for the use of the general public.

SEC. 103. As used in this Act, unless the context requires otherwise—

"Commissioner" means the Commissioner of the District or his designated agent.

"District" means the District of Columbia.

"Owner" means (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of property; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

"Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District.

"Property" means real property.

"Property line" means the line of demarcation between privately owned property fronting or abutting a street and the publicly owned property in the line of such street.

"Public space" means all the publicly owned property between the property lines on a street, as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

"Street" means a public highway as shown on the records of the District, whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.

"Vault" means a structure or an enclosure of space beneath the surface of the public space, including but not limited to tanks for petroleum products, except that the term "vault" shall not include public utility structures, pipelines, or tunnels constructed under the authority of subsection (d) of the Act approved December 20, 1944, as amended (D.C. Code, sec. 1–244(d)), or structures or facilities of the United States or the District of Columbia, or of any governmental entity or foreign government, or any structure or facility included in any lease agreement entered into by the Commissioner. If such structure or enclosure of space be divided approximately horizontally into two or more levels, the term "vault" as used in this Act shall be considered as applying to one such level only, and each such level shall be considered a separate vault within the meaning of this Act.

SEC. 104. Nothing contained in this Act shall be construed as requiring the Commissioner to assess and collect rent from the Government of the United States, the government of the District of Columbia, or any foreign government, for the use, in accordance with the provisions of titles II and III, of public space abutting property owned by any such government or governmental entity, nor shall any such government or governmental entity be subject to the payment of any rent required by this Act.

SEC. 105. Notwithstanding any other provisions of this Act, the Commissioner is authorized, in his judgment and pursuant to regulations adopted and promulgated by the District of Columbia Council, to permit the occupancy of public space for minor uses without requiring rental payments when the fixing and collection of rental charges would not be feasible.

TITLE II—RENTAL OF PUBLIC SPACE ON OR ABOVE THE SURFACE

SEC. 201. The District of Columbia Council is authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period: *Provided,* That nothing herein contained shall be construed as requiring the Council to require the payment of rent as a condition to the use of public space (1) in accordance with the provisions of regulations promulgated under the authority of the first paragraph under the caption "District of Columbia" of the Act approved March 3, 1891 (26 Stat. 868), as amended (D.C. Code, sec. 5–204); (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation: *Provided further,* That the proposed rental of public space within the area of the District of Columbia subject to the provisions of the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5–410 and 5–411), shall be submitted to the Commission of Fine Arts in accordance with the provisions of such Act of May 16, 1930. The regulations adopted by the District of Columbia Council shall provide that public space rented under the authority of this title shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use; that the Commissioner may require such space to be vacated upon demand by him and its use discontinued, with or without notice, and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Commissioner, the said Commissioner may remove from such space any property left thereon or therein by any person using such space under the authority of this title, at the risk and expense of the owner of the real property abutting such space.

SEC. 202. The District of Columbia Council shall by regulation provide for the payment of rent for the use of public space as authorized by this title. The annual rent for such space shall be a fair and equitable amount fixed by the Council from time to time in accordance with regulations adopted by it, generally establishing categories of use and providing that the rent for each category of use shall bear a reasonable relationship to the assessed value of the privately owned land abutting such space, depending on the nature of the category of use and the extent to which the public space may be utilized for such purpose, but in no event shall the annual rent for the public space so utilized be at a rate of less than 4 per centum per annum of the current assessed value of an equivalent area of the privately owned space immediately abutting the public space so utilized. Such rent shall be payable in advance for such periods as may be fixed by the Council. In the event the Commissioner requires any person using public space under the authority of this title to vacate all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid.

SEC. 203. The Commission is authorized, with respect to property subject to the requirements of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7–117), to allow the same use to be made of such property as, under the authority of this title, he allows to be made of the public space abutting such property. Any such use of such property shall be subject to the same conditions as are applicable to the use of the abutting public space, with the exception of the payment of rent.

TITLE III—RENTAL OF SUBSURFACE PUBLIC SPACE

SEC. 301. Section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 716), as amended (D.C. Code, sec. 7-901), is hereby repealed, and all permits for the use of public space issued under the authority of such Act are revoked as of the effective date of this title.

SEC. 302. The Commissioner is authorized to issue a permit for the use of a vault constructed prior to the effective date of this Act, or for the construction of a vault after such effective date, only to the owner of the real property abutting the public space in which such vault is or will be located. The issuance of each such permit shall be conditioned on the prior execution by such owner of an agreement acknowledging, for himself, his heirs and assigns, (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Commissioner may inspect such vault during regular business hours; (3) that the Commissioner may introduce or authorize the introduction into or through such vault with, right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Commissioner deems necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this Act. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner.

SEC. 303. The Commissioner is authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Commissioner.

SEC. 304. Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the District of Columbia Council for such vault, but such annual rent shall not be less than $10, and such rent shall be subject to collection from said owner in the manner prescribed by this title, regardless of whether any use is made of such vault, and regardless of the extent of any use: *Provided*, That no rent for any rental year for a vault shall be charged to the owner of abutting property if said owner, prior to July 1 of such year, has notified the Commissioner in writing that he has abandoned such vault and has performed such work as may be required by the District in connection with the sealing off or filling of such vault, or both.

SEC. 305. (a) The owner of property abutting public space in which any vault is located, as such owner may be recorded in the real estate assessment records of the District, shall pay the rent established in accordance with this title for such vault. Such rent shall be payable annually for the year commencing July 1 and ending the following June 30, and shall be payable in full prior to the beginning of such year. In the case of vaults constructed between July 1 and January 1 of any year, one-half of the annual rent for any such vault, shall be payable in full prior to the first of January immediately following the completion of such vault. In the case of vaults constructed between January 1 and July 1 of the succeeding year, no rent shall be charged for any vault completed within such period, but the owner of the property abutting the public space in which such vault is located shall, prior to the first of July immediately following the completion of any such vault, pay in full the annual rent for such vault, for the rental year commencing on such July 1. Interest at the rate of 1 per centum for each month or part thereof shall be charged in every case in which rent is not paid on or before the date on which any payment required by this section shall become due.

(b) In the event the Commissioner requires or allows any person using subsurface public space under the authority of this title to vacate, voluntarily or involuntarily, all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid: *Provided*, That the Commissioner may deduct from such prepayment any amount due the District in compensation for expenses to the District in connection with the use or abandonment of said space.

SEC. 306. (a) Whenever the Commissioner determines that any vault is unsafe or is not in use, or the space occupied by such vault is required for street improvements, or the construction or extension of sewers, water mains, other public works, or public utility facilities, the Commissioner is authorized to serve upon the owner of property abutting public space occupied by such vault an order requiring such owner to remove in whole or in part, reconstruct, repair, or close such vault by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner. The failure or refusal of any such owner to comply with such order of the Commissioner within the time specified in such order shall constitute a violation of this Act.

(b) In the event that any owner of property abutting an unused or unsafe vault fails to remove in whole or in part, reconstruct, repair, or close the same by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner within the time specified by him, the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and the said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the property of such owner for the purpose of performing such work as may be necessary in connection with the removal, reconstruction, repair, or closure of such vault, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District.

SEC. 307. Notwithstanding the provisions of the preceding section, whenever the Commissioner finds that any vault or vault opening is in such condition as to be imminently dangerous to persons or property, he shall immediately notify the owner, agent, or other person in charge of the private property abutting the public space in which such vault or vault opening is located, to cause such vault or vault opening to be made safe and secure. The person or persons so notified shall be allowed until 12 o'clock noon of the day following the service of such notice in which to commence making such vault or vault opening safe and secure: *Provided*, That in a case where the public safety requires immediate action the Commissioner may enter upon the private property abutting the public space in which such vault or vault opening is located, with such workmen and assistants as may be necessary, and cause such vault or vault opening to be made safe and secure. In any case in which the Commissioner performs any work under the authority of this section, the cost to the District of performing such work shall be charged against the private property abutting the public space in which such vault or vault opening is located, and shall be collected in the manner provided by section 308.

SEC. 308. (a) The Commissioner shall take such action as he in his discretion considers necessary or desirable to secure the payment to the District of rents due and payable on vaults; interest on late rental payments; the cost of any advertising required by this title; the cost to the District of sealing off, removing in whole or in part, filling, reconstructing, repairing, or closing a vault or vault opening, or performing any other service in connection therewith; and interest at the rate of 1 per centum per month or part thereof in every case in which payment to the District for the cost of performing work authorized by this title is not made within thirty days after a bill for such cost shall have been rendered.

(b) Charges authorized to be made by this title and not paid within ninety days after the close of the fiscal year in which such charges accrue shall be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, such tax to be collected as provided in this section. Such tax shall include, without limitation, rents due and payable on vaults, interest on late rental payments, costs for sealing off, removing in whole or in part, filling, repairing, reconstructing, or closing a vault or vault opening, interest on late payments of such costs, and any advertising required by this title. The tax authorized to be levied and collected under this section may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

SEC. 309. (a) The Commissioner is authorized to require that the use of a vault occupied or used under the authority of this Act shall be subject to the condition that the District shall have the right at any time to install or construct under, over, or through said vault any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction that the Commissioner may consider if necessary in the public interest to place in the space occupied by such vault, without compensation to the owner of the private property abutting the space in which such vault is located or to the person occupying or using such vault. Each person using or occupying a vault, upon notice from the Commissioner that a water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction is to be introduced in the space occupied by such vault, shall commence to move, and forthwith remove, if necessary, any boiler, pipe, wall, beam, machinery, or construction in or pertaining to said vault, or any fixture or other thing therein, without cost to the District, so as to leave a space clear and sufficient in the judgment of the Commissioner for the introduction and maintenance of any such underground construction or installation. The Commissioner is further authorized to require each applicant for a permit to construct a vault in public space, as a condition precedent to the issuance of the permit, to agree for himself and his heirs and assigns that the Commissioner shall have the right to enter upon the premises at any time for the inspection and proper maintenance of repair of any public underground construction or installation in such vault, and that in case there is any change in the street, roadway, or sidewalk above such vault, the vault shall be subject to a corresponding change, as directed by the Commissioner, without expense to the District of Columbia.

(b) In the event a person occupying or using a vault under the authority of this Act shall fail or refuse to perform or to permit the performance of any work required by the Commissioner under the authority of subsection (a), the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the private property abutting the public space in which such vault is located for the purpose of performing such work as may be necessary in connection with the construction or installation in such public space of any water pipe, gas pipe, sewer, conduit, other pipe, or other underground construction or installation that the Commissioner may consider it necessary or desirable to place in such space, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District. The cost to the District of performing such work, including, without limitation, the reasonable cost to the District of securing the court order authorized by this subsection and any advertising in connection therewith, shall be a charge which may be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, to be collected in the manner authorized by section 308.

SEC. 310. Nothing contained in this title shall be construed as authorizing the District of Columbia Council to impose a rental charge for the use of any vault abutting real property on which is located a single or two-family dwelling occupied solely for residential purposes, but any such vault shall otherwise be subject to the provisions of this title.

TITLE IV—REGULATIONS, INSURANCE, NOTICE, PENALTY, CREDITING OF RENTAL PAYMENTS, AUTHORIZATION OF APPROPRIATIONS, SEPARABILITY PROVISION, COORDINATION WITH SECTION 2 OF THE ACT OF MAY 31, 1900, AND EFFECTIVE DATES

SEC. 401. The District of Columbia Council after public hearing is authorized to make and promulgate regulations to carry out the purposes of this Act. The regulations initially adopted by the Council under the authority of this section to carry out the purposes of title III shall become effective on the effective date of such title, if, not less than ten days prior to such date, the Council has adopted such regulations and printed a notice of such adoption in a newspaper of general circulation in the District. Otherwise, the regulations adopted by the Council under the authority of this section shall become effective ten days after notice of their adoption has been printed in a newspaper of general circulation in the District.

SEC. 402. The Commissioner shall, in connection with authorizing the use of any public space under the authority of this Act, require the person authorized to use such space, prior to any such use, to secure a policy of public liability and property damage insurance providing for such minimum limits of liability as may be required by the Commissioner, such policy to include the District and its officers and employees as additional parties insured, and to be cancellable only after thirty days' written notice of such cancellation has been received by the Commissioner. No such use of public space shall be authorized or continued for any period unless such insurance is maintained in full force and effect during that period. Nothing herein contained shall be construed as requiring either the United States or the District to secure a policy of public liability and property damage insurance covering any use of public space by either of the said governments under the authority of this Act.

SEC. 403. (a) Any order or notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (1) when forwarded by certified mail to the last known address of the owner as recorded in the real estate assessment records of the District, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided*, That valid service upon the owner shall be deemed effected if such order or notice shall be refused by the owner and not delivered for that reason; or (2) when delivered to the person to be notified; or (3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (4) if no such residence or place of business can be found in the District by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said order or notice relates; or (5) if any such order or notice forwarded by certified mail be returned for reasons other than refusal, or if personal service of any such order or notice, as hereinbefore provided, cannot be effected, then if published for one day each week for three consecutive weeks in a daily newspaper published in the District; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any order or notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of orders or notices on natural persons holding property in their own right; and orders or notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

(b) In case such order or notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

SEC. 404. Any person who shall violate any provision of this Act shall be punished by a fine not exceeding $300 or by imprisonment for not more than ten days. In addition, such regulations as may be adopted by the District of Columbia Council under the authority of this Act may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ten days for each and every day any public space is used or occupied in a manner or for a purpose specifically prohibited by the said regulations.

SEC. 405. Rent paid for the use of public space under the authority of this Act shall be deposited to the credit of such special funds or general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

SEC. 406. Appropriations to carry out the purposes of this Act are hereby authorized.

SEC. 407. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provisions, and to this end the provisions of this Act and the said regulations are separable.

SEC. 408. Nothing contained in this Act shall be construed to affect in any manner the provisions of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7–117), with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such Act, and to make use of the parking on any such street in accordance with the terms of the fourth proviso of such section 2, relating to the height of parking and the projection of buildings beyond the building line, the District's right-of-way through said parking for sewers and water mains free of cost, and the use of the parking by the District for the construction of sidewalks.

SEC. 409. Titles I and IV of this Act shall take effect on the date of approval of this Act. Title II shall take effect the first day of the first month which occurs more than thirty days after the District of Columbia Council has first adopted and promulgated regulations to carry out the purposes of such title. Title III shall take effect on the 1st day of July which occurs three months or more after the date of approval of this Act.

With the following committee amendments:

On page 20, line 9, after "insurance" insert "or other acceptable security."

On page 20, line 11, strike out ", such policy to" and insert ". Any such insurance policy shall".

On page 20, line 13, strike out ", and to" and insert "and shall".

On page 20, line 17, after "insurance" insert "or other security".

On page 20, line 21, after "insurance" insert "or other security".

On page 21, line 8, immediately before "if such order" insert "(1)".

The committee amendments were agreed to.

Mr. DOWDY. Mr. Speaker, the purpose of S. 1247, a companion bill to H.R. 12506, is to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over streets in the District of Columbia. In general terms, this refers: first, to the "surface space" on or over that portion of the frontage on streets between the lines established for sidewalks and the building line or structures abutting such space; and second, "subsurface space" under such areas, or under sidewalks or streets, forming vaults to be used for private purposes.

SURFACE SPACE

Under existing law—District of Columbia Code section 7-1205—the Commissioner has authority to permit the use of unneeded public surface space, but there is no provision in law for the collection of any rent for the use of such space.

The principal uses of such space for which no income is received by the District government is in connection with the operation of private parking facilities and the operation of sidewalk cafes. Because of the limited authority given to the Commissioner under existing law and the fact that the use of such space is in such demand and may properly be the source of some revenue to the District of Columbia government, the District government recommends legislation providing for better control and the authority to rent and collect rents from the users of such space.

SUBSURFACE SPACE

The situation relating to vaults is somewhat similar. Under the provisions of District of Columbia Code section 7–901, 1,954 vaults have been constructed in space under parking space, sidewalks, or under streets abutting properties. During fiscal year June 30, 1966, 922 vaults were being used and the District was receiving revenues from them. Eight hundred fifty of these vaults are either not used or are devoted to fuel tanks or are *vaults located in space where payment of* rent is not required.

The income from vault space rental in fiscal year 1966 was $76,317.

Present law and regulations are inadequate to properly control the construction, rent, and lease of vaults since there is no provision for closing or removal of such vaults when they are no longer used. The District of Columbia is not protected against possible damage claims for injury to persons or property, and there is no general provision for easement through such vaults in the case of necessity for public use.

AMENDMENTS

This bill, S. 1247, is reported with committee amendments. The first amendments are in section 402—page 20—which requires that the lessee of public space secure "a policy of public liability, and property damage" insurance as may be required by the Commissioner to protect the District government from any damage claims. The amendments to this section permit the lessee to provide "other acceptable security" in lieu of such insurance policy. The user of such public space may thus be a self-insurer by pledging to the District of Columbia such cash deposits, bonds, or other property of such value which would provide the necessary protection to the extent of that which would be required under any public liability and property damage insurance policy.

The remaining amendment corrects a technical error at the beginning of line 8, page 21, where the numeral (1) which was omitted is inserted.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF AIRSPACE IN THE DISTRICT OF COLUMBIA

Mr. DOWDY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1246) to authorize the Commissioner of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over, and under the streets and alleys under his jurisdiction, other than freeways, and for other purposes.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

S. 1246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Public Space Utilization Act".

SEC. 2. The Congress finds that on occasion there is need within the District of Columbia for public space in, on, over, and under the streets and alleys to be used in a manner not inconsistent wtih the right of the general public to use such streets or alleys for purposes of travel, for the purpose of constructing in such space buildings or portions of buildings having for their purpose, either wholly or in principal part, the providing of essential public facilities, or to be utilized *for governmental or business purposes. The* Congress further finds that the use of such space, properly controlled and supervised by appropriate governmental agencies, will benefit the District and will provide an incentive for additional investment, particularly in the central business district. Accordingly, the Congress intends by this Act to authorize the Commissioner of the District of Columbia to lease space in, on, over, and under the streets and alleys of the District under his jurisdiction, other than freeways, or to use or permit the use of such space, for the purpose of constructing therein buildings or parts of buildings having for their purpose, either wholly or in principal part, the provision of essential public facilities, or to be used for governmental or business purposes, except that nothing herein contained shall be construed as being applicable to the use of public space (1) in accordance with the provisions of regulations promulgated under the authority of the first paragraph under the caption "District of Columbia" of the Act approved March 3, 1891 (26 Stat. 868), as amended (D.C. Code, sec. 5–204), (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District, (3) under the authority of subsection (d) of the first section of the Act approved December 20, 1944 (58 Stat. 819), as amended (D.C. Code, sec. 1 244(d)), or (4) under the authority of section 7 of the Act approved September 1, 1916 (39 Stat. 716), as amended (D.C. Code, sec. 7 901).

SEC. 3. When used in this Act—

"Commissioner" means the Commissioner of the District of Columbia appointed pursuant to part III of Reorganization Plan Numbered 3 of 1967.

"District" means the District of Columbia.

"Freeway" means any limited access divided highway within the District.

"Public space" means so much of the space above, on, or below a street or alley as the Commissioner shall find is not needed for the purpose of travel by the general public.

"United States" means the Government of the United States or any department or agency thereof, including, without limitation, any agency established or authorized to be established by Act of Congress or by interstate compact to which consent of Congress is given.

"Council" means the Council established pursuant to part II of Reorganization Plan Numbered 3 of 1967.

SEC. 4. The Commissioner is hereby authorized to enter into leases for the use of public space located in, on, over, or under any of the streets or alleys in the District under his jurisdiction, other than freeways, to an extent not inconsistent with the use of such space by the general public for the purpose of travel. A lessee of public space under the authority of this Act shall be a person having a fee simple title in the real property abutting such public space on both sides of the street or alley in which such public space is located. Such leases shall impose such terms and conditions, including, but not limited to, the deposit of bond or other security, and payment of such rents or fees as the Commissioner may, in his discretion, determine to be necessary or desirable, which rents or fees may include amounts for the payment of taxes as if such public space were owned by the owner of the abutting privately owned property. Any such lease shall provide among other conditions (1) that such space shall not be used by the lessee in such manner as to deprive of its easements of light, air, and access any real property not owned or controlled by such lessee; (2) that such space shall be used by the lessee for the construction of a building, structure, or improvement to connect with any new or existing buildings, structures, or improvements, or portions thereof, located on the land owned by such lessees on both sides of the street or alley; (3) that there will be a *clearance of at least sixteen feet* between the recorded grade of the roadway of any such street or alley and the lowest portion of any building or other structure constructed over such space, not including the columns, if any, supporting such building or structure; and (4) that upon the expiration of the lease and any renewal thereof, any building or other structure which may have been constructed in such space shall, at the direction of the Commissioner or if required by the terms of the lease, be removed therefrom by and at the expense of the lessee or his successor in interest, and the public space shall be restored to the condition which obtained prior to the construction of such building or other structure, all to the satisfaction of the Commissioner. Each such lease shall include provisions particularly describing the real property abutting the leased public space and providing that the lessee covenants for himself, his heirs, successors, and assigns (1) that all the rights, duties, terms, conditions, agreements, and covenants set forth and contained in such lease shall run with the abutting real property owned by the lessee, and shall inure and apply to and bind the lessee, his heirs, legal representative, successors, and assigns, and (2) that each of the subsequent owners of the abutting real property shall assume and be bound by all of the terms and conditions of such lease, such covenants in each and every particular to run with the abutting real property and to be construed as real covenants running with the land, the intent thereof being to make the lessee and all persons succeeding to the interest of the lessee in the abutting real property equally liable, as principals, to all of the terms and conditions of the lease. Each such lease shall also include a requirement that the lessee will, at his expense, record a copy of the lease among the land records in the Office of the Recorder of Deeds of the District of Columbia.

SEC. 5. The Commissioner is authorized, with respect to property subject to the requirements of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7-117), to allow the same use to be made of such property as, under the authority of this Act, is to be made of the public space abutting such property and leased by the Commissioner under the authority of this Act. Any such use of such property may be authorized in the lease applicable to the abutting public space, and, if so authorized, shall be subject to the same conditions as are applicable to the use of the abutting public space leased under the authority of this Act, including, without limitation, the provisions of section 9.

SEC. 6. (a) The Commissioner shall not execute a lease authorized by this Act until the following actions have been taken:

(1) The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, shall have determined the use to be permitted in such space and shall have promulgated regulations pertaining thereto, including but not limited to, limitations and requirements respecting the height of any structure to be erected in such space, off-street parking and floor area ratio, which limitations and requirements shall be consistent with those applicable to the abutting privately owned properties. The provisions of section 10 of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938 (52 Stat. 800; D.C. Code, sec. 5–422), shall be applicable to regulations made pursuant to this section and to violations of such regulations.

(2) The lessee shall have submitted to the Commissioner for his review and approval, plans, elevations, sections, and a scale model for any structure to be erected in such space, and a description of the texture, material, and method of construction of exterior walls.

(3) The lessee, with respect to any structure proposed to be constructed in an area subject to the Shipstead Luce Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5–410 and 411), or the Old Georgetown Act approved September 22, 1950 (64 Stat. 903; D.C. Code, title 5, chapter 8), shall have submitted to the Commission of Fine Arts for its review and approval, plans, elevations, sections, and a scale model for such structure, and a description of the texture, material, and method of construction of exterior walls.

(4) The lessee, with respect to any structure proposed to be constructed in public space utilized or to be utilized for the construction and operation of a subway of the Washington Metropolitan Area Transit Authority shall have submitted to such agency for its review and approval the plans, elevations, sections, and a scale model of such structure.

(5) The Commissioner, with respect to any use proposed by a lessee for public space, the underlying title to which is in the United States, shall have consulted the General Services Administration concerning such proposed use.

(b) No permit for the construction of a building authorized by this Act to be constructed in such public space shall be issued by the Commissioner until he has received, in writing, to the extent required by this Act, the approvals of the Commission of Fine Arts and the Washington Metropolitan Area Transit Authority respecting the plans for the proposed structure: *Provided*, That if either of the said agencies fails to report to the Commissioner its approval or disapproval of the plans for the proposed structure within sixty days from the date on which such plans were forwarded to it, such failure shall be deemed to constitute approval of the plans by such agency.

(c) Whenever the Commissioner shall find that there is any significant change in, or substantial modification of, the plans for the proposed structure after such plans have been approved in accordance with the requirements of the preceding subsections of this section and of sections 4 and 5, or if, after the construction of the structure, he finds there is any significant change in, or substantial modification of, the structure or the use made of it, each such change or modification shall be subject to being approved by the agencies specified in this section, as their interests may appear, in like manner as is set forth in subsections (a) and (b) of this section.

(d) The authority contained in section 4 shall be exercised by the Commissioner in furtherance of the comprehensive plan for the National Capital prepared pursuant to the National Capital Planning Act of 1952 (40 U.S.C. 71).

SEC. 7. The cost of removing or relocating publicly owned and privately owned facilities in a street or alley, including, without limitation, waterlines and sewers, to the extent that any such removal or relocation is required in connection with the construction of a building in public space leased under the authority of this Act, shall not be borne by the District, but the cost of any such removal or relocation shall be defrayed by another or by others than the District in accordance with such arrangements as may be acceptable to the Commissioner and be approved by him in writing. The removal or relocation by the District of sewers and water lines, and the removal or relocation of any other facilities in such space, shall be in accordance with plans and schedules approved by the Commissioner.

SEC. 8. Except as provided in section 6, laws and regulations now or hereafter in effect in the District and applicable to the construction, use and occupancy of buildings and premises, including, but not limited to, building, electrical, plumbing, housing, health, and fire regulations, shall be applicable to buildings, structures, and improvements constructed in public space leased under the authority of this Act.

SEC. 9. For the purposes of this Act, public space and buildings, structures, and improvements constructed or erected within such public space pursuant to a lease entered into under the authority of this Act shall be deemed to be real property and be liable to assessment and taxation as such from the beginning of the term or period of such lease. For the purposes of real property assessment and taxation, the value of such public space, other than any buildings, structure, or improvement constructed or erected therein, shall be deemed to be the value of the underlying land as if the same were not occupied and used for public purposes. No such tax shall be assessed with respect to any public space and buildings, structures, and improvements therein (1) occupied exclusively by the District or by the United States under an easement granted by the District (but nothing herein contained shall be construed to abrogate such agreement as the United States may have entered into, or may enter into, with the District with respect to making payments in lieu of real property taxes); or (2) occupied and used by one or more organizations exclusively for a purpose or for purposes which, under section 1 of the Act of December 24, 1942 (56 Stat. 1089), as amended (D.C. Code, sec. 47–801a), would entitle real property occupied and used to be exempt from taxation. Except as otherwise provided in this section, for the purposes of this Act the provisions of law applicable to special assessments for public improvements, and the provisions of law applicable to sanitary sewer service charges and to water service charges, shall be applicable with respect to public space and buildings, structures, and improvements therein used pursuant to a lease entered into with a lessee under the authority of section 4 of this Act. The leasehold interest in any public space so leased, including any building, structure, or improvement constructed or erected therein, shall, in cases of nonpayment of real property taxes, nonpayment of special assessments for public improvements, and nonpayment of sanitary sewer service or water service charges, be subject to sale by the District in accordance with the provisions of the Act approved February 28, 1898 (30 Stat. 250), as amended (D.C. Code, sec. 47–1001, et seq.): *Provided*, That the proceeds from such sale in excess of such delinquent taxes, assessments, or charges, or a combination thereof, including any interest, penalties, and costs relating thereto, shall be paid by the District to the lessee, or to such person as he may, in writing, designate.

SEC. 10. All collections, including rents and fees, received by the District pursuant to this Act shall be deposited in the Treasury of the United States in a trust fund which is hereby authorized and from which may be paid in the same manner as is provided by law for other expenditures of the District, such expenditures as are necessary to carry out the purposes of this Act, including, without limitation, necessary expenses connected with the operation, maintenance, and disposition of property coming into the possession of the District by reason of default under leases entered into pursuant to this Act: *Provided*, That taxes (including payments in lieu of taxes), special assessments, and sanitary sewer and water service charges shall be deposited directly to the respective funds to which such revenues are normally deposited. The unobligated balance in such trust fund as of June 30 of any year which exceeds $100,000 shall be deposited in the Treasury to the credit of such special funds or the general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

SEC. 11. Upon the expiration of any lease entered into under the authority of this Act, or upon the expiration of any renewal of any such lease, or upon the termination of such lease resulting from the lessee's violation of its provisions or his failure to comply with its terms and conditions, the Commissioner is authorized to require observance of so much of the provisions of such lease as obligates the lessee or his successor in interest to remove any building or other structure constructed under the authority of such lease, and to restore the space formerly occupied by such building or other structure to its former condition, all to the satisfaction of the Commissioner, without cost to the District. Should such building or other structure not be so removed by the lessee or his successor in interest, the same shall be removed by the Commissioner, and the cost of such removal and the restoration to its former condition of the space formerly occupied by such building or other structure shall be assessed equally against the abutting properties as a tax, to be collected in like manner as is provided by section 6 of the Act approved March 1, 1899, as amended (D.C. Code, sec. 5–506).

SEC. 12. (a) The Council is authorized,

after public hearing, to promulgate regulations to carry out the purposes of this Act.

(b) Any regulations adopted under the authority of this section may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ninety days, or both such fine and imprisonment, for any violation of such regulations. Prosecutions for violations of regulations made pursuant to this section shall be conducted in the name of the District by the Corporation Counsel or any of his assistants.

(c) Whenever there exists any violation or failure to comply with regulations adopted under the authority of this Act, or regulations specified in section 8 of this Act, after notice of such violation or failure has been given by the Commissioner, each and every day such violation exists, or each and every day beyond a time limit set for compliance during which there is failure to comply fully with any of the said regulations or with orders issued pursuant to the authority contained therein, shall constitute a separate offense, and the penalty specified for the violation of such regulation shall be applicable to each such separate offense.

(d) The Commissioner is further authorized to maintain an action in the United States District Court for the District of Columbia to enjoin the continuing violation of any regulation adopted by the Council or by the Zoning Commission under the authority of this Act, or of any of the regulations referred to in section 8 of this Act.

Sec. 13. The Commissioner is hereby further authorized—

(a) to make or permit such use of public space in the District for any municipal purpose, including, without limitation, housing for low income families, public welfare, public works, park, recreational, and vehicle parking, as will not be detrimental to or impair the efficient use, operation, and maintenance of such public space; and

(b) to enter into contracts or agreements with the United States for the use of public space and for the purpose of receiving, or qualifying any permittee or lessee to receive, grants or other financial assistance under available Federal programs in connection with the construction, use, or operation of buildings, structures, and other things in such space.

Sec. 14. The United States and District of Columbia governments, without regard to the requirements of sections 4 through 11 of this Act, each are authorized to construct one or more buildings located partly on land owned by such governments and partly in public space, in, on, over, and under streets or alleys of the District of Columbia, subject to the following conditions:

(1) The government proposing to construct any such building shall have fee simple title to so much of the property on both sides of the street or alley as is to be occupied by those portions of such building not located within the area between the building lines of such street or alley.

(2) Such public space shall not be used by the government proposing to construct any such building in such manner as to deprive of its easements of light, air, and access any real property not owned or controlled by such government.

(3) The construction of any such building by the United States Government across a street or alley the title to which is in the District of Columbia shall be in accordance with an agreement between the Commissioner of the District of Columbia and the Administrator of General Services, whereby the Commissioner, subject to such terms and conditions as the Commissioner and the Administrator agree to include in the agreement, grant to the United States an easement to use the public space over and under such street or alley for the purpose of constructing therein a portion of a building, the remaining portions of which are to be located on both sides of such street or alley. The granting of such easement to the United States Government by the Commissioner shall, for the purpose of section 355 of the Revised Statutes of the United States, as amended (40 U.S.C. 255), be deemed to be sufficient and valid title in the United States to such portion of the building site as is located within the building lines of such street or alley.

(4) Prior to the use or permitting the use of public space, the underlying title of which is in the United States, the Commissioner of the District of Columbia shall consult the General Services Administration.

(5) (a) In any case involving the construction of Federal public buildings within any public space made available to the United States pursuant to this Act, the provisions of section 16 of the Act of June 20, 1938 (52 Stat. 802), as amended (D.C. Code, sec. 5–428), shall be applicable to such construction.

(b) In any case involving the construction of any public building by any agency of the government of the District of Columbia within any public space made available to the District of Columbia pursuant to this Act, the provisions of section 16 of the Act of June 20, 1938 (52 Stat. 802), as amended (D.C. Code, sec. 5–428), shall be applicable to such construction in the same manner and to the same extent as provided under subsection 5(c) of the National Capital Planning Act of 1952, as amended (40 U.S.C. 71d(c)).

(6) The construction of any such building by the United States or the District of Columbia shall be subject to the review or approval of the National Capital Planning Commission to the extent that any such review or approval is required by the National Capital Planning Act of 1952, as amended (40 U.S.C. 71 et seq.).

(7) The construction of any such building by the United States or the District of Columbia shall be subject to the review or approval of the Commission of Fine Arts to the extent required by the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5–410 and 411), or the Act approved September 22, 1950 (64 Stat. 903; D.C. Code, title 5, chapter 8), as the case may be.

Sec. 15. Nothing in this Act shall be construed as modifying or superseding title 23, United States Code: *Provided*, That the use of public space under the authority of this Act shall not be deemed to deprive the District of its eligibility for financial assistance under any federally assisted program regardless of the fact that the District may, in the case of a privately owned building, receive rental for the use of such public space.

Sec. 16. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provision, and to this end the provisions of this Act and the said regulations are separable.

Sec. 17. Appropriations to carry out the purposes of this Act are hereby authorized.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'District of Columbia Public Space Utilization Act'.

"Sec. 2. As used in this Act—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia.

"(2) The term 'District' means the District of Columbia.

"(3) The term 'airspace' means the space above and below a street or alley under the jurisdiction of the Commissioner.

"Sec. 3. The Commissioner, in conformity with the comprehensive plan for the National Capital prepared under section 4 of the National Capital Planning Act of 1952 (40 U.S.C. 71c), may—

"(1) enter into leases for the use of airspace in the District to an extent not inconsistent with the use, operation, and maintenance of, any street or alley;

"(2) use airspace for such public purposes as are authorized by law;

"(3) enter into agreements with the Federal Government for the purpose of receiving grants or other financial assistance under Federal programs in connection with the construction, use, or operation of any structure in airspace; and

"(4) enter into agreements with the Federal Government to enable the Federal Government to construct Federal buildings in the space above and below any street or alley, title to which is in the District.

"Sec. 4. Any lease of airspace entered into under this Act shall provide—

"(1) that such airspace shall not be used to deprive any real property not owned by the lessee of easements of light, air, and access;

"(2) for a clearance of at least fifteen feet between the recorded grade of a street or alley and the lowest portion of any structure (other than supporting columns) constructed over such street or alley;

"(3) that upon the expiration or termination of the lease of airspace the Commissioner may require (at the expense of the lessee or his successor in interest) the removal of any structure constructed or erected in such airspace and the restoration of such airspace to its condition prior to the construction or erection of such structure;

"(4) that all the rights, duties, terms, conditions, agreements, and covenants set forth and contained in such lease shall run with the abutting real property owned by the lessee and shall apply to the lessee, his heirs, legal representatives, successors, and assignees;

"(5) that the lessee shall, at his expense, record a copy of the lease in the Office of the Recorder of Deeds of the District of Columbia;

"(6) for the payment of such rents and fees, and the posting of such bond or such other security, by the lessee, as the Commissioner determines to be necessary or desirable; and

"(7) for such other terms and conditions as the Commissioner determines to be necessary or desirable.

"Sec. 5. The Commissioner may execute a lease of airspace under this Act if—

"(1) the lessee of the airspace has a fee simple title to the real property abutting such airspace and the lease is for airspace which lies only within the frontages of such abutting real property which are directly opposite;

"(2) the Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such airspace and has established regulations applicable to the use of such airspace consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such airspace, offstreet parking and floor area ratios applicable to such structure, and easements of light, air, and access;

"(3) the lessee has submitted to the Commissioner, for his review and approval, plans, elevations, sections, a description of the texture, material, and method of construction of the exterior walls, and a scale model, of any structure to be erected in such airspace;

"(4) the Commissioner with respect to any structure proposed to be constructed in an area subject to the Act entitled 'An Act to regulate, the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital', approved May 16, 1930 (D.C. Code, secs. 5–410 and 411), or the Act entitled 'An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the

National Capital', approved September 22, 1950 (D.C. Code, title 5, ch. 8), has submitted to the Commission of Fine Arts for its review and recommendations, plans, elevations, sections, a description of the texture, material, and method of construction of the exterior walls, and a scale model of any such structure; and

"(5) the Commissioner, with respect to any structure proposed to be constructed over space utilized or to be utilized for the construction and operation of the subway of the Washington Metropolitan Area Transit Authority, has submitted to the Authority for its review and recommendations the plans, elevations, sections, and a scale model of any such structure.

"Sec. 6. The District shall not pay the cost of any removal or relocations of publicly or privately owned facilities in a street or alley in connection with the construction of a structure in airspace leased under this Act. No such facilities may be removed or relocated unless the Commisioner has approved all arrangements for such removal or relocation.

"Sec. 7. Zoning laws and regulations and other laws and regulations applicable to the construction, use, and occupancy of buildings and premises, including building, electrical, plumbing, housing, health, and fire regulations, shall be applicable to structures constructed in airspace.

"Sec. 8. (a) For the purposes of this Act, airspace and structures constructed or erected in airspace shall be deemed to be real property and shall be liable to assessment, taxation, and water and sewer service charges by the District from the beginning of the term or period of such lease. For the purposes of real property assessments and taxation, the value of airspace, other than any structure constructed or erected in airspace, shall be its fair market value. No tax or assessment shall be levied with respect to airspace or structures in airspace—

"(1) occupied exclusively by the Federal Government or the District government, or

"(2) occupied and used by one or more organizations which, under section 1 of the Act entitled 'An Act to define the real property exemption from taxation in the District of Columbia', approved after December 24, 1942 (D.C. Code, sec. 47–801a), are exempt from real property taxation.

"Sec. 9. (a) Except as provided by subsection (b), all collections, including rents and fees, received by the District under this Act shall be deposited in the Treasury of the United States in a trust fund, from which may be paid, in the same manner as is provided by law for other expenditures of the District, such expenditures as are necessary to carry out the purposes of this Act, including necessary expenses connected with the operation, maintenance, and disposition of property coming into the possession of the District by reason of a default under a lease entered into under this Act. The unobligated balance in such trust fund in excess of $100,000 as of the end of any fiscal year shall be deposited in the Treasury to the credit of such special funds or the general fund of the District in such proportions as the Commissioner may determine.

"(b) Taxes (including payments in lieu of taxes), special assessments, and sanitary sewer and water service charges shall be deposited directly to the respective funds to which such revenues are normally deposited.

"Sec. 10. If, upon the expiration or termination of a lease of airspace under this Act—

"(1) The Commissioner determines that any structure constructed or erected in such airspace should be removed or such airspace should be restored to its condition prior to the construction or erection of such structure, and

"(2) the lessee or his successor in interest, upon the request of the Commissioner, fails, after a reasonable time, to remove such structure or to restore such airspace to its condition prior to the construction or erection of such structure,

the Commissioner may remove such structure and restore such airspace. The cost of such removal and restoration shall be assessed against the abutting properties as a tax. Such tax shall be collected in the manner prescribed by section 6 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes", approved March 1, 1899 (D.C. Code, sec. 5–506), for the collection of amounts assessed as a tax under that Act.

"Sec. 11. (a) The District of Columbia Council shall, after public hearing, promulgate such regulations as may be necessary to carry out this Act.

"(b) Any regulations promulgated under this Act may provide for the imposition of a fine of not more than $300, or imprisonment of not more than ninety days, or both, for any violation of such regulations. Prosecution for violations of such regulations shall be conducted in the name of the District by the Corporation Counsel.

"(c) The Commissioner shall—

"(1) give any person violating a regulation promulgated under this Act notice of such violation, and

"(2) set a date by which such person shall comply with such regulation.

Each day after such date during which there is a failure to comply with such regulation shall be a separate offense.

"(d) The Commissioner may maintain an action in the United States District Court for the District of Columbia to enjoin the continuing violation of any regulation adopted, under the authority of this Act, by the District of Columbia Council or by the Zoning Commission.

"Sec. 12. The Federal Government and District government are each authorized, without regard to the requirements of sections 4 through 11 of this Act, to construct any structure in airspace, subject to the following conditions:

"(1) The government proposing to construct any structure in airspace shall have fee simple title to the real property abutting such real property.

"(2) The airspace to be occupied by such structure shall be only within the frontages of the real property abutting such airspace which are directly opposite.

"(3) The airspace to be occupied by such structure shall not be used to deprive any real property, not owned by the Federal Government or District government, of its easements of light, air, or access.

"(4) The construction of any such structure by the District government across a street or alley, the title to which is in the United States, shall be in accordance with an agreement between the Commissioner and the Attorney General of the United States, subject to such terms and conditions as the Attorney General and the Commissioner agree to include in the agreement.

"(5) Section 16 of the Act entitled "An Act providing for the zoning of the District of Columbia and regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938 (D.C. Code, sec. 5–428), shall apply to the construction of any structure in such airspace by the Federal Government and, to the extent required by subsection (c) of section 5 of the National Capital Planning Act of 1952 (40 U.S.C. 71d(c)), to the construction of any structure in such airspace by the District government.

"(6) Plans for the construction of any structure in such airspace by the Federal Government or the District government shall be subject to review by the National Capital Planning Commission in accordance with section 5 of the National Capital Planning Act of 1952 (40 U.S.C. 71d).

"(7) The construction of any such structure by the Federal Government or the District government shall be subject to the recommendations of the Commission of Fine Arts to the extent required by the Act entitled 'An Act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital', approved May 16, 1930 (D.C. Code, secs. 5–410 and 411), or the Act entitled 'An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital', approved September 22, 1950 (D.C. Code, title 5, chapter 8).

"Sec. 13. If the Federal Government or the District government brings an action to recover the use of airspace leased under this Act, the government having title to the street or alley over or under which such airspace is located shall pay to the lessee of such airspace the fair market value of the remainder of his leasehold interest in such airspace. If the Federal Government recovers the use of airspace over or under a street to which it has title, the District government shall pay to the Federal Government an amount equal to the rents and fees received by the District government for the rental of such airspace or an amount equal to the fair market value of the remainder of the leasehold interest in such airspace, whichever is smaller.

"Sec. 14. This Act shall not apply to airspace within the area in the District bounded on the north by G Street Northeast and Northwest, on the south by G Street Southeast and Southwest, on the east by Eleventh Street Northeast and Southeast, and on the west by Third Street Southwest and Northwest."

The committee amendment was agreed to.

Mr. DOWDY. Mr. Speaker, the purpose of S. 1246, as amended, is to provide a general authority under which the District of Columbia government or the Federal Government may use airspace above or under streets and alleys in the District of Columbia, and, in the case of the District of Columbia government, to lease such airspace for private use whether the street or alley is titled in the Federal Government or in the District of Columbia government.

Under existing law, there is no general authority for the Federal Government or the District of Columbia government to use space over or under streets and alleys in the District of Columbia, whether such streets or alleys are titled in the Federal Government or in the District of Columbia government. Special authority has been previously granted by act of Congress in the following three instances: First, to permit the bridging across Independence Avenue between the two Agriculture Department buildings; second, to permit an airspace structure for hotel use across Ninth Street in connection with the L'Enfant Plaza urban renewal project; and, third, in connection with the Forrestal Building on Independence Avenue across 10th Street.

FEE SIMPLE TITLE REQUIRED

Wherever there is proposed a use of airspace over streets or alleys, whether it is for use by the Federal or District government, or for use by private parties, the applicant for the use of such space must hold fee simple title to the real property on opposite sides of the street or alley abutting the airspace.

FEDERAL GOVERNMENT USE OF AIRSPACE

The bill permits the Federal Government to use airspace over a street or alley held under title by the Federal Government without reference to the District of Columbia government. However, such use is subject to the provisions of existing law as to planning, height, design, and bulk of such structures. Where the title to the street or alley involved in such proposed use of airspace is in the District government, the Federal Government is required to enter into an agreement with the District government.

DISTRICT OF COLUMBIA USE OF AIRSPACE

The District of Columbia is authorized, under terms of the bill, to erect structures in airspace above streets or alleys. If the street or alley is titled in the Federal Government, an agreement must be entered into between the Attorney General and the District of Columbia government. Where streets and alleys are held under title to the District government, the District government may erect structures in airspace without entering into an agreement with the Federal Government but such structures are subject to existing laws relating to planning, design, height, and bulk of buildings. The District government is authorized to use such space for any purpose authorized under existing law, the same as if such space were a land area owned by the District government.

The National Capital Housing Authority and the Redevelopment Land Agency are local agencies which operate in conjunction with the District government. The National Capital Housing Authority has built and is operating more than 10,000 housing units, accommodating more than 50,000 people in the District of Columbia. The Redevelopment Land Agency is in the process of redevelopment of nearly 2,000 acres in the District of Columbia. Under that program, approximately 6,000 housing units have already been completed, in addition to numerous structures used for private commercial and Federal and District government purposes. This bill permits those agencies to use airspace for such purposes as are otherwise provided under existing laws.

The bill also authorizes the District government to lease, for private use, airspace over streets and alleys whether the title to such space is held by the Federal Government or the District government. The applicant for the private use of airspace must hold fee simple title to real property on both sides of the street abutting the airspace and the District of Columbia government may collect rent for the use of such space.

Thus under the terms of the bill airspace may be used in the District of Columbia for Government purposes and for private purposes the same as is possible for land use under existing law and regulations.

AIRSPACE OVER FREEWAYS

This bill does not relate to the use of airspace over or under federally financed freeways. Full authority for use of such space exists under present law. The Federal Highway Act, in section 23-111 of the United States Code, gives authority to local governments to use such space over or under such highway projects. Where such space is available, the District of Columbia government may use it for public buildings, schools, clinics, hospitals, or other uses authorized by law, or in cooperation with the National Capital Housing Authority for public housing, or in cooperation with the Redevelopment Land Agency for private housing and private commercial development.

Mr. GUDE. Mr. Speaker, in supporting this limited air rights legislation for the District of Columbia today, I must point out that it is indeed unfortunate that the language fails to provide for leasing of air space above and below freeways in the District.

I regret the House does not have before it the more inclusive legislation which I joined in introducing, and similar legislation which has passed the Senate.

In the recently enacted Federal Aid Highway Act of 1968 the Congress has expressed its concern and interest in the problems of the dislocation and disruption caused by the construction of the Interstate System. Further acknowledgment and treatment of these problems at the local level would be most appropriate by application of the principle of air rights construction for the District of Columbia's freeway system.

I hope that this limited action today will be a first step toward the broader application of this imaginative approach to highway and urban design. Full use of the air rights concept in freeway design would provide a powerful tool for achieving a balanced accommodation of the city's transportation and redevelopment needs. I will continue to work toward this end.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Commissioner of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, the space over and under streets and alleys in the District of Columbia, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WINN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks on the District bills considered today.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

HON. JAMES E. WEBB: DISTINGUISHED AMERICAN AND PUBLIC SERVANT

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, today is a milestone day on several accounts. Ten years ago today, the Congress brought into being the National Aeronautics and Space Administration to spearhead our national space exploration efforts. For nearly 8 of the ensuing 10 years, the agency has been under the brilliant leadership of an exceptionally distinguished American, the Honorable James E. Webb.

Tonight in Washington, the National Space Club is holding a dinner to honor this outstanding citizen and public servant.

Mr. Webb has chosen his 62d birthday anniversary—next Monday, October 7—to retire as head of the space agency. I am especially pleased to take public note of his contributions during some 25 years in the high calling of public service to the Nation. I have known Jim Webb and something of the quality of his work for many years. I regard both highly.

Time does not admit a full account of the life and accomplishments of this great American, but let me say that he is a self-made man of many accomplishments in the finest American tradition.

He has conquered the heights of private industry.

He has repeatedly answered the call to public service. He has served in countless ways, notably in the military service of his country, as Under Secretary of State, as Director of the Budget, and now Administrator of the space agency.

A self-effacing man of tremendous drive and energy and truly rare administrative ability, he drove the United States firmly into the space age. And he did it virtually from scratch. And in doing so, surely he fulfilled something of what Daniel Webster had in mind when he said —in the inscription appearing above the Speaker's chair—that we ought to "see whether we also in our day and generation may not perform something worthy to be remembered."

Jim Webb understands the institutions of our country and has a deep and abiding respect for Congress.

In a message to Congress some time back, President Johnson said:

> Among the many blessings which Americans can count is a corps of Federal civil servants that is unequaled anywhere in the world. Honest, intelligent, efficient, and—above all—dedicated, these men and women represent a national resource and a national asset.

Mr. Speaker, while Jim Webb's Federal public service is not under the formal civil service, his many years in a variety of highly responsible positions of trust nonetheless constitute public service of the finest order. He is one of a highly select company of men and women who likewise have long served the Nation by serving their Government.

President Johnson has often remarked upon the extraordinary administrative abilities and talents of this extraordinary man.

Someone once observed that blessed is the man who discovers what he is fit for—and then does it. Jim Webb's long and deep commitment to public service marks him as such a man.

Mr. Speaker, Emerson said that America was but another name for opportunity. We know that this includes the opportunity to rise to leadership and to serve in the high places of public trust. Jim Webb has not missed the opportunity. And America is the better for it. He deserves the thanks of the Congress and the Nation.

So, Mr. Speaker, I take great pleasure in saluting Jim Webb—exceptionally talented and devoted public servant and distinguished American, who has served his Nation so well.

THE AEC AND THE COURT OF APPEALS

Mr. WAMPLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WAMPLER. Mr. Speaker, on August 6, 1968, the U.S. Court of Appeals for the District of Columbia handed down a decision of great importance to every American. The court denied a petition by Mr. Paul Siegel to require the Atomic Energy Commission to consider the possibility of enemy action and sabotage in the granting of a license to operate a nuclear powerplant.

Additionally, the court also denied Mr. Siegel the right to a public hearing on the regulation published by the AEC which precluded consideration of hostile action or sabotage in AEC licensing procedures.

It is not my intention to second guess the opinion of the court. In fact, under the existing AEC statutes it may well be that the court acted entirely within the intent of the Congress. However, the issue raised by Mr. Siegel and its denial by the court raises in my mind the desirability of a continuation of our present course in nuclear matters.

Two sentences from the court's decision are worthy of note. It said in part:

> Congress agreed by enacting a regulatory scheme which is virtually unique in the degree to which broad responsibility is reposed in the administering agency, free of close prescription in its charter as to how it shall proceed in achieving the statutory objectives.

The court also said:

> What the Commission has essentially decided is that to impose such a burden would be to stifle utterly the peaceful utilization of atomic energy in the United States. Such a decision hardly seems to us to conflict with the Congressional purposes underlying the act nor to exceed the scope of the authority given the Commission by Congress to realize those purposes.

Mr. Speaker, in 1946 no one could have foreseen the location of nuclear plants near our major cities, nor could anyone have judged the horrible impact that enemy action would have on the population of our cities because of the location of these plants.

Mr. Siegel is asking essentially that someone administer the AEC Act in such a way that large amounts of deadly nuclear material will be kept away from areas vulnerable to unfriendly acts by enemies of the United States. In an era when war and cold war is always a real possibility, it would seem to me that Mr. Siegel's request is justified. It is absolutely incomprehensible to believe that the AEC would ignore the catastrophic consequences which would occur in the event of a bombing raid upon a nuclear plant located 90 miles from Communist Cuba. Perhaps, Mr. Speaker, the present AEC Act does not force the AEC to do so. However, commonsense demands that scrutiny should be provided, if not by the AEC, certainly by the Department of Defense.

The people in the area, as well as responsible Government officials, should be apprised of the potential in the event of an enemy attack and measures should be taken to protect the public health and safety.

The denial of Mr. Siegel's petition merely underscores again the need for review of the entire civilian atomic energy program. The current AEC statutes are hopelessly obsolete and are totally unable to protect public health and safety as well as the well-being of the American people in the face of irrational, unnecessary, and irresponsible proliferation of the civilian atom.

The resolution which I and 26 of my colleagues have introduced will permit the undertaking of such a review. I deem it vital, Mr. Speaker, that the resolution be passed and that the review be initiated immediately if, in fact, we are to bring the civilian atom under reasonable control.

The court decision follows:

[From the U.S. Court of Appeals for the District of Columbia Circuit]

No. 21,334: PAUL SIEGEL, PETITIONER, *v.* ATOMIC ENERGY COMMISSION AND UNITED STATES OF AMERICA, RESPONDENTS, FLORIDA POWER & LIGHT COMPANY, INTERVENOR—No. 21,342: PAUL SIEGEL, PETITIONER, *v.* ATOMIC ENERGY COMMISSION AND UNITED STATES OF AMERICA, RESPONDENTS

(Petitions to review an order of the Atomic Energy Commission—Decided August 6, 1968)

Mr. Paul Siegel, appellant pro se.

Mr. Marcus A. Rowden, Assistant General Counsel, Atomic Energy Commission, with whom *Assistant Attorney General Turner* and *Mr. Howard K. Shapar,* Assistant General Counsel, Atomic Energy Commission, were on the brief, for respondents. *Mr. Howard E. Shapiro,* Attorney, Department of Justice, also entered an appearance for appellee United States of America, *Mr. Thomas F. Engelhardt,* Attorney, Atomic Energy Commission, also entered an appearance for respondent, Atomic Energy Commission.

Mr. Phillip Goldman, with whom *Mr. Roy B. Snapp,* was on the brief for intervenor in No. 21,334.

Before BAZELON, *Chief Judge,* and BASTIAN, *Senior Circuit Judge,* and MCGOWAN *Circuit Judge.*

MCGOWAN, *Circuit Judge:* These two statutory review proceedings, heard together, turn largely upon a common question: Must the Atomic Energy Commission, in licensing the construction of nuclear reactors for peaceful civilian use, take into account, and require a showing of effective protection against, the possibilities of attack or sabotage by foreign enemies? No. 21,334 challenges an order of the Commission authorizing a public utility company to construct two nuclear reactors for the generation of electricity. No. 21,342 attacks the validity of a regulation issued by the Commission in rule-making proceedings. The various substantive and procedural defects attributed to each essentially derive from the negative answer given by the Commission to the central question. If that answer was within the Commission's power to give, the orders may stand. We think it was.

I

The intervenor here in No. 21,334—Florida Power & Light Company—is the owner of 1900 acres of land on the west shore of Biscayne Bay, known as the Turkey Point site. Located about 25 miles south of Miami, the area is swampy and unpopulated, and is to be used by intervenor as the site of generating facilities, both nuclear and conventional. Early in 1966 intervenor applied to the Commission for authority to construct two pressurized water reactors in which steam will be created by atomic processes to drive turbines generating electricity.[1] As the Act requires, the application was initially examined by the Commission's staff, and also by the Advisory Committee on Reactor Safeguards, the latter being a group of independent experts from which the Act requires the Commission to receive a report on each power reactor application. Thereafter the Commission set the matter for hearing by an atomic safety and licensing board consisting of a federal hearing examiner and two technical experts. The notice of the hearing specified a number of issues to be explored, including the one of whether the construction of the proposed facility "will be inimical to the common defense and security or to the health and safety of the public."

Petitioner sought leave to intervene, alleging that he was a resident of Miami and that his interest as such "might be affected by intentional attempts to harm the reactors, such as a bombing attack against them from Cuba." The special nature of petitioner's concern is more precisely articulated in the following assertions made to us in his brief:

"In the case of the FP&L reactors there is a particular need to consider the potential effect on the reactors of the weapons in the arsenal of Cuba, because of the proximity of that country to the reactor site, the Communist government which controls it, and the instability of its leader."

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[1] The applicable statute is the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2011 *et seq*. The section immediately relevant to the application is § 2134(b), which provides as follows:

"The Commission is authorized to issue licenses to persons appyling therefor for utilization and production facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will be compatible with the regulations and terms of license which would apply in the event that a commercial license were later to be issued pursuant to section 2133 for that type of facility. In issuing such licenses, priority shall be given to those activities which will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes."

Subparagraph (d) of the same section directs that no license is to issue "if, in the opinion of the Commission, the issuance of a license . . . would be inimical to the common defense and security or to the health and safety of the public." The definitions section of the Act, § 2014, deals with the first of these standards but not the second. It characterizes "common defense and security" used throughout the Act as meaning "the common defense and security of the United States."

* * * * *

"The problem is not the probability of sabotage or enemy attack in the context of the world situation existing in the year 1967, but rather that probability for the years 1970 through 2011, when the Florida Power & Light reactors are expected to be operating."

At a prehearing conference on February 10, 1967, there was extensive argument about the propriety of permitting petitioner to intervene, centering around the question of the relevance of enemy attack or sabotage. The hearing board at length permitted intervention, but signified its purpose to certify promptly to the Commission the question of whether the board should concern itself with the contingency of hostile enemy action. This was done on February 14, and six days later a response was received from the Commission to the effect that the Commission's established policy and practice of not requiring special design features to protect against enemy attack had been embodied in a notice of proposed rule-making approved for issuance on February 9.[2] A copy of that notice was supplied, and the board was instructed not to address itself to the subject matter identified in its certified question.

At the subsequent hearings on the merits of the application, petitioner, although apparently offering no witnesses or evidence of his own, sought by cross-examination to inquire into the matter of protection against enemy attack. The board sustained objections to this effort. The hearing eventuated in an Initial Decision by the hearing board that the construction permits be issued. The board expressly disclaimed any consideration by it of the potentialities of enemy action in concluding that the proposed construction was compatible with "the common defense and security" and "the health and safety of the public."

Petitioner's exceptions to the Initial Decision raised essentially two issues.[3] One was the substantive issue that the board's conclusions in the respect just mentioned were insupportable because of the lack of evidence on enemy attack; and the other was the procedural claim that the board's foreclosure of inquiry into this area deprived petitioner of the hearing he was entitled to have under the statutes and the Constitution. Except in certain particulars not in issue here, the Commission accepted the hearing board's conclusions.

In its Memorandum and Order of August 4, 1967, the Commission dealt at length with petitioner's exceptions. It noted the degree to which Congress had explicitly vested in the Commission the responsibility for interpreting and implementing the general standards contained in the Act, including those articulated as "the common defense and security" and "the health and safety of the public." It asserted that nothing in the Act or its predecessor, nor in the legislative history of either, suggested a Congressional purpose to comprehend within these standards the possibility of enemy attack. It referred to the fact that the detailed regulations it had issued with respect to these standards had never contemplated inquiry into enemy attack, and that the Commission's fixed practice had been to regard such inquiry as unnecessary—a practice now embodied in a specific proposed regulation.

The circumstances at the time of the passage of the Act, so said the Commission, indicated that the Congressional concern with "the common defense and security" related to such matters as "the safeguarding of special nuclear material; the absence of foreign control over the applicant; the protection of Restricted Data; and the availability of special nuclear material for defense needs." The public health and safety standard, in like fashion, was said to be addressed "to the overall qualifications of the applicant and the design of the facility to protect plant employees and the public against accidents and their consequences." So viewed, the Commission concluded that neither of the standards contemplated that an applicant be required to show "special design features or other measures for the specific purpose of protection against the effects of enemy attacks and destructive acts."[4]

The rationality of this approach the Commission thought to find in such considerations as (1) the impracticability, particularly in the case of civilian industry, of anticipating accurately the nature of enemy attack and of designing defenses against it, (2) the settled tradition of looking to the military to deal with this problem and the consequent sharing of its burdens by all citizens, and (3) the unavailability, through security classification and otherwise, of relevant information and the undesirability of ventilating what is available in public proceedings.

As to petitioner's claim of a denial of procedural due process, the Commission said that, if it was right in concluding that the matter should not be gone into at all, foreclosing petitioner from cross-examination about it could not possibly violate any statutory or constitutional right to be heard. In a stipulation filed in this court, petitioner "concedes that for the purpose of this review proceeding he does not contend that he was denied a full and complete hearing in any respect other than with respect to the subject of possible attacks and destructive acts directed against the reactor by an enemy of the United States."

The notice of proposed rule-making was published on February 11, 1967. It stated that written comments would be received. In response to this invitation, petitioner sent the Commission a letter, dated March 10, 1967, expressing doubts about the desirability of the proposed rule. He expressed the hope that the Commission would consider the matter carefully and he asked that, before making the regulation effective, a public hearing be held under Section 2239 of the Act,[5] and that "this be an 'on the record' hearing" under Sections 7 and 8 of the Administrative Procedure Act. The Commission informed petitioner by letter of April 5, 1967, that it considered the opportunity to make written comments as satisfying Section 2239. It added that it had considered, on the discretionary basis contemplated in its regulations, the question of holding an informal hearing at which petitioner could be heard, but had decided that no useful purpose would be served. For these reasons it denied the request for a public hearing under Sections 7 and 8 of the Administrative Procedure Act, but it closed by saying that "the Director of Regulation will afford you the opportunity to present your views orally and you will be hearing from him directly." The same day such an invitation was extended to petitioner by the Director of Regulation, but petitioner did not avail himself of it.

The proposed rule was adopted by the Commission on September 19, 1967 and became effective on October 26. The notice accompanying it characterized the regulation amendments as codifying the Commission's established practice with respect to the dangers of enemy action, and justified the practice in these terms:

"The protection of the United States against hostile enemy acts is a responsibility of the nation's defense establishment and of the various agencies having internal security functions. The power reactors which the Commission licenses are, of course, equipped with numerous features intended to assure the safety of plant employees and the public. The massive containment and other procedures and systems for rapid shutdown of the facility included in these features could serve a useful purpose in protection against the effects of enemy attacks and destructive acts, although that is not their specific purpose. One factor underlying the Commission's practice in this connection has been a recognition that reactor design features to protect against the full range of the modern arsenal of weapons are simply not practicable and that the defense and internal security capabilities of this country constitute, of necessity, the basic

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[2] Section 2201 of the Act provides as follows:

"In the performance of its functions the Commission is authorized to—

* * * * *

"(b) establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property;

* * * * *

"(i) prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 2073 or produced by any person in connection with any activity authorized pursuant to this Act, and to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property; * * * "

Section 2232(a) requires each applicant for an operating license to supply such information "as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization or production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. . . . "

[3] It is not clear that, either before the Commission or here, petitioner has challenged the construction licenses on any ground other than those discussed in this opinion and which relate to the problem of enemy attack. To the extent petitioner may be taken as objecting to the inadequacy of the evidentiary support in other respects, we find such objection unavailing.

[4] The Commission noted that there had been extensive inquiry into those aspects of the proposed construction concerned with assuring the safety of plant employees and the public, and that the plans approved were replete with features of this kind. It remarked that, although these safeguards were not addressed to the contingency of enemy attack, many would serve a useful purpose in that eventuality, such as "the massive containment and the procedures and systems for rapid shutdown of the facility."

[5] Section 2239(a) of the Act states that "[I]n any proceeding under this Act, for the granting . . . of any license or construction permit . . . and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees . . . the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding . . ."

'safeguards' as respects possible hostile acts by an enemy of the United States.

"The circumstances which compel this recognition are not, of course, unique as regards a nuclear facility; they apply also to other structures which play vital roles within our complex industrial economy. The risk of enemy attack or sabotage against such structures, like the risk of all other hostile attacks which might be directed against this country, is a risk that is shared by the nation as a whole."

In his petition to review the amended regulation, petitioner raises essentially the same challenge to the Commission's substantive authority to disregard enemy attack as he does in his attack upon the construction permits in No. 21,334. His procedural objections, however, are concerned with the nature of the hearing he is entitled to have in rulemaking; and his contention is that a mere opportunity to submit written comments does not satisfy the requirements of Section 2239 of the Act.

II

In the Presidential Message recommending the legislation which culminated in the Atomic Energy Act of 1954, it was said that flexibility was a peculiar *desideratum* and that, absent an accumulation of experience with the new civilian industry hopefully to be brought into being, "it would be unwise to try to anticipate by law all of the many problems that are certain to arise." H.R. Doc. No. 328, 83d Cong., 2d Sess. 7 (1954). Congress agreed by enacting a regulatory scheme which is virtually unique in the degree to which broad responsibility is reposed in the administering agency, free of close prescription in its charter as to how it shall proceed in achieving the statutory objectives. See Power Reactor Development Co. v. International Electrical Workers, 367 U.S. 396 (1961). Congressional consciousness of this uniqueness is attested by the unusual device of instituting the Joint Committee on Atomic Energy to keep Congress in constant touch with what was happening in this unfolding area or industrial applications of atomic energy.

It is against this backdrop that we look to the primary issue formulated in these two review proceedings: Did the Commission step over the bounds of the authority committed to it by excluding the dangers latent in possible enemy action from the inquiry into the merits of a license application? If it did, then it would appear that anyone seeking permission to employ nuclear energy for peaceful industrial uses must shoulder a burden of showing that his proposed facility is adequately protected, now and throughout its entire life, against the various kinds of attacks which might be made upon it by foreign enemies of the United States. What the Commission has essentially decided is that to impose such a burden would be to stifle utterly the peaceful utilization of atomic energy in the United States. Such a decision hardly seems to us to conflict with the Congresssional purposes underlying the Act, or to exceed the scope of the authority given the Commission by Congress to realize those purposes.

We are unable to find any specific indication, within or without the corners of the statute, that the Commission was commanded to intrude the possibility of enemy action into the concepts of "the common defense and security" and "the public health and safety."[6] The Commission has, we think persuasively, demonstrated that the legislative concerns reflected in these phrases are of another order. In the case of the former, the internal evidence of the Act is that Congress was thinking of such things as not allowing the new industrial needs for nuclear materials to preempt the requirements of the military; of keeping such materials in private hands secure against loss or diversion; and of denying such materials and classified information to persons whose loyalties were not to the United States. In the case of the latter standard of "the public health and safety," the Congressional preoccupation was with *industrial* accidents and the dangers they presented to employees and the neighboring public.

In short, Congress certainly can be taken to have expected that an applicant for a license should bear the burden of proving the security of his proposed facility as against his own treachery, negligence, or incapacity. It did not expect him to demonstrate how his plant would be invulnerable to whatever destructive forces a foreign enemy might be able to direct against it in 1984. We hold that the Commission was well within the limits of the powers delegated to it by Congress when it decided to limit petitioner's cross-examination in the licensing proceeding, and to embody the policy of limitation in its regulations.

III

Given the authority of the Commission to disregard the factor of enemy attack as a matter of substantive law, the procedural errors claimed by petitioner in No. 21,334 are not troublesome. Petitioner argues, first, that for the Commission in a proceeding involving the standards of "the common defense and security" and "the health and safety of the public," to refuse to explore the dangers from foreign enemies is to fail to accord the hearing provided by Section 2239(1). But this is surely a renewal of the substantive argument in a procedural guise. The hearing granted by the Act presumably must embrace all relevant matters. But, if the Commission is correct in its conclusion that it can and should treat enemy action as irrelevant, it obviously may restrict the hearing to that extent.

Petitioner, secondly, contends that the restriction of his efforts to cross-examine violated his rights under Section 7(c) of the Administrative Procedure Act.[7] But that statute also provides in terms that "the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence . . . ," which the Commission by regulation has done. 10 C.F.R. § 2.743. Here again, therefore, petitioner is thrown back upon the hard fact that the Commission need not hear evidence which it is otherwise entitled to regard as outside the perimeter of the issues. Petitioner's last assertion that, under these circumstances, the restriction of his cross-examination denied him his constitutional protection of due process of law need not detain us at all.

In No. 21,342, petitioner urges that the opportunity afforded him to submit written comments upon the proposed regulation was not an adequate response to his request for a public hearing in accordance with Section 2239 of the Act, such hearing to be, in his terms, "an 'on the record' hearing conducted in accordance with Sections 7 and 8 of the Administrative Procedure Act." The Commission asserts that this request was honored within the accepted and correct reading of the relevant statutes: He was given the hearing to which he was entitled under Section 2239 of the Atomic Energy Act, and he was denied only the hearing to which he was not entitled, that is to say, a formal evidentiary hearing under Sections 7 and 8 of the Administrative Procedure Act.

Section 2239(a) of the Atomic Energy Act does not, in its reference to a hearing, distinguish in terms between adjudicatory and rule-making proceedings. See Note 5, *supra*. In neither kind of proceeding does the statute say explicitly that the hearing must be on the record. The Commission has, however, invariably distinguished between the two, and has provided formal hearings in licensing cases, as contrasted with informal hearings in rule-making proceedings confined to written submissions and non-record interviews. It insists that this approach is contemplated by the Administrative Procedure Act, which applies to all agency action taken under the Atomic Energy Act. It points to the relevant section of the Administrative Procedure Act upon rule-making, namely, Section 4(b), 5 U.S.C. § 553(c), which is as follows:

"After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title [Sections 7 and 8 of the Administrative Procedure Act] apply instead of this subsection."

This language seems to say, and has been read by an authoritative source as saying, that the formal procedures of Sections 7 and 8 obtain only where the agency statute, in addition to providing a hearing, prescribes explicitly that it be "on the record."[8] There is no such prescription in the Atomic Energy Act, either in terms or by clear implication; and the Commission has from the beginning differentiated between adjudicatory and rule-making proceedings for purposes of the kinds of hearings necessitated by each.[9] Petitioner

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[6] Petitioner's argument as to legislative purpose rests almost entirely upon inferences he purports to draw from the so-called Price-Anderson amendments to the Act in 1957. 71 Stat. 576. These provided private insurance and Government indemnities in respect of injuries suffered by the public from a nuclear incident involving a licensed power reactor. Petitioner points to the fact that, although claims arising out of an act of war are specifically excluded by the statute, a report by the Joint Committee contemplates that any single act of sabotage would be covered if it could be shown not to be an act of war. This, in our view, provides very slender support for petitioner's case and, indeed, leaves his claim about hostile enemy action, which normally comprehends acts of war, in a highly ambivalent state. In any event, we find nothing in the 1957 amendments that suggests an equation between the scope of the indemnity coverage and the Commission's authority to decide what subjects need not be explored under the statutory standards for licensing.

[7] 5 U.S.C. § 556(d):

". . . A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts . . ."

[8] The Attorney General's Manual on the Administrative Procedure Act 31 (1947):

"The quoted language [the first sentence of Section 4(b)] confers discretion upon the agency, except where statutes require 'formal rule making' subject to Sections 7 and 8, to designate in each case the procedure for public participation in rule making. Such informal rule making procedures may take a variety of forms; informal hearings (with or without a stenographic transcript), conferences, consultations with industry committees, submission of written views, or any combination of these."

[9] Subpart H of the Commission's Rules of Practice governs the making of regulations relative to rule-making, 10 C.F.R. §§ 2.800 *et seq.* Section 2.805 of these regulations provides as follows:

"Participation by Interested Persons.

"(a) The Commission will afford inter-purports to find such an implication in the statutory provisions for judicial review of Commission orders, and the references therein to the records on which such review is to be had. His chief reliance is upon Section 2347(a) of the Judicial Review Act of 1950, but that statute refers only to review on such record as has been made and does not specify what the nature of the record must be in any particular proceeding. Moreover, there is no reason to think that the Judicial Review Act was intended to prescribe the hearing requirements for various agencies at the expense of the respective agency statutes themselves. Petitioner's further argument founded upon the substantial evidence standard of Section 10(e) of the Administrative Procedure Act is, we think, effectively disposed of by reference to what the Ninth Circuit had to say in *California Citizens Band Ass'n* v. *United States*, 375 F. 2d 43, 54, *cert. denied,* 389 U.S. 844 (1967):

"When, as here, a statute does not require that a particular kind of rule making be on a record made after a public hearing, the Commission is not confined to evidence presented in some formal manner. It may act not only on the basis of the comments received in response to its notice of rule making, but also upon the basis of information available in its own files, and upon the knowledge and expertise of the agency. Pacific Coast European Conference v. United States, 9 Cir., 350 F.2d 197, 205. See, also, American Airlines, Inc. v. Civil Aeronautics Board, 123 U.S. App. D.C. 310, 359 F.2d 624, 629."

In the last-cited case this court dealt at length with the distinctions between adjudication and rule-making, and with the importance of maintaining them. It reaffirmed, as essential to this end, the necessity of according to the agency great flexibility in the selection of hearing processes appropriate to each. We are not persuaded that the choice made by the Commission in this instance was either inappropriate or unfair in itself, or contrary to statutory direction.

The orders of the Commission under review in both Nos. 21,334 and 21,342 are affirmed.

It is so ordered.

HISTORY SHOWS FOLLY OF TRYING TO APPEASE THE UNAPPEASABLE

Mr. BRAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, it is said of the Bourbon Kings of France that they forgot nothing, and learned nothing, and the same may be said of our national leadership today. It was just 30 years ago yesterday—on September 30, 1938—that the infamous Munich Pact was signed which delivered Czechoslovakia to Hitler, and was the high point of the disastrous appeasement policies which led to World War II.

After that international disaster of incalculable proportions, the lesson should have been learned for all time. Its bitter heritage is with us yet, but we have failed to profit from its example. Today we are still afflicted with the "appeasement mentality" that can only lead to tragedy and ruin.

Prime Minister Chamberlain, of England, who made what has come to be the most incredibly wrong prediction of all history, said:

> This is peace with honor. I believe it is peace in our time.

But another Englishman was more grimly correct in his remarks to the House of Commons:

> We have sustained a total and unmitigated defeat. Do not suppose this is the end . . . It is only the beginning.

Sir Winston Churchill was still to lead his country through the blood, toil, tears and sweat of World War II, but he knew what was ahead.

Our country's national leadership today appeases our enemies at home and abroad. We refuse to "provoke" our enemies; this was the reason given for not having protection for the U.S.S. *Pueblo*. We talk of building bridges to the Communist world while they in turn supply Hanoi with the sinews of war.

But the record of appeasement is at its saddest and worst right here in our own country. We appease—or give the appearance of appeasing—rioters and looters by promising more money in Federal spending programs. And, to our eternal shame, during the March on the Pentagon, in October 1967, we not only appeased the forces of anarchy and revolution by allowing the march to take place, but paid a tribute of one million dollars—the cost to American taxpayers for the work involved with the demonstration.

It was not necessary to knuckle under to Hitler. We know this now. If Britain and France had gone to war to defend Czechoslovakia, the German Army would have been destroyed. This has been admitted by a German general who held a high command post at the time.

This is a lesson we can still profit by, if our leaders only had the fortitude and wisdom. If we continue to appease, and withdraw, every time we are challenged, there will be no end to it until we ourselves are destroyed. But if we stand up and say to our country's enemies, at home and abroad, "This far and no further," then I am convinced our determination will be respected and our safety from attack assured.

CANADA AND HUMPHREY "TEAM UP" TO EXPORT AMERICAN JOBS

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I am distressed to read an article by Michael Cope in the September 26 issue of the Springfield, Mo., Leader Press to the effect that "official" Canada would like to see candidate HUBERT HUMPHREY elected President of these United States, because it would mean the erosion of more American job opportunities to Canada.

I think the Canadian Government has no business telling Americans who they should elect as their next President. But beyond that, I am surprised that the Democrat candidate would favor giving unfair competitive advantages to our neighbor to the north.

The most recent example of this preference occurred when a Canadian subsidized firm was awarded a Defense contract for the production of twin-shaft turbine jet engines, a contract which exceeded $17 million and which could ultimately result in a considerably higher amount based on follow-on procurement.

The reason this contract was awarded to the Canadian firm instead of an American firm is that the Canadian Government both directly and indirectly subsidized the Canadian firm's research and development costs, thus enabling it to underbid the American firm.

The decision by the Department of Defense will have several adverse effects. It will deprive American workers of job opportunities and has already had an impact in that regard in southwest Missouri.

The contract award to the Canadian firm will tend to further erode the turbine engine production base in the United States as indicated by the fact that American commercial airframe manufacturers have recently resorted to outside U.S. procurement to meet their turbine needs. Examples are the purchase of Rolls Royce engines for both military and commercial aircraft. This has military as well as civilian economic implications.

The U.S. balance of payments while perhaps not significantly affected by some of these initial contracts, would—and probably will be—adversely affected as follow-on procurement results in much larger buys in the future.

A few weeks ago, anticipating these results I offered a "buy America" amendment relating to airplane engines during consideration of the Defense appropriation bill. Although this amendment was initially approved it was later overridden by a rollcall vote that reflected pressure from the executive branch.

I do not think American workers are going to be particularly impressed with the article's impression that their jobs will continue to be exported to Canadian firms, if HUBERT HUMPHREY is elected President. We must be ever alert to even such an apparently remote possibility.

I include the article at this point in the RECORD:

"FAVORED NEIGHBOR" POLICY WOULD CONTINUE UNDER DEMOS—OFFICIAL CANADA PREFERS HUBERT TO NIXON IN U.S. NOVEMBER VOTE

(By Michael Cope)

TORONTO, CANADA.—Few nations have more to gain or lose in the November presidential election than America's northern neighbor Canada.

For that reason, many of the most ardent TV viewers of both the Republican and

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ested persons an opportunity to participate in rule making through the submission of statements, information, opinions, and arguments in the manner stated in the notice. The Commission may grant additional reasonable opportunity for the submission of comments.

"(b) The Commission may hold informal hearings at which interested persons may be heard, adopting procedures which, in its judgment, will best serve the purpose of the hearing."

Democratic conventions were north of the border. Both the major Canadian TV networks scrapped prime time regular schedules to carry some of the conventions' proceedings live followed by hour-long special reports. Newspapers and magazines also carried massive news coverage and analysis reports. Only last June's Canadian general election commanded more attention.

All this because most Canadians realistically know and accept the fact their country is largely dependent on the American economy and that whatever happens to the U.S. is going to have a direct, and invariably much greater effect on Canada. Or as one well known economic analyst in Toronto once put it: "When the U.S. economy sneezes, the Canadian economy gets pneumonia."

Despite the growing wave of nationalism in Canada today—which all too often is expressed in terms of anti-Americanism—the outcome of the November balloting then will eventually be as important to Canada as it is to the U.S. itself.

What then are Canada's fears? And which of the two candidates are Canadians rooting for most?

Like Americans, Canadians most of all want the next president to restore peace in Vietnam and somehow end the internal violence and hatred that is ripping the great United States apart.

This last factor particularly worries Canadians. A neighbor most of all perhaps, finds it increasingly unnerving living next door to a family forever squabbling and fighting. (Canada itself though, it must be noted, has its "French Problem" in Quebec). One prominent columnist in the mass circulation Toronto Daily Star, Gary Lautens, wrote in obvious anguish after viewing the Democratic convention from Chicago on television: "God, how I grieve for a friend slowly going mad."

While it is easy for Canadians to say "These are America's problems," the undefended border which thinly divides this continent, makes the two countries intimately close neighbors.

There is little doubt that Republican candidate Richard Nixon enjoys much respect among many Canadians as the veteran politician he is, and is remembered fondly as the onetime Vice President. Nevertheless, there are substantial fears within Canada that he may just win.

Nixon is viewed here as something of an isolationist. Many Canadians fear greatly that Nixon's commitment to end the Vietnam conflict may well be implemented by rapid and dangerous escalation in an endeavour to achieve military victory (Goldwater was also a Republican, it is remembered) rather than de-escalation; particularly a complete halt to all bombing to get the Paris talks moving meaningfully.

But whenever the question of American politics is viewed from Canada, it always boils down to the economics of dollars and cents. It is one of the economic facts of life than whoever occupies the U.S. Presidency clearly has it within his powers of office to affect Canada significantly.

There are many in Canada who believe, or at least suspect that a Republican encumbent in the White House would be sympathetic to the congressional forces striving for a greater degree of protectionism for American industry and commerce. The sympathy could well be reflected in a tougher attitude by Washington towards international trade; notwithstanding GATT and the Kennedy Round of tariff cuts, more obstacles could be expected in the way of the annual millions worth of annual trans-border trade. A moratorium perhaps on already well advanced plans for a greater degree of free trade between the two countries; a severe cutback in U.S. investment which today is in the region of $40 million.

For Canadians, in the long term this might not be such a bad thing as it would compel a scaling down of economic dependence on the U.S.; it would force Canadian commerce and industry to seek new markets for goods and new sources of investment capital.

Presidential aspirant Nixon though has given no indication of his attitude towards Canada. It is obviously too premature at this time when he must surely be preoccupied with much greater and more pressing issues.

The Canadians are already thinking about the possibility of Mr. Nixon becoming America's chief executive there can be no doubt. It is reflected in the massive cuts being instituted by Prime Minister Pierre Trudeau's Liberal Government in Ottawa; these are being viewed as a concrete step toward reducing economic dependence on the American dollar (the reasoning being that tight Government fiscal policies in Ottawa will boost the strength of the Canadian dollar on world monetary markets). Only recently Ottawa scrapped its decade-old winter public works program designed to reduce winter unemployment. That alone will save $48 million this year.

Another Democrat in the White House though, suggests little change in the cordial and economically comfortable relationship Washington and Ottawa have enjoyed since the late President Kennedy's election (although his short-lived term of office was marred by the anti-Americanism propounded by John Diefenbaker who was then Prime Minister and leader of the Conservative Party in Canada).

It would seem that perhaps Vice President Hubert Humphrey is official Ottawa's choice and Prime Minister Trudeau himself has done little to hide this feeling. Even before Humphrey had secured the nomination in Chicago, Mr. Trudeau was on telephone with his congratulations. The two men have known each other for several years and worked together on joint U.S.-Canadian interparliamentary conferences and committees.

"Trudeau and I understand each other," Mr. Humphrey said after the call. "We talk the same language."

It is assumed by Canadians that with Mr. Humphrey in the White House, Canada's special status and special problems—those of while being a foreign country, nevertheless is inexorably tied socially, culturally, economically and even politically by geography to the United States—would continue to receive most-favored-neighbor treatment from Washington.

With Republican candidate Nixon in the White House, most Canadians suspect their country would be in danger of being relegated to just another foreign nation rather than a favored neighbor.

The only real gripe if you happen to live north of the border is that Canadians don't have a vote in the November presidential election.

THE RETIREMENT OF JAMES E. WEBB, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, there occasionally comes into the service of the Government a man of such outstanding ability and such personal integrity that we only become completely aware of his greatness as a result of his departure into private life. I am referring to the retirement of James E. Webb, Administrator of the National Aeronautics and Space Administration, who takes leave of the agency on Tuesday, October 7.

I know of no other head of a Government agency who has won the universal respect and warm admiration of his associates and colleagues as has Jim Webb. As the second Administrator of NASA, he has labored tirelessly to create an organization that has become vital to the scientific and technological progress and achievement of the United States.

In the light of the present unquestioned success of NASA, it is difficult from an exterior point of view to perceive completely the difficulties which faced Jim Webb when he took office in 1961. The country was still experiencing a deep reaction to Sputnik I. NASA had only been in existence since October 1958 and was concentrating almost all its efforts on program planning. Much had to be done to produce an intelligent, worthwhile program of space exploration which did not have the benefit of prescribed national objectives until President Kennedy made his historical statement in May of 1961, when he stated that we would send American astronauts to the moon and return them safely to earth before the decade was out.

Scientific energies and technical resources of the Nation had to be concentrated on building an organization. Only 10 years later, there has been achieved under his direction a record of accomplishment that in retrospect is truly astonishing and unprecedented in peacetime.

True, Jim Webb's success was in a large measure given significant support by the march of events over the past 10 years that have even in that short time deeply affected our way of life. Nevertheless, the ever-increasing importance of NASA to almost every aspect of our society is living testimony of the certainty, the sureness, and the cogency with which he nurtured the growth of NASA into its present maturity.

When he came to NASA, he was no stranger to Government service. He is a former director of the Bureau of the Budget and Under Secretary of State, and a veteran of more than 30 years of Marine Corps aviation, where he attained the rank of lieutenant colonel. Up to the time of his appointment as NASA's Administrator, he had achieved an outstanding reputation in education and in private industry.

Thus we can see that he was already deeply aware of the facts of life as they pertain to the importance of scientific research and development as tremendously powerful instruments of Government.

I can testify from my personal knowledge on the respect Jim Webb has won from Congress for himself and for NASA. My committee, which authorizes NASA's funds and has legislative oversight over the administration, has had Mr. Webb before it many times during which his wisdom and mature judgment were of great assistance to all the members.

He is, in no small measure, personally

responsible for the wide acceptance throughout America of the vital need for our national space program in the development, growth, and strength of the Nation. His work has been of immeasurable value in identifying and the creation of many of the resources, both human and scientific, sorely needed in the past years of the National Aeronautics and Space Administration.

I think I speak for all the members of the Committee on Science and Astronautics when I say that we all view his retirement with deep and abiding regret. I am certain that the National Aeronautics and Space Administration will always be regarded as a monument in the years to come to his vigor, his dedication, and his wisdom. This country, in no small measurable degree, will be more secure, more mature, and more progressive as a result of his tireless effort than it could otherwise be.

We have been privileged in our time to know and to be associated with a great American. I, and the members of my committee, wish him all God's blessings, good health, and many more productive years in which, and in all good time, his contributions to his country can be more fully appreciated by the men and women who follow him.

EQUITY FOR FARM LABOR

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TALCOTT. Mr. Speaker, American industrial labor is the envy of the world for its high wages, fringe benefits, superior working conditions, and short work-day and work-week. These benefits have come from ingenious entrepreneurial skill, productivity, and enlightened legislation.

Unfortunately, farm labor, as a whole, has not reached the remunerative peaks scaled by industrial labor. The State legislatures have been diligent in providing protective legislation for industrial workers, but negligent in their consideration of farmworkers. I believe the day has come when agricultural employers across the Nation must meet their responsibility to their employees by providing them with benefits and wages more closely related to comparable employees in industry and to the productivity of the employees. Granted, the task may be more difficult to enact appropriate legislation to meet the unique problems of agriculture, but I am confident that it can be done if the problems are understood and attacked conscientiously.

There are several broad areas of legislation which, it seems to me, should be approved, and I shall mention them briefly. Laws should be approved to protect and assist the migratory farmworker. Certainly, the migrant worker is among the poorest, if not the poorest, worker in America. His standard of living is improving, but it is still far below the rest of America. He and his family are the most unadvantaged of the unadvantaged. I, therefore, strongly advocate that State laws be enacted to, first, regulate the transportation of migratory workers; second, regulate farm labor contractors and crew leaders; and third, regulate farm labor housing.

It is amazing, Mr. Speaker, that some of the most elemental of employee protections have not been given farmworkers. Relatively few States have reasonable minimum-age and minimum-wage laws for agricultural workers.

Workmen's compensation for on-the-job injuries is merely a dream for many farmworkers. While their city cousins have long enjoyed this protection, most State legislatures have failed to insist on this benefit for farmworkers. Temporary disability compensation is another universal industrial program that should be afforded farmworkers.

Some form of employment compensation is taken for granted by industrial workers, but is in effect in only Hawaii for agricultural employees. I deplore and would prosecute abuses of the humane idea of providing temporary sustenance for the families of those who are temporarily unemployed for no fault of their own. Those who plan unemployment should be punished; those who make a special effort to return to employment should be provided with some incentive or reward. The shameful abuses of the unemployment compensation programs in nonfarm industries is not a valid reason for not enacting reasonable, fair unemployment compensation programs for farm workers in all 50 States.

I must appeal to the heart and conscience of America to join the cause in seeking a wide range of protections for these vital, but unskilled and, therefore, poorly paid agricultural employees. To achieve the greatest impact and the enactment of the most effective laws in the shortest time, I have drafted a bill which will prevent the Secretary of Agriculture from paying Federal benefits to farm producers under any of the various subsidy, diversion payment, or crop loan programs unless he has duly determined that the State in which a claimant or other eligible producer is located has approved and is operating satisfactory programs in each of the following areas: Minimum wage regulation, minimum age regulation, wage payment regulations as to regularity and negotiability of wages, disability compensation, temporary disability compensation, unemployment compensation, farm labor housing regulation, farm labor contractor and crew leader regulation, and farm labor transportation regulation.

Mr. Speaker, the text of my bill is short. I have asked that it be printed at this point in the RECORD so that all interested parties may review the proposal. I welcome support from all those individuals and groups who have spoken and worked for the improvement of conditions for the migrant farmworker and his family. I will also appreciate any constructive criticism or suggestions for incorporation in a more comprehensive bill pertaining to this general subject which I intend to introduce in the 91st Congress.

The text of the bill follows:

H.R. 20133

A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States may make price support loans to, purchases at prices in excess of fair market value from, or in any other manner, whether in cash or in kind, pay any subsidy to agricultural producers in any State if the Secretary of Agriculture determines on the record after opportunity for a hearing either that the State in question fails to effectively enforce adequate farm labor laws referred to in paragraphs (4) through (9) of the following, or, in the case of any State in which he finds migrant farm labor is employed, that the State fails to effectively enforce adequate farm labor laws referred to in all of the following paragraphs:

(1) Regulation of farm labor housing centers and employer-furnished housing accommodations, including standards of sanitation, location, construction, density, and maintenance of housing.

(2) Regulation of farm labor contractors and crew leaders, requiring annual licensing or registration and prompt payment of wages to laborers, and prohibiting such undesirable employment practices as giving false information on terms, conditions, or the existence of employment.

(3) Regulation of transportation of migratory farm workers, including standards for safety and operation of equipment, qualifications of drivers, and safety and comfort of riders.

(4) Regulation of uniform minimum ages for agricultural employees.

(5) Regulation of uniform minimum wages for agricultural employees.

(6) Regulation of wage payments requiring regular paydays, payment in cash or readily negotiable form, and prompt payment on termination of work.

(7) Workmen's compensation providing monetary and medical benefits to agricultural employees injured on the job.

(8) Temporary disability insurance providing benefits for agricultural workers for non-work-connected illnesses or injuries.

(9) Unemployment insurance laws providing benefits for agricultural employees during periods of involuntary unemployment.

UNBELIEVABLE TO PROPOSE BOMBING HALT

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I was shocked and amazed to learn that the Vice President is reported as having proposed a halt in the U.S. bombing of military targets in North Vietnam near the demilitarized zone. This is an unbelievable proposal as it would hamstring and limit the only real superiority we have over the enemy—that is our air power and sea power. The best protection for our men fighting Communist aggression in South Vietnam is our absolute control of the sky and the sea lanes.

I would not be surprised if a proposal was now made to bring the battleship *New Jersey* home as it is successfully bombarding Communist artillery placements, antiaircraft batteries, and Communist military installations which have inflicted death and injury to American men.

Mr. Speaker, the only reason for our calling off any bombing of North Vietnam should be for the Communist invader to first agree to return to his own country. The Communists agreed to the Paris peace talks to avoid the terrific punishment they were taking from our airpower. They could not have continued to take this punishment. Their morale was breaking. Their aggressive forces in South Vietnam were concerned about the attacks back home on their homeland. Morale was deteriorating. We were on the verge of victory just as we were in Korea when the Communists there sought the peace talks. To further strengthen the Communists by halting the bombing of their military installations in southern North Vietnam would be tragic. We would suffer more casualties. We would be prolonging the aggression and encouraging escalation of the war by the Communist aggressor. We cannot match the hordes of Russia and China on land—in Asia, in Europe, in North Africa, or in the Near East. We must maintain air superiority and we must use that air superiority when necessary to halt the ruthless aggression and protect our ground troops.

Mr. Speaker, I was equally shocked at the proposal to have a United Nations army. It would be utterly incredible to place American boys at the command of the Communist nations who largely now control the United Nations and with the proposed admission of Red China would control the United Nations. In view of the Russian invasion of Czechoslovakia, to propose a further halt of the bombing while our men are still under attack in the field by the aggressor and to place our men in a United Nations army to me, and to the American people, is unbelievable and incredible.

THE HUMPHREY RECORD OF ESCALATION IN VIETNAM

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, when I addressed the House yesterday, I spoke of George Ball's perfidy in insinuating that Richard Nixon would escalate the war in Vietnam. It seemed incredible that this man—one of the architects of this administration's Southeast Asia war policy—should be attempting to place the war on the back of Mr. Nixon.

That was before Vice President HUMPHREY last night made his speech on Vietnam. In that speech HUMPHREY repeated all the Ball ideas, including the nonsensical "proof" that Mr. Nixon would escalate the war because he allegedly would have gone to the aid of the French in Indochina in 1954.

Well, at least we know now that Mr. HUMPHREY is neither a hawk nor a dove. He is a parrot. Since he repeated Mr. Ball's charges let us look at the Humphrey record of escalation in Vietnam.

HUBERT H. HUMPHREY has been the Vice President for almost 4 years. During that time we have committed over one-half million troops to Vietnam; started the bombing of North Vietnam and escalated this bombing to include the oil storage dumps at Hanoi and Haiphong. In the 4 years of Mr. HUMPHREY's tenure the U.S. casualty list has risen abruptly: 1,130 dead and 6,114 wounded in 1965; 4,179 dead and 30,093 wounded in 1966; 7,842 dead and 62,025 wounded in 1967; and so far this year 16,227 dead and 111,909 wounded.

And now, after all this bloodshed, HUBERT HUMPHREY is unveiled as a true "peace" candidate, with a collection of ideas from here and there—including the planned de-Americanization language of the Republican platform.

Mr. HUMPHREY need not have gone to the expense of hiring prime TV time—that one-half hour, just before NBC's "Laugh In," cost some $250,000—to lay his much-heralded plan before the American public. All he needed to do was telephone the President and give him the plan.

For $7.60—the night rate from Salt Lake City to Washington—HUMPHREY could have had a half-hour chat with the President. He could have told the President this: Look, Mr. President, George Ball and I think we were wrong to escalate the war to the extent that the administration has and frankly it is hurting my campaign. Let us put this plan into effect right now—try a little bombing pause, a U.N. supervised cease-fire, a nice quick election, some de-Americanization here and there—and George thinks we'll be home free. How about it, Mr. President?"

Now, who are they calling "tricky"?

HON. PAUL A. FINO

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. ROBISON] is recognized for 60 minutes.

Mr. ROBISON. Mr. Speaker, I have asked for this time in order to pay tribute to my friend and colleague from New York, the Honorable PAUL A. FINO, who will be retiring from the House at the end of this term in order to become a justice of the New York Supreme Court.

Paul was born in the Bronx on December 15, 1913, attended public schools there and then St. John's University, eventually receiving his LL.B. degree from the St. John's School of Law, and being admitted to practice before the bar of the State of New York in 1938.

Accepting the challenge that public service poses to so many lawyers, PAUL in 1943 became an assistant attorney general of the State of New York, which post he held until January of 1945 when he became a member of the New York State Senate, representing the 27th senatorial district. In June of 1950, he left the State senate to accept an appointment by the then mayor of the city of New York to the municipal civil service commission, which office he resigned on December 31, 1952, to assume his seat as a Member of the 83d Congress, to which he had been elected on November 4, 1952, and he has since served with honor and distinction in this body.

PAUL is a member of many professional, as well as civic and fraternal, organizations but, in addition to all this and attending with devotion to his congressional duties, he has also found time to serve his chosen party, the Republican Party, as Bronx County chairman, for which responsibilities he was unanimously chosen in January of 1961.

As many of us know, our colleague has a very charming wife, the former Esther C. Liquori, and two fine children, Lucille—Mrs. Peter DiMuro—and Paul, Jr., who may, perhaps, someday follow in his father's footsteps.

We of the New York Republican delegation have been most proud, these past 4 years, to have had PAUL as our "dean," and we know full well that he could have stayed here with us as long as he wished had not he had been called back to his first love, that of the law, and we have no doubt that he will soon be recognized as one of the abler and more respected jurists in our great State that prides itself on the quality of its judiciary.

It is not easy to say "goodbye" to PAUL FINO. His counsel and advice will be missed—his legislative and parliamentary skills difficult to replace.

For PAUL has been no mere "tilter at windmills." He met every issue head on—and he called the shots, as they say, exactly as he saw them.

The fact that, back at St. John's, he was a member of that institution's debating society forecast the fierce and fearless debating skills he has displayed so often, here in this Chamber.

Who among us will soon forget the colorful phrases that have rolled off his lips as he sought to puncture the sham that, by his lights, clouded some issues; phrases such as "the smart fat cats of Wall Street," or "the liberal bleeding hearts from all the millionaire watering holes that go to the slums and paint purple flowers on the walls," and—if my friends on my right will forgive me—his reference to that now-famous rodent-control bill of last year which, as he viewed the enormity of the unmet urban problem, he called the "mouse that roared."

Yes, Mr. Speaker, this was colorful and forceful language to use in congressional debate, but it was also the language of a fighter—of a man of the people who spoke up for the people he represented as he believed they would wish him to do, and the resounding support they have given him throughout his years here indicate that they both understood and approved.

PAUL has always been conscious of the existence of "the little guy"—as he often referred to him—in America today, and of the need for someone to protect "the little guy's" interests.

Perhaps that concern of his is best exemplified by these remarks of his, made here last year, when he said:

> I am proud to represent a district with many poor people who have worked long

> and hard, often at pay levels little above welfare, to support themselves and keep from being public charges. This is the spirit that made America great.

In the same vein, in introducing legislation that many of us have supported which would amend the Internal Revenue Code so as to permit a taxpayer to deduct tuition expenses paid by him for the education of his children, he said:

> This would put Federal assistance where it would do the most good, by reducing the taxes of those families who scrimp to push their children along the educational path to the American dream. This is far more to the point than the sort of Federal aid which, although well-meant, loses its shape and substance in an administrative morass—governmental or academic. I strongly urge the Congress to make tuition payments on behalf of one's children tax-deductible.

Mr. Speaker, one did not have to agree with Paul Fino in order to respect him, and perhaps no single issue could be more illustrative of this than his single-minded pursuit—and his lonely pursuit—of a national lottery which, as he saw it, after observing the experience of some 90 other nations that conduct some form of such a lottery, was a better answer to the revenue needs of the Federal Government than regular increases in the burden of taxation on all its citizens. If Paul leaves here with some feeling of disappointment and regret, it would probably only be because he has not been able to encourage others to accept this idea of his as the way a hard-pressed Federal Government could, painlessly and voluntarily, raise the additional revenues it now so badly needs.

Well, perhaps Paul can find someone else to take up that particular cudgel but, meanwhile, he should know that we take leave of him reluctantly, recognizing the contributions he has made as a Member of this body, and that he will carry with us, as he goes on to other challenges, our lasting respect, and affection.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I am delighted to yield to our distinguished minority whip, the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I am very pleased to hear the remarks of the gentleman from New York regarding Paul Fino, who will soon be leaving the Congress to serve, I understand, on the bench. He has proven himself to be an able lawyer, an astute legislator, and I am sure will make an outstanding judge.

I have been one of those privileged to serve with Paul Fino since he first came to Congress and I have found him to be a good friend and a public servant who well served not only his congressional district, but also the State of New York and the Nation. We would selfishly prefer to have Paul remain in the House, but he no doubt sees an opportunity for greater service in the judiciary. I know of his longstanding love for the law, and I also know he knows the law. He has demonstrated that on many occasions.

We wish for Paul every success in whatever he undertakes. We hope that Judge Fino will come back to visit with us.

Men like Paul Fino make the Congress the great institution it is and a privilege to serve in this body. Service in Congress brings one in close contact with individuals of Paul's high quality and you are proud to call a man of his stature your friend. Paul certainly has many, many friends in this Congress. He will be greatly missed.

Mr. ROBISON. I appreciate the comments of the gentleman from Illinois.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman.

Mr. Speaker, the New York delegation regrets greatly that its dean, the gentleman from New York, Paul A. Fino, will leave the Congress at the end of this session. For 14 years he has ably represented the 24th District as a very competent and highly respected Member of this body.

He came to the House in 1953, after a brilliant political career in executive and legislative circles in our State of New York. He served in the State senate and in the government of the city of New York. His influence in the political field of his area grew steadily and, in 1961, he was named Bronx County chairman, a post he still holds.

In the Congress his work on the Banking and Currency Committee has been of the highest order. Now a senior member, he has exerted a profound influence upon the legislation advanced by this most important committee. His experienced leadership will be greatly missed.

In our delegation, Paul has been a friendly, resourceful leader. We will miss him greatly but are reconciled to his retirement, since he will be going to a new post of great responsibility and distinction in the supreme court of our State. We are confident he will serve with great honor and extend to him our heartiest good wishes.

Mr. ROBISON. I appreciate the gentleman's comments.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I yield to my colleague from New York.

Mr. CONABLE. Mr. Speaker, I have no statement prepared properly to extol the record of service that the Republican dean of the New York delegation has experienced here in the House. But I would like to participate, because I feel that a great deal is owed to Paul Fino for the contributions he has made over his career.

Most people, when they leave politics, cannot look back on as richly rewarding a career as Paul has had in city, State, and Federal office. Most people, when they leave politics, are at the end of their public service. Paul is leaving politics to go on the bench. So he can look forward as well as backward with satisfaction. As a judge, of course, he will have a great opportunity in the field of law enforcement, an area which has always been a concern of his, and which has been a concern to his constituency.

I think many of us from upstate New York do not always appreciate the many pressures that there are on a city legislator from a great metropolis like New York City. For this reason, many of us who come from a more tranquil environment are inclined to try to judge a career like Paul Fino's in the light of our own experience. This is a very difficult thing to do, because the nature of his consituency is such that he walks a constant tightrope between the interests of the party and the constituency, and the national interests, which frequently are much broader than the special interests of his constituency.

Paul has done this very resourcefully. As the gentleman from New York [Mr. Pirnie], who preceded me, said in his remarks, "Paul is resourceful." I think that describes Paul's career appropriately. Certainly he has been the kind of legislator who, in addressing the House, has always kept the House wide awake. His resourceful use of colorful language and of ingenious ideas, and the depth of his experience, certainly have contributed a great deal to the deliberations of this House.

I am sure we will miss him, but our loss is law enforcement's gain.

Mr. ROBISON. Mr. Speaker, I thank the gentleman for his contribution.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Speaker, I associate myself with the remarks of the distinguished gentlemen from New York. I have served on the Banking and Currency Committee with Paul Fino ever since I came to Congress. I shall miss him on that committee. While, of course, we did not always agree, we always had agreeable relationships.

I think Paul's very keen mind often got to the heart of the matter. I think his contribution on that committee was such that we were able to report better legislation because of his participation in the legislative work of the committee. All the Members know how well informed Paul Fino was when legislation came before the Congress. I believe Congress will suffer from the absence of Paul Fino, but nevertheless, while we will miss him, we wish him well in his new career.

Mr. ROBISON. Mr. Speaker, I thank the gentleman for his contribution.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from West Virginia.

Mr. KEE. Mr. Speaker, I rise to associate myself with the very fine remarks which have been made on the effective legislative leadership provided by our very distinguished colleague, the gentleman from New York, Paul Fino. While the House will lose because he is leaving us, the courts will gain, and he will still be dedicated as a public servant of the American people.

I congratulate him and wish him full and complete happiness during his service on the bench.

Mr. ROBISON. Mr. Speaker, I thank the gentleman for his contribution.

Mr. GERALD R. FORD. Mr. Speaker, when the 91st Congress meets in January, two outstanding members of the New York delegation will be missing—the dean of the delegation, Paul A. Fino, and Theodore R. Kupferman. We shall miss both of these distinguished gentlemen, but we respect their decision to devote themselves to other activities.

I can understand Mr. Fino's desire to serve on the New York State Supreme Court, and I congratulate him on his move to that high judicial post.

Those of us who know Paul Fino feel that he may well miss the hurly-burly of politics—because Paul is a fighter who has always enjoyed the excitement of debate and the give-and-take of the political arena.

Above all, Paul Fino has been an advocate of the little people—the workingman, the civil servant, and the elderly. He can look back with satisfaction on his eight terms in the House of Representatives, for his has been a strong record in the civil service, labor, and housing fields.

Paul Fino has demonstrated that a man can oppose unwise social experimentation and still draw the support of those who cast the bread-and-butter vote.

In 1964, despite the tide running against his party, Paul was reelected with a majority second only to that of John V. Lindsay in New York's congressional races. In 1966, Paul achieved the unusual distinction of being endorsed by both the AFL-CIO and the Conservative Party. That, I might add, is no small accomplishment.

Mr. Speaker, the House of Representatives will lose some of its spark and its fire with the departure of Paul Fino, a stand-up political fighter, a real sock-it-to-'em guy. I think I speak for all of us when I say that Paul Fino will be sorely missed. I wish him well in his new field of endeavor.

Mr. HALPERN. Mr. Speaker, I have known Paul Fino since he and I served together in the New York Senate. We came to know each other well. I continually marveled at the expertise with which he handled his chairmanship of the city of New York committee and the many other aspects of representing a large complex district. Paul was a shining example of what a State senator should be.

Paul's legislative skill was outstanding. And that enviable legislative record in Albany reached its fulfillment in Washington.

Always keenly alert to new issues—usually long before they were generally recognized—Paul always seemed to be one step ahead in coming up with creative solutions to difficult problems.

Paul, as we well know, is indeed a young man. He is a full 26 days younger than I am and, despite this youth handicap, has achieved—through diligence, creativity, and a charismatic feeling for his fellow man—a 16-year legislative record that is worthy of the finest traditions of New York's 24th District, which he has so ably represented.

Paul Fino leaves us to accept an appointment as a member of the New York State Supreme Court, a position for which he is eminently qualified. As a lawyer and lawmaker, his background could not be more appropriate; as an active and compassionate community leader, as a State senator and as New York civil service commissioner, and for many years an able and outstanding Member of this House, Paul Fino is outstandingly qualified for the high judicial post to which he has been designated.

Mr. Speaker, Paul Fino is a close personal friend. I have always found his companionship to be both enjoyable and rewarding. My association with him on the floor of the House and on the Banking and Currency Committee has been a most beneficial one.

I have learned a lot from him and shall always feel his presence in our committee and on this floor, for Paul is articulate, without being wordy, and has a sense of humor that shows through his thoughts and always in the best of taste.

I can only add my voice to that of my other colleagues in wishing Paul and his good wife Esther the very best of everything that life has to offer, knowing full well that they have and will continue to reciprocate.

Mr. FALLON. Mr. Speaker, I take this opportunity to extend my warmest personal wishes to Representative Paul Fino upon his leaving Congress to go into other fields.

He has been an energetic and conscientious Member of the House for 16 years. He has many friends here who will miss him when he leaves.

His unblemished record of public service is worthy of emulation. He is a devoted public servant and it has been a pleasure for me to serve with him in Congress.

I thank him for his many contributions to American progress and say we will all be a little poorer for his absence.

Mr. FARBSTEIN. Mr. Speaker, my colleague and fellow New Yorker, Congressman Paul Fino, will be leaving at the expiration of the current term in Congress to take a seat on the New York State Supreme Court. He follows in the path of other Representatives of the borough of the Bronx, and like his predecessors has left an indelible impression on this body.

I have long admired Paul Fino's fierce dedication to the principles in which he believes. We are of different political parties and, in many respects, of different convictions; but I never doubted that he was a tough, conscientious, honest fighter for what he considered right.

Congress will be a less colorful place without Paul Fino.

I know that he will bring the full benefit of his acute legal sense to his duties on the State supreme court.

He leaves with my good wishes for a long and satisfying career on the bench.

Mr. ANNUNZIO. Mr. Speaker, it is a pleasure for me to join the distinguished gentleman from New York, the Honorable Howard W. Robison, who has secured this special order, and my other House colleagues, in honoring Congressman Paul Fino, who is retiring after 16 years of dedicated service to his constituents in the 24th District of New York.

Since coming to Congress 4 years ago, I have had the opportunity to work closely with Paul, not only on legislative matter on the House floor, but also on the Banking and Currency Committee on which we both serve. He has gained my wholehearted respect and admiration, for I have found him to be a man of integrity, ability, and dedication.

Throughout his career in the Congress, he has demonstrated the qualities of wisdom and compassion in equal measure. No Member of the House today better exemplifies the high ideals of our great country than does Paul Fino. His constituents, his State, and his Nation have benefited from his tenure of office, for he has given his utmost in carrying out his responsibility of public trust.

Paul is not only my good friend—he is an outstanding American. And as an American of Italian ancestry, he has reflected nothing but credit and honor on his people. We are truly proud of Paul Fino and we shall miss him.

However, as he leaves Congress in order to take on the responsibilities of a New York State Supreme Court judge, I take pleasure in congratulating him and Mrs. Fino on this well-deserved appointment, and in wishing him abundant good health and continuing success in the public service.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I am both proud and honored to join my fellow colleagues in paying tribute to the distinguished gentleman from the 24th District of New York, Congressman Paul Fino, on his retirement from the U.S. House of Representatives.

I know that I speak not only for myself and my colleagues, but for the constituency of the 24th District of New York when I say that we will all indeed miss Mr. Fino's skills, abilities, counsel, and experience in the House.

I have had the extreme pleasure of working with Mr. Fino on the House Banking and Currency Committee during this 90th Congress, and I cannot express highly enough the regard and respect I have for him. He is truly a man of integrity and a dedicated public servant as well. I have learned much from the example he has set as a practical and diplomatic legislator.

His service on the Veterans' Affairs Committee and the Joint Committee on Defense Production has certainly been outstanding in every sense of the word. His courage and plain commonsense principles made a great contribution to the effectiveness of the important legislation that was considered by these committees.

I want to join with Paul Fino's constituents in thanking him for running for the U.S. House of Representatives, and for serving his country, people, and party faithfully, devotedly, and loyally. I wish many more years of success, happiness, and health to Mr. and Mrs. Fino during their well-deserved retirement.

Further, I congratulate Mr. Fino's constituents for their outstanding selection in sending him to Congress. He is a statesman who has represented his people well and earned the true meaning of the title "honorable". Paul Fino will never be forgotten, only absent, and I am proud to have known and worked with him.

Mr. UTT. Mr. Speaker, I thank my colleague for yielding. I appreciate the opportunity to pay tribute to Paul Fino. He and I were both members of the "83d Club."

Paul has been a stalwart on the Committee on Banking and Currency and has been most able in presenting arguments on legislation from his committee. He will be greatly missed by his committee and by the whole House.

Many times Paul has taken a position on legislation which has not been popular in his district, but because he felt that his position was right he never hesitated to stand firm in that position, and I admire him greatly for his fortitude.

While we will miss him in the House, I know that his talents and native intelligence will insure his success regardless of where he serves. I extend my best wishes to him in the assignment which he is seeking, and for all of the future.

Mr. TAFT. Mr. Speaker, it has been a privilege to serve with Paul Fino in the Congress. He is an able legislator and one who can be depended upon to weigh each piece of legislation carefully. He has worked diligently in his job as Congressman and his retirement will be a loss to all of us here as well as to his constituents. I feel confident he will serve his State well as a supreme court judge.

Mr. ADDABBO. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to my friend and colleague, the Honorable Paul Fino, who has an enviable record of 16 years of service in this body.

Paul was most helpful to me when I came to the House as a freshman 8 years ago, and we have been close friends. He is a dedicated public servant, and it is with regret that we see him leave us. By his very nature, he is well suited to the new career on which he enters, the bench of the Supreme Court of the State of New York.

As we bid farewell to Paul, we can only say that the supreme court's gain is our loss.

Mr. McCLORY. Mr. Speaker, no more vigorous nor more dedicated a person has served in the House of Representatives than Paul A. Fino of New York. His elevation to the New York Supreme Court will provide him with opportunities for judicial service which I am confident he will render also with distinction and objectivity. I have benefited from Congressman Fino's friendship and his thoughtful counsel during the time we have served together in the House of Representatives. In addition, I have been impressed by his well prepared and vigorous debate on the floor of the House of Representatives.

Congressman Fino has measured up to the highest standards of legislative service. His contributions in many fields, particularly those relating to our large metropolitan centers, have been beneficial to the entire Congress. His steadfast representation of his constituents in the 24th District of New York as well as of the Nation has been a valuable contribution for which he will be long remembered.

I join his other friends and colleagues in extending to Congressman Fino our best wishes for continued public service as a New York Supreme Court judge.

Mr. DEL CLAWSON. Mr. Speaker, it is with a sense of real personal loss that I contemplate the resignation of my esteemed colleague, Paul Fino, of New York. He was a next-door neighbor when we moved into a suite in the Cannon House Office Building following the special election in the 23d District of California in 1963. Since that time there have been many opportunities to appreciate from personal experience the wealth of ability and knowledge which Paul Fino brought to his service in the House of Representatives and on the House Banking and Currency Committee where we have worked together since 1963. We will miss his able counsel and the wealth of his experience on the committee, but feel certain that he will bring to his future responsibilities the same enthusiasm and dedication which have marked his service in Congress. He has my warmest best wishes in his new career.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased to join with my colleagues in the House today in wishing Godspeed to one of our colleagues who will complete 16 years of service in this body this year.

Paul A. Fino has been a hard-working legislator ever since he came to the House in the 83d Congress. As a member of the Banking and Currency, and Veterans' Affairs Committees, he has dealt conscientiously with a great number of vital issues affecting our Nation.

Coming to the House with a notable background of legal activity in the field of civil service, Paul has given his talents to the public interest for more than a decade and a half.

He leaves the House now to take the high position of New York State Supreme Court judge. I know he will fulfill his obligations, as he has in the Congress, with dedication and skill, and I wish him the best as he embarks on this new endeavor.

Mr. REID of New York. Mr. Speaker, Paul Fino's long service in the House has been unique and effective. His constituents have been well served.

Paul's broad background in the New York State Senate, on the New York City Municipal Civil Service Commission, and on the Committees on Banking and Currency, and Veterans' Affairs, here in the House, has been reflected in his deep concern for the veterans and in the civil service. Further, he has focused national attention on lotteries as a means of defraying some educational expenses.

Mr. Speaker, Paul Fino will be very much missed by his many friends and colleagues, and particularly by the New York delegation, which he has so ably served as dean.

Mr. BINGHAM. Mr. Speaker, the Honorable Paul A. Fino will have completed at the end of this year eight terms in the Congress as an articulate and active Member. He has never been afraid to speak his mind on the issues of the day and has been a forceful advocate of his point of view.

His expected election to the Supreme Court of the State of New York will bring to that bench a man who has had wide experience and has been diligent and faithful in serving his constituents. He has surely earned the relative peace and quiet of the bench. We wish him well in his new career as a jurist.

Mr. WYDLER. Mr. Speaker, Paul Fino has been one of the exceptions to the general rule that the cities of our Nation are represented by members of the Democratic Party. He has been consistently and overwhelmingly elected in a district in Bronx County in New York City. This is a tribute to him as a man and to his ability to convince his fellow men that he is the kind of man that they would want representing them in Washington, regardless of his political party. Paul Fino leaves the House of Representatives to ascend the Supreme Court in New York State. He has earned the honor and dignity that the court affords him, but the House will miss his strong voice and strong hand.

Mr. FULTON of Pennsylvania. Mr. Speaker, I am pleased to offer a parting tribute to my distinguished colleague from New York, the Honorable Paul Fino. Paul Fino has served with distinction in the House of Representatives since 1953. It has been a pleasure to work with him.

Next January Paul Fino will take the oath as a New York State Supreme Court judge, and I am sure that his long experience in the Congress will be not only a source of pleasant memories but also a rich and full background for his continuing in public service from the bench.

Paul Fino has worked hard on three important committees in the House: Banking and Currency, Veterans' Affairs, and the Joint Committee on Defense Production. Representing the good people of the Bronx, Paul has made many valuable contributions to the welfare of our country.

We who have known him over the years are sorry to lose Paul Fino from our membership and certainly wish him well in his new service as a supreme court judge in New York.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to join in the tributes being paid today to the gentleman who for 16 years has ably served the people of the 24th District of New York—Paul Fino. It has been a pleasure to know and to serve in the House with Paul Fino, and I wish him well in ensuing years.

My heartfelt congratulations and best wishes to the new supreme court judge of the State of New York.

Mr. KING of New York. Mr. Speaker, I am pleased to join with my colleagues in the House in expressing my deep affection and abiding regard for Paul Fino, who will leave us after this term to become a justice of the Supreme Court of the State of New York. New York's gain will be our loss, because Paul has distinguished himself in the House of Representatives these many years.

Paul Fino has always been a man of firm principle and has exhibited untiring regard for the welfare of his district, of his State, and of the Nation. I wish to extend my very best wishes to Congressman Fino, whose friendship I shall always cherish.

There is no question in my mind that he will serve in the capacity of supreme court judge with great distinction. He possesses all the qualifications necessary for that most important post.

Those of us who knew Paul will miss his gracious association and sound advice.

Mr. RODINO. Mr. Speaker, I am

pleased and honored to join in paying tribute today to our valued and able colleague from New York, Paul Fino.

In his 16 years as the Representative of the 24th District, Paul has compiled a fine record of dedicated service to his constituency and his country, and has earned the respect and admiration of all of us who have had the pleasure of knowing and working with him. Before coming to Congress, Paul had a most distinguished legal career, and I know that he will bring to his new office as a judge of the Supreme Court of the State of New York the integrity, sound judgment, and unique talent that have characterized his tenure in the House.

Paul is a warm and compassionate man, and I have been greatly privileged to hold him as one of my very dear friends since he first came to Congress. As he leaves now to take up the challenge of the bench, I join our colleagues in wishing him and his family much happiness and fulfillment in the years ahead.

Mr. FEIGHAN. Mr. Speaker, among my friends who will be leaving the House of Representatives when the 90th Congress adjourns is Paul Fino, with whom I have had the privilege to serve for the past 16 years. Paul Fino has discharged his official responsibilities with credit to himself and to his district, and I am sure he has gained rich knowledge of the legal processes of national legislation, which will be of great value to him when he assumes his new duties next January, as a judge on the New York State Supreme Court.

You take with you my best wishes for happiness and success in your new duties, Paul, and I hope you will enjoy many years of service on the bench.

Mr. FINO. Mr. Speaker, I would like to take this opportunity to express to my colleagues from the State of New York, as well as the many other Members of this House, my deepest appreciation and thanks for their very kind words.

It has been a great honor and privilege for me to have served in this distinguished body, the House of Representatives. The past 16 years which I have spent in Congress have been very rewarding and I shall never forget them.

In accepting the nomination for the State supreme court judgeship, I did so with mixed feelings and emotions, because it meant that 26 years of public service as a prosecuting attorney, State senator, and as a civil service commissioner, and for the past 16 years as a Congressman, will come to an end at the close of this session of Congress.

I shall never forget my friends and colleagues in Congress who have extended their kindness and consideration to me during those 16 years, and I am very grateful to all of you for participating in this tribute, particularly to Howard Robison who arranged for this special order, and for his kind words which are deeply appreciated.

Mr. FASCELL. Mr. Speaker, I would like to express a profound sense of sadness over the announced retirement of the Honorable Paul A. Fino, of the New York 24th District. Having served as a colleague of this remarkable man, for the past 14 years, I have come to know him well, and to admire him for his numerous abilities. Paul Fino is an outstanding Congressman in every respect, and his departure is indeed regrettable.

As a young man, Paul served for a time as assistant attorney general of the State of New York, later as State senator and as a member of the New York City Municipal Civil Service Commission. In every case he performed his duties with the greatest competence, and in 1952 was elected to the House. He has been reelected seven times, subsequently.

The reasons for the continuing success of Paul Fino are readily apparent. As a member of the Banking and Currency Committee, the Veterans' Affairs Committee, and the Joint Committee on Defense Production, he has revealed a knowledge of American life and the needs of the people to an extraordinary degree. His moderate, well-reasoned stand on all major issues has won him the respect of his colleagues in this Chamber and his constituents back home. He is an outstanding choice for elevation to the bench of the Supreme Court of the State of New York, and I take the greatest pleasure in commending him on his accomplishment in this regard.

I wish him every success in his new responsibilities.

Mr. DICKINSON. Mr. Speaker, Representative Paul Fino was elected to Congress in 1952. He brought with him a wealth of State and city legal experience. He had been a lawyer for 14 years, an assistant attorney general of New York, a member of the State senate, and had served on the municipal civil service commission.

He has used this knowledge and experience in the best interests of the country and his constituency in New York.

When he retires after this session of Congress, he takes up a position as a New York State Supreme Court judge. He can be counted on to bring to his new and responsible post his devotion to duty and his conscientious attention to public service.

Representative Fino is a courageous fighter for the causes in which he believes. Indicative of this spirit was his enthusiastic sponsorship of a national lottery. Although defeated in Congress, the idea of a national lottery as a means of reducing taxes was supported by almost two-thirds of the citizens of this country.

In the years to come, I am sure we will see the adoption of Paul Fino's legislation on this matter.

It takes a man like Congressman Fino to put words into action, and this he has consistently done.

We need more men like Paul Fino, who, instead of merely enunciating issues, attempt to give the country the answers to its problems.

I will miss my good friend, Paul Fino. He has been a constant source of help to me. I wish him many fruitful years as a supreme court judge of his great State.

Mr. DELANEY. Mr. Speaker, I am pleased to join with other Members in paying tribute to my distinguished colleague from New York, the Honorable Paul A. Fino.

While our political viewpoints differ, I must always yield to his sincerity of purpose. Paul argued the issues with great skill and effectiveness. He has been a worthy adversary, and is a gentleman to the core. For 16 years his Nation, his district, and his party have greatly benefited from his exemplary service in this Chamber, where he always worked in the highest traditions of the House.

I join his many friends in extending my best wishes for his continued success in public service as a judge of the New York Supreme Court.

Mr. REUSS. Mr. Speaker, I am sorry to learn that Paul Fino is planning to leave this House at the end of the current session. I wish him well in his new career on the New York State Supreme Court bench, but I must say that we will miss his keen mind at the Committee on Banking and Currency.

I have served with Paul on Banking and Currency since coming to Congress, and there are few men with as fine a grasp of the complex legislation that committee must deal with than him. His work on the Consumer Affairs and Housing Subcommittees has been of the very highest order.

But that is typical of Paul Fino, Mr. Speaker. He brings a deep sense of duty to everything he undertakes. It has been a privilege and a pleasure to serve with him.

Mr. HANLEY. Mr. Speaker, it is indeed with mixed emotions that I congratulate Paul Fino as he prepares to assume his new role as a New York State Supreme Court judge. I say this because of my high regard for him as a Member of Congress.

Initially, due to our mutual service on the House Veterans' Affairs Committee, I was privileged to enjoy a close-hand observation of Paul's outstanding capabilities, always discharging his responsibilities on that committee in a most exemplary manner. And I am certain that a similar observation is appropriate with respect to his activity as a member of the Banking and Currency Committee.

In my judgment, New York State is indeed fortunate in having the service and talent of Paul Fino exclusively. On the other hand, his absence from the Congress will indeed be most conspicuous. His service as a Member of this great body, working always in the best interests of all the people of our Nation, is indeed worthy of the commendation of all.

May his future abound with good health and happiness. I shall always derive great satisfaction in the knowledge of our friendship.

Mr. KLUCZYNSKI. Mr. Speaker, I am pleased to join my colleagues in expressing my regret at Representative Paul Fino's departure from the House and my congratulations upon his future service as a supreme court justice for the State of New York.

As a matter of fact, the judicial system of the State of New York seems to have a decided talent for selecting its judges from among the outstanding men the State sends to the Congress. Representative Paul Fino is certainly one of those outstanding men. He has contributed immeasurably to the work of the Congress in his 16 years here and we will miss him very much indeed.

Mr. HORTON. Mr. Speaker, when Paul Fino retires at the end of this month, I will be losing a good friend and colleague in the House of Representatives.

I am sure that I am joined by all the Members of the House in wishing Paul every happiness. He leaves behind him a commendable record of achievement in Congress as a champion of the American way of life both at home and abroad.

Because Paul has been a defender of our party, the Congress, and our free institutions, his ability and strength will be sorely missed by all the citizens of this Nation.

Paul was not obligated to sacrifice himself for others, but his record of service as a Congressman has shown he has done just that. Representative Fino is a dedicated public servant displaying the qualities of courage, honor, and strength of character. He has consistently espoused and supported good causes and firmly fought evil. These are the qualities of leadership that each strives for and few achieve in a lifetime.

Perhaps Paul Fino achieved his fine record of achievement in the American cause because he has never lost his sense of proportion nor sight of his goal. Instead, he has maintained a steady and constructive outlook on legislation that is crowned by the ability to remain calm under fire. These are notable achievements which will last him in good stead when he takes his new post of supreme court judge of New York State.

When Paul Fino, colleague and friend from the 24th District of New York, retires from the U.S. House of Representatives, he takes with him the respect, admiration, and best wishes of those with whom he has served in Congress.

I have benefited from his leadership and will miss him, but I do extend to him my every good wish in his new responsibility.

Mr. McDADE. Mr. Speaker, when I first came to the Congress of the United States in 1963, it was my privilege to serve on the Banking and Currency Committee with the gentleman from New York, Mr. Fino.

As a newly elected Member of this House, I took occasion to study closely the work of each member of that committee. I found in the gentleman from New York a colleague who was vitally interested in the great volume of legislation that came through that committee, particularly the legislation which directly concerned itself with the betterment of the lives of our citizens through such programs as housing and consumer protection.

From those first days until this one, the concern of my colleague from New York has never faltered. He has given the hundreds of thousands of people whom he represents distinctive representation here in Congress. In leaving us, my distinguished colleague aspires to the highest court in the State of New York. It is certainly my hope that he will be elected to that office. If he is elected, the people of New York will have an outstanding public servant who has spent many years in writing the law and who would certainly show distinction in administering the law from the bench.

I wish my colleague well. I have enjoyed these several years of friendship with him, and I hope he will always think of me as one who will always welcome him back on his visits to Washington in the future.

Mr. RAILSBACK. Mr. Speaker, I, too, would like to join with my colleagues in wishing the distinguished gentleman from New York, Paul Fino, the best of luck in his new position as a justice of the New York State Supreme Court. Although I have only known Paul for a little over a year and a half, I have come to know him as an energetic, conscientious, and one of the hardest working members of this House.

He is a devoted public servant and enjoys an impeccable reputation. It has certainly been a pleasure for me to have had the opportunity to serve with him in Congress. He will be missed in the next Congress.

Paul, you have my best wishes for a long and successful career on the bench.

Mr. CAHILL. Mr. Speaker, I am pleased, indeed, to join my colleagues in paying deserved tribute to Paul Fino of the State of New York as he leaves the legislative branch of the Government to become part of the judiciary in his native State of New York. Representative Paul Fino has been, during the 10 years that I have served in the House, a personal friend. A hard-working, knowledgeable member of the Banking and Currency Committee, Paul has, by his industry, application, and ability, been an outstanding Representative in every respect. The esteem in which he is held by the citizens of his State is evidenced by the fact that he received support of both political parties for the office of State supreme court judge. I know that Paul, who has an outstanding background in law and who has gained experience and knowledge in the legislative field, and of human beings and their needs and goals in the field of politics, will make an outstanding contribution to the judiciary of the State of New York.

Betty joins me in wishing him continued health and success in his new office.

Mrs. KELLY. Mr. Speaker, I should like to take this opportunity to pay tribute to my friend and colleague from New York, the Honorable Paul A. Fino, who will be leaving at the end of this Congress in order to become a member of the New York State Supreme Court.

Since his election to the House of Representatives in November of 1952, Paul has served with honor and distinction. As dean of the Republican delegation of the State of New York, he has been a conscientious and outstanding Member of the House. Prior to his 14 years of service as the Representative of the 24th Congressional District of New York, Paul ably served as assistant attorney general of New York State, a New York State senator, and as a member of the municipal civil service commission of the city of New York.

Although Paul served Bronx County and is a member of the Republican Party, and I have served Kings County and am a member of the Democratic Party, we have striven together to ameliorate the conditions in New York and to be of assistance to all people of New York.

Paul has served the city of New York, the State, and our Nation and its people with integrity and courage, and, as we leave the House together, I wish him every success and happiness and I join with our colleagues in being most confident that he will be an outstanding judge.

Mr. RHODES of Arizona. Mr. Speaker, I take real pleasure in this opportunity to express my great respect for Representative Paul Fino, and my genuine regret that we will not have him with us in the next Congress. Paul Fino and I entered the House of Representatives together in 1953, and during our association we have become close personal friends. Representative Fino has been an outstanding legislator, and I am sure his wisdom and his dedication to responsibility will make him a fine and discerning member of our judicial system.

Although I will greatly miss Paul Fino's presence in this body, I wish him every success and fulfillment as a judge of the New York State Supreme Court when he assumes that office in January.

Mr. ROONEY of New York. Mr. Speaker, for 15 years the Honorable Paul A. Fino has represented the people of the 24th Congressional District of New York, and represented them well. We regret he is leaving this body to assume a seat on the New York State Supreme Court bench. Although obviously we did not always agree on many controversial issues, I have always had the highest regard for Paul's dedication and devotion to hard work. He is a fighter—a tough, hard, conscientious fighter—a man to be admired. Paul has always been devoted to the law and indeed it has been that devotion that led him into public service, to the State capital in Albany, and finally here to the House of Representatives. It is fitting then that he returns to his first love—the law—and takes with him the skills that have made him a valuable Member of this body. I am sure that he will be one of New York's outstanding jurists in the years to come and I wish him every personal and professional success.

Mr. DORN. Mr. Speaker, congratulations are in order for one of our Members, Congressman Paul A. Fino, of the 24th Congressional District of New York. Our colleague, after faithfully serving in this House for 16 years, has been appointed to the Supreme Court of New York and will no longer be a Member of this body.

Congressman Fino, who has been an associate of mine on the Veterans' Affairs Committee, is one of the great Americans of this era. His outstanding concern for the veterans of this nation as evidenced by his voting record over the years has been an asset to welfare of those men who have served this nation in time of conflict.

Congressman Fino has been one of the hardest working Congressmen in Congress, unequivocably devoted to the cause of democracy and justice. He has served this country with distinction. He is a statesman of great stature.

It has been my privilege to serve with Congressman Fino and we will miss his wisdom and advice in the years to come.

Mr. McCORMACK. Mr. Speaker, I am very happy to join with my other colleagues in expressing my admiration and deep respect for our friend and colleague, Hon. Paul A. Fino, of New York, who is voluntarily retiring from the National House of Representatives, as he is a candidate for the New York Supreme Court.

In connection with his candidacy for the Supreme Court of New York, the deep respect in which Paul Fino is held is evidenced by the fact that he has received the endorsement of all political parties.

During the years Paul Fino has been a Member of the House of Representatives, he has served the people of his district, his State, and our country, with ability, independence, and courage. During the years that we have served together, there has developed between us a profound friendship which I value very much, and shall always treasure.

Paul Fino has made his contributions to the history of the National House of Representatives. He leaves us in voluntary retirement with the knowledge that he earned and enjoys the respect of his colleagues, not only as an individual, but as a legislator. In connection with discharging his judicial duties as a member of the New York Supreme Court, his years of service in the House will be of valuable assistance to him. By experience and temperament he is eminently qualified to fill the important judicial position as a member of the New York Supreme Court. I know he will fulfill his duties on the bench in an understanding and judicial manner.

Again, I extend to Paul Fino my deep feelings of respect and friendship, and my very best wishes for many years of happiness and success.

GENERAL LEAVE TO EXTEND

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this special order.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO THE HONORABLE THEODORE R. KUPFERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [*Mr. Pirnie*] *is recognized* for 30 minutes.

Mr. PIRNIE. Mr. Speaker, it was with great regret that we learned early this year that our good friend and able colleague, Theodore R. Kupferman of the 17th District of New York had determined not to seek reelection.

In February of 1966, Ted won his seat in the 89th Congress to fill the unexpired term of John V. Lindsay who had been chosen as mayor of the city of New York. He entered immediately into the activities of the House and soon became a *very articulate advocate of the causes* he espoused.

His work reflected his excellent grounding in the law and his deep concern for social problems. The people of his district soon realized they had a hardworking, resourceful Representative. With a cheerful and enthusiastic approach, he ascertained their needs and pushed for solutions. They expressed their confidence by reelecting Ted to the 90th Congress during which he has continued his distinguished service.

A glimpse of Ted's background in the law suggests that the decision to return to the practice might be prompted by his devotion to his profession and his position of leadership in this field. He has held many high posts in bar associations at all levels. Ted's scholarship in the law has been superbly demonstrated by writings and talks on varied legal subjects. So we conclude that in parting with his valued service in the Congress, we are restoring a very able leader to the metropolitan community and all of us in this body extend our very best wishes to Ted and his family, confident that years of success and happiness lie ahead.

Mr. HALPERN. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Speaker, few men have endeared themselves with their colleagues in so short a tenure as has our retiring friend, Ted Kupferman. His unique grasp of legislative responsibility is truly remarkable, and his ability to cope so intelligently with the staggering issues that comes before the Congress is outstanding. And there is a lot more to Ted Kupferman, he has a rare warmth, a natural pleasantness, and a basic genuiness.

Ted Kupferman has served his district in this House with great distinction. Before he came here, as a brilliant successor to the seat previously held by John V. Lindsay and to great traditions of the 17th Congressional District, Ted was one of the New York City Council's most productive members.

If ever a man has lived up to the ideals of a namesake, it's been Ted Kupferman. For he was most appropriately named after Theodore Roosevelt. The indomitable spirit, the agile mind, the vigor, the progressiveness, the innate ability most aptly befits Theodore Roosevelt Kupferman.

The City College of New York, and later Columbia Law School, were Ted's alma maters and from what I learn from some of his classmates, they all benefited from the creativity of the Ted Kupferman mind.

And this individualistic legal talent of Ted's has left its mark elsewhere: Ted's initials—T. R. K.—became as familiar around the hallowed halls of 30 Rockefeller Plaza as another set of initials that grace that edifice: NBC, for Ted left a lasting and indelible mark upon that successful organization as one of its outstanding legal minds.

But Ted Kupferman has also been a multidimensional man, and perhaps one of his crowning achievements prior to joining us in the House, was to contribute some of his vast practical-imaginative *qualities to the success of a multidimensional* art form, Cinerama, when he was vice president of that firm.

Throughout all of these remarkable endeavors, though, Ted has remained a most modest man. He has served as a deacon of the Madison Avenue Presbyterian Church and has also exercised a positive and beneficial influence upon the Young Men's Christian Association. I am amazed at the number of other good causes with which he is actively identified.

We could go and on in talking about Ted's great qualities. But his greatest achievement was the winning of the hand in marriage of one of the most charming young ladies I have ever had the pleasure of meeting, the former Dorothee Hering, a former airline stewardess whom Ted met on a flight between New York and Miami. And this beautiful marriage has remained on a high plane.

Ted Kupferman is still a young man, and there are many years ahead during which we can be assured that his great talents can be applied to the public good.

Whatever pursuit Ted Kupferman elects he will execute with grace, dignity, charm, warmth, and brilliance. And so, Mr. Speaker, I add my voice to the chorus of colleagues who say to the Kupfermans—Ted, Dorothee, Ted, Jr., and Stephanie, good luck and Godspeed.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am happy to yield to my colleague from New York.

Mr. CONABLE. I should like to join my distinguished colleague in expressing the regret many of us feel at the departure of Ted Kupferman from these Halls.

Ted is a man whose predecessor we knew. He succeeded the Honorable John Lindsay, now the mayor of the city of New York, a man who had built up a tremendous reputation in the Congress for his independence and integrity of thought.

Ted Kupferman therefore started under the shadow of a great predecessor, but Ted emerged into the light himself, in his own right, as a thoughtful legislator, as a cheerful man who is extremely well liked by his colleagues, as a man who always has a contribution to make, whatever the issue may be.

Ted Kupferman will be missed here as much because of the loss of his viewpoint in the group as for his very well admired *personality.*

We regret that private life has called him away.

I must say, I expect Ted is the kind of man who will never truly retire from public life and that we will see him time and again in positions of trust in the *life of the great city in which he lives.*

I wish him well in his private law practice, knowing that wherever Ted Kupferman goes he is going to be a success and is going to be in a circle of admiring friends.

Mr. PIRNIE. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I should like to join my good friend and colleague from New York in saying we *are sorry Ted Kupferman is leaving the* Congress. I have enjoyed my association with Congressman Kupferman.

He certainly had some tremendous shoes to fill when he came to the House of Representatives. I must say my respect for his intelligence and perspicacity went up several degrees every time he decided to vote with those of us on this side of the aisle in a majority on a particular issue.

I very much appreciate the independence with which Representative KUPFERMAN approached every public issue that came before this body.

I thank my colleague from New York for yielding to me.

Mr. PIRNIE. I thank my colleague for his contribution.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am happy to yield to the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to join with my colleagues in paying tribute to TED KUPFERMAN for the service he has rendered to the people and the Congress. I came to the Congress at the same time as TED as a freshman, and we are both finishing our freshman year. I think it is a loss to the people of this country as well as the people of New York that he will not be returning to Congress because of his own decision to go back to private life. I know TED will always be concerned about the people about him in private life and will participate in public endeavors. He will always help to benefit the people of the community. It has indeed been a pleasure to serve with him. I value his friendship and thoughts and regret only that I cannot look forward to being with him in this next year.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. PIRNIE. I am glad to yield to the gentleman.

Mr. ROBISON. Mr. Speaker, I appreciate the gentleman's yielding to me, and I should like to join with him in paying tribute to our friend and colleague, TED KUPFERMAN, as he prepares to retire from this body.

TED KUPFERMAN has not been with us long, this being only his second term, but we have all been impressed by his devotion to his job, his outstanding capabilities as a legislator, and his friendly, outgoing personality.

Others have already touched upon some of the biographical details that help us to understand why TED KUPFERMAN was such a good legislator. Some of them bear repeating—such as TED's being a Phi Beta Kappa at City College, in New York, a Kent Scholar and editor of the Law Review at Columbia Law School, his year of service as law secretary to the Honorable David W. Peck, formerly presiding judge of the appellate division of New York's Supreme Court, and TED's interest in and extensive knowledge of patent and copyright law.

But the thing I suspect I shall remember best about TED is his constant cheerfulness—that made meeting him like meeting a ray of sunshine on a dark day—and his willingness to cooperate with others, on his committees or in connection with the work of this House here in this Chamber. He took certain stands on certain issues, from time to time, that he knew would not enhance his popularity with some of his colleagues, but he did so because he believed he should always stand for, and speak for, what he believed to be right; and in doing so, of course, he gave honor to that great Republican for whom he was named—Theodore Roosevelt.

Yes, Mr. Speaker, this House is the better for having had a man like TED KUPFERMAN serve in it, even if but for a brief time, and we say "goodby" to him regretfully but with assurance that he will be successful at whatever tasks he may now take up.

Mr. GERALD R. FORD. Mr. Speaker, we are losing one of our most colorful Members in the retirement of THEODORE KUPFERMAN, Republican of New York, after just two terms in the House.

Mr. Speaker, TED KUPFERMAN is a rare individual—an intellectual who not only feels with the heart of the people but speaks their language.

Like his namesake, THEODORE ROOSEVELT KUPFERMAN has been a crusader for causes close to the people.

With a flair for the dramatic, TED once donned a Pony Express rider's garb and rode through the streets of New York City with a mail pouch to make the point that he could deliver the mail faster on horseback than New Yorkers are receiving it today.

On another occasion, TED took noise-level readings on the streets in his district in a crusade against nuisance noise. To improve the quality of American life, TED proposed establishment of a noise control office operating under the Surgeon General.

TED also has been deeply concerned about the tax treatment of single persons and the elderly. He has been a strong advocate of tax reform.

Further demonstrating his concern for equity, TED has acted as a substitute Congressman for Adam Clayton Powell so that the people of Harlem could receive congressional service.

Mr. Speaker, the House is losing a brilliant intellect and a worthy public servant in the retirement of TED KUPFERMAN. May he prosper in his private pursuits.

Mr. TAFT. Mr. Speaker, another loss to the State of New York is the retirement of TED KUPFERMAN. He has been an earnest Member of Congress and one who can be depended upon to give a just and thoughtful rendition to legislation in the committee on which he serves. He also gives considerate judgment to the bills presented for a vote on the floor of the House. It has been a pleasure to serve with him in the Congress.

Mr. TENZER. Mr. Speaker, I want to add my voice to the many in Washington who will miss TED KUPFERMAN in the next Congress. He has been a progressive, effective spokesman for his district and an outstanding Member of Congress.

I speak to my colleagues today as a Member who has seen TED KUPFERMAN many a night, sitting at his desk with shirt sleeves rolled up, pouring over papers and requests from his constituents. Since TED announced that he would not seek another term in the House, his work habits have not changed a bit. He still works long and hard to provide the best representation for his constituents. I am sure the people of the 17th District, New York, will sorely miss this fine legislator next year and I know that the Nation will miss his voice in these challenging times ahead.

We have shared many interests in the Congress, including aircraft noise abatement legislation and conservation programs to preserve outdoor recreation areas and open spaces for the people of our metropolitan areas. TED and I are next door neighbors in the Longworth House Office Building and it has been a privilege to chat in the evenings, exchanging ideas on the issues which come before the House.

I know that TED will remain an active community leader and a voice of progress in his party, for the good of the Nation. I join with my colleagues in wishing him the best of luck and happiness in the years ahead.

Mr. McCLORY. Mr. Speaker, the stay of TED KUPFERMAN in the Congress has been much too short. Notwithstanding the brevity of his tenure, Congressman KUPFERMAN has displayed the ability and dedication which characterizes his makeup. Congressman KUPFERMAN has impressed me and his other colleagues with his adherence to the noble principles of statesmanship which have motivated his public service.

Congressman KUPFERMAN "filled the large shoes" of Mayor John Lindsay—former Congressman of the 17th District of New York. In fulfilling this role, he has brought honor and distinction to his district and to the U.S. Congress. I extend my warm felicitations to TED KUPFERMAN and his family and add my good wishes for his long and successful career in public and private life.

Mr. CORMAN. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to TED KUPFERMAN, who will be retiring from the Congress at the end of this year.

Although Congressman KUPFERMAN has been in the House only a short time, he has been an outstanding Congressman, serving his district and the Nation with distinction. He has won the respect and admiration of Members on both sides of the aisle and we shall miss him. Indeed, it has been a privilege to know him.

As TED returns to private law practice next year, he carries with him my best wishes for a successful career and a good life.

Mr. FALLON. Mr. Speaker, although he did not remain in Congress as long as he might have, Representative KUPFERMAN has won the respect and admiration of a great many of his colleagues.

His attention to detail and his agile mind have made him an important and highly regarded member of the Veterans' Affairs Committee and the Interior and Insular Affairs Committee.

He has always met his obligations in a friendly businesslike manner, and he has never done less than was expected of him.

Representative KUPFERMAN has realized that without cooperation among

Members on both sides of the aisle, there can be no legislative progress. It was this spirit of cooperation that made him such an effective legislator.

I express my warmest regards to him and to his lovely family. I am sure that he has many wonderful years of productive retirement ahead.

Mr. FARBSTEIN. Mr. Speaker, I note with regret the retirement of my colleague and neighbor, Congressman Ted Kupferman of the 17th District of New York.

Congressman Kupferman followed in the illustrious heels of John Lindsay, who is now the mayor of the city of New York and he has represented his constituents with no less distinction.

Quiet and conscientious, Ted Kupferman has been admired by us all in his efforts here. He has served but two terms, but he has acquitted himself like a veteran.

He has given countless hours of his time and energies to his community and has had the support and devotion of his constituency.

It has been my privilege to serve with him in this body as a fellow Representative of our great city and State.

I regret that he has seen fit to retire while he is at the pinnacle of his career, but I respect his decision and I wish him well in his return to private life.

Mr. ADDABBO. Mr. Speaker, it is a pleasure to join with my colleagues in bidding farewell to Ted Kupferman. Ted has been with us only a short time, but he has made a lasting record of service to his constituents, the city and State of New York, and the Nation. We know that he has legitimate reasons for leaving public service, but he will be sorely missed.

I join in wishing Ted Kupferman good health, happiness, and success in his every endeavor.

Mr. DEL CLAWSON. Mr. Speaker, the news that Ted Kupferman will no longer continue his able representation of the 17th District of New York is disappointing to many of us who have learned to value his objective approach to the business of this House. Although we have not always viewed issues in the same way, I have nonetheless always admired the strength of his convictions and the agile intellect apparent in his presentation of his viewpoint. I join with the many friends who reluctantly accept his decision and wish him every success.

Mr. DON H. CLAUSEN. Mr. Speaker, our colleague from Manhattan, the gentleman from New York [Mr. Kupferman] has decided to leave the Halls of Congress at the end of this present session. I regret that he has made this choice, but the choice is his in his best judgment, of course, and we can only express our regret at his loss of service to the Nation.

The gentleman from New York, Congressman Ted Kupferman, has sought our counsel and we have sought his. His ability, candor, and analytical mind have made him a valued counselor to many, and his departure after serving only one term in the Congress causes me to visualize a meteor that flashes across the sky then is gone.

The gentleman from New York, despite lack of seniority, provided leadership in the field of conservation, and served on the conference committee which drafted the Redwood National Park bill. His openness in working with me, as the Representative from the redwood country, was most gratifying to me, and I want to thank him publicly for it.

We had the opportunity again, through my own presidency of the Congressional Flying Club, to consort on the important program to stimulate aviation education in our schools throughout the Nation and to educate our colleagues to the importance of aviation in America and the world. His assistance in this area has been most helpful.

Also, during his term in the Congress, Mr. Kupferman has become the recognized expert in the field of noise abatement. We enjoyed the benefit of his expertise when he served as a panel member during the International Exposition of Flight held in Las Vegas, Nev., last year. Although he is leaving the Congress it is my sincere hope that Ted Kupferman will continue his studies and research in this very important field and, from time to time, make himself available for the congressional hearings of the future that I believe will inevitably be forthcoming. We who have served with Ted in the Congress have recognized him as the "champion" of the fight to control noise pollution in the metropolitan areas of the Nation.

Mr. FEIGHAN. Mr. Speaker, although our colleague, Ted Kupferman, has served in the House of Representatives a little less than 3 years, I have become quite well acquainted with him and have admired him for his ability and integrity. That Ted has decided to leave this body and return to his law practice in New York, many of us regret. He has been an able Representative, and I join with my colleagues in wishing him good health, and good fortune.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased and honored to join today in expressing my appreciation and my best wishes to a good friend and colleague, Ted Kupferman. Ted was elected to the House in February 1966, and has served since then with a record of distinguished and dedicated service.

He has been a hard-working legislator in the years I have known him, and I was privileged to be associated with him in a number of important projects such as calling for a full congressional investigation of the Selective Service System for its reform, and urging that the United States take the initiative in bringing the problem of South Africa before the U.N. General Assembly. He has been a conscientious member of the Interior and Insular Affairs Committee, acting to preserve and improve the natural wealth of our country and the welfare of its environs, and as a member of the Veterans' Affairs Committee, has kept the welfare of our Nation's veterans uppermost in mind and deed.

Coming to the House with a fine educational background and notable experience in the legal profession and public service, Ted has filled his seat in the House with distinction and has won the deep friendship and long-lasting respect of his colleagues.

As the 90th Congress comes to a close, Ted will be returning to private law practice in his home State of New York. He will be sorely missed in his retirement from the House, but I know he will continue his work in the field of law with the same dedication, ability and enthusiasm that he brought to the Congress. He has the best wishes of us all, I am sure, for a happy and successful future.

Mr. RYAN. Mr. Speaker, I want to join in paying tribute to our esteemed colleague, Theodore Kupferman, who represents the 17th Congressional District of New York, otherwise known as the silk stocking district. Although he is a Republican and hails from the East Side of Manhattan, which is across Central Park from the West Side of Manhattan, the exciting area I am privileged to serve, I have always found that our political differences dissolve in the crucible of friendship. I had valued his friendship for many years before he decided to run for Congress, and I am truly sorry that he has made the decision which will take him from us.

Ted Kupferman has been a diligent legislator both in the House of Representatives and in the New York City Council where he succeeded the late Stanley M. Isaacs, a highly regarded and admired New York City leader whose legislative aide Ted Kupferman had been. The knowledge and experience which he gained through his association with Stanley Isaacs has stood him in good stead both on the New York City Council and in Congress. Although his service to this body has been brief, he has earned the respect of his colleagues on both sides of the aisle, having been a hard-working, contributing member of the Committee on Interior and Insular Affairs and the Committee on Veterans' Affairs. Among the legislative issues in which he has been actively involved is the question of noise abatement—one of the environmental hazards to which insufficient public attention has been paid. Ted Kupferman has tried to arouse the public to this increasing menace and has introduced legislative proposals in an effort to alleviate it.

Ted Kupferman intends to return to the full-time practice of law—a profession in which he has already made his reputation, particularly in the field of copyright law. He is a graduate of the City College of New York and of Columbia Law School. He was an editor of the Columbia Law Review and before his admission to the bar was cited by the U.S. Supreme Court as a "qualified commentator" in the copyright field. In addition to practicing law, he taught at New York Law School and also served as president of the Federal Bar Association, New York, New Jersey, and Connecticut. Thus, he leaves us for his chosen field of work, where I have no doubt he will continue to expand the frontiers of legal knowledge.

It is fitting that we pay this tribute today to a dedicated public servant, and I wish Ted Kupferman the very best for the future.

Mr. STEIGER of Wisconsin. Mr. Speaker, I regret this occasion. However much we are going to miss TED KUPFERMAN, and we will miss him indeed as a friend and distinguished colleague, there are thousands of residents of New York City who will miss him even more because of his unique dedication and the representation he has so willingly afforded them since February 1966.

In 1966 TED KUPFERMAN waged two general election campaigns in order to achieve and hold his 17th District seat as the successor to John V. Lindsay. He successfully met both elections in the face of major competition including the editorial page of the New York Times.

In 1967, following the exclusion of Mr. Powell, TED KUPFERMAN generously took it upon himself to offer representation to the people of the 18th District in addition to his own. For this reason particularly, undertaking to handle the problems of one of the most diversified urban areas of this country—from the depths of Greenwich Village to the northern blocks of Harlem—we are losing a man who has come to know the problems of urban America as few men do.

His community awareness and consistent service are matched by an engaging spirit and droll sense of humor that will continue to serve him well in his chosen work in the practice of law.

You are a good man, THEODORE ROOSEVELT KUPFERMAN. I regret your decision not to seek reelection, but I wish you all good things, for they are richly deserved.

Mr. WYDLER. Mr. Speaker, if some men are destined to burn bright and long like a star in the congressional heavens, my friend and colleague, TED KUPFERMAN, has had the career of a comet. Although his time in the House has been short, his presence has been seen and felt by us all. He is a man of deep conviction and his presence in the House has made it a better place. I will miss him and look forward to seeing him and knowing him in the years ahead.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to join with the many Members of this House giving honor to THEODORE KUPFERMAN. He is a man of integrity and vision, and we are sorry to see TED KUPFERMAN leave the House.

As a Representative from New York City, TED KUPFERMAN has given excellent service both to his constituents and to the people of the United States. In Congress he has served well on two committees: Interior and Insular Affairs and the Committee on Veterans' Affairs.

TED KUPFERMAN. is a progressive and imaginative Republican. He is frequently in the lead on new legislative proposals. Besides representing his own district, TED has spoken eloquently on behalf of the residents of Harlem who have been without a voice during this session.

We will miss our colleague from New York City. His wit and keen sense of humor have brightened many legislative debates. On the occasion of his return to the private practice of law, I want to add my very best wishes for his continued success.

Mr. BINGHAM. Mr. Speaker, I am happy to join with my colleagues on both sides of the aisle in expressing our high regard for the gentleman from New York [Mr. KUPFERMAN] and our regrets that he is not seeking re-election.

Before he came to the Congress I had known TED KUPFERMAN for many years as a public spirited citizen of liberal persuasion, who is active in many good causes. He has carried on this tradition in his service in the House and has demonstrated a commendable independence on many issues.

I served with him with pleasure on the Interior and Insular Affairs Committee and he has been a valuable and articulate member of that committee. His efforts in the direction of controlling the noise menace in our great cities have also been outstanding.

We wish him well in whatever he undertakes to do in the future.

Mr. REID of New York. Mr. Speaker, TED KUPFERMAN will be deeply missed by his colleagues and many friends. He has represented the 17th Congressional District of New York and the Nation with imagination, energy, and effectiveness.

His work on the Interior Committee has resulted in the approval of a Redwood National Park and other important conservation measures.

TED has been in the forefront of the fight for the cities and for implementation of the Riot Commission report. His efforts toward the enactment of programs for jobs, education, and housing have been forthright and of value to the Nation.

In addition, he has missed few opportunities to remind the House of Theodore Roosevelt and of the progressive leadership he represented as President and as a citizen.

Mr. REUSS. Mr. Speaker, I would like to join my colleagues in expressing regret at TED KUPFERMAN's approaching retirement from Congress. The compassion, imagination, and energy he displayed during his relatively brief service in this House will be much missed. I regret that we will not have the benefit of his diligence and ability brought to bear on the many complex issues with which this House will have to deal in future days. We will miss him, as will his constituents, whom he served so well.

The best of luck in your future career, TED.

Mr. DELANEY. Mr. Speaker, I am glad to join my colleagues today in paying tribute to the gentleman from New York, the Honorable THEODORE R. KUPFERMAN.

Although TED has served in this body only 3 years, his outstanding legal ability and quick grasp of the legislative process gained him the sincere respect and admiration of his colleagues. While we sat on different sides of the aisle, I found TED to be an effective proponent of his party's philosophy who argued the issues with great intelligence and clarity. In his short tenure in this body he has rendered invaluable service to his district, his State, and his Nation.

I join his many friends in wishing him every success in his future endeavors.

Mr. DICKINSON. Mr. Speaker, I take a great deal of pleasure today in paying tribute to an excellent legislator and a conscientious public servant, Representative THEODORE KUPFERMAN.

He is retiring from Congress at the end of this session to return to private law practice in New York.

His performance as a member of the Interior and Insular Affairs Committee and the Veterans' Committee has been exemplary.

It has been said that the only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions.

The gentleman from New York has these qualities in abundance and he will be remembered as a strong Member of this House.

One who was always willing to tackle any task, no matter how difficult, and carry it to a successful conclusion; one whose friendly nature and kind actions never got in the way of keeping his shoulder to the wheel when work had to be done—he will be greatly missed.

Congressman KUPFERMAN has used his legal knowledge and his understanding of the problems of our time to make this country a better place in which to live.

He is a dedicated American, and, although he did not remain with us long, his accomplishments have been important ones.

I feel a pervading sense of loss about his retirement, but he is still a young man who has much more to contribute to his profession and to his country. I wish him all possible future success.

Mr. FASCELL. Mr. Speaker, I would like at this time to express my high regard for the Honorable THEODORE R. KUPFERMAN of the New York 17th District, who is retiring at the close of the current session to return to his Manhattan law practice. He has only been among us for a short time, but during that period he has clearly established himself as an outstanding Congressman, and I am sincerely sorry to see him go.

As a member of the Committee on Veterans' Affairs and the Committee on Interior and Insular Affairs, he has fully demonstrated his knowledge of the law, on the one hand, and deep concern for human rights and human dignity on the other.

During his brief tenure in the Congress, he has voted for antipoverty measures and supported civil rights, in keeping with his sympathy for underprivileged people everywhere. He has endeavored to improve the living conditions of all Americans, regardless of economic standing, by sponsoring legislation providing for a scenic rivers system, and advocating policies looking to the reduction of noise in our burgeoning metropolitan areas. In addition, he has taken the lead in urging better care and treatment of veterans afflicted with alcoholism.

The life of TED KUPFERMAN has been marked by success all along the way, and I hope and trust the trend shall continue unabated. His outstanding ability is matched only by his sense of responsibility to his country and his family.

As a man of law and a man of conscience, he was welcome here in Congress.

I wish him well in all future endeavors, in the knowledge that he is, indeed, a credit to the country and the district he has represented so well in this Chamber.

Mr. **FINO**. Mr. Speaker, I wish to join my colleagues today in paying tribute to a good friend and fellow Republican from the State of New York, the Honorable Theodore Kupferman. As you all know, Ted is resigning from the House of Representatives to return to his private law practice in New York City.

Since the 89th Congress Ted has served his district, his State, and his country well. I know he has been a great asset to the Interior and Insular Affairs Committee and I am proud to have served with him on the House Veterans' Affairs Committee.

I know the absence of this able legislator will be felt by all and I would like to extend to my dear friend and colleague my best wishes for health and happiness in all future endeavors.

Mr. **KLUCZYNSKI**. Mr. Speaker, when people wish to write critically about the Congress, they frequently say that no Member, once elected, ever leaves voluntarily. Every now and then, however, a Member comes along who proves that the statement is not true. It has seemed to me that those Members who have left voluntarily have usually been Members of quality we could ill afford to lose, and that is particularly true of Ted Kupferman.

Even though he has served on the other side of the aisle, all of us have appreciated his distinguished legal ability and the conscientious dedication he has given to the best interests of both his own State and national policies.

Mr. **HORTON**. Mr. Speaker, I am truly sorry that my good friend and colleague from the New York delegation, Ted Kupferman, will be leaving the House to return to private law practice in New York.

Ted Kupferman made his mark in law practice as a leader in the field of copyright law. His service in Congress, like his reputation in the field of law, has been one of expanding the frontiers of knowledge.

Ted Kupferman leaves the House of Representatives as a Congressman who has an expertise in urban affairs to be admired. This expertise was gained from hard work, dedication, and a generous application to every task both large and small.

I have worked closely with Ted in Congress and I admire his unique ability to get down to the crucial aspects of any problem. This talent has served him well as a member of the House Veterans' Affairs Committee and the Interior and Insular Affairs Committee. This ability to distinguish the important from the unimportant is the characteristic which I feel has made Ted Kupferman a leader of note in the House of Representatives and a colleague with whom it is a pleasure to work.

Ted's sage advice and able support will be missed by all of us who share his deep conviction for urban affairs and urban problems. His droll sense of humor and his generosity in representing the 17th District and 18th District of New York have won Ted the deep friendship and lasting respect of his colleagues.

When he returns to private law practice in New York, I am sure Ted Kupferman will continue to use his energies and abilities to further the prosperity of the country, just as he did in Congress. New York City is assured of a fine lawyer, the Nation of an outstanding citizen.

To an able, hard-working and dedicated Representative from the 17th District of New York, I wish every success. Thank you for a job well done.

Mr. **RAILSBACK**. Mr. Speaker, it is a pleasure to join with my colleagues in paying tribute to my good friend, Ted Kupferman. As a freshman Member of this body, Ted was a great help to me and many others who arrived here in January of 1967 to begin serving in the Congress. I have admired his integrity, dedication, and responsiveness to his constituents. He has been an able and distinguished successor to John V. Lindsay, now the mayor of New York City, whom he followed.

I know that he will be missed in future Congresses. He has contributed so much in the short time that he has been here.

I would like to take this opportunity to wish him the best of luck in his return to his law practice.

Mr. **McDADE**. Mr. Speaker, 2 years ago when the distinguished gentleman from New York chose to run for the office of mayor of that city, all of us looked upon his passing from the House of Representatives with immense regret. We did not know then that another fine and distinguished New Yorker would come to take his place. But, indeed, that did come to pass.

My colleague from New York [Mr. Kupferman] has served in this House for only 2 years. In those 2 years, however, he has made his presence known as a distinguished Member of this body, an outstanding gentleman, and an excellent legislator who gave worthy representation to the people who elected him to the Congress. I know the immense regret with which all of my colleagues will view the departure of the gentleman from New York from the House of Representatives.

He is, I believe, the very model of what an excellent legislator should be. I wish him well as he departs from us. I know he will have a life filled with success and, certainly, a life filled with happiness in the bosom of his family.

Mr. **CAHILL**. Mr. Speaker, I am pleased, indeed, in joining my colleagues in paying tribute to Ted Kupferman, a Representative of the 17th District of New York, as he leaves us to return to an active life in the law profession in the State of New York. Ted Kupferman succeeded John Lindsay in the House of Representatives and brought to the Congress the same intense interest, industrious application, and dedicated service as his predecessor. Ted's separation from us will be a loss, not only to his many friends in the House, but to the Nation. While Ted has only been with us for two terms, he has demonstrated the individuality, the courage of conviction, and the love of fellow man which has made him a truly great Representative of his district and State. All of us wish him well as he resumes the practice of law in the city of New York. Hopefully Ted will once again, in the not too distant future, permit his talents to be utilized for the public good in some office in the State or Federal Government. I am certain that all of us will hear more of Ted Kupferman in the years ahead.

He has my best wishes for continued success and happiness.

Mr. **ARENDS**. Mr. Speaker, "He's a gentleman and a scholar" is a highly complimentary descriptive phrase. But it has been so overworked and so loosely used that it has almost lost its meaningful application.

But when you speak of our colleague, Ted Kupferman, as being "a gentleman and a scholar" you are using the words in their purest and truest sense. For to me, and I am sure to every one of us who has worked with him, Ted Kupferman is indeed a gentleman, in the fullest and truest sense of the term. And he is indeed a scholar.

From his college days, when he was awarded a Phi Beta Kappa key and when he graduated from Columbia University Law School as editor of the Law Review, to this very day, our distinguished colleague has been identified with scholarship. I do not propose to detail the positions he has held by virtue of his legal scholarship.

There were occasions when Ted Kupferman and I did not agree on some legislative issue. But he would take the time to explain exactly why he arrived at a different conclusion than I sought to advance. He did not disagree simply to disagree. Indeed, he might even suggest some facts you yourself had overlooked on your side of the argument.

Ted has served in the Congress only 3 years. As a relatively new Member he has made his mark on all of us by the pure force of his intellect and the persuasiveness of his personality.

I consider Ted Kupferman to be one of the most likable men with whom I have ever been associated. I shall miss him. I most sincerely wish him every success and every joy in whatever he undertakes.

Mr. **RHODES** of Arizona. Mr. Speaker, on the eve of Representative Theodore R. Kupferman's retirement from Congress, it is fitting to pay him a well-deserved tribute for the contributions he has made to our society, during the period he was a Member of the House of Representatives. I learned to know Ted Kupferman well, and liked him very much as a personal friend and a fellow colleague of real ability.

We will sorely miss his presence in the next Congress, but I know he will continue to be active in public affairs, and I wish him every success in the future.

Mr. **ROONEY** of New York. Mr. Speaker, I am pleased to join with my colleagues in wishing the Honorable Theodore R. Kupferman success as he returns to private law practice in New York City. Although his time here has been relatively brief he has demonstrated a certain elan and determination that will stand him in good stead in the coming years. I wish Ted the best of everything.

Mr. **DORN**. Mr. Speaker, it is with regret that I have learned of the resignation of my good friend and coworker on the Veterans' Affairs Committee, Congressman Theodore R. Kupferman, of New York. Congressman Kupferman has been a Member of this body for only two terms, but in this short time we have learned to respect and appreciate his hard work and efforts in behalf of this Nation's veterans.

Congressman Kupferman has faithfully devoted his time and energies to the best interest of this Nation. He has loyally served his constituents in the 17th District of New York. Congressman Kupferman possesses those qualities which best describe a devoted and patriotic American.

We will miss Congressman Kupferman here on the floor of the House, as well as in our committee. I extend my best wishes to him in his new undertakings.

Mr. BURTON of California. Mr. Speaker, it has been my privilege to serve with Ted Kupferman as a member of the House Interior and Insular Affairs Committee and I have been impressed with his dedication, intelligence, and integrity.

He and his charming wife, Dorothee, will be missed and I wish them continued well-being and success in the future.

Mr. WHALEN. Mr. Speaker, the dedicated representative of New York City's "silk stocking" district, the Honorable Theodore R. Kupferman, will retire from the House of Representatives at the end of the 90th Congress.

It has been a privilege to have been his colleague and to have worked with him in so many common endeavors. In addition to being a man of great learning and wit, Ted Kupferman was one of the hardest working Members of the House. He was a worthy successor to the man who now is New York City's mayor, the Honorable John V. Lindsay.

I would like to take this opportunity, Mr. Speaker, to commend him for his service as a Member of Congress and to extend my best wishes to him in his future endeavors.

GENERAL LEAVE TO EXTEND

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with reference to the service of our friend from the 17th Congressional District of New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRESSMAN SCHWENGEL ASKS RESIGNATION OF SECRETARY OF TRANSPORTATION ALAN S. BOYD

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. Schwengel] is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, today I have written Mr. Alan S. Boyd, Secretary of the Department of Transportation and asked him to resign. Mr. Speaker, I think it would be in the public interest for this man to step aside so the objectives of the very much needed Department of Transportation can be more fully and adequately met. I have written Mr. Boyd a letter in which I set out some of the more important reasons why I think he should resign. So the Members may have information with the hope they will give serious thought to the problems that have been presented by the lack of leadership in this Department I herewith submit my letter to the Secretary.

Congress of the United States,
House of Representatives,
Washington, D.C., October 1, 1968.

Hon. Alan S. Boyd,
Secretary, Department of Transportation,
Washington, D.C.

Dear Mr. Secretary: I am writing this letter under the pressure of frustration and the feeling that you and your Department have failed to recognize the importance of a Congressman who is dedicated to serve the public interest and vitally interested in an adequate road system with the highest degree of safety. It is also my conviction that you have not served and developed the office of Secretary of the Department of Transportation as it should have been developed.

It is hardly necessary to mention that I am disappointed that even after four telephone calls to your office and a promise you would answer my letter of August 12, I still do not have an acknowledgment and/or response from you. Sir, I have never felt more in my life it was more right than I do in having opposed S. 2658, the truck weight and width bill. I have been supported in my position by some of the very best people and most unselfish associations also interested in adequate, safe roads. The evidence of this has been put in the *Congressional Record* inserts I hope your Department has read.

Further, it is my belief that you and your Department have not taken advantage of the vast experience, talent and dedicated people in the various departments your office is committed to coordinate. Having had experience with the Bureau of Roads ever since I have been in public life dating back to 1944 as a Member of the Iowa legislature, I am convinced there are many able men with vast experience and great capabilities that could be used more effectively in the public interest in this transition toward the development of the Department of Transportation.

Further, Mr. Boyd, I am convinced that you and your colleagues have neither forthrightly or adequately represented the public interest before the Public Works Committee. You have not reviewed and reflected the experiences of people who preceded you and before you have testified so well on the matter of setting limits—especially on length limits for trucks.

I am amazed also to find out that you have evidently not kept in touch with the important leaders of highway construction and maintenance who could have been able and would have testified and I believe convinced you that the passage of S. 2658 was not in the public interest.

Since our controversy before the Committee and after the bill was voted out I have been in contact with all of the Governors, the highway departments of the states and a large number of mayors of cities in America and they have been unanimously against certain aspects of this legislation and many were against the entire bill. The most typical and impressive testimony came from Governor Samuel H. Shapiro of Illinois who said among other things, "Your efforts in soliciting comments from public officials for the purpose of maintaining the integrity and safety of the highway system in our nation is both appreciated by me and is commendable."

The mayor of one of our largest cities, The Honorable Richard J. Daley said, "We support your efforts to protect the public investment in highways and the safety of the motorists."

The special review and study by the State of Illinois on effects of S. 2658 said among other things "Trucks of 102-inch width are a deadly menace on Illinois' normal highway system."

All this plus the fact that your Department has not set proper priorities in research studies that are necessary to give us safe highways and as noted by the testimony before the Committee and admitted to by the truckers themselves is ample proof that the question of truck brakes, truck tires, truck safety devices and inspections is very inadequate. I recall for you a statement admitted to by the truckers that they were involved in 11.6% of the accidents where there was a fatality while in one year they represented 1.54% of the total registration. With this, the fact that 38 people are killed when a truck is involved with a passenger car to one truck driver and you have a pretty miserable safety record.

This plus other factors that relate to safety I would think would make a study of this problem a very high priority and, apparently, this has been a very low priority in your Department. This, too, I believe is poor judgment and is not in the public interest. All of this and other things I could detail makes it desirable and, I believe, necessary for you to step aside so that arrangements can be made for better direction and more intelligent development of the great challenge that is presented with the creation of a Department of Transportation.

Sincerely yours,
Fred Schwengel,
Member of Congress.

SOUTH PHILLY

Mr. BARRETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Speaker, under leave to extend my remarks in the Record, I would like to include the following speech made by Philadelphia's greatest mayor, the Honorable James H. J. Tate, at the South Philadelphia Realty Board Dinner, at Palumbo's, on Monday evening, September 30, 1968.

Mayor Tate is known throughout the United States for the excellent work he has done in rebuilding the City of Brotherly Love and I commend his remarks to the membership of this House, as follows:

REMARKS BY MAYOR JAMES H. J. TATE BEFORE THE SOUTH PHILADELPHIA REALTY BOARD, SEPTEMBER 30

It is indeed a pleasure for me to be back in these familiar surroundings—and when I say familiar I mean not only Palumbo's but this entire community of South Philadelphia.

I have just returned from a trip to the west coast and out in Oklahoma and California. One thing they don't have is a place like South Philly—except for Joey Bishop, and even he has to come back here occasionally.

Joey is representative of a whole group of South Philadelphians who have made their name in the musical and entertainment worlds—you know who they are better than I do.

They are all proud to claim this as their home—and with good reason, for south Philadelphia contains most of the things that make life worth living. Things like well-kept homes, friendly neighbors, Italian cooking, vino, the mummers—even soft pretzels and Rosati's water ice.

We in city hall want to keep it that way, and I would like to mention briefly some of the ways we are doing it.

When Joey Bishop was here a couple of weeks ago he mentioned some of the adventures he used to have on the Number Nine trolley. I am sure many of you remember the same thing, so you will be glad to know that earlier today we completed one of the most significant events that has happened to Philadelphia in many years—the acquisition of the PTC by a public transit agency. This opens the door to something which you businessmen in south Philadelphia have been seeking for 30 years. It was on September 18, 1938—almost exactly 30 years ago—that the Broad Street subway was extended from South Street to Snyder Ave. Now we will be able to extend that route another mile to Pattison Ave., providing fast, economical transportation to a whole new area of south Philadelphia.

Among other things, this will have an immediate effect on one of the greatest sports complexes in the entire country now taking shape right here in south Philadelphia. The J.F.K. Stadium and the spectrum are already in operation, and the newest multipurpose sports stadium now under construction will be completed in time for the Phillies in 1970.

The economic benefits of this are only beginning to become felt with the announcement of a new hotel-motel development to take place in this same vicinity. I am sure there will be many more such benefits upgrading the values in this area.

And while on the subject of transportation, the Market Street East development which we hope can get underway next year will have a similar tremendous effect on its next door neighbor—South Philadelphia. This huge project, costing around $180 million, is expected to generate between 30,000 and 80,000 new job opportunities.

I am sure you are very much aware of the fact that the South Street area has been in a state of suspension because it had been earmarked for the crosstown expressway.

Now this corridor—five blocks wide, from river to river—is going to make a great comeback. We have put this project as No. 1 on our list of priorities, and early next year we will apply to the Federal Government for $4.4 million in neighborhood development program funds. This is only the first phase of a program which calls for $17 million in Federal grants within the next five years.

We are working on a comprehensive development plan for this area in the closest cooperation with neighborhood and businessmen's groups. There will be a mix of residential and commercial development which will link the center city and South Philadelphia communities across South Street instead of the divisive effect which the expressway would have had.

Another major project is the renewal of the Gray's Ferry area. We are applying for $1.5 million in Federal neighborhood development funds and hope for a total of $4.3 million in Federal grants before 1971.

We are making good progress in the Whitman Conservation project, south of Snyder Ave. and east of 6th St., another example of cooperation between the city and the community. Already 1,700 homes in this area have been rehabilitated, and the residents' own efforts have been splendid. A new shopping center also will be developed at 3rd and Oregon Ave.

South Philadelphia is generally well supplied with public facilities but we are expanding them still further, thanks to the voters who approved the loans at the 1967 election.

A new branch of the free library in the vicinity of 4th and Oregon, a new police station at 20th and Federal, a new regional playfield at 10th and Reed, a new swimming pool at American and Reed, and an expanded recreation center at 6th and Lombard—the old Starr Garden—are now in various stages of planning or construction.

The hearth of South Philadelphia has always been its residential character, and the projects I have just mentioned are designed to strengthen that character—to make it an even better place in which to live, raise a family and visit friends.

Many of the outlying areas of South Philadelphia are industrial or commercial, however—areas like the refineries along the Schuylkill, the docks along the Delaware, and scattered warehouses, packing plants, etc. where many hundreds of South Philadelphia residents are employed.

In order to expand the city's tax base and create even more jobs, these industrial and commercial facilities must also be strengthened. Many of these improvements already are well underway.

For example, there is the multi-million dollar planned community residential experiment going on in Eastwick—the biggest redevelopment project in the entire Nation with a projected population of 60,000, it has been called a "city within a city."

There is the huge and internationally-significant mercantile experiment of the food distribution center, copies of which are being built in other cities. A duplicate of our center down on Pattison Ave. will soon open at Orly in France, right outside of Paris, to replace the old and celebrated downtown market. It will be right alongside the Paris airport—just as our center is close to the Philadelphia International Airport.

We also have a substantial investment in the future there at the international airport, where new runways, new terminals, new freight facilities, new highways are being constructed. The overall improvement program at international airport will cost something like $200 million—the biggest single improvement project ever launched by the city. By 1980 it should be able to accommodate 20 million passengers a year—more than three times the present capacity—with an even greater increase in the volume of air freight.

I suppose you could safely say that the future rides in the skies over international airport.

But that is not the only avenue of the future, here in South Philadelphia. We are making new avenues—finding new adventures—back on the river where it all began.

Philadelphia was chosen by William Penn as the site of his experiment mainly because of its port. This was one of the first great ports in the New World and it is still the world's largest freshwater port. One in every six jobs in manufacturing depends on materials arriving through the port of Philadelphia.

Just as with our airport, however, progress in marine transportation has been pretty revolutionary, and we have to make a substantial investment in modern capital facilities if we are to expand our share of world trade.

That is why Philadelphia has just built its first new municipal terminal in over forty years. Of course I am referring to the Packer Avenue marine terminal, just east of the food distribution center.

This new terminal can service three ocean-going vessels at the same time and will add a half-million tons of general cargo capacity annually to our port. The terminal is still growing, and we will soon add two more berths as well as special crane facilities especially designed to handle containerized cargoes

We are also planning another ultramodern facility, the Penrose Avenue Marine Terminal, on a 124-acre site, facing south Philadelphia on the west bank of the Schuylkill. And we are just completing the first phase of our Penn's Landing project, which will be a $120 million redevelopment extending along the entire Delaware River waterfront from Race St. to Catherine.

This exciting project includes a world trade center, a cruise area for passenger ships, an international hotel, marina and similar features which we expect to attract many thousands of visitors each year. And our projections show direct and indirect tax revenues of almost $4 for each dollar of expenditure by public agencies.

This, then is a picture of what is in store for south Philadelphia in the years ahead. The sum total adds up to a vital, prosperous and stable community, achieved through the cooperative efforts of the city and the people who live and work here.

You can help to bring it about by working for community betterment and by supporting the public improvement loans appearing on the November 5th ballot.

Thank you.

AID TO THE ENEMY BILL

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COLLINS. Mr. Speaker, I am today submitting for urgent consideration a most needed bill. We are engaged in a war in Vietnam where we carry the major load alone. Since 1962 we have accelerated our position until now Vietnam is a major national commitment. Our boys are being killed every day, our military budget is being concentrated on this war, and yet we ask ourselves, "Where are our friends."

If the purpose of our action in Vietnam is to protect the world, why are we the only major country outside of the Asian area that has a large Vietnam commitment? Where are Germany, France, Italy, England, and Japan? Where are the countries from South America, Europe, and Africa?

And one of the most distressing facts is that many of the ships of their countries are directly or through some indirect method carrying supplies into North Vietnam. The time has come today when we must formalize a plan of action. We must take definite steps to end the war in Vietnam.

My bill proposes that we define our friends and that we stop using the ships or aircraft of any unfriendly country.

I have always thought of friends as the type of person or country that stood by your side when the going gets rough. Our situation in Vietnam today is one that clearly defines the friendly powers. While our men die in Vietnam, the administration flounders in Washington. We have no reason to expect any solution from the United Nations. The U.N. still does not recognize Vietnam as an active war.

In my bill, I refer to both water transportation and airplane passenger travel. We have tremendous resources in our air service. We have great carriers like Braniff, TWA, Pan American, and there is no need for our citizens to fly carriers with countries which do not support us.

One other important aspect in the bill is the fact that it will help our balance-of-payments program. By diverting more funds to travel on American flagships, we will save the outflow of funds that are used in the heavy transportation costs being paid to foreign nations. This is a specific and practical way that we can again start putting America first. We all know that to build an America for the future, we must stabilize our financial commitments and our balance-of-payments today.

We are at the crossroads in Vietnam. There are two or three ways we can go which would be better than the confused state in which we now exist. The immediate decision must be to take definite action. Let us retaliate against these indifferent countries who are providing the ships to carry supplies into Vietnam to kill our American boys.

VICE PRESIDENT HUBERT H. HUMPHREY'S ADDRESS TO THE NATION ON VIETNAM AND AMERICAN FOREIGN POLICY

Mr. KARTH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KARTH. Mr. Speaker, it is my privilege to insert in the Record at this point the nationally televised speech of Vice President Hubert H. Humphrey last night, as it relates to the war in Vietnam and the very important policies on foreign affairs for this Nation in the future. I believe, Mr. Speaker, that this is a remarkably well-detailed and brilliant speech, and, therefore, I would like to preserve it for posterity.

The speech of the Vice President follows:

Vice President Hubert H. Humphrey's Address to the Nation on Vietnam and American Foreign Policy, Salt Lake City, Utah

Tonight I want to share with you my thoughts as a citizen and as a candidate for President of the United States.

I want to tell you what I think about great issues which I believe face this Nation.

I want to talk with you about Vietnam, and about another great issue in the search for peace in the world—the issue of stopping the threat of nuclear war.

After I have told you what I think, I want you to think.

And if you agree with me, I want you to help me.

For the past several weeks, I have tried to tell you what was in my heart and on my mind.

But sometimes that message has been drowned out by the voices of protesters and demonstrators.

I shall not let the violence and disorder of a noisy few deny me the right to speak or destroy the orderly Democratic process.

I have paid for this television time this evening to tell you my story uninterrupted by noise . . . by protest . . . or by second-hand interpretation.

When I accepted the Democratic Party's nomination and platform, I said that the first reality that confronted this Nation was the need for peace in Vietnam.

I have pledged that my first priority as President shall be to end the war and obtain an honorable peace.

For the past four years, I have spoken my mind about Vietnam, frankly and without reservation, in the Cabinet and in the National Security Council—and directly to the President.

When the President has made his decisions, I have supported them.

He has been the Commander-in-Chief. It has been his job to decide. The choices have not been simple or easy.

President Johnson will continue—until January 20, 1969—to make the decisions in Vietnam. The voice at the negotiating table must be his. I shall not compete with that voice. I shall cooperate and help.

We all pray that his efforts to find peace will succeed.

But, 112 days from now, there will be a new President . . . A new Administration . . and new advisers.

If there is no peace by then, it must be their responsibility to make a complete reassessment of the siutation in Vietnam—to see where we stand and to judge what we must do.

As I said in my acceptance speech:

The policies of tomorrow need not be limited by the policies of yesterday.

We must look to the future.

For neither vindication nor repudiation of our role in Vietnam will bring peace or be worthy of our country.

The American people have a right to know what I would do—if I am President—after January 20, 1969, to keep my pledge to honorably end the war in Vietnam.

What are the chances for peace?

The end of the war is not yet in sight. But our chances for peace are far better today than they were a year or even a month ago.

On March 31, the war took on an entirely new dimension.

On that date President Johnson by one courageous act removed the threat of bombing from 90 percent of the people, and 78 percent of the land area, of North Vietnam.

On that date, President Johnson sacrificed his own political career in order to bring negotiation that could lead to peace.

Until that time, the struggle was only on the battlefield.

Now, our negotiators are face to face across the table with negotiators from North Vietnam.

A process has been set in course. And, lest that process be set back, our perseverance at the conference table must be as great as our courage has been in the war.

There have been other changes during these past few months.

The original Vietnam decision—made by President Eisenhower—was made for one basic reason.

President Eisenhower believed it was in our national interest that Communist subversion and aggression should not succeed in Vietnam.

It was his judgment—and the judgment of President Kennedy and President Johnson since then—that if aggression did succeed in Vietnam, there was a danger that we would become involved on a far more dangerous scale in a wider area of Southeast Asia.

While we have stood with our allies in Vietnam, several things have happened.

Other nations of Southeast Asia—given the time we have bought for them—have strengthened themselves . . . have begun to work together . . . and are far more able to protect themselves against any future subversion or aggression.

In South Vietnam itself, a Constitution has been written . . . elections have been held . . . land reform and anti-corruption and refugee measures have been stepped up . . . and the South Vietnamese army has increased its size and capacity, and improved its equipment, training and performance—just as the Korean army did during the latter stages of the Korean war.

So—in sharp contrast to a few months ago—we see peace negotiations going on.

We see a stronger Southeast Asia.

We see a stronger South Vietnam.

Those are the new circumstances which a new President will face in January.

In light of those circumstances—and assuming no marked change in the present situation—how would I proceed as President?

Let me first make clear what I would not do.

I would not undertake a unilateral withdrawal.

To withdraw would not only jeopardize the independence of South Vietnam and the safety of other Southeast Asian nations. It would make meaningless the sacrifices we have already made.

It would be an open invitation to more violence . . . more aggression . . . more instability.

And it would, at this time of tension in Europe, cast doubt on the integrity of our word under treaty and alliance.

Peace would not be served by weakness or withdrawal.

Nor would I escalate the level of violence in either North or South Vietnam. We must seek to de-escalate.

The Platform of my party says that the President should take reasonable risks to find peace in Vietnam. I shall do so.

North Vietnam, according to its own statement and those of others, has said it will proceed to prompt and good faith negotiations if we stop the present limited bombing of the North.

We must always think of the protection of our troops.

As President, I would be willing to stop the bombing of the North as an acceptable risk for peace because I believe it could lead to success in the negotiations and a shorter war. This would be the best protection for our troops.

In weighing that risk—and before taking action—I would place key importance on evidence—direct or indirect, by deed or word—of Communist willingness to restore the demilitarized zone between North and South Vietnam.

If the Government of North Vietnam were to show bad faith, I would reserve the right to resume the bombing.

Secondly, I would take the risk that the South Vietnamese would meet the obligations they say they are now ready to assume in their own self-defense.

I would move toward de-Americanization of the war.

I would sit down with the leaders of South Vietnam to set a specific timetable by which American forces could be systematically reduced while South Vietnames forces took over more and more of the burden.

The schedule must be a realistic one—one that would not weaken the overall allied defense posture. I am convinced such action would be as much in South Vietnam interest as in ours.

What I am proposing is that it should be basic to our policy in Vietnam that the South Vietnamese take over more and more of the defense of their own country.

That would be an immediate objective of the Humphrey-Muskie Administration as it sought to end the war.

If the South Vietnamese army maintains its present rate of improvement, I believe this will be possible next year—without endangering either our remaining troops or the safety of South Vietnam.

I do not say this lightly. I have studied this matter carefully.

Third, I would propose once more an immediate cease-fire—with United Nations or other international supervision and supervised withdrawal of all foreign forces from South Vietnam.

American troops are fighting in numbers

in South Vietnam today only because North Vietnamese forces were sent to impose Hanoi's will on the South Vietnamese people by aggression.

We can agree to bring home our forces from South Vietnam, if the North Vietnamese agree to bring theirs home at the same time. External forces assisting both sides could and should leave at the same time, and should not be replaced.

The ultimate key to an honorable solution must be free elections in South Vietnam—with all people, including members of the National Liberation Front and other dissident groups, able to participate in those elections if they were willing to abide by peaceful processes.

That, too, would mean some risk.

But I have never feared the risk of one man, one vote. I say: Let the people speak. And accept their judgment, whatever it is.

The Government of South Vietnam should not be imposed by force from Hanoi or by pressure from Washington. It should be freely chosen by all the South Vietnamese people.

A stopping of the bombing of the North—taking account of Hanoi's actions and assurances of prompt good faith negotiations and keeping the option of resuming that bombing if the Communists show bad faith.

Careful, systematic reduction of American troops in South Vietnam—a de-Americanization of the war—turning over to the South Vietnamese army a greater share of the defense of its own country.

An internationally supervised cease-fire—and supervised withdrawal of all foreign forces from South Vietnam.

Free elections, including all people in South Vietnam willing to follow the peaceful process.

Those are risks I would take for peace.

I do not believe any of these risks would jeopardize our security or be contrary to our national interest.

There is, of course, no guarantee that all these things could be successfully done.

Certainly, none of them could be done if North Vietnam were to show bad faith.

But I believe there is a good chance these steps could be carried out.

I believe these steps could be undertaken with safety for our men in Vietnam.

As President, I would be dedicated to carrying them out—as I would be dedicated to urging the government of South Vietnam to expedite all political, economic and social reforms essential to broadening popular participation, including high priority to land reform . . . more attention to the suffering of refugees . . . and constant government pressure against inflation and corruption.

I believe all of these steps could lead to an honorable and lasting settlement serving both our own national interest and the interests of the independent nations of Southeast Asia.

We have learned a lesson from Vietnam.

The lesson is not that we should turn our backs on Southeast Asia—or on other nations or people in less familiar parts of the world neighborhood.

The lesson is, rather, that we should carefully define our goals and priorities . . . and within those goals and priorities, that we should formulate policies which will fit new American guidelines.

Applying the lesson of Vietnam, I would insist as President that we review other commitments made in other times . . . that we carefully decide what is, and is not, in our national interest.

I do not condemn any past commitment.

I do not judge the decisions of past Presidents when, in good conscience, they made those decisions in what they thought were the interests of the American people.

But I do say, if I am President, I owe it to this Nation to bring our men and resources in Vietnam back to American where we need them so badly . . . and to be sure we put first things first in the future.

Let me be clear: I do not counsel withdrawal from the world.

I do not swerve from international responsibility.

I only say that, as President, I would undertake a new strategy for peace in this world, based not on American omnipotence, but on American leadership—not only military and economic, but moral.

That new strategy for peace would emphasize working through the United Nations . . . strengthening and maintaining our key alliances for mutual security particularly including NATO . . . supporting international peacekeeping machinery . . . and working with other nations to build new institutions and instruments for cooperation.

In a troubled and dangerous world, we should seek not to march alone, but to lead in such a way that others will wish to join us.

Even as we seek peace in Vietnam, we must for our security and well-being seek to halt and turn back the costly and even more dangerous arms race.

Five nations now have nuclear bombs.

The United States and the Soviet Union already possess enough weapons to burn and destroy every human being on this earth.

Unless we stop the arms race . . . unless we stop 15 to 20 more nations from getting nuclear bombs and nuclear bomb technology within the next few years, this generation may be the last.

For 20 years, we have lived under the constant threat that some irresponsible action or even some great miscalculation could blow us all up in the wink of an eye.

There is danger that we have become so used to the idea that we no longer think it abnormal—forgetting that our whole world structure depends for its stability on the precarious architecture of what Winston Churchill called the balance of terror. This is no longer an adequate safeguard for peace.

There is a treaty now before the Senate which would stop the spread of nuclear weapons. That treaty must be ratified now.

If this nation cannot muster the courage to ratify this treaty—a treaty which in no way endangers our national security, but adds to it by keeping these weapons out of the hands of a Nasser . . . a Castro . . . and many others—there can be little hope for our future in this world.

We must ratify this treaty.

I also believe that we must have the courage—while keeping our guard up and fulfilling our commitments to NATO—to talk with the Soviet Union as soon as possible about a freeze and reduction of offensive and defensive nuclear missiles systems.

To escalate the nuclear missile arms race is to raise the level of danger and total destruction. It is costly, menacing, fearsome and offers no genuine defense.

Beyond that, if I am President, I shall take the initiative to find the way—under carefully safe-guarded, mutually-acceptable international inspection—to reduce arms budgets and military expenditures systematically among all countries of the world.

Our country's military budget this year is 80 billion dollars.

It is an investment we have to make under existing circumstances. It protects our freedom.

But if we can work with other nations so that we can all reduce our military expenditures together, with proper safeguards and inspection, then, it will be a great day for humanity.

All of us will have moved further away from self-destruction. And all of us will have billions of dollars with which to help people live better lives.

The American people must choose the one man they believe can best face these great issues.

I would hope that Mr. Nixon, Mr. Wallace and I could express our views on Vietnam not only individually, but on the same public platform.

I call for this because—on the basis of our past records and past careers—there are great differences between our policies and programs.

Those views of Governor Wallace which I have seen reported indicate that he would sharply escalate the war.

Mr. Nixon's past record reveals his probable future policies.

In 1954—at the time of the French defeat at Dienbienphu—he advocated American armed intervention in Vietnam in aid of French colonialism. It was necessary for President Eisenhower to repudiate his proposal.

Since then, he has taken a line on Vietnam policy which I believe could lead to greater escalation of the war.

In January of this year, Mr. Nixon described as "bunk" the idea that free elections in South Vietnam were of importance.

In February of this year, when questioned about the use of nuclear weapons in Vietnam, Mr. Nixon said that a general "has to take the position that he cannot rule out the use of nuclear weapons in extreme situations that might develop."

Since then, he has indicated he has a plan to end the war in Vietnam, but will not disclose it until he becomes President.

If he has such a plan, he has an obligation to so inform President Johnson and the American people.

Few days ago, the Republican Vice Presidential nominee said there is not now and never has been a Nixon-Agnew plan for peace in Vietnam. It was, he said, a ploy to "maintain suspense." And then he said: "Isn't that the way campaigns are run?" I think we need some answers about this from Mr. Nixon.

Mr. Nixon's public record shows, also, consistent opposition to measures for nuclear arms control.

He attacked Adlai Stevenson and myself for advocating a nuclear test ban treaty—a treaty to stop radioactive fallout from poisoning and crippling people the world over. He called our Plan "a cruel hoax." We can be thankful that President Kennedy and the Congress did not follow his advice.

Today, he is asking for delay of ratification of a treaty carefully negotiated over several years and signed by 80 nations—the Nuclear Non-Proliferation Treaty designed to stop the spread of nuclear weapons.

I speak plainly: I do not believe the American Presidency can afford a return to leadership which would increase tension in the world . . . which would, on the basis of past statements, escalate the Vietnam war . . . and which would turn the clock back on progress that has been made at great sacrifice to bring the great powers of the world into a saner relationship in this nuclear age.

On the great issues of Vietnam . . . of the arms race . . . and of human rights in America—I have clear differences with Mr. Nixon and Mr. Wallace.

I call on both of these men to join me in open debate before the American people.

Let us put our ideas before the people. Let us offer ourselves for their judgment—as men and as leaders.

Let us appear together—in front of the same audiences or on the same television screens, and at the same time, to give the people a choice.

We must not let a President be elected by the size of his advertising budget.

We cannot let a President be elected without having met the issues before the people.

I am willing to put myself . . . myself . . . my programs . . . my capacity for leadership before the American people for their judgment.

I ask the Republican nominee and the third party candidate to do the same.

> I ask, before election day that we be heard together as you have heard me alone tonight.
>
> I appeal to the people—as citizens of a Nation whose compassion and sense of decency and fair play have made it what Lincoln called "the last best hope on earth."
>
> I appeal to you as a person who wants his children to grow up in that kind of country.
>
> I appeal to you to express and vote your hopes and not your hates.
>
> I intend, in these five weeks, to wage a vigorous . . . tireless . . . and forthright campaign for the Presidency.
>
> I shall not spare myself, or those who will stand with me. I have prepared myself. I know the problems facing this Nation.
>
> I do not shrink from those problems.
>
> I challenge them.
>
> They were made by men. I believe they can be solved by men. If you will give me your confidence and support, together we shall build a better America.

HUMPHREY CONTRADICTS HIS TOP VIETNAM ADVISER

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, as I listened to Presidential Candidate HUMPHREY's remarks last night, I could not help but be astounded at the manner in which he directly contradicted the stated position of one George Ball, who is reported to be his top Vietnam adviser, and indeed resigned as ambassador to the U.N. from the United States for that specific and immediate purpose.

While Mr. HUMPHREY proposes to halt bombing of all North Vietnam, Mr. Ball on this week strongly disagreed with a similar comment by U.N. Secretary General U Thant, and Mr. Ball said only 4 days ago—Baltimore Sun:

> I think that to proceed on what appears as a rather naive assumption that if we were to stop the bombing the whole world would suddenly be transformed, and we would have peace overnight . . . I think it is a great mistake to bemuse and befuddle the public that way.

Apparently, Mr. Ball was not able to talk his now desperate candidate out of such "bemusing" and "befuddling." If, on the other hand, he thinks one thing and says another, it would sound as though his description of a "fourth rate political hack" so shockingly applied to the Governor of Maryland is, instead, a reflection of himself.

SPRINGFIELD, MO., IS NOT "A" TANK TOWN BUT "THE" TANK TOWN

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, a few days ago, I criticized Scripps-Howard reporter Richard Starnes for calling Springfield, Mo., a "tank town" in reference to the crowds drawn there by some of the Presidential candidates.

It now appears that in chastizing Mr. Starnes, I should have suggested that Springfield is not "a" tank town but "the" tank town.

Springfield is the site of the largest manufacturing plant of milk cooling tanks in the world and one of the major tank manufacturers for many food and drink products.

I have a letter from Mr. Paul Mueller, president of the Paul Mueller Co., of Springfield suggesting that Mr. Starnes may have seen a train load of his firm's tanks leaving Springfield, and therein the reason for his description.

I hope this is indeed the case, and that instead of implying that Springfield is a "dull, uninteresting town," Mr. Starnes really meant that Springfield produces the best tanks in the Nation.

HUMPHREY'S STAND ON VIETNAM

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I am, of course, pleased with the Vice President's statement of position for a bombing halt in North Vietnam and a demilitarization of the area.

This has been my position for a long time. This is what the fight at the convention was all about. This was one of the reasons I supported the minority plank.

Vice President HUMPHREY's forthright statement shows that he is clearly facing up to the real issues in this autumn's debate.

It is incumbent on the Republican presidential candidate, Richard Nixon, to let the American people know where he stands on this issue.

FOREIGN POLICY ADDRESS

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, Vice President HUMPHREY is to be congratulated on the tone, and most of the content, of his foreign policy address of last night.

I hope that those who tend to equate him with Richard Nixon will read the speech carefully, especially those paragraphs that deal with Mr. Nixon's record and his failure to articulate his position today on a whole range of issues involving not only Vietnam but the possibility of a nuclear holocaust in the future.

In the light of the downgrading of the United Nations currently inflicted by Ambassador Ball's hasty departure and his misleading and unjustified attacks on Secretary General U Thant, I was particularly pleased to hear the Vice President reiterate the importance of "working through the United Nations" for world peace. I also applaud his statement that he would "talk with the Soviet Union as soon as possible about a freeze and a reduction of offensive and defensive nuclear missile systems." This suggests that Mr. HUMPHREY is not committed to going ahead with the construction of the currently authorized antiballistic-missile system which, in my judgment, would provide this country with no security and might well lead to a new dimension in the arms race.

With regard to Vietnam, although the political amenities may require Mr. HUMPHREY and the administration to deny that his speech represents a departure from President Johnson's position, it does indeed show that at least Mr. HUMPHREY wants to move in the direction of the point of view represented by the minority plank on Vietnam at the Democratic National Convention.

It is true that the Vice President has left unclear his position with regard to stopping the bombing and with regard to subsequent free elections. At one point in the speech he seemed to suggest that he would proceed to halt the bombing of North Vietnam without laying down any preconditions.

However, there is another sentence which seems to suggest the contrary. That sentence reads as follows:

> In weighing that risk—

The risk of stopping the bombing—

> and before taking action—I would place key importance on evidence—direct or indirect—by deed or word—of Communist willingness to restore the Demilitarized Zone between North and South Vietnam.

I hope the Vice President did not mean to say that he would stop the bombing only if assured that the Communists would stop infiltrating forces through the Demilitarized Zone. If he did, then his position is not significantly different from the administration's position thus far.

Similarly, although his statement stressed the importance of future free elections as "the ultimate key to an honorable solution," he did not make it clear that the National Liberation Front and other groups ought to be free to participate in such elections. He referred merely to the participation of "members" of the Front and "other dissident groups", which is not the same thing. The stand taken by the Committee for a Political Settlement in Vietnam/Negotiation Now on the need for all parties to be free to participate in the elections is clear, and I hope the Vice President will find occasion to reiterate his little-noted endorsement of that committee's position.

Last week, I introduced in the House a concurrent resolution—House Concurrent Resolution 827—which covers, in abbreviated form, some of the points that seem to be essential if we are to move to a negotiated settlement in Vietnam. The text of that resolution is as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress:
>
> (1) The United States should proceed im-

mediately to cease bombing and other military attacks against North Vietnam and simultaneously lay on the table in the Paris negotiations a proposal for a mutual ceasefire and outlining a program for the settlement of the Vietnam conflict;

(2) If, in the judgment of the American military authorities, a cessation of bombing and other military attacks against North Vietnam would endanger American forces along the Demilitarized Zone and at other exposed points, American military forces should be withdrawn from those areas to positions which can be protected by bombing, artillery fire, and other measures within the borders of South Vietnam;

(3) The program for the settlement of the conflict should include recognition of the principle that all parties, including the National Liberation Front, should be permitted to play an appropriate role in the future political life of South Vietnam, including participation in free elections, under international supervision, if such elections are feasible;

(4) An essential part of the settlement program would be negotiations for a mutual phased withdrawal of all outside forces from South Vietnam, including those of North Vietnam, to be replaced by an agreed-upon international force;

(5) The current session of the United Nations General Assembly would provide an appropriate opportunity for the announcement of the American position and for the mobilization of extensive international support for it.

In his understandable concern for the safety of American forces following a total bombing halt, the Vice President has suggested a restoration of the DMZ. In his famous letter read to the Democratic National Convention by the gentleman from Louisiana [Mr. Boggs], General Abrams stated that a halt in the bombing would permit an increase in enemy capabilities in the area of the DMZ. I believe a more practical approach, and one that does not depend on vague and possibly unreliable "assurances" from Hanoi, is for the American forces to be withdrawn from exposed positions along the DMZ so as to provide an area beyond the lines in which bombing and other military activities would not be inhibited. This would involve the surrender of no major cities in South Vietnam but rather of sparsely inhabited, generally rugged terrain. The political impact of announcing such a move, far from indicating weakness on our part, would, I believe, signal to the Vietnamese of all groups our determination to negotiate a settlement and our willingness to "walk the extra mile." I believe the impact of this would be particularly healthy on the Government of South Vietnam which has so far seemed unable to accept the fact that total success in the pursuit of its objectives is out of the question.

As my proposed resolution indicates, I have long felt that the best solution for South Vietnam would be free elections, and the Vice President indicates he regards such elections "the ultimate key to an honorable solution." I believe, however, it would be prudent to recognize that enormous obstacles lie in the way of such elections. Not only would the interim governmental arrangements be most difficult to work out, but the opposition to such elections—with all parties participating—by both the Saigon government on the one hand, and Hanoi and the National Liberation Front on the other, would have to be overcome.

Accordingly, my proposed resolution suggests that, whether or not free elections prove feasible, "an essential part of the settlement program would be negotiations for a mutual phased withdrawal of all outside forces from South Vietnam, including those of North Vietnam, to be replaced by an agreed-upon international force." If all outside troops were withdrawn, the South Vietnamese people would then be free to work out their own destiny. If all those elements in South Vietnam that are today opposed to the Communists and the National Liberation Front would, in such a case, be unable to achieve some kind of reasonable compromise—as spokesmen for the Saigon Government sometimes suggest—then clearly the situation is, in any case, beyond remedy at our hands. We could, perhaps, provide refuge for those who felt their lives would be in danger, but we would no longer be attempting to substitute our will for the will of the people of South Vietnam as a whole.

COMMENDING THE VICE PRESIDENT

Mrs. MINK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, I am pleased to join with my colleagues in extending my warm approval and commendation to the Vice President of the United States, Hubert H. Humphrey, for his forthright statement on Vietnam and what he believes will be his peace initiative when he is elected President of the United States.

He put to rest all the questions and conjecture about his views on this most important issue. It is now up to the Republican candidate to state his views and hopefully he will do this in a face-to-face debate on the issues.

Last night Vice President Humphrey clearly stated that when he is elected President he would first, persevere at the peace table; second, would not escalate the war in Vietnam; third, would seek ways to deescalate the war; fourth, be willing to stop the bombing of North Vietnam in order to seek peace; fifth, would seek greater participation by the South Vietnamese in the defense of their own country; sixth, would seek a ceasefire, and United Nations supervision; and seventh, would support free elections in South Vietnam with participation by all groups.

I applaud the Vice President for setting his views clearly before the American people. I agree with him most emphatically that "we must look to the future" and that "The policies of tomorrow need not be limited by the policies of yesterday." This is the hope and aspiration of all Americans and I am convinced that the Vice President spoke for the majority of the people of this country.

CLEVELAND, OHIO'S COMMUNITY HEALTH FOUNDATION

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STAGGERS. I yield to the gentleman.

Mr. VANIK. Mr. Speaker, I would like to call the attention of the Congress to an article in the October 15, 1968, issue of Look magazine which discusses the remarkable accomplishments of the Community Health Foundation of Cleveland, Ohio.

The Community Health Foundation is a new prepaid group health plan which has rapidly grown to a membership of 33,000 and is adding new members at the rate of 700 per month. The foundation has very wide community support in Cleveland industries, professions, and the faculties of its universities.

Under the directorship of Mr. Glenn Wilson, Community Health Foundation of Cleveland has become an example and model to the entire Nation of how citizens, working together, can provide outstanding health care at reasonable cost.

It is my hope that the Social Security Administration and the Department of Health, Education, and Welfare will continue to study Cleveland's answer to soaring medical costs and will assist other communities in establishing their own prepaid group health plans.

I would like to include in the Record at this point that portion of the Look article by Roland H. Berg, entitled "Who Can Afford To Be Sick?," which deals with Cleveland's remarkable Community Health Foundation. The article is as follows:

Who Can Afford To Be Sick?

Since the 1930's, Ohio law had barred prepaid group practice plans *unless:* 51 percent of the community's physicians took part, physicians controlled the plans, members had free choice of physicians, and the plans enrolled as members only those with family incomes under $2,400 a year. Obviously, there was no prepaid group practice in Ohio.

In 1959, Cleveland civic leaders, including representatives of the Meatcutters and Retail Clerks unions, joined to draft new legislation that would permit prepaid group practice under supervision of the State Superintendent of Insurance. The state medical society, among others, opposed the move. Opposition centered on the hallowed principle of free choice of physician.

The free-choice concept was quickly settled at a state senate committee hearing when one senator queried the representative of the medical society. "If I were to select you as my physician," the legislator wanted to know, "do you have to treat me?" The doctor admitted he could refuse. Whereupon the senator concluded that free choice was a rather one-sided affair and had little meaning. He decided that the right of a subscriber to select a physician from a roster of doctors had more validity. The new law passed 101–11, and the way was opened for Cleveland's Community Health Foundation.

Thirty-nine-year-old Glen Wilson, executive director of the Foundation, is proudest of one thing: his is the first prepaid group health plan without an angel on hand to pick up the check. "A group of ordinary but determined people proved it can be done," he says.

"We borrowed $500,000 from the two unions and another $650,000 from the banks, which we are paying back."

The money built a three-story functional health center on the east side of town, and rented space for a west-side location. Although CHF is nonprofit, an index of its good management is that it takes in more money than it pays out.

The Joe Miozzi family was among the first to join Cleveland's brand-new health service in 1964. CHF offers private medical care, with physicians available 24 hours a day, seven days a week, for emergencies; and with full hospitalization and surgery when needed. From CHF's roster of 27 doctors, each family selects one to serve as a personal physician, and a pediatrician to look after the kids. If other specialists are needed in addition to those on the roster, CHF provides them and pays the bills. Subscribers are responsible only for the single monthly premium, which, in most instances, the unions pay, fully or in part.

A few months ago, Constance Miozzi rejoiced when her husband was promoted to manager of the A&P supermarket. But there was also a problem. The promotion meant that the union would no longer pay the $29 a month premium for membership in CHF for herself, her husband and their seven kids. When I asked her what they were going to do, Mrs. Miozzi said: "We're staying on and paying the premium ourselves. We wouldn't be without it."

Employees of the unions, who make up most of CHF's subscribers, are offered a dual choice—membership in either CHF or Blue Cross. The premiums for each are about the same. Those who choose CHF, Wilson estimates, save themselevs $300 a year. And, to boot, they wind up healthier. Because CHF doctors stress frequent checkups and practice preventive medicine, subscribers need only one-half as much hospitalization as other Clevelanders.

The care at CHF is so good and the cost so reasonable that subscribers now number 33,000, with 700 more joining each month. Union participation has increased from the Meatcutters, the Retail Clerks unions and a couple of others—to 15. Subscribers represent a cross-section of Cleveland's industries and professions, including 500 faculty members of Case-Western Reserve University.

The obstacles are there, but any community that wants a prepaid group plan like Cleveland's can have it. The United States Public Health Service in Washington, D.C., has set up a special Bureau of Health Services to give advice and guidance to groups of responsible citizens who are interested. As the Surgeon General of the U.S.P.H.S., Dr. William H. Stewart, recently said:

". . . the American people . . . want to know when and how they shall receive better health care at prices they can afford to pay. We who believe in group practice have an answer. It is not the whole answer, nor the only answer, but it represents a valid and important approach."

THE PRICE OF BIKINI

Mrs. **MINK**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. **MINK**. Mr. Speaker, 22 years ago the United States conducted a series of tests in the South Pacific which produced a device which permanently altered the lives of every man, woman, and child on the face of the earth. As you of course know, the tests brought about the military capability of the hydrogen bomb whose potential for destruction and for good has dominated our generation in what we call the nuclear age. The United States invested enormous sums of money to develop our hydrogen bomb capability and undoubtedly used all the scientific resource available in our country in order to assure the success of these efforts.

What is not so well known, however, is the price which a few forgotten peoples of the South Pacific paid for this achievement. I am speaking about the people of the Marshall Islands who inhabited, as their fathers had before them, the islands on which we conducted these nuclear experiments. These people of the Bikini atoll and the other islands of that area were uprooted from the only homes they and countless generations preceding them had known for hundreds of years. They were taken aboard military vessels and transported to unproductive and strange islands where for 22 years they have endured incredible hardship and waited patiently for the time when they and their families could return once again to their green sun-splashed homelands according to our promise.

Recently these people, for the first time, did in fact return to the islands of their youth only to find universal devastation and ruin and indeed, they discovered that great portions of their islands had utterly disappeared under the awful force of the nuclear explosions. It is clear that these Marshallese people will not be able to provide for themselves and their families under the prevailing conditions of their islands. And so, after 22 years of waiting, they are again waiting for the Americans to make good on their promises to restore their islands to something like their former condition. So far nothing has been done.

In order that the price which these people have paid and are continuing to pay may be more fully understood, I am including in the Record at this time an account by Mr. Byron Baker of the Honolulu Star-Bulletin who as one of a handful of people recently returned to the Bikini atoll in the company of a group of representatives of its former inhabitants. I think his article tells better than the Marshallese people themselves can tell the terrible cost to them and to their families which our magnificent achievement has wrought. I believe that this article will make clear that these humble, trusting island people deserve much more than we have done for them in the past. Hopefully, we will fulfill our promise of so long ago and enable these unfortunate people to once again live on the islands which they love and which was their home.

I submit for the attention of my colleagues the article by Byron Baker entitled "How Much Is a Bomb-Blasted Atoll Worth?" which appeared in the Honolulu Star-Bulletin on September 14, 1968:

HOW MUCH IS A BOMB-BLASTED ATOLL WORTH?

(By Byron Baker)

A few days ago I stood on the deck of the James M. Cook with five Marshallese men as the ship steamed past some of the most barren islands of the Bikini Atoll.

Four of the men last saw those islands as young men. The fifth would have been an infant at the time. All of them were home for the first time in 22 years.

Home wasn't much to look at, even to my eyes, which do not perceive overwhelming beauty in even the best of the low-lying, narrow islands of the Marshallese atolls.

There were none of the groves of coconuts that are to be found everywhere in the low islands of the Pacific. There were none of the giant, grey-and-green-trunked breadfruits that make pools of cooling shade on many atoll islands.

There was no pandanus, which usually grows where the soil is too poor to support anything else.

There were no trees at all that grew taller than a man. Only scattered clumps of scrub brush, so recently sprouted that there were distinct dark rings around each where dead leaves lay, not yet become part of the soil. And some sparse tufts of grass.

As I thought of the lush, thick growth of foliage that is found elsewhere in the Marshall Islands, Bikini seemed to me an ugly, barren wasteland.

To the five Marshallese it was a bitter mockery of the two decades they had waited to see it.

They had been ashore the day before, at Bikini, and again at Eneu Islands. Bikini they had found a dismal place, choked with dense but useless scrub. Eneu had encouraged them, for there they saw an airstrip that could be repaired, old buildings and materials that could be used and some coconut palms.

But then the ship had sailed closer to the areas where the United States detonated at least 23 nuclear explosions between 1946 and 1958. And there the Marshallese saw only desolation.

Their faces, seamed by wrinkles that had only begun to form when they left Bikini so long ago, were grave. They talked little, and in murmurs.

The youngest of them, a student for two years at the College of Guam and the only one who spoke English, translated the occasional comments.

"There never was a pass in the reef there before . . . it's a big hole . . . that island used to be longer. It ran out to there, that was the tip of it . . . look, where the reef used to be they (the U.S.) built a causeway, you can still see the supports . . ."

And again:

"This is worthless. There is nothing here to come back to . . . Look what they've done. They've removed the land . . . No one can live here . . . That used to be my island there, where the water is . . ."

Some of this might be dismissed as wishful imaginings of men who have been long absent and whose memories are no longer as keen as they were.

Except that several American members of the survey party, equipped with maps and able to see landmarks, floundered lost for half a day in the dense brush of Bikini, where they were never out of earshot of the sea, while the Marshallese unhesitatingly piloted a ship's boat directly to the site of a cemetery, buried in the brush, that they had not seen in 22 years.

"They say that the United States has taken the land away from them," the young Marshallese explained further as we leaned against the ship's rail. "The United States should pay for what it has taken. The land is changed."

His English was not equal to the task of putting all they felt into words, of describing the obligation they considered the United States to be under, not only to repair the damage done to islands torn apart by the fury of the atom, but also to indemnify the Bikinians for the loss of some of their land and for at least some of the suffering they have endured.

Certainly if they were American citizens they would have a case in any U.S. court of law.

Consider what has happened to the Bikinians.

Few of them had ever been away from their home atoll when military forces from the USS Sumner began blasting coral obstructions out of their home lagoon in early February, 1946.

Not until several days later did they learn that the Sumner's work, the preparation of Bikini Lagoon for the target fleet to be used in A-bomb tests, meant that all of the Bikinians were to leave in the interests of the United States' national security.

Perhaps it is idle to speculate on why the Marshallese so willingly agreed.

Yet it is hard to ignore the fact that they had been host to a small Japanese garrison in wartime and that they had been forcibly educated then into the virtues of obedience to the military.

It is not idle to question whether they understood the documents with which they were presented in the course of their subsequent moves.

There is plentiful evidence that the Bikinians thought they soon would return home. Certainly they never envisioned the devastation that nuclear testing brought to their islands.

"That was a tough job," the U.S. military governor who negotiated with the Bikini Marshallese later said. "If one man had replied, 'I will not leave Bikini,' it meant trouble and hard feelings."

No man did. Saddened at having to leave, the Marshallese bowed to the government's need and helped select a new home. Their first choice, Ujae, was rejected because the military found too many navigational hazards in its lagoon to make moving the Marshallese convenient.

So the Bikinians went to resource-poor Rongerik, a place with an evil name in Marshallese custom. There had died, so legend said, an evil spirit that poisoned the fish wherever she went, and doubly poisoned those of Rongerik, which ate her corpse when it was cast into the Rongerik lagoon.

There the displaced Bikinians prayed for safety before eating of the food of that tainted place—but to no avail.

There are poisonous fish throughout the islands, and some species are poisonous in some places, not in others. Probably the Bikinians were victims of such a fluke. At any event they sickened after eating the fish from the Rongerik Lagoon.

And at Rongerik they starved, despite rationing, despite yeoman efforts on the part of the 167-member community to feed itself from the inadequate produce of the atoll. So they moved again, to Kili, still not realizing the truth of what the military had told them—that it would be long before they could go home.

When at last they did go, there was little enough left.

Grim-faced, the five Marshallese men stood at the ship's rail. They had been ashore elsewhere in the atoll. They had not the heart to look at more.

At last they believed the truth of what they had been told: that they could not come back soon. Island-born, they could see better than most how little there was to come back to.

Unless they launch a law suit to collect damages from the United States—a thing they cannot afford, for they have not the money to pay an attorney—they must now wait still longer while the whole massive machinery of the United States Government considers whether their lands should be restored to them, and how soon, and how well.

Radioactive scrap iron, scattered here and there on the atoll islands, must be removed. There are no estimates yet of how much that will cost. But it will be an expensive project, for Bikini is remote.

The islands of Bikini and Eneu must be cleared and planted. Heavy equipment must be brought in to scrape away the useless underbrush. Planting pits must be dug for coconuts. Planting must be timed to catch seasonal rainfall.

That part of the restoration, Trust Territory agriculturist George Nakanishi estimates, will cost about $165,000.

The Trust Territory does not have money for any of these things. High Commissioner William R. Norwood must hope that the Atomic Energy Commission and perhaps the Department of Defense will help out, especially with transportation and the clearing of radioactive materials.

The Bureau of the Budget must review the proposals. Congress must approve them and appropriate the funds.

That probably won't be before next summer, even if it should develop that the Administration presents a spending plan for Bikini restoration to Congress this fall. There is not enough time for Congress to act on it this year.

Once the Trust Territory has assurance of the funds for rehabilitation of Bikini, the work can proceed.

If all goes well, the replanting job can be done on a rush basis in 18 to 24 months.

Meanwhile the Marshallese will wait. And then they will wait some more—as much as 10 years more—for rainfall is light and seasonal in Bikini, and it will take up to 10 years of it to mature the tree crops enough for the islanders to go home at last.

There is a final, crushing irony in all this waiting.

Bikini was inspected and found largely free from radiation in 1964. People could not have moved there then, of course. But the planting program that has not yet begun probably could have been started then.

Instead the irretrievable years between then and now have been wasted.

Small wonder that when the nine representatives of the people of Bikini went home recently, they spoke bitterly of damages due them from the United States.

They hadn't understood how long they would have to wait when in 1946 they agreed to leave. Nor had they supposed that the United States, in using Bikini, would physically wreck the islands.

One island is gone. Another is a third smaller than it was. Another is but a sand bar. Soil on the two main islands of Bikini and Eneu is shallow in spots because giant waves generated by nuclear bomb blasts washed over them.

The Marshallese felt that something priceless has been stolen from them.

The idea is one that most Americans would find hard to grasp.

All of the Marshall Islands are low, sandy, thin-soiled, remote. Low yield, low value coconut is virtually the only cash crop that can be grown on them. Their climate is hot and humid. And they are small. Any sandlot softball player could toss a stone across most of them.

So why are they so valuable?

Because their owners live there, not in Topeka. Or Dallas. Or Detroit, Because there are only about 70 square miles of land of any kind in all the Marshall Islands, home of around 17,000 people.

Because land is not bought and sold in the American sense in the Marshalls; it is only inherited. Because most of the land is inhabited, so the man deprived of land is deprived of something that cannot be replaced.

And because there is no place but the Marshall Islands for a disinherited Marshallese to go. Land tenure conditions like those in the Marshalls exist in other districts of the Trust Territory. And even if a Marshallese could buy land there, he could not afford to. He cannot earn enough to meet the price he would have to pay. Significantly, it probably would be higher than the price the United States would pay. And he cannot leave the Trust Territory, for the United States that deprives him of his land does not allow him to migrate freely to those United States, though he is their dependent.

His situation is analagous to that of a Texas cattleman of a century ago, owner of the only water hole in three counties. Every student of TV westerns knows what would have happened had he awakened one morning to find it fenced off.

Nothing like that has happened in the case of Bikini. No lagoon wars. Not even anyone sitting on his doorstep with a shotgun, as the military governor who negotiated the Bikinians' removal noted.

The Bikinians have suffered fish poisoning and near starvation. They have had a not-so-desirable place to live: isolated Kili, cut off from the world by storm surf half of each year. They have received one cash payment of about $50,000 from a $350,000 appropriation that Congress belatedly made for them in 1956. And they have had the interest earnings from a $300,000 trust fund also established by that appropriation.

The cash payment and the interest (now about $9,000 a year) have been the only actual costs to the United States. For Congress stipulated when it provided for the trust fund that the money was to be invested only in U.S. government securities.

Thus the United States appropriated money only to itself. The interest payments the Bikinians received are no greater inconvenience to the government than is the payment of any U.S. Treasury bond.

So it should not be surprising that the Bikinians, now that they have seen what is left of their ancestral home, speak in terms of damages.

And no one should be surprised if they name a large figure when asked what they think they are due.

Least of all should anyone be surprised if the United States is reluctant to even consider awarding damages, is slow to act on any consideration that is undertaken, and is niggardly in payment if payment is made.

That has been the pattern of all of the United States' postwar settlements with the people of the Trust Territory islands, and of the Marshall Islands in particular.

Moreover, even if damage claims were entertained, the standards applied to them undoubtedly would be those of the United States.

In other, comparable cases in the Marshall Islands, this generally has meant land values of the sort that might apply if atoll islands were being sold on an uncompetitive open market in Jasper, Alabama.

Valuing Marshallese land in this manner is like setting the price of the Texas cattleman's water hole on the basis of what it would bring in the water-rich Tennessee valley.

The point is that, poor as the land may be in the Marshall Islands, it is the only land there is in that part of the Pacific Ocean. And at the time the United States wanted it, demand was pretty high.

Other awards have been made in the Marshalls on the basis of income loss. The formula for determining loss of income normally turns on the value assumed for each coconut tree, given its probable total production. (One tree equals 3,000 nuts at so many nuts per ton of copra at the prevailing world market price per ton.)

Again, the formula is a false one. Marshallese live as much on the produce of the lagoons their islands surround as they do on that of the land itself. Crops grown provide cash and basic foodstuffs. Fish caught in the lagoon complete the diet—and also have commercial potential, if the number of Japanese fishing boats plying Trust Territory waters is anv indication.

A fairer method of determining the value of an atoll would consider the area of the lagoon along with that of the land and compare the combined area to productive farm land on the U.S. Mainland.

On that basis Bikini has an area of 231.32 square miles.

What would the United States pay 167 Indiana farmers if, while the nation was not at war, it took about 230 square miles of prime farm land belonging to them for an indefinite period, removed the farmers to a productive but isolated mesa in Arizona where they could get their crops to market only six months out of the year, then permanently ruined large areas of the original farmland by gouging vast holes in it and removing the soil, then returned the land to them with no definite promise of restoring it 10 years before it could produce a crop?

It would be a naive government indeed that expected to pay them what the Bikinians have received—about $150,000.

It would be an equally naive government that sought to settle damages for such people on the basis only of the value of tree crops that might have been grown on the 2.3 square miles of the land.

Yet this is what the U.S. has done to the people of Bikini and to the people of other islands in the Marshalls.

The Marshallese think that it is not enough.

The Trust Territory's High Commissioner, an American, thinks that it is not enough.

American agriculturists who studied the problems of rehabilitating Bikini think that it is not enough.

But it remains to be seen what the United States will think.

THE 50TH ANNIVERSARY OF AMERICAN LEGION

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, the American Legion in New Orleans held its 50th national convention, September 6 to 12, and that date adds another chapter to American history, for the world's largest veterans' organization, some 2,600,000 plus strong has reached its golden anniversary year. The American Legion Auxiliary, with more than 900,000 members, will also play an important part in this historic celebration by correlating its efforts with those of the Legion to reemphasize the basic precepts upon which the organization was formed.

No better definitive could be used than to quote here the preamble to the constitution of the **American Legion:**

> For God and Country we associate ourselves together for the following purposes: to uphold and defend the Constitution of the United Sttaes of America; to maintain law and order; to foster and perpetuate a one hundred per cent Americanism; to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the Community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

There cannot be a more specific definitive of what can and should be done in an organized patriotic effort. In these strange times when certain elements of our society, minority though they be, yet shrilly vociferous, distain the word "Patriotism" and use the very freedoms to which the American Legion for 50 years has devoted its every effort as a means to abuse and misuse those laws that set America apart from any other nation. Let us tarry a moment to relish the preamble I have just read. It stands as an outstanding composition of the English language, and its simple terms can well be adopted as a credo for all Veterans, or all citizens, for that matter.

The American Legion for the next 15 months will be celebrating a significant milestone in its history of 50 years of service to God and country. The anniversary commemoration period began at the 1968 50th national convention in New Orleans, September 6 to 12.

A little over a year ago, the American Legion began to prepare for this anniversary observance. A choice had to be made. Should the Legion celebrate by staging the biggest, splashiest, 15-month birthday party in history? Or, should it use the occasion to cast the American Legion in a newer, revitalized, more meaningful role for the future, and develop better understanding of its objectives and programs by the general public? The Legion wisely decided to use their golden anniversary as the time to seek and explore new pathways to be of national and community service in the next 50 years.

The plan is basically designed to focus maximum national attention on the celebration of the 50th anniversary of the American Legion and to contribute to the fulfillment of four basic objectives which the Legion has assigned itself in connection with this celebration. These objectives are:

First. To commemorate the victory of World War I.

Second. To commemorate the founding of the American Legion.

Third. To note the Legion's accomplishments during the first 50 years of its existence.

Fourth. To create the future role of service of the American Legion, to all veterans, and all citizens, in all communities.

However, there is a fifth objective which is of great importance. That is to rekindle a stronger interest in the American Legion as a great American service organization and thereby intensify public appreciation.

The celebration will span the 15-month period from August 1968 through November 1969, and use six "anniversary" dates as the foundations upon which the celebration will rest. Those dates are:

September 6 to 12, 1968: The 50th convention of the American Legion held in New Orleans, attended by the President of the United States and all three of the leading candidates for the Presidency.

November 11, 1968: The 50th anniversary of the Armistice, World War I.

March 10 to 17, 1969: The 50th anniversary of the founding of the American Legion in Paris, to be celebrated during the annual Washington conference of the Legion. A dinner will be given by the national commander for the Congress of the United States, March 15, the actual 50th birthday of the Legion. One event of this occasion will be the Legion's "Gift to the Nation," the lighting in perpetuity of the Tomb of the Unknowns and the Memorial Facade of the Amphitheatre in Arlington National Cemetery.

May 8 and 9, 1969: The 50th anniversary of the St. Louis caucus, to be held in St. Louis.

August 22 to 28, 1969: The 51st national convention of the American Legion to be held in Atlanta, Ga., to project the future role of the American Legion.

November 11, 1969: The annual Veterans Day ceremonies to be held in Minneapolis.

During this period seven cities and six dates are of special importance. The 50th national convention at Milwaukee will herald the opening of the golden anniversary year. Also highlighting the celebration will be events and happenings staged in Washington, D.C., St. Louis, Atlanta, and Paris, France. To mark the end of the anniversary observance, a significant activity geared to the future role of the Legion is being planned for Minneapolis in November 1969.

The activities of over 2½ million Legionnaires and nearly a million ladies of the American Legion Auxiliary will focus national attention on the four basic objectives of their program.

I am inserting these remarks into the CONGRESSIONAL RECORD for the simple reason that I would like to ask my colleagues of the Congress to make an extra effort during the next 15 months to join with, and cooperate with the American Legion in celebrating their 50th anniversary. I think those of us in the House and the Senate who are members of the American Legion should take this opportunity to stand beside our fellow Legionnaires and assist in anyway possible to make this series of events a truly historical commemoration.

I might add that certain branches of the Government have already taken steps to offer cooperation. On September 10, in New Orleans, Postmaster General W. Marvin Watson announced to the American Legion in full convention session:

> Recognizing that this is your 50th Anniversary, The Post Office will join in tribute by creating an American Legion stamp, which will be issued on your anniversary date next March 15th.
>
> I know that many of you have long campaigned for this stamp and I want you to know that it gave me very great pleasure last week to meet with our Stamp Advisory Committee as we made this decision.

But the Postmaster General had something to add to that announcement I feel can well bear repetition here, and I heartily concur with his expressed sentiments:

> Our dream of a better world is not impossible.
>
> Our dream of a better America is daily being achieved.
>
> And despite the dissenters—despite the frantic minority who preach no faith and hide behind the shield of no hope—despite those who discount what we have done and deny that we can do more—it is a fact that

> we Americans still carry the best hope for this world.
>
> America is not in desperate condition, my friends.
>
> And America is not a nervous, searching nation.
>
> It is only those who preach despair who are desperate and only those who preach no faith and no hope who are nervous.
>
> There is a whole other land—the whole vast majority of this land—which is constant, which is vital, which is growing, which is stable and which is the true America that we have always known and loved.
>
> And it is people such as yourselves who are this America.
>
> People such as yourselves who have honored the contracts of our country in time of war . . . and honored your own personal contracts in time of peace.

Those words need no further embellishment, either on my part or anyone.

SOLUTIONS TO MAJOR SOCIAL PROBLEMS

Mr. NEDZI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NEDZI. Mr. Speaker, I have read Secretary of Defense Clifford's address to the National Security Industrial Association with a good deal of interest. What he is proposing is that the innovative managerial and problem-solving talents of the defense industries in this country can—and should—devote some of those talents to finding pragmatic and profitable solutions to the major social problems of the Nation.

He singled out four areas as illustrations of what he had in mind: low-cost housing; more efficient and less expensive health and hospital care; more effective education and vocational training; and greater employment in labor surplus areas. Secretary Clifford noted that more than 50 major defense contractors were already, on their own, conducting specific programs to ease the problem of the so-called hard-core unemployables. He congratulated them on their imaginative efforts, but added that he felt more could be done.

To encourage them to do more, he suggested that the Department of Defense and the defense industries might find sound and sensible ways in which they could cooperate on such projects. The basis of that cooperation already exists, for the fact is that in the pursuit of its primary objective of combat readiness the Department of Defense—directly employing, as it does, some 4½ million persons in and out of uniform—is already one of the Nation's largest customers for low-cost housing, for hospital construction, for training and education facilities and techniques, and for countless items of military procurement which conceivably could have a bearing on the employment of men and women in labor surplus areas.

What I found particularly practical about Secretary Clifford's approach is that it is very clear that he is not in the least confusing his mandate to provide the country with ample military strength to safeguard its security, with some vague "do-gooder" desire to alleviate social problems in the country that are not his responsibility.

He was emphatic in asserting that military preparedness was his primary responsibility, and that as long as he remained in that office he would see to it that that responsibility was met in full. It is fair to say that no one understands that responsibility better than Clark Clifford, for—as this Chamber knows—it was he, some two decades ago, who drafted the basic legislation which established the Department of Defense.

But he pointed out in his address to the NSIA that any department that spends roughly half the Federal budget, and some 9 percent of the gross national product—and is itself, for military preparedness reasons, a huge customer for the very services and techniques that the cities in America today also need—ought to be in a position to provide the country at large with the benefits of the advanced research and development that goes into military procurement of these same items.

Accordingly, he has directed top officials concerned with these matters in the Pentagon to submit to him practical proposals and suggestions on ways in which the Military Establishment can work more effectively on these matters with the private sector of the economy. He has asked for these proposals by November 30, so that they can be submitted to the next administration for possible implementation.

Mr. Speaker, I for one applaud this general approach of Secretary Clifford. He acknowledged the theoretical dangers of the so-called military-industrial complex—which President Eisenhower had drawn attention to in his farewell speech to the American people in 1961—and Secretary Clifford emphasized that he believed that the sort of cooperation he was proposing with the defense industries, with reference to the Nation's social problems, was precisely the way in which to avoid those dangers.

Mr. Speaker, I share the Secretary's general view in this matter, and I would urge that the Members of Congress read the full text of address with care and attention.

The address follows:

ADDRESS BY THE HONORABLE CLARK M. CLIFFORD, SECRETARY OF DEFENSE, AT THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION, WASHINGTON, D.C., SEPTEMBER 26, 1968

Mr. Martin, Distinguished Guests, Ladies and Gentlemen:

I am pleased to be here, and to participate in your Twenty-Fifth Annual Dinner.

A quarter of a century is a long time in an Association's life. It is even a longer time in a man's life. But there are many of us here tonight who remember with fondness and admiration the great public servant who founded this organization, James Forrestal. Under his leadership, our Armed Forces began new movement toward greater efficiency and combat effectiveness. As our first Secretary of Defense, Jim Forrestal was not afraid to propose new ideas and to fight for them. His objective was progress.

There is a portrait of him hanging behind my desk at the Pentagon. It is a continuing symbol of the man and, in a way, of the Office of the Secretary of Defense itself, for it has looked over the shoulders of each of the eight Secretaries who has followed Jim in that job. Each has dealt with the problems of his day; each has been aided in his task by the National Security Industrial Association.

Since assuming my duties as the ninth Secretary of Defense, I have learned much about the valuable contributions NSIA has made to our defense posture. I am aware of your efforts to help us reduce costs. I know of the outstanding work of your advisory committees, which mobilize scientists, engineers and managers of industry to help us solve difficult technological problems.

I appreciate your efforts and, on behalf of the Department of Defense, I thank you.

This assembly tonight is, however, something more than the annual dinner of a great organization. This audience is as close as one can ever come to assembling the leading representatives—in and out of uniform—of what General Eisenhower once referred to as the "military-industrial complex."

All of us recall his last speech to the Nation as President in January of 1961. Recognizing the absolute necessity for a strong Defense Department and a large and sophisticated arms industry, he felt compelled to draw attention to the fact that their relationship involved some grave implications for the country.

In my view, President Eisenhower's warning is well worth pondering, for this complex represents an immense pool of resources. The capital, manpower, and innovative thinking in this unique combination of industry and the military are equalled nowhere in the world.

Were these resources to be misdirected, squandered or consumed inefficiently, the American people would be poorly served indeed.

Inevitably, there is danger when one is talking about the expenditure of 40 or 60 or 80 billion dollars a year.

Inevitably, there is danger when powerful industries present to Congress and to the Defense Department their logical proposals for new weapons systems or equipment. These are sincere proposals, designed to advance our military strength. The danger arises, not from some sinister intent on the part of the designer, but from the fact that this Nation does not need and cannot afford every new weapons system which resourceful industry can design.

Inevitably, there is danger when each military department sincerely advocates maximum development of the weapons it would use in our national defense. There is danger when patriotic citizens mistakenly believe that something is good for the defense of our country just because potential enemies believe it is good for their country.

I am convinced today, after six months in this office, that the dangers General Eisenhower warned against were real dangers. But I am also convinced that they have been avoided, through the checks and balances of our governmental system. They have been avoided through the alertness of our Congress and the watchfulness of our press. They have been avoided because powerful pressures come from different directions and tend to offset themselves. They have been avoided by the strengthening of the Office of the Secretary of Defense. They have been avoided by the diligence of the Commander-in-Chief.

Industry and the military establishment, in partnership, have maintained a strong, modern and effective defense capable of meeting all tasks assigned by the President in support of our foreign policy and our national objectives. This Nation has more military power today, better balanced in its make up, and better tailored to meet potential military threats, than any country has had in the history of the world.

That is the posture of military strength we maintain—and I pledge that is the posture of military strength we will continue to maintain.

However, I want to talk to you tonight about the subject of our total national strength. This, it seems to me, is appropriate because it is my job as Secretary of Defense to see that our country has the security that it needs. And it certainly is your job as members of this Association.

Security, as we have traditionally viewed it, is the protection of our country from external threats. Our military forces are designed against such external threats; the Congress appropriates funds for this purpose and the American people expect us to fulfill this mission.

The question I raise tonight is: What are the basic elements of our total national security? The answer, I think, is clear. First: the power of the weapons of our armed forces. Second: the quality of the training and leadership of those forces. Third: the unity of the American people. The most modern of weapons will be inadequate to insure our survival in today's world unless our society is keyed to the steady improvement of our political institutions and concerned that all our people participate and share in the benefits of that society.

And I submit tonight that the Department of Defense is not doing enough to promote in a positive way those aspects of our national life which are so essential to the preservation of our fundamental institutions.

What, after all, do the people most earnestly seek?

It would seem clear to me that our people want to secure their freedom. And it would seem clear that the elements of freedom are described in the Preamble to the Constitution of the United States more eloquently than anywhere else.

The establishment of justice.

Domestic tranquility.

The promotion of the general welfare.

The blessings of liberty.

It was for all those reasons that we sought to form a more perfect union, and it was for those reasons that the people of the United States did ordain and establish our Constitution.

But there are millions of Americans today who have not yet secured for themselves the elements of freedom set forth in the Preamble.

I submit that the Department of Defense, a Department which consumes 9 percent of the gross national product of our Nation, a Department which employs four and one-half million Americans, has a deep obligation to contribute far more than it has ever contributed before to the social needs of our country.

Justice . . . domestic tranquility . . . general welfare . . . blessings of liberty. Can it be that these essential elements of freedom are a responsibility of the rest of the United States Government, but not of the Department of Defense whose operations account for half of the total expenditures of that Government?

I believe that we in the Department of Defense have not only a moral obligation but an opportunity to contribute far more to the social needs of our country than we have ever done before

Accordingly, I have today directed the Secretaries of the Army, Navy and Air Force, the Director of Research and Engineering and the Assistant Secretaries of Defense to address themselves to this challenge.

I have asked that they provide me their proposals on how we may assist in alleviating some of our most pressing domestic problems and how the Department of Defense should best organize itself for this purpose.

I am asking for their recommendations by November 30 so that an initial concept can be offered to the new Administration in January.

This effort cannot be successful if we in the Pentagon attempt to implement it ourselves.

The Department of Defense can and must work with industry, with labor and with our great scientific and educational communities. And, of course, we shall need the understanding and support of the Congress.

The proven techniques and skills and resources of industry combined with the proven organization and discipline of the Department of Defense can be utilized together far more effectively than heretofore for the benefit of our Nation.

I believe we can do it:

I believe we must do it.

There will be those who will argue that the Department of Defense is not a social welfare institution and who will contend that it has no business interfering in the internal welfare of our country.

I have no intention of turning the Department of Defense into something it should not be.

Of course I do not regard the Department of Defense primarily as an instrument of social welfare.

Of course I do not believe that the Department should take over the responsibilities of other governmental or private agencies.

Nothing that I propose tonight, nor anything that I will propose so long as I hold this office, will be permitted to interfere with the performance of our historic mission to defend our nation.

But I do believe that the citizens of the United States have reason to expect—and indeed to demand—that the element of government which spends half of their Federal tax dollars devote more of its time and more of its thinking and more of its resources to those aspects of our domestic problems which are important to our total national security.

Some might ask this question: "Are you attempting to say that a defense contract should consider not only whether the best weapon can be purchased for the cheapest price, but also whether the measurement of social utility should be included in the contract award decision?"

I am not making such a statement tonight. I do not yet know whether this would be a wise course or what changes in the present law should be considered.

But I do know that there are major areas of concern to our total national security in which the Department of Defense—working with industry—can do more. Jobs are a matter of concern. So is education. So are housing, and health and hospital care.

I offer these only as examples of areas in which the Department of Defense can be of greater assistance to the Nation. The first preliminary steps have been taken by the Department in each. Sometimes they have been taken timidly as though the Department of Defense were involving itself in something in which it really had no business.

Housing, hospitals, schools, and employment facilities for the unskilled normally do not possess enough capital resources to make an investment in innovation. They have little or no funds for research and development.

Consider housing.

The average private-sector homebuilder throughout the Nation constructs no more than 50 units a year. The average contractor cannot afford research and development into new materials, advanced design, and better production techniques. He is faced with a small local market, he is enmeshed in a tangle of local building regulations, and he has a high per-unit cost which is reflected in his prices.

No wonder that low-income housing is so unattractive to private enterprise. There are not enough incentives to justify an entrepreneur risking his limited capital.

Every major city in the nation is faced with a serious slum problem, which in turn leads to destructive social and family problems. Furthermore, slums perpetuate themselves. With minimal maintenance costs, and inflated rents, owners have little financial motive to tear down their antiquated structures and replace them with decent housing

This can and must be reversed.

What is clearly needed are new materials and new production techniques that will make low-income housing a profitable enterprise.

I suggest that is precisely where the Department of Defense can, and must be, innovative and helpful.

The Department is the Nation's biggest single user of housing. We currently spend some $200 million a year in new construction, plus another $450 million a year for maintenance and operation, debt servicing, and leasing of existing military housing. But of this $650 million annually, we have been spending virtually nothing for improvement of materials or better construction techniques.

We have begun to remedy the situation by awarding three contracts to explore whether we can lower the cost of military housing, while retaining quality standards. First reports suggest that savings of 15% or better may be realized through modular design, adoption of factory assembly methods, and volume procurement.

We are now at a stage where, with the support of Congress, we will design a prototype project and build it at George Air Force Base in California. It will be watched with care and evaluated by both the Department of Defense and the Department of Housing and Urban Development.

Should this project turn out as we hope, we will have better military housing at lower cost, higher morale and thus improved militray effectiveness. These innovations, passed along to the private economy, should have a beneficial impact on the low-income housing problem in our cities.

This beginning illustrates what can be done by the application to a major domestic problem of the techniques of our Defense effort. I ask members of this association to consider how your company can apply its Defense-gained skills to our national housing problems.

Housing needs help; so do hospitals. Costs are soaring—and for the understandable reason that 70% of hospital operating costs are wages.

Industry clearly can increase the application of its problem-solving resources to hospital design, construction, and maintenance, and to automated record-keeping, laboratory analysis, and routine diagnostic services.

This again calls for a significant research and development effort.

It is an effort generally beyond the scope of a city, county, or church group that builds a new hospital. Hospital design and construction are tradition-ridden. There is a great potential for major labor-saving, cost-cutting improvements in hospital equipment. But the local group which builds a hospital is almost always pressed for funds. It is compelled to use the "low-initial-cost" approach.

This results not in lower health-service cost. It builds in the absolute certainty that costs are going to mount.

Surely there is something we can do. The Department of Defense is one of the world's largest hospital customers. There is every reason to believe that the cooperative approach of industry and the Department can be applied to hospital construction in the same manner that it is applied to the development and procurement of the complex intercontinental ballistic missile.

Therefore, I intend to proceed with a plan developed within the Department of Defense whereby we shall solicit industry for proposals for a whole new generation of hospitals—hospitals so automated that labor costs can be cut drastically and routine services transferred from the overworked doctor and nurse to the sophisticated machine.

This will result in better, more accurate, and less costly hospital management for the military services. Even more significantly, it can point the way to better health care for our citizenry.

Let me now turn to schools and education.

We are far from the optimum development of our educational resources. The blunt fact is that we have focused much of the new technology in education on the exceptional student. For the average or below average youngster, education has been scarcely affected by the scientific revolution since World War II. Educators now say that traditional classroom procedures are not only inefficient but in some cases actually impede the average child's will to learn. If this is true of the student from middle-class America, we must acknowledge how badly we serve the child from the rural slum or the city ghetto, whatever his intellectual endowment may be. Much needs to be done.

The Department of Defense can be, and to a degree has already begun to be, a trail blazer in the improvement of education. My predecessor, Bob McNamara, began the imaginative Project 100,000. He directed that the Armed Services admit to basic training a limited number of men who, under strict earlier regulations, would have been below military entrance requirements. He was convinced that these men, with the benefit of new teaching methods, would learn to do their military jobs satisfactorily. His confidence was justified. Project 100,000 has been a spectacular success. Of the men who entered during the first year of the program, over 90% are now performing effectively on active duty.

The Department of Defense is one of the world's largest educators, and should be one of the world's best. We train military people in 1500 separate skills, and our schools for service children are in 28 countries around the globe.

The training obtained during military service has been for many Americans the open sesame to a fuller life. Now and for the indefinite future, millions more must serve to guard our country against external threats to its security. We can serve them and add immeasurably to that security by seeing to it that they leave military service equipped to accept a larger share of the problems and the rewards of American society.

I know that many of the companies represented here tonight have already entered the education field and have been working with us. I am aware of some promising work but we have just begun to explore the many useful ways for cooperation between industry and the military services. I am convinced, as I hope you are, that continued collaboration will not only help us do our job better, but that it can be the catalyst for improving school systems throughout the country.

Finally, I come to the problem of employment.

The National Alliance of Businessmen, launched last January, as the result of President Johnson's vigorous efforts, has proved that there can be a workable relationship between the Federal Government and private industry in putting to work so-called unemployables from the heart of 50 of the Nation's ghettos.

There is a real potential for defense industry to bring enterprise to the ghetto. There are already encouraging examples of what can be done—such as in the Watts area of Los Angeles and the Roxbury area of Boston. More than 50 of our major Defense contractors have launched specific projects.

I want to see this sort of effort expanded.

As a further step, I have directed today certain changes in the Armed Services Procurement Regulations. The effect of these changes will be to encourage our major contractors to give greater attention to the possibility of locating new facilities in or near labor surplus areas and to give more consideration to placing subcontracts in these areas. Through these changes in our Regulations I want to spotlight a responsibility, shared by the Defense Department and its major contractors, to contribute, wherever practical, to solving the problems of hard-core unemployment.

By law, we cannot award contracts on a sole source basis nor pay a price premium to relieve economic dislocation. This means we are forbidden from setting aside complete procurements for award exclusively to firms in labor surplus areas. We cannot award a contract without competition regardless of the significant contribution such a contract might make to the hard-core unemployment program and the total national interest. I believe the time has come to reexamine this legislative policy.

With the approval of President Johnson, who has given so much of himself to the solution of problems of human rights and human suffering, I intend to join with the Secretaries of Labor and Commerce to determine whether there are still other ways in which the Defense Department and industry can join together in attacking the problems of hard-core unemployment in our society.

Let there be no doubt as to my strong feeling that the Department of Defense has the opportunity and the responsibility to make a greater contribution to the social needs of the country, for it is my certain conviction that such action will contribute to our total national strength.

Not too many years ago, the War and Navy Departments were concerned almost exclusively with men and simple machines. Defense industries were regarded as mere munitions makers. How remote that era seems!

We now have a military-industrial team with unique resources of experience, engineering talent, management and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. Those answers can be put to good use by our cities and our states, by our schools, by large and small business alike. The Nation will be the better and the stronger.

I have no illusions that the tasks we have been discussing are simple, or that they can be accomplished overnight. The problems are many, and they will be with us for too long a time. But I am confident that the defense industries and the Defense Department can, while providing "for the common defence," also "promote the general Welfare" and make even more meaningful "the Blessings of Liberty to ourselves and our Posterity."

To this end, I bespeak your cooperation. I pledge you mine.

MERIT SYSTEM FOR POSTMASTERS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, as a member of the Joint Committee on the Organization of Congress, I have long worked for and advocated taking politics out of the U.S. Post Office. A guest editorial in the Postmasters Advocate from the Nebraska League Postmaster on "Politics, Mail, and Postmasters," gives some solid and logical reasons why postmasters' appointments should come under the merit system. I wish to include it in the RECORD along with my hope that the National Postmasters Convention now in session in Washington will adopt a strong resolution favoring the merit system:

POLITICS, MAIL, AND POSTMASTERS

The following is a quote from another Postmaster publication: "In this unpredictable year, postmasters came within an ace of having their jobs placed under a tight Civil Service merit system. In fact, the Senate vote against it was 34 to 33, and you can't get any closer than that," end quote.

This sounds like the writer was a bit perturbed about the possibility of such a "disastrous" thing happening to his position. Would a "Tight Civil Service Merit System" be bad for your job or mine or for the jobs of those Pms who will come into such positions in the future? Certainly it would seem that such a "Merit System" could not be bad news for anyone except the "Political Hack" who gets his job or who holds his job simply through his political connections. And we must face the fact that there are such people in the Postal Service.

Right here in Nebraska, we have had instances where Acting Postmasters were appointed to fill vacancies with no apparent regard for ability. These people apparently had influential political friends and this had to be the sole reason for their appointment. It had to be the reason, since, in a couple of well known Nebraska cases, the Department finally had to put their foot down and remove the ineffective Postmasters in spite of the political pressures involved.

To the best of my knowledge, both Postmaster organizations have opposed the "Monroney Reorganization Bill." Under the Monroney Bill, Postmasters and Rural Carriers would be appointed without political consideration. Surely morale in most offices, large or small, would be given a boost if the rank and file employee knew that he had a chance for the top job provided he was capable and was energetic enough to qualify himself. Would it not be an incentive for any postal worker to improve performance, if he could see a bigger and better job in his future, which he might attain by ability and dedication to duty rather than by political "boot-licking"?

The "near miss" on the merit system came about when Sen. Williams of Delaware proposed an amendment to the recently passed "job cut exemption" bill. The amendment would have allowed the PMG to make Postmaster appointments on merit and without Senate confirmation. It would also have deneed appointment to any person who sought political recommendation. The Merit amendment was beaten because of the rush to get the exemption bill on the books—the timing of the proposed cutbacks did not allow time for the Merit amendment to be properly debated.

Discussion on the exemption bill and the proposed Merit amendment brought to light some rather sorry remarks about our Postal Service. Sen. Williams charged POD coddling of incompetent employees. He claimed shortages had been discovered in the accounts of some 80 Washington, D.C., P.O. employees. Another Senator said it was time for Congress to "clean up the mess."

The so-called "Mess" and the "Coddling" could well be the "straw that broke the camel's back" and could bring on the Postal Corporation idea. We don't claim to know all the facts—good or bad—about the Postal Corporation proposal. Nor do we propose to recommend for or against the Corporation plan. BUT, if the nation's Postmasters and their TWO organizations would get off their "Fat Fannies" and promote the Merit proposal as a part of the re-organizational bill, much of the pressure for "cleaning up the mess," etc., would be relieved. Due to political pressures, Government, per se, is not run in a manner even faintly resembling good business practices, it never has been and never will be. The sooner politics is removed from this business which grosses over five billion dollars a year, the sooner the deficit will disappear.

Some of you will be going to Washington soon to attend a National Postmasters Convention, others will be going to Las Vegas to the League convention—you can do something about this Merit thing. Surely in the discussions at both conventions, the Merit system and the Corporation proposal will be covered. Do your bit to get a strong resolution passed to promote the Merit system. Talk to other Pms, contact your resolution committee and promote the passage of a favorable resolution. You might even clip this editorial and take it with you.

Those who will not be at either convention can write to your State and National officers urging them to get off their "fat fannies" and take action.

L. J. GAUGHEN,
Editor.

SBA IS MOVING TO SPUR BLACK ENTREPRENEURSHIP

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, one of the best ways to bring the black ghettos of American cities into the mainstream of our economic life is to spur black ownership of ghetto businesses.

I think we all know that there is little chance for a community to prosper if the profits from its commercial establishments are spent elsewhere by absentee owners.

More importantly, economic independence is essential to the pride of all Americans, and black Americans, rightly feel an acute need for this basic element of full citizenship in the world's most productive society.

In fostering the goal of black business ownership, the Small Business Administration is beginning to play a significant role through both its regular loan programs and the pioneering equal opportunity loan program.

In a recent issue of Ebony magazine, writer Mary Smith reported on the emerging role of SBA in fostering black entrepreneurship. She chronicled the natural failings of this significant new undertaking, as well as its encouraging early successes. She concludes that even in its early stages, the SBA effort has provided "considerable aid to the individual black proprietor."

Because of the importance of black business ownership to the economic independence of black Americans, and the potential of the SBA programs in assisting black entrepreneurs, I insert Mary Smith's article from Ebony magazine at this point in the RECORD and commend it to the attention of my colleagues:

BIG BOOST FOR SMALL BUSINESS

(By Mary Smith)

On Chicago's West Side, along Roosevelt and Madison, charred gaps mar the endless rows of ghetto stores. Burnt timbers and scattered bricks litter empty spaces, all that is left of more than 100 white-owned businesses. Chicago is not unique. Following the murder of Dr. Martin Luther King Jr., fiery riots tore apart dozens of cities. In all of them, angry residents raided "white" businesses while few Negro proprietors suffered destruction.

Today, in the uneasy quiet on ghetto streets, people wait to see what will happen. What *must* happen, most say, is a new order in the inner cities; rebellious ghetto residents and even "responsible" Negro businessmen are calling for a strong *black* business force, and they want it now.

But to start a business takes money and know-how. Where will it come from? Too often banks refuse to invest in Negro-owned stores, and private loan companies charge prohibitive interest rates.

Deep in debt, with no hope of bank cooperation, one young businessman found that the federal government could give him his first "good chance." After William Spraggins bought a Chicago patent medicine company last winter, he needed money "in the worst way." Although his business, J. E. McBrady and Co., had profitably manufactured medicines since 1894, no bank would give him a loan. And he owed friends the funds they had lent him to buy the business.

Several months ago, he worried aloud: "I have to pay off my bills through sales. My credit is shot to ———. I don't have any money to invest— ———, I don't even have enough credit to buy a car, much less expand a business. When my daughter asks for her allowance, or my wife asks for money, I just have to tell them I don't have it."

A magic genie has not whisked away his problems, but today, the picture is considerably brighter for Spraggins; he looks forward to receiving a $100,000 loan. The money will come not from banks, not from friends, but from the Small Business Administration, an agency he hardly knew existed—an agency, Spraggins says gratefully, "that is willing to take a chance on you when everybody else says no."

Like Spraggins, other black businessmen may find the Small Business Administration their last recourse. But, so far, relatively few Negro proprietors have called on the agency. Let's look at what it does: SBA dispenses millions of dollars annually to help small businessmen through its offices in 75 major cities. During the first six months of this year, it approved loans totaling $411,187,693. While only 2.4 per cent of this money went to Negroes, more is available, and some black proprietors will find they're now eligible to receive loans.

SBA can offer money and management counseling to those who ask for it. Included among their many programs are disaster, displaced business, and equal opportunity loans. A group of businessmen who want to finance small firms themselves may qualify for local development company loans, and obtain up to $350,000 for each small business they will aid.

Other entrepreneurs can go to an indirect subsidiary of SBA, a small business investment corporation, to obtain loans. Regulated by SBA, an SBIC may borrow from the agency, but selects and finances applications on its own, and can charge the maximum interest rate allowable under state law. Recently, the Negro monthly newspaper supplement, Tuesday Magazine, reportedly obtained $500,000 from the First Capital Corporation of Chicago, an SBIC of the First National Bank of Chicago.

Regardless of how much money a Negro small businessman may need, he has probably experienced the handicaps described by the late Martin Luther King: "First," he said, "the major white chain enterprises have systematically locked us off the market, thus not allowing us the right to compete and grow. Second, so often when we have discovered a product, we have had to sell the copyright and in turn become workers for the company . . . because the banks would not lend us money . . ."

SBA plans to counter these factors in two ways: By financing the growing Negro manufacturer, it hopes to expand job opportunities in the inner city, and provide a market for smaller black producers. By helping the very small businessman who hasn't been able to "get off the ground," it expects to establish stronger Negro retail and wholesale stores on the local level.

Such government assistance can have concrete effects; for example, it may help Samuel Berry, already considered a "prosperous" businessman in Chicago, become a little more prosperous. Thirty years ago, when Berry arrived in Chicago from South Carolina, he had only $60 and a borrowed car to start his own paper distributing concern. Later, even though Berry had trouble getting money from banks, he was able to expand his paper business and purchase several supermarkets. But he still could not obtain insurance; last fall, thieves robbed him of $35,000.

The Small Business Administration loaned Berry $200,000 to expand his chain of grocery stores and to hire and train 50 "hard-core" unemployed persons in the black community. When Berry first established his paper company, and later purchased a supermarket, he was not able to get an SBA loan. Today, he says: "This (SBA loan) is an example of new 'small business power' and its ability to increase job opportunities."

Unlike Berry, not every Negro businessman owns a growing enterprise. He may just be starting his business. Under two new, Economic Opportunity Loan programs, designed to help minority or underprivileged businessmen, SBA can lend up to $25,000. If a bank refuses to cooperate, and the applicant feels that he has suffered discrimination in his efforts to start a business, he can qualify under these programs.

Consider the benefits SBA can offer. Government loans provide money at low interest and give the borrower ample time to repay. An "underprivileged" businessman does not always have to provide collateral; instead the agency looks for "good character" in the applicant. But when a person applies for aid, he must convince SBA that he cannot obtain private financing, that there is a "market" for his store, and that he can manage the business.

No bank would consider Mrs. Mary L. Redmond a good risk, yet SBA loaned her the money to start her store. For ten years Mrs. Redmond hadn't been able to bring home a salary. The mother of six children, one of whom is retarded, she received welfare payments for her family's support and lived in Chicago's depressing West Side.

Mrs. Redmond is proud; she didn't want her children to live under the stigma of welfare for the rest of their lives. Once a kitchen assistant, she dreamed of starting her own soul food resturant, and told SBA why she thought she could succeed: "There is nothing in this neighborhood as far as a home-cooking place is concerned—especially in the carry-out line like I want to start" she insisted. "There is no restaurant in the area to offer teen-agers good nutritious food, and young working mothers sometimes like to pick up something at the end of the day. Kids just don't get enough to eat today. I know what it is to take $1.05 and prepare a meal for seven mouths. My goal is to make good nutritious meals at prices the people around here can afford to pay."

SBA came through for Mrs. Redmond with $15,000 to start her "Soul Kitchen." Today, she is a store-restaurant owner and manager—not just another mother on relief. Her small place is sparkling clean, and she employs four people to cook and serve food. Some day, she hopes to expand her business into soul food frozen dinner production and sell prepackaged dinners to grocery stores.

Although she is thankful for being able to operate a business, Mrs. Redmond is a realist. She did encounter difficulties with the agency; SBA refused her loan application twice. She remembers: "They didn't like my idea at first—the idea of establishing a soul food place. SBA didn't think there was a need for a "soul" restaurant in this neighborhood. Because I'm a woman, with no husband to help, they didn't think I could run it."

After waiting almost two years, and volunteering to work in a hamburger restaurant without pay, Mrs. Redmond did get her money. But she says ruefully: "After I went through all this red tape, they still made me wait. And after all this, they still could have refused me."

Like Mrs. Redmond, other applicants may have problems with the agency. Those who come armed with a complete financial statement will fare best when they go to SBA. This statement should include profit and loss figures, merchandise "turn over," and market outlook. SBA advises many applicants to employ an accountant and a lawyer to help prepare their cases.

One SBA official explained: "Many black businessmen could get loans much faster if they presented accurate and efficiently-kept records to the agency. That is why it is so important to hire an accountant to help with the bookkeeping."

Even with good records, the businessman should be prepared to wait at least 90 days while the agency investigates his case. Michael Jarad, Negro manufacturer and an SBA Illinois Advisory Board member, counsels: "Most people come to SBA and they're desperate. They need the money immediately. If they would plan their financial needs so as to give themselves a few months leeway, then they wouldn't feel this urgency."

Explains SBA Chicago Regional Director Thomas Gause: "We give *loans*, not grants. We must insure that our applicants do not have outstanding debts, that people are not going to defraud the government. The extra time pays off, both for us and the applicant, because we check everything so carefully."

Because of its red tape and slow bureaucratic investigation, SBA suffers from widespread distrust and criticism in the black community. Mrs. Bernetta Howell, a program coordinator with the Chicago Economic Development Corp., an SBA branch which works closely with Negro businesses, reports, "Black people feel that these delays are a form of discrimination—especially since whites seem to get their money much faster. Some people claim the agency conducts a different kind of investigation for Negroes."

Mrs. Redmond complains that SBA neglected to offer her advice after she received her loan. "With this store," she says, "there is no one to help me buy my kitchen machinery. I bought a new refrigerator and it broke—there went $500 worth of food. SBA has given me no guidelines; they put my loan money in the bank and in order to get one dollar of it I have to make a formal requisition. There is so much pressure to running a business. I feel if SBA would advise me more, I'd be able to go ahead. But I don't think they have any faith in me because I'm a Negro."

When the businessman makes a loan application, he may be required to attend a few free business courses held monthly at a local SBA office. Further training is up to the individual. The agency co-sponsors courses with selected universities, high schools and private business groups which, in turn, may charge tuition. Most offices have management assistance representatives who will counsel and help proprietors obtain contracts for their products. On request, SBA will send out a counselor from SCOPE (Service Corps of Retired Executives) to work individually with any business.

Although the agency makes these aids available to all businessmen regardless of whether or not they have applied for a loan, for the most part it does not actively promote its counseling services. Businessmen should approach SBA if they need advice. The Chicago regional director: "We can't give as much counseling as we would like. We haven't got enough loan officers to do that." He adds: "I know many black businessmen need help—but should anybody be taken by the hand and led down the line? I don't think so."

Critics charge there is a more serious deficiency within SBA than a shortage of personnel and an abundance of red tape. They say the agency sinks money into "hopeless" black businesses, instead of searching out the more ambitious Negro entrepreneur.

Statistics tend to uphold this criticism: SBA's delinquency (failure of repayment) rate for economic opportunity loans—loans that most benefit the "underprivileged" Negro businessman—is a whopping 20 to 30 per cent. In comparison, only 1.3 per cent of loan recipients fail to repay under other programs.

To Eugene and Katherine Alexander, SBA is a "prejudiced" organization. A year ago, the agency refused them a $14,000 loan to expand their Parliament Recording Studio and Electronic Sound service shop in Chicago.

Why? Bitterly, they charge, "SBA wouldn't give us money because they know we *would* make it. They gave us the runaround. We know several Negroes who started grocery stores and they had no trouble getting money. What happened to them? They failed. The whole theory behind SBA is 'See? We're trying to help these people, but they're just not ready.' "

The Alexanders do have business experience and they do have a market. In their files they keep a stack of letters from customers who request their services. They still need money to update their equipment. They say, "We are the only Negroes in this city who tape and press records. But SBA never even came out to see our store. They never even had the courtesy to send us letters of refusal."

In Los Angeles, Aaron Rothenberg supports the Alexanders' complaints. President of his own franchise management consulting firm and an instructor of an SBA co-sponsored business course at UCLA, he says, ". . . there is bigotry in the agency—they play God. They try to help the poorest of the poor, but ignore the pleas of the enterprising Negro who has a good chance of making it. They have no empathy with the black community and its needs. I say, why penalize the black businessman who shows greatest potential?"

As an example, he cites the case of two Negro businessmen who applied for a loan. Both were his clients. One operated a business and moonlighted on a night job to earn more than $11,000 a year, while the other could only make $4,000. Rothenberg says indignantly, "And who got the loaan? The $4,000-a-year man—a man, in my opinion, hasn't got enough initiative to succeed in business."

The agency strongly counters these accusations. Retorts Chicago Regional Director Gause: "Out of ten persons we interview, we may encourage only two to apply—and from these two, only one man may get the loan. We are highly selective; we loan money only to businesses with the greatest potential. I think these complaints charging prejudice or discrimination are ridiculous."

In addition, SBA reminds dissidents that it has been only four years since they created the equal opportunity programs to aid the Negro proprietor. Says Robert C. Moot, national SBA administrator: "For too long in the past, the agency's programs did not reach the Negro business community. This was not intentional. It was, in my opinion, simply a lack of understanding and perhaps a lack of communication."

Now, they face the demands and the militant mood of today's black businessmen. The Rev. Jesse Jackson, a disciple of the late Martin Luther King, Jr., and national director of SCLC's Operation Breadbasket, says: "No longer will we allow the colonial powers—the white owners—to take profits and leave poverty, to take joy and leave sorrow, to take our sense of dignity and leave only despair. Ultimately, the black ghetto must be controlled by black people. We shall find no peace until the reins of our destiny are gripped in our hands."

To effectively help the Negro businessman, experts say SBA will have to open itself up to imaginative and creative thinking. Bernetta Howell explains, "SBA still runs by the textbook theory. They have never had to confront a "color tax" added to the cost whenever a black man buys supplies . . . or the overhigh rents, or the raggedy buildings with their slum lords and their water-leaks and rats that destroy merchandise. . . . Because of the background of black people, we've got to have a chance . . . and SBA can help."

J. Cameron Wade, a Negro business consultant, adds, "If a businessman deviates from the mimeographed guidelines, SBA says no. Since most SBA people are from the old line bureaucratic school, they have a built-in resistance to imaginative thinking . . . they will have to hold the hand of the Negro businessman until he gets started."

Despite criticism, SBA can still offer considerable aid to the individual black proprietor. The agency realizes it has a long way to go before it can give all of the assistance needed. Says SBA's New York Area Administrator, Charles Kriger: "We know we can't clean up the situation today, but we're trying." He adds: "The Negro businessman has a right to expect expert government help, especially help from SBA loan officers of his own race. The agency makes an effort to provide this."

Recent efforts to improve the agency's contribution to black business include a program to advise and assist Negro manufacturers and wholesale concerns. In New York, Negro loan officers periodically visit these businesses to check their progress. Kriger says: "We'll help these manufacturers get contracts, find space and get started. We're not waiting for the black businessman to come to us. We'll go to him."

SBA can help small concerns get government contracts, even private contracts; it will offer a certificate of competency to allow a business to bid competitively.

If a proprietor would like to locate his store in a prime location or integrated neighborhood, he will be interested in SBA's lease guarantee program. This plan provides rent insurance, so that the tenant cannot default on his rent, and the owner of the building takes no risk by leasing to him.

With these and other programs, SBA today looks forward to aiding more Negro businesses. Perhaps the most enthusiastic evaluation of what this agency can offer the Negro comes from Spraggins, the Chicago patent medicine company owner. He says: "SBA can save my life. You don't appreciate this agency until you need it—now, they're trying to help me in every way. The great value of SBA is hope. If I had thought there was no hope for me, I would've given up."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLFF (at the request of Mr. TENZER), for October 1 and 2, on account of observance of Jewish religious holiday.

Mr. TENZER, for October 1 after 1 p.m. and October 2, on account of observance of the religious holiday of Yom Kippur.

Mrs. SULLIVAN, for an indefinite time beginning October 4, on account of official business.

Mr. WALDIE, for October 3 through October 25, on account of district business and personal illness in family.

Mr. KIRWAN (at the request of Mr. MILLER of California), for the balance of the week, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent (at the request of Mr. CARTER), permission to address the House and to revise and extend their remarks following the legislative program and any special orders heretofore entered, was granted to:

Mr. CLEVELAND, for 60 minutes, on October 2.

Mr. COLLIER, for 30 minutes, on October 7.

Mr. FINDLEY, for 30 minutes, on October 3.

Mr. BUCHANAN, for 30 minutes, on October 2.

Mr. BRAY, for 30 minutes, on October 7.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. DWYER (at the request of Mr. ERLENBORN) to extend her remarks immediately following those of Mr. ERLENBORN on S. 698, conference report, today.

Mr. NIX to follow Mr. DULSKI on H.R. 14935, conference report.

Mr. CUNNINGHAM to extend the remarks he made on the conference report on H.R. 14935 today.

(The following Members (at the request of Mr. CARTER) and to include extraneous matter:)

Mr. KUYKENDALL.
Mr. FRELINGHUYSEN.
Mr. MESKILL.
Mr. WYMAN in three instances.
Mr. PRICE of Texas.
Mr. MICHEL in three instances.
Mr. THOMPSON of Georgia.
Mr. SCHERLE in two instances.
Mr. REID of New York.
Mr. BROYHILL of Virginia.
Mr. ASHBROOK in three instances.
Mr. ESCH.
Mr. ROUDEBUSH in six instances.
Mr. BROOMFIELD in four instances.
Mr. HORTON.
Mr. MCCLURE.
Mr. BUCHANAN in three instances.
Mr. DEVINE.
Mr. CURTIS in two instances.
Mr. CLEVELAND in two instances.
Mr. STEIGER of Wisconsin.
Mr. SPRINGER.
Mr. MATHIAS of Maryland.
Mr. BUSH.
Mr. SAYLOR.
Mr. SCHADEBERG.

(The following Members (at the request of Mr. KEE) and to include extraneous matter:)

Mr. CORMAN.
Mr. ROSENTHAL in six instances.
Mr. BOLLING.
Mr. O'HARA of Illinois.
Mr. DAWSON.
Mr. WATTS.
Mr. FLOOD.
Mr. MURPHY of New York.
Mr. JOHNSON of California.
Mr. NATCHER in three instances.
Mr. GONZALEZ in three instances.
Mrs. KELLY in two instances.
Mr. VANIK in two instances.
Mr. FOUNTAIN in two instances.
Mr. CONYERS in three instances.
Mr. ST. ONGE in three instances.
Mr. BINGHAM.
Mr. DELANEY.
Mr. DINGELL in two instances.
Mr. RODINO.
Mr. MOORHEAD.
Mr. GRIFFIN.
Mr. BENNETT in three instances.
Mr. HAGAN in two instances.
Mr. PEPPER in three instances.

Mr. ECKHARDT to revise and extend his remarks during conference report on H.R. 14935.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2155. An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries;

H.R. 6862. An act for the relief of Slator C. Blackiston, Jr.;

H.R. 8140. An act to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes;

H.R. 15758. An act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes;

H.R. 17104. An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum;

H.R. 17524. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 19831. An act to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds;

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations; and

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal year 1969, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1578. An act to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On September 30, 1968:

H.R. 17126. An act to amend the Food and Agriculture Act of 1965.

On October 1, 1968:

H.R. 2155. An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries;

H.R. 6862. An act for the relief of Slator C. Blackiston, Jr.;

H.R. 8140. An act to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes;

H.R. 17104. An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum;

H.R. 17524. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 19831. An act to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds;

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations; and

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal years 1969, and for other purposes.

ADJOURNMENT

Mr. KEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 2, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2247. Under clause 2 of rule XXIV, a letter from the Secretary of the Treasury, transmitting a report of operations in connection with the bonding of Government officers and employees under the act of August 9, 1955 (6 U.S.C. 14) for the fiscal year ended June 30, 1968, pursuant to the provisions of 14(c) of the act, was taken from the Speaker's table and referred to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILLIS: Committee on Un-American Activities. Annual report, 1967 (Rept. No. 1935). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee of Conference. H.R. 18037. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1936). Ordered to be printed.

Mr. GALLAGHER: Committee on Foreign Affairs. Report of the 11th meeting of the Canada-United States Interparliamentary

Group (Rept. No. 1937). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 20122. A bill to amend the act of February 24, 1925, incorporating the American War Mothers, to permit certain stepmothers and adoptive mothers to be members of that organization; to the Committee on the Judiciary.

By Mr. COLLINS:

H.R. 20123. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. de la GARZA:

H.R. 20124. A bill for the relief of Cameron County, Tex.; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 20125. A bill making an appropriation to carry out the fair housing program under title VIII of the Civil Rights Act of 1968; to the Committee on Appropriations.

By Mr. MONAGAN:

H.R. 20126. A bill to grant a Federal charter to Franco-American War Veterans, Inc.; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 20127. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 20128. A bill to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States; to the Committee on the District of Columbia.

By Mr. YOUNG:

H.R. 20129. A bill to amend the Social Security Act; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 20130. A bill to equalize the retired pay of members of the uniformed services prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. BUTTON (for himself, Mr. Wydler, Mr. Kupferman, Mr. Reid of New York, Mr. Halpern, and Mr Horton):

H.R. 20131. A bill to provide Federal assistance to States for establishing and strengthening consumer protection programs; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 20132. A bill to prohibit certain weather modification activities over land areas of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 20133. A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws; to the Committee on Agriculture.

By Mr. MATHIAS of Maryland:

H.J. Res. 1463. Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mr. MORSE:

H. Con. Res. 839. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. Eilberg, Mr. Long of Maryland, Mrs. Heckler of Massachusetts, Mr. Roybal, Mr. Boland, Mr. Rees, Mr. Teague of California, Mr. Robison, and Mr. Button):

H. Con. Res. 840. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

By Mrs. GRIFFITHS:

H. Res. 1314. Resolution providing for the partial repayment to the contingent fund of the House of Representatives of certain sums paid from such fund to cover certain expenses of operation of the House beauty shop; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

391. By the SPEAKER: Memorial of the Congress of Micronesia, relative to continuing the application of the Elementary and Secondary Education Act to the Trust Territory of the Pacific Islands; to the Committee on Education and Labor.

392. Also, memorial of the Congress of Micronesia, relative to Federal grant funds annually made available to the trust territory for its essential public services; to the Committee on Interior and Insular Affairs.

393. Also, memorial of the Congress of Micronesia, relative to amending the tariff schedules of the United States to accord to the trust territory the same tariff treatments as is provided for insular possessions of the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 20134. A bill for the relief of Cedric Quesada Fadul; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 20135. A bill for the relief of Giovanni DiMaggio; to the Committee on the Judiciary.

H.R. 20136. A bill for the relief of Giovanni Gioia; to the Committee on the Judiciary.

H.R. 20137. A bill for the relief of Thomas Henry Smith; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 20138. A bill for the relief of Marianna Marino; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 20139. A bill for the relief of Ruby S. Woodley; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 20140. A bill for the relief of Salvatore Fiorello; to the Committee on the Judiciary.

H.R. 20141. A bill for the relief of Antonina Giovanna Livoti; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 20142. A bill for the relief of Giuseppa Alessandrini (nee Belacchi); to the Committee on the Judiciary.

H.R. 20143. A bill for the relief of Mrs. Rizeline Lanuzo and her minor daughter, Leolina Lanuzo; to the Committee on the Judiciary.

H.R. 20144. A bill for the relief of Pasqualino La Penna; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 20145. A bill for the relief of Mr. Antonino Gulino; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 20146. A bill for the relief of Kudret Gonlualcak; to the Committee on the Judiciary.

H.R. 20147. A bill for the relief of Mario Milloz; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 20148. A bill for the relief of Antonio Ferraro; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 20149. A bill for the relief of Napoleon M. Palafas (also known as Peter Steele); to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 20150. A bill for the relief of John, Velma, and Nelly Rimany; to the Committee on the Judiciary.

H.R. 20151. A bill for the relief of Vijay Vasantlal Shah; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 20152. A bill for the relief of Miss Ana Sikic; to the Committee on the Judiciary.

By Mr. MATHIAS of Maryland:

H.R. 20153. A bill for the relief of Dr. Joel Malabrizo; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 20154. A bill for the relief of Guy Desbaillet; to the Committee on the Judiciary.

H.R. 20155. A bill for the relief of Minda Y. Tolentino; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 20156. A bill for the relief of Dr. Gulam R. Bazaz; to the Committee on the Judiciary.

H.R. 20157. A bill for the relief of Lauretta Cunningham; to the Committee on the Judiciary.

H.R. 20158. A bill for the relief of Shlomo, Bella and Rachel Dagan; to the Committee on the Judiciary.

H.R. 20159. A bill for the relief of Guiseppe and Cristina Marchi; to the Committee on the Judiciary.

H.R. 20160. A bill for the relief of Oussama Mohamed Naja; to the Committee on the Judiciary.

H.R. 20161. A bill for the relief of Mouhamad Safa; to the Committee on the Judiciary.

H.R. 20162. A bill for the relief of Margherita Suglia; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 20163. A bill for the relief of Dr. Giorgio Ingargiola; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 20164. A bill for the relief of Mark Djonaj; to the Committee on the Judiciary.

H.R. 20165 A bill for the relief of Gabriel de Sousa Leal; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 20166. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 20167. A bill for the relief of Aurora Sulpizi; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 20168. A bill for the relief of Antonio Trinchese; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 20169. A bill for the relief of Joel Tamir; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 20170. A bill for the relief of Umberto Verdicchio; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 20171. A bill for the relief of Giesele Berjonneau; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 20172. A bill for the relief of Dr. Jairam Lonkani; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 20173. A bill for the relief of Miss Shoshana Rosa Heffets and her mother, Mrs. Bella Heffets; to the Committee on the Judiciary.

SENATE—*Tuesday, October 1, 1968*

(Legislative day of Tuesday, September 24, 1968)

The Senate met in executive session at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, who committest to us the swift and solemn trust of life, since we know not what a day may bring forth, but only that the hour for serving Thee is always present, may we wake to the instant claims of Thy holy will, not waiting for tomorrow, but yielding today. Consecrate with Thy presence the way our feet may go, and the humblest work will shine and the roughest places be made plain.

May our individual lives be as lighted windows amid the encircling gloom. In this global contest beyond the light and darkness, make us as individuals the kind of persons which Thou canst use as the instruments of Thy purpose for all mankind.

Thus may we—

"Rise up, O men of God
Have done with lesser things.
Give heart and mind and soul and strength,
To serve the King of Kings."

In Thy name we ask it. Amen.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Subcommittee on Indian Education of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

The time is equally divided between the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER (Mr. SPONG in the chair). Who yields time?

Mr. HART. Mr. President, I yield myself 5 minutes.

It takes less time than that for me to advise my colleagues that I support this nomination. I believe the background of Mr. Justice Fortas as a law professor and a public servant, the outstanding career which was his at the bar, and his past 3 years of distinguished service on the Supreme Court leave no doubt about his qualifications. That is not a partisan assessment. It is the sentiment of the overwhelming majority of nonpartisans who have considered this nomination, free from the pressure of personal involvement and political involvement.

I hope I do not do a disservice when I oversimplify, in the interest of time, to say that there are approximately four categories of opposition, when the theme of the opposition is boiled down to its substance. There is the critic of the Warren court. There is the opponent of civil rights progress. There is political partisanship. There is the rightwing pressure group. None of this bears on what I conceive to be what should be the relevant question before us—the qualifications of Abe Fortas.

But put aside the question of partisanship and motivation, and simply accept the fact that some Members of the Senate do not wish to see Mr. Justice Fortas become Chief Justice. Let us accept that. It is neither startling nor remarkable. Except for the most inconsequential routine matters in the Senate, there will always be opposition views. The old saw is that neither the Ten Commandments nor the Bill of Rights would get through the Senate without some opposition.

That is the reason why the rules provide a very simple yet decisive means of resolving disagreement. After debate has been had, let us call the roll. If the "yeas" prevail, the question carries. If the "nays" prevail, the question fails. I have no doubt that if such a rollcall were permitted on this nomination, the "yeas" would prevail, and Mr. Justice Fortas would become Chief Justice. What I hope will not happen is that that kind of vote on the merits will be denied us.

Never in our history has a matter of the nomination of a Justice to the Supreme Court been resolved by filibuster. I hope that those who treasure precedent in this body will recognize the danger to the Court, to the country, and to the Senate if we, for the first time, establish that kind of precedent.

A very recent editorial quoted the dean of the Yale Law School as saying that a filibuster in this situation is an assault upon our constitutional system.

What is the question before us? That we advise and consent or not to the question of Mr. Justice Fortas? No. The question is, Shall we be permitted to consider the nomination?

The Constitution is clear. In this situation, the President shall nominate and the Senate shall advise either to consent or withhold its consent. The first duty under the Constitution has been discharged. Let us be put in a position to meet our responsibility under the Constitution, to advise and to permit a majority to say "We consent" or "We withhold our consent."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement issued by the Lawyers' Committee on Supreme Court nominations, including a list of its members; a resolution adopted by the National Bar Association; and some letters bearing on the subject under discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LAWYERS' COMMITTEE ON SUPREME COURT NOMINATIONS, SEPTEMBER 29, 1968

The Lawyers' Committee on Supreme Court Nominations today issued the attached statement urging the Senate to act promptly on the merits of the Supreme Court nominations pending before it. The Committee was formed September 12, 1968, and its membership comprises 162 lawyers from 49 states and the District of Columbia. The Committee opposes the use of the filibuster or other obstructive techniques to frustrate the appointive process. It also opposes the use of that process for indiscriminate attacks on the Supreme Court.

Included among this broadly representative group of lawyers are seven past presidents of the American Bar Association, many past and present officers of state bar associations and 22 law school deans. A list of the members is attached. The statement represents the personal views of the members of the Committee, and does not reflect the views of any institution with which they may be affiliated.

Inquiries may be directed to Jefferson B. Fordham, Dean of the University of Pennsylvania Law School.

STATEMENT

The Lawyers' Committee on Supreme Court Nominations respectfully urges the Senators opposed to the pending nominees to put their views to the test of a vote on the merits.

Over three months ago, the President submitted to the Senate for its "advice and consent" a nomination for Chief Justice of the United States. The nominee was questioned extensively before the Senate Judiciary Committee. A detailed record was compiled. Last week, a majority of the Senate Judiciary Committee reported out the nomination favorably. The sole question now before the Senate should be the qualification and fitness of the nominee for the position of Chief Justice.

No one would deny the need for careful consideration by the Senate of the qualifications of nominees to the highest court in the land. Nor is there any doubt that some period of debate and deliberation for that purpose is appropriate. But just as surely, the Senate has a duty not only to explore the issues but also to render a decision either granting or withholding its consent to the nominations.

If the pending nominations do not win the support of a majority of the Senate, they will fail. If they do win such support, they deserve the Senate's consent. Nothing would more poorly serve our constitutional system than for the nominations to have earned the approval of the Senate majority, but to be thwarted because the majority is denied a chance to vote.

Senators have never before employed a filibuster against a Supreme Court nomination. Indeed, prior Supreme Court appointments have seldom been debated more than one day, and none has been debated more than 8 days. Whatever the merits of the filibuster as a device to defeat disliked legislation, its use to frustrate a judicial appointment creates a dangerous precedent with important implications for the very structure of our Government.

Senators concerned about whether the courts have correctly applied the Constitution ought not to ignore their own constitutional duties. We therefore urge that after a reasonable time for debate the nominations be voted up or down on their merits.

MEMBERS

Brent M. Abel, San Francisco, Calif.
Stephen Ailes, Washington, D.C.
George E. Allen, Richmond, Va.
J. Garner Anthony, Honolulu, Hawaii.
Charles E. Ares, Dean, University of Arizona, College of Law.
Walter P. Armstrong, Jr., Memphis, Tenn.
H. Thomas Austern, Washington, D.C.
William H. Avery, Chicago, Ill.
Joseph A. Ball, Long Beach, Calif.
Frederick A. Ballard, Washington, D.C.
E. Clinton Bamberger, Jr., Baltimore, Md.
Edward L. Barrett, Jr., Dean, School of Law, University of California, Davis.
Marvin Berger, New York, N.Y.
Robert A. Bicks, New York, N.Y.
Peter W. Billings, Salt Lake City, Utah.
Hugo L. Black, Jr., Miami, Fla.
Bruce Bromley, New York, N.Y.
John K. Brubaker, Anchorage, Alaska.
John G. Buchanan, Pittsburgh, Pa.
Stimson Bullitt, Seattle, Wash.
Cecil E. Burney, Corpus Christi, Tex.
Floyd W. Burns, Indianapolis, Ind.
John D. Carbine, Rutland, Vt.
James D. Carpenter, Newark, N.J.
W. Graham Claytor, Jr., Washington, D.C.
Harry B. Cohen, Omaha, Nebr.
Roger G. Connor, Anchorage, Alaska.
Jerome A. Cooper, Birmingham, Ala.
Homer D. Crotty, Los Angeles, Calif.
Lloyd N. Cutler, Washington, D.C.
George R. Currie, Madison, Wis.
Robert E. Dahl, Grafton, N. Dak.
Norris Darrell, New York, N.Y.
Richard M. Davis, Denver, Colo.
Ted J. Davis, Oklahoma City, Okla.
Arthur Dean, New York, N.Y.
Eli Whitney Debevoise, New York, N.Y.
James C. Dezendorf, Portland, Oreg.
Richard C. Dinkelspiel, San Francisco, Calif.
Edward Griffith Dodson, Jr., Roanoke, Va.
Peter Dorsey, Minneapolis, Minn.
James M. Douglas, St. Louis, Mo.
John Draper, Oklahoma City, Okla.
Robert F. Drinan, Dean, Boston College Law School.
E. Charles Eichenbaum, Little Rock, Ark.
H. Vernon Eney, Baltimore, Md.
James E. Faust, Salt Lake City, Utah.
Sidney S. Feinberg, Minneapolis, Minn.
James D. Fellers, Oklahoma City, Okla.
John Shaw Field, Reno, Nev.
Walter T. Fisher, Chicago, Ill.
Jefferson B. Fordham, Dean, University of Pennsylvania Law School.
J. W. Foster, Professor, University of Wisconsin Law School.
Cody Fowler, Tampa, Fla.
George C. Freeman, Jr., Richmond, Va.
Arthur J. Freund, St. Louis, Mo.
G. M. Fuller, Oklahoma City, Okla.
Charles O. Galvin, Dean, Southern Methodist University Law School.
John J. Gibbons, Newark, N.J.
Terrell L. Glenn, Columbia, S.C.
John Raeburn Green, St. Louis, Mo.
George F. Guy, Cheyenne, Wyo.
Edward C. Halbach, Jr., Dean, University of California School of Law.
Milton Handler, New York, N.Y.
John L. Hannaford, St. Paul, Minn.
William Burnett Harvey, Dean, Indiana University School of Law.
Patrick W. Healey, Lincoln, Nebr.
Luther L. Hill, Jr., Des Moines, Iowa.
Joseph G. Hodges, Denver, Colo.
John V. Hunter, Raleigh, N.C.
Leon Jaworski, Houston, Tex.
Herbert Johnson, Atlanta, Ga.
Paul Johnston, Birmingham, Ala.
Charles W. Joiner, Dean, Wayne State University School of Law.
Donald F. Keefe, New Haven, Conn.
Robert H. Kennedy, Cleveland, Ohio.
Spencer Kimball, Dean, University of Wisconsin School of Law.
Rufus King, Washington, D.C.
Duane W. Krohnke, New York, N.Y.
Edward W. Kuhn, Memphis, Tenn.
James A. Lake, Sr., Professor, University of Nebraska Law College.
John H. Lashly, St. Louis, Mo.
Robert A. Leflar, Professor, University of Arkansas.
Morris I. Leibman, Chicago, Ill.
Walter Leichter, Union City, N.J.
Thomas B. Lemann, New Orleans, La.
Neil Leonard, Boston, Mass.
Arthur J. Levy, Providence, R.I.
James K. Logan, Lawrence, Kans.
Arthur Mag, Kansas City, Mo.
Ross L. Malone, New York, N.Y.
Bayless A. Manning, Dean, Stanford University School of Law.
Horace S. Manges, New York, N.Y.
Orison S. Marden, New York, N.Y.
Burke Marsshall, Armonk, N.Y.
David F. Maxwell, Philadelphia, Pa.
Richard C. Maxwell, Dean, UCLA Law School.
W. William McCalpin, St. Louis, Mo.
Don G. McCormick, Carlsbad, N. MMex.
Robert B. McKay, Dean, New York University Law School.
Robert W. Meserve, Boston, Mass.
Lester W. Miller, Jr., Anchorage, Alaska.
Vernon X. Miller, Dean, Catholic University of America School of Law.
Joseph Millimet, Manchester, N.H.
R. W. Nahstoll, Portland, Oreg.
Phil C. Neal, Dean, University of Chicago Law School.
Russell D. Niles, New York, N.Y.
Robert A. Nitschke, Detroit, Mich.
Gilbert Nurick, Harrisburg, Pa.
Louis F. Oberdorfer, Washington, D.C.
Joseph O'Meara, Emeritus Dean, Notre Dame University School of Law.
William H. Orrick, Jr., San Francisco, Calif.
Revius O. Ortique, New Orleans, La.
Ross H. Oviatt, Watertown, S. Dak.
James Dickson Phillips, Dean, University of North Carolina of Law.
Samuel R. Pierce, Jr., New York, N.Y.
Louis H. Pollak, Dean, Yale Law School.
Thomas W. Pomeroy, Jr., Pittsburgh, Pa.
William Poole, Wilmington, Del.
Robert H. Reno, Concord, N.H.
Robert R. Richardson, Atlanta, Ga.
Simon H. Rifkind, New York, N.Y.
John D. Robb, Jr., Carlsbad, N. Mex.
Herschel H. Rose, Fairmont, W. Va.
Samuel I. Rosenman, New York, N.Y.
Oscar M. Ruebhausen, New York, N.Y.
Terry Sanford, Raleigh, N.C.
Whitney North Seymour, New York, N.Y.
Francis M. Shea, Wahington, D.C.
Jerome J. Shestack, Philadelphia, Pa.
Herbert D. Sledd, Lexington, Ky.
William A. Sloan, Albuquerque, N.M.
Jerry V. Smith, Lewiston, Idaho.
Kendrick Smith, Butte, Mont.
William B. Spann, Jr., Atlanta, Ga.
Robert G. Sproul, Jr., San Francisco, Calif.
Robert G. Storey, Dallas, Tex.
John A. Sutro, San Francisco, Calif.
Seth Taft, Cleveland, Ohio.
Paul A. Tamburello, Pittsfield, Mass.
Samual D. Thurman, Dean, University of Utah Law School.
Maynard J. Toll, Los Angeles, Calif.
Howard J. Trienens, Chicago, Ill.
Jerry Tubb, Oklahoma City, Okla.
William Tucker, Dean, Cornell Law School.
Lehan K. Tunks, Dean, University of Washington Law School.
Calvin H. Udall, Phoenix, Ariz.
Lewis H. Van Dusen, Jr., Philadelphia, Pa.
David H. Vernon, Dean, University of Iowa School of Law.
Robinson Verrill, Portland, Maine.
Robert L. Wald, Washington, D.C.
William F. Walsh, Houston, Tex.
William C. Warren, Dean, Columbia University School of Law.
Bethuel M. Webster, New York, N.Y.
Herbert Wechsler, Professor, Columbia University School of Law.
T. Girard Wharton, Newark, N.J.
Thomas W. Wiley, Phoenix, Ariz.
Edward Bennett Williams, Washington, D.C.
Charles Alan Wright, Professor, University of Texas.
Wilson W. Wyatt, Louisville, Ky.
David W. Yandell, Burlington, Vt.
John H. Yauch, Newark, N.J.

RESOLUTION OF 43D ANNUAL CONVENTION, NATIONAL BAR ASSOCIATION, INC., WASHINGTON, D.C.

(By the Resolutions Committee)

Whereas, the National Bar Association, has always supported the Constitutional principle that the independence and the integrity of the Judiciary shall be inviolate; and

Whereas, the now Associate Justice of the United States Supreme Court, Abe Fortas, has achieved the highest honor that may be bestowed upon any lawyer and/or Judge; and

Whereas, the now Associate Justice Fortas has been nominated to be the Chief Justice and administrator of that Highest Court; and

Whereas, the now Associate Justice is awaiting confirmation to that position to which he has been nominated by our President; and

Whereas, we now note with dismay, the prolonged inquiry into the qualifications of Mr. Justice Fortas and particularly the efforts of some to relate their inquiries to decisions rendered by the Supreme Court; and

Whereas, we recognize the responsibility of the United States Senate to discharge its obligations to the American People;

Be it resolved that the National Bar Association assembled at Washington, D.C., in its 43rd Convention, does unequivocally, and without reservation, urge the Senate Judiciary Committee to recommend confirmation of Associate Justice Abe Fortas forthwith; respecting and supporting the wisdom of President Lyndon B. Johnson's judgment in naming Associate Justice Abe Fortas of the United States Supreme Court to be its Chief Justice;

And be it further resolved, that a copy of this Resolution be dispatched to the Chairman of the Judiciary Committee and to the Leadership of the United States Senate.

And be it further resolved, that a copy of this Resolution be dispatched to the Chairman and members of the Judiciary Committee and to the Leadership of the United States Senate.

Done this 30th day of July, 1968.

REVIUS O. ORTIQUE,
Chairman.
GEORGE LAWRENCE,
Cochairman.

Attest:

BILLY JONES,
President.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, D.C., September 25, 1968.

DEAR SENATOR: Our long opposition to the filibuster, particularly, when it has been used to oppose the fight for full equality, leads us, now, to protest its impending use against the nomination of Justice Abe Fortas as Chief Justice of the United States.

As a non-partisan organization, the Leadership Conference on Civil Rights does not take positions on individual nominations. However, we believe there are issues, here, that threaten the independence of the Judiciary.

We express our concern in the enclosed statement.

We hope you will do all in your power to see that a filibuster is stopped and the Senate is given an opportunity to work its will.

Sincerely yours,
ROY WILKINS, *Chairman.*

STATEMENT BY THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS ON THE ABE FORTAS NOMINATION, SEPTEMBER 24, 1968

The Leadership Conference on Civil Rights vehemently opposes the use of a Senate filibuster to block the nomination of Mr. Justice Abe Fortas to be Chief Justice of the United States.

Since the organization of the Conference, nearly 20 years ago, we have recognized how the filibuster has been used to block civil rights and social welfare programs essential to a democratic nation, and have sought to change Rule XXII in order to enable a majority of the Senate to work its will. Use of the filibuster against Mr. Fortas would only add the most ignoble chapter of all to the history of this parliamentary device. We urge all Senators who value the reputation of the Senate to vote for cloture whenever it is clear that opponents of the nomination have concluded fruitful debate and are simply talking to keep the body from acting.

We are shocked and concerned, too, at the manner in which some Senators have constituted themselves a board of review on Supreme Court decisions and appear to hold Mr. Fortas personally responsible for rulings they dislike. This is obviously improper; an incredible attempt to undercut the independence of the Judiciary.

It would be tragic if a minority of the Senate, including some of the leading opponents of civil rights legislation, were to so abuse the power of advise and consent as to attempt to intimidate the Court. Now, more than ever, we need the Court to speak for that national conscience that believes it is possible, through law, to correct the worst injustices of American society.

We therefore urge all Senators to support a cloture move and allow the nomination of Abe Fortas to come to a vote.

NATIONAL COUNCIL OF JEWISH WOMEN,
New York, N.Y., September 27, 1968.
Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: The National Council of Jewish Women has for a number of years opposed the use of unlimited debate for the purpose of preventing Senate action on pending measures. It is interesting to note that in 1968, we are still confronted with the problem so eloquently described in 1893, by the late Senator Henry Cabot Lodge, when he wrote: "Of the two rights that of voting is the higher and more important. We ought to have both voting and debate—debate certainly in ample measure; but if we are forced to choose between them, the right of action must prevail over the right of discussion. The vote without debating is perilous, but the debate and never vote is imbecile." ("The Struggle in the Senate", North American Review)

On the basis of public statements by some members of the Senate and newspaper accounts, it appears that an attempt will be made to use unlimited debate for the purpose of preventing action on the pending nomination of Justice Abe Fortas as Chief Justice of the Supreme Court. We urge you to vote for cloture and offer all members of the Senate the opportunity to take action on the basis of the facts developed during purposeful and careful debate.

The purpose of the hearings on the nomination, which is to establish the qualifications of the nominee, was often obscured by outright attacks on the integrity of the Supreme Court. The full membership of the Senate is entitled to consider the nomination on its merits and render its decision. This will not occur unless you vote for limitation of debate. We hope you will do so.

Sincerely yours,
MRS. LEONARD H. WEINER,
National President.

AUGUST 16, 1968.

Hon. PHILIP A. HART,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HART: We, the undersigned law enforcement officers and attorneys, strongly support the nomination of the Honorable Abe Fortas to be Chief Justice of the United States Supreme Court.

As Prosecuting Attorneys, we have worked hand in hand with *Miranda, Escobedo* and other Supreme Court decisions with which Justice Fortas' critics seek to condemn him. As law enforcement officers and attorneys we are cogently aware of the need for decisions like this and we simply do not feel that these controversial Supreme Court decisions have hindered our duty to protect the public and prosecute criminals.

Justice Fortas is a brilliant jurist and we strongly recommend his approval.

Sincerely yours,

S. Jerome Bronson, Prosecuting Attorney, Oakland County; Thomas G. Plunkett, Chief Assistant Prosecuting Attorney; Ronald E. Covault, Chief of Court Operations; Bruce T. Leitman, Assistant Prosecuting Attorney; Dennis Donohue, Chief Appellate Counsel; John J. Davey, Assistant Prosecuting Attorney; James A. Williams, Assistant Prosecuting Attorney; Michael S. Friedman, Assistant Prosecuting Attorney.

Mr. HART. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I support the nomination of Mr. Justice Fortas to be Chief Justice, and I shall vote affirmatively on the motion to effect cloture.

I wish to point out a very interesting anomaly which we should note. Those who oppose Justice Fortas on the ground that strict construction of the Constitution has not been the rule for the so-called Warren court, and the suspicion that he will continue his influence as a man of the same kind of thinking, do not observe it by being a party to a filibuster in order to prevent his confirmation; for strict construction of the Constitution requires only that a majority of the Senate vote to confirm him. Though some have attempted to suffocate that majority by a filibuster, I believe it will be clear, when we do have the vote that there is a majority ready to confirm him. That is precisely the kind of construction of the Constitution—to wit, an extraconstitutional restraint upon the Senate's action—which is condemned in the Warren court, and in a far more outrageous way in this instance, because here the precedent has been precisely the other way, even as to the use of the filibuster.

The arguments which have been made primarily against Mr. Justice Fortas have been dealt with here at length.

As to the individual cases in which the Justice has joined, these cases have been analyzed ad nauseum to demonstrate that if that rule were enforced upon confirmation, no sitting Justice could ever become Chief Justice of the United States.

I think Senators who are parties to a filibuster against Mr. Fortas' confirmation will one day deeply regret the precedent which would be set by a filibuster on a Supreme Court nomination. But be that as it may, this whispered issue is that opposition has arisen because of the nominee's faith. I have done my utmost as a responsible Senator to lay that talk to rest. However, one thing is a fact. It is being used by many anti-Semitic groups in the country to get a free ride. The dangers are being pointed out, and this happening in this Chamber does not help us to deal with this type outrage endorsed by various types of lobbying and telephone campaigns.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. DIRKSEN. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, therefore, some point must be made with respect to what is happening here. What the Senate does with respect to the confirmation of Mr. Justice Fortas; it will do. I believe he should be confirmed, and I hope that he is confirmed. But, I do protest the use of the filibuster for the purpose of an extraconstitutional requirement that there be two-thirds instead of a majority in order to do what the Constitution directs.

It is for those reasons I hope the Senate votes to invoke cloture and bring about the confirmation of Mr. Justice Fortas.

Mr. LAUSCHE. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I shall vote against cloture. I voted for the confirmation of the nominee's appointment when it was originally before the Senate.

With reluctance I went to see the picture that was approved by five Justices of the Supreme Court. I watched 14 to 15 minutes of a presentation that was a scandalization of the womanhood of the United States and the world. The picture is of an abominable character, foul, filthy, suggesting perversion, and unfit to be witnessed by any human being.

If the nominee were my brother, I would not vote for him and I would still oppose cloture.

The television, the radio, the news media have not told the people of the country the true character of the picture that was approved. Arguments have been made that the picture dealt with playgirls. Arguments have been made that there was lust in the picture, but the true story has not been told.

If the people of the country could see the picture that was approved and then see the second picture that was issued on the basis of the decision in the Schackman case, they would drive out of the Senate every person who voted for the approval of that picture. One cannot understand the foulness of it. I would relate it here, but I do not want to desecrate this Chamber by a description of the picture that was shown.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, will the Senator yield to me for 3 minutes?

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Kentucky. I wish to say to the Senator that I am trying to ration the time.

Mr. COOPER. Mr. President, I shall vote for cloture and that the nomination of Mr. Justice Fortas to be Chief Justice be brought formally before the Senate for debate.

It is proper, I believe, that the motion to consider this nomination to the Supreme Court should be approved and the nomination be voted upon by the Senate. It is necessary to maintain the proper relations between the executive branch and the Senate. It is likely that cloture may not be voted, and it may be that there will not be a second vote on cloture, and it may be that the motion will be laid aside. If this should occur in voting for cloture I would find myself in an ambiguous position, one in which it might appear that I had no position at all upon the nomination of Mr. Fortas to be Chief Justice. I think it right to express my position on the substantive issue—the confirmation of the appointment.

When the nomination was proposed to the Senate I did not join Senators in the statement of opposition to Justice Fortas. I went upon the presumption that the nomination to such an important position by the Chief Executive deserved the approval of the Senate and my vote, unless there was evidence to the contrary. I wanted to consider the appointment on the merits.

I do not take my position of opposition as expressed by some Members of this body directed against the Supreme Court. Like others, I have not agreed with every decision of the Supreme Court, but I do agree with those protecting the rights of individuals, and of equality to all citizens under the Constitution.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **COOPER**. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. **DIRKSEN**. I yield 1 minute to the Senator from Kentucky.

The **PRESIDING OFFICER**. The Senator from Kentucky is recognized.

Mr. **COOPER**. Mr. President, I consider the nominee to be an able and distinguished lawyer, but my presumption, as we went forward with the evidence, has been overturned. I will not go into the matter in great detail, but it seemed to me that the evidence of the relationship between a member of the Supreme Court and the Executive disturbs that relationship which has been called by the majority leader one of insulation between the two branches—the executive and the judiciary.

Other evidence adduced concerns the relations of Justice Fortas with former law clients in connection with the lecture series has caused me to have grave doubts about the propriety of this nomination.

Upon these grounds, and without going into detail because there is not sufficient time. I shall vote, if the matter comes to a vote, against the nomination of Justice Fortas

Nevertheless, because it has been my position always that such an important matter should come to a vote by the Senate and an opportunity given to the entire Senate to make its decision, I shall vote for cloture.

The **PRESIDING OFFICER**. Who yields time?

Mr. **CASE**. Mr. President, will the Senator yield to me for 1 minute?

Mr. **DIRKSEN**. Mr. President, I wish to say to the Senator that I think I am dutybound. I first yield 8 minutes to the Senator from Michigan.

Mr. **GRIFFIN**. Mr. President, I thank the distinguished minority leader.

Mr. President, for the second time in the history of the United States, the Senate is about to withhold confirmation of a Presidential nomination for Chief Justice of the United States.

The first time was in 1795, when the Senate refused to confirm President George Washington's nomination of John Rutledge to be Chief Justice.*

Somehow the administration of George Washington managed to survive that setback, and his place in history was not seriously affected.

Nevertheless, the Senate registered an important point in 1795—a point which too many succeeding Presidents, and even the Senate itself, have ignored too often.

By asserting itself during the administration of George Washington, the Senate emphasized in loud, clear terms that the advice and consent power conferred by the Constitution is real and meaningful, particularly with respect to nominations for the highest court in the land.

That action in 1795 said to the President then in office and to future Presidents: "Don't expect the Senate to be a rubberstamp. We have an independent, coequal responsibility in the appointing process; and we intend to exercise that responsibility, as those who drafted the Constitution so clearly intended."

I am convinced that we have arrived once more at a point in history when it is not only desirable, but imperative, that the Senate stand up and speak out in terms that can be understood by this President and by future Presidents.

As we move toward this crucial and historic vote today, let the message go forth that the Senate once again takes seriously its advice and consent power conferred by the Constitution.

That, particularly with respect to nominations for the Supreme Court, the Senate will not be satisfied with anything less than application of the highest standards, not only as to professional competence but also as to such necessary qualities of character as a sense of restraint and propriety.

Let the word go out that the Senate deeply regrets even the appearance that a Chief Justice has participated with the President in an unprecedented arrangement to create a vacancy for political purposes.

If the Supreme Court is to be above and out of politics—where the people rightfully expect it to be—then each Justice of the Court must remain completely aloof from politics, and he must meticulously avoid even the suspicion that he acts with political motives.

On this point, I must take issue with some remarks made last Friday before the National Press Club by the candidate for Vice President of my party. He remarked that Mr. Warren "owes everything to the Republican Party."

Once a man takes the oath as Justice of the Supreme Court or as Chief Justice of the United States he must be under no obligation whatsoever. For a Justice's only obligation should be to a proper exercise of his judicial responsibilities.

My criticism of Chief Justice Warren goes to the fact that his so-called resignation was conditioned in such a way that it was not a resignation at all. In so doing, he created the impression of participating with the President in a political manipulation to force confirmation of a particular successor.

The creation of such an impression is wrong and unfortunate. And it would not be made all right, as the candidate for Vice President of my party seems to suggest, if Mr. Warren were to wait until after the election and then enter into a similar arrangement with a Republican President.

The point is that the Chief Justice should either withdraw his so-called resignation altogether—or he should resign as of a date certain.

The Chief Justice has no constitutional role whatever in the appointing process under which a successor for his office is nominated and confirmed. Only the President and the Senate are involved in that process.

Mr. President, from the very hour that this debate began, it has been characterized in some quarters as a filibuster.

This prompts me to ask: When is a filibuster?

The question before us is real and substantial: Should the Senate take up and consider the nomination of Mr. Justice Fortas as Chief Justice?

Those who suggest that this issue deserves little or no discussion overlook some important considerations.

In the history of our Nation, 125 nominations for the Supreme Court have been submitted to the Senate. Of that number 21—or about one-sixth—have not been confirmed by the Senate.

It is important to realize that it has not been unusual for the Senate to indicate its lack of approval for a nomination by just making sure that it never came to a vote on the merits.

As I said, 21 nominations to the Court have failed to win Senate approval. But only nine of that number were rejected on a direct, up-and-down vote.

The other 12 nominations just never came to a vote on the merits—for one reason or another.

As more senior Members of this body know so well, the Senate works its will in various ways. In the situation confronting us now, there are good and sufficient reasons for refusing to take up the nomination. A strong case can be made for the argument that there is no vacancy to fill. Furthermore, the record of the hearings is so inadequate and incomplete, by reason of the refusal of Mr. Fortas and others to testify, that the Senate should well decide not to consider the nomination at this time.

But beyond that, Senators are not insensitive to the fact that Mr. Fortas may continue to serve as an Associate Justice after this debate is concluded. If he is not going to be confirmed—and that is a conclusion shared by most observers—the reasons in the minds of Senators will be mixed and varied—some Senators object to the lack of a sense of propriety, others say there is no vacancy, and some object to the record of the Court in recent years.

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*Two of President Grant's nominations for Chief Justice—George Henry Williams in 1873 and Caleb Cushing in 1874—were withdrawn by Grant before the Senate took any floor action.

Out of consideration to Mr. Fortas and the Supreme Court under such circumstances, Senators may deem it wise and appropriate to dispose of the pending nomination by voting on a preliminary procedural question—such as a motion to take up—rather than voting directly on the nomination itself.

Accordingly, a rush to vote on the pending question may be very unwise.

When is a filibuster, Mr. President?

Mr. President, thus far, there have been only 4 days of Senate debate on this very important, historic issue.

There have been no dilatory quorum calls or other dilatory tactics employed. The speakers who have taken the floor have addressed themselves to the subject before the Senate, and a most interesting and useful discussion has been recorded in the CONGRESSIONAL RECORD.

Those who are considering invocation of cloture at this early stage on such a controversial, complex matter should keep in mind that Senate debate last year on the investment tax credit bill lasted 5 weeks; that the Senate debated the congressional reorganization bill for 6 weeks; and that we spent 3 weeks earlier this year on the crime bill. And history provides numerous examples of long and careful deliberation by the Senate before passing on Supreme Court nominations.

If ever there is a time when all Senators should be extremely reluctant to shut off debate, it is when the Senate debates a Supreme Court nomination.

If Congress makes a mistake in the enactment of legislation, it can always return to the subject matter and correct the error at a later date. But once a lifetime appointment to the Supreme Court is confirmed by the Senate, the nominee is not answerable thereafter to the Senate or to the people, and an error cannot be easily remedied.

Mr. President, there are as many as 15 Senators—perhaps more—who still desire to address themselves to the subject before the Senate but have not yet had an opportunity to take the floor.

Under such circumstances, I am confident that the Senate will not see fit to invoke cloture.

Even though a filibuster, by any ordinary definition, is not now in progress, the opposition to this nomination is so deep and widespread that use of any and every legitimate procedural means to prevent confirmation can be expected.

Having served in the Senate for many years, the President must, or should have, taken that possibility into account before he submitted the nomination.

For, as he knows so well, when a matter runs into serious opposition in the Senate, the practical effect of the Senate's rules is to require approval by a two-third majority.

Whatever one's view may be concerning the practical effect of Senate rules with respect to the enactment of legislation, there are strong reasons for commending them in the case of a nomination to the Supreme Court.

For the good of the Supreme Court and the country, a nomination for so high an office as Chief Justice of the United States should have widespread support among Senators and among the people. If the administration were able to ram this highly controversial nomination for Chief Justice through a deeply divided Senate by a slim majority, it would not serve the best interests of the Supreme Court or of the Nation.

Mr. President, some have said that opposition to the pending nomination demeans and damages respect for the Supreme Court as an institution.

Unfortunately, the prestige and stature of the Court was seriously damaged and in need of repair before this controversy developed.

I took my stand, and I have worked so hard to build support for my position, precisely because I am concerned about the Supreme Court as an institution—because I believe the American people should respect the Court and hold it in high esteem.

I am confident that scholars will look back on this day not only as a significant day but also as a proud day in the history of the Senate.

For our action marks a turning point—a point of beginning again in building and maintaining the kind of relationship—the kind of checks and balances—between and among the several branches of Government envisioned by our Founding Fathers.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. DIRKSEN. Mr. President, I yield 1 additional minute to the Senator from Michigan [Mr. GRIFFIN].

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 additional minute.

Mr. GRIFFIN. Mr. President, after today, the Senate will stand taller in the scheme of Government. We make it clear that we not only claim, but we intend once again to exercise with care and diligence, the constitutional power of advice and consent.

I am convinced that, after today, Presidents will take more care in submitting nominations, particularly those for the Supreme Court. And I believe there will be hope again that judges approaching the stature of a Learned Hand or a Benjamin Cardozo will be appointed to the Supreme Court—not for personal or political reward—but simply because they are among the best qualified in the land.

After today, Mr. President, there will be a sounder and a stronger foundation upon which to build confidence, and to restore public respect, for the Supreme Court as an institution.

That will be good for the Supreme Court. And that will be good for the Nation.

Mr. CASE. Mr. President, will the Senator from Michigan yield me 2 minutes?

Mr. HART. Mr. President, I yield 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I think we should always keep in mind what we are voting on, and that is a motion to close debate on a motion, not to confirm a nominee, but to take up consideration in the Senate of the question of whether he should be confirmed.

If this motion carries, all that will have happened will be that it will be before the Senate for full discussion. I agree with the Senator from Michigan [Mr. GRIFFIN] and all my colleagues who have urged full discussion and full consideration of this most important matter. Indeed, it should be so. I think it is a very different question when we are asked to vote on cloture to bring a matter before the Senate, and on closing debate upon that matter once it is before the Senate.

Thus, it seems to me very clear that a filibuster—if you will—or indefinite debate on a motion to bring up, can hardly help being regarded as a delaying tactic.

The rules of the Senate do permit delaying tactics, as they now stand. As I have said on other occasions, it seems to me very doubtful whether a delaying tactic, as such, is ever justified in a parliamentary body. But, if it is ever justified, perhaps it might be in the case of the oppression of a minority, which those protecting or attempting to protect the minority may feel justified in using all means to prevent.

That is not the case in the consideration of a legislative matter, or of consideration of Senate confirmation or approval of a nomination, or a treaty.

Therefore, since this is a motion not to pass upon anything finally, but merely to bring it before the Senate, we have had ample time—I think more than ample time—for the consideration of this motion, and I hope that it will be carried.

THE RESPONSIBILITY OF THE SENATE

Mr. KUCHEL. Mr. President, will the Senator from Michigan yield?

Mr. HART. Mr. President, I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. KUCHEL. Mr. President, 16 years ago, the first vote I cast in the Senate was against the filibuster. Today, in one of the last votes I cast here, I shall, once again, oppose the filibuster.

Let us clearly understand the question on which we vote. We shall vote on a motion to proceed to the consideration of the nomination. That is all. That is it. It is not a vote on the merits of the nomination. It is simply and only a procedural motion to take up the nomination.

In the entire history of the Supreme Court, there has never been a case in which the U.S. Senate has failed to act on a Supreme Court nomination because of a filibuster. Even in the most bitter fights against the confirmation of the nomination of such Supreme Court nominees as Justices Brandeis, Parker, Black, and Frankfurter, no filibuster was ever attempted in an effort to thwart the nomination. The issues were, in each and every instance, disposed of on the merits.

Mr. President, today a new and dangerous precedent, as I see the light, is in the making. If this filibuster succeeds, if constitutional confirmation by majority is thus changed by filibuster into a new nonconstitutional rule requiring two-thirds of the Senate to vote to confirm, which would be precisely the result, then a new and ugly Senate custom, never before known, will have been set.

In a letter to the chairman of the Senate Committee on the Judiciary, the prestigious Lawyers Committee on Supreme Court Nominations, a committee made up of seven past presidents of the American Bar Association as well as 20 law school deans, stated the following:

> The threatened use of the filibuster technique to frustrate the appointive power which is vested by the Constitution in the President and the Senate would be a most unworthy assault upon our constitutional system of government. Just as the President is bound to nominate persons to fill vacancies as they occur, the Senate is bound to consider the nominations on the merits and to advise and either grant or deny its consent to the appointments.

Mr. President, I urge the Members of the Senate to heed these words. Let the objections be stated and debated when the nomination is before us. Let the disagreement be fully aired before a vote on the merits. But do not permit a minority, by indirection, to alter the American Constitution in its clear provisions for confirmation. Do not prevent this body from even considering the merits of the qualifications of Justice Abe Fortas to be Chief Justice of the United States. To deny this consideration would be to render a disservice to a distinguished nominee—who, I believe, is eminently qualified—and to the public responsibility each of us holds.

Mr. HART. Mr. President, I yield 10 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, shortly the Senate will determine whether to confine to 100 hours further debate on the pending procedural motion—whether to reach the merits of the nomination of Associate Justice Fortas as Chief Justice. More than 25 hours have already been consumed debating this simple motion. If the petition is agreed to, 100 hours will still remain. Never has the Senate refused the basic courtesy of speaking to the merits of a nominee. I can envision no circumstances that would justify the rejection of this Senate precedent—one should ponder deeply before overturning 180 years of experience.

If the motion to limit debate is rejected and the nomination of Mr. Fortas is never considered and disposed of on its merits, I believe every Senator should be fully aware of the significance of such a refusal. It is a departure. Its significance will be immense. For the first time the Senate—or more accurately, a minority of Senators—would frustrate the Senate's constitutional obligation on the question of nominations. For the first time, the device of a filibuster would be used to bring down a Presidential nomination.

Our institutions of Government and society are currently being attacked as inviable and thus incapable of responding adequately to the needs of today. These voices of dissent have been characterized even on this floor as a "noisy and willful minority." Few Members of this body should find consolation in a Senate action which itself serves to sustain and nurture this viewpoint.

But the simple fact is a filibuster has never occurred before on a nomination submitted by the President. Certainly there have been other nominations which have generated as much feeling and divided the Senate with equal enthusiasm—most recently the nomination of Mr. Strauss comes to mind. In the past the Senate has discussed, debated, at times agonized, but always it has voted on the merits. No Senator or group of Senators has ever usurped that constitutional prerogative. This unbroken tradition in my opinion merely reflects on the part of the Senate the distinction heretofore recognized between its constitutional responsibility to confirm or reject a nominee and its role in the enactment of new and far-reaching legislative proposals.

Indeed, there is nothing about this particular nomination that can justify in any way this unique attempt to bury it with a filibuster. To be sure, arguments have been made against confirmation; but no argument has been raised that would justify such a departure from precedent. Though I can appreciate the deep concern of many Members, such concern can be expressed—as it has in the past—when the question of the qualifications of the nominee is before the Senate. Unfortunately the real value and merit of these arguments have been lost. They have been lost in what has been reduced to an attack upon the institution of the Supreme Court.

I believe that if Members of this body who feel that any of these arguments have sufficient weight to justify rejection of Mr. Fortas they would permit that issue to come before the Senate. They owe it to the nominee. They owe it to the Senate. The vote today would simply permit consideration of these arguments; it would permit the Senate to exercise its constitutional obligation.

Let me say finally that the intention of rule XXII to limit debate by two-thirds has been jealously guarded by the Senate. Only where the question has concerned broad new legislative concepts or changes having enormous impact has the device of extended debate been used. No such concept or change is involved in the consideration of the confirmation of a nomination. In the past every Senator has appreciated this distinction—it reaches the essence of the Senate as an institution. To deny that basic distinction now, I would say, gives a good deal of credence to the arguments of those who urge a second look at rule XXII.

Clearly then, our responsibility is merely to evaluate the qualifications of the nominee and to record our pleasure or displeasure; to give our advice and consent or our advice and dissent. To be frustrated in this responsibility would set a dangerous precedent; a precedent that will not be easily forgotten.

When the roll is called I hope each Member will bear in mind the significance of his vote. I urge the adoption of the motion to limit further debate.

I yield back the balance of my time.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. HART. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The proponents have 8 minutes remaining; the opponents have 14 minutes remaining.

Who yields time?

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Rhode Island [Mr. PASTORE].

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, the majority leader has put his finger squarely on the issue before us. I believe that those who have been talking the loudest and the longest on the ethics involved in the separation of powers, those who have been talking interminably on the question of the propriety of a Justice of the Supreme Court to receive an honorarium are the very ones who today are denying this Senate the democratic process—the right and responsibility to pass upon a Presidential nomination—to consent to it or to reject it—as we may choose as individuals.

But we should not be deprived of our opportunity to make our choice by the device of a minority manipulation of a legislative procedure which is antilegislative in its intent.

The question before us now does not involve the qualifications of Abe Fortas. That issue will come up when we are given an opportunity to consider the nomination made by the President. The issue before the Senate today is whether or not this body will be given that opportunity of doing our duty and making our decision on a nomination by the President of the United States, a nomination that not only demands but deserves our action whether that be "yes" or "no."

I repeat, those who have discussed the proprieties of a Justice receiving an honorarium for delivering a lecture are the very ones who, today, are indulging in the undemocratic process of denying to us the right to consider a Presidential nomination.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield 1 minute to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I rise in support of the motion to conclude the present debate. It is, in my judgment, an unjustified and unnecessary diversion of the Senate's attention and energy from the only real question of concern: Is Mr. Justice Fortas qualified to be Chief Justice of the United States? Weighing the evidence considered by the Judiciary Committee and the arguments presented here on the floor, I believe that the answer to that question is emphatically "Yes." But regardless of the Senate's opinion on the final issue of confirmation, surely we should be permitted to reach that issue and to vote upon it. Let us then, in good conscience and on full reflection, invoke the rules we have made for ourselves. Let us conclude this procedural discussion and move on to the weighty matter that should properly be before us. I urge the Senate to support the cloture proposal.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield such time as remains, or as much thereof as he desires, to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized. The proponents have 5 minutes remaining.

Mr. GORE. Mr. President, the responsibility of the Senate, under the advice and consent clause of the Constitution, is at test. The President of the United States has exercised his duty and responsibility by submission to the Senate of a nominee to be Chief Justice. Shall the Senate consider that nomination? That is the question.

Is not a nomination by the President of a Chief Justice of the United States a matter of sufficient moment to justify consideration by the Senate? I think it is. But what if the Senate determines it is not? What are the consequences of a decision by the Senate to decline to consider a nomination—not a decision to refuse or withhold its consent, but a decision to refuse to consider? Would not that be an invitation for the President of the United States, after Congress adjourns without taking action, without the Senate exercising its responsibility to advise and consent to a nomination to such a high office, to proceed to fill the vacancy?

Senators might find that offensive. Indeed, the Senate has passed a resolution expressing the sense of the Senate that the President not engage in the practice of making recess appointments. But that is merely a sense of the Senate resolution that we passed. The Constitution of the United States places responsibility upon the President and upon the Senate.

Mr. President, I do not suggest that the President proceed to fill a vacancy after Congress adjourns, in the event the Senate refuses to consider this nomination. But if he decides to do so, he could certainly cite the Constitution as authority. Moreover, he can cite actions of other Presidents as precedents.

I plead here with the Senate to give consideration to this nomination, and to vote on it upon the basis of merit.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HART. Has the time of those in opposition been exhausted?

The PRESIDING OFFICER. The opponents of the motion have 14 minutes remaining.

Mr. DIRKSEN. Mr. President, I find myself in a strange dilemma. It had been my intention to vote for cloture, assuming, of course, that there had been ample debate, even on the procedural motion that is before us.

There has been ample reason for that course. The charge of cronyism seems to have vanished. The alleged violation of the doctrine of the separation of powers is not too persuasive to me. The seminar fee from American University was at most an indiscretion. The factual question of pornography was, I thought, actually not an issue, when I saw the analysis of the case before the Court. The principal question was whether the ordinances and statutes of the State were sufficiently precise and specific and unambiguous, and could survive the test of constitutionality. It did not involve the character of the films.

But now a different problem has arisen for me. Strangely enough, it did not arise during the hearings. It deserves attention. It springs from the Witherspoon case, decided by the Supreme Court in June of 1968. It has been in the courts for 9 years. Its substance can be simply stated:

Witherspoon killed a young Chicago policeman in 1959. A jury found him guilty beyond all reasonable doubt, and the death penalty was imposed. He was tried under an Illinois statute which reads:

> In trials for murder, it shall be a cause for challenge of any juror who shall, on being examined state that he has conscientious scruples against capital punishment or that he is opposed to the same.

Those holding such views were excused from jury service. At long last the case went to the Supreme Court. The opinion was written by Justice Stewart. A dissenting opinion by Justice Black was joined in by Justices Harlan and White, with an individual dissent by Justice White and a separate opinion by Justice Douglas. The sentence of death was reversed. The majority opinion referred to a jury so selected under Illinois law as a "hanging jury."

The opinion also stated that—

> The State of Illinois had "stacked the deck against the petitioner."

Meaning the defendant. It also stated that—

> No defendant can constitutionally be put to death at the hands of a tribunal so selected.

The Court was silent on the issue of guilt of the accused, so the opinion went mainly to the penalty.

In the dissenting opinion written by Justice Black and concurred in by Justices Harlan and White, these Justices point out that the case had gone to the Supreme Court of Illinois three times. They further point out that the opinion of the Illinois Supreme Court was written by Justice Walter Schaefer, a judge nationally recognized as a protector of the constitutional rights of defendants charged with crime.

It pointed out also that the petitioner was represented by very able, competent counsel. It also refers to the majority opinion as semantic camouflage. That is pretty strong language.

Since the Court held that the sentence of death cannot be carried out, the question arises as to what will be done with the convicted defendant. This in itself is serious business.

It becomes more serious—a lot more serious—when one is reliably advised—and I am—that 24 persons are now in Illinois prisons, found guilty of murder and sentenced to death. I am further advised that these convicted murderers may each have their cases reviewed in light of the Court's holding in the Witherspoon case.

Justice Fortas participated in the majority decision. So did other Justices. What protest I make must in fairness be directed at the other five Justices who share that majority opinion. But they are not before us and as to them the protest would appear moot. But it leaves me in a rather bewildering position in order to make some kind of a protest.

If as a result of the Court's decision in the Witherspoon case the 24 convicted murderers are to have their sentences reviewed or set aside, what do I say to the people of Illinois and to its legislature and to the members of the Illinois Supreme Court who unanimously affirmed the death sentence recommended by the jury in the lower court? What do I say when they allege that I had this one chance to protest and failed to do so?

Mr. President, parenthetically with respect to the time involved, probably not more than 25 hours have been devoted to this debate. And virtually all of it has been directed to the qualifications of the nominee. However, now an even more aggravated situation arises.

A man named Speck has been found guilty and sentenced to death for the murder of eight student nurses. He was tried in Peoria, Ill. He was convicted partly on circumstantial and fingerprint evidence, and on the testimony of one Filipino nurse who witnessed the heinous crime. That witness has now returned to her home in the Philippines and cannot be compelled to return here as a witness in any new trial.

How could there be a new trial? How could the death penalty invoked by the jury be reduced? Does this hardened criminal either go free or get a reduced sentence under the decision in the Witherspoon case? And who shall say what is going to happen to this multiple murderer in that light. These questions must be answered.

If such should be the outcome, the people of Illinois would be ready to rebel. Already a motion has been filed in court in the Speck case to secure the release of this multiple murderer and the Witherspoon case has been cited in the defendant's brief.

The nominee, whose name is presently before this Senate, participated in and concurred in the opinion in the Witherspoon case. I need not be reminded that other Justices concurred. My attitude toward them would be the same as toward the nominee before us. But the names of those other Justices are not before us.

Several times the opinions used the expression "the conscience of the community." I, too, am thinking of the "conscience of the community" where the crimes were committed and the conscience of the larger community of the State of Illinois.

I am thinking also of a sentence in the national platform of my party which I helped to shape. It is very simple. It reads:

> We must re-establish the principle that men are accountable for what they do, that criminals are responsible for their crimes.

We have had this abracadabra for 8 years, almost 9 years. In the case which was decided in June, and now in 24 others, the defendants will ask for a review. That is true also in the case of this man Speck, who was found guilty of murdering eight student nurses.

There was no question about the testimony. When defendants are tried and found guilty under the laws of my State and when a jury recommends the death penalty and when the high court of my State unanimously affirms the conviction and the penalty, I accept it. Abraham Lincoln accepted the Dred Scott decision, but he did not agree. It had to be undone.

This is one of the most challenging issues of the moment. We can imagine the dilemma it presents. On some occasions, I would go along with the nomination. Under these circumstances, however, I can scarcely do other than vote to impose cloture unless and until this matter has had far better scrutiny than I have been able to devote to it.

I would not like to see the Senate gag itself under those circumstances, because there are other things here that need exploration. That requires time.

Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, I suggest the absence of a quorum with the understanding that we suspend further proceedings on the quorum call at 1 o'clock.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Pursuant to rule XXII, the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending motion, which will be stated by the clerk.

The assistant legislative clerk read as follows:

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending motion to proceed to the consideration of Abe Fortas, of Tennessee, to be Chief Justice of the United States.
>
> Philip A. Hart.
> Mike Mansfield.
> Claiborne Pell.
> Birch Bayh.
> Mark O. Hatfield.
> Joseph M. Montoya.
> Gale W. McGee.
> Frank E. Moss.
> Quentin Burdick.
> Chas. Goodell.
> Edward W. Brooke.
> Jennings Randolph.
> Walter F. Mondale.
> Jacob K. Javits.
> Charles H. Percy.
> Joseph D. Tydings.
> Warren G. Magnuson.
> Stephen M. Young.
> Lee Metcalf.
> Harrison Williams.
> Thomas H. Kuchel.
> William Proxmire.
> Clifford P. Case.
> Vance Hartke.
> Hugh Scott.
> Clinton P. Anderson.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 299 Ex.]

Allott
Anderson
Baker
Bayh
Bennett
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goodell
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Missouri [Mr. LONG], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Kentucky [Mr. MORTON], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

VOTE

The question is, Is it the sense of the Senate that the debate on the pending motion shall be brought to a close? The yeas and nays are required under the rule, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRUENING (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE] and the senior Senator from Idaho [Mr. CHURCH]. If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The assistant legislative clerk concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana, [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Missouri [Mr. LONG], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER] and the Senator from Nevada [Mr. BIBLE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Kentucky [Mr. MORTON], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN] and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The yeas and nays resulted—yeas 45, nays 43, as follows:

[No. 300 Ex.]

YEAS—45

Anderson
Bayh
Brewster
Brooke
Burdick
Case
Clark
Cooper
Dominick
Goodell
Gore
Harris
Hart
Hartke
Hatfield
Hayden
Inouye
Jackson
Javits
Kennedy
Kuchel
Magnuson
Mansfield
McCarthy
McGee
McIntyre
Metcalf
Mondale
Monroney
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—43

Allott
Baker
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cotton
Curtis
Dirksen
Dodd
Eastland
Ervin
Fannin
Fong
Fulbright
Griffin
Hansen
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Miller
Mundt
Murphy
Pearson
Prouty
Russell
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Gruening, against.

NOT VOTING—11

Aiken
Bartlett
Bible
Church
Ellender
Long, Mo.
McGovern
Morse
Morton
Smathers
Smith

The ACTING PRESIDENT pro tempore. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. NELSON. Mr. President, I have voted to terminate debate on this nomination because it has been adequately discussed and the business of the Senate should not be further delayed.

Though I do not know Mr. Fortas personally, he is highly respected by those who know him—both Republicans and Democrats.

Nevertheless, there is a sharp division in the Congress and the country on the appointment. It is the kind of division, I think, which puts the Court into controversy unnecessarily. I think it would be in the best interests of the Court for the President to withdraw the appointment and submit a name such as Arthur Goldberg who could be quickly confirmed by the Senate.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Nevada [Mr. BIBLE], who is necessarily absent today, I should like to announce that if he had been present and voting on the issue of cloture, he would have voted "nay." This is consistent with his previous record of voting on cloture over a long period of time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. It will be very brief.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate has refused to face squarely the issue of the nomination of Mr. Fortas.

Mr. PASTORE. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is correct. Let us have order in the Senate and listen to the statement of the majority leader. The Senate is not in order.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, to repeat, the Senate has refused to face squarely the issue of the nomination of Mr. Fortas—refused to allow the Senate to consider the merits. The President has proposed an appointment, as is his duty. The Judiciary Committee has held hearings and reported favorably its decision as is its responsibility. But the vote today indicates that the Senate is not yet ready to exercise its responsibility.

I respect the right of every Senator to make his views known and to cast his vote as he sees fit. That is our individual responsibility and I cast no stones—quite the contrary. I do think, though, that we have raised serious questions about the Senate's responsibility to advise and consent.

By the Senate's action today we have refused to permit the Senate to perform its constitutional duty to advise and consent. I am at least encouraged that a majority of those present have recorded themselves on this issue and have voted to face the merits. I believe that if the vote were permitted today on the merits of the confirmation a constitutional majority and more would vote to confirm Mr. Fortas.

Along with the highly important question of this nomination, there is the press of very urgent legislative business. Awaiting immediate action is the pending measure for the Department of Defense. Thus, it is my intention to return to legislative business at this time to commence action on that matter. I remind the Senate, however, that the executive business will remain the motion to proceed to consider the nomination of Mr. Fortas. I shall announce my intention on further efforts regarding this nomination within the next 2 or 3 days.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I now move that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate returned to the consideration of legislative business.

FOREIGN AID ASSISTANCE APPROPRIATIONS, 1969

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1583, H.R. 19908.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, the Senate modified this order to provide for a recess.)

THE DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

Mr. MANSFIELD. Mr. President, a short while ago, I called up the wrong bill, H.R. 19908, the Foreign Aid Act.

I ask unanimous consent that it be returned to the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, instead, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1550, H.R. 18707, making appropriations for the Department of Defense.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

AMENDMENT OF INTERNAL REVENUE CODE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the hour of 2 o'clock arrives, the unfinished business, H.R. 2767, to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On September 26, 1968:

S. 20. An act to provide for a comprehensive review of national water resource problems and programs, and for other purposes;

S. 220. An act to authorize the sale of certain public lands;

S. 224. An act to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes;

S. 905. An act for the relief of John Theodore Nelson;

S. 1470. An act for the relief of the Ida group of mining claims in Josephine County, Oreg.;

S. 2706. An act for the relief of Yung Ran Kim;

S. 2720. An act for the relief of Heng Liong Thung;

S. 3566. An act to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation," and for other purposes;

S. 3578. An act to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such commission subject to a certain condition, to exchange such lands; and

S. 3687. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes.

On September 28, 1968:

S. 1440. An act to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1637. An act to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings;

S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes;

S. 2759. An act conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3379. An act to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness;

S. 3420. An act to authorize a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket No. 319, and for other purposes;

S. 3621. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes;

S. 3671 An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College;

S. 3728. An act to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes; and

S.J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercedes Riewerts.

On September 30, 1968:

S. 1004. An act to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the 22nd annual report on the participation of the United States in the vital work of the United Nations.

1967 was a year in which peace was challenged on three major fronts. On two of these fronts—the Middle East and Cyprus—the United Nations played a significant role in averting a wider conflict. We were not successful in our efforts to have the United Nations contribute to the search for peace in Vietnam, but there is still hope that the U.N. can help us find and implement an honorable settlement.

In the Middle East, despite all attempts to achieve a peaceful accommodation, war broke out in June of 1967. The Security Council, with the full support and encouragement of the United States, called for a cease-fire, which was accepted by both sides.

U.N. observers were posted on the cease-fire lines between Israel and the U.A.R. and between Israel and Syria. Though the peace was still tenuous, the Security Council was able to begin the difficult quest for a durable settlement. The principles for settlement adopted by the Council resolution were entirely consistent with those suggested and supported by the United States.

In November, war nearly erupted between Greece and Turkey over the island of Cyprus. The tension was greatly eased by the diplomatic efforts of my personal representative, Cyrus Vance. Appeals by the Secretary-General, with the complementary action of the Security Council, contributed to a peaceful accommodation.

But the broad purpose of the United Nations goes beyond peacemaking: It can lift human beings from the dark despair of hunger and poverty and disease and ignorance. This report shows that in 1967 several major steps were taken to improve social and economic conditions in many parts of the world—through the U.N. Development Program, the Food and Agriculture Organization, and the many other agencies and commissions which bring hope and compassion to the neglected corners of the world.

The U.N. also acted to extend international law to outer space, and a committee was created to study the unknown benefits—and the unforeseen problems—that will arise from the future use of the ocean depths.

In its 23 years of existence, the United Nations has not always succeeded in its humanitarian goals. But where it has failed, no other creation of man has yet succeeded. The U.N. continues to be man's best hope for a world of peace and progress, where conflict is replaced by cooperation, and violence by the rule of reason.

I commend this report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 1, 1968.*

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House has passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6909. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 7567. An act to amend the Internal Revenue Code of 1954 with respect to the definition of compensation for purposes of tax under the Railroad Retirement Tax Act, and for other purposes;

H.R. 11394. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 12012. An act to encourage worldwide interest in U.S. developments and accomplishments in military and related aviation and equipment by authorizing Federal sponsorship of an International Aeronautical Exposition in the United States;

H.R. 14095. An act to amend the Internal Revenue Code of 1954 so as to make certain changes to facilitate the production of wine, and for other purposes;

H.R. 15003. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 15023. An act to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies, furnishing capital to development companies;

H.R. 15114. An act to extend to savings notes the provisions of the Second Liberty Bond Act relating to the redemption of savings bonds and the payment of losses incurred in connection with such redemption;

H.R. 17332. An act to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain use of gasoline and lubricating oil;

H.R. 18253. An act relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals;

H.R. 18486. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of income from the operation of a communications satellite system; and

H.R. 18942. An act relating to the income tax treatment of certain statutory mergers of corporation.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 1578. An act to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs;

H.R. 2155. An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries;

H.R. 6862. An act for the relief of Slator C. Blackiston, Jr.;

H.R. 8140. An act to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes;

H.R. 17104. An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum;

H.R. 17524. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

H.R. 19831. An act to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds;

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations; and

H.J. Res. 1461. Joint resolution making continuing appropriations for the fiscal year 1969, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 6909. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 7567. An act to amend the Internal Revenue Code of 1954 with respect to the definition of compensation for purposes of tax under the Railroad Retirment Tax Act, and for other purposes;

H.R. 11394. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 14095. An act to amend the Internal Revenue Code of 1954 so as to make certain changes to facilitate the production of wine, and for other purposes;

H.R. 15003. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 15023. An act to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies, furnishing capital to development companies;

H.R. 15114. An act to extend to savings notes the provisions of the Second Liberty Bond Act relating to the redemption of savings bonds and the payment of losses incurred in connection with such redemption;

H.R. 17332. An act to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain use af gasoline and lubricating oil;

H.R. 18253. An act relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals;

H.R. 18486. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of income from the operation of a communications satellite system; and

H.R. 18942. An act relating to the income tax treatment of certain statutory mergers of corporations; to the Committee on Finance.

H.R. 12012. An act to encourage worldwide interest in U.S. developments and accomplishments in military and related aviation and equipment by authorizing Federal sponsorship of an International Aeronautical Exposition in the United States; to the Committee on Foreign Relations.

THE NONPROLIFERATION TREATY

Mr. PELL. Mr. President, I urge that the Senate give its advice and consent to the nonproliferation treaty at the earliest possible time. And, in doing this, I would add my hope that the President would deposit our instrument of ratification as soon as possible.

While recognizing that the Soviet Union's bullying and heinous tactics in Czechoslovakia are unsettling to the peace of the whole world, I nevertheless believe that, on balance, our Nation and the world has more to gain by the earliest possible ratification of this treaty rather than by its postponement in order to give an object lesson to the Soviet Union or for reasons of domestic politics.

To relate the heinous occupation of Czechoslovakia by the Soviet Union to the ratification of this nuclear test-ban treaty is to relate, in farming terms, a seasonal drought to a long-term irrigation project.

I also believe it is a most undesirable precedent for the Senate to advise and consent to a treaty, and, at the same time, advise our President to delay depositing the instrument of ratification. That is what the majority report recommends. That report reads:

> The Committee urges the President, once the Senate has acted, to consider delaying the process of depositing the United States instrument of ratification until such time as he has received positive assurances that a majority of those countries nearest to a nuclear-weapons capability intend to adhere to the Treaty.

This is a poor precedent since, in effect, it enlarges the importance of the period between the Senate's giving its advice and consent and the ministerial act, the actual deposit of the instrument of ratification.

Our tradition has been that the action of deposit of the instrument of ratification is primarily a procedural formality following automatically upon the Senate's giving its advice and consent to a treaty.

Although I realize there have been instances when the President has substantially delayed deposit, or withheld deposit, of an instrument of ratification, I do not think the Senate should give its advice and consent to a treaty and then pass the buck back to the President encouraging him to choose the timing of deposit. This will result in further derogation in the powers of the Senate and its constitutional role in the treaty process.

Accordingly, I not only urge my colleagues to advise and consent to this treaty at the earliest possible time, but also urge that the President then promptly proceeded to deposit the instrument of ratification.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. PASTORE. Mr. President, I want to associate myself with the statement made by my distinguished colleague. I think it comes at a very opportune time. I remind the Senate that the nonproliferation treaty, contrary to the common point of view, is not an accommodation to Russia. I think we have to remember that. All of us consider the Russian action against Czechoslovakia as a dastardly act that should not have been committed, but we have to remember that the nonproliferation treaty is not an accommodation to Russia. It is really an accommodation to the survival of mankind. It means, in pure and simple language, that the nations which have nuclear power will not distribute the power throughout the world; that we will limit, as much as we possibly can, this destructive power so we can bring it under control.

I hope we remember that this treaty—I repeat again—is not an accommodation to Russia. It is not an accommodation to the United States of America. It is not an accommodation to any nation as such. It is an accommodation to the survival of mankind, and I hope we all remember that.

Mr. PELL. I thank my colleague.

ORDER FOR RECESS TO 10 A.M.

Mr. MANSFIELD. Mr. President, for the information of the Senate—and I hope the attachés will take notice of this—there is a very strong possibility that there will be rollcall votes this afternoon and tomorrow. I would urge all Senators to keep that fact in mind and the attachés on both sides to call the offices of their respective Senators and apprise them of this knowledge.

Mr. President, instead of adjourning tonight, I change my request. I ask unanimous consent that when the Senate concludes its business tonight, it recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

Mr. RUSSELL. Mr. President, I desire to present as briefly as the subject will permit, H.R. 18707, the Department of Defense appropriation bill for fiscal 1969. I can assure the Senate that I do not intend to make a lengthy presentation. No one could hope to cover the multitude of individual items contained in this measure in an hour or a day or even a week. Instead, I shall briefly present the highlights of the bill by title, explaining the committee's action on items of special importance, and follow this with some personal observations that I hope will be of importance to your understanding of the bill and to the security of our country. At the conclusion of my remarks, I shall be available for questioning, of course. You also have before you the committee report, which explains in detail each of the actions of the committee as well as the anticipated utilization of the funds contained in the bill.

BILL SUMMARY

The bill before you contains a total of $71,886,893,000. This is an amount of $352,807,000 under the $72,239,700,000 provided by the House of Representatives and $5,187,107,000 under the budget estimate of $77,074,000,000 for fiscal 1969.

I point out that, with the amendments of the Senate, this bill meets the requirements of the Revenue and Expenditure Control Act of 1969 and provides for more reductions in the appropriations than are suggested in that act.

The bill is likewise $2,265,419,000 under the appropriation for fiscal year 1968 of $74,152,312,000.

TOTALS BY SERVICES

The recommended appropriation for each of the services is approximately as follows:

For the Department of the Army, $23,221,494,000; for the Department of the Navy, $20,379,939,000; for the Department of the Air Force, $24,320,724,000; and for Defense agencies, $3,964,736,000.

Let us now examine the bill by title.

TITLE I—MILITARY PERSONNEL

Title I relates to military personnel, the men who are in the service. The committee recommends appropriations totaling $22,571,600,000 for the various military personnel appropriations. This sum is a reduction of $442.4 million below the budget request and $113.4 million below the House figure.

The reductions recommended by the committee are based on recent reviews of requirements, along with certain actions taken by the Department of Defense that will result in some savings in these appropriations. The funds recommended will support an Army with an end strength of 1,500,000, a Navy with an end strength of approximately 794,000, a Marine Corps with an end strength of approximately 306,000, and an Air Force with an end strength of approximately 868,000. The committee recommendations include $2,275,000,000 that is required for pay of the retired personnel of the armed services.

The recommendations of the committee, with respect to each military personnel appropriation, will be found on pages 6 to 17 of the committee report.

TITLE II—OPERATIONS AND MAINTENANCE

The committee recommendations include $21,765,000,000 for the various operation and maintenance appropriations. This sum is a reduction of approximately $1,022,000,000 below the budget request and $35 million below the House bill. These funds provide for the day-to-day operating expenses of the military services, the pay of most of the civilian employees of the Department, the training costs of military personnel, the cost of logistical support to the services, the cost of communications, and a multitude of other costs of this nature.

The recommendations of the committee, with respect to each operation and maintenance appropriation, will be found on pages 18 to 29 of the committee report.

TITLE III—PROCUREMENT

The committee recommends appropriations of $19,962,900 for the procurement programs of the services and agencies of the Department of Defense. The sum recommended is a reduction of $3,291,100,000 below the budget estimates, and a reduction of $336.1 million in the House bill. In addition to the appropriations recommended, the committee recommends concurrence in the provisions requested in the budget and included in the House bill that provide for the transfer of $1,560,000,000 to these appropriations from the various working capital funds.

The committee's recommendations, with respect to each procurement appropriation, will be found on pages 29 through 42 of the committee report.

I think I should call attention particularly to one specific recommendation of the committee.

The budget program and the House bill included $482.6 million for the conversion of six Polaris A-3 submarines to carry the new Poseidon missile. The committee has recommended funds for the conversion of only two of these submarines. It was the view of the committee that the two conversions recommended, along with the two in the fiscal year 1968 program, is as far as we should go until the reliability of this new Poseidon missile is clearly established. The Poseidon is to be one of the most complicated weapons ever conceived, and if we have learned anything since we entered the missile age, it is the fact that you can expect to encounter development problems with each new missile undertaken.

It should also be noted that there has only been one test flight of the Poseidon and this took place in August. On the other hand, I want to make it perfectly clear that once the reliability of this missile is thoroughly demonstrated by adequate test flight programs, the committee will be prepared to proceed with the conversion program.

TITLE IV—RESEARCH AND DEVELOPMENT

The committee recommends appropriations totaling $7,587,393,000 for the various research, development, test, and evaluation programs of the Department of Defense. This sum is a reduction of $418,807,000 in the budget estimates but an increase of $131,693,000 over the House bill. This is the only title in the bill, as it came to us from the other body, that was increased by the committee. The recommendations of the committee, with respect to each appropriation in this title, will be found on pages 43 through 51 of the committee report.

The recommended increase over the House bill includes an additional $100 million for the development of the Navy's proposed VFX-1 aircraft. It was the view of the committee that inasmuch as a considerable amount of time had been lost in connection with the terminated F-111B aircraft—the Navy' version of the TFX—it was imperative that we proceed as fast as we possibly can to develop an aircraft to meet the Navy's requirements. However, it should be made clear that in providing these additional funds the committee expects the program definition phase of the VFX-1 to produce an aircraft concept that will perform the required Navy mission.

The other major increase over the House bill is the recommendation of an appropriation of $50 million for the emergency fund, which is the full amount authorized for this appropriation. It is the view of the committee that these funds should be made available in order that the Department of Defense will have a capability to meet unforeseen research and development requirements.

GENERAL PROVISIONS

The committee recommends the deletion of section 541 of the House bill dealing with disturbances at institutions of higher learning, and the insertion of a new provision dealing with this matter that is in accord with a similar provision adopted by the Senate as a floor amendment, offered by the distinguished Senator from Oregon [Mr. MORSE] to the Departments of Labor and Health, Education, and Welfare appropriation bill.

I might say, Mr. President, speaking only for myself, that I would have preferred a much more rigid directive, but the majority of the Senate thought otherwise in striking out of that measure the provision that came to us from the other body.

At the direction of the Committee on Appropriations, I will at the appropriate time offer an amendment, legislative in character, providing an exemption to the employee limitation provisions of the Revenue and Expenditure Control Act of 1968 for 150,000 civilian employees that are involved in Department of Defense activities in direct support of combat operations in Southeast Asia.

I might add, Mr. President, that I am of the opinion that the defense authorization bill has in it an exception which would exclude from the operation of those provisions the operations in Southeast Asia. Thus, in the spirit of the act the employees in Vietnam should have been excluded, but were not. The committee, at the request of the Department, is including this provision in this bill.

LARGEST SINGLE APPROPRIATION BILL

At this point I feel impelled to digress from the dollars and cents of this bill and speak of it in the framework of recent events and the future of our country.

Once again the members of your committee find ourselves in the position of advocating the passage of a huge defense appropriations bill. This is a bill that is substantially greater than any single appropriation bill passed in World War II. It is, in fact, the largest appropriation bill in American history. No one regrets the necessity of this more than I. We are all aware of the increased tax burden on our citizens who must pay the bill. We are also aware of the inflationary effect any such huge appropriation must have when it is translated into terms of expenditure. We all know the many desirable programs that could be financed with these funds and we are aware that there are some of us present who are old fashioned enough to cherish the almost forgotten hope of a balanced budget. Finally we realize, all too painfully, the divided opinion in America regarding the Vietnam war—a war that I initially opposed, but one, I believe, that we must now fully support until we can arrange a just and equitable peace. That is the one side of the coin.

NATIONAL SECURITY PRIMARY CONCERN

Unfortunately, there is the other side—a side that, to me at least, is equally compelling, a side that we would be foolhardy to disregard. Your committee views as its primary concern the security of our country, or in the words of our Founding Fathers, to "provide for the common defense." It little behooves us as a nation to promote the general welfare by providing a full dinner pail, a chicken in every pot, or two cars in every garage, as some of our predecessors would have it, if, in the process, we jeopardize or even lose the very liberties which made these blessings possible.

Our national security your committee has, through the years, attempted to provide. Through the turbulent years of the past two decades, we have wholeheartedly supported the programs our best military experts have believed essential. As chairman of the Defense Appropriations Subcommittee for the past 6 years, as a member of the subcommittee for the past 34 years, as chairman or member of the Armed Services Committee for the past 21 years and as a member of the Naval Affairs Committee for the previous 14 years, I know of no occasion during these years when we have not provided the military establishment with all that was required to maintain that national security. I say this, not in personal pride, but with the conviction that the Members of the Congress have fulfilled their duty in providing for the national defense to the extent of their powers and abilities. It is true that, whenever it has been possible, we have reduced Defense appropriations. We have forced the Department to abandon unnecessary innovations, such as the STEP program. We have patiently approved research funds, but refused to provide production funds for such highly questionable programs as the F-111B. We have held the feet of the Department to the fire and refused to appropriate funds for duplicating programs. But our reductions have never jeopardized our national security in an iota. Instead, we have bolstered our defense posture on our own initiative by insisting that necessary programs be carried forward expeditiously. The 70-group Air Force, the B–36 program, the retention of the B–52's, the Polaris program, the maintenance of strong reserve components, adequate ammunition supplies, a modern Navy with modern aircraft carriers—all these and many others have been successfully pushed by the Congress and your committee when faced with the compelling need to provide adequately for the national defense. Since World War II, and particularly since the Korean buildup, there has never been any doubt in my mind as to our defense capability.

In this present bill, however, we are faced with a somewhat different situation. Let me explain.

REVENUE AND EXPENDITURE CONTROL ACT OF 1968

The President's budget estimate for fiscal 1969 fixed expenditures at $186.1 billion. However, the Congress, in the Revenue and Expenditure Control Act of 1968, imposed a ceiling of $180.1 billion on fiscal 1969 expenditures—a reduction of $6 billion. Mr. President, I supported that measure because I view a sound fiscal policy as the primary cornerstones of our system of Government.

The executive branch of the Government has decreed that of this $6 billion reduction, $3 billion must be made in those Department of Defense expenditures, exclusive of those relating to operations in Vietnam which are specifically excluded. It should be remembered that there is nothing in the law or the legislative history of the law that expresses a legislative intent that non-Vietnam defense expenditures were to be reduced by $3 billion. The executive branch is responsible for this decision.

Let us take a look at what a $3 billion reduction in Department of Defense expenditures means. The President's budget estimated Department of Defense expenditures at $77.1 billion, of which $25.8 billion was for Vietnam operations, and the balance of $51.3 billion was for non-Vietnam operations of the Department. Following the Tet offensive of the North Vietnamese and Vietcong in January and February, additional funds were required for the Department of Defense—and the second supplemental appropriation bill included $3.8 billion for the Southeast Asia emergency fund. Of course, this had a substantial impact on estimated fiscal 1969 expenditures. The current estimate for Department of Defense expenditures for fiscal year 1969 is $79.5 billion, of which $27.2 billion is for Vietnam operations and $52.3 billion is for non-Vietnam operations.

It is, therefore, very evident that the $3 billion reduction will have to be made in the $52.3 billion for non-Vietnam operations, which is a reduction of 5.7 percent. The major portion of this $3 billion reduction will have to be made in programs funded from appropriations in this bill for military personnel, operation and maintenance, procurement, and research and development. While it is impossible to state precisely the expenditure reduction impact of the recommendations of the committee, I estimate such impact at about $1.8 to $2.1 billion. This means that the Department of Defense will have to take further actions to reduce and defer programs in order to reduce expenditures by an additional $1 billion.

Mr. President, I ask unanimous consent to have included in the Record at this point a colloquy I had with the Deputy Secretary of Defense during the hearings on the impact of the $3 billion reduction in expenditures.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Senator Russell. Mr. Secretary, I would like to take a minute or two in order to be sure that I understand fully the impact that the $6 billion reduction in fiscal year 1969 expenditures will have on the Department of Defense. As I recall, Secretary Clifford has indicated that the Department of Defense has been directed to make a reduction of $3 billion in fiscal year 1969 non-Southeast Asia expenditures.

How much did all Department of Defense expenditures total during fiscal year 1968 and how much of this total was for Southeast Asia?

Mr. Nitze. DOD expenditures for fiscal year 1968 totaled $77.9 billion. Of this amount it is estimated that expenditures for Southeast Asia were approximately $27 billion. This latter amount has been derived on the basis of the statistical relationships rather than precise accounting records.

Senator Russell. The President's budget for fiscal year 1969 estimated total DOD expenditures for fiscal year 1969 at $77.1 billion.

How much of that total is for Southeast Asia?

Mr. Nitze. $25.8 billion.

Senator Russell. Of course the Second Supplemental Appropriation Act, 1968 included substantial funds for the Department of Defense, including $3.8 billion for the Southeast Asia emergency fund that will increase fiscal year 1969 DOD expenditures. What is the current estimate of total DOD expenditures for fiscal year 1969 and how much of that total is for Southeast Asia?

Mr. Nitze. Adjusting the President's budget estimate for fiscal year 1969, total DOD expenditures for the July 1, 1968 pay raise, for the impact of the Second Supplemental Appropriation Act of 1968, and for increases in retired pay and life insurance premiums, our estimate of total DOD expenditures for fiscal year 1969 is $79.5 billion. Of this amount, $27.2 billion is our calculation for support of Southeast Asia operations.

Senator Russell. How much of the original and revised total is for programs funded from this bill, how much for programs funded from the military construction bill, how much for military assistance, and how much for civil defense?

Mr. Nitze. The total new obligational authority requested by DOD for fiscal year 1969 is as follows:

[In millions of dollars]

	Fiscal year 1969 President's budget	Fiscal year 1969 President's budget adjusted for July 1, 1968, pay raise, etc.
Basic DOD bill	77,149	78,614
Military construction and family housing	2,032	2,032
Civil defense	77	77
Military assistance	540	540

After subtracting $221 million from these amounts to reflect the new budget concepts, the total new obligational authority requested for DOD in the President's budget was $79.6 billion which compares to our revised request of $81 billion.

Senator Russell. Mr. Secretary, as I look at this situation, it seems that the Department of Defense is going to have to make a reduction of $3 billion in those planned fiscal year 1969 non-Southeast Asia expenditures estimated at $52.3 billion, most of which will have to be made in programs funded from appropriations in this bill for military personnel, operation and maintenance, procurement, and research and development. Do you agree with this conclusion?

Mr. Nitze. Yes.

Senator Russell. Unadjusted for the new budget concepts, the President's budget included requests for new obligational authority which totaled $79.8 billion, including $77.1 billion in this bill, $2 billion in military construction requests, $76.8 million for civil defense, and $540 million for military assistance. The bill before us represents reduction of $4.8 billion below the request, and the conference committee on the military construction, which just concluded, has agreed on reductions totaling $273 million.

Mr. Secretary, how much of the total request for new obligational authority is for the support of Southeast Asia operations?

Mr. Nitze. The President's budget request contained $24.9 billion of new obligational authority for support of Southeast Asia operations.

Senator Russell. This means that those Department of Defense requests in the President's budget for activities not related to Southeast Asia totaling $54.9 billion are going to be reduced by about $5 billion, which is a reduction of approximately 10 percent. Do you agree with this?

Mr. Nitze. Yes.

Mr. RUSSELL. Mr. President, I want to make it very clear that, for the most part, these reductions are deferrals and not savings. I would not be fair and honest with the Senate if I did not make that perfectly clear. They will reduce cash expenditures during fiscal year 1969, but expenditures and appropriations for fiscal years 1970 and 1971 will undoubtedly have to be increased accordingly.

RESERVATIONS ON FUNDING ADEQUACY

If you will examine the Record, you will find that in past years I have reported to you that the funds provided in the Defense appropriations bill were sufficient to the needs of our national defense. Today I do so again. But I wish it clearly understood that it is with some reservation that I make the same report to the Senate today. There is no hesitation in my mind in stating that we cannot continue to support a war, be capable of honoring our commitments abroad, and maintain an adequate defense posture without substantially increasing the size of our Defense budget in the near future. As reluctant as Congress will be to accept that statement, I make it unequivocally and without fear of contradiction.

Why is it, you may ask, that the present gigantic Defense budget is not more than sufficient to our needs? Let me give just a few examples. To begin with, we are fighting a war on terms dictated, more or less, by the enemy. And we are doing that willingly, because we are not compelled to do so. We do it through choice and apparently in fear of world opinion. It is a war which is costing us—in addition to the lives of so many of our brave youth—in the neighborhood of

$30 billion annually. Bear in mind that figure is almost 2½ times the total Defense budget at the time of the outbreak of the Korean war.

INCREASED COST OF WEAPONS

Second, the sophisticated weapons that we employ today are far more costly than those of only a few years ago. I will give a few examples of this. In the past 8 years, since 1960, the average cost of civilian employment in the Air Force has risen over 54 percent, officer pay 40 percent, and airmen's pay over 37 percent. A medium bomber in World War II cost $218,000. Today one costs $7 million. We could procure a B-36 during the Korean war for $3.7 million. The RS-71, our most modern plane, costs close to $25 million today.

Navy increases are equally as dramatic. A world War II attack submarine cost $4.7 million. The latest nuclear attack submarines cost $77 million—more than 16 times as much. Aircraft carriers of the *Essex* class, built during World War II, cost $55 million. The *Forrestal* carrier, built during the Korean war, cost about $190 million. The latest aircraft carrier, the *John F. Kennedy*—just launched very recently—cost $277 million. Destroyer costs are comparable. A destroyer laid down during the Korean conflict cost about $18 million. The present cost of a modern equivalent is over $40 million.

The same thing is true of almost every article that can be procured for the troops, particularly the materials of war. Take the Army. We procured M-1 rifles in 1946 for $31 apiece. Today an M-16 costs $150. A 1946 machinegun cost $74. Today's equivalent costs $579. In 10 years a manpack radio has gone from $300 to $487.

I think it is vital, Mr. President, that the American people understand this. They say, "Why can't there be substantial reductions in the cost of maintaining the Department of Defense?"

The truth about the matter is that today we do not get half as much defense for the same dollar that we did at the end of the Korean war.

I requested the Secretary of Defense and the Secretary of the Air Force to prepare tabulations illustrative of these increases in cost.

Mr. President, I have those tabulations to which I referred, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

COST INCREASES: DEPARTMENT OF DEFENSE

THE SECRETARY OF DEFENSE,
Washington, D.C., July 8, 1968.

Hon. RICHARD B. RUSSELL,
Chairman, Subcommittee on Department of Defense, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During my appearance before the Senate Subcommittee on Defense Appropriations you asked that I have a chart prepared that would show the escalation in the cost of weapons, not only because of the loss of purchasing power due to inflation but also because of the far greater complexity of modern systems.

Members of my staff have completed such a tabulation, and I am enclosing copies for whatever use you may wish to make of it. As you so correctly noted during the hearings, you cannot buy anything near the amount of military hardware now with $80 billion that you could have during World War II. The data on the enclosed chart clearly confirm that judgment. It is indeed a sobering fact that the cost of the FY 1967 nuclear-powered guided missile frigate, an escort ship, is estimated at $200 million, twice the original cost of the battleship *New Jersey*.

If we can be of any further assistance to you in this regard, please let me know.

Sincerely,

CLARK M. CLIFFORD.

EXAMPLES OF RISING UNIT COSTS FOR U.S. WEAPONS SYSTEMS—WORLD WAR II TO THE PRESENT

The following tables attempt to illustrate for selected classes of weapons systems the range of unit cost increases experienced over the past three decades. These cost increases, of course, reflect not only the rise in prices and wages which have affected the economy generally, but also the great increases in capability and technological sophistication (and frequently in sheer physical size) which the later weapons systems involve. Still another factor influencing many of these average unit costs (and one for which no adjustment has been attempted in the data below) is the considerable variance in the number of each model procured and, therefore, in the relative opportunity to benefit from "learning curve" economies. (This is particularly true of current on-going procurement programs and especially of those just getting underway where large quantities planned for production after FY 1969 could be expected to drive average unit costs down appreciably.) These factors aside, however, it is clear from the examples below that unit costs of weapons systems have risen sharply, both since World War II and in more recent years.

Air Force strategic aircraft: [1]	
Medium bombers:	*Unit cost*
B-17 (World War II)	$218,000
B-29 (World War II)	680,000
B-47 (Korean war)	2,000,000
B-58 (fiscal years 1955-61)	20,700,000
FB-111 (fiscal years 1967-69)	7,000,000
Heavy bombers:	
B-36 (Korean war)	3,700,000
B-52 (fiscal years 1952-61)	7,900,000
RS-71 (fiscal years 1964-66)	24,600,000
Air Force fighters:	
F-51 (World War II)	54,000
F-47 (World War II)	89,000
F-86 (Korean war)	298,800
F-84 (Korean war)	465,990
F-100 (fiscal years 1952-58)	740,540
F-101 (fiscal years 1953-59)	1,800,000
F-105 (fiscal years 1954-63)	2,500,000
F-4 (fiscal years 1962-69)	2,100,000
F-111A (fiscal years 1965-69)	6,800,000
Air Force transports:	
Medium:	
C-47/53 (World War II)	94,000
C-46 (World War II)	262,000
C-119 (Korean war)	662,730
C-130 (fiscal years 1963-68)	2,400,000
C-141 (fiscal years 1962-67)	6,300,000
Heavy:	
C-124 (Korean war)	1,700,000
C-133 (fiscal years 1953-68)	8,900,000
C-5 (fiscal years 1967-69)	22,000,000
Navy fighters:	
F-4U (World War II)	102,000
F-2B (Korean war)	328,400
F-9F (Korean war)	280,290
Navy fighters—Continued	
F-8 (fiscal years 1954-63)	$1,100,000
F-4 (fiscal years 1955-69)	2,600,000
Navy attack aircraft:	
Light:	
TBM (World War II)	101,000
AD-4 (fiscal years 1948-52)	253,860
A-1E (fiscal years 1951-54)	417,870
A-4B (fiscal years 1955-62)	522,460
A-4E (fiscal years 1960-64)	816,290
A-7 (fiscal years 1966-69)	1,800,000
Attack submarines:	
SS (World War II)	4,700,000
SS (Korean war)	22,000,000
SSN (fiscal year 1951 program)	58,000,000
SSN (fiscal year 1962 program)	72,000,000
SSN (fiscal year 1968 program)	77,000,000
Attack carriers:	
Conventionally powered:	
CVA (World War II, *Essex* class)	55,000,000
CVA (fiscal year 1942 program, *Midway*)	90,000,000
CVA (fiscal year 1951 program, *Forrestal*)	189,400,000
CVA (fiscal year 1961 program, *America*)	249,000,000
CVA (fiscal year 1963 program, *John F. Kennedy*)	277,000,000
Nuclear powered:	
CVAN (fiscal year 1960 program, *Enterprise*)	451,300,000
CVAN (fiscal year 1968 program, *Nimitz*)	545,000,000
Destroyer types:	
DD (World War II)	8,700,000
DD (Korean war)	17,900,000
DDG (fiscal year 1961 program)	33,300,000
DLGN-35 (fiscal year 1962 program)	130,300,000
DLGN-36 (fiscal year 1967 program)	200,000,000
DLGN-37 (fiscal year 1968 program)	180,000,000
Battleship:	
New Jersey (1940-43)	100,000,000
New Jersey (activation costs, fiscal year 1968)	20,000,000
Medium tanks:	
M-3A4 (fiscal year 1946)	55,244
M-48 (fiscal year 1959)	155,600
M-60 (fiscal year 1968)	188,800
Machine guns:	
0.30 cal. M-1919 (fiscal year 1946)	74
7.62 millimeter, M-60 (fiscal year 1968)	579
Rifles:	
M-1 (fiscal year 1946)	31
M-14 (fiscal year 1959)	135
M-16 (fiscal year 1968)	150
Antiaircraft gun, self-propelled:	
M-19, 40 millimeter (fiscal year 1946)	55,731
M-42, 40 millimeter (fiscal year 1959)	92,841
XM-163, 20 millimeter (fiscal year 1968)	210,000
105 millimeter howitzer (towed):	
M-3 (fiscal year 1946)	8,262
M-102 (fiscal year 1968)	40,000
115 millimeter howitzer (towed):	
M-1 (fiscal year 1946)	15,642
M-14 (fiscal year 1968)	30,316
8 inch howitzer (towed):	
M-1 (fiscal year 1946)	31,119
M-2A1 (fiscal year 1959)	56,693
M-115 (fiscal year 1968)	65,784
106 millimeter recoilless rifle:	
M-40A1 (fiscal year 1959)	3,500
M-40A1 (fiscal year 1968)	7,736
81 millimeter mortar:	
M-1 (fiscal year 1946)	669
T-227 (fiscal year 1959)	2,200
M-29E1 (fiscal year 1968)	2,430

Footnote at end of table.

4.2 inch mortar:	
T-13 (105 millimeter) (fiscal year 1946)	$834
T-201 (fiscal year 1959)	3,000
M-30 (fiscal year 1968)	5,700
Semitrailer, 6-ton van:	
Fiscal year 1946	2,288
Fiscal year 1959	3,000
Fiscal year 1968	7,800
Manpack radios:	
SCR-300 (World War II)	253
AN/PRC-8 (fiscal year 1958)	300
AN/PCR-77 (fiscal year 1968)	487
Vehicle-mounted radios:	
SCR-508 (World War II)	1,400
AN/GRC-3 (fiscal year 1958)	1,500
AN/VRC-47 (fiscal year 1968)	2,350
Sea mines:	
Typical World War II type	2,381
Typical fiscal year 1968 type	13,944
Lightweight torpedoes:	
MK-43/1 (fiscal year 1951-59)	6,509
MK-44/1 (fiscal year 1959-68)	13,800
Heavy torpedoes:	
MK-16/6 (fiscal year 1945-59)	25,176
Heavy torpedoes—Continued	
MK-16/8 (fiscal year 1961-67)	$32,000
MK-46 (fiscal year 1964 to current)	48,346

[1] All aircraft data are average unit flyaway costs. Note also that cost data do not reflect projected procurement beyond fiscal year 1969.

COST INCREASES: DEPARTMENT OF THE AIR FORCE

The President's Budget for the Air Force for FY 1960 totaled $18,682.2 Million ($18.7 Billion), and for FY 1969 $26,969.4 Million ($27.0 Billion). Extracting SEA support costs from the latter figure, we arrive at an 18.7 and 20.3 Billion dollar figure for FY 1960 and FY 1969 respectively—an increase of $1.6 Billion or 8.5% over a nine-year period excluding SEA support.

Price increases attributable to the rising cost of living during the same time frame, or less, on like items inherent to mission accomplishment have soared in comparison with the 8.5% overall budget increase, i.e.:

	Fiscal year 1960	Fiscal year 1968	Increase	Percent increase
Man-year cost (civilian)	$4,862.00	$7,500.00	$2,638.00	54.3
Man-year cost (officer)	8,573.00	12,033.00	3,460.00	40.4
Man-year cost (airman)	3,478.00	4,790.00	1,312.00	37.7
JP-4 (per 1,000 gallons)	98.00	111.00	13.00	13.3
115/145 aviation gas (per 1,000 gallons)	185.00	195.00	10.00	5.4
Synthetic jet lube oil (per 1,000 gallons)	3,850.00	4,480.00	630.00	16.4
Reciprocating engine lube oil (per 1,000 gallons)	400.00	460.00	60.00	15.0
Construction cost index (skilled labor and material)	(825.00)	(1,100.00)	(275.00)	33.3
Building cost index (skilled labor and material)	(550.00)	(700.00)	(150.00)	27.2
T-37 aircraft	145,000.00	177,000.00	32,000.00	22.1
16-week jet aircraft mechanical course	3,040.00	3,950.00	910.00	30.0
Air War College	20,895.00	27,970.00	7,075.00	33.9
Cot, folding canvas	6.90	15.00	8.10	117.3
Airman cloth bag	178.65	233.66	55.01	30.8
Chair, straight with arms	70.00	92.00	22.00	23.9
Desk, flattop	36.25	62.00	25.75	71.0
M117 (empty) bomb	45.90	161.50	115.60	251.8
Generator set MB-18	3,600.00	6,500.00	2,900.00	80.5
Generator set MB-17	5,900.00	8,200.00	2,300.00	39.0
Generator set MB-16	6,300.00	10,200.00	3,900.00	61.9
Bus, 12-36 passenger	4,730.00	5,476.00	746.00	15.8
Truck, pickup, ½ ton, 4 x 2	1,403.00	1,472.00	69.00	4.9
Truck, S. & P., 1½ ton, 4 x 2	2,155.00	2,580.00	425.00	19.7
Truck, dump, 5 ton, 4 x 4	4,385.00	6,137.00	1,752.00	40.0
Tractor, towing A/C MB-4	6,400.00	6,972.00	572.00	8.9
Crane, truck mounted	26,315.00	38,608.00	12,293.00	46.7
Distributor, water, 1,500 gallons	10,600.00	14,493.00	3,893.00	36.7

Additionally, among the aircraft being delivered in FY 60 was the F100 at a Flyaway cost of $1.0 Million. The comparable aircraft being purchased in FY 69 are the A-7 and F-4 at (deleted) and (deleted) Million respectively.

If the Air Force budget requests were to have risen in line with the cost of living increases alone, i.e., approximately 35% over the past nine years, not to mention the increased costs of the extremely sophisticated hardware added to the present inventory over the past nine years, the FY 69 Air Force budget *excluding SEA support* would equal the President's FY 69 Budget which includes $6.6 Billion for SEA support.

Management innovations, cost consciousness at every level, increasing cost effectiveness in our planning and procurement policies and the most efficient utilization of manpower and material have more than served to offset the normal cost growth being experienced by our nation's economy today.

MATERIAL REPLACEMENT REQUIRED

Mr. RUSSELL. Mr. President, third, wisely or unwisely—and you and the American people can be the judge, although in part at least it is the responsibility of Congress—we have been utilizing stocks of war materiels for the present war without replacing those to the degree previously thought necessary. But our stockpile of implements of war is not inexhaustible. We are scraping the bottom of available surpluses and further reductions would, in my opinion, jeopardize our defense potential in the event of an outbreak of large-scale hostilities. In the past few years we have had both guns and butter, but we have had the guns—or the multitude of components that make them usable—at the expense of the reserves of equipment that are necessary in a larger war until production can match the pace of consumption.

I am not trying to tell a scare story, Mr. President. We are still the strongest nation on earth, militarily and economically. And the situation is not irreparable. But I am giving my frank opinion to the Senate today, as well as to Congress and to the people of this country, that we cannot afford to continue in our present direction and have any sort of effective fighting organization. We have drawn down too long from the pantry shelf of military hardware for us not to realize that the day of reckoning must come, and it will come very soon. The time is coming when we must modernize our tanks. We must replace our aging ships, and equip modern ships with reliable missiles. We must replace our wornout B-52's with modern bombers, our present fighters with better ones. Real property maintenance cannot be reduced or deferred indefinitely, though we have reduced it and deferred it in large scale over the last 3 or 4 years. We must match our potential enemies missile for missile, and our missile defenses must be made as impenetrable as is humanly possible. I view these as absolute necessities if we are not to invite aggression, accompanied by disaster, through weakness.

INCREASED RUSSIAN CAPABILITY

There are many people who, until recently at least, hoped that a detente with Russia could reasonably be anticipated in the foreseeable future. Perhaps this is still possible, but recent events—not only recent events but also the long history of our negotiations, dealings, and treaties with the Soviets—do not inspire me to optimism. This pious hope was based, I believe, more on our heartfelt desires for a lessening of world tensions than on a sober analysis of Russian actions.

Consider for a moment recent developments. During the past few years the Soviets have developed a military flexibility that includes long-range aircraft, a much enlarged navy—I may say that it is almost entirely new as compared with our obsolescent if not obsolete vessels—and a capability to deploy conventional forces on a broad geographic basis. More specifically, they are continuing to maintain large-scale ground forces supported by tanks. They are continuing medium and heavy bomber production. They are building up a fleet of nuclear-powered submarines and have developed submarine-launched ballistic and cruise missiles. They are constantly introducing new fighters and helicopter carriers. They have developed an antibomber system and an anti-ballistic-missile system and are markedly increasing their land-based missile launching system. They are known to be developing a fractional orbiting bombardment system, which is in fact a new intercontinental ballistic missile system of very low trajectory. Soviet defense expenditures have risen over 30 percent since 1965, reflecting, in part at least, continued expansion of the Russian defense effort.

CONTINUED RUSSIAN AGGRESSION

Of course, there are other signs. Russia continues to be one of the main sources of supply of war materiel for North Vietnam and Russian weapons are continuing to kill American boys in South Vietnam. There is continued evidence of increased Russian activity in the Mediterranean and other parts of the world. Only recently new strictures were placed on Berlin travel, strictures which could only be enforced with Soviet backing.

Even if these events and postures were disregarded, the wholly unwarranted invasion of Czechoslovakia speaks for itself. This is the true measure of the "truce of the Russian bear," that Kipling wrote about so knowledgeably. This is the true measure of the degree of sincerity behind the policy that Khrushchev referred to in 1957 when he said:

> The Communist system must be based on the will of the people, and if the people do not wish this system, let them establish the way of life they prefer best. This is why we will unflinchingly withdraw our troops from all the countries in which they are stationed—from Poland, Hungary, Rumania, Eastern Germany—and I am sure that the

> peoples of these countries will defend their system even better then.[1]

We cannot afford to be lulled into a false sense of security resulting from soft words that conceal the mailed fist. The philosophy of Marx, Lenin, Stalin, and Khrushchev remains uncompromising and adamant. Only last March Mr. Breshnev is reported to have said:

> Our Party has always warned that in the ideological field there can be no peaceful coexistence.[2]

There it is, in black and white. Yet it takes a Czechoslovakia or a Hungary or a Poland or a Berlin wall or a Berlin airlift every few years to bring the American people back to commonsense, to demonstrate that the Soviets have not changed, that peaceful coexistence can be maintained only by a strong national defense as a deterrent, that eternal vigilance is the price of liberty today as surely as it has ever been.

RED CHINESE THREAT

I need not remind Senators that in the Pacific, Red China sits there, huge and enigmatic, with the capability to deploy the largest potential army in the world. At present they are in the throes of an internal political, social, and economic upheaval. How long this may last and what the outcome will be one can only guess. But meanwhile, let us remember, they are in the process of harnessing atomic power with nuclear weapons as an end product. Their Marxist philosophy, if one can believe their published statements, is even more adamant, more virulent, more implacable than that of Communist Russia.

Just where does all this leave the United States? Your committee labored long and hard to forge a bill which would weld together two almost conflicting objectives: to maintain the national security and to reduce to a minimum defense spending consonant with the directives imposed by the expenditure limitation. We believe that we have accomplished this in the best manner possible under the given conditions. I will not belabor the point, but in my deliberate opinion, any further reductions of a large-scale nature could do immeasurable harm to our defense posture. It could result in complete disaster.

Before I conclude, I wish to express my sincere appreciation to the members of the subcommittee who have given unstintingly of their time and effort in the preparation of the bill. Their cooperation and guidance have made pleasurable the onerous tasks during the many months this bill has been before the subcommittee. Particularly, I wish to express my deepest appreciation to my friend, the senior Senator from North Dakota [Mr. Young] the ranking minority member, whose invaluable assistance has been most noteworthy. He has met at all hours of the day and night to wrestle with these various problems in an effort to produce the best defense position with the available dollars. To him and to all the members of the committee I and, I feel, the country owe a real debt of gratitude.

Mr. President, I urge and hope that the Members of this body will pass this bill in its present form. Let us always keep in mind that what we do here today is certain to affect the lives of future generations.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield, if I have the floor.

The PRESIDING OFFICER (Mr. Kennedy in the chair). The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, first I congratulate the distinguished chairman of the Committee on Armed Services and the Subcommittee on the Department of Defense Appropriations of the Committee on Appropriations for his superb presentation today.

Mr. RUSSELL. I thank the Senator.

Mr. SYMINGTON. Mr. President, I do not think any bill has ever been worked on more thoroughly, nor studied more carefully in Armed Services and Appropriations than this bill.

There is one matter about which I would ask the able Senator from Georgia. The United States has a gross national product of over $800 billion and a population of over 200 million people. We have now been engaged for a period of years in an extended, bloody war with a little country of some 17 million people that has practically no gross national product.

Only last week I was looking at the casualty list. One year ago today 13,500 American youths had been killed, 85,000 had been wounded. Today, 28,500 have been killed with 176,000 wounded.

With great respect, because he is known among us all as the authority on military matters in this body, I would ask the distinguished chairman why it is, with this gigantic financial expense he referred to in his address, and despite those heavy costs in what is far more important—the lives of these thousands of young Americans—we continue to make so little progress in this war.

Mr. RUSSELL. Mr. President, I have expressed my views on this question a number of times. As I stated many times, I was very much opposed to ever having anything to do with this war, and I have been terribly disappointed in the way the war has been fought.

The Senator's statement with respect to the strength of this country and the losses on the battlefield is, of course, accurate. With respect to the tragic picture we have in casualties, which the Senator outlined, no one grieves over that more than I, or worries more about the prospects than I, as I am blessed with an unusual number of nephews and great nephews of military age. Several are even now in the military service and one is now in Vietnam, and another is on orders to go; and as the Senator knows one of my nephews was wounded while serving with the Army in Vietnam.

I think it is because of the policy we follow in fighting this war on the enemy's terms. We have been at least 2 years late in every action we have taken in Vietnam. We have delayed and hoped that we would be able to work out some peaceful solution, although every public statement of Ho Chi Minh has grown more and more intransigent and threatening. As far I know, he has never abandoned his original position that he would not talk peace until we evacuated South Vietnam, which is something I do not think we can do.

It is unfortunate that we are there and losing our young men and leading our country to the edge of fiscal bankruptcy—if it is not bankruptcy it is leading to a rate of inflation that will greatly further reduce the value of the dollar.

But despite that, I do not think we can afford to abandon our efforts and withdraw our forces. I have thought from the beginning that we should fight this war with all the conventional weapons at our command; and if we did, we could bring it to a close in a short period. If we had had the courage to blockade the coast of North Vietnam and to have bombed incessantly the railorad that comes in from China, instead of quivering and quaking every time somebody mentioned Russia or China, this war could have been ended 3 years ago. I do not mean we would have brought all our troops back by now, but there would have been an end of the fighting 3 years ago.

But everything has been delayed 2 years. As the Senator knows, the Armed Services Committee has long urged the increasing of naval activity against the North Vietnamese, and only yesterday the battleship *New Jersey* fired its first salvos at the defensive positions of the North Vietnamese.

We could have won the war in a very short period of time if we had made up our minds to take the steps to do it, and had forgotten about world opinion, and our fears of Russia and China. I think we are particularly fortunate that during most of that period Russia and China were at each other's throat. Russia was ill prepared in the nuclear field, as far as delivering nuclear warheads across the great reaches of the Atlantic Ocean or the North Pole to strike at this country was concerned. Russia has cured that now. She is at least equal to us in the delivery of land-based nuclear ICBM's, if not ahead of us.

My ideas on how to bring this war to a conclusion have been altered somewhat by the changed conditions, but I still think that if we hope to be able to get out of Vietnam with honor and by saving the lives of our men, we should utilize the air power and the naval power we have, in order to throttle North Vietnam to where they would be compelled to surrender. I have made that statement in every conference I have attended, and I have made it constantly in all the hearings.

I have just been looking at the hearings on this bill in which I was talking to the Secretary of Defense, and in which I said:

> You don't think that the improvement of the morale of the population in the North is a significant factor in all this?

He had said, parenthetically, it was apparently getting stronger.

> Of course, a major portion of the population of North Vietnam lives north of the

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[1] *Soviet World Outlook*, Department of State, Washington, D.C., 1959, p. 222.

[2] Conquest, Robert: "The Limits of Detente", *Foreign Affairs*, July, 1968, p. 742.

> 20th parallel. The fact that they know we aren't bombing lets them go about their business as normal. They know they aren't going to have to run for one of those holes along the streets they have for bomb shelters.

The Secretary of Defense said:

> I do not attach any real significance to that from a military standpoint.

I answered that by saying:

> I hope you are right and that I am wrong, but I frankly don't agree with that appraisal.
>
> I have stated on many occasions that I did not favor getting into this war, but after we did I felt strongly that we should do whatever was necessary to bring it to a close. As you know, I urged from the beginning taking whatever action was necessary to deny to the North Vietnamese the free use of Haiphong Harbor.

Mr. President, I could go into detail, but the testimony is replete with statements as to why shipping in Haiphong Harbor has increased greatly since we limited bombing the north. They have not only repaired their roads and highways but, I understand, are building a new railroad there now, as well as new airfields.

The great difficulty of this war, the great tragedy of this war, is the fact that we have fought it altogether on terms dictated by the enemy instead of utilizing the strength we have or availing ourselves of the advice of men this Government has trained at the expense of the Treasury for 30 years who know what to do in a military situation of this kind.

Mr. SYMINGTON. I thank the able Senator from Georgia and my distinguished colleague from North Dakota [Mr. YOUNG] who should properly be speaking now. I wanted to ask that question of the chairman before he yielded the floor.

Let me only say that I hope every American will read this answer to my question the Senator from Georgia has given this afternoon, because he is the foremost authority in Congress on matters which pertain to the military.

It is becoming increasingly difficult for the American people to understand why, despite this gigantic loss in treasure and lives, we have made so little progress. It is one reason why so many of us have changed our position with respect to the whole question of this Vietnam war.

Mr. RUSSELL. If the Senator from North Dakota will indulge me one more moment, let me say that so far as the Paris talks are concerned, I shall be very much surprised if any good comes out of them.

I believe that the North Vietnamese accepted the invitation to attend these peace talks so that they would have a breathing spell to recoup, rearm, and restore the hopes and confidence of their people. They were getting a little shaky as a result of our bombing of the north, even though we were doing it in a half-hearted fashion. If we had used to the fullest extent our air and naval capability, I think we would have already achieved our goal.

Personally, I have very little hope that any good will come out of the Paris talks, particularly as long as we talk about reducing the bombing, or stopping it altogether.

Mr. SYMINGTON. The distinguished Senator stimulates me to ask one more question.

There is much talk in the newspapers from many people as to whether or not we should stop the bombing of North Vietnam. Inasmuch as we announced back in March that we would not bomb north of the 20th parallel, and inasmuch as 95 percent of the military targets of North Vietnam are above the 20th parallel, does not the Senator from Georgia agree that what we are doing now in the war of bombing is largely a matter of form rather than one of substance?

Mr. RUSSELL. Of course the limitation on bombing restricts us to targets just north of the DMZ. This allows the North Vietnamese to freely move men and equipment from the north to the infiltration routes into South Vietnam. While these limited bombing efforts have saved some American lives, I would think that an all-out use of our air and naval power, including the closing of Haiphong Harbor, would increase the number of American lives saved by a factor of 10 to 15.

Mr. SYMINGTON. I thank the able Senator.

Mr. YOUNG of North Dakota. Mr. President, I deeply appreciate the comments of the chairman of the committee with reference to my work on the committee.

It is not the privilege of many committees to have such an able chairman as the Senator from Georgia [Mr. RUSSELL] who has had such wide experience in this field and who, in my opinion, is more knowledgeable than anyone in the Pentagon on overall defense questions.

We also have the benefit of excellent staffing on the committee. No committee was ever blessed with better staff members than Bill Woodruff, Francis Hewitt, and Ed Hartung.

Mr. President, the distinguished Senator from Georgia [Mr. RUSSELL], chairman of the Subcommittee on Defense Appropriations, has very ably presented this $71.88 billion Defense appropriation bill.

It is just impossible to provide all the funds requested now to finance the many new multibillion-dollar programs the Federal Government has embarked upon and at the same time provide all the necessary funds for national defense.

While we may differ as to how we got into the war in Vietnam or what has been done either to win the war or find an honorable solution, I feel that we have no alternative but to provide everything necessary to support our troops in Vietnam.

This defense budget has been cut from $77.1 billion, which was proposed by the Bureau of the Budget, to $71.9 billion. This is $5.2 billion under the budget estimate—and $352.8 million under the amount allowed by the House. While this is a tight budget, I feel that it will take care of all of the most urgent needs of the military.

If more money would be required—and I, for one, would be willing to vote for sizable increases—if the Johnson administration had plans or was willing to proceed in the development of much-needed new weapons of war such as the 2,000-mile-an-hour bomber and higher speed and more modern fighter aircraft. At any rate, Mr. President, if this budget is not adequate to meet the needs, the administration can request further funds through future supplemental appropriation bills. The defense of this country should have the highest priority.

It has been clearly established that during the past decade the Soviet Union has matched the United States stride for stride, and in certain areas has moved ahead of the United States in the development of new weapons systems.

Our defense posture was discussed in great detail through extensive hearings. A great deal of attention was given to the threat now faced by the United States and those charged with keeping our defense system equal to or better than those of any potential aggressor.

Unfortunately, the TFX program has been a disastrous failure. The F-111B is already on its way out. We are experiencing continuous and serious problems with the F-111A. The Defense Department had great plans for these planes to meet our Air Force and Navy requirements. In our national defense we will have to turn as fast as possible to the development of newer and better planes capable not only of matching the Soviet aircraft but also surpassing them.

For more than 5 years we have had superior mach 3 interceptors, such as type YF-12. We have yet to recognize the need to provide for a production program of an improved version.

The latest Air Force interceptor, the YF-12A is already second rate by comparison with the Soviet E-266 or the Foxbat which recently regained air speed supremacy in the 500 and 1,500 kilometer closer course.

In the past year, no fewer than nine different new Soviet aircraft have been displayed. This is evidence of an accelerated development program.

If the United States is to embark on a program designed not only to catch up with Soviet Union technology, but also to put us back in the lead, important and difficult decisions must be made and they must be made soon.

In the process of developing any given weapons system to meet the complex challenges of modern warfare, we have bogged ourselves down in masses of paperwork, programing, planning, and so forth, to the point that we have delayed production beyond a reasonable time period. In this bill, we have made an attempt to eliminate unproductive areas yet retain and provide the impetus for newer weapons so critically needed to meet the challenge.

In Vietnam we have not seen the full Soviet capability. The North Vietnamese have been provided with Mig-21's, an older aircraft in the Russian inventory. The Russians have not provided them with their more sophisticated aircraft.

With tensions rekindled in Europe, our present aircraft, as well as our submarine force, are hardly adequate to meet all possible contingencies there.

The Russians are in the process of developing the TU-144. This supersonic transport will make the Russians competitive in the field of advance aircraft. There is a potential inherent in this plane which, I feel, is worthy of consideration. I am told by experts that it would not take much effort on the part of the Soviets to transform their commercial model into an effective bomber. Not only does it have the range and speed, but from the outgrowth of materials technology it will also provide a base for the next family of weapons systems.

They are well along in their schedule for production of this aircraft. Conversion from peaceful competition to a much more deadly form of competition may also be scheduled.

It would not be fair for me to say that the United States is doing nothing to meet these challenges. The well publicized FX and VFX-2, both in the design stages, are highly sophisticated aircraft. However, the leadtime to have them available in the inventory is extremely long.

This worries me greatly for it is obvious that the Soviet Union is not standing still with the Foxbat, and that something better will have already been developed by the time the FX and VFX-2 are in our inventory.

It would seem the very essence of commonsense that at some point we translate the paper studies of new aircraft and other weapons systems into actual hardware. This we have tried to do in this bill.

The reductions that we have recommended in this bill have been in areas that will not affect the support of American servicemen in Vietnam. This bill does, however, provide some much needed stimulus to advanced new weapons systems.

Mr. President, I fully support this Defense appropriation bill and I hope it will be approved by the Senate without any crippling amendments.

TOWARD A COMMONSENSE DEFENSE BUDGET

Mr. CLARK. Mr. President, I desire to speak on the subject of "Toward a Commonsense Defense Budget." I rise to object to waste—open, conspicuous, notorious, demonstrable waste. This is the largest appropriation bill ever brought before the Senate of the United States. It is called the Department of Defense appropriation bill for fiscal 1969. It should be called the Department of Offense appropriation bill for fiscal 1969, for in fact and in truth it is not really directed to the defense of the United States, but, rather, to maintaining our role in an offensive capacity as the policeman of the world. As reported by the Committee on Appropriations, this bill would appropriate a total of $71,886,893,000.

It is late in the session to be debating a matter of this magnitude. Indeed, if we were to follow the requirements of the La Follette-Monroney Legislative Reorganization Act of 1946, we would have adjourned sine die at the end of August. But the lateness of the hour is no excuse for failing to meet our responsibilities with regard to this mammoth bill.

I indicated earlier that it seemed to me unwise, to use a very moderate term, to attempt to pass a bill of this magnitude in a few hours on the floor of the Senate. I for one intend to do what I can to see that this mammoth bill gets at least a modicum of debate on the floor of the Senate. I have filed at the desk some 10 amendments, each of which is documented with supporting material from impartial sources, each of which would cut significant amounts from this bill without imperiling or endangering in any way our national security.

Before I proceed with my argument, I should like to commend the Appropriations Committee for having eliminated from the budget estimates for 1969 some $5,187,107,000. This is no mean achievement, and I commend the committee for having done so. And yet, in my judgment—and I shall attempt to document it—the additional sum of $8,524,293,000 can safely be cut from this bill without, as I say, adversely affecting in any way our national security.

The figures involved are so huge that it is sometimes hard for us to grasp just what they mean. Perhaps some historical comparisons will help. The amount of money involved in this bill is greater than the entire Federal administrative budget for the year 1958—and that was just 10 years ago. In other words, we will be appropriating in this bill, if we accept it as it came from the Appropriations Committee—and this bill does not represent the entire defense budget for 1969—more than the entire Federal Government spent for all its functions, civil and military, just a decade ago.

We should remember that this bill does not represent the entire Defense budget for 1969. Not too long ago we passed an additional bill for military appropriations which totaled in the neighborhood of $2 billion.

Last year the Defense Establishment ate up nearly 60 percent of all Federal revenues. This year the percentage may be higher. In fact, you have to go back to 1950, nearly a generation, to find a year in which defense expenditures amounted to less than half of the total Federal budget.

I think the time has come to ask ourselves, what is happening to our economy and to our country, as a result of this spending? Does the security of the United States really require a military budget of more than $80 billion a year, or are we just caught up in the "mad momentum" of an arms race, about which Robert McNamara warned us before he left the office of Secretary of Defense? Are we not distorting our budget, our Federal programs, and our whole society with these massive military expenditures?

Do they not indicate a frightening inadequacy in determining our national priorities, a failure to put first things first, in terms either of commonsense or moral value? I think they do.

There are, as I see it, three great problems confronting our Nation today, and all of them, to a greater or lesser degree, are implicated in the appropriation bill before us today.

The first is the problem of Vietnam, and how to obtain an honorable peace as soon as possible. We are told that the war in Vietnam is costing us between $25 billion and $30 billion a year. All of us hope that this tragic war can be ended soon and I am confident it will be ended soon if we accept the sound advice of the Vice President of the United States in the splendid address he made on nationwide television last evening. And when the war is ended, of course, we can hope for a significant decrease in military appropriations.

Let me point out that shortly after World War II, our military budget was only $15 billion. At the height of the Korean war, it was $50 billion. Now it is $82 billion. Of that sum, only somewhere between $25 and $30 billion is allotted to the war in Vietnam. One wonders where the other $52 billion are going, and I shall dwell on that in greater detail a little later. From a strict budgetary standpoint, even if the war in Vietnam were to be ended tomorrow we would still be left with a military budget for the coming year which will cost us more than $50 billion, or more than the total amount of our military budget at the height of the Korean war. This is an incredible sum for a peacetime military budget.

The second problem confronting the Nation today is the problem of the dollar, and how to prevent its devaluation and the consequent damage to the savings of all Americans and loss to all of those who must rely on savings, fixed value pensions, and social security benefits to care for themselves in their old age. Obviously our ability to maintain the value of the dollar depends on our success in avoiding, in times of high employment such as the present, highly inflationary budget deficits. When we engage in deficit spending—and our budget deficit for fiscal 1968 was $25.4 billion—to maintain an enormous defense establishment, we are taking money out of the hides of our old people who live on pensions, savings, and social security, and people who live on fixed incomes, like schoolteachers, policemen, and firemen—and, one might add, most Members of Congress—in order to meet these tremendous military requests.

The third is the problem of our domestic needs: education, the cities, the poor—both rural and urban—highways and the many other programs which benefit all Americans, such as the control of air pollution and water pollution. All of these programs cost money, many of them billions of dollars at the Federal level, in addition to huge costs at the local and State levels. Take, for example, the problem of providing adequate police services to help bring crime under control. All of the courts in the land working 24 hours a day could not stop crime, even if they threw out the whole Bill of Rights—as some of the rightwing voices in the country seem to be advocating—without well trained, well equipped police forces. Yet in most cities, the pay of the average policeman is well below what it ought to be. Many cities lack the number of police they need, either because they cannot pay them enough money, or because they cannot obtain the recruits under the salaries and working conditions which prevail. Training is often far from adequate. And the products of the developing police technology are not present on most police forces because they are too expensive.

As a former mayor, I think I know as well as anyone in the Senate that the cities simply do not have the means of raising the money they need to provide the bare minimum of essential municipal services. A tax on real property, or on personal property whether tangible or intangible, can only be pushed so far—after a certain point, businesses will flee to the suburbs where taxes are lower. Sales taxes are the most regressive kinds of taxes ever devised, and are a poor means of raising revenue, although in my State we have the highest sales tax of any of the 50 States of the Union. And wage taxes present a whole range of problems of their own. They, too, stimulate emigration to the suburbs.

The States are in many ways as badly off as the cities. They, too, are hard pressed for revenues to meet essential needs. They, too, are short on tax resources.

The money must come from somewhere else, and that somewhere can only be the Federal Government. It was, after all, the Federal Government which stole the goose that laid the golden egg when the 16th amendment authorizing the imposition of a graduated income tax, was approved by the requisite number of States in 1913. The graduated income tax is the most equitable means ever devised for raising the money necessary to provide basic social services in a populous, industrialized society. Yet many States, including my own, have been unwilling, because of vested interests, representing in large part the wealthy, to provide State income taxes, which, in turn, would be deductible from the Federal income tax. So until some way is found for cutting the States and cities in on the proceeds of the Federal income tax, and until those backward States, including Pennsylvania, are prepared to provide for State income taxes on a graduated basis, the Federal Government will have to continue to bear a heavy responsibility for helping States and cities meet what are essentially State and local needs.

I remind the Senate that the maintenance of law and order, and, indeed, the maintenance of justice, is primarily a local problem, the responsibility of the mayors of our cities and the county commissioners and township supervisors in our rural areas. It is only secondarily the responsibility of State governments. The State Governors, when riots occur and law and order is threatened, can call out the State police or call out the National Guard. Ordinarily, that is adequate to reestablish law and order, but it is never adequate to establish justice, because the States have been notoriously backward, to some extent because of their revenue lack, to move into those fields where social justice is so badly needed in so many areas of our country. It has been left to the Federal Government to move into programs of compassion. And so the Federal Government will have to continue for the foreseeable future to have a heavy responsibility for helping States and cities, as I say, to meet these essentially State and local needs.

Congress recognized this when we passed the Safe Streets and Crime Control Act this year. We acted, in title I of that bill, to establish a Federal program of grants to State and local law-enforcement agencies to help them do their job of keeping the peace and combatting crime. In passing that bill we have made a promise to the people of the United States that the Federal Government will stand behind their local law-enforcement agencies. But this is a promise which we may not be able to keep if we continue to pour six-tenths of our national budget into defense spending.

What has been said of law enforcement is demonstrably true of other programs of great importance for our people. As chairman of the Subcommittee on Employment, Manpower, and Poverty, of the Committee on Labor and Public Welfare, I am particularly sensitive to the effects of the budget squeeze, made necessary by our ballooning Defense costs, on antipoverty programs across the country. In my own State of Pennsylvania, the result has been a 14-percent cutback in badly needed antipoverty funds including Headstart, Job Corps, VISTA volunteers, and community action program allotments.

The same is true in the field of housing and urban redevelopment. As mayor of Philadelphia, I was required to have intimate knowledge of the projects in housing and urban redevelopment in my city and came to know how essential the assistance of the Federal Government in these areas was.

As a member for 8 years of the Committee on Banking and Currency of the Senate and its Subcommittee on Housing, I had the privilege, together with former Senator Paul Douglas and our colleague, the Senator from Alabama [Mr. SPARKMAN], of drafting and piloting through the Senate a number of housing and urban redevelopment bills which did make essential funds available to the cities of America.

There are 324 projects in my State which have been approved by the Department of Housing and Urban Development as meriting Federal assistance, but each of these projects is stuck on dead center because of the lack of Federal money to help pay for them. I ask unanimous consent that a list of these 324 unfunded Pennsylvania projects be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CLARK. Mr. President, in the field of education, which is certainly no less vital, the story is the same. For example, Pennsylvania's allotment of Federal funds under title I of the Elementary and Secondary Education Act suffered a short fall of roughly $23 million in the current fiscal year.

In my efforts as a member of the Subcommittee on Education, so ably chaired by the senior Senator from Oregon [Mr. MORSE], and in the conference which we just concluded with our friends in the House—and I had the honor to be a conferee—we envisaged a further drastic cutback in our educational program.

Why are these cutbacks taking place? It is a combination of the $25 billion deficit which we ran in our administrative budget in the last fiscal year and the obsession—and I use the word "obsession" advisedly—of the Joint Chiefs of Staff, the President of the United States, the Armed Services Committees of both Houses, and the Appropriations Committees of both Houses with our military offensive budget.

We expect to spend, as I noted earlier, somewhere in the neighborhood of $30 billion on the war in Vietnam in the coming fiscal year. We expect to spend some $52 billion on the rest of our military budget. And it is this obsession with being the policemen of the world, with conflict as opposed to cooperation—as I said when I started my talk—and the problem of open, conspicuous, notorious, and demonstrable waste that causes Pennsylvania and the other 49 States of the Union to fall short in the domestic programs which I have just summarized.

No one in his right mind believes a massive tax increase is the answer to this problem. The Congress would not pass it. The people would not stand for it.

We had trouble enough passing the temporary 10-percent surtax earlier this session. I voted for that surtax increase, but I voted for it most reluctantly. I did it primarily to protect the dollar and because of the results of a continuing balance-of-payments deficit. I would hope that I would not have to do it again, although I see little hope at the present moment of our being able to terminate that so-called temporary 10-percent surtax when it expires on June 30 next.

So I say, and I stress this, that our problem is not one of choosing guns or butter. It is one of choosing between guns and bread. And I, for one, opt for bread—bread for the poor, bread to furnish our education programs with the fiscal sinews needed to continue them, bread for the whole host of domestic programs which were referred to a few moments ago.

To return to the 10-percent surtax which I have supported with great reluctance and misgivings, these misgivings arose from the nature of the tax which was approved as well as from our failure to face up to this swollen and totally unnecessary military budget. My misgivings about the surtax come from my view as to what kind of taxation is fundamentally most just. I do not favor surtaxes. I would have much preferred to see us do something we should have done a long time ago: close the notorious loopholes in our existing tax laws which make it possible for the very rich to escape paying their fair share of our tax burden. We should have seized the opportunity to repeal, or at least reduce, the oil depletion allowance. We should have seized the opportunity to crack down on the corporate stock option gimmick. We should have seized the opportunity to introduce a new tax system which would be sensible, simple, and fair. But we were not ready to face up to this. I have been around here for quite a while now, 12 years to be exact, and I no longer hope for miracles like that to happen. So I resigned myself to voting for the surtax.

The other reason for my concern about the surtax bill was a rider, appended to it over the insistent opposition of the White House, requiring a $6 billion cutback in Federal expenditures. My concern was not about the size of this cutback. I believe $6 billion and more can and should be pruned from the Federal budget. In fact, I shall propose cutting that amount and more from this bill. If we are to keep our budget deficit down and prevent an inflationary spiral which would rob the savings of all Americans, I believe we must cut more than that from the budget—more than the $6 billion, I mean. What I was concerned about was where those cuts should be made.

When the tax bill was on the Senate floor, I offered an amendment to lay down priorities for the President in making spending cuts. I think it is the duty of Congress to establish priorities for the President. It is easy to tell the President to cut the budget wherever he likes and reserve the right to complain whenever he cuts a Senator's pet project. It is easy to be for economy in general and against all cuts in particular, especially when they affect one's own State. But the honest course is for Congress to take the responsibility for indicating to the President the areas in which it believes cuts should be made. We in Congress control the purse strings, not the President. He recommends. But we must appropriate or, in the alternative, refuse to appropriate.

My amendment would have directed the President to concentrate the budget cuts in the foreign military aid program, the space program, and the Defense Department budget, to the extent that cuts in defense spending would in no way endanger the security of the United States or the safety of U.S. troops, particularly in Vietnam.

I assert categorically that we could cut $8 billion out of this defense bill, and the American people would never know it was gone; that the Russians and the Chinese or any other potential enemies would not be able to take the slightest advantage of it, and that the security of the United States would not be adversely affected. I state that because the cuts which I propose are only cuts in waste. I say again: Open, notorious, conspicuous, and demonstrable waste.

I had intended to include, as an area for spending cuts, the proposed supersonic transport—that quaint, modern invention which will splinter the eardrums of all those who live near airports, breaking the windows of those who live within a slight distance of takeoff and landing. The bugs are not out of it yet, and to start to build that supersonic air transport now, I think, would be most unfortunate. But I was assured by the chairman of the Senate Commerce Committee, the Senator from Washington [Mr. MAGNUSON], that the administration does not intend to spend any money on this project in the coming fiscal year in any event. So I did not offer an amendment to strike sums for the supersonic transport from the relevant appropriation bill.

According to testimony submitted recently by Budget Director Zwick to the Joint Economic Committee, Congress has so far cut a little better than $3 billion of the required $6 billion which we imposed on the President. The job, in other words, is about half done. If we do not do it in this bill—and I shall propose that we do, to the extent of more than $3 billion—then the remainder of the job will have to be done by the Executive, a task we should not ask any President to perform. Of course, the task will have to be done to a substantial extent not by President Johnson but by the next President of the United States, whoever he may be; for, after January 20, 1969, we shall assuredly have a drastic changing of the guard in all positions of responsibility, no matter who should win the Presidency.

Our moment of truth on the remaining $3 billion—and more besides—in expenditure reductions is here today, in this bill. This is the Congress of the United States, the sole body which, under the Constitution, has the responsibility for raising and appropriating revenues. We are the ones who have mandated a reduction of $6 billion in spending for the present fiscal year. We are the ones who bear the responsibility for making those reductions. And we have before us today the bill from which those reductions, and more, must be made.

Thus far I have spoken only in terms of money. But there are other reasons, which cannot be counted in dollars and cents, which require us to go over this bill with a fine-tooth comb and search out the waste and the boondoggling and the empire building which have brought us to the point where only $0.40 out of every tax dollar can be spent on debt service, administration, and the taxpayer's health and welfare as a human being.

In an excellent book entitled, "The Weapons Culture," Dr. Ralph Lapp, a nuclear physicist who worked on the Manhattan Project—which, as is well known, resulted in the building of the atomic bomb which was dropped on Hiroshima and Nagasaki—has written:

> No nation can devote so much of its ingenuity, manpower and resources to the works of war without at the same time being deeply changed in the process.

Lapp asserts—and I agree—that—

> Gradually the U.S. involvement with defence industry has proceeded to the point where weapons-making begins to dominate our society. This protracted dedication of American effort to devising and manufacturing new arms has created a techno-military establishment that threatens to make great inroads upon our economy. A central problem for democracy is the control of this military-industrial complex that has grown in influence as its political connections have ramified.

The central theme of this warning—that we must guard against the influence of the military-industrial complex—is not unique with Dr. Lapp. As all now know, and it has become almost a cliche, the true author of these comments is none other than the leading soldier-statesman of our generation, President Eisenhower, who said in his justly famous farewell address as he left the White House:

> In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

Mr. President, perhaps another and more terse way of putting the same thought would be that we should keep the generals and admirals on "tap" and not on top. They have been on top now for almost 5 years. I think it is time we put an end to it.

This warning, in my judgment, has not been exaggerated. It is more valid today, as we face a defense appropriation bill of $71.9 billion, than it was when General Eisenhower uttered it. In the intervening years, the military-industrial complex has continued to wax and grow fat, fed by a bloody, costly war in Vietnam, and a continuing nuclear and conventional arms race with the Soviet Union. Dr. Lapp asserts that all in all, our Nation has spent about $1 trillion on its postwar World War II armaments.

Mr. President, what have we got to show for it? As a matter of fact, we have literally nothing except uncertainty and fear.

Surely it is time to call a halt to this senseless escalation of our arms establishment. Surely it is time to begin to resist the pressures which will in the end, if unchecked, convert our country into a garrison state.

The question we must ask is not how much can our generals and admirals use. We already know the answer to that. It is more, and more, and more.

It is not for the Pentagon or the Joint Chiefs of Staff to set our priorities. I suggest, and I hope the comment is not taken amiss, that it is not for the Committee on Armed Services or the Committee on Appropriations to set our national priorities. It is for the Congress, through its control of the purse strings, to do so. The military and the Committee on Armed Services have no responsibility to see to the education of our children. They have no responsibility to purify our streams and the air we breathe. It is not their job to clean up the inner cores of our cities and train the hard core unemployed.

They do not engage in the war against poverty. In fact, they compete with the war on poverty in the other wars they fight or seek to be prepared to fight on foreign soil at the drop of a hat. The Joint Chiefs of Staff and the military have only one mission—to insure the security of the United States from foreign aggression; and not to send troops and vessels all over the world to act as an international policeman. That is a noble mission, deserving of the hard-working intelligence of able men. I support them for it. I say again we must not let them run our country, and as this appropriation indicates they are on their way to running our country, with the inevitable result that they are going to do one of three things. There will either be a massive tax increase levied on the taxpayers of the United States, who are already complaining and groaning under the load of our present tax burden; or they will have the dollar devalued and absorb the savings of all our old people or anybody living on pensions or social security or fixed incomes; or they are going to cut back on domestic programs initiated a long time ago by Franklin Delano Roosevelt, Harry Truman, John Kennedy, and by Lyndon Johnson, for there is a seamless web running from the New Deal of Franklin Delano Roosevelt when we began to act as a Nation of compassion to deal with the problems of our underprivileged citizens, and the splendid mission of the Kennedy-Johnson administration to get the country moving again, as the late President Kennedy said.

This seamless web of progress is being torn asunder by the exorbitant demands of the military. The more money we give them, the more money they ask. The more they get, the better they think they can do the job of acting as the world's policeman.

Yet even on the issue of national security, which is their field of expertise, their vantage point is limited and hence their judgment is not entirely conclusive. Robert S. McNamara, who was, in my view, although some Senators may disagree, the greatest Secretary of Defense this country ever had, once said:

> In the end, the root of man's Security does not lie in his weaponry. In the end, the root of man's security lies in his mind. What the world requires is not a new race towards armaments. What the world requires is a new race toward reasonableness.

So I have called this speech, "Toward a Commonsense Defense Budget."

The essence of former Secretary McNamara's insight is that true security does not have to derive from piling weapons upon weapons, but rather from the negotiation of effective treaties and agreements to reduce armaments. Our trillion dollars worth of armaments has not bought us a nickel's worth of security vis-a-vis the Soviet Union or Communist China. Every gun, every airplane, every nuclear weapon we have bought has been matched by a gun, a bomb, or a plane or nuclear weapon that they have produced.

Today we find ourselves in a situation where both the United States and the Soviet Union possess the capacity to destroy the other without regard to which country strikes first. Despite all that we have spent, and despite the numerical superiority in strategic nuclear weaponry it has given us, "the blunt, inescapable fact remains"—and I am quoting from former Secretary McNamara—"that the Soviet Union could still—with its present forces—effectively destroy the United States, even after absorbing the full weight of an American first strike."

If we had the wisdom to pursue effective arms control and disarmament agreements with as much ingenuity and energy as we have expanded on the production of new weapons systems, we would be far closer to the goal of peace than we are today. But perhaps disarmament pacts are less popular because they do not generate huge Government contracts with high profits.

Whatever the reason, we have downgraded the Arms Control and Disarmament Agency to the point where it is little more than a bureau, half in the Department of Defense and half in the State Department, although that was certainly not the intention of Congress when the legislation was passed. So the least effective agency of all in attempting to fight back the military and industrial complex, or to move towards arms control and disarmament to cut back swollen military budgets, is the very agency which the Congress created for the purpose of riding herd on the Defense Establishment and moving forward with the express purpose of negotiating those treaties on arms control and of general and complete disarmament under enforceable world law which President Kennedy so eloquently advocated in three major speeches delivered within a year of his assassination.

Before this session closes, I hope that the Senate will have an opportunity to take a significant new step to peace by approving the Nuclear Nonproliferation Treaty. I am not one who believes that if the Senate ratifies it—and I hope it will, before we adjourn this year—the President should hold back in carrying it into effect. I believe that in this area we should lead and not follow, that we have an obligation to the rest of the world to be at the forefront of those nations which seek to control the further spread of nuclear weapons and, indeed, that we should be at the forefront with the Soviet Union in reaching mutually compatible arms control agreements, so that we and the superpowers should be making a strong and firm effort to reduce the crushing burden of armaments which is causing such havoc in our own country and which, no doubt, is creating even greater havoc in the Soviet Union where its people yearn for those consumer goods and a higher standard of living which we in the United States have enjoyed for many a long year. It has the virtue—or perhaps it is a defect—of all arms control agreements: it will not put a strain on the Federal budget. It is unique in one regard: it does not really bind this country to do anything we would not do anyhow. Its principal effect will be on nonnuclear countries, in that they must commit themselves not to acquire or manufacture nuclear weapons.

I know that the President hopes—and I share the hopes—that this treaty will lead promptly to new agreements between the Soviet Union and ourselves to control and reduce offensive and defensive strategic weapons. Indeed, the treaty itself commits us to make this an earnest effort to this extent. But all of these matters are for the future. The Senate cannot wait to see what happens if these negotiations develop. We must act on the bill before us. And we must ask ourselves, how much of this $71.9 billion is unrelated to our security? How much fat is there in this bill?

I contend there is at least $8.5 billion worth of waste or fat here.

(At this point, Mr. KENNEDY took the chair as Presiding Officer.)

Mr. CLARK. Mr. President, earlier this year, Congressional Quarterly, a highly authoritative periodical available to Members of Congress and the public, published a detailed analysis of the Defense budget, based in large measure on information supplied by highly placed sources in the Pentagon.

On Monday, July 15, I spoke on the floor on the subject of responsible cuts in defense spending, and placed in the RECORD a senatorial how-to-do-it, and copies of my talk which incorporated within it the initial comments as to how the military budget could be cut made by Congressional Quarterly, were sent to Members of the Senate. Accordingly, many colleagues, or at least their staffs, are presently advised as to the arguments-in-chief in support of the amendments I shall shortly submit.

Since July 15, the Pentagon issued a detailed, so-called rebuttal to the statements of Congressional Quarterly which it sent to Members of the Senate and, I imagine, to all Members of the House as well.

Thereafter, Congressional Quarterly, on September 20, 1968, issued a counterrebuttal, to my way of thinking rather completely demolishing the comments of the Pentagon.

I ask unanimous consent that this fact sheet of Congressional Quarterly, entitled "Pentagon Rebuts Assertions of $10.8 billion in Fat," published September 20, 1968, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CLARK. Mr. President, on the basis of the information supplied by these sources, the editors of Congressional Quarterly concluded, and then confirmed their own conclusions, that $10.8 billion could be cut from the $82 plus billion defense budget without prejudicing our security. On the basis of my independent study of the facts, I believe that figure to be reasonable.

Nine areas in the Defense budget were singled out for cuts: First, antiballistic missile system—ABM; second, bomber defense system—SAGE; third, surface-to-air missiles; fourth, manpower; fifth, tactical aircraft programs; sixth, antisubmarine carrier forces; seventh, attack carrier forces; eighth, amphibious forces fast deployment logistic ships—FDL's; and ninth, manned orbiting laboratory. In each of these areas substantial cuts can be made in the defense budget without detracting from our national security. I do not propose now to go into detail on each of these areas. I intend to discuss them at some length in connection with amendments which I shall be offering to the bill.

There is a 10th area where I believe cuts can be made without any danger to the national security, and that is to reduce appropriations for research and development to the figure appropriated for the preceding fiscal year.

However, let me make just a few comments now with respect to the amendments, dealing in generalities. I have argued from the beginning that the deployment of an admittedly ineffective ABM system at an enormous cost is an act of pure folly. Secretary McNamara, I am confident, recognized this folly for what it was. It was he who pointed out that we do not now have, nor can we ever reasonably hope to build an ABM umbrella which could afford effective protection for our people against the full thrust of a Soviet missile attack. I simply do not see how one can argue that it strengthens our hand in negotiating with the Russians to proceed with the deployment of this ineffective system. We know it does not work. The Russians know it does not work.

We know their system does not work, either. They are perhaps fooling their people because their people do not have access to a free press or freedom of speech, which unquestionably would reveal the inadequacies of the Moscow ABM system defense and, if it is a ballistic defense system, which is in doubt, the Tallinn system, which is deployed elsewhere in Russia.

One of the matters which I intend to discuss later relates to manpower. We now have approximately 3.4 million men under arms. Of these, only about 500,000 are in Vietnam. That leaves somewhere in the neighborhood of 2,900,000 Americans in uniform stationed here in the United States and throughout the rest of the world. I think it is imperative for us to pause and ask ourselves what these men are doing and why we seem to need so many. Unless we really do intend to be the world's policeman—and I devoutly hope not; the administration keeps saying we do not, and then acts quite differently from what they say—it seems to me that we can afford to make significant cuts without jeopardizing our national security. When one considers that the average annual cost of maintaining one single man in uniform for 1 year is approximately $10,000, it is obvious that savings can and should be made.

In addition, there are now about 1.2 million civilian employees serving the military, with a total payroll of about $10 billion. Just as cuts must be made in uniformed personnel, I believe cuts must also be made among nonessential civilian personnel.

In testimony made public just last week, Adm. Hyman G. Rickover charged that the Defense Department has become so excessively large that it has "gone out of control."

He said—and these are his words, and not mine:

> In a homely manner of speaking, the Defense Department is constipated; it must be purged or it will become increasingly torpid.

In my judgment, this is true, not just of the headquarters staff, but of the whole Defense Establishment. It is too big, too fat, too sluggish, too overweight, to function at its best.

I have never advocated, and I am not arguing now, for cuts which would impair the ability of our military services to perform their duty to defend this Nation against foreign aggressors.

Let us think for a moment. Who are the foreign aggressors threatening the United States of America at home? Actually, there are not any. Wherever we are resisting aggression, or participating in resisting aggression, the action occurs across wide seas and thousands, sometimes tens of thousands, of miles from our shores. It is now 27 years since Pearl Harbor, and that was the last time when the territory of the United States of America was attacked by a foreign foe.

And so I argue against a bloated military budget, a wasteful budget as represented by this bill, swollen out of all proportion to the actual needs of our country, a budget which has distorted our Federal budget and thrown our sense of national priorities into utter disarray. We are starving our domestic programs and scrimping on housing, education, the war on poverty, and conservation, to feed the vast engines of our Military Establishment, and to feed it for aggressive action overseas, and not in defense of the shores of the United States of America. We have imperiled the dollar with a growing national debt incurred as a result of the unbalanced budgets of past wars and present military spending.

I made the comment the other day, before an audience composed largely of individuals interested in investments and securities, bonds and stocks, that what we were doing to keep the Government going in the face of our huge deficit was to print paper money. And, of course, this creates something approaching panic in the hearts and minds of those who think in terms of a safe dollar. It brings back memories of runaway inflation in Germany after the end of World War II. But, in fact, it is true. We call them Government bonds, and they have lovely embossed and glossy fronts, but nevertheless it is paper money. Any effort to disguise that fact cannot be logically or economically successful.

We have, as I say, imperiled the dollar with a growing national debt incurred as a result of the unbalanced budgets of past wars and present military spending. And we have permitted the growth of a towering military-industrial-congressional-journalistic complex, which is threatening to take control of our country, and is already placing in jeopardy the very freedoms which we are purportedly arming to defend.

Konrad Lorenz, the author of "On Aggression," has written:

> An unprejudiced observer from another planet, looking upon man as he is today, in his hand the atom bomb, the product of his intelligence, in his heart the aggression drive inherited from his anthropoid ancestors, which this same intelligence cannot control, would not prophesy long life for the species.

Mr. President, I am not as pessimistic as Konrad Lorenz. I am not ready to concede than man cannot, by the use of his intelligence and his compassion, control his aggressive instincts. I believe that we have within our grasp the means to rein in the dogs of war, to disarm the national states, and to establish through international institutions a rule of enforceable law—as opposed to a rule of armed force and threats—in dealings between nations.

Until that rule of law has been established, we must of course provide for our own security, and I have voted for every single so-called defense or, in juster terms, military appropriations bill since I came to the Senate. I intend to vote for this bill, whether or not my amendments to reduce it prevail. For in the end, if my judgment does not meet the judgment of my colleagues, we still have to provide for the safety and the national security of our country. But I say that we are overproviding, we are overreacting, we are preparing to appropriate totally unnecessary sums to provide for that security, and hence I shall press for my amendments.

I believe we must provide for our own security, but through a commonsense defense budget, one which we control, not one which controls us. Let us test it, item by item, against the realistic defense needs of our country, keeping constantly in mind the fact that every dollar which goes into the design or production of sophisticated weaponry, and every dollar that goes into maintaining a swollen and wastefully large Army, Navy, Air Force, and Marine Corps, is a dollar which we cannot spend on better schools, better housing, cleaner streets, or purer air.

Lest I be misunderstood, I am confident that for the next fiscal year, we shall have to have a large and well-armed Army, Navy, Air Force, and Marine Corps. But I am equally convinced that we do not have to maintain them at their present strength. Therefore, later in this debate, I shall move to cut military personnel by a total of 10 percent.

And while we are dealing with this military budget, let us remember the other priorities of our country. Let us think where the money would go if it did not go into these swollen offensive items. Let us remember that we must have money for better schools, better housing, cleaner streams, and purer air.

Let us free ourselves, above all, from the weapons cult which robs our savings, warps our communal life, and threatens to bring about the destruction of civilization. It is the Golden Calf of our nationhood. Let us cast it out for the false idol which it is and bring our country back to the path of wisdom, maturity, and peace, by adopting a commonsense defense budget.

Tomorrow, I hope—I may possibly be forced to do it today, but I hope not—I shall propose a series of amendments, which are at the desk, and all except one of which have been printed. That amendment will be printed tonight. There are a total of 10.

The first one (No. 985) deals with the antiballistic missile system. The second, which deals with the bomber defense system known as SAGE, is No. 986. The third (No. 987) deals with surface-to-air missiles. The fourth deals with personnel cuts, but that amendment has been rewritten, and we do not know what the new number will be. It will not be No. 998; it will be in substitution for 998.

There is a corrected amendment, numbered 1001, which is a substitute for No. 989, and deals with the limitation on the production of helicopters.

In this connection, may I say that I have been grossly misquoted by the press, both in Washington and in Philadelphia, with respect to the amendment dealing with helicopters. My intention has always been, and is now, to curtail the production of helicopters to a figure adequate to provide for attrition in Vietnam. It was never my intention, though I was thus misrepresented in the press, to eliminate the further production of helicopters. Furthermore, my proposed amendment would not result in one single individual in the Commonwealth of Pennsylvania losing his job. I should say also that, as a result of my own trip to Vietnam earlier this year, I know that we have helicopters coming out of our ears in Vietnam, to such an extent that it is very difficult indeed to persuade a sergeant to ride in a truck. Also, it is obvious that the value of the helicopter as a weapon in the Vietnamese war, while still great, has decreased substantially since the enemy has learned new and improved techniques for dealing with them.

My next amendment, which is No. 990, deals with antisubmarine carrier forces, and the next amendment (No. 991) deals with attack carrier forces. The next, which is No. 992, deals with amphibious forces. The next (No. 993) deals with the Manned Orbiting Laboratory, known as MOL; and the final one (No. 994) deals with the effort to hold research and development expenditures at the 1968 level.

With respect to the last amendment, No. 994, dealing with research and development, I ask unanimous consent that the name of the senior Senator from Michigan [Mr. HART] be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I yield the floor.

EXHIBIT 1

GRANTS FOR URBAN PLANNING ASSISTANCE PENDING AS OF JULY 31, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Project No.	Localities or areas	Applicant	Grant amount
255	Lackawanna	Department of Community Affairs	$7
256	Lancaster	do	60
260	Allegheny	do	89
266	Berks	Berks County Planning Commission	14
	Total		170

OPEN SPACE LAND (702) PENDING AS OF AUG. 15, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.[1]	Applicant	Number of acres	Grant amount
City of Throop	Pa. OSA-99	Borough of Throop	75	$25
City of Mohnton	Pa. OSA-157	Township of Cumru	54	23
City of Pittsburgh	Pa. OSA-181	County of Allegheny	2,336	1,486
City of Erie	Pa. OSD-183	Erie County Authority	134	887
City of Spring City	Pa. OSA-187	Borough of Spring City	7	12
West Deer Township	Pa. OSD-196	County of Allegheny	16	206
Elizabeth Township	Pa. OSD-197	do	2	31
North Fayette Township	Pa. OSD-198	do	2	32
City of Archbald	Pa. OSA-207	Borough of Archbald	84	25
Troy Township	Pa. OSA-208	Board of County Commissioners, Bradford County.	24	11
Hampton and Indiana Townships.	Pa. OSA-209	County of Allegheny	857	866
City of New Castle	Pa. OSD-212	County of Lawrence	105	171
City of Jessup	Pa. OSA-214	Borough of Jessup	8	23
Lower Saucon	Pa. OSA-217	Lower Saucon Township	104	76
Lower Paxton Township	Pa. OSC-218	Township of Lower Paxton	22	115
City of Dickson City	Pa. OSA-219	Borough of Dickson City	21	30
Ransom Township	Pa. OSA-221	Township of Ransom	28	21
City of Perryopolis	Pa. OSA-226	Borough of Perryopolis	20	18
Adams and Richland Townships.	Pa. OSA-229	Board of Commissioners, County of Cambria.	1,339	381
Upper Dublin Townships	Pa. OSA-230	Upper Dublin Township	17	32
City of Dupont	Pa. OSA-234	Borough of Dupont	4	5
City of Wilkes-Barre	Pa. OSA-237	City of Wilkes-Barre	46	91
City of Mayfield	Pa. OSA-238	Borough of Mayfield	19	10
City of Vandergrift	Pa. OSA-246	Borough of Vandergrift	75	38
Plymouth Township	Pa. OSA-247	Plymouth Township	19	39
City of Reading	Pa. OSA-250	City of Reading	12	31
Athens Township	Pa. OSA-251	Athens Township Supervisors.	414	16
Harbor Creek Township	Pa. OSD-252	Township of Harbor Creek	140	25
Export and Franklin Townships.	Pa. OSA-253	Borough of Export	22	15
Borough of Delmont and Township of Salem.	Pa. OSA-256	Borough of Delmont	14	15
City of Monessen	Pa. OSC-258	City of Monessen	32	55
Adams and Richland Townships.	Pa. OSA-259	Board of Commissioners of the County of Cambria.	1,297	196
Independence Township	Pa. OSA-261	Independence Township Supervisors, Washington County.	78	$15
Total			7,427	5,022

[1] OS, OSA—open space acquisition; OSD—open space development; OSC—open space combined acquisition and development.

URBAN MASS TRANSPORTATION TECHNICAL STUDIES—SEC. 9, PENDING AS OF AUG. 15, 1968

[Dollar amounts in thousands]

Project No.	Applicant	Type	Grant Amount
PA-T9	Schuylkill County	Origin-destination study	$16
	Total		16

GRANTS FOR BASIC WATER AND SEWER FACILITIES PENDING AS OF JULY 31, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Type of project	Grant amount
Bellefonte	0116	Water distribution, water storage, water treatment.	$1,135
Altoona	0130	Sewer collection	717
Rostraver	0140	do	170
Philadelphia	0175	Storm sewer collection	1,226
Lancaster	0211	Sewer collection	1,500
Mammoth	0233	do	281
Chartiers	0243	do	76
Irwin	0253	do	1,434
Bellwood	0275	Water transmission	181
Landenburg	0304	Storm sewer collection	113
Bristol	0307	do	634
Ambridge	0315	Sewer collection	66
Collingdale	0318	do	93
Morgan	0319	do	535
Clearfield	0325	Water distribution and treatment sewer	330
Mount Pleasant	0326	Sewer collection	270
McKees Rocks	0333	do	1,234
Canton	0342	Sewer collection and pumping	967
Indiana	0344	Sewer collection	80
Lewistown	0345	Water storage	1,500
North Strabane	0348	Water distribution	258
Bloomsburg	0349	Sewer collection	1,580
Avondale	0353	do	118
Philadelphia	0364	Water distribution and sewer collection	1,500
Do	0366	Sewer collection	1,482
Do	0367	Water line	1,482
Connellsville	0373	Sewer collection	725
Total			19,687

MORTGAGE INSURANCE FOR SPECIAL PURPOSE MULTIFAMILY PROJECTS PENDING AS OF JUNE 30, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Name of project	Number of housing units	Mortgage amount	Status[1]
Urban renewal housing, sec. 220:					
Wilkes-Barre	034-32015	Provincial Towers	109	$2,520	AIP
Philadelphia	034-32012	Aspen Village, Inc.	48	537	CO
Pittsburg	033-32004	Manhattan House, Inc.	156	3,442	CO
Total, 3 projects			313	6,499	
Rental housing, sec. 207: Stroudsburg	034-00105	Terrace Hill Apartments	35	420	AIP
Nursing homes, sec. 232: Easton	034-43016	Northampton Nursing Home	[2] 120	1,122	AIP

[1] AIP—Application in process; CO—Commitment to insure outstanding.

[2] Beds.

GRANTS FOR RENT SUPPLEMENTS PENDING AS OF JUNE 30, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Name of project or sponsor	Type of program [1]	Housing units		Supplement amount	Status [2]
				Total	Supplement		
Philadelphia	II-47	Presbyterian Apartments	MR	100	100	$80	P
Harrisburg	034-35002	Parkside Apartments	MR	200	200	171	F
Philadelphia	034-35003	Friends Housing	MR	39	39	34	F
Easton	034-35005	Colonial Apartments	MR	84	84	97	F
Philadelphia	034-35008	Mill Creek Gardens Cooperative	MR	113	113	90	F
Do	034-35009	do	MR	63	63	50	F
Punxsutawney	033-35004	Sycamore Realty Co.	MR	40	40	51	F
Steelton	034-35001	Bright Homes	MR	128	128	77	F
Philadelphia	034-35007	Fairmont Manor Apartments	MR	110	110	88	F
ittsburgh	033-35006	Harriet Tubman Terrace	MR	56	56	63	F
Do	033-55019	Sterrett-Collier	BMIR	144	10	5	F
Total 11 projects				1,077	943	806	

[1] BMIR—FHA insured low- and moderate-income housing (below market interest rate); MR—FHA insured low- and moderate-income housing (market interest rate).

[2] P—Preliminary reservation; F—Formal reservation.

MORTGAGE INSURANCE FOR SPECIAL-PURPOSE MULTIFAMILY PROJECTS PENDING AS OF JUNE 30, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Name of project	Number of housing units	Mortgage amount	Status [1]
Low- and moderate-income housing (below-market interest rate), sec. 221:					
Lancaster	034-56027	First Presbyterian	8	$190	AIP
Philadelphia	034-56008		8	68	AIP
Do	034-56009	Interfaith Council	5	52	AIP
Do	034-56010	do	7	78	AIP
Do	034-56012	do	7	78	AIP
Do	034-56013	Maple Mantua Rehabilitation	8	101	AIP
Do	034-56014	Philadelphia Housing Development Corp	5	58	AIP
Do	034-56015	do	7	97	AIP
Do	034-56017	do	6	65	AIP
Do	034-56019	do	5	50	AIP
Do	034-56020	do	5	50	AIP
Do	034-56022	do	7	54	AIP
Do	034-56028	do	6	78	AIP
Do	034-56029	do	6	93	AIP
Do	034-56030	do	6	78	AIP
Do	034-56031	do	6	81	AIP
Do	034-56032	do	8	111	AIP
Do	034-56033	do	5	56	AIP
Do	034-56034	do	6	78	AIP
Do	034-56035	do	5	70	AIP
Allentown	134-55007	Lancaster Park Apartments	110	1,272	CO
Bethlehem	134-55009	Bethlehem Townhouse Apartments	111	1,279	CO
Lancaster	034-55008	Adams Musser Towns	80	1,055	CO
Philadelphia	134-56002	Council of Clergy	7	57	CO
Do	034-56003	do	7	61	CO
Do	034-56004	Philadelphia Housing Development	5	57	CO
Do	034-56005	do	7	80	CO
Do	134-56006	do	6	70	CO
Do	013-56018	do	6	73	CO
Do	034-56023	do	5	46	CO
Do	034-56024	do	7	81	CO
Do	034-56025	do	7	69	CO
Do	034-56026	do	5	49	CO
West Chester	034-56016	Citizens Better Housing	6	73	CO
Pittsburgh	033-55013	Kelly Hamilton, Inc.	66	816	CO
Do	033-55019	Sterrett Collier	144	1,853	CO
Total, 36 projects			705	8,577	
Low- and moderate-income housing (market interest rate), sec. 221:					
Punxsutawney	033-35004	Sycamore Realty Co.	40	436	AIP
Philadelphia	034-35007	Fairmont Manor Apartments	10	1,365	AIP
Steelton	034-35001	Bright Homes	128	1,586	AIP
Pittsburgh	033-35006	Harriet Tubman Terrace	56	644	CO
Total, 4 projects			334	4,031	

[1] AIP—Application in process; CO—Commitment to insure outstanding.

ADVANCES FOR PUBLIC WORKS PLANNING PENDING AS OF JULY 31, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Type of project	Loan amount	Locality	Project No.	Type of project	Loan amount
Kennedy Township	3756	Parks	$27	Williamsport	3818	Water system	$127
Lancaster	3761	Education	172	Minersville	3821	Sanitation	54
Pottstown	3765	Streets	20	Collegeville Borough	3826	do	36
Erie	3766	Courthouse	50	Robinson Township	3828	Municipal building	19
Scranton	3776	Convalescent (home)	125	Union Township	3829	Sanitation	41
York	3783	Hospital	87	Shippen Township	3830	do	19
Derry Township	3799	Sanitation	82	Freedom Township	3832	do	17
Valley Township	3803	do	59	Sugar Grove	3834	do	16
Johnsburg	3808	Streets	15	Limerick	3835	do	25
Harrison Township	3809	Sanitation	50	Borough of Deer Lake	3836	do	8
Canton Township	3812	do	52	Township of Unity	3837	Drainage	85
South Pymatuning	3813	do	20	Windber	3838	Sanitation	33
Saegertown	3814	do	12	Leighton	3839	do	13
Lower Burrell	3815	do	80	Back Mountain	3840	do	282
Oak Ridge	3816	do	38	Punxsutawney	3841	do	18

ADVANCES FOR PUBLIC WORKS PLANNING PENDING AS OF JULY 31, 1968, STATE OF PENNSYLVANIA—Continued

[Dollar amounts in thousands]

Locality	Project No.	Type of project	Loan amount
Hempfield	3842	Sanitation	$68
Newville	3843	do	55
Confluence	3844	do	20
Franconia Township	3845	do	34
Township of Indiana	3846	do	7
Coopersburg	3847	do	28
York Haven	3848	do	13
Salem Township	3849	do	39
White Deer Township	3850	do	8
Windgap	3851	do	32
Manor Township	3853	do	52
North Strabane	3854	Water system	29
North Union Township	3855	Sanitation	90
Towanda	3856	do	12
Chester	3857	Heating system	125
Cornwells	3858	Sanitation	125
Total			2,419

GRANTS FOR URBAN RENEWAL—NEW PROJECT APPLICATIONS PENDING JUNE 30, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Project name or type	Grant amount
Carnegie	E-9	Carnegie CE Program Area No. 1	$983
Pittsburgh	E-11	Garfield CE area	4,740
Philadelphia	M-13	Demolition Grant No. 2	140
Boyertown	R-357	Colonial Corners	1,157
Chester	R-323	Chester CBD	26,827
Do	R-326	Hopewell urban renewal area	1,888
Danville	R-336	YMCA urban renewal area	336
Easton	R-340	Southside urban renewal area	8,564
East Stroudsburg	R-352	Courtland Plaza	2,301
Grove City	R-341	Civic center project	385
Hanover Township	R-337	Oxford urban renewal area	1,295
Homestead	R-278	Homestead urban renewal area	1,548
Lebanon	R-364	Northside urban renewal area	7,579
Mansfield	R-316	Mansfield State College	121
Milton	R-362	Central Milton	3,302
Monongahela	R-355	Monongahela business district	1,459
New Castle	R-335	Central area urban renewal project	10,518
Philadelphia	R-304	Ontario urban renewal area	1,250
Do	R-351	Strawberry Mansion	124
Pittsburgh	R-305	Federal Anderson	8,424
Do	R-366	Manchester urban renewal project	10,452
Pittston	R-353	South Pittston urban renewal area	4,003
Plymouth	R-361	East Main St. project	828
Sunbury	R-363	Sun. Cen. project	5,469
Williamsport	R-356	West Edwin St. urban renewal	1,365
Harrisburg	E-12	CE project	478
Latrobe	E-13	CE	1,331
Darby Township	M-20	Demolition	10
Erie	M-19	do	94
Shamokin	R-37 GN	Shamokin Gnrp. area Project No. 1	0
Bristol	R-343	Bristol Terr. II	1,111
Franklin	R-369	13th St. project	2,418
Harrisburg	R-370	Hamilton urban renewal area	6,841
Latrobe	R-365	Central urban renewal area No. 2	7,041
Lock Haven	R-322	Bald Eagle St. urban renewal area	533
Philadelphia	R-346	Einstein Southern area	528
Do	R-367	Market St. East urban renewal area Unit No. 1.	15,119
Do	R-368	Market St. East urban renewal area Unit No. 2.	6,953
Shamokin	R-372	Shamokin Gnrp. area, Project No. 1	3,483
Uniontown	R-339	South Gallatin Ave. urban renewal area.	298
Total (40 projects)			151,294

GRANTS FOR URBAN BEAUTIFICATION AND IMPROVEMENT—NEW APPLICATIONS PENDING JUNE 30, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.	Grant amount
Philadelphia	B-9	$511

URBAN PARKS (DEVELOPED LAND)—NEW APPLICATIONS PENDING JUNE 30, 1968, STATE OF PENNSYLVANIA

[Dollar amounts in thousands]

Locality	Project No.[1]	Applicant	Number of acres	Grant amount
Bellefonte	OSA-257	Borough	0.83	$69
York	OSA-260	City	4.045	166
Total, 2 projects			4.875	235

[1] OSA—Open space acquisition.

LOANS FOR ELDERLY AND HANDICAPPED HOUSING PENDING IN STATE OF PENNSYLVANIA, AS OF JULY 31, 1968

[Dollar amounts in thousands]

Locality	Project No.	Applicant	Number of housing units	Loan amount
Allentown	27	Phoebe Apartments	131	$1,680
Erie (Harbor Creek Township).	28	Conrad House, Inc	133	1,660
Philadelphia	29	Fraternal Order of Police	92	1,275
Do	30	Overmont Corp	188	2,570
Pittsburgh	31	Episcopal Residences, Inc	203	2,635

LOANS FOR COLLEGE HOUSING PENDING IN STATE OF PENNSYLVANIA AS OF JUNE 30, 1968

[Dollar amounts in thousands]

Locality	Project No.	Institution	Number of accommodations[1]	Loan amount
Annville	245	Lebanon Valley College	350	$1,265
Bethlehem	253	Lehigh University	264	1,265
Coraopolis	260	Robert Morris Junior College	200	990
Elizabethtown	254	Elizabethtown College	300	885
Erie	246	Mercyhurst College	203	1,085
Huntingdon	251	Juniata College	307	1,205
Johnstown	261	University of Pittsburgh	301	945
Pittsburgh	252	Carnegie Mellon University	144	700
Philadelphia	248	Drexel Institution of Technology	407	1,975
Do	250	St. Joseph College	307	1,205
Villanova	256	Villanova University	498	2,000
Washington	247	Washington-Jefferson College	121	705
York	255	York Junior College	136	825
Do	262	York Hospital School of Nursing	105	705

[1] Count of dormitory beds, faculty, and student family units. Projects may consist of any combination of housing, dining, student union, or infirmary facilities.

ASSISTANCE CONTRACTS FOR LOW RENT PUBLIC HOUSING PENDING AS OF APR. 30, 1968 PENNSYLVANIA

NA denotes number not yet assigned; AIP denotes application in process; RA denotes reservation approved]

Locality	Reservation or project No.	Housing units		Status
		Total	Senior citizens	
Allentown	NA	325	100	AIP
Apollo	NA	40		AIP
Beaver Falls	14-M	100	100	RA
Bethlehem	NA	300	300	AIP
Blakley	NA	100	60	AIP
Brackenridge	6-W	60	60	RA
Bristol	51-A	375		RA
Do	NA	225	225	AIP
Brownsville	NA	50	50	AIP
Butler City	10-D	7	7	RA
Carnegie	6-31	15	12	RA
Do	6-V	125	108	RA
Connellsville	NA	100	100	AIP
Conshohocken	NA	100		AIP
Corry	NA	100		AIP
Dickson City Borough	NA	100	65	AIP
Easton	24-D	10		RA
Erie	NA	300		AIP
Franklin City	NA	100	50	AIP
Franklin Township	45-C	60	60	RA
Freeport Borough	NA	125	125	AIP
Harrisburg	NA	120	120	AIP
Hempfield Township	18-G	50		RA
Hickory Township	NA	50	50	AIP
Homestead	NA	100	100	AIP
Indiana Borough	NA	100	100	AIP
Irwin	18-H	50	25	RA
Do	NA	20	20	AIP
Johnstown	19-F	500	200	RA
Kittanning	NA	115	100	AIP
Lancaster	NA	360	100	AIP
Luzerne County	NA	90		AIP
McConnellsburg	NA	60	40	AIP
Mahanoy City	NA	100	50	AIP
Masontown	NA	20	20	AIP
Meadville	NA	300		AIP
Mill Hall	40-B	30	10	RA
Monaca	NA	100	100	AIP
Monongahela	17-H	70	32	RA
New Castle	NA	50	50	AIP
Do	26-J	250	250	RA
Norristown	12-F	50	10	RA
North Union Township	NA	100	40	AIP
Northumberland County	NA	100		AIP
Philadelphia	2-6T	213		RA
Do	2-6T	87		RA
Do	2-9	78	44	RA
Do	2-12	104	104	RA
Do	2-37	32	32	RA
Do	2-37	5	5	RA
Do	2-54	20		RA
Do	2-54	130		RA
Do	2-66	3	3	RA

ASSISTANCE CONTRACTS FOR LOW RENT PUBLIC HOUSING PENDING AS OF APR. 30, 1968, PENNSYLVANIA—Continued

[NA denotes number not yet assigned; AIP denotes application in process; RA denotes reservation approved]

Locality	Reservation or project No.	Housing units		Status
		Total	Senior citizens	
Philadelphia	2–E	318		RA
Do	2–C	48		RA
Olyphant	NA	30	30	AIP
Phoenixville	46–D	75	50	RA
Pittsburgh	1–18	37		RA
Do	1–19	40		RA
Do	1–B	1,500	300	RA
Do	1C	200		RA
Do	1–C	1,000	360	RA
Pottstown	12–E	80	80	RA
Pottsville	NA	100	70	AIP
Reading	9–6	150	150	RA
Do	NA	10		AIP
Ridgeway	NA	100	100	AIP
Rochester Borough	NA	60		AIP
Royersford	NA	80	80	AIP
St. Clair	NA	100		AIP
Schuylkill Haven Borough	16–5	110	110	RA
Do	NA	40	40	AIP
Scranton	3–6	100	100	RA
Do	3–6	2	2	RA
Do	3–7	150	150	RA
Scranton	3–8	90	50	RA
Do	3–9	60		RA
Do	NA	50		AIP
Shamokin	NA	120	120	AIP
Shenandoah	NA	50	30	AIP
Do	NA	300	200	AIP
South Fork	NA	100	10	AIP
Sunbury	NA	252	124	AIP
Tamaqua	NA	200	100	AIP
Tarentum	NA	100	100	AIP
Do	NA	60	60	AIP
Taylor Borough	NA	100	60	AIP
Throop Borough	NA	60	60	AIP
Turtle Creek	6–28	100	100	RA
Uniontown	15–H	22	22	RA
Wampum	26–IR	40	20	RA
Warminster	NA	69		AIP
West Chester	NA	100	25	AIP
Wilkes-Barre	47–B	200	200	RA
Windber	NA	50	50	AIP
Total		12,627	5,980	

EXHIBIT 2

[From Congressional Quarterly, Sept. 20, 1968]

PENTAGON REBUTS ASSERTIONS OF $10.8 BILLION IN "FAT"

Congressional Quarterly recently obtained from Capitol Hill sources an official Pentagon rebuttal of a story in CQ's June 28, 1968, edition, in which highly placed defense experts in both the Pentagon and industry contended that at least $10.8 billion of "fat" could be cut out of the fiscal 1969 defense budget while retaining or even improving the current level of the nation's defense.

The 24-page rebuttal was prepared in the Office of the Assistant Secretary of Defense (Systems Analysis) on order of Defense Secretary Clark M. Clifford and was distributed to key Congressional leaders under Clifford's signature. Despite a decision by Clifford to reduce fiscal 1969 defense spending by $3 billion to meet half the total Government reduction required by the recently passed Revenue and Expenditure Control Act (HR 15414—PL 90-364) the statement vigorously defended the expenditure of the entire $10.8 billion cited by other Pentagon officials as "fat." (*For previous story on defense budget cuts, see Weekly Report p. 1605; for requirements of tax bill, see p. 1969, 1507.*)

CQ also obtained a counter-rebuttal from some of the officials who made the original assertion that the $10.8 billion could be cut. This counter-rebuttal also was received by Members of Congress concerned with the problem. Because their position is at variance with that of Clifford and the Joint Chiefs of Staff, all the dissident officials declined to be quoted by name; all occupy high Pentagon positions, however, and have the expertise to make the statements that appear in this and in the previous CQ story. These statements have become the subject of a major Pentagon in-house debate.

Allegations by House liberals that the defense budget was laden with "fat" were the focal point of House debate on the fiscal 1969 defense appropriations bill (HR 18707), approved Sept. 12 with a $4.8 billion cut. Liberals moved during debate to cut the record $77.2 billion defense budget by $10.8 billion, but their amendment was rejected by a non-record vote. The bill now goes to the Senate, where it is expected to come up for floor action in the last week of September. (*For House Action, see Weekly Report p. 2463.*)

Following are the major points raised in the June 28 CQ article, together with highlights of the Pentagon rebuttal and the counter-rebuttal by proponents of large budget cuts:

MISSILE DEFENSE SYSTEM

Original Statement—"Probably one of the most clear-cut items of 'fat,' in the view of most CQ's sources, was the ABM system designed to protect the nation against an intercontinental ballistic missile attack.

Pentagon Rebuttal—The Pentagon statement said the decision to deploy the anti-ballistic missile (ABM) system "was made only after extensive and exhaustive deliberations at the highest levels in both the Congress and the Executive Branch. Probably no major weapon system decision of the last decade received more thoughtful consideration." The statement added that the ABM would prevent a missile attack from China through the late 1970s, limit damage from an accidental missile launch "from any source," provide internal defense of the U.S. offensive missile force, and "complicate" any Soviet missile attack on the United States.

Counter-rebuttal—Pentagon critics of the ABM countered that "to the extent that there is any Chinese missile threat," the ABM provided "only a very low-confidence defense" due to what they called "the very serious nature of technical problems in the areas of reliability, readiness and guidance accuracy." And, "in a larger sense," they added, "it completely misses the central issue of the strategic balance: any small nation can, at negligible cost, smuggle nuclear mines into all our major cities and harbors in sufficient quantity to cause enormous damage. . . . The only reason no country has attempted these perfectly feasible attacks is that no one has devised any means for profiting from such an attack, particularly in view of the retaliatory power of the United States."

Original Statement—"CQ's sources doubt the (ABM) system will have any chance of working against a realistic attack."

Pentagon Rebuttal—The Pentagon argued that the ABM program was "proceeding on a sound technical basis" after a research and developmental effort that has been more than 12 years in the making. The key components of the system—its Spartan and Sprint missiles—had been "successfully demonstrated," it said, and "interception of an ICBM-type target was demonstrated as long as seven years ago with the . . . Zeus (predecessor to Spartan and Sprint)."

Counter-rebuttal—Critics replied that "as far as the sound technical basis of the ABM is concerned, we have now been testing and building air defense missiles for 20 years. We now have in inventory Nike Hercules, Hawk, Terrier, Tartar, Talos and Bomarc; test reports for all of these were glowing, yet not one works satisfactorily, as evidenced by the endless series of 'get-well' and 'follow-on' deficiency-curing programs. The net result of the enormous sums spent for these systems is that our Army and Navy have never been so undefended against air attack; luckily for us, the Soviets have made no serious efforts to build an offensive air arm for conventional operations."

BOMBER DEFENSE (SAGE) SYSTEM

Original Statement—"Another big item CQ's sources view as unnecessary is the complex warning and intercept system designed for defense against long-range bomber attack. Called SAGE (for Semiautomatic Ground Environment), the system employs elaborate radars both to detect incoming bombers and to guide interceptors to shoot them down."

Pentagon Rebuttal—The Defense Department agreed that "parts of our present antibomber defense system are now, or soon will be, obsolete and uneconomical to retain. . . . It does not follow, however, that because the present system has some shortcomings it should be phased out immediately." The statement said DoD was proceeding with development of an advanced downward-looking radar system called AWACS (for airborne warning and control system), which would slowly be phased in to supplant the SAGE system by the mid-1970s. (The radars would be mounted on surveillance aircraft which would be constantly aloft. Their purpose would be to detect low-flying enemy aircraft.)

Counter-rebuttal—Critics argued that bomber defense was important "only if bombers represent a significant portion of the enemy's damage-inflicting capability, which they don't. There is no doubt that if AWACS worked as advertised, and if the fighter air-to-air missile (contemplated for use with the system) worked as to specifications, then a reasonable number of enemy bombers would be shot down (if there were enough to launch a sizable attack in the first place). Unfortunately, there is now considerable doubt in the technical community that the AWACS radar will produce a usable look-down capability; it is now known that these radars have special vulnerability to jamming and that their processing/tracking equipment will be just more automated airborne versions of the same system philosophy as SAGE." Critics also said the airborne equipment was "inherently less reliable due to the high temperature/vibration environment and stringent restrictions on space and weight."

"Finally," critics said, "there is the larger question of whether billions should be spent, particularly in a period of fiscal crisis on new efforts in bomber defense since even a perfect aircraft defense would have no impact on the strategic 'balance of terror.' Our international posture and policy decisions could not change one iota even if we enjoyed total immunity to bombers, since by itself the Soviet missile force could still inflict unacceptable damage to the United States (with or without an ABM)."

SURFACE-TO-AIR MISSILES

Original Statement—"CQ's sources said $850 million per year could be saved by phasing out 'ineffective' air defense missiles and deferring heavy hardware development on new missiles. Sources said there was little reason to believe these missiles would work any better in combat than Soviet missiles used by the North Vietnamese, stated in the May 6 issue of *Aviation Week* to have attained a kill ratio of less than 1 percent. According to one military source, 'the North Vietnamese have apparently learned much more quickly than we have that their real defense against bombing rests on antiaircraft guns.' "

Pentagon Rebuttal—The Pentagon statement said that "because of the poor performance of the surface-to-air missiles used by the North Vietnamese, the United States has conducted special tests and simulations on Nike Hercules. These included displacements prior to firing as well as simulations in an electronic firing environment. These special tests verified previous results with no major problems encountered. Experience gained through air defense exercises, unannounced air operational readiness evaluations and actual annual service practices indicate that the kill ratio of present Army surface-to-air missile systems, Nike Hercules and Hawk, would far exceed the kill ratio indicated in the above CQ comment . . . For systems such as Bomarc, it is inappropriate to compare either the combat environment or missile capabilities. The general environment in North Vietnam consists almost entirely of point defense against highly maneuverable fighter aircraft flying at medium and low altitudes. The Bomarc environment, on the other hand, involves a much greater area defense against high as well as medium-flying bombers that are unable to engage in violent manuevers."

Counter-rebuttal—"Contrary to the claims of DoD," critics said, "the recent tests of our air defense missiles produced such appalling results that neither the Army nor the Navy has released the uncensored raw data to the Office of the Secretary of Defense; nevertheless, both Services are applying maximum pressure to get new multi-billion dollar missile development programs of unprecedented complexity."

MANPOWER

Original Statement—". . . Sums totaling a minimum of $4.2 billion could be saved by paring 'fat' from logistical elements of all the Services."

Pentagon Rebuttal—The Pentagon statement said that "manpower requirements of the Services are thoroughly and continuously reviewed by the Congress, the Bureau of the Budget, and all levels of the Department of Defense to insure that no 'fat' exists. In the review process, as in the Congressional Quarterly article, much attention has been devoted to the distribution of personnel between 'combat and support' units. For analysis of personnel requirements, however, we do not believe that this emphasis is well placed. It has not proven very useful to analyze personnel requirements in terms of combat and support. Definitions are imprecise, and it is hard to make comparisons between Services or within a Service between one time period and another. Some Army personnel now in divisions were not part of the Division in (the Korean war), and vice-versa."

Counter-rebuttal—Critics replied that "although this country has always preached the efficient use of scarce and expensive manpower resources through careful organization and judicious investments to increase the productivity of the individual, in practice there has been no more profligate waste of manpower than in the Department of Defense . . . Increase in personal strength has been a primary institutional goal of each of the Military Departments. Operating with this motivation . . . each Service continues to create more echelons of command, administration and supporting functions in order to continue expanding . . .

"In Southeast Asia, out of roughly 525,000 military personnel in South Vietnam or a total of more than 750,000 deployed and associated with the war, we are only fielding approximately 40,000 riflemen . . . (In a Vietnam-type conflict, riflemen are probably the single most important measure of combat strength.) The remaining 18 people behind every rifleman are engaged in staff functions, artillery, supply, equipment, maintenance, construction and engineer activities, housekeeping, helicopter, operations and maintenance, communications, tactical aircraft operations and maintenance, escort ships, etc. . . .

"In Europe, the situation is hardly better. Out of roughly 330,000 military personnel (plus 100,000 civilians), we manage to field only approximately 45,000 men in infantry or armored maneuver battalions, which already include substantial amounts of supporting functions. By comparison, the Soviets with their historical tendency of suander manpower are able to field 75–90 percent more maneuver manpower for every 100 military personnel deployed in Eastern Europe. Even worse, their maneuver manpower is backed by a relatively higher density of heavy weapons (e.g. tanks) per man than the U.S. maneuver forces."

Original Statement—"Sources agreed that the Army should not be allowed to carry the large (110,000 men at any one time) transient category but, as a well-placed civilian put, it should have to 'take it out of their hide just like a corporation would.' "

Pentagon Rebuttal—The Pentagon argued that "the number of military personnel in a transient status at any given time is a function of many factors such as the size of the force, the length of terms of service, the tour length policies, the number of personnel moving to and from oversea locations, and the number moving between stations in the United States. In the Army, for example, the larger force and the greater number of people in short-tour areas such as Vietnam (i.e., one year) are causing increased permanent change of station moves: the former because more people are in the Army to move; the latter because people are moving more often . . . If the Army were to take 'its transients out of its hide,' while maintaining programmed strength in Southeast Asia and Korea, the operating strengths in Strategic Army Force, in Europe and in other long-tour areas would be so low that the required unit training could not be accomplished and combat readiness of these forces would be seriously degraded."

Counter-rebuttal—Critics countered that "the argument against eliminating transient manpower allowances demonstrates exactly the reasons in favor of such a move. If these allowances did not exist, then the Services would have to adopt vigorous measures to reduce the tremendously inefficient 'short tour' that is used consistently as a gap-filler and would have to reduce personnel turbulence and improve retention. . . . It is instructive to examine the amount of money and effort spent in major corporations to avoid excessive movement and turbulence of personnel, simply because they represent such a serious drain on profits."

TACTICAL AIRCRAFT

Original Statement. "Cuts of at least $700 million could be made in the Air Force program . . . by purchasing simpler versions of the $2.5 million F–4E, the $8 million F–111D, and dropping production of the $2.6 million A–7D in favor of the A–37, which costs only $350,000 . . . the F–4 had failed to provide clear superiority over Soviet fighters . . . $30 million could be saved by dropping the F–4E's long list of combat inessential equipment such as sophisticated navigation and fire control systems . . . which would be highly unreliable, contribute little or nothing to combat effectiveness, and decrease aircraft performance and daily utilization rates."

DoD Position. The DoD statement said the F–4 had "compiled an enviable air-to-air combat record in Southeast Asia. These aircraft have achieved a 5-to-1 kill ratio over the Soviet-supplied North Vietnamese MIGs. They have done this exclusively over the heavily defended enemy heartlands where the MIGs have all the advantages of radar control and surprise, and can thus engage or withdraw at will. To draw an analogy: the F–4 has achieved this record in a fight where the opponent is given the first blow and is allowed to quit whenever he wants.

"The avionics installed in the F–4 series of aircraft are the product of extensive research and development efforts, and they are installed to meet the needs of field commanders, the combat users of the airplane. The avionics installed in the F–4E are essentially an improved and more reliable version of those installed in its predecessor, the F-4D. They include, in addition to such standard items as a radio and TACAN, an inertial navigation system and an integrated radar fire control system. All of these items, and especially the latter two, are absolutely essential to enable the F–4E to carry out its assigned all-weather attack role with the precision and accuracy necessary in the modern environment. These avionics have been in use for over 18 months, and they have proven highly reliable. F–4Ds and F–4Es have flown in the United States and Southeast Asia at daily sortie rates equal to or better than planned."

Counter-rebuttal—Critics replied that "our air-to-air record in Southeast Asia is far from enviable (in Korea we achieved a 14–1 kill ratio); in fact, last year's figures (as opposed to the three-year average of 5–1) are shocking. (The 1967 ratio still is classified.) The process by which the avionics list for a modern fighter plane is arrived at has almost nothing to do with military usefulness or necessity; it is simply the result of the combined wish lists of technology enthusiasts and senior officers without modern combat experience. As a result, the F–4 carries an inertial platform of somewhat less accuracy than those recently rejected by the commercial airlines as being unsafe and unreliable as a navigation aid.

"The complex and heavy radar fire control system is used only to fire the Sparrow missile; this makes the so-called all-weather capability only a theoretical capability, since there has never been any non-visual combat in the history of air warfare, including Southeast Asia. The Sparrow missile has proved to be only slightly better than the (almost totally ineffective) Falcon in Southeast Asia; the far simpler Sidewinder (requiring no fire control system) has outscored the Sparrow in kill probability by a factor of two and one-half to one. The vast majority of experienced air combat pilots returning from Vietnam agree that an F–4 with a gun and Sidewinder would have been far more useful than the present F–4C/D Sidewinder/Sparrow armament. These views have been very strongly stated by pilots in published letters to *Aviation Week.*"

Original Statement—". . . the F–111 was too vulnerable to enemy fighters and antiaircraft defenses to be useful; consequently, these aircraft should be prime candidates for further cuts."

Pentagon Rebuttal—The Pentagon statement said there was "no evidence to substantiate any losses of F–111s to enemy action. Further, to date, no aircraft have returned with battle damage. One of the three losses in Southeast Asia has been attributed directly to a foreign object being left in the aircraft causing interference with the flight controls. Problems that have been encountered in Southeast Asia are being resolved by fixes that have been developed and incorporated. The F–111's low altitude penetration capability and speed make it a formidable attack aircraft in the enemy environment."

Counter-rebuttal—Critics contended that "the mission planning for the F–111 is perhaps the most eloquent testimonial to the aircraft's unprecedented vulnerability to fighters and antiaircraft artillery; only missions at night and only missions to the least defended targets have been allowed by the operational commanders. The F–111 has the slowest cruise speed of any of our jets; it has the slowest acceleration of any of the Century series fighters (making its vaunted top speed a purely peacetime capability); and it has the least turning capability of any fighter we have ever built."

Original Statement—"Another $350 million or so in research and procurement money could be saved . . . by dropping the $2 million Mark II electronics system in the F–111D (thus leaving the plane in effect an F–111A). One civilian official said the sophisticated electronics gear . . . would be 'highly unreliable, contribute little or nothing to combat effectiveness, and decrease aircraft performance and daily utilization rates.' "

Pentagon Rebuttal—The Pentagon said the Mark II system "will have an improved radar and navigation system that should provide a four-fold improvement in navigation accuracy over the F–111A, plus a better night and all-weather air-to-ground weapon delivery accuracy and an all-weather, radar-guided, air-to-air missile capability. The reliability should be equivalent to that of the F–111A. Thus, it should not decrease the daily utilization rate while providing a greater performance capability for combat effectiveness."

Counter-rebuttal—Critics retorted that "the attributes of the Mark II electronics stated by DoD are purely brochure promises. The Mark II is in very serious trouble at this time, experiencing large schedule slippages and major cost overruns. Since the manufacturer (General Dynamics Corp.) is promising no better than equal reliability to the F–111A, past experiences can lead us to project that it will be at least a factor of two or three times worse. It should be noted that the Mark II was forced on the Air Force and General Dynamics, against their wishes, by the Director of Defense Research and Engineering (the third highest civilian position in the Pentagon). As for accuracy, the recent combat results of the F-111A have shown such small percentages of effective sorties and such large bombing errors as to cast fundamental doubt on the whole idea of radar bombing with conventional bombs (to determine this, the mission-by-mission results must be seen, since the Air Force is claiming the test was a great success). Even if the Mark II achieves a substantial improvement in accuracy over the F-111A, the over-all level of errors would still be large enough to make the mission not worth risking pilots or equipment on."

Original Statement—". . . the A-7 was 'neither accurate nor maneuverable enough to be effective in its assigned role of close air support' . . . In the interim, the highly maneuverable, combat-proven A-37 could serve effectively in the close-support role until a new generation of attack aircraft more appropriately tailored to the mission could be built."

Pentagon Rebuttal—The Defense Department argued that "the assertion made in regard to accuracy and maneuverability apparently applies to the only model now operational, the Navy A-7A. This version has proven highly accurate and maneuverable in its initial employment in Southeast Asia. The Air Force version, the A-7D, will incorporate a more powerful engine and improved avionics which will provide a further increase in capability. Thus, the A-7D promises to be an outstanding close air support aircraft."

The Pentagon added that it was "clear that a shift in production from the A-7 to the A-37 on a one-for-one basis would reduce the effectiveness of the total tactical force. There are serious issues involved in trading A-37s for A-7 aircraft in the programmed force. The A-37 carries less than half the payload of the A-7 and has less than half the range . . . U.S. commitments to NATO and the higher intensity conflicts postulated, particularly in the European scenarios, require careful consideration of the degree to which our fighter attack force can afford specialized aircraft of limited capability."

Counter-rebuttal—Critics replied that the A-7 "can hardly have demonstrated 'high maneuverability' in Southeast Asia since it has 40 percent less turning capability than the A-4 at combat loads. The Marines have decided against the A-7 for their assigned mission of close support, preferring the A-4's superior turning and slow speed capability plus greater simplicity. The Air Force's recent studies to determine the proper characteristics of a close support aircraft found the A-7 unsuitable for lack of maneuverability, loiter endurance and short field ability.

"In comparing the A-37 and the A-7, several factors must be kept in mind: (1) the mission is close support—not longe range strike; the A-37 has demonstrated the capability to strike any point in South Vietnam from existing airfields (distances in Europe for close support would be shorter); (2) at least four A-37s can be bought for every A-7; and (3) because of the superior accuracy associated with the ability to get closer to the target, the A-37 despite is smaller payload can equal the target killing capability of the A-7."

Original Statement—". . . the VFX–1 (substitute aircraft for the ill-fated Navy F–111B) is a 'warmed-over version' of the F–111 which will cost substantially more and perform only slightly better than the plane it would replace."

Pentagon Rebuttal—The DoD statement said the VFX was "not a 'warmed-over' version of the F–111B. The VFX will be much smaller and many thousands of pounds lighter than the F–111B. It will be a high performance fighter airplane which can perform traditional fighter missions in addition to the fleet interceptor mission." (The statement did not comment on the allegations about the craft's costs.)

Counter-rebuttal—Critics retorted that the VFX was "being optimized to exactly the same questionable mission as the . . . F–111B, e.g., the fully automated Phoenix missile-carrying bomber destroyer. It shares the two heaviest components that ruined the performance of the F–111B—the TF–30 engine and the Phoenix radar fire control system. The brochure performance of the aircraft is slightly inferior to that of the hardware F–4 except in the tactically usable high-speed frame; consequently, the real performance should be substantially worse. This means it cannot cope with today's Soviet fighter threat, much less tomorrow's. The claimed empty weight saving over the F–111B is only 10 percent—the larger claims in combat weight savings are simply due to off-loading fuel and missiles, which could be done just as easily on the F–111."

ARMY HELICOPTER PROGRAMS

Original Statement—"An area of increasing fat . . . was the Army's helicopter program and particularly the Hueys and Chinooks that are prevalent in Vietnam. 'There are so many of those things in Vietnam,' one military source said, 'that even a sergeant complains if he has to ride in a truck.' "

Penatgon Rebuttal—The Pentagon contended that "the application of helicopters in the conduct of counter-insurgency operations in Vietnam has been an unqualified success. Hueys and Chinooks are prevalent in Vietnam, but they are performing a service which cannot be accomplished by any other vehicle. They are not provided for the convenience of personnel; rather, they are essential to the mobility of tactical forces."

The statement added that "it is true that all of the helicopters in our helicopter force in Vietnam, which is sized and deployed on the basis of tactical lift requirements, are not always engaged in combat support missions. When not required for combat support missions, some helicopters are undoubtedly used for 'convenience' missions which contribute to the morale of our troops."

Counter-rebuttal—Critics replied that "helicopter losses in Southeast Asia have been high . . . high enough that it has become clear that helicopters would be unusable in any more hostile environment. Even the Chinese machine guns we would face in Korea could make helicopter operations untenable. As a result, it seems difficult to justify the high helicopter procurement rate (at the inflated prices created by high demand) on the basis of forces outside Vietnam."

Original Statement—"Sources also recommended dropping the new Cheyenne helicopter—an advanced craft based on a complex missile/gun fire control system, which they say is now slipping badly. . . . In a close support attack (one former Pentagon civilian said) it would take the helicopter a minimum of 16 seconds to home in and guide its missile to target. In the meantime . . . 'you'll be blasted out of the sky by every weapon from small arms to tank or antiaircraft fire. This concept might work if you were up against a single tank in the desert. But if you're in the midst of a Soviet division, there's just too much they can throw back at you.' "

Pentagon Rebuttal—The Pentagon said the Cheyenne would be effective in escorting troop-carrying helicopters, providing suppressive fires in assault landing zones, directing fire close to friendly troops and destroying tanks "and other hard targets." The statement added that "the Cheyenne development program has recently slipped 3½ months from a schedule established 30 months ago. Minor technical difficulties—primarily with transmissions—are being resolved and it is anticipated that the current revised plan will be maintained. . . . No technical problems have been encountered with the Cheyenne fire control system. All test results to date indicate that the system will meet predicted accuracies. The Cheyenne represents a major technological advance in aerodynamics, avionics, fire control and armament, all of which contribute greatly to improved combat effectiveness." (The statement did not contest the assertion that it would take a minimum of 16 seconds to guide the craft's missile to target.)

Counter-rebuttal—Critics said the Cheyenne was "another classic case of a system that is obviously worth buying if it does all it's advertised to do. With the Army's large stake in the program, one can reasonably expect the test reports to be laudatory, especially since the test conditions have been designed to be extremely favorable to the system. There is no doubt that this helicopter will deliver a great volume of suppressive fire, though the question of whether we need more suppressive firepower than we have in

Vietnam and whether this fire will be more accurately delivered than by present Army and Air Force craft is still completely open. As for the possibility of the Cheyenne destroying tanks, this is completely out of the question because of the heavy machine gun and cannon ground fire associated with tank forces."

ANTISUBMARINE FORCES

Original Statement—"Another area where a consensus of CQ's sources would make substantial cuts is in the Navy's antisubmarine warfare (ASW) force. Sources said they would eliminate the entire fleet of eight ASW aircraft carriers, whose planes have never been effective in locating or destroying modern submarines in simulated combat exercises."

Pentagon Rebuttal—The Pentagon said "the retention of the antisubmarine warfare carrier forces in the 1970s is warranted. The composition of this force, however, will be adjusted to reflect new weapons systems capabilities and changes in this threat." It quoted former Defense Secretary Robert S. McNamara as saying that "the advantages and flexibility inherent in such a force would marginally warrant its continuation during the 1970s—provided that its effectiveness could be greatly improved." The statement said the new antisubmarine aircraft (called VSX) now under development "is designed to provide that increase."

Counter-rebuttal—Critics said "the DoD position gives a lucid summary of the reasons for major cuts in ASW carriers. Only two points need be emphasized: (1) we have doubled the kill capability of land-based ASW aircraft and doubled the kill capability of ASW submarines (note that submarines are not vulnerable to loss of bases), yet we have reduced ASW carriers by only 10 percent since 1961; (2) the Secretary of Defense (McNamara) has stated that, given major effectiveness improvements, ASW carrier forces are still a marginal investment (his statement was based on achieving the full claimed improvements of the extremely high-risk, complex VSX). . . . Taken in the context of our over-all efforts in ASW, it is clear that the VSX is at the same time the most expensive and highest risk route to increased capabilities. It commits us not only to a multibillion dollar aircraft program but also to continuing to maintain ASW carrier task forces that we could otherwise dispense with."

ATTACK CARRIER FORCES

Original Statement—"Another large sum of money could be saved . . . by changing the concept of deployment of attack carrier forces. . . . One illustration of 'irrationality' in carrier deployment was the current stationing of three carriers in the waters off North Vietnam. One Pentagon source said that 'no other aircraft deployment could be more expensive, because we have to keep two carriers in support for every one on line—a total of nine attack carriers tied up in the war. We could phase out six of those carriers by pulling only two out of Vietnam, leaving one there for the purpose of keeping Naval air current in combat experience. Then, at far less cost, we could achieve the same aircraft strength by redeploying land-based aircraft from areas throughout the Pacific."

Pentagon Rebuttal—The Pentagon retorted that "the number of attack carriers (CVAs) required is based on the total level of tactical air forces required to support national strategy. The optimum mix of sea-based/land-based tactical air is the subject of continuing classified studies. The results of these studies and operational experience both in Korea and Southeast Asia show a requirement for 15 CVAs."

The statement also said that DoD believed that the assertion regarding the Vietnam deployment was "wrong on two counts: (1) we cannot reduce our CVA force by removing CVAs from Vietnam just as we did not increase that force when we sent CVAs to Vietnam; and (2) no money would be saved because the marginal costs—the money yet to be spent—of replacing CVAs in Vietnam with land-based air are higher than the costs of continuing to operate the CVAs we have already bought."

The statement conceded that "sea-based air is more expensive than land-based air where the two can equally well perform the missions required. The exact cost differential is debatable and subject to a host of assumptions. But we believe both operating and investment costs are considerably higher, particularly in view of the $541 million cost of a new nuclear-powered CVA and the $570 million cost of four nuclear escort ships. Thus we do not want to buy more sea-based air than is required by its advantages."

Counter-rebuttal—Critics said the "DoD position is less than forthright when it states that we already have paid for our 15-carrier force and consequently should continue to operate it. Although they mention the high cost of new carriers plus escorts ($1.1 billion per carrier force for major ships only), they do not mention that Congress will be requested to approve the construction of three such carriers within the next two years unless the 15-carrier force objective is reduced. The rationale that because we did not increase the force to send carriers to Vietnam (which, after all, demonstrates that we had nine carriers we did not need for urgent commitments elsewhere) is sufficient reason for not reducing the carrier force if we remove carriers from Vietnam is, at best, specious (especially since reducing carriers saves us the extraordinary expense of three new task forces). As for the costs of transferring two wings of land-based aircraft from Korea to Vietnam to replace the two carriers pulled off the line, it seems inconceivable that any reasonable cost analyst could conclude that this was more expensive than operating the six carriers required to keep two on the line."

AMPHIBIOUS FORCES

Original Statement—"Because of the lack of real or potential island powers, officials interviewed by CQ think substantial cuts should be made in the number of amphibious assault vessels. One official said 'the Soviets are no amphibious power to speak of and neither are the Chinese. Who else could you be fighting that would necessitate a World War II-type landing operation?' Of a total amphibious force of 142 ships, CQ's sources recommended mothballing 50 of the most obsolete, without making any change in the composition of Marine combat forces."

Pentagon Rebuttal—The Pentagon contended that "amphibious assault ships provide a unique capability of projecting land forces over the beaches without the need for overseas port and airfield facilities. Amphibious assault forces can be decisive in shifting the local military balance, and can provide defended beachheads where following-on forces can be landed by airlift or sealift."

The statement added that "the size of this force is not related to the number of real or potential island powers" but rather to meet "national strategic commitments." It quoted former Defense Secretary McNamara as saying that the Pentagon's strategic analysis called for "enough assault ships to lift and land the assault echelons of one Marine Expeditionary Force (division/wing team) in the Atlantic and one in the Pacific"—a requirement that would necessitate retaining the entire assault fleet.

Counter-rebuttal—Critics retorted that "the DoD statement, by its reliance on nebulous 'national strategic commitments,' shows the lack of precise thinking and planning in the amphibious forces program. It should be reasonably clear by now that Marines have uses other than assaulting beaches. In consequence, the size of the Marine assault/lift fleet is not inextricably tied to the number of Marine divisions." Because the Communist threat emanated from the European and Asian mainlands rather than islands, they said, "it seems reasonable that there are better ways to spend money on the Marine Corps than by buying them expensive new ships for a World War II mission."

THE CALENDAR

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished minority leader the possibility of taking up two resolutions on the Consent Calendar. He voiced no objection, and I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1573 and 1574.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUGLAS F. WOOLSTON

The resolution (S. Res. 396) to pay a gratuity to Douglas F. Woolston, was considered and agreed to, as follows:

S. Res. 396

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Douglas F. Woolston, son of Norman C. Woolston, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ESTABLISHMENT OF A COMMISSION ON ART AND ANTIQUITIES OF THE U.S. SENATE

The Senate proceeded to consider the resolution (S. Res. 382) establishing the Commission on Arts and Antiquities of the U.S. Senate, and for other purposes, which had been reported from the Committee on Rules and Administration, with amendments, on page 2, line 4, after the word "be" insert "appointed by and be"; in line 5, after the word "the" where it appears the first time, strike out "Office of the"; in line 8, after the word "exceed" strike out "$22,000" and insert "$22,089"; and on page 5, line 2, after the word "the" where it appears the second time, strike out "Commission. Payment on such vouchers shall be deemed and are hereby declared to be conclusive upon all departments and officers of the Government, and these vouchers shall be reported in the annual report of the Secretary of the Senate" and insert "Commission"; so as to make the resolution read:

S. Res. 382

Resolved, That (a) there is hereby established a Commission on Art and Antiquities of the United States Senate (hereinafter referred to as "the Commission") consisting of the President pro tempore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony.

(c) The Commission shall select a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,089 per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

(d) The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

SEC. 2. (a) The Commission is hereby authorized and directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the Senate wing of the Capitol, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and the Senate Office Buildings, and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b).

(d) The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b), shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Building by the Commission.

SEC. 3. The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol insofar as it is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

SEC. 4. The Commission shall, from time to time, but at least once every ten years, publish as a Senate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

SEC. 5. There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission the sum of $15,000 each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman of the Commission: *Provided*, That no payment shall be made from such appropriation as salary.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1587), explaining the background and purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

The establishment of a Commission on Art and Antiquities of the Capitol was proposed during the 87th Congress, by Senator Mike Mansfield and others, in the form of Senate Joint Resolution 195. That joint resolution was passed by the Senate on July 18, 1962, but was not acted upon by the House of Representatives. A similar proposal, Senate Joint Resolution 65, was introduced by Senator Mansfield during the 89th Congress. It was passed by the Senate on May 24, 1965, but was not reached for consideration in the House. During the present Congress the Senate once again considered and passed legislation to establish a Commission on Art and Antiquities of the Capitol. Senate Joint Resolution 27, which would accomplish that purpose, was passed by the Senate on April 6, 1967, and is currently pending in the House of Representatives.

PURPOSE OF SENATE RESOLUTION 382

Senate Resolution 382 would establish a Commission on Art and Antiquities of the U.S. Senate, thus distinguishing it from the aforementioned proposals which would have embraced the entire Capitol complex. Briefly, the Commission would be charged with the care, protection, and placement of works of art, exhibits, and historic objects in the Senate wing of the Capitol and the Senate Office Buildings, and would select a curator of art and antiquities to administer its various functions.

COMMITTEE AMENDMENTS

The Committee on Rules and Administration has adopted minor perfecting amendments to Senate Resolution 382 relating to the appointment and compensation of the curator, and the processing of vouchers.

Mr. MANSFIELD. Mr. President, this measure has been passed by the Senate four times unanimously, in the form of a joint resolution, but has never been acted upon by the House of Representatives. Its purpose is to preserve the Americana, at least in the Senate wing of the Capitol, because we have been losing too much in the way of arts, antiquities, paintings, and other memorabilia which are of interest to the American people, some of which have been in existence since the founding days of this Republic. So I think this is indeed a redletter day, as far as this particular type of conservation is concerned.

I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

Mr. MUNDT. Mr. President, one of the strangest practices ever engaged in by any nation is the one which we follow in supporting both sides of the war in Vietnam—a war in which we are heavily involved.

During this time when we are considering appropriations for our Defense Establishment, I think it is a good time to review the curious course we follow, whereby we increase the amount of money needed for our national defense and, at the same time, provide material for the North Vietnamese enemy by delivering it to them via Russia or some other Communist country.

The result is that both our defense costs and our casualties in Vietnam necessarily continue to increase. I have been criticizing this peculiar and pointless policy for well over 2 years. In fact, I made my first public criticism of it some 5 years ago. I shall continue to use this forum and others to keep this issue alive before the American public unless and until this completely counterproductive policy or the war is ended.

I have not been one of those who has sought to make political capital out of the blunders or the indecisions of the Johnson-Humphrey administration in the conduct of the war or in the pursuit of peaceful negotiations.

I have been fully aware that the opportunity for criticism was there—and it is still there. However, I have criticized—I am criticizing—and I will continue to criticize a foreign trade policy that provides the weapons of war to our enemy who, in turn, kill our American servicemen. I oppose any and all policies which needlessly prolong the war in Vietnam or make less likely our chances for success in Southeast Asia.

How can any public official say in good conscience to the widow or parent of a man killed in action, "We did all we could to win the war," when he knows that the weapon that killed that serviceman may have been made from materials which we sold to a Communist country or was propelled by chemicals which the United States sold to Russia or was trucked to the area of the fighting in vehicles made operational by the oil, the rubber, or the ignition system which were purchased from us by the Russians? The thought, to me, is sickening.

Lest some unrealistic idealists think this is an exaggeration, let me quote from the list of materials which, back in 1966 on October 12, President Lyndon Johnson by Executive action freed for sale and shipment to Russia or any other eastern European Communist countries—all Communist dominated: Automobile parts, including jacks, mirrors, battery parts; motor vehicle lighting equipment and signaling equipment; spark plugs and electrical starting and ignition systems, to cite just a few of the items.

The importance of these items is that they can be used in the trucks which are furnished by Russia to North Vietnam to haul their armaments of war and ammunition down the Ho Chi Minh Trail.

Additionally, the truck in all probability is fueled by gas and oil which came from Russia and was produced by drills and equipment sold by the United States to the Communists in Russia. Communist Russia, I should remind you, supplies virtually 100 percent of all the petroleum used by North Vietnam in this war.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the entire list of about 400 items taken from the U.S. Department of Commerce Export Bulletin No. 941, as revised on October 18, 1966, pursuant to President Johnson's Executive action taken on October 12, 1966.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. MUNDT. Mr. President, I hope that all citizens who get this Record and all Senators will examine those items, because they will find many items there which are critically important to the war economy of North Vietnam. And, having examined them, I hope that all citizens and Senators will ask themselves how in good conscience we can continue to ship to our enemy the supplies which prolong the war in Vietnam which causes us here today and for the remainder of this week to wrestle with multibillion-dollar appropriations for Defense. These appropriations are escalated in cost basically because of our foolhardy trade policies vis-a-vis the Communist countries in time of war.

INCREASE IN RUSSIAN ARMAMENTS SHIPPED TO NORTH VIETNAM

What an unhappy plight from the standpoint of the serviceman facing danger and death in Vietnam.

What a critical situation for the American taxpayer who faces inflation and higher taxes.

These indefensible and inconsistent policies of the Johnson-Humphrey administration continue to call for more American exports to Russia, instead of utilizing the economic strength of the United States to discourage this growing stream of death-dealing weapons from one Communist country to another.

I have read a few of the kind of items used in the trucks which today, in the absence of the bombing protection which our fighting forces used to have, are hauling in increasing amounts the weapons that are killing our boys fighting in Vietnam.

Beyond these items, decontrolled and now permitted to be exported to bloc countries free of administrative review—these 400 items specifically released by President Johnson's Executive order of October 12, 1966—there are 1,900 additional categories of commodities still controlled as strategic, but which are, in fact, readily accessible to Communist buyers due to lax administration of the export program by the Department of Commerce.

To substantiate this observation and because the extraordinary character of these shipments is not generally known, I ask unanimous consent that the information I have compiled from Commerce reports be printed in the Record at the conclusion of my remarks. The people of America are entitled to hear these astonishing facts.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. MUNDT. Mr. President, among these items sold to Russia which I shall discuss later are materials which can be used in rocket fuel. There are goods which can be used in the manufacture of explosives, in ground-to-air missiles, and in the sophisticated weapons used to slaughter the young men fighting for our freedoms in the swamps of Vietnam.

Let me emphasize once again on this floor that virtually 100 percent of the sophisticated weaponry of all types used to expand our casualties in Vietnam are given to the North Vietnamese by their Communist allies in Russia and in Eastern Europe.

As the great American, Bernard Baruch, once said:

> In time of war there is no such thing as noncritical or nonstrategic merchandise.

These policies have resulted in a staggering increase in the armaments and ammunition sent from Russia and her East European satellites to the armies and air forces of North Vietnam. These self-defeating east-west trade policies of ours have helped enable Russia also to rearm the Arabs, to overrun Czechoslovakia, to threaten West Germany, and to excel the United States in the missile race. These policies have resulted in the staggering dimensions of the defense appropriations bill now pending before us for approval. And I shall vote to approve the bill and I shall vote against all amendments designed to scuttle it, because even though the indefensible policies of the Johnson-Humphrey administration are continuing to escalate our shipments to Russia, while Russia escalates her shipments to Vietnam, we must not let down our fighting men in Vietnam.

Unhappily for us, our problems have been enhanced by this mad desire on the part of a few American exporters to profit in the blood of American boys fighting for freedom in Vietnam and the acquiescence and encouragement of the Johnson-Humphrey administration in these mercenary, highly selfish, profiteering motivations.

For example, both economic and military aid from the Communist countries to North Vietnam has increased sharply during the first 8 months of 1968. The longer a bombing cessation holds, the greater the quantities of the weapons shipped in with which to shoot American boys who are no longer protected as every other American service contingent has been protected in time of modern war by the umbrella of airpower which we have available to protect them, but which are chained to the ground or circumscribed in their action by a political order from Washington, D.C., with the result increased amounts of war supplies and armed forces are moved in to endanger the lives of American troops in South Vietnam.

As we have curtailed our bombing sharply, we have enabled the North Vietnamese forces to move their fighting gear into South Vietnam more easily and with fewer losses to them and in greater volume and with steadily increasing and more staggering losses in life for Americans.

It is estimated that seaborne shipments into North Vietnam alone during the first 8 months of 1968 have increased by approximately 35 percent, as compared with those shipped during the same period in 1967.

In addition, rail shipments of military supplies are moving in through Red China much more rapidly and in greater volume than they were a year ago. Last year alone, these supplies from this source exceeded a half billion dollars, in the evaluation of the Russian currency.

Mr. Lee Thang Nuy, the North Vietnamese chief negotiator for aid, was recently in Eastern Europe on an aid-seeking mission—and, in fact, may still be there. Already, supplementary 1968 and 1969 economic and military aid agreements have been signed with Hungary, Bulgaria, and Poland. The fact that these agreements were signed several months earlier than in other years indicates that aid deliveries in 1968 will continue at a high rate and greatly exceed the annual shipments of the past few years.

In some types of critically important strategic military supplies, the volume of shipments from Russia to Communist North Vietnam already has risen astronomically. For example, in replacement missiles there was, during 1967, nearly a 400-percent increase in the number shipped from Russia to our enemy. The same is true of some of the more sophisticated and hard-hitting tanks and heavily armored transports.

Conveyance of antiaircraft weapons used by the North Vietnamese to inflict growing casualties on American flyers has increased even more sharply during the past year—in some instances as much as 800 percent—and increased in part by the utilization of supplies sold for bloody profit by American exporters to our enemies in time of war, in conformity with the relaxation of export restrictions issued by the Johnson-Humphrey administration October 12, 1966. It is all a matter of record.

I should add that never before in the history of this Republic has an American Commander in Chief in time of war permitted—I repeat the word "permitted"—American would-be war profiteers to sell a single dollar's worth of merchandise to the enemy. This time they have been encouraged, and are still being encouraged by our President, to escalate their shipments to the enemy in Russia—through this curious, unrealistic concept that is part of a bridge-building philosophy.

Unhappily, the bridges they build carry the weapons required to kill American boys, whose coffins return over the same bridges, to bear silent testimony to the foolhardiness and the inconsistency and the improvidence of a trade policy in time of war such as that under which this country suffers today.

Last year, alone, far more units of field artillery—the types that are turned against Saigon and other civilian targets—have been shipped from Russia to North Vietnam than in all the preceding months of this long and costly war. Well over 3,000 Sam missiles have been given to the enemy by Russia and the East European satellite countries to shoot down our fliers and maim our men. Approximately 2,500 Soviet military technicians are now in North Vietnam training personnel in the use of the sophisticated military hardware which the Russians are making available to them.

Annual imports of vehicles to rush North Vietnam military supplies down from the north are steadily increasing, now that the journey has been made easier and safer due to the bombing curtailments associated with the Paris peace talks. Vehicular shipments to North Vietnam from Russia are running approximately 5,000 per year—far more than the annual rate of shipments during 1965 and the previous years. Indications are that the rate of vehicular shipments to North Vietnam is now sharply expanding and increasing.

In addition, seaborne shipments to North Vietnam—mostly through the sanctuary harbor of Haiphong—were in the area of over half a million tons in 1967, about six times the levels of 1966. These, too, are moving in at a steadily increasing rate in 1968, now that the danger of interdiction by bombing has been removed.

It is now clear that over $2 billion worth of materials in terms of Russian price lists has reached Vietnam from Russia to date, in 1968. The input is moving at an accelerated rate thus far this year. This acceleration has been steadily increasing.

Comparisons are hard to come by. But, by utilizing all sources of information, it is known that back in 1967 there was approximately a 50-percent stepup in the shipment of military equipment from Russia to North Vietnam—stepped up almost immediately after the 1966 release order of President Johnson opened up for shipment to Russia, without limitation and license, over 400 items, many strategic in nature. Senators can read them in the RECORD and take note of the strategic items involved.

I suspect that in some instances they simply recrated our shipments to Russia and marked them for Hanoi and shipped them over. In most cases, I suspect that they refabricated them into modern death-dealing weapons and armaments and then shipped them over. But they were given the supplies by this country through our trade policies.

As compared with economic aid, the strictly military exports are showing up as being on the priority list of Russian shipments to her Communist allies in Southeast Asia. The U.S.S.R. has supplied 80 percent of the total value of military equipment delivered to North Vietnam since 1965. The Red Chinese are also supplying what war material they can spare. North Vietnam has been able to stay in the war, however, solely because of the largesse of the Soviets, who have signed agreements that all this huge amount of military and economic aid is to be given—not sold, not loaned, but given—to their Communist allies, the North Vietnamese, without charge and without a repayment schedule, without any thought of repayment for the billions of dollars which Russia has poured into the fight.

Our American aid to Russia, made possible through our misguided trade policies, has indeed begun to reflect itself in the capacity of the U.S.S.R. to concentrate on the making of military hardware while we help supply the civilian needs and some of the military necessities of Russia.

COMMUNIST AID TO NORTH VIETNAM

Two years ago, when it became evident that increased allied commitments to the defense of a free South Vietnam were turning the tide in favor of freedom, Ho Chi Minh put out a cry for help to Moscow. A hurried meeting was held in October of 1966, and the Soviet leaders issued an edict to their colonies in Europe. They said the Warsaw Pact was going to contribute collectively $1 billion in aid in the next year to North Vietnam, and of that $1 billion, $200 million would come from Russia's east European satellites. That was a mighty hard pill for the Socialist economies of the Russian satellites to swallow, since they were already strained by the continuous economic exploitation by the Soviet Union. Poland was hard pressed with its quota of $30 million until our State Department bailed them out with what amounted to cancellation of a $26 million bill due on food-for-peace shipments.

Romania was equally hard pressed, but again, timely loans from the U.S. Export-Import Bank were negotiated to postpone payment on critically needed imports. This enabled Romania to comply with the edict of her Russian masters and ship to North Vietnam large quantities of a new deadly weapon, the RPG–7 antipersonnel rocket.

To anyone who doubts the lethality of this weapon, I refer him to several pages of testimony on this appropriations bill given by Dr. John Foster, our research director in the Department of Defense. Senators will find it in the hearings. He says that it is this weapon that is killing so many of our boys and South Vietnamese soldiers and civilians. I contend that the shipment of this weapon results directly from credits given by the administration of our own lending bank. Think of it: through some incredible distortion of logic, we are subsidizing the dealing of death to our own sons, while high administration officials, candidates for President, and Senators on both sides of the aisle ask the question and try to answer it: What shall we do to try to bring the war to an honorable end?

The first answer is that we must stop prolonging the war by our own selfish trade practices by providing the wherewithal to Russia so she can expand her shipments to our fighting enemy in Vietnam.

SOVIET MILITARY AID

As I mentioned before, the Soviet Union, in its public declaration of October 1966, stated that $800 million in military aid would be extended by the U.S.S.R. to North Vietnam in the next year, with the rest to come from her captive satellites. It is clear from available reports that in 1968 an even greater measure of military aid stretches from Soviet munitions factories to North Vietnamese forces.

As substantial as these dollar values are, they by no means convey the total picture. Sorting out the various estimates and figures reported by reliable sources, a conservative estimate of Soviet military aid to North Vietnam since 1961 would total several billion dollars. The dollar figure is deceptive, however, because of the peculiarity of the Soviet pricing system.

I can best explain this point by illustrating the situation with the following example. The Soviets usually price their Mig–21 at $400,000 or less, arriving at this figure by a complicated analysis of factory inputs of materials, labor, and so forth, but making no allowance for overhead and investment. Consequently, a Mig–21, which American aviation experts equate in sophistication and performance with our frontline fighter, the F–4, Phantom, is priced at only one-fifth of its real cost. Mr. President, you do not have to take my word for it alone because one of their top aircraft designers, Mr. Antonov, has said that this pricing system is bankrupting the Soviet aviation industry.

In an article in the Aviation Week magazine 2 years ago, he said the sales price fixed on this aircraft would hardly pay for the raw materials.

As one may see, the true value of Soviet military aid is not merely a few billion dollars. We must multiply that figure by a figure of at least as much as 3 to 5 when evaluating the extent of Russian military aid. Thus, an accurate assessment would be somewhere from $6 to $9 billion.

And what is the composition of this $6 to $9 billion? Hundreds of helicopters, scores of which are the giant Mil-6, over 200 Mig fighters, scores of Iluysin jet bombers and, 50 battalions of Sam missiles each equipped with six missile firing stations, 7,000 antiaircraft guns—all this plus hundreds of thousands of tons of munitions and rockets. Add to this, among many other items, trucks and rolling stock carrying their weapons for a face-to-face confrontation with American troops, all supplied free of charge by Russia, all made in Russia, all shipped to her Communist associates in North Vietnam.

Turning from the broad economics of the question, which are important because they convey the true extent of Soviet involvement in this war, I want to expose the manner in which our U.S. Government is contributing to the furtherance of North Vietnamese war effort through the Johnson-Humphrey East-West trade policies by the permissive release of critical strategic materials to the war factories in the Soviet Union.

Because the Soviet chemical industry is deficient in its ability to extract what in the trade are known as aromatic distillates, it is dependent on outside sources of supply for the key chemicals needed for the manufacture of solid and liquid rocket propellants needed to fire the Sam missiles, over 3,000 of which have now been shipped to North Vietnam and to equip the air-to-air missiles which are shooting down our pilots. As of this date, close to 900 flyers have been lost over North Vietnam. Some of the chemicals shipped to Russia are critical for initiators on mortar rounds and the like.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. MUNDT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the request I am about to make appear in the RECORD either before the Senator's speech or at the completion of his speech so that the continuity of his address will not be interrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McGEE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning at the conclusion of the morning business tomorrow there be a time limitation of 1 hour on each amendment, except for the Cooper amendment, on which there will be a time limitation of 2 hours, the time to be equally divided between the distinguished chairman of the committee, the Senator from Georgia [Mr. RUSSELL], and the sponsor of the amendment; and that there be 3 hours on the bill, the time to be equally divided between the majority leader and the minority leader, or whomever they may designate.

The PRESIDING OFFICER. Is there objection?

Mr. COOPER. Mr. President, reserving the right to object, I wish to say that I have discussed this matter with the majority leader. The chairman of the committee was not present at the time, but I understand it has been discussed with the distinguished Senator from Georgia.

The Senator from Michigan [Mr. HART] and I will introduce again an amendment—not again—which would delete the money in the bill for the construction of the components of the Sentinel system and its actual commencement or deployment. This matter has been before the Senate on two previous occasions.

Mr. RUSSELL. Three times.

Mr. COOPER. On three occasions. I know it will be said that the matter has become a moot issue and that the Senate has already acted upon it. However, our purpose in introducing the amendment is to attempt to secure from the members of the committee certain information which we believe, because of its classified nature, has not been fully exposed, if I may say so, on the floor of the Senate.

Before we take this step, which in my opinion will be irreversible, I wish to say that I have discussed the matter with the Senator from Michigan [Mr. HART] and we have no objection to the 2 hours, but we have discussed this possibility.

Because of the classified nature of some of the information that we seek, and which we think should be available to all Members of the Senate before they make this very serious decision, we might invoke rule XXXV for a short session. If that should occur, would there be a reasonable time for such a session?

Mr. MANSFIELD. Yes; indeed.

Mr. RUSSELL. Mr. President, of course, the Senator from Kentucky knows that any Senator can on motion ask that the Senate go into executive session.

Mr. COOPER. I understand.

Mr. RUSSELL. But I must say in all frankness that I think the 2-hour limitation would apply in the executive session just as it would if we did not go into executive session.

Mr. MANSFIELD. Except there would be 3 hours on the bill.

Mr. RUSSELL. Oh, yes; indeed.

The PRESIDING OFFICER. The Chair advises the Senator from Georgia, he means a closed session rather than an executive session, does he not?

Mr. RUSSELL. Yes. Under rule XXXV.

Mr. COOPER. The time Senators want to speak, no matter how much time they want, should be decided among the sponsors. I should like to have a reasonable time made available in executive session.

Mr. MANSFIELD. As the Senator from Georgia has stated, that is every Senator's right, and any such request will be honored.

Mr. COOPER. I mean for a reasonable time.

Mr. RUSSELL. Yes. I believe that a limitation of 2 hours on the amendment and 3 hours on the bill would apply whether we were in closed or open session.

Mr. COOPER. I just wish to insure that we would provide reasonable time.

Mr. RUSSELL. I can assure the Senator that those of us who favor this proposition will not consume all of our time, and I shall be very happy to give the Senator some of our time.

Mr. COOPER. With that assurance, I have no objection.

The PRESIDING OFFICER. Is there further objection?

Mr. MANSFIELD. It has all been cleared here.

Mr. COOPER. I would ask then, to be absolutely certain, so that there would be no confusion about this, in the event the Senator from Michigan [Mr. HART] and I should invoke rule XXXV, or any other Senator, that at least 1 hour be provided for that, in addition to the 2 hours. I do not know that all of that time will be necessary.

Mr. RUSSELL. That is not debatable. We do not need any time for that.

Mr. COOPER. It is not debatable, but the question is whether it would be limited to the 2 hours which have been proposed for the amendment.

Mr. RUSSELL. Let me propound a parliamentary inquiry of the Chair.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. Would any limitation of debate on the amendments and on the bill prevail in the event we go into a closed session?

The PRESIDING OFFICER. As long as the bill is under consideration, it would apply.

Mr. COOPER. Would the limitation apply?

Mr. MANSFIELD. Yes.

Mr. COOPER. Both to debate and open or closed session?

Mr. MANSFIELD. Yes.

Mr. RUSSELL. That is right.

Mr. COOPER. Two hours——

Mr. RUSSELL. It would apply either way, whether a closed session or not.

Mr. MANSFIELD. Plus 3 hours on the bill.

Mr. RUSSELL. Yes; plus 3 hours on the bill.

Mr. COOPER. Then I would propose that we be given 2½ hours.

Mr. MANSFIELD. OK.

Mr. COOPER. I do not believe we will take that long.

Mr. MANSFIELD. I will change it.

The PRESIDING OFFICER. The Senator from Kentucky wishes 2½ hours on the amendment. Is there objection?

Mr. THURMOND. Mr. President, reserving the right to object, I would like to ask the majority leader if he would please restate the question?

Mr. MANSFIELD. One hour on each amendment. Two and one-half hours on the Cooper amendment, with the time to be equally divided between the distinguished chairman of the committee, the Senator from Georgia [Mr. RUSSELL] and the sponsor of the amendment. Three hours on the bill, the time to be equally divided between the majority and minority leaders or whomever they may designate, with voting to take place after conclusion of morning business tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request, as modified, of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, reduced to writing, is as follows:

Ordered, That, effective on Wednesday, October 2, 1968, at the conclusion of any routine morning business, during the further consideration of the bill (H.R. 18707), making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, debate on any amendment (except an amendment to be offered by the Senator from Kentucky [Mr. COOPER], upon which there will be 2½ hours), motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Georgia [Mr. RUSSELL]: *Provided*, That in the event that Mr. RUSSELL is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, despite the fact that the Senate will be in recess tonight, I ask unanimous consent that at the conclusion of the offering of the prayer and the reading of the Journal tomorrow, there be a period for the transaction of routine morning business, to be concluded at 10:15 a.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Chair would ask the Senator from Montana if he still wishes the 3-minute time limitation.

Mr. MANSFIELD. Yes, Mr. President.

I thank the distinguished Senator from South Dakota for his courtesy in yielding us this time.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

Mr. MUNDT. Mr. President, you need not take my word for it alone for in fact these very same chemicals are classified "strategic commodities" by our own Office of Export Control in the Commerce Department and as such are ordinarily denied to Communist country destinations unless exception is made and the goods are allowed for export by issuance of a validated license. Incredibly enough, in this crucial time, while the casualty toll mounts at the rate of thousands of our boys per week, according to Sherman Abrahamson of the Office of Export Control, the administration is approving 98 percent of the applications to ship strategic goods to Communist country destinations—In remarks before the American Management Association, March 5, 1968, New York City.

Mr. President, I repeat that, because I think it is time Americans woke up, that American citizens be made to realize why it takes so long to get peace on an honorable basis in Vietnam, that they should know why North Vietnam is continuing to compete against overwhelming odds by fighting a war against a country which so completely outclasses them and outproduces them in manufactured goods and war equipment that they today are suffering from a greater disadvantage than the American Indian did in the Indian wars, when he was using bows and arrows against the rifles and cannons being used by our soldiers.

It is because we persistently yield to the pleas of those who want to make a profit out of the war, and ship and sell to the Russians supplies which are so badly needed by them to shore up certain desperate shortages in their own civilian and military economy.

It is now in the public record for all who will to read. If some newspaper editors, commentators, and more Senators would take the time to dig out the facts, we could carry this message to America, stop this insane policy, and get on with bringing the war in Vietnam to an end.

It is all well enough to talk, as we heard a great friend of ours, the Vice President of the United States, speaking from Salt Lake City last night, about new approaches to bringing peace to Vietnam. I listened to our good friend Hubert Humphrey very carefully, and I reread his speech today. After analyzing and scrutinizing the whole presentation, there was not one single, new significant idea or suggestion which has not already been discussed, uttered, planned, and publicized by President Johnson and his associates in the present administration. Hubert just reversed the words and used longer sentences. He just confused the language—he put if's, and's, but's, when's, where's, and how's after statements about what he was going to do—leaving as the result just what President Johnson has been saying for many months.

Humphrey said: "We will stop the bombing if the other side will make concessions"—which they will not. L. B. J. has said the same thing. Hubert says: "We will de-Americanize the war, if the South Vietnamese will take on the extra load."

I salute Hubert Humphrey for that one. He has adopted at least one plank of the Republican Party platform which I helped to write in Miami.

We used the word "de-Americanize." Everyone wants to do that. I expect Lyndon Johnson also wants to do that, but the "if's" knock it out from any realistic significance. The Vice President said: "We will withdraw our troops if it is possible to do so without jeopardizing the war." L. B. J. and all the candidates have been saying that for months.

As I said in a press release which I placed in the Record on yesterday, in anticipation of what Humphrey might say, "I do not believe Hubert will walk out on the President. I do not believe that he is a hypocrite, a coward, or an ingrate, or that he will drive the dagger of desertion into the back of his great benefactor, Lyndon Johnson." He did not. He just went round the merry-go-round with a lot of words which, when added up, reiterated what Lyndon has been saying all along. I think the President has said them, to be perfectly honest, over and over and over again, and more precisely than the Vice President did in Salt Lake City last night.

I have never been one to believe that Lyndon Johnson is going to hold to a position which he thinks will needlessly antagonize the North Vietnamese, or that he will hold to a position which says we have got to have a peace precisely on our terms and nothing else. Certainly, he has never said that, even if the South Vietnamese doubled their armaments, "I like to have American boys over there so much that I am going to keep 650,000 there anyhow whether we need them there or not."

Now we, of course, have to allow a little bit for hyperbole and for the enthusiasm generated in a campaign spokesman running for office, and growing desperate about his chances for success.

I should like, however, to direct the attention of Vice President Hubert Humphrey to the fact that as the Vice President of this country and the partner of Lyndon Johnson in his war policies, he shares the responsibility for the American economic trade policies which are prolonging the war.

Let Humphrey prod the President as I am prodding him today to rescind his order. Let us quit supplying the enemy. Let us quit feeding the people that we are trying to fight. Let us quit strengthening the fellows who are trying to do us in. There is something new that the Vice President could and should have said.

I suppose you can win a war eventually by just continuing to kill off enough of the enemy, but I would like to see us win this one by curtailing the economic practices which make it possible for our enemy to continue his fighting capacities. I wonder how many Americans know we are fighting an enemy who cannot manufacture a single big gun, who cannot manufacture a plane, who cannot manufacture an automobile, or a truck, who cannot manufacture a locomotive, who cannot manufacture a Sam missile. The greatest industrial giant in the world is fighting an enemy in an agrarian economy which our military leaders say could not continue the war for 6 months were it not for the aid they get from Russia and from China and from East European Communist countries.

I would like to have someone, during the course of this presidential campaign, tell the American public where in heaven's name there is any benefit to us, who want peace, in continuing to increase our shipments to Russia, so she can increase her shipments to Vietnam, so they can increase our casualties, with the total result being North Vietnam is able to increase the number of endless months that this war continues and to prolong it year after year.

The American public could understand that kind of language. There would not be any confusion between a new trade policy and what has been adpoted against Congress and desires by this administration. It would not be just a reiteration of the same kind of language we have been listening to for a couple of years and which we heard again from Hubert Humphrey just last night. This would be something concrete and something specific. It would also be something really new.

So that there will be a clear picture of the relevance these shipments have to the prolongation of the war in Southeast Asia, I ask permission to enter into the Record at this point the following information concerning shipments of strategic materials to bloc destinations.

There being no objection, the information was ordered to be printed at this point in the Record, as follows:

Under the Export Control Act, approximately 1900 items remain which may have a strategic value. These items require approval by the Department of Commerce before a license for export my be issued. Following are examples of items that have been shipped by date of license approval, description of the item, value of the item and destination.

Mining equipment: The principal economic aid projects undertaken by the Soviet Union in North Vietnam have been coal and phosphate mining installations, according to an article published in the China Quarterly issue for July-August, 1966. As a result of these projects, the production of phosphates has increased from 66,000 tons in 1957 to 1.4 million tons in 1965. Pure coal output of 2.6 million tons doubled by 1965. Aside from the very large impact on the North Vietnamese industrial economy, these increases take on significance as they are the major exports from which North Vietnam derives its earnings of hard currencies. These currencies, in turn, are the source of supply for critical military materiel needed to sustain the war efforts against South Vietnam.

Date	Description	Destination	Value
Jan. 4, 1967	Phosphate and coal mining spare parts.	U.S.S.R..	$4,884
Feb. 10, 1967	do	U.S.S.R..	2,479
Mar. 3, 1967	Phosphate and coal mining machinery spare parts.	U.S.S.R..	3,500
Apr. 10, 1967	Phosphate and coal mining machinery parts.	U.S.S.R..	$ 40
Do	do	U.S.S.R..	21,860
Feb. 9, 1967	Phosphate and coal mining machinery spare parts.	U.S.S.R..	1,500
Mar. 14, 1967	do	U.S.S.R..	75,000
Nov. 27, 1966	Continuous mining machinery parts (potash).	U.S.S.R..	150,025
July 25, 1967	Twin bore parts for potash mining equipment.	U.S.S.R..	57,500

Diethylene glycol: This chemical is used in the manufacture of explosives and liquid rocket propellants. It can also be used as a plasticizer in solid rocket propellants suitable for air-to-air missiles like the ones that are used in Vietnam.

Date	Description	Destination	Value
Mar. 10, 1966	Diethylene glycol	U.S.S.R..	$105,000
Aug. 16, 1966	do	U.S.S.R..	176,250
Aug. 5, 1966	do	U.S.S.R..	527,500

Polyvinyl butyral: This product is primarily used as an interlayer in bullet resistant glass.

Date	Description	Destination	Value
May 9, 1967	Polyvinyl butyral	U.S.S.R	$268,975

Chemical woodpulp: This can be used for nitrocellulose, an ingredient for solid rocket fuels.

Date	Description	Destination	Value
May 4, 1967	Chemical wood pulp	U.S.S.R.	$2,387,000
Mar. 7, 1968	do	U.S.S.R.	1,039,200
Sept. 27, 1967	do	East Germany.	43,200

Gold mining: Western economists have reached the consensus that the most pressing problem facing the Soviet Union today in expanding its international misadventures, has been the shortage of gold needed to fulfill its internal economic and military programs.

Date	Description	Destination	Value
Aug. 28, 1967	Construction machinery and parts to be used for gold mining.	U.S.S.R.	$1,071,000

Petroleum: One hundred percent of the petroleum requirements of North Vietnam are filled by Soviet bloc countries, the largest contribution by far being made by the Soviet Union.

Date	Description	Destination	Value
Aug. 29, 1967	Petroleum drilling equipment.	Rumania	$46,905
Aug. 31, 1967	Petroleum drilling and production equipment.	Poland	105,000
Dec. 8, 1967	Petroleum drilling and production equipment parts.	Rumania	5,142
Jan. 29, 1968	do	do	12,206
Jan. 3, 1968	do	do	19,071

Worden Gravity Meter: By the Commerce Department's own admission, these geodetic instruments are a source of data of value to guided missile trajectory determinations.

Date	Description	Destination	Value
Feb. 1, 1967	Worden gravity meter	Poland	$10,200

Manufacturer subsequently asked that the Export License be cancelled. In addition, the Commerce Department in a letter to me on August 8, 1967, admitted that two Worden Gravity meters on July 23, 1965 were authorized for shipment to Rumania and were subsequently shipped.

EXPORT LICENSES—WOODPULP AND CHEMICAL WOODPULP

Date	Description	Value	
		U.S.S.R.	Other East European Communist bloc
May 4, 1967	Chemical woodpulp	$2,387,000	
Sept. 20, 1967	Chemical woodpulp (manufacturing source for solid propellants)	3,236,710	
Dec. 13, 1967	Chemical woodpulp	1,722,800	
Jan. 18, 1968	Woodpulp (Czech)		$643,500
Jan. 25, 1968	(See item $4,452,000 under Chemicals this date.)		
Mar. 7, 1968	Chemical woodpulp for manufacture of tire yarn	1,039,200	
Mar. 8, 1968	Woodpulp for manufacture of tire yarn	1,039,200	
Total		9,424,910	643,500

According to the *Rose Chemical Dictionary* (Sixth Edition) wood pulp is produced for its cellulose content, from which paper stock and nitrocellulose are the primary products. "The most recently developed major use (of nitrocellulose) is as the basic material in solid monopropellants, including those for rockets." (p. 803) Alpha-cellulose, a derivative of wood pulp, is a product which ". . . has been suggested as a component of high energy rocket fuel." (p. 235). Possibly related are diethylene glycol exports ($703,750, separately reported); this chemical can be used as a nitrocellulose solvent.

Mr. MUNDT. Mr. President, I ask Americans sincerely interested in ending the war to read the foregoing list. We have heard the administration say it is economic goods we are shipping the Communists; it is chewing gum and baby buggies and typewriters and schoolbooks and lead pencils and toy balloons. It is no such thing. This is not my record of the shipments to Russia. It is the administration's record, the Government which has made these shipments possible. It is just a partial record of this whole bloody business. Let Americans read it. Let the candidates give their answers to the 650,000 American boys whose lives are in jeopardy because of this unsound policy of supplying the enemy that is trying to kill you and your boys and your hopes for freedom.

Mr. President, that is the burden of my mission here today, and I take this occasion to give it because we are going to appropriate billions of dollars for a Defense bill now, which is inflated many billions of dollars solely because of the results flowing from the trade policies of the Johnson-Humphrey administration, as revised October 12, 1966, and the followup administration of our program of exports to Russia and other communist countries.

A few selfish profiteers probably are making a few hundreds of millions of dollars of profits shipping stuff to our enemy, but all Americans are paying higher taxes, confronting higher flames of inflation, losing their kith and kin in war, so that those few can profit from this traffic with Communist-bloc countries.

I suspect when historians write the book on this administration, the blackest page, if it is not written in red, is going to be centered around President Johnson's Executive action of October 12, 1966, when, by the stroke of a pen, he invalidated the trade restrictions of the Battle Act and he invalidated repeated congressional actions which historically have restricted and prohibited trading with the enemy in time of war. He took the escape hatch which a rubberstamp Congress so frequently gives to the Executive. It speaks out in stern language. It says, "You are going to do this, and the President cannot do that"—then the escape hatch is written in—"unless the Executive finds it in the national interest to violate the provisions of the law." This administration went out the escape hatch. Down that escape hatch also slipped the Americans' opportunity for an earlier victory in Vietnam. And down that escape hatch went nobody knows how many gallons of blood of American boys needlessly dying in Vietnam.

To me, as I said in the beginning of my remarks, it is abundantly clear that the inflated funds in our annual Defense Department appropriations bills, and the needless sacrifices of our fellow citizens required to make them possible, together with the valiant sacrifices of many of our soldiers abroad, all are undermined by the cross-purpose East-West trade policies of the Johnson-Humphrey administration. That it is illogical there can be no question. That it is immoral and a disservice to our boys valiantly fighting is even more tragic and infamous.

In my opinion, that it should be brought into the area of political debate and become an issue in this campaign is now inevitable, because we are here dealing with realities, with actual conditions, not, as HUBERT HUMPHREY said in Salt Lake City last night, with what is going to happen 112 days from now, or 3½ months from now, but what we can do tomorrow, and this week, to give some reality to our determination to bring about an early and enduring end to this war in Vietnam.

You do not have to kill all the enemy if you shut off their military supplies, if you curtail their economic imports. We do not have to put our manpower up against the bloody business of facing the guns and the rockets and the mines of the enemy if we decide to shape up a consistent economic policy supporting a military policy which has been conducted in Vietnam now for over 7 indecisive years.

WE HELP RUSSIA STRENGTHEN HOLD ON SATELLITES

We may well ponder one other aspect of our self-defeating East-West trade policies. We were appalled at the arrogance of Russia when the Soviets recently invaded tiny Czechoslovakia to save that country from "democracy." Indirectly, we have to accept some of the responsibility for making such an invasion possible.

What keeps a satellite nation as a satellite nation? One way is through complete military domination. Another is through close trade relations and economic support. Russia is holding her buffer states to her mostly by such economic policies, only resorting to bullying military tactics when ideas on freedom and personal dignity begin permeating the minds of the people. Mainly, however, the Communist leaders must rely on economic policies—making the satellite dependent on Russia for its trade goods, its weapons, and a market.

In a recent interview, the Minister of Trade for Czechoslovakia, Vaclav Vales, said:

> In 1967 Czechoslovakia met its oil import requirements through supplies from the Soviet Union by 99.5%, iron ore, by 83.6%, metals by 53.3%, wheat—by 90.7%, and cotton by 53.8%.

Mr. Vales said that under terms of a trade agreement signed about 10 days ago Russia would send Czechoslovakia 50 million tons of iron ore, 39 million ton of oil, and also increase the amount of other goods—including rubber.

Incidentally, Russia charges its own satellites twice the price it charges free world markets for identically the same goods in its economic war with the United States, underselling us in the free countries where it can, and loading up the charges against its Communist satellites who have no opportunity to get away from the coercive relationships which they have with Mother Russia.

When we look at that list, we find that Russia is maintaining its economic hold on Czechoslovakia by sending that country supplies which are offset, in part, by the goods we export to Russia. The implications of this situation should be clear enough for anyone to see. We fill the Soviet hopper, or give the Russians the firm expectation we will continue to help them replace their own shortages, and the Communists are then able to maintain a stronger hold on the Czechs, the Bulgarians, the Rumanians to threaten the West Germans, and to intimidate the other satellite countries.

This is how they perpetuate their economic tyranny, so closely associated with their political tyranny, which is a prelude to military aggression should the economic and political techniques fail or falter. If we did not fill that hopper, if this economic support became too much for Russia to bear, a new political complexion in Europe might be anticipated.

Of that 50 million tons of iron ore, of that 39 million tons of oil, of that huge amount of rubber and other critical material, how much will be purchased in the United States and then diverted to the Russian satellites? And, if we did not supply Russia with these materials, how much longer could the Soviet Union honor its trade agreements with its captive satellites? Or with the neutral countries which it is seeking to seduce over to the Soviet side of today's cold war?

No one should forget the shortsighted sale of $150 million in wheat to Russia in 1963 which enabled her to supply her commitments to East Europe, to Cuba, and the Middle East. Had we taken the sensible course and withheld our wheat as I and others advocated at the time—and as the Senate, in a rollcall vote at the time, one day recommended—who knows how much calmer Eastern Europe and the Middle East might be today and how much closer we would be to peaceful conditions in these troubled areas of the world?

Mr. President, these questions, too, should goad the national conscience of this country.

These questions, too, should be answered by people running for high office, seeking to become President of the United States in these dangerous and difficult times. The few dollars which we earn from such trade with Communist Russia have long ago been far outweighed by the loss of freedom's blood.

A NEW APPROACH IS NEEDED

Trade relations with the Soviet Union and her Communist satellites should be regarded as international political weapons. We should not delude ourselves that such trade increases friendship or cooperation insofar as the Communists are concerned. Along with wars of aggression, subversion, propaganda, intimidation, and broken promises, Communist Russia looks upon trade as one of the weapons by which it seeks to weaken freedom everywhere and to expand the clutch of communism to more and more people and countries in its still unrepudiated proposals to establish Communist domination throughout the world.

By diminishing trade with the Communist bloc, in this time of terrible war, we will find that we will gain far more in the form of concessions from them than by easing our trade restrictions for a few paltry dollars of war profiteering.

At least, this can be said without fear of successful contradiction: Our present policies in trading with the enemy in time of war are doing nothing in the way of getting any concessions which are desired by us. They are doing nothing in easing the burdens of war; they do not fire up the feeling of friendship for the United States in the bosom of Communist masters. Commonsense ought to dictate that it is high time to try something else.

The "something else" we should try is to stop our trade with the Communist East until they, by positive action, show they are going to be cooperative and that they will not continue to add to our wartime losses by aiding our enemies in North Vietnam and in nearby Cuba.

I therefore call upon the Johnson-Humphrey administration to put some commonsense into our trade policies. It is dangerously inconsistent to ask for more billions of dollars to build up our defense posture, appropriations which I support, while, at the same time, we pursue policies which offset the good that these vast appropriations do.

One of the best breaks we can give our fighting men other than providing them with the latest in weapons in sufficient amounts, is to cut down the potential firepower of the enemy. We are trying desperately to do the first, but it will take a reappraisal of our foreign trade policy to do the latter.

PATRIOTIC GROUPS OPPOSE PRESENT POLICY

It seems passing strange that the Johnson-Humphrey administration has paid so little heed to the admonitions of patriotic organizations which have presented vigorous views in opposition to this mixed-up program of selling merchandise to Russia and other Red-dominated countries.

I would like to call attention to the strongly worded denunciation which was recently made part of the report of the Air Force Association at its Washington meeting, in which this association called attention to the fact that North Vietnam was able to remain in the war only because the Soviet Union supported that country.

That we have heard from military experts. That we have heard from witnesses before our Appropriations Committee and our Committee on Foreign Relations. Now we hear it again from this fine association, the Air Force Association. I repeat their charge: North Vietnam was able to remain in the war only because the Soviet Union supported that country.

The complete statement of the Air Force Association is as follows:

> #### SOVIET INVOLVEMENT
>
> A measure of proof can be found in the rising of material support which the Soviet Union is providing to North Vietnam.
>
> The Soviets are providing the sophisticated air defense system which has made North Vietnam the most heavily defended piece of real estate in the history of air warfare.
>
> The Soviet Union provides the trucks which ply the Ho Chi Minh trail and the gasoline and oil which run them.
>
> The Soviet Union provides the artillery the ammunition, the rockets and launchers which are killing Americans daily.
>
> The Soviet Union provides the aircraft and the ground-control system which challenges our pilots over North Vietnam targets.
>
> Without Soviet support, North Vietnam simply could not stay in the war. Someone in Moscow must think that Southeast Asia is important.
>
> Meanwhile, the Soviet Union takes advantage of U.S. involvement in Vietnam to make its presence felt in the Mediterranean, in the Middle East, in Korea, and in Western Europe, where the NATO alliance is still a main Soviet target. Soviet Russia moves ahead on the technological front in a drive for strategic superiority over the United States. It looks with satisfaction on the prospect of an America divided at home and bogged down indefinitely in Southeast Asia.

It will be noted that this statement

also brings into focus the full gamut of Soviet intrigues and plans for causing more trouble, more disruption, more involvement in its ultimate goal of weakening and breaking up the NATO alliance. Yet we load our ships with the goods that keep their economy strong enough to carry on this harassment and supply our enemy force.

The American Legion is an organization ever alert to policies which weaken our own defenses, or which tend to strengthen the abilities of our aggressive Soviet adversaries. The national commander of the American Legion, John E. Davis, took occasion to express strong views on this policy.

Mr. Davis said, in a statement published in the American Legion magazine:

> Last December, Assistant Secretary of State Katzenbach argued that proposed East-West trade would be in consumer goods, therefore it could not be expected to bring any advantage to the Soviet military thrust. He went on to cite an Italian Fiat agreement to build a compact car plant in the Soviet Union as an example of the kind of profitable trade we are losing in the absence of an East-West trade agreement.
>
> I find such argument to be frightening. When our own President is embarrassed by burdens that military operations in Vietnam impose on his domestic program, how can our government argue that the same principal does not apply in the Soviet Union? Anything that we do to provide consumer satisfaction in the Soviet Union frees Soviet energies and resources for their aggressive external policies. The point is so obvious that I am not really arguing it, but simply pointing out the bankruptcy of the rationales in favor of broad East-West trade. Even in the case of the Fiat plant, we now have been approached to lend Fiat the money for machine tools through the Import-Export Bank. Obviously, the Soviets will not release sufficient capital from their offensive programs even to acquire such an asset. They will be happy instead to see us help capitalize this plant in Russia for the benefit of Russia and Italy, while they save what capital they can to foot war in Vietnam, the Middle East, Latin America, etc.

I ask that the entire statement by the commander of the American Legion be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit C.)

Mr. MUNDT. When Mr. Davis speaks, he speaks not only for the veterans of past wars, he is also keeping in mind those who will be eligible for membership in his organization as the result of fighting in the Vietnam conflict. He is thinking of their protection. He is thinking of the America in which they must live tomorrow, and he wants them to return to a country, strong and free, where realism will exist. He wants them to return to a nation with a sensible foreign policy, not one which rewards those who strive to crumble away our influence, weaken our economy, and drive a dagger into the heart of the freedom loving peoples of the world.

Despite the solemn warnings of the national commander of the American Legion, the Johnson-Humphrey administration puts the full force of its power behind the effort to induce Congress to approve this vast loan to build a new automobile plant in Russia—to be operated by the Fiat Company of Italy. Yet every schoolboy knows that an automobile plant in time of war is easily and effectively converted into an industrial complex to manufacture the death dealing implements of war and the rolling stock to put them into front line action. Fortunately the Senate approved the efforts of the Senator from Virginia [Mr. BYRD], whom I am happy to see in the Chamber, and myself, and validated our resolution to forbid this utterly unrealistic use of American dollars to strengthen even further the war productive capacity of Communist Russia and correspondingly make even more difficult our chances of success in Vietnam.

Mr. President, standing shoulder to shoulder with the American Legion position are the Veterans of Foreign Wars, who have also bitterly declared that—

> We must not allow food, clothing, fuel and arms to be put into the hands of aggressors like North Vietnam so they might drag that war for freedom to eternity. The sooner our Government stands straighter and stops listening to those who supposedly build bridges with our enemies, the sooner our men can come home where they belong.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the entire text of Resolution 264, opposing all forms of trade, commerce, and financial assistance to Communist or Communist-controlled nations, which was adopted by the VFW at its annual convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit D.)

Mr. MUNDT. Mr. President, it is curious to me that a civilian in charge of the Pentagon, a civilian serving as Commander in Chief, and a civilian Secretary of State should somehow or other believe that their collective judgment is so vastly superior to the entire membership of the American Legion and the Veterans of Foreign Wars whose millions of men in various ranks and levels of service have directed and fought wars to protect the freedoms of this country up to now.

Our civilian leaders reject out of hand both organizations and the resolutions adopted by their national conventions and statements by their national commanders condemning this unholy trade policy of shipping supplies to the enemy in time of war.

I wonder sometimes about what meat these little Caesars eat who sit at the other end of the avenue and say, "Everybody is out of step but Lyndon or Clark or Bob or one or two other political leaders." I refer to people who have put this country on the toboggan ride to disaster by these counterproductive trade policies.

They have also been condemned by other patriotic organizations. Others have organized for the purpose of trying to do something about it. Still we find that though many are stirred to action, those in charge of our policies ignore the desires and pleadings of their fellow citizens.

Local citizens in our country in great numbers are growing increasingly dismayed as the facts gradually leak out through the information wall which sometimes encircles Washington, to the people in the hometowns of America. Information is leaking out surely but slowly concerning the trend our trade policies have taken and the serious results which have eventuated. And so private citizens have joined together in vast numbers to make their protests heard.

One such group is known as CEASE, the Committee To End Aid to the Soviet Enemy. That committee is headed by former Gov. John Davis Lodge, a former Congressman and also a former Ambassador to Spain.

CEASE has its national headquarters in the National Press Building in Washington, D.C., and reports that letters of protest and contributions to the crusade they are waging against this trade practice continue to come in in increasing numbers.

Governor Lodge has urged that "we stop increasing our trade commitments to Russia and countries that are assisting in the killing of American troops by proxy."

When it is so apparent to so many others, why does not the Johnson administration declare a moratorium on the policy of fighting and feeding the enemy at the same time? Why does not Vice President HUMPHREY use his influence with L. B. J. to bring this change about?

If this be war, and it is, then let us treat it as war. Let us be stern. Let us be realistic. Let us be consistent. And let us not prolong the conflict by such poorly conceived trade policies which strengthen the very enemy we are trying to overcome.

In conclusion, let me restate here some practical suggestions which I have made on this floor and elsewhere many times during the course of the past several years. I speak as one who has consistently defended President Johnson's wise and proper determination not to bring this Nation to defeat in Vietnam either by surrendering on the installment plan or by our abject withdrawal in disgrace with all of the serious consequences and concomitants that such a defeat would entail in terms of jeopardy both to our future peace and the very survival of our Republic and our way of life.

I regret as much as anyone that so many members of the President's own political party are preaching the gospel of despair and counseling him to accept a formula for defeat.

I rejoice over the fact that such a comparatively few members of our Republican Party join in these tactics of timidity or offer the counsel of a disgraceful surrender which would end our influence as a world leader and would reward aggressive communism with a prize so rich and a victory so significant that there could be no stopping its appetite for more controls over more and more people until the United States itself becomes the target of its atomic attacks and its nuclear missiles.

However, any such disaster which might befall our country is too great to bring partisan respite to any, and the threat of it is too dangerous to permit us to engage in partisan criticisms or to seek political advantage through some synthetic and ephemeral change of policy which might eventually engulf us all in the unprecedented blood bath of nuclear all-out war between the U.S.S.R. and the United States.

We should work together—Republicans and Democrats—to evolve courses of action based on realism—not on voter appeal—and geared to the strength and advantages now available to our country, and designed to bring an early and enduring end to the war in Vietnam.

Mr. President, I propose the following actions:

First. President Johnson should immediately rescind his Executive action of October 12, 1966, and promptly restore the prohibitions denying Americans the right to engage in wartime trade with Communist Russia and her satellites in accordance with the Battle Act and other similar legislative prohibitions enacted in the past by the Congress of the United States. Those prohibitions against trade with those who supply materials to our fighting enemy in Vietnam should be complete; they should be vigorously enforced; and they should continue until peace comes to Vietnam.

Second. Having once more adopted the national policy of refusing to try to make profit for some in a war which is proving costly to all, we should then urge other freedom-loving nations to join us in this rule of self-restraint so that the pressure of economic forces might be added to the pressure of our military forces to convince the Communists who are arrayed against us that the era of expansion of international communism by ruthless and unprovoked aggression is at an end.

Third. President Johnson, or his successor, if the incumbent remains adamant or unwilling, should then call a Free World Trade-Aid Conference here in Washington to which will be invited all the nations of the world who share our abhorrence of war and who want to do something to protect themselves against a new era of military aggression which in these uneasy days might so easily expand not into the war to end all wars but the war to end all civilization.

At this Conference our President should address those who come substantially as follows:

> Our country loves peace and is ready and eager to help like-minded Nations everywhere to the extent of our abilities to achieve security against war, the rights of self-determination free from foreign interference, and to help evolve international pacts and United Nations provisions which will ultimately disarm the world of all nuclear armaments, with complete rights of mutual inspection, along with other steps of disarmament which will eliminate the threat of war and enable a housekeeping international force to protect the borders of sovereign states against those who would still seek to break the peace of the World. However, we are now engaged in the seventh year of a war—the longest in our history—in which our only goal is to prevent the marching aggressors of Communism from denying the rights of determination to citizens of a sovereign State desiring to remain free from Communist domination.
>
> No success which we win in Vietnam can mean more to the USA than it does to those of you from other Nations assembled at this International Conference. Your safety and security will be enhanced as much or more than ours from any victory which we may achieve in Vietnam. And should we be defeated there, forced to turn back and pull out, and let invading Communism run riot thru Southeast Asia as its first new arena of success, your security and safety will be jeopardized far more than ours from such a failure. After all, we still have our nuclear weapons if it comes to that, and our oceans and geography still give us a period of warning and a time for reaction shared by very few other Nations in the World. If, unhappily for civilization, it is going to come to every nation for itself and the god-fearing, upright, free Nations of the world are to react only against aggression as it crosses their own borders, civilization all over will be in jeopardy but the weakest will be the first to Fall and time, strength, mighty armaments, and geographic position will still be working for the United States.
>
> However, our Nation knows that the future for such a World will live on borrowed time; and no Nation, anywhere, including ours, can then look forward to a bright and a better tomorrow. That, basically, is why we are in Vietnam. We will, if we can, continue our efforts there to prevent such a falling apart of the rules of decency and to thwart, while it is still far away and comparatively isolated, the latest—and we hope the last—military effort of Communism to move forward toward its declared goal of world domination. In this crusade we ask and we need your cooperation.
>
> We do not ask you for military forces. We do not ask you for armaments or planes or ships at sea. We do not ask you to supply fresh manpower. We do not seek your financial aid, as we continue our sacrifices fully as much in your interests as in our own. But we do seek your cooperation in applying economic pressures against this long continuing war.
>
> We ask you to stop shooting us in the back, as we fight the good fight for world peace, security, and safety, by stopping completely your shipments of economic and military aid to our enemy—and yours—in Vietnam. We ask you to forbid all ships flying your flags from entering the harbor of Haiphong and from any other traffic supplying the economic and military sinews of war to North Vietnam. We ask you to notify Communist countries which may persist in sending such shipments to North Vietnam that until the war is over or until they cease such aid, you will follow our example—belatedly but now firmly enforced—and prohibit trade of any kind with such Communist countries. And if here and there a free Nation of the World seeks to reap a profit in gold from our sacrifices in blood, we ask that you also join us in applying economic pressures against them. Surely, such sanctions are more justified in seeking a basis for world peace and stopping this war, with its incipient capacities for spreading, than they are in trying to bring a rebellious, independent Government in Rhodesia to its knees, and the free world has shown surprising unanimity in the latter course of action.
>
> Likewise, we urge your support of any actions which might be proposed in the United Nations which might effectively utilize the moral strength and the economic potentials of the membership in this world organization to restore an honorable and lasting peace in Vietnam.
>
> Finally, we urge you to join us in calling another International Conference—this time with the Russians invited—to work out a method of bringing an early and enduring end to this war in Vietnam with guaranteed International border patrols if need be to give both sides a "cooling off period" and an opportunity to establish their own systems of Government on their own sides of the dividing line without interference, trickery, or treachery from either side or from any other Nation in this world.

Mr. President, I confidently believe this type of presentation to an international conference here in Washington, to which all neutral and free nations were invited, would create sufficient world understanding of our motives and our mission in Vietnam to change the carping criticism we sometimes hear from over there to at least the first steps of cautious cooperation which might indeed very well grow long enough and strong enough to usher in a new era of peaceful history. We obviously have nothing to lose from such an attempt at real world leadership. The dimensions of what we have to gain are limitless.

Obviously, Mr. President, the United States cannot and should not call together such a conference so long as we, ourselves, are engaged in trading with the enemy. We must first of all come into the court of world opinion with clean hands.

So long as we permit—and even encourage—a few wartime profiteers, a handful of imperialistic exporters and importers, a tiny minority of greedy citizens, international bankers and brokers, and a selfish but small group of individuals and corporations which value a quick profit over an early peace to stain our national record for selfless sacrifices to make the world a safe and decent place in which to live, we cannot of course expect others to restrict their wartime trade and forego their profits with our Communist adversaries when they themselves have no military forces of their own facing the death-dealing horrors which all this trade provides. But once we have purged ourselves of this greed for gold; once we have stopped sinning against ourselves and the brave servicemen fighting for us in Vietnam; once we have returned to the policy we have followed in every other war—strict prohibitions against giving aid or comfort to the enemy—we can appeal to the conscience and the reason of the world to join us in taking a long and effective step toward a lasting peace in Vietnam.

Such a series of actions, Mr. President, could very well bring Russia to her senses and the North Vietnam peace negotiators in Paris to a termination of their delaying tactics and a realization that all hope of a victory in their war had vanished. The dividends are indeed both great and immediate, since military leaders have long been telling us the North Vietnamese could not continue their fighting for 6 months without benefit of the sophisticated weapons and petroleum they get from Communist countries in Europe and the economic supplies they get both from there and from the free world.

Over the long range, the dividends from such an International Conference are even greater. They would set the stage for more international participation and cooperation in the economic aid needed by developing countries to develop viable economics and stable governments. And above all, the results of such an International Conference would serve notice on restless, unpredictable, hate-ridden Red China that she should forego now all thoughts of developing a nuclear arsenal and a military strength which someday might enable her to wage destructive war against either the U.S.S.R. or the United States, and that any movements of her military forces across the borders of less powerful nations would be met with the solidified resistance of the world and of the United Nations.

It is the "leadership gap" of the Johnson-Humphrey administration which I deplore, Mr. President, not its courageous determination to refuse to stoop Uncle Sam to his knees so that he crawls out of Vietnam with neither peace nor victory but with the sad realization that those who get home safely must face up to the likelihood of bigger and bloodier wars in the future because of our failures in Vietnam.

Mr. President, once again I submit the case for reason in our conduct of the war in Vietnam and our responsibilities of world leadership. President Johnson might yet set in motion such a conference in his 3 remaining months in office. Otherwise, I hope and pray that whoever succeeds him evidences the required capacities of world leadership and the realism about our wartime trade policies so that under his administration we will no longer try to rely solely upon our military forces to bring an early and enduring peace to Vietnam but that we will supplement this power with the vast economic strength of our country and the diplomatic leadership required to make the United States, in fact as well as in name, the leader of all nations and indeed the world's best hope for permanent peace.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MUNDT. I yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I am impressed with the information the Senator from South Dakota has compiled regarding export licenses to the Soviet Union. The distinguished senior Senator from South Dakota has rendered real service to the Senate and to the American people in focusing attention on the fact that our Government is permitting the export of material and supplies from this Nation to the Soviet Union at a time when the Soviet Union is the major supplier of war materiel for the North Vietnamese Government.

It seems to me that if we are going to get this war over with, we must bring all financial and diplomatic pressure possible on all those nations which are supplying our enemy in North Vietnam.

While the peace conferences are going on in Paris, it is important that we not be lulled into a false sense of security. The important figures to me today are these: Of all the casualties that the American people have suffered during the many years we have been involved in Vietnam, 42 percent were suffered during the first 8 months of this year—January through August.

So we are faced with a very grave situation there insofar as casualties are concerned. The American casualties this year are running at a rate double that of last year.

It is time that our Government took all steps possible to prevent trade with those nations which are supplying our enemy, which in turn is inflicting these very heavy casualties on the American troops.

I commend the distinguished senior Senator from South Dakota for focusing attention on this problem and for inserting in the RECORD the export licenses that have been granted by our Government to ship material and commodities to the Soviet Union.

Mr. MUNDT. I deeply appreciate the comments of the distinguished Senator from Virginia, especially for calling attention to the fact that 42 percent of the casualties in this war have occurred in the past 8 months.

Mr. BYRD of Virginia. January through August of this year.

Mr. MUNDT. It seems to me that no realistic citizen can fail to see some association and connection between that sordid fact and the fact that during these same 8 to 12 months war supplies from Russia have been escalating in such great amounts as they are being shipped into North Vietnam. Does the Senator agree?

Mr. BYRD of Virginia. I do agree with the distinguished Senator from South Dakota. However, I might mention also that not only has the amount of Soviet shipping into Haiphong greatly increased, but also the amount of allied shipping has virtually doubled this year compared to last year. To me that is an even more astounding fact, when those who are supposed to be our allies, those who signed the SEATO agreement—and that is why we are in Vietnam according to the Secretary of State—are supplying our enemy in North Vietnam.

Mr. MUNDT. What the Senator has said is correct, and there should be added even those who are associated with us in NATO, where we have stationed large numbers of our troops and invested large sums of money to help provide a shield to protect Europe against communism. Even some of our NATO allies are shipping to North Vietnam and permitting their ships to carry on trade with Vietnam.

About a year ago I had an experience in this connection in Brussels. As the chairman of a NATO standing committee, at a plenary session of NATO I addressed the session on this particular point that we are talking about today; that any defeat we could suffer in Vietnam would be more perilous to them than to us; and I urged their exercise of self-restraint in supplying the sinews of war on ships at sea which might make it possible for the enemy to continue to kill our boys.

Mr. President, do you know what they said? They said, "We agree with your reasoning and everything you have had to say. But give us one reason why we should be able to induce our Government to shut off trade with the Communist countries, from which they are making a rich profit, when we have no boys of our own in the war, when at the same time your country is expanding its trade with the enemy and you are supplying all the men doing the fighting. If you are not concerned about the war's impact on American lives resulting from such trade, how can we convince our Government that we should make trade sacrifices which you are unwilling to make?"

Mr. President, I was almost ashamed I had given the address in the plenary session, but it was there. Certainly, they put their fingers on the point.

I appreciate what the distinguished Senator from Virginia said because about 1 year ago he and I joined in a statement to the American Legion convention in Boston, Mass., about problems of East-West trade. We were happy that the American Legion convention adopted a very strong resolution condemning out-of-hand the unprecedented wartime trade policies of this country.

I simply hope that this country meets that test concerning what is going to happen to the future of this country, what is going to be done about the war in Vietnam, the dangers of surrender and defeat over there, and what our position could be which would flow from success.

I hope that candidates for office at every level are asked, "Where do you stand on the policy of building profits in America for a few through wartime shipments to Russia at the cost of America's success and at the cost of jeopardizing the lives of every American soldier, sailor, and marine fighting in Vietnam?"

I think that is the $64 billion question that should be asked of every candidate running for coroner, Governor, legislator, congressman, or senator on every ticket. Most especially, it should be asked at every press conference of every candidate for President and Vice President in the United States because now is the time when the people of America have a chance to bring some bearing on one of the greatest decisions in American history.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. MUNDT. I am happy to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able and distinguished Senator from South Dakota for the magnificent address he has just delivered.

I do not know of any one thing that is more important in our foreign policy than not trading with the Communists. There is no question about it. Trading with the Communists has improved their economic situation and has enabled them to build a more powerful military machine because of the trade of the United States and the free countries of the world with the Communist world.

I hope Members of the Senate will read this outstanding address delivered by the distinguished Senator and will take it to heart and give this matter great consideration.

I feel that at the next session of Congress it will be one of the paramount questions to be considered by this body.

Mr. MUNDT. Mr. President, I join the Senator from South Carolina in that hope, but I hope even more, and let the credit go where it should go, that we do not have to wait until the next session of Congress until our leadership sees the folly of its ways and takes this highly essential action.

I also wish to say that we have voted in the Senate on this facet of trade with the enemy four or five times, and without exception the Congress has done its best to curtail it and stop it. We were successful in stopping a $50 million Fiat automobile plant in Russia to be built with American money. We have engaged in other legislative restrictions.

I am grateful to the Senator for he is indeed one of the few full-fledged generals who made it to the Senate, and he brings with him a great career in the service of the higher echelons of our national defense.

What the Senator has said is true. Every bit of trade, everything we sell, civilian goods, economic goods, military goods, strategic goods, the ingredients we are selling for their explosives, the diamond bits we are selling them so they can drill deeper for oil and send more oil to North Vietnam to help them in the conflict, helps the North Vietnamese in their war effort.

But there is something even worse about our trade policies. The greatest penalty to our cause in Vietnam comes from the fact that because we are guilty of this practice and persist in going for the quick dollar rather than the early peace, we blacken our escutcheon abroad so that when our Government, as it has, and individual Members of the Senate and House, as they have, appeal to other nations to curtail their shipments to North Vietnam, they say to us, as they said to me in Brussells a year ago, "Why? Why should we place restrictions on our profiteers when we supply no manpower in the war, and when you supply all the men? You, whose boys are fighting in Vietnam, not only place no restrictions on your would-be profiteers but actually encourage them by presidential message and presidential benefits to expand their trade."

Mr. President, that is the tragic part of it. That is why our NATO allies send in their ships and economic goods and that is why our SEATO allies, as the Senator from Virginia said a while ago, feel they have a proper right to ship their supplies in. That is how they salve the consciences of their various states and governments as they dip in for quick profits trading with the enemy in North Vietnam whose successes if, heaven forbid they have them, are going to be as dangerous, and more so, to the smaller countries of the world now greedily engaging in this trade than they are to the United States, although the consequences upon us and upon civilization, I think, would be colossal if we fail in Vietnam.

Mr. THURMOND. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I yield.

Mr. THURMOND. I associate myself with the remarks of the distinguished Senator from South Dakota on this subject. I only wish that action could be taken now to stop trading with the Communists, but knowing of the attitude of the administration in trusting the Communists, I feel that this will not be done. The only hope lies in changing the administration.

Therefore, I hope, with the new administration, that we will get results. If we can get results sooner, of course, the sooner the better. Nothing would I like to see happen more than that.

Mr. MUNDT. The Senator's comments give me one little grain of encouragement that at least we will begin to work harder on this issue. Former Governor Lodge of Connecticut is the New England director of the "Nixon for President" activities and I would hope that perhaps he might carry this message direct to our Republican candidate for President; and that all Republican candidates no less than the vice-presidential candidates, should be faced squarely with the question: "Where do you stand on this basic decision of the hour?"

Mr. President, I yield the floor.

EXHIBIT A

LIST OF COMMODITIES DECONTROLLED BY DEPARTMENT OF COMMERCE FOR SALE TO RUSSIA AND EAST EUROPEAN COUNTRIES

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF INTERNATIONAL COMMERCE, OFFICE OF EXPORT CONTROL,
Washington, D.C., October 18, 1966.

To: All field offices; all customs offices.

From: Mrs. Geraldine S. DePuy, Director, Operations Division.

Subject: Current Export Bulletin No. 941, dated October 12, 1966.

Current Export Bulletin No. 941 revised the Commodity Control List in many different respects, including the decontrol action for exports to Eastern European communist countries (Country Group Y). However, the Eastern European communist countries decontrol created a great deal of public interest in view of its relationship to the President's speech of October 7.

Attached is the following information which should be helpful in answering questions regarding the Eastern European communist countries decontrol action:

Exhibit No. 1: Analysis of the Decontrol Action for Exports to Eastern European Communist Countries.

Exhibit No. 2: Commodities Decontrolled for Exports to Eastern European Communist Countries *Including* East Germany.

Exhibit No. 3: Commodities Decontrolled for Exports to Eastern European Communist Countries *Excluding* East Germany.

EXHIBIT 1

ANALYSIS OF THE DECONTROL ACTION FOR EXPORTS TO EASTERN EUROPEAN COMMUNIST COUNTRIES

Current Export Bulletin No. 941, dated October 12, 1966, announced a decontrol action for United States exports to Eastern European Communist countries. This action was taken to implement the President's speech of October 7, in which he stated in part: "We will reduce export controls on East-West with respect to hundreds of nonstrategic items."

A proper evaluation of the decontrol action requires an examination into two aspects:

(1) What countries were affected by the decontrol action?

(2) What commodities were decontrolled for each of the affected countries?

COUNTRIES AFFECTED

The form of the decontrol action announced decontrols for two country groupings:

(1) Exports to *all* Eastern European Communist countries and

(2) Exports to all such countries *except* East Germany.

As used in the announcement, the term "Eastern European Communist countries" comprises: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, and Union of Soviet Socialist Republics. The Export Regulations refer to these Eastern European Communist countries as "Country Group Y."

CLASSES OF COMMODITIES DECONTROLLED

As indicated below, only ten commodity items spread over six commodity classes were decontrolled for exports to East Germany. The bulk of the decontrol action centered on the decontrol of commodities for export to Eastern European Communist countries *other than* East Germany. The affected commodity classes and the extent of decontrol for each commodity class is shown below.

EXHIBIT 2

NUMBER OF COMMODITY ITEMS DECONTROLLED BY COMMODITY CLASS AND COUNTRY GROUPING

Commodity class	All Eastern European Communist countries	Eastern European Communist countries except East Germany
Food:		
Cereals and cereal preparations	2	1
Fruits and vegetables	1	
Sugar and sugar preparations		2
Feeding stuff for animals	3	
Miscellaneous food preparations	2	1
Crude materials, inedible:		
Leather scrap		1
Crude rubber		2
Textile fibers		20
Metal scrap		4
Crude animal material		1
Mineral fuels, lubricants, and related materials:		
Petroleum and petroleum products		6
Gas, natural and manufactured		2
Chemicals:		
Chemical elements and compounds	1	23
Crude chemicals from coal and petroleum		2
Dyeing, tanning, and coloring material		7
Medicinal and pharmaceutical products		6
Polishing and cleansing preparations		3
Fertilizers		3
Nonmilitary pyrotechnical articles		1
Cellulose and artificial resins		4
Chemical materials and products, n.e.c		15
Manufactured goods:		
Rubber manufactures		5
Wood and cork manufactures		6
Paper, paperboard, and manufactures thereof		5
Textile yarn fabrics		44
Nonmetallic mineral manufactures		14
Nonferrous metals manufactures		1
Manufactures of metals, n.e.c	1	27
Heating and lighting fixtures		3
Furniture		2
Travel goods and handbags		1
Clothing and accessories		23
Footwear		1
Professional, scientific, and controling instruments; photographic and optical goods, and watches and clocks		13
Miscellaneous manufactured articles, n.e.c		18
Coin, other than gold coin, not being legal tender		1
Machinery and transport equipment:		
Machinery, other than electric		41
Electrical apparatus and appliances		14
Transport equipment		5

COMMODITIES DECONTROLLED FOR EXPORTS TO EASTERN EUROPEAN COMMUNIST COUNTRIES, INCLUDING EAST GERMANY

Export control commodity No.	Commodity description
04811	Breakfast cereals prepared for cooking.
04812	Breakfast cereals prepared for serving.
05420	Beans, peas, and other leguminous vegetables, dried.
08110	Other vegetable products for animal feed, n.e.c.
08195	Other food wastes, n.e.c.
08199	Other prepared animal feed, including feather meal and alfalfa meal.
09100	Margarine; and shortening.
09910	Canned hominy; corn chips and similar chips and sticks; and other grain food preparations and dairy food preparations.
51206	Soil conditioners.
69524	Drill bits, core bits, and reamers, under 4 inches o.d., containing diamonds.

EXHIBIT 3

COMMODITIES DECONTROLLED FOR EXPORTS TO EASTERN EUROPEAN COMMUNIST COUNTRIES, EXCLUDING EAST GERMANY

Export control commodity No.	Commodity description
04840	Other bakery products.
06130	Sugar, beet and cane, raw or refined.
06180	Sugar, invert, liquid, and powdered; lactose, crude and refined; malt sugar (maltose); maple sugar; refined milk sugar; and crude sugar of milk. (Report medicinal grades of malt sugar (maltose) in export control commodity No. 51203.)
06201	Sugar-coated cereal foods and candied or sweetened popped corn.
09904	Mayonnaise; and other salad dressings. Grain food preparations and dairy food preparations.
21180	Leather scrap and chrome shavings for fertilizer manufacture.
23110	Compounds of natural rubber, balata, gutta parcha and other allied gums.
23120	Neoprene (polymers or chloroprene).
26201	Recovered fibers, noils, and waste, n.e.c., wholly or in chief weight wool.
26230	Mohair and other wool-like specialty hair.
26240	Sheep's and lamb's wool, not carded or combed.
26270	Wool or other animal hair, carded or combed, excluding tops.
26280	Tops of wool and other animal hair, except horsehair.
264	Jute, including jute cuttings and waste.
26500	Vegetable fibers and waste of sisal, henequen, manila or abaca.
26621	Other manmade staple fibers, noncellulosic, no carded or combed.
26622	Other continuous filament tow, noncellulosic.
26623	Manmade fibers or waste, noncellulosic, carded or combed or otherwise processed but not spun.
26631	Acetate or rayon (viscose and cuprammonium) staple, not carded or combed.
26632	Acetate or rayon (viscose and cuprammonium) continuous filament tow.
26633	Other manmade fibers or waste, cellulosic, carded or combed or otherwise processed but not spun.
26640	Waste of other manmade fibers, not carded or combed.
26700	Other used civilian clothing, used textile articles, n.e.c., and new or used rags.
27420	Iron pyrites, unroasted.
27621	Mullite grains and pellets.
27640	Asbestos, unmanufactured.
27655	Natural cryolite; and natural chiolite.
27698	Arsenic bisulfide, natural; arsenic sulfide, natural; calcium silicate; kieserite, natural; magnesium chloride, natural, anhydrous; magnesium sulphate, natural sodium sulphate, natural; soil; strontianite; strontium carbonate; and trona.
28100	Iron ore mass.
28200	Terne-plated scrap; and tin-plated scrap which has not been detinned.
28404	Other aluminum alloy waste and scrap.
28405	Other magnesium or magnesium alloy waste and scrap.
29100	Biological supplies, animal origin; glands, crude; hoof meal; horn meal; and pancreas.
33262	Paraffin wax, crystalline.
33291	Other nonlubricating and nonfuel petroleum oils (bbl. of 42 gal.).
33292	Pitch of tar coke.
33293	Pitch coke.
33295	Petroleum bitumen and other petroleum and shale oil residues.
33296	Bituminous mixtures, based on asphalt, petroleum, etc.
34110	Natural gas liquids, including liquefied petroleum gas (L.P.G.) (bbl. of 42 gals.).
34120	Gas, manufactured (artificial).
51202	Ortho-aminonitro-benzene; para-hydroxy-chlorobenzene; and paratoluenesulfonylchloride. (18)
51202	Paradow. (16)
51203	Methionine hydroxy analogue.
51204	6, ethoxy-1,2 dihydro-2,2,4-trimethyl-quinoline.
51205	Methyl stearate; and triethyl phosphate
51206	Sodium pentachlorophenol; 2,3-dichloroallyl diisopropylthiolcarbamate; and 2,3,3-trichloroallyl diisopropylthiolcarbamate.
51207	Nerol and phynyl nerol.
51207	Other chemicals for flavor and perfumery use, natural origin.
51207	Other enzymes.
51208	Cadmium salicylate.
51209	Organic chemicals, the following only: A, B-dibromopropionic acid; adenylic acid; camphoric acid; campho-sulfuric acid; orn protein denaturant; crotonaldehyde; cyana-cetamide; diacetone alcohol; diethyl malonate; dimethyl glyoxime; dipenaerythritol acetate, dipentaerythritol hexaproprionate; dipentaerythritol hexylbutyrate; ethyl alcohol, ethyl butyrate; ethyl chloride; ethyl chloracetate; ethyl chloro-carbonate; ethyl formate; ethyl hydrogen sulfate; ethyl lactate; ethyl malonate; ethyl mercaptan; glutaronitrile; glyceryl monosterate; methyl glutamate; methyl hydroxy acetate (methyl glycolate); methylinoylacetaldehyde; monoisopropanolamine; monopentaerythritol diacetate dinutyrate; monopentaerythritol tetrabutyrate; pentanedione 2–4 (acetylacetone); and perpinylacetate.
51209	Miscellaneous organic chemicals, excluding cyclnic, n.e.c., the following only: aluminum acetate, aluminum dihydroxyaminoacetate; aluminum formate solutations; aluminum isopropylate; aluminum lactate; aluminum octoate; aluminum oxiquinolate; ammonium acetate; ammonium bitartrate; ammonium ferric oxalate; ammonium oxalate; ammonium thioglycollate; antimony lactate; cadmium acetate; cadmium octoate; calcium acetate; calcium formate; calcium linoleate, except paint and varnish dryers; clacium tartrate; chlorophyll, dry; chlorophyll solution (in oil); iron protoxalate; iron sodium oxalate; magnesium oxyphenyl arsenate; manganese acetate; potassium acetate; potassium bitartrate; potassium oxalate; potassium oxichinolin sulfonate; potassium salicylate; sodium allyl arsenate; sodium bitartrate (acid sodium tartrate); sodium formate; sodium gluconate; sodium methylate; sodium oxalate; sodium potassium tartrate; sodium salicylate; sodium stearate; tartar emetic; zinc acetate; and zinc stearate.
51329	Arsenic powder; pyrographite (deposited carbon); and iodine U.S.P. (resublimed).
51333	Sulfuric acid; and oleum.
51338	Hydrochloric or muriatic acid.
51350	Iron hydroxide; zinc hydroxide; and zinc peroxide.
51361	Ammonia, anhydrous or in aqueous solution.
51362	Sodium hydroxide (caustic soda), solid and liquid.
51363	Potassium hydroxide; potassium peroxide; and sodium peroxide.
51368	Tin oxides.
51440	Other inorganic pigments, n.e.c.
51460	Sodium compounds and potassium compounds, the following only: potash-magnesia carbonate; potassium arsenite; potassium bicarbonate; potassium bisulfate; potassium metabisulfite; potassium phosphate, monobasic; potassium silicate; potassium sulfate; potassium sulfide; rochelle salts; sodium ammonium phosphate; sodium arsenate; sodium bisulfite; sodium chlorite; sodium orthosilicate; sodium sesquicarbonate; sodium silicate or water glass; sodium sulfate; and sodium thiosulfate.
51470	Industrial chemicals, as follows: cadmium sulfate; calcium carbide; calcium polysulfide; calcium silicate; carbic cake; carbic carbide; carbide powder, except abrasive powders, chalk precipitated; dicalcium phosphate, epsom salts; ferrous carbonate; ferrous chloride; ferrous sulfate; iron chloride; iron phosphate; iron sulfate; iron sulfide, artificial; lead arsenite; lime bisulfate; lime phosphate; magnesium arsenide; magnesium phosphate; magnesium silicate; magnesium silicofluoride; magnesium sulfate; magnesium trisilicate; monocalcium phosphate; monocalcium sulphate; palladium chloride; palladium salts and compounds; pea carbide; silver chlorides; silver cyanide, industrial; silver nitrate; silver sulfate; silver sulfide sodium chlorite; sodium silico aluminate; zinc carbonate; zinc cyanide; zinc hydrosulfite; zinc nitrate; zinc phosphate; and zinc sulfate.
52130	Ammoniacal gas liquors and spent oxide produced in coal gas purification.

EXHIBIT 3—Continued

COMMODITIES DECONTROLLED FOR EXPORTS TO EASTERN EUROPEAN COMMUNIST COUNTRIES, EXCLUDING EAST GERMANY—Continued

Export control commodity No.	Commodity description
52140	Creosote or dead oil; creosote oil distillates; and resinous oil X-1.
53101	Alizarin sulfonic; indigo, natural and synthetic; and phenosafronine.
53230	Chromium tanning mixtures.
53290	Tannins; and tanning and dyeing extracts of vegetable or animal origin. (Report natural indigo in export control Commodity No. 53101.)
53310	Luminescent zinc pigments, not radioactivated.
53320	Printing inks.
53331	Prepared ceramic colors, including liquid lusters.
53332	Lacquers, except aluminum, gold, pearl, and silver, and paperbacked gold stamping foil.
54162	Beef glands, and inedible dried pancreas, bulk.
54162	Animal products used for medicinal purposes, bulk, the following only; beef brain powder; beef heart extract; bone marrow; bone marrow concentrate; brain substance powder; fibrin muscle; glycerine extract of brain and muscle; and glycerin extract, red bone marrow.
54163	Ferments, other than yeast, except potato flour ferment.
54170	Pharmaceutical preparations for veterinary use, dosage or packed for retail sale, except antibiotics, sulfonamides, hormones, vitamins, and minerals.
54191	Bandages and surgical dressings, not impregnated or coated with pharmaceutical products, put up for retail sale.
54199	Dental rubber.
55300	Deodorants, nonpersonal.
55420	Detergents, the following only: Ethomid HT 15; Intramin WK and Y; and Permalene A-100, A-120, and A-180.
55430	Rifle cleaning compounds; abrasive pastes, compounds, and cake, except chemical, and steel burnishing mixtures.
56100	Urea fertilizer.
57130	Nonmilitary pyrotechnical articles.
58132	Other regenerated cellulose and chemical derivates of cellulose.
58191	Hardened proteins.
58192	Modified resins (including ester gum), and chemical derivatives of natural rubber, all in unfinished or semi-finished form.
58199	Ammonium alginate.
59920	O,O-dimethyl O-P-nitro phenyl phosphorothiate; O,O-diethyl O-P-nitro phenyl phosphorothiate; 3,4-dichloropropionanilide; 3-amino-2,5-dichlorobenzoic acid 2-chloro-4-ethylamino-6-isopropylamino-S-trizaine; 3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea; 2-chloro-N-isopropylacetanilide; alpha-chloro-N-,N-diallylacetamide; 2-chloro-4,6-bis(ethylamino)-S-triazine; a,a,a,-trifluoro-2,6-dinitro-N,N.-dipropyl-p-toluidine; 2-chloroallyl diethyldithiocarbamate; 2,3,5,6-tetrachloroterophthalic acid; 2,3-dichloroallyl diisopropylthiolcarbamate; 2,3,3-trichloroallyl diisopropylthiolcarbamate; and 4-chloro-2-butylnyl-N-chlorocarbanilate.
59951	Inulin.
59952	Gluten and luten flour.
59958	Casein hydrolysate; casein lactalbumin; lactalbumin hydrolsate; lactarene (casein); and inedible soybean protein.
59958	Dextrins (e.g., British gum).
59961	Other tall oil.
59963	Pine oil, except pine-needle oil; terpenic solvents, n.e.c. gum turpentine; and wood turpentine.
59965	Wood tar; wood tar oils; wood creosote; wood naptha; and acetone oil.
59966	Wood pitch and products based thereon or on rosin.
59973	Other animal black, except activated.
59977	Prepared culture media.
59978	Charges for fire extinguishers.
59994	Pickling preparations for metal surfaces; auxiliary preparations for soldering, brazing or welding (fluxes, powders, pastes), containing metal and other constituents.
59995	Composite solvents, paint removers, thinners, and other similar products.
59999	Water softeners, water purifiers, and boiler feed water compounds.
61230	Rubber heels, soles, soling, top lifts, and top lift sheets.
62102	Other rubber cements.
62103	Rubber thread and cord, covered or bare.
62930	Other hygenic and pharmaceutical articles of unhardened rubber.
62988	Other articles of unhardened vulcanized rubber, n.e.c.
63120	Other plywood and wood panels, including wood-veneer and cellular peels.
63141	Improved wood (densified and/or impregnated with resin or resinlike materials).
63142	Reconstituted wood (particle board).
63163	Hoopwood, chipwood, wood chips; and poles, piles, posts, pickets, stakes, and similar products which are split, pointed or both, but not sawn lengthwise.
63240	Windmill towers.
63269	Wood manufactures, the following only: bee hives; boat parts, small, machined to shape; bridges; Fibrisir laminates of melaminephenol formaldehyde resins, sawdust, or ground wood and paper; hog troughs; patterns; propeller blades; propellers; and trestles.
64122	Fine paper.
64130	Kraft paper, in rolls or sheets, uncoated, as follows: abrasive base stock; acid proof; ammunition; antiacid manila; base wad stock; buffing; cable, base stock; cable filling, electrical; cartridge stock; coil winding; document manila, file folder; dynamite; electrical insulating; emery, base stock; expanding envelope stock; flat wallet stock; flint backing; frisket; garnet; gasket; graphite; guide stock; insulating, electrical patch base stock; pattern stock, polishing; red foiling (cartridge paper); red patch base stock; sandpaper backing; shell stock; silk wrap stock; tissue; tympan; voice coil stock; wallet stock; and washer stock.
64180	Machine-made paper and paperboard, simply finished, in rolls or sheets, n.e.c., and hand made paper, the following only: ammunition; guide stock; antiacid manila stock; armature; beaming; cable base stock; calendar roll stock; cartridge stock; coil winding; cone, yarn, designers pattern stock (except tissue); document manila file folder; dynamite; electrical; expanding envelope stock; flat wallet stock; flint backing stock; frisket; gasket; graphite base stock; gum wadding; insulating electrical; interleaving for film; jute tag stock; patch base stock; polishing base stock; portmanteau; red foiling (cartridge paper); red patch base stock; rope, for sand paper backing; sandpaper backing; shell stock; shot shell stock; silk wrap stock; slot insulation; steaming; stencil (18 lbs and over); stencil stock for oiling; tabulating-machine card stock; tape, rope stock for electrical insulating; time card stock; tympan; voice coil stock; wad base stock; wallet stock; washer stock; pattern stock; stencil blanks tabulating machine card stock; absorbent paper for matrix; interleaving; tissue paper under 18 pounds, except sanitary; ground-wood base stock for carbonizing; fine paper (uncoated for printing, writing); bible; check paper; mineotype stencil; body stock for carbonizing, free from ground wood; box covering; carbonizing base stock; duplicating tissue; electrical insulating tissue; heat sealable tissue; imitation Japanese, India, lens, matrix tissue; pencil carbon stock; pottery tissue; press copy; rotograme tissue; stencil tissue; steretoype tissue; tea bags: fibrilise; tissue for duplex decalcomania; transfer stamping; and book lining.
64191	Kleerview (lacquer-coated glassine paper).
64199	Asphalt and tar saturated paper, heavy construction type.
65126	Yarn of wool or of fine animal hair.
65130	Cotton yarn, gray (unbleached); and unfinished cotton thread.
65140	Cotton yarn, carded, combed, finished; sewing, crochet, darning, and embroidery cotton thread.
65172	Rayon or acetate monofil.
65177	Rayon or acetate spun yarn, including singles and plied.
65190	Other yarns of textile fibers, n.e.c., including yarns of vegetable fibers, n.e.c.
65211	Gauze, tobacco cloth, and cheese cloth, unbleached, wholly or in chief weight cotton.
65212	Terry woven fabrics, unbleached, wholly or in chief weight cotton.
65213	Broadwoven fabrics, unbleached, wholly or in chief weight cotton.
65221	Gauze, tobacco cloth, and cheese cloth, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.
65222	Other terrywoven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.
65223	Pile and chenille broadwoven fabrics and corduroy, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.
65229	Other broadwoven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.
65230	Other broadwoven remnants less than 10 yards in length, and fabrics, n.e.c., wholly or in chief weight cotton.
65301	Broadwoven fabrics wholly or in chief weight flax (linen) or jute.
65321	Other broadwoven fabrics, wholly or in chief weight of wool and/or fine animal hair, excluding pile or chenille.
65322	Pile and chenille broadwoven fabrics, wholly or in chief weight of wool and/or fine animal hair.
65370	Knit or crocheted fabrics, not elastic or rubberized, wholly or in chief weight cotton or wool.
65390	Other broadwoven fabrics, wholly or in chief weight jute or
65401	Narrow woven fabrics, nonelastic, wholly or in chief weight cotton, jute, flax, or wool.
65402	Woven labels, badges, emblems, and insignia, excluding embroidered, wholly or in chief weight cotton, jute, flax, or wools.
65403	Hat braid, all fibers, and other trimmings, nonelastic, wholly or in chief weight cotton, flax, wool, or metal.
65406	Embroideries, wholly or in chief weight cotton, flax, or wool.
65407	Lace machine fabrics, wholly or in chief weight cotton, flax, or wool.
65510	Other coated or impregnated felt fabrics; and felts and felt articles wholly or in chief weight cotton, jute, wool and/or wool-like specialty hairs.
65541	Bonded fabrics and articles wholly or in chief weight cotton or wool. (1)
65542	Other textile fabrics coated with gum or amylaceous substances.
65543	Other textile fabrics, n.e.c., coated or impregnated with resin or other plastic materials.
65544	Other textile fabrics, n.e.c., coated or impregnated with oil.
65546	Other textile fabrics, n.e.c., coated or impregnated.
65550	Elastic fabrics and trimmings, woven or braided.
65560	Other cordage, cable, rope, and twine, and manufactures thereof, wholly or in chief weight other textile fibers, n.e.c.

EXHIBIT 3—Continued

COMMODITIES DECONTROLLED FOR EXPORTS TO EASTERN EUROPEAN COMMUNIST COUNTRIES, EXCLUDING EAST GERMANY—Continued

Export control commodity No.	Commodity description
65570	Other hat bodies.
65581	Wadding and articles of wadding (excluding cellulose wadding), n.e.c., textile flock; and dust and mill neps, wholly or chief weight of other textile fibers.
65610	Bags, wholly or in chief weight of cotton, jute, or wool.
65620	Sails of canvas; and tarpaulins, tents, awnings, and other made-up canvas goods, wholly or in chief weight cotton.
65662	Blankets, wholly or in chief weight cotton. (Report electric blankets in export control commodity No. 65663.)
65663	Blankets, wholly or in chief weight wool, except electric.
65691	Linens and other furnishing articles, wholly or in chief weight cotton or wool, excluding knit, bonded, felt, quilted or stuffed articles.
65692	Other made-up textile articles, n.e.c.
65730	Carpets and rugs, wholly or in chief weight cotton, wool, or jute.
65740	Vinyl asbestos tiles.
65770	Tapestries, hand woven or needle-worked, wholly or in chief weight cotton or wool.
65780	Mats, matting, screens, and other items, n.e.c., of cotton or jute plaiting materials.
66181	Asphalt and tar roofing and siding.
66246	Nonrefractory ceramic hollow tubes.
66312	Hand polishing stones and similar stones of natural abrasives.
66320	Other abrasive paper and cloth, coated with natural abrasives, except dental abrasives.
66381	Packing, gaskets, textiles, yarns, and other manufactures of asbestos, other than friction materials, n.e.c.
66391	Other laboratory and industrial ceramic wares, not refractory.
66420	Other optical glass and elements thereof, not optically worked.
66470	Other laminated glass or toughened safety glass.
66480	Mirrors for automotive vehicles.
66494	Other articles of glass fiber, n.e.c. (Report glass fiber yarn, roving, and strand in export control commodity No. 65180, and tape in No. 65380.)
66512	Glass inners for vacuum vessels.
66581	Laboratory, hygienic, or pharmaceutical glassware.
66585	Articles of glass, n.e.c., the following only: floaters, glass valves, and ballentini reflective material.
66700	Diamonds, rubies and sapphires, natural and synthetic, suitable for gem stones. (Report industrial diamonds, natural, in export control commodity No. 27515; and report stones, mounted or unmounted, worked so as to be recognizable as parts of meters, measuring instruments, clocks, watches, etc., in the appropriate classification provided for parts of the specific item.)
68111	Silver, leaf.
69110	Finished structural parts and structures, iron or steel, as follows: architectural and ornamental work; anchors and fittings for reinforcing refractory walls; bulkhead (water gates); gangways: sluice gates; guardrails; platforms; portholes not specially designed for military watercraft; prayer rails; loading ramps (nonmechanical); and turnstiles, not electric or coin operated.
69120	Aluminum structural parts as follows: fencing and railing, ornamental; gangways; portholes; prayer rails; scaffolding equipment; tower sections; and turnstiles.
69211	Septic tanks, iron or steel.
69213	Septic tanks, aluminum.
69221	Other shipping containers, iron or steel.
69222	Other shipping containers, aluminum, including barrels, boxes, chests and collapsible tubes.
69510	Hand tools mainly used in agriculture or forestry, and parts, n.e.c., as follows: cant hooks; digging bars; digging spuds; gardeners' trowels; mattocks; picks; pike poles; wheel-type cultivators; and wheel-type seeders.
69521	Power saw blades, woodworking; and hand-operated saws, hand saw frames, and saw blades, except hacksaw blades; and parts n.e.c.
69522	Metal-cutting shears and tinmen's snips, not power-operated; wrenches; pliers, pincers and other similar hand tools, and parts, n.e.c.; and files, rasps and file accessories.
69523	Other hand tools, n.e.c., and parts.
69524	Other cutting tools, dies, and parts.
69525	Other machine knives and blades.
69609	Knife blanks.
69791	Steel wool, pot scourers, and other polishing pads, iron or steel.
69794	Figures, flower racks, mirrors, trays, and photograph or picture frames of base metals, n.e.c.
69811	Motor vehicle locks; ignition locks; and tire locks.
69811	Window locks and safety hasps, nonferrous metal; and key blanks, all metals.
69812	Hardware and parts of base metal, as follows: transportation hardware, all metals; furniture beading, nickel-plated steel; edgings, all metals; furniture hardware stainless steel; builders hardware, nonferrous metal: hand rails, all metals; and other hardware, stainless steel, except hinges and butts.
69830	Other chains and parts, iron and steel, n.e.c.
69840	Anchors, grapnels, and parts, iron or steel.
69854	Buckles with die-cut inserts, and belt hooks, all metals; belt fasteners (other than buckles), clasps, grommets, and similar articles of stainless steel.
69861	Other wire springs, iron or steel.
69885	Commercial closures of metal, n.e.c.
69891	Iron or steel cargo hooks; and malleable iron manhole covers.
69899	Other aluminum or aluminum alloy castings and forgings.
69899	Articles of nonferrous metals, n.e.c., other than copper or copper alloy, the following only: boat spikes, wire nails, wire staples, and wire spikes; bolts, screws, rivets, washers and similar articles, except screw eyes and screw hooks; brackets for mounting outboard motors; bulletin boards; cans, n.e.c., made or cut from nonferrous base metals; caskets; clothsline (dryer) reels; fog horns, nonelectric, for ships; hinge chaplets; lids for boxes; link chains, morring swivels; car locks; pipehangers; riget tile; tool boxes and tool chests, empty; and utility boxes.
71189	Windmills and parts, n.e.c.
71711	Cotton gins.
71712	Looms other than cotton looms.
71713	Parts, accessories, and attachments for: (a) cotton gins, and (b) looms other than cotton looms.
71713	Other parts, accessories and attachments for machines for extruding man-made fibers, and for other machines for preparing and processing natural or man-made fibers into yarns, and for winding.
71714	Millinery dies (hat blocks), nonferrous metal.
71715	Silk screen printing equipment; pleating (folding) machines; and parts and attachments, n.e.c.
71811	Laminators, electric, for restoring manuscripts and documents; and parts and attachments.
71811	Other machinery for making or finishing cellulosic pulp, paper or paperboard; and parts and attachments.
71812	Other papercutting machines and machines, n.e.c., for the manufacture of articles of paper pulp, paper or paperboard; and parts and attachments, n.e.c.
71821	Bookbinding machines, and parts.
71829	Price marking machines, and plane-o-plate rotary shavers, and parts.
71831	Grain cleaning machines, and corn husking machines, and parts.
71839	Chocolate homogenizers, and parts.
71842	Snow plows, farm-type; and parts, accessories, and attachments.
71915	Other air conditioning and refrigerating equipment; and parts, n.e.c., including parts for self-contained air conditioning machines. (Report compressors in export control commodity No. 71922.)
71919	Other machines and equipment, other than domestic, for treatment of material by a process involving a change in temperature; and parts, n.e.c.
71922	Compressors, refrigeration and air conditioning type, ⅓ horsepower and under; and parts, n.e.c.
71923	Laboratory centrifuges, n.e.c., and parts, n.e.c.
71931	Automobile lifts; jacks for automotive vehicles or aircraft; and parts, n.e.c.
71931	Other hand-operated, mechanical and hydraulic jacks; and parts, n.e.c.
71931	Farm elevators; and parts, n.e.c.
71931	Elevators and moving stairways; and parts, n.e.c.
71941	Butter churns, farm type; and parts.
71942	Condensers and evaporators for nonelectric domestic refrigerators; and parts.
71951	Cutting machines for ceramics and similar nonmetallic materials, except quartz, crystal, masonry, or stone.
71951	Other machines, n.e.c., for working asbestos-cement, ceramic concrete, quartz crystals, masonry, stone (including artificial, precious and semiprecious stones), and similar mineral materials. (Report parts in export control commodity No. 71954.)
71952	Other machines, n.e.c., for working bone, ebonite, hard plastics, and other hard carving materials. (Report parts in export control commodity No. 71954.)
71954	Parts, accessories, and attachments for cutting machines for ceramics and similar nonmetallic materials, except glass, quartz crystal, masonry or stone.
71954	Parts, accessories, and attachments for other machines for working asbestos-cement, ceramics, concrete, quartz crystals, masonry, stone (including artificial, precious, and semiprecious stones), and similar mineral materials.
71954	Parts, accessories, and attachments for other machines for working bone, ebonite, hard plastic, and other hard carving materials.
71961	Other calendering machines and similar rolling machines, n.e.c.; and parts.
71963	Lead scale weights for weighing machines.
71964	Hydra-blast parts cleaners, and parts therefor; and windshield washer sets.
71964	Sprayers and dusters, agricultural and pesticidal, except lawn sprinklers; and parts, n.e.c., except nozzles.
71964	Other spray nozzles of metal; and hand-operated spray guns; and parts, n.e.c.
71964	Other sprayers and spraying equipment, n.e.c.; and parts, n.e.c.
71980	Concrete and bituminous pavers, finishers, and spreaders; and parts and accessories, n.e.c.
71980	Windshield wipers, nonelectric, and parts, n.e.c.

EXHIBIT 3—Continued

COMMODITIES DECONTROLLED FOR EXPORTS TO EASTERN EUROPEAN COMMUNIST COUNTRIES, EXCLUDING EAST GERMANY—Continued

Export control commodity No.	Commodity description
71980	Shock absorbers, mechanical or hydraulic.
71992	Other taps, cocks, valves and similar appliances, n.e.c., and parts.
71994	Other gaskets (joints), laminated metal and nonmetal material, or set of gaskets of two or more materials.
72320	Other electrical insulators and fittings of insulating materials, n.e.c.
72410	Color television broadcast receivers, whether or not combined with radio or phonograph; and unassembled color television kits.
72499	Automobile radio receiver antennas; and parts and accessories, n.e.c., specially designed for home-type radio and television receivers and automobile receivers, except communications receivers.
72505	Galleys, buffet servers, ovens, and other equipment specially designed for aircraft; electric heaters for automotive vehicles; and parts.
72620	Other medical and dental X-ray and gamma ray equipment; and medical and dental apparatus based on the use of radiations from radio-active substances; and parts, n.e.c.
72912	Battery separators and blanks, wood; and battery parts made of rubber.
72941	Spark plugs, aircraft and automotive types, and parts. (Report insulators in export control commodity No. 72320.)
72941	Other electrical starting and ignition equipment for other internal combustion engines; and parts.
72942	Other motor vehicle lighting equipment, signaling equipment, horns, electrical windshield wipers, and defrosters; and parts therefor.
72951	Other electricity supply meters. (Report parts in export control commodity No. 86199.)
72952	Test benches, electrical, for automotive engines, brakes, pumps and speedometers.
72960	Electromechanical hand tools; and parts.
72996	Other lighting carbons, brush stock, and carbon brushes.
73280	Heaters for nonmilitary vehicles; and parts.
73291	Other motorcycles, motor bikes, and motor scooters.
73292	Parts and accessories for other motorcycles, motor bikes, and motor scooters.
73300	Logging wagons; and parts. (Report off-highway trucks and trailers in export control commodity No. 73203.)
73593	Buoys, all metals; pontoons for pipe lines, iron or steel; and fiberglass swimming pools, floating.
81210	Central heating apparatus, n.e.c., and parts, n.e.c.
81241	Vapor-proof electric light fixtures.
81242	Explosion-proof lighting fixtures; and vapor-proof lighting fixtures.
82103	Mattresses, mattress supports, and similar stuffed furnishings, n.e.c., cotton.
82108	Plastic furniture; and laboratory furniture, metal; and parts, n.e.c.
83100	Travel goods, handbags, and other personal goods of cotton.
84111	Men's and boys' outergarments (excludes shirts), not knit or crocheted: (a) wholly or in chief weight of cotton or wool or, (b) safety apparel and raincoats, all materials.
84112	Women's, misses', girls', children's and infants' outergarments, including blouses, waists, and blouse shirts, not knit or crocheted: (a) wholly or in chief weight of cotton or wool. (b) safety apparel and raincoats, all materials.
84113	Men's and boys' undergarments, including outer shirts, not knit or crocheted, wholly or in chief weight of cotton or wool.
84114	Women's, girls' and infants' undergarments (excludes blouse shirts), not knit or crocheted, wholly or in chief weight of cotton or wool.
84121	Handkerchiefs, wholly or in chief weight of cotton.
84125	Corsets, brassieres, and girdles of cotton or other textile fibers, n.e.c., except rubberized.
84126	Gloves and mittens, not knit or crocheted, wholly or in chief weight cotton or wool.
84127	Cuffs and collars, wholly or in chief weight of cotton or wool; and neckties, cravats, mufflers, and scarves, not knit or crocheted, all materials.
84129	Clothing accessories, not knit or crocheted, wholly or chief weight of cotton or wool, n.e.cc.
84130	Safety apparel and clothing accessories of leather.
84141	Gloves, knit or crocheted, wholly or in chief weight of cotton or wool.
84142	Hosiery, not elastic or rubberized, wholly or in chief weight of cotton or wool.
84143	Undergarments, including shirts, knit or crocheted, wholly or in chief weight of cotton or wool.
84145	Knitted or crocheted elastic fabric and articles thereof, except ankle supports, knee-pads, and wristlets.
84146	Men's and boys' outergarments (excludes shirts), knit or crocheted, not elastic or rubberized: (a) waterproof, all fibers, (b) neckties, cravats, mufflers, and scarves, all fibers and (c) other outergarments, wholly or in chief weight of cotton or wool.
84147	Women's and misses' outergarments, knit or crocheted, not elastic or rubberized: (a) waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool.
84148	Girls' children's, and infants' outergarments, knit or crocheted, not elastic or rubberized: (a) waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool.
84149	Other nonapparel articles, knit or crocheted, not elastic or rubberized.
84154	Hat and cap materials, except hat bodies, wholly or in chief weight cotton, jute, wool or textile manufactures, n.e.c. (Report hat bodies in export control commodity No. 65570).
84155	Other millinery, hats, caps, and other headgear, n.e.c., including helmets.
84160	Other apparel and clothing accessories, including surgeons gloves, rubber or rubberized.
84202	Artificial fur and articles thereof, wholly or in chief weight cotton or wool.
85100	Nonmilitary spats, leggings, and gaiters, wholly or in chief weight cotton or wool.
86120	Protective spectacles and goggles (safety equipment).
86134	Other microscopes, excluding electron and proton: microprojectors: and photomicrographic equipment; and parts and accessories.
86135	Telescopes, including astronomical telescopes.
86171	Dental hand instruments and tools for use with hand pieces, n.e.c., and parts.
86172	Whirlpool baths.
86182	Other revolution counters, production counters, and similar counting devices, n.e.c.
86193	Optical measuring and checking instruments; and parts.
86193	Other measuring and checking instruments, appliances and machines; and parts.
86196	Laboratory type hydrometers and similar instruments; and thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these.
86243	Paper, paperboard and cloth, sensitized, not developed.
86248	Exposed sensitized plates, and exposed and developed plates, except lantern slides.
86401	Other clocks, electric and nonelectric; and time recording and time stamp machines.
86402	Other clock parts.
89111	Magnetic recording and/or reproducing equipment for voice and music only.
89112	Parts and accessories for magnetic recording and/or reproducing equipment for voice and music only.
89300	Other finished articles, n.e.c., of artificial plastic materials, except articles wholly or partially made of polyimides, polybenzimiadazole, polyimidazo-pyrrolone, aromatic polyamide, poly paraxylylene, polytetrafluoroethylene, or polychlorotrifluorethylene; or items wholly made of other fluorocarbon polymers of copolymers.
89425	Artificial Christmas trees, metal; and tinsel of metal.
89442	Base metal wire wickets; and safety apparel and equipment for recreational purposes.
89512	Stapling wire (all metals) on spools; and nonferrous metal staples for hand-stapling devices.
89711	Jewelry and related items of carat gold, platinum and platinum group metals, except rosaries.
89714	Other articles of other than precious metals, incorporating pearls or precious or semi-precious stones.
89715	Hollow ware, solid or plated, of precious metals; and silver leaf.
89927	Hand sieves and hand riddles, laboratory types.
89927	Other wire cloth sieves.
89926	Hat braids of natural or man-made fibers.
89934	Cigarette and cigar lighters of precious metals.
89952	Leatherette buttons.
89955	Corset stays, and similar supports for apparel.
89994	Wool-like specialty hair prepared for making wigs and similar articles.
89995	Wigs, false beards, and other articles, n.e.c., of wool-like specialty hair.
89997	Vacuum bottles, jugs, and chests, complete (assembled or unassembled), usable only for hot or cold food or drinks.
94100	Coin, other than gold coin, not being legal tender. (Report numismatic and collectors coins in export control commodity No. 89600; coins mounted in objects of personal adornment in Nos. 89711–89720; coins for legal tender in Nos. 68070 and 68080.)

EXHIBIT B

STRATEGIC COMMODITIES EXPORTED TO SOVIET BLOC DESTINATIONS

[U.S.S.R. unless otherwise noted]

Date	Description	Value
Jan. 4, 1967	Phosphate and coal mining spare parts	$4,884
Feb. 10, 1967	do	2,479
Mar. 3, 1967	Phosphate and coal mining machinery spare parts	3,500
Apr. 10, 1967	Phosphate and coal mining machinery parts	8,400
Do	do	21,860
Feb. 9, 1967	do	1,500
Mar. 14, 1967	Phosphate and coal mining machinery spare parts	75,000
Nov. 27, 1966	Continuous mining machinery parts (potash)	150,025
Apr. 6, 1966		186,510
June 10, 1966	Mine shuttle car parts	171,535
Aug. 5, 1966	Diethylene glycol	527,500
Aug. 11, 1966	Shuttle car parts for mining installations	30,668
Aug. 16, 1966	Diethylene glycol	176,250
May 9, 1967	Polyvinyl butyral	268,975
May 4, 1967	Chemical wood pulp	2,387,000
June 15, 1967	Synthetic fiber manufacturing machines and parts	1,230,250
June 21, 1967	Ball bearings—replacement parts for iron ore mining equipment	1,100
Do	Diagonal deck concentrating tables for tin ore concentrating	330,750
July 13, 1967	do	220,050
July 14, 1967	Industrial chemicals	463,050
July 24, 1967	Construction machinery parts	170,000
July 25, 1967	Twin-bore parts for potash mining equipment	57,500
Do	Galvanometer driver amplifier	244
July 26, 1967	Varitypers (for computers)	25,920
July 28, 1967	Telegraph equipment	23,378
July 27, 1967	Technical data for a benzene plant	No value
July 31, 1967	Instrument for testing physical properties of materials	2,223
Aug. 4, 1967	Telegraph equipment parts	702
Do	Electronic computer components (Czechoslovakia)	56,032
Aug. 8, 1967	Chemical analysis equipment for research in organic compounds and chemicals.	34,682
Do	Chemical analysis equipment (Poland)	2,395
Aug. 10, 1967	Gas chromatograph parts	510
Aug. 11, 1967	Industrial chemicals	113,700
Do	Computer parts	4,800
Aug. 14, 1967	Cobalt metal granules (Poland)	83,774
Aug. 15, 1967	Synthetic resins	183,649
Aug. 18, 1967	Semiconductors	75
Do	Electronic computer parts (Rumania)	30,360
Aug. 21, 1967	Digital electronic computer system	269,443
Aug. 23, 1967	Vanadium pentoxide (Czechoslovakia)	53,800
Do	Prime mercury (Poland)	182,000
Do	Sodium borate concentrates (Poland)	14,800
Aug. 22, 1967	Aluminum oxide for the production of aluminum	1,512,000
Do	Digital electronic computer system parts	239,662
Aug. 16, 1967	Computer parts (Czechoslovakia)	8,400
Do	do	50,390
Aug. 24, 1967	Convertor and accessory parts	29,898
Do	Chemical analysis equipment and parts (Czechoslovakia)	6,900
Do	Electronic equipment components (Czechoslovakia)	42,814
Aug. 25, 1967	Electronic computer components and parts (East Germany)	14,928
Do	Magnetic computer tape (Hungary)	4,560
Aug. 28, 1967	Construction machinery and parts to be used for gold mining	1,171,000
Do	Electronic computer components and parts (East Germany)	17,427
Aug. 29, 1967	Laboratory and scientific instruments for biochemical research (Czechoslovakia)	49,623
Do	Synchronous motor (Czechoslovakia)	247
Do	Petroleum drilling equipment (Rumania)	46,905
Aug. 30, 1967	Spectrometer	180,575
Do	Spectrum measuring instruments	21,911
Do	Gear manufacturing machines	3,081,305
Aug. 31, 1967	Percussion rock drills and parts for mining operations (Bulgaria)	304,919
Do	Petroleum drilling and production equipment (Poland)	105,000
Sept. 1, 1967	Varityper machine parts (computers)	389
Do	Aluminum oxide and hydroxide	1,623,600
Do	Roller bearings	1,832
Do	Electronic computer	697,985
	Electronic computer components (Czechoslovakia)	30,000
Sept. 5, 1967	Industrial chemicals	8,880
Sept. 6, 1967	Electrical measuring and controlling instrument parts (Czechoslovakia)	1,056
Sept. 7, 1967	Ball and roller bearings	4,200
Do	Radiochromatography system and parts (Czechoslovakia)	4,030
Do	Varityper machines and parts (for computer)	18,910
Sept. 8, 1967	Synthetic resins	2,925
Do	Industrial chemicals (Czechoslovakia)	22,534
Do	Tapered roller bearings (Rumania)	815
Do	Telecommunication equipment	1,555
Sept. 12, 1967	Electronic components for communication research (Poland)	176
Do	Industrial chemicals (Czechoslovakia)	152,500
Sept. 18, 1967	Dielectric heating unit and parts	125,565
	Glass working machinery parts (Czechoslovakia)	10,000
Do	Crank shaft lathes with tooling (Poland)	369,342
Nov. 17, 1967	Electronic computer and associated parts	569,150
Sept. 19, 1967	Copper scrap (Yugoslavia)	+139,000
Sept. 20, 1967	Diesel engines (probably associated with automated potash and coal mining installation).	147,031
Do	Electronic computer parts (Czechoslovakia)	24,000
Do	Electronic computer tape (Poland)	21,700
Do	Laboratory recording instruments (Czechoslovakia)	2,550
Do	Chemical woodpulp (manufacturing source for solid propellants)	3,236,710
Sept. 22, 1967	Cobalt metal briquettes (Poland)	77,161
Sept. 25, 1967	Petroleum coke (production of aluminum)	195,600
Sept. 26, 1967	Industrial instruments and parts (East Germany)	150,000
Do	Butyl alcohol	195,750
Sept. 29, 1967	Spiral gears manufacturing equipment (Poland)	+214,000
Do	Ball bearings (for shuttle cars and/or mining)	848
Do	Spectrum measuring instruments	38,445
Do	Spectrum measuring instrument & parts (East Germany)	64,000
Do	Construction machinery (Czechoslovakia)	50,044
Oct. 4, 1967	Short recorder for chemistry research (Czechoslovakia)	1,238
Do	Varietyper and parts for printing telephone directories	75,351
Oct. 11, 1967	Printing press parts	26,500
Oct. 13, 1967	Diesel engine	$6,081
Do	Core drill parts for mineral exploration (East Germany)	2,223
Do	Gas chromatography part (Czechoslovakia)	3,038
Do	Electronic computer parts (Hungary)	28,195
Do	Electronic computer parts	4,260
Oct. 16, 1967	Colorimeters and parts	7,109
Oct. 12, 1967	Turbine water pump	9,337
Do	Television broadcasting camera tubes	3,060
Oct. 17, 1967	Spectographic steels (Rumania)	230
Do	Carbon steel tubes and pipes for irrigation system	7,926
Do	Synthetic resins (Czechoslovakia)	31,000
Oct. 18, 1967	Cryogenic refrigerators and parts (Poland)	112,143
Do	Videotape recorders and reproducers (Yugoslavia)	196,000
Oct. 24, 1967	Oscilloscopes and parts (East Germany)	3,925
Oct. 25, 1967	Mining equipment parts	14,340
Do	Varityper parts (for printing)	25,790
Oct. 26, 1967	Alumina	1,364,400
Nov. 1, 1967	Spectrophotometer and parts (Bulgaria)	24,185
Do	Spectrometer parts (Czechoslovakia)	5,987
Do	Plastic forming machinery and parts (East Germany)	260,000
Do	Petroleum drilling and production equipment (Rumania)	8,154
Do	Raw cotton linters (East Germany)	266,873
Nov. 6, 1967	Magnesium oxide (for manufacture of rubber)	260,000
Nov. 3, 1967	Isobutyl alcohol	23,750
Oct. 23, 1967	Electronic computer and parts (East Germany)	623,375
Nov. 9, 1967	Projection TV set	4,206
Do	Chemical analysis equipment and parts (Czechoslovakia)	8,412
Do	Machines and mechanical appliances for the coating of paperboard milk cartons.	229,000
Do	Industrial chemicals (Czechoslovakia)	50,000
Nov. 13, 1967	Construction machine (Rumania)	43,808
Do	Electronic computer and parts	333,755
Nov. 1, 1967	Electrical measuring and recording instruments	13,394
Nov. 2, 1967	Ground navigation equipment and parts	734
Nov. 3, 1967	Photocopying machine (Czechoslovakia)	4,975
Nov. 3, 1967	Cotton linters (East Germany)	107,744
Do	Photocopying machine (Czechoslovakia)	5,975
Do	License for technical data production of glass envelopes for TV tubes (Rumania)	6,500,000
Do	Technical data materials and equipment (Rumania)	15,124,175
Nov. 7, 1967	Telecommunications equipment and parts for weather recording	24,335
Do	Industrial chemical (Czechoslovakia)	88,104
Nov. 9, 1967	Construction machinery parts	300
Do	Forage harvester parts	582
Do	Semiconductors (Poland)	2,149
Do	Chemical analysis equipment	4,140
Do	Reader (Czechoslovakia)	1,285
Nov. 14, 1967	Construction equipment parts	69,000
Do	do	319,435
Do	Laboratory and scientific instrument parts	4,085
Nov. 16, 1967	Electronic Computer parts (Czechoslovakia)	2,413
Do	Borates (Czechoslovakia)	11,040
Do	Portable hot splicers and parts for movie studios	2,034
Nov. 20, 1967	Photocopying machine parts	2,028
Nov. 21, 1967	Industrial chemicals (Czechoslovakia)	2,500
Nov. 22, 1967	Oil well logging equipment (Rumania)	1,010
Do	Synthetic resins	109,616
Do	Yellow grain sorghums (East Germany)	999,439
Do	Seismograph equipment for oil exploration (Rumania)	320,960
Nov. 24, 1967	Electrical measuring instruments (Czechoslovakia)	4,439
Nov. 27, 1967	Plugging switch for glass manufacturing	216
Do	Synthetic resins (Czechoslovakia)	16,758
Nov. 29, 1967	Prime mercury (Poland)	330,900
Do	Prime mercury (East Germany)	92,568
Do	Prime mercury (Rumania)	232,500
Do	Glass making parts	258
Do	Electronic computer parts (East Germany)	422
Do	do	454
Do	do	742
Do	do	85
Nov. 30, 1967	Ore sampling systems and parts (Czechoslovakia)	5,404
Do	Varitypers and parts for printing	8,527
Do	Industrial chemicals	133,600
Dec. 1, 1967	do	90,168
Dec. 4, 1967	Off the highway tires	15,860
Do	Electrical testing instruments (Czechoslovakia)	2,050
Dec. 5, 1967	Aluminum oxide for production of aluminum	2,790,000
Do	Spray etcher and spray resistant remover and parts (East Germany)—for manufacture of printed circuits	29,071
Dec. 8, 1967	Machine parts for computer (Czechoslovakia)	7,200
Do	Electronic computer parts (Czechoslovakia)	238
Dec. 13, 1967	Chemical woodpulp	1,722,800
Do	Industrial chemicals	296,500
Dec. 19, 1967	Oscilloscope and parts (to test and maintain electronic computer system).	3,969
Do	Grinding mills and parts for processing wettable powder for agricultural insecticides.	84,950
Dec. 20, 1967	Yellow corn (East Germany)	896,775
Dec. 22, 1967	Chemical analysis equipment	6,150
Do	Measuring instruments for moisture analysis	29,658
Do	Measuring instruments (Czechoslovakia)	11,025
Do	Insecticides	1,430,000
Dec. 21, 1967	Chemical analysis equipment and parts (Czechoslovakia)	14,168
Do	Electrical indicating and testing instrument (Czechoslovakia)	1,730
Do	Electronic equipment parts for airborne communication equipment	417
Do	Semiconductor devices for above application	319
Do	Industrial chemicals for water purification	360,000
Do	Photocopying machine (Czechoslovakia)	5,975
Do	Electronic computer components and parts (Czechoslovakia)	97,720
Dec. 29, 1967	Spectrum measuring instruments (Czechoslovakia)	29,276

EXHIBIT B—Continued

STRATEGIC COMMODITIES EXPORTED TO SOVIET BLOC DESTINATIONS—Continued

[U.S.S.R. unless otherwise noted]

Date	Description	Value
Jan. 3, 1968	Rolling mill machine parts (Czechoslovakia)	$50,000
Do	Measuring recording and testing instruments	12,351
Do	Industrial chemicals	41,910
Do	Graphic recorders and parts	22,971
Do	Industrial chemicals for the separation of acid from gas streams	224,279
Jan. 4, 1968	Physical properties testing and inspecting instrument (Czechoslovakia)	2,861
Do	Coil winding machinery for use in manufacturing of electric motors	414,600
Do	Moisture measuring system and parts	17,581
Jan. 5, 1968	Electronic digital computer system (Czechoslovakia)	1,262,000
Do	Industrial chemicals for separating gases	101,500
Jan. 9, 1968	Vertical surface grinder and parts	38,694
Do	Physiological gas analyzer	3,051
Jan. 11, 1968	Air compressor parts	5,181
Do	Steam generating power boilers	39,271
Do	Measuring instruments and parts (Czechoslovakia)	945
Jan. 12, 1968	Chemical analysis equipment and parts (Rum)	2,050
Jan. 15, 1968	Chemical analysis equipment	1,275
Do	do	2,640
Do	Industrial chemicals (Czechoslovakia)	10,825
Do	Industrial processing instrument (Czechoslovakia)	2,254
Do	Chemical analysis equipment	7,499
Jan. 16, 1968	Industrial process control instrument parts (Czechoslovakia)	1,490
Do	Inorganic chemicals	21,690
Do	Herbicides (Czechoslovakia)	5,609
Jan. 18, 1968	Motion picture photographic and photocopying equipment and parts.	27,986
Do	Magnesium oxide (for use in production of rubber)	518,000
Do	Woodpulp (Czechoslovakia)	643,500
Jan. 17, 1968	Dust collectors	9,900
Do	Mining equipment parts for mining equipment used in potash and iron ore mining.	838,443
Do	Ball and roller bearings (purpose as above)	1,319
Do	Construction machinery (Czechoslovakia)	61,662
Jan. 23, 1968	Herbicides	24,680
Do	Synthetic resins (Czechoslovakia)	16,520
Jan. 24, 1968	Synthetic resins	194,710
Do	Electrical testing instruments	20,550
Jan. 29, 1968	Weighing machines and scales	4,508
Do	Chemical analysis equipment and parts	12,749
Do	Petroleum drilling and production equipment	12,206
Do	Electrical apparatus and parts	201,664
Do	Lifting, loading, and conveying machines and parts	49,602
Do	Cotton gin plant machinery and equipment parts	314,203
Do	Automatic motor drive linter saw filer gummer	14,010
Jan. 25, 1968	Yellow grain sorghums (East Germany)	1,365,819
Do	Woodpulp dissolving chemical	4,452,000
Do	Electromatic tamper (East Germany)	86,650
Jan. 26, 1968	Industrial chemicals	910,000
Do	Compressor parts	1,350
Jan. 30, 1968	Coke refiner	1,002
Feb. 1, 1968	Air conditioning equipment and parts (East Germany) (for use in computer installation)	29,321
Feb. 2, 1968	Filtering machine parts	3,094
Do	Aluminum oxide	1,615,570
Do	Collecting reagents for refinement of copper zinc ores	215,600
Feb. 6, 1968	Coal tar intermediates for the manufacture of epoxy resins	192,500
Do	Pulse generator for electronic equipment checkout (Czechoslovakia)	1,675
Do	Electronic medical system (Czechoslovakia)	8,128
Do	Paper tape punch (Czechoslovakia)	2,145
Do	Electronic computer components (Hungary)	16,605
Feb. 5, 1968	Industrial instruments for the production of textile products	15,627
Do	Forming machine for passenger car parts (Rumania)	46,100
Feb. 7, 1968	Industrial chemicals for antiblacking agent	6,650
Feb. 8, 1968	Industrial chemicals for gas refining	336,000
Feb. 9, 1968	Surface active agent (for foaming agent in gas drilling)	16,125
Feb. 12, 1968	TV tube phosphor	59,150
Feb. 13, 1968	Spectrum measuring instrument	$7,612
Do	Herbicides	25,025
Feb. 14, 1968	Industrial instruments parts (Czechoslovakia)	1,637
Feb. 15, 1968	Insulated copper alloy wire, nickel chrome ribbon, other welding and soldering rods and wire for measuring strain and structural parts (Czechoslovakia)	197
Feb. 16, 1968	Industrial solvent	139,000
Do	Photographic film	2,038
Feb. 19, 1968	Photocopying equipment and parts	4,406
Feb. 23, 1968	Vaccines (possibly for BW warfare analysis)	10
Feb. 26, 1968	Synthetic resins for extruded plastic products	108,630
Do	Photographic film	18,017
Do	Acetal resins (Czechoslovakia)	6,165
Feb. 27, 1968	Armid (chemical intermediate)	16,408
Do	Intermediate chemical for maufacture of vitamins	6,744
Do	Glassworking machinery with parts and accessories	865,200
Do	Industrial instruments	21,247
Do	Magnetic recording equipment (Czechoslovakia)	22,220
Do	Synthetic rubber (East Germany)	35,520
Feb. 29, 1968	Glassworking machinery with parts and accessories	321,930
Do	Electronic data processing machine parts (Czechoslovakia)	3,000
Feb. 20, 1968	Off-the-highway tires	15,860
Feb. 21, 1968	Physical properties testing equipment	20,140
Do	Chemical analysis equipment parts (Czechoslovakia)	1,196
Do	Rubber compounding chemicals	181,060
Mar. 4, 1968	Physical properties testing equipment parts (Czechoslovakia)	460
Do	Oscilloscopes parts and accessories (Yugoslavia)	2,575
Do	*Oscilloscopes (Yugoslavia)*	2,940
Do	Oscilloscopes and parts	3,105
Do	Electronic computer parts	3,921
Do	Industrial chemicals used in manufacture of petroleum products	149,600
Do	Industrial chemicals for manufacture of agriculture products (Czechoslovakia)	6,430
Mar. 7, 1968	Chemical woodpulp for manufacture of tire yarn	1,039,200
Mar. 8, 1968	Aircraft parts (Yugoslavia)	2,504,500
Do	Woodpulp for manufacture of tire yarns	1,039,200
Do	Passenger tires and tubes	803
Mar. 13, 1968	Trailer mounted rotary drilling (Poland)	147,746
Do	Physical properties testing instruments	4,832
Do	Synthetic rubber (Hungary)	26,123
Do	Industrial solvent	90,168
Mar. 14, 1968	Electronic data processing machine parts (Hungary)	51,360
Do	Electrical test instrument and parts (Czechoslovakia)	2,530
Do	Well logging equipment (Yugoslavia)	280,034
Do	Petroleum products (Poland)	1,843
Do	Agricultural machinery (East Germany)	46,386
Do	do	55,451
Mar. 15, 1968	Oil and gas field equipment (Rumania)	3,930
Do	Oscilloscope (Yugoslavia)	2,680
Do	Semiconductor (Yugoslavia)	1,080
Do	Oscilloscope (Yugoslavia)	2,680
Do	Oscilloscopes and parts (Yugoslavia)	7,830
Do	Electronic computer parts (Yugoslavia)	1,272
Do	Oscilloscope (Yugoslavia)	1,440
Do	do	1,160
Do	Semiconductors (Yugoslavia)	401
Do	Petroleum drilling and production equipment parts (Rumania)	2,230
Do	do	571
Do	do	859
Do	do	19,374
Mar. 1, 1968	Computer parts (Yugoslavia)	1,828
Do	Electronic computer parts	161,952
Do	Inorganic chemicals for fertilizer and detergent production	50,000
Mar. 18, 1968	Synthetic resins	234,150
Do	Metal cutting and metalworking machine tool (Czechoslovakia)	87,600
Do	Industrial instruments for manfacturing yarn (Rumania)	5,830
Do	Coaxial cable (Poland)	1,950
Do	Herbicides	18,439

EXHIBIT C

EAST-WEST TRADE—THE DANGEROUS ILLUSION

(Statement by John E. Davis, commander, American Legion)

A proposed "East-West Trade Relations Act" is receiving serious consideration in the Congress, and is backed by the Administration. It would encourage and simplify much broader trade relations between the United States and the Communist-bloc nations. The American Legion is officially opposed to this concept, and we have both short-range and long-range objections.

In our short-range objections, our National Executive Committee this May called on Congress to prohibit further trade between the United States and any Soviet-bloc country "which is providing North Vietnam with assistance of any form that can increase the war-making potential of the enemy. . . ." We need explain nothing further to justify that objection. Any such trade amounts to trading with the enemy in time of war. In the short run, we can only express amazement that East-West trade should be advanced while hostilities backed by the entire Communist world continue in Vietnam, and have since taken on a new dimension in the Near East.

Our long-range objections are better reflected in the action of our last National Convention, which opposed trade with the Communist bloc except in specific cases in which concrete advantage to us could be spelled out. So long as the Cold War continues, even in the absence of armed conflict, we believe that should be the absolute limit of trade agreements with the Communist bloc. Here we recognize that trade might be used as a means of weakening the cohesiveness of the Soviet bloc, that our trade *might* be helpful in causing a member country of that bloc to weaken its ties with the Soviet power centers.

We have, for instance, engaged in limited trade with Communist Poland and Yugoslavia in such hopes. In the case of Poland, even Senator Fulbright has had to admit that its leaders have actually drifted toward a greater reliance on the Kremlin while enjoying favorable U.S. trade relations.

We have *possibly* made some headway in independence from Soviet domination with some small trade, though that isn't conclusive yet. Whether we succeed or fail in such ventures, they are at least tied to a very clear purpose, in which we are trying to use trade instead of bullets as a weapon in the Cold War.

But the proposals for a general broadening of our trade with the Communist world totally escape any practical purpose. They prevent us from using trade as a weapon, by simply extending it freely in broad terms. The very arguments in favor of broader East-West trade are dreamy and generalized. The commonest one of all is that we would be "building bridges of friendship." On the record, trade is a game of advantage, not friendship. Right up to the eve of war, Hitler and the Japanese Empire traded with those they attacked in WW2, and as we well know, they traded most earnestly in whatever would best strengthen them for the coming conflict.

Last December, Assistant Secretary of State Katzenbach argued that proposed East-West trade would be in consumer goods, therefore it could not be expected to bring any advantage to the Soviet military thrust. He went on to cite an Italian Fiat agreement to build a compact car plant in the Soviet Union as an example of the kind of profitable trade we are losing in the absence of an East-West trade agreement.

I find such argument to be frightening. When our own President is embarrased by burdens that military operations in Vietnam impose on his domestic program, how can our government argue that the same prin-

EXHIBIT B

STRATEGIC COMMODITIES EXPORTED TO SOVIET BLOC DESTINATIONS

[U.S.S.R. unless otherwise noted]

Date	Description	Value
Jan. 4, 1967	Phosphate and coal mining spare parts	$4, 884
Feb. 10, 1967	do	2, 479
Mar. 3, 1967	Phosphate and coal mining machinery spare parts	3, 500
Apr. 10, 1967	Phosphate and coal mining machinery parts	8, 400
Do	do	21, 860
Feb. 9, 1967	do	1, 500
Mar. 14, 1967	Phosphate and coal mining machinery spare parts	75, 000
Nov. 27, 1966	Continuous mining machinery parts (potash)	150, 025
Apr. 6, 1966		186, 510
June 10, 1966	Mine shuttle car parts	171, 535
Aug. 5, 1966	Diethylene glycol	527, 500
Aug. 11, 1966	Shuttle car parts for mining installations	30, 668
Aug. 16, 1966	Diethylene glycol	176, 250
May 9, 1967	Polyvinyl butyral	268, 975
May 4, 1967	Chemical wood pulp	2, 387, 000
June 15, 1967	Synthetic fiber manufacturing machines and parts	1, 230, 250
June 21, 1967	Ball bearings—replacement parts for iron ore mining equipment	1, 100
Do	Diagonal deck concentrating tables for tin ore concentrating	330, 750
July 13, 1967	do	220, 050
July 14, 1967	Industrial chemicals	463, 050
July 24, 1967	Construction machinery parts	170, 000
July 25, 1967	Twin-bore parts for potash mining equipment	57, 500
Do	Galvanometer driver amplifier	244
July 26, 1967	Varitypers (for computers)	25, 920
July 28, 1967	Telegraph equipment	23, 378
July 27, 1967	Technical data for a benzene plant	No value
July 31, 1967	Instrument for testing physical properties of materials	2, 223
Aug. 4, 1967	Telegraph equipment parts	702
Do	Electronic computer components (Czechoslovakia)	56, 032
Aug. 8, 1967	Chemical analysis equipment for research in organic compounds and chemicals.	34, 682
Do	Chemical analysis equipment (Poland)	2, 395
Aug. 10, 1967	Gas chromatograph parts	510
Aug. 11, 1967	Industrial chemicals	113, 700
Do	Computer parts	4, 800
Aug. 14, 1967	Cobalt metal granules (Poland)	83, 774
Aug. 15, 1967	Synthetic resins	183, 649
Aug. 18, 1967	Semiconductors	75
Do	Electronic computer parts (Rumania)	30, 360
Aug. 21, 1967	Digital electronic computer system	269, 443
Aug. 23, 1967	Vanadium pentoxide (Czechoslovakia)	53, 800
Do	Prime mercury (Poland)	182, 000
Do	Sodium borate concentrates (Poland)	14, 800
Aug. 22, 1967	Aluminum oxide for the production of aluminum	1, 512, 000
Do	Digital electronic computer system parts	239, 662
Aug. 16, 1967	Computer parts (Czechoslovakia)	8, 400
Do	do	50, 390
Aug. 24, 1967	Convertor and accessory parts	29, 898
Do	Chemical analysis equipment and parts (Czechoslovakia)	6, 900
Do	Electronic equipment components (Czechoslovakia)	42, 814
Aug. 25, 1967	Electronic computer components and parts (East Germany)	14, 928
Do	Magnetic computer tape (Hungary)	4, 560
Aug. 28, 1967	Construction machinery and parts to be used for gold mining	1, 171, 000
Do	Electronic computer components and parts (East Germany)	17, 427
Aug. 29, 1967	Laboratory and scientific instruments for biochemical research (Czechoslovakia)	49, 623
Do	Synchronous motor (Czechoslovakia)	247
Do	Petroleum drilling equipment (Rumania)	46, 905
Aug. 30, 1967	Spectrometer	180, 575
Do	Spectrum measuring instruments	21, 911
Do	Gear manufacturing machines	3, 081, 305
Aug. 31, 1967	Percussion rock drills and parts for mining operations (Bulgaria)	304, 919
Do	Petroleum drilling and production equipment (Poland)	105, 000
Sept. 1, 1967	Varityper machine parts (computers)	389
Do	Aluminum oxide and hydroxide	1, 623, 600
Do	Roller bearings	1, 832
Do	Electronic computer	697, 985
	Electronic computer components (Czechoslovakia)	30, 000
Sept. 5, 1967	Industrial chemicals	8, 880
Sept. 6, 1967	Electrical measuring and controlling instrument parts (Czechoslovakia)	1, 056
Sept. 7, 1967	Ball and roller bearings	4, 200
Do	Radiochromatography system and parts (Czechoslovakia)	4, 030
Do	Varityper machines and parts (for computer)	18, 910
Sept. 8, 1967	Synthetic resins	2, 925
Do	Industrial chemicals (Czechoslovakia)	22, 534
Do	Tapered roller bearings (Rumania)	815
Do	Telecommunication equipment	1, 555
Sept. 12, 1967	Electronic components for communication research (Poland)	176
Do	Industrial chemicals (Czechoslovakia)	152, 500
Sept. 18, 1967	Dielectric heating unit and parts	125, 565
	Glass working machinery parts (Czechoslovakia)	10, 000
Do	Crank shaft lathes with tooling (Poland)	369, 342
Nov. 17, 1967	Electronic computer and associated parts	569, 150
Sept. 19, 1967	Copper scrap (Yugoslavia)	+139, 000
Sept. 20, 1967	Diesel engines (probably associated with automated potash and coal mining installation).	147, 031
Do	Electronic computer parts (Czechoslovakia)	24, 000
Do	Electronic computer tape (Poland)	21, 700
Do	Laboratory recording instruments (Czechoslovakia)	2, 550
Do	Chemical woodpulp (manufacturing source for solid propellants)	3, 236, 710
Sept. 22, 1967	Cobalt metal briquettes (Poland)	77, 161
Sept. 25, 1967	Petroleum coke (production of aluminum)	195, 600
Sept. 26, 1967	Industrial instruments and parts (East Germany)	150, 000
Do	Butyl alcohol	195, 750
Sept. 29, 1967	Spiral gears manufacturing equipment (Poland)	+214, 000
Do	Ball bearings (for shuttle cars and/or mining)	848
Do	Spectrum measuring instruments	38, 445
Do	Spectrum measuring instrument & parts (East Germany)	64, 000
Do	Construction machinery (Czechoslovakia)	50, 044
Oct. 4, 1967	Short recorder for chemistry research (Czechoslovakia)	1, 238
Do	Varietyper and parts for printing telephone directories	75, 351
Oct. 11, 1967	Printing press parts	26, 500
Oct. 13, 1967	Diesel engine	$6, 081
Do	Core drill parts for mineral exploration (East Germany)	2, 223
Do	Gas chromatography part (Czechoslovakia)	3, 038
Do	Electronic computer parts (Hungary)	28, 195
Do	Electronic computer parts	4. 260
Oct. 16, 1967	Colorimeters and parts	7, 109
Oct. 12, 1967	Turbine water pump	9, 337
Do	Television broadcasting camera tubes	3, 060
Oct. 17, 1967	Spectographic steels (Rumania)	230
Do	Carbon steel tubes and pipes for irrigation system	7, 926
Do	Synthetic resins (Czechoslovakia)	31, 000
Oct. 18, 1967	Cryogenic refrigerators and parts (Poland)	112, 143
Do	Videotape recorders and reproducers (Yugoslavia)	196, 000
Oct. 24, 1967	Oscilloscopes and parts (East Germany)	3, 925
Oct. 25, 1967	Mining equipment parts	14, 340
Do	Varityper parts (for printing)	25, 790
Oct. 26, 1967	Alumina	1, 364, 400
Nov. 1, 1967	Spectrophotometer and parts (Bulgaria)	24, 185
Do	Spectrometer parts (Czechoslovakia)	5, 987
Do	Plastic forming machinery and parts (East Germany)	260, 000
Do	Petroleum drilling and production equipment (Rumania)	8, 154
Do	Raw cotton linters (East Germany)	266, 873
Nov. 6, 1967	Magnesium oxide (for manufacture of rubber)	260, 000
Nov. 3, 1967	Isobutyl alcohol	23, 750
Oct. 23, 1967	Electronic computer and parts (East Germany)	623, 375
Nov. 9, 1967	Projection TV set	4, 206
Do	Chemical analysis equipment and parts (Czechoslovakia)	8, 412
Do	Machines and mechanical appliances for the coating of paperboard milk cartons.	229, 000
Do	Industrial chemicals (Czechoslovakia)	50, 000
Nov. 13, 1967	Construction machine (Rumania)	43, 808
Do	Electronic computer and parts	333, 755
Nov. 1, 1967	Electrical measuring and recording instruments	13, 394
Nov. 2, 1967	Ground navigation equipment and parts	734
Nov. 3, 1967	Photocopying machine (Czechoslovakia)	4, 975
Nov. 3, 1967	Cotton linters (East Germany)	107, 744
Do	Photocopying machine (Czechoslovakia)	5, 975
Do	License for technical data production of glass envelopes for TV tubes (Rumania)	6, 500, 000
Do	Technical data materials and equipment (Rumania)	15, 124, 175
Nov. 7, 1967	Telecommunications equipment and parts for weather recording	24, 335
Do	Industrial chemical (Czechoslovakia)	88, 104
Nov. 9, 1967	Construction machinery parts	300
Do	Forage harvester parts	582
Do	Semiconductors (Poland)	2, 149
Do	Chemical analysis equipment	4, 140
Do	Reader (Czechoslovakia)	1, 285
Nov. 14, 1967	Construction equipment parts	69, 000
Do	do	319, 435
Do	Laboratory and scientific instrument parts	4, 085
Nov. 16, 1967	Electronic Computer parts (Czechoslovakia)	2, 413
Do	Borates (Czechoslovakia)	11, 040
Do	Portable hot splicers and parts for movie studios	2, 034
Nov. 20, 1967	Photocopying machine parts	2, 028
Nov. 21, 1967	Industrial chemicals (Czechoslovakia)	2, 500
Nov. 22, 1967	Oil well logging equipment (Rumania)	1, 010
Do	Synthetic resins	109, 616
Do	Yellow grain sorghums (East Germany)	999, 439
Do	Seismograph equipment for oil exploration (Rumania)	320, 960
Nov. 24, 1967	Electrical measuring instruments (Czechoslovakia)	4, 439
Nov. 27, 1967	Plugging switch for glass manufacturing	216
Do	Synthetic resins (Czechoslovakia)	16, 758
Nov. 29, 1967	Prime mercury (Poland)	330, 900
Do	Prime mercury (East Germany)	92, 568
Do	Prime mercury (Rumania)	232, 500
Do	Glass making parts	258
Do	Electronic computer parts (East Germany)	422
Do	do	454
Do	do	742
Do	do	85
Nov. 30, 1967	Ore sampling systems and parts (Czechoslovakia)	5, 404
Do	Varitypers and parts for printing	8, 527
Do	Industrial chemicals	133, 600
Dec. 1, 1967	do	90, 168
Dec. 4, 1967	Off the highway tires	15, 860
Do	Electrical testing instruments (Czechoslovakia)	2, 050
Dec. 5, 1967	Aluminum oxide for production of aluminum	2, 790, 000
Do	Spray etcher and spray resistant remover and parts (East Germany)—for manufacture of printed circuits	29, 071
Dec. 8, 1967	Machine parts for computer (Czechoslovakia)	7, 200
Do	Electronic computer parts (Czechoslovakia)	238
Dec. 13, 1967	Chemical woodpulp	1, 722, 800
Do	Industrial chemicals	296, 500
Dec. 19, 1967	Oscilloscope and parts (to test and maintain electronic computer system).	3, 969
Do	Grinding mills and parts for processing wettable powder for agricultural insecticides.	84, 950
Dec. 20, 1967	Yellow corn (East Germany)	896, 775
Dec. 22, 1967	Chemical analysis equipment	6, 150
Do	Measuring instruments for moisture analysis	29, 658
Do	Measuring instruments (Czechoslovakia)	11, 025
Do	Insecticides	1, 430, 000
Dec. 21, 1967	Chemical analysis equipment and parts (Czechoslovakia)	14, 168
Do	Electrical indicating and testing instrument (Czechoslovakia)	1, 730
Do	Electronic equipment parts for airborne communication equipment	417
Do	Semiconductor devices for above application	319
Do	Industrial chemicals for water purification	360, 000
Do	Photocopying machine (Czechoslovakia)	5, 975
Do	Electronic computer components and parts (Czechoslovakia)	97, 720
Dec. 29, 1967	Spectrum measuring instruments (Czechoslovakia)	29, 276

EXHIBIT B—Continued

STRATEGIC COMMODITIES EXPORTED TO SOVIET BLOC DESTINATIONS—Continued

[U.S.S.R. unless otherwise noted]

Date	Description	Value
Jan. 3, 1968	Rolling mill machine parts (Czechoslovakia)	$50,000
Do	Measuring recording and testing instruments	12,351
Do	Industrial chemicals	41,910
Do	Graphic recorders and parts	22,971
Do	Industrial chemicals for the separation of acid from gas streams	224,279
Jan. 4, 1968	Physical properties testing and inspecting instrument (Czechoslovakia)	2,861
Do	Coil winding machinery for use in manufacturing of electric motors	414,600
Do	Moisture measuring system and parts	17,581
Jan. 5, 1968	Electronic digital computer system (Czechoslovakia)	1,262,000
Do	Industrial chemicals for separating gases	101,500
Jan. 9, 1968	Vertical surface grinder and parts	38,694
Do	Physiological gas analyzer	3,051
Jan. 11, 1968	Air compressor parts	5,181
Do	Steam generating power boilers	39,271
Do	Measuring instruments and parts (Czechoslovakia)	945
Jan. 12, 1968	Chemical analysis equipment and parts (Rum)	2,050
Jan. 15, 1968	Chemical analysis equipment	1,275
Do	do	2,640
Do	Industrial chemicals (Czechoslovakia)	10,825
Do	Industrial processing instrument (Czechoslovakia)	2,254
Do	Chemical analysis equipment	7,499
Jan. 16, 1968	Industrial process control instrument parts (Czechoslovakia)	1,490
Do	Inorganic chemicals	21,690
Do	Herbicides (Czechoslovakia)	5,609
Jan. 18, 1968	Motion picture photographic and photocopying equipment and parts.	27,986
Do	Magnesium oxide (for use in production of rubber)	518,000
Do	Woodpulp (Czechoslovakia)	643,500
Jan. 17, 1968	Dust collectors	9,900
Do	Mining equipment parts for mining equipment used in potash and iron ore mining.	838,443
Do	Ball and roller bearings (purpose as above)	1,319
Do	Construction machinery (Czechoslovakia)	61,662
Jan. 23, 1968	Herbicides	24,680
Do	Synthetic resins (Czechoslovakia)	16,520
Jan. 24, 1968	Synthetic resins	194,710
Do	Electrical testing instruments	20,550
Jan. 29, 1968	Weighing machines and scales	4,508
Do	Chemical analysis equipment and parts	12,749
Do	Petroleum drilling and production equipment	12,206
Do	Electrical apparatus and parts	201,664
Do	Lifting, loading, and conveying machines and parts	49,602
Do	Cotton gin plant machinery and equipment parts	314,203
Do	Automatic motor drive linter saw filer gummer	14,010
Jan. 25, 1968	Yellow grain sorghums (East Germany)	1,365,819
Do	Woodpulp dissolving chemical	4,452,000
Do	Electromatic tamper (East Germany)	86,650
Jan. 26, 1968	Industrial chemicals	910,000
Do	Compressor parts	1,350
Jan. 30, 1968	Coke refiner	1,002
Feb. 1, 1968	Air conditioning equipment and parts (East Germany) (for use in computer installation)	29,321
Feb. 2, 1968	Filtering machine parts	3,094
Do	Aluminum oxide	1,615,570
Do	Collecting reagents for refinement of copper zinc ores	215,600
Feb. 6, 1968	Coal tar intermediates for the manufacture of epoxy resins	192,500
Do	Pulse generator for electronic equipment checkout (Czechoslovakia)	1,675
Do	Electronic medical system (Czechoslovakia)	8,128
Do	Paper tape punch (Czechoslovakia)	2,145
Do	Electronic computer components (Hungary)	16,605
Feb. 5, 1968	Industrial instruments for the production of textile products	15,627
Do	Forming machine for passenger car parts (Rumania)	46,100
Feb. 7, 1968	Industrial chemicals for antiblacking agent	6,650
Feb. 8, 1968	Industrial chemicals for gas refining	336,000
Feb. 9, 1968	Surface active agent (for foaming agent in gas drilling)	16,125
Feb. 12, 1968	TV tube phosphor	59,150
Feb. 13, 1968	Spectrum measuring instrument	$7,612
Do	Herbicides	25,025
Feb. 14, 1968	Industrial instruments parts (Czechoslovakia)	1,637
Feb. 15, 1968	Insulated copper alloy wire, nickel chrome ribbon, other welding and soldering rods and wire for measuring strain and structural parts (Czechoslovakia)	197
Feb. 16, 1968	Industrial solvent	139,000
Do	Photographic film	2,038
Feb. 19, 1968	Photocopying equipment and parts	4,406
Feb. 23, 1968	Vaccines (possibly for BW warfare analysis)	10
Feb. 26, 1968	Synthetic resins for extruded plastic products	108,630
Do	Photographic film	18,017
Do	Acetal resins (Czechoslovakia)	6,165
Feb. 27, 1968	Armid (chemical intermediate)	16,408
Do	Intermediate chemical for maufacture of vitamins	6,744
Do	Glassworking machinery with parts and accessories	865,200
Do	Industrial instruments	21,247
Do	Magnetic recording equipment (Czechoslovakia)	22,220
Do	Synthetic rubber (East Germany)	35,520
Feb. 29, 1968	Glassworking machinery with parts and accessories	321,930
Do	Electronic data processing machine parts (Czechoslovakia)	3,000
Feb. 20, 1968	Off-the-highway tires	15,860
Feb. 21, 1968	Physical properties testing equipment	20,140
Do	Chemical analysis equipment parts (Czechoslovakia)	1,196
Do	Rubber compounding chemicals	181,060
Mar. 4, 1968	Physical properties testing equipment parts (Czechoslovakia)	460
Do	Oscilloscopes parts and accessories (Yugoslavia)	2,575
Do	Oscilloscopes (Yugoslavia)	2,940
Do	Oscilloscopes and parts	3,105
Do	Electronic computer parts	3,921
Do	Industrial chemicals used in manufacture of petroleum products	149,600
Do	Industrial chemicals for manufacture of agriculture products (Czechoslovakia)	6,430
Mar. 7, 1968	Chemical woodpulp for manufacture of tire yarn	1,039,200
Mar. 8, 1968	Aircraft parts (Yugoslavia)	2,504,500
Do	Woodpulp for manufacture of tire yarns	1,039,200
Do	Passenger tires and tubes	803
Mar. 13, 1968	Trailer mounted rotary drilling (Poland)	147,746
Do	Physical properties testing instruments	4,832
Do	Synthetic rubber (Hungary)	26,123
Do	Industrial solvent	90,168
Mar. 14, 1968	Electronic data processing machine parts (Hungary)	51,360
Do	Electrical test instrument and parts (Czechoslovakia)	2,530
Do	Well logging equipment (Yugoslavia)	280,034
Do	Petroleum products (Poland)	1,843
Do	Agricultural machinery (East Germany)	46,386
Do	do	55,451
Mar. 15, 1968	Oil and gas field equipment (Rumania)	3,930
Do	Oscilloscope (Yugoslavia)	2,680
Do	Semiconductor (Yugoslavia)	1,080
Do	Oscilloscope (Yugoslavia)	2,680
Do	Oscilloscopes and parts (Yugoslavia)	7,830
Do	Electronic computer parts (Yugoslavia)	1,272
Do	Oscilloscope (Yugoslavia)	1,440
Do	do	1,160
Do	Semiconductors (Yugoslavia)	401
Do	Petroleum drilling and production equipment parts (Rumania)	2,230
Do	do	571
Do	do	859
Do	do	19,374
Mar. 1, 1968	Computer parts (Yugoslavia)	1,828
Do	Electronic computer parts	161,952
Do	Inorganic chemicals for fertilizer and detergent production	50,000
Mar. 18, 1968	Synthetic resins	234,150
Do	Metal cutting and metalworking machine tool (Czechoslovakia)	87,600
Do	Industrial instruments for manfacturing yarn (Rumania)	5,830
Do	Coaxial cable (Poland)	1,950
Do	Herbicides	18,439

EXHIBIT C

EAST-WEST TRADE—THE DANGEROUS ILLUSION

(Statement by John E. Davis, commander, American Legion)

A proposed "East-West Trade Relations Act" is receiving serious consideration in the Congress, and is backed by the Administration. It would encourage and simplify much broader trade relations between the United States and the Communist-bloc nations. The American Legion is officially opposed to this concept, and we have both short-range and long-range objections.

In our short-range objections, our National Executive Committee this May called on Congress to prohibit further trade between the United States and any Soviet-bloc country "which is providing North Vietnam with assistance of any form that can increase the war-making potential of the enemy. . . ." We need explain nothing further to justify that objection. Any such trade amounts to trading with the enemy in time of war. In the short run, we can only express amazement that East-West trade should be advanced while hostilities backed by the entire Communist world continue in Vietnam, and have since taken on a new dimension in the Near East.

Our long-range objections are better reflected in the action of our last National Convention, which opposed trade with the Communist bloc except in specific cases in which concrete advantage to us could be spelled out. So long as the Cold War continues, even in the absence of armed conflict, we believe that should be the absolute limit of trade agreements with the Communist bloc. Here we recognize that trade might be used as a means of weakening the cohesiveness of the Soviet bloc, that our trade *might* be helpful in causing a member country of that bloc to weaken its ties with the Soviet power centers.

We have, for instance, engaged in limited trade with Communist Poland and Yugoslavia in such hopes. In the case of Poland, even Senator Fulbright has had to admit that its leaders have actually drifted toward a greater reliance on the Kremlin while enjoying favorable U.S. trade relations.

We have *possibly* made some headway in independence from Soviet domination with some small trade, though that isn't conclusive yet. Whether we succeed or fail in such ventures, they are at least tied to a very clear purpose, in which we are trying to use trade instead of bullets as a weapon in the Cold War.

But the proposals for a general broadening of our trade with the Communist world totally escape any practical purpose. They prevent us from using trade as a weapon, by simply extending it freely in broad terms. The very arguments in favor of broader East-West trade are dreamy and generalized. The commonest one of all is that we would be "building bridges of friendship." On the record, trade is a game of advantage, not friendship. Right up to the eve of war, Hitler and the Japanese Empire traded with those they attacked in WW2, and as we well know, they traded most earnestly in whatever would best strengthen them for the coming conflict.

Last December, Assistant Secretary of State Katzenbach argued that proposed East-West trade would be in consumer goods, therefore it could not be expected to bring any advantage to the Soviet military thrust. He went on to cite an Italian Fiat agreement to build a compact car plant in the Soviet Union as an example of the kind of profitable trade we are losing in the absence of an East-West trade agreement.

I find such argument to be frightening. When our own President is embarrassed by burdens that military operations in Vietnam impose on his domestic program, how can our government argue that the same principle does not apply in the Soviet Union? *Anything* that *we* do to provide consumer satisfaction in the Soviet Union frees Soviet energies and resources for their aggressive external policies. The point is so obvious that I am not really arguing it, but simply pointing out the bankruptcy of the rationales in favor of broad East-West trade. Even in the case of the Fiat plant, *we* now have been approached to lend Fiat the money for machine tools through the Import-Export Bank. Obviously, the Soviets will not release sufficient capital from their offensive programs even to acquire such an asset. They will be happy instead to see us help capitalize this plant in Russia for the benefit of Russia and Italy, while they save what capital they can to foot war in Vietnam, the Middle East, Latin America, etc.

The present move toward East-West trade traces to a report in favor of it by the Committee for Economic Development issued in May 1965. A minority report in the same study, drafted by committee member Robert E. Kleberg, should have received more attention. Wrote Kleberg, in part: ". . . it would be unrealistic to hope that mutually useful trade could be developed with the Communist countries under present circumstances. We would receive little benefit from such trade and would expose the Western world to some or all of the following hazards:

"(1) An increase in Communist propaganda and subversion in Latin America under the guise of trade.

"(2) An opening of the trade barriers which we have attempted to impose around Cuba.

"(3) A further detriment to our balance of payments position as a result of the credits which we would have to extend to Communist countries.

"(4) An increase in the flow of our technical information and know-how to the Communist world.

"In short, Communist governments look upon trade as a political weapon and use it as such. So long as this is true, we should attempt to deny it to them."

These are hard, demonstrated facts, none of which are met by saying "Bridges of Friendship."

EXHIBIT D

RESOLUTION 264 BY VETERANS OF FOREIGN WARS OPPOSING ALL FORMS OF TRADE, COMMERCE, AND FINANCIAL ASSISTANCE TO COMMUNIST OR COMMUNIST-CONTROLLED NATIONS

Whereas, any aid to a Communist country, be it nonstrategic or wheat or a "loan" of American dollars, strengthens the Communist masters and further enslaves the peoples of these countries; and

Whereas, monies derived from these various imports are being converted into munitions, trucks and weapons that are being sent to North Vietnam to be used against the United States Armed Forces and their Allies fighting for Freedom in Vietnam; and

Whereas, in paragraph 7, of Resolution No. 14, (1966 Convention) entitled "Resisting Communism and Assisting Our Loyal Allies in Restoring Freedom" it reads: "Oppose all forms of trade, commerce, and financial assistance that will strengthen the Communist nations, thus adhering to a policy of not strengthening the forces of Communism which have as their prime objectives destruction of the United States and freedom throughout the world." This Resolution being unanimously passed by the Delegates in session at the 67th National Convention in New York; and

Whereas, in a news release dated Thursday December 22, 1966, Commander-in-Chief Fry commends Rep. Paul Findley (R-Ill.) for his amendment in opposition of Sale of Surplus Food to Communist Nations, and in the third paragraph says "This is bad enough (referring to 4-million dollars in credit subsidies) but Yugoslavia and other Communist nations are continually trading with Communist aggressors of North Vietnam. Their goods and materials are aiding in the death of American fighting men every day."; and

Whereas, Commander-in-Chief Fry in the last paragraph of his news release of December 22, 1966 says "We must not allow food, clothing, fuel and arms to be put into the hands of the aggressors like North Vietnam so they might drag that war for Freedom to eternity. The sooner our government stands straighter and stops listening to those who supposedly 'build bridges' with our enemies, the sooner our men can come home where they belong."; now therefore

Be it resolved, by the 68th National Convention of the Veterans of Foreign Wars of the United States, that we emphatically go on record demanding that the importing of Communist products be stopped immediately; and that a campaign be begun by every post, county council, district and department urging their families, friends and the citizens of their respective communities to cease purchasing these Communist imports.

Adopted at the 68th National Convention of the Veterans of Foreign Wars of the United States held at New Orleans, La., August 20 through 25, 1967.

SOME ARMY RESERVISTS AND SERVICE IN VIETNAM

Mr. THURMOND. Mr. President, in recent days many articles have been published in the newspapers about certain reservists taking steps to keep from being sent to Vietnam to fight for their country.

Any reservist who would take a position of that kind is not worthy to be called a reservist.

I am sure that there must be only a few such reservists, because those with whom I have come in contact throughout the Nation in years past, and recently, have been patriotic, public-spirited citizens, most willing to serve their country in time of peace as well as in war.

One of the judges who has encouraged this kind of action is Supreme Court Justice William O. Douglas.

Yesterday, I made some remarks along this line and today I ask unanimous consent that an editorial published in the State of Columbia, S.C., on September 25, 1968, entitled, "Judge of Last Resort," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDGE OF LAST RESORT

Supreme Court Justice William O. Douglas, that devoted outdoorsman and perennial romantic, is never too far out in the wilderness, physically speaking, to hear the cry of weepy malcontents seeking special favor.

The other day, for example, Justice Douglas picked up the phone in his remote vacation spot in the State of Washington and transmitted his own special brand of judicial compassion to a few Army Reservists cringing at the thought of going to Vietnam.

These so-called Reservists (they dishonor the name) advanced the argument they were unconstitutionally called to active duty because a state of war or national emergency had not been officially declared. (They were activated under a 1966 law permitting call-ups in the national interest.)

Chief Justice Earl Warren and Associate Justice Hugo Black, hardly known for hard hearts, had earlier rejected similar pleas from these same Reservists and others.

Let us put aside for the time being a discussion of this long-established but questionable practice of permitting complainants to trot from one judge to another until they find a sympathetic one.

And let us not belabor the point that the vast majority of citizen soldiers, be they Reservists or National Gaurdsmen, fully accept their role in national defense and go willingly and uncomplainingly, if not eagerly when called to active duty. This, after all, is what they train for and get paid for.

Rather, let us focus on Justice Douglas actions and their potential consequences. In the instant case, he clearly is asking for a knuckle rapping from his colleagues. His action in ordering the Army not ship these men to war until the full court hears the case is mischevious, dangerous and obviously motivated by personal political views rather than law.

The 70-year-old maverick justice has long hankered to get the high court to rule on the legality of the war in Vietnam. He has made no secret of his own strong opposition to that conflict.

But war and foreign policy are functions of the Executive Department and the Congress. While they can't run roughshod over individual rights in carrying out their responsibilities, it should take more than an individual's disinclination to go to war to bring the court into play.

There is great potential danger to the national security if judges, whatever their motivation, begin to interfere with and actually interrupt military decisions and movements by use of injunctive power or judicial decision.

Wisely, the court had consistently stayed out of the thicket. It seems unlikely that Douglas can persuade three colleagues to go along with him on this issue. (Four are needed to get present cases on the docket.) The court is expected to curtly reverse the stays ordered by Douglas.

If its own precedents are inadequate, the Supreme Court could well adopt the attitude expressed by a U.S. district judge in Colorado. Ruling in another case involving a reluctant Reservist, he decalred that Congress acted well within its "war powers" as outlined in the Constitution when it passed the 1966 statute.

The Colorado judge found it unnecessary to determine whether a state of war or national emergency exists. He dismissed the point with a statement that is all but undeniable: "It is sufficient to note that the condition is scarcely a state of peace . . ."

It might also be noted that William O. Douglas' condition is scarcely a state of reason.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PALMETTO BEND RECLAMATION PROJECT, TEXAS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1580, H.R. 5117.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 5117) to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report (No. 1591), explaining the purposes of the bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of H.R. 5117 is to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 of the Palmetto Bend reclamation project in Texas and to acquire the lands necessary for the construction of stage 2 of the project. The Palmetto Bend project is a multipurpose water resource development which would furnish municipal and industrial water supplies, provide opportunities for public outdoor recreation, and conserve fish and wildlife.

BACKGROUND

The Secretary of the Interior transmitted his report on the Palmetto Bend project to the Congress on August 24, 1965, with the recommendation that it be authorized for construction. The report was subsequently printed as House Document No. 279, 89th Congress, first session. A reevaluation statement dated April 1967, updating the findings of the feasibility report, was transmitted to the committee by letter dated February 15, 1968.

The Subcommittee on Water and Power Resources held hearings on March 28, 1968, on S. 2319, a bill similar to H.R. 5117, introduced by Senator Yarborough. The Department of the Interior, by letter of February 15, 1968, recommended enactment of S. 2319. The Bureau of the Budget, by letter of February 15, 1968, expressed no objection to enactment.

In commenting on H.R. 5117, the Department recommended enactment of the legislation with amendments. The recommended amendments are incorporated in the bill as passed by the House.

PLAN OF DEVELOPMENT

The plan of development for the Palmetto Bend project envisions the construction of Palmetto Dam and Reservoir, in two separate stages, across the Lavaca and Navidad Rivers a short distance above their confluence near Edna, Tex. The Palmetto Bend Reservoir will regulate the flows of those two rivers to provide a dependable water supply of 105,000 acre-feet per year—75,000 acre-feet by stage 1 and 30,000 acre-feet by stage 2. Only the first stage, which is the Navidad River arm of the reservoir, is authorized by this legislation which, however, also provides authority for the acquisition of the land which will be needed for the second stage.

The first stage calls for a reservoir with a capacity of 192,000 acre-feet, with provision for increasing the capacity of 285,000 acre-feet by construction of the second stage. It is estimated that first-stage development will meet the water needs in project service area for approximately 19 years. If, for some reason, stage 2 of the project is not authorized within 20 years after the initial operation of stage 1, the bill provides that the Secretary must dispose of the land acquired for stage 2 in accordance with procedures established by the Federal Water Project Recreation Act.

No distribution facilities are included in the project works.

The Jackson County Flood Control District will be responsible for planning, financing, constructing, operating, and maintaining the pumping and distribution facilities. The district also will operate and maintain the reservoir in accordance with prescribed operating criteria.

The recreation facilities provided as a part of the project include access roads, parking areas, water supply and sanitation facilities, boat-launching ramps, picnic, and camping areas, and bathing beaches. The operation, maintenance, and administration of these facilities will also be the responsibility of the Jackson County Flood Control District pursuant to the provisions of the Federal Water Project Recreation Act.

FINANCIAL AND ECONOMIC ANALYSIS

The total estimated investment cost of the first stage of the project is $34,077,000. The cost of acquiring lands for the second stage is estimated to be $2,700,000 in addition.

Of the cost of the first stage, $23,104,000 is allocated to municipal and industrial water supply, $8,049,000 to recreation, and $2,924,000 to fish and wildlife. The $23,104,000 allocated to municipal and industrial water supply is reimbursable with interest pursuant to the Water Supply Act of 1958, and $828,500 of the amount allocated to recreation reimbursable with interest. The remaining amount allocated to recreation and fish and wildlife is nonreimbursable pursuant to the provisions of the Federal Water Project Recreation Act.

Before construction is started, the Jackson County Flood Control District will enter into a repayment contract with the United States by which the district will undertake to repay the full cost allocated to municipal and industrial water supply within a 50-year period. Subsection 2(b) of the bill provides that if contracts for the repayment of all of the costs allocated to municipal and industrial water supply have not been executed within 5 years of the date of enactment the authorization of the project shall terminate.

The economic analysis for the first stage of the project shows that annual benefits exceed the annual economic costs in the ratio of 1.9 to 1.0.

NEED FOR THE PROJECT

Stage 1 of the Palmetto Bend project is needed to support urban and industrial growth in Jackson and Calhoun Counties, Tex. This stretch of the Texas gulf coast is served by deep water navigation facilities as well as shallow draft barge navigation facilities. The area is experiencing a period of major industrial development and accompanying urban expansion. It has excellent access to the tremendous store of mineral resources available for industrial use in the Texas coastal area. Only an adequate supply of water to meet industrial needs and supply requirements of urban residents is needed to assure continued industrial growth. Water from wells is undependable and subject to salt water intrusion, and the surface water supplies of the Navidad and Lavaca Rivers presently are underdeveloped. The Palmetto Bend project will provide the needed water supply from stage 1 development and later from stage 2 development.

In addition, the project will provide extensive recreational opportunities in an area where recreation facilities are inadequate and are in great demand. In addition to the nearby urban areas that will be served by these facilities, the reservoir will be within 2 hours drive from either Houston or Corpus Christi, and the National Park Service estimates that more than 500,000 visitors per year will take advantage of the outdoor recreation opportunities that will be provided.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends that H.R. 5117 be enacted without amendment.

The report of the Department of the Interior on H.R. 5117 dated August 11, 1967, and the supplemental report dated February 15, 1968, are set out in full below. The Department recommends enactment of this legislation with amendments. The amendments recommended by the Department of the Interior have been incorporated in the bill as passed by the House.

PALMETTO BEND DAM PROJECT DESERVES PROMPT PASSAGE

Mr. YARBOROUGH. Mr. President, I urge my fellow Senators to join me in support of H.R. 5117, identical to a bill I introduced as S. 2317, authorizing the Secretary of the Interior to construct and operate a primary stage of the Palmetto Bend reclamation project on the Navidad and Lavaca Rivers in south Texas. The bill also authorizes the Secretary to acquire lands for a second stage of the project, to be constructed at a later date.

Palmetto Dam and Reservoir is to be constructed in two stages across the Lavaca and Navidad Rivers, just above their confluence point near Edna, Tex. The reservoir will regulate the flows of the two rivers, providing a dependable water supply of 105,000 acre-feet per year—75,000 acre-feet with construction of the first stage, and 30,000 acre-feet upon completion of stage two. This bill authorizes only the first stage, but it also authorizes the Secretary of the Interior to buy lands for stage two.

The first stage includes a reservoir that will hold 192,000 acre-feet of water at capacity, with provisions for increasing that capacity to 285,000 acre-feet upon completion. Stage one should serve the needs of the area amply for some 19 years, according to the Interior Department study. Administration of the project, upon completion, will fall upon the Jackson County Flood Control District in cooperation with the Federal Government under provisions of the Federal Water Project Recreation Act. At current price levels, the first stage of the Palmetto Bend project is expected to cost $34,077,000, including $1,657,000 for recreation facilities. Land costs for the second stage are set at $2,700,000. Thus, the total cost of the bill before us today is estimated at $36,777,000.

The Palmetto Bend project has been recommended by the Department of the Interior, and this bill has the full support of the agency. Jackson and Calhoun Counties are growing rapidly. The area needs this water storage for municipal and industrial use, as well as for conservation and development of wildlife and recreation resources.

The Secretary of the Interior estimates that the ratio of benefits to total annual costs will be approximately 1.8 to 1.

Last March a group of south Texans appeared with me at hearings before the Subcommittee on Water and Power Resources, chaired by the distinguished senior Senator from New Mexico [Mr. ANDERSON]. These citizens and officials of south Texas expressed strong community support for the project, and committed themselves to bear a sizable share of the cost, with the State of Texas also contributing funds. The Jackson County Flood Control District will enter into a repayment contract with the Federal Government, obligating itself to repay the full cost allocated to municipal and industrial use within a 50-year period.

As this session of Congress has worn on, and the press of business continued great, there was some concern in the Palmetto Bend area that this bill might be lost in the shuffle toward adjournment. The able chairman of the Senate Interior and Insular Affairs Committee, the distinguished Senator from Washington [Mr. JACKSON] has prevented that, however, and the people of my State are in his debt.

Mr. President, the Texas gulf coast stretch which includes Jackson and Calhoun Counties has a wide variety of mineral resources available to serve industries. The area is served by deep water as well as shallow draft navigation facilities. The absence of a proper water supply to meet industrial and public needs could become a serious disability, however, in furthering development there.

The Senate's approval of this project will bring about a wise investment in the future development and prosperity of an important section of our country, the Palmetto Bend area of south Texas. I urge passage of H.R. 5117.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

PRIVILEGE OF FLOOR

Mr. YARBOROUGH. Mr. President, during the consideration of the conference report on the Higher Education Amendments of 1968 and the vocational education amendments I request permission that professional staff members, both of the majority and the minority, be permitted access to the floor to assist Senators in the course of the consideration of those measures.

The PRESIDING OFFICER. Would they be from the Committee on Labor and Public Welfare?

Mr. YARBOROUGH. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHER EDUCATION AMENDMENTS OF 1968—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3769) to amend the Higher Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Sept. 26, 1968, pp. 28328–28352, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, since there were nearly 100 major points of difference between the two bills and a detailed presentation of each of those would be a rather lengthy presentation, under the circumstances, I ask unanimous consent that the conference report and the statement of the managers on the part of the House be printed in the RECORD at this point.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT (H. REPT. No. 1919)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act, with the following table of contents, may be cited as the "Higher Education Amendments of 1968".

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TITLE I—STUDENT ASSISTANCE

PART A—AMENDMENTS TO EDUCATIONAL OPPORTUNITY GRANT PROGRAM

EXTENSION OF EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 101. (a) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "three succeeding fiscal years, $100,000,000 for the fiscal year ending June 30, 1970, and $140,000,000 for the fiscal year ending June 30, 1971".

(b) (1) Such section is further amended by striking out the second sentence thereof.

(2) Sections 405(b), 406(b), and 407(b)(2) of such Act are each amended by striking out "third sentence" and inserting in lieu thereof "second sentence".

MAXIMUM AMOUNT OF EDUCATIONAL OPPORTUNITY GRANT; TREATMENT OF WORK-STUDY ASSISTANCE FOR MATCHING PURPOSES

SEC. 102. The first sentence of section 402 of the Higher Education Act of 1965 is amended by striking out all that follows "which amount" and inserting in lieu thereof the following: "shall not exceed the lesser of $1,000 or one-half of the sum of the amount of student financial aid (including assistance under this title, and including compensation paid under a work-study program assisted under part C of this title) provided such student by such institution and any assistance provided such student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations of the Commissioner."

ADMINISTRATIVE EXPENSES

SEC. 103. Effective for fiscal years ending on or after June 30, 1970, section 407(a)(1) of the Higher Education Act of 1965 is amended by inserting before the semicolon the following: "and of section 463 of this Act (relating to administrative expenses)".

REVISION OF MAINTENANCE OF EFFORT PROVISION

SEC. 104. Effective for fiscal years ending on or after June 30, 1970, section 407(a)(4) of the Higher Education Act of 1965 is amended to read as follows:

"(4) provide that the institution will meet the requirements of section 464 of this Act (relating to maintenance of effort);".

CONSOLIDATION AND REVISION OF TALENT SEARCH AND UPWARD BOUND PROGRAMS; SPECIAL SERVICES TO DISADVANTAGED STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 105. (a) Section 408 of the Higher Education Act of 1965 is amended to read as follows:

"IDENTIFYING QUALIFIED LOW-INCOME STUDENTS; PREPARING THEM FOR POST SECONDARY EDUCATION; SPECIAL SERVICES FOR SUCH STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"SEC. 408. (a) To assist in achieving the objectives of this part the Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5))—

"(1) to make grants to, or contracts with, institutions of higher education and combinations of institutions of higher education for planning, developing, or carrying out one or more of the programs described in subsection (b),

"(2) to make grants to, or contracts with, public and private nonprofit agencies and organizations (including professional and scholarly associations) and to make contracts with public and private agencies and organizations for planning, developing, or carrying out Talent Search programs described in subsection (b)(1), and

"(3) in exceptional cases, to make grants to, or contracts with, secondary schools, and postsecondary educational institutions accredited by a State, for planning, developing, or carrying out Upward Bound programs described in subsection (b)(2).

No grant or contract for planning, developing, or carrying out a Talent Search program described in subsection (b)(1) may exceed $100,000 per year.

"(b) The programs referred to in subsection (a) are—

"(1) programs, to be known as 'Talent Search', designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training.

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including post-secondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program; or

"(3) programs, to be known as 'Special Services for Disadvantaged Students', of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

"(c)(1) Upward Bound programs under paragraph (2) of subsection (b) must include arrangements to assure cooperation among one or more institutions of higher education and one or more secondary schools. Such programs must include necessary health services. Enrollees in such programs may not receive stipends in excess of $30 per month. The cost of carrying out any such program may not exceed $150 per enrollee per month. Federal financial assistance by way of grant or contract for such a program may not be in excess of 80 per centum of the cost of carrying out such program. Such programs shall be carried on within the States.

"(2) Special Services for Disadvantaged Students programs carried on under paragraph (3) of subsection (b) may provide, among other things, for—

"(A) counseling, tutorial, or other educational services, including special summer programs, to remedy such students' academic deficiencies,

"(B) career guidance, placement, or other student personnel services to encourage or facilitate such students' continuance or reentrance in higher education programs, or

"(C) identification, encouragement, and counseling of any such students with a view to their undertaking a program of graduate or professional education.

"(d) There are authorized to be appropriated to carry out this section $10,000,000 in the fiscal year ending June 30, 1969 (of which $500,000 shall be available in connection with planning and related activities for Upward Bound programs described in subsection (b)(2)), $56,680,000 for the fiscal year ending June 30, 1970, and $96,000,000 for the fiscal year ending June 30, 1971."

(b) Effective July 1, 1969, section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) (and references thereto) as paragraphs (5), (6), and (7).

(c)(1) On July 1, 1969, all functions, powers, and duties of the Director of the Office of Economic Opportunity with respect to Upward Bound programs, are transferred to the Commissioner of Education. No provision of law which limits the number of persons who may be appointed as full-time civilian employees, or temporary and part-time employees, in the executive branch of the Government shall apply to employees of the Office of Education whose duties the Director of the Bureau of the Budget determines primarily relate (A) to programs carried out under section 408(b)(2) of the Higher Education Act of 1965, or (B) to functions transferred by this paragraph. In applying any such provision of law to the departments and agencies in the executive branch, the number of such employees of the Office of Education shall not be taken into account.

(2) For purposes of this subsection the term "Upward Bound program" means a program carried out under section 222(a)(5) of the Economic Opportunity Act of 1964 (as so designated prior to the amendment made by subsection (b) of this section) or a comparable program carried out under section 221 of such Act.

PART B—AMENDMENTS TO INSURED STUDENT LOAN PROGRAM

EXTENSION OF AUTHORITY FOR PAYMENTS TO REDUCE STUDENT INTEREST COSTS; ELIMINATION OF AUTHORITY TO MAKE SUCH PAYMENTS DURING REPAYMENT PERIOD

SEC. 111. (a) Section 428(a)(4) of the Higher Education Act of 1965 is amended by striking out "October 31, 1968" and inserting in lieu thereof "June 30, 1971, except that, in the case of a loan made or insured under a student loan or loan insurance program to enable a student who has obtained a prior loan made or insured under such program to continue his educational program, such period shall end at the close of June 30, 1975".

(b)(1)(A) The portion of the first sentence of section 428(a)(1) which follows subparagraph (C) is amended by striking out ", over the period of the loan,".

(B) The first sentence of section 428(a)(2) of such Act is amended by striking out ", and 3 per centum per annum of the principal amount of the loan (excluding interest which has been added to principal) thereafter".

(2) The amendments made by this subsection shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, except that such amendments shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to such sixtieth day. An application for a certificate of insurance or of comprehensive insurance coverage pursuant to section 429 of such Act shall be issued or shall be effective on or after such sixtieth day with respect to loans made prior to such sixtieth day without regard to such amendments.

EXTENSION OF FEDERAL LOAN INSURANCE PROGRAM AND OF AUTHORITY TO GUARANTEE OUTSTANDING NON-FEDERALLY INSURED LOANS

SEC. 112. (a) Subsection (a) of section 424 of the Higher Education Act of 1965 is amended (1) in the first sentence by striking out "period thereafter ending October 31, 1968" and inserting in lieu thereof "fiscal year ending June 30, 1968, and each of the three succeeding fiscal years"; and (2) in the second sentence by striking out "October 31, 1968" and inserting in lieu thereof "June 30, 1975".

(b) Section 428(c)(5) of such Act is amended by striking out "October 31, 1968" and inserting in lieu thereof "September 1, 1969".

REPAYMENT BY COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

SEC. 113. (a) Part B of title IV of such Act is amended by inserting at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

"SEC. 437. If a student borrower who has received a loan with respect to which a portion of the interest (1) is payable by the Commissioner under section 428(a) or (2) would be payable but for the adjusted family income of the borrower, dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner, then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan."

(b)(1) Section 421(b)(2) of the Higher Education Act of 1965 is amended by inserting after "on student loans" the following: "and for payments under section 437."

(2) Section 427(a)(2)(E) of such Act is amended by inserting after the comma at the end thereof the following: "and that the lender will enter into such agreements with the Commissioner as may be necessary for the purpose of section 437,".

(3) Section 428(b)(2)(B) of such Act is amended by inserting after "of this part" the following: ", including such provisions as may be necessary for the purpose of section 437,".

(4) Section 428(c) of such Act is amended by striking out in paragraph (1) ", death, or permanent and total disability", by striking the last sentence of paragraph (3), and by amending paragraph (4) to read as follows:

"(4) For purposes of this subsection, the terms 'insurance beneficiary' and 'default' shall have the meanings assigned to them by section 430(e)."

(5) Section 430 of such Act is amended—(A) by striking out in the section heading, "DEATH, OR DISABILITY";

(B) by striking out in the first sentence of subsection (a) "or upon the death of the student borrower or a finding by the insurance beneficiary that the borrower has become totally and permanently disabled (as determined in accordance with regulations established by the Commissioner) before the loan has been repaid in full,"; and

(C) by striking out in subsection (c) all that follows "payment on that insurance" and inserting in lieu thereof a period.

(c) The amendments made by this section shall apply only with respect to loans made on or after the sixtieth day following the date of enactment of this Act.

FEDERAL ADVANCES TO RESERVE FUNDS OF NON-FEDERAL STUDENT LOAN INSURANCE PROGRAMS

SEC. 114. (a)(1) Section 421(b) of the Higher Education Act of 1965 is amended by striking out "and" at the end of paragraph (2); by striking out the period at the end of the first sentence of that subsection and inserting in lieu thereof ", and"; and by adding thereafter the following new paragraph:

"(4) there is authorized to be appropriated the sum of $12,500,000 for making advances after June 30, 1968, pursuant to section 422 for the reserve of funds of State and nonprofit private student loan insurance programs."

(2) The second sentence of section 421(b) of such Act is amended by striking out "under clauses (1) and (2)" and inserting in lieu thereof "under clauses (1), (2), and (4)".

(b) Section 422(a) of such Act is amended—

(1) by striking out "clause (3)" in the first sentence of paragraph (1) and inserting in lieu thereof "clauses (3) and (4)", and by striking out "of the fiscal years ending June 30, 1966, June 30, 1967, or June 30, 1968," and inserting in lieu thereof "fiscal year" in the second sentence of such paragraph; and

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

"(2) No advance shall be made after June 30, 1968, unless matched by an equal amount from non-Federal sources. Such equal amount may include the unencumbered non-Federal portion of a reserve fund. As used in the preceding sentence, the term 'unencumbered non-Federal portion' means the amount (determined as of the time immediately preceding the making of the advance) of the reserve fund less the greater of (A) the sum of (i) advances made under this section prior to July 1, 1968, (ii) an amount equal to twice the amount of advances made under this section after June 30, 1968, and before the advance for purposes of which the determination is made, and (iii) the proceeds of earnings on advances made under this section, or (B) any amount which is required to be maintained in such fund pursuant to State law or regulation, or by agreement with lenders, as a reserve against the insurance of outstanding loans."

(c) Section 422(b) of such Act is amended by inserting "(1)" after "(b)", by inserting "prior to July 1, 1968" before "pursuant to subsection (a)" where it appears in the first and third sentences, by deleting the last sentence of such subsection, and by adding at the end of such subsection the following new paragraphs:

"(2) The total of the advances from the sums appropriated pursuant to clause (4) of section 421(b) (A) to nonprofit private institutions and organizations for the benefit of students in any State and (B) to such State may not exceed an amount which bears the same ratio to such sums as the population of such State aged eighteen to twenty-two, inclusive, bears to the population of all the States aged eighteen to twenty-two, inclusive, but such advances may otherwise be in such amounts as the Commissioner determines will best achieve the purposes for which they are made. The amount available, however, for advances to any State shall not be less than $25,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below $25,000) the amount available for advances to each of the remaining States.

"(3) For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him."

AMENDMENTS RELATING TO ADMINISTRATIVE COST ALLOWANCE AND INTEREST RATE PROVISIONS

SEC. 115. (a)(1) Section 428(a)(2)(B) of the Higher Education Act of 1965 is amended to read as follows:

"(B) If (i) a State student loan insurance program is covered by an agreement under subsection (b), (ii) a statute of such State limits the interest rate on loans insured by such program to a rate which is less than 7 per centum per annum on the unpaid principal balance, and (iii) the Commissioner determines that section 428(d) does not make such statutory limitation inapplicable and that such statutory limitation threatens to impede the carrying out of the purposes of this part, then he may pay an administrative cost allowance to the holder of each loan which is insured under such program and which is made during the period beginning on the sixtieth day after the date of enactment of the Higher Education Amendments of 1968 and ending 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969. Such administrative cost allowance shall be paid over the term of the loan in an amount per annum (determined by the Commissioner) which shall not exceed 1 per centum of the unpaid principal balance of the loan."

(2) Section 428(a)(2)(A) of such Act is amended by striking out the second sentence and by inserting in the last sentence after "portion of the interest" the following: "and administrative cost allowance".

(3) Section 428 of such Act is amended by adding at the end thereof the following new subsection:

"(d) No provision of any law of the United States (other than sections 427(a)(2)(D) and 427(b) of this Act) or of any State (other than a statute applicable principally to such State's student loan insurance program) which limits the rate or amount of interest payable on loans shall apply to a loan—

"(1) which bears interest (exclusive of any premium for insurance) on the unpaid principal balance at a rate not in excess of 7 per centum per annum, and

"(2) which is insured (A) by the United States under this part, or (B) by a State or nonprofit private institution or organization under a program covered by an agreement made pursuant to subsection (b) of this section."

(4) The amendments made by this subsection shall not apply with respect to loans made prior to the sixtieth day after the date of enactment of this Act.

(b) Section 428(a)(2)(B) of such Act (as in effect prior to the amendment made by subsection (a)) is amended by striking out "October 31, 1968" and inserting in lieu thereof "the fifty-ninth day after the date of enactment of the Higher Education Amendments of 1968".

(c) The amendments made by section 2(a) of Public Law 90-460, approved August 3, 1968, shall not be effective with respect to (1) any loan made or contracted for prior to the date of enactment of such Public Law, or (2) any loan made, after the date of enactment of this Act, in whole or in part to consolidate or convert a loan made or contracted for prior to the date of enactment of such Public Law.

MERGER OF NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965 WITH STUDENT LOAN INSURANCE PROGRAM OF HIGHER EDUCATION ACT OF 1965

SEC. 116. (a) Section 435 of the Higher Education Act of 1965 is amended—

(1) by redesignating subsections (a), (b), (c), (d), (e), and (f) as (b), (d), (e), (f), (g), and (h), respectively;

(2) by inserting before subsection (b) as so redesignated the following new subsection:

"(a) The term 'eligible institution' means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part.";

(3) by striking out in subsection (b) (as so redesignated) "eligible institution" and inserting in lieu thereof "institution of higher education", by striking out in the second sentence of such subsection "any institution outside the States which is comparable to an institution described in the preceding sentence and which has been approved by the Commissioner for the purposes of this title, and also includes"; and

(4) by inserting after subsection (b) (as so redesignated) the text of subsection (a) of section 17 of the National Vocational Student Loan Insurance Act of 1965 amended as follows:

(A) Strike out "(a)" and insert in lieu thereof "(c)",

(B) Strike out "eligible institution" and insert in lieu thereof "vocational school", and

(C) Strike out "Act" in clause (4)(C) and insert in lieu thereof "part".

(b)(1) Section 425(a) of such Act is amended by striking out "(1)" after "SEC. 425. (a)" and by striking out paragraph (2).

(2) Section 427(a)(2)(C)(i) of such Act is amended by striking out "institution of higher education or at a comparable institution outside the States approved for this purpose by the Commissioner" and inserting in lieu thereof "eligible institution".

(3) Section 428(a)(6) of such Act is repealed.

(4) Section 434 of such Act is amended by striking out "10 per centum" and inserting in lieu thereof "15 per centum".

(5) Section 436(a) of such Act is amended by striking out "title and the National Vocational Student Loan Insurance Act of 1965" and inserting in lieu thereof "part".

(c)(1) The National Vocational Student Loan Insurance Act of 1965 is repealed.

(2) All assets and liabilities of the vocational student loan insurance fund established by section 13 of the National Vocational Student Loan Insurance Act of 1965, matured or contingent, shall be transferred to, and become assets and liabilities of, the student loan insurance fund established by section 431 of the Higher Education Act of 1965. Payments in connection with defaults of loans made on or after the sixtieth day after the date of enactment of this Act and insured by the Commissioner (under the authority of subsection (e)(3) or (e)(4) of this section) under the National Vocational Student Loan Insurance Act of 1965 shall be paid out of the fund established by such section 431.

(d) Section 433 of the Higher Education Act of 1965 is amended to read as follows:

"DIRECT LOANS

"SEC. 433. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan for study at a vocational school under this part if (1) in the particular area in which the student resides loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to section 427(a)(2)(D) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under section 427(a)(2)(D) for the area where the student resides, and shall be made on such other terms and conditions as the Commissioner shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There is authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1969 and for each of the two succeeding fiscal years to carry out this section."

(e)(1) Except as provided in paragraphs (2), (3), and (4):

(A) This section (and any amendment or repeal made thereby) shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, and the terminal date applicable under the first sentence of section 5(a), under section 9(a)(2)(B), and under section 9(a)(4) of the National Vocational Student Loan Insurance Act shall, instead of October 31, 1968, be deemed to be (i) the day immediately preceding such sixtieth day, or (ii) with respect to any particular lender or State or nonprofit private agency to which paragraph (3) relates, the last day of the period required for modification or termination of, or refusal to extend, the Commissioner's agreements with such agency.

(B) In computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State institution, or organization with which the Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a)(2)(B) of such part or section 9(a)(2)(B) of such Act, or by the Commissioner under section 433 of such part.

(2) Clause (i) (attendance at eligible institution) and clause (iv) (VISTA service) of section 427(a)(2)(C) of the Higher Educa-

tion Act of 1965, shall apply to loans made by the Commissioner and, with the consent of the lender, loans insured by the Commissioner, to students for study at vocational schools, which are outstanding on the sixtieth day after the enactment of this Act, but only with respect to periods of service or attendance occurring on or after such sixtieth day.

(3) This section (and any amendment or repeal made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to the sixtieth day after enactment of this Act, under the Higher Education Act of 1965 or the National Vocational Student Loan Insurance Act of 1965, or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b). If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969, exercise his authority to terminate, or to refuse to extend, such agreement.

(4) A certificate of insurance or of comprehensive insurance coverage pursuant to section 11 of the National Vocational Student Loan Insurance Act of 1965 may be issued or made effective on or after the sixtieth day after the date of enactment of this Act with respect to loans made prior to such sixtieth day without regard to any amendment or repeal made by this section.

AUTHORIZING DEFERMENT OF REPAYMENT OF NON-FEDERALLY INSURED LOANS DURING MILITARY, VISTA, OR PEACE CORPS SERVICE, OR ATTENDANCE AT ELIGIBLE INSTITUTION; FEDERAL PAYMENT OF INTEREST ACCRUING DURING SUCH ATTENDANCE OR SERVICE

SEC. 117. (a)(1) Section 428 of the Higher Education Act of 1965 (as amended by this Act) is amended by adding at the end of such section the following new subsection:

"(e) The Commissioner shall encourage the inclusion, in any State student loan program or any State or nonprofit private student loan insurance program meeting the requirements of subsection (a)(1)(B) or (a)(1)(C), of provisions authorizing or requiring that in the case of student loans covered by such program periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (1) during which the borrower is pursuing a full-time course of study at an eligible institution, (2) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (3) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (4) not in excess of three years during which the borrower is in service as a full-time volunteer under title VIII of the Economic Opportunity Act of 1964. In the case of any such State or nonprofit private program containing such a provision any such period shall be excluded in determining the period specified in subsection (b)(1)(C)(ii), or the maximum period for repayment specified in subsection (b)(1)(D)."

(2)(A) Section 428(b)(1)(C)(ii) of the Higher Education Act of 1965 is amended by inserting after "(ii)" the following: "except as provided in subsection (e) of this section,".

(B) Section 428(b)(1)(D) of such Act is amended by inserting after "subject to subparagraph (C)" the following: "of this paragraph and except as provided by subsection (e) of this section".

(b) The first sentence of section 428(a)(2) of such Act is amended by inserting before "; but such portion" the following: ", or which accrues during a period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in subsection (e) of this section or in section 427(a)(2)(C)".

(c) Section 427(a)(2)(C)(iv) of such Act is amended by inserting "full-time" before "volunteer".

(d) Deferment of repayment of principal as provided in the amendments made by subsection (a) of this section, may be authorized (but not required) with respect to loans meeting the requirements of subparagraph (B) or (C) of section 428(a)(1) of the Higher Education Act of 1965 which are outstanding on the sixtieth day after the date of enactment of this Act, but only with respect to periods of attendance or service occurring on or after such sixtieth day. The amendments made by subsection (b) shall become effective on the sixtieth day after the date of enactment of this Act.

PARTICIPATION BY PENSION FUNDS AND FEDERAL SAVINGS AND LOAN ASSOCIATIONS

SEC. 118. (a) Section 435(g) of the Higher Education Act of 1965 (as so redesignated by section 116 of this Act) is amended by inserting before the period at the end thereof the following: ", or a pension fund approved by the Commissioner for this purpose".

(b) The third paragraph of section 5(c) of the Home Owners Loan Act of 1933 is amended by striking out "expenses of college or university education" and inserting in lieu thereof "expenses of college, university, or vocational education".

ACCESS TO FEDERAL LOAN INSURANCE PROGRAM

SEC. 119. (a) Section 423 of the Higher Education Act of 1965 is amended by striking out "The" after "SEC. 423." and inserting in lieu thereof "(a) Except as provided in subsection (b), the"; and by adding at the end thereof the following new subsection:

"(b) The Commissioner may issue certificates of insurance under section 429 to a lender in a State—

"(1) for insurance of a loan made to a student borrower who does not, by reason of his residence, have access to loan insurance under the loan insurance program of such State (or under any private nonprofit loan insurance program which has received an advance under section 422 for the benefit of students in such State, or

"(2) for insurance of all of the loans made to student borrowers by a lender who satisfies the Commissioner that, by reason of the residence of such borrowers, he will not have access to any single State or nonprofit private loan insurance program which will insure substantially all of the loans he intends to make to such student borrowers."

(b) Section 421(a)(2) is amended by inserting "or lenders" before "who do not have reasonable access".

COORDINATION BETWEEN NON-FEDERAL AND FEDERAL PROGRAMS WITH RESPECT TO MAXIMUM AMOUNTS OF INDIVIDUAL LOANS INSURED, ISSUANCE OF INSTALLMENT OBLIGATIONS, AND MINIMUM AMOUNTS OF REPAYMENT INSTALLMENTS ON SUCH LOANS

SEC. 120. (a)(1) Section 428(b)(1)(A) of the Higher Education Act of 1965 is amended by inserting the following before the semicolon at the end of such subparagraph: ", which limit shall not be deemed exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any such year in excess of such annual limit; and provides that the aggregate insured unpaid principal amount of all such insured loans made to any student shall not at any time exceed $7,500".

(2) Section 425 (a) of the Higher Education Act of 1965 is amended (A) by striking out "in the case of a graduate or professional student (as defined in regulations of the Commissioner), or $1,000 in the case of any other student" in the first sentence, and (B) by striking out "in the case of any graduate or professional student (as defined in regulations of the Commissioner, and including any such insured loans made to such person before he became a graduate or professional student), or $5,000 in the case of any other student" in the second sentence.

(b) Section 428 (b)(1)(D) of such Act is amended (1) by striking out "subparagraph (C)" and inserting in lieu thereof "subparagraphs (C) and (K)", and (2) by striking out ", where the total of the insured loans to any student which are held by any one person exceeds $2,000, repayment of such", and inserting in lieu thereof "repayment of".

(c)(1) Section 428(b)(1) of the Higher Education Act of 1965 is amended (A) by striking out "and" at the end of subparagraph (I), (B) by striking out the period at the end of subparagraph (J) and inserting "; and" in lieu thereof, and (C) by adding after subparagraph (J) the following:

"(K) provides that the total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are (i) insured under this part, or (ii) made by a State or the Commissioner under section 428(a)(1)(B) or 433, respectively, shall not be less than $360 or the balance of all such loans (together with interest thereon), whichever amount is less."

(2) Section 427(c) of such Act is amended by striking out "by the Commissioner", and by inserting the following after "this part": ", or which are made by a State or the Commissioner under section 428(a)(1)(B) or 433, respectively,".

(3) The caption of section 427 of such Act is amended by inserting "FEDERALLY INSURED" before "STUDENT LOANS".

(d)(1) Subject to paragraph (2) of this subsection, (A) the amendments made by this section shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, and (B) in computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State, institution, or organization with which the Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a)(2)(B) of such part or section 9(a)(2)(B) of such Act, or by the Commissioner under section 433 of such part.

(2) This section (and the amendments made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to such sixtieth day or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428 (b)(1) of the Higher Education Act of 1965

and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b)(1) as amended by this section. If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969, exercise his authority to terminate, or to refuse to extend, such agreement.

PART C—AMENDMENTS TO COLLEGE WORK-STUDY PROGRAM

TRANSFER OF WORK-STUDY PROVISIONS TO HIGHER EDUCATION ACT OF 1965

SEC. 131. (a) Title IV of the Higher Education Act of 1965 is amended by striking out part C thereof. Part C of title I of the Economic Opportunity Act of 1964 is transferred to the Higher Education Act of 1965 and inserted as part C of title IV of such Act.

(b) Part C of title IV of the Higher Education Act of 1965 (as amended by subsection (a) of this section) is further amended—

(1) by redesignating sections 141 through 145 (and references thereto) as sections 441 through 445, respectively; and

(2) by designating the section of such part which follows section 445 (as so redesignated) as section 446; and

(3) by amending section 442(a) to read as follows:

"SEC. 442. (a) From the sums appropriated to carry out this part for a fiscal year, the Commissioner shall allot not to exceed 2 per centum among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under this part. The remainder of such sums shall be allotted among the States as provided in subsection (b)."

(c) Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 as amended by this section.

EXTENSION OF WORK-STUDY PROGRAM

SEC. 132. Section 441 of the Higher Education Act of 1965 (as amended by section 131 of this Act) is amended by adding "; APPROPRIATIONS AUTHORIZED" at the end of the section heading, by inserting "(a)" after "SEC. 441.", and by adding at the end of such section the following new subsection:

"(b) There are authorized to be appropriated $225,000,000 for the fiscal year ending June 30, 1969, $255,000,000 for the fiscal year ending June 30, 1970, and $285,000,000 for the fiscal year ending June 30, 1971, to carry out this part."

ELIGIBILITY OF AREA VOCATIONAL SCHOOLS

SEC. 133. (a) Part C of the Higher Education Act of 1965 (as amended by section 131 of this Act) is amended by striking out the terms "institution of higher education" and "institutions of higher education" wherever they appear (except in section 442(b)(1)) and inserting in lieu thereof "eligible institution" and "eligible institutions", respectively.

(b) Section 443(b) of such Act (as added by section 131 of this Act) is amended to read as follows:

"(b) For the purposes of this part the term 'eligible institution' means an institution of higher education (as defined in section 435(b) of this Act), or an area vocational school (as defined in section 8(2) of the Vocational Education Act of 1963)."

(c) Section 444 of such Act (as added by section 131 of this Act) is amended by inserting "(a)" after "SEC. 444."; by redesignating paragraphs (a) through (h) as paragraphs (1) through (8), respectively; by redesignating subparagraphs (1), (2), and (3) of paragraphs (1) and (3) (as so redesignated) as subparagraphs (A), (B), and (C), respectively; and by adding at the end of such section the following new subsection:

"(b) An agreement entered into pursuant to section 443 with an area vocational school shall contain, in addition to the provisions described in subsection (a) of this section, a provision that a student in such a school shall be eligible to participate in a program under this part only if he (1) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, and (2) is pursuing a program of education or training which requires at least six months to complete and is designed to prepare the student for gainful employment in a recognized occupation."

REVISION OF MATCHING PROVISIONS

SEC. 134. Section 444(a)(6) of the Higher Education Act of 1965 (as amended by this part) is amended to read as follows:

"(6) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement will not exceed 80 per centum of such compensation; except that the Federal share may exceed 80 per centum of such compensation if the Commissioner determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that a Federal share in excess of 80 per centum is required in furtherance of the purposes of this part;"

SET-ASIDE FOR RESIDENTS OF AMERICAN SAMOA OR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 135. (a) The first sentence of section 442(a) of the Higher Education Act of 1965 (as amended by this part) is amended by inserting "(1)" before "allot not to exceed 2 per centum", and by inserting before the period at the end thereof the following: ", and (2) reserve the amount provided by subsection (e)".

(b) Such section 442 is further amended by adding at the end thereof the following new subsection:

"(e) From the appropriation for this part for each fiscal year the Commissioner shall reserve an amount to provide work-study assistance to students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so reserved shall be allotted to eligible institutions and shall be available only for the purpose of providing work-study assistance to such students."

ELIMINATION OF AVERAGE HOURS OF EMPLOYMENT LIMITATION DURING NON-REGULAR ENROLLMENT PERIODS

SEC. 136. Section 444 of the Higher Education Act of 1965 (as amended by this part) is amended by adding at the end thereof the following new subsection:

"(c) For purposes of paragraph (4) of subsection (a) of this section, in computing average hours of employment of a student over a semester or other term, there shall be excluded any period during which the student is on vacation and any period of non-regular enrollment. Employment under a work-study program during any such period of non-regular enrollment during which classes in which the student is enrolled are in session shall be only to the extent and in accordance with criteria established by or pursuant to regulations of the Commissioner."

REVISION OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 137. Effective for fiscal years ending on or after June 30, 1970, section 444(a)(5) of the Higher Education Act of 1965 (as amended by this part) is amended to read as follows:

"(5) provide that the institution will meet the requirements of section 464 of this Act (relating to maintenance of effort);"

ADMINISTRATIVE EXPENSES

SEC. 138. Effective for fiscal years ending on or after June 30, 1970, section 444(a)(2) of the Higher Education Act of 1965 (as amended by this part) is amended by striking out all that follows "administrative expenses" and inserting in lieu thereof "in accordance with section 463 of this Act;".

ELIGIBILITY OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION

SEC. 139. Effective for fiscal years ending on or after June 30, 1970—

(1) Section 443(b) of the Higher Education Act of 1965 (as amended by this part) is amended by striking out "or" before "an area vocational school", and by inserting before the period at the end thereof the following: ", or a proprietary institution of higher education (as defined in section 461 (b) of this Act)".

(2) Section 444(a)(1) of such Act (as amended by this part) is amended by inserting after "work for the institution itself" the following: "(except in the case of a proprietary institution of higher education),".

PART D—COOPERATIVE EDUCATION PROGRAMS

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION FOR PROGRAMS OF COOPERATIVE EDUCATION; GRANTS AND CONTRACTS FOR TRAINING AND RESEARCH IN COOPERATIVE EDUCATION

SEC. 141. Title IV of the Higher Education Act of 1965 is amended by redesignating part D as part F, by redesignating sections 461 through 467 as sections 491 through 497, respectively, and by inserting after part C the following new part:

"PART D—COOPERATIVE EDUCATION PROGRAMS

"APPROPRIATIONS AUTHORIZED

"SEC. 451. (a) There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, $8,000,000 for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971, to enable the Commissioner to make grants pursuant to section 452 to institutions of higher education for the planning, establishment, expansion, or carrying out by such institutions of programs of cooperative education that alternate periods of full-time academic study with periods of full-time public or private employment that will not only afford students the opportunity to earn through employment funds required toward continuing and completing their education but will, so far as practicable, give them work experience related to their academic or occupational objective. Such amount for the fiscal year ending June 30, 1969, shall also be available for planning and related activities for the purpose of this title.

"(b) There are further authorized to be appropriated $750,000 for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years, to enable the Commissioner to make training or research grants or contracts pursuant to section 453.

"(c) Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.

"GRANTS FOR PROGRAMS OF COOPERATIVE EDUCATION

"SEC. 452. (a) From the sums appropriated pursuant to subsection (a) of section 451, and for the purposes set forth therein, the Commissioner is authorized to make grants to institutions of higher education that have applied therefor in accordance with subsection (b) of this section, in amounts not in excess of $75,000 to any one such institution for any fiscal year.

"(b) Each application for a grant authorized by subsection (a) of this section shall be filed with the Commissioner at such time or times as he may prescribe and shall—

"(1) set forth programs or activities for which a grant is authorized under this section;

"(2) provide that the applicant will expend during such fiscal year for the purpose of such program or activity not less than was expended for such purpose during the previous fiscal year;

"(3) provide for the making of such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, and for the keeping of such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part; and

"(5) include such other information as the Commissioner may determine necessary to carry out the purposes of this part.

"(c) ~~No~~ institution of higher education may ~~receive~~ grants under this section for more than three fiscal years.

"(d) In the development of criteria for approval of applications under this section, the Commissioner shall consult with the Advisory Council on Financial Aid to Students.

"GRANTS AND CONTRACTS FOR TRAINING AND RESEARCH

"SEC. 453. From the sums appropriated pursuant to subsection (b) of section 451, the Commissioner is authorized, for the training of persons in the planning establishment, administration, or coordination of programs of cooperative education, or for research into methods of improving, developing, or promoting the use of cooperative education programs in institutions of higher education, to—

"(1) make grants to or contracts with institutions of higher education, or combinations of such institutions, and

"(2) make grants to other public or private nonprofit agencies or organizations, or contracts with public or private agencies or organizations, when such grants or contracts will make an especially significant contribution to attaining the objectives of this section."

PART E—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

AMENDMENTS EFFECTIVE UPON ENACTMENT

SEC. 151. Title IV of the Higher Education Act of 1965 is amended by inserting after part D the following new part:

"PART E—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

"SUBPART 1—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 461. (a) For purposes of this title, the term 'State' includes the Trust Territory of the Pacific Islands.

"(b) For purposes of part C of this title and title II of the National Defense Education Act of 1958, the term 'proprietary institution of higher education' means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which meets the requirements of section 801(a)(1) and 801(a)(2) of this Act, (3) which does not meet the requirement of section 801(a)(4) of this Act, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (5) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"ELIGIBILITY OF RESIDENTS OF TRUST TERRITORY OF PACIFIC ISLANDS

"SEC. 462. Permanent residents of the Trust Territory of the Pacific Islands shall be eligible for assistance under title II of the National Defense Education Act of 1958 and under this title to the same extent that citizens of the United States are eligible for such assistance.

"SUBPART 2—ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

"ESTABLISHMENT OF COUNCIL

"SEC. 469. (a) There is established in the Office of Education an Advisory Council on Financial Aid to Students (hereafter in this section referred to as the 'Council'), consisting of the Commissioner, who shall be Chairman, and of members appointed by the Commissioner without regard to the civil service or classification laws. Such appointed members shall include (1) leading authorities in the field of education, (2) persons representing State and private nonprofit loan insurance programs, financial and credit institutions, and institutions of higher education and other eligible institutions as those terms may be variously defined in this Act or in the National Defense Education Act of 1958, and (3) at least one undergraduate student in an institution of higher education or other eligible institution.

"(b) The Council shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on evaluation of the effectiveness of these programs.

"(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government Service.

"(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council my require to carry out its functions."

AMENDMENTS EFFECTIVE FOR FISCAL YEAR 1970 AND THEREAFTER

SEC. 152. Effective for fiscal years ending on or after June 30, 1970, part E of title IV of the Higher Education Act of 1965 (as added by section 151 of this Act) is amended by inserting after section 462 the following new sections:

"EXPENSES OF ADMINISTRATION

"SEC. 463. (a) An institution which has entered into an agreement with the Commissioner under part A or C of this title shall be entitled for each fiscal year for which it receives an allotment under either such part to a payment in lieu of reimbursement for its expenses during such fiscal year in administering programs assisted under such part. The payment for a fiscal year (1) shall be payable from each such allotment in accordance with regulations of the Commissioner, and (2) shall (except as provided in subsection (b)) be an amount equal to 3 per centum of (A) the institution's expenditures during the fiscal year from its allotment under part A plus (B) its expenditures during such fiscal year under part C for compensation of students.

"(b) The aggregate amount paid to an institution for a fiscal year under this section plus the amount withdrawn from its student loan fund under section 204(b) of the National Defense Education Act of 1958 may not exceed $125,000.

"MAINTENANCE OF EFFORT

"SEC. 464. An agreement between the Commissioner and an institution under part A or part C shall provide assurance that the institution will continue to spend in its own scholarship and student-aid program, from sources other than funds received under such parts, not less than the average expenditure per year made for that purpose during the most recent period of three fiscal years preceding the effective date of the agreement."

PART F—AMENDMENTS TO NATIONAL DEFENSE STUDENT LOAN PROGRAM (TITLE II OF NATIONAL DEFENSE EDUCATION ACT OF 1958)

EXTENSION OF NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 171. (a) Section 201 of the National Defense Education Act of 1958 is amended—

(1) by striking out "and" before "$225,000,000";

(2) by inserting after "June 30, 1968," the following: "$210,000,000 for the fiscal year ending June 30, 1969, $275,000,000 for the fiscal year ending June 30, 1970, and $300,000,000 for the fiscal year ending June 30, 1971,";

(3) by striking out "and such sums for the fiscal year ending June 30, 1969" and inserting in lieu thereof "and there are further authorized to be appropriated such sums for the fiscal year ending June 30, 1972"; and

(4) by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1971".

(b) Subsection 202 of such Act is amended by striking out "1968" in subsections (a) and (b) and inserting in lieu thereof "1971".

(c) Section 206 of such Act is amended by striking out "1972" each time it appears in subsections (a), (b), and (c) of such section, and inserting in lieu thereof "1975".

ADMINISTRATIVE EXPENSES

SEC. 172. Effective for fiscal years ending on or after June 30, 1970—

(1) Section 204 of the National Defense Education Act of 1958 is amended by inserting "(a)" after "SEC. 204.", and by striking out in paragraph (3) "(C) routine expenses" and all that follows down through "whichever is the lesser" and inserting in lieu thereof "(C) administrative expenses as provided in subsection (b)".

(2) Section 204 of such Act is amended by adding at the end thereof the following new subsection:

"(b) An institution of higher education that has entered into an agreement with the Commissioner under this section shall be entitled for each fiscal year during which it makes any student loans from a student loan fund established under this title to a payment in lieu of reimbursement for its expenses during such fiscal year in administering its student loan program assisted under this title. Such payment (1) shall be payable from its student loan fund in accordance with regulations of the Commissioner, and (2) (except as provided in section 463 (b) of the Higher Education Act of 1965) shall be an amount equal to 3 per centum of the principal amount of loans made from such fund during a fiscal year."

AMENDMENTS TO TEACHER CANCELLATION PROVISION

SEC. 173. (a) (1) Section 205(b)(3) of the National Defense Education Act of 1958 is amended by inserting after "50 per centum of any such loan" the following: "made prior to July 1, 1970".

(2) Clause (A) of such section is amended by inserting before "the Commissioner shall not make such determination" the following: "(unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such Public Law (using a low-income factor of $3,000) exceeds 50 per centum of the total enrollment of the school)".

(b) The amendments made by subsection (a)(2) shall apply with respect to service performed during academic years ending after the date of the enactment of this Act, whether the loan was made before or after such Act.

ELIGIBILITY OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION

Sec. 174. (a) Section 103(b) of the National Defense Education Act of 1958 is amended—

(1) by striking out "and also includes," in the second sentence and inserting in lieu thereof "; any proprietary institution of higher education (as defined in section 461(b) of the Higher Education Act of 1965) which includes in its agreement under section 204 of such title such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under such title has not, and will not, increase the tuition, fees, or other charges to such students; and"; and

(2) by inserting after "requirements of clause (5)" in the third sentence the following: "(but meets the requirements of clause (4))".

(b) Effective with respect to fiscal years ending on or after June 30, 1969, section 203 of such Act is amended by adding at the end thereof the following new sentence: "The aggregate amount of Federal capital contributions paid for any fiscal year under this section to proprietary institutions of higher education (as defined in section 461 (b) of the Higher Education Act of 1965) may not exceed the amount by which the funds appropriated pursuant to section 201 for such fiscal year exceed $190,000,000."

ELIMINATION OF REQUIREMENT OF SPECIAL CONSIDERATION FOR STUDENTS OF SUPERIOR ACADEMIC BACKGROUND

Sec. 175. Section 204 of the National Defense Education Act of 1958 is amended by inserting "and" at the end of paragraph (3), by striking out paragraph (4), and by redesignating paragraph (5) as paragraph (4).

WAIVING OATH OF ALLEGIANCE REQUIREMENT FOR RESIDENTS OF TRUST TERRITORY OF PACIFIC ISLANDS

Sec. 176. Section 1001(f)(1) of the National Defense Education Act of 1958 is amended by inserting after "any individual" the following: "(other than a permanent resident of the Trust Territory of the Pacific Islands)".

TITLE II—AMENDMENTS TO OTHER PROVISIONS OF HIGHER EDUCATION ACT OF 1965

Part A—Amendments to Community Service Program Provisions (Title I)

EXTENSION OF GRANT PROGRAM

Sec. 201. (a) The first sentence of section 101 of the Higher Education Act of 1965 is amended (1) by striking out "and" after "1966," and (2) by inserting before the period at the end of such sentence the following: ", $10,000,000 for the fiscal year ending June 30, 1969, $50,000,000 for the fiscal year ending June 30, 1970, and $60,000,0000 for the fiscal year ending June 30, 1971".

(b) Such section is amended by striking out the second sentence.

MODIFICATION OF REQUIREMENT FOR COMPREHENSIVE, COORDINATED, AND STATEWIDE SYSTEM OF COMMUNITY SERVICE PROGRAMS

Sec. 202. Section 105(a)(2) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "(except that if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, and statewide system of such programs)".

MODIFICATION OF FEDERAL SHARE PROVISION

Sec. 203. (a) Section 106(a) of the Higher Education Act of 1965 is amended by striking out "and 50 per centum of such costs for each of the three succeeding fiscal years" and inserting in lieu thereof "50 per centum of such costs for the fiscal year ending June 30, 1968, and 66⅔ per centum of such costs for fiscal years ending on or after June 30, 1969".

(b) The amendment made by subsection (a) of this section shall be effective with respect to grants awarded after the enactment of this Act.

Part B—Amendments to College Library Assistance and Library Training and Research Programs (Title II)

EXTENSION OF COLLEGE LIBRARY ASSISTANCE PROGRAM (PART A)

Sec. 211. Section 201 of the Higher Education Act of 1965 is amended (1) by inserting after "two succeeding fiscal years," the following: "$25,000,000 for the fiscal year ending June 30, 1969, $75,000,000 for the fiscal year ending June 30, 1970, and $90,000,000 for the fiscal year ending June 30, 1971," and (2) by striking out the second sentence.

ELIGIBILITY OF BRANCH INSTITUTIONS FOR SUPPLEMENTAL AND SPECIAL PURPOSE GRANTS

Sec. 212. (a)(1) The first sentence of section 203(a) of such Act is amended by inserting after "institutions of higher education" the following: "(and to each branch of such institution which is located in a community different from that in which its parent institution is located, as determined in accordance with regulations of the Commissioner)".

(2) The second sentence of such section is amended by inserting "(or branch)" after "institution".

(b) Section 204(a)(2)(A) of such Act is amended by inserting after "institutions of higher education" the following: "(or to branches of such institutions which are located in a community different from that in which the parent institution is located, as determined in accordance with regulations of the Commissioner)".

(c) Section 204(a)(2)(B) of such Act is amended by inserting after "institutions of higher education" the following: "(or to such branches)".

REVISION OF MAINTENANCE-OF-EFFORT REQUIREMENT FOR SPECIAL PURPOSE GRANTS

Sec. 213. (a) Section 204(b)(2) of the Higher Education Act of 1965 is amended by inserting after "June 30, 1965" the following: ", or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is less".

(b) The amendment made by subsection (a) shall be effective with respect to applications for grants payable on or after the date of the enactment of this Act.

ELIGIBILITY OF NEW INSTITUTIONS FOR BASIC GRANTS

Sec. 214. (a) The first sentence of section 202 of the Higher Education Act of 1965 is amended (1) by striking out "and" and inserting in lieu thereof a comma, and (2) inserting after "such institutions" the following: ", and, in accordance with criteria prescribed by regulation, new institutions of higher education in the fiscal year preceding the first year in which students are to be enrolled".

(b) The amendments made by subsection (a) shall be effective with respect to appropriations for grants under title II of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1969.

EXTENSION OF LIBRARY TRAINING AND RESEARCH PROGRAM (PART B)

Sec. 215. Section 221 of the Higher Education Act of 1965 is amended (1) by inserting after "two succeeding fiscal years," the following: "$11,800,000 for the fiscal year ending June 30, 1969, $28,000,000 for the fiscal year ending June 30, 1970, and $38,000,000 for the fiscal year ending June 30, 1971," and (2) by striking out the second sentence.

AMENDMENTS TO LIBRARIANSHIP TRAINING PROVISIONS

Sec. 216. The second sentence of section 223(a) of the Higher Education Act of 1965 is amended—

(1) by striking out "to assist in covering the cost of courses of training or study for such persons, and" and inserting in lieu thereof "(1) to assist in covering the cost of courses of training or study (including short term or regular session institutes) for such persons, (2)"; and

(2) by inserting before the period at the end thereof the following: ", and (3) for establishing, developing, or expanding programs of library and information science".

EXTENSION OF LIBRARY OF CONGRESS PROGRAM (PART C)

Sec. 217. Section 231 of such Act is amended (1) by striking out "and" after "1967," and by inserting after "1968," the following: "$6,000,000 for the fiscal year ending June 30, 1969, and $11,100,000 each for the fiscal year ending June 30, 1970, and the succeeding fiscal year," and (2) by striking out the second sentence.

CLARIFYING AUTHORITY TO PURCHASE COPIES; INCREASING AUTHORITY TO PREPARE CATALOG AND BIBLIOGRAPHIC MATERIALS; AUTHORIZING LIBRARIAN TO ACT AS ACQUISITION AGENT

Sec. 218. Section 231 of the Higher Education Act of 1965, as amended by section 217 of this Act, is further amended—

(1) in paragraph (1), by inserting "copies of" before "all" and by striking out "and";

(2) in paragraph (2), by striking out "for these materials promptly after receipt, and distributing bibliographic information" and inserting in lieu thereof "promptly and distributing this and other bibliographic information about library materials", and by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) enabling the Librarian of Congress to pay administrative costs of cooperative arrangements for acquiring library materials published outside of the States and not readily obtainable outside of the country of origin, for institutions of higher education or combinations thereof for library purposes, or for other public or private nonprofit research libraries."

Part C—Amendments to Developing Institutions Program (Title III)

EXTENSION OF DEVELOPING INSTITUTIONS PROGRAM

Sec. 221. Section 301(b)(1) of the Higher Education Act of 1965 is amended by striking out "and" after "1967," and by inserting after "1968," the following: "the sum of $35,000,000 for the fiscal year ending June 30, 1969, the sum of $70,000,000 for the fiscal year ending June 30, 1970, and the sum of $91,000,000 for the fiscal year ending June 30, 1971,".

INCREASED SHARE FOR JUNIOR COLLEGES

Sec. 222. Effective with respect to fiscal years beginning after June 30, 1968, section 301(b)(2) of the Higher Education Act of

1965 is amended by striking out "78 per centum" and inserting in lieu thereof "77 per centum".

PROFESSORS EMERITUS

SEC. 223. (a) Title III of the Higher Education Act of 1965 is amended by inserting immediately after section 305 the following new section:

"PROFESSORS EMERITUS

"SEC. 306. (a) The Commissioner is authorized to award grants under this section, from funds appropriated for the purpose of this title, to professors retired from active duty at institutions of higher education (other than developing institutions) to encourage such professors to teach and to conduct research at developing institutions. Such grants may be awarded by the Commissioner (1) only upon application made by an institution and approved for this purpose by the Commissioner and (2) only upon a finding by the Commissioner that the program of teaching or research set forth in the application is reasonable in the light of the qualifications of the professor emeritus and of the educational needs of the applicant.

"(b) The Commissioner shall undertake a program of dissemination of information concerning this section.

"(c) Grants may be awarded under this section for such period of teaching or research as the Commissioner may determine. The amount of each grant awarded under the provisions of this section for each academic year of teaching or research shall be determined by the Commissioner upon the advice of the Council."

(b) The amendment made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1969.

PART D—AMENDMENTS TO EDUCATION PROFESSIONS DEVELOPMENT PROGRAM (TITLE V)

EXTENSION OF PROGRAMS

SEC. 231. (a) Sections 504(b), 511(b), 518(b), 528, 532, and 543 of the Higher Education Act of 1965 are each amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "each of the succeeding fiscal years ending prior to July 1, 1971".

(b)(1) Such section 511(b) is further amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1972".

(2) Such section 528 is further amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971", and by changing the comma before "and such sums" to a semicolon.

PROVISION OF MEDICAL INSURANCE COVERAGE TO TEACHER CORPS MEMBERS NOT OTHERWISE COVERED

SEC. 232. Section 514 of the Higher Education Act of 1965 is amended by adding immediately following subsection (d) thereof the following new subsection:

"(e) The Commissioner is authorized to provide medical (including hospitalization) insurance for members of the Teachers Corps who do not otherwise obtain such insurance coverage either under an arrangement made pursuant to subsection (d) of this section or as an incident of an arrangement between the Commissioner and an institution or a State or local educational agency pursuant to section 513."

AUTHORIZING STATE EDUCATIONAL AGENCIES TO ADMINISTER DIRECTLY PROGRAMS OF TEACHER AND TEACHER AIDE RECRUITMENT AND TRAINING

SEC. 233. (a) Subsection (a) of section 518 of the Higher Education Act of 1965 is amended by inserting after "teacher shortages" the following: ", or the efforts of State educational agencies,".

(b) Subsection (a) of section 520 of such Act is amended—

(1) in paragraph (2), by inserting after "local educational agencies" the following: "or of the State educational agency, or both,"

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) with respect to so much of the State program as is to be carried out by local educational agencies, (A) provides assurance that every local educational agency whose application for funds under the plan is denied will be given an opportunity for a fair hearing before the State educational agency and (B) sets forth the policies and procedures to be followed in allocating Federal funds to local educational agencies in the State, which policies and procedures shall insure that such funds will be allocated to local educational agencies having the most urgent need for teachers and teacher aides;" and

(4) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

MINIMUM ALLOTMENT FOR TITLE V-B, SUBPART 2

SEC. 234. (a) The second sentence of section 519(a) of the Higher Education Act of 1965 is amended to read as follows: "From the remainder of such sums, the Commissioner shall apportion $100,000 to each State, and shall then apportion to each State such part of the amount remaining which bears the same ratio to the total of such amount as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in such schools in all of the States.".

(b) The amendment made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1968.

FELLOWSHIPS FOR SCHOOL ADMINISTRATORS

SEC. 235. The third sentence of section 521 of the Higher Education Act of 1965 is amended by inserting after "become such teachers," the following: "a career in the administration of such schools,".

ALLOCATION OF FELLOWSHIPS UNDER TITLE V-C

SEC. 236. Clause (1) of section 523 of the Higher Education Act of 1965 is amended (1) by inserting after "provide an equitable distribution of such fellowships throughout the States," the following: "taking into account such factors as the number of children in each State who are aged three to seventeen and the undergraduate student enrollment in institutions of higher education in each State," and, (2) by striking out "except that to the extent he deems proper in the national interest after consultation with the National Advisory Council on Education Professions Development, the Commissioner may give preference to programs designed to meet an urgent national need" and inserting in lieu thereof "except that to the extent that the National Advisory Council on Education Professions Development determines that an urgent need for a certain category of educational personnel is unlikely to be met without preference in favor of such category over other categories of educational personnel, the Commissioner may give preference to programs designed to meet that need, but in no case shall such preferred programs constitute more than 50 per centum of the total number of fellowships awarded in any fiscal year".

TECHNICAL CORRECTIONS

SEC. 237. Section 524(a) of the Higher Education Act of 1965 is amended by inserting in paragraphs (1) and (4) "or postsecondary vocational education" after "career in elementary and secondary education".

INCREASE IN COST-OF-EDUCATION ALLOWANCE

SEC. 238. Section 525(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) The Commissioner shall (in addition to stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $3,500 per academic year for each such person."

EQUITABLE DISTRIBUTION UNDER TITLE V-D

SEC. 239. The Higher Education Act of 1965 is amended by inserting at the end of part D the following new section:

"DISTRIBUTION OF TRAINING PROGRAMS

"SEC. 533. In making grants and contracts for programs and projects under this part, the Commissioner shall seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen."

PART E—EQUIPMENT AND MATERIALS FOR HIGHER EDUCATION (TITLE VI)

EXTENSION OF PROGRAM

SEC. 241. Section 601 of the Higher Education Act of 1965 is amended—

(1) in subsection (b), by striking out "and" after "1967," and by inserting after "1968," the following: "$13,000,000 for the fiscal year ending June 30, 1969, and $60,000,000 for each of the two succeeding fiscal years,";

(2) in subsection (c), by striking out "and" after "1966," and by inserting after "for the succeeding fiscal year," the following: "$1,500,000 for the fiscal year ending June 30, 1969, and $10,000,000 for each of the two succeeding fiscal years,"; and

(3) by striking out subsection (d).

ELIGIBILITY OF COMBINATIONS OF INSTITUTIONS

SEC. 242. (a) Sections 601(b), 601(c) and 605(a) of the Higher Education Act of 1965 are each amended to inserting after "institutions of higher education" the following: "and combinations of institutions of higher education".

(b) The second sentence of section 604(a) of such Act and the first sentence of section 604(b) are each amended by inserting after "institution" the following: "or combination of institutions of higher education".

(c) The third sentence of section 604(a) is amended by striking out "applicant institutions" and inserting in lieu thereof "applicants".

(d) Section 604(b) of such Act is amended by inserting after the second sentence the following: "A combination of institutions of higher education shall be eligible for such a grant in accordance with regulations of the Commissioner prescribing requirements for maintenance of effort."

(e) Section 605(b)(5)(C) of such Act is amended by striking out "institution" and inserting in lieu thereof "applicant".

CONSULTATION

SEC. 243. Part A of title VI of the Higher Education Act of 1965 is amended by inserting at the end thereof the following:

"CONSULTATION

"SEC. 610. So as to promote the coordination of Federal programs providing assistance in the purchase of laboratory or other special equipment for education in the natural or physical sciences, the Commissioner shall consult with the National Science Foundation and other agencies in developing general policy, under this title, in respect thereof."

PART F—NETWORKS FOR KNOWLEDGE

SHARING OF EDUCATIONAL AND RELATED RESOURCES AMONG COLLEGES AND UNIVERSITIES

SEC. 251. The Higher Education Act of 1965 is amended by redesignating title VIII as title XII, and sections 801 through 804 (and references thereto however styled in such Act, or any other Act, including such references heretofore made in this Act) as sections 1201 through 1204, respectively. The Higher Education Act of 1965 is further amended by inserting after title VII the following new title:

"TITLE VIII—NETWORKS FOR KNOWLEDGE

"SHARING EDUCATIONAL AND RELATED RESOURCES

"SEC. 801. (a) To encourage colleges and universities to share to an optimal extent, through cooperative arrangements, their technical and other educational and administrative facilities and resources, and in order to test and demonstrate the effectiveness and efficiency of a variety of such arrangements, the Commissioner is authorized to enter into contracts and to make project grants for all or part of the cost of planning, developing, or carrying out such arrangements. Such grants may be made to public or nonprofit private colleges or universities. When in the Commissioner's judgment it will more effectively promote the purposes of this title, the Commissioner may make grants to other established public or nonprofit private agencies or organizations, including professional organizations or academic societies and he may enter into contracts with established private agencies and organizations.

"(b) Projects for the planning, development, or carrying out of such arrangements assisted under this title may, subject to the provisions of subsection (c), include—

"(1)(A) joint use of facilities such as classrooms, libraries, or laboratories, including joint use of necessary books, materials, and equipment; or (B) affording access to specialized library collections through preparation of interinstitutional catalogs and through development of systems and preparation of suitable media for electronic or other rapid transmission of materials;

"(2) establishment and joint operation of closed-circuit television or equivalent transmission facilities (such as the instructional television fixed services); and

"(3) establishment and joint operation of electronic computer networks and programs therefor, to be available to participating institutions for such purposes as financial and student records, student course work, or transmission of library materials.

"(c)(1) Grants pursuant to clause (B) of paragraph (1) of subsection (b) may not be used to pay the costs of electronic transmission terminals.

"(2) In the case of a project for the establishment and operation of a computer network, grants may not include—

"(A) the cost of operating administrative terminals or student terminals at participating institutions; or

"(B) the cost, or any participating institution's pro rata share of the cost, of using the central computer facilities of the network, except (i) such costs of systems development and programing of computers and transmission costs as are necessary to make the network operational, (ii) the administrative and program support costs of the central facilities of the network, and (iii) the line-access costs incurred by participating institutions.

"APPROPRIATIONS AUTHORIZED

"SEC. 802. There are authorized to be appropriated for the purposes of this title (and planning and related activities in the initial fiscal year for such purpose), $340,000 for the fiscal year ending June 30, 1969, $4,000,000 for the fiscal year ending June 30, 1970, and $15,000,000 for the fiscal year ending June 30, 1971.

"AUTHORITY FOR FREE OR REDUCED RATE COMMUNICATIONS INTERCONNECTION SERVICES

"SEC. 803. Nothing in the Communications Act of 1934, as amended, or in any other provision of law shall be construed to prevent United States communications common carriers from rendering, subject to such rules and regulations as the Federal Communications Commission may prescribe, free or reduced rate communications interconnection services for interconnection systems within the purview of this title, whether or not included in a project for which a grant is made under this title."

PART G—EDUCATION FOR THE PUBLIC SERVICE

GRANTS, CONTRACTS, AND FELLOWSHIPS TO STRENGTHEN PROGRAMS OF EDUCATION FOR THE PUBLIC SERVICE

SEC. 261. The Higher Education Act of 1965 is amended by inserting after title VIII the following new title:

"TITLE IX—EDUCATION FOR THE PUBLIC SERVICE

"PURPOSE

"SEC. 901. It is the purpose of this title to establish a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service.

"PART A—GRANTS AND CONTRACTS TO STRENGTHEN AND IMPROVE EDUCATION FOR THE PUBLIC SERVICE

"PROJECT GRANTS AND CONTRACTS

"SEC. 903. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (i) for the preparation of graduate or professional students to enter the public service or (ii) for research into, or development or demonstration of, improved methods of education for the public service. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(1) planning for the development or expansion of graduate or professional programs to prepare students to enter the public service;

"(2) training and retraining of faculty members;

"(3) strengthening the public service aspects of courses of curriculums leading to a graduate or professional degree;

"(4) establishment, expansion, or operation of centers for study at the graduate or professional level (but not including payment for construction or acquisition of buildings);

"(5) conduct of short-term or regular session institutes for advanced study by persons engaged in, or preparing to engage in, the preparation of students to enter the public service;

"(6) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time public service; and

"(7) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR GRANTS OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 904. (a) A grant or contract authorized by this part may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(1) sets forth programs, activities, research, or development for which a grant is authorized under this part, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to part B;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(b) The Secretary shall allocate grants or contracts under this part in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this part.

"(c)(1) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in public service, other than public service as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(2) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"PART B—PUBLIC SERVICE FELLOWSHIPS

"AWARD OF PUBLIC SERVICE FELLOWSHIPS

"SEC. 911. The Secretary is authorized to award fellowships in accordance with the provisions of this part for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Secretary may determine but not to exceed three academic years.

"ALLOCATION OF FELLOWSHIPS

"SEC. 912. The Secretary shall allocate fellowships under this part among institutions of higher education with programs approved under the provisions of this part for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(1) provide an equitable distribution of such fellowships throughout the United States; and

"(2) attract recent college graduates to pursue a career in public service.

"APPROVAL OF PROGRAMS

"SEC. 913. The Secretary shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his findings—

"(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant and continuing need in the public service as determined by the Secretary after such consultation with other agencies as may be appropriate;

"(2) that such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality;

"(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to part A; and

"(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Secretary, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this part, enrolled in such program, to enter the public service upon completing the program.

"STIPENDS

"SEC. 914. (a) The Secretary shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

"FELLOWSHIP CONDITIONS

"SEC. 915. A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"PART C—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 921. As used in this title—

"(a) The term 'State' includes the Canal Zone, and the Trust Territory of the Pacific Islands.

"(b) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) The term 'public service' means service as an officer or employee in any branch of State, local, or Federal Government.

"(d) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"COORDINATION OF FEDERAL ASSISTANCE

"SEC. 922. In administering this title, the Secretary shall give primary emphasis to the assistance of programs and activities not otherwise assisted by the Department of Health, Education, and Welfare, or by other agencies of the Federal Government, so as to promote most effectively the objectives of this title.

"LIMITATION

"SEC. 923. No grant, contract, or fellowship shall be awarded under this title to, or for study at, a school or department of divinity. For the purposes of this section, the term 'school or department of divinity' means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"REPORT

"SEC. 924. The Secretary shall include in his annual report to the Congress a report of activities of his Department under this title, including recommendations for needed revisions in the provisions thereof.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 925. There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, $5,000,000 for the fiscal year ending June 30, 1970, and $13,000,000 for the fiscal year ending Juhe 30, 1971, to carry out the purposes of this title (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year."

PART H—IMPROVEMENT OF GRADUATE PROGRAMS

AUTHORIZATION

SEC. 271. The Higher Education Act of 1965 is amended by inserting after title IX the following new title:

"TITLE X—IMPROVEMENT OF GRADUATE PROGRAMS

"STATEMENT OF PURPOSES

"SEC. 1001. The purposes of this title are to strengthen and improve the quality of graduate programs leading to a doctoral or professional (other than medical) degree, and to increase the number of such quality programs.

"APPROPRIATIONS AUTHORIZED; USE OF GRANTS

"SEC. 1002. (a) There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, $5,000,000, for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971, to enable the Commissioner to make grants to institutions of higher education having programs leading to a degree of doctor of philosophy or comparable professional or other graduate degree, upon such terms and conditions as he may establish, to pay part of the cost of planning, developing, or carrying out projects or activities designed to achieve one or more of the purposes set forth in section 1001. Such amount for the fiscal year ending June 30, 1969, shall also be available for planning and related activities for the purpose of this title. Such grants may be used for experimental, innovative, or interdisciplinary projects or activities such as—

"(1) the strengthening of graduate faculties by enlarging their size, improving their academic or professional qualifications, or increasing the number of disciplines in which they are skilled;

"(2) the expansion or improvement of existing graduate programs, or the establishment of additional graduate programs;

"(3) the acquisition of appropriate equipment or curricular, research, or other materials required to fulfill the objectives of projects or activities described in clause (2);

"(4) the development or carrying out of cooperative arrangements among graduate schools in furtherance of the purposes of this title; or

"(5) the strengthening of graduate school administration.

"(b) No portion of the sums granted under this title may be used—

"(1) for payment in excess of 66⅔ per centum of the total cost of such project or activity;

"(2) for payment in excess of 50 per centum of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any per centum of such cost, as determined by the Commissioner, that is paid from sums received (other than under this part) as Federal financial assistance; or

"(3) for sectarian instruction or religious worship, or primarily in connection with any part of the program of an institution, or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"SELECTION OF GRANT RECIPIENTS

"SEC. 1003. In the awarding of grants under this title the Commissioner shall, insofar as practicable and consistent with the other purposes of this title, give weight to the objective of having an adequate number of graduate and professional schools of good quality within each appropriate region.

"CONSULTATION

"SEC. 1004. In the development of general policy governing the administration of this title, the Commissioner shall consult with the National Science Foundation, the National Foundation on the Arts and the Humanities, and the Federal Judicial Center for the purpose of promoting the coordination of Federal programs bearing on the purposes of this title."

PART I—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AUTHORIZATIONS

SEC. 281. The Higher Education Act of 1965 is amended by inserting after title X the following new title:

"TITLE XI—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

"PROGRAM AUTHORIZATIONS

"SEC. 1101. (a) The Commissioner is authorized to enter into contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in the preparation and trial of cases.

"(b) Such costs may include necessary expenditures incurred for—

"(1) planning;

"(2) training of faculty members and salary for additional faculty members;

"(3) travel and per diem for faculty and students;

"(4) reasonable stipends for students for work in the public service performed as part of any such program at a time other than during the regular academic year;

"(5) equipment; and

"(6) such other items as are allowed pursuant to regulations issued by the Commissioner.

"(c) No law school may receive more than $75,000 in any fiscal year pursuant to this title.

"(d) For the purpose of this title the term 'accredited law school' means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose.

"APPLICATIONS

"SEC. 1102. (a) A contract authorized by this title may be made by the Commissioner upon application which—

"(1) is made at such time or times and contains such information as he may prescribe;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(3) provides for making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) The Commissioner shall allocate contracts under this title in such manner as will provide an equitable distribution of such contracts throughout the United States among law schools which show promise of being able to use funds effectively for the purposes of this title.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 1103. There are authorized to be appropriated $340,000 for the fiscal year ending June 30, 1969, and $7,500,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, to carry out the purposes of this title (and planning and related activities in the initial fiscal year for such purposes). Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year."

PART J—AMENDMENTS TO GENERAL PROVSIONS (TITLE XII)

ESTABLISHMENT OF ADVISORY COUNCIL ON GRADUATE EDUCATION; ABOLITION OF HIGHER EDUCATION FACILITIES ACT ADVISORY COMMITTEE

Sec. 291. (a) The Higher Education Act of 1965 is amended by adding after the section 1204 (as redesignated by section 251 of this Act) the following new section:

"ADVISORY COUNCIL ON GRADUATE EDUCATION

"Sec. 1205. (a) There is hereby established in the Office of Education an Advisory Council on Graduate Education (hereafter in this section referred to as the 'Council'), consisting of the Commissioner, who shall be Chairman, of one representative each from the Office of Science and Technology in the Executive Office of the President, the National Science Foundation, and the National Foundation on the Arts and the Humanities, and of members appointed by the Commissioner without regard to the civil service or classification laws. Such appointed members shall be selected from among leading authorities in the field of education, except that at least one of them shall be a graduate student.

"(b) The Council shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to graduate education.

"(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions."

(b)(1) Section 203 of the Higher Education Facilities Act of 1963 is repealed.

(2) Paragraph (1) of section 202(c) of such Act is amended to read as follows:

"(1) The Commissioner shall not approve any application for a grant under this title until he has obtained the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate such applications."

DISSEMINATION OF INFORMATION

Sec. 292. The Higher Education Act of 1965 is further amended by adding after section 1205 (as added by this title) the following new section:

"DISSEMINATION OF INFORMATION

"Sec. 1206. (a) For the purpose of carrying out more effectively the provisions of this Act, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and other Acts administered by him in the field of higher education (including those administered by him by delegation), the Commissioner—

"(1) shall prepare and disseminate to institutions of higher education, State agencies concerned with higher education, and other appropriate agencies and institutions (A) reports on programs and projects assisted under such Acts and other programs and projects of a similar nature, and (B) catalogs, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful for such purpose;

"(2) may upon request provide advice, counsel, technical assistance, and demonstrations to institutions and agencies referred to in paragraph (1) undertaking to initiate or expand programs or projects under such Acts in order to enhance the quality, increase the depth, or broaden the scope of such programs or projects, and shall inform such institutions and agencies of the availability of assistance pursuant to this paragraph;

"(3) shall from time to time prepare and disseminate to institutions and agencies referred to in paragraph (1) reports setting forth developments in the utilization and adaptation of projects carried out pursuant to such Acts; and

"(4) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

"(b) There are authorized to be appropriated to carry out the provisions of this section $2,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this section only such amount as the Congress may hereafter authorize by law."

CONFORMING DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION IN HIGHER EDUCATION ACT OF 1965 AND IN NATIONAL DEFENSE EDUCATION ACT OF 1958

Sec. 293. (a) Section 1201(a) of the Higher Education Act of 1965 (as so redesignated by section 251 of this Act) is amended by inserting after "if not so accredited," in clause (5) the following: "(A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B)".

(b) The second sentence of such paragraph (a) is amended by striking out "Such term also includes any business school or technical institution" and inserting in lieu thereof "Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and".

INSERTION OF DEFINITION OF "COMBINATION OF INSTITUTIONS OF HIGHER EDUCATION" IN HIGHER EDUCATION ACT OF 1965

Sec. 294. Section 1201 of the Higher Education Act of 1965 (as so redesignated by section 251 of this Act) is amended by inserting at the end thereof the following:

"(j) The term 'combination of institutions of higher education' means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf."

PROVISIONS FOR ADEQUATE LEADTIME AND FOR PLANNING AND EVALUATION IN HIGHER EDUCATION PROGRAMS

Sec. 295. The Higher Education Act of 1965, as amended by this Act, is further amended by adding after section 1206 the following new sections:

"PROGRAM PLANNING AND EVALUATION FOR HIGHER EDUCATION PROGRAMS

"Sec. 1207. There are authorized to be appropriated $1,117,000 for the fiscal year ending June 30, 1969, and $1,900,000 for the fiscal year ending June 30, 1970, to be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, loans, contracts, or other payments, for (1) planning for the succeeding year programs or projects authorized under any other provision of this Act or any provision of the National Defense Education Act of 1958 or the Higher Education Facilities Act of 1963, and (2) evaluation of programs or projects so authorized.

"ADVANCE FUNDING

"Sec. 1208. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, loans, contracts, or other payments under any Act referred to in section 1207 are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under any such Act will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"EVALUATION REPORTS AND CONGRESSIONAL REVIEW

"Sec. 1209. (a) No later than March 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any Act referred to in section 1207 and to the respective Committees on Appropriations a report evaluating the results and effectiveness of programs and projects assisted thereunder during the preceding fiscal year, together with his recommendations (including any legislative recommendations) relating thereto.

"(b) In the case of any such program, the report submitted in the penultimate fiscal year for which appproriations are then authorized to be made for such program shall include a comprehensive and detailed review and evaluation of such program (as up to date as the due date permits) for its entire past life, based to the maximum extent practicable on objective measurements, together with the Secretary's recommendations as to proposed legislative action.

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL YEAR BASIS

"Sec. 1210. Appropriations for any fiscal year for grants, loans, contracts, or other payments to educational agencies or institutions under any Act referred to in section 1207, may, in accordance with regulations of the Secretary, be made available for expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year."

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

PART A—EQUIPMENT AND MATERIALS FOR ELEMENTARY AND SECONDARY EDUCATION (TITLE III)

EXTENSION OF PROGRAM

Sec. 301. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "and $110,000,000 for the fiscal year ending June 30, 1968," and inserting in lieu thereof ", $110,000,000 for each of the fiscal years ending June 30, 1968, and June 30, 1969, $120,000,000 for the fiscal year ending June 30, 1970, and $130,000,000 for the fiscal year ending June 30, 1971,".

(b) Such section 301 is further amended by striking out "the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1971".

(c) The second sentence of section 304(b) of such Act is amended by striking out "eight" and inserting in lieu thereof "eleven".

PROVISION FOR WITHIN-STATE EQUALIZATION IN STATE-IMPOSED REQUIREMENTS FOR FINANCIAL PARTICIPATION OF PROJECT APPLICANTS

Sec. 302. Subsection (a) of section 303 of the National Defense Education Act of 1958 is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and by inserting at the end of such subsection the following new paragraph:

"(6) sets forth any requirements imposed upon applicants for financial participation in projects assisted under this part, including any provision for taking into account, in such requirements, the resources available to any applicant for such participation relative to the resources for participation available to all other applicants."

PRIVATE SCHOOLS: AUTHORIZING REALLOTMENT OF SET-ASIDE FOR LOANS REPEALING LOAN ALLOTMENT FORMULA

Sec. 303. (a) (1) Section 305 of the National Defense Education Act of 1958 is amended by striking out "Sec. 305." and all that follows down to but not including subsection (b) (1) and inserting in lieu thereof the following:

"Sec. 305. From the sums reserved for each fiscal year for the purposes of this section under the provisions of section 302(a), the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools in any State. Any such loan shall be made only for the purposes for which payments to State educational agencies are authorized under the first sentence of section 301, and—".

(2) Paragraph (3) of such section is amended by striking out "the current average yield on all outstanding marketable obligations of the United States" and inserting in lieu thereof "the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of such loans".

(b) Section 302(c) of such Act is amended to read as follows:

"(c) The amount of any State's allotment under subsection (a) of this section for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to the other States in proportion to the original allotments to such States under subsection (a) of this section, but with such proportionate amount for any such State being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reserved for any fiscal year for making loans under section 305 which the Commissioner determines will not be required for that purpose for such year shall be available for allotment among the States in the manner provided in the preceding sentence for reallotments. Any amount allotted or reallotted to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) of this section for such year."

(c) The amendment made by subsection (a) (2) shall apply with respect to loans made after the date of enactment of this Act.

EQUIPMENT FOR EDUCATIONALLY DEPRIVED CHILDREN

Sec. 304. (a) Title III of the National Defense Education Act of 1958 is amended by inserting immediately below the center heading thereof the following:

"PART A—GRANTS TO STATES"

(b) Title III of such Act is amended (1) by striking out "this title" wherever it appears and inserting in lieu thereof "this part"; and (2) by adding at the end thereof the following new part:

"PART B—GRANTS TO LOCAL EDUCATIONAL AGENCIES

"APPROPRIATIONS AUTHORIZED

"Sec. 311. There are hereby authorized to be appropriated, for carrying out this part, $84,373,000 for the fiscal year ending June 30, 1969, and $160,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this part only such amount as the Congress may hereafter authorize by law.

"ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

"Sec. 312. From the sums appropriated pursuant to section 311 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine for allotment as provided in section 1008(A). From the remainder of such sums the Commissioner shall allot to each local educational agency (other than local educational agencies of States which receive their allotments under this part as provided in subsection 1008(A)) an amount which bears the same ratio to the amount of such remainder as the amount received by such agency from funds appropriated for the preceding fiscal year for grants under title I of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, Eighty-first Congress, as amended) bears to the amount received by all local educational agencies from such funds for such year.

"APPLICATION OF LOCAL EDUCATIONAL AGENCY

"Sec. 313. (a) A local educational agency may receive a grant under this part for any fiscal year only on application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

"(1) that payments under this part will be used for the acquisition of equipment and materials referred to in section 303(a) (1) to be used in programs and projects designed to meet the special educational needs of educationally deprived children in school attendance areas having a high concentration of children from low-income families;

"(2) that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) which will afford such children the benefits of the equipment and materials provided under this part;

"(3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this part, and that title to equipment and materials acquired therewith, shall be in a public agency for the uses and purposes provided in the part, and that a public agency will administer such funds and equipment and materials; and

"(4) that the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its duties under this part, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

"(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this part without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

"STATE APPLICATION

"Sec. 314. (a) Any State desiring to participate under this part shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance—

"(1) that payments under this part will be used only for programs and projects which have been approved by the State educational agency pursuant to section 313, and that such agency will in all other respects comply with the provisions of this part, including the enforcement of any obligations imposed upon a local educational agency under section 313.

"(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

"(3) that the State educational agency will make to the Commissioner such reports as may be reasonably necessary to enable the Commissioner to perform his duties under this part (including such reports as he may require to determine the amounts which local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application submitted under this section shall be deemed a State plan for the purposes of sections 1004 and 1005.

"PAYMENTS

"Sec. 315. (a) The Commissioner shall, from time to time pay to each State, in advance or otherwise, the amount which the local educational agencies of that State are eligible to receive under this part. Such payments shall take into account the extent (if any) to which any previous payments to such State educational agency under this part (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

"(b) From the funds paid to it pursuant to subsection (a) each State educational agency shall distribute to each local educational agency of the State, which has submitted an application approved to pursuant to section 313(a) the amount for which such application has been approved, except that this amount shall not exceed its allotment for the fiscal year under section 312."

(c) Paragraph (2) of section 1004(c) of the National Defense Education Act of 1958 is amended, (1) by striking out "title III or V" and inserting in lieu thereof "part A or B of title III or under title V"; and (2) by inserting "part or" before "title or section" each time these words appear in such paragraph.

Part B—Amendments to National Defense Fellowship Program

EXTENSION OF PROGRAM

Sec. 311. (a) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

(b) Section 403(a) of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

INCREASING MAXIMUM LENGTH OF FELLOWSHIP FROM THREE TO FOUR YEARS IN SPECIAL CIRCUMSTANCES, AND REQUIRING INSTITUTIONAL EFFORT TO ENCOURAGE RECIPIENTS TO ENTER OR CONTINUE TEACHING

Sec. 312. (a) Subsection (a) of section 402 of the National Defense Education Act of 1958 is amended by inserting "(1)" after "except" in the second sentence therof, and by inserting immdiately before the period at the end of such sentence the following: ", and (2) that the Commissioner may provide by regulation for the granting of such fellowships for a period of study not to exceed one academic year (or one calendar year in the case of fellowships to which clause (1) applies) in addition to the maximum period otherwise applicable, under special circumstances in which the purposes of this title would most effectively be served thereby".

(b) The Commissioner may in his discretion increase, in accordance with the amendment made by subsection (a), the maximum periods of fellowships awarded prior to the date of enactment of this Act.

(c) The second sentence of section 403(a) is amended by striking out the period at the end of clause (2) of such sentence and inserting ", and " in lieu thereof; and adding the following new clause:

"(3) that the application contains satisfactory assurance that the institution will make reasonable continuing efforts to encourage recipients of fellowships under this title, enrolled in such program, to teach or continue to teach in institutions of higher education."

(d) The amendment made by subsection (c) of this section shall apply with respect to fellowships awarded on or after the date of enactment of this Act.

REQUIRING STIPENDS TO BE SET IN AN AMOUNT CONSISTENT WITH THOSE AWARDED FOR COMPARABLE FELLOWSHIPS

Sec. 313. (a) Section 404 of the National Defense Education Act of 1958 is amended to read as follows:

"FELLOWSHIP STIPENDS

"Sec. 404. (a) The Commissioner shall pay to persons awarded fellowships under this title such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amounts as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $3,500 per acadamic year for any such person."

(b) The amount of any stipend payable with respect to a fellowship awarded prior to the date of enactment of this Act shall not, during the period for which such fellowship was awarded, be less with respect to any year of study than the amount that would in the absence of the amendment made by subsection (a) of this section be payable with respect to such year.

EQUITABLE DISTRIBUTION OF FELLOWSHIPS UNDER TITLE IV OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Sec. 314. Section 403 of the National Defense Education Act of 1958 is amended by inserting at the end thereof the following new subsection:

"(e) In order to provide training opportunities in those areas of the Nation which have greater need for increased numbers of highly qualified persons to teach in institutions of higher education, the Commissioner shall seek to achieve an equitable geographical distribution of graduate programs approved under this section throughout the Nation, based upon such factors as student enrollments in institutions of higher education and population."

Part C—Guidance, Counseling, and Testing (Title V)

EXTENSION OF PROGRAM

Sec. 321. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "and" after "June 30, 1966," and by inserting after "two succeeding fiscal years," the following: "$25,000,000 for the fiscal year ending June 30, 1969, $40,000,000 for the fiscal year ending June 30, 1970, and $54,000,000 for the fiscal year ending June 30, 1971.".

(b)(1) The second sentence of section 504(a) of such Act is amended by striking out "eight".

(2) Section 504(b) of such Act is amended by striking out "nine".

SHORT-TERM TRAINING SESSIONS IN GUIDANCE AND COUNSELING

Sec. 322. Section 503(a)(2) of the National Defense Education Act of 1958 is amended by inserting before the period at the end thereof a comma and the following: "and such programs may include, at the discretion of such State agency, short-term training sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in such States".

Part D—Language Development (Title VI)

EXTENSION OF PROGRAM

Sec. 331. (a) Subsections (a) and (b) of section 601 of the National Defense Education Act of 1958 are each amended by striking out "1968" and inserting in lieu thereof "1971".

(b) Section 603 of such Act is amended by striking out "and" before "$18,000,000" and by inserting after "1968," the following: "$16,050,000 for the fiscal year ending June 30, 1969, $30,000,000 for the the fiscal year ending June 30, 1970, and $38,500,000 for the fiscal year ending June 30, 1971".

Part E—Educational Media (Title VII)

SPECIAL PERSONNEL

Sec. 341. Section 762 of the National Defense Education Act of 1958 is amended by striking out "television, radio, motion pictures, and other related media of communication" and inserting in lieu thereof "new media and technology".

Part F—Amendment to Miscellaneous Provisions (Title X)

PROVISION IN NATIONAL DEFENSE EDUCATION ACT OF 1958 FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS, FOR SCHOOLS OF DEPARTMENT OF INTERIOR FOR INDIAN CHILDREN, AND FOR OVERSEAS DEPENDENT SCHOOLS OF DEPARTMENT OF DEFENSE

Sec. 351. (a) Section 1008 of the National Defense Education Act of 1958 is amended to read as follows:

"ALLOTMENTS TO TERRITORIES AND POSSESSIONS

"Sec. 1008. The amounts reserved by the Commissioner under sections 302, 312, and 502 shall, in accordance therewith, be allotted among—

"(A) Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for the type of assistance furnished under the part or title in which the section appears, and

"(B) in the case of amounts so reserved under sections 302 and 502, (i) the Secretary of the Interior, according to the need for such assistance in order to effectuate the purposes of such part or title in schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance in order to effectuate the purposes of such part or title in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title"

(b) Sections 302(a)(1) and 502 (a) of such Act are each amended by striking out "2 per centum thereof, as he may determine for allotment as provided in section 1008" and inserting in lieu thereof "3 per centum thereof, as he may determine for allotment as provided in section 1008(A), and such amount, not in excess of 1 per centum thereof, as he may determine for allotment as provided in section 1008(B)".

(c) Section 103(a) of such Act is amended (1) by striking out "or" each time it appears before "the Virgin Islands", (2) by inserting after "the Virgin Islands," as it first appears "and, for the purposes of titles II, III, and V, the Trust Territory of the Pacific Islands,", (3) by striking out "(1) as used in section 205(b)(3) of this title such term includes the Trust Territory of the Pacific Islands, and (2)", and (4) by inserting before the period at the end thereof ", or the Trust Territory of the Pacific Islands".

(d) The amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1968.

TITLE IV—AMENDMENTS TO HIGHER EDUCATION FACILITES ACT OF 1963

EXTENSION OF PROGRAM

Sec. 401. (a)(1) Subsection (a) of section 101 of the Higher Education Facilities Act of 1963 is amended by striking out "during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years.".

(2) Subsection (b) of section 101 of such Act is amended by striking out so much of the first sentence thereof as follows "June 30, 1968, and" and inserting in lieu thereof "$936,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971.".

(3) Subsection (b) of section 105 of such Act is amended (A) by striking out "two succeeding fiscal years" in the first sentence thereof and inserting in lieu thereof "four succeeding fiscal years", and (B) by striking out the last sentence of such subsection.

(4) Section 103 (b)(1) and section 104(b)(1) of such Act are each amended by striking out the last sentence.

(b) Section 201 of the Higher Education Facilities Act of 1963 is amended—

(1) in the first sentence, by striking out ", during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years,"; and

(2) by striking out so much of the second sentence as follows "and the sum of $120,000,000" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1971.".

(c) Subsection (c) of section 303 of the Higher Education Facilities Act of 1963 is amended—

(1) in the first sentence thereof by striking out ", during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years,"; and

(2) in the second sentence thereof by striking out so much of such sentence as follows "$400,000,000" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1971.".

BROADENING ELIGIBILITY FOR CONSTRUCTION GRANTS

Sec. 402. (a) Effective with respect to fiscal years ending on or after June 30, 1969—

(1) Section 106 (1) and (2) of the Higher Education Facilities Act of 1963, as amended, is amended by inserting after "enrollment capacity" in each case the following: ", capacity to provide needed health care to students or personnel of the institution.".

(2) The second sentence of section 107(a) of such Act is amended by striking out "and" before "(2)" and by inserting before the period at the end thereof the following: ", and (3) shall give consideration to expansion of capacity to provide needed health care to students and institutional personnel".

(3) Section 108(b) of such Act is amended by striking out "and", at the end of paragraph (5), redesignating paragraph (6) as paragraph (7) and inserting after paragraph (5) the following:

"(6) in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, he determines that no financial assistance will be provided such project under title IV of the Housing Act of 1950; and".

(4) Section 303(a) is amended by striking out "and" at the end of clause (2), and by inserting before the period the following: ", and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950".

(5) The first sentence of section 401(a) of such Act is amended by inserting before the period at the end thereof the following: "; and, for purposes of titles I and III, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and institutional personnel".

(b) (1) Section 106 of the Higher Education Facilities Act of 1963 is amended by inserting at the end thereof the following new sentence: "If the Commissioner finds that the student enrollment capacity of an institution would decrease if an urgently needed academic facility is not constructed, construction of such a facility may be considered, for the purposes of this section, to result in expansion of the institution's student enrollment capacity.".

(2) The amendment made by paragraph (1) of this subsection shall be effective only with respect to grants made from appropriations for fiscal years beginning after June 30, 1969.

ANNUAL INTEREST GRANTS

Sec. 403. Title III of the Higher Education Facilities Act of 1963 is amended by adding at the end thereof the following new section:

"ANNUAL INTEREST GRANTS

"Sec. 306. (a) To assist institutions of higher education and higher education building agencies to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 303(b): *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contract entered into under this section shall not exceed $5,000,000, which amount shall be increased by $6,750,000,000 on July 1, 1969, and by $13,500,000 on July 1, 1970.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 percent of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken is an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this Act, such a loan shall be considered financing from a non-Federal source."

EXTENSION AUTHORIZATION FOR HIGHER EDUCATION FACILITIES CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

Sec. 404. Section 408(a) of the Higher Education Facilities Act of 1963 is amended by striking out "July 1, 1967," and inserting in lieu thereof "July 1, 1971.".

INCREASING FEDERAL SHARE

Sec. 405. (a) Sections 107(b) and 401(d) of the Higher Education Facilities Act of 1963 are each amended (1) by striking out "33⅓ per centum" and inserting in lieu thereof "50 per centum" and (2) by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(b) Section 202(b) of such Act is amended by striking out "33⅓ per centum" and inserting in lieu thereof "50 per centum".

MINIMUM TITLE I ALLOTMENTS TO STATES AND TERRITORIES

Sec. 406. (a) Title I of the Higher Education Facilities Act of 1963 is amended by inserting after the second sentence of section 103 and after the first sentence of section 104 the following: "The amount allotted to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to $50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $50,000."

(b) The amendments made by this section shall apply with respect to fiscal years ending on or after July 30, 1969.

TITLE V—MISCELLANEOUS

EXTENSION OF PROGRAM OF FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN THE HUMANITIES AND ARTS

Sec. 501. (a) The first sentence of section 12 of the National Foundation on the Arts and Humanities Act of 1965 is amended (1) by striking out "two succeeding years" and inserting in lieu thereof "five succeeding fiscal years", and (2) by striking out all that follows "$500,000" and inserting in lieu thereof a period.

(b) Such section is further amended, (1) in subsection (b), by striking out "allotted" and inserting in lieu thereof "reserved, allotted, and reallotted"; and (2) in subsection (f), by striking out "allot and".

EXTENSION OF INTERNATIONAL EDUCATION ACT OF 1966

Sec. 502. Section 105(a) of the International Education Act of 1966 is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1971,".

AGE QUOTAS IN YOUTH WORK AND TRAINING PROGRAMS

Sec. 503. Section 124 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(f) In the case of a program under section 123(a) (1), the Director shall not limit the number or percentage of the participants in the program who are fourteen or fifteen years of age."

ELIGIBILITY FOR STUDENT ASSISTANCE

Sec. 504. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The student loan program under title II of the National Defense Education Act of 1958

(2) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(3) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(4) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(5) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

RULEMAKING REQUIREMENTS

SEC. 505. No standard, rule, regulation, or requirement of general applicability prescribed for the administration of this Act or any Act amended by this Act may take effect until 30 days after it is published in the Federal Register.

DUPLICATION OF BENEFITS

SEC. 506. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.

FINANCIAL AID TO STUDENTS NOT TO BE TREATED AS INCOME OR RESOURCES UNDER CERTAIN PROGRAMS

SEC. 507. For the purpose of any program assisted under title I, IV, X, XIV, XVI, or XIX of the Social Security Act, no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education shall be considered to be income or resources.

PRESIDENTIAL RECOMMENDATION WITH RESPECT TO POST-SECONDARY EDUCATION FOR ALL

SEC. 508. On or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

And the House agree to the same.

CARL D. PERKINS,
EDITH GREEN,
JOHN BRADEMAS,
SAM M. GIBBONS,
HUGH L. CAREY,
WILLIAM D. HATHAWAY,
PHILLIP BURTON,
WILLIAM AYRES,
ALBERT H QUIE,
OGDEN REID,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
Managers on the Part of the House.

WAYNE MORSE,
RALPH W. YARBOROUGH,
JOSEPH S. CLARK,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
GAYLORD NELSON,
WINSTON L. PROUTY,
JACOB K. JAVITS,
PETER DOMINICK,
GEORGE MURPHY,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a new text which is a substitute for both the Senate bill and the House amendment. Except for minor, technical, and clarifying changes, this statement explains the action taken by the committee of conference with respect to the differences between the House amendment and the conference substitute.

DURATION OF PROGRAMS

Except as otherwise noted in the text of this statement, the Senate bill authorized appropriations to carry programs established or extended by the bill through fiscal year 1972; the House amendment extended the programs through fiscal year 1973 but provided an authorization of appropriations for the programs only for fiscal years 1969 and 1970; and the conference report authorizes appropriations to carry out the programs established or extended by the bill through fiscal year 1971, except that appropriations to carry out the new program of assistance for educationally deprived children (pt. B of title III of NDEA) and the new provisions for dissemination of information (sec. 1206 of Higher Education Act of 1965) and for program planning and evaluation (sec. 1207 of that act) are provided only through fiscal year 1970.

AUTHORIZATION OF APPROPRIATIONS

HIGHER EDUCATION ACT OF 1965

TITLE I—COMMUNITY SERVICES AND CONTINUING EDUCATION PROGRAM

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$50.0	$10	$10
1970		50.0	50	50
1971		60.0		60
1972		60.0		

TITLE II—COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

Fiscal year	Previously authorized	Senate	House	Conference report
Pt. A—College library resources:				
1969		$50.0	$25	$25
1970		75.0	35	75
1971		90.0		90
1972		90.0		
Pt. B—Library training and research:				
1969		15.0	11.8	11.8
1970		28.0	28	28
1971		38.0		38
1972		38.0		
Pt. C—Cataloging:				
1969		10.0	5.5	6
1970		11.1	11.1	11.1
1971		11.1		11.1
1972		11.1		

TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$55.0	$35	$35
1970		70.0	55	70
1971		91.0		91
1972		96.5		

TITLE IV—STUDENT ASSISTANCE

Fiscal year	Previously authorized	Senate	House	Conference report
Work-study:				
1969		$200.0	$225	$225
1970		255.0	275	255
1971		285.0		285
1972		285.0		
Economic opportunity grants:				
1969		70.0	70	70
1970		100.0	70	100
1971		140.0		140
1972		140.0		

AUTHORIZATION OF APPROPRIATIONS—Continued

HIGHER EDUCATION ACT OF 1965—Continued

TITLE IV—STUDENT ASSISTANCE—Continued

Fiscal year	Previously authorized	Senate	House	Conference report
Insured loan program (advances):				
1969		12.5	10	12.5
1970				
1971				
1972				
Direct loan program for vocational students:				
1969		$1		$1
1970		1		1
1971		1		1
1972		1		
Disadvantaged students, consolidated program; Talent Search, Upward Bound, and special services for disadvantaged students:				
1969		8.5	$41.68	10
1970		29.0	56.68	56.68
1971		96.0		96
1972		96.0		

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT ACT

Fiscal year	Previously authorized	Senate	House	Conference report
Pt. A—Attracting qualified persons to the field of education:				
1969	[1] $2.5			
1970	[1] 5.0			
1971		$5.0		$5
1972		5.0		
Pt. B—Attracting and qualifying teachers:				
Subpt. 1—Teacher Corps:				
1969	[1] 46.0			
1970	[1] 56.0			
1971		56.0		56
1972		56.0		
Subpt. 2—Attracting and qualifying teachers to meet critical teacher shortages:				
1969	[1] 50.0			
1970	[1] 65.0			
1971		65.0		65
1972		65.0		
Pt. C—Fellowships for teachers and related education personnel:				
1969	[1] 205.0			
1970	[1] 250.0			
1971		250.0		250.0
1972		250.0		
Pt. D—Improving training opportunities for personnel serving in programs other than higher education:				
1969			[1] 70	
1970			[1] 90	
1971		90.0		90
1972		90.0		
Pt. E—Training programs for higher education personnel:				
1969	21.5			
1970	36.0			
1971		36.0		36
1972		36.0		

TITLE VI-A—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

	Equipment (regular)		
1969	$60.0	[1] 14.5	$13
1970	60.0	[1] 14.8	60
1971	60.0		60
1972	60.0		
	Television		
1969	$10.0		$1.5
1970	10.0		10
1971	10.0		10
1972	10.0		

[1] For both regular equipment and television.

NATIONAL DEFENSE EDUCATION ACT OF 1958

TITLE II—STUDENT LOANS

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969		$250.0	$210	$210
1970		275.0	275	275
1971		300.0		300
1972		300.0		

TITLE III—EQUIPMENT GRANTS AND LOANS

1969		$110.0	$110	$110
1970		120.0	110	120
1971		130.0		130
1972		130.0		

STATE SUPERVISORY SERVICES AND ADMINISTRATION

1969		$10.0		$10
1970		10.0		10
1971		10.0		10
1972		10.0		

TITLE V-A—GUIDANCE, COUNSELING, AND TESTING

1969		$30.0	$25	$25
1970		40.0	30	40
1971		54.0		54
1972		54.0		

TITLE VI—LANGUAGE DEVELOPMENT

1969		$19.0	$16.05	$16.05
1970		30.0	25	30
1971		38.5		38.5
1972		38.5		

TITLE VII—EDUCATIONAL MEDIA RESEARCH

1969		$5.0		
1970		5.0		
1971		5.0		
1972		5.0		

HIGHER EDUCATION FACILITIES ACT OF 1963

TITLE I—UNDERGRADUATE ACADEMIC FACILITIES GRANTS

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969	$936			
1970		$936	$936	$936
1971		936		936
1972		936		

TITLE I—STATE ADMINISTRATION AND PLANNING

1969	$7			
1970		$7	$7	$7
1971		7		7
1972		7		

TITLE II—GRADUATE ACADEMIC FACILITIES CONSTRUCTION GRANTS

1969	$120			
1970		$120	$120	$120
1971		120		120
1972		120		

TITLE III—LOANS FOR ACADEMIC FACILITIES

1969	$400			
1970		$400	$400	$400
1971		400		400
1972		400		

OTHER PROGRAMS

NDEA III—PT. B: EQUIPMENT GRANTS FOR SPECIAL PROGRAMS SERVING DISADVANTAGED

[In millions]

Fiscal year	Previously authorized	Senate	House	Conference report
1969			$84.373	$84.373
1970			160	160
1971				
1972				

COOPERATIVE EDUCATION

Planning and operation:				
1969			$0.5	$0.34
1970		$8	10	8
1971		10		10
1972		10		
Training and research:				
1969		$0.5	$0.75	$0.75
1970		.75	.75	.75
1971		.75		.75
1972		.75		

HEFA IV—GRANTS TO REDUCE BORROWING COSTS ON LOANS FOR FACILITIES CONSTRUCTION

1969			$10	$5
1970		$6.75	10	6.75
1971		13.5	10	13.5
1972				

NETWORKS FOR KNOWLEDGE

1969			$0.5	$0.34
1970		$4	10	4
1971		15		15
1972		15		

EDUCATION FOR THE PUBLIC SERVICE

1969			$0.5	$0.34
1970		$5	15	5
1971		13		13
1972		13		

DISSEMINATION OF INFORMATION (HEA)

Fiscal year	Previously authorized	Senate	House	Conference report
1969				
1970			$2	$2
1971				
1972				

PROGRAM PLANNING AND EVALUATION (HEA)

1969			$1.117	$1.117
1970			1.9	1.9
1971				
1972				

PLANNING FOR PROGRAMS BEGINNING IN FISCAL YEAR 1970

1969		$1.7		
1970				
1971				
1972				

IMPROVEMENT OF GRADUATE PROGRAMS

1969		(1)		$0.34
1970		$5		5
1971		10		10
1972		10		

HEFA IV—GRANTS TO REDUCE BORROWING COSTS ON LOANS FOR FACILITIES CONSTRUCTION—Continued

LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

Fiscal year	Previously authorized	Senate	House	Conference report
1969		(1)		$0.34
1970		$7.5		7.5
1971		7.5		7.5
1972		7.5		

INTERNATIONAL EDUCATION ACT

1969	$90			
1970		$90		$90
1971		90		90
1972		90		

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES (SEC. 12)

1969		$0.5	$0.5	$0.5
1970		.5	.5	.5
1971		.5		.5
1972		.5		

[1] Senate bill authorized $1,700,000 for fiscal year 1969 planning of programs beginning in fiscal year 1970.

TITLE I—STUDENT ASSISTANCE

Part A—Amendments to educational opportunity grant program

Extension of program.—The Senate bill extended the educational opportunity grant program for 4 years. The House bill extended the program for 2 years. The conference substitute extends the program for 3 years.

Amount of educational opportunity grants.—The House amendment eliminated from the educational opportunity grant program the $200 bonus payment for students who, during the preceding academic year, placed in the upper half of their class, and also raised the maximum amount of a grant from $800 to $1,000. The House amendment specifically permitted college work-study assistance to be considered as matching in determining the maximum amount of an educational opportunity grant furnished a student. No comparable provisions were in the Senate bill. The Senate recedes on each of these provisions.

Allocation of funds to institutions.—Effective beginning in fiscal year 1970, the Senate bill provided that upon the request of a Governor of a State not to exceed 15 percent of the State's allotment of grant funds for any fiscal year, instead of being distributed to institutions by the Commissioner, could be paid to the State for a State program of educational opportunity grants to students. States were required to meet certain conditions in order to qualify for assistance for State educational grant programs. The conference substitute does not retain this provision.

Authority for institutions to transfer funds to work-study program.—The House amendment authorized an institution to transfer any portion of its educational opportunity grant payments for fiscal year 1969 and fiscal year 1970 to its work-study program. The work-study matching requirements would apply to any amount so transferred. This provision is not included in the conference report.

Consolidation and revision of Talent Search and Upward Bound programs; special services to disadvantaged students in institutions of higher education.—The House amendment consolidated, in one overall program, the talent search program being carried on under section 408 of the Higher Education Act of 1965, the Upward Bound program now being carried on under title II of the Economic Opportunity Act, and a new program under which colleges and universities would be assisted in providing remedial and other special services to disadvantaged college students. The Senate bill consolidated only the Upward Bound and special services programs, but continued Talent Search as a separate program. The conference substitute adopts the consolidation pattern of the House amendment. Subsection (b)(1) of the new section 408 of the Higher Education Act of 1965 authorizes the Talent Search program. Subsections (b)(2) and (b)(3) respectively authorize the Upward Bound and special services programs.

Both the Senate bill and the House amendment proposed changes in these programs which are not directly incidental to their consolidation.

In the case of Talent Search, the authority for such programs differed in the following days:

(*a*) In contrast with the House provision, under which the Commissioner would only be authorized to make grants to or enter into contracts with institutions of higher education, the Senate bill permitted grants to or contracts with State or local education agencies and other public or nonprofit private agencies, institutions or organizations, or contracts with public or private agencies including profitmaking agencies. The conference agreement permits Talent Search programs to be carried out as provided in the Senate bill. The House has receded to the Senate on the basis that in the past, not only institutions of higher education, but also certain other public agencies such as local educational agencies have carried on successful Talent Search programs. The provision for more flexible authority than provided in the House bill is not without qualification, however. The conference committee intends that this authority only be used with respect to the types of agencies which have previously participated in the Talent Search program. It is not the intention of the conference committee that the authority be utilized to support programs of newly established agencies.

(*b*) Under the Senate provision, a contract or grant for a Talent Search program could not exceed $100,000. Existing law has a similar limitation. There was no limitation in the House bill. The conference substitute retains this provision.

(*c*) Under the Senate bill, grants or contracts were authorized for programs to identify qualified youths of "financial or cultural need" with "an exceptional potential for postsecondary educational training," rather than for youths of "exceptional financial need" as authorized in the House bill. The House recedes.

(*d*) The House amendment did not specify, as did the Senate bill, that funds may be used for the development and carrying out of demonstration programs under which students in institutions of higher education would plan and implement programs to (1) locate other students who are completing their secondary education and have capability to do college-level work but are not planning to continue their education, and (2) encourage such other students to continue their education and provide such assistance to them as may be possible to locate institutions of higher education for them to attend and to locate such financial assistance as may be available. The Senate recedes and concurs with the House view that under existing law the type of program envisioned in the Senate bill could be carried on by an eligible grantee.

In the case of Upward Bound and Special Services programs, the following are the principal differences between the Senate and House versions, and the resolution of them by the committee of conference:

(*a*) The House amendment authorized grants or contracts only with institutions of higher education where as the Senate bill also authorized grants and contracts with public and private nonprofit agencies and organizations when such a grant or contract would make an especially significant contribution to attaining the objectives of the programs. The conference agreement permits grants to, and contracts with, institutions of higher education, and combinations thereof. In exceptional cases, the Commissioner may make grants to or contracts with secondary schools and postsecondary schools accredited by a State for Upward Bound programs.

(*b*) The Senate bill described special and remedial service programs as programs for "secondary school students"—"who, by reason of deprived, educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education." The House amendment described the special and remedial services programs as programs for students "accepted for enrollment"—"who, by reason of deprived educational, cultural, or economic background are in need of such services to assist them to initiate, continue, or resume their higher education." The conference agreement retains the Senate language referring to the "physically handicapped" and to "postsecondary education," and the House language referring to students "accepted for enrollment".

(*c*) The House amendment did not specify as eligible activity, as did the Senate bill, guidance and other personnel services to encourage students' *entrance* into higher education programs. The Senate recedes.

(*d*) With respect to the Upward Bound authority, the House amendment limited stipends to a maximum of $30 per month and the cost of enrollee participation per month to $150, prohibited the carrying out of programs in foreign countries, and required programs to include necessary health services. There were no comparable provisions in the Senate bill. The Senate recedes.

(*e*) The House amendment limited the Federal share of the cost for Upward Bound type programs to a maximum of 80 percent and authorized full funding of other types of programs. The Senate bill authorized funds to pay part of program costs upon such terms and conditions as the Commissioner determines. The Senate recedes.

Amendments providing for transfer of Upward Bound.—The Senate bill provided that the Director of the Office of Economic Opportunity shall not carry out Upward Bound or similar programs after June 30, 1970. Under the House amendment, the Director of OEO was permitted to carry out in fiscal year 1969 only those contracts for Upward Bound programs entered into prior to the date of enactment. After date of enactment, the Director of OEO was precluded from entering into any new contracts. The House amendment further provided for the transfer to the Office of Education of any unobligated funds which had been appropriated to the OEO prior to enactment of the bill for the purpose of carrying out Upward Bound programs. The compromise reached in conference provides that Upward Bound programs would be transferred to the jurisdiction of the U.S. Office of Education effective July 1, 1969. In connection with the adoption of this provision, the conference committee intends that the U.S. Office of Education be the only agency which obligates funds from fiscal year 1970 appropriations for Upward Bound programs. The committee further wishes to clarify that in terminating the Office of Economic Opportunity jurisdiction over the Upward Bound program, the committee does not intend to terminate that agency's jurisdiction over programs related to migrant children, such as the program known as "High School Equivalency."

Part B—Amendments to insured student loan program

The Senate bill and the House amendment both provided for extensive changes in the insured student loan programs under the Higher Education Act of 1965 and the National Vocational Student Loan Insurance Act of 1965. Public Law 90–460, enacted as an interim measure while the bill was in conference, incorporated certain of these changes and also extended temporarily the Commissioner's authority to insure and to pay an interest subsidy on student loans. The conference report retains or modifies certain of the changes made by Public Law 90–460 in the insured loan programs, and makes a number of further changes which were provided in the Senate bill or House amendment.

Extension of program.—The Senate bill extended for 4 fiscal years the Commissioner's authority under the Higher Education Act of 1965 to insure and to pay an interest subsidy on student loans. The House bill extended this authority for 2 years. Public Law 90–460 extended this authority temporarily but provided that the Commissioner could not insure or subsidize a loan made after October 31, 1968. The conference substitute extends this authority for 3 fiscal years from the expiration dates provided in the law prior to its amendment by Public Law 90–460.

National Vocational Student Loan Insurance Act of 1965.—The National Vocational Student Loan Insurance Act of 1965 provides for an insured student loan program for students in vocational schools which is generally similar to the program established under the Higher Education Act of 1965 for students in institutions of higher education. The Senate bill extended the National Vocational Student Loan Insurance Act, including the direct Federal loan authority under that act, for 4 years. The House amendment repealed the National Vocational Student Loan Insurance Act, eliminated the direct Federal loan authority under that act, and expanded the coverage of the student loan insurance program under the Higher Education Act of 1965 so as to include students in vocational schools covered by the former act. Public Law 90–460 extended the Commissioner's insurance and interest subsidy authority under the National Vocational Student Loan Insurance Act but provided that he could not insure or subsidize a loan made after October 31, 1968. The conference substitute adopts the provisions of the House amendment with a modification to continue, under the Higher Education Act, the Commissioner's authority to make direct loans to vocational students. The merger of the vocational loan program with the Higher Education Act program will simplify and make more effective program administration at all levels. In this connection the committee wishes to express its strong disapproval of any practice of requiring students to pay points in order to obtain a loan or of discounting student loans. Such practices are clearly in conflict with the statutory provisions of the program.

Federal advances to reserve funds of non-Federal student loan insurance programs.—(*a*) The House amendment authorized an appropriation of $10 million for making advances to reserve funds of non-Federal student loan insurance programs during fiscal year 1969 and fiscal year 1970. The Senate bill authorized $12.5 million for this purpose to remain available until expended. The House recedes.

(*b*) The Senate bill reserved 15 percent of these appropriations for advances to nonprofit private loan insurance programs (1) which insure student loans without regard to the domicile or residence of the student, and (2) in which lenders located in more than one State participate. The House amendment contains no comparable reservation. The Senate recedes.

(*c*) The Senate bill and House amendment required that advances made in fiscal year

1969 and thereafter to reserve funds of non-Federal student loan programs be matched by an equal amount from non-Federal sources. The equal amount may include the unencumbered non-Federal portion of a reserve fund, computed as follows:

Under Senate bill, the amount of the reserve fund less the sum of—

(*a*) amount of prior Federal advances to the fund plus

(*b*) any amount required to be held as a reserve against outstanding insured loans.

Under House amendment, the amount of the reserve fund less the greater of—

(*a*) the sum of (1) Federal advances made to the fund prior to fiscal year 1969, plus (2) twice the amount of Federal advances made in fiscal year 1969 and thereafter, or

(*b*) any amount required to be held as a reserve against outstanding insured loans.

The conference report adopts the House provision.

Access to Federal loan insurance program.—Under section 423 of the Higher Education Act of 1965, the Federal loan insurance program does not operate in any State in which every eligible institution has reasonable access to a non-Federal loan insurance program. The House amendment modified section 423 to permit the Commissioner to insure student loans made by a lender in a State (1) in cases where the borrower, by reason of his residence, does not have access to the State's student loan insurance program (or to a private nonprofit insurance program operating in lieu of the State's program); or (2) in cases where the lender, by reason of the residence of the borrowers he deals with, does not have access to any single non-Federal loan insurance program. The Senate bill contains no comparable provision. The Senate recedes.

The conferees feel strongly that, where a student desires to finance a portion of the cost of his education with borrowed funds, every effort should be made to make sure that these funds are available. Under existing law the Federal loan program may be instituted on one condition only. However, the law does not require, nor did the Congress intend, that when the condition exists, a State must also give assent to the implementation of the Federal program. In liberalizing the conditions under which the Federal program may be instituted the committee of conference wishes to insure that guaranteed loans are readily available to students in every State. The implementation of the Federal program under the modifications proposed in the conference report is not to be conditioned on the assent of a State.

Coordination between provisions of Federal and non-Federal loan insurance programs.—The Senate bill modified the provisions of the Federal loan insurance programs and the requirements for non-Federal loan insurance programs so that the provisions relating to the maximum amounts of loans to any student ($1,500 per year and $7,500 overall outstanding principal balance), the minimum annual repayment ($360 per year), and the length of the repayment period (5 to 10 years) are substantially identical. The House bill contains no comparable provisions. The conference substitute adopts the Senate provisions.

Deferment of loan repayment on account of VISTA service.—Existing law provides for deferent of repayment of principal of loans insured by the Federal loan insurance program during VISTA service. The House amendment eliminated this deferment provision. The Senate bill retained it, and in addition, authorized a deferment for VISTA service under the non-Federal loan insurance programs. The conference substitute adopts the provisions of the Senate bill.

Interest subsidy during repayment period of loan.—Under existing law, prior to the beginning of the repayment period of a student loan which qualifies for the interest subsidy, the Commissioner pays all of the interest accruing on the loan. After the repayment period begins, he pays a subsidy not in excess of 3 percent on the outstanding principal balance of the loan. The House amendment eliminated the interest subsidy during the repayment period. The Senate bill (in connection with the increase of the maximum permissible interest rate under the insured loan programs) raised the interest subsidy during the repayment period to not in excess of 4 percent. The Senate recedes.

Administrative cost allowance; preemption.—The Senate bill and the House amendment both increased the generally applicable maximum permissible interest rate on insured loans from 6 to 7 percent. The Senate bill provided that if State law does not permit an interest rate of 7 percent, and if the Commissioner determines that the State law will impede carrying out the purposes of the insured loan program, he may pay (without regard to the adjusted family income of the borrower) an administrative cost allowance to the lender in an amount not exceeding 1 percent per annum over the term of the loan. The administrative cost allowance would be paid only on loans made prior to the adjournment of the State's first regular legislative session which adjourns after January 1, 1969. The allowance would be treated like a payment of the interest subsidy insofar as the contractual rights of the lender are concerned. The allowance would be included with the interest subsidy for purposes of the 4-percent limitation on the interest subsidy during the repayment period. The House amendment contains no provision for an administrative cost allowance, but provides that State usury laws will not apply to insured student loans. Public Law 90–460 enacted the administrative cost allowance provision of the Senate bill with a modification limiting the Commissioner's authority to pay an administrative cost allowance to loans made prior to November 1, 1968.

The committee of conference retained this provision of Public Law 90–460 with three further modifications: First, the cutoff date on the authority to pay the allowance was extended to the original date of the Senate bill (i.e., to loans made prior to the 120th day after the adjournment of the State's first regular legislative session which adjourns after Jan. 1, 1969). Second, the House provision providing for preemption of State usury laws was incorporated. Third, the administrative cost allowance was made inapplicable in any case in which the preemption provision applied.

The Senate bill specified that the increase of the maximum permissible interest rate on insured loans from 6 to 7 percent would not apply to outstanding loans or to consolidations or conversions of outstanding loans. The House amendment, and the section of Public Law 90–460 which provided for an interest rate increase, did not contain such an effective date provision. The conference report contains a modification of the Senate effective date provision, which provides that the increase in the interest rate under Public Law 90–460 will not apply to loans made or contracted for prior to the enactment of Public Law 90–460 or to consolidations or conversions after the enactment of the bill of loans made or contracted for prior to the date of enactment of that public law.

Federal share of repayments on defaulted nonfederally insured loans.—Both the Senate bill, the House amendment, and Public Law 90–460 authorize the Commissioner to guarantee ("reinsure") 80 per centum of the outstanding principal of nonfederally insured loans. However, under the House amendment's "reinsurance" authority, the Commissioner was entitled to 80 per centum of any payment made by a borrower on principal of a defaulted loan on which the Commissioner has made payment pursuant to the "reinsurance" agreement. Under the Senate bill and Public Law 90–460, the Commissioner is entitled to an "equitable share" (determined in accordance with regulations) of any such payment made by a borrower, and the lender is required to credit any such payment first to the reduction of principal and then to interest. The conference report does not make any change in Public Law 90–460 in this respect. However, the conferees understand that the "equitable share" to which the Commissioner is entitled will be computed as follows: After a payment has been made by the Commissioner pursuant to the agreement, the agency shall pay over to the Commissioner 80 percent of any payment made in discharge of the obligation incurred by the borrower. Such payments by the agency shall be computed prior to any deduction for attorney's fees or other collection costs and shall be computed on the total amount of the payment made in discharge whether attributable to principal or interest.

Obligation to "reinsure" outstanding insured loans.—The Senate bill required the Commissioner to "reinsure" outstanding loans which were insured by an insurer who had entered into a "reinsurance" agreement prior to September 1, 1969. The House bill merely authorized him to do so. Public Law 90–460 contained the House provision in this respect but made it applicable only to "reinsurance" agreements entered into prior to November 1, 1968. The conference report retains this provision of Public Law 90–460 but restores the September 1, 1969, date.

Payments of insurer's losses arising out of death or disability.—The House amendment permitted the Commissioner, under the "reinsurance" agreement, to pay 80 percent of an insurer's losses arising out of the death or total and permanent disability of a student borrower. The Senate bill permitted the Commissioner to pay the entire amount owed on a loan by a student borrower who dies or is disabled whether or not the insurer has signed a "reinsurance" agreement. The conference report adopts the Senate provision. The House provision was enacted into law by Public Law 90–460 as a part of the reinsurance provision. The conferees, however, adopted the Senate provision relating to death or disability and have, therefore, made an appropriate conforming change in the reinsurance provision.

Accrual of Federal interest payment.—The Senate bill permitted the lender to elect to receive the interest subsidy on a student loan in a lump sum (with interest) at the time the last payment on the loan is received from the borrower. The House amendment contained no comparable provision. The Senate recedes.

Increase of Federal loan insurance premium.—The Senate bill increased the maximum insurance premium for the Federal student loan insurance program from one-fourth of 1 per centum to one-half of 1 per centum. The House amendment contained no comparable provision. The Senate recedes. It is not the intention of this Congress that premiums, or earnings thereon, paid by students in Federal insured States be used to pay for losses in non-Federal insured States where there is no premium paid into the Federal fund by students or agencies. It is the intention of this Congress that losses under the reinsurance provisions of this legislation be paid only from the appropriated funds which are a part of the insurance fund as established in section 431 of the Higher Education Act of 1965. Losses under the Federal insured student loan program shall be paid from premiums, earnings thereon, and collections on default accounts which have been deposited to the fund.

Delegation authority.—The Senate bill authorized the Commissioner to delegate to any public or nonprofit private agency or institution, incident to his utilization of its services, certain of his functions related to the issuance of insurance certificates, determinations, and actions required upon the default, death, or disability of a student under the Federal loan insurance program, and the exercise of various legal powers and responsibilities (exclusive of the issuance of regulations and the bringing of suit in the name of the United States). The House amendment contained no comparable provision. This provision is not retained in the conference report.

Part C—College work study

Amendments to transfer text of program.—The House amendment transferred the text of the college work-study program from part C of title I of the Economic Opportunity Act to part C of title IV of the Higher Education Act. There was no comparable provision in the Senate bill. The Senate recedes.

Amendment providing for a set-aside for residents of American Samoa and the Trust Territory of the Pacific Islands.—The House amendment provided for a special reservation of funds beginning in fiscal year 1969 to provide work-study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. No comparable Senate provision. The Senate recedes.

Amendments providing for eligibility of area vocational schools.—The House amendment provided that area vocational schools are eligible institutions, but students in such schools could participate only if they have graduated from secondary schools and are pursuing a program of at least 6 months' duration and designed to prepare them for employment. No comparable Senate provision. The Senate recedes.

Amendments providing for eligibility of proprietary institutions of higher education.—The Senate bill, beginning in fiscal year 1970, made eligible for the work-study program proprietary schools which otherwise qualify as "institutions of higher education." The House amendment made such schools eligible beginning in fiscal year 1970; however, they would also be required to meet the following additional requirements: (1) provide not less than a 6-month program; (2) be accredited by a nationally recognized accrediting agency; and (3) have been in existence for at least 5 years. The conference report adopts, in substance, the provisions of the House amendment, except that the 5-year requirement is reduced to a 2-year requirement.

Amendment to exempt from average hours of employment limitation the employment of students enrolled on a part-time basis during non-regular-enrollment periods.—The House amendment permitted students who are participating in a work-study program during periods of vacation or non-regular enrollment to work in excess of an average 15 hours per week under terms and conditions to be prescribed by the Commissioner. No comparable Senate provision. The Senate recedes.

Amendments providing for matching.—The Senate bill provided that the Federal share of compensation of students enrolled in work-study programs may not exceed 90 percent. The House amendment fixed the Federal share of work-study assistance at 80 percent, except that the Federal share may exceed 80 percent if the Commissioner determines pursuant to regulation that to do so is required to further the purposes of the program. The Senate recedes. The committee wishes to emphasize that it is its intention and that it fully expects the Commissioner of Education to utilize the authority to provide a Federal share in excess of 80 percent when circumstances warrant such action. There have been situations in which needy students have been denied participation in the work-study program because of the inability of either the college or public or private nonprofit organization to provide required matching funds. Frequently stringent institutional budgets prohibit, especially where large numbers of disadvantaged students are enrolled, more than token matching of Federal money. The size of the work-study program is determined, not by number of needy college students requesting participation in the program, but by ability of the institutions to provide matching funds. Also, offcampus agencies, while in a position to provide useful work opportunities, have frequently limited amounts available for matching purposes. In determining that a Federal share may exceed 80 percent, it is the conference committee's view that the Commissioner of Education should consider among other factors exceptionally high enrollment increases among students from low-income families as a criterion for increasing the Federal share. Similarly, examination of exceptionally tight budget situations in offcampus agencies might also allow an adjustment for such institutions. However, it would be necessary to ascertain that local efforts have been exhausted before an increase in the Federal share, and consequent decrease in the institutional share, could be approved.

Part D—Cooperative education programs

Maintenance of effort.—The Senate bill contained a maintenance-of-effort provision requiring applicant institutions to maintain a level of expenditure in cooperative education of at least the level maintained during the fiscal year preceding the year of application. No comparable provision was in the House amendment. The House recedes.

Duration of support.—The House amendment prohibited an institution from receiving grants under the program for more than 3 fiscal years. No comparable Senate provision. The Senate recedes.

Consultation with advisory committee.—The House amendment required the Commissioner to consult with the Advisory Council on Financial Aid to Students in the development of criteria for the approval of applications. No comparable Senate provision. The Senate recedes.

Part E—General provisions relating to student assistance programs

Amendments relating to the Trust Territory of the Pacific Islands.—The House amendment provided that the Trust Territory of the Pacific Islands be included in the term "State" for the purposes of title IV (student assistance). A related provision in the House amendment provided that the Trust Territory be included in the term "State" for the purposes of title II of the NDEA (student loans). The House amendment also required that residents of the trust territory be eligible for assistance under title II of the NDEA and under title IV of the Higher Education Act of 1965 to the same extent that citizens of the United States are eligible for such assistance. There were no comparable Senate provisions. The conference report retains both of these provisions.

Amendment establishing Advisory Council on Financial Aid to Students.—The House amendment, effective upon enactment of the bill, established an Advisory Council on Financial Aid to Students, to advise the Commissioner on matters of general policy arising in the administration of programs relating to financial aid to students and on evaluation of effectiveness of these programs. The House amendment also repealed section 433 of title IV of the Higher Education Act of 1965 which authorizes the establishment of an Advisory Council on Insured Loans to Students. No comparable Senate provision. The Senate recedes on both these provisions.

Amendments providing for allotment of funds.—The House amendment eliminated, beginning in fiscal year 1970, the State-by-State allotment formulas governing the distribution of funds for the NDEA title II student loan program, the college work-study program, and the educational opportunity grant program. A new section proposed for the Higher Education Act would have governed the distribution of college work-study funds and educational opportunity grant funds. Under the new section, such funds would be allocated among institutions of higher education according to institutional requests and in accordance with equitable criteria established by the Commissioner. An identical provision to be inserted in title II of the NDEA would have governed the distribution of student loan funds. No comparable Senate provisions. The substitute agreed to in conference does not include these provisions.

Amendments relating to maintenance of effort.—The House amendment repealed existing maintenance-of-effort provisions in the college work-study program and the educational opportunity grant program beginning in fiscal year 1970, and substituted in lieu thereof a common provision which required an institution to provide assurance that it will continue to spend in its scholarship and student assistance programs not less than the average annual expenditure for such purposes during the most recent 3-year period prior to the effective date of the agreement. The provision is the same as that currently applicable to the educational opportunity grant program. No comparable Senate provisions. The Senate recedes.

Amendings regarding reimbursement for administrative expenses.—The House amendment provided, beginning in fiscal year 1970, that 3 percent of an institution's annual expenditures under its college work-study and educational opportunity grant programs may be used for reimbursement of administrative expenses. The total amount provided any institution in such payments plus the amount of the payment which could be withdrawn from the student loan fund for administrative expenses could not exceed $125,000 per annum. No comparable Senate provision. The Senate recedes.

Part F—Amendments to national defense student loan program (title II of the National Defense Education Act of 1958)

Amendment relating to reimbursement of administrative expenses.—The House amendment, effective beginning in fiscal year 1970, changed the administrative expenses provision of present law to provide that institutions may be paid an amount equal to 3 percent of the loans made by an institution during a fiscal year rather than the existing provision under which institutions receive the lesser of 1 percent of the aggregate of the outstanding loans made as of the close of a year or one-half of such routine expenses as estimated by the Commissioner. No comparable provision in the Senate bill. The Senate recedes.

Amendments providing for the inclusion of proprietary institutions of higher education.—The Senate bill made eligible for the student loan program, beginning with fiscal year 1970, proprietary institutions of higher education schools on such conditions as the Commissioner determines are necessary to insure there will be no increase in tuition or other fees charged students resulting from participation in this program. The House amendment provided for participation of such schools to the extent that appropriations for title II are in excess of $190 million and under the same conditions as prescribed by the House bill for participation in college work-study. The House provision is retained in the conference substitute, except that the Senate recedes to a modification of the House provision under which the schools must be in existence for two, rather than five, in order to qualify.

Amendments to eliminate requirement of special consideration for students of superior academic background.—The House amendment deleted the provision requiring that special consideration be given to students of superior academic background. No comparable provision in the Senate bill. This provision is retained in the substitute agreed to in conference

Amendment relating to oath of allegiance.—The House amendment exempted residents of the Trust Territory of the Pacific Islands from the requirement that loan recipients take an oath of allegiance to the United States. Nc comparable provision in the Senate bill. The Senate recedes.

Amendments relating to loan forgiveness.—(*a*) The Senate bill amended the NDEA student loan program to provide for forgiveness to student borrowers for service in the Armed Forces at the rate of 25 percent for each complete year of consecutive service and for service in schools serving high concentrations of low-income children at the rate of 20 percent per year rather than 15 percent per year as is already authorized. The House amendment revised the loan forgiveness provisions to provide that up to 100 percent of a loan may be cancelled for service as a full-time teacher of handicapped children or in a school in which the enrollment of children described in title I of ESEA (using the low-income factor of $3,000) exceeds 50 percent of the total enrollment of the school. The rate of cancellation would have been 10 percent per annum for the first 2 years of service and 15 percent per annum thereafter. Loans already made would not have been affected by the House amendment.

(*b*) The Senate bill further amended the Public Health Service Act to provide forgiveness of loans under that act for service in the Armed Forces at the rate of 25 percent for each year of service.

(*c*) The Senate bill amended the insured loan program to provide for cancellation (that is, for payments by the Commissioner on loans) the equivalent of forgiveness of borrowers on account of service in the Armed Forces or as a teacher in school serving high concentrations of children from low-income families. The same rate of payment, 20 per centum per annum for full-time teachers and 25 per centum for consecutive years of service in the Armed Forces and the same conditions which would be applicable for loan cancellation under title II would be applicable on guaranteed loans. The Senate bill also provides for payment by the Commissioner, on behalf of the borrower, of the total amount owed by a borrower under Federal and non-Federal loan insurance programs in the case of his death, or in the case of his permanent and total disability (as determined in accordance with regulations of the Commissioner). The House amendment contained no comparable provision.

The conference report contains a provision which would leave existing law unaffected, except in two respects. First, the forgiveness feature of the National Defense Student Loan program would be extended for only 2 years even though the loan program is being extended for 3 years. Secondly, the provision which prohibits the Commissioner from designating more than 25 percent of the schools in the State as schools where the teachers become eligible for the specially beneficial forgiveness is modified. As modified more than 25 percent of the schools in the State may be designated if all of the schools so designated are schools in which more than half the children enrolled are countable for purposes of Title I of the Elementary and Secondary Education Act.

TITLE II—AMENDMENTS TO OTHER PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965

Part A—Amendments to community service program provisions (title I)

State plans.—The House amendment provided an exception to the title I requirement that a State carry on a comprehensive, coordinated and statewide system of community service programs. Under the amendment a State plan could set forth one or more proposals whenever such a system could not be effectively carried out by reason of insufficient funds. No comparable provision in the Senate bill. The Senate recedes.

Matching.—With respect to title I grants awarded after the date of enactment, the Senate bill authorized a Federal share for title I program costs of 75 per centum through fiscal year 1969 and fiscal year 1970 and a Federal share of 65 per centum for fiscal year 1971 and 60 per centum for fiscal year 1972. The House amendment continues the Federal share at 50 per centum through fiscal year 1973. The conference substitute provides that the Federal share shall be 66⅔ percent of program costs through the 3 years of the program.

Part B—College library assistance and library training and research

Supplemental grants and special grants—branch institutions.—Under both bills, branches of institutions of higher education which are located in communities different from their parent institutions were made eligible for supplemental grants and special purpose grants. The Senate bill further provided that the determination of what constitutes a branch and where such branch is located are to be made in accordance with regulations of the Commissioner. The House recedes.

Grants for training in librarianship.—The Senate bill authorized grants beginning in fiscal year 1970 for the planning or development of programs for the opening of library or information science schools or of programs intended to lead to the acceditation of such existing schools. Upon enactment, the House amendment authorized grants for establishing, developing, or expanding programs of library and information science. The conference substitute adopts the version contained in the House amendment.

Part C—Amendment to developing institutions programs (title III)

Providing for reservation of funds for junior colleges.—Effective beginning in fiscal year 1969, the Senate bill increased the share for junior colleges in title III from 22 to 24 percent. No comparable provision was in the House amendment. The conference substitute increases the share for junior colleges to 23 percent.

Professors emeritus.—The Senate bill added a new section in title III, effective beginning in fiscal year 1970, to authorize grants to retired professors from institutions of higher education that do not qualify as developing institutions, to encourage and enable such professors to teach and conduct research at developing institutions. No comparable provision was in the House amendment. The House recedes.

Part D—Amendments to education professions development program (title V)

Amendments placing emphasis on poverty area.—The Senate bill amended the statement of purpose for the Education Professions Development Act by inserting language which would give emphasis to urban areas having high concentrations of poverty and rural areas having high proportions of poverty. The House amendment contained no comparable provisions. The Senate recedes.

Amendments providing for teaching assistants in the Teacher Corps.—

(*a*) The Senate bill, unlike the House amendment, added a new category of personnel for whom programs may be supported under the Teacher Corps program. The Senate amendment amended the statement of purpose accordingly and authorized the Commissioner of Education to make available to local education agencies teaching assistants as part of a Teacher Corps team and required that teaching interns and teaching assistants be afforded opportunity for school-related community work. The Senate recedes.

(*b*) The Senate bill provided that teacher interns and teaching assistants be compensated at a rate agreed upon by the local education agency and the Commissioner, but that the Federal share may not exceed 90 percent of the lowest rate paid by such agency for teaching full time in the school system and grade to which the intern is assigned or $75 per week plus $15 per week for each dependent, whichever is less. No comparable House provision. The Senate recedes.

Amendments authorizing State education agencies to administer programs for attracting and qualifying teachers.—The House amendment permitted a State education agency to administer directly programs of attracting and qualifying teachers under subpart 2 of title V–B of the Higher Education Act of 1965. The Senate bill contained no comparable provision. The House provision is retained in the conference substitute.

Amendment providing for a minimum allotment to each State for programs to attract and qualify teachers.—The Senate bill amended the program of attracting and qualifying teachers to provide an annual minimum allotment of $100,000 to each State. The House amendment contained no comparable provision. The House recedes.

Amendments clarifying the authority to award fellowships for school administrators.—The House amendment expanded the definition of "career in elementary and secondary education or postsecondary vocational education" to include school administration, thus clarifying the authority to award fellowships for persons pursuing or planning to pursue a career in school administration. The Senate bill contained no comparable provision. The Senate recedes.

Amendments affecting allocation of fellowships.—The Senate bill established criteria to be considered in the allocation of teacher fellowships among the States, modified the role of the National Advisory Council on Education Professions Development in determining areas of urgent need, and limited the number of fellowships in preferred programs meeting such national need to 50 percent of the total fellowships for any fiscal year. The House bill contained no such comparable provisions. The conference report is like the Senate bill except that the number of children aged 3 to 17 from low-income families is deleted as a factor to be considered in allocating teacher fellowships. The committee wishes to emphasize, however, that in modifying the role of the National Advisory Council on the Education Professions Development Act in determining areas of urgent need, the committee has not altered existing law with respect to the ultimate authority for awarding fellowships. Under existing law, and under section 523, as modified by the conference report, final authority to award fellowship programs is vested in the Commissioner of Education.

Amendments regarding cost of education allowances.—Both versions of the bill authorized the Commissioner to pay a cost-of-education allowance in an amount consistent with prevailing practices under comparable federally supported fellowship programs. The Senate amendment did not contain the House limitation, setting a maximum ceiling of $3,500 per academic year on such allowances. The House limitation is retained in the conference substitute.

Amendments affecting teacher training institutes program.—

(*a*) Senate bill amended the institute program to specify that training in elementary and secondary schools in urban areas having a high concentration of poverty and rural areas having a high proportion of poverty are eligible for support. The House amendment contained no comparable provision. The Senate recedes. The conference committee did not agree to the Senate provision on the basis that it is the committee's view that there is ample authority in part D of the Education Professions Development Act for support of inservice internship training.

(*b*) The Senate bill amended the institute program to require the Commissioner to seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account such factors as the relative number of children age 13–17, and the relative numbers of low-income families. The conference report adopts this provision of the Senate bill, except that the requirement that relative numbers of low-income families be taken into account is not included.

The Senate bill provided that except in a fiscal year for which appropriations for grants under title V–B of the National Defense Education Act (counseling and guidance training institutes) and title XI of that Act (teacher institutes) exceed such appropriations for the fiscal 1968, the Commissioner shall award grants and contracts under part D of title V of the Higher Education Act only in subject-matter areas that are eligible under such titles V–B and XI of the National Defense Education Act to the extent that the appropriations for such fiscal year for grants and contracts under such part D do not exceed the appropriations pursuant to such titles V–B and XI of the National Defense Education Act for the fiscal year 1968. The House amendment contained no comparable provision. The Senate recedes.

In the 1967 House committee report on the Education Professions Development Act it was observed that part D was being proposed in lieu of the continuation of separate institute authorities contained in the National Defense Education Act. The House report further stated that the noncategorical approach of part D, which supports advanced training and retraining institutes, was not without qualification. It expressed concern for the inadequacy of support for training persons in vocational education programs, restated its support for programs to train teacher aides, and stated that it was intended there should be no reduction of support of institutes for those categories of education personnel specifically mentioned in titles XI and V–B of the National Defense Education Act. The House committee report on this legislation in 1967 is similar to the present view of the Senate committee as it applies to titles V–B and XI of the National Defense Education Act programs, but it further stated "the committee has not earmarked funds only because of its desire to establish a flexible program."

The conference committee has agreed with the House position that titles V–B and XI of the National Defense Education Act and part B of title VI of the Higher Education Act need not be extended and that activities previously supported under these titles should now be funded under the Education Professions Development Act at their present levels of support. In so doing the conference committee reaffirms the position expressed in the 1967 House report as well as the Senate report on this bill with respect to the Education Professions Development Act.

Part E—Equipment and materials for higher education

Amendments to eliminate separate categories of equipment.—The House amendment eliminated the present separate authorization, priority, and allotment provision for (1) instructional television equipment and (2) other instructional equipment. Under the House provision, grants for the acquisition of television equipment would not be treated differently from other grants as is presently the case. The Senate bill has no comparable provision. The House recedes.

Additional amendments to title VI.—

(*a*) The House amendment removed the word "objective" as a description of the standards and methods to be used by State commissions in fixing priorities and share of costs. No comparable Senate provision. The House recedes.

(*b*) The House amendment also made eligible instructional computers as equipment to be obtained under the program. No comparable provision in the Senate. The House recedes.

There is no existing statutory prohibition against the use of title VI funds for the acquisition of instructional computers. The Senate committee report on the Higher Education Act of 1965 stated, however, "the committee does not intend that funds be used for the acquisition of computers." Pursuant to the Senate report, the Office of Education has, in the administration of title VI, ruled that computers are not eligible for title VI support. The House bill specifically proposed that instructional computers be eligible for support under title VI. The Senate bill contained no comparable provision. The conference report does not contain the House provision. However, the conference committee has agreed that instructional computers should be eligible equipment in title VI. The conference committee wishes to provide institutions of higher education with discretionary authority to choose the type of equipment which they are in greatest need of acquiring. The conference committee did not wish to give priority or emphasis to the acquisition of computers, however, and therefore decided not to mention specifically their eligibility in the authorizing statute. Also, the conference committee is aware that, because of the level of funding for title VI, the inclusion of computers might result in an inordinate proportion of limited title VI funds expended for this purpose. This the conference committee does not intend. There are two checks which will preclude this from happening. The prices of large full-scale computers effectively prohibits their participation under the title VI program during periods of reduced funding. In four States, the maximum Federal share, according to the approved State plan, is $50,000 per institution. In the remaining States, the average maximum Federal share is about $25,000. In addition, the title VI program is administered at the State level by State higher education commissions. It is the State commissions which assign priorities within the State and approve institutional applications. It is the conference committee's intention that State commissions use great care in the implementation of this new authority. The committee would not expect, nor does it intend, that the more flexible authority be utilized in a way which will substantially alter the effective participation or level of support for all eligible institutions. In a related amendment, the conference report contains a House proposal to make eligible for title VI grants "combinations of institutions." The committee has refrained from specifically prohibiting the acquisition of large-scale instructional computers only because it does not wish to preclude a combination of institutions from securing such a computer which might be shared by participating institutions.

(*c*) The House amendment authorizes grants to "combinations of institutions." No comparable Senate provision. The Senate recedes.

(*d*) The Senate bill would add a new section to title VI to provide that in order to promote coordination of Federal programs for assistance in the purchase of special equipment for education in the natural or physical sciences, the Commissioner shall consult with the National Science Foundation and other agencies in developing general policy in respect of such equipment under this title. The House recedes.

Part F—Networks for knowledge

Recipient of grants.—The House amendment authorized contracts with private profit funding agencies and organizations when the Commissioner determined it will more effectively promote the purposes of the program. The Senate has no comparable provision. The Senate recedes.

Eligible projects.—The Senate bill specified the following as eligible projects:

(1) The collection and sharing of modern curricular materials and of information on promising developments in curriculum;

(2) the development of effective systems of processing and maintaining financial and student records; and

(3) the expansion of faculty on a part-time or full-time basis and other arrangements for strengthening the academic programs of participating institutions.

The House amendment contained no comparable provisions. The Senate recedes.

The Senate bill cited instructional television fixed services as a type of joint operation of closed circuit television which would qualify for support. The House recedes.

Reduced rate communications interconnection service.—The Senate bill provided that no provision of law shall be construed to prevent U.S. communications common carriers from rendering free or reduced rate communications interconnection services for interconnection systems within the purview of "Networks for Knowledge", whether or not such is included in a project for which grants are made under the program. The conference report contains this provision.

Part G—Education for the public service

Administration of the program and citation.—The Senate bill amended the Higher Education Act of 1965 by adding as a new title IX a program to be known as Education for the Public Service, to be administered by the Commissioner of Education. The House amendment authorized the program as a part of the 1968 amendments and vested administration in the Secretary of Health, Education, and Welfare. The conference report provides a new title to the Higher Education Act of 1965 and vests administration of the program in the Secretary.

Statement of purpose.—The House amendment provided in the statement of purpose that the program would be to improve educational opportunities for persons in preparation for careers in public service at the Federal, State and local levels. The statement of purpose in the Senate bill referred only to service in State or local governments. The Senate recedes.

Federal share for project grants and contracts.—The Senate bill provided a Federal share of not in excess of 90 percent for the costs of programs or projects. The House amendment authorized payments of all or part of such costs. The Senate recedes.

Eligible projects.—The House amendment provided that grants or contracts may include payment of the costs of programs or projects for five specified types of activities. The Senate bill provided that funds may be used to pay part of the costs of programs or projects such as the five specified activities in the House bill and (1) the establishment, expansion, or operation of centers of study at the graduate or professional level but not including payment for the construction or acquisition of buildings; and (2) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time and part-time job service. The conference report contains the Senate provision.

Recipients of grants.—The House amendment authorized grants and contracts with public or private nonprofit agencies and organizations, including professional and scholarly associations, and contracts with profitmaking organizations when such grants or contracts will make an especially significant contribution to attaining the objectives of the programs. The Senate bill contained no comparable provision. The House recedes.

Allocation of grants, contracts, and fellowships.—The House amendment authorized the Secretary to give preference to programs designed to meet an urgent national need. The Senate bill contained no comparable provision. The House recedes.

Advisory committee.—The Senate bill authorized the establishment of a committee to advise the Commissioner on matters of general policy arising in the administration of the program. The House amendment contained no comparable provision. The Senate recedes.

Part H—Improvement of graduate programs

Program authorized.—The Senate bill authorized, beginning in fiscal year 1970, a new program to strengthen and improve the quality of graduate programs and to increase the number of quality graduate programs. Pursuant to the program the Commissioner of Education would be authorized to make grants to institutions of higher education for experimental, innovative, and interdisciplinary projects and activities. For the purpose of developing general policy under this program the Commissioner would be required to consult with the National Science Foundation, the National Foundation on the Arts and the Humanities, and the Federal Judicial Center. Payments under the program may not exceed 90 percent of the cost of a project or activity except that such payments may not exceed 50 percent of the cost of books or equipment. Funds may not be used for sectarian instruction. In allocating funds, the Commissioner would be required to give consideration to the objective of having an adequate number of graduate and professional (other than medical) schools of good quality within each appropriate region of the country. The House amendment contained no comparable provisions. The conference report contains the Senate provisions on the improvement of graduate programs except that the Federal share of the cost of a project or activity is limited to not to exceed 66⅔ percent of such cost, and retains the Federal share at not to exceed 50 percent for the cost of books or equipment.

Part I—Law school clinical experience program

Program authorized.—The Senate bill, effective in fiscal year 1970, authorized a new program to assist in the establishment or expansion of programs to provide clinical experience to students in the practice of law. Grants may not exceed 90 percent of the cost of establishing or expanding such a program and no law school may receive more than $75,000 in any fiscal year. Participating institutions must be accredited law schools. The Commissioner is required to allocate funds in a manner that will provide an equitable distribution throughout the United States among the law schools which show promise of being able to use funds effectively. The House amendment contained no comparable provision. The conference report contains the provisions of the Senate bill.

Part J—General provisions applicable to the Higher Education Act of 1965

Advisory Council on Graduate Education.—The House amendment required that the Chairman of the Advisory Council be the Commissioner of Education, and that at least one member of the advisory council be a graduate student. The Senate bill contained no comparable provision. The Senate recedes.

Dissemination of information.—The House amendment provided an authorization of funds for the dissemination of information concerning programs administered by the Commissioner in the field of higher education. The Senate bill had no comparable provision. The Senate recedes.

Adequate leadtime and funds for planning and evaluation of higher education programs.—The House amendment amended the Higher Education Act to authorize funds for planning and evaluation of programs carried on under the Higher Education Act, the Higher Education Facilities Act, and the National Defense Education Act. The House amendment further provided advance funding authority, and required an evaluation report for such programs. The House amendment further provided for the availability of appropriations on an academic or school year basis. The Senate bill contained no comparable provisions. The Senate recedes.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Part A—Equipment and materials for elementary and secondary education

Payment of State administrative expenses.—The House amendment eliminated effective in fiscal year 1969 the separate authorization of appropriations and allotments for the administration of State plans and for supervisory services, and substituted in lieu thereof authority to use project funds to cover State administrative expenses. Federal payments with respect to expenditures for administration could not exceed 3 per centum of the total payments made to the States under part A of title III, or $50,000, if greater. Funds to cover administrative expenses would be on the same matching basis as expenditures for equipment. The Senate bill provided for the continuation of the separate authorization of appropriations for administration of State plans and for supervisory services. The House recedes.

Equalization within a State.—The House amendment required that State plans under part A of title III of the National Defense Education Act of 1958 set forth any requirements imposed under the State plan on applicants for financial participation in projects assisted under part A, including any requirements to take into account the relative resources available to such applicants. The Senate bill contained no comparable provision. The Senate recedes. However, the conference committee wishes to emphasize that this provision is not intended to confer upon the State educational agency any new or additional authority.

Loans to private schools.—The House amendment eliminated the allotment formula with respect to loans to nonprofit private schools presently in the law and provided that any amount not needed for loans to such private schools shall be available for reallotment among the States for carrying out title III State plans. The House amendment further provided that the interest rate on loans under title III be based on the current available market yield on comparable outstanding marketable obligations of the United States. The Senate bill contained neither provision. The Senate recedes.

Authorizing grants to assist in the acquisition of equipment to be used in programs for educationally deprived children. The House amendment authorized a new part B of title III providing for grants to local educational agencies for the acquisition of equipment and materials of the kinds now within the scope of title III, but to be used in programs and projects designed to meet the special educational needs of educationally deprived children. Funds would be allotted among local educational agencies in proportion to the respective amounts received by them from funds appropriated for the preceding fiscal year for grants under title I of the Elementary and Secondary Education Act of 1965. Under the program local educational agencies were not required to match the Federal allotment. Funds could only be used for the acquisition of equipment and materials to be used in programs and projects designed to meet the special educational needs of educationally deprived children in school attendance areas having a high concentration of children from low-income families. To the extent consistent with the number of educationally deprived children who are enrolled in private elementary and secondary schools in the school district, the local educational agencies must make provisions for including special educational services and arrangements which would afford such children the benefits of equipment and materials acquired under the new program. The Senate bill contained no comparable provisions. The Senate recedes.

Part B—Amendments to national defense fellowship program

Duration of fellowships.—The House amendment increased the maximum length of a fellowship from 3 to 4 academic years in special circumstances. The Senate bill had no comparable provision. The Senate recedes.

Provision to encourage teaching.—The House amendment required reasonable continuing efforts by participating institutions to encourage recipients of fellowships to enter or to continue college teaching. The Senate bill had no comparable provision. The Senate recedes.

Distribution of fellowships.—The Senate bill directed the Commissioner to seek to achieve an equitable geographical distribution of graduate programs supported under title IV based on such factors as students' enrollment in institutions of higher education, population, and the number of faculty members who have not attained the degree of doctor of philosophy or its equivalent as compared with the number of members who have such a degree. The House amendment has no comparable provision.

The conference report provides that the Commissioner achieve an equitable geographic distribution of such graduate programs based upon such factors as the enrollment of students in institutions of higher education and population. In connection with this amendment, the conference committee wishes to emphasize its great concern and distress with respect to the distribution of fellowship programs in the past. The conference committee fully expects the Office of Education to take immediate steps to provide for a more equitable geographic distribution of the graduate program supported under title IV. The amendment requires the Commissioner of Education to take into account such factors as relative student enrollments and population. The committee further suggests that the Commissioner consider additional factors such as the relative number of faculty members who have not attained the degree of doctor of philosophy as compared with the number who have such degrees. The committee cannot overemphasize the importance it attaches to this amendment.

Stipends.—The House amendment eliminated the statutory dollar amounts for stipends and authorized stipends in the fellowship program to be set at an amount consistent with those awarded under comparable fellowship programs. Stipends for fellowships already awarded may not be decreased. The Senate bill has no comparable provision. Senate recedes. However, the conference committee wishes to clarify its intention that the amendment not be interpreted so as to authorize any reductions in future years in the stipend level previously specified for title IV fellowships.

Cost of education allowance.—The House amendment provided for a maximum not exceeding $3,500 per year for a cost-of-education allowance fixed at an amount comparable to federally supported programs. The Senate bill contained no such maximum. The Senate recedes.

Part C—Guidance, counseling, and testing

Authorizing funds for short-term training sessions.—The Senate bill provided that funds under title V of the National Defense Education Act of 1958 may be used to support short-term training sessions by persons engaged in counseling in elementary and secondary schools, junior colleges, and technical institutions. The House amendment has no comparable provisions. The House recedes. However, the conference committee wishes to clarify that this authority should be used to support training activities which are similar to the types of institutes supported under the Education Professions Development Act. The committee does not intend that funds be utilized for seminars, symposia, workshops, or conferences unless these are a part of a continuing program of training.

The Senate bill repealed part A of title VII, providing support for research and experimentation in more effective utilizatiton of educational media and the provisions in title VII relating to an Advisory Committee on Educational Media. The House amendment did not extend title VII. The conference report does not extend title VII. The Senate bill added to the requirements of part B of title VII that the Commissioner make studies and surveys to determine the need for improved utilization of "systems of instruction" by State or local educational agencies. The House amendment contained no comparable provision. The Senate recedes. The Senate bill amended a provision of part C to authorize the Commissioner to secure the assistance of experts in the utilization and adaptation of "new media and technology" for educational purposes. The House amendment contained no comparable provision. The House recedes.

Part F—Miscellaneous provisions, National Defense Education Act of 1958

Providing funds for schools serving Indian children and overseas dependents schools of the Department of Defense.—The House amendment provided for a reservation of up to 1 percent of title III and title V appropriations for elementary and secondary schools operated for Indian children by the Department of the Interior and the Secretary of Defense for overseas dependents schools. No comparable provision is in the Senate bill. The Senate recedes.

TITLE IV—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

Eligibility requirements for grants under title I.—The Senate bill provided that the precondition of an expanded student enrollment capacity shall be considered met if the Commissioner finds that but for construction of the proposed facility such capacity would decrease. The House amendment in addition to a conforming change in the statement of purpose substitutes a new section 106 to render eligible projects which are needed and will be efficiently utilized by the institution (1) to provide for increased student enrollment; (2) to provide a needed expansion of extension, continuing education, or community service programs; (3) to remedy existing or developing deficiencies in instructional extension, research student counseling, or student health programs; (4) to provide administrative, maintenance, storage, or utility service necessary for continued operation or expansion; or (5) for a combination of such purposes. The Senate amendment was effective with respect to fiscal year 1970; the House revision was effective with respect to the first fiscal year for which the full title I authorization is appropriated. The House recedes.

Revision of definition of "academic facilities.—Effective for fiscal year 1969 and years thereafter, the House amendment expanded the definition of "academic facilities" (for purposes of titles I and III) to include health care facilities for personnel and students of the institution, and requires the Commissioner to give special consideration to the need for such facilities in establishing basic criteria for determining priorities and the Federal share of costs. The amendment permitted the Commissioner to approve a title I grant or title III loan for an infirmary or other facility providing primarily for outpatient care only where he has determined that no financial assistance will be provided for the project under title IV of the Housing Act of 1950. The Senate bill has no comparable provisions. The Senate recedes except that the Commissioner will give consideration, rather than special consideration, to such need.

Grants to reduce the cost of loans.—Both the Senate bill and House amendment thereto amended title III, to authorize contracts for payment of annual interest grants to reduce the cost of securing loans from non-Federal sources for the construction of academic facilities. The House amendment, unlike the Senate bill, required that not less than one-fourth of the development cost will be financed from non-Federal sources. The Senate bill, unlike the House amendment, provides that no more than 12½ percent of the funds provided for such grants may be made within any one State. The House amendment is effective in fiscal year 1969. The Senate amendment is effective beginning in fiscal year 1970. Under the Senate version, the Commissioner would be required to make a grant in an amount equal to the differential between the average annual debt service on the loan and the average annual debt service which the institution would have been required to pay for a title III loan. The House amendment provides that the Commissioner shall pay an amount not greater than the differential. The conference report provides that not less than 10 percent of the development cost will be financed from non-Federal sources; that no more than 12½ percent of the funds provided for such grants will be made within any one State, and that the Commissioner shall pay an amount not greater than such differential. The conference report further provides the amendment is effective in fiscal year 1969.

Increasing Federal share.—The House amendment increased the maximum Federal share from 40 percent in the case of public community colleges and technical institutes, and 33⅓ percent in the case of other institutions of higher education, to 50 percent in both titles I and II of the Higher Education Facilities Act of 1963. The Senate bill had no comparable provision. The Senate recedes.

Minimum allotments.—Effective beginning in fiscal year 1969, the House amendment provided for a minimum annual allotment of $50,000 to each State under section 103 (junior colleges) and an annual minimum allotment of $50,000 to each State under section 104 (other institutions). The Senate bill contained no comparable provision. The Senate recedes.

TITLE V—MISCELLANEOUS PROVISIONS

International Education Act of 1966.—The Senate bill extended the International Education Act of 1966 through fiscal year 1972. The House amendment contained no comparable provision. The conference report continues the program through fiscal year 1971.

Neighborhood Youth Corps.—The House amendment provided that the Director of the Office of Economic Opportunity may not limit the number or percentage of participants in any in-school Neighborhood Youth Corps program who are 14 or 15 years of age. The Senate bill contained no comparable provision. The Senate recedes. The conference committee wishes to emphasize that in adopting this provision, the prohibition is directed solely at national guidelines limiting the percentage of 14- or 15-year-old youths in the in-school Neighborhood Youth Corps program. The provision does not apply to nor is it intended to influence local procedures for the selection of participants in the program.

Program consolidation.—The Senate bill contained amendments prohibiting the consolidation of authority under section 303(a) (5) (State administration and supervisory services), section 1009 (State statistical services) of the National Defense Education Act, and title V of the Elementary and Secondary Education Act of 1965. The Senate receded on this amendment and concurred with the House's position in not extending section 1009 of the National Defense Education Act. In a related amendment discussed previously, the House concurred with the Senate bill to continue a separate authorization under section 303(a)(5) for State administration and supervisory services. The conference committee action with regard to section 1009 is based on the consideration that State statistical services may be funded under title V of the Elementary and Secondary Education Act. The committee emphasizes, however, that it still assigns a high priority to programs at the State level to improve statistical services and expects no substantial change in the emphasis given to the improvement of such services because of the expiration of section 1009.

Student unrest.—The Senate bill provided that nothing in the 1968 amendments or in any act amended by the 1968 amendments should be construed to prohibit any institution from refusing to award, continue, or extend any financial assistance under such acts to an individual because of misconduct which, in the institution's judgment, bears adversely on the student's fitness or such assistance. The House amendment provided that institutions deny payments to or for the benefit of any student under a number of enumerated student assistance programs if the institution determines, after notice and opportunity for hearing, that the student has willfully refused to obey a lawful regulation or order of the institution, and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution. A student could only be disqualified for aid for an act committed after enactment of the 1968 amendments. The House amendment further provided that no loan, guarantee of a loan or grant under a program authorized or extended by the 1968 amendments should be awarded to any applicant within 3 years after he has been convicted by any court of record for any crime which was committed after the date of enactment of the 1968 amendments, and which involved the use of (or assistance to others in the use of) force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies, by an institution or person having knowledge of such conviction.

The conference report provides that—

If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of 2 years any further payment to, or for the direct benefit of such individual under any of a number of specified programs; that if an institution denies an individual assistance under the authority of the preceding clause then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the specified programs; and

That, if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactemnt of this act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individual under any of the specified programs. The programs specified in the conference report are as follows:

(1) The student loan program under title II of the National Defense Education Act of 1958.

(2) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(3) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(4) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(5) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958. The conference report further provides that nothing in the bill or any act amended by the bill, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance; that nothing in the student unrest section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law; and that nothing in the student unrest section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Enforcement of compulsory attendance laws.—The Senate bill, effective for fiscal years beginning after the enactment of the bill, provided that no local educational agency may receive financial assistance under the 1968 amendments or any act amended by the 1968 amendments unless such agency has certified that it is taking all appropriate steps to enforce laws relating to compulsory school attendance in the district of such agency. The Senate bill further required the Secretary of Health, Education, and Welfare to make an investigation of State laws relating to compulsory school attendance for the purpose of determining what Federal action, if any, should be taken, to promote minimum attendance requirements throughout the Nation. The Secretary would be required to report the results of his investigation not later than July 1, 1969. The House amendment contained no comparable provision. The Senate recedes.

College of Guam.—The Senate bill provided that the College of Guam should be deemed a land-grant college, and that Guam should be deemed a "State" in the administration of the Second Morrill Act. The Senate amendment further authorized an appropriation of $890,995 for the territory of Guam in lieu of extending to the territory certain provisions of the First Morrill Act. The Senate provision would take effect with respect to appropriations beginning with fiscal year 1970. The House amendment contained no comparable provision. The Senate recedes.

Rules, regulations, and guidelines.—The House amendment requires that standards, rules, regulations, or requirements of general applicability prescribed for the administration of the 1968 amendments or any act amended by the 1968 amendments not take effect (1) until 30 days after such standards, rules, regulations, or requirements are published in the Federal Register, and (2) unless interested persons are given an opportunity to participate in the formulation of such standards, rules, and so forth, through the submission of views or arguments. The Senate bill contained no comparable provision. The conference report requires that standards, rules, regulations, or requirements of general applicability prescribed for the administration of the amendments or any act amended by the 1968 amendments shall not take effect until 30 days after such standards, rules, regulations, or requirements are published in the Federal Register.

Development of new means of testing secondary school students for capability for postsecondary education.—The Senate bill authorized the Commissioner of Education to provide by grant or contract with institutions of higher education or other public or private organizations for the development of improved testing and other procedures to determine the capabilities of students with varying social and economic backgrounds for postsecondary education. The House amendment contained no such provision. The Senate provision is not included in the conference substitute because the conference committee did not feel it was necessary to create a special program as any research needed to accomplish this could be supported under title IV of the Cooperative Research Act, and because information brought to the conferees' attention indicated that experimentation in this area was already being undertaken by colleges and universities. In lieu of the establishment of a special program, it is the intention of the conference committee that the Office of Education collect available information regarding colleges and universities studies on admission policies and specifically, the criteria utilized in selection standards. If, after this information is compiled, there appears to be a need for further and more comprehensive research, the conferees agree that consideration should be given to funding this type of activity under the Cooperative Research Act.

Treatment of certain financial aid to students.—The Senate bill provided that no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education shall be considered as income or resources under those programs authorized by the Social Security Act in which participation is on the basis of annual income. The House amendment contained no comparable provision. The House recedes.

Duplication of benefits.—Under the cold war GI bill veterans are precluded from receiving veterans' benefits if they are receiving grant assistance under other Federal education programs. The Senate bill exempted all student assistance programs authorized or amended by the bill from the nonduplication provisions of the Veterans Act. The House amendment contained no comparable provision. The House recedes.

Presidential recommendation with respect to postsecondary education.—The Senate bill proposed the establishment of an 11-member commission to be known as the Universal Educational Opportunity Commission which would conduct a study of the availability of higher education; financing higher education and alternative plans for providing financial assistance to institutions of higher education and to students. The Commission would be directed to report to Congress within 18 months after the effective date of the act, the results of its study and a plan or alternative plans for providing universal educational opportunity at the postsecondary level. The House amendment contained no comparable provision.

The conference report provides in lieu of the Senate provision that on or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a postsecondary education to all young Americans who qualify and seek it.

Carl D. Perkins,
Edith Green,
John Brademas,
Sam M. Gibbons,
Hugh L. Carey,
William D. Hathaway,
Phillip Burton,
William Ayres,
Albert H. Quie,
Ogden Reid,
John N. Erlenborn,
Marvin L. Esch,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, I have a statement of Senator Morse on the higher education conference report. He presided at this conference with great ability. I have never seen a more skilled negotiator and conciliator in my life. He brought together the two Houses in almost 100 points of difference. They were in agreement to the point that every one of the managers of both Houses signed the report.

As Senators know, Senator Morse was called away because of the untimely death of his administrative assistant, who had served him so long and so well. He attended the funeral services in Oregon and could not be here.

On behalf of Senator Morse, I ask unanimous consent that the statement he had prepared in advance last week, waiting for the day when the conference report would be up for consideration, explaining what the bill does, be printed in full at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Morse on Higher Education Conference Report

Mr. President, I am happy to bring before this body the Conference Report on S. 3769, the Higher Education Amendments of 1968. This report represents many long hours of discussion with our colleagues from the House and contains, for the most part, the better portions of the two higher education bills that were before the Conference Committee. I wish to express my gratitude to my Senate colleagues who served with me as conferees, for their long and dedicated service in the cause of better education for all Americans. And I wish to assure the Senate that I am quite proud of the bill I bring before you today, a bill which ranks high among the landmark education measures which have been passed by this Congress in recent years.

I realize that the bill before you is long and often complex. I would therefore like to discuss the provisions of the Congress Report with the Senate in some detail, to explain the changes these amendments will make in our programs of Federal assistance to education at all levels.

In general, the amendments extend from existing pieces of legislation—the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the International Education Act of 1966. All authorizations in the bill extend through fiscal year 1971. In addition, the amendments authorize seven new programs in the field of education, and also transfer the existing Upward Bound program from the Office of Economic Opportunity to the Office of Education. However, the committee was aware of the current budget restraints. Therefore, almost uniformly, new programs were authorized to begin operation in fiscal year 1970. Only planning funds were authorized for the current fiscal year, to allow the Office of Education and the educational community to prepare for the implementation of the new programs.

TITLE I—STUDENT ASSISTANCE

Title I amends and extends all the student financial assistance programs administered by the Office of Education: the NDEA student loan program, the Guaranteed Loan Program, the Educational Opportunity Grant Program, the College Work-Study Program, and the National Vocational Student Loan Insurance Program.

The *Educational Opportunity Grant Program* is authorized at the rate of $70 million for fiscal year 1969, $100 million for fiscal year 1970, and $140 million for fiscal year 1971. This program, which provides grants to our neediest college students—approximately 220,000 this past year—is amended to increase the maximum grant from $800 to $1,000.

The *Talent Search Program,* which seeks out the talented high school students from low-income families and advises them about opportunities for higher education, is merged with the *Upward Bound* Program now administered by the Office of Economic Opportunity and with a new program of *Special Services for Disadvantaged Students.* Programs under this new authority would be able to start at the high school level with the identification of talent, continue with preparation of students from low-income backgrounds for the skills they will need to succeed in college, and conclude with an on-going program of services—tutoring, remedial instruction, special counseling—to enable them to succeed after they have finally enrolled in college. Only the Talent Search portion of this new program could be contracted out to agencies other than educational institutions; in exceptional cases, the Commissioner of Education would be allowed to make Upward Bound contracts with secondary schools and postsecondary institutions other than colleges. Enrollees in Upward Bound can receive stipends of up to $30 per month, but the cost of the program cannot exceed $150 per enrollee per month. For fiscal year 1969, $10 million is authorized, of which no more than $500,000 may be spent for planning the Upward Bound program. Effective in fiscal year 1970, administration of the program is transferred to the Office of Education from the Office of Economic Opportunity. The authorization for fiscal year 1970 for all three programs is $56.68 million, and the authorization for fiscal year 1971 is $96 million.

The *Insured Student Loan Program* was amended in several significant ways by the conferees. Although the Commissioner's authority to make payments to reduce interest costs to the student during his college career was extended, the post-graduation subsidy which had been paid for all students whose families had an adjusted gross income of less than $15,000 was eliminated by the Conference Committee. This amendment is applicable only to insured loans made 60 days after the enactment of this Act, so it will not affect the repayment liabilities of any student who now holds a guaranteed student loan. In case of the death or permanent and total disability of a borrower, the Commissioner is authorized to repay the amount owed.

The bill reported by the conference authorizes the appropriation of $12.5 million in seed money, to serve as advances to the reserve funds of State and nonprofit private student loan insurance programs. In all cases, Federal funds must be matched dollar-for-dollar from non-Federal sources.

I am sure that nearly all the Members of this body have received letters from students complaining that they have been unable to secure insured student loans in their communities. One of the problems has been that the allowable interest rate—6 percent—has been too low, in view of the present money market. Therefore, the conferees agreed to raise the maximum permissible interest rate on these loans to 7 percent. This continues the higher rate already made possible by PL. 90–460, the Act extending our insured loan programs through October 31, 1968. The conferees were aware that some States have not yet raised their statutory ceilings on non-usurious interest charges. Therefore, the Commissioner of Education was authorized to pay an administrative cost allowance of no more than one percent to the lender to cover the disparity. Such cost allowance will be paid on loans made during the period ending 120 days after the adjournment of the State's legislature; this grace period will offer the State ample time to amend its usury laws. In special cases, the provisions of the Federal law will supersede State law, in the limited area of interest chargeable on student loans.

Several other reasonably technical amendments were also made to our insured student loan program. The program authorized by the National Vocational Student Loan Insurance Act of 1965 was merged with that authorized by the Higher Education Act, thus simplifying the paperwork and bookkeeping required of lending agencies. To make the State program consistent with the Federal one, the Commissioner is authorized to encourage the inclusion in State programs of provisions deferring repayment of loans during military, VISTA, or Peace Corps service. In another attempt to coordinate the Federal and non-Federal programs, the conferees agreed to standardize the maximum amounts of loans insured, issuance of installment obligations, and minimum amounts of repayment installments permitted.

Two amendments contribute to the broadening of a student's access to an insured loan. First, pension funds and Federal savings and loan associations were made eligible to make student loans for both college and vocational study. Second, the Commissioner of Education is authorized to insure loans to student borrowers who, because they are not State residents, do not have access to the regular insured loan program within the State. The conferees hope that the latter amendment will do much to overcome the inequities which have occurred because of restrictive residence requirements which have been imposed on some State-insured programs.

The *College Work-Study Program* was transferred by these amendments from the Economic Opportunity Act to part C of title IV of the Higher Education Act. This is consistent with the fact that the program has been operated by the Office of Education since its inception. The program was authorized at the level of $225 million for fiscal year 1969, $255 million for fiscal year 1970, and $285 million for fiscal year 1971. For the first time, area vocational schools were made eligible to participate. The Federal-non-Federal matching requirement was set at 80–20 for the duration of the bill, and students were allowed to work more than the usually prescribed number of hours during vacation and other non-enrollment periods. Students in proprietary institutions may participate in the Work-Study program, although they may not work for the proprietary institution.

The Conference Committee also agreed on a new program of student financial assistance—*Cooperative Education.* This program would allow the Commissioner to make grants to institutions of higher education for the planning, establishment, expansion, or carrying out of programs of cooperative education, which is defined as alternate periods of full-time study and full-time employment. No institution may receive more than $75,000 per year, and no institution may receive grants for more than 3 years. For fiscal year 1969, $340,000 is authorized, to be available for planning and other related activities; $8 million is authorized for fiscal year 1970, and $10 million for fiscal year 1971. In addition, the Commissioner is authorized to make grants and contracts for the training of persons to administer cooperative education programs and for research in the field. For these purposes, $750,000 is authorized for each of the three fiscal years.

Several general amendments apply to all student assistance programs. Residents of the Trust Territory of the Pacific Islands are made eligible to participate. An Advisory Council on Financial Aid to Students is established to advise the Commissioner on matters of general policy arising in the administration of student financial aid programs.

Effective in fiscal year 1970, institutions participating in the Educational Opportunity Grant and College Work-Study programs will receive an administrative expense allotment of 3 percent, in lieu of reimbursement; this sum, plus the amount withdrawn by the institution from its National Defense Student Loan fund to cover expenses, shall not exceed $125,000. In addition, the maintenance of effort requirements for the EOG and Work-Study programs were also standardized. The Conferees felt that these two changes will do much to ease the paperwork burden being felt by college financial aid officers across the country.

The *National Defense Student Loan Program* was also extended through fiscal year 1971, with authorizations of $210 million for fiscal year 1969, $275 million for fiscal year 1970, and $300 million for fiscal year 1971. The provisions for general teacher cancellation of 50 percent of the loan principal and interest were extended for 2 years, through fiscal year 1970. Expanded forgiveness of 15 percent per year up to 100 percent of the loan amount was extended to teachers in all schools with an enrollment of more than 50 percent of the children from families with incomes of less than $3,000. At present, such forgiveness is limited to teachers in only ¼ of the schools in any State. This limitation discriminates against our Nation's poorest States and thereby undermines the purpose of the forgiveness—to attract teachers to our least wealthy schools. The amendment adopted by the conferees will go a long way towards achieving such a worthy purpose.

The conferees also agreed to allow proprietary institutions to participate in the NDEA loan program. However, to avoid cutting back on the amounts of loan funds available to students in higher education in our current fiscal situation, the amendments provide that students in proprietary institutions may borrow only when appropriations for the loan program exceed $190 million.

Two other amendments remove the requirement of special consideration for the applications of students of superior academic backgrounds and exempt permanent residents of the Trust Terriory of the Pacific Islands for the required oath of allegiance.

TITLE II—AMENDMENTS TO OTHER PROVISIONS OF HIGHER EDUCATION ACT OF 1965

The *Community Services Program,* title I of the Higher Education Act, was authorized at the level of $10 million for fiscal year 1969, $50 million for fiscal year 1970, and $60 million for fiscal year 1971. The Senate conferees accepted the provision of the original House bill that the requirement of a comprehensive, coordinated, Statewide system of programs could be modified in cases where funds were insufficient. Since many States were experiencing difficulty in matching title I funds on an equal basis, the conferees agreed that the matching ratio for this title would be 66⅔ percent Federal funds and 33⅓ percent State and local funds.

Title II–A, *College Library Assistance,* is authorized by the conference committee at the level of $25 million for fiscal year 1969, $75 million for fiscal year 1970, and $90 million for fiscal year 1971. Branch institutions of higher education which are located in communities different from their parent institution are made eligible to receive supplemental and special purpose grants. This clarifies the status of such branches, which had been a problem in past administration of this part. Maintenance of effort requirements for special purpose grants were also revised, to make their application more equitable.

Title II–B, *Library Training and Research,* is authorized at the level off $11.8 million for fiscal year 1969, $28 million for fiscal year 197 , and $38 million for fiscal year 1971. The Senate conferees acceded to the House in accepting their provision for grants for the establishment, development, and expansion of programs of library and information science.

The *Library of Congress program,* title II–C of the Higher Education Act, received an authorization of $6 million for fiscal year

1969 and an authorization of $11.1 million for each of the two succeeding fiscal years. Since there has been some confusion concerning the proper authority of the Librarian of Congress under this part, statutory language was included to clarify his authority to purchase copies of materials and to act as an acquisitions agent for hard-to-obtain foreign materials.

Title III, *Developing Institutions*, was authorized by the conferees at the level of $35 million for fiscal year 1969, $70 million for fiscal year 1970, and $91 million for fiscal year 1971. Since junior colleges are playing an increasingly important role in American higher education, the share of title III funds allotted to junior colleges was increased to 23 percent by the conferees.

The House also accepted an amendment to title III offered originally by the gentleman from Texas [Mr. YARBOROUGH]. This provision, entitled "Professors Emeritus," would authorize the Commissioner to make grants to professors who have retired from service in colleges and universities. These grants would be designed to encourage such professors to teach and conduct research at developing institutions. I think that this amendment will be of major importance in forwarding the objectives of the developing institutions program. Institutions such as the Hastings Law School in San Francisco have more than proven that faculty members over the formal age for retirement have much to give new generations of students.

Although the *Education Professions Development Act*, title V of the Higher Education Act, does not expire at this time, the conferees agreed to extend its provisions through fiscal year 1971, with an authorization of $492 million, so that its expiration date would be consistent with those of other higher education programs. Provision was made for the Commissioner to provide medical insurance for those Teacher Corps members not otherwise covered with insurance in the school systems in which they teach. State educational agencies were authorized to administer directly programs of teacher recruitment under title V–B, subpart 2. In addition, a minimum allotment of $100,000 per State was set for this part, to assure each State sufficient funds to undertake a meaningful teacher recruitment program.

Since there was concern on the part of the conferees that fellowships under title V–C and training opportunities under title V–D were not being allocated equitably among the States, the Commissioner was directed to allocate such fellowships and training programs on the basis of certain statutory factors.

I would like to report to the Senate that with respect to the practices of the Office of Education in the administration of the Education Professions Development Act programs, that the conferees were dissatisfied with the practices now enforced and that it is expected that certain changes will take place in the near future. It is our expectation that the programs authorized by Part C and Part D of Title V of the Higher Education Act will no longer be administered together as a single program and that the Title V–C program will be administered as a fellowship program as it was originally intended by Congress.

It was my hope and that of the conferees that such a mandate would alleviate any inequities in the distribution of these funds that currently exist. Finally, in order to make cost-of-education allowances under the fellowship program consistent with those of other Federal fellowship programs, the conferees agreed to give the Commissioner discretion to set the amounts consistent with prevailing practices. Since Commissioner Howe had indicated to the Senate Education Subcommittee that he intended ultimately to increase such allowances to $3,500, the Senate conferees acceded to their House colleagues and set that figure as a statutory ceiling.

The Senate bill contained an amendment to the Education Professions Development Act which placed emphasis on teacher training to serve the needs of children living in areas of high concentrations of low-income families.

The conferees did not accept this statutory language since it was felt that statutory language was unnecessary. The conferees recognized that one of the major concerns of educators throughout the country is that our teachers are inadequately prepared to serve disadvantaged children. The Senate receded on this point only because it would appear, if the amendment were adopted, that statutory language was necessary in order to encourage the Office of Education to emphasize the needs of children from low-income families.

Therefore, the deletion of that language should be construed to mean that the conferees expect a continued interest in the teaching of the disadvantaged and that statutory direction is not necessary.

The program of *Equipment and Materials for Higher Education* was extended, like the rest of the Higher Education Act, for 3 years. For fiscal year 1969, $13 million was authorized for the purchase of television equipment; for fiscal year 1970 and for fiscal year 1971, $60 million was authorized for each year. For other equipment, $1.5 million was authorized for fiscal year 1969 and $10 million each year for fiscal years 1970 and 1971. Although no language was included to authorize the purchase of instructional computers, the Statement of Managers makes it clear that the conference committee agreed that instructional computers should be eligible equipment under title VI.

The Senate conferees agreed to include this language in the Statement of Managers only upon the understanding that the instructional computers eligible under title VI of the Higher Education Act are inexpensive computers of the desk top type variety. We would expect that the cost of any computer of this type would not exceed $1,000.

In other amendments to the title, it was made clear that combinations of institutions could apply for an equipment grant. In addition, to promote the coordination of Federal programs for the purchase of equipment for higher education, the Commissioner is directed to consult with the National Science Foundation and other agencies in developing general policy.

The Higher Education Amendments of 1968, as reported by the conference committee, also add four new titles to the Higher Education Act of 1965. The first, *Networks for Knowledge*, authorizes the Commissioner to make contracts and grants to encourage colleges and universities to share, through cooperative arrangements, their technical and other educational and administrative facilities and resources. In these days of the "knowledge explosion," it has become almost impossible for any single institution of higher education to maintain the facilities, closed-circuit television, computer systems, and library collections necessary to provide our Nation's students with the best possible education. This new program would encourage inter-institutional sharing of strengths. It was the hope of the conferees that the result of such cooperative arrangements would be education of higher quality in all participating institutions. In an effort to keep the immediate costs of this program as low as possible, the conferees agreed on an authorization of $340,000 for fiscal year 1969, to be used for planning and related activities. When the program finally becomes operational in fiscal year 1970, it will be authorized at the level of $4 million, with an authorization of $15 million for fiscal year 1971.

In receding to the House language on the point that profit making organizations would be eligible for contracts under the Networks for Knowledge program, the Senate only receded with the understanding that the Commissioner would make contracts with profit making organizations only under very unusual circumstances where it is impossible to carry out a very important part of the program with non-profit making organizations.

A second new title, *Education for the Public Service*, is designed to attract and prepare students for careers of service in State, local, and Federal governments. This is proposed to be done in two ways: the Secretary of HEW is authorized to make grants and contracts with institutions of higher education to assist them in developing and carrying out programs of graduate-level public service education and in conducting research. He is also authorized to award fellowships for graduate or professional study to persons planning to pursue a career in public service. Again, the conferees agreed that this program should not become operational until fiscal year 1970. For fiscal year 1969, $340,000 was authorized for planning and related activities; for fiscal year 1970, $5 million was authorized, increasing to $13 million in fiscal year 1971.

Although the language of the title vests primary administrative responsibility with the Secretary of Health, Education, and Welfare, this should not be construed as an intent on the part of the conferees that any other agency than the Office of Education should administer that program. The only reason the Senate receded on this point was that it was generally felt that in the inter-agency negotiations concerning the administration of the program the Secretary would be in a better position to speak to other Cabinet members than the Commissioner of Education.

A third new title to the Higher Education Act, *Improvement of Graduate Programs*, was contained in the Senate-passed bill but omitted by the House. The conferees agreed to accept the version passed by this body, with the limitation that Federal funds could pay no more than 66⅔ percent of the cost of any project. This program, which is designed to improve the quality and quantity of doctoral programs in this country, is also not scheduled to become operational until fiscal year 1970. It received from the conference committee an authorization of $340,000 in planning money for fiscal year 1969, $5 million for fiscal year 1970, and $10 million for fiscal year 1971.

The House conferees also accepted another new program which originated in the Senate, the *Law School Clinical Experience Program*. This program authorizes the Commissioner to contract with accredited laws schools to pay up to 90 percent of the costs of establishing clinical experience programs for their students. The emphasis in these programs is to be given to the preparation and trial of cases, in the hope that the supply of trial lawyers in this country may be increased. Again, only a planning authorization of $340,000 was allowed for fiscal year 1969. For each of the next two fiscal years the conferees allowed $7.5 million.

Several technical amendments were also made to the Higher Education Act. The advisory council now charged with approving grants under title II of the Higher Education Facilities Act was repealed, and a new Advisory Council on Graduate Education, designed to advise the Commissioner on policy matters relating to graduate education, was created. The Commissioner was authorized to disseminate information and provide technical assistance in the field of higher education, and $2 million was authorized to be appropriated for fiscal year 1970 for this activity. The Secretary was given the authority to plan and evaluate programs, with an authorization of $1.117 for fiscal year 1969 and $1.9 for fiscal year 1970. In addition, since the Federal fiscal year is not the same as the academic year—and much uncertainty over funding results in the academic community—advance funding for the programs under this act was authorized.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Title III, *Equipment and Materials for Elementary and Secondary Education*, was extended for three years, with authorizations of $110 million for fiscal year 1969, $120 million for fiscal year 1970, and $130 million for fiscal year 1971. The Senate conferees agreed to accept the House language providing for the State plan to set forth any requirements for within-State equalization of matching. However, we wish to emphasize that we do not consider this any grant of additional power to the State educational agency; it merely clarifies existing law. Since private schools do not occur with equal incidence across the country, the separate allotment formula for loans to private schools was repealed. Any funds not utilized by private schools may be reallotted by the Commissioner for use under State plans.

The Senate conferees also accepted a new part B to title III, *Grants for Acquisition of Equipment for Programs for Educationally Deprived Children*, which had been contained in the House bill. This program provides grants to local educational agencies with high concentrations of low-income children, similar to title I of the Elementary and Secondary Education Act. Nonpublic school children must receive an equitable share of the benefits of the equipment purchased under this program. No matching is required. This program is consistent with the philosophy of the Senate that every attempt should be made to equalize educational opportunities around the country, and that compensatory attention should be paid to those school districts which have the greatest numbers of educationally deprived children. For this reason, your conferees agreed to the addition of this new part. It carries a 2-year authorization of $84.373 million for fiscal year 1969 and $160 million for fiscal year 1970.

With respect to the new program of grants for equipment for education of deprived children, as chairman of the Senate conferees and for the purpose of legislative history I would like to say that the availability of equipment under the Title III–B program to nonpublic school children is on exactly the same terms as such equipment is available to such children under Title I of the Elementary and Secondary Education Act. I would further point out that in making equipment available under this program we in no way limit the availability of equipment under Title I of the Elementary and Secondary Education Act.

The *National Defense Fellowship Program* was continued at the same level—7,500 new fellowships per year. The maximum length of fellowships was increased from three years to four years, if special circumstances warrant. Like the fellowships under the Higher Education Act, NDEA fellowships also carry an institutional cost-of-education allowance. This was increased by the conferees to an amount consistent with the allowance of other higher education fellowships across the Federal government, not to exceed $3,500.

The Senator from Virginia [Mr. SPONG] convincingly pointed out to the Education Subcommittee the inequities which currently exist in the distribution of NDEA fellowships. The bill we took to conference contained language to solve this problem. The bill before you requires the Commissioner to achieve such equitable distribution, based on such factors as student enrollments in higher education institutions and population. The original bill also included another factor—shortage of faculty members with a PhD. This was dropped in conference after testimony that such data were not available. However, I would like to make legislative history at this point that the committee considers it of the highest importance that such distribution be achieved and that it recommends that the Commissioner secure the data to allow the consideration of faculty members with less than the doctorate in his distribution of fellowships.

The program of *Guidance, Counseling, and Testing* was authorized at the level of $25 million for fiscal year 1969, $40 million for fiscal year 1970, and $54 million for fiscal year 1971. Although the institute program originally authorized by part B of title V was not extended by the conferees, provision was made for the use of short-term training sessions in guidance and counseling under part A of the title. However, the conferees want to make clear that such sessions are intended to be consistent with the type of training conducted under the Education Professions Development Act; they are not to be workshops, symposia, or conferences.

Title VI, *Language Development*, was extended without change. The conferees authorized $16.05 million for fiscal year 1969, $30 million for fiscal year 1970, and $38.5 million for fiscal year 1971.

The conferees did not extend title VII, *Educational Media*. However, the House did agree to a provision contained in the Senate bill authorizing the Commissioner to secure the assistance of experts in the utilization and adaptation of "new media and technology" for educational purposes.

In a technical amendment, the Senate conferees agreed to accept House language reserving up to one percent of title III and title V appropriations for Department of the Interior Indian schools and Department of Defense overseas dependents schools.

TITLE IV—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

Although the authorizations for the Higher Education Facilities Act have not expired, the conferees extended them through fiscal year 1971 to be consistent with the length of authorizations of other higher education programs. Title I, *Grants for Undergraduate Facilities*, was authorized at the level of $936 million per year for fiscal years 1970 and 1971. Title II, *Grants for Undergraduate Facilities*, received an authorization of $120 million for each fiscal year. Title III, *Loans for Construction of Facilities*, was authorized at the level of $400 million for each of the two fiscal years. The provisions for disaster assistance were also extended through fiscal year 1971.

The conferees agreed to expand the eligibility for construction grants, heretofore limited to schools with expanding enrollments, to those whose enrollments would decrease if construction were not permitted. In addition, student health facilities were made eligible subjects for construction. The Federal share of construction costs was increased to 50 percent; and, effective in fiscal year 1969, a minimum allotment of $50,000 of title I funds will be made to each State and territory.

A new provision adopted by the conferees authorizes the Commissioner to make contracts to reduce the cost of securing loans from non-Federal sources, through the payment of annual interest grants. The Senate conferees compromised with the House in agreeing that at least 10 percent of the construction costs of a building must be paid from non-Federal sources. In turn, the House accepted the Senate provision limiting grants made to any one State to 12½ percent of the funds. The amendment becomes effective in fiscal year 1969, with an authorization of $5 million for fiscal year 1969. This amount will be increased by $6.75 million in fiscal year 1970 and by $13.5 million in fiscal year 1971.

TITLE V—MISCELLANEOUS

Two additional pieces of existing legislation are also extended by the Higher Education Amendments of 1968. The first, *section 12 of the National Foundation on the Arts and Humanities Act*, which provides equipment for use in the study of the humanities and the arts, was authorized at the rate of $500,000 for each of the three fiscal years. The second, the *International Education Act of 1966*, was extended to keep its expiration date consistent with those of other higher education acts. It was authorized at its current level, $90 million, for each of the two fiscal years 1970 and 1971.

The Economic Opportunity Act was amended to prohibit the Director from limiting the number of participants in the in-school Neighborhood Youth Corps who are 14 or 15 years of age. Provision was made that benefits under this act should not be deducted from benefits under certain titles of the Social Security Act, and that they were exempt from the "duplication of benefits" section of the cold war GI Bill.

The conferees, after much discussion, compromised on an amendment designed to deal with the problems of student unrest. The provision requires an institution to deny certain financial aid to an individual if it finds, after notice and opportunity for hearing, that (1) he has been convicted by a court of record of a crime involving the use of force,. disruption, or seizure of institutional property, designed to prevent the ordinary operation of the institution, and (2) the crime was of a serious nature and contributed to a substantial disruption of the institution. If these findings are made, the individual must be cut off from further Federal financial assistance for a period of 2 years. Once one institution makes such a finding, a subsequent institution may not grant the individual Federal financial aid within the two-year period.

A second provision holds that, if an institution of higher education, after notice and opportunity for hearing, finds that an individual has wilfully refused to obey a lawful regulation, and such refusal was of a serious nature and contributed to a substantial disruption of the institution, the institution shall deny Federal financial assistance to such individual for a period of two years.

The amendment makes clear that nothing in this bill shall be construed in such a way to prohibit any institution from refusing financial assistance to a student because of any misconduct which in its judgment bears adversely on his fitness for such assistance. In addition, the provision makes clear that nothing in the bill shall be construed to limit the freedom of any student to verbal expression of individual opinions or views.

I can truthfully say to this body that I feel that we have an excellent conference report before us. Both sides yielded on certain points, and both sides stood firm on the issues they felt the most crucial to the future of education. I urge my colleagues to support the bill I consider one of the most important in the history of Federal aid to education—the Higher Education Amendments of 1968.

Mr. YARBOROUGH. Mr. President, the bill now before the Senate, S. 3769, the Higher Education Amendments of 1968, is a landmark piece of legislation. As a result of the conference between the House and Senate, the bill now before us is in many respects stronger and better than either the Senate-passed or the House-passed bills. S. 3769 as approved by the conference committee has already been passed by the House of Representatives. After the approval of this body today it will be sent to the President for his signature into law.

These amendments, in addition to expanding our existing programs for financial assistance to students and our loans and grants to institutions for construction of facilities, establish some broad, new programs in higher education. The bill includes a new title for clinical assistance to law schools across the country, provides special programs for disadvantaged students who are admitted to college but who otherwise would have a difficult time graduating, and sets up a new "networks for knowledge" title which encourages colleges and universities to group together in common efforts and ventures.

There are three provisions in this bill in particular that I wish to call to the attention of my colleagues because they are provisions which I either authored or amended during executive sessions of the Senate Subcommittee on Education.

The first of these provisions is the amendment to title III of the Higher Education Act which provides for professors emeritus programs. This addition will make possible a union of interests between developing educational institutions which need competent faculty, and professors who, merely because of age, face compulsory retirement from a developed institution. The amendment makes available to developing institutions the talent and experience of qualified faculty who have reached compulsory retirement age at a development institution, but who are not eager to retire and would welcome the opportunity to teach and pursue research at a developing institution.

It is ironic that the students of developing institutions should go begging for qualified faculty while hundreds of experienced and productive teachers annually are forced into a frustrating retirement. On the one hand, there is a challenging job in search of a qualified employee. On the other hand, there is a qualified employee wanting a challenging job. Simply stated, my amendment provides the mechanism to get the two together for the mutual advantage of both, with society receiving the ultimate benefit of the alliance.

The professors emeritus section of the bill was not contained in the House version. The House conferees, however, agreed to adopt it.

Another program of major import which the Senate version of these amendments contained, but which the House version did not, is the new title X—"Improvement of Graduate Programs." As the Senate made clear in its report accompanying this title:

> The Committee cannot emphasize too strongly that the heart of this proposal lies in the word "quality." It was for that reason that the listing of projects exampled in the legislation as being among the types that would qualify for funding is preceded by the words, "experimental, innovative, or interdisciplinary."

As originally introduced, the legislation did not contain this language and therefore, in the words of one witness, seemed "based on the dubious faith that quality is a function of quantity." As I have amended title X, nothing could be further from the truth; we are interested in quality, not quantity alone, not business as usual. These funds should be used as a lever for change, for reform, for experiment, for innovation, for the development of superior graduate schools in all the major areas of the country.

In particular, by way of legislative history, I wish to make it clear to the administration that the remarks of Dr. William Arrowsmith of the University of Texas which were incorporated in the Senate report accompanying S. 3769, are to be interpreted as though written by the committee, having the full force and effect of the committee's interpretation of the thrust of title X.

Finally, I call attention to the directive that the incoming President report back to the Congress no later than December 31, 1969, with proposals designed to increase educational opportunity at the postsecondary level for all Americans. I started working on this proposal over a year ago, and although it takes only a few lines in this huge bill, it may well be the most important part of it. I have long been a proponent of free universal educational opportunity and it is my hope that the President, whoever he may be, will address himself to this highly urgent national issue in education. What I hope to achieve is universal higher education, free of tuition, for all who desire it and are competent to assimilate it, much as we do with secondary education today.

Mr. President, I move that the conference report be agreed to.

The motion was agreed to.

VOCATIONAL EDUCATION AMENDMENTS OF 1968—CONFERENCE REPORT

Mr. **YARBOROUGH**. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 1938)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Vocational Education Amendments of 1968".

TITLE I—AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

ACT AMENDMENTS

SEC. 101. (a) The Act of December 18, 1963, Public Law 88–210 (77 Stat. 403 et seq.), is amended—

(1) by redesignating parts B and C thereof as titles II and III and redesignating sections 21 through 28 and 31 through 33 and all references thereto, as sections 201 through 208 and 301 through 303, respectively;

(2) redesignating part A thereof as title I; and

(3) adding after the enacting clause, the following: "That title I of this Act may be cited as the 'Vocational Education Act of 1963'.".

(b) Title I of such Act (as redesignated by subsection (a)) is amended to read as follows:

"TITLE I—VOCATIONAL EDUCATION

"PART A—GENERAL PROVISIONS

"DECLARATION OF PURPOSE

"SEC. 101. It is the purpose of this title to authorize Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 102. (a) There are authorized to be appropriated $355,000,000 for the fiscal year ending June 30, 1969, $565,000,000 for the fiscal year ending June 30, 1970, $675,000,000 for the fiscal year ending June 30, 1971, $675,000,000 for the fiscal year ending June 30, 1972, and $565,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year for the purposes of parts B and C of this title. From the amount appropriated pursuant to the preceding sentence and allotted to each State under section 103, 90 per centum shall be available for the purposes of part B and 10 per centum shall be available for the purposes of part C.

"(b) There are also authorized to be appropriated $40,000,000 each for the fiscal years and ending June 30, 1969, and June 30, 1970, for the purposes of section 122(a)(4)(A). Nothing in this subsection shall be construed to affect the availability for such purposes, of appropriations made pursuant to subsection (a) of this section.

"(c) There are further authorized to be appropriated for each fiscal year such sums as may be necessary to pay the cost of the administration and development of State plans, the activities of advisory councils created under this title, and the evaluation and dissemination activities required pursuant to this title.

"ALLOTMENTS AMONG STATES

"SEC. 103. (a)(1) From the sums appropriated pursuant to section 102(a) the Commissioner shall first reserve an amount, not to exceed $5,000,000 in any fiscal year, for transfer to the Secretary of Labor to finance (upon terms and conditions mutually satisfactory to the Commissioner and the Secretary of Labor) national, regional, State, and local studies and projections of manpower needs for the use and guidance of Federal, State, and local officials, and of advisory councils charged with responsibilities under this title.

"(2) The remainder of the sums appropriated pursuant to section 102(a) and all of the sums appropriated pursuant to section 102(b) shall be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income in the respective States as follows: The Commissioner shall allot to each State for each fiscal year—

"(A) An amount which bears the same ratio to 50 per centum of the sums being allotted, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

"(B) An amount which bears the same ratio to 20 per centum of the sums being allotted, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

"(C) An amount which bears the same ratio to 15 per centum of the sums being allotted, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

"(D) An amount which bears the same ratio to 5 per centum of the sums being allotted, as the sum of the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under paragraphs (A), (B), and (C) for such year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which is less than $10,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such subsection, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallotment, on such dates during such year as the Commissioner shall fix, on the basis of criteria established by regulation, first among programs authorized by other parts of this title within that State and then among other States, except that funds appropriated under section 102(b) may only be reallotted for the uses set forth in section 122(a)(4)(A). Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the next succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

"(d)(1) The 'allotment ratio' for any State shall be 1.00 less the product of—

"(A) 0.50, and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

"(2) The allotment ratios shall be promulgated by the Commissioner for each fiscal year between July 1 and September 30 of the preceding fiscal year. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

"(3) The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) For the purposes of this section population shall be determined by the Commissioner on the basis of the latest estimates available to him.

"NATIONAL AND STATE ADVISORY COUNCILS

"SEC. 104. (a)(1) There is hereby created a National Advisory Council on Vocational Education (hereinafter referred to as the 'National Council') consisting of twenty-one members appointed by the President, without regard to the civil service laws, for terms of three years, except that (i) in the case of the initial members, seven shall be appointed for terms of one year each and seven shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons—

"(A) representative of labor and management, including persons who have knowledge of the semiskilled, skilled, and technical employment in such occupational fields as agriculture, home economics, distribution and marketing, health, trades, manufacturing, office and service industries, and persons representative of new and emerging occupational fields,

"(B) familiar with manpower problems and administration of manpower programs,

"(C) knowledgeable about the administration of State and local vocational education programs, including members of local school boards.

"(D) experienced in the education and training of handicapped persons,

"(E) familiar with the special problems and needs of individuals disadvantaged by their socioeconomic backgrounds.

"(F) having special knowledge of postsecondary and adult vocational education programs, and

"(G) representative of the general public who are not Federal employees, including parents and students, except that they may not be representative of categories (A) through (F), and who shall constitute no less than one-third of the total membership. The National Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than four times a year.

"(2) The National Council shall—

"(A) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

"(B) review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

"(C) conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

"(3) Members of the National Council who are not regular full-time employees of the United States shall, while serving on business of the National Council, be entitled to receive compensation at rates fixed by the President, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

"(4) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $100,000, and for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years, $150,000.

"(5) The National Council shall review the possible duplication of vocational education programs at the postsecondary and adult levels within geographic areas, and shall make annual reports of the extent to which such duplication exists, together with its findings and recommendations, to the Secretary. In making these reports, the Council shall seek the opinions of persons familiar with postsecondary and adult vocational education in each State from schools, junior colleges, technical institutes, and other institutions of higher education, as well as from State boards of education, State junior college boards, and State boards of higher education, and persons familiar with area schools, labor, business and industry, accrediting commissions, proprietary institutions, and manpower programs.

"(b)(1) Any State which desires to receive a grant under this title for any fiscal year shall establish a State advisory council, which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall—

"(A) include as members a person or persons—

"(i) familiar with the vocational needs and the problems of management and labor in the State, and a person or persons representing State industrial and economic development agencies,

"(ii) representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training,

"(iii) familiar with the administration of State and local vocational education programs, and a person or persons having special knowledge, experience, or qualifications with respect to vocational education and who are not involved in the administration of State or local vocational education programs.

"(iv) familiar with programs of technical and vocational education, including programs in comprehensive secondary schools,

"(v) representative of local educational agencies, and a person or persons who are representative of school boards,

"(vi) representative of manpower and vocational education agencies in the State, including a person or persons from the Comprehensive Area Manpower Planning System of the State.

"(vii) representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students,

"(viii) having special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons, and

"(ix) representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph;

"(B) advise the State board on the development of and policy matters arising in the administration of the State plan submitted pursuant to part B of this title, including the preparation of long-range and annual program plans pursuant to paragraphs (4) and (5) of section 123(a);

"(C) evaluate vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof; and

"(D) prepare and submit through the State board to the Commissioner and to the National Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (i) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan provided for in paragraphs (4) and (5) of section 123(a), and (ii) recommends such changes in such programs, services, and activities as may be warranted by the evaluations.

"(2) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1969, in which a State desires to receive a grant under this title, that State shall certify the establishment of, and membership of, its State Advisory Council to the Commissioner.

"(3) Each State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State Advisory Council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

"(4) State Advisory Councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(c) From the sums appropriated pursuant to section 102(c) for any fiscal year, the Commissioner is authorized (in accordance with regulations) to pay to each State Advisory Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this title in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's allotment under section 103, but such amount shall not exceed $150,000 and shall not be less than $50,000.

"FEDERAL ADMINISTRATION

"SEC. 105. Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum program of instruction, administration, or personnel of any educational institution or school system.

"LABOR STANDARDS

"SEC. 106. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"LIMITATION ON PAYMENTS UNDER THIS TITLE

"SEC. 107. (a) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

"(b) Funds appropriated pursuant to this title may be used for residential vocational education schools only to the extent that the operation of such schools is consistent with general regulations of the Commissioner concerning the operation of such schools, but in no case may juveniles be assigned to such schools as the result of their delinquent conduct, and such facilities may not be used in such a manner as to result in racial segregation.

"DEFINITIONS

"SEC. 108. For the purposes of this title—

"(1) The term 'vocational education' means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local educational agency and is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; and such term includes vocational guidance and counseling (individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; the training of persons engaged as, or preparing to become, teachers in a vocational education program or preparing such teachers to meet special education needs of handicapped students; teachers, supervisors, or directors of such teachers while in such a training program; travel of students and vocational education personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

"(2) The term 'area vocational education school' means—

"(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market, or

"(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market, or

"(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

"(D) the department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not necessarily leading to a baccalaureate degree,

if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in (C) or (D), it admits as regular students both persons who have completed high school and person who have left high school.

"(3) The term 'school facilities' means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

"(4) The term 'construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

"(5) The term 'Commissioner' means the Commissioner of Education, and the term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(6) The term 'handicapped', when applied to persons, means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired persons who by reason thereof require special education and related services.

"(7) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(8) The term 'State board' means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies, in the State.

"(9) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"(10) The term 'high school' does not include any grade beyond grade 12.

"(11) The term 'private vocational training institution' means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

"(12) The term 'Vocational Education Act of 1946' means titles I, II, and III of the Act of June 9, 1936, as amended (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg).

"(13) The term 'supplementary vocational education Acts' means section 1 of the Act of March 3, 1931 (20 U.S.C. 30) (relating to vocational education in Puerto Rico), the Act of March 18, 1950 (20 U.S.C. 31–33) (relating to vocational education in the Virgin Islands), and section 9 to the Act of August 1, 1956 (20 U.S.C. 34) (relating to vocational education in Guam).

"PART B—STATE VOCATIONAL EDUCATION PROGRAMS

"AUTHORIZATION OF GRANTS

"SEC. 121. From the sums made available for grants under this part pursuant to sections 102 and 103, the Commissioner is authorized to make grants to States to assist them in conducting vocational education programs for persons of all ages in all communities of the States, which are designed to insure that education and training programs for career vocations are available to all individuals who desire and need such education and training.

"USES OF FEDERAL FUNDS

"SEC. 122. (a) Grants to States under this part may be used, in accordance with State plans approved pursuant to section 123, for the following purposes:

"(1) vocational education programs for high school students, including such programs which are designed to prepare them for advanced or highly skilled postsecondary vocational and technical education;

"(2) vocational education for persons who have completed or left high school and who are available for study in preparation for entering the labor market;

"(3) vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962 (Public Law 87–415), the Area Redevelopment Act (Public Law 87–27), or the Trade Expansion Act of 1962 (Public Law 87–794)) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

"(4)(A) vocational education for persons (other than handicapped persons defined in section 108(6)) who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;

"(B) vocational education for handicapped persons who because of their handicapping condition cannot succeed in the regular vocational education program without special educational assistance or who require a modified vocational education program;

"(5) construction of area vocational education school facilities;

"(6) vocational guidance and counseling designed to aid persons enumerated in paragraphs (1) through (4) of this subsection in the selection of, and preparation for, employment in all vocational areas;

"(7) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

"(8) ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials, and improved State administration and leadership, including periodic evaluation of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities.

"(b) In addition to the use of funds specified in subsection (a), funds appropriated pursuant to section 102(c) and paid to a State for the following purpose by the Commissioner may be used for—

"(1) the development of the State plans;

"(2) State administration of the State plan, including obtaining information regarding current and projected manpower needs and job opportunities; and

"(3) the evaluations required under this title and the dissemination of the results thereof.

"(c)(1) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (4)(A) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

"(2) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (2) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

"(3) At least 10 per centum of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, shall be used only for the purpose set forth in paragraph 4(B) of subsection (a).

"(4) As used in this subsection, the term 'base allotment' means the sum of the allotments to a State for the fiscal year ending June 30, 1969, from (1) sums appropriated under section 102(a) of this Act, (2) the Smith-Hughes Act (that is, the Act approved February 23, 1917 (39 Stat. 929; 20 U.S.C. 11–15, 16–28)), (3) the Vocational Education Act of 1946, and (4) any of the supplementary vocational educational Acts (including, in the case of American Samoa, section 2 of the Act of September 25, 1962, 48 U.S.C. 1667).

"STATE PLANS

"SEC. 123. (a) Any State desiring to receive the amount for which it is eligible for any fiscal year pursuant to this title shall submit a State plan at such time, in such detail, and containing such information as the Commissioner deems necessary, which meets the requirements set forth in this title. The Commissioner shall approve a plan submitted by a State if he determines that the plan submitted for that year—

"(1) has been prepared in consultation with the State advisory council for that State;

"(2) designates the State board as the sole agency for administration of the State plan, or for supervision of the administration thereof by local educational agencies;

"(3) has been submitted only after the State board (A) has given reasonable notice, and afforded a reasonable opportunity for a public hearing, and (B) has implemented policies and procedures to insure that copies of the State plan and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of such plan will be made reasonably available to the public;

"(4) sets forth a long-range program plan (or, as is appropriate, a supplement to, or revision of, a previously submitted long-range plan) for vocational education in the State, which program plan (A) has been prepared in consultation with the State advisory council, (B) extends over such period of time (but not more than five years or less than three years), beginning with the fiscal year for which the State plan is submitted, as the Commissioner deems necessary and appropriate for the purposes of this title, (C) describes the present and projected vocational education needs of the State in terms of the purposes of this title, and (D) sets forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State;

"(5) sets forth an annual program plan, which (A) has been prepared in consultation with the State advisory council, (B) describes the content of, and allocation of Federal and State vocational education funds to programs, services, and activities to be carried out under the State plan during the year for which Federal funds are sought (whether or not supported with Federal funds under this title), (C) indicates how and to what extent, such programs, services, and activities will carry out the program objectives set forth in the long-range program plan provided for in paragraph (4), and (D) indicates how, and to what extent, allocations of Federal funds alloted to the State will take into consideration the criteria set forth in the State plan pursuant to paragraph (6), and (E) indicates the extent to which consideration was given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 104;

"(6) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local educational agencies in the State and for the uses of such funds, specified in paragraphs (1) through (8) of section 122(a), for the programs, services, and activities set forth in the program plans submitted pursuant to paragraphs (4) and (5), which policies and procedures assure that—

"(A) due consideration will be given to the results of periodic evaluations of State and local vocational education programs, services, and activities in the light of information regarding current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities on the local, State, and national levels,

"(B) due consideration will be given to the relative vocational education needs of all population groups in all geographic areas and communities in the State, particularly persons with academic, socioeconomic, mental, and physical handicaps that prevent them from succeeding in regular vocational educational programs,

"(C) due consideration will be given to the relative ability of particular local educational agencies within the State, particularly those in economically depressed areas and those with high rates of unemployment, to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies,

"(D) due consideration will be given to the cost of the programs, services, and activities provided by local educational agencies which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies,

"(E) funds made available under this title will not be allocated to local educational agencies in a manner, such as the matching of local expenditures at a percentage ratio uniform throughout the State, which fails to take into consideration the criteria set forth in paragraphs (A), (B), (C), and (D),

"(F) applications from local educational agencies for funds—

"(i) have been developed in consultation with representatives of the educational and training resources available to the area to be served by the applicant,

"(ii) are designed to provide the persons to be served with education programs which will make substantial progress toward preparing such persons for a career,

"(iii) include assurances of adequate planning to meet the vocational education needs of potential students in the area or community served by such agency, and,

"(iv) include a plan, related to the appropriate comprehensive area manpower plan (if any), for meeting the vocational education needs in the area or community served by such agency; and

"(v) indicate how, and to what extent the vocational education programs, services, and activities proposed in the application will meet the needs set forth pursuant to clause (iii); and

"(G) no local educational agency which is making a reasonable tax effort, as defined by regulations, will be denied funds for the establishment of new vocational education programs solely because the local educational agency is unable to pay the non-Federal share of the cost of such new programs;

"(7) provides minimum qualifications for teachers, teacher-trainees, supervisors, directors, and other personnel having responsibilities for vocational education in the State and the policies and procedures developed to improve the qualifications of such personnel and to insure that such qualifications continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan;

"(8) provides for entering into cooperative arrangements with the system of public employment offices in the State approved by the State board and by the State head of such system, looking toward such offices making available to the State board and local educational agencies occupational information regarding reasonable prospects of employment in the community and elsewhere, and toward consideration of such information by such board and agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained; and looking toward guidance and counseling personnel of the State board and local educational agencies making available to public employment offices information regarding the occupational qualifications of persons leaving or completing vocational education courses or schools, and toward consideration of such information by such offices in the occupational guidance and placement of such persons;

"(9) provides that in the development of vocational education programs, services and activities under this title, there may be, in addition to the cooperative arrangements provided for in paragraph (8), cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations;

"(10) provides that effective use will be made of the results and experience of programs and projects assisted under other parts of this title;

"(11) provides assurance that Federal funds made available under this part will be so used as to supplement, and to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses set forth in section 122(a), so that all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom, and in no case supplant such State or local funds;

"(12) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title;

"(13) provides that any local educational agency dissatisfied with final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing;

"(14) provides assurance that the requirements of section 106 will be complied with on all construction projects in the State assisted under this title;

"(15) provides for compliance with the requirements with respect to the use of funds set forth in section 122(c);

"(16) provides that grants made from sums appropriated under section 102(b) shall (A) be allocated within the State to areas of high concentration of youth unemployment and school dropouts, and (B) be made only if (i) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students, and (ii) effective policies and procedures will be adopted which assure that Federal funds made available under this section to accommodate students in nonprofit private schools will not be commingled with State or local funds;

"(17) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(18) includes provisions which shall assure that funds authorized by this title will not be used for any program of vocational education (except homemaking programs under part F) which cannot be demonstrated to (A) prepare students for employment or (B) be necessary to prepare individuals for successful completion of such a program, or (C) be of significant assistance to individuals enrolled in making an informed and meaningful occupational choice.

"(b) The Commissioner shall not approve a State plan under this section until he has made specific findings as to the compliance of such plan with the requirements of this part and he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such plan will be carried out.

"(c)(1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (a), finds that—

"(A) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the plan there is a failure to comply substantially with any such provision.

the Commissioner shall notify such State board that no further payments will be made to the State under this title (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to programs under or portions of the State plan not affected by such failure).

"(3) A State board which is dissatisfied with a final action of the Commissioner under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"(d)(1) If any local educational agency is dissatisfied with the final action of the State board with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board. The State board thereupon shall file in the court the record of the proceedings on which the State board based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State board, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State board to take further evidence, and the State board may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State board or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENT TO STATES

"SEC. 124. (a) The Commissioner shall pay, from the amount available to the State for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan as approved pursuant to section 123, except that—

"(1) allotments of States under section 103 from sums appropriated under section

102(b) may be used, at the discretion of the Commissioner, for paying all or part of the expenditures of the States from such allotments; and

"(2) in the case of the Trust Territory of the Pacific Islands and American Samoa, such amount shall be equal to 100 per centum of such expenditures.

"(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(c) No payments shall be made in any fiscal year under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for vocational education in that State for the preceding fiscal year was not less than such fiscal effort for vocational education for the second preceding fiscal year.

"PART C—RESEARCH AND TRAINING IN VOCATIONAL EDUCATION

"AUTHORIZATION OF GRANTS AND CONTRACTS

"SEC. 131. (a) From 50 per centum of the sums available to each State for the purposes of this part the Commissioner is authorized to make grants to and contracts with institutions of higher education, public and private agencies and institutions, State boards, and, with the approval of the appropriate State board, to local educational agencies in that State for the purposes set forth in section 132, except that no grant may be made other than to a nonprofit agency or institution.

"(b) The remaining 50 per centum of the sums available to each State for the purposes of this part shall be used by its State board, in accordance with its State plan, (1) for paying up to 75 per centum of the costs of the State research coordination unit, and (2) for grants to colleges and universities, and other public or nonprofit private agencies and institutions, and local educational agencies and contracts with private agencies, organizations, and institutions to pay 90 per centum of the costs of programs and projects for (i) research and training programs, (ii) experimental, developmental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly youths in economically depressed communities who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs, and (iii) the dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, which programs and projects have been recommended by the State research coordination unit or by the State advisory council.

"USES OF FEDERAL FUNDS

"SEC. 132. The funds available for grants and contracts under section 131(a) may be used for—

"(1) research in vocational education;

"(2) training programs designed to familiarize persons involved in vocational education with research findings and successful pilot and demonstration projects in vocational education;

"(3) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings;

"(4) demonstration and dissemination projects;

"(5) the development of new vocational education curricula; and

"(6) projects in the development of new careers and occupations, such as—

"(A) research and experimental projects designed to identify new careers in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation requiring less training than professional positions and to delineate within such careers roles with the potential for advancement from one level to another;

"(B) training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in the fields described in subparagraph (A), including programs to prepare professionals (including administrators) to work effectively with aides; and

"(C) projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs.

"APPLICATIONS

"SEC. 133. (a) A grant or contract under section 131(a) may be made upon application to the Commissioner at such time or times, in such manner, and containing, or accompanied by, such information as the Commissioner deems necessary. Such application shall contain—

"(1) a description of the nature, duration, purpose, and plan of the project;

"(2) the qualifications of the principal staff who will be responsible for the project;

"(3) a justification of the amount of grant funds requested;

"(4) the portion of the cost to be borne by the applicant; and

"(5) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

"(b) The Commissioner may not approve an application until such application has been reviewed by a panel of experts who are not employees of the Federal Government.

"PAYMENTS

"SEC. 134. From the amount available for grants or contracts under section 131(a), the Commissioner shall pay to each applicant part of the amount expended by such applicant in accordance with the application approved pursuant to section 133.

"PART D—EXEMPLARY PROGRAMS AND PROJECTS

"FINDINGS AND PURPOSE

"SEC. 141. The Congress finds that it is necessary to reduce the continuing seriously high level of youth unemployment by developing means for giving the same kind of attention as is now given to the college preparation needs of those young persons who go on to college, to the job preparation needs of the two out of three young persons who end their education at or before completion of the secondary level, too many of whom face long and bitter months of job hunting or marginal work after leaving school. The purposes of this part, therefore, are to stimulate, through Federal financial support, new ways to create a bridge between school and earning a living for young people, who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies.

"AUTHORIZATION OF GRANTS AND CONTRACTS

"SEC. 142. (a) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, $57,500,000 for the fiscal year ending June 30, 1970, and $75,000,000 for each of the two succeeding fiscal years to enable the Commissioner to carry out the provisions of this part.

"(b)(1) From the sums appropriated pursuant to this part the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine and shall allot such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands according to their respective needs for assistance under this part.

"(2) From the remainder of such sums the Commissioner shall allocate $200,000 to each State (except for those provided for in paragraph (1)), and he shall in addition allocate to each such State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all such States.

"(c) From 50 per centum of the sums allotted to each State for the purposes of this part, the Commissioner is authorized to make grants to or contracts with State boards or local educational agencies for the purpose of stimulating and assisting in the development, establishment, and operation of programs or projects designed to carry out the purposes of this part. The Commissioner also may make, in such State from such sums, grants to other public or nonprofit private agencies, organizations, or institutions, or contracts with public or private agencies, organizations, or institutions, when such grants or contracts will make an especially significant contribution to attaining the objectives of this part.

"(d) The State board may use the remaining 50 per centum of such sums for making grants to local educational agencies or other public or nonprofit private agencies, organizations, or institutions, or contracts with public or private agencies, organizations, or institutions including business and industrial concerns, upon such terms and conditions consistent with the provisions of this part and with its State plan approved pursuant to section 123, as it determines will most effectively carry out the development, establishment, and operation of exemplary and innovative occupational education programs or projects designed to serve as models for use in vocational education programs.

"USES OF FUNDS

"SEC. 143. (a) Grants or contracts pursuant to this part may be made, upon terms and conditions consistent with the provisions of this part, to pay all or part of the cost of—

"(1) planning and developing exemplary programs or projects such as those described in paragraph (2), or

"(2) establishing, operating, or evaluating exemplary programs or projects designed to carry out the purposes set forth in section 141, and to broaden occupational aspirations and opportunities for youths, with special emphasis given to youths who have academic, socioeconomic, or other handicaps, which programs or projects may, among others, include—

"(A) those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

"(B) programs or projects for students providing educational experiences through work during the school year or in the summer;

"(C) programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

"(D) programs or projects designed to broaden or improve vocational education curriculums;

"(E) exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

"(F) programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

"(G) programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

"(b)(1) A grant or contract pursuant to this part may be made only if the Commissioner is in the case of grants or contracts made by him, or the State board, in the case of grants or contracts made by it, determines—

"(A) that effective procedures will be adopted by grantees and contractors to coordinate the development and operation of other programs and projects carried out under grants or contracts pursuant to this part, with the appropriate State plan, and with other public and private programs having the same or similar purposes;

"(B) that to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students; and

"(C) that effective policies and procedures will be adopted which assure that Federal funds made available under this part will not be commingled with State or local funds.

"(2) The amount available to a State pursuant to section 142(d) shall be available for obligation for grants or contracts pursuant to the State plan approved under section 123, for paying all of the cost of programs described in section 142(d) and section 143(a) during that year and the succeeding fiscal year.

"(3) No grant or contract (other than a grant or contract with a State board) shall be made by the Commissioner under section 142(c) with respect to any program or project unless such program or project has been submitted to the State board in the State in which it is to be conducted and has not been disapproved by the State board within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations.

"(4) Notwithstanding any other provision of law, unless hereafter enacted expressly in limitation of the provisions of this paragraph, funds available to Commissioner pursuant to section 142(c) shall remain available until expended.

"PAYMENTS

"SEC. 144. From the amount available for grants and contracts, under this part pursuant to section 142(c), in the appropriate State, the Commissioner shall pay to each applicant an amount equal to the amount expended by such applicant in accordance with the approved application. Such payment may be made on such terms as are approved in such application. Payments pursuant to grants under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"LIMITATION ON DURATION OF ASSISTANCE

"SEC. 145. Financial assistance may not be given under this part to any program or project for a period exceeding three years.

"PART E—RESIDENTIAL VOCATIONAL EDUCATION

"DEMONSTRATION SCHOOLS

"SEC. 151. (a) For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to subsection (b) to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purpose of this section, an equitable geographical distribution of such schools.

"(b) There are authorized to be appropriated for the purpose of this section $25,000,000 for the fiscal year ending June 30, 1969, $30,000,000 for the fiscal year ending June 30, 1970, and $35,000,000 each for the fiscal year ending June 30, 1971, and for the succeeding fiscal year.

"STATE PROGRAMS

"SEC. 152. (a)(1) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, and $15,000,000 for the fiscal year ending June 30, 1970, for grants to the States to provide residential vocational education facilities in accordance with the provisions of this section.

"(2) From the sums appropriated under paragraph (1), the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the population of each State bears to the population of all the States.

"(3) For purposes of this section—

"(A) the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) the amount allotted under this subsection to any State for the fiscal year ending June 30, 1969, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year; and

"(C) the amount of any State's allotment under subsection (a)(2) for any fiscal year, which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b), shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b).

Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b)(1) Funds allotted to the States under subsection (a) shall be used by the State, or, with the approval of the State boards, by public educational agencies, organizations, or institutions within such State, to pay the Federal share of the cost of planning, constructing, and operating residential vocational education facilities to provide vocational education (including room, board, and other necessities) for youths, at least age fourteen but who have not attained age twenty-one at the time of admission to the training program, who need full-time study on a residential basis and who can profit from vocational education instruction. In the administration of the program conducted under this section, special consideration shall be given to needs in geographical areas having substantial or disproportionate numbers of youths who have dropped out of school or are unemployed, and to serving persons from such areas.

"(2) For purposes of this section, the Federal share of the cost of planning, constructing, and operating residential vocational education facilities shall not exceed 90 per centum of the costs incurred in any fiscal year.

"(c) For purposes of this section the State plan approved under section 123 shall set forth the policies and procedures to be used by the State in determining the size and location of such residential vocational facilities, taking into account the use of existing vocational education facilities. Such policies and procedures must give assurance that—

"(1) adequate provision will be made for the appropriate selection without regard to sex, race, color, religion, national origin or place of residence within the State of students needing education and training at such school;

"(2) the residential school facility will be operated and maintained for the purpose of conducting a residential vocational education school program;

"(3) vocational course offerings at such school will include fields for which available labor market analyses indicate a present or continuing need for trained manpower, and that the courses offered will be appropriately designed to prepare enrollees for entry into employment or advancement in such fields; and

"(4) no fees, tuition, or other charges will be required of students who occupy the residential vocational education facility.

"(d) For purposes of this section—

"(1) the term 'residential school facility' means a school facility (as defined in section 108(3)), used for residential vocational education purposes. Such term also includes dormitory, cafeteria, and recreational facilities, and such other facilities as the Commissioner determines are appropriate for a residential vocational education school.

"(2) the term 'operation' means maintenance and operation, and includes the cost of salaries, equipment, supplies, and materials, and may include but is not limited to other reasonable costs of services and supplies needed by residential students, such as clothing and transportation.

"GRANTS TO REDUCE BORROWING COSTS FOR SCHOOLS AND DORMITORIES

"SEC. 153. (a) The Commissioner is authorized to make annual grants to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations, or institutions to reduce the cost of borrowing funds for the construction of residential schools and dormitories to provide vocational education for youths, at least fourteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making contracts for such grants, the Commissioner shall give special consideration to the needs of urban and rural areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain an equitable geographical distribution of such schools.

"(b) Annual grants with respect to the construction of any such residential school shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount equal to the difference between (1) the average annual debt service required to be paid, during the life of the loan, on the amount borrowed for the construction of such facilities, and (2) the average annual debt service which the institution would be required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum.

"(c) The Commissioner shall not enter into a contract for grants under this section unless he determines that the amount borrowed does not exceed the total cost of construction of the facilities, and that such construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials.

"(d)(1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of annual grants in accordance with this section.

"(2) Contracts for annual grants under this section shall not be entered into for an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual grants which may be paid in any year pursuant to contracts entered into under this section shall not exceed $5,000,000, which amount shall be increased by $5,000,000 on July 1, 1969.

"PART F—CONSUMER AND HOMEMAKING EDUCATION

"AUTHORIZATION

"Sec. 161. (a)(1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, $25,000,000, for the fiscal year ending June 30, 1971, $35,000,000, and for the fiscal year ending June 30, 1972, $50,000,000, for the purposes of this part. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 103 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be allotted among the States.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b) For purposes of this part the State plan approved under section 123 shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs which (A) encourage home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, (B) encourage preparation for professional leadership, (C) are designed to prepare youths and adults for the role of homemaker, or to contribute to the employability of such youths and adults in the dual role of homemaker and wage earner, (D) include consumer education programs, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

"(c) From a State's allotment under this section for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that, for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

"(d) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

"PART G—COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

"FINDINGS AND PURPOSE

"Sec. 171. The Congress finds that cooperative work-study programs offer many advantages in preparing young people for employment. Through such programs, a meaningful work experience is combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes. Such programs remove the artificial barriers which separate work and education and, by involving educators with employers, create interaction whereby the needs and problems of both are made known. Such interaction makes it possible for occupational curricula to be revised to reflect current needs in various occupations. It is the purpose of this part to assist the State to expand cooperative work-study programs by providing financial assistance for personnel to coordinate such programs, and to provide instruction related to the work experience; to reimburse employers when necessary for certain added costs incurred in providing on-the-job training through work experience; and to pay costs for certain services, such as transportation of students or other unusual costs that the individual students may not reasonably be expected to assume while pursuing a cooperative work-study program.

"AUTHORIZATIONS AND ALLOTMENTS

"Sec. 172. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1969, $20,000,000, for the fiscal year ending June 30, 1970, $35,000,000, for the fiscal year ending June 30, 1971, $50,000,000, and for the fiscal year ending June 30, 1972, $75,000,000, for making grants to the States for programs of vocational education designed to prepare students for employment through cooperative work-study arrangements.

"(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine, and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section. From the remainder of such sums the Commissioner shall allocate $200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States. For purposes of the preceding sentence, the term 'State' does not include the areas referred to in the first sentence of this paragraph.

"(2) The amount of any State's allotment under this section for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under section 173 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes set forth in section 173. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(3) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

"PLAN REQUIREMENT

"Sec. 173. (a) A State, in order to participate in the program authorized by this part, shall submit, as part of its State plan, to the Commissioner, through its State board, a plan which shall set forth policies and procedures to be used by the State board in establishing cooperative work-study programs through local educational agencies with participation of public and private employers. Such policies and procedures must give assurance that—

"(1) funds will be used only for developing and operating cooperative work-study programs as defined in section 175 which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs;

"(2) necessary procedures are established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative work-study programs;

"(3) provision is made for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided such on-the-job training is related to existing carrier opportunities susceptible of promotion and advancement and does not displace other workers who perform such work;

"(4) ancillary services and activities to assure quality in cooperative work-study programs are provided for, such as pre-service and inservice training for teacher coordinators, supervision, curriculum materials, and evaluation;

"(5) priority for funding cooperative work-study programs through local educational agencies, is given to areas that have high rates of school dropouts and youth unemployment;

"(6) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students;

"(7) Federal funds made available under this part will not be commingled with State or local funds; and

"(8) such accounting, evaluation, and follow-up procedures as the Commissioner deems necessary will be provided.

"(b) The Commissioner shall approve such part of its State plan which fulfills the conditions specified above, and the provisions of part B (relating to the disapproval of State plans) shall apply to this section.

"USE OF FUNDS

"Sec. 174. Funds allocated under this part for cooperative work-study programs shall be available for paying all or part of the State's expenditures under its State plan for this part for any fiscal year, but not in excess of its allotment under section 172.

"DEFINITION

"Sec. 175. For purposes of this part, the term 'cooperative work-study program' means a program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative work-study program.

"Part H—Work-Study Programs for Vocational Education Students

"AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENT

"Sec. 181. (a) There are hereby authorized to be appropriated $35,000,000 for each of the fiscal years ending June 30, 1969 and June 30, 1970 for the purposes of this part.

"(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums for such year as the population aged fifteen to twenty, inclusive, of the State, in the preceding fiscal year bears to the population aged fifteen to twenty, inclusive, of all the States in such preceding year.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved pursuant to section 182 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"PLAN REQUIREMENT

"Sec. 182. (a) To be eligible to participate in the program authorized by this part, a State shall submit as a part of its State plan through its State board to the Commissioner a plan, in such detail as the Commissioner determines necessary, which—

"(1) designates the State board as the sole agency for administration of the plan, or for supervision of the administration thereof by local educational agencies;

"(2) sets forth the policies and procedures to be followed by the State in approving work-study programs, under which policies and procedures funds paid to the State from its allotment under section 181 will be expended solely for the payment of compensation of students employed pursuant to work-study programs which meet the requirements of subsection (b), except that not to exceed 1 per centum of any such allotment, or $10,000, whichever is the greater, may be used to pay the cost of developing the plan required by this section and the cost of administering such plan after its approval under this section;

"(3) sets forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provides for undertaking such programs, insofar as financial resources available therefore make possible in the order determined by the application of such principles;

"(4) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

"(5) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) For the purposes of this section, a work-study program shall—

"(1) be administered by the local educational agency and made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

"(2) provide that employment under such work-study program shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under this title, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his vocational education program while employed under the work-study program;

"(3) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session, or for compensation which exceeds $45 in any month or $350 in any academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his home, in which case his compensation may not exceed $60 in any month or $500 in any academic year or its equivalent;

"(4) provide that employment under such work-study program shall be for the local educational agency or for some other public agency or institution; and

"(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program under this section is approved.

"(c) The provisions of part B shall be applicable to the Commissioner's actions with respect to plans submitted under this section.

"PAYMENTS

"Sec. 183. (a) From a State's allotment under this section for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, the Commissioner shall pay to such State an amount equal to 80 per centum of (1) the amount expended for compensation of students employed pursuant to work-study programs under the part of the State's plan approved under section 182, plus (2) an amount, not to exceed 1 per centum of such allotment, or $10,000, whichever is the greater, expended for the development of such plan and for the administration of such plan after its approval by the Commissioner. No State shall receive payments under this section for any fiscal year in excess of its allotment under section 181 for such fiscal year.

"(b) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds allotted under section 181.

"STATUS OF PARTICIPANTS

"Sec. 184. Students employed in work-study programs under this part shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any purpose.

"Part I—Curriculum Development in Vocational and Technical Education

"AUTHORIZATION

"Sec. 191. (a) The Congress finds that curriculum development in vocational education is complicated by the diversity of occupational objectives; variations due to geography; differences in educational levels and types of programs; and by the wide range of occupations which includes, but is not limited to, agriculture, food processing and preparation, trades and industry, distribution and marketing, technical, public service, health services, business, and office occupations. It is therefore the purpose of this section to enable the Commissioner to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

"(b) There are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1969, and $10,000,000 for the fiscal year ending June 30, 1970, for the purposes set forth in this section.

"(c)(1) Sums appropriated pursuant to subsection (b) shall be used by the Commissioner, after consultation with the appropriate State agencies and the National Council, to make grants to or contracts with colleges or universities, State boards, and other public or nonprofit private agencies and institutions, or contracts with public or private agencies, organizations, or institutions—

"(A) to promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields;

"(B) to develop standards for curriculum development in all occupational fields;

"(C) to coordinate efforts of the States in the preparation of curriculum materials and prepare current lists of curriculum materials available in all occupational fields;

"(D) to survey curriculum materials produced by other agencies of Government, including the Department of Defense;

"(E) to evaluate vocational-technical education curriculum materials and their uses; and

"(F) to train personnel in curriculum development.

"(2) For purposes of this subsection, 'curriculum materials' means materials consisting of a series of courses to cover instruction in any occupational field in vocational education which are designed to prepare persons for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field."

EFFECTIVE DATE

Sec. 102. (a) Except as provided in subsection (b), the amendments made by section 101 shall become effective upon enactment.

(b) The amendments made by this Act to the Vocational Education Act of 1963 shall not, during the fiscal year ending June 30, 1969, apply with respect to programs which are continuations of programs (including programs under part H) carried on under any State's plan during the preceding fiscal year.

REPEAL OF EARLIER VOCATIONAL EDUCATION ACTS

Sec. 103. Effective July 1, 1969, the Vocational Education Act of 1946 (the Act of June 8, 1936, as amended, 20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg), section 1 of the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands

(20 U.S.C. 31–33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667) are repealed.

USE OF FUNDS AVAILABLE UNDER THE SMITH-HUGHES ACT

Sec. 104. Funds appropriated by the first section of the Smith-Hughes Act (that is the Act approved February 23, 1917, 39 Stat. 929, as amended (20 U.S.C. 11–15, 16–28)), shall be considered as funds appropriated pursuant to section 102(a) of this Act.

TITLE II—VOCATIONAL EDUCATION LEADERSHIP AND PROFESSIONAL DEVELOPMENT AMENDMENT OF HIGHER EDUCATION ACT OF 1965

Sec. 201. The Higher Education Act of 1965 is amended by inserting the following new part at the end of title V (the Education Professions Development Act):

"PART F—TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATION PERSONNEL

"STATEMENT OF PURPOSE

"Sec. 551. It is the purpose of this part to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to up-date the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.

"LEADERSHIP DEVELOPMENT AWARDS

"Sec. 552. (a) In order to meet the needs in all the States for qualified vocational education personnel (such as administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs) the Commissioner shall make available leadership development awards in accordance with the provisions of this part only upon his determination that—

"(A) persons selected for awards have had not less than two years of experience in vocational education or in industrial training or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

"(B) persons receiving such awards are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

"(C) persons selected are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as a graduate student to program of higher education approved by the Commissioner under subsection (c).

"(b)(1) The Commissioner shall pay to persons selected for leadership development awards such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(2) The Commissioner shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported programs not to exceed the equivalent of $3,500 per academic year, but any amount charged such person for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection.

"(c) The Commissioner shall approve the vocational education leadership development program of an institution of higher education by the institution only upon finding that—

"(1) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development;

"(2) such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

"(3) such programs are conducted by a school of graduate study in the institution of higher education; and

"(4) such program is also approved by the State board for vocational education in the State where the institution is located.

"(d) In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, and teacher educators, in vocational education programs in all the States, the Commissioner in carrying out this section shall apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State.

"(e) Persons receiving leadership awards under the provisions of this section shall continue to receive the payments provided in subsection (b) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full-time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

"EXCHANGE PROGRAMS, INSTITUTES, AND INSERVICE EDUCATION FOR VOCATIONAL-EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS

"Sec. 553. (a) The Commissioner is authorized to make grants to State boards, as defined in the Vocational Education Act of 1963, to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, and coordinators, and other personnel, in order to strengthen education programs supported by this part and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

"(b) Grants under this section may be used for projects and activities such as—

"(1) exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in such school;

"(2) inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

"(3) short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless these are part of a continuing program of inservice or preservice training.

"(c) A grant may be made under this section only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner shall not approve an application unless it—

"(1) sets forth a program for carrying out one or more projects or activities which meet the requirements of subsection (b), and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

"(2) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of subsection (b), and in no case supplant such funds;

"(3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(4) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"FAMILIARIZING TEACHERS WITH NEW CURRICULAR MATERIALS

"Sec. 554. In approving training and development programs for vocational education personnel, the Commissioner shall give special consideration to programs which are designed to familiarize teachers with new curricular materials in vocational education.

"APPROPRIATIONS AUTHORIZED

"Sec. 555. There is authorized to be appropriated to carry out this part, the sum of $25,000,000 for the fiscal year ending June 30, 1969, and the sum of $35,000,000 for the fiscal year ending June 30, 1970."

TITLE III—MISCELLANEOUS PROVISIONS

ADEQUATE LEADTIME, PLANNING, AND EVALUATION

Sec. 301 (a) Section 401 of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247) is amended to read as follows:

"PROGRAMS SUBJECT TO THIS TITLE

"Sec. 401. The provisions of this title shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this title unless so specified by such amendments."

(b) Title IV of such Act is amended by inserting after section 405 the following new section:

"AVAILABILITY OF APPROPRIATIONS

"Sec. 406. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year."

REDUCING AGE LIMIT IN ADULT EDUCATION PROGRAM

Sec. 302. Effective with respect to appropriations for fiscal years beginning after

June 30, 1969, section 303(a) of the Adult Education Act of 1966 (title III of Public Law 89–750, 80 Stat. 1216) is amended by striking out "eighteen" and inserting in lieu thereof "sixteen".

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 303. (a) For the purpose of carrying out more effectively the provisions of the programs administered by him (including those administered by him by delegation), the Commissioner of Education—

(1) shall prepare and disseminate to all appropriate State and local agencies and institutions and others concerned with education, complete information on programs of Federal assistance;

(2) shall inform the public on federally supported programs for education by providing information to communications media; such dissemination activity shall include the development and issuance of materials which inform teachers, students, the disadvantaged, and dropouts of new and expanding opportunities for education, together with materials specifically directed to institutions or individuals vested with responsibility for one or more programs administered by the Commissioner;

(3) shall develop, on both formal and informal bases, a close liaison for interchange of ideas and information with representatives of American business and with service, labor, or other organizations, both public and private, to advance American education;

(4) shall collect data and information on programs qualifying for assistance under programs administered by him for the purpose of obtaining objective measurements of the effectiveness achieved in carrying out the purposes of such programs;

(5) may upon request provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education undertaking to initiate or expand programs in order to increase the quality or depth or broaden the scope of such programs, and shall inform such agencies and institutions of the availability of assistance pursuant to this clause;

(6) shall prepare and disseminate to State educational agencies, local educational agencies, and other appropriate agencies and institutions an annual report setting forth developments in the utilization and adaptation of programs administered by him; and

(7) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

(b)(1) For such purpose and also for the purpose of carrying out more effectively other provisions of Federal law, the Commissioner, upon request from a State educational agency, shall provide counseling and technical assistance to elementary and secondary schools in rural areas, as defined by the Commissioner, of such State (A) in determining benefits available to such agencies and schools under Federal laws, and (B) in preparing applications and meeting other requirements for such benefits. Assistance pursuant to this subsection may, in accordance with such request, be provided by personnel from the Office of Education or be provided in the form of grants in such amounts as may be necessary for such State educational agency to employ such personnel as may be necessary to provide such assistance.

(2) The Commissioner is further authorized to provide the types of assistance available to elementary and secondary schools under paragraph (1) to institutions of higher education.

(c) The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials and a brief description of such program;

(2) set forth the availability of benefits and eligibility restrictions in each such program;

(3) set forth the budget requests for each such program, past appropriations, obligations incurred, the average assistance provided under each such program, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

(4) set forth the prerequisites, including the cost to the recipient of receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

(6) set forth the application procedures;

(7) contain a detailed index designed to assist the potential beneficiary to identify all education assistance programs related to a particular need or category of potential beneficiaries;

(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

(9) be transmitted to Congress within the first month of each regular session, together with a report setting forth the specific measures taken in the past year to simplify the various application forms and program guidelines a potential beneficiary would use to benefit from each Federal education assistance program, and to coordinate, simplify application forms and program guidelines.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1970, and each succeeding fiscal year ending prior to July 1, 1972, such sums as may be necessary to carry out the provisions of this section.

(e) Section 806 of the Elementary and Secondary Education Act of 1965 shall become ineffective the first fiscal year for which funds are appropriated to carry out the provisions of this section.

TRAINING TEACHERS OF THE HANDICAPPED

SEC. 304. Section 1 of Public Law 85–926 (grants for teaching in the education of handicapped children) is amended by inserting "and other appropriate non-profit institutions or agencies" after the words "non-profit institutions of higher learning" wherever such words occur.

PREVENTION OF REDUCTION OF STATE AID ON ACCOUNT OF PAYMENTS UNDER PUBLIC LAW 874

SEC. 305. (a) Subsection (d) of section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended (1) by inserting "(1)" after "(d)", and (2) by adding the following new paragraph:

"(2) No payments may be made during any fiscal year to any local educational agency in any State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid (as defined by regulation), or the amount of that aid, with respect to free public education during that year or the preceding fiscal year, or which makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such local educational agency would receive if it were not so eligible."

(b) The amendments made by subsection (a) shall become effective with respect to each State on the first day of the first fiscal year which begins after the adjournment of the first complete legislative session (at which State aid may be considered) of such State's legislature held after the date of enactment of this Act.

PROGRAM CONSOLIDATION STUDY

SEC. 306. The Commissioner of Education shall make a study of the feasibility of consolidation of education programs in order to provide for more efficient use of Federal funds at the local level and to simplify application procedures for such funds and shall, within one year of the date of enactment of this Act, submit to the Congress a report on the results of the study and any recommendations for legislation which would facilitate consolidation of education programs.

STATE SCHOOLS FOR HANDICAPPED IN TERRITORIES

SEC. 307. Section 103(a)(4) of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, 81st Congress, as amended) is amended by inserting "except paragraph (5)," after "this subsection,".

JOB CORPS STUDY

SEC. 308. (a) The Commissioner of Education is authorized and directed to make a special study of the means by which the existing Jobs Corps facilities and programs established under the Economic Opportunity Act of 1964 most effectively might, if determined feasible, be transferred to State or joint Federal-State operation in conjunction with the program of Residential Vocational Education authorized by part E of the Vocational Education Act of 1963.

(b) The Commissioner shall consult with other Federal officers, State boards of vocational education, and such other individuals and organizations as he may deem necessary for this study, and shall make a report of his findings and recommendations to the appropriate committees of the Congress not later than March 1, 1969.

HEAD START STUDY

SEC. 309. The President shall make a special study of whether the responsibility for administering the Head Start program established under the Economic Opportunity Act of 1964 should continue to be vested in the Director of the Office of Economic Opportunity, should be transferred to another agency of the Government, or should be delegated to another such agency pursuant to the provisions of section 602(d) of the aforementioned Economic Opportunity Act of 1964, and shall submit the findings of this study to the Congress not later than March 1, 1969.

And the Senate agree to the same.

Wayne Morse,
Ralph W. Yarborough,
Joseph Clark,
Jennings Randolph,
Harrison Williams,
Gaylord Nelson,
Winston Prouty,
Jacob Javits,
Peter Dominick,
George L. Murphy,
Managers on the Part of the Senate.

Carl D. Perkins,
Edith Green,
Roman Pucinski,
John Brademas,
Augustus F. Hawkins,
Sam M. Gibbons,
William D. Ford,
James Scheuer,
Lloyd Meeds,
Carl Albert,
William H. Ayres,
Albert H. Quie,
John Ashbrook,
Alphonzo Bell,
Bill Scherle,
John Dellenback,
Edwin D. Eshleman,
William A. Steiger,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, the conference report on the Vocational Education Amendments of 1968, which was just submitted, represents a reconciliation of more than 115 major points of substantive difference.

Mr. President, I have another statement to present. I want to state, in advance, that I understand the Senator from Delaware [Mr. WILLIAMS] has some objection to the conference report. We are not going to ask that it be agreed to at this time, but I have more statements to put in the RECORD. Before I do so, I wish to state that on this bill the differences between the House and the Senate were more substantive than they were on the higher education bill.

Again Senator MORSE displayed skill and expertise that I have never seen equaled on any legislative matter or on executive boards—and I have sat on executive boards.

These 115 points of difference were ironed out after a conference of some days. We entered into a session last week. We had a morning session and an afternoon session. Then by the agreement of the parties, we met at 7 o'clock one night, both the House and the Senate conferees, the House under the leadership of Representative CARL PERKINS of Kentucky.

The Senate conferees, of both parties, under the leadership of the Senator from Oregon [Mr. MORSE] were in session from 7 at night until 2:15 in the morning. That was not the first day of the conference. We had a morning session, an afternoon session, and a 7¼-hour session at night.

These 115 points of difference were resolved, and there was not a dissenting vote in signing the report on the part of any member of either party in either House.

I am proud to present this report, which represents a forward-looking bill for that segment of our people who had been left out of vocational education largely. I am proud to bring it to the Senate.

Due to the tragic circumstance of the loss of the administrative assistant of Senator MORSE and the fact that Senator MORSE was detained in Oregon to attend the funeral services, I ask unanimous consent that Senator MORSE's statement on the vocational education conference report be printed in the RECORD in full at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

Mr. President, I shall summarize the primary features of the Conference report and the primary features of the Senate passed bill which are not contained in the Conference report.

There are three major features of the Senate passed bill which are not contained in the conference report—the proposed new vocational education program, special State emphasis programs, the Senate language concerning the program consolidation, and the Senate language which would have transferred Project Headstart to the Office of Education.

With respect to the language concerning program consolidation, the Senate bill contained (1) a prohibition against consolidation of education programs by administrative procedures when such procedures are not authorized by the enabling legislation of those programs and (2) a directive to the Commissioner of Education requiring him to study the feasibility of program consolidation by legislation.

Subsequent to Senate passage of the bill, the Committee on Labor and Public Welfare received word that their actions with respect to consolidation had come to a halt and that the proposed regulation in part 122 of chapter I of Title 45 of the Code of Federal Regulations had been rejected as unjustified and without legal authority. Therefore, the Senate receded with respect to the prohibitory language and insisted on the language requiring the study. The decision of the Conference should not be construed as approval of the conduct of the Office of Education in this matter.

The State Special Emphasis Program was designed to take 10 percent of the funds which would be normally available under the comprehensive State plan program and make it available to the States under a special application at the 90–10 matching ratio rather than the normal 50–50 matching ratio.

The House could not be persuaded to accept this provision.

Among the suggested activities under the State special emphasis programs was a suggestion that local schools and the States may wish to have vocational education programs conducted with bilingual techniques.

It was pointed out during the conference that the inability to use the English language would be considered an academic handicap and that therefore bilingual programs would be eligible for funding under the earmarked funds for the disadvantaged. Therefore, the conferees fully expect the Office of Education and the State to encourage the use of bilingual education techniques in meeting the vocational education needs of non-English speaking students.

Regarding the transfer of Project Headstart, this point of disagreement was the first issue discussed in the conference and was the last to be resolved. Your conferees held firm until it was the only difference unresolved, and it appeared that there would be no conference report. The majority of the House conferees were adamant. It was finally resolved that the report would contain a substitute provision which can be found in section 309. That provision requires the President to make a special study of the administration of the Headstart program with respect to the continued responsibility of the Director of the Office of Economic Opportunity for the administration of the program. The findings of the study are to be submitted to Congress not later than March 1, 1969.

The major part of the bill was a complete revison of the Vocational Education Act of 1963.

In recognition of the importance of vocational and technical education in dealing with the problems facing our country at the present time, the bill the conferees agreed upon increases the funds available for vocational education, sets forth more strict procedures for the implementation of the will of Congress, and redirects vocational education toward the post-secondary level and the special needs of the disadvantaged an the handicapped. Furthermore, the revisions contain provisions for advisory councils which will advise administrators on the implementation of the new program and evaluate the administration of and effectiveness of the new program.

The conference report authorized $542,100,000 in fiscal 1969; $862,650,000 in fiscal 1970; $870,150,000 in fiscal year 1971, and $910,150,000 in fiscal year 1972. In succeeding years $565,000,000 is authorized for the basic program.

The standards for preparing and approving State plans have been strengthened and the States are required to prepare annual and long-range program plans and evaluations. Most significantly, section 123(a)(6)(F) changes the operation of the program from a reimbursement of expenditures mechanism to a project approval mechanism. It expected that this change will result in more careful planning and development at the local level and more careful consideration at the State level.

The research and training authority presently under section 4(c) of the Act is in part C of the revision. The program has been changed to provide that one half of the funds are to be used by the Commissioner under detailed procedures set forth in the law. The eligibility for projects in new careers and occupations is made clear.

The remaining half of the funds is to be used by the State boards for activities eligible under present law and for State research coordinating units.

The facts that all research funds are allotted among the States does not preclude the Commissioner from funding the projects of national importance or from pooling funds from a number of States for a national research project. The allotment of funds among the States was designed to insure equitable geographical distribution of research funds.

Both the Senate and House versions of the bill provided for a new program of exemplary projects in vocational and technical education. The Senate bill vested primary administrative responsibility in the Commissioner while the House bill divided that responsibility by reserving 10 percent of the funds for the Commissioner and vesting the responsibility for the remainder in the State boards. The conference report provides for one half the funds to be administered in the manner provided by the Senate bill while the remainder will be administered by the State boards.

The conference report contains three separate programs provided by the Senate bill: consumer and homemaking education; cooperative vocational education; and demonstration projects for residential vocational education schools.

In addition, the conference report contains the following new programs proposed by the House: grants for State operated residential vocational schools; grants to reduce borrowing costs for the construction of residential school facilities and dormitories; a continuation of the vocational work-study program; teacher training programs for vocational teachers and ancillary personnel; and a curriculum development program.

In recognition of the special areas of concern in vocational education, specific percentages of funds are earmarked for three groups. Increased funds are earmarked for programs for the disadvantaged. First, 15 percent of all regular State plan funds up to the fiscal 1969 appropriations level, and 25 percent of funds appropriated in excess thereof, must be devoted to programs for the disadvantaged. Second, a separate appropriations authorization of $40 million is included in the bill for programs for the disadvantaged. These funds would not be subject to any State and local matching requirements and must be used for projects in areas having high youth unemployment and drop-out rates, with services to accommodate students in nonpublic schools.

On this point, questions were raised with respect to the applicability of the definition of handicapped in section 108 to the disadvantaged. For the purpose of legislative history, it is the intention of the conferees that the definition in section 108 does not apply to academic or socio-economic handicaps; it applies solely to mental and physical handicaps.

Furthermore, post-secondary vocational

education programs are assured 15 percent of all regular State plan funds up to the fiscal 1969 appropriations level, and 25 percent of funds appropriated in excess thereof; and ten percent of all regular State plan funds must be used for vocational education for handicapped persons.

The conference report contains the House provision which amends the Education Professions Development Act to provide a special program for vocational education teachers. The Senate conferees were concerned that if a separate program of vocational education fellowships were authorized that there would be a proliferation of teacher training programs throughout the Office of Education. The Senate conferees receded to the House on this point only with the understanding that the Bureau of Educational Personnel Development would have the primary responsibility for the administration of the new part of the Education Professions Development Act.

The Senate bill contained an amendment to Title IV of the Elementary and Secondary Education Amendments of 1967 which extends the forward funding authority of that title to all education programs. This section was adopted by the conference.

The Senate bill also provided for an automatic extension of authorizations in years in which authorizations expire. That provision was not accepted by the House conferees.

The conference report contains the provisions of the Senate bill which made any education appropriations available for obligation and expenditure until the end of the fiscal year without regard to the limitations of any other law unless such other law expressly limits the provisions of Title IV of the Elementary and Secondary Education Amendments of 1967.

EXPLANATION OF SECTION 406 OF THE ESEA AMENDMENTS OF 1967

Since the amendment to Title IV of the Elementary and Secondary Education Amendments of 1967, which is made by section 301(b) of the conference report, is subject to some question with respect to its meaning and intent, I would like to state here for the purposes of legislative history some of the history of this section and the intent of the Committee on Labor and Public Welfare and the conferees.

The provision, which is now proposed to be section 406 of the Elementary and Secondary Education Amendments of 1967, was first proposed during executive sessions of the Education Subcommittee on the vocational education bill. It was proposed by the chairman of the Subcommittee, the senior Senator from Oregon [Mr. MORSE].

At that time no general legislation affecting the availability of obligational authority from appropriations was on the statute books. The intent of the Committee at that time, which since then has been ratified by the Senate and the House-Senate conferees on the bill, was that no legislation of general applicability which provided statutory authority for the President to refuse to obligate appropriations should affect programs supporting aid to education.

This provision was adopted by the Education Subcommittee, supported by the full Committee on Labor and Public Welfare, and passed the Senate unanimously on July 17. When the House conferees raised questions with respect to this provision, it was explained, and the House receded to the Senate on this difference.

Since the Revenue and Expenditures Control Act was enacted after section 406 was first drafted, the effect of this provision on the Revenue and Expenditures Control Act was not discussed at length. However, during the House-Senate conference on the vocational education bill, the provision was discussed. The intent of the conferees with respect to the meaning of this provision was well understood by all conferees and adopted without objection on either side.

With respect to the effect of the proposed section 406 of the Elementary and Secondary Education Amendments of 1967 on section 203 of the Revenue and Expenditures Control Act, the intention of the conferees, and I state this for the purposes of legislative history, was that the $10 billion reduction in new obligational authority would not run against education programs.

Section 203(b) of the Revenue and Expenditures Control Act requires the President to reserve from new obligational and loan authority such amounts as may be necessary to effectuate the limitations set forth in subsection (a) of that section, which subsection (a) requires a $10 billion reduction in new obligational authority from that which was proposed in the President's budget for fiscal year 1969.

The language of section 406 simply requires that appropriations for any fiscal year for education programs which constitute a new obligational authority shall remain available for obligation until the end of the fiscal year for which they are appropriated. This section would override any statutory authority the President might have to prevent by affirmative act the obligation of fiscal year 1969 appropriations. This section does not challenge whatever authority the President may have constitutionally with respect to his refusal to expend appropriated funds. This section only overrides any statutory authority the President may have if the President were to take an affirmative act to prevent appropriated funds from being obligated. His sole authority for such an act would be that which he may have under the Constitution as being inherent in the office of the President. The Committee expresses no view with respect to the President's constitutional authority.

With respect to section 202 of the Revenue and Expenditure Control Act of 1968 concerning the $6 billion reduction in expenditures for fiscal year 1969, the effect of the proposed section 406 is secondary. Since section 406 runs against an affirmative act preventing obligation of appropriated funds for education, the effect on section 202 of the Revenue and Expenditures Control Act would be that, if a reservation of expenditures would result in failure to obligate from appropriations for education, then the reservation from expenditures would be an affirmative act prohibited under section 406. For instance, since section 406 provides that all appropriations for education shall remain available for obligation until the end of the fiscal year for which they are appropriated, it is only logical that the expectation is that the funds be obligated. If obligation takes place on the last day of the fiscal year, it would be reasonable to expect that expenditures from that obligation would take place in the succeeding fiscal year. In that event the restrictions in section 202 would not be affected.

However, an obligation earlier in the fiscal year which resulted in a fiscal 1969 expenditure would be protected by section 406. To the extent that fiscal 1969 expenditures are necessitated under the obligation or authorizing statute, they are protected by section 406.

Furthermore, if a reservation from expenditures would result in an inability to obligate 1969 appropriations, section 406 would prohibit the reservation.

If in the interest of efficient administration and in the interest of carrying out the intent of Congress with respect to the authorizing legislation, it is necessary to obligate an appropriation prior to the end of the fiscal year, and if the President reserves from expenditures funds which would have the result of reserving from obligational authority, then this section would override section 202 of the Revenue and Expenditures Control Act.

With respect to the limitations in section 201 of the Revenue and Expenditures Control Act, the effect of section 406 is tertiary. The Commissioner of Education has a statutory obligation to administer Federal programs and expend Federal funds in a prudent and efficient manner. In most cases prudent and efficient administration requires adequate personnel staffing and thorough evaluation and study procedures to be adopted. If the limitations in section 201 would result in inefficient administration of education funds and programs, then it is intended that the Director of the Bureau of the Budget exercise his authority under section 201 to insure that the Commissioner has adequate personnel in order to fulfill his obligations under the law.

Furthermore, since the Appropriations Committee has already allowed $42 million for salaries and expenses for the Office of Education, and since it is generally accepted that $42 million is the minimum amount necessary to enable the Commissioner to carry out his functions under the law, that $42 million, together with the number of personnel positions it would support, would be exempt from any limitation under the Revenue and Control Act, and the Director of the Bureau of the Budget would be required to exercise his authority under that Act in order to effectuate the overriding provisions of the conference report.

Moreover, there is no requirement in the Revenue and Expenditures Control Act that any part of the reduction necessitated by that Act be absorbed by the Department of HEW. That legislation only requires a general reduction. It is the intent of the Committee on Labor and Public Welfare and of the House-Senate conferees that any reduction which would be overridden by the provisions of section 406 not be passed on to other agencies in the Department of HEW, and if such reduction were required to be absorbed by other HEW programs, the Committee would have reason to doubt the good faith of the Bureau of the Budget in any statement it may make that it is only carrying out the will of Congress. The Nation's health is a vital national asset, one which stands high on the priorities set by Congress and one which takes precedent over many other aspects of Federal spending.

In terms of actual dollar amounts, the effect can, for fiscal 1969, be pinpointed. The President's budget request for Office of Education programs was $4.9 billion. The amount allowed by the appropriations conference was $4.7 billion. The Committee has been assured by HEW that the Budget Bureau does not intend to cut any education program below the budget request. Since the amount appropriated for education is less than the budget request, this section 406 will not result in an increase in the President's budget. It will protect two items already appropriated—the impacted areas program and Title III of NDEA, the equipment program. Since the Appropriations bill allows $110 million in excess of the President's budget for P.L. 874, the impacted areas program and $62 million in excess for Title III of NDEA, we know for a fact the Budget Bureau intends to impound those funds under the Revenue and Expenditures Control Act. Section 406 will simply protect those funds we have already appropriated for those programs.

Moreover, the amount they would like to take away from P.L. 874 and Title III of NDEA should not be deducted from health programs since the appropriations for health are below the budget request.

Mr. YARBOROUGH. Mr. President, H.R. 18366, the Vocational Education Amendments of 1968, represents a major step forward in this Nation's approach to vocational education. It is sad, but true, that over the decades there has developed in this country the attitude that vocational education is, somehow, just not fashionable, that it is merely a sop for those youngsters who are not "good enough" to get into college.

For too long vocational education has been looked upon as a stepchild—an orphan of the educational process. For some strange reason everyone from administrators down to teachers has been looking down his nose at the whole vocational education process.

This concept is patent nonsense. There is nothing particularly sacrosanct about a college education. With the skilled training that H.R. 18366 envisions, there is every reason to believe that our new technicians, nonprofessionals, and craftsmen will make a great contribution to our society.

That contribution should come as no surprise to anyone; after all, our society has been built on the dedication and ingenuity of the working man. Orville Wright and Wilbur Wright, Thomas A. Edison, and Henry Ford are examples of self-taught innovators at scientific and management levels, self-taught because the conventional educational system was too much of a straitjacket to give room for their aiblities to develop.

The legislation before us is broad in scope, establishing National and State advisory councils on vocational education, giving more authority to the States to conduct vocational education research, setting up a new section for exemplary programs and projects, providing for curriculum development in the field, and providing training and development programs for vocational education personnel.

There are three provisions in this bill in which I take particular pride and which I wish to call to the attention of my colleagues.

The first is that of consumer and homemaking education. As agreed to by the conference committee, consumer and homemaking education provisions in the legislation now before us represent a high-powered, long-needed approach to this vital subject area. We are not talking about learning to bake a pie; we are talking about learning how to run a home, balance a budget, shop wisely, establish a good credit rating, and avoid being bilked by the sharks that we all know are out on the open market ready to scuttle the unsuspecting uneducated housewife.

Of particular importance, I suggest to my colleagues, is the adoption by the House conferees of the Senate-passed authorization figures—figures which I suggested during our Education Subcommittee executive sessions. The House-passed measure would have allowed expenditure of only $15 million in fiscal 1970; no funds were authorized for either 1971 or 1972. The Senate-passed bill, and the bill now before you, provides $25 million in 1970, $35 million in 1971, and $50 million in 1972 for this vital program in vocational education. I am proud to have been associated with this particular aspect of this educational venture.

Further, I call the attention of my colleagues to the training and research section of the bill which includes the Senate-passed section focusing on new careers, an amendment which I offered in committee. I offer these following remarks by way of making clear the legislative intent behind this section of the bill.

The expanding dimensions and responsibilities of vocational education should encompass research and training in new and emerging careers and occupations in public-service-connected areas.

In February 1966, the National Commission on Technology, Automation, and Economic Progress estimated that there were 5.3 million potential sources of new jobs through public service employment. Statistics such as this, coupled with the fact of a great surplus of manpower who leave school with marginal skills presents a paradox which those responsible for vocational education could go a long way toward solving. Virtually all of the increase in employment from 48 million in 1947 to some 75 million at present has occurred in the service areas of the economy: Hospitals, schools, social work, and many fields of business, while employment in the production of goods has remained relatively stable.

Key to the concept set forth in the legislation is the training of students for jobs which truly are careers—employment opportunities which provide for upward mobility commensurate with training and experience. Implicit in this new careers concept, then, is not only the training of students in public services occupations such as those set forth, but the awakening of understanding on the part of administrators and professionals in making use of the services of nonprofessional personnel. Thus, my amendment provides for training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in less than professional positions in the public service sector.

There is no doubt that the experience of the vocational education community in working in the area of new and emerging careers and occupations should be one of continual learning, and therefore the amendment provides for the evaluation of the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs.

Finally, Mr. President, I direct the attention of my colleagues to that section of the bill dealing with collection and dissemination of information. The collection and dissemination of information by the Office of Education is without a doubt one of its most vital functions. If the successes and failures of programs and research are not passed on to persons interested in education then a lot of the effort in education is bound to be wasted. We must learn from our successes and learn from our failures and then get the word out so that failure can be avoided and success can be capitalized upon.

My amendment in the Education Subcommittee, already passed by this body and now confirmed by the conferees, consolidates collection and dissemination of information legislation for the Office of Education in one law, thus providing for greater facility in exercising congressional oversight and avoiding the real possibility of disparity or duplication of collection and dissemination tasks posed by maintaining or expanding such authority in a piecemeal fashion, one law at a time.

Further, recognizing that to be effective in serving the education needs of America the Commissioner must feel free to take full advantage of the potentialities of all media, the amendment sets forth a broad range of dissemination activities as the Commissioner's responsibility.

The study of the U.S. Office of Education by the Special Subcommittee on Education of the House of Representatives recognized that the responsibility of the Office of Information was, "to provide timely and up-to-date program philosophy and administrative information to participating elements in the educational community." In order to perform this responsibility I feel that as noteworthy as publications of the Office of Education are, the Office should not be limited in its effectiveness to the use of the printed word. The obvious potentialities of radio, television, films, and other media should be fully explored by the Commissioner, and advisers who actually go to the schools and aid them in the preparation of their applications is an intended goal of this amendment.

We have also recognized that the mission of dissemination of information might be multiplied a hundredfold in its effectiveness if the Office of Information were to establish liaison and cooperation with the public and private American business, labor, and service sectors.

Because of the importance of the exemption of education programs from the Revenue and Expenditures Control Act of 1968 and since Senator Morse cannot be here to give his own statement as chairman of the conference, I would like to read into the Record one portion of Senator Morse's statement which constitutes the legislative history of that act:

Explanation of Section 406 of the ESEA Amendments of 1967

I

Since the amendment to Title IV of the Elementary and Secondary Education Amendments of 1967, which is made by section 301(b) of the conference report, is subject to some question with respect to its meaning and intent, I would like to state here for the purposes of legislative history some of the history of this section and the intent of the Committee on Labor and Public Welfare and the conferees.

The provision, which is now proposed to be section 406 of the Elementary and Secondary Education Amendments of 1967, was first proposed during executive sessions of the Education Subcommittee on the vocational education bill. It was proposed by the chairman of the Subcommittee, the senior Senator from Oregon, Mr. Morse.

At that time no general legislation affecting the availability of obligational authority from appropriations was on the statute books. The intent of the Committee at that time, which since then has been ratified by the Senate and the House-Senate conferees on the bill, was that no legislation of general applicability which provided statutory authority for the President to refuse to obligate appropriations should affect programs supporting aid to education.

This provision was adopted by the Education Subcommittee, supported by the full Committee on Labor and Public Welfare, and passed the Senate unanimously on July 17. When the House conferees raised questions with respect to this provision, it was explained, and the House receded to the Senate on this difference.

Since the Revenue and Expenditures Control Act was enacted after section 406 was first drafted, the effect of this provision on the Revenue and Expenditures Control Act was not discussed at length. However, during the House-Senate conference on the vocational education bill, the provision was discussed. The intent of the conferees with respect to the meaning of this provision was well understood by all conferees and adopted without objection on either side.

With respect to the effect of the proposed section 406 of the Elementary and Secondary Education Amendments of 1967 on section 203 of the Revenue and Expenditures Control Act, the intention of the conferees, and I state this for the purposes of legislative history, was that the $10 billion reduction in new obligational authority would not run against education programs.

Section 203(b) of the Revenue and Expenditures Control Act requires the President to reserve from new obligational and loan authority such amounts as may be necessary to effectuate the limitations set forth in subsection (a) of that section, which subsection (a) requires a $10 billion reduction in new obligational authority from that which was proposed in the President's budget for fiscal year 1969.

The language of section 406 simply requires that appropriations for any fiscal year for education programs which constitute a new obligational authority shall remain available for obligation until the end of the fiscal year for which they are appropriated. This section would override any statutory authority the President might have to prevent by affirmative act the obligation of fiscal year 1969 appropriations. This section does not challenge whatever authority the President may have constitutionally with respect to his refusal to expend appropriated funds. This section only overrides any statutory authority the President may have if the President were to take an affirmative act to prevent appropriated funds from being obligated. His sole authority for such an act would be that which he may have under the Constitution as being inherent in the office of the President. The Committee expresses no view with respect to the President's constitutional authority.

II

With respect to section 202 of the Revenue and Expenditures Control Act of 1968 concerning the $6 billion reduction in expenditures for fiscal year 1969, the effect of the proposed section 406 is secondary. Since section 406 runs against an affirmative act preventing obligation of appropriated funds for education, the effect on section 202 of the Revenue and Expenditures Control Act would be that, if a reservation of expenditures would result in failure to obligate from appropriations for education, then the reservation from expenditures would be an affirmative act prohibited under section 406. For instance, since section 406 provides that all appropriations for education shall remain available for obligation until the end of the fiscal year for which they are appropriated, it is only logical that the expectation is that the funds be obligated. If obligation takes place on the last day of the fiscal year, it would be reasonable to expect that expenditures from that obligation would take place in the succeeding fiscal year. In that event the restrictions in section 202 would not be affected.

However, an oblgation earlier in the fiscal year which resulted in a fiscal 1969 expenditure would be protected by section 406. To the extent that fiscal 1969 expenditures are necessitated under the obligation or authorizing statute, they are protected by section 406.

Furthermore, if a reservation from expenditures would result in an inability to obligate 1969 appropriations, section 406 would prohibit the reservation.

If in the interest of efficient administration and in the interest of carrying out the intent of Congress with respect to the authorizing legislation, it is necessary to obligate an appropriation prior to the end of the fiscal year, and if the President reserves from expenditures funds which would have the result of reserving from obligational authority, then this section would override section 202 of the Revenue and Expenditures Control Act.

III

With respect to the limitations in section 201 of the Revenue and Expenditures Control Act, the effect of section 406 is tertiary. The Commissioner of Education has a statutory obligation to administer Federal programs and expend Federal funds in a prudent and efficient manner. In most cases prudent and efficient administration requires adequate personnel staffing and thorough evaluation and study procedures to be adopted. If the limitations in section 201 would result in inefficient administration of education funds and programs, then it is intended that the Director of the Bureau of the Budget exercise his authority under section 201 to insure that the Commissioner has adequate personnel in order to fulfill his obligations under the law.

Furthermore, since the Appropriations Committee has already allowed $42 million for salaries and expenses for the Office of Education, and since it is generally accepted that $42 million is the minimum amount necessary to enable the Commissioner to carry out his functions under the law, that $42 million, together with the number of personnel positions it would support, would be exempt from any limitation under the Revenue and Control Act, and the Director of the Bureau of the Budget would be required to exercise his authority under that Act in order to effectuate the overriding provisions of the conference report.

Moreover, there is no requirement in the Revenue and Expenditures Control Act that any part of the reduction necessitated by that Act be absorbed by the Department of HEW. That legislation only requires a general reduction. It is the intent of the Committe on Labor and Public Welfare and of the House-Senate conferees that any reduction which would be overridden by the provisions of section 406 not be passed on to other agencies in the Department of HEW, and if such reduction were required to be absorbed by other HEW programs, the Committee would have reason to doubt the good faith of the Bureau of the Budget in any statement it may make that it is only carrying out the will of Congress. The Nation's health is a vital national asset, one which stands high on the priorities set by Congress and one which takes precedent over many other aspects of Federal spending.

In terms of actual dollar amounts, the effect can, for fiscal 1969, be pinpointed. The President's budget request for Office of Education programs was $4.9 billion. The amount allowed by the appropriations conference was $4.7 billion. The Committee has been assured by HEW that the Budget Bureau does not intend to cut any education program below the budget request. Since the amount appropriated for education is less than the budget request, this section 406 will not result in an increase in the President's budget. It will protect two items already appropriated—the impacted areas program and Title III of NDEA, the equipment program. Since the Appropriations bill allows $110 million in excess of the President's budget for P.L. 874, the impacted areas program and $62 million in excess for Title III of NDEA, we know for a fact the Budget Bureau intends to impound those funds under the Revenue and Expenditures Control Act. Section 406 will simply protect those funds we have already appropriated for those programs.

Moreover, the amount they would like to take away from P.L. 874 and Title III of NDEA should not be deducted from health programs since the appropriations for health are below the budget request.

Mr. President, I understand that the Senator from Delaware [Mr. WILLIAMS], who could not be here at this hour, desires to discuss this report in the morning and that agreement has been reached between the leadership on both sides that the bill could go over until tomorrow.

I desire to ask the distinguished whip if that request was agreed to.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. YARBOROUGH. I understood it to be at a certain hour in the morning.

Mr. BYRD of West Virginia. Mr. President, before I respond to that question, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the conference report on H.R. 18366, the vocational education bill, take place at 11:15 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted:

VICE PRESIDENT DETAILS VIETNAM POLICY

Mr. PROXMIRE. Mr. President, it is not easy for a man who has been as deeply identified with our present Vietnam war policy as Vice President HUMPHREY has to propose a change in that policy. But that is exactly what Vice President HUMPHREY did on Monday night.

By advocating a suspension of the bombing of North Vietnam, subject only to observance of the demilitarized zone by North Vietnam, a gradual U.S. troop withdrawal under international supervision, and South Vietnam elections specifically including the National Liberation Front, the Vice President made his peace-in-Vietnam program clear.

Thus the American people have been put on notice on precisely the kind of peace-in-Vietnam program they will be voting for if they vote for HUMPHREY.

However, it would be foolish to equate the Vice President's stand with a complete turnaround on Vietnam. The HUM-

PHREY proposals simply represent another means to the same end—a safe and democratic South Vietnamese Government free from Communist aggression.

The bombing halt would be conditional, depending upon North Vietnam's willingness to restore the integrity of the demilitarized zone between North and South.

The withdrawal of American troops would depend upon a reciprocal withdrawal of North Vietnamese troops.

And the participation of the National Liberation Front in an elected government would be contingent upon the willingness of the front to abide by peaceful processes.

Last night's speech is the first specific statement on Vietnam policy by any of the presidential nominees. The American voter deserves to learn from the other two candidates in equal detail what steps they would take to chart an honorable solution of the Vietnam dilemma.

I ask unanimous consent that this Vice President's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

VICE PRESIDENT HUBERT H. HUMPHREY'S ADDRESS TO THE NATION ON VIETNAM AND AMERICAN FOREIGN POLICY, SALT LAKE CITY, UTAH

Tonight I want to share with you my thoughts as a citizen and as a candidate for President of the United States.

I want to tell you what I think about great issues which I believe face this Nation.

I want to talk with you about Vietnam, and about another great issue in the search for peace in the world—the issue of stopping the threat of nuclear war.

After I have told you what I think, I want you to think.

And if you agree with me, I want you to help me.

For the past several weeks, I have tried to tell you what was in my heart and on my mind.

But sometimes that message has been drowned out by the voices of protesters and demonstrators.

I shall not let the violence and disorder of a noisy few deny me the right to speak or destroy the orderly Democratic process.

I have paid for this television time this evening to tell you my story uninterrupted by noise . . . by protest . . . or by second-hand interpretation.

When I accepted the Democratic Party's nomination and platform, I said that the first reality that confronted this Nation was the need for peace in Vietnam.

I have pledged that my first priority as President shall be to end the war and obtain an honorable peace.

For the past four years, I have spoken my mind about Vietnam, frankly and without reservation, in the Cabinet and in the National Security Council—and directly to the President.

When the President has made his decisions, I have supported them.

He has been the Commander-in-Chief. It has been his job to decide. The choices have not been simple or easy.

President Johnson will continue—until January 20, 1969—to make the decisions in Vietnam. The voice at the negotiating table must be his. I shall not compete with that voice. I shall cooperate and help.

We all pray that his efforts to find peace will succeed.

But, 112 days from now, there will be a new President; new Administration; and new advisers.

If there is no peace by then, it must be their responsibility to make a complete reassessment of the situation in Vietnam—to see where we stand and to judge what we must do.

As I said in my acceptance speech:

The policies of tomorrow need not be limited by the policies of yesterday.

We must look to the future.

For neither vindication nor repudiation of our role in Vietnam will bring peace or be worthy of our country.

The American people have a right to know what I would do—if I am President—after January 20, 1969, to keep my pledge to honorably end the war in Vietnam.

What are the chances for peace?

The end of the war is not yet in sight. But our chances for peace are far better today than they were a year or even a month ago.

On March 31, the war took on an entirely new dimension.

On that date President Johnson by one courageous act removed the threat of bombing from 90 percent of the people, and 78 percent of the land area, of North Vietnam.

On that date, President Johnson sacrificed his own political career in order to bring negotiation that could lead to peace.

Until that time, the struggle was only on the battlefield.

Now, our negotiators are face to face across the table with negotiators from North Vietnam.

A process has been set in course. And, lest that process be set back, our perseverance at the conference table must be as great as our courage has been in the war.

There have been other changes during these past few months.

The original Vietnam decision—made by President Eisenhower—was made for one basic reason.

President Eisenhower believed it was in our national interest that Communist subversion and aggression should not succeed in Vietnam.

It was his judgment—and the judgment of President Kennedy and President Johnson since then—that if aggression did succeed in Vietnam, there was a danger that we would become involved on a far more dangerous scale in a wider area of Southeast Asia.

While we have stood with our allies in Vietnam, several things have happened.

Other nations of Southeast Asia—given the time we have bought for them—have strengthened themselves, have begun to work together, and are far more able to protect themselves against any future subversion or aggression.

In South Vietnam itself, a Constitution has been written, elections have been held, land reform and anti-corruption and refugee measures have been stepped up, and the South Vietnamese army has increased its size and capacity, and improved its equipment, training and performance—just as the Korean army did during the latter stages of the Korean war.

So—in sharp contrast to a few months ago—we see peace negotiations going on.

We see a stronger Southeast Asia.

We see a stronger South Vietnam.

Those are the new circumstances which a new President will face in January.

In light of those circumstances—and assuming no marked change in the present situation—how would I proceed as President?

Let me first make clear what I would not do.

I would not undertake a unilateral withdrawal.

To withdraw would not only jeopardize the independence of South Vietnam and the safety of other Southeast Asian nations. It would make meaningless the sacrifices we have already made.

It would be an open invitation to more violence . . . more aggression . . . more instability.

And it would, at this time of tension in Europe, cast doubt on the integrity of our word under treaty and alliance.

Peace would not be served by weakness or withdrawal.

Nor would I escalate the level of violence in either North or South Vietnam. We must seek to de-escalate.

The Platform of my party says that the President should take reasonable risks to find peace in Vietnam. I shall do so.

North Vietnam, according to its own statement and those of others, has said it will proceed to prompt and good faith negotiations if we stop the present limited bombing of the North.

We must always think of the protection of our troops.

As President, I would be willing to stop the bombing of the North as an acceptable risk for peace because I believe it could lead to success in the negotiations and a shorter war. This would be the best protection for our troops.

In weighing that risk—and before taking action—I would place key importance on evidence—direct or indirect, by deed or word—of Communist willingness to restore the demilitarized zone between North and South Vietnam.

If the Government of North Vietnam were to show bad faith, I would reserve the right to resume the bombing.

Secondly, I would take the risk that the South Vietnamese would meet the obligations they say they are now ready to assume in their own self-defense.

I would move toward de-Americanization of the war.

I would set down with the leaders of South Vietnam to set a specific timetable by which American forces could be systematically reduced while South Vietnamese forces took over more and more of the burden.

The schedule must be a realistic one—one that would not weaken the overall allied defense posture. I am convinced such action would be as much in South Vietnam interest as in ours.

What I am proposing is that it should be basic to our policy in Vietnam that the South Vietnamese take over more and more of the defense of their own country.

That would be an immediate objective of the Humphrey-Muskie Administration as it sought to end the war.

If the South Vietnamese army maintains its present rate of improvement, I believe this will be possible next year—without endangering either our remaining troops or the safety of South Vietnam.

I do not say this lightly. I have studied this matter carefully.

Third, I would propose once more an immediate cease-fire—with the United Nations or other international supervision and supervised withdrawal of all foreign forces from South Vietnam.

American troops are fighting in numbers in South Vietnam today only because North Vietnamese forces were sent to impose Hanoi's will on the South Vietnamese people by aggression.

We can agree to bring home our forces from South Vietnam, if the North Vietnamese agree to bring theirs home at the same time. External forces assisting both sides could and should leave at the same time, and should not be replaced.

The ultimate key to an honorable solution must be free elections in South Vietnam—with all people, including members of the National Liberation Front and other dissident groups, able to participate in those elections if they were willing to abide by peaceful processes.

That, too, would mean some risk.

But I have never feared the risk of one man, one vote. I say: Let the people speak. And accept their judgment, whatever it is.

The Government of South Vietnam should not be imposed by force from Hanoi or by pressure from Washington. It should be freely chosen by all the South Vietnamese people.

A stopping of the bombing of the North—taking account of Hanoi's actions and assurances of prompt good faith negotiations and keeping the option of resuming that bombing if the Communists show bad faith.

Careful, systematic reduction of American troops in South Vietnam—a de-Americanization of the war—turning over to the South Vietnamese army a greater share of the defense of its own country.

An internationally supervised cease-fire—and supervised withdrawal of all foreign forces from South Vietnam.

Free elections, including all people in South Vietnam willing to follow the peaceful process.

Those are risks I would take for peace.

I do not believe any of these risks would jeopardize our security or be contrary to our national interest.

There is, of course, no guarantee that all these things could be successfully done.

Certainly, none of them could be done if North Vietnam were to show bad faith.

But I believe there is a good chance these steps could be carried out.

I believe these steps could be undertaken with safety for our men in Vietnam.

As President, I would be dedicated to carrying them out—as I would be dedicated to urging the government of South Vietnam to expedite all political, economic and social reforms essential to broadening popular participation, including high priority to land reform, more attention to the suffering of refugees, and constant government pressure against inflation and corruption.

I believe all of these steps could lead to an honorable and lasting settlement serving both our own national interest and the interests of the independent nations of Southeast Asia.

We have learned a lesson from Vietnam.

The lesson is not that we should turn our backs on Southeast Asia—or on other nations or people in less familiar parts of the world neighborhood.

The lesson is, rather, that we should carefully define our goals and priorities . . . and within those goals and priorities, that we should formulate policies which will fit new American guidelines.

Applying the lesson of Vietnam, I would insist as President that we review other commitments made in other times, that we carefully decide what is, and is not, in our national interest.

I do not condemn any past commitment.

I do not judge the decisions of past Presidents when, in good conscience, they made those decisions in what they thought were the interests of the American people.

But I do say, if I am President, I owe it to this Nation to bring our men and resources in Vietnam back to America where we need them so badly, and to be sure we put first things first in the future.

Let me be clear: I do not counsel withdrawal from the world.

I do not swerve from international responsibility.

I only say that, as President, I would undertake a new strategy for peace in this world, based not on American omnipotence, but on American leadership—not only military and economic, but moral.

That new strategy for peace would emphasize working through the United Nations, strengthening and maintaining our key alliances for mutual security particularly including NATO, supporting international peacekeeping machinery, and working with other nations to build new institutions and instruments for cooperation.

In a troubled and dangerous world, we should seek not to march alone, but to lead in such a way that others will wish to join us.

Even as we seek peace in Vietnam, we must for our security and well-being seek to halt and turn back the costly and even more dangerous arms race.

Five nations now have nuclear bombs.

The United States and the Soviet Union already possess enough weapons to burn and destroy every human being on this earth.

Unless we stop the arms race—unless we stop 15 to 20 more nations from getting nuclear bombs and nuclear bomb technology within the next few years—this generation may be the last.

For 20 years, we have lived under the constant threat that some irresponsible action or even some great miscalculation could blow us all up in the wink of an eye.

There is danger that we have become so used to the idea that we no longer think it abnormal—forgetting that our whole world structure depends for its stability on the precarious architecture of what Winston Churchill called the balance of terror. This is no longer an adequate safeguard for peace.

There is a treaty now before the Senate which would stop the spread of nuclear weapons. That treaty must be ratified now.

If this Nation cannot muster the courage to ratify this treaty—a treaty which in no way endangers our national security, but adds to it by keeping these weapons out of the hands of a Nasser, a Castro, and many others—there can be little hope for our future in this world.

We must ratify this treaty.

I also believe that we must have the courage—while keeping our guard up and fulfilling our commitments to NATO—to talk with the Soviet Union as soon as possible about a freeze and reduction of offensive and defensive nuclear missiles systems.

To escalate the nuclear missile arms race is to raise the level of danger and total destruction. It is costly, menacing, fearsome and offers no genuine defense.

Beyond that, if I am President, I shall take the initiative to find the way—under carefully safe-guarded, mutually-acceptable international inspection—to reduce arms budget and military expenditures systematically among all countries of the world.

Our country's military budget this year is 80 billion dollars.

It is an investment we have to make under existing circumstances. It protects our freedom.

But if we can work with other nations so that we can all reduce our military expenditures together, with proper safeguards and inspection, then, it will be a great day for humanity.

All of us will have moved further away from self-destruction. And all of us will have billions of dollars with which to help people live better lives.

The American people must choose the one man they believe can best face these great issues.

I would hope that Mr. Nixon, Mr. Wallace and I could express our views on Vietnam not only individually, but on the same public platform.

I call for this because—on the basis of our past records and past careers—there are great differences between our policies and programs.

These views of Governor Wallace which I have seen reported indicate that he would sharply escalate the war.

Mr. Nixon's past record reveals his probable future policies.

In 1954—at the time of the French defeat at Dienbienphu—he advocated American armed intervention in Vietnam in aid of French colonialism. It was necessary for President Eisenhower to repudiate his proposal.

Since then, he has taken a line on Vietnam policy which I believe could lead to greater escalation of the war.

In January of this year, Mr. Nixon described as "bunk" the idea that free elections in South Vietnam were of importance.

In February of this year, when questioned about the use of nuclear weapons in Vietnam, Mr. Nixon said that a general "has to take the position that he cannot rule out the use of nuclear weapons in extreme situations that might develop."

Since then, he has indicated he has a plan to end the war in Vietnam, but will not disclose it until he becomes President.

If he has such a plan, he has an obligation to so inform President Johnson and the American people.

Few days ago, the Republican Vice Presidential nominee said there is not now and never has been a Nixon-Agnew plan for peace in Vietnam. It was, he said, a ploy to "maintain suspense." And then he said: "Isn't that the way campaigns are run?" I think we need some answers about this from Mr. Nixon.

Mr. Nixon's public record shows, also, consistent opposition to measures for nuclear arms control.

He attacked Adlai Stevenson and myself for advocating a nuclear test ban treaty—a treaty to stop radioactive fallout from poisoning and crippling people the world over. He called our Plan "a cruel hoax." We can be thankful that President Kennedy and the Congress did not follow his advice.

Today, he is asking for delay of ratification of a treaty carefully negotiated over several years and signed by 80 nations—the Nuclear Non-Proliferation Treaty designed to stop the spread of nuclear weapons.

I speak plainly: I do not believe the American Presidency can afford a return to leadership which would increase tension in the world, which would, on the basis of past statements, escalate the Vietnam war, and which would turn the clock back on progress that has been made at great sacrifice to bring the great powers of the world into a saner relationship in this nuclear age.

On the great issues of Vietnam, of the arms race, and of human rights in America—I have clear differences with Mr. Nixon and Mr. Wallace.

I call on both of these men to join me in open debate before the American people.

Let us put our ideas before the people. Let us offer ourselves for their judgment—as men and as leaders.

Let us appear together—in front of the same audiences or on the same television screens, and at the same time, to give the people a choice.

We must not let a President be elected by the size of his advertising budget.

We cannot let a President be elected without having met the issues before the people.

I am willing to put myself—myself, my programs, my capacity for leadership before the American people for their judgment.

I ask the Republican nominee and the third party candidate to do the same.

I ask, before election day that we be heard together as you have heard me alone tonight.

I appeal to the people—as citizens of a Nation whose compassion and sense of decency and fair play have made it what Lincoln called "the last best hope on earth."

I appeal to you as a person who wants his children to grow up in that kind of country.

I appeal to you to express and vote your hopes and not your hates.

I intend, in these five weeks, to wage a vigorous, tireless, and forthright campaign for the Presidency.

I shall not spare myself, or those who will stand with me. I have prepared myself. I know the problems facing this Nation.

I do not shrink from those problems.

I challenge them.

They were made by men. I believe they can be solved by men. If you will give me your confidence and support, together we shall build a better America.

A TRUE ACADEMIC COMMUNITY

Mr. MANSFIELD. Mr. President, during the years 1963–66, the University of Montana was fortunate to have as its president, Dr. Robert Johns. While at the university's helm, he served with distinction the university, the State of Montana, and the Nation as well. In 1966, Dr. Johns became president of Sacramento State College where he has continued to strive for the attainment of excellence in the academic environment of the United States.

Recently I had an opportunity to read an address Dr. Johns delivered to the Sacramento State College faculty several weeks ago. In his address, Dr. Johns commented thoughtfully on the role of the college in American life and on the relevance and importance of the various elements which are a part of the evolution of a true academic community. It is noteworthy, I believe, that in seeking to make the institution he heads a better one, he has chosen to appoint four "committees on the state of the college"—representatives of the students, the faculty, the alumni, and the community at large—to study, analyze, and make recommendations relative to every area of the college's activities.

In these times, it seems to me that it is well for all of us to examine in an orderly and rational way those institutions with which we are identified and which are an integral part of our society. It seems to me, President Johns has taken an important initiative in this regard.

Mr. President, in the belief that Dr. Johns' observations merit the attention of Senators, I ask unanimous consent that the text of his address of September 16 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE FACULTY BY ROBERT JOHNS, PRESIDENT, SACRAMENTO STATE COLLEGE, SEPTEMBER 16, 1968

Inevitably, the year we are beginning will emerge as one of the most decisive of the twentieth century. We are disturbed by a major war about which many of us are skeptical; a national election dividing us perhaps more visibly than the war; an intense concern for the learning process on every dynamic campus in our country; an urgent desire to evaluate our own ideas, to inspect our rights and freedoms, and to analyze the success and security to which we aspire.

This morning, as one of you, I wish to discuss these problems as I see them. I wish to discuss them as a professional educator, as one whose occupation is the same as yours, as one whose ultimate objective is identical to yours, and one whose attitude toward his work varies from yours mainly in that he is limited in his opportunity to enjoy direct participation in the adventure of creatively influencing young minds in a learning situation.

The administrator, today, is occupied with providing an environment in which this learning can happen. He is involved with all of his colleagues in defending that environment, both from within and without, and in insuring that it is as vigorous as the social scene on which it exists.

When I became a president, I did not abandon my integrity nor did I abdicate my right to free observation and free comment. There may be disagreement with my comments this morning. This is proper because they are the observations of a professional cast in the same light as the views of other professionals.

The college or university is so many things to so many people that it is continuously in conflict with itself. Agreements and disagreements exist because the many components of the academic community differ about the objective of higher education. Frequently, those least familiar with the total complex of education are most aggressive in expressing their prescriptions for the resolution of differences. Let us accept the idea that disagreement is a part of our environment, that conflict of opinion is innate in our occupation, that we are dedicated not so much to the preservation of the status quo, but to testing and evaluating it and to experimentally judging its worth.

Much has been said recently about the society for which the university exists. It is usually oversimplified. In my opinion, the college or university today exists in the interest of all society. In any social organism like the university, there is a lag between the time when society identifies a problem and the time when the academic community begins to resolve it. This can correctly be identified as a time when there is a lack of a meaningful sense of relatedness to social values and institutions. It leads to a growing anxiety expressed in various forms of nihilism, withdrawal, and destructiveness. On the other hand, innovation to satisfy social needs without utilizing our traditional culture to the extent it is viable and adaptable, results in an equally dangerous loss of a sense of continuity with our past.

Historically, colleges and universities have resisted invasions into their freedom of investigation and expression. During the life of most of us, these invasions have come predominantly from outside the academic community. We are now witnessing an historical repetition of attempts to curtail this freedom from within academe. Indeed, there are those on almost every faculty who feel competent to designate the outer limits of investigation and to plot the course of expression and study for their colleagues. There are those in our college who would say "This information is not useful and should be eliminated." There are those who would propagate only a single point of view.

These attitudes are just as dangerous and perhaps far more destructive than invasion from outside our community. Each of us must reaffirm his conviction in his right to judgment, his inalienable freedom to openly defend his point of view, and his resolved resistance to those who would attempt to plot the destiny of education by subversive innuendo. In a free, contemporary, academic community, whose members stand ready and willing to defend themselves and their ideas, there is no need for the anachronism of the anonymous communication or for the smear campaign. These techniques are, however, highly effective in accomplishing the desired results of weakening the credibility of the academic community and contributing to the destruction of the individual strengths that support that credibility.

We must courageously face conflict with those in academe who choose not to express their views openly, who choose to identify a conversation as a "meaningful dialogue" only when they see an ultimate victory, or who in the conflict of opinion state that "You aren't communicating."

Probably no part of our society today has been so successful over the last half century in meeting its ultimate objectives as higher education. It is time now to reevaluate these objectives, to establish their relevance, to critically review their methods of presentation, and to intimately test the meaning of such things as grades, credit hours, transfer points, course sequences, semester and quarter plans, and much of the other trivia that may stand as impedimenta to a sound educational experience for all of us.

Faculties are usually referred to collectively. Unfortunately, it is not so simple. College and university faculties are constituted of highly talented individuals, possessing specialized spheres and levels of interest. Each is dedicated to the continuous improvement of his knowledge of his specific interest or discipline. Each must also be involved in his attitudes and concerns for the environment or structure in which he pursues his goals.

In a democratic society, one expects that this environment should be determined largely by participation of its citizens. If we as individual faculty members desire to participate and to exercise the democratic prerogatives that are ours, we must recognize that the concept of freedom is accompanied by the equally demanding concept of responsibility. We are entitled to our rights and freedoms as citizens in the American society. We are, by the nature of our own commitments, responsible for our greatest effort and integrity in our individual field of specialization. We must insure that our knowledge in these fields is relevant to the requirements of our students and their society. We must, as citizens, be free from institutional censorship and discipline when we are acting as citizens of the political community. We must, as scholars, be responsible for, and stand ready to defend, our views in our special areas of competence. As scholars, we do not acquire special privileges or immunities as citizens in the political community.

In exercising our democratic responsibilities in the academic community, we must be accountable for its successes and failures. We must willingly recognize both and admit them in open perspective. We may not agree with the desire of the majority, but if we wish to change it, we must do so by orderly, rational confrontation of the problems at hand rather than by attacks on the individuals involved.

The faculty that governs itself is a strong faculty only when every individual member participates in that government. No individual in a community so vital as the American college or university can abdicate his personal obligation to participate in the governmental and political decisions that affect him or the truths which he believes. Today, more than ever before, there is little place in academe for what has been identified as the "vast silent majority." As individuals, we cannot accept the dominance of those who would annihilate the college or university. Nor can we accept the false tranquility that results from nonparticipation. If we are to be governed democratically, any silent majority will become the vehicle for academic bossism and for government by default rather than by participation. We must stand ready individually and as a collective unit to defend ourselves against bossism that comes from those interests that would direct the results of our teaching. We can best confront these potential invasions by honestly evaluating their desires and objectives and by retaliating with the unity of truth as each of us has developed it in his own conscience and as each of us is ready to affirm it in the open atmosphere of academic discourse.

I am convinced that in the final analysis, truth is the strength that will transcend all efforts of invasion, both from within and without. History has taught us that truth is the product of long, difficult, conscientious testing.

We are individually and collectively charged with participating in creative innovation. We are fortunate to live in an age when our students demand creativity, when they demand relevance, and when they are vigorously enforcing their prerogative of active participation in the educational process rather than passive acceptance and regurgitation for academic approval. This is difficult because it is critical of the status quo. It is uncomfortable because it challenges the values of academic acceptance. It is frustrating because it invades the passive acquiescence of the student-teacher relationship.

Our students, like us, are usually classified collectively. For centuries, we have known the fallacy of this easy taxonomy. Students, like faculty members and all other people in our society, are individuals. Their individual motivations are different, their goals are legion, their abilities are diverse. Their ultimate objectives, however, are much the same as ours. As with us, the student gains no special privileges by being a student. Neither does he lose his rights as a citizen in the society of which he is a part. He is, in my opinion, entitled to a voice in the educational process in which he participates. He is entitled to an open and serious hearing of his views, desires, and convictions. The extent to which he is entitled to a vote in this process has not yet been established in most of our academic institutions in America. There are those who vigorously contest this right.

I have no solution to this problem at this time, but I am satisfied that the diligent student should expect to be heard seriously and should be able to influence effectively, dispassionately, and conscientiously the education in which he participates. True participation in a democracy makes its extremely difficult for one citizen to sit at the feet of another by compulsion rather than by choice. We have within our body of students a vast silent majority which too frequently permits itself to be led into action by an active minority; a minority which would, without sound basis, change everything for the sake of change. We may have a majority which could, by default, permit itself to be manipulated and managed by aggressive emotionalism, or by the blind acceptance of the status quo. Every student in every college in the world is there for a reason. We may not agree with his reason. I suspect that in the opinion of some, his reason may not be germane to the educational process in which we are involved. We must, however, through that educational process, help him to arrive at viable reasons. We must help him to see the relevance of his educational experience to the life he lives and that which the future holds. We must have pride in our relationship with our students, pride in the responsibility which we share with them for the creative enrichment of their lives, pride in their interest in relevance, and pride in our mutual desires for creative thought. This is not always easy. The successful attainment of our mutual goals must, of course, be difficult because our targets are high and our objectives manifold.

The concern for educational relevance by our students appears to have two fundamental bases: (1) a gulf between the formal environment of the college curriculum and the perceived demands of urgent social problems; and (2) the chasm between the traditional humane environment of the "academic image" and the actual environment which turns out sometimes to be isolated, rigid, insensitive, perhaps boring, depersonalized, and maybe even unconducive to their personal growth and satisfaction as individual citizens.

Most students are idealistic, reasonable, responsible, and intelligent. Most students recognize that persuasion, education, and the exercise of franchise is the responsible format of protest. A few prefer more drastic procedures. We are guaranteed by the Constitution of the United States the right to demonstrate. If, in the academic environment, demonstration is the best way by which we can communicate, we are by that very action, limiting the possibilities of resolution of the problems before us. At best, riots, sit-ins, and interruptions result in compromises of questionable value. Meaningful debate, critical study, and the courageous application of intellectual integrity will result in more enduring solutions than the temporary gains produced by displays of emotional actions and reactions. I urge our students to be continuously alert to ways in which their college can more directly relate to their homes and their neighborhoods. I urge them to be alert to the limitations of the historical structure of higher education. I urge that they work with us to achieve ways in which we can help to substantively resolve the infinite varieties of problems before the society in which we all live.

At best, the leadership of the president, and/or "the administration," exists in the framework provided for it, and largely determined for it, by its governing board, its superior administrative officers where they exist, its faculty, and its students. In most public institutions, it is impossible for the principal administrators to relinquish many of their responsibilities. At best, influencing factors permit them to work in an environment which frequently represents, at least to them, unsatisfactory compromise. I am of the opinion that there is much to support the idea that "the best administration is the least administration." In the dynamic scene of today's educational processes, the controllership responsibilities of administration are rarely effective beyond legal prescriptions handed to them (and, parenthetically, in the creation of which they frequently did not participate). There is today, in my opinion, no room for secrecy in administration. The administrator must not indulge himself in the luxury of innuendo or political manipulation, but rather must represent all of the groups whom he attempts to serve with integrity, courage, and perhaps sometimes a degree of humble resignation. The leadership potential of any educational administrator is effective only so far as those who hold the power of delegation permit him to be a leader. It is effective only so far as he, with his own courage and the endowments of the Good Lord, is willing to exercise the uncomfortable role of leadership.

We are entering one of the greatest years of our lives. We must strive to develop a true academic community of autonomous groups, not a community governed by the tyranny of any one group, be that group a legislature, a governing board, an administration, a faculty, or a student body. Necessarily, we must understand and choose among the views of our constituents to satisfy our ultimate goals, our intermediate goals, the priority amongst these, and the means of achieving them. Vital decisions in the academic community result from the influences of diverse sources: governing boards, faculties, students, administrations, alumni, donors, legislators, professional associations, accrediting associations, and membership groups of academic professionals. Extreme submersion in this environment or extreme self-identification with any one of these concerns, ultimately will block intellectual progress.

In order to insure that we are constantly alert to the views of those concerned, I have asked for the appointment of four "Committees on the State of the College"; one to represent the students, another the faculty, a third the alumni, and finally the community at large. They have been requested to study, analyze, and make recommendations relative to every area of our activity. They have been asked not only to look into the educational process of our institution, but the administrative activities, the influences of government, and the services rendered by the collateral organizations such as the foundations, community service projects, etc. Hopefully, during this year, representatives of these committees will be vistng with each of you. You are urged to give them your best straight-forward views of how this can become a better college.

During this year, we will be called upon with ever increasing urgency to recognize that what we have done in the past is but a limited foundation. Our academic programs must become more flexible so that every student has greater freedom to work out his own, personally appropriate, combination and sequence of education experiences. We may be expected to challenge the deep-rooted American notion that every high school graduate should go on to college and that a college education must consist of four years of prestructured study accompanied by the establishment of a balance of a given number of course credits subsequent to which the dividend of a diploma will be paid. We will be asked to pay greater attention to the larger human needs of ourselves and our students in the form of personal purpose, social meaning, and supportive human relationships. Undoubtedly, we will be asked, and we must be prepared to give, more of our time to individual counseling to help ourselves and our students work out these relationships and understandings. This is not a job that can be done only by specialized counselors, but is one in which every member of the academic community must involve himself.

In our task of innovating while maintaining maximum continuity of higher education, we must overcome three main hurdles. First, the pressures of alienated, radical extremists who want to junk the whole existing educational system and the equally obstructive pressures of the others who refuse to acknowledge the need for change, and who denounce those who speak for it as subversives. Second, the educational conservativism that each of us has some place in his soul and which we at times wish to intermix with the thrust for student power, faculty power, administrative power, or governing board power. And third, the concept that there is some inherent conflict of objectives among the partners who are responsible for working together in the education enterprise.

We are at the threshold of a great adventure. I believe it is the responsibility of each of us to insure that the substance of his work is worthy of the highest consideration of his personal conscience, of the highest level of inspiration for his students, and of the values for which we wish our profession to be dedicated. To these ends, I pledge you my best efforts.

CHARLES B. WEST, OF SEATTLE, ELECTED PRESIDENT OF AMERICAN SOCIETY OF TRAVEL AGENTS

Mr. MAGNUSON. Mr. President, it is a source of sincere personal pleasure for me to announce the election of Charles B. West, of Seattle, to the presidency of the American Society of Travel Agents, the organization which has served as the guardian of travelers and tourists everywhere.

As many of the Members are aware, the American Society of Travel Agents is the world's largest organization of those engaged in the business of travel and tourism.

Its membership includes more than 8,000 travel agents; tour operators; air, sea, land, and busline carriers; hoteliers; and official government tourist organizations in more than 100 countries around the world and has assisted importantly in creating what today has become the world's largest export business.

The unanimous election of "Chuck" West brings to the helm of this respected and responsible society, a dynamic, vig-

orous, dedicated man who, in the past 20 years, has created a multi-million-dollar travel and tourism enterprise—Westours—which includes the ownership and operation of travel agencies, tours, cruise ships, hotels, buslines, and a fixed-base air facility which includes a flying school.

He personally has become internationally identified as a vital creator of interest in travel to the Northwest and Alaska and typifies in his imaginative leadership and enterprise, the pioneering spirit of that area.

Mr. West began his career in travel prior to World War II in employment with airlines operating on the west coast.

Upon the declaration of war, he joined the Air Transport Command and was a pilot in its Alaska operations. Seeking combat experience, he became a pilot in the Flying Tigers and during that period flew 153 missions into the Himalayas where his outstanding China-Burma-India theater service brought him the rank of colonel in the Chinese Air Force.

His wartime experience in Alaska brought him back to that area following the war, and he became a pilot for Wien-Alaska Airlines.

With the carrier's permission, he set up an office in a log cabin in Fairbanks and organized and sold tours featuring the Arctic Circle.

In 1947, recognizing the opportunity which existed in developing tourism to this last frontier, Mr. West left active flying to open Westours and established his headquarters in Seattle.

He early became deeply interested in civic affairs of both Seattle and Alaska and has served as chairman of the Seattle branch of the Alaska Chamber of Commerce, the Alaska State Chamber of Commerce, the International Paving Commission, and has pioneered many projects to develop tourism to that area.

Mr. West's deep involvement in travel and tourism has won international recognition as an expert on its development and problems, and in 1961 he was appointed by Secretary of Commerce Hodges to serve on the U.S. trade mission to Finland, and in 1965 to the Alliance for Tourism to South America.

For the past 20 years, Mr. West has been specifically identified with the creation of international interest in "Visit U.S.A.," and last week he was named one of the 15 members of the U.S. Travel Advisory Board by Secretary of Commerce C. R. Smith, where he will assist in guiding the expanded program of attracting tourists to the United States.

He has served the American Society of Travel Agents as northwest chapter president, area director, and vice president.

His inspiring leadership as chairman of the ASTA World Travel Congress in Mexico City in 1963 made it one of the most successful of its international conferences and exemplified the forceful and energetic qualities which he will bring to his new task.

ASTA is to be congratulated on its wisdom in entrusting its leadership in his capable and experienced hands.

DEDICATION OF BIG CREEK WATERSHED, WILLIAMSTON, S.C.—ADDRESS BY HOLLIS R. WILLIAMS

Mr. HOLLINGS. Mr. President, on Tuesday of last week, it was a privilege and a pleasure for me to attend the dedication of the Big Creek Watershed project in Williamston, S.C. This project is an excellent example of the community, State, and Federal governments joining hands to work on the needs of a particular area.

At this dedication, the principal address was delivered by Mr. Hollis R. Williams, Deputy Administrator for Watershed, Soil Conservation Service, U.S. Department of Agriculture. Mr. Williams is an Arkansas traveler, having come to Washington from that State, and is, as I am sure will be apparent from his talk, extremely knowledgeable in this area. I enjoyed Mr. Williams' presentation and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TALK BY HOLLIS R. WILLIAMS, DEPUTY ADMINISTRATOR FOR WATERSHEDS, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C., AT THE DEDICATION OF THE BIG CREEK WATERSHED PROJECT, WILLIAMSTON, S.C., SEPTEMBER 26, 1968

Ladies and Gentlemen: It's a genuine pleasure to be here and participate with you in dedicating the Big Creek Watershed Project.

A successful watershed project is brought about by the imagination, the vision, the determination, and the cooperation of the people living in it.

The Big Creek Watershed comprises an area of 13,279 acres in the eastern part of Anderson County, South Carolina. This project is sponsored jointly by the Anderson County Soil Conservation District, the Big Creek Watershed Conservation District, and the Town of Williamston.

The greater part of the watershed has been in cultivation in former years. Present estimates show about 32 percent of the area is wooded and 33 percent is used for crops. Of the remainder, 25 percent is grassland and idle, and 10 percent is classified as miscellaneous.

The flood plain area includes 888 acres which are subject to flooding. Prior to completion of the project's dams and channels, overbank flow occurred with an average frequency of two times per year, and a flood sufficient to inundate one-half the flood plain occurred with an average frequency of three times every two years. Because of this flood hazard, only 186 acres, or about 21 percent of the flood plain, is now in agricultural use, and the remainder is idle or has reverted to brush and low value woods.

The two multiple-purpose dams and the 4.7 miles of channel improvement will protect 520 acres of the flood plain sufficiently to permit the production of corn and improved pasture.

There is storage capacity for 588 acre-feet of water for municipal use in dam No. 1 and 143 acre-feet for future use in dam No. 2. This storage capacity together with that provided for flood protection makes both of the dams multiple purpose.

Other works of improvement consist of land treatment measures, the stabilization of critical silt-producing areas in fields and along highways and roads, and the construction of improved channels.

More intensive utilization of the fertile flood plain is now possible. This will result in increased income to farmers. It will permit a change in land use on some of the adjoining upland and is expected to result in the conversion of 780 acres of less productive upland to trees and grassland.

There are 51 landowners who have portions of their farms in the flood plain. These flood plain holdings range in size from three acres to one hundred acres and will benefit from varied levels of flood protection.

The present use of the 888 acres of flood plain land is as follows: 186 acres of unimproved pasture yielding 3 animal unit months of grazing per acre, and 702 acres of woodland and miscellaneous.

The anticipated use and average yields are: 101 acres of corn yielding 65 bushels per acre, 216 acres of improved pasture yielding 9 animal unit months of grazing per acre, 74 acres of unimproved pasture yielding 3 animal unit months of grazing per acre, and 497 acres of woods and miscellaneous.

Land treatment measures such as terraces, field ditches, waterways, stock-watering ponds, tree planting, pasture planting, and wildlife habitat development are being installed by farmers under conservation farm plans with the Anderson County Soil Conservation District. Technical assistance in the planning and application of the land treatment measures is being provided by the Soil Conservation Service. The South Carolina Forestry Commission, with the cooperation of the U.S. Forest Service, will furnish technical assistance for tree planting. About 94 percent of the planned land treatment measures have been applied.

The estimated total cost of the project is about $571,000. Of this, $270,000 is being provided from P. L. 566 funds and $301,000 from other funds.

The structural measures were installed under contracts administered by the Big Creek Watershed Conservation District.

The land treatment measures will be maintained by the individual landowners concerned in accordance with the provisions of their respective conservation farm plans with the Anderson County Soil Conservation District.

Specific items relating to the operation and maintenance of structural measures are assumed individually by the Town of Williamston and by the Big Creek Watershed Conservation District.

The estimated average annual benefits which will result from the structural measures are approximately $21,500. The average annual costs amount to about $12,900 giving a 1.4 to 1.0 benefit-cost ratio for the project.

The people of South Carolina can be justly proud of the progress made in the small watershed program in their state. The recent revision of the Conservation Needs Inventory showed that 192 watersheds need Public Law 566 type of project action to solve resource problems that can't be handled by individual farmers. Progress made to date is as follows:

Applications	51
Projects authorized for planning	35
Projects approved for operations	22
Construction starts	17
Projects completed	8
Floodwater retarding structures built	44
Channel improvement installed (miles)	107

Three additional projects have been approved by Congress and are awaiting final approval.

The 22 projects already approved in South Carolina will involve an outlay of about $11.4 million in Federal funds and $10.4 million in local and State funds. An additional $4.7 million in Federal funds will be required for the 3 projects now pending approval. About $5.1 million in Federal funds has been obligated to date.

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Multi-purpose projects such as the Big Creek Watershed Project certainly boost the economy of the community. The worth of this project will be for all the people in the area, both rural and urban.

The effectiveness of this project was demonstrated on June 7–8, 1968 when 4.5 inches of rain fell in a 24-hour period. No flooding of bottom land occurred. Before installation of structural measures, a rainfall of 4.5 inches in 24 hours would have caused severe flood damage.

The partnership arrangement of Federal, State, and local self-governing units of government, that helped to bring into being this fine project, is very desirable because it stimulates our democracy through active participation of all concerned. A democracy is a luxury—and we can expect to enjoy this way of life and system of government provided we continue to have maximum participation on the part of local people in such projects with assistance from the State and Federal Government.

The experience you have had with your watershed project is an example of the work that may be required to reach any goal in the soil and water conservation program. It is not simply a matter of stating an intention and moving in on the problem. As you so well know, the spadework is the hardest—preparing the way for action is the most demanding part.

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William V. Luneburg, president, said prices for 1969 Rambler, Rebel, Javelin and AMX models reflect an average increase of $43, resulting from higher labor and material costs, additional product features and the addition of head restraints as standard equipment.

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If comparisons are made with other U.S. cars which do not include head restraints, the average increase for all car lines is only 1.5 per cent.

American Motors' announced prices are advertised delivered prices, the same as appear on the car "sticker." They include federal excise taxes and dealer preparation charges.

Luneburg pointed out that Ambassador and Rebel station wagons show higher proportionate increases than sedans and hardtops because of a new standard "Dual-Swing" tailgate which can be lowered or opened as a side-hinged door. Ambassador and Rebel wagons also feature roof-top travel racks as standard.

The Ambassador continues as the only full line of U.S. cars which offers air conditioning as standard equipment.

The sporty Javelin is priced at $2512 which is $123 below its top competitor.

American Motors option prices for 1969 have increased less than 1 per cent.

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Rogue: 2-door hardtop	2,296	2,244
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SST:		
4-door sedan	3,605	([3])
4-door station wagon [1]	3,998	([3])
2-door hardtop	3,622	([3])

[1] 1969 models include "dual-swing" tailgate.

[2] Comparable model not offered in 1968.

[3] 1968 model prices do not lend to direct comparison with 1969 model prices.

EXPORT OF RAW LOGS

Mr. METCALF. Mr. President, few actions of Congress this year will have the beneficial impact on the timber-dependent communities of the Northwestern United States that the amendment which the distinguished Senator from Oregon [Mr. MORSE] attached to the foreign aid authorization bill. The amendment places a ceiling on the raw logs that may be exported out of the country from Federal forests.

The conception and successful execution of the log export amendment is a mark of the legislative mastery and zealous concern for the future of his State and Nation with which Senator MORSE serves his constituents.

In two editorials, the New York Times has attacked the log export ceiling in a manner that displays mostly ignorance of what is involved in the federally owned timber resource. The two Senators from Oregon [Mr. MORSE and Mr. HATFIELD] have answered these editorials in writing. In printing their first answer, the Times accompanied it with another onslaught against the log export amendment.

I would not want it thought that Oregon is alone in the position its Senators have taken to keep this resource in our country for the benefit of American consumers. Therefore, I wish to endorse and to associate myself and the economic development of my State of Montana with the views Senators MORSE and HATFIELD have expressed in answering the New York Times.

I ask unanimous consent that these editorials and letters be printed in the RECORD at the conclusion of my remarks.

It is especially unfortunate that the Times has ignored the effect of extensive log exports upon the American housing market and the American homebuyer. It is this impact that gives the amendment an importance far beyond the boundaries of lumber-producing States in the Northwest.

The wood products and homebuilding industry spokesmen are pointing out that the current price boom in lumber is the first one that sawmills have not been able to bring back down within a matter of a few weeks through increased production. There is built-in capacity in the lumber industry that makes it possible to expand output quickly when a price increase dictates, provided the raw material is available.

It is this proviso that has not been met, due to heavy log purchases by Japan from Oregon, Washington, and northern California. The supply of public timber has remained static, in other words, while exports have siphoned probably as much as 10 percent of the cut from national forests in western Oregon and Washington.

I point out that actual purchases by Japan so far have been confined to these three States. But there is so much alarm that they will move further inland that Senators from Idaho, Montana, and Utah are cosponsors of the Morse amendment.

So I associate myself with the letters that Senators MORSE and HATFIELD have addressed to the New York Times in an effort to enlighten its readers, if not its editors. Senator MORSE has already received the grateful thanks of many mill operators in my State of Montana for his brilliant work on this whole matter. I join them in that sentiment. In the 3 years while this particular provision is in effect, Senator MORSE has urged that we review Federal timber management with a view to increasing its yield. He will begin in a few weeks a survey of timber management and funding in the Senate Small Business Subcommittee of which he is chairman.

All of us from States that grow timber and process it into wood products will be following this survey with interest, and the keen desire to see that it brings about an increased production and greater utilization of the public timber supply.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the items were ordered to be printed in the RECORD, as follows:

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Multi-purpose projects such as the Big Creek Watershed Project certainly boost the economy of the community. The worth of this project will be for all the people in the area, both rural and urban.

The effectiveness of this project was demonstrated on June 7–8, 1968 when 4.5 inches of rain fell in a 24-hour period. No flooding of bottom land occurred. Before installation of structural measures, a rainfall of 4.5 inches in 24 hours would have caused severe flood damage.

The partnership arrangement of Federal, State, and local self-governing units of government, that helped to bring into being this fine project, is very desirable because it stimulates our democracy through active participation of all concerned. A democracy is a luxury—and we can expect to enjoy this way of life and system of government provided we continue to have maximum participation on the part of local people in such projects with assistance from the State and Federal Government.

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2-door hardtop	3,622	([3])

[1] 1969 models include "dual-swing" tailgate.

[2] Comparable model not offered in 1968.

[3] 1968 model prices do not lend to direct comparison with 1969 model prices.

EXPORT OF RAW LOGS

Mr. METCALF. Mr. President, few actions of Congress this year will have the beneficial impact on the timber-dependent communities of the Northwestern United States that the amendment which the distinguished Senator from Oregon [Mr. Morse] attached to the foreign aid authorization bill. The amendment places a ceiling on the raw logs that may be exported out of the country from Federal forests.

The conception and successful execution of the log export amendment is a mark of the legislative mastery and zealous concern for the future of his State and Nation with which Senator Morse serves his constituents.

In two editorials, the New York Times has attacked the log export ceiling in a manner that displays mostly ignorance of what is involved in the federally owned timber resource. The two Senators from Oregon [Mr. Morse and Mr. Hatfield] have answered these editorials in writing. In printing their first answer, the Times accompanied it with another onslaught against the log export amendment.

I would not want it thought that Oregon is alone in the position its Senators have taken to keep this resource in our country for the benefit of American consumers. Therefore, I wish to endorse and to associate myself and the economic development of my State of Montana with the views Senators Morse and Hatfield have expressed in answering the New York Times.

I ask unanimous consent that these editorials and letters be printed in the Record at the conclusion of my remarks.

It is especially unfortunate that the Times has ignored the effect of extensive log exports upon the American housing market and the American homebuyer. It is this impact that gives the amendment an importance far beyond the boundaries of lumber-producing States in the Northwest.

The wood products and homebuilding industry spokesmen are pointing out that the current price boom in lumber is the first one that sawmills have not been able to bring back down within a matter of a few weeks through increased production. There is built-in capacity in the lumber industry that makes it possible to expand output quickly when a price increase dictates, provided the raw material is available.

It is this proviso that has not been met, due to heavy log purchases by Japan from Oregon, Washington, and northern California. The supply of public timber has remained static, in other words, while exports have siphoned probably as much as 10 percent of the cut from national forests in western Oregon and Washington.

I point out that actual purchases by Japan so far have been confined to these three States. But there is so much alarm that they will move further inland that Senators from Idaho, Montana, and Utah are cosponsors of the Morse amendment.

So I associate myself with the letters that Senators Morse and Hatfield have addressed to the New York Times in an effort to enlighten its readers, if not its editors. Senator Morse has already received the grateful thanks of many mill operators in my State of Montana for his brilliant work on this whole matter. I join them in that sentiment. In the 3 years while this particular provision is in effect, Senator Morse has urged that we review Federal timber management with a view to increasing its yield. He will begin in a few weeks a survey of timber management and funding in the Senate Small Business Subcommittee of which he is chairman.

All of us from States that grow timber and process it into wood products will be following this survey with interest, and the keen desire to see that it brings about an increased production and greater utilization of the public timber supply.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 4, 1968]

SENATOR MORSE'S LOG JAM

Senator Wayne Morse of Oregon is giving an object lesson in how mischievous interferences with international trade can really be. He attached an amendment to the foreign aid bill severely restricting the export of raw logs cut from Federal forest lands. Now he threatens to block an agreement on foreign aid in the House-Senate conference unless the Morse amendment is retained. His object is to protect Oregon's less efficient saw mill operators. They would have to pay higher prices for logs if sales to Japan were not restricted. But it is already clear that this impediment to trade is working to the detriment of Mr. Morse's constituents.

The objection to the ban on log exports is that it discriminates against the Japanese—who are being told to buy finished United States lumber or nothing—and it perpetuates inefficiency by providing domestic saw mills with blanket protection against higher supply prices. At first the Federal prohibition—state governments have similar restrictions—applied only to logs from Government forests in the western sections of Washington and Oregon. Mr. Morse's amendment would extend the ban to Federal lands in California, Idaho and Montana as well.

Japan might have to yield to this attempted squeeze, if the United States were the only lumber supplier, but it is not. The Japanese recently concluded a five-year trade agreement under which Soviet Russia is to provide them with an additional 1.6 billion board feet of lumber, the bulk of it in the form of logs. Canada also stands ready to meet Japan's needs. Common sense—to say nothing of the fate of the foreign-aid bill—demands that the Morse log jam be broken.

SEPTEMBER 6, 1968.

EDITOR, NEW YORK TIMES,
New York, N.Y.

DEAR SIR: Ordinarily, *The New York Times* editorial page is a source of valuable information, insights, and guidance to sound public policy. We regret that the editorial writers do not seem to have done their usual homework before they wrote as they did on the subject of the log export amendment to the foreign aid bill.

1. It is not Senator Morse and the six cosponsors of his amendment who seek to restrict the export of logs from public lands. It is the Act of 1926, which provides that public timber shall not be exported unless such export does not endanger the supply for local use. Two years ago, the Forest Service reported that the allowable cut for years into the future would be used entirely for domestic consumption. Allowing Japan to purchase even 9 percent of the cut on the public forests west of the Cascades without increasing the cut has had the only result possible—it has pushed up stumpage prices to new highs.

2. Less efficient sawmills are not protected from a high price in raw materials by my amendment or by the existing temporary order covering western Oregon and Washington. It is consumers who are protected, because when the sawmills cannot purchase the raw material for their mills, the price of lumber shoots up. And it has; lumber prices have advanced far in excess of the normal price increase in recent months, and are a major factor in the rising cost of home construction. The mill that has gone out of business is not protected in such a situation. But more important, the American homebuyer is not protected, either.

3. Nothing in the amendment discriminates against Japan. As noted, the laws governing the national forests have been on the books since 1897 and 1926. They far pre-date the recent export trade in logs. Japan has no more reason to expect total access to that timber than she has reason to expect total access to the timber in national parks or wilderness areas.

4. The negotiations that led to the five-year agreement reached with the Soviet Union were begun over five years ago. They were the result of projections made by Japan in 1962 and 1963 of her future need for wood, and were not the result of any American action.

5. To the extent that Canada stands ready to supply Japan's needs, as the editorial indicates, it is because Canada does not sell her logs in any appreciable quantity. She does indeed sell lumber, and Japan buys it. Japan will buy lumber from us, too, if we adopt the Canadian and Alaskan policy of processing our own national timber resource.

6. Regrettably, the editorial makes no mention of the adverse balance of payment situation that is growing from this log trade. Lumber wholesalers supplying the eastern and midwestern United States have doubled and tripled their purchases of finished Canadian lumber products because mills in the Pacific Northwest have been unable to expand their production to meet American housing needs. We can only lose by selling cheap logs to Japan and buying dear lumber from Canada.

Sincerely yours,

WAYNE MORSE.
MARK HATFIELD.

[From the New York Times, Sept. 18, 1968]

BANNING EXPORT OF LOGS

If shipping raw logs out of the country reduces the domestic lumber supply and raises prices, shouldn't the Government protect the consumers by restricting such exports? That proposition, advanced in a letter on this page by Senators Morse and Hatfield of Oregon, has a simplistic appeal. But carried to its logical conclusion, it would result in the cessation of all trade between nations.

Unless there is idle productive capacity, a sharp increase in the demand for any product will raise its price. It is through higher prices that the market allocates existing stocks among eager buyers, whether residents of this or other countries.

Senators Morse and Hatfield and their supporters exercised political power to shield the lumber industry from market forces. But what would happen if other legislators applied the same reasoning and had the same good fortune in restricting exports of automobiles, coal and rice, the domestic prices of which are all subject to rising foreign demand? If that logic were universally applied, United States exports, now running at an annual rate of about $33 billion, would cease, with devastating effects on income and employment. The damage caused by restricting log exports is small, but the precedent is dangerous.

Senators Morse and Hatfield deplore the growing imports of Canadian lumber into the Midwestern and Eastern sections of this country. But they make no mention of the principal cause, the Jones Act which decrees that all cargoes between Pacific and Atlantic ports must be carried in United States flagships, whose rates are so far above the world level that the Canadians have a decisive advantage in the competition for Eastern lumber markets.

If Oregon's Senators were willing to fight the maritime lobby, they would be doing far more for the domestic consumer than they have done by promoting their short-sighted restriction on the export of logs.

SEPTEMBER 19, 1968.

The EDITOR, NEW YORK TIMES,
New York, N.Y.

DEAR SIR: We regret that in its editorials on log exports, the *New York Times* fails to understand, or chooses to ignore, the fact that the national forests were established for the purpose of assuring a supply of wood in perpetuity for the American people, not for Japan or for any other country. It is only timber owned by the Federal Government that is affected by our amendment putting a ceiling on log exports.

If Federal timber is no longer to be managed for this purpose, there is no reason to have national forests. They could just as well be sold off to private enterprise for marketing in Japan, or wherever the top dollar is found. But the hundreds of mills that now operate with public timber would vanish, and so would the lumber they produce to house the American people.

The Acts of 1897 and 1926 do exactly what you accuse us of doing in our amendment: they shield the lumber industry and the consumer. These laws created the national forests to shield the nation from the timber slaughter that occurred in the northern Lake states under conditions of unrestricted competition. To further this shielding, these laws prohibit the export of the timber where the local supply will be endangered.

Secondly, the Jones Act makes it difficult for Northwest mills to compete with Canadian lumber in the eastern United States. But the recent taking of so much timber by Japan has prevented the Northwest from supplying adequately even the Middlewest. It is here that Canadian imports are increasing, due to the shortage of lumber and not due to the Jones Act. Either cause injures our balance of payment position.

Finally, we hope the *New York Times* will show a similar interest in an inquiry we plan next year in the Senate Small Business Committee. It will examine from top to bottom all Federal timber management practices. It will seek to find the bottlenecks in funding and policy that stand in the way of a truly high-yield production and harvest of trees in the national forests.

Sincerely,

WAYNE MORSE,
MARK O. HATFIELD,
U.S. Senators.

THE QUALITY OF GOVERNMENT STATISTICAL PROGRAMS NEEDS TO BE CONSTANTLY IMPROVED; TO ALLOW ANY DETERIORATION IN THEM WOULD BE PENNYWISE AND POUND FOOLISH

Mr. PROXMIRE. Mr. President, as chairman of the Joint Economic Committee, I am deeply concerned about the progress of our economic policy that depends so strongly on economic statistics. Indeed, no economic policy can be any better than the statistics on which it is based.

Economic policy, both public and private, can be no better than the information upon which it is based. In the interests of good policy, of economic stabilization and growth, economic intelligence must be accurate, comprehensive, and promptly available. Those of us on the Joint Economic Committee of which I am chairman are acutely aware of this, mindful of the fact that one of our best assurances against recession is a prompt and early understanding of economic trends going on in time to do something about them if they portend trouble. We are reminded of the fact that in 1928 neither the Federal Government authorities nor businessmen in making plans had even the gross national product data which we now rely on each quarter. The consumer price index, upon which we rely each month, with only a few weeks lag, was in 1928 computed only twice a year and then only with a substantial lag in publication after the facts being reported had faded into history.

Unemployment and employment statistics which all of us watch closely today were for all practical purposes not available before the great depression.

I am not suggesting that we are in any danger of slipping back into this darkness, but I do suggest the constant need to bring increased accuracy and quality into our available indexes of economic activity.

Members of the Joint Economic Committee are aware of the national budgetary constraints and of the budgetary difficulties of the agencies which produce, maintain, and disseminate our Government statistics. Like all Government expenditures, expenditures on statistics call for a careful weighing of priorities and alternatives in search for improvements in reliability and timeliness while keeping in mind the overall necessity for economy.

This ever-present necessity for weighing expenditure, minimizing the burden upon business enterprise and persons applies, of course, to the upcoming 1970 census. But I would stress a fact sometimes overlooked by the layman that the decennial census has a strategic importance beyond data for a single year. It provides a benchmark to which information in intervening years, collected by samples and partial data, is keyed, tested, and adjusted.

Our need for statistics is greater year by year as the economy gets more complex. We need, for example, more data on characteristics of the unemployed. We need data on job vacancies, the utilization of plant capacity, to list just a few. We certainly need to tie our whole statistical system together to eliminate inconsistencies and add to comparability.

The Joint Economic Committee has worked hard for 20 years to improve the quality of Government statistics. It is this concern that prompts me to call attention to an article by Alfred L. Malabre, Jr., published in the Wall Street Journal of October 1. I ask unanimous consent that the article be printed in the RECORD and urge that Members of Congress understand the full implications of any curb on statistics.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CURB ON STATISTICS: BUDGET CUTS, MOVES TO LIMIT CENSUS PERIL DATA ON THE ECONOMY

(By Alfred L. Malabre Jr.)

The quality of this country's economic statistics—by far the best in the world—is in danger of deteriorating.

American economists, however much they may differ over other matters, agree that accurate, timely, detailed statistics play a vital role in keeping the economy strong. Without good statistics on such matters as employment, prices and production, corporate planners more often might decide to expand operations when they should be cutting back. Or Federal planners more often might move to restrict economic growth when they should be trying to spur the economy.

There is little dispute that until now America's economic statistics have been steadily improving. In the fiscal year ended June 30, the Government spent more than $140 million to provide statistics, nearly $20 million more than in fiscal 1967. But now, for reasons that are practical, political and somewhat ironic, it's highly possible that statistics will begin to get short shrift. Ultimately, the nation's planners may have to make decisions based on data that is less accurate, less timely and less detailed than the information available today.

A REWARD OF PROGRESS

"The country has been making great progress" in efforts to produce good statistics, says William F. Butler, vice president and director of economic research at Chase Manhattan Bank, New York. "But we've got to continue to improve the flow of information, and right now I'm worried that things might move in the opposite direction."

Perhaps the most worrisome threat to the quality of the country's statistics, many analysts say, is an effort under way in Congress to reduce drastically the number of questions that citizens must answer for census takers. Under present law, a person who refuses to answer a census taker's questions may be sentenced to 60 days in jail and fined $100. There has been mounting concern, however, that this law subjects citizens to flagrant violations of their privacy. Moreover, there are fears that such compulsory census-taking could eventually lead to a "1984" atmosphere in which the Government as a sort of Orwellian "Big Brother," will know all about everyone.

Result: Some 40 bills have been submitted in Congress aimed at limiting the number of compulsory questions that census takers may ask. One such bill, introduced by Rep. Jackson E. Betts, an Ohio Republican, would require answers to only seven of the 70-odd questions now planned for the decennial census scheduled to start in April 1970. The seven would be: Name and address, date of birth, sex, race, marital status, relationship to the head of the household and visitors in the home. Persons being queried would be told that answers to any other questions would be strictly voluntary.

A 19TH CENTURY SYSTEM?

Many economists warn that any such proposal would seriously reduce the usefulness of the census. And they add that if the 1970 census is not trustworthy, all sorts of statistical series used by planners would be adversely affected. John H. Aiken, executive director of the Federal Statistics Users' Conference, a nonprofit organization based in Washington, goes so far as to declare that enactment of Rep. Betts' plan "could set the country's whole statistical system back into the 19th century." One Government official who keeps close tab on such matters says he believes there's "a very real possibility" that the Betts bill, or some similar proposal, will become law.

It's possible, of course, that many citizens would answer census-takers' other questions voluntarily. But most economists think a sizable number would balk. William H. Chartener, Assistant Secretary of Commerce for Economic Affairs, puts it this way: "If the voluntary feature were taken literally by all people who might be out of sympathy with some aspect of the political party in power, the results (of the 1970 census) could approach the value of the fabled Literary Digest Poll" that predicted Alfred M. Landon would defeat Franklin D. Roosevelt in the 1936 Presidential election. Even the compulsory 1960 census was far from perfect, some critics note; it's now believed the '60 count missed nearly six million persons, many of them hard-to-locate young Negro men in central city areas.

Among the questions that might go unanswered if Mr. Betts has his say: Does the household have a bath or shower, and if so, is the facility shared with another family? Such questions, at first glance, may indeed seem needlessly prying, but most housing analysts view bathroom facilities as one of the most important indicators of housing quality.

Information that bears on the quality of housing, in turn, is vitally important to all sorts of urban planners, real estate people and economists trying to forecast the trend of housing activity. And home-building statistics are among the 12 key "leading indicators" that economists watch for early signs of general change in business.

AN IRONIC EFFORT

At the same time that many Congressmen are moving to limit census questions, there is growing evidence that Federal budget-cutters are seeking to trim funds that support Washington's statistical mills. The effort—which seems ironic inasmuch as accurate economic statistics can help planners avoid budget problems—is part of a general program to hold down Government spending in the wake of last fiscal year's $25 billion Federal budget deficit.

Yet it's perhaps not very surprising that statistical offices are attracting the attention of budget-cutters. As Assistant Secretary of Commerce Chartener says, "It is understandable in a time of general budgetary restraint that statisticians should be treated with less solicitude by budget officers and appropriations committees than postal employes or air-traffic controllers."

The Administration early this year sought $158.4 million to support statistical programs in fiscal 1969. However, in view of the drive to trim Federal spending, it now appears that the actual 1969 total at most may only match the fiscal 1968 sum of $140.7 million. The upshot is that many plans to improve current statistics are having to be abandoned.

One casualty involved an effort to improve the quality of construction statistics. The Government had hoped to initiate periodic checks on the progress of new residential construction projects. Among other things, such checks would have given economists and others a much better idea of the impact on home-building of such factors as bad weather. Currently, progress normally is only estimated, without additional checking after work is under way.

Other casualties: Better measurement of equality changes in the Government's consumer price index; use of transaction prices, rather than list prices, in the Government's wholesale price index; reports on inventories that manufacturers maintain at locations away from the factory; increased coverage of such institutions as banks and insurance companies in Government surveys of capital spending plans.

"POUND FOOLISH" CUTS?

One Government economist says of the abandonment improvements: "I'm afraid that we're being penny-wise and pound foolish." He cites, as an example, a plan to provide a better comparison of price trends of internationally traded goods. The improvement, which now is likely to be scrapped, would have provided a much clearer picture of the strong and weak points in America's foreign trade position. "The new statistics would have cost about $120,000 this year to develop," says the Federal analyst, "but they might eventually have saved us millions in world markets."

The budget-trimming campaign, thus far, has not caused any abandonment of statistics currently reported. However, there is considerable concern that, some may be scuttled. "Before the hold-down on spending is over," says one Budget Bureau official, "we may actually have to cut back on existing (statistical) services."

Occasionally, it should be added, cost isn't the only consideration standing in the way of statistical improvements. At present, economists generally agree that there is no good report available on job vacancies. Moreover, many analysts contend that the compilation of such a statistical series presents no serious technical problems.

The difficulty, according to some observers, is that labor unions simply don't want any new statistics that might tend to make unemployment seem less of a problem. And so long as unions remain opposed, these observers say, the Administration is unlikely to press for a job-vacancy series.

MR. CREAMER'S VIEW

"There's no question that labor is generally against the idea" of job-vacancy statistics, says Daniel Creamer, an economist at the National Industrial Conference Board, a nonprofit economic research organization. Mr. Creamer, who has studied the feasibility of setting up a job-vacancy series, claims the project would be worthwhile and practical. Government studies reach the same conclusion.

On the other hand, Nat Goldfinger, an AFL–CIO economist, warns that job-vacancy data might prompt the Government to pursue unduly restrictive economic policies. Mr. Goldfinger says that the sort of series envisaged by Mr. Creamer, for example, would fail to show adequately whether vacancies represent openings for "astrophysicists or floor sweepers." If the openings are for astrophysicists, and there is considerable unemployment among floor sweepers, restrictive policies would be a serious blunder, warns the labor economist.

Despite shortcomings, however, the fact remains that U.S. economic statistics are generally the world's best. An extreme illustration of how good they are can be seen by comparing the U.S. consumer price index with that of Brazil. The U.S. index, which is the key measure of U.S. price inflation, is published monthly on the basis of samples taken from coast to coast in 58 cities. The index is based on reports from 1,775 food stores, 40,000 tenants and 16,000 other sources, ranging from lawyers to psychiatrists.

Brazil's so-called consumer price index, in contrast, is based only on spotty sampling done in the city of Rio de Janeiro. Last year, shortly before the government removed some rent controls in Rio, housing was quietly removed from the index. Recalling the incident, a harried U.S. official remarks: "Wouldn't it be nice if we could do something like that once in a while, when the complaints about inflation come pouring in?"

A DIVIDED COMMITTEE REPORTS ON PROPOSED NONPROLIFERATION TREATY

Mr. MUNDT. Mr. President, one of the perplexing questions still facing the Senate is whether it is prudent and productive to ratify the Nonproliferation Nuclear Treaty at this time of extreme uncertainty concerning Soviet Russia's intentions toward Western Germany, Rumania, and Yugoslavia, to say nothing of whether her Communist neighbor proposes to continue its stranglehold and military occupancy of Czechoslovakia or to permit at least some modicum of independence to be exercised by this brave little country.

Like Americans generally, the Committee on Foreign Relations is divided about the wisdom and desirability of debating in today's explosive and unpredictable atmosphere the merits and demerits of this proposed treaty which does nothing to reduce or inspect the mounting nuclear weapons of the U.S.S.R. and the United States of America and which has brought such serious protests from such free nations of the world as West Germany, Israel, France—which has refused to sign the treaty—and India.

Since so few citizens ever have an opportunity to read the official committee reports on bills and resolutions, as well as treaties, and because of the importance of our decision on the instant case, I ask unanimous consent that the report of the Committee on Foreign Relations, filed September 26, together with the minority views and the individual views of certain Senators, be printed in the RECORD. I think it well that as many concerned citizens as possible have access to the information, the criticisms, the expressions of skepticism and uncertainty, and the specific viewpoints of the Senators who are members of this highly important committee.

I ask unanimous consent that the report of the majority of the committee be printed in the RECORD.

There being no objection, the excerpt from the report (Executive Report No. 9) was ordered to be printed in the RECORD, as follows:

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS—REPORT

The Committee on Foreign Relations, to which was referred the Treaty on the Nonproliferation of Nuclear Weapons, signed in Washington on July 1, 1968 (Ex. H, 90th Cong., second sess.), having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

I. PURPOSE AND BACKGROUND OF THE TREATY

The treaty's fundamental purpose is to slow the spread of nuclear weapons by prohibiting the nuclear weapon states which are party to the treaty from transferring nuclear weapons to others, and by barring the nonnuclear weapon countries from receiving, manufacturing, or otherwise acquiring nuclear weapons. As such, this treaty represents an important effort to lift the threat of adding new and fearful dimensions to international tensions and disputes through the spread of what has been called the seeds of a hundred crises.

In the years since Hiroshima, the United States and the Soviet Union as the major nuclear powers have gradually, often grudgingly, come to the realization that the technological triumphs of their own nuclear weapons programs were not beyond the reach of even the poor nations of the world. The search for new sources of commercial power has brought in its wake an ever-increasing potential for destruction. Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, told the committee of the world's growing nuclear capacity:

"In several more years the nuclear plants in operation in nonnuclear-weapons countries will be producing enough plutonium to make hundreds of bombs each year. The amount of material that will be produced would be sufficient, if diverted to the production of nuclear weapons, to level many cities and destroy much of humanity."

Dr. Seaborg's comment in 1966 on the process of separating weapons-grade plutonium from the plutonium produced in civil power reactors is worth recalling:

"It is perfectly feasible to build a clandestine chemical-processing plant using readily available technology and equipment."

Given this burgeoning capability of so many nations to build nuclear weapons, the U.S. efforts to curtail the spread of nuclear weapons and skills have become increasingly more serious and urgent. In 1964 in his first message to the Geneva Disarmament Conference, President Johnson proposed an international agreement designed "to stop the spread of nuclear weapons to nations not now controlling them"; and to guarantee "that all transfers of nuclear materials for peaceful purposes take place under effective international safeguards." After 4½ years of steady effort, the U.S. Government has reached an agreement on the Nonproliferation Treaty with two other nuclear weapon states—the Soviet Union and Great Britain—that has thus far been signed by over 80 other states.

The treaty is a recognition by the United States, Great Britain, and the Soviet Union of a common interest in building barriers to the very real threat of mutual annihilation inherent in any increase in the number of countries controlling the use of nuclear weapons. As nuclear weapons spread around the world, whether to responsible or irresponsible powers, so will the danger increase that they might be used, and the major powers drawn into a crisis involving nuclear arms.

The treaty also represents recognition on the part of the nuclear weapon states which have signed the treaty of a responsibility to those nations which are now being asked to deny to themselves that which the United States and the Soviet Union consider essential to their security. The compensation for such an important act of national self-denial is the pledge of nuclear weapon states to make available to the nonnuclear weapon states which are signatories the benefits of peaceful nuclear programs, and to halt through the limitation and eventual elimination of the world's nuclear armories the nuclear arms race that threatens the very existence of all nations. Finally, the nuclear weapon states, pursuant to Security Council Resolution 255 (1968), have pledged themselves to take appropriate measures through the United Nations to safeguard the security of the nonnuclear weapon states which become parties to the treaty.

II. SUBSTANCE OF THE TREATY

The treaty consists of a preamble and 11 articles.

Articles I and II

Articles I and II state the basic obligations of the parties with regard to the transfer of nuclear weapons and skills. Article I prohibits the nuclear-weapon states bound by the treaty from transferring to any possible recipient nuclear weapons or nuclear explosive devices and from assisting the nonnuclear-weapon states in manufacturing or otherwise acquiring nuclear weapons. [A nuclear-weapon state is defined by article IX, paragraph 3, as one which has "manufactured and exploded a nuclear weapon or other nuclear explosive devices prior to January 1, 1967."]

Article II obliges the parties that are not nuclear-weapon states not to receive nuclear weapons or other nuclear weapons explosive devices from any source whatsoever. Furthermore, it obliges them not to manufacture their own weapons or devices, or solicit or accept assistance in their manufacture.

Secretary of State Dean Rusk stressed in his testimony before the committee that the prohibitions in articles I and II will in no way inhibit the United States from meeting its responsibilities under existing nuclear weapons arrangements within the Western alliance from deploying its nuclear forces around the world, or from transferring nuclear weapons or control over them in a war situation. He said, of the key articles I and II:

"The treaty deals only with what is prohibited, not with what is permitted. It prohibits transfer to any recipient whatsoever of nuclear weapons or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices, because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use. It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling. And, it does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components."

Deputy Secretary of Defense Paul H. Nitze told the committee that the obligations assumed by the nonnuclear weapon parties under article II do not include a prohibition on nuclear programs that are military in nature but that are unrelated to the manufacture of nuclear weapons—for example, nuclear submarines.

As a practical matter, it should be noted, that, although U.S. statutes have forbidden the transfer of nuclear weapons to other states or associations of states, this prohibition was heretofore a national decision subject to revision of U.S. law. The pending treaty will turn this self-imposed limitation into an international prohibition that can be revised only by the process of amending the treaty, by U.S. withdrawal from the treaty, or by a war situation. For example, it has long been the United States position not to transfer nuclear weapons to any European federation. Heretofore this position could have been changed by the President and the Congress; if the pending treaty comes into force there will be another, perhaps insurmountable, obstacle to any such change.

Article III

Under Article III the International Atomic Energy Agency (IAEA) is vested with the responsibility of verifying that the nonnuclear weapon countries will not divert nuclear facilities and materials from peaceful purposes to the production of nuclear weapons. This verification would be in accord with the Statute of the International Atomic Energy Agency and the Agency's safeguards system.

The first paragraph of article III states that "each nonnuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement * * * with the International Atomic Energy Agency." The International Atomic Energy Agency safeguards required by this article "shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere."

Mr. William C. Foster, Director of the Arms Control and Disarmament Agency pointed out to the committee that article III does not require safeguards on the peaceful nuclear activities of nuclear-weapon states. [Military or defense facilities of the nuclear-weapon states are exempted from these provisions of the treaty.] Mr. Foster said that the fact that article III does not require safeguards on the peaceful nuclear activities of nuclear weapon states was commented on by many of the nonnuclear weapon states. He said that it proved impossible to negotiate such arrangements within the treaty itself. Therefore, the United States, in order to dispel any claims that the treaty was discriminatory in the peaceful nuclear activities field, volunteered to accept safeguards on its peaceful nuclear activities although the treaty does not call for such an obligation. President Johnson, on December 2, 1967, announced that—

When such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, excluding only those with direct national security significance.

This offer prompted Senator Williams of Delaware to inquire whether this offer will "handicap us in view of the fact that apparently Russia could inspect our plants where we would not be able to inspect the extent of development of hers."

Secretary Rusk replied that installations which have a national security function would, of course, not be subject to inspection. The Secretary then went on to say:

"Then, too, under the arrangements now in force by the International Atomic Energy Agency, the International Atomic Energy Agency arranges for inspectors that are acceptable and agreeable to the country that is going to be inspected in terms of—as you know, sir, we have opened certain of our facilities to these arrangements and we have not detected any handicaps arising from these arrangements."

The Director of the Arms Control and Disarmament Agency, Mr. Foster, was asked whether the International Atomic Energy Agency, under the terms of the treaty, could search out clandestine or undeclared nuclear facilities in a nonnuclear weapon country party to the treaty. Mr. Foster said that the existence of such a clandestine facility would be a clear breach of the treaty and that, although there is no provision in the treaty for searching out violations, there would be great international alertness to the possibility of such a violation.

The Chairman of the Atomic Energy Commission, Dr. Seaborg, was questioned at length on the role envisioned by the International Atomic Energy Agency under this treaty and the effectiveness of the International Atomic Energy Agency's safeguards.

Dr. Seaborg made a particularly important and pertinent point when he emphasized that the extension of the International Atomic Energy Agency safeguards to all nuclear facilities of the countries concerned represented one of the most significant accomplishments of the treaty. Dr. Seaborg commented on the progress the International Atomic Energy Agency had made since its organization in 1957, and then went on to say:

"As encouraging as this progress has been, however, IAEA safeguards have been applied to date only to projects receiving Agency assistance or to projects voluntarily placed under IAEA controls. They have not covered the entire nuclear programs of the countries concerned. Neither have many nations given up, through treaty commitment, the right or independence to make nuclear weapons. The treaty will serve to fill these gaps and it will represent an unprecedented advance in international, let alone nuclear, affairs."

As for the safeguards system itself, Dr. Seaborg remarked:

"As a result of steady progress, the IAEA now has in operation an effective safeguards system that is suitable for application to a wide variety of peaceful nuclear activities. Moreover, as a result of steady efforts, a growing acceptance of such international safeguards has developed among various nations of the world. The safeguards which have been administered to date have done more than simply serve their immediate purpose of assuring that particular activities were not being used for military purposes. They have demonstrated that the techniques of international inspection are feasible and effective and are not considered an invasion of national sovereignty."

In response to questions on the International Atomic Energy Agency's safeguards staff and the ability of the organization to expand, Dr. Seaborg stated:

"The present IAEA safeguards staff, while modest in size, is in balance with the size of the workload for which the Agency has responsibility to date. We recognize that a major increase in the size of the Agency's staff will be required to meet the new responsibilities placed upon it by the treaty, and we do not underestimate the difficulty of the problem."

To Senator Pastore's specific question whether it was reasonable to assume that—"once this treaty comes into being that there will be a concerted effort to improve the adequacy and competency and staffing of the International Agency's inspection force. Is that correct?"

Dr. Seaborg replied:

"Very definitely. The staffing would go up, there would be a large increase in the number of professional and support personnel, and there would be an improvement, as they gain experience and gain numbers, in the efficacy of their inspection and their safeguards performance."

The fourth paragraph of article III permits agreements with the International Atomic Energy Agency to be concluded by the non-nuclear-weapon states party to the treaty, either bilaterally or in association with other states. This provision raised the question of the relationship between the International Atomic Energy Agency's safeguards systems and the system already in operation within the Euratom community.

The Euratom safeguards system derives from the Treaty of Rome signed on March 25, 1957. The members of this community are France, Italy, Belgium, West Germany, Luxembourg, and the Netherlands. It has been the position of the members of Euratom that the Euratom safeguards system is comparable to the International Atomic Energy Agency's safeguards system and that to superimpose the International Atomic Energy Agency's system would therefore be an infringement of sovereignty. According to the treaty now pending, a safeguards agreement between the International Atomic Energy Agency and Euratom will meet the general requirements of article III. Negotiations for such an agreement shall commence within 180 days from the entry into force of the treaty and shall be concluded not later than 18 months after the initiation of negotiations.

Secretary Rusk and Chairman Seaborg were optimistic that an agreement between the International Atomic Energy Agency and Euratom could be concluded without jeopardizing the institutional integrity of Euratom and with the acquiescence of the French Government which might be in a position to obstruct any agreement between IAEA and Euratom.

An additional question was raised about paragraph 2 of article III which binds each nuclear weapon state party to the treaty not to provide nuclear material "to any non-nuclear-weapon state for peaceful purposes, unless the source of specific fissionable material shall be subject to the safeguards required by this article." This article raises the possibility that in the event that such countries as the Federal Republic of Germany, Japan, and Israel do not come to an agreement with the International Atomic Energy Agency before the treaty enters into force the United States would be precluded from transferring to any such states nuclear materials for peaceful purposes. Administration witnesses took the position that nuclear weapon states party to the treaty would be subject to an undertaking not to provide nuclear material to any non-nuclear-weapon state for peaceful purposes unless the material was subject to safeguards resulting from an agreement with the IAEA. The United States was confident that no such situation would develop, according to the testimony before the committee. It was left unclear, however, how the United States would react if such a situation did develop.

Articles IV and V

Articles IV and V are designed primarily as compensation to the nonnuclear weapon signatories for pledging not to acquire nuclear explosive devices even for peaceful purposes. Article IV contains an undertaking by all nuclear weapon parties to the treaty to facilitate to the fullest extent possible the exchange of information, materials, and equipment for the peaceful uses of nuclear power.

Article V provides assurances to the nonnuclear parties that they will share in the benefits of the peaceful application of nuclear explosive devices. According to article V these nuclear devices would remain in the custody and control of a nuclear-weapon state, but would be made available "to nonnuclear-weapon States Party to the Treaty on a nondiscriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development."

Elaborating on the obligations the United States will assume under article V, Dr. Seaborg said:

"When particular applications are found to be feasible, we plan to make a nuclear explosion service available on a commercial basis to domestic users and to nonnuclear-weapon parties to the Nonproliferation Treaty. Such a service would include the fabrication of the nuclear explosive device, its transportation from the assembly plant to the project site, its emplacement at the prepared site, and its arming and firing. The service would also include appropriate technical reviews of the proposed detonation, such as those relating to health and safety. The users of the service, whether it is furnished domestically or pursuant to article V, will pay for the service in accordance with rates established for its various elements. As I have already noted, the charges for the nuclear explosive devices used in furnishing the service will not include the cost of their research and development."

Dr. Seaborg also said that the nuclear excavation projects envisioned under article V "could not be executed within the present restrictions of the Limited Test Ban Treaty as presently interpreted; modification would be required to permit the United States to provide the nuclear explosion service for those projects." Thus, article V will probably create an international interest in an amendment to the Limited Test Ban Treaty.

Articles VI–IX

Article VI commits all parties to pursue negotiations in good faith relating to a cessation of the arms race and to nuclear disarmament.

Article VII makes clear that the treaty in no way affects the right to establish regional nuclear-free zones.

Article VIII establishes the procedures for amending the treaty and provides for a conference, 5 years after the treaty enters into force, to review the operation of the treaty.

Article IX designates the United States, the United Kingdom, and the Soviet Union as Depositary Governments, and provides that the treaty shall enter into force upon the deposit of instruments of ratification of the Depositary Governments and 40 other signatory states.

Article X

Any party to the treaty can withdraw from the treaty after giving 3 months' notice "if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country." This language is identical to that in the withdrawal clause of the Limited Test Ban Treaty. In giving the U.S. interpretation of this article, Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, emphasized that the treaty will become immediately inoperative in case of general war. Moreover, General Wheeler said:

"I would think that if we detected serious violations of the treaty provisions, that is, regarding the proliferation of non-nuclear states that would be hostile to us, that we would be justified in examining our position and perhaps recommending to the President that we withdraw from the treaty."

General Wheeler did not make it clear whether the Joint Chiefs of Staff would make the same recommendation if the situation involved the proliferation of nuclear weapons to nonnuclear weapon states friendly to the United States. General Wheeler also said that the Joint Chiefs of Staff would also recommend withdrawal if there were a threat of impending war which would "find us at a substantial disadvantage in the strategic nuclear field."

Article XI

Article XI provides that the English, Russian, French, Spanish, and Chinese texts of the treaty are equally authentic, and deals with the deposit of the original treaty instruments and the transmittal of cerified copies to signatory and acceding states.

III. COMMITTEE ACTION

Although the treaty is primarily of a political nature, it also bears on technical questions relating to the field of atomic energy and international safeguard systems. For this reason, the chairman of the Committee on Foreign Relations, after consultation with committee members, invited the Senate members of the Joint Atomic Energy Committee to sit with the Committee on Foreign Relations during the hearings phase of consideration of the treaty.

The treaty was transmitted to the Senate by President Johnson on July 9, 1968. On July 10, the committee began a series of public hearings to explore the political, technological, and security implications of the treaty.

Without exception, all official witnesses supported the treaty. These included the Secretary of State; the Deputy Secretary of Defense; the Chairman of the Joint Chiefs of Staff; and the Chairman of the Atomic Energy Commission. The committee also heard the Honorable Chet Holifield, Vice Chairman of the Joint Committee on Atomic Energy, the Honorable Craig Hosmer, and the Honorable Paul Findley.

Representative Holifield strongly recommended the treaty without reservation to the Senate. Represenative Hosmer favored approval of the treaty only with a number of conditions. Among them was the recommendation that the Senate reserve its consent to the treaty "pending establishment of IAEA safeguards procedures in which Treaty signatories may have reasonable confidence and the establishment of a sound system for financing same on a continuing basis." Representative Hosmer contended that at the present time the International Atomic Energy Agency does not have an effective safeguards system and that, moreover, the costs of this safeguards system will be over $28 million in 1970 and will "escalate from there." He also suggested that—

The Senate advise the President and the rest of the world that the security assurance is meaningful to the extent that we will be "concerned to the utmost" if some country becomes the victim of nuclear aggression or blackmail, but that it is meaningless insofar as rushing to its rescue is concerned; and we apologize to anybody who got the wrong idea from what administration spokesmen have said.

Dr. Strausz-Hupé, director of the Foreign Policy Research Institute at the University of Pennsylvania, testified against the treaty, arguing that it would be destructive to NATO.

Dr. Edward Teller of the Lawrence Radiation Laboratory and Chairman of the Divisional Advisory Group of the Air Force Space and Missiles Systems Organization, favored approval of the treaty with the following modification related to the development of anti-ballistic-missile defense systems. Dr. Teller stated:

"It seems to me, therefore, necessary to declare that weapons which are designed for defense and can be used for defense alone are in the interest of peace. That when and if such defensive systems are properly developed, the necessary steps will be taken to make them widely available for self-defense, and that this will be done even if it requires modification of existing laws or treaties.

"I, therefore, explicitly recommend that the Senate make it known that it looks with favor on the development of effective defensive systems, and that by ratifying the treaty the Senate does not intend to preclude the deployment of purely defensive arrangements, if and when these become available."

A number of additional public witnesses testified after submitting requests to appear. A majority of these witnesses supported the treaty.

The burden of the committee's questions at the time of the public hearings concerned the security guarantees the administration has offered nonnuclear weapon signatories, the effect the treaty would have on nonnuclear weapon states, particularly within NATO, and the prospects for adherence to the treaty by other nations. The invasion and occupation of Czechoslovakia occurred between the time the committee concluded its public hearings and the time the committee took final action in executive session. This issue and its relationship to the treaty became of great concern to the committee and was the subject of considerable discussion, particularly as to the appropriateness of approving the treaty while Czechoslovakia was occupied by Soviet troops.

The Security Guarantee Resolution

One of the most important aspects of the Nonproliferation Treaty is not included in the treaty text. In June 1968 the United States, Great Britain, and the Soviet Union introduced a resolution in the United Nations Security Council, which was subsequently approved by the Council on June 19, giving security guarantees to the nonnuclear-weapons signatories of the Nonproliferation Treaty.

The key paragraph in the declaration made in the Security Council by the United States in explanation of its vote for the resolution contains the following language:

* * * any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions *are to be countered effectively* by measures to be taken in accordance with the United Nations Charter to *suppress the aggression or remove the threat of aggression*. [Emphasis added.]

In coinsidering the resolution and its relationship to the pending treaty the committee sought to determine whether the Security Council resolution and the U.S. declaration in explanation of its vote commit the United States to any additional responsibilities other than those already assumed under the United Nations Charter.

The committee wishes to make it unmistakably clear that it considers the Security Council resolution and the U.S. declaration as separate and distinct from the Nonproliferation Treaty. This resolution and the accompanying declaration, are solely executive measures. However, because these actions are linked politically to the treaty, the connection could convey the impression that approval of the treaty by the Senate also means approval of the Security Council resolution. For this reason the committee wishes to make the record clear that support of the Nonproliferation Treaty is in no way to be construed as approval of the security guarantee measures embodied in the United Nations resolution or the supporting U.S. declaration. It is appropriate however, for the committee to express its interpretation of the United Nations resolution on security guarantees, since the pledge and resolution bear upon the constitutional right of the Senate to approve formal security commitments by the United States and upon the constitutional right of the Congress to declare war.

The committee is constrained to point out that, in its view, this United Nations resolution and its accompanying declaration in no way involve a ratification of prior commitments or establish new commitments. In the event that action is contemplated by the United States, by reason of its declaration in the Security Council, such action can only be taken with due regard to proper Constitutional processes.

The committee is confident that this point was made clear by the testimony. The Secretary of State told the committee that "as a matter of law and as a matter of policy" there were no additional obligations assumed by the United States under the United Nations security guarantee resolution. Mr. Rusk said that any action the United States would take as a result of United Nations decisions under the security guarantee resolution would not be taken by the United States because of any new obligations assumed under the resolution. Secretary Rusk then underlined this point:

"The decision itself [to act on any Security Council decision] would have to be made at the time in terms of the total interests of the United States and the judgment of the President, in consultation with leaders of the Congress, as to what is required in our own interests at that time."

In response to a direct question, Secretary Rusk agreed with the interpretation offered by Senator Case of New Jersey that the pending treaty would in no way "eliminate the necessity for adoption of whatever constitutional processes may be applicable in the event the question arises as to the use of the armed forces of the United States in the future."

The committee, therefore, records its firm conclusion, reached after extensive testimony, that the Security Council resolution and security guarantee declaration made by the United States in no way either ratify prior *national* commitments or create new commitments.

Under normal charter procedures, the United States had the *option* of calling the attention of the Security Council to a case of aggression or threat of aggression. Now that option has apparently become an *obligation*. The United States has also had the option of determining the timing of such an appeal to the Security Council. It now appears that the United States is honor bound to follow a definite if limited course of action if a nonnuclear weapon state declares that it is a victim of nuclear aggression or the threat of such aggression. Under the security guarantee pledge, the Administration has expressed its intention to seek "immediate" Security Council "action" to aid a nonnuclear weapon state that is the victim or potential victim of nuclear aggression.

The change here is a subtle one that has no bearing on the committee's judgment that the Senate's approval of the treaty is not to be construed as approval or disapproval of the Administration's security guarantee measures, or the committee's further judgment that these actions in no way either ratify prior national commitments or create new commitments. The committee only wishes to point out that in its view the Administration has surrendered some of its diplomatic flexibility in hopes of creating a framework for United States-Soviet cooperation in the United Nations. If this cooperation develops and matures the Security Council gesture will be worth the costs in diplomatic flexibility.

National Security Considerations

The Chairman of the Joint Chiefs of Staff, General Wheeler, testified as to whether the views of the Joint Chiefs of Staff were taken into account during the treaty negotiations. General Wheeler was also asked whether the treaty fully safeguards our national security interests. General Wheeler offered this comment on the treaty and its effect on national security:

"At the initiation of treaty discussions, the Joint Chiefs of Staff formulated certain principles relating to national security that should not be violated by such a treaty. First, we believe that any international agreement on the control of nuclear weapons must not operate to the disadvantage of the United States and our allies. Secondly, it must not disrupt any existing defense alliances in which the United States is pledged to assist in protecting the political independence and territorial integrity of other nations. These principles have been observed."

General Wheeler went on to state that the Joint Chiefs of Staff were unanimous in supporting the treaty. It should also be noted that General Wheeler said that every proposal concerning the treaty made by the Joint Chiefs of Staff during negotiations was accepted.

Obligations to Allies

The committee expressed concern during the hearings at the possible effects of the treaty on the U.S. security arrangements, particularly within NATO. At the same time, the committee sought to ascertain whether the United States, either explicitly or by suggestion, was considering offering inducements to any country to sign the treaty.

Secretary Rusk, Deputy Secretary of Defense Nitze, and General Wheeler stated unequivocally that the treaty is consistent with the best interests of the North Atlantic Treaty Organization, Secretary Rusk said that the United States had worked closely with its allies in the formulation of the treaty and that our allies were fully satisfied that the treaty in no way would jeopardize the alliance or the individual national interests of its members.

The committee agrees with this evaluation. The committee also wishes to make the record unmistakably clear that the treaty in no way affects the right of the United States to enter into agreements to station nuclear weapons under United States control on the soil of an ally.

Nevertheless, this treaty does represent a potential cost to the United States in its alliance relationships. Heretofore, it was a national decision whether the United States would use its nuclear assets in helping one or more countries to develop nuclear weapons. Admittedly, this was an option the United States never used except in the case of Great Britain; but it was an option subject only to a decision of the executive branch and the Congress. Now we have all but given up that option in the sense that this treaty imposes a formidable barrier to the United States assisting other countries in the development of nuclear-weapons programs. Nevertheless, the committee believes that the possible future costs of renouncing this option are overshadowed by the major step the treaty takes in the direction of controlling the spread of nuclear weapons.

After extensive testimony on the subject of possible inducements offered to sign the Nonproliferation Treaty, the committee concludes that the Administration has no intention of making any commitment to any potential nonnuclear weapon signatory to induce that country to sign the treaty. For example, Deputy Secretary of Defense Nitze flatly told the committee that the United States has given West Germany no guarantee to defend that country against nuclear attack even if NATO should be dissolved. (However, Secretary Rusk made it clear that, if NATO were to dissolve, this fact might be taken by nonnuclear NATO members as affecting their supreme national interest and therefore justifying their withdrawal under the withdrawal article.) Moreover, the committee was told that the German Government has not suggested that the continuing stationing of any particular level of American troops in Europe is related to its attitude toward adhering to the treaty.

Adherence to the treaty

Secretary Rusk was questioned at length on the attitudes of nonnuclear weapon states toward the treaty. The Secretary replied that the Administration was asking for prompt Senate action on the treaty "because many countries, particularly our allies, are waiting to see what we do before starting their own parliamentary considerations of the treaty. We recognize that the effectiveness of the treaty will depend in large measure upon the adherence of other countries. But we have been among the leaders in securing agreements on this treaty, and other countries are looking to us now."

The committee agrees that the effectiveness of the treaty will depend largely on the adherence of the widest possible number of countries. It also notes how few states with the technological and economic means of developing nuclear weapons have thus far signed the treaty. Consequently, the committee urges the President, once the Senate has acted, to consider delaying the process of depositing the United States instrument of ratification until such time as he has received positive assurances that a majority of those countries nearest to a nuclear-weapons capability intend to adhere to the treaty. The treaty will become little more than a pious declaration of intent unless it receives the adherence of those countries with the potential capability to develop nuclear weapons.

IV. CONCLUDING COMMENTS

The committee finds that this treaty is the best that can be negotiated at this time.

Essentially, the treaty formalizes the mutual concern of the United States, Great Britain, and the Soviet Union in containing the spread of nuclear weapons. The United States, Great Britain, and the Soviet Union appear to have a sober understanding of the increased dangers of nuclear war that would come as more and more nations possess nuclear weapons. They appear to be convinced that the treaty will not adversely affect the balance of power. They seem persuaded of the advantages of establishing a framework for cooperation that will hopefully lead to a reduction of the hazards and uncertainties that many nonnuclear weapon countries feel as nuclear commercial power and its potentially destructive by-product of plutonium spread throughout the world. They have given a pledge of good faith in seeking agreements that would limit nuclear arms competition between the major powers.

The committee is fully aware of the mutual responsibilities the nuclear weapon states party to the treaty have assumed to move to negotiate the means of limiting, if not ending, the nuclear arms race. The committee is equally aware that the United States has assumed this responsibility by asking other nations not to follow our example. It is in this sense, and this sense alone, that the committee believes that the word "commitment" is appropriate to this treaty—a commitment to pursue with good faith and urgency new arms limitation agreements.

The committee is also aware of potential problems regarding the interpretation of U.S. obligations under article V. As mentioned, article V gives assurances to the nonnuclear weapon states that they will share on a nondiscriminatory basis in the benefits of the peaceful application of nuclear explosive devices. The language of this article suggests that the United States will provide these services to any nonnuclear weapon state party to the treaty regardless of its relationship to the United States, with all costs for research and development borne by the U.S. taxpayer. Another potential problem is that the language of article V might be interpreted as a positive commitment to provide explosive services for research and development projects that further the commercial interests of domestic and international customers—such as oil and gas companies—without regard to the relationship and importance of these projects to the U.S. public interest.

The committee wishes to record its concern at the open ended commitment implied in article V. We suggest that obligations under this provision should be undertaken only after the fullest consultation with appropriate congressional committees and should be limited to projects within the capacity of the United States and consistent with its interests. Moreover, the committee specifically rejects any suggestion that article V constitutes an across-the-board pledge by the United States to support foreign and domestic commercial research and development projects. As in the case of nuclear services projects, research and development projects should be undertaken only after the public interest has been carefully defined by the appropriate congressional committees.

Admittedly, the implementation of the treaty raises uncertainties. The reliability and thereby the credibility of international safeguards systems is still to be determined. No completely satisfactory answer was given the committee on the effectiveness of the safeguards systems envisioned under the treaty. Moreover, the committee was not given a completely satisfactory answer as to what the signatory nations will do if the International Atomic Energy Agency fails to work out mutually satisfactory agreements with individual states or associations of States within the time prescribed by the treaty. The committee hopes that the optimism of the administration will be borne out and that successful agreements with the IAEA will be concluded without difficulty or delay. Nevertheless, the committee notes that the Euratom States have unanimously agreed that the treaty will only be ratified after a satisfactory verification agreement has been reached between Euratom and the IAEA.

The committee is fully aware of the potential problems in the safeguards field. But it is equally convinced that when the possible problems in reaching satisfactory safeguards agreements are carefully weighed against the potential for a worldwide mandatory safeguards system, the comparison argues strongly in favor of the present language of the treaty.

The committee concludes that the treaty is in the best interest of the United States. The committee is mindful, however, that this treaty is certainly no cure-all to the problems of nuclear proliferation. The success of the agreement will depend on its wide acceptance particularly by those countries with the national capability to manufacture nuclear weapons. Success will also depend on the acceptance and credibility of the safeguards provisions.

The committee is also mindful of the tragic events in Czechoslovakia and of the flagrant violation of international law by the Soviet Union. If the Soviet Union is so indifferent to its international obligations and so callous in disregarding world opinion, why should the Soviets respect the Nonproliferation Treaty? The committee was particularly concerned at the cynical disregard by the Soviet Union of the language of the preamble to the Nonproliferation Treaty. The final introductory clause to the Nonproliferation Treaty begins as follows:

> Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations . . .

During committee discussion of the treaty before final action was taken, several members took the position that, while they supported the treaty, they believed that the committee should defer final consideration until January because of Soviet behavior. Weighted against this desire to express displeasure with the Soviet Union was the prevailing view that, while the Soviet actions were unconscionable, the treaty itself is multilateral in character and of such significance as a potential barrier to the further spread of nuclear weapons that any delay in taking final committee action was inadvisable.

In conclusion, the committee believes that the Nonproliferation Treaty represents an important beginning in controlling the further spread of nuclear weapons, although it will remain only a fervent affirmation of good intentions until the signatories move swiftly to achieve a cessation of the nuclear arms race. Therefore, the committee (by a vote on September 17 of 13 to 3 with 3 abstensions) recommends that the Senate give its advice and consent to ratification of the pending treaty.

Mr. MUNDT. Mr. President, since all other Senators who are members of the Committee on Foreign Relations have their views recorded in the minority views or as individual statements, I think it fair to say the majority views as printed above reflects the views of the following Senators: FULBRIGHT, of Arkansas; SPARKMAN, of Alabama; MANSFIELD, of Montana; MORSE, of Oregon; GORE, of Tennessee; CHURCH, of Idaho; SYMINGTON, of Missouri; CLARK, of Pennsylvania; PELL, of Rhode Island; MCCARTHY, of Minnesota; CARLSON, of Kansas; CASE, of New Jersey; and COOPER, of Kentucky.

I should point out, however, that a number of the foregoing Senators were necessarily absent from our committee discussions and were recorded by proxy votes in favor of the treaty rather than being personally present to vote "Aye." However, such proxies are cast in our committee only at the direct request of the absent Senators. Thus, unless one or more of those Senators listed with the majority makes his individual views known to the contrary, I believe it is factual to assume their views coincide with the statements in the views of the majority.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the minority views expressed in the report as well as the individual views expressed by Senators DODD and AIKEN. Thus, citizens will have available to them the full text of the various viewpoints of the members of the Committee on Foreign Relations with regard to the proposed treaty.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

The undersigned do not agree with the recommendation of the majority of the Committee on Foreign Relations that the Senate should now give its advice and consent to ratification of the Treaty on the Nonproliferation of Nuclear Weapons. Our objections concern both the substance of the treaty and its relationship to the tragic events in Czechoslovakia.

Our reasons for urging delay because of unresolved substantive questions are as follows:

First, the Atomic Energy Commission has stated, and the majority report has conceded, that the reliability of the present international safeguards system of verifying that nonnuclear weapon countries will not violate the treaty is open to question. Under article III, the International Atomic Energy Agency (IAEA) is charged with the responsibility for verifying that nonnuclear weapon countries will not use their nuclear facilities and materials for the production of nuclear weapons. According to the testimony before the committee, the International Atomic Energy Agency's technical and organizational ability to carry out inspection duties is still to be determined. In other words, it is still questionable whether the IAEA has the capacity to prevent cheating. Reliance on the safeguards system is thus, purely and simply, an act of faith—faith not in the capacity of the IAEA to meet the enormous responsibilities that will be thrust upon it but faith also in the promises of all of the parties to the treaty not to violate the treaty clandestinely when a violation would suit their purposes.

Second, we believe that the treaty could be injurious to our relations with the Euratom community composed of West Germany, Italy, Luxembourg, the Netherlands, Belgium, and France. Article III of the treaty is potentially punitive in nature, for it would punish our European friends who are members of Euratom if they do not work out mutually satisfactory inspection and verification agreements with the IAEA. As the majority report notes, article III requires nuclear weapon parties to the treaty, including the United States, to cut off all nuclear assistance to any country which does not reach agreement with the International Atomic Energy Agency during the time prescribed by the treaty. We must face the fact that if we ratify this treaty before Euratom and IAEA have reconciled their inspection systems, we run the risk of being forced to punish all members of Euratom by cutting off all of our nuclear assistance to them. In this connection, it should be noted that the Euratom countries have recently voted unanimously not to ratify the nonproliferation treaty until such time as a mutually satisfactory agreement can be worked out between Euratom and the International Atomic Energy Agency.

Third, article V of the Nonproliferation Treaty pledges to all countries, regardless of whether they are hostile or friendly to the United States, substantial benefits from our peaceful atomic energy programs, programs which include nuclear explosive devices. Thus, we are being asked to consent to the approval of a treaty which pledges the United States to make available to nonnuclear weapon states "on a nondiscriminatory basis" explosive devices at a charge "as low as possible and exclude any charge for research and development." Unless the Senate takes the time to clarify what this pledge means, and perhaps to consider offering a reservation limiting this nuclear largesse of the United States, we could well find ourselves undertaking nuclear engineering projects at the request of countries from Afghanistan to Zambia, and the American taxpayer will stand the major cost.

Fourth, estimates given the committee on the cost to the United States of an augmented and expanded inspection program for the International Atomic Energy Agency vary widely. One estimate from a reputable source is that the total cost for safeguards will run over $1 billion annually by 1990. How much of this amount will the United States be forced to pay?

These substantive questions will hopefully be satisfactorily answered over the next few months. In our view, we do not have satisfactory answers now, and it would be foolhardy for us to consent to the ratification of a treaty containing so many uncertainties.

We also submit that another compelling reason for the Senate to delay any final consideration of this treaty is the fact that a Conference of Nonnuclear Weapon States is now meeting in Geneva pursuant to a resolution of the United Nations General Assembly. This Conference began on August 29 and will probably last until the end of September. Over 90 states are represented in Geneva; they are meeting to consider their expectations under the provisions of the Nonproliferation Treaty. These countries are particularly interested in discussing and agreeing on the benefits they will obtain from the treaty, such as their access to nuclear equipment, material and scientific information. They are also considering the question of the security guarantees they hope to receive and the subject of the demands they will levy on the nuclear weapon states with regard to nuclear disarmament.

It would seem prudent for the Senate to wait until this Conference has been concluded, and we have had time to consider the attitudes and expectations of these countries, before we give our advice and consent to the treaty's ratification. These countries will be our partners under the Nonproliferation Treaty, and we have not only a right but a responsibility to determine what they expect to gain, and what they expect to give.

So much for the questions regarding the substance of the treaty, questions which suggest that the Senate is not yet in a position to give its advice and consent to ratification of the Nonproliferation Treaty. But even if these substantive questions did not exist, there is another—and perhaps even more fundamental—consideration involved and that is the question of timing. This question, in turn, relates to the Sovet Union's invasion and occupation of Czechoslovakia.

The Nonproliferation Treaty is a potentially important agreement for the obvious and worthwhile reason that its objective is to prevent the spread of nuclear weapons to States which do not now possess them. But, in addition, the treaty was also originally regarded as a measure which would promote cooperation between the United States and the Soviet Union. President Johnson's letter of July 9, transmitting the text of the Nonproliferation Treaty to the Senate, makes clear the "hope that this treaty will mark the beginning of a new phase in the quest for order and moderation in international affairs," order and moderation which require the cooperation of the Soviet Union.

The Nonproliferation Treaty does require the cooperation of the Soviet Union. But the cooperation of the Soviet Union must be taken on faith. Unlike the Limited Test Ban Treaty, which also brought the two atomic superpowers together in a joint effort to control the use and proliferation of nuclear weapons, there is no method of insuring that the Soviets will live up to their part of the bargain. The Limited Test Ban Treaty, it should be remembered, was limited to prohibiting those tests which could be detected without on-site inspection. But there is no way to monitor effectively the Soviet Union's performance of its obligations under the Nonproliferation Treaty. The treaty obliges nonnuclear weapon states to permit safeguards which include at least some limited inspection. The two other nuclear weapon states which are parties to the treaty—the United States and the United Kingdom—have issued declarations stating their willingness to submit themselves to the same safeguards, safeguards which include international inspection of nonmilitary nuclear installations. But the Soviet Union has not been willing to agree to even such limited safeguards. It is thus the only party to the treaty which will be completely immune from any and all obligations regarding safeguards.

Is this an appropriate time for the United States to signify our willingness to take Soviet promises on faith? Is this an appropriate time for the United States to signify that we are willing to disregard the promises broken by the Soviet Government less than one month ago when massive numbers of Soviet forces invaded Czechoslovakia? Other countries have indicated their belief that this is not an opportune time even to sign the treaty. It seems to the undersigned that this is an even less opportune time for us to take an even more final step and consent to the treaty's ratification.

With respect to the promises broken by the Soviet Union when Czechoslovakia was invaded, it should be noted that the invasion violated not only the spirit but the letter of the Nonproliferation Treaty. The final introductory clause in the treaty begins as follows:

> Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state * * *

Since the treaty is not yet in force, and since it has not yet been ratified by the Soviet Union, it can be argued that the invasion and occupation of Czechoslovakia do not violate any obligations of the Soviet Union under this treaty because no such obligations yet exist. But it is clear that the Soviet invasion and occupation of Czechoslovakia do violate several solemn treaty commitments of the Soviet Union that unquestionably do exist. Once such commitment is the United Nations Charter. A second is the Warsaw Pact, a treaty between the Soviet Union and its closest allies.

The final clause in the preamble to the Warsaw Pact reads as follows:

> * * * desirous of further promoting and developing friendship, cooperation and mutual assistance in accordance with the principles of respect for the independence and sovereignty of states and of noninterference in their internal affairs * * *

Article VIII of the Warsaw Pact reads as follows:

> The contracting parties declare that they will act in a spirit of friendship and cooperation with a view to further developing and fostering economic and cultural relations with one another, each adhering to the principle of respect for the independence and sovereignty of the others and noninterference in their internal affairs.

If the Soviet Union treats its obligations to its closest allies with such complete disregard and cynicism, what are the prospects for Soviet observation of its obligations under the Nonproliferation Treaty?

Even so, because of the vital importance of doing everything possible to prevent the spread of nuclear weapons, the wisest course of action might still be to sacrifice our scruples and dismiss our doubts if the Senate were confronted with a choice between having a Nonproliferation Treaty now or not having it ever. But the choice facing the Senate is whether to advise and consent to ratification at this time or whether to defer that action until some time next year. Even if we were to give our advice and consent to ratification at this time, the treaty would not enter into force until the two other nuclear weapon parties, and at least 40 nonnuclear weapon parties, also ratify the treaty. To date, only one other country, Ireland, has so acted. Furthermore, the treaty has not even been signed by two of the world's nuclear weapon states—Communist China and France—or by many of those states most likely to become nuclear weapon states: Japan, Israel, India and West Germany, in particular. As the majority report on the treaty states:

> * * * the committee urges the President, once the Senate has acted, to consider delaying the process of depositing the United States instrument of ratification, until such time as he has received positive assurances that a majority of those countries nearest to a nuclear weapons capability intend to adhere to the treaty. The treaty will become little more than a pious declaration of intent unless it receives the adherence of those countries with the potential capability to develop nuclear weapons.

The Soviet invasion of Czechoslovakia and Soviet actions while occupying that country, have caused a wave of revulsion across the world—including parts of the communist world—and in Europe, in particular, a parallel wave of fear. What is the proper attitude for the United States to demonstrate in light of this situation? We have already been criticized by many both at home and abroad on the ground that we shirked our responsibilities before the invasion and have been callous in our reactions ever since. Other countries are reminded of the spirit of Munich. They have voiced their suspicions of collusion between the two most powerful countries in the world.

Our privileges as one of the world's great powers surely carry with them a certain moral responsibility. We should not turn our back on this responsibility. We do not do our country credit by continuing to do "business as usual" with the Soviet Union thus demonstrating to all—including the Soviets, their present victims and any potential victims—that they can act no matter how brutally without suffering any important consequences in their relations with the United States. There are already a few restraints operating to deter such savage international behavior. Will the United States remove the restraint of opprobrium for all time?

The peace of the world has been dangerously threatened in the last month. It has not been threatened by the failure of the United States to ratify the Nonproliferation Treaty hastily. It has been threatened by the march of hundreds of thousands of Soviet soldiers into a friendly neighboring country whose treaty relationship with the Soviet Union supposedly guaranteed its independence and sovereignty.

KARL E. MUNDT.
BOURKE B. HICKENLOOPER.
JOHN J. WILLIAMS.
THOMAS J. DODD.
FRANK J. LAUSCHE.

INDIVIDUAL VIEWS OF SENATOR THOMAS J. DODD

I have signed the minority report on the Nonproliferation Treaty because I agree in general with the various points made in it. However, I have decided to file a statement of individual views because I would like to see more emphasis placed on two points which I consider to be of cardinal importance:

(1) As I pointed out at a Foreign Relations Committee meeting, Moscow flagrantly violated the most essential condition of the preamble less than 2 months after signing the treaty by invading and occupying Czechoslovakia and by making military threats against Rumania, Yugoslavia, and West Germany.

(2) The Senate is being asked to ratify a treaty which is only partially drafted and which leaves to future negotiations the crucial matter of inspection.

It is with reluctance that I must vote against ratifying the Nonproliferation Treaty at this juncture, and recommend to the Senate that the question of its ratification be put over to the new Congress.

I strongly support the principle of a Nonproliferation Treaty.

The record will show that over the years I have given my consistent support to the Arms Control and Disarmament Agency and to every reasonable measure in the field of arms control.

I supported the treaty banning nuclear tests in the atmosphere, underwater and in space; and I derive some satisfaction from the knowledge that my resolution of May 1963, calling for the unilateral cessation of atmospheric and underwater tests, was cosponsored by 32 other Senators, and that this show of Senate sentiment has been credited by some with helping to make the partial test ban treaty possible.

I also voted for the treaty barring nuclear weapons from space.

But in the case of the Nonproliferation Treaty, there are certain political facts of overriding importance which compel me to vote against ratification at this time.

While I know of no divisions within the Senate on the general desirability of a nonproliferation treaty, the invasion of Czechoslovakia and the events that have followed it raise serious questions about the wisdom and propriety of ratifying the Nonproliferation Treaty at this point.

The Soviet invasion of Czechoslovakia is a clear violation of the final clause of the preamble which is part of the text of the treaty and which precedes the articles of the treaty.

This clause of the treaty is also clearly violated by the ominous threats of invasion, reinforced by troop movements, that have been directed against both Rumania and Yugoslavia, and by the more recently voiced Soviet assertion that it is "ready, together with other peace-loving states, to take the necessary effective measures" to curb what it alleges to be neo-Nazi and militarist activities in West Germany.

The clause in question reads:

> The States concluding this Treaty, hereinafter referred to as the "Parties of the Treaty" . . . Recalling that, *in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,* or in any other manner inconsistent with the purposes of the United Nations.

Thus, even before we have had a chance to vote on the ratification of the treaty, the Soviet Union has flagrantly violated the essential premise on which it is based by invading the territory of one country which is already a signatory of the treaty and by threatening to invade the territory of two other countries which are signatories and of a major country which is an expected signatory.

To move to ratify the treaty under these circumstances would be folly.

The nonnuclear powers in joining this treaty have made it clear that, in foregoing the right to develop nuclear weapons of their own, they expect an ironclad assurance from the nuclear powers, and from the Soviet Union and the United States in the first instance, that their territorial integrity and independence will be respected. Without such an assurance, the treaty would be meaningless; and the chances are that, had such an assurance not been written into the preamble of the treaty, a majority of the present signatories would have refrained from signing the treaty.

Since July 1 of this year, 82 governments have signed this treaty, either in Washington, London, or Moscow. Only three or four minor governments, like Gambia and the Maldive Islands, have added their signatures since the Soviet Union invaded Czechoslovakia on August 21. Had the signing ceremony been held after the invasion of Czechoslovakia instead of in early July, it is a reasonably safe assumption that the overwhelming majority of the 82 signatories would have honored the occasion by their absence.

The ratification of the treaty while Soviet troops remain in occupation of Czechoslovakia would debase the meaning of all treaties and would suggest an attitude of tolerance toward those nations that are prone to regard treaties as scraps of paper.

It would put us in the ridiculous position of ratifying an agreement that has already been nullified by the action of a major signatory.

It would encourage the Soviet Union to further pursue the course of aggression on which it has embarked in Central Europe, because the ratification of the treaty would be tantamount to saying that we intend to close our eyes to what has happened and pursue a "business to usual" policy.

Anthony Eden, the Earl of Avon, a man who, as Foreign Secretary of Great Britain, had the foresight and courage to oppose the appeasement of Nazi Germany, had this to say about the matter in an article in the New York Times on September 14:

> "At times during the Bulganin-Khrushchev era some progress on these lines seemed possible. Now not only these but other attempts at negotiation between Moscow and the West must be ruled out, unless one condition is first fulfilled. The Soviet armies must be withdraawn from Czechoslovak soil and that country's Government allowed to function free from the imposition of foreign nominees or dictated censorship.
>
> "This is the indispensable minimum, for all negotiation must rest on confidence, and there can be none in the conditions which Russia has imposed upon Czechoslovakia. To condone what has happened would be base; it would also be foolish. The history of the thirties has taught us mercilessly that to attempt new agreements, while ignoring flagrant breaches of the old, earns contempt, not progress."

I agree with the Earl of Avon's suggestion that the ratification of this treaty and discussions on other aspects of disarmament should be made conditional on the withdrawal of Soviet troops from Czechoslovakia.

There is another reason why ratification by the U.S. Senate at this specific moment would be unwise.

The treaty is meaningless unless those nations in Europe and Asia with the greatest potential for becoming nuclear powers adhere to it.

Even before Czechoslovakia, the Governments of West Germany, Italy, Japan, India, and Pakistan had indicated grave reservations about certain aspects of the treaty. The invasion of Czechoslovakia has produced a violent reaction in all of these countries. The Government of Italy has already indicated that it will not under the present circumstances ratify the treaty. The governments of the other major countries I have named are clearly less disposed to go along with the treaty than they were previously. Even neutral Switzerland has let it be known that it now has serious doubts about ratifying the treaty.

After Czechoslovakia, without a cooling off period, the chances are that none of the major nonnuclear nations and far from all of the smaller ones will ratify the treaty. This would reduce its effectiveness to zero. If these nations are to be induced to sign it, their assurance that the major nuclear powers are committed to respect the territorial integrity and independence of other nations will have to be restored. This can only be done if the Soviets bow to world opinion, as Britain and France did at the time of the Suez crisis, and withdraw their forces from Czechoslovakia.

From a purely tactical standpoint, therefore, those who support the principle of a Nonproliferation Treaty would do well to consider whether they serve their cause or disserve it by pushing for ratification at this juncture.

THE QUESTION OF INSPECTION

I have said that I strongly support the principle of the Nonproliferation Treaty. While my basic argument is addressed to the folly of ratifying the Nonproliferation Treaty on the heels of the Soviet invasion of Czechoslovakia, there is also a matter of substance in the text of the treaty which I particularly wish to call to the attention of the Senate.

It has heretofore been a basic concept of our approach to problems of arms control and disarmament that every measure in this field must be accompanied by an adequate system of inspection. This guiding principle has become all the more imperative in the light of the continuing Soviet record of violations of treaties and of the UN Charter.

However, instead of spelling out the terms of the verification procedures which all the signatory states will be obliged to accept, the Nonproliferation Treaty leaves these terms to be negotiated at some future date. And, to compound this folly, it makes it possible for each signatory state to negotiate its agreement on the terms of verification individually with the International Atomic Energy Agency.

Let me quote here from article III, paragraph 1, of the treaty:

> "Each non-nuclear-weapon State Party to the Treaty *undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency* in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, *for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty* with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices."

Article III, paragraph 4, reads further:

> "4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article *either individually or together with other States* in accordance with the Statute of the International Atomic Energy Agency. *Negotiations of such agreements shall commence within 180 days from the original entry into force of this Treaty.* For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. *Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.*"

It is true that the text of the treaty does say that future agreements on inspection procedures shall be "in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system." But if there are to be standardized safeguards, then I believe that the text of this treaty should spell them out explicitly instead of leaving the safeguards to future negotiations between the signatories, individually or collectively, and the International Atomic Energy Agency.

Moreover, I consider the safeguards written into existing agreements between the International Atomic Energy Agency and nonnuclear nations to be inadequate. For example, when Mr. William Foster, the Director of the Arms Control and Disarmament Agency, was asked whether the treaty would make it possible for the International Atomic Energy Agency to search out clandestine nuclear military facilities in a nonnuclear country, Mr. Foster replied that, while such a facility would be a clear breach of the treaty, there was, in fact, no provision in the treaty that would enable the IAEA to search out clandestine facilities.

This testimony takes on added significance in the light of the statement by Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission, that "it is perfectly feasible to build a clandestine chemical processing plant using readily available technology and equipment." Mr. Seaborg was talking specifically about the possibility of separating weapons-grade plutonium from the plutonium produced in peace nuclear reactors.

The minority report makes the point that the Soviet Government has made it clear that it will not agree to the inspection of any of its nuclear facilities under the Nonproliferation Treaty.

In order to insure the nonproliferation of nuclear weapons, it is, of course, not essential to inspect peaceful nuclear facilities in those countries that already have a nuclear military capability.

But because of the highly competitive international market that is now developing in the field of peaceful nuclear technology, some of our Western European Allies are understandably concerned over the prospect of having to submit the designs of their principal nuclear facilities for review by the International Atomic Energy Agency, whose governing board includes the Soviet Union, and of having to open up these facilities to IAEA inspection.

It was at the insistence of the Western European governments that the revised safeguards system of the IAEA includes a clause which reads:

"13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.

"14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards."

While nations accepting IAEA inspection have the right to object to particular inspectors, there is understandable concern over the fact that the Soviet Union, as a member of the Board of Governors, may succeed in obtaining access to information which is supposed to be protected.

Hopefully, an agreement can be worked out between Euratom and IAEA for inspection procedures that give Euratom a principal role in implementing the terms of the Nonproliferation Treaty in the Western European countries which make up its membership. This is something which remains to be seen. But Euratom remains understandably concerned over the possibility that the International Atomic Energy Agency, under the Nonproliferation Treaty, will be given powers which will seriously undercut Euratom's authority.

Because the United States recognizes the validity of the contention that countries without a nuclear military capability should not be required to accept review and inspection of their peaceful nuclear facilities if the major nuclear powers do not do likewise, we have made it clear, even though the question of nonproliferation is not involved, that all of our peaceful facilities will be open to the same inspection as the facilities of other countries adhering to the treaty.

It is regrettable that the Soviet Union has not done likewise. In this sense, the treaty has failed to make any contribution to the opening up of Soviet society which should be one of the prime objectives of all agreements in the field of arms control and disarmament. Because so long as the Soviet Union remains a closed totalitarian society, the free nations of the world will have to worry about its intentions and its capabilities.

The incomplete nature of the clause having to do with inspection is an additional argument in favor of postponing ratification. Such a postponement would make it possible for the signatory nations to discuss, and hopefully, agree on the terms of uniform inspection procedures binding on all nations.

I urge the Senate to make the ratification of the Nonproliferation Treaty or of any treaty on arms control, contingent on Soviet withdrawal from Czechoslovakia.

But beyond this, I urge the administration not to press the Senate to ratify a treaty, Some of the most critical articles of which may not be negotiated for another 2 years; a treaty, which, in effect, permits each signatory nation to determine what kind of inspection it will accept; a treaty that at this moment has no safeguards of any kind written into its text.

I urge it to give the Senate a treaty with built-in safeguards, a treaty whose terms make it self-policing, a treaty which the Senate can vote to ratify in good conscience.

Given such a treaty, given the withdrawal of Soviet forces from Czechoslovakia, and given an end to threats of Soviet aggression against other nations, I am sure that the Senate will vote for it unanimously.

Individual Views of Senator George D. Aiken, of Vermont

While I am sympathetic to the objectives of the treaty in trying to curtail proliferation of nuclear weapons, I feel that there are some definite understandings which should be reached with respect to the economic responsibilities of this country before the treaty is voted upon.

Mr. MUNDT. Mr. President, I recommend a careful reading of all the foregoing statements by all Senators and by concerned citizens across the country who receive the daily issues of the Congressional Record. It will become clear from such a study that a major concern of many members of the committee revolves around the specific timing of the proposed ratification of the treaty. Other serious concerns are also expressed both by the majority and the minority Senators about the adequacy and effectiveness of the treaty; its ultimate financial cost to our American Government; its impact upon friendly nations now lacking nuclear facilities for peaceful uses; its lack of anything remotely resembling mutual inspection or effective enforcement provisions; and several other features of the treaty.

Credit is merited by Senators associated with the majority views for their candor and forthrightness in listing some of the doubts which plague even the supporters of "action now" on this treaty. They have gone to uncommon lengths to caution Americans about some of their own reservations and some of the serious concerns felt and expressed by others. It might be hyperbolic to say the views of the majority have "damned the treaty with faint praise," but it is highly important to call attention to such warning signals and statements in the majority views as the following:

> Under normal charter procedures, the United States had the option (italicized) for calling the attention of the Security Council to a case of aggression or threat of aggression. Now that option has apparently become an obligation (italicized). The United States has also had the option of determining the timing of such an appeal to the Security Council. It now appears that the United States is honor bound to follow a definite if limited course of action if a non-nuclear weapon state declares that it is a victim of nuclear aggression or the threat of such aggression.

Also:

> This treaty does represent a potential cost to the United States in its alliance relationships.

And:

> The committee agrees that the effectiveness of the treaty will depend largely on the adherence of the widest possible number of countries. It also notes how few states with the technological and economic means of developing nuclear weapons have thus far signed the treaty.

In other words this is a "good faith" treaty resting solely upon the manifestations of good faith on the part of the treaty signatories. The treaty contains no effective enforcement provisions. As of today, only one nation has ratified the treaty. That nation is not a nuclear power; it is not Russia, nor England, nor France, nor Israel. As of today, in fact, Ireland is the only nation in the world which has ratified the proposed treaty, and this in itself raises the question: Why should we hurry our decision in the United States?

Again:

> The Committee is also aware of potential problems regarding interpretation of U.S. obligations under Article V. As mentioned Article V gives assurances to the nonnuclear states that they will share on a nondiscriminatory basis in the benefits of the peaceful application of nuclear explosive devices. The language of this article suggests that the United States will provide these services to any nonnuclear weapon state party to the treaty regardless of its relationship to the United States, with all costs for research and development borne by the U.S. taxpayer.

It should be noted that this warning signal is included in the report of the majority favoring the treaty rather than in the viewpoints of the minority. The Senator from Vermont [Mr. Aiken] does well, indeed, to suggest that we delay ratification until we get at least some type of estimate as to how colossal a total cost this may eventually be to the U.S. taxpayers.

Once again:

> The majority report warns, "Admittedly, the implementation of the treaty raises uncertainties. The reliability and thereby the credibility of international safeguards systems is still to be determined.

Mr. President, I could call attention to still other caution signals frankly included in the majority views. However, I again recommend to all Senators, before they vote to approve this treaty in the closing days of this session, when at best only hasty and cursory consideration can be given to its vast potentials and the problems it creates, that they carefully study the full text not only of the majority views but as well of the minority views, and the individual views of Senators who have heard the full testimony and who are charged with making recommendations to their colleagues in the Senate, and to American citizens generally, who have not had the benefit of all the testimony.

It is my view, in short, Mr. President, that we would best serve our constituents and the country by deferring action on this complex and far-reaching treaty until the new Congress convenes in January. Nothing is to be lost by the passage of a few months, and we should be sure of our ground and certain about the various implications involved before giving an offhand, carelessly considered approval to this treaty.

Above all, we should avoid any action now which might signify to the noncommitted world that we are now concerned by the fact Communist Russia has already violated the preamble of this treaty by violating through force of arms the territory of Czechoslovakia and is even now threatening to violate the territorial integrity of other neighboring, sovereign states.

Surely the captive nations, which we so solemnly honor each year by passing a Captive Nations Week resolution, encouraging their hopes for eventual freedom, would have these hopes dimmed and their confidence shaken if under prevailing ominous circumstances in Eastern Europe we now ignore entirely what we know, and hear, and see by moving with full speed ahead to ratify without due and full consideration a far-reaching treaty which is so little understood at home and so little desired abroad.

Mr. President, I ask that an editorial published in the highly respected Omaha, Nebr., World Herald, dealing with this dilemma, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

There's No Hurry

Richard Nixon and some Senators are being characterized by Administration spokesmen and others as obstructionists and "cold warriors" because they have recommended postponing ratification of the nuclear nonproliferation treaty.

Mr. Nixon and others think the treaty should be held up for a while as a gesture of disapproval of the Soviet invasion of Czechoslovakia.

That is as good a reason as most. But there is an even better one, and it should be obvious even to the most dedicated peace seeker.

Today there are 500 thousand Russian soldiers in Czechoslovakia, where two months ago there were none. Six or more Soviet divisions are stationed along the West German-Czechoslovakian border.

Polish and East German reserves have been mobilized, and at least 250 thousand Russian soldiers have been shifted westward to take the places of the troops who invaded Czechoslovakia.

What this adds up to is a significant westward movement of Soviet and satellite armed strength, creating the most ominous threat to Western Europe since the Berlin crisis of 1961.

In its latest bulletin, the American Security Council warns:

"Had the Kremlin been solely concerned with bringing the Czechs back into line, it could have accomplished its goal with only a modest display of armed force—one airborne division sent to Prague, for example. Instead, the Soviets shifted an estimated 650 thousand troops, or 40 divisions. This amounts to almost one-third of the Soviet Army, a massive deployment that indicates commitments to a military-political objective of major proportions."

This, coupled with the brazen remarks the Soviet Union has been making about the conditions under which it would be "justified" in intervening militarily in West Germany, leads to the conclusion that something is brewing in Europe that could make Vietnam look like a street-corner argument.

Things have changed in the Moscow leadership since Lyndon Johnson drove the first shaky pilings for his "bridges of understanding." The Spirit of Glassboro has given way to the Spirit of Prague, and an alarming Soviet adventure to the west may be in the process of preparation.

The London Economist has observed:

"The men who ordered the invasion of Czechoslovakia . . . are men who for the sake of some great prize might be willing to see their country suffer a degree of damage which an American President would consider intolerable for his country.

"The Russians lost 21 million dead in the last war, but they acquired half of Europe. There are some of them who might conceivably think that was a price worth paying to get the other half, too. They might not, when they thought again, but no one is going to bet on it."

Under these circumstances it behooves the United States, as the country primarily responsible for the protection of Western Europe, to maintain its nuclear and conventional strength at a level that would keep the men in the Kremlin from thinking even once, let alone twice, about taking action that would necessitate an American military response.

The nonproliferation treaty would close some of the options that the United States needs to keep open in view of the perilous situation in Europe.

The treaty binds the signatories to refrain from assisting any nation to acquire nuclear weapons which does not now have them, and bars any non-nuclear signatory from acquiring them.

This would prevent the United States, for example, from arming West Germany for its self-defense, in the event that an invasion of West Germany seemed to be in the cards.

Until things settle down in Europe and Communist intentions are made clear, the United States should not bind itself to any international agreement that might place it and its allies at a military disadvantage. Ratification can wait a while.

LIMITATION OF TAX DEDUCTIONS ATTRIBUTABLE TO FARMING

Mr. METCALF. Mr. President, on September 19 I introduced a bill to amend the Internal Revenue Code so as to limit the amount of deductions attributable to farming, a tax which farmers are now using to offset their nonfarm income. At the present time, a bipartisan group of 17 Senators have joined with me as cosponsors of the bill, S. 4059. Those cosponsors include Senators Anderson, Bayh, Burdick, Case, Church, Harris, Hart, Hatfield, Inouye, Mansfield, McGee, McGovern, Mondale, Montoya, Moss, Nelson, and Pearson. In the House, the Representative from Iowa [Mr. Culver] has introduced companion legislation, H.R. 19916, in which he was joined by seven of his colleagues as cosponsors.

Yesterday, September 30, I invited the attention of Senators both to a recent editorial published in the St. Louis Post-Dispatch and an article which has just been published in Labor, a national weekly newspaper. They appear on pages 28790 and 28791 of the Record. Today I invite the attention of Senators to a two-part series which was published in Barron's in August of this year. Here is just an excerpt of what Barron's has to say about the farming tax situation:

> Last year, 34% of all U.S. farm acquisitions were made by nonfarmers. The USDA estimates that within 10 years, another 100,000 doctors, lawyers and businessmen will become absentee owners of agricultural properties. Who they are and what they buy makes quite a story.

Mr. President, so that other Senators may have the benefit of reading that story for themselves, I ask unanimous consent that both the August 5 article, entitled "Corporate Sodbusters," and the August 19 article, entitled "Lure of the Land," be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Corporate Sodbusters

"Really, what we are doing is nothing more than applying good business techniques and practices to agriculture . . . which heretofore have been absent."—*J. R. Dominick II, President, CBK Industries, Inc.*

(By Dana L. Thomas)

Out on the cattle ranges of the old Wild West, a new kind of cowboy is riding tall in the saddle. Rolling out of bed at the crack of dawn—most likely to televised crop and weather reports—he leaves his modern ranch home (which has replaced the ramshackle bunkhouse), to spend a workday amid trappings of the Space Age. Low-flying helicopters locate strays from the herd; airplanes spray test-tube miracles over the pastureland; computers determine when and how to breed calves by artificial means. Today's typical cowpoke, who may never handle a branding iron or a six-shooter, operates a business that functions more like a pastoral research laboratory than anything else.

MAKING HAY

The transformation of Buck Jones into a kind of earthbound Buck Rogers is sweeping America's ranch and farm land. At the same time, big chunks of this acreage have begun to pass into public ownership; a vast capitalistic infusion from non-farm sources is, in fact, singularly responsible for agriculture's latest technological revolution. Owing to the increase in population, particularly in farm-rich places like California, arable land has been growing critically short. Meanwhile, government subsidies, depreciation benefits and tax write-offs make ownership of producing acreage attractive (increasingly so as an inflation hedge). Accordingly, industrial corporations as well as private investors are acquiring millions of acres—which large-scale corporate management quickly turns to assembly-line production, virtually as scientific in its processes as a petroleum refinery or synthetics plant. More significantly for stockholders, profit-and-loss statements show that the new corporate managers are making some real hay.

Corporation farming currently accounts for about 5%, or $2 billion, of the $40 billion worth of food and livestock raised on U.S. land. Much of that is produced by giant canning, packing and chemical concerns but some other newsworthy names on the barn include Kern County Land (recently taken over by Tenneco, Inc.); CBK Industries; Black Watch Farms (just acquired by Berman Leasing); New Mexico & Arizona Land Co. (50%-owned by the St. Louis-San Francisco Railway); Alico Land Development Co.; Gates Rubber Co.; Tejon Ranch; Scott-Mattson Farms (owned by Gulf & Western); Oppenheimer Industries, a subsidiary of Atlas Acceptance Corp.; the privately held Doane Agricultural Service, Inc., and King Ranch; Arizona-Colorado Land & Cattle Co. and American Agronomics—the last-named pair having just gone public.

DOWN ON THE FARM?

If corporate farms like these are producing about one-twentieth of the nation's farm crop today, that volume is expected to rise steadily, as public ownership burgeons under an inflationary economy. "Land is the one thing that cannot be manufactured," says a leading financier. "You can issue more common stocks but you can't issue more land." Returns are no less inviting. "Top-grade securities yield 3% or less," the same source adds. "You can do better than that on rents from a farm, without the cyclical fluctuations that frequently affect real estate in the cities."

In the opinion of many experts, arable land is bound to grow scarcer. Housing, highways, commercial and recreational facilities, all are staking out increasing claims on it. Within 20 years, some say, there will be 80 million more people in the U.S., subsisting on the output from 10% less farm land. In California, the nation's fastest-growing state, every influx of 10 people converts one acre of arable land to non-agricultural uses; 100,000 acres are lost to the population explosion annually in the Golden State. Within a decade, one million acres of prime California farmland will be taken out of production. Since land can't be produced in a factory, much less multiplied like paper money or stocks, the inevitable result is that as the supply of good acreage shrinks it must become more valuable.

Beyond this advantage, finally, are certain tax benefits which Uncle Sam makes available to the farmer in the dell. Of these, the most tempting is a standard depreciation allowance for capital equipment—even when it's on-the-hoof. Thus a herd of cattle can be written off like any other machinery, even though the herd has the natural capacity to renew itself. Hence, the company with other taxable income is able to reduce this by taking depreciation on its bovine "equipment," while the latter asset—through the technology called biology—actually is increasing both its yield and its underlying value.

CAPITAL STAMPEDE

All this, then, has brought a rush of farming firms to an eager equity market, and a veritable stampede of public corporations to the farm. Probably the most striking example of investment appeal in a corporate landowner today was revealed in the recent struggle for control of mighty Kern County Land. Launched by two Kentucky financiers in the days of the 1849 gold rush, the California firm amassed nearly two million acres of ranch and farmland—three times the size of Rhode Island. In the 'Thirties, Kern had major oil discoveries on its properties, and plowed the royalties into farming, cattle raising and orchard plantings.

These lush holdings are carried at cost today, though they're obviously worth substantially more. A small insight was provided when Kern recently transacted one of its rare land sales—a 10,000-acre farm. The experts had guessed that land in this region would bring about $500 an acre. Kern managed to get $750 (and some of the land has since changed hands at $1,000 to $1,400 per acre).

In addition to such hidden assets, Kern in recent years has made important industrial acquisitions, buying control of Walker Manufacturing Co. (auto equipment) and Watkins-Johnson Co. (electronics). Through a complex financing, it acquired J. I. Case (farm machinery), which had been suffering in a difficult market. Buoyed by such diversification, Kern's income in the last decade has jumped from $32 million to over $180 million.

BATTLE FOR CATTLE

Not surprisingly, a number of outsiders began eyeing Kern greedily. Occidental Petroleum, a leading wunderkind of Wall Street (which a decade ago was a struggling oil-and-gas producer doing less than $1 million a year), suddenly made the big tender offer. Kern's management, however, fought Oxy Pete's advances and, seeking another suitor, found a willing candidate in Tenneco. The $3 billion pipeline-based conglomerate offered a deal involving convertible preference stock, and Kern's board was prompt to accept.

Meanwhile, Occidental Petroleum had become Kern's largest stockholder, and now threatened to block the takeover. But as Kern County stock soared, Oxie dropped its proxy fight. The Tenneco merger was on the verge of consummation when a rash of dissident stockholder suits suddenly cropped up, claiming, among other things, that Kern had been acquired for less than it was worth.

Atop all the litigation came the possibility that under certain technicalities of the Securities and Exchange Act of 1934, Oxy Pete, which had sold its interest in Kern to Tenneco, might have to return its $18 million gain. In any event, last August, with the legal issues still pending, the merger of Kern into Tenneco went through.

BERMAN'S TURN

Other corporate developments also point up the allure of farm and ranching properties in today's market. One who was attracted is H. L. Meckler, founder of Lease Plan International, who turned that highly leveraged equipment-rental firm into a financial giant—worth $54 million in PepsiCo stock at the merger three years ago. Looking around for another property to build up from scratch, Meckler last year found Berman, a struggling family-run vehicle-lease operation. Buying 270,000 shares (good for control) from the family, Meckler reorganized its finances while trimming waste and obsolescence—and turned Berman around.

Then he went on the hunt again, this time for Black Watch Farms, a breeder and manager of purebred Black Angus Cattle. Black Watch sells cows to investors and receives an annual management fee for continuing to run the operation. It owns over 11,000 head on ranches in nine states, and in six years has boosted pre-tax income to $5.4 million (on 1967's $15.7 million revenues). Meckler is intrigued by what he finds to be similarities in cattle-breeding and equipment-leasing. Black Watch uses little equity to gain high leverage. With accelerated depreciation for tax purposes, its breeding herd is on the books at several million dollars below actual value. Real estate also is said to be worth substantially more than the stated figure.

Last June, Berman got 57% control of Black Watch Farms, for 116,000 shares of preferred stock convertible into 464,000 shares of Berman common. It expects to acquire the remaining 43% by offering 150,000 shares of Berman common before the end of this year. Thanks to the acquisition, Berman has substantially bolstered its net worth. Meckler expects the bulk of earnings in the immediate future to come from Black Watch, with the latter's profits being compounded at the rate of perhaps 25% yearly. He estimates that Berman now may earn as much as $4.50 a share (based on a 25% tax rate) in the fiscal year ending June 1969. Wall Street, highly impressed by Mr. Meckler's assumption of affairs, has bid Berman stock up tenfold.

CBK'S SWITCH

Other firms have been moving into the "agribusiness" with a similar appreciation of what it can do for their balance sheets. An example is CBK Industries, which expanded a pre-World War I Florida phosphate-mining operation into a conglomerate ranging from asphalt and apparel-making to movie distribution. In 1962, new management said it wanted to find a business which "utilized a small labor force . . . had better than average growth potential . . . afforded the possibility to non-conventional as well as conventional money sources for capital (and made use of) new and improved technology and equipment." That led CBK last year to abandonment of its industrial enterprises and the plunge into agriculture.

In June it exchanged the film-distribution outfit for 10,000 acres of farmland in southern Texas. Then it sold off the asphalt and apparel ventures, as well as a department store and other subsidiaries, and with the funds bought land in Missouri and California's Imperial Valley. By this year it expects to have 50,000 acres leased or owned outright. Owing to costs incurred in the changeover, CBK now enjoys a tax-loss carryforward of about $4.1 million. Earnings over the next two years won't be "exciting," management says. "It will have an underlying non-depreciable value to the shareholders."

OUTSIDERS IN

Such hidden assets in the agribusiness have lured firms already rich in real estate, too. Thus, sugar processors for some time have been enjoying the benefits of raising cattle. Oil companies with heavy petroleum reserves have given attention to exploiting the top layer of their land; they're getting into both cattle-breeding and crop raising. Atlantic-Richfield Corp., for one, is building a feedlot to handle 60,000 head per year.

Several railroads which own agricultural properties (picked up years ago in right-of-way deals) have embarked on similar farming and ranching operations of late. The St. Louis-San Francisco Railway has a 50% investment in New Mexico & Arizona Land Co., which raises and breeds cattle, operates groves and orchards. (Recently, too, it joined a venture with Western Nuclear, Inc., of Denver, to hunt for uranium on its land, with the right to participate in any development, mining and milling.) Seaboard Coast Line has spun off its land holdings into Alico Land Development Co., formed to raise cattle, crops and orchards.

Another outsider, Times-Mirror Corp. (publisher of newspapers, magazines and books), has a 15% interest in Tejon Ranch, one of the largest contiguous parcels of land under private ownership in California. Originally heavy in oil exploration, Tejon has diversified into other operations, such as a venture with Pacific Western Industries to build an automated cement plant for the Southern California market. Moreover, it's deriving income from land being used for the construction of a dam and power-plant complex which will serve farms along 450 miles of the California coastline.

BIG-TIME OPERATORS

Finally, still other industrial concerns have been moving down on the farm. Gates Rubber Co., a Denver tire-maker, has hatched an automated poultry-raising operation and runs three ranches in Wyoming. Gulf & Western, the huge conglomerate, has purchased control of Scott-Mattson Farms, a vegetable grower in Florida. W. R. Grace, already big in fertilizers and agricultural chemicals, has acquired American Breeders Service, which supplies frozen semen used in the artificial insemination of cattle. Not least, fast-growing Levin-Townsend, the computer leasing firm, has begun to apply its talents for high-leverage financing to agriculture.

As all these examples indicate, farming is changing steadily from a small family operation to a big-corporation affair. The trend is bound to intensify. Declares a USDA official: "The days are passing when a young man could start as a hired hand on a neighbor's farm and climb the ladder to full farm ownership—any more than he could start as a stock boy in a supermarket and save enough from his wages to take over the whole store."

In today's economy, bigness has become as necessary to agriculture as to industry. Labor and equipment costs are skyrocketing, and for peak efficiency a farm must be highly mechanized. Yet optimum use of such equipment calls for a spread of at least 1,000 or 2,000 acres, and a farm that big represents a million-dollar investment in land alone. In addition, there's the problem of irrigation. An average acre of California farmland needs at least three acre-feet of water annually, at costs of $7 to $19 per acre-foot depending on location. Hence, the 1,000-acre operation may run up irrigation costs of $50,000 a year.

"It is evident," an agricultural expert notes, "that the nation's farmers will have to use increasing amounts of other people's money, just as industry does. They are going to have to sell stock and debentures to raise millions of dollars, in addition to borrowing short-term money for seasonal needs." In short, farmers today must acquire sophistication in financial as well as technical methods.

At the same time, "assembly-line" farming calls for new skills in corporate management. CBK Industries, for example, plans to solve the problem by one method. It will divide acquired land into 10,000-acre units, each headed by a resident manager earning $6,000 to $9,000 a year. The method works as a lure for acquisition. CBK reports that farmers are eager to exchange their land for CBK stock under this set-up, then work the property as corporate managers.

Kern County, which actually farms only 13,000 of the 118,000 irrigated acres it has under intensive cultivation, boasts its own system. It has the remaining 105,000 acres operated by tenant farmers. The latter pay, as rent, a share of the crops they produce. In this way, the company spurs each farmer to greater personal initiative, while helping him adopt the most sophisticated technology. Kern boosted average annual earnings from agricultural operations to $1.5 million a year in the 1962–'66 period, from only $780,000 in 1958–'61—and attributes the gains to its aggressive managerial approach.

UP TECHNOLOGY

Bigness and corporate sophistication, of course, can reap such rewards because of the burgeoning technology in farming today. Some of the most dramatic innovations are found on the livestock front. One trend, for instance, is indoor raising of swine, under highly automated processes. A device called the "Autosow" acts as a kind of mechanical mother for baby pigs. It takes the litter at birth, milks and feeds the piglets in an air-conditioned environment, and rears them to record weight. Now under advanced testing, the Autosow, some experts say, may turn a pig farm into the kind of mass-production industry which incubators and breeders have made of the poultry business.

Meanwhile, International Systems & Controls Corp. has developed what it calls the "Bacon Bin"—a line of total-confinement production facilities complete with automatic feeding and manure disposal systems. In a Bacon Bin, 1,000 hogs can be raised and fattened from birth to maturity in record time. The air is changed automatically every 60 seconds to provide complete comfort—for farmer as well as animals. The entire feeding operation takes less than half an hour of the farmer's day, freeing him for other profitable work.

Publicity on the Bacon Bin caught the eye of a Wall Street group. The result was a corporation called Environmental Applications, set up to produce hogs exclusively with the new system. Over a score of investors have put almost $500,000 into the venture. (Significantly, Armour & Co. took 7% of the stock.) The firm hopes to market 13,000 head of hogs yearly and has plans ultimately for an offer of stock to the public.

MODERN COWPOKES

Technology is also making impressive strides on the cattle ranch, where today's rancher more often than not has a university degree. Even the old chuck wagon, carrying food to hands on the range, has been replaced by mobile kitchen-trailers outfitted with all the latest gadgetry. Horse-power is being augmented by motorbikes and even helicopters in the classic roundup. Painful branding irons are being replaced by the gentle application of an identifying dye to the calf's ear. Indeed, a modern cowpoke has become part nurse and part midwife, conducting pregnancy tests and carefully charting the production progress of each heifer to eliminate culls that fail to measure up. He injects cattle with vaccines, fattens them with special feeds and mineral mixtures fresh from the laboratory.

One profitable development is the practice of growing specially nutritious grass through the science of hydroponics—that is, without soil—in incubator-like installations. By eliminating the hazards of uncertain weather and soil conditions, such scientifically created grass fattens calves beyond previous possibilities. However, it necessarily is grown in relatively small amounts, usually earmarked for select bulls. Ordinary slaughter cattle still feed on the grazing range, and the key to raising them successfully is the quality of the forage.

In south Texas, the need to develop nutritious grass that doesn't wither under the blazing sun is acute. At the legendary King Ranch, agronomists solved the problem by importing and mingling, with the native grasses, an exotic species of Rhodes grass from Africa. It seemed promising until a parasite from Japan invaded the area, turning the grass yellow and killing it. Whole pasturelands were threatened. King agronomists, working with scientists from Texas A&M University, at the eleventh hour discovered a wasp-like insect from India that preys upon the parasite.

India's bug was in short supply, however. So biologists patiently set about to grow cultures, until they multiplied the species sufficiently to turn it loose on ranchland. Since the wasp can travel only about half a mile during its entire lifetime, it was necessary to find a way of distributing it in great numbers. Accordingly, swarms of eggs of the parasite, camouflaged in nodules of Rhodes grass which are its natural habitat, were unloaded from low-flying planes. (The first drop was made on 105,000 acres of King Ranch's Encino division.) Thanks to this resourceful counterattack—the outcome of which is still being closely watched—Rhodes grass once again should impart a healthy, high-yielding range forage to south Texas.

Another area with fascinating technology is the scientific breeding of cattle, to minimize undesirable features and maximize good ones. An example is the elimination of horns, which have the disadvantage of causing injuries when cattle are being fed or are packed together on the way to the slaughter house. Federal regulations require that if the hide of an animal is pierced, the meat must be marked down to an inferior grade. Some ranches dehorn their calves at the spring roundup, but this can be painful surgery, frequently causing severe shock to the nervous system, infection and loss of weight. Several varieties of cattle—notably the Black Angus—have been bred successfully so that they now are hornless.

A LOT OF BULL

An even more remarkable job—breeding a uniquely new herd—has been accomplished by King Ranch. The two dominant cattle breeds in the U.S. over the last century have been the Shorthorn and Hereford, both imported from Britain and suitable in temperate climates—but less than ideal under the blazing sun of south Texas. From India, King Ranch imported Brahmin bulls, highly adaptable to tropical heat, with a high tolerance for insect pests. These were crossbred with Shorthorns, whose beefy qualities make for choice cuts of red meat. From one extraordinary offspring, a bull named Monkey, King fixed the type of the breed it wanted, called Santa Gertrudis. Every member of the breed—and descendants have been shipped to start new herds all over the world—is a direct descendant in an unbroken line of the great foundation sire, Monkey. What's more, King has sold a number of prize specimens at substantial profits.

The major capital asset on every breeding ranch, of course, is the bull. Thanks to his ability to sire a goodly number of top-quality calves, for sale at premium prices to other ranchers, he brings in the lion's share of profits. Like thoroughbred race horses, prize bulls with reputations as good breeders are housed in special quarters, decorated with plaques and medals denoting their achievements. So much in demand are the most famous sires that frequently they are owned by several investors, each with a share in the offspring. Thus, at one auction last June, a one-third share in a famous Aberdeen Angus bull named Constructor brought $200,000. (The successful bidder: a Beverly Hills brokerage house.)

With so much money on the hoof, extreme care is taken to breed a prize bull only with the finest cows available. Accordingly mates are sought from herds all over the nation. Indeed, the chore of matching a high-priced bull with an appropriate heifer now has been assigned to computers. Electronic brains keep copious statistics on the breeding characteristics, and weight-fattening potentials through several generations of calves from famous sires. When a prize bull is ready for mating, his characteristics are flashed to computer installations; the electronic brain, going through statistics on heifers throughout the land, comes up with what it considers to be the ideal mate.

Once this is determined, the two animals may never have to get into the same pen or even the same county—thanks to highly developed techniques of artificial insemination. Sperm from the bull is frozen, packed in a vial, color-coded, and sent to the rancher whose heifer has been chosen for inoculation. Seven of every 10 such injections result in conception. There's little wasted effort for all concerned and costs are kept to a minimum.

THE MATING GAME

"Computer mating" is becoming so profitable a business that a number of services firms now are in the act, keeping production records by the thousands on high-speed magnetic tape, flashing all pertinent material on the advisability of such a venture to a client within minutes of an inquiry. One firm, American Breeders Service, which pioneered in artificial insemination techniques, built so brisk a business shipping frozen semen that it was taken over by W. R. Grace.

All this only hints at the changes technology is yielding down on the farm. There are solenoid air valves which, operating on radio signals, control irrigation levels so that soil is watered scientifically to the maximum benefit short of being spoiled. There are newly formulated feed grains with the nutritional quality of breakfast cereals. New chemicals speed up the defoliation of plants and simplify the harvesting of fruits and cotton. Some agronomists foresee even more dramatic breakthroughs ahead—from the plowing and harvesting of crops by remote control to the creation of rainfall by the dialing of a machine.

In short, farming has become big business and the old homestead never will be the same again. USDA officials estimate that within the next two decades, 500,000 large-scale corporate farms will do the work of today's three million enterprises. Some experts go so far as to predict that the family farm ultimately will become extinct and that all food will be mass-produced as efficiently as shoes or automobiles.

Meanwhile, as farm lands pass into public ownership, not only industrial corporations and their stockholders are the beneficiaries. Private investors have been moving into farm and ranch ownership too, through investment programs tailored to personal requirements. Such portfolios today may include ranches, cattle, citrus groves and orchards—all desirable hedges against inflation and rising taxes. The rewards and risks of such personal investments will be detailed in a forthcoming article.

Lure of the Land

(NOTE.—This is the second article of a two-part series on investment in farming and ranching. The first article, which appeared August 5, reported on the growing tendency of industrial corporations to interest themselves in agriculture. Today's instalment deals with the variety of private investors and the nature of their investments in farm and ranch properties.)

(By Dana L. Thomas)

Not all the bulls these days are in the stock market. Some on which a few Wall Street investors soon may be riding herd, indeed, confine their movements to the cow barns of the great Southwest. Specifically, an Oklahoma doctor seems to have diagnosed an unfulfilled demand. For $250 per cow (and a minimum of 10 cows per unit) he plans to lease cattle from a prized species to investors across the U.S. What the investor gets out of each cow is its production of offspring; the investor in effect pays annual rental of $2,500, and all calves born to the animals belong to him. Since the doctor plans to employ professional ranch managers to see that the herd is bred only with thoroughbred bulls of a rare blood line (valued for its high-grade beef), the calves stand a fair chance of being growth investments. At least that's the prospect which has intrigued investors—most of whom, it must be assumed, might know a put from a call, but never a prize heifer from a cud-chewing cull.

TAX DEDUCTIONS

"I'm an old cowhand" is, in fact, an increasingly popular refrain from Wall Street to Main Street. Anxiety over inflation, a weakened dollar and an uncertain world, has led more and more Americans into stashing some of their investment money back at the ranch. Nor is the stock in a big "corporate sodbuster" like King Ranch or Tejon (Barron's, August 5) the only way. Attractive personal tax deductions and depreciation allowances (for those in the 60% bracket or higher) have turned many a city slicker into an absentee owner of cattle herds. Others are buying up Florida citrus groves—which they may not even lay eyes on except at vacation time (when the trip becomes a "business expense"). Still others, investing in uncleared farmland, look to make a killing—if not out of oil or resale to some future real estate developer, then by developing the land for agriculture.

Last year, 34% of all U.S. farm acquisitions were made by nonfarmers. The USDA estimates that within 10 years, another 100,000 doctors, lawyers and businessmen will become absentee owners of agricultural properties. Who they are and what they buy makes quite a story. Owners of breeding herds and ranchlands, to illustrate, range from leading Wall Street partners (Lehman Brothers, Salomon-Hutzler, Burnham, to name three) to wealthy individuals like E. Roland Harriman, Winthrop Rockefeller and a galaxy of show biz names such as Richard Rodgers and Groucho Marx. In addition to these headliners, thousands of ordinary U.S. executives and professional men now are joining the stampede.

Let's take a look, then, at the various enterprises luring Americans back to the soil. One, of course, is cattle-ranching, the source of many a famous fortune. (After the first World War 1,100,000 people moved into south and west Texas alone, buying up uncleared land for a song, aiming to strike oil, but frequently settling instead for the rewards of beef.) The cattle business had plenty of ups and downs in earlier days, as prices rose and fell in the stockyards; after World War II, indeed, the market collapsed, followed by several years of severe drought and a great many marginal ranchers were driven out of business. Others who survived lacked the capital to exploit the new scientific techniques and equipment, which have now become business necessities. One way and another, in short, opportunities opened up on the ranch for outside investors.

A special attraction for such "tenderfoot" capital is the tax treatment afforded by Uncle Sam. Intent on building up quality in the nation's cattle, the U.S. government allows investors in a breeding herd to take depreciation, just as on other capital equipment; of course, unlike ordinary machinery which eventually becomes obsolete, a herd of cattle perpetuates itself and increases in value—yielding a capital gain if held more than a year before being sold. (During the year, costs can be deducted from ordinary income.) This provides an incentive to improve the herd by selling off poor cattle and breeding the rest selectively.

WALL STREET'S STABLES

Actual raising, breeding and selling of cattle is handled by several professional management firms. One that is about to go public, Arizona-Colorado Land & Cattle Co., boasts Dan Lufkin, of Wall Street's "swinging" Donaldson, Lufkin & Jenrette, as its chairman. By far the largest in the cattle business is Oppenheimer Industries, with a client list reading like a Who's Who of high society, show business and the stock market. Chairman Harold Oppenheimer, a graduate anthropologist from Harvard (and a Brigadier General in the Marines, just returned from active duty in Vietnam), has contact with the Wall Street fraternity too, via Arthur Levitt, Jr., a director and the son of New York State's controller. Oppenheimer runs his organization like a crack Marine division. (Indeed, his executive staff includes a number of military veterans.) "The big failure in ranching has been execution," Oppenheimer has been quoted as saying, "We're very good. We're very expensive, too."

Most Oppenheimer clients are in the 50%-or-over tax bracket. They buy cattle for 10% down (gaining the highest possible leverage) and a 90% non-recourse note to cover the balance. For setting up the client in business, Oppenheimer takes an initial fee of up to 8½%, depending on the number of head times the gross cost of the cattle. The new owner gets a bill of sale, backed up by a registered brand. The animals, usually Hereford or Angus bought from other herd owners or independent ranchers, thereafter are pastured under contract with various ranchers in a number of states. The client then pays an annual management fee (again of up to 8½%), computed against operating expenses. He deducts all herd operating expenses from ordinary income, for tax purposes, but pays at the capital gains rate when he sells cattle from the breeding stock. Finally, the resident ranch manager receives an incentive bonus depending on how well he fattens the calves.

SAFER THAN OIL

The advantages of Oppenheimer's program are several. In addition, for a high-income man wishing to minimize taxes during the period of his peak earnings, while income from cattle ranching builds up for his retirement years, Oppenheimer offers a tailor-made plan. Cattle when purchased are subject to rapid depreciation; cattle born to the herd have a zero tax basis; breeding cattle held for more than 12 months qualify for capital gains and there is maximum flexibility for planning purposes. In short, cash flow and expenses can be adjusted to each individual needs. Unlike the oil business, more over, there are no dry wells. That, as Oppenheimer points out, makes cattle a safer investment than oil.

To be sure, there are risks. Cattle prices remain less than certain, herds are subject to disease and other natural disasters and a particular ranch-manager may well turn out to be something less than a business whiz. For the most part, however, an investor in breeding cattle is not trying for a quick killing, but a long-range program, and these things can be discounted under good management in the long run. There is another, more speculative area of cattle investment for those so inclined: the purchase of cattle not for breeding but for slaughter. Here, the buyer does hope to cash in on a quick jump in stockyard prices. Since feeders can't be depreciated or sold for capital gains, such investors are betting that livestock prices will rise faster than feed and maintenance costs.

As one expert puts it, "Buying feeder cattle is like buying high-risk common stock. The speculator . . . seeks the lowest cost feeding contract . . . and (frequently) assumes all the risk. Depending on the play of the market, fortunes can be and have been made and lost. Occasionally, a highly profitable hedge can be set up on the Chicago Mercantile Exchange, but the speculator usually prefers riding with the throttle open."

Most top management firms run feeder-cattle programs, offering varying degrees of speculative risk. Oppenheimer has one in which the risk is shared. A client buys steers from a commercial feedlot for 5% down, giving a five-month note for the balance with recourse (to the animals) only in the event of default. Most of the feed is purchased at the start, with interest paid in advance. The feedlot agrees to accept al losses over $5 per head, in return for a 50–50 share of the profits. Usually, the cattle are purchased in November for sale in April or May of the following year. More than 90% of the initial cash payment is deductible in the first year, but the money earned the second year is subject to ordinary income tax. (Hence, during a year when the investor's income from other sources is unexpectedly high, this deduction moves his tax problem into the following year.) To further lighten the load, the investor often makes large prepayments (before the end of the first year) for feed to be used the following year.

Still another angle to cattle investment is outright ownership of a ranch. Most management firms will arrange for the purchase and upkeep, and will see that it's stocked with cattle. "Ranchland is the best long-range speculation in the United States," declares an Oppenheimer brochure. One of the advantages is that many capital-improvements costs can be charged off as immediate expense, whereas in ordinary real estate such costs are expensed over longer periods. Moreover, the ranch owner can be the recipient of a delightful windfall. To cite an instance, the partners of one well-known Wall Street brokerage house are about to realize a bonanza, thanks to a huge crater that has been dug by a real estate promoter on land adjacent to their ranch property. By damming up a nearby river, the realtor plans to pour water into the crater creating an artificial lake. A big housing development then will spring up around this "lakefront" property. The prospect is booming the value of the brokers' ranchland.

GROWING ON TREES

So much for cattle ranching. The high-bracket investor whose taste may run to something other than beef on the hoof, can find equally tax-sheltered opportunites in Florida citrus groves. An investor planning to retire in 10 years can buy undeveloped land (and plant it to orange, lemon or grapefruit trees), usually for 15% down, paying the balance over 10 years. It takes about half that long for the grove to begin bearing fruit, during which period it's under professional management; meanwhile the absentee owner takes his losses, thereby reducing his taxes. Then, when he's ready to retire and his taxable income drops, the trees presumably have reached their full yield.

Under current law, a citrus-grove owner enjoys a 7% investment tax credit which he can deduct during the first year his trees bear fruit. He also has substantial depreciation allowances, which—though not as generous as in cattle—provide a handsome charge-off annually until he can recoup his investment. (Far from actually depreciating, of course, a citrus grove multiplies in value when it begins bearing fruit.) Some groves bear fruit for as long as 75 years and have been known to yield a financial return as high as 15% in a given year. Finally, there's the prospect of a capital-gains profit if the owner decides to sell. (He must repay all or part of his 7% investment tax deductions if he sells within eight years.) Not least, as noted earlier, he can charge off as a business cost his visits to Florida to "inspect" his groves—enjoying a nice little vacation at Uncle Sam's expense.

AN ILL WIND

Again, it's true, there are risks involved. The trees are at the mercy of Florida's uncertain weather. Hurricanes and frosts can wipe out a grove overnight. For those surviving, however, results can be heady: in 1962, a severe freeze created such a shortage in oranges that prices for the remaining crop shot up more than 200%. In any case, the idea of owning a "beautiful, picturesque orange grove in sun-blessed Florida," as one brochure rhapsodizes, seems to have an irresistible appeal for all kinds of people. Among them are big-name athletes, whose brief careers yield both high income and early retirement. One new citrus investor is a nationally known pro football star who fears that injuries will force him to the sidelines sooner than he had intended.

Ownership of Florida groves also appeals to affluent foreigners—many of whom may never have tasted an American orange. Europeans, in particular, noting that the Sunshine State is one of the nation's fastest-growing, find that while prices on the heavily developed east coast are high, those inland and on the west coast still are relatively cheap—compared with, say, California. Consequently, investors from France, Germany and Greece (even trust-fund managers in Scotland) are pouring money into Florida groves. One celebrated grandame, a descendant of the Austro-Hungarian nobility now resident in Switzerland, is one of Florida's most enthusiastic investors.

BIG APPETITE

To serve this demand, citrus-grove salesmen are all over the place, buying land and parcelling it out on an installment-plan basis, sometimes taking on the job of planting trees and even running the operation for a fee. One such venture, American Agronomics Corp., was launched by two accountants from New Jersey, Jack and Jules Freeman. They are developing land far enough south to minimize the risk of freezes, and selling it to investors at $1,700 an acre—15% down, the balance payable in monthly installments running up to 10 years. The firm receives a commission of 10%–12½% on the net returns of the grove owner, in return for picking, packing and marketing the fruit.

So great is the appetite for groves that American Agronomics recently made a public offering to raise money for new land acquisitions. With the proceeds it bought 15,200 acres, taking an option on 11,600 more, in DeSoto County, at the southern part of the citrus belt. That brought its total acreage, acquired or under option, to some 33,000.

FOR LAND'S SAKE

Last but far from least is the growing interest by investors in farmland where liquidation, quick settlement of an estate or nearby industrial development promises rapid appreciation. Especially attractive is land located around growing urban areas. A dozen miles from downtown Colorado Springs, for example, land values only seven years ago ran as low as $100 per acre. Recently, with development of the resort area, prices have soared above $600 an acre, and speculative activity now covers an area 50 miles out from the city center. In parts of Louisiana, Arizona and California, the story is much the same.

Interest in undeveloped farmland is, indeed, widespread. Doane Agricultural Service, the leading manager of farm properties for absentee owners, is providing a vehicle for the relatively small investor who would like to buy land. Investors can come into land ventures as limited partners—with Doane the general partner—by buying a $10,000 interest in a diversified unit. Each package is capitalized at a minimum of $200,000, to which Doane also contributes. That equity represents about 50% of the total value of the land; the rest is borrowed from the seller of the property, or perhaps from an insurance company.

Doane already has launched one such partnership package, buying over 1,000 acres of undeveloped land in the Louisiana delta. It's now being cleared for crops. Additionally, Doane has bought tillable land in Illinois, which already is in production and presumably has considerable appreciation potential. Currently, the firm is working on still another limited partnership offering in Missouri.

LOOK OUT BELOW?

In all this stepped-up activity down on the farm, there are, to be sure, some pitfalls for the unwary investor. For one thing, quite a few fraudulent promoters are flooding the mails with glowing brochures—perhaps representing poisonous alkali soil as lush farmland, or abundant tracts of desert wasteland as ideal retirement sites. One promoter selling land in south Florida recently issued a deed which told, in the fine print, that the property was "subject to easement to the Central and South Florida Flood Control District." What that meant in plain English is that the state reserves the right (any time it desires) to inundate the property under 10 feet of water.

In the Southwest, the land rush has produced a growing muddle of claims and counter-claims to titles, often reopening some old wound. Descendants of Spanish-American colonists are challenging the validity of certain U.S. land grants, claiming they represent property stolen from their forefathers, who settled the West on grants from Mexico and Spain. American Indians also have gone to court, claiming title to farmland originally owned by their ancestors. The Seminoles, for example, want to be compensated for 32 million acres—comprising a large hunk of the state of Florida. In California, Indian tribes recently won compensation for 60 million acres, which they claimed as having been seized from their forebears.

BEWARE OF BUYERS

The investor today, once he has a legally unassailable title, also must be careful about anyone who offers to buy his land. Major industrial corporations are on the prowl for agricultural land, and frequently have been known to use a strategy of deception that would bamboozle even the CIA. Not long ago, a well-known metals fabricator sought land in the Midwest, as the site for a new industrial plant; a major railroad was recruited to act as a front. (Railroads often enter the market for track-side land, even when they don't have immediate use for it, and so can hold out for bargain prices.) The latter approached owners with an offer which, only too late, they discovered was quite a bit below what their land could have fetched. "We really got taken to the cleaners," one said.

Other problems include industrial relations. Many bona fide farmers are beginning to chafe at the competition generated by outside businessmen. Large-scale tax avoidance by non-farm investors—the IRS figures that 680,000 non-farmers (industrial firms as well as individuals) took over a billion dollars in tax losses in a recent year—also troubles the federal government. Senator George McGovern, South Dakota's new entry in the Democratic Presidential sweepstakes, has introduced a bill to plug the loophole, by limiting the amount of tax loss a non-farmer can take on agricultural operations. Meanwhile, the Treasury Department is challenging a number of investors in farmland to prove their intent. Recently, a federal court ruled against an outside investor in feed cattle, limiting the tax deductions he could take on feed buying operations.

For the most part, though, outside capital has been welcomed down on the farm—with open arms. Farmers like the attention they're getting and the higher values being placed on their land. A rising number of them, aware of the growing interest from Wall Street, are enhancing the marketability of their properties by banding together as corporations. A group of wheat growers in the Pacific Northwest recently announced plans to incorporate in order "to sell stock to businessmen and professional people who would like to put their money in farmland."

In sum, despite the pitfalls, a rising tide of private investment money is pouring into the farm and ranch land; and more's to come. Capital is needed to grow food for America's booming population, even as arable land grows scarcer. That gives most rural real estate—and certain of the crops and livestock on it—greater value than ever. Harold Oppenheimer likes to quote one of his clients: "This ranch I bought is large enough to rate a top level executive. If things get bad enough, I'll quit and go out to run it myself."

PRYOR MOUNTAIN WILD HORSE RANGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a letter and a press release I have received from Boyd Rasmussen, Director, Bureau of Land Management, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Bureau of Land Management,
Washington, D.C., September 30, 1968.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: In view of your continued interest in the Pryor Mountain Wild Horse Range we are taking this opportunity to provide additional information.

We are encouraged by recent developments affecting the area. Secretary Udall established the Pryor Mountain Wild Horse Range on September 9. A seven-member advisory committee is being appointed to assist the Bureau of Land Management in developing management practices for the area.

The enclosed press release will provide information concerning the committee and a biographical sketch of each selected member.

Sincerely yours,

Boyd L. Rasmussen,
Director.

[Bureau of Land Management, Release Oct. 1, 1968]

Wild Horse Study Committee Named by Bureau of Land Management

A 7-member advisory committee on wild horses was named today by Bureau of Land Management Director Boyd L. Rasmussen. Rasmussen was authorized on September 12 to appoint the special committee when Interior Secretary Stewart L. Udall set aside a 31,000-acre wild horse and wildlife range in the Pryor Mountains of Montana and Wyoming.

Members named today are: William G. Cheney, executive officer of the Montana Livestock Commission, Helena, Mont.; Dr. C. Wayne Cook, chairman of the Range Management Department, Colorado State University, Fort Collins, Colo.; Dr. Frank C. Craighead, Jr., wildlife naturalist, Moose, Wyo.; Frank H. Dunkle, director of the Montana Fish and Game Department, Helena, Mont.; Mrs. Velma B. Johnston, president of the International Society for the Protection of Mustangs and Burros, Reno, Nev.; Clyde A. Reynolds, mayor of Lovell, Wyo.; and Mrs. Pearl Twyne, president of the American Horse Protective Association, Great Falls, Va.

Rasmussen named Dr. Cook to serve as chairman of the committee. Co-chairman and representative of the Bureau of Land Management is George L. Turcott, chief of the Bureau's Resource Standards and Technology Division, Washington, D.C.

"I am pleased that these public-spirited individuals have agreed to serve on this advisory committee," Rasmussen said. "The membership covers many interests including the wild horses, wildlife, and protection and management of the other land resources. This group can make a splendid contribution by providing their viewpoint on a number of complex and controversial questions."

The committee will make at least two field trips to the Pryor Mountain area, located northeast of Lovell, Wyo., along the Montana-Wyoming border. Following a visit planned in October, the group is expected to consult with Bureau officials this winter. Another trip to the area is planned for spring or early summer of 1969, Rasmussen said.

Rasmussen has asked committee members to study several questions and to make recommendations on management practices. Members may consult other individuals if additional information is needed. Among the questions to be considered are:

1. What is the general health and condition of the existing herd of horses?
2. To what extent do horses and native wildlife compete from a biological standpoint? From a public interest standpoint?
3. What are the best methods for handling the animals for inventory and control? How should surplus horses be handled if they need to be controlled?
4. What rangeland rehabilitation measures could be used to improve forage, watershed, and wildlife habitat conditions?

(Note to editors: Brief biographical details of the committee membership are attached.)

[From the Bureau of Land Management]

MEMBERS OF THE WILD HORSE ADVISORY COMMITTEE

William G. Cheney, Helena, Mont. Executive officer of the Montana Livestock Commission, Mr. Cheney was born and raised on a ranch in the Judith Basin area of Montana. An employee of the commission since 1940, he was appointed executive director in 1954. He is a noted authority on livestock brands. His father was one of the last old-time cowboys when he died at the age of 91.

Dr. C. Wayne Cook, Fort Collins, Colo. Recently appointed Head, Range Science Department at Colorado State University, Dr. Cook was formerly a member of the faculty of Utah State University. An active member of the American Society of Range Management, he is immediate past president of that organization. He is a recognized authority on range nutrition and range management.

Dr. Frank C. Craighead, Moose, Wyo. Noted for his research involving miniature radio transmitters permitting him to follow the habits of animals such as the grizzly bear in the wild, Dr. Craighead shares his time between the State University of New York at Albany and Moose, Wyo., where with his brother John he leads the Environmental Research Institute. Dr. Craighead has previously advised on wilderness preservation and wildlife.

Frank H. Dunkle, Helena, Mont. Director of the Montana Fish and Game Department since 1963, Mr. Dunkle holds undergraduate and graduate degrees in wildlife education and wildlife management. A native of Pennsylvania, he has been employed by the State of Montana as a warden, education assistant, and chief of education. He is a past president of the 14-State Western Association of Fish and Game Commissioners.

Mrs. Velma B. Johnston, Reno, Nev. Long a champion of wild horses and instrumental in passage of the first Federal wild horse legislation, Mrs. Johnston is known to many as "Wild Horse Annie." She has been honored by the National Cowboy Hall of Fame and the Western Heritage Center for her efforts in behalf of wild horses. She is presently president of the International Society for the Protection of Mustangs and Burros.

Clyde A. Reynolds, Lovell, Wyo. Mayor of Lovell, Mr. Reynolds holds the distinction of having also formerly served as mayor of Glenrock and Shoshoni, Wyo. Now owner of a Lovell lumber company, he is serving on the Wyoming Stream Pollution Advisory Council and has served as leader of numerous civic organizations. The City of Lovell is the nearest community to the Pryor Mountains, where the wild horse herd is located.

Mrs. Paul M. (Pearl) Twyne, Great Falls, Va. Long active at the local and national levels in humane and conservation efforts, Mrs. Twyne is currently serving as president of the American Horse Protective Association, which is nationally recognized as an organization devoted to the protection and humane treatment of wild and domesticated horses. Mrs. Twyne has taken an active interest in preservation of wild horses.

George L. Turcott, Washington, D.C. As representative of the Bureau of Land Management on the committee, Mr. Turcott brings extensive experience which includes five years as chief of the Division of Range and Forest Management in BLM's State Office in Billings, Mont. Employed by BLM since 1949, Mr. Turcott is currently chief of the Division of Resource Standards and Technology, coordinating multiple use policies.

THREAT OF ACTION BY THE UNITED NATIONS NEEDED TO SPUR BIAFRAN RELIEF

Mr. PROXMIRE. Mr. President, last Wednesday, September 25, I submitted Senate Concurrent Resolution 80, calling for the continuation of all present diplomatic efforts to secure relief for the starving in Biafra. The concurrent resolution also called for serious consideration by the administration of bringing the entire situation before the United Nations.

This U.N. approach has evoked the explicit disfavor of the Organization of African Unity. The OAU says that this is an African matter and should be best left to Africans to settle. I certainly agree, Mr. President, that this is an African matter and should be handled by Africans. But the time has come to ask the obvious, though painful question, "How have the Africans themselves been handling this situation?"

It is to be hoped that since the OAU does not desire a U.N. discussion of the relief situation in Biafra they would be even less anxious for the inevitable and concurrent discussion of the entire political situation and how it evolved.

Perhaps, then, the most effective move to be made now in spurring African efforts for relief would be to move as swiftly as possible for consideration of the Biafran situation by the United Nations.

Mr. President, yesterday's New York Times contains an article written by Lawrence Fellows and datelined at Lagos, Nigeria, on September 29. I believe this cogent analysis by Mr. Fellows of the present psychology of some of the leadership in Africa should be read very carefully by every Member of Congress, particularly in considering the merits of Senate Concurrent Resolution 80, which calls for the consideration of the Biafran situation by the United Nations.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANGER IN AFRICA OVER WEST'S HELP TO BIAFRA RISES

(By Lawrence Fellows)

LAGOS, NIGERIA, September 29.—"We don't want your custard and your wheat," a young Nigerian officer told a Swiss relief worker the other day. "The people here need fish and garri. We can give them that, so why don't you find some starving White people to feed?"

Accusations like this are heard more and more frequently in Nigeria now that Biafra's attempt to secede from the Nigerian federation, after nearly 15 months of fighting, appears on the edge of collapse.

In fact, relief teams have been distributing fish and garri too. Some of it has even been confiscated by army commanders making their own distributions of food.

FEELING SIMILAR ELSEWHERE

But the accusations reflect deep resentment that is gathering not only in Nigeria but elsewhere in Africa against white people of Europe and the United States who have rallied to the support of Biafra, even though most of the support has been sent for humanitarian grounds.

In the last few days in Nairobi, Addis Ababa, Khartoum and Lagos, political leaders seem to express similar feelings when the discussion turns to the war in Nigeria—that outsiders are meddling again in Africa's affairs.

There is evidence that the outpouring of sympathy in the West did not do Biafra any good, especially in Africa, in its quest for support for the cause of independence.

ALGIERS PARLEY BACKED LAGOS

At the summit meeting of the organization of African Unity in Algiers this month, the Nigerian Government won a resounding vote of confidence and Biafra was left almost without friends or hope of meaningful support in Africa.

Odumegwo Ojukwu, Biafra's leader, is usually given credit abroad for one ringing diplomatic victory after another and for a masterful exercise in propaganda that evoked the deep sympathy of people around half the world for Biafrans—trapped and encircled by the advancing Nigerian Army and starving by the thousands.

But in much of Africa it is not viewed that way at all, as relief workers who have been pouring into Biafra and the rest of Nigeria have had to learn to their astonishment and dismay.

Starvation and the other forms of human distress do not evoke quite the same emotions here as they do in richer, happier places. Around the continent there are people living on the margin of starvation from the time they are born until they die. And death usually comes to an African sooner than it does to people in most places.

In many parts of the continent a family considers itself fortunate if half the children survive hunger and disease. In many places it is the smallest children who are allowed to slip away to starvation first when food is short.

Africans love their children as much as any others do, but death is commonplace, and if someone in the family has to go without eating, the smallest children represent the smallest investment in food and clothes already paid.

TRUE IN CONGO AND SUDAN

This is true in the Congo and in the southern Sudan, where human devastation has been wider and longer-lasting than in Biafra.

It happened that way last year in southeastern Tanzania, when floods and then drought left people without food. It happened in the Machakos district in Kenya about two years ago, when corn withered on the ground.

Three years ago in Rhodesia, when drought struck a remote region, a worker for Save the Children was astonished to discover that he could not give away food designated exclusively for the children.

"If you want a tree to grow, you do not water the leaves, you water the roots," he was told.

Red Cross teams working among starving people emerging from the bush behind advancing Nigerian troops are accustomed now to seeing people eating on one side of the road and starving on the other side. Usually some obscure tribal animosity keeps the healthy ones from giving away their surplus food.

Within the shrinking perimeter of Biafra, where starvation may be causing thousands of deaths a day, Red Cross workers have been buying food in abundantly supplied markets and giving it to the desperately hungry.

In fact, the Red Cross has spent only about $15,000 buying food in Biafra and has spent much more—about $650,000—buying food in other parts of Nigeria to feed dislocated and hungry people now outside the fighting area.

ARGUMENTS INCREASING

Relief workers are on all sides of the fighting area now, and they are getting deeper and deeper into arguments with Nigerians over matters of access and transport. There is resentment over the unspoken assumption that white people must still do for blacks what they are unable or unwilling to do for themselves.

All evidence so far suggests Mr. Ojukwu's campaign, though it has won Biafra sympathy in the Western world, has lost Biafra's cause a great deal of sympathy among African politicians. While Mr. Ojukwu was appealing to the humanitarian instincts of Americans and Europeans, Nigeria's ambassadors in Africa were quietly warning of the dangers that could befall the whole continent if one seccession were seen to work, and if political pressures from abroad helped ease Biafra out of the Nigerian fold.

KENNETH E. GRANT SELECTED TO HEAD THE SOIL CONSERVATION SERVICE

Mr. BAYH. Mr. President, in June, 1964, Kenneth E. Grant was transferred from New Hampshire to Indianapolis to take charge of the work of the Soil Conservation Service in Indiana. On the strength of his performance, this man quickly became recognized as one of the outstanding State conservationists in the Nation.

Mr. Grant served us so well in Indiana that in March 1967 he was selected from a list of highly competent career colleagues to become Associate Administrator of the Soil Conservation Service, the No. 2 position in the organization. In that position his record has been so brilliant that it was no surprise to us who know him well when he was named to succeed Don Williams as Administrator of SCS. He is scheduled now to take over the leadership of this important agency early in January when Dr. Williams retires after more than 32 years of faithful and rewarding service to soil and water conservation.

Mr. Grant, who is still only 48 years of age, is well equipped to provide this key agency with outstanding leadership for many years to come. A native of New Hampshire, he earned a B.S. degree in agriculture at the University of New Hampshire in 1941 and a master's degree in public administration later from Harvard University. After serving nearly 4 years in the U.S. Army during World War II, Mr. Grant joined the Soil Conservation Service in 1946 as a junior soil scientist at Keene, N.H.

Kenneth Grant's rise through the SCS ranks was spectacular. He advanced rapidly through various positions in the Service in New Hampshire, becoming State conservationist in his home state in 1962. Only 2 years later he was promoted to the same position in the larger State of Indiana. He had prepared himself for this more responsible assignment by taking a year off in 1963–64 to study public administration at Harvard University which awarded him the master's degree in 1964.

The Department of Agriculture is indeed fortunate to have a man so capable and well prepared to take over the leadership of our national soil and water conservation program as Ken Grant. I am extremely pleased with his appointment, and I am confident that in this new post he will continue to serve the people of this Nation with dedication, foresight and understanding.

ROCHESTER BUSINESS OPPORTUNITIES CORPORATION

Mr. JAVITS. Mr. President, it is now axiomatic among public policy thinkers of all persuasions that U.S. business must engage itself heavily in antipoverty activities if we are to win the race against time in dealing with the housing problems of our urban slums. And for U.S. business, too, the question is no longer whether it must become involved, but rather how.

I believe that an experiment in my own State is extremely promising in this regard and should be very closely examined by my fellow Senators for possible application in their own States. The experiment in Rochester involves economic or business development for minority group members—a subject which is now at the forefront of discussions as to how to revamp the war on poverty. In particular, the Rochester experience bears directly upon the proposed Community Self-Determination Act of 1968, of which I am one of the four principal sponsors, and which seeks to expand minority business opportunities.

The subject of minority entrepreneurship, or "black capitalism" as it is sometimes referred to, is extremely desirable at the present time. But what is lacking is a backlog of experiments which can help us in developing public policy and legislation. The formation of the Rochester Business Opportunities Corp.—RBOC—provides exactly that—a case study of a successful business-based effort in the area of minority entrepreneurship.

The importance of this sector of activity is not simply in the fact that it produces jobs for low-income persons. Perhaps even more important, the growth of business ownership in our inner cities produces a key psychological value: a stake in the economic life of the community for its previously disenfranchised residents. Through business ownership, we can hope to build a stabilizing force in the city slums and work toward the development of an experienced leadership group in the minority communities which can be the basis for future organizational, fund-raising and civic efforts.

RBOC is particularly noteworthy for the manner in which business has been able to bring its enormous power to bear on economic development. By establishing RBOC as a development corporation, the progressive businesses of Rochester were able to evolve a common vehicle into which they could merge their efforts and bring together public and private resources. Of particular importance is the device developed whereby major industry commits itself to give subcontracts to the new inner city businesses as a means of providing them with a guaranteed market during the early vulnerable stages of development. Moreover, as part of the subcontracting commitment, these industries have undertaken to provide technical assistance and training to the new entrepreneurs, assuring at the same time for themselves a type of built-in quality control.

It would be difficult to give adequate praise to all those who have been responsible for this successful experiment. Certainly, substantial credit must be given to the Eastman Kodak Co. and its president, Dr. Louis K. Eilers, which, in November 1967, first advanced the idea of forming a community development corporation using the subcontracting device. It would not be inaccurate to say that the entire first-string business community in Rochester has put its effort and money into this venture, with Xerox Corp. and its president, Mr. C. Peter McColough , and its chairman of the board, Joseph Wilson, the Ritter Pfaudler Corp., and its chief executive officer, Mr. F. Ritter Shumway, Mr. J. Wallace Ely, president of the Security Trust Co., and of the Rochester Chamber of Commerce, and Mr. William J. Maxion, president of the Case-Hoyt Corp. and president of RBOC, meriting special mention and credit.

Finally, I would like to congratulate Mr. John F. Blake, the talented general manager of RBOC who took leave of absence from his job as training coordinator of the Ritter Pfaudler Corp. to give his indispensable talents to the effort. On the community side, credit must be given to the Fight organization, whose efforts to organize the community led to much of the corporate interest in Rochester's innercity and whose particular project, the organization of an industrial plant called Fighton, is one of RBOC's most interesting projects. I would like to insert in the Record at the conclusion of my remarks a case study describing in full the formation and workings of RBOC. This case study is one of several excellent publications prepared by the Chamber of Commerce of the United States in its farsighted effort to inform businessmen throughout the country of promising experiments in the private sector's effort to deal with urban problems. The case study was prepared on a consultant basis by Mr. Robert E. Patricelli, who is minority counsel to the Senate Subcommittee on Employment, Manpower, and Poverty.

I ask unanimous consent that the case study be printed in the Record.

There being no objection, the case study was ordered to be printed in the Record, as follows:

[From the Urban Action Clearinghouse]

Case Study No. 6—Rochester Business Opportunities Corporation Helps Ghetto Dwellers Own Businesses

PROGRAM

Rochester Business Opportunities Corp. (RBOC) Rochester, N.Y.

The Rochester Business Opportunities Corporation is a business-based non-profit corporation designed to assist new and existing businesses owned and operated by minority group persons in Rochester's slum or "inner-city" areas.

ORIGIN

A riot in 1964 could be considered the first overt step in creating RBOC. During the succeeding two years tensions in Rochester continued unabated and in 1966 they focused on a controversy between a militant group, FIGHT, and Eastman Kodak Company, from which specific ideas grew for offering assistance to Negroes to own and operate businesses in ghetto areas.

OBJECTIVES

RBOC seeks to serve as a development corporation through which all elements in the community can channel resources to promote Negro-owned and operated businesses. Its incorporators hope in this manner to help inner-city people develop a stake in the city's economic life as a means of building community stability and as one part of the broader attack on poverty problems. The creation and strengthening of such businesses is also designed to increase opportunities for employment for inner-city people.

RESULTS

RBOC is too new, having come into existence on January 26, 1968, to permit any detailed evaluation. After only six months, however, it has already produced solid preliminary results:

1. Eighty-four cases involving new and existing enterprises have been disposed of or are under active consideration, with the most numerous requests for assistance coming from applicants in the retailing, construction, restaurant, trucking, beauty and barber shop, and light manufacturing fields.

Nine loans have been arranged or made by RBOC to businesses, of which one has already been repaid. Of the nine loans, six were to existing businesses, one was to a new business initiated by the owner who brought his idea to RBOC, and two were for new business opportunities researched and developed by major Rochester corporations for which inner-city owner-operators were then found.

2. RBOC has proven that the business community will become involved in an effort such as this and that it can contribute from within its own resources most of the vital elements needed in the area of business development. In three cases, established businesses have concluded purchasing arrangements with RBOC-aided enterprises, giving those enterprises the vital market outlets they needed; other such purchase arrangements are pending. Several dozen businessmen have signed up to provide business and technical assistance to inner-city entrepreneurs.

3. An initial fund-raising effort among established Rochester companies is nearing completion, with participation running close to 100%. This effort is said to be producing a better understanding in the business community of the problems of inner-city people.

PROGRAM DEVELOPMENT

Early actions

The events leading to the formation of RBOC begin with a riot in Rochester during the summer of 1964. As one business leader puts it, "All of us since then have said 'what can I do?' ". Community tensions continued unresolved, and during 1966 became focused in a controversy between a militant community group, the FIGHT Organization, and the Eastman Kodak company, which is headquartered in Rochester. That initial confrontation, over job training and employment, was resolved in 1967 and led to a series of continuing discussions between FIGHT and Kodak aimed at talking out various community problems.

Kodak had already begun to look into the area of assisting Negro entrepreneurs when that topic was broached in their discussions by FIGHT. The community group suggested Kodak establish a plant in the inner city to be owned and operated by ghetto residents on the model of the Watts Manufacturing Company, established in Los Angeles by Aerojet-General. Kodak felt that such an approach had less applicability to Rochester, where transportation to a job was not a major problem, and after consulting with various outside persons and groups—such as Daniel Moynihan and the National Business League—announced on November 17, 1967, a small business plan of its own. This plan involved the formation of a community development corporation to finance small businesses, with Kodak undertaking to buy products from the new companies and to provide technical assistance. The Kodak proposal identified four new business opportunities which company personnel had identified as workable and from which the company might purchase products or services. (The Kodak plan was reprinted in full in the *Congressional Record;* see Appendix A).

While Kodak was exploring on a confidential basis, the Rochester Chamber of Commerce also was developing a business assistance program. The Chamber had conducted a poll of its membership, modeled after a poll suggested by the U.S. Chamber at the 1967 Annual Meeting, and had found a wide consensus that businessmen should provide leadership in solving community problems. In designing an action program to implement that mandate, the Executive Committee met with a group of inner-city leaders and found high interest in the idea of promoting locally owned small businesses. The Chamber had already formed a committee on business development and had held conferences with local banks when it learned of the Kodak plan, which heretofore had been kept confidential.

Leadership

Chamber officers and Kodak officials met to discuss joining forces, and they subsequently called a luncheon meeting to introduce their plans to leaders of the Rochester business community. Here it was learned that other companies were also working on similar projects. The community development corporation idea appeared to be the proper approach to provide a common vehicle for all the parties to pool their efforts.

A steering committee was formed to select board members, and a 28-member board of trustees was chosen (Appendix B), representing industry, banking, and the Negro business community. A decision was made to exclude representatives of the FIGHT organization on the ground that the new corporation should be "business based."

On January 26, 1968, the trustees met for the first time, elected officers, with Mr. William Maxion of the Case-Hoyt Corporation named as President, and announced the formation of RBOC. At the second meeting, on February 19, a policy statement was issued (see Appendix C). John L. Blake was appointed as RBOC General Manager, and doors were opened for business. Mr. Blake, a Negro, took a leave of absence from his post as training coordinator of the Ritter-Pfaudler Corporation to join RBOC.

The Rochester Chamber has continued to play a key role in RBOC's operations, and has converted its library into an office for the Corporation. Being in the same building, the Chamber staff provides a wide variety of informal technical services for RBOC, and the Executive Vice President, Worth Holder, serves as a key liaison with the business community. That informal liaison is further assisted by the fact that several members of the Executive Committee of the Chamber sit on the RBOC board.

Corporate organization

RBOC is structured as a non-profit membership corporation with no stock issued. Contributions to it are tax deductible as "business expenses", and an affiliated organization—the Rochester Opportunities Foundation, Inc.—has been set up in order that gifts to it from churches, foundations, and other charitable institutions will be tax deductible under New York law. The RBOC charter has purposely been drawn in a flexible manner so that the Corporation could act as a Section 502 development company or as a Small Business Investment Company under the Small Businss Administration law, and thereby take advantage of Federal financial assistance.

Capitalization of the Corporation has been directed by a Finance Committee under C. Peter McColough, President of Xerox Corporation. An initial operating budget and loan fund was fixed at $250,000.00, then a formula was worked out to raise that sum from Rochester's major businesses based on a company contribution of $2.00 for each of its employees. A letter of solicitation from Mr. McColough was sent out on April 3, and each RBOC trustee was assigned 3 or 4 companies on which to follow up, using a simple pledge card (letter and card set forth as Appendix D). This solicitation had the important added effect of spreading the word about RBOC, and has been the only such Corporation mailing to date.

PROGRAM OPERATION

Policy

RBOC serves both new and existing businesses in the inner city. Although a greater economic impact is typically achieved by establishing a new business with a substantial employment and sales potential, the Corporation feels it cannot ignore the "little man" who may have only a mom-and-pop kind of business. In every case, the idea is to produce a fully competitive business, and RBOC officials feel that their program could be damaged in the eyes of the Negro community if it is associated with business failures. The potential or existing entrepreneurs with whom the RBOC deals are certainly among the better educated and more skilled members of the Negro community. It is recognized that this program is no replacement for efforts—in areas such as education, jobs, and housing—which deal directly with the hard-core disadvantaged.

When evaluating a new business opportunity, whether suggested by someone coming in off the street or researched and developed by one of the major corporations, a flexible set of criteria is applied. Typically, the new business must (1) require small initial capital; (2) be labor intensive and have a low engineering content; (3) involve equipment which is not too technical for the kinds of inner-city people who hopefully will be employed; (4) be owned, operated, and staffed by Negroes; (5) be located in the inner city; (6) be able to start operations relatively soon (6–12 months); (7) offer a product or services which will have a broad potential market, including, if possible, the opportunity for industrial accounts which RBOC might arrange; and (8) must not threaten an existing Rochester business. There is no strict requirement that assisted businesses hire hard-core people, but that is certainly encouraged. As one businessman helped by RBOC put it, "I am aware that I have some special responsibilities."

There has been a conscious decision to handle press matters in a low-key fashion, issuing a release only when there is some particular accomplishment to announce. Company officials do not want to oversell the community or raise false expectations concerning what they know will be a long-term project.

Forms of assistance

RBOC assistance takes four principal forms: (1) financial aid; (2) technical assistance and advisory services; (3) purchase commitments by established corporations for products of assisted businesses; and (4) research and development of new business opportunities.

1. Financial aid

RBOC provides financial help to its clients both from its own resources and by helping to arrange bank and SBA loans. From its own capital, the Corporation makes or participates in loans, loan guarantees, and equity investments. Its loans may be for plant, equipment, or working capital and are subordinated to those of other lenders, even to the SBA. Its interest charges are generally set at the going commercial rate. Typically, its equity investments will be given in situations where the owner of a new business does not, himself, have capital of his own; the Corporation would "close the equity gap" by buying stock sufficient to give the new business something approaching a proper investment base. RBOC officials are talking about working out arrangements, in appropriate cases, whereby the Corporation can pass the stock it acquires in a business on to the employees of the business in order to broaden the community stake in the enterprise. The Corporation also helps arrange business and personal insurance protection for inner-city entrepreneurs.

Most often, RBOC will try to arrange a package financing plan involving itself, a bank, the SBA, and, where possible, the individual businessman. By equity investment, technical assistance, and industrial purchases of the borrower's products, RBOC provides the kind of underpinning that allows Rochester's banks to take on these higher risk loans.

One banker identified as the most important element in RBOC the tie-in of major corporations with the future of the assisted business—that these major companies, with established national reputations, had put their prestige on the line and would not allow the borrowers to fail. It is not planned, however, to ask any of the major firms which work with RBOC to provide direct loan or other financial guarantees to assisted businesses. Whatever may be the implicit corporate backup, loan guarantees stand on RBOC's own capital resources.

The involvement of local banks, by having bank presidents on the RBOC board and through close staff relations with RBOC, is crucial. The banks now provide the personnel to do basic financial analysis and to package loans with the SBA. The attitude of local bankers is important—they do not feel that they are being asked to make bad loans, many of which will fail, but rather to take on certain higher risks which are going to be made to work.

In most cases, loans will be given at existing interest rates. The departure from usual practice is that these loans are being made at all, when better prospects are available, and that they are made for longer terms than is commonly allowed. Moreover, it is broadly agreed that the efforts of RBOC have led banks to do more on their own with inner-city clients, where RBOC is not involved.

2. Technical assistance

Advisory and technical services of two basic types are provided on a continuing basis to assist businesses. On the one hand, by working through the Rochester Chamber and existing businesses, and by contacting professional groups like the Harvard Business Club and the CPA association, RBOC has compiled a large list of volunteers who can be brought in on a case. The SBA management counseling program known as SCORE, using the volunteer services of retired businessmen, is also available. If anything, there are more such volunteers than can now be used. For some of these volunteers, such as CPA's, it is expected that the initial relationship with an assisted businessman can grow into a paying client arrangement later on.

Somewhat broader technical assistance is given new business opportunities which have been researched and developed by a major company like Eastman Kodak or Xerox.

For example, in the case of a plastics products company, Kodak did the basic feasibility studies and is now providing in its own facilities the technical training on plastics molding to the owner-operator of the business (who was formerly a chemist at Kodak). In this case, Kodak and the new businessman involved have planned an entire course of technical and business training which Kodak will provide free of charge. The trainee is paid a salary during this process by his own company, which has already been funded and has working capital, although it is not yet operating.

In another case, where the Rochester Urban League is sponsoring the formation of a new business which Kodak researched, the School of Business Administration of the University of Rochester is providing some of the business training.

3. Purchase commitments for products

An innovative type of assistance which is being provided through RBOC is the arrangement of industrial and other purchasing accounts for the products and services of assisted businesses. This kind of guaranteed market for a new or existing business is often the key to getting a project going. Over time, however, the assisted business is expected to branch out to other purchasers, some of which RBOC may help him find.

In many cases, the industrial purchaser will provide technical assistance to the supplier which acts as a kind of quality control for the purchaser. The purchasing arrangements are based on competitive prices—if any subsidy is involved, it comes through the provision of free technical assistance from the purchaser or RBOC to the producer which allows him to absorb higher startup costs without sacrificing competitive pricing.

4. Research in new business opportunities

Thus far, all the established corporations represented on the RBOC Board of Trustees have been asked to examine their purchasing requirements to find possible markets for inner-city suppliers, and most of the new business opportunities developed by these corporations have been based on such a potential purchasing arrangement. RBOC plans shortly to set up a marketing committee which will distribute to the established business community a list of the products and services offered by RBOC-assisted firms in an effort to further strengthen the market for these firms.

Operating procedures

Since RBOC presently has a staff of only three persons—including John Blake, his accounting-trained assistant, and a secretary—much of the actual case work is done on a volunteer basis by participating businesses and banks.

For applicants who come in for assistance on their own initiative—the referrals and "walk-ins"—RBOC staff does an initial feasibility check, often with the help of volunteer CPA's. After this basic data is prepared, the case is referred to the Business Development Committee of the Board of Trustees for a weeding-out process. Typically, the case will be assigned to a member of the Board, who, using the resources of his own firm as necessary, will do a more sophisticated analysis and market study. The Negro members of the Board of Trustees are particularly useful in providing information at this stage on the reliability of the applicant and on business conditions in the inner city.

Cases which pass this initial muster, together with the new business ideas which have been developed by established corporations, are then passed on to the Appraisal and Investment Committee where a further separation takes place and from which a project is taken to the banks for funding. These procedures are highly flexible and are varied on a case-to-case basis as the situation demands.

Brief examples of RBOC cases are set forth as Appendix E in order to better explain how the process works.

Community and government relations

RBOC's community contacts and relations have developed informally and by word of mouth. The only "formal" link with the inner-city community is through the membership on the Board of Trustees of several inner-city businessmen who are, themselves, involved with a number of community service groups. Through these men, and as a result of several newspaper stories which have appeared in the local press, the word has gotten around about the availability of RBOC services.

While no formal ties have been established with community groups, referrals are coming in from the local Urban League and the Human Relations Council; a meeting with local antipoverty agency officials is planned, although RBOC officials already feel they have as much business as they can handle.

Perhaps because of the lack of a formal liaison with community groups, some elements—notably the FIGHT organization—are said to feel that RBOC is a creature and tool of the big corporations. FIGHT would prefer a community development corporation which is inner-city owned and managed and which serves to establish larger manufacturing enterprises which were employee-owned, but thus far FIGHT has not actively opposed RBOC projects.

In fact, FIGHT and the Xerox Corporation in July invited RBOC to participate in establishing a manufacturing company which is being funded in major part by a federal grant under the JOBS (MA-3) program of the Department of Labor (see Appendix E).

Governmental involvement at the state or local levels has been virtually nonexistent, and seems unnecessary. The Federal Government, through the SBA, has been involved as a partner in many of the financing arrangements worked out by RBOC, and an SBA field representative spends one day a week in Rochester working with RBOC clients and referrals (he also spends a second day in the Rochester Chamber working with the public at large). University involvement has thus far been relatively slight, and could probably be expanded.

PROGRAM EVALUATION

Key factors in success

The single greatest success factor in the RBOC equation has undoubtedly been the participation of the business community, including its leading figures, from the very outset. These men have brought their own prestige—and the reputations and resources of their companies—into the effort in a sufficiently massive way to allow RBOC to overcome its problems as they come along. Particularly important in this regard have been the willingness of top business figures to take a leading rather than a supporting role, and their willingness to deal with RBOC affairs themselves rather than delegating problems and attendance at meetings to company subordinates.

A second key factor is the use of the corporate purchasing device which provides the inner-city businessman with a sure market during the initial start-up period and helps him to get bank financing. This device is particularly effective where it is coupled with a kind of on-the-job training for the entrepreneur in the plant of his purchaser-sponsor. This gives the purchaser a built-in quality control and offers the new operator a type of intimate technical and management training that probably cannot be duplicated by the use of volunteers on the basis of a few hours a week.

Other key factors enumerated by different participants are: the involvement of inner-city businessmen on the Board who evaluate applicants and ideas on the basis of direct experience; the fast start which RBOC got by using initial donations to complete action on several cases within a few weeks of opening its doors (this was thought to have convinced the Negro and business communities that RBOC was a serious effort and to have helped in the solicitation of funds); the large resources of volunteers willing to provide technical assistance; and a press policy of not overplaying initial results or of soliciting applicants before the Corporation was ready for them.

Problems

There have really been no major problems as yet which could not be worked out as the Corporation grew. One potential difficulty is the matter of community relations, especially with the FIGHT organization, but the business community seems largely agreed that the initial decision to exclude FIGHT from the Board was sound, and that the project would not have got going so fast had it been forced to negotiate complex problems of community representation and ownership. As RBOC gets into more equity financing and becomes a part owner of more inner-city businesses, further community relations problems may arise. Other communities may have to handle this matter differently, depending on local factors.

One problem which has already arisen is the difficulty in finding capable inner-city people with the basic qualifications to become entrepreneurs. There are probably more business ideas than eligible businessmen at this point, and training efforts may have to be intensified.

Also, there is said to be a need for RBOC to have more technical staff familiar with bank and SBA requirements, to analyze applicant businesses, although this has been handled initially by personnel from banks and corporations. This "problem" may, in fact, be an important strength in that it makes regular involvement—and communications—with key leaders necessary.

There is also some feeling that RBOC, in giving direct loans itself, is not now getting maximum leverage from its own funds, and that it should take advantage of funding under the SBA development corporation or investment company programs; further study is going on in these areas.

Transferability

There is wide agreement that the RBOC idea is completely transferable to other cities, although each community would obviously have to accommodate the model to suit local variations. Rochester has a particularly cohesive and well-organized business community, and also has a strong industrial base which provides a market for the products of inner-city businesses. These elements are present to a sufficient degree in most areas to allow a similar project to go forward.

Key contacts for additional information

Mr. John L. Blake, General Manager, Rochester Business Opportunities Corporation, 55 St. Paul Street, Rochester, New York 14604.

Mr. Worth D. Holder, Executive Vice President, Rochester Chamber of Commerce, 55 St. Paul Street, Rochester, New York 14604.

Mr. Robert E. Patricelli, Minority Counsel, U.S. Senate, Subcommittee on Employment, Manpower, and Poverty, Room 326C, Old Senate Office Building, Washington, D.C. 20510.

Miss Patricia A. Goldman, Research Associate, Economic Opportunity Programs, Chamber of Commerce of the U.S., 1615 H Street, N.W., Washington, D.C. 20006.

APPENDIX A

(Omitted for purposes of brevity; see CONGRESSIONAL RECORD of November 29.)

APPENDIX B

RBOC BOARD OF TRUSTEES

Peter Barry, president of Monroe County Savings Bank and former Mayor of Rochester;

Orrin K. Carhart, executive vice president of Carhart Photo, Inc.;

Howard F. Carver, president of Gleason Works;

Clayton J. Cottrell, manager of reproductions and presentations for General Dynamics/Electronics;

Wilmot R. Craig, chairman of Lincoln Rochester Trust Company;

Ruben K. Davis, attorney, former City Court judge, and City Commissioner of the Department of Buildings and Property Conservation;

Francis E. Drake, Jr., president of Rochester Gas and Electric Corporation;

Dr. Louis K. Eilers, president of Eastman Kodak Company;

J. Wallace Ely, president of Security Trust Company and Rochester Chamber of Commerce president;

Joseph A. Gioia, secretary-treasurer of Alfonso Gioia and Sons;

James Greene, proprietor of Greene's Beauty and Barber Supply;

Gordon L. Kelso, independent insurance agent;

Andrew A. Langston, special agent for the Prudential Insurance Company of America;

William J. Maxion, president of The Cast-Hoyt Corporation;

Russell C. McCarthy, retired general manager of the Industrial Management Council;

C. Peter McColough, president of Xerox Corporation;

Brendan Meagher, partner of Price Waterhouse and Co.;

Allen H. Neuharth, executive vice president of the Gannett Co.;

Luis Ramos, grocery store owner;

Max M. Schwartz, president of Quality Mart;

F. Ritter Shumway, chairman and chief executive officer of Ritter Pfaudler Corporation;

Mrs. Harry Smith, restaurant proprietor;

Claude E. Tarver, Defense Supply Agency quality assurance representative at Stromberg Carlson Corp. and president of Clay-Cyn Corp. which owns and operates Ebony Press and other business enterprises;

Mrs. Kathryn Terrell, owner-operator of Kathryn's Beauty Bar;

Robert Tucker, president of Rochester Polychrome Press, Inc.;

Gaylord C. Whitaker, chairman of Graflex, Inc.;

George R. Williams, president of Marine Midland Trust Company of Rochester;

Philip Ziegler, general manager of Rochester Products Division of General Motors Corporation.

APPENDIX C

ROCHESTER BUSINESS OPPORTUNITIES CORP. STATEMENT OF OPERATING POLICY, FEBRUARY 19, 1968

Rochester Business Opportunities Corporation (RBOC) was formed to promote and encourage independent business among the people of Rochester's inner city.

It is governed by 28 trustees, 6 of whom are officers as well as members of RBOC's executive committee. Other committees of trustees are responsible for examining certain matters and recommending appropriate action. A general manager is employed full time to coordinate operations.

RBOC assistance to inner city enterprises is four-fold:

(1) Financial—by referral and recommendation or guaranty, RBOC helps the inner city small businessmen to borrow capital from local banks and government agencies. In certain cases, it also can help directly from its own treasury, subscribed by the community.

(2) Advisory—technical, managerial, and all other kinds of business talent are available from Rochester's business community. RBOC's roster of those willing to help can match advisers with those seeking advice.

(3) Buying—wherever possible established businesses are asked to be customers for the products or services of the inner city businesses helped by RBOC.

(4) Business opportunities—by seeking opportunity for business and by finding people who could profit from that opportunity.

RBOC counsel; it does not control.

RBOC strives to assist existing inner city businesses as well as those just beginning. Its help is offered whether the business be in manufacturing or service. Its hope is for ownership in each business by those who work there.

All agencies of the community are invited to work with RBOC, to contribute their ideas, and to carry its message and meaning to all who might profit thereby.

APPENDIX D

ROCHESTER BUSINESS
OPPORTUNITIES CORP.,
Rochester, N.Y.

DEAR ———: As you know, Rochester Business Opportunities Corporation (RBOC) is now a going organization ably managed by John Blake as General Manager, with an office at 55 St. Paul Street (off the front lobby of the Chamber of Commerce building).

At the luncheon meeting held on March 25th, a cross-section of the area's business community evidenced cooperation in RBOC's worthy objectives. The basic purpose is to help minority groups establish, or expand, needed businesses in the inner-city. In addition to providing employment, those involved will gain first-hand experience in the problems of managing and operating today's businesses.

Qualified businessmen have volunteered to perform an advisory role, and representatives of our banks will cooperate in making loans, even though the risks are greater than usual.

The existing industrial and business community, and others, are urged to contribute to a fund totaling $250,000.00, to be used in guaranteeing these loans and meeting the costs of operating RBOC. After a careful analysis of different approaches to the matter of a "formula for giving", we have arrived at the conclusion that a contribution of "$2.00 per local employee" would be equitable for most businesses.

If such an approach constitutes a hardship on your firm, let your conscience be your guide, but please be as liberal as you can—realizing that the whole project is basically enlightened self interest. Your contribution will be deductible as a business expense.

Within the next few weeks you will be contacted in person by one of the trustees of RBOC regarding our efforts to raise $250,000.00 from the community. Our plan is to complete the fund raising activity by April 30th.

In the meantime we appreciate your cooperation in considering this appeal.

Sincerely,
C. PETER MCCOLOUGH,
Chairman, Finance Committee.
WILLIAM J. MAXION,
President.

ROCHESTER BUSINESS OPPORTUNITIES CORP.

I wish to support the program of Rochester Business Opportunities Corporation

Name --
Signature ------------------------------------
Address -------------------------------------
---------- ------ Check ------ Bill
I will contribute ----- ---- Attached ---- Me
Pledge obtained by: -------------------------

APPENDIX E

RBOC CASE EXAMPLES

1. Ben's Esso Service Station

Ben Miller, manager, is a father of nine children who had previous experience operating a station in Savannah, Georgia, before he moved to the Rochester area several years ago.

Recently he noticed a boarded-up gas station at the corner of Joseph Ave. and Kelly St., but he was unable to satisfy the franchise requirements of the Humble Oil Co. which owns the site because of his poor credit rating and his lack of capital.

RBOC determined the practicality of the station and, with the help of a "resource" person who had operated two service stations for many years, determined what initial equipment would be needed. An arrangement was made between RBOC representatives and the Humble (Esso) Oil Co. whereby the company agreed to extend $4,500 credit with RBOC the guarantor. RBOC also provided an additional $1,500 for operating capital and outstanding obligations.

It was also arranged for Mr. Miller to attend a five-week training session at the Humble Oil school in Buffalo, N.Y.

He now employs five workers at the station and he insists on repaying his initial loan at a rate above that which was stipulated in the original agreement.

A grand opening celebration is scheduled for Friday, June 21. Mr. Miller's business is the first *new* business sponsored by RBOC.

2. Camura Incorporated

This endeavor has been approved by RBOC and funds have been committed to its operation which will soon commence. Known as Camura Incorporated, this business will perform repair service for Eastman Kodak Company's 100, 104, Hawk-Eye F, and R–4 cameras. The annual volume of repair work on these cameras is nearly 45,000.

According to a recent report prepared by the Urban League of Rochester, Inc., cosponsor of the camera repair and initial owner of all stock, Kodak will commit itself for a period of one year commencing after the inception of the new business's operations to purchase repair service at a price of $2.65 for each camera repaired.

On March 8, 1968, a certificate of incorporation was filed under the New York State Business Corporation Law which specifies Camura's primary legal purpose to be:

"To test, repair, service and assemble cameras, photographic instruments and accessories, and other durable goods of any nature or kind and to purchase, sell, let, import, export and generally deal in all parts and supplies for the same."

Initially the business will employ a supervisor-manager who will also be president, and a clerk and eight servicemen.

Forty-thousand dollars is necessary to put this business into operation. Of this amount, RBOC provides $7,000; Urban League, $1,000; Small Business Administration, $24,000, and Lincoln Rochester Trust Co., $8,000.

3. P. A. Plastics, Inc.

Under the presidency and managership of Frank E. McElrath, an organic chemist employed by the Eastman Kodak Company, P. A. Plastics, Inc. will manufacture vacuum-formed thermo-plastic parts for local and out-of-town manufacturers which include the Kodak Park Works.

This inner-city business will be established as a "job shop" designed for short runs, and will be capable of making its own patterns and fixtures.

According to Mr. McElrath, the company should be very competitive in product runs up to 1,000 pieces.

Production is scheduled to begin in November. Five persons, including Mr. McElrath, will be on the payroll. And, as manufacturing volume increases, additional personnel will be added. It is estimated that during the fifth year of the business's operation about 20 persons will be employed in manufacturing products valued at $425,000 yearly.

To begin this undertaking $100,000 is necessary. Of this amount RBOC has put up $20,000; Mr. McElrath, $5,000, and the Central Trust Co., $75,000, SBA to guarantee 90 percent.

4. FIGHTON

RBOC has been asked to participate in the establishment of FIGHTON, a manufacturing enterprise that will employ about 100 inner-city residents.

FIGHTON will be owned and operated by inner-city people. Fight, Inc. will be responsible for staffing and control of the enterprise. The Xerox Corporation will assist in training the management and production workers of FIGHTON, and it will provide technical and managerial support and counseling. In addition, Xerox Corporation will guarantee in excess of half a million dollars in annual purchases, of metal stampings and electrical transformers to be produced by FIGHTON.

RBOC's role will be to acquire and renovate the building, assist FIGHTON in expanding the market for their products, and may participate with a local bank in making working capital available.

The firm will receive in excess of $400,000 from the United States Department of Labor, pursuant to a contract under the JOBS (Job Opportunities in the Business Sector) program.

STATE-FEDERAL PROGRAMS OF MEDICAL ASSISTANCE TO THE NEEDY

Mr. MONRONEY. Mr. President, last week the Senate approved an amendment to H.R. 2767, offered by the junior Senator from Louisiana [Mr. LONG], that would have a disastrous effect on the joint State-Federal programs of medical assistance to the needy.

The amendment would cut by a substantial amount the Federal contribution to States for medical aid programs. In my own State, the amendment would reduce the Federal contribution from 69.61 to 48.46 percent of program cost.

Last year, the Federal share of the Oklahoma medical program amounted to $9.57 million, out of a total of $13.7 million. This program provided medical assistance for 27,593 needy Oklahomans.

The amendment of the Senator from Louisiana [Mr. LONG] would cut the Federal contribution from $9.57 to $6.67 million, requiring an increase of nearly $3 million in State funds to maintain the Oklahoma medical assistance program at its present level. No additional State funds are available this year for this purpose.

Such a sudden cut in Federal funds without adequate time for State governments to raise funds from other sources could only result in the diminution of medical assistance to thousands of Oklahomans and millions of Americans in other States who desperately need the medical care provided by these programs.

The prospect of such a reduction caused a special committee of the Oklahoma Legislature to meet today to consider the threat to the health and well-being of Oklahoma citizens posed by the Long of Louisiana amendment. I believe that the amendment is unwise and unsound and certainly unfair to State governments whose medical programs have been based on the Federal contributions planned for this fiscal year.

H.R. 2767 has been placed back on the Senate Calendar. If it is called up for consideration again this year, I strongly urge the Senate to reconsider its previous action and delete the Long of Louisiana amendment from the bill.

CARL R. LEMKE, WACO, TEX.

Mr. TOWER. Mr. President, on October 12, 1968, the Waco Red Men's Lodge will honor the Honorable Carl Lemke with a testimonial banquet. In recognition of his outstanding life and service, I wish to pay tribute to him on the floor of the Senate today.

I know that Mr. Lemke's friends in Waco and throughout Texas have been influenced by his dedicated and purposeful life. A fitting tribute to Mr. Lemke is for all America to know of his accomplishments. I therefore ask unanimous consent that a biography of Mr. Carl Lemke be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

CARL R. LEMKE: PATRIOT, GREAT AMERICAN, DYNAMIC LEADER, VIGOROUS EXPONENT OF THE AMERICAN WAY OF LIFE

Carl R. Lemke was born in Waco, Texas on January 17, 1894 the son of Julius and Olga Lemke. Educated in the Public Schools of Waco. Joined his father as a young man in the theatre business and continued in that business until 1958. Married Nina Smith Beatty November 30, 1914. They have two sons, Julius of Waco and Calvin of Ruston, Louisiana.

Was Master of his Masonic Lodge in 1947–1948.

Carl Lemke, an individualist—never ready to follow the crowd, until he is convinced that they are going the right direction. Always ready to destroy "false gods" and wrong thinking. Yet just as ready and anxious to join and assist in all forward looking, progressive ideas.

A dynamic leader—a true patriot and one of America's leading exponents and examples of true devotion and leadership in the American Way of Life.

Joined the Red Men in Waco, Huaco Tribe No. 48, March 12, 1922. Elected Sachem 1923. Became Chief of Records of Huaco Tribe 1923.

Entered the Great Council of Texas in 1924. Elected Great Sachem 1929. Resigned Great Sachem in 1930 and was elected Great Chief of Records of the Great Council of Texas 1930.

Entered the Great Council of the United States 1934. Elected Great Junior Sagamore 1952. Elected Great Senior Sagamore 1954. Elected Great Incohonee 1956.

Elected Great Chief of Records of the Great Council of the United States 1960.

REVIEW OF HALLUCINOGENIC DRUGS

Mr. RIBICOFF. Mr. President, the problems of LSD and other hallucinogenic and dangerous drugs were a matter of great concern to the late Senator Robert Kennedy.

During the 89th Congress, he was acting chairman when the Subcommittee on Executive Reorganization held hearings on the problems of LSD.

Due to his death, he was unable to complete this work.

However, the Subcommittee on Executive Reorganization has continued working in this area. We expect to file a report on these hearings very shortly.

In the meantime, I want to apprise

Senators of our activities in this area and recommendations they may expect in the report.

Our experience with LSD has taught us an important lesson: there is no wall separating the general public and the research scientists.

An open society contains too many channels of communication and distribution to confine knowledge and use of mind-altering drugs to a select few.

We live in an era when many people—young and old alike—seek immediate release from the pressures and anxieties of their lives.

Control of mind-altering drugs is likely to become even more difficult in the near future. Witnesses estimated that in the next 10 years alone, there will be a hundredfold increase in the number and types of drugs capable of affecting the mind.

These developments will confront us with extremely complex scientific and moral questions.

The LSD experience, with its tragic consequences for so many young people, has dramatized the need for sound and reliable information about all the implications of any new development in the area of hallucinogenic and other dangerous drugs.

But we must do more than improve our knowledge about the pharmacology of a drug and its use in the laboratory environment.

We must learn what is likely to happen when any drug is used in a nonlaboratory situation, who is likely to use the drug, how the drug becomes available for misuse, and how we can prevent this abuse.

Accordingly, the report will recommend a full review of our national policies, research programs, and regulatory procedures relating to hallucinogenic and other dangerous drugs.

In all these areas, special concern must be given to our young people.

In the past 3 years a significant number of them have experimented with LSD and similar drugs.

Their use of these drugs manifests more than youthful curiosity. It denotes at least a temporary withdrawal from the responsibilities of organized society.

Preventive and punitive measures must be taken to halt the illicit drug traffic. But these actions alone are not a long-term answer to drug abuse.

Society must channel the tensions, pressures, and anxieties which young people feel into constructive alternatives.

Drugs are no answer to today's problems, especially for the Nation's youth.

Young people must be shown that the challenges and rewards of involvement in the real world are more satisfying than the isolation of the world of drugs.

Some despair over what they call the plight of our younger generation. I have confidence in our young people.

Our young people have great talent and energy. They can be a potent and constructive force to help build a better nation and a better world. Our country has no stronger resource than its youth.

Finally, the problem represented by LSD is not new. It is as old as the relationship of government and science. Each new discovery tests the ingenuity of society to guide the results of invention into useful and constructive paths.

This is a test of men as well as institutions. If we are to master the sometimes menacing product of our increasing scientific knowledge we will need flexible institutions, led by men who can weave the delicate thread that links freedom of inquiry for the individual scientist with enlightened regulation in the public interest.

CRITICAL PROBLEMS OF AIR TRANSPORTATION

Mr. PERCY. Mr. President, the critical problems in air transportation that confront us as a nation were dramatically illustrated last summer by the sudden reduction in aircraft landing and takeoff operations at our major airports. "Operation Safety" was the name given to this concerted activity by the aircraft controllers who effected a huge aerial traffic jam by the simple means of enforcing existing FAA regulations on the separations required between airborne aircraft.

F. Lee Bailey has written an excellent article published in This Week magazine in which he outlines the great public service done by the controllers in bringing to public attention the problems that lie at the heart of our air transportation problems. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BETTER LATE THAN DEAD

Suddenly this summer the planes stopped flying. At most of the major air terminals in the United States, air traffic either was grounded or seriously delayed. Passengers circled for hours over the major cities, over the Rocky Mountains and out over the Atlantic and Pacific Oceans.

The wealth of the world—cameras from Germany, wigs from England, shoes from Italy, radios from Scandinavia—lay on the ground at the great airports. Even more important, tens of thousands of bewildered passengers milled about helplessly. They growled and they grumbled—when they *should* have been offering a prayer of thanks. For, "trapped" on the ground as they were, they were *safe*.

Hundreds of these "victims" of the great tie-up might have perished in a colossal mid-air collision between two big airliners. Thousands more on the ground might have been killed or maimed if the flaming wreckage had showered down on a heavily populated city or suburb.

One of the reasons no collision occurred is that the Federal Aviation Administration's air traffic controllers took a long look at safety and decided the time had come to sharply curb dangerous practices that have been used in recent years to handle overflow traffic. Their decision, coming as it did at a time when air traffic bulged with summer travellers, had an impact that no one will soon forget.

The average passenger assumes his airline crew—captain, co-pilot, flight engineer and stewardesses—is solely responsible for moving the airplane. He might well ask, "Who is an air traffic controller?"

A LIMITED VIEW FROM THE COCKPIT

Certainly our airline crews are superb, capable of finding their way to any spot in the world without help from the ground. But, ironically, because the visibility from the cockpit is frequently zero, there is no way for the pilot to see another airliner flying just a few hundred yards away.

The air traffic controller is the man responsible for what is called "separation." (Indeed, in Australia, air traffic controllers are called "separators.") From his position in the control tower or over a radar scope, he watches every airplane in his vicinity. His job is simple to define: *Make sure that no two airplanes ever get to the same spot at the same time.*

This is perhaps the most complex and relentless job in the world today. In the last five years, air traffic has doubled. It would double again in the next three—except that we can't handle the air traffic we have now. New airliners are put into the system every day. Many new private planes are built every day. This tremendous growth has left far behind any corresponding increase in airports, air traffic controllers or radar facilities. Indeed, from 1963 through 1967, while air traffic increased by 80 per cent, *no* air traffic controllers were hired!

The result has been a dramatic increase in the work-load of our controllers. Confronted with as many as 106 planes in the air at one time over a busy airport like Kennedy in New York, a "gung-ho" controller would meet the challenge by winking at FAA safety regulations.

These regulations state that planes in flight, when within 40 miles of an airport traffic pattern, must stay *at least* 1,000 feet, vertically, from the next plane, and keep *at least* three miles between planes. This works out, for jets in clear weather, to about two minutes apart on landings. Remember, this is the *minimum* recommended safety distance—with certain types of slow-landing planes such as private craft or air taxis, and under certain types of poor weather conditions, it could be longer.

But in order to handle the traffic at peak periods—say, around 8 a.m. and 5 p.m., when everybody seems to want to take off or land—controllers began cutting the three-mile gap between landings. At Kennedy, for example, it frequently got down to two or less. The FAA repeatedly "advised" controllers to adhere to the official regulations, but what was a conscientious operator to do—leave those planes and passengers up in the sky while tempers shortened and fuel supplies dwindled? Send some of them along to another, less busy, airport perhaps hundreds of miles away? Pass the word back to the airports from which they were departing, calling for a slowdown in takeoffs there?

The controllers' pride made them reluctant to do any of these.

Instead, quietly and with no official word, they moved more and more airplanes faster and faster. But the faster they moved them, the more their pressure performances were taken for granted. Airlines scheduled more peak-period flights. The peak periods grew longer and longer.

Controllers were put on six-day work weeks and 10 to 12-hour days, often going for hours on end at a control position without so much as a sandwich. Because they were young men who could take a great deal of punishment, they absorbed the first few waves of overload without breakdown or complaint.

But they could see what they called "the gathering storm." They knew that they were burning out much too rapidly, that at age 40 they were going swiftly downhill. They knew that ulcers were running high, that tranquilizers were being consumed by the gross, that hair was turning gray overnight and that, among them, men in their 30s were having heart attacks from the incessant strain.

A CONTROLLER IS ALWAYS ON THE JOB

Virtually all of the more than 2,000 airliners at work today fly under positive control—from the ground—at all times. When an airliner leaves the gate, a *ground* controller directs it to the runway; a *tower* controller clears it for take-off and turns it over to a *departure* controller who picks it up on radar and directs its climb-out to a higher altitude. It is then "handed off" to an *en route* controller at one of our 28 radar centers in the United States. Each center is broken into many sectors; each sector is *supposed* to be manned by two controllers, one directing the airplane and one acting as a "hand-off man." On approach and landing, the same controls are exercised—in reverse order, of course.

Thus a plane flying six hours, from coast to coast, passes through 40 or 50 air traffic controllers who are directing it every mile of the way. And many of these men—against their better judgment—were beginning to cut corners in a dangerous way.

Their cries and warnings to Washington were unheeded (*see "Crisis In Our Skies" by Evan McLeod Wylie,* THIS WEEK, *October, 1967*). A country wrapped up in a hated war and plagued with strife-torn cities did not hear or understand what they were saying. It did not realize that, even though it had the best and safest airplanes built and the finest crews in the world, the limitations in the growth of its air network were on the ground.

Early this year, a group of top notch air traffic controllers from the New York area met and decided that unless they themselves took some kind of action, conditions might well deteriorate to the point where a giant collision would be impossible to avoid. They formed the Professional Air Traffic Controllers Organization—PATCO for short—and set out to examine the traffic conditions throughout the United States. Their membership grew very rapidly because controllers everywhere felt the need for a sharp improvement in the area of their greatest concern—safety in the skies. In Chicago, at PATCO's first convention, Chairman Michael J. Rock assigned five members of the board of directors to formulate some policy which would call a halt to any dangerous practices that the committee might find to exist.

After painstaking study and interviews with delegates from every major control facility in the country, the safety committee proposed that restrictions be put upon the traffic flow. The formula decided upon was a simple one:

Follow the FAA regulations to the letter; give every airplane the separation its pilot has the right to expect; and stop cutting corners.

This policy was made public on July 3, and communicated to controllers everywhere.

PATCO officials say that what happened, next, at Kennedy also happened at Los Angeles, Chicago, Atlanta and other major airports they surveyed. Controllers began to adhere strictly to the three-mile gap between planes. Figure it out for yourself—under the stepped-up pace, a 21-mile "trail" of air space held 10 planes; now it held seven or less. One third of all the planes that *had* been landing were now left circling in the sky, or stalled back at their take-off point, or were being diverted to some other airport. A gigantic national air traffic jam!

If, as some government officials still like to insist, there had been no violations of the rules in the past, this policy—called "Operation Safety" by the controllers—would not have had any noticeable effect. But the devastating impact that it did have upon traffic at major terminals is now history, and solid evidence that something was very, very wrong!

At first it was thought that the controllers were staging a deliberate slowdown in order to win an increase in pay. Teams of investigators from Washington quickly determined that there was no slowdown at all, but that traffic was moving just as fast as the rules would permit. Disgruntled passengers and public officials, inconvenienced by long delays both on the ground and in the air, began to demand some answers. What they found has left many with the feeling that the air traffic system is the victim of gross neglect.

EXTREMELY DANGEROUS SITUATION

In the words of Senators Thomas McIntyre of New Hampshire, "The members of PATCO found a far better method of bringing public attention to an extremely dangerous situation than by accepting the inevitability of an air catastrophe. The small and dedicated group of Air Traffic Controllers accomplished something that neither the government with all its power, nor the airlines with all their influence, could or would accomplish by themselves.

"With *Operation Safety,* which is nothing more than strict observance of the legal, minimum separation of aircraft, both during flights and during the approach and takeoff patterns at airports, the airlines were forced to reschedule their flights."

Now that the problem has surfaced and has captured public attention, what can be done? Must our great cities be strangled because the public cannot reach or leave them by air?

Sadly, no matter how much money is poured into the system, there will be no substantial relief for several years. Airports which should now be under construction are not even in the planning stages. Air traffic control trainees being hired will not be ready for two, three, or four years. Radar and computers that could greatly relieve problems of congestion and increase air safety are still the subject of experimentation and will not be in service until the early 1970s. It is inevitable that during the next few years, while we try to catch up, there will be less passenger seats available than the country needs.

Some partial relief can be gotten from controlled scheduling within the airlines. Scheduling at the moment is not controlled by anyone, and profit-conscious airline executives tend to plan more flights at peak hours than the controllers can possibly handle, thus assuring delays in many areas. By using each facility at its maximum capacity throughout the 24-hour day, *some* additional airplanes can be accommodated. The controllers are now hard at work with FAA executives, pilots and others in the industry to improve the existing system as much as is possible.

While they deliberate, Alan S. Boyd, Secretary of Transportation, has issued a warning:

If the industry doesn't take steps to eliminate some of its peak-hour flights until such time as our airports can handle them with safety, the federal government may step in and do it for them.

But until public outcry succeeds in winning from the Congress a stepped-up effort to overhaul the system and furnish a realistic budget, the growth of our air traffic must be stymied. Every pilot knows that if he should make a serious mistake, not corrected by his co-pilot, all aboard his airplane will perish. A controller knows that if *he* makes a serious mistake, not one but *two* airplanes will crash! If he can't guarantee that you will have a safe ride because of traffic congestion, he has no choice but to leave you on the ground until it clears.

Nobody likes to be late, but everybody—or so the controllers believe—would rather be late than dead.

AGRICULTURE GAINS WITHOUT USE OF BRACEROS

Mr. WILLIAMS of New Jersey. Mr. President, when Congress allowed Public Law 78, the so-called bracero law, to expire in December 1964, a misguided few claimed that California agriculture would collapse.

Once again, I want to assure Senators along with the distinguished Members of the House—that this gloomy prediction did not materialize. It was 180 degrees wrong.

In fact, all persons involved—farmworkers, agricultural employers, and consumers—have profited from the wise and humane decision of Congress to end this infamous and unjust alien-importation program.

The farm labor situation has developed so smoothly since 1964 that Secretary of Labor Willard Wirtz has reported that California will not require any foreign-contract farmworkers for all of 1968.

It is of great historical significance that this will be the first year since 1942 that California crops have not employed foreign contract workers. From a peak of over 100,000 Mexican nationals a season that labored in the fields, the number of braceros dropped to 25,000 in 1965, 9,000 in 1966, and 5,900 last year.

In the nearly 4 years since the end of the bracero program, domestic farm employment and wages have moved significantly upward, and farm production has shown impressive gains.

This progress for domestic workers and for farmers stands as powerful testimony to the wise decision of Congress to end the mass importation of foreign workers and bring agriculture one step closer to the mainstream of our economic life.

So that every Senator might understand more fully the significance of America's new farm labor policy, I ask unanimous consent that the press release of Secretary of Labor Willard Wirtz be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NO FOREIGN CONTRACT WORKERS WILL BE HIRED FOR CALIFORNIA CROPS IN 1968, WIRTZ REPORTS

Labor Secretary Willard Wirtz today said that "not a single foreign contract worker will be employed in California crops in 1968."

This will be the first year since 1942 that the California fruit and vegetable crop has not used foreign contract field hands, Mr. Wirtz said.

"The absence of foreign agricultural workers in 1968," he declared, "represents an historic step toward healing the migrant worker sore in California and in the entire United States."

Mr. Wirtz reported that the spring of 1968 marked the first spring in 27 years that there were no temporary foreign farm workers admitted anywhere in the U.S. for employment.

Last year, he noted, there were no foreign contract workers employed in California crops between January and late September. But by mid-October there were 5,900 working in the state's crops.

Secretary Wirtz said that the termination of Public Law 78 in December 1964 "signaled the eventual demise of the century-old practice of importing foreign farm laborers to the U.S.

"What has happened in the 4 years since the end of this infamous program," he said, "represents an impressive story of progress for domestic farm workers in the State of California."

Mr. Wirtz cited these "heartening developments" since the termination of the mass importation of foreign agricultural workers in California:

A 15.5-percent rise in man-months of domestic farm employment between 1964 and 1968: from 801,000 to 925,000 for the first 8 months of each year. During this period, foreign agricultural employment dropped from 190,000 to zero man-months.

25.2-percent rise in hourly farm wage rates (without room and board) between 1964 and 1968: from $1.35 to $1.69 an hour.

Secretary Wirtz said that in every month of 1968 employment among domestic seasonal farm workers in California has topped employment for these field hands in the 1959–64 period, the last 6 "bracero" years.

In August 1968, he said domestic farm employment in the state reached 168,600, compared with an average of 130,600 for the month in the 1959–64 period.

He gave these month-by-month comparisons showing an increase in domestic farm employment between 1968 and the average of the 1959–64 period:

July, 131,300 to 123,400; June, 144,300 to 126,700; May, 136,100 to 114,000; April, 92,700 to 70,100; March, 79,300 to 56,100; February, 85,900 to 66,300, and January, 87,300 to 79,600.

Despite the increase in farm wages over the past 4 years, the U.S. wholesale price index for fresh and dried fruits and vegetables was lower this July than it was in July 1964, he said.

In July 1968, the wholesale price index for these commodities was 108.2, compared with 108.9 in July 1964, the last year of the mass importation of foreign workers in the U.S.

It is apparent from this, he said, that wages play a small part in determining the prices farmers get for their produce. Increases in retail prices are largely the result of increased processing and distribution costs.

The Secretary also cited "very impressive" increases in the production of several former bracero-using crops between the 1960–64 period and 1968, showing "progress for California farmers."

He pointed out these production gains in former foreign-using crops between the two periods (1968 data is preliminary or indicated):

Tomatoes for processing—up 59.1 percent; strawberries—up 29.8 percent; lettuce—up 27.3 percent; celery—up 12.3 percent.

PROGRAMS FOR NEGRO HISTORY, CULTURE, AND EDUCATION

Mr. SCOTT. Mr. President, in February of this year I introduced a bill to establish a Commission on Negro History and Culture which would coordinate the task of researching, preserving, and disseminating information about the black American's influence upon our society. This proposal has made good progress through Congress. The companion bill (H.R. 12962) passed the House of Representatives. The Senator from Rhode Island [Mr. Pell], chairman of the Special Subcommittee on Arts and Humanities, conducted hearings on my bill, S. 2979, in July and reported it to the Committee on Labor and Public Welfare. It must not rest there, Mr. President. It is my sincere hope that the Committee on Labor and Public Welfare will take action on S. 2979 before the end of this session.

As each day passes, it becomes increasingly evident that the academic community, whose role, after all, is inherent in the Commission on Negro History and Culture, is eagerly awaiting its establishment. Last Friday, when I addressed the Senate on this subject, I said I was encouraged by the stirring within the academic community toward teaching black history. Academic institutions such as the National Endowment for the Humanities and the American Association of State Colleges and Universities are rousing activity in the area of ethnic teaching and knowledge. However, the overview of the task of researching, preserving, and disseminating information about the role of the black American in history shows that this beginning can be greatly spurred by the Commission on Negro History and Culture.

The National Endowment for the Humanities has awarded grants for two Pennsylvania programs: a series of four broadcasts on "The Black Man's Search for Self Through the Arts" to be presented over WQED in Pittsburgh; and a special humanities course at the Camp Hill Reformatory in Pennsylvania being organized by the Pennsylvania State University.

I believe the Commission on Negro History and Culture can coordinate intercultural programs of foundations, educational institutions and the news media and further disseminate them.

The diversity of programs to forward intercultural education is very well illustrated in an article entitled "National Endowment for the Humanities Programs for Negro History, Culture, and Education." I ask unanimous consent that the article and a covering letter from Barnaby C. Keeney, chairman of the National Endowment for the Humanities, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Endowment for the Humanities,
Washington, D.C., September 25, 1968.

Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Senator Scott: We have sent the attached article to directors of television and radio program series on Negro history and culture as well as to the Negro press. In view of your interest in the subject, we thought you might like to have a copy.

Sincerely,

Barnaby C. Keeney,
Chairman.

The National Endowment for the Humanities Programs for Negro History, Culture, and Education

When, in July of this year, Senator Claiborne Pell held hearings on a bill to "study the means by which all Americans can come to a better understanding of the contribution of the Negro to American life," it became clear that federal interest in this important but neglected field is increasing. This interest parallels efforts by television, radio, and academic institutions to assure that the important and extraordinary chapters of Negro history, so long withheld from students and public alike, will receive their deserved attention. No longer will Americans be denied knowledge of the victories, defeats, and perseverance of Negroes in their pursuit of equal justice and equal recognition. The movement to end this state of national ignorance comes from both the academic and lay sectors of the black community. Responses to this initiative have come from private organizations and the federal government.

One federal agency, the National Endowment for the Humanities has awarded a large proportion of its limited funds—nearly $1 million over the past two years—to projects which promote learning about the Negro and which support the present black generation's efforts to attain full participation in American society. Founded in 1965, the Humanities Endowment is one of the two branches of the National Foundation on the Arts and the Humanities. During its first two years of grant-awarding activity, it had a budget totaling approximately $8 million. For the present fiscal year, Congress has appropriated $3.7 million to it in program funds with an additional $.5 million available for matching private gifts to the Endowment.

The Endowment has sought to rebalance our historical perspective through grants for educational and public projects and through support of research. Among its awards for continuing education, the most important have been grants of up to $10,000 each to seven institutions for support of summer 1968 workshops designed to inform faculty members about materials available in the field of Negro history and culture. The institutions involved were Howard University, Morgan State University, Southern University, Boston University, Duke University, Fisk University, and Cazenovia College. The workshop at Southern University, located in Baton Rouge, Louisiana, concentrated on Negro literature, criticism, and art; the one held at Fisk centered on publications about the Negro in American civilization. Others dealt with library collections in the field, the place of Negro studies in the program of the two-year college, and assistance to those teaching American history. University Microfilms, a Xerox Company, cooperated in these efforts by providing bibliographic materials without charge for the participants' use. It is certain that the influence of the workshops will have a "ripple effect" throughout the nation's institutions of higher education. Already, Miles College in Birmingham, Alabama, the recipient of a planning grant of $18,470, is arranging to hold a summer institute in 1969 on the broad field of Negro history and culture for faculty members of the eight predominantly Negro Alabama colleges. A similar effort, on the secondary school level, will begin this fall in Baltimore. There, teachers from all the public schools together with representatives of the administration and faculty members from Baltimore institutions of higher learning will gather for nine sessions in which Negro history and culture will be discussed and appropriate teaching materials identified for the elementary and secondary school levels. The purpose of this program, whose Endowment support totals $9,970, is to provide teachers with knowledge and materials which they can coordinate with their regular history and humanities curricula.

While institutes and seminars of this type raise faculty and student interest in the study of Negro history and culture, the attainment of specific learning goals is hampered at present by too few books and monographs in the field. Since its inception, the National Endowment for the Humanities has allotted a portion of its funds for research fellowships and grants. Published together in a single volume, the topics of the recipients of many of these awards would constitute a significant contribution to the history of the Negro's experience in America. These titles include, "A History of the Negro Trade in Colonial America," "Southern Negroes, 1861–77," "Antislavery Legacy: From Reconstruction to the NAACP," and "A Chapter in the History of Negro Thought" (a study of the post-World War II period). Also, scholars are working on a biography of Richard Wright and an edition of the papers and correspondence of Booker T. Washington.

In addition to these awards for faculty institutes and support of research, the Humanities Endowment has granted funds to projects which in various ways contribute to student and public knowledge of the Afro-American experience. The Frederick Douglass Institute and Museum of African Art in Washington, D.C., has received $59,100 for support of its educational, library, and display divisions. Part of this sum permits the Museum to prepare traveling exhibitions of African artifacts and of objects illustrating American Negro art and culture. The grant also supports expansion of the Museum's art and photography collections. It should be noted that the award of these funds encouraged private sources to make very substantial contributions to the Institute. An award of $13,500 to the Great Lakes Colleges Association was, in part, used to sponsor a conference in Wisconsin on "The Role and

Nature of the Arts and the Humanities in the Inner City." These meetings resulted in a commitment on the part of each college involved to identify Negro artists and cultural resources in its community. (The GLCA member institutions are Antioch, Kenyon, Oberlin, Earlham, Wabash, Hope, and Kalamazoo colleges and Dension, Ohio Wesleyan, and DePauw universities.) Educational television station WQED in Pittsburgh has received $15,000 to produce four programs on "The Black Man's Search for Self Through the Arts." This series will explore the topic with reference to the black community of the city. DePauw University in Greencastle, Indiana, one of the previously mentioned GLCA members, is also the owner of a collection of 9,000 slides on African art. It has received an Endowment grant of $5,000 to prepare a syllabus based on this unique resource which will be used both there and at other institutions requesting it. Supporting yet another imaginative effort, the Endowment has awarded $46,774 in gifts and matching funds to the well-known Douglass House in the Watts neighborhood of Los Angeles. Founded by Budd Schulberg after the 1965 riot, it has developed a variety of art and education programs and has sponsored branch houses in other cities. Its members have produced three television shows on the National Broadcasting Company network. Finally, Spring Hill College in Mobile, Alabama, has received $12,000 to sponsor a project entitled, "Eye and Ear," College students there will work with youngsters from the inner city to produce short films, the best of which will be shown over a local television station.

The Humanities Endowment also places emphasis on the ward of grants to programs for students at all levels. Very young children will benefit from the "Children's Television Workshop." This is a series sponsored by the Endowment, the Carnegie Corporation, the Ford Foundation, the U.S. Office of Education, the Office of Economic Opportunity, and the National Institute of Child Health and Human Development. It will be broadcast over educational channels and will provide valuable learning experiences for youngsters of nursery school age. The programs will be particularly oriented toward the needs of inner-city children. In the District of Columbia, the Sidwell Friends School has organized a summer enrichment program in the arts and basic learning skills for elementary age pupils from the Washington public schools whose records show that they are in need of supplementary attention. The Endowment's commitment to this project over a two-year period has been $92,000 in gifts and matching funds. In Boston, the Council for Public Schools has organized a book project designed to encourage young children to read, enjoy, and own books. Through it, the Council believes it has found one way to overcome the reading problems common to children who attend crowded city schools. Because of funding limitations, these last two programs have been initiated on a pilot scale only. Their success, however, suggests that they should be duplicated in other cities. In New York City, a grant of $43,030 permits the Hunter College High School to formulate a new curriculum structured around the needs of the multi-racial population of the metropolis. A few miles up the Hudson river, Manhattanville College in Purchase, New York, is in its second year of an experimental program entitled "Project SHARE." Backed by an initial grant of $25,000 the college has accepted twenty-eight girls, Negro and Puerto Rican, from Harlem (the original location of the college) and has devised a special curriculum both for them and for regular Manhattanville freshmen wishing to participate in this educational venture. Stress is placed on making studies relevant to the political, social, and intellectual questions of the decade and field work is incorporated into all phases of the program. It is hoped that many of the SHARE students will wish to enter the teaching and social work professions. In conclusion, Endowment funds totaling $48,410 will be spent behind prison walls to bring a special humanities course to a group of boys at the Camp Hill Reformatory in Pennsylvania. The course is being organized by the Pennsylvania State University and will be offered to inmates enrolled in a high school equivalency program. Because the population at the institution is one-half Negro, the course will include materials relevant to racial considerations, and teachers will ask their students to reflect on questions basic to our society.

The National Endowment for the Humanities offers support for research, fellowships, and a variety of educational and public programs. It has a special mandate from its advisory board, the National Council on the Humanities, to fund projects, such as those described, which are relevant to contemporary social questions. Its Chairman is Barnaby C. Keeney, and he is assisted by three Division Directors, Russell W. Fridley (Education and Public Programs), J. Saunders Redding (Research), and James Blessing (Fellowships). Endowment offices are located at 1800 G Street, N.W., Washington, D.C. 20506.

MACHINIST UNION MEMBERS PUT "FAIR TAXATION" AT TOP OF ISSUES LIST

Mr. HARTKE. Mr. President, the International Association of Machinists recently reported on its third annual poll of members on national issues. Members of the union, taking part in 102 local union meetings, rated 12 issues presented to them by the union's political organization, the Machinists' Non-Partisan Political League. They were asked not only whether they agreed with the organization's stand on the issues but also on what they consider the top issue in importance.

"Fair taxation" took the top issue vote by 55 percent of the members. No other issues drew more than 10 percent of the votes; in second place came repeal of section 14(b) of the Taft-Hartley law—allowing States to prohibit union shop contracts—an issue which might have been expected to rate much higher.

This survey is interesting to me, because it shows the great desire at the grassroots level to see improvement in our Federal income tax system, and in particular through the increase of personal exemptions from $600 to $1,000.

That proposal is one which I made in S. 1615 last year. The unrealistic $600 deduction has persisted for more than 20 years. Its original intent was to provide a tax-free base large enough to provide a minimum standard of living for family members. But since the increase of $500 to $600 in 1948, cost-of-living increases have taken away nearly a third of the exemption's value. If a family of four had an exemption of $2,400 in 1948, it would now take $3,288 to be the inflated equivalent. At the same time, basic living standards have improved, so that for a four-member family anything less than $3,000 per year places them below the poverty line.

As I noted in introducing the bill, the Treasury itself in 1948 said that exemptions "should be at least adequate to cover some minimum essential living costs," and that it should be regarded as essential to "exempt amounts required to maintain the individual and his family in health and efficiency."

Mr. President, I ask unanimous consent that the results of the poll and an editorial on the same subject, as published in the union's weekly newspaper the Machinist, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RESULTS OF POLL: IAM MEMBERS RATE FAIR TAXES TOP ISSUE

A poll of IAM members shows that they believe the top national issues today are the need for fairer Federal taxation, protection against shysters in business, and Federal regulation of auto insurance.

Tabulation of the IAM's third annual poll of members' views on major national issues showed that they support the union's position overwhelmingly on these questions, Don Ellinger, national director of the Machinists Non-Partisan Political League, reported.

MNPL conducted the poll in 102 IAM locals across the USA. The opinion sampling was done at union meetings. This is one of the IAM's methods of giving members the opportunity to express their opinions on the union's stands, Ellinger noted. He also reported that locals are now asking the same questions of Congressional candidates in screening them for endorsement.

The poll showed that the No. 1 issue among members was tax reform, fairer Federal taxation.

Ninety-eight per cent agreed that it is time to raise the outdated $600 personal income tax exemption to $1,000 while plugging the tax loopholes that permit billions of dollars of income for the wealthy to escape taxation. More than half rated tax reform as the most important issue before the nation.

Ninety-eight per cent also agreed that consumer protection—Federal truth-in-lending and antigarnishment legislation—was badly needed. Evidently Congress got the message, because such a law was enacted before the poll could be tabulated.

Ninety-seven per cent of the members approved the union's stand that Federal regulation of auto insurance is needed to hold down skyrocketing rates and prohibit arbitrary cancellation of policies.

Here are the 12 issues posed to the members, their percentages of agreement and disagreement with the union's stand, and their rating of the most important issue:

1. Fair taxation. The outdated $600 personal deduction for Federal income taxes should be raised to $1,000 and the tax loopholes which allow the wealthy to escape taxation should be closed before any increase in income tax rate is voted. Agreed—98%. Disagreed—2%. Top issue—55%.

2. Prevent rising prices and hidden costs. Congress should enact consumer protection legislation including truth-in-lending, a Federal anti-garnishment law, a curb on overpricing prescriptions and drugs and truth-in-packaging. Agreed—98%. Disagreed—2%. Top issue—5%.

3. Doubletime for overtime. All overtime should be at the doubletime rate and the minimum wage should be moved to $2 an hour for all workers. Agreed—90%. Disagreed—10%. Top issue—4%.

4. Better regulated automobile insurance. Federal action is necessary to regulate the rising auto insurance rates over which neither the auto owners nor weak state insurance bodies have any real control, and to prohibit arbitrary cancellation of policies. Agreed—97%. Disagreed—3%. Top issue—4%.

5. Civil rights. The right to hold a job, cast a vote, own a home or secure an education should not be denied to any citizen because of his religion, race or nationality. Agreed—94%. Disagreed—6%. Top issue—4%.

6. Redevelop our major ctles. Only massive Federal support can help rebuild our major cities, prevent crime in the streets, make transportation available between home and work place, and clean up the air and water. Agreed—78%. Disagreed—22%. Top issue—1%.

7. Repeal of Sec. 14(b) of Taft-Hartley. The present law encourages states to enact compulsory open shop laws, disturbs labor relations, and further weakens labor unions in the low-income states. Agreed—89%. Disagreed—11%. Top issue—10%.

8. Full educational rights for all. Federal aid to primary, secondary and college education could be provided to every qualified person through a four-year college term by means of scohlarships, grants, and loans. Agreed—87%. Disagreed—13%. Top issue—2%.

9. Restrain Communist expansion. The President's program of opposition to Communist aggression or subversion, as in Vietnam, is the best hope for peace in the long run. Agreed—88%. Disagreed—12%. Top issue—5%.

10. Improve Social Security, Railroad Retirement and Medicare. Automatic cost-of-living increase in benefits should be provided and the minimum raised to at least $100. Medicare benefits should be provided for widows and orphans and disabled now receiving Social Security benefits. Agreed—92%. Disagreed—8%. Top issue—3%.

11. Equality for government employees. Those working for Federal, state or local government should receive pay, fringe benefits and working conditions at least comparable to those in effect in the most progressive private industry employment. Agreed—84%. Disagreed—16%. Top issue—1%.

12. Oppose compulsory arbitration. Government intervention requiring compulsory arbitration kills collective bargaining, impairs the freedom of American workers, and results in lower wages and poorer working conditions. Agreed 89%. Disagreed—11%. Top issue—6%.

TAXES

If IAM members are any indication, the magic issue in this year's national election is not Vietnam; it is not the rebuilding of our cities; it is not even the repeal of Section 14–B of the Taft–Hartley Act (the section that makes those Right-to-Work laws legal).

Important as those issues are, the growing bite that taxes take out of our wages before we get them, is a greater concern. All those deductions for Federal income tax, state income tax, city taxes and social security add up to an onerous burden.

FAMILY RESPONSIBILITY

More than half those who answered the MNPL questionnaire about this year's election issues (see page 3) checked tax reform as the single most urgent problem this year.

Since those questions were answered, the Federal income tax has gone up another 10 per cent. That surtax must have intensified the feeling.

Of course, there are some who think we shouldn't concern ourselves with such mundane matters. But when taxes begin to interfere with our ability to pay our bills, they become more important than the broader problems. Other people have the responsibility for our big problems. Paying the family's bills is our problem.

Trade union members know that they must pay their share of the cost of government. We believe our government, by and large, is the best in the world. We are proud to do our part.

What galls most trade union members is the fact that under Federal income tax law the very wealthy pay less and less in proportion, while the vast middle income group pays more and more to support the government.

With a smart lawyer and a slick accountant who know the loopholes a man can have an income of $1,000,000 without paying one penny in Federal income taxes. It happens every year—including this year.

TEN PERCENT OF NOTHING

The recent surtax must have made those millionaires laugh and laugh and laugh. Their taxes went up 10 per cent like everyone else's but 10 per cent of nothing is nothing.

Those loopholes for the wealthy are unfair to the middle income taxpayer. So is the $600 personal exemption in the Federal income tax law. That living allowance hasn't been increased for more than 20 years despite increases in living costs.

Tax reform deserves more this year than the lip service it usually gets in the party platforms.

Candidates should be prepared this year for the questions they will get on tax loopholes, depletion allowances, income splitting, tax exempt bonds, and on the personal exemption.

This issue of tax reform will have real magic this year for any candidate who dares to take up the sword.

THE AIRLINES BATTLE THE BOOM

Mr. CASE. Mr. President, in 3 years or less the commercial supersonic age literally will come banging into our lives.

At about that time the first British-French supersonic transport—SST—the Concorde, will enter commercial service. Barring further design delays, the first American SST may roll off production lines by 1975 or 1976. Not one, but whole fleets of these superplanes will be built.

Because of the sonic booms these aircraft generate everywhere along their flight paths, they will add a new, disruptive sound to an increasingly noisy environment.

Evidence on hand indicates that the sonic booms, in addition to being a loud nuisance, also can be destructive to property and a danger to health.

Development of the SST, in my judgment, ranks very low on the Nation's priorities scale, especially in a time of financial stringency such as the present. But beyond this and as a matter of prime concern is the intrusive sonic boom. As the Reader's Digest points out in its October issue, the public wants protection against the boom before—and not after—the SST's begin creating a daily din over our country.

My concern about the boom is intensified by the failure of the Federal Aviation Administration, the chief developer of the SST, to prohibit boom-creating supersonic transports from flying over territorial areas of the United States.

Has the FAA failed to impose such a ban because it would limit the number of SST's that could be sold and thus turn the agency's pet project into an economic failure?

Economics must not determine whether there will be overland SST flights at supersonic speeds. The determining factors must be whether the public health and welfare and environmental quality can stand the continuous bombardment of sonic booms.

And, the decision on permitting overland supersonic flights must not be made by the FAA, which has at least a potential conflict of interest in the matter. The decision must be made by the Congress because it is the only institution which can meld all the needs of society into such a profound policy decision.

As the Reader's Digest article states, I have introduced proposed legislation—S. 3399—to put the decision on overland supersonic flights in the hands of Congress. With the first commercial SST service only a few years away, it is urgent that the public be afforded protection in advance of the sonic boom. My bill provides for that protection.

The Reader's Digest article, written by Mr. James H. Winchester, is a most perceptive piece on the SST-sonic boom issue. It should be widely read because the sonic boom will disrupt millions of lives. I ask unanimous consent that Mr. Winchester's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AIRLINES BATTLE THE BOOM

(By James H. Winchester)

On August 5, 1959, at Ottawa, Canada, a demonstration of a Lockheed F–104 Starfighter was taking place over the almost-completed stunning glass-and-stainless-steel terminal building at Uplands Airport. "Can you buzz the field?" an official radioed the pilot.

Low and level, the plane shot across the runways at over 1000 miles an hour. Like a bullet it was gone.

Boom!

The terminal was a shambles. Glass and walls were smashed. Tiles and insulating materials fell to the floor. Doors, window frames and small structural beams were twisted. Damage: $300,000.

The expensive repercussions of that fast fly-by are symbolic of the major problem now faced by the airline industry. When a jet plane flies faster than the speed of sound, it creates a sonic boom. A decade ago, these booms were regarded as little more than attention-getting stunts. Today they threaten to cripple the future of commercial supersonic flight.

Technically, there's nothing to block the take-off of the faster-than-sound airliners, due in commercial service in the mid-1970s. With engines producing two thirds the thrust of the rocket that orbited America's first space satellite, the SSTs promise to revolutionize air travel as they slice through the deepening darkness of almost weatherless skies a dozen miles above the earth, outspeeding sound and sun at half-a-mile a second. No place in the world will be more than 12 hours away.

The economic implications are enormous. By 1990, it's projected, the world's airlines will need at least 500 supersonic airliners, costing more than $20 billion and creating 250,000 jobs. Says Maj. Gen. Jewell C. Maxwell, director of supersonic transport for the Federal Aviation Administration: "The aviation industry provides the kind of high-skill jobs which give this country national pride and enables us to compete effectively in the world market. The SSTs must be built to provide more jobs of this nature for more Americans." Balance of payments is also deeply involved.

These superplanes can be superbusts, however, if the sonic boom cannot be tamed. Increasing opposition hovers over their future. Sen. William Proxmire of Wisconsin speaks for many when he likens them to "an infernal machine that dooms us to live out our lives in an immense drop-forge foundry."

THE VILLAIN EXPLAINED

Any airplane—even a paper one—pushes air aside as it moves. Ordinarily, this isn't a problem. The air gets out of the way at the speed of sound, which is about 760 miles an hour at sea level. But trouble starts when the plane goes supersonic, or faster than the speed of sound. The air, unable to move that fast, can't get out of the way. The molecules are pushed together and pile up in a wall.

As the plane butts its nose into this barrier, the air gives way, exactly as water parts in front of a moving boat. Sweeping backward on either side, shock waves form into the shape of a cone that's pulled along behind the plane. In the case of a supersonic airliner flying at 60,000 feet, the bottom of this spreading cone of air would reach about 30 miles back of the plane and be about 60 miles across as it touches the ground.

There is a popular misconception that a sonic boom is created when the plane goes through some invisible barrier, much like a baseball crashing through a window. This is not true. It is created by the cone, which exists at all speeds above the speed of sound.

Everywhere the cone goes it displaces the regular air through which it is pulled. The increase of air pressure resulting from the displacement at the bow of the plane causes vibrations which are transmitted along the cone to the ground and are detected there by the ear as sound, a nerve-jangling bang that is often as startling as a heavy blast of dynamite next door.

As the walls of the cone move on, a momentary weak vacuum is left behind the plane. The old air rushes back in to refill the space. The suddenness of the rush causes additional vibrations, resulting in a second boom. The two booms occur so close together that they are heard as one sound. The cone creates a continuous strip of sound moving along the ground; people behind have already heard it, those ahead soon will. Says an aerodynamicist: "It's like an unrolling carpet."

SUPERBOOMS

Normally, those directly below the plane hear the loudest boom, although sonic booms also occur at great distances to either side of a flight path, sometimes as far as 50 to 60 miles away. A Boeing SST is expected to produce a sound about like a sudden clap of thunder. But all booms aren't alike. Some—called "superbooms"—can be several times stronger than others.

Local meteorological conditions—different temperatures, humidity, winds, even dust—can occasionally reflect or bend the shock waves out of shape and result in unpredictable monsters, distorting the waves into jigsaw patterns which may skip one area entirely, only to hit down many miles away. Low-level flights, maneuvers and rapid acceleration can also cause superbooms, as happened recently when the pilot of an F–105 Thunderchief, flying at approximately 150 feet above the ground, cut in his afterburner to get a boost in speed during a dedication ceremony at the U.S. Air Force Academy in Colorado. The sonic boom shattered windows and some plaster in cadet quarters, causing $50,000 in damages and injuring 15 persons by flying glass.

Warm, turbulent air causes more distortion than cooler, stable air. More than likely, booms are less noisy in the early-morning hours than in midafternoon, after the sun has heated up the air; they are louder in summer than in winter. The shape of what's under a pressure-wave cone is also important. Those that bounce off rock, concrete or asphalt aren't absorbed as much as those off cleared level ground.

The loudest boom recorded to date was produced by shock waves measuring 144 pounds per square foot over normal air pressure. By comparison, over-pressures due to moderate thunderstorms create pressure on the ground of only one-half pound per square foot above normal.

Tests show that it takes sonic boom pressures of at least four to five pounds per square foot on the ground to damage properly installed windows or create cracks in plaster. Supersonic transports, in normal flight at 60,000 feet, are expected to produce pressures on the average of one-and-a-half to two pounds per square foot on the ground directly beneath their flight path.

BOOM TIMES

Since 1956, the U.S. Air Force, in flying an estimated 300,000 hours at supersonic speeds, has paid out some $1,500.000 for sonic-boom damages, and another $2.500.000 in claims were filed in fiscal 1968. Aside from damaging older buildings, the supersonic shakes also threaten natural formations. One Oklahoma City homeowner claimed that flights caused the bedrock to shift along a geological fault beneath his new $90,000 house. Concrete floors and foundations, reinforced with one-inch steel rods, were cracked. (A court awarded $10.000 damages.) Officials at Idaho's Sun Valley say that sonic booms create avalanche dangers along the resort's ski slopes, and the U.S. Department of the Interior claims that military planes regularly shake tons of earth from prehistoric cliff dwellings and formations in the West.

Accounts of the prowess of booms have also come in from abroad. Three workers were killed in France last year when a sonic boom collapsed the weakened main beam in an old farmhouse kitchen, spilling down eight tons of grain from an attic storeroom.

Because of controversy over the actual physical effects of sonic boom, the National Academy of Science set up a special committee to evaluate all test flights to date. A subcommittee recently concluded that material damage to well-maintained structures from sonic booms created by commercial SSTs operating in a normal manner within acceptable human toleration levels would probably be small. Nevertheless, the panel stressed the need for further study because there are still areas of uncertainty.

HOLD THE FORTE

But there is no doubt at all over the fact that many people resent sonic booms. In 1964, tests were carried on for six months over Oklahoma City, Okla., to determine the effects of sonic booms on people as well as places. A poll taken near the end of the tests showed that about one quarter of the city's population felt that they'd never get used to them. A French study found that a quarter of all people exposed to sonic booms there find them bothersome. A British study found two thirds of the residents in the Bristol area "frightened, startled or annoyed" by booms.

On the other hand, others contend that the sonic-boom noise can be tolerated. "Steam locomotives and automobiles were denounced at first as making too much noise," argues the Air Line Pilots Association. "People will accept the noise generated by sonic booms once they get used to it."

Amid this continuing controversy, many questions remain to be answered. One bad characteristic of sonic boom is that there is no warning. This suddenness, according to Dr. William H. Stewart, Surgeon General of the U.S. Public Health Service, could produce a stress phenomenon, contributing to ulcers, heart ailments and mental disturbances. Moreover, some misgivings have been raised about damage to the inner ear.

Until sonic booms are made tolerable, supersonic flights are almost certain to be banned over populated areas. For over-ocean flights, the planes would not start flying faster than the speed of sound until they were far at sea, and they would slow down for landing when land was still ahead.

But will the airlines be content to limit supersonic flights to overseas routes forever? "No," predicts the Citizens League Against the Sonic Boom, which wants to ban supersonic flights altogether. "Before long they'll demand to be flying all over the country. If that happens, each cross-country trip will boom ten million people."

LESS BANG FOR A BUCK

Aeronautical engineers believe that they will eventually be able to design planes with a tolerable boom level for overland flight. By the time the SST is flying in the mid-1970s, the present boom over-pressures could be reduced as much as 30 percent. NASA feels that, with the current state of technology, a more acceptable boom level of 1 to 1.3 pounds pressure could be obtained. But even if these pressures can be realized, there are some people who will still not accept them.

Because of the many years necessary for development, building and testing, blueprints for the first supersonic transports are already largely determined. Except for minor modifications, they can't be changed. The second generation of SSTs, due in the late 1980s, is something else: radical changes in design may be expected.

Working in wind tunnels with miniature models, some of them only a quarter-of-an-inch long, NASA aerodynamicists at Langley, Va., are determining how different airplane sizes and shapes affect the intensity of sonic booms. One finding is that while a blunt-nosed design on airplanes the size and weight of present-day supersonic aircraft creates greater initial pressures than slender shapes, these strong shocks somehow decrease more rapidly and are comparatively weak by the time they reach the ground. So far, this design has too much drag to be regarded as practical. Another discovery is that a properly shaped, very long airplane provides a gradual rather than an abrupt change in pressure which could entirely eliminate the noise associated with the sonic boom. But this finding is also impractical, reports Harry Carlson of NASA's Langley Research Division. The SST design would have to be in excess of 600 feet, with an overall weight no greater than the present 300-foot-long U.S. SST.

Scientists have considered using electrical forces, lasers and air jets to condition the air ahead of a supersonic plane so that shock waves are prevented or reduced in size, but so far they haven't found anything of significant value. They're also experimenting with stronger, new fiber-reinforced structural materials that promise to reduce the overall weight of supersonic airliners: weight is directly related to the intensity of the boom, because it influences the size and angle of attack of the wings.

Despite such future promise, there is increasing pressure to spare people from the boom today. In London last May, delegates from 25 nations to the 1968 International Congress for Noise Abatement adopted a resolution urging their governments to prohibit supersonic flights to prevent "physical and mental disturbances." Canada already has such a law. Switzerland, West Germany and Austria are ready to adopt curbs.

Earlier this year, Sen. Clifford P. Case of New Jersey introduced a bill which would ban all overland flights at supersonic speeds by non-military planes in the United States. This bill, which has received support from newspapers and conservation groups such as the Sierra Club, also provides for a broad, two-year study of the SST sonic boom. Based on its findings, Congress would then decide whether to allow supersonic flights over land areas and, if so, under what conditons. While Senator Case was not successful in an effort to attach the measure to a recently enacted aircraft noise and sonic control bill, he believes the battle to protect the public against the sonic boom can be won in due course, and plans to reintroduce his bill in the Congress beginning in January. "I believe we are moving from blind idolization of technology to recognition that we must also be concerned with its effects on the quality of life," says Case.

Most people are not against supersonic transport as such. They recognize that it is bound to come. What they do want, though, is protection for their eardrums, their health and their homes *now*—while they wait for advanced technology to provide a quieter tomorrow.

THE BLESSINGS WE SHARE—SECRETARY FOWLER REVIEWS THE 1960'S

Mr. HARTKE. Mr. President, Secretary of the Treasury Henry H. Fowler has been at the helm of our key Cabinet post in financial affairs since 1965. The years of this decade have been filled with both crises and accomplishments. Today, with 92 months of sustained economic growth behind us, many of our younger people can remember no period when we had less than a considerable degree of prosperity. Indeed, in looking at these last few years and assessing them in the field of economic affairs, Secretary Fowler recently pointed up the contrast between our situation today and that of the past.

I ask unanimous consent that the address by Secretary Fowler before the National Industrial Conference Board on September 20 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF HON. HENRY H. FOWLER, SECRETARY OF THE TREASURY, BEFORE THE NATIONAL INDUSTRIAL CONFERENCE BOARD, SEPTEMBER 20, 1968

In this closing session permit me to speak in a more direct and personal vein than usual in availing myself of this last of the pleasant privileges the National Industrial Conference Board has given me to meet with you in an official capacity.

Having just turned sixty and in the process of completing my eighth and final year at the Treasury window, I will demonstrate conclusively that there is a generation gap.

Indeed, in many ways, I am proud of it.

I am more than a little sick of hearing that America is a "sick" society.

I am tired of hearing about what is wrong with our country.

It is time somebody talked about what is right with the United States.

Let me do my part in the area with which I am most familiar by saying that the U.S. economy—with its free enterprise system and a working partnership between business, labor and government—is providing more prosperity, more opportunity, more sharing in abundance, more educational and health and cultural advances, than any society since the world began, and at a much higher and more sustained pace than ever before in its history.

We must not permit the sustained economic progress on which this is based to be undermined by a loss of confidence in ourselves and our country. But that can happen here if our total emphasis is on racial strife, student revolt and compus unrest, crime, and dissent over U.S. involvement in the maintenance of free world security and development.

Of course, these problems exist, like the inflationary pressures today that afflict our current economy. These problems must and are being tackled but we should not be deluded into believing that they reflect some ailment peculiar to the United States—some strange virus that surely will bring our system down.

Indeed, these tensions are observable over the Free World wherever liberty and opportunity permit the eye to see and ear to hear and the voice to speak out. They exist even in areas where totalitarian order is maintained by repression and tyranny over the individual.

These tensions exist all over the world where young people of different races live under the same flag or where young people of relative affluence and opportunity enjoy the heady wine of university life and are confronted with the age-old problem of sorting out liberty from license.

Where, since Cain slaughtered his brother Abel, has history recorded a crime-free society?

Whenever did a country stand up for the rights of others, however far away or close by, at the cost of some blood or treasure, that a large group within it didn't urge that, in the words of the parable of the Good Samaritan "We pass by on the other side?"

The principal difference between the United States and most of the rest of the world, in the perspective of these problems, is that the United States is tackling racial discrimination, student alienation and crime—and doing so within a framework of democracy, justice and order.

And the United States Government is subjected to outspoken dissent on foreign affairs for two reasons: first, the nation believes in the right of dissent and, second, the United States is doing its share, with many other nations defaulting, in providing the security from aggression that peoples everywhere thought was guaranteed under the Charter of the United Nations.

And the United States is doing all this in the broad daylight of a free press and national TV networks aided by communications satellites working hard to give the world the news about the United States which, under the accepted definition of news, accentuates conflict rather than accomplishment—what is wrong rather than what is right.

Consider what Australia's Prime Minister Gorton recently said:

"I wonder if anybody has thought what the situation of comparatively small nations would be if there were not in existence a United States—with a heritage of democracy and a willingness to see that small nations who otherwise might not be able to protect themselves are given some shield. Imagine what the situation in the world would be if there were not a great and giant country prepared to make those sacrifices."

Let those who advocate a return to isolationism ponder what would have happened to freedom and self-determination in Western Europe, in Iran, in Greece, in Turkey, in Korea, in Lebanon, in Taiwan, in The Congo, in India, in the Middle East, and in Southeast Asia if United States foreign policy had acceded to the views of dissenters—the neoisolationists and those who would passively watch Communist totalitarianism roll over freedom and self-determination at will.

The recognition of these sources of divisiveness in our society makes it all the more important to emphasize and conserve the blessings we share in this good land which is our heritage.

Before I attempt this emphasis in the field of economic affairs, may I invite other chroniclers to do the same in cultural affairs, in social welfare, in religious activities, in private charities, in recreation, and in the youth movements we used to hear about. That may not be the road to winning a Pulitzer or Nobel prize, but it can give one the satisfaction of helping to "tell it like it is".

Conserving that which is good is as important as changing that which is undesirable. Continuity as well as changes are essential to constructive economic life and progressive evolution in political and social affairs.

Against that background let us examine the contours of unparalleled economic progress of recent years, its social side effects, the proven tools that have been employed, and some necessary projections of these proven policies and programs in 1969. Otherwise, they may be overcome or lost in the sea of change or threatened change that characteristically engulfs our commonwealth every four years under our constitutional system.

NINETY-TWO MONTHS OF SUSTAINED AND ADEQUATE ECONOMIC GROWTH

Some eight years ago the American economy was sliding into recession—its third within a span of a half-dozen years. The growth rate had been anemic during this period, unemployment was trending higher in each recession, and private investment incentives were inadequate.

In 1960, in the Report of President Eisenhower's Commission on National Goals, appointed as a nonpartisan body to set goals for vital areas of our national life, there was the following recommendation on economic growth:

"The economy should grow at the maximum rate consistent with primary dependence upon free enterprise and the avoidance of marked inflation. Increased investment in the public sector is comparable with this goal.

"Such growth is essential to move toward our goal of full employment, to provide jobs for the approximately 13,500,000 net new additions to the work force during the next ten years; to improve the standard of living; and to assure United States competitive strength.

"Public policies, particularly an overhaul of the tax system, including depreciation allowances, should seek to improve the climate for new investment and the balancing of investment with consumption. We should give attention to policies favoring completely new ventures which involve a high degree of risk and growth potential."

The time had come to forge new policies, adapt old ones, and restore the sustained and adequate growth to a U.S. economy that was essential to domestic progress and our international position.

That task was undertaken by President Kennedy, executed by President Johnson, with the support of both political parties in the Congress and the leaders of business, labor and finance.

The economic malaise of the 1950's is almost forgotten after the 92 months of sustained and adequate economic growth which has followed. This remarkable achievement has disposed of the boast of Soviet Premier Khrushchev that he would "bury us" economically, the concern over the increasing frequency and length of recessions and the upward drift in the U.S. of unemployment, the technological gap, the educational gap, the gloomy prediction that automation and technological advances would leave a sizable proportion of our work force permanently unemployed. These questions have disappeared in large part because of the astounding performance of the U.S. economy. In short, while the American people certainly still face problems, the economic gloom of the Fifties is not one of them.

True, old social problems have taken on a new urgency as part of a rising tide of expectations induced by this economic progress. The magnitude of these problems—and the emotions they sometimes arouse—may seem at times to obscure the achievements of good economic policies. But we would do well to recall that the American economy has been, and can continue to be, a mighty engine of social progress.

The lesson of the 1960's is the enormous difference that public policies can make in creating an atmosphere within which the private economy can flourish. Whatever our political persuasion or allegiance, this is a lesson we cannot safely ignore in meeting the challenges that lie ahead.

Domestic economic and financial developments

It is hardly necessary to remind this audience that the decade of the 1960's has been a period of domestic economic advance without parallel in our previous experience.

By mid-1965 the current expansion was already the longest and strongest peacetime expansion on record. Most remarkable of all, it had been achieved with near stability in costs and prices. A stubborn balance of payments problem which had emerged in 1958 seemed near solution.

After mid-1965 and the intensification of the Vietnam effort, economic policy could no longer be determined on the basis of economic considerations alone. The going became tougher. Still, the economy has weathered a difficult adjustment with less price inflation than during earlier defense buildups, without resort to controls, and without tailing off into recession. Our balance of payments problem, while still very much with us, has been reduced to manageable proportions. This, I submit, is a good record by any standard.

The current expansion is certainly not without its blemishes domestically. Prices and costs have recently been rising far too rapidly for our continued economic health. Interest rates zoomed to undesirable highs. Some sectors of the economy have had very difficult adjustments to make in the past few years. But despite these problems, there has been no lasting interruption to the enormous productive achievements of the American economy. Furthermore, with fiscal restraints now in place and the Federal finances moving toward balance, the most serious immediate threat to continued expansion has been removed.

Rapid and sustained growth was not just a happy accident in the 1960's. It resulted from a considered decision to employ certain policy tools more actively and imaginatively than before. Recognition of the need for more active resort to policy tools—particularly in the fiscal area—grew out of the relatively disappointing economic performance of the late 1950's.

There will, of course, be differences of opinion as to the relative effectiveness and timing of the policy measures that have been taken. Much can, and should, be learned from our inadequacies as well as our successes. But there should no longer be any fencing about "growthmanship" or gloomy questioning whether the U.S. economy can realize its full potential. Experience in this decade has contradicted the pessimism of those who would have set our sights too low and sentenced the American people to another decade of slow growth and rising unemployment.

How much difference has faster growth made in the current decade? From early 1961 to the present, the national growth rate—in terms of real gross national product—has averaged more than 5 percent per annum. In the previous eight years, it averaged only a little more than a sluggish 2 percent. Yet, the average rate of price increase in the two periods is about the same.

What did it mean to more than double the rate of advance in real national output to over 5 percent during the more recent period?

Instead of the 4 million new jobs created between 1953 and 1960 there has been a 10½ million rise in civilian employment during the current expansion. Vigorous growth has made automation and technical progress forces for productivity, not threats to employment.

Instead of the 9 percent rise of the 1953–1960 period an average income per person after all taxes and after allowance for price increases there has been a rise of 29 percent. This, despite the claim by some that taxes and inflation have been pulling us down.

In terms of current prices, the value of the amount added to our Gross National Product since early 1961 is nearly $350 billion. This increase in the value of our production approximates the total national product of the European Economic Community or the Soviet Union in 1967.

To be sure, our prices have risen in the past eight years, and have risen too rapidly under the increasing pressures of the war in Southeast Asia since mid-1965. But, among the industrialized nations which make up the Organization for Economic Coopertion and Development, the United States has had the best record of price stability since 1960. On the average, the 21 other nations experienced a 46 percent increase in consumer prices since 1960—nearly three times the increase in this country.

And, the recent record compares very favorably with our own record of 1953–1960 when our growth was much slower:

Wholesale prices rose by 7½ percent, compared with a 9 percent increase in the previous seven and one-quarter years.

Consumer prices rose 16 percent in the more recent period, 11 percent in the earlier period.

The most comprehensive price index, the "GNP deflator," rose 16 percent in the most recent period and 18 percent in the earlier.

A table attached to the prepared text of my remarks presents further comparisons between the two periods. So much for the domestic record.

International economic and financial developments

In an interdependent world economy, the better U.S. economic performance of the 1960's has also had dramatic effect internationally. The growth of the entire Free World has picked up in this decade and the volume of trade has increased impressively. Just as economic growth has not solved all of our domestic problems, it still leaves unfinished tasks abroad. The international gap between affluence and poverty is still too wide. But a dynamic international economy, coupled with adequate flows of development finance, can help the less developed countries to break out of the vicious circle of poverty and inadequate investment.

I look back with pride to the fact that in 1961 I was a member of the United States delegation to the then new Organization for Economic Cooperation and Development. We startled that meeting by proposing that the member nations adopt a common goal of 50 percent economic growth during the 1960's. It is scarcely surprising that our cables home indicated that the response of some of our European friends was somewhat patronizing in view of the sluggish United States performance from 1953 through 1960, when the growth rate of the European member countries of OECD averaged 4.8 percent a year—more than double our own growth rate. But the ambitious 50 percent target was accepted by OECD despite the other countries doubts about the U.S.

When the OECD conducted its mid-decade review of growth performance in 1966, it found that real output in the 21 member countries had risen by 27 percent in the period 1960–1965—an average rate of expansion of nearly 5 percent a year. Excluding Japan (which was not an OECD member in 1961) the output expansion was 4.7 percent—well above the 4.1 percent rate required to meet the 1970 objective that had seemed so ambitious in 1961. As the OECD mid-decade report stated: ". . . faster expansion in the United States, which accounts for more than one-half of the GNP in the OECD area, played an overwhelming part in raising the rate for the whole area."

Stronger growth among the member nations of the OECD and the entire world economy amounts to more than simple addition of the separate achievements of individual nations. The whole *is* more than the sum of its parts. A rising volume of trade because of growth stimulates still further growth. Expansion in each country means greater trade opportunities for all others. As the world's largest trade nation the United States obviously plays a key role. For example, the United States absorbed almost one-fifth of the total exports among OECD countries in 1965.

The mutual interaction of growth at home and trade abroad is basic to continued international economic progress. Recognition of this fact goes back to the Reciprocal Trade Agreements Act of the 1930's and has found recent expression in the reciprocal reduction of tariff barriers in the "Kennedy Round" of trade negotiations.

World Trade, as measured by imports, has increased at an annual average rate of 7.6 percent since 1950. It has advanced from $58 billion in 1950 to over $200 billion in 1967, an increase of about 246 percent, or about 2½ times.

The increase in the national product of the Free World has been commensurate, and in real terms has more than doubled since 1950. For the post war period as a whole it is estmiated to have grown two to three times.

But the big flaw in this record is the disparity between the advance of the so-called developed countries and the less developed countries—and even between some of the latter who have been successful in moving their economies to the "take-off" stage and those which have not.

ECONOMIC GROWTH AND SOCIAL PROGRESS

Economic growth alone will not solve all our problems. But the recent record demonstrates clearly that vigorous economic growth remains the most powerful social weapon at our disposal. Consider the benefits that have accrued domestically as a result of the vigorous growth of recent years, from 1960 to 1967:

Thirteen million Americans have moved out of the poverty category.

Eleven million more families achieved yearly incomes above $10,000, 2½ times the number in 1960.

Five million more Americans own stock than in 1963, 23 million more have savings accounts.

Home ownership has risen to 37 million from 33 million in 1960.

Economic growth does not insure social justice or end the practice of discrimination. But, the more rapid economic growth of recent years is bringing substantial gains to minority groups and giving an added degree of dignity and security to millions of Americans. As President Johnson has pointed out, more Negroes and other nonwhites have risen above poverty in the last two years than in all the previous six years of the decade. Between 1960 and 1967:

The proportion of nonwhite families earning over $8,000 (adjusted for price changes) more than doubled—from 13 to 27 percent.

The number of nonwhite white-collar workers, craftsmen, and operators jumped 47 percent. One-half of all nonwhite workers now hold these better paying jobs.

And, most significantly for the future, the education gap between young whites and nonwhites as measured by years of school experience, has been cut to less than one-half year (12.2 years for nonwhites compared to 12.6 for whites). Statistics show that a U.S. Negro is more likely to go on to college than any citizen in a West European country except for France.

While racial strife and discontent have received the glare of publicity in recent years, vast economic gains have been made by previously disadvantaged groups. This is one of the real domestic "success stories" of the 1960's: the widening of economic opportunities for all of our citizens. The vehicle for social reform has been the expansion of the whole economy, not the redistribution of existing income. We have not reduced the living standard of the middle-income and upper-income families to raise the living standard of the poor. Instead all groups have gained together. The task of future years will be to continue, and even accelerate, the process which has already given millions of Americans new hope.

Sheer economic growth does not assure advances in the field of education and health any more than insuring social justice. But the record is clear, the enormous income we have earned in the past eight years has provided unprecedented advances in these areas. Of course, we have lived quite a bit better—our expenditures on personal consumption have expanded by about 41 percent. But growth has made possible an allocation of substantially increased amounts to education and health. Our total public and private expenditures on education have increased from $27 billion to $52 billion today. Our total public and private expenditures on health have increased from $27 billion in 1960 to $50 billion today.

The impressive record of economic growth which the United States has registered in recent years is not only important for the domestic advantages it has yielded. In addition, the expansion of our economy has provided benefits for the developing nations of the world in their struggle for self-sufficiency, self-respect and a better life.

PROVEN TOOLS OF ECONOMIC PROGRESS

The experience of the past seven and one-half years, and earlier experience as well, has proven the value of the use of a range of key policy tools in the pursuits of economic progress. Fortunately, such use is no longer the subject of acrimonious political debate—and it should not be. Differences of emphasis and interpretation still remain but there is a widening and significant area of agreement.

For present purposes, the key elements in our economic strategy can be grouped under four main headings. These are: structural policies, flexible and coordinated fiscal and monetary policies, cooperation between labor, management, and government, and international policy coordination and cooperation. Each has made, and can continue to make, a distinctive contribution to the promotion of our economic welfare. I will comment briefly on each, before turning to the crucial question of how continuity of proven policies and programs can be provided in 1969.

Structural policies

One of the first steps taken by the incoming Kennedy Administration was to redouble the incentives for greater private domestic investment in new plant and equipment. The Revenue Act of 1962 granted a tax credit of 7 percent on new investment in machinery and equipment, and in that same year the Treasury reformed and liberalized the tax treatment of depreciation. Together with the cut in the corporate tax rate contained in the Revenue Act of 1964, these measures raised the profitability of a typical investment in new equipment by more than one-third. Because of the Vietnam situation, it proved necessary to suspend the investment tax credit temporarily and also impose the current surcharge. However, the bulk of that extra incentive remains with the lifting of the suspension and the use of tax reduction to stimulate investment incentives and unleash the productive energies of the private sector has been amply demonstrated.

For example, our total annual investment in plant and equipment—the creative capital goods area which is the key to both growth and productivity—has rapidly increased from a level of approximately $35 billion in 1960 to approximately $65 billion today. Our total annual investment in manufacturing has increased from $14.5 billion in 1960 to about $28 billion today.

The reductions in Federal taxes in 1962, 1964 and 1965 amounted to approximately $24 billion in terms of 1967 income. Even with the recently enacted temporary surcharge on income taxes less than one-half of these tax reductions have been borrowed back, and income tax rates are much lower than they were in 1960.

Despite the fact that state and local taxes have consistently increased during this period, the reductions in Federal taxes have kept the United States in the category of industrial nations with the lowest percentage of gross national product being drawn off through public taxation.

The Federal tax system must be kept fair and equitable in the light of changing conditions. We have, in the last eight years, clearly recognized this challenge. The Revenue Acts of 1962 and 1964 contributed more to tax revision in the interest of fairness than the total of all measures since the revisions of World War II. In 1965 the excise tax revisions swept away the jumble of discriminatory measures that had been a legacy of past needs to raise revenues in war-time situations. Since then the Treasury has recommended action in a number of areas, such as foundations, acquisitions of businesses by tax-exempt organizations, revision of the tax treatment of the elderly, and the abuse of industrial development bonds. The Congress has taken action in some matters such as industrial development bonds and in other areas the problems are still on the legislative docket.

The combination of sustained and substantial growth in personal and corporate income, tax reduction, and higher returns on savings have had a dynamic effect on capital savings. The savings of the American people were $399 billion in 1960 and are $677 billion today. The net working capital of our nonbanking business institutions came to $132 billion in 1960 and is $205 billion today. The resources of our commercial banks, savings and loan institutions and mutual savings banks were $370 billion in 1960 and are $666 billion today.

New initiative, new policies and new resources devoted to manpower training and the provision of economic opportunities have assumed significance as an important structural economic policy as well as a means of showing compassion for those who lack adequate or equal economic opportunity. In recent years, the development of intensified public policy and imaginative efforts in private industry in manpower training have constituted an attack on structural unemployment. This makes taxpayers out of tax consumers, reduces the trade-off point between unemployment and inflation, and lessens the risk of dependence on excessive demand as an answer to the unemploymet problem.

Sizable investment in these activities and the underlying educative capacity that makes manpower training meaningful, coupled with the investment in tools of production, have become recognized as essential to the successful pursuit of the economics of growth.

Flexible and coordinated fiscal and monetary policies

The adjustment and coordination of fiscal and monetary policies to assure a stable, balanced, and dynamic economy will be an underlying fundamental for economic life in the years ahead—as it has been in the years just past. During the first two-thirds of the current expansion, fiscal and monetary policy were geared together to stimulate the domestic economy while keeping short-term interest rates reasonably aligned with key rates abroad. The more active use of fiscal policy enabled monetary policy to remain in an accommodating posture, without the sharp swings from ease to tightness that had been characteristic of the 1950's.

Since mid-1965 fiscal and monetary policy have faced further difficult tasks. While there was a difference of opinion in late 1965 as to the appropriate timing of monetary action, fiscal and monetary policies have continued to be coordinated in the interest of domestic stability and the balance of payments. The long legislative delay in enactment of the recent fiscal restraint package was obviously unfortunate. However, fiscal policy has once again assumed a major role in stabilization policy.

During recent years, it has been demonstrated that fiscal policy can be used to stimulate and to restrain. Combined with a flexible and responsive monetary policy, fiscal action can help insure that growth in total spending and productive capacity will be kept in reasonable correspondence. Without a close degree of coordination between fiscal and monetary policy, we run the risk of returning to the old cycle of expansion and contraction—boom and bust. But, the lesson of recent years is that the economy can be kept in steady expansion.

Cooperation between labor, management, and Government

A remarkable degree of cooperation, understanding and mutual confidence between business and labor and government has gradually emerged in recent years. As we have pursued policies to fashion a better balance between the public and private sectors, business and labor and government have moved together in a growing partnership for progress. They have discovered that by pulling together they can achieve much more than by pulling apart.

A key problem remains to be solved: wage-price stability at high levels of employment. Even with sound monetary and fiscal policies, wage-price stability depends upon the determination of American business and American labor to avoid wage rises that outdistance our gains in productivity and take the national interest into account in pricing decisions. Wage and price stability is vital to both our balance of payments and our domestic progress—business and labor and government have a joint responsibility to cooperate in its achievement.

International policy coordination and cooperation in economic and financial areas

Recent years have seen an unprecedented degree of cooperation in the international economic and financial fields. Let me note just a few areas of cooperation:

The General Arrangements to Borrow that give a much needed backstop to the resources of the International Monetary Fund.

The huge currency swap networks, now totalling almost $10 billion, that provide a first line of defense against disruptive currency speculation.

The cooperative arrangements to offset the foreign exchange costs of our military deployments that have protected our balance of payments from larger drains.

The expansion of multilateral aid to developing nations through the Inter-American Development Bank and the International Development Association, and the creation of the Asian Development Bank.

The cooperative efforts to assist nations that have found themselves in temporary monetary difficulties—Canada, the United Kingdom, Italy, and, more recently, France.

I must take particular note of the agreement on drawing rights. This historic development, at U.S. initiative, took years of patient negotiation and study. It holds out promise for the first time that eventually the world economy can be freed from dependence upon increases in monetary gold stocks and balance of payments deficits of reserve currency countries. It means that the world now has a way to expand trade and finance among nations with confidence that monetary reserves will grow sufficiently to make this flow of trade and finance possible.

The progress in all these areas has occurred during a period of formidable pressures on the international financial system and on our own balance of payments. Even though there is a period of relative calm, let no one assume that we have solved our own balance of payments problems or completed the work of improving the international monetary system. This is far from being true. But as a Nation we have come to grips with the problem: the President laid down a forceful corrective program on January 1, the Congress has responded with action for fiscal responsibility, and a substantial part of the remaining elements of the program is in effect and yielding results.

Cooperation is the common thread running through these and other accomplishments internationally. Increasingly, the advanced countries of the world are sharing the responsibility on a multilateral Free World scale for an improved trade and payments system, mutual security arrangements that are soundly and fairly financed, and an expanding system of development aid and finance.

PROVIDING CONTINUITY OF PROVEN POLICIES AND PROGRAMS IN 1969

Now the future requires our attention. Even in a political year, there is much upon which men of good will can agree. As a nation we are committed to the defense of freedom and the enlargement of opportunity—at home and abroad. Great tasks lie before us. We must keep the economy growing and productive, the Nation's finances in reasonable balance, and the dollar sound and respected.

Our basic economic objectives include: an adequate rate of growth, reasonably full employment, and reasonable price stability. Because of the special role of the United States economy and the dollar in the Free World monetary system, a fourth fundamental objective has emerged—the achievement and maintenance of equilibrium in our international balance of payments.

All are agreed that the foundation of all our national efforts will be an economy moving towards these objectives, providing ever new opportunities and an ample scope for individual, corporate and collective initiative.

There will be substantial differences as to the choice of means designed to achieve these objectives. These differences will reflect certain philosophical or pragmatic preferences.

But all should agree that the immediate task is to provide for continuity of proven policies and programs in 1969, so that the incoming administration—whether Democratic or Republican—can press ahead with the Nation's business, while fashioning the innovations and initiatives that seem desirable.

There are a number of areas in which continuity will be essential, and others in which continuity appears to be desirable until and unless suitable alternatives are devised and accepted.

First, the immediate problem for 1969 will be to adapt the fiscal and monetary mix to meaningful changes in the international situation and the process of achieving that degree of dis-inflation at home that will move the economy steadily toward reasonable price stability without too much of or too long a sacrifice in the rate of growth and job creation.

The current policy of fiscal and monetary restraint is directed toward restoring a reasonable degree of price stability by a moderation of the rate of growth from the excessive levels of the past year or so.

The task of monetary policy, now conjoined to the massive shift from fiscal stimulus to fiscal restraint provided by the recently enacted revenue act and the increases in social security taxes, scheduled for January 1, was indicated in the recently published June statement of the Federal Reserve Open Market Committee: ". . . it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resistance of inflationary pressures and attainment of reasonable equilibrium in the country's balance of payments, while taking account of the potential impact of developments with respect to fiscal legislation."

Apart from the utilization of timely monetary policy, fiscal policy options which will be available to the new administration and the new Congress in the first six months of calendar 1969 are:

(a) The extent to which there will be a fuller funding of pressing domestic programs, as well as provisions for built-in or unavoidable Federal spending increases for social security and salary adjustments for Federal employees already voted,

(b) The decision, unavoidable by reason of the fact the recently enacted 10 percent surcharge expires on June 30, that tax must be extended, reduced or allowed to terminate.

I will content myself for the present by noting that these extremely important—even crucial—decisions will have to be made very early next year and take into account the state of the private economy and the outlook for defense expenditures, both important variables which have a disconcerting way of defying precise prediction well in advance.

Flexibility is the watch word in this area, as it has been since 1965.

A second area where continuity of policy will be highly important in 1969, but is far from being mastered, is the coupling of auxiliary or supplementary policies to complete the process of dis-inflation, now the prime target of the fiscal-monetary mix to restore reasonable price stability.

Effective price competition, a return to a closer relationship between increases in wages and productivity, some temporary absorption of increased costs out of profits, attacks on some of the structural areas such as construction and medical costs now being charted by the Cabinet Committe on Price Stability, should be important elements of program follow-through in 1969.

These programs for restoring price stability are also fundamental to the achievement of a healthy, enduring equilibrium in our international balance of payments based on competitive capacity in markets at home and abroad.

The association of inflation with low levels of unemployment is clearly an unsolved problem of the first magnitude. Every major Western nation has recognized the unemployment-inflation problem and has experimented with instruments of restraint. Our own experience with the wage-price guideposts developed by the Council of Economic Advisers was very encouraging until 1966, when excessive demand and lower rates of productivity resulting in increased prices and unit labor costs disrupted the previous even pattern of expansion.

Now that the problem of excessive demand has been tackled, the focus of scrutiny of the Cabinet Committee on Price Stability is how to effect a return to a workable pattern of wage-price stability.

Appropriate monetary and fiscal policies are, of course, absolutely indispensable in the achievement of rapid economic growth with reasonably full employment without inflation. But many ask: Can we not achieve these objectives merely through finer tuning of our monetary and fiscal restraints? Unfortunately, the answer is "no." The world would be much simpler were it otherwise. And, there was a time when many of us were confident that monetary and fiscal policy could do the job alone. But both American economic history and the experience of every Western nation speak eloquently that monetary and fiscal policy, alone, are not enough.

This Administration did not discover this dilemma, nor is it a partisan issue. After having grappled with it for seven years, President Eisenhower observed in his 1960 Economic Report:

"Fiscal and monetary policies, which are powerful instruments for preventing the development of inflationary pressures, can effectively reinforce one another.

"But these Government policies must be supplemented by appropriate private actions, especially with respect to profits and wages. In our system of free competitive enterprise and shared responsibility, we do not rely on Government alone for the achievement of inflation-free economic growth. On the contrary, that achievement requires a blending of suitable private actions and public policies. Our success in realizing the opportunities that lie ahead will therefore depend in large part upon the ways in which business management, labor leaders, and consumers perform their own economic functions."

A 1961 report to the Economic Policy Committee of the OECD noted that "most governments have now come to believe that, under conditions of full employment, management of the general level of demand will often need to be supplemented by more specific measures for promoting price stability." The report specified policies designed to prevent acute excess-demand conditions in particular sectors; policies designed to speed the adaption of supply in excess-demand conditions; and policies designed to influence determination of incomes and prices.

The guideposts of the Council of Economic Advisers explicitly treated the problem of discretionary power in the market place. They were a plea for abstention—in money terms, an appeal to accept less than is within their power to take. If we are free to decide, we must be content to live with our decisions and to be judged on them. But standards are necessary if the judgment is to be fair and constructive. The guideposts were an attempt to develop such standards. Can we devise better standards? Can we create institutions that implement them more effectively? Questions like these have been raised in all the major Western capitals. Hard as they are, they cannot be avoided in 1969.

A third area for policy continuity in 1969 is tax reform. After the reforms of the Revenue Acts of 1962 and 1964 and 1965, the Treasury Department undertook a major effort to prepare tax reform proposals of a comprehensive nature in 1966 and 1967. The plan was to launch a major legislative effort on the heels of the enactment of the temporary surcharge legislation. Because of the delays in enacting the surcharge legislation and the fact that substantial tax reform requires extensive legislative consideration, there was no suitable opportunity to push these proposals on to the legislative calendar.

It is clear that tax reform must be a matter of high priority as respects tax policy and the work of the Congress. I and my associates in the Treasury have called attention to some of the areas that we feel should be given consideration. As one example, there is the impact of our present tax system on those in poverty. A country concerned about the plight of the poor should certainly be concerned about not imposing an income tax burden on them, and indeed the Revenue Act of 1968 made this principle clear by not imposing the 10 percent surcharge on low income taxpayers. At the other end of the scale is the serious problem of those taxpayers with very high annual incomes who make little or no contribution to the Federal Government because of the use, singly or in combination, of many of the tax preferences adopted for particular purposes. There is also need for an extensive, searching review of the rules under the estate and gift taxes and the associated question of the treatment of transfers of appreciated assets at death under the income tax.

The two cardinal principles should guide us in considering tax reform. One is that the standards of equity and fairness and desirability must be applied in the context of the world today. Tax provisions adopted to serve certain needs in the past must constantly be tested to see if they are still appropriate. We must ask what is the net benefit to the nation from such a provision in terms of the present cost—what is the efficiency and effectiveness of the tax provision as contrasted with other forms of Government assistance that may not have the side-effects of income tax liberality to individuals or corporations that accompany the use of the tax route?

The second principle is that change from yesterday's rule to today's new need must be orderly and fair, so that those who had planned their businesses or lives on the basis of the earlier provisions may have an orderly transition to the new standards. But it is orderly transition that I am emphasizing and not stagnation or indefinite postponement of any change, for tax preferences should not be a hereditary matter handed down from one generation to the next.

A fourth area where a beginning has been made and more needs to be done is in manpower training and the encouragement to civilian technology and education. There is still a relatively untapped resource in those of our citizens who are unemployed and underemployed. The wastes of unemployment are obvious. In addition, in far too many cases people are working in unskilled jobs and failing to utilize their full potential. Technological change has an unsatiable appetite for higher and higher job skills, and before many more decades have passed there may be little demand and only meagre compensation for the services of the underskilled or the uneducated.

One of the great challenges of our time is to harness the great capacity of the private sector to our system of public education and training, so as to make it possible for all of our population to share in the opportunities now available for the more fortunate. That challenge will not be finally met within 1969. But, the stakes are so high that there should be no interruption of the national effort in this area.

A fifth area for policy and program continuity is the re-establishment and maintenance of stable equilibrium in the U.S. balance of payments. This calls for a vigorous follow-through on all elements of President Johnson's New Year's Day program, rather than a dismantling of some parts, as some suggest. This program encompasses a series of direct action measures on specific accounts as well as use of fiscal restraint by the government and voluntary restraint by management and labor in price-wage and work stoppages affecting foreign trade.

The President's program—a stern and stiff one—won no cheers in an election year. It called for increased taxes, a hold-down in domestic spending and decreased government overseas expenditures or their neutralization by compensating measures. It urged less spending by Americans touring foreign lands and restrained money flows from the United States for U.S. investment and loans abroad, while encouraging combined public and private effort to encourage foreign tourism and investment in the United States.

Part of this program has been executed and in those areas it is working. Indeed, some of the results could lead to public overconfidence.

The last report on our balance of payments covering the second quarter of 1968 showed a small deficit of $150 million on a liquidity basis and a sizable surplus in the official settlement basis. This result was in sharp contrast to the large and unacceptable deficits in the previous quarter on both bases.

The progress achieved was in the movements of capital and not the current account which deteriorated with a declining trade surplus and a big tourist deficit. Welcome as it is, this progress was unbalanced, and some elements cannot be relied upon consistently. Some parts of the program, such as those designed to restore a healthy trade surplus, are only getting under way, and those dealing with the travel deficit have not been approved by the Congress.

The entire program must be applied. If it is not applied in its entirety this year, it will have to be applied next year regardless of what national administration is in power. It is, quite simply, a problem beyond politics.

The national objective embodied in the program must be pursued in full bipartisanship if the nation is to assure the strength of the dollar and the international monetary system.

The hard, gritty work of continuing to reduce our government expenditures abroad, or neutralize them through arrangements bilaterally negotiated, should continue unabated.

The nation must carry through to the full the workable programs of combining private and public effort to increase foreign investment and travel in the United States which have been submitted.

Our exports must be helped to rise—by responsible labor and management decisions on wages and prices, by continued negotiation of reduction of non-tariff barriers of our goods abroad, and by following through on the special measures for financing and promotion of American exports that have been initiated.

By doing less than a complete job in these areas of long term significance, we would be gambling with the future of our own prosperity and that of the free world and delaying the time when the temporary restraints in capital flows can be eliminated.

A sixth key area for policy continuity concerns the persistent and steady effort to provide leadership for and participation in international financial cooperation designed to improve constantly the working of the international monetary system to encourage trade and economic development.

This means in the monetary field the activation in 1969 of the Special Drawing Rights machinery to provide by deliberate decision over the years ahead new reserve assets, supplemental to gold and dollars. This activation should provide the degree of liquidity needed to accommodate a growing free world and facilitate the working of the adjustment process in an environment where monetary authorities of surplus countries are reluctant to lose reserves steadily.

In addition to activating the Special Drawing Rights, continuity of U.S. policy in 1969 should look to participation in any official multilateral studies for improving the international monetary system in a world which includes Special Drawing Rights.

Another area of international financial cooperation calls not merely for continuity of policy but for an acceleration of effort to improve and increase the role and effectiveness of multilateral development finance institutions and private investment in meeting foreign exchange and developmental needs of the less developed countries. Action in this area should go forward to a far greater degree than has been the case thus far in the Sixties.

As a group, the developing countries have, during the 1960's, achieved an average growth of 4.5% per year—impressive, but not significantly improved from the record of growth during the decade of the 1950's, and still slightly below the U.N. Development Decade target of an annual 5% increase in gross national product. Moreover, half of the growth which was achieved was absorbed by the population increases in the developing nations, so that on a per capita basis economic growth has averaged only 2.3% per year for the developing world as a whole.

But it can be misleading to try to generalize about the area covering all of Africa, Asia and Latin America which accounts for two-thirds of the world's population. These averages mask wide variations in the performance of the different countries and regions.

A number of those countries which are counted among the wealthier and more highly developed of the developing nations have made further rapid strides in recent years. For example, Greece and Israel have achieved an average growth rate of about 8½% a year or so since 1960, a rate which would double their national production in 8½ years.

There have also been major success stories by some of the poorer of the less developed nations. Among those with per capita income of less than $600 per year, there are six countries—Taiwan, Jordan, Panama, Nicaragua, Korea and Thailand—which have achieved high growth rates during the '60's, varying from 9.7% per year for Taiwan, to 7.2% for Thailand. This means that those six countries can double their 1960 GNP within the decade if they maintain their rate of advance.

These "success stories" represent in population less than 10% of the total. The remainder have seen no such spectacular results and for many the history of the 60's has been only one of grim disappointment. The whole of underdeveloped Africa has during this decade recorded a per capita economic growth of only 1% a year. South Asia with a population larger than the Continent of Africa and Latin America combined has recorded per capita growth of only one-half of 1% a year. Advancement for many countries has been depressingly slow and some have achieved no growth at all.

It is perhaps noteworthy that most countries which have achieved rapid growth have benefited from sound economic planning, good budgetary and monetary policies and a strong currency that has encouraged domestic savings and attracted foreign investment. And, importantly, it is apparent that those developing countries who have grown most rapidly have benefited from very large amounts of foreign assistance or other capital inflows from abroad.

Against this backdrop, an acceptance of the drastic proposed reduction in appropriations for foreign aid and a continued failure of the Congress to provide the United States share of a replenishment of the funds of the International Development Association of the World Bank would be tragic. It would destroy world-wide hopes for significant progress in multilateral development finance in 1969 and signal a dismal retreat from the realities of the struggle for continued economic progress.

CONCLUSION

Now summing up, in the period just ahead there will be a transition and a time of change, irrespective of which political party wins in November. But there should also be a continuity in economic policy and in established national economic objectives. Proven tools of economic and social progress are not the exclusive property of any administration or political party. In the economic and financial areas, we must all work together responsibly to insure that there is continuity, as well as change.

Indicator	1961–I (or February 1961) to 1968–II (or June 1968)		1953–I (or February 1953) to 1960–II (or June 1960)	
	Absolute change [1]	Percent change	Absolute change [1]	Percent change
Gross national product:				
Current prices	+$349, 000, 000, 000	+69. 4	+$141, 000, 000, 000	+38. 6
1968–II prices	+$268, 000, 000, 000	+46	+$94, 000, 000, 000	+19
Industrial production		+59. 5		+18. 7
Employment	+$10, 456, 000	+15. 9	+$4, 283, 000	+6. 9
Unemployment rate	down from 6.9 to 3.8 percent		up from 2.6 to 5.4 percent	
Number of months below 4 percent	30 months		19 months	
Personal income	+$272, 000, 000, 000	+66. 8	+$116, 000, 000, 000	+40. 8
After tax personal income	+$232, 000, 000, 000	+65. 2	+$101, 000, 000, 000	+40. 6
After tax personal income for family of 4	+$3, 908	+50. 3	+$1, 488	+23. 7
Per capita disposable personal income (1958 prices)	+$603	+32. 2	+$171	+9. 9
After tax corporate profits	+$26, 000, 000, 000	+107. 8	+$6, 000, 000, 000	+28. 1
Net farm income	+$210, 000, 000, 000	+15. 6	−$1, 400, 000, 000	−10. 4
Number of recessions	None		3	

[1] Current prices except as indicated.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report of Small Business Administration

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report on the financial, management, and procurement assistance activities of the Administration throughout 1967 (with an accompanying report); to the Committee on Banking and Currency.

Proposed Amendment of International Travel Act of 1961

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes (with accompanying papers); to the Committee on Commerce.

Proposed Additional Assistant Secretary in the Treasury Department

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize an additional assistant secretaryship in the Treasury Department (with an accompanying paper); to the Committee on Finance.

Report for the American Symphony Orchestra League, Inc.

A letter from George H. Jones, Jr., certified public accountant, transmitting, pursuant to law, the audit report for the American Symphony Orchestra League, Inc., for the year ended May 31, 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 551. An act to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes (Rept. No. 1597); and

H.R. 17787. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes (Rept. No. 1598).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

S. 3174. A bill to establish a National Memorial to Woodrow Wilson in the Smithsonian Institution (Rept. No. 1599).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

Two hundred seventy-three postmaster nominations.

By Mr. MAGNUSON, from the Committee on Commerce:

Clarence F. Pautzke, of Washington, to be Assistant Secretary for Fish and Wildlife, Department of the Interior; and

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Parker T. Hart, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State;

William Benton, of Connecticut, Alvin Christian Eurich, of Colorado, Katie Scofield Louchheim, of the District of Columbia, James H. McCrocklin, of Texas, and Frederick Seitz, of Illinois, to be representatives of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization; and

Robert H. B. Wade, of Maryland, Marietta Moody Brooks, of Texas, Elizabeth Ann Brown, of Oregon, Morton Keller, of Massachusetts, and George E. Taylor, of Washington, to be alternate representatives of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BREWSTER:

S. 4105. A bill for the relief of Benjamin Sedico Lopez; and

S. 4106. A bill for the relief of Belen O. Bunag; to the Committee on the Judiciary.

By Mr. NELSON:

S. 4107. A bill for the relief of Dr. Inocencico B. Cabatbat;

S. 4108. A bill for the relief of Apostole Bourexis;

S. 4109. A bill for the relief of Narciso Valentinelli; and

S. 4110. A bill for the relief of Tak On Li, Lai Hon Yau, Lun Sang Wong, Chun King Hau, Carmelo Tomasello, Kam Chun Li, Chi Chong Tau, Ip Wai Yung; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 4111. A bill to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for certain nonreimbursable expenses incurred by volunteer firemen; to the Committee on Finance.

(See the remarks of Mr. Ribicoff when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 4112. A bill to provide Federal assistance to States for establishing and strengthening consumer protection programs; to the Committee on Commerce.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 4113. A bill for the relief of Francesco Rando; to the Committee on the Judiciary.

By Mr. CLARK:

S. 4114. A bill for the relief of Ilias Stavros Giannos; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. Miller, Mr. Mondale, Mr. Morse, Mr. Moss, Mr. Yarborough, and Mr. Randolph):

S. 4115. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Government Operations.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

S. 4111—INTRODUCTION OF BILL TO PROVIDE A DEDUCTION FROM GROSS INCOME FOR CERTAIN NONREIMBURSABLE EXPENSES INCURRED BY VOLUNTEER FIREMEN

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to provide a deduction from the gross income for certain nonreimbursable expenses incurred by volunteer firemen.

Mr. President, there is a compelling need in America today to improve firefighting techniques and to expand local fire departments. Communities tend to take for granted the excellent protection that the firemen provide all of us. This is a tribute to the competent job firemen do without fanfare.

But despite the excellent work of local fire departments the death toll and property loss from fires grows each year. In the last year for which national statistics are available—1965—12,000 persons died in fires. Furthermore, $1.7 billion was lost in fire damage.

The National Fire Prevention Association reports that of 25,000 fire departments in the United States, only about 100 are adequately staffed and capable of handling almost any firefighting situation.

The unsung hero in many communities is the volunteer fireman. He is the one who must be prepared to leave his job—his family—his home—at any time of the day or night when the alarm goes off. He risks life and limb for the protection of others. He is the cornerstone of much of our firefighting services and needs all the encouragement we can give him.

Besides giving of his time and risking his life, the volunteer fireman incurs expenses for uniforms, automobile accessories, and other items as well as maintaining an automobile and buying gasoline for the performance of his duties. Often he is not reimbursed for these expenses. Since he is a volunteer, they are not deductible as a job expense on his tax return. I have, therefore, introduced this bill to provide volunteer firemen an income tax deduction for these items when he is not reimbursed.

This deduction is deserved in fairness and in recognition of the services performed by volunteer firemen throughout our Nation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4111) to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for certain nonreimbursable expenses incurred by volunteer firemen, introduced by Mr. Ribicoff, was received, read twice by its title, and referred to the Committee on Finance.

S. 4112—INTRODUCTION OF BILL—CONSUMER PROTECTIVE ASSISTANCE ACT

Mr. JAVITS. Mr. President, on behalf of myself and my colleague [Mr. Goodell], I introduce a bill, the Consumer Protective Assistance Act. This is a bill companion to one which will be introduced in the other body by Representatives Button, Halpern, Kupferman, Reid, and Widler, all of New York.

The Consumer Protective Assistance Act would provide Federal grants to the States to cover up to 50 percent of the cost of the State's consumer protection plan. To be eligible, the State plan would have to be approved by the Secretary of Commerce and must include:

First. A consumer protection office within the State to deal with dishonest practices;

Second. Programs to license or otherwise regulate business activities including, but not limited to household appliance repairmen, motor vehicle repairmen, home movers, travel agents, and home improvement contractors, in order to provide consumer protection. State regulation may include, but not be limited to, protection against false advertising, failure to perform the work or service as advertised, performing unnecessary and unrequested work or services, failure to perform work or services as represented to the consumer and for which the consumer was billed; and

Third. Consumer education programs to assist consumers residing in urban areas with high concentration of low income individuals, and to encourage the introduction of consumer education courses in public school curriculums.

Every one of us is a consumer. Yet, we sometimes drag our feet when it comes to protecting the public from the unethical practices which are indicative of a small segment of our business community. The advancing technology and increased sophistication of modern consumer goods have turned the once fair exchange between the parties often into a one-way street.

Yesterday's rather unsophisticated hand-operated can opener is today's all electric machine which not only opens the can and removes the top, but also sharpens knives and crushes ice. Advances are not confined to the consumer's home. With the fantastic increase in the number of people who travel, the traveler also must place a greater degree of reliance on the travel agent. Many tourists upon their arrival have found an alleged first-class hotel to resemble a campsite.

With the refining of the internal combustion engine, repairs can only be made by highly specialized mechanics. Again the reliance must be placed on those who sell and service today's automobiles.

The home moving field is another area in which the homeowner finds himself at a disadvantage. The estimated 2-hour move often turns into a full day and even week affair.

For the American consumer, today's sales pitch and full-blown advertising campaigns can be all too convincing.

I therefore propose the enactment of a Consumer Protective Assistance Act, the intent of which is to weed out those relatively few in the business community who thrive on deception and intimidation and to provide such regulation as will allow the consumer to deal on an even level with the salesman and repairman.

The problems faced are quite diverse and complex. In the past year, some steps—although small ones—have been taken to come to grips with the consumer problem. The action taken by the executive branch in creating a consumer affairs division has been a movement in the right direction. There is a real problem, however, at the grassroots level. It is there that immediate and forceful action is most needed and it is for this reason that my proposal provides for the channeling of funds to the individual States. The recently enacted Consumer Credit Protection Act—the so-called truth-in-lending bill—is a major development in dealing with the problems of installment sales financing. However, the problem goes much further, and the protection must begin before the goods have been contracted for and continue after the price has been paid.

This bill, therefore, seeks to tap the most effective resources by placing primary reliance on State action, with Federal funds being used essentially as a lever to move the State into consumer protection programs. For when Federal funds are used in conjunction with, and to stimulate State efforts, funds can have a multiplier effect and hence a far greater impact.

The State consumer protection office as conceived by this bill may be in such department or agency as the individual State may determine. The office would take such steps as consultation, mediation, and where necessary, litigation in order to provide the consumer with an effective remedy.

As an example of what can be accomplished through such offices, it is hoped that States will look to the work which has been done in my own State of New York under the outstanding leadership of Attorney General Louis J. Lefkowitz.

The consumer protection office within the attorney general's office has made great strides in bringing about a decrease in the number of unscrupulous practices. The focusing on the problem by one office allows for more immediate and direct action and it gives the public an agency to which to bring its complaints. Under the auspices of the New York City office of the attorney general, through mediation and court action, $766,486.02 was returned to the public in money, goods, and/or services in 1967. This is an example of what the States can do if given the chance.

Practices such as inflated pricing, "deceptive" giveaways, bait and switch or other forms of false advertising which cause many people to sign contracts for unwanted and unneeded merchandise are within the scope of this act. It is expressly intended that when the consumer is confronted with such high pressure tactics, he should have an avenue of recourse. Where the goods offered for sale or sold are not equivalent to what was advertised, the State under appropriate statutes should take steps to provide the consumer with civil relief and exact penalties.

The repair of our consumer goods is another area sorely in need of regulation. Under this bill, a State is expressly authorized to enact licensing programs which will set up standards to which all home appliance repairmen, motor vehicle repairmen, and similar tradesmen shall conform.

The increase in home improvement frauds is another area of concern. The home improvement industry is a $15 billion annual enterprise. The services it performs and the new materials and techniques it has introduced have greatly contributed to the material well-being of millions of American families. Yet, the industry's performance and reputation have been scarred by those operating on the fringe. The products and services these unscrupulous sellers offer are numerous—siding, fire alarm systems, furnace repairs, to name a few.

It is the express intent of this bill that all such tactics to bilk the public including bogus contests, fictitious bargains, and misrepresentations of guarantees will be subject to its penalties.

Protection for the consumer after the fact is an important and effective step. A far better solution, however, is in the education of the consumer. My proposal gives authorization to the States to establish consumer education programs and also recommends that courses be established within the curriculum of the public schools to give today's consumer an awareness of the problem and tomorrow's consumer the understanding to deal in the marketplace intelligently.

It is hoped that the enactment of this measure into law and specific regulations under it will provide the public with the safeguards which will allow the public to deal with confidence in the marketplace.

Mr President, I strongly urge that Senators give consideration to similar programs in their States which would be enormously encouraged by Federal legislation such as I am introducing today.

I would also like to commend a young law student, Richard Solomon, who was an intern in my office this summer, for his excellent contribution to this bill. Mr. Solomon volunteered his time even after returning to school to assist in this project, and I am most grateful for his help.

Mr. President, I send the bill to the desk for appropriate reference and ask that its text be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4112) to provide Federal assistance to States for establishing and strengthening consumer protection programs, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Assistance Act".

AUTHORIZATION

SEC. 2. For the purpose of assisting the States to develop, establish, and strengthen State consumer protection programs, the Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to make grants pursuant to the provisions of this Act.

(b) For the purpose of making such grants there is hereby authorized to be appropriated $10 million for the fiscal year ending June 30, 1969, and $15 million for the fiscal year ending June 30, 1970.

ALLOTMENTS

SEC. 3. (a) From the sums appropriated pursuant to the preceding section for each fiscal year the Secretary shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine, and shall allot such amount to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs. From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the population of such State bears to the population of all the States. For the purposes of this subsection the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Island.

(b) The amount any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to the preceding section shall be deemed part of its allotment under subsection (a) for such year.

USES OF ALLOTTED FUNDS

SEC. 4. Grants under this Act may be used, in accordance with State plans approved under section 5, for—

(1) the establishment or strengthening of a consumer protection office which, in the case of the establishment of such an office, shall be located in such department or agency of the State as the chief executive or the legislature of the State determines;

(2) the establishment, operation and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, travel agents, and home improvement contractors in order to provide improved consumer protection, including protection against—

(A) false advertising;

(B) failure to perform the work or service as advertised;

(C) performing unnecessary and unrequested work or services;

(D) failure to perform work or services as represented to the consumer and for which the consumer was billed; and

(3) the establishment and expansion of consumer education programs, with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouraging of the introduction of consumer education courses in public school curriculums.

STATE PLANS

SEC. 5. (a) Any State desiring to participate in the grant program under this Act shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall—

(1) set forth a program under which funds paid to the State from its allotment under section 3 will be expended solely for the purposes described in the preceding section;

(2) provide for the proper and efficient administration of such plan by such State agency, and in the case of programs to carry out the purposes described in paragraph (2) of the preceding section, the proper and efficient administration of such plan by such agency or any other appropriate State agency designated in such plan;

(3) provide for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out by the community action agencies under the Economic Opportunity Act of 1964;

(4) provide assurances that the State will pay from non-Federal sources the remaining cost of such plan;

(5) set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as not to supplant State funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes set forth in the preceding section;

(6) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(b) The Secretary shall approve any State plan and any modifications thereof which comply with the provisions of subsection (a).

PAYMENTS

SEC. 6. (a) From the amounts allotted to each State under section 3, the Secretary shall pay to each State which has a plan approved under section 5(b) an amount equal to the Federal share of the amount needed for the purposes set forth in such plan.

(b) For the purposes of subsection (a), the Federal share for each State shall be 50 per centum for each fiscal year.

(c) Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 7. (a) Whenever the Secretary after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provision of section 5, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 5 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

REPORT

Sec. 8. The Secretary shall prepare and submit, as part of the annual report of the Department of Commerce, a report on the administration of this Act, including an evaluation of the impact of Federal financial assistance upon the improvement of consumer protection programs in the United States.

S. 4115—INTRODUCTION OF BILL TO ESTABLISH AN INSTITUTE ON RETIREMENT INCOME

Mr. WILLIAMS of New Jersey. Mr. President, many Americans, as they grow older and spend less time at work, move deeper and deeper into the shadows of our economy, until finally they are forced to exist at or near the poverty level. Retirement often means a drastic reduction in income and, for millions of elderly Americans, it also means financial hardship and deprivation.

Income maintenance is the No. 1 problem facing America's senior citizens. It dominates our concern, and it dictates the ways we will be able to handle the other critical issues related to aging. The hard truth is this: if older Americans are forced to exist on inadequate incomes, far below the standard of younger men and women, they are not going to be able to take advantage of any program of social progress or community service.

Because income is so important, and because the problems associated with income maintenance for the elderly are so complex, I am today introducing legislation to create an Institute on Retirement Income—which would be charged with the task of planning, and implementing, programs to meet the needs of retirement.

The Institute would be a think tank agency, designed to carry out intensive study and make specific recommendations. It would touch on all aspects of retirement income—private pensions, social security, and other systems of retirement assistance—and would plan action to improve these plans. Finally, the Institute would propose new ways to meet the demand for adequate retirement income, ways not necessarily limited to existing plans or programs. A model for this Institute already exists—in the Institute on Urban Affairs, already at work.

These new approaches are needed because the traditional means of providing retirement income cannot keep pace with the problem. Increases in social security, while welcome, will require new funding mechanisms possibly out of general revenue funds, if they are to have major effect. Pension plans cover some 27 million workers, but this is only about 45 percent of the work force; moreover, workers in the higher income brackets have far greater participation in pension plans than those in the lower brackets—those who need it more. Pensions, in fact, are based on income levels which were adequate during the working years, but which fail to provide for sufficient income during retirement. These statements are documented in the latest annual report of the Senate Special Committee on Aging, on which I serve as chairman. One of the major recommendations in that report was the creation of this Institute.

I am aware that since we are late in the second session of this Congress, action on my proposal cannot be expected this year. Nevertheless, I think that the matter is important enough to bring it to the attention of Members of the Senate, and to state my intention to press for prompt and thorough consideration during the 91st Congress.

Mr. President, millions of older Americans are waiting for a solution to their problem. The longer we make them wait, the wider will grow the gap between the income levels for worker and retiree. If we mean what we say about older Americans, and if we intend to help them find a place as productive members of society, we will have to act on this critical deficiency. I urge the Senate to give the matter its early and active attention.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4115) to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 4115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Institute on Retirement Income Act."

SEC. 2. (a) In order to conduct studies, demonstrations, and research of the income needs of retired individuals with a view to devising and recommending methods by which such income needs may be met by such individuals, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to enter into an agreement with any public or nonprofit private agency or organization (either existing or organized expressly to enter into the agreement authorized by this Act) for the payment by the United States of all or part of the costs of the establishment and operation, including equipment but not construction, of an Institute on Retirement Income.

(b) Before entering into the agreement provided for in subsection (a), the Secretary shall consult with the Secretaries of Defense and Labor, the Administrator of the Veterans' Administration, the Chairman of the Civil Service Commission, the Director of the Office of Economic Opportunity, and with such other officers of the Executive Branch of the Government as he may choose who have a responsibility for retirement incomes, with reference to the terms to be included in such agreement and the effectiveness of the plan to establish and operate an Institute on Retirement Income.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals, the Secretary shall give preference to those proposals which give promise of ability to achieve the purposes of this Act with minimum expense and maximum effectiveness, including ability to attract and retain personnel who are well qualified to study problems and opportunities relating to retirement income and ability to find and recommend appropriate solutions to such problems independent of coercion from individuals outside the Institute.

(d) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Institute will be used only for purposes for which paid and in accordance with the applicable provisions of this Act and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate; and

(3) include such other conditions as the Secretary deems necessary to carry out the purposes of this Act.

SEC. 3. It shall be the duty and function of the Institute to study all aspects of the problems and opportunities relating to the attainment of adequate retirement income, including, but not limited to, the following:

(a) possible methods whereby increased retirement benefits may be paid on a fiscally sound basis by Federal retirement programs such as the social security retirement program, the railroad retirement program, the civil service retirement program, and the military retirement programs;

(b) means whereby the coverage of workers by private pension programs can be increased and means whereby such programs can be encouraged and assisted to provide more adequately retirement incomes for aged individuals;

(c) actions that might be taken by the Federal Government to assist State and local governments in paying increased retirement benefits to their employees, or in making such employees eligible for retirement and health insurance benefits under the Social Security Act;

(d) actions which might be taken by the Federal Government to encourage and assist young and middle-aged wage earners more adequately to meet their retirement needs through systematic savings;

(e) actions that the Federal Government might take to encourage and assist young and middle-aged persons to contribute to needy elderly relatives;

(f) actions that the Federal Government might take to increase opportunities for full-time or part-time employment for elderly individuals who desire to supplement inadequate retirement income by working;

(g) actions which the Federal Government might take to cause existing Federal programs combatting poverty more adequately to meet the needs of aged persons for adequate retirement income; and

(h) actions the Federal Government might take to assist elderly individuals in establishing and operating small businesses to provide services in locations where such services otherwise would not be provided.

SEC. 4. There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSOR OF BILL AND JOINT RESOLUTION

Mr. METCALF. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oregon [Mr. HATFIELD] be added as a cosponsor of the bill (S. 4059) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that, at its next printing, the name of the distinguished Senator from New Jersey [Mr. WILLIAMS] be added as a cosponsor of the joint resolution (S.J. Res. 200) to establish a temporary Commission on Nominations for President and Vice President.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 1, 1968, he presented to the President of the United States the enrolled bill (S. 1578) to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs.

PROTECTION OF THE PUBLIC HEALTH FROM RADIATION EMISSIONS—AMENDMENT

AMENDMENT NO. 1009

Mr. FANNIN submitted an amendment, intended to be proposed by him to the amendment (No. 984) intended to be proposed by Mr. YARBOROUGH (for himself and other Senators) to the bill (H.R. 10790) to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products, which was ordered to lie on the table and to be printed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO LIMITATION ON AMOUNT OF DEDUCTIONS ATTRIBUTABLE TO THE BUSINESS OF FARMING—AMENDMENTS

AMENDMENT NO. 1010

Mr. BURDICK submitted amendments, intended to be proposed by him, to the bill (S. 4059) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income, which were referred to the Committee on Finance and ordered to be printed.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1969—AMENDMENTS

AMENDMENT NO. 1011

Mr. CLARK submitted an amendment, intended to be proposed by him, to the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1012

Mr. JAVITS. Mr. President, on behalf of myself and Mr. Goodell, I submit an amendment to H.R. 18707, the Defense appropriations bill. The amendment would prohibit the expenditure of any funds appropriated under this bill to repair naval vessels at places other than their home ports, unless the contracts for repair of the vessels were awarded on the basis of competitive bidding open to drydock or other repair facilities located within 1,000 miles of the home port of the vessel. I ask unanimous consent that the amendment be printed in the Record at this point in my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1012) is as follows:

On page 44, between lines 21 and 22, insert the following:

"Sec. 542. Notwithstanding any other provision of this Act, none of the funds appropriated herein shall be used for the purpose of repairing any naval vessel at any place other than the home port of such vessel unless the contract for the repair of such vessel has been awarded on the basis of competitive bidding, pursuant to chapter 137 of title 10, United States Code, open to all drydock or other repair facilities which are (1) located within 1,000 miles of the home port of such vessel, and (2) capable of performing the repair work involved."

On page 44, line 22, strike out "Sec. 542" and insert in lieu thereof "Sec. 543".

Mr. JAVITS. Mr. President, for some time I have been engaged in discussion with the Department of the Navy concerning the ship repair policy followed by the Navy. Under present regulations, naval ships are generally repaired in their home ports. The purpose of that policy, as I understand it, is to allow the crews of the vessels to be together with their families during the time the vessel is being repaired. That part of the policy is quite understandable and nothing in the amendment I have introduced today would require any change in it.

However, present regulations also provide that when for some reason a naval vessel cannot be repaired in its home port, it must be repaired at a facility located in the same naval district that the home port is located in.

This policy has no rational justification in terms of the convenience of crew members. Because of the way the naval district lines are drawn geographically, it is possible, under existing regulations for a vessel home ported in Baltimore, Md., to be repaired in Norfolk, Va., 200 miles away, but not in New York or Philadelphia, both of which are closer to Baltimore. Moreover, recently the Navy has ordered ships home ported in Narragansett, R.I., to be repaired in Baltimore, Md., without even giving repair yards in New York a chance to bid for the work. To make matters worse very few ships are home ported in the Third Naval District, in which New York is located. Hence this policy has resulted in the ship repair facilities in New York obtaining a minute portion of the total naval ship repair work done on the east coast.

Because of this wholly arbitrary, irrational policy followed under existing Navy regulations, the private shipyards in the Port of New York are threatened with extinction even though their combined drydock capacity still available exceeds 168,000 tons, which is greater than the combined capacity of any other port in the United States. The problem which faces the Port of New York is set forth in detail in the statement of Arthur J. Grymes before the Second Annual Port of New York Congressional Breakfast in Washington, D.C., on March 28, 1968, and I ask unanimous consent that Mr. Grymes' statement be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

NAVY SHIP REPAIR POLICY CAUSES FURTHER DECLINE OF NEW YORK PORT SHIPYARDS

(Statement of Arthur J. Grymes before the Second Annual Port of New York Congressional Breakfast, Washington, D.C., March 28, 1968)

Mr. Chairman and Distinguished Guests: I first would like to thank each of you for taking time from your busy schedule to attend this meeting in order to discuss some of the major problems confronting the Port of New York. In the next few minutes we would like to talk with you concerning the need of the Port shipyards to obtain a better proportion of Navy ship repair work.

I represent the New York and New Jersey Dry Dock Association which is an organization composed of ten companies operating ship repair yards in the Port of New York. These shipyards, which except for occasional small vessels do no ship construction, have the capacity to perform nearly all types and kinds of repair and conversion work. We have attached to our statement a list of dry dock companies in the Port together with the respective capacity of each (Appendix A).

Although unstable conditions have caused the closing of four major private shipyards in the New York Port during the last several years, the combined dry dock capacity still availbale exceeds 168,000 tons. This is greater than the combined capacity of any other port in the United States.

When operating at efficient levels, the New York Port repair yards can employ 25,000 workers. However, during the past 25 years, our yards have sustained a loss in employment from a peak of over 40,000 in World War II and about 10,000 at the height of the Korean conflict to about 4,000 today in the midst of the Viet Nam crisis. It should be pointed out that during the same period total employment in at least one other Atlantic Coast port has grown by approximately the amount of New York loss.

The decline of the Port ship repair industry is largely attributable to a reduction in the amount of Navy repair work made available to the Port. During World War II, about 60 percent of Navy repair work on the Atlantic Coast was accomplished in the New York Port shipyards.* In fiscal year 1966, the latest year for which the figures are available, the value of Navy repair contracts awarded to the New York Port shipyards was only slightly over $5,000,000. This represents only 3.78 percent of the $132,198,000 value of contracts awarded on the Atlantic Coast (First, Third, Fourth, Fifth and Sixth Naval Districts). It represents only 1.97 percent of the $255,690,000 value of Navy repair contracts awarded in 1966 to private shipyards throughout the United States.

Attached to our statement (Appendix B) is a list of the total values of Navy ship repair contracts awarded to each port on the Atlantic Coast in fiscal year 1966. This shows the disproportionately small share of work being made available to the shipyards in the New York Port.

It is true that Navy ship repair expenditures in recent years have included substantial amounts for the overhaul of nuclear submarines and that the New York Port shipyards have not been qualified to do nuclear work. However, the servicing of the conventionally-powered surface fleet constitutes by far the greater portion of Navy repair work. Even deducting the nuclear submarine work, which is performed at the private yards in Groton, Connecticut and Newport News, Virginia, the New York Port in fiscal 1966 got only 7.04 percent of the Atlantic Coast conventional Navy repair work. In 1965, this figure was 9.61 percent, in 1964, 14.20 percent; and in 1963, 17.70 percent. Appendix B–1 annexed to our statement shows how the percentage of naval work, excluding the overhauling of nuclear submarines, has been either growing or remaining stable in other Atlantic Coast ports while thus rapidly declining in the New York Port.

It is noteworthy that in 1955 Senator John Marshall Butler of Maryland is reported to have complained to the Secretary of the Navy that the New York Port shipyards were receiving half again as much Navy repair work as the Baltimore shipyards. Today the situation has been exactly reversed. Although the New York Port shipyards have a combined dry dock capacity over 20,000 tons greater than the two shipyards in Baltimore, the latter in fiscal 1966 received Navy conventional repair contract awards totaling over $8,500,000 as against the $5,048,000 awarded to New York.

Similarly, the Port of Jacksonville which has a total combined dry docking capacity of little more than one-half that of the New York Port received over twice as much naval repair work.

It appears that the dramatic reduction in the allocation to the New York Port is scheduled to continue during the next few years. For the balance of fiscal 1968, only two small Navy vessels are scheduled to be repaired in the Port. Only one vessel is scheduled for repair in the Port in each of fiscal years 1969 and 1970. Clearly, action to change this course is required if the remaining New York shipyards are to be preserved.

Our requests for conferences with Navy Department officials either have been rejected or if held have proven fruitless. The Department repeatedly has informed us that its "home port" repair policy has been precluding the allocation of work to the New York Port. This home port policy, which is established by Navy Directive No. OP Nav. Instr. 04700.7D (the Navy has refused to provide us with a copy), apparently requires that bidding on naval repair work must be restricted to the Naval District in which the ship involved is home ported. Since most Atlantic Fleet vessels in recent years have been home ported in the Fifth and Sixth Naval Districts, the repairing and overhaul of such vessels is restricted to shipyards in the ports of those districts. (A map showing the Naval Districts is attached as Appendix C. Appendix C not printed in the Record.)

We are told that the home porting policy is necesary in order to maintain the morale of the ship crews, since many crewmen reside in the home port vicinity.

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*The Brooklyn Navy Yard, which was closed in 1966, did chiefly ship construction and conversion rather than repair work.

The major fallacy of this rationale is that under the present policy naval vessels are not always overhauled or repaired in their home ports. As we have noted, the Navy has been restricting bids not only to the actual home port but to the entire Naval District in which the home port is located. Thus, a ship home ported in Norfolk, Virginia, could be laid up for repairs in Baltimore, Maryland, a distance of well over 200 miles. Similarly, a ship conceivably home ported in Wilmington, North Carolina, could be dry docked in Tampa, Florida, a distance of approximately 700 miles. It is difficult to comprehend how the crew of a vessel can get to their home on a regular basis when the ship is dry docked at such a distance. Indeed, in some instances if the vessel were dry docked in New York it actually might be closer to the home port.

Furthermore, we do not understand why it is necessary to home port the bulk of the Atlantic Fleet in southern waters. Attached to our statement is a table (Appendix D) compiled in 1965 which shows that the largest share of naval personnel from the East Coast States are drawn from New York and Pennsylvania. In fact, these two States are exceeded only by California in their numerical contribution to Navy personnel. If morale is a major factor, then the question should be raised why more vessels are not home ported where the greater share of the personnel originated.

We frequently are advised that the Federal Government is interested in our repair and conversion capacities for mobilization purposes. We cannot maintain capacities and skilled manpower sufficient to meet national emergency requirements unless the Navy Department in periods of non-hostility allocates its repair and conversion work on a more equitable basis. In this connection, it is to be noted that during World War II tactical requirements outweighed any "morale" considerations in determining that most Navy repairs had to be obtained in the New York Port.

We urge you as representatives of the Port area to take action to correct the inequities which we have just outlined to you. Your efforts at this time could be especially fruitful since the Center for Naval Analysis, the Navy's research organization, currently is conducting a study of the criteria for decisions to convert and repair naval vessels.

As part of this effort, we ask you to join with us in meeting with the Assistant Secretary of the Navy charged with responsibility in this area and with Admiral Thomas J. Moorer, Chief of Naval Operations. Congressman John M. Murphy has been attempting to arrange such a meeting and we shall advise you of the time and place when it is established.

We desperately need your assistance to correct this situation which threatens not only to cost the loss of the pre-eminent position of the New York Port ship repair industry, but also to destroy our very existence as a vital segment of the Port. Thank you.

APPENDIX A

PORT OF NEW YORK DRY DOCK COMPANIES AND CAPACITIES, JULY 1967

	Drydocks	Largest length (in feet)	Drydock width (in feet)	Lifting capacity (in tons)
Bethlehem Steel Corp.,[1] Hoboken, N.J	4	615	101	25,000
Brewer Dry Dock Co., Staten Island, N.Y	4	410	87	8,250
Ira S. Bushey and Sons, Inc., Brooklyn, N.Y	4	382	72	7,500
Caddell Dry Dock & Repair Co., Staten Island, N.Y	3	280	49	1,600
Coastal Dry Dock & Repair Corp. Staten Island, N.Y	4	250	60	1,700
Gallagher Bros. Repair Yards, Inc., Jersey City, N.J	2	130	46	700
Jersey City Dry Docks Co., Jersey City, N.J	2	217	75	1,600
Reynolds Shipyard Corp., Staten Island, N.Y	1	216	85	2,000
Perth Amboy Dry Dock Co., Perth Amboy, N.J	3	352	71	5,400
Rodermond Industries, Inc., Jersey City, N.J	4	290	62	2,500
Todd Shipyards Corp., Brooklyn Division, Brooklyn, N.Y	4	755	100	25,000

[1] Not a member of the New York and New Jersey Dry Dock Association.

APPENDIX B

Dollar value of naval ship repair contract awards—Fiscal year 1966

Port	*Awards*
Boston, Mass. (East Boston, South Chelsea, Burlington)	$7,785,514
Fairhaven, Mass	102,098
Newport, R.I	800,734
Groton-New London, Conn	42,079,618
New York (Brooklyn, Hoboken, Staten Island, Perth Amboy)	5,048,598
Philadelphia - Camden - Wilmington	4,763,956
Annapolis-Baltimore	8,501,020
Newport News-Norfolk	42,548,454

APPENDIX B—Continued

Dollar value of naval ship repair contract awards—Fiscal year 1966—Continued

Port	*Awards*
Elipabeth City, N.C	$198,486
New Bern, N.C	2,610,099
Morehead City, N.C	29,102
Wilmington, N.C	384,787
Charleston-Wanto-Mount Pleasant, S.C	4,776,307
Savannah, Ga	735,901
Jacksonville-Fort George, Fla	11,094,766
Dania, Fla	63,685
Miami, Fla	152,178
Tampa, Fla	3,976

PERCENTAGES OF TOTAL ATLANTIC COAST[1] NAVY SHIP REPAIR CONTRACT AWARDS TO MAJOR PORTS, FISCAL YEARS 1963–66

(Excludes overhaul of nuclear submarines)

Port	1966	1965	1964	1963
Total	($71,145,000)	($44,766,000)	($64,647,000)	($43,664,000)
Boston (East Boston, South Chelsea, Burlington, Quincy)	11	7	14	22
New York (Brooklyn, Hoboken, Staten Island, Perth Amboy)	7	10	14	18
Philadelphia-Chester-Wilmington (Del.)	7	3	6	9
Baltimore	12	8	7	8
Newport News-Norfolk, Va	31	34	25	9
New Bern, N.C	4	4	4	4
Charleston, S.C. (Wando-Mount Pleasant)	7	6	3	7
Savannah, Ga	1	3	1	4
Jacksonville (Atlantic Beach, Fort George, Mayport)	16	2	9	5
Others	4	23	17	14
Total	100	100	100	100

[1] 1st, 3d, 4th, 5th, and 6th Naval Districts.

APPENDIX D

Number and percentage of total U.S. naval personnel by east coast States having naval shipyards

	Percent
New York (37,276)	6.4
Pennsylvania (36,693)	6.3
Massachusetts (16,908)	2.7
Virginia (12,469)	2.2
South Carolina (8,165)	1.4

(Total U.S. naval personnel, 585,596.)

Mr. JAVITS. Mr. President, last May, the entire New York congressional delegation met with Adm. Edward J. Fahy, Commander of the Naval Ship Systems Command, and Assistant Secretary of the Navy Barry J. Shillito to discuss this problem. Unfortunately, at that meeting Admiral Fahy and Assistant Secretary Shillito were adamant that existing naval policy could not be changed. This attitude has persisted throughout an exchange of correspondence which I have had with Admiral Fahy and Assistant Secretary Shillito. I ask unanimous consent that my correspondence with these gentlemen be printed at this point in my remarks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MAY 29, 1968.

Adm. EDWARD J. FAHY,
Commander, Naval Ship Systems Command,
Department of the Navy,
Washington, D.C.

DEAR ADMIRAL FAHY: I appreciate very much your meeting with the Port of New York Steering Committee on May 9. As a follow-up to our discussion at the meeting I should like your comments on the following questions:

(1) Since the root of the trouble stems from the Navy's "home port" policy, why cannot the Navy designate New York as the home port of enough ships to insure that New York gets its fair share of repair work?

(2) The Navy's home port policy provides that repairs may be made anywhere within the district within which the home port is located. In view of the fact that this policy sometimes results in ships being repaired hundreds of miles from their actual home port, would it not be consistent with the rationale of the home port repair policy to alter the regulations to provide that where it is impossible to repair a ship at its actual home port the repair job will be open to bidding by all repair yards within the home port district or the adjoining districts or even along the entire coast?

(3) I would also appreciate your best advice on any other measures that could be taken to alleviate the problem of naval ship repair that the Port of New York faces.

With best wishes,
Sincerely,

JACOB K. JAVITS

JUNE 4, 1968.

Hon. BARRY J. SHILLITO,
Assistant Secretary of the Navy,
Department of the Navy,
Washington, D.C.

DEAR MR. SHILLITO: I appreciate very much your meeting with the Port of New York Steering Committee on May 9. As a follow-up to our discussion at the meeting I should like your comments on the following questions:

(1) Since the root of the trouble stems from the Navy's "home port" policy, why cannot the Navy designate New York as the home port of enough ships to insure that New York gets its fair share of repair work?

(2) The Navy's home port policy provides that repairs may be made anywhere within the district within which the home port is

located. In view of the fact that this policy sometimes results in ships being repaired hundreds of miles from their actual home port, would it not be consistent with the rationale of the home port repair policy to alter the regulations to provide that where it is impossible to repair a ship at its actual home port the repair job will be open to bidding by all repair yards within the home port district or the adjoining districts or even along the entire coast?

(3) I would also appreciate your best advice on any other measures that could be taken to alleviate the problem of naval ship repair that the Port of New York faces.

With best wishes.

Sincerely,

JACOB K. JAVITS.

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C., June 10, 1968.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: This will acknowledge receipt of your letter of May 29, 1968, concerning ship repair work in New York discussed in our recent meeting.

This matter is under consideration and you may expect a further reply shortly.

Sincerely yours,

R. DEF. CLEVERLY,
Director of Public Affairs and Congressional Relations.

NEW YORK CONGRESSIONAL
DELEGATION,
Washington, D.C. June 18, 1968.

To All Members of the New York Congressional Delegation:

The Steering Committee, on earlier notice to all delegation members, held a meeting with Assistant Secretary of the Navy Shillito and Rear Admiral Fahy on May 9 to go into the matter of needed naval ship repair work for the New York Port area.

Attached you will find Navy's May 31 reply. Copy of this is being sent to interested labor and management groups in New York for solicitation of comments before responding to the Navy's reasons for failing to give the New York area its fair share of work.

EMANUEL CELLER,
Chairman.

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C.

Hon. EMANUEL CELLER,
Chairman, New York Congressional Delegation, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to the recent meeting that Assistant Secretary Shillito and I had with the New York and New Jersey Congressional Delegations concerning naval shipbuilding and repair work in the Third Naval District. At this meeting, certain additional information was requested, which it is the purpose of this letter to supply.

The first request was for a breakdown of Navy shipwork done in private yards in the various continental United States Naval Districts. The enclosed chart shows the dollar values of the work awarded during the current fiscal year.

Secondly, a statistical analysis of the geographical origin of people in the Navy was requested. In this regard, naval personnel originally come from all over the country in numbers roughly proportionate to the population of the various geographical areas. The Navy and Congress have encouraged this proportion by the appointment system pertaining to the United States Naval Academy, the State selection system applicable to the Naval Reserve Officers Training Corps (in colleges), and the quota system by regions established for enlistees. For example, in Fiscal Year 1967, the Far West (California, Oregon, Washington) supplied approximately 13% of the new entrants to the Navy, as did the Midwest/Great Lakes region. The Mid-Atlantic region, including New York and New Jersey, supplied about 10%, as did both the South East and the Great Plains/Rocky Mountain regions.

With regard to the third request, seeking statistics as to the proportion of married people in the Navy, approximately 85–90 percent of "career" Navy men are married. Regular officers and those enlisted personnel who are eligible for a second re-enlistment are considered career men. They are the people whom the Navy particularly wants to retain because of its investment in their training and experience. However, if all the 18–19 years old and other "novices" are counted, the proportion of married people is about 35 percent.

The fourth request asked to whom Basic Allowance for Quarters is paid. Presently all personnel for whom Government quarters are not available draw Basic Allowance for Quarters. In this connection, bachelor personnel assigned aboard ship are considered to be furnished Government quarters.

The statement of Mr. Arthur J. Grymes before the Second Annual Port of New York Congressional Breakfast, concerning the decline of naval repair work to the New York Port area, has been received and reviewed. The statistical data contained in this statement are substantially correct, as is the statement of the Navy's "home port repair policy." Mr. Grymes asserted that the home port policy is established by OPNAV INSTRUCTION 04700.7D and that the Navy has refused to provide a copy of that document. It should be noted in this connection that this instruction, which covers all aspects of maintenance of ships, is classified CONFIDENTIAL and therefore cannot be released to the public. However, the cited instruction did not establish the mentioned policy, but merely repeats it. Attached is a copy of OPNAV INSTRUCTION 3111.16, which did establish the Navy's policy on home port time. As that instruction prescribes, it is the Navy's normal policy to assign repair and other work on ships to activities in, or close to, home ports as much as possible, in order that the ships' forces will have maximum opportunity for extended visits with their families. This policy, long in use, has become even more significant to crew morale in recent years with the short periods that the ships spend in port because of increased deployment times. The distribution of naval ship work is made in accordance with this policy if consistent with operational commitments and workload considerations.

Sincerely yours,

EDWARD J. FAHY,
Rear Admiral, USN Commander, Naval Ship Systems Command.

DOLLAR VALUE OF NEW CONSTRUCTION AND REPAIR CONTRACTS AWARDED JULY 1967–MARCH 1968

Naval District	New construction and conversion	Repair and overhaul	MSTS repair	Total
1st	$103,038,000	$2,708,000	$1,140	[1] $105,747,140
3d	2,242,000	7,032,000	3,743,000	13,017,000
Groton	234,805,000	9,755,000		244,560,000
Subtotal	237,047,000	16,787,000		[2] 257,577,000
4th	0	1,433,000	50,900	1,483,900
5th	121,014,000	37,572,000	3,155,000	[3] 161,741,000
6th	239,861,000	12,151,000	5,555,000	[4] 257,567,000
8th	1,624,000	3,407,000	1,507,000	6,538,000
9th	32,296,000	6,000	1,600	32,303,600
11th	3,051,000	9,554,000	188,000	12,793,000
San Diego	1,911,000	16,278,000	6,245,000	24,404,000
12th	0	9,761,000	388,000	10,149,000
13th	42,849,000	13,416,000	234,000	56,499,000
Total	782,691,000	123,073,000	21,068,460	926,802,640

[1] Includes Bath and Quincy.
[2] Total for 3d Naval District.
[3] Includes Newport News and Baltimore.
[4] Includes Jacksonville.

DEPARTMENT OF THE NAVY, OFFICE
OF THE CHIEF OF NAVAL OPERATIONS,
Washington, D.C., August 23, 1963.

OPNAV Instruction 3111.16
From: Chief of Naval Operations.
To: Distribution List.
Subject: Increase of Ship Home Port Time.
Ref (a) Review of Management of the Department of the Navy (NAVEXOS P-2426A)—15 December 1962.

1. *Purpose.* This instruction sets forth the policy of the United States Navy with reference to home port time.

2. *Discussion.* The Secretary of the Navy, on 9 February 1963, reviewed reference (a) and generally approved the recommendations therein. Included in these recommendations is the following:

"That the Chief of Naval Operations should initiate action, both within and outside the Navy, to allow ships to be in or close to home ports as great a time as is possible. Overhaul locations, special operations, celebrations, holiday appearances, and daily operations which do not add to combat readiness should be evaluated from this viewpoint. (Recommendation No. 67)"

The Chief of Naval Operations is aware that the increase of home port time has long been a matter of continuing command attention. This goal is consistent with the interest in the morale of fleet personnel and their dependents, fleet operating funds, and reduction in the tempo of operations. Accordingly, the Chief of Naval Operations is in accord with the intent of this recommendation.

3. *Action.* In view of the foregoing, the following action with reference to fleet detailed planning is prescribed:

a. Scheduling authorities will review their scheduling procedures in the interest of enhancing home port time for units under their control.

b. Overhauls, availabilities, and other upkeep periods will be scheduled in, or as close to, home ports as much as is possible.

c. Daily operations will be scheduled from home ports consistent with the availability of training services and other operational considerations.

d. Special operations, celebrations, and holiday appearances, which cannot be categorized either as contributing to combat readiness or as convenient to normal fleet operations, will be reduced in so far as possible.

4. *Implementation.* This instruction becomes effective for planning purposes upon

receipt and for scheduling fleet movements beginning with the Second Quarter of FY 1964.

5. *Publicity.* This policy may be announced within and outside of the Navy when supporting operation schedules are approved by existing authorities.

L. P. RAMAGE,
Deputy Chief of Naval Operations (Fleet Operations and Readiness).

JULY 1, 1968.

Hon. JACOB K. JAVITS
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: This is in further reply to your recent letters addressed to me and to Rear Admiral Fahy concerning our recent discussion of ship repair work in the Port of New York area.

With regard to the question in paragraph (1) of your letter ("Why cannot the Navy designate New York as the home port of enough ships to insure that New York gets its fair share of repair work?") you realize, I am sure, that many factors must be considered in assigning a ship to a home port. Because of their specialized missions we do have several ships homeported in the New York area. These are Naval Reserve Training Ships which are assigned in the area to meet the needs of area reservists: the USS COMPASS ISLAND is berthed at the former New York Naval Shipyard, and two ammunition ships are at Bayonne. Some considerations which make New York somewhat less desirable than other East Coast ports for homeporting Atlantic Fleet ships are the following:

a. Long channel (21 miles) plus distance to Narragansett Bay operating areas (67 miles) or Norfolk operating areas (168 miles) resulting in excessive transit time and uneconomical ship employment for most warships.

b. Lack of training facilities and schools for shorebased training.

c. Additional cost of tug and pilot services (usually required because of complexity of harbor and density of traffic).

d. Difficulty in obtaining suitable housing for families of ships' crews in terms of cost and proximity to ships' berthing area (commuting problem).

I assure you that the Navy gives serious and deliberate consideration to the selection of each ship's home port. In the final analysis, the decision must be based on operational requirements of the Navy and the morale and family welfare of the Navy men who man the ship.

In paragraph (2) of your letter you asked if it would be consistent with the rationale of the home-port repair policy to alter the regulations to provide that where it is impossible to repair a ship at its actual home port, the repair job will be open to bidding by all repair yards within the home-port district, or the adjoining district, or even along the entire coast. It is believed that sufficient latitude in this connection exists under the current regulations. There are two basic types of repair work—scheduled and unscheduled. Scheduled overhauls and unscheduled work on combatant ships are normally performed at a naval shipyard in or near the home port. For non-combatant ships, scheduled overhauls are normally made available for award on a competitive basis to private yards throughout the naval district to which the ships are assigned: unscheduled work in also bid competitively throughout the district when possible. Further restrictions to a particular geographical area within a district are imposed only when necessitated by operational commitments or military requirements. One of the reasons for this rule is that restricting the geographical area may severely limit competition and result in higher prices for the work to be done.

The present regulations also provide for extending the bidding area beyond the borders of a single naval district in certain circumstances. There have been occasions when solicitation outside a naval district (in some cases coast-wide) resulted in substantial monetary savings. Accordingly, when the contracting officer determining that restricting the bidding to a single district or area within a district will prevent the obtaining of adequate competition or that the results will be unduly costly, he may recommend that the area of competition be extended. In two instances during 1967, extensions of the bidding area resulted in the performance of work on First Naval District ships in the Third Naval District.

Other special considerations may condition or limit the list of firms for solicitation on a particular procurement. For example, when work must be performed during a restricted availability, the list of firms to be solicited may have to be limited to those which are in geographical proximity to the ship or have sufficient capacity to perform the job within the prescribed time limits. This requirement is even more pertinent in the case of emergency voyage repairs, where contracting with a single firm may be necessary in order that the repaired ship may continue on mission without having to change its operating schedule. Moreover, when the performance of repair or overhaul work includes access to material classified *confidential* or higher, the solicitation must be limited to those firms which possess the necessary security clearance.

Since only a relatively few ship-repair firms possess adequate dry-dock facilities (thereby limiting competition for such work) dry-dock work in a particular ship is frequently bid separately from "topside" work. This procedure, called "split-bidding," permits maximum competition on the topside work package, thus enabling small firms to obtain some ship-repair work.

Because of these many variables involved in repair and overhaul assignments, and given the alternatives presently available, a change in policy such as you have suggested is not considered feasible at this time.

In view of the foregoing, I regret that I am unable to offer an answer to your request for advice, in paragraph (3) of your letter, on any other measures that could be taken to alleviate the problem of lack of ship-repair work that the Port of New York faces.

Sincerely,

——— ———.

JULY 22, 1968.

Mr. BARRY J. SHILLITO,
Assistant Secretary of the Navy, Department of the Navy, Office of the Secretary, Washington, D.C.

DEAR MR. SHILLITO: Thank you for your recent letter in response to my letter of June 4, 1968, to you concerning the Navy's home port repair policy. While I can understand, up to a point, that there may be some problem in designating New York as the home port of a number of ships, I frankly do not understand your response to the second suggestion made in my letter, i.e., that where the actual home port is unavailable for the repair work, bidding should be thrown open to repair facilities in adjoining districts, or along the entire coast. According to your letter, this apparently has been done in certain circumstances, particularly where substantial monetary savings resulted. How is the Navy to know whether substantial monetary savings can be achieved unless it opens up the bidding to other districts? Furthermore, insofar as there may be special considerations applicable in certain cases, I do not understand why they could not be treated simply as exceptions from the general rule I have suggested.

With best wishes.

Sincerely,

JACOB K. JAVITS.

NEW YORK AND NEW JERSEY
DRY DOCK ASSOCIATION,
New York, N.Y., July 26, 1968.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We are enclosing herewith a copy of a letter addressed to Representative Emanuel Celler, as Chairman of the New York Congressional Delegation, in response to a previous letter from Admiral Fahy following our May meeting with Navy officials.

We appreciate your continuing interest in the problems which the Navy Department's ship repair policy is causing the Port of New York and your recent assurance that you will follow up in the matter. We believe that your efforts on behalf of the New York Port ship repair companies and shipyard workers will be particularly helpful.

Very truly yours,

JAMES E. REYNOLDS, Jr.,
President.

NEW YORK AND NEW JERSEY
DRY DOCK ASSOCIATION,
New York, N.Y., July 16, 1968.

Hon. EMANUEL CELLER,
Chairman, New York Congressional Delegation, Rayburn House Office Building, Washington, D.C.

MY DEAR MR. CELLER: The members of the New York and New Jersey Dry Dock Association have carefully reviewed the reply letter from Rear Admiral Edward J. Fahy enclosed with your letter of June 17, 1968.

We are greatly disappointed that Admiral Fahy, following the May 9, 1968 meeting with leading members of the New York and New Jersey Congressional delegations, has not proposed any steps to resolve the serious imbalance of Navy contract awards to private shipyards on the Atlantic Coast. His letter indicates that Navy Department intends to continue diverting repair and overhaul work from the New York Port to shipyards in other states, justifying such action on the basis of "the Navy's policy on home port time".

Said policy apparently first was implemented on August 23, 1963 (see OPNAV Instruction 3111.16, enclosed with Admiral Fahy's letter). Prior to such time, the Navy's primary concern was "to apportion ship repair work among the various naval districts, for award to private yards on a competitive basis, *in direct relation to expected mobilization requirements for private repair yards* in those districts." (Emphasis added) (January 22, 1960 letter from Rear Admiral R. L. Moore, Jr. to the Honorable John H. Ray, M. C., copy of which is enclosed). Under such former policy the private shipyards in the New York Port could expect a relatively stable volume of Navy repair work, since they undoubtedly would be called upon to perform a major service in the event of a national emergency. (During World War II, the Port shipyards performed over 60 percent of Navy repairs on the Atlantic Coast).[1]

The Navy Department's new "home port" repair policy totally ignores the nation's need for well dispersed ship repair facilities and centers completely on the alleged morale requirements of a small percentage of Navy personnel.

Moreover, it seems improbable that the home port repair policy as presently implemented can uniformly accomplish the stated morale objective. The Navy Department restricts bids on repair work not just to the home port but to the entire Naval District in which the home port is located. Since Naval Districts encompass a large geographic area (there are only five on the Atlantic Coast), a successful bidder may be located in a port within the home district which is several hundred miles from the actual home port. Under such circumstances, as Senator Javits noted at the May 9, 1968 meeting, it is difficult to conceive how a crewman can get home "four or five nights a week" while his ship is in dry dock, as then suggested by Admiral Fahy.

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[1] It is our understanding that Admiral Fahy, in addition to serving as Commander of the Naval Ships Systems Command, is Coordinator for Ship Repair and Conversion, Department of Defense and Department of Commerce. The function of such office includes maintaining statistics in connection with ship repair capacities on a national basis for mobilization purposes.

In addition to changing its ship repair policy, the Navy Department in recent years has been gradually transferring numerous vessels from the New York Port to home ports in other states, principally in the Fifth and Sixth Naval Districts. Since bidding on the repair and overhaul of such vessels then is restricted to private shipyards within those districts, the New York Port shipyards have been effectively eliminated from a substantial amount of Navy work.

As a result, we have previously noted that the percentage of Navy Atlantic Coast repair contracts awarded to the New York Port has declined from over 60 percent during World War II to approximately 3.78 percent in fiscal year 1966. Four major private shipyards in the New York Port have been forced to close during the last several years. A loss has been sustained in local private shipyard employment from a peak of over 40,000 during World War II and about 10,000 in the 1950's to about 4,000 today.

Although the New York Port still has more ship repair companies with a combined dry dock capacity greater than any other port in the country, the decline of our industry is likely to continue unless something is done to change Navy policies. Indeed, the Navy Department has scheduled even fewer vessels for overhaul and repair here in the next few fiscal years.

Admiral Fahy's letter does not respond to the suggestion of several members of the New York delegation that more vessels should be home ported in New York. As you will recall, the Admiral asserted at the May 9 meeting that home ports are determined by deployment requirements. It certainly would seem that tactical considerations require deployment of Navy vessels in the North Atlantic area, and that the great harbor of New York should serve as the natural home port of such vessels.

In this connection, we note that it is now proposed that the federal government will retain several piers at the Brooklyn Navy Yard which have substantial capacity for berthing naval vessels. In addition, it is our understanding that the facilities of the Brooklyn Naval Station, including an Officers Club, health and dental clinics and communications center, are not involved in the proposed transfer of the property to the City and that said facilities will continue to be operated by the Navy Department.

Furthermore, there presently are substantial berthing facilities for naval vessels at the Military Ocean Terminal in Bayonne, New Jersey, and other excellent facilities for ship forces to fill their housing, commissary, recreational and medical needs can be made readily available in the New York Port area at Fort Hamilton, Fort Hancock, Fort Totten, Fort Wadsworth, Fort Dix, Camp Kilmer, Miller Field, Earle Naval Depot, and St. Albans Naval Hospital.

Admiral Fahy has enclosed with his letter a schedule which purports to show the breakdown of Navy ship work done in private yards in the various continental United States Naval Districts during the period July, 1967 to March, 1968. The schedule indicates that during the said period the New York Port was awarded repair and overhaul contracts valued at a maximum of $7,032,000. This constitutes, for the nation's greatest seaport, only 5.6 percent of the $123,073,000 shown as awarded to private yards on a national basis, and only 9.9 percent of the work awarded on the Atlantic Coast (First, Third, Fourth, Fifth and Sixth Naval Districts).

By comparison, private shipyards in the Port of Norfolk-Newport News-Baltimore (Fifth Naval District) received repair and overhaul awards valued at $37,572,000 or more than five times the value of such contracts awarded to the New York Port.

It is our understanding that the Administration recently has directed that preference in Federal procurements should be given to firms located in areas of substantial unemployment. In this connection, we note that during the period referred to above New York Port area cities (New York City, Jersey City, Newark, New Brunswick-Perth Amboy, and Patterson-Clifton-Passaic) had 306,500 persons unemployed, while cities in the Norfolk-Newport News Port area (Newport News-Hampton, Norfolk-Portsmouth, Richmond, and Baltimore) had only 40,000 persons unemployed.[3] Thus, although the New York Port area had more than 7 times as many unemployed persons as the Port of Norfolk-Newport News-Baltimore, it received only about one-fifth of the amount of Navy repair and overhaul work.

While we can understand the Navy Department's concern for the morale of its career men, we believe that it should be equally concerned about the morale of the nation's career shipyard workers. The lives of many such workers in the New York Port have been seriously disrupted by their inability to obtain steady employment due to the Navy Department's diversion of work to other ports.

The situation is becoming worse and is likely to result in the closing of additional New York Port shipyards unless immediate action is taken.

We suggest that the following steps should be taken at the earliest possible moment by the Congressional Delegations representing the New York Port:

1. A further meeting with Assistant Secretary Shillito and Admiral Fahy should be scheduled to determine whether the Navy Department will either:

(a) Restore New York as a major home port for naval vessels, or

(b) Permit the New York Port shipyards to repair and overhaul vessels regularly home-ported in other Naval Districts.

We suggest that the Secretary of the Navy and Admiral Thomas J. Moorer, Chief of Naval Operations, also be requested to attend said meeting.

2. If the Navy Department indicates that it will not or cannot do either of the above, then legislation should be introduced requiring that more naval vessels be home-ported in the New York Port and that the Navy Department apportion ship repair work to private yards in direct relation to expected mobilization requirements for private repair yards.

Please advise us as to any further information needed or alternative action which you may wish to recommend.

We shall appreciate your further urgent attention to this critical situation confronting the New York Port ship repair industry.

We are sending copies of this letter together with Admiral Fahy's May 31, 1968 letter to members of the New York and New Jersey Congressional Delegations.

Sincerely yours,
JAMES E. REYNOLDS, Jr.,
President.

JANUARY 22, 1960.

Hon. JOHN H. RAY,
House of Representatives,
Washington, D.C.

MY DEAR MR. RAY: This is in reply to your letter dated 13 January 1960 in which you referred to the distribution among naval districts of work on the forthcoming inactivation of twenty-two ships by the Navy. You questioned the relationship of this distribution to expected mobilization requirements for repair yards in the New York, Philadelphia and Norfolk areas.

The policy outlined in the Bureau's letter of 12 January 1960 to you is applicable to Navy ship repair work awarded to private yards. The Navy endeavors, on a *long-range basis,* to apportion ship repair work among the various naval districts, for award to private yards on a competitive basis, in direct relation to expected mobilization requirements for private repair yards in those districts. As indicated in our earlier letter, three of the above-mentioned twenty-two ships are to be inactivated in private yards in the Philadelphia area (located in the Fourth Naval District), as compared to one ship to be inactivated in the New York area (located in the Third Naval District). None of these ships are to be inactivated in private yards in the Norfolk area (located in the Fifth Naval District). However, it should be noted that dollar estimates of Navy repair work awarded to private yards in the Third, Fourth and Fifth Naval Districts during calendar 1959 are $14,749,714; $2,397,066; and $11,090,410, respectively.

The submarine which, according to our earlier letter, had been assigned to the Norfolk Naval Shipyard now has been reassigned to the Portsmouth Naval Shipyard.

I trust that the foregoing satisfactorily answers your inquiry.

With kindest regards,
Sincerely yours,
R. L. MOORE, Jr.,
Rear Admiral, USN, Acting Chief of Bureau.

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C., May 31, 1968.

Hon. EMANUEL CELLER,
Chairman, New York Congressional Delegation, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to the recent meeting that Assistant Secretary Shillito and I had with the New York and New Jersey Congressional Delegations concerning naval shipbuilding and repair work in the Third Naval District. At this meeting, certain additional information was requested, which it is the purpose of this letter to supply.

The first request was for a breakdown of Navy shipwork done in private yards in the various continental United States Naval Districts. The enclosed chart shows the dollar values of the work awarded during the current fiscal year.

Secondly, a statistical analysis of the geographical origin of people in the Navy was requested. In this regard, naval personnel originally come from all over the country in numbers roughly proportionate to the population of the various geographical areas. The Navy and Congress have encouraged this proportion by the appointment system pertaining to the United States Naval Academy, the State selection system applicable to the Naval Reserve Officers Training Corps (in colleges), and the quota system by regions established for enlistees. For example, in Fiscal year 1967, the Far West (California, Oregon, Washington) supplied approximately 13% of the new entrants to the Navy, as did the Midwest/Great Lakes region. The Mid-Atlantic region, including New York and

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[3] As of January, 1968. *Area Trends in Employment and Unemployment,* U.S. Department of Labor, Manpower Administrator, May, 1968, pages 34–36.

New Jersey, supplied about 10%, as did both the South East and the Great Plains/Rocky Mountain regions.

With regard to the third request, seeking statistics as to the proportion of married people in the Navy, approximately 85–90 percent of "career" Navy men are married. Regular officers and those enlisted personnel who are eligible for a second re-enlistment are considered career men. They are the people whom the Navy particularly wants to retain because of its investment in their training and experience. However, if all the 18–19 year olds and other "novices" are counted, the proportion of married people is about 35 percent.

The fourth request asked to whom Basic Allowance for Quarters is paid. Presently all personnel for whom Government quarters are not available draw Basic Allowance for Quarters. In this connection, bachelor personnel assigned aboard ship are considered to be furnished Government quarters.

The statement of Mr. Arthur J. Grymes before the Second Annual Port of New York Congressional Breakfast, concerning the decline of naval repair work to the New York Port area, has been received and reviewed. The statistical data contained in this statement are substantially correct, as is the statement of the Navy's "home port repair policy." Mr. Grymes asserted that the home port policy is established by OPNAV instruction 04700.7D and that the Navy has refused to provide a copy of that document. It should be noted in this connection that this instruction, which covers all aspects of maintenance of ships, is classified *confidential* and therefore cannot be released to the public. However, the cited instruction did not establish the mentioned policy, but merely repeats it. Attached is a copy of OPNAV INSTRUCTION 3111.16, which did establish the Navy's policy on home port time. As that instruction prescribes, it is the Navy's normal policy to assign repair and other work on ships to activities in, or close to, home ports as much as possible, in order that the ships' forces will have maximum opportunity for extended visits with their families. This policy, long in use, has become even more significant to crew morale in recent years with the short periods that the ships spend in port because of increased deployment times. The distribution of naval ship work is made in accordance with this policy if consistent with operational commitments and workload considerations.

Sincerely yours,

EDWARD J. FAHY,
Rear Admiral, USN, Commander, Naval Ship Systems Command.

DOLLAR VALUE OF NEW CONSTRUCTION AND REPAIR CONTRACTS AWARDED JULY 1967–MARCH 1968

Naval District	New construction and conversion	Repair and overhaul	MSTS repair	Total
1st	$103,038,000	$2,708,000	$1,140	[1] $105,747,140
3d	2,242,000	7,032,000	3,743,000	13,017,000
Groton	234,805,000	9,755,000		244,560,000
Subtotal	237,047,000	16,787,000	3,743,000	[2] 257,577,000
4th	0	1,433,000	50,900	1,483,900
5th	121,014,000	37,572,000	3,155,000	[3] 161,741,000
6th	239,861,000	12,151,000	5,555,000	[4] 257,567,000
8th	1,624,000	3,407,000	1,507,000	6,538,000
9th	32,296,000	6,000	1,600	32,303,600
11th	3,051,000	9,554,000	188,000	12,793,000
San Diego	1,911,000	16,278,000	6,245,000	24,404,000
12th	0	9,761,000	388,000	10,149,000
13th	42,849,000	13,416,000	234,000	56,499,000
Total	782,691,000	123,073,000	21,068,460	926,802,640

[1] Includes Bath and Quincy.
[2] Total for 3d Naval District.
[3] Includes Newport News and Baltimore.
[4] Includes Jacksonville.

DEPARTMENT OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, D.C., August 23, 1963.
OPNAV INSTRUCTION 3111.16

From: Chief of Naval Operations.
To: Distribution list.
Subject: Increase of ship home port time.
Reference: (a) *Review of management of the Department of the Navy* (NAVEXOS P-2426A)—15 December 1962.

1. *Purpose.* This instruction sets forth the policy of the United States Navy with reference to home port time.

2. *Discussion.* The Secretary of the Navy, on 9 February 1963, reviewed reference (a) and generally approved the recommendations therein. Included in these recommendations is the following:

"That the Chief of Naval Operations should initiate action, both within and outside the Navy, to allow ships to be in or close to home ports as great a time as is possible. Overhaul locations, special operations, celebrations, holiday appearances, and daily operations which do not add to combat readiness should be evaluated from this viewpoint. (Recommendation No. 67.)"

The Chief of Naval Operations is aware that the increase of home port time has long been a matter of continuing command attention. This goal is consistent with the interest in the morale of fleet personnel and their dependents, fleet operating funds, and reduction in the tempo of operations. Accordingly, the Chief of Naval Operations is in accord with the intent of this recommendation.

3. *Action.* In view of the foregoing, the following action with reference to fleet detailed planning is prescribed:

a. Scheduling authorities will review their scheduling procedures in the interest of enhancing home port time for units under their control.

b. Overhauls, availabilities, and other upkeep periods will be scheduled in, or as close to, home ports as much as is possible.

c. Daily operations will be scheduled from home ports consistent with the availability of training services and other operational considerations.

d. Special operations, celebrations, and holiday appearances, which cannot be categorized either as contributing to combat readiness or as convenient to normal fleet operations, will be reduced in so far as possible.

4. *Implementation.* This instruction becomes effective for planning purposes upon receipt and for scheduling fleet movements beginning with the Second Quarter of FY 1964.

5. *Publicity.* This policy may be announced within and outside of the Navy when supporting operation schedules are approved by existing authorities.

L. P. RAMAGE,
Deputy Chief of Naval Operations.

DEPARTMENT OF THE NAVY,
NAVAL SHIP SYSTEMS COMMAND,
Washington, D.C., August 1, 1968.
Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR JAVITS: This will acknowledge your letter of 22 July 1968 to the Assistant Secretary of the Navy (Installations and Logistics) concerning ship repair work in the Port of New York area.

Prompt attention is being given to your letter. You may expect a further reply within the next two weeks.

Sincerely yours,

R. DE F. CLEVERLY,
Director of Public Affairs and Congressional Relations.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., August 14, 1968.
Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR JAVITS: This is in further reply to your letter of July 22, 1968, concerning ship repair work in the Port of New York area.

You referred to our previous exchange of correspondence on this subject and requested clarification of my response to your suggestion that the Navy extend the bidding on ship repair work to repair facilities in adjoining Naval Districts, or along the entire coast, when the ship's homeport is unavailable for the work. You further asked "How is the Navy to know whether substantial monetary savings can be achieved unless it opens up the bidding to other districts?"

As indicated in my letter to you of July 11, 1968, Navy regulations do provide for extending the bidding area for ship repair work outside District boundaries in certain instances. Where the contracting officer determines that geographical restrictions would prevent the obtaining of adequate competition and that excessive costs would result, he may recommend that the area of competition be extended. For example, if a contracting officer is faced with a sole source situation, or any other constraints to adequate price competition for the work to be solicited, the bidding is extended in order to obtain additional competition, providing the Fleet Commander concurs with such an extension. Of course, there is no guarantee that the shipyards in the adjoining Naval Districts, or along the entire coast, would bid to perform the work at less cost. However, each case is evaluated in light of the conditions existing at the time of repair or overhaul.

With respect to your question as to monetary savings to be achieved, the contracting officers (local Supervisors of Shipbuilding, Conversion and Repair) are generally aware of the adequacy of the price competition for the work to be performed in their respective Naval Districts by reason of their intimate knowledge of the capabilities of the contractors in the Districts to perform the work, the workload of the Districts, and their day-to-day dealings and overall knowledge of the ship repair situation.

It is hoped that the foregoing will be of assistance to you.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of the Navy, Installations and Logistics.

SEPTEMBER 16, 1968.

Mr. BARRY SHILLITO,
Assistant Secretary of the Navy, Department of the Navy, Office of the Secretary, Washington, D.C.

DEAR MR. SHILLITO: Thank you for your recent further letter concerning ship repair work in the New York area. I regret that I do not find your letter a satisfactory response to the questions raised in my previous letters to you. I repeat what I have said earlier: I can understand and accept, up to a point, the Navy's policy of having ships repaired in their home ports. If, however, it is not possible or desirable to have a ship repaired in its home port then I am still completely at a loss as to why bidding cannot be thrown open to ports in other districts, as well as other ports in the same district as the home port.

It seems to me that the Navy could and should evince a great deal more interest than it has in maintaining the ship repair capability of the port of New York, as well as other ports which have been receiving little or no ship repair work from the Navy. The people of New York have already sustained, with a great deal of hardship and suffering, the closing of the Brooklyn Navy Yard and the Brooklyn Army Terminal in recent years. It seems to me that the closing of most of the ship repair yards, which is what will occur if the Navy continues to follow its present policy, is another blow which New York should not have to sustain, particularly since it will also be a blow to the defense capability of the nation.

With best wishes,
Sincerely,
JACOB K. JAVITS.

SEPTEMBER 26, 1968.

Mr. BARRY SHILLITO,
Assistant Secretary of the Navy, Department of the Navy, Office of the Secretary, Washington, D.C.

DEAR MR. SHILLITO: Further to our recent correspondence, I enclose a letter I have recently received from Mr. James E. Reynolds, President of the New York and New Jersey Dry Dock Association. I would appreciate an immediate and full report on the matters discussed by Mr. Reynolds.

With best wishes,
Sincerely,
JACOB K. JAVITS.

NEW YORK AND NEW JERSEY DRY DOCK ASSOCIATION,
New York, N.Y., September 20, 1968.

Re Navy ship repair policies.
Hon. JACOB K. JAVITS,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR JAVITS: As you know, the directive from the Chief of Naval Operations dated August 23, 1963, which established the Navy's policy on increased ship home port time, provides that, "Overhauls, availabilities, and other upkeep periods will be scheduled in, or as close to, home ports as much as is possible." (See attached copy of OPNAV Instruction 3111.16, par. 3(b).) The Naval Ship Systems Command in attempting to implement this directive has adopted a practice of restricting maintenance work bidding to private shipyards located within the same Navy District in which the ship involved is home ported.

As we previously have noted, this practice permits shipyards located in Baltimore, Maryland, to bid on work on naval vessels home ported in Norfolk, Virginia, a distance of well over 200 miles.[1]

However, because of this practice of restricting bids within the confines of a single Naval District, the New York Port shipyards are not ordinarily permitted to bid on Navy vessels home ported in Narragansett Bay, Rhode Island, which is located only about 180 miles from New York, and on vessels home ported in Philadelphia, Pennsylvania, a distance of only 90 miles.

Narragansett Bay reportedly is one of the major Navy home ports and operating areas on the Atlantic Coast. Bidding on maintenance work for ships home ported there, under the practice adopted by the Naval Ship Systems Command, ordinarily is restricted to shipyards located in the First Naval District (Maine, New Hampshire, Massachusetts and Rhode Island).[2]

We are aware of only one major and three smaller dry dock companies in the entire First Naval District which bid on and are awarded contracts for such work. The resultant overflow work apparently often is assigned to private shipyards in the Fifth Naval District. For example, within the past month the Naval Ship Systems Command has awarded dry docking work on the USS ARCADIA, a ship home ported in Narragansett Bay, to the Maryland Shipbuilding and Dry Dock Company, Baltimore. A contract for topside repair work on the same vessel has been awarded to the Metro Machine Corporation, Norfolk. The New York shipyards, which obviously are much closer to the ARCADIA's home port, were not even given the opportunity to bid on such work.

Similarly, the New York shipyards ordinarily are not permitted to bid on maintenance work on the several naval vessels home ported in Philadelphia, since Philadelphia is located within the Fourth Naval District. We are aware of only one major Atlantic Coast dry dock company in the Fourth Naval District, and said company because of other business reportedly at present has little interest in obtaining Navy repair and overhaul contracts.

It appears that the resultant overflow work from Philadelphia also often is assigned to private shipyards in the Fifth Naval District. The Navy recently has awarded a contract for work on the USS HANK, home ported in Philadelphia, to the Metro Machine Corporation, Norfolk. The New York Port shipyards, although closer to the home port of the HANK, again were not given an opportunity to compete for said contract.

We urgently request that you direct an inquiry to the Secretary of the Navy as to the circumstances surrounding the awarding of contracts involving such vessels as the ARCADIA and the HANK to private shipyards in the Fifth Naval District when shipyards located in New York are much closer to the home ports. This certainly seems contrary to the Navy's announced policy on home port time.

Furthermore, we suggest that you demand on behalf of the New York Port that local shipyards should be regularly permitted to bid on maintenance contracts for Navy vessels home ported in Narragansett Bay and Philadelphia. This would provide a significant amount of work on a permanent basis to alleviate the serious work shortage problem confronting our shipyards. It also would provide a means of relieving the hard-core unemployment problem which, according to Labor Department statistics, is much more severe in the New York Port area than in any other Atlantic Coast port.

Moreover, permitting the five major New York Port dry dock companies to compete on bids with the few companies in the First and Fourth Naval Districts certainly would be consistent with the Navy Department's proclaimed efforts to reduce Fiscal Year 1969 expenditures. It thus also would be welcomed by American taxpayers.

The mere fact that imaginary lines defining the Naval Districts have been drawn between New York and Narragansett Bay and New York and Philadelphia should not be permitted to bar these essential objectives. As previously indicated, the Chief of Naval Operations' directive dated 23 August 1963 does not require restricting maintenance bids within the confines of a single Navy District; it requires only that such work be done "in, or as close to, home ports as much as is possible." Certainly, if the Naval Ships Systems Command feels that it is complying with said directive by permitting ships home ported in Norfolk to be repaired in Baltimore, it should have no hesitation whatsoever in permitting bids by New York shipyards on vessels home ported in Narragansett Bay and Philadelphia, where the distance between such shipyards and the home ports is much less.

We greatly appreciate your continued efforts on behalf of the New York Port ship repair companies and shipyard workers. We commend also the study and attention given to this matter by your worthy assistant, Mr. Gene Mittelman.

We look forward to hearing from you in regard to the foregoing at the earliest possible date.

Very truly yours,
JAMES E. REYNOLDS, Jr.,
President.

Mr. JAVITS. Mr. President, I regret that it should be necessary to introduce this amendment. But it is apparent that I have exhausted all other means available by which Navy policy could possibly be made more rational. I would like to emphasize that the amendment I introduce today does not in fact require any naval ship repair work to be awarded to New York. Nor does it require any vessel to be repaired at a place other than its home port. It merely requires that when a ship is repaired at a place other than its home port, the contractor be selected by competitive bidding open to all drydock or repair facilities within 1,000 miles of the vessel's home port.

AMENDMENT NO. 1013

Mr. COOPER. Mr. President, I send to the desk an amendment, on behalf of myself, and the senior Senator from Michigan [Mr. HART], intended to be proposed to House bill 18707, and ask that it be printed. I further ask unanimous consent that other Senators who may wish to do so during the remainder of the day be permitted to join as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be received and printed, and it will lie on the table.

Mr. COOPER. The purpose of this amendment is to defer deployment of the Sentinel ABM system until June 1969. The amendment in no way would inhibit a vigorous research and development program from proceeding.

While many of the reasons for the postponement of the deployment of the Sentinel system have been expressed before on the floor, and most recently during the debates on the Department of Defense authorization bill, it is of the greatest importance that the basic issues be thoroughly examined and clarified, for once the Congress approves the appropriations included in the bill for the actual construction of components and the deployment of the Sentinel system, it is probable it will have taken an irreversible step toward the expenditure of $40 to $70 billion or more. This vast expenditure will not contribute to our defense and security, but will only accelerate the nuclear arms race and greatly increase the danger of nuclear catastrophe.

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[1] Both Baltimore and Norfolk are located within the Fifth Naval District. (A map showing the various Naval Districts is enclosed herewith for reference.) Thus, Baltimore, which serves as a home port for only a few small Navy vessels, in fiscal year 1966 received Navy ship repair contract awards valued at over $8,500,000, as compared with the approximately $5,000,000 awarded to New York. (The Naval Ship Systems Command has refused to provide us with the dollar value of contract awards for the years following 1966. See attached copy of letter dated 20 August 1968.)

[2] New York is located in the Third Naval District.

When the amendment is called up, Senator HART and I, and others, will attempt to secure answers to critical questions, and if it is not possible to do so in open session because of the use of classified material, we will invoke rule 35 and ask for a closed session. We must be able to make a reasoned judgment whether to vote for or against the deployment of the Sentinel ABM system.

Subsequently, the names of Senators CASE, CLARK, MCGOVERN, MCCARTHY, MONDALE, METCALF, NELSON, YOUNG of Ohio, PERCY, and RANDOLPH were added to the amendment (No. 1013).

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, October 2, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1 (legislative day of September 24), 1968:

U.S. DISTRICT JUDGE

William M. Byrne, Jr., of California, to be U.S. district judge for the central district of California vice Peirson M. Hall, who requested retirement effective September 30, 1968.

BOARD OF PAROLE

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1972 (reappointment).

Emory P. Roberts, of Maryland, to be a member of the Board of Parole for the term expiring September 30, 1974, vice James A. Carr, Jr.

Homer Lester Benson, of Indiana, to be a member of the Board of Parole for a term expiring September 30, 1974 (reappointment).

POSTMASTERS

The following-named persons to be postmasters.

ALABAMA

Virginia S. Hicks, Thomaston, Ala., in place of M. N. Skinner, retired.

CALIFORNIA

Frederic J. Rupp, Sacramento, Calif., in place of K. R. Hammaker, retired.

FLORIDA

Dorothy M. Kongas, Long Key, Fla., in place of D. L. Layton, resigned.

GEORGIA

Emmie L. Bassett, Juniper, Ga., in place of I. R. Bulloch, retired.

Sam C. Alley, Lakemont, Ga., in place of F. W. Smith, deceased.

INDIANA

Paul M. McGinley, Lebanon, Ind., in place of B. W. Smith, retired.

IOWA

Harold O. Persons, Sheffield, Iowa, in place of H. J. Stoffer, resigned.

KANSAS

Willis H. Miller, Howard, Kans., in place of A. H. Kling, retired.

KENTUCKY

Ralph Ford, Bardwell, Ky., in place of P. D. Moore, retired.

LaVerne E. Doores, Kirksey, Ky., in place of V. M. Clark, retired.

MAINE

Frederick E. Lovering, Litchfield, Maine, in place of C. A. Lewis, retired.

MINNESOTA

Donald L. Turner, Chatfield, Minn., in place of A. M. Manahan, retired.

MISSISSIPPI

Brister C. Cosnahan, Summit, Miss., in place of B. B. Ball, retired.

MISSOURI

Jackie J. Warren, Fairview, Mo., in place of M. E. Coffee, retired.

Warren H. Davis, Lebanon, Mo., in place of J. W. Jones, retired.

NEW YORK

Barbara C. Grimm, Cropseyville, N.Y., in place of Viola Grimm, retired.

George E. Stevens, Wampsville, N.Y., in place of R. A. Dexter, retired.

OHIO

Frank Orlando, Wickliffe, Ohio, in place of Henry Provo, retired.

OKLAHOMA

Leo L. Johnson, Stratford, Okla., in place of M. L. Smith, retired.

SOUTH CAROLINA

Anne M. Heller, Sandy Springs, S.C., in place of W. K. Moore, retired.

SOUTH DAKOTA

Harold Q. Smith, Herreid, S. Dak., in place of H. L. Fetherhuff, retired.

TEXAS

Alva A. Sanders, Bastrop, Tex., in place of E. F. Pearcy, retired.

Elma J. Sewell, Coldspring, Tex., in place of M. M. McMurrey, retired.

WEST VIRGINIA

Ruth E. Lewis, Burnsville, W. Va., in place of C. B. Morris, retired.

GEORGIA

A. Joe Anderson, Sharpsburg, Ga., in place of A. B. Bridges, retired.

ILLINOIS

Daniel E. Arendell, Wood Dale, Ill., in place of R. F. Vermillion, resigned.

KENTUCKY

Myrna L. Bruington, Garfield, Ky., in place of D. A. Smith, transferred.

MAINE

Louise G. Dill, Newagen, Maine, in place of Scott Gray, retired.

MINNESOTA

Rees M. Johnson, Rushford, Minn., in place of D. R. Culhane, retired.

NEW YORK

Ethel V. Pedersen, East Meredith, N.Y., in place of M. H. Adair, transferred.

Frank Locorriere, Miller Place, N.Y., in place of Charles Germeck, retired.

OKLAHOMA

Russell A. Revis, Reydon, Okla., in place of H. M. Conrad, retired.

PENNSYLVANIA

C. Earl Kressler, Bangor, Pa., in place of H. D. Hess, retired.

Thomas D. Redmile, Bryn Athyn, Pa., in place of G. K. David, retired.

TENNESSEE

Beulah E. Walters, Luttrell, Tenn., in place of R. M. Hill, transferred.

UTAH

Clarence G. Hodges, Montezuma Creek, Utah, in place of E. H. Wolf, resigned.

EXTENSIONS OF REMARKS

ADMINISTRATION TAMPERING WITH HIGHWAY TRUST FUND

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. FANNIN. Mr. President, there can be no question that this administration is on the wrong road when it makes still another cutback in the allocation of highway trust fund moneys under the guise of checking spiraling Federal budget spending.

This on-again, off-again approach to the Nation's highway construction program, which is paid for by the motoring public through special user taxes, can only lead to a dead end of the administration's own choice.

This is National Highway Week, Mr. President, a week proclaimed by the President himself. Yet for the third time in 2 years our Federal highway program is again threatened with damaging delays, our motorists are denied the modern, safe highways they have paid for, and our President, confused with inability to establish priorities, says it is all in the interest of cutting budget spending.

It is shamefully ironic that our President honors the significant contributions of highway transportation on the one hand, yet deems to break faith with the Nation's highway users on the other.

I submit that the President has not only abrogated his trust with our highway users; he has willfully disregarded the intent of Congress by preventing the disbursement of trust fund money, which amounts to $200 million through December.

Let me make clear one point. The highway trust fund consists solely of highway user taxes, not funds from the regular budget. With that in mind, Congress, in passing on the Highway Act of 1968, said that no funds authorized to be appropriated for any Federal-aid system "shall be impounded or withheld from obligation."

Then comes the President, after signing the bill, who says that highway trust fund expenditures must be curtailed so as to satisfy the spending restrictions contained in the recently approved Revenue and Expenditure Control Act. The President's action is as capricious as it is opprobious.

The President has flouted the Highway Act of 1968, which he himself signed into law on August 23, 1968; he has disregarded Congress, which worked long and hard on the highway legislation; he has jeopardized the safety and convenience of the taxpaying motorists of this country.

The President is wrong, and Congress and the citizens it represents will express their displeasure.

DEEP OCEAN FLOOR STUDIES: CURRENT STATUS

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. FLOOD. Mr. Speaker, having received information to the effect that the Department of State is currently studying the disposal of United States ocean bottom rights to the United Nations Organization, I wrote the Secretary of State on June 20, 1968, requesting to be advised in the premises.

In its reply of July 8, the Department of State summarizes the present status of its studies of the deep ocean floor and supplied copies of U.N. Resolution 2340 of December 28, 1967, and two press releases by the U.S. Mission to the United Nations.

That interest in the ocean bottom subject is widespread is evidenced by the adoption of the American Legion in 1965 and 1967 of two resolutions opposing the giving of jurisdiction over seabed resources to the United Nations.

In this connection, I would point out that the United States has always claimed and maintained exclusive rights and authority in the ocean within the 3-mile limit. Some countries, particularly in South America, are claiming beyond the 3-mile limit to as much as 200 miles. Certainly, before any surrender by the United States of its overall rights to ocean floor there should be conferences and agreement among all ocean-washed countries on the subject of the respective ocean floors. Such agreement should be reached by such nations as to what the universal standard should be. I would, therefore, propose that such conferences and resulting agreement should be sought without delay.

In order that all Members of the Congress and the Nation at large may be informed on the ocean floor matter, I include the indicated exchange of letters with its two enclosures, and the two American Legion resolutions as parts of my remarks:

JUNE 20, 1968.

Hon. DEAN RUSK,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I have been advised that the Department of State is currently "investigating" the disposal to the United Nations organization of valuable United States ocean bottom rights.

Information in the premises is desired with the authority for the indicated action. If you have any data concerning the value of oil or mineral products in the indicated ocean areas in which the United States holds an interest, I would appreciate your inclusion of same with your reply. Also, if you have available maps of this affected ocean areas I would appreciate copies of them.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., July 8, 1968.

DEAR CONGRESSMAN FLOOD: Secretary Rusk has asked me to reply to your letter of June 20 in which you state that you are advised that the Department is "investigating" the disposal to the United Nations of valuable ocean bottom rights held by the United States.

The Department, together with other interested Federal agencies, has been deeply involved in a study of international law as it relates to the deep ocean floor, that area of the ocean floor which is beyond the jurisdiction of states. We have been most concerned, of course, to protect and advance the basic interests of the United States in this area. In this process, interested groups from private industry have been consulted. We have also had the benefit of discussions with several Congressional committees.

These studies were, in part, a response to the strong interest on the part of United Nations members regarding the future exploration and use of the deep ocean floor. That interest resulted in the adoption by the General Assembly, of Resolution 2340 (XXII) on December 18, 1967, which established an Ad Hoc Committee to study the seabed. The detailed studies by the Executive Branch, followed by consultations with Congress and with private industry, has made it possible to propose to the Ad Hoc Committee a set of legal principles regarding the future use of the ocean floor. These principles would not dispose of valuable rights of the United States to the ocean bottom because they concern that area of the ocean floor beyond national jurisdiction. Rather, we feel that the principles proposed will serve to encourage the beneficial use of the deep ocean floor.

I am enclosing a copy of U.N. Resolution 2340, together with the statements of the U.S. Representatives to the Ad Hoc Committee and the text of the legal principles proposed by the United States.

If we can be of further assistance on this or any other matter, please do not hesitate to let us know.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

[Twenty-second session, agenda item 92, Dec. 28, 1967, United Nations General Assembly]

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON THE REPORT OF THE FIRST COMMITTEE (A/6964)

"2340 (XXII). *Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind.*"

The General Assembly,

Having considered the item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind",

Noting that developing technology is making the sea-bed and the ocean floor, and the subsoil thereof, accessible and exploitable for scientific, economic, military and other purposes,

Recognizing the common interest of mankind in the sea-bed and the ocean floor, which constitute the major portion of the area of this planet,

Recognizing further that the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item, should be conducted in accordance with the principles and purposes of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of all mankind,

Mindful of the provisions and practice of the law of the sea relating to this question,

Mindful also of the importance of preserving the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item, from actions and uses which might be detrimental to the common interests of mankind,

Desiring to foster greater international co-operation and co-ordination in the further peaceful exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item,

Recalling the past and continuing valuable work on questions relating to this matter carried out by the competent organs of the United Nations, the specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations,

Recalling further that surveys are being prepared by the Secretary-General in response to General Assembly resolution 2172 (XXI) of 6 December 1966 and Economic and Social Council resolution 1112 (XL) of 7 March 1966,

1. *Decides* to establish an *Ad Hoc* Committee to study the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction, composed of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Ceylon, Chile, Czechoslovakia, Ecuador, El Salvador, France, Iceland, India, Italy, Japan, Kenya, Liberia, Libya, Malta, Norway, Pakistan, Peru, Poland, Romania, Senegal, Somalia, Thailand, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Yugoslavia, to study the scope and various aspects of this item;

2. *Requests* the *Ad Hoc* Committee, in co-operation with the Secretary-General, to prepare, for consideration by the General Assembly at its twenty-third session, a study which would include:

(*a*) A survey of the past and present activities of the United Nations, the specialized agencies, the International Atomic Energy Agency and other intergovernmental bodies with regard to the sea-bed and the ocean floor, and of existing international agreements concerning these areas;

(*b*) An account of the scientific, technical, economic, legal and other aspects of this item;

(*c*) An indication regarding practical means to promote international co-operation in the exploration, conservation and use of the sea-bed and the ocean floor, and the subsoil thereof, as contemplated in the title of the item, and of their resources, having regard to the views expressed and the suggestions put forward by Member States during the consideration of this item at the twenty-second session of the General Assembly;

3. *Requests* the Secretary-General:

(*a*) To transmit the text of the present resolution to the Governments of all Member States in order to seek their views on the subject;

(*b*) To transmit to the *Ad Hoc* Committee the records of the First Committee relating to the discussion of this item;

(*c*) To render all appropriate assistance to the *Ad Hoc* Committee, including the submission thereto of the results of the studies being undertaken in pursuance of General Assembly resolution 2172 (XXI) and Economic and Social Council resolution 1112 (XL), and such documentation pertinent to this item as may be provided by the United Nations Educational, Scientific and Cultural Organization and its Inter-governmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the World Health Organization, the International Atomic Energy Agency and other intergovernmental bodies;

4. *Invites* the specialized agencies, the International Atomic Energy Agency and other intergovernmental bodies to co-operate fully with the *Ad Hoc* Committee in the implementation of the present resolution.

STATEMENT BY LEONARD C. MEEKER, U.S. REPRESENTATIVE TO THE LEGAL WORKING GROUP OF THE AD HOC COMMITTEE TO STUDY THE PEACEFUL USES OF THE SEA BED AND OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION, JUNE 20, 1968

During the twentieth century, new frontiers in the geographical sense, have been diminishing. Most of the land surface of the Earth has been explored. A decade ago man commenced his exploration of space beyond this planet. Today, we are moving deeper and further into the oceans.

Efforts to explore and exploit the resources of the ocean floor, however, have but a limited past history. Some believe that on the bottom of the ocean lies treasure that man will soon be able to pluck up. Others are dubious about the extractive potential of the ocean floor and also doubt that our technology will prove a match for the inhospitable ocean floor environment for many years to come.

We will not know the answer to these questions until much greater energies have been devoted to the development of the ocean frontier. With more experience, it will be possible to make more realistic appraisals of what the deep ocean floor can be expected to yield. At this time, we have at our disposal very helpful documents bearing on technical and economic matters which were prepared for the assistance of the Ad Hoc Committee, and we may expect to receive from the Technical and Economic Working Group additional valuable advice about the resources of the deep ocean floor and their potential.

There are other issues for which more experience is required to evaluate with wisdom. For example: how the community of nations should cooperate to secure the benefits of the new environment; what legal rules should be applied to the exploration and exploitation of the ocean floor; what steps should be taken to assure that this process unfolds in an orderly and expeditious manner.

It was at the commissioning of a United States oceanographic research vessel "The Oceanographer" in the fall of 1966—one year before the United Nations was first seized with our present subject—that the President of the United States made a statement that has since been widely quoted. It was as follows:

"Under no circumstances, we believe, must we ever allow the prospects of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings."

A year later, when this subject had been brought before the General Assembly upon the initiative of Malta, the United States proposed that the Assembly "begin immediately to develop general standards and principles to guide states and their nationals in the exploration and use of the deep ocean floor. All of our knowledge about the deep ocean floor and all of our technological skill in exploiting its resources could prove of little value," Ambassador Goldberg noted, "if man's law-making faculty does not keep pace."

It is to begin addressing the task of law-making that we have now come together.

It goes without saying that in the time, and with the information, available to us, it will not be possible to deal with the whole range of problems deserving consideration. Surely the work of defining legal arrangements applicable to the deep ocean floor will not be completed in weeks or even in months. But we can make a start.

This group could, for example, identify principal areas for further study, and, for the later drafting of documents, as a first step in working toward a legal regime for the deep ocean floor.

I should like today, on behalf of the United States, to sketch some of our ideas on these matters.

It seems to us, as we look ahead, that it could be constructive at some relatively early stage in the work of law-making for the General Assembly to consider the adoption of certain principles, which would then serve as a guide to states in the conduct of their activities and also as general lines of direction to be observed in the working out of more detailed and internationally agreed arrangements that might be required later.

There is precedent for following such a procedure. In 1963 the General Assembly adopted unanimously a Declaration of Legal Principles Governing the Activities of States in the Exploration and Peaceful Uses of Outer Space. This was followed four years later by the Space Treaty of 1967. Later the General Assembly approved an Astronaut Assistance and Return Agreement. And a UN group now meeting in Geneva is doing further work on a liability convention related to accidents in the conduct of space activities.

The following are some of the subjects that we think might appropriately be treated in a UN statement of principles for the deep ocean floor:

The principle of non-discrimination should be established in such a way as to recognize that the exploration and use of the deep ocean floor are open to all states and their nationals without discrimination and in accordance with international law.

A corollary of this would be to rule out any claims to the exercise of sovereignty or sovereign rights over any part of the deep ocean floor.

Paralleling a precedent established earlier in the space field, the statement of principles might prescribe that states and their nationals shall conduct their activities on the deep ocean floor in accordance with international law, including the Charter of the UN, in the interest of maintaining international peace and security and promoting international cooperation, scientific knowledge and economic development.

We believe there should be a principle favoring international cooperation in scientific investigation of the deep ocean floor. This should encourage timely dissemination of plans for and results from national scientific programs, and should also encourage cooperative scientific activities by personnel of different states.

Again following a precedent laid down earlier in the UN Declaration of Legal Principles for space, and reflected as well in the Geneva Convention of 1958 on the High Seas, we believe there should be an appropriate statement calling for respect and reasonable regard for the interests of others in exploration and use of the deep ocean floor. This statement should cover avoidance of unjustifiable interference with the exercise of the freedoms of the high seas by other states and their nationals, interference with conservation of the living resources of the seas, and interference with fundamental scientific research looking toward publication of findings. There should be a call for appropriate safeguards to minimize pollution of the seas and disturbance of the existing biological, chemical and physical processes and balances. Such a principle, we believe, should also call for appropriate consultation in the event of concern that a particular marine activity or experiment could harmfully interfere with the activities of another state or its nationals in the exploration and use of the deep ocean floor.

Recognizing the ancient maritime practice of mutual assistance, which was drawn upon as well in the formulation of the Outer Space Principles, we believe there should be a statement of obligation to render all possible assistance in the event of accident, distress or emergencies arising out of activities on the deep ocean floor.

Finally, there might appropriately be included in a statement of principles some guidelines as to the treatment of installations, equipment or other property taken to the deep ocean floor in connection with activities there.

Elements such as those I have indicated could, in our view, be effectively incorporated in a statement of principles at a level of generality permitting wide agreement. There are other areas of subject matter that will require additional procedure and treatment in order to become effective. One of these is the question of what constitutes the deep ocean floor.

Taking into account the Geneva Convention of 1958 on the Continental Shelf, there should be established, as soon as practicable, an internationally agreed precise boundary as to what constitutes the deep ocean floor. Any statement of principles on this matter should specify that exploitation of the natural resources of the ocean floor occurring prior to establishment of the boundary shall be understood not to prejudice its location, regardless of whether the coastal state considers the exploitation to have occurred on its "continental shelf." We do not believe it necessary to delineate this boundary before agreement can be reached on general principles applicable to the deep ocean floor.

The United States recognizes that the suggestions we make for a statement of principles would by no means add up to a comprehensive legal regime adequate to govern the exploitation of resources in this new environment. Much more will be required. Detailed negotiations will be called for, and substantial periods of time are likely to be occupied in formulating the necessary arrangements.

We believe that a statement of principles could appropriately state that there should be established as soon as practicable internationally agreed arrangements governing the exploitation of those resources. Such arrangements should reflect the elements set forth in a statement of principles of the sort I have sketched, and these arrangements should also include provisions for the following:

(a) the orderly development of resources of the deep ocean floor in a manner reflecting the interest of the world community in the development of these resources;

(b) conditions conducive to the making of investments necessary for the exploration and exploitation of resources of the deep ocean floor;

(c) dedication as feasible and practicable of a portion of the value of the resources recovered from the deep ocean floor to world or regional community purposes; and

(d) accommodation among the commercial and other uses of the deep ocean floor and marine environment.

By reaching agreement first on the basic objectives of new international arrangements it is our hope that the eventual negotiations for such arrangements would be facilitated.

Mr. Chairman, the United States delegation looks forward to hearing the views of other members of this Legal Working Group. We are confident that from our discussions here will proceed later the necessary elaboration of legal rules and international agreements. Let us remember that we are at the beginning, not the end, of a process of large scope and complexity. But, above all, let us begin.

STATEMENT BY DAVID H. POPPER, U.S. REPRESENTATIVE TO THE AD HOC COMMITTEE TO STUDY THE PEACEFUL USES OF THE SEABED AND OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION, JUNE 20, 1968

When this Committee adjourned its first session on March 27, its work might be said to have been at the end of the beginning. The Committee had organized itself, reviewed the requirements laid upon it in General Assembly Resolution 2340 (XXII), heard and discussed the views of many Members regarding the problems of the deep ocean floor, and heard our Chairman's statement regarding its work program for the period prior to the next regular General Assembly meeting.

Now we are pressing on with that work program. Our representatives on the two Working Groups of the Committee are engaged in their tasks. Already certain problems and issues are beginning to emerge as those which will require our attention in the period ahead.

What is needed now is hard analysis, the selection of areas for priority consideration, and the preparation of Working Group reports which will trace out paths along which the General Assembly may wish to proceed. The informality and concentration of effort possible in the Working Groups should facilitate this process.

At the end of the series of meetings we are now holding, one would hope to have in hand reports from each Working Group which the Ad Hoc Committee might agree to have included in or attached to its own report to the General Assembly. This could be determined either at the end of our present session or at our next meeting in late August.

II

As the Committee and its Working Groups proceed, their members will no doubt bear in mind certain relevant aspects of the current situation.

First, that while our knowledge of the oceans is still limited, interest in the potentialities of the sea-bed and the ocean floor is rapidly increasing all over the world; and that international cooperation in exploring and realizing these potentialities is highly desirable.

Second, that this Committee can play a key role in stimulating such cooperation. It can be a vehicle for identifying problems and for seeking agreed solutions.

Third, that as to the legal elements of the subject, the Committee through the Legal Working Group should determine those matters which may call for international consideration at the first stage, and those which should be taken up at a later date. My Delegation believes that we are ready now to begin consideration of guidelines or principles so that the exploration and use of the deep ocean floor may proceed in as orderly a manner as possible. The U.S. Representative in the Legal Working Group discussed this subject in some detail this morning.

Fourth, that if legal arrangements are to be created for this environment, they must rest on an accurate appreciation of both the physical features of the sea-bed and the technical and scientific capabilities for exploration and exploitation—as these capabilities exist now, and as they may be expected to improve in the future. These are questions of fact and informed judgment, requiring expert advice and analysis which we may expect to obtain through the Technical and Economic Working Group.

Fifth, that all members of the United Nations have a stake in our deliberation. At the same time, Members differ widely in their command of technical resources in this field and in the capacity to provide assistance.

Sixth, that the only practical means of attaining lasting cooperation in all these matters is through a search for general agreement on every important point.

III

Members of the Committee will recall that at our March meetings I brought to its attention President Johnson's proposal for an International Decade of Ocean Exploration. The General Assembly resolution which established this Committee asked it to consider practical steps for international cooperation in the exploration of the ocean floor. The progress of the Decade proposal should therefore be of direct interest to the Committee.

Over the past three months the United States has discussed this far-reaching proposal for international cooperation with representatives of many governments. A report has been prepared by the U.S. National Council on Marine Resources and Engineering Development, which elaborates on the concept of the Decade as we have conceived it. Copies of the report have been made available to the Members of this Committee.

In proposing the Decade, President Johnson suggested that it could "expand cooperative efforts by scientists from many nations to probe the mysteries of the sea; increase our knowledge of food resources, to assist in meeting world-wide threats of malnutrition and disease; bring closer the day when the people of the world can exploit new sources of minerals and fossil fuels."

Topically, we consider that the projects undertaken under such a program might fall into four separate areas:

(1) *The Exploration of Living Resources.* I need not elaborate here on the need to develop future sources for food for the world's growing population. By learning to harvest the edible resources of the sea, we may help to save millions of people from needless hunger or malnutrition.

(2) *Exploration of the Ocean Floor.* The acquisition of greater knowledge of the geology, mineral content and geography of the deep ocean floor is of direct importance to this Committee and in particular to its Technical and Economic Working Group. Such scientific activity can provide information on the nature, availability and distribution of mineral resources. It can stimulate the development of technology for the exploitation of those resources.

(3) *Exploration of Ocean Processes.* Studies in this area will add significantly to our scientific knowledge of the motion of the sea and its dynamics; the inter-action of the air and the sea; and the evolutionary processes of ocean basins. This should provide us with better ocean and weather forecasting services, which are essential for optimum exploration and exploitation.

(4) *Assistance to Developing Nations.* Although the proposal for ocean exploration covers more than simply the sea-bed, this particular aspect is of direct concern to this Committee. Assistance to the developing nations could involve mapping of selected areas of the continental shelf and surveys of resources. Perhaps even more important in the longer term would be the possibility afforded for participation by developing countries. We would hope that through a sharing of effort, developing countries would soon be able to construct national programs of their own in the marine sciences and train the experts necessary to operate such programs.

IV

Some representatives have quite legitimately asked what purposes can be served by an International Decade of Ocean Exploration which are not already accomplished by existing ocean science programs. As we see it, the action we have in mind pursuant to the Decade concept would include more than simply an expansion of existing international cooperative efforts, although it would of course build on the many successful programs already initiated. Among other things, the Decade would:

First, provide for long-term, continuous exploration activities on a world-wide basis, pursuant to a sustained planning process in which a prominent role would be played by some international planning body concerned with priorities and goals.

Second, accelerate activities directed toward the discovery and exploration of ocean resources to complement the existing emphasis on scientific activities.

Third, encourage greater participation by the less developed countries as well as developed countries.

Fourth, place greater emphasis on training and education programs, particularly as regards the training of specialists from developing countries.

Fifth, produce major improvements in data exchange, including that undertaken on a regional basis, and in standardization of instruments for measuring ocean phenomena.

Sixth, look toward more effective coordination of the activities of participating international organizations, and of Member States.

The representatives of certain Members of this Committee participated last week in the London meetings of the Bureau and Consultative Council of the Intergovernmental Oceanographic Commission. They engaged in a discussion concerning the International Decade of Ocean Exploration and related matters.

A recommendation adopted by the Bureau recognized the importance of long-term research programs concerning the oceans. The recommendation declares that the Bureau "considered the proposal of the USA for an International Decade of Ocean Exploration as a useful initiative for broadening and accelerating such investigations and for strengthening international cooperation." Continuing, the Bureau "endorsed the concept of an expanded, accelerated, long-term, and sustained program of exploration of the oceans and their resources, including international programs, planned and coordinated on a worldwide basis, expanded international exchange of data from national programs, and international efforts to strengthen the research capabilities of all interested nations".

This recommendation seems to us to march in the same direction as the points made by the Secretary General in his report to the General Assembly pursuant to Resolution 2172 (Document E/4487 at page 76). The Secretary General envisions an expanded program of international cooperation to assist in a better understanding of the marine environment through science. The recommendations he makes to the General Assembly are fully consistent with the concept of an International Decade. We note that he suggests an important role for the intergovernmental Oceanographic Committee.

Based on the discussions we have had and are continuing to have with others, we hope that a common approach may be developed which will enable this Committee, together with other interested international bodies, to make specific proposals with respect to this long-range scientific enterprise, for consideration by the 23rd UN General Assembly this fall. Such proposals might appropriately consider the period between now and 1970 as a time for initial planning activities, with the implementation phase beginning thereafter.

We would be interested in the reactions of other delegations to our thoughts on this subject.

V

However we may proceed with respect to the International Decade of Ocean Exploration, there seems no doubt that in the period ahead there will be increased activity of various kinds in the deep oceans. This will result in a continuing increase in the scale of exploration of the deep ocean floor.

In these circumstances it seems to us important that the international community take action soon looking toward the preservation of certain virgin marine areas for general scientific purposes and for the preservation of existing international marine life.

In such marine areas no activities would be permitted which would impair their value for scientific exploration, research or study. Preservation in an unmodified state of characteristic marine features such as a deep ocean trench, a group of sea mounts, and uninhabited coral atolls would provide ecological baselines to serve as a basis for comparison in future investigations of the oceans. International arrangements to this end would be a graphic demonstration of the international character of the oceans and the seabed, and of the potential for cooperation in the marine sciences. For this reason, my delegation believes that it would be appropriate for this Committee to consider this subject in formulating its recommendations to the General Assembly.

We believe that ultimately it might be desirable to establish formal treaty arrangements guaranteeing the preservation of selected marine wilderness areas. However, it might be sufficient to start with a General Assembly resolution requesting all States and their nationals to respect the virgin quality of certain designated areas, to refrain from commercial exploitation or other activities in those areas that might impair their value for scientific purposes, to avoid unnecessary collection of specimens and to cooperate in international scientific investigations within the preserves. The exercise of freedoms of the seas that did not impair the scientific value of the preserve area, including the freedom of air and sea navigation, would not be affected.

For its part, the United States would be prepared to make Rose Island, an uninhabited coral atoll in the South Pacific Ocean owned by the United States, available for use in connection with marine preserves. We would propose that certain areas of particular interest, such as the floor of the Kermadec-Tonga Trench and one or more undersea tablemounts in that area, together with the immediately superjacent waters, be similarly regarded as international marine preserves.

If members of the Committee find this proposal of interest, the United States would be pleased to present it in a more formal and specific form.

RESOLUTION 22 OF THE NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION, OCTOBER 18–19, 1967, INDIANAPOLIS, IND.

Commission: Foreign Relations.

Subject: Oppose Vesting Title to Ocean Floor in United Nations.

Whereas, Resolution No. 414, adopted at the Portland National Convention (August 24–26, 1965) expressed the opposition of The American Legion to the giving to the United Nations any source of independent revenue, including the resources of the seabed or ocean floor; and

Whereas, Malta, A UN member, has proposed to the current session of the General Assembly that jurisdiction and control of the ocean floor, and the financial benefits derived from its exploitation, be placed in the United Nations; and

Whereas, stories have been circulated to the effect that the United States' representatives will support such plan; and

Whereas, several members of the House of Representatives have introduced joint resolutions in opposition to vesting title to the ocean floor in the UN; and

Whereas, H.J. Res. 816 and similar bills would also memorialize the President of the United States to instruct our UN representatives to oppose any action at this time to vest control in the UN of the resources of the deep sea beyond the Continental Shelves of the United States; and

Whereas, hearings are now underway on these measures before the House Subcommittee on International Organizations and Movements: now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 18–19, 1967, That the American Legion reaffirms its position of opposition to the giving to the United Nations any properties or resources which would provide it with independent revenue; and be it

Further resolved, That the American Legion shall support the enactment of legislation to express it to be the sense of the Congress that United States' representatives to the United Nations should be instructed to take all steps possible to block any and all moves to place jurisdiction and control of the ocean floor in the United Nations.

RESOLUTION 414 OF THE 47TH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, PORTLAND, OREG., AUGUST 24–26, 1965

Committee: Foreign Relations.

Subject: United Nations Independent Revenue Opposed.

Whereas, there have been advanced various proposals for raising direct revenue for the United Nations, with a view to making that organization financially independent; and

Whereas, these include suggestions that the UN be authorized to charge member states for services, to tax individual citizens of member states, to place levies on certain international activities (e.g., mail, shipping, travel), and to exploit natural resources not belonging to any country or resources the claim to which is or might be relinquished by the country or countries concerned (e.g., those of Antarctica, the sea-beds, and outer space); and

Whereas, some have advocated that the UN issue a declaration of United Nations title to any petroleum deposits in the Gulf of Mexico beyond U.S. and Mexican territorial limits; and

Whereas, under international convention, any such deposits which are technically accessible would be a part of the natural resources of the American continental shelf and belong, therefore, to either the U.S. or Mexico; and

Whereas, the United Nations Charter specifies (Article 17, paragraph 2) that: "The expenses of the Organization shall be borne by the Members;" and

Whereas, to modify this fundamental principle along the lines of the above mentioned proposals would be a step in the direction of converting the UN into a superstate of "world government;" and

Whereas, a financially independent international organization might tend to become less and less responsive to the needs and aspirations of its members, and might be tempted to undertake activities quite unrelated to its basic purposes and perhaps inimical to the best interests of some or all of the nations it is intended to serve; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Portland, Oregon, August 24–26, 1965, That The American Legion opposes 1) the giving to the United Nations title to or revenue from any income producing property, regardless of location but especially the off-shore oil deposits in the Gulf of Mexico; and 2) the authorizing of the United Nations to tax individual citizens of any nation, to place levies upon any member state for whatever services, to issue income-raising stamps, or to charge anyone or any member state fees of any nature for any form of international activity.

REPORT OF THE AMERICAN SECURITY COUNCIL—"THE WILL TO WIN"

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. THURMOND. Mr. President, I invite the attention of Senators to an excellent and forthright statement by the American Security Council, entitled "The Will To Win: An Objective of Victory in the Cold War." This article presents an illuminating discussion of the complete failure of our no-win policy of trying to contain the spread of communism. This is the same no-win policy which caused us to accept defeat disguised as an honorable peace in South Korea; it is the same humiliating policy which has allowed the fourth-rate nation of North Korea to confiscate one of our warships and her crew and demand an apology for an act that was never committed in the first place. It is the same costly policy that has resulted in the death of more than 26,000 American fighting men in the farflung battlefield of Vietnam.

The no-win policy of containment has resulted in a loss of prestige, loss of military superiority in many phases of our defense, and has proved to be a most costly venture in terms of economic growth in our Nation.

The American Security Council said:

> As the Vietnam war shows, containment is not only militarily inadequate but also excessively expensive. The United States cannot afford to develop and deploy huge and costly military systems, such as the air warfare weapons available on carriers and ashore, then use them for attacking sampans, trucks and wooden barracks for militia. Containment, if continued as the governing U.S. response to communist aggression, could bankrupt the American people.
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> In view of this, the United States needs an alternative policy. It needs to adopt a national objective of victory in the Cold War. Unfortunately, there is an almost knee-jerk reflex of shock and dismay in some quarters when the word victory is mentioned. Domestic foes of vigorous U.S. action to protect freedom immediately conjure up a vision of nuclear holocaust in which the entire planet is incinerated. This is an emotional reaction which has no basis in fact but very deep roots in the fear psychosis the communists have promoted since the United States first developed nuclear weapons. Unquestionably, a fear-ridden mentality lies behind some of the tragic policy mistakes of recent years. It lies behind the abandonment of Cuba to the communist government of Fidel Castro. It certainly lies behind the unwillingness of the present Administration to apply the degree of military pressure needed to win the war in Vietnam, behind the refusal to invade North Vietnam, close the supply ports used

by the Soviet sealift operation or strike at the Red River dike system essential to North Vietnam's production of rice.

Mr. President, there is no question that we have the wherewithal to win the wars we have been involved in, but the present leadership lacks the will to win. The civilian leadership in the Defense Department has vacillated on the development of defense systems which could well prove to be absolutely necessary for our future well-being. There is no valid reason why we should not commit ourselves to the goal of victory in the cold war. As the American Security Council puts it:

> The absence of a U.S. objective of victory in the Cold War is all the more to be condemned since America's communist opponents have such a policy. While they make tactical adjustments in policy, taking two steps forward and one step backward as conditions demand, they never waver in their goal of total domination of free societies.

Mr. President, the security of the free world and the continued existence of the freedoms we now enjoy in America are dependent upon our country maintaining its position as the leader of the free world, its military superiority, and its will to win in order that we might preserve these freedoms.

I wholeheartedly recommend the statement of the American Security Council, "The Will To Win," to every one of my colleagues, and to the American people, and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE WILL TO WIN—AN OBJECTIVE OF VICTORY IN THE COLD WAR

In the final analysis, it is the will to win, not exotic weapons, that is crucial for a country engaged in a great struggle. Without a victory goal, a nation's military efforts will be dissipated in meaningless loss of life and national wealth.

Four years ago, the American Security Council, in its report "Peace and Freedom Through Cold War Victory," called for a "win" concept on the basis of guidelines for American action in the protracted conflict with the communist powers. The Council stated that "unless communist imperialism is decisively defeated, there can *never* be stability and order."

Now, after more than 26,000 American fighting men have lost their lives in Vietnam and after billions of dollars have been spent on financing that struggle, a "no-win" strategy still governs U.S. action in the Cold War.

When the ASC first enunciated "Guidelines For Cold War Victory," administration spokesmen described the Soviet Union as mellowing. The then Secretary of Defense held that if the United States were not provocative in developing new weapons systems, the USSR would refrain from a new military build-up.

Today, we know these judgments by the accommodationists were mistaken. The Soviet Union has not mellowed. It devotes massive resources to aiding North Vietnam's aggression. The Soviet has assigned powerful new forces to the Mediterranean and foments strife in the Middle East. In Central Europe, restive satellites are discovering that the USSR will not relax its iron control. On the weapons front, the Soviets are seeking military supremacy in nuclear armaments, space warfare and control of the oceans. As a result, the strategic military balance has shifted to the advantage of the Soviet Union. Politically, the communist powers continue to hold the initiative.

Perhaps the most dismaying development in the last four years has been the demonstrated capacity of the communists to engender a climate of strife in the United States. The continuing communist propaganda offensive, utilizing hundreds of channels in the free world, focused on weakening the American will to win. The aim is to fasten the "America last" attitude on the rising generation of Americans, to make citizens doubtful of their national integrity. The enemies of the United States understand that disarming the American will to win is as important as disarming the military services by failing to develop advanced weapons for the 1970's.

Four years ago, in calling for Cold War victory by the United States and its free world allies, the American Security Council examined and found faulty the doctrine of containment of communism. Since that time, the fallacy of containment as a guiding policy has been abundantly illustrated. This doctrine, which has been in effect since the late 1940's, is based on a belief in the possibility of permanent peaceful co-existence between communist and non-communist nations. It is predicated on an assumption that communist imperialism can be successfully contained by using limited military power without adopting a goal of clear-cut victory in a crisis area.

Better than anything else, the war in Vietnam demonstrates that containment is not a politically, militarily or economically feasible policy for the long run. By imposing restraints on the use of its own power, and by rejecting the goal of victory over North Vietnam, the United States has failed to eliminate the communist enemy's will to win or his capacity to conduct military operations. On the contrary, the inhibitions of U.S. power have encouraged the communists to bolder military action. Every American effort to de-escalate the war has hardened the enemy's belief in the communist goal of total victory.

As the Vietnam war shows, containment is not only militarily inadequate but also impossibly costly. The United States cannot afford to develop and deploy huge and costly military systems, such as the air warfare weapons available on carriers and ashore, and then use them for attacking sampans, trucks and wooden barracks for militia. Containment, if retained as the governing U.S. response to communist aggression, could bankrupt the American people.

In view of this, the United States needs an alternative policy. It needs to adopt a national objective of victory in the Cold War. Unfortunately, there is an almost knee-jerk reflex of shock and dismay in some quarters when the word "victory" is mentioned. Domestic foes of vigorous U.S. action to protect freedom immediately conjure up a vision of nuclear holocaust in which the entire planet is incinerated. This is an emotional reaction which has no basis in fact but very deep roots in the fear psychosis the communists have promoted since the United States first developed nuclear weapons. Unquestionably, a fear-ridden mentality lies behind some of the tragic policy mistakes of recent years. It lies behind the abandonment of Cuba to the communist government of Fidel Castro. It certainly lies behind the unwillingness of the present administration to apply the degree of military pressure needed to win the war in Vietnam, behind the refusal to invade North Vietnam, close the supply ports used by the Soviet sealift operation or strike at the Red River dyke system essential to North Vietnam's production of rice.

This fear of seeking victory because active defense of U.S. interests and freedom may entail the risk of nuclear conflict is unworthy of a great nation. The old saying is that a coward dies a thousand deaths. If fear is the basic element of our foreign and military policy, the United States is bound to lose in the end. A fearful nation cannot long survive in a contest with another nation that is willing to take risks.

The absence of a U.S. objective of victory in the Cold War is all the more to be condemned since America's communist opponents have such a policy. While they make tactical adjustments in policy, taking two steps forward and one step backward as conditions demand, they never waiver in their goal of total domination of free societies. They don't hesitate to take risks to advance their cause. Year by year, they are getting bolder, capturing a U.S. warship on the high seas and imprisoning its crew, sending submarines on patrol off the U.S. East Coast and engendering strife inside the United States. Each year, as a result of this bold, aggressive action, the United States is losing maneuvering room in the Cold War. We surrender initiative to Moscow and Peking, and they take advantage of every withdrawal and accommodation.

It is tragic that the fearful in our country, who resist a policy of Cold War victory, do not consider the inevitable results of their policy of adjustment to growing communist power. Each adjustment or accommodation eliminates options available to the American people in their defense of freedom. And when a decision is made to back off from needed decisive action, such as the proposal for a blockade of Haiphong, the ultimate safety of the free world is reduced to some degree.

The American public should not overlook that those who reject a national objective of victory in the Cold War are the ones who speak of the importance of military power. In other words, those who reject the idea of an American victory are quick to downgrade the means of victory. They prefer that Americas' military capacity be sharply reduced so that there is no possibility of a decision being achieved by defense systems in the possession of the United States.

Obviously, a country that isn't ready and willing to develop and deploy the weapons it needs for survival is a country that's ready to cash in its chips. Now the American people aren't about to do any such thing. But the opinion of the overwhelming majority of the American people, who have a normal, healthy attitude towards national survival, is somehow obscured by the policy planners. The bravery and skill of the American serviceman is discounted by officials who refuse to let those who are in uniform press ahead to battlefield victory. Lives are lost, national treasure is consumed, but the American people are denied the objective of victory on the combat fronts.

The imperative need is for the United States to get away from a policy of mere reaction to communist moves. Often, new weapons systems are not developed on the grounds that there isn't a mass of evidence that the Soviet Union are developing a similar system. The idea of getting ahead of the enemy in a military-technical sense has been almost forgotten in the 1960's, under recent civilian leadership of the Defense Department. On the international front, the same attitude prevails. The notion is aired that the United States has succeeded if the enemy is frustrated in some new design, as in the case of Castro's failure to score huge new successes in Latin America. The fact that the Soviets have made permanent their power base in Cuba is ignored or treated as irrelevant. What is happening is that the U.S. is developing a false criterion of Cold War success. Thus some Americans argue that the U.S. will have succeeded in the Vietnam war if Hanoi is discouraged in its current attempt to take over South Vietnam. The fact that the power base of North Vietnam would not be eliminated or crippled in a negotiated end to the war is not considered. What must be hammered home to the American people is that if our government fails to seek true victory in the Cold War, it will end with a defeat. In our time, conflict between nations and ideological systems can end only in one of two ways—victory of defeat.

In committing ourselves to a goal of victory in the Cold War, we need have no concern about our material resources. The United States is still the strongest and most productive nation in the world. The combined total of our military, economic and scientific capabilities far exceeds that of the communist powers. If we put our capabilities to work in pursuit of peace with freedom, we need not fear the aggressor states that seek to liquidate our free society. What we have to be concerned about is that our resources will not be harnessed to support our national objectives. There is no mistaking the intentions of our country's enemies; they clearly seek a total mobilization of their resources and capabilities in pursuit of their victory goal—the burying of the United States and the rest of the free world.

The communist world has declared war against the free world. This is the central fact that must be recognized in the United States and to which we must respond with all our means. We cannot achieve peace by unilateral acts of restraint. A bombing pause in Vietnam is a pause that refreshes the enemies of the United States. An unwillingness to develop so-called "provocative" weapons systems only excites the Soviet Union regarding the prospects of victory and causes it to push ahead with development of new strategic weapons and forces. It would be a happy world indeed if the U.S., by taking unilateral action in pursuit of peace, were able to end strife on this planet and guarantee the safety of the American people and its allies. But this is not the way the world is constituted. The communist idea is a conception of war directed against the capitalist world. The communist system is a warfare system aimed at the destruction of other systems of government. It is tragic that the communist idea was spawned; it is tragic that the communist system ever took root in the huge land dominated by the Soviet state. But history is full of tragedies; indeed tragedy is part of the human condition. In view of the historical circumstances, in consideration of the communist goal of absolute domination of the world, the free people of the United States, if they cherish their freedom, have no choice but to work for victory. This means we must match our material resources with a moral resolve to win.

ANTHONY HARRIGAN,
Managing Editor.

NEWSLETTER AND RESULTS OF LATEST OPINION POLL

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. THOMPSON of Georgia. Mr. Speaker, in order that all the Members of the House and others who receive the CONGRESSIONAL RECORD may have an opportunity to see my newsletter and the results of my latest opinion poll in the Fifth District of Georgia, I request permission to insert this newsletter in the RECORD at this point:

DEAR FRIEND: *Electing a President:* Hundreds of you have asked what happens if no candidate has the 270 electoral votes it takes to elect a President. Whoever has the most popular votes in a state takes all that state's electoral votes (Georgia has 12). *If neither Mr. Nixon, Mr. Humphrey nor Mr. Wallace receives the required 270 electoral votes, the election of the President will be thrown into the House of Representatives,* just as occurred in the Governor's race in Georgia last time when the Legislature rather than the people elected the Governor. The decision would be made by the Congress you elect in November.

If the House of Representatives is Republican and 26 state delegations vote Republican, *you can expect Richard Nixon to be elected. If the House of Representatives is Democratic you can expect Hubert Humphrey to be elected* President. *It is doubtful that George Wallace would be able to get 26 state delegations to support him since the Congressmen who cast the votes are either Republicans or Democrats.*

Who'll be Vice President: Under such circumstances the Vice President would be elected by the Senate. Though it appears there is a chance for enough Republican Congressmen to be elected to control the House and thus the election of the President, it likewise appears that *the Senate will remain Democratic. This being the case, the Vice President would probably be a Democrat.*

Thus, *for the first time in history we could have a Republican President and a Democratic Vice President.* Should this occur, I would expect the Vice President would have even fewer duties than our current Vice President and *there would be a very divided Administration* in Washington.

National primaries: Following the Democratic Convention in Chicago, many of you wrote me and asked about a National Primary to select Presidential candidates. Undoubtedly, *our convention system leaves much to be desired and while I lean to a National Primary system, I am concerned that only those with extreme wealth could be a candidate* due to the millions and millions of dollars needed to campaign nation-wide. We must not put this problem aside but make plans to solve it, however, *we must not make it impossible for a person of average means to run for national office.*

Our Constitution's birthday: Last September 17 was the 181st birthday of the adoption of our Constitution. *Our founding fathers who produced this document never dreamed of the heights to which this nation would rise* nor the prominent position it would hold in the world. Yet, *they drew up a document so skillfully that it has weathered the storm of time,* has stood up for seven generations and has proven to be one of the greatest blessings this country has ever received. *It was the intention of the framers of our Constitution to keep the true power in the hands of the people. We must all work to see that it remains there.*

A valuable thought: "Let not he who is houseless pull down the house of another, *but let him work diligently and build one for himself,* thus by example assuring his own shall be safe from violence when built."—Abraham Lincoln.

Concern for the poor: All Americans desire to assist unfortunate people who are unable to help themselves. But *there is indication of growing resentment by taxpayers to supporting those unwilling to help themselves.* In 1964 there were 239 federal welfare programs; by 1968 450, and many overlap others. Present budget carries $40 billion for the poor, but administrative costs eat up millions and dependency mounts. *The challenge to our generation is to provide self-help, educational and job training programs to make the poor independent of degrading government handouts* . . . to encourage them to enter business for themselves, own their own homes, to be independent.

Predictable inflation: The Johnson-Humphrey Administration pressured through Congress the 10% income tax increase, saying it would reduce inflation. *I opposed and voted against it because, in my opinion, this tax increase would cause inflation.* Now the businesses that are having to pay 10% higher taxes are passing this on to you in the form of higher prices because their stockholders insist on the same return on their investment. *This was predictable*—and now the tax increase is causing higher prices in automobiles, television sets, bread and other food items *but you have less money to pay these prices because 10% more taxes are coming out of your paychecks.*

Futile negotiations: After four months of bickering in Paris, the so-called "peace talks" have made no progress. *It appears to be North Vietnam's strategy to keep the United States talking and most of the bombing halted.* While the North Vietnamese rebuild their strength, they demand more and more. *Not one concession has been made by the Reds.* This is an old Communist trick. Meanwhile, latest intelligence reports indicate there has been a substantial increase in war supplies moving into Haiphong Harbor since bombing was halted. *Communists now have dredged Haiphong Harbor to allow large ships to enter with war supplies to be used against American servicemen in the South.*

Your opinion is important: The questions we asked in September produced the fact that *many people do not believe what our government told them* about the seizure of the Pueblo and her crew. *Because of this, I have insisted that Secretary of State Rusk give me additional information for you.* In your other responses, you opposed paying for crops not grown, 84% to 8.5% (*I voted against this bill*); support prior judicial experience for Supreme Court judges, 87% to 11% (*I introduced a bill to require this*); oppose apologizing to North Korea, 73.4% to 14.5%; favor serving notice on North Korea that we won't let them get away with seizing our ships on high seas, 85.5% to 6.5%; oppose forgetting about the Pueblo crew, 95.5% to 1%; don't favor stopping the bombing of North Vietnam and allowing Communists to become part of South Vietnam's government, 86.5% to 11%; favor self-help programs, 95.5% to 1%; and want these reports continued, 95.5% to 2.5%.

It is a high favor for me to serve you in Congress.

Yours very truly,
FLETCHER THOMPSON,
Member of Congress.

THE BATTLE OF AVERASBORO, N.C.

HON. B. EVERETT JORDAN

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. JORDAN of North Carolina. Mr. President, it is a very detailed history book that gives more than a bare mention to a Civil War battle that took place March 15–16, 1865, at Averasboro, N.C.

Until recently, a group of unmarked gravestones in a small cemetery over which part of the action was fought stood as the only memorial to the North Carolinians and other Confederate soldiers who died in that engagement.

Now, thanks to a history-minded Tar Heel named Wade Lucas and members of the Chicora Chapter, United Daughters of the Confederacy, a permanent monument has been erected on the site to mark the event.

What makes it unusual is that it was financed entirely from the sale of souvenirs, coins, and other articles without a penny of State or Federal funds.

The featured speaker for the dedication ceremonies was our good friend and distinguished colleague, Senator SAM J. ERVIN, Jr.

His remarks that day were so eloquent and fitting that I ask consent at this point that they be printed in the Extensions of Remarks for preservation. I commend them to the attention of the Senate.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE BATTLE OF AVERASBORO

(Remarks of Senator SAM J. ERVIN, JR., August 18, 1968, at the dedication of the monument to North Carolina soldiers of the Confederacy who fought at Averasboro, March 15 and 16, 1865)

As one who venerates the precious heritage of valor and sacrifice bequeathed to us by the men and women of the Confederacy, I am grateful for the privilege of being with you on this memorable occasion.

We meet upon an historic battlefield to dedicate a beautiful monument which pays reverence to the soldiers of the Confederacy who fought the Battle of Averasboro at this spot 103 years ago.

We do well to do this.

> "If their memories part
> From our land and Heart,
> 'Twould be a wrong to them,
> And a shame for us."

It seems appropriate to consider the events which precipitated the Battle of Averasboro, and the role which those who fought the battle undertook to play.

After the fall of Atlanta on September 1, 1864, the victorious Union forces under General Sherman and their infamous camp followers, "the bummers," waged total war against the people of Georgia and the Carolinas. In so doing, they pillaged and burned and in that way lay waste the areas they traversed.

Their objective in carrying on this cruel form of warfare against the civilian population of Georgia and the Carolinas was twofold: First, to disable these States to continue supplying Lee's Army of Northern Virginia, which faced Grant's Army of the Potomac before Richmond and Petersburg; and second, to weaken the will of the South to prolong the conflict.

As Sherman knew, nothing could have been more demoralizing to the thousands of Georgians and Carolinians fighting with Lee in Virginia than the sad tidings that the virtually defenseless folks they had left behind in comparative safety were being badgered and plundered by a relentless foe and its vicious camp followers.

With 60,000 combatants, Sherman ended his notorious "March to the Sea" at Savannah in December, 1864. Shortly thereafter, in January, 1865, he moved northward across South Carolina by way of Columbia, Florence, and Cheraw, looting and burning as he went. By March 8, his entire army reached the neighborhood of Laurel Hill in what is now Scotland County, North Carolina. From that place he proceeded to Fayetteville, which he occupied on March 11, destroying the public buildings and the industrial plants and extending his pillage throughout the adjacent area.

During the last part of his march from Savannah to Fayetteville, Sherman was preceded by a force of retreating Confederates, whom he outnumbered 10 to 1 and whose mission it was to watch and report his movements. These Confederates were commanded by an intrepid Georgian, General William J. Hardee, one-time commandant at West Point and author of "Hardee's Tactics."

Hardee crossed the Cape Fear River shortly before Sherman entered Fayetteville, and took position near Averasboro in Harnett County on the road leading from Fayetteville by way of Smithfield to Raleigh, which traversed at this point the area lying between the Cape Fear on the west and the Black River on the east.

At this time Hardee's command totaled 6,000 men. Among them were the officers and men of the Fiftieth North Carolina Regiment commanded by Colonel George Wortham, the Seventy-Seventh North Carolina Regiment commanded by Lieutenant Colonel Wheeler Hancock, and the Tenth North Carolina Battalion of Heavy Artillery commanded by Major Wilton L. Young. These North Carolina units constituted a part of the brigade commanded by Colonel Washington M. Hardy and of the division commanded by General Lafayette McLaws, one of the work horses of the Confederacy.

It is worthy of note that Company H of the Fiftieth North Carolina Regiment, which was captained by Joseph H. Atkinson, and Company B of the Tenth North Carolina Battalion, which was captained by H. M. Barnes, were composed in large measure of residents of Harnett County.

While Sherman was marching northward through South Carolina, General Lee had dispatched General Joseph E. Johnston, a tactician who could do much with little, to North Carolina with instructions that he should assemble all the available Confederate units operating in the area at some suitable place and obstruct Sherman's further advance.

Johnston was implementing Lee's instructions when Sherman seized Fayetteville. Being uncertain whether Sherman would attempt to capture Raleigh, the Capital of the State, or move on Goldsboro to join General Scofield, who had been directing Union operations in eastern North Carolina before his advent, Johnston undertook to concentrate the remnants of the once powerful Army of Tennessee, General Robert F. Hoke's division, General Wade Hampton's cavalry, and other units in the vicinity of Smithfield midway between Raleigh and Goldsboro. He expected Hardee to join him soon. Because of the disparity between the 14,000 men available to him and the 80,000 available to Sherman, Johnston realized that his hope of success was contingent on his striking and defeating separate columns of the foe while Sherman's forces were divided.

At this juncture Sherman turned his army east toward Goldsboro. His Fourteenth and Twentieth Corps under General Slocum undertook to proceed by way of Averasboro and Bentonville while his Fifteenth and Seventeenth Corps marched on a parallel road some miles to the South.

Johnston ordered Hardee to delay Slocum at Averasboro so that he could complete the concentration of his forces and be ready to strike the Fourteenth and Twentieth Corps on their arrival at Bentonville.

These events precipitated the Battle of Averasboro, which is well described in Captain Samuel A. Ashe's "History of North Carolina." I quote his words:

"Hardee, on crossing the Cape Fear, took the road leading to Smithfield and Raleigh. On the 15th of March he occupied a position four miles from Averasboro, and that evening a Federal column, being the Fourteenth and Twentieth Corps, approached and there was some skirmishing. Hardee's position was well chosen, the Black River nearly approaching the Cape Fear at that point, and he made excellent dispositions, but had only six thousand men. Early the next morning the Federals, General Sherman being on the field in person, attacked with vigor, using their artillery to advantage; but their infantry was always repulsed. In the early afternoon they moved a heavy force farther to the east, completely flanking the left of Hardee's position, which necessitated a retirement of that wing about four hundred yards to the main line. Here again and again, every assault was repulsed. During the night the Federals proceeded to fortify their position and threw heavy columns across Black River; and Hardee, being thus flanked, fell back towards Smithfield, leaving Wheeler's men in position."

Thus ended the Battle of Averasboro, a fight in which Union casualties totaled 682, and Confederate losses approximated 500.

By his gallant delaying action at Averasboro, Hardee enabled Johnston to concentrate his total available forces of 14,000 men and boys at Bentonville. Here, on March 19, Johnston surprised Sherman's Fourteenth Corps. John Gilchrist Barrett summarized the Battle of Bentonville in this wise in this "North Carolina as a Civil War Battleground":

"For awhile it looked as though the Confederates would carry the day, but Federal reinforcements late in the afternoon blunted the Confederate offensive. More Union troops reached the field during the 20th, and by the 21st Sherman had his entire Army at Bentonville. That night Johnston withdrew his forces to Smithfield. Sherman was victorious at Bentonville, the largest battle of the war fought on North Carolina soil, yet he failed to follow up his success by pursuing the enemy. Instead he marched his army into Goldsboro."

Bentonville was the bloodiest battle ever fought in North Carolina. Confederate casualties amounted to 2,606, and Union losses totaled 1,646.

Despite the valor displayed by her sons at Averasboro, and in hundreds of other engagements on land and sea, the doom of the Confederacy was sealed by Grant's war of attrition against Lee in Virginia, and Sherman's total war against the people of Georgia and the Carolinas. As a consequence, Lee capitulated to Grant at Appomattox on April 9th, and Johnston surrendered to Sherman at the Bennett House near Durham on April 26th.

The conquered banner was now furled.

When one ponders the story of the soldiers and sailors of the Confederacy who fought at Averasboro and in countless other engagements on land and sea, he cannot avoid putting this question to history: What inspired these men to fight so bravely, always against great odds and oftentimes unto death?

The assertion that they fought to perpetuate slavery does not suffice to answer the question. Most of them did not own or expect to own a single slave. Indeed, few of them had any material stake whatever in the victory of the Confederacy.

The question has been answered by one who knew these men well and loved them much. Almost 2 score and 10 years after he had served with gallantry as a lieutenant of the Confederacy at Gettysburg, Dr. Randolph McKim, a beloved Episcopal minister of Washington, answered the question in words of unforgettable beauty, which are engraved upon the memorial erected by the United Daughters of the Confederacy to the Confederate dead at Jackson Circle in Arlington National Cemetery.

Here are Dr. McKim's words:

"Not for fame or reward, not for place or for rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it, these men suffered all, sacrificed all, dared all, and died."

As we meet upon the battlefield and dedicate this beautiful memorial to the soldiers of the Confederacy who fought here, we know that they and their comrades who fought elsewhere on land and sea taught by example this precept of their great chieftain, Robert E. Lee:

"Duty—is the sublimest word in our language."

Like the memorial to the Spartans who fell at Thermopylae, this is a monument to the vanquished and not to the victors.

I end with a prayer. As long as fame her record keeps, may this memorial join history in bearing to the generations the message that the soldiers and sailors of the Confederacy fought for the cause they loved in simple obedience to duty as they understood it and that they illustrated by their lives and by their deaths in a fashion unsurpassed in the annals of time this eternal truth:

"Defeat may serve as well as victory,
To shake the soul and let the glory out."

ANALYSIS OF THE FBI UNIFORM CRIME REPORTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. PRICE of Texas. Mr. Speaker, in view of the alarming and continuing increase in crime, I am inserting my newsletter based on an analysis of the recently released FBI Uniform Crime Reports in the Congressional Record:

The Republican Task Force on Crime on which I serve has analyzed the recently released F.B.I. Uniform Crime Reports.

In my opinion, the incidence of violent crimes in the most meaningful indicator of the trend of criminal behavior in America. The figures cited in the following analysis are, I believe, much more significant than the 88 percent overall increase to which there has heretofore been wide reference:

Some criminologists have taken issue with the validity of the F.B.I. Crime Index as an indicator of nationwide crime increases. Property crimes, i.e., burglary, larceny and auto theft, year after year comprise the great preponderance of Index offenses and they say that, for a variety of reasons, increases in property crimes do not truly reflect the trend in criminal behavior.

As the Index pertains to violent crimes, however, there is virtually no dispute. Most, if not all, agree that increases or decreases in murders, rapes, robberies and aggravated assaults from year to year present the most accurate measure of the overall crime picture. Moreover, and perhaps more important, it is universally recognized that it is precisely the violent crimes about which the people are most concerned. When one talks of escalating crime rates it should be borne in mind that it is principally the escalation of violent crimes that is truly a cause for concern.

The F.B.I. Crime Index figures for 1967 and the preliminary report for the first six months of 1968 (released September 20) contain some startling revelations concerning the incidence of violent crime in America. Riots and civil disorders have no relation to the evaluation of these crimes and some interesting comparisons can be made with earlier years.

During 1967, violent crimes as a group increased by 16% over the previous year.

During January-June 1968, violent crimes as a group increased an additional 21% over the same period in 1967.

If this rate remains constant until the end of 1968, violent crimes as a group will have increased by 40% in just two years.

During the full eight years of the Eisenhower-Nixon Administration, 1953 to 1960, violent crimes as a group increased by 31%.

During the seven years since 1960, that is 1961 to 1967 inclusive, violent crimes as a group have already increased by 73% and if the last half of 1968 matches the first half, the increase for the comparable eight year period will be 109%.

In the separate categories of violent crimes:

Murder has increased by 34% during 1961 to 1967 and will show an eight year increase of 58% by the end of 1968. During 1953 to 1960, murder increased by 9%.

Forcible rape has increased by 61% during 1961 to 1967 and will show an eight year increase of 85% by the end of 1968. During 1953 to 1960, rape increased by 51%.

Aggravated assault has increased by 67% during 1961 to 1967 and will show an eight year increase of 90% by the end of 1968. During 1953 to 1960, aggravated assault increased by 29%.

Robbery has increased by 88% during 1961 to 1967 and will show an eight year increase of 125% by the end of 1968. During 1953 to 1960, robbery increased by 33%.

BOB PRICE,
Member of Congress.

CIRCUS-LIKE SPECTACLE—THE DEMOCRATIC NATIONAL CONVENTION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks excerpts from an editorial entitled "Circus-Like Spectacle," which was published in the Bluefield, W. Va., Daily Telegram, and excerpts from an editorial entitled "Unprincipled," which was published in the Lynchburg, Va., News.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From the Bluefield (W. Va.) Daily Telegraph, Aug. 12, 1968]

CIRCUS-LIKE SPECTACLE

Having attended nine national conventions as a newspaper man. Senator Harry F. Byrd, Jr., is passing up the Democratic National Convention in Chicago this month as one of the duly elected 54-vote Virginia delegation. His reasons are more than local interest, for they strike at the heart of our method of choosing the nation's Chief Executive.

"I feel that almost anything would be an improvement on the existing convention system," Byrd told the Virginia Association of Electric Cooperatives.

Byrd's thinking is very much in line with that of the newer members of Congress, of which he is one. There are many proposals embodying these and similar ideas for constitutional amendments before both houses. But no one else had gone so far as to emphasize his own dissatisfaction with the present system by refusing to take a delegate's seat to which he had been elected.

If Byrd reflects a trend, perhaps amendments for nationwide primaries and direct popular election of the President are closer than we know. Certainly, they would avoid the circus-like spectacle of today's Presidential nominating and election system.

[From the Lynchburg (Va.) News, Aug. 14, 1968]

UNPRINCIPLED

Last Friday, Senator Harry F. Byrd Jr. revealed that President Johnson had taken another step towards war with Rhodesia by issuing a new Executive Order barring all imports from and exports to that peaceful country.

Senator Byrd called the latest Presidential order "unprincipled," "wrong," and "unjust." The Senator is a temperate man; he does not use strong words lightly, and when he uses them they say what he means.

He warned that if the President continues his present policy, the United States "could very well find itself embroiled in an armed intervention in Rhodesia."

In addition, Mr. Byrd pointed to the ugly illogic of the situation: because of Mr. Johnson's executive order, the United States—which used to purchase chromite from Rhodesia—is now dependent upon the Soviet Union for more than half of that militarily-valuable commodity. And as soon as this happened, the Soviet Union raised its prices.

"So we cannot purchase chrome from Rhodesia, a nation at peace, but must instead purchase it from the Soviet Union, which is supplying the bulk of the war material to keep the Vietnam war going," Mr. Byrd noted.

And he pointed out the "absurd position" in which the President has placed the United States: he has demanded economic sanctions against a nation at peace, but has refused to demand economic sanctions against North Vietnam which is at war with us and at whose hands this nation has suffered more than 190,000 casualties!

He also noted that the United Nations, which called for the economic sanctions against Rhodesia has refused to call for similar sanctions against North Vietnam.

SUCCESS HURTING WALLACE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. MICHEL. Mr. Speaker, I would like to call the attention of my colleagues to the excellent editorial which appeared in the September 30 edition of the Peoria Journal Star, entitled "Success Hurting Wallace" and ask unanimous consent that it be inserted in the Record at this point.

SUCCESS HURTING WALLACE

"George Wallace is going to surprise a lot of people!"

Have you heard that lately?

He surely is. Most of all he has already surprised himself, so completely, that his own strategy is in ruins.

He has already overplayed his hand.

He has swung so hard that he has knocked himself out.

By all odds, Wallace now looks to carry several southern states—and get a *lot* of votes in the North, to boot.

He needs those southern states very badly to get a foot in the door of a jammed electoral college and thus block either of the other candidates away from a majority.

At that point, he becomes the kingmaker.

There's never been any real secret about this strategy. He phrases it cunningly. He says that the other candidates will have to recognize what the "American people want," and he says he "expects it will be settled in the electoral college."

Translated from politicalese, this means whoever would become President would have to have those electoral votes from those southern states, and could only get them by some sort of commitment that satisfied George Wallace.

In short, he would be in a position to hold the presidency in his hand and give it or take it away, and they would have to come to him and *deal*.

So, he desperately needs to *win* several southern states. Right now, it looks like he will—and, as we said, get a lot of votes in the North, to boot.

However, he needs those northern votes like he needs a hole in the head—and that is what they are giving him, figuratively.

For as matters now stand, it looks as if those northern votes are murdering Hubert

Humphrey in state after state and leaving Richard Nixon a clear field toward an overwhelming electoral college total—so big as to leave Wallace uselessly clutching his southern electors.

Wallace has counted on such a close race between Humphrey and Nixon that they would split the electoral vote up, and his electoral vote would be the difference between the presidency and no presidency.

But if Humphrey and Nixon don't split up the northern states, there is no three-way mix-up to give Wallace the "balance of power."

At the moment, the polls indicate Humphrey is "carrying" only two States, Wallace several southern states, and Nixon is running away with the electoral college situation by leading all the rest.

George has overplayed his hand, it seems; has been so effective that he has wooed many Democratic votes way from Humphrey; and thus, instead of tying up the presidential sweepstakes he is already handing the election to Nixon on a silver platter!

That's not what he had in mind.

If it keeps up, Wallace will get a lot of votes where they don't count; Humphrey will lose a lot of votes where they do count; and instead of a bargaining position in the electoral college, Mr. Wallace will be sitting there lost in the dust of the Nixon bandwagon. And he has done it to himself by his fund raising expeditions into the North! They've been too successful.

And there's nothing much he can do about it, now.

C. L. DANCEY.

TYDINGS URGES ELECTION REFORM

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. TYDINGS. Mr. President, I recently appeared before the subcommittee on elections of the Maryland Legislative Council in Annapolis to present a comprehensive program of political party and election reform for Maryland. I have proposed 11 basic reforms which I feel should be instituted immediately by the Maryland Legislature in order to insure that our political parties will be responsive to popular will and open to free discussion and dissent.

I ask unanimous consent that the text of my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH D. TYDINGS

I

Mr. Chairman, I welcome the opportunity to be heard by this Committee on changes which should be made in the laws governing the operation of our political parties and the nomination and election of candidates for President and Vice-President of the United States.

I hope Maryland, and in particular, the Democratic Party of Maryland, will take the lead in making our political party and elections processes more open, and hence more adequate to the age in which we live.

That age is one of incredible change. More change takes place in our human institutions and more demands upon them arise in one year in this last third of the Twentieth Century than arose in the course of several generations during earlier centuries.

Our human and social problems, many of which it is up to our political institutions to meet, are characterized today by rapidly increasing complexity and by the severe intensity in the expectations of people for solutions.

These forces of social change, it is clear, can be directed into peaceful progress only through a vigorous response from our existing institutions. "Business as usual" is no longer a viable alternative.

These forces of massive change will move political institutions either toward greater participatory democracy or toward totalitarianism. Increasingly we will have either the politics of people being heard or of authority exercizing rule.

The United States is one of the few nations equipped to respond to today's fast-paced social and economic problems with peaceful reforms which will preserve democratic institutions. Although many nations are moving more and more toward totalitarian government, we can use our enduring though imperfect institutions and our modern technology, particularly that of communications, to preserve and extend democracy.

We can start, as Marylanders and within the Democratic Party, to improve participation in our basic system for choosing our national political leaders. The pre-convention campaign we have experienced in 1968 leaves no doubt in my mind that such reform is urgently needed if we are to retain the confidence of a majority of Americans in our democratic institutions.

The general principles which should guide in this reform must be those which have typified the goals—if not always the facts—of American democracy. These principles are:

1. Political parties and governments at all levels should be responsive to popular will and open to dissent and criticism.

2. Equality of citizenship in the elections process should be maintained by guaranteeing that each citizen's vote shall be equal at the ballot box to that of any other.

3. The right of minorities to be heard, to dissent, and to peacefully protest should be unequivocally protected with respect to both political party decisions and government decisions.

4. After a decision has been debated and finally made by majority vote and under fair procedures, minorities should then be willing to acknowledge the decision of the majority, reserving their right to continue changing the minds of the majority.

II

While the list of social, economic, and political reforms necessary if we are to preserve the institutions of democracy form a long list, I urge the following reforms applicable to this hearing:

1. The Maryland Legislature, and the Maryland Congressional delegation, should urge the Congress to submit to the states the Bayh amendment to the Constitution of the United States which will abolish the Electoral College and institute direct popular election of the President and Vice President.

2. The Presidential preference primary should be reestablished in Maryland, in May of the election year.

3. The Maryland Assembly should move the September Maryland primary election date to May of the Presidential and gubernatorial election years to permit maximum citizen participation in the primary, and its use as a Presidential preference primary.

4. The election of delegates to the national party convention by state convention should be abandoned, and such delegates should be chosen by voters of each party in the Presidential primary.

5. The Presidential primary should be of the "Oregon system" under which all likely candidates for the party's nomination for President are listed automatically on the ballot by state officials unless an alleged candidate certifies that he is not a candidate.

6. The automatic designation of United States Senators and others as national convention delegates should be abandoned, and every delegate and alternate, without exception, should be elected by the voters of their party in the May Presidential Preference Primary election.

7. National Convention delegates and alternates should be apportioned on the basis of one man, one vote; and to preserve the representation of all geographic sections of the state as well as of substantial minority groups, state senatorial districts, or a combination of senatorial and congressional districts—but *not* an election at large—should be the basis for delegate apportionment.

8. Election at large might be permitted, however, for the balance of delegates left over after the maximum total number has been distributed among districts.

9. Candidates for delegate and alternate should be listed on the ballot without indication of their preference for the Presidential nominee, but each delegate and alternate should be bound to vote for that candidate receiving a plurality in their district until released by him or as long as in their conscientious judgment there is any possibility of his being nominated. The balance of delegates and their alternates elected at large should be similarly governed by the plurality expressed state-wide in the Presidential primary.

10. The law permitting adoption by a party convention or national party delegation of a unit rule should be expressly repealed, and no unit rule instruction to the national convention delegation should be permitted other than that expressed by voters in the Presidential primary.

11. Party democracy should be encouraged throughout the State on the precinct level through the regular election of precinct chairmen by voters in the party primary, as now is done in the counties of Montgomery and Prince Georges.

III

Mr. Chairman, I am pleased to be able to point out that major steps in reforming the procedures of the Democratic Party were adopted by the 1968 Democratic National Convention in Chicago.

First, of course, the Convention firmly decided to no longer enforce any unit rule with respect to the votes of state delegations at the convention. Maryland's Democratic Party also released its Convention delegation from the unit rule several weeks prior to the National Convention.

The report of the Committee on Rules adopted by the 1968 Democratic National Convention also requires that a State Democratic Party, in selecting and certifying delegates to the National Convention in 1972, undertake to assure that delegates, "have been selected through a process in which all Democratic voters have had full and timely opportunity to participate."

The report states further that the 1972 Convention shall require that "all feasible efforts have been made to assure that delegates are selected through party primaries, conventions, or committee procedures open to public participation within the calendar year of the National Convention."

The adoption of these principles are, in my opinion, clear acknowledgement by the Democratic National Convention of its determination to give full and fair hearing to supporters of all candidates for the Presidential nomination and to those who wish to express dissent on issues before the Convention and its committees.

I have spelled out in this statement my recommendations of how best to implement an open Convention and an open Party in the State of Maryland. I am not attempting to provide a prescription for other states.

In fact, I think the elections process in the United States is strengthened by the variety of practices among the states and the state parties.

We have, after all, a federal system in the United States. This means that the powers of government are shared not only among branches of government with separate powers, but among levels of government, national, state and local.

Our system of political parties also has developed as a federal system, and the decentralization of power, the varieties of experience, and the encouragement of new leadership and initiative which come from a federal system are no less valuable within our political parties as within our governments.

What we must insist upon is not monolithic centralized national political parties which follow absolutely uniform procedures, but democratic and open state political parties which follow procedures best adapted to their states' needs, history, and preferences.

IV

I emphasize my belief that the major reform we need in the United States today is establishment of the direct election of the President and Vice President by popular vote. The Electoral College, with its winner-take-all unit rule and its inequality of voter representation, is no longer justified. Its dangers, which are well-known to this Committee, make continued use of it a threat to democracy and to national unity.

With the Democratic National Convention helping to lead the way, we are guaranteeing that the nominating process for President of the United States shall be entrusted to the people, not to bosses or to smoke-filled rooms.

We are saying that the Democratic Party henceforth will be governed by its voters, and that the selection of National Convention delegates and the procedures followed in Convention will permit the full participation of minorities.

I hope the Legislature of Maryland will be able to act judiciously, but quickly, in support of this goal.

REPORT ON THE 90TH CONGRESS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. KUYKENDALL. Mr. Speaker, under permission to extend my remarks in the RECORD, I would like to include my report on the 90th Congress which I am sending to the people of the Ninth District of Tennessee:

REPORT ON THE 90TH CONGRESS

At the end of the final session of the 90th Congress it is important that your Representative report to you on what happened, some of the more vital bills which were passed which affect all of us, and other activities of the Congressman from the 9th District.

TAX INCREASE

By this time most of you will have felt the first effect of the 10% surtax Congress passed on demand of the President. *I voted against this tax increase.* If it had been possible that this tax hike, even with the proposed limitation on spending, would have helped our economy, I would have supported it. The fact is that this Administration has made no serious effort to cut unnecessary Federal spending either before or after the tax increase. None of the benefits they promised from the higher taxes you are now paying have taken place—interest rates are up, the cost of living continues to go up and inflation is still with us. The cost of living has moved up more than three-tenths of 1% and the President has come nowhere near cutting the $6 billion demanded by Congress. The tax increase adds to the burden of the truly forgotten men and women of America—those who operate on limited budgets and who are already caught in the inflationary pinch brought on by wasteful spending policies of this Administration.

HOME IS ACTION PROGRAM

While others talked and planned, the people of Memphis took action in getting better homes for the people with low incomes. Housing Opportunity—Memphis Enterprise (Home) is a foundation set up to help people with limited incomes to become home owners by obtaining good housing for what they can afford to pay. It has been my privilege, as you congressman, to work with business and civic leaders in Memphis in getting this program started. I know of no better way for a Congressman to serve the people he represents than to use his office in cooperation with local citizens in helping to create a better community for all our citizens.

Home is not a rent subsidy program. It is a program to make it possible for those who earn as little as $70 a week to begin buying their own home with payments as low or lower than many now pay for run-down houses. This helps the individual by giving him the chance to live in a decent house. It helps the community because, as a home-owner he becomes a taxpayer and contributes to the growth and development of the city rather than just taking from it through welfare. It helps our country because it is a practical and realistic way to clean up slums through individual and local effort.

INFLATION

Today's dollar, the dollar in your pocket which you worked so hard to earn, is under attack at home through inflation and overseas through the drain on U.S. gold resources. The 1939 dollar now is worth only 41 cents. The prices you pay for food, clothing, shelter and necessities of life are going up at a rate of four percent every year. Huge deficits and wasteful Federal spending is the main cause of inflation which cost the American people 26 billion dollars last year. We simply have got to put the brakes on Federal spending. Firm measures must be taken to restore confidence in the dollar. The U.S. budget must be balanced; fiscal brinkmanship has led the United States to the edge of disaster.

KUYKENDALL BILLS

H.R. 18806—This bill is to remove the mandatory parking charges now paid by employees of the Kennedy Veterans Hospital. While present law permits the Government to charge Federal workers for parking, the only such employes now paying a parking fee are those at the Memphis hospital.

The House of Representatives passed my bill H.R. 17361, to authorize the Treasury Department to issue a medal commemorating the 150th anniversary of Memphis.

H.R. 20085 to limit day-light-saving time to four months, May through August.

EXTENSION OF FARM PROGRAM

One of the hottest battles in Congress in the past month was over the extension of the Agricultural Act. The Administration wanted to freeze the present farm programs into law for the next four years. Many of us feel that the whole farm subsidy program needs a thorough overhaul and wanted to hold the extension to one year in order to try to work out a program which will actually help farmers and cut down on the billions being spent. An amendment to the bill which would have limited support payments would have killed the one-year extension, was passed by the Senate. When the bill came back to the House I was able to get enough votes from the members of my Party to keep the House from approving the amendment. We will now have a reasonable opportunity, in the next Congress, to work out a farm program to clean up the farm mess and move toward the day when subsidy programs can be phased out.

THE OMNIBUS CRIME BILL

Certainly violence and crime have become the number one problem facing our Nation. The 90th Congress attempted to do something about crime by passing the Omnibus Crime bill for which I voted and which is now the law of the land.

There are four main points to this bill:

1. Increasing cooperation between the Federal Government and State and local government in the law enforcement field.
2. Removing some of the shackles placed on our law enforcement officials by recent Supreme Court decisions.
3. Wiretapping and electronic surveillance under strict safeguards to protect against invasion of Constitutional rights.
4. Regulation of mail order sales of hand weapons. It does not permit either registration or licensing of owners of guns.

PROPOSED KUYKENDALL BILLS

Among the bills on which I am now working are two in which the people of the 9th District have expressed a deep interest:

All concerned Americans want to get Communists out of defense plants, but the only way this can be done is to make it illegal for them to be hired. I am now preparing a bill which I will present early in the next Congress to make it against the law for Communists to be employed in any plant holding defense contracts.

As many as five million American citizens are deprived of voting for the President of the United States because they are listed as transients—people who have moved from one State to another and do not have long enough residence to become voters in the new State. My bill will make it possible for every American citizen to vote for the President. Details are being carefully worked out so State election laws are not violated.

DAN KUYKENDALL,
Member of Congress.

HOLYOKE HIGH SCHOOL WINS BELLAMY FLAG AWARD

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. BROOKE. Mr. President, I take great pleasure in announcing Holyoke High School as the recipient of the 1969 National Bellamy Award. This award, given in memory of Francis Bellamy, author of the Pledge of Allegiance, honors high schools which have attained a particular level of excellence in academics, dedication to patriotism, and the principles of good citizenship.

I am proud that Holyoke High School exhibits all these fine qualities and has received this award which brings honor to the students, the faculty, the community of Holyoke, and the Commonwealth of Massachusetts. I ask unanimous consent that an article published in the Holyoke Transcript-Telegram describing the award and its recipient, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOLYOKE HIGH WINS NATIONAL 1969 BELLAMY FLAG AWARD

Holyoke High School has been announced as the recipient of the 1969 National Bellamy Flag Award. The award was established in 1942 honoring Francis Bellamy, author of the Pledge of Allegiance to the Flag of the United States of America.

Earlier this year, the national Bellamy Award headquarters in Portsmouth, Va., announced that 102 public secondary schools in this state were vying for the honor and the choice had narrowed to Holyoke, Chicopee and Newburyport.

The award was established under the leadership of Dr. Margarette S. Miller, biographer of Francis Bellamy. Bellamy wrote the Pledge of Allegiance in Boston in 1892 for the National Public School Celebration of Columbus Day, commemorating the 400th anniversary of the discovery of America.

Each year since 1942, a representative and outstanding secondary school in a different state has been selected to receive the honor on or near Columbus Day. The award is a large outdoor flag which flies over the nation's Capitol on May 18, Bellamy's birthday.

The National Bellamy Award selects a school each year which is representative of all the public high schools in the chosen state. Thus Holyoke High School has been chosen and designated as the standard bearer for all Massachusetts schools. It will retain that honor for a 50-year period.

Holyoke High School will be the 28th recipient of this award which will be presented to the school at a formal ceremony on Friday morning, Oct. 10 in the high school auditorium next year.

In addition to its goal of giving recognition to Bellamy and perpetuating his memory, the award was established to encourage the teaching of patriotism and good citizenship in the schools of the nation.

In October of this year, a delegation from this city will travel to Hibbing, Minn., High School, about 160 miles from Minneapolis, for ceremonies there Oct. 9–11 when Hibbing will be presented with the Bellamy flag as the 27th recipient of this award. At that time, an official announcement will be made that Holyoke has been chosen as the site of the 1969 honor. Those from this city who will attend the Hibbing ceremony include Supt. of Schools Dr. Marcella R. Kelly; Asst. Supt of Schools Timothy Burns; Holyoke High School Principal Edward J. Moriarty; School Committee Chairman James Kane; Kendall Walsh, head of the Holyoke High School English Dept. and project head of the Bellamy award competition in this city; student representative Frederic Merritt, an outstanding junior-senior high school student who will be in charge of the student delegations for next year's award here and will receive the award for Holyoke; Mayor William S. Taupier; Chamber of Commerce Managing Director Steven Doychak; state Senate President Maurice A. Donahue and state Rep. David M. Bartley.

The factors which qualify Holyoke High School for the National Bellamy Award include: the proficient performance of duty by the administration; a dedicated, professional and well-balanced staff of veteran and young teachers with over one half holding advanced degrees; a student body that works together for the overall good of the school; the educational credo of the school; the accomplishments of its alumni; the school press and community press that excel in working together; a community alert to the needs of its youth; the fact that Holyoke is a magnet to distinguished Americans in government, education, athletics and other fields; Holyoke's educational history of past and present and a promise of the future, and Holyoke's awareness of the value and art of communication.

LOSS OF COMMONSENSE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, an excellent editorial appeared recently in an issue of the Alexandria Gazette, in Alexandria, Va., which was reprinted from the Virginia Road Builder.

As I believe the thoughts expressed in the editorial merit the widest possible dissemination, I welcome this opportunity to read it at this point in the RECORD.

The editorial reads as follows:

LOSS OF COMMONSENSE

What in Heaven's name, has happened to our common sense during the last few years? Have we taken leave of our senses entirely? We're pampering criminals and hampering police. We're spending billions to pay people not to work—when we can't find workers to fill the available jobs. We embrace our enemies abroad and renounce our friends. We permit teen-age children to take over our educational institutions. We permit laws to be determined by demonstrations and riots. Have we gone completely nuts?

We apologize for the shiftless and lazy and castigate the enterprising people who work for a living. We send out billions in foreign aid and permit nations who owe us billions to use our money to buy our critical gold supply. We employ devoted military men to fight to keep our country safe and then completely ignore their military advice for purely political reasons. We're spending billions to get to the moon, for ridiculous "prestige" and going broke doing it. We allow our federal government to exercise power far beyond that authorized by our constitution, which destroys local governments—the backbone of our Republic—and freedom.

We're turning our backs on everything that made America great. Why?

Who was behind it all? Strangely enough he wasn't an American at all. He was a German and his name was Karl Marx. In 1840 he wrote the Communist Manifesto and spelled out in detail ten steps or methods necessary for the overthrow of republican forms of government. Four of these were: a graduated personal income tax; discrediting of law enforcement officers; civil disobedience; and a redistribution of wealth. We're following these four Marxist commandments to the letter!

Have we, like Rip Van Winkle, been asleep for forty years, to permit ourselves to be seduced into accepting the socialistic principles that have robbed us of our common sense? For we should all know that the causes of violence lies in the philosophy of compulsion that all types of socialism are built upon. By supporting the welfare state society, into which we have been lured step by fatal step, we are unwittingly endorsing violence as a way of life.

By effective propaganda, the people involved in the violence in our cities today have been taught that they have a right to the fruits of the labor of others. Is it any wonder then that we have the violence, the plundering and the burning? There shouldn't be. There is only one means at man's disposal to redistribute the wealth and that means is compulsion, no matter how it's spelled. And compulsion requires force and force requires violence!

We make laws on social mores which are not in man's power to enforce. It's absurd that man should think that he can enjoin by law such things as prejudice, discrimination, charity and compassion. Yet for the last eight years we've had many men in this country working overtime passing just these kinds of laws, with our Supreme Court upholding them. There seems to be a complete disregard for the limitations of law.

Seems we should have learned the futility and violence caused by this kind of law in our unhappy experience with another law concerning social mores—the Eighteenth Amendment—prohibition. The Constitution of the United States does not provide for and did not authorize the Federal Government to engage in social reconstruction.

Our troubles all stem from a very human trait—envy—and envy is nothing more than an avaricious desire to possess what belongs exclusively to others. Our government has no business passing laws to aid and abet covetousness—which is exactly what it's doing. Where did our common sense go?

We make it illegal for a farmer to grow grain on his own farm to feed his own chickens and subject the violator to more severe penalties than those now being applied to looters and arsonists.

The majority of people promoting the welfare state are not idealistic people who have any ideals concerning the poor and distressed. They are a desperate set of groups, each interested in enhancing its own material status at the expense of others.

The welfare state has produced a state of dependency which is being handed down within families from generation to generation. They have created the poor, since it pays to be poor.

The peril, make no mistake about it, threatens our way of life. It threatens our well being, it threatens our prosperity, it threatens our freedom—yours and mine.

NEW COURSES IN NEGRO HISTORY

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. TOWER. Mr. President, as a former college professor, I retain an interest in curriculum reform and advancement taking place throughout the country on college and university campuses.

One area of neglect—the role of the Negro in American history—is currently being corrected with the addition of courses in Negro American history.

The University of Texas in Austin will offer its first course in Negro history next spring. The Negro in America will be taught by Henry Allan Bullock, head of Texas Southern University's sociology department. Bullock recently won the Bancroft Prize for his book, "History of Negro Education in the South."

A recent editorial published in the Houston Chronicle sets forth a cogent argument for the establishment of such courses to provide accurate study of a phase of American history almost overlooked, the contribution of the Negro in the development of America.

I ask consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Houston (Tex.) Chronicle, Aug. 20, 1968]

THE STUDY OF NEGRO HISTORY

Negroes are correct, we think, in their desire to encourage a more thorough, more accurate study of Negro history in American schools and universities. Millions of educated Americans are only vaguely aware of the past achievements and contributions of Negroes in this country, of their African heritage, of their problems and their tribulations, simply because all this was left out of most American history books.

Many of us—when we think at all about Negro history—see an Old-Black-Joe stereotype of child-like, happy slaves in a romantic ante bellum setting. We associate this image almost entirely with the years just before the Civil War. What happened before and after is largely ignored.

In their current desire to develop greater racial pride, Negroes themselves have come to realize that they know too little of their own history. And before one can find pride in his identity, he must know who he is, where he sprang from, and what his ancestors experienced.

We need no puffed-up version of Negro history, simply more attention to the accurate study of a phase of history we have almost overlooked.

For the first time, we note, Harvard University this fall will offer a course in Afro-American history. And we admire the approach being taken by Prof. Frank Freidel who will conduct the course.

"It's not going to be a course that glorifies individual Negroes and we're not interested in taking any group in the University and blowing up its achievements. Rather, we will examine the relations and tensions between Negroes and whites. Before they tackle difficult and complex present-day problems, we want the students to soak themselves in historical background with long and serious study. The subject lends itself to some very hot opinions, but we hope this will give the students considerably more insight into present-day problems and a better basis for their opinions."

Which, really, is why we study history.

THE WORK OF THE 90TH CONGRESS

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. McCLURE. Mr. Speaker, when the 90th Congress convened in January 1967, all Americans looked forward to a new era of responsible Government in which the needs of the people and the will of the Congress would somehow merge as one. Now, some 24,000 bills and 1,600 hours of endless debate later, the House of Representatives closes its doors in bitter frustration again.

The list of national problems that remain unsolved—crime, economy in Government, Vietnam, congressional reform, and all the others—bear mute testimony to the crisis in leadership which continues to plague our Nation. Consequently, every penny saved and every freedom that managed to remain intact suddenly looms as a significant achievement.

If the 90th Congress carved out any monument to itself, it came in the field of conservation and resource development.

Passage of the Colorado River project bill ends Idaho's years of frustration over the threat to export our water into California and Arizona. It also removes one of the major obstacles standing in the way of the southwest Idaho water development project. The final version of this bill contained a 10-year moratorium on studies leading to the augmentation of water from sources outside the Colorado River Basin. The Idaho congressional delegation is of the unanimous opinion that this gives us sufficient time in which to come up with an overall plan for the future use of our water supply.

Complementing this bill was the establishment of a National Water Commission which will prepare a much-needed review of America's water resource problems and programs. Since the study is to be nationwide in scope and conducted by individuals outside the Government, the Commission is expected to avoid the regional disputes that have hindered effective use of our water resources in the past.

Congress also inaugurated a new concept in the preservation of America's heritage—a nationwide system of scenic rivers. Six rivers are to be included in the system immediately two of which are located in Idaho. They are the Middle Fork of the Clearwater—from Kooskia upstream to Lowell, the Lochsa River from its junction with the Selway upstream to the Powell Ranger Station, and the Selway from Lowell to its origin—and the Middle Fork of the Salmon—from its origin to its confluence with the main Salmon.

Five other Idaho rivers will be studied for possible inclusion at a later time. They are the Bruneau—the entire mainstem—the Moyie—from the Canadian border to its confluence with the Kootenai—the Priest—the entire mainstem—the St. Joe—the entire mainstem—and the Salmon—from North Fork to its confluence with the Snake. As Representative ASPINALL, chairman of the House Committee on Interior and Insular Affairs, said:

> The Scenic Rivers Bill will prove more productive over the years than almost any other measure in the parks and recreation field.

Another seemingly unsolvable controversy finally came to an end this year with passage of a bill authorizing the Redwoods National Park. I was privileged to visit this magnificent area during field hearings on the measure last spring, and I know that the Redwoods will be a worthy addition to our park system.

Since 1905, there have been many proposals to preserve various portions of Washington's North Cascades region, but it took more than 60 years before these dreams could be realized. I am sure that the recently authorized North Cascades National Park and Ross Lake National Recreation Area will compare favorably with Yellowstone, Yosemite, and the other parks in the Far West.

The House of Representatives also approved countless other conservation measures, from the Biscayne National Monument in Florida to the Flaming Gorge National Recreation Area in Utah and Wyoming. Some went on to become law, while others died in the Senate. But for the House Interior Committee, it was a remarkable record of achievement.

Significant accomplishments were also made this year in the area of vocational education. One of the least known Federal assistance programs—and yet, one of the most effective—vocational training finally came of age in 1968. It had the distinction of being just about the only program expanded beyond the President's budget request at a time when economy ruled the day. In this instance, I think an enlarged program was fully justified. There is more dollar value in vocational training funds than in most of the other education programs combined.

A major legislative achievement occurred in crime prevention and control. While the omnibus crime bill contained several sections with which I disagreed, overall it deserved the enthusiastic support of everyone. Among the bill's features were provisions to overturn the infamous Mallory and Miranda decisions of the Supreme Court by removing the court-imposed restraints on the admission of confessions as evidence in trials. This measure also restricts wiretapping practices—now, only law-enforcement officers, in the performance of their duties and armed with a court order, will be permitted to use these devices. Under the crime bill, the "block grant" approach is utilized in providing Federal funds to State and local agencies, thereby reducing the threat of Federal control of the Nation's police forces. While the bill represents only a first step in the fight against crime, it is nevertheless a significant one.

At long last, time caught up with foreign aid. This program was cut to its lowest level in history. Furthermore, an amendment to the bill will be beneficial to the Pacific Northwest. It limits the export of logs cut on Federal lands to an annual rate of 350 million board feet for the next 3 years. This should ease the shortage of timber available to domestic industry and restore stability to the price paid for it.

Farmers fared little better with the 90th Congress than they did with its predecessors. A simple 1-year extension of the current farm program was just about the only accomplishment. Despite my many disagreements with farm policy, I supported the extension in order to give the next administration sufficient time in which to formulate a program that—hopefully—will enable the agricultural community to prosper and grow once again.

Although I opposed an attempt to raid agricultural stabilization funds for the school lunch program, I did support $287.8 million for school lunches. This was a modest increase over last year and reflects the increased enrollments in our schools and a concern for lack of proper nutrition in some areas of our country.

If ever the people of Idaho spoke with one voice this year, it was on the subject of gun-control laws. I have now received more than 7,000 communications on these bills, and less than 1 percent of them supported the proposed restrictions. Those of us who represent the Far West did everything humanly possible to prevent the enactment of this legislation. That a firearms bill did finally pass was due primarily to the hysteria that followed the assassinations of two nationally known political figures last spring. Basically, the bill bans all mail-order sales of firearms and prohibits the sale of a gun to anyone under 21. We were able to hold the line against firearms registration, however. But the combined voting strength of those representing the big cities was sufficient to carry the day.

In the first 6 months of the year, the traditional backing of our currency with precious metals came to an end, a worldwide two-price system for gold was inaugurated, and a special drawing rights system was devised by which paper gold—rather than monetary gold—will be used as the basis for international trade. These three acts constitute the great gold rush of 1968 and their combined effects on the international balance-of-payments deficit and the domestic economy will be felt for a long time to come. Needless to say, I opposed all three.

As the Nation's fiscal situation worsened, the cries for higher taxes increased. Congress finally acquiesced and authorized the addition of a 10-percent surcharge to the Federal income tax, coupling it with a mandatory directive that Federal expenditures be cut $6 billion. I felt from the beginning that the reductions would not be made, and events since have justified my vote against the measure.

The foregoing constitute the highlights, but they tell only part of the story. From this year's vast conglomeration of legislative proposals only 5 percent were destined to become law. It is difficult at best for a Member of Congress to decide which ones we can afford and which should be put off until another time, especially when they are presented piecemeal throughout the year.

But those decisions had to be made. I found that it made more sense to authorize $5 million for veterans' nursing homes and $23 million for the education of handicapped children than it did to increase the funds for the war on poverty—when there was no assurance that the waste and graft had been curtailed—or to commit this Nation to 40 more years of public housing—at fantastic cost and incorporating all of the past mistakes that turned Federal housing into Federal slums.

In spite of all the bills voted up or down, many other important matters were never considered at all—such things as congressional reform and the crisis in railroad passenger service.

It was a lackluster performance for the Congress. The people expected more. The people deserved more. In failing to come to grips with the problems of our time, the 90th Congress stockpiled a massive amount of unfinished work for the 91st next January.

LOWERING MORAL STANDARDS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. FANNIN. Mr. President, the most pressing domestic problem facing our country today is the nightmare of violence and crime which is festering and spreading throughout our society. Despite the fact that we are trying to eliminate this plague through every possible means, it continues to flourish. In addition, we are subjected to a constant barrage of violence and filth through our theaters, television programs, magazines, paperbacks, and other so-called "entertainments." There can be no doubt that the appetite created by these vulgarities is inuring the public and especially our youth to the insidious character of this kind of material.

Fortunately, we have such organizations as the General Federation of Womens Clubs which help to combat the forces lowering our moral standards. Mr. President, I ask unanimous consent that an article entitled "Lurid Matter Brings in the Mail," written by Gay Pauley, and published in the Phoenix Gazette be printed in the RECORD. It indicates the seriousness of the problem we face in America today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LURID MATTER BRINGS IN THE MAIL

(By Gay Pauley)

NEW YORK.—"You should just see my mail," said Mrs. Walter Varney Magee, new president of the General Federation of Women's Clubs (GFWC).

She referred to correspondence coming into her office from both women and men from all parts of the nation concerned about and asking for concerted action on what Mrs. Magee calls "the proliferation of lurid sex, crime and violence in movies, television, magazines and paperbacks."

And so, because of so many letters, Mrs. Magee has made her major goal for the 11-million member federation a campaign to halt the spread of such material, to set the country back on the moral path.

"The program came to us, actually," said Mrs. Magee. "Women are so concerned about the lowering of our moral standards."

Many, she said, had written of their concern but said that as individuals or part of community groups, they felt helpless in the face of the onslaught.

"Our aim is to show the various media they have a responsibility to the public," she said. "They can create a monster, or they can be a hand for the good.

"I'm not talking about censorship; that's a legal matter. I am talking about self-regulation, which is another matter.

"If the young are fed on violence and crime, they grow up feeling this is the way to get what they want. Beat someone to a pulp. Throw someone off a cliff. Shoot him down. We're in danger of accepting violence as a way of getting things done."

She continued, "Adults can condition children for good. . . . We know that taking them to concerts, to museums, to places of worship helps this.

"But if they're exposed to evil a great deal of the time, they'll also be influenced to evil."

Mrs. Magee talked of the program of the federation's 15,000 clubs in the United States in a telephone interview from her Washington, D.C., headquarters.

The federation kicked off its campaign this month with coupon inserts in its monthly edition of "Clubwoman" circulated to all members.

Members were asked if they wished "to join in the campaign for a cleaner, more moral climate," said Mrs. Magee.

In addition, a "public opinion poll" will ask each member to see four movies—any four they choose—and report on moral palatability. "We expect a lot of mail from that," she said.

Mrs. Magee quoted from some of the letters she already has received. Burnett C. Bauer, a member of the Indiana House of Representatives, wrote that, "I wholeheartedly back the effort of your organization to put an end to abnormal movie-TV sex and violence. . . ."

Mrs. Herman Alford, president of the Philadelphia Woman's Club, wrote of her concern over television fare—"its continual showing of crime, shooting, filth, sex and nudeness . . . The need is that we do something now, next year may be too late. . . ."

Mrs. Magee, who's from Lakewood, Ohio, is a former teacher and is the wife of a retired executive of U.S. Steel.

DO WE DESERVE DEMOCRACY?

REMARKS

OF

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. FOUNTAIN. Mr. Speaker, many of us here are acquainted with Dr. Edward L. R. Elson, of the National Presbyterian Church, and his unique talent for putting into words what we sometimes feel in less precise terms.

One recent sermon of his, which evoked an enthusiastic response from his congregation, was truly what would call a message for our times.

In fact, it might also be appropriately termed an election year sermon. And, since most of us are directly involved in elections at this time, I insert the text of his sermon in the RECORD so that all Members may have an opportunity to share his extremely informative, thought-provoking, and inspiring words:

DO WE DESERVE DEMOCRACY?

(Sermon by the Reverend Dr. Edward L. R. Elson, Pastor of the National Presbyterian Church, Washington, D.C., on Sunday, September 15, 1968)

"Render to Caesar the things that are Caesar's, and to God the things that are God's." Mark 12:17.

James Russell Lowell was once asked by Guizot, "How long do you think the American Republic will endure?" Although this government is the longest continuous democracy in existence, this question is being asked again and again. What about the durability of our American Republic?

James Russell Lowell had no trouble with the answer, for spontaneously he replied, "So long as the ideas of its founding fathers continue to be dominant." Notice this phrase. He did not say, "so long as everybody agrees with a particular party or policy"—or "so long as we have unanimity and are free from dissent"—but rather "so long as the ideas of its founding fathers continue to be dominant."

President Monroe, in his Inaugural Address, which emphasized the importance of an intelligent appreciation of our magnificent social ideals, said: "It is only when the people become ignorant and greedy, when they degenerate into a populace, that they are incapable of exercising their sovereignty."

Reflecting on the tempestuous events of the spring and summer, and standing as we are in the early weeks of a decisive period of our history, we ask again, "What were the ideas of the founding fathers?"

What is utterly unique and distinctive about America? What is the source of our life? On what base has our national life and our political institutions been erected?

To some it may seem trite; but to the thoughtful it is the profoundest thing we can say about America. America begins where the Bible begins, "In the beginning God . . ." Such is the testimony of our instruments of government, and such the message of our authentic spokesmen.

We cannot understand American history except as a spiritual movement. The eternal God is the source of this nation, we have said, and His Spirit the guide of its development. This nation was founded upon theistic—not atheistic, secular, or humanistic—but upon theistic presuppositions.

"We declare these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Liberty is not an attainment but an obtainment—the gift of God as part of man's createdness.

This was the American consensus at the beginning. The American people covenanted with God, not as a local, continental or racial deity, but as the living universal God who, while being the God of all people, becomes in a special sense the God of all those who accept His purpose and do His will in human life. Although there were not as many formally acknowledged church members then as now, there can be no doubt about the pervasiveness of religious faith and the certitude of theistic presuppositions.

The renowned Harvard University scholar, Samuel E. Morrison, concludes: "No one who has delved deeply into the origin and history of the Colonies can by any fair application of the rules of evidence deny that the dynamic force in settling New England was English Puritanism desiring to realize itself. The leaders whom the people followed proposed, like Milton to make over a new church and state, family and school, ethic and conduct. They might and did differ among themselves as to the realization of these high and holy aims, but a city of God was their aim. Religion should permeate every phase of living. Man belongs to God alone; his only purpose in life is to enhance God's glory and to do His will; and every variety of human activity, every sort of human conduct presumably unpleasing to God must be discouraged if not suppressed."

The vast entity we call America had a spiritual origin. When true to her genius she has a spiritual destiny—a sense of mission derived from faith in the sovereign God. The religious spirit has been mediated to American life by a wide variety of religious denominations. In some individuals the spiritual element has been personal, profound and dynamic; in others it has been an attitude derived from the cultural atmosphere and climate which religion produced. There can be no question that the religious spirit—the God-hypothesis—the awareness of deity in all of life—has been emphatic and pervasive in our land.

What a nation it has become. Acknowledging our defects, many of which have been magnified and distorted in recent years, it is time to reply to the detractor and to assert what is right with America. There is so much to accent that is positive which needs to be set in perspective beside the clamorous negative.

Look at it. Here a new baby is born every 8½ seconds; some person dies every 17½ seconds. Every 1½ minutes some one wants to come to the United States. Only one every 23 minutes petitions to leave. With a total population now of 200,000,000, we can expect 300,000,000 in 32 years at the close of this century. We have only 6% of the world's population and 7% of the land surface. We have 56% of the telephones, 71% of the automobiles, 50% of the radios, 83% of the television sets, 90% of all the bathtubs.

We have our pockets of poverty which we are striving to eliminate but it is nothing comparable to that found on every other continent of the earth. Resurrection City housing the Poor People's campaigners had television sets in the tents. When there was complaint about a meal with cold chicken, the residents were promptly served hot chicken. To be sure, as I said in my sermons and addresses during the Poor People's campaign, there are millions who do not share amply in this affluent society, but by the standards of other areas of the world two different terms should be employed.

A hundred years ago a man worked from sunup to sundown to earn his daily bread. And beside him was his son. Now his son is in school and the man works a 40-hour week or less for a standard of life unmatched anywhere in the world. Look at the operator of a crane on a building project. He is a well-trained operator and he belongs to a trade union in a nation which not only permits but espouses organized labor. Watch him at his work and know that he will have a good home and all the accouterments of our age. He will be paid $7.75 per hour, $62.00 per day of 8 hours, $310.00 for a five-day week—$16,000.00 a year or more—as much or more than a full professor with a Ph. D. degree in most colleges. It's a wonderful country where that can take place within a generation or two, for in my lifetime I have worked on a farm for $1.50 a day and elsewhere a 12-hour day at 20 cents an hour. All the material advances have not diminished our sense of human values for it has provided a way of living which has brought mental, spiritual, and cultural growth as it has nowhere else been experienced in all history. And because of it we have shared our abundance in larger measure with a greater number of nations than has any nation since time began.

It is the base of life which has made the difference.

1. Democracy is a high faith in the capacity of the common man, which means most to us—in his spiritual capacity to discern truth, to see and accept and live by ideals. Where does that come from? Out of the Hebrew-Christian tradition.

2. Democracy is belief in freedom of speech and assembly and of press, recognizing that perhaps many untrue and foolish things may be said; and it is quite possible we may say some of them. Where does that come from? Emphatically, that privilege arose out of Christian culture, particularly out of the Protestant Reformation.

3. Democracy is the belief that individuals have a high moral dignity because of their relation to their Creator and as His sons their personalities are of highest value. What hurts personality is wrong; what enriches is good. What is the source of that? Emphatically, the Christian religion. This belief in the value and welfare of persons means also that majorities have a responsibility for the needs and welfare of the minority, especially if that minority is disinherited or voiceless.

4. Democracy believes that man, with such splendid spiritual origins and capacities, can be inspired and led to put the general good above his own selfish interests and ambitions and that he finds his true happiness in service. Where do we get that? Out of the Christian faith and primarily out of the Reformation.

Democracy as we know it is so much a child of the Christian religion that there is no reason to suppose that where Christ has ceased to grip and inspire men, the foundation of democracy can be maintained.

How much we need to realize the importance of personal loyalty to our faith. Is it not true that the man who neglects his faith, who absents himself from his church, who fails to read his Bible, to maintain his personal devotions, who does not pray, who does not seek to discover the will of God for his life, is it not true that every such person—who is becoming a cultured and refined and respected and well-educated pagan—is he not, even though unaware of it, a menace to and a drag on our democracy? On the other hand, is not every citizen who cultivates his inner life, who worships God Almighty, who is disciplined by prayer and Christian fellowship, who is taught and who teaches Christian morality, and maintains a Christian home and takes seriously his responsibility to society, is he not, however, humbly, building the foundation on which our democracy is built?

Let us be forthright. Democracy depends upon religion. Our kind depends upon the Christian religion. Its ideas are religious ideas, its standards are religious standards, its goals are religious goals. Allow religion to languish and democracy begins to disintegrate.

If democracy should ever vanish, it will be because we are not sufficiently Christian. We cannot play at religion and trifle with our inheritance and keep the American way. We deserve it only in proportion as we cultivate the qualities of character worthy of it.

Today, on the eve of a national election, we are confronted by some glaring fallacies too glibly accepted by too many people. And these fallacies must be answered and expunged from the public forum.

1. Take the phrase, "morality of dissent." We hear it on every side—in the literature of protesters and demonstrators. It was used in the 1967 General Assembly declaration on Vietnam, a "Declaration of Conscience." That is simply a false statement. There is no morality to dissent as such. Dissent is a right in a democratic society. But it has no more moral value than assent. Both assent and dissent have only the moral qualities of their substance. But the way the phrase is bandied about, you would think there is something loftier in dissent than in assent. A moral arrogance is portrayed—as though just because one dissents from national policy or public program he is, by virtue of that fact alone, a more sensitive human being, invested with a superior righteousness. The truth is that neither assent nor dissent is true or false, moral or immoral, simply because of the dissent or assent. The only truth and the only morality is in the substance of the position expressed.

2. Again, look at this economic fallacy and theological heresy. How often we hear it alleged that if we can only provide enough food, shelter, clothes, and money to all people we will have better human beings and a better society. Let this be clear. Poverty and hardship will not go away by ignoring them. You who are comfortable please remember that human need will not be met by turning your head the other way. Christians, like their Lord, ought always to be on the side of helping the needy, the less fortunate, the alienated, the dispossessed. But to say that the Kingdom will be here, as has been implied in remarks in our Presbytery, when everyone has good housing, dependable medical care, ample food, sufficient clothes, and a specific number of dollars each year—that this in itself produces better persons and a better order—is an economic fallacy and a theological heresy. Such simplistic sentimentality fails to take account of sin in persons and society. People of small means or abject poverty can be as mean as the affluent person can be selfish and cruel. Better persons—regenerated, transformed persons—are the necessary units of a permanent better social order. And that's why evangelism—personal evangelism—must synchronize with social reform.

3. Again, take the misunderstanding concerning the relationship between civil rights and civil disobedience. It is not only annoying but cause for deep distress to hear ministers pleading for civil disobedience as the method for getting new laws or solving difficult problems. In a democracy which grants free speech and assembly, in which we have the privilege of voting for persons to represent us in the processes of government and of change, where the whole basis of life and order is dependent upon the processes of reason and peaceful persuasion—in such a society affording everyone such privileges, civil disobedience is not to be employed unless and until orderly processes are denied or are so unfruitful that conscience in its testimony has no other way open to it than civil disobedience, and the disobedient person must be prepared for the consequences.

"Civil disobedience" is a criminal act, and because it is done by college professors or by clergymen does not make it anything other than a criminal act. And whoever resorts to this must not expect special consideration because of his vocation. Rather, if it be an act of conscience he should expect and accept punishment.

Listen to this from a distinguished jurist; for some people an unexpected source:

"The motive of civil disobedience, whatever its type, does not confer immunity for law violation. Especially if the civil disobedience involves violence or a breach of public order prohibited by statute or ordinance, it is the state's duty to arrest the dissident. If he is properly arrested, charged, and convicted, he should be punished by fine or imprisonment, or both, in accordance with the provisions of law, unless the law is invalid in general or as applied . . .

"In the riots following the assassination of Martin Luther King, Jr., the Negroes may have been understandably inflamed by the murder of their leading advocate of nonviolence. But that provides no escape for the consequences of their conduct. Rioters should be arrested, tried, and convicted . . .

"A citizen cannot demand of his government or of other people obedience to the law, and at the same time claim a right in himself to break it by lawless conduct, free of punishment or penalty.

"Some propagandists seem to think that people who violate the laws of public order ought not to be arrested and punished if their violation has protest as its purpose. By calling the criminal acts 'civil disobedience,' they seek to persuade us that offenses against public and private security should be immune from punishment and even commended. They seek to excuse physical attacks upon police; assaults upon recruiters for munitions firms and for the armed services; breaking windows in the Pentagon and in private stores and homes; robbing stores; trespassing on private and official premises; occupying academic offices; and even pillaging, looting, burning, and promiscuous violence.

"We are urged to accept these as part of the First Amendment freedoms. We are asked to agree that freedom to speak and write, to protest and persuade, and to assemble provides a sanctuary for this sort of conduct. But that is nonsense." (From a booklet entitled "Concerning Dissent and Civil Disobedience," by Justice Abe Fortas, published by The New American Library, Inc., New York City.)

Think of how it is that totalitarian regimes arise, in the classical historical sense.

(1) There arises an atmosphere of ambiguous morals and an unclear national purpose.

(2) Disrespect for established mores, the breakdown of orderly procedures, ridicule of patriotic ceremonies, magnification of defects, mobs, widespread hysteria, alleged police brutality—Allowing for all human factors, I have yet to meet anyone keeping the law who experienced any police brutality. Maybe you have. But I haven't and I've been around a bit.

(3) Next comes nonviolent incitement to violence by dissident and turbulent elements not amenable to democratic decorum.

(4) Unleashed widespread civil disorders and feeling of helplessness by great segments of the population.

(5) The appearance of the secular messiah who promises order and social reform if you will only deliver yourself and destiny to him. He promises order and reform and takes away your liberty.

(6) At length the complete totalitarian order of person control, thought control, property control.

(7) Exit—Democracy.

4. Again, in a participating democracy some people must accept "no." Today there is the prevalent fallacy that if you don't get your own way, if your position doesn't win, you can impose it by violence or threats of violence. The essence of democracy is that some people must accept "no" for an answer. Not everyone can win, not everyone can gain his point, not everyone can have his policies or program adopted by the majority. In a participating democracy, where there are rules to be followed, standards to be maintained, the majority prevails. There comes a time when some people must accept "no" for their answer. Failure to accept "no" when the decision has been made can destroy democratic processes. This does not mean that a "loser" cannot continue his crusade or contend for his convictions. Nor does it mean that because his cause is answered by the majority in the negative, he is licensed to instigate violence or the threat of violence. A democratic people must accept the verdict of either "yes" or "no"—or be threatened with anarchy.

Does the Christian have a responsibility as a citizen? The more Christian he is, the more obligation to participate in the processes of government.

Jesus made it clear that the highest loyalty is to God. But he made clear that a man has other responsibilities. Some folks tried to trap him. One day they handed him a coin minted by the government and bearing the image of Caesar. And when they asked whether a man should serve either God or the state, Jesus said he should serve both, that he had an obligation to God and to country. "Render therefore to Caesar the things which are Caesar's and to God the things which are God's."

We have obligations to our common life which today probably transcend all previous ages:

1. There is the obligation to think. We have need to listen, to see, but not to become victims of slogans or the mass media. What you see on the television screen is what some person wants you to see or thinks you want to see—the roving interviewer toting his bunny ear antenna and camera asking questions which evoke distortions. There is the need of analyzing, evaluating, assessing. We need to do some sorting—to analyze the analyzers. We need to do some hard thinking.

2. We have an obligation to discuss issues and concerns with others. None of us has a monopoly on sensitivity, or morals, or patriotism. An exchange of observations and views with our friends is fruitful in the democratic process.

3. We have an obligation to vote. To fail to do so is to forfeit a high privilege, and to forego the very participation on which a democratic society depends. For Christians to refrain from voting may be to vacate the destiny of the nation to the demagogue or scoundrel.

4. We have the obligation to pray for and encourage our leaders in coming to wise conclusions.

5. And in a republican form of government we have the obligation to accept the verdict of all who participate in it.

As we have yielded ourselves to the Lordship of Jesus, let us give our best to our nation that this nation may fulfill its mission to itself and to all mankind.

We deserve democracy only as we practice it.

SAMARITAN FROM SANTURCE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. BOGGS. Mr. President, the current issue of Better Living, a magazine published for employees of the Du Pont Co., contains an article about a laboratory technician in the central research department, Milton Olazagasti.

The article indicates how Mr. Olazagasti, because of his intense interest in helping others, is making the future brighter for people with little formal education, and in particular, migrant farmworkers who come to our State of Delaware.

The article quotes Mr. Olazagasti as saying:

> I don't think of my work at the farms as doing something for somebody; it's just doing what any friend would do for another.

I believe that this brief article shows what a tremendous impact the life of a good samaritan can have on his community; and in the hope that his work may serve as an inspiration to others, I ask unanimous consent that this account of his activities be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAMARITAN FROM SANTURCE

Milton Olazagasti has spent much of his life being something he isn't.

For example, he doesn't consider himself a teacher, but his teaching has enabled people with little formal education and in some cases no previous work experience to qualify for jobs as laboratory technicians.

He is not a social worker, but his work has made life a little brighter and the future a little more hopeful for hundreds of migrant farm workers.

He has no formal legal training, yet he has been instrumental in freeing people falsely accused of crimes ranging from theft to murder.

A cheerful, friendly man of 38, Olazagasti ("It's pronounced 'O-lah-zah-gahs-tee,' but don't bother") doesn't look upon these activities as extraordinary or laudable. "I just enjoy working with people," he said, "and I've been lucky enough to have the opportunity."

A laboratory technician in the Central Research Department, Milton is in the middle of a one-year leave of absence from his job at the Experimental Station to administer the laboratory training program of the Delaware Opportunities Industrialization Center (OIC), in Wilmington. Since 1961, he has spent much of his spare time working with Puerto Rican migrant laborers through the Migration Division of the Puerto Rican government. He has also served frequently as an interpreter and investigator for the Delaware Public Defender's Office.

In the words of Dr. Earl L. Muetterties, an associate director of research and Milton's supervisor at Du Pont for the last three years: "Milton is sympathetic to people's needs. He's also a first rate lab technician. When the OIC asked us for a qualified person to teach disadvantaged people, he was an obvious choice."

The leave of absence began in March. Milton set up a six-months course ("long on instruments and procedures and short on theory"), chose four instructors (three of them from Du Pont), and began to train people who had never before seen a laboratory or thought they could ever qualify for a job in one.

"Somehow, it worked," he said. "I think it was because the trainees were so determined. They all had to work hard. Some had to walk as far as five miles each way every day. Baby sitters were a constant problem. A woman would call and say the sitter couldn't come, so I'd tell her to bring the child with her. Sometimes we had several children in my office, but that was all right; their mothers got to class.

"Every trainee got through the course. Most of them are working in labs already. I think they'll do all right."

Milton feels that his OIC experience has helped him understand people a little better. "I guess you never really understand another person," he said, "but at least I've come to know some of their problems. I think I've learned more than I've taught."

It was Milton's interest in people that brought him to the mainland U.S. from his boyhood home in the village of Santurce, Puerto Rico, 20 years ago. It also led him—indirectly—to a job with Du Pont.

"When I was a kid," he explained, "I always wanted to be an officer in the Merchant Marine, so I could travel and meet people and get to know them. As soon as I got out of high school I came to New York to apply at the Merchant Marine Academy, but I was turned down. Underweight."

Rather than return to Puerto Rico, he went to Wilmington, where he stayed with an aunt while he looked for work. "I wanted a job where I'd meet people," he said, "and I found one, clerking in the soda shop at the Hotel Du Pont."

After a year, he joined the Army, served with distinction in Korea (27th Infantry Regiment, Silver Star, Bronze Star) and came back to Wilmington and a job in Central Research.

Milton's interest in people and their problems soon found expression in a self-help organization, the Wilmington Puerto Rican Association. This led to various projects on behalf of migrant laborers, many of whom are Puerto Rican, and finally to full participation in the Puerto Rican Government's migrant program.

Each year until this year, when the demands of his OIC work made it impossible, he has visited farms in Delaware and Maryland at least two evenings a week from April to September to hold English classes, play some impromptu baseball or soccer, and in general extend a helping hand. Many of the migrants come back to the same farms year after year, and he has developed some lasting friendships.

"I really regretted not being able to make the visits this summer," he said. "I feel as though I've let the people down. But the OIC work is important, too, and I just couldn't do both. It was a tough decision to make, because these people are friends of mine. I visit them up in the hills when I go to Puerto Rico on vacation. I don't think of my work at the farms as doing something for somebody; it's just doing what any friend would do for another."

Milton feels the same about his work with the Public Defender's Office. "Here's a fellow Puerto Rican, accused of a crime," he said. "If he had money he could hire the best attorneys and maybe he could prove he didn't do it. Well, the Public Defender's Office provides the attorneys. I help them by interpreting, by interviewing people, by doing whatever I can to help the fellow get a fair trial."

Milton has been working with the Public Defender's Office when called upon since 1964. There have been three murder trials, four assault cases and numerous lesser crimes. So far, the attorneys have never lost a case on which he has helped.

"I think I might have made a good criminal lawyer myself," he said. "That's one thing about this kind of work—you discover you have interests and abilities you didn't know about. I never thought I'd like teaching, for example, but I've enjoyed trying it. I hope I can go on doing some of it, especially with people who have had a tough time in life. I'd like to see them get the chance they've been looking for, the chance they never had."

REASSESSING THE PROPERTY TAX

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. CURTIS. Mr. Speaker, the real estate property tax has come in for a great deal of criticism over the past several years. The tax is characterized as being sadly inefficient and grossly inequitable to the point that many of our State and local governments are replacing it with income and sales taxes. The reason for this criticism, I believe, is that the property tax is poorly administered and is, in practice, far below its potential as a fair and effective means of raising revenue at the local level.

The fact is that the property tax is the only significant tax on wealth employed in our society. Other revenue devices tax transactions or income flows, but the property tax taxes a stock that is constantly growing, the real property wealth of our Nation. As such, it can and should be a significant revenue source for our hard-pressed local governments.

But the property tax has been relegated to the background in government revenue efforts largely because of the way it is administered. An article in the August 22 issue of the Commercial and Financial Chronical by Perry Prentice points out one way in which the property tax, as currently employed in most areas, has worked to discourage productive economic activity and the provision of needed public services.

Mr. Prentice notes that the property tax is actually two taxes: One on owner-provided improvements which add value to the property, and the other on the site or location value of the real estate. In practice, it is the improved value of the property that bears the major burden of the property tax, and the site value which is taxed relatively lightly. In theory, it should be the other way around.

The improvement tax is levied on the money and effort the owner has invested in improving his property. Property improvement is a productive economic activity which we as a community should be encouraging. The tax on improvements has the exact opposite effect and acts as a disincentive to improvement. This is one reason why owners of slum property seldom make an effort to improve or even repair their holdings.

The tax on site value, on the other hand, is levied on the value of real estate that is not related to improvements the owner has made. In other words it is levied on what the land is worth on the market due to its location. Its purpose is to recover for the community part of the site value due to what other people have done and spent in the community to make the location of real estate desirable. Two obvious examples of community efforts which vastly increase the site value of real estate are the San Francisco Bay Area Rapid Transit project and the Verrazano Narrows Bridge in New York. These public improvements provided windfalls for landowners and speculators which will be slightly taxed if at all. It seems only fair that those reaping benefits directly from a public investment should help substantially to shoulder the cost of making that investment.

Our local governments, particularly our metropolitan areas, have found themselves in tight fiscal binds in recent years, and one reason is that they have not utilized the real estate property tax effectively. Properly administered, this tax can provide substantial amounts of revenue for needed public services. To Mr. Prentice's examination of the generally used inadequate method of taxing unused land I would add several other improvements which could help local communities solve their fiscal problems. Updated and properly conceived zoning laws can go a long way in improving the property tax. And a good real estate tax should not rely on homeowners for more than 35 percent of its revenue, obtaining the remaining 65 percent from commercial, industrial, and financial activities.

I believe that our urban areas can go along way in helping themselves out of their fiscal squeeze. A properly administered property tax should play a major role in this process. I ask unanimous consent to include the article I referred to above in the RECORD at this point, in the hopes that it will contribute to discussion of the property tax as a significant part of our Nation's revenue structure:

METHOD OF TAXING UNUSED LAND IS SCANDALOUS

(By Perry Prentice)

(NOTE.—The so-called property tax system provides fantastic financial "windfalls" to land owners who "under-use or misuse" their land. Conversely, the system penalizes those whose social consciousness impells them to upgrade their properties, including homes, regardless of the personal financial burden. Author Perry Prentice, who is most knowledgeable on the subject, presents a scathing indictment of a tax system that encourages realty owners to create the very slum area, for example, that the government is trying to eradicate by its costly urban renewal program. In the same context, he calls attention to the "windfalls" resulting from such projects as the Bay Area Rapid Transit system and the Verrazano Bridge.)

How rightly Americans think about property tax reform can be mighty important to millions of people all over this country. For to quote my college classmate, Bob Hutchins, Director of the Center for the study of Democratic Institutions at Santa Barbara, Calif., the kind of property tax we are now suffering from "promotes almost every unsound public policy imaginable. It harnesses the profit motive backwards instead of forward to both urban renewal and suburban development. Too often it makes it more profitable to misuse and underuse land than to use it wisely and fully, more profitable to let buildings decay than to improve them. So in too many cases the landowner's profit, in Winston Churchill's words, is "in direct proportion to the disservice he has done the community."

The property tax, wisely applied, could be the best and fairest of all taxes, but in practice today it may well be the very worst—a truly weird combination of overtaxation and undertaxation, an incentive tax for what you don't want and a decentive tax for what you do want.

Right now I'm afraid there is more confusion and more misunderstanding about the property tax than there has been about any other tax anywhere ever.

Part of this confusion has been deliberately created by the interests who have been making such a good thing out of what's wrong with the present property tax—the interests who have made hundreds of millions of dollars out of its faults and hope to make still more millions in the future.

But most of the confusion probably stems from the simple fact that the property tax isn't really just one tax. On the contrary, it combines and confuses two completely opposite and conflicting taxes, and it would be hard to imagine two taxes whose incidence on the taxpayers and whose impact on urban development would be more different.

One of the two conflicting taxes confused in your property levy is the tax on improvement—the tax on how much of their own money and effort the past or present owners of the property have spent to improve it.

The others of the two conflicting taxes confused in the property levy is the so-called land tax, which is really something of a misnomer, because what we really mean by the land tax is the tax on the location value of the site without the improvements—the tax on what the site would be worth if the owners had done nothing and spent nothing to improve it.

DEFINES THE TAXES

Sometimes assessors get confused and put into their land assessment some of the site improvements for which the property owners have spent their own money. But just because the assessors sometimes get confused let's not us get confused here today. The improvement tax is the tax on what the owners have spent their own money to create; the unimproved land value tax is by definition a tax on what the site would be worth if the owner had never done anything and never spent a penny to improve it. In other words, it is a tax whose net effect today is to recover for the community a small annual return (and under present tax practice it is a very small return indeed) on what other people have done and spent to create the community around it that makes the location desirable and a very small annual return on what other people—mostly other taxpayers—have had to spend to make the location accessible and pleasantly livable.

Today's practice almost everywhere—and this practice strikes me as just plain nuts—is to put most of the property tax on the improvement, i.e., to put most of the tax on what the owner has spent his own money to build or otherwise create. The tax on the improvements the owner has paid for averages roughly twice as much as the tax on the location value—the value on which the property owner is getting almost a free ride on other people's investment!

These two taxes—the improvement tax on what the owner has done and spent to improve the property—and the location tax—the tax on what other people have done and spent to make his location more desirable and more valuable—have such different economic and social consequences that perhaps we should take a minute to consider these different impacts separately.

First, the tax on what the owner has spent:

We needn't spend much time on this, for it must be obvious to everybody that:

(1) It is good for the community to have property owners invest good money to improve their property. It is good for the community to have families build better homes and keep improving their homes instead of letting them run down and decay. It is good for the community to have merchants build better stores, good for the community to have the owners of aging and obsolete buildings replace them with good new buildings, good for the community to attract new industry to build new plants to create new jobs.

And it must be equally obvious to everybody that:

(2) Levying a heavy tax on improvements is not a very intelligent or constructive way to encourage property owners to spend their money for improvements. On the contrary, a heavy tax on improvements can be a serious deterrent and make the property owner think twice before he spends his money that way, and the heavier the tax on improvements the bigger the deterrent.

This is so obvious that you would think every community would insist on taxing improvements lightly if at all.

But the crazy fact is that all over the country we tax improvements more heavily than any other product of American industry except hard liquor, cigarettes, and perhaps gasoline, and if you can imagine anything crazier than that you have livelier imagination than mine!

IMPACT IMPROVEMENT TAX

The only possible explanation of this nonsense is that almost nobody realizes how heavy the improvement tax really is. But if you will ask your banker to do a little arithmetic for you he will tell you a 3%-of-true-value-a-year improvement tax such as we pay in New York is the instalment plan equivalent of a 52% lump sum sales tax, i.e., it costs the improver as much each year as a 52% sales tax would cost him if he could finance that 52% sales tax over the sixty-year life of the improvement at 5% interest.

It's such a serious deterrent and such an obvious deterrent that whenever the government is particularly anxious to get private enterprise to build some favored project it offers the builder tax exemption on the new construction. But that just makes the overall problem worse by increasing the improvement tax load everywhere else, thereby discouraging all other improvements. What we need is exemption for all the improvements the owner pays for himself.

So much for the folly of overtaxing improvements. Now, let's consider a few of the reasons why it is urgently important to multiply—and I mean multiply—the tax on unimproved land values.

REASON NO. 1

is the personal reason. Most of you stand to find yourselves paying more taxes instead of less taxes if the improvement tax is minimized without at the same time maximizing the land tax, thereby making the owners of unused and underused land pick up a bigger and fairer share of the total tax load. Every local government depends on the property levy for most of its tax income, so if you don't offset your untaxing improvements by uptaxing land every local government would have to either . . . .

(1) go broke, or

(2) impose a lot of new local taxes that would almost certainly hit the average family and the average business harder, or

(3) get bailed out by the state, in which case, for example the executive vice president of the California Taxpayers Association says California would have to double its sales taxes or triple its state income tax just to make up for even a 50% cut in the property tax take, and both these increases would hit the average family and the average business harder, or

(4) get bailed out by the Federal Government, which is already spending so much more money than it is collecting in taxes than it is collecting in taxes that inflation is getting way out of hand, the dollar may have to be devalued, mortgage interest is soaring towards 8 and 9%, and nobody knows what next.

REASON NO. 2

is the scandalous reason. It is also the biggest reason, because it underlies all the other reasons, and is the reason that is least understood, so I want to be extra careful to state it clearly and to avoid any chance of overstating its seriousness, its magnitude or its impact.

Reason No. 2 is you can't afford to go on year after year taxing yourselves and bounding yourselves to subsidize the land speculation and the land price inflation that is now the worst part of today's over-all inflation, with land prices soaring 15% a year compounded, three or four times as fast as everything else, including specifically six times as fast as other homebuilding costs rose from 1960 to 1966.

This is the subsidy nobody seems to know. It's a hidden subsidy, so well hidden that it never even gets on the government's books. It's so well hidden that the beneficiaries are never named, so well hidden that they never get a government check for their subsidy payment. It's a secret subsidy worked, not by sending subsidy checks to the beneficiaries, but by tax treatment so extremely favorable that (in Fortune's words), quote "It almost completely exempts land speculation from the ordinary working of the law of supply and demand" unquote. It is worked by taxing the owners of unused and underused land so lightly that they pay only a trifling share—perhaps 2% or 3%—of the truly enormous cost other taxpayers must absorb to pay for the public improvements that multiply the value and the selling price of their underused land.

Unless I am very much mistaken this hidden subsidy—this subsidy of public improvements for private profit is the biggest subsidy of all—far bigger than the shipping subsidy, bigger than foreign aid, bigger even than all the Federal farm subsidies, which, not so incidentally, the Federal Government's own report on the causes of rural poverty has now identified as mostly a land subsidy that has quote "created a class of rich rural landowners but done little to improve the condition of the rural poor" unquote. It has made more Americans rich at the public expense than all our oil wells and all our gold mines.

Once in a blue moon this subsidy becomes so obvious that it arouses public protest. For example, when you bonded yourselves for nearly a billion dollars for Bay Area Rapid Transit the windfall for landowners around its stations was so big and so obvious that Lady Barbara Ward of the London Economist heard the report 5000 miles away in England and urged you to get busy and recover some of that windfall from the landowners. We have had a similarly obvious example in New York, where the landowners on Staten Island are happily pocketing a $700,000,000 windfall because other taxpayers put up $350 million for the Narrows Bridge that will make their land twice as accessible; and in New York we are amazed to hear tales that along with enriching many other landowners you Californians seem willing to enrich one single California family with a $200 million windfall as a direct result of your bonding yourselves for $1,750,000,000 to bring Feather River water cheap to irrigate 400,000 arid acres on the way to Los Angeles!

A MYSTERY

But most of the time the subsidy for land speculation and land price inflation is so well hidden that I've got to confess that even after sixteen years at the very heart and center of the building industry as editor of its biggest architectural magazine and editor of its biggest homebuilding magazine I had no foggiest realization of how many different subsidies are compounded in the total subsidy and how big the total subsidy for land speculation must be.

What opened my eyes was a research report from the truly excellent Regional Plan Association in New York spelling out in detail that for every family added to the Metropolitan population the taxpayers will have to pony up an average of $16,850 for the capital cost of the infrastructure of new schools, new highways, new mass transit systems, new water systems, new sewage systems, new pollution controls, new police facilities, new parks, new fire protection, etc., etc., etc., that will be needed to let that added family live there—all this over-and-above the on-site improvements the builder or developer pays for himself. Change one word in that sentence to read per lot instead of per family and you get the truly shocking figure that other taxpayers will have to pony up an average of $16,850 per lot to make it possible for the owner of that lot to sell it to a new family for, say, $8000! And a taxpayer subsidy of $16,850 per $8000 lot is one hell of a subsidy!

All this may help you understand what Marshall Field meant when that department-store-tycoon-turned multimillionaire-land-speculator said: quote "I wouldn't call owning land a good way to make money; I wouldn't call it the best way to make money; owning land is the only way to make money," unquote. It is the bonanza way to make money because under today's property tax breakdown other people—mostly other taxpayers—put up most of the money needed to make the land more livable, more valuable, and more richly saleable—but only the landowner can cash in on that huge investment of other people's money! And that's why, in the words of Economist John Stuart Mill, "Landowners can get rich in their sleep."

A hundred and sixty years ago that father of classical economics David Ricardo spelled out a simple truth that is still almost unchallenged. Quote, "The interest of the landowner is directly opposed to the interest of every other element in the economy," unquote. In other words, what's good for the landowner is no good for anybody else, and today's subsidized land price inflation that is so good for today's landowner is bad for everybody else, including specifically bad for the homebuyer, bad for the homebuilder, who has to pay too much for land to build on, bad for the land developer, who has to pay too much for land to develop, bad for the mortgage lender who finances the inflation, bad for the Realtor who has to sell the inflated price, bad for the architect, who has to cheapen his design because the landowner has taken too big a profit out first, bad for the land planner whose planning is frustrated by high land costs, and for all of me, bad for General Motors.

So much for Reason No. 2 for taxing land much more heavily. Now let's consider Reason No. 3 for multiplying the tax on unused and underused land. This is the How-to-get-better-suburbs reason.

REASON NO. 3

is you can't afford the heavy costs of suburbs sprawl, bypassed land, and premature subdivision, which for brevity's sake I'll say you can't afford the heavy costs of sprawl. You can't afford the tax cost of sprawl, you can't afford the wasted-time cost of sprawl, you can't afford the unemployment cost of sprawl, you can't afford the agricultural cost of sprawl.

There is just one cause and just one explanation for sprawl—unused and underused land on the outskirts of our growing cities is so undertaxed that its owners are under no tax pressure to let their land be put to a better use when it is needed for orderly urban development. Land is so undertaxed that the owners of underused land can afford to sit tight waiting for their land to quote "ripen", which is the euphemistic way of saying they can afford to sit tight until a huge investment of the other peoples' money to develop the land around them has multiplied the market value of their land by five, or ten, or twenty—and that's what Winston Churchill meant when he said the landowner's profit is often in direct proportion to the disservice he had done the community by holding his land off market longest when it was needed for orderly development. Land is so lightly taxed that homebuilders are forced to leapfrog further and further out into the countryside to find land they can afford to build houses on and manufacturers are forced to leapfrog further and further out into the countryside to find enough land they can afford on which to build new plants.

HOW "SPRAWL" WORKS

And all this sprawl and leapfrogging is very wasteful, and all this leapfrogging is very very costly to everyone except the hold-out landowners it makes rich.

Specifically:

(1) Sprawl multiplies the cost of almost every municipal service. It multiplies the cost for roads to reach the sprawl-scattered homes, multiplies the cost of water distribution, multiplies the cost of sewage collection, multiplies the cost of mass transportation facilities, inflates the cost of police and fire facilities, doubles the cost of getting children to and from school.

(2) Sprawl multiplies the waste-of-time-and-money cost of getting to and from places to work and multiplies the waste of time and mony getting to and from places to play. City people must waste countless hours getting out of the city for outdoor recreation; suburban people must waste countless hours driving past by-passed miles of vacant land on their way to town. A University of Pennsylvania study found that millions of men and women now spend more money driving to and from work than they spend for the homes they own; a Stanford Research found that millions of men and women must now spend a third as much time getting to and from work as they spend working.

(3) Sprawl multiplies the job-finding problems of the poor and underqualified by shifting too many of the jobs they could fill and hold too far from the slums where poverty makes them live. So, for example, sprawl was found guilty of being a major cause for the nearly 30% unemployment and underemployment in Watts. The jobs the poor in Watts could fill and hold have moved miles and hours away—often three bus rides away at $2 a day bus fare!

(4) Sprawl is blighting mile after mile of fine farming country. In Santa Clara county, for example, leapfrogging builders have had to scatter their little tracts one-or-more-to-the-mile over 200 square miles of the finest prune and apricot land in America, and the fruit growers are so busy wondering whether to sell and how to sell that they aren't replacing their aging trees when replacement is due. All these builders' tracts that are now scattered over 200 miles could have fitted comfortably into 15 square miles of orderly development, leaving most of the other 185 for prunes and apricots for years to come.

The land price inflation in the suburbs hits and hurts homebuilders and land developers hardest of all. The landowner takes his profit out first, and the homebuilders No. 1 elder statesman, Tom Coogan, is guilty of only a slight exaggeration when he says: "There is very little profit in homebuilding; all the profit is in the land."

And now, briefly, Reason No. 4 for taxing land more heavily:

REASON NO. 4

is the architects' reason. Most new buildings could be a lot better—a lot better planned, a lot better designed, and a lot better built—if the undertaxation of land had not made it easy for the landowner to take such a big profit out first—a profit so big that it is usually figured to allow the actual builder only just enough profit to let him make out if he keeps his costs under tight control. For example consider the reasons why Rockefeller Center in New York—so long considered quote "an outstanding example of the kind of amenity planning that enriches a city and insures its future" unquote is now in serious trouble with the New York Planning Commission over what the New York Times calls quote "the catastrophic, neolithic, delinquent, and public-be-damned non-planning" unquote for its next extension.

The Times finds it impossible to explain that Rockefeller Center is now unwilling to spend the few extra millions needed to make the extension "spectacularly good" instead of "delinquent." I would suggest that at least one explanation is pretty obvious: The owners of the three blighted and undertaxed blockfronts the extension will cover got in there first and took out $90 million dollars for just letting Rockefeller Center improve their land. After paying out that $90 million no wonder Rockefeller Center is making a poor mouth about how well it can now afford to plan and build.

REASON NO. 5

This is the How-to-develop-better-cities reason. Reason No. 5 is I don't see how you can possibly afford to do more than a patchwork job of urban renewal and urban modernization unless you tax urban land more heavily, including specifically unless you tax the location value of underused, and misused urban land much more heavily.

Too few people seem to understand that every public or private, improvement on one piece of land gets capitalized into the price of the adjoining land, so the more public and private money you spend to renew one blighted block the more you will have to pay to renew the next one. For example, if the Rockefellers say they had to pay $90 million for three blighted blockfronts on Sixth Avenue between 47th and 50th Streets in New York, the irony is that almost all this $90 million is a windfall from what the Rockefellers themselves had spent to develop Rockefeller Center across the street!

Or consider a similar windfall right in San Francisco where nearby landowners have capitalized the big public and private investment in the Golden Gateway Renewal Project into a five-fold increase in the price of their surrounding property. In like manner the land cost for Western Addition No. 2 was tripled by the success of Western Addition No. 1, and this suggests that under today's land tax system your future renewal ventures will have to be far enough away from any of your other big renewal projects so the subsidy for the new project won't have to be tripled as it was for Western Addition No. 2 to pay off the subsidy for the first project all over again because the surrounding landowners were able to capitalize the first subsidy into the price they got for the land for the second project!

If you would like a preview of the problems every city will face if it undertakes to rebuild itself, bigger and better, without first taking steps to recover through high land taxes, a large part of the windfall this rebuilding will dump in the landowners' laps, take a look at the trouble Philadelphia is in already.

Philadelphia has cashed in more Federal urban renewal subsidies than any other city except New Haven and perhaps Boston; but despite all those Federal subsidies—or perhaps more correctly, because of all those Federal subsidies—the regional urban renewal director has declared that quote "the situation is desperate" and the local Federal renewal director has announced that Philadelphia will need a subsidy of $225 million this year to carry out the same program that was budgeted just a year ago at $135 million because, said he euphemistically, quote "urban renewal has been so successful in Philadelphia that we're having to pay much higher prices for the land we have to buy" unquote. In other words, last year's renewal subsidies get capitalized into the price of this year's renewal land, just as the subsidies for your Western Addition No. 1 were capitalized into the price of the land you had to buy for Western Addition No. 2.

In brief, unless you tax urban land much more heavily to stop the scandalous way landowners have been able to convert renewal dollars into private profits the more you spend for renewal the more the next step in renewal will cost.

And this brings me back to completing the quotation I started way back in my first sentence—the quotation from my classmate Bob Hutchins who is now Director of the Center for the Study of Democratic Institutions at Santa Barbara.

After spelling out how today's misapplied property tax quote "promotes almost every unsound public policy imaginable, encouraging urban blight, suburban sprawl, and land speculation and thwarting urban rehabilitation, new construction, home improvement, and orderly development" unquote Dr. Hutchins went on to conclude quote:

"The remedy is absurdly simple: Take the property tax off the improvements and put it on the land. The owner would then be taxed on what the community had done for him by making his land valuable. He would not be punished for what he had done for the community by putting his land to good use".

THE MISSING ARAB REFUGEES

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. JAVITS. Mr. President, in providing funds for the unfortunate Arab refugees, Congress has time and again expressed its concern regarding the number of refugees truly eligible for this assistance. The September 17 issue of Look contains an excellent discussion of this issue which points out that between 200,000 and 500,000 individuals have been incorrectly and unjustifiably retained on the relief rolls. The article merits reading by all, in the hope that it will inspire determined efforts for a true solution to the refugee question that has so long been a factor in keeping the Middle East in a state of tension and war.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE OF THE MISSING ARAB REFUGEES—REFUGEE EXPERT ACCUSES U.N. AGENCY OF SUPPORTING NONEXISTENT ARABS WITH U.S. TAX DOLLARS

(By Ira Hirschmann)

(NOTE.—Ira Hirschmann is a New York businessman, author and lecturer who has had a longtime interest in refugee affairs. As an emissary of President Roosevelt, he negotiated for the "ransoming" of thousands of Jews from the Nazis. After the surrender of Germany, he reorganized the DP camps until their inmates could be moved elsewhere. In recent years, he has made numerous trips to the Middle East—both Israel and the Arab countries—on fact-finding trips for UNRWA and the U.S. State Department.)

The American taxpayer, in the name of humanitarianism, has unwittingly written a blank check that is helping to develop a permanent Arab refugee body, intensify Arab-Israeli animosities and incite general war in the Middle-East. So far, this program has cost over $600 million, including relief for 200,000 to 500,000 nonexistent Arab refugees.

I make this accusation on the basis of my deep personal concern, born of more than 20 years of intensive work with Jewish, Muslim and Christian refugees in Europe and the Middle East, my own past affiliation with UNRWA and what I saw on repeated journeys throughout the Middle East, often made in behalf of the State Department.

Americans are a generous people with sympathy for the Arab refugees, who have been the miserable pawns of power politics as they live out their squalid lives. In its generosity, Congress has paid out over $20 million a year for 20 years—approximately two-thirds of the total bill—to feed, clothe, house and educate the impoverished refugees. The agency set up to administer this fund and care for the refugees is UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East. It would be hard for any agency to do a superlative job under the conditions prevailing in the Arab countries. But UNRWA has failed almost completely in its original assignment of rehabilitating the refugees. Its bureaucracy of 12,000 employees is merely perpetuating itself in Jordan, Gaza, Lebanon and Syria, and the suffering of the Arab refugees is perpetuated so that the Arab countries can continue to raise the refugee issue.

None of my criticism implies that the refugee problem is not real and does not merit our concerned attention. But questions as to the exact number and description of the refugees—which will figure in any future peace negotiations—must be answered even though their origin is still being debated 20 years after the fact.

No matter how these people became refugees, however, there is still the question of how many Arabs actually left Palestine after its partition by the United Nations in 1948. The Economic Survey Mission, set up in 1949 by the Conciliation Commission for Palestine, put the figure at 726,000; Israeli authorities placed the figure at between 500,000 and 600,000.

Incredible as it may seem, the exact number of refugees has never been known. In 20 years, no census has been taken by the four Arab host governments or UNRWA, despite the urgings of American congressmen and senators. The last UNRWA report on the subject, based on unverified figures, says that as of May 31, last year, there were 1,344,576 refugees registered, with over 1,109,000 of them sharing in either food and/or lodging, education and health services. More than 532,900 persons were said to be in 54 refugee camps (25 in Jordan, 15 in Lebanon, eight in the Gaza Strip and six in Syria).

U.N. FIGURES CONCEAL BLACK MARKETS, FALSE REGISTRATIONS, AND UNREPORTED DEATHS

Eric Hoffer, San Francisco's famous longshoreman-philosopher, is certainly a man who cannot be accused of lack of compassion. Last spring, in discussing the refugees' plight, he said: "The Jews are a peculiar people: things permitted to the other nations are forbidden to the Jews. . . . Other nations drive out thousands, even millions of people and there is no refugee problem. . . . Everyone expects the Jews to be the only real Christians in this world."

As a matter of fact, Israel is largely peopled by so-called refugees, most of them from Europe and at least 500,000 of them—approximately one-fifth of Israel's population—from Arab countries. Israel not only accepted them as citizens but as assets, and this judgment has proved to be correct.

Many of us who view the movement of displaced people as a social problem rather than a political ploy believe that the Arab world, which is so largely underpopulated and so deeply in need of skilled labor, could benefit greatly from the absorption of the Palestinian Arabs. And the fact is—despite the garbled vital statistics and passionate arguments—that is exactly what has been happening.

The oil fields of Kuwait, the farms of Jordan, the hotels of Lebanon and the shops of Syria employ thousands of former Palestinians who still draw regular rations from UNWRA. Nevertheless, according to UNRWA, the population of the refugee camps is unchanging—it even increases, according to some mysterious formula based on the Arabs' fruitful birthrate.

The last population report on refugees given by UNRWA states that only 15,431 refugees died in the year ended June 30, 1963—a death rate of only 12.7. The low U.S. death rate is 9.4 per thousand. By 1966, the Arab refugee death rate had declined to only six per thousand!

There is no question that refugee-camp officials conceal deaths. A journalist I know who visited Gaza was told by an UNRWA official that "We hold our funerals quietly; it would be foolish for a family to give up a ration card just because one of its members dies."

In an embarrassed footnote to his latest report on births and deaths, UNRWA's commissioner-general, Dr. Laurence Michelmore, acknowledges: "The above statistics are based on the agency's registration records, which do not necessarily reflect the actual refugee population owing to factors such as unreported deaths and undetected false registration."

Recently, I stood on a street corner in Beirut and watched a professional dealer in ration cards doing an active business. There was, of course, the usual haggling over price, but eventually, money and ration cards changed hands. These cards, which would seem to represent petty graft since they buy only four cents worth of food a day—1,500 calories—are actually an important clue to the distortion of Arab refugee statistics. Very often, the cards are in the names of persons hundreds of miles away. Over 100,000 former Palestinians have migrated to oil-rich Kuwait alone as part of a movement of which I have first-hand knowledge. It grew, in part, from a plan I proposed in 1960 after I surveyed the refugee camps for UNRWA. At that time, I recommended that the oil companies in the area underwrite a technical-training program. I felt that this would help to empty the camps and build positive careers for young Arabs, simultaneously providing skilled workers who were urgently needed in the developing oil fields.

In most cases, the families of these oil workers have remained on UNRWA rolls, although they live on money being sent from the oil countries by their breadwinners. The ration cards have not been turned in, and thousands have turned up on the black market.

Large numbers of refugees continue to live on UNRWA rations while hoarding funds sent to them by relatives working in the oil fields. Many of those I saw fleeing across the Allenby Bridge to the East Bank of the Jordan River after the Six Day War were leaving Israeli occupation because they feared their remittances from relatives in the oil fields would be cut off.

It worries Commissioner-General Michelmore that when UNRWA has wanted to check on the eligibility of those receiving aid, "it has met with representations from the host government concerned to the effect that such actions would be resented by the refugees and would provoke violent reactions among them and a disturbance of public order."

The trafficking of ration cards in Jordanian bazaars became such a flagrant scandal that Michelmore finally got some action. But, in diplomatic language, he acknowledged: "In Jordan, a programme of eliminating the most flagrant abuses of the ration system by withdrawing rations from refugees known to be enjoying a substantial income was less successful than had been hoped, as its introduction coincided with parliamentary elections." He added: "In the Syrian Arab

Republic . . . for many years past, the government has not permitted systematic investigations to ascertain whether ration recipients were genuinely in need of this form of help."

The oil fields and the "living dead" are only two of the sources from which the black-market operators get their stocks of ration cards. Sad to say, many non-refugees living near the camps are so poor that life inside the walls seems comparatively elegant; by hook and by crook, thousands of them have somehow become eligible as "refugees." No one could have forseen in 1950, when UNRWA began, that thousands more refugees would be added to the rolls because children, and even grandchildren, would be born. Instead, it was assumed that the number of refugees would gradually diminish and that UNRWA would be phased out. Instead of helping to reduce the number of its charges, however, this international body has cooperated with the Arab governments, who kept the refugees virtually imprisoned in "temporary" camps and used them as a political weapon in their jousting with Israel.

JORDAN AND SYRIA FAILED TO CLEAN UP RATION-CARD SCANDAL, U.N. OFFICIAL CHARGES

A breakthrough in this grim situation finally occurred last autumn, a few months after the June war. Five West Bank camps and eight Gaza Strip camps now were inside the Israeli lines and, for the first time, a census was possible. The results were illuminating:

UNRWA had said that over 430,000 persons, including 311,846 refugees, were crowded together in the Gaza Strip. However, the Israeli census takers found only 356,300 persons, of whom they claimed 134,600 belong to families originally living outside Israeli territory. On the West Bank, the census takers said they found 598,600 persons, of whom 468,000 came from outside Israeli territory. The census report stated: ". . . The UNRWA figures for registered refugees in camps are larger than the total camp population enumerated in the census." From the overall census, it can be concluded that somewhere between 200,000 and 500,000 refugees of the total of 1.3 million are nonexistent ghosts, many of whom still receive UNRWA aid.

The methods used by the Israeli census takers have, as anticipated, been challenged by UNRWA officials in Beirut. The Israelis, for example, declined to count the grandchildren of refugees as refugees. But there was enough proof in the Israeli census to force UNRWA to start taking an independent survey of its own at last. I am confident that the UNRWA findings will radically change the long distorted view of the nature of the refugee problem and change UNRWA itself.

The Israeli census reduced the refugee problem to manageable dimensions, thus now permitting some chance of solution. I determined to make an on-the-scene investigation. In March, 1968, I asked for and received a commission from the State Department to make another survey in Arab countries to study on-the-spot what the true refugee picture is today.

In Beirut, Lebanon, I came upon an aspect of UNRWA's stewardship that may be more significant than the inflated refugee count. I met a representative of UNESCO, the United Nations Educational, Scientific and Cultural Organizations, who is in charge of the educational division of UNRWA operations in the Middle East. I learned from him that since 1951, the UN had given UNESCO responsibility for setting refugee educational standards. For reasons still unknown to me, UNESCO until recently had either abdicated its responsibility or had been excluded from this important job, which took 42 percent of the $39 million UNRWA budget and involved 187,000 children in 440 schools.

No one would argue about this big slice of the budget going toward education of the refugee children. Through the years, I have been one of the advocates of technical-training programs for the refugees. My argument has always been that one of the greatest shortages in the Arab countries has been skilled personnel prepared for the technology of the 20th century. But the educational money has been perverted and channeled for anti-Jewish hate propaganda. The schoolchildren were being systematically brainwashed by their 5,112 teachers, usually themselves refugees who hated Israel. Among the educational materials found in the schools after the Arab military defeat was the infamous Protocols of the Learned Elders of Zion, a notorious forgery circulated in Czarist Russia that alleges a Jewish plot to take over the world. The Protocols incited many massacres of Jews in Russia; later, they were distributed by the Nazis of Germany and, in recent years, by the government of Egypt.

A Syrian first-grade reader declares: "The Jews are enemies of Arabs. Soon we will rescue Palestine from their hands." A standard exercise book is decorated with a map of Israel showing a rocket directed at Tel Aviv. Another book, for 14-year-olds, asserts: "Israel exists in the heart of the Arab homeland. Its extermination is vital for the preservation of Arabism and the renaissance of the Arabs."

When UNRWA finally took some steps in response to Israeli complaints and stopped buying Syrian textbooks for refugee schools, Syrian Education Minister Souleyman El-Khish complained: "The hatred we indoctrinate into the minds of our youth from birth is sacrosanct. . . . It constitutes one of our instruments for the protection of our homelands and our national heritage."

These are the seeds that have borne the fruits of terrorism and war. During 20 years of Israeli nationhood, a generation of young Arabs has been born and bred with no knowledge of the Jewish state other than this poisonous brew of lies and incitement to hatred and violence. However, belatedly, changes are taking place. The material brought in from the field by Israeli soldiers could not be denied, and UNESCO, now back in the educational picture, has removed the worst of the textbooks. The Israeli Government, for the first time, is satisfied that progress is being made.

ANTI-JEWISH TEACHERS AND U.N.-BOUGHT TEXTS BRAINWASH ARAB CHILDREN

Former U.S. Sen. William Benton, a delegate to UNESCO, told me that the subject of textbooks used in UNRWA schools "has been brought into sharper relief as a result of the hostilities of a year ago" and that a commission of outside experts would be established "to ensure against abuses."

The heads of families who fled Palestine in 1948 are now either old or dead. The younger generation should not be penalized and used as political pawns; the Arab youth deserve the chance to build their lives as self-reliant, trained citizens of Arab countries. UNRWA missed an opportunity to perform one of the greatest humanitarian missions in the history of mankind. By permitting itself to become a tool of the Arab governments, by falling into the snare of self-interest, it lost its independence.

The mandate of UNRWA's operations is scheduled to expire next June. In the months ahead, the UN General Assembly will be urgently debating the fate of its refugee relief agency. Hopefully, this debate will produce a new kind of UNRWA, one that will recover its lost opportunity.

SEMINAR ON LAW AND ORDER STIRS LOCAL THINKING ON SERIOUS PROBLEM

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. BENNETT. Mr. Speaker, on August 9, 1968, I sponsored a seminar on law and order in Jacksonville, Fla. This seminar brought together Federal officials in the law enforcement and correction field, and local Jacksonville community leaders, to discuss what I consider to be our Nation's No. 1 domestic problem, the rising crime and juvenile delinquency rate.

Mr. W. Mark Felt, Assistant Director, Federal Bureau of Investigation, keynoted the half day conference, attended by over 300 persons, and Mr. Myrl E. Alexander, Director of the Federal Bureau of Prisons, spoke at the closing luncheon of the seminar.

A panel, representing a cross-section of community life of Jacksonville, the largest city in the Third Congressional District of Florida, which I represent, discussed: "Crime and Juvenile Delinquency: What Can We Do About It In Jacksonville?" The panel was moderated by Rabbi Haskel A. Wachsmann, Etz Chaim Synagogue, Jacksonville.

Participating in the panel were: Dale Carson, sheriff of Duval County, Fla.; Charles E. Simmons, Jr., vice president and secretary, Afro-American Life Insurance Co., and chairman, city of Jacksonville Civil Service Board; Darryl W. McIntyre, a 1968 graduate of Robert E. Lee High School and now with the "National Up With People" tour; the Very Reverend Robert Ray Parks, dean, St. John's Episcopal Cathedral; Mr. Sidney Friend, principal, Terry Parker High School, and Mrs. Carolyn B. Vernier, immediate past president of the Jacksonville League of Women Voters.

I include remarks from their presentations at the seminar on law and order, and my opening introduction in the CONGRESSIONAL RECORD:

WELCOMING REMARKS BY CONGRESSMAN CHARLES E. BENNETT, SEMINAR ON LAW AND ORDER, AUGUST 9, 1968, GEORGE WASHINGTON HOTEL, JACKSONVILLE, FLA.

It is a pleasure to welcome you to the Seminar on Law and Order, sponsored by the Jacksonville Junior Chamber of Commerce and myself. We have a distinguished group of speakers on our panel and during the morning program.

This is the third seminar and conference I have sponsored dealing with critical problems of our community, state and nation. In 1966, I sponsored an Urban Affairs Seminar; in 1967, the Community Betterment Seminar, and the Law and Order Seminar today. I believe these meetings have been productive and useful to us and I appreciate the fine support they have received from Jacksonville civic, political and social leaders, and the news media.

Arnold Tritt, President of the Jacksonville JayCees, is Chairman of the Advisory Committee for the Seminar. On his committee are: Professor Charles D. Brooks, Principal, New Stanton High School; Harold R. Clark, attorney; James B. McAfee, President, Jacksonville Area Chamber of Commerce; Mrs. Sallye B. Mathis, Counncilman, Ward 3; John W. Ragsdale, Chairman, Jacksonville Crime Prevention Committee, and Mrs. Mary L. Singleton, Councilwoman, Ward 2. These important leaders of our city are to be congratulated for the work they have done to make this seminar a success.

A 100 years ago, Thoreau wrote that, "There are a thousand hacking at the branches of evil to one who is striking at the root."

Today, crime is our number one problem at home, and getting to the roots of the problems of crime should be our number one goal on the domestic front.

The challenge is great in this field; the branches are numerous and the roots firmly lodged.

President Calvin Coolidge answered a question one time, which illustrates how we all feel about crime. He was asked: "What do you think about sin?" He answered: "I'm against it."

Most of us—I would hope all of us—are against crime.

But what are we doing as a nation, as a community, as individuals to strike at the root of crime?

According to F.B.I. Director J. Edgar Hoover, crime costs Americans $27 billion annually. This is evidence enough of the drain on our national resources from crime and juvenile delinquency and the challenge we face. While we now spend $2,500 a year for a family on relief, we also spend $3,500 a year for a criminal in a state prison.

The rate of crime continues to rise. The F.B.I. reported recently that the nation's rate of major crimes last year was 16 percent higher than in 1966. The Bureau reported a 23 percent rise in cities of 500,000 to one million population.

Significant figures in the latest report were the arrests of persons under 18 years old, up eight percent in 1967 over 1966, and the arrests for offenses against public order, particularly last summer's riots.

The problem of crime is, of course, as old as man. All nations have suffered from criminal activity and we are constantly faced with the challenge of seeking an answer to the problem of crime.

If we are to cut back on the steady rising rate of crime and juvenile delinquency in America, we must concentrate on the problem where it hurts the most: our young people.

The obvious breakdown in our morality is represented by the hippie, the flower child, the increased use of drugs, promiscuity and the terror and violence in the streets, bordering on anarchy.

I believe we need a new attack on crime and juvenile delinquency beginning in the family, the school and the community. This is the first place to begin. And the second place is through the legislative process at both the state and federal levels. The prime responsibility in the prevention of crime and juvenile delinquency rests with the state and local governments, but the federal government can and should assist in this national challenge and moral responsibility.

We must have a Safe Society if we are to succeed as a nation at home, or our supreme effort in Southeast Asia and around the world will go for naught.

Woodrow Wilson said with clarity and purpose: "Our civilization cannot survive materially unless it be redeemed spiritually."

F.B.I. Director J. Edgar Hoover has said: "There has been great apathy upon the part of the civilian population of the country. They are not sufficiently interested in combating crime."

This was a major reason for my sponsoring the Seminar on Law and Order. I thought there should be an awareness and more of an interest in doing something to reverse the crime and juvenile rates.

One bill which I have sponsored and supported is the Law Enforcement Assistance Act, enacted in 1965, under which the Justice Department dispenses grants to state and local agencies for research and development projects and for training and modernizing techniques of crime fighting. One Jacksonville police officer, Lt. John Nelson, received a grant under this program to work toward a master's degree in criminology at the University of California. Another legislative achievement in this field, which I believe has great merit, in fighting juvenile delinquency is an amendment I introduced to the Juvenile Delinquency and Youth Offense Control Act in 1964. The amendment provides for the teaching of "techniques for the establishment of high ethical and community responsibility standards." Grants have been made to many varied groups to prepare teaching aids and lecture material to help in the effort to curtail crime and juvenile delinquency among young people.

In suggesting this program, it was my feeling that our nation, especially those of us who are parents, have neglected certain fundamental moral principles. We have as a society failed our youth, as J. Edgar Hoover says, by failing "to teach them the meaning of discipline, restraint, self-respect and respect for law and order and the rights of others."

Four years ago, in a series of speeches in the House of Representatives, I called for a national policy in America on terror in the streets. "The American people demand a bill of particulars, a statement of specifics as to what our country, and particularly its elected leaders, will do in an effort to improve this situation," I said on the House floor.

Since that time, I have sponsored and worked for the passage of legislation providing assistance for local law enforcement, formulation of a Commission on Crime, both of which have been approved, and a bill to prohibit travel or use of any facility in interstate commerce with intent to incite a riot or other violent civil disturbance. I was also cosponsor of legislation to establish a Joint Committee to Investigate Crime which passed the House.

I supported the Omnibus Crime Control and Safe Streets Act of 1968. This legislation strengthens the Law Enforcement Assistance Act, authorizing a grant program for the improvement of state and local law enforcement. These grants will be administered through state agencies, which will receive $100,000 for planning. Other funds will be made available: 60–40 (federal-local shares) for action programs; 50–50 for construction, and 72–25 for projects to combat organized crime and riots and civil disorders.

Another section of the bill deals with the Supreme Court rulings on Mallory (confessions excluded if obtained after unreasonable time), Miranda (voluntary confessions thrown out if rules not followed) and Wade (eye-witness testimony inadmissible if rules not followed in police line-ups). Congress passed in this law that voluntary confessions would not be inadmissible because of delays in pressing charges; eye-witness testimony shall be admissible as evidence, and voluntary confessions would now be acceptable under the determination of the judge.

The law authorized the use of wiretapping and electronic surveillance by authorized law enforcement officers engaged in the investigation of specified crimes after they have obtained a court order. In addition, the law disqualifies from federal employment for five years persons convicted of a felony related to a riot or civil disorder.

The Act also prohibits interstate mail order sale or shipment of pistols and revolvers except between licensed importers, manufacturers and dealers. It bans the over-the-counter sale of these hand guns to out-of-state purchasers without a license.

The House also passed separate gun control legislation to provide for better control of interstate traffic in firearms. This legislation exempted organizations and institutions operating under the Army or in military training and competitors from certain provisions of the Act. This legislation also excluded rifles, shotguns, and 22-caliber rim fire ammunition and provided for mandatory prison terms for persons using a gun to commit a felony. Other gun control legislation is pending in the Senate Judiciary Committee.

Other anti-crime measures passed by the 90th Congress included laws:

Making it a federal crime to desecrate the United States flag.

Authorizing the Federal Bureau of Prisons to provide technical assistance to state and local governments in improving their correctional systems (an idea which I proposed to Congress three years ago.)

Making it a crime to make obscene or harassing phone calls in interstate or foreign commerce.

Prohibiting the obstruction of federal criminal investigations, aimed primarily at organized crime.

The Juvenile Delinquency Prevention and Control Act of 1968—a program to assist state and local communities in this field.

There are two key areas which I am working in and I hope to offer legislation to correct abuses in the distribution of pornographic literature and the reporting and display of crime and violence in the various news media. The mailing of pornographic material to our homes is widespread and dangerous to our society. I have written to the presidents of the major networks, the magazine and newspaper organizations to see what they are doing to police their own activities in the display of violence to the masses, and I hope constructive legislation will result from this survey. There is no doubt that the vast communications system of America has something to do with the rise in crime through the repetition of acts of immorality on the screen and in print.

We cannot solve the problem of the rising rate of crime in our society with just this seminar, but we can make a dent. We can resolve to live better lives ourselves, and thus build a little bit of Heaven on earth through living good and moral lives in our every day life.

Excerpts From Address of Myrl E. Alexander, Director of the Federal Bureau of Prisons

Today, we find ourselves being challenged to find solutions to the rapidly increasing rates of crime and delinquency plaguing our country. At no time in history has so much attention and concern been focused on the criminal justice process. And well it should be.

In their monumental report, the President's Crime Commission highlighted a number of significant facts:

Reported crimes are on the increase throughout the country,

Rates of unreported crimes are higher than we had suspected,

The highest incidence of arrest occurs in the fifteen and sixteen year old age group,

Well over half the offenders committed to correctional institutions today have been there before,

The vast majority of offenders first became involved in criminal behavior while they were youngsters.

The problem we face in the future is dramatically foretold by the fact that 23 per cent of our population today is under 10 years of age. Unless we can successfully reverse the trends we have seen in recent years, our problems in the future will only be compounded.

Unless we in corrections can successfully intervene in the careers of offenders while they are in our custody they will, in all probability, become involved in further criminal activity after release. The treadmill of arrest, imprisonment, release and re-arrest is too well known by all of us. So long as recidivism remains the rule and not the exception, the entire system of criminal justice will have failed.

The major issue confronting us today is the problem of juvenile and youthful crime. As the Crime Commission succinctly pointed out, "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime."

At present, there are approximately 350,000 juveniles involved in the correctional process in the United States on any given day. This includes detention, probation, institutionalization and parole. By 1975, estimates are that this number will increase to nearly 600,000.

Who are these youngsters? It is difficult, if not impossible, to formulate any sort of valid composite description. We know, for example, that they represent all regions and religions, come from both rural and urban areas, are products of a wide range of social and economic backgrounds, and represent all racial and ethnic groups.

We do know, however, that the vast majority share a number of common characteristics and problems. Nearly all dropped out of school after failing to achieve at a level comparable with their abilities. Although falling within the normal distribution of intelligence scores, they test several grades lower than their level of school attainment. The majority come from broken homes which provided little in terms of example, guidance or supervision. A disproportionate number come from the slums and ghettos of our large cities. Nearly all have become alienated from the mainstream of our American way of life.

What is the solution to the problems these youngsters present? We all wish we had ready answers to this question. But like all really tough questions, there are no easy answers or simple solutions to the complex problems of crime and delinquency.

Here lies the challenge before us today. All of us involved in the administration of criminal justice—law enforcement, prosecution, the courts, and corrections—have an urgent responsibility to find solutions to the problems these youngsters present. In our search we must begin working closely together, even more closely than we have in the past. Our common purpose must be unity of goals and methods which will speed the development of a truly effective administration of criminal justice. We all agree, I am confident, that we must coordinate our efforts in order to improve the system. We cannot expect the system to function effectively unless law enforcement, corrections, and all other segments are a part of a continuous and closely interwoven process.

The old adage of the chain and its weakest link is certainly an appropriate description of the tasks before us. Until we can improve all aspects of the system, we will have failed to meet the challenge before us. To simply increase police protection, for example, will not solve the problem if the court system and corrections do not improve their ability to deal effectively with those arrested.

In our search for solutions, we must involve other areas of our society. Our universities and colleges, research and development firms, the business community, organized labor, churches, the press . . . and all other facets of our society have much to contribute. We must not permit ourselves to stand alone as we attempt to find answers to the problems before us.

We in corrections are being challenged today to improve the effectiveness of correctional treatment. This is particularly true in the area of juvenile corrections. We realize that we must do everything possible to assist offenders while they are in our custody so that, upon release, they return to the community as law abiding citizens. The question is not whether corrections should be tough or tolerant. Rather the question is what is effective? what works? This is what we must do.

The most promising recent development in corrections has been the search for alternatives to confinement. In their report, the President's Crime Commission stressed the need to develop new tools and techniques for dealing with the offender. We all recognize that the traditional institution of the past hasn't produced the desired results. Simply removing an offender to an institution as punishment often only compounds the problem of reintegrating him into the community as a law abiding citizen. All too frequently it costs him his job, severs his family ties, and pins on him a label that makes all of his problems more difficult to overcome.

At the same time, we realize that incarceration is necessary and important in instances where the paramount issue is the need to protect the community. No one will argue with the fact that offenders with histories of serious aggressive and assaultive behavior need to be confined in institutions until they demonstrate their readiness to be released. We recognize, however, that those cases constitute but a small fraction of the total number of offenders who come in contact with the criminal justice system. For the majority, treatment in the community offers the best possible hope for the future.

In order to provide alternatives to incarceration, a number of new and promising programs have been established. The one common element in all of these new programs is the involvement of community agencies and resources in the treatment of the offender. For the first time, corrections is beginning to look outside its institutions and is utilizing the many resources available in the community. Rather than developing activities which duplicate programs already existing in the community, the new thrust in corrections is to integrate and focus these programs in order to maximize their impact on offenders.

The many Halfway Houses and Community Residential Centers which have been established across the country are examples of some of the alternatives to incarceration I have in mind. In addition to providing a bridge between the institution and the community for offenders nearing release, they are being used increasingly in instances where traditional methods of probation supervision are not sufficient. In such instances, offenders are referred to the centers in lieu of institutional commitments. While in the centers, all of the resources available in the community are marshalled together and focused on the offender and his problems.

These new correctional concepts provide us with a continuum of resources ranging from institutional treatment on the one hand to community supervision on the other. In between, we find a whole array of activities which bridge the two—halfway houses; work release programs; residential treatment centers, furloughs, etc. These are alternatives which represent the direction in which correctional programs are moving. They provide us with a new series of correctional tools and techniques which can be applied according to the needs of the individual offenders.

In my view, the single and most important factor bringing about these long-overdue changes in corrections and in the entire administration of criminal justice is the sharing of responsibility for the problem of delinquency in our society. This is much more than a matter of better communications and cooperation between law enforcement, the courts and correctional agencies. Rather, it provides for the development of effective working relationships between the police, the correctional agencies and all other segments of our communities. This includes a willingness to commit all available resources to the solution of the problems of crime and delinquency. If we are to succeed in meeting the challenges before us, this is what we must do.

THE GENERATION GAP

(By Darryl W. McIntyre, 1968 Graduate, Robert E. Lee High School, "National Up With People Tour")

Many young people have been quite concerned about what I am going to say to you. Some think it is the fault of everyone over the age of 25 that our country is in such a mess. Some ignore you, and live each day for themselves and others like them. However, both of these groups are in a minority. I believe that you have breeded a generation of lazy, irresponsible, unbalanced, yet fantastic young Americans. I have faith that my generation can, and will carry on this world and make it a better place to live, spiritually, morally, and economically.

Many of the complaints that adults have stem from youth's current treatment of familiar theologies such as the breaking away from the church as we know it. The desire to meditate and pray to God alone. Too often the glory of God is smothered by Sunday School lessons that under-estimate the intelligence of youth. And by rituals whose meanings have become obscure. The younger generation has founded a closeness to God by looking for evidence in their lives. Putting God on an individual basis may lead to an individual understanding of mankind. Couldn't this be the answer to the problems that plague our world?

Much has been said about student demonstrations. Obviously this is the minority but the majority will uphold their right to dissent.

The key-word of today's reactionary youth is "freedom". Freedom on the move. You must allow this freedom of dissent, speech, press, and religion to work in the lives of your children and other youth.

Don't make the mistake in underestimating the capabilities, intelligence, and ambitions of today's youth. We have been taught the threat of communism to our nation, and are prepared to fight back. We can and will show them the American spirit, drive and un-quenchable thirst for life, liberty and the pursuit of happiness that have made this country the greatest on earth. Put your faith in us and we will keep America the leader of the free world.

It is not however youth alone who need understanding, but also the older generation. Yes, parents also need understanding; they survived the depression and adore success. Success, alas, is a tarnished goddess, her cost is dear in morality and produces violence.

In this world we have seen a president killed, a senator killed, and free men slaughtered all over our country. Must we follow this example? I think not.

When hatred, greed, and prejudice are in one extreme; love unselfishness and freedom naturally go to the other.

REMARKS BY RABBI HASKEL A. WACHSMANN, ETZ CHAIM SYNAGOGUE, PANEL MODERATOR

May I first of all express to you all a very warm welcome on behalf of the members of this panel, and thank you for being here today. In the last few months, almost every major city has seen terrible outbreaks of violence—of senseless, terrible rioting, police forces of a dozen major cities unable to cope unaided with it. Who are the rioters? Where do they come from and why do they riot? We all know that the riots were caused, more than anything else, by the terrible frustration and alienation of the young Negroes and the impoverished whites. The typical rioter was 17, from a fatherless home, unemployed, out of school, without any hope for the future—the typical rioter, the typical drop out, the typical Armed Forces rejectee.

But do we realize that there are, in our major cities over 500,000 such youth? Can we comprehend that hundreds of thousands more, are literally lost to our sight, that they are uncounted by the census, unseen by the unemployment statistics, not on the school rolls, simply drifting about the cities waiting for an explosion to happen—or to make that explosion happen?

The life also lived by the poor in our greatest urban centers, a life where arrest is common, where numbers and narcotics are facts of teen-age life, a world of overburdened parents and children too soon robbed of security, of innocence, of childhood itself. A world above all of alienation, of lack of communication which threatens to make permanent that sullen second society, in which perceptive writers have warned us in this past decade. The tragedy in all of this can be counted in many ways. It can be counted in terms of crime, of blighted lives, of subsistence poverty, of broken homes, of having surrendered our responsibility to shape the inner life of our children to others. Our young people are bewildered, perplexed about the meaning of being human.

Juvenile delinquency today is no longer front page news—it has lost its sensational quality. It is one of the routine facts of life. It penetrates into every segment of society. Our best homes, our finest communities, produce an ample quota of youthful delinquents and criminals, who are only a reflection of the actions and attitudes of their elders. The American playwright, Arthur Miller, has written a very perceptive piece on the cause of Juvenile delinquency. His analysis is clear from his title. The bored and the violent. Alcoholism, drug addiction, vandalism and even murder for kicks are not uncommon, because our youth are bored and the bored become the violent. Both the beatnik and the delinquent are rebels without a cause. Delinquents are a living expression of our universal ignorance of what life ought to be, even of what it is, and of what it truly means to live. What the country has to decide is what it is going to say if these kids should decide to listen.

To obtain a satisfactory answer to these and to some of your questions, was the purpose, I am sure, of summoning the distinguished members of our panel by the Hon. Congressman Mr. Bennett—to re-evaluate the situation and to offer some concrete suggestions by the members of our panel.

KEYNOTE ADDRESS OF W. MARK FELT, ASSISTANT DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

J. Edgar Hoover has asked me to convey his very best wishes to the participants in this Seminar on Law and Order. We in the FBI ardently believe that if more responsible citizens shared the sincere interest and determination which are so evident here today, then the crime problem with all its oppressive ramifications could soon be brought under effective control.

An effective program of crime prevention and control—this is a commodity sought by every community throughout this great land of ours. Yet, it is one of the sad phenomena of our day that at various times and various places crime rages virtually uncontrolled and *unashamed*—and that the challenge of crime and of crime control grows increasingly complex, increasingly costly and of increasing concern to more and more people of the United States.

Today, the average citizen has a greater stake in honest, efficient enforcement of the law than at any time in our 192-year history as a nation of free men. You and your loved ones live in an era of spiraling crime *totals* and growing crime *rates*—an era when personal irresponsibility and moral corruption have hurled a critical challenge at our traditional concept of supremacy of law.

Since 1960, the Nation's crime problem has risen an alarming 89 percent—well over eight times as fast as our expanding population. Crimes of violence have increased more than 70 percent, and crimes against property, 90 percent, in this period.

Last year, a record total of more than 3¾ million serious offenses were committed in the United States. This is the largest number for any 12-month period in the history of recorded crime statistics. In fact, it is an astounding 16 percent higher than the previous record which was established in 1966.

In terms of the everyday challenge—of the threat to the lives, welfare and property of our citizens—what does this figure mean? It means that once every minute throughout 1967, an unsuspecting man, woman or child fell victim of a murder, a robbery, a forcible rape or an assault to kill! It means that there was a burglary every 20 seconds; a larceny of $50 or more every 30 seconds; and that nearly 75 automobile thefts were committed every hour!

To those of us in law enforcement, statistics such as these are more than cold mathematical figures. They are a reality—a nightmarish reality of human misery, of mental and physical suffering, of personal fear, and—for the criminal and his family—of dishonor and disgrace.

There are increasing signs that the stark realities of crime, with its progressively mounting impact upon the lives of all citizens, are becoming steadily, more apparent to persons from all walks of life. For example, public opinion polls in one of our major cities disclosed that more than one-half of the persons interviewed considered crime to be the "top priority problem" in their community—and that no less than two out of every three were afraid to walk the streets at night.

In another large city, the Mayor was prompted to remark last year, "I do not think there is any doubt . . . (that) crime and fear of crime have reached terrible proportions."

Reporting on conditions in a third city, a newsman wrote last September, ". . . for many years no one has used the parks in the evening for fear of assault. There are large sections of the city—north, south and west—where people simply refuse to ride public transit in the evenings."

Statements and surveys such as these reflect a growing awareness on the part of our citizens that the rising incidence of crime throughout America represents not merely an increase in the number of crimes committed, but an *increase in the number of victims of crime*. They reflect also a growing fear—a fear which has tragically narrowed the sphere of enjoyment in many persons' lives.

On repeated occasions, J. Edgar Hoover has observed that the time-proven deterrents to crime are the certainty of sure detection, swift apprehension, and realistic treatment under the law. *Each* of these, Mr. Hoover has stated, is "essential." Any obstacle to sure detection, or swift apprehension or realistic treatment weakens the hand of law and order.

Yet, the obstacles are legion—and no one is more acutely aware of this fact than the "Men in Blue" who stand in the arena of action where, hour after hour and day after day, the challenge sounds and the battle rages. Let anyone who questions the selflessness, the dedication, or the bravery of America's "Men in Blue" weigh more carefully the sacrifices made by members of police departments throughout the United States. During the past eight years alone, no less than 411 officers were feloniously killed—and many hundreds of others were severely injured by criminal assailants.

Physical dangers aside—America's dedicated police officers too long and too often have been hampered and impeded in their efforts to safeguard the public safety, and to preserve law and order, by dangerous weaknesses and obstructions.

Witness, for example, the loopholes, technicalities and delays in the law which, in virtually every legal jurisdiction, have been misused and abused by those who have a vested interest in circumventing justice. Witness the permissive, indulgent attitude which has prevailed all too often in the handling of vicious offenders. And witness also the explosives-charged experiments in criminal rehabilitation concocted and imposed by impractical theorists and Utopian pipe dreamers.

Conditions, programs and attitudes such as these have contributed to an atmosphere in which the interests of society are too often subordinated to those of the criminal.

One leading attorney, a past president of the American Bar Association, found cause to warn that "There is good reason . . . for criminals to think that crime does pay and that slow and uncertain Justice can be evaded."

A highly experienced Federal judge declared before a committee of Congress several months ago," . . . it has become more and more difficult for (law enforcement) agencies to secure sufficient evidence of crime to justify arrest, prosecution and conviction."

Even the members of a grand jury, in a letter to the editor of a metropolitan newspaper, complained last fall that "After two months of duty, we find ourselves amazed and shocked at the exaggerated considerations given to those who roam our streets indulging themselves in acts of the most outrageous nature."

If America is to stem the rising tide of crime, we must have strength, not weakness, in all areas of the administration of justice. We must have alertness, not lethargy or disinterest, on the part of that vast majority of citizens who abide by the law themselves and insist also that their children follow "the straight and narrow." Above all, we must have the civic pride, the backbone and the determination to "become involved" as *individuals*, and to *actively* support the forces of law and order.

It was Abraham Lincoln who urged the American people more than a century ago:

"Let . . . every lover of liberty . . . swear by the blood of the Revolution never to violate in the least particular the laws of the country, and *never to tolerate their violation by others.*"

Then Abraham Lincoln asked that reverence for the laws "be taught in schools, in seminaries, and in colleges," that it "be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice," and that it "become the political religion of the nation."

Was there ever a greater need to follow these words than today?

Respect for law is the fundamental pillar of *every* free society. The alternative, as we have seen all too clearly, is chaos—a jungle-like atmosphere in which terror and disorder are rampant.

There is increasing evidence that decent Americans have genuinely sickened at the relentless encroachment of professional and predatory crime; that they have tired of the divisive, inflammatory tactics of Marxists, Klansmen and other adherents to alien ideologies; that they have had their fill of the lawless orgies indulged in by raucous mobs of rioters; and that they have been driven to the stomach-turning point by the arrogant harangues and insolent demands of those "dropouts" from responsible citizenship who defile law and authority, decency and virtue, flag and country.

I sincerely believe that more and more of our citizens have become aware of the choice they have. Will it be law and order? Or will it be fear, insecurity and anarchy?

LAW ENFORCEMENT

(By Sheriff Dale Carson, Duval County, Fla.)

The gigantic civil and social changes we are experiencing today have placed increasing demands upon the police officer. As an officer he represents public order, he is the most visible part of our government. He works where the action is; where the social theories are tested.

Few of us realize the diversity of a policeman's daily work. He deals with people at their best and at their worst. A crying child, a raving maniac, a frightened robbery victim, or a chronic alcoholic may be his clientele. And each contact demands special skills, and few guidelines are given.

Two qualities are necessary to develop an officer who can do his work intelligently and efficiently. First, the man himself must be carefully chosen. He must have a broad basic understanding of people and the intelligence to react properly in any given situation. A high school diploma can no longer be the criteria for his educational qualification. Our complex problems call for complex solutions; hardly the task for a "watchman." In today's world, the caliber of the policeman is more important than the caliber of his pistol.

Secondly, the new police recruit must be given thorough and comprehensive training dealing with minority groups, handling the mentally ill and human relations along with his normal police courses. His training must continue throughout his entire career if he is to develop into a police administrator in his later years of service.

These two ingredients, the man and his training are needed today more than ever if we are to properly perform our function of service to the citizens of our great nation.

TWO ELEMENTS: POVERTY AND RACE RELATIONS

(By Charles E. Simmons, Jr., vice president and secretary, Afro-American Life Insurance Co., and chairman, civil service board, Jacksonville, Fla.)

We are in the midst of a social revolution concerned with the elimination of poverty and to give equal status to all citizens. This social revolution can be accomplished without violence if we are concerned with the treatment of the causes for this general unrest.

The injustices of the past which have been based upon racial and economic differences must be recognized as evils of an archaic order that have weakened the foundations of democracy.

Law and Order is necessary for the protection of our rights and our freedoms. But Law and Order without justice and respect for law and order is meaningless. A mutual trust between the races built upon a respect for the rights of all is the foundation for our democracy.

The attitudes in regard to violence are not new but reflect the attitudes expressed by the Boston Tea Party, which has been glorified as a proper act to overcome injustices.

The unjust and discriminatory laws which were passed to establish and maintain a double standard of living have been declared unconstitutional, but the double standard of living still exists, in fact, and in the minds of many people.

Double standards based upon laws and law enforcement have created a distrust that must be overcome through justice in the courts and fair treatment by law enforcement agencies.

Discrimination and double standards in housing have forced a large segment of people into small circumscribed areas. In these ghetto areas the houses are built close together without yard space. Many of these houses are in need of repair and are without plumbing and electrical services. The need for additional and better housing has forced up property values so that the poor pay excessive rents for housing in an undesirable neighborhood. There is a need for the rent subsidy program and a need for low income housing that can be afforded by the poor. Many of these old houses cannot be repaired to provide adequate heating, proper sanitary conditions or relief to over-crowded areas.

The educational opportunities of the poor are limited by their economic conditions. Inadequate housing, insufficient clothes, improper good and poor sanitary conditions account for the excessive absenteeisms and the high drop-out rate. The schools they attend show little improvement upon their ghetto environment. These schools are overcrowded, in need of repair, and poorly maintained.

The lack of yard space, and public playgrounds within the ghetto areas force the poor to use street corners, delapidated buildings and pool halls as recreational areas. They are forced to associate with undesirable older persons and are denied the supervision that public recreational facilities provide.

The better paying jobs have not been available to the Negro, because of discrimination based upon race. Those who have developed skills have been exploited by the use of their services without the benefit of the pay or the recognition.

The high unemployment rate of the poor and of the Negro relate to their limited education and inferior educational standards. A terminal educational program is needed to equip those students that will not go to college with a trade or a skill for ready employment.

With equal opportunities in all facets of community life, good race relations and develop a community pride and a trust that will be a deterrent to crime and juvenile delinquency.

THE ROLE OF THE CHURCH IN FIGHTING CRIME

(By the Very Reverend Robert Ray Parks, dean, St. John's Episcopal Cathedral)

Two years ago an Associate Justice of the Florida Supreme Court made a speech to the Jacksonville Bar Association on Maundy Thursday in Holy Week. Many of you here today who are members of the legal profession heard the speech. Many of the rest of us read the rather full report of it in the Florida Times Union. The speech was a restatement of the classic relationship between religion and law. I want to dwell on this briefly today for this relationship is basic to understanding the role of the Church in combating crime.

In the whole of recorded human history every social order has had some form of religion. Always the religion of a people has determined their morality—the determination of what they believe to be right or wrong. Out of this has come their law, both its formulation and its acceptance.

Last year the Gallup Polls, Inc. published the results of the most thorough public opinion poll ever made. The poll was designed to determine the state of religion in the United States and involved 40,000 personal interviews over a period of several years. As of 1967, 67% of the adult population professed to be Christians and Protestants, 25% Christians and Roman Catholics, 3% Jews by religious profession and only 5% agnostic or atheistic. If public opinion polls are valid, this poll reveals an astounding common base to our corporate life in these United States even after the countless religious differences have been filtered out.

The mission of the Christian Church has always been to proclaim the Gospel of Christ. All of us here today know something about the fantastic story of the Christian missionary enterprise. I ask you to recall the historic classic strategy of Christian missions. In primitive lands the missionary enterprise generally followed these steps, and most often in this order: food for starving or underfed people (thus the origin of the expression "rice Christians"), medical services, education programs, and then proclamation of the Gospel.

Increasingly today we are hearing that the greatest missionary challenge facing the Church in contemporary America is the great ghetto areas of our urban centers. This I believe to be true and since Mr. Gallup indicates that 92% of you here today profess to be some sort of Christian, I call on you, the Church, to combat crime first of all by a renewal of your own faith—for out of this comes the morality of America—and this determines whether the law of the land will stand or fall.

Then I challenge you to a renewed commitment to the historic Christian missionary strategy, but in contemporary terms. Put your power behind every possible means to provide for the dispossessed of our great land better welfare services, better housing, better education and greater job opportunities. Then with integrity of heart and mind proclaim the Fatherhood of God and the Brotherhood of man.

CIVIC AND HOME RESPONSIBILITY IN CREATING A SAFE SOCIETY

(By Mrs. Carolyn B. Vernier, immediate past president, League of Women Voters)

Some people are driven to violence by the incredibly and obviously twisted experiences they have from childhood on. Parents and citizens must do their utmost to reduce these conditions to a minimum.

Parents can emphasize the creativeness in children by encouraging creative type games and hobbies and healthful recreation. They can suppress destructiveness by refusing to allow children to watch violent TV and movies and prohibit toys and games of war and destruction. They must set an example of love, justice, generosity, tolerance, respect for law and morality. Parents need to help teenagers move into a deeper sense of spirituality and morality or their young people will descend back into materialism and sensuality.

Citizens must support facilities for helping those in trouble, the emotionally disturbed, drug addicts, alcoholics, poor people and broken homes.

Citizens must seek to understand black people, seek the explanation of their dissatisfactions, and find answers to the problems which separate them from the mainstream of American life.

There must be truly equal opportunity for education, employment and housing.

Business should be encouraged with tax incentives to help solve the problems of Negroes and the poor.

The community needs an organization to coordinate the programs designed to help poor people.

Citizens need to send representatives to Congress who understand the scope and menace of modern urban problems and who will cooperate with the president in finding solutions. This goes for representatives to state legislatures and city councils. Citizens should work for reform of state government to structure it and streamline its procedures to cope with contemporary problems.

The tax structure needs overhauling to distribute tax liabilities more fairly and to provide additional revenue to local and state government.

Above all white people, in their present revulsion against violence, must avoid a get-tough attitude. Everyone must show greater tolerance. White people must understand that when people in the ghettos begin to see a way out of their despair, they become impatient. Whites, therefore, must work for faster social change. On the other hand, black people must work for change patiently and good-humoredly. If we don't have tolerance and understanding, we will have violence, and everyone will lose.

SITUATION IN PORTUGAL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. THURMOND. Mr. President, all the world is aware that the distinguished scholar, Prof. Marcello Caetano, has been named the new Premier of Portugal to take over the duties of Portugal's long-time leader, Antonio Salazar.

Dr. Salazar has brought his nation peace and stability in an era which has seen almost the entire continent of Europe overrun with war, destruction, political turmoil, and economic chaos. This in itself is an achievement for which he will always be remembered, and it is particularly sad that the tragic circumstances of his injury have suddenly removed him from the public scene.

The Charleston News & Courier, a newspaper with an international reputation for its commentary on foreign affairs, points out that Professor Caetano has become the leader of a nation whose overseas provinces have the potential for economic development and tremendous strategic significance for the West. It is not surprising, then, that leftist and Communist groups are making these provinces the target of revolution. This will create on of the most important problems facing Professor Caetano's government. The News & Courier of last Saturday published a special report from their correspondent in Portugal which gives significant information about the revolutionary groups, information which deserves to be brought to as wide attention as possible.

Mr. President, I ask unanimous consent that the editorial, entitled "New Era in Portugal," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW ERA IN PORTUGAL

Selection of Marcello Caetano, a professor of constitutional law, as new Premier of Portugal, brings to power a man in the same mold as Dom Antonio de Oliveira Salazar, who is near death.

Overnight, Prof. Caetano will become an important world figure. Though Portugal is a poor nation, its overseas provinces in Africa have vast potential for economic development and tremendous strategic significance. Since 1961, the Portuguese have been fighting communist terrorism from Guinea in West Africa to Mozambique on the Indian Ocean. Portugal's brave and lonely stand has helped the West maintain vital bastions on the African continent.

Leo Muray, an occasional correspondent for The News and Courier, has been studying the political change inside Portugal. His report follows:

"The leftist groups have their bases outside Portugal. One is broadcasting from Algiers three times a week and their underground fighters are being trained and dispatched to Portugal. Two years ago there was a mysterious attempt by some young revolutionaries to seize a barracks at Beja with the help of the few soldiers. Last month, the police held up a few cars with arms and there was an exchange of fire. Nobody can tell, however, how many cars got through.

"There are three leftist groups: LUA, the pro-Chinese Communist and the orthodox communists, and one Fascist Party. There are also revolutionary groups among the workers of whom little is known.

"The three leftist opposition groups, LUA (Liberation Action Front) the Maoists and the orthodox communists are being taken seriously by the moderate opposition groups, older men of liberal and conservative republican persuasion. LUA and the Maoists want to use force now and they hope to have the support of the militants among the students of Lisbon and Coimbra Universities.

"The orthodox communists, one is told, want to use political means first. They are thinking in broader terms, of joining hands with the Spanish, and even the French Communists when the time comes.

"Keen observers of the Spanish scene have been maintaining for some time that the end of the Salazar regime will have a shock-like impact in Spain. The Portuguese Communists, they say, are better organized and disciplined than their Spanish comrades, though smaller in numbers and will prove more effective. This will hasten developments and force Gen. Francisco Franco to arrange for the Spanish succession now and not leave it too late. In these circumstances an early proclamation of Infante Don Juan Carlos as King of Spain may be on the cards. And again, there is the remote possibility of Dom Duarte Braganza, the Portuguese Pretender being proclaimed king if the situation gets too confused."

THE 4-H PROMISE

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. NATCHER. Mr. Speaker, the 4-H Clubs of America are nearing the end of another decade. The early years, the years of the near past, and the present one have been filled with distinctive success and service. Our young friends in 4-H, however, have let it be known that they will not stand idle upon their past record. The next 2 years and the next decade, that of the 1970's, will be the most significant, the most demanding, and the most positive ever for the 4-H Clubs of America. We have their word for it and I believe them.

I have always believed a 4-H promise for I know firsthand, through my experience with the chapters in our district in Kentucky, what lies behind their promise. Behind it lies the commitment of some 2,500,000 4-H members, and of their dedicated leaders, to the principles and values upon which our country was established and which govern the daily lives of us all. As we know, these same principles, these same values, are today being challenged—even attacked—not only in other countries of the world, but in our own America. And, as do all Members of this distinguished body, I worry. I am deeply concerned.

It is, therefore, reassuring to me to recall the pledge of 4-H to "make the best better." I know then that the best will be made better for I have always believed a 4-H promise.

We are so very fortunate that 4-H leaders long ago recognized that the future of our Nation depended upon our ability to mold our young into intelligent, mature citizens and wisely placed citizenship education and leadership development at the core of the 4-H program. Young people from the start were offered an opportunity for guidance in the development of their attitudes, skills, and abilities to fulfill their responsibilities in a free and democratic society. Operating through State land-grant colleges and universities, in cooperation with the Department of Agriculture, 4-H Club work has become a dynamic program of education. American youth has responded—2,500,000 strong.

I have always believed a 4-H promise. More simply, I have always believed in the 4-H Club program. It teaches decency, honesty, and faith in a way of life that will not settle for less than a person's best constructive efforts.

I am proud to salute and support the 4-H Clubs of America for these are the young citizens who tomorrow will seek to build upon our heritage and not to destroy it. I believe in their promise for the future. I always have.

WASHINGTON MEMO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. DEVINE. Mr. Speaker, my colleague from the central Ohio area, 15th District, recently issued his Washington memo citing his experiences during the 90th Congress. Congressman WYLIE includes his questionnaire results which reflect the thinking of over 7,500 and should be of interest to all Members:

WASHINGTON MEMO

DEAR FRIENDS IN THE 15TH OHIO DISTRICT: The closing months of the 90th Congress . . . and of my first term as your Representative . . . invite a summary of experiences "on the Hill", a listing of current top problems, and a suggestion of the course ahead.

I came to Washington with two firm resolutions:

1. To maintain a high record of attendance and participation in House and Committee sessions, with careful "home work" on all proposed legislation.

2. To maintain close communication with my constituents, to the end that I might know and fairly represent the majority view in the House and also assist promptly and effectively with their personal problems related to federal agencies.

After 21 months, the record seems to speak for itself:

1. My attendance record is 97 percent for 756 quorum calls and yea-and-nay votes.

2. Our office has received and answered more than 70,000 constituent letters, often more than 100 a day, in which the writers have shared with me their views on legislation and asked my help in personal, business, or community problems involving federal agencies. As many as 7,500 have replied to my several questionnaires inviting opinions on legislation and national needs. A report of the latest questionnaire appears on the next page and another will be mailed next month.

Legislation has involved much thought and preparation. During the first seven months of 1968, a total of 5,720 bills and 1,202 resolutions have been introduced, many on quite complicated subjects. Of these, 299 had been enacted into law during the same period.

These have required careful study of bills, reports of committee hearings, and letters from constituents.

These months in Congress have brought sober, often strenuous, sometimes frustrating, and many satisfying experiences. Despite its faults, ours is a great government and it is an honor to be a part of it!

"WHERE ARE WE GOING?"

This question comes to me often, especially from persons who despair for the future in view of recent developments at home and abroad.

I am optimistic about the future of our great country. A stronger representation from the minority party in the 90th Congress has helped to establish these encouraging trends:

A turn toward fiscal responsibility and federal economy.

The latest evidence of this trend is agreement by the two Houses to reduce foreign aid by $1 billion under the Administration request, to the lowest point since the Korean War. Previously Congress had called for a $6 billion reduction in federal spending, accompanied by a requirement for a cut in the record-high federal payroll. I voted against a provision establishing a commission to fix Congressional salaries, but the majority party had the votes to pass it. If the commission suggests higher salaries for Congressmen, as has been proposed, I will vote against the proposal. We can't ask others to economize and vote to increase our own salaries.

Return of responsibilities to local and state government.

Over recent years, the trend has been for the federal government to do all things for all men by setting up new bureaucracies to administer every possible program. Typical of reversals in this viewpoint are federal grants now going directly to local law enforcement agencies and to state governments seeking to reduce unemployment.

Beginnings of a restoration of balance of power among the three federal branches of government.

This trend is most evident in the refusal of Members of both Houses to rubber-stamp every White House request, especially in calls for ever higher appropriations on all fronts. Another example is the refusal of Congress to approve an Administration proposal for the merger of Labor and Commerce Departments.

WHAT ARE THE MAJOR ISSUES TODAY?

Abundantly clear from constituent correspondence as well as from my own studies, is agreement on these as the major issues for discussion by candidates and later action in Washington:

Crime.
Inflation and high living costs.
Urban crisis.
Vietnam.
Farm Problems.

On the subject of *crime*, it is to be noted that this is both a rural and urban problem. In only eight years, serious crime has increased 89 percent, 16 percent in the last year alone. The crime rate has increased nine times as fast as the population. In my view, control of crime depends most on strong local law enforcement agencies, adequately compensated and trained to act promptly and decisively when trouble first appears. While continuing to oppose anything resembling a federal police force, I favor federal grants to strengthen local enforcement agencies. I also support appropriate legislation which will remove obstacles from local enforcement resulting from recent Supreme Court decisions. Congress already has passed legislation to offset the effect of certain Supreme Court decisions in criminal cases. My interest in and concern for this problem has been increased by my work as a member of the House Republican Task Force on Crime.

Inflation and the many problems related to it have been a prime concern of the important House Committee on Banking and Currency, of which I am a member. I served also on three sub-committees with concerns about inflation—Consumer Affairs, Small Business, and Bank and Insurance Supervision. The purchasing power of the 1939 dollar is now little more than 40 cents. The cost of living increased 4.2 percent in the past 12 months, the greatest annual gain since the Korean War. Uncontrolled federal spending has been the largest contributor to inflation. Civilian employees in the federal government have increased more than a half million in the past four years. I supported legislation which has eased inflationary pressures for Social Security recipients by an increase of 13 percent in monthly payments, with another increase assured in the next Congress. I voted for an adjustment of veterans' and other benefits in line with higher living costs. But all of this seems to be treating the "symptom" rather than the real "disease"—irresponsible federal spending.

In the *urban crisis*, Columbus, like other major cities, has problems on which it needs federal help. I look with favor especially on federal aid which helps cities to help themselves, as I believe Columbus is endeavoring to do. I support such measures as the recent Housing Bill which provides for the enlistment of local private funds and for the encouragement of home ownership, even in areas of low income families. It seems convincingly illustrated that merely pouring in federal funds through new bureaucracies creates more problems than it solves.

As for *Vietnam*, I continue to hope for results from the Paris peace talks. Failing there, I favor whatever action is necessary to achieve an honorable end to hostilities and to return our men to their homes and families. That course of action will need to be determined on the basis of conditions existing at the time it is undertaken.

Less discussed by candidates but most important to many of my rural constituents in Franklin, Madison and Pickaway Counties is the need for a more effective *farm* program. Industrial employment and wages are up, business is strong. Yet net cash income to Ohio farmers dropped 5 percent in a six months' period. The Administration's farm program has not done the job. Expensive subsidies, acreage diversion payments, and cropland retirement programs are not helping operators of small and medium-size farms. Maintenance of a strong farm economy is essential to the stability and progress of our country. Crime, inflation, urban problems, and Vietnam may be the major subjects of campaign discussion, but a new direction in the solution of our agricultural problems must be high on the agenda of the next Administration.

More than 7,500 of my constituents have been most helpful to me by responding to my latest questionnaire. This response from 20 percent of those receiving the query is a compliment to the public concern of residents of the 15th Ohio District, since it is far higher than the average return.

Another questionnaire will be included in the October edition of this *Washington Memo*. Here are the latest returns, coming from Franklin, Madison, and Pickaway Counties:

I. *On income tax increase:*

Opposed to any tax increase, 52 per cent,

For surtax of 10 per cent with no budget reduction, 3 per cent,

For surtax of 10 per cent only if accompanied by $6-to-$10 billion budget reduction, 45 per cent.

II. *On federal expenditures:*

Defense—48 per cent favor present level, 29 per cent increase, 23 per cent decrease.

Health—57 per cent favor present level, 26 per cent increase, 17 per cent decrease.

Public Works—50 per cent favor present level, 25 per cent increase, 25 per cent decrease.

Foreign Aid—4 per cent favor present level, 3 per cent increase, 93 per cent decrease.

Space Program—34 per cent favor present level, 13 per cent increase, 53 per cent less.

Farm Aid—30 per cent favor present level, 23 per cent increase, 47 per cent decrease.

Education—40 per cent favor present level, 45 per cent increase, 15 per cent decrease.

War on Poverty—21 per cent favor present level, 14 per cent increase, 65 per cent decrease.

Anti-Pollution—39 per cent favor present level, 54 per cent increase, 7 per cent decrease.

Highway Beautification—30 per cent favor present level, 8 per cent increase, 62 per cent decrease.

Transportation—51 per cent favor present level, 14 per cent increase, 35 per cent decrease.

Peace Corps—36 per cent favor present level, 8 per cent increase, 56 per cent decrease.

III. *War on Poverty* (constituents were asked especially about effectiveness in their own counties)—Effective, 16 per cent, not effective, 45 per cent, undecided, 39 per cent.

Community Organization Program—Favor, 19 per cent, do not favor, 40 per cent, undecided, 41 per cent.

Headstart—Favor, 47 per cent, do not favor, 16 per cent, undecided, 27 per cent.

Upward Bound—Favor, 17 per cent, do not favor, 36 per cent, undecided, 47 per cent.

Low Income Housing—Favor, 39 per cent, do not favor, 33 per cent, undecided, 28 per cent.

Job-Training—Favor, 64 per cent, do not favor, 10 per cent, undecided, 26 per cent.

Teacher Corps—Favor, 35 per cent, do not favor, 28 per cent, undecided, 37 per cent.

IV. *Law Enforcement in Civil Disorders, Riots*—Enforcement too lenient, 97 per cent, too strict, 1 per cent, just right, 2 per cent.

V. *Law to Curb Power of Supreme Court in Setting Aside State Court Cases Involving Confessions*—Favor, 78 per cent, do not favor, 22 per cent.

VI. *Guaranteed Annual Income*—Favor, 11 per cent, do not favor, 89 per cent.

VII. *Law to Lower Voting Age to 18*—Favor, 40 per cent, do not favor, 60 per cent.

CHALMERS P. WYLIE,
Member of Congress.

LAW AND ORDER AND THE COURTS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. CORMAN. Mr. Speaker, two very timely and important articles were offered to the reading public last week. One appeared in Life magazine on September 27 by the Honorable John V. Lindsay, mayor of New York City; the other appeared in the September 29 issue of the Los Angeles Times by Joseph A. Ball, a well-known southern California attorney who was a senior counsel to the Warren Commission which investigated the assassination of President Kennedy.

The focal points of the articles are of great significance to each and every American: law, order, justice, and freedom—and how they are interwoven into the fabric of our democracy.

Mr. Speaker, I ask unanimous consent that these articles be included in the RECORD at this point. The comments of both these gentlemen are worthy of our careful attention for they go to the heart of a most serious domestic problem. We should be grateful that Mayor Lindsay and Attorney Joseph Ball have spoken out on the issue.

SITUATION IN PORTUGAL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 1, 1968

Mr. THURMOND. Mr. President, all the world is aware that the distinguished scholar, Prof. Marcello Caetano, has been named the new Premier of Portugal to take over the duties of Portugal's longtime leader, Antonio Salazar.

Dr. Salazar has brought his nation peace and stability in an era which has seen almost the entire continent of Europe overrun with war, destruction, political turmoil, and economic chaos. This in itself is an achievement for which he will always be remembered, and it is particularly sad that the tragic circumstances of his injury have suddenly removed him from the public scene.

The Charleston News & Courier, a newspaper with an international reputation for its commentary on foreign affairs, points out that Professor Caetano has become the leader of a nation whose overseas provinces have the potential for economic development and tremendous strategic significance for the West. It is not surprising, then, that leftist and Communist groups are making these provinces the target of revolution. This will create on of the most important problems facing Professor Caetano's government. The News & Courier of last Saturday published a special report from their correspondent in Portugal which gives significant information about the revolutionary groups, information which deserves to be brought to as wide attention as possible.

Mr. President, I ask unanimous consent that the editorial, entitled "New Era in Portugal," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW ERA IN PORTUGAL

Selection of Marcello Caetano, a professor of constitutional law, as new Premier of Portugal, brings to power a man in the same mold as Dom Antonio de Oliveira Salazar, who is near death.

Overnight, Prof. Caetano will become an important world figure. Though Portugal is a poor nation, its overseas provinces in Africa have vast potential for economic development and tremendous strategic significance. Since 1961, the Portuguese have been fighting communist terrorism from Guinea in West Africa to Mozambique on the Indian Ocean. Portugal's brave and lonely stand has helped the West maintain vital bastions on the African continent.

Leo Muray, an occasional correspondent for The News and Courier, has been studying the political change inside Portugal. His report follows:

"The leftist groups have their bases outside Portugal. One is broadcasting from Algiers three times a week and their underground fighters are being trained and dispatched to Portugal. Two years ago there was a mysterious attempt by some young revolutionaries to seize a barracks at Beja with the help of the few soldiers. Last month, the police held up a few cars with arms and there was an exchange of fire. Nobody can tell, however, how many cars got through.

"There are three leftist groups: LUA, the pro-Chinese Communist and the orthodox communists, and one Fascist Party. There are also revolutionary groups among the workers of whom little is known.

"The three leftist opposition groups, LUA (Liberation Action Front) the Maoists and the orthodox communists are being taken seriously by the moderate opposition groups, older men of liberal and conservative republican persuasion. LUA and the Maoists want to use force now and they hope to have the support of the militants among the students of Lisbon and Coimbra Universities.

"The orthodox communists, one is told, want to use political means first. They are thinking in broader terms, of joining hands with the Spanish, and even the French Communists when the time comes.

"Keen observers of the Spanish scene have been maintaining for some time that the end of the Salazar regime will have a shock-like impact in Spain. The Portuguese Communists, they say, are better organized and disciplined than their Spanish comrades, though smaller in numbers and will prove more effective. This will hasten developments and force Gen. Francisco Franco to arrange for the Spanish succession now and not leave it too late. In these circumstances an early proclamation of Infante Don Juan Carlos as King of Spain may be on the cards. And again, there is the remote possibility of Dom Duarte Braganza, the Portuguese Pretender being proclaimed king if the situation gets too confused."

THE 4-H PROMISE

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. NATCHER. Mr. Speaker, the 4-H Clubs of America are nearing the end of another decade. The early years, the years of the near past, and the present one have been filled with distinctive success and service. Our young friends in 4-H, however, have let it be known that they will not stand idle upon their past record. The next 2 years and the next decade, that of the 1970's, will be the most significant, the most demanding, and the most positive ever for the 4-H Clubs of America. We have their word for it and I believe them.

I have always believed a 4-H promise for I know firsthand, through my experience with the chapters in our district in Kentucky, what lies behind their promise. Behind it lies the commitment of some 2,500,000 4-H members, and of their dedicated leaders, to the principles and values upon which our country was established and which govern the daily lives of us all. As we know, these same principles, these same values, are today being challenged—even attacked—not only in other countries of the world, but in our own America. And, as do all Members of this distinguished body, I worry. I am deeply concerned.

It is, therefore, reassuring to me to recall the pledge of 4-H to "make the best better." I know then that the best will be made better for I have always believed a 4-H promise.

We are so very fortunate that 4-H leaders long ago recognized that the future of our Nation depended upon our ability to mold our young into intelligent, mature citizens and wisely placed citizenship education and leadership development at the core of the 4-H program. Young people from the start were offered an opportunity for guidance in the development of their attitudes, skills, and abilities to fulfill their responsibilities in a free and democratic society. Operating through State land-grant colleges and universities, in cooperation with the Department of Agriculture, 4-H Club work has become a dynamic program of education. American youth has responded—2,500,000 strong.

I have always believed a 4-H promise. More simply, I have always believed in the 4-H Club program. It teaches decency, honesty, and faith in a way of life that will not settle for less than a person's best constructive efforts.

I am proud to salute and support the 4-H Clubs of America for these are the young citizens who tomorrow will seek to build upon our heritage and not to destroy it. I believe in their promise for the future. I always have.

WASHINGTON MEMO

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. DEVINE. Mr. Speaker, my colleague from the central Ohio area, 15th District, recently issued his Washington memo citing his experiences during the 90th Congress. Congressman WYLIE includes his questionnaire results which reflect the thinking of over 7,500 and should be of interest to all Members:

WASHINGTON MEMO

DEAR FRIENDS IN THE 15TH OHIO DISTRICT: The closing months of the 90th Congress . . . and of my first term as your Representative . . . invite a summary of experiences "on the Hill", a listing of current top problems, and a suggestion of the course ahead.

I came to Washington with two firm resolutions:

1. To maintain a high record of attendance and participation in House and Committee sessions, with careful "home work" on all proposed legislation.

2. To maintain close communication with my constituents, to the end that I might know and fairly represent the majority view in the House and also assist promptly and effectively with their personal problems related to federal agencies.

After 21 months, the record seems to speak for itself:

1. My attendance record is 97 percent for 756 quorum calls and yea-and-nay votes.

2. Our office has received and answered more than 70,000 constituent letters, often more than 100 a day, in which the writers have shared with me their views on legislation and asked my help in personal, business, or community problems involving federal agencies. As many as 7,500 have replied to my several questionnaires inviting opinions on legislation and national needs. A report of the latest questionnaire appears on the next page and another will be mailed next month.

Legislation has involved much thought and preparation. During the first seven months of 1968, a total of 5,720 bills and 1,202 resolutions have been introduced, many on quite complicated subjects. Of these, 299 had been enacted into law during the same period.

These have required careful study of bills, reports of committee hearings, and letters from constituents.

These months in Congress have brought sober, often strenuous, sometimes frustrating, and many satisfying experiences. Despite its faults, ours is a great government and it is an honor to be a part of it!

"WHERE ARE WE GOING?"

This question comes to me often, especially from persons who despair for the future in view of recent developments at home and abroad.

I am optimistic about the future of our great country. A stronger representation from the minority party in the 90th Congress has helped to establish these encouraging trends:

A turn toward fiscal responsibility and federal economy.

The latest evidence of this trend is agreement by the two Houses to reduce foreign aid by $1 billion under the Administration request, to the lowest point since the Korean War. Previously Congress had called for a $6 billion reduction in federal spending, accompanied by a requirement for a cut in the record-high federal payroll. I voted against a provision establishing a commission to fix Congressional salaries, but the majority party had the votes to pass it. If the commission suggests higher salaries for Congressmen, as has been proposed, I will vote against the proposal. We can't ask others to economize and vote to increase our own salaries.

Return of responsibilities to local and state government.

Over recent years, the trend has been for the federal government to do all things for all men by setting up new bureaucracies to administer every possible program. Typical of reversals in this viewpoint are federal grants now going directly to local law enforcement agencies and to state governments seeking to reduce unemployment.

Beginnings of a restoration of balance of power among the three federal branches of government.

This trend is most evident in the refusal of Members of both Houses to rubber-stamp every White House request, especially in calls for ever higher appropriations on all fronts. Another example is the refusal of Congress to approve an Administration proposal for the merger of Labor and Commerce Departments.

WHAT ARE THE MAJOR ISSUES TODAY?

Abundantly clear from constituent correspondence as well as from my own studies, is agreement on these as the major issues for discussion by candidates and later action in Washington:

Crime.
Inflation and high living costs.
Urban crisis.
Vietnam.
Farm Problems.

On the subject of *crime,* it is to be noted that this is both a rural and urban problem. In only eight years, serious crime has increased 89 percent, 16 percent in the last year alone. The crime rate has increased nine times as fast as the population. In my view, control of crime depends most on strong local law enforcement agencies, adequately compensated and trained to act promptly and decisively when trouble first appears. While continuing to oppose anything resembling a federal police force, I favor federal grants to strengthen local enforcement agencies. I also support appropriate legislation which will remove obstacles from local enforcement resulting from recent Supreme Court decisions. Congress already has passed legislation to offset the effect of certain Supreme Court decisions in criminal cases. My interest in and concern for this problem has been increased by my work as a member of the House Republican Task Force on Crime.

Inflation and the many problems related to it have been a prime concern of the important House Committee on Banking and Currency, of which I am a member. I served also on three sub-committees with concerns about inflation—Consumer Affairs, Small Business, and Bank and Insurance Supervision. The purchasing power of the 1939 dollar is now little more than 40 cents. The cost of living increased 4.2 percent in the past 12 months, the greatest annual gain since the Korean War. Uncontrolled federal spending has been the largest contributor to inflation. Civilian employees in the federal government have increased more than a half million in the past four years. I supported legislation which has eased inflationary pressures for Social Security recipients by an increase of 13 percent in monthly payments, with another increase assured in the next Congress. I voted for an adjustment of veterans' and other benefits in line with higher living costs. But all of this seems to be treating the "symptom" rather than the real "disease"—irresponsible federal spending.

In the *urban crisis,* Columbus, like other major cities, has problems on which it needs federal help. I look with favor especially on federal aid which helps cities to help themselves, as I believe Columbus is endeavoring to do. I support such measures as the recent Housing Bill which provides for the enlistment of local private funds and for the encouragement of home ownership, even in areas of low income families. It seems convincingly illustrated that merely pouring in federal funds through new bureaucracies creates more problems than it solves.

As for *Vietnam,* I continue to hope for results from the Paris peace talks. Failing there, I favor whatever action is necessary to achieve an honorable end to hostilities and to return our men to their homes and families. That course of action will need to be determined on the basis of conditions existing at the time it is undertaken.

Less discussed by candidates but most important to many of my rural constituents in Franklin, Madison and Pickaway Counties is the need for a more effective *farm* program. Industrial employment and wages are up, business is strong. Yet net cash income to Ohio farmers dropped 5 percent in a six months' period. The Administration's farm program has not done the job. Expensive subsidies, acreage diversion payments, and cropland retirement programs are not helping operators of small and medium-size farms. Maintenance of a strong farm economy is essential to the stability and progress of our country. Crime, inflation, urban problems, and Vietnam may be the major subjects of campaign discussion, but a new direction in the solution of our agricultural problems must be high on the agenda of the next Administration.

More than 7,500 of my constituents have been most helpful to me by responding to my latest questionnaire. This response from 20 percent of those receiving the query is a compliment to the public concern of residents of the 15th Ohio District, since it is far higher than the average return.

Another questionnaire will be included in the October edition of this *Washington Memo.* Here are the latest returns, coming from Franklin, Madison, and Pickaway Counties:

I. *On income tax increase:*

Opposed to any tax increase, 52 per cent,

For surtax of 10 per cent with no budget reduction, 3 per cent,

For surtax of 10 per cent only if accompanied by $6-to-$10 billion budget reduction, 45 per cent.

II. *On federal expenditures:*

Defense—48 per cent favor present level, 29 per cent increase, 23 per cent decrease.

Health—57 per cent favor present level, 26 per cent increase, 17 per cent decrease.

Public Works—50 per cent favor present level, 25 per cent increase, 25 per cent decrease.

Foreign Aid—4 per cent favor present level, 3 per cent increase, 93 per cent decrease.

Space Program—34 per cent favor present level, 13 per cent increase, 53 per cent less.

Farm Aid—30 per cent favor present level, 23 per cent increase, 47 per cent decrease.

Education—40 per cent favor present level, 45 per cent increase, 15 per cent decrease.

War on Poverty—21 per cent favor present level, 14 per cent increase, 65 per cent decrease.

Anti-Pollution—39 per cent favor present level, 54 per cent increase, 7 per cent decrease.

Highway Beautification—30 per cent favor present level, 8 per cent increase, 62 per cent decrease.

Transportation—51 per cent favor present level, 14 per cent increase, 35 per cent decrease.

Peace Corps—36 per cent favor present level, 8 per cent increase, 56 per cent decrease.

III. *War on Poverty* (constituents were asked especially about effectiveness in their own counties)—Effective, 16 per cent, not effective, 45 per cent, undecided, 39 per cent.

Community Organization Program—Favor, 19 per cent, do not favor, 40 per cent, undecided, 41 per cent.

Headstart—Favor, 47 per cent, do not favor, 16 per cent, undecided, 27 per cent.

Upward Bound—Favor, 17 per cent, do not favor, 36 per cent, undecided, 47 per cent.

Low Income Housing—Favor, 39 per cent, do not favor, 33 per cent, undecided, 28 per cent.

Job-Training—Favor, 64 per cent, do not favor, 10 per cent, undecided, 26 per cent.

Teacher Corps—Favor, 35 per cent, do not favor, 28 per cent, undecided, 37 per cent.

IV. *Law Enforcement in Civil Disorders, Riots*—Enforcement too lenient, 97 per cent, too strict, 1 per cent, just right, 2 per cent.

V. *Law to Curb Power of Supreme Court in Setting Aside State Court Cases Involving Confessions*—Favor, 78 per cent, do not favor, 22 per cent.

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CHALMERS P. WYLIE,
Member of Congress.

LAW AND ORDER AND THE COURTS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

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Mr. CORMAN. Mr. Speaker, two very timely and important articles were offered to the reading public last week. One appeared in Life magazine on September 27 by the Honorable John V. Lindsay, mayor of New York City; the other appeared in the September 29 issue of the Los Angeles Times by Joseph A. Ball, a well-known southern California attorney who was a senior counsel to the Warren Commission which investigated the assassination of President Kennedy.

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The articles follow:

[From Life magazine, Sept. 27, 1968]

THE MAYOR OF NEW YORK ATTACKS THE DANGERS OF THE CAMPAIGN ISSUE CALLED "LAW AND ORDER"

(By John V. Lindsay)

Once again we find ourselves in the heat of a national political campaign for office and for power. But this is also a time of uncommon turmoil for Americans; a time when bitter confrontation and violent upheaval have hit our ghettos and our campuses; a time when two great voices for social justice and compassion have been shot down by acts of madness; a time when many of our citizens have lost faith that we can resolve our troubles peacefully. And it is at such a time—as citizens begin to doubt themselves and each other—that we may, out of fear and desperation, turn to false remedies for the answers to real problems.

That is what is beginning to occur today. Across the country, we hear demands for "law and order"—indeed "law and order" has become the principal domestic issue this year. Let us understand—fully and honestly—the implications of what is happening.

Only a very small minority of our citizens favor disorder and lawlessness as a means or an end; still, we have had far too much of both in this country during the last four years. Good Americans—hard-working, responsible—are genuinely and rightfully disturbed at the growth in crime, the militancy of some protesters, the rapidity with which change is overwhelming values they have held all their lives. And there can be no response to their concern which does not admit at the outset the urgent need to prevent disorder. For when a community is gripped by fear, it loses its freedom to live in peace and confidence; to use the streets of the neighborhood; to greet fellow citizens as men who share common goals.

The guarantee of domestic peace is an inherent constitutional right, and a principal obligation of the state. In New York we know enough of this priority to have added 4,000 men to our police force in the last year; to have made our force among the highest-paid in America; and to have given top-level precedence to its modernization.

But that is not the issue. What is dividing Americans so badly from one another is the diagnosis and remedy too many of us seem ready to apply.

We have come to be enthralled by simplistic solutions which promise, but cannot deliver, a speedy end to crime; which proclaim that a greater use of naked force will restore domestic peace; and which hold that we can guarantee the safety of our future by denying the lessons of our past and the heritage of the Bill of Rights.

We would face a terrifying dilemma if these assumptions really reflected the truth. We might then have to choose between the random terror of the criminal and the official terror of the state. We might then have to concede, openly and candidly, that The Great Experiment in self-government died, the victim of violence, before its 200th birthday.

But we need make no such concession. For all the certainty of those who preach repression, it will never be an effective weapon in the battle against crime or violence. At best, it can only be a temporary sedative for the fear disorder breeds. The real struggle will be long and hard. It will require compassion and patience as well as determination and perseverance. It requires, also, the public's recognition that Supreme Court decisions, refusal to shoot looters and freedom of peaceful assembly are not responsible for the growth of crime and violence.

Does it help, for example, to gun down a 15-year-old boy because he was looting a store? The men who run our police forces—the men who bear the brunt of the fight against crime—do not think so. According to a survey by the International Association of Chiefs of Police, the overwhelming majority of ranking officers in cities hit by rioting last spring believe that deadly force should be used only as a last resort—in the face of a direct, immediate threat to life.

This reflects more than compassion. It also reflects a strong belief that more force would spawn only more violence; that more innocent lives, both police and civilian, would be lost; and that the overriding goal, restoring order in the streets, would be lost.

This was one of the major lessons of the bloody summer of 1967. It was one of the major findings of the Commission on Civil Disorders. And it is a lesson which should be learned by those who seek electoral triumph by preaching to the darker instincts now abroad in this nation. Rapid deployment of police; swift dispersal of crowds; isolation and detention of inciters; calm determination to restore order: these are the techniques police around the country have used successfully to control outbreaks of trouble. This is the kind of training we must encourage if the beginning of trouble is not to reach a violent, bloody conclusion.

We are told, too, that the courts are coddling criminals; that the rights of suspects are being placed above those of society; and that, as a consequence, the crime rate is increasing.

What are the facts? Since the *Miranda* decision—which required police to inform suspects of their constitutional rights before questioning them—we have had two exhaustive studies on this decision's effect. Both of these studies, taken in two large cities, have come to the same conclusion: there has been no discernible effect on the conviction rate. Either suspects have confessed to crimes anyway, or else the police had enough evidence to convict without a confession.

The policeman's real handicap is not the fact that courts today are implementing the Bill of Rights but that he is restricted by archaic technology. The capacity to deal effectively with more crimes lies not in force or deception but in new tools: voice prints, computerized information centers, single-digit fingerprints. Our officials also need the funds to hire and equip the men they need to prevent and detect crime.

And while it is true that the national crime rate has increased since recent controversial court decisions, it was also increasing before these cases—up 63% in the '50s over the '40s. It was increasing a hundred years ago, when a national magazine called the crime rate "shocking." It has been increasing because of the complex pressures and forces which drive men to crime, *not* because the Supreme Court has enforced our Constitution.

There is much, then, that is simply irrelevant in today's frantic calls for repression. There is also something dangerous. For, what happens if we begin to yield to this kind of demand for "law and order"? What happens if recent Supreme Court decisions are overturned, if police are ordered to arrest without any restraints on their conduct, or if peace officers are instructed to shoot looters? What happens if, after this victory for "law and order," we find—as we will—that the crime rate is still going up, that the streets are still not safe, that more and more lives have been lost, and that America is being divided into armed camps?

The answer, I am afraid, is that these defeated hopes will escalate into new and more dangerous demands. We see now the consequences of unfulfilled promises of another kind: look to the angry streets of the ghetto, where some have simply abandoned hope of peaceful progress and preach violent insurrection. We might well see this process repeated among white Americans, who would call for further abrogations of fundamental legal rights.

Perhaps some would then look at criminal law and demand to know why we need a unanimous jury vote to convict a person of a crime? Why not declare a suspect guilty if he won't talk? Why not cast aside the privilege between clients and lawyers, between confessors and priest? And why presume a man innocent until proven otherwise? If the police arrest someone, isn't he probably guilty anyway?

What all this suggests is an old truth: that once the road to repression is taken, it is hard—very hard—to turn back. Each new loss of liberty, as it fails to bring instant peace, brings down a call for abolition of another right, until the most brilliant document for the protection of citizens ever conceived becomes a shell—while crime and violence go on.

We have already seen this process at work this summer. Many citizens have equated individual criminal acts and outbreaks of ghetto disorders with noisy but peaceful demonstrations in the streets. They have begun to assume that the exercise of a constitutional right is no different from a crime or a riot—if those exercising that right happen to dress in unorthodox fashion or hold disagreeable beliefs.

Certainly it is a matter of concern when Americans find the ordinary channels of discussion and decision so unresponsive that they feel forced to take their grievances to the streets. And surely some who demonstrate are thoroughly objectionable, seeking confrontation and hoping for a brutal response to win sympathy.

But this is exactly why those who uphold the law must be wiser and calmer than those who seek to repudiate it. It is exactly why violent suppression of those who use—and seek to abuse—constitutional rights will, in the end, only increase the likelihood of more disorder and more conflict. It was, after all, a mob which taunted, jeered and physically provoked an armed force on our soil into what we now call the Boston Massacre—the British "over-reaction" we now regard as an assault on ideas and freedom as much as on people.

I do not minimize the dilemma that confronts us. I am mayor of a city which has had up to a quarter of a million people marching for and against the same controversial cause on the same day. We have made mistakes. We have had difficulties. But we have shown that a well-trained, efficient police force can protect both the rights of the demonstrators and the peace of the city.

In spite of this evidence, some argue that the only way to insure peace and order in a city is to restrict demonstrations. What is next? Shall we keep order by refusing men the right to hold peaceful meetings in large cities? Shall we uphold the law by suppressing controversial newspapers? Shall we forget what history has aways taught us: that those who suppress freedom always do so in the name of "law and order"?

We dare not forget this. Those of us who believe in this country had better join the raging debate and begin to speak in support of that law and that kind of order which has kept America vital for almost two centuries.

The basic law of this land guarantees the right of free speech and peaceable assembly, in time of crisis and of tranquillity.

American law and our legal order presumes a man innocent until proven guilty; it insists that punishment be imposed in a court by judge and jury, not on the street by armed officers.

The Constitution provides that the law shall be made and changed only by the elected representatives of the people assembled in the legislatures, and not by those who take the law into their own hands.

Let us remember this heritage of law and order—and the heritage of liberty that we have built for ourselves and our children. It is a framework and a foundation which has served us too well and too long to be destroyed now.

Let us remember, too, what our adversaries have taught us. We have heard loud cries this year that we should insure our safety by placing bayoneted soldiers every five feet, and by running over nonviolent demonstrators who sit down in the streets.

You can now see the kind of society that would be. Look to the streets of Prague, and you will find your bayoneted soldier every five feet. You will see the blood of young men—with long hair and strange clothes—who were killed by tanks which crushed their nonviolent protest against Communist tyranny. If we abandon our tradition of justice and civil order, they will be *our* tanks and *our* children.

We must never forget how this great nation came all this way—how hard we have fought to achieve equal justice under the law, how long we have had to struggle to develop an order which protects individual rights and permits dissent. And we must never forget that we must go on from here, that there is much work to be done.

For if we forget, we will have security, and we will have order. What will be missing is liberty. What will be missing is the quality which sets the life of the free man so far above the life of the slave.

[From the Los Angeles (Calif.) Times, Sept. 29, 1968]

THANKS TO COURTS, WE'RE A FREE PEOPLE

(By Joseph A. Ball)

Justice Musmanno, a member of the Supreme Court of Pennsylvania, declares with all the authority that his high office permits that "The Supreme Court has released confessed murderers, rapists and subversives on technicalities" (Opinion, Sept. 15). Of course this is nonsense. The reversal of a criminal conviction is not a release of the accused. Under our system, the defendant can be tried again. And any judge or lawyer who belittles the constitutional process as a mere technicality degrades his profession.

But if Justice Musmanno disagrees with the court on a particular decision and wishes to present his reasons for disagreement, he should accurately report the facts and the reasoning of the court. He misstates both fact and law in the cases which he described.

The first case discussed by Musmanno can be recognized as *Bumper v. North Carolina* (decided June 3, 1968). Musmanno declares: "The police identified the assailant, *obtained a search warrant* and went to the house in which he lived with his grandmother. They exhibited the search warrant but the grandmother said the warrant was unnecessary. . . ." If these were the facts, there would have been no reversal. The truth is that the police entered the house of the grandmother by falsely declaring they had a search warrant. No search warrant was ever exhibited to the grandmother. When called upon to justify the search in court, the prosecutor stated he would not rely upon a search warrant.

TRADITIONAL RULE

Musmanno compounds his misrepresentation of essential facts by declaring: "The Supreme Court reversed the verdict because the police had not *read* the search warrant to the grandmother." There is no such statement in the opinion. Reversal followed the traditional rule that a man's home is his castle and it takes a search warrant to enter it. Justice John M. Harlan, a noted conservative on the Supreme Court, concurred in the reversal and said: "If the police officers had a search warrant, there was no need for consent to enter."

Another distortion of fact and law is Musmanno's discussion of a "stop and frisk" case decided by the court on June 10, 1968 (*Sibron v. New York*). Anyone who has read this case, and the companion case of *Terry v. Ohio*, knows that on that date the U.S. Supreme Court declared that a policeman has a right to stop, frisk and search for weapons if he, the policeman, has reason to believe the suspect was armed. *Sibron v. New York*, decided on the same day as *Terry v. Ohio*, illustrates the limits of the "stop and frisk" doctrine.

Musmanno misrepresents the reasoning of the court in *Sibron* when he says: "The court wholly ignored that from all appearances the policeman believed his life was in danger . . . Any person asked on the street would say that the policeman, in such a situation, was compelled, under the law of self-preservation, if nothing else, to determine if the criminal he was arresting was armed, but not the Supreme Court." By this statement, Musmanno would delude the reader into a belief that the Supreme Court had repudiated the "stop and frisk" doctrine.

The question of fact stated in the above quote was the point of decision in the case. The court concluded that if the policeman had believed that his life was in danger he had a perfect right to stop and search under the rule of *Terry v. Ohio*, but if the policeman had no such belief, he could not stop and frisk. The two cases, decided on the same day, approved "stop and frisk" as the proper procedure for police.

Criminal procedure in the days of Tudor England relied heavily upon the confession extracted by rack and screw. In a way this is similar to the modern Russian technique except the Russians have substituted psychological coercion for physical punishment. The success of the Russian trial depends on the confession. The trend of English common law has been away from confession.

In England and the United States, a confession alone will not convict a man of crime. If a confession is forced from an obviously guilty murderer, English and American courts will not accept it as evidence. If the police were to hang a man by his thumbs until he confessed, any court following the English tradition would reverse the conviction obtained through the use of the coerced confession even though the guilt of the man was conclusive. Such a reversal would be unfortunate but it would be a warning to all lower courts that degrading procedures would not be tolerated.

For more than 50 years a prisoner in custody of an English policeman has been given a warning before he was questioned. The FBI has followed the warning procedure for many years. In 1966 the U.S. Supreme Court approved this trend and decided in *Miranda v. Arizona* that the courts will not accept a confession taken from a person *in custody* unless he is first warned of his constitutional rights.

Musmanno now complains of this decision. He says: "Take the Miranda decision which reads not like a judicial adjudication of a controverted legal issue, but seems more the edict of a commissar imposing rules and procedures in a department wholly separate from the judicial department of government. The Supreme Court has no authority to direct how the executive department of the government shall operate."

"Miranda" made no attempt to direct the executive department of government. The Supreme Court only stated that the judicial department of government would not accept as evidence a confession taken while a prisoner was in custody unless he was advised of his constitutional rights. But Musmanno takes another tack. In order to make the decision look absurd he misstates its scope. He says: "Under the Miranda decision, if a man dashes into a police station and cries out: 'I shot my wife,' the police sergeant is required to raise his arm and declare: 'Stop! Don't say a word. Come in and take it easy. Do you have a lawyer?' . . . In the meanwhile, the wife may be dying, and the accomplices, if there are any, will be escaping."

DISTORTION OF RULE

This is a complete distortion of the Miranda rule. That rule applies only to interrogation of a prisoner while *in custody* of law enforcement officers. In the text of the opinion appears an answer to Musmanno: "There is no requirement that police stop a person who enters a police station and states that he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make."

Musmanno also criticizes a decision of the Supreme Court which he says endorsed "academic anarchy." The best answer to the charge is found in the words of Chief Justice Charles Evans Hughes:

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more impertative the need to preserve inviolate the constitutional rights of free speech, free press and free assembly, in order to maintain the opportunity for free political discussions to the end that government may be responsive to the will of the people and the changes, if desired, may be obtained by peaceful means. Therein lies the security of the republic, the very foundation of constitutional government."

Those people who measure the merits of a Supreme Court decision on the results need a lesson in Anglo-American judicial tradition. The primary function of an appellate court is to declare rules of procedure which must be followed by the lower courts. In England, the United States, and those countries which follow the English common law, and only in those jurisdictions, is the conviction of an obviously guilty man reversed if the lower court has permitted procedures which are fundamentally unfair, i.e., which the common conscience abhors. The more obvious the guilt of the convicted man the more persuasive is the reversal as a warning that an abuse of due process will not be tolerated in the courts of England or the United States.

Critics complain that these principles of due process were never declared by the legislatures or the Congress. But the legislative body is not the only source of law in the Anglo-American system. Since the 13th Century the courts of England, and later those of the United States, have declared principles of fundamental justice known as common law. These principles are firmly established in the tradition of the courts of both nations.

A result oriented citizen who cries out against reversals for "technicalities" is actually suggesting that the court ignore civilized criminal procedures. Due process of law is not a set of technicalities. We as a nation are proud of our constitutional freedom. Few other nations have them. We have them because the courts protect them.

LESSONS OF TYRANTS

The lessons of Stalin, Hitler and Mussolini are too fresh in our minds to be forgotten. The German judiciary became subject to the dictates of the executive. Rules of procedure which guaranteed fair trial were scrapped so that anyone under the displeasure of government could be convicted of crime. Fair trial in the Russian courts today means an opportunity to openly confess. That cannot happen here if we view constitutional due process as essential to justice. It can happen here if we listen to the Musmannos who scream that constitutional procedures are mere technicalities.

Our court has brought us a long way from the days of Joe McCarthy. Decisions of the U.S. Supreme Court in the last 15 years have been an answer to the prayer of Zachariah Chaffee written in those days: "If we can't be the land of the free, let's at least be the home of the brave." We were then perilously close to the abandonment of due process. Thanks to the Supreme Court we are now a free people with only a threat now and then from the "law and order" boys.

FREEDOM OF AMERICAN CITIZENS TO OWN SPORTING GUNS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. JOHNSON of California. Mr. Speaker, I am in full accord with the deep concern about lawlessness throughout our land. This concern has been expressed by my colleagues in the Congress and by my constituents in my district in California.

The gun control remedies that have been promoted by some are not shared by the responsible law-abiding citizens either of the Nation or of my Second Congressional District.

In the gold rush days in my district there were guns and there were men who used them for the most violent of crimes. Conversely, there were guns in the hands of the courageous citizens and lawmen who countered the lawbreaker with force he understood and eventually respected.

Today in America there are some 40 million Americans who own a firearm or firearms of various descriptions.

Some of the best hunting in America can be found in my district. Consequently, Californians from every part of the State come to hunt and fish. Sportsmen from all over America visit my district for the superb hunting it affords. In addition to hunting, many of my constituents are collectors or own guns for protection or target, skeet, and trap shooting.

We have reasonable controls over the use and ownership of firearms in my State. To this I agree. Also, I am in accord with our law-enforcement agencies having the tools to control the misuse of firearms by criminals, dope addicts, and the mentally unstable. This, the Omnibus Crime Control and Safe Streets Act of 1968 does do through a variety of Federal assistance programs. I am, however, unalterably opposed to the zealous efforts of those who would deprive millions of law-abiding citizens of their right to own and use firearms legitimately.

Both the National Firearms Act and Federal Firearms Act have never been conscientiously enforced. Both the Treasury Department and the Department of Justice have earned well deserved criticism in this field of enforcement.

The new law prohibiting the interstate sale and shipment of handguns will be accepted by law-abiding citizens and sportsmen will comply because it is our nature to obey our laws. This law, which prohibits the receipt, possession, or transportation of firearms by felons, dishonorably discharged servicemen, mental incompetents, and aliens who are in this country illegally, among other things, is in fact part of the Omnibus Crime Control and Safe Streets Act of 1968 which devotes most of its attention to the strengthening, coordinating, and intensifying of law-enforcement efforts at all levels of government to prevent crime.

This same law also clarifies the admissability of confessions as evidence.

As it relates to firearms, the Omnibus Crime Control and Safe Streets Act of 1968 states that its purpose is to keep firearms from persons not legally entitled to possess them because of age, criminal background, or incompetency, and to assist State law-enforcement officers in combating increasing crime in the United States. More specifically, to cope with the problems of first, widespread traffic in firearms in interstate and foreign commerce recognized by Congress to be presently beyond the power of the States to control; second, the ease with which juveniles, narcotic addicts, mentally ill persons, criminals, armed groups, and others can acquire handguns and firearms other than rifles and shotguns; third, interstate mail-order acquisition of firearms, other than rifles and shotguns, that thwarts State licensing procedures, laws and regulations; fourth, sale of concealable weapons by importers, manufacturers, and dealers holding Federal licenses to nonresidents of the States in which importers, and so forth, are licensed, which makes laws of States and local jurisdictions ineffective; fifth, large-scale "dumping" in the United States of surplus military weapons of other nations; sixth, absence of adequate Federal control over interstate and foreign commerce in such highly destructive weapons as bazookas, mortars, antitank guns, and grenades, that permit such devices to be acquired by lawless individuals and armed groups; and, seventh, lack of adequate license fees or proper standards under the Federal Firearms Act leading to improper granting of licenses.

Title IV of the act is designed to create some Federal controls in the aforementioned areas without placing "any undue or unnecessary Federal restrictions on law-abiding citizens with respect to the acquisition, possession or use of firearms appropriate to hunting, trapshooting, targetshooting, personal protection, or any other lawful activity." The stated purposes of the title "are not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes."

It is not reasonable to believe that the criminal will abide by any law the Congress or the State enacts either restricting the movement of weapons used in crime or in voting the licensing of gun-owners or the registration of the weapons. The criminal will understand prompt and effective action by our courts when a crime is committed in which a gun or for that matter any lethal weapon, is used to harm his fellow man.

We are not a nation of barbarians because some 20 percent of our law-abiding citizens own firearms. Neither do we want to enact legislation that would reduce our responsible citizens to the level of the inhabitants of other countries—where not only the right to own firearms has been irretrievably lost, but other important rights went down the drain concurrently. America will not survive by comparison, only by courage, resourcefulness, and good sense. And it is not good sense to plan undue restrictions on our sportsmen, and the homeowner, who for some reason or another has a gun in his possession. The editorial page of the July 22 edition of the Washington Star sums up my argument in the cartoon, by Mauldin, on that page. It shows a criminal robbing a home. The homeowner appears at his dining room door in a nightshirt and with a gun. The robber looks at the homeowner and says, "Buddy, if that gun ain't registered, you are in worse trouble than I am."

As the avid proponents of gun legislation so aptly put it—let us look at the facts. And the facts I speak of are the result of studies made by Alan S. Krug, whose work, "The Misuse of Firearms in Crime," is recognized as being well-documented and informative. Many excerpts from his study have been introduced into the CONGRESSIONAL RECORD by Senator BOURKE B. HICKENLOOPER, April 2, 1968; Congressman ROBERT R. CASEY, January 30, 1968; and by Congressman JOHN D. DINGELL, July 25, 1967. In essence, the results of Mr. Krug's works are:

First. In 1966, there were 3,243,370 serious crimes committed in the United States. Firearms of all types, including zipguns, gangster weapons, and fake guns, were involved in 3.4 percent of these serious crimes. Rifles and shotguns were involved in less than one-half of 1 percent.

Second. Statistics show that there is no significant difference in crime rates between States that have firearms licensing laws and those that do not.

Third. In general, as the proportion of the population possessing firearms goes down, crime rates go up. Statistics show that fewer people with guns does not mean less crime.

Mr. Speaker, professional criminals, many of them hardened repeaters, are committing the bulk of the crimes with firearms in our Nation. Newcomers to crimes of violence with guns have been conditioned not to expect serious consequences or stiff penalties in our courts. Loose parole boards show no concern that the criminal is turned loose on our society with a minimum of punishment.

I speak for the law-abiding citizens of my Second Congressional District in opposing any proposal to register guns or license their owners, for such moves would, I am convinced, be the first step toward disarmament of all responsible citizens of America.

Mr. Speaker, I voted against the State Firearms Control Assistance Act of 1968 and, furthermore, I intend to vote against any gun-control legislation which may be brought to the floor of the House of Representatives as a result of the conference between the House and the Senate on this act.

DEDICATION OF DANIEL BOONE COMMEMORATIVE STAMP

HON. JOHN C. WATTS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. WATTS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by Postmaster General W. Marvin Watson at the dedication of the Daniel Boone com-

memorative stamp at Frankfort, Ky., September 25, 1968:

I am delighted to share this important ceremony today.

There are many reasons why dedications of new postage stamps are significant.

They are significant because they enable our nation to join together and say "thank you" to those great figures of our past who have built this country, who have created a civilization from the wilderness, and who have through their deeds and their ideas, molded our American character.

Social scientists are becoming increasingly aware of the importance of folklore—mythology if you please—to the spirit of a nation.

A folklore rich with stories of seemingly average men becoming heroes through meeting great challenge, or impossible dreams fulfilled, of bravery in the face of discouragement and scorn—this kind of folklore is as important, and perhaps more important, to a nation as fertile fields, efficient factories, rich resources.

And without doubt our nation *is* blessed with this kind of folklore.

Central among the heroes of our land always fascinating to young and old alike, is the frontiersman and the pioneer.

Man against the wilderness.

Man against hostile Indians.

Man battling loneliness, and privation.

Man on his own . . . pitting the power of his mind, the strength of his body, the force of his will, against all that could be flung against him by nature and by other men.

The idea still thrills, still inspires, still makes us a bit wistful too.

For the folklore of the frontiersman is so much a part of our character that we cannot but be a bit envious of men such as Daniel Boone—who had the opportunity, now gone forever, of breaking through into virgin lands, of at least claiming a farm and building a homestead, and at most founding a new State and finding great wealth.

We can envy him . . . and we certainly must praise him . . . for his contribution far overshadows the blazing of trails, the founding of settlements. His contribution, and that of other men of the "long hunt" and the uncharted trail, was the creation of a form of government.

For, my friends, our democracy was not the product of some theory.

It was not the result of men poring through dusty books in search of a form of government.

Not at all. Our democracy came out of the American forest.

Our democracy gained strength each time it touched the frontier.

Our democracy was built by the men who forced that frontier ever Westward.

To the frontier, to the Daniel Boones of our history, this nation owes its characteristics of self-reliance, of courage, alertness, obstinate endurance, friendliness, democratic informality.

And there were other traits as well being produced in the chemical laboratory that was the frontier-forest.

For Daniel Boone was capitalist as well as explorer.

Many have overlooked the fact that he sought to produce wealth as well as food from the business end of his Pennsylvania rifle.

A season's hunting might produce sufficient deer hides and other pelts . . . to return the hunter fifteen hundred or more dollars . . . an immense sum of money for those days, and sufficient to procure a good portion of the best land.

So the idea of individual initiative . . . or private enterprise if you will . . . was also strong in those pioneers. They were the risk takers, they were men on their own, seeking their own fortunes, content with finding and fighting for their own destiny.

These, then, are some of the contributions made by frontiersmen such as Daniel Boone.

They sought wealth, they sought adventure, they sought a new land where they might live in freedom and build lives unrestricted by prejudice. These they sought. And these they found.

But they found far more too—the key to the character of the greatest nation on earth. And through our example, the success story of America, we have in turn radiated our ideas and our methods to peoples throughout the globe. Even our enemies try to imitate us.

The slogan of one Communist nation sums it up pretty well.

Children are asked, "What is the United States like?"

They answer, "A capitalist country where millions are unemployed and starving."

Then the next question—"And what is the goal of our country?"

"To catch up with and overtake the United States."

Our country has served the world as a beacon and an inspiration.

And it has done so because men like Daniel Boone helped form us into the most dynamic, creative, people this tired old world has ever seen.

So that is why I am proud and pleased to dedicate this stamp.

It will serve to remind many millions of our fellow citizens of the source of their greatness, of the underground spring that has fed the American spirit for more than two centuries.

Unfortunately, the story of Daniel Boone reminds us of another element in our history.

In our press toward the future, in our drive toward greater achievement, we too often forget those who have built our nation, we too often fail to accord a full measure of honor and reward to those who deserve honor and reward.

In his lifetime Daniel Boone did much to open up this land. He explored the country alone, established the boundaries, persuaded hostile Indians to make a treaty, opened the Wilderness road, tended the wounded, stood firm when things looked darkest.

But when Kentucky was finally safe for settlement . . . many were handsomely rewarded with land. But Daniel Boone was not among them.

We are a great people . . . but too often a forgetful people.

And I think that quality of forgetfulness lingers with us yet.

For example, far too many Americans have succeeded in forgetting the enormous and unique contributions to this country made by our President.

As did Boone, Lyndon Baines Johnson has struck out across uncharted lands, and tamed once forbidden territory.

In the field of education, he is responsible for more laws and programs to provide Federal aid . . . than all other Presidents put together.

And yet, though there are thousands of elementary and secondary students here in Frankfort . . . and Louisville . . . and Lexington . . . and Owensboro . . . and Bowling Green . . . and in every town and hamlet . . . who are gaining greatly from the President's accomplishment, few of their parents know . . . few remember.

In the area of medical care, to mention but one of the many areas in which the President has blazed trails, tens of thousands of older Kentucky citizens have been able to get the treatment they need . . . in dignity . . . and without erasing, in one short trip to the hospital, savings built up over a lifetime.

But how many know . . . how many remember . . . who fought for the Medicare program? Who fought for it and succeeded in making it the law of the land?

Now all Americans celebrate the achievements of Daniel Boone.

Now too many Americans forget the achievements of Lyndon Baines Johnson. Too many forget . . . and too many spend their time trying to tear down . . . attacking him whenever they can.

But history has vindicated Daniel Boone. History has given him its verdict.

And, my friends, when the score of this Johnson-Humphrey Administration is compiled, when the deeds are separated from the words, when the doers are divided from the carpers, the critics, the demonstrators, the demagogues . . . then we will see the verdict of history on the achievement of Lyndon Baines Johnson.

I think that verdict will not be too long delayed . . . and I believe that many of us will be ashamed, yes ashamed, when we realize the true magnitude of his accomplishment, when we measure how much he has done to make this land better and safer.

Just as Daniel Boone carved his name and his achievement on countless trees throughout this State and other parts of our land . . . so too has Lyndon Johnson carved his contribution deeply into the law of our land . . . to make this nation more compassionate . . . more able to respond to the needs and aspirations of its citizens.

So, I have another reason for being pleased at this stamp. Through this postage stamp the American people are also making another gesture toward a man who did not in his lifetime receive the honors he deserved.

I recently read some words by the poet Thomas Read that I would like to share with you.

"Boone, the pioneer," Read says, "whose statute in the eternal niche of fame.

"Leans on his gleaming rife; and whose name.

"Is carved so deep in the Kentuckian rocks,

"It may not be effaced."

My friends, I am certain all Americans join you in applauding this stamp . . . one more effort to assure that the great name of Daniel Boone will never be effaced from our land . . . just as it will never be effaced from the rocks and spirit of Kentucky.

THE RURAL HOUSING LOAN PROGRAM IN MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. GRIFFIN. Mr. Speaker, one of the most beneficial and productive programs in our country is the rural housing loan program administered by the Farmers Home Administration. Under this program, hundreds of thousands of Americans in rural areas have been able to provide for themselves safe, decent, and sanitary housing which otherwise would have been impossible.

In Mississippi, 16,852 families have borrowed $123,911,550 since the program was initiated in 1949. Of these families, 2,474 had paid their loans in full by January 1, 1968.

Rural housing loans are sound investments as shown by the fact that borrowers have paid 3 percent more than the scheduled installments on their loans. Only 6 percent of the borrowers were delinquent on January 1, 1968, and the average amount of delinquency was $207. Many of these deliquencies have been paid since then. Of the total amount loaned, $23,114,080 of the principal has been repaid. Interest payments amount to $14,265,157.

I think these figures show that the American taxpayer is getting a return on his dollar and, at the same time, better housing is being provided for many of our rural citizens.

Despite this impressive record, Mr. Speaker, rural housing needs are largely unmet. In Mississippi, 3,800 applications were on hand from individual families who need financial assistance in improving their homes in rural areas. Because of budget stringencies, very few of these applications can be approved in this fiscal year.

I would like to commend the personnel in the Farmers Home Administration in Mississippi for their excellent performance in administering the vital programs within its jurisdiction. Personnel in the State office and in the county offices are conscientiously doing their best to improve the rural economy in our State They deserve our commendation.

HUMPHREY'S OLDER AMERICANS PROGRAM: A FORTHRIGHT PLAN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. PEPPER. Mr. Speaker, I address this House today to the remarks of the Honorable HUBERT H. HUMPHREY, Vice President of the United States, on the occasion in the city of Los Angeles in which he presented one of the most compassionate, unquestionably the most original, by far the most visionary programs ever propounded by a presidential candidate in behalf of our older Americans.

I make this assessment ever mindful of the tremendous strides made in the last two decades through Democratic concern, with a capital "D," for the welfare of our senior citizens.

In that speech in Los Angeles, as well as in an address in Seal Beach, Calif., the Vice President described an exciting proposal that was no less than a visionary approach to the needs of our older Americans. The advances already made, the challenges ahead, cannot be met by a Republican nominee whose sole program for senior citizens amounts to a concession to the rich at the expense of those who depend on social security benefits in their retirement.

I will not dwell on the past and present statements of the Republican nominee; suffice to say that there is little substance in what he offers. Rather, I would like to direct the attention of this House and all Americans to the older American program of the Humphrey-Muskie ticket. From the man who as a freshman U.S. Senator sponsored medicare legislation in 1949; from the man who consistently supported expanded coverage under social security; from the man who offers the only real older Americans program in 1968, I submit the California speeches of the Honorable HUBERT H. HUMPHREY, Vice President of the United States:

VICE PRESIDENT HUBERT HUMPHREY'S ADDRESS TO SENIOR CITIZENS RALLY, LOS ANGELES, CALIF.

You can measure the quality of a civilization in two crucial ways: how it educates young people and prepares them for adulthood—and how it regards older citizens and provides for their health and happiness.

During tihs campaign I will discuss in detail the educational needs of America—and how the Humphrey-Muskie administration proposes to meet these needs.

Today I want to discuss the Humphrey-Muskie program for Senior Citizens—built on the proud Democratic record of past accomplishments—but looking forward to a new day of security and involvement for older Americans.

We hear a good deal about people and groups left out of American society. The urgent task of reconciliation and unity in America does, indeed, depend upon reaching those who have not participated fully in the decisions and benefits of this society.

Operation America needs *everybody*—the rich and poor—people of all races and creeds—and the old as well as the young.

In these days of crisis and challenge, we need particularly to draw upon the skills, experience and dedication of our older citizens—to devise ways for their knowledge and talents to be fully used—even as we guarantee them a life increasingly free from anxiety over financial security and health.

The past record on security and opportunity for our older citizens is clear enough.

The Democrats built it—and the Republicans fought it.

On issue after issue—time after time, the Republican Party has turned it's back on the parents and grandparents of America.

They turned their backs in 1935 when Franklin Roosevelt created Social Security.

They turned their backs in 1949 when Harry Truman called for Medicare. I know, because that was the first bill I introduced as a freshman U.S. Senator.

Throughout the Republican-Nixon years of the 1950's—the Democrats fought *for* Medicare and the GOP fought *against* it.

John F. Kennedy made Medicare a major campaign issue in 1960. Richard Nixon turned his back, again, claiming—and I quote—"It makes no good sense at all, except in an America that has given up its heritage of freedom and joined the dull, drab ranks of the bureaucratic superstate."

But we kept fighting and—in 1965 Medicare became law of the land—even though 93 percent of the Republicans in the House tried to kill it.

What does Mr. Nixon say now about Medicare? Have the 19 million Americans now covered "given up their heritage of freedom?" Have they "joined the dull drab ranks of the bureaucratic superstate?"

Or—as the Humphrey-Muskie team believe—have these 19 million Americans found a new freedom—freedom from the financial ruin which once threatened to turn the golden years into a nightmare for many of our senior citizens?

What does Mr. Nixon plan now for Medicare? Has he changed his mind? I say the American people have a right to know.

And what about Mr. Wallace? He says he plans to throw the bureaucrats out of Washington. Does that include the bureaucrats who run Medicare and Social Security? I say the American people have a right to know.

The difference between Humphrey-Muskie Democrats and Nixon-Agnew Republicans is summed up in just one sentence: with a single exception—1954—every expansion in the coverage of Social Security—every increase in benefits—has been *proposed* by the Democrats and *opposed* by the Republicans.

In the past eight years, under John Kennedy and Lyndon Johnson, Social Security benefits have increased by 66 percent—more than double the increases of the previous eight recession-ridden Republican years.

Just last year we passed the largest and most comprehensive increase in benefits in 17 years.

We proposed it—the Democrats pushed it to passage in Congress—and a majority of the Republicans in the Senate voted for a substitute bill which contained much smaller increases.

I am proud to have been part of this great tradition of humane Democratic government.

But today I come to say that the great work is yet unfinished—and I come to set forth the Humphrey-Muskie program for getting it done.

I am today releasing a policy statement which spells out in detail major new proposals in three areas—income, health and utilizing the talents of our senior citizens.

Let me give you the highlights:

First, *Social Security*. Eighteen and a half million Americans now receive Social Security benefits. For more than half of those, it provides a poverty income for people who deserve a living income. That is not worthy of America.

As President I would call for:

Increasing Social Security benefits by 50 percent across the board—with graduated increases from the present monthly minimum of $55 to $100 for an individual and from $82.50 to $150 for a couple during the next four years.

We would begin with at least a 15 to 20 percent general boost and a $70 minimum for an individual and $105 for a couple.

The first increase alone would lift at least 1.3 million people out of poverty immediately.

I shall also propose—and we urgently need—a built-in system of automatic increases—tied to consumer prices—to keep pace with rising living costs.

In addition, we must liberalize the social security provisions which reduce benefits for people who are able to work. They earned their social security—and they need it. I say, let them have it.

And let this country have the benefits of their productivity in a paying job.

And finally, I believe it is time to ease the burden which social security contributions place upon our working people, by financing part of the increase I propose from general tax revenues.

Second, *Health Care*. Medicare works and it works well, despite Mr. Nixon's dire predictions. Now it is time to perfect it.

We must put the medical payments portion of the program on the same insurance pre-payment financing basis as the hospital part.

This will make it unnecessary for older citizens to pay four dollars a month out of their retirement incomes for medical insurance.

We must provide protection under Medicare from the heavy costs of prescription drugs.

And we must extend the umbrella of Medicare to cover social security disability beneficiaries who, like older people, have high medical costs at a time when their income is sharply reduced.

I believe these programs are sound and sensible.

I shall put them before the Congress—and see that America gives its older citizens the kind of protection our resources permit—and our dignity as a civilization demands.

I've saved for last, what to me, is the most exciting proposal.

My vision of America is one of unity—of people helping people.

My vision is an America where human resources are cherished—and put to good use to develop other human resources.

And if we ever needed unity—if we ever needed to put everything we have into the pursuit of human excellence—it is today.

I shall therefore propose to the Congress establishment of a national senior citizens community service corps, in which people at or near retirement age can earn money, or serve as volunteers in jobs vital to the growth of America.

For some it will mean a whole new career.

For others it will mean a chance to pass on the skills and wisdom of a lifetime to young people who find themselves rootless in an uncertain age.

There is an essential strength and greatness in the American people.

In this campaign I mean to call forth this strength and greatness.

We are faced by stubborn and difficult problems—this is no time for easy answers—and I will offer none.

But it is a time for mobilizing the full resources of this nation to accomplish the unfinished business of America.

I have come to Los Angeles to ask your help.

A New Day for Older Americans and Their Families

The quality of life of today's generation of older Americans is far better than that enjoyed by any previous generation of older Americans. More of them own homes, they have better health care, and practically all are now assured of continuing income in retirement.

Playing a major role in providing a better life for older Americans is the Social Security program, which today provides monthly cash benefits for 18.5 million people age 62 and over and which helps virtually all of the 20 million people age 65 and over meet the cost of hospital and doctor bills.

The Social Security program was established under Democratic leadership in 1935—and 96% Republicans in the House voted to kill the old age benefits section.

Since then, almost all the major improvements have been made by the Democrats. In fact, with a single exception—1954—every expansion in the coverage of Social Security—every increase in benefits—has been proposed by the Democrats and most of them have been passed over strong Republican opposition.

In the last three years, benefits have been increased twice—raising minimum benefit levels by two-thirds and the average payment by 23 percent.

President Roosevelt and President Truman proposed a program of disability benefits—but the Republicans killed it.

Richard Nixon voted against the program in 1949 and 1950.

In 1956 the Democrats finally passed the program over the protests of the Nixon-Republicans.

President Truman proposed Medicare in 1949; it was the first bill I introduced as a freshman Senator.

The Nixon-Republicans fought Medicare for 16 years and denied these benefits to millions of our older citizens. In the 1960 campaign Mr. Nixon attacked Medicare with these words: ". . . it makes no good sense at all, except in an America that has given up its heritage of freedom and joined the dull drab ranks of the bureaucratic superstate."

In 1965, 93% of the Nixon-Republicans in the House not withstanding, the Democrats passed Medicare.

Despite the major progress that has been made over the years, much still remains to be done. Too many people still have to face the problem of inadequate income in old age. Fully one-third of those age 65 and over live in poverty. That fact alone should challenge the conscience of all Americans.

Our elderly also face other major problems. For many, there is the critical question of what to do with their vastly increased leisure time. Each older person needs to know that his remaining years can be spent in useful, meaningful pursuits—of value to himself, his fellow neighbors, and his community.

Toward the solution of these problems we pledge a program in three crucial and urgent areas—income, health, and the use of the abilities of elderly Americans.

Our proposals improving the retirement, disability and health benefits would bring an immediate increase of approximately 25 percent in these benefits.

RETIREMENT INCOME

Although private pension plans provide supplementary benefits to those fortunate enough to be covered under such arrangements, for *most* retired Americans, Social Security is the main source of continuing income.

Many retirees would be destitute if there were no Social Security system. Today 10 million people are kept out of poverty because of their Social Security benefits. They would have to rely on relatives who often could not readily afford to supply the needed support or they would be on relief rolls. Nineteen out of twenty of those now receiving Social Security benefits would not be able to achieve a moderate living standard without these benefits.

Even with recent increases in Social Security payments, the average benefit for the retired worker is only $98 per month, and for the retired couple, $165 a month. Inadequate income is the biggest problem for older people.

We need a substantial increase in Social Security benefits—and we need to make these benefits inflation-proof. As President I would call for:

Increasing Social Security benefits by 50 percent across the board, with an increase from the present monthly minimum of $55 to $100 for an individual and from $82.50 to $150 for a couple, in steps during the next four years. We would begin with at least a 15 to 20 percent general boost and a $70 minimum for an individual and $105 for a couple. The first increase alone would lift at least 1.3 million people out of poverty immediately. Over 125,000 older people would no longer have to turn to public assistance for basic sustenance, and there would be a saving of about $175 million to the assistance program.

Making benefits inflation-proof by raising them automatically to reflect price increases. From time to time benefits should be further raised to take account of general increases in the standard of living.

Making it more attractive for the Social Security beneficiary to earn more by liberalizing the provisions which reduce benefits when he or she works. There should be incentives, not disincentives, for those who want to continue to work.

Increasing the amount of annual earnings on which contributions and benefits are based so that benefit amounts will be more closely related to the full earnings of the great majority of workers.

Financing a part of the increased benefits from general revenues to ease the burden of Social Security contributions on the workers, especially to finance the rise in minimum benefits to $100 per month.

Making it easier to quality for disability benefits.

HEALTH COSTS AND MEDICARE

Until Medicare became law, older Americans faced the constant threat of financial disaster. Today, however, for most senior citizens the threat has been lifted of a hospital bill that could wipe out their hard-won security—bills that would not only wipe out their own savings but also those of their children.

Twenty million older Americans are protected under Medicare.

To date, $7 billion in hospital insurance benefits has been paid, as well as $2.3 billion in medical insurance benefits. In 1968 alone, 7.5 million persons will receive $5.6 billion (an average of nearly $750 per beneficiary) in hospital benefits under Medicare.

Now that we have proved Medicare successful, let us perfect it.

As President, I would ask Congress to do the following:

Put the doctor bill part of Medicare on the same social insurance pre-payment basis as the hospital part. This would make it unnecessary for older citizens to pay $4.00 a month for medical insurance out of their retirement incomes. Both parts of the Medicare plan would be financed from Social Security contributions and matching contributions from the federal government.

Provide protection against the heavy cost of prescription drugs which are so often necessary to health and well-being, and which now account for about 30 percent of private expenditures for health care by the aged.

Extend Medicare's protection to disabled social security beneficiaries who, like older people, have high medical costs at the time their income is sharply reduced.

PARTICIPATION THROUGH COMMUNITY SERVICE

Security is important, but it is not enough. We must provide for our elderly—opportunity for gainful employment, for those who seek to continue to work, and the opportunity for volunteer activity or for other meaningful functions that yield personal satisfaction to the volunteer and benefit to others.

Americans are looking around their home towns and their neighborhoods and discovering that there is much that needs doing. The so-called "helping professions" are badly in need of manpower. There are now over 5 million significant public service tasks that could be performed, if our available manpower is properly mobilized. Many senior citizens have the aptitude and competence and desire to provide services in institutions for young and old, in schools and libraries, in ghettos and in suburbs.

Americans are also beginning to realize that among our population older persons is a deep, rich reservoir of talent, wisdom and experience.

We should match up older people who want to serve with the tasks that need doing.

What is needed now is a sustained, national program that will give hundreds of thousands, and possibly millions of able-bodied older Americans new opportunities for service and participation; and which will give communities more of what they need. Older people can do much toward taking care of the long-neglected needs of society.

Therefore, I propose:

The establishment of a national senior citizens community service corps in which persons both over and approaching retirement age can earn incomes or volunteer to do jobs which can help communities throughout the nation achieve vital social goals. We need the wisdom and experience of our older people.

TO SUM UP

We must ask what our Americans who are aged or aging seek and we must strive to better meet their objectives.

Will their final share in life's experience be a time of dignity, of renewed purpose, deepened and enriched by experience?

Or will these years be a time for waiting and empty intervals, full of foreboding of the future?

If we can work on a forward-looking program along the lines I have just outlined, we will speed the dawn of that new day which will bring a better life for all older Americans and for their families.

CONGRESSMAN STEIGER REPORTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report to my constituents in the Sixth District:

WASHINGTON NEWSLETTER, SEPTEMBER 1968

CONGRESS RECONVENES

DEAR FRIEND: Congress recessed during August while both political conventions were held. This time gave me an opportunity to return to the sixth district and visit all of the counties. It was good to be home and to have a chance to visit with so many of you.

Congress reconvened on September 4 to complete its unfinished business. Action is needed on five appropriation bills: Labor, Health, Education and Welfare Appropriations; Defense; Foreign Assistance; Independent Offices; and Military Construction.

Several bills in which I have an interest need action. The Higher Education Act Amendments of 1968 and The Vocational Educational Bill are both in conference and are "must" bills. The Manpower Development and Training Act extension and the 1955 Agriculture Act extension are also important bills still to be considered by both houses.

There are in addition two pieces of legislation that I will make every effort to have passed before Congress adjourns; the Election Reform Act and the Legislative Reorganization Act. Both of these bills are bottled up in the House Rules Committee. I have joined with several of my colleagues in urging that Congress take whatever action necessary to see that they are passed prior to adjournment.

Much of this Fall session will be wasted because of distractions of the election campaigns. We should proceed with our legislative business and adjourn promptly. As Congressional sessions become longer it becomes more difficult to spend time at home in Wisconsin.

DAIRY IMPORTS GOING UP AGAIN

American dairy producers have lost more than 600 million dollars because of dairy imports and a decline in exports since 1963. During these 4½ years, the dairy farmer's market has been affected by the equivalent production of nearly 80 thousand 25-cow farms, or more than 17 billion pounds of milk equivalent.

It came to my attention recently that 250,000 pounds of foreign produced mozzarella cheese entered New York harbor for domestic distribution during a single week. This is not an isolated incident. Foreign producers are sending dairy products to this country as fast as they can get the boats loaded.

I have made every effort to get action by the Administration on this problem. I have testified at Tariff Commission hearings, urged action by the Secretary of Agriculture, and just recently wrote again to the President asking for action.

If steps are not taken soon, more of our dairy farmers and cheese producers will be forced out of business. This cannot be allowed to happen. I do not believe we can allow U.S. taxpayers to continue to support foreign producers by having the Commodity Credit Corporation remove from our markets domestically produced surpluses.

For that reason I will continue to urge that the President and Secretary of Agriculture take immediate action under the authority granted to them and I will continue to press for favorable action on the Dairy Import bill I introduced.

REPORT ON VETERANS LEGISLATION

Clearly the needs of the nation's 26 million veterans have been of concern to the 90th Congress. In the past two years more than 670 bills and resolutions were referred to the Veterans' Affairs Committee for consideration. Eleven major veterans bills were enacted into law.

The most recent law provides, starting Jan. 1, 1969, an eight per cent increase in compensation payments to service-connected disabled veterans; for the totally disabled veterans a $100 a month minimum will be granted, bringing their compensation to $400. The law affects some 1,951,000 veterans.

The first important law to be enacted for veterans during this Congress. The Veterans Pensions and Readjustment Assistance Act of 1967, provided for a 5.4 per cent cost-of-living increase in pensions.

Other important new laws include increases for widows, updating the GI loan program and broadening it for post-Korean and Viet Nam veterans; authorizing full veterans status for Viet Nam War veterans; and authorizing 40 per cent of hospital costs in establishing amounts payable for nursing care.

The Sixth District has a county Veterans Service Officer in each county Court House. County officers are dedicated to serving the veterans, and they have additional information available on veterans programs. I have had the pleasure of working with them in many cases which have come to their attention.

LEGISLATIVE REPORT

Two bills I have had the privilege of co-sponsoring were recently passed by the House of Representatives and hopefully will receive favorable action in the Senate before the close of the 90th Congress.

My service as a member of the Committee on Education and Labor has given me an opportunity to learn more of what we must do in order to meet the pressing needs of young Americans.

The bills I've co-sponsored result from studying our problems and are designed to meet two special needs.

On September 4 the House passed H.R. 14314 to amend the Taft-Hartley Act to permit employer contributions to trust funds providing employees, their families, and dependents with scholarships for study at educational institutions or establishing child-care centers for prep school and school-age dependents of employees. This legislation is designed to provide additional opportunities for labor and management to work together in order to give the private sector a better chance to make a contribution to education as well as provide more employment opportunities for working mothers. This will do much to ensure quality care for more young people.

On September 16 the House passed H.R. 18763 to begin pre-school programs for handicapped children. There are over five million handicapped school-aged children in this country and, according to recent U.S. Office of Education statistics, fewer than 40 per cent are receiving special education assistance. In addition to the five million handicapped children it has been estimated there are an additional 1½ million such children in the pre-school years, ages three to six. The significance of the legislation is that it provides the first step of experimentation and demonstration in a process that I hope will result in effective community-based pre-school programs for handicapped children.

SERVICE ACADEMY NOMINATIONS AVAILABLE

It is again time for nominations to the U.S. service academies. Nominations do not need to be turned in until December, but, the selection process is a difficult one so we must begin each year in September.

As you may know, last year I appointed a sixth district Commission on Congressional Appointments. This Commission, selected on a non-partisan basis, fills all nominations that I have available.

Members of the Commission are: Dr. Bernard S. Adams, Ripon; Mrs. Terrence DeBlock, Mequon; Frank M. Kennedy, Cedarburg; Harry H. Kind, Menasha; John C. Miller, Berlin; Mrs. Carlton O. Rogge, Fond du Lac; George M. Schickert, Jr., West Bend; Donald J. Steinfort, Oshkosh; Wilfred Turba, Elkhart Lake; Gaylord Unbehaun, Brillion; Tim Warner, Oostburg; Bernard C. Ziegler, West Bend.

This year, I have available appointments to the following service academies:

U.S. Military Academy (West Point)	2
U.S. Naval Academy (Annapolis)	3
U.S. Air Force Academy (Colorado Springs)	1
U.S. Merchant Marine Academy (Kings Point, N.Y.)	10

For each of these vacancies the Commission must select a principal nominee and several alternates. Alternates are chosen because many times the principal nominees are unable to meet the high physical requirements of academy life.

If you or someone you know is interested in attending one of the academies and is physically fit, please fill out the attached form and return it to my office as soon as possible. The Commission requires that applicants provide their scores from the College Board Entrance Examination.

Sincerely,

WILLIAM A. STEIGER,
Member of Congress.

FEDERALLY FINANCED RADICALS: PUBLIC AND PRIVATE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. ASHBROOK. Mr. Speaker, with the campaign promises coming fast and furious these days, a very timely column by veteran Newsman Victor Riesel, appearing in the Wooster, Ohio, Daily Record of September 23, should be required reading for prospective voters. With the abuses in the Federal poverty program now pretty much a matter of record, one would have thought that the magic panacea of Federal funds would have been forgotten at least until after the election. However, such is not the case, and this discredited formula is again being trotted out in this campaign year.

Columnist Riesel reports that some directors of the Office of Economic Opportunity, long before the hippies, yippies, and mobilizers, "quite skillfully directed poverty workers to go out and 'revolutionize' the Nation's ghettos."

According to Riesel:

> Thus hundreds of thousands of dollars, perhaps millions, have been and are being poured into this revolutionary street-action tactic.

As a member of the Education and Labor Committee and as one who maintains a close watch, I tend to believe that even this is an understatement. Reports and information which I have received indicate that the problem may be much worse, the amounts much higher, and the aims and programs of the people and groups being federally financed almost beyond imagination.

We have come to expect some "radicalizing" from a handful of youths, but when they are joined by public officials the time has come for sweeping changes.

I insert the column into the RECORD at this point:

FEDERAL POVERTY OFFICIALS USE WORKING TIME TO DISCREDIT UNITED STATES

WASHINGTON, D.C.—Long before the hippies, Yippies and Mobilizers hit the streets to "radicalize" the citizenry, there were directors of the Office of Economic Opportunity who, quite skillfully, directed poverty workers to go out and "revolutionize" the nation's ghettos.

This community action formula was developed by two former labor officials appointed by Ambassador Sargent Shriver, the OEO director.

The labor men have gone. But their policy lingers on amid turbulence, violence, tumultuous mass picketing, and disruption of child care, poverty counseling, cleanup of slum streets and training of the hard core jobless. I charge this flatly.

The labor officials nonchalantly referred to their policy of education-in-revolution as "Go fight City Hall." There is at least one communication in the OEO files to this effect—unless it has been destroyed of its dossier moved along with the itinerant labor men.

Thus hundreds of thousands of dollars, perhaps millions, have been and are being poured into this revolutionary street-action tactic. Poverty executives, some earning from $15,000 to $30,000 annually, spend their time confronting, frequently battling the police, picketing city halls and boards of education, closing down schools, struggling with union workers, and actually discrediting the U.S. in the presence of foreign statesmen.

These poverty specialists draw sizable salaries while smearing their employer—the federal government.

A week ago I explained all this to an OEO official. In detail I reported the following Kafkaesque "incident":

The city of New York had invited 84 world leaders in the country for a UN social welfare conference, to take a walking tour of the metropolis on Sept. 11. The intent was to show the government leaders from all continents—including Africa—the "best and worst" of our society. Fifty prestigious delegates from 50 nations accepted and turned out.

They were driven out to the city's uproarious Ocean Hill-Brownsville district, where the black decentralized local school governing board is battling the United Federation of Teachers (AFL–CIO), the largest local union in the land.

The UN delegates from nations reaching from Norway to Uganda went into the Brownsville Community Council headquarters. This is a federally funded, OEO subsidiary.

There they were suddenly told by a local poverty executive that they would soon hear from a grandmother's own lips how she was beaten by the police—New York's not Chicago's gendarmerie. Before the weeping woman was brought on stage, the world delegates were informed curtly that the tour was off. There just was nothing to see at the child care centers or other poverty offices, clinics, and counseling services. The centers had been shut down.

Why? Because, said the OEO executive director, the 400 poverty counselors and workers were out demonstrating against the police.

Thus, the foreign visitors—on whose governments we spend hundreds of millions of U.S. Information Agency dollars for good will and imagery were sent back to their hotels believing that here fighting poverty means fighting.

This is the impression, it seems to me, willfully given by the OEO executives. In effect, one federally funded agency was not only discrediting the government which provides it with millions, but also negating the work of another federal agency.

Furthermore, the poverty officials—most of the district's 400—were accomplishing their august mission on government time. But this disturbs them not. They have been picketing, terrorizing, howling at city officials and the boards of education for months.

These poverty counselors earn from $175 to $225 a week, depending on their training and education, if you'll forgive me the expression. Their leaders earn from $15,000 to $20,000 annually. The latter have assistants at pay ranging from $11,000 to $14,000. And in most big cities, the central executive director is in charge and received up to $30,000 a year.

All this I explained carefully in most basic English to a spokesman for the OEO national headquarters here. I told him I'd wait a week for an answer.

How could federally paid "poverty workers" be permitted to go off and demonstrate against the police? How could they be permitted to shut down child care centers? What happened to the children? How could they continue to battle the authorities day after day and still draw pay?

And how could the directors of one federal agency, the Office of Economic Opportunity, permit their colleagues to discredit the work of another federal unit, the U.S. Information Agency, as well as smear the reputation of the government itself?

I have had no reply. Does no one care?

THE MORROW PLOTS: A SYMBOL OF HOPE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. SPRINGER. Mr. Speaker, an impressive ceremony took place September 12, 1968, on the Champaign-Urbana campus of the University of Illinois. The ceremony marked the designation of the Morrow Plots as a national historic landmark.

The Morrow Plots, begun in 1876, were the first field experiment plots established by a college or university in the United States. The lesson they have taught us has a great meaning for the world of today. Millions of people—in Asia, in Africa, in Latin America—suffer from malnutrition in areas where vast tracts of land lay untilled or yield far below their productive capacity. The lesson is that through scientifically proved practices the productive capacity of an acre of land can be multiplied fourfold. Truly, as stated by Dr. M. B. Russell, director of the University of Illinois Agricultural Experimental Station:

The Morrow Plots stand as a symbol of hope that hunger and privation are not the inevitable fate of man.

At this point I include Dr. Russell's address, as well as the remarks of other participants at the dedication ceremony:

OPENING REMARKS OF DEAN ORVILLE G. BENTLEY OF THE UNIVERSITY OF ILLINOIS COLLEGE OF AGRICULTURE AT DEDICATION OF MORROW PLOTS

For nearly a century the Morrow Plots have been a monument to the concept that research and education are relevant to one of man's great concerns—the production of food from the soil. Besides providing research, the Morrow Plots have been a teaching laboratory. They have attracted farmers and other visitors from all over Illinois, as well as nationwide. The Plots are known internationally and many visitors to the campus come to see these Plots.

The message from the Morrow Plots is simple but dramatic: man must conserve the soil if he wishes to harvest a bountiful crop from it for himself as well as for succeeding generations. The penalty for indifference to this message is also dramatically apparent.

With the passage of time, the Morrow Plots have become a museum piece, but they differ from many artifacts in that they retain a sense of relevance and urgency for the present. As one reads the history of the Plots and reviews the findings that have been drawn from the experiments conducted on them, it seems that the richest legacy they have given us is of hope for the future and some understanding of the vision the founders of this University held for the future of this great state and our nation.

It was fitting, then, that the College of Agriculture should seek to have these historic plots recognized during the centennial observance of the University of Illinois. It is for the purpose of commemorating the designation of the Morrow Plots as a National Historic Landmark that we meet here today.

The original plots, later to be designated as the Morrow Plots, were begun in 1876. Fixing the exact date has not been easy, but official records from the Board of Trustees of the Illinois Industrial University, plus other excerpts from later Board minutes, clearly indicate that plots were begun on this site in 1876.

Another interesting historical reference that seems apropos to this occasion is quoted from the June 10, 1876, issue of the *Prairie Farmer* in which there appeared a brief note from professor of Agronomy M. Miles of the Illinois Industrial University, from which I quote: "I have decided to repeat the experiment made by Lawes & Gilbert, with wheat and barley, and with our staple crop, Indian corn.

"Believing that the experiments referred to have been the most valuable of any I am acquainted with, in demonstrating the action of commercial fertilizers upon the cereals, I expect to obtain results in the corn experiments now in progress that will at least be suggestive to the practical farmer."

It is an honor for me to preside at this dedication ceremony and to present the program arranged for the occasion by representatives of the Department of Agronomy. We are pleased that this dedication ceremony could be made to coincide with the annual Agronomy Field Day which has attracted farmers and businessmen to our campus.

REMARKS OF ALLEN T. EDMUNDS, ASSOCIATE REGIONAL DIRECTOR, GREAT LAKES AREA OFFICE, NATIONAL PARK SERVICE, AT DEDICATION OF MORROW PLOTS

It is a real pleasure to be here today, and participate in the program of presentation of plaque and certificate designating this significant area as a National Historic Landmark.

The Registry of National Landmarks is a program of public service administered by the National Park Service, U.S. Department of the Interior, under the authority of the Historic Sites Act of 1935.

It was to establish an inventory of the nationally significant historical and natural properties of America, and to vigorously encourage their continued preservation, that the Registry of National Landmarks was undertaken.

The Registered National Landmarks Program is voluntary. Landmark designation does not change ownership or responsibility for the property.

To receive National Landmark status, an area must have been given comprehensive field evaluation by National Park Service specialists and committees of recognized authorities, screened by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, and declared eligible for the Registry of National Landmarks by the Secretary of the Interior.

The single absolute requirement in the evaluation of areas is that they be of national significance. Each selected site must possess exceptional significance in illustrating or commemorating the natural character or the historic heritage of the United States.

A Historic Natural Landmark, to possess national significance, must reflect integrity, i.e., it requires original location and intangible elements of feeling and association. This is no small distinction. From some 30,000 sites and structures studied by our National Survey of Historic Sites and Buildings, up to now, only a little more than 750 of the most distinguished have been selected to be national landmarks.

In these times of rapid changes and scientific endeavors in outer space, it is nice to know that an experiment of considerable benefit to many generations, the Morrow Plots, has been in continuous operation since 1876 on this plain old earth. Truly this is a historical landmark.

Chancellor Peltason, it is with a great deal of pleasure, on behalf of the Secretary of the Interior Stewart Udall, and the Director of the National Park Service, George B. Hartzog, Jr., that I present to you this plaque and certificate designating the Morrow Plots as a National Historic Landmark.

Remarks of University of Illinois Chancellor J. W. Peltason at Designation of Morrow Plots as National Historic Landmark

It seems particularly fitting that the Morrow Plots, which have for so long been associated with the well-being of rural America, should now be designated as a National Historic Landmark.

For nearly a century the faculty, the staff, and the students of this great University have been just a little closer to agriculture because of the Morrow Plots and the stories that these Morrow Plots tell about good soil management. These lessons have been especially significant for the young people who have not had the privilege of living on the land.

We are a relatively young nation, but even so we have a rich and illustrious history. Much of this history has its roots in the field of agriculture and it is meaningful to all of us that today we are recognizing the historical contributions of the Morrow Plots. Speaking for President Henry and all members of the University staff, I am proud to accept the designation of the Morrow Plots as a Registered National Historic Landmark.

Remarks of Congressman William L. Springer, of Illinois, at the Dedication of the Morrow Plots

President Henry, Chancellor Peltason, Mr. Edmunds, distinguished guests, ladies and gentlemen.

This, in some ways, is a rather historic occasion just for me to be here. As I look out over this audience, I see those who were here in the College of Liberal Arts . . .

It seems strange to us in 1968 that there ever should have been any question that our rich prairie soil could be depleted by the continuous growing of crops.

We know now—and we have known for many years—that the growing of corn and other crops does drain our soil of elements essential to bountiful harvests like we had last fall.

We also know now that we can maintain the productivity of our fertile land through crop rotation, the application of fertilizers and the planting of legumes, which in the last 14 years have been revolutionary in the field of agriculture.

Every schoolboy knows these things now—at least every schoolboy who grows up in a rural community—but these fundamental facts which underlie our vast and productive agricultural industry were not known as facts when the Morrow Plots were first established in 1876.

Before that time there were men, intelligent and far-sighted men, men of science as well as practical farmers, who developed theories on the basis of their own insights and their own observations. Many of these theories proved true but not until they were tested here at the Morrow Plots.

It is fitting, therefore, that these plots have been designated as a National Historic Landmark.

This designation means that your federal government has taken official recognition of the exceptional value of the Morrow Plots in commemorating the history of the United States.

This designation was made by the Honorable Stewart L. Udall, Secretary of the Interior, upon the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, entirely on the basis of studies prepared by the National Survey of Historic Sites and Buildings, pursuant to the Historic Sites Act of 1935.

At this point I would like to read the description of the Morrow Plots as prepared by the National Survey of Historic Sites and Buildings:

"MORROW PLOTS, ILLINOIS

"Begun in 1876 and enlarged in 1879, the Morrow Plots at the University of Illinois were the first field experiment plots established by a college or a university in the United States. They were reduced in number from 10 to three in 1904. The Morrow Plots were of great importance in proving that prairie soil could be depleted by the continuous cropping of corn and, conversely, that crop rotation was an effective method of preventing soil exhaustion. They continue to provide data on the effects of crop rotation and the impact of organic and chemical nutriments on plant yields. Of the three plots now used, one dates back to 1876 and the others to 1879."

May I, humbly, at this point, add a personal note.

Dean Bentley first wrote to me, according to my files, on December 29, 1966, about the possibility of having the Morrow Plots designated as a National Historic Landmark.

It was hoped that we could obtain this recogniton during the University's centennial year which, as you all know, began in early 1967 and extended through March 11, 1968.

Unfortunately, we found that the wheels don't move that rapidly where historical landmarks are concerned. The criteria by which these landmarks are evaluated and adjudged are severe and exact, and necessarily so. These studies took almost a year and a half, and it was not until last May 17th that I had the honor of announcing the official designation.

Even without this recogniton the Morrow Plots have long attracted the attention of agronomists and farmers from all parts of the world. Many of them have come here to see them, and I am sure that many farmers from all over the world will continue to do so.

And I certainly congratulate the University of Illinois and its great College of Agriculture on this splendid achievement.

Remarks of University of Illinois President David D. Henry

Dean Bentley, ladies and gentlemen, while I do not expect to add to the information about the Morrow Plots, presented here by others, I welcome the opportunity to make several points as to the meaning of this occasion. The event is of Universitywide significance. (The only other officially designated national historic landmark at the University of Illinois is the famous Jane Addams' Hull House at the entrance of the Chicago Circle Campus.)

It is relevant for me first to express appreciation, institutionally and personally, to Congressman William Springer for his representation in this matter. In countless effective ways, Mr. Springer is a bridge between the University and the Federal Government, and we are grateful.

The Congressman has reminded us that a hundred years ago agriculture was not a science. It was an aggregate of folklore, rumor and report. Not very many people were really sure of anything about agriculture and what many thought they were sure of was often not so. Out of that condition, because of the research activity represented by the Morrow Plots, came the agricultural science which has had a fantastic impact upon the world and which today is regarded as the salvation of the human race.

The historic marker to be placed here is a reflection of the flowering of a magnificent concept upon which universities have been built and which today lies at the very essence of our own survival. I refer to the research function of universities which results in the advancement of knowledge. I also refer to the precept of the Land-Grant University movement—to carry knowledge, old and new, into the field, the home, the office, and the community. These are basic elements in the mission of the university. They are of importance to students as well as to external communities. We teach graduate students through the research process, and the undergraduates profit from being a part of a community of learning. The marking of the Morrow Plots may be seen as an index to these concepts in American life.

At this point, I enter a note of concern as to what is happening in Washington. For twenty years, the Federal Government has invested heavily in research in all fields of learning. Agriculture has been a part of that developing program. Anyone who looks at the record, from atomic energy to cancer to space, knows that the investment has had impressive dividends. Now, unfortunately, in the reevaluation of budget priorities, occasioned by war, inflation and the intricacies of federal finance, the Government must take a new look at priorities in expenditures. In that process there is very great danger that the research activities of the universities will be curtailed. Let us hope that our tribute today to the achievements in agriculture research will provide perspective. Research must be among the highest priorities if we are to continue to have the benefits that come from the advancement of knowledge.

I am hopeful that our examining the history of the Morrow Plots will help us understand the priority that we must continue to give to the basic idea of the advancement of knowledge, the Federal Government's relationship to it, and the necessity of continuing dedication to its enhancement as a means of survival as a people, as a nation and, indeed, as a world.

REMARKS OF M. D. THORNE, HEAD, DEPARTMENT OF AGRONOMY, UNIVERSITY OF ILLINOIS

It is obviously impossible to recognize here today all the important contributions made by various individuals to the Morrow Plots. I will mention the contributions of many, but there will be many who cannot be mentioned. The main purpose of my remarks is to pay tribute to some individuals who are present today who were directly involved with the planning and operation of these plots over a number of years in the past and some who are currently so involved.

The Morrow Plots were established in 1876 by Professor Manley Miles, who was the first Professor of Agriculture in the United States, at Michigan State University. It is interesting to note that Mr. Edmunds of the National Park Service is now officed in the Manley Miles building on the campus of Michigan State University. This building is named after the same Professor Miles. The plots here were named after Professor Morrow. He was the individual who was very instrumental in getting the plots recognized officially by the University of Illinois and in helping to get them successfully initiated. It is interesting to note that the very first President of the University of Illinois, Regent Gregory, presented a report to the Board of Trustees regarding the establishment of these plots. The Morrow Plots have been intimately associated with the history of the University of Illinois almost since its very beginning. The presence here today of the current President of the University of Illinois, Dr. David Dodds Henry, is further evidence of the continuing recognition by the university of the value of these plots. It is most appropriate that the plots are designated as a National Historic Landmark during the administration of the first Chancellor of the university at the Urbana campus. We are also pleased at the support given these plots by Chancellor Peltason and deeply appreciate his presence here today to receive the official certificate from Mr. Edmunds. His remarks at that time adequately demonstrate his recognition of the Morrow Plots as an important part of the University of Illinois campus.

Some names which should be mentioned in connection with the history of the plots are those which have appeared on official publications of the research information coming from them. These names include: T. F. Hunt, F. D. Gardner, E. Davenport, W. J. Fraser, Cyril G. Hopkins, J. E. Readhimer, W. G. Eckhardt, F. C. Bauer, R. S. Smith, L. H. Smith, E. E. de Turk, C. J. Badger, A. L. Lang, L. B. Miller, C. H. Farnham, P. E. Johnson, L. F. Mariott, M. H. Nelson and J. W. Pendleton. All these men have made significant contributions which have helped assure the worldwide reputation of these plots. There are present today one lady and six men I will introduce and ask you to join me in expressing our gratitude to them for services rendered and their stewardship of these plots.

First—the lady. She is the widow of a man who supervised the day-to-day care of these plots for over twenty years. He is Mr. C. H. "Dusty" Farnham, whose death in India two months ago has left us all shocked and saddened. He was Superintendent of the Agronomy Research Farm at Urbana before his assignment on the University of Illinois staff at Jabalpur, India. The lady is Mrs. Mary Farnham, wife and companion of Dusty for 36 years.

Next, the man who succeeded Mr. Farnham as Superintendent of the Agronomy Research Station, in which capacity he has served for the past three years. These duties include the current supervision of the day-to-day care of the plots. He is Mr. Gene Oldham.

Next, the right-hand man of both Messrs. Farnham and Oldham for over twenty years, we recognize him today for his personal dedicated service and also on behalf of the fieldmen and technicians who have performed the actual operations on the plots and continue to do so conscientiously. He is Mr. Lloyd Clapp, Foreman of the Agronomy Research Station, Urbana.

Next, the man who now has charge of the record keeping in connection with the plots and who helps with the planning. He is Mr. Lester Boone, Agronomist at Urbana.

Next are two men who have been intimately associated with the plots for over thirty years each. They have been responsible for planning the research and reporting personally and in publications the lessons learned from these plots. Both these men are now on emeritus status, both continue to be extremely active and interested in these plots. Their names are almost synonymous with the Morrow Plots in the minds of a great many people who have heard them talk and have read their publications. They are Mr. A. L. "Al" Lang and Mr. L. B. "Larry" Miller.

I should like to recognize also the man who has been Chairman of the program we have participated in today. We recognize him for this and as a representative of agricultural extension employees in the state who have really told the story of the plots to the persons interested in agriculture in Illinois. He is Dr. Sam Aldrich, Extension Soil Specialist, University of Illinois.

Although I do not wish to introduce Dr. M. B. Russell at this time, I do wish to recognize his support of the research and educational program of the Morrow Plots, both during the time he was Head of the Agronomy Department and since he has been Director of the Illinois Agricultural Experiment Station.

I wish to recognize also the great support of Dr. W. L. Burlison, who was Head of the Agronomy Department here for over thirty years, preceding Dr. Russell. We also wish to recognize the important support given by officials of the university, including Deans of Agriculture, Presidents and members of the Board of Trustees over the many years these plots have been in existence.

These, then—these men—are some of the reasons these plots have been called—and rightfully so I believe—the most valuable piece of land in America. The Morrow Plots—now a National Historic Landmark.

A SYMBOL OF HOPE

(Address by Dr. M. B. Russell, director, Agricultural Experiment Station, University of Illinois)

It is particularly fitting that this recognition of the historic significance of the Morrow Plots should occur at a time when this great university is entering its second century of service to the state, the nation, and the world; when this state is celebrating its sesquicentennial; and when this nation is still less than two hundred years old. Thus, in a historic sense, these plots are young. This institution is young. This state, this nation, and its people are young. Appropriately, there is a strong note of history in this ceremony and in the remarks made here today.

It is of interest to observe that the Morrow Plots were established in 1876, the centennial year of one of the greatest proclamations of free men in all time, the Declaration of Independence. It is now clear that the lesson of the Morrow Plots represents a new kind of declaration of independence—not of political independence but independence from one of the fears that man has had since the dawn of time, the fear of hunger. It is with this thought in mind that I would like to share with you a few thoughts that will help us see the Morrow Plots in broader perspective.

Thinking of them in terms of a declaration of independence, let us reflect for a moment the fact that from the beginning, the story of man has involved his conquest of nature, his efforts to understand himself, and his desire to live in harmony with his fellow men. To meet his basic biological needs for food and shelter, primitive man foraged in his environment in a way not dissimilar to that of other mammals with which he shared the terrestrial biosphere. Man, however, slowly developed a new component of the ecosystem in which he operated that markedly altered his history. This new input was the capacity for rational thought. The ability to learn from experience and to transmit knowledge from one generation to the next marked the beginning of man's cultural development.

Early man learned that the environment was malleable and could be modified to meet more effectively his basic needs. Since that time, there has been a slow, often uneven, increase in man's ability to control or modify the physical and biological characteristics and behavior of the ecosystem of which he is a part.

Another consequence of the injection of the human mind into the ecosystem has been the development of a structured culture involving specialization of function and the flow of goods and services among the component parts of the total society. Such structuring and specialization has resulted in great increases in the capacity of groups of men to manage more fully their total environment, but at the same time has increased the interdependence among individuals and subgroups. As the complexity of the social structure increased, techniques have been developed to regulate the functional interactions among its component parts with the objective of enhancing the welfare of mankind. In the contemporary world, mankind is making adjustments in its organization and structure for a young, virile, and highly reactive component called science.

History records the rise and fall of many civilizations, often associated with the mismanagement of their basic capacity to feed their people. From this location in the fertile heartland of this prosperous nation, it is difficult for us to realize that the lot of millions of people throughout the world is still one of hunger and privation. In this land of plenty it is difficult to realize that more than half of the population of the world goes to bed each evening hungry. General recognition of the magnitude and significance of this problem of world-wide food supply has been brought most forcefully to the attention of the American public by the study published last year by the President's Science Advisory Committee entitled "The World Food Problem."

That report reminds us that at present this planet supports a population of roughly 3¼ billion people, with an estimated doubling time of roughly 25–30 years, which means by the end of the century there will probably be more than 6 billion people on this troubled planet.

The total land surface of the world is about 32 billion acres, or about 10 acres per capita for the present population. However, only about 10% of this is of a quality and in a climatic situation that renders it suitable for cultivation. It should be emphasized that a high proportion of land now being farmed is still being cultivated with traditional, primitive practices. Thus, the present population has available roughly one acre per capita for the production of its food and fiber needs.

We are all familiar with the ominous implications of the Malthusian quotient that says that food supply tends to increase as a linear function and in direct proportion to the area of land under cultivation whereas the population increases as an exponential function. This, of course, is a very grim, pessimistic outlook on the future of man.

However, the Morrow Plots stand as a symbol of hope that hunger and privation are not the inevitable fate of man.

For, in the final analysis, the capacity to produce food is based on the use of the soil, water, and sunlight through the alchemy of the green leaf. Basic understanding of the processes and components of those fundamental reactions generated by science introduces multipliers at every stage of the food production process.

A comparison of the treated and untreated part of the Morrow Plots shows that through the application of science-based production practices, the capacity of an acre of land to produce can be multiplied roughly fourfold.

In world-wide studies of the yield responses to improved practices, roughly this same 4-to-1 ratio is found in wheat, rice, maize, and other food crops. Comparisons of national yield averages of the developed countries with those of the underdeveloped countries also show similar ratios. These data clearly demonstrate that science can provide a multiplier factor in the food production equation. This multiplier is the symbol of hope that is a part of the Morrow Plots.

None would suggest that mere knowledge of the germ plasm of the grain, the chemistry of the soil, or the biology of pest control are the only ingredients that are necessary to bring about the effective application of this multiplier symbol. For nowhere is the idea of interaction among factors of production more dramatically evident than in the field of agricultural production. There is a strong and fundamental interaction between a large number of physical, biological, and the social, political, and economic factors that strongly affect food production. The mere existence of the technical knowledge of how plants grow, of how they respond to fertilization, or of how to control pests cannot be translated into food to fill stomachs of hungry children unless at the same time there can be developed a kind of social, economic, political, and cultural environment that engenders hope, provides the opportunity for recognition, and creates incentives for improvement.

Some of the most urgent needs and challenging opportunities are to discover in the area of the social, political, and cultural development the kinds of principles that can serve as guideposts for progress in the same way that the Morrow Plots serve in the field of natural science.

In summary, then, we can say that in historic perspective and in terms of their broader implications, the Morrow Plots do serve as a symbol of hope for hungry people throughout the world. They serve as living proof that nature is malleable. They demonstrate that man is not a passive captive of nature but, that, given knowledge, he can manage natural resources and biological production processes in ways that meet more fully his basic needs for food.

Located in the heartland of a young nation in an area of high inherent productivity, the Morrow Plots are still very young when measured on the scale of man's ageless struggle for food, shelter, and the meaning of life. In many parts of the world this struggle has ebbed and flowed often in ecologically hostile environments for thousands of years. In other regions the steady increase in population has caused millions of restless, hungry people to move into new lands in their efforts to feed themselves and their children. What is the meaning of the Morrow Plots to these people?

To the hungry people in the densely populated nations where the land has been cultivated since the dawn of civilization, the simple lesson of the malleability of nature and of man's capacity to understand and apply knowledge is a shining symbol that land, water, sunshine, and the alchemy of the green leaf are renewable natural resources which, if managed wisely, can yield food in perpetuity.

To those agricultural pioneers moving into new lands, the message from the Morrow Plots is that the inherent productivity of even the most fertile soil is not inexhaustible and that crop yields will quickly decline if exploitive production practices are used. However, if managed wisely, the productivity of land brought under cultivation will not decline and, in fact, can normally be expected to increase.

It is fitting, therefore, that as the University of Illinois enters its second century, the historic character and broad significance of the Morrow Plots be given national recognition. In its campus setting this bit of historic ground serves as a constant reminder to faculty, students, and visitors from this and other nations around the world of the timeless truth and broader interpretation of President Draper's perceptive statement: "The wealth of Illinois is in her soil and her strength lies in its intelligent development."

These plots also serve to remind us all of this institution's continuing commitment to the traditional Land Grant College philosophy and its continuing efforts to be aware of and responsive to the needs of society. Thus, the challenge of, the search for, and the dissemination of the knowledge needed for the intelligent use of soil and other natural resources to meet human needs throughout a hungry world lies at the heart of the symbolic hope of the Morrow Plots.

DEBATES: PREMIUM ON GLIBNESS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. SAYLOR. Mr. Speaker, on September 27, the Johnstown, Pa., Tribune-Democrat published a lead editorial entitled "Debates: Premium on Glibness." It will be included in the RECORD at the conclusion of my remarks in order that all of my colleagues may peruse it carefully.

Casual candidates seeking means of obtaining public identity understandably want to appear on a platform with an established incumbent, but obviously a person with a long record of public service need not engage in public debate to enlighten constituents.

What new aspirants for office may not realize is that few issues that come before Congress can be decided with equity in an hour, a day, or a week. To treat a subject of national importance with hurried and shallow advertence in substitution for in-depth study and deliberation would be a disservice to every voter.

It would seem advisable for inexperienced nominees of major political parties to spend enough time on Capitol Hill to become familiar with the legislative process, including committee hearings. By this perception, the political novice might be convinced of the absurdity of assuming that the course of the Nation could be charted with an iota of accuracy and reason in the fleeting length of a television program.

A candidate seeking to unseat an incumbent has an opportunity to challenge every action of his opponent's record because what he has done is in indelible print. By the same token, what he has not done is also there to expose if the challenger chooses to do so. Since the new candidate has no such record for voters to judge and must rely upon a platform of promises, he would seem particularly presumptuous in expecting a passing panel show to affect the mature convictions of the electorate.

The Tribune-Democrat editorial follows:

DEBATES: PREMIUM ON GLIBNESS

Whether former Vice President Richard Nixon and Vice President Hubert Humphrey—with or without George Wallace—"debate" on television during the present campaign is a matter that rests upon their own decision. The meaning of such debates is, however, greatly misunderstood.

Following the Nixon-Kennedy debates of 1960 one of Mr. Kennedy's political advisers, Prof. Henry Steele Commager of Amherst, wrote an article which was published in The New York Times Magazine. He said these televised press conferences, which he would not dignify with the name of debates, "are a misfortune in this campaign, and in future campaigns they could be disaster."

They were not even rational discussions, Prof. Commager said, for they did not permit the candidates to explore and clarify the vital, and in most instances complex, issues. They submitted the greatest office in the world to the chance of arbitrary and miscellaneous questions asked not to elicit information but to provoke sensations. The better qualities of the candidates were a positive handicap in an interview which put a premium on mere glibness and fluency.

Washington would have lost such a debate, Prof. Commager said; Jefferson would have gone down before the "brilliant and facile" Aaron Burr; Jackson would have lost his temper; Lincoln did not possess the art of give and take; Wilson wanted time to formulate his answers.

The public, however, is encouraged to think it can be informed on highly involved subjects in two or three minutes of off-the-cuff talk. A true debate, like those between Lincoln and Douglas which covered a number of days and gave each candidate full opportunity to elaborate his views, would require far more television time than any network seems likely to devote to it. The subjects to be discussed would be left to the candidates themselves, and they would have time to formulate in advance their considered opinions.

The premium on mere glibness had been noted a very long time ago, in the earliest days of democracy. Socrates remarked, in words quite applicable to our own times, that rhetoric, the ability to speak fluently before a large audience, was a process "not of art, but the habit of a bold and ready wit, which knows how to behave to the world," the ability to inspire beliefs, rather than to convey knowledge, "for no one can be supposed to instruct such a vast multitude about such high matters in so short a time."

In such encounters as these so-called debates, a bold and ready wit will invariably overshadow the most patient and informed mind. Who could adequately appraise the complexities of legislation over which state legislatures or Congress has wrestled for weeks or months, its remote as well as its immediate consequences, in hasty debates such as these? They can be only a conflict of personalities, in which, as Socrates had noted and as had happened throughout history, the bolder and less prudent speaker would win the approval of the crowd.

What, in fact, is proposed in such debates is an intellectual wrestling match, in which great numbers of people will confuse the defeat of an opponent with the refutation of his opinion, when, as a historian had written a century ago, "the vivid picturesqueness of debate replaces a calm and complete analysis." But the choice of a president of the United States, in such perilous times as these, ought not to rest upon so frivolous a spectacle. As Prof. Commager wrote after the last such "debate," that could be a disaster. Both of the major candidates for this office are men who have been prominent in the public eye for almost a generation. Their long records of public service should not be overshadowed by a hasty and necessarily superficial confrontation of this kind.

FULLER WARREN'S WORDS WORTH HEEDING

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. PEPPER. Mr. Speaker, we are witness to a troubled and tumultuous time in the life of our young Nation; a time in which some persons find it easier to condemn than to be constructive. Blinded by fears they cannot name, hardened by injustices real or imagined, they attack a government that evolved from the most liberal human document of any age. It will be of comfort to you, as it was to me, to consider the words of the Honorable Fuller Warren, former Governor of the State of Florida, as printed in the September 23 edition of the Miami Herald. In his words, the real message of America can be heard.

The message follows:

PAUSE TO APPRECIATE CONSTITUTION

Two documents have more profoundly affected mankind than all other written instruments. The Divine Decalogue was handed down from Mt. Sinai, amid thunder and lightning, to Moses in 1491 B.C. The U.S. Constitution was adopted in Philadelphia on Sept. 17, 1787—181 years ago.

In the long and troubled travail of the human race, the U.S. Constitution was the first organic instrument creating a government to acknowledge that its citizens were sovereigns, not subjects; that government derives its just powers from the consent of the governed.

During countless centuries before the U.S. Constitution was adopted, the miserable masses of mankind had suffered under the tyranny of kings and other tyrants bearing various titles. In 1787, human beings everywhere had few rights a king could be compelled to recognize. Except in England and a few other semi-civilized countries, most people were serfs, almost chattels. Most human beings were not treated nearly so well by their rulers as animals are treated today.

The adoption of the U.S. Constitution lighted fires of freedom all over the world; the oppressed and brutalized masses of many other countries were aroused and inspired by this great and daring venture of the United States of America and began demanding and getting written constitutions guaranteeing their inalienable rights as human beings.

During nearly 200 years, countless millions of Americans, generation after generation, have enjoyed the benefits and blessings afforded by the U.S. Constitution. As a "living, breathing thing," the U.S. Constitution has constantly expanded its priceless protection until, today, more American citizens enjoy far more freedom and security than the people of any other country ever enjoyed.

Instead of abusing our great and benevolent government for its few glaring faults, all of us should offer up thanks that it is the chief means by which we have become the freest, safest, most secure, most prosperous, most enlightened people in all the long and tragic history of the human race.—FULLER WARREN.

SWIM RECORDS SET BY MICHIGAN CLUBS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. ESCH. Mr. Speaker, every morning we can pick up our papers and read of the exploits and activities of young delinquents who have gotten in trouble with the law. We hear a great deal about those who are mischievous, who destroy property, and participate in riots.

But we seldom take time out to pay attention to the vast majority of our Nation's young people who play constructive roles in society. We seldom take time out to congratulate our young people when they have done something of which we should be proud.

It therefore gives me a great deal of pleasure to bring to the attention of the House of Representatives the interesting and impressive records of two swim clubs in Michigan's Second Congressional District. They were competing for the marathon record for covering 500 miles in nonstop swimming. The first club, the Lakeview Swim Club of Ypsilanti, Mich., covered this distance in 10 days, 9 hours, 18 minutes, and 30 seconds. On August 28 of this year the Dolphin Swim Club bested that record in a marathon swim of 9 days, 18 hours, 5 minutes, and 13 seconds.

These young people battled impressive odds in completing this impressive feat. Many months of training and practice went into the planning and execution of these marathons.

Since the beginning of the decade we have been conscious of the need to emphasize physical fitness. These young people typify the ideal of strength, energy, and enthusiasm which we all applaud. I am sure that all Members of the House join me in congratulating them on their accomplishment.

The members of the Dolphin marathon team were: Ross Arnold, Nancy Becker, Ken Chard, Mike Forrester, Jay Greenough, Gary Gutman, Joel Heinecke, Greg Jonas, Duncan Magoon, Molly Magoon, John McLain, Danny March, Larry March, Kathy Mulliner, Pete Mulliner, Ted Lewis, David Perrin, Ginny Perry, Mark Ritter, Andy Stull, Patrice Wadleigh, Bill Warner, Dean Warner, Kris Williams, and Kurt Williams.

Members of the Lakeview Swim Club marathon team were Bruce Marshall, David Bradshaw, Pat Stachlewitz, Peter Linn, Rick Roeske, Jeanne Blakeman, Janet Blakeman, Doug Knapp, Paul Pinson, Gary Pinson, Wally Newcomb, John Taylor, Steve Thompson, Steve Butler, LuAnn Taylor, Jane Newcomb, Mikey Gagnon, Steve Wilt, Dave Hatch, and Dan Hatch.

Mr. John Daniel served as coordinator and coach of the Lakeland team and Gary Gutman coached the Dolphins.

HOOVER'S STATEMENT ON CRIME WAVE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. QUILLEN. Mr. Speaker, as Director of the Federal Bureau of Investigation, J. Edgar Hoover has a great record in the cause for law and order. He hits hard, and the U.S. Attorney General should take a lesson from his actions.

I have said—and I repeat now—that the greatest danger in America today is the flagrant violation of law and order running wild throughout the land. This must be stopped, and law and order restored.

In a recent column by David Lawrence, which appeared in the Greeneville Sun on Wednesday, September 25, 1968, Hoover's statement on the crime wave was aptly stated.

I would like to share this with the readers of the RECORD:

HOOVER'S STATEMENT ON CRIME WAVE

(By David Lawrence)

WASHINGTON.—J. Edgar Hoover knows more about the crime wave and some of its causes than anybody in government, as he is the head of the Federal Bureau of Investigation which maintains intimate relations day by day with the law-enforcement agencies of states, counties and cities throughout the country. He made a formal statement a few days ago to the national commission on the causes and prevention of violence. It was about 7,000 words long. It contained authentic information of direct interest to the American people. It was not presented in full text on television or radio or in the press. A few extracts are worth special attention:

"Of an estimated 3,750,000 serious crimes reported in 1967 to law-enforcement agencies, 484,900 were violent crimes in the classification of murder, forcible rape, robbery, and aggravated assault. . .

"Overall, crime in the United States rose 21 per cent during the first six months of 1968 over the corresponding period in 1967. . .

"Serious crimes 7 each minute, violent crimes 1 each minute, murder 1 every 43 minutes, forcible rape 1 every 19 minutes, aggravated assault 1 every 2 minutes, robbery 1 every 2½ minutes, burglary 1 every 20 seconds, auto theft 1 every 48 seconds, larceny 1 every 30 seconds."

Mr. Hoover points out that 411 police officers have been killed in the last eight years and that, "of the offenders previously convicted, two thirds had been granted leniency in the form of parole or probation."

The FBI director stresses the fact that, in 1967, persons under 18 years of age constituted 49 per cent of those arrested for serious crimes in America. He adds that a study of all criminal careers reveals that of the 12,026 perpetrators of violent crimes arrested in 1966 and 1967, there were 922 murderers with an average criminal career of 11 years and 7 arrests.

The cost of crime in money is estimated by Mr. Hoover at more than 27 billion dollars a year. As far as street "demonstrations" and riots are concerned, the FBI Director says a number of "subversive and extremist organizations which advocate force and violence" strive in every possible way to disrupt law and order. He asserts that "prominent among these is the Communist Party U.S.A." He declares that it "has long been Communist policy to charge and protest 'police brutality' wherever possible—particularly in racial situations—in a calculated effort to discredit law enforcement and to accentuate racial issues."

Mr. Hoover analyzes the campus-oriented movements and mentions that "a large proportion of the new leftists was reared in affluent homes." He describes the activities of "hate groups," both white and black, and expresses the belief that "the whole problem of violence in American society has been intensified by the recent growth of black extremist organizations." He continues:

"Within the past year, there have been sufficient contacts between militant black nationalists and representatives of unfriendly or hostile countries to indicate a degree of foreign involvement, participation, and influence in the activities of black extremists in this country. These foreign contacts serve to increase the potential for violence by giving inspiration, encouragement, and support to the revolutionary aims, doctrines, and activities of black extremists in this country. . .

"FBI investigations of black extremists have uncovered innumerable allegations that these individuals have obtained firearms and are encouraging residents of ghetto areas to procure weapons. . .

"The demagogic exhortations of a number of civil rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience. . .

"Public officials themselves have played a part in the buildup of permissiveness and violence because of their tendency to overlook a little 'law breaking' by pressure groups, apparently in the hope that this is the way to satisfy the demand and blunt it."

Mr. Hoover refers also to the criminals let loose on technicalities and to the ill effects of crime programs on television and in movies, and thinks that too much publicity has been given generally to the antics of extremists. Maybe all candidates for public office would be helped to understand the crime problem if they read the entire statement made by the director of the Federal Bureau of Investigation.

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MESKILL URGES COLLEGE TUITION DEDUCTION

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. MESKILL. Mr. Speaker, in these closing days of the 90th Congress, I take this opportunity to call the attention of the Congress and the country to the urgency with which we must take up tax reform next year.

High on the list of reforms should be passage of a bill such as my own bill, H.R. 15251, providing tax relief for college tuition.

Each year, we vote many billions of dollars in aid to education. Mr. Speaker, there could be no greater aid than that proposed by my bill. It would cost the Government nothing for administration. It would go directly to the taxpayer who is paying the bills for college tuition. The colleges themselves would be benefited indirectly, and it would enable many persons to continue in college who otherwise would have to drop out for lack of sufficient funds.

Mr. Speaker, my files contain many letters from constituents who are really struggling, even though some of them enjoy above average incomes, to finance college educations for their children. Often, several children are in college at the same time. The financial burden in such cases is tremendous and often insupportable.

Yet, college training is more and more a necessity in our urban, industrial society. The growth of our country depends on the trained minds of our people. We must not allow such an obstacle to education to prevent the achievement of this training where it could be removed so easily.

PRELUDE TO A THEME

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. MURPHY of New York. Mr. Speaker, in the 35th anniversary issue of Esquire magazine which is now on the newsstand, James Farley writes about the America he knows, and has known, during a lifetime of public service. Mr. Farley, or Mr. Democrat as he is often known, is well qualified to speak on this subject. As a former Postmaster General and chairman of the Democratic National Committee, Mr. Farley has spent much of his life in public service, and he is still active in public life. I feel that his accumulated wisdom and experience give him a particularly valuable perspective on the American scene today, and his article is an important contribution to our public thinking today. Under leave to extend my remarks in the RECORD, I include the text of Mr. Farley's article.

PRELUDE TO A THEME

To be perfectly frank, the title "Salvaging the Twentieth Century" is slightly puzzling to me. By most counts, ranging from Chief Justices of the United States to Prime Ministers and Popes, the first two-thirds of the twentieth century has advanced the human race more than all previous fifty centuries combined. Instead of how to "salvage" this century, the question might well be, "How do we maintain its miraculous progress?" Even that question seems unnecessary; the maintenance is so great that the twenty-first century will be as superior to ours as ours is to the eighteenth.

Fifty-five percent of the American people make their livings at industries which did not even exist in 1900. By way of mere mention, there are fifty million Americans who own automobiles when in 1900 there weren't 200,000 who could afford a horse. Seventy-seven million people are at work, earning eight times more in a forty-hour week than they did in the seventy-two hour week of 1900. Yellow fever, pneumonia, infantile paralysis and the scourge of the nation, tuberculosis, are among hundreds of diseases eliminated or under control. Television and the satellites enable us to see around the world; the telephone enables us to hear and speak around the world; newspapers print almost instantly. Planes cross the continents and the oceans in hours and some can even outdistance the sun. Best of all, there are fifty million American children in schools and six and a half million in colleges. America today is a bigger, healthier, and finer country, and Americans are a bigger, healthier and finer people, and both will get better.

As a man in public life, who has met and liked tens of thousands of people who thrilled to participate in the most romantic adventure in history, the American Republic, I would be less than frank if I did not say that the deepest introspection I can bring to bear on my own experience is one of the deepest gratitude for being born to the parents I had, in this beloved land of my birth, and in taking part in its work and its government at a time when its expansion opened up new vistas for all mankind. Of my own potential, I can only say that my country and its ways expanded them to goals beyond my boyhood dreams. My errors may have been many, but the surging force of America carried me past them.

The boundless enthusiasm, optimism, sense of fair play, willingness to work and to risk transformed our country from a little people hugging the Eastern Coast to demonstrators and developers of a great and rising world civilization. As I look back to Grassy Point, New York, where I was born, and recall the public schools and the night schools of the cities which were open to a poor boy, I should lack both judgment and humility if I did not say that it was not I, but my country which supplied these great potentials which enable me to say with deepest gratitude, that I shared its enthusiasm and optimism and that it never disappointed me; and I am just optimistic and enthusiastic enough to believe America never will.

P.S.—What is wrong with this country is, perhaps, in the tone of your query, which seems to indicate you have reached a judgment in which all men must agree. What is wrong or right, you ask, what should be "kept, discarded or changed?" Why not multiplied, honored and advanced? I find an inherent defeatism in the sentence, "We will, in effect, be admitting our faults, citing the ways in which our society has gone wrong." I, for one, feel that our society has demonstrated that all races, creeds and religions have made more progress, incomparably elevating more people in a shorter time than any in history. While I have no objection to an examination of our society's faults, there is more occasion for beating of the drums than of the heart. Optimism, not defeatism, enthusiasm not nihilism are America's assets; who strikes at them bankrupts himself as he destroys his country.

—JAMES A. FARLEY.

GREETINGS TO THE NIGERIAN PEOPLE

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. O'HARA of Illinois. Mr. Speaker, it is once again my pleasure to extend sincere greetings to the Nigerian people, who are today commemorating the eighth anniversary of their independence in the midst of a tragic civil conflict that has aroused the concern of the world.

May the coming year bring peace and sustenance to all.

CONGRESSIONAL ETHICS

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mrs. KELLY. Mr. Speaker, today I address myself to a most delicate subject and one which has been widely publicized and greatly misunderstood.

From the very beginning of our country, the integrity of Congress has been of concern to an overwhelming majority of our national legislators. The march of events since the first Congress assembled in 1789 has brought some changes in the nature of ethical problems that occasionally have arisen to tarnish the image of Congress in the public mind. It is most unfortunate but very true that it takes only one highly publicized example of wrongdoing to spread the evil and very erroneous idea that we are all crooks or indulge in misconduct of one sort or another.

I am sure that if statistics were available for a comparison of malfeasance in Congress with similar acts in business, industry, the professions, and the media, the results, on a proportionate basis, would clearly be to the credit of Congress.

The growth of our Nation and its Government, and the accompanying increase in the workload of Congress, have brought certain problems—problems such as control of lobbying, the increasingly high cost of running for office, a greater potential for conflicts of interest, and so on. For example, when the first Congress convened, there were only 26 Senators and 66 Members of the House of Representatives. Today, there are 100 Senators and 435 House seats. All told today, the Federal Government, in all its branches, has a total of about 3 million employees. I give you these figures because there is, I believe, some relationship between them and congressional ethics.

The enormous growth of our Government, especially in the last 40 or 50 years, has created more and more complexities. This, together with the closely related and dramatic increase in the Nation's population—which has more than doubled since 1910—has multiplied many times the representative function of Members of Congress.

By way of illustration, a Member of the House in the first Congress had less than 50,000 constituents. In 1910, when the House was increased to its present total of 435 Members, a Member had approximately 200,000 constituents. Today, a Member of the House has upward of 450,000 and the district I represent is well over 500,000. Add to this the great increase in the number of Federal agencies and programs with which a Member of Congress must deal in behalf of constituents, and you get an idea of the vastly larger problem that a Member of the House now faces in representing his constituents.

Conversely, the problem of maintaining ethical conduct in the Congress has not increased appreciably, if at all. Rather, there is considerable evidence to indicate that the ethical standards of Congress are much higher than they ever have been.

But while, on the whole, Congress has maintained a high average in the matter of conduct, a few highly publicized cases of wrongdoing, or suspected wrongdoing, began to generate a demand a few years ago for the establishment of an enforceable code of standards for the conduct of Members, officers, and employees of Congress. Much of this demand came from within Congress itself.

As a result, both Houses of Congress now have continuing committees to monitor the conduct of their Members, officers, and employees, plus standards and requirements for financial disclosure. Each House arrived at its respective code of conduct independently of the other, so the result is that the Senate has one code and the House another. The two codes are similar in many respects. Many in Congress feel that the House and Senate should get together on a uniform code for the whole of Congress, and no doubt that desirable objective will be achieved one day. Both committees are bipartisan in makeup. Both have investigative and enforcement authority. Their findings in any given case—whether for reprimand, censure, expulsion or other disposition—are subject to the action of the Senate or the House.

I had the honor of being elected, by my colleagues in the House, to serve on the committee which drafted the code of conduct and related provisions for the House. This committee, consisting of six Democrats and six Republicans, has been made permanent and is officially named the Committee on Standards of Official Conduct. In addition, I have the honor of continuing as one of its 12 members. It is truly a bipartisan committee. For example, any action on individual cases must be voted by seven members of the committee, so at least one member must step over the party line in judging a case against another Member of the House. This precaution was written into our rules to prevent any purely political harassment. It is a wise precaution, although I feel there is no danger of the present committee stooping to cynical partisan political activity. I believe it is a committee of high moral caliber, and of exceptional integrity.

As members of this committee, we have the thankless task of acting as watchdogs over our colleagues. This, as you can imagine, is pretty tough duty, but it is a necessary function because of the attacks upon the integrity of the Congress which have filled the Nation's press, and which have done much—and I think wrongfully—to undermine public confidence in the Congress of the United States.

Our committee worked diligently through the last half of 1967 and the first 3 months of 1968 to produce the Code of Official Conduct for Members, officers and employees of the House and the related provision for financial disclosure. We made other proposals, and the House on April 3, 1968, passed by a vote of 405 to 1 a resolution outlining the standards of conduct which our committee felt should be minimal for a Member of Congress. This resolution was drawn up after extensive hearings at which almost a hundred witnesses testified. During those hearings, we listened to all persons who were willing to come forward with their help.

Although many of our invitations were declined, and others were completely ignored, the response was sufficient to give us a broad range of views and proposals. As a member of the committee, I extend thanks to all who were willing to give of their time and efforts to help. In addition to professional people, spokesmen for national organizations and private citizens, the committee heard from 54 Members of the House of Representatives. All who testified or submitted statements strongly supported the establishment of a code of conduct, plus a continuing committee with powers to enforce the code.

The Code of Official Conduct, which was adopted on April 3, consists of eight points and is separate from the financial disclosure requirement. I will give you a brief rundown on the eight points of the code:

Point No. 1 of the code provides that:

> A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

This is a flexible standard that could be used to deal with a variety of matters. It should enable the House to treat promptly with a given act or an accumulation of acts which, in the judgment of the committee, may have brought dishonor to the House.

The No. 2 standard reads:

> A Member, officer or employee of the House of Representatives shall adhere to the spirit and the letter of Rules of the House and to the rules of duly constituted committees thereof.

This standard in the code serves to emphasize the precedents of decorum that have evolved in the House over the years. These precedents are more than mere politeness; they are the very essence of the order of the House.

Point No. 3, which I mentioned earlier in discussing the financial disclosure provision, reads:

> A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation, to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

This standard is designed to prevent conflicts of interest—conflicts other than bribery and attempted bribery, which are covered by statutes. I should like to note here that not for many years have there been any publicly known cases of bribery involving the House of Representatives. As I pointed out earlier, it is difficult to draw a line between a legislator's community of interest with his constituents, on the one hand, and the point, on the other hand, at which a conflict of interest may begin. Each case would have to be judged on the facts that could be developed.

Standard No. 4 provides that:

> A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization or corporation having a direct interest in legislation before the Congress.

The committee found it difficult to set any dollar figure. A gift that might be "substantial" in one instance would not necessarily be "substantial" in another. The extreme cases present no problems in any attempt to define proper conduct; it is in the middle area that problems arise. Ill-motivated gifts certainly have no place in government, but the committee felt that any flat prohibition against gifts would be artificial and unenforceable. Each case would have to be judged on its own merits.

No. 5 says:

> A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization or corporation in excess of the usual and customary value for such services.

The key words in this provision are, of course, "the usual and customary value." The facts in a given case would have to determine whether an honorarium exceeded that level. This standard is directed primarily at acceptance of an honorarium that is a subterfuge for gifts of money or other items that are intended for other purposes.

Standard No. 6 reads:

> A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

This provision is designed, of course, to prevent irregularities in the use of campaign funds. Campaign money is a fact of political life, and the committee recognizes the need for realistic modernization of the outdated and ineffective Corrupt Practices Act, which is supposed to monitor campaign spending. President Lyndon B. Johnson once called this law "more a loophole than law." Our committee hopes that in the meantime this standard will provide the means, with respect to the House of Representatives, of achieving a clear separation of campaign money from personal funds and, at the same time, bring about more desirable management of campaign funds.

Standard No. 7 provides that a Member of the House "shall treat as campaign contributions all proceeds from testimonial dinners or other fundraising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes."

As I already noted, campaign money is a necessity in political life and Members of the House who seek reelection must, in most cases, raise money to meet the high cost of running for office. Testimonial affairs have become a popular means of raising such funds. This standard, then, is intended to assure that the proceeds from such affairs are handled properly. It should remove any doubts from a Member's mind as to the uses he is permitted to make of such money and as to the reporting he is required to make under existing law.

The No. 8 and final standard of the code reads:

> A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

This provision was directed at the possibility for abuses in nepotism.

The provisions for financial disclosure, which is separate from the code was also adopted by the House and it requires Members, officers, and high-paid employees of the House to file by April 30 of each year a report listing certain assets, outside income and capital gains. This report is to be available for public inspection. More detailed information is required to be filed in a sealed report which can be opened only if the committee determines by a majority vote that this information is pertinent to an official investigation.

The committee devised this two-part system of disclosure in the belief that it will accomplish the legitimate objectives of financial disclosure which, in the committee's considered view, are: First, to remind the Member or employee, when he prepares his report, of areas in which he may have a potential conflict of interest; and second, to acquaint a Member's constituents with areas of potential conflicts.

Mr. Speaker, in my more than 19 years in the Congress, I have known many of my colleagues, from both sides of the aisle. I have a very high regard for the overall integrity of the Congress. The majority of the men and women who serve are honest, sincere, hard working, and a credit to the democratic processes. However, there have been a few bad apples in the barrel who have received all the publicity, and the taint of their infection has been very much exaggerated. As a result, it has become American sport to criticize the entire Congress of the United States. At the same time, I believe that a person running for public office, who is paid from public funds, must expect a certain amount of criticism. However, I am deeply worried that this constant barrage of ridicule has gone too far, and presented a somewhat distorted picture to our fellow Americans, and one which portrays the Congress as an unworthy institution.

If this be the case, it is a very dangerous trend. Congress is imperfect, and it is filled with human beings who, by the decree of God Almighty, must themselves be imperfect. But it is the direct reflection of the American people themselves, and Congress is the instrument by which the processes of democracy move forward. Therefore, when the Congress is unfairly ridiculed, the people and democracy itself are injured. In addition, by the very same fact of its human nature, democracy is not perfect, but it is, I believe, the best form of government known to man.

Our Founding Fathers never claimed supreme efficiency as an attribute of democracy. On the contrary, the two greatest enemies of human freedom in the world today are anarchy and excessive efficiency. Fascism and nazism were efficient forms of government. And it may also be said that communism is efficent. But who would have any of these forms of totalitarianism, after once experiencing the individual freedom inherent in a democracy?

The frustrations we have faced nationally and internationally in recent years have developed a negative sickness among too many of our people, coupled with some assistance from the mass media. Daily we are told what is wrong with America, rather than what is right with America. Personally, I believe there is a lot that is right with America—far more than what is wrong. And by the same token, there is a lot that is right with Congress—far more than what is wrong. It is time we return to affirmative, positive thinking and acting in America and encourage our friends and neighbors to do the same, especially among our young people who are America's future and who look to us for guidance. They will be the representatives in what I consider to be the greatest representative body in the world.

Certainly, it was necessary for us to set up guidelines for the conduct of Congress. It was necessary, not because of any widespread delinquency among our membership, but because some flagrant cases—a very few—made it necessary for Congress to assure the citizenry that we were just as serious about creating these guidelines as other professions have been. I believe we have made a significant forward step, and I hope that in the years ahead, these guidelines will be improved. We have done all this to make certain that we shall have a legal basis by which we can take action against the very few Members who overstep the mark.

Finally, I should like to emphasize that our committee has no delusions of perfection with respect to its product. We are well aware that our code, along with our other measures, may need revision as experience points the way. But by the same token, we strongly believe they represent a meaningful beginning and will prove to be in the best interest of all.

Therefore, I ask you to have faith in Congress, and do not let yourself succumb to the propaganda that the Congress is beyond redemption. Congress suffers from the very same faults that the American people suffer from, and it rejoices in the very same virtues.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. SCHERLE. Mr. Speaker, this is the 253d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

ANOTHER ATTEMPT TO RULE BY RIOT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. MICHEL. Mr. Speaker, the American public has been subjected to a sorry spectacle in Milwaukee—the burning of U.S. draft office records. This is an offense against the Government itself. It is another demonstration of the terrible harvest of lawlessness that the Great Society's sowing of the seeds of permissive conduct has produced.

I call on Attorney General Ramsey Clark to "throw the book" at these despoilers of peace. They illegally broke into a selective service office, dragged out records and burned them. These are the same people who were horrified at Adolf Hitler's book burning in the 1930's, but today embrace this technique as legitimate protest.

There is an adequate antiriot act on the books which makes crossing a State line to incite riot a Federal offense. These rioters summoned press photographers. Many were not from Wisconsin. There is ample evidence that this was a planned act of lawbreaking.

The past record of Mr. Clark does not lend itself to the hope that justice will be done to these social protesters who have chosen to take the law into their own hands.

Thankfully, the American people will have an opportunity in November to vote into office an administration that will restore law and order to our Nation. Meanwhile, the United States must suffer the humiliation of seeing its Government sit helplessly by while professional agitators travel freely to and fro spewing their tirades of dissent and openly peddling violence and arson. It is a sad day for America.

The Chicago Tribune has summarized the Milwaukee incident in an editorial, "Another Attempt To Rule by Riot," which reads as follows:

ANOTHER ATTEMPT TO RULE BY RIOT

The latest demonstration of government by torch was staged in Milwaukee, where thousands of draft records were seized from a selective service office and burned in a park across the street. Fourteen persons, including five Roman Catholic priests, were arrested and charged with arson, burglary, and theft.

Only four of those arrested were from Milwaukee. The others were from New York City, St. Louis, Minneapolis, and other places. One of them was an officer of the St. Louis university chapter of Students for a Democratic Society, the outfit which took a leading part in the Columbia university disorders and the rioting at the Democratic national convention in Chicago.

The Milwaukee burglary and bonfire were carefully planned. The news media were notified, so that photographers were on hand. The demonstration therefore was part of the well organized campaign to disrupt the nation's war effort in Viet Nam. Previous episodes have included the march on the Pentagon, blocking of railroad trains, burning of draft cards, the pouring of blood on draft records, and numerous "peace" marches.

An organization called the Chicago Peace council is a leading sponsor of a march next Saturday to mark the "month anniversary" of the Democratic national convention disorders. The council lists as one of its affiliates the Communist party of Illinois.

The London Times reports that extremists are stockpiling arms, bombs, and Molotov cocktails for a massive demonstration by anti-Viet Nam war groups in the British capital on Oct. 27. American draft dodgers in London are said to be among the organizers of this affair.

We do not suggest that the Roman Catholic priests arrested in Milwaukee are Communists but they certainly are playing the communist game. It is hard to believe that they are simple idealists working for peace when they use the violent methods of stealing and burning property.

The Wisconsin director of selective service said the burning of draft records probably will not prevent or delay inductions. He explained that a draft board can reconstruct records which have been destroyed.

"But it takes an enormous amount of work and the cost to the taxpayers is terrific," he added.

The cost to the taxpayers also was terrific in gaining the convictions of Dr. Benjamin Spock, the Rev. William Sloane Coffin, and others for conspiracy to abet violation of the draft law. The cost to the taxpayers is high whenever the police and national guardsmen are assembled in force to keep demonstrators from wrecking a city.

Disorders will continue as long as the conspirators and fanatics go unpunished and as long as they think they can get more concessions by rioting than by peaceful means.

Milwaukee authorities, it may be hoped, will move swiftly to stop this government by torch.

WHO'S WHO IN THE WALLACE MOVEMENT?

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. BOLLING. Mr. Speaker, there follows a portion of the Spivack Report, Volume III, No. 11, dated September 30, 1968, which is published by Robert G. Spivack and Associates. All those who wish to learn more about the Wallace campaign will be interested in the information contained in this report:

WHO'S WHO IN THE WALLACE MOVEMENT?

LINKS WITH BIRCHERS AND THE RADICAL RIGHT

George C. Wallace insists that he "does not know" who have been chosen to serve as his electors in the event he should win on Nov. 5. At the same time he asserts that he "has no quarrel" with leaders or members of the John Birch Society and welcomes their support.

If this were Henry Wallace saying, as he did in 1948, that he was unaware that the Communists were using and sometimes directing his third party movement there would be no reason for skepticism. Henry Wallace, much later, confessed that he was naive about the infiltration of his organization, at least to what degree it had been taken over by anti-democratic elements. He was embarrassed and felt that he had been badly used.

Nothing thus far has been adduced to indicate that George Wallace is a political innocent. The evidence is all to the contrary. He seems to know all the code words, all the sign language, needed to bring forth the desired responses from his carefully conditioned audiences.

Like the late Joe McCarthy, Wallace is also developing a special technique in dealing with the press. Aside from the indications that many who interview him have not done their homework, which makes it easy for him verbally to trample them, the former Alabama Governor combines bullying and filibustering. The result, in some recent interviews, has been to leave the interviewers sputtering. Wallace looked clever to the true believers in his movement, while to others he appeared to be a hapless victim of press badgering.

This is one reason for the general public lack of information about the nature of the Wallace movement and the depth of right-wing extremist penetration. No one has really asked him about it, or stood up to him with names and places when he blandly pleads ignorance of who is doing what for him in the different state organizations.

THE COALITION OF RIGHT-WING EXTREMISTS

The record, while still incomplete, shows clearly that the leadership and frequently the Wallace electors have been drawn from virulent racists, anti-semitic and occasionally anti-Catholic organizations. Outside New England and some mid-west urban centers where support from Catholic workers is solicited, the Wallaceites have barely made an effort to conceal the nature of their operatives behind "front" organizations or in any other way.

The explanation for this over-sight is simply that until very recently Wallace himself considered the whole "movement" something of a grim joke, certainly never believed there was the slightest possibility that he might win in November. While many racists regard the whole thing as a kind of money-raisng racket, Wallace insisted he was just trying to get the major parties to straighten themselves out on "law and order".

With the disclosure by numerous surveys that Wallace now has over 20 per cent of the voters behind him and indications that the figure will soon be 25%, feeble efforts are being made to push the kookie elements into the background. But this attempt appears to be coming much too late.

Benjamin R. Epstein and Arnold Forster of the B'nai B'rith Anti-Defamation League have made, thus far, the most exhaustive study of how extremists and segregationists act as authorized Wallace spokesmen. For example:

Louis J. Rogers, Lisbon, Conn.—On Aug. 24 a group of Minutemen, identified as a right-wing guerrilla organization, tried to burn down a pacifist camp near Voluntown, Conn. There was a battle with the police. Rogers, one of those arrested, is chairman of the Wallace-for-President movement in his hometown. Another allegedly involved was Frank D. Barber, chairman of the Wallace movement in Norwich, Conn.

Opal Tanner White—A close associate of Gerald L. K. Smith, now secretary of the principal Wallace faction in California.

Bard Logan—A member of the Birch Society and a small right-wing group who call themselves The Constitution Party is now chairman of Wallace's American Party in Texas.

Raymond Jarvis—A contributor to Gerald L. K. Smith's Christian Nationalist Crusade is now Wallace party chairman in Hutchinson County, Texas.

Roy V. Harris—Former national president of the White Citizens' Councils, now Georgia state chairman of the Wallace party and also an elector.

Reid Stubbs—Speaker at Klan rallies, now North Carolina state chairman.

STATE LEADERS IN THE NORTH

California.—Like the major parties the Wallace movement here is fragmented. One faction is headed by William K. Shearer, listed as secretary-treasurer of the White Citizens' Councils. A second faction, favored by the candidate himself, is headed by Rev.

Alvin Mayall of Bakersfield. Opal Tanner White is secretary of the Mayall committee.

Colorado.—Lyman Steele, a Wallace elector, once headed the state White Citizens' Councils. Another elector is Earl Southard, a former associate of Gerald L. K. Smith. A third elector is William H. Vickers, section leader of the Birch Society.

Connecticut.—Two of Wallace's eight electors have been active in the Birch Society: Harold R. Greene of Westport, operator of a Birch bookstore; also Monroe Sherrow of Hartford. At Wallingford, Aaron Hall resigned from the Republican Town Committee to work for Wallace.

Indiana.—Fred Culp, state chairman of the American Independent Party, delivered an address at a meeting called by Klansman James Short at a meeting near Greenfield, April 26, 1968. On June 30 at a meeting called at Greenwood by local Birch members to help the Wallace movement a principal speaker, George McMillin, delivered an oration that ADL said "in effect calling Adolf Hitler a misunderstood Christian patriot."

Iowa.—The state chairman is Robert Dilley, publisher of a rightist picture magazine called *True News*.

Maryland.—An organization known as *The Guardians of Democracy* was founded by Vernon Naimaster, former Grand Titan of the Maryland Klan, to back Wallace. Last December the National States Rights Party held a fund-raising dinner for Wallace at Dundalk.

Massachusetts.—Electors include Col. L. E. Bunker, a member of the Birch Society's National Council, chairman of Boston's annual "Rally for God and Country".

Missouri.—Wallace movement initiated by James Kernodle, former Birch Society section leader.

New Jersey.—Electors include Dr. Francis Pflum, member of the Birch-sponsored N.J. Comm. to Support Your Local Police, Dr. F. G. Ruhl, spokesmen for Let Freedom Ring and Ernest T. Bradow, who claims to have organized the People's Rights Enforced Against Riots and Murder (PRE-ARM), a vigilante group.

(Details on other state organizations will be published in subsequent issues.)

CONSUMER PROTECTIVE ASSISTANCE ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. REID of New York. Mr. Speaker, I am cosponsoring today, with other Members, a bill which proposes the enactment of a Consumer Protective Assistance Act. This is the same bill which is being submitted in the Senate today by Senators JAVITS and CHARLES GOODELL.

This bill aims at equality. At present the consumer has become captive to the seller, the mechanic, the plumber, the telephone repairman, the electrician, and many others. The purpose of the bill, therefore, is to allow the consumer to deal evenly and intelligently with the ever-increasing expertise and specialization belonging to these few who are able to deceive and intimidate, and in short to swindle, the consumer.

The bill provides specifically for Federal grants to the States, who would then submit to the Secretary of Commerce a plan to provide:

First, a State consumer protection office to investigate dishonest practices; second, programs to regulate false advertising, unnecessary services, and other activities, to provide consumer protection; and third, educational programs to increase the consumer's knowledge.

This bill, then, relies primarily on action by the State with help from the Federal Government, to add to the steps which have been taken recently in the executive branch. Enactment of this measure into law will allow the public to deal confidently, as an equal, in the marketplace.

NEW JERSEY BUSINESS LEADERS INVOLVED IN SOCIAL REFORM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. RODINO. Mr. Speaker, the following very interesting article appeared in the September issue of New Jersey Business and its message, I believe, is one that will give hope and encouragement to all of us who wrestle with urban problems. The growing social commitment exemplified by leaders of New Jersey business offers new optimism for solving the tasks ahead:

New Jersey Executives: Tuned-In to the Social Scene—Unlike Their Corporate Predecessors, Most of Today's Business Leaders Are Deeply Involved in All Spheres of Human Welfare and Social Reform

(By John Soloway)

The scene is familar—part of Americana. It has been done so often that it is virtually a stereotype of the U.S. business executive—the hard-driving man of commerce and industry with a crammed attaché case rushing off to a conference, strictly business as usual.

Typical? Hardly, these days. A better chance is that this executive, and scores like him in New Jersey, is using part of his business day, and often after-working hours, for a project that is unrelated to the profit-making mechanism of the corporate structure that pays his salary.

There is a social commitment these days in American business and industry that is unparalleled in the long, colorful and often hard-bitten history of high pressure competitiveness in our system of free enterprise.

A typical executive is exemplified by Donald McMahon, the lithe, handsome president of Monroe International. At 36, he is the modern prototype of Horatio Alger, a one-time high school dropout who has played a major role in the dramatic resurgence of Monroe in the calculating machine field.

In two short years, in the face of fierce competition, Donald McMahon has moved Monroe into an enviable position in the calculating machine field, rolling up a spectacular 30 per cent increase in sales in the past fiscal year.

McMahon had to overcome a number of adversities in the transition to a highly successful corporate executive—a debilitating affliction of asthma as a youngster, working as a bus boy during the day and going to high school in the evenings. It was the same pattern that marked his higher education, working in a bank during the day while he continued his schooling at night at Hofstra College and later at the Wharton School of the University of Pennsylvania.

It is the kind of background, experience and training that gives McMahon special personnel insight to the current social and economic involvement of American businessmen with the ethnic problems that confront the nation in these times of racial unrest.

The American businessman and industrialist is emerging as a new species, circa 1968. The mantle of the old, tired stereotype has been peeled away from the cocoon, with its encrusted layers of years of aloof detachment and isolation.

The new modern version is better typified by a Donald McMahon, an Orville Beal, president of Prudential Insurance, a Dr. Virginius Dante Mattia, president of Hoffmann-La-Roche Inc., or an R. Manning Brown, Jr. of Princeton, executive vice president of New York Life Insurance, who heads the Governor's Commission to Evaluate the Capital Needs of New Jersey.

These executives, and others like them, are fully committed to social involvement in the American mainstream, giving considerable time, energy and talent to projects that have an intimate application to the current human rights movement in this country.

It is commitment that has spread through the full spectrum of American business, industry and finance . . . a far cry from the past lip service of the traditional service clubs.

The modern executive has the wholehearted backing of his corporate affiliation in this exciting new role of social and economic involvement. It has become a way of life for men like McMahon, Beal, Mattia and Brown.

McMahon's current role as state chairman of the U.S. Savings Bond-Freedom Shares campaign for New Jersey provides, in a personal and corporate context, the new fundamental concern of the American businessman and his firm in what is happening in this country today.

"The businessman has to have a dedication beyond his corporate commitments these days," McMahon said, in explaining why he is willing to work long hours in the extra-curricula effort in which he is now engaged.

"The executive and his company no longer can remain detached from the community, for the community has become an integral part of the nation's corporate activity. We cannot stand apart from our national problems . . . the crisis in our land and the crisis overseas. We are living in an era that demands more from all of us, a social responsibility that no longer can be ignored."

The Donald McMahons, the Orville Beals, the Dr. Mattias, the Manning Browns—they are a vibrant part of the exciting social and economic climate that has broadened the horizons of the modern industrialists, the corporate head, the financial tycoon.

The transition has been a long time coming; the conservatism and rigidity of the past that has kept the business leader on a lonely, aloof corporate island has been swept away by the urgent demands of social change in these dynamic, tumultuous times.

American business is not, as one tycoon in the dim past once observed, the cold, implacable bastion of commerce, with both eyes focused only on the ledgers of profit and loss. It has moved out forcefully into the community life—in job training programs, working with schools, in the ghettos, in an active alliance with colleges and universities, in expanded roles of fund-raising drives and massive financial commitments in the nation's troubled areas.

What America and New Jersey are seeing today in this energetic, imaginative mosaic of corporate endeavor corresponds to nothing in past history. Business and industry are making available their enormous potential of extraordinary talents in technical and industrial areas in a massive effort to help the long-deprived minorities trapped in the despair of the ghettos.

The insurance industry has already committed a billion dollars in mortgage financing to be used specifically for risk financing in deprived urban areas, traditionally shunned in the past.

These are areas that even the Federal

Housing Administration, an agency specifically created in the depression to undertake this kind of hazardous underwriting, has long ignored, contributing to the enormous problems that the insurance industry is trying to help overcome these days.

Beal, named by President Johnson as chairman of the Insurance Industry Urban Problem Committee, has urged an even greater commitment be undertaken by insurance. He has recommended that the industry commit another billion dollars to this massive community effort.

"The job is so large that I don't see how it can be done without additional involvement," Beal said.

This is the kind of corporate realism that is being demonstrated these days by responsible and committed executives with the backing of their firms. It can be seen in the humanitarian policies espoused by Dr. Mattia and Hoffmann-LaRoche, in a program that reaches the indigent sick at home and in the hospitals.

Today any of the nation's 300,000 physicians can write a prescription for an indigent patient for drugs manufactured by Hoffman-La Roche, and the drug is available free to the patient on a lifetime basis.

It is a program that is extended to hospitals that participate under the Medicare plan. All drugs manufactured by Hoffmann-LaRoche are automatically discounted by 25 per cent when utilized in a hospital.

Dr. Mattia's pioneering efforts in this sector epitomize the humanitarian aspects of American industry, diluting the long-held belief that its whole thrust is business-as-usual, devoid of any human concern or compassion.

The list of New Jersey executives and firms is replete with McMahons, Beals, Browns and Mattias. It represents an enormous expenditure of personal time and energy by the executive and the commitment of resources of their companies.

It is a list that would have to include Donald MacNaughton, executive vice president of Prudential Insurance, who has worked uncreasingly on the United Hospitals fund drive, to raise $15 million for expansion and renovation of hospital facilities in Newark.

The campaign has been going for several years and it is now moving into the homestretch with its quota certain to be achieved this year. The Prudential has made major contributions in social and human endeavors in this state and the nation as part of the overall commitment of American industry and business in these urgent, critical times.

It is the kind of deep involvement that gets down to the fundamental problems of the racial restiveness and its related economic implications, and has evoked the concern of Robert Lilley, president of New Jersey Bell Telephone Company.

Lilley assumed the awesome responsibility as chairman of the Governor's Committee on Civil Disorders that has comprehensively documented the social and economic causes that precipitated the riots which shook Newark, Plainfield and Englewood last summer, and flared again this year in the tragic aftermath of the assassination of the Rev. Dr. Martin Luther King, the apostle of nonviolence.

It was the kind of public role of social commitment that reflects the personal involvement of Lilley in the field of human relations. He has shown an uncommon awareness of urban problems in his tenure as head of the utility company, and has spelled out his concern in speeches to business groups at every opportunity.

But more important, Lilley has not chosen to make a token community contribution by spelling out the problems; he has moved courageously into an activist role, deeply involving himself as the chairman of the governor's commission.

Nor did he choose to take the easy way, either. The commission's sharply critical report was a sweeping condemnation of the long years of neglect by the public and private sectors.

Lilley's involvement in the human rights field, the most critical issue of our times, represents a lively, positive approach that gives business and industry a vibrant new perspective and dimension in the total concept of the community.

In less dramatic terms, it is the kind of spirit that is evident in other social spheres . . . philanthropy, cultural and the basic commitment on smaller but no less significant levels in our society.

Very much involved in matters concerning the State of New Jersey is Paul L. Troast, chairman of the board of Mahony-Troast Construction Company and chairman of the board of New Jersey Manufacturers Association and New Jersey Manufacturers Insurance Company.

As the first chairman of the New Jersey Turnpike Authority, he dedicated eight years to helping make it the most successful toll road in the United States. The Republican gubernatorial candidate in 1953, he has been appointed by Democratic governors to serve on or lead many state projects, including the Tercentenary Commission and the Tercentenary Corporation. Troast is chairman of the New Jersey Economic Development Council, appointed by Governor Hughes in 1965, and is a member of the Governor's New Jersey Transportation Commission. In other fields, he serves on the boards of the Passaic General Hospital, Bucknell University, and the Samuel H. Kress Foundation. In addition to all of these activities, Troast recently took over the chairmanship of Seton Hall University's five-million-dollar Development Campaign.

The completion of the combined fund drive for New Jersey Symphony Orchestra and Symphony Hall stands as one of the proudest achievements of the business community of the state which handed up its very leadership to make the campaign a remarkable success.

The goal was $650,000, and by latest count, a total of $800,000 has been contributed. The fact that the total far exceeded the most optimistic of original hopes is a tribute to the chairman, W. Paul Stillman, and the treasurer, Beal. Stillman, of course, is chairman of the board of First National State Bank of New Jersey and of Mutual Benefit Life. New Jersey can't offer a stronger business tandem than that, and it paid off.

Of the total raised, reportedly more than 95 percent was contributed by business, with 115 or so companies responding. Most of these firms are headquartered in this state, though some are based outside of New Jersey and maintain substantial operations here.

This level of business community response was not only novel for a cultural drive in New Jersey, but also set some sort of precedent nationally. Figuring a share of about $400,000 for the Symphony, the amount raised by business for our state's orchestra was more than has been contributed anywhere in this country from business sources for a symphony orchestra. There have, of course, been much larger drives for orchestras elsewhere, but the bulk of the money raised in such campaigns was contributed by individuals.

Here it was a business community show, and it was frankly pitched that way from the start. Not only was the leadership taken from the business community, but the appeal was made directly to business organizations throughout the state. It was based on the contention that for the business climate to be healthy, so must be the whole social fabric of life in our state. Up to now we had been lacking when it came to the development of our own strong cultural institutions. We had depended on New York and Philadelphia, instead.

At a recent reception marking the successful completion of the drive, Stillman termed the campaign result "New Jersey's declaration of cultural independence from New York."

As for the use of the funds, the Symphony Hall share was needed basically to underwrite deficits stemming from improvements which have been made, are still to be completed, at the great concert hall.

The New Jersey Symphony, with its share, has cleared the road for the establishment of a million dollar endowment fund, half of which is to come from Ford Foundation Funds which already have been allocated for the future use of the orchestra. It is a pretty nice future prospect for Henry Lewis, the Symphony's new music director, who took over this summer.

It is the kind of involvement that has attracted the zealous dedication of C. Malcolm Davis, president of Fidelity Union Trust; Herbert Seegal, president of Bamberger's-New Jersey; Charles W. Engelhard, president of Engelhard Industries; Fred R. Sullivan, president of Walter Kidde Inc.; Watson F. Tait, president of Public Service Electric and Gas; Henry Becton of Becton-Dickinson, and Charles Smith, president of Central Cadillac.

The list is longer, much longer than space permits. But even this partial listing provides an indication of the massive corporate effort being directed in these trying times toward the resolution of monumental problems that afflict our nation.

This is not a perfunctory effort, one that is geared only for sporadic involvement. It is a total commitment of corporate resources . . . time, energy and highly trained executive talent . . . in a common effort of unprecedented public zeal.

These are not mere social do-gooders who spout the euphemisms of the dilatory past, the rhetoric of the concerned but uncommitted. These men are putting their time, their experience, their energies, their companies' resources on the line, up front where they can make meaningful, significant contributions in this hour of national travail and strife.

It is a massive effort on a continuing, sustained basis that has had a long-range dedication and commitment directed at the basic human factor, the alleviation of the grinding poverty and despair of the slums.

The corporate precept of the "lonely citadel of power" has become a social and economic caricature, out of keeping with the context of our times, the need for constructive, affirmative action by the corporate community to flesh out the social programs of government that have not reached down to the lowest level of human need.

It can be seen in a number of ways, the efforts of a Watson Tait and his corporate colleagues to attract new industry to this state, attacking the social problem right at the base by broadening the employment pool in New Jersey.

It can be seen in the financing approved by Malcolm Davis and the Fidelity Union Trust Company for two Negro residents of Newark who wanted to open a small hat store after the riots, a meaningful microcosm of the overall social and economic commitment of American business in this new era of responsibility.

These are all part of a fabric of total involvement that has brought the business community into a new way of life that augurs well for the future.

It is the kind of commitment that was prophesized many years ago by H. Bruce Palmer, former president of the Mutual Benefit Life Insurance Company. He was a modern executive who foresaw the day when business and industry would have to become part of the community, working hand-in-hand with public agencies to help resolve the smouldering social and economic problems that manifested themselves in the national despair of racial riots that have grievously divided and disrupted our nation.

Palmer envisioned the commitment of a Donald McMahon, an R. Manning Brown, Jr., an Orville Beal, a Donald MacNaughton, a Dr. V. D. Mattia, a Robert Lilley, a Paul L. Troast, et al.

They are working longer and harder these days, not exclusively for the corporations that pay their salaries, but also for the more rewarding objectives of human uplifting, a better way of life for the long-deprived segments of our population.

THE TAX INCREASE IS NOT WORKING

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. CURTIS. Mr. Speaker, the administration's tax increase of earlier this year, heralded as the solution to inflation and the Nation's economic woes, just is not working. As I have often stated: For example, see CONGRESSIONAL RECORD, February 28, 1968, 4463–4464; February 29, 1968, 4707–4709; May 13, 1968, 13010; May 14, 1968, 13112–13118; May 29, 1968, 15501–15502; June 3, 1968, 15810–15812; June 4, 1968, 15868; June 20, 1968, 17972–17974, 18009–18011; June 27, 1968, 19195; September 17, 1968, 27261–27262; September 18, 1968, 27313; September 26, 1968, 28548–28549—the tax increase would not slow down inflation in the absence of meaningful expenditure reductions. The Wall Street Journal in an article of September 27, 1968, points this out also.

As the Journal puts it:

> . . . the 10% income tax surcharge that's the showpiece of the Johnson Administration's economic-restraint policy shows many signs of being a flop.

The consumer price index climbed 0.5 percent in June, 0.5 percent in July, and 0.3 percent in August. Even the lower rate of August amounts to an annual rate of inflation of 3.6 percent, the rate of inflation during the 18 months before the tax surcharge was passed.

These facts as pointed out in this article are just the latest in a series showing that this adminstration's economic policy is erroneous.

The article follows:

Fiscal Fizzle?—Doubts Are Mounting That Surtax Is Slowing Economy as Expected—Some Analysts Insist More Time Needed—Others Say Rise Won't Check Inflation—Pay Increases Blunt Impact

(By Richard F. Janssen)

WASHINGTON.—More than two years in the making. A theme of peril for the whole nation. A cast of millions, a cost of billions. Advance rave reviews from eminent international critics.

But so far, the 10% income tax surcharge that's the showpiece of the Johnson Administration's economic-restraint policy shows many signs of being a flop.

Since President Johnson signed the bill June 28, the Government has been issuing a stream of statistics showing that inflation is advancing at least as fast as before, the consumer spending is undaunted, that taking out a home mortgage remains costly, that the country's foreign trade is still in grave straits.

While the effects of the tax rise have admittedly fallen short of their fondest forecasts, top Administration officials insist that they're not surprised to see some delay in the routing of the inflationary villain. The Administration has never claimed to have an "instant moderation formula," contends Chairman Arthur M. Okum of the President's Council of Economic Advisers. Rather, he says, the tax increase will have to "work gradually over time."

THREE CAMPS

Much more telling than what has happened in the first three months after the tax boost, officials say, will be what happens in the second three months—the period from October through December that embraces both the Presidential election and the crucial days of shaping policy for 1969. While many seers remain optimistic about this time ahead, officials in the Government's policy-making centers are divided over the outlook. Meet the three main camps:

The "just you wait" group, outranking and outnumbering the others; it holds that there's always a lag before a tax change causes the economy to respond and that by early 1969 the restraint may even prove so massive as to make a recession a very real risk.

The "it wasn't enough" element, which fears that fat pay raises will render the surtax impotent against continuing inflation.

The "money supply men," who argue heatedly that the surtax can't do much good because the Federal Reserve Board is still swamping this effort at restraint in an inflationary outpouring of newly created funds.

Instead of ending the sense of impending crisis that pervaded the year and a half that the tax boost was under consideration, insiders admit privately, passage of the surtax has ushered in a new era of anxiety about its impact both on the economy and on the outcome of the election. Unless it does soon prove to be a soothing economic influence, they fear, for years to come the Government will shy from flexible tax policy and will be more willing to tolerate "old-fashioned" ups and downs in business.

Heightening the Johnson Administration's nervousness is the growing realization that almost anything achieved by the surtax can be turned to advantage by the Republican campaigners. At best, they say, it will bring the gentle moderation in growth that they want, but even that achievement would be at the price of embarrassing increases in unemployment without the reward of a clear respite from cost-of-living increases.

DOING WHAT'S "RIGHT"

"Those are the only two statistics that most people pay attention to," laments an Administration aide. To counter this political danger, officials such as Assistant Treasury Secretary Robert A. Wallace are already admonishing audiences to applaud the Administration for doing "what was right rather than what was politically expedient."

Should the surtax fail to blunt the boom, Johnson strategists worry, the GOP could denounce it as one more needless burden on the "forgotten Americans." And officials fear that if it cuts painfully into present prosperity, the inevitable "economic mismanagement" charges will be all the more compelling.

Meanwhile, Administration leaders are already finding a few economy gains—or at least an absence of setbacks—that they can credit to the surtax. "Nobody's talking about devaluation of the dollar any more," says one official, and Treasury Secretary Henry Fowler has reported the financial community has been freed from its fright that big Treasury borrowing demands threaten "a monetary crunch." Short-term interest rates generally are down by a quarter-point or half-point from peaks of over 6% just prior to the tax bill's passage, while mortgage-money rates seem to be leveling off, Administration men say.

The consumer price index climb in June and July was so uncommonly steep, others add, that coming months also surely will show something less than that 6% annual rate of rise. Last month's advance, the Labor Department reported yesterday, was at an annual rate of 3.6%, a return to the trend of the inflationary 18 months during which the surcharge proposal was pending in Congress.

GNP OUTLOOK

While it remains to be seen whether the surtax will work as well as hoped, "it is a fact" that the economy isn't growing as fast now as in the first half of 1968, Presidential adviser Okun says.

The statistical evidence on the September quarter's gross national product—or total output of goods and services—won't be at hand until mid-October, but Government seers agree that the rate of annual gain will be smaller than the $21.7 billion spurt that brought the GNP to a record $852.9 billion annual rate in the quarter ended June 30. Hopes for a cooling off to a $10 billion rate of gain this quarter have faded, though, and the best guess is for a gain of around $15 billion—about the same as in the bustling latter part of 1967.

The dominant camp's faith in the eventual effectiveness of the surtax, nevertheless, is strong enough to rank some of its members among Washington's main recession-worriers. Secretary Fowler scoffs at the idea, but Budget Director Charles Zwick publicly places the risks on that side (especially after Social Security taxes go up in January) and Mr. Okun delicately displays his fears by saying that "we may welcome opportunities" to ease up on the restraints in the first half of 1969.

The relatively few measures of the post-surtax economy that are available now, however, are inconclusive enough that they're used to support conflicting assessments.

Mr. Okun's adherents seize, for example, on the data showing that retail sales rose only about 1% in August, much less than their 3% rise in July; higher withholding for the surtax started shrinking pay checks only about mid-July, they note, and they pronounce it a good omen that sales in the first full month of withholding rose to their record only by a narrow margin. "Who's to say," asks one analyst, "that the surtax isn't already working?"

But another group of economists (including many anonymous Federal career men) finds such figures unreassuring. "Why shouldn't retail sales still be setting records?" demands one of these men. Using President Johnson's own arithmetic, he argues that the surtax costs the average taxpayer (excluding some 17 million low-income Americans who were exempted from the extra levy) "only one cent on the dollar" of total income. Much more than offsetting this 1% for many workers, he observes, is the fact that the typical labor contract negotiated in the first half of this year brought a plump 7.5% first-year boost in pay rates.

ROOM TO MANEUVER

Even aside from rising incomes, these analysts say, consumers are unusually well-equipped now at least to delay the deterrent effect of the surtax, which is nicking them for an estimated $7.8 billion this fiscal year. Americans have been amassing a large cushion of savings lately, and by just letting the slice of income saved slide by one percentage point to a more normal level (from 7.5% of after-tax income in the June quarter), they would free about $6 billion for spending annually.

Meanwhile, public reluctance to take on mortgages and consumer debt in the past couple of years, others add, suggests that most families have considerable leeway for fresh borrowing with which to keep up their spending.

On the production side of the economic scorecard, it's a special situation in steel rather than the surtax that accounts for recent softening the skeptics say. They find the August decline in the Federal Reserve Board's industrial output index fully attributable to the fact that steel users started to live off their huge stockpiles once the threat of a strike had faded; in its commentary, the board didn't even mention the surtax as a possible factor.

And despite an abrupt drop in steel ordering last month, the Commerce Department has reported that new factory orders for all durable goods rose: significantly, some analysts say, this wasn't merely a continuation of an uptrend but a surprise ending to a downtrend that started last April.

"The economy is crossing up" the Council of Economic Advisers, one Government man says.

The strongest doubts about the efficacy of the surtax are expressed by the small but articulate band of economists who rate changes in the amount of money circulating in the country as the most potent influence on the economy. Within the Federal establishment, their main stronghold is the St. Louis district Federal Reserve Bank. But the "Friedmanites," as they're called after the University of Chicago's Milton Friedman, also can be found exerting a subtle influence inside key Washington agencies. Some of them apply pressure from such vantage points as big commercial banks (New York's First National City Bank, Chicago's Harris Trust & Savings Bank), and they all find a highly resonant sounding board in the Congressional Joint Economic Committee.

WHAT THE THEORY SAYS

While taking heed of the reduced budget deficit and of continued high interest rates, the St. Louis Bank contends that "the goal of stable economic growth will be difficult to achieve in the near future." A key explanation: "The money stock has increased at a 7% annual rate since the beginning of 1967, three times the 2.4% trend rate from 1957 to 1966." Summing up the money supply theory, the bank states that "whenever money holdings of the public exceed the amount of money people desire to hold," they step up their spending or investing.

To the acute discomfort of Washington's top policy-makers, the Congressional Joint Economic Committee has become a nettlesome local outpost of the money supply men. Chairman William Proxmire, a Wisconsin Democrat, wonders aloud if the Federal Reserve Board is giving anything more than lip service to the anti-inflation restraint that it urges. He complains that "the money supply has been going up at a hell of a rapid rate" since the surtax was passed. While the board icily rebuffs the idea, the Senator's committee has gone so far as to urge on it the ultimate Friedmanite goal of limiting the money supply growth to about the 4% annual rate at which the economy's real capacity to turn out goods and services is generally believed to advance; this, the theory holds, would avoid inflation.

Administration men agree the next few months may offer at least some clues as to whether a fast-mounting money supply can override the drag placed on the economy by a tax boost and budget spending crackdown. President Johnson's aides, aware that Richard Nixon listens to Mr. Friedman, worry that results seeming to favor the money supply school could tempt the next Administration into trying to steer the economy by what they deem a dangerously misleading measure. Among the shortcomings they see in the money supply indicator, is that it's impossible to tell if an increase results from Federal Reserve Policy decisions or from private borrowing decisions. Also, they say that money supply data doesn't measure the potential purchasing power represented by Treasury bank accounts, private savings accounts and other financial assets. Thus, the Administration men argue, the money supply indicator is an inadequate basis for deciding economic policy.

CREDIT UNION DAY AT HEMISFAIR HONORS WRIGHT PATMAN

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. GONZALEZ. Mr. Speaker, on August 5 credit unions in Texas celebrated Credit Union Day at HemisFair.

The honored guest at the celebration was the distinguished chairman of the House Banking and Currency Committee and fellow Texan, Wright Patman. Not only was Wright Patman honored as the godfather of credit unions but the occasion also marked his 75th birthday, which was celebrated at a dinner the night before the HemisFair occasion.

Mr. Speaker, Wright Patman is a living symbol to credit union people throughout the world in general and to credit union folks in Texas in particular. They know that in Wright Patman they have not only a spokesman but a champion of their cause.

It is with genuine hero worship that credit union members look upon Wright Patman for they know that he is a man who understands their problems and knows of the great works that they have performed. They also know that they can send a letter or call Wright Patman and get a prompt response.

Mr. Speaker, to show the respect that credit unions have for Wright Patman, I am including in my remarks, articles from the Texas Credit Union League Bulletin and from the Echo, the Government Employees Credit Union in San Antonio, that describe the HemisFair celebration and the dinner for Wright Patman. I am certain that anyone reading these articles will quickly see the fondness that credit unions have for Wright Patman.

The articles follow:

[From the Echo, August 1968]

U.S. Representative Patman Honored at Fair

Rep. Wright Patman celebrated 75 years of age August 6—nearly half of which have been spent in the U.S. Congress—as hundreds wished him happy birthday at a dinner in the main ballroom of the El Tropicano Motor Hotel.

The veteran legislator, chairman of the House Banking and Currency Committee, was in San Antonio as honor guest and speaker at HemisFair's Credit Union Day August 7.

He arrived in San Antonio Tuesday evening by auto motorcade and was greeted at the El Tropicano by the Chamber of Commerce's Red Carpet Committee and civic leaders. Kenneth Cadena, Assistant Manager of GECU, was one of the officials who greeted him.

An invitation was sent to President Lyndon B. Johnson to attend and the following telegram was received by the Texas Credit Union League from the Temporary White House in Johnson City, Texas.

"I am sorry that I could not be with you tonight. I wanted to share in this celebration for many reasons. First, I wanted to congratulate Wright for his extraordinary achievement. He has served 40 years in the congress, and he still has enough friends left to throw him a party. Second, I would like to remind him that 40 years in public life is not as long as it seems.

"As Lady Bird has pointed out, 40 years—in a lady's life at least—only means that you are old enough to be interesting and still young enough to be exciting.

Wright Patman's 75th birthday is an occasion for pride on the part of every Texan and every American. It represents a quarter of a century of unflagging effort on behalf of all the people of this country. If he has sometimes seemed harsh toward the bankers and the financiers, it was only because he had their real interests at heart, too.

He is the acknowledged Father of our Federal Credit Unions, which have been to the world of finance what the TVA has been to public utilities. He has raised the standards and shown the way. It is fitting that you should honor him tonight, and Lady Bird and I join most warmly with you on this happy occasion." (signed) Lyndon B. Johnson.

Among the many dignitaries present was Sen. Ralph Yarborough of Texas.

Attending the pinata birthday party from Government Employees Credit Union were Mr. and Mrs. A. G. Sinclair, Jr., Mr. and Mrs. Joseph S. Burton, Mr. and Mrs. A. Jimenez, Mr. and Mrs. George Lambkin, Mr. and Mrs. Joseph J. Curella, Mr. and Mrs. G. C. Levisay, Mr. and Mrs. Charles Panzer, Mr. and Mrs. Edward C. Klefforth, Mr. and Mrs. Herbert Kampfhenkel, Mr. and Mrs. Lawrence Morris, Les Taylor, J. R. Williams, and Mr. and Mrs. Kenneth Cadena.

[From the Texas Credit Union League Bulletin]

Patman's 75th Birthday: San Antonio "Swings" for CU's

In days past San Antonio had the name of a sleepy-time town.

Those days are gone forever. The fiesta has replaced the siesta.

A gem of a world's fair, the HemisFair, has changed the name of the game.

The eyes of the credit union world were on the Alamo City the week of August 5, as it was the scene of some real swinging action.

First to make the scene was the 5th District Management Conference opening at El Tropicano Motor Hotel. There were 310 in attendance as Dr. Wilfred Watson and his fellow University of Texas professors put credit union leaders from five states through their fast paces with tough management "games".

Then the "godfather" of the credit union movement, Rep. Wright Patman of Texarkana, accepted an invitation to attend Credit Union Day at the HemisFair on August 7.

It was soon realized that the dean of the Texas Congressional delegation would arrive on August 6, his 75th birthday. Plans were made quickly to have a surprise birthday party Tuesday night at El Tropicano with all the trimmings. Some 400 credit union folks showed up to pay tribute to the man who has sponsored every piece of credit union legislation in Congress since the passage of the original Federal Credit Union Act in 1934.

The Chairman of the House Banking & Currency Committee was met on arrival at El Tropicano by the red carpet reception committee of the Chamber of Commerce. Several members, including Chapter President Ken Cadena and League Director Harry Olson are credit union leaders in San Antonio.

With Mr. Patman, who drove his own car over 400 miles, was his son, State Senator William Patman and his wife from Canado, and Mrs. Bennye Ford, his sister. Senator Ralph Yarborough of Texas flew from Washington for the birthday party, and returned again on the same evening.

When Mr. Patman was escorted into the banquet hall that night, he received an enthusiastic standing ovation.

Master of ceremonies for the affair was League Managing Director Jim Barry.

A huge birthday cake was brought in to the tune of "Happy Birthday," and Patman delightedly cut the first slice.

He was then introduced to his first pinata in his 75 years. He gave it a few hearty whacks, and soon a cascade of gift-wrapped credit union jewelry, candies and other goodies was pouring out of the bright pink pig.

Birthday cards and telegrams from near and far, from the great and near great poured into San Antonio for the "birthday boy."

L. B. J. AND LADY BIRD SEND PERSONAL BIRTHDAY MESSAGE

Leading the list was a message from President Lyndon B. Johnson.

Patman has known the President since he was "12 years and six feet tall" when he and Johnson's father shared a desk in the Texas legislature.

The President's message read:

"I am sorry that I could not be with you tonight. I wanted to share in this celebration for many reasons. First, I wanted to congratulate Wright for his extraordinary achievement. He has served 40 years in the Congress, and he still has enough friends left to throw him a party. Second, I would like to remind him that 40 years in public life is not as long as it seems.

"As Lady Bird has pointed out, 40 years—in a lady's life at least—only means that you are old enough to be interesting and still young enough to be exciting.

"Wright Patman's 75th birthday is an occasion for pride on the part of every Texan, and every American. It represents three quarters of a century of unflagging effort on behalf of all the people of this country. If he sometimes seemed harsh toward the bankers and the financiers, it was only because he had their real interests at heart, too.

"He is the acknowledged father of our federal credit unions, which have been to the world of finance what the TVA has been to public utilities. He has raised the standards and shown the way. It is fitting that you should honor him tonight, and Lady Bird and I join most warmly with you on this happy occasion. Lyndon B. Johnson."

The President and the First Lady both went into San Antonio's Brooks General Hospital for checkups on the day of Patman's birthday party.

Senator Yarborough eulogized Patman's career and his work with credit unions in his remarks, called him a statesman, and "Mr. United States Finance System." The Senator said Mr. Patman knows more about currency, finance and banking than any person in Congress.

"Credit unions are protecting the purchasing power of the nation, and God bless you," declared the Senator.

James Barry said that credit union people will go to any lengths for Congressman Patman, and to prove it, he announced that the wife of League education, director Les Clemens had given birth to a baby girl on Patman's birthday. The girl was named Laurie.

Patman called credit unions "one of the greatest financial institutions in the world today," and said, "credit unions are my favorite organization outside the church."

He told the gathering that the 90th Congress "has done more for credit unions than any Congress since 1934, when the Federal Credit Union Act was passed. You really are in business."

"People from all walks of life go into credit union work as a labor of love," he stated.

Patman paid tribute to credit unions for the work they are doing with servicemen both at home and abroad, and said that he is sending a special committee to Viet Nam to see about forming credit unions to help defeat the loan sharks.

Credit Union Day at HemisFair was bright, clear and hot, but that didn't daunt Patman, who went through a true ceremonial reception, a press conference, a VIP's tour of the fair, a luncheon, more tour. He still had more than enough left over to address a crowd of hundreds at Credit Union Day ceremonies, and then crown "Miss Credit Union."

The pace would (and did) cause younger men to drop by the wayside.

At his press conference Patman told reporters, "You don't see credit union people chasing a fast buck."

In view of credit union activities around the globe, he thought it most appropriate that HemisFair, a world's fair, was having Credit Union Day.

At the Credit Union Day observance in Las Plazas del Mundo, Patman once again heard the strains of "Happy Birthday" as the HemisFair band greeted him.

In brief remarks under a hot Texas sun, he came out once again for a supervisory agency.

Patman told the Credit Union Day audience that "In order to recognize the value of credit unions to our economy and to our people, I have long advocated that their true stature be recognized by giving them their own supervisory agency, an agency not under another department as it has been in the past."

The first "Miss Credit Union of Texas" contest drew 28 lovely credit union entrants.

CONNECTICUT CONFERENCE ON MARINE SCIENCE

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. ST. ONGE. Mr. Speaker, it is with pleasure that I call to the attention of the House of Representatives the First Connecticut Conference on Marine Science and Technology which is being held October 1–3, at Avery Point, Groton, Conn., in my congressional district.

The conference will outline to the businessmen attending the profit opportunities related to the sea which are currently estimated at $7 billion a year and are expected to increase to $23.5 billion in the next decade.

The parley is being sponsored by the Connecticut Development Commission, Connecticut Research Commission, University of Connecticut, Connecticut Joint Federation of Scientific, and Engineering Societies, and the Connecticut Department of Agriculture and Natural Resources. Cosponsors are the U.S. Navy Underwater Sound Laboratory, Mystic Oceanographic Co., General Dynamics/Electric Boat Division, and the Marine Technical Society.

As a member of the Oceanography Subcommittee of the House Merchant Marine and Fisheries Committee, it is specially gratifying to me to see the initiative and cooperation taken by industry, government, and the public in considering the development of this vast, new frontier, and the potential wealth it contains.

URGENT NEED FOR EASTERN WAYNE COUNTY, N.Y., HOSPITAL CITED AS PREREQUISITE FOR ECONOMIC GROWTH OF LOCAL COMMUNITIES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. HORTON. Mr. Speaker, the problems of medical care facilities throughout the country is reaching a crisis. And nowhere is this felt stronger than in the small communities and rural areas.

Many times on the floor of the House of Representatives I have cited the need to stem the steady flow of doctors and medical technicians from these small communities.

This is a great surge today to build bigger and better, modern hospitals with highly specialized facilities. Planning is essential to this effort but that planning must take into account the economic factors facing smaller communities.

An example of this medical care problem is in my 36th Congressional District in New York State. We have the exploding metropolis of Rochester which, with its suburban towns, is passing the 700,000 mark. We also have Wayne County—once a rural community whose population is just beginning to explode.

It now has 80,000 persons and anticipates a 50-percent increase in the next 25 years. The western portion of the county is being swelled by the Greater Rochester expansion. Its eastern towns have not grown as fast.

Rochester has some of the most highly specialized medical care facilities in the county. Hospital care in Wayne County is expanding but not as fast—and not as fast as the needs of the people they have to serve.

For years, eastern Wayne County has been served by two fine hospitals in Lyons which gave heroic service. But now these hospitals are outdated and the people seek to replace them with a modern, new facility.

They realize the need for up-to-date hospital care to maintain their present industry and to attract new industry.

But they have met only opposition.

This crucial situation will come to a head Thursday when the New York State Board of Social Welfare will conduct a special hearing in Lyons, the county seat. I plan to present a statement at this hearing on behalf of the application for a new hospital.

Mr. Speaker, I would like to share my sentiments on this critical situation with my colleagues. I feel the situation in my own district may be duplicated in many small communities across the country.

The modern trend of building vast medical centers in metropolitan areas is a worthy undertaking. But we cannot do this at the expense of medical care in smaller communities like those in eastern Wayne County.

The need to provide medical care services for persons in eastern Wayne County is beyond the critical stage. It is imperative that State and local officials reach an immediate agreement on the course to take.

The local people have met continuous opposition—a negative opposition too, not a constructive one. While rejecting the pleas of the people involved in this area, the regional and State hospital planning agencies have offered nothing in the way of positive, constructive alternatives.

There are talks about centralized hospital facilities. All the problems involved in building and maintaining a modern new hospital facility have been mentioned. But all those words have yet to produce one single, solid proposal that would provide even one of the beds needed to replace those that will be lost when Lyons Community Hospital and E. J. Barber Hospital are forced to close their doors.

There is talk of expansion at other area hospitals. These expansion programs will simply meet the needs in those already overcrowded hospitals. You do not add on hospital beds like pieces of an erector set to meet the needs of a community.

Within the foreseeable future, the 50 or so beds at the two Lyons hospitals will be gone. And then what happens to the hospital care that these people will need?

There is no question that comprehensive medical care and health care planning is essential. But we have here a deplorable example of this planning working against the very people that it is supposed to help. It is a crass example of bureaucracy thwarting the needs and the will of the people.

The people here in eastern Wayne County have pledged their support of this new venture. They have looked to their future and in a real sense they have cause to believe that their Government is turning its back on them.

This area—particularly Lyons and Clyde—has shown what personal pride and resourcefulness can do. In the past 3 years there has been economic rebirth; and this example has spread through the entire county.

It was my privilege and duty to work with businessmen and civic leaders from Clyde and Lyons to help develop programs under the Federal Economic Development Administration. These two communities have built industrial sites that give great promise to the future.

But a cloud hangs over that future. A major factor in the consideration of a company seeking to expand or establish itself is the health and welfare of its workers.

Hospital facilities are essential.

The health and welfare of the people of eastern Wayne County weighs in the balance here. Hospital facilities are essential to attracting physicians and other health-care professionals.

Eastern Wayne County is an example of what happens when facilities close or become inadequate.

A new eastern Wayne County hospital is an excellent opportunity for the start of a comprehensive medical care program for all of Wayne County. Together with hospitals in Newark and Sodus, it could be the basis for a massive cooperative medical venture with major hospital complexes in both Syracuse and Rochester to provide the finest and most extensive hospital care in the area.

What is needed is an open forum to air the problems and seek the most effective and responsible solution. To date there has been only a polarization of individual forces which penalizes those who need the help most—the sick and the injured whose lives might be saved if modern and convenient facilities were available.

The more affluent in our society sometimes forget that transportation is not readily available to the poor. It is evident from all statistics that a major portion of the poor in Wayne County live in the eastern half. It is these people—many of whom will be attending the hearing Thursday—who are joining their neighbors in this plea for help.

People in eastern Wayne County have shown the initiative. They have proven the resources. The need is obvious to anyone who has visited a local hospital. The opposition seems to stem from the planning agencies whose job it is to determine the answers to such problems.

The men of these planning agencies have a thankless task to perform, but I feel that in this particular case they have allowed the situation to sit too long. They have not offered reasonable alternatives. They have forgotten that the solutions must be based on the individual case and not on a textbook theory.

There are no hard and fast rules which can govern. The problems of the metropolitan areas are vastly different from those of rural communities. The problems of a rural community caught between spreading metropolises such as Rochester and Syracuse offer problems for which no one is able to envision simple answers.

In the past 18 months I have contacted every member of the Rochester Regional Hospital Council and of the State Hospital Review and Planning Council urging that permission be granted to the people of eastern Wayne County to locate a hospital facility in this area.

Although I am a Federal official, not a State or local official, I am deeply involved with the eastern Wayne County communities. I know how great is the need for such a facility.

These people have come to their court of last resort. Their cause is just. They have proven the needs of their people and the willingness to pay for it. I deeply feel that to turn down the people of eastern Wayne County would be a severe injustice.

CONGRESS AND McNAMARA'S BANK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. BINGHAM. Mr. Speaker, in the October 4 issue of Life magazine there appeared an editorial commenting on the passage by Congress of the lowest amount of foreign aid in history. I commend this editorial to my colleagues and other readers of the RECORD:

CONGRESS AND McNAMARA'S BANK

It is not enough to say that the House, by slashing the foreign aid bill to a bare $1.6 billion, the lowest in history, is being mean and cheap. It also is ignoring reality and being downright stupid. That figure is a bare one fifth of one percent of this nation's annual gross national product. We are the world's richest nation—but last year six other countries gave a bigger share of their income to help less developed countries and this year our share falls further. Ironically, after the Alliance for Progress and development loans were gutted, the biggest item left, $375 million, was military aid, which pays for tinpot armies and weapons purchased in the U.S.

American interest in the prosperity of developing nations is not merely humanitarian. Rather, it is quite fundamental, a point that Robert S. McNamara, now president of the World Bank, once made in a speech. First drawing the relationship between poverty and revolutionary violence (with its obvious danger to world peace), he noted that by 1970 half the world's population will live in countries commanding only one sixth of the world total of goods and services. Even by the end of this century, per capita income in the least developed nations projects at about $170 a year. U.S. per capita income by then will be an estimated $4,500. McNamara said, "The conclusion is inescapable: given the certain connection between economic stagnation and the incidence of violence, the years that lie ahead for [these nations] are pregnant with violence."

The World Bank is the only bright spot in the whole affair. While it cannot replace foreign aid, in some ways it can be more effective, for as an international agency relying in part on private financing it can demand efficiency without disturbing the pride of the smaller countries.

It comes, therefore, almost as counterpoint to the House's dismal move that McNamara this week launched the World Bank on a five-year acceleration in which its loans would equal all those granted over the last 20 years. It will put special focus on the least developed countries, where it will triple its efforts in education, since education makes every other activity work better. It will quadruple its efforts in agriculture, where, McNamara believes, "irrigation, fertilizer and peasant education can produce miracles."

A special affiliate of the bank makes other loans which are in the nature of grants of money supplied by member governments. The U.S. contribution to this fund for the next three years—$480 million, which will summon forth a total of $720 million from other governments—is before Congress now. Congress should pass it for the simple reason that the alternative to McNamara's vision of hope is despair and ultimate disaster.

FEDERAL AVIATION ADMINISTRATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. BUSH. Mr. Speaker, the Federal Aviation Administration is currently in the process of holding several hearings on its proposal to solve the airport congestion problem. My colleague from Texas, the Honorable BOB PRICE, testified before these hearings. His testimony certainly puts the whole question in perspective and I would like to have it entered into the Congressional Record at this time:

Statement of Representative Bob Price in Hearings Before Federal Aviation Administration in Opposition To Proposed Restrictions on the Use of Some Major Airports by General Aviation

In my judgment, the notice of proposed rule making, is not the answer, and certainly not the panacea, to the airport—airspace congestion problem. It is not realistic.

This Federal proposal, which could outlaw any effective or reliable use of certain public airports unless one travels via commercial airlines, is not in the public interest.

The severe congestion problem, which was a local one existing only in a few metropolitan areas and which apparently precipitated this notice of proposed rule making, does, in fact, no longer exist. Air carrier passenger traffic and load factors are down. Schedules are being reduced. General aviation will not fly as much because of shortened daylight hours. So, the original problem is not now an immediate one.

We do not deny, however, that at some time, certain steps may have to be taken. However, before this is done, all steps which can be taken now by the FAA, should be taken. Many recommendations have been made to this agency as to how best alleviate the congestion problem and how to improve the system. Many ideas have been submitted by responsible and knowledgeable persons. And many of these constructive ideas have not been implemented. Before we restrict, or exclude, certain segments of general aviation from using public airports, FAA must take the intiative and implement the changes and procedures which it can do now and at minimal cost. All reasonable and possible steps must be immediately taken. These steps could alleviate the problem until long range solutions are found.

Before any exclusions or restrictions are considered, these steps must be carried out—and then evaluated! A very thorough evaluation.

FAA must not arbitrarily tinker with the very system through which the life-blood of the economy flows. There is a definite and unarguable requirement for a portion of general aviation to have access to all airports, under certain conditions. Exclusions cannot be tolerated. Allocations should be recommended only as a last resort and after much trial and experience.

Even with these short range steps taken, many of which will be presented later by the National Business Aircraft Association, there exists the possibility that some parts of the problem will remain. But, even then, the problem could be effectively and equally solved without any necessity for the priority or exclusion of any necessary form of civil aviation. I do not feel, at this time, this notice of proposed rule making, is to the benefit of the majority of the citizens who pay taxes.

As Congressman Price so ably points out, this is a problem that encompasses so much more than just airport congestion at our major airports. It is just one segment of the multitude of problems our modern airports are facing—problems that the Federal Government must face and not approach in a piecemeal fashion. We need a whole approach.

The problem is arrested for the moment and it is up to us to see that this breathing space is put to good use in testing some of the new, imaginative ideas that have been suggested.

CARL HAYDEN'S VISITORS CENTER

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. UDALL. Mr. Speaker, I would like to commend to the attention of my colleagues the following news release of the Department of the Interior which includes excerpts of remarks by the Secretary of the Interior at the dedication of the Carl Hayden Visitors Center on September 26, 1968, at Glen Canyon:

Remarks by Secretary of the Interior Stewart L. Udall at Glen Canyon, Carl Hayden Visitors Center Dedication, September 26, 1968

In the summer of 1911 President Howard Taft was in the White House; the territory of Arizona was a frontier outpost, with a population of 205,000 scattered sparsely over its 113,575 lonely and arid square miles; and 34-year-old Sheriff Carl Hayden of Maricopa County, then a major in the National Guard, was at Camp Perry, Ohio, competing successfully in the national rifle matches.

A few Navajo Indians were pasturing their sheep on the scrub of Manson Mesa over there where Page now stands, and the Colorado River was much as Major John Powell had viewed it 42 years earlier, when he and his party first explored the dark deep gorges and unexpected rapids of the wild, mysterious river.

Noting in an Ohio newspaper that his territory was about to attain statehood the crack marksman from Arizona went home to announce he would run for Congress. He did and with the same success he had experienced on the rifle range, in his Tempe flour mill, and throughout Maricopa County, where he had served as councilman, treasurer, and sheriff.

Today we see evidence of the wisdom displayed by the people of Arizona in sending Carl Hayden to Washington in 1912 to represent them and keep him there ever since.

The former sheriff of Maricopa is the one person most responsible for transforming the raw frontier that was the Arizona of 1912 into the prosperous progressive and popular state of 1968, the fastest growing of all 50 states of the Union.

This great dam and lake and bridge are not unique in being monuments to the vision, ability and hard work of Senator Hayden and a long line of like-minded westerners in Congress. Throughout not only Arizona, but all the West there are literally hundreds of such monuments to Carl Hayden—dams, reservoirs, parks, highways, power lines, airports, crop lands on what once was desert, and thirving towns and cities.

Actually, as Senator Hayden completes his nearly 57 years' service in Congress, he could contemplate the great American West and see the good life it provides millions of men, women and children as a manifestation of his own handiwork. Not that he would so consider the results of his long-time efforts, of course. For Carl Hayden, a tough and able man, also is a humble and simple man.

When his colleagues in the Senate paid tribute to him recently, they stressed not only his many and varied accomplishments as chairman of the Senate Appropriations Committee and as the senior and most powerful member of the Senate; they remembered his myriad kindnesses, his humility, and his tireless energy in advancing the welfare of all sections of the Nation.

Women's suffrage is an outstanding monument to this far-seeing American, who in 1919 sponsored the Constitutional amendment to give women the right to vote. The 1931 Hayden-Cartwright law marked the beginning of the Interstate Highway System. The Federal Home Administration, authorizing government-insured loans to farmers, and the G.I. Bill of Rights are other Hayden legislative milestones.

One could go on, literally for hours. As an inscription in St. Paul's Cathedral in London directs, on behalf of the renowned architect, Sir Christopher Wren, "If you seek my monuments, look about you." Anywhere we look at the evidence of progress in this country we are likely to see evidence of the work of this son of Arizona, Carl Hayden.

President Johnson, paying tribute to his old friend, said: "His work was the arduous kind that is done in the committee rooms. It was long; it was painstaking; it was nighttime sessions. It was poring over testimony and figures of a thousand appropriation bills involving billions of dollars, trying to serve his main client: the people, the people of the United States—serve them with integrity, with imagination, and always with great care.

"America is stronger for what you have done in these 56 years, and it is going to be poorer when you have left these halls," the President told Senator Hayden.

We Arizonians, along with most Westerners, are especially mindful of the force of Senator Hayden's efforts in promoting and bringing to fruition development of the Colorado River, lifeline and a seven-state area of the arid West.

In 1920 he introduced a bill to apportion the waters of the "Big Red" between the upper and lower basin states, legislation which materialized into the Colorado River Compact of 1922. When the Boulder Canyon Project, including Hoover Dam, was proposed in 1927 Carl Hayden fought to include in the measure provisions that would protect the water rights of his state. As usual, he won.

He was a co-sponsor of the first bill introduced in Congress to construct the Colorado River Storage Project, of which this Glen Canyon Dam, powerplant and beautiful Lake Powell are key features. Before the Glen Canyon Dam was built the river ran through here, red with sediment, and the back-country was a no-man's land except for a handful of shepherds and those fortunate few visitors who were able to make their hazardous way through nearly impassable rugged terrain to Rainbow Bridge and other marvels of the side canyons.

Today, thanks to the dam, the Colorado flows clear, and boaters on jewel-like Lake Powell may float up hidden canyons and feast their eyes on some of the most fantastic and gorgeous scenery in the world.

We are proud that Glen Canyon Dam was awarded the American Civil Society of Civil Engineers award for the outstanding civil engineering achievement of 1963. And while the Glen Canyon unit furnishes us superb scenery, glorious boating, and excellent fishing, it is also generating hydroelectric power that will pay for construction of the facilities and for other basin development to come.

The basis for this is a policy strongly supported and bolstered by Senator Hayden to permit commercial sale of surplus Reclamation hydropower to help pay the costs of Reclamation development. Through the years the Arizona solon sponsored several laws strengthening and expanding this policy.

Down river about 70 miles is another outstanding monument to Carl Hayden's foresight, the Grand Canyon National Park, featuring probably the most famous natural wonder of the world. In 1919 Representative Hayden introduced and ushered through the House the bill to establish this park so as to preserve for the enjoyment of all people that impressive stretch of the Colorado.

One of the greatest monuments to Senator Hayden is still to be built, the Central Arizona Project. The crowning achievement of this Westerner's outstanding public service was the recent passage by the Congress of legislation authorizing the Colorado River Basin Project, which will so greatly advance the economic growth of Arizona and the west.

This legislation is the result of nearly two decades of unrelenting, and frequently discouraging, effort—by Senator Hayden and many other Westerners in Congress; in the White House—President Johnson urged its enactment in his 1968 Budget message to Congress—; and in the Department of the Interior, where it has been a chief objective during my administration.

Senator Hayden sponsored and guided through the Senate bills to authorize the Central Arizona Project in 1950, 1951, and 1967, but not until this year did the bill make it to the floor of the House. All through these years the Senator and hundreds of others, in and out of government, worked arduously to perfect a bill that would meet the objections of the different states in the basin, the opposition of some who at times seemed to be pure obstructionists for the sake of obstructing, and others who, mostly, simply did not, or would not, comprehend the great need of the parched Southwest for water. But now a good bill has been hammered out and is about to become law—President Johnson is expected to sign the legislation within a few days.

It is landmark legislation which constitutes an historic breakthrough in the water thinking of the West. It initiates a new brand of water resource development, bold and broad-gauged. And it marks the opening of an era of water cooperation in the West, replacing the bitter rivalries of the past. This embodies a regional concept, working toward the best possible solutions for the mounting water supply problems of the states of the Colorado basin and setting a pattern for solution of the problems of other regions.

The $1.3 billion Colorado River Basin project authorization is the largest single-package Reclamation authorization bill ever approved. It not only implements the Supreme Court Decree of 1964 by making it possible for Arizona to utilize an average of 1.2 million acre-feet of water annually from the Colorado mainstream; it also approves participating projects in other states of the basin and directs studies to solve chronic water problems of the West.

The $832 million Central Arizona project will pump water from Lake Havasu on the Colorado River and transport it by aqueduct some 300 miles to the burgeoning Phoenix-Tucson area, one of the fastest growing sections in the Nation. We are all aware of the fabulous expansion of this sun-drenched area during the past decade and of the prospects for even greater growth in the future. Reclamation has made the past progress possible, and this Reclamation project will help it to continue. A $100 million distribution system will convey the water from the aqueduct systems to thirsty farmlands and communities.

A dam on the Gila River in New Mexico, and five irrigation projects in Colorado and New Mexico are also authorized for construction by the new law. In addition the Dixie Project in Utah is reauthorized and another Utah project conditionally authorized. Other provisions of the legislation establish a basin fund to finance water development in the basin; provide for participation in a non-Federally built steam electric plant and transmission facilities to furnish low-cost pumping power; give California a priority to use 4.4 million acre-feet of Colorado River water annually; make the delivery of the 1.5 million acre-feet of water for Mexico, as required by treaty, a national obligation; and provide for a reconnaissance study by the Secretary of the Interior, leading to a general plan to meet the water needs of the western United States.

Those of us who have labored long for this Central Arizona project are now permitting ourselves a look in the crystall ball at the changes it will foster in what most surely would have been our dark future without it. We see tremendous economic and social progress.

The Department of Agricultural Economics at the University of Arizona estimates that the economy of the State would lose $1,364 million if the means to prevent the ultimate disappearance of that part of its agriculture now dependent on pumped water were not supplied by the Central Arizona Project. Prevention of such a loss far surpasses the cost of building the project.

But our crystal ball shows us much more than a measurable economic gain to be reaped from this great Reclamation development. It shows us lovely shaded city streets, with trees nourished by CAP water; cool, green public parks; gardens of colorful flowers; hundreds of men and women employed in project construction and operation, and also in project-related business and industry; happy people enjoying the carefree outdoor life in the sunny Southwest—people who could not migrate to the area without this water supply provided by the CAP.

It shows us, too, Department of the Interior officials and members of Congress working in harness during the early years of construction to assure that appropriations closely follow authorization. The example of Senator Hayden will stand us in good stead here, as new men pick up where he left off to keep the construction of the project facilities moving at a proper pace.

It is most fitting that we name the visitor center here at Glen Canyon in honor of Senator Hayden, for, if it were not for him, this complex—like many other water resource facilities through the West—might not exist.

It will not be the first place to bear the long-time solon's family name, however. He was born in 1877 on the Salt River near Phoenix at Hayden's Ferry, which was named for his father, Charles Trumbull Hayden, son of a soldier who fought in the American Revolution. Mr. Hayden founded a flour mill and merchandising business in Tempe. He also founded Arizona Territorial Normal School in Tempe, from which his son Carl was graduated in 1896 before entering Stanford University. And far to the north and nearly a continent's span west of Hayden's Ferry, there is a Hayden's Landing on the Connecticut River, named for Charles Trumbull Hayden's family long before he began the westward trek, which took him finally to Arizona.

All of Senator Hayden's friends—among whom I have been privileged to count myself ever since I can remember—hope that he will come to this center many times to enjoy the fine view of some of his work.

In closing, I submit it is most appropriate that implementation of Carl Hayden's Central Arizona project is starting today and will continue tomorrow. Although now his life span has stretched to nearly half that of this nation, he has always been a young man in his vision, a sage in his wisdom. We read in the Bible, "Your old men shall dream dreams and your young men shall see visions."

Carl Hayden has done both all of his life, and he has translated both dreams, and visions into realities. The State and the Nation are looking forward to many more years of his counsel and guidance.

YOU HAVE NOT ONE BUT MANY VOTES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. MICHEL. Mr. Speaker, recently it was my privilege to author an article for the September 16, 1968, edition of NAM Reports, published weekly by the National Association of Manufacturers. The article, entitled "You Have Not One but Many Votes," has a message of special interest as we approach one of the most crucial elections in the history of our country and I place it in the RECORD at this point:

YOU HAVE NOT ONE BUT MANY VOTES

(By Representative ROBERT H. MICHEL)

One of the obvious falsehoods about America's political system is that each citizen has one vote—and only one vote. A moment's reflection will show that each citizen has many votes in an ordinary election, and that very seldom is he asked to go to the polls and vote on an election to a single office or to settle a single issue.

The typical election day will offer the voter an opportunity to express his preference among a score or more of candidates for public office, one or more amendments to a state constitution, perhaps a local referendum, and one or more bond issues. When he enters the booth the voter usually faces a board full of levers, each set inviting him to participate in selecting those who will serve us in office, in forming governmental policy and in determining what state and community facilities will be offered as well as what tax levels will be reached.

Each office and each issue affords a separate opportunity for the citizen to vote. And when the election judges work through the night toting up the results they count each vote every voter has cast. They do not merely count the citizens who voted.

Just as the notion that each of us has only one vote is false, so is the idea that the only vote that counts is the decisive one. The political parties, in urging voters to go to the polls, have emphasized that your vote could be THE deciding one, and cite many past contests in which even less than one vote per precinct could have changed the result. These examples are quite true, but your vote is not, by any means, useless if you are one of a decisive majority. And your vote is not useless if you are one of a minority who voted your way.

Long after the election contests are decided, office holders and other public officials will be consulting the election returns, precinct by precinct, candidate by candidate and issue by issue in a sophisticated attempt to tailor their policies while in power and their parties' offerings at the next election to the expressed will of the voters.

Which candidates were elected by landslides and which squeezed by? You may be sure that those with solid support will carry more weight in party councils than those who barely were elected. Are bond issues being defeated or are they being approved by narrow margins? This may signal those in power that the citizens feel overburdened with the cost of government and hold down additional spending and tax proposals.

Not only the office holders and the political parties but also the labor unions, the news media, business organizations and many other participants on the public scene will be pouring over the meaning of your several votes, seeking not one meaning but many.

A Congressman must face the voters every two years. If his pluralities decline as the years go by he may decide to retire to avoid eventual defeat. One whose margins rise may attract party leaders in search of men to run for higher office.

These are just some of the ways that the individual vote counts—again and again—even if its identify is "lost" in a popular landslide.

Votes are a whole language to the professional politician. Today, assisted by computer analysis, he can learn more from your votes than ever before.

These are things to think about should you be tempted to pass up your opportunity to cast your "one vote" at a future election. In fact, as the jokers used to say, "vote early and often." Really, you are entitled to do so.

Don't be a political drop-out!

THE MOST REVEREND BRYAN J. McENTEGART, ARCHBISHOP OF THE DIOCESE OF BROOKLYN, N.Y.

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. DELANEY. Mr. Speaker, it is with great sadness that I rise today to note the passing of one of this Nation's great spiritual leaders, His Excellency, Bryan J. McEntegart, archbishop of the diocese of Brooklyn.

Archbishop McEntegart devoted over half a century to serving God and man as priest and bishop. He was particularly devoted to the welfare of children, and, shortly after being ordained in 1917, became director of the division of child welfare of the New York Catholic Charities, where for two decades he supervised and coordinated the work of more than 700 Roman Catholic child welfare agencies. During this time he also taught courses in child welfare at Fordham University.

Following his child welfare work in New York, the then Monsignor McEntegart became president of the National Conference of Catholic Charities, and in 1943 was named head of War Relief Services of the National Catholic Welfare Conference. In the same year Pope Pius XII selected this dedicated and gifted priest to be bishop of the diocese of Ogdensburg, N.Y. Ten years later, his unique administrative skills and profound dedication to education led to his selection as rector of the Catholic University of America, where his 4-year tenure was marked by a massive campaign to expand all phases of the university's work.

In 1957 Pope Pius XII named Bishop McEntegart as head of the diocese of Brooklyn, which includes my own county of Queens. Though only 179 square miles in area, this diocese has the largest Catholic population in the Nation, numbering 1,575,306 souls. For 11 years Bishop McEntegart worked unsparingly for his flock. He devoted his great energy to improving church facilities in every respect, including the erection of six high schools, a college for training priests, a 4-year theological seminary, and a $60 million medical center.

Elevated in 1966 to the rank of archbishop, his priestly labors ended early this year when Pope Paul VI accepted his petition for retirement.

His passing is a great loss, not only to those of us who were privileged to know him, but also to those of every race and creed who knew only of his humanitarian works and his great devotion to the welfare of all children.

A PATRIOT'S QUEST FOR FREEDOM—SPEECH OF DR. MANOLO REYES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. PEPPER. Mr. Speaker, few men so eloquently expressed the longing of Cuba's patriots and capitives to free their homeland from Fidel Castro's brand of tyranny as did Dr. Manolo Reyes in an address September 9 to the 70th annual convention of the Veterans of the Spanish-American War in Asbury Park, N.J.

As one of the foremost newscasters in Miami, Dr. Reyes has dedicated his life and his energies to the pursuit of freedom and democracy. I would like to enter the text of Dr. Reyes speech as a permanent part of the RECORD:

ADDRESS BY DR. MANOLO REYES TO VETERANS OF THE SPANISH-AMERICAN WAR, SEPTEMBER 9, 1968

Not many Cubans have received the high honor of addressing the Annual Convention of Veterans of the Spanish-American War.

God's Will and yours have given this Cuban that great privilege.

A Cuban who belongs to a Cuban generation born in this country.

A Cuban generation whose eyes saw the light for the first time when you had already bravely fought in the Philippines, Puerto Rico and Cuba during the Spanish-American War.

A Cuban generation that thankfully learned to respect you and to admire you through the immortal pages of history.

A Cuban generation that in the presence of the magnificent example of love for freedom given by you during the Spanish-American War is engaged in a search for the same opportunity that you searched before—that is to fight in our country—for the freedom and independence of Cuba. And I said searched because you were volunteers of the Army of The United States that stepped forward to fight in the war of 1898 and now you are the only surviving volunteers of all wars fought by the United States.

For these reasons this rostrum has a very special value.

For these reasons I have no limitation in personal sacrifices to travel from Miami to Asbury Park to fulfill the duty of standing here today. And I stand before you like the priest who faces the altar—of your country and mine—because you, with your gallant example united the United States and Cuba in an unbreakable friendship. And because to the new generation of Cuba, to whom I belong, the freedom of our country is sacred, like a religion. We believe in it and we will give everything for it.

Let us say that today like yesterday everything unites us.

Let us say that you and we are closer than ever.

Let us say that that grief unites people and to obtain freedom we have to travel the long road of sorrow.

After every Friday of Crucifixion comes a Sunday of Resurrection.

In 1898 when you were at the peak of your youth you volunteered to fight in Cuba for the freedom and dignity of the United States and Cuba.

Today seventy years later Cuba is suffering a communist tyranny. Because of it we Cubans are engaged in a fight for freedom and dignity for our people.

But our fight is also for all the Western Hemisphere. Because the communist tyranny imposed on Cuba, like a red world's satellite, is a constant attack against freedom and dignity of the American Continent.

Seventy years ago you fought in Cuba in San Juan Hill in El Caney in Oriente Province, against the tyranny imposed by Valeriano Weyler.

Today the Cuban people face the tyranny imposed by someone who can hardly be called a Cuban—Fidel Castro—since he has turned our freedom and our independence over the communist world.

Since 1959 until today, September 9, 1968, more than 18,000 Cubans have been executed day after day for almost ten years.

Unhappy with condemning them to death the red regime of Havana, in certain instances, has drained part of the blood of the condemned to supply their blood banks. These Cubans were weakened to the point that they had to be carried to the execution wall. But even then a second before they died God has given them enough strength to cry out loud; Long Live Christ the King—Long Live Free Cuba.

Today there are more than 75,000 political prisoners in Cuba.

All human rights are being constantly violated in Cuba. And while this happens the exodus continues. There are more than half a million Cubans in exile. Day after day an average of 200 Cubans arrive in Miami from Havana through the Freedom Flights. Since these flights started on December 1st, 1965 to this very day, approximately 130,000 Cubans have arrived in the United States. By sea, through the dangerous straits of Florida, they continue to escape in small crafts. In almost ten years of communist tyranny more than 15,000 Cubans—men, women, and children—have arrived in Florida in 1100 small craft—13, 14, or 15 feet long. In rafts and even on inflated automobile tubes, they come.

These are the lucky ones because there are many who left and never arrived alive to these freedom shores. They were victims of the elements or of Castro's gun boats or planes.

To re-affirm the historical similarity of the task you faced before and the task that the Cuban people now face, let us say that you are gathered here today with the indelible memory of your fellow veterans that died in the Spanish-American War.

I stand here before you like an eternal torch in memory of my fellow countrymen that have died to free Cuba. But I am sure that all Cubans that love their country and their history will always have a grateful memory for the men of this country that died in 1898 and for all the others that since then have given their lives to free Cuba and especially for the four American pilots—the four heroes that bravely, fighting side by side with the Cubans—gave their lives in the Bay of Pigs expedition.

Cuba shall never forget them.

And like the communist henchmen of Fidel Castro once destroyed the eagle that topped the monument erected by the Cuban people to the Maine victims . . . I assure you that very soon there will be Cuban eagles that will restore with their own hands that monument in Cuba.

This carries with it a formal pledge that will be accomplished whatever may come, even if the Earth breaks loose from its axis and even if the stars fall from Heaven. Because we are convinced of the truth and justice of our cause.

Alike we are convinced that the fight for freedom in Cuba belongs primarily to the Cubans. But always we would welcome in this fight all other men who with deeds not with words show the same valor and the same courage that you have. Because you know as brave fighters of the Spanish-American War that with only moral support we can not ever break through tyrannies imposed through terror and bayonets.

I consider this rostrum, standing on my own convictions of love and respect, and justice . . . like a pilgrim without a country but with gerat faith in the Cuban people. . . . I implore God's help and ask the help of all men of good will . . . *To Free Cuba.*

HUMPHREYISM NO. 5

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. SCHADEBERG. Mr. Speaker under leave to extend my remarks in the RECORD, I include the following:

From a Collection of Representative Henry C. Schadeberg's (R., Wisc.):

"To those who have been calling me the greatest spender, I want to say you haven't seen anything yet." (Town Meeting, Nov. 1, 1949.)

SENATE—*Wednesday, October 2, 1968*

(Legislative day of Tuesday, September 24, 1968)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God and Father of mankind, we would bring to this, our daily altar of prayer, our inner selves, cluttered and confused where the good and the evil, the petty and the great, the wheat and the tares, are so entwined.

As heralds of good will, send us forth across all the barriers of race and creed, to make our contribution to the glad day when justice and understanding shall engirdle this worn and weary earth.

As today's discords bombard our ears, we are grateful for friendships which stand all tests, for music which gives wings to our spirits, for truth which breaks the shackles of error, and for human beacons of righteousness where Thou dost show sufficient of Thy light for us in the dark to rise by.

Undergird us with Thy might to exercise the potent ministry to all the world to which, in Thy providence, we believe Thou hast called us in this age on ages telling.

We ask it in that Name which is above every name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of the legislative day of Tuesday, September 24, 1968—embracing the calendar days of Tuesday, September 24, through Tuesday, October 1, 1968—be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia and the Committee on Rules and Administration be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1563.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WILLIAM W. HIEBERT

The bill (H.R. 13160) for the relief of William W. Hiebert was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1578), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve William W. Hiebert, of Alexandria, Va., of all liability for repayments to the United States of the sum of $149.04 representing overpayments of salary which he received as an employee of the General Servics Administration for the period from February 12 through June 6, 1967, as the result of administrative error. The bill would authorize the refund of any amounts repaid or withheld by reason of the liability.

STATEMENT

The General Services Administration, in its report, states that it has no objection to enactment of the bill. The General Accounting Office states that it has concluded that the question of whether the facts and circumstances of this case warrant relief legislation is a matter of policy for determination by the Congress.

As is authorized in the General Services Administration, Mr. Hiebert received a TAPER appointment in the Defense Materials Services, GSA, as storage specialist, GS–9, $7,479, on June 6, 1966. That salary was increased to $7,696 on July 3, 1966, in accordance with the Federal Employees' Salary Act of 1966. On August 14, 1966, Mr. Hiebert was converted to a career-conditional appointment as storage specialist, GS–7, $7,729 (seventh step), as a result of his passing the Federal service entrance examination.

Mr. Hiebert was promoted back to storage specialist, GS–9, $8,218 (third step) on February 12, 1967. This promotion was unauthorized in that he had not served a total of 1 year at GS–7 or GS–9, and was not eligible for promotion back to GS–9 until June 6, 1967, in accordance with the so-called Whitten amendment, 65 Stat. 757, as amended, as implemented by Civil Service Commission regulations (Federal Personnel Manual, ch. 300, pp. 300–311 and 312). A personnel action was subsequently taken correcting this erroneous promotion so that the effective date became June 1967 instead of February 1967, and he was obliged to repay $149 to the Government.

In indicating that it had no objection, the General Services Administration stated:

"Since the overpayment resulted from an administrative error and not through the fault of Mr. Hiebert, GSA does not object to the enactment of H.R. 13160."

In view of the foregoing circumstances, the committee recommends that the bill H.R. 13160 be considered favorably.

LT. HERBERT F. SWANSON

The bill (H.R. 14079) for the relief of Lt. (j.g.) Herbert F. Swanson, and others, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1564), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve nine named naval officers of the liability to refund amounts paid them as submarine pay in the period from July 3 through October 2, 1967, while attached to one of two submarines during builder's trial but prior to commissioning of the ships.

STATEMENT

The Department of the Navy in its report to the House Committee on the bill states that it has no objection to the enactment of the legislation, as amended by the committee. The Comptroller General in a report in behalf of the General Accounting Office stated the question of whether these officers should be relieved under these circumstances is a matter of policy for the Congress to decide.

The bill H.R. 14079 was the subject of a House judiciary subcommittee hearing on May 8, 1968. The testimony at that hearing disclosed that the indebtedness which is referred to in this bill was the unintended result of a change in the terminology describing the status of the two submarines here concerned during the period of builder's trials just prior to commissioning. The testimony at the hearing further established that the two submarines, the U.S.S. *Pargo* and the U.S.S *Greenling* are the only ships in which the problem of payment of officers such as those named in the bill occurred and the situation now has been corrected. Previously, a submarine when it entered builder's travels was considered in active service. Under such circumstances, officers and men who were assigned to the ship but were not qualified in submarines were entitled to submarine pay. When the regulations were changed in December of 1966 to change the status of the ship to "Out of commission, special," this placed the ship technically in an inactive status and has the effect of denying such men submarine pay. The significant point in this situation is that the ship was required to perform the same type of trials at sea as was done previously and the men were required to perform their functions aboard that ship in the same manner, but they then became technically ineligible for submarine pay. Contrary to the statement of the Comptroller General's report, this was not known by the officers and men aboard the ship and the committee is satisfied that there was no knowledge of the change at the time the individuals were paid. Further, the situation has now been corrected by changing the classification of ships undergoing builder's trials to "In service." Thus, officers and men who are assigned to the submarine but are not yet "qualified in submarines" are entitled to submarine pay since the ships are regarded to be in active status.

The Department of the Navy in its report to the House Judiciary Committee notes that during the same period enlisted members were also erroneously credited with submarine pay. However, a provision of title 10 of the United States Code which applies only to enlisted men, their indebtedness has been remitted by the Navy (10 U.S.C. 6161). The committee recognizes that this is another equitable consideration which points up the need for the relief of these officers. The committee has carefully considered this matter and has determined that this is a proper subject for legislative relief. The testimony at the hearings established that the period of builder's trials requires testing at sea under circumstances, where as a practical matter, the hazards and dangers exist, which form one of the reasons for providing incentive pay for men assigned to submarines. It is inequitable to require these men to refund the amounts paid them under these circumstances, and it is recommended that the bill be considered favorably.

E. CHRISTIAN DES MARETS, SR.

The Senate proceeded to consider the bill (H.R. 9089) for the relief of E. Christian Des Marets, Sr., which had been reported from the Committee on the Judiciary with amendments on page 1, line 3, after the word "of" strike out "Covina," and insert "Redlands,"; and on page 2, at the beginning of line 9, strike out "Des Martes" and insert "Des Marets".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 1580, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The purpose of the amendments is to correct typographical errors in the bill.

PURPOSE

The purpose of the proposed legislation, as amended, is to relieve E. Christian Des Marets, Sr. of Redlands, Calif., of liability to the United States in the amount of $805.61, representing amounts owing to the United States by reason of the shipment in 1956 from Burtonwood Air Force Base, England, to Fort MacArthur, San Pedro, Calif., of his household goods that exceeded the weight limit of such goods which would be transported without cost to him by the United States under his U.S. Air Force travel orders even though representatives of the U.S. Air Force informed him before he left England that his household goods were within such weight limit. The bill would authorize the refund of $426.39 in full settlement of his claims for amounts paid to the U.S. Air Force for the 1956 shipment of household goods which exceeded the weight limit.

STATEMENT

In April 1956, Mr. Des Marets was authorized transportation of household goods at Government expense from Burtonwood, England, to his place of actual residence at Pasadena, Calif. In accordance with the limitations prescribed in section 1(a) of the Administrative Expense Act of 1946, he was entitled to transportation of household goods not in excess of 7,000 pounds, if uncrated, or 8,750 pounds, if crated, or the equivalent when the charges are based on cubic measurement. The equivalent volume amount established by section 17, Executive Order 9905, is 1,000 cubic feet. Ocean transportation costs are based on volume with an allowable maximum of 1,000 cubic feet, or 25 measured tons of 40 cubic feet each.

The household goods were packed and created for shipment from Burtonwood, England, on or about June 25, 1956, to Fort Eustis (Norfolk), Va., for further shipment to Covina, Calif. The shipment weight and volume totals of the shipment in question were gross weight, 15,176 pounds; volume, 1,458 cubic feet (36.45 measured tons).

The shipment exceeded the weight and volume limitations and Mr. Des Marets was billed for the excess costs. The indebtedness amounted to a total of $824.95 as follows: $445.73 for overland movement in the United States from Norfolk, Va., to San Pedro (Los Angeles), Calif., and $379.22 for ocean transportation. Mr. Des Marets paid to the United States the sum of $44.98 representing the excess charges for overland movement from San Pedro (Los Angeles), Calif., to Covina, Calif.

The Air Force in its report noted that Mr. Des Marets had stated that its transportation representatives at the point of origin assured him that the shipment of his goods would not exceed allowable weight limitations. The Air Force stated that it was unable to determine what advice he received at that time; however, the Comptroller General in his report to the committee stated that the actual gross weight of his household effects after packing and crating substantially exceeded estimates of the gross weight given Mr. Des Marets by Government officials prior to packing and crating. In view of this fact and in view of the fact that the Congress has now removed the gross limitation on the transportation of household effects, the Comptroller General indicated that the General Accounting Office would offer no objection to favorable consideration of the bill. The Air Force also referred to the action of the Congress in passing Public Law 86-707, and further noted that the change in the law did not benefit Mr. Des Marets because it was not retroactive. The Air Force report stated:

"The General Accounting Office has advised that the correct amount of the indebtedness is $824.95. Mr. Des Marets retired from his Air Force employment at Norton Air Force Base, Calif., on December 30, 1965. Air Force records indicate that a total of $445.73 has been collected from Mr. Des Marets against the amount stated in section 1 of the bill. He is currently indebted to the United States in amount of $379.22."

The bill was amended by the House committee by substituting the language recommended in the Air Force report for section 2(a) of the bill. This amendment clarified the amount that would be paid to him as authorized in the bill. The amendment would take into consideration the fact that Mr. Des Marets has repaid the total amount of $445.73; however, the recomputation outlined by the Air Force shows that Mr. Des Marets' proportionate share of the total cost is $19.34. The amount stated in the amendment is the difference between these two figures or $426.39. Similarly, the amount of liability relieved by the bill has been amended to reflect the $19.34 figure. The amended figure is $805.61.

The Department of the Air Force has indicated that it would not have any objection to the bill amended in the form recommended by the House committee. The Comptroller General in his report in behalf of the General Accounting Office stated that it would have no objection to the bill's favorable consideration. In view of the unusual equities of the bill, it is recommended that the bill, as amended, be considered favorably.

DISTRICT OF COLUMBIA ADMINISTRATIVE PROCEDURE ACT

The Senate proceeded to consider the bill (H.R. 7417) to prescribe administrative procedures for the District of Columbia government which had been reported from the Committee on the District of Columbia with an amendment, strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Administrative Procedure Act".

OTHER AUTHORITY

SEC. 2. This Act shall supplement all other provisions of law establishing procedures to be observed by the Commissioner, the Council, and agencies of the District government in the application of laws administered by them, except that this Act shall supersede any such law and procedure to the extent of any conflict therewith.

DEFINITION

SEC. 3. As used in this Act—

(1)(a) the term "Commissioner" means the Commissioner of the District of Columbia, or his designated agent;

(b) the term "Council" means the District of Columbia Council;

(2) the term "District" means the District of Columbia;

(3) the term "agency" includes both subordinate agency and independent agency;

(4) the term "subordinate agency" means any officer, employee, office, department, division, board, commission, or other agency of the government of the District, other than an independent agency or the Commissioner or the Council, required by law or by the Commissioner or the Council to administer any law or any rule adopted under the authority of a law;

(5) the term "independent agency" means any agency of the government of the District with respect to which the Commissioner and the Council are not authorized by law,

other than this Act, to establish administrative procedures, but does not include the several courts of the District and the District of Columbia Tax Court;

(6) the term "rule" means the whole or any part of any Commissioner's, Council's, or agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Commissioner, Council, or of any agency;

(7) the term "rulemaking" means Commissioner's, Council's, or agency process for the formulation, amendment, or repeal of a rule;

(8) the term "contested case" means a proceeding before the Commissioner, the Council, or any agency in which the legal rights, duties, or privileges of specific parties are required by any law (other than this Act), or by constitutional right, to be determined after a hearing before the Commissioner or the Council or before an agency, but shall not include (A) any matter subject to a subsequent trial of the law and the facts de novo in any court; (B) the selection or tenure of an officer or employee of the District; (C) proceedings in which decisions rest solely on inspections, tests, or elections; and (D) cases in which the Commissioner, Council, or an agency act as an agent for a court of the District;

(9) the term "person" includes individuals, partnerships, corporations, associations, and public or private organizations of any character other than the Commissioner, the Council, or an agency;

(10) the term "party" includes the Commissioner, the Council, and any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any proceeding before the Commissioner, the Council, or an agency, but nothing herein shall be construed to prevent the Commissioner, the Council, or an agency from admitting the Commissioner, the Council, or any person or agency as a party for limited purposes;

(11) the term "order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of the Commissioner or Council or of any agency in any matter other than rulemaking, but including licensing;

(12) the term "license" includes the whole or part of any permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission granted by the Commissioner, the Council, or any agency;

(13) the term "licensing" includes process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license by the Commissioner or the Council or an agency;

(14) the term "relief" includes the whole or part of any Commissioner's or Council's or agency (A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (B) recognition of any claim, right, immunity, privilege, exemption, or exception; and (C) taking of any other action upon the application or petition of, and beneficial to, any person;

(15) the term "proceeding" means any process of the Commissioner or Council or an agency as defined in paragraphs (6), (11), and (12) of this section; and

(16) the term "sanction" includes the whole or part of any Commissioner's or Council's or agency (A) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (B) withholding of relief; (C) imposition of any form of penalty or fine; (D) destruction, taking, seizure, or withholding of property; (E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (F) requirement, revocation, or suspension of a license; and (G) taking of other compulsory or restrictive action.

ESTABLISHMENT OF GENERAL PROCEDURES

SEC. 4. (a) The Commissioner and the Council shall for themselves and for each subordinate agency, establish or require each subordinate agency to establish procedures in accordance with this Act.

(b) Each independent agency shall establish procedures in accordance with this Act.

(c) The procedures required to be established by subsections (a) and (b) of this section shall include requirements of practice before the Commissioner and the Council and each agency.

OFFICIAL PUBLICATION

SEC. 5. (a) The Commissioner shall publish at regular intervals not less frequently than once every two weeks a bulletin to be known as the "District of Columbia Register," in which shall be set forth the full text of all rules filed in the office of the Commissioner during the period covered by each issue of such bulletin, except that the Commissioner may in his discretion omit from the District of Columbia Register rules the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if, in lieu of such publication, there is included in the Register a notice stating the general subject matter of any rule so omitted and stating the manner in which a copy of such rule may be obtained.

(b) All courts within the District shall take judicial notice of rules published or of which notice is given in the District of Columbia Register pursuant to this section.

(c) Publication in the District of Columbia Register of rules adopted, amended, or repealed by the Commissioner or Council or by any agency shall not be considered as a substitute for publication in one or more newspapers of general circulation when such publication is required by statute.

(d) The Commissioner is authorized to publish in the District of Columbia Register, in addition to rules published under authority contained in subsection (a) of this section, (1) cumulative indexes to regulations which have been adopted, amended, or repealed; (2) information on changes in the organization of the District government; (3) notices of public hearings; (4) codifications of rules; and (5) such other matters as the Commissioner may from time to time determine to be of general public interest.

PUBLIC NOTICE AND PARTICIPATION IN RULEMAKING

SEC. 6. (a) The Commissioner and Council and each independent agency shall, prior to the adoption of any rule or the amendment or repeal thereof, publish in the District of Columbia Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) notice of the intended action so as to afford interested persons opportunity to submit data and views either orally or in writing, as may be specified in such notice. The publication or service required by this subsection of any notice shall be made not less than thirty days prior to the effective date of the proposed adoption, amendment, or repeal, as the case may be, except as otherwise provided by the Commissioner or Council or the agency upon good cause found and published with the notice.

(b) Any interested person may petition the Commissioner or Council or an independent agency, requesting the promulgation, amendment, or repeal of any rule. The Commissioner and Council and each independent agency shall prescribe by rule the form for such petitions, and the procedure for their submission, consideration, and disposition. Nothing in this Act shall make it mandatory that the Commissioner or Council or any agency promulgate, amend, or repeal any rule pursuant to a petition therefor submitted in accordance with this section.

(c) Notwithstanding any other provision of this section, if, in an emergency, as determined by the Commmissioner or Council or an independent agency, the adoption of a rule is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals, the Commissioner or Council or such independent agency may adopt such rules as may be necessary in the circumstances, and such rule may become effective immediately. Any such emergency rule shall forthwith be published and filed in the manner prescribed in section 7 of this Act. No such rule shall remain in effect longer than one hundred and twenty days after the date of its adoption.

FILING AND PUBLISHING OF RULES

SEC. 7. (a) Each agency, within thirty days after the effective date of this Act, shall file with the Commissioner a certified copy of all of its rules in force on such effective date.

(b) The Commissioner shall keep a permanent register open to public inspection of all rules.

(c) Except in the case of emergency rules, each rule adopted after the effective date of this Act by the Commissioner or Council or by any agency, shall be filed in the office of the Commissioner. No such rule shall become effective until after its publication in the District of Columbia Register, nor shall such rule become effective if it is required by law, other than this Act, to be otherwise published, until such rule is also published as required in such law.

COMPILATION OF RULES

SEC. 8. (a) As soon as practicable after the effective date of this Act, the Commissioner shall have compiled, indexed, and published in the District of Columbia Register all rules adopted by the Commissioner and Council and each agency and in effect at the time of such compilation. Such compilations shall be promptly supplemented or revised as may be necessary to reflect new rules and changes in rules.

(b) Compilations shall be made available to the public at a price fixed by the Commissioner.

(c) The Commissioner must publish the first compilation required by subsection (a) of this section within one year after the effective date of this Act and no rule adopted by the Commissioner or by the Council or by any agency before the date of such first publication which has not been filed and published in accordance with this Act and which, is not set forth in such compilation shall be in effect after one year after the effective date of this Act.

DECLARATORY ORDERS

SEC. 9. On petition of any interested person, the Commissioner or Council or an agency, within their discretion, may issue a declaratory order with respect to the applicability of any rule or statute enforceable by them or by it, to terminate a controversy (other than a contested case) or to remove uncertainty. A declaratory order, as provided in this section, shall be binding between the Commissioner or Council or the agency, as the case may be, and the petitioner on the state of facts alleged and established, unless such order is altered or set aside by a court. A declaratory order is subject to review in the manner provided in this Act for the review of orders and decisions in contested cases, except that the refusal of the Commissioner or Council or of an agency to issue a declaratory order shall not be subject to review. The Commissioner and the Council and each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition.

CONTESTED CASES

Sec. 10. (a) In any contested case, all parties thereto shall be given reasonable notice of the afforded hearing by the Commissioner or Council or the agency, as the case may be. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the Commissioner or Council or the agency determine that the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. Unless otherwise required by law, other than this Act, any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.

(b) In contested cases, except as may otherwise be provided by law, other than this Act, the proponent of a rule or order shall have the burden of proof. Any oral and any documentary evidence may be received, but the Commissioner and Council and every agency shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every party shall have the right to present in person or by counsel his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Where any decision of the Commissioner or Council or any agency in a contested case rests on official notice of a material fact not appearing in the evidence in the record, any party to such case shall on timely request be afforded an opportunity to show the contrary.

(c) The Commissioner or Council or the agency shall maintain an official record in each contested case, to include testimony and exhibits, but it shall not be necessary to make any transcription unless a copy of such record is timely requested by any party to such case, or transcription is required by law, other than this Act. The testimony and exhibits, together with all papers and requests filed in the proceeding, and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for order or decision. No sanction shall be imposed or rule or order or decision be issued except upon consideration of such exclusive record, or such lesser portions thereof as may be agreed upon by all the parties to such case. The cost incidental to the preparation of a copy or copies of a record or portion thereof shall be borne equally by all parties requesting the copy or copies.

(d) Whenever in a contested case a majority of those who are to render the final order or decision did not personally hear the evidence, no order or decision adverse to a party to the case (other than the Commissioner or an agency) shall be made until a proposed order or decision, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of those who are to render the order or decision, who, in such case, shall personally consider such portions of the exclusive record, as provided in subsection (c) of this section, as may be designated by any party.

(e) Every decision and order adverse to a party to the case, rendered by the Commissioner or Council or an agency in a contested case, shall be in writing and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Findings of fact and conclusions of law shall be supported by and in accordance with the reliable, probative, and substantial evidence. A copy of the decision and order and accompanying findings and conclusions shall be given by the Commissioner or Council or the agency, as the case may be, to each party or to his attorney of record.

JUDICIAL REVIEW

Sec. 11. Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Commissioner or Council or an agency in a contested case, is entitled to a judicial review thereof in accordance with this Act upon filing in the District of Columbia Court of Appeals a written petition for review, except that orders and decisions of the Board of Zoning Adjustment, Commission of Mental Health, Public Service Commission, Redevelopment Land Agency, and the Zoning Commission shall be subject to judicial review in those courts which review the orders and decisions of those agencies on the day before the date of enactment of this Act and such judicial review shall be in accordance with the law in effect on the date immediately preceding the effective date of this Act establishing requirements and standards for review of orders and decisions of those agencies or, if no such requirements or standards are in effect on such date, then such review shall be in accordance with this Act. If the jurisdiction of the Commissioner or Council or an agency is challenged at any time in any proceeding and the Commissioner or Council or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the court shall otherwise hold. The reviewing court may by rule prescribe the forms and contents of the petition and, subject to this Act, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such court within such time as such court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the court upon the Commissioner or Council or upon the agency, as the case may be. Within such time as may be fixed by rule of the court the Commissioner or Council or such agency shall certify and file in the court the exclusive record for decision and any supplementary proceedings, and the clerk of the court shall immediately notify the petitioner of the filing thereof. Upon the filing of a petition for review, the court shall have jurisdiction of the proceeding, and shall have power to affirm, modify, or set aside the order or decision complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require. Filing of a petition for review shall not in itself stay enforcement of the order or decision of the Commissioner or Council or the agency, as the case may be. The Commissioner or Council or the agency may grant, or the reviewing court may order, a stay upon appropriate terms. The court shall hear and determine all appeals upon the exclusive record for decision before the Commissioner or Council or the agency. The review of all administrative orders and decisions by the court shall be limited to such issues of law or facts as are subject to review on appeal under applicable statutory law, other than this Act. In all other cases the review by the court of administrative orders and decisions shall be in accordance with the rules of law which define the scope and limitations of review of administrative proceedings. Such rules shall include, but not be limited to, the power of the court—

(1) so far as necessary to decision and where presented, to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any action;

(2) to compel agency action unlawfully withheld or unreasonably delayed; and

(3) to hold unlawful and set aside any action or findings and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority, or limitations or short of statutory rights; (D) without observance of procedure required by law, including any applicable procedure provided by this Act; or (E) unsupported by substantial evidence in the record of the proceedings before the court.

In reviewing administrative orders and decisions, the court shall review such portions of the exclusive record as may be designated by any party. The court may invoke the rule of prejudicial error. Any party aggrieved by any judgment of the District of Columbia Court of Appeals under this Act may seek a review thereof by the United States Court of Appeals for the District of Columbia Circuit in accordance with sections 11–321, 17–101, 17–102, 17–103, and 17–104 of the District of Columbia Code.

Sec. 12. This Act shall become effective one year after the date of its enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1581), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide an Administrative Procedure Act for the District of Columbia, covering the more than 93 administrative governmental agencies within the District government, and the laws which those agencies administer.

The bill makes mandatory the establishment by the Commissioner of the District of Columbia and the District of Columbia Council for themselves and for all subordinate agencies of the District of Columbia, rules governing the formal and informal procedures prescribed or authorized by the bill, and likewise requires that each independent agency of the District establish such rules for itself.

The bill is designed to meet a longstanding need in the District of Columbia for the improvement of administrative process and the achieving of uniformity and full disclosure of administrative rules and rulemaking procedures of District government agencies comparable to those required of Federal agencies under the Federal Administrative Procedure Act.

The committee is advised that some 19 States have enacted similar legislation.

H.R. 7417 is the result of many years of careful work by a committee of lawyers of the District of Columbia bar, and has the strong endorsement of the District of Columbia Bar Association.

BACKGROUND

The adoption by the Congress in 1946 of the Federal Administrative Procedure Act (60 Stat. 237), covering the Federal administrative agencies, set the pattern for many of the States to follow. Thus far, the following 19 States have adopted a State Administrative Procedure Act, or portions thereof, guaranteeing minimum standards of fair administrative procedure:

Arkansas
California
Georgia
Illinois
Indiana

Maine
Maryland
Massachusetts
Michigan
Missouri

North Carolina
North Dakota
Ohio
Oklahoma
Pennsylvania
Rhode Island
West Virginia
Wisconsin
Virginia

The reported bill is based upon the model act for administrative procedures in the States, approved by the National Conference of Commissioners on Uniform State Laws. However, it has been modified and adjusted so as to realistically embrace the functions of the District, which operates sometimes as a State, sometimes as a city, sometimes as both. Obviously, all the provisions of the usual model State Administrative Procedure Act may not successfully be applied literally to the varied operations of the many different administrative agencies in the District of Columbia. Hence, the model act has been revised in many respects to meet local conditions. In your committee's opinion, the reported bill is well developed and provides a comprehensive District of Columbia Administrative Procedure Act.

NEED FOR LEGISLATION

There are more than 93 administrative agencies within the District of Columbia government. These agencies, most of which are under the supervision of the District of Columbia Commissioner and others which are independent, exercise control over vital aspects of the lives of people within the District of Columbia. The right to earn a living —for example, by practing medicine, or driving a taxicab, or barbering—is controlled by administrative agencies in the District of Columbia. The right to build on one's own property is controlled by administrative agencies, such as the Zoning Commission. The right to drive an automobile is controlled by other administrative agencies.

The problems associated with administrative procedures before the multitudinous agencies of the government of the District of Columbia have been discussed and the need for a comprehensive District of Columbia Administrative Procedure Act developed in a number of well-documented articles that have appeared over the years. (See, e.g., Wilkes, 17 District of Columbia Bar Association Journal 392 (1950), and Harrison, "Licensing Procedures in the District of Columbia," 30 District of Columbia Bar Association, Journal 395 (1963).) In the latter study, which was reported in party by the local press, the procedural rules issued by a number of the administrative agencies of the District of Columbia were found to be "informal," "erratic," "vague," and "incomplete." At the time the article was published, 14 of the 22 boards and commissions under the jurisdiction of the District of Columbia Department of Occupations and Professions had no procedural rules at all. Among the rules that were published, the study found that many contained "little or no exposition of one's rights, few procedural details, inadequate references to the availability and types of hearings, no hint as to appellate review, vague or incomplete statements as to applicable standards, and no references to statutory citations."

The committee understands that since 1963 rules of procedure have been issued in some instances where none existed before. However, an investigation conducted by a committee of lawyers in 1966–67 showed that a great number of administrative agencies of the District of Columbia still have either no published rules, as such, or have published only a barebones statement of their rules and procedures.

Further, there is no common repository of the published rules and regulations of District agencies. Required notices are published in newspapers and/or the District of Columbia Register. When they are published, the rules and regulations themselves are published separately. The committee is advised that there is no single publication to which a citizen or his counsel may turn with assurance that it will present full, complete, up-to-date information respecting existing regulations and procedures, the organizational structure of the agencies to be dealt with, the standards to be met by the citizen, and the standards governing agency action, procedural requirements respecting notices and hearings, the rules governing review of agency action, and other information that should be readily available to the public when dealing with local government agencies.

In the committee's judgment, a citizen's rights and obligations before an administrative agency can hardly be effectively protected or represented when rules of procedure and regulations have not been published, or have been inadequately or incompletely disclosed by an agency.

Thus, under H.R. 7417, the District Commissioner, the District of Columbia Council, and all the subordinate and independent agencies of the District government would be required to establish minimum administrative procedures in accordance with the provisions of the bill, including the requirements of practice before the Commissioner, the Council, and each such agency.

So that the public may be adequately informed, H.R. 7417 provides for the compilation and publication in the District of Columbia Register of all currently effective rules and regulations of the administrative agencies of the District of Columbia. In addition, the bill requires that prior to the adoption of any rule, or the amendment or repeal of any rule, a notice of such intended action must be published in the District of Columbia Register. The District already provides advance notice of rulemaking in most instances, often pursuant to statutory requirements. This provision of the bill supplements other notice requirements. It designates the District of Columbia Register as a central source of such notice and will help to assure that all interested persons will be afforded an opportunity to submit data on proposed rules or changes in administrative rules before final action is taken by an agency.

H.R. 7417 is also needed to assure all parties before administrative agencies of the District of Columbia the opportunity of a fair hearing in "contested cases," as specifically defined in the bill, and to require that a transcript of the record be kept in all such cases. The bill would minimize the possibilities of an agency relying on information dehors the record in reaching a decision in a contested case.

Under the present procedure within the Department of Licenses and Inspections, for example, when a hearing is requested by a licensee or an applicant for a license, the Department transmits the record to the Board of Appeals and Review, but does not forward to the Board, "confidential intradepartmental or interdepartmental correspondence or documents or information of a confidential nature * * *." These it transmits, instead, separately to the Assistant Corporation Counsel who represents the Department of Licenses and Inspections in the particular case and on whose advice the Board often relies.

In recent years, the press has reported that there have been a number of complaints made by applicants who were denied, or had revoked, licenses as pawnbrokers, cabdrivers, automobile salesmen, and practical nurses, to mention just a few, on the grounds that the particular licensing board or commission concerned based their denial or revocation on evidence not found in the record before the agency. Under the reported bill, this could not be done.

Similarly, recent complaints have been voiced that the Police Trial Board, Board of Zoning Adjustment, and the Zoning Commission have, on occasion, based their decisions on alleged facts or knowledge not set out or referred to in the record of the proceedings before them.

A well-publicized case illustrating the present susceptibility of administrative agencies of the District of Columbia to secret, ex parte, advice is *Jarrott* v. *Schrivener* (255 F. Supp. 827 (D.C., D.C., 1964)). In that case, the Zoning Board of Adjustment granted an exception in order to pave the way for the construction of a new building for the Soviet Embassy. The Board's decision was attacked by an action instituted in the U.S. District Court for the District of Columbia, seeking declaratory and injunctive relief against the Board's decision on the ground that members of the Board had been secretly informed that highly placed persons in the Federal and District governments desired that the Board grant the application. The district court reversed the Board's decision because of these extra-record influences.

In the committee's view, administrative decisions must be based upon and supported by the record. Under H.R. 7417 this type of influence dehors the administrative record would be kept to a minimum in that the bill would require, in section 10(c) that:

"The testimony and exhibits, together with all papers and requests filed in the proceeding, *and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for order or decision.* No sanction shall be imposed or rule or order or decision be issued except upon consideration of such exclusive record, or such lesser portions thereof as may be agreed upon by all the parties to such case." [Emphasis supplied.]

Section 10(c), as set forth above, is based on a similar provision of the Revised Model State Administrative Procedure Act. A number of State statutes incorporate the substance of this provision (Cooper, "State Administrative Law" (1965), vol. I, p. 422). The record before the committee indicates that the proposed section 10(c) does not go as far as some would like in attempting to eradicate the evil of ex parte communications in administrative adjudications. However, the committee realizes that Rome was not built in a day. The proposed section 10(c) of H.R. 7417 should put an end to improper ex parte communications in District of Columbia administrative proceedings. If it does not, there will be future opportunities to enact statutory language to accomplish that desirable end.

The third important matter addressed by H.R. 7417 is the need to provide a uniform means, whereby the final determination of any agency, other than certain rules or decisions expressly excepted by other provisions of the act, may be reviewed in court in accordance with traditional standards, as enunciated in the decisions of the Supreme Court of the United States and other Federal courts of appeal, controlling judicial review of administrative action.

Although the judicial review of the decisions of many agencies of the District of Columbia government now is provided for, or at least, permitted, it is unsystematized, and in many instances no clearly defined avenue or channel of judicial review of administrative action is established. In the committee's judgment, it is axiomatic that unless parties and litigants have judicial recourse they are, in practical effect, at the mercy of the administrative agencies to whom they must come in seeking vindication of important personal and property rights.

For example, in a recent zoning decision of some interest, the U.S. District Court for the District of Columbia ruled that the denial of a petition to rezone must be accompanied by findings of fact justifying the refusal (*Donovan* v. *Clark,* 222 F. Supp. 634 (D.C., D.C., 1963)). The *Donovan* decision reaffirmed and applied an elemental principle of fair administrative procedure so far as appeals from decisions of the Zoning Commission to the U.S. District Court for the District of Columbia are concerned. However, because of the multiplicity of review channels that now exist for appeals from actions of the many boards and agencies of the District of Columbia, the committee feels there is no insurance, in the absence of an overall statutory requirement, that such decisions will be observed in all future cases.

Today, there are several channels for obtaining review of administrative decisions of District of Columbia agencies. For example, decisions of the Board of Appeals and Review to which quasi-judicial agency of the District of Columbia government administrative appeals lie from the various constituent agencies within the Department of Licenses and Inspections, must be brought in the District Court for the District of Columbia (*Harris, et al.* v. *Tobriner*, 133 App. D.C. 10, 304 F. 2d 377, 378). On the other hand, within the District Department of Occupations and Professions there are a significant number of constituent boards, commissions, and committees from whose rulings appeals lie to several different courts and, in at least one case, must be brought to the District of Columbia Council. By way of illustration, decisions of the District of Columbia Real Estate Commission and the Board of Registration of Professional Engineers are reviewable in the U.S. District Court for the District of Columbia. Decisions of the Board of Pharmacy are reviewable by the District of Columbia Court of Appeals. Decisions of the Board of Examiners and Registrars of Architects are reviewable by the U.S. Court of Appeals for the District of Columbia Circuit. Decisions of the District of Columbia Board of Cosmetology are appealable to the District of Columbia Council.

These disparate avenues of judicial review have developed over a long period during which the Congress has from time to time directed its legislative attention at the specific boards or commissions involved. There is no discernable rationale for the confusing pattern of review channels that exists today, and your committee feels it is time to reorganize the present avenues of appellate review of orders or decisions of the District Commissioner, the District of Columbia Council, and other District of Columbia agencies in contested cases, as defined in the bill. Except for orders and decisions of certain major agencies, namely: the Board of Zoning Adjustment, the Commission on Mental Health, the Public Service Commission; the District of Columbia Redevelopment Land Agency, and the Zoning Commission of the District of Columbia, whose present appellate review channels are specifically preserved, the orders and decisions of the Commissioner, the Council, and other administrative agencies in contested cases are made reviewable by the District of Columbia Court of Appeals. The District of Columbia Court of Appeals is the local District of Columbia court of intermediate appellate jurisdiction. That court already reviews the actions of a number of local government agencies. It is a local tribunal attuned to the review of local government action. In the committee's judgment, this is the proper tribunal before which administrative decisions of local government agencies in contested cases should be reviewable. The committee feels that the recommended reorganization of judicial reviews channels will eliminate the confused complexity of the present statutory provisions, and will simplify and systematize appellate review of local administrative actions.

RIOTS, CIVIL AND CRIMINAL DISORDERS

The resolution (S. Res. 385) authorizing the printing for the use of the Committee on Government Operations of additional copies of its hearings entitled "Riots, Civil and Criminal Disorders" was considered, and agreed to, as follows:

S. Res. 385

Resolved, That there be printed for the use of the Committee on Government Operations one thousand additional copies of part 11 of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, second session, eutitled "Riots, Civil and Criminal Disorders."

ECONOMIC DEVELOPMENT OPPORTUNITY

The resolution (S. Res. 390) authorizing the printing of additional copies of its hearings on "Economic Development Opportunity" for the Select Committee of Small Business was considered, and agreed to, as follows:

S. Res. 390

Resolved, That there be printed for the use of the Select Committee on Small Business one thousand three hundred additional copies of its hearings of the present Congress entitled "Economic Development Opportunity."

COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 386) to provide additional funds for the Committee on Appropriations was considered, and agreed to, as follows:

S. Res. 386

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, $30,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 137, agreed to July 17, 1967, and S. Res. 291, agreed to June 3, 1968.

RIOTS, CIVIL AND CRIMINAL DISORDERS

The resolution (S. Res. 392) authorizing the printing for the use of the Committee on Government Operations of additional copies of the hearings entitled "Riots, Civil and Criminal Disorders" was considered and agreed to, as follows:

S. Res. 392

Resolved, That there be printed for the use of the Committee on Government Operations five hundred additional copies of part 10 of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, second session, entitled "Riots, Civil and Criminal Disorders."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1584), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 392 would authorize the printing for the use of the Committee on Government Operations of 500 additional copies of part 10 of the hearings before its Permanent Subcommittee on Investigations during the 90th Congress, second session, entitled "Riots, Civil and Criminal Disorders."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 500 copies.......... $1, 151. 92

ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 393) to provide additional funds for the Committee on the Judiciary was considered and agreed to, as follows:

S. Res. 393

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate during the Ninetieth Congress $2,500 in addition to the amount and for the same purposes specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

HISTORY OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The resolution (S. Res. 395) authorizing the printing of a history of the Committee on Labor and Public Welfare as a Senate document was considered and agreed to, as follows:

S. Res. 395

Resolved, That there be printed with illustrations as a Senate document a compilation of materials relating to the history of the Senate Committee on Labor and Public Welfare, in connection with its one hundredth anniversary (1869–1969); and that there be printed for the use of that committee one thousand additional copies of such document.

BILL PASSED OVER

The bill (S. 1943) to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for certain members of the police force of the Library of Congress, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

CASCADE LOCKS, OREG.

The Senate proceeded to consider the bill (S. 3615) to authorize the Secretary of the Army to convey to the Port of Cascade Locks, Oreg., a certain interest in lands in the State of Oregon for municipal purposes which had been reported from the Committee on Armed Services, with amendments, on page 4, line 9, after the word "site;" strike out "and"; and in line 15, after the word "United" strike out the word "States." and insert "States; and (4) the Secretary of the Army may include any additional terms, reservations, and restrictions as he deems necessary for the operation, management, and development of the Bonneville Dam and Reservoir project as may be in the public interest."; so as to make the bill read:

S. 3615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey by quitclaim deed or other appropriate means to the Port of Cascade Locks, Oregon, so much of the right, title, and interest remaining in the United States in and to the following described property as may be necessary to enable the Port of Cascade Locks to convey such described property to the city of Cascade Locks, Oregon, for use by such city as a sewage treatment plant site, such property being a part of a tract of land conveyed to the port of Cascade Locks pursuant to the Act of May 28, 1940 (54 Stat.

225), on the condition that such tract be used for municipal park and dock purposes:

Beginning at the center of section 12, township 2 north, range 7 east, Willamette meridian, in Hood River County, in the State of Oregon;

thence from said center of section north 1206.3 feet to a point;

thence east 125 feet to a point;

thence south 203.5 feet to a point;

thence south 41 degrees 15 minutes west 578.6 feet to a point;

thence south 29 degrees 30 minutes east 60 feet to a point;

thence south 29 degrees 45 minutes west 75 feet to a point;

thence south 29 degrees 13 minutes west 58.51 feet to a point;

thence south 40 degrees 00 minutes west 135.5 feet to a point;

thence south 37 degrees 30 minutes west 100 feet to a point;

thence south 34 degrees 15 minutes west 101 feet to a point;

thence south 31 degrees 50 minutes west 100 feet to a point;

thence south 30 degrees 20 minutes west 100 feet to a point;

thence south 30 degrees 10 minutes west 1,090.8 feet to a point;

thence north 59 degrees 50 minutes west 130.0 feet to the true point of beginning of the parcel of land herein described, said point being also north 30 degrees 10 minutes east 499.30 feet and north 59 degrees 50 minutes west 130.0 feet from a brass cap marking the beginning point of the Indian Fishing Grounds Tract;

then from said true point of beginning by metes and bounds; south 30 degrees 10 minutes west 130.0 feet;

thence north 59 degrees 50 minutes west a distance of 79 feet more or less to the water's edge;

thence upstream along the water's edge 130 feet more or less to a point that is north 59 degrees 50 minutes west 86 feet more or less from the point of beginning;

thence south 59 degrees 50 minutes east 86 feet more or less to the true point of beginning, containing 0.246 acre.

SEC. 2. The conveyance authorized by this Act shall be subject to the conditions that (1) the Port of Cascade Locks, Oregon, pay to the Secretary of the Army as consideration for the interest conveyed an amount equal to 50 per centum of the fair market value of such interest as determined by the Secretary after appraisal; (2) the Port of Cascade Locks, Oregon, agree to convey the property described in the first section of this Act to the city of Cascade Locks, Oregon, for use by such city as a sewage treatment plant site; (3) the city of Cascade Locks, Oregon, enter into an agreement with the Secretary of the Army in which the city of Cascade Locks agrees that such property conveyed to it for a sewage treatment plant site shall be used solely for that purpose and that in the event that such property ceases to be so used, all right, title, and interest therein shall immediately revert to the United States; and (4) the Secretary of the Army may include any additional terms, reservations, and restrictions as he deems necessary for the operation, management, and development of the Bonneville Dam and Reservoir project as may be in the public interest.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1588), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to permit the inclusion in the deed of conveyance necessary protective terms to assure the protection of Government interests, namely, to assure that existing flowage easement rights of the United States will be retained; and prior to any conveyance by the Government of the land in question, the approval of the Oregon State Sanitary Authority will be obtained for the sewage plant proposed to be constructed on the land; and to preclude any adverse effect on the operations of the Bonneville Dam and Reservoir projects.

PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of the Army to convey to the Port of Cascade Locks, Oreg., such interest of the United States in 0.246 acre of land as necessary to enable the Port of Cascade Locks to convey this land to the city of Cascade Locks for use as a sewage treatment plantsite.

TERMS OF CONVEYANCE

The conveyance is to be subject to the conditions that (1) payment to the United States will be made of 50 per centum of the value of the interest conveyed; (2) the Port of Cascade Locks will convey said property to the city of Cascade Locks; (3) the city will enter into agreement with the Army to use property solely for a sewage treatment plant, and if such use ceases title to said property shall revert to the United States.

EXPLANATION OF THE BILL

The tract of land involved in this bill is a portion of an area of 84 acres of land acquired by the United States between 1884 and 1927 for use in connection with the construction and operation of the Cascade locks and canal project on the Columbia River in Hood River County, Oreg. In 1933, construction of the Bonneville Dam project was authorized and these lands were reassigned to that project. The completion of the Bonneville Dam in 1938 resulted in submersion of the Cascade Rapids and inundation of a large portion of the Cascade Locks property. Subsequently, under an act of Congress approved May 28, 1940 (54 Stat. 225), the Secretary of the Army, by deed dated April 24, 1954, conveyed 63.10 acres of these lands with improvements thereon to the Port of Cascade Locks in consideration of $13,250, being 50 percent of the current market value. Both the act and the deed contained provisions that (1) restricted use of property to a municipal park and dock; and (2) should such use cease title is to revert to the United States. As a collateral transaction, the Port of Cascade Locks, by deed dated May 13, 1954, conveyed to the United States, for $1, a flowage easement over 53.40 acres of the same lands (94-foot elevation MSL) for use in connection with the Bonneville Dam project.

The city of Cascade Locks now desires to construct a sewage treatment plant on a tract of 0.246 acre of land within the above mentioned area conveyed by the United States. By reason of the restricted use and the reverter provisions of the act (54 Stat. 225) and deed of conveyance, the Port of Cascade Locks is unable to convey or make this tract available to the city for the proposed use. S. 3615 would provide the requisite authority for the Secretary of the Army to appropriately modify those provisions.

This Department has reviewed the proposed plans for construction and operation of the sewage treatment and considers that such operation will not be incompatible with the Bonneville Dam project provided (1) the existing flowage easement rights of the United States be retained; and (2) prior to any conveyance by the Government, the approval of the Oregon State Sanitary Authority will be obtained for the proposed sewage plant.

FISCAL DATA

The enactment of this measure will have no effect on the budgetary requirements of the Department of Defense. The return to the Government will be nominal.

LONGER TERM LEASES OF INDIAN LANDS

The bill (H.R. 17684) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti Pojoaque, Tesuque, and Zuni, in New Mexico, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1590), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 17684 is to authorize four New Mexico pueblos, and their members, to lease their trust lands for longer periods than is now permitted. The committee also considered a companion bill, S. 4034, introduced by Senator Montoya and Senator Anderson.

NEED

The act of August 9, 1955, authorizes Indian trust lands to be leased for most purposes for periods that do not exceed 25 years, with an option to renew for not more than 25 years. Grazing leases are limited to 10 years, with no option to renew, and farming leases that involve the making of substantial improvements to the land are limited to 25 years with no option to renew.

This general law had been amended to give 99-year-lease authority, including any renewal options, to nine tribes, and separate legislation has been enacted giving similar authority to three tribes. This bill will add four Pueblos to the nine tribes that have 99-year-lease authority under the general law.

The Cochiti Pueblo, comprising 28,136 acres of tribally owned land, is located in north-central New Mexico approximately 23 miles from Santa Fe and a similar distance from Bernalillo, and about 40 miles from Albuquerque. The Rio Grande crosses the reservation and Interstate Highway No. 85 runs nearby going northeast to Santa Fe, and southwest to Bernalillo and Albuquerque. Almost 400 Indians call this pueblo home. Numerous visitors are attracted to the area to see historic ruins of the pueblo. This pueblo is conveniently located with respect to rail service, as well as bus service and truck lines. Tran-Texas and Frontier Airlines give passenger and freight service through facilities at Santa Fe.

When the Cochiti Dam across the Rio Grande is completed in about 1973, it is anticipated that many more visitors will be attracted to the area. A large permanent lake will be formed as the waters back up from the dam for some 20 miles. The Cochiti are committed to a comprehensive undertaking since the lake will be almost entirely on the pueblo grant and the Indians will have exclusive rights to recreation and development around the lake. Three development proposals received by the pueblo call for the lease of 14,000 acres for residential, commercial, and recreational purposes. Two companies insist on a 99-year lease period while the third has suggested a lease term of not less than 75 years. In order to develop the lands fully, authority is needed to lease the property for more than 50 years in order that developers may obtain financing for development.

The Zuni Reservation comprises 406,267 acres of picturesque land. All of this land is held by the United States in trust for the pueblo except 1,933 acres which are held in trust for individual Indians. Over 5,000 Indians live on the reservation. The labor force totals 1,765 and 1,381 are unemployed. The reservation is located 44 miles from Gallup, 80 miles from Grants, and 155 miles from Albuquerque. The Nutria and Poscado Creeks intersect near Black Rock to form the Zuni River, a tributary of the Little Colorado River. There are numerous lakes on the reservation. State Highway No. 32 traverses from east to west. Although the closest railroad is the main line of the Atchison, Topeka & Santa Fe which passes through Gallup, the Navajo Freight Lines provide interstate and intrastate trucking service. Anzac Transportation Corp., a local Gallup firm, provides short-distance hauling service.

The Pojoaque Pueblo lies some 20 miles to the north of Santa Fe and is located in Santa Fe County. It comprises an area of approximately 11,600 acres of land which is held by the Federal Government in trust for the pueblo. There is an Indian population of 41. One industrial plant is presently operating on the pueblo. The labor force consists of nine individuals with one unemployed.

The Tesuque Pueblo lies between Santa Fe and Pojoaque and is also located in Santa Fe County. Some 17,000 acres of land are held by the U.S. Government in trust for this pueblo. The population consists of 142 Indians. Tesuque has a labor force of 60 individuals with 31 unemployed.

Both the Pojoaque and the Tesuque Pueblos have a high elevation of 7,000 feet or over. This, combined with the semiarid climate, produces a high percentage of days with sunshine during the year. Maximum winter temperature averages about 50 degrees and during the summer months the temperature seldom goes above 90 degrees except in July.

Interstate Highway 64, 84, and 285 crosses both pueblos going north to Espanola. Santa Fe offers bus service and trucklines for both short- and long-haul service facilities, and of course the Atchison, Topeka, & Santa Fe Railroad is the principal rail line in the area.

The Zuni, Pojoaque, and Tesuque Pueblos have to date been able to consummate development proposals within existing authority. The question of longer term leases, however, has been raised. This authority is granted now in order that attractive longer term lease proposals may be accepted when in the best interests of the Indians.

All four pueblos have adopted resolutions requesting long-term lease authority.

COST

Enactment of the bill will involve no Federal cost.

KORTES UNIT, MISSOURI RIVER BASIN PROJECT, WYOMING

The Senate proceeded to consider the bill (S. 2553) to authorize the Secretary of the Interior to modify the operation and to reallocate the costs of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, after line 11, strike out:

SEC. 3. (a) The Secretary of the Interior is authorized to reallocate the construction and the operation, maintenance, and replacement costs of the Kortes unit between the purposes of hydroelectric power and conservation of fishery resources according to existing policies and cost allocation procedures.

(b) The costs allocated to the conservation of fishery resources, as provided in subsection (a) of this section, including the cost of planning studies, shall be nonreimbursable and nonreturnable.

So as to make the bill read:

S. 2553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, authorized by the Act of December 22, 1944 (58 Stat. 887), to provide for the conservation of fishery resources.

SEC. 2. The Secretary shall operate the Kortes unit so as to maintain a minimum streamflow of five hundred cubic feet per second in the reach of the North Platte River between Kortes Dam and the normal headwaters of Pathfinder Reservoir: *Provided,* That sufficient water is available to maintain such minimum flow, without a resultant adverse effect on other water users who have valid rights to the use of this water: *Provided further,* That when sufficient water is not available, to operate in this manner, water will be reserved for hydroelectric peaking power operations on a four-hour daily, five-day week basis and any remaining water will be released for conservation of the fishery resources.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1589), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of this legislation, which was introduced by Senator Hansen, is to permit the Secretary of the Interior to operate the Kortes unit in such a way as to maintain sufficient flows in the North Platte River below Kortes Dam to enhance fisheries.

BACKGROUND

The Kortes unit is an existing unit of the Missouri River Basin project. It consists of the Kortes Reservoir, Dam, and powerplant and is located on the North Platte River in Carbon County Wyo. The Kortes Reservoir lies between the Seminoe Reservoir of the Kendrick project which is immediately upstream and the Pathfinder Reservoir of the North Platte project which lies immediately downstream.

The Kortes unit was authorized for construction, as one of the initial units of the Missouri River Basin project, by the Flood Control Act of 1944 for the single purpose of hydroelectric power generation. Construction of the unit was completed in 1951, and it has been operated for power since that time.

As a result of recommendations resulting from studies made by the Wyoming Game and Fish Commission in cooperation with the U.S. Fish and Wildlife Service, the Bureau of Reclamation has been operating the Kortes unit in a manner to enhance the downstream sport fishery since the 1964 water year. This operation is on a year-to-year basis and subject to commitments for water and power.

PRESENT LEGISLATION

As introduced, S. 2553 would authorize the Secretary to operate the Kortes unit on a permanent basis to maintain a streamflow of 500 cubic feet per second in the reach of the North Platte River between the Kortes Dam and the Pathfinder Reservoir. It would also authorize an allocation of joint costs to fish and wildlife conservation and make such costs nonreimbursable.

The Subcommittee on Water and Power Resources held hearings on March 18. The Department of the Interior, by letter of March 14 and in testimony, recommended enactment of S. 2553; however, the Bureau of the Budget, by letter of March 18, recommended deletion of section 3 which authorizes the reallocation of costs.

COMMITTEE AMENDMENTS

The committee amended the bill by deleting all of section 3 which provides for the reallocation of costs of the Kortes unit to conservation of fishery resources and which provided that the costs allocated to conservation of fisheries would be nonreimbursable.

The Department of the Interior's analysis shows that permanent operation of the Kortes unit to enhance the fisheries will increase the ratio of annual benefits to costs of the unit from the current 1.31 to 1 to a new ratio of 1.36 to 1. The committee agrees that it is appropriate to authorize the Secretary to operate the Kortes Dam so as to obtain the fishery benefit on a permanent basis.

The committee believes, however, that reallocation of costs of the project would not be appropriate. There are many existing projects which are providing benefits from purposes to which allocations were not recognized at the time of authorization. The committee does not believe that it is appropriate to establish a precedent of revising the repayment aspects of existing projects to recognize post-authorization benefit analysis.

The revision of the operation of the Kortes unit, as authorized in this bill, without a change in allocations will result in an estimated reduction of about $19,000 in the annual power revenues to the Missouri River Basin project. This will not materially affect the repayment of the project.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee recommends that S. 2553, as amended, be enacted.

AGUA CALIENTE BAND OF MISSION INDIANS

The bill (H.R. 17273) to amend the act of September 21, 1959 (Public Law 86-339), relating to the reservation of the Agua Caliente Band of Mission Indians was considered, ordered to a third reading, read the third time, and passed.

Mr. KUCHEL. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1593), explaining the purposes of the bill, which was reported unanimously by the Committee on Interior and Insular Affairs.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED

The act of September 21, 1959 (73 Stat. 604; 25 U.S.C. 954), directs the Secretary of the Interior to request in accordance with applicable State laws the appointment of a guardian of the estate of each Palm Springs Indian who is a minor, and of the estate of each adult Palm Springs Indian who is in need of assistance in handling his affairs, before making an equalization allotment to such person.

About the same time the California law was modified to provide for the appointment of a conservator, as an alternative to a guardian, for an adult person, and the use of that alternative was authorized by the Secretary's regulations.

This 1959 statute was based on a Federal policy to terminate special Federal services to Indians in California as rapidly as possible. Prior to the date of the statute 61 guardianships and conservatorships had been established out of a total tribal membership of about 100 persons. The statute therefore was a confirmation of the practice and a directive to continue it.

At the present time there are 73 guardianships and conservatorships out of a total tribal membership of 115 (47 adults and 68 minors). The reasoning behind the 1959 statute and the policy on which it was based was that if the Indians who needed assistance in handling their affairs were placed under State appointed guardians or conservators, the Indians would learn to function under the State law and there would be a smooth transition when special Federal services were terminated completely.

The guardians and conservators have no control over the real property held in trust by the United States for each Indian. Nevertheless, one of their important functions is to arrange for the lease or sale of portions of the trust property when in the big interests of the Indian, and to submit the necessary papers to the Bureau of Indian Affairs. Any income from the trust property paid to the Indian or his guardian/conservator is unrestricted and is subject to the control of the court. From such income the court awards fees for the services performed.

The size of the fees awarded by the court to the guardians, conservators, their attorneys and brokers soon became a matter of concern. The problem was brought to the attention of the Department in 1962, and in 1963 after an investigation by the Department, the Assistant Secretary concluded that the fees allowed were not excessive.

The Indians were not satisfied, and in early 1964 they presented to the Commissioner of Indian Affairs an extensive list of grievances. The Commissioner concluded that closer surveillance of the court operations was required, and he undertook to provide it by assigning personnel to work informally with the court and to make recommendations regarding appointments and fees. A field report recommending changes in the system was submitted to the Commissioner in July of 1966, but not until May of 1967 did the Secretary appoint a task force to make a further detailed investigation. The task force submitted its report in March 1968. Its conclusions and recommendations were adopted by the Secretary and were submitted to this committee on April 2, 1968.

The facts are complicated, and many of them are in dispute. The records that have been preserved by the court, the guardians, and the conservators and their attorneys are inadequate to permit an evaluation of the services rendered and the fees charged.

The task force report shows that for 84 estates that were under guardianship or conservatorship for some part or all of the 11-year period July 1956 to November 1967, the estates received:

Proceeds from sale of trust land	$6,446,934.74
Ordinary income	4,174,140.64
Miscellaneous receipts	238,963.18
Total	10,860,038.56

The fees awarded to guardians, conservators, and attorneys totaled $1,524,990.96, exclusive of broker fees and other estate expenses.

The task force and the Secretary concluded that the fees were unreasonable, based on their relation to ordinary income. The task force and the Secretary ignored the fact that some of the fees related to the sale of trust property, which obviously is a relevant fact. No effort was made to evaluate the fairness of specific fees.

Many of the fees allowed related to the negotiation of long-term leases which were expected to produce revenue over a 65-year period or longer. The reasonableness of the fees cannot be judged by their relationship to the rentals received during the first year or so.

Nevertheless, it is reasonably clear that fees have been allowed without adequate documentation of the relationship between the size of the fee and the service rendered, that there was a tendency to approve fees in the amount requested unless someone objected, and that there was no consistent practice or standard for determining reasonable fees.

It is also clear that the cost of the guardian/conservatorship program insofar as it relates to the management of trust property represents a double charge. The Secretary is responsible for administration of the trust property. During the same 11-year period when guardians, conservators, and attorneys were awarded $1,524,990, the Secretary spent $927,376 (approximately one-third of which was furnished by the band) for the operation of the Palm Springs Office of the Bureau of Indian Affairs, and most of the functions of that office related to the management of the trust property. Although the services performed by the guardians, etc., were not a complete duplication of the services performed by the Secretary, most of the combined services related to the trust property or the revenue therefrom, and it is improbable that the total cost would have been as great if all of the services had been performed by the Secretary.

The Secretary, by adopting the task force report and conclusions as his own, has charged individual members of the local court and bar with various forms of poor judgment, misconduct, overreaching, and violation of the fiduciary relationship. The Secretary has referred these charges to the appropriate State authorities.

ANALYSIS OF BILL

The bill prohibits any guardian, conservator, or other fiduciary appointed under State law from participating in the management or disposition of property held in trust for a member of the Agua Caliente Band of Indians. The guardianship, conservatorship, or fiduciary arrangement may not extend to such trust property. Moreover, a guardian, conservator or other fiduciary may not be awarded a fee payable out of nontrust property that is under the control of the State court if the fee relates to a service performed with respect to the trust property. A person who is a guardian or conservator of nontrust property may be employed by the Indian or by the Secretary on behalf of the Indian to perform a service with respect to trust property which he is particularly qualified to perform, but such employment must be in his personal capacity and not in his official capacity. The bill is intended to divorce completely the guardian/conservator in his official capacity from the management or disposition of trust property, and to leave that function exclusively in the Secretary.

The bill prohibits the appointment or continuance in office of a guardian, conservator, or other fiduciary for the nontrust property of a member of the band unless approved by the Secretary, and, in the case of a conservator, unless the Indian involved also personally petitions for the appointment or continuance of the appointment. If such approval is obtained, the Secretary will have all rights accorded a party under State law. The bill is intended to give the Secretary the right to prevent the establishment of the fiduciary relationship, or to compel its discontinuance, whenever he believes such action is in the best interests of the Indian.

After a guardian, conservator, or other fiduciary has been appointed the Secretary may require him to submit a full report concerning his handling of the estate. If he refuses, or if his report shows fraudulent, capricious, arbitrary or grossly erroneous action, the Secretary may seek appropriate relief in the U.S. district court.

In view of the fact that the Secretary is made fully responsible for the management of the trust property, the bill gives him broad authority to use, advance, expend, exchange, deposit, dispose of, invest, or reinvest the trust property and the proceeds therefrom in any manner and for any purpose he believes will benefit the Indian. Unless the Indian is a minor or incompetent, the Secretary must have the consent of the Indian, and the Secretary may not declare an Indian to be incompetent until after notice and an opportunity for a hearing, with a right to judicial review, in accordance with the Administrative Procedure Act. The bill is intended to authorize the Secretary, with the concurrence of the Indian if he is a competent adult, to contract for expert services needed for a particular estate in much the same manner that the court now authorizes a guardian to provide such services. The committee expects the Secretary to make maximum use of private trusts or comparable nongovernmental devices to safeguard the proceeds from trust property when such protection is needed.

COST

The act of February 14, 1920, as amended by the act of March 1, 1933 (47 Stat. 1417, 25 U.S.C. 413), authorizes the Secretary of the Interior to collect reasonable fees to cover the cost of any and all work performed for Indian tribes or for individual Indians, to be paid from the proceeds of sale, leases, or other sources of revenue. The committee directs the Secretary to report to it at the end of each fiscal year for the next 5 years the amount of money charged in fees and the amount of money obligated for administering the Palm Springs Office.

CARL SANDBURG HOME NATIONAL HISTORIC SITE

The bill (H.R. 13099) to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1592), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13099 is to authorize acquisition of the home of Carl Sandburg at Flat Rock, N.C., and to provide for its administration as a national historic site.

A similar measure, S. 3050, was sponsored in the Senate by Senators Ervin and Jordan of North Carolina, and open hearings were held by this committee on September 12, 1968.

NEED

Carl Sandburg was born January 6, 1878, in Galesburg, Ill., and died July 22, 1967, at Flat Rock, N.C. Though a midwesterner by birth and a resident of Illinois, Michigan, and Wisconsin for the greater part of his life, he moved to North Carolina in 1945 and made "Connemara"—the name of the house and farm proposed to be acquired under H.R.

13099—his home from then on until his death. The home is now owned by Mrs. Sandburg and is filled with memorabilia which she will donate to the Government.

A winner of two Pulitzer Prizes—one for history in 1940, and one for poetry in 1951—Carl Sandburg is a towering figure in American literature. His first published book, "In Reckless Ecstasy," appeared in 1904. Beginning in 1916, when "Chicago Poems" appeared in print, a steady flow of other books came from his typewriter—"Cornhuskers" in 1918, "The Chicago Race Riots" in 1919, "Smoke and Steel" in 1920, "Slabs of the Sunburnt West" and "Rootabaga Stories" in 1922, "Rootabaga Pigeons" in 1923, "Abraham Lincoln, the Prairie Years" in 1926, "The American Songbag" in 1927, "Good Morning, America" in 1928, "Steichen, the Photographer" in 1929, "Early Moon" and "Potato Face" in 1930, "Mary Lincoln, Wife and Widow" in 1932, "The People, Yes" in 1936, "Abraham Lincoln, the War Years" in 1939, "Home Front Memo" in 1943, "Remembrance Rock" in 1948, "Lincoln Collector" in 1949, "The New American Songbag" in 1950, "Always the Young Strangers" in 1952, "Harvest Poems" and "Wind Song" in 1960, and "Honey and Salt" in 1963.

"Connemara" is a 242-acre farm on which Sandburg raised goats, ducks, and geese, among other things, and at which the books of his later years were written. It is located about 20 miles south of Asheville and 15 miles from the Blue Ridge Parkway. The 14-room home was built in 1838 for Christopher G. Memminger who later became Secretary of the Treasury for the Confederate States of America. It is in good shape structurally and otherwise for its present use but, considering the tens of thousands of persons who are expected to visit the site after it is opened to the public, will need to have some work done on it.

The 242 acres that comprise the farm are partly in pasture, partly in wooded hills. They contain groves of white pine, oak, tulip, and maple, stands of rhododendron and azalea, and two ponds. The National Park Service, in administering the site, will preserve both the home and the surroundings in as nearly the condition in which they were at the time they were occupied and enjoyed by Carl Sandburg as is possible.

The advisability of establishing this new national historic site was considered by the Advisory Board of National Parks, Historic Sites Buildings, and Monuments at its meetings on April 16–18, 1968. The Board advised the Secretary of the Interior that "the preservation and interpretation of the Sandburg farm and literary works and the continued management of the site which he loved as a living site will lend great insight to future generations, through this one man's example, into the whole chapter of American history experienced by his generation" and "heartily endorsed" the proposal for its establishment.

Mrs. Sandburg has given the National Park Service an option for the purchase of "Connemara" at a price which is considerably less than the land is worth at present-day prices. An option has also been obtained for acquisition of another small tract of land adjacent to the Sandburg farm which is needed to protect it from intrusion. In order to accommodate visitors, it will be necessary for the Park Service to provide an entrance road, parking spaces, and administration facilities. Plans call for these to be so located as not to interfere with enjoyment of the Sandburg home and its surroundings.

The House Interior Committee amended the bill to correct the acreage figure in the bill, as introduced, from 268 to 242, limit to 6 acres the additional land which the Secretary is authorized to acquire in order to round out the farm, and authorize appropriations of not more than $225,000 for the acquisition of land and $952,000 for development expenses. The Senate Interior Committee concurs in these amendments.

COST

As just stated, the acquisition and development costs involved in H.R. 13099 are estimated to be $1,177,000. Annual operating expenses, given present price and salary levels, are estimated at $120,000 after the fifth year of operations.

Mr. ERVIN. Mr. President, I congratulate the Senate for its wisdom in unanimously passing H.R. 13099, authorizing the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina.

This House-passed measure is a companion to S. 3050, which I introduced in the Senate in the first session of the 90th Congress. This conservation-minded Congress has realized that the heart and soul of a Nation lies in its people and its land; the Carl Sandburg Home National Historic Site exemplifies the importance both of the man and the land upon which he lived for 22 years.

The site, which will be administered by the National Park Service, will not only benefit greatly my State of North Carolina, but it will be a source of pride and historical contact for every American.

To describe Connemara, as Sandburg called his farm, I shall quote from House Report No. 1676, which accompanied H.R. 13099:

> "Connemara" is a 242-acre farm on which Sandburg raised goats, ducks, and geese, among other things, and at which the books of his later years were written. It is located about 20 miles south of Asheville and 15 miles from the Blue Ridge Parkway. The 14-room home was built in 1838 for Christopher G. Memminger who later became Secretary of the Treasury for the Confederate States of America. It is in good shape structurally and otherwise for its present use, but, considering the tens of thousands of persons who are expected to visit the site after it is opened to the public, will need to have some work done on it.
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Carl Sandburg was born January 6, 1878, in Galesburg, Ill., a town of 15,000 residents and he died on July 22, 1967, at "Connemara" his western North Carolina farm and home since 1945.

In between, he lived mostly in the Midwest but his last 22 years were spent in the hills of North Carolina with his wife, Paula, who had found "Connemara" during a trip to western North Carolina in 1943.

At "Connemara," Sandburg continued his writing, turning out more poems, a novel, collections and condensations of his own words, and introductions and prefaces to books by others. It was there that he also wrote his autobiography, "Always Young Strangers" considered by many critics to be the best biography ever written by an American.

The Sandburgs lived simply at "Connemara," Carl Sandburg moved easily among the great and famous and never affected sophistication nor was his house pretentious. The windows were uncurtained and the furniture functional. The vast floor-to-ceiling bookcases, collections of magazines and clippings, boxes of letters, and other personal items and furniture will remain with the home and will become part of the interpretive program for the national historic site.

"Connemara" has from the 1830's been managed as a farm estate. The white colonial-style house, with its hewn timbers and floor-to-ceiling bookshelves in every room, is surrounded by forests of white pine, oak, tulip trees, and maple. Thickets of rhododendron and flame azalea dot the landscape. Two ponds have been created on the grounds. It is, indeed, a beautiful farm.

Carl Sandburg devoted his long and productive life to creating and reciting the epic that is America. He died at the age of 89, a man who would be accurately described as "more than the voice of America, more than the poet of its strength and genius. He was America." President Johnson so described him, and the tribute was heard a thousand times across the land, in different words but always with a like fervor. For Carl Sandburg preserved for posterity the spirit of America; his poems and biographies will always convey to future generations the traditions that made this Nation great. The preservation of the home in which he lived for the last two decades of his life is the smallest token of esteem that we owe this monumental benefactor to the greatness of America.

At this point I would like to extend my heartfelt thanks to Mrs. Carl Sandburg, who has graciously and unselfishly offered to sell "Connemara" to the Park Service at a price greatly below current market prices. Moreover, she has offered to give to the Nation the personal effects and memorabilia that surrounded America's great bard during his life at "Connemara."

Mr. President, more than any man in Congress, my colleague and good friend, Representative Roy A. Taylor of the 11th District of North Carolina, is responsible for the passage of this landmark legislation. Mr. Taylor has worked diligently and unrelentingly to obtain the passage of this measure, which will mean so much to his district and to the Nation, both now and in future years. Representative Taylor has an enviable record in the House of Representatives, with the passage of this bill being only an example of his legislative efforts to preserve for all Americans those things which have made the Nation great. The people of North Carolina's 11th District and all lovers of American history should be proud of him and express their appreciation for his fine work.

Mr. President, my colleague Senator B. EVERETT JORDAN joins me in these remarks. Senator JORDAN has also been a stalwart supporter of this legislation and I thank him for his cooperation in securing its passage.

SEMINOLE TRIBE OF OKLAHOMA

The bill (H.R. 18885) to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets Nos. 150 and 248 of the Indian Claims Commission, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1594), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 18885 is to authorize the use of two claims judgments against the United States recovered by the Seminole Tribe of Oklahoma. Money to pay a judgment of $34,053 was appropriated by the act of September 29, 1959. Money to pay a judgment of $63,680 was appropriated by the act of May 13, 1966.

The bill also authorizes the use of $147,095 that has accumulated in a Seminole school fund after Oklahoma was admitted to the Union and the Seminole schools were discontinued.

NEED

Although the claims money has been appropriated, the annual appropriation acts for the Department of the Interior prohibit the use of any Indian claims judgment until after legislation has been enacted that sets forth the purposes for which the money may be used. The enactment of this bill is needed to comply with that requirement.

The school fund consists of $50,000 of Seminole funds that were set aside by statute in 1898 at 5 percent interest for the operation of some Seminole schools. When Oklahoma was admitted to the Union the schools were discontinued, and the $50,000 fund has grown to $147,095.

The Seminole roll was closed in 1907. It contained 3,127 names, including 986 freedmen. In 1967 there were 6,703 Seminole enrollees and descendants living within the service area. No information is available regarding the number living away from the area.

The governing body of the tribe is a general council. It proposes to use the funds covered by the bill for housing and sanitation programs, and to construct a tribal community building. No per capita distribution is contemplated because the amount involved is too small.

A letter from the chairman of the Seminole General Council setting forth in detail the manner in which these funds will be used is included in this report following the report from the Department of the Interior.

COST

The enactment of the bill will involve no Federal cost.

BILL PASSED OVER

The bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

AUTHORIZING DISTRICT OF COLUMBIA INSPECTION OF MOTOR VEHICLES NOT REGISTERED IN THE DISTRICT OF COLUMBIA

The bill (H.R. 14098) to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1596), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 14098 is to authorize the District of Columbia Council to provide by regulation for District inspection of motor vehicles or trailers, on a voluntary basis, which at the time of such inspection are not required to be registered in the District of Columbia. The bill provides further that the District of Columbia Council may fix fees for these inspections, commensurate with the cost to the District in providing such service.

DISTRICT OF COLUMBIA INSPECTION SYSTEM

The District of Columbia Department of Motor Vehicles presently operates two stations for the mandatory annual inspection of all motor vehicles registered in the District of Columbia. One of these stations is in the Southwest section of the city, and the other is located in the Northeast. These stations do not handle any cash. Rather, the inspection fee of $1 is paid by the District motorist at the time he registers his vehicle, as part of the overall charge.

REASONS FOR LEGISLATION

The motor vehicle inspection in the District of Columbia is quite strict, with standards for approval considerably more rigid than those in Virginia and Maryland.

For this reason, the District of Columbia has received numerous requests from motorists in the suburbs of both Maryland and Virginia, asking that their vehicles be permitted inspection in the District of Columbia, as a means of improving their motor vehicles and assuring increased safety in their operation.

At a public hearing conducted on July 29, 1968, a spokesman for the Washington, D.C., Area Trucking Association expressed that organization's support for this proposed legislation. He stated that the local association, which is affiliated with the American Trucking Association, represents more than 200 member companies in the Washington Metropolitan area.

The Director of the District of Columbia Department of Motor Vehicles expressed the Department's support for this bill. He stated that they can easily set up a system whereby fees can be collected at the inspection stations from those who wish inspection of their foreign-registered vehicles, and also that they have adequate capacity at the city's present two inspection stations to take care of the increased volume that would result from the enactment of this proposed legislation.

CONCLUSION

It is the opinion of your committee that this proposed legislation which was requested by the Board of Commissioners of the District of Columbia and which will authorize a system for the District of Columbia inspection of motor vehicles not registered in the District, on a voluntary basis, may well make a contribution toward increased safety on the streets and highways of the entire metropolitan area, and at the same time will afford a source of increased revenue for the District of Columbia.

For these reasons, your committee feels that the bill is definitely in the public interest.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

WHAT AIRPORTS MEAN TO THE FUTURE

Mr. SYMINGTON. Mr. President, because of the decision made yesterday afternoon to bring up promptly the Defense appropriation bill, it was not possible for me to fulfill a longstanding engagement in St. Louis at noon today to address the 21st annual meeting and conference of the Airport Operations Council, Inc.

Because this is a subject which affects all communities, I ask unanimous consent that the speech I had planned to deliver today, "What Airports Mean to the Future," be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT AIRPORTS MEAN TO THE FUTURE

(Address by Senator STUART SYMINGTON)

My association over the years with the adventure of aviation is one reason why I am particularly glad to be here today. And there are two others.

First, it is a privilege to welcome you to the State of Missouri—which forty-one years ago launched the Spirit of St. Louis.

If the Lindbergh story is familiar, let me nevertheless recall a few perhaps forgotten details: The amount of money possessed by that slender Captain in the Missouri National Guard. $2,000 total, but with it an idea, and he persuaded some farsighted St. Louis businessmen to put up another $13,000 so as to buy the monoplane with its whirlwind engine.

Since Lindbergh landed in Paris on that night in 1927, those pioneers have been vindicated beyond their wildest dreams. Men now know that the airplane is actually capable of all for which they had hoped.

Now, however, we seem to be up against a strange turn of technology which returns the critical path to the ground; because baggage handling, the pedestrian walkways, and pipelines for carrying passengers, guests, and employees from their home or office to and from the terminal are the most pressing problems begging for solution.

At the risk of covering old ground, I'd like to point out that airport access may become the tail that wags the dog.

In a sense, an airport is scattered all over the community it serves . . . in the homes and offices of the traveling public, the downtown ticket sales office, the cabs and buses that feed the airport.

In a recent article in the MIT Technology Review, General Bernard Schriever, former commander of the Air Force Systems Command—currently a business associate of former FAA Administrator McKee—discussed the promise of satellite ticketing and baggage processing stations, fully automated, which could deliver passengers directly to the aircraft on the apron of the airport. Schriever even suggested moving downtown cargo handling facilities and some maintenance operations, leaving the airport surface for those functions which can be performed only at the airport—the movement of aircraft.

There's little question that bypassing the terminal this way would reduce congestion, but one can hear skepticism about the prospects for income from any decentralized terminal system. A tentative answer would be a new method of financing airport operations, not yet invented.

No matter how the money is raised, however, some short and long-range answers are essential; and they must involve all sectors of the transportation industry.

A flight from New York to Los Angeles is an intermodal trip. It begins and ends with the expenditure of shoe leather—a basic fact that may have escaped too many planners. People still like to walk—and any system which completely supplants foot power with horsepower could come under criticism.

In between the beginning and the ending of an air trip a variety of transportation techniques are involved. Since April of 1967, Federally spending, all of the so-called "modes" are now operating administrations under one roof in the Department of Transportation.

Access to the airport, for example, may well fall under the Urban Mass Transportation Administration and the Bureau of Public Roads, both reporting to Secretary of Transportation Boyd. Business within the terminal involves the Office of the Secretary of Transportation as well as the FAA. So does movement on the runway or the airway.

The fact that there are plenty of problems on the ground, however, have been somewhat overshadowed lately by events in the air.

Few of us will ever forget 1968. This year has broken the air traffic bank in the Golden Triangle of New York, Chicago and Washington; and turned a regulatory corner which few people really want.

Rationed flight operations at Washington National have now become a reality. This past week, the FAA began hearings on Rules proposed to allocate among the various users limited number of flights an hour at five of the nation's busiest airports.

Air traffic has been growing faster than airport and airway capacities. Forecasts have so predicted, but the rate of growth has been somewhat steeper than anyone predicted. A combination of adverse factors caused the near-saturation which occurred during mid and late July in that same Golden Triangle.

Over the last five years air carrier enplanements have increased 115 percent. Air cargo volume has tripled; and the hours flown by general aviation aircraft have increased nearly 50 percent.

During these five years also, the rate of increase in aircraft production has been better than 100 percent.

The appetite for air travel becomes ever more sharp. More people are flying, more often, for more reasons; and the industry has been responding to this demand, producing more and better planes, promoting business and pleasure flying, and catering to the commuter and tour-traveler alike.

With the solution of some of these problems, the number of air passengers in the U.S. is expected to grow more than 450 million a year in the next ten years. By 1978, total aircraft operations at airports with FAA traffic control service will rise from 47.6 million—the 1967 figure—to an estimated 167 million, an increase of 250 percent.

Between now and 1979, U.S. air carriers will expand the size of their fleets by some 1,500 aircraft. Many of these, of course, will be the large capacity jets. But, despite the substantial increase in the size of the aircraft, the carriers expect to schedule about 140 percent more flights in 1979 than they had in 1967, this to meet the constantly climbing passenger and cargo traffic demands.

The aviation inductry has had a good decade, with rich promises for the next ten years—IF. To give the industry the chance to grow in the way and at the rate that it wants to, some balance will need to be returned to the air-ground equation. That will not be easy.

Suppressing air commerce is not a long-range answer. It's a stop-gap which, hopefully, will be only a short enforced holiday until money, equipment and manpower can catch up with the air traffic control and the concrete gaps. The Federal Aviation Administration, now that it has recent Congressional approval to hire new controllers, believes that it sees some light at the far end of the tunnel of air traffic control. We know that it takes some four years to fully qualify a controller in a center, but at least the valve has been turned on at one end of the pipe.

Concrete may prove to be the hardest challenge. Former FAA Administrator McKee called it "the greatest single limitation on the capacity of the nation's air transportation system;" he knew, and we know, that runway, taxi, and apron facilities, along with passenger-handling buildings and either airport access roads or high-speed transport systems, require an even longer lead-time than the training of a center controller.

Despite the substantial capital investment that has been made during the past five years in the nation's airport program—around $1.5 billion, 30 percent of which has been provided by Federal sources—we have just not been able, at either the Federal or local levels, to keep pace with this fantastic rate of growth in civil aviation.

It's estimated today that we need $4 to $5 billion over the next five years for new and improved airports in this country. Included are 900 new airports, plus improvements to some 2,000 of the 3,200 publicly-owned ports now in use.

If we are too little and too late in some communities in the avoidance of restrictions on air traffic, let us hope that we can act sooner in others, because modern air service is of vital importance to the economic health of a community.

Now this brings me to another reason why I am very glad to be here today. With or without Federal assistance, it will take a lot of local funds to develop needed airport capacity.

Only $13,000 for the Spirit of St. Louis (actually, 4 men offered Lindbergh $2,500 in cash and 2 others agreed to endorse a note for the remainder); an accomplishment which helped launch the air age some 41 years ago.

Next month the citizens of St. Louis are being asked to approve a 200 million dollar revenue bond issue to cope with the reality of the success of flight.

This is really not a tax issue, rather a borrowing to help a great city keep pace with the present and the future of air travel.

A great new airport with a new "airport system" will do much to assure the future leadership of St. Louis as a business and industrial center.

In 1975, our town here anticipates 11,000,000 air passengers, with 450,000 flights; and the major improvement of all our airport facilities is nothing less than vital to the growth of all our activities; activities such as business, labor, sports, and the theatre and the arts.

As you gentlemen know, with very few exceptions, the situation in our city is no different from that found elsewhere, throughout this nation.

In addition to local outlays, if we are to finance a national airport program, and at the same time improve and expand significantly our national airways system, more funds are essential than are available under current Federal revenues.

The President requested Secretary Boyd to first develop a long-range plan which would satisfy the foreseeable requirements of aviation, then cost-out those requirements in detail, and then advise the Congress and all citizens how those costs could be met through a system of user taxation.

The Department has complied with this request; and has proposed to the Congress a system of user charges which would provide money to achieve a broad revamping of the national airspace system in this country; and also encourage a major enlargement of the nation's network of airports.

Last year and this year the Senate Subcommittee on Aviation has held hearings on these proposals; and although a bill has now been reported to the Senate, the issues raised with respect to the method of allocating costs among users, the establishment of an airport and airways trust fund, are highly controversial. We do not believe, therefore, that the Congress will act in the remaining few days of this session, on the proposals in question. It will be an important task of the next Congress.

The Department of Transportation has advised that plans are underway to improve such other elements of airport efficiency as local mass rapid transit; and attempts to cure this creeping terminal illness will necessarily extend beyond the boundaries of the airport into the very heart of the total community. Much of the travel progress made in the next decade will be measured in reduced portal-to-portal trip time, rather than a significant reduction in aircraft block-to-block time.

Already aircraft which were too slow to compete on short runs several years ago are being looked on with much favor in today's high-delay system. The Eastern Air Lines test of the McDonnell-Douglas STOL 188 on the Washington-New York-Boston high line proves well this point. The aircraft cruises at only 250 knots, but could well get passengers to their actual destination faster than the highspeed jets; this the result of using shorter landing areas and avoiding saturated air traffic patterns around the busy airports.

In this connection, whereas STOL—short take off and landing planes—are being pushed commercially in this country, because of their preoccupation with theory, gadgetry, and the unfortunate TFX series, the Defense Department has not yet even decided on the design of a single STOL type plane.

For many reasons, including the fact the Soviet Union has at least three STOL models flying at a speed of over twice that of sound, this would appear unfortunate from the standpoint of our national security.

In summary, an effective program to improve airports and control of the airways will require the full support of the community. This, in turn, depends upon a greatly improved awareness and understanding of just what civil aviation means to the citizen, whether he expects to become airborne or not.

This is a challenge which is held out to you. Without your help the chance of improving the terminal system fast enough to carry on and up industry growth during the next ten years will not be possible. With that help, however, it will turn into reality, and guarantee a more secure, and a more prosperous America.

SECRETARY GENERAL U THANT, OF THE UNITED NATIONS, DESERVES OUR SUPPORT—HIS VIEWS THAT WE SHOULD FORTHWITH STOP BOMBING NORTH VIETNAM ARE SOUND

Mr. YOUNG of Ohio. Mr. President, every American President since Harry Truman has lauded the United Nations as the world's last best hope for permanent peace. It is, therefore, noteworthy, I regret to say, that when a top State

Department official recently delivered a three-quarters-of-an-hour lecture to newsmen and others on American foreign policy he did not once mention the United Nations.

Secretary of State Dean Rusk in his public statements has indicated an increasing tendency on the part of U.S. officials to bypass and ignore the United Nations. When Ambassador George Ball resigned abruptly, President Johnson did not nominate a Foreign Service officer or career ambassador or an American who has distinguished himself in matters of foreign affairs. Instead, he nominated J. R. Wiggins, the editor of the Washington Post who is regarded as a warhawk and whose diplomatic skills are questionable and diplomatic experience nonexistent. Certainly, this appointment did nothing to enhance the high office of U.S. Ambassador to the United Nations, and, in fact, diminished it in the public eye.

United Nations Secretary General U Thant is a superior diplomat and knowledgeable as few men are in international affairs. He hs every reason to feel bitter toward the inflexible Vietnam policies of this administration developed at the insistence of the generals of our Joint Chiefs of Staff and Presidential advisers Maxwell D. Taylor, Walt Rostow, and Dean Rusk. There is reason for the gloom which justified Secretary General U Thant in stating:

> If the world's leading power, long the chief advocate and principal supporter of United Nations activities, is losing interest, what hope remains for effective international cooperation to solve the multiplying problems of war?

No one can blame U Thant's feeling of frustration. Furthermore, his views in a way are simply echoes of the views of the chiefs of state of every Asiatic nation. Hardly a single Asiatic leader is sympathetic with our undeclared war in Vietnam, our bombing of the demilitarized zone created in the Geneva accords of 1954, which we approved, and our bombing of North Vietnam. U Thant and all of these Asiatic leaders, almost without exception, have expressed opposition to our bombing of North Vietnam. Unfortunately, during the past 4 years we have dropped on Vietnam, a tiny Asiatic nation, a greater tonnage of explosives and napalm bombs than we dropped in North Africa and all of Europe during World War II.

U Thant was right in voicing his criticism of our failure to stop the bombing of North Vietnam which would be in his words, "the first step toward peace." Furthermore, U Thant is correct in his view that the door of the United Nations should be opened to the admission of Red China into this world organization. All along the Johnson administration has opposed admitting Red China into the U.N. Communist China has existed as a viable nation for 20 years. Some 750 million men, women, and children live within its borders. The United Kingdom, Canada, West Germany, and other allies maintain commerce trade with the Red Chinese. Some have diplomatic relations with that country. Still, in their shortsightedness, administration leaders of our Nation seem to ignore the very existence of this powerful nation which now has attained a crude nuclear capacity and by 1975 will probably have the scientific know-how and the hardware to fire intercontinental ballistic missiles on target in the United States or in the Soviet Union should the relations between these two Communist powers, presently very bad, worsen into open hostility.

If U Thant's desire and policies were accepted by us and would prevail, the United Nations would surely be strengthened and become a more effective instrumentality for maintaining peace.

Mr. President (Mr. INOUYE in the chair), the United Nations is far from perfect but it is evident that it is indispensable. President Johnson owes it to the peace-loving people of the United States to support U Thant and to help instead of hinder the 23d session of the General Assembly of the United Nations now in progress.

Just recently, a Member of this body expressed his personal indignation over Secretary General U Thant's leadership of the United Nations. I take violent exception to the views he expressed. It is important to the peace of the world that the Secretary General of the United Nations be a forceful man such as U Thant instead of an impotent diplomat with no capacity for leadership and no convictions.

I repudiate any criticism made in this Chamber of Secretary General U Thant. Were those views expressed by the senior Senator from Connecticut [Mr. DODD] to prevail and were Secretary General U Thant to resign or be replaced, the United Nations would be weakened, I fear, and would be in disrepute in capitals throughout the world. Despite the contrary views that seem to be held by a few Senators and by officials of the executive department of our Government expanding our involvement in an undeclared war in Southeast Asia, the United States does not have any mandate from Almighty God to police the entire world and any proposal, by reason of our dominance and power, that we should take over and make a satellite of the United Nations should be unthinkable.

Despite the fact that one of our colleagues is prone to talk about the Communist threat against the United States, despite the fact that he and others claim there is a huge monolithic Communist conspiracy against the free world, it is evident that such allegations are fantastically overexaggerated if, in fact, they have any basis whatever.

The enmity between the Soviet Union and Red China daily becomes more bitter and vitriolic. Premier Chou En-lai of Communist China recently denounced the Soviet Union, charging last week that Soviet troops are concentrating all along China's frontiers and the frontiers of Mongolia. The Chinese Premier has repeatedly charged that the Soviet Union has willfully and intentionally violated China's airspace. He terms this action to be armed provocation. Also, it is evident that the Soviet Union has built up its armed forces along the 6,500-mile common border between that nation and Communist China. The Communist world is breaking up. The two great Communist powers, the Soviet Union and mainland China, are now bitter enemies and there has been fighting and bloodshed along the common border and on the border of Mongolia.

Mr. President, my views on the decline of our official interest in and use of the United Nations have been reinforced by a letter to U.N. Secretary General U Thant from a distinguished citizen of my State, L. Edward Shuck, Jr., director of the office of international programs at Bowling Green State University, one of the great institutions of learning in Ohio. I ask unanimous consent to have this thoughtful letter inserted in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOWLING GREEN, OHIO,
September 26, 1968.

Hon. U THANT,
Secretary General of the United Nations, United Nations, N.Y.

DEAR MR. SECRETARY GENERAL: I want to send a note to thank you for your fine efforts to further the cause of peace in Vietnam. The abuse and negative reactions which you so often receive from intellectually-pedestrian Johnson Administration spokesmen are resented by many millions of Americans. The tragic and profligate waste of people and property carried on by these leaders in an effort to sterilize a social revolt in Vietnam which they apparently do not understand is increasingly recognized for what it is.

As a Southeast Asian specialist for some years, it has long been obvious to me that only international assistance, whether that of a group of relatively "non-committed" Asian governments (e.g., the Indian, Burman, Indonesian, Japanese, Cambodian) or that of the United Nations as an institution, will enable us to extricate ourselves from this mad adventure (Marxist jargon and facts seem to jibe in this case).

I was tremendously encouraged by news accounts that you had urged the United Nations, as an organization, to request that the Johnson Administration stop the bombing of areas north of the Demarcation Line.

History can never obscure the bad judgment, political clumsiness, and distortions of historical fact which have marked the Johnson Administration's policies with respect to Vietnam. The Administration's refusal to permit the United Nations broadly to discuss these issues rather clearly reveals the insecurity which the State Department and White House themselves feel toward these shabby policies. For both the United States and the DRVN to refuse to permit U.N. participation in bringing peace to Vietnam reflects on the one hand the naive lack of awareness on the part of American leaders as to the political dimensions of their error, and on the other hand the clear intent of the USSR to keep Americans bogged down in their self-destructive role in Vietnam for as long as possible. Each day prolongs our period of dishonoring our many commitments to the U.N. Charter; and at the same time assures an even greater loss of face when eventually we do have to get out of Vietnam. And come that time must!

The first clause above reflects my own arrogance, I am sure. It matches the ignorance of highly remunerated American politicians and bureaucrats who seem honestly to believe that United States military power can maintain indefinitely a viable and happy satellite in southern Vietnam. Surely no other dogma could permit these men really to assume that the United States has the political leverage, unilaterally, to force the Fatherland Front (Vietminh) to compromise its long-held and bloodily-defended political goals. It is difficult not to be polemical in view of the latest statement from the Department of Defense concerning the inevitability of a continuing American military build-up in Vietnam. One must conclude that only mad or ignorant leaders would prolong this mass death and destruction in a doomed hope that a pro-American society can evolve behind the shield of unwanted American military occupation.

One of the truest *cliches* of the moment has to be "whom the gods would destroy they first make mad." How skillful the Johnson Administration is in validating many of the axioms and predictions of the very Marxism-Leninism which the politicians think they are combatting! Hundreds of thousands are being killed and ruined in order to prove the predictions of Lenin about the death throes of capitalism.

I thank you for attempting to help the United States—and the world. I remind you that you are supported and greatly admired by millions of quiet Americans whose very powerlessness in the decision-making process is bringing their frustration and anger to a danger point. I urge you to be as forceful as you can be. Public opinion can and must be informed and aroused, as you know.

Yours sincerely,

L. Edward Shuck, Jr.

Mr. YOUNG of Ohio. Mr. President, Secretary General U Thant last week invited the chiefs of state of all members of the United Nations to draw the lesson and tragic events of Vietnam and Czechoslovakia and in each case he tried to identify the problem and suggest a remedy.

Regarding Vietnam, U Thant stated that the problem was widely misunderstood:

> There are many people who see the Vietnam war as an ideological struggle. But it is not true that such a concept is only concealing the reality of a nationalist struggle which has somehow become the stake in worldwide strategic rivalry.
>
> Only the powerful motivation of nationalism could explain the extraordinary resilience of the Vietnamese on all sides during this agonizing war. For the larger powers interested in the conflict, various particular interests may be affected by its outcome. But, for the Vietnamese, their own identity, their own survival as a nation is threatened by the prolongation of the fighting.

Referring to the solution of the Vietnam problem, he continued:

> I submit that the time is overdue for a political deescalation regarding Vietnam. All should strive now to isolate this conflict from adverse international influences which in the past have caused so many opportunities to pass, and to let the Vietnamese themselves deal with their own problems . . .
>
> I reiterate my personal conviction that a cessation of the bombing would set in motion positive steps which can eventually lead to a peaceful settlement in Southeast Asia in accordance with the Geneva Agreement of 1954.

It is evident that U Thant is one of the world's truly great men in this period of warfare and tension. It is fortunate that he is Secretary General of the United Nations and let us hope he continues to occupy that office at least for another year.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2017. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years;

S. 2496. An act to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area;

S. 2592. An act to amend section 539 of the act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia; and

S. 3986. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisiiton policy for Federal and federally aided programs, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotics addicts, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes, and it was signed by the President pro tempore.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 84–689, appoints the Senator from Rhode Island [Mr. Pell] and the Senator from Illinois [Mr. Percy] as alternate delegates to the North Atlantic Assembly, to be held at Brussels, Belgium, on November 11 to 16, 1968.

The Chair, on behalf of the Vice President, appoints the Senator from New Mexico [Mr. Montoya] and the Senator from Illinois [Mr. Percy] to attend the 15th General Conference of the United Nations Educational, Scientific, and Cultural Organization, to be held at Paris, France, on October 15 to November 21, 1968.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Consumer protective, marketing and regulatory programs, Consumer Marketing Service," for the fiscal year 1969, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Reports of Office of Civil Defense

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal contributions—personnel and administration for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal contributions program equipment and facilities for the quarter ended June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

Report of Comptroller General of the United States

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improvements in management of the excess property program, Agency for International Development, Department of State dated August 2, 1968 (with an accompanying report); to the Committee on Government Operations

Report of Claims Paid Under Military Personnel and Civilian Employees Claims Act of 1964

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report listing claims settled in fiscal year 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF OPERATIONS IN CONNECTION WITH THE BONDING OF GOVERNMENT OFFICERS AND EMPLOYEES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of operations in connection with the bonding of Government officers and employees for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A letter, in the nature of a petition, signed by James D. Freeman, 978th Army Postal Unit, Quang Tri, Vietnam, praying for a redress of grievances; to the Committee on Armed Services.

A resolution adopted by the Board of County Commissioners of St. Louis County, Minn., praying for the restoration of full mail contracts with the Great Northern Railway between Duluth and St. Paul-Minneapolis; to the Committee on Post Office and Civil Service.

A resolution adopted by the City Council of Virginia, Minn., remonstrating against the proposed discontinuance of postal service on passenger trains operating between Duluth and Minneapolis, Minn.; to the Committee on Post Office and Civil Service.

Resolutions adopted at the Council of State Governments annual meeting, in Miami Beach, Fla., condemning military invasion of Czechoslovakia by the forces of the U.S.S.R., Hungary, Bulgaria, Poland, and East Germany; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on Armed Services, with amendments:

H.R. 15971. An act to increase the participation of law officers and counsel on courts-martial, and for other purposes (Rept. No. 1601).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

H.R. 13480. An act to make the proof of financial responsibility requirements of section 39(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia inapplicable in the case of minor traffic violations involving drivers' licenses and motor vehicle registration (Rept. No. 1608).

By Mr. SPONG, from the Committee on the District of Columbia, with an amendment:

H.R. 18248. An act to amend the act of August 9, 1955, relating to certain common carrier operations in the District of Columbia (Rept. No. 1600).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 394. Resolution authorizing the Select Committee on Nutrition and Human Needs to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health (Rept. No. 1603).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 407. Resolution to authorize printing as a Senate document of the report of the staff of the Committee on Finance entitled "Steel Imports" (Rept. No. 1604).

By Mr. HARTKE, from the Committee on Post Office and Civil Service, without amendment:

S. 3184. A bill relating to the appointment of U.S. marshals (Rept. No. 1606).

By Mr. RANDOLPH (for Mr. MONRONEY), from the Committee on Post Office and Civil Service, without amendment:

S. 4062. A bill to amend title 13, United States Code, relating to census questions (Rept. No. 1610).

By Mr. HILL, from the Committee on Labor and Public Welfare, with amendments:

H.R. 14096. An act to amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide (LSD) and other depressant and stimulant drugs, and for other purposes (Rept. No. 1609).

PAYMENT OF OVERTIME AND STANDBY PAY TO CERTAIN PERSONNEL EMPLOYED IN THE DEPARTMENT OF TRANSPORTATION—REPORT OF A COMMITTEE (S. REPT. NO. 1605)

Mr. RANDOLPH. Mr. President, from the Committee on Post Office and Civil Service, I report favorably, without amendment, the bill (H.R. 19136) to amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation, and I submit a report thereon.

Mr. President, this legislation will resolve a serious difficulty with respect to the pay of our air traffic controllers—men who night and day guide commercial and general aviation pilots through the sky to safe landings. In recent months there has been considerable publicity surrounding air traffic control and the extreme hardships which have been imposed on these faithful public servants because of a shortage of trained specialists in the Federal Aviation Agency. I am gratified that Congress recently authorized sufficient appropriations for training some 15,000 air traffic controllers, but that solution is long-range, and the immediate problem of having too much work and too few workers remains.

Mr. President, many air traffic controllers are working 10 or 12 hours a day, in some cases 6 days a week, in doing the job. It is a nerve-racking career. It cries out for fair and equitable treatment for these employees. H.R. 19136, a House-passed companion measure by Representative UDALL, to my own bill, S. 4067, will provide that these experts will be authorized, under rules and regulations promulgated by the Secretary of Transportation, to be paid overtime rates at time and a half of their regular hourly rate. Present law limits overtime pay to 150 percent of the employee's ordinary rate, but not more than 150 percent of the hourly rate for GS–10, step 1. That limit discourages management in the executive agencies from paying supervisory personnel for overtime work which is really part of their supervisory duties.

Occasionally, however, situations arise in which such pay may be justified and the employee, although he is above the rate of GS–10, step 1, does a job of such a nature that overtime pay is not only justified but virtually required. Air traffic controllers are certainly that kind of group. They are doing yeoman duty and it is difficult, if not impossible, to persuade a person who has worked 10 or 12 hours a day for 5 consecutive days to come to work on a Saturday or a Sunday and work 8 or 10 hours at an overtime rate of pay that is less, I repeat less, than his ordinary rate of pay. The job these men are doing is beyond criticism; although there have been serious delays in recent weeks, they have not involved the safety of air passengers. They have stressed the need for recruiting and training for additional controllers to fill the positions in the control towers at our major airports.

As chairman of the Subcommittee on Civil Service, I urge officials in the FAA and the Civil Service Commission to seek new remedies for this problem. Sometimes the needs of the Government for individual problems exceed the boundaries of old rules and old practices. A little imagination and ingenuity can help. If new policies for personnel administration are needed to recruit and retain additional controllers and to make their job attractive, then they should be proposed as legislation so that the Congress will have an opportunity to consider them. No worker can reasonably expect to sit in front of a radarscope 60 or 70 hours a week and control air traffic without rest periods, lunch breaks, time out for a soft drink or a brief walk or some other diversion from the exacting and mentally fatiguing routine of air traffic control. Overtime pay is an immediate need; progressive policy is the long-term solution.

I urge the Senate to provide necessary action to pass this vitally important legislation and send it to the President.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar, and the report will be printed.

ERRONEOUS PAYMENTS OF PAY TO EMPLOYEES OF THE EXECUTIVE AGENCIES—REPORT OF A COMMITTEE (S. REPT. NO. 1607)

Mr. BYRD of West Virginia (for Mr. MONRONEY), from the Committee on Post Office and Civil Service, reported an original bill (S. 4120) to amend title 5, United States Code, to authorize the waiver, in certain cases, of claims of the United States arising out of erroneous payments of pay to employees of the executive agencies, and for other purposes, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 4116. A bill authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation and fish and wildlife enhancement; to the Committee on Public Works.

(See the remarks of Mr. Symington when he introduced the above bill, which appear under a separate heading.)

By Mr. INOUYE:

S. 4117. A bill to provide relief for Cheung Chung; and

S. 4118. A bill to provide relief for Kan Kong Kwan; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4119. A bill for the relief of The Minnesota Specialty Co.; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. Monroney):

S. 4120. A bill to amend title 5, United States Code, to authorize the waiver, in certain cases, of claims of the United States arising out of erroneous payments of pay to employees of the executive agencies, and for other purposes; placed on the calendar.

(See reference to the above bill when reported by Mr. Byrd of Virginia, for Mr. Monroney, which appears under the heading "Reports of Committees.")

By Mr. GOODELL:

S. 4121. A bill for the relief of Amenallah Ben Amor; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 4122. A bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK:

S. 4123. A bill for the relief of Antonio Pino;

S. 4124. A bill for the relief of Antonio Gargano;

S. 4125. A bill for the relief of Giovanna Gargano; and

S. 4126. A bill for the relief of Yeh Tai Heung; to the Committee on the Judiciary.

S. 4116—INTRODUCTION OF A BILL TO AUTHORIZE THE CONSTRUCTION OF CERTAIN IMPROVEMENTS ON THE BLUE RIVER, VICINITY OF KANSAS CITY, MO. AND KANS.

Mr. SYMINGTON. Mr. President, today I introduce, for appropriate reference, a bill to authorize certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans. This measure will provide much needed flood control, water quality control, recreation, and fish and wildlife enhancement for the metropolitan Kansas City area.

Following 1961 and 1962 resolutions by Senate and House Public Works Committees requesting a study of the proposed project, the plan was recommended for approval by the Board of Engineers for Rivers and Harbors on August 15, 1968.

The estimated Federal cost of this Blue River project, which includes four multiple-purpose reservoirs and channel work, is $101,269,000, of which a part is reimbursable.

This project has the full support of the Honorable Richard Bolling, Congressman from the Fifth District of Missouri and the Honorable William J. Randall, Congressman from the Fourth District of Missouri, in whose congressional districts the improvements will be located.

Local and county officials have supported the plan for some years and have declared their willingness to furnish the necessary assurances.

The need for authorization of this project is pressing. The heavy damage that occurs during flooding in these industrial areas places a hardship on the entire citizenry in terms of dollars and of health.

An additional need for prompt authorization exists because of rising land costs in the Metropolitan Kansas City area. The longer authorization is delayed, the longer land acquisition is delayed, the more land costs in and around Kansas City will rise.

Authorization will enable local, State, and Federal agencies to coordinate their planning and will assure private landowners that this project is considered worthwhile by the Congress.

This bill is introduced for the above purposes and I urge its consideration and passage as soon as possible.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4116) authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation and fish and wildlife enhancement, introduced by Mr. Symington, was received, read twice by its title, and referred to the Committee on Public Works.

S. 4122—INTRODUCTION OF BILL TO AMEND THE INTERNATIONAL TRAVEL ACT OF 1961

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes. I ask unanimous consent that a letter from the Acting Secretary of Commerce, requesting the proposed legislation, together with a section-by-section analysis and a statement of purpose and need, be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter section-by-section analysis and statement of purpose and need will be printed in the Record.

The bill (S. 4122) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, section-by-section analysis, and statement, presented by Mr. Magnuson, are as follows:

The Secretary of Commerce,
Washington, D.C., September 26, 1968.

Hon. Hubert H. Humphrey,
President of the Senate,
U.S. Senate,
Washington, D.C.

Dear Mr. President: There are enclosed four copies of a draft bill "To amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes."

There are also enclosed four copies of a Section-by-Section Analysis of the draft bill and four copies of a Statement of Purpose and Need.

The proposed legislation is an important element in the Administration's program to improve the Nation's balance of payments. In his message on "The Dollar's Strength Abroad" earlier this year the President stated that the Administration had already acted to "Launch a new program, in cooperation with private industry, to attract more foreign visitors to these shores." This legislation will permit a greatly expanded effort to attract more foreign visitors to the United States and enable us to cooperate more fully in the efforts of the private travel industry toward that end.

We have been advised by the Bureau of the Budget that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely yours,
Joseph W. Bartlett,
Acting Secretary of Commerce.

Section-by-Section Analysis

Section 1 of the bill amends section 3 of the Act by adding the following new clauses to subsection (a):

Clause (5) of subsection (a) authorizes the Secretary of Commerce, upon application of any State or political subdivision or combination thereof, or any private or public nonprofit organization or association, to make grants for projects designed to carry out the purposes of the Act. The Secretary is further authorized to establish such policies, standards, criteria and procedures and to prescribe such rules and regulations as he deems necessary for the administration of the grants program. No grant will be given unless the Secretary determines that matching funds will be available from the State or from other non-Federal sources and in no event will the amount of the grant exceed 50 per centum of the cost of the project.

Clause (6) of subsection (a) authorizes the Secretary to enter into contracts with private profit-making individuals, businesses and organizations for projects that are designed to carry out the purposes of the Act. Prior to entering into such a contract, however, the Secretary must first determine that the project cannot be accomplished under the authority of clause (5) of subsection (a). It is contemplated that the authority contained in clause (6) will only be used when matching funds for a specific project are unavailable or cannot be obtained.

Clause (7) of subsection (a) authorizes the Secretary to make awards of merchandise manufactured and purchased in the United States for the purpose of awarding such merchandise to foreign travel agents and tour operators as an incentive for their promoting travel to the United States by residents of foreign countries. It is contemplated that such an incentive program will be an effective method of increasing the flow of tourism to the United States. The size of the incentive awards will most likely be in proportion to the degree of the individual sales accomplishment. The Secretary is further authorized to establish such policies, standards, criteria and procedures as he deems necessary for the administration of the program.

Section 2 of the bill amends section 6 of the Act by increasing the authorization for appropriations under the Act from $4.7 million annually to $15 million for each fiscal year and authorizing Congress to specify in the appropriation Acts that amounts for the printing of travel promotion materials may be made available for two full fiscal years. This latter authorization is required in connection with contracts which require the contractor to develop, design, and furnish promotional material. Because of the nature of the creative work involved and the need to perfect the final product to be used in promoting VISIT USA, the material is not, in every instance, ready for contracting by the close of the fiscal year. Therefore, the cost of printing cannot be obligated against the fiscal year funds used to develop the material, but must be charged against the funds made available in the subsequent fiscal year. Section 2 of the bill would authorize Congress to rectify this situation.

Section 3 of the bill renumbers section 7 of the Act as "Sec. 8." and inserts a new section 7 which includes in the definition of the terms "United States" and "State", as used in the Act, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa. From a balance of payments standpoint, there appears to be no reason why tourism to the territories and possessions of the United States should not also be facilitated and encouraged under the several provisions of the Act.

STATEMENT OF PURPOSE AND NEED

The enclosed draft bill would amend the International Travel Act of 1961, as amended, to:

(1) authorize a matching funds program for projects that are designed to encourage increased travel to the United States;

(2) authorize contracting with private profit-making parties for similar projects;

(3) authorize the awarding of merchandise manufactured and purchased in the United States to travel sales outlets abroad as incentives for their promoting travel to the United States; and

(4) define the terms "United States" and "State", as used in the Act, as including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa in order that these areas may be included within the purview of the Act.

In order that the United States Travel Service might fully discharge its increased responsibilities under the proposed legislation, the bill would raise the authorized level of appropriations.

In regard to the matching funds program, grants to States, cities and non-profit organizations would substantially increase the amount of money that these entities would devote to promotion of travel from abroad and would improve domestic services for international visitors. Moreover, it would greatly increase the volume and quality of materials and services available.

Specific projects could include, but would not be limited to, the following:

1. Preparation of multilingual promotion materials (folders, leaflets, booklets, displays, exhibits, etc) for use abroad in promoting State and city attractions.

2. Films depicting State, city and regional attractions for use in sales meetings and other promotions overseas.

3. Through matching funds, it would be possible to carry out special missions and promotions overseas with the support of States, cities and regions.

4. It would be possible to feature the West, the South, the open spaces, jazz, country music, etc. by assisting interested groups in worthwhile projects.

5. With present State and city interest in the Canadian market it would be possible to work with these agencies on a joint promotion and possibly distribution of materials in Canada.

6. Seed money would materially increase services in the United States, such as making use of multilingual people and materials in tourist information centers of the cities.

7. Seed money might be used to stimulate nonprofit organizations like COSERV, People-to-People, and others to develop language banks, maintain lists of interpreters and to broaden their host services for foreign visitors.

8. Some financial support doubtless would be effective in expanding hosting services at airports, terminals and ports of arrival.

In regard to the proposed authority to enter into contracts with private profit-making individuals, corporations, businesses and other organizations for the purpose of attracting visitors to the United States, such authority could be used in the following ways:

1. Producing jointly with members of the diversified travel industry (such as the accommodation and restaurant industry) consumer and travel trade oriented sales promotional materials such as visual aids and points of sales materials.

2. Enlisting jointly with the travel trade the services of recognized promotional talent for the purpose of acquainting the foreign seller of travel with the United States as a top, competitive travel offering.

3. Assisting the sponsors and organizers of conventions, exhibitions and similar events in the United States in making them truly international and, therefore, attractive to foreign attendance (e.g. purchase or lease of simultaneous translation equipment).

4. Sharing in the cost of recognition trips to the United States for persons primarily responsible in the arrangement of group tours to the United States by members of social clubs and other special-interest organizations (e.g. award to executive secretary of Lions Club of France).

The proposed legislation reflects the Department's growing concern over the inadequacy of our present travel program in view of the increased importance of tourism as a force in both our international affairs and the health of our domestic economy. Immediate action by the Federal Government is required if we are to materially reduce the $2 billion deficit in our balance of payments attributable to the imbalance in the international travel account. The continuation of this imbalance, together with the increased attention being given by foreign governments to travel promotion, calls for a considerably expanded Federal effort to encourage more travel to this country. Our need for such an effort will become even more intense as the jumbo jet and the super-sonic transport open new avenues for low-cost, mass international travel. Already virtually every major firm and trade association in the travel industry has recognized the need, and organizations such as the National Association of Manufacturers, the International Economic Policy Association, and the National Foreign Trade Convention have gone on record in favoring more Federal attention to both the promotional and policy aspects of international travel. The proposed legislation will constitute a major step toward increasing the efforts of the Federal Government in the promotion of travel to the United States as recommended by the President's Industry-Government Special Task Force on Travel.

RESOLUTION

SENATE RESOLUTION 408—RESOLUTION TO AUTHORIZE PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 56, 88TH CONGRESS—REPORT OF A COMMTTEE

Mr. HAYDEN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 408) and submitted a report (No. 1602) thereon, which was ordered to be printed, and the resolution was placed on the calendar, as follows:

S. RES. 408

Resolved, That there be printed for the use of the Committee on Appropriations fifteen thousand additional copies of Senate Document numbered 56, Eighty-eighth Congress, a report by Senator Carl Hayden entitled "The Fallacies and Dangers in the Proposals To Abolish the Federal Income Tax, To Dispose of All Federal Business Activities, and To Limit Treaty-making Powers by a Proposed 'Liberty' Amendment to the Constitution."

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from New York [Mr. GOODELL] be added as a cosponsor of the concurrent resolution (S. Con. Res. 80) to express the sense of the Congress with respect to meeting the urgent and extraordinary humanitarian relief requirements of innocents in the Nigeria-Biafra area.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATION OF FUNDS FOR PADRE ISLAND NATIONAL SEASHORE, TEX.—AMENDMENT

AMENDMENT NO. 1014

Mr. JACKSON submitted an amendment, intended to be proposed by him, to the bill (H.R. 17787) to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes, which was ordered to lie on the table and to be printed.

TRIBUTE TO SENATOR HAYDEN

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a resolution adopted by the Committee on Rules and Administration, expressing its sincere appreciation and best wishes for health and happiness to the distinguished President pro tempore of the Senate, the Senator from Arizona [Mr. HAYDEN] on his retirement from public office.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Carl Hayden has served the State of Arizona since its admission into the Union, first as a Member of the House of Representatives (February 19, 1912–March 3, 1927) and then as a Member of the United States Senate (March 4, 1927–January 2, 1969; and

Whereas, he was a Charter Member of the Committee on Rules and Administration, and has served continuously thereon since its inception at the commencement of the Eightieth Congress, and as its Chairman during the Eighty-first and Eighty-second Congresses and a portion of the Eighty-sixth Congress; and

Whereas, the people of the State of Arizona as well as those of all the other States of the Union will long remember his dedication to democratic principles and his selfless devotion to the fulfillment of the American dream throughout the period of his incomparable service in the National Legislature: *Now, therefore, be it*

Resolved, by the other Members of the Committee on Rules and Administration assembled, That we hereby express our sincere appreciation and best wishes for health and happiness to our beloved Colleague and former Chairman, Senator Carl Hayden, President Pro Tempore of the Senate, on the occasion of his retirement from public office.

B. EVERETT JORDAN,
Chairman.
HOWARD W. CANNON,
CLAIBORNE PELL,
JOSEPH S. CLARK,
ROBERT C. BYRD,
CARL T. CURTIS,
JOHN SHERMAN COOPER,
HUGH SCOTT.

Done as the first order of business at a meeting of the Committee on Rules and Administration on October 2, 1968, it being the Ninety-first Anniversary of the birth of Senator Carl Hayden.

GEOGRAPHICAL DISTRIBUTION OF NDEA FELLOWSHIPS

Mr. SPONG. Mr. President, I am most pleased that the Higher Education Amendments of 1968, which were cleared yesterday, contain a provision directing the Commissioner of Education to "seek to achieve an equitable geographical distribution" of fellowships awarded for graduate study under title IV of the National Defense Education Act of 1958.

The production of doctorates in a State or an area is a seed factor in the development and improvement of education at all levels. The university instructors produced by NDEA fellowships generally educate the public elementary and secondary schoolteachers. Both the fellowship winners and those they educate influence the intellectual and cultural life of the community. In addition, these persons attract industry which can benefit from use of such persons as consultants and also find qualified employees who have profited from the educational improvements at all levels.

Title IV of the National Defense Education Act was originally designed to increase the number of college teachers available, to encourage new and expanded programs and to provide a wide geographical distribution of graduate facilities.

Unfortunately, the distribution of these fellowships has favored the large, well-established centers at the expense of smaller and more remote institutions, with the result that the original purposes of the legislation have not been fulfilled.

The 1968 amendment which directs the Commissioner of Education to consider population and student enrollments in making fellowship awards should go far toward remedying the current distribution practices which discriminate against smaller institutions and less developed regions in our Nation. It should offer these areas new assistance in developing into competitive communities which can participate fully in the educational, economic, and cultural life of our Nation.

My conviction that the benefits of this program should be spread more evenly among the States and institutions of higher education was only reinforced by the conference committee language regarding this section of the bill. Consequently, I wish to invite particular attention to two references in the conference report.

First, the report says:

> The Conference Committee wishes to emphasize its great concern and distress with respect to the distribution of fellowship programs in the past. The Conference Committee fully expects the Office of Education to take immediate steps to provide for a more equitable geographic distribution of the graduate programs supported under Title IV.

The report also notes:

> The Committee cannot overemphasize the importance it attaches to this amendment.

I concur with the committee in these observations and look forward to the necessary modifications in distribution practices.

ZOND 5 AND THE U.S. POSITION IN SPACE

Mr. ANDERSON. Mr. President, considerable attention has been given by the press here, in the U.S.S.R., and in other parts of the world to the Soviets' Zond 5 trip around the moon and its return to earth. The record and the results of the Zond 5 flight appear to me to be as follows:

First. On September 14, 1968, the U.S.S.R. launched Zond 5. It flew around the moon, came within about 1,200 miles at its nearest point to the lunar surface, and returned to earth on September 21.

Second. There is little question that the booster used for this launch was one which has been previously tested and that it was substantially less powerful than our Saturn V.

Third. The significant accomplishments of Zond 5 were in communications, guidance, intact reentry, and safe recovery.

Fourth. Zond 5's reentry into the earth's atmosphere was on a ballistic trajectory. The spacecraft seems to have come in at an angle and speed well beyond the tolerance of man, had there been a man on board, which there was not.

Fifth. If Zond 5 was intended as a precursor for a manned lunar flight, it would seem that the Soviets have much work to do to make such a flight possible. Otherwise, this type of mission could be used for unmanned exploration of the moon and the planets.

Comments have ranged from minimizing this accomplishment to calling it the greatest Soviet space feat since Sputnik I. In my opinion, neither of these extremes is the correct one.

In evaluating this record, credit must be given the Soviets for a significant space accomplishment. They have accomplished the first recovery of a spacecraft after having sent it to the vicinity of the moon. Moreover, the Zond 5 flight is additional evidence of a vigorous Soviet space program and steady progress in space technology.

However, as far as preparation for manned flight at lunar reentry speed is concerned, I believe the United States is somewhat ahead of the Soviets. For example, on November 9, 1967, almost a year earlier than Zond 5, NASA flew Apollo 4 on a real precursory trip for future manned flight from the moon. Our spacecraft, while it did not go out as far as the moon, was pushed into an elliptical orbit of almost 12,000 miles from earth and then driven back into earth's atmosphere at a speed in excess of 25,000 miles per hour. This is approximately the same speed as that developed by Zond 5 in its return to earth. The Apollo 4 flight was that of an actual man-intended flight vehicle as compared with the apparently much smaller spacecraft used by the Soviets in the Zond 5 flight.

Mr. President, the purpose of these remarks is simply to place the recent Russian space accomplishment in its proper perspective. It says nothing of the future. Unless the NASA space programs are adequately funded, which I do not think is the case for fiscal year 1969, we will not remain first in space.

THE HEART DISEASE, CANCER, AND STROKE ACT OF 1965

Mr. MOSS. Mr. President, we of the Special Committee on Aging have been interested in the implementation of Public Law 89-239, the heart disease, cancer, and stroke bill enacted during 1965. It authorized $340,000,000 over a period of 3 years for the establishment of centers specializing in the treatment of heart disease, cancer, and stroke. Headquarters for one of these regional programs is at the University of Utah Medical Center in Salt Lake City. This is the intermountain regional medical program, which serves the entire State of Utah and portions of Colorado, Idaho, Montana, Nevada, and Wyoming.

An article on this regional medical program appears in the September 1968 issue of the magazine Hospital Practice. It is an informative account of the cooperation between the Federal Government, an outstanding medical training center, doctors, nurses, and others which is bringing to the citizens of these States "the benefits of medical-scientific advances in the fields of heart, stroke, and cancer." As a discussion of what this legislation has done and can continue to do for our Nation's elderly and others, the article is well worth bringing to the attention of Members of Congress and others who are interested. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROGRAM IS REGIONAL, THE FEEDBACK IS LOCAL

(By C. Hilmon Castle, University of Utah)

(NOTE.—Dr. Castle is coordinator of the Intermountain Regional Medical Program and professor of postgraduate medical education, associate professor of medicine, and associate dean of the University of Utah College of Medicine, Salt Lake City.)

Late on a Saturday night just before Christmas last year, a 65-year-old man was admitted to the coronary care unit of a Billings, Mont., hospital. As the nurse attached electrocardiographic leads and inserted an intracath to monitor venous pressure, the patient went into ventricular fibrillation. The nurse defibrillated him quickly. A supervisor attributed his survival to the Intermountain Regional Medical Program's course in coronary care, which the nurse had completed hardly a month before. Held at the University of Utah Medical Center and three hospitals in Salt Lake City, the course had emphasized what a nurse should do in cardiopulmonary emergencies in the absence of a physician. It had also covered recognition and treatment of arrhythmias. Commenting on the Billings episode, the supervisor wrote IRMP headquarters at the medical center: "We are very proud of her and of the wonderful work you are doing for the people of our community."

Billings is about 380 miles from Salt Lake City, as the crow flies, on the other side of the Rocky Mountains. No form of transportation could have brought this patient to the medical center in time to save him. In the person of the trained nurse, however, the medical center was at the bedside. If the words "medical center" are taken to mean the place where the latest advances in medical knowledge, equipment, and skills are ready for application, then I can phrase the IRMP's objective as that of putting every patient in a medical center.

The IRMP, covering one of the largest and most sparsely populated areas among the 54 regional medical programs spanning the U.S., includes the entire state of Utah and portions of Wyoming, Colorado, Idaho, Nevada, and Montana. This area of 2.2 million persons has 129 hospitals, mostly under 50 beds in size, and approximately 2,000 physicians in 100 communities in and around the "Great American Desert." Trying to help medicine flourish despite the handicaps of geography and population scatter has never impressed us as easy in any way. By "us" I mean the medical centers, medical associations of the states and counties, and hospital staffs. In August 1966, after months of preparation, the IRMP received a $456,000 first-year planning grant under the federal law aimed at combating heart disease, cancer, stroke, and related diseases. In its short lifetime, the IRMP has recruited a staff, set up lines of communication, explained itself to lay and professional persons, identified urgent needs, and established pilot projects.

Of the 13 pilot projects funded since April 1967, the course in coronary care attended by the nurse from Billings probably best illustrates the outlook and modus operandi of the IRMP. This project was based on the philosophy that effective postgraduate education is problem oriented. And our other efforts for physicians, too, are aimed at helping the practitioner solve problems he meets in his daily work and at doing so with an understanding of how people learn and what is attractive to the learner.

In 1966, to gain a general impression of the Utah practitioner's perception of his needs and to begin a dialog between the practicing and academic communities on what to do to improve patient care, a survey was made in the state by the American Medical Association, the Utah State Medical Association, and the University of Utah College of Medicine.

We found that Utah physicians are similar to other American physicians in education and specialty distribution. They work 53 hours a week on the average. Half of 456 physicians responding to the survey (907 were polled) indicated they felt they saw too many patients. The survey yielded estimates that from 20% to 50% of what they do in practice could be done by an assistant under their supervision. Physicians spent relatively little time in planned continuing education and mostly just read journals. They had no system for feedback in their educational efforts and no reliable way of telling how well they took care of patients. Interestingly enough, the survey found that physicians spent almost as much time on third-party-payer forms as on continuing studies.

There was marked variation in the educational needs perceived by physicians in various specialties, and there was no correlation between the most frequent problems they encountered in their offices and their list of priority needs. We learned from the survey that what a physician wants to know and what he needs to know are not necessarily the same. For example, he may want to be able to read cardiograms expertly, but an audit of clinical records may show he has a greater need to learn how to utilize digitalis.

In the past few years, intensive coronary care units (CCU's) have been established in nearly two dozen hospitals in the IRMP area. Physicians have expressed a desire to learn how to use this facility properly where it exists locally or how to obtain a unit and the personnel to staff it. In planning discussions, it became clear to us that a postgraduate medical education effort centered on CCU's had a ready made audience among physicians as well as hospital administrators and nurses. We recognized that the university faculty could carry only part of the burden. The solution: The physicians who need to learn must also become teachers.

One of our first moves was to identify the community hospitals with CCU's in which the physicians and nurses were willing to undertake training that would enable them to become supervisors or teachers for the units. These physicians would be expected to carry the knowledge gained at a medical center back to other physicians and to hospital personnel in their communities. The physicians were designated "core faculty members" of the IRMP. We found that training in acute cardiac care appealed to practitioners in several ways. Some wanted to improve their reputations for expertise, some wanted identification with the university, some wanted to be able to specialize more in cardiology, and some just wanted to learn something new and become better doctors.

Let me talk of our start in terms of a single community. Ogden, Utah, 35 miles from Salt Lake City, has a population of 150,000 within about a half-hour's automobile drive. Both hospitals in Ogden, Dee Memorial and St. Benedict's have excellent CCU's. In trying to find prospective core faculty members, we ran into reluctance. As one physician expressed it, "It sounds like a good idea, but I'm not sure I want to be in a program supported by the federal government. Let me think about it."

We explained the nature of the federal RMP law, especially the commitment to local initiative. Finally, we found two physicians able and willing to join the core faculty. Both had special training in cardiology but wanted more, and both were willing to help hospitals in the medical service area linked to Ogden hospitals (an area extending as far as Idaho). Important to IRMP effectiveness was the willingness of these physicians to help other hospitals set up CCU's. Our hope was that the Ogden hospitals and core faculty members would be able, in time, to add to the IRMP's training capacity and thus minimize reliance on extraregional resources. Before IRMP was operational, Ogden had sent nurses outside the state for training.

The two physicians from Ogden and 23 from 11 other communities made up the first group of 25 to be trained as core faculty members. Prior to the first training session, core faculty members and IRMP representatives had discussions on what the physicians' commitment meant, what our commitment meant, and what problems each party might confront. As core faculty members, we explained, they would be on the medical school clinical faculty in cardiology. They were told that the IRMP would pay them a nominal stipend or consultation fee for time spent in teaching coronary care. For supervising the care given in the CCU's and while training they would receive no fee.

The core faculty is expected to attend a series of three three-day courses within one year. The three-day span was picked as long enough to convey a solid block of instruction and convenient for the practicing physician. The series of courses eventually will tie together to provide the knowledge and skills required for expert coronary care as well as for effective teaching.

The inaugural course, held in January, focused primarily on arrhythmias and electrical pacing, but also covered elements of data gathering and teaching. The 25 physicians were busy from morning through evening in seminars, lectures, and laboratory demonstrations conducted by five nationally known cardiologists and members of the University of Utah faculty. One result of the course was that physicians from the region were drawn together and came to know the facilities and expertise available in other communities that might benefit a patient with a particular cardiac problem. They also became familiar with the resources of the medical center—its library, faculty, laboratories.

The objective of the courses is not to dictate to the physician how a CCU should be run but to give him a background and assistance that he can apply in his local community. After he returns to his community, the IRMP maintains contact, providing information, guides to practice, help in solving problems of care and teaching, and observations and suggestions about medical, nursing, and administrative activities on which he seeks assistance. We make sure the physician receives guides published by the American Heart Association and American College of Cardiology on coronary care.

To help the physician in teaching his CCU nurses and in evaluating their performance, we give him a "Coronary Care Curriculum Guide." In addition, we receive data from each CCU on the management of their patients. We are establishing a form to be used by all CCU's that will help the physician review the activities he supervises. The form also will help us compare the performances of units so that we can identify successful and unsuccessful patterns of care and adjust our training objectives.

Because record keeping is so important to quality control and training, as well as to research, additional details of our approach may be of interest. The clinical data sheet we are developing will provide a uniform system for recording events in the patient's illness and treatment chronologically and in detail. This chronology is expected to permit an expert cardiologist to review the case and ask searching questions about what the physician or nurse did or could have done before or after an event. The sheets should help identify associations between treatment patterns and patient responses. In short, the data will become our teacher.

The responsibility to furnish data on the sheet becomes a stimulus to maintaining quality of care. For example, since the practitioner must record parameters that are significant when an event occurs, he cannot forget these aspects of care. The record also is important as a feedback for IRMP teaching functions. At first the data sheets will be collated manually, but their design permits their adaptation to computer analysis.

Coronary care units provide an excellent opportunity for research, and indeed there is no better way to grasp clinical cardiology than through research at the bedside. Two core faculty members are currently collecting descriptions about patients' responses to various drugs and procedures employed in shock. From this effort they, and we, will learn more effective means of treatment. We will also learn how to collect data more effectively. Looking far down the line, I can visualize the transmission of data from a call by data-phone directly from sensors on the patient so that the attending cardiologist may query the computer's memory on experience of one therapeutic maneuver versus another in thousands of stored case records. In four hospitals we are now using the computer to collect data and establish ranges of hemodynamic parameters in patients with heart and lung diseases as well as in normal people.

Our nurses' training program began before the physician training effort. By early 1968, over 100 nurses had been through a three-week curriculum that gives them a foundation in acute cardiac care. After a three-month interval, they return to the medical center for another week of instruction and review of practical problems encountered in patient care and in teaching their peers. During the three-month interval they receive "homework" and tests by correspondence. For instance, they are sent cardiograms to analyze for arrhythmias (and the IRMP checks the answers). We emphasize this ability because nurses encounter problems in rhythm every day. While they are in training at the center, their expenses are reimbursed by the IRMP, and their salaries are maintained by their hospitals.

Besides physicians and nurses, electronics technicians receive training at the medical center. A by-product of physician and nurse training is a greater demand for expert maintenance of CCU equipment. Eventually, we expect to identify the aspects of coronary care that a licensed practical nurse can take over from the professional registered nurse (who already does many tasks that two years ago were performed only by a physician). Delegation of tasks to personnel with less formal training can be done, but only if training in coronary care has been thorough and quality of care is closely controlled. With the help of a cardiologist panel we are analyzing many of the CCU functions to see which aspects of care can be delegated.

As IRMP-trained physicians and nurses at hospitals in Ogden, Pocatello, Reno, and other communities instruct more physicians and nurses, the demand for CCU's will grow. In a sense, we complete a circle that began with the need to staff existing CCU's with well-trained persons. The availability of training will spur outlying hospitals to have CCU's. In my opinion, most general hospitals need such a unit. This should no longer be a question for debate. A basic rationale of the federal law is to provide equal access in every region to the highest quality of care regardless of the patient's place of residence, and this requires ubiquity of CCU's. But even if the law did not exist, no physician responsible for a cardiac patient today should lack affiliation with a hospital having a CCU.

The IRMP ideal is to have almost every patient within an hour of a CCU. Practically, we aim at having 90% of the population in our region within 50 miles of a unit. To accomplish this, the region needs to add 20 more CCU's to the 20 it now has. We also are investigating the use of helicopters and other mobile units to reduce transportation time. The mobile unit might have drugs, intravenous fluids, devices for closed chest compression, an oscilloscope to display rhythm, a defibrillator, and equipment for cutdowns and passing catheters.

Another ideal is to link all physicians in postgraduate educational activities. We have a two-way radio network covering 40 hospitals and the medical center, plus a system of acquiring, producing, and distributing films, slides, and television and sound tapes for medical education. Eighteen hospitals already have conference rooms for teaching, 10 have audio playback equipment, and four have TV tape playback capability. Nine hospitals have audited medical records systems integrated with educational programs. The IRMP provides consultants on patient care problems in various diseases, laboratory services, and medical education projects, and offers a cadre of teaching faculty for community hospital education programs, a dial-access system for information on specific clinical subjects, and library loan services.

The use of these resources depends on practitioner interest and need. The problem-oriented approach has been shown to be very effective in the coronary care effort. This approach is being applied to the cancer and stroke targets framed by the basic federal legislation under which IRMP operates. As these efforts reach the level of the coronary care effort, there will be a need to coordinate activities within a hospital, among hospitals, and between hospitals and the university. This role will be filled by a medical education coordinator (MEC) in the community, who is selected by the medical profession in the community and the IRMP. The IRMP now has six MEC's, and two of them are in Ogden. One of the Ogden physicians who helped identify core faculty prospects and work out communications with the university is a full-time MEC. Other physicians serve part time.

The hospitals served by the MEC's will become—through heart, cancer, and stroke projects—controlled educational environments in which medical students can be observed and evaluated as they are introduced to the problems of medical practice in the community. With proper supervision and assistance, many community hospitals can provide learning experiences comparable to, and in some ways better than, those in university teaching hospitals.

Cross-fertilization of projects in heart disease, cancer, and stroke is evolving. We expect that a computerized tumor registry with a system for patient follow-up and physician education will be a model for a coronary registry. The cancer prototype is a tool for helping the physician evaluate the quality of care his patients receive and for providing direction in developing educational programs and diagnostic and treatment facilities. Systematic data collection and reporting through the regional tumor registry are expected to help us understand patterns of disease within the region and how local environmental factors influence them. Collection of data in remote communities may stimulate clinical research on the types of patients confronting the local practitioner rather than the highly selected patients seen by specialists in a large medical center. The registry is a further application of our beliefs that clinical research in communities will catalyze postgraduate education.

Besides linking physicians and hospital colleagues, the IRMP is encouraging development of community committees of professional and lay persons to assess community needs, voice criticism, and express expectations. So far, only three such groups have been formed in Butte, Pocatello, and Reno. We are watching their evolution to see the kinds of roles they will play. We believe that such committees could make surveys of what physical facilities and services the community needs, what is being done to obtain them, and how the IRMP might help. Suppose, for example, that the committee, on the basis of local data on the incidence of myocardial infarction, determines that the local hospital needs a CCU. It might launch a fund drive, simultaneously lining up support for planning and training from the IRMP.

Our message to communities, hospitals, and physicians boils down to this: "Come to grips with your own problems. We will help identify them and find solutions." Toward this end the IRMP is making up health care profiles for each community in Utah, showing available manpower and hospital facilities, socioeconomic characteristics, and financial resources. We are still in the early stages of our work, but I believe our coronary care projects have already shown how regional medical programs can improve the distribution and quality of care. They are thus helping to realize—without compulsion or outside dictation—the goal of the federal law: "To encourage and assist the physicians and medical institutions of the nation to make available to their patients the benefits of medical-scientific advances in the fields of heart, stroke, and cancer."

TENTH ANNIVERSARY OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, yesterday was the 10th anniversary of the National Aeronautics and Space Administration, which was established by the National Aeronautics and Space Act of 1958.

The accomplishments of NASA in manned space flight, space science and applications, aeronautics, and the associated research and technology have exceeded our early expectations, and the people who have made this possible are to be congratulated. I extend my congratulations to all of the men and women who have worked to make NASA such a great success during the first 10 years. Their efforts have placed this country in a position of preeminence in space and aeronautics.

The work force that I congratulate once numbered over 400,000 men and women. Because of cuts in NASA's budget by both the executive branch and Congress, that work force has been dropping steadily during the past few years and by the end of fiscal year 1969 will be down to just over 200,000. Without adequate funding the United States cannot retain the first position in space and aeronautics and in my judgment NASA is not adequately funded for fiscal year 1969.

Ten years from now NASA will be celebrating its 20th anniversary. I hope that the chairman of the Committee on Aeronautical and Space Sciences at that time will be able to stand here and congratulate the agency and its people for 20 years of accomplishment and say that the United States is still first in space and in aeronautics. But unless we are vigilant and supply the agency with the needed authorizations and appropriations, that statement will not be made.

SMALL NEWSPAPERS GRASP GUN LAW ARGUMENTS

Mr. DODD. Mr. President, stripped of the sophistication and gloss applied to them by big city editors and news directors, the nub of most issues is a small, basic, easily understood point all important to deciding the question.

It is crucial to focus on the nub of the issue, and so it should be as unadorned, stark fact central to the argument.

In the matter of getting to the people the facts of the Federal gun control debate, I have found time and again that the small town newsman as often as not is one of the first to grasp the key parts of an issue.

Then, shorn of the embellishments and the tacky verbiage so common a product of skyscraper editorial offices, he tells it to his public.

Mr. President, I spread in the CONGRESSIONAL RECORD a large number of such pieces of editorial opinion during the current debate on firearms controls so that they might be available to Senators. I have received additional views on gun controls that I wish to call to the attention of the Senate.

The Montgomery, Ala., Journal took some figures on firearms homicides which I recently used in arguments on the floor of the Senate and pointed out that the chances of getting killed in Nevada, Texas, or Mississippi during 1967 were twice as great as in New York and five times as great as in Rhode Island, "a State which is almost entirely covered by cities."

The editorial argument is based on the murder rate with firearms in States with good firearms laws compared to those States with poor on nonexistent firearms laws during the year of 1967. The States with good laws had a consistently lower murder rate with firearms than did the other group.

The editors then stated:

> This raises two questions:
>
> Are the people of Mississippi more murderous by nature than the people of Rhode Island?
>
> Or is it simply that the people of Rhode Island who are murderous by nature cannot get their hands on guns necessary to commit their crimes.

That "tells it like it is."

That puts it simply.

It is not difficult to understand the need for effective firearms controls when it is stated that way.

The editorial is a tribute to the issue and to the editors.

In an equally simple editorial, the Fairmont West Virginian noted the correlation between the lower gun murder rates in States with good laws.

Obviously aware of the powerful lobby fighting to block passage of better Federal gun controls, the West Virginian observed:

> All of which will mean nothing to the gun fanatics.

The Rochester, Minn., Post-Bulletin reports on an 18-year-old who found it "all too easy to buy an automatic pistol" and then shoot a friend in a casual argument. The Bulletin then observes:

> The 18-year-old at Elk River and his gun were not what the framers of the Constitution had in mind when the right of a militia to bear arms was incorporated in that document. Nor is he one of the nation's sportsmen who have and use guns for pleasure . . . and generally with circumspection. He is, rather, representative of that large group supplied with guns because of bravado or for some illegal purpose . . .

The Lafayette, Ind., Journal and Courier, in discussing the "harmful attitudes" drilled into children who spend much of their time playing with toy guns, observed:

> Surely there is some reason to believe that when children play at killing they are to some extent being conditioned to regard violence as an acceptable way of solving problems. The de-emphasis on guns in the toy shops strikes us as a commendable effort to counteract this.

Mr. President, these are the main issues in the gun control debate.

These are the issues the public and the Congress must understand.

They are simply and clearly put in these articles. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Montgomery (Ala) Journal, Sept. 16, 1968]

THE FIGURES SPEAK

A study by Sen. Thomas Dodd of Connecticut, a leading Congressional advocate of gun controls, discloses the following information:

[Murder rate per 100,000 population]

States with gun control:	
Rhode Island	1.4
Massachusetts	2.4
New York	4.8
New Jersey	3.5
Pennsylvania	3.2
States with minimal or no gun controls:	
Louisiana	9.9
Arizona	6.1
Nevada	10.6
Texas	9.1
Mississippi	9.7

We hear a lot of talk about how dangerous it is to walk the streets in the big cities. Yet, your chances of getting killed in Nevada, Texas, or Mississippi, are twice as great as in New York, and five times as great as in Rhode Island, a state which is almost entirely covered by cities.

This raises two questions:

Are the people of Mississippi more murderous by nature than the people of Rhode Island?

Or is it simply that the people of Rhode Island who are murderous by nature cannot get their hands on the guns necessary to commit their crimes.

[From the Fairmont (W. Va.) West Virginian, Sept. 6, 1968]

GUNNING THEM DOWN

No surprise to this newspaper is the report of the FBI that the gun is gaining favor as a murder weapon in the United States, playing a role in 63 per cent of the nation's more than 12,000 homicides last year. This is a 17 per cent increase over 1966. States with some form of gun control generally had a lower proportion of gun deaths than states that did not, the report revealed. All of which will mean nothing to the gun fanatics.

[From the Rochester (Minn.) Post-Bulletin, July 9, 1968]

GUN AT HAND—AND USED

Gerry Hauan of Elk River might not be lying seriously wounded in the Coon Rapids Mercy Hospital but for one thing: an 18-year-old youth found it all too easy to buy an automatic pistol. The shot which entered Hauan's abdomen was fired during a casual argument Friday night alongside a rural road. With the gun conveniently at hand, it was used. Without it, some harsh words and probably some blows would have been the end of the flare-up.

Even if we grant that the out-and-out criminal will find a way to get a gun in spite of some controls over gun sales, there will be a gain. Not all casual buyers, as most 18-year-olds might be considered, would be in possession of weapons to the extent now true. Many just wouldn't bother with the red tape that controls would bring. Others who ought not to have a gun under any circumstances would be prevented from making the purchase.

The 18-year-old at Elk River and his gun were not what the framers of the Constitution had in mind when the right of a militia to bear arms was incorporated in that document. Nor is he one of the nation's sportsmen who have and use guns for pleasure . . . and generally with circumspection. He is, rather, representative of that large group supplied with guns because of bravado or for some illegal purpose.

It is now about as simple to acquire a gun as it is to buy a loaf of bread. The source is as close as the mailbox or the pawn shop, if not through some reputable dealer. This is the situation which calls so urgently for some measure of meaningful control over gun sales.

[From the Lafayette (Ind.) Journal & Courier, Sept. 4, 1968]

TOY GUN DEEMPHASIS

A recent news story with a New York dateline indicates something of a trend toward de-emphasizing sales of toy guns. Similar reports from other places support the idea that toy manufacturers and toy retailers are responding to the widespread view that playing with simulated guns breeds harmful attitudes in children.

The point is debatable. Though some psychologists see such guns and other war toys as a bad thing, others argue that they provide a good outlet for natural aggressive impulses. It is clear, however, that retailers in many communities have begun either to remove toy guns and the like from their shelves or are playing down the sale of such items. A remark by one New York store executive may be taken as summing up the rationale of this move: "We hope it's going to help eliminate the trend toward violence by lessening exposure of children to the gun."

As noted above, psychologists differ about the matter. Conclusive evidence one way or another is lacking. But surely there is some reason to believe that when children play at killing they are to some extent being conditioned to regard violence as an acceptable way of solving problems. The de-emphasis on guns in the toy shops strikes us as a commendable effort to counteract this.

[From the Tampa (Fla.) Times, Sept. 16, 1968]

ANTICRIME COMMERCIALISM UP

If government agencies aren't doing anything about crime, private enterprise is.

Left to his own devices, the average person is taking personal steps to protect himself from lawless elements.

Gun-toting has increased, the ladies are searching attics and antique shops for Grandma's old-fashioned hat pins which can also double as a deadly weapon. Chain-link fence sales are rising and agencies which rent security dogs to guard property say they cannot meet the increasing demand.

We may also assume that burglar alarm systems are being installed in greater numbers and more businesses are employing internal security personnel.

The criminal is making jobs and stimulating sales. He also is presenting a challenge to inventive minds and any day now we may expect something new in crime fighting gear to be introduced—something like a purse for little old ladies which explodes thirty seconds after being snatched.

There's more than one way to stop a criminal.

[From the Paterson (N.J.) Call, Aug. 29, 1968]

TO DISARM FURY

"Murder is a tricky thing to figure," Acting Police Chief Angelo Esposito was saying. "There will always be murders, and police can't prevent them."

Well, maybe not all of them.

But if police can't prevent them the law can go a long way toward heading them off. It can, but it hasn't yet; and it hasn't because too many people misunderstand, for reasons that are not entirely clear, the purpose behind a stiff gun control ordinance.

Over the weekend three killings were committed in Paterson. Each victim was gunned down. Each was a crime of passion, violence of the moment. Murder hadn't been planned well in advance. There was an argument, one man went for a gun, and suddenly homicide had been committed.

The purpose of a tough gun control ordinance is not to keep guns out of the hands of sportsmen and hunters. Nor will it always keep guns out of the hands of the professional criminal determined to get hold of a gun. But it will keep guns out of reach of the man who suddenly becomes excitable beyond reason and wants a gun to punctuate his argument. A tough city ordinance would go a long way toward limiting the sale of firearms and ammunition. It might have meant that three people slain over the weekend would be alive today. It might have meant that three persons suspected of murder would not have that fearful charge to face in a court of law.

No one's right will be compromised by a gun ordinance that slows the easy accessibility of weapons. The City of Passaic has enacted a gun control law. Paterson will not be in error if it moves to regulate the traffic in firearms that has pushed the city to an all-time high in murders for a year.

UNITED NATIONS OIL SHALE SYMPOSIUM

Mr. HANSEN. Mr. President, the preservation of our natural resources is of real importance to all of us. But just as important is the wise utilization of these resources.

The question of oil shale and its ultimate development grows in significance each day. It is a valuable resource which has really not yet been touched as far as development is concerned.

Not all countries, however, are as slow as we are in utilizing its oil shale reserves. Canada has moved ahead with the development of its Athabasca tar sands.

The Soviet Union is presently using oil shale on a commercial basis. It is used as a low-grade coal to burn under boilers in powerplants. Russia utilizes oil shale in a number of ways, including wood preservatives, gas, oil, and other chemicals, lime for soil, and building blocks. None of it is wasted.

These uses of oil shale by the Soviet Union were revealed at a United Nations symposium on the development and utilization of oil shale resources held August 26 to September 8, 1968.

Gerald U. Dinneen, research director of the Laramie Petroleum Research Center in Laramie, Wyo., was one of a party of 12 U.S. scientists taking part in the conference.

The Laramie Boomerang of September 15, 1968, published an article about Dr. Dinneen and the symposium. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dinneen Finds Oil Shale Symposium in Soviet Union Very Worthwhile

(By Hod Campbell)

"Our hosts went to all lengths to be friendly and to make our stay pleasant," Gerald U. Dinneen, research director of the Laramie Petroleum Research Center, said of his trip to Russia for a United Nations symposium on the development and utilization of oil shale resources.

The actual conference, which lasted for two weeks, was held at Fallinn, Estonia, a town of approximately 300,000 persons.

Dinneen and his wife were gone for three weeks, flying by Pan American Airways to Copenhagen, then into Russia on a Russian aircraft. The conference lasted from Aug. 26 to Sept. 8. The Dinneens were part of a party which included 12 U.S. scientists. There were approximately 30 countries outside the Soviet Union participating and 60 persons. There were 200 from Russia, with the majority being from Estonia.

Site of the conference was selected because Estonia is one of the few places in the world where oil shale is being used on a commercial basis. Estonia uses the oil as a low grade coal to burn under boilers in power plants.

All of those persons attending the symposium were taken on a tour of one underground mine of which there were nine, and one open pit mine. They then toured a processing plant where retorting of oil and gas was under way, and a power plant where the shale oil was being used. Dinneen felt that the underground mine toured by the group was probably the better of the nine mines.

"As far as we could tell our hosts showed us everything there was to see," Dinneen said. "They were completely thorough and on any questions we asked we received direct answers which appeared to be completely open. You lose something, of course, through interpretation and I only regret that we did not have a Russian speaking scientist among us."

There are large deposits of oil shale in Estonia, and the grade is slightly richer than that in the Wyoming and Colorado area.

Part of the symposium was taken up with presentation of 90 scientific papers, six of which were from Laramie. Most of the remaining papers were from the Soviet Union. Oil shale was the subject of all of the papers.

"Big use of the shale oil in Russia is for fuel for power plants. These uses won't do in the U.S. because of better fuels for that purpose," Dinneen added. One purpose was to show what might be done and how the oil could be used. Dinneen said that American scientists knew of most of these through scientific papers, but received a lot more detail through the symposium.

"We had heard that the people would be reticent to give more detail than came through publications, but this was not so," Dinneen explained. He felt that the symposium was very worthwhile.

Mrs. Dinneen attended special programs for women. She attended a school opening, went to a fashion house and art studios. The couple spent two days in Leningrad and one in Moscow.

Use of shale oil in Russia runs to a number of products including wood preservatives, gas, oil, and other chemicals, lime for soil and building blocks. None of it is wasted. In the United States, Dinneen explained, main products must be gasoline and diesel fuel since we have such high demand for these, but in the developing countries, the Russian uses could mean a lot.

RALPH THOMAS NELSON, MAJOR GENERAL, U.S. ARMY

Mr. YARBOROUGH. Mr. President, yesterday afternoon, October 1, 1968, after an extended illness, life ended for one of my fellow citizens. He was not an ordinary man, neither was he great as among kings and heads of states, but he was by any measure an outstanding man. In passing through this life, he left his mark upon the land. Unlike so many of our fellow citizens today who simply protest and demonstrate both through legal and illegal means, this man contributed to his society and the safety of our democracy.

At a time when the people of our Nation are divided in their opinions about the existing military engagement of this country, we may tend to forget that there have been many of our Nation's sons who have served in times passed where there was no question as to the clear and present danger to the survival of our democracy.

Ralph T. Nelson devoted more than 38 years of his life to preserving the military strength of this Nation.

From a humble birth in Lebanon, Ind., on June 19, 1902, he grew to young manhood and attended Purdue University for 3 years. Thereafter he received an appointment to the U.S. Military Academy at West Point and graduated in 1928. Commissioned as a second lieutenant in the U.S. Army, he followed his military career through World War II where he saw combat in Europe as an infantry officer. After this great and tragic war, he continued in the military and served his country as the eighth U.S. Army signal officer during the Korean conflict. In 1956, he was promoted to the rank of brigadier general and commanded the Southeast Signal School at Fort Gordon, Ga. Later he commanded the U.S. Army Electronic Proving Ground at Fort Huachuca, Ariz. Following this assignment, he became deputy chief signal officer for 1 year. From 1959 until his retirement in 1962, General Nelson served the Nation as the Chief Signal Officer with the rank of major general. The Distinguished Service Medal and the Legion of Merit are among the honors and decorations bestowed upon him for his outstanding service to this Nation.

It has been, in large measure, through efforts of men like Ralph T. Nelson that we continue to enjoy the advantages of a free democratic nation. With the death of this man we have suffered a great loss. He will be missed. Although he is gone, we hold fond memories of his having passed through our lives and tomorrow and tomorrow, as succeeding generations of free Americans take for granted their heritage, we shall know that General Nelson left a memorial that far surpasses the memorials of marble and stone built for lesser men.

General Nelson is survived by his wife, Christine Clark Nelson, formerly from Savannah, Ga., now residing at 4636 North 27th Street, Arlington, Va., a son Maj. Thomas C. Nelson of Fairfax, Va., and a daughter Mrs. A. R. Plantz of Pittsburgh, Pa., and six grandchildren.

COMMON FOLK ASK FOR FEDERAL GUN LAWS

Mr. DODD. Mr. President, public interest still runs high for strong Federal firearms control legislation. It is apparent at every turn.

My mail each day is liberally sprinkled with expressions of opinions, some on corporate stationery, some scrawled in pencil, many envelopes including nothing more than a news clip or a column of an editorial from a local paper.

Most of these notes in simple, lucid prose, support the strongest kind of firearms laws, and encourage me to continue to press for their adoption. I should like to quote from some of the letters:

From Oberlin, Kans.:

I am enclosing two clippings which to me point up a disturbing lack of concern by Congress to pass effective gun laws. . . . I would have no objection to registering my guns for the good of our country.

From Riverside, Calif.:

It is my duty to tell you that I do not agree with the NRA, although I am a life member of that organization. They have repeatedly lied about the intent of gun controls. I personally can see no harm in a license requirement or registration of any gun I have.

From Pittsburgh, Pa.:

I am 12 years old and I enjoy the sport of riflery. Under the NRA program I have earned second bar on my sharpshooter. This has taught me that guns need to be controlled and all guns should be registered.

From St. Louis, Mo.:

As a member of the NRA I received the attached letter of 6/15/68 after the Kennedy assassination. The undersigned is one NRA member in favor of strong gun legislation.

From Plainfield, N.J.:

This is to inform you that I support and would urge you to support legislation at the Federal level which would stop the sale of all firearms through the mail; that includes handguns, rifles and shotguns, together with the other items presently excluded.

I would also urge you to support registration of all firearms by all present owners.

As a former member of the National Rifle Association, I repudiate their present position and urge that Congress pass the type of legislation I have above mentioned and prove to the American people that Congress is really responsive to the people and not responsive to special interest groups who can afford to lobby strongly.

From Trussville, Ala.:

Please place my vote in favor of stronger gun control laws. I believe in all American freedoms as guaranteed by the Constitution, but I also believe in protecting ourselves against ourselves—else there would be little reason for the stop sign at the end of the street—I pray God's blessings and guidance will be with you and your fellow Senators in these trying times.

From Racine, Wis.:

I believe you are the author of a gun control bill . . . I would like to urge you to work as hard as possible for passing of this bill . . . Some newspapers are calling this hysteria, because of the recent murder of Senator Robert Kennedy. I call it a showdown of the American people.

From U.S. Air Force Academy, Colo.:

I realize that America has many fine sportmen and hunters. I think, however, that our legislators' responsibilities to insure domestic tranquillity and to promote the general welfare does not, in any way, conflict with their rights.

From Kansas City, Kans.:

We need a strong gun control law passed this session of Congress. We feel this law should have been passed years ago . . .

From Los Angeles, Calif.:

I am for any and all gun control laws you can get passed in Congress. Violence in this country can hardly be excused, especially when the government is so permissive that it allows this to be encouraged . . . As one small voting citizen, I say again, I support your program and efforts to obtain stronger gun control laws and hope for the best.

From Bethesda, Md.:

We would like you to know that as responsible, law-abiding citizens with three teenage children, we fully support your fight for strong gun control legislation. It is surely in the best interests of our democratic society.

From Wilton, Conn.:

Licensing and registration are required to go into business ventures, and to own and operate a motor vehicle, and to own property without infringing upon the rights of private citizens. The same can and must be done for firearms. Again I call upon you and your colleagues to do it now.

From Berea, Ohio:

The gun lobby defies the public will. We want a strong, tough gun control law.

From Darien, Conn.:

I have never written my representative before and I feel guilty about it because I know you have been fighting this essential battle for many years. Too many have allowed you to fight it alone, and we all regret it now . . . You *must* get them to listen to you now.

From Minneapolis, Minn.:

I consider myself a sportsman, and have three shotguns, a high-powered rifle and a revolver. Although not willing to give them up, I would willingly register them.

From Bridgeport, Conn.:

Though I am just one individual citizen, I know I speak for many of my peers when I state my support for the passage of strict gun control laws. If our representative system is truly for, by and of the people, then I am confident that the Congressmen voting on this proposed bill will not ignore the pleas of the people.

From Somerset, N.J.:

I am becoming more and more dismayed at the violence in this country. I am in favor of very strong gun legislation so that it will be more difficult for anyone to purchase guns and rifles . . . Please let me know what I can do to gain support for these issues.

From Hartford, Conn.:

Please continue to push this gun control bill. I do not want my children growing up with the idea that violence and murder are an accepted fact.

From Westport, Conn.:

I see no reason why such lobbies as the NRA and others should have such power. The citizen's right to 'bear arms' had its time and place in our history; it's time now to phase it out.

From Washington, Ill.:

We admire you and we sincerely hope a *strong* gun control law will be passed as soon as possible.

From Pocatello, Idaho:

History spells out the many reasons that this country should have a gun control law. Being extremely interested in the welfare of *many* beyond the scope of the hunting grounds of Idaho, please add my name to the list of citizens who endorse the gun control measure which would require Federal registration of all firearms and outlaw mail order sales of rifles and shotguns. Your efforts are highly appreciated and endorsed.

Mr. President, this is the mood of the common folk of America on the need for the strongest kind of Federal firearms control.

This is the mood of the people not moved or misled by lobbies to make pleas on behalf of special interest groups.

This is the mood of the people who want to live in an America governed by laws, not firearms.

Mr. President, that mood is reflected in the opinion of newspapers and other publications in the towns large and small across this Nation. Large numbers of them come to my attention each day, and I should like to share them with Senators as the debate on firearms controls continues.

Mr. President, I ask unanimous consent that these 22 editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Rockford (Ill.) Register-Republic, Sept. 20, 1968]

GUN LAW ENFORCEMENT TO BE VITAL

The issue: Effective gun control legislation, soon to be the law of the land, will depend upon strict enforcement.

Perhaps no single piece of legislation in the 90th Congress has been the subject of so mucn controversy and lobbying as the Firearms Control Act which now, in watered down form, goes to conference committee of the House and Senate to resolve minor differences in both chambers' bills.

The gun bill's passage is an achievement. Attempts to require federal registration and licensing of gun owners was defeated decisively, which is good. The best part of the bill is the provision that any person carrying a firearm while committing a federal crime may be imprisoned for life.

In the final Senate version, the bill prohibits mail order sales of ammunition and interstate shipment of rifles and shotguns. Congress already has approved similar restrictions on handguns. The major differences between the Senate and House measures are that the Senate bill includes all forms of ammunition, while the House would exempt long guns and .22 caliber ammunition.

The House version also exempts the National Rifle Association (NRA) and gun clubs from its provisions.

Throughout this session of Congress, gun control legislation involved a see-saw battle between the NRA, which successfully urged its more than 800,000 members to deluge the House and Senate with anti-firearms registration and licensing mail, and the National Council for a Responsible Firearms Policy, which submitted a petition, signed by more than one million persons, calling for stricter gun regulations.

Despite its shortcomings, the Senate bill prohibits the sale of all firearms to persons under 18, while persons under 21 are now prohibited from buying handguns under present law. Applications for such purchases would have to be sworn to and submitted to the prospective buyer's hometown police authorities for approval before the sale. Convicted felons would be prohibited from buying guns.

The gun bill will generally prohibit over-the-counter sales to nonresidents of a state, although a person could make a purchase in an adjoining state if the legal requirements of both states permitted. For mail order sales within a state, as well as over-the-counter sales, the bill provides a seven-day waiting period and filing of an affidavit of eligibility by the purchaser.

In the final analysis, the effectiveness of the pending gun laws in reducing rising incidents of violence will rest squarely on local, state and federal authorities in seeing that the laws are strictly enforced.

[From the Dayton (Ohio) Journal Herald, Sept. 11, 1968]

FOR GUN CONTROL LAWS

States with strong gun control laws have fewer killings than those without them.

Countries (in Europe) with strong gun control laws have fewer killings by gunfire than we do in Montgomery county.

Yet Dayton policemen demur at the idea of a city gun control ordinance. The city commission also probably will show little enthusiasm today.

Of course, no law would get rid of all guns or even the guns illegitimately possessed. But a law would begin to do this. And adequate city, state and federal laws will, and must, in time remove from the hands of all of us except sportsmen and others with real reason for them the guns that lie about in closets.

We arm ourselves because somebody else is armed. Well, neither of us should be armed.

And the sad fact, as the FBI report just told us, is that most of the murders are not done by gangsters or robbers but by husbands and wives and in-laws. They are committed because the gun lay in the closet.

A place to begin is with records, as Dayton should today. There is no reason why records, eventually on computers, should not show at any time the lawful owner of any firearm in the United States just as they do for any automobile. Possession of an unlisted gun should be a serious offense. Crime solutions promptly would come easier. We would begin to dry up the pool of guns available for crimes of passion and for falling into the hands of criminals.

The next step should be licensing, done with federal legislation and supporting state statutes and with the strictest penalties for abuse. Then at last we'd really begin to get the guns out of the hands of known criminals, persons of demonstrated instability and persons who have no need of guns.

[From the Cheyenne (Wyo.) Eagle, Sept. 12, 1968]

Wyoming ranchers, sportsmen and others are keenly interested in various gun-control proposals. And, since the Democratic National convention, there has been some criticism of a plank adopted for the Democratic platform—most of its contending the plank was "too strong."

We submit there may be some misunderstanding or confusion regarding the Democratic platform plank.

As nearly as we can determine, the only gun-control provision in the Democratic platform was a single sentence in the plank entitled "Justice and Law."

The sentence placed the Democratic convention on record in favor of promoting "the passage and enforcement of effective federal, state and local gun control legislation."

Don Anselmi of Rock Springs, who was a member of the platform committee, said most of the members of the committee did not understand how we, in the West, feel about guns. "We got as soft a plank as possible," he said.

Sen. Gale McGee, D–Wyo., who was chairman of the Wyoming delegation to the national convention, said:

"We don't like it, but it's the best we could get. It offers the best chance to arrest this headlong trend toward complete abolition of private ownership of guns."

It was erroneously reported, in at least one dispatch from Chicago, that the Democratic plank called for tough federal controls, including registration and licensing, unless the states and local communties adopted acceptable restrictions on their own.

We believe the reporter who wrote that story may have been referring to a proposed plank that was defeated in the platform committee.

That proposed plank, which was defeated in committee by a vote of 52 and 45, read:

"The United States is the only nation in the western world which does not impose reasonable control on the possession of arms. The price we have paid is beyond measure. It is little enough to do, that we pledge today to support, enact, and enforce a national gun control measure which will require registration of firearms and the licensing of their users."

We repeat, that proposed plank was defeated.

There probably is a need for some kind of control of guns, and their misuse.

From the outdoor atmosphere of the Rocky Mountain West, it is sometimes difficult for us to comprehend the tremendous—even frightening—problems of some of the major cities.

For instance, no reasonable person can ignore the fact that 7,000 persons were murdered with guns in these United States last year.

But, it seems to us, any approach to gun controls must be along lines that are reasonable and sensible.

[From the Wheeling (W. Va.) News-Register, Sept. 6, 1968]

Making Crime Not Pay

The recently-issued FBI uniform crime report for 1967 should be an eye-opener for bleeding hearts, illiberal liberals and other assorted critics of "law and order."

If they pull their heads out of the sand, they'll find some shocking statistics.

Nationally, the number of serious crimes—both violent and nonviolent—jumped 16 per cent in 1967 over 1966.

Over 3.8 million crimes were committed. That means if 100 people live on your block, two of you will be murdered, raped, robbed or beaten in the coming year.

Some 500,000 were crimes of violence while the other 3.3 million involved property offenses such as car thefts, burglaries and larceny of $50 and over.

Murders increased 11 per cent to a total of some 7,000. For the first time since 1961 when the FBI began releasing the annual reports, the survey gave a detailed breakdown on homicides by guns in all states since 1962 and 1967. The data showed that states without strict gun controls, including registration, have a significantly higher number of murders by firearms than states with such gun control laws.

For example, four Northwestern states with strict gun control laws had the lowest incidence of murder by firearms—Rhode Island, 34.1 per cent; New York, 34.9; Massachusetts, 39.9 and New Jersey, 41.2. But Texas, without gun control laws, recorded the highest murder rate with 5,104 over the 1962–67 period—of which 70 per cent were gun deaths!

The most startling fact in the whole report was that crime in the United States of America rose 89 percent from 1960 to 1967!

Locally the Wheeling and Weirton-Steubenville metropolitan areas did not share in the big jump in crime nationally with 670.2 and 875.2 crime index ratings.

That compares, for example, with a crime index rating of 3,207 per 100,000 persons, for New York City, alias "Fun City,"—the highest in the nation!

It seems that several things are obviously needed, based on the report.

Strong gun control laws definitely cut down on the number of murders and other crimes by firearms.

Support of our local law enforcement agencies is now more than ever necessary because of hampering decisions from the U.S. Supreme Court.

To those who mouth charges of "police brutality," we offer the brutalization of police as evidence to the contrary. In 1967, 76 policemen were killed by criminals—19 more than in 1966. Firearms killed all but five of them.

Being a policeman today often means low salaries and "moonlighting." Their lot—and training—could stand substantial improvement. They face 89 per cent more danger on the job today than in 1960.

Finally, it was the citizen who rebelled and finally threw out the Al Capones of another era in America. Today more than ever, it must be the individual citizen, the bedrock of the community, who must again call for an end to crime in the streets . . . and back it up with true involvement to see that crime doesn't pay.

[From the Worcester (Mass.) Telegram, Sept. 19, 1968]

Criminals With Guns

An amendment to the federal gun control bill passed by the Senate last night gives federal judges the right to impose life imprisonment on those who use firearms to commit federal crimes.

The amendment will be greeted with enthusiasm by many sportsmen who object to restrictions in the purchase, ownership and use of firearms and ammunition. Registration of guns and most other restrictions will affect law-abiding hunters and target shooters, while criminals generally will disregard laws concerning ownership of guns just as they disregard other laws.

Last year, Massachusetts saw a last-minute gun control bill pushed through the legislature. The new law imposes registration on gun owners, insists on certain sensible restrictions as to who may own firearms, but does nothing to toughen penalties against criminals who carry loaded guns while committing crimes.

Every person who commits a crime while armed with a gun is a potential killer. Even if intimidation is his only intent, the threat is there. If he meets resistance or unexpected interruption, the gun may be used.

Many sportsmen now are reconciled to the fact that public emotion has been so aroused that restrictions—such as those to take effect in Massachusetts next April 1—are inevitable.

They may take some satisfaction in the Senate's efforts to toughen penalties against rapists, kidnapers, robbers, burglars, thieves, racketeers, extortionists, arsonists and murderers who are armed with guns while committing crimes.

Laws won't keep guns out of the hands of such criminals. But anyone who commits a crime with the threat of murder as a means of subjugating his victims should face a stiff penalty.

[From the Boston (Mass.) Herald Traveler, Sept. 20, 1968]

Progress on Gun Control

Millions of Americans who have written Congress demanding effective gun control legislation will be disappointed that the bill passed by the Senate Wednesday did not include registration and licensing provisions.

But this failure should not obscure what millions of letters and telegrams have achieved. Mail order sales of pistols have already been banned. The current bill, presuming no last minute shenanigans in conference committee, will prohibit the mail order sales of rifles and shotguns and, for the most part, over-the-counter sales of such weapons to out-of-state residents, juveniles and convicted felons. And, if the House goes along with the Senate, significant restrictions on ammunition sales will also be a reality.

Progress of the bill this far means that the stranglehold of the National Rifle Assn. on Congress, which had for 30 years prevented any gun control bill from even reaching the floor of Congress, has been seriously weakened. But not broken.

There are large loopholes in the current measure. The elimination of these defects and the addition of licensing and registration provisions should be a major goal of the next Congress. We can expect that as the nation becomes increasingly urban steps such as these will be inevitable. Let us hope that they will not have to come at a price as high as that attached to this year's advances. Perhaps the 1968 restrictions will help prevent another awful event in Memphis or Los Angeles.

Americans have discovered that they can influence Congress in a real and effective way. Let this realization now be turned toward demands for strict enforcement of the federal statute when it is signed into law and for improvement of gun control legislation in the states and cities.

[From the Perth Amboy (N.J.) News, Aug. 30, 1968]

WHY LAW AND ORDER IS AN ISSUE

The phrase "law and order" continues to command the attention of law-abiding citizens, perhaps even more so since the latest report on crime in America from the FBI.

FBI Director J. Edgar Hoover said the risk of becoming the victim of a crime has increased by 71 per cent since 1960.

During the same period, the nation's population rose 10 per cent through 1967 while the volume of crime increased 89 per cent.

The increase in crime is thus outstripping the growth in population by almost 9 to 1.

Murders, rapes, aggravated assaults, larceny and other serious crimes increased to record levels in all sections of the nation to the point where there were more than 3.8 million serious crimes—an increase of 16 per cent between 1966 and last year.

The FBI report also showed that 60 per cent of the offenders who were released in 1963 were arrested within four years.

While the rearrest record points to the shortcomings in the nation's penal systems, another FBI statistic dramatizes another weak spot in the fight against crime: Ninety-one per cent of those defendants who were acquitted or otherwise dismissed from charges were rearrested within four years.

Also dismaying is the report that 78 per cent of those who were given probation for auto theft in 1963 went on to become second offenders.

New Jersey Atty. Gen. Sills has reported that there were more than 139,000 crimes in New Jersey alone last year, including 274 murders and $75 million in property thefts.

Almost half of all persons arrested in New Jersey were under 18. One of every two persons arrested for narcotics violations was under 21.

Almost 30,000 automobiles were stolen last year in the state, representing a total value of $33 million, or 44 per cent of the value of all stolen property last year.

Sills' report also showed the danger which confronts policemen—almost 11 out of every 100 policemen in the state were victims of assault.

There was one encouraging statistic for New Jersey in the FBI report. The state was among the lowest in the number of murders committed with firearms.

New Jersey, which has one of the strictest gun control laws in the nation, and three other states with strict gun laws, New York, Rhode Island and Massachusetts, had the most favorable records.

The incidence in Rhode Island was 34.1 per cent; for New York, 34.9; for Massachusetts, 39.9, and New Jersey, 41.2 per cent. Nationwide, a gun was the murder weapon in 63 per cent of the 12,000 homicides last year.

New Jersey's strong gun-control legislation and similar laws in the other three states seem to be having some good effect, but strict law enforcement and the cooperation of every citizen with police are essential if the crime record of 1967 is to be improved.

[From the Denver (Colo.) Post, Sept. 20, 1968]

GUN CONTROL LAWS FALL SHORT

The final item of gun control legislation in this session of Congress appears to be moving toward President Johnson's desk for signature. Bills passed so far, in two different packages, will control interstate sales of arms and ammunition and tighten up over-the-counter sales.

This is all that can be passed at this session. Full registration of weapons should be the next step. Registration is the only way to help law enforcement agencies achieve accurate knowledge of the whereabouts of firearms.

The two bills enacted at this session will help. The first one, already law, affected handguns. This week's measure covered long guns.

Together, they forbid the purchase by interstate mail shipment of guns and ammunition, prohibit sales of guns to anyone under 18 and to a nonresident of a state. The latter provisions would apply to counter sales as well as mail order.

Coupled with state and local restrictions, the new measures—assuming President Johnson signs the second one as he did the first—should make the anonymous purchase of guns difficult. Purchase of a mail order assassination weapon, such as the one used in killing President Kennedy, would be forbidden by the new law.

Another attempt at gun registration needs to be made in the next Congress. Meanwhile, there is no reason why states and cities should not continue their own campaigns to enact gun registration laws and ordinances of their own. In many ways, local requirements will be much more effective because they will be tailored to conditions in each community.

[From the Decatur (Ill.) Herald, Sept. 4, 1968]

EIGHTEEN-MONTH-OLD BOY CAN WAGE OWN WAR

Claims that anyone under almost any pretense can buy weapons in just about every major American city have, for the most part, been scoffed at by opponents of gun control legislation.

But the simple fact of the matter, according to many gun law enthusiasts, is that there is no exaggeration at all to that claim. For example, last week a New York City gun shop delivered a 60 mm mortar with mortar shells, several repackable grenades and a 30-caliber carbine to James D. Kelly III of Connecticut.

This wouldn't be too unusual except for the fact that Mr. Kelly was 18-months-old.

According to his uncle, John Kelly, a writer for the Christian Science Monitor, the whole incident is ample proof that anyone who has the determination can outfit himself with an arsenal that most army squads would be happy to have. Along with ordering the guns for his nephew, Mr. Kelly also successfully posed as an organizer of a private army and was able to order 300 carbine rifles from a New York surplus arms store.

Mr. Kelly tells how he was given a matter-of-fact run down on available weapons by a store clerk while other would-be buyers, both white and black, talked excitedly about rooftop warfare and shooting policemen.

He was told that if he wanted to buy an M-16 rifle—the one presently being used by United States forces in Vietnam—"You better give me a down payment because I only got a couple left and I can't get no more because the factory isn't turning them out fast enough."

Mr. Kelly was later sent to the store's warehouse where he bartered over the cost of carbines. "Why should I sell you at a discount," a store manager asked him, "if I could get 300 carbines tomorrow they would be moved out of here in a day,"—presumably at the over-the-counter price.

How about bazookas? "They're hard to come by since those fellas fired at the U.N.," Mr. Kelly was informed. "The only heavy equipment we have are mortars." He settled for the mortar which he had delivered to his nephew and left the order for the 300 carbines pending.

"Give me a call tomorrow," the clerk told him as a parting shot. "It's all legal."

How one might ask, can this go on? The answer in part, lies with the reluctance of Congress to start passing tough gun control legislation despite the fact that hair-raising tales such as the one described above are nothing new today and that just about every major city police chief in the nation has backed strong gun control restrictions.

What it will take for Congress to change its attitude may be nothing less than another national calamity—at least of the proportions of the assassination of a Robert Kennedy or a Martin Luther King. It was these tragic events which finally stirred Congress to consider tougher gun controls. Meanwhile the nation hangs on to the seat of its chair hoping that report of a 60 percent increase in the sale of pistols and rifles in Newark, Chicago, Los Angeles and Baltimore just means a new upsurge in target practice.

[From the Fredericksburg (Va.) Free Lance-Star, Aug. 29, 1968]

NEED FOR GUN LAWS

If any additional evidence is needed that the United States should have stricter gun responsibility laws, it is available in the form of the FBI's latest Uniform Crime Reports issued Monday.

There were 12,000 homicides in the nation last year. The total of those shot to death was 7,600—63 per cent of all murders (the latest 5-year average is 58 per cent). Of the 63 per cent who died by gunfire, 43 per cent were slain by handguns, 9 per cent by shotguns and 6 per cent by rifles.

Clear evidence that strict gun responsibility laws can help reduce the slaughter by gunfire comes from four Northeastern states that have strict laws. Here are the percentages of murder by gun in those states—Rhode Island 34.1, New York 34.9, Massachusetts 39.9, New Jersey 41.2. Contrast those figures with the national average of 63 per cent killings by guns. Contrast them, too, with Texas which has no gun control laws and where 70 per cent of all homicides involved guns.

The proof is there. Yet Congress passed this year only a mild gun responsibility law—and even that mild law was opposed by Rep. William L. Scott of the 8th District. What more will it take to get decent gun legislation for this country? The figures prove the need. Nationwide surveys show the majority of the American people want strict gun responsibility laws. Yet Congress continues to yield to the gun lobby.

How many more tragedies will it take? How many more senseless killings before Congress wakes up?

[From the Cleveland (Ohio) Press, Sept. 10, 1968]

GUN CONTROL IN CLEVELAND

The chances look good for Cleveland to have a truly tough gun control ordinance, requiring the registration of all firearms, especially after last night's impassioned speeches for law and order by numerous councilmen.

The present law forbids the purchase of "any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the chief of police a permit to do so."

This act is good as far it goes. It is now time to extend the weapons list to include long guns. Mayor Stokes wants weapons registered and owners licensed. The tougher the law, the safer society will be.

But, as Stokes said last week, a Cleveland ordinance is not enough. The suburbs must follow the city's example, just like they did when the city introduced the income tax.

In this connection Brook Park is calling a second gun control meeting Oct. 4. Letters are being sent to the councils of 57 cities and villages in the area.

This would be a good time to coordinate suburban action with the city's. If all the officials who deplore the decline and fall of law and order would turn out for this meeting, there would be a lot more people present than the representatives from only 10 communities which attended the first Brook Park parley Aug. 30.

The best gun controls should be on a national and state basis. Since America and Ohio do not have these, at least Cleveland is trying to do the best it can on a local level. But it needs area-wide help.

[From the Detroit (Mich.) News, Sept. 20, 1968]

TOUGHER GUN CONTROLS FAVORED

While it does not go as far as some backers desire, the new gun control bill passed by the Senate will prohibit interstate mail order sales of rifles and shotguns and thus will supplement a ban on mail order sales of revolvers and pistols contained in earlier legislation. A similar bill passed the House earlier.

The Senate version will ban over-the-counter sales of firearms to out-of-state residents except where adjoining states pass legislation to exempt themselves from this provision. It also will prohibit sale of guns and ammunition to juveniles under 21 in the case of hand guns and those under 18 in the case of rifles and shotguns.

Through these and other provisions, the bill is intended to force purchasers to buy from licensed gun dealers in their home states. The assumption is this will make it easier to control those who buy guns, especially if strong local and state laws are also in effect.

Proposals for registration of firearms and licensing of owners were shot down by Southern and Western senators during the debate despite an appeal by Majority Leader Mansfield that those from rural areas should help cut down crime in urban centers through strengthening the legislation. The argument failed to muster much support.

An interested but silent spectator during the debate was Senator Edward Kennedy of Massachusetts, making his first appearance on the Senate floor since the assassination of his brother. He voted for the bill and also for the licensing and registration proposals, but did not join in the debate.

In a way, he symbolized the great American public which may want stronger gun controls but is only partially heard amid the clamor from the gun, sporting and rural groups that oppose tougher legislation.

[From the Columbus (Ga.) Enquirer, Aug. 26, 1968]

GUN LAW PROVES EFFECTIVE

About a month ago, the city of Macon decided to begin enforcing a 1919 city law which requires that anyone buying a pistol must first obtain a permit from the county ordinary.

The law has proven dramatically effective. So much so, in fact, that a Macon pawnbroker has begun court action to enjoin the city from enforcing the law.

The pawnbroker contends that the sale of pistols has virtually stopped since enforcement of the law was ordered.

If that's the case, it must mean that a lot of people who've been buying pistols aren't willing to go to the ordinary's office and obtain a license or permit.

The law does not punish such people, nor violate anyone's rights. It merely requires what should be a standard procedure.

A license is obtained to drive a car, get married, go fishing or hunting, or to operate a pawn shop. Credit checks are conducted on persons before they are granted charge accounts at most stores.

So why is it so different to require a license or checkup for owning a pistol, which is a lethal weapon, designed to kill, and having no other particular purpose?

Macon should continue to enforce the law—and should have been enforcing it all along.

[From the Hutchinson (Kans.) News, Aug. 24, 1968]

LOCAL GUN CONTROLS

The ban on sale of guns and ammunition in Wichita and the voluntary restrictions on such sales in surrounding cities, including Hutchinson, illustrate two arguments:

1. As J. Edgar Hoover and various police chiefs have argued for several years, law enforcement officers need more stringent gun control laws.

2. The best control will be provided at the state and local level, not by Washington.

The flap developed in Congress for the same reason that most flaps start in Washington—the failure of state and local governments to do anything about gun legislation. But its strongest proponents admitted it wouldn't do much good, if not followed by local action.

Some states have acted. So have some cities, including Junction City and Manhattan in Kansas.

Such local ordinances generally require registration of sales with police officials, or at least notification of the department of such sales. Some enforce a 24-hour period between order and delivery of weapons.

These restrictions should prove valuable in event of temporary trouble such as that in Wichita. They would be as effective, if not more so, than emergency actions.

The time obviously is here for more Kansas cities to consider their responsibilities in controlling indiscriminate sales of guns, just as these cities control indiscriminate sale of beer.

[From the Dayton (Ohio) News, Sept. 10, 1968]

CITY GUN LAW COULD SAVE BOTH LIVES AND RIGHTS

No one's right will be in danger when Dayton city commissioners begin pondering enactment of a local gun-control law—but if the issue runs true to form, you can bet the commission will be hit by a fusillade of just such irrelevancies.

It ought to be understood clearly to begin with: No one proposes to confiscate guns or to deny citizens any existing rights they have to own as many guns as they like.

Instead, a local gun ordinance would—or, at any rate, should—require only that gun owners be licensed and their weapons registered, pretty much in the way that auto drivers are licensed and their cars registered. That is not asking much of persons in a society where violence is a steady and worsening problem.

Granted, no ordinance—nor even any national law—would keep guns away from working crooks; a person willing to commit what-have-you isn't likely to pale at the idea of holding a weapon illegally.

A local ordinance, however, could make many people who have no very good reason to keep a gun shrink from buying one. That's the greater need. Few murders in this country are committed by crooks. Two-thirds are heat-of-passion killings by relatives, and many of those occur just because there is a gun around the house.

Policemen from J. Edgar Hoover to the cop on the beat will tell you: The guns used in most shooting deaths were bought whimsically and fired in momentary anger. However brief the flare of temper, its results of course are tragically permanent.

Congress apparently won't act despite broad popular support for firm gun control, and the Ohio legislature typically shows no interest. That leaves the issue up to local governments. Dayton commissioners can prevent many tragedies in their city. They cannot, in good conscience, refuse to make the effort.

[From the Norfolk (Va.) Virginian Pilot, Sept. 15, 1968]

GUNS AND CITIZENSHIP

Having reviewed its policy on guns following Senator Robert F. Kennedy's assassination, the Boy Scouts of America has decided to make no change.

Gun advertising was dropped from one issue of the Scouting magazine, *Boys Life*, but is being accepted again on the condition that it stress gun safety.

A Boy Scout merit badge for proficiency with rifles and shotguns is offered, but the emphasis is on safety rather than marksmanship. A Scout qualifying for the badge presumably understands the responsibility that goes into his hands with a weapon.

A Scout executive noted that shooting is a natural part of a boy's experience. He doubtless is right. It also is an imposing part of the Nation's crime picture. In 1967, as Attorney General Clark reminded the Senate the other day in appealing for gun-control legislation, more than 134,000 serious crimes of violence known to police were committed with the use of firearms. Information of that sort ought to be worked into the course for a Boy Scout citizenship badge.

[From the Richmond (Va.) Times-Dispatch, Sept. 20, 1968]

BETTER GUN CONTROL

Finally, the nation apparently is going to get a reasonably good firearms control law.

By a vote of 70 to 17—with both Virginia senators on the prevailing side—the Senate on Wednesday passed a bill to ban interstate mail order sales of rifles, shotguns and ammunition.

The measure also would prohibit over-the-counter sales of firearms to nonresidents of a state, with the exception that a person could make such a purchase in a state adjoining his own if laws of both states permitted it.

An excellent provision would require a buyer to submit an affidavit of eligibility, with the seller being required to wait seven days before delivery in order to give police an opportunity to object.

The bill passed by the Senate is similar to one approved July 24 by the House of Representatives. The two measures now go to a conference committee for ironing out the differences. Incidentally, although the House bill passed by a comfortable 305 to 118 tally, only four of the 10 Virginians voted for it—Reps. Downing, Hardy, Broyhill and Poff.

The new law expected to emerge from the conference committee will round out the gun control provisions of the crime bill enacted by Congress early this year. Basically, the earlier measure deals with handguns, while the new legislation brings rifles and shotguns under controls.

Congress has been a long time coming around to the view that stricter regulation of firearms was needed. The gun lobby is a powerful one, and if the assassinations of Sen. Robert Kennedy and Dr. Martin Luther King hadn't aroused public sentiment for gun controls, it is not likely that any effective law would have been passed.

Proponents of controls cite such facts as that during the period from 1962 through 1967, a total of 1,763 murders occurred in Virginia, and in 63 per cent of them firearms were the murder weapons. Firearms were used to kill 71 of the 76 policemen slain last year. Many criminals virtually live by use of guns.

No controls are going to be 100 per cent effective in keeping firearms out of the hands of persons who shouldn't have them, but that's no reason to say—as some gun lobbyists do—that legislation can't be of any real value. The laws passed this year will not be a cure-all, of course, but they should make a significant contribution to the cause of law enforcement.

[From the Topeka (Kans.) State Journal, Sept. 7, 1968]

Manhattan To Register Guns

Manhattan city commissioners are planning to adopt a gun-control ordinance similar to one adopted several months ago by Junction City which is separated from Manhattan by Ft. Riley.

Preparation of the ordinance to require registration of hand guns was ordered by the commissioners after a hearing attended by about 25 persons who raised objections.

D. C. Wesche, Manhattan city manager, said most of the protesters agreed to the commissioners, version of the ordinance after it was explained.

The ordinance, to be read Sept. 17 for the first time, will require all persons purchasing hand guns to submit registration permits to the police department at least 48 hours before taking possession of the weapon.

This procedure will let the police know who is purchasing the guns, but will not involve an investigation of the purchaser's background.

The registration ordinance of Junction City and the one planned by Manhattan can be of invaluable assistance to the police.

Topeka city commissioners might well take a look at the desirability of adopting a similar ordinance for Topeka.

[From the Worthington (Minn.) Globe, July 15, 1968]

Gun Control Issue Is Heartening To See

Pro and con arguments on gun control completely aside, the issue has emerged as one of the healthiest injections which the arm of democracy has received in recent memory. The best evidence is that a multitude of citizens who have never in their lives written to a senator or representative have taken time to pen a letter on the firearms controversy. Great numbers of persons have also written letters to editors. And editors, in turn, have been voicing their conviction with little equivocation. It is all but impossible for a day to pass without seeing or hearing some additional reflections on the subject.

This extraordinary public debate of an issue is not escaping the attention of the Congress. There are solid assurances of this. The Congressional Record of Tuesday, which arrived in Worthington on Friday, suggests the degree to which congressmen are giving the controversy their attention.

In the section reserved for "extensions of remarks," Rep. Thomas Curtis of Missouri inserted a reprint of existing federal firearms regulations with the hope that these might become better known. Rep. Robert Price of Texas asked to have his own "Washington report on gun legislation" published (he reported 5,000 letters, telegrams and signatures on petitions in opposition to further controls and 100 letters in favor of stiffer controls). Rep. Tim Lee Carter of Kentucky reported he had polled his constituency and had determined 60 per cent of his constituents were opposed to proposed new laws. Rep. Carter also ordered published what he considered a typical constituent's letter.

Rep. Ogden Reid of New York, urging support for additional gun control legislation, asked to have printed a series of statements by Gov. Nelson Rockefeller, Mayor John Lindsay, and Attorney General Ramsey Clark endorsing the proposals. Rep. John Dingell of Michigan asked to have printed a letter from the director of the Michigan Department of Conservation discussing gun controls with a sportsman's concern.

Rep. John Rarick of Louisiana ordered reprints of "Herald of Freedom" and "Life Line" commentaries on (and opposed to) gun legislation. Rep. James Scheuer of New York asked reprints of statements "to indicate what both the extreme left and extreme right think about gun-control legislation."

There is no question that the issue is much on the minds of the lawmakers. And the ultimate decision is still pending. In the immortal words of Dean Martin, "Keep those cards and letters coming. . . ." This is part of what democracy is all about, a phenomenon too seldom seen in the American electorate.

[From the Dayton (Ohio) News, Sept. 12, 1968]

Gun Issue No Cause for Panic

Gun law opponents predictably panicked the Dayton commission out of immediate, serious consideration of a control ordinance for Dayton. A couple of their objections easily could be satisfied, however, and then maybe the commission could renew its interest.

For one, the commission could pledge to hold down fees for owner licensing and gun registration. That's only fair anyway; the purpose of fees should be to defray costs, not to prohibit ownership. That also would relieve gun dealers, who emerged as a new constituency for social equity with their touching appeal for the rights of the poor to own guns.

So, too, could the objection be met that registration records would be used by Commies or some such to disarm loyal Americans once they (the Commies or some such) take over.

The issue is pretty much a phony. The Commies or whoever it is who's going to take over are smart enough to figure out that most people who have hunting licenses also have guns; that would remove most of the effective counter-insurgency weapons from circulation. Still, the ordinance could be written to require a responsible police officer to destroy gun records in the event of invasion or major national revolution.

Meantime, there are too many lives at stake for the commission to flee the issue as if the topic were as hot as—well, as hot as a two-dollar pistol.

[From the Mankato (Minn.) Free Press, July 8, 1968]

Hodge-Podge Versus Uniformity

It seems incredible in light of what has transpired in the last seven years, but the chance of tighter gun control legislation emerging from this session of Congress is no better than an even bet.

Gun control hearings have been held nearly every year since 1961, the clamor for passage rising progressively after the assassinations of President John Kennedy, Dr. Martin Luther King Jr. and then Sen. Robert Kennedy.

The National Rifle Assn. (NRA) has been successful as ever in encouraging its membership of nearly 1 million to write congressmen opposing various measures. It happened after the first two slayings and it's happening again now after the third.

Legislation in heat admittedly can be dubious, but seven years of on again-off again discussions cannot be described as railroading tactics.

Probably no other measures before this Congress have been so emotionally coated. Administration bills on registration and licensing of firearms are stymied in Senate and House committees and might remain so even after the lawmakers return from the holiday recess.

Liberals have advertised heavily demanding tighter controls. The Liberty Lobby is doing likewise opposing gun measures.

It could be that the emotional wave may have peaked and curled over. The initial heavy volume of mail in favor of tighter controls now has been supplanted by great quantity against as NRA members respond in alarm.

Franklin Orth, NRA's executive vice president, has told the Senate Juvenile Delinquency subcommittee that what is needed are "model" state laws rather than national restrictions. State legislators, however, seem more reluctant to act than congressmen in Washington.

As they stand, state and municipal laws and regulations run the gamut from strictness to permissiveness.

New Jersey's 1966 law requires anybody who purchases a firearm or who carries a gun outside his home to be fingerprinted and obtain an identification card.

Minnesota, on the other hand, outlaws fireworks but has almost no firearm restrictions.

In New York State, the famous Sullivan Law, passed in 1910, requires a license for possession of any hand weapon. A new ordinance in New York City requires registration of all rifles and shotguns.

It is obvious that more state and local laws will eventually be written and it is obvious many will be ineffective or unenforceable. The confusing hodge-podge may prove to be worse than none at all.

The pro-control people and the NRA agree on too many principles (mail-order ban, age requirements, known criminals, etc.) to believe that effective, uniform national laws respecting the sportsman while better protecting the citizen on the street cannot be written and approved.

A way must and will be found—an enlightened rationale will be established—amid the continuing hysteria and fantastic fears which reflect a still existent frontier philosophy even as the frontier itself was conquered almost a century ago.

[From the Essex Junction (Vt.) Suburban List, Aug. 15, 1968]

Palmisano and Gun Registration

Joseph Palmisano, seeking the Republican nomination for Attorney General of Vermont, is opposed to gun registration. He is quoted as saying that he is against it because he and other law-abiding citizens would be required to register their guns "when the criminal elements we are trying to control certainly would not register their weapons."

Mr. Palmisano appears not to have thought of the following:

1. Many crimes are committed with stolen guns, and states with gun registration find the records very helpful in tracing guns and eventually locating the wrongdoer.

2. Many crimes are not committed by "criminals." That is, murders by gun in the U.S. are often done by persons in emotional crisis, or temporary insanity. They are frequently persons who have been law-abiding up until the moment of shooting, and cannot be identified as professional criminals. They shoot with any gun at hand, registered or unregistered.

3. Countries which do have gun registration find it extremely helpful. It does not take guns out of the hands of sportsmen, and it does, in time, apparently reduce the numbers in the hands of criminals. More important, it reduces the number of guns in general circulation, so there are fewer of them temptingly at hand when somebody suddenly goes berserk.

> Palmisano's reasoning seems too illogical to qualify him for the high office of Attorney General. He might suddenly decide not to drive a licensed car because the criminal elements switches or fakes license plates and doesn't abide by the law.

MEAT IMPORTS

Mr. PEARSON. Mr. President, yesterday Secretary of Agriculture Freeman announced that meat imports for 1968 would be an estimated 990 million pounds. This is a considerable increase over the estimate made in June 1 of this year. Of course, it exceeds the meat import quota of 1968 previously set at 950.3 million pounds. Yet the Secretary of Agriculture announced that no import quotas would be established for the reason that the law permits imports of an additional 10 percent over the quota before restrictions are imposed.

Mr. President, the law passed in 1964 provided that it was the intent of Congress that the additional 10 percent over the established quota would be permitted as a means of providing flexibility and protection to meat importers. It now appears that the intent of Congress has once again been circumvented. Foreign meat importers and the Secretary of Agriculture are now using this 10-percent figure not as a reasonable and flexible figure but actually to increase the meat import quota.

The Secretary noted that Australia and New Zealand were voluntarily cutting back imports in the last quarter of this year to comply with our restrictions. In a very precise way, this points up another weakness in our meat import policy and illustrates another hardship on the American livestock industry.

Earlier this year, officials of the American National Cattlemen's Association urged the Secretary of Agriculture to support legislation which would not only do away with the 10 percent excess figure, but would also set the quota on a quarter by quarter basis. The cattlemen feared, now with complete justification, that imports would pour in during one quarter and be reduced in another and thereby have a substantial effect on domestic cattle prices. They could also see that 10 percent permitted over the quota would be used not for flexibility and protection but merely to increase the quota. This has proved to be the case. Yet Secretary of Agriculture Freeman and the administration had a deaf ear for these proposals.

I think it imperative that Congress and all those interested in American agriculture re-examine our entire meat import policy. Not only are the livestock producers vitally concerned, but labor in our packinghouses has a real interest in a strong and growing meat-producing and processing industry within our Nation. All have a right to expect that the policies of our Government will be fairly implemented as intended by Congress.

CLOSE THE LOOPHOLES IN MEAT QUOTA LAW

Mr. HRUSKA. Mr. President, before beginning my prepared statement, let me say that I concur wholeheartedly with the statement of the Senator from Kansas [Mr. PEARSON] that the intent of Congress in enacting the meat import law has been circumvented since Secretary Freeman now estimates that the quantity of meat to be shipped into the United States will exceed the quota established by law for 1968. The Senator calls for a reexamination of our meat import policy. He is one of the cosponsors of S. 1588, which will be discussed in a moment and which would close the principal loopholes in the present system of meat import control. I welcome the Senator's contribution on this question.

Mr. President, yesterday Secretary of Agriculture Freeman served notice on the domestic livestock industry that we must expect to absorb into our markets in this country a near-record volume of imported foreign meat before the end of this year.

This information was contained in the Secretary's estimate of total imports of fresh, chilled, and frozen beef, veal, and mutton for 1968 in accordance with the provisions of Public Law 88-482.

The Secretary now estimates that total imports of these meats this year will be 990 million pounds. This is only a shade less than during the record year of 1963, when total imports came to 1.048 billion pounds.

Senators will recall that in 1963 and 1964 our domestic livestock markets broke under the weight of excessive supplies of meat and livestock, and cattle prices fell as much as $10 a hundred pounds. It was because of that terrible experience that Congress made provision for a system of quotas on imported meat under the terms of Public Law 88-482, enacted in August of 1964.

ESTIMATES CONSISTENTLY LOW

There are a number of things about the Secretary's announcement of yesterday which are of particular interest. For one thing, his current estimate of total imports for this year is 55 million pounds higher than the estimate he made 3 months ago, on June 28 of this year. In other words, he now acknowledges that his estimate of last June was 55 million pounds too low. In fact, he has found it necessary to keep increasing his estimate all year long. Last December, he thought that 1968 imports would be no more than 900 million pounds. In March, he said it would be 925 million pounds; in June, he said 935 million pounds; and he now says 990 million pounds. These repeated changes in the estimate, always in an upward direction, raise the question of whether his latest estimate may not also turn out to be too low. The experience is a reminder of the hazards of relying upon secretarial estimates.

Second, it is to be noted that 990 million pounds is a good deal more imported meat than Congress intended for the domestic market to have to absorb. Public Law 88-482 declares that "it is the policy of the Congress"—those are the exact words—that the quantity of meat imported would have been even higher a figure calculated by a formula specifically written out in the law. That figure, referred to as the adjusted base quota, is 950.3 million pounds for 1968. Thus, we are now told by the Secretary that the volume of meat to be imported in 1968 will be 990 million pounds—considerably more than it was the policy of Congress to permit—but nothing at all is to be done to hold down that volume to the quantity set by the statement of congressional policy.

If it disturbs Secretary Freeman that meat imports will exceed the congressional policy directive, he neglects to say so.

Third, in the departmental press release, it is stated that quantities to be imported in any year should not exceed "were it not for restraints on shipments to the United States by principal foreign suppliers."

Still quoting:

> Recently, discussions were held with all of the major countries exporting meats to the United States. Commitments were made to limit exports to the United States, and these commitments were reflected in the new estimate. The Secretary noted that Australia and New Zealand, in line with their commitments, have already taken steps to curtail their shipments so that arrivals during the last quarter of this year would be reduced.

This language calls forth two comments. In the first place, in my mind, it is regrettable indeed that our plans and estimates must be based upon commitments and concessions given us by foreign countries. Why should our livestock industry be dependent on the concessions of foreign countries? We have a law on the books. We can protect our own, without asking foreign countries for favors. In the second place, what happens if the commitments supposedly given by foreign groups miscarry, or for some reason are not honored? As I understand, these commitments are from trade groups in most cases, not governments. In any case, we have many suppliers all over the world—in Oceania, in Latin America, even in Europe—and not all of them have given commitments. It is difficult to see how an estimate of total imports from all sources based on such partial commitments can possibly be valid. Yet the departmental press release specifically says:

> These commitments are reflected in the new estimate.

QUESTIONABLE PRACTICE

The practice of requesting such commitments from supplying countries in my view is very questionable if its effect is to defeat the purposes of the quota legislation. It would appear that sometime this summer the Departments of Agriculture and State realized the probability of imports in an amount greater than the so-called trigger point—1.045 billion pounds. In the face of such a prospect, the law required that the Secretary announce his estimate, then impose quotas at the adjusted base level of 950.3 million pounds. That is what he should have done, if imports greater than the trigger point were in prospect. It is what the law contemplated.

That is not what he did, however. Instead, in the face of mounting imports, representatives of the Agriculture and State Departments undertook negotiations with supplying groups abroad. Apparently, they secured some commitments of reduced shipments, but not enough to hold the volume down to the adjusted base quota which would have been 950 million pounds. Instead, we are told that even if these commitments are honored and even if the Secretary's estimate is exactly on the dot, imports will amount to 990 million pounds.

In short, the Secretary has used this area between the quota figure of 950 million pounds, and the trigger point of 1.045 billion pounds, as a range in which he can maneuver. Instead of applying the statute according to its own terms, he asks our suppliers for promises, to hold their shipments below the trigger point, but not down so far as the quota level which the statute declares to be "the policy of Congress."

This experience is proof of two weaknesses in the existing law. The provision permitting a 10-percent overrun of imports above the quota is wrong, and the authority for secretarial estimates of imports is wrong. Both of these weaknesses would be corrected in the legislation, S. 1588, which has been introduced by this Senator with the cosponsorship of 38 other Members of the Senate.

One further comment about the Secretary's estimate: I am more than a little curious as to how he arrived at the exact figure of 990 million pounds.

It sounds suspiciously like the custom of pricing garments and other items at $5.98, $6.98, $9.98 and so on. When one buys an article that costs $9.98, not much will be left of his $10 bill.

In the same way, when the Secretary estimates that imports in 1968 will come to 990 million pounds, from a psychological standpoint that figure may be less frightening than if he had predicted a round 1 billion pounds. From a practical standpoint, when we get that close to a billion, we might as well say 1 billion and be done with it. There is not much difference.

As a matter of fact, American cattlemen must view with real concern the possibility that imports will turn out to be even larger than that. The Secretary's press release recites the quantity of imports of meat, month by month, from 1965 through July of 1968. For some reason, it does not give the quantity of meat imported during August of 1968, although that figure has been available for a number of days. Imports during August were exceptionally high—108.6 million pounds. That is the largest volume of imports during any single month since the enactment of Public Law 88–482. In fact, if imports during the rest of 1968 should continue at the level of August, total imports for all of 1968 would amount to 1.086 billion pounds. Such a quantity would be well above the trigger point, greater than the previous record year of imports, nearly 100 million pounds higher than the Secretary's estimate of imports.

I do not predict that imports will actually reach such a level. I merely point out that if the statute were properly applied, the quantity of imports would be checked automatically far below such a level. The quota would be in effect, and there would be no possibility of imports going above the quota figure.

QUOTA LAW NEEDS TIGHTENING

Mr. President, it seems to me that this estimate by Secretary Freeman is proof positive that the meat quota law needs tightening up. The bills which have been introduced in the Senate and House, S. 1588 and H.R. 9475, would correct the principal weaknesses of the present statute.

First, they would eliminate the 10-percent overrun provision, which has been used by the administration to negotiate commitments from suppliers, instead of applying the quotas as the law intended.

Second, it would place all quotas on a quarterly instead of an annual basis. We have found from experience that the meat comes in here at an uneven rate, which is disruptive to our markets.

Third, we would get rid of the system of secretarial estimates of imports, which enables the Secretary to manipulate the imposition of quotas, and also to select a figure which suits his fancy.

Fourth, we now have clear evidence that the year 1963 should never have been made part of the historical period used for calculating the original base quota. Imports during 1963 were a historical distortion, higher than they had ever been before or ever have been since. In revising this law, we should change the quota base to some other historical period which would be more properly representative. The base period now written into the statute is simply too generous to our foreign suppliers, at the expense of the American cattle industry.

S. 1588 and H.R. 9475 also make provision for charging offshore procurement of meat against the proper quotas, and for the discretionary imposition of quotas on meats not now in the system. This latter provision is needed to avoid the development of loopholes in the manner experienced unpleasantly by the dairy industry during recent years.

Mr. President, the experience of this past year has shown conclusively that we need legislation to tighten up the quota system on imported meat. If action cannot be gotten before we adjourn this year, such legislation must certainly command our attention early during the coming session of Congress.

I ask unanimous consent to have printed in the RECORD the press release from the Department of Agriculture dated October 1, 1968, giving Secretary Freeman's fourth quarterly estimate of meat imports for 1968.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

FINAL ESTIMATE FOR MEAT IMPORTS IN CALENDAR 1968 REVISED UPWARD

WASHINGTON, October 1, 1968.—Secretary of Agriculture Orville L. Freeman announced today that the fourth quarterly estimate of meat imports into the United States during 1968 places the expected total at 990 million pounds.

He pointed out that, although this quantity is 55 million pounds above the estimate announced in June, it is 55 million pounds below the amount which would call for Presidential action to invoke meat import quotas for 1968.

Public Law 88–482, enacted in August 1964, provides that if yearly imports of certain meats—primarily beef and mutton—are estimated to equal or exceed 110 percent of an adjusted base quota, the President is required to invoke a quota on meat imports. The adjusted base quota for 1968 of 950.3 million pounds was announced in December. The level of estimated imports which would trigger its imposition is 1,045.3 million pounds.

The Secretary said that the new estimate would have been higher were it not for restraints on shipments to the United States by principal foreign suppliers. Recently, discussions were held with all of the major countries exporting these meats to the United States. Commitments were made to limit exports to the United States, and these commitments are reflected in the new estimate.

The Secretary noted that Australia and New Zealand, in line with their commitments, have already taken steps to curtail their shipments so that arrivals during the last quarter of this year would be reduced.

Secretary Freeman noted that the domestic demand for beef continues to be strong and that current prices received by farmers for cattle are above year earlier levels.

The Secretary emphasized, however, that the Department is continuing to maintain vigilance over present and prospective imports and is prepared to move quickly should it become necessary.

Imports of meat subject to P.L. 88–482 by months from January 1965 through July 1968 were as follows:

[In millions of pounds]

Month	1965	1966	1967	1968
January	28.2	51.4	77.4	80.7
February	34.5	60.3	58.5	72.6
March	68.7	49.4	61.9	64.1
April	32.4	63.3	58.8	78.4
May	52.3	52.0	51.5	56.1
June	41.9	100.2	69.6	105.0
July	58.5	61.4	88.7	86.0
August	59.9	87.1	92.2	....
September	62.2	91.5	89.7	....
October	64.4	79.7	91.8	....
November	57.2	61.1	82.3	....
December	53.7	66.0	72.4	....
Total	613.9	823.4	894.9	....

MAIL ON BIAFRA CRISIS REFLECTS AMERICAN CONCERN FOR HUMAN RIGHTS VIOLATIONS

Mr. PROXMIRE. Mr. President, like all other Senators, I have received a great deal of mail on the Biafran situation. The letters and cards come from all over the country, not just from my home State of Wisconsin. They express horror at the situation in that devastated area which allows hundreds of thousands of innocents to die from starvation while food and medicine are about an hour away by plane. And they express the deep concern of Americans for the human rights for all men for which I have been contending in this body for nearly 2 years.

These Americans have expressed their deep conviction that the United States should do everything possible to bring relief to the needy. I know that every Senator shares my frustration and the frustration of millions of Americans over this impasse that deals in wholesale deaths.

I have even received contributions in the mail, with the senders asking that their dollar or so be forwarded to help the starving. But Mr. President, what specific contribution has the Senate made to alleviation of this problem. To date, the Senate has not even officially recognized the existence of the Nigeria-Biafra civil war and its grisly realities. However, it is my own hope and that of the distinguished cosponsors of Senate Concurrent Resolution 80 that the Senate will speak out soon through passage of this resolution—a resolution that constitutes an official expression of our concern, and a determination that our government must continue every present method of diplomatic pressure and also consider taking the question to the United Nations should the Organization of African Unity continue to fail in its efforts at securing relief for the starving innocents.

Mr. President, in the name of these innocent men, women, and children, and their basic human rights, I urge every Senator to support early and favorable consideration of Senate Concurrent Resolution 80.

DISMANTLING THE FOREIGN AID PROGRAM

Mr. McGEE. Mr. President, before we consider the foreign aid appropriations bill this year, I think it would be good for each of us to read an excellent article which was prepared for the October issue of the AAUW Journal by John D. Montgomery, professor of public administration at Harvard University. His article, entitled "The Illusion of American Impotence: Foreign Aid and the Politics of Despair," points out the danger of our becoming preoccupied with domestic concerns and allowing our relationships with other countries to deteriorate.

Professor Montgomery illustrates how by slashing our foreign aid budget in an attempt to provide more funds for domestic programs, we are undermining our assistance efforts of the past 20 years and impairing our foreign relations without justification. He states:

> What is happening to foreign aid is almost without precedent in the American experience. A major government program is being dismantled just as it is beginning to show the first real signs of success, when its administration has become reasonably efficient, when the need for its services is continuously rising and when the national capacity to support it is not really impaired.

I ask unanimous consent that Professor Montgomery's thought-provoking article be printed in the RECORD so that it may be considered by Senators before they vote on the crucial issue of foreign aid appropriations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ILLUSION OF AMERICAN IMPOTENCE: FOREIGN AID AND THE POLITICS OF DESPAIR

(By John D. Montgomery)

A few years ago, in a justly celebrated article in *Harper's*[1], Dennis Brogan warned Americans against entertaining exaggerated expectations for their own power and wisdom as universal solvents for the world's problems. More than a dozen years later, many despairing Americans are heeding that warning; but they are now indulging in the equally dangerous fantasy of believing that U.S. resources and knowledge are so limited that they cannot even influence the course of world affairs. In this mood of despondency Americans are about to make some important decisions about fundamental economic relationships between the United States and the underdeveloped countries.

Because of the crushing weight of domestic problems, we are in danger of making these decisions without reference to the needs of other countries, or to the American capacities, or to the true successes and failures of the foreign aid program. Almost the only hopeful sign for the future of foreign aid are the activities of citizens' groups which are beginning to be concerned about the havoc our domestic politics have begun to work on U.S. foreign policies.

What is happening to foreign aid is almost without precedent in the American experience. A major government program is being dismantled just as it is beginning to show the first real signs of success, when its administration has become reasonably efficient, when the need for its services is continuously rising and when the national capacity to support it is not really impaired.

The 1969 foreign aid expenditures probably will be only about one-sixth of the share of the gross national product that was devoted to economic assistance twenty years earlier. Even in inflated dollars, the actual amount appropriated to the program is lower than ever before. The number of countries receiving U.S. aid is being reduced, and the effects of the budget cuts have already been felt in the vast undernourished subcontinent of Asia and in tropical Africa. Further cuts will affect the Alliance for Progress and discourage progress in the slowly improving states of Latin America.

As if the reduction in funds available for foreign aid were not enough, it must also be reported that the conditions of aid are becoming less favorable to the underdeveloped countries. So much of the money is now available only in the form of loans—70% by 1965—that in some parts of the world *the underdeveloped countries are already repaying the United States as much in principal and interest as they are receiving in new "aid."* The Export-Import Bank is beginning to take in as much money as it pays out; 30% of all "aid" to the underdeveloped countries in 1964 was offset by the repayment of previous loans. If these trends are allowed to continue, the United States would actually reverse the foreign aid flow, taking more cash from the underdeveloped countries than it is paying out: a dollar drain that will be even more serious than the well-known brain drain by which the United States and the other industrialized countries have been depleting the human resources of the less developed countries.

But even that is not all. In order to reduce the gold drain, something like 90% of all U.S. dollar aid, whether in grants or loans, must be spent in the United States, and the underdeveloped countries (so starved for capital that they are forced to accept credit even on these unfavorable terms) are compelled to purchase high-priced commodities in the United States instead of bidding for them on the world market. They are also required to ship aid goods in United States merchant vessels, the most expensive form of transportation on the globe. Furthermore, much—perhaps half—of the American aid is in the form of agricultural commodities, the availability of which is a disincentive to increasing agricultural productivity in some underdeveloped countries.

All of these developments came in response to American domestic concerns (some, of course, of a serious order) rather than as a result of changes in the international situation.

The "bold new program" that was called foreign aid in 1948 is beginning to look like a new form of mercantilism only two decades later.

It would reassure our self-esteem a little if we could ascribe the decline in the American aid effort to disappointments over the performance in the underdeveloped countries, or better yet, to a decline in their need; or even to the rise of alternative sources of assistance. It would even be defensible for us to backslide a bit if the United States had become incapable of sustaining this continued burden. But none of these factors offer really valid justification for the steady, and recently alarming, reduction of American efforts.

The underdeveloped countries have performed surprisingly well in maintaining satisfactory growth rates. For example, the Near East has grown faster in the past decade than the United States and Europe have; and except for Indonesia, the same thing is true for the Far East. In 19 underdeveloped countries, growth rates have exceeded the average of the industrialized countries, and 12 actually had per capita growth rates better than those of the industrialized world. There is good evidence that the availability of foreign exchange correlated strongly with the higher growth rates in these countries.

These encouraging records are not typical of the underdeveloped world, but they show that under favorable circumstances real progress is possible. For most underdeveloped countries, however, the need of external assistance is greater than ever. The grim statistics are that, on a per capita basis, the underdeveloped countries are growing at a rate of only about 2.2%, while the industrial world is getting richer at a rate of 3.3% every year. At present, the industrial world is 12 times richer than the underdeveloped world, but by the year 2000, this gap is expected to enlarge on a per capita figure to an 18-fold margin.[2]

Some critics of foreign aid have said the real difficulty is that we lack a grand design, a unified field theory, or a big rationale for foreign aid. A reviewer criticized my book, *Foreign Aid in International Politics*, because it did not offer a single clear-cut system of priorities for the whole world. I was disappointed that the reviewer—a lady, at that—had not understood the book better; one of its principal arguments was that the search for such a theory is futile and unreasonable. No aspect of American foreign policy, and few of domestic politics, have such simplistic purposes that priorities can be assigned to fit every case. The efforts to find a foreign aid rationale often start with economics and boil down to the proposition that aid should go only to those countries with a good growth potential, so as to accomplish the largest return on each dollar invested. But such pure investment criteria do not necessarily serve the political and diplomatic purposes for which aid is really offered.

Another proposed rationale is that foreign aid should be regarded as an instrument of economic warfare, either by pre-empting a possible invasion of Communist influence or by strengthening other countries' capabilities of fighting Communism; but the cold war rationale overlooks many sources of international instability that are entirely unrelated to Communist ideology or Russo-Chinese aggression.

What is really important, it seems to me, is to find a balance in aid activities by which America can influence world conditions favorably so as to insure its own survival and prosperity.

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[1] "The Illusion of American Omnipotence," *Harper's Magazine,* 205 (Dec., 1952).

[2] Among existing inexact estimates of the growing divergence, this one is moderate. George D. Woods, former President of the World Bank, told the Canadian Club of Toronto late in 1964 that in the next 25 years, if present trends continue, the per capita income of industrialized nations will be $4,000, as compared with the present $1,900; while because of the population growth, the underdeveloped countries' per capita income will have dropped from the present $130 to $80.

The United States feels hard pressed just now for the funds to maintain government operations of all kinds. In part, this condition is illusory (see table), but the mood of Congress and the people is not an illusion. Domestic as well as foreign expenditures are going to be cut in spite of the fact that national capacity is far from exhausted, and indeed is being used at a declining proportion of the gross national product.

PERCENT OF GNP DEVOTED TO SPECIFIED FUNCTIONS, 1947-67[1]

	GNP (billions)	Government (percent of GNP)		National defense (percent of GNP)	International affairs and finance (percent of GNP)	
		Federal administrative budget	State and local general expenditure		Conduct and informational activities	Economic and financial aid programs[2]
1947	231.3	16.8	6.2	6.2	0.04	2.8
1949	256.5	15.4	7.8	5.0	.08	2.5
1951	328.4	13.4	7.2	6.8	.06	1.1
1953	364.6	20.3	7.7	13.8	.06	.6
1955	398.0	16.2	8.5	10.2	.05	.5
1957	441.1	15.6	9.2	9.8	.07	.4
1959	483.7	16.6	10.1	9.6	.08	.4
1961	520.1	15.7	10.8	9.1	.08	.4
1963	590.5	15.7	11.0	9.1	.09	.3
1965	681.2	14.2	11.0	8.6	.09	.3
1967[3]	763.7	16.6	(4)	8.1	.08	.3

[1] Sources: U.S. Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1957, and continuation to 1962 and revisions (Washington, D.C.: U.S. Government Printing Office, 1960, 1965); idem, Statistical Abstract of the United States (Washington, D.C.: U.S. Government Printing Office, 1967 and earlier years).

[2] Does not include food for freedom.

[3] Estimated.

[4] Not available.

It is not reasonable, then, to attribute the decline in the American effort to any of these circumstances. The cause comes from a national mood of despair and frustration. It flows from concern over the gold crisis and the Vietnam war as well as from the mounting crisis of domestic dissatisfaction. Historians may mark the late 1960s as a mere cyclical turn away from government initiatives and a temporary aversion to internationalism; but this long view is scarcely comforting now. No one knows how to assess, or recover from, the losses of these declining years.

If there is a shortage of political support for foreign aid, there is no want of political solutions to its present crisis. Serious proposals range from a moratorium on aid for a year or two to complete disengagement of the national government from any further aid operations.

Various forms of limited disengagement are possible, including the internationalization of the program, decentralization of foreign aid to the various departments of government concerned with technology and development, and even the substitution of trade and private initiative for government operations.

There are also opinions of the opposite sort, calling for enlargement of foreign aid, the establishment of a more powerful agency within the federal government to administer it, and the generation of new consortia of donors; but these proposals come from the underdeveloped countries, from economists and other social scientists who specialize in international relations, and from church groups, citizen committees, and others whose voices have been submerged in the outcries against foreign aid. Only the former proposals need concern us here.

The idea behind a moratorium is that there is enough money in the aid "pipeline" to keep at least some operations going overseas, and therefore it will be several years before any cutoffs from Congress are felt in the receiving countries. The fact is, however, that there is very little money in the "pipeline" that has not already been committed in the form of contracts and purchases involving services and goods still to be delivered and paid for. What the proposal really means is no new projects, and a gradual running down of the projects already underway. There is no very clear reason why postponing a complete shut-down for a few more years would avoid damaging American purposes any more than immediate cancellation of aid would. The experiences of the World Bank and other foreign aid instruments indicate that no new device could move quickly enough to recapture the momentum (multilateral aid agencies are not more efficient than bilateral ones in disbursing development loans).

It is sometimes argued that only such drastic measures as a moratorium would enable the federal government to rid itself of its present incompetents in the management of foreign aid and give it a chance to start all over again. But drastic attacks on foreign aid have made it harder, not easier, to attract good men. There is not much evidence, after twenty years of experimentation, that different administrative organizations can affect performance overseas significantly.

There are also various proposals to internationalize foreign aid, by turning it over either to the United Nations, or to the World Bank, or to international *ad hoc* consortia of donors and receivers, or to various regional instruments. All of these proposals have merit, the most important advantage being that it would remove the program from irresponsible Congressional tinkering. The trouble is that Congressmen also know this. There is more talk about internationalism in foreign aid than ever before, but American contributions to multilateral organizations have been declining, and the American retreat has been matched by similar actions on the part of European donors.

There are some technical objections to using multilateral agencies as substitutes for U.S. foreign aid, but the chances are that each of them serves various purposes quite well. In specific cases, such as the Mekong Development Project and certain collaborative efforts of regional organizations in Central America, useful multilateral projects have been undertaken that the United States, by itself, could never bring about. Such activities may not be a substitute for various diplomatic and strategic purposes that foreign aid serves the American government, but they are valuable supplements to them.

Perhaps the most dangerous among the proposals, because of their plausibility, are various suggestions to decentralize the operation of the foreign aid program.

One school of thought argues that the U.S. Department of Agriculture could easily carry out all foreign aid in the rural development side of the program; that the Department of Health, Education and Welfare could take over operations in public health and educational development; that various other agencies and even state and local governments could perform the substantive operations in technical assistance now being carried out by the aid agency.

These proposals have several disadvantages. The most obvious is that uncoordinated project activities carried out in other countries by technicians from various U.S. agencies and departments might have conflicting purposes and effects; they would introduce competition for funds and personnel in the host countries; and finally, even though they might serve immediate technical purposes well enough, they might also interfere with the development of a coordinated national plan. Apart from this danger of uncoordinated technical activity, there is an illusion to the proposition that foreign developmental operations are so similar to domestic ones that the same technicians can perform equally well at both. The longer the United States has been involved in foreign aid activities, the more apparent it has become that there are special professional requirements for success in these development operations. Factors that lead to success in the United States may be disastrous in Nepal—to say nothing of Vietnam. Standards of evaluation of domestic and foreign projects are often quite different.

Another version of the decentralization proposal is to assign foreign aid to private enterprise, with government subsidies, or even to special agencies financed out of taxpayer contributions (tax deductible, or even tax-replacing). Private enterprise does need encouragement to go into the underdeveloped countries in a responsible way, but the opportunity for legitimate profits there is not large. And if the government were to subsidize private enterprise for the purpose, the whole rationale for turning the program over to private hands would be lost. (The profit motive has not really generated much efficiency on behalf of our defense establishment when government subsidies were heavily involved.) In the long run, business draws more capital out of its overseas investments than it puts into them. Efforts to promote dollar diplomacy as a substitute for foreign aid would surely be interpreted in most countries as economic imperialism. Of course there are important concessions that should be made in the way of tariff adjustments and the elimination of import quotas to protect underdeveloped countries, but in 1968 their political prospects seem not much better than those of the foreign aid program itself.

No one should imagine that the problems of foreign aid, either domestic or international, will be solved by adopting such proposals. Various combinations of them might improve its political salability and administrative effectiveness, and they should be considered carefully. But today, as in the past, the national leadership probably underestimates the popular support, or at least tolerance, for foreign aid. The American majority has always been generally favorable, according to every public opinion poll taken since 1948. And the rationales preferred by the majority tend to be humanitarian and altruistic rather than anti-Communistic or purely military. Both Congress and the President have tended to be more cynical about the purposes and possibilities of foreign aid than the man on the street has been.

Most politicians (like other rational men) act when it is to their advantage to do so. It is up to the citizens to make favorable action on foreign aid a positive and continuing element in the politician's life. Mass-produced telegrams and *pro forma* testimony before Congressional committees are not very convincing when large sums are involved. Congressmen have to be convinced that their constituents really understand and want the programs they talk about. Local leaders of thought have to make it clear that foreign aid is not politically unimportant.

In the 1950s the experience of Senators Humphrey, Kennedy, and Mansfield showed that Congressmen can develop a substantial national constituency and win local votes on the basis of enlightened foreign policy leadership. Even in the present disillusioned Congress, Representatives Morgan, Zablocki, Morse and Frazer are sustaining their political careers while devoting much of their attention to the U.S. relationships with the underdeveloped countries.

The problems of foreign aid are not hopeless. But if anything is certain in unpredictable 1968, it is that these problems, at least, will not solve themselves. Progress in technology and economics has been generally encouraging but in politics most of the progress has been in reverse. Experts cannot readjust these factors; only citizens and their representatives can.

MINORITY RULE?

Mr. GRIFFIN. Mr. President, after only 4 days of debate, the Senate refused yesterday by a vote of 45 to 43—far short of the necessary two-thirds majority—to invoke cloture on a motion to take up the nomination of Mr. Fortas as Chief Justice.

An editorial in this morning's Washington Post characterized the vote as a defeat for the majority by a "willful minority."

An examination of the CONGRESSIONAL RECORD of October 1, beginning at page S11688, clearly reveals that the will of the majority was not frustrated.

It will be noted that the votes of 12 Senators were not recorded. It appears in the CONGRESSIONAL RECORD that seven of that number sent word and indicated how they would have voted had they been present.

The Senator from Oregon [Mr. MORSE] and the Senator from Idaho [Mr. CHURCH] would have voted "yea," raising the total of those in favor of invoking cloture from 45 to 47.

The RECORD reflects that the Senator from Vermont [Mr. AIKEN], the Senator from Nevada [Mr. BIBLE], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], and the Senator from Maine [Mrs. SMITH] would have voted "nay," raising the total of those opposed to cloture from 43 to 48.

Accordingly, if every Senator who made his position known in the RECORD had actually been present and had voted, there would have been 47 votes for cloture and 48 votes, or a majority, against cloture.

There is no indication in the RECORD how the other five absent Senators would have voted.

It should not be overlooked that the distinguished Senator from Kentucky [Mr. COOPER] announced during the debate that, although he would vote for cloture, he was against the confirmation of the nomination of Mr. Fortas as Chief Justice.

On the basis of the RECORD, then, it is ridiculous to say that the will of a majority in the Senate has been frustrated.

THE CONFERENCE REPORT ON HIGHER EDUCATION AMENDMENTS OF 1968

Mr. WILLIAMS of New Jersey. Mr. President, late yesterday afternoon the Senate approved the conference report on the Higher Education Amendments of 1968.

The Higher Education Amendments of 1968 represent another step toward full educational opportunity for all Americans. The bill which we have sent to the President extends the educational opportunity grant and insured student loan programs; makes assistance available for 5 more years under the national defense student loan program; and extends the provisions of the developing institutions program and the education professions development program.

There are three other important provisions in the conference report which reflect a growing commitment on the part of Congress to make education a realistic goal—and not just a promise—for all Americans, regardless of race or social status.

First, the report provides that no student financial aid can be considered as family income for the purpose of computing welfare eligibility. Under present regulations, college financial aid officers are precluded from offering assistance which would boost family income over the allowable welfare limits. This negates the very purpose of student financial assistance, which is to guarantee that educational opportunities are available regardless of family finances.

Second, the report directs the U.S. Office of Education to collect data on college admissions policies, with the intention of discovering new and more flexible admissions practices. Many college admissions officers feel bound by existing procedures and requirements, and many potentially successful students are blocked from further study by these same requirements. This provision in the conference report would open the door to methods and materials for a more flexible, and more workable, college admissions policy.

College and university admissions procedures have been governed by an inflexible attention to past performance, rather than future potential. Admissions directors are the first to acknowledge that the devices like the college entrance examination board and scholastic aptitude tests are often arbitrary and inadequate measurements of an individual student's potential. Tests and other admissions materials are characteristically achievement oriented. As a result, students who do not measure up in these arbitrary tests, lose.

Although the conferees disagreed on the need to create a special program, with its own appropriation, to provide for demonstration grants to experiment and innovate with admissions procedures and policies, they did agree that research needed to accomplish this purpose can be conducted under title IV of the Cooperative Research Act. When the Commissioner of Education gathers all available data—including experiments now being conducted by individual institutions aimed at a more flexible admissions policy—we will be able to determine what direction the Federal Government should take to institute this long overdue objective of flexible admissions criteria.

However, if there is a need for further and more comprehensive research, based on the data accumulated by the Commissioner, research can and should be conducted under title IV of the Cooperative Research Act. Whatever steps are taken, it is hoped that the final package of information which will be developed will provide new materials, new techniques, and new attitudes directed toward drastically increasing the admissions rate of so-called high-risk students and others who, for sociological, geographical or other reasons, are arbitrarily disadvantaged by current admissions procedures.

Third, the report indicates that there is a role for students in locating and assisting other students who need advice on higher education—a role commonly assigned to a recruiter from the college administration. Colleges and universities, and local education agencies, will be able to use funds under the talent search program to carry out demonstration programs of student involvement in the recruiting processes.

I am hopeful that the Commissioner of Education will follow the intent of the Senate to use a portion of the money alloted for talent search to provide for several low-cost experimental demonstration grants, for involvement of students in recruiting of other students. These grants should be a part of, or in addition to, college and university requests for talent search programs, but should only be limited to the expenses of the students, or student organizations that plan and implement these programs through the participating institutions. Young people need to be made working partners in the educational process. In many cases they have not been asked to take part, and in their frustration to participate, they have demonstrated. Students have much to contribute to the growth of higher education. In this vital area of admissions and recruitment, they can be an invaluable resource in selecting other students who will compliment the purposes of higher education. Through these low-cost demonstration programs, with the encouragement and assistance of Federal money, colleges can channel student energies and resources into a working partnership with the administration, and the participating college or university can thereby provide a mechanism for student involvement in its functions.

While these provisions offer no quick or easy answer to the problems that plague higher education, they do provide new ways for greater participation. The conference report on the Higher Education Amendments of 1968 is a major contribution to a better, stronger educational system in America.

RESEARCH AND DEVELOPMENT

Mr. SYMINGTON. Mr. President, in its report of September 19, 1968, on the Department of Defense appropriations bill, the Senate Appropriations Committee recommended that the funds requested by the Pentagon for research and development for the fiscal year 1968, some $8 billion, be reduced to $7,587,393,000.

I strongly support this reduction; and in that connection, believe it appropriate at this time to look at just what the vast expenditures for research and development over recent years have produced.

In the past 10 years, money expended by the Defense Department for research and development has almost doubled, from $4 billion to about $8 billion.

Yet, since 1955, the United States has not produced a single modern fighter; in fact it has produced no combat plane except the TFX series. The Navy version of that plane has already been abandoned; and the Air Force has once again found it necessary to ground their version because of technical difficulties.

During these same 13 years the Soviet Union has flown 18 new fighter models, seven of which were first photographed at the July 1967 Moscow Air Show. It is estimated that at least 11 of these models are operational.

For the past 6 years the Air Force alone has been spending between $3 and $4 billion annually for research and development—this is roughly what it cost to run the entire Air Force in the late forties—but despite all those billions we have developed no air superiority fighter capable of competing against a first-class air force such as the Soviets possess today.

Turning to submarines, a report recently released by the Preparedness Investigating Subcommittee points out that, during this same time period the Soviets, already far ahead of the United States in quantity, have made significant major improvements in the quality of their submarines. They have many more; and there is now no reason for us to be sure that ours are superior in quality.

As has been the case with planes, our various Government branches produce the arguments, whereas the Soviets produce the submarines.

This development is perhaps the major reason for the change in relative power position in the Mediterranean.

Instead of spending funds on hardware so as to counter any possible danger from a first-rate military power, this Nation has been putting out these billions of research and development funds primarily to create a lot of gadgets—gadgets designed to operate against a third-rate enemy; also missile systems, most of which were later determined ineffective or obsolete.

In the last 14 years the Defense Department has invested more than $5 billion in missile projects which have now been abandoned.

In the case of the Nike-Zeus/Nike-X missile program alone, from fiscal year 1965 through fiscal year 1968, over $3 billion has been invested in research and development, with no resultant hardware except that purchased in support of further research and development.

In discussing the exploratory development phase of research and development, the former Secretary of Defense, on page 152 of the declassified version of his January 1968 statement to the Armed Services Committee, stated:

> I have never been fully convinced that we are getting full value from this $1 billion a year effort.

This statement would appear to apply to most of the research and development effort.

It is universally recognized that former Assistant Secretary Wilfred J. McNeil is one of the foremost authorities on financial matters pertaining to the Department of Defense.

In a recent interview, this former Defense Comptroller made the following comments concerning the current Defense research and development effort:

> I don't think the Pentagon is getting much for its money these days in R&D.
>
> With our $35–$40 billion, (total Defense budget) we got a lot more new programs started. Some ended up outmoded; others turned out to be awfully good weapons.
>
> What have we gotten in the last seven years that's been new or a drastic improvement of existing weapons?
>
> If we had operated in 1955 under today's theory of not proceeding until all elements are well within the state of the art, for instance, we'd never have developed the Polaris.

Of equal concern with respect to what the United States is expending these vast research and development funds for, is where they are being expended.

Over a quarter of a billion dollars of these research and development funds requested for 1969 are planned to be allocated for the support of research conducted at the 16 Federal contract research centers. These centers are independent organizations which do specialized research for various branches of the service on a contract basis. It is interesting to note that the salaries of many of their executives exceed $40,000, with at least one $90,000.

Of concern also is the amount of research and development funds currently being spent by the Defense Department in our universities and colleges. These funds have been growing steadily over the past several years; and now exceed $300 million a year.

Included in this amount are funds for items such as Project THEMIS. This project is "designed to assist the development of excellence in defense-relevant research at universities not now receiving substantial Federal or defense support."

In the fiscal year 1967, 42 institutions representing 31 States participated in this project; and the Defense Department plans to add 43 centers in the next year. Funds requested for THEMIS in 1969 have jumped $2.8 million over the 1968 requirements, to a total of some $11 million.

In addition, recent testimony has revealed that the overhead on these university research programs—that amount paid to university administrators for the overseeing of contracts—in many cases now exceeds the amount going into actual research.

Ten years ago, overhead expenditures were limited to 15 percent of the total research grant.

Later that percentage rose to 20 percent. Today the average percentage spent on overhead costs exceeds 50 percent.

A survey of 30 universities and colleges showed that among 10 of the lowest category of percentage funds spent on overhead, the amounts range from 28.6 to 33 percent. In the middle range category the range was from 49 to 57 percent; and in the top category, administrative costs ranged as high as 86 percent.

In this connection, I commend the able majority leader for introducing an amendment to the Defense appropriations bill which would limit the amount paid for indirect expenses on such research projects to 25 percent of the direct costs; and intend to support this amendment when it comes before the Senate for a vote.

As facts such as those noted above become known, not only is the amount and type of research the Defense Department is subsidizing in the universities and colleges coming under heavy criticism, but people are beginning to question the effect these Government funds are having on the universities themselves, their teachers, and the quality of education provided the students.

In commenting on this relatively recent but rapidly expanding relationship with our universities and colleges, the chairman of the Senate Foreign Relations Committee stated in an article:

> Among the baneful effects of the Government-university contract system, the most damaging and corrupting are the neglect of the university's most important purpose, which is the education of its students, and the taking into the Government camp of scholars, especially those in the social sciences, who ought to be acting as responsible and independent critics of their Government's policies.

An assessment of the type and character of research currently being funded by this Government, along with evidence that we are receiving a more significant return on such a huge investment, is long overdue.

For the above reasons, and because of the Senate's earlier vote to reduce Federal expenditures in 1969, the reduction recommended by the Appropriations Committee in research and development funds requested is both logical and right.

As pointed out recently by the head of the Nation's largest bank:

> Our first priority must be to preserve the integrity of the dollar. We must cut spending and raise taxes now or run the serious risk of severe and debilitating monetary adjustment worldwide.

The Defense budget accounts for almost 50 percent of the Nation's total budget. Logically it must be the target of major reductions if we are to maintain a viable economy.

THE SUPPLEMENTAL AIR CARRIER BILL—TOUR CHARTER AMENDMENT

Mr. COTTON. Mr. President, I was not able to be present on the floor of the Senate on September 13 when the Senate voted to substitute the provisions of the House-passed supplemental air carrier bill, H.R. 17685, for Senate bill S. 3566. Due to the lateness of this session, I support that action. The necessity for an extended conference would have only further delayed enactment of this legislation. The House bill contained several clarifying amendments. One of these amendments, sponsored by Representative PICKLE, provides that scheduled air carriers should have the same rights to enter into inclusive tour charter business as will the supplemental air carriers. Debate on the House floor in support of that amendment clearly set forth the congressional intent. Mr. President, I feel that the addition of this amendment is both fair and equitable.

I make this statement in order that the Record may show my endorsement of the Pickle amendment.

PETER MARUDAS, ADMINISTRATIVE ASSISTANT TO MAYOR D'ALESANDRO, OF BALTIMORE

Mr. TYDINGS. Mr. President, faced with enormous problems in our urban areas, some find it fashionable today to speak of our cities as "beyond repair" and even "dying." In such times, Baltimore, Md., one of our Nation's largest cities, is extraordinarily fortunate in having a young, dynamic mayor who vigorously rejects this fashionable gloom and doom approach to the urban crisis.

Baltimore's Mayor Tommy D'Alesandro does not underestimate the critical tasks facing our cities. He does not underestimate the formidable fiscal, jurisdictional, social, and physical burdens which must be overcome. But rather than gripe about Baltimore's problems, Mayor D'Alesandro grapples with them. And he is making real headway toward a new way for Baltimore.

The mayor's good right hand in Baltimore is his administrative assistant, Peter Marudas. By any measure Peter Marudas must be accounted one of the outstanding young men in American government. He is an example to every American who would respond to President Kennedy's timeless challenge:

> Ask not what your country can do for you; ask what you can do for your country.

Peter Marudas' background and his activities for the mayor were recently described in a feature article in the Baltimore Sun, which I ask unanimous consent to have printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Mayor's Whispering Aide

(By David Runkel)

Yes, yes, I know. I'll take care of it," the young man said with a bit of irritation. Nodding affirmatively to the four buttons on the black telephone, he mumbled a good-by and dropped the phone back onto the cradle.

It was the first of four calls he answered in the five minutes after he walked into his office.

In between the calls he had agreed to solve a minor patronage problem.

Noting my apprehensive look, the number two man in the D'Alesandro Administration stood up saying, "Come on, let's get out of there. You can't get anything done in this place."

Peter Marudas, 30, newspaper man turned city manager, then led the way up a flight of stairs and into a corner of the Legislative Reference library on the third floor of City Hall. He used the library often before moving into a larger, quieter office two months ago.

Across one of the solid, old wooden tables that City Hall is full of, the planned half-hour interview stretched into a 90-minute session on the problems of the city of Baltimore, the country, Greece and the Orioles.

This was not the new City Hall Marudas. It was the old one who told daily stories of the strange events in the Hall to freshmen and veteran reporters alike from his desk in the rear of *The Evening Sun* city room.

He still dresses in somber browns and grays, sometimes mixed, and his shoulders are usually sprinkled with dandruff.

When Mayor D'Alesandro, early in his term, asked his aides to spruce up, many thought the speech was aimed at Marudas.

Although not a native of Baltimore, Marudas knew Baltimore long before he started to work for *The Evening Sun* in 1963. His family had relatives here, and during summer visits he got to know the harbor area of the city and many members of the Greek community, whom he still sees.

He came to live here after getting a master's degree from the University of Michigan and a pilgrimage to Athens, where he studied pre-law at the University of Athens. He was assigned to cover City Hall after short terms in the police districts and in Howard and Carroll counties.

If any reporter ever thrived in a job, it was Marudas. He quickly found something in common with everyone in City Hall and everyone who visited there.

He tells the story of the time Sugar Ray Robinson paid a courtesy call on Mayor McKeldin. Marudas struck up a conversation with him. Soon they were chatting about various people in the fight game.

Marudas's uncle had operated a gym in Detroit—Marudas's hometown—and he had spent a great deal of time there between school and various jobs.

Marudas also was prepared for covering City Hall because of his study of the Balkans—a history not unlike politics in this city.

From the ranks of reporters, he was called by Mayor McKeldin to serve as administrative assistant during his last six months in office, including that last busy summer.

The former Mayor recalled the hiring:

"We were talking about the job one day at a press conference and Pete seemed to be talking like he was interested in it.

"I couldn't believe it. 'You mean you would take it,' I said to him. We haggled a little about money and he was on.

"He was the best in history. If only I had had him earlier in my career," Mr. McKeldin said wistfully.

The present Mayor was consulted by Mr. McKeldin before a final decision on the job was made.

"You couldn't ask a man to take a job for only six months," the former Mayor said. (It apparently was obvious to Mr. McKeldin in April that Thomas J. D'Alesandro 3d would be elected Mayor in November.)

Consequently, when Mayor D'Alesandro took office, Marudas stayed as the number two man. His only move was out of the big office abandoned by Mr. McKeldin. It has been decorated by Mayor D'Alesandro, Jr., and the son wanted to use it.

Mayor D'Alesandro says of his assistant, "I couldn't function without him."

Marudas is at the Mayor's side from early in the morning until the Mayor leaves for his round of evening political calls.

When Mr. D'Alesandro missed a Board of Estimates meeting recently, Marudas filled his chair (but only after Councilman Jacob J. Edelman (D., Fifth), the acting Mayor, said he wanted Marudas to be nearer to him to offer advice).

And, when reporters were checking over a weekend to see if Mrs. D'Alesandro had given birth to her fifth child, and the Mayor couldn't be reached, it was Marudas who was called and reported that the Mayor had taken his wife to the hospital.

Marudas says his job includes both the routine and the unusual.

He opens the mail and "makes sure policies and priorities are being met."

He reviews and briefs the Mayor on the weekly Board of Estimates agenda and works on the budget.

He handles summer jobs for city councilmen and "translates programs into human terms."

"There are no qualifications for this job," he says, adding that he relies "less on textbooks and more on intuition, intelligence and experience."

He and the Mayor tend to work most at providing solutions to problems. Both men shy away from planning, which they feel reduces the number of options open to them in a situation. This is often the greatest criticism leveled at the Administration by persons inside the city government.

"The city is a microcosm of the nation," says Marudas. "All creeds, religions and races of people live here. People can meet here.

"The city is the function of civilizing, bringing people into the mainstream, making them free and increasing their options."

Marudas says that in the past the cities have provided this to immigrants.

"The job of the city today," he contends, "is to do this with a different type of migrant—the Negro from the South." He believes that the world's next major cultural advancement will come from these Negroes now living in poverty.

Marudas has found that both of his bosses—Mayors McKeldin and D'Alesandro—share his view of the city's function.

"Both men," he says, "have a great feel for the average person and have an understanding of the entire civil rights function.

"They are men who seek to unite, rather than divide, however trite and overused this may sound today.

"They provide leadership with the greatest sensitivity.

"The Mayor's office must be a place people—black and white—can rally around and this sometimes means walking a tightrope."

Both men, he said, have this ability.

"He (Tommy) and Governor McKeldin (I call him Governor now) feel the same way about things. They understand the socio-economic changes taking place and work to bring about harmonious relations.

"Tommy is a very vigorous fellow and we are working on more new programs. He's as knowledgeable a person as there is on Baltimore municipal government.

"I worked for Governor McKeldin at the end of a career, and am with Mayor D'Alesandro in only the beginning of his."

There has been a change of priorities with the change of administrations, Mr. Marudas admits. While the Inner Harbor was a pet project of Mayor McKeldin, D'Alesandro lets it alone. His aim is to build schools.

City Hall observers note that Marudas is not as free as he was during the McKeldin months and is unwilling to discuss background with the press. "You'll have to see the Mayor about that," is a frequent response. He could speak for Mr. McKeldin.

Marudas keeps in touch with reporters in occasional visits to the press room in City Hall, in talks with old newspaper friends and by reading five daily papers—the three Baltimore papers, the New York *Times* and the Washington *Post*. He rarely gets a chance to read more.

Off the job he spends time with his family, following the Orioles, at the movies, dining in Greek restaurants, working for the Greek Orthodox Church and keeping up with events in southeastern Europe.

His Pikesville home (it's halfway between his job and his wife's teaching post in Reisterstown) is held together, he says, by his mother-in-law, Mrs. Frosso Semerly. She cooks "wonderful" food and looks after the Marudas children, Nicholas, 4, and Kyriakos, 1.

NOMINATION OF JUSTICE FORTAS

Mr. THURMOND. Mr. President, I was very much pleased to learn today that Justice Fortas has requested the President to withdraw his name from nomination as Chief Justice of the United States. In my judgment, this is the wisest decision Justice Fortas has made since he became a member of the Supreme Court. I suggest that Mr. Fortas now go a step further and resign from the Court for the sake of good government.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

VOCATIONAL EDUCATION AMENDMENTS OF 1968—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the conference report on Vocational Education Amendments of 1968, which was discussed very briefly last night, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The measure will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the conference report.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote be taken on the conference report at 11:15 a.m., that it be a yea-and-nay vote, and that the time in the consideration of the conference report be equally divided between the Senator from Texas [Mr. YARBOROUGH] and the Senator from Delaware [Mr. WILLIAMS].

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, does that unanimous-consent request bar a quorum? This is a rather important matter. I think we should have a quorum call.

Mr. MANSFIELD. Mr. President, I withhold the request. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I repeat my unanimous-consent request, except I wish to change the time to 11:30 a.m. rather than 11:15 a.m. I think that will take care of everyone.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is to be equally divided. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, in the conference report, there is a provision, section 406, which reads as follows:

> (b) Title IV of such Act is amended by inserting after section 405 the following new section:
>
> "AVAILABILITY OF APPROPRIATIONS
>
> "SEC. 406. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year."

Mr. President, when the bill was considered by the Senate I was one of those Senators who supported the bill, but we did not know this language was in the bill. I accept my responsibility for not having noticed that the foregoing language was in the bill, but I discovered this section yesterday.

It is significant that in the explanation of the conference report as it appears in the RECORD yesterday not one word is mentioned about the inclusion of this section, even though it is a very important section in the bill. Nor was it called to the attention of the Senate when we acted upon the original bill.

Had the managers alerted the Senate to this section there would have been an attempt to delete it at that time.

This section, if retained, will exempt this agency and its expenditures of about $3.7 billion annually from any expenditure control.

Mr. President, while I am confident that the authors of the bill knew this provision was in the bill and understood its implications, I am equally confident that the Members of the Senate were not aware that it was in the bill at the time we passed it. I make this point because, as I stated earlier, there is not one word with reference to this section in the explanation, in the discussion of the bill, or in the discussion of the conference report.

During the conference I understand that the Director of the Budget strongly opposed this particular section for the same reasons which I shall enumerate for opposing it.

The purpose of this language, which is rather strangely drawn so that it will not be too noticeable, is to exempt the expenditures of this agency from any restriction under the Revenue and Expenditure Control Act of 1968, which act approved mandatory expenditure reductions of $6 billion along with a 10-percent surcharge.

We are told by the Bureau of the Budget that if this section remains in the bill as far as expenditures are concerned, there would be exempted $3.7 billion from any reduction control by either Congress or the Director of the Budget. This amounts to approximately 9 percent of the controllable items.

While we do not know to what extent this particular Department or this particular program would be called upon to absorb part of this $6-billion expenditure reduction, nevertheless if one considers it on a percentage basis we are dealing with at least $542 million.

This bill, as it passed, was already between $300 and $400 million more than was provided in the budget. Now they want it exempted so that this money can be spent without any control by either Congress or the Budget Bureau. The Senate originated the proposal requiring the $6 billion mandatory expenditure cut, which was enacted April 2, 1968. The Senate is now being called upon to pass a provision which would exempt this particular agency or department from any restriction at all so far as expenditure controls of that act are concerned.

I understand that the Bureau of the Budget is taking the position that if this measure passes along with the other cuts heretofore approved, it would be practically impossible for them to carry out the intent of the Congress to provide the $6 billion cut. In other words, this is another major step that is washing the expenditure cut down the drain.

Perhaps the conferees in both the House of Representatives and the Senate did sign the bill, but that does not mean it has been approved by the House of Representatives or by the Senate because the membership of the Senate as a whole did not know that this provision was to be in the bill. There was some responsibility on the part of the authors of the bill to call such an important proposal to our attention. Why was this sneaked through without any explanations?

Mr. President, I repeat, the provision of this section was not called to the attention of the Senate when the conference report was discussed yesterday. I understand authoritatively that there will be strong objections to the conference report in the House of Representatives should the Senate agree to it in its present form, and the objections will be centered around this particular section which would exempt this agency.

Therefore, in order to expedite the bill the Senate would be well advised to reject the conference report, following which a motion could be made to instruct the conferees to return to conference with instructions to delete this particular section 406 from the bill and then bring it back. I would then support the report.

Mr. President, I reserve the remainder of my time.

JAMES T. O'BRIEN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 2897.

The PRESIDING OFFICER laid before the Senate the amendments of the

House of Representatives to the bill (S. 2897) for the relief of James T. O'Brien which were, in line 4, after "shall" insert a comma and "upon his admission for permanent residence,"; and in lines 6 and 7, strike out "1927, upon payment of the required visa fee" and insert "1927".

Mr. MANSFIELD. Mr. President, on June 12, 1968, the Senate passed S. 2897, to grant the status of permanent residence to the beneficiary retroactive to June 30, 1927, thus enabling him to file a petition for naturalization.

On September 17, 1968, the House of Representatives passed S. 2897, with an amendment to provide that the beneficiary must first establish a record of admission.

The Senate did not feel it necessary that the beneficiary go through this additional administrative proceeding. However, since he will thereafter enjoy the full benefits of the bill, as passed by the Senate, I move that the Senate concur in the House amendment to S. 2897.

The motion was agreed to.

ANASTASIA D. MPATZIANI

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 1652.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1652) for the relief of Anastasia D. Mpatziani which was, in line 11, after "Act" insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act".

Mr. MANSFIELD. Mr. President, on November 16, 1967, the Senate passed S. 1652, to waive the excluding provision of law relating to one who is illiterate in behalf of the sister of a U.S. citizen.

On September 17, 1968, the House of Representatives passed S. 1652, with an amendment to provide for the posting of a bond as surety that the beneficiary will not become a public charge.

The inclusion of the amended language has not been required in previous similar cases. However, the principal purpose of the bill is not affected, and I move that the Senate concur in the House amendment to S. 1652.

The motion was agreed to.

DR. CHUNG CHICK NAHM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 1069.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1069) for the relief of Dr. Chung Chick Nahm, which was, in line 6, after "1954" insert ", and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act."

Mr. MANSFIELD. Mr. President, on April 1, 1968, the Senate passed S. 1069, to grant the status of permanent residence to the beneficiary retroactive to September 1, 1954, thus enabling him to file a petition for naturalization.

On September 17, 1968, the House of Representatives passed S. 1069, with an amendment to provide that the beneficiary's residence and physical presence since September 1, 1954, shall meet the naturalization requirements of the Immigration Act.

Since the House amendment does not change the overall purpose of the bill, I move that the Senate concur in the House amendment to S. 1069.

The motion was agreed to.

DEMOCRATIC VICE-PRESIDENTIAL CANDIDATE EDMUND MUSKIE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an extraordinarily good article published in the last issue of Life magazine, entitled "The View From Here: A Man at Peace With the Hard Facts," written by Loudon Wainwright, referring to our distinguished colleague, the junior Senator from Maine [Mr. MUSKIE], who is now the vice-presidential candidate of the Democratic Party.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I think the article sizes up very well the character of this outstanding man from Maine, this Senator who has comported himself with such dignity in this body, this man who has been conducting such a high-grade, dignified, and understanding campaign in the weeks since his nomination.

EXHIBIT 1

THE VIEW FROM HERE: A MAN AT PEACE WITH THE HARD FACTS

(By Loudon Wainwright)

The political season has turned, and the colors are mostly cold and drab. As if the events and passions of this incredible year had utterly exhausted them, the American people seem in a mood of rebuke, and a recent poll shows that 57% of us would prefer some candidate *other* than the three principals we will be voting for on November 5th. Appetite is gone, vision is soured, and the days between now and then stretch ahead in uninviting procession toward the moment when the electorate will declare its underwhelming favorite, most likely Richard M. Nixon. "I guess," a former Kennedy staff member remarked to me about that apparently inevitable happening, "if Nixon wins, that means he really does get to be President, doesn't he?" And in his wry little joke there remained a trace of disbelief that it could all end up this way.

By and large the candidates contribute to the dreary passage of time. Nixon appeals to the "forgotten American" with forgettable rhetoric and the profundity of a cheerleader. George Wallace's snarls develop a broken-record regularity, and Hubert Humphrey, never knowing when the next shaft of displeasure from the White House will strike, staggers and gabbles gamely on. Spiro Agnew, an eager trainee in national politics, is so enthusiastic as he travels the low road for Nixon that his campaign is becoming cluttered with retractions. From now on, we are advised, Agnew, the man most likely to be that appallingly, narrow, one-heartbeat distance from the Presidency, will be muzzled against goofs and will write out everything important and read it straight off the paper.

The only candidate around who offers me the slightest relief in this dismal cast of characters is Edmund Sixtus Muskie, the low-key and lanky senator from Maine, and Humphrey must be credited with a stroke of good judgment for having selected this dignified man as his running mate. In fact, the Democratic vice presidential nominee offers such a contrast to the other strident runners in the race that some wits around Washington are referring to him as "Abraham" Muskie, and others are suggesting that it would perhaps be nice if the Democrats could just turn their ticket upside down with Muskie on top. Humphrey himself is not insensitive to the value of the growing Muskie appeal and has begun to indicate that in the event of success he will upgrade the office of the Vice Presidency and would hope to give Muskie solid controls and authority in important domestic programs.

The object of all this new attention would never let on that he was particularly impressed or excited by it. After he received a rather fulsome introduction at a recent gathering in New York, he began his speech by saying: "We reserve praise like that for funerals in Maine," and, like the air in his state, three is often a cool and dry nip in Muskie. His face, too, has a certain coastline quality with a hard peninsula of a nose, and the movements of his big body are deliberate, as if a burst of speed or a sudden turn might break something. On him a tuxedo looks decidedly rented and in such costume he glows like a scrubbed schoolboy.

Of course, the illusions of awkwardness and inexperience are misleading, for Muskie, at 54, is a savvy and seasoned politician, and he is accustomed to winning. In 1954 he was elected Maine's first Democratic governor in 20 years, and in 1958 he became the first Democrat ever to be elected to the U.S. Senate by his state. There he has built a substantial reputation as an intelligent and hard-working member, effective on the floor and skillful at reconciling the widely varying attitudes and temperaments of his colleagues. He is considered gentle but tough and was reported, as a freshman senator, to have answered Majority Leader Lyndon B. Johnson's suggestion for a particular vote with the comment: "You'll know how I vote when I vote."

Muskie's mien in this campaign is far less combative, and he appears to consider his role as one of a healer. His platform approach is restrained. Talking to one elderly audience about the prospects for a better society, he said, "There is only one way—and that is to care for one another." Speaking to a gathering of high-ranking police officers, he said, "There is no contradiction between a safe America and a just America . . . . Some will accept any answer as long as it is final and tough . . . . But law and order cannot be had by a slogan or a stick." These comments surely must have evoked strong feelings about recent events in Chicago for this especially sensitive audience. Yet Muskie also took pains to emphasize the difficulties of police work and the honor owed by Americans to good cops, and when he finished, the officers stood to applaud him.

In the library of his house in a suburb of Washington, Muskie leaned back in his leather swivel chair and talked. Some of his five children could be heard plunging down the stairs to dinner, and out the window one could see a Secret Service man in the backyard. Muskie said that Hubert Humphrey wanted *his* Vice President to be at his right hand, involved in the crucial decisions. But, Muskie added, it must be hard for a President to pass out any of that great power. He talked of the problems of the poor and the bitter and said that when he spoke to people of his own Polish extraction, a group more susceptible than some to the racist fears aggravated by George Wallace, he often reminded them of their hard fight for acceptance and status. He mentioned his friend, Eugene McCarthy, and hoped—without any sign of real conviction that it would happen—that McCarthy would eventually support the ticket. Listening to him, I had the feeling I was in the presence of a man quite uncluttered by false optimism or by the urgent demands of his own ego. He did not seem the least bit angry or frightened. He seemed, as many from his region do, to be at peace with the hard facts of the weather. It really wasn't all that important, Muskie said, if he won or lost. What mattered was that the people be enriched by the debates and the confrontations and that they better understood their choices. Here, I thought listening to him, in this tired hour of shadow men and second-bests was a man strangely qualified for big things.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceed to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOCATIONAL EDUCATION AMENDMENTS OF 1968—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes.

The PRESIDING OFFICER. Who yields time? Who seeks recognition?

Mr. YARBOROUGH. Mr. President, this conference report was laid before the Senate yesterday. I again call attention to the fact that the report was approved by all of the members of the conference on the part of both the House of Representatives and the Senate. It was signed unanimously by every member of the conference, representing both parties.

The particular provision that the distinguished Senator from Delaware attacks was discussed in conference, debated, and, after the conferees had heard the debate, every single conferee, House and Senate, Democrat and Republican, signed that conference report.

The conferees signed the report for several reasons. First, they wished to protect the action of the Appropriations Committee. Let me read the wording of the section the Senator attacks. It reads as follows:

> Nothwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year.

This does not say, Mr. President, that Congress has got to appropriate the money authorized. This is an authorization bill. But it says that if the Appropriations Committee, in the appropriation process, does appropriate the money, it shall remain available. The purpose is to keep the Bureau of the Budget from whacking it to pieces. We all know, as a practical matter, that the Appropriations Committee has a much tighter rein than the authorization committees. I serve on that committee; I have the honor of being 26th in seniority on a 26-member committee. I sit on the Appropriations Committee, and have seen how it works. We all know the Appropriations Committee cuts the authorizations down. But this section simply says the Bureau of the Budget is not going to be a super-Appropriations Committee, and cut us to pieces after the funds are appropriated.

Three things have created the necessity for such a provision. One is the history of the impacted school aid program. The Presiding Officer is familiar with that. We know from experience that they always cut it down. We finally came in, this year, with a provision of $91 million on September 6, 1968, and by a vote of 59 to 5, voted to exempt that $91 million appropriation for the impacted aid program from the provisions of the Revenue and Expenditures Control Act, because we know from experience that when the Bureau of the Budget starts holding things up, the first thing they hold up is the impacted aid money. I have studied the history of this impacted aid program. When it was written into law in 1949, the year before I came to the Senate, the Bureau of the Budget argued against it; and they have tried to cut it out ever since.

In this bill, we have $110 million that the Appropriations Committee put in the impacted aid program for 1969 above the recommendations of the Bureau of the Budget. In the appropriation bill this year, the Appropriations Committee has voted $110 million more for impacted aid than the Bureau of the Budget, and we have written this provision in the bill to keep the Bureau of the Budget from cutting that $110 million impacted aid.

After impacted aid, the next provision the Bureau of the Budget always takes out after is title III of the National Defense Education Act, which provides money for special equipment, such as science laboratories in the high schools and foreign language laboratories in the high schools. We know that, next to the impacted aid, the Bureau of the Budget will be trying to cut out the science laboratories and the foreign language laboratories, which teachers tell us have elevated the quality of American education so much and so rapidly.

This provision was not anything slipped into the bill by the conferees. It was written into the bill, and was passed by the Senate. As far as I know, no Senator objected when it passed the Senate, though this bill was not handled in the Senate by me; it was handled by the Senator from Oregon [Mr. MORSE], and there is a long explanation by Senator MORSE printed in yesterday's RECORD.

The provision was discussed in the conference committee. We all discussed it—the conferees from both Houses, with both parties represented. After a full discussion of what was involved, knowing that this provision was designed only to protect appropriations, the full conference committee signed it. I humbly suggest, recommend, and plead, Mr. President, that this vocational education bill not be sent back to conference, with the difficulty we will have in getting people to attend sessions in these closing days, but that the Senate approve what the conferees worked out, after long hours of diligent effort.

This was not any quickie conference. There were 115 points of difference. I have never seen more skillful management than that of the Senator from Oregon [Mr. MORSE] on this bill. I regret that he could not be here to present the conference report, but, as we all know, his legislative assistant of many years, Mr. Berg, passed away, and he could not be here. He had planned to be present to vote on the Fortas nomination yesterday, and to handle the presentation of this conference report.

But last Tuesday, the conferees had a morning session, a very amicable session, spent discussing one by one the various points of difference, as well as an afternoon session, and the conferees on both sides agreed to come back at 7 o'clock. We went into session at 7 o'clock at night, and we were in session until 2:15 in the morning, until every one of those 115 points of difference had been thoroughly discussed. Every point was read by the staff, and every point was discussed. The Senate receded on many points, and the House on many others, and many were compromised to accept the Senate or the House position with explanatory or limiting language.

But, Mr. President, on this point under discussion here today all the conferees agreed that it ought to be in the bill. This is the unanimous position of both parties from both Houses, as contained in the conference report. I think it would be tragic for the Senate to turn down a unanimous provision of both Houses and both parties in the conference report, simply because one Senator thinks he could have done a better job than all the conferees from both parties, and thus completely wreck the conference report.

When the inquiry was made as to whether the conference should be recessed until the next day, the conferees said, "No, let us finish the work tonight," and we sat from 7 o'clock to 2:15 in the morning, to finish that report.

I wish to thank the distinguished senior Senator from Alabama [Mr. HILL], the chairman of the full Committee on Labor and Public Welfare, without whose help and encouragement we could never have brought all these education bills as far as we have. The Senator from Alabama is known all over the country for the Hill-Burton Act, and all that he has done for public health, because he has served as chairman of the Health Subcommittee. But he has stayed on the Education Subcommittee also, as ranking member. He has an interest in education. He is the author of the National Defense Education Act of 1958. I had the privilege, that first year I served in the Senate, of being able to get on the Committee on Labor and Public Welfare, with the help of the distinguished Senator from Alabama, and we wrote into that bill the first appropriations for these science laboratories and foreign language laboratories for the high schools.

So the completion of the work on this conference report is a tribute to the Senator from Alabama also. Years of work have gone into this bill, and this conference report is the consummation of years of effort.

I move the adoption of the conference report.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I call the attention of the Senator from Texas to one important omission. While it may be true that this provision was discussed in the conference and that the conferees know all about it—and I do not question that for a moment—the fact remains that it was not called to the attention of the Senate at the time the bill was passed. Why?

I think that the sponsors of the bill had a responsibility to tell the Senate what was in the bill. I grant the Senator that we have a responsibility to have found it in the bills. However, we cannot analyze and read every bill. Senators do depend to a large extent on the committee. However, this matter was not called to our attention. And this was one of the major sections in the bill.

It was on April 2, this year, that the Senate passed the bill providing for a $6 billion mandatory expenditure reduction along with a 10-percent tax increase. And when we passed that tax-increase bill we promised the American people that there would be a $6 billion expenditure reduction.

The Senator from Texas and the managers of the bill knew that I had been watching and expressing objections to any provisions that would exempt certain agencies from expenditure control. However, not one word of reference can be found in the RECORD anywhere mentioning this section, nor was it outlined in the conference report. The fact remains that the provision, section 406, will be interpreted in a manner which will completely exempt $3.7 billion of expenditures under the program from the so-called $6 billion expenditure reduction.

Those figures were furnished by the Budget Bureau. The Budget Bureau strongly objected in the conference, as the Senator knows, to the inclusion of this provision. They said that if the exemption for this Department is included as part of a mandatory exemption it would be practically impossible for them to carry out and achieve a $6 billion reduction for fiscal 1969.

We might as well recognize that. We are on notice. The Senator pointed out that the Senate had passed by an overwhelming vote the impacted school areas legislation and exempted them from the specific reduction. That is true. But the Senate did act, and it knew what it was doing. And those Senators who voted to exempt $110 million from the expenditure controls had an opportunity to vote for or against the matter. However, in this instance the vocational education bill passed the Senate unanimously, as I recall it, without Senators being told about this section. I voted for the bill, and I certainly would not have voted for it had I known that in the bill we were exempting $3.7 billion from the expenditure controls.

The managers of the bill knew there would be an objection to that in the Senate, and I do not think that is the proper way to legislate. Senators are entitled to know what is in a bill. There is a responsibility on the part of the managers of the bill to call the major points to the attention of the Senate at the time the Senate votes.

Perhaps the Senate would have decided to exempt this agency. However, that is a decision that the Senate could and should make. We are at least entitled to vote on the matter and know what is contained in the bill. When the Senate reaches the point where it cannot trust its own committees, we are in trouble.

It is my understanding that there will be strong objections to this conference report in the House based on the inclusion of this one section and that there will be a fight on the floor when the conference report comes up there.

I think we would make far better progress today if we would reject the conference report and move to instruct our conferees to go back to conference. I would be willing to accept the conference report minus this one section. I think this would be a much faster way to proceed.

If Congress wants the $6 billion expenditure reduction, then Congress must stand up and be counted. We will not get the $6 billion expenditure reduction if we continue to exempt agency after agency. The Budget Bureau warns that the adoption of the conference report retaining this exception will eliminate 9 percent of the controllable items from absorbing any part of the $6 billion expenditure reduction.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for an additional 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, if we figure this out strictly on a mathematical basis we will find that at least $542 million is eliminated from the $6 billion cut. However, it could be more; depending on the actual expenditures. It could not, however, be less than that under the bill, because under the provision of this section the Budget Bureau would be required to spend this much, assuming it is appropriated. This is our responsibility; let us accept it.

Next year and before the present fiscal year ends Congress will be confronted with two major questions regardless of who is elected this November.

Congress will have to decide whether to extend the 10-percent surtax. How will the American people feel about extending that tax? How will the Members of Congress feel about voting for an extension of that tax when expenditures are not being controlled? When we imposed this tax it carried with it a promise by the administration and by Congress that we would cut spending by $6 billion.

When we back down and do not cut spending who will vote to extend that tax? I suggest that the Senator from Texas and the other Senators who are insisting on these exemptions be ready to stand up and lead that fight for next year's tax increase extension. They may find that some Senators who supported the imposition of the tax at the time of its passage will not be with them the next time: In the absence of any fiscal restraint, Congress will have to raise the ceiling on the national debt, thus further fanning the fires of inflation.

I hope that when the Senators who vote for this provision here today go home they will tell their constituents, will tell the elderly people for whom they shed so many crocodile tears, that they are responsible for the high cost of living and that they are the ones who are insisting that the spendthrift policies of this administration be continued. I hope that they will explain to the people back home that they are responsible for the inflation and that they are willing to take full responsibility.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Mr. President, I heard the Senator state that the extension of this particular service involves 9 percent of the controllable spending of the Government.

Mr. WILLIAMS of Delaware. It involves 9 percent of the controllable spending. And according to the Budget Bureau—I did not talk with Mr. Zwick himself, but the committee staff talked with his office—this would exempt $3.7 billion of the proposed spending under the pending bill from any control as far as the Expenditure Control Act is concerned. Since this represents about 9 percent of the controllable items, there would be a minimum of $542 million that would be exempted.

Mr. LAUSCHE. Does the Senator have a figure on what the exemption for the Post Office Department from the $6 billion cut in spending would be percentagewise, of the controllable items?

Mr. WILLIAMS of Delaware. No. I do not have that information, but it was substantial.

The dollar figure on the agricultural measure passed by the Senate last week was at the minimum $980 and some odd million. That was an estimate. It could run up as high as $1.5 billion. In addition, an effort was made to exempt Health, Education, and Welfare, which we did defeat so far, but I understand that another effort will be made to exempt that agency. One phase of social security was exempted by a rollcall vote. However, the Health, Education, and Welfare major operations have not been exempted thus far.

The point is that with those exemptions, if they become law, there will be very little left in the $6 billion cut.

It would be just the same as in the case of a family where, for example, the heads of the family, the father and mother, decided that they have got to control their spending. They then call in the members of the family, the sons and daughters, and they say, "We are all going to have to cut back on the amount we spend on a monthly basis. We will all have to take this cut and allocate it among ourselves."

After the family agrees on this matter, Junior comes along with some good reason as to why he should not be covered, and the family exempts him from expenditure controls. Then another member of the family comes along and wants an exemption. These exemptions, if agreed to, could involve more money than the savings planned to be effected by the whole family.

That is what we are doing on the expenditure reduction. We are torpedoing the controls. It will be completely ruined if these exemptions stand.

Mr. LAUSCHE. Mr. President, one of the basic virtues one seeks to find in men is the ability to stand by their commitments and their words. Show me the nation that has people that abide by their promises and I will show you a nation of strength.

Show me the nation whose government disregards its sacred commitments, and there we will find a nation that is weak.

Last April 2, we told the people of the United States, "We will impose a 10-percent surtax upon you. But at the same time we will cut spending by $6 billion." That was said to mollify the people so that they would not protest the 10-percent surtax.

It is now October 2. Now we are telling the people of the Nation that the word which we spoke to them in April was a lie, was a falsehood. Think of that coming from Congress, the body that ought to set the example of keeping its commitment, of keeping its word and its promise to stand by it. But we are not going to do it.

I agree fully with what the Senator from Delaware is saying about the breach of sacred commitments made by the Senate.

Mr. President, I ask unanimous consent to have printed in the Record excerpts from the chapter entitled "The Great Change," contained in Arthur Krock's recently published "Memoirs: 60 Years on the Firing Line." They are highly pertinent as they relate to what will happen to our country if the spendthrifts continue to be in control, unmindful of what they are doing to posterity and to the eventual integrity of the structure of our political system.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Historians will differ on whether the political philosophy and the economic and military direction of any nation have changed more fundamentally than those of the United States in a comparable period of time—1933–1967. But as an eyewitness of governmental and other public action throughout these years, I formed the opinion that the United States merits the dubious distinction of having discarded its past and its meaning in one of the briefest spans of modern history.

Among these changes are a Federal union almost replaced by a mass Federal democracy controlled by an alliance of politicians and special interest groups; fiscal solvency and confidence in a stable dollar driven from the national and foreign market-place by continuous deficit spending, easy credit, and growing unfavorable balance of payments in the international ledger of the United States; the free-enterprise system shackled by organized labor and a government-managed economy; the Republic transmuted into a welfare state subsidized from Washington; a self-reliant people widely seduced by Federal handouts; spoiled generations—young and old—led to expert the government to provide for all their wants free of any of the requirements of responsible citizenship; a Supreme Court assuming overlordship of the government and all the people to fit the political philosophy of the current majority; and a Congress reflecting the people's apathy toward this assumption and foregoing the use of its Constitutional powers to curb the Court's seizures of jurisdiction in areas for which it has no warrant in the Constitution or the statutes. Yet despite the apparent general acceptance in this country of a judicial autocracy, composed of citizens whose offices were obtained without benefit of suffrage, and whose qualifications the popular branch of Congress—the House of Representative—is barred from appraising, it is also the Federal judiciary that is constantly defied by the population groups that make a career of violating the law. Most ironically, the commands of Federal lower-court judges in the name of the law frequently terminate as mere scraps of paper.

Winston Churchill, describing the Irish policy of the Tory Party in a speech at Bradford, March 14, 1914, precisely forecast the present attitude of certain ethnic groups and organized labor in the United States today:

"They uphold all law except the law they choose to break. They are to select from the statute books the laws they will obey and the laws they will resist."

With, it can be added, a large degree of toleration of the law-enforcement arms of government.

Some of the readily discernible results of this spurning of the basic principles of the American public and private society have been even graver in portent. The people, with full justification, are more and more disclosing a loss of faith in the integrity of what government says and does. The rejected disciplines of Federal monetary, taxation, and fiscal policies—piling spending deficits atop one another in the company of easy money and credit until the ever-shrinking purchasing power of the dollar has made its stability suspect at home and abroad—have created a gap between revenue and expenditure on whose rim the national economy dangles perilously. For even the mounting statistics of the Gross National Product are not a true index of productivity, since a large percentage is accounted for by inflated prices, and the ephemeral commodities of the war being waged.

The growing trend, stimulated by the courts as well, to equate criminals as well as conscientious civil disobedience with an absolute Constitutional right, has fostered nihilism and anarchy. Also reflecting this trend, licentiousness, in literature and personal conduct, has been tolerated by government as a valid expression of the individual freedom protected by the Constitution.

In the concept held by self-asserted political liberals of a guaranteed annual income—regardless of the conduct and personal character of its beneficiaries or their will to participate to the full measure of their capacity in the peaceful products of a democratic society—the basic rights have been denied of those who must foot the bills to set the standards by which they are contracted. Typical of this attitude is the total stress of politicians (including those infesting the courts) on the right to a choice of any available privately owned housing that is within the means of the intended purchaser. For in this stress the other and equal basic right of the owner—to dispose of his property as he chooses—is as totally submerged.

Rudyard Kipling's 1919 poem "The Gods of the Market-Place" precisely describes the prospect raised by current political liberalism in the United States:

"We were promised abundance for all
By robbing selected Peter to pay for collective Paul
But though we had plenty of money there was nothing that money could buy
And the gods of the Copy-Book Headings said 'If you don't work you die.'
Then the gods of the Market tumbled, and their smooth-tongued wizards withdrew
And the hearts of the meanest were humbled and began to believe it was true
That all is not gold that glitters, and two and two make four,
And the Gods of the Copy-Book Headings limped up to explain it once more."

Mr. WILLIAMS of Delaware. I thank the Senator from Ohio.

Mr. President, my request for the rejection of the conference report is not in opposition to the bill itself. I voted for the passage of bill, and I would like to vote for the conference report today if this section were deleted. I just do not think we should make exceptions such as is here proposed. I am confident we cannot make them if we expect to fulfill our promise to the taxpayers that there would be a $6 billion reduction in expenditures for fiscal 1969.

The bill which we passed providing for a 10-percent tax increase and a mandatory $6 billion in expenditures was a package of which I was a coauthor with the distinguished Senator from Florida [Mr. SMATHERS]. The proposal passed the Senate, and the conference report was approved after it had just been submitted to the Committees on Appropriations of both the House and the Senate. The members of the Committees on Appropriations of both Houses agreed that they would stand by the $6 billion cut in expenditures. The Senate itself reaffirmed that position by voting overwhelmingly for the tax bill which made mandatory such a cut. So far as I am concerned that was a promise which we intended to fulfill.

I have said many times before, and I shall say it again, that I do not intend that these exceptions shall be made except by a yea-and-nay vote that will let the American people know whether Congress is backing down from its commitment to a 6-percent cut in appropriations. We are not dealing only with $540 million. That is the minimum. We are dealing with a proposal that could wreck the $6 billion cut. As I said before, if we exempt this item, which amounts to 9 percent of the budget, and if we exempt items for Agriculture, another 9.1 percent, and if we continue to exempt other agencies, those agencies could go so far beyond their past spending that we would end up not with a $6 billion cut, but with a $6 billion increase in spending.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will some Senator yield me 5 minutes?

Mr. YARBOROUGH. I yield 5 minutes to the Senator from Colorado.

Mr. PROUTY. Mr. President, will the Senator yield, so that I may ascertain how much time remains?

Mr. YARBOROUGH. The vote on the report is scheduled for 11:30.

Mr. PROUTY. I yield 2 or 3 minutes to the Senator from Colorado.

Mr. WILLIAMS of Delaware. Mr. President, how does the time stand?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes remaining, and the Senator from Delaware has 17 minutes remaining.

Mr. DOMINICK. I thank the Senator from Texas for yielding me 5 minutes.

Mr. President, I believe some clarification is needed with respect to this conference report. Senators will recall that during the course of Senate debate in July on the vocational educational bill, I again offered and the Senate approved an amendment which would have transferred the existing Headstart program from the war on poverty to the Office of Education. My amendment was adopted by the Senate by a vote of 60 to 29, with 30 Republicans and 30 Democrats approving it. This included both the majority and minority leaders of the Senate, the Senator from Montana [Mr. Mansfield] and the Senator from Illinois [Mr. Dirksen]. It was supported by the chairman of the Education Subcommittee, the Senator from Oregon [Mr. Morse]. In fact, two-thirds of the Members of the Senate voted for the transfer.

When we arrived in the conference, we found, to our shock, that the chairman of the House conferees had enough proxies in his pocket from absent House conferees—and was apparently under instructions from someone—to block any consideration of this subject on the merits.

He started the conference off by simply stating, "Go ahead and make whatever motions you wish, and we will vote them down. We will continue voting them down, regardless of what position you propose or what perfecting language you may offer to the amendment, because we are not going to accept any kind of transfer under any circumstances."

He had proxies, as I have said—majority party proxies—in his pocket. The House chairman continued to cast proxies for those absent House Democratic conferees in the same manner as our conference progressed.

It became obvious as we went on that if the Senate insisted on its position, we were not going to get a vocational educational bill at all. The alternatives were to compromise in some fashion or simply kill the vocational education bill.

Unfortunately, prior commitments in Colorado made it necessary for me to return to my State in the early evening so I was unable to be present that night as the issue came to a head. But the conferees finally accepted language directing a so-called feasibility study on the advisability of transferring Headstart, as opposed to the specific amendment to which the Senate had overwhelmingly given its mandate.

The statement on the part of the managers of the House, which accompanies this conference report, states:

> The Senate amendment authorized a new preschool program for children from low-income families, with an authorization of $375 million for fiscal 1969, to be administered by the U.S. Commissioner of Education; such new program to replace the Headstart program, provisions for which were repealed by the Senate amendment.

Mr. President, that statement, to say the least, is misleading. Not only is it misleading, it is totally inaccurate and does not set forth the position we took on the floor of the Senate. We did not authorize a "new" program. We did not "replace" Headstart.

What we did was to take the existing Headstart program, and for the first time in the last 3 years of debate on the issue, the Senate decided to make this a permanent program. Headstart is not an authorized permanent legislative program. It is simply lumped together with many others as part of a community action program. If my amendment with some perfecting language had been approved by the conference, Headstart would have become a specific legislative program, permanent in nature, with all the innovative features that the present Headstart program now has.

Furthermore, it would have authorized the funding of Headstart at a level which is $45 million higher than at the present time, and by earmarking funds solely for use in Headstart it would have prevented cutbacks in the program, as we had this summer. I have fought against such cuts in Headstart funds in supplementary bill after supplementary bill.

In my judgment, the study language in the conference report is of doubtful value and will accomplish little. The Senate has clearly demonstrated its will that Headstart be shifted from the poverty program to the Office of Education where there would be better cooperation between the State educational systems and private nonprofit organizations, and community action agencies, and local school groups, all of which are authorized in my amendment to continue the Headstart programs they have been conducting.

I must say I am deeply disappointed not only with the action of the House Democratic conferees in rejecting this amendment but also with the inaccurate and misleading language that is in the statement of the managers on the part of the House.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Delaware yield to me for 1 minute?

Mr. WILLIAMS of Delaware I yield 1 minute to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I have been a strong supporter of vocational education and I still am. In fact, many other parts of this educational bill have my special interest and support.

However, I think we have already made a decision here on these matters. I understand the conference report includes a provision that excepts the entire educational program from the $6 billion reduction. We firmly marched up the hill on this question and passed a law to increase the taxes of the people. We told them at the same time we were making and would make the reductions. I think we are bound by that commitment to the people. We should not march up the hill one day and march down the hill the next day.

I have not made any exceptions in my stand except for the air traffic controllers and the FBI. I have voted for no other exceptions with reference to manpower. I think this conference report goes too far in excepting the entire educational program. I am opposed to it for that reason and I hope the Senate rejects the report on that point alone. If we do so, the conferees can bring in another report.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I have only 3 minutes remaining. I wonder if the Senator from Delaware will yield to the distinguished Senator from Vermont.

Mr. WILLIAMS of Delaware. How much time does the Senator request.

Mr. PROUTY. I should only need 2 or 3 minutes.

Mr. WILLIAMS of Delaware. I yield 2 minutes to the Senator from Vermont.

Mr. PROUTY. Mr. President, first, with respect to the statements made by the distinguished Senator from Colorado [Mr. Dominick]: I concur in what he said, and I am sure he is aware that those of us who were Senate conferees felt a responsibility to assure transfer of Headstart and we did our best to preserve the position of the Senate.

Mr. DOMINICK. I understand that.

Mr. PROUTY. However, we had no alternative but to reach a compromise despite the fact that the Senate had, by an overwhelming vote of 60 to 29, approved the extension of this program to fiscal year 1971, and had authorized a substantial increase in expenditures, the House conferees were adamant in their refusal to consider the matter. It was only after I offered a substitute calling for a joint study by the agencies involved as to the feasibility of the transfer that we were able to compromise by instructing the President to recommend to Congress whether Headstart should remain in the Office of Economic Opportunity.

Mr. President, in the committee of conference, there were 115 points of difference between the two bills, but fortunately we have been able to return a conference report which is quite a creditable one and which the Senate can certainly support.

Little of substance, as regards vocational education, was lost to the other body. We were able to retain most of what the Senate has already approved.

That we were able to do so, I think is due very much to the capable and vigorous leadership which we had from our distinguished chairman, the senior Senator from Oregon.

Those persons in the entire country who are interested in the education of our youth know of the great achievements of the senior Senator from Oregon in this field. I have enjoyed working with him on this conference, as I always have in the past.

To turn to the bill, Mr. President, H.R. 18366 provides a sustained and massive action program of $3 billion over the next 4 years to correct the current bleak statistics in our job training efforts to prepare our youths for the demands of employment in this technological society.

For the first time, training of all modern job skills will become a part of a high school's curriculum and funds will be available to train vocational teachers. The conferees were of one mind for the need to provide a system which will prepare all Americans with salable skills in our fast-changing job market. Programs of aid for construction and development of vocational schools will also continue.

The bill requires that at least 15 percent of a State's allotment will be used to train the disadvantaged, and at least 10 percent must be expended on programs for the physically and mentally handicapped. The conferees were of one mind in this recommendation, since the States were not emphasizing these special needs as we had hoped they would 5 years ago.

The measure far exceeds the administration's proposal to extend current vocational education programs for 1 year, with only a $15 million increase over the $225 million appropriated for vocational education last year.

The compromise authorizes an expenditure of $542 million for this fiscal year, $858 million for 1970, $870 million for 1971 and $910 million for 1972 to upgrade present programs and to launch a number of badly needed new ones as recommended by the National Council on Vocational Education.

Mr. President, I want to speak briefly to the objections raised to this conference report by the distinguished senior Senator from Delaware [Mr. WILLIAMS]. His concern, as I understand it, centers around the provision approved by the conference which would, in effect, prevent education funds from being curtailed or withheld from use to satisfy the congressional mandate for a reduction of $6 billion in overall Federal expenditures.

Mr. President, I agree with the mandate to reduce Federal expenditures. I voted for it, and I hope that the administration will see that those reductions are made.

But it seems to me in the case of education we are being pennywise and pound foolish if we go along with the proposal of the Senator from Delaware [Mr. WILLIAMS]. I have supported the Senator in many other instances. We have reduced education funds. Funding has been reduced by something in the vicinity of $6 or $7 billion. That amounts to roughly only one-half of the amounts actually authorized by the Congress.

We are not spending enough on our educational programs in this country today to face up to the problems and the needs. If we want to continue keeping these youngsters on welfare and making it impossible for them to stay in school and get an education to be self-supporting citizens we can follow that course of being pennywise and pound foolish, but I think it would be most unwise and a very dangerous procedure.

I am perfectly willing to rely on the judgment of the Committee on Appropriations with respect to the expenditures they recommend rather than the Bureau of the Budget.

Mr. President, the Appropriations Committees of the Senate and the House, are in a position to determine what should be spent for education and in my judgment the $6 billion provided in the Departments of Labor and Health, Education, and Welfare appropriation bill is a good workable figure. I have commended the Appropriations Committee for its work on that bill.

As I said, the funds to be expended for education are about one-half of the authorizations. Thus, great reductions in education spending have already been made, and I for one much prefer to have these reductions made by the Appropriations Committee rather than by someone downtown who has not had the exposure to the appropriations process which the Congress has.

Mr. President, I support the conference report which is presently before us. I trust that the Senate will also give it overwhelming support.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I wish to point out to the Senator from Vermont that I too voted for this bill when it was passed by the Senate, but we were not told that this little "sneaker" was hidden in the bill exempting this agency. Why was it not called to our attention by members of the committee? I have talked to several members of the committee on our side who admit they did not even know it was included in the original bill.

Surely those sponsoring the bill knew the provision was in there. That is not the way to legislate. Those who wanted to exempt this agency should have done so above board. I do not like these "sneakers," and we are not talking about a "little sneaker" when we talk about $3.7 billion. This is a major proposal.

The Senate was entitled to know that it was planned to exempt this agency from the proposal. I think that in order to be fair with the Senate, the Senate should have been told that the provision was included. I hope this will not happen again.

Mr. President, this measure can be recommitted with instructions to the conferees to return to conference and delete section 406, exempting this agency. If, however, the Senate is going to exempt the agency let those who support such action be prepared to go home and tell their constituents that they have changed their minds and have decided to keep the 10-percent tax increase but not require a reduction in expenditures.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on agreeing to the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, as far as I am concerned I am ready to proceed to a vote.

Mr. President, the issue is clear. The Bureau of the Budget in the conference told the conferees in clear and unmistakable language that if this measure is adopted with this exemption included it will mean an increase in expenditures. It will mean a decrease of at least $542 million in the proposed $6 billion cut, and it could be even more than that.

I remind the Senate that it has already exempted the Department of Agriculture, the Post Office Department, and various other agencies. They are being exempted one by one.

I hope those who support these exemptions will accept the responsibility and tell the American people that they have changed their minds and that they decided to increase taxes but that Congress insists upon continuing spending without any restriction or restraint. Let the record be clear—the adoption of this conference report which includes these exemptions practically nullifies the $6 billion cut when we consider it with earlier Senate action. That should be clearly understood.

Mr. DOMINICK. Mr. President, will the Senator from Texas yield to me for the purpose of asking a few questions?

Mr. YARBOROUGH. I have only 3 minutes remaining.

Mr. DOMINICK. Will the Senator yield to me for 1 minute?

Mr. YARBOROUGH. I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. It is my understanding that this provision simply provides that no statutory authority shall be used to cut down the amount of appropriations which may be later made under this authorization. Is that correct?

Mr. YARBOROUGH. The Senator is correct, and the Committee on Appropriations has cut $216 million in the appropriation bill this year below the President's budget, which does not mean that the Committee on Appropriations can appropriate more money than we authorized but only that the Bureau of the Budget cannot be a super-Committee on Appropriations.

Mr. DOMINICK. The President, under his constitutional authority, could still refuse to spend that amount if he felt so inclined. Is that correct?

Mr. YARBOROUGH. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 minutes. I wish to clear up this matter.

The Senator from Texas is in error. If this provision is approved the Bureau of the Budget will be required to spend all the money that was appropriated. They will not be allowed to allocate any part of the expenditure reduction to the $3.7 billion provided under this bill. That is the intent of the exemption. It would be mandatory that they spend the money.

Mr. DOMINICK. That would not be true if the President exercised his constitutional authority.

Mr. WILLIAMS of Delaware. This is clear instructions to spend the money and is somewhat similar to action taken in respect to the impacted areas. The conferees were told that this would mean a minimum of $542 million in extra spending. Items which are exempted under this proposal represent 9 percent of controllable items under the jurisdiction of the Bureau of the Budget.

Let us face it, Congress is backing down on its earlier action to cut spending in fiscal 1969.

This is a breach of faith with the taxpayers who are left with a 10-percent tax increase.

Mr. DOMINICK. Do I understand correctly that this applies only to vocational education?

Mr. WILLIAMS of Delaware. No. It applies to the entire $3.7 billion under the bill. These are the figures that they give me. The exemption covers 9 percent of the controllable items. The Senate should delete the section.

The point that disturbs me more is the fact that this attempt was not called to the attention of the Senate at the time the bill was considered. I was one of those who supported this vocational program. I believe the bill passed almost unanimously. I still support the program. I regret that all that the Senate has done is to spell out the exemptions for the various agencies. The Senate has not spelled out any place where we can make the cuts. It is up to Congress to spell out where the cuts will be made. That is our responsibility, but we have not accepted it.

But if we are not going to spell out where the cuts can be made then we will be delegating that authority to the President. Where are the cuts going to be made? We have not yet taken a single affirmative action to say where the cuts will be made. All Senators talk about is where they cannot be made.

Everyone says they are for the $6 billion cut but when the chips are down and the specific reduction is before us the Senate backs down. There cannot be a $6 billion cut if we are going to exempt the agencies.

I am suggesting that we reject the conference report, following which we can instruct the conferees to go back to the conference and delete this section.

Mr. YARBOROUGH. Can the Senator yield me other time?

Mr. HARRIS. Mr. President, will the Senator from Texas yield to me briefly?

Mr. YARBOROUGH. I have only 2 minutes remaining.

Mr. WILLIAMS of Delaware. The Senator has 2 minutes left before we vote. If he wishes to use that time, he can go ahead.

Mr. YARBOROUGH. Mr. President, I yield one-half minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for one-half minute.

Mr. HARRIS. Mr. President, in addition to the great importance of this conference report to my State, there are issues involved here of overriding national importance to the young people of America and to the well-being and future of our country.

I therefore wish to commend the distinguished Senator from Texas for his leadership in this matter.

I hope that the Senate will adopt the conference report.

Mr. YARBOROUGH. Mr. President, I utterly reject the comment that this meritorious section was slipped in the bill. I call attention to the fact that this provision is under title III, "Miscellaneous Provisions," section 406, a whole section under the title, "Availability of Appropriations."

All anyone had to do was to look through the chapter heads. We put chapter heads in there to notify everyone of what was in the bill.

When it passed the Senate, the distinguished Senator from Oregon explained the bill at length. I have not had time to read the explanation—it is virtually a book; but this section was under a specific chapter head, and could easily have been found by just turning it page by page under the chapter headings.

What is involved here is whether the Appropriations Committee is an Appropriations Committee of the Senate or merely an adjunct of the Bureau of the Budget.

The bill cuts $216 million below the President's budget request, but the Bureau of the Budget says, "We want the money spent in these categories."

The Senate changed that. The Senate raised the impacted aid moneys by $110 million, and cut something else. The Bureau of the Budget wants the power and authority of the Senate Appropriations Committee in saying where they want money spent.

Since 1949, the Budget Bureau has tried, when it was first enacted, to cut to pieces, first the impacted aid program, next the scientific equipment, next the foreign language laboratory, and then the scientific languages in high schools.

The Appropriations Committee has already completed work on the HEW appropriations bill. That is for the education of the youth of this country.

I reject the statement that we have misled anyone.

Three times I have been elected to the Senate, and each time I have made a pledge to the people of the State of Texas that I would fight for the education bill. I did not make any pledge to cut any education bill. I made a pledge not to cut any education bill. I am carrying out my commitment to the people.

I want to commend the Senator from Vermont [Mr. PROUTY] for what he said, that we are not appropriating enough for education. I am fighting for more money, but we cut the budget $216 million. I will admit they do not like it. They would like to cut impacted aid.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. WILLIAMS of Delaware. Mr. President, let the record be clear—this bill as now before us carries an increase over the budget request of between $300 million to $400 million which the Appropriations Committee may reduce. The question about impacted areas is not involved in this vote at all. The Senate by an earlier vote has exempted impacted areas from the $6 billion expenditure cut. That subject is not involved in this action at all. It is not involved in this vote.

I realize that one can put up an excellent argument for education. An argument can be made for any of these programs. Last week they paraded widows and orphans here to get exemptions for health and welfare. Threats were made to stop mail deliveries if we did not exempt the Post Office Department. Let us face it. If we are going to exempt everyone from the provisions of the expenditure controls, where will the reductions be made? The Senate will be exempting everyone except the American taxpayers. They will be left with the 10-percent tax increase, but the expenditure-reduction controls are being thrown down the drain by the same Congress and the same administration that made this promise to the American people.

There will be many speeches made in the coming weeks about how much sympathy all of us have for the American taxpayers. I hope Members explain to them that sympathy is all Congress has insofar as actual votes are concerned. Let them be told that the administration is going to continue this great spending bureaucracy.

Mr. President, I hope the conference report will be rejected. If it is rejected, as I said, it does not mean defeat of the program. A motion will be made immediately to instruct the conferees to go back and delete one section and report the bill back where it can be considered properly.

Congress made a commitment to the taxpayers to curtail expenditures. That was a promise and as one Member of the Senate I meant to keep it.

Mr. RANDOLPH. Mr. President, the legislation we are now considering, the Vocational Education Amendments of 1968, is a major step forward in meeting the needs of our citizenry. This measure represents a new and comprehensive approach to the differential requirements of Americans. The valuable economic benefits which will accrue from its enactment are many, both to the participating individuals and the country as a whole.

As a member of the Senate Labor and Public Welfare Committee and its Subcommittee on Education, and as a conferee on the part of the Senate, it was my privilege to participate in the development of the Vocational Education Amendments of 1968.

Mr. President, my State of West Virginia has had an active vocational education program, and our citizens and educators are vitally interested in pressing forward with expanded and more effective programs. We have a vital interest in the 1968 amendments. I think it is important to note that approval of this measure coincides with the completion of the West Virginia legislative study of vocational, technical, and adult education, which contains a number of major and constructive recommendations for improving vocational education. The Vocational Education Amendments will be valuable to West Virginia in the implementation of these recommendations.

There are two particular features of this legislation on which I will comment. First, is that the emphasis of this bill is on occupational and career-oriented training, placing the interests and needs of the participants as priority. In this area there will be exemplary projects to create a bridge between the completion of formal education and entrance into the work force; residential vocational education; consumer and homemaking education; cooperative work study; and the establishment of National and State advisory councils to assist in the coordination of these efforts.

The second major feature is that this is not a bill to meet just the needs of the present. But rather it provides for continuous progress and upgrading of vocational education to meet the changing requirements through programs of research and training, curriculum development, collection and dissemination of information, and the training and development of personnel.

Mr. President, I believe the opportunities and possibilities for advancement authorized by this legislation can best be described as exciting—exciting for the participants and exciting for the business and industrial sector—and invigorating for our economy.

I commend our able chairman of the Education Subcommittee and of the House-Senate conferees [Mr. Morse] for his leadership not only for this conference bill currently before the Senate but for his efforts in the overall field of education. His work for the educational betterment of our society is significant. Senator Morse was necessarily absent today. The conference report has been effectively presented by the knowledgeable and capable Senator from Texas [Mr. Yarborough].

Mr. WILLIAMS of Delaware. Mr. President, if I have any time remaining, I yield it back. I believe that the other side's time has all expired. I yield back the remainder of my time and suggest the absence of a quorum, since there will be a record vote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. Do I correctly understand that this is a vote on the adoption of the conference report, and that a "yea" vote is to adopt the conference report and a "nay" vote is to reject it?

The PRESIDING OFFICER. The Senator is correct.

Pursuant to the previous order, the Senate will proceed to vote on the Vocational Education Amendments conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. LAUSCHE (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Idaho [Mr. Church]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. Ellender] is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Arkansas [Mr. McClellan], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], and the Senator from Maryland [Mr. Tydings] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from South Carolina [Mr. Hollings], the Senator from Connecticut [Mr. Ribicoff], the Senator from Maryland [Mr. Tydings], and the Senator from Maryland [Mr. Brewster] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Utah [Mr. Bennett], the Senator from Arizona [Mr. Fannin], the Senator from Oregon [Mr. Hatfield], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from California [Mr. Murphy], and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from New York [Mr. Javits] is absent because of religious reasons.

If present and voting, the Senator from Vermont [Mr. Aiken], the Senator from Utah [Mr. Bennett], the Senator from Arizona [Mr. Fannin], the Senator from Oregon [Mr. Hatfield], the Senator from Iowa [Mr. Miller], the Senator from California [Mr. Murphy], and the Senator from Maine [Mrs. Smith] would each vote "yea."

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from Kentucky [Mr. Morton]. If present and voting, the Senator from New York would vote "yea," and the Senator from Kentucky would vote "nay."

The result was announced—yeas 58, nays 11, as follows:

[No. 301 Leg.]

YEAS—58

Allott
Anderson
Baker
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cotton
Dodd
Dominick
Ervin
Fong
Fulbright
Goodell
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hickenlooper
Hill
Holland
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long, La.
Magnuson
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Scott
Sparkman
Spong
Symington
Talmadge
Thurmond
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—11

Boggs
Cooper
Curtis
Dirksen
Eastland
Hruska
Kuchel
Russell
Stennis
Tower
Williams, Del.

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Mr. Lausche, against.
Mr. Mansfield, against.

NOT VOTING—29

Aiken
Bartlett
Bayh
Bennett
Bible
Brewster
Church
Ellender
Fannin
Hartke
Hatfield
Hayden
Hollings
Javits
Long, Mo.
McCarthy
McClellan
McGovern
Miller
Monroney
Morse
Morton
Murphy
Muskie
Nelson
Ribicoff
Smathers
Smith
Tydings

So the conference report was agreed to.

Mr. YARBOROUGH. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATOR MORSE

Mr. MANSFIELD. Mr. President, as majority leader it has been my privilege and my pleasure in connection with the passage of major legislation to commend to the Senate the man whose work results in laws for the benefit of the public. Rarely have I spoken with more seriousness and with such deep conviction than upon those occasions that I have commended the senior Senator from Oregon [Mr. Morse] for his work on educational statutes.

I recall in October of 1966 that on 3 successive days in connection with three successive bills, I had the privilege of congratulating him and those who worked with him on the committee for their service to the children of America. It is therefore very appropriate, I think, at this time when the Senate has just completed action on two conference reports on educational measures of the highest significance and import, to follow the custom that I began and in so doing to recapitulate for the Senate the truly impressive body of law which has been created in the educational area during Wayne Morse's tenure in the past 6 years as chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare. I ask unanimous consent that at this point in my remarks there be inserted in the Record a listing of the major bills which make up that record.

There being no objection, the list was ordered to be printed in the Record, as follows:

The Morse-Perkins Act, Public Law 88–210, 1963: It expanded existing vocational education programs and authorized increases in matching grants to the states to carry them out. It extended to 1965 the National Defense Education Act and aid to school districts affected by federal activities.

The Morse-Green Higher Education Facilities Act, Public Law 88–204, 1963: This landmark statute authorized a 3-year program of $1.1 billion for loans and grants to colleges, community colleges, and universities to finance construction of academic and related facilities.

The Morse-Dent Act, Public Law 88–269, 1964: This expansion of the Library Services Act extended the program to urban libraries and provided $45 million in matching grants for construction of library buildings.

Elementary and Secondary Education Act of 1965, Public Law 89–10. This second Morse-Perkins Act authorized $1.3 billion to improve elementary and secondary education. It provided a 2-year program of aid to school districts on the basis of their percentage of pupils from low-income families, and a 5-year program for supplemental education centers available to private and public schools; provided funds for purchases of textbooks and other teaching aids, and extended to 1968 aid to school districts affected by federal activities.

Higher Education Act of 1965, Public Law 89–329: The law authorized for 3 years the funds to aid extension and community services of colleges and universities, established a National Teachers Corps, provided fellowships for teachers to raise the quality of education in small colleges and elementary and secondary schools; and permitted a 25% federal contribution for scholarships for "exceptionally needy" students.

International Education Act of 1966, Public Law 89–698: The Act authorizes a 5-year program for establishment, or support, of language centers and of existing centers for advanced international studies and research, and authorizes $140 million over a 3-year period for grants and contracts.

Elementary and Secondary Education Amendments of 1966, Public Law 89–750: The Act authorizes $6.1 billion for 2 years. It provides expanded financial aid to local education agencies for the education of children from low-income families; funds for supplementary education centers and services available to public and private schools alike; funds for acquisition of school library and institutional materials; and broadens the assistance to federally impacted school districts now provided in Public Laws 874 and 815.

Higher Education Amendments of 1966, Public Law 89–752: This law extends for 3 years the Morse-Green Act of 1963. It authorizes $4 billion over that period for grants and loans for construction of academic facilities in colleges, community colleges, and universities; it provides loans for undergraduates and graduate students.

Elementary and Secondary Education Amendments of 1967, Public Law 90–247: Extends to June 30, 1970, the provisions and programs of the Elementary and Secondary Education Act of 1965; authorizes, subject to appropriations, an estimated $4.44 billion in the fiscal year beginning July 1, 1968, and $4.782 billion for the succeeding fiscal year; extends, through June 30, 1970, the Adult Education Act of 1966; extends, through June 30, 1970, the program of Federal aid to communities which enroll a large number of federally connected children (Public Laws 815 and 874); permits school program appropriations to be made 1 year in advance of the school year in which they will be used; provides substantially increased aid for children who are handicapped, neglected, or delinquent, or who come from migrant farm families; creates new programs for handicapped children, for children from non-English speaking families, for school dropouts, and for schools hit by natural disasters; and provides for increased technical assistance to small school districts to help them obtain and effectively use Federal funds.

Higher Education Amendments of 1968, S. 3769: In extending the $7.2 billion bill for three years, the measure generally authorizes only planning money for 1969 for new programs. It includes a merger of the guaranteed student loan program with the vocational loan program, and the shift in the administration of the Upward Bound program on July 1, 1969, from the Office of Economic Opportunity to the U.S. Office of Education.

Other areas covered include extension and modification of: Community Service Programs (Title I, HEA); College Library Assistance (Title II, HEA); Strengthening Developing Institutions (Title III, HEA); Educational Opportunity Grants (Title IV–A, HEA) Talent Search (Section 408, HEA); Upward Bound and Special Services for Disadvantaged Students); Insured Student Loan Program (Title IV–B, HEA); Work-Study (Title IV–C, HEA); Cooperative Education Programs; General Provisions Relating to Student Assistance Programs; National Defense Student Loan Programs; Education Professions Development Act; Networks for Knowledge; Education for the Public Service; Improvement of Graduate Programs; Law School Clinical Experience; Advisory Council on Graduate Education; Dissemination of Information; Equipment for Educationally Deprived Children; National Defense Fellowships; Higher Education Facilities Act; and the International Education Act.

Vocational Education Amendments Act of 1968, H.R. 18366: Authorizes grants to States to assist them in conducting vocational education programs for persons of all ages and all communities of the State designed to assure that education for career vocations is available to all individuals who need and desire such training. Expands, perfects and consolidates provisions of existing vocational education laws; increases the permanent authorization to a ceiling of $565 million annually; provides for cooperative vocational education, work-study, curriculum development, exemplary projects, research and training, and training and development programs for vocational education personnel; consolidates provisions for the collection and dissemination activities of the Office of Education; and, authorizes studies on manpower, program consolidation and on the administration of the Job Corps and Headstart programs.

Mr. MANSFIELD. Mr. President, on October 20, 1965, in commending Senator Morse on the Higher Education Act of that year, I said:

Mr. President, following the remarks of the distinguished Senator from Oregon, I can only compliment him upon his magnificent work in handling this and other pieces of legislation which have been before the Senate, not only this year, but for more than a decade. In effect, the Senate has presented a birthday present to our distinguished colleague from Oregon by agreeing unanimously to the conference report on higher education. It is a testimony to the work, skill, and integrity, and ability of the distinguished Senator from Oregon. I am delighted that on his birthday the Senate and Congress have seen fit to extend to him a gift which I know he will value highly because of the intense interest he has shown in education throughout the years since he was a teacher at the University of Wisconsin and the University of Minnesota, and later as dean and professor of law at the University of Oregon. He has held other positions of trust. He is a man who if any Member of this body is entitled to the name, could well be called "Mr. Education".

* * * * *

The title "Mr. Education" is a title well earned by Senator Morse, as is so amply proved by his work in conference on the bill and by the fact that he has brought the conference report on the higher education bill back to us in such good form and has managed it through to approval by this body in such short order. I thank him from the bottom of my heart, and I congratulate him for his tremendous understanding, knowledge, and ability on all matters, but especially on questions involving education.

On October 6, 1966, in connection with the Elementary and Secondary Education Act of that year I said:

Mr. President, the tributes already made to the senior Senator from Oregon [Mr. Morse] are all well deserved and fully merited. Today the Senate witnessed again his powerful and effective advocacy, and the Nation has benefited with an outstanding elementary and secondary education measure. Its broad acceptance can be attributed only to the outstanding manner in which it was guided by Senator Morse. His persuasive abilities—abundantly demonstrated today—are unsurpassable. His articulate and clear responses coupled with his broad and acknowledged expertise in the area of education problems and needs made successful action a certainty.

I add only that his unmatched ability observed today and the great achievement obtained are just typical of Senator Morse's long and abundant record of magnificent public service. The Senate, indeed the Nation, are in his debt.

On October 10, 1966, in connection with the Higher Education Act amendments of that year, I said:

Mr. President, personally, I deeply appreciate the exemplary manner in which the higher education measure was successfully disposed of this afternoon. The credit, of course, goes mainly to the senior Senator from Oregon [Mr. Morse]. So well did he display again his deep devotion to public service.

This measure is so vital to the continuing expansion and improvement of the Nation's colleges and universities that it deserved advocacy of the highest order. Senator Morse responded with his brilliant capacities. Its swift and efficient passage was accordingly assured.

But even more, I wish to thank Senator Morse for his selfless cooperation in joining with the Senate to remove the possibility of an extended debate on his home rule amendment at this time. As I said before, such a procedure now would undoubtedly have no purpose. The Senate apparently is in unanimous agreement.

On October 13, on connection with the International Education Act of 1966, I said:

There was going through my mind the magnificent performance of the distinguished senior Senator from Oregon [Mr. Morse] this year. The Senator has climbed the educational ladder with the elementary-secondary educational bill. It is a magnificent, outstanding, and significant performance, and I give to the Senator all of the credit in the world.

* * * * *

Mr. President, this is the third key education measure directed to successful Senate passage by the distinguished senior Senator from Oregon [Mr. Morse] this session. This fact alone speaks highly for Senator Morse's keen appreciation of the educational needs and problems of the Nation. It also demonstrates clearly his continuing devotion to the task of seeking ways to meet the needs—of offering methods to solve the problems.

So his quick response to the President's proposal for developing a comprehensive international education program—which, I add, is now encompassed in the measure just passed—serves only to emphasize once again Senator Morse's unsurpassed dedication to public service, his ready advance of sound legislation to meet a vital need and his phenomenal ability to get the job done—and done well.

On December 15, 1967, after agreement to the conference report on the Elementary and Secondary Education Amendments of 1967, I said:

> Mr. President, the senior Senator from Oregon has again demonstrated his immense devotion to the cause of education in this Nation. He led the education bill to a great success just a few days ago in this Chamber and today returned to lead the conference report with the same abiding dedication. This measure again testifies to his unswerving devotion to the high education standard he has helped to establish. We thank him. All America is grateful.

Today as we hail the passage of two more monumental education bills, either one of which prior to 1960 would have been deemed impossible of passage, I need only say that "Mr. Education" has again in this Congress beyond doubt followed through on what he so well began and has presented the people of this country with a legacy of law which will enrich future generations. It is my hope that he will be able year after year to maintain this constructive course of public service.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The **PRESIDING OFFICER.** The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Georgia.

Mr. **RUSSELL.** Mr. President, as far as I am concerned, we have completed the presentation on behalf of the committee, and we are ready to proceed with the committee amendments.

The **PRESIDING OFFICER.** The clerk will state the first committee amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 2, line 10, after the word "elsewhere", strike out "$8,056,000,000" and insert "$8,000,000,000".

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The clerk will state the next committee amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 2, line 18, after the word "cadets", strike out "$4,250,000,000" and insert "$4,235,000,000".

The amendment was agreed to.

Mr. **RUSSELL.** Mr. President, in all fairness, it should be stated that after these amendments are agreed to, they cannot be amended. I wish to make that announcement so that if Senators have any amendments to these committee amendments, they should be called up before they are agreed to.

Mr. President, the distinguished Senator from Kentucky [Mr. Cooper] advises me that he has an amendment that would apply to the first amendment, which has already been agreed to. I therefore ask unanimous consent that the Senate reconsider its action in agreeing to that amendment.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the first committee amendment.

Mr. **COOPER.** Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

Mr. **RUSSELL.** Mr. President, unless this matter is handled piece by piece, I think it would be necessary to obtain unanimous consent to consider that amendment in its entirety. He can offer the first part of the amendment to the first amendment of the committee that deals with "Military personnel, Army."

Mr. **COOPER.** Mr. President, may I explain the purposes of the amendment?

Mr. **HOLLAND.** Mr. President, will the Senator yield?

Mr. **RUSSELL.** I yield.

Mr. **HOLLAND.** Mr. President, has the Senator made a request that all committee amendments be agreed to and that they be considered as original text?

Mr. **RUSSELL.** No. I had not made that request for various reasons. I think we can expedite the consideration of the bill if we proceed in the regular order.

Mr. **COOPER.** Mr. President, the amendment which I sent to the desk——

The **PRESIDING OFFICER.** The Chair advises the Senator from Kenutcky that it would take unanimous consent to consider the amendment offered by the Senator from Kentucky at this time, bebecause it deals with several different places in the bill, and the committee amendments have not been agreed to.

Mr. **COOPER.** Mr. President, may I explain the purposes of the amendment?

The **PRESIDING OFFICER.** Does the Senator ask unanimous consent to proceed to the considereation of his amendment?

Mr. **COOPER.** Mr. President, first may I explain the amendment so that I may get unanimous consent?

The **PRESIDING OFFICER.** The time is under control.

Mr. **COOPER.** Mr. President, may I have 3 minutes on the bill?

Mr. **RUSSELL.** Mr. President, I yield 4 minutes to the Senator from Kentucky.

The **PRESIDING OFFICER.** The Senator from Kentucky is recognized for 4 minutes.

Mr. **COOPER.** Mr. President, I will explain the purpose of the amendment, and if I can secure unanimous consent to have the amendment considered at this time, I believe it will expedite the work of the Senate.

Amendment No. 1013 is presently sponsored by Senators Case, Clark, Hart, McCarthy, McGovern, Metcalf, Mondale, Nelson, and Young of Ohio.

ADDITIONAL COSPONSOR

Mr. President, I ask unanimous consent to have the name of the Senator from West Virginia [Mr. Randolph] and the junior Senator from Oregon [Mr. Hatfield] cosponsors of amendment No. 1013.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **COOPER.** Mr. President, amendment No. 1013 embraces four items for a total of $387.4 million which I seek to have stricken from the bill.

The bill contains a total of $700.3 million for the Sentinel anti-ballistic-missile system. The portion which my amendment would strike would be that portion which is directed toward the actual mass production of the components of the system and the initiation of the deployment. It would not touch in any way the remaining sum which would be available for continued research and development including the full testing of a complete prototype.

This matter has been considered in previous debates on prior bills. And similar amendments which I have offered in the past together with the Senator from Michigan [Mr. Hart] have been rejected.

This is the last bill in which we will have an opportunity to vote this year on this matter dealing with the Sentinel anti-ballistic-missile system.

I believe, and my colleagues who have joined with me and others have to come to the decision that before we take this step—a step we consider to be an irreversible step—toward the deployment of this system at a cost estimated at about $5.5 billion, that we should fully examine its purpose. According to the administration it is supposed to be directed against an alleged Chinese threat. I shall speak of that when I have the opportunity. Yet it is generally considered by the managers of the bill the commencement of a heavy ABM system directed against the Soviet threat.

I recognize that in the past debates, that a number of important matters were, of necessity, classified.

I have read the hearings. I have read the report of the Senate Preparedness Subcommittee just published. From these alone, it is evident that there are factors concerning the system which, because of their classification, are not available in their entirety to all Senators for debate in open session.

Mr. **RUSSELL.** Mr. President, will the Senator yield?

Mr. **COOPER.** I yield.

Mr. **RUSSELL.** Mr. President, as a Senator of the United States, the Senator from Kentucky can get any information he desires. And he can be briefed on the subject by the proper officials. But, of course, matters of this very high security classification are not usually reduced to writing. I do not want the Senator to leave the impression that he, as a Senator, has been denied information in any way.

Mr. **COOPER.** No. I was going to deal with that in a moment. I can, of course, get that information.

I have been able in the past, when I had time, to sit in on the Armed Services Committee hearings because of the courtesy of the distinguished chairman of that committee. I have been very interested in this matter. I have discussed it with and have been briefed by members of the Department of Defense and by members of the Central Intelligence Agency. However, the fact that I have been thoroughly briefed and that I may cast a knowledgeable vote on the matter does not mean that all of these facts have been made available to all Senators.

Mr. RUSSELL. The facts are available to all Members of the Senate that want it. There is no way that I know of that I can require all Senators to obtain these extensive briefings.

Mr. COOPER. I understand that. However, whatever these opportunities may be, we are embarking this year—and I said, I believe irreversibly—upon the deployment of this system which might cost $5 billion, $40 billion, or $70 billion. Some have stated that they believed it would cost as much as $70 billion. However, cost is not the important thing if a system would in fact defend our country and enhance our security and protect the lives of our people.

The point has been raised by many competent students and informed persons in the Department of Defense——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, will the Senator yield me an additional 2 minutes?

Mr. RUSSELL. Mr. President, I yield 2 additional minutes on the bill to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for an additional 2 minutes.

Mr. COOPER. Mr. President, these elements are questionable.

Mr. MANSFIELD. Mr. President, does the Senator intend to offer an amendment so that we may get started?

Mr. COOPER. Yes. However, it would be subject to unanimous consent. I hope that by my explanation I may make my purposes clear.

Mr. President, I will close by saying that I have been allowed—and I think very generously—a total of 2½ hours for debate on this subject.

AMENDMENT NO. 1013

The PRESIDING OFFICER. Does the Senator ask unanimous consent to proceed to the consideration of his amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The question is on agreeing to the unanimous-consent request of the Senator from Kentucky that he be permitted to offer his amendment.

Mr. RUSSELL. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

On page 2, line 10, strike out "$8,000,000,000" and insert in lieu thereof "$7,994,300,000".

On page 6, line 25, strike out "$7,805,000000" and insert in lieu thereof "$7,766,000,000".

On page 15, line 5, strike out "$5,031,400,000" and insert in lieu thereof "$4,688,700,000".

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. None of the funds appropriated in title I, II, or III of this Act may be expended in connection with the Sentinel anti-ballistic missile system."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543".

Mr. COOPER. Mr. President, I will make a motion to close the doors, and if I receive a seconding motion, the Senate will then go into closed session. Some of these important questions may then be asked and answered, and then if the Senators are satisfied, we will return to open session.

I think this is a matter of great seriousness. For this reason, I hope that the Senate will permit me to offer the amendment. Otherwise, I will have to offer it singly as these various items come up.

I believe that my suggested procedure would expedite the work of the Senate.

Mr. President, I will make a short statement and then move to close the doors.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 15 minutes.

The amendment which Senator HART and I and other cosponsors have introduced to H.R. 18707 would strike from the bill $387.4 million allocated for the deployment of the Sentinel anti-ballistic-missile system. I emphasize that its effect would be to prohibit the deployment of the system during fiscal year 1969, ending June 30, 1969. $342.7 million of this sum is for the initial production of Sentinel components, 5.7 million for personnel needed for deployment, and $39 million for the operation and maintenance of the components.

A total of $700.3 million in the bill is recommended by the committee for use on the Sentinel system. $312.9 million will remain for research and development even if the amendment is adopted. I point out that the adoption of the amendment would not inhibit in any way a full and vigorous research and development program for the proposed ABM system. The only prohibition would be upon the manufacture and mass deployment of the system.

A vast sum of money has been approved by the Congress during this session for the ABM system. H.R. 16703, the military appropriations bill, approved by this body on June 25, provided a total of $263 million for the purchase and construction of sites for the Sentinel system—$227.3 in new appropriations and a carryover of some $36 million. The Atomic Energy Commission appropriations bill includes $324.5 million for Sentinel components. These prior appropriations and the item of $312.9 million in the pending bill for research and development total $900.4. It cannot be said that the Congress is stingy in providing funds for the development of the system.

I am sure that it will be argued, as it was during the debate on the prior bills, that this amendment is inappropriate, that the prior approval by the Congress of the two bills which provide funds for the Sentinel system should end further debate on the issue. I cannot agree. Once the ABM system is deployed, it will be difficult for the Congress or the administration ever to reverse the full deployment of the Sentinel system.

We will have committed the Nation to the expenditure of over $5 billion on the so-called thin system against the Chinese threat. I believe it more accurate to say from the testimony before the Appropriations Committee that we will have entered upon an expenditure of at least $40 billion and many believe $70 billion or more toward the development of a system designed to meet a Soviet threat. A system which will have the effect of causing the Soviets to erect a similar system. Ultimately no advantage will accrue to either the United States or the Soviet Union when the systems are completed.

What we are asking by the submission of this amendment is to obtain all of the necessary facts that are available so that all of us in the Senate may make a reasoned judgment as to whether we should take this initial and perhaps irreversible step. Whether one approves or disapproves the installation of the system now, the facts should be available to all of us.

While I have stated the estimated costs of installing an ABM system, the seriousness of this issue cannot be stated in terms of money. As I said in previous debates, I am sure that all of us in the Senate and the vast majority of the people of our country would be willing to spend this sum and larger sums if in doing so a system would be provided which would protect the security of our country and the lives of our people.

The true issue is whether the installation of an ABM system—a "thin" system against a Chinese threat or against a Soviet threat—will increase the security of the United States and protect our people. Or will it lead to the installation of a system of vast cost which would be matched by the Soviets. The consequences of deployment at last would bring no additional protection and only an increase in nuclear weapons and an enlargement of the danger of nuclear disaster.

During the debate on the bills which we have considered, several propositions were argued strongly by the proponents of the ABM system, but they need closer examination.

I turn my attention first to the proposition that it is necessary to provide funds for a "thin system" against a Communist Chinese nuclear threat.

The Communist Chinese have not yet fired an ICBM missile, but it is only fair to say that it is expected that they have the capacity to do so in the near future. It is also said that the Chinese would be able to fire a number of missiles against the United States by the midseventies. The number of such missiles that it will have produced by the midseventies is classified in the hearings, but from statements by former Secretary of Defense McNamara and others, it appears that the estimate is under 10 missiles. Other witnesses stated that, if the United States deploys the "thin" system, the Chinese would not be foolish enough to develop a primitive missile against which the system would provide protection, but would develop a hardened missile with aids to enable it to penetrate the "thin" system.

It is also admitted in the testimony that, as the Chinese develop larger numbers and more effective missiles, the United States would be required to "heavy" its "thin" system. Senator RUSSELL expressed what I believe to be a logical view when he said in the course of the hearings that he did not believe the Chinese were crazy enough to "attack us with four or five missiles when they know we have the capability of virtually destroying their entire country." The argument for a "thin" missile system rests, I submit, on "thin" ground.

It has become clear from the hearings and the debates that the Joint Chiefs of Staff and the Senators who are well qualified and influential in military affairs consider and intend that the "thin" Sentinel system to be the first installation of a heavier system oriented against an attack by the Soviet Union. I quote a relevant passage at page 612 from volume 2 of the hearings held in May by the Appropriations Committee:

> Senator STENNIS. It is my understanding that the Joint Chiefs of Staff still recommend the development of an ABM system to protect against a Soviet missile attack. Is this correct?
>
> General JOHNSON. Yes. In addressing actions on force levels for the (deleted) the JCS have stated that "none is more necessary for the defense of the United States than the deployment of an effective ballistic missile defense against the Soviet Union."
>
> Senator STENNIS. Are you satisfied that the budget for fiscal year 1969 includes adequate funds for a timely deployment of what has been described as the Sentinel System?
>
> General JOHNSON. Yes. As I indicated in my prepared statement, I believe the funds requested for fiscal year 1969 to be the bare minimum required to meet the presently directed readiness schedules.
>
> Senator STENNIS. It is my understanding that those elements of the Sentinel System would serve as the first increment to the deployment of a system to defend against the Russian threat. Is this correct?
>
> General JOHNSON. Yes. The Sentinel System, as approved for deployment is considered to be a worthwhile initial step toward an effective defense against the Russian threat.

The distinguished chairman of the Armed Services Committee, Senator RUSSELL, made it plain that in his view the Sentinel is directed against the Soviet Union and not against Communist China. In a discussion by Senator RUSSELL with General Starbird, director of the Sentinel program, the following exchange occurred, as shown on page 868 of volume 2 of the hearings:

> Senator RUSSELL. This concept of a missile attack originating in China any time in the near future seems to me to be very remote. The Chinese are not completely crazy; they are not going to attack us with four or five missiles when they know we have the capability of virtually destroying their entire country. They will fight us with conventional weapons, if we do have a war, in order to run us out of Korea or some similar area. All of this talk about preparing for a Chinese missile attack, in my judgment, is just to cover up an admission of error in not starting an anti-ballistic missile system against Soviet Russia any earlier than we did.

Later in the same testimony, the distinguished chairman said:

> Senator RUSSELL. I don't think there is any question but what they will proceed to develop one. It is inconceivable to me that they would fire the first ones they had against this country and know they would be destroyed if they did so. I am glad we are going ahead, you understand, but I don't like people to think that I am being kidded by this talk of defense against a Chinese nuclear threat because I don't think that the Chinese are likely to attack us with an intercontinental ballistic missile at any time in the near future.
>
> I am delighted that the executive branch finally decided to proceed with the deployment of even this "thin" ABM system, because it is the first step toward the deployment of the complete system that I think is required. I have often said that I felt that the first country to deploy an effective ABM system and an effective ASW system is going to control this world militarily.

I agree with Senator RUSSELL and Senator STENNIS that the true purpose of the action we are asked to take is to commence the installation of an anti-Soviet system.

Undoubtedly the pressures that have built up in the Congress and the country for the deployment of an ABM system are due to concern for the Soviet deployment of a defense system at Moscow and perhaps at Tallinn. Statements have been made again and again in our debate that as the Soviet Union is deploying an ABM system and impliedly an effective system, and that we must proceed for our self-protection.

To make a rational judgment we must inquire as to the kind of ABM systems the Soviets have been installing, that we secure all the facts available about its effectiveness and whether it would affect the capacity of our offensive missile system to destroy the Soviet Union even if it should first attack the United States.

I do not think it can be challenged as has been detailed in debate from reliable sources of intelligence that first, the so-called Leningrad system is obsolete and does not exist in any effective form; second, while there is a division of opinion, the weight of the authority is that the so-called Tallinn system is directed against aircraft and air-breathing missiles; third, the "Moscow" system has been reduced in size and number of its components, and its installation has been measurably slowed down; and, fourth, the existing system at Moscow could be destroyed by our offensive nuclear weapons.

It may be argued that the experience the Soviet Union has gained in the installation of its works around Moscow has provided a lead which is dangerous to the United States. This argument must be looked at from the standpoint of the relative effectiveness of the partially deployed Soviet system and the system the United States has the capacity to deploy. If we can ascertain the facts in this debate, I believe it would be found that our intelligence considers that the components of the Moscow system are inferior to those being developed by the United States. The hearings state that the United States has developed and is testing some of the components of the Sentinel system, that further tests are scheduled, and the components yet to be built are being developed—all this supported by the large sums we have appropriated for research and development. Because research and development would have continued, if it should become necessary to install an ABM system, ours would be superior to that now installed by the Soviet Union. I cannot believe that a postponement of deployment during this fiscal year would endanger the United States.

Is there danger in postponing the initiation of the Sentinel system during this fiscal year? The United States can at any time destroy the Soviet system now deployed around Moscow. Our nuclear arsenal consists of over 1,700 ICBM's on land sites and under the sea. Our SAC Air Force carries an even vaster destructive force. This missile force, it is said, will be increased by a factor of five to 10 times by the development of MIRV—multiple independently targeted reentry vehicles. In addition, we have approximately 7,000 nuclear weapons of various ranges in Europe.

The history of the nuclear arms race is one of action by the United States or the Soviet Union, of reaction and counter reactions. Every intelligence estimate considers that if the United States builds an effective Sentinel system, it will only lead to the installation of a similar system by the Soviet Union. Every civilian and military authority has declared publicly that the United States has the capacity of "assured destruction"—that is, the ability to destroy the Soviet Union even if it should first attack the United States. And they agree that the Soviet Union has the same capacity to destroy the United States. If this is correct, the construction of a Soviet ABM system would not degrade our assured ability to destroy the Soviet Union. Correspondingly, the Sentinel ABM system, thick or thin, will not alter the capacity of the Soviet Union to destroy the United States.

An argument made again and again during the debate, and one which appeals to all of us, is that we must install the ABM system to save the lives of our people. This argument proceeds upon the assumption that the system deployed would provide an effective defense against Soviet offensive missiles.

This argument proceeds also on the assumption that if the United States installs a heavy ABM system that the U.S.S.R. would not do so. Every statement by those in authority and by the Preparedness Subcommittee negates this argument. Every statement is that the Soviet Union would react and would install a similar system. I will insert again in the RECORD the estimates furnished by former Secretary of Defense McNamara of the lives that would be lost in both the United States and the Soviet Union if our countries proceed on this course. The table shows that if the United States deployed a "heavy" ballistic missile system against the Soviet Union and the Soviet Union then deployed a system the ultimate result would be that the number of lives lost would be about the same, no matter who struck first.

NUMBERS OF FATALITIES IN AN ALL-OUT STRATEGIC EXCHANGE, MID-1970'S[1]

U.S. program	Soviet response	Soviets strike first against military and city targets; United States retaliates against cities		United States strikes first at military targets; Soviets retaliate against U.S. cities and United States retaliates against Soviet cities	
		U.S. fatalities	Soviet fatalities	U.S. fatalities	Soviet fatalities
No ABM	None	120	120	120	80
Sentinel	do	100	120	90	80
	Pen-Aids	120	120	110	80
Posture A	None	40	120	10	80
	MIRV, Pen-Aids	110	120	60	80
	Plus 100 mobile ICBM's	110	120	90	80
Posture B	None	20	120	10	80
	MIRV, Pen-Aids	70	120	40	80
	Plus 550 mobile ICBM's	100	120	90	80

[1] At fatality levels approximating 100,000,000 or more, differences of 10,000,000 to 20,000,000 in the calculated results are less than the margin of error in the estimates.

This table of estimates indicates that after both had deployed such systems, the lives lost would be comparably the same as if neither had installed a system.

The Senate has been asked to ratify the Nuclear Nonproliferation Treaty. The treaty has as its chief object the prevention of the proliferation of nuclear weapons by binding nonnuclear weapons nations from ever developing or possessing nuclear weapons. In turn, the nuclear nations are bound by article VI "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race."

The Senate, on May 12, 1966, approved these objectives embodied in a resolution offered by Senator PASTORE:

> *Resolved,* That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace and for the solution of nuclear proliferation problems.

President Johnson, and before him, President Truman, President Eisenhower, and President Kennedy, have sought enforceable agreements with the Soviet Union on the control of nuclear weapons. President Johnson proposed again last year negotiations with the Soviet Union, and only recently the Soviet Union signified its willingness to enter into negotiations on the limitations of offensive and defensive nuclear weapons.

No one can say whether there will be negotiations or whether agreements will be reached. I believe that it is reasonable to delay the deployment of this new nuclear weapons system for at least a year, to determine whether the Soviet Union will enter into meaningful negotiations. If it will not do so, and if it proceeds with the installation of an ABM system, then the executive branch and the Congress may have no alternative but to match the rise in the weapons of terror.

Let us not, when there is a chance to bring reason to the world and a halt to the "mad momentum" of the nuclear race, jeopardize the chance we need, the world needs, by the wrong decision. The correct decision, the hard decision, the tough decision, in my view, is to delay the deployment of the Sentinel system and pursue negotiations with the Soviets on defensive and offensive weapons. What we may be able to gain is a way to lessen the dangers of nuclear disaster, a way toward security, and the protection of our people and, in truth, the protection of civilization.

The Senate should examine and test thoroughly all of the facts before it votes to deploy the Sentinel system and enters into a new phase of the nuclear weapons race, which may be irreversible.

So, Mr. President, the real question, as I see it, is whether we can delay for 1 year, to then determine if the Soviet Union does continue with its deployment of this Galosh system around Moscow or any other place in the Soviet Union; and whether we should take the chance, and admit there is just a possibility that the efforts which have been made toward negotiation with the Soviet Union will be fruitful in order to see if there can be some halt to the proliferation of these weapons.

Of course, there may not be a halt. The point is, what can be lost in a delay of 6 to 7 months to determine these issues before we embark on this system which, in the end, will have no capacity to protect the United States against the sophisticated offensive weapons of the Soviet Union, and particularly if the Soviet Union deploys, as it surely would, its antiballistic heavy missile system?

This position is characterized by some as an argument or proposal which could endanger the security of this country. Without directly saying so, some give the impression that those of us who argue this position may not appreciate the so-called realities of these matters. I do not think so. I think the hard decision, the tough decision, and the correct decision to make is to examine this issue upon the facts and merits and then to take the step that reason dictates to postpone this decision for a year.

The PRESIDING OFFICER. (Mr. SPONG in the chair). The time of the Senator has expired.

Mr. COOPER. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, in following that course we may gain an agreement to reduce or halt the proliferation of weapons which threatens to engulf the world and destroy civilization. It is a serious question and it deserves reasoned judgment by every Member of the Senate upon the basis of all facts that can be made available.

While this is probably the last chance for those who have introduced this amendment and others who have supported it strongly in the past, we feel that at least a final effort should be made before we embark on this course. That is the reason I offer the amendment. If other Senators wish to join as cosponsors or to speak in support of the proposal at this time, I would be glad to hear from them. The Senator from Michigan [Mr. HART] intends to speak and then I shall at an appropriate time make my motion to proceed under rule XXXV to close the doors so that we may propound to the managers of the committee and of the proponents of this system some questions regarding certain matters and going into detail, so that we will have more than general statements regarding the substance and will have the facts upon which they base their recommendations.

Mr. HART. Mr. President, will the Senator from Kentucky yield to me for 2 minutes?

Mr. COOPER. I yield 2 minutes to the Senator from Michigan.

Mr. HART. Mr. President, I wish to thank the able Senator from Kentucky for again raising this matter. All of us understand it is not an easy decision. Either way hazards attach.

However, I would make the point that I believe the amendment is carefully drawn. It insures that more than $300 million will remain available in this fiscal year for research and development on Sentinel. What it does propose is to prevent the placement, the deployment, of the system, at least through the end of this fiscal year.

This subject is not new to us. Twice the Senate has indicated its feeling that we should go forward. But we are now at the point where time will have to run out if we do not delay. I know that in the interval between the action of 2 months ago and now the Soviet Union has flexed its muscles in Czechoslovakia. I have heard it said that as a consequence, if for no other reason, we should go forward with deployment of the Sentinel.

In my judgment, the items are unrelated. If it was prudent and wise for us to delay before, the Soviet action in Czechoslovakia does not alter that at all. If the reasons advanced before were invalid, they are invalid now.

SOVIET INTERVENTION IN CZECHOSLOVAKIA

Mr. President, the surprise Soviet intervention in Czechoslovakia a month ago has led to a reappraisal of some of our relationships with the Soviet Union, but it should not drive us to irrational responses purely to show how tough we can be. There was considerable feeling some days ago, for example, that we should postpone action on the Nonproliferation Treaty because of the Russians' behavior, although to do so would clearly be hurting ourselves at least as much as we would hurt the U.S.S.R. It would be like the child who is angry at his parents and so refuses to eat. That the Committee on Foreign Relations reported favorably on the treaty, is encouraging and I hope it will receive the prompt approval it deserves.

But a far more serious mistake in my view would be to use the Russians' actions in Czechoslovakia as an excuse to plunge ahead with the Sentinel ABM program which, as I understand it, Secretary Clifford has now announced he intends to do, despite the many persuasive reasons for not doing so.

In June and July, before the Soviet action, we were treated to a variety of reasons why we should build Sentinel. Over the summer, serious question has been raised as to whether the system could perform as advertised and whether the many reasons given for building it hold up under scrutiny. It seemed wise then to postpone the decision to deploy this system.

The Russian intervention in Czechoslovakia was deplorable, but the fact that it took place does not in the slightest change the case against Sentinel. Thus it seems wise today, as it did earlier this year, to defer the decision to deploy this system.

But now we are confronted once again with the same old arguments for going ahead with Sentinel—and at the front of them is that most discredited argument of all—that Sentinel is going to protect us against a Chinese missile attack.

This argument is like Rasputin. No matter how many times he got knocked down, bludgeoned, stabbed, shot, and thrown in the icy waters of the River Neva, he kept coming back to life.

It has never been clear to me why we should be in such a rush to defend ourselves against the Chinese missile attack. Last June there was mounting evidence that the Chinese ICBM program had slipped far behind schedule; now we read in the papers of fresh evidence of still greater slippage in their programs. Yet the Secretary of Defense insists that we should build Sentinel to protect ourselves against the Chinese—and what is more—in the same breath he argues that by so doing we prove our toughness to the Soviets.

Mr. President, how do we accomplish this? When the argument was made earlier this summer that we needed to negotiate with the Soviets from strength, I questioned whether anyone could play poker with a hand his opponent knew was worthless. Now we are to show our toughness not only in the unwarranted expectation that negotiations will be encouraged by such a stance but also to punish the Russians for their misdeeds in Czechoslovakia. What is the logic to this? Will the Russians be impressed by our demonstrated willingness to spend large amounts of money on an ineffective weapons system intended to use against another country? Will they be intimidated by our eagerness to repeat a mistake they made earlier when they too wasted billions on one inadequate antimissile system after another? Mr. President, if we are supposed to use our nuclear might to persuade the Russians to be more reasonable in their actions in Eastern Europe we should have been able to do so already with our vast arsenal of offensive nuclear missiles—capable of decimating the U.S.S.R. many times over—and should not need to add to this frightful arsenal the ineffective and wasteful Sentinel ABM. And if the Russians are to be persuaded to come to the negotiating table by our demonstrated willingness to go ahead with Sentinel you would think we would be sitting at that table already since they have an ABM now. If having an ABM means negotiating from strength, and if negotiating from strength gets the other side to the table, why are we not there at this minute?

Mr. President, the arguments for Sentinel are so thin that one is tempted to agree with the suggestion made in the House of Representatives on July 29 by Mr. Ottinger of New York, when he said:

> I do not believe the ABM program we are discussing today is necessary at all as insurance to protect the safety of the American people. I believe the real purpose of this ABM System is as insurance for our defense contractors. . . . This newest thrust into wasteful militarism increases the level of power in the world. It is a fraud on the taxpayers of this country and an outrageous subsidy for the military-industrial complex which will be the sole entity whose security will be enhanced.

I do not know if Mr. Ottinger is right. I do know that the country's security and best interests will be well served by eliminating from this bill the funds requested for the deployment of the Sentinel ABM. The amendment offered by the respected Senator from Kentucky, and which I cosponsor, is carefully drawn. More than $300 million will remain for research and development of Sentinel if the amendment is adopted. What the amendment will do is prohibit deployment of the system during fiscal year 1969, which ends June 30, 1969.

Mr. President, I ask unanimous consent to have printed in the Record an excellent editorial entitled, "The Irrelevant Sentinel," which was published in the St. Louis Post-Dispatch of September 7, 1968.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE IRRELEVANT SENTINEL

Secretary Clifford's decision to press forward with development of the Sentinel anti-missile system is a predictable, but nevertheless depressing, response to the Soviet invasion of Czechoslovakia. It is depressing because the response is automatic, utterly illogical and irrational.

Brutal and reprehensible as the occupation of Czechoslovakia was, it did not in any respect alter the balance of nuclear power between the United States and the Soviet Union. Nor will the Sentinel anti-missile system alter it if Pentagon spokesmen are to be believed. In arguing for a "thin" anti-missile defense the Pentagon acknowledged that no improvement of our nuclear capability against Russia would be achieved. The Sentinel was supposed to protect us against the hypothetical menace of a Chinese madman at some distant date in the future; and even this was not persuasive.

One thing the development of the Sentinel can do is to trigger an uncontrollable acceleration of the nuclear arms race. The logical answer to an anti-missile system is a very large increase in offensive nuclear missiles by the other side. And the predictable response to that is a large increase in overkill capacity on our side.

Secretary Clifford says going ahead with Sentinel will enable us to negotiate for nuclear arms control "from strength." But on that basis the Russians would be justified in stepping up their own nuclear weaponry in order to negotiate "from strength." Disarmament is not likely to be achieved by such a process.

We fear Mr. Clifford's decision is not a rational one at all, but simply a yielding to military pressure which is always ready to use any crisis to keep the arms race going. Justifiable concern over the Czech crisis is being exploited to commit the country to a basically useless anti-missile system.

In a recent article Dr. Hans Bethe and Dr. Richard Garwin, both former members of the President's Science Advisory Committee and both former consultants on weapons development, held that an ABM defense against China, as contemplated with Sentinel, would be ineffective. It would be fantastically complex, and by its nature could never be tested. Recently a Soviet scientist, Dr. Andrei Sakharov, listed a number of ways in which an ABM system could be penetrated. And it will be a long time, anyway, before China has a nuclear-missile capability worth worrying about.

We have always feared that the "thin" antimissile system represented by Sentinel was only a way-station, meant to accustom the country to the idea of enormous expenditures for a "thick" system. These fears can only be strengthened when Mr. Clifford uses the Czech crisis as an excuse to step up work on the Sentinel even though by the Pentagon's own argument the Sentinel is wholly irrelevant to our defense posture against the Soviets.

The worst of it is that Congress, as always, is only too willing to approve and even demand such arms expenditures in hysterical reaction to the Soviets' ruthless use of armed power. It doesn't matter that the Sentinel will not make one jot of difference in the balance of military power between us and the Soviets—go ahead and spend the billions. Such is the congressional attitude. And it is likely to prevail unless a President and a Secretary of Defense insist on talking sense about the arms race.

Mr. HART. Mr. President, I hope that given the opportunity the Senate will support the Senator from Kentucky [Mr. Cooper] in his effort to delay deployment of the Sentinel, but proceed aggressively with research and development of the system.

Mr. CLARK. Mr. President, will the Senator yield to me?

Mr. COOPER. I yield 5 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I rise in support of the amendment of the able Senator from Kentucky. His amendment, which I am happy to cosponsor, is identical with my amendment No. 985, with the exception that I would have stricken on page 21, lines 11 and 12, the sum of $1,528,730,000 and replaced it with the figure $1,215,930,000. That is because my amendment, being more drastic than the amendment of the Senator from Kentucky, would have stricken the research and development item for Sentinel, although not other research in missile protection, in addition to the sums which the Senator from Kentucky has included in his amendment.

I would support, of course, research and development appropriations in other possible missile defense systems, but not for Sentinel.

I have been speaking out against the deployment of an antiballistic missile system for quite a while. The first time on the floor of the Senate was on Thursday, July 27, 1967, when I spoke on the subject of antiballistic missiles and the military-industrial complex. That speech is found in Volume 113, No. 117 of the CONGRESSIONAL RECORD. It is a rather extended speech, quoting and referring to some of the information which had been made available to the Committee on Foreign Relations when we had rather extensive hearings before the Subcommittee on Disarmament of that committee earlier in the year 1967.

I spoke again to the same effect on the floor of the Senate on Monday, October 9, 1967, at which time the administration had made a decision to go ahead with the so-called thin ballistic missile system. That speech, as I have said, appears in the CONGRESSIONAL RECORD on Monday, October 9, 1967.

I had occasion to refer to the matter again yesterday, Tuesday, October 1, and my comments appear in the CONGRESSIONAL RECORD at page 28944 and succeeding pages.

I inserted in the RECORD yesterday, at the conclusion of my remarks, the comments of Congressional Quarterly with respect to the missile defense system. Those comments, together with a rebuttal by the Pentagon and the counterrebuttal of Congressional Quarterly, appear on page 28951 of the RECORD.

I agree thoroughly with what the Senator from Kentucky and the Senator from Michigan have said. I am deferring to the Senator from Kentucky in order that he may have the opportunity to bring his amendment to a rollcall vote and will not bring up my own amendment on the same subject, in order to save the time of the Senate, because I believe that the amendment of the Senator from Kentucky is about as far as the Senate might be willing to go in this matter.

In fact, a case can be made for continuing research and development on this system, although in its present state it is utterly useless.

Perhaps some genius might come up with a weapons system or some method might be devised for an ABM system which would be effective, but that has not been done yet.

Let me stress that I know of no objective expert—and I stress again the words "objective expert"—in this field who will not admit that the present state of the art of the ABM system is such that what we would build now would be, for all practical purposes, useless in defending against the Soviet Union, and of so little utility in defending against an attack by the Chinese Communists that building it is not worth it, in the light of other methods of deterring a nuclear attack.

Mr. President, I thoroughly agree with Secretary McNamara who was of the view that more offensive capability was the best defense against a Soviet missile attack.

We have, at the moment, of course, the absolute power to destroy Communist China with a nuclear attack which would take no more than a few hours.

To put this initial investment into an ABM system which is worthless, seems to me to be fiscal folly at a time when there is such enormous waste in this military appropriation, anyway; at a time when we need so desperately to defend the dollar against devaluation; at a time when we need so desperately to cut our administrative deficit, which was $25 billion in the last fiscal year; and, finally, at a time when we are cutting back drastically on our domestic programs, in order to play with what I have already called on the floor of the Senate a "sophisticated Erector set"—a toy for experts to fool with.

Therefore, Mr. President, I thank the Senator for yielding to me at this time and I hope very much that the amendment will be adopted.

Mr. COOPER. Mr. President, I yield myself one-half minute to thank the Senator from Pennsylvania for his comments. Long years ago, he courageously spoke out on this subject and questioned the effectiveness of this system.

Mr. PERCY. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOPER. I am happy to yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I thank my distinguished colleague. I should like to indicate that I intend to support his amendment. I have sought out the best information available to me as a Senator to be assured that the amendment will in no way endanger the national security of this country.

In my judgment, it will not.

In fact, I feel that it will enable us to employ our available resources to the greatest security, now, of the United States of America.

As I said during the debate on the military construction authorization bill, I believe it would be desirable to defer the decision to deploy an antiballistic missile system until we have a new administration.

A lag in Chinese missile development, and a slowdown in the Soviet antimissile system program give us time to leave this matter to the judgment of our soon-to-be-elected President. Let him review all aspects of the controversy on ABM deployment. Let him decide and make his considered recommendation to Congress.

Mr. President, I should like to have unanimous consent to have printed in the RECORD——

Mr. BYRD of West Virginia. Mr. President, I yield 1 minute to the Senator from Illinois for that purpose.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. PERCY. I ask unanimous consent to have printed in the RECORD a recent article published in the Washington Post entitled "Russians Slow Work on Antimissile Sites," written by George C. Wilson.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIANS SLOW WORK ON ANTIMISSILE SITES

(By George C. Wilson)

U.S. satellite pictures indicate the Soviet Union is conducting reappraisal of its bomber and missile defenses.

The photographic evidence shows that the Soviets have slowed, if not called off, the construction of an anti-missile defense around Moscow.

The satellite pictures also have satisfied U.S. intelligence officials that the Tallinn defense across the northeast approaches to Russia is against American bombers, not missiles.

But even this Tallinn defense, U.S. specialists believe, is now being challenged in Russia as hardly worth it, based on the experience of similar Soviet anti-aircraft equipment in North Vietnam.

"What you have to realize," said one American specialist, "is that knocking down 20 per cent of attacking aircraft is success in conventional war but sheer disaster in nuclear war."

United States fighter-bombers have been getting through Soviet anti-aircraft defenses in North Vietnam to an extent that would be disastrous to the Soviet Union in a nuclear war.

The Soviet Union has provided the North Vietnamese with the SA–2 anti-aircraft missile, the one which knocked down Gary Powers' U–2 over Russia. While the Soviets have developed an SA–3 which is better, it is far from 100 per cent effective.

The Soviet air defense is against American B–52s and B–58s which would fly in low with nuclear bombs. There are signs the Soviets now share the U.S. Air Force's confidence that a large number of those bombers would get through the defense.

"The question now before Soviet strategists," said an American specialist, "is where do we go from here?"

Historically, the Soviet Union has spent more money on defensive weapons than on offensive ones. The ratio is about 3 to 1 compared to 1 to 1 for the U.S., according to those who made a long-term study of the subject.

It would, therefore, be quite a wrench for the Soviets to change this long-time emphasis to the offense. But the proven penetration ability of airplanes and the projected penetration of modern missiles may be pushing them into it.

If that is true, the Soviet Union may be more willing today than at any time in the past to sign an agreement with the U.S. to freeze defensive missile deployment.

Mr. COOPER. Mr. President, I suggest the absence of a quorum, with the time to be charged to me.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I address a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. In the event that a motion is made under rule XXXV, and seconded, to close the doors, do I correctly understand that such time as is used in the closed session will be controlled by the unanimous-consent agreement?

The PRESIDING OFFICER. The time will be controlled during a closed-door session, under the same conditions as we have been operating.

Mr. COOPER. My second parliamentary is: I know that the galleries will be cleared, but what persons will remain on the floor of the Senate?

The PRESIDING OFFICER. All unauthorized persons will be cleared from the floor and any who must stay will be sworn to secrecy.

Mr. COOPER. Then do I understand correctly that a report of the proceedings in the closed session will be made as usual?

The PRESIDING OFFICER. That would have to be on a Senator's motion.

Mr. COOPER. We have not gone into the closed session yet.

Mr. President, do I correctly understand that the vote on the amendment would be in open session?

The PRESIDING OFFICER. The Chair will state to the Senator from Kentucky that that would depend upon the will of the Senate.

Mr. COOPER. Could both the motion to record the proceedings and then to vote in open session be made in the closed session?

The PRESIDING OFFICER. That is correct.

Mr. COOPER. I shall make such a motion.

Mr. MANSFIELD. Mr. President, are we in closed session?

The PRESIDING OFFICER. Not yet.

CLOSED SESSION

Mr. COOPER. Mr. President, I invoke rule XXXV, and move that the doors of the Senate be closed.

Mr. CASE. Mr. President, I second the motion.

The PRESIDING OFFICER. The motion having been made and seconded that the Senate go into closed session, the Chair, pursuant to rule XXXV, now directs the Sergeant at Arms to clear the galleries, to close the doors of the Chamber, and that all personnel not cleared for secrecy be excluded.

(At 12 o'clock and 30 minutes p.m., the doors of the Chamber were closed.)

Mr. MANSFIELD. Mr. President, while the Sergeant at Arms is following the instructions of the Chair under the rule and clearing the galleries and the floor of those who are not qualified, I ask unanimous consent that the following individuals who have subscribed to the oath of secrecy required for attendance at such meetings as we are now about to go into be permitted to remain on the floor during the closed session:

Francis R. Valeo, Secretary of the Senate.
Floyd M. Riddick, Parliamentarian.
Edward E. Mansur, Jr., legislative clerk.
Harold G. Ast, bill clerk.
Bernard V. Sommers, Journal clerk.
J. Stanley Kimmitt, secretary for the majority.
John L. Graves, assistant secretary for the majority.
Charles E. Ferris, general counsel, majority policy committee.
Daniel E. Leach, counsel, majority policy committee.
J. Mark Trice, secretary for the minority.
William Brownrigg III, assistant secretary for the minority.
Robert G. Dunphy, Sergeant at Arms.
William H. Wannall, Deputy Sergeant at Arms.
Nicholas J. Lacovara, administrative assistant to the Sergeant at Arms.

The following Official Reporters:

Charles J. Drescher, Chief Reporter.
Francis J. Attig.
Nicholas J. Cinciotta.
Jack Romagna.
Francis J. McSwiggan.
G. Russell Walker.
Grant E. Perry.
William D. Mohr.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. RUSSELL. Mr. President, I ask unanimous consent that William W. Woodruff, assistant chief clerk of the Appropriations Committee, and William H. Darden, chief of staff of the Armed Services Committee, be permitted to remain on the Senate floor during the closed session. These individuals have subscribed to the oath of secrecy required for attendance at such meetings. Both of them have a "Q" clearance and both of them have been at all of the hearings of their respective committees that dealt with these items in highly classified form.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. COOPER. Mr. President, I ask unanimous consent that Mr. William G. Miller, of my staff, be permitted to remain on the floor of the Senate during the closed session. He has been sworn by the Senate. He has official clearances from the Defense Department. He is the only assistant I have on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, if it pleases the membership, I should like to ask unanimous consent that Mr. George F. Murphy, who is the security officer of the Joint Committee on Atomic Energy, and has "Q" clearance, be permitted to remain in the Chamber during the closed session.

Mr. MANSFIELD. Has he been sworn?

Mr. PASTORE. I will have him come over.

Mr. HART. Mr. President, I have a similar unanimous-consent request in the case of Miss Muriel Ferris, of my office. I ask that she be permitted to be in attendance during the closed session. I am advised she has taken the necessary oath.

The PRESIDING OFFICER. Is there objection to both requests? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that Colonel Cowan, my military assistant, be permitted to attend during the closed session. He has classification clearance for secret matters.

The PRESIDING OFFICER. Has he been sworn by the Senate?

Mr. THURMOND. Could he be sworn in a few minutes and then be brought in?

The PRESIDING OFFICER. Conditioned on that understanding, is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum, and I may state that I wish the quorum to be a live quorum. I ask unanimous consent that my request for a quorum call and the time consumed in calling the quorum not be charged to either side.

The PRESIDING OFFICER. The Senator from Tennessee has asked that there be a live quorum and that the time taken for the quorum call not be charged against either side. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object, will the Senator yield briefly?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a recording of these discussions be appropriately made and kept secret.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I withdraw my reservation.

Mr. DOMINICK. Mr. President, I wonder if the Senator will withhold that request for a parliamentary inquiry.

Mr. BAKER. I am glad to withhold it.

Mr. DOMINICK. I want to know what we are going to do about the record. We have had a time, prior to the time of the closed session, in which were indicated the reasons why the Senator from Kentucky's motion should be agreed to. We do not have much on the other side. The question is, Are we going to have the ability to spread on the record both sides of this argument?

Mr. RUSSELL. Mr. President, the opponents of the amendment have available all of their time. The Senator from Kentucky has used a part of his. The limitation on time runs in closed session as well as in open session. I shall be glad to yield to the Senator from Colorado any reasonable amount of time he may desire.

Mr. MANSFIELD. Mr. President, would the Chair rule on the request?

The PRESIDING OFFICER. The Chair will say to the Senator from Colorado, in addition to what has already been said, that the proceedings of this session will be recorded. Whether or not these proceedings are made public is dependent on the will of the Senate. They will be kept secret until the Senate wills otherwise.

Is there objection to the request of the Senator from Tennessee?

Mr. PASTORE. Mr. President, reserving the right to object, is there such a thing as sanitizing the RECORD to make it public? In other words, must it all be made public or not, or can it be sanitized, for example, by the Security Officer of the Department of Defense and that portion of it which is not classified be made public?

The PRESIDING OFFICER. That also would depend upon the will of the Senate.

Mr. PASTORE. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that this is to be a live quorum. Is that correct?

The PRESIDING OFFICER. Yes, and the time is not to be charged to either side.

The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 302 Leg.]

Allott
Baker
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Fulbright
Goodell
Gore
Griffin
Hansen
Hart
Hatfield
Hickenlooper
Hill
Holland
Inouye
Jackson
Jordan, Idaho
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McClellan
McIntyre
Miller
Mondale
Montoya
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

PRIVILEGE OF THE FLOOR

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that a staff member of the Committee on Appropriations, Edmund L. Hartung, be allowed to remain in the Chamber. He has been cleared for classified information and has been sworn to secrecy.

The PRESIDING OFFICER. Is there objections? The Chair hears none, and it is so ordered.

Who yields time?

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. I know that the majority leader made several unanimous consent requests. I ask whether one of them was that after this closed session is concluded, the vote be taken in open session.

The PRESIDING OFFICER. No such understanding has been had; but if the Senate votes in closed session, the vote may be released to the public, as the Senate may desire. The alternative to that is that the Senate can return to open session and have a vote in open session.

Mr. COOPER. Mr. President, I ask unanimous consent that when the closed session is ended, the vote be taken and recorded in open session.

Mr. RUSSELL. Mr. President, reserving the right to object—and I shall not object—there are two or three opponents of the amendment who rightly believe there should be some statement on the other side of this issue to appear in the Record to be printed tonight. Therefore I propose to reserve part of our time and allow them to speak briefly in open session so that their statements may appear in the Record tomorrow.

I am perfectly willing to agree to the unanimous-consent request, but I wanted to make my statement so Senators will know that there will be brief statements made on the other side of the issue before we proceed to the vote.

Mr. COOPER. I think the statement of the Senator is correct. Before we went into closed session, I did speak for about 15 minutes.

Mr. RUSSELL. Not only did the Senator from Kentucky have able remarks to make, but also the Senator from Pennsylvania and other Senators spoke on the other side, and their remarks will appear in the Record tomorrow, and there would be nothing whatever in opposition to their point of view.

Mr. COOPER. I am in full agreement that the record on the other side should be made in open session, to be available in the Record tomorrow.

Mr. RUSSELL. I thought the Senator would agree, in view of the well-known fairness of the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. Montoya in the chair). How much time does the Senator yield himself?

Mr. COOPER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, I spoke for about 15 minutes in open session, giving my reasons for believing that we should go into closed session. I thought we should have a closed session because of the importance of this issue and because this is the final opportunity I believe we will have to vote upon the question of the deployment of the anti-ballistic-missile system in this session. I believe if we do not agree to the amendment which has been offered we will enter upon a course which I believe is irreversible.

Whatever one's opinion may be about favoring or disapproving the installation of this system, I felt the decision should be made upon all the facts that are available or at lease that can be made available to each of us, so that our judgment may be a reasoned one.

I know, for example, that the question of the lives that would be lost in the event of a nuclear attack by the Soviet Union or an attack by the United States upon the Soviet Union, whether it is either the first or second strike, and also the effect upon lives lost, whether an antiballistic system is installed by the United States or the Soviet Union, is of vast importance to all of us.

So I felt that in the other debate that question had not been fully examined and that there were not taken into account certain matters about which I intend to ask questions today.

I shall proceed and address my questions to the distinguished chairman of the Committee on Armed Services and the chairman of the Subcommittee on Appropriations, the chairman of the Preparedness Investigating Committee, the Senator from Mississippi [Mr. Stennis].

In reading the Record, in reading the recent hearings, and in reading the statements made by the distinguished chairmen, the Senator from Georgia [Mr. Russell], and the Senator from Mississippi [Mr. Stennis], I think it became clear that, in their view, this proposal to install this so-called thin system was not one really directed against a Chinese threat but against a threat from the Soviet Union.

Mr. RUSSELL. I can only speak for myself. It was my own view that this was a system that could, of course, be used against any Chinese threat, but I considered it to be—and I want to be frank with the Senator and not deceive anyone—the foundation stone of a missile defense system to protect us against missiles of the Soviet Union. The Soviet Union already has some 900 missiles, space missiles, that they can throw to this country. I do not think the Chinese have (deleted).

I, therefore, am frank to say I consider it primarily the beginning of a system to protect the people of this country against a Soviet missile atomic attack.

Mr. COOPER. My next question, to go briefly to the question of the effectiveness against a so-called Chinese threat, may involve classified answers which have previously been classified.

From my reading of the record these facts appear correct: First, that the Chinese have not yet fired an intercontinental ballistic missile and it was not expected they would fire one for a year and would not have the capacity to deliver an attack against the United States until the mid-1970's, which I assume to be about 1975. Is it not also correct that even if they could fire a missile against the United States by that time, that it has been said in the record that it is not likely they would fire a primitive missile against the system such as we have installed and which they would know about, but that the Chinese would develop a missile with a dependable capacity to penetrate this thin system. That was the statement made by many.

Mr. RUSSELL. They could develop an offensive system that could penetrate this thin system much easier than one that could penetrate a so-called thick antimissile system.

Mr. COOPER. Was it not also stated that the capabilities in the next 5 to 10 years would probably be (deleted) missiles?

Mr. RUSSELL. Our estimates in this field are based partly on conjecture, rumor, and opinions and evidence of foreign correspondents, and we have insufficient intelligence as to all that is going on in either China or Russia in this field. We have considered all the evidence, including the conjecture and speculation, and our intelligence people have come to the consensus that it would take the Chinese until (deleted) to perfect a rocket or missile that would transport a warhead to this country.

Mr. COOPER. Is it correct also that this thin system would not protect the United States against delivery of Chinese missiles from surface ships or submarines?

Mr. RUSSELL. Well, I would think yes. I would think it could protect the United States if there were only (deleted) missiles. This would be much more difficult because if they were close to shore, our radar would be less likely to pick them up. The heart of any defensive system, as the Senator knows, is radar.

Mr. COOPER. Yes.

Mr. RUSSELL. That is what one must develop and that is what one must depend on; a radar system to pick up the missiles.

We undoubtedly have one now. (Deleted.)

Mr. COOPER. In summary then, I think it is correct—and if I am wrong, I hope the Senator will correct me—that even the witnesses for the administration, in commenting on the so-called Chinese threat suggested, one, that the thin system would not provide any absolute protection against missiles fired from surface vessels or submarines.

Mr. RUSSELL. (Deleted.)

Mr. COOPER. (Deleted.)

Mr. RUSSELL. Let me make this perfectly clear, and I want to be as candid as possible with the Senate on all these matters, that there is no system ever devised which will afford complete protection against any multiple firing of ballistic missiles.

The question is, how many we can knock down, and how many lives we can save in this country. We are never going to have an absolute, impregnable defense against missiles either from China, from Russia, (deleted), or from any other missile producing country capable of producing an atomic warhead.

I stress that we can save the lives of millions of people, but we will have no absolute, foolproof defense, I do not care how much money we spend on one, or what we do.

Mr. COOPER. That was my judgment, too.

Now I should like to ask about protection against the Soviet threat. That requires, I think, first, that we look into the so-called Soviet ABM deployment, insofar as our intelligence can give us useful information about it today.

I think it is correct, is it not, that the Soviet Union at one time installed some kind of defense system around Leningrad, but it has now become obsolete?

Mr. RUSSELL. That is undoubtedly true. I have forgotten what year it was, but it was the year a motion was made in the Senate to proceed to a closed session of this nature. We knew that the Russians were beginning to deploy an antimissile system around Leningrad.

I believe that was the first one. I opposed our deployment of an antimissile system such as we are asking for here today. The Senator will recall that I made——

Mr. COOPER. Yes.

Mr. RUSSELL (continuing). A speech during the closed session. We did that after my own committee had defeated me and had recommended that we go into production. But I did not feel that the status of our research and development program at that time justified going into production. That was several years ago, in 1963. Since that time, we have spent $1.5 to $2 billion additional on research.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired. Does the Senator yield himself additional time?

Mr. RUSSELL. Mr. President, I yield myself an additional 10 minutes to carry on this colloquy.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes.

Mr. COOPER. I have a few more questions, and I know that other Senators wish to speak.

Mr. RUSSELL. At that time, I did not believe we had gone far enough to justify the expenditure of constructing a system. I doubted that the Russian system would be successful. It turned out that it was not successful. I am happy that that was true, because they had to abandon it. But they have renewed it, and they have carried on their research and development. We have carried on ours to the extent of $3 billion. I do not know of any other program on which we have spent as much money on research and development as we have on the antimissile system. We did not spend that much on the Polaris system. Of course, dollars bought more in those days, but we did not spend that much on splitting the atom, and that was before the inflated dollar had less purchasing value. But we have spent about $3 billion now. The people who have been handling it said they are ready to go into production.

I have followed the exotic weapons systems we started to develop on a large scale at the end of World War II, and we have been at it ever since.

I have observed that there comes a time when more research and development money is not beneficial unless we go into production. It is better than having one on the drawing board. It is better to have an actual prototype actually made. I think that now we have spent $3 billion, we have accumulated sufficient theoretical knowledge for the moment. I do not care how much theory we produce or grind out through research and development, there comes a time when we need to build a prototype system.

We have reached that period in the antimissile system, in my opinion. That is the reason why I have changed in the past 2 years. Up until 2 years ago, I opposed going into actual production of the missiles. I think, now that we have reached that stage, if we ever intend to produce an antimissile system, we should start at least to produce a prototype so that we can discover the weaknesses that always develop, however exhaustively we may have researched the system before we deployed it.

Mr. PASTORE. Mr. President, will the Senator from Georgia yield at that point?

Mr. RUSSELL. I yield.

Mr. PASTORE. I think it is pertinent to the argument made by the distinguished chairman of the Committee on Armed Services to read a letter addressed to him by the Secretary of Defense, Clark Clifford, under date of June 18, 1968. It reads as follows:

> DEAR SENATOR RUSSELL: You asked that I give you my personal views with respect to proceeding with the deployment of the Sentinel Antiballistic Missile System.
>
> During the three and a half months since I became Secretary of Defense, I have had an opportunity to go into the merits of the System in considerable depth. As a result of that review I have come to the conclusion that it would be a serious mistake to eliminate construction and procurement funds in fiscal year 1969 for the deployment of the Sentinel System.
>
> The reasons for that view are the following. The program represents twelve years of intense research and deveolpment effort. During those years we have devoted a substantial portion of our best scientific technological abilities to its development at a cost of some $3 billion. As long as seven years ago we demonstrated that we could with confidence destroy single incoming missiles. Since that time we have demonstrated that we can reliably track substantial numbers of incoming objects and defend the U. S. from relatively simple missile attacks. I believe that the time has arrived when we can no longer rely merely on continued research and development but should proceed with actual deployment of an operating system.
>
> The Director of Defense Research and Engineering, Dr. John Foster, has prepared the following statement of the purposes of the Sentinel System, which I have approved on the recommendation of the Joint Chiefs of Staff and the Secretaries of the Army, Navy and the Air Force.
>
> "The Sentinel missile defense system is designed to (a) prevent a successful missile attack from China through the late 1970's (with the capability to continue to deny or at least substantially reduce damage from threats in later years); (b) limit damage from an accidental launch from any source; and (c) provide the option for increased defense of our Minuteman force, if necessary in the future.

I want to repeat (c):

> Provide the option for increased defense of our Minuteman force, if necessary in the future.

The letter continues:

> "The ability to protect ourselves from unacceptable damage from a numerically large and technically advanced missile force such as that of the Soviet Union is not yet technically feasible. However the Sentinel system will complicate any attack on the United States.
>
> "We will continue an intensive R&D program in an attempt to provide increasingly effective means to limit damage from both the advancing Chinese and the Soviet missile threats."
>
> I understand that a proposal may be introduced in the Senate to eliminate funds for deployment of the Sentinel System in fiscal year 1969 and restrict the program to continued research and development. Approval of such a proposal would disrupt the work currently underway and, more seriously, would lose some two years in the availability of an operating system which in my judgment is important to the security of the United States.
>
> I believe that our deployment decision is consistent with our continuing desire for arms control and arms limitation. The Soviets are, at the present time, deploying a ballistic missile defense around Moscow. We will continue our efforts to negotiate limitation of both strategic offensive and defensive weapons systems, but, in the absence of agreement, we must not suspend taking action in our own defense.
>
> I have discussed the above views with the President, who shares my concern.
>
> CLARK M. CLIFFORD.

I thought I should read that letter into the RECORD.

Mr. RUSSELL. I thought the committee and the public should have the benefit of the views of the new Secretary of Defense on this system. I may say in passing that when he went into office, I understand he was opposed to this system, but after he had been there a while and had a complete understanding of all that is involved, he is now one of its most avid supporters.

Mr. COOPER. Mr. President, I am glad the Senator read the letter, because it recalls to my mind that the only witnesses who testified before the committee on this matter were administration witnesses. I am glad the Senator read the letter, because he reiterated the statement that the ABM system is being deployed around Moscow.

I want to ask, What type of system? This is the evidence I have received from intelligence sources: It was believed that the Soviets would install a system around Moscow. They had installed almost half of a system and work on it has been slowed down. That is the report the Senate Preparedness Subcommittee has made. The report states:

> The system may now have a limited operational capability, but the slow pace of development and the fact that it has not been deployed at other cities probably indicates that Soviet officials have reservations about its effectiveness.

Is it not correct, from the Senator's intelligence, that this system around Moscow has been slowed down? Is it correct that it has been (deleted) as compared to what the first intent was, and that the Secretary says its defensive capability has been (deleted)?

Mr. RUSSELL. We hope that latter statement is the case. The Soviets have reduced the content of their antimissile complex around Moscow. That could mean one of many things. It could mean that they have encountered a great many difficulties in the construction of this system and that they have slowed down the program until they could have further research and development in that area. (Deleted.) We do not know anything for sure about the quality of the antimissile system of the Soviets. It is all based on theory, as I have said, and on assumptions, and on such fragments of evidence as we could gather. We do know something about the number of site (deleted).

A number of things could account for it. It could well be that the Soviets have encountered some difficulties in the development of their missiles. That is nothing new. We have had all kinds of trouble with ours, and we have had to rebuild and remake them from time to time.

One of the most serious mistakes I have ever made in undertaking to chair the Committee on Armed Services, as well as the Appropriations Subcommittee, was in allotting vast sums to the Navy for missile frigates before we knew we had a missile that would work on them. We built missile frigates. We built missile destroyers and missile escort ships. It was done on the testimony—and it was unqualified testimony to the committee—that they were developing missiles effective. Those missiles were called the Tartar, the Talos, and the Terrior. Unfortunately, none of them worked well. And here we had a couple of billion dollars more tied up in cruisers and in destroyers and in frigates and in missile-carrying weapons of one kind and another that we had to rebuild three times; and we are just now getting them to the point where they function properly. But should we have stopped? Should we have said, "We are not going to build any missiles at all because our technicians and scientists misinformed us as to the effectiveness of these missiles"? I think not. I think we were compelled to go ahead and straighten out the difficulties and make those missiles function. We think this year we have at last developed them to where they may carry out the mission it was hoped they could perform in 1961 or 1962, whenever we started these antimissile ships.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL. I yield myself 5 minutes.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. YOUNG of North Dakota. I think the Senator from Georgia has made a most important point. This is a field we have to go into. The Russians are already deploying an anti-ballistic-missile system. The Senator from Georgia mentioned the experience with early missiles. If we had quit then, we would be still further behind. This is a missile age world. If our missiles do not work, we are sunk; we would be a third- or fourth-rate power.

To me the experience we get in this field is most important. When we told the military, the Chiefs of Staff, and Secretary Clifford that they had to cut their budget at least $5 billion, they left this one alone because they attached that much importance to it.

Mr. RUSSELL. The Senator, of course, is correct. I cannot guarantee the Senate—and I would not propose to do so—that the first missile they turn out will work. We know that several years ago we fired one of them, one Titan missile, that was going out to the proving grounds in the Pacific. We knew the angle from which it was coming, and we knew about the time it was coming. Therefore, everyone was at the radar and picked it up and intercepted it without any trouble. But that was not enough to convince us to go into wholesale production of antimissile missiles. It took more work, particularly on the radar. There is no trouble about intercepting it. The trouble is picking it up and aiming at it through the radar system. Men do not aim at it; machines do, to intercept it. Now we have enough to work on.

I made a mistake in the Tartar-Talos-Terrier. It was an honest mistake. It was on the testimony of everyone in the Department of Defense and in the Navy. It probably cost the taxpayers $1 billion, because they have had to rebuild those missiles three times; but we have them now where they will work.

I did not make that mistake for this missile. I held back for 12 years while they were researching and developing, and I did not rely on the statements made either by the Department of Defense or by distinguished Senators or by distinguished scientists who said, as long ago as 5 years, that it was ready to go. I waited until there was further research to clear up any bugs they might find.

They may find another bug in the prototype system when they get it. But it should be one that can be eliminated easily, and not at great expense, because we have taken our time. I think we did so at some risk. If the Russians had developed an effective anti-ballistic-missile system, they would have had us practically at their mercy.

But I did not think their scientists were any better than ours, and it turned out they were not any better. I think they are having all kinds of trouble.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RUSSELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining on the amendment.

Mr. FULBRIGHT. Just for a question.

Mr. RUSSELL. Mr. President, I do not want to consume all the time. I know that some other members of the committee wish to speak.

Mr. COOPER. Mr. President, I yield time to the Senator from Arkansas.

Mr. RUSSELL. But I yield myself 10 minutes, and yield to the Senator from Arkansas.

Mr. FULBRIGHT. Did I understand the Senator to say that no witnesses were brought into the hearings on this matter except administration witnesses?

Mr. RUSSELL. We had no requests whatever. We heard all the witnesses who wanted to be heard. None of the Senators who have this great technical acumen as to the missile came before the committee.

Mr. FULBRIGHT. Mr. President, I want to ask a question. I am not criticizing.

Mr. RUSSELL. I say no, because none of them asked to come.

Mr. FULBRIGHT. I thought the Senator from Kentucky had stated that.

I remember, in the joint hearings on the Nuclear Test Ban Treaty, there was testimony from such scientists as Kistiakowsky and York, who were considered the greatest scientists in this area. At that time, I remember, they had great doubts as to the practicability of this kind of missile.

Is it the practice of the Senator's committee never to have witnesses except those of the administration?

Mr. RUSSELL. No, that is not our policy.

Mr. FULBRIGHT. But in this case, no witnesses except those under the administration did testify; is that correct?

Mr. RUSSELL. We heard all the witnesses who requested to come.

Mr. FULBRIGHT. I fail to make myself clear.

Mr. RUSSELL. I understand what the Senator is driving at. I did not get out and try to find some scientists opposed to this system, and subpena them and bring them before the committee, if that is what the Senator means.

Mr. FULBRIGHT. No; I do not think scientists of this character have to be subpenaed. I think they are just as interested in the welfare of the United States as the administration.

Mr. RUSSELL. I did not know the names of any of them.

Mr. FULBRIGHT. Two of them whose names come to mind in this area were Kistiakowsky and York, both of whom testified before the joint committees, in the case of the Nuclear Test Ban Treaty.

I am not trying to argue; I merely wanted to ask the question.

Mr. RUSSELL. No. They did not request to come before the committee. I regret that the Senator from Arkansas did not furnish their names. We finished the hearings only last Friday.

Mr. FULBRIGHT. One further point The Senator said we had not spent more than $3 billion on this or any other instrument. It is my understanding that more than that has been spent on the F–111, which has not proved to be successful. So this is not the first large undertaking, is it?

Mr. RUSSELL. Oh, no; there have been a number of research and development projects that have cost more than a billion dollars, and several of them have never been put in operation. One that comes to mind is the Navaho missile. We spent a large sum on that missile, and it never did go into inventory.

Mr. FULBRIGHT. The F–111 would have been better off not to have gone in operation, too.

Mr. RUSSELL. I have come to that conclusion.

Mr. FULBRIGHT. (Deleted.)

Mr. RUSSELL. (Deleted.)

Mr. FULBRIGHT. (Deleted.)

Mr. RUSSELL. (Deleted.)

Mr. FULBRIGHT. (Deleted.)

Mr. RUSSELL. (Deleted.)

Mr. FULBRIGHT. (Deleted.)

Mr COOPER. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. On whose time is this?

Mr. COOPER. I yield myself 1 minute.

I am glad the Senator raised this point, because I would have to object to the statement made a little while ago by the distinguished chairman, recognizing his great authority in this field, when he said that he did not believe that any more research was necessary. In fact, the hearings show that further research is going on, and that further efforts are scheduled.

Mr. RUSSELL. Yes. (Deleted.)

Mr. COOPER. I am not talking about that.

Mr. RUSSELL. (Deleted.)

Mr. COOPER. The Senator from Arkansas has just suggested that this should be delayed, as I have maintained, for at least a year. And that brought my mind to the statement made a few minutes ago when the Senator said he did not think any more research was necessary.

The transcript of the hearings says and the administration witnesses said that we did have part of the system, that we have parts of the prototype, for example, the PAR. They are actually making tests and scheduling further tests. I was told that the PAR has been pretty well developed, that they have made progress in that, and that they think they can develop the next radar all right, the MSR. However, they are scheduling further testing, because it is an imperfect system at this time.

That buttresses the argument I have made, that there would be nothing lost in delaying for at least another year until we have a better operational system to install, if Congress decides to wait. That is one of my arguments.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. Mr. President, I do not want to let the idea pass that I reflect upon the patriotism of the members of the Armed Services Committee. However, I must say that in my own committee I would never think of confining our witnesses to members of the administration.

It seems to me that our function is to get the best knowledge not only from the administration, who, after all, are all under orders from the Commander in Chief, but also from external witnesses. And the external witnesses will certainly come. They did come to my committee, and they will come to other committees.

I think that this fact alone would justify a delay in time so that we may consult with scientists outside of the administration.

These people are also patriots. They do not have to wear uniforms to be interested in the future of the United States. And, traditionally, the innovations and discoveries have not come from within the establishment. The atomic bomb did not come from a military man, it came from men like Einstein, Fermi, and others. All of these people were outside of the Defense Department. And they developed the atomic bomb itself.

The innovations in these and other scientific fields are usually not developed by men in uniform. These men have a great role to play. I do not wish to reflect on them, but, if for no other reason, I think we should give these people an opportunity to comment on whether it is feasible or not.

The PRESIDING OFFICER. All time yielded has expired.

Mr. RUSSELL. Mr. President, how stands the time between the opponents and proponents?

The PRESIDING OFFICER. The Senator from Kentucky has 29 minutes remaining, and the Senator from Georgia has 50 minutes remaining.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. PASTORE. Mr. President, not too long ago we had a hearing on the Nuclear Nonproliferation Treaty. Hearings were held jointly by the Senate Committee on Foreign Relations and the Joint Committee on Atomic Energy. And before that committee appeared Dr. Teller. Dr. Teller is an outside scientist. He is not in the employ of the Government as far as I know. And Dr. Teller is the father of the hydrogen bomb.

This is what Dr. Teller had to say before that committee on the very point that has been raised by the Senator from Arkansas. I refer to page 182 of the hearings held before the Senate Committee on Foreign Relations and the Joint Committee on Atomic Energy.

Dr. Teller said this:

> In this rapid and continuing technological revolution you won't put any genie back into the bottle. All you can do is to create new genies, and hope that they will be better and more benevolent ones.
>
> Perhaps, just conceivably, missile defense may be a step in that direction. When it is said that missile defense will make matters worse because it will merely stimulate our opponents toward more offense, this is predicated on the assumption that defense will always remain more difficult than offense. It used to be said that the cost of offense is only 3 percent of the cost of defense. Now many estimate that the cost of offense is 50 percent of that for defense. The time may come when defense will be easier than offense. I do not know. But what I do know is that even today we can deploy, and because of wise decisions of the Senate we are in the way of deploying, a defense system, which has a good chance to be effective against the Chinese or any other newcomer to the nuclear club.

That is what Dr. Teller had to say, and he is not a member of the Joint Chiefs of Staff or in the employ of the Defense Department. He said:

> Whether it is presently possible to deploy a missile defense that would be effective against the Russians I don't know, and I claim nobody knows, and that is the reason why the present development, called Sentinel, is reasonable, because it is not only a defense in itself, it is also a pilot operation that can teach us whether further development will be reasonable.

That was said by Dr. Teller, the father of the hydrogen bomb.

Mr. CLARK. Mr. President, will the Senator yield me 3 minutes to address some questions to the Senator from Georgia?

Mr. RUSSELL. Mr. President, I would like to make a brief statement before I yield.

I want to point out that all witnesses were not in uniform. That was implied.

Dr. Foster, the head of the scientific work in the Department of Defense, is one of the truly great scientists in this country. He was the head of Livermore Laboratory. And he is, I think, one of the ablest scientists living today.

We also have these great educational institutions that are carrying on this research. Not all of that work is being done by men in uniform. Some of it is being done by college professors working in their laboratories.

The Senator indicated that the committee only considered and brought forward those things recommended by the administration or by the Department of Defense. We have given careful consideration to all the recommendations of the Department of Defense, whether it was during a Republican or Democratic administration.

I feel it is our duty to do so. The President, after all, is Commander in Chief of the Armed Forces of this country. And the men in uniform over there represent a tremendous investment by this country in training people. However, we have not only heeded their advice over the opposition of the administration, but we have also proceeded with the Polaris submarine program—and that is the most effective single offensive weapon that the United States has today—over the objections of the administration. The initiative on that program came from Congress.

I could go into a number of other things on which Congress differed with the executive branch.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JACKSON. Mr. President, is it not true that the Congress of the United States, in about 1954, when the request came up for a number of conventional subs, insisted that they be constructed as nuclear subs. And the fact is that some of them were converted to nuclear power at our insistence. And is it not also a fact that Congress took the initiative on nuclear-powered aircraft carriers?

Mr. RUSSELL. The Senator is correct.

Mr. FULBRIGHT. Mr. President, did not Rickover recommend that?

Mr. RUSSELL. He may have recommended it. I do not think we ought to turn down a program just because a man in uniform happens to be for it.

Mr. FULBRIGHT. I thought the Senator said the administration opposed it. I thought he was for it.

Mr. RUSSELL. But he did not speak for the administration. The administration in its original presentation to the committee had been opposed to it. There has been somebody in uniform in favor of each one of these programs. We will find some sailor, soldier, or officer who would be in favor of any of them.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. YOUNG of North Dakota. Mr. President, is it not true that Western Electric and MIT—Massachusett Institute of Technology—are doing most of the research on that system?

Mr. RUSSELL. I believe that is correct. I do not know whether they are doing the greater part of it.

Mr. JACKSON. Mr. President, will the Senator yield further?

Mr. RUSSELL. I yield.

Mr. JACKSON. Mr. President, I think the Senator will find that the main research is done by Bell Laboratories. Western Electric is the manufacturing arm of Bell. MIT has also been engaged in research, as have most other contractors, but the main research over the last 12 years has been undertaken by Bell Laboratories in New Jersey.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding.

I would like to make two or three observations responsive to the points raised by the distinguished Senator from Kentucky and others.

The point was made that there is apparently a slowdown in the deployment of a missile system around Moscow.

The last information I received on this subject indicated that while that may be true, there are other very vital concerns.

(Deleted.)

Mr. RUSSELL. There is a great deal going on in Russia that we do not know about. We must speculate.

Mr. BAKER. We must speculate, and we cannot afford to speculate wrong.

The third thing is that the much downgraded Tallinn system is often discussed in terms of its inadequacy because of its apparent usefulness against air breathing missiles or aircraft; (deleted).

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. RUSSELL. The intelligence community is divided on the Tallinn system. Some of them say that it has no effectiveness against a missile system. Others say that it could well have a very effective defense against a missile system.

I remember that a few weeks before the first sputnik was put in space, many of our scientists and many Members of Congress said Russia could not possibly get into space before we did. But the Russians did.

Mr. BAKER. The Senator is correct.

We cannot afford to guess that we know the Russian capability in the ABM field.

As I understand it, the reason for downgrading Tallinn is, as I have said (deleted).

I do not believe that permits us to judge that they have completely discarded Tallinn as against ballistic missile systems as distinguished from air-breathing missiles.

(Deleted.)

Mr. BAKER. It seems to me that we are finally coming to the place where we must have both the real deterrent capacity of an ABM system and the not inconsequential psychological impact of an ABM system; because, as recently was pointed out by a number of distinguished scientists—including D. G. Brennan, who was formerly president of the Hudson Institute; Dr. Weinberg, Director of the Oak Ridge Atomic Laboratory, and others—the very possibility of an ABM system has created the first discernible real step toward nuclear disarmament that the world has ever known—simply by creating the necessity for the Russians to build additional protective shielding into their offensive weapons, to protect their guidance systems against our efforts to make multiple entry vehicles and others which have the effect, because of weight requirements, of reducing the effective payload of the Communist offensive effort.

ABM, in my judgment, is the answer to a realistic approach to nuclear disarmament; and I very much fear that we will never have meaningful conversation about disarmament until both the United States and Russia feel reasonably secure in their ability to defend, and not by mutual retaliation.

Mr. CLARK. Mr. President, will the Senator from Kentucky yield me 3 minutes?

Mr. COOPER. I yield 3 minutes to the Senator from Pennsylvania.

Mr. CLARK. A little over a year ago, the Subcommittee on Disarmament of the Committee on Foreign Relations, under the able chairmanship of the Senator from Tennessee [Mr. GORE], held a series of hearings on the effectiveness of the anti-ballistic-missile system. We heard from Dr. Foster of the Defense Department; (deleted). At a later date, I had an opportunity, as chairman of the Committee of Members of Congress for World Peace Through World Law, to have an extensive hearing with Secretary McNamara.

The consensus—in fact, the unanimous view—of those witnesses was that we could destroy Moscow tomorrow in the course of a few hours, despite any Moscow anti-ballistic-missile system; that the Tallinn system was then already obsolete; that they could destroy Washington or New York tomorrow in a matter of hours; and that there was nothing which had been developed in research and development which would lead one to conclude that either we or they could then construct a defense which would alter these basic facts, the reason being that radar just does not work against a sophisticated attack.

I, therefore, come to a diametrically opposite conclusion from that of the Senator from Tennessee. But I ask the Senator from Georgia whether those facts, which were developed in that secret hearing of the Committee on Foreign Relations, have been changed by anything that has taken place in the last year?

Mr. RUSSELL. Since I am not a member of the Foreign Relations Committee, and not having attended the hearings, I am handicapped in answering the Senator.

I fear that the Senator from Pennsylvania has fallen into the same lapse for which I was condemned by the Senator from Arkansas. The views of all his witnesses on this subject were well known in advance of the hearing.

Mr. CLARK. (Deleted.) Mr. Foster, of the Defense Department, and former Secretary McNamara, the Secretary of Defense. These were not outside witnesses.

Mr. RUSSELL. (Deleted.)

Mr. STENNIS. (Deleted.)

Mr. CLARK. (Deleted.)

Mr. RUSSELL. (Deleted.)

Mr. CLARK. (Deleted.)

Mr. RUSSELL. (Deleted.)

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. I ask the Senator from Kentucky to yield me 1 additional minute.

Mr. COOPER. I yield 1 additional minute to the Senator from Pennsylvania.

Mr. CLARK. The thrust of my question is this: Does the Senator know of anything which has developed in the last year which would question the conclusion that today we could destroy Moscow in a matter of hours and they could destroy Washington or New York in a matter of hours, and there would be tens of millions of casualties?

Mr. RUSSELL. There is no question that we could destroy Moscow, not in a matter of hours, but in a matter of minutes, and they could destroy Washingtion, New York, and Philadelphia in a matter of minutes.

Mr. CLARK. There is nothing in this defense system which would stop it.

Mr. RUSSELL. I do not accept that statement. I think we could so saturate Moscow with Minuteman and Polaris missiles that these (deleted) sites could not prevent the city from being destroyed. They could do the same thing to us (deleted).

One of the persons the Senator calls upon as an authority is former Secretary McNamara. Everybody knows how he went into these matters. He had his own brain trust, he studied the matter, and he came to his conclusions. His analysis showed that even a thin system could save many millions of American lives.

Mr. CLARK. He said that only after some 30 or 40 million Americans had been killed.

Mr. RUSSELL. I know, but that is not to say that if we cannot save them all, we want to see them all killed. Is that the Senator's position?

Mr. CLARK. There comes a time when the tens of millions of casualties are so enormous that civilization is destroyed, and if there are a few people living in caves after that, it does not make much difference.

Mr. RUSSELL. If we have to start over again with another Adam and Eve, then I want them to be Americans and not Russians, and I want them on this continent and not in Europe.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. RUSSELL. I yield myself 2 minutes.

The **PRESIDING OFFICER** (Mr. DODD in the chair). The Senator from Georgia is recognized.

Mr. RUSSELL. Let me say here that Mr. McNamara further testified that if we went ahead and completed this defensive system we could have 80 million Americans left after a nuclear exchange.

Mr. CLARK. Out of 200 million Americans.

Mr. RUSSELL. Certainly, if we had 80 million Americans left, while it would be a tremendous rebuilding job, 80 million Americans could rebuild this Nation in a relatively short while, and while this would be a sad and tragic period, I think this would be better than to have the whole Nation perish.

I yield to the Senator from Washington.

Mr. JACKSON. I think one reason there is some confusion on this subject of the ABM is that some people take the position that unless there is absolute proof that it can stop everything, we should not have it.

What, essentially, are we trying to do? I thought the whole purpose of this effort to maintain a strategic deterrent was to prevent a nuclear war. What is meant by deterrence?

Mr. CLARK. Is the Senator asking me?

Mr. JACKSON. I am making a statement, with permission of the Presiding Officer.

Mr. RUSSELL. Mr. President, I yield 2 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, what is meant by deterrence? Deterrence involves both forces in being and a state of mind about those forces. The central issue is: What does our adversary believe. We do not want him to be tempted to try a first strike—and Senators can be sure that the Soviet Union must have some faith in missile defenses, or they would not have invested billions of dollars in an ABM system. If the Soviets have an ABM system and we do not have one, they may be tempted to make that first strike; and then, Mr. President, you will have had the incineration of millions of souls here on earth. In any event, the Sentinel ABM system will complicate any Soviet attack on the United States and will thereby contribute to the deterrent.

What we are trying to do is to prevent a thermonuclear attack. It is of first importance what our adversary believes about our capability, our vulnerability and our determination.

I think my good friend from Pennsylvania misses the point. He refers to the three witnesses before the committee as being apparently opposed to the ABM system. The truth is that Mr. McNamara testified in favor of the Sentinel ABM system when he came up here with the proposal for it a year ago. Dr. Foster has been a strong advocate of the Sentinel ABM.

(Deleted.)

Mr. CLARK. The Senator knows that is not what I said. (Deleted.)

Mr. JACKSON. I understand the Senator to say, and the transcript will speak for itself. (Deleted.)

Mr. CLARK. The Senator is correct.

Mr. JACKSON. (Deleted.)

Mr. CLARK. I shall make the transcript available to the Senator in the next 12 hours. (Deleted.)

Mr. RUSSELL. (Deleted.)

Mr. HART. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. HART. Mr. President, a portion of this most recent exchange is generated by discussion of who said what with respect to the desirability of the proposed system.

The able chairman of the Committee on Armed Services indicated that the overwhelming testimony, if not the unanimous testimony, which was heard by his committee was in support of it.

This may very well be the fault of those of us who have reservations about this matter for not having ourselves undertaken to appear before the committee or for not having encouraged those experts in the field—and heaven knows I am not one—to seek to be heard by the committee.

But we have been petitioned by persons whom I have every reason to believe are competent to make clear their disapproval of the course that is proposed.

I know Dr. Teller is mentioned. I am informed he is practically the only one with distinction in the scientific community, who takes this position. That may be an overstatement but I wish to read a brief statement from three men whose experience certainly gives me pause and it may give some of my colleagues pause. One of the men is Dr. George Kistiakowsky, now at Harvard University, who was science adviser to President Eisenhower; a second person is Dr. Jerome Wiesner, now Provost, MIT, but who was science adviser to both Presidents Kennedy and Johnson; and they are joined by Nobel Prize winners and others. They put it very succinctly.

I ask unanimous consent that the telegram in full be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
October 1, 1968.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.:

Enclosed statement from Dr. Arthur Larson, chairman, educational committee to halt atomic weapons spread and others, in support of the Hart-Cooper amendment.

MEMORANDUM

To: Members of the U.S. Senate.

In our view measures such as the amendment sponsored by Senators Hart, Cooper and others to postpone deployment of a $5.5 billion Sentinel anti-ballistic missile system are imperative both for world security and the domestic welfare. Our reasons are as follows:

(1) The nation's foremost scientists are almost unanimous in their belief that an anti-ballistic missile system will not increase U.S. security.

(2) The nuclear nonproliferation treaty, already signed by the U.S., the USSR, and more than 80 nations, specifies that the nuclear powers must pursue negotiations for a cessation of the nuclear arms race. In these circumstances, unilateral U.S. moves to again expand its huge nuclear arsenal could force non-nuclear powers to reconsider their adherence to the treaty.

(3) Secretary Clifford's statement at the National Press Club early in September that the U.S. will not accept the Soviet offer to begin talks on a missile freeze in Geneva this month, raises questions which the Senate should examine in regard to this bill. The secretary's arguments that because of Czechoslovakia this is not "an appropriate time" to open missile talks, and his contention that through deployment of the Sentinel system the United States can build a position of "substantial strength" for the negotiations, avoid the central issue. That is that stopping the spread of nuclear weapons requires not only the ratification of the nuclear non-proliferation treaty which will control nuclear spread among non-nuclear states, but also immediate talks to halt the nuclear arms race among the nuclear powers.

(4) Finally there is the question of national priorities. In 1967 Congress appropriated $157 billion of which $75 billion went for military items and the cost of past wars while only 12% went for health, education and welfare. Meanwhile, funds are desperately required for poverty programs, urban renewal and other urgent domestic needs.

For all these reason, we urge Senate action to delay deployment of an ABM system and U.S. acceptance of the Soviet offer for negotiations now, on considerations to halt the nuclear race.

C. Maxwell Stanley, president, Stanley Engineering Co.; Mr. Oscar Delima chairman of the Board Roger Smith Hotels Corp.; Dr. George Kistiakowsky, professor of chemistry, Harvard University, former science advisor to President Eisenhower; Carl Kaysen, Director, Institute for Advanced Studies, Princeton University; Burke Marshall, vice president, IBM Corp., former assistant attorney general; Mr. Roswell L. Gilpatric, former assistant secretary of Defense; Mr. Philip M. Klutznick, senior partner, Klutznick Enterprises, former member U.S. delegation to U.N.; Prof. Hans Bethe, Nobel Prize for Physics, Cornell University; Dr. Arthur Larson, director, World Rule of Law Research Center, Duke University, and former advisor to Presidents Eisenhower and Kennedy; Mr. Henry Niles, president Baltimore Life Insurance Co.; Dr. Jerome Wiesner, provost Massachusetts Institute of Technology, Science advisor to Presidents Kennedy and Johnson.

Mr. HART. Mr. President, the telegram begins:

In our view measures such as the amendment sponsored by Senators Hart, Cooper, and others, to postpone deployment of a $5.5 billion Sentinel antiballistic missile system are imperative both for world security and domestic welfare.

Their reasons are as follows:

> The nation's foremost scientists are almost unanimous in their belief that an antiballistic missile system will not increase U.S. security.

Mr. President, my majors were history and Greek. (Deleted.)

I think the objectivity of these experts is relatively clear. I rise to explain why there are those of us who insist that we are unsure and ask to be made certain, even if it means hearing these men in committee.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. RUSSELL. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the trouble is that the scientific world today is indulging in political clashes. We have to make a difference between what is political and what is a scientific question.

The way the telegram reads, they are saying if we have a defense system we might accelerate the arms race.

Now in that sense, that is what they are trying to tell us. I have talked with Jerome Wiesner and the other men. They are on the specific side of life. They believe that if we chose only to stand still for a while, maybe through some miracle the Russians will become more amenable to world peace. But we are getting ourselves into a political question. The question is: Should we deploy this because it would constitute a pilot plan that is a workable, operational, defense system? The question is that the people who have come before us, whether it be Bradberry, whether it be the doctors we have at Livermore, or John Foster who used to be the head of Livermore and was in charge of the weapons programs, or whether it be Dr. Teller, the father of the hydrogen bomb, the scientists have come before our committee and stated that this is absolutely feasible—I repeat, feasible.

We are saying here that it is not so. I know that any time we raise a question, we can get as many lawyers on one side of it as there will be others on the other side. We can get as many scientists on one side of a question as on the other. But we have got to make a distinction between a scientific judgment and a political judgment.

Mr. HART. But we do not distinguish between a man who is a scientist as a scientist just because he speaks to a point of view, and a politician, even though he is a scientist. We can all disagree——

Mr. PASTORE. I did not say that at all.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. COOPER. I have not got much time left.

Mr. FULBRIGHT. Mr. President, whose time is being used for this colloquy?

Mr. PASTORE. Everyone's time.

Mr. COOPER. I need my time to ask a few more questions.

Mr. FULBRIGHT. I do not think they should use all the time of the Senator from Kentucky in an argument of this kind. It should be made on their own time.

Mr. CASE. Mr. President, could we have the assurance of the leader that time on the bill will be available if needed?

Mr. RUSSELL. If needed, I am sure that time will be available.

Mr. JACKSON. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. JACKSON. Mr. President, I want to respond to the question raised by the Senator from Michigan [Mr. HART]. The business of looking for scientific support for a weapons system can be dangerous.

I want to point out to my good friend that I was a member of the Joint Atomic Energy meeting in those dark days of 1949, 1950, and 1951. Every member—and it was a Who's Who of American scientists—every member of the Atomic Energy Commission's Science Advisory Committee headed by President Conant of Harvard, voted against—I repeat, against—going ahead with the hydrogen bomb.

The reasons given were—one, that it would not work.

Second, that the Soviets would never go ahead with it.

Do I need to say any more?

It is dangerous for politicians who do not like the deployments of some weapons systems to invoke so-called scientific authority.

I think the able Senator from Rhode Island [Mr. PASTORE] put his finger right on it. I think these matters are fundamentaly political questions which have to be resolved here.

We can find scientists on all sides of every issue involving a complicated weapons system. Many of them, I will point out to my friend from Michigan, are motivated by deep conviction that somehow or other we can sit down around the table with the Soviets, and negotiate and settle all things.

I guess the Czechs wonder what it takes to be able to negotiate with the Kremlin. They could not negotiate because they did not have the necessary "muscle." We are all interested in limiting arms, but the only way we are going to be able to do it is to have something negotiable. If they have an ABM system and we do not have one, how are we going to negotiate on the limitation of an ABM system?

I submit, have we not learned something from the tragedy of the Czechs?

Mr. HART. Mr. President, if I could have another minute from the Senator from Kentucky, this session is intended——

Mr. COOPER. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. The question I ask is whether the Russians do have an ABM system and to what degree is it effective.

Second, I take it, from the remarks of the Senator from Washington, that the decision we are making here is whether the question is scientific, political, or a mix.

I suggest that any decision would be more valid if we could hear not our reaction to the motives of the scientific advisers to the Presidents of the past three administrations but, rather, from their lips precisely why they think this system will not increase U.S. security.

Mr. ALLOTT. Mr. President, will the Senator from Michigan yield for a question? Do we have any time left?

Mr. RUSSELL. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. The Senator has not read all the telegrams. I was caught up immediately in the same thing that the Senator from Rhode Island was: that to proceed would not increase U.S. security.

This is a political opinion. It is not a scientific opinion. It is a political opinion.

Mr. HART. It is a scientist speaking to the point of national security and he is talking about a system. I would assume he is saying this "gun" works or it does not.

Mr. ALLOTT. That is a matter of assumption. That is not in that wire——

Mr. HART. Let us hear them. Let us hear them.

Mr. ALLOTT. If he wishes to make a political decision, then I have hundreds and hundreds of thousands of people whose political decisions I would put up against any one of those three persons. But this is a political decision they are talking about. They are not talking about a scientific decision. Even in some areas, and even in this area, I would have to question whether some of the people whose names the Senator has mentioned are authorities on this particular subject.

Mr. HART. Would the Senator question the wisdom of the Senate in having an opinion available so that we could evaluate to what degree it is scientific and to what degree it is political?

Mr. ALLOTT. No. I think the Senate can listen to anyone it wishes to.

(At this point Mr. BURDICK took the chair as Presiding Officer.)

Mr. FULBRIGHT. Mr. President, I wonder whether it is in order to ask unanimous consent that these communications be included in the open RECORD as well as the secret record. They do not involve classified material. They are simply supplementary to what the Senator from Michigan has said.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, relative to the last argument from the telegram signed by Hans A. Bethe of Cornell University, George B. Kistiakowsky of Harvard University, Jerome B. Weisner of MIT, and Herbert F. York of the University of California, they say:

> Research and development in this field should continue to be pursued with vigor and the Nation should be ready, if circumstances dictate, to take advantage of a favorable breakthrough to a really effective system of missile defense if it should occur. The premature deployment of the ineffective system contemplated at present would, in our

judgment, do more to inhibit than to promote this readiness, and we advise against such a course.

Mr. President, I submit that is not a political judgment. It goes entirely to the effectiveness of this system.

Mr. President, I ask unanimous consent that the complete telegram from which I have just read be printed in the RECORD, and another one from Dr. Kistiakowsky, because I think the record should be straightened out that he apparently had been misquoted, a further statement signed by those gentlemen, plus some others of October 2, 1968.

All I wish to say is, and I do not wish to argue with the Senator, but it is most unusual that a matter of this consequence involving the downpayment of $5 billion—and I have seen an estimate of $40 billion, and no doubt as I look at the review of the TFX and what it has cost, and a number of other such programs, it will be $40 billion—does not have the full testimony from men who are not under the direction of the Pentagon.

I mean that many of these people who have been mentioned, particularly Dr. Teller, have been kind of tame members of the establishment for many years. These laboratories they mention are nearly all 100 percent supported by the Pentagon. They are all on the payroll. I do not suggest that we do not have to have people. We do want the very best of people. All I am saying is, on a matter involving this kind of money, there should be thorough hearings held so that everyone will have an opportunity to express himself fully.

I therefore do think that we should defer this at least for the year, and give consideration to a request for full hearings involving this kind of money.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. HANSEN. Mr. President, reserving the right to object—and I shall not object—I point out that some very important hearings have been held at which testimony was given that includes some classified information. I do not know what the Senator from Arkansas proposes to include in his request that a number of documents be included in the RECORD, but I would hope that the distinguished chairman of the Armed Services Committee, and such others as he may choose, would have the opportunity to look at them.

Mr. FULBRIGHT. These are all telegrams sent to Members of the Senate and are public documents. None of them came to the Pentagon.

Mr. HANSEN. The point I want to make is that the Senate is going to be interested in making its best judgment——

The PRESIDING OFFICER. Who is yielding time?

Mr. HANSEN. Mr. President, I was responding to a unanimous-consent request.

The PRESIDING OFFICER. It takes time.

Is there objection?

Mr. BAKER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I ask for 30 seconds so that I may make a parliamentary inquiry.

Mr. RUSSELL. Mr. President, I will yield the Senator 1 minute. Of course, a Senator has a right to object in 1 second, without anyone's permission.

Mr. BAKER. Mr. President, I do not object to any material the Senator wants to put in the RECORD. However, I am concerned that if that isolated part of the record is put in the RECORD and published, it is going to seem strange if some other part, at least in synopsis form, is not included.

Mr. FULBRIGHT. I did not ask for any part of the debate; just the telegrams.

Mr. BAKER. No debate?

Mr. FULBRIGHT. Just the telegrams from the scientists, none of whom have been asked to testify.

Mr. BAKER. The Senator asked only for the telegrams, and not the colloquy or statement of the Senator from Arkansas?

Mr. FULBRIGHT. That is correct.

Mr. BAKER. I have no objection.

Mr. LAUSCHE. Mr. President, why does not the Senator from Arkansas get the floor after the closed session is ended and then put in the RECORD what he proposes, instead of having it appear with all of the things discussed here?

Mr. FULBRIGHT. That is all right with me. Leave it out.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the closed session today the transcript of the remarks of each Senator who participated in the proceedings be delivered to him by the Official Reporters; that the Senator shall have the right to correct his own remarks; that such Senator shall deliver his corrected remarks to the Official Reporters, who shall then deliver the corrected transcript to the Senator from Georgia [Mr. RUSSELL], as chairman of the Subcommittee on the Department of Defense Appropriations of the Committee on Appropriations; that an expurgated version of these proceedings be prepared under the direction of the Senator from Georgia [Mr. RUSSELL], and that there be deleted from the transcript anything which might be classified; that such record of proceedings be made public by being printed in the permanent CONGRESSIONAL RECORD of this date; and that the Official Reporters deposit their shorthand notes with the Secretary of the Senate.

Mr. PASTORE. Mr. President, reserving the right to object, I merely hope that the majority leader will reflect on his proposal. I think it would be a sorrowful mistake to leave the impression that what has been said here has been corrected by any Senator. I do not think any Senator has said anything that should not be made public, except what is classified. I think we owe it to the public to assure it that we have not corrected what we said in closed session. I think it would be a sorrowful mistake. I hope the majority leader would not include that statement. I think the RECORD should be made public as it has been spoken here, with the exception of classified information. I am sure nobody has said anything that should not be published. I say it will not look good to those outside.

Mr. MANSFIELD. It is just a protective device, in the event some Senator has said something that he should not have said and it is in the RECORD. This request has been cleared with the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, I did not suggest it.

Mr. MANSFIELD. Oh, no.

Mr. PASTORE. Mr. President, I shall not correct my remarks, no matter what they are.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Arkansas withdraw his request?

Mr. FULBRIGHT. If there is objection?

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, I think it ought to go in the open session. He may offer it in open session. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MILLER. Mr. President, will the Senator yield me 1 minute?

Mr. RUSSELL. Yes.

Mr. MILLER. On the basis of information I have, I have been one who is satisfied that it is within the state of the art to have a reasonably effective ABM system. My concern is that in going ahead with this appropriation there might be premature deployment, before we can actually put into place a truly effective ABM system.

I would like to ask the chairman of the committee, the Senator from Georgia [Mr. RUSSELL], whether or not the phasing in of the ABM system under this appropriation would not be done prudently so that we would take maximum advantage of the state of the art.

Mr. RUSSELL. Mr. President, to give the Senator some definite idea as to the prudence of it, it is anticipated that only about $400 to $450 million of this appropriation will actually be expended during this fiscal year. As I recall the Secretary of Defense stated that his decision to exclude the Sentinel system from those Department of Defense reductions that will be necessary to obtain the $3 billion reduction in fiscal 1969 expenditures involved about $70 million.

Mr. MILLER. That confirms what I had understood to be the case; that by doing so we would have the assurance that we are not going to be squandering this money; that it is going to be a prudent deployment consistent with developments in the state of the art. Those developments are going to come along much sooner than we think.

Mr. CASE. Mr. President, will the Senator yield to me?

Mr. COOPER. I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. First, may I ask some of our colleagues who are versed in these matters, particularly in a scientific way, this question? I was always under the impression that this business of radars and computers in some mystical way—that is, mystical to me—permitted the tracking of an oncoming offensive missile and then the setting by mathematical calculation of the defensive missiles—trajectory or whatever you call it—in such a fashion that, no matter where one was coming, the targeting of the defensive missile was done after the offensive missile had been observed.

Now, I understand I am incorrect in this and that the computers do not take the data from the oncoming offensive missile and then plot a course for the defensive missile; but, rather, that the system is in substance this: That there are a number of preplanned defensive missile paths and that all the radar and the computer together do is to select from these——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, I have indefinite time.

Mr. MANSFIELD. No; 2 minutes.

Mr. CASE. I would like to have a little more time.

Mr. COOPER. I yield 2 minutes to the Senator from New Jersey.

Mr. CASE. I want to be sure about that, because it is my understanding that we do not have an absolute ability with our radars and computers to pick up a target for a defensive missile wherever the offensive missile is coming in; but, rather, all the system can do is pick one of a limited number of preplanned defensive missile paths for our defensive missile, and if the chosen path does not lead to the offensive missile the system does not work. Am I correct in this?

Mr. RUSSELL. Mr. President, I am not of the opinion of the Senator from New Jersey on this matter. Of course, I should say our radar is not perfect by any manner or means. I have never contended that any aspect of this system is perfect. I doubt if it ever will be. All we can do is get the most effective system possible.

I had not heard before that the radar system was limited to a certain track. I know at the outset, when we began this system 12 years ago, that was true; but I do not think that has been the case for the last 8 or 9 years. I think we have a radar system that is geared to pick up a missile coming from any direction, they have even figured out the number of minutes that we would have knowledge of the oncoming missiles. At one time, they had some plan to try to evacuate cities, but when it got down to 15 minutes, they stopped their plans to try to evacuate any cities.

I think at the outset, there were severe radar limitations, and that was why I so vigorously opposed going into production on this type of thing, because radar could only pick them up at certain angles or certain degrees.

Mr. CASE. I thank the Senator. This is a matter just recently brought to my attention. I am completely a novice in this area, but if that were true it would indicate to me that this system we have is somewhat less than perfect, even marvelous as it is.

Mr. RUSSELL. Of course, the Senator knows the Russians have developed a new system of attack now, the FOBS system, that comes in at a very low elevation, and that a great deal of our radar would not be effective on the missiles that come in on this FOBS system.

But I do not think we should throw up our hands in holy horror and say, "Let us stop here now, because the Russians have this FOBS system in operation."

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JACKSON. I think the Senator is going to find the answer to most of the questions he has posed by referring to the hearings before the Joint Atomic Energy Committee.

The PRESIDING OFFICER. The additional time yielded to the Senator from New Jersey has expired.

Mr. JACKSON. If the Senator will look at the hearings before the Joint Atomic Energy Committee on page 14, the Senator will see it laid out.

The thing to remember, regarding the working of the defensive system, is that there are three radar systems. BMEWS is first—ballistic missile early warning system. It picks up, in the polar area, the first missiles coming. Then you have PAR—the perimeter acquisition radar—which takes over and covers, as the illustration on page 15 of the hearing report shows, all of the United States.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. CASE. Mr. President, I think it is a little bit ridiculous, when we are trying to get an understanding here, to be this way about time.

Mr. RUSSELL. Mr. President, I am perfectly willing for the Senator to have all the time he wishes. I thought he had had all the time he needed. I yield the Senator 3 more minutes.

Mr. JACKSON. Then, after BMEWS has given the early detection, and the PAR—the perimeter acquisition radar—clicks in, we get to the MSR—the missile site radar—and it is from this point that you control both the Spartan, which is the long range interceptor, which is an area defense concept, and then at the last minute, the Sprint, which is a point defense, and it is limited to a point defense, just as that would imply. The point can be the PAR itself.

The first thing the adversary would try to knock out would be PAR. If they knock out PAR, you are in trouble. Of course, Sprint can defend that. It can also defend the MSR, the missile site radar, and it can defend the cities to some extent, the population defense which we have been talking about.

I believe that the point the able Senator from New Jersey may be trying to get at is the question of decoys. We have come a long way on radar discrimination, and they can now handle many incoming missiles at once. But you can saturate the system. There is no question about that.

The system we are talking about here can handle several incoming missiles at once, and it can handle decoys. No one knows how effective it will be in that regard, because we have never, thank God, had a full scale test, and I hope we will never have one.

Mr. CASE. I am much obliged to the Senator. I am sure the discussion will help the record, and everybody's understanding will be better, to have this explanation. It goes a good deal further than what I had in mind.

What I was trying to get at, and I think the Senator from Georgia understood me and answered the question according to his information, was that I had understood that, in effect, our computer system was one which did not take these missiles that were on the way in, and then set the defense operation exactly according to the missile's course, but rather, that you had to preset your defensive system in a number of patterns which were fixed, and that all the computer did was select one of those patterns, the closest to the path of the incoming missile.

That was all my question was. Am I correct in that, or not?

Mr. ALLOTT. No.

Mr. CASE. I just wanted to know that. That was a matter of information.

Mr. RUSSELL. Mr. President, according to the recent testimony we have had for the last 2 or 3 years, radar, in its present state of development, is not limited to any prearranged pattern whatever. It can pick up missiles coming in from any angle, at any degree.

Mr. CASE. I appreciate that.

Mr. RUSSELL. The original question the Senator asked I would have answered in the affirmative 10 years ago.

Mr. CASE. I thank the Senator. I have had handed to me by the Senator from Kentucky a group of questions received from a number of scientists that they would like to have asked, from the standpoint of feasibility and operations and what not. At an appropriate time—and I should think it would be now—I should like to ask that this be included in the RECORD, with the view that, when the next hearings come up on the matter, the questions be put to responsible people. They are quite serious questions, as to feasibility.

Mr. RUSSELL. Mr. President, has the Senator concluded?

Mr. CASE. That was my question.

Mr. RUSSELL. I yield myself 2 minutes at this point. This request is something that has been repeated time and time again. We have been conducting research on this missile for 12 years. These scientists, every time a bill comes before the Senate, send a telegram saying, "This will not add to our defense." But at no time has any of them ever asked to appear before the committee. Not a single Senator has ever asked for one of them to appear. But year after year, they send in this telegram when the bill is before the Senate. This year, we have voted on this issue four times. There are four strikes on this batter in this ball game. And as I recall, the same telegram, in essence, has been sent on each and every occasion.

Mr. DODD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. DODD. I think it would be helpful to the Senate to have the names of these scientists. They ought to be recorded somewhere.

Mr. RUSSELL. They will be. The Senator from Arkansas proposes to put the telegrams in the RECORD. I want it to be done in open session. But I reiterate the statement I have made; I do not wish to be repetitious, but I want that to appear in the RECORD.

Mr. PASTORE. Mr. President, if the Senator will yield, these telegrams from these scientists are nothing new. They have made these public statements for 3 or 4 years. That is the thing that shocks me. They have an interest in this matter; why do they not appear before the committees, so they can be interrogated? This is nothing new.

Mr. RUSSELL. I have never turned down a request of a single Senator to hear a witness. We have been dealing with research on this item to the amount of tens of millions of dollars for years; this is the 13th year. And there has never been a single request by a Senator for one of these witnesses to come before the committee. We just get their views in this fashion, by telegram.

Mr. CASE. Mr. President, I think I still have the floor. If some Senator will be good enough to yield me 1 more minute, I will finish.

I do not make any suggestion that anybody is pulling Fancy Dan tricks here. The only people who would or could might be some people who have some interest in what General Eisenhower used to call the military-industrial complex. New Jersey, of course, has no part whatever in any military-industrial complex.

Mr. JACKSON. What? Will the Senator yield?

Mr. CASE. Does not the Senator realize that I am making a joke?

Mr. RUSSELL. That is the most sensible statement that the Senator has made in several days.

Mr. JACKSON. Mr. President, I thought the military-industrial complex controlled all Senators.

Mr. CASE. Mr. President, I suppose there are more men in high military, industrial, and engineering jobs in New Jersey than any place else in the world. That is only because we have such an intelligent populace.

Mr. PASTORE. Is that a joke, too?

Mr. CASE. I will ask that the last colloquy be taken out of the air.

Mr. PASTORE. I agree.

Mr. CASE. Mr. President, I shall be very quick. I think we all understand this better because of the time we have spent on it. As far as I am concerned, I have known since I have become acquainted with a good many of these scientists and had the opportunity to talk with them, that I was deprived of information that, in one sense, is something that nobody knows anything about. Yet, we have a good deal of knowledge, a common body of knowledge about it.

It seems to me that we would be well advised to wait. It is a question of timing.

I would hope that we not hop in with a commitment to spend $5 billion or $6 billion at this point when we could very well delay to see whether it is desirable or not. On balance, it seems to me that it is not desirable to proceed now.

Mr. President, I ask unanimous consent that a series of questions concerning the Sentinel ABM system be printed at this point in the RECORD.

There being no objection, the questions were ordered to be printed in the RECORD, as follows:

QUESTIONS CONCERNING THE SENTINEL ABM SYSTEM TO BE ASKED IN CLOSED SESSION OF THE SENATE

ANENT SPARTAN

1. What is the nature, duration and scope of the radar blackout caused by explosion of a Spartan warhead?

2. If a succession of ICBMs with decoys comes in, following each other with optimum spacing a few seconds or minutes apart, would the radar blackout from a first Spartan missile interfere with interception of later ICBM's by later Spartans?

If reply does not admit complete defeat on this point, it should be followed by:

2a. Have you taken into account all types of blackout?

I. Beta-patch blackout? Can you describe what it is, how effective it is, and how long it lasts?

II. Same for direct blackout by debris cloud?

2b. Would it not be even harder to intercept the later ICBMs if they were maneuverable? (For example, if they were FOBS?)

ANENT SPRINT

If the the reply to question 2 falls back on SPRINT (saying that Sprint is not affected by blackout so it could get the later ICBMs that Spartan cannot), further questions are:

2c. In the Sentinel system, how many cities are to be protected by Sprint (more than just Seattle and Boston, for example)?

2d. Does the beta-patch blackout come low enough to interfere with the reaction time of Sprint?

3. Is it conceivable that an ICBM could be fused to explode when intercepted? (If not, why not, and what confidence can be placed in the reply?)

4. If an incoming ICBM is so fused and detonates on interception by a Sprint missile, what damage could it do to the city being defended?

5. In view of public hesitation to accept nuclear reactors in cities, what assurance can be given that there is less hazard from accidental detonation of ABMs stationed in or on the edge of cities? In case of accident, how does the damage in the two cases compare?

ANENT THE SENTINEL SYSTEM AS A WHOLE

6. Do you agree with Former Secretary McNamara that no effective ABM defense is possible against a massive and sophisticated nuclear attack?

7. Would the Spartan component of the system distinguish simple penetration aids such as balloons and chaff?

8. Again, if reply falls back on Sprint, Question 2c. If the Chinese should be so mad as to commit suicide by attacking against our ICBM superiority, which seems highly unlikely, what is to prevent them from including simple penetration aids in their first ICBMs? How effective could Sentinel be against their missiles if so equipped, say, in the mid-1970's?

9. Would it be technologically much more difficult for the Chinese to arrange non-ICBM delivery to evade the Sentinel system, such as submarines, merchant ships, etc.?

ANENT INTELLIGENCE REPORTS

10. What is known concerning the delay in the Chinese ICBM system?

11. What is known about the progress of building the Moscow system? Has it not been discontinued?

The PRESIDING OFFICER. Who yields time?

Mr. RUSSELL. Mr. President, I have time remaining, but I have Senators who want to speak in open session.

Mr. President, I move that we return to open session.

Mr. COOPER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 14 minutes remaining, and the Senator from Kentucky has 5 minutes remaining.

Mr. COOPER. Mr. President, I think perhaps the questions have been exhausted unless someone wants to speak at this time. However, I yield myself 2 minutes to sum up my own views.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, I had asked for the doors to be closed because I thought we would be able to secure more detailed information. I think we have done so.

I would like to repeat my views briefly concerning the making of this appropriation.

As I pointed out, if this amount is deleted, there will yet remain $900 million which has been appropriated for the ABM system this year. In the pending bill, $312 million will be left for research and development.

The Senator from Georgia has worked at this much longer than I have, but I cannot agree with his statement that no more research is needed.

Mr. RUSSELL. Mr. President, I did not say that. We will never complete the research and development on this, even after it is all installed. We will still have to keep working on it.

Mr. COOPER. All right. But the facts that have been brought out this afternoon indicate that more research and more work on this system could be undertaken. In fact, the picture in these hearings shows the efforts that are being made.

As I gather, the information is that the radar system, the MSR particularly, has not yet been worked out. So we are asking that this matter be deferred until the next fiscal year.

My second point is that I think it is clear from the testimony that the thin system will not defend or give any absolute protection or even adequate protection against even a limited Chinese attack. And all the experts tell us that it will give no protection against a Soviet attack.

Every expert has said that if we install a heavy system and the Soviets install a heavy system, both the United States and the Soviet Union have the technological capabilities to develop the penetration aid which will enable them to overcome even a heavy system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 additional minutes.

Mr. COOPER. Mr. President, my point is that we are embarking on a course where we will end up exactly where we are today with no gain in security, with an expenditure of about $70 billion.

There is a political side to this. If the Soviets do not proceed to complete this installation at Moscow—and they have slowed it down today and indicate that they are not going ahead with an ABM system—then we might ask next year whether we should embark on the system. And if we reach some accommodation with the Soviet Union, we might not want to embark upon it.

We should have more time to have some of the distinguished scientists and experts who have not testified appear before the committee.

In one of the debates I raised the question and asked the committee whether they would not have the witnesses appear before them at the next hearing. There have been hearings since I asked the question.

There has been an argument made throughout these debates—and it has concerned me, and I do not feel that its overtones are exactly correct—that if we do not install the system, it will indicate that we are perhaps making it possible for millions of Americans to be killed who might otherwise be protected.

I submit that that argument is based upon the proposition that if we install a system, the Soviet Union will not install one, or that they will not be able to have missiles which can penetrate that system.

Mr. President, I believe if we study and examine this argument carefully, we will find that if we install the system and the Soviet Union installs a system, there will be no protection gained or any change in the loss of lives for either country in the event of attack. So I must complain about that argument.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I really must say that I do not think it is a correct argument. It leaves the impression, I think, that some of us are more concerned about the loss of human life than others. I know that is not correct.

That is an argument that has bothered me during this debate. I must say that I think it has been a very incorrect argument.

The PRESIDING OFFICER. All the time of the Senator has expired.

Mr. RUSSELL. Mr. President, I move that the Senate return to open session.

Mr. GORE. Mr. President, is there some way in which I can get time?

Mr. RUSSELL. Mr. President, if the Senator has some classified matter he wishes to discuss, I will withhold my motion. However, there has been very little said here that could not have been said in open session.

Mr. GORE. Mr. President, the debate here is so much improved over that in the public session that I would like to have 2 or 3 minutes while it is quiet and I can be heard.

The PRESIDING OFFICER. Who yields time?

Mr. RUSSELL. Frankly, I would yield to the Senator, but the Senator voted against this proposition four times already this year. I do not know that I should yield any time to the proponents of the amendment.

Mr. MANSFIELD. Mr. President, I yield the Senator 3 minutes on the bill. I hope at the end of that time we can go into open session.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 minutes.

Mr. GORE. Mr. President, as chairman of the subcommittee, I suppose that we went into this question as thoroughly as any other group.

I shall not attempt to communicate in the technical terms which scientists use. As the Senator from Rhode Island has said, there is involved a scientific and political question. Not many of us have sufficient facility for decision on a purely scientific and technical basis.

I rose only to relate to the Senate briefly my own conclusion after a careful study, and I suppose it must be termed a political judgment, though conditioned with some study of the technological factors involved.

It seems to me that the thin system described in the words of the distinguished junior Senator from Iowa as a "reasonably effective" system is the least defensible course we could follow.

We have three choices: First, not to deploy; second, to deploy a thin or reasonably effective—maybe—system; or, third, to proceed to deploy vigorously what we would hope to be an effective defense.

We have chosen here the middle course. It is, in my view, the least advisable course. I would have greater trouble in reaching a decision as between not deploying at all and deploying an effective system. I have little trouble with opposing the deployment of a reasonably effective system. I believe it carries with it many of the disadvantages—politically, militarily, and so forth—and carries few of the positive advantages of an effective defense.

LEGISLATIVE SESSION

Mr. RUSSELL. Mr. President, I now move that the Senate return to open legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to; and at 3:01 p.m. the Senate returned to open legislative session.

The PRESIDING OFFICER. The Senate is now in open session.

Who yields time?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call, not to exceed 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island, the chairman of the Joint Committee on Atomic Energy.

Mr. PASTORE. Mr. President, we have just emerged from a closed-door session which I believe to have been very fruitful. We have had an opportunity to discuss, as frankly and as sincerely as human beings can, probably the greatest problem that confront all mankind today—human survival.

I have lived and labored with this madness of the atomic bomb since 1952, and not for one moment of my waking hours do I forget the terrifying destructive power that man can unleash. Indeed, it has been dramatically expressed that we have enough nuclear power in the stockpiles of the world today such power that if all the existing atomic and hydrogen bombs were used, we could annihilate everything that man has created from the beginning of time.

Until the time comes when man is restored to the rationality of being willing to talk with his neighbor and even with his adversaries on the question of restraining this frightful power and bring it under international control, I am afraid that we will be confronted with crisis after crisis.

All this began in 1945—on August 6, 1945—when the bomb fell on Hiroshima. Three days after that, the bomb fell on Nagasaki. How fortunate we are that since August 9, 1945, man has been able to restrain his trigger on the atomic bomb. No bomb has fallen in anger.

I believe that the antidote to this madness, that the world may endure in sanity, is a very effective system of disarmament. But until that is achieved, I fear that we will have to make some very hard decisions. I do not question the sincerity or the motivation of those who are opposed to the anti-ballistic-missile system. But I think we are confronted here with a two-pronged issue:

The first, of course, is whether or not scientifically an operational system can be deployed. The second issue is the political questions that are involved.

I have heard it argued time and time again that if we build a system to protect American lives and to protect our own arsenals, our own Minuteman, we will perforce accelerate the atomic race. I cannot accept that logic. To me, that argument is specious. I cannot accept it for one moment, because of what Kosygin said in London in February 1967.

Let me quote from a report in the New York Times of February 21, 1967:

> Premier Aleksei N. Kosygin said in London 10 days ago that the Soviet antimissile system was "designed not to kill people but to preserve human lives."
>
> "I believe that defense systems, which prevent attack, are not the cause of the arms race but constitute a factor preventing the death of people," he said.

In that connection, I stated on June 24, 1968, on the floor of the Senate:

> That is what the Russians said. Yet we are shedding crocodile tears that if we try to protect American lives, that is going to accelerate the arms race in Moscow.

I say that if an anti-ballistic-missile system were never born, there may be some substance to the argument that we should not indulge in it at this time. But at least one—if not two—antiballistic missiles exist in the Soviet Union. Though we are talking here in terms of $5 billion, it must be borne in mind that all we expect to spend next year is $70 million. If the spending of that $70 million will convince the Russian leaders, who are tough negotiators, that the time has come when something must be done mutually about controlling this tremendous power, I say that would be the best $70 million of the taxpayer's money we could ever spend.

Now, is the system operational? We have the evidence from the Secretary of Defense. We have the statement of Dr. Teller, who, before the nonproliferation hearing, made this declaration:

> Whether it is presently possible to deploy a missile defense that would be effective against the Russians, I do not know and I claim that nobody knows, and that is the reason why the present development called Sentinel is reasonable; because it is not only a defense in itself, it is also a pilot operation that can teach us whether further development will be reasonable.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Will the Senator from Georgia yield me 2 additional minutes?

Mr. RUSSELL. I yield 2 additional minutes to the Senator from Rhode Island.

Mr. PASTORE. No one here contends that any defense system can be devised which will guarantee us complete protection. But, after all, America's military atomic posture is predicated upon the fact that we can and will retaliate. We have proclaimed to the world that our posture is that the first attack will be made upon us and that once that is made, we will retaliate.

Therefore, it becomes incumbent upon us to see that no matter how forceful, no matter how powerful, no matter how effective the Russians may believe their first surprise attack could be, they will be convinced that we will not only preserve our material power to retaliate but also that we will try to preserve our human power—conserve American lives to do that job of retaliation.

I think that possibly the one fearful risk that a democratic, peaceful society must live with is the fact that we are not the aggressors—that we will accept the first blow and we rely on our retaliatory resources.

Russia knows we never intend to commit the first attack against them. They know deep in their hearts, no matter what they say, that America will never drop the first atom bomb on them. We have already said our power is retaliatory.

I say let us make sure we begin the building of a system that will one day lead to the soundest defense system that will best preserve American lives. Help us to preserve our military posture to convince any adversary that we have protected the power and strength to destroy the aggressor. That is the only deterrent which will count.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, on behalf of the Senator from Georgia I yield 5 minutes to the Senator from Tennessee.

Mr. HART. Mr. President, will the Senator from Mississippi withhold his request so that I can ask one question of the Senator from Rhode Island?

Mr. STENNIS. I withhold my request.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 1 minute to the Senator from Michigan.

Mr. HART. Mr. President, the Senator from Rhode Island makes the point that only $70 million of this sum will be spent in the next fiscal year.

Mr. PASTORE. The Senator is correct.

Mr. HART. That does not mean, or does it, that we could amend the bill to reduce the figure to just $70 million?

Mr. PASTORE. No; we cannot do that because there is needed a long lead time. It would be absolutely foolish.

Mr. HART. But the money will be spent.

Mr. PASTORE. Yes. What I said was that if within 1 year the Russians will be obliging enough to sit down at the conference table as suggested by the President, agree to bring under international control their defense system, and we agree to do the same—then the spending of $70 million will be the best investment that we can make. For it can mean the preservation of mankind.

Mr. STENNIS. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. I thank the distinguished Senator from Mississippi.

First, the United States did not elect to initiate construction of an anti-ballistic-missile system; the Russians did. Second, there is no way we can engage in magic wishing and make this nuclear age disappear or remove the capacity of the Russians, the people of the United States, the French, the people of England or China, and possibly others to incinerate and annihilate life from this planet. That is an existing fact. Third, for many years, of necessity and properly, the super powers of the world have engaged themselves in a race of offensive weapons—a substantial effort of money, manpower, and energy devoted to the creation of a balance of terror.

As the distinguished Senator from Rhode Island has pointed out, we must assure the Russians that no matter what they may do, we will preserve our ability to retaliate and thus provide a deterrent to nuclear annihilation.

However, I respectfully submit, Mr. President, that we are entering an era when that no longer can endure, nor must we let it. In view of the points I made initially that we cannot put the nuclear genie back in the bottle, in view of the fact there is the ability for mass destruction from many sources, I believe the resources of the human intellect and spirit must be directed toward something better, and I suggest that the deployment of this Sentinel anti-ballistic-missile system is a step in that direction.

I feel it is the first step we have available to us to initiate a program which will lead, hopefully, to a climate which will permit limitation or deemphasis of the construction of offensive weapons.

I propose that instead of the United States devoting all of its energy, time, and resources to building ever-increasingly powerful offensive weapons, which is abhorrent to me in the beginning, that we consider the prospects of building a defensive system to protect ourselves instead of to annihilate our fellow man.

I believe it is important that we see the first glimmer of disarmament in the hope of an anti-ballistic-missile system. The prospect of a limited anti-ballistic-missile system has brought that first, firm, discernible step toward disarmament that this world has enjoyed since World War II.

I speak now of the necessity for the Soviet Union and others to redesign their missiles in order to provide shielding, to shield the explosive materials within the warheads, and to provide decoy materials and to otherwise protect those missiles to guard against the prospect that we may be able to defend against them.

As a result of these measures taken in anticipation of our defensive posture, we have reduced the possibility of the offensive power of Russian offensive weapons.

Mr. President, I was privileged to make a speech on the floor of the Senate not long ago calling attention to a statement by Dr. Weinberg, Director of Oak Ridge National Laboratory, at Rockefeller University in a speech dealing with atoms for peace. Dr. Weinberg made essentially the proposal I have made that deployment of an anti-ballistic-missile system by the United States would be a positive step toward the possibility of nuclear disarmament.

Then, just a week later, I spoke on the floor of the Senate to point out that since Congress authorized deployment of the Sentinel, the Russian Foreign Minister in the public press indicated his desire to open negotiations and discussions on the possibility of disarmament.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, I believe that having authorized this emphasis on defensive weapons and having taken our first step away from the spiraling race toward offensive weapons, that if we were to restrict or rescind that step now, it would set back the prospects for permanent peace and it would be contrary to the hope of insuring against nuclear destruction.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from North Dakota on the bill.

Mr. YOUNG of North Dakota. Mr. President, the House Committee on Appropriations, as well as the Committee on Appropriations in the Senate, and particularly the subcommittee dealing with defense appropriations, had to make a decision long ago on how best we could cut military appropriations by $5 or $6 billion.

Mr. STENNIS. Mr. President, will the Chair maintain order and quiet on the floor so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. YOUNG of North Dakota. Mr. President, our committee had to make a decision on how best to meet this $6 billion cut in our expenditures. A decision was made to cut military appropriations by more than $5 billion, which would result in nearly a $3 billion cut in actual expenditures.

The House Committee on Appropriations, as was the case in the Senate Committee on Appropriations and the Subcommittee on the Department of Defense, asked the Department of Defense how best we could make the big cut and hurt them the least. They were very helpful in coming up with suggestions as to where we could make cuts. They admitted it would hurt, but they suggested where it would hurt the least.

I was concerned about the ABM system which is being described here today. I thought possibly a cut would be made in the appropriation for it, but, apparently, the Department of Defense places high priority on the ABM system.

Mr. President, let me read, from part 5 of the hearings, a couple of questions I asked of the Defense Secretary and his answers. We have heard telegrams read from scientists and other people giving advice as to what we should do on the ABM system, but the Joint Chiefs of Staff have spent their lives in the defense of their country. We have people appointed to be Secretaries of Defense and Assistant Secretaries in the Department of Defense whose business it is to know what defense requirements are, and I therefore believe that we should have a little confidence in them in what they have to say.

On page 2651 of part 5 of the hearings, I asked Secretary Clifford this question:

> Senator Young. May I ask one more question? What is the Defense Department's reason for not making a cut in the Sentinel system?
>
> This question may come up on the Senate floor.

As well it did.

> Secretary Clifford. It is our belief that in view of all the circumstances that exist in the world today we would do well to proceed with the Sentinel system. I understand that it is controversial and others have an opposite opinion. I had to reach a decision. I reached the decision that it was wise to proceed with this.
>
> The Soviets already have the beginning of an anti-ballistic-missile system. We don't know where that is going to lead. Also we have the feeling that as the Red Chinese progress with their weapons development it would be wise for us to have a defensive system so that in the event China should decide to threaten with nuclear weapons someday, we would have something more than just massive retaliation to rely on.
>
> There are other reasons also. One is that an anti-ballistic-missile system constitutes a measure of protection for our offensive ballistic missiles against some of the first enemy missiles that might be fired against our missile bases.
>
> In addition to that, it might be of great help in the event of some accidental release of an enemy missile.
>
> Also, we don't know what is going to happen in the world in the future.
>
> We don't know what other nations are going to get a strategic missile system. I don't know. There are other nations that are pretty well along the way. It seems to me we are better off to have this kind of system. We can get it for some $5.5 billion.
>
> * * * * *
>
> Senator Russell. General Wheeler, I believe that has been the view of the Joint Chiefs for sometime.
>
> General Wheeler. Those are the views of the Joint Chiefs, yes, sir.
>
> We concur completely with what the Secretary has said.
>
> Senator Young. You must place a very high priority on it; otherwise you would have made some cuts on it, isn't that right?
>
> Secretary Clifford. Yes, sir. It made a difference this year—these figures are only general, maybe Dr. Brown can supply them—but it makes a difference of about [deleted] million in expenditure this year, something in that general neighborhood.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 1 additional minute.

Mr. YOUNG of North Dakota. Mr. President, I believe it would be a sad mistake to vote today not to proceed with this ABM system. We need the experience in this field, if nothing else. We must not lag behind the Russians in defense.

Mr. STENNIS. Mr. President, I now yield, for the chairman, 1 minute to the distinguished Senator from Connecticut [Mr. Dodd], and then I shall yield to the Senator from Washington [Mr. Jackson].

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. DODD. Mr. President, in June of this year I spoke on this subject. While I make no pretense of being anywhere so knowledgeable as members of the committee, I am as interested as other Senators in the general problem.

It seems to me that at this critical hour in our history, we cannot afford to do less than undertake this program.

The basic purpose of our nuclear arsenal is to prevent or limit aggression and to prevent the outbreak of nuclear warfare.

From this standpoint it is essential that our deterrent capability be as credible as possible, both to our potential enemies and to our friends.

Every ounce of doubt we can instill in the minds of our potential enemies and every ounce of confidence we can convey to our friends is a plus from the standpoint of enhancing the deterrence to nuclear warfare.

We are dealing here, admittedly, with certain scientific and technological unknowns. But we are also dealing with subtle psychological factors that may, in the final analysis, be more important than weapons systems in the prevention of nuclear warfare.

If the world knows that the United States has a far greater arsenal of strategic nuclear weapons than the Soviet Union, it enhances the credibility of our deterrent power, and, to that extent, it encourages those who depend on us and fortifies our diplomacy.

If, on the other hand, the world is informed, as is today the case, that the Soviets have achieved parity in strategic missiles and will shortly surpass us, this inevitably disheartens our friends, weakens our diplomacy, and emboldens the Soviets.

If the world is told that the Soviets have for several years now been building an antimissile defense system, while the United States has none, this, too, weakens our deterrent capability by sowing more doubts in the minds of our friends and more doubts in our own minds, and it puts the Kremlin in a stronger position to play the dangerous game of poker bluff in its diplomacy.

No one knows for sure how extensive the Soviet antimissile defense system is. No one knows, moreover, how effective it would prove against a massive retaliatory strike. It may well be that the system is not as extensive or as effective as the Soviets would like the world to believe. But precisely because the free world does not know for sure, it will have to worry.

I said in June that in any given crisis situation—and we are in one now—the possibility that the Soviet's ABM system may be significantly effective would certainly weigh heavily on the minds of our leaders and allies.

Suppose we were confronted with another Cuban missile crisis. Suppose that, instead of enjoying overwhelming strategic superiority, our leaders had information that the Soviets now possessed a substantial superiority.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. DODD. Mr. President, will the Senator from Mississippi yield me 1 additional minute?

Mr. STENNIS. I yield 1 additional minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 additional minute.

Mr. DODD. Suppose, in addition, they had intelligence reports—accurate or inaccurate—that the Soviet ABM system had a high degree of effectiveness while we had no system of any kind.

The question is: Would any American confronted with such a situation, be able to throw down the gauntlet as President John F. Kennedy did at the time of the Cuban missile crisis?

Frankly, I seriously doubt it.

That is why I say we cannot do less than undertake this program at this time in history.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. JACKSON. Mr. President, there is nothing startling or new in the information and arguments which opponents of the ABM have made today against deployment of the Sentinel ABM.

We have been through all the technical issues relating to Sentinel before, here on the Senate floor, and the Senate made clear by decisive votes on two occasions that the time had come to move on our Sentinel ABM system, to get it off the drawing boards, and get into its actual development. The fact is, deployment will tend to speed and advance the development and improvement of the system.

To quote again the description of this Sentinel program, approved by Secretary of Defense Clifford, and supported by the Senate in two overwhelming votes:

> The Sentinel missile defense system is designed to (a) prevent a successful missile attack from China through the late 1970's (with the capability to continue to deny or at least substantially reduce damage from

> threats in later years); (b) limit damage from an accidental launch from any source; and (c) provide the option for increased defense of our Minuteman force, if necessary in the future.
>
> The ability to protect ourselves from unacceptable damage from a numerically large and technically advanced missile force such as that of the Soviet Union is not yet technically feasible. However, the Sentinel system will complicate any attack on the United States.
>
> We will continue an intensive R&D program in an attempt to provide increasingly effective means to limit damage from both the advancing Chinese and the Soviet missile threats.

I am surprised at the emphasis some of my colleagues seem to place on some chancy predictions of Chinese ICBM progress. Let us face it, Mr. President, predictions in this area are a hazardous and unreliable business. Estimates have been wrong before; they will be wrong again, especially ones derived from information on weapons developments by a secretive adversary. As one example, I remind you that our intelligence community clearly underestimated how soon Red China would get its first H-bomb.

In any event, the responsible officials in the administration and the responsible Senate committees have scrutinized all the intelligence information that is available on weapons progress by our Chinese and Soviet adversaries and find no justification for any delay in Sentinel deployment. Indeed, Secretary Clifford, after evaluating the very latest intelligence data, has explicitly exempted the Sentinel ABM from current budget cuts.

Mr. President, in this matter as in other key defense issues, we should keep our eye on the broad picture, on what our adversaries are up to, and on what is going on in the real world.

Certainly, one lesson of the shocking Soviet-led invasion of Czechoslovakia is the unpredictability of Soviet military moves.

Moreover, this unpredictability is demonstrated just at the time when the Soviets are driving ahead to reach a level of nuclear parity with the United States in strategic power, however that may be measured in terms of the ratio between offensive and defensive systems.

In any future period in which the Soviets might attain either nuclear equality or nuclear superiority, we would be prudent to assume that Soviet policy would be tempted to undertake more acute and more dangerous risks of confrontation with the West.

Why, in the name of commonsense, should we now delay our effort to maintain a viable strategic deterrent at the very moment in world history when what is urgently needed is a greater effort on our part?

Mr. President, may I discuss briefly again this question of trying to negotiate with the Soviets on the limitation of strategic weapons. Is it not just good sense that we cannot negotiate with the Soviets on the subject of the ABM if we do not have an ABM? The Soviets were the first to deploy an ABM and they are continuing to improve it. How are we going to reach a limitation agreement with them on the ABM if we announce right here and now that we are not going ahead with our system?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. May I have 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Washington.

Mr. JACKSON. On Monday, when the Senate had this question before it initially, the Senate put to the test the argument that to go ahead with our ABM would prejudice the possibility of talks with the Soviets on nuclear weapons limitation. Well, on that Monday we voted to go ahead with deployment, and on Wednesday—2 days later—they announced for the first time their willingness to talk with us on these issues.

Does anyone in his right mind think for a moment that the Soviet Union would negotiate seriously with an adversary that did not have the kind of military muscle the Soviet Union understands?

Mr. President, Czechoslovakia was a sister Communist state. Of all situations, one would expect they would negotiate right on to the end. Even dealing with a sister Communist state, what did they do? They put a ring of military force around Czechoslovakia, and then between midnight and breakfast they occupied the whole country.

Mr. President, this is one way the Soviets negotiate: They impose their will wherever the risks for them are not prohibitive. Surely, we must have learned something from the lessons since the end of World War II and now from Czechoslovakia on the subject of what makes the Russians talk seriously and meaningfully.

The President's chief civilian, military, and scientific advisers unanimously urge this ABM program. The President has asked us to give him the funds so he can move ahead with this program. The Senate Committees on Armed Services and Appropriations have recommended that the funds for deployment be provided.

Under these circumstances, I would expect most Senators to follow the considered advice of those with the special duty and responsibility to judge these critical matters in formulating our Nation's strategic weapons policy.

Mr. President, in the kind of world in which we are living today, I submit the prudent thing to do is to move from strength. If we do that, we will have the best chance of avoiding a nuclear incineration of most of mankind.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, it is disturbing to see this important advance in our defense system once again become the subject of controversy. When Soviet tanks rumbled across Czechoslovakia, I should have thought that perceptive observers of international political realities would see the futility of a defense policy based in its essence on the good intentions of the Soviet Union. I would have thought that the saber-rattling statements of the Soviet leaders attempting to justify some future military thrust into West Germany, under the guise of stemming the rebirth of militarism, would have dealt an additional blow to the concept of weakening our own defense in order to persuade our Soviet enemy of our peaceful intentions. Yet, we have seen that 250 Czechoslovakians are not yet cold in their graves when once again we are asked to impede, to slow down, and to weaken our own defense capability.

I was pleased with the statement of Defense Secretary Clark Clifford on September 5 that our anti-ballistic-missile program would be exempt from any Pentagon budget cuts. It is high time that the American people and the Members of this body recognize the serious state of our defense capability. In 1961 the United States had a megatonnage delivery capability in a ratio of 2 to 1 over that of the Soviet Union. By 1971, if the present trends continue, the Soviets will have a delivery capability of 30,000 megatonnage compared to our 15,000 megatons, a complete reversal in a 10-year period. In the last year the Soviet Union has increased its ICBM's from 340 to 720; they have more than doubled their capability in 1 year. By 1970, at the present rate, the Soviets will have caught up with the United States in the number of ICBM's.

The deployment of the ABM system is one of the most important items for which appropriations are made in the bill; it is directly related to the future security of this country. It was the subject of exhaustive debate and study in the committee proceedings.

I am speaking of the Sentinel system—the initial deployment of the Spartan-Sprint anti-ballistic-missile system to defend our military installations and some of our cities against the possibility of an ICBM attack from the Chinese People's Republic.

The author of this amendment is attempting to eliminate $387.4 million for construction of Sentinel facilities. The major argument recently advanced is that the Red Chinese are falling behind in their schedule for the development of an ICBM, and that because of this "breather" the United States can delay the installation of the Sentinel system without any harm to overall security.

The best authorities from the Defense Intelligence Agency and from the Army testified to the committee's satisfaction that the Red Chinese ICBM development is a definite threat. At the same time they revealed alarming changes in the overall strategic balance between the United States and the Soviet Union. Our military advisers told us that one of the greatest advantages from the installation of the Sentinel is that it will establish a base which could be expanded in a relatively short time to a more comprehensive, larger system for use against the Soviet threat if it is required.

I would like to point out that the Sentinel system is a very complex system which will take time to establish, to bring it into an operational readiness status, to test all the components and to establish with some degree of competence what we can and cannot do with it. Regardless of any delays that might be experienced by our enemies, the fact remains that it is unwise to concentrate on and rely too much on a single system for the future security of the United States. Should we conclude that an adequate offensive nuclear strategic weapon capability will guarantee our security we would be overlooking one of the more important elements of the problem. If the Soviets develop a capable antimissile defense, and there is every indication that they are doing so, then our calculations on the capability of our offensive weapons will not be valid.

It has been ably said by Gen. Harold Johnson, former Chief of Staff of the Army, that deterrence is as much a state of mind as it is a physical inventory of strategic weapons. Deterrence is, he says, as much what the enemy believes that we have, as it is what we actually have. It is his opinion that the more uncertainties we create, the greater chance we have to avoid a nuclear exchange.

As the Committee on Armed Services sees the problem, this is not a question of arms control or nuclear power; this is a case of the Soviets building a defense against our strategic weapon delivery systems while we do nothing but research.

It is already well known that the Galosh system around Moscow is clearly an antiballistic missile. It is also known that the extensive installations in the so-called Talinn line could well be antimissile defense. It is unwise to discuss the details of intelligence collection on this vital subject in an unclassified atmosphere.

Mr. President, I should like to summarize the main arguments for proceeding promptly with the development of the Sentinel ABM system:

First. This is a very complex system. The Army needs every opportunity to test the equipment, and it needs a base from which to begin. Even with good results, it will take approximately 4 years to make the Sentinel system operational.

Second. If there is some delay in Red Chinese development of an ICBM, we should take advantage of the additional time gained to iron out difficulties and perfect the Sentinel system.

Third. The Sentinel will not only defend against an ICBM attack by Red China, but also it will provide the United States with protection against an accidental or irrational ICBM launch by any power.

Fourth. The capability provided by Sentinel will discourage nuclear proliferation among lesser powers.

Fifth. Acting on good faith, on the DOD decision announced by Secretary McNamara, and subsequently reaffirmed by Secretary Clifford the Army has let contracts, hired people, and formed technical teams to get the Sentinel project moving. It is interesting to note that many employees who were released by cutbacks in NASA projects have found work on the Sentinel project.

Sixth. The Army needs to break ground and start construction. Any delay in establishing these sites will cause a whiplash in the development of other essential components. In other words, delay in construction will snowball other delays.

Seventh. To those who object to Sentinel development on the grounds that we cannot test the system completely, I point out that neither can we test Minuteman or Polaris in that context. To those who now argue against Sentinel on that basis, I ask, how did they vote on the Nuclear Test Ban Treaty of 1963?

Eighth. I should like to point out the growth capacity of the Sentinel system. While it is admittedly oriented against the Red Chinese threat, it also has a capability against the more dangerous threat of the Soviet Union. Additional faces can be added to the missile site radars, and the perimeter acquisition radars, to give wider coverage and expand the capability of the Sentinel.

Ninth. The Sentinel would provide protection against accidental missile launch from any nation, and, as I have stated, it would provide increased defense.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator 2 more minutes.

Mr. THURMOND. Mr. President, if the Senator could yield it on the bill, I might need 3 minutes.

Mr. STENNIS. All right, 3 minutes.

Mr. THURMOND. And it would provide increased defense of our Minuteman and other strategic forces, including our strategic bomber bases.

Mr. President, on June 18, 1968, Secretary Clark Clifford wrote the Senator from Georgia [Mr. RUSSELL], the chairman of the Armed Services Committee, a letter on this subject. I would just make this point in his words. He said:

> It would be a serious mistake to eliminate construction and procurement funds in fiscal year 1969 for the deployment of the Sentinel System.

Also, I would remind the Senate that the Joint Chiefs of Staff—all of the Joint Chiefs of Staff—have recommended going ahead with this program. I would further remind the Senate that the Secretaries of the Army, the Navy, and the Air Force favor going ahead with the program. I would remind the Senate that Secretary Clifford, in that letter, said that if we do not go ahead now, with a proposal of the kind that is being advanced here, it will "disrupt the work currently underway, and, more seriously, would lose some 2 years in the availability of an operating system which, in my judgment, is important to the security of the United States."

In the same letter, Secretary Clifford made this statement:

> The Soviets are, at the present time, deploying a ballistic missile defense around Moscow.

Mr. President, how can we afford not to go ahead, when the Soviets have their system already deployed? I repeat, we are 4 or 5 years behind now, and we cannot afford to wait. Some people have said this system is unproved. That is untrue. We have been doing research on the system for about 12 years. We have spent $3 billion doing research on the system, and we are ready, now, to go ahead.

I would remind the Senate that the record shows that this system has proved successful during the research stage, and we are and have been able to track and destroy incoming missiles. Since 1961, we have been able to destroy incoming missiles.

This will be a deterrent. It will add more muscle and more strength to our national defense.

I should now like to quote from page 612 of part 2 of the record of hearings.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield me 2 more minutes?

Mr. STENNIS. Very well. I will ask the Senator to conclude at the end of that 2 minutes, please. I yield the Senator 2 minutes on the bill.

Mr. THURMOND. Under the heading "Sentinel System," Senator STENNIS asked this question of General Johnson, the Chief of Staff of the Army, and received this reply:

> Senator STENNIS. It is my understanding that the Joint Chiefs of Staff still recommend the development of an ABM system to protect against a Soviet missile attack. Is this correct?
>
> General JOHNSON. Yes. In addressing actions on force levels for the [deleted] the JCS have stated that "none is more necessary for the defense of the United States than the deployment of an effective ballistic missile defense against the Soviet Union."

That is the statement of General Johnson, the Chief of Staff of the Army at that time.

Mr. President, in conclusion, I cannot help but remind the Senators who oppose the deployment of Sentinel for economic reasons, that the Soviets are not reluctant to make a heavy investment in a similar system. The difference in American and Soviet attitudes towards strategic defense today, might well mean victory or defeat in a nuclear showdown tomorrow.

Mr. President, I urge the defeat of the amendment.

Mr. STENNIS. Mr. President, I yield myself 3 minutes, or so much thereof as I may require.

Mr. President, I have heard every word of this very fine debate. Just by way of summary, I should like to call the attention of the Senate to this fact: We cannot here, now, settle the scientific question that may be involved. The time has long since passed, this year, for that question to be settled by us.

We cannot settle the question of a nuclear treaty. I hope we will have one before us someday. I hope it will be one I can support. But we do not have it today, so we need not let the argument go off on that point. Our preparedness cannot wait until a nuclear treaty can be adopted.

I believe the very reverse of that is true. We have no choice. We must go forward. So the only question is, have we reached the point where we should take this particular step?

As one who has come through all of this for years, I am convinced that the time has finally come that we should move forward, certainly to the extent of this small step in this ABM system, because to really make the research effective, we must take this step toward deployment. It is a part of the research picture itself. Although it is classified as deployment money, this is really another forward step in research in this uncharted and unknown field.

Certainly I cannot guarantee, and no one else can, the effectiveness of an anti-missile-missile system, nor the effectiveness of an offensive missile system. We have got to do our best to have both, until there is a substantial change in the Soviet attitude; and, with all deference to the Senator from Kentucky, it seems to me that the major burden of his argument is that the Russian anti-ballistic-missile system is not making progress.

Certainly that is not the test here. It is not the question here. I think the main thing to hope for with reference to an ABM system anyway is to save some lives. If it is only 10 million or 20 million lives, those lives are certainly worth saving.

Mr. President, I yield 3 minutes on the bill to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. LAUSCHE. Mr. President, there is no understanding between Communist Russia and the United States about an effective method of reducing the expense of preparing the respective nations for military defense. Even though there is no such understanding, in my opinion the failure of the United States to utilize to the fullest extent all methods of protecting itself would be tantamount to unilateral disarmament.

We can just wager that Russia will move forward. If we feel secure and do nothing under the belief that Russia will do nothing, we will be making a very serious mistake.

I am alarmed month after month when I read about the certainty with which the United States will go to the moon in advance of Russia. Only a week or two ago, to our great surprise we found that Russia in all probability has developed scientific implements and equipment that places her ahead of us in that field in which we have been so active.

I do not want to be the promoter of unilateral defense. I have become convinced that any judgment on the part of our citizens or on the part of any Congressman that Russian scientists do not measure up to our scientists is erroneous and forebodes calamity if we proceed on that assumption.

On the basis of what I have just said, I will vote against the amendment of the Senator from Kentucky. I will do so in spite of the high regard that I have for him, for his devotion to his country, and for his purpose to serve effectively and efficiently.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Out of whose time?

Mr. STENNIS. On the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I understand that the distinguished Senator from Kentucky wants 2 minutes, and that at the end of those 2 minutes we will be prepared to vote.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, I yield 2 minutes on the bill to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, earlier in the day I gave my reasons in support of the amendment. I would like to emphasize again that the amendment would strike only the funds which would be available for the deployment of this system. It has nothing at all to do with the funds for research, which would go forward.

My argument for postponing all deployment of the system is simply that the system itself, if it is deployed—even a thin system—would not give protection against even a limited Chinese threat. It would give no protection at all against the Soviet threat. If the system is installed, the Soviets will match our system with a similar system and both the United States and the Soviet Union will be able to build defense missiles which will penetrate our ABM system. The Chinese have the technological capability to do so as well. And, in the end, we will be in the same relative position that we are in now, except that there will have been an expenditure of $40 billion to $70 billion. And we will have filled the land and choked the earth with more and more nuclear weapons.

I think that we should wait to see if the Soviets continue the installation of their system. I suggest that we find out in the coming 6 months or so whether the Soviet Union has any intention at all of reaching any agreement with us upon the limitation of nuclear weapons. While it now seems there is only a small chance, we may gain such an agreement.

I close by simply answering one argument which concerned me greatly in this debate. I refer to the argument that we should deploy this system to protect American lives. We are all concerned about American lives.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield an additional minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 additional minute.

Mr. COOPER. The argument is not correct because it proceeds upon the assumption that the Soviets will not install a similar system. I repeat, if we install an ABM system, the Soviets will counter and build more offensive missiles able to penetrate the system. This selective argument leaves the impression that somehow those of us who oppose this measure are not so concerned about human life.

We are all concerned. However, the reality we must face in the installation of that system involves a recognition that the Soviets will do the same. My own judgment is that the danger to the world and to human life in this country and throughout the world will be increased because of this new escalation of the arms race. The savings of human life and perhaps of civilization will come about because some country—and I hope it is the United States—will take at least 1 more year—a delay we can safey take, according to our intelligence—to see whether we should actually lead the way to the installation of a heavy ABM system before the Soviet Union takes that step.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 1 additional minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 additional minute.

Mr. PERCY. Mr. President, I ask the Senator whether it is true that all five scientific and technical advisers of past Presidents have objected to the deployment of an anti-ballistic-missile system. I further ask him whether this would not lead us to believe that technical advice is available and that we should not rush ahead, but should let a new President, soon to be elected, reassess the situation, and give an appraisal of the situation to Congress early in the next session.

Mr. COOPER. The Senator is correct.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two telegrams I have received from these scientists.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

AMBRIDGE, MASS.,
July 23, 1968.

Senator SHERMAN COOPER,
Senate Office Building,
Washington, D.C.:

Even though Congress has, by the authorization of funds, confirmed as national policy the intention to proceed with the deployment of an antiballistic missile system we believe that it would be wise to delay this deployment for a period of a year or more, as was proposed by the Cooper-Hart amendment and as is still possible through deletion of appropriations.

The Soviets now appear to be ready to negotiate on the limitation of offensive and defensive nuclear weapons. We believe that such restraint would be advantageous to both sides in terms of a more stable deterrent, a safer world, and substantial financial savings and therefore that there is a reasonable chance that the negotiations might be successful. This presents the attractive possibility that, by delaying Sentinel deployment for a year, we could facilitate agreement and possibly avoid a substantial investment in futility.

The Chinese are believed to be at least a year behind the schedule that lead to the proposal for a Chinese-oriented Sentinel system and this gives us the option to delay our deployment without compromising that objective of the system if it is needed.

While the most important arguments against Sentinel deployment do not involve financial considerations, the fact that funds are particularly short this year provides an additional reason for deferment.

Research and development in this field should continue to be pursued with vigor and the Nation should be ready, if circumstances dictate, to take advantage of a favorable breakthrough to a really effective system of missile defense if it should occur. The premature deployment of the ineffective system contemplated at present would, in our judgment, do more to inhibit than to promote this readiness, and we advise against such a course.

HANS A. BETHE,
Cornell University.
GEORGE B. KISTIAKOWSKY,
Harvard University.
JEROME B. WIESNER,
MIT.
HERBERT F. YORK,
University of California.

CAMBRIDGE, MASS.

Senator JOHN SHERMAN COOPER,
Senate Office Building, Washington. D.C.:

Secretary McNamara's speech of September 18, 1967, might have given unintentionally the impression that I endorse immediate stárt of deployment of Sentinel thin ABM system I do not. Such may be postponed now without endangering our national security therefore I respectfully urge support of amendments whose intent is to deny funds for site acquisition and for preproduction efforts. I urge, however, continuation of vigorous R and D on ABM systems and relevant technology.

G. B. KISTIAKOWSKY.

Mr. MANSFIELD. Mr. President, I make the same request with respect to some material which the distinguished Senator from Arkansas desires to have printed in the RECORD.

Mr. RUSSELL. Mr. President, if that material is to be printed in the RECORD, I cannot——

Mr. MANSFIELD. Mr. President, I withdraw the request.

Mr. HART. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the senior Senator from Alaska [Mr. BARTLETT] regarding the $387.4 million appropriation requested for deployment of the Sentinel anti-ballistic-missile system. Although necessarily absent today, Senator BARTLETT supports the amendment that Senator COOPER and I have offered to strike this item from the defense appropriations bill and wants Senators to know why he does so.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NO MONEY NOW FOR SENTINEL MISSILES

(Statement by Senator BARTLETT)

Mr. BARTLETT. Mr. President, were the potential for disaster not always present, were the cost not so awfully great, one might derive some grim humor from the game of nuclear oneupsmanship in which the United States and the Soviet Union have been engaged for over twenty years. The plays in the game have been simple. We develop an offensive missile system capable of destroying most, if not all, of the Soviet Union; they develop a system of like capability. We develop a system capable of penetrating the Soviet missile system, and they develop one capable of penetrating ours. We develop a defensive system against Soviet missile attack; the Soviets develop a system which can penetrate our defenses. The Soviets develop a defensive system; we develop a system to penetrate their defenses. We develop more destructive offensive weapons; they follow our example.

And thus we could continue ad infinitum. The game of action and reaction could continue without end, providing a more dramatic demonstration of Newton's law of motion that he could ever have imagined possible. With macabre determination and persistence, both the United States and the Soviet Union march to the tune of the same drummer. The drummer invites us to a dance of death, destruction and world-wide calamity. We seem unwilling or unable to resist the call.

The defense appropriations bill which we are now considering invites us to take a giant step in the game of action and reaction. We are being asked to provide $387.4 million for the deployment of the Sentinel Anti-Ballistic Missile System. My initial reaction, Mr. President, would be to say no. Let us provide no more money to continue this game; let us halt this madness here and now. But only momentary reflection shows how foolish that reaction would be. Like it or not, the nuclear arms race is a reality and one to which we cannot unilaterally bring to a halt. We would stop the development and deployment of more sophisticated weapons of nuclear destruction at our peril and the peril of our allies. The balance of terror will remain one of the cruel facts of life until we can negotiate multi-lateral agreements which will bring the nuclear arms race to a halt.

The question then becomes whether the appropriation of money for deployment of the Sentinel system is a move in the game which we should take now. I am persuaded that the answer is no. If there could be reasonable assurance the installation of the Sentinel system, either the "thin" system which is here proposed or the "thick" system which seems the inevitable development, offers a reasonably effective system of defense which will not be outmoded before its deployment is completed, I would vote for this $387.4 million appropriation. If it were demonstrable that possession of this system would give us some significant advantage in the nuclear arms race, then I would favor this appropriation. But no assurance can be given regarding either proposition and, on the contrary, cogent arguments have been made that quite their opposites are true.

We are told, Mr. President, that this $387 million would be for the deployment of a "thin" Sentinel system against the threat of attack by the Red Chinese. Now it is certainly possible that the Chinese may launch a nuclear attack against this nation, but it is amply clear that if they did, they would do so at their peril. Without the Sentinel, the United States has the capacity to destroy virtually all of Red China, vast as that land is. That capacity will not be significantly augmented by the Sentinel. The Chinese, on the other hand, have yet to fire their first ICBM missile and it is not likely that they will develop any significant missile capacity in the next several years. Why then, I wonder, should we install a missile system against a Chinese threat which has not yet materialized and is not likely to materialize for a while yet. Why especially should we establish such a system when it seems reasonably certain that by the time the Chinese do become a threat, our antiballistic missile system will be obsolete? I submit, Mr. President, that there are no convincing answers to these questions.

I submit further, Mr. President, as others have also, that the proposed "thin" Sentinel system is intended not so much as a deterrent against Chinese attack as it is the beginning of a much vaster system against the real Soviet threat. We must, therefore, address ourselves to the need for such a system as a defense against possible Soviet attack.

Just as it is clear with Red China, it is also clear that the United States at this moment possesses the nuclear capacity to rain such widespread death and destruction on the Soviet Union that it becomes almost academic to question whether we could destroy their missile emplacements. So total would the destruction be that misisle systems and the personnel who man them would stand little chance of survival; most certainly those would be among our first targets.

This would be true despite the fact that the Soviets already have a partially deployed antiballistic missile system and we have none. This would be true also even if the Soviet Union attacked us first. Reliable intelligence reports give assurance, in other words, that our offensive missile system is right now capable of destroying the Soviet Union and that the defensive system the Soviets are now installing would in no way alter that result. We already have the advantage.

Would installation of the Sentinel system at this time give us so significantly greater an advantage as to provide an effective deterrent against Soviet attack? Here again, I arrive at a negative answer. Should the provocation be such that the Soviet Union feels that it must attack the United States, they too, now possess the capacity to wreak such destruction that it could only be regarded as total. There is no evidence that installation of the Sentinel system would significantly alter this result. Existing offensive systems of both the United States and the Soviet Union give discomforting assurance to each that they possess the capacity to destroy each other. The Soviet antiballistic system in no way alters this result; the Sentinel system does not promise to affect it in any way.

What we do not yet know is whether it will be possible in the next year or next few years to perfect the Sentinel system to the point that it could be effective in increasing our security against attack or significantly reducing casualties should there be an attack. I am quite willing to vote for funds for the research and development necessary to answer this question. I am willing to support the expenditure of funds for the investigation of alternate means of achieving this result. I am unwilling, however, to support the appropriation of $387.4 million and the eventual expenditure of billions of dollars for the installation of a nuclear defense system whose value is subject to serious question and which promises to be little more than a negligible addition to our nuclear stockpile.

Mr. President, I support the Hart-Cooper amendment which would strike from H.R. 18707 the $387.4 million allocated for deployment of the Sentinel Antiballistic Missile System. I am convinced that we will incur no disadvantage by delaying this expenditure. If, indeed, the proposal has merit, I will be open to arguments in its favor when next the subject of defense appropriations comes before us.

Mr. MILLER. Mr. President, I have carefully listened to or read the arguments pro and con on the pending amendment not only on the Senate floor but also in the Senate Armed Services Committee. The proponents and opponents of the amendment are all Members of the Senate for whom I have the highest personal regard. The sincerity of their motives is above question. The question is a close one, as is indicated by the statement by former Secretary of Defense McNamara that, on the basis of conservative strategic planning against possible irrational Chinese miscalculation, "there are marginal grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent."

What we are concerned with at this point is whether to vote for an amendment to prevent the expenditure during fiscal 1969 money needed to move ahead with the deployment of a "thin line" Sentinel ABM system. The Senator from Kentucky has made it clear that he is not advocating any reduction in the research and development activities on this matter.

The purpose in moving ahead with deployment is threefold: (a) to prevent a successful missile attack from Red China through the late 1970's; (b) to limit damage from an accidental launch from any source; and (c) to provide the option for increased defense of our own Minuteman force if the Soviet Union's offensive capability is expanded to make such increased defense prudent.

The first and third reasons are appealing to me. In connection with the first reason, the Senator from Kentucky [Mr. Cooper] maintains that we can prevent—or deter—such a missile attack by Red China because of our capability to retaliate and destroy her. But deterrence is a psychological phenomenon, and it involves not only the capability but also the will to make use of that capability on our part; and, further, a realization on the part of the leaders of Red China that we have both the capability and the will, and their assessment of whether the damage to their country from this combination is unacceptable to them. These are not susceptible of absolute assessment by us. Indeed, France moved ahead to acquire an independent nuclear capability—not for the purpose of being able to have assured destruction of the Soviet Union, but to have the capability of assured damage to the Soviet Union which would cause the Soviet Union to pause before moving against France. The possibility of Red China assuring damage to the United States is a serious one, and I do not believe we should limit our option in the matter to retaliation and destruction of Red China. A "thin line" Sentinel system would limit if not prevent altogether such assured damage to the United States and would give us an option which could prevent complete destruction of Red China. I believe we should have that option.

The third reason has to do with future policies of the Soviet Union. All indications are that the Soviet Union has no definite intention of negotiating a mutual reduction of nuclear armaments—that the Soviet Union is bent on increasing its nuclear capability, both offensive and defensive. We should have the option of protecting our offensive capability in the event of a first strike by the Soviet Union. This does not mean that we will exercise that option. Hopefully, we will not have to. Hopefully, the Soviet Union will recognize the futility of trying to upset the balance of nuclear power and will come to the negotiating table with us so that the resources that will be used in preparing for nuclear war can be channeled into constructive and peaceful uses.

I am not at all impressed by the argument that if we move ahead on this deployment, if we do so in order to have an option, and only an option, to be exercised if the Soviet Union refuses to change its policy, then the Soviet Union will feel forced to escalate the arms race by increasing its offensive capability. This is the same as saying that if the Soviet Union gains an advantage, we should not seek to offest it for fear that the Soviet Union would try to gain another advantage to offset our effort. The net result would be to stand still and leave ourselves open to nuclear blackmail if not destruction. As the Senator from Washington has well pointed out, it is the Soviet Union and not the United States which has caused the arms race. It is the Soviet Union which is deploying an ABM system. It is the Soviet Union which has developed the fractional orbital bombardment system—FOBS—in violation of the spirit if not the letter of the Treaty on Outer Space, ratified on October 10, 1967. No country in the world has made a greater effort to work out a meaningful arms control and disarmament program than the United States. But the leaders of the Soviet Union have, for reasons deemed proper to them, failed to enter into meaningful negotiations. I hope and pray that meaningful negotiations will be carried out and a genuine agreement reached. Until that time, we must continue to be prepared.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. Ellender] is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Indiana [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the Senator from North Carolina [Mr. Jordan], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Monadle], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

On this vote, the Senator from Idaho [Mr. Church] is paired with the Senator from Louisiana [Mr. Ellender]. If present and voting, the Senator from Idaho would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Oregon [Mr. Morse] is paired with the Senator from Florida [Mr. Smathers]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from Florida would vote "nay."

On this vote, the Senator from Alaska [Mr. Bartlett] is paired with the Senator from Maryland [Mr. Brewster]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senator from Arizona [Mr. Fannin], the Senator from Kentucky [Mr. Morton], the Senator from California [Mr. Murphy], and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from New York [Mr. Javits] is absent for religious reasons.

The Senator from Texas [Mr. Tower] is detained on official business.

If present and voting, the Senator from California [Mr. Murphy] and the Senator from Texas [Mr. Tower] would each vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. Smith] would vote "yea."

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from Utah [Mr. Bennett]. If present and voting, the Senator from New York would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from Kentucky [Mr. Morton] is paired with the Senator from Arizona [Mr. Fannin]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 25, nays 45, as follows:

[No. 303 Leg.]

YEAS—25

Brooke
Case
Clark
Cooper
Fulbright
Goodell
Gore
Gruening
Hart
Hatfield
Inouye
Kennedy
Mansfield
Metcalf
Moss
Pell
Percy
Prouty
Proxmire
Randolph
Scott
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—45

Allott
Anderson
Baker
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Griffin
Hansen
Harris
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, Idaho
Kuchel
Lausche
Long, La.
Magnuson
McClellan
McIntyre
Miller
Montoya
Mundt
Pastore
Pearson
Russell
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—30

Aiken
Bartlett
Bayh
Bennett
Bible
Brewster
Church
Cotton
Ellender
Fannin
Hartke
Hollings
Javits
Jordan, N.C.
Long, Mo.
McCarthy
McGee
McGovern
Mondale
Monroney
Morse
Morton
Murphy
Muskie
Nelson
Ribicoff
Smathers
Smith
Tower
Yarborough

So Mr. Cooper's amendment was rejected.

Mr. RUSSELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, because of official business, I will not be able to be present for the final vote on this important Defense appropriations bill if voted on today.

I want to be recorded that if present I would vote for the bill even though I have proposed amendments with Senator HART and others to delete funds which would be used to initiate the installation of the Sentinel anti-ballistic-missile system and fought strongly for its adoption for the reasons I gave during the debate.

I will propose that we consider this issue again with comprehensive hearings and thorough debate in the next session of the Congress.

I have always supported the Defense appropriations bill and do so now in the case of the bill before us.

PARKING FACILITIES IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 944.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 944) relating to the establishment of parking facilities in the District of Columbia, which was to strike out all after the enacting clause and insert:

That Congress hereby finds that within the District of Columbia a shortage of off-street parking spaces exists in the immediate vicinity of public buildings, national shrines, and in other areas of the District of Columbia visited annually by millions of citizens from all States of the Union and that such shortage creates a parking and transportation problem for employees of the Government and members of the public visiting Government buildings and their elected Members of Congress. Therefore, in order to facilitate the business of the United States and provide for the needs of citizens visiting the Nation's Capital, it is the purpose of this Act to provide for the construction, operation, and maintenance of certain parking facilities for officers and employees of the Government and for members of the public transacting business with and visiting with the Government.

SEC. 2. (a) The Administrator of General Services (hereafter in this Act referred to as the "Administrator") is authorized to contract for the construction, alteration, maintenance, and operation in connection with qualified private parking operators, of such facilities on, above, or below Federal or District of Columbia properties in the District of Columbia as he determines necessary to carry out the purposes of this Act. However, before constructing, altering, maintaining, or operating any parking facility under this Act, the Administrator shall secure the approval of the head of the department, agency, or instrumentality in whom jurisdiction and control over the Federal property involved is vested, or, in the case of District of Columbia property, the approval of the Commissioner of the District of Columbia.

(b) The Administrator may fix fees for the use of parking facilities provided under this Act. The fees fixed for officers and employees of the Government shall be nominal and shall be fixed taking into consideration the proximity of the parking facility to their place of employment. All proceeds from leases, fees, and other charges collected by the Administrator under this Act shall be deposited in the Treasury as miscellaneous receipts.

(c) The Administrator is authorized to make such rules and regulations as may be necessary to carry out this Act, including rules and regulations relating to hours of operation, general administration, management, allocation of parking spaces, and criteria for assignment of parking spaces.

(d) The Administrator is authorized to lease parking facilities to carry out this Act and to contract with qualified private parking operators for the operation of any parking facility. Each such lease and each such contract shall—

(1) state the amount of the parking fees to be charged users of each facility,

(2) authorize official Government-owned vehicles being used for Government business to park without charge,

(3) authorize the lessee or contractor during specific nonworking hours to permit the public to use the parking facility for reasonable fees and to retain, in whole or in part, the proceeds from such fees,

(4) require the lessee or contractor to have in force at all times during the period of the lease or contract public liability insurance saving the Government harmless from all damages arising out of the operation of the parking facility and,

(5) contain such other provisions as may be necessary to protect the interests of the United States.

SEC. 3. In carrying out his duties under this Act, the Administrator shall take such action as may be necessary to insure the equitable distribution of parking facilities among the properties of the Government with due regard for the comparative urgency of need for such facilities, and to that end he shall take into consideration the availability of public transportation, other Government as well as commercial offstreet parking facilities, and municipal, regional, and other planning for the future extension or improvement of public transportation and parking facilities. The highest priority shall be given to any project to provide parking facilities for motor vehicles of officers and employees of the Government employed in the buildings on North Capitol Street presently occupied by the Government Printing Office. In determining the location and design of those parking facilities consideration shall be given to the incidence of crime in the area surrounding those buildings.

SEC. 4. As used in this Act—

(1) The term "parking facility" means any structure designed for offstreet parking of motor vehicles of the Government, its officers and employees, and members of the public visiting the Nation's Capital.

(2) The terms "construct" and "alter" include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration of a parking facility.

(3) The term "United States" includes the District of Columbia.

(4) The term "Government" means the government of the District of Columbia and any department, agency, or instrumentality of the executive branch of the Federal Government including any wholly owned Government corporation and any establishment in the legislative or judicial branch of the Government except the Senate, House of Representatives, and the Architect of the Capitol and any activities under his direction.

(5) The term "qualified private parking operator" means an operator, financially responsible, with a proven record of large-scale, efficient operation.

And amend the title so as to read: "An act to authorize the Administrator of General Services to administer a program to provide for the construction of parking facilities in the District of Columbia for Government employees and visitors to the District of Columbia."

Mr. TYDINGS. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. TYDINGS, Mr. SPONG, and Mr. DOMINICK conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 913. An act to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes; and

S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1246. An act to authorize the Commissioner of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over, and under the streets and alleys under his jurisdiction, other than freeways, and for other purposes; and

S. 2439. An act to increase the number and salaries of judges of the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia, the salaries of the District of Columbia Court of Appeals and the District of Columbia Tax Court, and for other purposes.

The message further announced that the House has passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3193. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 13419. An act to amend the Tariff Schedules of the United States to permit the free entry of cellulosic plastics materials imported for use in artificial kidney machines;

H.R. 17682. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes;

H.R. 18101. An act to amend section 337 of the Internal Revenue Code of 1954 with respect to the recognition of gain or loss on sales or exchanges in connection with certain liquidations; and

H.R. 18373. An act for implementing conventions for free admission of professional equipment and containers, for ATA, ECS, and TIR Carnets.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 838) authorizing the Secretary of the Senate to make a correction in the enrollment of S. 698, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3193. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter; to the Committee on the Judiciary.

H.R. 13419. An act to amend the Tariff Schedules of the United States to permit the free entry of cellulosic plastics materials imported for use in artificial kidney machines;

H.R. 18101. An act to amend section 337 of the Internal Revenue Code of 1954 with respect to the recognition of gain or loss on sales or exchanges in connection with certain liquidations; and

H.R. 18373. An act for implementing conventions for free admission of professional equipment and containers, for ATA, ECS, and TIR Carnets; to the Committee on Finance.

H.R. 17682. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

AMENDMENT NO. 986

Mr. CLARK. Mr. President, I call up my amendment (No. 986), and ask that it be stated.

The PRESIDING OFFICER. The Chair must advise the Senator that the first order of business is the committee amendments. Until the committee amendments are disposed of the amendment of the Senator is not in order.

Mr. RUSSELL. Mr. President, if the Senator desires to ask unanimous consent to offer his amendment at this time I shall interpose no objection.

Mr. CLARK. I thank the Senator. I do wish to dispose of some of these amendments today.

Mr. RUSSELL. If the Senator asks unanimous consent I shall not object.

Mr. CLARK. Mr. President, I ask unanimous consent that I may call up my amendment (No. 986), despite the fact that the order of business is the committee amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. Notwithstanding any other provision of this Act, none of the funds appropriated herein shall be used for the purpose of procuring or maintaining and operating the Semi-Automatic Ground Environment System (SAGE) or the Airborne Warning and Control System (AWACS)."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543".

Mr. CLARK. Mr. President, I yield myself such time as I may require within the limitation, which is one-half hour, I believe.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, the purpose of the amendment is to strike out the appropriation for the so-called SAGE system, which many qualified sources in and outside the Pentagon regard as unnecessary and therefore, an example of the conspicuous waste which I contend there is much of in this bill.

Mr. President, SAGE is a complex warning and intercept system designed for defense against long-range bomber attack. The letters S-A-G-E stand for "semiautomatic ground environment." The system employs elaborate radars both to detect incoming bombers and to guide interceptors to shoot them down.

It is said to be widely accepted in the Pentagon that the Soviet Union no longer could muster an appreciable bomber threat. They have put all their eggs in the ballistic missile basket.

Despite intelligence reports that the Soviets have dropped their long-range bomber development effort we are told individuals in the Pentagon seek to retain the SAGE system as a hedge so that if the Soviets change their minds we would have a system which would be able perhaps to shoot down manned Soviet bombers, which I say again are not presently a threat to this country.

It would make more sense to phase out the SAGE system now and then build up our air defense fighter forces later if the threat should reappear.

YEAS AND NAYS ORDERED

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, the SAGE system is subject to wide range countermeasures which would render it ineffective against an enemy attack. However, a higher degree of effectiveness can be attained by phasing out the SAGE system and relying solely on Federal Aviation Administration surveillance capabilities and normal U.S.-based fighter squadrons, combat training squadrons, and the Air National Guard.

In that event we would have a system based on weapons and detection equipment that maximizes kills, not automation.

The SAGE system is highly vulnerable. Savings from this shift would be estimated at $1 billion a year. We have already spent $18 billion to install the SAGE system, and yet the Air Force is aware, although it does not admit it, of crippling flaws in the system ever since the outset of installation in the mid-1950's. The Air Force apparently felt it should get the system first and then make it work afterwards. A number of costly modifications have failed and so we are back where we started.

The Air Force is about to embark on another costly modification program, but it is predicted it would be no better than previous efforts.

Then, there is the system known as AWACS, which stands for airborne warning and control system. This is an improved system that is claimed to track incoming aircraft at levels far below the present capability. This is said to be just as unreliable and vulnerable to countermeasures as the current SAGE system.

Mr. President, the administration, in response to this criticism, contends that parts of our present antibomber defense system are or will soon be obsolete and uneconomical to maintain.

Nevertheless, they want to go ahead and plow another billion dollars into installation and modification in order to try to fix up the SAGE system. They say it does not follow that because the present system has some shortcomings it should be phased out immediately. What they are doing at the Department of Defense is proceeding with development of an advance downward-looking radar system called the AWACS which would slowly be phased in to supplement the SAGE system by mid-1970's. These radars would be mounted on surveillance aircraft and would be on a constant air alert to detect low-flying enemy aircraft.

Nevertheless, in rebuttal to that comment, it is argued that a bomber defense is important only if we have some bombers threatening to attack us. In this instance, there is no intelligence at all that Russian bombers represent a significant portion of the enemy's damage-inflicting capacity, which intelligence accounts indicate they do not.

I suppose, parenthetically, I should add that the Chinese Communists have no air force of any magnitude, so that there is no threat in that connection.

However, there is now considerable doubt in the technical community that the AWACS radar will produce usable look-down capacity; it is now known that these radars have special vulnerability to jamming and that their processing/tracking equipment will be just more automated airborne versions of the same system philosophy as SAGE. Critics also have said the airborne equipment was inherently less reliable due to the high temperature/vibration environment and stringent restrictions on space and weight.

Finally, there is the larger question of whether billions should be spent, particularly in a period of fiscal crisis, on new efforts in bomber defense since even a perfect aircraft defense would have no impact on the strategic "balance of terror." Our international posture and policy decisions could not change one iota even if we enjoyed total immunity to bombers, since by itself the Soviet missile force could still inflict unacceptable damage to the United States.

Mr. President, this would be the case of whether we build an ABM defense system or not.

This first amendment which I have offered raises the overall question as to whether we can afford these expensive and, in the last analysis, unnecessary military gadgets. The fact is that those who vote for the full military budget proposed in this bill are doing one of two things: one, they are insuring so large a deficit in fiscal 1969 that the value of the dollar will be in even greater jeopardy than it is now, if the dollar is devalued, as it well may be, and down the drain will go a large part of the savings of our elderly people living on fixed incomes, as well as those living on social security payments. It will also drastically cut down on pension plans, which will be placed in jeopardy.

If that is not an acceptable alternative, then the other alternative is to cut back even more drastically than has been done so far in the domestic programs of the Kennedy-Johnson administrations. Either alternative is, to me, unacceptable.

Therefore, I am strongly of the view that we should start cutting right now on this swollen military budget which, to my way of thinking, is full of conspicuous waste.

Mr. President, I reserve the remainder of my time and inquire how much time I have left?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. RUSSELL. Mr. President, the purpose of this amendment is to close down the so-called SAGE system which is a very important component of the total air defense system of the United States. As a matter of fact, the SAGE system constitutes the eyes and the mind of our air defense system. It is the only means we have for directing our interceptors to find and destroy enemy bombers which might be attacking the United States.

Now, Mr. President, the Senator who proposes this amendment says that none of our proposed adversaries have any bombers.

As a matter of fact—and this has been published in the press—the Russians have 150 long-range bombers which, if equipped with nuclear bombs, could practically destroy all of the United States.

In addition, the Russians have 800 medium-range bombers which, if they were to be sent on suicide missions—one-way missions—could wreak havoc on the entire northern half of our land.

The SAGE system not only performs a very important military function, but it is coordinated with and supplements the Federal Aviation Administration's air traffic control services. If we were just to shut off this appropriation, as this amendment proposes to do it would be utterly impossible for the FAA to pick up all of the services as performed by SAGE.

Mr. PEARSON. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I yield.

Mr. PEARSON. We hear from time to time—and I probably should know this, anyway—that the Soviets are undertaking to build aircraft carriers.

I ask the Senator whether he knows if those carriers will be for the use of helicopters of the small type, or whether they contemplate large fleet carriers of the type we are now operating.

Mr. RUSSELL. As the Senator well knows, when one goes to discuss what the Soviets are doing in many areas, it is not only an estimate, it is also a "guesstimate." We do think that we have hard information that the Soviets are constructing a type of aircraft carrier primarily for helicopters and short-take-off airplanes, but we do not have, so far as I know, any intelligence that the Soviets are building what we call attack carriers, we might say of the——

Mr. PEARSON. *Forrestal* class.

Mr. RUSSELL. *Kennedy* or *Forrestal* class attack aircraft carriers.

I have been rather surprised at some of the amendments filed by the Senator from Pennsylvania. They apparently grow out of the article which was published in Congressional Quarterly, which said that we could cut the appropriations for Defense by some $10.8 billion below budget requests, without impairing the defense of the country. Indeed, they leave the implication that we would have a much stronger defense if we made these large reductions.

The remarkable thing about it is that the article does not name a single authoritative source for a single one of the reductions that they suggest.

They say "Pentagon source" or "other officials" or "one Pentagon civilian" or "another official" or "one civilian expert," but nowhere in the article is the name or position of a single one of these sources for the information on which they expect Congress to act in providing for the defense of the United States.

I am utterly amazed that any publication, supposed to be a reputable publication, would have published an article of this kind as far reaching in its implications, without publishing the source from which a single one of its statements or assertions had emanated.

Mr. President, I think we ought to know at least one of these learned individuals. My committee has just been castigated for not having brought in a number of experts to testify with respect to the antimissile system, but here we have proposed a complete rennovation and diminution of the Department of Defense based on such a source as "one Pentagon civilian"—I repeat, "one Pentagon civilian." This publication evidently expects us to take these vague statements as the basis for making these large reductions in the appropriations of the Department of Defense rather than the testimony of the Secretary of Defense, the Secretaries of each service, the Chiefs of Staff, and others.

I am aware of the fact that in this country there is a certain feeling against all military men. I deplore that, because these are the people we depend on for the security of our country. But here we are asked to disregard the testimony of all of the witnesses who have testified on the large number of programs and activities funded from appropriations in this bill, and on only the assertion of these nameless, these faceless individuals, who, as far as the article divulges, are drawn from the imagination of the author of the article, we are supposed to cut this bill to pieces and tailor it to suit the views of the Congressional Quarterly and this article.

It is a rather amazing situation to me. You would have thought that at least one person, one of these patriots who are going to save us all these billions of dollars, would have been identified so he could receive the acclaim of the taxpayers of the United States as his reward.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. MILLER. Did I understand the Senator from Georgia to state that the Congressional Quarterly article used as a basis for this statement the opinion of a civilian, or was it a high-ranking civilian?

Mr. RUSSELL. It is "one Pentagon civilian" in one case.

Mr. MILLER. As I understand, there are about 100,000 civilians working in the Pentagon.

Mr. RUSSELL. I do not think there are quite that many, but there are tens of thousands.

Mr. MILLER. And only one out of that whole group was used as an authority?

Mr. RUSSELL. That is what the author said. He said, in one case, "highly placed sources." He said, in another case, "one Pentagon source." In another he says, "sources." In another case he says "one Pentagon official." In another case, he says "another official." In another case, he says "one civilian expert"—without giving us any background that would enable us to judge as to whether or not he was an expert.

Mr. MILLER. The Senator from Iowa has been in the Pentagon many times, and usually when he goes into the Pentagon there are some police officers directing traffic or checking people when they come in. I wonder whether the author of the article had had a visit with one of the policemen on duty and, as a result, referred to him as a "Pentagon officer" or "Pentagon official."

Mr. RUSSELL. It could well be. Anyone who would write a story based wholly on anonymous individuals having made statements dealing with as important a subject as the defenses of these United States could well have done that.

I daresay that, out of the tens of thousands of people who work in the Pentagon, you could find one Pentagon civilian to subscribe to any view you could hold on any subject under the canopy of heaven.

Mr. MILLER. What bothers the Senator from Iowa is that this author for the Congressional Quarterly had found one of these civilians out of the thousands over there. If he could find only one out of the several thousands of civilians in the Pentagon as the authority for this article, then I would think it would be a rather weak basis.

Mr. RUSSELL. I think it is wholly without substance to write an article of this kind, based on one man's statement, without at least giving his name and position, so we could judge his responsibility for ourselves.

This is really the most amazing article having to do with our national defense that has ever come to my attention in my

35 years in the Senate. It simply makes the assertion that we are going to have a much stronger defense by cutting the budget for the Department of Defense by $10.8 billion, and it refers in every case to some nameless, faceless individual who, it is said, in most cases had some connection with the Pentagon. He is a "Pentagon source" or "Pentagon civilian" or "Pentagon expert."

Mr. MILLER. I think the Senator has done a real service in pointing out the weakness in the source or authority for the article. But the danger is that the Congressional Quarterly generally has a reputation of reliability as a result of articles like this appearing in the Congressional Quarterly. As a result, people will say, "The Congressional Quarterly says this."

Mr. RUSSELL. Some people think it is an official publication of the Government, as a matter of fact, and they have taken advantage of that name to write this article, which, in my opinion, if it were put into operation by the Congress, would be very destructive of the national security.

Mr. MILLER. I share the Senator's concern over an article like that. We hope that the management of the Congressional Quarterly will see to it that future articles are substantiated by authoritative sources, with names, footnotes, and the scholarly type of work which, I must say, has characterized the Congressional Quarterly's activities.

Mr. RUSSELL. I cannot share that last statement of the Senator, because, as a rule, the Congressional Quarterly does not enter into this field of writing long articles advising the Congress how they should write legislation. I had assumed it was supposed to be more of a statistical publication, and I was surprised to see this article, relying on 15 or 20 nameless people as experts, suggesting a $10.8 billion reduction in this bill. I would say the most welcome thing for the American people would be a reduction of the appropriations for defense by $10 or $15 billion and still have a strong defense. We ought to bring those people out into the spotlight and acclaim them and, give them all the rewards to which they are entitled for finding out how to have a strong defense at bargain-counter cost.

Mr. CLARK. Mr. President, I yield myself such time as I may need.

Mr. President, I am saddened and amused by the colloquy which just took place between the Senator from Iowa, who seems to be leaving the Chamber, and my good friend from Georgia, because the easiest thing in the world, as the Senator from Iowa knows, is to set up a strawman and then knock him down without the slightest reference to what the basic facts of the discussion are.

So, in order to make a record of what was actually taking place here, I should like to read a few brief excerpts from the articles, which did appear in the Congressional Quarterly, a publication which, as my friend from Iowa has said, is well known for its accuracy, its scholarship, and its ability to get at the facts; a publication which has been of infinite help to me in my 12 years in the Senate, and I assume has been of some use to the Senator from Iowa, or he would not have spoken of it so highly.

I read several paragraphs from the first Congressional Quarterly fact sheet. It is described as a fact sheet, and that is what it is:

> Defense experts both in and outside the Government have told Congressional Quarterly that huge cuts can be made in the defense budget while retaining or even improving the current level of the nation's defense.
>
> Highly placed sources in the Pentagon and industry told CQ that cuts totaling at least $10.8 billion could be made in areas they classified as "fat." None of the cuts would affect U.S. combat capabilities, they said. Instead, only logistical elements they view as excessive and weapon systems they consider overlapping, unnecessary or of doubtful combat effectiveness would be cut back.
>
> Although numerous officials in the Pentagon favor the massive cuts, the actual decisionmakers remain unconvinced.

Then, skipping:

> One Pentagon source who favors the higher cuts told CQ it was surprising that Clifford would accept any reductions at all, in view of "pressures from the military and defense industries to keep the budget intact."

Then, after they had published this first fact sheet, which is based on information given them by both civilian and military sources, and a great many of both, the Pentagon sent around to every Senator in this body a so-called rebuttal. So then Congressional Quarterly went to work to obtain a surrebuttal, and obtained a counter-rebuttal from some of the officials who made the original assertions about the possibility of the $10.8 billion cut. The counter-rebuttal was also made available to every Senator, and was published in the second Congressional Quarterly fact sheet, dated September 20, 1968.

Listen to this, my friends:

> Because their position is at variance with that of Clifford and the Joint Chiefs of Staff, all the dissident officials declined to be quoted by name; all occupy high Pentagon positions, however, and have the expertise to make the statements that appear in this and in the previous CQ story. These statements have become the subject of a major Pentagon in-house debate.

Mr. President, it was my great good fortune to serve in the China-Burma-India theater, in the Army Air Force, with my friend from Iowa. I know he is not what might be called a starry-eyed individual, who does not know the facts about Army life and Air Force life—and Navy life, too, for that matter.

He knows and I know just exactly what would happen to these individuals if they were to reveal their names and addresses by publication in the Congressional Quarterly. I am surprised that they were even willing to talk to the Congressional Quarterly. I think they did a great and patriotic service when they did, but nobody is kidding anybody around here by standing up on this floor and saying. "These men should be identified, so they could be called before the committee, and the quarrels would be ended immediately."

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CLARK. On the Senator's time. Will the Senator from Georgia give the Senator from Iowa a little time?

Mr. RUSSELL. I yield him 1 minute.

Mr. MILLER. Mr. President the Senator understands that there are some people who think more of their jobs than they do of their country, but fortunately there are some who think more of their country than they do of their jobs. I have no doubt that, if one of these highly placed officials who is so valuable in the Pentagon wishes to use his name in connection with where some cuts can be made, that, while, he may be persona non grata to the administration, he will have no difficulty in finding a job in private enterprise and furthermore, he would have performed a great service for the country.

But to sit over there, make off-the-cuff statements, and say, "This is the way I feel about things, but you cannot use my name or you know what will happen to me," is very unimpressive to the Senator from Iowa.

Mr. CLARK. Mr. President, continuing on my own time, my argument was largely due to the fact that the Senator from Iowa and the Senator from Georgia created this strawman, consisting of one Pentagon civilian, and then proceeded to knock him down.

I think it is clear, from what I have said, and from the two fact sheets from the Congressional Quarterly, that this is serious business, and that significant cuts, in all likelihood, can be made.

I am not naive enough to assume that the Senator from Georgia, who has had such great success in getting pretty much whatever he wanted from this body in the military field, though not in certain other areas, during his long service in this body, is not going to prevail on this particular amendment; but I think the fatsc are important and should be aired publicly.

Mr. President, I say we could save $1 billion, in this bill, by phasing out the SAGE system, and not perpetuating a system which is no good for its purpose, which is wasteful, and which is a defense against a nonexistent threat, because, despite whatever one might say about the Russians having 150 bombers, what do 150 bombers amount to as a threat to the security of the United States of America, as against the missile threats for which no defense exists?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. CLARK. I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I was reading from the article when I said "one Pentagon civilian" was used as a source for a whole paragraph. The second, succeeding paragraph starts out the same way, except that it says "another Pentagon civilian."

Mr. President, I do not believe that we have come to a state in this country where a man could see $11 billion thrown away, particularly if he were as able as these men are described as being, and would not reveal his name and come down here to Congress to testify.

Every man here knows that the Congress of the United States would protect the job of a man who would testify here and reveal these willful instances of waste in the Department of Defense.

I think it would be tragic, Mr. President, to disallow funds for the SAGE system after 3 months have gone by in this fiscal year, on the theory that 150 bombers capable of carrying nuclear bombs constitute no threat whatever to the United States.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. YOUNG of North Dakota. The hearings revealed, as I recall, that the Russians have a prototype of a sizable commercial transport plane which could be converted into a military transport plane. Therefore, if we abolish the SAGE system, our other defenses would be of little use; would they not?

Mr. RUSSELL. If we abolish the SAGE system, we might as well abolish the entire North American air defense system. We would have no need whatever for interceptor aircraft and air defense missiles. We would have no idea when the enemy is coming, where he is coming from, nor could we direct our aircraft and missiles to destroy him.

Mr. YOUNG of North Dakota. Mr. President, with all due deference to my friend, the Senator from Pennsylvania, I think this is the most unreasonable proposal that has been before the Senate in my time of service.

Mr. CLARK. Mr. President, in view of the comment just made, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for an additional 2 minutes.

Mr. CLARK. Mr. President, our whole problem is that the military-industrial complex has taken over the Pentagon. It has taken over the Joint Chiefs of Staff. It has taken over Congress. It has many friends among the members of the Armed Services and Appropriations Committees. And we are just beginning to appreciate in this country the threat that this military-industrial complex poses. It is based on military discipline.

I spent 4 years in the Air Force. I am not naive. I think I know what would happen to the career of any military man or civilian who took the high-minded stance that the Senator from Iowa and the Senator from Georgia take.

The fact is that we have to start somewhere to expose the shocking waste and fat which this bill demonstrably represents.

We have to do two things. We will not do either of them if we do not cut back on military appropriations. We must save the integrity of the dollar and go forward with our domestic program.

I submit that these articles from the Congressional Quarterly are based on fact and that they point out areas where huge savings could be made in the Defense budget. If we do not start to make these savings, we will find that the dollar has gone off the gold standard. It is already on an artificial gold standard of $35 an ounce, whereas it is $40 an ounce on the open market.

The Johnson-Humphrey administration cut back on 300 projects in my State alone. We will be going ahead and maintaining a lot of wasteful programs in the Defense bill which do not help our national security a bit.

Mr. RUSSELL. Mr. President, I point out that the bill is not very prodigal. We have cut the budget estimates for non-Vietnam items in the bill by more than $5 billion. That represents a reduction of about 10 percent in these non-Vietnam items. I think that if the other bills do that well, we will contribute quite a bit to the support of the dollar.

Mr. CLARK. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. CLARK. Mr. President, the fact of the matter is that the pending bill is the largest appropriation bill in the history of the United States. Never before in history has so huge a bill been brought before the Senate for its approval.

My authority for that statement is none other than my good friend, the Senator from Georgia.

Mr. RUSSELL. Mr. President, I stand on that statement. One does not have to rely on any unnamed person from the Pentagon for that statement.

Mr. THURMOND. Mr. President, the amendment which proposes to withhold funds from SAGE would have a disabling effect on the air defense system of the United States. The importance of SAGE is that it provides the sole means that we have for intercepting an attack by bombers.

SAGE also provides important radar surveillance which is an aid to the FAA's air traffic control. To be without these services would put an undue burden on the FAA as to the financing of these services.

Mr. President, a more efficient and capable plan has been developed which has eliminated the more expensive and obsolete elements of SAGE. The improvement of SAGE can be manifested by the conversion of several stations to enable them to provide ample warning of ballistic missiles launched from submarines. This warning, then, will allow us to alert our bombers and aid in our effective deterrence.

If the United States were to be deprived of SAGE, as is proposed by this amendment, then this plan would be rendered ineffective.

In regard to the proposal to withhold funds from AWACS, it should be made known that this would curtail one of the most significant phases of our country's air defense system. AWACS will become important as a method of dealing with Soviet low altitude bombers.

The Soviets have developed a strong bomber force of long- and medium-range of which some are capable of carrying stand-off missiles. By implementing low altitude tactics, a force of this type could penetrate our defenses. Without AWACS the Soviet Union could strengthen these forces and, therefore, have the potential to threaten or damage our forces for defense.

Mr. President, AWACS is a necessary system for discouraging a Soviet expansion of this nature.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. RUSSELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. JORDAN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Michigan would vote "yea," and the Senator from Maryland would vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent for religious reasons.

The Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. COOPER], and the Senator from Texas [Mr. TOWER] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 6, nays 60, as follows:

[No. 304 Leg.]

YEAS—6

Clark
Gruening
Metcalf
Proxmire
Williams, N.J.
Young, Ohio

NAYS—60

Allott
Anderson
Baker
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
Kuchel
Long, La.
Magnuson
Mansfield
McClellan
McIntyre
Miller
Montoya
Morton
Moss
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Russell
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—34

Aiken
Bartlett
Bayh
Bennett
Bible
Brewster
Carlson
Church
Cooper
Ellender
Fannin
Fulbright
Hart
Hartke
Hollings
Javits
Jordan, N.C.
Lausche
Long, Mo.
McCarthy
McGee
McGovern
Mondale
Monroney
Morse
Murphy
Muskie
Nelson
Ribicoff
Smathers
Smith
Tower
Tydings
Yarborough

So Mr. CLARK's amendment (No. 986) was rejected.

AMENDMENT NO. 1001

Mr. CLARK. Mr. President, I ask unanimous consent that I may bring up my amendment (No. 1001).

The **PRESIDING OFFICER.** Without objection, it is so ordered. The amendment will be stated.

Mr. MANSFIELD. Mr. President, before the clerk reads the amendment, I ask that all Senators remain in the Chamber for a brief moment.

The **PRESIDING OFFICER.** The Senate will be in order. The clerk will not proceed until the Senate is in order.

The assistant legislative clerk read as follows:

On page 15, between lines 12 and 13, insert the following:

> "LIMITATION ON USE OF FUNDS FOR PROCUREMENT OF CERTAIN AIRCRAFT
>
> "Notwithstanding any other provision of this title, none of the funds appropriated herein shall be used for the purpose of procuring rotary-type aircraft known as the Cheyenne nor more than six hundred and fifty rotary-type aircraft known as the Huey Cobra and Chinook."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending amendment there be a time limitation of 20 minutes, the time to be equally divided between the distinguished senior Senator from Georgia [Mr. RUSSELL] and the distinguished senior Senator from Pennsylvania [Mr. CLARK].

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the vote on this amendment will be the last vote today.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. CLARK. If the Senator would be kind enough not to take it out of my time.

Mr. DIRKSEN. I will take it out of the time on the bill.

I should like to ask the majority leader what time he intends that the Senate shall meet tomorrow, and also whether there will be a period for the transaction of morning business tonight.

Mr. MANSFIELD. There was a period for the transaction of morning business this morning. There will be plenty of time for Senators who wish to transact morning business when we complete the next vote. The order has been entered to come in at 10 o'clock tomorrow morning. It is anticipated that there will be a brief period for the transaction of morning business, and we will then get back on the bill.

Mr. CLARK. Mr. President, so far as I am concerned, I have several other amendments, and I am willing to agree to a time limitation of 10 minutes to a side, in order to get them disposed of promptly.

Mr. MANSFIELD. Mr. President, in addition to the agreement today, I ask unanimous consent that beginning tomorrow there be a 20-minute limitation on all the Clark amendments, the time to be divided equally between the senior Senator from Georgia and the senior Senator from Pennsylvania.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. I yield myself time on the bill.

I hope the majority leader will indulge us a little longer time for the transaction of morning business tomorrow.

In all candor, I should say that the address delivered by the distinguished Vice President in Salt Lake City has raised some questions that give me concern, and I think there ought to be something of a dialog here. It would be far better if it occurred during the period for the transaction of routine morning business rather than tonight, and I should like to institute that dialog during the period allocated for the transaction of routine morning business. It might take 20 or 30 minutes.

TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow morning there be a period for the transaction of routine morning business, not to extend later than 11 o'clock.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

AUTHORITY FOR COMMITTEE ON FOREIGN RELATIONS TO MEET TOMORROW AND FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet tomorrow, Thursday, and Friday while the Senate is in session.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I wish to observe to other Senators who may be interested in some of these rather baffling problems raised by the Salt Lake City speech, that I hope they can be in the Chamber early tomorrow.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

Mr. CLARK. Mr. President, the pending amendment is a substitute for an amendment which was inadvertently filed without my knowledge or consent, but in my name, earlier, which would have stricken out all helicopter procurement. I never had the slightest intention of pressing for such a huge reduction in helicopters.

The pending amendment would cut back the rate of production to the rate of attrition of helicopters, not only in Vietnam but elsewhere.

Aviation sources believe an area of increasing "fat" is in the Army's helicopter program, and particularly the Hueys and Chinooks that are prevalent in Vietnam. It is said that there are so many of these things in Vietnam that even a sergeant complains if he has to ride in a truck.

The amendment would be a cutback in the nature of $360 million but nevertheless enable the Pentagon to buy 650 helicopters, which would be ample to take care of our needs in Vietnam.

A good many people believe helicopters present a tremendous logistical burden in Vietnam in terms of fuel, ammunition, spares, and manpower.

It is said that the limitations of helicopters influenced us heavily toward short one- or several-day operations to the extent that the Army in Vietnam has largely abandoned the mission of holding and patrolling territory.

The new Cheyenne helicopter, which is an advanced aircraft based on a complex missile gunfire control system, is now badly slipping, it is said, and not working.

The Cheyenne, which costs $3.1 million apiece, is the biggest boondoggle the Army ever got dragged into—a complete waste. In a close-support attack, it would take the helicopter a minimum of 16 seconds to home in and guide its missile to target. In the meantime, it is said, "You will be blasted out of the sky by every weapon from small arms to tank or antiaircraft fire."

This concept might work if they were

up against a single tank in the desert. But if they are in the midst of a Soviet tank force or even a well-armed guerrilla force, there is just too much firepower around and they can blast our boys out of the sky. Dropping the Cheyenne program would mean fiscal 1969 savings of about $150 million in costs of procurement and continuing research and development.

With regard to the new Cheyenne helicopter, it is asserted by the administration that the predicted accuracy of the craft's gun and missile guidance systems add so much to combat effectiveness that they more than compensate for the cost and logistics burdens. Despite the slips, the administration argues that overall program risk is so low that the recent production go-ahead is justified.

There is no doubt this helicopter will deliver a great body of suppressive fire, but whether we need more suppressive fire and whether it would be more accurate than if delivered by present Army and Air Force craft is a matter of opinion. As to the possibility of its destroying tanks, this is out of the question because of its vulnerability to machinegun fire.

Mr. President, to summarize, the amendment would permit supplying of helicopters in Vietnam, needed to maintain our present level, at a time when we are not going to escalate, but it would block procurement of the Cheyenne helicopter, the use of which is dubious.

Mr. RUSSELL. Mr. President, if anything has been demonstrated by the war in Vietnam, it is the effectiveness of the helicopter and its importance to our Armed Forces in fighting a war of this nature.

Helicopters are used to transport the wounded to hospitals, to rescue pilots who are shot down, to transport troops, and to evacuate civilians and save them from the terror of the Vietcong.

I well remember one occasion when former Secretary McNamara appeared before our committee and admitted, in response to some questions, that his decision to cut back on the production of helicopters was a mistake.

Mr. President, helicopters have proven to be vital to our Armed Forces, and they provide a mobile capability for the Army that is an absolute necessity. This new Cheyenne armed helicopter is a weapon the Army must have. I hope the amendment is not agreed to.

Mr. YOUNG of North Dakota. Mr. President, one of the great differences between our position and the position of France when she was in Vietnam is the mobility we have. If it had not been for our helicopters and the mobility we have, we might have been through a Dienbienphu ourselves.

Mr. RUSSELL. We might well have done so.

Mr. CLARK. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. (Mr. WILLIAMS of New Jersey in the chair). The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, the real question in this amendment is whether we really want to spend huge sums to develop a new helicopter called the Cheyenne, which is recognized by many sources as being a flying deathtrap, because of its vulnerability to ground fire.

This amendment provides for the buying of all of the helicopters we will need to make up for those lost through attrition and breakdowns in Vietnam. It would save $360 million which could be spent to get some of our domestic programs on the road.

Mr. President, I yield back the remainder of my time.

Mr. RUSSELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. JORDAN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Michigan would vote "yea," and the Senator from Maryland would vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from New York [Mr. JAVITS] is absent for religious reasons.

The Senator from Kansas [Mr. CARLSON] and the Senator from Kentucky [Mr. COOPER] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The result was announced—yeas 2, nays 65, as follows:

[No. 305 Leg.]

YEAS—2

Clark
Metcalf

NAYS—65

Allott
Anderson
Baker
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Goodell
Gore
Griffin
Gruening
Hansen
Harris
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
Kuchel
Long, La.
Magnuson
Mansfield
McClellan
McIntyre
Miller
Montoya
Morton
Moss
Pastore
Mundt
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—33

Aiken
Bartlett
Bayh
Bennett
Bible
Brewster
Carlson
Church
Cooper
Ellender
Fannin
Fulbright
Hart
Hartke
Hollings
Javits
Jordan, N.C.
Lausche
Long, Mo.
McCarthy
McGee
McGovern
Mondale
Monroney
Morse
Murphy
Muskie
Nelson
Ribicoff
Smathers
Smith
Tydings
Yarborough

So Mr. CLARK's amendment (No. 1001) was rejected.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there will be no further votes tonight.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. The first nomination on the Executive Calendar will be stated.

INTERNATIONAL ATOMIC ENERGY AGENCY CONFERENCE REPRESENTATIVES

The assistant legislative clerk proceeded to read sundry nominations for the International Atomic Energy Agency Conference representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are agreed to.

DISTRICT OF COLUMBIA COURT OF APPEALS

The assistant legislative clerk read the nomination of George R. Gallagher, of Maryland, to be associate judge of the District of Columbia court of appeals.

The PRESIDING OFFICER. Without objection, the nomination will be considered and agreed to.

DEPARTMENT OF AGRICULTURE

The assistant legislative clerk read the nomination of Ted J. Davis, of Oklahoma, to be an Assistant Secretary of Agriculture.

The PRESIDING OFFICER. Without objection, the nomination is considered and agreed to.

U.S. CUSTOMS COURT

The assistant legislative clerk read the nomination of Edward D. Re, of New York, to be a judge of the U.S. Customs Court.

The PRESIDING OFFICER. Without objection, the nomination is considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask that the next two nominations go over.

The PRESIDING OFFICER. The nominations will be passed over.

U.S. MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

POSTMASTERS

The assistant legislative clerk proceeded to read sundry nominations for postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Clarence F. Pautzke, of Washington, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask that the next nomination go over.

The PRESIDING OFFICER. The nomination will be passed over.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Parker T. Hart, of Illinois, to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask that the next group go over.

The PRESIDING OFFICER. The next group of nominations will be passed over.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The Assistant Legislative Clerk. Nominations placed on the Secretary's desk in the Army and in the Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be notified forthwith of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1561, H.R. 10790.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 10790) to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been ordered to be placed on the calendar, with amendments.

The amendments of the Committee on Commerce, are as follows:

On page 3, line 3, after the word "any" strike out "sonic" and insert "sonic infrasonic,"; in line 7, after the word "means", insert "(A)"; in line 8, after the word "product" strike out "which" and insert "which, when in operation, (i)"; in line 9, after the word "contains" insert "or acts as part of"; in line 10, after the word "and" strike out "which" and insert "(ii)"; in the same line, after the word "emits" insert "(or in the absence of effective shielding or other controls would emit)"; in line 12, after the word "product" strike out "radiation;" and insert "radiation, or (B) any manufactured or assembled article which is intended for use as a component, part, or accessory of a product described in clause (A) and which when in operation emits (or in the absence of effective shielding or other controls would emit) such radiation;"; on page 4, line 8, after the word "section" strike out "357." and insert "358"; in line 14, after the word "to," insert "unnecessary"; in line 16, after the word "from" strike out "industry" and insert "other Federal and State departments and agencies with related interests, professional organizations, industry,"; in line 22, after the word "radiation" insert "and intense magnetic fields"; on page 5, line 4, after the word "of" strike out "Commerce" and insert "Commerce, the Secretary of Defense, the Atomic Energy Commission, and other appropriate Federal departments and agencies"; in line 9, after the word "section" strike out "357" and insert "358"; on page 6, after line 7, insert:

"(c)(1) Each recipient of assistance under this subpart pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants or contracts entered into under this subpart under other than competitive bidding procedures."

At the top of page 7, insert a new section, as follows:

"STUDIES BY THE SECRETARY

"Sec. 357. (a) The Secretary shall conduct the following studies, and shall make a report or reports of the results of such studies to the Congress on or before January 1, 1970, and from time to time thereafter as he may find necessary, together with such recommendations for legislation as he may deem appropriate:

"(1) A study of present State and Federal control of health hazards from electronic product radiation and other types of ionizing radiation, which study shall include, but not be limited to—

"(A) control of health hazards from radioactive materials other than materials regulated under the Atomic Energy Act of 1954;

"(B) any gaps and inconsistencies in present controls;

"(C) the need for controlling the sale of certain used electronic products, particularly antiquated X-ray equipment. without upgrading such products to meet the standards for new products or separate standards for used products;

"(D) measures to assure consistent and effective control of the aforementioned health hazards;

"(E) measures to strengthen radiological health programs of State governments; and

"(F) the feasibility of authorizing the Secretary to enter into arrangements with individual States or groups of States to define their respective functions and responsibilities for the control of electronic product radiation and other ionizing radiation;

"(2) A study to determine the necessity for the development of standards for the use of nonmedical electronic products for commercial and industrial purposes; and

"(3) A study of the development of practicable procedures for the detection and measurement of electronic product radiation which may be emitted from electronic products manufactured or imported prior to the effective date of any applicable standard established pursuant to this subpart.

"(b) In carrying out these studies, the Secretary shall invite the participation of other Federal departments and agencies having related responsibilities and interests, State governments—particularly those of States which regulate radioactive materials under section 274 of the Atomic Energy Act of 1954 as amended, and interested professional and industrial organizations. Upon request from congressional committees interested in these studies, the Secretary shall keep these committees currently informed as to the progress of the studies and shall permit the committees to send observers to meetings of the study groups.

"(c) The Secretary or his designee shall organize the studies and the participation of the invited participants as he deems best. Any dissent from the findings and recommendations of the Secretary shall be included in the report if so requested by the dissenter.

On page 9, at the beginning of line 9, change the section number from "357" to "358"; at the beginning of line 14, insert: "Such regulations may include standards for the testing of such products and the measurement of their electronic product radiation emission, require the attachment of accessories and warning signs and labels, and require the provision of instructions for the installation, operation, and use of such products and the provision of output information related to safety. Such standards may be prescribed from time to time whenever such determinations are made, but the first of such standards shall be prescribed prior to January 1, 1970."

On page 10, line 1, after the word "with" insert "Federal and State departments and agencies having related responsibilities or interests and with"; in line 3, after the word "appropriate" insert "professional organizations and"; in line 13, after the word "the" insert "reasonableness and"; in the same line, after the word "technical" strike out "and economic"; on page 11, line 3, after the word "export," insert "naming the country of destination"; in line 4, after "(B)" strike out "such product meets all the applicable requirements of"; at the beginning of line 6, insert "has established comparable standards to control electronic product radiation emission from such product."; after line 8, strike out:

"(4) The Secretary may by regulation amend or revoke any performance standard prescribed under this section."

And, in lieu thereof, insert:

"(4) The Secretary shall review the standards prescribed pursuant to this section at least once every two years, and may, to the extent necessary to carry out the purposes of this subpart, by regulation amend or revoke such standards in accordance with the procedural requirements set forth in this section.

"(5) The Secretary may exempt from the provisions of this section any electronic product intended for use by departments or agencies of the United States provided such department or agency has prescribed procurement specifications governing emissions of electronic product radiation and provided further that such product is of a type used solely or predominantly by departments or agencies of the United States."

On page 12, line 1, after the word "rulemaking)" strike out the comma and "and of chapter 7 of such title (relating to judicial review),"; in line 4, after the word "section." insert "The Secretary shall afford interested persons an opportunity to participate fully in the establishment of such standards, including the determination that such standards are necessary for the protection of the public health and safety, through submission of written data, views, or arguments with opportunity to present oral testimony and argument. For the purposes of this section interested persons afforded an opportunity to participate in the rulemaking process to prescribe or amend standards under this section shall include manufacturers, distributors, and dealers of electronic products, public and private organizations or individuals engaged to a significant extent in the promotion or study of electronic product radiation safety."

In line 20, after word "than" strike out "one year" and insert "one hundred and eighty days"; in line 21, after the word "or" strike out "not"; in the same line, after the word "than" strike out "two years" and insert "one year"; on page 13, line 1, after the word "apply." insert "Any such regulation prescribing a standard, or making more restrictive a standard previously prescribed, shall be applicable only to electronic products manufactured or assembled on or after the effective date of such regulation."

In line 6, after "(1)" strike out "In a case of actual controversy as to the validity of" and insert "Any person who is or will be adversely affected by"; in line 9, after the word "standard," strike out "any person who will be adversely affected by such regulation when it is effective"; on page 15, after line 21, insert:

"(7) As used in this subsection, the term 'adversely affected' includes exposure to the risk of personal injury, including genetic injury, from electronic product radiation."

After line 13, strike out:

"(f) (1) The Secretary shall appoint a National Advisory Committee on Electronic Product Radiation Standards (hereafter in this subsection referred to as the 'Committee') which he shall consult before prescribing any performance standards under this section. The Committee shall be composed of not less than 9 members who shall be fairly representative of (A) industries manufacturing electronic products to which such standards may apply, (B) independent testing laboratory personnel, (C) public and private nonprofit scientific and professional organizations expert on electronic product radiation safety, and (D) the general public. Each member appointed by the Secretary shall hold office for not more than two years, except that any member may be reappointed."

And, in lieu thereof, insert:

"(f) (1) (A) The Secretary shall establish a Technical Electronic Product Radiation Safety Standards Committee (hereafter referred to as the 'Committee'). The Committee shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of electronic product radiation safety, and shall be composed of fifteen members each of whom shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety, as follows:

"(i) Five members shall be selected from governmental agencies, including State and Federal Governments;

"(ii) Five members shall be selected from the affected industries after consultation with industry representatives; and

"(iii) Five members shall be selected from the general public.

"(B) The Secretary shall submit to the Committee all proposed standards and amendments to such standards and afford such Committee a reasonable period, not to exceed ninety days, unless extended by the Secretary, to prepare a report on the technical feasibility, reasonableness, and practicability of each such proposal. Each report by the Committee, including any minority views, shall be published by the Secretary and form a part of the proceedings for the promulgation of standards. The Secretary shall not be bound by the conclusion of the Committee, but in the event he rejects the conclusions of the majority of the Committee, he shall publish his reasons for rejection thereof. The Committee may propose electronic product radiation safety standards to the Secretary for his consideration. All proceedings of the Committee shall be recorded and the record of each such proceeding shall be available for public inspection."

On page 18, at the beginning of line 6, strike out "which are intended"; in the same line after the word "assure" insert "the adequacy of safeguards against hazardous radiation and to assure"; after line 8, insert:

"(h) Every manufacturer of an electronic product to which is applicable a standard in effect under this section shall furnish to the distributor or dealer at the time of delivery of such product, in the form of a label or tag permanently affixed to such product or in such manner as approved by the Secretary, the certification that such product conforms to all applicable standards under this section. Such certification shall be based upon a test, in accordance with such standard, of the individual article to which it is attached or upon a testing program which is in accord with good manufacturing practices and which has not been disapproved by the Secretary on the ground that it does not meet the requirements of subsection (g)."

In line 22, after the word "Defects" strike out "In" and insert "In, And Repair Or Replacement Of," at the beginning of line 24, change the section number from "358." to "359." in line 25, after the word "products" strike out "shall, within a reasonable time after discovering" and insert "who discovers"; on page 19, line 1, after the word "which" strike out "relates to the safety of use of such product" and insert "creates a risk of injury, including genetic injury, to any person"; in line 7, after the word "section" strike out "357" and insert "358"; at the beginning of line 8, strike out "furnish notification" and insert "shall immediately notify the Secretary of"; in line 9, after the "comply" insert "if such product has left the place of manufacture and shall (except as authorized by paragraph (2)) with reasonable promptness furnish notification of such defects or failure"; after line 14, insert:

"(2) If, in the opinion of such manufacturer, the defect or failure to comply is not such as to create a significant risk of injury, including genetic injury, to any person, he may, at the time of giving notice to the Secretary of such defect or failure to comply, apply to the Secretary for an exemption from the requirement of notice to the persons specified in subsection (b). If such application states reasonable grounds for such exemption, the Secretary shall afford such manufacturer an opportunity to present his views and evidence in support of the application, the burden of proof being on the manufacturer. If after such presentation, the Secretary is satisfied that such defect or failure to comply is not such as to create a significant risk of injury, including genetic injury, to any person, he shall exempt such manufacturer from the requirement of notice to the persons specified in subsection (b) of this section and from the requirements of repair or replacement imposed by subsections (f) and (g) of this section."

On page 20, line 7, after the word "notification" insert "(other than to the Secretary)"; in line 8, after the word "by" insert "paragraph (1) of"; in line 12, after the word "product" strike out "who is the holder of any manufacturer's warranty on such product"; in line 17, after the word "The" strike out "notification" and insert "notifications"; in the same line, after the word "by" insert "paragraph (1) of"; in line 22, after the word "defect." insert "In the case of a notification to a person referred to in paragraph (1) of subsection (b) of this section, the notification shall also advise the person notified as to his rights under subsection (g)."

On page 21, line 10, after the word "section" strike out "360(a)" and insert "360 A,"; in line 12, after the word "information" strike out "which contains or relates to a trade secret or other matter referred to in section

1905 of title 18 of the United States Code unless" and insert "concerning any method, process, or economic data which as a trade secret is entitled to protection, unless"; in line 20, after the word "section" strike out "360(a)," and insert "360 A,"; in line 24, after the word "section" strike out "357" and insert "358".

On page 22, line 1, after the word "which" strike out "relates to the safety of use of such product" and insert "creates a risk of injury, including genetic injury, to any person"; in line 12, after the word "not" strike out "relate to safety of use of the product" and insert "create a risk of injury, including genetic injury, to any person"; in line 17, after the word "section" strike out "357," and insert "358,"; in line 18, after the word "which" strike out "relates to the safety of use of such product" and insert "creates a risk of injury, including genetic injury, to any person"; in line 24, after the word "this" strike out "section." and insert "section, unless the manufacturer has applied for an exemption from the requirement of such notification on the ground specified in paragraph (2) of subsection (a) and the Secretary is satisfied that such noncompliance or defect is not such as to create a significant risk of injury, including genetic injury, to any person."

On page 23, after line 5, strike out:

"(f) The Secretary shall, in consultation with the Advisory Committee established pursuant to section 357, work with the industries concerned to establish appropriate programs for bringing nonconforming or defective products, that are in the hands of distributors, dealers, first purchasers for purposes other than resale, or subsequent transferees holding a manufacturer's warranty, into conformity with applicable standards prescribed pursuant to such section or remedying the defect, and shall include, in his annual report to Congress, a summary of the results of such program."

And, in lieu thereof, insert:

"(f) (1) If any electronic product is determined pursuant to subsections (a) or (e) of this section not to conform to an applicable standard prescribed by the Secretary under this subpart, or contains a defect which creates a risk of injury, including genetic injury, to any person by reason of radiation, after the sale of such product by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such product by such distributor or dealer, and if such nonconformity or defect is not shown by the manufacturer or distributor to be the result of an act of the dealer or his agent which was the fault of such dealer or his agent:

"(A) the manufacturer or distributor, as the case may be, shall immediately repurchase such product from such distributor or dealer at the price paid by such distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than 1 per centum per month of such price paid prorated from the date of notice of such nonconformance to the date of repurchase by the manufacturer or distributor; or

"(B) when appropriate, the manufacturer or distributor, as the case may be, at his own expense, shall immediately furnish the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in such product, and for the installation involved the manufacturer shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than 1 per centum per month of the manufacturer's or distributor's selling price prorated from the date of notice of such nonconformance to the date such product is brought into conformance with applicable Federal standards: *Provided, however,* That the distributor or dealer proceeds with reasonable diligence with the installation after the required part, parts, or equipment are received.

"(2) In the event any manufacturer or distributor refuses to comply with the requirements of subparagraphs (A) and (B) of paragraph (1) of this subsection, then the distributor or dealer, as the case may be, to whom such nonconforming product has been sold may bring suit against such manufacturer or distributor in any district court of the United States in the district in which such manufacturer or distributor resides or is found or has an agent, without regard to the amount in controversy, and shall recover the damage by him sustained, as well as all court costs plus reasonable attorneys' fees. Any action brought pursuant to this section shall be forever barred unless commenced within three years after the cause of action shall have accrued.

"(3) The value of such installations and such reasonable reimbursements as specified in paragraph (1)(B) of this subsection shall be fixed by mutual agreement of the parties or, failing such agreement, by the court pursuant to the provisions of paragraph (2) of this subsection.

"(g) If any electronic product is determined pursuant to subsection (a) or (c) of this section not to conform to an applicable standard prescribed by the Secretary under this subpart, or contains a defect which creates a risk of injury, including genetic injury, to any persons by reason of radiation, a person who is the first purchaser (not including any dealer or distributor of the manufacturer) of such product shall, unless he fails to proceed to claim his rights with reasonable diligence after receipt of a notification under subsection (a), be entitled to have such product brought into conformity with such standard or to have such other defect remedied by the manufacturer without charge, and to be reimbursed for any transportation costs involved, or, at the manufacturer's option, to have such product replaced by a like or equivalent product which has no such defect and complies with any applicable standard under this subpart, or to be paid a refund agreed upon by such person and the manufacturer: *Provided,* That if such nonconformity with an applicable standard or such defect is shown by the manufacturer to be the result of an act done after such product had come into the possession of the first purchaser (other than a dealer or distributor of the manufacturer) and that such act is the fault of the person committing it and is not in whole or in part the fault of the manufacturer or his agent, the foregoing provisions of this subsection shall not apply to the manufacturer and rights described therein shall (unless such first purchaser or his transferee is himself exclusively at fault) accrue instead against the person committing such act.

"(h) This section shall not apply to any electronic product that was manufactured before the date of enactment of this subpart."

On page 27, at the beginning of line 2, change the section number from "359" to "360"; after the amendment just stated insert "(a) A new electronic product offered for importation into the United States which fails to comply with an applicable standard prescribed under this subpart, or to which is not affixed a certification in the form of a label or tag in conformity with section 358(h) shall be refused admission into the United States."; in line 8, after the word "and" strike out "Welfare" and insert "Welfare,"; in line 16, after the word "section" strike out "357" and insert "358"; on page 28, line 5, after the word "section" strike out "357," and insert "358,"; on page 29, after line 2, insert:

"(d) It shall be the duty of every manufacturer offering an electronic product for importation into the United States to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions, and requirements may be made for and on behalf of said manufacturer, and to file such designation with the Secretary, which designation may from time to time be changed by like writing, similarly filed. Service of all administrative and judicial processes, notices, orders, decisions, and requirements may be made upon said manufacturer by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon said manufacturer, and in default of such designation of such agent, service of process, notice, order, requirement, or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this subpart or any standards prescribed pursuant to this subpart may be made by posting such process, notice, order, requirement, or decision in the Office of the Secretary or in a place designated by him by regulation."

After line 23, strike out:

"RECORDS AND INSPECTION, RECORDS, AND REPORTS

"SEC. 360. (a) Every manufacturer of any electronic product which is subject to standards prescribed pursuant to section 357 shall establish and maintain such testing records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this subpart."

And, in lieu thereof, insert:

"SEC. 360A. (a) The Secretary is authorized to conduct such inspections and investigations as may be necessary to enforce this subpart.

"(b) For purposes of enforcement of this subpart, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which electronic products are manufactured or held for introduction into commerce or held for sale after such introduction, and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, the facilities and procedures within such factory, warehouse, or establishment which are related to electronic product radiation safety. Each such inspection shall be commenced and completed with reasonable promptness.

"(c) Every manufacturer of electronic products shall establish and maintain such records (including testing records), make such reports, and provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this subpart and standards prescribed pursuant to this subpart and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with standards prescribed pursuant to this subpart.

"(d) Every manufacturer of electronic products shall provide to the Secretary such performance data and other technical data related to performance and safety as may be required to carry out the purposes of this subpart. The Secretary is authorized to require the manufacturer to give such notification of such performance and technical data at the time of original purchase to the ultimate purchaser of the electronic product, as he determines necessary to carry out the purposes of this subpart after consulting with the affected industry.

"(e) Accident and investigation reports made by any officer, employee, or agent of the Secretary shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident. Any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations. Any such report shall be made available to the public in a manner which need not identify individuals. All reports on research projects, demonstration projects, and other related activities shall be public information.

"(f) All information reported to or otherwise otbained by the Secretary or his representative pursuant to subsection (b) or (c) concerning any method, process, or economic data which as a trade secret are entitled to protection shall be considered confidential and its disclosure shall be deemed to be a violation of section 1905 of title 18 of the United States Code, except that such information may be disclosed to other officers or employees of the Department and of other agencies concerned with carrying out this subpart or when relevant in any proceeding under this subpart. Nothing in this section shall authorize the withholding of information by the Secretary, or any officers or employees under his control, from the duly authorized committees of the Congress."

On page 32, at the beginning of line 17, strike out "(b)" and insert "(g)"; at the beginning of line 18, strike out "retailers of color television receivers, to which there is applicable a standard prescribed pursuant to section 357," and insert "dealers and distributors of electronic products"; in line 21, after the word "such" strike out "receivers" and insert "products"; in line 22, after the word "locate," insert "for purposes of section 359," in line 23, after the word "such" strike out "receivers" and insert "products"; in line 25, after the word "such" strike out "information." and insert "information: *Provided*, That any regulation establishing a requirement pursuant to clause (1) of this sentence (A) shall authorize such dealers and distributors to elect, in lieu of immediately furnishing such information to the manufacturer, to hold and preserve such information until advised by the manufacturer or Secretary that such information is needed by the manufacturer for purposes of section 359, and (B) shall provide that the dealer or distributor shall, upon making such election, give prompt notice of such election (together with information identifying the notifier and the product) to the manufacturer and shall, when advised by the manufacturer or Secretary, of the need therefor for the purposes of section 359, immediately furnish the manufacturer with the required information. If a dealer or distributor discontinues the dealing in or distribution of electronic products, he shall turn the information over to the manufacturer. Any manufacturer receiving information pursuant to this subsection concerning first purchasers of products for purposes other than resale shall treat it as confidential and may use it only if necessary for the purpose of notifying persons pursuant to section 359(a)."

On page 33, at the beginning of line 22, change the section number from "360A." to "360B. (a)"; on page 34, line 2, after the word "section" strike out "357;" and insert "358;"; at the beginning of line 5, strike out "358" and insert "359 or 360A; or to fail to comply with the requirements of section 359(g);" in line 7, after the word "to" where it appears the third time, insert "establish or maintain records required by this subpart or to" in line 10, after the word "to" strike out "testing," and insert "or the copying of, such"; at the beginning of line 11, insert "or to permit entry or inspection, as" in the same line, after the word "required" insert "by or"; in line 12, after the word "section" strike out "360; or"; and insert "360 A;"; in line 14, after the word "section" strike out "360(a)" and insert '360A(c)"; in line 16, after the word "section" strike out "360(b)." and insert "360A(g);" after line 16, insert:

"(5)(A) for any person (i) to fail to issue a certification as required by section 358, or (ii) to issue such a certification when such certification is not based upon a test or testing program meeting the requirements of section 358(h) or when the issuer, in the exercise of due care, would have reason to know that such certification is false or misleading in a material respect; or (B) for any person (i) to introduce or deliver for introduction into commerce, or (ii) to receive in commerce and deliver or proffer delivery for pay or otherwise, of an electronic product to which a standard prescribed under section 358 is applicable, when there is not affixed to such product the certification required by section 358(h);

"(6) for any person to do any act while an electronic product is held for sale (whether or not the first sale) after shipment in commerce, if such act results in a failure of such product to comply with an applicable standard prescribed under section 358; or

"(7) for any person to cause any act or omission made unlawful by the foregoing paragraphs.

"(b) The Secretary may exempt any electronic product, or class thereof, from all or part of subsection (a), upon such conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security."

On page 35, at the beginning of line 20, change the section number from "360B." to "360C."; in line 22, after the word "section" strike out "360A" and insert "360B"; on page 36, line 1, after the word "section" strike out "357" and insert "358"; in line 8, after "(b)" insert "(1)"; in the same line, after the word "section" strike out "360A" and insert "360B"; in line 10, after the word "subsection" strike out "each" and insert "any such"; at the beginning of line 11, strike out "of section 360A(1)"; in line 12, after the word "product" strike out "involved" and insert "involved, or with respect to each act made unlawful by section 360B or each failure or refusal to allow or perform an act required to be allowed or performed thereby,"; in line 18 strike out "$200,000." and insert "$400,000."; after line 18 insert:

"(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

"(c) Actions under subsections (a) and (b) of this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(d)(1) Any electronic product that is not in compliance with an applicable standard prescribed pursuant to section 358 when introduced into or while in commerce or while held for sale (whether or not the first sale) after shipment in commerce shall, subject to the limitations of paragraph (2), be liable to be proceeded against while in commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the product is found. This subsection shall not apply to any electronic product with respect to which the Secretary has granted an exemption pursuant to paragraph (2) of section 359(a) or while there is under consideration by the Secretary an application for such exemption.

"(2) The electronic product proceeded against shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the claimant where one of such proceedings is pending, or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction, and such court (after giving the United States attorney for such district reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any electronic product condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; except that (A) such product shall not be sold under such decree contrary to the provisions of this subpart or the laws of the jurisdiction in which sold, and (B) after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such product shall not be sold or disposed of contrary to the provisions of this subpart or the laws of any State in which sold, the court may by order direct that such product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this subpart under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the product under bond.

"(4) When a decree of condemnation is entered against a product, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the product.

"(5) In the case of removal for trial of any case as provided by paragraph (2)—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction, and

"(B) the court to which such case was removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(e) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) All proceedings for the enforcement, or to restrain violations, of this subpart shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(g) Compliance with this subpart or any regulations issued thereunder shall not relieve any person from product liability at common law or under statutory law.

"(h) The remedies provided for in this subpart shall be in addition to and not in substitution for any other remedies provided by law.

At the top of page 41, insert a new section, as follows:

"ANNUAL REPORT

"SEC. 360D. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before March 17 of each year a comprehensive report on the administration of this subpart for the preceding calendar year. Such report shall include—

"(1) a thorough appraisal (including statistical analyses, estimates and long-term projections) of the incidence of biological injury and effects, including genetic effects, to the population resulting from exposure to electronic product radiation, with a breakdown, insofar as practicable, among the various sources of such radiation;

"(2) a list of Federal electronic product radiation control standards prescribed or in effect in such year, with identification of standards newly prescribed during such year;

"(3) an evaluation of the degree of observance of applicable standards, including a list of enforcement actions, court decisions, and compromises of alleged violations by location and company name;

"(4) a summary of outstanding problems confronting the administration of this subpart in order of priority;

"(5) an analysis and evaluation of research activities, including the policy implications thereof, completed as a result of Government and private sponsorship, and technological progress for safety achieved during such year;

"(6) a list, with a brief statement of the issues, of completed or pending judicial actions under this subpart; and

"(7) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public; and

"(8) the extent of cooperation between Government officials and representatives of industry and other interested parties in the implementation of this subpart including a log or summary of meetings held between Government officials and representatives of industry and other interested parties.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of electronic product radiation control and to strengthen the national electronic product radiation control program.

"FEDERAL-STATE COOPERATION

"SEC. 360E. The Secretary is authorized (1) to accept from State and local authorities engaged in activities related to health or safety or consumer protection, on a reimbursable basis or otherwise, any assistance in the administration and enforcement of this subpart which he may request and which they may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance, and (2) he may, for the purpose of conducting examinations, investigations, and inspections, commission any officer or employee of any such authority as an officer of the Department of Health, Education, and Welfare."

On page 43, at the beginning of line 14, change the section number from "360C." to "360F."; in line 15, after the word "section" strike out "357" and insert "358"; in line 20, after the word "to" strike out "such" and insert "the Federal" in the same line, after the word "standard." insert "Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a requirement with respect to emission of radiation from electronic products procured for its own use if such requirement imposes a more restrictive standard than that required to comply with the otherwise applicable Federal standard."

On page 44, after line 3, insert a new section, as follows:

"ADVISORY STANDARDS FOR MEDICAL X-RAY TECHNICIANS

"SEC. 360G. (a) The Congress hereby finds that:

"(1) while the operation of X-ray equipment is essential in modern medicine, even the most advanced equipment will not adequately protect the health and safety of patients subjected to X-ray diagnosis or therapy and the health and safety of X-ray technicians, including their progeny, unless these technicians are fully trained and qualified in the operation of such equipment so as to avoid unnecessary exposure to ionizing radiation;

"(2) that it is in the overall public health interest to have an adequate and continuing supply of well-trained X-ray technicians and that any person who uses X-ray medically should be required to demonstrate competence by training, experience, and examination;

"(3) that to this end the establishment and enforcement of standards for the licensure of such technicians and for the assurance of adequate training of such technicians are necessary; and

"(4) that it is desirable that the States assume responsibility for the adoption and administration of effective and high-quality programs for such licensures, and to assure the adequacy of such training, with technical advice and assistance by the Federal Government.

"(b) The Congress further finds and declares that—

"(1) there is a vital national interest, transcending State lines, of keeping to a minimum the total exposure of our population to ionizing radiation from all sources, including radiation from medical X-ray equipment; and

"(2) that to that end it is appropriate to establish advisory standards for the licensure of X-ray technicians and for the assurance of adequate training of such technicians.

"(c) The Secretary shall, as soon as practical, in cooperation with appropriate professional organizations and State health departments develop and recommend to the States for adoption, model laws and standards for licensure of X-ray technicians and for the assurance of adequate training of such technicians, and shall give to the States such other technical advice and assistance as will encourage them to enact and enforce such laws and standards.

"(d) Upon or before the expiration of three years from the publication by him of recommended laws and standards for the licensure of X-ray technicians and for the assurance of adequate training of such technicians, the Secretary shall report to the Congress on the progress made on the adoption and implementation of such recommended laws and standards and shall, in the light of such progress, evaluate the need for any additional legislation and make such recommendations for legislation as he may deem appropriate."

On page 46, at the beginning of line 5, strike out "Definition" and insert "Definitions"; and in line 9, after the word "Welfare," insert "and the term 'Department' means the Department of Health, Education, and Welfare."

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc; and, without objection, they are agreed to.

Mr. MAGNUSON. Mr. President, today we are considering a vitally important bill to protect the people of the United States from unnecessary radiation exposure. We have the opportunity now to assure our people, who are now exposed to one of the highest levels of radiation dosage in the world, that their electronic products will not expose them to harmful radiation.

The Federal Radiation Council in 1960 said:

> There should not be any man-made radiation exposure without the expectation of benefit resulting from such exposure.

In the hearings held by the Committee on Commerce on August 28, 29, 30, 1967, and May 6, 8, 9, 13, 15, 1968, substantial evidence was presented which indicated that the admonition of the Federal Radiation Council was being disregarded and that the public health was being endangered by unnecessary exposure from manmade radiation.

In his testimony Dr. Philip R. Lee, Assistant Secretary of the Department of Health, Education, and Welfare stated:

> Health hazards of varying significance can be caused by exposure to X-radiation. Depending on dosage, acute effects may vary from reddening of the skin to more serious types of damage, such as interference with the blood forming functions of the bone marrow. Delayed or chronic effects include such serious consequences as leukemia and other cancers, the production of abnormalities in progeny because of changes in genetic substance, and the development of corneal opacities and cataracts which may not occur until years after the exposure responsible.

The sources of radiation which create health hazards are as varied as the elements of the electromagnetic spectrum which classifies radiation emissions. The witnesses before the committee described several electronic products capable of emitting harmful radiation which are being used by the consumer, the medical professions, and industry.

Examples include:

Color television receivers: During 1967, some color television sets were found emitting X-rays in amounts far above the accepted limit for safety. Followup studies have shown that the problem of excessive radiation is industrywide. In 1967, 5.5 million color televisions were sold in this country.

Microwave ovens: At the hearings, a representative of the Department of Defense stated that 24 out of 30 microwave ovens surveyed at Walter Reed Hospital leaked potentially hazardous radiation. One leaked at a level sufficient to produce cataracts. This year an estimated 40,000 microwave ovens will be purchased. The volume could exceed a half million ovens per year should the cost become more competitive, a development which is anticipated.

Medical X-rays: In 1967, less than half of the estimated 112,000 surveyed medical X-ray machines were reported to meet current State recommendations or regulations. A 1964 Public Health Survey study showed that an excessive X-ray beam size had been used in over one-half of all the radiographic exposure evaluated. The potential magnitude of the unnecessary exposure can be appreciated when one considers that approximately one-half of our population undergoes diagnostic X-ray procedures each year. The genetically significant dose, which is an average of X-ray exposure to the reproductive organs of the population, was 55 millirads per person a year in 1964. Without the improvements in X-ray machines that this legislation would require and with the increased availability of medical services, the genetically significant dose will most likely increase significantly in future years.

Lasers: Improperly controlled lasers can result in blindness and other serious injuries. At the hearings concern was expressed over the ease with which lasers can be built from blueprints and components which are readily available. The novelty of lasers also increases the health exposure problems. Recently, health department officials in a large city discovered a laser displayed as part of an art exhibit. The laser beam was rotating around where it could strike the eyes of the people attending the exhibit. The officials convinced the exhibitor to remove the laser.

Particle accelerators, Van de Graaf generators, and flash X-ray devices: These are examples of the electronic products emitting radiation now being used in industry. One witness estimated that there are about 130 particle accelerators, 150 neutron generators, 300 Van de Graaf accelerators and 10,000 X-ray machines used in industry, training and research. In October 1967, three technicians were overexposed from a particle accelerator which had malfunctioning safety interlocks. One of the three workers hospitalized had his hand amputated.

The committee believes that the testimony presented by the witnesses amply demonstrates the need for standards and the need for more research and investigation to identify those products emitting unnecessary radiation and to increase our knowledge of the effects of radiation on the population, including those yet to be born. The committee believes that such a program can best be effectuated through the Department of Health, Education, and Welfare—the Federal agency with primary responsibility for the protection of the public health.

Mr. President, the Senator from Pennsylvania [Mr. Scott] was called away and could not be present. He and I have discussed an amendment of his.

I ask unanimous consent that a letter explaining his amendment be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., October 2, 1968.

Hon. Warren G. Magnuson,
Chairman, Senate Committee on Commerce, Washington, D.C.

Dear Mr. Chairman: As you know, the Bill now before us, H.R. 10790, the "Radiation Control for Health and Safety Act of 1968," covers not only electronic products, but covers also in the definitions in Section 355 components, parts or accessories of electronic products.

Although components have been included in the Bill from the beginning, a number of the manufacturers of such items as color television tubes have, since the hearings were held before the Senate Commerce Committee, become very concerned about this applicability of the Bill to components. Their concern results from the fact that it will not always be possible for a component to have enough built-in shielding to be free of radiation as a separate item before it is included in a completed electronic product. For example, if there were some way to activate a color television tube before it is installed in a completed set, the tube might have too much radiation, although when it was installed in the completed set, there would be adequate shielding and no appreciable radiation.

To take care of this problem, the Department of Health, Education and Welfare has expressed its acceptance of an amendment to Section 358(a)(1), which section specifies the items to which the Secretary of H.E.W. should give consideration in setting performance standards for electronic products to control the emission of radiation. This amendment is as follows:

" '(E) in the case of a component, or accessory described in paragraph (2)(B) of section 355, the performance of such article in the manufactured or assembled product for which it is designed.' "

It is intended that the Secretary shall not prescribe standards for components which are impractical or unduly expensive to comply with, where adequate protection against radiation can be better secured by standards applicable to assembled products.

So far as I know, there is no controversy over this very minor amendment which merely specifies a matter to which the Secretary should give consideration. Therefore, I urge that this amendment be included in the Bill.

Another concern over the components provision relates to the question of who is to give the required notification in the event an assembled product has excessive radiation resulting from the performance of a defective component installed in the completed product. In this situation, it should be clear that the manufacturer of the assembled product, rather than the manufacturer of the component, should be the one responsible for any notification or replacement to which his dealers and distributors and the purchasers of his assembled product may be entitled.

Thus if the component manufacturer produced and shipped a component which had a defect of the type referred to in the Bill or which failed to comply with an applicable standard, his duty would be to notify the Secretary and, unless he applied to the Secretary for and was granted an exemption, to notify the manufacturer who had purchased the component for use in an assembled electronic product. The latter would be "the first purchaser of such product (i.e., the component) for purposes other than resale" within the meaning of Section 359(b)(1). There would be no "subsequent transferee of such product," because the manufacturer of the assembled product would resell assembled products, not components. The manufacturer of the assembled product would also be "the first purchaser (not including any dealer or distributor of the manufacturer)" of the component, part, or accessory for purposes of Section 359(g). If, because of the faulty component (or any other reason) the assembled product had a defect of the type referred to in the Bill or failed to comply with an applicable standard, the manufacturer of the assembled product would proceed with notification and repair or replacement as required by Section 359. I am advised that the Department of Health, Education and Welfare accepts this interpretation.

Sincerely,

Hugh Scott,
U.S. Senator.

Mr. MAGNUSON. Mr. President, on behalf of the Senator from Pennsylvania [Mr. Scott], I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 10, line 19, insert the following: "(E) in the case of a component, or accessory described in paragraph (2)(B) of section 355, the performance of such article in the manufactured or assembled product for which it is designed."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I send to the desk a further amendment, the Yarborough amendment as amended by the Senator from Vermont [Mr. Prouty], which would extend the coverage of the act to workers as well as consumers.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 9, line 10, after "prescribe" insert "(A)", and in line 12, after "products", insert the following: ", and (B) standards for the manufacture, installation, operation, use, repair, or maintenance of such products to protect individuals from injury (including genetic injury) from electronic product radiation,"

On page 30, line 14, strike out the word "manufactured" and insert in lieu thereof: "manufactured, operated, used, repaired, maintained,".

On page 35, line 10, strike out "or" and insert thereafter the following new subsection:

"(7) for any person engaged in commerce or an industry affecting commerce to violate any standard applicable to him promulgated by the Secretary pursuant to section 358 (a)(1) (B); or"

On page 35, line 11, strike out "(7)" and insert in lieu thereof "(8)"

On page 40, line 25, strike out "law." and insert in lieu thereof: "law: *Provided,* That nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment."

On page 4, line 19, between "industry" and "associations" insert "and labor."

On page 5, after line 4, insert "the Secretary of Labor,".

On page 8, line 21, after "professional" insert ", labor,".

On page 10, line 4, strike out "industries" and insert in lieu thereof "industry and labor".

On page 42, line 10, after "scientific", insert ", commercial, and labor".

On page 16, line 21, strike out the period and insert in lieu thereof a comma and add "of which at least one shall be a representative of organized labor."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments, and ask for a conference with the House thereon. I shall ask the Chair to appoint conferees tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

SENATOR BARTLETT: A FIGHTER FOR RADIATION SAFETY

Mr. MAGNUSON. Mr. President, in passing H.R. 10790, as amended, the Senate is in essence paying tribute to the senior Senator from Alaska [Mr. Bartlett], who more than any Member of Congress has led the fight for radiation safety.

Senator Bartlett could not be on the floor today, but we would be remiss indeed if in the discussion of the Radiation Control for Health and Safety Act of 1968 we did not pay tribute to the extraordinary work the senior Senator from Alaska has put into this bill.

Senator Bartlett gave his first speech on a radiation health hazard on April 4, 1963. Since then he has made numerous statements alerting the Senate and the Nation to potential health hazards which could result from excessive levels of radiation.

During the last session of Congress, he introduced S. 2067, which dealt with radiation safety and held hearings on the bill in August.

This year he chaired 5 days of hearings on H.R. 10790. In each instance, the hearings have been praised for their thoroughness and fairness.

While I think it is accurate to state that it was the report of emission of radiation from color television sets in excess of the generally accepted standard which gave added impetus to congressional action in the field of radiation safety, it should be noted that Senator Bartlett has long been concerned about other potential sources of radiation. Testimony received at his hearings supported his concern, and he took steps to strengthen H.R. 10790 as approved by the House.

Mr. President, with the exception of the amendment added by the Senate Committee on Labor and Public Welfare, the amendments being considered by the Senate today are the result of Senator Bartlett's extensive knowledge in this area.

Mr. President, as a tribute to the work that the senior Senator has done to protect our Nation from potential radiation health hazards I will briefly summarize the statements Senator Bartlett has made in the Senate on this important subject.

Mr. President, I ask unanimous consent that the summary referred to be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

DANGER IN THE ARCTIC AS RADIOACTIVITY MOUNTS—APRIL 4, 1963

A grave situation exists in the Arctic regions of North America. The inland natives who rely largely on the meat of the caribou for their sustenance face the prospect of radiation contamination of their main staple and subsequently themselves.

Lichens have become increasingly contaminated by growing amounts of strontium-90 and cesium-137, radioactive isotopes—residues from atmospheric nuclear explosions.

With the health of the world weighing in the balance and directly the health of the natives of arctic regions including north European and Soviet natives, a study of radioactive contamination is urgently needed.

FALLOUT MONITORING: WE MUST DO BETTER—WE CAN HARDLY DO WORSE—MAY 14, 1963

Last fall exceptionally high levels of radioactive iodine-131 were detected in Palmer, Alaska, and Salt Lake City, Utah. In the case of the citizens of Palmer, iodine-131 contamination was as high as 30 percent above the radiation protection level set by the Federal Radiation Council. However, the Federal Radiation Council recently stated that no detectable increase in the incidence of disease was apparent at degrees of radiation exposure many times above the guide levels.

In effect we have been told to disregard the radiation protection guide. Apparently this is designed to allay public concern over high ranging levels of radiation exposure. What it does is increase public confusion.

Our knowledge of the effects of continued low-level radiation on large population groups is inadequate. Yet our Government is apparently unwilling to make positive decisions concerning the application of what standards it has.

NUCLEAR TEST BAN TREATY—SEPTEMBER 12, 1963

Our knowledge of radiation and its effects continues to be embarrassingly inadequate. We are capable of determining the size of a Russian atmospheric test the day it is shot; yet, we are unable to determine the amount of iodine-131 in a child's glass of milk in St. George, Utah, 3 days after a shot of our own in Las Vegas.

Any measure to end or eliminate the possible ill effects of radiation contamination must be passed. I urge ratification of the test ban treaty.

RADIOACTIVE VENTING: A CONTINUING HAZARD—JUNE 18, 1964

In the year that passed following the Nuclear Test Ban Treaty, no nuclear tests were undertaken in the atmosphere. None have been undertaken since 1962, but underground tests continue. Seventeen cases of venting of radioactive debris into the atmosphere from underground explosions have occurred since September 15, 1961. These accidents continue to occur. Alarming amounts of iodine-131, a radioactive isotope, have been released across Nevada and Utah. Substantive material has been provided from scientific journals to expose the dangers of iodine-131—especially to children.

AND STILL THE RAINS OF POISON—AUGUST 31, 1964

For 18 years we have expanded our knowledge of and abilities to handle nuclear explosions. Our knowledge of the somatic and genetic effects of radiation on large-scale population groups has not similarly increased. If we do effect genetic changes because of radiation, we don't even know to what degree or how.

Despite the Nuclear Test Ban Treaty, levels of radiation in the Arctic have continued to rise. I am compelled to ask: How much longer can we expect contamination levels to continue to rise in the Arctic?

How much contamination from all sources are Anaktuvuk natives now receiving? What work has been done on the development of countermeasures suitable for arctic conditions? What does the government intend to do about the mounting hazards in the Arctic?

RADIOACTIVITY IN THE ARCTIC FOOD CHAIN—MARCH 4, 1965

I have long and continuing interest in the hazards caused by the radioactive contamination in the Arctic. As it looks now, levels from but one source of radioactivity—cesium-137—will continue to rise until 1968, and perhaps longer. A federal research program in the problems caused by fallout in the Arctic is needed now—today.

FALLOUT: POLLUTION AND POLICY—AUGUST 3, 1965

Contamination in the Arctic is neither a new nor a short-lived problem. If atomic testing should be renewed, the level of radioactive contamination would increase in the Arctic.

In May of this year, the Federal Radiation Council released its staff report setting for the first time protective action guides for strontium 89, 90 and cesium-137.

These guides, unfortunately, have only added to the confusion on this subject.

We spend over $7 billion a year developing and perfecting our nuclear weapons and their delivery systems, and this year we are spending but $20 million on radiological health. This is not enough.

AN END TO THE RAINS OF POISON—MAY 17, 1966

Fallout pollution knows no nationality.

Arctic natives in the small village of Anaktuvuk Pass receive over 80 times as much radiation in their daily diet as do citizens of other states.

The children of Utah receive radiation from accidental venting of underground atomic blasts. The people of Colorado drink radium-polluted water and the people of Japan are bearing the brunt of fallout from Chinese blasts. Alaska's radiation problem is everybody's problem. The peoples of the world favor nonproliferation.

CONTAMINATION OF THE COLORADO BASIN—JUNE 23, 1966

Radiation exposure is cumulative and it comes from many sources.

We read of Columbia River oysters being contaminated. We hear of Eskimos exposed to unusual amounts of radiation in the Arctic. The American Academy of Pediatrics warns us against use of the fluoroscope, and the British medical journal Lancet warns us against unnecessary diagnostic X-rays. Now we learn that the tributaries of the Colorado River have been polluted by radioactive materials from the tailings of uranium mines.

X-RAYS AND NUCLEAR MEDICINE: BENEFITS AND RISKS—JULY 21, 1966

The discovery of X-ray dates back but 70 years. Since then, the benefits of X-rays have been widely recognized. Today, more than half our population is X-rayed or administered radioactive materials during the treatment of disease annually.

Although the use of X-rays and nuclear medicines continues to grow, there has been no commensurate expansion of registration of machines and surveillance of equipment. Only 37 States have any regulations governing X-ray protection. If a State program is to be effective it must have registration and licensing and active inspection programs to see that its regulations are enforced. The Public Health Service estimates there are over 113,000 X-ray machines in the United States and yet there are only 116 full-time people working on the X-ray licensing, regulating, and inspecting activities of the States.

It is clear that the Federal Government alone has the facilities and ability to cope with so large and important a problem.

RADIATION: THE ARCTIC AND MAN—OCTOBER 14, 1966

Once again the radioactive contamination of an inland Alaskan Eskimo village has increased markedly. The people of Selawik are experiencing levels of contamination as high and higher than the levels at Anaktuvuk Pass.

Other northern climes have the same problem. In some cases, Russian natives have been subjected to levels of contamination even higher than Alsakan Eskimos. Finnish scientists have found radioactive particles in food chains in their nation. The problem is not a singular problem to Alaskans, but is far reaching and knows no national boundaries. What will be done?

RADIATION HAZARDS MADE GRAPHIC—MARCH 10, 1967

No one denies that excessive radiation is dangerous and that inherent in some of its uses is possible destruction of life on this planet. No one denies these facts, yet our government has not responded with the effort needed to solve the problem.

Nuclear power plants are being built on rivers close to our most populous cities. These plants may release radioactive contaminants into the water, air, and soil.

X-ray devices may not be adequately inspected.

Uranium processing mills generate mountains of radioactive "sand" which erode into rivers.

And now a man is dying because of our inadequacies. He is a former uranium miner and is dying from cancer caused by radiation exposure. He will not be the first miner nor the last to die because of exposure to radiation. It is tragic that any man should die because of inadequate radiation control.

RADIATION DANGER MOUNTS IN ARCTIC—JUNE 28, 1967

The latest figures on radiation contamination in the villages of Anaktuvuk Pass, Ambler, and Arctic Village continue to be startling. Levels of cesium-137 burdens on the people of these villages over the last year have been higher than the maximum acceptable levels for populations as set by the International Commission on Radiation Protection. These figures must serve as a warning and move us to continued vigilance and remedial efforts. These figures offer further incentives to work for the extension of the test ban treaty to present nonsignatories and for the conclusion of a meaningful nonproliferation agreement.

RADIATION HEALTH AND SAFETY ACT OF 1967—JULY 10, 1967

S. 2067 authorizes the Secretary of Health, Education, and Welfare to step up the research efforts in the field of radiological health and safety and to develop and administer standards for the control of radiation emissions from electronic products. Standards would be set after consultation with appropriate parties. The Secretary would review and evaluate on a continuing basis testing programs established by industry to assure that electronic products complied with the prescribed standards.

FEDERAL RADIATION COUNCIL AND MINE SAFETY STANDARDS—JULY 21, 1967

A new safety standard has been established for workers in uraninum mines. It is reassuring to have an indication that our Government sees the need for regulation, but as the 51st and 52d miners die of cancer for overexposure to radiation in uranium mines, we must be sure that the regulations are effective.

REPORT ON RADIATION—DECEMBER 13, 1967

We are concerned with the effects of two kinds of radiation; those that the physicists call ionizing radiation, such as X-rays from machines and gamma rays from radium; and nonionizing radiation such as is emitted by ultra-high-frequency radio waves, microwaves, and laser beams.

Unlike most other health hazards, the danger of radiation contamination extends into the future. Genetic effects are seen only in descendants and may spread over many generations.

Federal control must be considered, for some States are unable to respond appropriately at this time.

INTRODUCTION OF PROPOSED RADIATION ACT OF 1968—MARCH 21, 1968

I ask unanimous consent that S. 3211 to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products, introduced by Mr. Hill, be referred to the Committee on Commerce, and when reported by that committee, that the bill be referred to the Committee on Labor and Public Welfare.

BUYER BEWARE: RADIATION TESTING DEVICES MAY BE FRAUDULENT—JUNE 24, 1968

There is apparently no fear nor ignorance that some men won't exploit for profit.

I wish to call attention to what may well be an attempt to make a profit by first fanning fear about radiation and then offering fraudulent devices to stem that fear.

Several firms are advertising devices allegedly designed to detect excessive amounts of radiation being emitted by television sets. Remembering that there is no set pattern to the emission of excessive X-rays from color television sets and noting that no exact measurement of the duration of exposure can be made, there is every reason to believe that the companies selling these kits are either naive or seeking profit through fraudulent advertising.

BARTLETT AMENDMENTS TO H.R. 10790—JULY 1, 1968

Based on hearings I conducted last August and this past May, I have proposed a number of amendments to H.R. 10790 which I feel are important to provide for an effective bill.

The amendments deal with advisory standards for licensing X-ray technicians, inspection of plants manufacturing electronic products, establishing a technical committee to aid in drawing up performance standards and procedures for notification about and recall of devices found to emit radiation in excess of the standard.

THE MICROWAVE OVEN: A BENEFIT AND A POTENTIAL HAZARD—JULY 8, 1968

At my hearings in May and subsequently, we received reports that a large percentage of microwave ovens emitted microwaves in excess of general accepted standards.

The time to stop this by setting effective performance standards is now before this fast growing industry is faced with expensive redesign problems.

EXPOSURE TO MEDICAL X-RAYS CAN BE REDUCED—JULY 10, 1968

The results of a survey of 6,380 X-ray machines and an analysis of population X-ray radiation doses offer dramatic proof that with proper equipment we can effectively reduce the amount of genetically significant doses the population of this nation receives from diagnostic X-rays.

The conclusion is obvious, the possibility for unnecessary exposure exists and should be controlled.

LICENSING X-RAY TECHNICIANS—JULY 11, 1968

Diagnostic X-rays are the major source of man-made radiation in the nation. The radiation received from diagnostic X-rays can be reduced 65 percent without affecting the quality of the X-ray.

I am not urging the elimination of X-rays as a diagnostic medical tool. I am only urging that steps be taken to eliminate unnecessary exposure.

X-ray technicians and schools teaching X-ray technology should be licensed and accredited so that the public may be more certain of obtaining the full benefit of the protection afforded by establishing performance standards for X-ray equipment.

This matter is of such importance that the Federal Government should and must give leadership to the states in developing control programs.

RADIATION CONTROL—JULY 17, 1968

Today I would like to call attention to a small but growing part of American industry, which is radiation processing of foods and materials, and also to the growing application of X-rays for testing and inspection.

The Food and Drug Administration has regulations about the amount of radiation that a side of bacon may receive, but there is no federal regulation to assure that the processing machinery is not exposing operators and nearby workers to X-rays in excess of recognized limits. This gap should be closed.

The time is now to head off any present and possible future exposure to radiation at unacceptable levels. These are the reasons why H.R. 10790 as it is amended should include and does include authority for the Secretary of Health, Education, and Welfare to set standards that can apply to industrial X-ray equipment.

LASER BEAMS—JULY 31, 1968

This country stands to benefit greatly from the application of lasers in commerce and industry. It will benefit even more if those applications are carried on from the outset with products that are designed, manufactured and installed with safety in mind.

COMMON SOURCES OF RADIATION EXPOSURE—SEPTEMBER 6, 1968

In his article Dr. Karl Z. Morgan, health physicist, describes sources of ionizing radiations and some of the related problems, such as that of radioactive materials from fallout of nuclear tests and the use of man-made radioactive materials. Then he comes to a point which has intrigued me throughout our hearings on H.R. 10790. He points out that in terms of biological consequences, it does not matter whether a radioisotope is produced in a nuclear reactor or by a high voltage accelerator, or is recovered from mineral deposits. The exposures produce equivalent damage. Likewise, the effects of X-rays, whether they are produced by an X-ray machine, a high voltage vacuum switch, or an improperly designed or adjusted television receiver, are similar. In all these cases, says Dr. Morgan, the radiation source should be kept under proper surveillance and adequate control, if the radiation from the source is sufficient to produce a risk of exposure in excess of presently accepted levels. He concludes by reminding all of us, and I join with him in his thought, that ionizing radiations are not something to be feared, but are to be respected and treated with the same regard, care and understanding as all other important sources of energy.

RADIATION HAZARDS—SEPTEMBER 4, 1968

One fact that stands out in the record of the hearings before the Senate Commerce Committee in 1967 and again this year, and also in the hearings held in the other body, is that most of today's manmade exposure to X-radiation comes from medical and dental X-ray machines. Many competent witnesses testified that the means are now at hand to reduce this exposure while still providing the physicians and dentists with the diagnostic information that they need. The committee has recognized the great value of medical diagnostic radiology. We recognize also that the needs of patients and advances in medical knowledge may well call for an increase in various forms of medical radiology, and we realize that much individual suffering would follow any unnecessary curtailment of these uses of X-rays. But because of the fact that medical uses of X-rays seem likely to further increase, it becomes all the more necessary to assure that exposure of patients in each case is kept to a minimum. One vital means to that end is the setting of performance standards for the design and manufacture of medical and dental X-ray equipment.

REPORT ON MICROWAVE RADIATION—SEPTEMBER 11, 1963

The Department of Health, Education, and Welfare has published a review of the hazards of microwave radiation.

I welcome this report both for its support of the testimony on this matter last year and this year before the Committee on Commerce about sometimes harmful effects of microwaves, and as evidence of Department of Health, Education, and Welfare's interest in this problem. The report clearly summarizes present knowledge of the biological effects of microwaves in a person who is exposed too long to too much of them; it shows the basis for the present private and government standards concerning permissible exposure to microwaves; and it indicates gaps in our present knowledge of the effects of microwaves.

AMENDMENT OF PART III OF THE INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 913.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 913) to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes which was to strike out all after the enacting clause, and insert:

That part III of the Interstate Commerce Act, relating to water carriers (49 U.S.C. 901 et seq.), is amended by—

(1) redesignating section 323 (49 U.S.C. 923) as section 324;

(2) inserting therein, immediately after section 322 (49 U.S.C. 922), the following new section:

"RECORDING OF EVIDENCES OF EQUIPMENT INDEBTEDNESS

"SEC. 323. Any mortgage (except mortgages under the Ship Mortgage Act, 1920, as amended), lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels, used or intended for use by a carrier subject to this part in interstate commerce or any assignment of rights or interest under any such instrument, or any supplement or amendment to any such instrument or assignment (including any release, discharge, or satisfaction thereof, in whole or in part), may be filed with the Commission, provided such instrument, assignment, supplement, or amendment is in writing, executed by the parties thereto, and acknowledged or verified in accordance with such requirements as the Commission shall prescribe; and any such instrument or other document, when so filed with the Commission, shall constitute notice to and shall be valid and enforceable against all persons including, without limitation, any purchaser from, or mortgagee, creditor, receiver, or trustee in bankruptcy of, the mortgagor, buyer, lessee, or bailee of the vessel covered thereby, from and after the time such instrument or other document is so filed with the Commission; and such instrument or other document need not be otherwise filed, deposited, registered, or recorded under the provisions of any other law of the United States of America, or of any State (or political subdivision thereof), territory, district, or possession thereof, respecting the filing, deposit, registration, or recordation of such instruments or documents: *Provided, however,* That nothing contained in this section shall, in any way, be construed to alter or amend the Ship Mortgage Act, 1920, as amended. The Commission shall establish and maintain a system for the recordation of each such instrument or document, filed pursuant to the provisions of this section, and shall cause to be marked or stamped thereon, a consecutive number, as well as the date and hour of such recordation, and shall maintain, open to public inspection, an index of all such instruments or documents, including any assignment, amendment, release, discharge, or satisfaction thereof, and shall record, in such index the names and addresses of the principal debtors, trustees, guarantors and other parties thereto, as well as such other facts as may be necessary to facilitate the determination of the rights of the parties to such transaction."; and

(3) striking out in the section analysis of that part the item relating to section 323, and inserting in lieu thereof the following:

"Sec. 323. Recording of evidences of equipment indebtedness.

"Sec. 324. Separability of provisions."

SEC. 2. Section 116, chapter 10, of the Bankruptcy Act (11 U.S.C. 516) is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provisions of this chapter, the title of any owner, whether as trustee or otherwise, to vessels (as the term is defined in the Ship Mortgage Act, 1920, as now in effect or hereafter amended) leased, subleased, or conditionally sold to any water carrier which holds a certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any right of such owner or of any other lessor to such water carrier to take possession of such property in compliance with the provisions of any such lease or conditional sale contract shall not be affected by the provisions of this chapter if the terms of such lease or conditional sale so provide."

Mr. MAGNUSON. Mr. President, the purpose of S. 913 is to assist the water carrier industry in the modernization of its floating equipment to better serve the public by enabling such carrier to utilize equipment trust certificate financing now available to the railroad and airline industries.

The water carrier industry is faced with substantial capital expenditures for the replacement of obsolete towboats and barges to provide shippers, consumers, and communities with more modern and efficient towboat and barge equipment. S. 913 would make equipment trust certificate financing available to the water carrier industry by extending the same recordation and limited bankruptcy benefits now available to the railroads and the airlines. The existence of similar legislation has enabled rail and air carriers to obtain financing from sources which may not have been otherwise available at such relatively favorable interest rates.

The Surface Transportation Subcommittee held public hearings on S. 913 on August 7, 1967. The bill was supported at these hearings by the regulated water carriers, the Department of Transportation, the Interstate Commerce Commission, and the Transportation Association of America. There was no opposition to this bill.

After the hearings, the committee, at the suggestion of the American Waterways Operators, Inc., decided to amend S. 913, as introduced, to make this proposed legislation applicable to evidence of indebtedness of all water carrier vessels—unless subject to the Ship Mortgage Act of 1920—owned or operated by any water carrier whether or not subject to the jurisdiction of the Interstate Commerce Commission. The purpose of this amendment was to bring within the scope of S. 913 vessels owned or operated by either private carriers or carriers exempt from the ICC's jurisdiction.

With this amendment, S. 913 passed the Senate on April 25, 1968.

The House Interstate and Foreign Commerce Committee held a hearing on S. 913, and decided, in effect, to delete the amendments added by the Senate Commerce Committee, thus excluding from the scope of this bill private and exempt water carriers.

On October 1, 1968, the House passed S. 913 with the House committee substitute language.

When I introduced S. 913 on February 8, 1967, for myself, and for Senators HART, MONRONEY, MORTON, and YARBOROUGH, by request of the Common Carrier Conference of Domestic Water Carriers, I was not aware of any interest on the part of private or exempt water carriers, in the type of equipment trust financing permitted under the provisions of the bill. When these carriers manifested an interest in being included in the bill I recommended their inclusion. The House has now deleted such carriers from the bill at this time.

In view of the great interest and need for this legislation on the part of the regulated carriers, I believe the Senate should concur in the House amendment. The alternative would be no bill at all this year. If the private and exempt carriers continue to be interested in being included within the terms of this bill, I will introduce a separate bill on their behalf for consideration in the next Congress.

Mr. President, I move that the Senate concur in the House amendment to S. 913.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

AIRCRAFT LOAN GUARANTEES

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2499.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 2499) to extend the act of September 7, 1957, relating to aircraft loan guarantees, which was, after line 5, insert:

> SEC. 2. Section 4 of such Act of September 7, 1957, is amended by adding at the end thereof the following:
>
> "(g) Unless the Secretary finds that the prospective earning power of the applicant air carrier, together with the character and value of the security pledged, furnish (1) reasonable assurances of the applicant's ability to repay the loan within the time fixed therefor, and (2) reasonable protection to the United States."

Mr. MAGNUSON. Mr. President, the House yesterday passed S. 2499—to extend the act of September 7, 1957, relating to aircraft loan guarantees—but attached to it a minor amendment.

The amendment merely requires a statement on the part of a loan applicant that the company is solvent at the time the loan is applied for.

The committee report of the House explains the amendment as follows:

> The committee amendment adds a new condition to the making of a guaranty under this legislation to assure that the United States will be reasonably protected against loss. This condition is identical in substance to a condition applicable to the issuance of a loan guaranty by the Interstate Commerce Commission under section 504(a)(4) of the Interstate Commerce Act with respect to loans to common carriers by railroads.

I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** (Mr. WILLIAMS of New Jersey in the chair.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I remind the Senate that the period for the transaction of routine morning business on tomorrow will last not later than 11 a.m., and that a unanimous-consent agreement was reached today limiting time on all of the amendments to be offered by the distinguished Senator from Pennsylvania [Mr. CLARK] to 20 minutes, the time to be equally divided.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 3, 1968, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2 (legislative day of September 24), 1968:

IAEA Conference Representatives

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency:

Wilfrid E. Johnson, of Washington.
Verne B. Lewis, of Maryland.
Henry DeWolf Smyth, of New Jersey.
Gerald F. Tape, of Maryland.
James T. Ramey, of Illinois.
Herbert Scoville, Jr., of Connecticut.

District of Columbia Court of Appeals

George R. Gallagher, of Maryland, to be associate judge of the District of Columbia court of appeals for the term of 10 years.

Department of Agriculture

Ted J. Davis, of Oklahoma, to be an Assistant Secretary of Agriculture.

U.S. Customs Court

Edward D. Re, of New York, to be judge of the U.S. Customs Court.

Department of the Interior

Clarence F. Pautzke, of Washington, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Department of State

Parker T. Hart, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Postmasters

ALABAMA

James D. Ethridge, Adger.
James A. Tait, Camden.
Maxyne W. Fort, Grand Bay.
Billy R. Higdon, Higdon.
William E. Roberts, Jr., Lincoln.
Paul B. Riddle, Odenville.

ARIZONA

Willard W. Tolman, Avondale.

ARKANSAS

Shelby J. Upton, Guion.
Fred S. Henry, Nashville.
Olen J. Jones, Scotland.
Margaret D. Hodgson, Wheeler.

CALIFORNIA

Angelina M. Elevi, Angels Camp.
C. Lowell Coomes, Beaumont.
Emma Spector, Cabazon.
Robert E. Lee, Grass Valley.
Eugene C. Freese, Hayfork.
Walter H. Jahn, Lakeport.
John R. Nimmo, Montebello.
Charles B. Westfall, Oakdale.
Kenneth O. Strom, Pacifica.
Arthur I. Montoya, Palm Desert.
August G. Kettmann, Palm Springs.
Robert J. Clifford, Red Bluff.
Mabel C. Maris, Smith River.
Joan E. Moon, Stratford.
Stanley D. Hamblin, Victor.
L. Clark Billups, Waterford.

COLORADO

Carl F. Bisgaard, Bailey.
Edith E. Boone, Niwot.
Lawrence E. Heid, Penrose.
Philip F. Koerner, Rangely.

CONNECTICUT

Lenora C. Hicks, Chaplin.
Donale I. Harding, East Woodstock.
Edward J. Hale, Wapping.
Carolyn Messenger, West Granby.

FLORIDA

Edwin C. Wilhelm, Clarcona.
Jeff W. Williams, Graceville.
Elaine N. Thompson, Gretna.
Ivy L. Slone, Mascotte.
Delma E. Fields, Ocoee.
Frederick J. Arnold, Palm City.
Marie F. Springer, Port Richey.

GEORGIA

Charlie D. Baldwin, Ashburn.
Thomas E. Lacy, Jr., Cuthbert.
Ida C. Bankston, Flovilla.
Edwin J. Dye, Griffin.
Dave H. Keever, Jr., Lilburn.
Frances B. Lamb, Moreland.
Frank L. Phillips, Snellville.
Mary M. Shiver, Stockbridge.

HAWAII

Barbara M. Okita, Paauilo.

IDAHO

Seth R. Bailey, Bancroft.
J. Morgan Lake, Jr., Rigby.

ILLINOIS

Virgel P. Spencer, Dewitt.
Catherine R. Martin, Donovan.
Ronald C. Hendrickson, Garden Prarie.
Robert H. Robke, Germantown.
Fred E. Schoonover, Herrin.
John A. D'Andrea, Itasca.
Ralph W. Corrigan, Loraine.
Ted L. Dickman, Meredosia.
Linda T. Wilson, Robbins.
Andrew G. Kubaitis, Willow Springs.

INDIANA

Robert K. Riggins, Advance.
Kenneth L. Higgins, Bluffton.
Charles E. Peffley, Bridgeton.
Basil B. Nicum, Covington.
Marjorie E. Roll, Fredericksburg.
Larry C. Wilburn, Gary.
William S. Gehring, Lawrenceburg.
W. Lowell Whitlatch, Lexington.
Robert W. Rice, Linden.
Hilbert S. Graman, Saint Meinrad.
Charles D. Plummer, Sandborn.
James L. Trueblood, Shelburn.
Harold E. Renbarger, Wabash.
Elizabeth P. Overman, Westfield.
Charles R. DeVault, Westpoint.
James R. Shoemaker, Zionsville.

KANSAS

Kenneth S. Fincham, Blue Rapids.
Larry E. Jones, Douglass.
Victor L. ImMasche, Emporia.
Guy E. Hough, Sr., Solomon.
Everett R. Engle, Jr., Tribune.

KENTUCKY

Ocia M. Slone, Allen.
Charles A. Felts, Elkton.
Durward A. Hamilton, Gilbertsville.
C. Bruce Current, Millersburg.
James C. Dowden, Jr., Pleasureville.

LOUISIANA

Julia E. Farthing, Ball.
Milton M. Spencer, Benton.
Lucy E. Casteigne, Pierre Part.

MAINE

John W. Perry, Addison.
Irving W. McAllister, North Waterford.

MARYLAND

Mary Lee P. Kolb, Allen.
A. Leroy Willey, Cambridge.
Irvin R. Walker, Colora.
Russell W. Beall, Laurel.
Edward L. Wheeler, Parkton.
Samuel W. Belt, Reisterstown.

MASSACHUSETTS

C. Frederick Gilgun, Burlington.
Wilfred J. Sullivan, Holbrook.
George L. Beckerman, Hull.
Robert G. Pratt, Huntington.
Francis J. Sullivan, Marshfield.
Jason T. Burbank, Millbury.
Anne S. Mason, Princeton.

MICHIGAN

Joseph V. Spreitzer, Allegan.
Joseph E. Liska, Jr., Ashley.
Joseph C. Bria, Bessemer.
Robert E. Loughrin, Cadillac.
Kenneth G. Fox, Cassopolis.
Alice S. Schyllander, Erie.
Frank L. Raynak, Greenbush.
Eileen H. Stoudt, Muir.
Paul S. Sinnott, Owosso.
George A. McPherson, Rhodes.
A. O. Richardson, Rockford.
Reuben R. Maki, Wakefield.
William C. Stottlemyer, Wayne.

MINNESOTA

Warren G. Gunderson, Clearbrook.
Kenneth L. Storm, Cook.
Milo H. Aakhus, Effie.
Lyle J. Schreiber, Faribault.
Donald F. Speer, Felton.
Myron J. Fisher, Hutchinson.
Ralph Fennie, Kenyon.
Frank J. Lano, Long Prairie.
Joseph E. Nolden, Rice.
Harlyn W. Sartain, South International Falls.

MISSISSIPPI

Lee O. Miller, Blue Springs.
Opal C. Richardson, Falkner.
Charles P. Morganti, Friars Point.
Bessie Y. Swedenburg, Mayhew.
Charles L. Terrell, Prentiss.
Thomas I. Carroll, Smithville.
Cayce B. Livingston, Tupelo.
Ann G. Wise, Washington.

MISSOURI

Carol J. Freeman, Brighton.
Joe A. Crook, Butler.
Howard C. Wagner, Canton.
Woodrow W. Chism, Clark.
V. Haldean Hardy, Diamond.
Ann B. Wichman, Doe Run.
Richard J. Hlavacek, Eldon.
Vincent E. Coleman, Festus.
Lucille H. McCord, Holland.
Joy A. Spurlock, Pineville.
Ruby L. Allen, Point Lookout.

MONTANA

James H. Blevins, Chinook.

NEW HAMPSHIRE

Robert E. LeFavour, Farmington.
Carol J. Rogers, Stratham.

NEW JERSEY

Dixie G. Barracliff, Deepwater.
Richard M. Degnan, Glen Gardner.
John M. Shields, Pequannock.
Frank H. McNally, Jr., Wayne.

NEW MEXICO

Eddie R. Roberts, Grants.

NEW YORK

Lewis E. Lasher, Germantown.
Lewis G. McMahon, Rifton.
Bernadt S. Oolie, Spring Valley.

NORTH CAROLINA

Fred G. Torrence, Cornelius.
William F. Auten, Huntersville.
John R. Nichols, Jacksonville.
Henry L. Owens, Snow Hill.

NORTH DAKOTA

Darrel D. Heringer, Anamoose.
Helen E. Olson, Bucyrus.
Norman O. Skytland, Fairdale.
Alice S. Langaas, Forest River.
John P. Severson, Minot.

OHIO

Richard C. Mayer, Aurora.
Homer L. McCarty, Cheshire.
Rebecca A. Zaugg, East Rochester.
Margaret C. Howland, Haverhill.
Josephine A. Price, Jacksonville.
Vera Faye Walker, Langsville.
Margaret A. Clemens, Latty.
Henry J. Climer, Londonderry.
Arthur D. Dick, Mount Sterling.
Donald J. Weber, Ney.
Tom I. Murray, Novelty.
Lois F. Wehner, Rocky Ridge.
Barbara J. Walters, Saint Johns.
William C. Baker, Tiro.
Raymond F. Diersing, Twinsburg.
Harlow A. Stapf, Willard.

OKLAHOMA

Virgil G. Frey, Amorita.
Kester I. June, Bartlesville.
Jerry D. Jamison, Coweta.
Margaret E. Blasingame, Duke.
Elwood O. Mallow, Geronimo.
Everett C. Mosena, Morrison.
Robert R. Stephens, Purcell.
Kenneth L. Boydston, Roosevelt.

OREGON

Henry E. Wiseman, Clackamas.
D. S. Rogers, Government Camp.
Cecil R. Claflin, Phoenix.
Lanny L. Fredricks, Sublimity.

PENNSYLVANIA

Gino Piroli, Aliquippa.
Edwin J, Caprioli, Canadensis.
Henry A. Bauman, Chalfont.
Claire V. Conville, Cumbola.
William H. Rock, Jr., Dresher.
David G. Anderson, Enon Valley.
John S. Kahat, Ford Cliff.
Francis A. Solla, Freeport.
Paul P. Zborovancik, Hooversville.
John R. Macey, Latrobe.
Robert W. Anderson, Monaca.
Joyce A. Fenyus, Oaks.
Myrtle E. Keuling, Tafton.
Michael Heffren, Jr., Uniontown.
Stanford L. McFarland, Walnutport.

PUERTO RICO

Jose A. Ramirez, Caguas.
Antonio Lopez-Rodriquez, Maricao.

SOUTH CAROLINA

Marvin E. Padgett, Bethune.
James R. Carter, Longs.
Calhoun N. Hinton, Pickens.
Woodrow W. Williams, Springfield.

SOUTH DAKOTA

Donale W. Berg, Willow Lake.

TEXAS

Lowell L. Nafe, Argyle.
Mary L. Gillespie, Avalon.
Frank T. Higgins III, Brackettville.
James L. McAllister, Clarksville.
Joseph Z. Spain, Decatur.
Marcus S. O'Dell, Eastland.
Ralph H. Walton, Grapeland.
Thomas J. Burnett, Levelland.
Abram L. Goble, Mission.
Allen E. Mieth, New Ulm.
Demetrio Duarte, Orange Grove.
Ben D. Deason, Stockdale.
Doyle K. Smith, Wiergate.
Herbert M. Nichols, Winters.

VERMONT

Loren T. Bacon, East Thetford.
Joseph A. Yacovone, Morrisville.

VIRGINIA

Marjorie M. Simpkins, Aylett.
Hugh E. Clougherty, Jr., Broadway.
Thomas I. Epperson, Buckingham.
Charles C. Baker, Jr., Courtland.
Ruth H. Pruden, Crittenden.
Bertie Hagy, Forest.
Elmer C. Rouse, Marion.
Jessie P. Richards, Montvale.
Thomas A. Holland, Jr., Nassawadox.
Marvin B. Howell, Red Ash.
Charles B. Snyder, Woodstock.

WASHINGTON

Orville R. Amondson, Centralia.
Mary J. Petterson, Eastsound.
Ronald N. McHolland, Mercer Island.
Paul L. Slusser, Pullman.
James J. Symbol, Seattle.
Lydia Roosendaal, Southworth.
Mildred A. Eller, Twisp.
Rexford R. Burton, Washougal.

WEST VIRGINIA

James B. Legg, Bancroft.
Arlene F. Chambers, Bolt.
Joseph D. Corns, Davin.
Gladys L. LaDeaux, Palestine.
Orla A. Davis, Jr., Salem.

WISCONSIN

Chester G. Hoel, Cottage Grove.
Agnes M. Slama, Eastman.
Arthur J. Stepenske, Fontana.
Eunice M. Anderson, Gilmanton.
Charles T. Lydon, Kendall.
Stanley R. Anderson, Lake Delton.
Donald M. Clark, Minocqua.
Alice M. Tourtillott, Neopit.
Harris J. Krueger, Pelican Lake.
Howard R. Freund, Saint Germain.
Gordon J. Regenauer, Spooner.
Dallas E. Dimmer, Stanley.
Robert R. Stangel, Jr., Tisch Mills.

WYOMING

James E. Poelma, Carpenter.

In the Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Hugh M. Elwood
Donn J. Robertson
Lowell E. English
William G. Thrash
Marion E. Carl
Arthur H. Adams
Louis Metzger

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

George C. Axtell
George D. Webster
James A. Feeley, Jr.
Foster C. LaHue
Charles F. Widdecke
Louis H. Wilson, Jr.

In the Army

The nominations beginning Edward J. Evans, to be colonel, and ending Gayle M. Wooding, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 1968;

The nominations beginning Kenneth W. Accousti, to be major, and ending Dorothy A. Vollmer, to be major, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 1968;

The nominations beginning Michael H. Abbott, to be first lieutenant, and ending Joseph A. Zurlo, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 1968; and

The nominations beginning Ernest H. La Flamme, to be lieutenant colonel, and ending Martin J. Naaktgeboren, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 4, 1968.

IN THE MARINE CORPS

The nominations beginning Arthur J. Brown, to be first lieutenant, and ending Roger A. Jacobs, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 4, 1968;

The nominations beginning Robert V. Anderson, to be colonel, and ending Wilbur K. Zaudtke, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 13, 1968; and

The nomination of Haywood R. Smith, for permanent appointment to the grade of colonel, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on September 5, 1968.

HOUSE OF REPRESENTATIVES—*Wednesday, October 2, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Have mercy upon me, O God, according to Thy loving kindness and blot out my transgressions.—Psalm 51: 1.

O Thou who art the source of light and life, be with the Members of this body this holy day. Prosper them in their work, guide them in their tasks, forgive their sins, and bless them as they endeavor to do justly, to love mercy, and to walk humbly with Thee.

Fervently do we invoke Thy blessing upon our country. Protect her, O God, from calamity, discord, and violence. Let not any adversary triumph over her but let the glories of a just and righteous people filled with good will increase from age to age.

Enlighten with Thy wisdom and sustain with Thy power those in authority, our President, our Speaker, every Member of Congress, every judge, every executive, and everyone who is entrusted with our safety and with the guardianship of our rights and liberties.

May peace and good will be present in the hearts of all our citizens and may our common faith spread its blessings among us and exalt our Nation in justice and righteousness. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5117. An act to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3769) entitled "An act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18366) entitled "An act to amend the Vocational Education Act of 1963, and for other purposes."

VOCATIONAL EDUCATION AMENDMENTS OF 1968—SUBMISSION OF CONFERENCE REPORT

Mr. PERKINS submitted a conference report and statement on the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes.

MAKING IN ORDER ON MONDAY, OCTOBER 7, 1968, OR ANY DAY THEREAFTER NEXT WEEK, CONSIDERATION OF S. 2012, TO AMEND THE DISTRICT OF COLUMBIA PUBLIC SCHOOL FOOD SERVICES ACT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Monday, October 7, 1968, or any day thereafter next week, it may be in order to consider under the general rules of the House the bill S. 2012, to amend the District of Columbia Public School Food Services Act.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished majority leader tell us the substance of this particular bill?

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield, first, may I state that the distinguished gentleman from Texas [Mr. DOWDY] has advised me that this was unanimously reported by the Committee on the District of Columbia.

It deals with paying those persons who serve school lunches. As I understand it, they are among the lowest paid in the whole system, and are about the only District of Columbia employees who have not had any kind of a raise. That is all there is to it.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REQUEST FOR CONSIDERATION OF H.R. 18980

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Monday, October 7, 1968, or on any day thereafter next week, it may be in order to consider under the general rules of the House the bill (H.R. 18980) to authorize the government of the District of Columbia to convey interests in certain property owned by the District of Columbia in Prince William County, Va., and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished majority leader give us some indication of the content of this legislation?

Mr. ALBERT. All that I know about it is that it was reported by the Committee on the District of Columbia, and it deals with transferring certain property in Prince William County, Va. I do not know the background of the bill beyond that. I am sorry I cannot advise the gentleman as to the details of the legislation.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I would hope that the majority leader would not ask that this bill be arranged at this time. There is some controversy with regard to the bill, and we are trying to work out the differences.

Mr. ALBERT. Mr. Speaker, in view of the statement of the gentleman from Pennsylvania, I withdraw my unanimous-consent request.

The SPEAKER. The gentleman from Oklahoma withdraws his unanimous-consent request.

CREDIT UNIONS TO HELP SMALL BUSINESS TIGHT MONEY SITUATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, yesterday marked an event which, in my opinion, will be received as one of the most significant steps taken by the credit union movement in the United States.

The 20 million credit union members through their 23,000 credit unions have entered into an arrangement with the Small Business Administration that will put to use the excess funds of the credit union to help establish small business enterprises throughout the United States. This laudable goal will be accomplished by giving the credit unions the opportunity to purchase guaranteed SBA loan paper which will give the Small Business Administration the use of the credit union funds to lend to small businessmen. If such an arrangement were not available, SBA, because of the tightness of the current fiscal situation, would be unable to continue many of its small business lending programs.

Many people deserve recognition and praise for making the credit union-SBA program a reality. They include Mr. J. Orrin Shipe, managing director of CUNA International, the worldwide credit union association; Gen. Evert S. Thomas, Jr., director of CUNA's Washington office; Mr. Howard J. Samuels, Administrator of the Small Business Administration; Mr. Howard Greenberg, Deputy Administrator of the Small Business Administration, and numerous Treasury officials.

The loan purchase program, Mr. Speaker, represents another example of the outstanding work performed by credit unions and their members. Credit unions believe in the good of the individual and, through the credit unions, seek to assist the individual in reaching his desired economic and social goals.

By making these funds available to small businessmen, the credit unions will not only be providing small businessmen with investment opportunities but will also be adding to the necessary ingredients that continue to make this Nation the most productive democratic free enterprise nation in the world.

Mr. Speaker, a release from SBA on this monumental occasion follows:

NEWS FROM SMALL BUSINESS ADMINISTRATION

Rep. Wright Patman (D-Texas) Chairman of the House Banking and Currency Committee announced today that federal credit unions will shortly make it easier for small businesses to get Federal loans in the current tight money market by making available up to $70 million to the Small Business Administration.

Patman said authorization has been obtained for SBA to sell that amount of its loans to the credit unions. The $70 million to be realized from the sale will be available to SBA for small business loans.

SBA Administrator Howard J. Samuels praised Patman for his effective support in bringing this program to a successful conclusion and extended the Agency's thanks to Treasury Secretary Fowler for granting the required approval.

"It was typical of the farsighted understanding of Congressman Patman that he helped us to obtain more loan funds at a time when American small businessmen are in great need of additional operating funds," Samuels said.

He pointed out that in effect, the sale of the SBA loans makes it possible for the Agency to continue a substantial part of its loan program even under the restrictive budgetary program approved by Congress.

Samuels said the additional funds are especially important at this time when SBA is embarking on its new program, Project OWN, designed to help thousands of new small businessmen drawn from minority groups. The program is aimed at assisting such new businessmen at the rate of 10,000 a year by the end of current fiscal year, and at a rate of 20,000 by the end of the following year.

Samuels emphasized that this was typical of the role SBA expects to play in the future, with money loaned by private financial institutions and guaranteed by the Federal government, thus making many more loans possible than would be the case with government funds alone.

Samuels also commented that "We are especially grateful to the credit unions for their public spirited participation at a time when federal fiscal restraints and a general tight money situation would ordinarily force us to curtail our financial assistance to the economy. With this very substantial assist from the credit unions, we shall literally be able to help hundreds more small businessmen. I am happy too that it will also help the credit unions by putting some of their assets to work in such a socially useful endeavor."

Rep. Patman added his praise for the action of the credit unions under the leadership of the Credit Union National Association (CUNA). "In these times when our national budget is subject to so many calls on our resources, credit unions now have demonstrated admirably their cooperation with government. It is an excellent example of cooperative federalism, a prime example of how the private sector and government can work together for the benefit of our whole economy," he said.

Mr. Patman, in addition to his chairmanship of the Banking and Currency Committee, is ranking member of the House Small Business Committee, and has for many years devoted much of his legislative attention to the problems of the American small businessman.

PUBLICATION OF REPORT ENTITLED "INVESTIGATION OF CREDIT FRAUDS USED AGAINST SERVICEMEN IN EUROPE AND THE IMPACT OF MILITARY CREDIT UNIONS IN SOLVING THE PROBLEM"

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, today, the Banking and Currency Committee is making public the report of the special subcommittee headed by the gentleman from New Jersey [Mr. MINISH] entitled "Investigation of Credit Frauds Used Against Servicemen in Europe and the Impact of Military Credit Unions in Solving the Problem." This report was brought about by House Resolution 1093 which authorized the Banking and Currency Committee to send representatives to the European and Pacific military commands to investigate credit frauds being used against servicemen and to seek the establishment of credit unions to help solve the problem.

In addition to Congressman MINISH, the European subcommittee consisted of the gentleman from South Carolina [Mr. GETTYS] and the gentleman from New York [Mr. WOLFF].

Every Member of this body can be proud of the work done by the Minish subcommittee and the excellent report that the subcommittee produced. The members of the subcommittee worked day and night in order to visit as many military installations in Europe as possible and talk to as many servicemen and women as time would allow.

Perhaps the most important statement in the report is the sentence that reads:

> The credit unions operating in Germany have succeeded beyond even the fondest dreams of those who proposed the credit unions.

To illustrate this point, it should be noted that at the time the subcommittee visited Europe, the six credit unions in Germany had some 12,000 members, had accumulated shares of roughly $1 million and had loans outstanding of more than $6½ million.

However, because of publication and printing deadlines and the time necessary to gather figures, the statistics in the report are out of date. In fact, even the latest statistics available to the subcommittee, those available as of August 31, are out of date because of the rapid growth of these splendid financial institutions. For instance, at the end of August, the Germany-based credit unions had nearly 20,000 members, share deposits of nearly $2 million, and loans of nearly $11 million.

It is not enough to measure the work of these credit unions in dollar signs alone. Another measure of the credit union's effectiveness is how well they are received by the people they are serving. How well the credit unions are being received can be measured by a story appearing in the September 18 issue of the Stars and Stripes. The story, headlined "Credit Operation Draws Praise," is short but to the point and clearly indicates that the serviceman realizes he had a friend in the credit union:

CREDIT OPERATION DRAWS PRAISE

Members of federal credit unions which serve American military men in Europe have nothing but praise for the operation.

"I've been in the service 10 years and I've had several finance company loans which cost me a lot of money, but this is the best I've ever seen," said Spec. 5 August Wagar, an assistant artillery crew chief at Barton Barracks in Amsbach, Germany, who has been overseas for two years.

"I took out a $750 loan, which is the maximum loan I can get and it only costs me about $92 in two years. Also, I normally keep a savings account and save some money with them."

Wagar's words were typical of a number of servicemen buttonholed outside credit union offices. There may be men turned down for loans who don't like the credit unions, but they are hard to find.

"I borrowed $1,500 three months ago and bought a beautiful car," said Spec. 4 Richard Sheppard of the 20th Station Hospital in Nuremberg. "I had to wait two weeks to get the loan approved because I wanted it extended beyond my estimated separation date.

"Everything worked out fine," he said.

Spec. 4 George Myers of Morristown, Pa., who works at the 731st General Dispensary in Hohenfels, came out of the credit union office in Fuerth after applying for a loan to finance a trip home.

"I'm coming back this afternoon to get the money, and I'll fly to the States tomorrow," he said. "It's been almost 12 months since I was home. My wife is there and I want to see her."

Sgt. I. G. Durward Spray, the mess sergeant for Hq Btry, 2nd Bn, 28th Arty, said he has had "no problems whatsoever" in dealing with the credit union office in Ausbach.

"I used to belong to the one at Ft. Bliss, Tex., and borrowed from them," he said. "I'm glad to see them come over here. I've already put in for my first loan and expect to get the money in three or four days."

The special subcommittee report also rates the effectiveness of the credit unions by stating:

> The effect of the credit unions has been to lessen the potential for the sharp-practice operators, fast-buck boys, and loan sharks in Germany and to alleviate the credit prob-

lem that has plagued American servicemen in Germany since World War II.

Mr. Speaker, I am happy to report that as a result of the special subcommittee's investigation, credit union services will soon be available to our military personnel stationed in England and Italy and specialized credit union service will be set up in Spain so as to meet the highly restrictive Spanish laws.

There are still problem areas connected with lending and consumer transactions involving servicemen, but for the most part the sharp practices that existed when the Domestic Finance Subcommittee first began its study into this area 4 years ago have been drastically reduced. With the help of the Department of Defense and local military commanders, the remaining problems can be stamped out. There are still some loan sharks peddling their trades around military installations and there are still a few fast-buck schemes in existence, such as the female sales agent for a mutual fund concern who engaged in sexual activities and provided marihuana for servicemen clients in order to induce them to purchase mutual funds. But such sharp practices are the exception rather than the rule.

I want to assure the Members of this body, servicemen stationed throughout the world, and their families, that the Domestic Finance Subcommittee and the House Banking and Currency Committee will continue to watch for any operations that seek to unfairly relieve the servicemen of their hard-earned pay, and that in the future, any such operations that are discovered will be dealt with severely.

LAXITY IN FEDERAL BANK SUPERVISION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on September 30, 1968, the Honorable J. L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System, addressed the State bank division of the American Bankers Association. Mr. Robertson's speech is entitled "An Inside Look at Federal Bank Regulation." I consider it one of the most incisive, realistic, and sympathetic comments emanating from the Federal Reserve Board in the past few years. Governor Robertson sounds a sober warning that the banking industry is drifting toward repetition of serious errors committed in the 1920's and which brought us into the great depression.

He is particularly concerned about the one-bank holding company loophole as well as other "important decisions made under pressures that are directly traceable to the structure of our bank supervisory system." Mr. Robertson states:

> We should not allow the tendency to get caught up in a general euphoria to blind us to the fact that ten or twenty years from now we may look back with regret upon decisions that have permitted banks, for example, to become subsidiaries of enormous conglomerate holding companies, to establish nationwide systems of loan offices, to engage in business activities quite unrelated to banking.

Governor Robertson concludes by stating that the proposed Federal Banking Commission is an answer to a "very clear need."

I commend Governor Robertson for his forthrightness and assure him that his comments are most welcome at this time. His speech follows:

An Inside Look at Federal Bank Regulations

(Address by Hon. J. L. Robertson)

When I was invited to address this meeting, I believe it was expected that I would endeavor to defend the Federal Reserve against a variety of complaints—complaints that included such words as "dilatory," "inflexible," "old-fashioned," and "unprogressive".

The Federal Reserve needs no defense from me. Its record speaks more eloquently than I can of its meritorious performance over the years—not perfect, not beyond improvement, but good.

However, I will say a few words about the complaints, although I wish to deal mainly with some of the basic problems, the underlying conditions which have produced the conflict and criticism that has troubled the banking community for the past several years. I refer especially to the well known differences of opinion among the bank regulatory agencies.

The fact that these agencies have not always been in step with each other has been a source of considerable concern both to the regulators and to those regulated. For a time it became the focus of attention, virtually to the exclusion of everything else. The situation reminded me of the young man who did not seem to take any interest in girls. This worried his father, who tried a variety of things to develop his son's interest in the opposite sex, but all to no avail. Finally, he suggested that he join the Marine Corps, thinking that close association with the manly Marines would do the trick. After the lad had gone through boot camp, he came home on leave. He and his father were sitting out on the front porch, when they saw three attractive girls in mini-skirts coming up the street. The father nudged his son—"Pretty nice, eh?" The boy eyed the girls carefully, and said, "Okay! But the one on the left is out of step."

I cannot say that I blame the banking community for having noted that the regulatory agencies were out of step. I am sure that at times all of us have felt a bit like Molly Peabody back in my home town, Broken Bow, Nebraska. Molly and her husband, Jake, used to have some pretty hot disagreements. I am sure he was hard to get along with under the best of conditions, but he had his softer side. After one especially bitter row, when they both said things they shouldn't, Jake was standing by the window looking out, and called, "Molly, come here! I want you to look at something." Molly joined him at the window. "Look," he said, "at those two horses pulling that load of hay over the hill. Why can't we pull together like a couple of horses over the hill of life?" "Well," Molly explained, "the reason we can't pull together like a couple of horses is because one of *us* is a gee-haw mule."

Far be it from me to suggest that there are—or ever have been—any gee-haw mules in the banking business, much less the bank regulating business. But certainly there have been strong differences of opinion about policies and procedures. I am pleased to have this opportunity to state my own position and to advocate a promising solution for problems that have caused so much friction, confusion, and damage.

A few of us are old enough to recall the events that led to the adoption by Congress of the rules and regulations under which our banking system has operated for more than a third of a century. You will recall that a decade marked by great "permissiveness"—the 'twenties—brought almost unrestrained expansion followed by a collapse and a depression that caused untold suffering. In the light of the disclosures of the Pecora Investigation, Congress adopted certain controls and limitations to safeguard the vital functions that the banking system performs for our economy.

Laws were enacted to separate commercial banking from investment banking. The affiliate system of the 1920's—bank ownership of other corporations, and joint ownership of banks and other corporations—was severely curtailed. Banks were effectively restricted in their financing of certain related interests. The same principles that resulted in this legislation—the famous Glass-Steagall Act and others—also prompted the legislation of 1956 which barred bank holding companies from engaging in nonbanking businesses, either directly or through subsidiary corporations.

I happen to take the view that principles that have been derived from experience should not be abandoned lightly. Admittedly we are living in a "go-go" era. Permissiveness has again become pervasive in our society. Our young people are impatient with those who look at the past and see alarming similarities with the present. Our economy has enjoyed a remarkable period of expansion. Most Americans alive today have no recollection of the depression and the closing of all banks in the early 'thirties. This tends to breed impatience with old-fashioned notions about the need for restraint and controls that were born of those harsh experiences.

George Bernard Shaw once said, "The one thing we learn from experience is that we don't learn from experience." One reason for this may be that history moves too slowly for us. Experience may warn us what is going to happen if some past errors are repeated, but we are seldom able to tell when it will occur. A decade or two is not long when viewed in historical perspective, but the only prophets we heed are those who tell us what is going to happen in the next six months or, at most, in the next year. We have no time for those who are concerned about what might happen in ten or twenty years.

This is a lesson I learned from my concern with our balance-of-payments problem. I gave my first public warning about the need to pay attention to this problem in a speech ten years ago. Many of the things I then warned against have since come to pass, but they came so gradually that they did not shock us enough. We would have been galvanized into action to avoid the deterioration that has taken place if it had occurred at a dramatically rapid pace, but few men have the confidence or the courage to take drastic action on the basis of long-term forecasts.

The same holds true with respect to the rules of sound banking. We can turn our backs on the lessons of the past, confident that the new activism will not bring us to the brink of disaster in the next six months or the next year or two. This is precisely what is happening. You know as well as I that more and more banks are becoming parts—sometimes the principal part—of a conglomeration of activities, some of which are related to banking only remotely, or not at all.

Not very many people have noticed, but we appear to be drifting toward a repetition of serious errors that the banking industry fell into in the 1920's. For example, the one-bank holding company loophole threatens to take us back into the kind of situation that only students of history and a few old fogeys remember.

I do not intend to speak here of the implications for the public interest of this tendency in our banking system—implications that are indeed grave, for a system whose existence is uniquely dependent on the use of other people's money. But I think that the leaders in the banking industry might want to ponder the lessons of the 'twenties and 'thirties before they plough that ground a second time. If nothing else, they might recall the tremendous drop in prestige and influence that their predecessors suffered as a result of the public reaction when the houses of cards they had erected collapsed.

We should not allow the tendency to get caught up in a general euphoria to blind us to the fact that ten or twenty years from now we may look back with regret upon decisions that have permitted banks, for example, to become subsidiaries of enormous conglomerate holding companies, to establish nation-wide systems of loan offices, to engage in business activities quite unrelated to banking.

If we are on the wrong road—and I believe we are—we must ask ourselves how we got started on it and whether there is any turning back before the road disappears in a swamp. Clearly the problem has its roots in the accidental and irrational system of bank regulation and supervision that this country has been saddled with. During the past five years the delicate balance of the banking industry has been upset, the dual banking system endangered, and the development of banking on sound lines impeded by the divergent policies, procedures and interpretations emanating from the three federal supervisory agencies. Surely there is only one way to achieve and maintain the competitive equality that we want in our banking system. That is by insisting on uniform standards of regulation as far as federal law is concerned, and by modifying the rules and the laws on the basis of careful study of experience and thoughtful analysis of the likely consequences. I regret that this is not always the way things are done.

During the past few months we have seen important decisions made under pressures that are directly traceable to the irrational structure of our supervisory system. As you all know, my own agency recently reversed its position on two fundamental matters. In doing so, it was trying to correct a competitive imbalance, brought about by the decisions of another agency, which threatened the very existence of a strong dual banking system. Competition among the regulatory authorities was breaking down not only the legal barriers to banking practices which had previously been judged unsound, but also our traditional banking structure. To preserve the structure, the law was bent to permit what it seemed clearly designed to prohibit.

Is the law nothing more than a set of ambiguous expressions that are to be "adjusted" to meet the preferences of the moment, as some have claimed? Or is there something called "the rule of law" which requires the official as well as the citizen to respect and obey the statutes which have been duly enacted, altering them when alteration is desired by the procedures prescribed by law?

I believe that an important element in the malaise and turmoil of our times is the reduced importance that many of our people, including some who are leaders, have attached to the rule of law. This is the cement that binds a democratic society together and makes it workable. As pointed out by the former Prime Minister of Great Britain, Sir Alec Douglas-Home: "Some people are suspicious of law and order, as though the rule of law was a mere trick to freeze the status quo. It is quite the opposite. Its observance is the *sina qua non* of peaceful change. The rule of law is a lesson learned from centuries of human experience, from many mistakes and much suffering. It amounts simply to this: that only by submitting ourselves to obey the law can we reconcile conflicting ambitions and serve the interests of mankind as a whole. Without the rule of law we destroy one another."

For nearly two centuries Americans have adhered to the principle of majority rule, subject to the limitations of the constitutional protection of individual rights. If we ever reach the point where any substantial number of our citizens take the position that they have the right to choose which laws they will obey and which they will disregard, we will have to ask, more fearfully than Abraham Lincoln did in 1863, "Can such a nation long endure?"

And if our government officials, our law enforcement officers, our regulatory authorities, and even the courts are thought by the citizens to be deciding which laws they will observe, which they will enforce, and which they will interpret out of existence, we should not be surprised if this generates widespread disrespect for the rule of law. Here again, we must look ahead at the consequences that will emerge in one, two or three decades. We know, as the Chinese say, that a journey of a thousand miles begins with a single step. And that is as true of a journey on the downhill road as it is of a journey upward.

It is easy to see why officials sometimes are tempted to short-circuit the law. As Winston Churchill pointed out, "democracy is the worst form of government except all those others that have been tried. . . ." It is often slow and cumbersome in its operations. Sometimes years pass before the apparent will of the majority can be translated into law. In this NOW generation we have little patience with cumbersome procedures. We are keenly aware of immediate evils that call out for correction, but we may overlook the far greater evils that will ensue if we encourage or even tolerate the idea that members of a society may disregard the mandate of the law and act in accord with their own individual views and desires. To break or bend the law to fit one's personal convictions, and to uphold this as a right, is to add in some degree, even though it may be imperceptible at the moment, to the forces that would push our civilization over the precipice into chaos.

Those who contend that the law is nothing more than a set of ambiguous principles that can be twisted to help achieve desired ends should ponder the words of one of our country's most profound legal scholars, Paul Freund, who warned the graduating class at Cornell College earlier this year that "to jettison principles of law because your aims are pure, or holy, or patriotic, denudes you of defenses against those who are just as certain of their rectitude."

It may be said that Paul Freund had something in mind more important than the overgenerous interpretation of a provision of our banking laws by a regulatory body. He was urging the young students not to succumb to the doctrine that the end justifies the means and not to defy the law as a means of achieving political objectives. We of the older generation who do not like to see college buildings taken over by mobs of students, who do not like to see the President of the United States and the members of his Cabinet taunted and harassed by ill-mannered young rowdies, can lecture the young on the importance of the rule of law with great vigor and sincerity. But our own failures to uphold the rule of law can be—and frequently are—thrown back at us. We find ourselves criticized for our inconsistencies, if not our hypocrisy. The criticism is not always well-founded or just, but it does point up the fact that all of us, acting in our own little spheres of influence, have a weighty responsibility to not only preach the rule of law, but to practice it as well.

In striving to improve our laws and their administration, we must, of course, give due weight to forward-looking ideas that seem logical. But we should also remember the words of that great jurist, Oliver Wendell Holmes, Jr., who said, "The life of the law has not been logic; it has been experience." Pure reason can never substitute for the lessons of experience.

When I first looked upon the world of banking from the inside, over thirty-five years ago, there was universal agreement, based on recent experience, that certain legally prescribed standards and limitations should be imposed on the banking industry. It was agreed by all that supervision by regulatory bodies was essential. Even today, there is rarely any explicit questioning of this need, but I sometimes wonder how many bankers secretly harbor the view that the industry would be better off without governing laws and regulations, free of bureaucrats periodically nosing into their affairs.

In my view, bank supervision and regulation is desirable and necessary in the public interest, to insure the soundness of our banking system. But the system we now operate under is far from perfect. Action to correct its faults and to rationalize the structure of federal bank supervision is long overdue. I recognize that there are those who say that what is needed is not so much a thorough overhaul of the machinery, but merely a good tune-up job. There have been a few suggestions that the Federal Reserve, for example, could improve its procedures in supervising and regulating state member banks. Let me turn briefly to some of these complaints.

First, it is suggested that some of our procedures need to be "modernized". Applications are processed too slowly. They go through too much consideration at too many places. This results in excessive delay, on top of which the application may be denied without the applicant having an opportunity to appear before the agency to rebut adverse arguments.

No one would condone needless bureaucratic delays, and we have taken these suggestions to heart. For example, in July of 1967 the Board of Governors delegated some of its duties, in order to expedite action. During the following twelve months, a thousand items were disposed of under those delegations of authority—over 400 by the Reserve Banks and almost 600 by the Board's officers.

But careful analysis and thorough consideration do take time. We take pride in the fact that our decisions have held up well in the courts. Our record is so good that decisions are rarely challenged. Without doubt, this owes much to the fact that each case receives thoughtful consideration. Failure to do this would be a disservice not only to the national economy generally but to the banking community particularly, because it would leave the banks more vulnerable to attack.

Another complaint—and this one seems to conflict with the first—is that the Federal Reserve is not sufficiently interested in bank supervision. I give you my assurance, based on a lifetime of experience in bank supervision, that no agency performs its supervisory duties more conscientiously than the Federal Reserve System. As you know, there is a category of what we call "problem banks"—not many, I am happy to say—and I imagine that the president of any one of those would say, perhaps in colorful language, that the Federal Reserve is *too* involved in its supervisory functions! Occasionally, however, institutions that have relinquished the doubtful honor of "problem bank" status acknowledge that the meticulous interference of the Federal Reserve may have been worth while, after all.

A third complaint is that the Federal Reserve has not displayed enough vigor in attempting to correct competitive inequalities between classes of banks. I have already made it clear that in my view the proper way to do this is to propose and support appropriate legislation. That is not only our duty, but yours, too. None of us—bankers or supervisors, state or national—can plead innocent to this charge. All of us should start putting our shoulders to the wheel, for it is not only the rogues who feel the restraints of law. There are, indeed, bad laws and bad systems, and it should be our aim to protect the rule of law by constantly seeking to improve and perfect the law.

These complaints and others that might be mentioned reflect the frustrations that the banking community now suffers, primarily because of competitive inequalities. I am for a structural overhaul of bank supervision that will eliminate the competitive inequalities that arise whenever one agency gets behind in the race of laxity and that cause some banks to begin shopping for more lenient supervisors.

My answer is the adoption of a plan that will give us unified supervision at the federal level—the Federal Banking Commission plan, now pending before the Congress. This plan would (1) eliminate wasteful duplication, overlapping, and never-ending efforts to coordinate the actions of the supervisory agencies; (2) end much friction and conflict among banks and bank supervisors; (3) enable the banking industry to operate under a single set of rules, in an environment of competitive equality—as far as federal supervision is concerned; and (4) do away with the dangerous tendency toward laxity in bank supervision. In addition, it would enable the Federal Reserve to devote its time and attention more exclusively to the formulation and implementation of monetary policy for this great nation of ours.

We should not forget that the present jerry-built structure of federal bank supervision, divided as it is among three different agencies, is an historical accident that does not rest on any defensible foundation of efficiency, equity, or economy. Its effect is to deprive banks of a reliable and competitively fair basis for the development of their plans and policies. It also leads, as we have seen, to "lowest common denominator" supervision in which the most permissive interpretation or policy tends to become the standard.

Events this year have revealed clearly that state-chartered banks have much to gain from unification of federal bank supervision. Despite valiant efforts to prevent a race of laxity in the interpretation and enforcement of federal banking laws, seriously divergent interpretations and policies apparently are unavoidable when the same laws are applied to competing banks by different supervisors. When one bank, acting under its supervisor's rulings, embarks on a new and potentially profitable course, competitors subject to different supervisors find themselves in a difficult position. One tempting solution is to apply pressure on the other supervisors to relax discipline, even when this involves a distortion of the meaning of laws—a course only slightly less dangerous, and no less reprehensible, than an open flouting of the laws. If that approach is closed, the conversion path from one system to another provides a convenient way to regain competitive equality—at least until the next race begins, when the process repeats itself.

The present unfortunate arrangement, as events have shown, has resulted in ever greater concentration of banking resources in national banks. The ranks of the state-chartered institutions are threatened with decimation, resulting not only in loss of prestige for the remaining state banks, but in loss of revenue to state bank supervisors, with consequences unpleasant to contemplate. The Federal Banking Commission plan would halt this trend. It would, as you may have forgotten, include financial arrangements that would enable the states to strengthen their supervisory organizations. Indeed, the Federal Banking Commission bill looks forward to an environment in which state examinations would be adequate for all purposes, eliminating the need for federal examination of state banks.

Let me ask: do you have a better solution for the problems gnawing at our dual banking system today?

Our nation is confronted with many grave and dramatic problems. We are in the midst of an election campaign that centers around such important issues as the war in Vietnam, a soaring crime rate, the behavior of alienated young people, and active dissatisfaction on the part of many Negro citizens. While we face some difficult and complex problems in the area of bank supervision, they lack the drama inherent in these other issues. But each of us must cultivate his own field with care, intelligence, and self-discipline. Even though the world may seem to be in turmoil around us, we have a responsibility to put our own house in the best possible order. Let us be an example of an industry that looks at its problems honestly and dispassionately, and attempts to solve them in a constructive manner.

We can perform a valuable service for our country. By rededicating ourselves to the rule of law and by pressing for the adoption of the legislative changes needed to improve banking and bank supervision, we can demonstrate that representative democracy is not too cumbersome to meet the needs of a modern, dynamic society. Changes may not always come as rapidly as we would like, but come they will, if a need exists and sensible and promising remedies can be found. I think the proposed Federal Banking Commission is such an answer to a very clear need. I realize that many of you have taken a different view of the matter. It is not surprising that there should be conflicting views about a reform of such magnitude. But it has been said correctly that out of conflict comes change. We have the conflict. Let us work together to insure that the inevitable changes are of the type that will strengthen rather than weaken the banking system and will reduce to a minimum the undesirable tensions and conflicts that have plagued the industry in recent years.

THE HONORABLE PAUL A. FINO

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, having been well and sufficiently seasoned by his eight consecutive terms in the House of Representatives, our distinguished colleague, the Honorable Paul A. Fino, will soon become a justice of the New York Supreme Court, an elective position for which he is eminently qualified. As chairman of the Banking and Currency Committee on which Mr. Fino has served since January 19, 1959, it is appropriate for me to note that he has made many significant and positive contributions to the constructive progress of our committee. I have always found the dean of the New York Republican delegation to be very fair and forthright. With his comprehensive knowledge of the law, his keen appreciation of the principles of jurisprudence—as befits an honor graduate of St. John's—and his unswerving and powerful devotion to the cause of justice, however elusive the factual situation may be, I see in Mr. Fino all the requisites of a truly fine jurist. It is indeed a tribute to this gentleman that his colleagues on both sides of the aisle have over the years placed him on a high plateau of sincere and wholehearted respect, through observation of his legislative integrity as well as an instinctive realization that Paul Fino has a character as solid and dependable as the bedrock that underlies his home city of New York. My best wishes go with the honorable Member as he commences his new and challenging career.

A PLEA FOR BETTER EDUCATED, TRAINED, AND PAID POLICE OFFICERS

Mr. CLARK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLARK. Mr. Speaker, to continue my recent observations concerning enforcement of law in America, I have recently concluded studying a document entitled "The Prevention and Control of Mobs and Riots" dated April 3, 1967, and published by the Federal Bureau of Investigation. Early this year as part of my observations on the subject of law enforcement running back to 1966, I observed that some portions of this report were poorly drafted and were not subject to provide adequate protection for law enforcement personnel.

Following that observation the FBI pointed out to me that the document which I cited at that time was formerly a National Guard production and not that of the FBI. After having examined the FBI's version, I am happy to say it is a complete and full approach to the containment of mobs and the control of rights.

It seems clear to me that the actions of the Chicago Police Department paralleled very closely the recommendations of the FBI. It is easy for distant critics to say that there were instances of police brutality. But who is concerned about the policemen who are injured, insulted, struck at, sworn at with the very worst of obscenities. To consider their problem, let me quote an article by the Associated Press which appeared on August 30:

> We're human, but we have a job as policemen. And people expect more from a policeman than they would from an ordinary citizen.

Patrolman Frank Nanni voiced this view to a newsman last night about the bloody melees involving police and angry demonstrators in Chicago's streets and parks during the Democratic National Convention:

> It's pretty tough to stand there and have some smelly-looking human being call you a pig and a few other things that I wouldn't like to mention right now.

He was at his post in a tight line of helmeted policemen guarding the main entrance to the Conrad Hilton Hotel.

For five consecutive nights, police, backed by Illinois National Guardsmen, manned battle lines opposing crowds screaming protests against U.S. policy in Vietnam and social ills at home.

Said Nanni, who at 25 is not much older than the demonstrators:

> I just felt I didn't want to show them that I was as small as they were—or as ignorant—

He added:

> What I did was just smile and felt I was a better man for standing there and taking it.

Frank Nanni is fairly typical among Chicago's 10,000 policemen. Born on the city's Northwest Side, he has been on the police force for 3 years, once was injured trying to break up a drag race, earns $9,000 a year.

Nanni said of the protests:

> I think it is wrong. I think they defeat their own purpose—advocating violence, shooting policemen, burning down the city. One guy got on top a car with a loudspeaker and said everybody should shoot a policeman. You gotta look at it this way: If you got a crowd of 3,000 people, you don't know if they're armed.

A patrolman next to Nanni in the line commented:

> It's bad. Last night I felt like crying when I seen what was happening to this city. I'm glad to see the mayor of this city is behind the police officers.

Nanni said:

> It's really their aim to try and make you lose your temper so that you will look unprofessional as a police officer. I think the police handled themselves remarkably well.
>
> I'm not a journalist, right? I can't begin to criticize the work of another journalist. So how can they criticize the work of a policeman? They don't have any idea of how police work should be done. They don't have any insight into the problems police have.
>
> I have seen this with my own eyes. There was a crowd of people moving out of the disturbance area when the television cameras put their lights on. And soon as the lights went on they all started yelling and screaming and throwing things at the police.
>
> The live coverage of any civil disturbance should not be televised. It brings in people that are thrill seekers and who want to see what's going on and these are the people that are getting hurt.

Many innocent bystanders were caught up Wednesday night in police sweeps up and down fashionable Michigan Avenue in front of the hotel headquarters of the convention and its presidential nominee, Vice President HUMPHREY, Nanni said:

> Anybody with any common sense wouldn't have been on the street at a time like that.
>
> And everybody in front of the Conrad Hilton was warned three or four times to clear the sidewalks.

An examination of patrolman Frank Nanni's experience leads one to recognize that the demonstrations were not casual, rather they were well-planned and executed to produce the confrontation that they did.

As I have previously stated over the past years until we deal with improvement of law enforcement personnel, education and pay, the problem will remain with us.

To the millions of Americans who witnessed on television the events occurring outside Convention Hall in Chicago, one incident I am sure will long remain. I refer to the scene which occurred apparently in Grant Park where a group of hippies and yippies were lowering the American flag from the mast in order to raise the flag of the Vietcong. On that occasion a woman, alone, attempted to prevent these traitorous ruffians from desecrating our flag. She cried, "Won't someone please help me?" She was tossed aside and the American flag was lowered and still she attempted to prevent this from happening.

At the present time, my office is attempting to determine from either the wire services or the television networks the name of this courageous woman. With roughly 100 men attempting to tear down the flag, this woman in my judgment is the equal of the modern-day version of Molly Pitcher or Betsy Ross. When I have determined who she is, it is my intention to present to the Congress a resolution commending her for an example of patriotism that perhaps equals some of those presently going on in Vietnam.

While it is discouraging to see the atrocious behavior of a small minority of Communist leaders do-nothings, it is tremendously encouraging—in fact, inspiring—to say that there are still citizens who will place their physical safety in jeopardy in defense of the flag.

We can continue indefinitely the battle of semantics concerning "law and order" or "law and justice" or whatever you want to call it. But the important fact remains that the words and the warnings I gave in this Chamber 3 years ago have now come to pass. It is my intention to continue to pursue my plea for better educated, trained, and paid police enforcement officers. To do any less than that would demonstrate far less courage than that of the outstanding woman to which I previously referred.

THE NATIONAL GUARD

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I am proud of my service in the National Guard. Prior to volunteering for active duty in World War II, in the National Guard I was taught respect for the flag, discipline, and cooperation so necessary for victory in the campaigns of Europe in which we later participated.

Recently the National Guard has been called upon to play a vital role in State and Federal service. The National Guard performed superbly in upholding law and order at home, and in meeting the Communist enemy abroad on the ramparts of freedom. The National Guard in every instance has performed magnificently with honor and distinction.

Mr. Speaker, Gov. Tim Babcock, of Montana, delivered a superb report at the recent annual meeting of the national Governors conference. Governor Babcock was speaking for the committee of Governors reporting on the National Guard. Mr. Speaker, I commend to the attention of the Congress and to the people of our country the following excerpts from the report of Governor Babcock's committee and their recommendations to the Governors' conference:

Excerpts From Governors Conference Report

As the United States continued a major military involvement in Southeast Asia and strained to meet its military commitments elsewhere in the Free World, urban disorders and violence reached unprecedented levels at home. This fateful combination has produced history's sternest test of the National Guard's dual Federal/State status.

No longer need the States emphasize the requirement for adequate, well-trained and equipped military forces within their borders. Such need has been tragically confirmed. The highly professional and competent manner in which the National Guard, in numerous States, assisted in the suppression of riots and other disorders in the violent Spring of 1968, has been a reassurance of its ability to restore order and maintain the law.

The mobilization of a substantial number of Army National Guard and Air National Guard units, some for service in Viet Nam, others to flesh out the strategic reserve in the Continental United States, once again demonstrates the need for "early ready" National Guard units to back up the Active Army and Air Force.

Thus, for the first time in its more than 300-year history, the National Guard has been called upon to make major commitments, simultaneously, in both its Federal and State status. In the late Twentieth Century, in which the complexity of government, indeed of life in these United States is awesome, the principle of Dual Status, formulated by the founders of this Nation, has proved to be sound and workable.

Perhaps the significance of this report is not so much the concept of Dual Status put to test, but that the National Guard, by virtue of ready availability, professional competence, moral strength and devotion to American ideals, has once again achieved a high mark of performance, serving both State and Nation.

TO UPHOLD THE LAW AND RESTORE ORDER

In two decades, 1945–1965, National Guardsmen were ordered to duty approximately 143 times to quell civil disturbances. These ranged from relatively minor incidents up to the widespread conflagration in Watts, California, in 1965. Most required only a fraction of the total Guard force in a given State. The annual average of such incidents was six, although the rate was considerably higher during the latter five years of the period than during the preceding fifteen.

In 1967, incidents of urban disorder rose to such an extent that National Guard forces were called on 29 separate occasions. At least one, Detroit, required commitment of the entire Michigan National Guard and sizable Federal forces. The disorders of 1967 exhibited new and frightening aspects—looting on a massive scale, widespread arson, sniping and total disregard for law. In some areas, the rioting took on the characteristics of urban guerrilla warfare.

In the first half of 1968, we witnessed the most serious outbreaks of disorders in the nation's history.

In April alone, as an outgrowth of the tragic slaying of Dr. Martin Luther King, more than 100 American communities were wracked by an orgy of burning, looting, shooting, destruction and mass challenges to law and order. Approximately 95,700 Army and Air National Guardsmen were ordered to duty, in more than 50 communities in 24 States, to aid civil authorities. In addition, 22,500 Federal troops were committed in the three hardest-hit areas—Washington, Baltimore and Chicago.

By rough calculation, some half-million National Guard man-days were consumed in April's rash of riots.

One fact immediately became apparent when the April riots commenced: the National Guard had made major improvements in its ability to deal with disorder in the months since the upheavals in Detroit and Newark the previous July. Improvements of the magnitude shown required a considerable investment of time and effort, and therein lies another significant factor; the National Guard, through increased training hours, improved its riot control capability without any appreciable lowering of its capability to operate as combat forces in support of the Active Army and Air Force.

THE AIR NATIONAL GUARD

The Air National Guard, long recognized as the most ready of all Reserve Forces, continues to provide the United States Air Force with its only organized combat reserve. With 92 flying squadrons and supporting ground elements, the Air Guard has 855 units located on 143 air bases and stations across the country. Included in its force structure are 23 Tactical Fighter Squadrons, the country's only Tactical Fighter strategic reserve; 22 Fighter Interceptor Squadrons, all of which provide pilots and armed aircraft on five-minute alert around the clock as part of the country's air defense force. There are 21 Military Airlift Squadrons, all of which fly overseas missions, hauling critically needed cargo to U.S. military forces around the globe. With the flood tide of crisis in Southeast Asia, these airlift units were called upon to fly additional missions in direct support of our military forces in South Viet Nam. The Air Guard's five Air Refueling Squadrons provide an air refueling capability for U.S. Air Force Europe by maintaining aircraft and crews in Germany continuously.

Other units of the Air Guard fly offshore medical evacuation missions, returning sick and injured personnel to the United States; ferry combat and transport aircraft to overseas stations; provide aircrew training for Regular Air Force personnel; participate in joint military exercises overseas with NATO forces and other treaty allies.

Never before has a Reserve Component, in its reserve status, performed such a variety of missions in active support of the Regular military establishment.

Although there have been no major realignments of the Air National Guard in recent years, the Department of Defense did program inactivation of a number of the Air Guard's Military Airlift units. Noting that these units at the time were flying thousands of tons of cargo to South Viet Nam in direct support of U.S. Marine, Army and Air Forces, the Congress wisely mandated their retention. The Committee is pleased to report that, as a result of Congressional interest, the Department of Defense has agreed to a postponement of its proposal and will continue all the Air Guard's Military Airlift units at least through Fiscal Year 1969. Further, it contemplates changes in missions where possible in order to retain the trained and experienced personnel of these units permanently in the event of eventual deactivation.

Changing strategies and development of new weapons systems compel adjustments of force structures. The trend to an all missile air defense system indicates a lesser requirement for Fighter Interceptor units, 22 of which are in the Air National Guard. The Department of Defense has already advised the Congress of plans to inactivate a number of these units.

Any move to eliminate such a large part of the Air National Guard must be viewed by the Governors with grave concern. Jointly and individually, we must insist that, while strategic considerations may compel changes, the vast store of experience contained in the Air National Guard be preserved.

Since 1965, when the Air National Guard was called upon to fly critically needed cargo and personnel directly to Danang, Saigon and other bases in South Viet Nam, to May 1, 1968, its military airlift units have flown 1,648 missions, lifting 27,189 tons of military cargo and 53,121 military personnel in direct support of U.S. forces in combat.

A SUMMING UP

The National Guard has performed superlatively when called upon to assist in the suppression of rioting and in other State duties. In addition, critically-needed units of the Army and Air National Guard have been mobilized to augment the Active Army and Air Force. This unprecedented dual burden imposes a need for greater support from the Federal Government.

There is a need for greater stability in force structure. The ever-present threat of reductions-in-force creates morale problems, makes the retention of high-caliber personnel difficult, and adversely affects unit efficiency.

The combat readiness of the Army National Guard, as well as its ability to provide adequate security for the States, depends in large measure on the equipment and materiel support it receives. The Department of Defense gave its assurance, in directing the recent realignment, that adequate modern equipment would be made available for training and stockpiled for mobilization. Nevertheless, serious shortages still exist and the Guard, in addition, continues to be furnished with obsolete equipment in many instances.

There is a critical need for additional spaces in Army Service Schools to assure proper professional training for officers and enlisted men. Both the Army and Air National Guard need an expanded pilot training program.

The Committee notes, furthermore, that all eight of the Army National Guard's combat divisions are located in States east of the Mississippi River. It believes that consideration should be given to maintaining Division-size forces in other States where there is adequate manpower and an evident need for such forces.

The Committee is concerned over failure to utilize a number of mobilized Air National Guard Groups as integral units, and to deploy them as such. Some are being used as personnel replacement pools despite the fact that millions of man-hours and many millions of dollars were invested to prepare them to serve as functional units when mobilized for active Federal service.

With respect to the Guard's State mission, the Committee believes there is an urgent need to replace certain of the mobilized units with new units in those States where the potential for civil disorder is great. There also is need for continued emphasis on riot control training through an expansion of present training programs.

To effectively control violence and rioting, proper equipment is essential. The Committee believes that the Department of Defense should give emphasis to the development and procurement of specialized, advanced nonlethal weaponry for use by the National Guard in controlling riots quickly and effectively, without undue loss of life.

RECOMMENDATIONS

The Committee on National Guard, Civil Defense and Natural Disasters recommends that:

1. The Department of Defense provide modern equipment for the National Guard in sufficient quantities and of proper type to assure maximum efficiency in the performance of Federal and State missions. This should include more sophisticated and effective equipment for the humane suppression and control of civil disorders;

2. The Department of Defense project, over a period of years, greater structural stability for both the Army and Air National Guard;

3. The Department of Defense authorize the organization of new units to replace those ordered into active Federal service, in States where a maximum capability for the maintenance of law and order is necessary;

4. Additional training assemblies be authorized to permit better training of National Guard units for duty in the suppression and control of massive violence;

5. Department of Defense be urged to program the retention of all Air National Guard units in order to keep trained and experienced personnel available, even though strategic assumptions may require changes in types of organizations.

CAMPUS VIOLENCE

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, virtually every violent revolution designed to overthrow a free government in the Western World originated on a university campus. The full-scale invasion of the Panama Canal Zone a few years ago had its origin on the campus of the University of Panama. Three American soldiers were killed and almost 50 wounded along with the usual burning and desecration of the American flag.

Recently I saw the scars and destruction still evident in the city of Panama caused by the violent student attacks on a free society.

We all recall Vice President Nixon's visit to South America and his very life being endangered when on the campus. You will recall, too, Mr. Speaker, some years ago when a committee of this Congress was subject to violent demonstrations and abuse while holding hearings in the city of San Francisco. Later violence, demonstrations, and riots erupted on the university campus at Berkeley. We now know the sinister and subversive plan behind the riots at Columbia University last year. The hard-core agitators were trained months in advance.

Now there are riots in Mexico City with students attacking the Armed Forces of our dynamic neighbor to the south.

Fidel Castro of Cuba is a classic example of the student beatnik and campus hippy who began his career of murder and communism on the campus. It is no strange coincidence that Castro is the most notorious and famous hippy and yippy of them all.

Mr. Speaker, I only point out these disorders on some of our campuses in order to call attention to the Congress and the people of our country that the ghetto with its poverty, disease, and lack of opportunity is not the only area where violent demonstrations erupt. The overwhelming majority of our students are patriotic young Americans whose education is often interrupted by the violence of the hard-core leaders who seek to overthrow the American way of life, including academic freedom.

Mr. Speaker, the least we can do to protect the good students and to protect society and preserve our form of government and way of life is to provide no Federal assistance for those on the campuses and elsewhere demonstrating and rioting to aid enemies of our country. No person participating in a riot, violent demonstration, or student leader who takes over the administration of universities should be eligible for food stamps, welfare, or any Federal assistance.

Mr. Speaker, I urge the Congress to thoroughly investigate these activities where the American taxpayers' money has been involved.

FEDERAL EFFORT AGAINST ORGANIZED CRIME: INTERIM REPORT

Mr. **FASCELL.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **FASCELL.** Mr. Speaker, for the first time since organized crime became recognized as a dangerous threat to the welfare of the American people, a congressional committee is making a thorough, objective inquiry into the adequacy of the Federal Government's capabilities, programs, and resources to eradicate that menace.

The first phase of its study, on which a committee report has been issued, was not an investigation into possible violations of law by any persons or groups, or into the investigative or enforcement actions in any pending case. It brought under review and analysis the nature and results of Federal agency operations against organized crime, and pointed out weaknesses in such operations.

The Legal and Monetary Affairs Subcommittee, of which I am chairman, is making the study. I want to report to the Congress that our efforts are bringing to many Federal agencies a greater awareness of the nature and extent of the operations of organized crime; and that the subcommittee is now receiving numerous thoughtful and valuable suggestions from various crime-fighting experts in the United States for further improvements in the Federal fight against syndicated crime.

The subcommittee is part of the House Committee on Government Operations. One of its chief functions is to evaluate the efficiency and economy of governmental operations, including those of the Department of Justice, and of most of the Federal agencies that have recognized responsibilities for combating organized crime. Primarily these include the investigative agencies, but numerous others are involved.

Although these agencies have large numbers of skilled and professionally trained personnel who are engaged in preventing and investigating Federal criminal offenses, organized crime continued to grow and expand. This disturbing fact posed the question of whether these Federal agencies were fighting organized crime with the results that the American citizen has a right to expect—and if not, how the Federal effort could be improved.

Some crimes are purely Federal offenses, with sole responsibility for their prosecution resting in the Federal Government. The Nation's fight against organized crime, however, is not solely a Federal battle; in fact, it is only partly a Federal fight. For basic solutions to the organized crime problem—as with crime problems, generally—we must look to effective State and local law enforcement. Organized crime presents significant factors, however, which require the Federal Government to assume a leading role in the fight. In organized crime we find thousands of persons involved in continuous conspiracy to violate criminal laws of all kinds. Its profits are huge, the net profit to racketeers from gambling alone is conservatively estimated at $6 billion per year.

Syndicated crime is self-proliferating, with a major part of its "take" being used to extend its nefarious enterprises, and much of the balance is being invested in legitimate businesses. Organized crime does not confine its activities to local areas; they extend across the Nation, and even into foreign countries. Because of these unique conditions, local and State law enforcement cannot always adequately cope with the problem, and the Federal Government has very distinct responsibilities for joining and aiding the fight against syndicated crime.

The subcommittee's study seeks to determine how the executive branch agencies, separately and collectively, can best aid in fulfilling that Federal obligation. In its study, the subcommittee summoned the Department of Justice, all of the investigative agencies, and 25 administrative and regulatory agencies to testify at open public hearings, or to submit statements for the record concerning their operations, their capabilities, and their accomplishments to combat organized crime. Each was asked concerning the organized crime problem it faced, how they were dealt with, and the extent of their participation in combined or joint interagency efforts against organized crime, including their relationships with the Organized Crime and Racketeering Section of the Department of Justice, and with Federal, State, and local law-enforcement agencies. Each was also asked for suggestions for improving the overall Federal effort against organized crime.

Eight days of open public hearings were held, the full transcript of which, together with data submitted for the record, has been printed, and publicly distributed. Following the hearings, a committee report was issued, entited "Federal Effort Against Organized Crime: Report of Agency Operations"—House Report No. 1574, 90th Congress, second session. This report, before issuance, was unanimously approved, first by the members of the Legal and Monetary Affairs Subcommittee, and later by the full House Committee on Government Operations.

As its name indicates, the committee report is a study of Federal agency operations against organized crime. It is not an investigation of persons or groups, nor an inquiry into possible violations of law, nor the investigative or enforcement actions in any particular cases. It is a study of past, present, and prospective agency operations in the effort against organized crime. It is an interim report, because the subcommittee's study is designed to be a continuing one.

As indicated by the unanimity of its approval, the report presents nonpartisan conclusions that the Federal effort has been sporadic, fragmented, and suffers from lack of direction. Among the conclusions of this extremely critical report are these:

First. The operations of crime syndicates are so extensive, in size and geographically, that it will take the diligent, conscientious, and coordinated effort of all law enforcement—local, State, and Federal—to stop that menace. However, the Federal Government has not borne its obligations with the constancy and force that its role in the overall battle demands.

Second. The tendency has been to leave much of the fight to the individual efforts of the Federal investigative agencies. While these often have operated with marked success, their operations generally have been limited to the confines of their own jurisdictions.

Third. Sporadic, isolated, uncoordinated attacks on organized crime cannot obtain lasting effects; what is needed is organized law enforcement. Although the President has imposed on the Department of Justice the obligation for coordinating interagency Federal law enforcement activities, the Department has issued no directives or guidelines for such overall coordination of operations.

Fourth. The Department of Justice's Organized Crime and Racketeering Section is moving toward partial coordination of operations, particularly through "strike force" operations, under which its personnel, U.S. attorneys, and investigators from several agencies make concentrated efforts against organized crime in some metropolitan areas. However, even as regards such operations some agencies feel they can join or not, as they will, or participate on their own terms.

Fifth. Not enough agencies have involved themselves in the fight. Some administrative and regulatory agencies expend huge amounts of money on Government contracts; others decide who will receive the various charters, licenses, grants, and permits that are theirs to issue; and others regulate various aspects of business, finance, and labor. However, too many seem to lack awareness or interest in the organized crime problem, although organized crime is moving into almost every area of legitimate business, including those that are federally regulated.

The report makes numerous other findings, and provides suggestions for improving the Federal effort. Because the subcommittees' study is continuing, copies of the report have been sent to every Federal agency having any capability, for contributing toward an overall directed fight against organized crime.

Recommendations for improving the Federal effort have also been sought from many of the leading experts on organized crime throughout the country. Their responses have been gratifying.

The chief of police of Los Angeles, Mr. Thomas Reddin, a widely acknowledged expert on combating organized crime, and an adviser to the President's Crime Commission, comments as follows:

> The thoroughness of the first phase of your investigation into the effectiveness of Federal operations against organized crime should prove to be of major importance in encouraging the Department of Justice to assume its full obligation in the battle against this blight on our nation. Your report vividly exposes many of the shortcomings of the program of the Federal government in combating organized crime.

The Organized Crime and Racketeering Section of the Department of Justice is willing to assist any State that wishes help in developing an antiorganized crime unit. Probably the first to take advantage of such assistance was the attorney general of the State of Michigan. In response to the subcommittee's request for suggestions for improving the Federal effort, Mr. Vincent W. Piersante, chief of the organized crime division of that office, stated:

> It is very gratifying to hear and read about your committee's focus on what I believe to be the main weakness in government's effort against this evil. The fragmentation of jurisdiction, with its attendant provincialism in government is certainly the root cause of organized crime's success. The mobilization of government's efforts, which will necessarily result from an active interest by our political leadership, could be the death-knell of organized crime as we know it today in the next decade.

Other valuable suggestions and comments are being received for the subcommittee's assistance in its handling of this important study, all of which are receiving attention in connection with future public hearings and committee reports in this continuing study.

All experts agree that the problem of organized crime can be conquered. However, even with concentrated State, local, and Federal law-enforcement efforts, the solution will not come rapidly. Perhaps with the active interest of our political leadership and a diminishment of public apathy the death-knell can be sounded in the next decade, as Mr. Piersante suggests. Certainly continued oversight attention by the subcommittee to the adequacy of the Federal effort can be expected to do much to assure the attainment of that goal in the shortest possible time.

ROSY FUTURE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, as the prophets of doom and gloom talk about how tough things are in this country, I think we should all stop, pause, and really look at our priorities.

For the information of my colleagues, I am submitting at this point in the RECORD an article by John McCarthy, business editor of the Tampa Tribune-Times of Sunday, September 29, 1968. Mr. Speaker, for a nation that has a hard time scraping up the funds to meet pressing needs, it is interesting to note that we are humane enough to take good care of the dogs, cats, and birds at the rate of almost a billion dollars a year for food. But perhaps that explains why we have to spend so much on bottled spirits. At any rate, the article certainly is interesting. It follows:

A ROSY FUTURE

(By John McCarthy)

As the new fall season of television sweeps in to captivate viewers, there seems to be a growing number of dogs and cats parading across the screen to gobble assorted food.

It's fortunate the director of the TV commercial doesn't get an ankle in the way because these animals attack the chow with incredible vigor.

However, one of the really incredible facts in the pet food industry is the amount spent by owners to keep their animals fed. A release on the subject points out that almost $900 million annually is spent to feed the nation's 54 million dogs and cats.

The board bill for the 26 million dogs hits the $570 million mark. The cats, 28 million of them, get $320 million spent by owners to keep them purring. The remaining $10 million is for the birds.

While on the subject of spending, a record $107.6 million will be spent by Florida residents on holiday liquor this year, according to an executive in one distilling firm.

Of that amount, some $6.05 million will be spent by Tampans according to Nat Magid, executive vice president of Dant Distillers Co., a sales subsidiary of Schenley Industries Inc.

Magid was in Tampa yesterday to meet with wholesale salesmen and unveil the new holiday packaging and advertising for the Schenley brands.

Magid predicted that sales records would be set at virtually every geographic level, with the nation as a whole spending $3.1 billion for spirits during the holidays.

The nation's distilling industry has a rosy future, Magid said, because of growing affluence in the country.

ARCHBISHOP McENTEGART DIES, FORMER CATHOLIC UNIVERSITY RECTOR

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Speaker, on yesterday, October 1, at the request of myself and my colleague from New York, the Honorable HUGH CAREY, and upon the invitation of the Speaker of the House, the Honorable JOHN W. McCORMACK, the opening prayer was to have been made by the archbishop of Brooklyn, N.Y., the Most Reverend Francis Mugavero. It was with deep regret that Most Reverend Mugavero could not be here due to the death of the retired archbishop of Brooklyn, Most Rev. Bryan J. McEntegart.

The following is an article which appeared in the Washington Post today regarding the life of Archbishop McEntegart:

ARCHBISHOP McENTEGRART DIES, FORMER CATHOLIC UNIVERSITY RECTOR

The Most Rev. Bryan J. McEntegart, 75, retired archbishop of Brooklyn and former rector of Catholic University, died Monday at his home in Brooklyn.

He had asked to retire earlier this year because of failing health. He suffered a stroke on Aug. 28.

Archbishop McEntergart, who had headed the Brooklyn Diocese since 1957, served as the eighth rector of Catholic University between 1953 and 1957. He had taken graduate studies there, receiving his master's degree in sociology in 1918.

Born in New York City, he was a graduate of Manhattan College and studied for the priesthood at St. Joseph's Seminary, Dunwoodie, N.Y. He was ordained in St. Patrick's Cathedral, New York.

He earned a nationwide reputation during the next decades for his accomplishments in the fields of charitable and social work. For ten years he was a professor in the Fordham University School of Social Service.

He had served as director of the child-care division of Catholic Charities in New York, national secretary of the Catholic Near East Welfare Association and executive director of the War Relief Services—National Catholic Welfare Conference.

He also had been president of the New York State Conference on Social Work, vice chairman of the report committee of the White House Conference on Children, U.S. delegate to the eighth Pan-American Child Congress and president of the National Conference of Catholic Charities.

Archbishop McEntegart had served on the United Services Organizations board of directors for a number of years. He held honorary degrees from a number of universities.

In 1943, he was elevated to bishop and placed in charge of the upper New York see of Ogdensburg, where he remained until coming to Catholic University. He was named an archbishop in 1966.

He is survived by six nieces.

The hearts of many are saddened by the passing of the Most Reverend Bryan McEntegart and our prayers continue for him and his.

SAM R. LIGHT

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, sportsmen throughout the country are congratulating Sam R. Light, of Punxsutawney, Pa., on his election to the Field Trial Hall of Fame. An article from the American Field for August 24 of this year is an indication of his popularity, and I should like to have it inserted in the RECORD at the conclusion of my remarks.

Sam Light has for years participated in outdoor sports events from Canada to the Gulf of Mexico and from the Atlantic Ocean to Hawaii. He has established a reputation not only as a field trialer and setter breeder, but as a judge of field trials, a skilled shot, a fisherman, and in a dozen and one other talents that he shares with friends and competitors everywhere.

In appreciation, we share in celebrating the latest honor that has come to my friend Sam R. Light. The American Field article follows:

Sam R. Light

Sam R. Light of Punxsutawney, Pa., was elected to the Field Trial Hall of Fame at the culmination of a spontaneous rally to accord this famed field trialer and setter breeder an honor long deserved. Sam Light has been prominent in the nomination balloting ever since the Hall of Fame was established, but this summer there was an outpouring of tributes from those familiar with his magnificent contributions, extolling his accomplishments and advocating sincerely his addition to the Hall of Fame roster.

Sam Light piled up an extraordinary vote total in what was a popular balloting campaign. Everybody wanted a place on the Light bandwagon. Each wanted to be counted in the declaration that Sam Light merited a high niche in the hallowed Hall.

The endorsement by members of the Election Committee paralleled the vote given by the field trial public; Sam Light was a strong choice and fittingly joins the elite group making up the Hall of Fame membership.

It was a foregone conclusion that Sam Light would one day be inducted into the Field Trial Hall of Fame. His friends and acquaintances in the bird dog cosmos felt that this should be the year. With compelling eloquence, they emphasized the many significant contributions Sam Light had made, principally in the area of grouse trials, but also through a broad spectrum that included breeding, owning and campaigning dogs, as an organizer and officer of field trial clubs, and as a judge. Plus his influence and efforts in the development of running grounds.

Sam Light's principal devotion has been to grouse trials and grouse dogs. But many will remember his keen interest in pheasant events, also, and during the days of the Pheasant Futurity and the National Open Pheasant Championship at Buffalo, N.Y., Sam attended annually, had a special dinner for the judges of these classics, and in many ways helped to make the ringneck stakes more successful.

Sam Light was interested in quail and chickens as well. He would make annual treks to Virginia, North Carolina, and to Mississippi for bob-white gunning, maintaining leases in the South with other sportsmen where quail shooting could be indulged. He sent dogs to Canada with leading professionals for experience on prairie chicken, and was not averse to going outside his own bloodiness to breed major circuit material. Ed Soph, himself a Hall-of-Famer and renowned setter breeder, paid tribute to Sam Light in an eloquent way, emphasizing that he was not a victim of kennel blindness but a highly intelligent fancier with a profound knowledge of setterdom and a willingness to breed to individuals calculated to improve the breed.

Sam Light's active interest dates back more than a third of a century. With other dedicated grouse trialers, he was instrumental in the organization of the Grand National Grouse Championship and he was one of the prime movers in the establishment of the Grouse Dog Futurity. John M. Hadaway of Flint, Mich., and Sam Light sparked a meeting held in Michigan more than a quarter of a century ago when plans were laid for creating the Grouse Futurity. He had noted field trialers check possible Futurity grounds in Pennsylvania, in Michigan and in New York, and there is no doubt that the Grouse Dog Futurity, no less than its quail and pheasant counterparts, has done a great deal for elevating performance standards. Indeed, the Grouse Puppy Classic and the Grouse Futurity have been the rungs on which many grouse trial champions began their ascent to stardom.

Herbert H. Cahoon, another Hall-of-Famer has at various times sketched the colorful career of the Punxsutawney sportsman. He has told of Sam Light's initial trial, of his acquisition of Sam L's Skyrocket and the founding of the Skyrocket Dynasty. Herb Cahoon, than whom there is no whomer when it comes to field trial, bird dog and particularly setter lore, has told of the many multiple champions Sam Light has bred, owned and campaigned. Sam L's Skyhigh was the proud winner of six championships—Skyhigh has possession of the record for the most field trial championships ever won by a setter! Sam L's Rebel, of more recent vintage, was a veritable sensation in his championship victories and had he been spared for a normal period at stud, would surely have enhanced the records. There are so many that might well be included here—great dogs and outstanding bitches, but it must suffice to name Two of Clubs, Skyrocket's Russell, Sam L's Flora, Sam L's Tornado, Sam L's Skygo, Sam L's Skyscraper, Sam L's Typhoon, Sam L's Skybob, Sam L's Hadaway, Sam L's Dina, Sam L's Elias, Sam L's Traveler, Sam L's Express, Sam L's Rawhide, Sam L's Nabob, Sam L's Buckskin, Sam L's Sequoia, and mention also that he owned Mustang as well. Sam has confided that he has some promising young setters coming on. Sam Light has registered literally hundreds of setters in the *Field Dog Stud Book;* he has been faithful in his devotion to the longhairs, though he is as quick as anyone to admire class in a pointer. . . .

Sam Light had his introduction to field trials at a Beaver Meadow program at DuBois, Pa. His friend, Bart W. Druckenmiller, a prominent industrialist and ardent bird dog fan, handled Sam's shooting dog setter, Mohawk's Paliacho Frush. It seems fitting that the revived Beaver Meadow Club is staging special Sam L Shooting Dog Classics starting August 31, announcement of which has been made in previous issues.

Sam Light made his first field trial win with Mohawk's Paliacho Frush, a tri-colored rather heavily market setter, when he piloted him to first place in the Beaver Meadow Amateur Shooting Dog Stake in October, 1934, at DuBois, Pa., under the judgment of the late Horace Lytle and the popular pro handler, Ed A. Higgins. Sam had acquired Frush from S. B. Northrop of Watertown, N.Y.,and had used the son of Duke of Mohawk—Momoney's Mitzi Frush as his gunning companion.

Sam L's Rebel, as had other Sam Light setters, made Henry P. Davis' *Sports Afield* All-American selections, and indeed Rebel is to be featured in its Hunting & Fishing publication this fall.

Sam acquired his fabled Sam L's Skyrocket from A. R. McDowell of Sligo, Pa., and the phenomenal performer, though denied a championship title, was such a sensation that grouse trialers flocked to him with their bitches and Skyrocket justified the faith reposed in him. Gene Galloway and the late Larry Tuttle, two legendary handlers in grouse trials, had Skyrocket in their charge during his competitive career. Larry's brother, Rich, has been responsible for the training and handling of Sam Light's recent winners.

Back in 1928, Clare Wildner of Superior, Wis., presented Calvin Coolidge with a fashionably bred setter. Sam Light, a friend of Gen. Dwight [Ike] Eisenhower, gave the President a pair of setter puppies. He also had autographed copies of popular training books sent to the chief executive of the U.S., which Gen. Eisenhower acknowledged graciously and he had the dogs worked at Gettysburg and later on quail in the South.

There is little need to point up the fact that Presidents of the United States have been partial to dogs and many of them have bird dogs of their own or enjoy the opportunity to shoot over fine dogs belonging to their friends.

Sam Light had a beautiful painting of six of his setters done by the talented Edwin Megargee. Entitled, "Sam L's Six," this exquisite oil was reproduced in color in a Christmas Issue of the Field. The dogs depicted were Sam L's Skyrocket on point with Sky Doctor, Sam L's Flora, Sam L's Tornado, Sam L's Skygo and Sam L's Skyscraper.

Sam Light, as his friends and admirers have made clear, has been instrumental in getting many fans interested in bird dogs, setters and field trials. Although his stud dogs command high fees, he has overlooked no opportunity to help those who are sincere in their breeding efforts. He has presented many fine young prospects to persons just getting started. All parts of the country know of Sam Light's generosity in this respect, as do the bird dog people of Hawaii. Sam Light has journeyed to Hawaii, to help judge the trials there, to give Hawaiian fanciers the benefit of his empirical knowledge and inspire them in their own breeding efforts. The fact is, Dr. S. C. Culpepper of Honolulu, Oahu, a dean of field trials in the Islands, was interested with Sam Light in shooting leases in Mississippi and the two would get together for gunning during the winter season. Raymond [Doc] Lyons of Maui is another close friend and fellow breeder.

Sam Light would be hard put to name his alltime favorite setter and because the character and qualifications differed in many of his great champions, he would want to explain where each excelled. But when it comes to field trial clubs, although the Grand National and the Grouse Futurity are near and dear to his heart, the Venango Grouse Trial Club must rank as his top favorite. Sam helped launch the Venango, he has been its promoter, protector and patron ever since its organization, and has served as perennial president of the Venango. The Venango has pioneered in the development of grouse trial grounds in Pennsylvania and continues in the effort to improve running sites.

Sam Light's first love was gunning. An exceptionally skilled shot, amazingly fast and accurate, as successful grouse shots must be, Sam Light still loves to shoot and has bagged upland game birds in all parts of the continent. Grouse, quail and woodcock are top rated favorites. Sam Light's introduction to field trials resulted in a quick appreciation of the esthetic side of bird hunting, and in recent years, although he will take enough birds for the skillet, it is the work of the dog that attracts him and commands his admiration rather than a bulging bag.

There is a facet of Sam Light that should be touched upon: he is "Mr. Ground Hog Day." Readers may have heard of the Punxsutawney group that started Ground Hog Day and each year when the woodchuck is supposed to emerge from his hole, duck back in if he sees his shadow and forecast six more weeks of winter, the Punxsutawney group have appropriate ceremonies and celebrations.

There is in no sense a desire to include biographical data here, but it can be said that Sam Light is happily married and his wife, Elaine, and he enjoys their children, Melamie and Meredith, the former entering her junior pre-college year at an Eastern boarding school. In fact, the picture shown of Sam was taken at a recent Father-Daughter banquet. Elaine, a journalist and writer, knew little of field trials when their nuptials were celebrated, and still leaves the setters mostly to Sam, but has attended many trials with him and gained a host of friends among the field trial fraternity.

What has been said scarcely scratches the surface of Sam Light's colorful career in bird dogs and field trials. There is much that might be included here—as the saying goes, one could write a book—but all realize the magnitude of the Punxsutawney devotee's contributions and his worthiness for a high place in the Field Trial Hall of Fame.

SECRETARY OF DEFENSE CLIFFORD'S PROPOSAL FOR DOMESTIC INVOLVEMENT NOT PROPER FUNCTION OF DEFENSE DEPARTMENT

Mr. LIPSCOMB. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, the new policy for the Department of Defense laid down by Secretary of Defense Clifford in his address to the National Security Industrial Association last Thursday evening, September 26, 1968, proposing to involve the Defense Department in domestic matters is deeply disturbing in its implications for the future of America.

This is a time when the men of our Armed Forces are engaged in combat 10,000 miles from home and are themselves in need of solid policies from the topmost echelons of the Department. This is a time when many areas of our defense program are in need of improvement. In spite of our many pressing defense needs and problems, time and energy of top Defense officials apparently are being diverted toward "proposals on how we may assist in alleviating some of our most pressing domestic problems."

Secretary Clifford in his prepared statement developed this proposal on the basis of circuitous, tortured reasoning. He said that a basic element of our national security is "the unity of the American people." He said that the preamble to our Constitution describes the elements of our freedom as the establishment of justice, domestic tranquillity, the promotion of the general welfare and the blessings of liberty. He laid down the policy line that as Secretary of Defense he considers his Department should devote more of its time, more of its thinking, and more of its resources to those aspects of our domestic problems which are important to these elements of our total national security. He indicated that he is considering whether it is wise to include "the measurement of social utility" as an element in making defense contract awards.

The Secretary of Defense mentioned the broad problem areas of education, housing, health and hospital care as areas that he plans to attack using the resources of the Defense Department. Secretary Clifford declared that since, as the Secretary of Defense, he is responsible for the defense of this country, and since the Defense Department spends half the annual Federal budget, it should take the lead "to promote in a positive way those aspects of our national life which are so essential to the preservation of our fundamental institutions."

While I certainly recognize the domestic problems of which the Secretary spoke, I believe there are pressing problems and responsibilities which directly fall under the purview of the Secretary of Defense and which could provide him and his coworkers ample opportunity to utilize their talents in a way which would directly contribute to the security of the country.

Can there be any doubt that Secretary Clifford has raised the specter of the Department of Defense taking over the running of the United States of America? Under his definition there is nothing in our society which does not affect our security. By his definition virtually everything would now come under purview of the Department of Defense. He is opening the door for his legions of systems analysts to move from "cost effectiveness" to "social effectiveness" studies in our defense planning.

As he addressed each subject in his speech, he noted that combining the proven techniques, skills and resources of industry with "the proven organization and discipline of the Department of Defense" can lead to far more effective results in each of these new areas. And how does he reach that conclusion? It is very simple, apparently. Since the Department of Defense spends so much money in each of these areas, he rationalizes, it clearly is best qualified to say how to lead them.

I most strongly oppose the concept that it is the function and responsibility of the Department of Defense to establish "unity" in this country and to take over running all areas of our economy.

Certainly the record of the Department of Defense in recent years has not been such as to give assurance that it has solved all its own problems and is now ready to assume new additional burdens. Nor is the Department's record such as to convince all Americans that it is the best qualified to lead the way to the solution of America's domestic problems.

It would have been far more proper and fitting for the Secretary of Defense to have addressed himself to the problems and legal responsibilities which confront and befall himself and others within the Department of Defense.

If the Secretary, now 7 months in office, is not aware of the myriad of pressing military problems in need of solution, it is suggested he turn to recent reports of the committees of the Congress, of the General Accounting Office, and of other responsible bodies. From these reports he will find there is dire need for improvements by the Department of Defense in the areas of military intelligence, military communications, military strategic forces, military administration, military logistics, military air defense, rifles, submarines, aircraft, and scores of other military subjects, even including military education, military housing, military medicine, and military employment.

It is time—in fact, it is past time—for the responsible officials of this Government to direct the talents and energies of the large number of dedicated workers in the Department of Defense toward solving our pressing military problems, with first priority assigned to bringing the war to an honorable and successful conclusion.

The time and energies of our Defense Department should be spent on insuring the highest possible efficiency of our Armed Forces and carrying out tasks assigned them by law.

If the Department of Defense has surplus men and money to devote to our domestic problems, these resources should be returned to Congress for such purposes as the representatives of the people decide.

If the Secretary of Defense considers that the functions of the Department of Defense should be so drastically changed and enlarged beyond those specifically provided by law, it would appear that he should first seek the advice of the Congress. He should not start—as he says he has—by directing his subordinates to address themselves to the new challenge and to prepare proposals as to how to organize the Defense Department to meet it.

What is more, if we accept the line of reasoning espoused by Secretary Clifford, what is to prevent other Government agencies from imbuing themselves with the responsibilities and functions of every other agency as well as taking over State, local, and private prerogatives?

The concept that "Big Brother" will unleash his awesome economic power and "the proven organization and discipline" of the largest bureaucracy created in the history of man on establishing unity in America can only lead to the specter of all opposition—as defined by "Big Brother"—being crushed.

Secretary Clifford's statement is a major policy speech. It indicates a significant departure from the proper function of the Department of Defense in our American society as established by law. Every American must understand the implications of his statement. It is a clear declaration that Secretary Clifford plans that the Defense Department—already all-powerful in our American society—is now to expand its efforts and resources to exercise its power and authority in every area of American society. This concept of the Defense Department must be stopped now. It is wrong. We must not let this happen.

NO ACTION TAKEN ON CONGRESSMAN ADAM CLAYTON POWELL

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Speaker, I sent the following telegram today. It is addressed to the Honorable Ramsey Clark, Attorney General, Department of Justice, Washington, D.C. It reads as follows:

> Approximately 20 months ago I forwarded to you the records and findings of the special subcommittee of the House Administration Committee in the matter of Adam Clayton Powell. Later you were sent additional facts brought out by a second special committee appointed by the Speaker and chaired by Honorable EMANUEL CELLER. The findings of both committees indicated misuse of public funds and other illegal acts on the part of Powell.
>
> Approximately 1 year ago a Federal grand jury was impaneled to hear the evidence against Powell. As a former judge and trial

lawyer, I know it does not require a year to vote on an indictment. If he is not guilty, he should be exonerated. If he is guilty, he should be tried and punished. Why has the grand jury not been allowed to vote? Will the matter be acted upon before November 5? Your prompt reply will be appreciated.

WM. L. DICKINSON,
Member of Congress.

Mr. Speaker, I am hopeful that we will get an answer to this telegram before the Congress adjourns.

REPUBLICAN TRUTH SQUAD—TRIBUTE TO TOM CURTIS

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I take this brief moment to inform the House that my colleague, the gentleman from Illinois [Mr. RUMSFELD] and I have special orders for this afternoon after the business of the House is completed. However, the gentleman from Illinois [Mr. RUMSFELD] is out of the city at this time trying to inject a note of truth into the presidential campaign. So we will have our special orders tomorrow.

I might point out to the Members that the purpose of these special orders is twofold, one is to pay homage to our distinguished colleague, the gentleman from Missouri [Mr. CURTIS] whom we hope to see in the Senate next year, and who will leave the House for that reason.

We will also discuss the important matters of congressional reorganization and election reform.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I am glad to yield to my distinguished colleague, the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I just wanted to make sure I understood the gentleman. What did the gentleman say his colleague was engaged in doing?

Mr. CLEVELAND. It is my understanding that he is engaged in an activity which we hope will inject a note of truth in the presidential campaign. There is nothing so powerful as the truth, I will say to my friend.

Mr. EDMONDSON. I am delighted to hear that some effort is being made on that side to bring out the truth.

Mr. CLEVELAND. We thank you from our side of the aisle for giving us so many opportunities to bring out the truth.

SPECIAL ORDER VACATED

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent that the special orders heretofore entered for my colleague, the gentleman from Illinois [Mr. RUMSFELD] and myself for today be vacated.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

NAMING NEW FEDERAL BUREAU OF INVESTIGATION HEADQUARTERS "JOHN EDGAR HOOVER BUILDING"

Mr. BETTS. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, in 1924 a distinguished gentleman assumed the awesome responsibilities of heading the Nation's highest Federal law enforcement agency. Today, J. Edgar Hoover continues as Director of the Federal Bureau of Investigation.

This man, who has dedicated his life to improving the methods and operations of crime control in this country, deserves a fitting tribute for his services to the American people. I believe a most appropriate tribute would be to designate the new FBI Building, now under construction across Pennsylvania Avenue from the Department of Justice Building between Ninth and 10th Streets as the "John Edgar Hoover Building," upon his retirement from Government service.

This facility will house all FBI activities, which are now situated in 11 scattered locations. Serving as headquarters for FBI operations, it will permit consolidation and relocation of various Justice and Health, Education, and Welfare components. At present, the substructure is under construction, and its projected completion is December 1969. On completion of the substructure, and after appropriations are granted for the superstructure, completion of the project is estimated at 3 years. Therefore, at this point, the due date is early 1973.

A man who has carved out such a record of service to his country certainly deserves to have his name etched on a structure housing the bureau for which he has devoted so many years. Mr. Hoover's entrance into service to his country came in 1917 in the Department of Justice. In 1919 he was promoted to the position of special assistant to the Attorney General. He began work with the FBI in 1921. He served as Assistant Director of the Bureau until 1924, at which time he was named Director.

In his many years of service in the FBI, he has initiated countless improvements in the investigation and control of crime in this country. A number of significant honors have been bestowed on Mr. Hoover during this period in recognition of his outstanding contributions as Director of the FBI. I am suggesting today one more testimonial to this great American, and I urge all of my colleagues to join me in this effort to place his name on the headquarters of the agency to which he has been dedicated for these past decades.

AUTHORIZING DISTRICT OF COLUMBIA TO CONVEY CERTAIN LANDS IN PRINCE WILLIAM COUNTY

Mr. ALBERT. Mr. Speaker, I have consulted with the gentleman from Pennsylvania [Mr. SAYLOR], and renew my unanimous-consent request that on Monday, October 7, 1968, or on any day thereafter next week, it may be in order to consider under the general rules of the House the bill H.R. 18980 to authorize the government of the District of Columbia to convey interests in certain property owned by the District of Columbia in Prince William County, Va., and for other purposes.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I am sorry I did not hear the first portion of the majority leader's statement.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, the gentleman from Pennsylvania [Mr. SAYLOR] raised some question about this matter and came to me and said that the difficulty, whatever it was, and I am not aware of what it was, has been worked out. I see the gentleman now on the floor.

Mr. GERALD R. FORD. Under those circumstances, Mr. Speaker, I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A REPORT ON H.R. 19910

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on the bill H.R. 19910.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the bill to which the gentleman refers?

Mr. POAGE. It is a bill changing the dairy provisions as to the marketers of marketing foods.

Mr. GROSS. I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I take this time to address a parliamentary inquiry to the Chair.

The **SPEAKER.** The gentleman will state it.

Mr. GROSS. Does this conclude the business of the House for today?

The **SPEAKER.** The answer is "Yes."

Mr. GROSS. Then would it be in order to inform the other body that the House is ready to adjourn sine die?

The **SPEAKER**. The gentleman's remark will appear in the RECORD.

TRIBUTE TO THE HONORABLE EDNA F. KELLY

The **SPEAKER**. The gentlewoman from Missouri [Mrs. SULLIVAN] is recognized for 60 minutes.

Mrs. SULLIVAN. Mr. Speaker, in these closing days of the second session of the 90th Congress, we are saying au revoir to many of our colleagues, and as we do, we pause and think of the impact they have made on us, their constituents and others with whom they have come in contact.

I rise today to pay tribute to one of my dearest friends and one with whom I have had a close association during the 16 years I have served in the Congress. I am referring to the distinguished Representative from the 12th Congressional District of New York, the Honorable EDNA F. KELLY.

Although her contributions to the legislative history of our country have been great—perhaps the greatest contribution has been the impeccable moral strength and character of Mrs. KELLY as a mother and a woman. In 1962, Marymount College honored her with the Mother Gerard Phelan Award for leadership as a model Christian woman in her home, her career, and her public life. Anyone who has come in contact with her under any circumstances would subscribe to the wisdom and merit of this award.

While all of us have come to know her on the floor of the House, I would like to talk a bit today about the tremendous respect and admiration I have for her in connection with her activities as a member of the Committee on Foreign Affairs and chairman of its Subcommittee on Europe, which includes all European nations, including Greece and Turkey, the Commonwealth nations, territories and protectorates of the European nations, and Russia and the captive nations.

In 1955, she was chairman of the nine-member study mission to Europe to investigate matters relating to the Department of State and other governmental departments engaged primarily in the implementation of foreign policy. Again in 1957, she was chairman of a five-member Study Mission on Policy Toward the Satellite Nations as related to the mutual security program—in 1959, she served as chairman of a special study mission to Europe, and in 1962, she made a study of the Soviet economic offensive in Western Europe.

It was my rare privilege to be a member of several of these particular study missions and to participate in the meetings with the heads of the various countrys and to observe at first hand the consummate skill of this woman in her dealings with the various countries.

I never ceased to be amazed at her deft handling of situations which at times were difficult and at her tremendous knowledge of all of the treaty agreements of the United States with other nations. As chairman of these meetings, her questioning of participants revealed her great knowledge of the problems and demonstrated her skill in bringing out the facts, and then to summarize the results of the discussions and the procedures to be followed in view of our international agreements.

In this activity alone, she has been an ambassador at large extraordinary and has brought great credit to our country and the branch of our Government which she has served long and well. By appointment of the late President Kennedy, she served as a member of the U.S. delegation to the 18th General Assembly of the United Nations. In 1964, Mrs. KELLY was awarded the 10th Anniversary Commemorative Medal and Scroll by the Assembly of Captive Nations for her work as chairman of the Subcommittee on Europe and her constant support of the cause of the captive nations in general. In October 1966, the Ukrainian Congress Committee, Inc., bestowed its Shevchenko Freedom Award to her in recognition of her efforts in behalf of the independence of the Ukraine. She has been honored by the Assembly of Brooklyn Jewish Women's Organizations as the Woman of the Year, and also by the Ladies' Auxiliary, Jewish War Veterans of the United States of America, New York Department, as Woman of the Year.

Much as we will all miss EDNA KELLY, I am certain her departure from the Congress will be equally missed by the Europeans who have respected and admired her for her leadership in the field of foreign affairs.

As she travels about in the days to come when perhaps the pace will not be as hectic as it has been during the past 20 years she has served in the House, I am sure she will continue to be an ambassador of good will for this great country of ours which she loves so much.

I know I am joined by other Members of this body in my expression of friendship and the hope that in her future activities she will find pleasure and fulfillment. I can only summarize by saying "Godspeed and smooth sailing" to a good friend and an outstanding Member of Congress.

Mr. FRELINGHUYSEN. Mr. Speaker, it is with a profound sense of regret that I rise today to pay tribute to the gentlewoman from New York, Congresswoman EDNA F. KELLY, who is leaving this body at the conclusion of the 90th Congress.

I have had the pleasure of serving with the gentlewoman from New York [Mrs. KELLY] on the House Foreign Affairs Committee, where her thoughtfulness and dedication contributed a great deal to the foreign policy of the United States. I would like to refer specifically to her excellent work as chairman of the Subcommittee on Europe. As the senior Republican on that subcommittee, I have had occasion to work closely with the gentlewoman from New York [Mrs. KELLY], and over the years I have developed a deep admiration for her untiring efforts in behalf of this country.

Her effectiveness as a Member of the House of Representatives and as a member of the Foreign Affairs Committee will be sorely missed, not only by her colleagues, but by the Nation.

It has been my distinct pleasure and honor to have known and worked with EDNA KELLY and I am confident that all Members of the House share my feeling of regret at her leaving.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the subject of my special order.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mr. McCORMACK. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I am very happy the gentlewoman from Missouri has taken the special order today for the purpose that she has just stated. Our distinguished colleague and friend, the gentlewoman from New York [Mrs. KELLY], is one of the outstanding Members of the Congress of the United States. She has served the people of her district, the people of her State, and the people of our country with great ability, outstanding distinction, and extraordinary courage.

The gentlewoman's whole service shows her love of her fellow human beings. She has always been in the forefront fighting for the sick, the afflicted, the poor, the underprivileged, and the persecuted. Her record is one that has brought great strength and dignity to the House of Representatives. Her record is one that will be an integral part of the history of this body for all time. In the field of foreign affairs and in the national defense of our country, she has always been a bulwark of strength. Her vision in detecting the dangers that confront not only our country but also the free world is amazing.

Her courage, displayed on many occasions when the national interest of our country was concerned, has been extraordinary.

She has left her imprint upon this great body. She leaves it with the knowledge that she gave everything she had in the service of the people of her district, of her State, and of our country.

Her friends in this body, the present Members and those who served with her in the past, are legion. Mrs. KELLY enjoys the deep respect and friendship of all her colleagues.

Mrs. KELLY not only is an outstanding legislator but also is one of the truly great Americans with whom I have served during my many years as a Member of this great body.

I know her service in the future will continue in behalf of her fellow human beings. I am confident the termination of her service in public life will be only temporary. I do not know what her thoughts are as to the future, but I know that the people appreciate her, value very much the character of her service, and if opportunity knocks again at the door in the immediate future or in the remote future they will manifest their deep respect and friendship for her.

I join with the gentlewoman from Missouri and my colleagues in honoring this not only gracious lady but also great Member of this body. As I have previously said, she is an outstanding legislator and a great American.

Mrs. SULLIVAN. I thank the distinguished Speaker.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished gentlewoman from Missouri yield?

Mrs. SULLIVAN. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I am pleased and honored to join with the distinguished Speaker and all others here today in paying tribute to Mrs. KELLY, who is regrettably leaving the House of Representatives at the end of this term.

It has been my good fortune over a period of years during our concurrent service to have had many contacts on many vital issues and during that period of time I developed a great respect for her integrity, an admiration for her diligence, and a respect for her wisdom, judgment, and experience. Because of EDNA KELLY's long service on the Committee on Foreign Affairs she has been recognized an authority on international problems. Her good counsel will be missed.

She and I agree 100 percent that the strength of our American political system rests in the legislative body and particularly the House of Representatives. Her dedication to this viewpoint will be hard to replace.

Her service has been extraordinary. Her departure means a loss of her talents and her charm which will be felt by all of us on both sides of the aisle in the future.

I join with her many friends of every political persuasion in extending to her in the years ahead the best in health, happiness, and success. We know EDNA KELLY will continue to make solid and constructive contributions to a better America.

I regret the departure of a good friend but I hope and trust she will return often. She will be most welcome.

Mrs. SULLIVAN. I thank the distinguished minority leader.

Mr. ALBERT. Mr. Speaker, will the distinguished gentlewoman from Missouri yield?

Mrs. SULLIVAN. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with the beautiful tribute which the gentlewoman from Missouri has paid to one of our most beloved colleagues.

I am glad that our colleague, the gentlewoman from Missouri [Mrs. SULLIVAN] has taken this time to pay tribute to one of our finest Members, the gentlewoman from New York [Mrs. EDNA KELLY]. We all regret that EDNA is leaving us. She departs, however, with the assurance that she has the love, respect, and admiration of every Member of this body. Her contributions during the years have been wide ranging and significant. She has served her district and our Nation in the highest traditions of the House of Representatives.

EDNA KELLY has been a pillar of strength on the Committee on Foreign Affairs. She has presided over one of the most important subcommittees of that great committee, the Subcommittee on Europe, and her work on her subcommittee has been essential to the work of the House and to the long-range benefit of future generations.

Mr. Speaker, I am proud to be EDNA KELLY's colleague, for together we have served in a unique legislative era and her service during that period has been exceptional in its quality, scope, and importance. EDNA KELLY is an outstanding woman. She is an outstanding legislator. She is an outstanding American, and she is an outstanding servant of the American people.

We will all miss her. We all wish her life's richest blessings and rewards. May God go with her through the years that lie ahead.

Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HULL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HULL. Mr. Speaker, I am pleased that my colleague from Missouri [Mrs. SULLIVAN] has taken this time today to pay tribute to the gentlewoman from New York [Mrs. KELLY], who is leaving the Congress after the present session.

Mr. Speaker, the gentlewoman from New York has provided her district, State, and Nation with unparalleled leadership in the House of Representatives for 21 years. She is second-ranking member of the Committee on Foreign Affairs and chairman of the Subcommittee on Europe. In this capacity she has served with dignity and distinction, and her knowledge of European affairs is admired by all her colleagues in this Chamber. The reports of the Subcommittee on Europe are examples of her dedicated work in the field of foreign affairs.

EDNA KELLY's charm, frankness, intelligence, and knowledge of foreign affairs will certainly be missed when the 91st Congress convenes in January. I know that her outstanding service to her district will be missed by her constituents.

Mr. Speaker, a void will be created by the absence of EDNA KELLY in these Halls, but I hope that our Nation can continue to take advantage of her knowledge and capabilities. Although I do not know what her future endeavors may be, I trust that we can continue to benefit from her wise counsel. At the same time, I sincerely wish for EDNA KELLY many years of fruitful and pleasant retirement which she so richly deserves. I am pleased to join with her colleagues in wishing "Godspeed" to the gentlewoman from New York.

Mrs. SULLIVAN. Mr. Speaker, I am happy to yield now to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I thank the gentlewoman from Missouri for yielding to me.

I wish to associate myself with this splendid tribute to this fine lady from New York, our colleague, Mrs. EDNA KELLY. We have all grown to love and respect EDNA as a Member of the House of Representatives. She has loved the House of Representatives and has made a vital contribution to this legislative body. EDNA is a strong woman. She understands the challenges of our times. As a member the Committee on Foreign Affairs, she was a powerful voice for keeping America strong so as to be able to respond to any threat as far as Europe was concerned and other places in the world. I think it was the strength of this woman on the Committee on Foreign Affairs that had a great deal to do with the United States of America being strong and being prepared and being willing to stand up and be counted when the chips were down in vital areas of the world as we faced the challenge from the international Communist movement.

EDNA has been a friend of all of us and we are indeed going to miss her as a Member of the House of Representatives. However, I am sure she will visit with us often and we hope to visit her in New York. I know of her deep love for the House of Representatives and, Mr. Speaker, I wish to associate myself completely with the tribute of the gentlewoman from Missouri [Mrs. SULLIVAN], the Speaker, the majority leader, and the minority leader. EDNA KELLY is truly a great lady and a wonderful friend.

Mrs. BOLTON. Mr. Speaker, will the distinguished gentlewoman from Missouri yield to me at this time?

Mrs. SULLIVAN. I yield to the distinguished gentlewoman from Ohio.

Mrs. BOLTON. Mr. Speaker, it is with deep regret and a sad heart that I rise to wish our colleague EDNA FLANNERY KELLY well as she leaves this House. Such Members are hard to come by and should be cherished rather than redistricted out. No, we are not of the same party—we differ on many matters, but we are two American women who have served our country to the best of our ability—and EDNA's best is very fine. Her loyalty, her integrity, her dedication surpass that of most.

It would be quite impossible to enumerate the thousands of ways in which her devotion to her work has contributed to the efforts of the Committee on Foreign Affairs. Frankly, I do not know what this committee will do without her. As chairman of the Subcommittee on Europe she has made herself invaluable. Not only has she seen clearly the inevitable results of actions taken in spite of her advice, but she has become very waywise in all matters relating to her chairmanship.

And what a friend she is. Warmhearted, clear seeing, she has often advised me in many areas of our work together. I value her friendship more than I can tell and shall miss her indescribably.

LEONOR SULLIVAN, it was good of you to give us all this opportunity to express our respect and our love for EDNA. Thank you so much.

For you, EDNA, I wish all that is good in broader opportunity and constructive living. May Heaven bless you and keep you as you forge ahead in your work for the Infinite.

Mr. FINO. Mr. Speaker, will the distinguished gentlewoman from Missouri yield?

Mrs. SULLIVAN. I am happy to yield

to the distinguished gentleman from New York.

Mr. FINO. Mr. Speaker, I wish to join my colleagues today in paying tribute to a dear friend and colleague from the State of New York, the Honorable Edna F. Kelly.

I knew Congresswoman Kelly when she was the associate and then chief research director of the Democratic Party in the New York State Legislature from 1942 until 1949 when she was elected to Congress.

For the length of time Edna F. Kelly has served in Congress, which has been 19 years, she has been very active in doing all that she can for her district, her State, and her country. And she has done an excellent job. Even though we are of different political parties I deeply admire and respect her.

Although I have not had the privilege of serving with her on the Foreign Affairs Committee and the Standards of Official Conduct Committee I know Edna has been a tremendous asset and will be greatly missed by all those who have worked with her.

In closing my remarks I would like to extend to my dear friend, the Honorable Edna F. Kelly, my best wishes for health and happiness in the years to come.

Mr. SIKES. Mr. Speaker, will the distinguished gentlewoman from Missouri yield to me at this time?

Mrs. SULLIVAN. I am happy to yield to the distinguished gentleman from Florida [Mr. Sikes].

Mr. SIKES. Mr. Speaker, one of the finest Members of the House of Representatives—dean of the Democratic women in the House and one who is highly respected by all Members, regardless of party—is leaving Congress after this session. Mrs. Edna F. Kelly, the very able and outstanding Representative of New York's 12th Congressional District, is retiring after 19 years of faithful and dedicated service as our colleague in the House of Representatives.

Certainly there could be no more devoted, patriotic, or able representative of the people than Mrs. Kelly. She has served with complete dedication not only her State but the Nation as well.

Mrs. Kelly is a lady of charming, friendly personal qualities, a truly magnetic personality, a considerate, gracious, and loyal friend, and a great American. We will miss her very much in this body, and the Nation will miss her significant and meaningful contributions to the Government.

As she leaves us, I am happy and proud to note, to recognize, and to laud her excellent record of accomplishment while a Member of the House. Since 1951, Mrs. Kelly has served most capably as a member of the House Committee on Foreign Affairs. In 1955, she was appointed chairman of the committee's Subcommittee on Europe and continues to serve in that capacity. The Congresswoman also serves as a ranking member of the Subcommittee on State Department Organization and Foreign Operations.

On May 1, 1967, Mrs. Kelly was one of six Democrats unanimously elected by all her colleagues in the House to membership on the bipartisan Committee on Standards of Official Conduct, composed of six Democrats and six Republicans. The House mandate to this ethics committee is that they recommend to the House such changes in laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House. The selection of Mrs. Kelly as a member of this committee is a positive endorsement of the high standing which she enjoys in the House and the confidence which the Members have in her.

Throughout her years of gracious and dedicated service, Mrs. Kelly has devoted herself to preserving and protecting our country's interests and institutions. She is an able legislator, a genial and distinguished person. We will miss her greatly, and I wish her all good luck, success, and happiness in whatever undertakings the future may bring. Edna Kelly deserves the best.

Mr. BETTS. Mr. Speaker, will the distinguished gentlewoman from Missouri yield to me at this time?

Mrs. SULLIVAN. I am glad to yield to the distinguished gentleman from Ohio.

Mr. BETTS. Mr. Speaker, I wish to express my appreciation to the distinguished gentlewoman from Missouri [Mrs. Sullivan] for giving us the opportunity to tell the Members of the House of Representatives and especially the distinguished gentlewoman from New York [Mrs. Kelly] how much we appreciate her having served with us and how much we regret seeing her leave our midst.

Mr. Speaker, I am sorry to say that I never knew the distinguished gentlewoman [Mrs. Kelly] very well until she and I were assigned to the Ethics Committee when it was first organized about a year ago. I, of course, was acquainted with her work on the Committee on Foreign Affairs and with her great contributions to her State, to her Nation, and to this House.

Mr. Speaker, although I did not have the opportunity to really know her until such a short time ago, I am very grateful that our service together on the Ethics Committee gave me the chance to come to know her better.

In addition to her extremely charming personality, her wit, her vivacity, and her smile and friendliness when she served on the committee, I want to say—and I am sure I do so on behalf of every member of the Committee on Standards of Official Conduct—that she made a great contribution there, and we all admired her for her devotion and dedication to her duties on the committee.

Mr. Speaker, again I want to repeat that I regret very much seeing the gentlewoman from New York leave this House of Representatives, and I want to associate myself with the remarks of all of her many friends who have spoken about her today.

Mrs. SULLIVAN. Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. Morse].

Mr. MORSE of Massachusetts. Mr. Speaker, I thank the gentlewoman from Missouri for yielding to me, and I join with the gentlewoman in this tribute which is so well deserved, to a great lady, a great legislator, and a great American, in the person of the Honorable Edna F. Kelly.

Mr. Speaker, I have had the privilege to serve with the gentlewoman from New York [Mrs. Kelly] for these past 8 years, and have had a more intimate association with the gentlewoman as a member of the Committee on Foreign Affairs during the past 6 years.

Through that service I have come to respect the patience, the grasp of knowledge and the sensitivity that the gentlewoman from New York [Mrs. Kelly] has brought to her work as a Member of the House of Representatives, and as a very informed member of the House Committee on Foreign Affairs, and for her knowledge and concern about European affairs in particular. She has had the admiration of us all, I know, and, like all Members of this body, I also join in wishing Mrs. Kelly well in the years ahead, and pray that the extended public service that she has rendered in this body for these two decades may be continued in other capacities in the future.

Mrs. SULLIVAN. Mr. Speaker, I now yield to the gentleman from Oklahoma [Mr. Edmondson].

Mr. EDMONDSON. Mr. Speaker, I am pleased to join my colleagues in this well-deserved tribute to our lovely colleague, the gentlewoman from New York [Mrs. Kelly].

Edna Kelly has been an effective and highly regarded Member of this body throughout my own service in the House. Her winning personality and graciousness have won the admiration of all Members, and have helped make her one of New York's best known legislators.

Mrs. Kelly is a keen student of our foreign policy and has made a significant contribution as an influential subcommittee chairman on the Committee on Foreign Affairs.

She will be missed in the Halls of Congress and in the Nation's Capital, but remembered by all who served with her as one of the fine public servants of our country.

Mrs. SULLIVAN. Mr. Speaker, I am happy to yield at this time to the gentleman from Massachusetts [Mr. Burke].

Mr. BURKE of Massachusetts. Mr. Speaker, I thank the gentlewoman from Missouri for yielding this time to me.

I, too, would like to join my colleagues here in expressing my regret that such an outstanding legislator is leaving the Congress.

Edna Kelly, a dedicated public servant, has contributed greatly to this Nation. She is a fine person. Of course, those who know Irish history, know that the Kellys, Burkes, and Sheas always get along well.

I must say, personally, that I will miss her because of the many occasions on which I have had the privilege of sharing her delightful company in the House restaurant.

Edna Kelly has always impressed me with her enthusiasm for her work and I am certain that she will continue to give of her time for those things in which she believes. She has followed the philosophy that she only has time for the best, giving ungrudgingly of that time to achieve high goals. Her efforts here will remain a great inspiration to other Members.

Many men take a perplexed mental posture toward women in politics. As a man, I can say that I share the respect and admiration for Mrs. Kelly which is felt by the other male Members of the House. Like the young lady in the well of the House [Mrs. Sullivan], Edna Kelly has exemplified everything that is fine in American life today. They are both charming and delightful people. Neither has sacrificed her femininity for her chosen field of endeavor.

I am glad that Leonor Sullivan is continuing in service to the people of the Nation, and I know that Edna Kelly will continue in life with the same spirit, the same resolve, and the same inspiration, never ceasing in her good works in behalf of her fellow man. I salute Mrs. Kelly and wish her well.

Mrs. SULLIVAN. Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. O'Hara].

Mr. O'HARA of Michigan. Mr. Speaker, I wish to thank the distinguished gentlewoman from Missouri for yielding and for having taken this time for the purpose of permitting Members to speak of their esteem for the gentlewoman from New York [Mrs. Kelly].

I know of no Member of the House of Representatives who has served more faithfully than Mrs. Kelly. She has all of the qualities that a Member of the House ought to possess. Not only has she been a dedicated Member of the House and a dedicated public servant but she has served her party as well, in the State of New York, and on the Democratic National Committee. I believe that this combination of service that she has rendered exemplifies the responsibilities of a citizen. As a public servant she has represented all of her people. In addition to all the time and effort it has taken to do that job well, Mrs. Kelly has found the energy to serve the two-party system which is an essential part of our democratic process.

I think the gentlewoman from New York [Mrs. Kelly] will have as her reward for this service the knowledge that she has, within the Congress and in the Democratic Party, done much to advance the just society that is the goal of this democratic system. She has made a great contribution and I am happy to have had the opportunity to serve with her.

Mr. BINGHAM. Mr. Speaker, I am happy to join with my other colleagues in paying tribute to the gentlelady from New York [Mrs. Kelly] who has graced this body for many years and who will be sorely missed.

Edna Kelly has not only been an adornment to the House, but has spoken her mind in a lively and refreshing way on the issues of the day. Never one blindly to follow the crowd, she has had the courage to speak out often for unpopular causes. Mrs. Kelly has been diligent and conscientious in her service on the Foreign Affairs Committee, especially as the chairman on the Subcommittee on Europe in recent years.

I personally have appreciated the many kindnesses bestowed upon me by Mrs. Kelly, particularly during my first term in the House—kindnesses which were characteristic of her warm and outgoing personality.

It was a great pity that the exigencies of politics made it necessary for Edna Kelly to seek renomination in a difficult primary contest.

I am sure that, whatever she elects to do from now on, Edna Kelly will be once again serving her community, her party, and her country. We wish her well and hope that she will be back in these Halls on many occasions.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it gives me great pleasure to join the gentlewoman from Missouri in paying tribute to the lovely and able gentlewoman from New York, the Honorable Edna Flannery Kelly.

The dean of Democratic women in the House has served in this body for 19 years. At all times she has been an able legislator and a gentle lady.

It is incumbent upon Members of Congress to represent their districts and to advance the good of their States and the Nation. Edna Kelly has discharged those duties with proficiency and has served the people with dedication. But she has even gone beyond fulfillment of those awesome tasks. As a member of the Committee on Foreign Affairs, and a chairman of the Subcommittee on Europe, she has sought to advance the cause of the United States in the context of the world, and to insure the peaceful development and cooperation of the nations of the globe.

Mrs. Kelly has advocated a progressive and modern foreign policy. She has initiated and supported some of the most forward-thinking and far-reaching legislation of our day: the Mutual Security Act, the Peace Corps Act, the Arms Control Act, and the Federal Assistance Act.

Edna is famous for knowledge about Europe and for her great understanding of the problems facing the European nations behind the Iron Curtain. Her support of NATO and of a realistic approach to Eastern Europe is always supported by fact and rooted in the fundamentals of American foreign policy.

We shall all miss her warm friendship and talented efforts in support of many good causes. I wish her the greatest success and happiness in whatever she chooses to do. As a Member of Congress I shall miss her dedicated competence. As a person, I shall miss her indomitable spirit and the joy that her beautiful countenance has brought to the House.

Mr. MILLS. Mr. Speaker, it is an honor and a privilege to join with my colleagues in these expressions of highest esteem and appreciation for a very distinguished Member of Congress, the dean of Democratic women in the House, and our good friend from Brooklyn, the Honorable Edna Flannery Kelly.

Congresswoman Kelly will be completing nearly two decades of dedicated, devoted, and very effective service in this body at the end of this session. As a high-ranking member on the Committee on Foreign Affairs she has had a profound and salutary influence on the very significant legislation that has been reported by that important committee. Her depth of knowledge and experience on matters relating to the foreign relations of the United States are highly respected on both sides of the aisle. She is the acknowledged expert in the Congress on European affairs through her chairmanship of the Subcommittee on Europe.

I also think it appropriate to mention, Mr. Speaker, that when the new Committee on Standards of Official Conduct was established in the House of Representatives, one of the first Members assigned to the committee was Congresswoman Kelly. This was well deserved recognition of Mrs. Kelly's basic fairness, sound judgment, and the lofty esteem in which she is held by Members of the House.

Mr. Speaker, when the adjournment gavel falls at the end of this 90th Congress, Mrs. Kelly will have rendered nearly 20 years of exceedingly effective, unselfish, and distinguished service to her beloved Brooklyn, to the State of New York, and to this Nation. We shall miss her wise counsel in this House and wish for her success and the very best in her future endeavors. We sincerely hope she will favor us by returning and visiting often with her many friends in the Congress.

Mr. ADDABBO. Mr. Speaker, it is with a sense of sadness that I join in this tribute to our colleague, Edna Kelly. For 20 years this House has been the beneficiary of her intellect and charm, and it will not be quite the same without her. The ladies of the House are losing their dean, and the New York delegation is losing its most gracious member.

Edna has served her constituents, her city, her State, and her Nation with dedication and devotion. She has made an impact on our foreign policy through her service on the Committee on Foreign Affairs and her assignment as delegate to the 18th General Assembly of the United Nations. Her counsel will be greatly missed.

Edna Kelly has devoted her adult life to public service, and we know that her energy and talents will be available and that she will continue to work for her fellow man.

It is a pleasure to join in saying, "Edna, a job well done."

Mr. BURLESON. Mr. Speaker, I join my colleagues to express the highest esteem and personal respect for our colleague, Edna Kelly.

I know of no one who will be missed more in this body than Congresswoman Kelly, who has given her fullest to her duties here as a trusted elected official and who has accounted so ably for her stewardship.

Her devotion to duty has been evident to all of us. Having served with her on the Foreign Affairs Committee for many years, I know of no one who is better informed on matters of our foreign relations than Mrs. Kelly, especially her expertise on Europe, which subcommittee she now heads and has for many years. She has rendered the committee and the Nation a great service in that position and one which will be difficult to fill because of her leaving the House of Representatives.

I know that EDNA will be able to look back upon her almost 20 years of service with a deep satisfaction of a job well done and of a consciousness at all times of the high regard and pleasant memories of her association by her colleagues here in the House of Representatives.

Mr. PATMAN. Mr. Speaker, it is a great personal privilege for me to pay tribute today to that very remarkable Representative from New York's 12th Congressional District, the Honorable EDNA F. KELLY.

During the 20 years of her service in the House of Representatives, our honored colleague has established a solid reputation that is known and highly respected throughout the world. She is noted for her clear, direct, forceful, and realistic approach to all problems affecting the status of this Nation in the delicately complicated and important areas of our relations with foreign countries. With great dignity and great wisdom Mrs. KELLY has worked indefatigably for her country, with an intense humanitarian regard for the well-being of each individual citizen. In such qualities she can well be likened to that wonderful woman, also a native of New York State, whose name has come to symbolize the most noble aspirations of the American people—the beloved wife of our 32d President, Mrs. Anna Eleanor Roosevelt.

Mrs. KELLY's strength of character, courageous advocacy of constructive causes, and magnificent devotion to duty have marked her as one of America's great lawmakers and a stateswoman of lasting renown. I am honored to join with her well-wishers today, and I sincerely believe that Mrs. KELLY's distinguished career will enter upon a new and equally meaningful chapter of wonderful service to the people of this great Nation, for whom EDNA KELLY has always toiled, with selfless dedication.

Mrs. MINK. Mr. Speaker, it is an honor for me to join with my colleagues in this House in paying tribute to one of its most distinguished Members. By her patient and tireless efforts, EDNA F. KELLY has written some of the most important pages in the history of this body and we may all be proud to emulate them.

As chairman of the Foreign Affairs Subcommittee on Europe since 1955, Mrs. KELLY has held a position of extreme responsibility. She has helped to set American policy on the historic developments of the Common Market and North American Treaty Alliance. She closely observed the U.S. policy in the Hungarian uprisings, and gave of her best advice in the Berlin wall crisis, to mention just a few of the more volatile situations. Turkey, Greece, the commonwealth nations, territories, and protectorates of the European nations, and Russia and the captive nations have also come under the close scrutiny of her subcommittee.

Because of her tact and expertise in monitoring the U.S. policies in these areas, Mrs. KELLY was the acknowledged choice of the Foreign Affairs Committee to serve on a Special Subcommittee on the Middle East Crisis.

She has also served as Chairman of the United States-Canada Interparliamentary Group.

I am proud to mention that Mrs. KELLY has not limited her efforts in the Congress to one field. She has participated fully—and in many cases she has been in the forefront as a leader—of many important domestic pieces of legislation.

The Economic Opportunity Act of 1964 warranted her full attention as have minimum wages and social security amendments each year. The legislation to establish a select committee to investigate the rapid rise in food prices received her support, as did the historic truth-in-lending bill and internal revenue amendments offering special assistance to working mothers who must pay child day care costs.

There are many other fields which have prospered by Mrs. KELLY's charitable and generous contributions. The House is stronger because of her 20 years of service and the country has gained wholly from her steady consideration for her people.

I am proud to have known her and to have had the privilege of serving with this great woman. I shall miss her, but I know that her influence upon the affairs of this Nation will continue to be great. Fondest aloha to you, EDNA.

Mr. DIGGS. Mr. Speaker, the adjournment of the 90th Congress will bring to a close the remarkable legislative career of one of our most beloved colleagues, the Honorable EDNA KELLY.

In reflecting upon her achievements, it is difficult to realize it was only a scant 30 years previous to her first election that women received the right to vote. Having served with her on the House Foreign Affairs Committee for 10 years, I can certainly attest to the productive talents that she has manifested. I trust there will be other ways of utilizing her experience as she now turns to other ventures, for, obviously, retirement would be premature for a person with her active concern for the problems which face the American people.

I join the House in wishing her Godspeed with respect to her future undertakings.

Mr. RODINO. Mr. Speaker, I consider it a real privilege to join my colleagues in paying tribute today to a dear friend, EDNA KELLY. This House will definitely be the less for her absence, for EDNA's compassion, integrity, and genuine concern for the welfare of her fellow man have marked her exceptional career, and have earned her the respect and admiration of all of us.

Whether in the area of foreign affairs or domestic policy, EDNA has been a stalwart advocate of progressive legislation, and has served her country notably as a member of the U.S. delegation to the United Nations and as first chairman and then member of the Canada-United States Interparliamentary Group.

As a hallway neighbor and as a friend, EDNA shall certainly be missed, and I am glad to have this opportunity to extend to her my very warmest wishes for her health and happiness. She is a remarkable woman, and certainly deserves the very best the future has to offer.

Mr. MORGAN. Mr. Speaker, I wish to take this opportunity to express my deep regret that the Honorable EDNA F. KELLY is retiring from the Congress at the end of this session. Mrs. KELLY was first elected to the Congress in 1949 and became a member of the Foreign Affairs Committee 2 years later.

I could not let this occasion pass without expressing my deep appreciation for her dedicated and energetic work as a leading member of the committee. As chairman of the Subcommittee on Europe she has served with great skill and distinction, and her selfless devotion to her responsibilities have brought credit to herself and to the full Committee on Foreign Affairs.

EDNA KELLY has been a staunch supporter of progressive foreign policy legislation throughout the years of her service. I have always been able to count on her support in helping to perfect legislation in the committee, and her skill as a debater has been of major assistance in securing passage of committee bills.

We on the Foreign Affairs Committee have the highest admiration for this lovely gentlewoman from New York. She has earned this regard and friendship through her warm and kindly personality as well as her keenness of mind and her outstanding ability as a legislator. We shall miss her in our committee work where her expertise on foreign policy matters has done so much to contribute to the success of our legislative functions.

EDNA KELLY takes with her the commendations and appreciation of her many friends in the House of Representatives. We hope that we may frequently have her visit the Capitol in the days to come and that we may benefit by her parliamentary sagacity and legislative wisdom. She has our best wishes for continued success and future happiness.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, it is with great pleasure and honor that I join my fellow colleagues in paying tribute to Congresswoman EDNA KELLY on her retirement from the U.S. House of Representatives.

I have had the privilege of serving with Congresswoman KELLY on the Committee on Standards of Official Conduct, and I cannot express strongly enough the high esteem and respect I have for such a dedicated public servant as Mrs. KELLY. I have witnessed her keen insight and commonsense principles in considering legislation of importance before this committee. Her experience and diligent service has indeed contributed to the success of the Ethics Committee.

I know that I am not alone when I say she will be greatly missed by all her fellow colleagues, her friends on Capitol Hill and her constituents, and I want to take this opportunity to extend to Mrs. KELLY my very best wishes for many more years of success, happiness, and health during her retirement.

Mr. BOLAND. Mr. Speaker, I join my colleagues in paying tribute to Congresswoman EDNA F. KELLY now that she is ending her outstanding career in the House of Representatives.

Able, intelligent, characterized by a straightforward and workmanlike approach to her congressional duties, Mrs. KELLY has more than fulfilled the responsibilities entrusted to her by the voters who elected her to 10 successive Congresses. As a ranking member of the

Foreign Affairs Committee—and chairman of its Subcommittee on Europe—Mrs. KELLY has played a major role in helping achieve this country's goals abroad. And, as a member of the Committee on Standards of Official Conduct, she helped draft a code of ethics that is both highly efficient and highly just. Mrs. KELLY's long record of service to the State of New York and to her constituents in the 12th District is just as remarkable as her record of service to the Nation.

I extend my very best wishes to her for a happy and healthy retirement.

Mr. GROSS. Mr. Speaker, I join with the many other Members of the House of Representatives in expressing regret that our colleague, the Honorable EDNA KELLY is leaving the House at the end of this session.

While we are of opposite political party affiliation and loyalty, it has been a pleasure through the years to know and work with EDNA KELLY. This has been especially true in our association and work on the Foreign Affairs Committee.

With my colleagues, I will miss this diligent, hardworking Member of Congress, and she has my very best wishes for good health and happiness in her retirement.

Mr. TEAGUE of Texas. Mr. Speaker, I want to join my colleagues in paying tribute to one of the finest ladies and Members of Congress I know, Mrs. EDNA KELLY. Certainly there can be no doubt in any one mind that she has earned this retirement; although we will all hate to see her go. She has devoted practically her entire lifetime to politics and public service beginning with her position within the New York State Legislature.

Her record and seniority in this body speaks for itself and while I had known her for some time, it has been only recently that I have had the pleasure in serving on the Committee on Standards of Official Conduct with her. Her keen insight to the problems facing us on this committee has been of immeasurable assistance and I know that the other members of this committee will agree with me when I say that EDNA KELLY has contributed greatly to the success of the committee.

Mr. Speaker, EDNA KELLY's presence in this body will be sorely missed by all; but by the same token I know all who knew her wish her Godspeed in her retirement.

Mr. DELANEY. Mr. Speaker, the State of New York and the Nation will lose a gracious and dedicated legislator when EDNA KELLY completes her congressional service at the end of this term.

While always the personification of dignity and charm, she is at the same time a vigorous and skillful debater. An effective and highly valued member of the Foreign Affairs Committee, she has served with great distinction as chairman of the Subcommittee on Europe, and has had a marked influence on the successes attained through our foreign policy in that part of the world. Her profound knowledge of foreign affairs and deep insight into the intricacies of diplomacy were particularly valuable to our country when she served as Delegate to the 18th General Assembly of the United Nations. Working closely with the late Honorable Adlai E. Stevenson, Chief Delegate to the U.N., her broad grasp of international affairs gained the respect of delegates from every corner of the world.

Prior to her election to Congress 18 years ago, EDNA served as research director of the Democratic Party in the New York State Legislature for a period of 6 years, and at the same time was a member of the executive committee of the Democratic Party of King's County. For 12 years she has worked diligently and effectively as Democratic national committeewoman from New York State.

It has been my great privilege to be associated with EDNA as a colleague and friend ever since she came to Congress. On occasion, she would appear before the Committee on Rules, of which I am a member, and always impressed members of the committee with her ability to forcefully and clearly present her arguments in support of legislation she sponsored. For the past 3½ years we have been next door neighbors in the Rayburn Building, and no one could want better neighbors than EDNA and the members of her staff.

I take this opportunity to join with my colleagues in wishing her the best of everything in the years to come, and hope she will return to "the Hill" from time to time to share with us her insight and keen understanding of national and international problems.

Mr. REUSS. Mr. Speaker, I am happy to join today in paying tribute to the distinguished and able gentlewoman from New York, Mrs. EDNA KELLY. But it is also with a measure of regret that I speak, for with her departure from Congress this House is losing one of its most dedicated and responsible Members.

For two decades, Mrs. KELLY has brought honor to herself and to the Congress through her wisdom and ability. As a senior member of the Committee on Foreign Affairs and chairman of the Subcommittee on Europe, as a U.S. delegate to the 18th General Assembly of the United Nations, and as a hard-working member of the Committee on Standards of Official Conduct, she has written a considerable record of service to her district, her State, and to the Nation.

Mrs. KELLY's experience and deep understanding will be greatly missed by all of us who sought the benefit of her thoughtful counsel.

Mr. McCLORY. Mr. Speaker, it is always sad to lose the company of a colleague in the House of Representatives. This is especially so in the retirement of our colleague, Representative EDNA FLANNERY KELLY, of New York. EDNA KELLY has contributed her grace, her legislative talent, and her qualities of humanity and dedicated service to the work of the U.S. Congress.

I am proud to have served in the House of Representatives with her and I am pleased to attest to the high quality of her leadership and effective work in the U.S. Congress and join in wishing her happiness and good health in the many years that lie ahead.

Mr. RYAN. Mr. Speaker, it is fitting that we today join in this tribute in recognition of one of the most charming Members of the House, EDNA F. KELLY, who because of the fortunes of politics will leave us at the end of this term, her 10th as a Member of Congress. Throughout that time she has always been gracious and understanding and has endeared herself to her colleagues. At the same time she has played a prominent role in the important business of the House, having served on the Committee on Foreign Affairs where she is presently chairman of the Subcommittee on Europe. Her involvement in Foreign Affairs led President John F. Kennedy to appoint her as a member of the U.S. delegation to the United Nations General Assembly in 1963.

After the untimely death of her husband, former City Court Justice Edward L. Kelly, Mrs. KELLY became deeply involved in politics. She had been educated in economics and history at Hunter College, where she graduated in 1928. She was first appointed associate director and then director of research for the New York State Democratic Committee, a post she held for 7 years. In her work in Albany, Mrs. KELLY gained valuable legislative experience. In 1949 she became New York's first woman Democrat to be elected to Congress. In addition to her position as New York's only woman Democratic Representative, Mrs. KELLY has served her party from 1956 until 1968 as Democratic national committeewoman.

Congresswoman KELLY served with Senator AIKEN, of Vermont, as cochairmen of the American delegation to the Canada-United States Interparliamentary Group. She was honored for her services at the Interparliamentary Conference with a resolution of commendation and appreciation which was signed by the Speaker of the Canadian House and the Speaker of the Canadian Senate.

In combining her success as a woman, wife, and mother with a successful and rewarding career in politics, Mrs. KELLY has given proof of the inestimable contributions being made by capable women in every sphere of American life. Her example has encouraged other women to become involved in the political affairs of our Nation.

I know that EDNA KELLY will continue her interest in the public affairs and will be always concerned with the problems she has dealt with over the past 20 years. Her colleagues on both sides of the aisle will miss her, and I join in extending to her best wishes for the future.

Mr. WYDLER. Mr. Speaker, EDNA KELLY is first of all a lady and one who has added great distinction to the House of Representatives. We hear much talk about the equality of opportunity for women. By her example, EDNA KELLY has shown this can be a fact as well as a theory.

We will all miss the lady from New York.

Mr. FEIGHAN. Mr. Speaker, our colleague EDNA KELLY was a successful business woman when she came to Congress more than 18 years ago and she has added many laurels to her colorful career for her brilliant work in this body. Mrs. KELLY has also found time for woman's most noble profession—a devoted mother to her two children, now grown. Mrs. KELLY has done outstanding work on the Committee on Foreign Affairs, where her keen perception of national and international affairs has amazed her male colleagues.

Mrs. KELLY has unstintingly devoted herself to her official duties and has served her constituents with dedication, fidelity, and zeal. She is a public spirited woman of high ideals, and is intensely interested in the underprivileged. She has served with distinction in the House of Representatives and will be sorely missed in the 91st Congress. I consider EDNA KELLY to be one of my personal friends and I regret that she is leaving us at the end of this session. I am sure she will continue to be active in the Democratic Party and I wish her many more years of success, happiness, and good fortune.

Mr. VAN DEERLIN. Mr. Speaker, I share the regret I know is experienced by every Member of the House at the forthcoming departure of EDNA KELLY. Her constituents who returned her to the House every 2 years know her as an efficient, loyal, dedicated, and able public servant. Those of us who have had the privilege of serving with her know her as even more, however, a warm, generous, and kindly human being whose instinct is to be helpful in any manner possible to anyone who needs help.

EDNA KELLY has shown through two decades that she could more than meet the challenge of what most people regard as a man's world. In doing so, she never lost the traits which make men bless women for what they are—yet she never took advantage of her sex. She did not have to.

EDNA KELLY will be missed by all of us.

Mr. RANDALL. Mr. Speaker, I wish to congratulate my fellow Missourian, the gentlelady from St. Louis [Mrs. SULLIVAN], for taking this time today to permit her fellow Members to speak words of appreciation for the many contributions made over her years of service in the House by our colleague from New York, EDNA KELLY.

It is a privilege to participate in these observations about our retiring colleague, the distinguished gentlelady from New York, EDNA KELLY. It has been a pleasant experience to have served with her these past 10 years. Like so many of those Members with longer service, she was very kind and considerate to me when I came to Congress in 1959.

In the spring of my first year in Congress, I was honored to be invited to attend the 75th birthday banquet of my fellow townsman and my beloved constituent, former President Truman, held at the Waldorf Astoria Hotel in New York. There, our good friend, EDNA, was kind enough to introduce her freshman colleague to many distinguished guests that evening. I will always be grateful.

It has been said one never really becomes acquainted with a person until he engages with that person in some common venture or some kind of undertaking in which you are both trying to accomplish the same thing. Last year, I was honored to be named to accompany the Canadian Interparliamentary group, of which Mrs. KELLY has been a longtime member. Both at Ottawa and again in Montreal, I had the opportunity to see her great ability at work and a demonstration of her knowledge of foreign affairs. The excellent manner in which she handled herself as one of the U.S. delegates to the Interparliamentary Conference was most impressive.

I had always thought she was an important and valued member of the House Foreign Affairs Committee but the trip to Canada was proof positive just how very valuable she was as a member of that great committee.

The House will miss the presence of this distinguished lady. It will be because she conducted herself as a lady. She was quiet and self-effacing. That is one of the reasons she enjoyed the rare status of being without an enemy in the House. Moreover, she has enjoyed the confidence, respect, and admiration of all her colleagues. As you leave us, EDNA, all of us, yes every one of us, wish you well in whatever you may do. You have the best wishes of all of your colleagues for happiness and contentment in the years ahead.

Mr. DOWNING. Mr. Speaker, I appreciate this opportunity to say what I feel about my dear friend EDNA KELLY. Along with everyone else in this body, I shall miss her. Her enthusiasm, her vibrance, her magnificent personality, her loveliness are all personal traits that belong to EDNA KELLY, but there is much more to this wonderful lady.

EDNA KELLY is also a dynamic Congresswoman who actually has the courage of her convictions. On many occasions I have seen her stand up and defend a meritorious cause even though it may have been politically unpopular. I have seen her fight for those things she believed to be in the best interests of her district, State, and Nation. And she does these things with a skillfulness and effectiveness that commands the respect of her colleagues.

For nearly two decades, she has been a patent force here in the Congress. As one of the ranking members of the Foreign Affairs Committee, she is considered as an expert in matters pertaining to our foreign relations.

Able, dignified and lovely, she will be missed.

Mr. LUKENS. Mr. Speaker, although I have only been a Member of the House for 2 years, I have known our beloved colleague, EDNA F. KELLY, for many years, and have always found her to represent not only her constitutents but also the finest ideals in American womanhood in the highest sense of the great traditions of this body.

She has been an inspiration to me personally, as to all Members of both sides of the aisle. Certainly she has guided many other young Members, also, up the paths toward the better service we all seek to accomplish. Mrs. KELLY will certainly rank as one of our most dedicated and aggressive legislators.

EDNA, this verbal bouquet of tribute is to one of my favorite Democrats, their distinguished dean of women. I am proud to join the resounding cheers for a fine lady.

Mr. CAREY. Mr. Speaker, I would like to salute my great lady colleague of the New York delegation, EDNA F. KELLY, whose Brooklyn constituency is neighbor to my own. Representative KELLY is retiring at the end of this term after a quarter-century of outstanding service to her party and her country. Her presence will be greatly missed by those of us who are her fellow members of the New York delegation and by all who have had the opportunity to know and work with her.

Congresswoman KELLY has been a true friend and a loyal colleague. Even if other proofs were not available, her legislative ability and outstanding contributions dispel all doubts about the leadership potential and political acumen of our American womanpower. Throughout her long career, Representative KELLY has combined deep sympathy for the needs and problems of her constituents with compassion for the hungry and oppressed abroad, a fine sense of tact and diplomacy with determined leadership and support for creative and new ideas in government. She is equally brilliant and knowledgeable in domestic and international affairs.

Representative KELLY has exerted her talents and energies in behalf of countless charitable, educational, and philanthropic activities. She is the recipient of numerous awards for her support of the cause of captive nations and freedom-loving peoples, for her patriotism, service, and civic leadership. She has twice been named Woman of the Year and holds an honorary Doctor of Humane Letters degree from Russell Sage College in New York.

As cochairman of the United States-Canada Interparliamentary Group, she demonstrated outstanding statesmanship and diplomacy which were dramatically recognized by President John F. Kennedy when he appointed her as a U.S. delegate to the 18th General Assembly of the United Nations.

I am sure that after Congresswoman KELLY's retirement, her constituents will continue to greet her with a hearty "Hi, Kelly." In the same way, her congressional colleagues who have worked with and admired her, will always have a place in their hearts for the "First Lady" of New York.

Mr. CLARK. Mr. Speaker, I wish to join my colleagues in paying tribute to EDNA KELLY, who is leaving Congress after this session. Mrs. KELLY is not only an able legislator but one of the finest and most loyal persons I have ever known. In my 14 years in Congress, Mrs. KELLY has been an inspiration to me and a friend as well. We will all miss her very much here in Congress, not only as one of our colleagues who has made many important contributions to our Government, but as a charming and lovely lady.

Mr. FUQUA. Mr. Speaker. I appreciate very much the gentlelady from Missouri taking this time so that we may have this opportunity to express our affection and regrets on the retirement of the very able lady from New York, EDNA KELLY.

During the time that I have had the pleasure of serving in the Congress, it has been my privilege to know and work with Mrs. Kelly. I know of no one person that has graced this Chamber and this Congress any more than Mrs. Kelly has.

Her knowledge of foreign affairs and her genuine interest in humanity are excelled by no one.

I want to join with her many friends in extending to her my sincere best wishes for the coming years and congratulate her on a job well done.

Mr. FRIEDEL. Mr. Speaker, a long time ago Daniel Defoe, in his work "An Essay Upon Projects," made this remark:

> A woman of sense and manners is the finest and most delicate part of God's creation.

This quotation certainly describes the distinguished Representative of the 12th Congressional District of the Empire State of New York, whose contributions here in the Congress of the United States have most certainly been outstanding. Not only was she the first woman elected to Congress from Brooklyn, N.Y., but she is the only woman in the New York State delegation of 41 Members of the House of Representatives. In fact, she is the dean of the Democratic women in the House and as such she has given us the benefit of the special insight that women have and supplied the Members of this body with the important woman's point of view, so important to effective legislation.

As a ranking member of the House Committee on Foreign Affairs she brought her great ideals to help build a world of peace, justice, and individual freedom. It was because of her depth of understanding of international affairs that the late President John F. Kennedy appointed Mrs. Edna F. Kelly as a member of the U.S. delegation to the United Nations, then headed by the late Ambassador Adlai E. Stevenson.

We will never forget her eloquence when she addressed the House restating support for the objectives of the Balfour Declaration during the recent Middle East crisis, and demanded immediately steps to reestablish the principle of freedom of the seas in the Gulf of Aqaba, the Strait of Tiran, and the Suez Canal.

Since 1950, when this extraordinarily able and charming lady graced this House with her presence, her record is one of accomplishment. We have heard it expressed from our colleagues who have preceded me in paying a just tribute to her. However, I should like to commend her for her most recent victory for the passage in the House of H.R. 15450, a committee version of a bill which she originally sponsored to amend a section of the Immigration and Nationality Act. This bill exempts from the numerical limitation on immigration any immigrant seeking to enter the United States solely for the purpose of serving as a missionary, brother, nun, or sister of a religious denomination and whose services are needed by such a religious denomination. I cite this to show that our esteemed colleague is ever on the side of what is right, just, and proper.

The correction of certain social and economic problems were always among the worthy goals sought by Mrs. Kelly. This fact and also her efforts in the international field, have not precluded her being an effective Representative of her populous district of a great metropolis for she is as concerned with the needs of the people that have repeatedly sent her to Congress as she is with matters in the far corners of the world. Thus, during the second session of the 87th Congress, Mrs. Kelly was successful in obtaining passage in the House of her legislation to reimburse the city of New York in the sum of $3.06 million for extraordinary police expenses incurred during the 15th General Assembly of the United Nations.

The world recognizes the great qualities and outstanding ability of Mrs. Edna F. Kelly. She is the recipient of the Elroy Alfaro International Foundation Award of the Republic of Panama. In 1962, Marymount College presented her with the Mother Gerard Phelan Award for "leadership as a model Christian woman in her home, career, and her public life." She holds an honorary degree of doctor of humane letters, awarded to her by Russell Sage College in 1963. In 1960, Mrs. Kelly was the recipient of the Second Annual Brooklyn Award of the Urban League of Greater New York. In addition, she has been honored by the United Jewish Appeal, the Federation of Jewish Philanthropies, Veterans of World War I of the United States, and by many other organizations.

It is a cause of deep regret that this able legislator, this fine gentlewoman, and this effective fighter for international peace and understanding, will not be with us in the next Congress. To say we shall miss her greatly is an understatement. I join my colleagues in extending to Mrs. Edna F. Kelly our most heartfelt best wishes for a long lifetime of health and happiness in the years that lie ahead.

Mr. KORNEGAY. Mr. Speaker, I appreciate the opportunity afforded by the gentlewoman from Missouri to pay homage to our colleague from New York, the Honorable Edna F. Kelly, who has graced the House of Representatives with her presence for 19 years.

The gentlewoman from New York [Mrs. Kelly] came to the House in the second session of the 81st Congress, after having held important and meaningful positions with the Democratic organization in the great State of New York. She received a fine preparation for a career in the U.S. Congress through her training at Hunter College, from which she was graduated with a B.S. degree in history and economics.

But Edna Kelly, while splendidly educated and trained for her career in the House, augmented this formal training by her own attributes of a breadth of vision, an inquiring mind, and an objectivity of approach to congressional problems which were innate in her nature and which have manifested themselves on countless occasions during her distinguished career in the House.

The gentlewoman from New York [Mrs. Kelly] is the third-ranking member on the great Committee on Foreign Affairs of the House, and as a senior member of this important committee she serves as chairman of the Subcommittee on Europe, and as a member of the Subcommittees on National Security and Scientific Development Affecting Foreign Policy, and on State Department Organization and Foreign Operations—truly a most impressive and significant array of assignments and duties. In addition, Mrs. Kelly serves as a member of the House Committee on Standards of Official Conduct.

But our colleague whom we honor here today is not characterized merely by her seniority in the House and her presence on important and meaningful committees. She is more than that: She is truly one of America's greatest ladies, and she adds to this body of the Congress not only intellectual prowess and a keen and penetrating mind—she also contributes a certain style, a flair, if you will, which embodies the highest of what we might term womanly qualities without in any way diminishing or impairing her demonstrated ability as a competent, able, and when the occasion demands, hard-hitting legislator.

Edna Kelly's presence and her legislative expertise will be greatly missed in the House in the 91st Congress, but I am sure that she will continue to be a productive person, sought after for her counsel and advice in the specialties she has developed here in the Congress over the years in her committee assignments and appointment as former Delegate to the General Assembly of the United Nations.

Edna, we salute you and we are proud of you. It has been many a day since it was necessary to prove that "women are people," but if we happened to be living in those dark ages when this was a question which was in any way debatable, your life and your works, your demeanor and your deportment, and your dedication, and your accomplishments and exquisite performance of your duties would prove conclusively, and for all time, not only that women are people but they are the very best kind of people.

In setting aside this time to honor and to pay homage to Edna Kelly, we honor ourselves and the House of Representatives which she has so singularly graced.

Our best wishes for a future consonant with the achievements of the past and present go with you, Edna, and we thank you from the bottom of our hearts for the privilege of knowing and working with you.

Mr. BROOKS. Mr. Speaker, the House of Representatives this year loses one of its finest Members, Congresswoman Edna Kelly, the dean of Democratic women in the House.

Mrs. Kelly has very diligently and ably served her district in Congress for almost 20 years. She has been a highly respected member of the House Foreign Affairs Committee for many years and was a U.S. delegate to the 18th General Assembly of the United Nations.

Mrs. Kelly has also been a dedicated and hard-working member of the Democratic Party, having been elected as the Democratic National Committeewoman from the State of New York on three occasions.

Her record is one of achievement and distinction, showing a genuine concern for and interest in the people of this

Nation. Throughout her years of service in this demanding and sometimes frustrating job, she has never lost her gracious and charming manner. She is a truly unique and remarkable woman.

The people she represented will miss her, and so will her many friends in the Congress.

Mr. PHILBIN. Mr. Speaker, Congresswoman EDNA KELLY is a great American, one of the finest women, and one of the outstanding Members of Congress that I have ever known in my long service in the House.

She stands out like the Washington Monument—dedicated, strong of conviction, firm of purpose, and totally devoted to her work. She is admired, respected, and loved by every man and woman in this House, because each and every one of us knows her true worth, her amiable, personal qualities, her concern for the country, her burning patriotism, her constant search for high goals of achievement, her untiring labors for the lofty causes of government for the people, to which she has wholeheartedly dedicated the best part of her life.

Her background, education, and training have ideally suited her conspicuously for the public service. She was born into a politically minded family where successful, talented leadership was a household reality.

From early youth, she lived and moved in an environment from which she inevitably drew many of the fine lessons in practical politics and government she exemplified and utilized so well during her brilliant career in the Congress of the United States.

I have known this outstanding woman and public servant since my law school days. Her devoted husband, a young man of great ability, promise, and stature, passed away when he was on the threshold of a great career. EDNA KELLY was brave in her sorrow and resolute in her ideal of carrying on in his tradition, and she felt so sincerely and deeply about her aim to serve in public office that he would have wanted her to do it.

Her illustrious record here speaks for itself. An acknowledged leader, prominent member of our great House Foreign Affairs Committee, EDNA KELLY is a recognized specialist of highest repute in the field of foreign relations, diplomacy, international policy and goals. She has labored with indefatigable zeal, application, and steadfastness, and with great ability in her committee and in the House for the many years that she has been here to help solve the great questions of war and peace, committed to the attention and responsibility of her able, distinguished colleagues.

No one could have possibly done more than she did to understand these difficult problems, and to find answers for their solutions. She has unselfishly given of herself in her high post of seniority on the committee, and in the House, and she has been noted throughout the Nation for her fine work, her unwavering fidelity to duty, her forward-looking approach and the many substantial, effective contributions that she has made for world stability and peace.

Moreover, she has devoted a great deal of her time to helping her constituency and all the people of her district, who required her advice and assistance.

She has been deeply interested in the things that we might expect of a capable, sensitive woman, concerned as she was, and is, with the welfare of human beings, men, women, and little children, their health, education, and care, their training, their job opportunities, and employment and general well-being, and she has never failed them during her magnificent career in Congress, or at any other time.

As I pointed out, EDNA KELLY has always enjoyed warm friendships with the Members and staff of the House, who have appreciated her warm friendship, her spirit of dedication to the finest traditions, ideals, principles and aims of this great, deliberative body, and our unequaled free government.

EDNA KELLY was not really personally defeated in the elections by the esteemed and beloved chairman of our great Judiciary Committee, who received more votes than she did at the polls. She was the victim of a redistricting plan, which took away a very large part of her own district, and made it necessary for her to run in a new district, comprised largely of new faces, and new people, against one of the greatest national leaders of our times.

It is indeed regrettable that this situation had to arise, and interrupt so abruptly, unexpectedly and unjustly the meritorious, constructive career of this gifted, talented, gracious lady, who is still in the prime of her powers, and ordinarily might be expected to have many more years of fruitful, productive service in this body. Be that as it may, we deeply regret the unusual circumstances that cause her to leave this House.

I wish for her and her charming young daughter, and her dear ones, all choicest blessings of continued good health, success, prosperity, happiness and peace for many years to come.

I do not believe that EDNA KELLY's political career has come to an end. I strongly feel that there will be other opportunities in the future, and we hope, in the not too distant time, when she will be called again by the people to high public office, and to areas of service, where her training, experience and knowledge of public affairs, and ability to get things done, will be valuable and productive.

I hope that, above all, EDNA will continue to keep in touch with us and visit with us when she can, because she is loved, respected, esteemed and admired by the Members of this great Chamber, where she will always be remembered with warmth, sincerity and affection and where her fine contributions will always be gratefully remembered.

Best always, EDNA.

Mr. BARRETT. Mr. Speaker, I want to associate myself with the wonderful tributes which are being paid to our good and distinguished friend and colleague, the lovely and charming gentlewoman from Brooklyn, EDNA F. KELLY, who is leaving the House at the close of this Congress.

EDNA KELLY has served faithfully, ably and diligently the people of her district and this Nation during the 19 years she has been a Member of this body. She has been proficient in the parliamentary and legislative processes of the U.S. Congress and as a senior member of the Committee on Foreign Affairs will leave an indelible mark of accomplishment.

We wish her every happiness and joy and a long life with good health wherever she may be and whatever she may do.

Mr. SELDEN. Mr. Speaker, I want to join with my colleagues in paying tribute to the dean of the Democratic women in the House, the gentlewoman from New York, Mrs. EDNA KELLY. For 21 years EDNA KELLY has served her district, State, and Nation with dignity and distinction in the Congress of the United States, and no Member of this body is more highly respected by their colleagues than the gracious lady from New York.

It has been my privilege, Mr. Speaker, to have served on the Committee on Foreign Affairs for almost 14 years with the gentlewoman from New York. I have also served on the Subcommittee on Europe, of which EDNA KELLY is chairman, and her leadership in this area is recognized by all Members of this body.

I am certain that each Member of the House who has served with EDNA KELLY takes pride in having been associated with this gracious lady. Her frankness, wit, and sagacity will be sorely missed in this Chamber, and her dedicated service will be a great loss to her native State of New York. Although she will no longer be a Member of Congress, it is my hope that our Nation can continue from time to time to count on the wise counsel of this distinguished lady.

Mr. Speaker, there will be a void in the House of Representatives when the 91st Congress convenes without EDNA KELLY. However, if hard work is a prerequisite for fruitful retirement, EDNA's retirement will reap for her untold benefits. Her service has been an inspiration to all of us in the House, and I wish for her the best of everything in the years ahead.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to comment today on the retirement from Congress this year of Congresswoman EDNA FLANNERY KELLY, dean of the Democratic women in the House, who is leaving Congress at the end of this session.

During her 18 years in the Congress the gentlewoman from New York [Mrs. KELLY] has earned the admiration and respect of all her colleagues. She has served with diligence and devotion, and has been an excellent representative for the people of New York's 12th District.

As a member of the important committee on Foreign Affairs, she has demonstrated a keen insight into America's role in today's complex world.

Mrs. KELLY's presence will be missed by all of us, but she has certainly earned the retirement she will soon be enjoying. I join with all her other friends in the House in wishing the gentlewoman from New York [Mrs. KELLY] a long and happy retirement.

Mr. HANLEY. Mr. Speaker, one of the great rewards of my service in the Congress is the friendship which I enjoy with Edna Kelly.

Initially, I was so impressed with her capabilities, the manner in which she discharged her responsibilities as a Member of Congress, and the expertise she quite obviously had developed relevant to her many assignments: ranking member of the Foreign Affairs Committee, U.S. delegate to the United Nations, Chairman of the Canada-United States Interparliamentary Group, just to name a few.

As a fellow New Yorker, I am most cognizant of the vacuum her absence will create in this delegation as well as in the full Congress. Not only those of New York, but the entire Nation is indebted to this charming lady for her dedication to the best interests of mankind as manifested through her public service.

As she pursues the road ahead, I am confident that Edna Kelly will continue to make available her talent for whatever good and humanitarian service it might provide. I pray that God will bestow upon her His choicest blessings, good health, happiness, and success.

Although we will no longer enjoy our association in the Congress, I treasure our friendship which will always endure.

Mr. TENZER. Mr. Speaker, for the past 19 years the House of Representatives and the people of the 12th Congressional District, Brooklyln, N.Y., have been fortunate in having the services of Representative Edna F. Kelly. My parents of blessed memory, and my sisters and brothers all lived in Edna's district. She was our family Representative in Congress.

During the last 4 years, Edna has become my good friend and colleague. Her experience and willingness to help her colleagues, and new Members has won for Edna Kelly, the respect and gratitude of all House Members.

As chairman of the Subcommittee on Europe of the House Committee on Foreign Affairs, she has demonstrated rare legislative skills and has been an outstanding floor manager of bills relating to European affairs.

Edna is a charming and warm person who has become a leader among both men and women of the Congress. My colleagues who have served in the House longer than I, have already recited highlights from the long list of legislative accomplishments which Edna Kelly has placed in the record books. She can point with pride to that record, but I like to think of Edna Kelly not only in terms of a legislator but as a Representative always ready to serve the people or her district, lending a helping hand whereever she can be of assistance to constituent or friend.

As a colleague in the New York delegation, I have seen Edna demonstrate loyalty to her party and above all to her country. Her sense of patriotism and deep feeling for the welfare of our Nation has been the hallmark during her 19 years of public service.

Mr. Speaker, the field of public service needs people like Edna Kelly and she will be sorely missed in the Halls of Congress.

Mr. BELCHER. Mr. Speaker, it is a privilege and a pleasure for me to join my colleagues in paying tribute to the gentlelady from Brooklyn, the Honorable Edna F. Kelly, who has so ably represented New York's 12th Congressional District for almost 19 years. While it is a pleasure to honor Edna Kelly, it is with great regret that I anticipate the departure from the House of one of its distaff Members, of whom, I am sure, the gentlemen here will agree with me, there are already too few.

Edna Kelly is one of the great ladies to have served in this House, but she has also been one of its outstanding Members without reference to gender and it is certainly not only because she is a lady that we shall miss her here.

Her diligence, her keen mind, her drive and energy have enabled her to compile a record of service to her constituents, to this House and to her country that is truly remarkable. She need bow to no one in her skill in the use of those tools which are the mark of an able legislator—debate and parliamentary procedure. Yet, even when Edna gets her Irish up, she is ever the lady.

Edna Kelly came to Congress about a year before I did, and in these 18 years I am glad to say that I have come to respect and admire her greatly and have thoroughly enjoyed the association we have had. I have observed that that feeling is shared by her colleagues on both sides of the aisle.

Edna, I certainly wish you the very best of health and happiness as you leave us, and I know that your outstanding record of service to your fellow man will be continued wherever you go.

May God bless you.

Mr. HÉBERT. Mr. Speaker, not many women are sent to the House of Representatives, but those who have been entrusted the task of representing their congressional districts have performed magnificently.

Besides adding beauty and warmth to the Congress, these women have made many valuable contributions and have let it be known that they can hold their own in the political arena.

Foremost among these is Representative Edna Flannery Kelly, who has been a Member of Congress for nearly 20 years.

I can recall the days when only one woman, Jeanette Rankin, of Montana, served in the House. I have witnessed the increase throughout the nearly 30 years that I have been here.

We have had and have now in the House what is perhaps the strongest contingent of femininity in congressional history.

It is in this group that Edna Kelly stands out, not only as an attractive woman of warmth, but as a skilled legislator.

We often hear the human cry of equal rights and recognition for women. There is no doubt in anybody's mind who knows her, that Edna Kelly merits equal rights in her own name and demands recognition through her talents.

Edna Kelly can hold her own and through sheer ability and personal magnitude need not ask or give quarter. It is this body's loss that Edna will not return, but it is this body's hope that one day in the future she shall again be among us.

She is a wonderful person.

Mr. DOW. Mr. Speaker, all of us in the New York delegation should feel sincere personal regrets that Congresswoman Edna Kelly is concluding her service in the Congress. We hope her absence will be a very brief interval.

In an activity such as Congress, a world of men, which is often weighed down with undue seriousness and severe conflict, it has been stimulating and cheerful to have amongst us a lady who never fails to be jolly. Edna Kelly is one of the rare persons of great buoyancy who keep the world from going grim.

It is all the more to her credit that she, as a woman, could maintain in a man's world a light touch that we men have lost from our grasp. Edna Kelly is invariably one to uphold the cause of the young and the old and the downtrodden who deserve support and sympathy. This she provides from a great reservoir of courage and inner strength.

All of us in the Democratic Party of the State of New York are aware of the contributions made by Edna in so many aspects of State and party activity—her service as national committeewoman; her high standing in the councils of the State organization; her willingness to help others, and her active and always spirited concern for every problem.

Mr. KLUCZYNSKI. Mr. Speaker, we have been privileged during the years I have served in the House to have the wisdom as well as the charm of some truly outstanding lady legislators. My good friend Edna Kelly is certainly one of these.

No one, man or woman, could have served her congressional district or the Nation more capably than Representative Kelly has done. She has been a tireless worker in the Democratic Party and a voice of maturity and sound judgment on the Foreign Affairs Committee. We have relied on both her help and her recommendations and she has never let us down. But beyond that, she has never failed to be both a friend and a lady of wit and graciousness.

I am sure her years ahead will be full of wonderful things for her.

Mr. ARENDS. Mr. Speaker, it has been my real pleasure to serve with Edna Kelly for 18 years in the Congress. During these years I have learned to respect and admire Edna, as we familiarly call her. Although we sit on different sides of the aisle, there have been many occasions when we found ourselves in total agreement on legislative proposals of great importance to our country.

I would call Edna Kelly a real stalwart. She is one who has convictions and the courage to stand by such convictions. In the fullest sense she has rendered outstanding service not only to her district but to the country as a whole, particularly as a member of the Foreign Affairs Committee. To the committee's deliberations she has brought a real knowledge and understanding of the many complexities of foreign affairs possessed by few.

I have been privileged to serve with her on the new Ethics Committee of the House. Her keen mind and insight into problems that came before our committee has been a real contribution.

It has been a pleasure beyond measure for me to know and to work with EDNA KELLY. I feel privileged to call her a friend, and I extend to her my very, very best personal wishes for every joy in the years ahead. We will miss her in this great body.

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of my distinguished colleagues from New York and others in paying a brief but sincere tribute to a lovely, charming and gracious lady, and colleague, Congresswoman EDNA F. KELLY, of Brooklyn, N.Y., who is leaving the Congress.

Mrs. KELLY has not only contributed greatly in terms of service and dedication in the public interest her grace and charm have brightened our days and our work in the Congress.

Mrs. KELLY is a public-spirited lady with the highest ideals. She is intensely interested in helping the underprivileged and she has been a stalwart of strength on the Committee on Foreign Affairs, working toward world peace. She has served with distinction in the House and is leaving at the end of the 90th Congress and will be sorely missed in the 91st Congress. I consider EDNA KELLY to be one of my personal friends and I regret that she is leaving at the end of this session, but I know her interests will continue in many areas of public service.

It was my pleasure recently to serve with Mrs. KELLY on the Committee on Standards of Official Conduct. Here her contributions to the preparation of a code of conduct for the Members of the House were most important and most constructive. She has also contributed greatly to the work of the Committee on Foreign Affairs and has served with distinction and fidelity her district, State, and Nation.

I join my colleagues in wishing Mrs. KELLY every good luck and success as she retires—she will be greatly missed.

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to add my voice to the many others which have expressed their esteem for the gentlewoman from New York, EDNA FLANNERY KELLY.

She has served faithfully in this body since the second session of the 81st Congress. She has been most effective as a member of the Committee on Foreign Affairs and has impressively served as chairman of the Subcommittee on Europe.

Her great knowledge of foreign affairs were of tremendous assistance to the United States when she was called upon to serve as a delegate to the 18th General Assembly of the United Nations. In that capacity she gained the respect and admiration of representatives of all over the world.

Her overall effectiveness as a Member of the House is demonstrated by her part in such programs as the Mutual Security Act, the Peace Corps Act, the Arms Control Act, and the Federal Assistance Act.

Congresswoman KELLY, because of her outstanding fitness, ability, and integrity was named to the important new Committee on Standards of Official Conduct.

She will be sorely missed in the sessions to come. I can only say that we are not only losing a great Congresswoman, we are losing a great lady.

Mr. PIRNIE. Mr. Speaker, it is with deep regret that we note the departure from the House at the close of this session of our distinguished colleague EDNA F. KELLY. For 20 years, she has ably represented the 12th District of New York. During this extended period, she has worked hard for causes claiming her loyalty and earned widespread respect for her ability and resourcefulness.

In the field of international relations she has made an enviable record. Having become quite senior on the Foreign Affairs Committee, she has spearheaded many legislative programs, debating forcefully and persuasively.

Yet the best index of appreciation for her excellent service is found in the loyalty of her constituents who proudly returned her to this House election after election. Only the vicissitudes of redistricting interrupted continuous approval.

EDNA will be greatly missed from this body and we wish for her all that is best for the years ahead.

Mr. FARBSTEIN. Mr. Speaker, it is with regret that I note the retirement of Mrs. EDNA KELLY, Representative of the 12th District of New York, from Congress.

Mrs. KELLY has been my colleague on the New York delegation. She has also been my collaborator in the Committee on Foreign Affairs, where she served with great distinction as chairman of the Subcommittee on Europe.

Mrs. KELLY is much respected in this body for her deep understanding of foreign affairs, as well as for her deep compassion for the needy members of our society.

I might also add that her handsome demeanor and her feminine charm contributed much to the sessions of Congress, as well as to our committee meetings.

Mrs. KELLY and I fought many battles together in Congress, usually on the same side but occasionally as opponents. She is a woman of deep conviction and much tenacity, but she is as gracious in victory as she is gallant in defeat. Mrs. KELLY, always a lady, invariably brought out the most gentlemanly qualities in her male colleagues.

I will miss Mrs. KELLY, in committee and on the floor. She has served her country and her constituents well. I am sure she will continue to give her best to her country, even in retirement. I believe we will hear from her again, speaking as she always does with dignity and authority. I wish Mrs. KELLY a happy and productive retirement.

Mr. JOHNSON of California. Mr. Speaker, when the House of Representatives convenes in January, among those missing will be our charming, distinguished colleague, the Honorable EDNA F. KELLY, of Brooklyn.

Since the second session of the 81st Congress she has served the 12th District of New York and the Nation in an outstanding manner.

Those of us who have been privileged to serve with her will miss her, as will those she has been privileged to serve.

It is a pleasure for me to join her many friends in congratulating her on a job well done.

Mrs. Johnson joins me in wishing her much happiness and success in the future.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to one of the most distinguished Members of this House, our good friend, the lovely gentlewoman from New York, the Honorable EDNA F. KELLY.

It has been my privilege to serve with Mrs. KELLY on the Committee on Foreign Affairs for nearly 19 years. During that time we had ample opportunity to consult closely on matters before the committee. I can say with all honesty that there are few people in my acquaintance here in the House who have as keen and as wide an interest in foreign policy matters as does EDNA KELLY. She has been one of the stanchest supporters of a forward looking and positive U.S. foreign policy. As chairman of the Subcommittee on Europe, she has dealt with problems of foreign policy which were frequently very sensitive and complex. These special difficulties never dissuaded her from her tasks.

As most Members know, EDNA KELLY has been in the forefront of the fight in this House in support of the mutual security program, the Battle Act, the Peace Corps Act, the Arms Control Act, and many other measures vital to the security and the long-range interests of our Nation.

Those of us who will return to the 91st Congress will sorely miss EDNA KELLY. We hope, however, that her wide experience in this great legislative body and her insight and wisdom in the field of foreign policy will continue to be at the service of our Nation.

To EDNA KELLY—a good fighter for good causes, a good friend, and a distinguished American—go our very best wishes for success in all her future undertakings.

Mr. DONOHUE. Mr. Speaker, it is a great privilege to join with all the Members of this House in paying eminently merited tribute to our distinguished colleague and my dear friend EDNA KELLY, the gentlelady from New York.

EDNA KELLY is a uniquely charming and graceful lady; she is an outstandingly intelligent and effective legislative leader; she is a generous and compassionate person. She has served her district, State, and Nation in the U.S. Congress for some 19 years with intense patriotic diligence and extraordinary distinction.

For her immense contribution to the progress of international understanding, as a member of the House Foreign Affairs Committee, and especially as chairlady of the Subcommittee on Europe, she has been recognized throughout the world as a true symbol of American desire and leadership for global understanding, trust, goodwill, and peace.

Multitudes of people everywhere know

Edna Kelly to be one of the most distinguished women and effective legislative leaders of modern history. Beyond these public distinctions we, who have been privileged to serve with her, know her to be a warm, kindly human being, always interested in her colleagues and always ready with an encouraging word and generous help to anyone who needed it.

In all her personal and public activities Edna Kelly exemplifies the highest qualities of the ideally intelligent, cultured, and dedicated American women, wife, mother, and national legislative leader. Her success has given heart to all women throughout the country and the world to involve themselves in devoted public service.

Edna Kelly's high example of diligent, dedicated patriotic service to her people and her country will remain as a permanent inspiration to us who go on and those who will come after us in this body. We who are her friends will sorely miss her here. We earnestly hope she will come back often to visit and reinspire us with her glowing charm and spirit. In the meantime we pray the Lord will bless all her further ambitions and endeavors with continuing good health, fortune, and increasing success.

Mr. O'HARA of Illinois. Mr. Speaker, if I were to be the next President of the United States, whatever my party, I would commission the Honorable Edna F. Kelly as ambassador at large to the nations of Europe. It would be a tragic blunder if a Republican administration, no less than a Democratic administration, should permit this remarkable gentlewoman from New York to be lost to the public service of her country.

As chairman of the European Subcommittee of the Committee on Foreign Affairs, she has labored with such diligence and brilliant grasp of her subject that she is universally recognized as one of the great authorities on European affairs in Washington. By years of hard labor, and in the spirit of real dedication to a mission, she has acquainted herself with the problems of the nations of Europe and the aspirations of their peoples.

I have never known a time when Edna Kelly consulted her own ease and comfort. If there was a problem for which an answer was imperative, or a decision based upon understanding and wisdom was required, Edna Kelly did her homework with a tireless faithfulness and thoroughness that well could set the pattern and the pace for all her colleagues in the Congress.

She holds the admiration and the affection of the members of the Committee on Foreign Affairs, both the Republican members and the Democratic members, and all I am sure will agree heartily with what I have said in appraisal of her character, her ability, her industry, and her dedication.

First of all, Edna Kelly is a lady, a lady in the finest expression of womanhood, a lady of quality in the sense that unaffected devotion to the simple virtues, including those of loyalty and human understanding and compassion, are the tests by which we determine quality. In the performance of her congressional duties, in her representation of the men, women, and children of her district, she has had peers but no superiors among the men who have been her colleague in 10 Congresses.

For close to 20 years, Edna Kelly has been my friend and my counselor. For the sunshine she has brought me, for the guidance she has given me as we worked together all these many years hoping to build a strong and lasting foreign policy for our beloved country and dreaming together of the days when there would be no wars and no poverty, I am deeply thankful.

Mr. RHODES of Arizona. Mr. Speaker, I am pleased to join my colleagues in a most deserving tribute to Representative Edna F. Kelly. She has not only been a poised and gracious lady throughout her tenure of office, but she has been an astute and dedicated legislator who enjoys the respect and admiration of her colleagues of both parties. Edna Kelly has been a devoted public servant since she entered the House of Representatives during the second session of the 81st Congress, and her contributions to her district and fellow Americans are widely recognized.

Representative Kelly will be greatly missed in the Halls of Congress. She has my warm best wishes for every happiness and fulfillment in the future.

Mr. ASPINALL. Mr. Speaker, I have known the distinguished gentlelady from New York, the Honorable Edna F. Kelly, since she first came to the Halls of Congress. We became friends my first year and she was a freshman Member, too. I grew to know her as an effective legislator. She was cooperative and intelligent, and one who most certainly gained the respect of all Members of the House regardless of party affiliation. She will be missed by all Members of the Congress. She has served with distinction on the Foreign Affairs Committee and her role in the House of Representatives was very effective. I am proud to join others in saluting her as the 90th Congress comes to its close.

Mr. CULVER. Mr. Speaker, as a member of the House Foreign Affairs Committee and the Subcommittee on Europe, I have had the opportunity to work closely with the Congresswoman from New York [Mrs. Kelly] over the past 4 years, and I join the House in paying tribute to her service and offering best wishes on her retirement.

As a new member of the committee and subcommittee, I found her leadership and consideration invaluable, and I remember particularly the study mission to Eastern Europe and NATO which we undertook under her chairmanship prior to the convening of the 90th Congress.

Today, we have been bitterly reminded again of the need for enlightened and balanced judgment on American policy toward both East and West Europe. As we consider the future course of that policy, in the wake of the Czechoslovakian crisis, it is more crucial than ever before that we have Americans both inside and outside the Government who understand the intricacies of European politics and the implications of developments there on American interests and policies.

I am hopeful that Mrs. Kelly will continue to contribute to Congress and the Nation her unique experience and expertise in this vital area.

Mr. Speaker, I welcome this opportunity to express my own personal appreciation to Congresswoman Kelly and my warmest wishes for the future.

Mr. ROONEY of New York. Mr. Speaker, paying tribute to the gentlewoman from Brooklyn, the Honorable Edna F. Kelly, leaves me with mixed emotions. I am happy and proud on one hand to salute a great Congresswoman and good friend, but I am saddened and troubled by the fact that when the 91st Congress convenes she will not be with us. These Halls will not be the same without her.

Our friendship, and that is a pale phrase to describe my feelings toward Edna Kelly, go back to when she was research director for the New York State Democratic Party—and I will not embarrass the gentlewoman, nor myself, by saying how many years ago that was. Prior to that I knew her late, fine husband, Ed Kelly. She was a dedicated worker then and she still is. She was a gracious lady then and she still is. It was a pleasure and a privilege to know her then and it still is. And it will continue to be in the future.

To talk of Edna Kelly's record here in the House of Representatives is to talk of a brilliant one. I am sure, Mr. Speaker, that the chroniclers of what we do here will place her on the side of the ledger reserved for the great ones. She deserves it. She has served on the House Committee on Foreign Affairs practically since coming to Congress and has been a tower of strength to the committee and its members. For the past 13 years Edna Kelly has been chairman of the Subcommittee on Europe of that committee and through the years has been keeping watch over our diplomatic and nondiplomatic relations.

Last year the Members of the House of Representatives demonstrated their firm belief in her by unanimously electing her to the House Committee on Standards of Official Conduct, a fitting testimonial to the high moral principles which have been her standard throughout her life.

Mr. Speaker, it would be possible to fill all the pages in this copy of the Congressional Record with glowing phrases describing the many wonderful things about Edna Kelly. But suffice it to say that we are saddened at losing a dear friend.

Mr. HATHAWAY. Mr. Speaker, for the past 20 years, my good friend and distinguished colleague, Edna Flannery Kelly, has served in this Chamber.

At this session's end, Mrs. Kelly will retire from Congress, and we shall all miss her. Edna has served with distinction and outstanding devotion to her duties as a U.S. Representative.

It has been a pleasure and a privilege to know and serve with Edna these past 4 years, and I wish her every happiness for the future.

Mr. CONTE. Mr. Speaker, it is a singular pleasure for me to honor one of the truly outstanding women of our time, Congresswoman EDNA F. KELLY. As the Representative from the 12th District of New York, Mrs. KELLY has lent graciousness and dignity to our body for the past 19 years.

Mrs. KELLY's record in the House of Representatives is truly an impressive one. Serving with distinction on the House Foreign Affairs Committee, she has efficiently and effectively chaired the prestigious subcommittee on Europe. In addition, she has served on the Committee on Standards of Official Conduct and ably represented our country as a delegate to the 18th General Assembly of the United Nations.

The admiration that we of the House of Representatives feel for Mrs. KELLY, the dean of Democratic women, transcends political philosophy and party affiliation. Her warmth and femininty have brightened the floor of the House; her incisive thinking and perceptive analysis of social issues have improved much of our legislation. Our personal fondness for a true gentlewoman is coupled with the highest regard for her unequaled service to her district and her country.

My very best wishes go with Mrs. KELLY on her retirement.

Mr. CELLER. Mr. Speaker, as the 90th Congress draws to a close, we cannot help but feel a measure of sadness as many in this body take leave to enter another way of life. Those of us who may return to the 91st Congress will look for many familiar faces and not find them.

Thus, while it was neither of our doing and certainly not to our liking, when EDNA KELLY and I were thrust into the political arena together, it was, of course, obvious that only one of us would return. We were primary opponents, each, I believe, worthy of the other. We had both tried to the best of our judgment to serve our people well, both of us dedicated to the welfare of our country. We embraced the highest ideals, in the light of our own judgment, of our party.

EDNA has graced these halls, not only with the vivacity that so becomes her, but with energy. Years of service lie ahead for EDNA KELLY to our people and our country, and I know that she will discharge whatever responsibilities she takes upon herself with the courage and the vigor she has proven herself to possess.

Mrs. GREEN of Oregon. Mr. Speaker, the zeal and the dedication of our colleague the Honorable EDNA KELLY, from New York, a Representative in this body for nearly 20 years, has been unparalleled. It is with a great deal of sadness that I note she will be ending her distinguished career in the House when this session of Congress draws to a close.

During the years of Mrs. KELLY's service to her country and to her State, the world has gone through disruptive and difficult change. As a key member of the House Committee on Foreign Affairs, she has played an integral part in the remarkable role of this Nation in aiding men of good will to establish peace. As chairman of the Subcommittee on Europe, she has sponsored and guided through the House legislation of great importance to the friendly and cooperative relationship between ourselves and our European friends. She personally has added her efforts to the cause of peace and to the dialog of progress in her position as delegate to the General Assembly of the United Nations. Her advocacy of freedom, her diligence to see freedom insured for those who prize it and her efforts to have it extended to those who seek it, demand our profound admiration in a time when its existence is again threatened. We can find example in the boundless effort of her work.

But it is in the House itself where her watchfulness and good counsel have made her a valuable colleague and a trusted friend. Her Celtic wit and feminine charm will be missed; her dedicated service in this House will be remembered.

Mr. DORN. Mr. Speaker, 19 years of devoted service to the people of this Nation and to her constituents in the 12th Congressional District of New York will come to an end for Congresswoman EDNA F. KELLY when we adjourn this session of the 90th Congress.

It has been my great pleasure to work with this great American during these years. I have witnessed her devotion and loyalty to the best principles of Democracy. Her long service on the Foreign Affairs Committee of this House has been outstanding. Her contributions to the preservation of our Nation and the growth of this country into the world's leading power are innumerable.

Mrs. KELLY's many years of hard work in behalf of the Democratic Party, even before she became a U.S. Representative, stand out in the best traditions of concern and involvement in our important political system.

It is with regret that I say goodbye to Congresswoman KELLY, and the outstanding leadership she has exhibited will be missed here in the Halls of Congress.

Mrs. SULLIVAN. Mr. Speaker, since there are so many Members absent today who I know would want their remarks to appear in the RECORD following the remarks now being made with reference to our colleague, the gentlewoman from New York [Mrs. KELLY], I have asked unanimous consent that all Members may have 5 legislative days to insert their remarks in the RECORD.

Mr. Speaker, I am happy now to yield to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, it is very difficult for me to respond at this point.

For 19 years, the people of Brooklyn designated me as their representative in the U.S. Congress. Their problems, their dreams and aspirations, their convictions and their strength, became my own.

Here in this great Hall, the views of my constituents, their concurrence in and their dissent from the policies of our National Government, became a part of recorded history.

I was fortunate to be their Representative in Washington.

There is no greater honor, no greater opportunity, that could have come to me than this service to my community and our Nation, in this the greatest legislative body in the world.

I am deeply grateful to those who elected me, and to those who supported me over the years, for making it possible.

Mr. Speaker, being a Member of Congress is a unique experience. It is not, in spite of what some people think, an easy task. The hours are long and irregular, the travel back and forth to the district tiring, the constituents' problems demanding.

In addition, we are called upon to deal with hundreds of national and international issues each year—many of them very complex and controversial, a few relatively simple and unimportant.

At times, the future of this country, and of freedom itself, hangs in the balance, awaiting our decision on some crucial issue.

Those moments are not easy, and the burdens of responsibility do not rest lightly on our shoulders.

Yet, Mr. Speaker, being a Member of Congress is also a most rewarding experience.

During my 19 years here, I have had the honor to serve in the Congress with some of the most outstanding people, and the most inspiring leaders, that our Nation has ever produced.

I have seen more personal courage, more dedication to the public good, more honesty here than I have encountered any other place.

And I have also seen here a lot of patience, a lot of willingness to compromise, a lot of wisdom—the qualities which are really necessary if a diverse nation like ours is to reach a decision on the important issues and to enjoy continued progress.

I feel proud and humble to have been a part of this House.

To my friends and colleagues on both sides of the aisle who have borne with me, encouraged me, helped and supported me through the years—and who said so many generous and I am certain undeserved things about me today—go my heartfelt thanks. I shall never forget your many kindnesses.

To you, Mr. Speaker, whose patient but firm leadership guided this House during some of the most trying and turbulent years of our Nation's history, and to the other distinguished Members of the House leadership, my deep appreciation for your counsel and your help.

To my chairman, Dr. MORGAN, and my fellow members of the Committee on Foreign Affairs, who have always given me so generously of their time and support, my affectionate thanks.

To my colleague, LEE SULLIVAN, the gentlewoman from Missouri, who has been my stanch friend, I express my sincere appreciation for taking this time which gives my colleagues the opportunity to pay tribute to me. I would not be human, Mr. Speaker, if I did not enjoy their remarks.

Finally, to my family and staff, who have indulged and comforted me, borne with my bad humors, tolerated my impatience, and never denied me their loyalty and support, my very deepest gratitude.

May the good Lord reward all of you with His choicest blessings.

Mr. Speaker, the time has come to take leave. We have fought some good fights here, won some and lost others. We have tried—all of us, I know—to do our best for our country. I hope that the verdict of history will be kind to us.

THE OLDER AMERICANS ACT AMENDMENTS OF 1968

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. Steiger] is recognized for 30 minutes.

Mr. **STEIGER** of Wisconsin. Mr. Speaker, tomorrow the House will consider H.R. 19747, the Older Americans Act Amendments of 1968, a bill that was reported unanimously by the Select Subcommittee on Education and the full Committee on Education and Labor. While the bill has many provisions of significant importance to individuals served by the Administration on Aging, one provision is of specific importance and I would like to confine my remarks to it today. It is section 8 of the bill and a new title VI of the act, and it is known as "Service Roles in Retirement." For the information of my colleagues, I will insert this section of the bill in its entirety and include testimony relating to it from the Federal agencies who have jurisdiction and responsibility for implementing it:

TITLE VI—SERVICE ROLES IN RETIREMENT

GRANTS AND CONTRACTS FOR SERVICE PROJECTS

Sec. 601. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of projects designed to provide opportunities for persons aged sixty or over to render supportive services to children and older persons having exceptional needs, including but not limited to services—

(1) to children receiving institutional care in hospitals, homes for dependent and neglected children, or other establishments providing care for children on a temporary or permanent residential basis;

(2) in such capacities as aides or tutors in day care centers or nursery schools, for children (not in residential situations described above) who are from low-income families or from urban or rural areas with high concentrations or proportions of low-income persons; and with high concentrations or proportions of low-income persons; and

(3) to older persons in need of special, personalized assistance because of physical infirmities or other special circumstances.

(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

CONDITIONS OF GRANTS AND CONTRACTS

Sec. 602. (a) The Secretary shall not make any grant or enter into any contract under this title unless the grant application or contract proposal, as the case may be, has been submitted for review and recommendations to the State agency (if any) established or designated as provided in section 303 (a)(1).

(b)(1) In administering this title the Secretary shall—

(A) give preference to projects in which priority will be given in the enrollment of participants to older persons of low income who are no longer in the regular work force: *Provided*, That such persons shall constitute at least 75 per centum of the participants in any project described in section 601(a) which is funded under this title;

(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

(2) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken in a community served by a community action agency unless—

(A) in the case of a project described in section 601(a), and in other cases except those in which the Secretary may determine that it would be inappropriate, such agency is the applicant for such grant or contract, or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted, in consultation with, or with the participation of, such agency.

Subparagraph (A) of this paragraph shall not apply in the case of a project which is to be carried out by or under the supervision of the applicant throughout the State or over an area more comprehensive than that served by any single community action agency and which the Secretary determines can be more effectively administered if its components are not conducted as community-based projects.

(c) The term "community action agency", as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

INTERAGENCY COOPERATION

Sec. 603. In administering this title, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this title with such other programs and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interest of older persons whose services may be utilized in projects under this title.

APPROPRIATIONS AUTHORIZED

Sec. 604. There are authorized to be appropriated for grants or contracts under this title, $10,000,000 for the fiscal year ending June 30, 1969, and such sums as may be necessary for succeeding fiscal years.

Mary E. Switzer, Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, speaking in behalf of the original bill stated:

A very vital provision of HR 17867 is the authorization of a new title to the Older Americans Act called "Service Roles in Retirement." Keeping older people in action, feeling involved and needed, and relating to and helping one another in warm and friendly association can give new meaning to their lives.

Every year America has 300,000 more senior citizens. Today, one of every ten Americans—over 19 million—are age 65 or over. By 1985, the number will reach 25 million. One of the challenges of our time is to identify opportunities for their lives to be meaningful and purposeful through providing services needed by others.

One of the most exciting efforts to help in meeting the challenge of meaningful roles for older persons no longer in the regular work force is the Foster Grandparent Program, which has been administered by AOA under contract with the Office of Economic Opportunity since August 1965. The new title proposed in these amendments builds upon the excellent experience of the Foster Grandparent Program. It recognizes explicitly the merits of encouraging older people, who are no longer in the work force but who wish to remain active and involved citizens, to give of their skills and talents to others. A comprehensive evaluation of this Program has shown that meaningful activity of this type can play a major role in maintaining the physical and mental well-being of older people. This Program embodies a concept I firmly believe in—that of helping people achieve what they have it in them to be. Too many older people today are forced to feel that they have reached the peak of individual fulfillment with nothing more to accomplish and nothing to look forward to in the future. I am enthusiastic about the significant contribution that the Service Roles under the new title could make over the years in helping older people and children in our society who need the benefits of supportive services and personal companionship. Cost-benefit studies done in several of the Foster Grandparent Program projects are most impressive and show that often tangible benefits such as lowered administrative costs are a side-benefit in addition to the strong human values of this program.

The Social and Rehabilitation Service combines in one agency the major Federal programs geared to meet the needs of Americans for social and rehabilitation services. As its Administrator, I am enthusiastic about the vast potential for older persons' talents to contribute to this task.

For instance, assuming the availability of appropriate day-care facilities, we know that the majority of mothers with pre-school children would prefer to work rather than stay home. The personal care these older people can give to children through serving as day-care aides or foster grandparents can help to set a solid structure on which the children of the next generation may stand without wavering. These older people can help deprived children to mature socially and spiritually as well as physically. They can foster continued growth toward constructive and productive adult citizenship.

I am also enthusiastic about the kind of Federal agency coordination that the proposed Title VI represents. As you know, Mr. Harding, Director of the Office of Economic Opportunity, has issued a joint statement with Secretary Cohen supporting the transfer of the Foster Grandparent Program into this new title.

William D. Bechill, Commissioner, Administration on Aging, describing this section, said:

SERVICE ROLES IN RETIREMENT

Section 8 would add a new Title to the Older Americans Act establishing a program of Service Roles in Retirement. The Secretary of Health, Education and Welfare would be authorized to make grants to or contracts with public or nonprofit private agencies and organizations to pay not more than 90 percent of the cost of the development and operation of projects designed to provide opportunities for persons aged 60 or over who are no longer in the regular work force to render supportive services to children and older persons having special needs. Preference would be given to projects in which priority is given in the enrollment of participants to low-income older persons. Three types of programs would be authorized under this new Title:

1. Services by older persons to children receiving institutional care in hospitals, homes for dependent and neglected children, or other establishments providing care for children on a temporary or permanent residential basis. At least 90 percent of the older persons serving in these projects would be low-income.

2. Services by older persons to children in such capacities as aides or tutors in settings such as day care centers or nursery schools for children who are from low-income families (or from urban or rural areas with high concentrations or proportions of low-income persons).

3. Services by older persons to older persons in need of special personalized assistance because of physical infirmities or other special circumstances.

The Foster Grandparent Program would be the nucleus of the new program proposed in these amendments. For over two years now the older men and women who have served as Foster Grandparents have demonstrated the heartening value of individualized attention and care to children in need. Those serving in the program have had the opportunity to carry out a meaningful role in the community, to be of service to others, and also improve their economic situation. Concern, compassion, and companionship have been the trademarks of the Foster Grandparents. These are priceless commodities in today's world.

The Foster Grandparent Program was first developed in 1965 as a cooperative effort between the Office of Economic Opportunity and the Department of Health, Education, and Welfare. It was conceived as a national demonstration of a viable role for the older person in providing personal care to infants and children living in institutions. Originally started in 22 States, the program has subsequently grown to the point where nearly 4,000 older men and women now serve as Foster Grandparents to 8,000 children in 157 facilities and community settings in 38 States and Puerto Rico. Evaluation has identified social benefits to the older person and children, and economic benefits to the older persons and the institutions.

The management consultant firm that did a national evaluation of the Foster Grandparents Program summarized its findings this way:

"The program has demonstrated its main objective—the utilization of previously wasted human resources to improve the lives of children and older people and thereby to strengthen the quality of our society."

The proposed Amendment would expand this basic concept of services by older people, demonstrated so well through the Foster Grandparent Program, to other service roles in retirement.

As the bill indicates, those older persons who would serve in the program would be persons age 60 and over who are no longer in the regular work force. There is a serious need in our society for a program to ease the adjustment from full time work, while maintaining for the individual a meaningful role in the community. There is also a growing demand from older persons for this new type of opportunity to provide services without a commitment to full time work.

We believe that there is a significant division between regular employment and meaningful activities through part time social service roles which has been recognized by the Congress in previous legislation affecting older people. For instance, Section 101(5) of the Older Americans Act sets forth as one of this country's objectives for its older people, "Opportunity for employment with no discriminatory personnel practices because of age." Section 101(7) sets forth as a separate objective "Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities."

Thus, "Service Roles in Retirement" would serve the dual purpose of providing needed services to older people and children providing a meaningful transition period following a lifetime of regular employment. Since the program is directed particularly to service by low income older persons, income supplementation is also a significant component. It is not, however, the primary purpose.

We believe strongly that the very large number of older people who leave the regular work force are entitled to a choice as to whether they at some point wish to return to regular employment, whether they wish to turn to a new service role in retirement, or wish to become fully retired.

Because of the emphasis being given to the service opportunities for low-income older persons in this program, special recognition would be given to the role of the community action agency (established under the Economic Opportunity Act) in the case of any projects undertaken in a community served by such an agency. Where a project is to provide services to children receiving institutional care on a residential basis, and in other appropriate cases, the community action agency would be given an opportunity to serve as sponsor of the project and to receive funds and administer or supervise administration of the project. This requirement will not apply where the project is to be carried out throughout a State or over an area more comprehensive than that served by any single community action agency.

Applications would be submitted to the State agency established or designated under the Older Americans Act for its review and recommendation, before the Secretary approves a grant. The Secretary also would consult with Federal agencies administering relevant programs with a view to achieving optimal coordination of the new program with such other programs. In addition, Section 603 would require the Secretary of Health, Education, and Welfare to promote the coordination of projects under the new title with other public or private programs or projects carried out at State and local levels.

To carry out the proposed new program, H.R. 17867 provides authorizations of $10,000,000 for the fiscal year 1969 and such sums as may be necessary for succeeding years. The authorization level set for 1969 represents the current level and cost of the present Foster Grandparent Program. Any sums which are appropriated to the Office of Economic Opportunity for fiscal year 1969 for carrying out the Foster Grandparent Program, or which are (as determined by the Bureau of the Budget) allocated for such purpose from any appropriation shall be transferred to the Secretary of Health, Education, and Welfare for carrying out such a program under the Older Americans Act.

Mr. Chairman, I wish to recommend an addition to this provision of the amendments. We believe that it would be desirable to include a provision in the proposed amendments to insure that foster grandparents do not lose any present earning exemptions as a result of the transfer of the Foster Grandparent Program from the Office of Economic Opportunity to the Department of Health, Education, and Welfare. We would be glad to provide assistance to the Committee with respect to preparing such an amendment.

Miss Genevieve Blatt, Assistant Director, Office of Economic Opportunity, in discussing the transfer of the foster grandparents program at hearings, stated:

> Mr. Chairman and Members of the Subcommittee, as Assistant Director of the Office of Economic Opportunity, Office of Older Persons Programs, I appreciate the opportunity to appear before you to present our views on H.R. 17867, the Older Americans Act Amendments of 1968. We support the enactment of this legislation.
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> Of particular interest to us are the provisions of the proposed new title VI of the Older Americans Act under which the responsibility for administering the Foster Grandparents program would be placed in the Department of Health, Education, and Welfare. Representatives of HEW have already testified before your Subcommittee on other aspects of H.R. 17867, and we can add nothing to this testimony except an expression of our concurrence. We do, however, wish to comment briefly on the provisions relating to the Foster Grandparents program.
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> As you know, the Foster Grandparents program recruits older low-income persons to serve neglected and deprived children by providing such children with personal relationships and other supportive services. At the same time, the program serves as a means for providing financial assistance to low-income elderly persons and for utilizing their skills so that they can continue to be contributing members of society. Presently, there are more than 4,000 persons employed in this program in projects in 38 States giving care to over 8,000 children in hospitals, institutions, special classes and other settings. Since the inception of the program in August 1965, it has been jointly administered by OEO and the Administration on Aging.
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> We believe that the proposed arrangement will simplify the administration and funding of the Foster Grandparents program, thereby providing more effective utilization of available resources. We also believe that it will enable the program to benefit from the experience and demonstrated expertise of the Administration on Aging. Yet the purpose of the program as a means of combating poverty will be insured by the requirement that 90 percent of the participants be low-income individuals, and the resources provided, and the methods developed, by the OEO will continue to be utilized, because of the further requirements as to the presumptive sponsorship of such programs by Community Action Agencies.
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> In the conduct of this program and in the development of new programs, the OEO, through the Office of Older Persons Programs, is fully prepared to cooperate with the Administration on Aging in every way possible. Under title VI of the Economic Opportunity Act, of course, it is already my responsibility as Assistant Director for Older Persons Programs to bring about a coordinated Federal effort on behalf of the older poor, but I certainly welcome the language in H.R. 17867 which reinforces the mutual intent of the AOA and OEO to work together in every way we can.

BEEF IMPORTS—A NEEDED CHANGE

The SPEAKER pro tempore. Under previous order of the House the gentleman from Montana [Mr. BATTIN] is recognized for 15 minutes.

Mr. BATTIN. Mr. Speaker, yesterday, October 1, 1968, Secretary Freeman announced that the estimated imports for meat for 1968 would be 990 million pounds of meat. This is 40 million more pounds than the quota he set in January 1968. The quota was set pursuant to the law passed by Congress in 1964.

Under that law, the Secretary is required to set an import quota based on an average of imports from 1959 to 1963, plus a 3-year moving average based on U.S. production. This year's quota was based on 1966–67 and estimated 1968 production of U.S. beef. Under this formula the import quota for 1968 was set at 950,300,000 pounds.

The law also has a provision that if imports exceed the quota by 10 percent then automatically the imports are rolled back to the original quota set by the Secretary. This is, of course, based upon the quarterly estimate which the law requires him to make public.

Now, Mr. Speaker, look what this means to U.S. producers. The 1968 quota has been exceeded by 40 million pounds, if the estimate is correct, but is still 55 million pounds short of triggering the automatic rollback provision in the law. Should the exporting countries decide to ship heavily in the last quarter of the year, just what protection does the law afford the producer. By the time Secretary Freeman gets to the end of the year any rollback to the original quota is meaningless. He opposed the quota law in the first place and now I worry if the intent of the law is not being overlooked.

We gave the market-sharing concept full consideration when we wrote the original formula and allowed the moving 3-year average to be taken into consideration when the Secretary set the quota at the beginning of each year. What the foreign exporter looks to is the quota plus 10 percent which allows an additional 95 million pounds to come into our market without any penalty.

Our law is being administered by the State Department—by the method of voluntary suspension of shipments from the exporting country.

Let me quote Secretary Freeman in his announcement of October 1:

> New estimates would have been higher were it not for restraint on shipments to the U.S. by principal foreign suppliers.

Those who ship to the United States do so to earn dollars. They are also expanding their ability to increase shipments. What can we expect in years to come?

We need an audit of the system. Some question exists in my mind as to reasonableness and accuracy of the estimates. I am today asking the General Accounting Office to give me a report on the procedures that are followed in making the quarterly estimates and what safeguards are followed to insure that when the last estimate is made before the end of the calendar year that excessive imports do not come in which would exceed the quota and trigger the reduction to the January level. This provision of the law would be meaningless if good accounting methods were not followed.

Mr. Speaker, I should also point out that the imports that are coming into the country do not meet the requirements of the Wholesome Meat Act passed by this Congress. Not even those first 950.3 million pounds. Perhaps this should be called to the attention of Miss Betty Furness. Maybe she can talk to Secretary Freeman.

I would suggest three basic ways in which the law could be changed that would prevent our country from becoming a dumping ground:

First. Eliminate the right of any country or groups of countries from exceeding the quota by any percentage.

Second. Change the base period from present 1959–63 to 1958–62 so as to reflect the true picture of normal meat imports and not the present weighted 5-year period.

Third. Use quarterly quotas instead of a yearly quota so as not to disrupt orderly marketing in the United States.

Our producers, as taxpayers, have some rights.

TRIBUTE TO CONGRESSMAN CHARLES McC. MATHIAS, JR.

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. MORSE] is recognized for 60 minutes.

Mr. MORSE of Massachusetts. Mr. Speaker, it is with mixed emotions that I rise today to speak about my close friend and colleague, the gentleman from Maryland, CHARLES McC. MATHIAS. On the one hand I am pleased that the people of the Free State of Maryland will have an opportunity to continue the public service of one of the finest men ever to have served in the House of Representatives. But, on the other hand, I deeply regret his departure from the House where his softly spoken but clearheaded thoughts have contributed immeasurably to the work of the House over the past 8 years.

I have a special feeling for MAC because of the many new experiences we shared together. As Members of the same "freshman class" we came to the House together in 1961.

As a member of the Judiciary Committee since that time, MAC has demonstrated a clear grasp of the important and vastly complex problems involved in shaping legislation to improve law enforcement, and to combat organized crime. More importantly, however, he has been an active and tireless leader in writing civil rights legislation—in 1964 he put his mark on the now historic Civil Rights Act. Again in 1965 and 1966, he helped lead the way toward shaping legislation that would bring equality to all citizens regardless, as MAC himself said, "of the color of their collar or the color of their skin."

In the House District Committee, MAC has worked on behalf of a more modern government for the District of Columbia and for congressional representation for the people of the District. He has turned his attention also to the plethora of problems facing urban America, recognizing the need for better educational facilities, more adequate housing, and improved employment opportunities if we are to turn back the tide of disillusion and despair that is presently engulfing many urban residents.

The people of the Sixth District of Maryland have been fortunate indeed to have had as their representative a hardworking and articulate advocate of social causes. Recognizing that we will not solve our problems unless we go to their root causes, he has been an effective legislator in his efforts to attack the causes of poverty as well as its symptoms. The people of his district have responded to this leadership by reelecting him three times by increasingly larger margins.

Not content to be an expert only in the matters which came before his committee, he has been an active participant with others in the search to find a reasonable and early solution to the war in Vietnam. In 1967 he joined with several of his colleagues in offering a plan for the deescalation of the war, a plan which eventually found its way into action with President Johnson's announcement of March 31 of this year.

His sensitivity, commonsense, integrity, and good humor will be missed by all of us. But our loss will be the gain of others. We wish him every success and happiness in his new efforts—we are mighty proud to have known and served with him.

Mr. Speaker, many of his former colleagues join with us, I am sure, in wishing MAC their very best. I have received letters from the mayor of New York City, the Honorable John V. Lindsay, and from the former Governor of Pennsylvania, the Honorable William Scranton, both of whom served with MAC in the House. I should like to insert in the RECORD at this point, their expressions of good wishes:

OCTOBER 1, 1968.

Hon. F. BRADFORD MORSE,
House of Representatives,
Washington, D.C.

DEAR BRAD: I am glad to join you in paying tribute to my good friend, Mac Mathias.

I have admired Mac for his initiative, creativity and common sense ever since he entered the House in 1961. We served together for five years on the House Judiciary Committee and fought for effective laws to advance the cause of equal rights. Mac's firm commitment to these goals and his hard constructive work have been typical of his performance as a sensible, effective legislator.

He has a deep concern for the future of our cities, as shown by his introduction of and active support for measures to improve housing, expand manpower training and attack the causes of poverty, frustration and hopelessness. He won a major victory last year when he secured Congressional approval of the rat control measure which he sponsored.

He has waged an unrelenting fight for honesty, efficiency and candor in all branches of government. His record in the House has been one of creative effort and responsible service. I know he will make even greater contributions in the Senate.

With best regards as always,

JOHN V. LINDSAY.

OCTOBER 1, 1968.

Hon. F. BRADFORD MORSE,
House of Representatives,
Washington, D.C.

DEAR BRAD: I welcome this opportunity to say a word about Congressman Charles McC. Mathias on the occasion of the House of Representatives' observance of Congressman Mathias leaving that body.

Mac and I first came to the House together in 1961. Two years later I left to take office as Governor of Pennslyvania and we have been close friends ever since.

I have more than personal affection for Mac. I have a deep professional respect for his leadership abilities and his exceptionally high ethical standards.

And the Mac Mathias of 1968 clearly has the mark of leadership on him. He was among the first to show his early concern for two problems that are very much with us today. He proposed significant reforms in the Selective Service System and worked hard for those reforms.

He joined you and others in 1967 in a plan for gradual, reciprocal de-escalation of the war in Vietnam. That was a sensible proposal which, if it had been implemented in time by our government, could have made a major contribution to the difficult situation in that part of the world.

Throughout his service to his constituents in Maryland, Representative Mathias has demonstrated compassion, originality and a willingness to fight for what was right. He certainly left that mark in work for better law enforcement, housing and the protection of individual liberties.

I congratulate you on this effort in behalf of Mac Mathias and I wish him all sucess in his efforts to be elected to the U.S. Senate.

Sincerely,

William W. Scranton.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with reference to the service of our colleague and friend, Mac Mathias.

Mr. Speaker, I yield now to the gentleman from Maryland [Mr. Gude].

Mr. GUDE. Mr. Speaker, I thank the gentleman for yielding.

I appreciate very much this opportunity to rise today to honor my colleague from Maryland, Mac Mathias, who has been a close personal friend for a number of years and my most valued congressional colleague since coming here to the House last year. In his very vigorous campaign for reelection in 1964, I served as his campaign manager and came to know him as a principled fighter for the cause of his district, and a man who truly represents his district.

At that time one of the opponents of my good friend Mac Mathias coined a phrase that he was "Mac, the Myth," that he was not the man his supporters claimed him to be. I must say that since coming to the Hill, I have found he is not "Mac, the Myth." As I well knew then, and as I have come to appreciate even more now, he is an effective worker on both sides of the aisle and has strong support for his accomplishments from both sides of the aisle.

Prior to the 1966 redistricting by the Federal district court, Mac Mathias ably represented my own home county of Montgomery. However, following the redistricting, it was only appropriate that Mac decided to maintain his candidacy out of the Sixth District of western Maryland, including his native Frederick County, which he loves so well. It was Mac who gave me great encouragement in my run in the Eighth District, and, since my coming here, he has been a constant source of help, valued counsel, and warm friendship.

I will feel a great loss here in the House as he moves on to the other body, and I am sure his efforts in that direction will be successful. He will make a very substantial contribution to the other body because of his depth of knowledge and experience gained in participation and service in the work of both the Judiciary Committee and the District Committee for the past 8 years, and because of his lifelong dedication to the life and government and improvement of the government of the State of Maryland. His prior service, which so well equipped him, included service as Frederick city attorney, assistant attorney general of Maryland, and as a member of the Maryland House of Delegates. This background prepared him well for a full understanding of the relation and treatment of the problems of local, State, and Federal government.

As a member of the House District Committee with Mac, I was able to benefit from his deep understanding and recognition of the need for opportunities for the people and government of the District of Columbia. I came to understand his great empathy for those peoples who are less fortunate. Through this service, he has further prepared himself for confronting the problems of our vast urban society.

Mac has been a most ardent proponent for full representation for the District of Columbia and has worked very hard in this area. He has also devoted much attention in other areas, which I would like to mention briefly, such as his support for a balanced transportation system for the Washington metropolitan area, and a recognition of the needs of both the suburbs and the central city. In the area of law enforcement he has done much to improve the entire structure of our legal machinery so we have better security for the property and lives of all our citizens.

I have mentioned his work on urban affairs, which has also been well covered by our colleague from Massachusetts, and Mac's cosponsorship of the home ownership plan and his legislation to provide a comprehensive national manpower policy.

Mac to me epitomizes the highest ethical standards in Congress and the greatest integrity in Government.

I know many of my colleagues will join with me in wishing him well as he goes to the Senate.

Mr. MORSE of Massachusetts. Mr. Speaker, I thank the gentleman from Maryland.

Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Morton] may extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MORTON. Mr. Speaker, the service that our close friend and colleague Mac Mathias has performed in the House of Representatives in the interest of his constituency, his State, and of the Nation is another chapter in his long record of public service. Mac will be missed in the House of Representatives. I, for one, wish him well in his endeavor to join us again on the other side of the Capitol. His future colleagues in the Senate will find him a real champion with whom they will be proud to associate themselves.

Mac Mathias has been a person who has always proceeded to the heart of an issue as he saw it without fear, without compromise, and without hesitation. He has truly been a legislator consumed by a passionate desire to draft law within which men could function most effectively in their struggle for existence and within which their desire to build on this earth a better civilization could be best realized.

As we worked with Mac he left us no doubt as to where he stood. The desire to have us agree with him was always secondary to his candid and forthright approach to the problem at hand. In the inventory of this great legislative body and those in the several States, there are not enough men like Mac Mathias who call the shots with his candor, who speak from the heart but also from the facts.

Mr. Speaker, I cannot conclude without a personal reference to my colleague whom we honor today with this special order. My service in the House has been made more meaningful and more effective because of the wise counsel and deep friendship which I have received through the years from Mac. We have not always agreed, and this is as it should be, but always our disagreement has been based on careful analysis and not on arbitrary political alinements. The sharp challenge that Mac has given to all of us in the field of legislation, and especially to me, has resulted time and time again in a deeper examination of the problem and a more thoughtful development of its solution.

As a capable member of the Committee on the Judiciary, as a member of the policy committee, as secretary of the congressional campaign committee, Mac has served well his party in addition to his representation in a broader sense of the people of Maryland. Mr. Speaker, in short, I say to Mac, "well done," and now we all look forward again to his advice and counsel as he assumes a new role in the U.S. Senate.

Mr. FINO. Mr. Speaker, will the gentleman yield?

Mr. MORSE of Massachusetts. I yield to the gentleman from New York.

Mr. FINO. I thank the gentleman for yielding to me.

Mr. Speaker, I wish to join my colleagues today in paying tribute to a dear friend and colleague, the Honorable Charles McC. Mathias who, as you know, is retiring from the House to seek election to the U.S. Senate.

I have known Mac since he came to Congress 8 years ago and I greatly admire and respect him. He has enjoyed an enviable reputation as a lawmaker and as a fine representative from the Sixth Congressional District of Maryland.

Mac has served on the Judiciary and District of Columbia Committees and has done an excellent job especially in helping to carry out the needed reforms in governing the District of Columbia as well as aiding its citizens.

I know the House will sorely miss him and I would like to wish him the best of health and happiness in his future endeavors especially in his election to the U.S. Senate.

Mr. MORSE of Massachusetts. I thank the gentleman from New York.

Mr. FARBSTEIN. Mr. Speaker, the measure of a man is whether he grows under greater responsibilities. Our good friend, Charles Mathias, who is leaving us this year to run for the Senate from the State of Maryland, has met that test in the House.

His accomplishments both in his State and in this House have been many.

During my short association with him

in this body I have found him a faithful and devoted public servant. I am certain, whatever the future may hold for him, that he will continue his service both to his State and the Nation.

I wish him well.

Mr. CORMAN. Mr. Speaker, the productive House career of Representative Mac Mathias is coming to a voluntary end with the adjournment of this Congress. His decision to become a candidate for the Senate from his State is an understandable one, and he leaves behind him in the House an enviable record.

I served with Congressman Mathias on the House Judiciary Committee. Our relationship was a good one; it was fruitful and cooperative. His achievements in the field of civil rights and civil liberties are noteworthy. His dedication to providing a better life for all Americans assures him an honored place in the history of our country. His devoted efforts for world peace and internal security can only serve to improve and strengthen the determination of every American to seek a fuller and richer life.

Although we are of different political parties, Mac has never let this stand in the way when vital issues needed solving. When unity for action was required, he has consistently put aside partisan considerations and personal motives for the good of our Nation.

I hold Mac Mathias in the highest esteem. I consider him a good friend with whom it has been a pleasure to be associated. Should he be successful in his candidacy for the Senate, I know he will serve his State and his Nation with the same dedication with which he served in the House.

I extend to Mac my sincere good wishes for a future that can only be an extension of his remarkable career in this Chamber.

Mr. ZWACH. Mr. Speaker, today I am pleased to join with my many distinguished colleagues in paying tribute to the Member from Maryland's Sixth Congressional District.

I feel privileged to have been able to serve with Mac Mathias, both on the floor and in the House District of Columbia Committee.

Our colleague has long been a leader in introducing and working for progressive, forward-looking legislation in many fields. He has been consistent in working for those laws which not only represent his constituency, but also provide the impetus in making our Government responsive to the changing needs of our country and our world. I am certain that all Members, on both sides of the aisle, will join me in commending Congressman Mathias for his dedicated, conscientious service to his district and to the Nation.

Mr. SCHNEEBELI. Mr. Speaker, Mac Mathias has been most effective and hard working for his constituency; he is a strong advocate of civil service improvements for the many Federal workers in his district.

He also brought to his job an impressive set of credentials and talent, with his education acquired from Haverford College and Yale University and his law degree from the University of Maryland. His excellent war record and naval experience has proved to be valuable assistance in his active political career, following his abbreviated practice of law in Frederick.

Mac Mathias is an effective exponent for congressional reform, for much progressive legislation, and for improvement in our judiciary system and regulations. We are saddened by the thought that this genial friend will not be with us after the 90th Congress adjourns; however, he is going into other fields to conquer—and the people of Maryland will be fortunate to have him represent them in the Senate beginning in January 1969. Mac is a leader among the more active and progressive Republicans in the House and his innovative ideas for the improvement of our national posture will be most evident in the new Senate.

We know his new duties in that other body will make many, many demands on his time, but are confident and hopeful that the distance from one side of the Capitol to the other is not too great, so that Mac will be able to find the time occasionally to make his way back and say "hello" to his many friends in the House—where he first started 8 years ago.

All good wishes, Mac, as you move up the political ladder.

Mr. STEIGER of Wisconsin. Mr. Speaker, these tributes to our colleague Mac Mathias are indeed appropriate; his record in Congress is distinguished by independent judgment and thoughtful leadership. Our loss in the House will be the Senate's gain.

Mr. TAFT. Mr. Speaker, I would like to add a few words to those of my colleagues about one of our distinguished Members who is leaving this body to go to the Senate.

I have served with Mac Mathias in the Congress and know him to be a welcoming hand to his constituents, a studious contributor to the committee on which he serves and an able judge of pending legislation. It has been a privilege and pleasure to work with him.

Mr. STAFFORD. Mr. Speaker, it is with a great sense of pride that I join my colleagues in paying tribute today to the distinguished gentleman from Maryland, Charles McC. Mathias, who will soon be completing his tenure in this House of Representatives.

When I came to the Congress 8 years ago, one of the first of my fellow new Members whom I met was Mac Mathias. In the intervening years, he has been a close friend and a valued associate.

Mac Mathias has demonstrated a sense of judgment and dedication which has contributed greatly to the work of the U.S. House of Representatives. His compassionate understanding of people has put in the forefront of those who wish to act to solve problems and make a better life for all.

We who have known him closely realize how intensely he has worked to insure equal opportunities and rights under our Constitution for every citizen. We know how devoted he is to the true cause of law and order and justice throughout our land.

The personal warmth of Mac Mathias, combined with his sense of dedication, will serve him well in the task which he seeks in the coming years. I am proud to join in wishing him the very best for years to come, and I know the people of his State will respond to him as he has responded to his people over the years.

Mr. BUSH. Mr. Speaker, I am new around this place but it does not take very long to fully appreciate Mac Mathias.

His is an enviable legislative record. His is a record of forthrightness and legislative courage.

But then add to this his personal characteristics and his integrity and it all adds up to a man who will be sorely missed in this body.

The Senate's gain is our loss, but the good thing about it all is that the American people will still have his service.

Mr. PIRNIE. Mr. Speaker, when Charles McC. Mathias came to the House from the Sixth District of Maryland he promptly became one of our most capable Members. With great energy and resourcefulness he has given his constituents splendid representation while at the same time becoming the architect or sponsor of much forward looking legislation.

These past 8 years have advanced Mac's influence and contributed much in service to his district, State, and Nation. He has worked hard for many causes and has been an articulate leader in fields of social progress.

He will be missed greatly by the Members of this House but we are confident he will serve with distinction in the other body. Certainly he takes with him our high regard and sincerest best wishes.

Mr. LUKENS. Mr. Speaker, I wish to join the voices of those who today pay tribute to one of our beloved Members who is leaving in quest of election to that other body.

Mac Mathias is admired and respected by all Members of both sides of the aisle. He has continually been a source of advice and counsel to me personally and to many Members. Mac is a symbol of dedicated integrity and idealism. He is a man devoted to clean politics and good government. I have been among those rarely privileged to have known his father and his warm and wonderful mother. Few could match their earnestness and sincerity so graphically portrayed in their son.

Mac, my hat is off to you. May you achieve the highest goals toward which you strive. I am proud to join in tribute to this outstanding young man from Maryland.

Mr. KUPFERMAN. Mr. Speaker, whenever I have been in doubt as to any issue to come before this great body, I have looked to our good friend, Mac Mathias, for guidance.

I could always rely on his general philosophical outlook and his ability to discern the real issue.

I had heard a great deal about him before coming to Washington from my predecessor in the 17th Congressional District, now mayor of New York City, John V. Lindsay, who shared with him many interesting legislative battles in previous years.

Congressman Mathias, who has so well represented his district in Maryland, now has the opportunity to represent the whole State in the U.S. Senate. If the people of that State approach this question with the same understanding and good sense with which MAC MATHIAS has been a Representative in Congress, he will be overwhelmingly elected.

Mr. Speaker, it has been a privilege to serve with CHARLES McC. MATHIAS in the 89th and 90th Congresses.

Mr. CONTE. Mr. Speaker, it seems ironic that well-deserved tributes to outstanding legislators and warm personal friends are almost never rendered until the occasion of their departure. Such is also the case today. Throughout the past 8 years, MAC MATHIAS' progressive thinking and unceasing efforts on behalf of his constituents have added distinction to this body. But only today, as he prepares to leave the floor of the House of Representatives, do we publicly commend the personal integrity and dedicated public service of my longtime friend, CHARLES MATHIAS, JR. Better late than never, though, I am proud to add by voice to the voices of the many Members of Congress who have benefited immeasurably from knowing and serving with the Congressman from the Sixth District of Maryland, MAC MATHIAS.

I need not recount MAC MATHIAS' many noteworthy accomplishments during his four terms in the House of Representatives; you are all familiar with his distinguished record on the District of Columbia and the Judiciary Committees. You have seen him continually fight for his convictions and his fellow citizens. I have had the pleasure of spending a great deal of time with him through our joint efforts in the Wednesday Group. In that informal situation, I was privileged to confer with MAC on the many complex issues which confront our Congress and our Nation. His insight into the nature of foreign and domestic problems, his ability to construct reasoned, feasible legislative programs, and his foresight and concern for the future of our country were constantly instructive to all of the members of the Wednesday Group, as they have been to this entire body as well.

We shall all miss the presence of MAC MATHIAS in the House of Representatives. His creative approach to lawmaking, however, will be found permanently in much of the constructive legislation passed by, and still pending before, this body. We are losing a valuable friend and an outstanding colleague to "the other body," but the memory of his warm friendship and unequaled service to his district will long remain with us in the House of Representatives.

Mr. GERALD R. FORD. Mr. Speaker, today we pay tribute to an outstanding Member of the U.S. House of Representatives, my good friend, MAC MATHIAS. I regret losing Mr. MATHIAS as a Republican Member of the House, but I know he will make an excellent U.S. Senator.

Mr. Speaker, during his four terms in the House MAC MATHIAS has made great contributions, both to the welfare of the people of his congressional district and to the Nation. Schooled in the law, he has been a most able member of the House Committee on the Judiciary. He has helped significantly in shaping civil rights legislation and new anticrime laws. Equal justice and proper administration of justice have always been his deep concerns. MAC MATHIAS is a leader in the cause of fulfilling human needs. He feels and he thinks deeply. MAC MATHIAS will be very much missed in the House. MAC is more than a colleague to me. He is a personal friend. I wish him well in the "other body."

Mr. BELL. Mr. Speaker, since Congressman CHARLES MATHIAS and I first came to Washington as freshmen Representatives at the opening of the 87th Congress, I have had the privilege of knowing him well and observing his outstanding contributions in the House of Representatives.

Today, I am pleased to join my colleagues in paying tribute to the Representative who has rendered such fine service to residents of Maryland's Sixth District as well as to this body. It may be said with justification that MAC MATHIAS brought a special quality to the word "service." It has been the keystone of his efforts here. He has set a standard of excellence which cannot easily be emulated. And he has done so with a sense of duty and with a graciousness which have made his presence so notable.

When MAC first came to Congress he was filled with an enthusiasm not uncommon to freshmen Representatives. The uncommon thing about MAC MATHIAS is that his enthusiasm and dedication have never waned—nor has his selfless manner. Residents of Maryland's Sixth Congressional District are justifiably proud of the representation they have been given these past 8 years on Capitol Hill. His service to residents of the District of Columbia has similarly been marked by leadership on the District Committee.

The work of a good legislator is vast, and our distinguished colleague has consistently assumed the many tasks before him with exceptional eagerness and ability. He is retiring from service in the House to seek office in the Senate. It is a position for which he is eminently qualified.

Certainly, his legislative talents and good company will be missed in the House. But while I regret his leaving this body, I wish him well in the many years of an outstanding public service career before him.

Mr. REID of New York. Mr. Speaker, MAC MATHIAS is one of the ablest Members of this body and if, as expected, he is elected to the Senate, the Members will deeply miss his friendship and counsel.

However, his leadership can have even greater scope in the Senate, and he can be counted on to be in the forefront of sound approaches to law and order with justice here at home and a creative foreign policy directed unmistakably toward peace overseas.

Serving on the Judiciary Committee, MAC MATHIAS has been in the vanguard of the fight for civil rights, frequently introducing key legislation before the administration. He and I visited Selma together and joined with several other colleagues in introducing the first voting rights act in this body.

Moreover, MAC MATHIAS has well understood the urgency and the imperative need to implement the Riot Commission report. While he has supported the Omnibus Crime Control and Safe Streets Act and strongly supports Federal funds to strengthen State and local police programs, he is aware that the root causes of injustice and despair must be met by programs of jobs, housing, and education.

MAC, all of your colleagues wish you the very best in the days ahead and continued and expanding service to the Nation.

Mr. RHODES of Arizona. Mr. Speaker, it pleases me to join my colleagues today in a well deserved tribute to Representative CHARLES McC. MATHIAS, who has served the people of the Sixth District of Maryland with wisdom and diligence for the past 8 years, and who is now a candidate to serve all the people of the State of Maryland in the U.S. Senate.

Mr. MATHIAS is highly respected on both sides of the aisle as an astute legislator and a dedicated public servant. He is well liked by his fellow Members, and although we will miss our daily contacts with him in the House of Representatives, we look forward to welcoming him back to Washington next January as a Member of the other body of Congress, where, certainly, his legislative skills and sound judgment will make him an outstanding Senator for the people of Maryland.

Mr. REUSS. Mr. Speaker, it is with a very deep sense of regret that I join with my colleagues today in paying a well-deserved tribute to MAC MATHIAS as he departs this House. He and I have worked together many times, and he is a man I am proud to call my friend.

From his first days in Congress, MAC impressed me with his courage, his compassion, and with the sturdy independence of his views. As a legislative craftsman and as a dedicated and responsible representative, he has few peers.

One special instance of his concern for those in need stands out in my mind—his work in helping to push through a rat-control program for our cities. From firsthand experience, I can say that were it not for his efforts we would have encountered a great deal more trouble in enacting this vitally needed program.

MAC, I salute you and—within limits—I wish you well.

Mr. McCLORY. Mr. Speaker, it has been my special privilege to serve on the House Judiciary Committee with Congressman MAC MATHIAS, who has been the overwhelming choice of the Republicans as that party's candidate for the U.S. Senator for the State of Maryland.

Having noted the conscientious and thorough work performed by MAC MATHIAS in the House Judiciary Committee and having observed also his effectiveness in debate on the floor of the House, I am confident that he can contribute immeasurably to the work of the other body during this critical period in our history. Congressman MAC MATHIAS has a sensitivity for human problems and needs which has characterized his legislative work. As a stanch proponent of equal rights for all citizens and as a firm adherent to the principle of equal justice under law, MAC MATHIAS has already made a lasting mark in the legislative history of our Nation.

I look for Mac Mathias to continue this record of dedicated service and to enrich the other body with his talents for public service and his perceptive judgment on the great issues of our time.

Mr. DICKINSON. Mr. Speaker, it is a privilege and an honor to pay tribute to a dedicated Member of the House, Representative Charles Mathias. I applaud his decision to enter the Senate race in Maryland.

His immutable belief in democracy, his parliamentary acumen, and his strong support of good government will be greatly missed in the House.

The Senate will be gaining a skillful and seasoned legislator, whose exemplary character and agile mind should make him a distinguished Member of that body.

Representative Mathias and I have had a close personal relationship; time and again he has won my respect and admiration for his conduct of committee affairs and for his informed remarks made on the floor of the House.

He will put his excellent leadership ability to good use in the Senate.

He is the type of dynamic leader that this country is much in need of during these times of crisis at home and abroad.

He presents a young and fresh image and he backs up that image with pragmatic action.

In every sense he is the hope of Maryland's citizens. His supporters can rest assured that they will receive unremitting effort for their support, effort directed toward providing a happy, prosperous, and secure country for all Americans.

I offer my most enthusiastic best wishes for a successful campaign. Charles Mathias has worked long and hard for the victory that he will inevitably and deservedly achieve.

Mr. VANDER JAGT. Mr. Speaker, I am pleased to join other of my colleagues in saluting Congressman Charles McC. Mathias, Jr., for his distinguished career in the House of Representatives.

He has made many valuable contributions to the legislaitve record of the House during the past 8 years. He will be missed in the House. I join in wishing him success in the next phase of his career as a dedicated public servant.

Mr. RODINO. Mr. Speaker, I am pleased to join our colleagues in paying tribute today to Charles Mac Mathias.

Although we sit on opposite sides of the aisle, I have considered it a distinct privilege to have worked with Mac on the Judiciary Committee. He is a most able and eloquent lawyer, a compassionate man of integrity and wisdom, and a man whom I am proud to call my friend.

He has served his constituency and his country with distinction, and I am glad to have this opportunity to add my every good wish for his future health and happiness.

Mr. FEIGHAN. Mr. Speaker, it has been my privilege and pleasure to serve with Mac Mathias on the Committee on the Judiciary and he has earned my high regard for his legal talent. I consider him an able Member of this body and understand his desire to seek new fields. I shall miss my colleague and I hope our paths will cross on future occasions. I join my colleagues in extending best wishes to Mac.

Mr. ANDREWS of North Dakota. Mr. Speaker, I am very happy to associate myself with the remarks of my colleagues paying tribute to our distinguished and close friend, Mac Mathias, who has made such a contribution to the legislative work and the overall spirit of the House of Representatives in his time here.

As we all know, the gentleman from Maryland is leaving us to seek election to the other body. He, being a farm Member, I am sure understands the necessity of long hours behind the plow in bringing success to the farm operation. I am sure it is with this same spirit that he is conducting his campaign and with his fine record and outstanding ability he will make a great contribution to the other body beginning next year.

Mr. VAN DEERLIN. Mr. Speaker, in voicing my regret at the forthcoming departure from the House of Charles Mac Mathias, I know that I but echo the feelings of every one of my colleagues. Those of us who have had the privilege of serving with him, from whichever side of the aisle, have developed a respect and admiration for him that is equalled only by our feeling of friendship.

Charles Mac Mathias demonstrated his leadership ability in the most gruelling of all tests, military combat, when he rose from the ranks of apprentice seaman to commissioned rank of ensign during World War II. He gave further evidence of that ability during four terms in the House. I know that in whatever position he fills, this ability will continue to be utilized on behalf of the Nation.

Mr. LAIRD. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague from Massachusetts [Mr. Morse] and to personally extend my best wishes to our distinguished colleague from Maryland [Mr. Mathias] as he leaves this body to seek another office.

Mr. Mathias' early service in the Maryland State Legislature and as an assistant attorney general of Maryland prepared him well for his distinguished service since his election to the 87th Congress.

I have been privileged to work with Mac Mathias since his arrival in the 87th Congress. Since that time, his work on two key committees of the Congress, the Judiciary Committee and the Committee on the District of Columbia, has clearly prepared him for the statewide office which he now seeks.

Mac Mathias has been a leader in his party as well as a real friend of his constituents in the Sixth Congressional District of Maryland. As an active member of the House Republican conference, Mac has served on our task force on congressional reform and on the task force on East-West trade.

Because of this broad and varied background, and because of the leadership which he has consistently exhibited in his approach to the critical issues, I am confident that Mac will have the support of the people of the whole State of Maryland when they go to the polls next month.

My best wishes go to Mac Mathias in all of his future endeavors.

Mr. McDADE. Mr. Speaker, I believe that everyone of us today who takes the time to pay tribute to my colleague, the distinguished gentleman from Maryland [Mr. Mathias], will find himself utterly frustrated as I am frustrated by the problem of putting into words a feeling that is too deep to be expressed.

For 6 years I have worked closely with my colleague from Maryland. In those 6 years we have become, I hope, fast friends. I have observed his work here in the Congress. It is outstanding work which has brought honor and distinction to him among all of his colleagues here on the Hill. I have watched him in his work on the committee. I think it would be safe to say that no man in the Congress enjoys the respect of this committee more than the gentleman from Maryland does.

As we all know, the gentleman has chosen to run for election, not for a new term here in the House of Representatives, but for the office of U.S. Senator from Maryland.

The people of Maryland will have an opportunity to choose this fine gentleman as their Senator. If they do so, they will not be disappointed but will, rather, find him a responsible man who knows well how to represent an entire State, just as he represented his congressional district.

I wish the good gentleman from Maryland well on his departure from the Congress. Should he be elected to the other body—and I have every reason to believe the wisdom of the people of Maryland will elect him—then we will see even new and more distinctive work by the gentleman when he is a Member of the other body.

When this gentleman is elected to the Senate, I know we will all have an opportunity to work closely with him once again. I am sure that we will see his name on a great volume of wise legislation in the future, just as we have seen his name on wise legislation in the past. I wish the gentleman well in his quest for the office of Senator, and I certainly hope that his entire future life will be a happy one.

Mr. BELCHER. Mr. Speaker, I appreciate this opportunity to join my colleagues in honoring the gentleman from Maryland, Charles Mathias, who is giving up his seat this year to seek election to the U.S. Senate.

Down in Oklahoma people are prone to talk with a good deal of consternation and even indignation about what we refer to as "the brain drain." They are talking about the fact that youngsters whom the taxpayers of our State have provided with elementary, secondary, and college education of the finest caliber are lured away from Oklahoma by the glitter that is not always gold of career opportunities in other of our sister States which appear more attractive than those we can offer. I am reminded of this situation because it is almost a parable on the mass exodus of bright young talents which this body has raised up who are being lured away in this election year by the attractions of that other body. It is my fervent hope that MAC and the others will not be disappointed, as so many Oklahoma youngsters have been, to discover that all which glitters is not gold.

Seriously, I am proud of MAC MATHIAS and the contribution he has made as a Member of this House during his four terms here. Because of his energy and hard work and his sincerity in seeking workable solutions to the serious problems our country faces in this time, MAC MATHIAS influence in this body has been considerably greater than the length of his service would ordinarily suggest. His record is one which newcomers to this body can profit from studying.

I have enjoyed my association with MAC during these past 8 years. MAC, I wish you every success in your campaign for election to the Senate. It has been a pleasure to work with you, and I am sure our colleagues will agree that this body's loss will be the other body's gain and that your great talent, though always valued here, is much more sorely needed over there.

Mr. **RUMSFELD**. Mr. Speaker, it is an honor to pay tribute today to our colleague, the gentleman from Maryland [Mr. MATHIAS], who has elected to retire from service in the House.

Because I am fully aware of the many and significant contributions he has made here in the House of Representatives during the past 8 years, it is with regret that I see him leave.

I have known "MAC" MATHIAS for 6 years as one of the most industrious and thoughtful Members of the House. His reputation for exercising legislative initiative is well known. Perhaps not so well known is the record he has earned as a hard-working, conscientious member of the House Committee on the Judiciary and the Committee on the District of Columbia. "MAC" has been in the forefront of the Judiciary Committee's efforts to develop meaningful legislation in the areas of civil rights, immigration, and numerous others. He has been a leader in the District of Columbia Committee in bringing about much-needed improvements in the government of our Nation's Capital.

Another great achievement in the House career of this distinguished gentleman has been the diligence with which he has represented the people of the counties of Montgomery, Baltimore, Howard, Frederick, Allegany, Carroll, Garrett, and Washington. Evidence of the quality of his service may be seen in the decisive majorities which were given to him in the general elections of 1962, 1964, and 1966. He has truly been responsive to the needs of the people and always loyal to the high principles which have guided his career.

Mr. **WHALLEY**. Mr. Speaker, I wish to join with my fellow colleagues at this time in honoring the Honorable CHARLES McC. MATHIAS, who will be leaving the House of Representatives at the end of the session of Congress.

Congressman MATHIAS has distinguished himself as a man of integrity and tremendous ability, and has been a true asset to the Congress, to his State, and to the Nation.

His insight into the problems of contemporary America, and his acute desire to find solutions to these problems, have gained for him our greatest admiration and respect. MAC MATHIAS has been an inspiration to us all, and he will be sadly missed by this body of legislators, which he has served so well.

It has been a privilege and an honor for me to serve with Congressman MATHIAS since we were both elected to Congress in 1960.

I know that the gentleman from Maryland [Mr. MATHIAS] will continue to serve his State and his Nation, and I want to extend my very best wishes to the Congressman and his family for every success in the future.

Mr. **CAHILL**. Mr. Speaker, I am pleased, indeed, to join my colleagues in paying a deserved tribute to Representative CHARLES McC. MATHIAS, JR., as he prepares to leave the House of Representatives for service in the other body. I have known MAC MATHIAS since he was elected to the 87th Congress in November 1960. He was appointed to the Judiciary Committee on which I have the good fortune of serving as a member. As members of the committee, MAC and I had a close, personal working relationship which brought us into daily contact with each other. As a result I came to know MAC MATHIAS on a very personal basis. I have always found him to be a gentleman, a man of his word, and an industrious, able, and dedicated Representative of the State of Maryland. MAC MATHIAS has an outstanding background and is known to be one of Maryland's ablest lawyers. I am certain that the experience that MAC has gained in his four terms in the House of Representatives will be of inestimable aid to him in the years ahead, as he continues his service to his State and Nation on the other side of the Capitol.

Betty joins me in wishing him continued success and happiness.

Mr. **WHALEN**. Mr. Speaker, I would like to pay tribute at this time to our distinguished colleague from the State of Maryland, the Honorable CHARLES McC. MATHIAS, JR.

After 8 years of accomplishment in the House of Representatives, "MAC" now is planning to move to the other side of the Capitol.

His name was always a familiar one to me before it became my honor to become his colleague in this 90th Congress. His record of accomplishment is substantial and perhaps the most noteworthy was his fine work in connection with the Civil Rights Act of 1966.

I consider it a great pleasure to have worked with "MAC" MATHIAS, the dedicated and outstanding gentleman from Maryland.

Mr. **McCULLOCH**. Mr. Speaker, the departure of my close friend, MAC MATHIAS, to answer the continued call of public service fills me with mixed emotions. I am pleased that his great talents will continue to benefit in an expanded forum, the citizens of Maryland and yet I shall miss his great ability and assistance in the Committee on the Judiciary and in the House.

MAC was a tireless worker and brilliant lawyer whose impact and influence in judiciary surpasses easy description. Both in and out of the committee, MAC continuously and successfully strove for equal opportunities and rights under our Constitution for all citizens. His prominent role in helping to fashion and in enacting human rights legislation in 1963, 1964, 1965, 1966, and again in 1968 have earned him a well deserved place in the history of social progress and in the eyes and hearts of his countrymen.

MAC was also an indefatigable exponent of progressive legislation in other fields. His concern with and efforts to promote thoughtful reforms in the District of Columbia, international affairs, criminal law, and civil liberties are also well known. For the past 8 years, many of us have turned to MAC for his counsel on these and the other great issues of our times. He will be missed in the House and his place will not easily be filled.

But the knowledge that MAC will be deeply invoved in continued pubic services will reduce our feeing of loss here in the House. MAC's impressive background as a lawyer in government—in Frederick City, the Maryland House of Delegates and in the office of assistant attorney general of Maryland—has admirably equipped him to reach new heights as a representative of the best interests of the people of Maryland and the Nation.

CANDIDATE NIXON AND THE CALIFORNIA FARMWORKERS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. O'HARA] is recognized for 10 minutes.

Mr. **O'HARA** of Michigan. Mr. Speaker, a September 5 statement by Richard Nixon on the California grape boycott was recently called to my attention. This statement describes the boycott as "clearly" illegal, and urges Vice President HUMPHREY to "immediately" withdraw his endorsement of the grape boycott. Mr. Nixon's reasoning is as follows:

> We have laws on the books to protect workers who wish to organize; we have a National Labor Relations Board to impartially supervise the election of collective bargaining agents, and to safeguard the rights of the organizers.

Having said this, the statement asserts that the dispute cannot be solved "by a descent into lawlessness." It concludes that the dispute "can only be resolved by farmers and farmworkers discussing mutual problems in good faith and always within the framework of law that protects the individual interest and the public interest."

With this statement, Mr. Nixon has succeeded in misrepresenting the law, and ignoring the underlying problem in the grape boycott. The present "laws on the books" do not protect farmworkers who wish to organize; the National Labor Relations Board has no authority under present law to impartially supervise the election of collective bargaining agents for farmworkers; it has no authority under present law to safeguard the rights of organizers of farmworkers. Farmworkers have been excluded from access to Federal labor law since the Wagner Act was passed in 1935. They do not have the same rights which "the laws on the books" give to other American workers.

One might believe from this statement that Mr. Nixon does not really understand the status of agricultural employees under Federal labor law. But this explanation must be dismissed. While serving in the House of Representatives, Mr. Nixon was a member of the Committee on Education and Labor which reported the Taft-Hartley bill. His own statement refers to his knowledge of labor matters gained by his "experience" in the 1959 steel strike. He, therefore, certainly knows that farmworkers have been forced to resort to the grape boycott precisely because they have been excluded from the coverage of the "laws on the books"—the Taft-Hartley Act. For this reason, I have sponsored H.R. 16014, which will extend Federal labor law to agricultural employees, and will thereby provide well-tested mechanisms for the resolution of disputes like that giving rise to the grape boycott. I might add that the United Farm Workers Organizing Committee, representing the farmworkers, supports this bill. Mr. Speaker, if, as Mr. Nixon alleges, there is any "lawlessness" relevant to the grape boycott, it is the lawlessness which results from the failure of Congress to act to make applicable to farmworkers the same law which has been applicable to virtually every other American worker since 1935. It is a crude deception to condemn the grape boycott as a "descent into lawlessness," while referring to laws which someone of Mr. Nixon's background knows full well do not apply to farmworkers. It appears to me that Mr. Nixon's statement on the grape boycott is just one more dreary example of the tactics of misrepresentation which have been associated with earlier Nixon campaigns, and which have surfaced again this year.

I would also call my colleagues' attention to a September 27 article which appeared in the McClatchy newspapers in California, pointing out that Mr. Nixon's staff ignored advice from a distinguished Republican Member of the other body that he not use the statement on the grape boycott because of its misrepresentation. The article quotes a source as stating:

> There is no question that Nixon was forewarned about (the statement's) inaccuracy but still went ahead and put it out. This mistake can't be blamed on staff workers.

I think the American voters can legitimately question the good faith of a candidate for President who, with knowledge of a statement's inaccuracy concerning our laws, still issues that statement.

For the Members' interest, I refer them to House Report No. 1274 of this Congress. This is the committee report on H.R. 16014, a bill to extend basic Federal labor law to farmworkers. I also insert Mr. Nixon's statement and the news article.

THE ILLEGAL GRAPE BOYCOTT

(Statement by Richard M. Nixon, September 5, 1968, San Francisco, Calif.)

SAN FRANCISCO.—The California grape boycott has become a national issue; across the continent, labor day paraders carried signs that read "Boycott California grapes." And Hubert Humphrey has gone on record publicly endorsing this form of illegal economic pressure.

I strongly disagree with Mr. Humphrey on this issue; it illustrates another sharp difference in our basic philosophies.

The secondary boycott of California grapes is clearly an illegal boycott. It is to be condemned with the same firmness we condemn illegal strikes, illegal lockouts, or any other form of lawbreaking.

We have laws on the books to protect workers who wish to organize; we have a national labor relations board to impartially supervise the election of collective bargaining agents, and to safeguard the rights of the organizers.

These laws are designed to protect both the workers who wish to join a union and the workers who do not. These laws must be vigorously upheld. I say the law must be applied equally to all; once you begin playing political favorites or knuckle under to power brokers in law enforcement, you abdicate your responsibility to all the people.

Responsible labor leadership and thoughtful workingmen respect this point of view; in my experience settling the nationwide steel strike during the Eisenhower administration, I found that labor's best negotiators respected firmness and fair play at the highest levels of government.

The dispute in California cannot be resolved by a descent into lawlessness; it cannot be resolved by equating farm problems with industrial production problems; it cannot be resolved by political candidates paying off political debts.

It can only be resolved by farmers and farm workers discussing mutual problems in good faith and always within the framework of law that protects the individual interest and the public interest.

To maintain consistency in support of the rule of law, Mr. Humphrey should immediately withdraw his endorsement of the illegal boycott.

NIXON MEN IGNORED WARNING ON ERROR

(By Leo Rennert, McClatchy newspapers staff writer)

WASHINGTON.—Richard M. Nixon's high command ignored a warning passed along by Sen. Edward W. Brooke, R-Mass., that the former vice president would be untruthful in claiming there are legal avenues for farm workers to pursue their union organizing objectives.

The Republican presidential candidate nevertheless went ahead and issued the erroneous statement in San Francisco Sept. 5—even though Brooke had counseled one of his aides on the campaign plane a short while earlier that it first be reviewed for accuracy.

Brooke's futile advice was disclosed today by an informed source on Capitol Hill and confirmed by Alton Frye, the senator's legislative assistant.

"The senator raised the question of accuracy and suggested that the statement be reviewed before being issued," Frye declared.

BLASTED BOYCOTT

Nixon blasted the California grape boycott as illegal when he arrived in San Francisco, arguing farm workers have legal remedies to obtain union recognition.

"We have laws on the books to protect workers who wish to organize," he declared. "We have a National Labor Relations Board to impartially supervise the election of collective bargaining agents, and to safeguard the right of the organizers."

His statement was immediately contradicted by union and government officials, who pointed out that farm workers are specifically excluded from NRLB coverage.

Lack of such coverage also was cited earlier this year by California Gov. Ronald Reagan as the reason why, in his words, "It is legal to institute secondary boycotts against farm products."

"Brooke found out what was in the Nixon statement when they were still on the plane and immediately pointed out that it was inaccurate," said one informant. "Brooke recommended that it not be used. But the statement was not corrected.

"There is no question that Nixon was forewarned about its inaccuracy but still went ahead and put it out.

"This mistake can't be blamed on staff work. Nixon, who helped write the Taft-Hartley Law when he was in Congress, is too experienced in labor law."

TRAVELS WITH NOMINEE

Brooke, a liberal Republican, has accompanied Nixon on several campaign tours. But there have been growing indications he has not been successful in influencing the candidate to take a more moderate position on such issues as law and order, race relations, and ways of handling poverty problems.

In discussing Brooke's concern about the accuracy of the Nixon statement on the grape boycott, Frye expressed reluctance to go into every detail.

"The senator wants to make his counsel effective and if differences between him and Nixon get publicized, we write ourselves out," he remarked.

Frye said he is "reasonably"—but not absolutely—sure Brooke did not talk directly with Nixon on the plane about the boycott statement but mentioned his reservations to a member of Nixon's policy staff.

Brooke's comment, he said, was:

"I think it is inaccurate and it ought to be reviewed."

Brooke supports legislation to extend NLRB coverage to farm workers. Under such coverage, agricultural workers could petition the NLRB to conduct bargaining representation elections.

If successful in such elections, their unions would have to be recognized by growers who would be legally required to bargain collectively with union representatives.

By the same token, growers could invoke NLRB machinery to protect themselves against secondary boycotts.

NEW HOPE FOR RURAL AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. RANDALL] is recognized for 10 minutes.

Mr. RANDALL. Mr. Speaker, our farmers set the tables of the people of this Nation with the best and most nutritious food in history. Yet, as they reach new production records their own incomes decline. Today, our farmers are bypassed by the unprecedented prosperity enjoyed by all other segments of our economy. Unless some solution can be reached, its own productive genius may make farming a self-consuming profession. The year 1968 may be one of our best crop years. But the success of getting maximum yield from our land—this very success—will cause prices to go plummeting.

There is no magic answer in or out of Congress for the problems of our farmers. Since coming to Congress 10 years ago, I have supported every farm bill that has passed the House. Like some of the farmers I represent, I have not been wholly or completely enthusiastic about all of these programs. But I have always regarded existing legislation as giving some help and assistance until better answers can be found for the problem of declining farm income and rising farm costs.

I want to make it very clear I have little patience and somewhat less respect for those who seize upon present farm frustrations as a political issue. The important question to ask these vocal critics is, What have they to offer as an alternative in the form of a solution?

There is a substantial number in our country today who honestly believe all existing farm legislation should be repealed. They believe farmers should return to a completely free market operation. I happen to be one who thinks it is a laudable goal to try to preserve the family farm. Even those who advocate repeal of present farm programs usually would have the program phased out gradually over a long period of time. They will usually acknowledge that if we remove all farm subsidies and return to a completely free market operation quickly or suddenly, there could be a farm price disaster.

I will be frank to admit that I am no farm expert. There are already far too many self-professed farm experts who stand ringing their hands while our farm income goes on down and down.

Therefore, it is in all humility that I offer a proposal which I believe may be a workable solution to the farm problem. I am convinced we must find some alternate way through which the level of income in the countryside can be increased. I suggest there must be another source of income other than farming alone in the rural areas and the small towns of America. If this proposal proves to be workable, it will not only go far in solving the economic problems of rural America, but, at the same time, will serve as a start toward solving the problems of our cities.

It should be recalled that commencing in 1961, Congress passed several RAD—rural area development—programs. I supported all of these programs. I regarded each of them as a tool for rural development. While most RAD proposals over the years were made law, I regret to acknowledge the followup appropriations have been much too small. I have reference to new medical facilities for rural communities, expanded programs of vocational education and the job retraining programs. I refer also to the programs which have been added under the Farmers Home Administration to provide loans and grants for water and sewage facilities for small communities. In some areas, rural water supply districts have been completed. I supported these RAD programs because I believe this is what farmers want most: A way to help themselves. Many of these enactments have contributed to making rural living more convenient and more pleasant. But one thing is missing. That is a strong, meaningful, incentive for locating new economic opportunities in rural America to supplement farming as the sole or single economic factor.

In furtherance of this theme, I have introduced two measures which, when enacted, will provide incentives to encourage industry to locate away from the urban areas.

The first of my bills is H.R. 19130, which I have described as the Rural Revitalization Act. It provides for doubling the 7-percent tax incentive now in present law to those industries that will expand or build new plants in rural areas or small towns. There is a real hope here that relocation of industry in the rural areas may be attracted by such an incentive. Impetus may well be added by the fact industry is today facing high taxes and high land costs in the urban areas. There has been written into my bill a safeguard to protect against the overestablishment of such industries in order to avoid transforming our idyllic rural communities into industrial complexes. There is a strict requirement that employees manning these new industries must be drawn from local residents or nearby communities.

Then, in order to further assist rural areas, towns and smaller cities that wish to conduct programs of their own to attract new industries to their midst, I prepared and introduced another proposal, H.R. 19120, which increases from $1 million to $5 million the amount of industrial bonds which may be issued by these smaller communities, tax free. My bill will permit local organizations and local leaders to sell such tax-free bonds—being thereby more attractive to purchasers—for the purpose of constructing new buildings, stores, warehouses, and other facilities for those industries that agree to locate in such areas. Our bill also contains the requirement that local residents be given priority in filling the jobs available under this provision.

Although my measures contain only those provisions enumerated, it is my belief other inducements or incentives to encourage industry to locate in small towns may have to be subsequently added. Accelerated depreciation should be offered and, in some instances, as much as a 125-percent deduction for wages paid workers employed in those communities which meet a predetermined status as a low-income area.

There is one phrase more than any other that describes the rural-to-urban population shift which has been going on for the last 20 years, or since the end of World War II. That phrase or expression is "rural-urban imbalance." It may be an imperfect expression but it describes the paradox of crowding 70 percent of our population into about 1 percent of our continental land mass. Low farm income due to technological changes has caused displaced farmers to compound the intense overcrowding that has, in turn, led to the urban blight. It can be said with complete accuracy that the urban crisis in this country has been, to a large degree, imported from the country.

What we have in America today is a single problem. It is both rural and urban. We will never achieve permanent urban renewal unless we achieve rural revitalization. These are not two separate problems. They are, instead, two sides to the same problem. The one single problem is rural-urban imbalance. It is futile to treat the effects without first treating the cause. The problem of our cities depends upon stopping and, hopefully, reversing the flow of people into the cities. The urban crisis today is an outgrowth and direct result of the rural crisis that began to develop a decade or two ago. The influx of many millions who were ill equipped to find employment or even to adjust to the tension-filled environment of our large cities has been brought into sharp focus in the last few years by the occurrence of violence which has plagued our cities. The imbalance of population has been the spark for the growing concern about the environmental ills in our cities, as well as the social ills of our slums. Congested traffic, polluted air and water, overcrowded schools, skyrocketing crime rates, overburdened local governments, make far too many of our U.S. cities almost intolerable for family living.

The size of the urban crisis is dramatized by the estimated cost of its solution. Mayor Lindsay of New York says he needs direct Federal aid in the amount of $50 billion. Mayor Cavanaugh of Detroit says his embattled community will need $20 billion. For my part, I am convinced there is not enough money in our Treasury or even in the entire world to rebuild all of our cities into "model cities" even if we started the printing presses turning out some new kind of Government scrip. The total cost could well be a trillion dollars for these reconstruction efforts. Yet, what is accomplished to rebuild one ghetto, if another springs up beside the old one due to the uninterrupted migration into our great cities? And who should insist there is some immutable demand that we spend this kind of money on our cities? Rather, we should look at the causes of this urban separation because it is pointless to stack people on top of people or to pile them in our cities like cordwood or like sardines in a can. Someone has said that a city becomes almost unmanageable or, at least, cannot be efficiently managed when it exceeds a population of 2 million.

In terms of cost, my proposal will result in some temporary loss of revenue because of these tax credits. But it will be very miniscule in comparison with the huge costs of welfare payments for the jobless in our cities, which include those displaced rural people who have migrated to the urban areas.

It can be successfully demonstrated that no revenue loss will be sustained or entailed by either the enactment of my rural revitalization bill or the bill providing for tax-free industrial development bonds. The reason is that both will stimulate the investment of private capital. In neither bill are benefits available without the addition of private funds. Moreover, we contemplate the use of capital which—without the provisions of these bills—would not be used for the benefit of rural areas. Both of these bills will generate future payments of both individual and corporate tax.

My bills would stimulate private industry to create jobs. These tax credits should be regarded as "seed" to make self-supporting, constructive people out of rural residents who were beginning to lose hope. These proposals will make taxpayers out of what otherwise would be welfare recipients if they should leave the country to go into the city. No matter how you slice it, these tax incentives would cost only a fraction of the cost to rebuild our decaying cities. Certainly the dollars from these tax credits would be stretched much farther than an equal number of dollars spent in the ghettos of the cities. The almost unbelievable characteristic of both of my bills is that they would require no appropriations from the Treasury.

The proposal outlined by my bills is a big undertaking. Will it work? Certainly it will not be easy to make it work. It is a big job. A hard job. Yet, I have never seen a farmer yet, or a resident of our small towns, who would shrink from a job just because it was a hard job. Local leadership is an important ingredient in this plan. Your Government can provide loans and grants but it cannot instill in a community the desire for improvement which has to come from local leadership. I am convinced there is leadership in our rural areas. All of the people in America have read about, and seen the pictures of, what those of us in Washington witnessed firsthand this spring. I refer to the flames that burned sections of our Capital City. This could well be a harbinger of worse things to come unless our urban areas can be somehow, some way, changed for the better.

It has been pointed out that in a matter of within 20 to 25 years there will be a continuous megalopolis extending all the way from Boston to Washington and again all the way from Los Angeles to San Diego, creating unbelievable, even unpredictable urban problems.

It is in order to ask once again, can we achieve better rural-urban balance? Well, there are some examples already working. There is TENCO—10 counties—in Iowa; there is Little River in Arkansas; there is a five-county area in North Carolina; there is a 17-county area in Georgia. In each of these there has been rapid industrial growth because the several counties joined together with enlightened thinking to plan a regional development harnessing all the resources of a region consisting of several rural counties. With these locations as working examples, I am encouraged that which is proposed by my two bills—and companion measures of my colleagues—is not so wild a dream. The examples enumerated show that industry can be brought to rural America because it is being done right now in the areas enumerated.

There is enough breathing space for all of us. There is enough land for all to be uncrowded if only this present imbalance can be removed. Polls show a majority of 56 percent of Americans would prefer to live in the uncluttered pure air areas in the wholesome environment of rural America. We are offering a better alternative to the jampacked, tension-filled, riot-torn, overcrowded conditions in the concrete canyons of our larger cities.

I hope I have not left the impression that by the offering of tax incentives, accelerated depreciation, expanded cost deductions, and other inducements that those things are all that is needed to make this new rural area development workable. The solution is not quite that simple. One reason is that when industry is attracted by these tax credits businesses will find they have their own internal problems to induce good management personnel to locate in outlying areas. This means other components will have to be added to the tax incentives as part of the package to make it workable. Specifically, this will call for better schools, better housing, and recreational advantages.

Already on the statute books are Federal assistance to education programs that are focused directly at lower income areas. This assistance is available for the construction of new facilities, as well as a partial contribution to operational purposes. Now, in 1968, for the first time, I can point with pride to a housing bill passed this summer that is truly a landmark bill. For many years, it was hard to get credit to build a house in rural areas. Our 1968 housing bill contains provisions oriented to the rural areas. Lack of recreational advantages may be an obstacle for some parts of countryside, U.S.A. Not so in Missouri. We are bountifully blessed in beautiful Missouri with our readymade Lake of the Ozarks and Taneycomo. We have the new Pomme de Terre and Table Rock Lakes. With the cessation of the Vietnam conflict we will move forward toward more rapid completion of our nearby Kaysinger Reservoir.

Critics may, with propriety, point out there can be no industrial development without a labor supply. What about our labor supply? Once again, in west-central Missouri, in the area it is my privilege to represent, we have the answer. In our countryside, I am proud to say, reside the best people on earth. It is the home of people well above the average intelligence. True, we may need some grants for MDTA—Manpower Development Training Act. That need brings us back to the requirement for improvement of the schools in our rural areas. While better schools are needed for the children of management, the very same buildings will be needed to provide top quality training for adults who need to learn new skills to hold the jobs in the industry that will be coming their way.

Another ingredient as necessary for industry as a good labor supply is an available source of power or energy to run the plants. Here once again, we are blessed in west-central Missouri. The reason is that our rural electric cooperatives and their sister investor-owned electric companies have generating facilities as well as lines which crisscross all over our countryside. They are already well equipped to serve this new industry. In the language of the engineer, they are geared up or tooled up, ready to go. In the words of the accountant, they are "going concerns" ready to serve new industrial customers now.

I have confidence mine and similar proposals will bring relief to our inner city ghettos and even to those fringes of the cities plagued by suburban sprawl. Both are impacted with too many people and too little space. I have confidence we can solve the existing imbalance between our countryside and our great cities. We should remember we are the people who marched across 3,000 miles of wilderness. We subdued that wilderness and built a civilization on it that has conferred more bounty on more of its people than any other civilization in the history of the world. Surely, if we can send a man to the moon, we can more evenly distribute our people over the land.

The big obstacle in our path is, I think, a lack of belief that we can change the future. Far too many are complacent enough to believe that we are prisoners of events, rather than masters of them. I am hopeful that the legislation which I have introduced, along with that of my colleague, will serve as a tool to restore the proper rural-urban balance or greatly assist in relieving the existing imbalance in population. If we are blessed to see this come to pass rural America can once again become a full partner in the life and prosperity of our Nation.

Those who take the time to read my proposal may think it is strange that we may approach the farm problem with nonfarm solutions. But recall that is frequently the method of the medical profession. That is, to use a counterirritant. My proposal is essentially a program for getting answers for the problems of rural America by importing nonfarm opportunities for economic and personal betterment to the people in the countryside.

Let me hasten to add there is nothing at all in my proposals which I have introduced which militates against those in our rural areas who may wish to continue farming and find it profitable to do so. Not one single aspect of any farm program on the statute books today will be altered in any way if my bills are enacted. The Congress recently extended the existing farm programs for 1 year. Other farm legislation is needed, including legislation to spell out the rights of farmers to join together in bargaining organizations in order that our farmers may enjoy the benefits of some type of collective bargaining.

Honestly and sincerely, I believe the solution to the farm problem and the way to rekindle hope lies in this proposal to increase the income of the residents of our rural areas and towns. Rural America holds the key to the future happiness and prosperity of all the people of our great Nation, both urban and rural. We can and we must make the American countryside into America's new land of opportunity. At the very top of the list of priorities for the new Congress should be the reintroduction of measures such as ours. I hope I may have the opportunity to be of some assistance in this effort during the 91st Congress.

THE RIGHT HAND OF BUREAUCRACY IN WASHINGTON DOES NOT KNOW WHAT THE LEFT HAND IS DOING

Mr. ZION. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ZION. Mr. Speaker, apparently, the right hand of bureaucracy in Washington does not know what the left hand is doing.

On September 12, the Director of Public Roads issued a memorandum in which he said that authorization to States for bids on highway construction was suspended until further notice. On that day, I addressed a letter to the Bureau of the Budget, pointing out that this would create unemployment, and would make idle millions of dollars worth of men, machines, and material. I further pointed out that while highway construction has lagged, taxpayers were pouring their dollars into the trust fund designed for highway construction. Later I offered a petition to the Director of Public Roads, requesting that the stop order be rescinded. Mr. Speaker, this was signed by both Senators and all 11 Congressmen of the Indiana delegation.

My colleagues should be interested in the different reports from these two agencies.

The Bureau of the Budget responded to me that the—

> Secretary of Transportation plans to authorize the State to step up obligations to a level which will allow the total Federal aid highway program to approximate its original plan, $4.8 billion limit in fiscal year 1969.

On the same day, the Director of Public Roads responded:

> This action was necessary in order to reduce cash expenditures for the highway program by $200 million during this fiscal year.

Now, Mr. Speaker, if the Bureau of the Budget says the expenditures are merely delayed from the first half to the second half of the fiscal year, and the Department of Transportation says that the cost for the fiscal year are to be reduced, which of these administration officials are we to believe? If this fiscal gimmick is designed to reduce spending during the Johnson administration and increase it under the first 6 months of the Nixon administration, this would appear a cruel method of deceiving the American public.

As of this date, the Indiana traffic death rate is running well ahead of last year. In order to reduce this death rate, it is essential to maintain and continue highway construction. We must not let politics stand in the way of safe, dependable highway construction.

HUMPHREY'S ADVISERS APPARENTLY UNCONCERNED ABOUT ORGANIZED CRIME

Mr. POFF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, a few weeks ago Vice President Hubert Humphrey released to the public a document that purported to be the report and recommendations of his Task Force on Order and Justice.

I read it very carefully at the time, particularly that section devoted to organized crime. I was instantly struck by the fact that Mr. Humphrey's advisers appeared somewhat unconcerned about organized crime since only three of 49 pages were devoted to that very important subject.

I was also amazed to note that the Humphrey task force did not deal at all with title III of the recently enacted omnibus crime bill. This relates to court supervised electronic surveillance and, in my view, there can be no serious compilation of organized crime measures which avoids taking a position, one way or another, on the use of electronic surveillance.

The omission of any discussion of title III from a task force report which took a position on just about every other crime proposal under the sun and which attempted to cover the subject of crime from A to Z cast serious doubt, in my mind, on the expertise of Mr. Humphrey's crime experts. It now appears, however, that this doubt was misplaced.

In Monday's St. Louis Globe-Democrat there appeared a newsstory headlined "Humphrey Chopped Eavesdrop Proposal in Crime Panel Report." According to the Globe, Mr. Humphrey's task force did, in fact, consider electronic surveillance and the report of the task force did, in fact, contain a recommendation concerning it.

The substance of the Globe's story was that the task force was almost unanimous in strongly recommending the controlled use of electronic surveillance in organized crime cases. This recommendation was contained in the task force report delivered to Mr. Humphrey but it was deleted from the version he later released to the public with his endorsement.

At this point I would like to insert the full text of the Globe story into the Record:

Humphrey Copped Eavesdrop Proposal in Crime Panel Report

(By Edward W. O'Brien)

Washington.—Hubert H. Humphrey omitted from his recent "blue print for order and justice" a key recommendation by his advisory task force for use of legalized electronic eavesdropping in organized-crime cases.

The deletion, which has not been disclosed until now, was attributed by some task force members to fear among the vice president's campaign strategists of alienating liberal voters.

When Humphrey issued what he said was the task force report on Sept. 16, he gave the contents full support and said he agreed wholeheartedly with the task force findings.

"Let me be very clear on the meaning of this report," the vice president said in an accompanying press release.

"Its judgments are my judgments.

"Its recommendations are my recommendations, and as president, I will seek to implement them"

However, Humphrey did not make known a significant difference between the task force report issued by him and the report approved by the group, which was headed by Harvard University Professor James Q. Wilson and included other experts on law enforcement.

The difference was that the task force had concluded that controlled use of electronic surveillance—mainly wire-tapping and room-bugging—was necessary and that the authority granted by Congress in the Crime Control Act should be utilized.

In his version of the task force report and in his own statement, Humphrey, though calling for other steps against organized crime, was silent on electronic eavesdropping.

One task force member reacted with surprise when asked by the Globe-Democrat about why the report as issued by the vice president said nothing about eavesdropping, which is currently a burning topic among law agencies attempting to deal with Cosa Nostra and other underworld elements.

"I didn't recall we were silent," the task force member replied.

Another member who was questioned knew about the deletion but said he had been "told" about it—not consulted.

Like the other task force member, he said he was disappointed inasmuch as the recommendation for controlled eavesdropping had been almost unanimous.

Of the 12 task force members whose names have been disclosed, only one had been "clearly against" the recommendation, he said, and another had "political doubts."

The general conviction among the others, he said, was that when Congress spoke in authorizing eavesdropping, the executive branch should comply.

In formulating their recommendation to Humphrey, the task force agreed that the eavesdropping question comes down to whether the electronic provisions of the 1968 Crime Control Act should be utilized.

President Johnson and Attorney General Ramsey Clark believe that these provisions should be repealed and have vowed not to use them except in national security cases, the task force noted.

Then the task force took the position that organized crime is such a severe threat to the security and freedom of the nation that surveillance, under the safeguards required in the law, is necessary.

Prosecution of top-level organized crime figures cannot proceed without such surveillance, the task force agreed, because of the difficulties in obtaining testimony from live witnesses, who often are threatened or bought off by hoodlums.

The task force recognized that unregulated use of eavesdropping can be an invasion of privacy but felt that careful use of the devices will help eliminate the threat to privacy and freedom raised by the power of organized crime.

The task force also gave emphasis to the fact that controlled electronic surveillance has been recommended by many other prestigious groups, including Johnson's National Crime Commission, the National Council on Crime and Delinquency, an American Bar Association advisory committee, the National Association of Attorneys General, the National Association of District Attorneys, and the Association of Federal Investigators.

Headed by Dr. Wilson, a Harvard professor of government, the task force included as members Berl I. Bernard, former director of the U.S. Commission on Civil Rights; Dr. Alfred Blumstein, former associate director of Johnson's National Crime Commission; Lloyd E. Ohlin, Harvard law professor and former associate director of the crime commission; James Vorenberg, Harvard law professor and former executive director of the crime commission; Vincent L. Broderick, former police commissioner of New York City; Police Chief Herbert T. Jenkins, Atlanta, Ga.; and Stanley Lowell, former deputy mayor of New York City.

Mr. Speaker, relying upon the usual accuracy of the Globe Democrat, let me point out two very substantial conclusions to be drawn from their account concerning the desire and the ability of Mr. Humphrey to wage war on organized crime.

First, Mr. Humphrey has rejected the best advice of his own handpicked crime experts, to say nothing of rejecting at the same time the advice and recommendations of President Johnson's Crime Commission, the Judicial Conference of the United States, the American Bar Association, the National Association of State Attorney's General, the National District Attorney's Association, the National Council on Crime and Delinquency, the Association of Federal Investigators and just about every knowledgeable law enforcement official in the country. Mr. HUMPHREY also rejected the advice and recommendations of the Congress of the United States. When we overwhelmingly enacted title III we did not intend that it be ignored.

Second, Mr. HUMPHREY has now placed himself squarely in the shoes of Attorney General Ramsey Clark. Mr. Clark has been stubborn and unyielding on this issue for more than 2 years, and like Mr. HUMPHREY, he too has rejected all of the best advice surrounding him. Where war on crime is concerned there appears to be little difference between Mr. Clark and Mr. HUMPHREY. There is no longer any doubt that if elected Mr. HUMPHREY would either continue Ramsey Clark in office as Attorney General or, as is more likely, he would simply replace him with a carbon copy.

Mr. Speaker, this Nation cannot afford 4 more years of Ramsey Clark or someone just like him in the Justice Department.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MORGAN, for 60 minutes, Tuesday, October 8, on the late Honorable Elmer J. Holland.

Mr. MADDEN, for 30 minutes, on Monday, October 7, and on Tuesday, October 8, for 30 minutes.

Mr. CLEVELAND, for 60 minutes, tomorrow, October 3; and to revise and extend his remarks and include extraneous matter.

Mr. RUMSFELD (at the request of Mr. CLEVELAND), for 60 minutes; and to revise and extend his remarks and include extraneous matter.

Mr. O'HARA of Michigan, for 10 minutes, today; to revise and extend his remarks and to include extraneous material.

Mr. RANDALL, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ARENDS) to revise and extend their remarks and to include extraneous matter:)

Mr. BUCHANAN, for 30 minutes, on Thursday, October 3.

Mr. STEIGER of Wisconsin, for 30 minutes, today.

Mr. BATTIN, for 15 minutes, today.

Mr. MORSE of Massachusetts, for 60 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ARENDS) and to include extraneous matter:)

Mr. FINDLEY.
Mr. GUBSER.
Mr. SCHERLE.
Mr. MESKILL.
Mr. ASHBROOK.
Mr. BROYHILL of Virginia.
Mr. ZWACH.
Mr. ANDREWS of North Dakota.
Mr. EDWARDS of Alabama.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mr. KASTENMEIER in two instances.
Mr. HUNGATE.
Mr. YOUNG in two instances.
Mr. LONG of Maryland in two instances.
Mr. O'HARA of Michigan in three instances.
Mr. CHARLES H. WILSON in two instances.
Mr. FASCELL in three instances.
Mr. RODINO.
Mr. VANIK.
Mr. TUCK in two instances.
Mr. RANDALL in three instances.
Mr. FOUNTAIN in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14935. An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, October 3, 1968, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 19910. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; with amendment (Rept. No. 1939). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on conference. H.R. 18366. An act to amend the Vocational Education Act of 1963, and for other purposes (Rept. No. 1938). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 20174. A bill to provide for improved employee-management relations in the Federal service, and for other purpose; to the Committee on Post Office and Civil Service.

By Mr. KING of New York:

H.R. 20175. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 20176. A bill to amend title 38 of the United States Code to provide a special pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 20177. A bill for the relief of Domenico Musso; to the Committee on the Judiciary.

H.R. 20178. A bill for the relief of Joseph Pirrone; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 20179. A bill for the relief of Aurelio Francisco Dato; to the Committee on the Judiciary.

H.R. 20180. A bill for the relief of Saki Dinkclioglu; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 20181. A bill for the relief of Brenda C. Bala; to the Committee on the Judiciary.

H.R. 20182. A bill for the relief of Jesus Mora Ruiz; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 20183. A bill for the relief of Mario Guerriero; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 20184. A bill for the relief of Miss Gertrude Zackim; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 20185. A bill for the relief of Honesto M. Magdirila; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 20186. A bill for the relief of Niam Farhat; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WE LIVE IN INTERESTING TIMES

HON. JOHN YOUNG

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. YOUNG. Mr. Speaker, under unanimous consent I insert in the RECORD the excellent speech of the Honorable W. Marvin Watson, Postmaster General of the United States, delivered to a joint meeting of the Rotary Club and the chamber of commerce at Corpus Christi, Tex., on September 26, 1968:

WE LIVE IN INTERESTING TIMES

(Address by Postmaster General W. Marvin Watson, before a joint meeting of the Rotary Club and the chamber of commerce, Corpus Christi, Tex., September 26, 1968)

I am delighted to get away from Washington and come home to Texas. And that pleasure is increased when I can come to a place as beautiful as Corpus Christi.

I've travelled widely throughout our nation—some 68,000 miles of it since becoming Postmaster General—and I have yet to see any setting that surpasses Corpus Christi.

This city has a great future ahead of it, and I know today that I am talking to the two groups who will make that future come true.

I have always felt that the businessmen of this country were a perfect combination of the practical and the dreamer.

For unless you dream dreams, even impossible dreams, there will be no goals, no progress.

And unless you have the know how to turn those dreams into reality, they will gradually disintegrate, like soap bubbles in the air.

So, dreamers and businessmen, friends of the Chamber of Commerce and Rotary, may I express my appreciation for your invitation, and tell you how much pleasure coming here has given me.

When I mentioned to the President that I was coming here to share this meeting with you, he asked me to greet you for him, and to give you this message.

"America's businessmen," the President said, "form one of our greatest resources of brains and energy and productivity. I have long felt that what the government does, really, is only the beginning. Private business efforts are not just *essential* to success, they are central to success."

With these words in mind, I would like to tell you what the basic national issues are as I see them.

I believe that there are seven such issues—seven basic issues.

First, is the issue of *change.*

Change itself, of course, is not an issue but a fact. The old order always changes and yields place to the new. God does fulfill Himself in many ways.

There is no way to stop the world if you want to get off.

The issue of change, particularly in this age when everything seems to be moving too fast, is simply stated—do we accept change and try to control the results of change, or do we drag our heels and get pulled into the future kicking and screaming?

Certainly, American business fully accepts the reality of continual change. I saw that for myself when I worked for the Lone Star Steel Company—when the choice was change or go out of business.

American businessmen always win the pennant in the World Series of Innovation.

Every country in the world looks to *you,* to our factories and our managers, for new ways to improve productivity.

Our enormous power to produce which, in the final analysis, forms the most effective means of protecting our freedoms, is the envy of the world.

The pages of the Wall Street Journal, Fortune, Business Week, Dun's Review reflect a constant search for better and more economical methods and machines; reflect, in short, a business climate that welcomes change.

Those who see no more than the conservatism of American businessmen miss more than half the picture.

You here this afternoon, and members of your organizations, are among the most daring men of our age.

For you are the risk takers, the dreamers, the seekers for new roads to higher productivity and a better life for all of us.

And I am happy to salute this too often overlooked fact of American life.

The *Second* issue involves the need to see the world as it is rather than as we would like it to be or we think it should be.

Some political leaders today are engaging in an all too popular indoor and outdoor sport that I call *"shouldbeism."*

Some are travelling around the country seemingly talking about problems and seemingly offering solutions.

Actually, as often as not, we see fancy footwork used while the real problem is neatly sidestepped.

Some political candidates think they have offered solutions when they explain how nice things would be if the problems were already solved.

There seems to be a rather general feeling among some that a happy slogan and a sweet smile are enough.

Perhaps they should be.

Perhaps our good will and our desire for a world and a nation peaceful and prosperous should be sufficient.

But, unfortunately, we see quite plainly that mere possession of good intentions often serves only to pave the road that leads to deeper crisis and deadly conflict.

So I would say that a major issue today and during the campaign is the need for informed citizens to demand that candidates face real issues and produce real programs, and not frustrate political discussion by dealing with the world as it should be—rather than the world as it is—with all its warts and wens.

The *third* issue is *responsibility.*

We value responsibility because, in the long run, it pays. "A stitch in time," expresses a responsible view.

And today there are many places in our national fabric that demand a stitch in time.

We have to face up to the fact that serious national problems require responsible action, not just slogans. A "get tough" policy doesn't necessarily solve tough problems. It requires responsible thought and action to meet the problems that face us as a nation today.

The *fourth* issue—and one familiar to everyone here today—is that of *priorities.*

Every businessman—every successful one, that is—works on the basis of priorities. That's no news to you.

Now some of the candidates seem to engage in the unbusinesslike practice of avoiding priorities altogether, or maintain a list that I believe bears little relation to the State of the Union.

When the ancient Chinese wanted to wish someone bad luck they said, "May you live in interesting times." Well, we all have the luck to live in probably the most interesting time in the history of the world.

Population explosion, atomic explosion, nationalism explosion, expectation explosion, coupled with urban decay, racial unrest, inadequate public facilities for health, education, recreation, transportation, and, for some college students, not enough soap.

It all makes at least for a lack of boredom.

Dealing with such problems is difficult and frustrating.

But we have no choice. We do indeed live in interesting times.

Our problems will not go away simply because they seem to demand too much of our time and our energy.

The problems are there.

Some of them, in fact, have been with us for generations, but below ground—now they are beginning to rise to the surface.

At the same time that we worry about runaway growth and too much consumer spending, a survey tells us that 10 million of our fellow Americans are suffering from malnutrition.

About 26 million Americans exist on the poverty level.

Infant mortality rates are still far too high.

The existence of these and similar problems might be understandable in a poor country or during days of depression.

But when some of our citizens cannot even enjoy the basic, inalienable right of life—then we must re-examine the uses of affluence.

I know that many businessmen have already recognized the need for new priorities.

The National Alliance of Businessmen, a creation of the business community of this nation and the Johnson-Humphrey Administration, is making a great contribution to our country.

To me, as one who came of age in the business community, it is most reassuring to see business recognizing the need for new priorities, and to see so many businessmen on the march.

The *fifth* vital issue involves our *national* security.

Some may ask why I do not cite peace as a primary issue, instead of national security.

Well, peace is no more an issue among reasonable men than the evil of sin is an issue among churchmen.

We all want peace.

That's not an issue.

The issue is: "How do we find a peace that is durable?"

How do we build a peace that is not merely a momentary pause for breath between two periods of fighting?

How do we construct a peace that involves close cooperation against the common enemies of mankind—hunger, sickness, ignorance?

How do we build a peace that makes more Vietnams and more Czechoslovakias impossible?

That kind of peace is worth working for. And it will take more than speeches, more than slogans, more than possession of sweet reasonableness to bring it about.

My friends, this century has seen man involved in the most destructive wars in human history.

It is a disturbing paradox that we stand at the highest point of civilization and the lowest point in man's barbarism.

There is a deep longing for peace throughout our land—I have seen it everywhere I have been.

The world, too, is weary of war.

Peoples everywhere shudder, not thrill, to the sound of martial music.

They are listening to the sound of another drummer—and that drummer is beating out their desire for building, learning, working together—and not the grim beat that sends men marching against each other.

But we do not secure that kind of peace merely by wishing for it.

We do not secure that kind of peace by compromising our own national security, for that will serve only to tempt others into dangerous adventures.

Rather, we build for peace through policies that serve to strengthen the national security of all nations, through diplomacy, through the policy of the good neighbor, through seizing opportunities to decrease tensions rather than opportunities to increase newspaper coverage.

The *sixth* basic national issue involves combining *liberty* and *order.*

A basic guarantee of our freedoms is equal protection of the laws.

And we have made and are making unprecedented progress toward full achievement of that goal.

But disorder denies to those affected by it the equal protection of the law.

Violence assaults the law.

A basic issue today and during the foreseeable future—will be to increase the area of liberty while decreasing the area of disorder.

I believe it can be done.

I believe it must be done, or this nation will be torn apart.

And I believe that the programs of the Johnson-Humphrey Administration, if permitted time to work out, will solve the crisis of violence that upsets the balance of liberty and order.

The final issue, my friends, is the most basic of all.

It is the issue of *national unity.*

Together there is nothing we cannot do.

An Englishman once described America as a gigantic boiler. "It takes some time to heat up, but once going, there is no limit to the amount of power it can generate."

Well, there is need for the maximum exertion of that power.

The need is all around us at home; it converges on us with great immediacy from every corner of the globe.

If we stand divided, if we permit our energies to be drained away in petty partisan squabbles, then we will fail those who went before us, those who did meet their tests in their times.

And worse, we will leave our children a world and a nation close to the edge of disaster.

I have seen difficult days during my lifetime.

The storm clouds have gathered before.

But never before have I seen so many dangerous challenges rising up against the sky.

There is a great storm moving toward us, a storm that will challenge our minds, our hearts, our resolve.

Above all it will challenge our willingness to stand together and work together for a better nation and a better world.

If we do choose unity over discord, I am certain we will pass through that storm, and move forward to a future so brilliant that the world will see that the American Dream still lives, still inspires, still can reach out its hand to guide and lead the world.

NEED TO INSTILL AMERICANISM IN CHILDREN AT ELEMENTARY GRADE LEVEL—ADDRESS BY MAJ. GEN. MAURICE L. WATTS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 2, 1968

Mr. THURMOND. Mr. President, last month I was privileged to hear an address delivered by Maj. Gen. Maurice L. Watts, Adjutant General of the Utah National Guard, at the annual conference of the National Guard Association of South Carolina in Myrtle Beach, S.C.

General Watts presented a most inspiring address which placed emphasis on a revitalization of Americanism in this country through an effective program at the elementary school level.

He wisely pointed out that each generation of Americans must rise to freedom to insure this birthright is properly passed on to succeeding generations. This can best be accomplished, General Watts stated, by the teaching of history and patriotism at an early age in order that our children will appreciate America's heritage of freedom and honor and respect the laws of the land.

General Watts also spoke about the four cornerstones or institutions of our society—home, church, school, and community or country. He then examined each and formulated a challenge worthy of our attention.

Mr. President, I ask unanimous consent that the address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY MAJ. GEN. MAURICE L. WATTS, ADJUTANT GENERAL OF UTAH, AT THE ANNUAL CONFERENCE OF THE NATIONAL GUARD ASSOCIATION OF SOUTH CAROLINA, MYRTLE BEACH, S.C., SEPTEMBER 7, 1968

Distinguished guests, officers and ladies of the South Carolina National Guard: I appreciate very much your invitation to share this occasion with you. I would like to commend you for this outstanding organization and for the many exemplary programs it sponsors.

Annual conferences such as this are unequalled to promote worthwhile National Guard programs and activities.

Such a conference helps to develop a feeling of unity and camaraderie. It provides the privilege of sharing the opportunity for service with your wives. It helps to coordinate your efforts with those of the adjutant general to achieve significant results.

At this time, I would like to recognize the great contributions which have been made and are being made by General Pinckney. His wisdom and judgment are respected. His leadership is recognized in National Guard circles with the result that he is given many responsible assignments at National Guard association level. You can be proud of him and of his leadership.

In discussing with a staff officer a subject which might be appropriate for my remarks this evening, he wisely advised that I talk about something of common interest to the ladies as well as you officers. For this reason, I do not intend to discuss the sophisticated weapons system of the Army, the challenge of training the selected reserve forces or other similar technical subjects in which you wives would have little interest. He also convinces me that I should depart from the normal type of patriotic speech which uses standard cliches in a routine, stereotyped, and unstimulating manner. So, I hope you will bear with me if I take a new approach as a salesman for the freedom idea, and talk about patriotism in a manner somewhat different from the conventional treatment. This is rather a challenging thing for me because I, more than anyone else, am aware of my limitations when it comes to articulate communications.

Just one more aside before getting into my main text. I would like to pay tribute to you lovely ladies who contribute so much to the success of the National Guard. Your loyalty, your perseverance, and your understanding are very much appreciated. We recognize your contribution as you carry on with the family during many lonely hours while your husband is helping to "keep our guard up!" I trust you still manage to maintain an equal share of your husband's interest and attention. My wife got mine very pointedly as I left home this morning. She also insured that I would hurry back. As I kissed her goodbye, I said: "Goodbye, little mother of five." She replied quickly: "Goodbye, little father of four."

Time is speeding by so I must get on with my main theme regarding Americanism. I've thought repeatedly of late that we must concentrate on this matter at the elementary school level. It is here that we must weave patriotic thread into the cloak of Americanism to insure the perpetuation of our freedom. Freedom is not a mantle that descends from Providence. Each generation must rise to freedom to insure that it passes on a birthright as glorious as that which was its heritage. Our students must be taught history and patriotism at an early age so that they will appreciate America's heritage of freedom and honor and respect the laws of the land. We can't put it off until we get them in college. Other things occupy their attention then. When I think of my college days, I have rather nostalgic memories—I spent three of the happiest years of my life at the University of Utah—as a freshman.

Now, back to this matter of indoctrination at the elementary school level. This can probably be best illustrated by a story involving a city boy who went to visit his country cousin.

The city boy was delighted to visit in the country helping his cousin with the chores and many duties on the farm. One day after feeding the chickens and horses, the city boy went with his cousin into the milk house. There the country boy filled a bucket half full of milk and took another clean empty bucket and went to the barn.

In the corner of a barn was a pen with a young calf in it. The country boy put the bucket of milk in the pen and both boys watched as the calf drank it, gurgling and snorting and wagging its tail. When the calf was through drinking the farm boy took the other clean bucket and a milk stool and sat down to milk the cow.

As the milk streamed from the cow, the face of the city boy beamed and in his eyes came the look of understanding.

"Oh, I see it all now!" He said, "you put it into them when they are little, so that you can take it out of them when they are big."

Or, put another way—"There must be a bloom in the spring if there is to be a harvest in the fall."

In April of this year, I spent a week on the campus of the University of Southern California attending an Army aviation safety course. I was impressed while there by an imposing statue representing the four cornerstones or institutions of our society: Home, church, school, and community or country.

Considering school as a process or instrument of the state, let's examine the other three cornerstones. Home, church and country. I do not want, in any way, to degrade the influence of the school since reference will be made to its important teaching role. Besides, we recognize that the school has a profound influence on the others because it teaches us to read, to communicate and to calculate.

Let's look first at the family:

a. The family has existed since life was created on this planet and is our oldest institution. Why has it existed so long as a cornerstone of society?

(1) It is perpetuated by basic human urges and the necessity of survival.

(2) The family is related in a strong way to genealogy. We go to great pains to research our heredity and point with pride to our famous forebears and hide expertly those who were not so distinguished.

(3) We develop a great pride in our ancestors, in the length of our heredity line. In developing this pride we create a strong motivation and desire to carry on the proud tradition of the family name.

b. Can we not then say that the family has endured because we relate so strongly to it in an intense personal way?

With such a brief consideration of the family, let's consider next the second cornerstone—the church, or religion:

a. Religion, like the family, has endured because strong meaning has been given to its relation with individuals. What Sunday school child cannot tell, with great excitement, the story of Moses; of David and Goliath; and Joseph, who, as a boy, was sold into Egypt by his brothers?

The greatest impact of a personality on religion was Jesus Christ, from whose birth time is reckoned and who has been the central dominating force in religion for 2,000 years.

a. His teachings are the ultimate in simplicity and in this simplicity lies the strength of religion. Christ told us to:

(1) Love the Lord and our neighbor.

(2) Do unto others as we would have them do unto us.

(3) Realize that we are our brother's keeper.

b. The main text for His religion is the Bible—one book of two sections. A section devoted to the period before His birth, and a section devoted to the period of His birth, His ministry, and of those who preached His word to the world.

c. Religion is perpetuated by the personality of Christ. His teachings, many in the simple form of parables, are taught as He gave them—subjected to a minimum of personal evaluation and interpretation.

d. Christ clinches our commitment to religion with a promise of everlasting life and greater reward.

e. It is significant that religion, based on strong personal relations has a universal application which transcends geographical areas, political borders, and nationality.

This, then is a partial consideration of religion, abbreviated somewhat because of time limitations. Let's next examine government as a cornerstone of our society As we review history, we do not find a single instance where any government has enjoyed a strong reign from time immemorial as has the family—or for two thousand years as has christianity. There are few governments that have lasted as strong powers for two hundred years. It is here we get down to the basics of the perpetuation of government. Why hasn't government lasted almost agelessly as has the family and the church?

a. Usually the rise of a government to be a power has been associated with a strong leader. The government was shaped by his personality; it rose with his success and declined when death stilled his influence and left others eager to replace him as the great ruler and with reference to themselves.

b. Governments have been restricted to political boundaries by ethnic backgrounds. National purpose and ethnic differences did not permit ready assimilation of other nations—only their dominations by aggressive action for limited periods until the subjected could throw off the yoke of the conqueror.

c. For one reason or another, no country has been able to perpeturate itself as a strong power indefinitely.

Such a statement was true until the United States of America was born in the turmoil of revolution that gave the world its finest ideal of government—that the government is the servant of the people and not their master. And, with this ideal, came a divinely inspired constitution which has provided this government its charter and the framework for its perpetuation.

America has been made great by the people who have translated its constitution into the processes of government and who have led the country against challenges of its freedom idea. Our nation was not made great by the endowed gifts of nature—fruitful acres, great forests, large mines, and waterways. These were all here when the pilgrims landed. Our Nation has been made great by the catalytic spark of freedom. This spark was ignited and fanned into the flame of greatness by Americans who cultivate the fruitful acres, use the great forests, work the mines and harness the power of our streams and, waterways in an open competitive society where individuals are free to be rewarded for the application of their skill and energy.

Our country was made great by the actions of heroes who have provided rallying cries to unite us in our greatest efforts. Our country was made great by patriotic Americans whose desire was for the advancement of the country, whose desire was to serve their fellowmen instead of a desire for personal aggrandisement.

George Washington, beloved, respected—the head of the Army, could have seized the reins of power and perpetuated himself as an absolute ruler. Rather, he returned this power to the people as he responded to public mandate and became the first president of the United States. For the first time in history, a whole people became their own boss.

George Washington placed his right hand on the Bible. And a blacksmith in New Hampshire sang as he pounded the anvil. He was a free man, and George Washington was working for him.

George Washington sat down at the presidential desk; and a fisherman in Massachusetts, a farmer in Virginia, a schoolmaster in South Carolina, all stood up a little straighter. They were free men and George Washington was working for them. A people had taken the love of independence that is in all men, and made it work as a way of life.

The fervor of this newly created Federation of States was distilled by the personal influence of heroes who gave freedom meaning. Our diminishing demonstration of patriotism and our lack of appreciation for the freedom we enjoy is due in a large measure, I believe, to our failure to relate our great country to its national heroes and leaders and to appreciate the continuing reward and promise of freedom.

We have not been conscious of the genealogy of government as we have been conscious of genealogy in our families. We have not at all times reflected the strong pride of being Americans as we have reflected a pride in being Jones or Smiths, or Kowalskis.

We have not preached the gospel of patriotism relating it to strong personalities as does the church, nor have we extolled the blessings of freedom as an eternal reward for vigilance and sacrifice.

We must give our country the concern and attention we have given to the family and the church.

a. We must perpetuate its good name and have its goodness recognized and accepted throughout the world.

b. We must preach the reward of continuing liberty and freedom as the reward for our patriotism.

c. We must use the schools to make America's history a living, vital, meaningful thing by relating it to personal sacrifice, patriotic service and accomplishment instead of letting it become abstract and matter-of-fact.

We are not using our schools to full advantage to do this as revealed by a poll conducted a few years ago by this Week's magazine. This poll revealed the following relating to history books published before and after 1920:

a. Fourteen history books published before 1920 referred to Patrick Henry's ringing words: "Give Me Liberty or Give Me Death." Only three of forty-five recent books include this reference.

b. Eleven of the earlier published books referred to Nathan Hale's statement: "I Regret That I Have But One Life To Give for My Country". Only one of recently published books contains this famous statement.

c. John Paul Jones' famous words: "I Have Not Yet Begun To Fight", appeared in nine of the old books, and none of the new.

In this regard, a friend of mine recently told me of his visit to an elementary school during a "back to school" night.

In a conversation with his daughter's history teacher concerning the need to perpetuate personal relationship of heroic Americans and their classic quotes in teaching American history, the teacher dismissed the idea as archaic, outdated, and not in accord with modern teaching techniques.

If we are to delete such references from our history books, why do we not then delete the Sermon on the Mount from the New Testament to be modern in our church teachings? Why do we not then delete the admonishment of Christ to "Let him among you who is without sin, cast the first stone" from the Bible?

I wish there were someone tonight within sound of my voice who had the means and the philanthropic inclination to establish a special foundation. I would suggest that the purpose of this foundation be to select outstanding elementary school teachers across this country and sponsor them on a month long pilgrimage to American shrines of history—Boston Harbor, Lexington and Concord, Valley Forge, Independence Hall in Philadelphia and Williamsburg to name only a few—to instill in these teachers the desire to imbue our American youth with a strong, patriotic appreciation for America.

If we are to survive, we must look to our youth and to the necessity of motivating them with a strong pride in America while they are young.

We must put it into them while they are little, so we can take it out of them when they are big.

THE SO-CALLED BLACK UNITED FRONT REPRESENTS A SMALL SEGMENT OF THE PEOPLE OF THE DISTRICT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, I have long been convinced that the so-called "Black United Front," organized by Stokely Carmichael in the District of Columbia, represented a very small and insignificant segment of the people of the District.

A Negro citizen of the District, a fine citizen of high character, felt it his civic responsibility to look beneath the surface of the "front" and has reported back to me his findings.

His report came after he had attended every precinct meeting the front had conducted on the subject of citizen control of our Metropolitan Police Department. These meetings, as our colleagues know, were widely reported in the press, and purported to have drawn large crowds in various parts of the city. I believe this view given me of the meetings and the participants therein deserves the attention of all who are concerned about the welfare of the citizens of the District and who would like to have an unbiased view of this group of self-styled leaders. I, therefore, welcome this opportunity to include the text of his report in full in the RECORD.

In order to protect my correspondent from harrassment, I am keeping his name confidential. However, I have the original of his letter in my office should any of my colleagues wish to examine it.

The letter follows:

Hon. JOEL T. BROYHILL
House Office Building,
Washington, D.C.

DEAR SIR: I would like to expose the "Big Lie" of the Black United Front in claiming themselves as being representatives of the Black Communities in several precincts in this city.

I attended each so-called precinct meeting and never was the attendance more than 55 in each precinct, and then it was composed of 95% of the little hard core bearded members of the so-called organization who sat in as though they were interested residents of those precincts. I witnessed this same little group of vicious racists rail-road thru their silly and most assinine resolutions to get control of our police department as they made up the meetings in each community. Only on two occasions did they have a couple hundred people and most of them were curiosity seekers who appeared because of our controversial councilmen Fauntroy and Tucker and Phillips. And it is significant to note that Fauntroy himself stated publicly that the Front was composed of a group of most vicious haters and racists.

Mr. Broyhill, it seems to me that the only solution for preventing our police department from going to hell by it's morale continuing to sink lower and lower from attacks by so many naive white liberals and such vicious groups as the Front, is to Federalize it as you have already suggested. The Evening Star of 8-23-68, carried a story about the Front's 14th precinct meeting as told to them by Tony Cox and Jean (Koko) Hughes, two of the worst police and White people haters that I know. And of course those two acting chairmen did not tell the whole truth of what was said at the meeting at which only 20 people attended and 12 of them were the same hard core members.

I was the one that asked the question as to what chairman Cox and Chairwoman Hughes meant when they explained that if their resolutions were not accepted by the council and put into effect then the Front members would begin direct action. I asked if it meant that they would resort to riot action, burning and looting etc., as has been experienced before? Both explained that it practically meant just that in so many words. And Tony Cox after making that explanation quickly closed the meeting.

Mr. Broyhill, I certainly hope that Federalization of the Washington Police Department can come about because with the weak milk toast liberals that are heading our city government now our police department is rapidly heading for chaos. And with our crime situation being what it is in this Capitol City and the police morale being trodden down each day by the Black Criminal Element together with such White men as Travis and others, this city is subject to a blow up any day.

——— ———.

PS. I am a Negro myself for your information.

EARTH STATION FOR COMMERCIAL SATELLITE COMMUNICATIONS DEDICATED AT IMPRESSIVE ETAM, W. VA., CEREMONY—HON. HARLEY O. STAGGERS DELIVERED DEDICATORY ADDRESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 2, 1968

Mr. RANDOLPH. Mr. President, on September 27, the newest U.S. earth station for satellite communications was formally dedicated at a site near Etam, W. Va.

This new space-age facility in Preston County places that area of northeastern West Virginia on the international communications map. It represents the latest advances in electronics and space communications technology. The station is an important new link in the expanding global system of commercial satellite communications and it is now ready for full-time commercial operation.

Already, the station has dramatically demonstrated its potential through its live television coverage of the first game of the World Series between St. Louis and Detroit which was transmitted through this station via satellite to a sister station in Puerto Rico. Significantly, this was the first live television of such an event ever seen in Puerto Rico—and the station at Etam had a major role in this historic transmission.

The station in West Virginia will serve as a major east coast facility for sending and receiving all forms of communications via satellite—telephone, telegraph, and data, black and white and color television—between the U.S. mainland, Puerto Rico, and other Caribbean area places, Europe, Latin America, and other Atlantic points.

The ceremonies were held in a tent-enclosed area at the base of the huge 97-foot diameter antenna, which looms taller than a 10-story building over the valley site. The Parsons High School Band participated, exhibits and pictures were on display, the public was given guided tours through the facility, and a luncheon was held at the Preston Country Club near Kingwood.

More than 800 persons visited the station on this occasion.

A large red ribbon was stretched between the giant antenna and the nearby control building. Representative STAGGERS activated the control which turned the "big dish" antenna, thereby snapping the ribbon.

The Reverend Hugh S. Zimmerman, of Kingwood, gave the invocation. William B. Carroll, station manager, greeted guests.

Dr. Joseph V. Charyk, president of Communications Satellite Corp., made brief remarks and introduced other speakers. Dr. Charyk told the audience that—

> This earth station stands as your landmark in the new communications era that has just begun.

Gov. Hulett C. Smith, speaking on behalf of West Virginia, said the station "puts Preston County and the State of West Virginia in a significant place on the world map as the crossroads of international and intercontinental communciations."

Chairman Rosel H. Hyde of the Federal Communications Commission, noted:

> Today this great State becomes one of America's gateways to the entire world via space satellites. This station, in combination with our other stations, will provide our people with continued leadership in commercial satellite facilities and the availability of one of the most modern means of worldwide communications.

The principal speaker was one of my West Virginia colleagues, Representative HARLEY O. STAGGERS, the distinguished chairman of the House Interstate and Foreign Commerce Committee.

Chairman STAGGERS made cogent observations, some of which are quoted as follows:

> We are told that in this pleasant and secluded valley lying deep in the fastnesses of West Virginia, we will be in direct contact night and day with 16 other earth stations located on four continents. This earth station is one of 22 such facilities now operating in 14 strategically located nations of the world.
>
> Two satellites revolve with the speed of the earth in a fixed position over the Atlantic Ocean, and two others over the Pacific, at a height of over 22,000 miles. What ingenuity it has taken to contrive and construct this immense system and through it, from earth station to satellite, and back again to earth station, and thence to telephone and television, travels information of every conceivable character. Nothing that men can know and understand is beyond the power of this system to transmit.
>
> Obviously we cannot rest on our laurels. We have competition from the Soviet Union which is setting up its own system, and we must meet it—we must better it, and I am convinced that Comsat, for one, can meet its part of the challenge. I can foresee that day when another antenna right here on this site could make this station an East Coast center for comestic satellite communications, making this area of West Virginia a crossroads for both national and international exchange of information that means economic and political and social progress.

After the ceremonies, James McCormack, chairman and chief executive officer of Comsat, and Dr. Charyk, hosted distinguished guests at a reception and luncheon at the Preston County Club.

HOUSE PROSPECTS FAVOR DEMOCRATS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. HUNGATE. Mr. Speaker, I insert an article which recently appeared, concerning the Gallup poll on the upcoming congressional races:

> HOUSE PROSPECTS FAVOR DEMOCRATS—POLL FINDS PARTY IS STRONG DESPITE SETBACK IN 1966
>
> The Democratic party is currently showing great strength at the Congressional level after having lost 47 House seats to the G.O.P. in the 1966 elections, according to the Gallup Poll.
>
> In the elections, two years ago, the Republicans won 48 per cent of the total popular votes cast for members of the House of Representatives, compared with 52 per cent for the Democrats.
>
> By contrast, Republicans today are getting only 42 per cent of the Congressional vote in national surveys to 58 per cent for the Democrats.
>
> Today's figures parallel the 1964 Congressional election returns, when the Democrats won 58 to 42 per cent. That year's popular vote percentages translated into 295 seats for the Democrats to 140 for the Republicans, a margin of 155 seats.
>
> One of the major problems of the G.O.P. is the 13-state region of the South. In recent Presidential years the Republican candidate has done well there. In fact, this was Barry Goldwater's strongest region in the 1964 Presidential election.
>
> 70 PER CENT DEMOCRATIC
>
> The present Congressional survey figure for the South is 70 per cent Democratic, 5 points higher than in the 1966 election in which the G.O.P. made important gains in this area.
>
> The best evidence of the Democratic hold on the South is the actual number of seats won by the two parties in recent elections. The line-up in the South after the 1966 election was 91 Democrats, 28 Republicans. In the 1964 election the Republicans won only 18 House seats in the South to the Democrats' 101. The Republicans won 14 seats in the South in 1962 and 9 in 1960.
>
> Today's results are based on 3,108 personal interviews made in scientifically selected areas of the nation. Each person was asked:
>
> "If the elections for Congress were being held today, which party would you like to see win in this Congressional district—the Democratic party or the Republican party?"

Following are the results, based on registered voters. For comparison, the 1966 and 1964 results are also recorded.

NATIONAL CONGRESSIONAL VOTE

[In percent]

	Democrat	Republican
Latest surveys	58	42
1966 elections	52	48
1964 elections	58	42

CONGRESSIONAL VOTE OUTSIDE THE SOUTH

	Democrat	Republican
Latest	55	45
1966	49	51
1964	56	44

CONGRESSIONAL VOTE IN THE SOUTH

	Democrat	Republican
Latest	70	30
1966	65	35
1964	67	33

The House of Representatives has been called upon to decide a Presidential race only three times in history and not once in this century.

But a likelihood exists, at least in the present close race for the Presidency, that a third party, headed by George C. Wallace, will win enough electoral votes, especially in the Deep South, to make it impossible for either major party candidate to win a majority.

If this happens, the House of Representatives, with each state given one vote, will decide the winner.

GROWING OPPOSITION TO TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SCHWENGEL. Mr. Speaker, it is significant to note the continuing and growing support of my opposition of the truck bill. One of the most prestigious and *careful publications is the Wall Street Journal. Today they have written* an editorial that is noteworthy and convincing and I herewith present it so it may be read by my colleagues and all who read the CONGRESSIONAL RECORD:

HEAVIER, WIDER, AND LONGER

If you think that some of those trucks you pass on the highway—or which roar past you—are behemoths on wheels, maybe you should look into a bill before the House which would permit trucks to be even bigger.

Now there is something to be said for the position of the American Trucking Associations, which as you might expect supports the bill, already passed by the Senate. It contends that present maximum load limits are based on load recommendations established in 1932. The Interstate Highway System today is far different from the highway systems of 36 years ago.

And it may be that today's Interstate System could support new maximum truck weights of up to 105,000 pounds as compared with the present permitted maximum of 73,280 pounds. Maybe it's not of major consequence that the bill would permit trucks to be 102 inches wide—plus additional width necessary to allow for safety devices such as mirrors—instead of the present allowable width of 96 inches.

However, as Kentucky's Senator John Sherman Cooper has observed, it is "impractical to think that these heavier trucks will just travel on the Interstate System." Although the Senate Public Works Committee said that the Interstate System was designed and built to accommodate trucks of the proposed new weights and widths, "this is not the case with many of our existing primary and secondary roads" and city streets on which the trucks obviously would have to travel to complete deliveries.

The bill would not, it's true, compel states to raise their truck size and weight limits to the proposed new maximums; it simply would permit them to do so. Yet it is plain that as soon as a couple of states allowed bigger trucks the others would come under almost irresistible pressure to follow suit.

Moreover, historically increases in truck widths and weights limits have been followed almost invariably by increases in vehicle lengths. It is not hard to foresee 100-foot-long monsters bellowing across the country.

Even spokesmen for the truckers cannot promise that bigger trucks will result in lower motor freight rates, which would seem to be the only logical reason for more size. The average motorist is suffering enough already, on and off the Interstate System, without adding to his woes with heavier, wider and inevitably longer highway freight cars.

SEPTEMBER PARITY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. ZWACH. Mr. Speaker, the Department of Agriculture's Statistical Reporting Service advised the public that the farm parity ratio advanced from 74 per*cent to 75 percent during the 30-day* period between August 15 to September 15, 1968.

The index of all farm costs including items of interest, taxes, wages, and services increased to another record high this past month, while the index of farm *prices went up one-half of 1 percent.*

Sharp increases in prices were recorded for eggs, milk, and fruit, while price declines were noted for cottonseed, potatoes, soybeans, beef, and veal.

On the farmer cost side of the parity ratio, increases occurred in family living items, especially, which show the effects of inflationary pressures on these goods and services, as follows:

[In percent]

Item	August	September
Cotton	58	59
Wheat	45	46
Rice	60	61
Corn	78	75
Tobacco	79	76
Butterfat	77	76
Milk	86	85
Wool	46	45
Barley	60	64
Flax	69	68
Oats	60	63
Sorghum grain	62	61
Soybeans	74	70
Beef	81	79
Chickens	68	64
Eggs	69	82
Hogs	77	78
Turkeys	64	65
Average	74	75

CONGRESSIONAL ATTENDANCE RECORDS: OBJECTS OF CONFUSION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, at the present time, the House Ethics Committee is investigating a situation in which a California Member of Congress, Representative BOB WILSON of San Diego, chairman of the Republican Congressional Campaign Committee, had his name recorded on rollcall votes during a 3-day period in September while he was in California campaigning for various Republican Congressional candidates.

By BOB WILSON's own admission, his and my attendance and voting records have frequently been confused. Yet, strangely enough, this Member has a large staff of research assistants employed by the Republican Congressional Campaign Committee who furnish information to Republican candidates running against Democratic incumbents on the attendance records of these Democratic opponents. How ironic that, while BOB WILSON is assisting Republican nominees in this kind of statistical hocus-pocus, he himself is being accused of manipulating rollcall records involving his own attendance.

Actually, this brouhaha over attendance is a phoney issue which is brought up every election year by Republicans and Democrats alike to attempt to discredit their incumbent opponents. It is, therefore, vital that the public under*stand these distortions and realize that* it is not a Congressman's percentage of attendance on the floor of the House that is important, but rather the issues that he does vote upon and their importance to the people of his district and to the country as a whole. For example, during *the week of September 16, the House* calendar included such relatively minor, parochial legislation—from a national viewpoint—as authorizing a Biscayne National Monument in Florida, reducing the number of fish protein concentrate *experimental plants, establishing the Carl Sandburg Home National Historic* Site, and providing for the rehabilitation of the Eklutna project in Alaska. Rollcall votes were taken on all of these measures.

Because of his outside activities as *chairman of the Republican Congres*sional Campaign Committee, Mr. BOB WILSON is acknowledged to be among those Members who have extremely poor attendance records. For this reason, I am naturally dismayed that, because of our like surnames and because we both represent districts in California, there has been so much confusion between our voting records. Also, I might further suggest that Mr. BOB WILSON caution some of his Republican candidates who are running against incumbents about the danger of misrepresenting their opponents' attendance records.

CONGRESSMAN BUCHANAN REPORTS

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BUCHANAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report to my constituents in the Sixth District:

WASHINGTON REPORT

(By Congressman JOHN H. BUCHANAN, JR., Sixth District of Alabama)

DEAR FRIENDS: In all probability you have, by now, felt the bite of the ten percent surtax which went into effect on July 1.

Though in the minority, I felt the tax increase was unnecessary, unwise, and unfair. Consequently, I voted against it. To gain support for the increase the Administration agreed to reduce expenditures in the amount of $6 billion. To date, while highway funds are curtailed, Great Society programs are expanded, and no over-all reduction has been made.

In my judgment, there were better alternatives available to the Congress by which inflation could be attacked and fiscal responsibility restored. I have great hesitancy about increasing the revenues of this bureaucracy without some action toward basic reform of its spending programs.

Congress is made up of Representatives of the people. As your Representative I have a deep appreciation for your views and convictions. Accordingly, some 12,000 of you responded to my annual questionnaire this year. When asked if you supported the proposed tax increase, 76.5 percent of you answered "no" while only 16.4 percent replied in the affirmative. When asked if you felt that Federal spending on domestic programs should be reduced, 87.6 percent replied "yes" and only 8 percent "no."

Birmingham families, confronted with a tax increase, also face sharp increases in the cost of living. The national cost of living for the average city family has now increased nearly 11.6 percent since January, 1965. The latest cost of living was rising at an annual rate of six percent. Living costs in July were more than 17 percent above the level of January, 1961. It is generally agreed by economists that the cost of living advance of recent years has been primarily influenced by unwise spending policies, which have produced an uninterrupted chain of deficits.

As a result of the increase in the cost of living since 1965, this is what has happened:

Your dollar of January, 1965, is now worth less than 90 cents.

A ten-dollar bill acquired in January, 1965, is now worth $8.96.

A $100 paycheck in January, 1965, is now worth $89.63.

A $500 savings account in January, 1965, is now worth $448.15, a loss of nearly $52.

Retirement income of $2,500 a year in January, 1965, is now down to $2,240.73, a loss of $259.27.

Inflation can be the most cruel tax of all, hitting hardest the poor, the elderly, and the infirm. Getting our government's fiscal house in order is the best cure I know for this dangerous economic malady. You may count on my continued efforts toward that end.

ACTION IN CONGRESS

Major Legislation: To assist you in your desire to remain well informed citizens you will find below a summary of major legislation enacted or pending before the 90th Congress. It includes a congressional boxscore giving the status of legislation as of August 1 and a summary chart of the appropriation bills.

STATUS OF APPROPRIATION BILLS, 90TH CONG., 2D SESS.

[In millions of dollars]

	Requested	Passed House	Passed Senate	Final
Agriculture	6,923.0	5,523.0	5,540.0	5,531.0
Independent offices, HUD, NASA	16,570.0	13,670.0	15,505.0	
Interior	1,432.0	1,411.0	1,402.0	1,415.0
Labor-HEW	18,205.0	17,224.0		
Legislative	308.0	247.0	298.0	298.0
Public works	4,908.0	4,499.0	4,727.0	4,608.0
State, Justice, Commerce, Judiciary	2,203.0	1,794.0	2,000.0	1,986.0
Transportation	1,637.0	1,353.0	1,523.0	1,429.0
Treasury, Post Office, executive offices	8,337.0	8,155.0	8,158.0	8,158.0
Candidate protection	0.4	0.4	0.4	0.4
Urgent 1968 supplemental	1,216.0	1,214.0	1,405.0	
2d supplemental	6,738.0	6,346.0	6,373.0	6,295.0
Urgent supplemental for Bureau of Employment Security	29.0	29.0	28.0	28.0
1968 supplemental (highways and claims)	51.0	51.0	51.0	51.0
Defense	77,074.0	72,239.0		
Military construction	2,031.0	1,765.0		

Bill	House	Senate	Status
Civil rights and civil liberties:			
Civil Rights Commission (Public Law 90-198)	Passed July 11, 1967	Passed Nov. 1, 1967	Signed into law Dec 14, 1967.
Federal Jury Reform Act of 1968 (Public Law 90-274)	Passed Feb. 26, 1968	Passed Dec. 8, 1967	Signed into law Mar. 27, 1968.
Civil Rights Act of 1968 (Public Law 90-284)	Passed Aug. 16, 1967	Passed Mar. 11, 1968	Signed into law Apr. 11, 1968.
Congressional matters:			
Standards of official conduct (H. Res. 1099)	*Passed Apr. 3, 1968*		In effect.
Standards for congressional district (Public Law 90-196)	*Passed Oct. 17, 1967*	*Passed Nov. 8, 1967*	*Signed into law Dec. 14, 1967.*
Special Committee To Investigate and Report on Campaign Expenditures of Candidates for the House of Representatives (H. Res. 1239).	*Reported from Rules Committee* July 10, 1968.		
Legislative Reorganization Act of 1967 (S. 355)	Pending in Rules Committee	Passed Mar. 7, 1967	
Election Reform Act (H.R. 11233)	Reported from House Administration Committee June 27, 1968.		
Conservation:			
Air Quality Act of 1967 (Public Law 90-148)	Passed Nov. 2, 1967	Passed July 18, 1967	Signed into law Nov. 21, 1967.
Nuclear desalting plant (Public Law 90-18)	Passed Apr. 20, 1967	Passed Feb. 6, 1967	Signed into law May 19, 1967.
National Trail System Act (H.R. 4865)	Passed July 15, 1968	Passed July 1, 1968	
Redwood Park bill (S. 2515)	do	Passed Nov. 1, 1967	In conference.
National Water Commission (S. 20)	Passed July 12, 1967	Passed Feb. 6, 1967	Do.
Scenic rivers (H.R. 18260)	Failed of passage under suspension of the rules (Sept. 15, 1968).		
Colorado River Basin project (S. 1004)	Passed May 16, 1968	Passed Aug. 7, 1967	Conference report filed.
Consumer:			
Consumer Credit Protection Act (Public Law 90-321)	Passed Feb. 1, 1968	Passed July 11, 1967	Signed into law May 29, 1968.
Clinical Laboratories Improvement Act of 1967 (Public Law 90-174)	*Passed Sept. 20, 1967*	*Passed Nov. 6, 1967*	*Signed into law Dec. 5, 1967.*
Flammable Fabric Act Amendments of 1967 (Public Law 90-189)	*Passed Nov. 27, 1967*	*Passed July 27, 1967*	*Signed into law Dec. 14, 1967.*
Fire Research and Safety Act (Public Law 90-259)	Passed Feb. 8, 1968	Passed Aug. 16, 1967	Signed into law Mar. 4, 1968.
National Commission on Product Safety (Public Law 90-146)	Passed Nov. 6, 1967	Passed June 6, 1967	Signed into law Nov. 20, 1967.
Wholesome Meat Act (Public Law 90-201)	Passed Oct. 31, 1967	Passed Nov. 28, 1967	Signed into law Dec. 15, 1967.
Automobile insurance study and investigation (Public Law 90-313)	Passed May 7, 1968	Passed Apr. 10, 1968	Signed into law May 22, 1968.
Interstate land sales full disclosure (Public Law 90-448)		Passed May 28, 1968	Signed into law Aug. 1, 1968.
Wholesome Poultry Products Act (H.R. 16363)	*Passed July 1, 1968*	*Passed July 29, 1968*	
Natural Gas Pipeline Safety Act of 1968 (S. 1166)	*Passed July 2, 1968*	*Passed Nov. 9, 1967*	*Awaiting President's signature.*
Crime:			
Omnibus Crime Control and Safe Streets Act (Public Law 90-351)	Passed Aug. 8, 1967	Passed May 24, 1968	Signed into law June 18, 1968.
Commission on Noxious and Obscene Matters and Materials (Public Law 90-100)	Passed Aug. 7, 1967	Passed May 11, 1967	Signed into law Oct. 3, 1967.
Juvenile Delinquency Prevention and Control Act (Public Law 90-445)	Passed Sept. 26, 1967	Passed July 8, 1968	Signed into law July 31, 1968.
State Firearms Control Assistance Act (H.R. 17735)	Passed July 24, 1968		
Joint Committee to Investigate Crime (H.J. Res. 1)	Passed July 12, 1968		
Drug abuse amendments (H.R. 14096)	do	Referred to committee	Awaiting Senate action.
Economic development: Appalachian Regional Development Act (Public Law 90-103)	Passed Aug. 14, 1967	Passed Aug. 27, 1967	Signed into law Oct. 11, 1967.
Education training and antipoverty:			
Public Broadcasting Act of 1967 (Public Law 90-129)	Passed Sept. 21, 1967	Passed May 17, 1967	Signed into law Nov. 7, 1967.
Elementary and Secondary Education Act Amendments of 1967 (Public Law 90-247)	Passed May 25, 1967	Passed Dec. 11, 1967	Signed into law Jan. 2, 1968.
Teacher Corps extension (Public Law 90-35)	Passed June 27, 1967	Passed June 28, 1967	Signed into law June 29, 1967.
Vocational Rehabilitation Act Amendments of 1967 (Public Law 90-99)	Passed Aug. 21, 1967	Passed Sept. 20, 1967	Signed into law Oct. 3, 1967.
Vocational Rehabilitation Act Amendments of 1968 (Public Law 90-391)	Passed May 6, 1968	Passed June 24, 1968	Signed into law June 25, 1968.

STATUS OF APPROPRIATION BILLS, 90TH CONG., 2ND SESS.—Continued
[In millions of dollars]

Bill	House	Senate	Status
Education training and antipoverty—Continued			
National Foundation on the Arts and Humanities Act Amendments of 1968 (Public Law 90-348).	Passed Feb. 27, 1968	Passed May 7, 1968	Signed into law June 18, 1968.
Economic Opportunity Act Amendments of 1967 (Public Law 90-222)	Passed Nov. 15, 1967	Passed Oct. 5, 1967	Signed into law Dec. 23, 1967.
Higher Education Act Amendments of 1968 (H.R. 15067)	Passed July 25, 1968	Passed July 15, 1968	In conference.
Vocational Education Act Amendments of 1968 (H.R. 18366)	Passed July 15, 1968	Passed July 17, 1968	Do.
Manpower Development and Training Act Amendments of 1968 (H.R. 15045)	Reported June 27, 1967	Reported July 20, 1967	
Guaranteed Employment Act of 1968 (H.R. 12280)	Hearings in progress	Hearings in progress	
Federal employees:			
Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206)	Passed Oct. 11, 1967	Passed Nov. 29, 1967	Signed into law Dec. 16, 1967.
Federal employee protection against invasion of privacy (S. 1035)		Passed Sept. 13, 1967	
Removal of Federal or District of Columbia employees committing unlawful acts related to riots and civil disorders (H.R. 17267).	Reported May 23, 1968		
Foreign and defense policy:			
Peace Corps authorization (Public Law 90-175)	Passed Oct. 23, 1967	Passed May 15, 1967	Signed into law Dec. 5, 1967.
Arms Control and Disarmament Act (Public Law 90-314)	Passed Mar. 6, 1968	Passed Apr. 22, 1968	Signed into law May 23, 1968.
Emergency food assistance to India (Public Law 90-7)	Passed Mar. 9, 1967	Passed Mar. 20, 1967	Signed into law Apr. 1, 1967.
Inter-American Development Bank Act amendments (Public Law 90-88)	Passed July 26, 1967	Passed Aug. 24, 1967	Signed into law Sept. 22, 1967.
Export-Import Bank Act extension (Public Law 90-267)	Passed Feb. 7, 1968	Passed Aug. 11, 1967	Signed into law Mar. 13, 1968.
Export-Import Bank (Public Law 90-390)	Passed June 12, 1968	Passed June 18, 1968	Signed into law July 7, 1968.
Military Selective Service Act of 1967 (Public Law 90-40)	Passed May 25, 1967	Passed May 11, 1967	Signed into law June 30, 1967.
Uniform Services Pay Act of 1967 (Public Law 90-207)	Passed Oct. 26, 1967	Passed Nov. 29, 1967	Signed into law Dec. 8, 1967.
Military construction authorization, 1969 (Public Law 90-408)	Passed Apr. 25, 1968	Passed June 25, 1968	Signed into law July 21, 1968.
Foreign Assistance Act of 1968 (H.R. 15263)	Passed July 18, 1968	Passed July 31, 1968	
Military Procurement Act (S. 3293)	Passed July 11, 1968	Passed Apr. 19, 1968	In conference.
Foreign Military Sales Act (H.R. 15681)	Reported July 3, 1968		
Health and welfare:			
Social Security Amendments of 1967 (Public Law 90-248)	Passed Aug. 17, 1967	Passed Nov. 22, 1967	Signed into law Jan. 2, 1968.
Older Americans Act Amendments of 1967 (Public Law 90-42)	Passed June 19, 1967	Passed June 28, 1967	Signed into law July 1, 1967.
Mental Health Amendments of 1967 (Public Law 90-31)	Passed May 17, 1967	Passed June 8, 1967	Signed into law June 24, 1967.
Mental Retardation Act Amendments of 1967 (Public Law 90-170)	Passed Sept. 20, 1967	Passed Nov. 6, 1967	Signed into law Dec. 4, 1967.
Partnership for Health Act Amendments of 1967 (Public Law 90-174)	do	do	Signed into law Dec. 5, 1967.
National Eye Institute (H.R. 12843)	Passed Aug. 1, 1968		
Health Manpower Act of 1968 (H.R. 15757)	do	Passed June 24, 1968	
Occupational Health and Safety Act of 1968 (H.R. 17748)	Reported July 16, 1968		
Public Health Service Act Amendments of 1968 (H.R. 15758)	Passed July 12, 1968	Passed June 24, 1968	In conference.
National School Lunch Act amendments (H.R. 17872)	Passed July 1, 1968	Passed July 17, 1968	Do.
National School Lunch Act (H.R. 17873)	do	do	Do.
Housing: Housing and Urban Development Act, 1968 (Public Law 90-448)	Passed July 10, 1968	Passed May 28, 1968	Signed into law Aug. 1, 1968.
Labor:			
Monday holidays (Public Law 90-363)	Passed May 9, 1968	Passed June 24, 1968	Signed into law June 28, 1968.
Situs picketing (H.R. 100)	Reported May 4, 1967		
Coverage of agricultural workers under the National Labor Relations Act (H.R. 16014)	Reported Apr. 3, 1968		
Public Works:			
Federal-Aid Highway Act of 1968 (S. 3418)	Passed July 3, 1968	Passed July 1, 1968	Awaiting President's signature.
Rivers and Harbors Flood Control Act, 1968 (S. 3710)	Passed July 15, 1968	Passed July 2, 1968	Do.
Accessibility of Federal buildings to the physically handicapped (S. 222)	Passed June 7, 1968	Passed Aug. 25, 1967	Do.
Taxation:			
Revenue and Expenditure Control Act of 1968 (Public Law 90-364)	Passed Feb. 23, 1968	Passed Apr. 2, 1968	Signed into law June 28, 1968.
Interest equalization tax (Public Law 90-219)	Passed Mar. 15, 1967	Passed July 25, 1967	Signed into law July 31, 1967.
Investment tax credit (Public Law 90-26)	Passed Mar. 16, 1967	Passed May 9, 1967	Signed into law June 13, 1967.
Interstate Taxation Act (H.R. 2158)	Passed May 22, 1968		
Foreign travel tax (H.R. 16241)	Passed Apr. 4, 1965		
Veterans:			
Veterans Pensions and Readjustment Assistance Act of 1967	Passed Mar. 20, 1967	Passed Feb. 7, 1967	Signed into law Aug. 31, 1967.
Veterans Mortgage Insurance Act (Public Law 90-301)	Passed Mar. 26, 1968	Passed Apr. 19, 1968	Signed into law May 7, 1968.
Service-connected compensation increase for veterans (H.R. 16027)	Passed June 6, 1968	Passed July 31, 1968	

FOREIGN AFFAIRS

Czechoslovakia: The illegal and immoral conquest of Czechoslovakia by Moscow and its satellites should be ample proof that there is no detente between the Free World and the Soviet Union. The invasion represents an unprovoked attack on a defenseless nation whose only crime was a desire to dissent. On the night of August 20, 200,000 communist troops poured over the undefended frontiers of that country and crushed the new-born freedom of a people who had asked only that they be left alone.

Such an attack is another in a long series of events which serve as ample evidence of the viciousness and deceit of international communism. To those who have spoken of a "mellowing" of the Soviet Union and to those who have been proponents of "building bridges to the East" it should serve as a sobering and eye-opening event. As General Eisenhower said in his last warning to the American people: "Remember, it is not by a tyrant's words, but only by his deeds that we can know him!"

The intervention by the Soviet Union underscores the fact that communism is a system which can be installed and maintained only by brute force. It is a creed which makes no provision for liberty, and liberty is both incompatible with it and a threat to its existence. In actuality, this invasion serves as the most damning possible indictment of the Soviet Communist system.

Our hearts go out to the people of Czechoslovakia. We understand and admire their aspirations. We admire their courage. Our hope is that the gigantic moral and economic power of the United States can be utilized in such a way that someday the freedom-loving Czechs and Slovaks and all captives of communism may regain their liberty.

It is in this spirit that I joined several of my colleagues in introducing H. Res. 1293, which reads as follows:

"Whereas the invasion of Czechoslovakia by the armed forces of the Soviet Union, Poland, Hungary, Bulgaria, and the East German regime constitutes a flagrant violation of Czechoslovakia's territorial integrity and political independence, a disruption of the international order, and a violation of the Charter of the United Nations; and

"Whereas the people of Czechoslovakia by their calm and courage in the face of irresistible force have earned the respect of free people everywhere: Therefore be it

"*Resolved,* That the United States House of Representatives—

"(a) condemns the invasion of Czechoslovakia as an affront to human rights and as an unlawful use of force contrary to the fundamental principles of the United Nations Charter and of international law;

"(b) expresses its admiration for the people of Czechoslovakia and its earnest hope that the principles of equal rights and self-determination of peoples embodied in the Charter of the United Nations will be applied once again in Czechoslovakia."

DOMESTIC AFFAIRS

Steel Industry: The economy of Birmingham and financial security of the steel workers is dependent upon a health steel industry. The threat of steel imports has loomed before us with an increasing threat. In recognition of this danger I have testified before the General Subcommittee on Labor of the Education and Labor Committee on two occasions and again before the Ways and Means Committee during hearings concerned with the impact of imports on American industry and employment. In addition, I have introduced a bill, H.R. 13839, establishing import quotas limiting the amount of pig iron and steel mill products which may be imported into the Untied States.

Crime: A return to law and order is the predominant cry heard throughout America. Coupled with rioting and lawlessness has been the increase in crime in other categories. It is a startling fact that crime takes out of the economy four times as much as all levels of government spending trying to combat it. The President's Crime Commission Report, issued in 1967, estimated that the economic cost of crime and related expenditures is $21 billion per year. A breakdown of this figure reveals the following annual costs for the respective categories of crime and related expenditures.

[In millions]

1. Crimes against persons (homicide, assaults, etc., including loss of earnings)	$815
2. Crimes against property (embezzlements, frauds, arsons, etc.)	3,900
3. Other crimes (tax frauds, abortions, etc.)	2,300
4. Organized crime (gambling, narcotics, etc.)	8,100
5. Public law enforcement and criminal justice	4,200
6. Private costs of crime (prevention services, insurance)	1,900
Total	21,215

Annual public expenditures for crime prevention and control by category

[In millions]

1. Police	$2,800
2. Corrections	1,030
3. Courts	261
4. Prosecution and defense counsel	125
Total	4,216

Annual public expenditures for crime prevention and control by level of government

[In millions]

1. Local	$2,770
2. State	1,090
3. Federal	354
Total	4,214

The age of permissiveness must come to an end, and an era of firmness must replace it. The crime wave must not be the wave of the future in America.

Electronic Projections: Having been convinced that premature broadcasting and telecasting of election returns and projections prior to the closing of the polls on election day can influence election results, I have introduced legislation to remedy the situation. My bill would amend the Communications Act of 1934 to prohibit the broadcasting in a State of election results or projection of election results involving the election of a President, Senator, or Congressman until all polling places in such State at which votes may be cast in such elections are closed. The time zones between East and West have created this problem since such projections have been given by the networks.

SENATOR HARRY F. BYRD, JR., SPEAKER

HON. WILLIAM M. TUCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. TUCK. Mr. Speaker, Virginia's distinguished senior U.S. Senator, Hon. HARRY F. BYRD, JR., favored the people of Halifax County and South Boston, Va., on Monday, September 30, by accepting an invitation to speak at the kickoff dinner of the United Givers Fund for that area.

The United Givers Fund in the area referred to for this year is under the direction of Mr. John L. Morgan, and the campaign manager is Mr. Thomas W. Stuckey, both of whom are outstanding citizens and able business executives.

Mr. and Mrs. Paul C. Edmunds III, of Halifax, Va., gave a reception at their beautiful home for Senator and Mrs. Byrd, and party, attended by officials of the United Givers Fund and others.

Mr. Thomas Leggett, also active in the United Givers Fund, arranged for transportation from and to Washington by private plane, thus enabling the Senator to be present.

I commend all of these parties, as well as the other officials of industries located in the city of South Boston and the county of Halifax, for their work in promptly raising their quota in the current UGF drive.

The Senator's message was indeed an interesting and appropriate one. It is filled with sound philosophy and I include in the Extensions of Remarks his remarks, as follows:

SPEECH BY SENATOR HARRY F. BYRD, JR., DEMOCRAT OF VIRGINIA, AT HALIFAX COUNTY UNITED FUND RALLY, SOUTH BOSTON, VA., SEPTEMBER 30, 1968

It is a great pleasure to be in Halifax County, and it is inspiring to see so many of you here tonight devoting your time and energy to this important community work.

I halfway wish that some of the demonstrators who parade around our streets protesting the shortcomings of this country were with us. For they might learn something about demonstrations—the kind that this country really needs.

They would see here a demonstration of genuine concern about our social needs and a determination to do something more than shout about it.

They would see some placards that make sense—give to your United Fund.

This is the second time I've had the pleasure of being here for a United Fund rally. After my first appearance three years ago, you went on to become the first in Virginia and third in the nation to reach your goal. That is a great record.

But I am fully expecting this year to hear that Halifax County was first in Virginia and *first* in the nation in surpassing its goal of $68,593.

Your work in the United Fund drive is important not only for what it will contribute to worthy community programs, but also for what it contributes to the vitality of your community life.

I remember a line from "Green Pastures" where Noah says to God: "Lord, I ain't much, but I'm all I've got."

In a very real sense that is all any of us have—ourselves. And what we make of our lives and our communities will depend on what we ourselves are willing to make of it.

Your work in the United Fund is an example of the spirit and vigor of grass roots action which made this country great and on which its future progress depends.

For too long now there has been a tendency in this country to turn to the federal government for solutions to every kind of social and individual problem.

As a result, the cost of the federal government has doubled in the last nine years, and our national debt today exceeds $357 billion.

Ours has been called an age of non-involvement for the individual citizen. And one reason for that is that we have allowed it to become an age of massive involvement by the federal government in nearly all aspects of our lives. We have become used to the idea of letting Washington do it for us.

We pay a heavy price for big government in the extent to which we find our lives controlled and directed from Washington.

We are only 16 years away from 1984 and the "big brother government" which George Orwell so vividly described in his book. He foresaw a faceless society ruled over by a computerized central government which controls the daily lives of its citizens down to the finest detail.

I am not saying we have this kind of society today or even that it is just around the corner. But I would suggest there is a disturbing tendency to move in that direction. And the only way we can prevent it is to begin doing more things for ourselves—by involving ourselves in the problems and the affairs of our local community.

Now there is another cost involved in the tremendous expansion of federal programs, and that is the cost of deficit spending.

In discussing this problem, I try to avoid getting into too many statistics, but there are a few figures that I would like to emphasize.

The first is the interest on the national debt. The American taxpayer will pay $15.3 billion in interest this fiscal year.

I mention this figure because I want you to compare it with another figure—the total revenue which will be raised by the new ten percent surtax and the renewal of excise taxes enacted by Congress this year. Those taxes will raise this year $15.3 billion—exactly what will be spent for interest on our national debt.

At various times the surtax has been called a war tax, a tax to continue vital domestic programs and an anti-inflationary tax. But let's tell it like it is. Let's call it what it is—a debt tax. For every penny of that tax, and then some, will go for interest on our national debt.

This is a dramatic, if painful lesson in the cost of deficit spending. And it's a lesson every taxpayer should bear in mind when he fills out his tax return this year.

For those who may think deficit spending is an unimportant issue, I ask them to consider what could be done with $15.3 billion.

$15.3 billion is almost exactly what the federal government will spend this year on all programs benefiting the poor—and this includes federal food programs, direct public relief, medicaid, anti-poverty programs and other special training and education efforts.

It is more than 20 times the amount that will be raised by all the United Fund drives across the country this year.

No government can continue indefinitely to spend more than it takes in. Someday, it must pay the price.

We are paying that price today in the billions upon billions of dollars which are earmarked each year for these interest payments. We are paying the price in inflation. We are paying the price in the loss of confidence in the U.S. dollar abroad.

It is not that dollars are more important than people and their needs. They aren't. It is simply that without a sound dollar all government programs, and, indeed, our entire economy will be undermined.

By any measure you care to use, the American people are the most generous and humanitarian people in history.

Since 1945, this country has given more than $118 billion in foreign assistance to needy countries the world over. I believe this program has served some useful purposes, but we cannot continue trying to be physicians to all the world's ills.

Our foreign aid program is a case in point. We have given a total *net* assistance of $118 billion over the years. But the interest paid on the money we have borrowed to finance those aid programs is approximately $52 billion, or about 45 percent of the total program.

The time has come, I think, to consider a drastic reduction or even a moratorium on our foreign aid spending.

Few people today realize it, but there is now on the books more than $12 billion in unspent foreign aid money. This is the so-called foreign aid pipeline. There is enough money in this pipeline to continue spending at about the same rate for several years even if Congress refuses to approve another penny.

That point is well illustrated by the more than $1.3 billion dollar reduction in the program made by the House this year. Despite that cut, actual expenditures for foreign aid this year would be reduced by only $245 million.

It is especially important that we reduce our non-essential expenditures at a time when we are spending billions for defense to meet the challenges facing us in the world.

Like all Americans, I was shocked at the invasion of Czechoslovakia by the Soviet Union and its East European satellites.

I was shocked by that treacherous aggression—but I was not entirely surprised.

For it was quite within the pattern of Soviet policies.

That policy is evident in Vietnam where the Soviet Union is a vital force behind the aggression of the North Vietnamese, providing them with most of their major military weapons.

That policy was apparent in the Middle East, where a little more than a year ago, Soviet activities helped bring the world to the brink of war. And, only five years ago, their provocative actions in Cuba came close to triggering a nuclear exchange.

It was not surprising to me, then, to see the Soviets enforcing their will on a satellite country through force of arms. There has been no fundamental change in Soviet goals or in their readiness to resort to threat and force, if necessary, to achieve those goals.

It has always seemed to me premature to talk of a new Soviet attitude or of the abandonment of long-standing goals of the communist movement.

On numerous occasions, I have asked high government officials appearing before the Senate Armed Services Committee whether they agreed that the Soviet Union was deriving great advantages from U.S. involvement in Vietnam.

Invariably, the answer was no—they did not agree. In their view, the Soviet Union genuinely desired an end to the war, but it was helpless to impose its will upon the fellow communist regime in North Vietnam.

Yet, the Soviets had no trouble imposing their will on Czechoslovakia. They had no difficulty imposing their will on the other satellite states that joined in the invasion of Czechoslovakia.

I am convinced the war in Vietnam could be brought to an end very quickly if the Soviet Union really desired it. But, thus far, our government has exercised very little pressure on the Soviets—or for that matter on any other country which is aiding our enemy in Vietnam—including our supposed allies.

During the first eight months of 1968, the United States suffered 83,533 casualties, an average of 2,400 per week. This is nearly double last year's average.

It is significant to me that of all the casualties we have suffered in Vietnam, 41 percent have occurred during the first eight months of 1968. In that same period, the number of Free World ships carrying supplies to the port and harbors of North Vietnam was nearly double that of 1967.

Is there any wonder that more and more Americans are being killed and wounded?

While we are pursuing the winds of peace in Paris, we must not let our troops in Vietnam become the forgotten men.

We want to do everything possible in the way of negotiations and in the way of discussions in an effort to bring the Vietnam war to a conclusion. But we must not be lulled into a false sense of security. We must not neglect our responsibility to give full support to the men we have committed to that struggle.

We must put all possible financial and diplomatic pressure on those trading with and supplying the enemy.

Certainly, it makes no sense to expand trade with countries that are supplying our enemies. That is why I have opposed the efforts of the Administration to expand trade with the Soviet Union and its East European satellites. We should not supply those who are helping to kill and wound our men in Vietnam.

For all its regrettable consequences, the brutal Soviet invasion of Czechoslovakia may have some beneficial effects for the Free World.

For one thing, it should stiffen the resolve of some of our NATO allies who believed that the Soviet threat had diminished to a point where a strong NATO force was no longer required.

But most important, the Soviet attack on Czechoslovakia should dispel any illusion in this country about long-range Soviet intentions. We can deal with the Soviet Union, but only from a position of strength and only with our eyes open to the realities of Soviet policy.

If this lesson is learned, then the tragedy of Czechoslovakia may yet serve the interests of securing a more stable peace.

REPORT TO CONSTITUENTS

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. ANDREWS of North Dakota. Mr. Speaker, periodically I send reports of my activities in Congress and in the State to my constituents in North Dakota. At this time I would like to ask unanimous consent to have the following report inserted in the Record:

Local Initiative—Key to Development

John Strochl, Kulm, cut the ribbon dedicating a project in which many LaMoure County residents can take special pride. On the left is John Greenslit, Bureau of Outdoor Recreation executive in North Dakota.

Projects like the Garrison Diversion, Model Cities planning in Fargo and Urban Renewal in Grand Forks get headlines in the news. Also important, however, and in some ways more significant, are accomplishments such as the fine dam dedicated recently in LaMoure County.

This dam, located between Kulm and Edgeley, will transform a previously dry coulee into a 27 acre reservoir. When it is stocked with fish and outfitted with boat docks and other recreation facilities, the $57,000 project will be an outstanding sports and recreation attraction in the area.

In terms of size, cost and other vital statistics, the dam could hardly be ranked as a "major project," but what makes it special, I believe, is that it is the result of local initiative. Edgeley and Kulm area citizens worked together, put on a local fund drive and got the help of responsive State and Federal government agencies, such as the State Water Commission, the State Game and Fish Department and the Bureau of Outdoor Recreation. Extra credit must be given John Stroehl and the Rod and Gun Clubs in the two towns for guiding the project to completion.

I was very pleased to be asked to attend the dedication of the dam, because it is the kind of project that proves government *can* be a responsible servant to the people—when local initiative leads the way.

Since my last report to you, it has been my privilege to welcome to our Nation's Capital a number of young people from North Dakota. Their interest in the workings of their government is great to see, and hopefully, it will lead to active participation in governmental affairs throughout their lives.

Two Concordia College students, Desyl Peterson of Grandin and Mark Ohnstad of West Fargo, are here to participate in the "Washington Semester Program" at American University.

Mark, a senior, is making a study of automobile safety regulations for his special project.

Desyl, who is a junior, is writing a report on the workings of my Congressional office, legislative and committee work, etc. She spends a couple of days each week on Capitol Hill and also attends special seminars arranged by American University for all students participating in the program.

President of the Future Farmers of America in North Dakota, Richard Frith of Devils Lake, was in Washington to attend a special meeting of that fine organization. It is important that we make sure there really is a future in farming for our nation's Future Farmers.

Leslie Burdick, Fargo, and Ann Vadnie, Bismarck, represented our State at Girls' Nation. Like Boys' Nation, this experience gives young people an opportunity to learn about the importance of active participation in government.

County ASCS office managers have a key role assisting farmers in interpreting Federal Farm Programs. Working with them, I have been continually impressed by their sincere efforts to do a good job.

Dayton Byram, Cass County ASCS Office Manager from Wheatland, visited Washington recently and we had an opportunity to discuss matters of special interest to him in his work.

MINUTEMAN MISSILES—MORE TESTING IS NEEDED

All Americans agree that our military defense against Communist aggression must be effective and strong.

Those of us from North Dakota have a special interest in the Minuteman Missile System—our Nation's first line of defense—since much of this system is located in our State.

I have been at the missile sites on a number of occasions and they are certainly complex installations run by a dedicated group of servicemen.

Certainly, all of us were disappointed and disturbed by the failure of the Minuteman Missile tested in North Dakota this summer, the third such misfire of the system in our state. While the Air Force insisted failure of a test missile of this type doesn't mean much, coming as it did at a time of serious world tension, we can't help but be concerned. This is particularly true since the Johnson-Humphrey Administration has cut back our B–52 force, the alternative to missiles, and continues to ignore top military recommendations for developing a new generation of bombers to take over from the B–52.

In briefings following these failures, Air Force officials have assured me that in each of the three tests, component parts which failed to function properly were determined and the overall program has been strengthened as a result of finding these flaws. This is certainly in line with my feeling that additional and broader tests are needed, including test flights from operational silos to midocean targets five or more thousand miles away. The success of such an ambitious testing program could well be a step closer to peace in the world since broad public knowledge of the accuracy and dependability of our missiles could not help but deter a possible aggressor.

Meanwhile, on the other side of the world, the Soviet Union has doubled its arsenal of intercontinental ballistic missiles (ICBM's) in a single year, virtually wiping out America's long-standing lead in long range rockets.

This seems a particularly imprudent time in world history for the Administration to continue to refuse to step up the testing of our vitally important missile fleet.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. SCHERLE. Mr. Speaker, this is the 254th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE REASONED CASE FOR LAW IN OUR TIME

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. EDWARDS of Alabama. Mr. Speaker, on September 20, 1968, the St. Thomas More Catholic Lawyers' Guild sponsored the annual red mass for the lawyers of Mobile County, Ala., at the Basilica of the Immaculate Conception in Mobile.

It was my privilege to be able to attend this beautiful service dedicated to the spiritual enhancement of the members of the legal profession.

Father Joseph Jennings, pastor of St. Pius X Church in Mobile, Ala., delivered a wonderful sermon on the need for respect for the law in our time.

I think all Members today should have an opportunity to read Father Jennings' words, and I place his sermon in the RECORD at this point:

SERMON OF FATHER JOSEPH JENNINGS

Sometime recently I had the privilege of visiting the Holy Land and while there I walked among the ruins of the temple down in Capharnaum, where striking columns and moss covered hulks of stone bear silent evidence of a monumental house of God. There's nothing else there to mark the place that was Capharnaum.

Here Christ spoke often. Here He answered questions. Here He worked some of His great miracles. Here He answered the lawyer—"What must I do to possess eternal life?" With a directness for answers—a drive for reaching the heart of the issue that we characterize as the charism of the lawyer—Christ was asked to spell out in clear, concise terms His conditions for salvation and He answered in just as clear and concise a manner as the question suggested.

What is written in the Law? How do you read?

This morning we gather in this historic house of God to observe an annual custom of invoking the Blessing of God on those whose task it is to apply and expound the law. It is good for us to be here to offer the Holy Sacrifice of the Mass—the central act of Christian worship—in recognition of God's authority as the final fount and source of all law and order.

It is not only good—it is necessary—particularly in our times when such deep and widespread conflict with the law is rampant, where challenge, rebellion and self-determination seem more descriptive of our age than respect for law. At no time has the subject of law and order been so frequently under fire, or become the recurring issue of our politics. Yes, it is discussed, dissected, analyzed, disregarded, and in the process portends a frightening picture of what is gradually happening in our society.

We claim to learn from past mistakes; to benefit by the miscues of history; yet, many thoughtful and scholarly people see the signs of slow disintegration in the actions, moods and attitude of our present society—particularly in its attitude toward law and order.

We could do well to recall the heights to which other great civilizations aspired and standards of advanced living realized in their times. We could, this morning, profitably turn back and briefly thumb through the pages of history to find in the rise and fall of some of these an object lesson for ourselves.

Take Greece—for a thousand years before Christ this rising power spread its imprint across the confines of Asia Minor to the very coastline of France and Spain. Its cities stood as marvels to the ingenuity, foresight and grandeur that characterized its driving quest for greatness. Athens, Sparta, Corinth begot a culture and a sophistication unsurpassed in world history. The age of Pericles flourished until Greece became the fountainhead of later Western world civilization. The list of her great names made an all time honor roll of history's greatest names—Sophocles, Plato, Socrates, Aristotle, Astophanes, Euripides. Between its rise to the zenith of its power and the ebb tide of its waning influence Greece still holds the undisputed claim to be the first to beget the idea and make an all out effort to make democracy its way of life and its system the accepted form of government by its people.

But Greece fell—and Rome and Roman power came next on the scene.

The Romans, militarily stronger than the Greeks, more coordinated and disciplined, grew to power avoiding the mistakes they knew had crumbled the Grecian empire. The Romans beset themselves the task of framing a system of laws (Justinian code) that has since been often called the most influential code the world has ever known. But the Romans, too, despite the greatness and the grandeur of their day of power, the colosseums, their gardens and their circus grounds, their stadiums, their public baths, their highway systems, their incomparable aqueducts that gave running water in every home, their art, their sculpture, their engineering and architectural advancement—the Roman empire fell too.

Closer to home—take the example of the Aztecs—who created a composite civilization based on the Mixteca-Puebla heritage—present and future study will reveal their standards of living were higher than ours today—their advances in sculpture, engineering, metal, music, painting and education—among the highest ever reached—all gave. Why? Affluence—the dry rot of empires, of nations, of society. Man has never been able to handle prosperity for long. His only hope for survival or coexistence alongside it is his allegiance to law and order. Its as vital as the star to the ship off course, as necessary as the compass to a mariner, as important as food for his body. It is most difficult to survive for long without it under any system of government. It is altogether impossible when that system of government is a democracy—for democracy at best is a very difficult form of government. It is not for everybody, for not everybody is prepared to pay the price of seeing it work.

It is based on the difficult premise that those who elect to live by its process must commit themselves to certain basic requirements. Democracy is a flower that blooms for as long as it has roots. Those roots are *law* and *order* and unconditional respect for others' rights.

You are exponents, interpreters of the law. You are more acutely aware of the growing restlessness of our times than most. You see the law flouted, challenged, ignored and often, I am sure, you feel frustrated to watch this tide of affairs. We have beguiled ourselves to accepting cliches about the vague need of reshaping our thinking without, in fact, doing any more than talk. We lay heavy emphasis on the high hopes we have for what the future holds in terms of scientific progress. We have created a new jargon, a whole new Pandora's box-full of bright prospects about new advanced standards for the good life ahead—more free time, more conveniences for travel, home and recreation, new vistas of opportunities, new break through in science and medicine and engineering, more parking of intermittent satellites to span the earth and monitor its headlines from remote parts.

New thrusts of knowledge and know-how in business, technical and academic areas, whole new concepts of science and industry, the arts—everywhere except in our abandonment of society's most necessary ingredient—law and order. Law and order are under scrutiny, under fire—not only in the civil courts and in the streets of our cities, but even the phenomenon of its challenge has infiltrated the very sanctuary of the Church. Under pretext of freedom of expression, need of revision, concern for future expansion, the core of this rebellious epidemic is centered on change—often for the sake of change. You are not the only ones these days afflicted by the break-down of law and order.

The law has been good to us. Without it we would have chaos and stagnation.

You, engaged in protecting and expounding the law, have a high and worthy vocation. Treat it as an important part of the system under which we hope to survive. It is, in fact, the thread that weaves and holds together the fabric of our society. It is as necessary for the life of our democracy as the marrow is to the bone of a human.

May the respect and reverence that you show the law in turn reflect respect upon yourselves for what is written in the law should be taken as the will of God for all who want to live in peace and harmony and mutual respect.

We need a return of these attitudes and a renewed emphasis on respect for law in our times.

BIRTHDAY SALUTE TO REPUBLIC OF GUINEA

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. O'HARA of Illinois. Mr. Speaker, today the Republic of Guinea celebrates the 10th anniversary of its independence. Like the United States, Guinea made the bold decision to assume complete responsibility for its own national destiny. Under the able leadership of President Ahmed Sekou Toure, Guinea has moved forward since 1958 to develop its own national personality and construct the social framework essential to political and economic progress.

With this base, the Republic of Guinea took a major step forward in its economic development on September 18 of this year when their Minister of Economic Development Ismael Toure signed agreements here in Washington with the IBRD, AID, and a group of private investors, mostly American, for the development of rich bauxite deposits at Boke in Guinea.

This is not, however, the first successful association between American private enterprise and the Government and the people of Guinea, as other American firms have already benefited from cooperation in similar associations.

So in addition to the ties of history linking the people of Guinea and the United States we are becoming more closely associated with them to our mutual benefit in the field of economic development.

I would like to take this occasion of the 10th anniversary of Guinea's independence to extend congratulations and best wishes for the future success of the Republic of Guinea and its President Ahmed Sekou Toure. My very personal good wishes go to Guinea's distinguished Ambassador to the United States, His Excellency Karim Bangoura.

NEIGHBORHOOD YOUTH CORPS WORKERS PRAISED FOR WORK IN BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. DULSKI. Mr. Speaker, one of the programs developed by our Federal Government to fight poverty among our people is the Neighborhood Youth Corps. It is not unusual nor unexpected for pioneering programs to have their growing pains as they settle into their role. And since controversy grabs the headlines, too often we hear only of the controversy and not of the excellent successes.

I am indebted to Walter S. Dunn, Jr., director of the Buffalo and Erie County Historical Society, Buffalo, N.Y., for bringing to my attention the excellent help which Youth Corps workers gave to the society on assignments this summer. It is most heartening to hear of the good work that is being done.

Mr. Dunn details the work of the Buffalo young people in a letter which he has sent to the Community Action Organization in Buffalo.

In his transmittal letter to me, Mr. Dunn said:

> In a time when so many Federal programs are being criticized, I thought you might appreciate seeing this report I made to the local Community Action Office on our use of high school work-study students this summer. This program along with the college work-study program has been of great value to the Historical Society.

Following is the text of Mr. Dunn's letter to the Community Action Organization:

> BUFFALO & ERIE COUNTY
> HISTORICAL SOCIETY,
> *Buffalo, N.Y., September 24, 1968.*
>
> COMMUNITY ACTION ORGANIZATION,
> *Buffalo, N.Y.*
>
> GENTLEMEN: During the summer, the Historical Society has been very fortunate to have the services of five students under the Neighborhood Youth Corps program. The Society has benefited from the actual work performed by the students in every section of its activities. The staff of the Society has benefited from working with the students and gaining a better understanding of the abilities of these youngsters. In one instance, a staff member rated the high school level students in this program as better than a group of college students doing similar work last summer. The work involved was classifying historical photographs which required some ability on the part of the students.
>
> The students also classified pamphlets, assisted in processing newly cataloged books, typed cards for the card catalog, helped install seats in the auditorium, painted all the iron work on the exterior of the building, acted as guards in the galleries, and assisted in grounds maintenance and building maintenance work. I believe that most of the students benefited from working in an environment with considerable prestige. Their work was important and was a permanent contribution to the program of the Society.
>
> Sincerely,
> WALTER S. DUNN, Jr.,
> *Director.*

TRIBUTE TO THE HONORABLE W. AVERELL HARRIMAN

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mrs. KELLY. Mr. Speaker, I wish to take this opportunity to pay special tribute to my longtime personal friend and associate, Ambassador-at-Large W. Averell Harriman, whose loyal dedication and quiet, earnest service to our Nation has spanned almost 4 decades and five Presidents.

His designation by President Lyndon B. Johnson as his personal representative to the peace talks in Paris with the North Vietnamese on March 31, 1968, was another step in his long and illustrious career of 22 important positions in Government service which he has held. Ambassador Harriman who will be 77 years old in November, carried with him to the conference table in Paris in the spring of this year, the hopes and the prayers of a nation and a world thristing for peace and discouraged over the loss of our young men in the tiny country of South Vietnam. He carried with him the awesome task of ferreting out the elusive solutions to an increasingly burdensome conflict, the characteristics of which the American people have never known before.

With the support of the overwhelming majority of Americans, Ambassador Harriman has striven unselfishly and with dedication for the past 6 months to find a way to bring peace to Vietnam. In the highlights of the forthcoming national election, I wish to call attention to the perseverance of Ambassador Harriman's quietly working behind the scenes in establishing a rapport for negotiations in Paris.

After one of the unproductive conferences with the North Vietnamese, Ambassador Harriman reflected his personal optimism in saying:

> I am always optimistic. The people of the world, of Vietnam, and of the United States want to see this war stopped.

This optimism has buoyed him over the tides of discouragement in an attempt to create an atmosphere, a "climate" for negotiations with Xuan Thuy and other North Vietnamese representatives.

When asked recently about the art of diplomacy, Ambassador Harriman stated:

> Well, I think the principal thing is to try to understand the other fellow's point of view. You don't get very far if you rigidly close your mind. . . . You've got to be persistent, got to be determined, never in a hurry. You ought to take time to thrash things out, but at the same time not give the impression that the negotiations can go on forever.

Mr. Speaker, I have a very high personal regard for my good friend and fellow New Yorker, Averell Harriman. He is a man whose personal integrity, intellectual honesty, and straightforward manner have enhanced the reputation of our country around the globe during the many years of his public service. I believe we all owe him our thanks and gratitude, especially at this time, for his constant and dedicated efforts to obtain a better and more peaceful world. As a member of the House Foreign Affairs Committee and chairman of its Subcommittee on Europe, I have firsthand knowledge of the enormous talents which he possesses.

In addition, I have been most fortunate to have worked for and with him for the millions of people of our State. I was indeed proud and fortunate to second his nomination for the presidency of the United States at the 1956 Democratic National Convention. At that time and from precisely 1955 until 1959 as Governor of our State, he initiated innumerable worthwhile and progressive programs of benefit to the people of our State.

On November 15, Averell Harriman will celebrate his 77th birthday, and I pray that this Nation may be fortunate to continue to reap the benefits of this great American's experience for years to come. America's hopes for peace are with you, Ave, as our great President Johnson's personal representative in Paris, and may God provide continued assistance to you now and in the future.

S. SGT. JOHN W. STATES KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. LONG of Maryland. Mr. Speaker, S. Sgt. John W. States, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his bravery and honor his memory by including the following article in the RECORD:

> S. SGT. JOHN W. STATES KILLED IN VIETNAM FIGHTING
>
> Army Staff Sgt. John W. States, of 1907 Deering avenue, was killed last Thursday when his helicopter was shot down near Hue, South Vietnam, the Defense Department reported yesterday. He was 26.
>
> A career soldier, Sergeant States had "one hobby, and that's the Army," according to his wife, Barbara Carol Campbell States.
>
> Sergeant States joined the Army in 1965, having served as a member of the Maryland Army National Guard.
>
> In the Army, he was trained as a helicopter artillery observer. He was a member of the 1st Air Cavalry Division, stationed at Camp Evans near Hue.
>
> Born September 16, 1942, at Easton, Md., he was the son of Henry States, of Queen Anne, Md., and Mrs. Laura States Toulson, of Marydale, Md.
>
> His family moved to Denton, Md., where Sergeant States attended North Caroline Senior High School. Before joining the Army,

he worked at several jobs, including driving for a Baltimore soft drink company.

Besides his wife and parents, he is survived by four children Dawn Michele, 5, Michael Wayne, 4, Joi Patricia, 3, and Laura Suzanne, 3 months; a sister, Mrs. Charlotte Taylor, of Middletown, Del.; a step-sister and a step-brother, Diane States, 13, and Jerry States, 10, both of Queen Anne.

ACCESS TO GOVERNMENT SECRETS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. WYMAN. Mr. Speaker, I am concerned by a recent press report that a Defense Department trial examiner has held that a person who was a member of the Communist Party for 17 years should be given access to secret Government information. No thoughtful American citizen wants a person who has been a Communist for 17 years required to be given a security clearance to secret classified material no matter what may be race, religion, or color.

It is fundamental that anyone who has been a member of the Communist Party and knowingly remained a member for 17 years could not help but have known at some point during those years that the Communist Party is dedicated and committed to the overthrow and destruction of the United States of America by force and violence. His continuing membership unavoidably aline him with such a subversive commitment. A security clearance in the face of such a record is incompatible with the national security and none ought to realize this any better than trial investigators for the Department of Defense.

Mr. Speaker, I would like to see a security investigation of the individual who made this ruling. I understand his name is Charles J. Klyde. I would venture the thought that it is not unlikely that such an investigation would produce background information indicative of cause to remove him from such a position. Such a ruling is inconsistent with rational assessments of security considerations or indicative of a predisposition toward minimizing the lessons of history in regard to Communist goals. Were it to become a precedent it presents a continuing security risk of enormous proportions.

I include in the RECORD at this point a copy of the Associated Press story appearing in the Washington Evening Star of Monday, September 30, 1968:

EX-RED RULED ELIGIBLE TO SEE U.S. SECRETS

NEW YORK.—A Defense Department trial examiner has ruled that a Negro should not be denied access to government secrets, although he was a member of the Communist party for 17 years.

The examiner, Charles J. Klyde, said it is "relatively easy to understand" why a Negro seeking equality would have joined the Communist party in 1933.

The ruling, made last week, was revealed yesterday by the Negro's lawyer, William Kunstler.

APPLICATION REJECTED

Alfred N. Johnson, 53, of Harlem, joined the Communist party in 1933 and left in 1950, he wrote on his application for a government security clearance while employed as an electronic engineering aide for a New York firm working on government contracts.

The government turned down Johnson's application, but he appealed the denial and it was reversed by Klyde.

The Defense Department said it will appeal Klyde's ruling.

"It is relatively easy to understand," Klyde said, "why the applicant, fervently seeking racial equality and at such a stage of his youthful experience, would hasten to join the Communist party."

He said the record, "viewed in its entirety and from a common sense point of view, fails to disclose any concrete factor which should serve to deny the applicant a security clearance."

DEPRESSION NOTED

Klyde's ruling noted that Johnson had joined the party when there was a depression in the United States and fascism abroad.

He said the Communist party had represented itself as a champion of racial equality; and that all these factors strongly influenced Johnson to join it. He said those facts have "no current adverse significance."

Johnson had testified in May that his interest in the Communist party was completely ended in 1954, when the Supreme Court ruled that segregated schools were unconstitutional.

He had been state education director of the Young Communist Youth League in California until 1942, when he resigned to go into the war industry. He had reported his Communist background to the FBI in an interview in 1953 and to the Office of Naval Intelligence in a statement in 1964.

ADMINISTRATION SHEDS CROCODILE TEARS IN AUTO PRICE ROLLBACK

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. MESKILL. Mr. Speaker, careful reflection on the curious gyrations which marked the auto price increases and apparent rollbacks, leads only to the conclusion that the Johnson-Humphrey administration shed only crocodile tears for the poor consumer.

Indeed, the whole performance turns out to be, on analysis, just more hokum, whose only purpose was to divert attention from the failings of the administration.

If the consumer thinks the Johnson-Humphrey administration is taking his side in this instance, he should keep in mind that this administration is primarily responsible for the general inflationary trend in recent years. Mr. Johnson and Mr. HUMPHREY can always be counted on to condone and support the heavy increases in the costs of labor, which break the Government's own guidelines. They also ram through new taxes, which add to the costs of production. Yet, they condemn industries for raising prices to meet these extra costs. They know that corporations do not vote.

Victim of all this is the forgotten consumer: poor Joe Public. I think this year, Joe Public will not forget that the greatest inflationary force in America has been the fact that this administration has racked up a total of $64 billion in deficits since 1961.

The whole car price increase, rollback performance was pure hokum, whose only purpose was to divert attention from the failings of their own administration.

OPERATION KEELHAUL

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, one of my constituents, who is affiliated with the Hoover Institution on War, Revolution, and Peace at Stanford University, is conducting the first lawsuit which has been filed under the terms of the Freedom of Information Act which this Congress has enacted into law. Mr. Epstein is protesting the security classification attached to an Allied operation after World War II, which called for the repatriation of some 4 million Communists into Stalin's hands.

On September 1, the Arizona Republic published an editorial on this subject which clearly describes the entire controversy. Thinking this might be of interest to my colleagues, I am pleased to submit the editorial herewith:

OPERATION KEELHAUL

DACHAU.—Russian prisoners afraid to return to the country they betrayed fought like beasts to destroy themselves at the American detention camp here Saturday, witnesses said today.

The prisoners, all former conscripts in the German army or voluntary traitors, succeeded in killing themselves during a riot and battle against their American guards. One died in the hospital later. Twenty more who seriously wounded themselves were reported recovering.

When soldiers broke into their barracks where the Russians were waiting for transportation home, two of the prisoners tried to disembowel themselves with shards of broken glass. Two of them stood together, slashing at each others throats. Another thrust his head through a window and shook it violently until the broken glass slashed his throat.—Stars and Stripes, Jan. 23, 1946.

This was part of Operation Keelhaul, an Allied agreement for forcibly repatriating some 4 million anti-Communist Russians into Stalin's hands.

The "betrayers" mentioned above were in fact anti-Communist Russian soldiers who, sickened by the Communist dictatorship in their homeland, fought the Red Army in World War II under the command of Andrei Vlasov, former Russian lieutenant general and a hero of the Battle of Moscow.

In all, some 900,000 soldiers of the Vlasov Movement were turned over to their Red executioners. The remaining millions forcibly returned to Stalin were civilians who fled to the West seeking freedom from the Communist tyranny.

Instead, they found betrayal.

Anthony Eden, then Britain's foreign secretary, apparently first suggested forcible repatriation early in 1945. On Feb. 11, 1945, Gen. John Dean and Russian General Cryslov signed the special convention sealing the fate of the anti-Communist Russians—a convention that was a crime against humanity, a violation of the Geneva Convention, and a betrayal of traditional American fair play.

In camps all over Europe, MPs, acting on orders, forcibly herded thousands of DPs into the waiting arms of the Russians. In June 1945, military authorities at Fort Dix, N.J., drugged some 200 Russian prisoners and allowed them to be taken unconscious aboard a Russian ship in New Jersey. Lt Gen. Edward Almond was forced to repatriate a pro-Western hero named Tinio and his comrades, even though he knew it meant their death.

Many of the anti-Communists drowned themselves or otherwise committed suicide. Others sank to their knees and begged U.S. soldiers to shoot them rather than turn them over to the Russians. Six locked themselves in churches and barracks which they set afire. Men, women, and children fought, pleaded, prayed, and screamed—to no avail.

Julius Epstein, a research associate at Stanford University's Hoover Institution, is writing a history of this shameful episode.

But Epstein has been thwarted by the security classification slapped on the files of Operation Keelhaul by the army and high government officials.

The army contends that the documents were "security classified and cannot be made available for unofficial research at the present time." Epstein counters that a precedent for lifting secrecy on the old files was set when Arthur Morse was allowed to use secret military files in preparation of an account of Jewish suffering in Germany.

Epstein filed suit against the army in federal district court last spring, challenging the "top secret" label under the Freedom of Information Act. At a hearing on Aug. 19, the case was taken under advisement, although the judge said he believes top secret documents are exempt under that law.

But California Rep. John Moss, primary author of the Freedom of Information Act, says not so—that it was the intention of Congress to prevent further coverups of this sort.

Sometime after Sept. 6 the court will announce its decision. We trust the veil of secrecy will not be allowed to stand, in violation of congressional intent. But if the army's blackout is allowed, we trust that Congress and the various journalism societies will denounce it in the strongest possible terms, and will work to see that the bureaucratic blackout is ended.

BROADCASTING COMPANY ANNOUNCES DISCOUNT RATE TO POLITICAL CANDIDATES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. VANIK. Mr. Speaker, on September 26, 1968, the Storer Broadcasting Co., of Miami, Fla., announced that their radio and television stations will grant a 25-percent discount off earned commercial rate to all political candidates using the service of their stations.

This is a very constructive step toward equality of opportunity among political candidates. The skyrocketing costs of political campaigning are a deterrent to candidates who feel they cannot meet campaign obligations and preserve their political integrity.

The Storer Broadcasting Co. is to be commended for this very constructive effort. Some time in the future, the communications media of America will recognize the special problems of political campaigning. A good solution would be to provide a limited amount of free or lower cost time and then preclude any candidate from purchasing any time beyond that. This is the only way to insure that public life will not become the sole domain and interest of the wealthy or well-financed candidate.

TIMELY RESOLUTION ON ATLANTIC UNION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. FINDLEY. Mr. Speaker, the September 16 issue of the Oregonian newspaper, Portland, Oreg., urged that Congress quickly adopt the Atlantic Union resolution which has now been cleared by the House Foreign Affairs Committee and is pending before the Rules Committee. This resolution has the public endorsement of 115 Members of the House of Representatives. Here is the text of the editorial:

ATLANTIC UNION STIRS

In the two decades since Sen. Estes Kefauver of Tennessee introduced the first Atlantic Union resolution in Congress, no major committee had approved it until this summer. Then the House Foreign Affairs Committee, by about a two-thirds majority, sent out the Zablocki Resolution with a favorable report.

It was a long step forward for Atlantic Union's No. 1 sponsor, Clarence K. Streit, a former New York Times foreign correspondent who has devoted many years to his concept.

In view of the deplorable state into which the North Atlantic Treaty military organization has fallen and the economic and political difficulties which involve the United States and European nations, the times certainly are ripe for consideration of the Atlantic Union idea.

The resolution does not commit the United States to anything except attendance by a blue-ribbon delegation of prominent citizens at a convention to which will be invited other nations of the Atlantic Treaty Alliance. But the objective is a federal union, patterned on that of the United States of America, which would supplant the Atlantic Alliance, thus providing unity of action while preserving national sovereignties.

The aims of the Atlantic Union resolutions have been endorsed by many prominent leaders in both parties in this country, including former President Eisenhower, Gov. Nelson Rockefeller, Richard M. Nixon, Vice President Humphrey, Sen. Eugene McCarthy and the late Sen. Robert F. Kennedy. The latest in a long list of overseas sponsors and supporters is Premier Gaston Eyskens of Belgium. The chairman of the Movement For Atlantic Union is Maurice Schumann of France, long-time worker for European union.

The idea of replacing a loose Atlantic Alliance with a firm confederation of European and American nations has been resisted by the U.S. State Department, chiefly on the theory that Europeans wouldn't like it. But a lot of prominent Europeans are interested. They do not seem to share the State Department's apprehension that Atlantic Union would be unacceptable because of fear of U.S. domination.

Congress ought to quit looking under the bed and adopt the Atlantic Union resolution. It would do no harm, and it might do a lot of good, for a committee of distinguished Americans to sit down in an Atlantic convention with the best brains of other nations to explore a way out of our common difficulties. Developments in Eastern Europe should sharpen public interest in such consultations.

TWO MARYLANDERS KILLED IN WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. LONG of Maryland. Mr. Speaker, Capt. William D. Robinson, Jr., and Pfc. Anthony K. Kercoude, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

TWO MARYLANDERS KILLED IN WAR

A decorated career Army captain from Baltimore and a Marine private from Potomac, Md., have been killed in action in Vietnam, the Defense Department reported yesterday.

They are Capt. William D. Robinson, Jr., the husband of Mrs. Hazel M. Robinson, of 831 Belgian avenue, and Pfc. Anthony K. Kercoude, the son of Mr. and Mrs. Arthur K. Kercoude, of Rock Run drive, Potomac.

Captain Robinson, who was 31, was advising a South Vietnamese battalion when he was killed by mortar fire September 18, the Pentagon said. He had been stationed in Tra Vinh, south of Saigon near the Mekong River Delta.

In Vietnam for two months, Capt. Robinson was serving his second tour of duty there. Two years ago, he served as intelligence officer for the 26th Infantry Regiment and was awarded the Bronze Star "for meritorious service."

He had also received several other commendations in his eight years in the Army.

A graduate of Morgan State College, Captain Robinson was studying for a master's degree in education at Roosevelt University in Chicago, where he lived while stationed at Fort Sheridan, Illinois.

He had also served at Fort Meade for several years, and in Germany, and half a dozen stateside posts as an infantry and staff officer.

Besides his wife, Captain Robinson is survived by three sons, Gary, Kevin and Aaron; his mother, Mrs. Sarah Agnes Robinson, of Reisterstown, and his father, William Robinson, Sr., of Baltimore.

Private Kercoude, 19, was drowned Saturday, the Marine Corps said, when the landing craft in which his unit was riding was struck by hostile fire from shore in an operation near Da Nang.

A graduate of Winston Churchill High School in Montgomery county, Private Kercoude had attended the University of Maryland before joining the Marine Corps six months ago. He had been in Vietnam less than two months and was a rifleman in the 1st Battalion, 1st Marine Regiment.

He is survived by his parents, Arthur and Mildred Kercoude and a sister, Cynthia J. Kercoude, all of Potomac.

PERSPECTIVES AND PRIORITIES FOR TAX POLICY

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. KASTENMEIER. Mr. Speaker, equity in tax policy, whether the Federal, State, or local level, should be the objective of the legislature responsible for establishing tax policy. The following article by Arnold Cantor deals particularly with consumption taxes, but it does relate generally to equity in taxation. I believe it is of wide general interest and include it here for the benefit of readers of the RECORD:

PERSPECTIVES AND PRIORITIES FOR TAX POLICY

(By Arnold Cantor, economist, Department of Research, AFL–CIO, presented at the annual meeting of the National Tax Association, San Francisco, Calif., September 3, 1968)

When preparing for an audience of peers, one generally views his major challenge as one of contributing to the state of the art surrounding the subject at hand.

However, in attempting to supplement the knowledge-base concerning the attributes of direct and indirect taxes, I fear my most singular contribution has been the addition of one more individual to the ranks of those who can appreciate firsthand the frustrations of Lohengrin and Don Quixote.

Since I am close to organized labor's thinking on tax matters and can claim a measure of influence upon this thinking, I feel the most fruitful approach, in terms of any contribution I might make, would be to present my observations on the reasoning which underlies labor's position on tax matters and outline some of the facts, figures and circumstances which to me emerge as the most compelling and convincing as guides in developing a posture on tax issues.

In weighing and balancing the attributes of various public revenue-raising methods, organized labor has traditionally assigned major weight to the consideration that the tax burden be allocated equitably. Since the burden is large and there are substantial differences among taxpayers' abilities to bear the burden, equity is best served through progressive taxes based on income.

Consumption taxes start from the premise that a certain type of income—that earmarked for saving—shall enjoy a special privilege of tax exemption. The tax burden therefore is shifted towards lower-income groups since (1) a smaller percentage of a smaller income is saved than of a larger income, (2) at lower-income levels a smaller percent of any increments to income tends to be saved than at higher-income levels, and (3) at the low end of the income scale, consumption expenditures frequently exceed income.

Though it is possible to take some of the regressive sting out of consumption taxes through modifying the base or through the rate structure, the evidence available indicates that at most a consumption tax *could be* progressive but only through the lower- and middle-income ranges.[1]

Thus, at best some concessions to equity are possible and, as Professor Eldridge noted, ". . . greater reliance on indirect taxation necessarily means resort to much cruder and less reliable tools for achieving tax equity."[2]

To me this means that advocacy of an increase in reliance upon consumption-based taxes presupposes a willingness to forego some measure of equity, depart from the principle of ability-to-pay, and shift the burden in the direction of those who can bear it least.

Because of this, the labor movement has consistently voiced its opposition to consumption-based taxes, except for certain sumptuary levies, and has generally lent its support to progressive taxes based on income, since the latter utilize the best proxy variable we have to measure ability-to-pay and lend themselves to adjustments for personal circumstances which affect the ability to bear the tax burden.

In my judgment, this position has been appropriate in the past and, as I view our present problems and the economic and social expertise developed in recent years in attempting to meet these problems, the evidence points sharply to the need for more, not less, equity in federal, state and local tax structures.

Perhaps most important in the current scene is the fact that our poverty "problem" has reached crisis proportions and we have made a national commitment to do something about it. For the most part, in the public sector, we elect to meet such commitments through *expenditures* and I feel this is appropriate. However, I see no reason for the extent to which we ignore the potential of public revenue-*raising* policies for helping to meet these same goals, and it certainly makes little sense to entertain new taxation schemes which would pull in the opposite direction.

It has been noted that our current commitment to solving the problem of poverty stemmed largely from facts revealed in studies of income distribution in the U.S. Unfortunately, in most circles where the relative merits of regressive, proportional and progressive taxes are considered, it is apparently fashionable to ignore the evidence demonstrating that:

(1) The distribution of wealth and income in the U.S. is markedly unequal;

(2) Over time there has been no measurable shift toward a more equitable distribution of income and wealth—in fact, the studies of wealth show a movement in the opposite direction;

(3) Despite our "high" reliance on progressive levies on income, taxes have had little impact on relative shares; and

(4) 12% of our nation's families in 1966 received incomes below a level needed to maintain living standards considered "minimal" by the Social Security Administration.

Lampman, for example, looking at wealth, showed that in 1953 the top 1.6% of the adult population held 28% of the nation's total wealth and had an average estate worth $186,265. At the same time, 50% of the population held only 8.3% of the wealth and their average estate was $1,800.[3] Lampman's work also demonstrated that the share of top wealthholders has been increasing since 1949, and a later study supported and updated Lampman's findings and showed that top wealthholders owned 28.3% of the total "net prime wealth" in 1953 and increased their share to 32% in 1958.[4]

Looking at income, the latest Bureau of Census figures show that the top one-fifth of American families received over two-fifths of the aggregate 1966 income whereas the lowest 20% received only 5.4%.[5] Over time, the Census figures which exclude income from capital gains and inheritances and (according to the Office of Statistical Standards) understate income from interest, dividends and rents, show that from 1947 to 1966 the lowest 20% of families increased their share of income only from 5% to 5.4%. And, the income share of the top group over the same period declined only from 43% to 40.7%.

There is little in terms of up-to-date information to demonstrate the impact of taxes on the distribution of shares in our society. However, in 1962 the lowest family-income quintile received 4.6% of total income before taxes compared to 45.5% which went to the highest 20% of families. After accounting just for federal taxes, the distribution only shifted up to 4.9% for the lower group and down to 43.7% for the top quintile—at a time when federal marginal rates went up to 91%.[6] Moreover, a Tax Foundation study of 1958 incomes showed that, although the federal tax structure was mildly progressive, adding state and local levies resulted in a total tax structure that was regressive in impact.[7] The tax burden was 28.3% of income for families in the under-$2,000 bracket, 25.9% for those between $4 and $6 thousand, and fell to 24% for families with incomes between $10,000 and $15,000. And, changes since then have probably made the total tax burden more regressive.

The sheer magnitude of these differences in shares of our nation's wealth and income certainly suggests that we can tolerate movement toward the middle. More important, our poverty is real as well as relative, it exists amidst general affluence, and we have committed ourselves to meet the problem. To me, this means that we no longer are content with the way our shares are falling, even though the pie is large and growing.

I do not suggest that all the burden could or should be on taxation policy. However, the fact is that our nation's fastest-growing needs and wants focus on the facilities and services traditionally supported by tax dollars. Moreover, largely as an outgrowth of the success of the 1964 federal tax cut, we are apparently increasing our reliance upon tax policy to iron out cyclical shifts in consumption and investment, and to promote optimal economic growth. In short, and value judgments aside, we now expect a great deal from our tax systems, and equity, though always important, has now become imperative. If we are to entertain taxation methods that represent any sacrifice in equity, the evidence demonstrating that the benefits outweigh the costs must indeed be substantial.

Most of the recent arguments or proposals favoring increased emphasis on indirect taxes stem from premises that such taxes are needed to provide the revenue to meet the financial crises faced by many states and most larger communities. At the federal level, some claim that substituting indirect taxes for all or a part of the corporate income tax could improve our ability to compete in international trade.

As to the first point, there is no doubt that the state and local governments must improve their capability to meet the demands for public facilities and services. Since the needs are so great, no alternative should be dismissed without careful consideration. But, in discussing indirect taxation at the state and local level it should be remembered that general sales and property taxes now account for 60% of the total tax revenues these governments collect whereas individual and corporate income taxes total only 14%. Moreover, even when the states and municipalities have elected to tax income directly, the effect is hardly progressive due to rate maxima which frequently apply relatively low on the income scale and the fact that these taxes are deductible from the federal tax. Most municipal income taxes are more appropriately titled "wage taxes" and are typically levied on a flat rate without allowances for personal exemptions or deductions.

The traditional argument used in favor of property and sales taxes has been the need for a stable revenue source for the states and localities—the states and localities do not possess the monetary and fiscal powers of the federal government and cannot base their revenue sources on factors sensitive to cyclical swings.

Footnotes at end of article.

However, a great many of the broad economic and social changes and shifts that we are experiencing focus directly on the public-service functions traditionally provided by the states and localities. A larger, more affluent, and increasingly urbanized society demands more and better educational facilities and services, it looks more to improvements in health care, recreational facilities, and highways, and generally expects higher standards of quality in governmental services such as police and fire protection, water supplies and sewage. These demands have grown far more rapidly than incomes and certainly faster than consumption expenditures—state general expenditures since World War II, for example, grew twice as fast as gross national product.

Such trends indicate that the fiscal problems of the states and localities stem from the very fact that their revenues have been too stable in the face of growing needs.

The Advisory Commission on Intergovernmental Relations has estimated that less than half of the increase in state tax collections over the past fifteen years can be attributed to the response of old taxes to national growth. The major part of the increase in revenue was due to new and increased taxes.[8] Commenting on this phenomenon, Charles J. Zwick, Director of the Bureau of the Budget, called it "a kind of political parlor game akin to Russian roulette at election time."

The relative failure of the current state and local tax system to meet revenue needs is also demonstrated by the fact that over the 1956–66 decade state and local governments more than doubled the revenues raised on their own and the revenue they received from the federal government grew fourfold. Yet, state and local government debt outstanding grew from less than $50 billion to over $100 billion—representing an increase six times faster than that of the federal debt. And despite those yeoman efforts, all indications are that the gap between expenditure needs and revenues received has grown.

In contrast, over the same period the federal government has been able to reduce tax rates and underwrite sharp increases in defense spending while revenues still increased by some 75% and the debt grew by less than 20%, falling sharply as a proportion of total wealth.

In my judgment, the states and localities have more than exploited regressive tax methods and, if they are to meet their financial crises, emphasis should be on the adoption of truly progressive taxes on income.

On this point the Advisory Commission on Intergovernmental Relations noted:

"The fiscal problem of State (including local) governments is the failure of their revenue systems to generate yields that grow—without rate increases or new taxes—as rapidly as expenditure requirements."[9]

At the same time, attempts should be made to attenuate the regressiveness of the present tax structures through eliminating from the tax base those items high in the consumption patterns of lower-income groups, such as food and medicine, and providing for credits against income taxes for sales taxes paid to the states and municipalities.

At the federal level, I do not feel there is any serious move afoot to adopt a national sales tax as a substitute for the present system of individual income taxes and there is certainly no need to look to new forms of taxation in order to achieve a more productive source of revenue. More to the point, it is the very productivity of the federal tax system that is keeping economists and politicians busiest these days as they grope and argue over the best ways to utilize the hoped-for "fiscal dividends" that a peacetime, high-employment economy is likely to produce.

What is being suggested in some quarters, however, is a value-added tax viewed as a partial or full alternative to the present federal corporate income tax.

The argument, as I see it, is that our heavy reliance upon direct forms of corporate taxation, relative to that of our trading partners, puts us at a competitive disadvantage. And, since the Europeans are presently adopting value-added taxes, we should follow suit.

First of all, value-added taxes traditionally considered in two different forms: an income form which assumes a firm's investment costs are written off as they are consumed and a consumption form which permits deduction of a firm's capital equipment or inventory from the tax base in the year of purchase. The former is equivalent to a flat-rate income tax and the latter to a general retail sales tax.[10]

Adoption of either form as an alternative to the corporate income tax would do nothing to improve progressivity. Substituting the former type would have little or no impact on the present mix of income- and consumption-based taxes whereas the consumption value-added type would result in substituting what is now a basically proportional tax on corporate income for a flat-rate tax on personal consumption.

However, as I understand the present dialogue, the income value-added form is not the alternative considered. What is being suggested is the consumption type.

A value-added tax—consumption form—has the same regressive incidence and burden as a retail sales tax, although the collection procedure differs. Consequently, to this observer the value-added tax has no distinctive or esoteric economic attributes. If we were to argue only the relative merits of a retail sales tax vs. a value-added tax in terms of international trade, what appears to be the most compelling feature of the latter is that it is perhaps easier to assure that the tax doesn't creep into some purchases for business use, thereby affecting export prices. Thus, the argument really is that we should increase our reliance on indirect taxes in an effort to gain some trade advantages and, if we accept this, the value-added method would be a good way to collect such taxes.

To begin with, a number of factors should be noted vis-a-vis the European situation. The Europeans are not looking to value-added taxes as a substitute for income taxes. Their efforts stem from attempts to gain some measure of "harmonization" out of complicated and diverse systems of *indirect* taxes which they found to be serious obstacles to the achievement of a "common" market.

Assistant Secretary of the Treasury Stanley Surrey noted that ". . . the EEC had to answer the question: What type of *sales* tax structure is best suited in their economies to support a high tax rate?"[11] (Emphasis mine.)

The choices, according to Surrey, were between single-stage sales taxes (manufacturing, wholesale or retail) or a multi-stage tax of the value-added type.

Moreover, the broad economic-policy question implied in any choice between direct and indirect forms of taxation is to what extent to encourage capital investment and to what extent should you shape tax policy as a means to bolster consumption. The Europeans obviously chose the former route—based partly on the inertia of history since their need for a mass tax came at a time when no country had experience with income taxes. Since they started from that type of framework, most tax-policy shifts and changes took place within that framework.

More significantly, as a result of 15 years of depression and war there was a critical need in the late 1940's to encourage savings, investment in plant and equipment, and exports. However, by the end of the 1950's when the Western European productive base was more or less restored through their own efforts and the help of the Marshall Plan, a political base strong enough to support a shift from regressive to progressive forms of taxation did not exist.

The European situation is hardly relevant for the U.S. Although at particular brief moments in recent economic history the "appropriate" policy may have been to favor saving and investment activity, our overall economic situation is best characterized as one of need to emphasize policies which permit consumption outlays to keep up with our ability to produce. Also, at the time our need arose for a mass federal tax, we chose an income base and a progressive system as most compatible with our social, economic and political philosophies—as well as realities, since the federal government first began to play a significant role in domestic affairs during the depression.

Finally, the arguments concerning the relatively high reliance of Europeans on indirect forms of taxation tend to underplay or ignore that:

(1) The United States has an overall level of taxation that is significantly lower than most all other industrial nations.

(2) Though we rely less on indirect taxes, our direct tax burden is comparable to that of other industrialized nations.

(3) Other nations also tax corporate income and, although our corporate income tax accounts for a relatively greater proportion of gross national product than in other industrialized nations, the spread is small. The range is .8% higher than Canada to 3.5% when compared with Denmark's corporate tax structure.

(4) Tax evasion is considered a problem in some European countries and therefore many view taxes *collected* on consumption to be superior to those *evaded* on income.

(5) Western European countries spend 2–3 times the proportion of their national income on public welfare (broadly defined) than the U.S.[12] Thus, on the benefit side of the coin, their public outlays serve to somewhat attenuate the regressive impact of their taxation policies.

Comparisons aside, however, there is still no certainty that a shifting to indirect consumption taxes rebated on exports will, in fact, improve our trade balances. Such a substitution could only affect trade to the extent that it serves to reduce export prices and to the extent that our trading partners take no compensatory action through overt administrative steps or "automatic" market adjustments.

And again, since we are considering increasing regressivity and therefore a trade-off against equity, the burden of proof is upon those advocating the change and the evidence is far from convincing.

The expected impact on price hinges entirely on the premise that corporations shift the burden of the tax either backward to the workers or forward to the consumers or both. First of all, this premise enjoys an utter lack of consensus, but, even to the extent that shifting is the case, such reasoning further assumes that the demand for U.S. exports is highly price-elastic and ignores considerations such as:

(1) Even if there is some elasticity in demand, the greatest probability is that this elasticity is less than one. Therefore, any increase in export sales would be proportionately less than the fall in price.

(2) Foreign sellers might reduce prices to meet the competition.

(3) If this procedure creates balance-of-payments problems on the part of other countries, they would, of course, be inclined to adopt compensatory measures.

To the extent that corporate income taxes are absorbed, substituting a value-added tax, to be rebated on goods exported, would serve to increase domestic prices and leave export prices unchanged and thus have no impact on trade. Conceivably, however, by creating

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Footnotes at end of article.

such pressures, factor costs could be driven up as well, leading to overall price increases and an adverse impact on our ability to compete in world markets.

As an economist, I subscribe to the idea that it is appropriate economic policy to attempt to prevent domestic revenue requirements from entering the price structure of goods for export. However, the evidence is far from clear that the corporate-profits tax is the villain in our balance-of-trade problems—one could easily argue that our trade position was better before the 1964 cut in corporate income-tax rates.

More important, our ability to maintain an optimal total balance-of-payments posture depends on our ability to maintain a healthy economy. I see no reason to (1) risk a cavalier tampering with a tax source that accounts for 20% of federal receipts and that we have learned to live with, (2) move any further away from our basic philosophy of equity in taxation, or (3) weaken a powerful and proven tool for promoting economic stability and growth, in order to hope for a modest improvement in a sector which accounts for 3–4% of our total economic activity.

In sum, the most serious issues we face are rooted in the marked differences in the economic and social advantages enjoyed by different groups in our society. We cannot look to taxation policy, no matter how enlightened or imaginative, as the sole or even a major palliative for these disparities. Nevertheless, we have far from exploited the potential of tax-raising policies for helping to eliminate the paradox of poverty amidst plenty and now is certainly not the time to entertain tax policies that would aggravate a situation already at crisis proportions.

FOOTNOTES

[1] See, for example, Reed R. Hansen, "An Empirical Analysis of the Retail Sales Tax with Policy Recommendations", *National Tax Journal,* March 1962, pp. 1–13, and Richard A. Musgrave, "Excises in the Federal Tax Structure—A General Appraisal", *Excise Tax Compendium,* papers submitted to the Committee on Ways and Means, U.S. House of Representatives, Washington, D.C., June 15–16, 1964, pp. 13–23.

[2] Douglas H. Eldridge, "Equity, Administration and Compliance, and Intergovernmental Fiscal Aspects", *The Role of Direct and Indirect Taxes in the Federal Revenue System,* A Conference Report of the National Bureau of Economic Research and the Brookings Institution, Princeton University Press, 1964, p. 142.

[3] Robert J. Lampman, *The Share of Top Wealth-Holders in National Wealth, 1922–56,* Princeton University Press, 1962, p. 213.

[4] James D. Smith and Staunton K. Calvert, "Estimating the Wealth of Top Wealth-Holders from Estate Tax Returns", *American Statistical Association 1965 Proceedings of the Business and Economic Statistics Section,* pp. 248–65.

[5] "Income in 1966 of Families and Persons in the United States", *Current Population Report,* Series P–60, No. 53, December 1967, p. 7.

[6] *Survey of Current Business,* U.S. Department of Commerce, Office of Business Economics, April 1964, p. 8.

[7] *Allocation of the Tax Burden by Income Class,* Tax Foundation, Inc., Project Note No. 45, May 1960, 24 pp.

[8] *State and Local Taxes, Significant Features, 1968,* Advisory Commission on Intergovernmental Relations, January 1968, p. 1.

[9] *Federal-State Coordination of Personal Income Taxes,* Advisory Commission on Intergovernmental Relations, October 1965, p. 35.

[10] Douglas H. Eldridge, "Equity, Administration and Compliance and Intergovernmental Fiscal Aspects", *The Role of Direct and Indirect Taxes in the Federal Revenue System,* A Conference Report of the National Bureau of Economic Research and the Brookings Institution, Princeton University Press, 1964, p. 146.

[11] "Implications of Tax Harmonization in the European Common Market", *Taxes, The Tax Magazine,* June 1968, p. 399.

[12] Margaret S. Gordon, *The Economics of Welfare Policies,* Columbia University Press, 1963, pp. 18–19.

THE INTERNATIONAL ASSOCIATION OF APPROVED BASKETBALL OFFICIALS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. MATHIAS of Maryland. Mr. Speaker, the International Association of Approved Basketball Officials is a nonprofit organization dedicated to training basketball officials in the United States and foreign countries. The Department of State has determined that it is the only world sports federation headquartered in the United States. The United States is the home of basketball and Hagerstown, Md., in the Sixth Congressional District, which I have the honor to represent, is the home of IAABO.

Mr. Stuart C. Paxton, executive director of IAABO, has conveyed to me information about the organization which I believe will be of interest to my colleagues and which I include at this point in my remarks:

The International Association of Approved Basketball Officials is the only organization in the world which has as its objectives the improvement of basketball officiating, the education of the public in basketball sportsmanship, and, as its name implies, the building of friendly relations between the United States and all nations of the world. At present, IAABO has chartered boards in 18 countries other than the United States.

The organization is the outgrowth of the old National Association of Approved Basketball Officials which was a group sponsored by the Basketball Rules Committee, which recognized that basketball rules which it developed should have the proper application if the game were to grow and improve. At the time of NAABO, basketball was not the international sport which it has subsequently become, especially since 1936 when it became one of the team games added to the Olympics. IAABO members in the armed services of the United States stationed in foreign countries have shown their local sports fans the advantages of IAABO.

Recognizing the need for further coverage of the game, members of NAABO decided, after receiving many requests to do so, to become international in scope in 1954. At present there are over 10,000 basketball officials, coaches, and interested fans who are members of IAABO, and indications are that there will be 12,000 registered members before the end of the 1968–69 season. It would appear that IAABO has something of value to offer to those who are interested in basketball.

What does IAABO offer? Perhaps the most valuable contribution to basketball officiating which IAABO makes is the brochure Sportorials which appears eight times a year, September to April, both months inclusive. News of what is happening in the basketball world is all that appears in Sportorials; there are no advertisements in any issue. One section is devoted to rules interpretations by the official interpreter of the National Basketball Committee as a result of play situations which are seemingly uncovered in the rules.

Of value to all officials in the Basketball Guide which is published each year with the latest rules changes, comments on rules, information for officials concerning their authority and duty in administering the game, and a complete roster of all IAABO members according to boards, together with a list of individual members, those officials who do not live in the jurisdiction of a board, but desire to receive the advantages of members. The Guide is always attractive, a book which any basketball official should be proud to have in his possession.

IAABO also publishes timer and scorer cards which inform timers and scorers of the rules regarding their special functions during a game. These cards are usually kept at the timers' and scorers' table. Many games are won or lost because of the ignorance of timers and scorers of the rules of the game.

Another publication of IAABO is the Spectator Bulletin which has information for fans who watch the games, for sports writers, radio and television commentators.

How does a person become a member of IAABO? Once each year, an examination on the current rules is prepared by the Rules Examination Committee, whose members represent all states and countries where basketball is played. The examination contains fifty questions. An applicant must answer correctly forty-three of the questions to be eligible to take the floor examination which is to test the applicant's ability to put into practice the rules and interpretations which he knows. On the floor examination, the applicant must make a score of 86%. The floor examination report must be attested to by five members of IAABO. If the applicant passes both examinations and attends a designated number of officials' meetings he is eligible for membership.

Types of Boards: If there is a local, district, or state board in the territory where the applicant lives, he must be accepted by the board to become a member. If there is no board with jurisdiction in his territory, he may become an individual member by paying his fee to the International Office in Hagerstown, Maryland.

How does a chartered board of IAABO come into existence? Five or more officials may apply to the International office for a charter as a local or district Board. (At present no charters are issued for State Boards). The group of applicants must present a set of by-laws and must pay a small charter fee. At present there are 250 chartered boards throughout the world, and the number is increasing as the value of IAABO affiliation becomes evident to officials, coaches, and other administrators of the game. IAABO must be a value or it would not have experienced its phenomenal growth.

Until recent years, the United States Department of State sponsored basketball teams and officials to tour various countries in the world. In all instances, the State Department used IAABO officials. A large number of representatives in these countries have commented to IAABO Headquarters that these visits to their countries have done much to improve our relations with foreigners. It would appear that these comments were inexpensive to the federal government. International athletics may be a means of helping the United States in its relationships internationally.

Hagerstown, Maryland has become the basketball officiating capital of the world and through their publication SPORTORIALS are in touch with more than 130 nations now sponsoring basketball teams.

Mr. Speaker, as one who has long been familiar with IAABO and the work to which it is dedicated, I wish to commend the organization and Mr. Paxton on their mutual accomplishments and to wish them a great deal more success.

SUMMARY REPORT ON THE SECOND SESSION OF THE 90TH CONGRESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. BROOMFIELD. Mr. Speaker, the second session of the 90th Congress, always overshadowed by the war in Vietnam and violence in our cities, maintained a curious business-as-usual approach, only occasionally bearing down to deal with some of our most urgent problems.

While Congress did not cut Federal spending as much as I would have liked or even as much as it promised, it did apply the brakes to the expanding programs of the administration. That action mainly reflected the concern of Congress and the Nation about the stability of our economy and the cost of the war in Vietnam. Congress approved far-reaching legislation in the areas of housing, civil rights, and criminal law.

But in many other important areas Congress remained uncertain and reluctant, especially where innovation and change were required. Despite the turmoil in the cities and the volumes of research and recommendations that have evolved from that disorder, Congress left many basic urban problems virtually untouched. And, when it did act, as for example in approving a massive Federal housing bill, Congress relied principally on the same tired method that has been the hallmark of Washington's approach for many years—massive Federal spending.

While there are many areas in which I disagree with the administration's approach, I believe the most serious errors have come in foreign policy and fiscal policy.

In both, the administration too often has accepted short-range expedients at the expense of long-range goals. Worse, it has frequently left the impression that it had no clearly defined long-range objectives, especially in foreign policy.

The following is a summary of some of the most significant works of the second session of the 90th Congress along with an indication of my views and votes on them.

TAXES AND MONETARY POLICY

Most important were passage of a 10-percent income tax surcharge and an order for the administration to reduce Federal spending by $6 billion.

While I am deeply concerned about the seriousness of our fiscal crisis, I opposed this measure because I did not believe it would resolve that crisis. As long as we are involved in a costly war in Vietnam and faced with urgent domestic needs, I believe we must establish national priorities and deal with them in an orderly and responsible manner. Many nonessential programs such as farm subsidies, the highway beautification program, and many public works projects should be deferred until priority needs are met. I opposed the surtax bill, too, because I had serious doubts that the administration and its supporters in Congress would implement the $6 billion spending reduction. Events to date have borne out those doubts.

The surtax is effective as of April 1, 1968, on individuals and as of January 1, 1968, on corporations. It will expire on June 30, 1969, unless extended by the 91st Congress. It is expected to produce an estimated $15.6 billion in revenues from corporations and some 82 million individual taxpayers. Another 16 million persons in lower income brackets will be unaffected by the increase.

The surtax and proposed spending reduction were only two provisions in the lengthy and complex tax adjustment act. Among other things, the act extended the excise tax on automobiles and telephone service and ordered the President to submit proposals for reform of Federal income tax laws by the end of 1968.

Congress also gave the President authority to remove the gold cover for certain Federal Reserve notes—another measure which I opposed. The administration contended removal of the gold cover was essential to provide greater flexibility in dealing with the gold crisis earlier this year. In my view, a stopgap measure of this sort does little to remedy the basic cause of the gold drain—the instability of our national economy. Worse, it creates a false sense of security among the American people. The more responsible answer, I believe, as in the case of the surtax, is to reduce Federal spending, reduce our national debt, and our balance-of-payments deficit. Steps in this direction would restore confidence and stability to our national economy and automatically discourage international speculation in gold and the dollar.

CRIME AND LAW ENFORCEMENT

Soaring crime rates and the resultant national concern were reflected in passage of a number of measures designed to strengthen law enforcement.

Most far reaching was the Omnibus Crime Act, which I supported. It authorizes $400 million in Federal grants over a 2-year period for planning and launching programs to strengthen local law enforcement. To a great extent the money will be administered by the States. The bill permits local police agencies to engage in wiretapping for a limited period and under a court order, and bans electronic eavesdropping by private citizens.

It restricts the U.S. Supreme Court in reviewing cases involving confessions, eyewitness testimony, and State criminal convictions on writs of habeas corpus. The bill prohibits the mail-order sale of handguns and restricts their availability to the mentally incompetent, convicted felons, dope addicts, alcoholics, and minors. Subsequent legislation extended similar restrictions to rifles, shotguns, and certain types of ammunition.

Congress extended Federal jurisdiction to civil rioting and provided Federal penalties for persons convicted of participating in such disorders.

The growing use of hallucinogenic drugs resulted in stiff legal penalties for trafficking in LSD, stimulant, or depressant drugs.

A new, hopefully better coordinated, Bureau of Narcotics and Dangerous Drugs was created combining the Treasury Department's Bureau of Narcotics and the Department of Health, Education, and Welfare's Bureau of Drug Abuse Control. The combined agency is under the jurisdiction of the Justice Department.

The Juvenile Delinquency Act authorizes Federal assistance to courts, correctional systems, and community agencies working to prevent juvenile delinquency. In a specific attempt to reduce rising auto thefts, Congress passed legislation to prevent indiscriminate mailing of master automobile keys and other devices which are an invitation to auto theft. I strongly endorse this measure.

Congress also approved a bank protection measure which directs Federal agencies with responsibility over banks and savings and loan institutions to require the use of security devices and other procedures to discourage robberies and burglaries.

HOUSING

Congress approved a massive housing bill, the most comprehensive since 1949. I supported the Omnibus Housing Act as an emergency answer to one segment of our urban problem. But Congress must do much more to innovate new approaches, stressing greater reliance on private investment and private ownership. While the act provides some new approaches, it relies basically on the traditional and, I believe, outdated concept of massive Federal spending.

The measure authorizes spending $5.3 billion in Federal grants during the next 3 years to build 1.7 million new or rehabilitated housing units. The act provides for assistance to low- and moderate-income families in renting and in purchasing homes and, in one of its most encouraging aspects, stresses the desirability of private homeownership as opposed to public housing.

The act authorizes new programs of riot and flood insurance in which the Federal Government will share major losses with private insurance companies and the States.

EDUCATION

Congress passed a number of measures relating to education, most of them amending and refining basic legislation adopted by the 89th Congress.

It expanded the National School Lunch Act establishing a program of child-care centers in low-income and other areas where there are high concentrations of working mothers. The scope of the school lunch program itself was expanded and the school breakfast program was extended through 1971.

The Higher Education Facilities Act, the Higher Education Act of 1965, the Vocational Student Loan Insurance Act, and the National Defense Education Act—all of which have provided assistance to colleges and universities in improving physical plants, faculties, study programs, and in offering loans to needy students—were extended with some amendments.

The National Vocational Education Act of 1963 was expanded consolidating it with two other programs in the same general field.

Programs of the National Foundation of the Arts and Humanities, encouraging painting, literature, sculpture, music, and the theater were continued but were cut back considerably. The National Science Foundation Act of 1950 to encourage the development of science education was extended.

FOREIGN AFFAIRS

The war in Vietnam left its mark on virtually everything the second session of the 90th Congress did in the area of foreign affairs.

While there was widespread criticism of the administration's policies in Southeast Asia, most of it ignored by the President, Congress agreed to meet its obligations in paying the cost of the war. Congress did so in the belief that it would be poor policy to demonstrate displeasure with the war by penalizing the young men who are risking their lives every day in Vietnam.

Congress did, however, take out its wrath on the foreign aid program, authorizing the smallest appropriation—less than $2 billion—in its 22-year history.

As a minority member of the House Foreign Affairs Committee I have long urged reforms in emphasis and direction in our foreign aid program. Rather than being demolished, the program needs redirection to stress technical assistance and self-help programs and, wherever possible, multilateral programs in which other nations share the burden. A properly reformed foreign aid program could serve as one of our most useful tools in building world peace and stability.

Congress took issue with the administration's Middle East policy by adopting a resolution sponsored by myself and a number of other Congressmen urging that the U.S. Government sell Israel the Phantom jet fighter planes it has sought for more than a year. The sale would appear to be a minimum step toward insuring a balance of armaments in the Middle East in view of the Soviet Union's massive program to rearm the Arab nations.

Recognizing that the long-range solution to the problems of Israel and the Arab States is not military, I also sponsored a resolution urging implementation of President Eisenhower's plan for construction of water desalting plants in the Middle East.

The tragic seizure of the U.S.S. *Pueblo* by North Korea offered another illustration of the administration's lack of planning, of clearly defined foreign policy objectives, and of practical methods of attaining such goals.

It also illustrated a fundamental inconsistency in our policy concerning territorial sea limits. It makes little sense that we allow vessels of the Soviet Union and other unfriendly nations free access to within 3 miles of our shore while U.S. ships are seized within 12 miles of some foreign nations.

As a result, I proposed that the United Nations convene an international conference of maritime nations in an effort to work out agreements on uniform territorial limits throughout the world. I recently wrote our Ambassador at the U.N. urging that this matter be taken up at the current General Assembly session.

CONSUMER PROTECTION

Congress moved in an unprecedented manner during the past year into a number of areas in which the consumer has been victimized. While I generally favor minimum involvement of Government in the affairs of private enterprise, I supported these measures as necessary steps to correct glaring abuses.

Most significant of these measures was the so-called Truth-in-Lending Act, the result of many years of congressional research and study to provide protection in credit buying.

Beginning July 1, 1969, all firms will be required to disclose annual rates of charges on loans and installment credit both in dollars and cents and in percentage. The act requires disclosure of interest on first mortgages, permits a person to exempt himself from fraudulent second mortgages, restricts wage garnishment, and provides strict Federal penalties for loan sharking.

The Wholesome Meat and Clean Poultry Acts are designed to foster better inspection at the State level.

Congress approved the Gas Pipeline Safety Act which sets minimum safety standards to prevent dangerous leaks or explosions in the interstate transport of natural gas.

A section of the previously mentioned Omnibus Housing Act is aimed at preventing fraudulent mail-order land-sale schemes. Congress ordered comprehensive studies of automobile accident insurance conditions and cooperative studies between the Federal Government and private agencies to determine methods of reducing damage to property and loss of life from fires.

CIVIL RIGHTS

Although the Civil Rights Act of 1968 is best known for its open housing section, it contains much more, including strict Federal penalties for inciting or participating in civil disturbances; Federal guarantees of basic rights such as voting, schooling, and the use of public accommodations; and, for the first time, extensions of the guarantees provided in the Constitution and the Bill of Rights to the American Indian. There were some aspects of this comprehensive legislation about which I had reservations. The choice on the floor of the House, however, was either to accept or to reject the entire package. I, therefore, supported the bill along with every other Michigan Member of Congress.

In related legislation, Congress established procedures to guarantee that jury selection in Federal courts will be at random and free of discrimination of any kind.

VETERANS

Most significant was a statement of congressional policy that returning Vietnam veterans be given preference in Federal employment. The resolution also urges the Federal Government through its procurement operations to encourage the same preference in private industry.

Congress extended educational assistance to widows of veterans killed in service; increased the basic compensation rate for totally disabled veterans from $300 to $400 and adjusted compensation rates for partially disabled veterans to reflect increased living costs; and increased income limitations used in determining amounts of disability pension received by eligible veterans.

PRIVATE AND PUBLIC PENSIONS

In 1967, Congress adopted a number of amendments to the social security and medicare programs, including benefit increases. During the past session, Congress authorized similar benefit increases for persons covered only by the Railroad Retirement Act and the Railroad Unemployment Insurance Act. Persons receiving benefits under both social security and railroad retirement will receive an adjusted increase in their railroad retirement benefit. Increases in unemployment and sickness benefits also were enacted. Congress repeatedly stressed its recognition of the need for cost-of-living increases for persons receiving social security. It is expected this will be a major item for consideration by the 91st Congress.

GENERAL GOVERNMENT

A great many bills were introduced to improve the workings of Congress, the Federal Government, and the election process. Unfortunately, many of those bills were not acted upon and many that were adopted were weakened seriously.

Both the House and Senate approved so-called ethics bills designed to establish guidelines and controls for the conduct of Members of Congress, especially regarding conflicts of interest. While these measures are improvements where there previously were virtually no controls, they still contain too many loopholes and too many opportunities for abuse.

Proposals for reorganization and modernization of the House and the Senate's antiquated operating rules and procedures were approved by the Senate. Unfortunately, the leadership of the House has refused steadfastly to allow this legislation to come up for consideration despite concerted efforts by a great many Congressmen including myself.

Earlier this year, I introduced legislation to abolish the electoral college and to establish a national presidential primary. Despite general dissatisfaction with both national party nominating conventions and subsequent introduction of a number of proposals for reforming the nominating procedure, Congress did not take up the matter. It is expected this will be one of the first issues for debate next year.

Congress did approve legislation encouraging the States to provide absentee voting privileges to residents temporarily living overseas and to assist armed service personnel in voting in Federal elections.

The tragic death of Senator Robert Kennedy led to quick passage of a bill authorizing Secret Service protection for all major candidates for President and Vice President.

Concerned with growing threats to individual privacy, I joined with other Congressmen in proposing to limit the U.S. Census Bureau in the number and type of questions asked in the 1970 census. Under my bill, which hopefully will be acted upon next year, the Census Bureau would be restricted to seven basic questions to which answers could be required legally.

The uncontrolled growth and mounting inefficiency of the Federal bureaucracy led to my cosponsorship of legislation to create a modern-day Hoover Commission to decentralize and streamline Federal operations. As a part of this undertaking, the administration would be required to coordinate and consolidate hundreds of Federal aid programs, eliminating duplication and overlapping.

PARKS AND CONSERVATION

After many years of debate Congress created a 58,000-acre Redwood National Park in California to insure that some of the oldest and tallest trees in the world will be preserved for future generations.

The land and water conservation fund, established in 1964 to finance construction of parks and recreation areas, was continued and revised. Under the amended act the level of the fund, which has dropped below expectations, must be maintained at a minimum of $200 million. This may be done either by direct appropriation by Congress from general revenues or, if necessary, from receipts of Federal gas and oil leases.

Passage of the Colorado River Basin bill opens the way for construction of dams and hydroelectric plants along the river and its tributaries and the creation for the first time of an adequate water supply for areas of Arizona and western New Mexico.

Congress authorized the Secretary of the Interior to begin studies of various water resources projects in North Dakota, Arizona, and Oklahoma and continued Federal support for salt water conversion programs.

The Senate completed work on the Water Quality Improvement Act which would provide for construction of waste treatment facilities and water pollution control research. Unfortunately, the measure did not come to the floor of the House for a final vote.

HEALTH AND HEALTH INSURANCE

Regional medical programs initiated in 1965 by the Heart Disease, Cancer, and Stroke Act were continued and amended to extend health services for domestic agricultural migratory workers. The act also authorizes construction of facilities for treatment of alcoholics.

Grants for construction of medical and dental school facilities and for additional assistance to medical training institutions were continued as were funds for construction or rehabilitation of nurse training facilities.

FARM SUBSIDIES

Congress extended this expensive and ineffective program for another year, a step which I opposed. In my view this is a program which could be eliminated in the search for ways to reduce Federal spending. An amendment to the bill, which I supported, would have limited subsidy payments to $20,000 to any single farmer. Unfortunately, that amendment was defeated. The single encouraging aspect of farm legislation this year was that it was extended for only 1 year. Hopefully, during that year a new administration will devise a more meaningful and equitable farm program.

TRANSPORTATION

Congress' major effort was the extension of the Federal Aid Highways Act continuing the Interstate Highway construction program for 2 more years, from 1972 through 1974, and authorizing an additional 1,500 miles to the 41,000 miles already approved. The bill establishes a new program designed to ease some of the problems involved in highway route location and recognizes for the first time some of the social effects of highway location.

As a part of the Omnibus Housing Act, the mass transit program was extended, including its emergency provisions. Congress empowered the Secretary of Transportation to establish rules and regulations for the control of aircraft noise.

FOOD AND HUNGER PROGRAMS

More than $1 billion was added to Government programs to alleviate malnutrition and starvation in the United States during fiscal 1969. Included was an additional $45 million to feed needy persons—mostly children—not reached by the food stamp and commodity distribution programs.

The food stamp program was expanded and extended through December 31, 1970. Spending authorization was increased for fiscal 1969 from $225 million to $315 million with $340 million authorized for 1970. I supported an amendment to prevent strikers and students from obtaining food stamp aid while in school or on strike, except under certain circumstances. This amendment ultimately was defeated.

The House also approved establishment of a National Commission on Hunger, a measure which I cosponsored, to examine the extent of hunger and malnutrition in America and to recommend methods for making Federal food programs more effective and responsive. The Senate, however, created its own Select Committee on Nutrition and Human Needs.

JOBS AND MANPOWER TRAINING

While many significant programs were initiated by the private sector during the past year, Congress did little that was innovative or imaginative. Its only important contribution was continuation of the vocational rehabilitation and training program, a program which provides aid to the States to train the handicapped. Under the new legislation, the Federal share of rehabilitation grants will increase from 75 to 80 percent effective in fiscal 1970. This is an area in which much more must be accomplished, both by Congress and private industry.

DISTRICT OF COLUMBIA

Congress provided for an elected school board during the past year, the first time in the modern history of the District of Columbia that the Board has not been appointed by the Federal court. It was the second basic change in the structure of the District government during the 90th Congress. In 1967, Congress eliminated the three-man Commission which has run the District for many years and replaced it with a single Commissioner—an appointed mayor—and an appointed city council. Ultimately, under present plans, the District will elect its own mayor and council and be represented in Congress. I have been a strong supporter of these efforts.

While Congress adopted many more bills and resolutions, it also left much unfinished business. We still confront the dilemma of Vietnam. We have not found adequate solutions to the violence in our everyday lives. We must devise ways to create more jobs and to train the unskilled to fill them. We must revise and redirect our welfare programs so that they encourage independence rather than dependence. There are the technical problems of finding new methods of transporting large masses of people and of eliminating every kind of pollution. And there are the problems of racial tension, of poverty and slums and ghettoes.

The great priority of Congress and of government generally in the coming years is to restore peace and stability to our domestic life and to our relations with the rest of the world. The great challenge is to accomplish that task without sacrificing our freedoms or those of other nations and without diminishing efforts to resolve our social, racial, and economic problems.

LEGISLATIVE AUTHORSHIP: FEW HAVE A COPYRIGHT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, one of the phony campaign issues that is resurrected each election year by naive and misinformed political candidates who are trying to unseat incumbents is that, if the Congressman in question has not had his name on a piece of major legislation, he must, therefore, be undistinguished as a legislator. One can easily see how false such a charge is when trying to recall specific names on major legislation. At best, the average citizen may remember Taft-Hartley, Smoot-Hawley, Kerr-Mills, the Sherman Antitrust Act—and that is about all.

The plain truth is that only senior Members of Congress—and very few of them—who also serve as committee chairmen are likely to have their names listed as sponsors of major legislation. It is a policy, and one followed by Members of both political parties, that a bill carry the name of the chairman of the committee which has jurisdiction over it while other Members—a maximum of 25—have the privilege to cosponsor a bill. One can easily see the truth of this statement when considering that the Speaker of the House, the majority and minority leaders, and the majority and minority whips have not had any legislation passed in their names. Most Members of Congress have, however, cosponsored important legislation, and I am proud to say that I have coauthored every major piece of legislation passed by Congress during the 6 years that I have been a Member of the House.

CLEVELAND, OHIO'S COMMUNITY HEALTH FOUNDATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. VANIK. Mr. Speaker, I would like to call the attention of the Congress to an article in the October 15, 1968, issue of Look magazine which discusses the remarkable accomplishments of the Community Health Foundation of Cleveland, Ohio.

The Community Health Foundation is a new prepaid group health plan which has rapidly grown to a membership of 33,000 and is adding new members at the rate of 700 per month. The foundation has very wide support in Cleveland unions, professions, and area food industries.

Under the directorship of Mr. Glenn Wilson, Community Health Foundation of Cleveland has become an example and model to the entire Nation of how citizens, working together, can provide outstanding health care at reasonable cost.

It is my hope that the Social Security Administration and the Department of Health, Education, and Welfare will continue to study Cleveland's answer to soaring medical costs and will assist other communities in establishing their own prepaid group health plans.

I would like to include in the RECORD at this point that portion of the Look article by Roland H. Berg, entitled "Who Can Afford To Be Sick?" which deals with Cleveland's remarkable Community Health Foundation. The article is as follows:

> Since the 1930's, Ohio law had barred prepaid group practice plans *unless:* 51 percent of the community's physicians took part, physicians controlled the plans, members had free choice of physicians, and the plans enrolled as members only those with family incomes under $2,400 a year. Obviously, there was no prepaid group practice in Ohio.
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> In 1959, Cleveland civic leaders, including representatives of the Meatcutters and Retail Clerks unions, joined to draft new legislation that would permit prepaid group practice under supervision of the State Superintendent of Insurance. The state medical society, among others, opposed the move. Opposition centered on the hallowed principle of free choice of physician.
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> The free-choice concept was quickly settled at a state senate committee hearing when one senator queried the representative of the medical society. "If I were to select you as my physician," the legislator wanted to know, "do you have to treat me?" The doctor admitted he could refuse. Whereupon the senator concluded that free choice was a rather one-sided affair and had little meaning. He decided that the right of a subscriber to select a physician from a roster of doctors had more validity. The new law passed 101–11, and the way was opened for Cleveland's Community Health Foundation.
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> Thirty-nine-year-old Glenn Wilson, executive director of the Foundation, is proudest of one thing: his is the first prepaid group health plan without an angel on hand to pick up the check. "A group of ordinary but determined people proved it can be done," he says. "We borrowed $500,000 from the two unions and another $650,000 from the banks, which we are paying back."
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> The money built a three-story functional health center on the east side of town, and rented space for a west-side location. Although CHF is nonprofit, an index of its good management is that it takes in more money than it pays out.
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> The Joe Miozzi family was among the first to join Cleveland's brand-new health service in 1964. CHF offers private medical care, with physicians available 24 hours a day, seven days a week, for emergencies; and with full hospitalization and surgery when needed. From CHF's roster of 27 doctors, each family selects one to serve as a personal physician, and a pediatrician to look after the kids. If other specialists are needed in addition to those on the roster, CHF provides them and pays the bills. Subscribers are responsible only for the single monthly premium, which, in most instances, the unions pay, fully or in part.
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> A few months ago, Constance Miozzi rejoiced when her husband was promoted to manager of the A&P supermarket. But there was also a problem. The promotion meant that the union would no longer pay the $29 a month premium for membership in CHF for herself, her husband and their seven kids. When I asked her what they were going to do, Mrs. Miozzi said: "We're staying on and paying the premium ourselves. We wouldn't be without it."
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> Employees of the unions, who make up most of CHF's subscribers, are offered a dual choice—membership in either CHF or Blue Cross. The premiums for each are about the same. Those who choose CHF, Wilson estimates, save themselves $300 a year. And, to boot, they wind up healthier. Because CHF doctors stress frequent checkups and practice preventive medicine, subscribers need only one-half as much hospitalization as other Clevelanders.
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> The care at CHF is so good and the cost so reasonable that subscribers now number 33,000, with 700 more joining each month. Union participation has increased from the Meatcutters, the Retail Clerks unions and a couple of others—to 15. Subscribers represent a cross-section of Cleveland's industries and professions, including 500 faculty members of Case-Western Reserve University.
>
> The obstacles are there, but any community that wants a prepaid group plan like Cleveland's can have it. The United States Public Health Service in Washington, D.C., has set up a special Bureau of Health Services to give advice and guidance to groups of responsible citizens who are interested. As the Surgeon General of the U.S.P.H.S., Dr. William H. Stewart, recently said:
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> ". . . the American people . . . want to know when and how they shall receive better health care at prices they can afford to pay. We who believe in group practice have an answer. It is not the whole answer, nor the only answer, but it represents a valid and important approach."

MUSCULAR DYSTROPHY TELETHON

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. DULSKI. Mr. Speaker, over the Labor Day weekend this year, Jerry Lewis hosted a telethon to benefit the nationwide effort to combat the dread disease, muscular dystrophy.

One of the key participating stations in the telethon was WGR–TV in my home city of Buffalo, N.Y. The telethon raised a total of $1,250,000 of which $84,000 was pledged through WGR–TV in Buffalo.

A lot of people took part in this telethon, but I am particularly pleased to learn of the extensive assistance given in the Buffalo effort by young people.

WGR–TV has given full measure of credit to these young people in an editorial broadcast over its station, as follows:

> The response to the 1968 Jerry Lewis Telethon on WGR–TV was heart-warming all the way through. That people cared about and were interested in the problems of people with this dread disease was so obvious that it hardly needs saying.
>
> We think, however, probably the most inspiring thing of all as far as this telethon was concerned was the reaction of the young people. They literally poured into the studio, having gone out and solicited support for the drive either by themselves or in groups. Those kids were great and the fact is that with youngsters like that coming along we can be confident that this country will continue to grow and prosper and be a better place in which to live.

BLOOMFIELD COLLEGE CENTENNIAL CONVOCATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. RODINO. Mr. Speaker, last month I had the privilege and the honor of attending Bloomfield College's 100th anniversary convocation. The following speeches were given by Dr. Theodore A. Rath, president of Bloomfield College, and Dr. Albert E. Meder, Jr., chairman of the board of directors. Their excellent remarks give testimony to the solid accomplishments, and the future challenges of Bloomfield College, a small, vigorous college dedicated to educational excellence and personal integrity.

The addresses referred to follow:

Address by Dr. Theodore A. Rath, President, Bloomfield College, at the Centennial Convocation, September 17, 1968

I take just a moment on the occasion of our hundredth birthday to mention some of the giants of spirit and character that are still involved with their unseen presence in this institution. In the beginning the minister of the First German Presbyterian Church in Newark, a congregation which no longer exists, John Guenther, who was the leading light to start this institution. A professor, whose influence down through the decades is still spoken of by older people that I meet, George Seibert. Charles Knox, a man who gave himself as teacher and professor for many years and after whom Knox Hall was named. These three great men were involved in the beginning of this institution.

Then a professor by the name of Houser; a professor and president, Weber; another professor and president named Fismer. These are names that loom large, and the longer I serve as president of this institution, the more I sense that I am in the shadow of really great men, among them Professors Hock and Kovach and Harry Taylor; Frederick Schweitzer who came after the Second World War and really held the institution together when it was one of the most desolate and lonely jobs you can imagine; Lester Clee, who with his dynamism and his love for people set the tone for my administration and my hope for the future. There was a spiritual grandeur in these men that is still a part of this college. There was a tenacious dedication to the purposes and objectives of the total institution, not merely to a discipline, but they had their discipline. They were tough Christians. There were determined educators and on this occasion I want to pay tribute with you (as difficult as it is to pay tribute to those gone before us) to great men whose spirit is still guiding. Ralph Waldo Emerson in his essay on history said, "An institution is the length and shadow of one man." That isn't altogether true, for in Bloomfield College I think it is true to say that this institution is the growing shadow of a group of great men. In a few months the history of this institution will be published. Dr. Harry Taylor has spent the last year and a half and I heard this morning from one who has read the first seventeen chapters that it's honestly exciting.

I would like to take a moment if I may to pay tribute to the association of this institution with the church. This college and former seminary has always known for a certainty that the church needs the scholar. For the faith of the church depends, as the author of the Gospel of John says, "upon knowing the word, truth." But this college and former seminary has also known that the college needed the church to cultivate and safeguard a good concept of man's nature and of his divine mission.

At the present time the Synod of New Jersey and Bloomfield College are preparing a study commission on the relationship of the church to a college that counts itself as belonging. And we shall examine critically but with love and in the tradition of the last hundred years what we have been to each other, but we will determine in the end what we must be for one another for the sake of the total community. This type of college is more needed than it has ever been. In a total family of academic America, this church relationship must take new form. It must be qualified with new criteria, with new spirit, but it's desperately needed. I for one, and I know the Board of Directors of this institution, dedicate ourselves to determine what that relationship shall be.

Let me in conclusion inaugurate the second century of this college by making a plea to all. I speak of our need in education for unity. The fourth convocation of the World Council of Churches took place in July in Upsala, Sweden. Perhaps the church has something to say to higher education, for early in this century our missionary forces around the world said our message is no longer powerful because it is not supported by our unity. I am sure that in the field of education we need a new unity in order that our message as teachers speaking of the word shall know the power of a single purpose and the support of a cadre of creative citizens determined to combat social and spiritual decay. We are going to have to assume as *one*, the obligations of higher education, and I hope we might together dedicate ourselves to that. As an ancient prophet once said, "My people perish because of a lack of knowledge," and he is still turning to us in essence to say, "And you are the teachers." May God bless us in the effort and bless you in your institutions and in your homes.

The Natives Are Restless Tonight

(Address by Dr. Albert E. Meder, Jr., chairman, Bloomfield College board of directors, given at the centennial convocation, September 17, 1968)

I hope that no one will interpret the title of these remarks as implying that "natives" means students, and that students in an institution of higher education hold the kind of status commonly accorded natives in a colonial society.

On the contrary, the word "natives" is intended to cover all sectors of a community of higher education—the governing board, the administration, the faculty, the students, the employees. All are restless these days—or in my judgment, should be—but some groups, of course, are more restless than others, and there are different reasons for the manifest restlessness.

Governing boards are restless—or should be—because there is simply no clear indication that ways and means can be found to support financially the existing enterprises of higher education, to say nothing of those emerging demands facing us all. Beyond these exceedingly difficult financial questions are very serious policy questions, of which I mention only two: what shall be the nature of the college or university of the future? Should the traditional American system of governance of higher education by lay boards be revised, and if so, how?

Administrations are restless—or should be—because they see their power eroding. No longer is it a tenable position that all power shall emanate from the Office of the President. The focus of power will of necessity probably continue to reside there, for it is difficult to see how authority and responsibility can be otherwise combined in appropriate measure and effectively exercise, but surely the powers to be exercised by college and university presidents in the last quarter of the twentieth century will differ both in nature and in degree from those exercised by these officers in, let us say, the second quarter of the century, from 1925 to 1950.

The faculty are restless—or should be—for at least three reasons. First, it is no longer clear what the duties of a faculty member are. Is he a teacher, a scholar, or a research worker? The common answer is that he is expected to be all three, and in addition, to carry his share of the community responsibilities of a faculty member on campus, serving on committees, counseling students, attending faculty meetings—presumably for the determination of academic policy, but too often only to hear announcements from the administrative officers. But since no one can do all these things equally well, how is the relative apportionment of his energy to be determined, and how is he to be judged? Does he decide unilaterally to devote his major effort to research, only to be told that he is not to be reappointed because he has neglected his teaching or failed to attend four faculty meetings?

Second, there is no question that, while salaries and fringe benefits have been increasing, they have not in fact kept pace with the rising cost of living. How can the faculty member secure for himself and his colleagues just compensation and fair treatment? Can he safely leave these matters to the governing board and the administration, or shall he rely on such professional organizations as the American Association of University Professors, which even yet after fifty years is still suspect by trustees and administrative officers on some campuses, or shall he become truly militant, joining a labor union and adopting the tactics of the strike and other labor union mechanisms?

Third, while virtually every college or university of any age or standing now agrees that the determination of academic policy is a responsibility to be delegated to the faculty by the trustees, and the accrediting associations regularly check on the theory and practice in each institution visited, there still remain a number of questions. Perhaps chief among them are the extent to which the governing board should be free ultimately to impose a veto, and the question of whether the faculty can in fact set up democratic and efficient procedures for the study and resolution of the educational questions with which it should deal.

And of course everyone knows that students are restless. It is both harder and easier to state why. The September second issue of "The Chronicle of Higher Education" carries the lead headline, "War, Political Frustration, Race Issues Presage Deeper Student Unrest." To the extent that these are the basic causes of student unrest, one would be justified in saying that there is unrest on the campus because that's where the students are. Surely it is not only students who are disturbed by the nature of the choice offered to the American people in the Presidential election this fall, or whose reaction to the conventions in Miami and Chicago was that there surely must be a better way. Surely many share the disillusionment of the son of a friend of mine who told his father, "You and mother have always impressed upon me the importance of the franchise, even to the extent of taking me along to the polls when I was a small child and letting me stand inside the curtain with you while you voted. Now for the first time I am legally able to cast my own vote in a presidential election, and there is no one to vote for."

An expert on public opinion polls said in my hearing less than two weeks ago that the 1948 polls had gone wrong in predicting the election of Governor Dewey over President Truman because they had failed to take into account that last minute effort of the Democrats to get Democrats to vote, even though it might not affect the result. But it did affect the result to the extent of reelecting President Truman. This year, the expert went on, the outcome is likely to depend on how many people in both parties stay away from the polls.

Equally certain it is that not only students are deeply concerned about our posture and policy in Viet Nam, and about race issues.

But it is an oversimplification to say that student unrest on campus comes about simply because that's where the students are. They also believe that the university—and here I use this word as synonymous with "institution of higher education," including colleges as well—can and should do something about these matters. I shall return to this point a little later, because to my mind this is the crux of the whole confused situation. Just what an institution of higher education should be in our society, and what is to be expected of it seems to me to be the basic question that has to be resolved, and attempts to deal with lesser matters in effect are treating symptoms rather than causes.

But I still have that category of so-called employees to cover. Here I believe it fair to say that most college and university employees are genuinely pleased to be working for an institution of this character, enjoy their work, and enjoy their association with the enterprise of higher education, but wish to have the same wage scales and fringe benefits that they would receive in other employment, and increasingly believe that the right of collective bargaining is one that they must enjoy. Since this is the pattern of American economic life today, there is nothing in this view per se to give us great concern.

Returning now to the matter of student restlessness, let us note that this list headlined by "The Chronicle of Higher Education" by no means exhausts the issues raised by students. Indeed, the closing paragraph of the article following the headline, with no apparent relevancy to the caption, reads as follows: "One quiet, well-dressed delegate to the National Student Association Congress seemed to sum up much of the feeling of the meeting as she told how her junior college was run by the local school authorities: "Sometimes," she said through clenched teeth "I get so mad I feel like burning something down."

Probably this particular remark was excerpted by the journalist who wrote the story more because it is colorful than because of its deeper significance, but it seems to me that it sharply points up the other element in student restlessness, which includes not only concern for the shortcomings of society, but also the shortcomings of higher education. I have not the slightest idea what junior college the young lady attends, but as a member of the Middle States Accrediting Commission I took my share of responsibility for denying accreditation to two-year colleges run in that fashion. One of the major concerns in the establishment of new two-year community colleges is that they shall truly be institutions of higher education, and not merely extensions to grades 13 and 14 of local public school systems. To the extent that student unrest is directed against such travesties of higher education, I for one, will support it.

And the fact that at least one element of student concern coincides with an element of concern of so august and prestigious an agency of the establishment as a Regional Accrediting Commission must give credence to the idea that not all their concerns can be brushed aside. Surely the demand of students that the curriculum shall be relevant to their needs and concerns is a valid demand. One may debate what relevance truly means; I do not myself think it means exclusively the introduction of courses in Afro-American history, as some student comments seem to imply, but the claim of the student to a genuinely relevant curriculum can scarcely be denied.

As a side remark, let me suggest that this particular concern of the students is nothing new. One hundred and ten years ago, the greatest mathematician Rutgers has ever produced got into trouble for seeking "to explore the learning beyond the curriculum," to the great displeasure of the faculty. And the comments of George Templeton Strong on the curriculum and instruction offered by Columbia College in the early 1830's hardly bear repeating.

Moreover, the idea that students have something to say about the management of an institution of higher education is one that cannot be dismissed, as some have wished, by the rejoinder that if they don't like the way things are run here, let them go somewhere else. The trouble with that reply is that usually the college or university has not made clear in advance the way things are run here, and that even if it has, it is at least doubtful if they are so well run anywhere as not to profit from responsible student criticism.

In short, student restlessness is concerned, not only with the ills of society, but also with the ills of higher education. It deserves to be dealt with, at least insofar as it is sincere.

That proviso must be added, unfortunately, because there is abundant evidence that in the disturbances at Columbia last spring there was at least one group that by its own admission was interested not in the reconstruction of the University, but in its destruction, and that as the first step to make democracy impossible.

Again, by their own admission, the desire for the destruction of the University rested upon the view held by these revolutionaries of the nature of the University. They saw it as "a means of production—producing the mechanisms, the weapons and the research to be used against the poor . . . and . . . controlled by a single class of men."

I do not think that this is true of Columbia, and certainly I do not think it is true of the higher education enterprise generally. But certainly sometime between the beginning of World War II when the research potential of our great universities was first enlisted in the war effort, and even before that, when Franklin Delano Roosevelt called upon the universities to provide his "brain trust," and continuing to the present day when virtually every scientific research paper bears a footnote acknowledging the support of a research grant from some government agency, we have so changed the character of the American higher educational enterprise that those coming into it or observing it without knowing personally the historical perspective—and that includes *all* of our young people—cannot help but see something other than a company of scholars disinterestedly seeking truth or an institution devoted to the conservation, dissemination and advancement of learning. And if the characteristics of an institution of higher education have changed, it is altogether in order to consider whether or not its methods of governance should be changed.

The trouble, of course, is in pat answers. In the discussion following a talk on college governance I recently gave at a new institution just opening its doors, it was suggested that "of course" it had become necessary to elect faculty members to boards of trustees. I said that I was not so certain as my questioner that this would solve anything; it might only lead to greater confusion. There have been instances where this technique has worked well; there have been others where it has worked badly. I know of one college where by Charter every department head is a member of the board of trustees; this college seems to me to be governed neither more effectively nor less effectively than any other.

I am sure the answer is not to attempt to give the appearance of faculty or student representation without the substance; that road can lead to nothing but disaster.

As I hinted earlier, what is needed is a sharp definition for each institution of what, exactly, it conceives its role to be. Out of such considerations there may well emerge a general consensus of the demands that society is entitled to make upon the enterprise of higher education, and the particular responsibilities of each type of institution within the enterprise and of each particular institution within each type.

This task having been accomplished, the next step is for each institution to determine the form of governance that will best enable it to discharge its particular responsibilities, and attain its particular objectives most effectively.

Society clearly is demanding that two year colleges be established that maintain an open door policy with respect to admission, and offer both college parallel courses and occupational curricula. Manifestly, one of the most significant factors in the operation of such an institution is the provision for individual counseling of students, and the right of easy transfer from one curriculum to another. One may be permitted to question whether the usual governance by a lay board, with delegation of educational policy to the teaching faculty is necessarily the best pattern of organization for the community college. Perhaps there should be more formal representation of student life, so-called, the professional counseling point of view in the power structure.

Similarly, society has the right to establish institutions of higher education dedicated to research and action with respect to community problems. One of the claims made by the dissident students at Columbia last spring was that the University had been insensitive to the surrounding community, and had been advancing its own interests at the expense of the community. Whether true or not, this complaint seems to reflect a view of the function of Columbia University that, so far as I know, has never been officially accepted, and certainly is not set forth in the charter of the institution. If an institution of higher education is in fact to be the vehicle of the students to effect social change clearly its governance by a lay board of trustees without student representation is scarcely defensible.

Surely we need in America great universities whose graduate and professional schools take precedence over the undergraduate colleges in their statements of purpose and their conduct of their affairs. We have not been conspicuously successful in organizing these institutions either from the point of view of the role of the trustees or from that of the role of the faculty. Too often the focus of power is in departmental empires, and forward motion, if not progress, is attained through departmental logrolling.

And in this context one would be remiss not to say that America needs undergraduate teaching institutions, where the emphasis upon faculty scholarship is regarded as providing an assurance of competent and up-to-date relevant teaching, rather than to provide an institutional reputation for publication and research. In such an institution, the student voice is particularly important; not, I think, necessarily in the counsels of the trustees, who can pretty largely be expected to be sympathetic to such ideals of high quality teaching, but rather in the counsels of the faculty, who may—if past precedent is any guide—be quite reluctant to develop new courses, to revise curricula, to experiment with innovative teaching, to sympathize with students who wish to explore the learning beyond the curriculum.

That the natives are restless need not disturb us, only challenge us. Restless natives are not to be suppressed, but to be encouraged; encouraged to channel their restlessness cooperatively into a restatement of goals, a reexamination of ways and means of attaining these goals, and a cooperative effort to implement these ways and means. This will take good will, which can be assumed on the part of those whose restlessness is sincere, and patience, which is probably in short supply. Let us, however, open the debate; for if the future of society does not depend on what is done in our institutions of higher education, men may well despair.

On an occasion like this, to make no reference to the event that brings us together would be unpardonable. So I conclude by asking, what has all this to do with the Centennial of Bloomfield College? My brief answer is threefold.

First, like it or not, this is the kind of world and the kind of educational climate in which this institution begins its second century. It can no more escape these necessities than can any of its sister institutions. Verbum sapienti sat est.

Second, the founders of Bloomfield, who established it as the German Theological School of Newark knew precisely the objectives they wished to accomplish, and set up an organization exceedingly well adopted to the purpose. Both the objectives and the organization have been outlived, and while much effort has been devoted to restating the objectives one would still be hard pressed to make a brief statement that would achieve anything like universal approval. Too much that has been done seems—although I do not think it actually is—opportunistic.

Still less has been done to restructure the organization. Like that of many another college, it is archaic.

The fact that the general acceptance of revised objectives and formulation of a new structure of government must be a major early step as Bloomfield enters its second century affords an opportunity for venturesome pioneering that should not be overlooked or ignored.

Finally, that Bloomfield College is entering its second century with a financial campaign for an objective that would have seemed fantastic even to those most loyal supporters of the institution who a quarter century ago successfully fought the battle to prevent its extinction at the hands of the General Assembly of the Presbyterian Church in the United States of America requires Bloomfield to accept purposes that transcend those of a conventional liberal arts college. Bloomfield must see itself as an agency of the Protestant Church in New Jersey in educational mission to all who can profit by liberal education with a Christian orientation and emphasis. Can anyone imagine that in these days Christian Education can be a college enterprise that ignores the community, or fails to mediate between Church and community through education, as other agencies of the Church and of society must do through other means?

I think not, and I am convinced that there are enough New Jersey Presbyterians, and Jerseymen of other faiths, too, who share these beliefs to the extent that they will make possible the means to enable Bloomfield College in its second century to attain these high ends.

CONGRESSMAN PELLY'S VOTING RECORD SHOWS HIS HIGH PRIORITY FOR SOLUTIONS TO URBAN PROBLEMS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. PELLY. Mr. Speaker, the House, as far as the second session of the 90th Congress is concerned, has about finished all of its scheduled legislation. It is appropriate now to review our work because the record is written.

In this regard, during the past 2 years the major domestic problem in America, has been the urban crisis. Our Nation has had rapid population shifts, overcrowding, unequal opportunities in the inner cities, strained race relations, and resulting turmoil and breakdown in law and order.

The solution has seemed to be in many different programs; some direct and some indirect. For example, the failure of the administration's farm program has forced small farmers to abandon their farms and move to the cities so that 65 percent of the population as against 50 percent 25 years ago, live in urban areas.

One cannot attribute the urban crisis today to any one cause, but I have believed the Johnson administration's policy of massive deficit spending, and the resulting loss of the buying power of both wages and welfare payments, was a major cause of hardship and unrest. This loss has been 10 percent in the last 3 years alone.

On that score, a major interest with me has been to end the spiral of inflation, and this effort has not always been easy and pleasant or indeed successful. Far from it.

Let me cite, as an example, my voting record on legislation during the 90th Congress designed to attack urban problems:

H.R. 6431: This bill extended the programs of Federal matching grants for the construction and staffing of community mental health centers.

Mr. Pelly voted for.

H.R. 1318: This bill authorized $195 million for the food stamp program for fiscal year 1968.

Mr. Pelly voted for.

H.R. 421: This bill proposed making it a Federal crime to travel in interstate or foreign commerce with the intent to incite, organize, promote, encourage or carry on a riot, or to use any facility of interstate or foreign commerce, including the mail, for any such purpose.

Mr. Pelly voted for.

H.R. 5037: This bill authorized Federal grants for innovative programs in law enforcement with most of the money earmarked for riot control programs, and for statewide planning for law enforcement improvement. It also proposed establishment of a National Institute of Law Enforcement and Criminal Justice.

Mr. Pelly voted for.

H.R. 2516: This bill proposed making a Federal crime to injure or intimidate, or to attempt to injure or intimidate, a person on account of race, color, political affiliation or national origin, because he engaged in or to discourage him from engaging in any of a list of activities. The list included voting, political activity, attending public school, working, joining a union, using a common carrier, etc. The bill also proposed legal protection for public officials attempting to prevent or abate riots, for civil rights workers, etc.

Mr. Pelly voted for.

H.R. 12257: This bill extended and expanded the authorization of grants to states for rehabilitation services, provided assistance to migratory workers, and authorized a National Center for Deaf-Blind Youths and Adults.

Mr. Pelly voted for.

H.R. 6418: This bill authorized $1.1 billion over a four-year period for grants and loans for a wide variety of health programs. It included planning grants, health service formula grants, project grants, research demonstrations, grants to schools of public health, etc.

Mr. Pelly voted for.

H.R. 6430: This bill extended present programs of Federal grants to help pay for the construction of mental retardation centers and authorized a new program of grants to help pay for staffing community mental retardation facilities. The bill carried on authorization of $217 million.

Mr. Pelly voted for.

H.R. 12120: A bill to assist courts, correctional systems, and community agencies to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency.

Mr. Pelly voted for.

S. 780: This bill authorized $428 million over a three-year period for air pollution research and control programs.

Mr. Pelly voted for.

S. 2388: After adoption of the economy recommittal motion, the House passed the 1968 poverty program authorization at a level of $1.6 billion.

Mr. Pelly voted for.

H.R. 17023: This bill appropriated $13.67 billion for the Department of Housing and Urban Development, the executive offices and various excise taxes and made various revisions in the corporate income tax laws.

Mr. Pelly voted for.

H.R. 17989: This bill contained authority for many housing and urban programs at a three-year cost of approximately $5.2 billion.

Mr. Pelly voted for.

H.R. 9960: The House passed this bill appropriating $10 billion for a variety of independent agencies and for the Department of Housing and Urban Development.

Mr. Pelly voted for.

SPECIAL REPORT ON THE NATION'S CRIME PROBLEM

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. O'HARA of Michigan. Mr. Speaker, I am sending my constituents a special edition of my Washington Report to Michigan's 12th Congressional District. The subject of this special report is the Nation's crime problem.

In it I have discussed the problem of crime and juvenile delinquency. I have also included in the report details of anticrime legislation enacted this session of Congress.

Under unanimous consent, I submit the text of this report on crime for inclusion in the CONGRESSIONAL RECORD, as follows:

CONGRESSMAN O'HARA'S WASHINGTON REPORT TO MICHIGAN'S 12TH CONGRESSIONAL DISTRICT, OCTOBER 1968

TO FIGHT CRIME, WE MUST UNDERSTAND IT

It's time for straight talk on crime.

"Crime, especially its more violent forms, and among the young is increasing steadily and is threatening to bankrupt the nation."

1968? No, that was written in 1910.

And in San Francisco, 100 years ago, a newspaper declared that "No decent man was in safety to walk the streets after dark; while at all hours, both night and day, his property was jeopardized by incendiarism and burglary."

There has always been too much crime. It is indeed society's plague, deserving of every law-abiding citizen's concern. A man should be free to walk in safety anywhere in America.

But we must realize that it is not a particular phenomenon of the 1960's.

In this newsletter I have attempted to separate fact from fiction; to explore the problem as it exists, and to propose effective solutions.

We all pay for crime, and the cost is high.

In terms of hard cash, the estimate is $27 billion each year.

Crime means higher taxes to fight it, and higher insurance premiums to pay for the losses.

For the victims of crime, its cost is measured in human anguish.

Crime saps the strength of the nation; it corrodes the quality of life in our cities and suburbs.

Its impact is particularly devastating to our youth; and more and more of them are marked with the indelible record of the law violator.

What has Congress done to control crime?

That is the subject of this special report to you.

JAMES G. O'HARA,
Your Congressman.

WHAT CONGRESS DID TO CONTROL CRIME

The 90th Congress has enacted more measures to stem criminal activity than any Congress in history. The new laws include measures which:

Authorize grants for upgrading state and local police departments and provide for greater crime control.

Authorize grants to states for prevention of juvenile delinquency and rehabilitation of delinquents.

Make it a federal crime to travel in interstate commerce to incite a riot, or to manufacture or teach rioters to use firearms in civil disorders.

Provide a Federal Judicial Center to improve judicial administration in the federal courts.

Provide benefits to state and local law enforcement officers disabled or killed while assisting federal law enforcement.

LOCAL POLICE GET HELP THEY NEED IN CRIME CONTROL ACT OF 1968

Says FBI Chief J. Edgar Hoover: "Perhaps never in our history has there been such widespread concern over crime and the capability of our criminal justice agencies to contend with it. The passage of the Omnibus Crime Control and Safe Streets Act of 1968 is the result of a national demand for public order. This far-reaching Act, signed into law by the President, promises substantial financial and functional support to local and state law enforcement agencies."

The prime responsibility for law enforcement is and must remain with local police agencies.

But the federal government can and should help in every way possible.

That was the intention of Title I of the Omnibus Crime Control Act.

Local officials say that local tax funds are stretched taut, that little extra money is available for expensive equipment—such as computers and modern devices that analyze evidence found at the crime scene or for increased manpower or special training of officers in the newest crime-fighting techniques.

Congress wanted to give local law enforcement agencies aid to make them more effective.

That was the intent of Title I of the Omnibus Crime Control Act.

Police aid funds fall generally into three categories—planning grants, law enforcement assistance grants and grants for training and research.

Emphasis was placed on combating organized crime and controlling riots. Funds can also be used to develop better law enforcement procedures, buy special anti-crime equipment, increasing police pay and for the training and recruiting of law enforcement officers.

The Law Enforcement Assistance Act of 1965 initiated a program of federal aid to local law enforcement agencies. Over the past three years, the Justice Department distributed nearly $19 million for 330 law enforcement projects across the nation.

Now we have broadened the federal effort, while leaving the prime crime-fighting responsibility with local law enforcement agencies—where it belongs.

But local governments cannot pay the full cost of fighting crime.

The federal government should be generous in helping them insure the safety of its citizens.

JUSTICE DEPARTMENT INTENSIFIES WAR ON CRIME

We're toe to toe with organized crime—a multi-billion dollar a year "industry."

The federal government has had dramatic results in its concentrated attack on the gangsters and racketeers.

The Justice Department's Organized Crime and Racketeering Section obtained indictments against 1,116 individuals last year, compared with only 19 in 1960.

This record of success is directly attributable to an infusion of manpower into the attack on organized crime.

Since 1960, that number has increased each year. Last year there were 70 Justice Department attorneys fighting organized crime and racketeering.

They proved that an investment in anti-crime manpower pays off.

CONGRESS GIVES STATES ANTI-RIOT AID BUT FUNDS DON'T MATCH THE NEED

The first federal grants are now being distributed to states to help them prevent and control rioting.

But the funds are less than is needed to do the job.

Congress approved $8.7 million for riot control. Michigan's share amounts to $372,360. Yet the city of Warren alone has submitted a request for $108,306.

Many people in and out of public office talk at length about the problems of crime and disorder, but refuse to pay the bill for public safety.

The federal anti-riot program was born in an amendment I successfully proposed to the Omnibus Crime Control Act. This amendment established a special $30 million fund to provide grants to organize, train and equip law enforcement agencies to prevent and control riots.

But the ultimate funding for riot control—$8.7 million—is less than one-third of the amount I had called for.

This is far short of the sum needed. I intend to continue to fight for adequate funding for anti-riot programs.

YOUTHS COMMIT MOST OF U.S. CRIME

Of all aspects of crime, none is more discouraging than juvenile delinquency.

One out of every nine children will be referred to a juvenile court for an act of delinquency before his 16th birthday.

One-half of all serious crimes—murder, rape, robbery, assault, burglary, larceny, auto theft—is committed by persons under 18.

The most arrests are of persons 15 and 16 years of age.

Juvenile crime accounts in large measure for the nation's soaring crime rate. According to the FBI, arrests of youths under 18 years of age increased 68.5 per cent from 1960 to 1967, more than half of the total national crime increase of 89 per cent.

Forty per cent of the nation's population is under 21 years of age, and they account for 49 per cent of serious crime.

Once involved in crime, a juvenile is likely to commit repeated criminal acts. All too frequently he crosses the threshold into adult crime.

In an effort to prevent juvenile crime—and to rehabilitate those who slip into delinquency, Congress enacted the Juvenile Delinquency Prevention and Control Act.

The federal government will pay up to 90 per cent of the cost of anti-delinquency programs sponsored by state and local public agencies and private non-profit organizations.

It will pay up to 60 per cent for special purpose facilities for rehabilitating delinquent youths.

Other sections of the Act provide for grants for delinquency prevention services and for training of persons preparing for work in delinquency prevention and control.

The causes of juvenile crime are unclear; the methods of prevention uncertain; rehabilitation in all too many cases is unsuccessful. Imaginative programs must be tested to remove the unknowns so that juvenile crime can be stemmed.

MORE POLICE OFFICERS, WELL TRAINED, MOST EFFECTIVE ANSWER TO CRIME

There is no mistaking the seriousness of the nation's crime problem.

But there is a serious danger that we will misunderstand its nature—the kinds of crime that are increasing, the types of people that commit crime.

The raw statistics tell us that the total volume of crime is increasing—and it is.

But the statistics, unanalyzed and taken out of perspective, are too often used as ammunition by demagogues, who fuzz and becloud the real problems we must recognize if we are to truly stem crime.

We must face some specific realities:

All but a tiny percentage of our citizens are stable and law-abiding.

Then why the soaring crime rate, as shown by the statistics?

Historically, juveniles and young adults—those under 25 years of age have been most prone to crime.

Remember the "baby-boom" of the mid-1940's and early '50's? As a result of the huge number of births in those post World War II and Korean War years, the percentage of the population under 25 years of age has ballooned.

The Census Bureau says that nearly half the nation's population is under 25 years of age.

The President's Commission on Law Enforcement put it this way:

"Beginning in 1961 nearly one million more youths have reached the ages of maximum risk each year than did so in the prior year.

"Thus the volume of crime and the overall crime rate could be expected to grow whether the rate for any given age increased or not."

Seventy-five per cent of those arrested for major crimes in 1967 were 25 years of age or younger!

But while the relative size of the "maximum risk" age group has greatly increased, the ratio of law enforcement officers to population has remained nearly static: in 1966 it increased 5 percent, the first change since 1960.

The most important weapon against crime is policemen on the streets.

Macomb County police departments have proven that an increase in police manpower has had an immediate impact on the crime rate.

In East Detroit, citizens wanted more police protection—and got it.

More police were put on overtime, burglaries were reduced 20 per cent—from 250 to 200 during a six month period, and the total crime rate slipped 12 per cent.

Chief Arthur Zado told us "you can reduce crime quickly if you have enough officers out there for a deterrent."

Warren increased its police force from 141 to 211 men, and crime decreased 4 per cent.

More police officers, well trained—and well paid—are the most effective, immediate answer to crime.

The roots of crime extend deep into our society. More policemen is an immediate corrective—a short-term pain killer. What about the long-term?

Some points to remember:

A busy teenager, in school, playing in sports, or working at a part-time job has no time for delinquency.

A working man, skilled at a job that provides personal satisfaction and enables him to provide for his family, seldom turns to crime.

A decent home gives a man a stake in society, and he will defend it—not tear it down.

Laws must be enforced. Crime and anarchy are intolerable. Yet we must search out and achieve the long-range correctives that will build a stable, peaceful America, where the streets are safe and all are free to participate fully in our society.

MAHATMA GANDHI

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, today, October 2, 1968, is the beginning of the centenary of the birth of Mahatma Gandhi. On this date in 1869 Gandhi was born and the world received one of its great figures of the 20th century.

Today, I have offered the following speech at special ceremonies at Howard University to the memory of this famous and wise man. I would like to place it in the Congressional Record to remind

Americans and the Members of this House that the potential of one man is truly unlimited when he himself embodies and lives out the principles of his belief:

MAHATMA GANDHI

(By Hon. JAMES G. FULTON)

We are here today to celebrate the birthday of one of the greatest world teachers—Mahatma Gandhi, the Father of the nation of India, the philosopher of peaceful and non-violent change in the 20th century. We pause to acknowledge the debt of everyone here, every person now living in India, and the United States—in fact, our human race to his memory.

On January 30, 1948, Prime Minister Nehru comforted his people after Gandhi's assassination with the words: ". . . He lives in the hearts of millions and he will live for immemorial ages." And Shakespeare seemed to describe Gandhi himself when he wrote:

"His life was gentle, and the elements So
mix'd in him that Nature might stand up
And say to all the world, This was a man!"

Yet the Mahatma himself used the word "*Experiment*" to describe the adventures of his spirit and his strict adherence to his laws and principles, both methodical and peaceful.

Gandhi has become not only a religious man of all seasons by his teachings and precepts, but since his death—he has actually become a man of the ages. We are lucky to have been born in the century of Gandhi, Einstein, Jack Kennedy and Martin Luther King—just as the 19th century citizens benefited from their age in the figures of Watts for steam power, Victoria for government, and Lincoln for courage, freedom and liberty as against the slavery of men.

The 18th century saw the age of revolution, philosophers like Jefferson, Franklin, and Washington, and the beginning of the management of the world by the common man.

Gandhi has changed world methods of change. He made his life work the freedom of India. It was a great step forward in the battle against the system of colonialism. Each of us has been a part of this whole stream of history—the rise of former colonial peoples. Gandhi proved the efficacy of peaceful protest and non-violence. He established them as the alternatives to achieve social goals, and repudiated the historic violence of revolutionary social change.

In this respect, Gandhi has had more impact than Lenin, Napoleon, Hitler and all the world's arms makers. There are now numerous variations on Gandhi's methods in use through the world. In our own United States, "CORE," the Committee for Racial Equality, was founded on his principles and methods.

Gandhi appealed to the common man—the average world citizen—to take direct peaceful action against imperialism, against colonialism, and for freedom and progress for the peasant and his family. Gandhi gave the world a legitimate rise in expectations due to the average world citizen. He showed that dedication to high principles and personal determination can make a difference. In India Gandhi pioneered the cottage system of economic development as well.

Gandhi stood as a leader against discrimination of all kinds, race, color, or creed. He was a leader against rigid class and caste systems, that result in "*untouchables*". He was the leader in advancing the basic good of all religions. He showed men the remarkable resemblances in aspirations of all men of all religions, and stands as certainly the first major leader of the worldwide ecumenical religion movement. Gandhi was the leading practical exponent of the basic premise that philosophy and dedication are truly solid foundations—that money and wealth are not the most satisfying goals for man. But Gandhi led in philosophy—just as Jesus Christ, Buddha, Confucius, and Moses, all led the way before him.

Gandhi was a 20th century world citizen leading the way in the long fight for one world and peace, for equality and equal opportunity, for the right of every person to live with work, food, and dignity. He advocated even for those in the most abject poverty, education and progress for every person. Gandhi emphasized the constructive potential of villages, industries and basic education.

Gandhi stands as a beacon light for the return to simplicity and sincerity. His work is guiding men and nations 20 years after his death. Peaceful methods and non-violent action for social change, and the relief of age-old injustices, are the goodly heritage of all of us.

As a humorous note, the modern fashion, the American Nehru or Gandhi jacket, with high collar, straight buttoned tunic, and chain, is much adopted now in the Western world. The dress of Gandhi's disciple Nehru shows the wearer believes in the power of peace, and takes a position of non-violent protest against war, governmental authorities, and governmental regimentation, and seeks a return to a more simple life. Gandhi's bare feet and sandals have ardent advocates among even the very affluent and educated youth of the Western World!

Gandhi's stature stems in large part from his uniqueness. He was much more than the leader of the Indian independence movement. Gandhi molded in his lifetime a set of humanistic principles, which he believed had application far outside of the anti-colonial struggle in his homeland. He saw them as providing a potential means of ordering human relations in a manner that would secure greater justice for the downtrodden and oppressed elements of humanity, while avoiding the violence that so often has accompanied movements for social justice.

Gandhi sought a spiritual movement and ethical enlightenment as the means to achieve his objectives, and from this emerged the doctrine of satyagraha—"force which is born of truth and love or non-violence". Gandhi always considered the moral content as the key element of satyagraha. He once stated that "if a man has true religion in him, it must show itself in the smallest details of life." And: "As man has not been given power to create, he has not the slightest right to destroy the smallest creature that lives."

Gandhi's knowledge of western legal and moral concepts plus his keen awareness of the injustices around him molded his ideals. While in England to study law as a young man, he developed respect for British parliamentary institutions and Anglo-Saxon law and acutely observed the moral basis behind British legal codes. In South Africa, during the 1890's and 1900's, he experienced firsthand the discrimination practiced against Indians.

Traveling from Durban to Pretoria in 1893, he was ordered to ride in a third-class carriage even though he had purchased a first-class ticket. He refused and was compelled to leave the train. As he sat in a station waiting room, he contemplated his next step. He wrote in his autobiography:

"Should I fight for my rights or go back to India; or should I go on to Pretoria without minding the insults, and return to India after finishing the care? It would be cowardice to run back to India without fulfilling my obligation. The hardship to which I was subjected was only superficial. It was only a sympton of the deep disease of colour prejudice. I should try, if possible, to root out the disease and suffer hardship in the process. Redress for wrongs I should seek only to the extent that would be necessary for the removal of the colour prejudice. So I decided to take the next available train to Pretoria."

Here lies the turning point in Gandhi's life; for he soon took up the cause of the oppressed Indians of South Africa and formulated the satyagraha concept. The essence of this method, which he brought to greater and greater perfection, consisted of the refusal to do things which the authorities wished to have done, while abstaining from any action of an aggressive nature. The risk always existed that the authorities would resort to force and brutality, but Gandhi's followers learned to submit to the treatment with complete passivity.

Non-violence depended on two basic factors for its success. First was its moral force. The authorities found it impossible to persist in mistreating people who did nothing whatever to defend themselves. In addition, British public opinion at home came to sympathize with the Indian independence movement largely because of its non-violent character. The reports of stern authoritarian measures against passive Indians aroused a good measure of world wide compassion for Gandhi's cause, which finally resulted in independence.

The maintenance of non-violence constituted another essential for the success of the satyagraha concept. Excesses by authorities of government plus the frustration felt by many Indians led to outbreaks of violence on several occasions, most notably Gandhi's arrest in April 1919, the Uttar Pradesh riots of February 1922, the rioting in Indian cities during the Congress Party's campaign against the salt tax in 1930, and uprisings in 1942 following Gandhi's arrest. In response to this, Gandhi developed another method designed to curb the emotional actions of his followers: the fast. In important instances when violence broke out or threatened, Gandhi began a fast, which he asserted would continue until peace was restored. This method proved quite successful, but only because of Gandhi's revered stature with the Indian people. His greatest triumph using this weapon came shortly before his death in 1948. With India and Pakistan on the brink of war over Kashmir, he announced that he would fast till death unless both sides backed off. Five days later, the two countries declared their willingness to settle the dispute peacefully. Gandhi knew the limits of fast, and said he never used the method against a tyrant, or the military, but to convince the people.

Mahatma Gandhi left a remarkable legacy to India and the entire world. His passion for social justice along with freedom for India has its mark in India's present democratic institutions. His philosophy of non-violent protest and political action has deeply and permanently influenced movements in other countries, including the civil rights and peace movements in the United States. And finally, he left to the world the hope of peace and brotherhood among nations and men. This will be Gandhi's most enduring contribution. We can find Gandhi's true greatness in it. As Gandhi magnificently and simply has said:

> My mission is not merely brotherhood of Indian humanity. My mission is not merely freedom of India . . . But through realization of that freedom I hope to realize and carry on the mission of the brotherhood of man. Our nationalization can be no peril to other nations, inasmuch as we will exploit none, just as we will allow none to exploit us. Through swaraj (self rule) we would serve the whole world.

THE 25TH ANNIVERSARY OF THE MERCHANT MARINE ACADEMY

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mrs. KELLY. Mr. Speaker, on Monday, September 30, the U.S. Merchant Marine Academy marked its silver anniversary. For the 25 years of its existence, the academy which is operated by the Maritime Administration of the U.S. Department of Commerce, and located at Kings Point, N.Y. on the northern shore of the Long Island Sound, has graduated men who are interested in and dedicated to strengthening our Nation's position in international commerce, and in supporting our military forces throughout the world. For two and a half decades, the Academy's graduates have served with honor and distinction in World War II, Korea, and presently Vietnam, as well as well fulfilling their peacetime maritime obligations.

It has been an honor for me as a Member of the Congress and as part of my official responsibility to appoint young men to this outstanding Academy. Presently four men who are my appointees are enrolled in the Merchant Marine Academy: Milton Irvin, Dana Merno, Harry Winstock, and Thomas Muzyka. I should like to take this opportunity to wish them every success and good fortune, and to thank them for living up to and beyond the faith which I placed in them in appointing them to the Academy.

For 25 years, the mission of the U.S. Merchant Marine Academy has been a fivefold task:

To attract a high type of young American with a definite ambition to become an officer in the U.S. merchant marine;

To impart to him the necessary academic background and the fundamentals of a practical nautical education essential to a successful career at sea;

To develop in him a high sense of honor, uprightness, and loyalty;

To instill in him a pride in his profession and a determination to uphold the traditions of the merchant marine; and

By effective teaching, training, and guidance, to send him forth to his calling with a deep respect and affection for the U.S. Merchant Marine Academy and its Cadet Corps.

In addition to the high standards of admission, the characteristics which an applicant must possess, and the ideals for which the Academy strives, I believe that there is one thing more which blends into the total essence of an Academy graduate: that of the irresistance to the lure and the challenges of the sea—"sea-fever." I cannot help but think that within the heart of every cadet, there is a quiet voice which echoes the words and feeling of the former poet laureate of England, John Masefield:

I must go down to the seas again, to the
 lonely sea and the sky,
And all that I ask is a tall ship and a star
 to steer her by.

Having been born in the sea town of East Hampton, Long Island, I too maintain a great love and respect for the sea.

WHAT IT'S LIKE TO BE FLOYD KALBER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune, in its Sunday magazine section recently carried an impressive story of the career NBC's Floyd Kalber has shaped in his years of broadcasting.

The sound achievements and lasting contributions which Floyd Kalber has made to honest reporting cannot be disputed.

I am pleased to include in the RECORD today, for the benefit of my colleagues, the article which appeared in the September 15 edition of the Chicago Tribune:

WHAT IT'S LIKE TO BE FLOYD KALBER

(By Clarence Petersen)

He's a darn good newscaster. He really is. But let's face it: NBC doesn't pay him 150 thou—just for *that.*

You spend years serving out your apprenticeship, learning what is news and what isn't, learning whom to see and what to do to get the news, learning how to get it down on paper in words that are both precise and easy to read on the air, learning to stand up there under the hot lights in front of microphones and cameras and God and everybody and deliver the news with confidence, authority, and individuality. Then, after all that, you *know* that somewhere out there in televisionland a group of suburban matrons are returning to the bridge table after your 10 o'clock news program for one last rubber before the coffee and cheesecake are served and, as one of them deals the cards, they are talking about how you, Floyd Kalber, are *cute.*

Like any newsman who's made it big in broadcasting, Floyd Kalber, 43, the National Broadcasting company's key newsman in the midwest, must live with the fact that he's a star. He's paid handsomely—in the neighborhood of $150,000 a year—to live with that fact, but all the same it can be a pain in the posterior. Because Kalber was a newsman, and by all accounts a good one; long before he became a star, he developed a certain contempt for the whole idea of stars and "celebrities"—those ubiquitous personages who make news not so much because of anything they can do but because they just somehow are who they are. For example, no responsible newsman could get very excited about, say, Paul Newman's efforts in behalf of Eugene McCarthy's Presidential aspirations because even tho Newman is reportedly the man with whom million of American women would most like to be trapped in a stalled elevator, that does not necessarily qualify him as a political pundit. So you can imagine Kalber's dismay when confronted with the thesis that he too owes a measure of his popularity to charisma.

"No, no," he says with pain in his voice. "Not a star. Please, not a star! I like to think of myself as a *newsman.*"

"But Floyd, you *are* a star. No matter what else you may be, you are in fact, a star, and with that dark wavy hair and those bedroom eyes and that great baritone voice there isn't much you can do about it."

We were talking about it one day not long ago. Which is to say that I was needling him about it and, haunted by the truth of it, he was trying to change the subject.

"——— it," he said, without raising his voice, "I've never been able to reconcile that star business—it's so *invalid,* and it's embarrassing as hell. You know the most embarrassing thing of all? It's when somebody asks for your autograph."

Of course. The very idea of somebody asking you to write your name in a little plastic-bound book or on some odd scrap of paper and maybe asking you to add some kind of greeting like "Best wishes" or "Good luck to, to, to . . . what did you say your daughter's name was again?" because so many of those who want autographs are unwilling to blow their cool long enough to get it, so they say it's not for them but for the kid [heh, heh] and sorry to bother you but if she ever knew that I had met you and I didn't even. . . . For anyone with any sense of proportion about himself, it's just got to be embarrassing to pass out a handwriting sample as if it were a nugget of pure gold and all the more so when the recipient won't even admit that he wants it. Kalber says he has to fight back the impulse to tell autograph hunters, "One of these and two Roy Rogers will get you one Fahey Flynn."

But there is in spite of everything: Floyd Kalber is a star. In fact, he's probably the biggest star on Chicago television right now, and it's been that way for more than a year. In June, 1967, the Nielsen ratings showed Kalber's six 10 p.m. newscasts to be among the top seven shows seen in Chicago. Only the network's Dean Martin show, in second place, flawed a perfect record. This last June, Kalber was still boss, with 44 percent of the 10 p.m. audience [or 2,119,000 adult viewers] against 25 percent for channel 2's Bill Kurtis, 16 percent for channel 7's Fahey Flynn and Joel Daly, and 14 percent for channel 9's John Drury.

There are those, of course, who don't trust ratings, arguing that they are inaccurate [which they aren't very] and inadequate [which they probably are]. But sponsors, networks, and local stations rely on them for million-dollar decisions, and nowhere is that reliance more striking than in competition among 10 p.m. newscasters in Chicago.

In the days when television meant wrestling and shock, auto and appliance commercials, NBC's Clifton Utley was the most popular and most respected newscaster in Chicago. Then, after failing health removed Utley from the scene, Fahey Flynn on the Columbia Broadcasting company station, channel 2, took over the lead and held it for a dozen years. Try as they might, rival stations could not put a dent in the pleasant, bow-tied Irishman's top rating. And they really tried.

In 1960 the television columnists began to follow what they called "the 10 o'clock news ratings race" as tho it were a spectator sport. It was more a game of musical chairs. First Alex Dreier quit channel 5, charging "long and vindictive harassment," and went over to channel 7, the American Broadcasting company station. Kalber, who had done the channel 5 10 o'clock show on Sunday nights, took over the week night shows as well WGN–TV, the Tribune-owned independent station, experimented with Chicago's first half-hour news program, with Jim Conway as anchor man. But Flynn continued to win the ratings on channel 2. In 1964, Dreier left channel 7, and ABC replaced him with Frank Reynolds, who had been No. 2 man to Flynn on channel 2. WGN–TV hired Gary Park of Sacramento, Cal., and Jim Ruddle of Tampa, Fla., to form a team on channel 9. Then Reynolds left channel 7 to become ABC's White House correspondent, and Joe Templeton replaced him on the 10 o'clock show. In May, 1967, WGN–TV dropped Park and Ruddle and replaced them with John Drury, who had joined channel 2 in place of Reynolds and reportedly was being groomed to replace Flynn who by now was losing his lead to Kalber. Park went back to the west coast and Ruddle went over to channel 5. Then, last September, channel 7 brought in Joel Daly from Cleveland to replace Templeton, and a few months later Flynn left channel 2 and turned up on channel 7 as a teammate for Daly. Channel 2 replaced Flynn with Bill Kurtis from Topeka, Kas., and there it stands at this writing, subject to change at any moment.

The man least likely to change channels very soon is Kalber. He's winning so handily that it's inconceivable he'd be fired, and he has no reason to quit. If he does leave the NBC News Night Report some day, chances are he'll move up not out. The chances of that may have been improved when Reuven Frank, Kalber's longtime mentor and friend, recently became president of NBC News. But Kalber scoffs at the possibility.

"I don't anticipate going anywhere," he says. "Really I don't. The network doesn't need me anywhere but here. They're as interested in the prestige of winning in Chicago as they are in almost anything else, and if they take me out of Chicago, they've got to replace me, which is a problem for them, and they're not in the business of making problems for themselves."

Is *that* all?

"Besides," Kalber continues, "what would they do with me? They've already got any number of great guys back east. They've got Chet Huntley and David Brinkley, and then they've got Frank McGee, who I think is absolutely tops in this business, and Ed Newman and John Chancellor and Sander Vanocur. They've got a wealth of talent and they don't need me there. And I can't say I'm anxious to go."

But Kalber was not anxious to leave his home town, Omaha, for Chicago either. The way he tells it he was euchred into the move. But first, as they say, lets go back a few years. Kalber started broadcasting in 1946 at radio station KGFW in Kearney, Neb. With only a semester of journalism after three years of World War II army service in the Pacific, he says he conned his way into the job, but one wonders who conned whom—he was paid only $130 a month. After two years he left Kearney for WIRL radio in Peoria, Ill., where he became a sportscaster [competing, incidentally, with Vince Lloyd who has since become a W-G-N sportscaster in Chicago]. After two years in Peoria he decided to quit radio. "I didn't like the way it was going," he says. "It was going the way it's gone today." So Kalber returned to Omaha for a tryout job at no salary with WOW-TV. [On the same station was a fresh-faced youngster named Johnny Carson who dressed up in a cowboy suit and appeared daily on an afternoon kiddies show.] After a few weeks Kalber landed a paying job at a new Omaha station, KMTV, where he stayed 11 years before coming to Chicago.

"I had worked in radio news," says Kalber, "and I was the only guy there [at KMTV] who knew a thing about journalism, and that was damned little because I never did finish college, so I sort of took over the news department. It was a one-man operation, but gradually we built it up to about 15 people, which for a city that size was pretty good." Kalber was both news director and newscaster and, opposite Ray Clark, a popular local newscaster on another station, he lost the top rating, won it back, lost it again, and then won it for keeps.

Meanwhile, the Huntley-Brinkley show was born in 1956, and that opened the path to Chicago. "We were quite energetic out there and we covered a lot of territory," Kalber says of KMTV's news department, "so when the people who were working Huntley-Brinkley would call and ask if we had any film coverage of a certain story, we'd tell them, 'If we don't have it, we'll get it.' So we developed a reputation as an outfit that could produce stories for them." Soon Kalber was appearing as often as once a week on the Huntley-Brinkley show, sometimes supplying more news coverage than the network's midwest bureau in Chicago.

As a result, in 1960 Kalber was asked to work the two political conventions, "which my management *generously* allowed me to do," he says. At the Democratic convention in Los Angeles, he was assigned to cover the Nebraska, Iowa, and Kansas delegations, and he must have done pretty well because when the Republicans convened in Chicago, Kalber was assigned to cover Vice President Nixon who, of course, became the G.O.P. nominee. "For five days," Kalber recalls, "I lived on the fifth floor of the Sheraton-Blackstone hotel, in the hall outside the Vice President's headquarters," and when the convention ended, Kalber was offered a job in Chicago by Bob Lemon, who then managed WMAQ-TV [and who, since the death of Lloyd Yoder, has been NBC vice president and general manager of both WMAQ television and radio]. Lemon wanted Kalber for the Sunday night show, for local cut-ins on the network's Today show, and for miscellaneous reporting and newscasting assignments.

"Well, I didn't want to go," says Kalber. For one thing Kalber was at home in Omaha and so was his wife, Betty, who had been a high school classmate. The two children, David [now a University of Nebraska student] and Kathy [now a Hinsdale High school student] had grown up there. Floyd's and Betty's parents still live in Omaha today. Besides, as a television newscaster Kalber was a very big fish in a middle-sized pond. "We were winning," he says. "The last two or three years we were winning quite handsomely. I had become so involved with security—fat, happy, and sassy—that I was almost afraid to move. But I called Reuven Frank, who has been my 'rabbi,' and asked him what he thought, and he said, terrific, then I could replace Vanocur as NBC News correspondent in Chicago." Vanocur, who had covered the John F. Kennedy campaign, was bound for a White House news assignment. But Kalber called Lemon and turned down the job anyway.

"He had offered me $20,000 a year," says Kalber, "and when I refused it, he asked me, 'How much will it take?' So I told him I'd get back to him. I tried to arrive at an answer, but I thought, well, I really didn't want to go, so I'll make this thing so big he'll have to turn it down. And I called him back and said I'd like a rock solid two years guaranteed and $25,000 a year, and he said, fine, but you'll have to sign a seven-year contract with us. So he had me. I couldn't very well turn down my own offer."

Kalber says now the move was the best thing that ever happened to him because "it got me off my duff. It was a great lesson to learn." But now Kalber is secure again, a big fish in a bigger pond, and bigger than ever since last September when his new contract moved him into what he calls "the major money." You can buy a lot of security for $150,000 a year.

"I have a lot of things going for me here," he says. "A tremendously kind public. These people have accepted me, a complete and total stranger. I haven't changed *my* brand of newscasting, and they've accepted me for what I am and what I can do on the air, and I certainly feel very grateful about the whole thing. I make a hell of a lot of money and, you know, I've worked this shift for 18 years now, so I don't know any other life. At times I feel I'm pretty doggone fortunate to go to the office at 1 o'clock in the afternoon and have my mornings free." Ordinarily Kalber spends one or two of those mornings on the golf course, where he is an enthusiastic 16-handicapper ["That means *bad*"], and in the air, learning to fly the four-seat Cessna 172 Skyhawk he bought last summer. And he putters around the house in Hinsdale and reads "but not nearly as much as I ought to."

He is not writing a book. "I am one of the few newsmen I know who has no desire whatever to write a book," he says, and after thinking for a moment adds: "Really, do you know what's wrong with me? I'm pretty basically a lazy person, and I don't say that facetiously—I *am*. I enjoy the relaxation I'm involved in, and I enjoy my work, but as far as really *laboring* at journalism, I don't work that hard. But I do the job. Nobody has to tell me to come in and get my show ready."

Clearly the hours are the worst of it. Kalber gets into his office on the 19th floor of the Merchandise Mart between 1 and 2 p.m. and works until 3:25 preparing his daily five-minute network newscast. After the show he uses the next two hours for odd jobs—answering mail, with the help of his attractive 24-year-old secretary, Camille Levin Nogen, returning telephone calls, meeting with sponsors, NBC people, and others who compete for his time. Perhaps once a week he does a report for Huntley-Brinkley. At 5:30 he goes on the radio to read a 10-minute newscast that he has had no hand in preparing. Then he's free until 9 p.m. when he returns to the studio to begin work on the 10 o'clock NBC News Night Report. The script is written and the films and videotapes are ready when he gets there.

Kalber has little to say about the content of the 10 o'clock show. NBC policy, dating from the days of Alex Dreier, prohibits newscasters from writing their own programs. [The policy does not extend to the afternoon network telecast because there Kalber functions as a *correspondent*.] Kalber does, however type the script on a Teleprompter roll, editing as he goes, reworking hard-to-manage words and phrases, taking out those he particularly dislikes. "*Utterly*—that's a word I can't stand," he says. It sounds both snooty and feminine. "And the word *gutted*. A three alarm fire *gutted* a building at State and Madison. What's wrong with *burned?* And *stems from*. I'm so tired of everything having to *stem from* something." Sometimes Kalber seeks more extensive changes, arguing that "when the phone calls and letters come in, they don't come in to NBC News but to the guy who's on the air." At times the battles over such changes are not pleasant, and it is an open secret at WMAQ-TV that Kalber and News Director Bill Corley have little use for each other.

Kalber has no particular desire, he says, to increase his participation in the 10 o'clock show, even tho the arrangement permits critics to call him a "news reader."

"My philosophy on this thing," he says, "is this: First, I don't work full time for the 10 o'clock show. I have two other shows during the day, and I still have my hand in the Huntley-Brinkley Report. If I worked on the 10 o'clock show at all, I'd want to work on it every night or it wouldn't be fair to the producer and the writers. And frankly I don't want to work that hard. I don't want to be involved that much. As I said, I'm lazy, and besides if I were writing the 10 o'clock show I would have to start right after I got off the air at 5:40. It would eliminate entirely the speaking I do in the evenings, which I think is important and that's why I do it, and it would eliminate my ever being home with my family for dinner, which, when school's in session, is the only time I get to see my daughter. It would lock me into this 19th floor, working six nights a week and I'd go stir crazy after awhile. I just don't think it's *that* important."

In a way, too, the aspersions cast at news readers can be unfair, something like complaining that a newspaper editor doesn't gather and write the news himself. In the case of the editor, it is assumed that he does know news, that he does know how to cover a story, and that he is qualified by experience and judgment to make decisions about stories even if he isn't personally at the scene of every action. Most important, there is too much news for any one man to cover. The same assumptions might well be extended to those newscasters who have served their time on the street. By that standard Kalber is no mere mouthpiece.

As NBC News midwest correspondent, Kalber still covers news as a reporter and writes—or ad libs—his own stories for presentation on the air. During the recent primary elections in Indiana, Kalber was assigned to interview Democratic State Chairman Gordon St. Angelo, to pry out of him, if possible, some early evening estimates of the results. No one told Kalber how to go about it. He was simply given a time to appear before the cameras with St. Angelo in tow, and the rest was up to him.

For that assignment, Kalber—like all other NBC correspondents working the primaries—was supplied with a 36-page book of facts, statistics, maps, and essays on Indiana's history, its importance to the candidates, the organization of its political parties, campaign tactics the candidates had employed there, mechanics of the primary, and other background data assembled by the "Election Unit of NBC News for the Indiana Primary," a team of reporters and analysts who had been at work in the state for several weeks before Kalber and Huntley and Brinkley and Frank McGee and dozens of producers, directors, reporters, writers, telephone girls, secretaries, pages, and technicians moved into the Farmer's building on the Indiana State Fairgrounds to telecast a two-hour election special. Kalber also had a copy of a 33-page "Survey of Preferences and Attitudes Among Democratic Primary Voters in Indiana" prepared for NBC News by Oliver Quayle and Company, public opinion pollsters.

But all that data does not make Kalber a mouthpiece—it makes him a reporter well prepared to conduct an interview. And like any reporter who understands the limits of time and space, Kalber was undismayed when told at the last minute that the St. Angelo interview would be taped instead of telecast live because there probably wouldn't be time to put it on the air. And there wasn't. A week later, Kalber fared better. By virtue of his special knowledge of his home state, for NBC's coverage of the Nebraska primaries Kalber worked as anchor man with Frank McGee.

Kalber also covered the Martin Luther King funeral, and he worked both political conventions. He has a zest for these breaks in the routine, the attraction of being where the action is outweighing his love of leisure.

Kalber spends a good many of his evenings standing before women's clubs, church groups, parent-teacher organizations, newcomers clubs, and other gatherings of people who own television sets. His fees are modest, rarely running higher than $100 or $150 [his secretary has charge of the negotiations], and they go not to Kalber but to the benevolent fund of the First Methodist Church of Western Springs, where the Kalbers are members.

Before these groups Kalber is usually introduced as a man who needs no introduction [but they elaborate anyway] and then Kalber begins by saying he never made a speech in his life and doesn't intend to start now. "I don't have any inside dope for you," he adds. "I hear a lot of gossip that maybe you don't but I have no big secrets to tell." He recites a few statistics to illustrate the omnipresence of television in the United States, and then offers to answer questions. He fields the questions with ease—he's heard them all a hundred times:

Are you ever censored?

"I've never been censored by anyone in broadcasting and I've been in it for 22 years. Take for example the 3:25 show. This is what we call a network news program. It goes out to 185 or 186 of NBC's 200 affiliated stations. It's no Huntley-Brinkley. It's got an audience of, I think, 9 million versus 32 million for Huntley-Brinkley, but 9 million is a respectable group of people, I think. I probably think so because that's all I've got." [And predictably they laugh.] "But I've been doing this program since January of 1962, and never once has my management in Chicago or New York called me and said this will not go on the air or *this* must go on the air in the way of a news story. They might say, *promote* the fact that we're going to cover a Presidential news conference this afternoon or, *promote* a space shot, but they have never told me to delete a story or add a story to the show, and this goes all the way back to when I was working for an NBC affiliated station in Omaha for 11 years. I never, *never* was told by management what to do."

They ask about objectivity, about bias, and Kalber explains that it is NBC policy that the news must be played straight down the middle, altho everyone slips now and then. "One lady wrote in one night and said: 'You may agree with NBC's policy but you don't follow it, and I'll give you a couple of examples: One is that you talked about the teachers' strike in Chicago, and you continually said that the teachers wanted 14 million dollars a year in salary increases but never once did you say that each wanted only $400 a year—and that's editorializing.' And she said: 'One time you had Mayor Daley on your program and after the mayor stopped talking, the camera came back on you and you nodded—and that's editorializing.' And she said, 'Furthermore, I wish you'd keep your damned Democratic politics to yourself.'

"Well, I wrote her a letter," Kalber continues, "and said: 'There are times'—and there really are times—'when you're working on the air that someone says something so downright stupid and asinine that it's inconceivable that you won't react to it, and there are times when I don't try to contain myself. For example, once when I had Dick Daley on tape and he said Lyndon Johnson was going to come to Chicago two weeks before the election to make a nonpolitical speech, I almost laughed out loud.' And then I closed it up by saying, 'In case you question my politics, I think I should advise you that I was one of the 25 million Americans who voted for Barry Goldwater.' "

They ask what really happened the night that commentator Len O'Connor swore on the air.

"Very briefly, here's the story: O'Connor is a flubber, a notorious flubber of words. He works the 5 o'clock show live and, you know, like everyone else who works live he has no difficulties when he's feeding the tube and knows it's going right out to the homes. But after the show is off the air and the lights are still hot, they tape a three-minute piece for the 10 o'clock show and another piece for the midnight show. And then he's like the rest of us. He knows he's sitting in front of a camera that's feeding a picture to a videotape machine, and he knows that if he blows something, all he has to do is stop and start over. So he gets loose, and I've known O'Connor to go thru 11 takes before he gets a keeper and on the night in question, he had seven takes. You heard the sixth."

But how did it get on the air?

"Very simple. Ordinarily they'll erase—they'll go back to the beginning of the tape. But that time, they told me, they had a brand new roll of tape, a test tape and they didn't want to erase it, so they laid all seven tapes down one after the other, and the man just cued up the wrong one. But we were very fortunate that we had an alert director on the show and he heard the bad take and said, 'Get out of it!' And the technical director went to black, *quickly*—because O'Connor said *more*, a *lot* more."

Do you think TV pictures of riots encourage riots?

"I think television's coverage is encouraging a *little* more rioting, yes. It would be silly for me to say that our coverage of riots doesn't in some way influence some stupid jerks, just as I would readily admit to you that television has been *had* by many so-called self-proclaimed civil rights leaders and white militants and draft card burners. We've been had. We try to screen things like this out. We try to determine if something is genuine and valid and right—nobody likes to be had—but we're just exactly like the American public: We have perfect 20-20 hindsight. We can look back and say, 'We should not have put that idiot on the air.' So, yes, we cause possibly a little more trouble, but I don't think we cause *enough* trouble not to do what we're doing."

That leads to a question about why so much violence is aired during hours when children are watching.

"I say: 'Look, don't ask us to be your baby sitters. If there's something on your television set you don't want them to watch, take them away from the television set, or turn the television off. Don't ask us to censor your television.' "

But what about when there's a baby sitter and *she* lets them watch?

"Get a new baby sitter.

"Now, don't you see what happens to a program that isn't watched? If you don't feel the ratings surveys work, you can start some kind of letter-writing situation. And not just one letter, but get your friends who agree with you to write too. And don't write the network—write the sponsor and let him know he's not making friends but enemies, because he's paying money, he's paying lots of bucks for these things. You don't get it done by writing the networks. Don't fiddle with the disciples—go to God."

After one such talk—before a west suburban group called the Welcome Wagon Newcomers club, meeting in a church basement—Kalber said he was not satisfied with his own answers. "I have told those stories and said those things so many times that I no longer have any idea how well they go over. I sometimes doubt that I'm really getting it across but I don't know." Still, Kalber wishes more broadcasters would get out among the viewers and do as well or better "because I'll tell you, we're coming up against some extremely serious problems in television news, generated by our coverage of riots and civil rights and violence and so on. We're coming on some times when it's going to be a real rocky road. People are laying at our feet every goddam problem that exists in the world today. I can't agree with them. I can agree with damn few of them, as a matter of fact, but they're blaming us, and we don't—in my estimation—have the spokesmen, or rather we *have* the spokesmen but we don't have them working, telling our side of the story."

Tho Kalber may be dissatisfied with his talks, his audiences are not. He is pretty candid with them and never condescending. They feel like insiders when they hear the story of O'Connor's boo-boo and when Kalber mentions Huntley and Brinkley. And they *act* like insiders when, for example, their questions refer coyly to "another network" instead of naming it. Then you also have to understand what it's like when right there in the same church basement with them, right there with the coffee urn rumbling and the fan humming in the background, standing right there in front of the table with the paper plates and plastic forks and the cake and cookies is Floyd Kalber. I mean *Floyd Kalber*, the man on television ["We watch your show every night and we just love it, especially that funny story you always end with. . . ."], and you can see it in their eyes and in the way they sit forward on their chairs: He really is as tall and handsome as he appears to be on the tube, and his voice really does have that dry and ironic quality, something like Brinkley's only you don't get the feeling, as you sometimes do with Brinkley, that Kalber is laughing at you, too, and the man is just so totally masculine that . . . well, even around the NBC studios, where they ought to be used to him by now, some of the girls call him "Freud Kalber."

Even Camille, his secretary for a year, is occasionally surprised by the appeal of the man. There was the day, some months ago, when her engagement was mentioned in one of the gossip columns and the office phone rang and it was a woman calling and she congratulated Camille and ran on and on about how wonderful it was that she was going to be married, and Camille recalls thinking, "Now isn't that *nice?*" But then, almost an afterthought, but you could tell that it was the whole reason for the call, the woman asked, sort of edging into it, "When are you . . . uh . . . when are you *leaving?*"

EXTRACURRICULAR ACTIVITIES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 1968

Mr. ASHBROOK. Mr. Speaker, recent accounts of extracurricular activities on the part of some in Government suggest possibly a set of guidelines to limit various practices inconsistent with the duties of high offices. The most recent and widely reported case is, of course, that of Justice Abe Fortas. Another instance, as reported by the press, is possibly that of former Ambassador to the United Nations, George Ball. The veteran newsman, Willard Edwards, in the Chicago Tribune of September 29, refers to an unsigned letter which charged that Ball was virtually "moonlighting" in his U.N. post while continuing to serve the interests of his former law firm and a well-known banking firm. According to the Edwards article, a private and unofficial inquiry into the allegations contained in the letter was discontinued when Ball resigned from his U.N. post.

The activities of Justice Fortas alone indicate that perhaps limitations should be set by Congress, if possible, spelling out minimum restrictions concerning the separation of powers. I realize that this problem has been with us since the founding of this Nation, but it would seem that, for instance, cases in which a member of the Supreme Court advises the executive branch on Government policies should be eliminated.

I place the above-mentioned article by Willard Edwards, along with the August 7 article from the Government Employees Exchange referred to in the Edwards article, in the RECORD at this point:

[From the Chicago Tribune, Sept. 29, 1968]

HALT PROBE INTO BALL'S CONNECTIONS—STOP QUERIES ON RESIGNATION

(By Willard Edwards)

WASHINGTON, September 28.—When President Johnson announced the surprise resignation of George W. Ball as chief American delegate to the United Nations, a very private and unofficial inquiry on Capitol hill came to a temporary halt.

For several weeks, a group of senators and representatives has been cautiously pursuing the leads furnished by an informant pertaining to Ball's alleged retention of legal and banking connections while he served as chief United States representative to the U.N.

INQUIRY IS SUSPENDED

Now that Ball has quit his post to become a foreign policy adviser to Vice President Humphrey in his campaign for the Presidency, the inquiry has been suspended. There's speculation, however, that the allegations may eventually become public under the political pressures of a Presidential campaign.

Congressional investigators were initially reluctant to explore the charges because the informant refused to identify himself. He apologized for his anonymity by stating that he would lose his employment with a New York and Washington law firm if his identity became known.

"Anonymous letters are not, and rightly so, usually well regarded," he wrote Sidney Goldberg, editor of the Government Employes' Exchange, a publication for federal workers. "However, I have no choice but to address myself to you without identifying myself."

The writer said he was addressing Goldberg because of an Aug. 7 article in the government publication stating that a "working group" in the government was conducting a probe of Ball's connections and that "special reports" were being prepared for Congress.

The letter then proceeded to outline charges that Ball was virtually "moonlighting" in his U.N. post while continuing to serve the interests of his former law firm and a well known international banking firm. The writer indicated an intimate knowledge of detailed legal and financial transactions.

Whether or not the contents of this letter, copies of which were circulated on Capitol hill, were known to Ball, the unusual circumstances surrounding his resignation attracted interest.

OPPOSED NOMINATION

Ball was first named to the U.N. post April 25. The Senate on May 13 confirmed the nomination. Sen. Strom Thurmond (R., S.C.) was joined by Sen. John J. Williams (R., Del.) in opposing the nomination. They agreed that Ball's past record as under secretary of state, especially his denial of knowledge of wire tapping and internal espionage in the state department, had caused them to lose confidence in his veracity.

There was no record vote, however, and only a few senators were present as the nomination was confirmed by a number of "ayes," with Thurmond and Williams voting "no."

On Sept. 16, President Johnson reappointed Ball to head the American delegation to the 23d general assembly of the U.N. Late in the afternoon of Sept. 25, Sen. Mike Mansfield (D., Mont.), the Senate majority leader, interrupted the debate on the Abe Fortas nomination to ask routine approval of a batch of diplomatic nominations.

BALL ON LIST

Mansfield did not inform the Senate that Ball's name was among these nominations, and routine approval was given to all of them with the presiding officer remarking that they had been confirmed "without objection."

Less than 24 hours later, President Johnson summoned newspaper men to the White House to inform them that Ball was resigning to join the Humphrey campaign. At a press conference, Ball said he was "compelled by conscience" to take this action.

Both the President and Ball emphasized that the resignation was prompted by Ball's fear of the election of Richard M. Nixon, the Republican candidate for President. Nixon, said Ball, was not a man in whom he could have confidence.

Ball said his decision was reached while on a European tour recently, and that he, upon his return, discussed his resignation with the President, Dean Rusk, and Humphrey. They worked out a procedure for simultaneous announcement of the resignation and appointment of a successor, James Russell Wiggins, editor of the Washington Post.

To avoid any "misunderstanding of my motives," Ball said, he would not accept any post in a Humphrey administration, and would return to private life after the November election.

This was a reference to repeated reports that Ball would be secretary of state if Humphrey became President. Nomination to such a post would require Senate confirmation, and require airing of the allegations which have been circulated in Congress.

[From the Government Employees Exchange, Aug. 7, 1968]

"PROBE" OF BALL, FORTAS BEGINS—WORKING GROUP TO REPORT FINDINGS ON INTERNATIONAL CONNECTIONS TO CONGRESS

A crash intelligence research "probe" to ascertain the "international interlocking directorate" and the practice of "cronyism" between friends of Ambassador George Wildman Ball and Supreme Court Justice Abe Fortas has been launched by a "working group," it was revealed to this newspaper on August 1.

The "probe" followed the revelation by *The Exchange* in its July 24th issue that, if elected President, Hubert Humphrey, would appoint Mr. Ball as the next Secretary of State, to succeed Dean Rusk.

According to the source of information, who has important political, diplomatic and banking ties, the "probe" is taking the form of several special reports to be made available to Congress when it reassembles in September, following the Republican and Democratic Party conventions.

ABE FORTAS

Mr. Fortas' nomination as Chief Justice of the Supreme Court is now pending before the Senate Judiciary Committee where action was blocked in the last days of the Senate before the current recess by a "continuing objection" on the Senate floor by Senator Strom Thurmond to any Committee meetings while the Senate was in session. Mr. Thurmond is the leading opponent of Mr. Fortas' nomination.

GEORGE BALL

Readers of *The Exchange* will recall that Senator Thurmond had spoken and voted, on May 13, against the nomination of George W. Ball as the United States Ambassador to the United Nations. In commenting on Mr. Ball's role in the perjury case of three State Department officials who lied under oath to members of the Senate, the South Carolina Senator stated that, in Mr. Ball's case, "the effect of these actions is to condone falsehood."

LEHMAN BROTHERS

A main subject of the "probe" the source stated, was the international and national lobbying activities of Lehman Brothers International, an affiliate of the banking firm of Lehman Brothers. The ties of this firm with the prestigious law firm of Arnold, Porter and Fortas are now under investigation, especially because of important tax issues handled personally by Mrs. Carolyn Agger Fortas and her previous association with Sheldon S. Cohen, a former partner now on leave of absence from the firm to serve as Commissioner of the Internal Revenue Service.

"DIRECTORATE"

Even more important, the source claimed, were the ties of Lehman Brothers to the law firm of Cleary, Gottlieb, Steen and Ball with offices in Washington, New York, Paris and Brussels. According to the source, information has been developed that the firm has carried out important political assignments for the State Department and the Central Intelligence Agency. The "banking, diplomatic, espionage and political interlocking directorate" constituted by this firm is "perhaps without precedent in American history," the source stated. The firm of Cleary, Gottlieb, Steen and Ball, has ties to the principal international copper producers and to uranium and diamond mining, the sources revealed.

ADAM YARMOLINSKY

Also included in the series of studies is the case of Adam Yarmolinsky, formerly the principal Deputy Assistant Secretary of Defense for International Security Affairs and, between 1951–1955, a member of the firm of Cleary, Gottlieb, Friendly and Ball, the name under which Mr. Ball's firm appeared at the time.

RAYMOND LOUGHTON

The role of the "removal," by transfer, of Security Officer Raymond A. Loughton from the Department of Defense, following his refusal to give a security clearance to Mr. Yarmolinsky has never been clarified. Following his departure from the Department of Defense, Mr. Loughton was hired by Otto F. Otepka, then the Department of State's top Security Officer, as a Security Evaluator for the Department. Subsequently, when Mr. Otepka came under attack following his refusal to clear Walt Whitman Rostow, Mr. Loughton was "persuaded" to take an appointment in the Foreign Service, where he has been serving abroad in a "secondary administrative job" not related to his previous career as a Security Evaluator.

MISSING NAZI FILES

Asked whether the "intelligence research probe" would also look into the case of "selected out" Foreign Service Officer, Stephen A. Koczak, the source stated that the investigators are interested in that case only insofar as it touched on national security matters, most especially in the disappearance of captured Nazi and German government files on international banking and investment firms and export and import companies. In elaboration, the source stated that it has now been definitely established that large sections of captured Nazi files on the relations of German and Nazi bankers and industrialists with American and British counterparts have "vanished." Some of the missing files include those on Nazi industrial leaders who were interviewed in the Summer of 1945 by a team headed by the U.S. Strategic Bombing Survey whose Director was George Ball, the informant said.

BOMBING SURVEY

The "probe" is evaluating the connections of Lehman Brothers in the U.S. Strategic Bombing Survey, and of the influence of Mrs. Helen Buttenwieser, the niece of Herbert Lehman, one of the founders of the firm. Mrs. Helen Buttenwieser, a lawyer, was the attorney for Alger Hiss during the trial that resulted in his conviction for perjury. Her husband was appointed Deputy U.S. High Commissioner for Germany, serving under John J. McCloy, and, in the latter's frequent absences from Germany, was Acting High Commissioner.

HOWARD TRIVERS

Among the missing files in which the "working party" is interested, the source added, was the one maintained by the Nazi Party and German government on Foreign Service Officer, Howard Trivers, currently the American Consul General in Zurich, Switzerland. Readers of this newspaper will recall that Mr. Trivers, together with Ambassador E. Allen Lightner, and Foreign Service Officer, Thomas A. Donovan, had been identified by "selected out" foreign Service Officer Stephen A. Koczak as a party to the destruction of the original pages of Mr. Koczak's efficiency report and the substitution of forged and backdated substitute pages. A brother of Mr. Trivers, Paul, has been identified by witnesses as a member of the Communist Party who was active in Hollywood both during and immediately after World War II.

THOMAS DONOVAN

Mr. Donovan has been identified in a report, issued by the Senate Internal Security Subcommittee, as involved in the socalled "Warsaw Sex and Spy Scandals." As readers will recall, Mr. Donovan was transferred from Warsaw, Poland, under orders to leave that post following the revelations of his involvement with Polish movie "starlets" later identified as espionage agents of the Polish Communist government. Subsequently, in Berlin, he became Mr. Koczak's superior and wrote the controversial efficiency report which Mr. Koczak claims contains backdated and substituted pages.

STATEMENT OF PERSONAL FINANCIAL CONDITION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. KASTENMEIER. Mr. Speaker, following a practice adopted in 1963 and repeated in the succeeding years, I am placing in the RECORD today my annual statement of personal financial condition. In so doing, I would like to reiterate briefly what I have said in the past in the House, and in reports to constituents of Wisconsin's Second Congressional District. A personal financial disclosure would be a helpful requirement for all Members of Congress, and holders of high elective office in terms of public confidence. Only in such a way will conflict-of-interests questions be best satisfied.

I am disappointed that the congressional reform bill does not include a requirement for public disclosure. I would hope that ultimately both Houses of Congress would adopt a standing rule providing a periodic report of outside interests and income, and the question of a disclosure rule should be one of the first items of business for the 91st Congress.

Mr. Speaker, my personal statement follows hereunder:

Robert W. Kastenmeier, Statement of Financial Condition, September 30, 1968

Cash on account with the Sergeant at Arms Bank, House of Representatives	$3,949.84
Riggs National Bank of Washington, D.C.:	
Checking account	1,080.00
Savings account	1,500.00
National Bank of Washington:	
Savings account	1,200.00
Securities	None
Residential real estate: House, Arlington, Va.:	
Purchase price	28,000.00
Less mortgage	16,641.89
Equity	11,358.11
Lot	14,750.00
Household goods & miscellaneous personalty	4,800.00

Robert W. Kastenmeier, statement of financial condition, September 30, 1968—Con.

Miscellaneous assets: Deposits with U.S. civil service retirement fund through Sept. 30, 1968, available only in accordance with applicable laws and regulations	$18,549.64
Cash surrender value of life insurance policies:	
On the life of Robert W	None
On the life of Dorothy C	544.00
Automobiles:	
1963 Oldsmobile	850.00
1965 Chevrolet	950.00
Total	1,800.00
Total assets	59,531.59
Liabilities	None
Income for calendar year 1967, excluding congressional salary and expenses:	
Speaking, honorariums and travel	235.73
Book royalties	77.92
Total	313.65

POSTMASTER GENERAL WATSON DEDICATES DANIEL BOONE STAMP

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. DULSKI. Mr. Speaker, the Post Office Department has issued another excellent stamp, the Daniel Boone commemorative stamp. Appropriate dedication ceremonies were held September 25 at Frankfort, Ky., with Postmaster General W. Marvin Watson as the principal speaker.

In his remarks, Postmaster General Watson dealt in some detail with the folklore of our Nation's frontiersmen.

Following is the Postmaster General's text:

ADDRESS BY POSTMASTER GENERAL WATSON

I am delighted to share this important ceremony today.

There are many reasons why dedications of new postage stamps are significant.

They are significant because they enable our nation to join together and say "thank you" to those great figures of our past who have built this country, who have created a civilization from the wilderness, and who have through their deeds and their ideas, molded our American character.

Social scientists are becoming increasingly aware of the importance of folklore—mythology if you please—to the spirit of a nation.

A folklore rich with stories of seemingly average men becoming heroes through meeting great challenge, of impossible dreams fulfilled, of bravery in the face of discouragement and scorn—this kind of folklore is as important, and perhaps more important, to a nation as fertile field, efficient factories, rich resources.

And without doubt our nation *is* blessed with this kind of folklore.

Central among the heroes of our land, always fascinating to young and old alike, is the frontiersman and the pioneer.

Man against the wilderness.
Man against hostile Indians.
Man battling loneliness, and privation.

Man on his own . . . pitting the power of his mind, the strength of his body, the force of his will, against all that could be flung against him by nature and by other men.

The idea still thrills, still inspires, still makes us a bit wistful too.

For the folklore of the frontiersman is so much a part of our character that we cannot but be a bit envious of men such as Daniel Boone—who had the opportunity, now gone forever, of breaking through into virgin lands, of at least claiming a farm and building a homestead, and at most founding a new State and finding great wealth.

We can envy him . . . and we certainly must praise him . . . for his contribution far overshadows the blazing of trails, the founding of settlements. His contribution, and that of other men of the "long hunt" and the uncharted trail was the creation of a form of government.

For, my friends, our democracy was not the product of some theory.

It was not the result of men pouring through dusty books in search of a form of government.

Not at all. Our democracy came out of the American forest.

Our democracy gained strength each time it touched the frontier.

Our democracy was built by the men who forced that frontier ever Westward.

To the frontier, to the Daniel Boones of our history, this nation owes its characteristics of self-reliance, of courage, alertness, obstinate endurance, friendliness, democratic informality.

And there were other traits as well being produced in the chemical laboratory that was the frontier-forest.

For Daniel Boone was capitalist as well as explorer.

Many have overlooked the fact that he sought to produce wealth as well as food from the business end of his Pennsylvania rifle.

A season's hunting might produce sufficient deer hides and other pelts . . . to return the hunter fifteen hundred or more dollars . . . an immense sum of money for those days, and sufficient to procure a good portion of the best land.

So the idea of individual initiative . . . or private enterprise if you will. . . .was also strong in those pioneers. They were the risk takers, they were men on their own, seeking their own fortunes, content with finding and fighting for their own destiny.

These, then, are some of the contributions made by frontiersmen such as Daniel Boone.

They sought wealth, they sought adventure, they sought a new land where they might live in freedom and build lives unrestricted by prejudice. These they sought. And these they found.

But they found far more too—the key to the character of the greatest nation on earth. And through our example, the success story of America, we have in turn radiated our ideas and our methods to peoples throughout the globe. Even our enemies try to imitate us.

The slogan of one Communist nation sums it up pretty well.

Children are asked, "What is the United States like?"

They answer, "A capitalist country where millions are unemployed and starving."

Then the next question—"And what is the goal of our country?"

"To catch up with and overtake the United States."

Our country has served the world as a beacon and an inspiration.

And it has done so because men like Daniel Boone helped form us into the most dynamic, creative, people this tired old world has ever seen.

So that is why I am proud and pleased to dedicate this stamp.

It will serve to remind many millions of our fellow citizens of the source of their greatness, of the underground spring that has fed the American spirit for more than two centuries.

Unfortunately, the story of Daniel Boone reminds us of another element in our history.

In our press toward the future, in our drive toward greater achievement, we too often forget those who have built our nation, we too often fail to accord a full measure of honor and reward to those who deserve honor and reward.

In his lifetime Daniel Boone did much to open up this land. He explored the country alone, established the boundaries, persuaded hostile Indians to make a treaty, opened the Wilderness road, tended the wounded, stood firm when things looked darkest.

But when Kentucky was finally safe for settlement . . . many were handsomely rewarded with land. But Daniel Boone was not among them.

We are a great people . . . but too often a forgetful people.

And I think that quality of forgetfulness lingers with us yet.

For example, far too many Americans have succeeded in forgetting the enormous and unique contributions to this country made by our President.

As did Boone, Lyndon Baines Johnson has struck out across uncharted lands, and tamed once forbidden territory.

In the field of education, he is responsible for more laws and programs to provide Federal aid . . . than all other Presidents put together.

And yet, though there are thousands of elementary and secondary students here in Frankfort . . . and Louisville . . . and Lexington . . . and Owensboro . . . and Bowling Green . . . and in every town and hamlet . . . who are gaining greatly from the President's accomplishment, few of their parents know . . . few remember.

In the area of medical care, to mention but one of the many areas in which the President has blazed trails, tens of thousands of older Kentucky citizens have been able to get the treatment they need . . . in dignity . . . and without erasing, in one short trip to the hospital, savings built up over a lifetime.

But how many know . . . how many remember . . . who fought for the medicare program? Who fought for it and succeeded in making it the law of the land?

Now all Americans celebrate the achievements of Daniel Boone.

Now too many Americans forget the achievements of Lyndon Baines Johnson. Too many forget . . . and too many spend their time trying to tear down . . . attacking him whenever they can.

But history has vindicated Daniel Boone. History has given him its verdict.

And, my friends, when the score of this Johnson-Humphrey Administration is compiled, when the deeds are separated from the words, when the doers are divided from the carpers, the critics, the demonstrators, the demagogues . . . then we will see the verdict of history on the achievement of Lyndon Baines Johnson.

I think that verdict will not be too long delayed . . . and I believe that many of us will be ashamed, yes ashamed, when we realize the true magnitude of his accomplishment, when we measure how much he has done to make this land better and safer.

Just as Daniel Boone carved his name and his achievement on countless trees throughout this State and other parts of our land . . . so too has Lyndon Johnson carved his contribution deeply into the law of our land . . to make this nation more compassionate . . . more able to respond to the needs and aspirations of its citizens.

So, I have another reason for being pleased at this stamp. Through this postage stamp the American people are also making another gesture toward a man who did not in his lifetime receive the honors he deserved.

I recently read some words by the poet Thomas Read that I would like to share with you.

"Boone, the pioneer," Read says, "whose statue in the eternal niche of fame,
"Leans on his gleaming rifle; and whose name
"Is carved so deep in the Kentuckian rocks,
"It may not be effaced."

My friends, I am certain all Americans join you in applauding this stamp . . . one more effort to assure that the great name of Daniel Boone will never be effaced from our land . . . just as it will never be effaced from the rocks and spirit of Kentucky.

RIGHT TO VOTE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 2, 1968

Mr. FASCELL. Mr. Speaker, for a long time, I have believed that the right to vote should not be denied to those in the 18- to 21-year-old age bracket. In keeping with this belief, I introduced on September 25, 1967, a resolution in the House of Representatives calling upon the States to ratify an amendment to the U.S. Constitution which would guarantee that "no citizen of the United States who is 18 years of age shall be denied the right to vote by reason of age."

At present, in 46 of the 50 States and the District of Columbia, 21 years of age is a legal requirement for voting. In those four remaining States, a lower voting age has proved very successful.

In Kentucky—which allows 18-year-olds to vote—80 percent of those in the under 21 age group voted in a typical election. I only wish that the rest of the electorate exercised their right to vote in such large numbers. Even in presidential elections it has been found that only 60 to 70 percent of the eligible voters go to the polls.

I believe that the young people of this generation are better prepared educationally for political responsibility at age 18 than were Americans of previous generations. Year after year, the percentage of our people who have received at least a high school education increases.

Since our school systems today place a greater emphasis on courses in American history and government, the average student today has tremendous interest in the governmental process. We should not allow a gap of about 3 years before being allowed to vote after high school graduation. Such a delay only lessens the interest of our young citizens in their government.

The 1963 report of the President's Commission on Registration and Voting Participation contended that there was low voter participation in the 21 to 30 age group. It was suggested that this situation might stem from the fact that "by the time they have turned 21, many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned."

Youthful voters will bring a fresh breeze of idealism and enthusiasm to the conduct of politics. If anyone doubts this, let him only remember the tremendous enthusiasm that the 1960 presidential election generated among our youth. They provided a good measure of the zest exhibited in that campaign.

I also must mention the traditional argument that those who are old enough to fight are old enough to vote. It seems to me that both fighting and voting assume a sense of duty and responsibility in the individual. I submit that our 18-, 19-, and 20-year-olds have displayed a keen sense of duty and responsibility when it comes to fighting for our country. This is particularly true in Vietnam where reports of military commanders indicate that young men serving today are the most intelligent and responsible ever to have served our country.

And so, gentlemen, I feel that it is time that we tried a full partnership in voting participation between the experience of age and the daring vitality of youth.

SENATE—*Thursday, October 3, 1968*

The Senate met at 10 a.m., and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

Gracious God, we remember with hope the words of Holy Scripture, "With God all things are possible."

We know that any condition can be changed by faith in ourselves and our fellow men based on faith in Thee. Thus, we pray for the healing of the nations of this world.

First, we pray for our own healing. Administer to us a love that will prepare our hearts and minds to help and understand others. Give us a new dose of the medicine of repentent hearts and humble dependence. May we feel the relief of forgiving grace relieving our troubled conscience.

Pour upon this world of war and frustration the balm of peace from the source of all life—Thou God, the ruler and healer of us all. We find new hope when we find our faith in Thee. We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 2, 1968, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The **PRESIDENT** pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

THE SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a press release I prepared on the basis of the letter sent to the President by Mr. Justice Fortas requesting the withdrawal of his nomination as Chief Justice of the United States, and the acceptance of that letter by the President.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

> The necessity on the part of Associate Justice Fortas to withdraw his name is regrettable and unfortunate. It is regrettable because Mr. Fortas was not given the opportunity to have his name considered on the basis of merit. It is unfortunate because of the manner in which he was denied this opportunity. A dangerous precedent has been instituted by the Senate in this matter which may afflict not only future nominations for the Supreme Court but all other Presidential appointments.
>
> In a Constitutional sense this could be a sad day for the doctrine of separation of powers as it has been maintained since the founding of the nation.
>
> The Leadership understands the action of Mr. Justice Fortas and respects his wishes. It will abide by his request and the President's decision. I know that Mr. Justice Fortas will continue to serve the nation by giving of his outstanding qualities and capabilities to the Supreme Court where he has already served with distinction.

ORDER OF BUSINESS

Mr. JACKSON. Mr. President, I ask unanimous consent that I may proceed for 12 minutes.

The **PRESIDENT** pro tempore. Without objection it is so ordered.

CZECHOSLOVAKIA AND WESTERN SECURITY

Mr. JACKSON. Mr. President, there have been those in recent years who argued that the Soviet Union was on an irreversible course toward more moderate policies, and that détente was here to stay. We were told that "the cold war is history," that "the threat of military aggression by the Communists in Europe has all but vanished."

As my colleagues in the Senate know, I have not shared this optimistic view.

But whether we have been optimistic or pessimistic about Russian policy, the brutal invasion of Czechoslovakia has been a sobering experience for all of us. It evokes memories of comparable acts in other years—the Nazi military occupation of Czechoslovakia in 1938–39, and the Kremlin takeover of Czechoslovakia in 1948.

Our task now, as I see it, is to keep our eye on what is going on in the real world, on what our Soviet adversary is up to, and then be sure we undertake appropriate actions.

I

Mr. President, let us look at the military situation in central Europe as it actually is today, not as we might wish it were. The cold fact is that the military balance in central Europe has been very significantly altered, to the disadvantage of the West.

Within the past 2 months, the Soviets have mobilized several hundred thousand additional men. They have added at least 10 combat-ready divisions to the forces they previously had deployed in the central European area.

The U.S.S.R. has brought into being extensive support and logistic services to sustain the forward deployed forces. It has established, and is exercising on a continuing basis, improved and expanded lines of communication for the support of military operations in central Europe.

Moscow has undertaken this massive expansion of its military capability in Europe while continuing to increase the forces deployed along the Soviet frontier with China.

The Soviets now have in central Europe the largest and most readily usable combat force they have put into the field since World War II. It is a force that has the capability for further moves. And there is no indication that this expanded force is soon going to return home. Even now, Soviet troops in Czechoslovakia are preparing winter quarters.

With this grim picture in mind, what can we say about Soviet intentions toward Rumania, Yugoslavia, and Austria? At this stage, I do not think any of us can be sanguine.

Certainly we cannot discount the dangers that the course of suppression and counteraction in East Europe will produce new crises spilling over the borders of East European states. There is always the possibility that Moscow may try to restore some unity to the Warsaw Pact nations by manufacturing a major crisis centered on Berlin and West Germany.

I expect to see some repercussions of recent events in the policy councils of the Soviet Union. I would not be too surprised at some shifts in the Politburo that could portend still more difficulties for the Western nations. There are already some indications of a move to the right within the Kremlin.

Nor is the prospect reassuring in the Middle East and north Africa. Will the Soviet leaders seek to step up Arab-Israeli tensions? Will they promote greater Algerian pressure on its neighbor states?

Nor does the bitter rivalry between Moscow and Peking necessarily presage less troubles for the free world. In fact, China's brand of communism is generating pressures on Moscow to demonstrate its own forms of militancy. And we cannot assume that Moscow and Peking are headed for a final separation. Some reconciliation is conceivable in the post-Mao period.

I think we can all agree that the future is filled with grave uncertainties and continuing perils for free nations and the cause of individual liberty. It was difficult enough to do business with the U.S.S.R., to identify areas of shared interests and to make progress in those areas, before Czechoslovakia. This most recent demonstration of Soviet suppression surely does not make our problems easier.

II

In all this the growing productive power of the Soviet Union is a factor of great significance. With its large command economy the U.S.S.R. can now produce across-the-board capabilities that enable the Kremlin to move simultaneously on many fronts: increased consumer goods and services for Soviet citizens; a massive space program; aid to other Communist nations—including substantial support for North Vietnam; and a steady rise in its defense budget, permitting it to build a large and diversified arsenal of sophisticated weapons.

Of special significance is Moscow's formidable drive to reach a level of nuclear parity with the United States. This is a very serious worry.

The Soviets are increasing their ICBM force at a very fast rate. The number of operational ICBM's targeted against the United States has nearly tripled in the last 2 years. The evidence I have indicates the Soviets will have rough parity with the United States in operational land-based missiles within a year or so, and that they intend to surpass us in numbers of ICBM's shortly. By the mid-1970's, about 80 percent of Soviet ICBM's will be in dispersed single silos; 2 years ago the bulk of the force was in vulnerable soft sites or in clustered silos. Also, the larger missile payload the Soviets can mount on their bigger ICBM's gives them the capability to deploy higher yield nuclear warheads per missile than we can.

In addition, Moscow has in full swing the production of the new 16-tube Polaris-type submarine, and the number of submarine-launched ballistic missiles available to the U.S.S.R. in mid-1970 will be two and a half times the level of 1966. It is likely that their goal is a seaborne nuclear force comparable to our own Polaris capability.

At the same time, the Soviet leaders are deploying the Galosh defensive missile system in the Moscow area and our best intelligence is that they are continuing to build and improve their ballistic missile defense.

The U.S.S.R. is also making heavy investments in mobile long-range forces capable of conventional operations at extended distances from its own borders. Soviet ships are no longer confined to the Russian coastal areas of the Baltic and Arctic Oceans and the Black Sea; Moscow has boldly extended its naval strength into the Mediterranean Sea, the Indian Ocean, and also into the Persian Gulf.

Even when the Russians have been in a condition vis-a-vis the West of admitted inferiority in strategic power and in mobile long-range capabilities, Moscow has periodically pressed forward policies designed to extend its influence and to push history along the path of Soviet expectations. One recalls the repeated threats to the freedom of Berlin, the Cuban missile venture and now the ruthless subjugation of Czechoslovakia.

In past Soviet adventures, the strategic inferiority of Soviet power has set limits to the extent of the risks that Moscow was willing to run. It is disquieting to contemplate the still more dangerous range of risks which the Kremlin might accept in the future if it was confident of being closer to an equality or a superiority of overall deterrent strength—however that is measured in terms of the ratio between offensive and defensive nuclear systems—and also possessed a local superiority of force in the area of intervention. The stage would be set for the most perilous kind of confrontations—showdowns between nuclear powers in which Moscow did not feel fully deterred by our nuclear forces.

Mr. President, the Soviet Union is a dangerous and unpredictable adversary. We cannot be confident that a Soviet Union that spearheads a five-nation intervention in Czechoslovakia will not use military force in pursuing its objectives in other situations, when it believes this can be done without incurring unacceptable risks.

In the wake of Czechoslovakia, there is no excuse for any American to ignore the first priority of American policy. And the first priority in this uncertain and dangerous world is to maintain a greater nuclear power and strength than the Soviet Union. Strategic parity with the Soviet adversary is not good enough. The survival of our Nation and our allies in freedom depends not on a parity of nuclear power but on a margin of advantage in nuclear power for the peace-keepers over the peace-upsetters.

Our aim is not, of course, an unlimited accumulation of nuclear weapons. Our policy should be to create and maintain a relationship of nuclear forces favorable to the deterrence of adventurism and aggression.

In this connection, I commend Secretary Clifford for going forward with the tests of the MIRV principle and for proceeding, without delay, in the deployment of the Sentinel ABM. Also, given the rapid buildup of Soviet offensive nuclear strength, this country must promptly provide for a new generation of ICBM's with a larger payload and for more advanced Poseidon-type nuclear submarines.

III

We have been told that if we concede nuclear parity to the Soviets, we will be in a better position to persuade the Soviet Union to limit or reduce their nuclear arms. I do not accept this notion. On the contrary, I believe the Soviets are less likely to engage in productive arms limitation talks if we let our margin of strategic advantage go by default. All of us should understand by now that the way to encourage a reasonable response from Moscow is to maintain strong positions which make negotiated agreements more attractive to them than continued disagreements.

Quite obviously, the assault on Czechoslovakia has set back the prospects for top-level East-West discussions on the control and limitation of nuclear offensive and defensive forces. We will continue to hope for such discussions—at a proper time under appropriate circumstances.

If and when such arms talks materialize, however, we and our allies should be prepared to bargain toughly. The productive power of the Soviet economy is not nearly as great as that of the American economy. Any big expenditures on a new generation of nuclear weapons puts greater pressures on the Soviet economy than on ours and means greater sacrifices for the Russians than for us. In possible negotiations with the Soviets, we should not give up the idea of a margin of safety for the free world in nuclear power.

And in the aftermath of the Czech invasion, I hope that we will be more vigilant than ever in insisting upon adequate safeguards in any armaments agreements we may negotiate with Moscow. What we and our allies are after in any arms talks with the U.S.S.R. is a system of limitation and control of armaments that will reduce existing risks in the world without introducing new ones. Obviously, we should avoid entrusting our security to any agreements with the Soviet Union that are not self-enforcing, or that cannot be effectively enforced at every stage.

IV

Mr. President, the struggle in Vietnam is very important and clearly requires much of our national thought and effort. We want to end not just the bombing of the North; we want to end the war. We are trying to achieve a political settlement on honorable terms that would not increase the danger of a later, larger conflict in Asia. But it is high time that we in this country again gave the problems of Europe the close and sustained attention they deserve.

The North Atlantic area is still the most decisive region for the future of this Nation. The strength and mutual confidence of the Atlantic allies are the single most important safeguard of peace with freedom in the Western World. It is of fundamental importance that this country meet its responsibilities in the Atlantic Alliance with the mature judgment that marks a great nation.

Given the lightning-like Czech invasion, it is now necessary to reexamine the assumption of Western defense planners that there would be early "political warning" of a Soviet conventional military move against NATO. The assumption of early warning—warning that would give us time to get our forces back to Germany—was behind the decision announced last year to redeploy 35,000 U.S. NATO-assigned troops from Germany to the United States. Also, NATO's heavy reliance on mobilization arrangements has been justified on the ground that there would be ample political warning of attack.

Yet in the Czech crisis, until the moment of assault, the political signals from Moscow were at best ambiguous. The Soviet leaders used Warsaw Pact maneuvers to conceal plans for the invasion. The discussions inside the Kremlin were secret and thoroughly guarded. The five-nation move on the morning of August 21 took almost everybody by surprise.

With the military balance in central Europe now significantly changed to the disadvantage of the West, it makes no sense to talk about any early reduction in the ready combat capability of NATO forces in Europe. All NATO members should stop discussing cutbacks and redeployments and start preparing to carry, for as far ahead as one can see, their full share in the forward defense of Europe.

As a starter, the proposed reductions in force contributions by certain European governments and by Canada should be suspended and concrete steps should be taken by our NATO partners to strengthen and improve the readiness of their NATO-assigned forces. For our part, we should move promptly to bring American combat units in Europe up to full strength, return needed specialists and longer experienced officers, and increase the scale and quality of U.S. troop training and maneuvers in Europe.

Looking ahead, we can reasonably expect our European allies to share more of the common load in the defense of Europe. What is needed is a NATO program for the orderly and fair adjustment over a period of years of burden sharing among all the Atlantic allies. This task is at the heart of effective force planning under the North Atlantic Council and its Defense Planning Committee. I believe it is time for a European initiative to get such a NATO program underway.

V

Mr. President, the occupation of Czechoslovakia may clear the air in another respect. We are often told to cut back key defense programs because they divert funds from urgent homefront tasks. Certainly, the attack on poverty and the drive to overcome the remaining barriers to full and equal participation in American life of all our citizens are urgent. I, for one, am no recent convert to this point of view. Over the years I have sponsored and fought for liberal legislation to improve the plight of the poor, to protect the health of all our people, and to open up educational opportunities to every American child. We should do many more things for justice and fairness at home. We will. But make no mistake about it: we will not be able to keep building a better America at home unless we also attend to our fundamental security requirements abroad.

A sound national policy, of course, rests on an understanding that the Nation's resources are limited. Our capabilities must be committed with discrimination and prudence.

But unless Americans are prepared to accept the responsibilities of a great Nation in the fateful and difficult years ahead, the problems can become worse and worse and the international crises finally unmanageable.

Winston Churchill said the right words to us:

> The price of greatness is responsibility.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. STENNIS. Mr. President, I wish to highly commend the distinguished Senator from Washington for his thoughtful speech. It presents for all of us a serious challenge.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, under the authority of Senate Resolution 115, agreed to by the Senate on May 19, 1967, appoints the Senator from New Hampshire [Mr. McINTYRE] and the Senator from Iowa [Mr. HICKENLOOPER] to the 14th meeting, Commonwealth Parliamentary Association, to be held at Nassau, Bahamas, on October 30 through November 7, 1968.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Manual for Courts-Martial, United States, 1969

A letter from the Acting General Counsel, Department of Defense, transmitting, pursuant to law, the Federal Register's reproduction of the text of the new Manual for Courts-Martial, designated formally as "Manual for Courts-Martial, United States, 1969" (with an accompanying document); to the Committee on Armed Services.

Report on Air Force Military Construction Contracts Awarded Without Formal Advertisement

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the Air Force military construction contracts awarded by the Department without formal advertisement for the period January 1, 1968, through June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with statements of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Congress of Micronesia; to the Committee on Finance:

"S.J. Res. 10, S.D. 1

"Joint resolution urging the United States Congress to amend the Tariff Schedule of the United States to accord to the Trust Territory the same tariff treatment as is provided for insular possessions of the United States

"Whereas, favorable tariff treatment for the Trust Territory on products exported to the United States will further economic progress and development throughout the whole Trust Territory; and

"Whereas, the economy of the Trust Territory will greatly benefit from any favorable tariff treatment for products exported to the United States; now, therefore,

"Be it resolved by the Senate of the Congress of Micronesia, Fourth Regular Session, 1968, the House of Representatives concurring, that the Congress of the United States be and is hereby requested and urged to amend the Tariff Schedule of the United States to accord to the Trust Territory the same tariff treatment as is provided for insular possessions of the United States; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Department of the Interior, and to the High Commissioner of the Trust Territory."

A joint resolution of the Congress of Micronesia; to the Committee on Interior and Insular Affairs:

"S.J. Res. 22

"Joint resolution respectfully requesting the U.S. Congress to allow the Congress of Micronesia to appropriate federal grant funds annually made available to the trust territory for its administration and operation and funding of essential public services

"Whereas, on September 28, 1964, the Secretary of the Interior promulgated Secretarial Order No. 2882, as amended, creating the Congress of Micronesia and granting to it certain legislative authority; and

"Whereas, Section 5 of the said Order limits the power of the Congress of Micronesia to appropriate revenues raised pursuant to the tax laws and other revenue laws, thus placing federal grants from the United States Congress for the administration of the Trust Territory outside the scope of its fiscal powers; and

"Whereas, since the United States provides the bulk of funds required to administer the Trust Territory, the limited funds available for the Congress of Micronesia to appropriate for projects and services needed by the people invariably go to finance marginal

projects and services inasmuch as the more important projects and services have been funded by the United States; and

"Whereas, the vital source of power of any legislative body is its control of the purse, and no legislature can be bypassed on the vital point of budgetary responsibility and continue to command public respect and confidence; thus, in the case of the Congress of Micronesia, the lack of control of the purse for the Trust Territory lends a certain aura of unreality to its deliberations; now, therefore,

"Be it enacted by the Senate of the Congress of Micronesia, Fourth Regular Session, 1968, the House of Representatives concurring, that the United States Congress be and is hereby respectfully requested to allow the Congress of Micronesia to appropriate federal grant funds annually made for the administration, operation, and funding of essential public utilities and services; and

"Be it further resolved that the Secretary of the Interior be and is hereby respectfully requested to amend Interior Secretarial Order No. 2882, as amended, to provide that the Congress of Micronesia shall have the power to appropriate federal grant money made available for the Trust Territory; and

"Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the Secretary of the Department of the Interior, and the High Commissioner of the Trust Territory of the Pacific Islands."

A joint resolution of the Congress of Micronesia; to the Committee on Labor and Public Welfare:

"S.J. Res. 40

"A Senate joint resolution requesting the United States Congress to continue the application of the Elementary and Secondary Education Act (Public Law 89–10) to the Trust Territory of the Pacific Islands

"Whereas, the Elementary and Secondary Education Act (also known as PL 89–10) enacted by the United States Congress in 1965 was extended to include the Trust Territory of the Pacific Islands on an equal basis with the states and territories of the United States; and

"Whereas, in excess of $1,000,000 per year has been made available for educational development in the Trust Territory by virtue of the Act; and

"Whereas, by providing these funds the United States Congress has recognized the ability of the Government of the Trust Territory to provide leadership in the educational development of Micronesia; and

"Whereas, there is a probability that the United States Congress will eliminate Trust Territory participation in ESEA in Fiscal Year 1970; now, therefore,

"Be it resolved by the Senate of the Congress of Micronesia, Fourth Regular Session, 1968, the House of Representatives concurring, that expressions of appreciation be extended to the Congress of the United States for having included the Trust Territory in the above mentioned Act; and

"Be it further resolved that the Congress of the United States be and is hereby respectfully requested to continue this valuable assistance to the Trust Territory of the Pacific Islands; and

"Be it further resolved that certified copies of this Resolution be sent to the Secretary of the Department of the Interior and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress."

A resolution adopted by the city council, Cincinnati, Ohio, remonstrating against proposed legislation relating to the taxation of certain bonds; to the Committee on Banking and Currency.

A letter, in the nature of a petition, from Mrs. L. E. Hubbard of Vacaville, Calif., remonstrating against the action taken in regard to the nomination of Mr. Fortas to be the Chief Justice of the Supreme Court; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 397. Resolution to print as a Senate document a study entitled "Aspects of Intellectual Ferment and Dissent in the Soviet Union" (Rept. No. 1611).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

S. 2969. A bill for the relief of David E. Alter III, and his parents, Mr. and Mrs. David E. Alter, Jr. (Rept. No. 1612).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

James Russell Wiggins, of the District of Columbia, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations;

James Russell Wiggins, of the District of Columbia to be a Representative of the United States of America to the 23d session of the General Assembly of the United Nations;

Brewster C. Denny, of Washington, to be a representative of the United States of America to the 23d session of the General Assembly of the United Nations;

Raymond D. Nasher, of Texas, to be an alternate representative of the United States of America to the 23d session of the General Assembly of the United Nations; and

Marvin L. Warner, of Ohio, to be an alternate representative of the United States of America to the 23d session of the General Assembly of the United Nations.

Mr. SPARKMAN. Mr. President, from the Committee on Foreign Relations, I also report favorably two nomination lists in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Charles C. Carson, of the District of Columbia, and sundry other persons, for promotion and appointment in the Diplomatic and Foreign Service; and

Burnett F. Anderson, of the District of Columbia, and sundry other persons, for promotion and appointment in the Diplomatic and Foreign Service.

By Mr. MAGNUSON, from the Committee on Commerce:

William F. Nettell, and sundry other officers, for promotion in the Coast Guard.

By Mr. TYDINGS, from the Committee on the District of Columbia:

Andrew McCaughrin Hood, of the District of Columbia, to be chief judge of the District of Columbia Court of Appeals.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSS:

S. 4127. A bill to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the completion of the first transcontinental railroad at Promontory, Utah; to the Committee on Post Office and Civil Service.

S. 4128. A bill to amend the Colorado River Basin Project Act; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bills, which appear under separate headings.)

By Mr. MONDALE:

S. 4129. A bill for the relief of Alfred Harrison, his wife, Ingrid Gertrude and daughter, Kirsten Viola, and son Martin Lenz; and

S. 4130. A bill for the relief of Branko Colakovic; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 4131. A bill for the relief of Mrs. Prosperidad (Jose L.) Cabezon; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 4132. A bill for the relief of Dr. Ataullah Moshayedi; and

S. 4133. A bill for the relief of the estate of Albert W. Small; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 4134. A bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate heading.)

By Mr. INOUYE:

S. 4135. A bill for the relief of Antone R. Perreira; to the Committee on the Judiciary.

S. 4136. A bill to amend title 38 of the United States Code to specifically provide for the guarantee of loans made to veterans to purchase dwellings in multifamily structures which are owned cooperatively or are condominiums; to the Committee on Finance.

S. 4127—INTRODUCTION OF BILL TO PROVIDE FOR THE ISSUANCE OF SPECIAL SERIES OF POSTAGE STAMPS

Mr. MOSS. Mr. President, I introduce a bill to provide for the issuance of a special postage stamp commemorating the centennial of the completion of the transcontinental railroad and ask that it be printed and appropriately referred.

This historic event was indeed a major turning point in our history. We became a unified nation, bound together economically, culturally, and spiritually. Next year we should honor and remember this great event.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4127) to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the completion of the first transcontinental railroad at Promontory, Utah, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 4128—INTRODUCTION OF BILL TO AMEND THE COLORADO BASIN PROJECT ACT

Mr. MOSS. Mr. President, I am today introducing a bill to amend the Colorado River Basin Project Act, Public Law 90–537, which would permit the study of water importation from Canadian or Alaskan sources into the Colorado River Basin.

At the time the Colorado River Basin project bill was in House-Senate conference, a provision was written into it prohibiting for 10 years even a reconnaissance study of the feasibility of importing water from the Columbia River Basin, where water is surplus, into the Colorado River Basin, where water is extremely short.

I have already expressed myself very strongly on how seriously I feel this will affect the future of my State, and of other Colorado River Basin States.

Now, upon examining the Colorado River Basin Project Act, I find that the conference language which prohibits study of importation from the Columbia River Basin probably also prohibits the possibility of making reconnaissance studies on the importation of Canadian or Alaskan water into the Colorado River Basin via basins which lie between the Colorado Basin and Canada.

I am sure this was not the intention of the conference committee in drafting this language, because there could be no objection to studies on the importation of Canadian or Alaskan waters. The Columbia River Basin, richly endowed with water resources, might itself at some distant time want to turn to either Canada or Alaska for supplementary supplies to stabilize flows in low water periods.

In the meantime, the ban could have serious repercussions in the Colorado River Basin. The 10-year moratorium on studies on transferring water into the Colorado from the Columbia Basin has already struck a heavy blow at future prospects for this area—including the future prospects of my State of Utah.

We must have more water to survive. We must augment the waters of the Colorado River—there is not enough water to honor all of the treaty and compact commitments to Mexico and southern California and Nevada and Arizona and New Mexico and Colorado and Wyoming and Utah. We are going to have to get more water from some source, and we should be making reconnaissance studies on alternative sources now.

Not to be able to pursue the possibility of importing arctic flowing waters—waters which are gushing completely unused to the sea—through massive transfers and interbasin exchange would be an additional setback of considerable proportions.

For some time there has been a continuously expanding water dialog about intercontinental water planning—about massive transfers and interbasin exchange.

This dialog has not only centered on the North American Water and Power Alliance—the NAWAPA—plan, which is an American plan, and which would move waters from Alaska to Mexico and points in between, but on a number of Canadian plans—the Kierans plan, the Kuiper plan, the Magnusson plan, the Tinney plan. And, of course, there are some additional American plans developed more recently. Not all of these plans would affect the Colorado River Basin, but all would require continentwide feasibility studies.

As the principal congressional sponsor of the NAWAPA plan, I have been to Canada a number of times to discuss it and other plans with Canadian officials and water experts. There is no question that the idea of approaching our water supply problems on a continental basis has great appeal, and is being given widespread attention on both sides of the 49th parallel.

The time has passed when people shrug off discussions of intercontinental water planning with the observation that the United States would get all of the benefits—and Canada would come off with the short end. Canada now recognizes that water can be marketed to the United States on a sustained yield basis, and at a considerable profit to the Canadian provinces involved. In other words, Canada would not deplete its water supplies, and could make good profit by supplying us.

We must not, therefore, tie our hands with a 10-year moratorium on intercontinental water studies by placing a ban on such studies in any corner of the United States. It could very well appear during the coming 10 years that it would be to the mutual advantage of both Canada and the United States to look into the many plans which have been suggested, and to make full feasibility studies of one or more of them.

The bill I am offering would amend section 201 of the Colorado River Basin Project Act as follows:

> That section 201 of title II of the Colorado River Basin Project Act is amended by inserting immediately before the period at the end thereof a semicolon and the following: "except that this proviso shall not be applicable with respect to reconnaissance studies of any plan for the importation of water into the Colorado River Basin, if the water to be imported pursuant to such plan is to be replaced by an equal amount of water imported from Canadian or Alaskan sources which do not now contribute supplies to any basin in the United States other than the State of Alaska."

It is doubtful, of course, that consideration can be given to this bill in the remaining days of the 90th Congress, but I am introducing it now so that my colleagues may have it available for study during the adjournment period.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4128) to amend the Colorado River Basin Project Act, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 4134—INTRODUCTION OF BILL TO ENCOURAGE TRAVEL IN THE UNITED STATES

Mr. JACKSON. Mr. President, I introduce, by request, for myself and Mr. HANSEN, for appropriate reference, a bill to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

The act of July 19, 1940, authorizes the Secretary of the Interior, through the National Park Service, to encourage, promote, and develop travel within the United States. It authorizes the annual appropriation of not more than $100,000 to carry out the purposes of the act "to encourage, promote, and develop travel within the United States, its territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

Legislation is required to increase the appropriation authorization to $3,000,000 annually.

The 1940 Travel Act was a culmination of the travel promotion activities of the National Park Service, which began with its establishment in 1916. Funds were appropriated for travel activities in 1942 and 1943, and after being interrupted by World War II, in fiscal years 1948, 1949 and 1950, before being again interrupted by hostilities in Korea, and the necessity for reduced appropriations as a result thereof. With the launching of the Discover America program, at Vice President HUMPHREY's request, the Service developed a travel information program for Washington, as a model city program.

In January 1968, President Johnson's Industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service with the approval of the Congressional Appropriations Subcommittees on Interior and Related Agencies, reprogramed $30,000 in fiscal year 1968, and $100,000 in the present fiscal year, establishing a Division of Tourism to direct the program.

The National Park Service can be particularly effective in the field of travel promotion. The national parks, monuments, historic sites, and recreation areas serve to "generate" travel and tourism, and this activity inevitably involves adjacent areas, sites, facilities, cities and other recreation areas. The program has great economic importance to domestic travel and to travel to the United States from foreign countries. But, such a program can also contribute understanding, appreciating and perpetuating our Nation's cultural and natural heritage.

It is increasingly evident, however, that the existing ceiling of $100,000 prevents the carrying out of a promotion program of sufficient scope to meet the national needs of today. Within the national park system alone, there were but 16 million visits in 1940, against 140 million in 1967. A countrywide travel information program cannot be effectively developed within the existing ceiling.

Development of a national program would require a professional and expanded approach to marketing and advertising as well as education and information. Full use would be made of modern means of communication: publications, traveling exhibits, films, posters, and the use of radio and television. While the Service would cooperate with the U.S. Travel Service and develop materials and programs in multilanguages to encourage and support foreign visitors, the Service program would be restricted to within the United States, and not overlap the overseas activities of the Travel Service. Even on the expanded scale of $3,000,000 annually, the projected program would be only a catalyst, insofar as the private travel sector is concerned, and would in no way compete with private agencies.

Following is a program cost data statement:

Program cost data

Division chief	$25,050
Sales marketing manager	16,946
Product services manager	14,409
Art production manager	14,409
Travel liaison specialist (2)	16,924
Secretary	6,981
Clerk-typist (2)	11,464
Total personnel (9)	106,183
Deduct lapses	13,183
Personnel compensation	93,000
Additional operating costs	50,000
Total personnel operating costs	143,000
Printing and reproduction	500,000
Other services (promotion)	[a] 2,357,000
Total program cost	3,000,000

[a] Other services (promotion):

1. Advertising[1]	$1,085,000
2. Sales promotion	166,000
3. Exhibits	300,000
4. Merchandising[2]	150,000
5. Visuals	100,000
6. Special publicity[3]	$36,000
7. International tie-in activities	20,000
Total	2,357,000

[1] Advertising totals include all fees and out-of-pocket expenses.

[2] For tie-in promotions (excluding printed material cost) on cost-sharing basis with States, cities, etc.

[3] For preparation of feature articles, shooting special photos, etc.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4134) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. HANSEN), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Connecticut [Mr. RIBICOFF] be added as a cosponsor of the bill (S. 18) to establish a Small Tax Division within the Tax Court of the United States.

ADDITIONAL COSPONSORS OF AMENDMENT NO. 1005 TO H.R. 2767

Mr. MONTOYA. Mr. President, on September 24, I submitted on behalf of myself, Senator AIKEN, and Senator EASTLAND an amendment which will provide a most urgent source of funding to rural municipalities to establish water and sewage disposal systems. I ask unanimous consent that the names of the following Senators be added as cosponsors to amendment 1005 to H.R. 2767: the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from West Virgina [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Washington [Mr. JACKSON], the Senator from Missouri [Mr. LONG], the Senator from Kansas [Mr. PEARSON], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Alabama [Mr. SPARKMAN].

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON MODEL CITIES AND THE ELDERLY

Mr. MOSS. Mr. President, to continue the Senate Committee on Aging study of the "Usefulness of the Model Cities Program to the Elderly," I am calling two field hearings for October.

The first will begin in Seattle, Wash., at 10 a.m. at the Jefferson House Senior Center, 800 Jefferson Street, on October 14.

The second will begin at Ogden, Utah, at 10 a.m. in the Golden Hour Center auditorium, 650 25th Street, Ogden, Utah, on October 24.

Our first hearing in the model cities study—which I am making on behalf of the full Senate Special Committee on Aging at the request of the chairman, Senator HARRISON A. WILLIAMS—was conducted in Washington, D.C., on July 23.

NATIONAL MEMORIAL TO WOODROW WILSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1588, S. 3174.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3174) to establish a National Memorial to Woodrow Wilson in the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Rules and Administration, with amendments, on page 3, after line 8, insert:

(5) The Librarian of Congress;

(6) The Archivist of the United States;.

At the beginning of line 11 strike out "(5)" and insert "(7)"; in the same line, after the amendment just stated strike out "not to exceed three" and insert "one"; at the beginning of line 14 strike out "(6)" and insert "(8)"; in line 17, after the word "through" strike out "(5)" and insert "(7)"; in line 21, after the word "paragraph" strike out "(6)" and insert "(8)"; on page 5, line 23, after the word "Code;" insert "and"; on page 6, line 2, after the word "with" insert "the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other"; in line 4, after the word "local" strike out "agencies; and" and insert "agencies, such plans to include an exterior classic frieze memorial to Woodrow Wilson."; after line 6, strike out:

(8) delegate to members of the Board or the Director of the Center such of its powers and responsibilities as it deems appropriate and useful for the administration of the Center.

And on page 7, line 13, after the word "this" strike out "Act." and insert "Act: *Provided*, That no more than $500,000 shall be authorized for appropriation through fiscal year 1970 and no part of that appropriation shall be available for construction purposes."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Woodrow Wilson Memorial Act of 1968."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(1) that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the twenty-eighth President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding;

(2) that the Woodrow Wilson Memorial Commission, created by joint resolution of Congress, recommended that an International Center for Scholars be constructed in the District of Columbia in the area north of the proposed Market Square as part of the Nation's memorial to Woodrow Wilson;

(3) that such a center, symbolizing and strengthening the fruitful relations between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson; and

(4) that the establishment of such a center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 "for the increase and diffusion of knowledge among men."

THE CENTER AND THE BOARD OF TRUSTEES

SEC. 3. (a) There is hereby established in the Smithsonian Institution a Woodrow Wilson International Center for Scholars and a Board of Trustees of the Center (hereinafter referred to as the "Center" and the "Board"), whose duties it shall be to maintain and administer the Center and the site thereof and to execute such other functions as are vested in the Board by this Act.

(b) The Board of Trustees shall be composed of fifteen members as follows:

(1) the Secretary of State;

(2) the Secretary of Health, Education, and Welfare;

(3) the Chairman of the National Endowment for the Humanities;

(4) the Secretary of the Smithsonian Institution;

(5) The Librarian of Congress;

(6) The Archivist of the United States;

(7) one appointed by the President from time to time from within the Federal Government; and

(8) eight appointed by the President from private life.

(c) Each member of the Board of Trustees specified in paragraphs (1) through (7) of subsection (b) may designate another official to serve on the Board of Trustees in his stead.

(d) Each member of the Board of Trustees appointed under paragraph (8) of subsection (b) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the trustees first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and three at the end of six years. No trustee of the Board chosen from private life shall be eligible to serve in excess of two consecutive terms, except that a trustee whose term has expired may serve until his successor has qualified.

(e) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from private life.

POWERS AND DUTIES OF THE BOARD

Sec. 4. (a) In administering the Center, the Board shall have all necessary and proper powers, which shall include but not be limited to the power to:

(1) appoint scholars, from the United States and abroad, and, where appropriate, provide stipends, grants, and fellowships to such scholars, and to hire or accept the voluntary services of consultants, advisory boards, and panels to aid the Board in carrying out its responsibilities;

(2) solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Center; any such money, securities, or other property shall upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board for the purposes of the Center;

(3) obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions, and individuals;

(4) acquire such site as a location for the Center as may subsequently be authorized by the Congress;

(5) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including equipment, necessary for the operation of the Center;

(6) appoint and fix the compensation and duties of the director and such other officers of the Center as may be necessary for the efficient administration of the Center; the director and two other officers of the Center may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code; *and*

(7) prepare plans and specifications for the Center including the design and development of all buildings, facilities, open spaces, and other structures on the site in consultation with the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other appropriate Federal and local agencies, such plans to include an exterior, classic frieze memorial to Woodrow Wilson.

(b) The Board shall, in connection with acquisition of any site authorized by Congress, as provided for in paragraph (4) of subsection (a) of this section, provide, to businesses and residents displaced from any such site, relocation assistance, including payments and other benefits, equivalent to that authorized to displaced businesses and residents under the Housing Act of 1949, as amended. The Board shall develop a relocation program for existing businesses and residents within the site and submit such program to the government of the District of Columbia for a determination as to its adequacy and feasibility. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

ADMINISTRATION

Sec. 5. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

APPROPRIATION

Sec. 6. There are hereby authorized to be appropriated to the Board such funds as may be necessary to carry out the purposes of this Act: *Provided,* That no more than $500,000 shall be authorized for appropriation through fiscal year 1970 and no part of that appropriation shall be available for construction purposes.

RECORDS AND AUDIT

Sec. 7. The accounts of the Board shall be audited in accordance with the principles and procedures applicable to, and as part of, the audit of the other Federal and trust funds of the Smithsonian Institution.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The **PRESIDING OFFICER**. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. **PELL** subsequently said: Mr. President, I ask unanimous consent that the Senate reconsider the action of the Senate earlier this morning in passing S. 3174, a bill to establish a national memorial to Woodrow Wilson in the Smithsonian Institution, together with the third reading.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered. The bill is before the Senate.

Mr. **PELL**. Mr. President, the bill before us, S. 3174, represents the culmination of many years of effort by interested citizens and organizations to establish a national memorial to the 28th President of the United States, Woodrow Wilson. It also reflects intensive and thorough studies by two commissions of the U.S. Government that were directed to recommend the most fitting and appropriate memorial to a man who was at once a great President, a distinguished scholar, and an inspiring leader in international affairs.

The bill would establish a Woodrow Wilson International Center for Scholars as a living memorial. This form of memorial was recommended by the Woodrow Wilson Memorial Commission, established by joint resolution of the Congress in 1961, and by the President's Temporary Commission on Pennsylvania Avenue, which was directed by President Johnson to prepare more detailed recommendations for the proposed center.

Organizationally, the center would be within the Smithsonian Institution, but would be governed by a completely independent 15-member board of trustees, appointed by the President, seven of them from within the Government and eight from outside the Government.

As recommended by the commission studies, the center, in addition to serving as a most fitting memorial, would fill a long-felt need in the Nation's Capital. It would be a center to which distinguished scholars from throughout the world would be invited as fellows and visitors, to make use of the great wealth of historical and scholarly material available in the District of Columbia, to benefit from their close association in the center, and to contribute to our own understanding in the fields of knowledge.

I would like to emphasize that this bill is a major step toward the establishment of such a memorial, but it is not the final step. The bill is limited to creating the organizational structure for the center and authorizing its operation. The bill specifically requires further congressional authorization for acquisition of a site for the center. The Pennsylvania Avenue Commission, in its report, recommended that the center be housed in its own building that would be a part of the proposed Market Square, opposite the National Archives, but this bill neither designates a site nor authorizes its acquisition.

In addition, the Committee on Rules and Administration took cognizance of the current budget situation, and restricted the appropriations authorized for planning and operation of the center. The committee was assured by the Secretary of the Smithsonian Institution that no budget request would be made for the current fiscal year and that for the first 3 years, expenditures would be limited to not more than $500,000 a year. Accordingly, the committee has amended the bill to limit the authorization for appropriations to not more than $500,000 through fiscal 1970.

It was the recommendation of the Pennsylvania Avenue Commission that the board of trustees of the center seek to finance the operation of the center, to the maximum extent possible, through private contributions and bequests. The committee endorses that concept as an important means of maintaining the independence required for a scholarly center.

Mr. President, I would like to take note here of the contributions made to this proposal for a Woodrow Wilson National Memorial by many organizations and individuals. In particular, I would like to acknowledge the contributions of the Woodrow Wilson Memorial Commission, headed by the Very Rev. Francis B. Sayre, Jr.; the Pennsylvania Avenue Commission, its chairman, Nathaniel A. Owings, and its vice chairman, Daniel P. Moynihan; the Woodrow Wilson Foundation and its president, Pendleton Herring; and Mr. S. Dillon Ripley, Secretary of the Smithsonian Institution.

I would like to take special note of the contributions to this legislation by the distinguished junior Senator from New Jersey. It is no exaggeration to say that without his efforts and interests this bill would not be before us today. As one of his first acts after his election to this body, Senator WILLIAMS introduced the original resolution to establish the Woodrow Wilson Memorial Commission. I recall Senator WILLIAMS advising me that he had become interested in the subject as the result of a suggestion to him by Mr. Chet Huntley, who I understand is a scholar of the life of Woodrow Wilson. Later, after the Woodrow Wilson Memorial Commission had filed its report, Senator WILLIAMS introduced a bill pursuant to the Commission recommendations, and it was that bill that led directly to the legislation before us today. In short, the junior Senator from New Jersey has played a very major role indeed in meeting the long-felt need for a national memorial to Woodrow Wilson.

The PRESIDING OFFICER. The committee amendments have been agreed to. The bill is open to further amendment.

Mr. COOPER. Mr. President, I am very glad to support this bill, the purpose of which is to establish a living institution as a memorial to Woodrow Wilson, his works, ideals, and scholarship. The memorial recommended by the committee would take the form of an international center for scholars to be located in the District of Columbia.

I have offered several amendments which were accepted by the committee and which, I believe, make certain improvements in the bill originally introduced.

The original bill proposed that the center's board of trustees be given broad authority to delegate their powers and responsibilities to other board members or to the director of the center. I moved to strike this provision because I thought such broad authority was not proper, and that the board should take full direction of the center's activities.

Another amendment which I offered was accepted in committee. It removed the open ended authorization for appropriations proposed in the original bill and limits appropriations to $500,000 for fiscal 1970, for planning. This appropriation cannot be used for construction purposes.

The two amendments are commented on at page 3 of the committee report.

During the hearing, testimony was received from the Woodrow Wilson Foundation recommending that the educational institutions with which President Wilson had been associated, such as Princeton University and the University of Virginia, should be invited to offer suggestions to the President of names of candidates for nomination to the center's board. I believe that this suggestion merits consideration by the President, and it has been included in the committee's views on page 4 of the report.

In addition to these amendments, I now send to the desk three additional amendments to the bill, S. 3174, which, I understand are acceptable to the manager of the bill, the distinguished Senator from Rhode Island [Mr. PELL] and ask that they be stated.

The legislative clerk read as folows:

On page 2, line 8, strike out the period, and insert in lieu thereof a semicolon and the word "and".

On page 2, line 12, strike out "; and", and insert in lieu thereof a period.

On page 2, beginning with line 13, strike out all through line 16.

Beginning with the comma in line 3, page 5, strike out all to and including the word "Center" in line 6, page 5, and insert in lieu thereof a period and the following: "The Board shall have the sole authority to make expenditures from such funds for carrying out the purposes of this Act, unless otherwise restricted by the terms of the gift".

Amend the title so as to read: "A bill to establish a National Memorial to Woodrow Wilson."

Mr. COOPER. Mr. President, first, section 2, paragraph 4 of the bill, as reported, requires that the establishment of the Woodrow Wilson Center "be consonant with the purposes of the Smithsonian Institution." My amendment would delete this provision from the bill. While it is fortunate that the two institutions will be harmonious, it seems to me the requirement that the Woodrow Wilson Center should be consonant with, or in harmony with, the purposes of the Smithsonian Institution is inappropriate. The establishment of the Center to memorialize Woodrow Wilson is the object of the bill. If, after several years of operation, the work of the Center parallels or supports the goals of the Smithsonian, it will be well and good. But, if it does not, and the Center still achieves the purposes for which it was established—memorializing the ideals of Woodrow Wilson—it should not make any difference whether the Center's purposes and work are in harmony with the purposes of the Smithsonian.

Second, section 4(a)(2) of the bill, on page 5, provides that funds received by the center by way of gift, bequest, and other means be deposited with the Smithsonian Institution and that expenditures of these funds be made "in the discretion of the board for the purpose of the center." My amendment makes it absolutely clear that, although the funds are deposited with the Smithsonian as custodian, the center's board shall have the sole authority to make expenditures from the funds for the purposes of the act, unless otherwise restricted by the terms of the gift.

My third amendment would simply delete "in the Smithsonian Institution" from the title of the bill so that the title would read, "To Establish a National Memorial to Woodrow Wilson." As I have noted the purpose of the bill is to establish the Woodrow Wilson Center. The bill should direct its attention to the center and its works rather than the Smithsonian, an established and great institution in its own right.

Mr. PELL. Mr. President, I have discussed these amendments with the Senator from Kentucky at some length and in great detail. I believe they will improve and perfect the bill and I am willing to accept them. Again, I want to thank the Senator for his many contributions to the Woodrow Wilson memorial bill.

Mr. President, I ask that these amendments of the Senator from Kentucky, which greatly improve the bill, be agreed to.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the amendments.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. COOPER. Mr. President, I would like to pay my respects to the able Senator from Rhode Island [Mr. PELL], chairman of the Subcommittee on the Smithsonian Institution, for his thoughtful suggestions and his diligent work in committee and in bringing this bill to the floor. He deserves the thanks of the cultural and educational community for his efforts to make the Woodrow Wilson Center a living memorial to our 28th President. It represents another of the many contributions Senator PELL has made to our committee. I agree with him and with all of those who worked for its establishment that the Center is the best memorial to Woodrow Wilson, and that it will contribute in a unique way to the advancement of learning and the enrichment of life.

HIGH DENSITY TRAFFIC AIRPORTS

Mr. PEARSON. Mr. President, this morning I submitted a statement to the Federal Aviation Administration, which is now holding hearings in connection with high density traffic airports. I ask unanimous consent that the statement I presented to the Federal Aviation Administration on this subject be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HIGH DENSITY TRAFFIC AIRPORTS

(Statement by Senator JAMES B. PEARSON to the Federal Aviation Administration, Oct. 3, 1968)

Mr. Chairman, after careful and serious study of the proposed changes in FAA regulations for high density airports, I wish to present to the FAA my views regarding the continuing airport problem, the immediate and long term solutions, and the proposed assignment of priorities in this matter.

The blame for the current problem cannot be placed on any one area of aviation. This problem is the result of accelerating growth in all aspects of the aviation industry. The air industry has far outpaced the growth of our national economy. While our GNP moves ahead at a rate of 8% annually, the air transportation industry is expanding at a rate of nearly 40%. In the last decade, the number of air passengers has grown 200%. The trends show exponential increases for the future. In 1967, the airlines owned 2,188 planes; they are expected to have 3,400 by 1974. General aviation aircraft numbered 114,000 in 1967; they are expected to total over 170,000 by 1974. These and other facts of the expansion in the air transportation industry—in all aspects of the air transportation industry—have combined to create a near crisis condition for our national airways system.

The airport and airspace problem is most complex, and there are many interrelated aspects to it. From the hearings held by the Aviation Subcommittee of the Committee on Commerce and from a field study trip taken by Senator Frank Moss and myself, I feel the major elements of the problem can be categorized into four areas: (1) traffic, both in the air and on the ground; (2) airport construction and improvement; (3) noise abatement; and (4) financing solutions to these problems. To solve these interrelated problems requires that Congress now take steps to meet the demands of the immediate future. Legislation is now before the Congress which would confront the problems of traffic congestion, airport development, noise, and financing. But action this session does not appear likely. The Congress has not responded to the demands of the situation. I say it is time for Congressional action; it is time for those who share an interest in the future of aviation to support Congressional action!

Not only has Congress not taken action but, from my viewpoint, the proposal before the FAA is a negative reaction not a positive response to the current problem. No one is happy with the proposed restrictions. All parties have voiced varying degrees of distress over the planned imposition of restrictions. I can only agree that these proposals do not confront the fundamental causes of the problem. Not only do they not attack these problems, but they also discriminate—unfairly I believe—against general aviation in restricting air travel into the high density airports.

The proposed restrictions discriminate against general aviation in various ways:

1. They give priority to airlines and to air taxis over general aviation for reservation allocation in high density airports.
2. They completely restrict general aviation flights to high density airports between 5 and 8 p.m.
3. They require each aircraft to have an FAA specified transponder.
4. They require that each aircraft have two pilots.
5. They require that each aircraft be able to maintain a minimum speed of 150 knots.

It cannot be denied that the burden of these restrictions falls more heavily upon general aviation than upon other interests within the aviation community. I believe a more adequate public explanation for such an imposition is necessary.

I, for one, would like to inquire into the depth of the FAA's study of the current problem, and I would like to know if the FAA has fully considered the following possibilities:

1. Has the FAA considered the alternative of revising procedures and traffic patterns for the congested airports? A study made a few years ago by Najeeb E. Halaby, former Administrator of the FAA, suggested that high density air traffic could be handled most efficiently by designating separate classes of aircraft and by providing for each class distinct altitude and speed requirements, separate approach and departure corridors, and separate tower operators with all operators integrated into a single tower. I note that none of the concerned airports has a systematic program of this type. Has the FAA taken any action on the recommendations of the Halaby study? Recent reports raise serious questions as to whether the FAA has fully considered these possibilities. I feel that maximum ultilization of current facilities must be achieved before harsh restrictions can be placed upon any elements of our air transportation system.
2. Has the FAA considered the alternative of more effective utilization of existing airport facilities through a redistribution of the scheduling load to other low traffic area airports? The Washington, D.C. area, which has three major airports, is a case in point. The uneven scheduling distribution among these three airports again suggests that these possibilities have not been fully examined. Maximum utilization of existing facilities should be achieved before discriminatory restrictions are applied.
3. Has the FAA closely examined the implications of the proposed ruling? What provisions have been made for those affected by the suggested restrictions? Are extra services foreseen in terms of (a) connections from reliever airports, (b) dissemination of information regarding area airports, (c) any other possible consequences.

I make these inquiries simply because I feel that the public discussion has little knowledge of these alternatives. And serious questions have been raised as to how comprehensive the FAA's study of them has been.

These proposed restrictions, I feel, do not adequately recognize the interests of general aviation in the future of our national air travel system. General aviation is an essential element of this national air system and continues to show a more rapid rate of growth than any other area of aviation. One needs only to review the facts to acknowledge general aviation's vital role:

1. While the national economy increased 85% from 1955 to 1966, the general aviation industry expanded 600% in the same period.
2. The general aviation industry adds nearly $600 million to our national economy. Over $100 million of this figure is from the export market which helps to alleviate this nation's balance of payments problem.
3. General aviation maintains its dominant role in production of aircraft as it makes up approximately 96% of the total civil units produced.
4. General aviation is in the air over 21 million hours annually. The figure constitutes nearly 80% of the total civilian aircraft hours.
5. General aviation records approximately 75% of the total air traffic activity. In 1966, there were over 33 million landings and departures by general aviation aircraft. Moreover, this traffic activity is expanding at a rate of more than 25% annually.

These figures regarding general aviation are not new or shocking; they are generally well known within the aviation industry. I point them out only to emphasize that general aviation is a full partner in the air industry. It is from this viewpoint that I ask the FAA to re-examine its current proposal and to evaluate the current airport problem in light of the fact that general aviation has an equal stake in our national air transportation system.

I also would like to take this opportunity to call to those who have hesitated in their support of federal legislation providing for future airport development. It is time for a commitment on the part of those who share a common interest in the expansion of the air transportation industry—a commitment to support a system of funding and financing future airport development. If such a commitment is not forthcoming, the current FAA proposal can only be viewed as a sign of future developments.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICE PRESIDENT'S SPEECH ON CESSATION OF BOMBING IN VIETNAM

Mr. DIRKSEN. Mr. President, it has now been about 15 years since we were embroiled in Korea. During that time a rumor developed that President Truman was going to settle for the division of that country at the 38th parallel. The fact of the matter is that actually President Truman made no such proposal, but at least it got currency as a rumor, and it came about the time that we had a very brilliant military drive going in Korea. It took the edge off that drive. It incited the enemy to make further efforts. It kept us in Korea for a much longer time, and, as I recall, added about 80,000 to the casualty list. I had hoped and hoped that nothing would ever again develop of a parallel nature and that we would not go through that kind of agony once more. That is the reason why I am more than a little interested in the Salt Lake City speech of the distinguished Vice President, who is a candidate for the Presidency.

I have gone through that speech, but I also got home in time, the other evening, to hear it, because it was a recorded version.

Some thoughts kept creeping into my mind, and I set them down in the form of questions.

I am beginning to wonder a little whether this is an unconditional bombing pledge. I see these little phrases and words in the speech, but I am not sure that they mean so much.

I can find only one specific, and that is it is related to a restoration of the demilitarized zone. But in connection with that paragraph in his speech, the Vice President had this to say:

> As President, I would be willing to stop the bombing of the north as an acceptable risk for peace because I believe it could lead to success in the negotiations and a shorter war. This would be the best protection for our troops.

Well, I do not know whether he means that suspending bombing would be the best protection for our troops. I have not heard it from any authentic, authoritative source. I should like to know what our field commander, General Abrams, would have to say about that. I am wondering what that will do to troop morale. They have not raised that question, and somehow or other our troops seem to be the forgotten factor in all this, which is far more important to me than what goes on in Paris.

It is said that this does not in any way impair our negotiations in Paris. Well, if the North Vietnamese negotiators think they can get a better deal this way, obviously they are not going to settle for anything right now.

It is rather interesting, and I am wondering what kind of game is being played here, because I read Joseph Kraft's column in the Washington Post this morning, in which he says:

> Lastly, a trap was prepared for Richard Nixon. It was expected that the Republican candidate would reply to the Vice President

> by raising a question as to whether Mr. Humphrey's advance towards a total cessation of the bombing would not adversely affect the Paris negotiations. Mr. Nixon did as expected. And arrangements were immediately made for Ambassador Harriman to deny the Nixon insinuation.

And it works out just that way, because on the front page of the same newspaper this morning it is reported that Mr. Harriman, speaking through his spokesman, said in effect that this statement by the Vice President did not impair the negotiations.

Well, I should like to know what was in the mind of Thuy over there, rather than in Mr. Harriman's mind, because Mr. Harriman is not speaking for them.

The last time we had a report from Secretary Vance and Mr. Harriman at the White House, they could not even settle on procedure. Now they are in the 24th frame, or meeting, and exactly nothing has come out.

Is this calculated now to help get somewhere with the negotiators?

Not according to the press this morning. I am beginning to wonder whether we are serving a good cause with this kind of hide-and-seek business.

Is it meant to convey to all the world that bombing is unconditionally to stop?

They speak about an indirect or direct acceptable word and all of the demilitarized zone.

Mr. President, I think it is fair to add in that connection: What about the bombing of the cities like Danang and Saigon? Because Mr. Harriman said yesterday to the negotiators that it appears now that a new Red drive was in progress.

That is rather strange. The President has firmly adhered to a policy and, among other things in that policy was that they have to stop bombing the cities, and they have to stop throwing mortar shells into the demilitarized zone.

But nothing is said here that as a part of our bombing suspension, they will have to suspend any bombing of the cities.

But there is an item that is even more important, and it does not appear here anywhere, and that is this: Hanoi has steadily refused to recognize the freely elected constitutional Government of South Vietnam.

If we cave in on that, we will have caved in on the precious thing for which thousands of our youngsters have died. That is why we sent them out there—for self-preservation and for freedom. That was the motive. If we cannot get that by way of reciprocal assurance, where does it leave us? It leaves us high and dry.

But the Vice President does not say anything about it in his speech. The question is: Is that what we are going to settle for?

We had better watch out, having in mind the concept of 28,000 wooden boxes draped with flags, containing the remains of youngsters from this country who come back still—in death.

We had better be careful about our language here and whether we are raising some false hopes.

I wonder what this does to the troops out there?

As I get it, the bombing is the thing which serves as the leverage. It is the thing to which the military ties, in order to be sure that our troops are protected. We get the absolute assurance not merely to restore the demilitarized zone, but we have to go much further than that, if we are going to get our boys out of there, safe and sound, whenever the time arrives so to do.

Thus, Mr. President, I think we have to take account of the Vice President's speech and of all the comment made. It is rather strange that among the press and the columnists there seems to be a tremendous amount of confusion as to exactly what the Vice President is proposing.

I can understand the predicament of the President. He cannot correct his candidates if they make a statement that is a departure from the policy which he presently follows.

So these are just little matters that I felt I had to raise, and I suggest that other Senators may want to do the same thing. But we can do and we dare do nothing that impairs the morale and position of our troops, as well as of their commanding officers out there who have such tremendous responsibility.

Mr. HRUSKA. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HRUSKA. It seems that there are varying versions of the Vice President's statement as to the bombing.

The original, prepared text was, "I would be willing to stop the bombing."

As actually uttered, the words were, "I would stop the bombing." The initial statement made in Salt Lake City certainly would require interpretation to discover anything new in it. Apparently the Vice President thought so, too, because he was interviewed at Knoxville, Tenn., yesterday, and, according to the press report in the Washington Star of last evening——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. DIRKSEN. Mr. President, I ask leave to proceed for an additional 10 minutes.

Mr. HARRIS. Mr. President, reserving the right to object, I wonder if we could have an argeement that we could have an additional 10 minutes?

Mr. MANSFIELD. Oh, we will get that, but this was understood yesterday.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. In an interview on a Knoxville television station the Vice President said this:

> Just to make it very clear, so that we don't have any misunderstanding, I said I would stop the bombing in North Vietnam. That was the emphasis of my statement.
>
> I would regard this as an acceptable risk for peace and in doing this, I would look very closely at the evidence, direct or indirect, deed or word, of Communist willingness to restore the demilitarized zone between North and South Vietnam—in other words, to get their troops out of there and to stop the firing of their artillery over that area and in that area.

He also said:

> I said I would also reserve the right, if North Vietnam acted in bad faith, to resume the bombing. I think it is very clear because of what I have said where my emphasis lies, and I think also that Hanoi could, with very little difficulty, take action concerning the demilitarized zone.

The press account goes on to say:

> In his initial statement, Humphrey said he would look for evidence of Communist willingness to cooperate in ending the war prior to halting the bombings but yesterday he implied the two actions would occur simultaneously.

I believe that Members of this body, members of the negotiating team in Paris, and all Americans are entitled to know what Mr. HUMPHREY knows today on this subject, since he has reversed his position at least twice since Monday evening in Salt Lake City.

Another significant observation in this report in the Washington Star is:

> Gone from the Humphrey speeches throughout the day were all of the once-standard lines defending the Vietnam conflict as a just and necessary war, describing President Johnson as a great leader and urging support for the current administration's policies.
>
> In their place were repeated references to the Salt Lake City statement on Monday night.

So there is an attempt by the Vice President to move away from his constant advocacy and apology for the President, and substitute indications that the bombing would be stopped. The bombing halt would not be unconditional, however. It would be unconditional one day, and the next day it would not.

It is a deplorable situation when nobody in America now knows the Vice President's position.

I join the Senator from Illinois in saying that many, many more questions are raised as a result of this speech, than are answered, and many such questions have a direct impact upon our men in Vietnam, as well as upon the negotiators in Paris.

Mr. DIRKSEN. Mr. President, I may add at this point that I am reminded that we had a sort of conference at the White House some time ago when General Wheeler and General Westmoreland, our Chief of Staff, were present. It was then that General Westmoreland said, "If you suspend bombing, you increase the capability of the enemy by at least 500 percent. We have now interdicted them so they cannot move their supplies in the daytime. That has reduced the number from 1,000 such existing lines to about 100. They have to move at night."

That was the effect of the bombing. Our General Abrams would have quite a different idea, because he is over there wrestling with the real problem.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HRUSKA. I was present at the meeting when that statement was made. I heard another statement at that meeting. We were told it was not classified and could quote it. They said that a cessation of the bombing would cost American lives. This is as plain a statement as there is. Yet we have a statement by the Vice President, standing in a political arena, rather than in an arena of the heavy duties and responsibilities of the President's office.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. DIRKSEN. I am glad to yield to my colleague.

Mr. PERCY. I would like to express appreciation to our distinguished minority leader for raising what I think is a very important question troubling the country, as well as troubling members of both parties and those Americans who are still wondering for whom to cast their votes.

Regarding the Vice President's stand, on Vietnam, I listened carefully to his speech in Salt Lake and then went back to the text of the President's San Antonio speech to determine whether Vice President HUMPHREY has now changed his policy and would support or would not support the San Antonio speech of President Johnson. In that speech President Johnson said that the United States "would assume that North Vietnam would not take advantage of American restraint" in the war.

Several nights ago, Vice President HUMPHREY said that, as President, he would "stop the bombing of the north as an acceptable risk for peace." But he also said that before taking action, he would "place key importance on evidence—direct or indirect, by deed or word—of Communist willingness to restore the demilitarized zone between North and South Vietnam."

I ask the question, Does this mean that he accepts or rejects the San Antonio formula? Does it mean that he will assume North Vietnam's good faith, or that he will demand clear evidence of that good faith?

I think that is a very important, and perhaps critical, distinction. I think Mr. HUMPHREY has an obligation to clarify his views on this particular point. Further, I would like to know——

Mr. HARRIS. Mr. President, I wonder if the distinguished Senator from Illinois might yield to me for a question.

Mr. PERCY. Yes.

Mr. DIRKSEN. Mr. President, I yield.

Mr. HARRIS. Does not the Senator think that ought to be a two-way challenge; that we should not ask just one presidential candidate? The Senator spoke of making a decision on the presidential race. Does not the Senator think it would be rather more fair and better for the American people if we asked all the candidates how they stand on the Vietnam question?

Mr. PERCY. I see nothing wrong with that, and I think a discussion of Vietnam in a responsible context would be a good thing for the country. But I have listened many, many times to Vice President HUMPHREY discuss Vietnam. I have found him the most insistent, one might say enthusiastic and vigorous supporter for 4 solid years of the Johnson position on Vietnam. He has defended every escalation in that war. He has inveighed against "those who would tie our hands in Vietnam." That is exactly the way he put it.

Now it appears as though he is attempting to be something of a dove on Vietnam. Suddenly he is willing to take the risks for peace that he rejected before. Suddenly he seems to reject the war policy that he has consistently supported for 4 years. I think it does leave the question: Which HUBERT HUMPHREY should the American voter believe?

I have been a consistent critic of the Johnson-Humphrey policy because I did not think it was being successful militarily or successful politically in finding some way to end this war.

I would certainly welcome any responsible or legitimate shift in position or policy by the President or the Vice President that would bring this tragic war to an honorable and quick settlement.

Mr. HARRIS. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am happy to yield.

Mr. HARRIS. Would the Senator also welcome such a shift by his own party's nominee for President as well, or only on the part of the Democratic nominee?

Mr. PERCY. Mr. President, I am addressing my comments this morning, of course, to a specific speech by Mr. HUMPHREY. I think those questions are certainly questions that can be asked. I am only saying right now that I find great inconsistency in the position taken by the Vice President 3 nights ago as against the position he has taken for the past 4 years.

Mr. HARRIS. The Senator finds less inconsistency in no statement at all, does he not? It seems to me that silence is the position of the Senator's own candidate, is it not?

Mr. PERCY. I feel very strongly that it is now an obligation of the Vice President to clarify what he means. There seems to be a tremendous amount of confusion within the Democratic Party now, and among Democrats, as to what Mr. HUMPHREY means, because it leaves someone like myself, who is trying now to correlate what he has been saying consistently for 4 years with what he has said in the last few days, in a state of complete uncertainty.

I commend the minority leader for raising the question, and I hope that the dialog in this campaign will be raised to the level where we can all now better understand the issues.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the minority leader is expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to proceed for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I intend to say more on this subject later. However, in view of the remarks just made by the distinguished Senator from Illinois [Mr. PERCY] who I know has had a longstanding interest in trying to bring an end to this barbarous struggle in Southeast Asia, I wonder what he and his colleagues, who I assume are the equivalent of the old "Truth Squad" which is trailing Mr. HUMPHREY over the country, would think about getting behind the idea of Mr. Nixon and Mr. HUMPHREY meeting face to face in a TV debate. In that way, the Nation can see and hear just what their respective views are, and in that way resolve any questions we have in our minds concerning either candidate. Would the Senator think that would be a good idea?

Mr. PERCY. No, I would not think that would be a particularly good idea.

Mr. MANSFIELD. Why not?

Mr. PERCY. I think more able spokemen than myself have commented on this matter. I have found that these face-to-face debates—and I engaged in one in my 1964 gubernatorial campaign—are exceedingly overrated so far as the elucidation of important questions such as this is concerned. I think it would, of course, raise immediately the question as to whether or not a national forum of that type would require giving time to third party candidates, and whether it would be in the national interest to do so at this time.

If I were to advise Mr. Nixon, I would advise him that at this late date, it would not be wise to engage in such debates.

It is possible, certainly, to discuss in depth, as I know Mr. Nixon has on a number of occasions, many of these very important problems. He has certainly, in his half hour brilliant radio discussions that he has had with the American people, and in numerous open forum 1 hour television question and answer sessions probed in considerable depth not only a single subject to much greater satisfaction than you can in the type of debates, which, entertaining as they may be, have not proved to me at all that they are a real contribution to the political education of this country, but has covered his position on virtually every conceivable subject of interest to the American voter.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. MANSFIELD. I would not be averse to having Mr. Nixon, Mr. HUMPHREY, and Mr. Wallace debate; because if the news reports are correct that General LeMay has now been selected as the vice presidential candidate on the Wallace ticket, it appears to me that Mr. HUMPHREY and Mr. Nixon, in comparison, are going to look pretty dove-like.

I recall not many months ago General LeMay said that if he had his way, he would bomb North Korea back into the Stone Age, that he would wipe it off the map.

He would not have far to go. But I think that responsible people like Nixon and HUMPHREY ought to bring their cases to the American people. The best thing that came out of the Chicago convention, as far as I was concerned, was the fact that the Democrats there did debate both sides of the Vietnamese question, and they did there what we should have been doing here.

So I hope they can get together, and give the American people a chance to decide what they want, because there are three major candidates running this year, and we should not forget it, those of us who belong to the two traditional major parties, because we are going to hurt, and badly.

We face one candidate who has flouted the law openly and another candidate who wants to bomb North Vietnam back into the Stone Age. As far as the bombing of North Vietnam is concerned, I think it should stop, and I would not put any qualifications on that.

Several Senators addressed the Chair.

Mr. PERCY. Mr. President, may I reply to that statement of the distinguished majority leader?

I think it is the responsibility, the duty, and the right of any candidate to decide not only whether he feels it is in the interests of his own candidacy, but in the national interest, for him to engage in debates of this type. President Johnson had the duty, obligation, and right to decide whether he would debate in 1964. He felt it would not be in the best interests of this country to do so, and he chose not to.

My own very distinguished predecessor, Senator Douglas, decided, even though he was offered many invitations, that he would not debate, and that it was not in the best interests of either his campaign or perhaps the issues at stake. I always said at that time that I would be willing to debate, but I felt that Senator Douglas had the right to decide whether it was in the interests of his candidacy or of the State at that time.

I feel that a decision has apparently been made by Mr. Nixon, and is conditioned at least in part by the fact that a third party candidate would have to be given the same forum that he and Mr. HUMPHREY would be given.

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Iowa.

Mr. MILLER. I thank the minority leader.

Mr. President, I commend the Senator from Illinois for raising this issue. I think it is a very important issue. What we have here, as I see it, is a situation where the Democratic Party, at the convention in Chicago, openly debated a point very vigorously over which there was a clear cleavage of opinion with, on one side, those who advocated a unilateral cessation of the bombing, period.

The distinguished majority leader has just reiterated that that is his opinion, and he is welcome to it. The point is that the Democratic Convention adopted a plank which is contrary to that.

The Vice President is very much aware of the split in his party, and what he is trying to do is have his cake and eat it, both. He is trying to carry on with the Democratic plank adopted in Chicago, on the one hand, and then, on the other hand, trying to appeal to people such as the distinguished majority leader, by hinting that just possibly he might go for a unilateral cessation of the bombing.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. MILLER. May I please finish?

Mr. MANSFIELD. I should like to make a correction in the Senator's reference to me.

Mr. MILLER. Mr. President, I have the floor.

Mr. MANSFIELD. Will the minority leader yield to me to make this correction?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. Mr. President, I wish to say that I support HUBERT HUMPHREY; but, as I said at the time of his nomination, I have not changed my opinion on Vietnam. So he is not trying to convert me. I have long since made my position clear, and I have emphasized where I stand.

Mr. MILLER. I am glad the Senator made that distinction. The point is that there are a great many people who are not supporting the Vice President, and he is trying to get their support. The majority leader is a good Democrat, and he is going to support his candidate; but there are a good many other Democrats who are not in that position.

For the record, the distinguished majority leader finds himself in a most embarrassing position, and so does the Vice President now, because of what the President of the United States, the leader of their party, had to say in the White House on February 1 of this year. I happened to be present because it was the occasion of the awarding of a Congressional Medal of Honor to one of our distinguished Iowa airmen.

The President of the United States said this:

> Let those who would stop the bombing answer this question: "What would the North Vietnamese be doing if we stopped the bombing and let them alone?"
>
> The answer, I think, is clear. The enemy force in the South would be larger. It would be better equipped. The war would be harder. The losses would be greater. The difficulties would be greater. And of one thing you can be sure: It would cost many more American lives.

Mr. President, the Secretary of State elaborated on this point just yesterday, at the United Nations, when he said:

> We are prepared to stop the bombing the minute we can be confident that this would lead toward peace.

And, until they are confident, they are not going to stop for the reason that the President of the United States stated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Mr. President, will the Senator yield me an additional 2 minutes?

Mr. PASTORE. Mr. President, reserving the right to object, do we keep the floor on the Republican side forever? I understand one can yield only for a question. I think the Senator from Rhode Island would like to say a word or two on this great political question.

Mr. MANSFIELD. Since they announced last night that they were going to do this, they can go ahead.

Mr. PASTORE. It should not be a round robin.

Mr. MANSFIELD. We will get in there, too.

Mr. PASTORE. Well, I have not been in there yet.

Mr. MANSFIELD. We will get in later.

Mr. President, I ask unanimous consent that the Senator be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. So we have this juxtaposition of the two people. The President of the United States and the Secretary of State on the one hand say that there will be no unilateral cessation of bombing until we are confident. And, on the other hand, we have those who say, "Unilateral cessation of bombing—period."

Then we have the experience of the Vice President of the United States trying to straddle the fence on the one hand to go along with the position the President and the Secretary of State have set forth—and it is in the Democratic Party platform written in Chicago—and on the other hand, he said in his speech the other night:

> As President, I would be willing to stop the bombing of the north as an acceptable risk for peace . . .

And the Senator from Nebraska said emphasis was put on that. But on the other hand, he is again trying to straddle the fence by saying:

> But I would place some emphasis on evidence by word or deed that the North Vietnamese might get into meaningful negotiations and that this might lead to peace.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from a speech I made recently setting forth the six truce periods we have had and the losses that occurred because we put confidence and faith in the North Vietnamese.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Anyone who thinks that North Vietnam can be trusted should be reminded of the following:
>
> There have been six truce periods:
>
> (1) 48 hours at Christmas, 1966. During this period, there were 101 violations by the North Vietnamese and Viet Cong, resulting in 18 killed and 60 wounded on our side, including 3 Americans killed and 27 wounded.
>
> (2) New Year's 1966–1967. During this period, there were 169 violations, resulting in 20 killed and 198 wounded on our side, including 14 Americans killed and 27 wounded.
>
> (3) Tet Holidays 1967. During this period, there were 338 violations, resulting in 30 killed and 198 wounded on our side, including 17 Americans killed and 158 wounded.
>
> (4) Christmas 1967. During this period, there were 118 violations, resulting in 7 killed and 44 wounded on our side, including 2 Americans killed and 24 wounded.
>
> (5) New Year's 1967–1968. During this period, there were 170 violations, resulting in 73 killed and 279 wounded on our side, including 27 Americans killed and 191 wounded.
>
> (6) Tet Holidays 1968. During this period there were 2,707 killed and 11,519 wounded on our side, including 920 Americans killed and 4,561 wounded—plus 8,200 civilians killed and 22,000 wounded, and 623,000 civilians made refugees.
>
> I suggest that, in the face of these tragic facts, it would be nothing short of suicide to put any trust whatsoever in the word of the Communist leaders; and we would do well to realize that the only principle they understand is strength and the will-power to make use of that strength.

Mr. DIRKSEN. Mr. President, I yield to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I thank the minority leader. I would like to have the attention of my friend, the distinguished Senator from Oklahoma [Mr. HARRIS], who raised the question a few moments ago as to whether the candidates should comment on the great issue of the day, the Vietnam war.

I say to the Senator quite frankly that I have some reservations about the position of my candidate, Mr. Nixon, concerning a moratorium on comments on the Vietnam war. However, suppose the situation had been reversed. Suppose it had been Mr. Nixon who some time ago had said that there is a great possibility that there will be a reduction of troops in North Vietnam—90,000, I believe was the figure that was given. Not only would the President indicate that no man could say that, not only would the Secretary of Defense say that this was not true. I think there would be a great charge from the administration that Dick Nixon was playing politics with the Vietnam war.

Suppose that the other day Dick Nixon had indicated that it was his position that he would, if he were President, halt the bombing in North Vietnam. We would have had the same situation—a charge of playing politics with the war.

There is some sense of responsibility. There is some validity to the position of the Republican candidate declaring a moratorium.

While the talks are going on in Paris today, I wonder if Dick Nixon had made those statements, the Ambassador, engaged in the peace talks in Paris, would have had the same statement published in the paper today.

There is something to be said for the responsibility of Dick Nixon in this campaign.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. PEARSON. I yield.

Mr. HARRIS. Mr. President, talk about playing politics with this issue—and I appreciate the strange way in which the question was brought up—it seems to me that we should recall that it was the Republican candidate for President, Mr. Nixon, who last March announced that he had a plan for ending the war in Vietnam. He has yet to state what his plan is.

It seems to me that merely making that kind of a statement is playing the cruelest kind of politics. It leads people to believe that a man has a plan, and then he does not present it.

Only about a week and a half ago—I ask the Senator if he remembers—vice presidential candidate Agnew in a press conference in San Francisco reiterated that Mr. Nixon had a plan for ending the war, but that it would not be sprung at this time, but would be announced at a later time. This was done in order to maintain the suspense of the campaign.

The PRESIDING OFFICER. The 5 minutes have expired.

Mr. HARRIS. Then Mr. Nixon later said he was wrong and that there never was a plan.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator have an additional 5 minutes and then perhaps we may take over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, then Agnew said there never was a plan and none would be announced.

I ask the Senator who is playing politics with the war?

Mr. PEARSON. Mr. President, I am well aware that the vice-presidential candidate made the statement that there was a plan. I am aware of the other statements.

When the Republicans take over the public business of this country, I do not know whether we can reduce the number of troops in Vietnam and bring an easy and quick end to the war. War takes a second to break out, and peace takes years. It takes years to put everything back together.

I think there is a responsibility not to raise false hopes, but to maintain flexibility.

As I recall, the statement was made that he had a plan that he did not present. The Paris peace talks had not started then. They occurred after that fact.

I think there is a position of responsibility and that really the best hope we have is to get new people and new minds that are not chained to positions of the past and not cemented to past acts.

Mr. PASTORE. Mr. President, is it not Mr. Nixon who said, "Elect me President, and I will end the war"?

Why do we have to wait until he is President for the magic of his idea? The talks are still going on—the time is ripe to tell and test his contribution. Can we not hope the struggle could be ended before he or someone else becomes President come January next?

Mr. PEARSON. Mr. President, I think the Senator and every other Member of the Senate understands that we all feel the same way.

Mr. PASTORE. Mr. President, I am beginning to think that everybody is playing a little politics with Vietnam.

Mr. PEARSON. Mr. President, I do not have any doubt that the description and characterization of what we are doing today will be couched in political terms. But I think the discussion is a good thing.

Mr. HRUSKA. Mr. President, is there not a distinction to be made at this point? We have had 3¾ years with one of the major parties trying to obtain peace. With the rapid deterioration of the situation, would it not be logical to say that since that party had a chance and failed, there would be more hope for peace in choosing a man who is in a position not to be bound by the mistakes of the past, and who will get on with a new effort? That man is Mr. Nixon, representing the Republican Party.

Mr. PEARSON. Precisely the point.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PEARSON. I do not have the floor.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Illinois has the floor.

Mr. MILLER. Mr. President, with reference to the peace talks in Paris, I understand that 24 peace talks have been held. This effort started some time after March 31 of this year.

We should understand that these are not really peace talks. They are talks about what North Vietnam said they would be, and that is about our stopping of the bombing and getting out. They are not peace talks. If, after 24 such talks, we have not made any more progress than that, I suggest that we obtain new organization, new thinking, and new positions of flexibility as the Senator from Kansas has pointed out.

My guess is that the Ambassador will get very tired of this situation. Ambassador Harriman has said there has not been one step made toward progress. How much longer will we continue before we have a chance to do something about what is going on? Must we have 100 conferences?

I think that the other party has had more than its chance, and, if anything, we have gone backward and not forward.

Mr. DIRKSEN. Mr. President, I believe I have a minute left.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, I brought this matter up today only because my primary concern involves the 541,000 Americans who are now in Vietnam.

I do not want to see anything done that would jeopardize them in any way beyond the normal hazards and dangers that attend the war. But I would not like to see them become the target for goodness knows how much fire simply because we have suddenly suspended the bombing when we should not have done it.

The only quarrel I have here is that I think we are entitled to some clarification, and I put no political label on it. I think we are entitled to know where we are.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended and that I be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I am pleased that this matter, which has in effect been lying in limbo, has been brought to the floor of the Senate this morning. May I also say that I am pleased with the tone in which the debate is being conducted.

At this time of the year there is bound to be a little politics on both sides. That is understood and accepted. But the stakes in our involvement in Southeast Asia, in this barbaric and dirty war, are so high and the cost so great that I would hope that politics could be muted as much as possible and the realities faced up to so far as our position and our antagonists are concerned.

As the distinguished Senator from Kansas has said, no candidate should raise false hopes, for the reasons already enunciated.

In reply to the distinguished Senator from Iowa, I assure him that the Senator from Montana is in no way embarrassed by what he has said and what he stands for, because that is what the Senator from Montana believes.

So far as the candidates straddling—yes, they are straddling. That is a happening which occurs in any political campaign, and I am sure that every Senator in the Chamber has had some personal experience in straddling the fence in a political campaign. I know I have, and sometimes it has been a little embarrassing.

But so far as the topic of discussion today is concerned, I listened to most of the Vice President's speech. I thought he comported himself with dignity and understanding and with a degree of clarity. He came out and said what he would do if he were President. He does not happen to be the President of the United States and he will not be, unless he is elected at noon on January 20, 1969. He realizes, of course, as I have, and as every Member of this body does, that we have only one President, and that that President, as long as he is in office, has the final say. In the words of Harry Truman, "the buck stops there."

HUBERT HUMPHREY has made his position clear. Personally, I believe that he would move mountains, if he could, to achieve a decent peace in Vietnam. Of all the candidates, in my opinion—perhaps I speak politically, but I believe it—he is the best; and he is now on the way up, since the speech in Salt Lake City. He has my full support; and I anticipate—I cannot speak for Senator McCARTHY, but I anticipate—that he will have Senator McCARTHY's support in the not too distant future. I emphasize that that is only a personal opinion. I have not talked with the Senator from Minnesota.

With respect to an unconditional stop to the bombing of North Vietnam as an acceptable risk to peace and in relation to the protection of our troops, I think that is a risk worth taking. While we have stopped the bombing of approximately 80 percent of the land area and probably are exempting 90 percent of the civilian population at the same time, nevertheless, we have, in compensation increased the bombing tremendously below the 19th parallel. Despite that increase in bombing, more material and more men are coming down by way of the Mu Gia Pass and other areas than ever before. That is the fact. In spite of increased and concentrated bombing, that is what is happening; and no one can or will deny it, because the facts and the figures speak for themselves. I am not at all sure that decreased bombing would bring increased casualties, because our casualties have been pretty high up to this time.

On the radio this morning, the figure was given out for last week's losses. I believe they come out every Thursday. Twenty-eight thousand-plus have been killed. How does that compare with Korea? What of the 178,000-plus who were wounded. These are not the men with the scratches, the men who can be returned to duty the same day. These are the wounded, the bulk of them serious hospital cases. And lately I note that some of the military officials have been trying to downgrade this wounded figure. But I get the figures every week, and I can check on them. These are the casualties. In other words, close to 210,000 casualties in a war longer than Korea, costing more than Korea, and a war with no end in sight.

I doubt, on the basis of the column which was commented on this morning, that any "trap" was set for Mr. Nixon. Mr. Nixon, in my opinion, is a mature man, a shrewd man, and he is not one to be trapped easily. I would say, offhand, that that article very likely was a figment of the author's imagination.

I do not see how that speech by Mr. HUMPHREY could impair negotiations in Paris—or, rather, the talks leading to negotiations, as the Senator from Iowa has indicated, and he is correct—because no progress has been made. So if you have nothing to lose, how can you lose it? That is why I think this matter should come out in the open.

Also, the question has been raised about Hanoi not recognizing South Vietnam, the constitutional government we helped create there. Why should Hanoi recognize South Vietnam? It never has, and certainly it would not under present circumstances. Incidentally, I do not believe South Vietnam recognizes Hanoi. So there is a standoff.

It is too bad that the South Vietnamese Saigon leaders and the National Liberation Front cannot get together, either in Vietnam or in Paris, along with the United States meeting with Hanoi; because, in my opinion, there will be no peace in South Vietnam until the South Vietnamese, themselves, get together. And no matter how one looks at the Vietcong, they are South Vietnamese. Those people, regardless of their political coloration or lack of it, their religious affiliation or lack of it, are the ones who collectively, some time, somehow, some way, will have to bring their country together—that is not for this Nation to do, which may, at the present rate, be in Southeast Asia for years and years to come. I wonder how the American people look upon a long-term commitment of that kind. I regret a fruitless spending of our treasure, but I regret far more the loss of every single life in Vietnam; because Vietnam, in my opinion, is not and never has been vital to the security and the interests of the United States.

So I say that no false hopes are being raised by anyone that I know of, and if anyone raises false hopes he is doing a distinct disservice.

In the matter of troop withdrawal, it is my opinion that Vice President HUMPHREY was expressing a wish and a hope; and in the answer made shortly after that by the President and by the Secretary of Defense, what was stated was a fact. Certainly I would hope that we would all recognize the great responsibilities which confront us in this country, the costs which have already had to be met in Vietnam and which will accrue upon all of us in the future. As much as we can, we ought to keep this question out of the realm of politics. We cannot do that entirely, but we ought not try to fool the people. As representatives of the two major parties, we ought to recognize that we have responsibilities; if we are not careful those responsibilities will be eroded or taken away from us by a third party. That, I think, will yield no good to this country either at home or overseas.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I can add very little to the eloquent statement of the distinguished majority leader. I think he made clear the very sober and serious nature of the issue with which we are dealing today.

Vice President HUMPHREY has made plain and forthright statements on his views on the Vietnam situation, what he will do when he is President. It is time for Mr. Nixon to do the same; the people of America are entitled to the same candor from him.

Criticism by Republican Senators of the Vice President's Vietnam speech is Presidential debate by proxy, and the people are entitled to better than that.

I repeat the challenge that Vice President HUMPHREY has often issued for Nixon to come out in the open and debate the Vietnam and other issues with Vice President HUMPHREY on the same platform and on television; the people are entitled to know where Nixon stands.

I will say that the reaction by Mr. Nixon and other Republicans to the Vice President's speech constitutes a clear admission that Vice President HUMPHREY has scored heavily with the people by his Vietnam statement and that Mr. Nixon's failure to speak out and debate this and other issues is beginning to hurt his candidacy and his campaign seriously.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, the distinguished majority leader has indicated that he does not subscribe to the statement made by the President in the White House earlier this year that a cessation of the bombing would mean more American casualties. I do not doubt the sincerity of my colleague's opinion, but I cannot leave this matter go without comment.

The Preparedness Investigating Subcommittee, composed of six Democrats and three Republicans, ranging all the way from the only lady Member of the Senate to the past national chairman of the Democratic Party, the distinguished Senator from Washington [Mr. JACKSON], last August 31 issued an unanimous report. I wish to read one passage from that report:

> Many proposals have been heard recently calling for a curtailment of our air campaign against North Vietnam, including a complete cessation of the bombing in certain vital areas. Each of these proposals has the serious fault that, if adopted the inevitable result would be an increased infiltration of men and war goods into South Vietnam and increased casualties among U.S. and allied troops.

Mr. MANSFIELD. Is that not what is happening now?

Mr. MILLER. If I may continue reading the report.

Mr. MANSFIELD. Is that not what is happening now with increased bombardment of the North?

Mr. MILLER. Mr. President, the report continues:

> A territorial limitation of the bombing would . . . be a perilous course because it would afford the North Vietnamese many vital sanctuaries and enable them to expand the ground war in South Vietnam with a lesser penalty than is now being exacted. As an illustration, General Wheeler (Chairman of the Joint Chiefs of Staff) testified that a reduction of our bombing or imposition of additional restrictions on our air forces

would cause increased U.S. and allied casualties in South Vietnam.

Mr. President, that was the language of the report on August 31. On March 31 of this year there was a very substantial territorial curtailment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we may proceed for an additional 15 minutes in the morning hour and that the Senator from Rhode Island be recognized after I have completed my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, all I can say is that any of my colleagues could receive information directly from General Wheeler or any of our field commanders regarding infiltration of troops and supplies from North Vietnam. I assure the Senator from Montana it is not confined to the area still "on limits" for the bombing.

I wish to point out what is happening. Take the nearly 6-month period since March 31 and compare the statistics with statistics for the comparable 6 months in 1967, and what do we have?

Mr. MANSFIELD. Increased casualties.

Mr. MILLER. In this period there were 7,000 killed in not even 6 months.

Mr. MANSFIELD. Not 70,000.

Mr. MILLER. Against that figure, a year ago——

Mr. MANSFIELD. Wounded.

Mr. MILLER. I would like to complete my point.

Mr. MANSFIELD. I am trying to correct the Senator. There have not been 70,000 killed.

Mr. MILLER. If the Senator will bear with me, I would like to complete my report.

Mr. MANSFIELD. Very well.

Mr. MILLER. I repeat: For the 5½-month period from March 31 to the middle of September of this year, 7,000 were killed.

Mr. MANSFIELD. Seven thousand killed.

Mr. MILLER. These are Americans. Compare that figure to the figure for the comparable 6-month period in 1967. In that period 4,800 were killed. There were 24,000 wounded requiring hospitalization in this 5½-month period compared with 18,000 wounded requiring hospitalization in the comparable period in 1967.

There were 22,000 wounded not requiring hospitalization in the 5½-month period this year against 17,000 wounded 1 year ago.

The proof of the pudding is in the statistics. The tragic statistics show and bear out what the Preparedness Investigating Subcommittee warned last August 31: that curtailment of this bombing would mean more casualties, and we have had them.

How great would the casualties be if we had a cessation of the bombing? The tragic figures bear out the statements of the experts in this area.

Mr. MANSFIELD. Mr. President, I am aware of the report issued unanimously by the Preparedness Investigating Subcommittee. I respect the members and their views, but that does not mean I have to agree with them.

I admit I have not had the experience in the Air Force that the Senator from Iowa has had, but as an ordinary citizen, one who can read figures, I am aware of the facts as they occur. The one word which the Senator used was the correct word to use about this difficult, this barbaric struggle in which we are engaged today, and that is that it is a "tragic" affair. We can talk about it all we want but we do not have to go. We are not called before a draft board. But we are partly responsible for engaging in the war and we cannot absolve ourselves, none of us. Because of what is being done over there we have to take our share of the blame and responsibility.

So we can juggle figures all we want and interpret them any way we want; we are all entitled to our views. However, the fact is we have 28,000-plus dead and 178,000-plus wounded, and no end in sight.

Mr. PASTORE. Mr. President, I think that the situation in Vietnam is a tragedy for the whole world—just as it is a dilemma for all Americans. There is no question in my mind that there is not an American of any responsibility whatsoever who advocates the prohibition of dropping even one single bomb if that would save the life of even a single American soldier. I think we can all be in accord on that.

The statements made by the Senator from Iowa point up pretty much the dilemma of Vietnam. A short while ago he said: Change the President and we will end the war. In the same breath, he finds fault with the conciliatory approach of the Vice President. The Senator feels that the Vice President is undercutting the present policy of the administration. He goes on to say that because we did cease bombing a portion of the North since March 31, we have suffered increasing casualties. The logical conclusion, then, is that unless we can negotiate a peace settlement in Paris before January 20, 1969, the only alternative a new President has is to escalate the war in Vietnam. That would logically follow. Certainly by his theory if what we are doing now is not good enough, and what HUBERT HUMPHREY would like to do is not good enough, then the Senator would want to leave it up to Richard Nixon to take care of it on January 20 next. Then if we have a stalemate in Paris, his logical alternative is that we have to invade North Vietnam to bring the war to an end.

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. May I finish, first? I want to speak further for a little while. I have been sitting and standing silent here for the longest time. I yield.

Mr. SCOTT. I thank the Senator from Rhode Island.

Mr. PASTORE. I do not like to have my eloquence interrupted, that is all. [Laughter.]

Mr. SCOTT. That was my purpose in rising.

May I simply rise to make the mild observation that I am proud my party has a very good record for ending wars.

Mr. PASTORE. Well, under what circumstances? It is the feeling of the Senator from Rhode Island that had we not been soft in 1952 in Korea, we might not have had a missile crisis in Cuba and maybe Khrushchev would not have said to Harriman, when he went to Moscow, that the American people have no heart to fight. He was judging all this because the campaign statement was made, "I will go to Korea and bring an end to the war."

But where are we in Korea? We do not even have an honest armistice today in Korea. True—the bombing is stopped but we did not stop the war. Today we have the *Pueblo* situation. So we have not settled anything in Korea. All we have stepped down is the volume of rifle fire. Even today, mind you, to the humiliation of all Americans, when our soldiers go in their jeeps to the Panmunjom meeting, they have to carry a white flag. Otherwise they cannot get through.

I say to the Senator, if you call that a victory for America, I regret to say that I am a little bit ashamed of it.

Mr. SCOTT. If the Senator will yield at that point, he is using a dangerous word; "soft." We have all found that to be a dangerous word these days. Would the Senator say the Eisenhower administration was soft on what, if he had any implication there?

Mr. PASTORE. I did not say "soft" in the sense the Senator has in mind. I said we should have proceeded with more determination. The Senator spoke about his party's record of ending wars. Would he suggest that it straightened out the affair in Korea? It did not straighten out the affair in Korea. We are still in Korea. Wait until the foreign aid bill comes out and Senators will find that most of the money in it is for military assistance going to Korea.

Mr. MILLER. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. Let me first finish my speech.

Mr. MILLER. The Senator has made a point that——

Mr. PASTORE. I did not yield to the Senator but I will gladly yield in due time. I have first to finish my points here.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PASTORE. Mr. President, let us look at what HUBERT HUMPHREY said. Critics have been kicking him in the face ever since he spoke—attacking him for things they think he said—though he never said them in the context of their interpretation. There has been an interpretation of the individual views and judgments of everyone who reads that speech. For myself, I think the speech has a sense of real nobility. In fairness we should read it all. This man must have gone through an agonizing period composing that speech. First of all, he is the first lieutenant of the President. He has been loyal to him. He has stood up manfully taking every brickbat thrown at him, as to responsibility for present or future Vietnam policy.

Now, what did HUBERT HUMPHREY actually say? These are his words:

In light of those circumstances—and assuming no marked change in the present

> situation—how would I proceed as President?
>
> Let me first make clear what I would not do.
>
> I would not undertake a unilateral withdrawal.
>
> To withdraw would not only jeopardize the independence of South Vietnam and the safety of other Southeast Asian nations. It would make meaningless the sacrifices we have already made.
>
> It would be an open invitation to more violence . . . more aggression . . . more instability.

If anyone can find anything wrong with those sentences, let him stand up and say so.

Continuing to read:

> And it would, at this time of tension in Europe, cast doubt on the integrity of our word under treaty and alliance.
>
> Peace would not be served by weakness or withdrawal.
>
> Nor would I escalate the level of violence in either North or South Vietnam. We must seek to de-escalate.

Have I not heard even the Senator from Illinois make that statement from time to time? Did you Republicans not write it right into your own platform in Miami?

Continuing reading:

> The Platform of my party says that the President should take reasonable risks to find peace in Vietnam. I shall do so.
>
> North Vietnam, according to its own statement and those of others, has said it will proceed to prompt and good faith negotiations if we stop the present limited bombing of the North.
>
> We must always think of the protection of our troops.
>
> As President, I would be willing to stop the bombing of the North as an acceptable risk for peace because I believe it could lead to success in the negotiations and a shorter war. This would be the best protection for our troops.

If you think that means, as the minority leader said a short while ago, that Hubert is trying to endanger and jeopardize the lives of American boys, I recommend that you read this statement, which I repeat:

> We must always think of the protection of our troops.

What Mr. Humphrey said was that successful negotiations to bring the war to a halt would be the best protection for our troops.

Mr. President, that might be the key to bringing all the boys back home to their parents and their wives and children, where they belong.

Continuing reading:

> In weighing that risk—and before taking action—I would place key importance on evidence—direct or indirect, by deed or word—of Communist willingness to restore the demilitarized zone between North and South Vietnam.

What does that mean? That one of the conditions would be that they clear out the demilitarized zone, which is dedicated to being demilitarized. Let us remove our troops from that buffer zone, and let them remove their troops from there, and then we would have a cessation of the bombing.

What is wrong with that? He did not say "Withdraw all your troops out of South Vietnam." He did not say "You have to stop supporting your troops in Vietnam." He just said, "Clear the demilitarized zone." That is an act of good faith.

Then what did he go on to say?

> If the government of North Vietnam were to show bad faith, I would reserve the right to resume the bombing.

Now, if that is not the sound condition subsequent, what is?

What more do we want from a man?

Here we are. We have this Vietnam involvement, a yoke around all our necks. Do not stand there and tell me that only Democratic Presidents are responsible. What if Eisenhower had not written that letter to Churchill in 1954 declaring that now that France was out, unless we go in, the Communists will take over? So we began to deal with that man in charge, Diem. Perhaps that was the first mistake we made. Perhaps another mistake we made was when Diem was assassinated. Perhaps John Kennedy should have pulled us out completely right then. He could have pulled us out completely and then said to the people there, "Look, if you can't do without assassinating your leaders, we have no stomach for Vietnam." Maybe we would have been better off, but we did not do it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an additional 20 minutes be allowed on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PASTORE. I am going to yield in just a moment. I will yield first to the Senator from Illinois [Mr. Percy].

But, Mr. President, we did not then pull out of Vietnam. We sent in 18,000 uniformed Americans who were to train South Vietnamese troops. And that is where we made the next mistake. We thought there was such a thing as just a little pressure, just a little persuasion, just a little promising, and there is no such thing.

Then George Ball said it would take 350,000 to pull them out. The mistake that George Ball made was that he underestimated it by 50 percent. It has pulled in 550,000 Americans and there is no pullout—and the end is not in sight.

In the name of justice, why is this solely a Democratic responsibility? Why does one stand on the rooftops and say, "You make me President, and I will straighten this whole thing out"? It is not as simple as all that. I repeat, it is not as simple as all that. And you and I know it.

This is a sorrowful thing. We are paying in blood—in blood, let alone the money. We can always make up the money, but not blood—not youthful lives. We hear of American mothers refusing to accept the American flag that comes off the coffin of a hero son. Why? They are confused as to what is right, what is wrong. They hear a fine man like our majority leader stand up and say, "We must stop the bombing." They hear a fine man like Dean Rusk say, "We cannot stop the bombing." They hear the chairman of the Senate Foreign Relations Committee say, "We should not be there at all." They hear another man say, "We ought to go in there and give them our Sunday punch."

American mothers say, "With all this confusion, with all this doubt, why should my boy pay for it with his life?"

That is the dilemma of America today. We are split right down the middle. And here we are today, the Republicans defending Johnson and the Democrats criticizing him. How ironical can we become?

We have the Senator from Iowa telling us he agrees with the policy we have——

Mr. MILLER. Mr. President, the Senator from Iowa did not say that.

Mr. PASTORE. And "let us put Nixon in there to straighten it out."

Mr. MILLER. The Senator from Iowa did not say that at all.

Mr. PASTORE. The Senator from Iowa complained about the fact that Hubert Humphrey was disturbing the policy. That is what it means to the Senator from Rhode Island. That is the way he understood it.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I think there is a great deal of truth in what the Senator from Rhode Island has said; that the junior Senator from Illinois has used comparable words to words used by Vice President Humphrey a few nights ago. I have used the terms, "deescalate," "de-Americanize"; I have abhorred every escalation of the last several years that has tried to find an elusive military solution for a problem that cannot be solved alone militarily. I will freely confess to that; in fact, I am proud of the position I have taken.

I adhere to the policy that was uttered by the Senator from Georgia a number of years ago when he said we should not have committed ourselves in a land war in Vietnam and Southeast Asia to this extent; but I disagree with the Senator from Rhode Island when he indicates that this is just a continuation of the policy assumed by President Eisenhower, by one letter, in 1954. That was a commitment for aid based on certain conditions, and it did not commit us to engage American fighting forces in Vietnam. Those decisions have been made by the past two administrations.

I think it is a good thing that we try to clarify now what the position and policy would be of Mr. Humphrey if he were to be elected President of the United States.

Mr. PASTORE. I have said that; and Mr. Humphrey has spoken. The trouble here is that Nixon has not. Nixon has not spoken, and that has been the debate here today. That is the reason why the argument was made here.

Mr. PERCY. The whole purpose of our discussion this morning is to try to clarify what the Vice President really did mean by his statement. It is perfectly obvious that the press has not understood it; it is perfectly obvious that members of his own party have not understood it, because he has been required to try to explain ever since he made the statement what he really did mean.

I respectfully disagree with one statement made by our majority leader. With much of what he said this morning I agree wholeheartedly. I think he has been consistent and firm and wise in his approach to this problem. But he did say one thing, that, after all, Mr. HUMPHREY is not the President now, and has not been for the last 4 years, and now he must determine what his policy will be.

If my memory serves me correctly, though I was not on the floor at the time, I recall reading in 1960 that the Vice President, then Senator HUMPHREY, on this floor said that Mr. Nixon, then running for President of the United States, could not dissociate himself from the policies of the administration of which he had been an integral part for 8 years.

I think this attempt now by the Vice President to dissociate himself from a policy of which he has been an ardent, enthusiastic, firm, vigorous, and articulate supporter for 4 years does require further explanation now as to what he really did mean. Does he adhere or does he not to the San Antonio formula of about a year ago?

Mr. PASTORE. Why does he have to answer that question? Mr. HUMPHREY has spoken categorically and clearly. It is clear to me what he said. I just read it sentence by sentence. I have already said that different people are going to make different interpretations. I was glued to the television set for that HUMPHREY half hour, I thought it was a magnificent speech, and I afterward analyzed every word that he said.

Times change, he said very clearly in that speech: "If nothing happens until January, this is what I propose to do." I think he has a right to say that. He has been criticized for being tied to President Johnson. The minute he lets loose, he is being criticized for that. Everybody wants HUBERT HUMPHREY to keep explaining and clarifying his position. Does not the Senator think it is about time that we got a clarification from others of their Vietnam position? There are other candidates. What are their plans? They say, "I have a plan." Why do they not tell the people what their plans are? They keep saying they have a plan. "Send me to the White House and I will end the war in Vietnam."

I have heard that time and time again. I have the highest respect for Richard Nixon. I have even affection, man to man, for he and I served on the same committee here in the Senate. But the fact is that Mr. Nixon has not explained his Vietnam position. Yet everybody is rising on the other side of the aisle to say they are a little disturbed because HUBERT HUMPHREY has not clarified his position. They do not ask: Has Richard Nixon clarified his? They say the Vice President is in doubt——

Mr. SCOTT. Mr. President, if the Senator would yield, perhaps some of us would have an opportunity to make an explanation.

Mr. MANSFIELD. Mr. President, I ask for the regular order.

Mr. PASTORE. Mr. President, which Senator wants me to yield?

Mr. MILLER. Mr. President, I have been asking for quite some time.

Mr. PASTORE. All right. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President——

Mr. PASTORE. Mr. President, is the Senator going to ask a question or make a speech?

Mr. MILLER. In order for the Senator to understand the question I have in mind, I wonder if he would mind if I would preface it—

May I point out that the Senator said—or I believe he said—that because of the curtailment of the bombing, we have got more casualties, and that if we have a cessation of the bombing without reciprocal action, we will have still more casualties, and therefore that must lead one to the conclusion that we must escalate the war. I believe the Senator said that.

I do not know what escalation means in the mind of the Senator from Rhode Island. I have an idea. But let me ask him this question: Has not the Vice President just said about the same thing? He said:

> If the North Vietnamese show bad faith, I will resume the bombing; I will escalate the war.

He said that. What is wrong with that?

Mr. PASTORE. Nothing.

Mr. MILLER. Well, then, what is the Senator criticizing the Senator from Iowa for, in the statement he has referred to?

Mr. PASTORE. The Senator from Iowa made a statement a short while ago that only a new President can straighten this war out.

Mr. MILLER. I did not make that statement.

Mr. PASTORE. Oh, yes, the Senator did.

Mr. MILLER. No, I did not. The Senator from Rhode Island is in error. But I will say this: We have the best chance of getting the war straightened out by having a complete change of administrations, not locked in.

Mr. PASTORE. Does the Senator think that is different from what I said? Does he think that because he added the words "the best chance" that that makes it different?

Mr. MILLER. I think that is a very important difference.

Mr. PASTORE. The fact remains that the Senator made the argument that every time we stop the bombing, there are more casualties.

Mr. MILLER. No, I did not say that. I wish the Senator from Rhode Island would not try to put words in the mouth of the Senator from Iowa. We have plenty to discuss without that.

Mr. PASTORE. Did the Senator not say that since March 31 we have had more casualties?

Mr. MILLER. I not only said that, but I put into the RECORD the figures.

Mr. PASTORE. That is all I said the Senator said—the less bombing, the more casualties.

I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I had hoped to have the floor for a moment in my own right, but, as the Greek poet Menander once said:

> We live not as we would, but as we must.

And as Socrates observed:

> Like Pericles, I seek to speak the truth.

Former President Eisenhower remarked to me about a year ago that he sent into Indochina 350 advisers, and that until he left office there were never at any time more than 655 advisers.

During this colloquy, I think we have forgotten that the original commitment to Indochina was by the previous President, President Truman—and I have looked it up within the week—when he made certain commitments of economic and other support and assistance to Indochina; and therefore little is to be gained by the raking over of the embers of earlier decisions, which I think were all justly and properly made at the time.

But I enjoyed the keynote speech of the Senator from Rhode Island, and I found myself wondering throughout, if the statement of the Vice President is so easy to understand, Why does it take so much oratory to explain it?

The colloquy referred to by the Senator from Illinois with Vice President HUMPHREY, when he was a Senator, occurred, I believe, in March—and I think rather oddly on March 30 or 31—1960. The colloquy was with me.

Senator HUMPHREY at that time said, observing the absence of the Vice President from the chair:

> He is not here, but he should be here.

Then he went on to assert that the Vice President—then Mr. Nixon—must assume and could not avoid the obligation of sharing responsibility for the decisions made by his administration, of which he was a part.

I was in Knoxville with the Vice President the night before last. He visited our truth squad plane, for which I was not only complimented, but most grateful for the national publicity accorded us in that situation. But I did not hear him say at Salt Lake City or at Knoxville that he had any plan for ending the war, other than to qualify what he might do under certain circumstances, which did not go as far as his President and our President has already indicated he is willing to go, because President Johnson—and I support him, as the Senator knows—has said time and again:

> If the North will give us one little thing as evidence of good faith, we will act on it, and we will stop the bombing.

That is the highest statesmanship, in my opinion.

It seems to me that the Vice President said:

> I will stop the bombing if the Communists show good faith.

In making that statement, he is on the horns of a dilemma, because when have the Communists shown good faith? Does any Senator believe they are now showing good faith? Was Czechoslovakia good faith? Have their actions in Vietnam been in good faith? They are killing our boys with their weapons. Is that good faith?

If the Vice President is going to wait until the Communists show good faith, he will have to wait until the celluloid dog catches the asbestos cat on a tour through hell. On the other hand, if he is not, and notwithstanding the evidence, if he were to become President, the Communists do show good faith, that raises the question of his competency to be President, because if he proves to be that gullible, then the American people are putting all their eggs in a very tattered basket.

Mr. PASTORE. Mr. President, I ask my distinguished friend from Pennsylvania—and he knows I would never indulge in any impertinence with him—is the Senator from Pennsylvania telling me that he endorses Lyndon Johnson's policy in Vietnam?

Mr. SCOTT. The Senator from Pennsylvania is telling the Senator from Rhode Island that he has supported the President in his policy throughout, although he would not, as President—which God forbid—have done all the things which this President did. It is well known that I have supported the President, and I will not back down from it here or any other place.

Mr. PASTORE. I compliment the Senator from Pennsylvania.

Mr. SCOTT. Thanks.

Mr. PASTORE. I wish to say this, also: If we go back far enough, I suppose we can even charge George Washington with Vietnam. But the fact still remains that the genesis of all this problem is the Southeast Asian Treaty, under which we became involved down there, and the man who negotiated that treaty was John Foster Dulles. I think that was the beginning of it.

We had an idea that all we had to do was get ourselves into these treaties with small nations, and the minute we put our signature on it, everybody else would run off and hide. But it did not happen.

We did not include South Vietnam in the treaty originally, so we wrote a protocol to bring them in, and said to South Vietnam, "Any act of aggression against you is an act of aggression against the United States of America."

That, to me, is a sorrowful fiction. But we got ourselves into this treaty. It has been a comedy of errors; there is no question about it.

The only thing that I resent, and I think I have made the point clear, is that every time we talk about this issue, you would think all wars are started by Democrats and ended by Republicans. I think perhaps that would be all right in the fifth grade debate, but when you come to the floor of the Senate, and talk with mature people, and say one of the parties is the war party and the other the peace party, I think we are stretching logic and commonsense a little too far.

Mr. SCOTT. Will the Senator yield very briefly? Did not the Senator from Rhode Island vote for the treaty in 1954, and did not the then majority leader? Was he not one of the signatories to that treaty?

Mr. PASTORE. Yes, I did. I put myself in the same boat.

Mr. SCOTT. I commend the Senator.

Mr. PASTORE. I put myself in the same boat, but all I am arguing here is that I think we are all in the same boat.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall direct my remarks in a somewhat different course than the debate thus far has taken.

I suggest that there are possibilities for constructive action in Vietnam before the inauguration of the next President. I have read carefully the statements on Vietnam of the candidate of the Republican Party, Mr. Nixon, whom I support, and Mr. HUMPHREY, the nominee of the Democratic Party; but no one knows what the circumstances will be in Vietnam when the next President takes office. We do know something of the present circumstances.

I direct my thoughts this morning to what I hope and believe could be done in the intervening period while President Johnson is still in office.

I have spoken on this subject several times in past years. In 1965, when the bombing of North Vietnam commenced, I spoke on the floor of the Senate——

The PRESIDING OFFICER. All time has expired.

Mr. PASTORE. Mr. President, I think we ought to have a little more time on this issue. I do not know how the Senator from Georgia feels about it.

Mr. RUSSELL. Mr. President, reserving the right to object, I have waited here for days, after notice was given that the Defense bill would be taken up Monday a week ago, while the Senate discussed the Fortas nomination.

Mr. President, the present debate is very engaging and interesting. However, it seems to me, to be perfectly frank, that the Senators should either hire a hall or adjourn to the caucus room, because this discussion has been purely of a political nature.

It is imperative that we finish the Defense bill this week.

Mr. PASTORE. Mr. President, do we have a morning hour?

The PRESIDING OFFICER. The Chair announces that the period for the transaction of routine business, by unanimous consent, was to expire at 11 o'clock. However, by subsequent unanimous-consent requests, agreed to by the Senate, it has been extended on four occasions.

Mr. RUSSELL. Mr. President, yielding to the importunities of the distinguished majority leader, whom I try to follow in procedural maters, I withdraw any objection I might have. But I do hope that we can get on to the unfinished business soon.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 12 o'clock the morning business be concluded and that the unfinished business be laid down. We will then get started on that.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. President, my remarks will be directed toward the action leading to a settlement of the war in Vietnam, I hope can be taken before the inauguration of the next President. I have spoken on this subject many times.

In 1965, when the bombing of North Vietnam commenced, I said on the floor of the Senate that I believed it would lead to an intensification of the war.

In 1966, after being in Vietnam, I urged that there be a cessation of the bombing.

In 1967 I spoke three or four times on the floor of the Senate urging that the President of the United States stop unconditionally the bombing.

I said in all of my speeches that the cessation of the bombing, of course, would involve and entail great risks, but I did not believe they would be risks as great as would be involved in continuing the bombing with the increasing loss of life. I admitted this, as I do today that no one can say that a cessation would result in productive negotiation but that it was a way to test the sincerity of the North Vietnamese. If the United States should meet the unconditional requirement that the North Vietnamese have laid down again and again and again, an unconditional cessation of bombing of North Vietnam would be followed by negotiations. This is a way available now to see if negotiations actually would take place.

I have not spoken again on the floor of the Senate since the President made his generous statement in March, and since negotiations in Paris began. I had said in October 1967 that it was inevitable that the issue of Vietnam would become a public issue as it should be, in the political campaign of 1968, that the chance of settlement might be reduced and that in the period of the campaign, the loss of life would continue.

The issue of Vietnam cannot be settled by the candidates, as candidates. President Johnson is still the President of the United States. I would hope that he, in this time when the negotiations are taking place, would test to the very depths the repeated requirement of the North Vietnamese that they would negotiate, if there should be an unconditional cessation of the bombing of North Vietnam. I know that President Johnson has sought to bring the war to a close honorably; that he seeks peace. I would like to see him order the cessation of bombing and make the supreme effort to test this North Vietnamese promise of negotiations during his term of office. If it should succeed he would accomplish the peace he has sought and the country and the world will be better.

I hope that the President will do that. It will determine at least for this time whether the North Vietnamese speak truly. It may not work, but if it should work, it would mean, I would hope, at least the beginning of the end of the war and the saving of thousands and thousands of American lives and the wounding and maiming of many additional thousands of American boys.

Mr. PASTORE. Mr. President, I did not instigate this debate. I understood that notice was given that the Republicans were going to discuss the Hubert

Humphrey speech of the other day. I heard about it only an hour and a half ago. So I got my dander up and came down here.

I hope that what HUBERT HUMPHREY said the other night would serve to do precisely what the Senator has suggested, expedite the end of the Vietnam conflict I do not think we have to wait until January 20, 1969, to find this out.

I realize that some risks are involved. I hope that we can logistically withdraw our American boys to positions of safety so that not one additional American life will be jeopardized.

I do not think that anyone would object to a cessation of the bombing if it meant the saving of one American boy. However, I pray that we try something in the hope that we can stop the carnage in Vietnam, bringing an honorable peace to a tortured land and begin to see the security, prosperity and tranquillity of a people deserving of a place among the free nations of the world.

Mr. President, I yield the remainder of my time to the Senator from New Hampshire.

SECRET NIXON DEAL COULD HAMPER LAW ENFORCEMENT IN SECURITIES MARKET

Mr. McINTYRE. Mr. President, the New York Times yesterday performed a distinct public service by publishing the text of a heretofore secret memorandum from Mr. Richard Nixon to certain members of the securities industry.

In this secret memorandum, Mr. Nixon has clearly implied if elected, he would see to it that the laws presently on the books for the protection of investors would be relaxed for the benefit of the Wall Street contributors to the Republican Party's presidential nominee.

In so doing, Mr. Nixon has turned his back upon the reforms in securities regulation initiated by the Eisenhower administration, and has completely ignored the needs of the 25 million Americans who own shares of mutual funds or common stocks.

The issues raised by Mr. Nixon's secret memorandum, Mr. President, are not simply ones of partisan or ideological significance. They go directly to the basic honesty and integrity which we have a right to expect from a candidate for the office of President. For what Mr. Nixon has done is considerably more than to simply place himself on the side of Wall Street and in opposition to the investors of America. What he has done has been to undermine the efforts of both Republican and Democratic administrations to bring further law and order to the securities markets.

In addition, Mr. Nixon's secret memorandum reveals an abysmal lack of knowledge about this subject. He says:

> The Administration has further sought wide-sweeping new regulatory powers over the mutual fund industry, which powers would be tantamount to "rate-fixing" in a highly competitive industry.

Mr. Nixon is apparently unaware of the findings regarding the mutual fund industry contained in studies initiated by the Eisenhower administration. He is clearly unaware that the legislation passed earlier this year by the Senate has as its prime goal the restoration of competition in the mutual fund industry, which for 28 years has been protected from competition in many areas by Federal legislation.

I ask unanimous consent that the New York Times article, "Nixon Promises To Relax U.S. Policy on Securities," by Eileen Shanahan, and the text of Mr. Nixon's memorandum be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. McINTYRE. Now, Mr. Nixon's top economic adviser has attempted to explain that this secret memorandum was not made public because it covers a "narrow policy area."

I do not think that it is a very narrow policy area when it involves the hard-earned savings of millions of Americans, and when it involves a sector of our economy amounting to hundreds of billions of dollars.

I think that it is a very broad policy area when it is so obviously a blatant catering to special interests who are described by the New York Times as "heavy political contributors."

I think that Mr. Nixon owes it to the American people to tell them what other secret understandings are in the works.

Are the heavy political contributors in the automobile industry going to be told that they can relax their safety standards?

Are the heavy political contributors in the drug industry going to be told that the Food and Drug Administration will no longer be concerned with enforcement? Are we going to risk a new thalidomide because of some secret understanding of which the public will never be aware?

Is Mr. Nixon trying to become President of the United States, or simply President of the heavy political contributors representing special interests?

I think it is time that he spoke out. He has avoided spelling out his specific views on Vietnam, law and order, civil rights, and dozens of other issues. The time has come for him to debate the other candidates and let the people know where he stands. We now know where he stands on securities regulation—in firm opposition to the protection of shareholders and the honest, competitive free market.

EXHIBIT 1

NIXON PROMISES TO RELAX U.S. POLICY ON SECURITIES

(By Eileen Shanahan)

WASHINGTON, October 1.—Richard M. Nixon has promised the securities industry that, if elected President, he will end the "heavy-handed bureaucratic regulatory schemes" of the Johnson Administration.

Mr. Nixon's pledge was contained in a letter to leaders of the securities industry and some related business that was sent out last Friday.

The letter "was signed by Mr. Nixon and has the full force of a formal policy statement," but was not made public, according to Alan Greenspan, a top Nixon economic adviser, because it covers "a narrow policy area."

Mr. Greenspan said that a policy statement on air transportation had also been prepared for private circulation to persons interested in that subject and that statements on other "narrow issues" were in the works.

Ordinarily, such political policy papers are released to the press at the same time they are distributed privately. In this instance, Mr. Nixon was communicating with an industry that would presumably welcome his views and many of whose members have been heavy political contributors in the past, though not always to Republican candidates.

The Nixon statement on securities regulation accused the Johnson Administration of being guided by the philosophy that "the Government can make decisions for the investor better than he can make them for himself."

The letter also specifically denounced legislation aimed at forcing mutual funds to reduce their charges to investors as "rate-fixing in a highly competitive industry." The legislation passed the Senate this year, over strong opposition by the mutual funds, but was then killed in the House Commerce Committee.

In his letter, headed "The Role of the Securities Industry in the National Economy," Mr. Nixon said that some "complex questions" had been raised by the recent fantastic growth of the securities industry and, in particular, the great increase in stock ownership and trading by institutions such as mutual funds, pension funds, banks and insurance companies.

He said that the reaction of the Johnson Administration to these problems had been "simply to trot out the same tired old cure-alls of the Democratic party, that is, more heavy-handed bureaucratic regulatory schemes."

PROMISES STUDY

He said that what was needed, instead—"and it will be a first priority of my Administration—is an independent, comprehensive economic study of the role of financial institutions" in the economy, in relation to each other and whether there are requirements for investor protection.

Mr. Nixon noted that Congress, during its present session, had authorized a study of the impact of institutional investors on the financial markets. The language of his letter seemed to indicate, however, that the study he had in mind would be broader than the one Congress approved and would also be done outside of the Government.

The Securities and Exchange Commission is planning to conduct the study that Congress authorized with the assistance of an industry advisory committee. The methods of an S.E.C. study, assisted at every point by industry experts, was worked out in consultations between the Government agency and the securities industry, in particular, the New York Stock Exchange, which fully accepted the idea.

HARD TO FIND A HEAD

The commission has been attempting to get started in the last month or so but has been unable to find an economist it considered sufficiently noted who was willing to head the study. One of the main objections made by economists who have been approached for the job, according to S.E.C. officials, has been their uncertainty that Mr. Nixon, if elected, would continue the study.

Mr. Nixon's letter, which Mr. Greenspan said may have been sent to as many as "several thousand" persons, also denounced recent moves by the Securities and Exchange Commission and the Department of Justice that have resulted in a proposed reduction of sales commissions on stock transactions on the New York Stock Exchange.

The exchange agreed to cut commissions on large transactions, effective Dec. 5, and to make some changes in its rules to stop brokers from splitting commissions with each other on instructions of large customers, mostly mutual funds.

ASKS STUDY FIRST

These steps should not have been taken before completion of a basic economy study of their possible effects, Mr. Nixon wrote. He said that "tragically, those who would suffer most" from the rate reduction ban on commission splitting would be small brokerage firms. That is a position that has been both upheld and contradicted in industry.

TEXT OF NIXON'S LETTER ON SECURITIES INDUSTRY

WASHINGTON, October 1.—Following is the text of Richard M. Nixon's letter, entitled "The Role of the Securities Industry in the National Economy," sent to a number of business leaders:

Today, one out of every eight Americans owns shares of mutual funds or common stocks in American industry. Directly and indirectly, 100 million Americans benefit from stock investments by way of pension plans or insurance policies. This broad base of individual ownership of American industry is the foundation of our free economy.

The fantastic growth of our securities industry and the dramatic increase in public participation has overburdened our nation's stock exchanges and raised questions about the impact of institutional investing on the market and on our economy and the effectiveness of existing law providing full and adequate protection for the investor.

These are sophisticated, complex questions. The reaction of this Administration to these new challenges, however, has been simply to trot out the same tired old "cure-alls" of the Democratic party, that is, more heavy-handed bureaucratic regulatory schemes.

What is needed—and it will be a first priority of my Administration—is an independent, comprehensive, economic study of the role of financial institutions in our economy, the relationship of financial institutions to our nation's growth, the requirement for investor protections and the interrelationship of all financial institutions. Such a study is imperative before steps are taken which might seriously impair the nation's ability to continue to raise the capital needed for its future economic growth.

MUTUAL FUND POWERS

During the past Congress, a joint resolution was adopted authorizing a Securities and Exchange Commission study which would involve some of these issues. Even before the study could be initiated, the Justice Department and Securities and Exchange Commission advanced proposals designed to alter the basic character of the securities markets, involving drastic changes in the stock exchange rate structure and altering the economic relations of brokerage firms, institutional investors and individual investors. Tragically, those who would suffer most are the small broker dealers, the small, independent businessmen.

The Administration has further sought wide-sweeping new regulatory powers over the mutual fund industry, which powers would be tantamount to "rate-fixing" in a highly competitive industry. Agencies of the Administration have sought, sometimes with but more often without legislative authority, to establish bureaucratic domination over the competitive relations and everyday activities of banks, savings institutions, insurance companies and institutional investors.

The actions of this Administration are characterized by a legalistic and bureaucratic approach rather than one sensitive to the needs of our free economic system. Another priority of my Administration and an important plank in the Republican platform is a further and long-overdue study of the executive departments by an independent commission patterned after the Hoover Commission. One of the major items on the agenda of that commission must be a determination of the proper role which those agencies now regulating economic institutions are to play in insuring our nation's economic stability and growth.

The free and healthy operation of the market is of utmost importance to the investor; to the nation, the orderly growth of the industry and its ability to atract new investment provides the flow of capital essential to our nation's economic well-being and expansion.

LAWS FOR DISCLOSURE

Our securities laws were designed to protect the investor by insisting on full and complete disclosure. This has been the order of the day since the securities acts of the 1930's were written. I believe in the full enforcement of the securities laws to assure absolute protection for the investor; abuses of law should be vigorously prosecuted. I believe, furthermore, that the Federal Government should be continually sensitive to the needs for improvement in these laws to insure investor-protection. The philosophy of this Administration, however, has been that disclosure alone is not enough and that the Government can make decisions for the investor better than he can make them for himself. This philosophy I reject.

By its actions, my Administration will evidence its faith in the American investor and in the strength and viability of American financial institutions so essential to the success of our free economy.

SURVEY OF THREE LOW INCOME AREAS OF THE DISTRICT OF COLUMBIA

Mr. PROUTY. Mr. President, today I am releasing the findings of a scientific survey which I undertook last January and February. This survey has seven parts and is over 600 pages in length and is concerned with characteristics, problems, and attitudes of inner city residents in the Nation's Capital.

At this time, Mr. President, I want to take an opportunity to discuss a problem which increases in severity every day. It is a problem which, in fact, prompted me to undertake the Prouty survey. For these reasons, I think it is particularly appropriate immediately before the adjournment of Congress and before a national presidential election to mention the "fact crisis" which confronts us.

The existence of this crisis is not new. It has been with us for some time. It is not confined to one program or one set of programs. Nor, Mr. President, can the responsibility for its existence be laid at the door of one administration, one agency, or one political party. Indeed, the fact crisis seems to be all pervasive.

However, for us in Congress, accurate facts are of critical importance. Facts are a prerequisite at every stage of the legislative process: for the conceptualization of a problem, and for the implementation and evaluation of programs.

In this day of advanced technology and scientific know-how, we are better equipped than ever before to obtain and to evaluate facts both quickly and accurately. Most unfortunately, however, this know-how has not been utilized to best advantage.

I have been privileged to serve in the U.S. Congress for 18 years. During this time my workload and that of every other Senator and Congressman has steadily increased. As a member of three major committees, I have found it necessary to absorb an amazing and growing amount of information before making decisions on legislative matters.

All too often, however, this multitude of facts with which we are deluged on any particular issue—are slanted and incorrect. Rather than informing, these facts have served to misinform, with rather serious consequences. Incorrect facts have all too often been the foundation upon which vast legislative programs have been built. I could catalog example after example of the expenditure of millions of dollars for a program based and built upon inadequate foundation of facts. This is particularly true with regard to the poverty program.

In 1964, we broke new ground by authorizing large sums of money in order to make a concentrated effort at alleviating poverty in the United States. We created a new agency—OEO—which was to coordinate antipoverty efforts. However, many other agencies and departments had already pioneered poverty programs, and these remained under the aegis of the agency which had originated it.

As the antipoverty effort got underway, programs proliferated. Soon there were so many agencies, bureaus, and departments involved, that it was impossible to discover where the duplication and overlap began and ended. We called in desperation for facts. Each agency responded with evidence that it was doing a superlative job. It became impossible to evaluate progress and program effectiveness.

Last year I became determined to make an effort to arrive at accurate facts. It was all too clear that the antipoverty efforts were not succeeding as they should. Yet, we had no means of knowing what programs to stop and what programs to continue. I determined to do two things.

First, I became convinced that a massive review of the effectiveness of programs already underway by a neutral agency was needed. As a former businessman, I have always been impressed with the work done by the General Accounting Office. Therefore, I sponsored an amendment to the Economic Opportunity Act of 1967 which requested that that organization undertake a massive review of poverty programs. This amendment was adopted and I hope that we will have the results by next year. This by itself, however, is not sufficient.

I am convinced that we must eventually expand the activities of the Comptroller General so that he can determine program effectiveness in a number of areas on a continuing basis.

In addition, however, we must take action at all levels of Government to combat the breakdown of effective rational communications between citizens and community leaders. The sad state of present communications has become apparent to everyone following the massive civil disorders in major urban centers around the country.

Thus my second effort to alleviate the "fact crisis" and to bridge the communication gap was the Prouty survey—an attempt to obtain accurate, unbiased information about residents of inner city areas designated as poverty zones.

The idea for the Prouty survey had its genesis during the long months of 1967 when the Senate Subcommittee on Manpower, Employment, and Poverty was considering and reviewing the poverty programs authorized by the Economic Opportunity Act of 1965. Throughout the spring and summer months of that year, every Senator was deluged with information and studies; those submitted by the Office of Economic Opportunity, and those done specifically for the subcommittee by a special investigatory group authorized to expend $250,000 for the purpose. As I delved into this great quantity of data, a certain vague uneasiness which I had had at the outset, grew.

It was increasingly apparent, as I read, extracted, and analyzed, that none of the reports designated to evaluate poverty programs generally and community action agency operations specifically actually did so with any degree of accuracy and effectiveness.

For example, one group of consultants conducted a special report concerning the poverty program in the Nation's Capital. In that report, I discovered a novel, but unscholarly, method for determining the outreach of existing local poverty programs. That group of consultants felt they could measure "outreach" by having a man stand on a street corner for one afternoon and ask passers-by whether or not they knew of the local poverty program. I suggest that while the sidewalk interview technique may have tremendous potential for use as an early morning radio program, it is utter nonsense to use it as a basis for deciding the fate of a several-billion dollar poverty program.

My own field investigations concerning the war on poverty left me in shock as I realized the extent of the fact crisis.

In my own State of Vermont, consultants investigated the poverty program. Their report contained inaccuracies concerning matters which have been well documented by more than half a dozen agencies in the State for as long as I can remember. Statistics concerning the number of rejectees under selective service, the number of high-school dropouts, the infant mortality rate, the unemployment rate, and the number of individuals on welfare were inaccurately reported, and, obviously, the result of hearsay rather than research.

No report that I saw contained a random sample survey of the peoples' needs, wants, and reactions within a community served by poverty programs. And a random sample survey was the only way to arrive at the facts.

Consequently, I began to investigate the possibility of conducting such a survey. Due to limitations of time and money, I decided at the outset to limit the research and study to Washington, D.C. Although I am concerned about rural poverty, and particularly interested in the progress of the poverty program in my own State, I have become increasingly concerned with urban problems. My work on the Labor and Public Welfare Committee, as ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, and as ranking minority member on the District of Columbia Committee, have made me more and more interested in and conversant with the problems of all cities and of Washington, D.C., in particular. Washington, D.C., was therefore officially designated as the laboratory in which our experiment was to take place.

The methodology which was utilized in making the survey is clearly stated in the first part of the report. It is purposely stated in great detail so that others may benefit from the technique in their own communities.

Mr. President, since today is the publication date of the Prouty survey report, I have filed an application for copyright of the work. I want to make it quite clear that I have not done so for financial gain through royalties or for gain of any other kind.

It seemed to me that interested individuals are entitled to be able to obtain full documentation of the methods used and conclusions reached in the survey. Furthermore, I want to be certain to retain the integrity of accurate quotation of the findings in this report. In addition, with copies in the Library of Congress through the copyright process, the work will be more readily available to interested persons through the interlibrary loan program.

It is for these reasons and not at all for self interest that I have applied for copyright.

Mr. President, I do not want to take the time of the Senate to reiterate all the findings of the report at this time. However, I do want to point out a few of the findings which I believe are of particular importance.

First, for the three areas of the city included in my survey which represent a population of 113,000 people, 15 percent were living in poverty; 45 percent of those who are poor had under 8 years of education; and the family structure was extremely weak.

In the sample as a whole, of the 267 households with children, 34 percent were headed by women. Among the poor 41 percent of the households with children were headed by women. This in and of itself is no indictment against the poor, but it does illustrate the fact that the first line of defense in preserving an orderly society is not as strong as it could be.

Unemployment among the entire sample is over 7 percent which I suppose was expected but should not be necessary in the Nation's capital. As a matter of fact, Mr. President, I was also disappointed to find that less than 2 percent of those in the entire sample had participated in the Federal job training program.

I found that the generation gap was a reality in Washington, D.C.

Age is the most important variable influencing attitudes in that young people under 25 differ from their elders—25 to 44, 45 plus—by being more likely to feel strongly about things, highly present-time oriented, more likely to rate schools as terrible or poor, more likely to feel that police are brutal—33 percent feel police do a poor job; 26 percent feel there is a "lot" of police brutality—likely to think riots necessary to bring about change, yet also not satisfied with amount of change which has come about in riot cities.

There is nothing unusual, Mr. President, about the strong feelings of youth but I think that it is necessary for us to use every method we know of to measure those feelings in order to insure rational communication rather than irrational sit-ins, marches and disturbances.

I was extremely concerned, Mr. President, by the degree of militancy exhibited by the population as a whole. Actually, a significant minority of the entire sample believe that violence is necessary to bring about change—11 percent favor militant Negro leaders, 37 percent see some good in riots, 23 percent feel riots necessary for change, 49 percent feel riots have done some good where they have occurred.

We all know, Mr. President, that such extremism has no place in our society particularly when it is all pervasive. It is particularly shocking that some militants seem willing to destroy existing structures without building new ones. Our first goal, however, must be to recognize and understand the reasons for the militancy and despair. Then, and only then will we be able to offer such disaffected individuals viable alternatives to destruction.

I do not wish to take the time to go through each and every fact discussed in the Prouty Survey Report. The complete survey will be printed in the Extensions of Remarks contained in the RECORD, and I hope that many of my colleagues will have an opportunity to examine it closely.

I do want to emphasize that not all my findings were pessimistic. I was particularly fortunate in being able to ask several questions which provided a basis for the comparison of general life attitudes of Washington, D.C., inner-city residents with those of Burlington, Vt., residents. Surprisingly, Mr. President, the results which are printed in part IV of my report show that if anything, the inner city Washington residents exhibited more long-range optimism than my own constituents in Burlington.

This is an important finding. It demonstrates that the inner city Washington resident retains a basic faith in this country, and his life chances in it—despite the fact that he is part of a minority group and is surrounded by adversity. Both feelings of general optimism and the importance of the individual are deeply rooted in the American cultural tradition. Both populations in strongly reaffirming their faith to these basic tenets, reaffirm their faith in the American system.

I ask unanimous consent, Mr. President, that the full text of my survey be printed in the Extensions of Remarks section of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The survey will appear in the Extensions of Remarks on Friday, October 4, 1968.)

SECRETARY COHEN ATTACKS WEAKNESSES IN NIXON PROPOSALS FOR OLDER AMERICANS

Mr. WILLIAMS of New Jersey. Mr. President, on September 28, Mr. Richard Nixon disclosed details of his proposed program for older Americans. His ideas, I am afraid, suffer very much by comparison with the far more realistic and effective plan for action announced by Vice President Hubert Humphrey only a few days before.

Fortunately, a truly incisive analysis of the Republican candidate's ill-founded and inadequate stand on the elderly is available. It was provided earlier today by a renowned expert on social legislation: Wilbur Cohen, now our Secretary of the Department of Health, Education, and Welfare and—33 years ago—one of the architects of the first social security law.

To Secretary Cohen, it is clear that the Nixon program is "a bitter little pill with very little in it for the millions of poor and sick elderly who need help."

For one thing, the Republican candidate takes the wrong approach on social security benefits. Mr. Cohen points out that—compared to the Humphrey proposal for a 50-percent social security increase over 4 years—the Nixon plan "offers the elderly pennies in the form of small increases to match living costs." Mr. Nixon makes no mention at all about the fundamental social security problem today: inadequate minimum and average rates of payment.

Mr. Cohen has discovered many other flaws in the Nixon stand, and I believe that his findings are of direct interest to all older Americans and their families. I will ask unanimous consent to have a news release on the Cohen statement included in the Congressional Record, together with a fact sheet issued when the Secretary spoke yesterday.

For my own part, I would like to make two other comments. One deals with Mr. Nixon's declaration that he would call a White House Conference on Aging if elected President.

Mr. Nixon was evidentally unaware that, at almost the same moment he was proposing a conference, President Johnson was signing a law that declares such a conference will be held in 1971. The resolution calling for that conference was introduced last October, and as chief sponsor of that legislation I was honored and pleased to have wide bipartisan support in both Houses of the Congress. The legislation was also the subject of extensive hearings in both Houses, and it has been widely discussed by people with a genuine concern about older Americans. Its existence and final passage was no secret, except to Mr. Nixon.

My other comment deals with Mr. Humphrey's vigorous call for a National Senior Citizens Community Service Corps to enlist the skills and experience of the elderly in voluntary and paid service to our communities. As chairman of the Senate Special Committee on Aging, I have long advocated just such a national program. I am heartened by the enthusiasm with which pilot projects, including the senior aides program and the foster grandparent program have been received. But now the time has come to go beyond pilot and demonstration programs. Mr. Humphrey sees this clearly; Mr. Nixon does not, providing just one more difference of attitude that should be pondered by all Americans.

I ask unanimous consent to have printed in the Record a news release and a fact sheet on this subject.

There being no objection, the items were ordered to be printed in the Record, as follows:

News Release

Washington, D.C., October 2.—Secretary Wilbur Cohen of HEW today called Richard Nixon's program for the nation's senior citizens "a bitter little pill with very little in it for the millions of poor and sick elderly who need help." Cohen said, "It is an inadequate program for the 20 million elderly of this nation and they deserve much more.

"Compared to Humphrey's proposal for a 50 percent Social Security increase over four years, the Nixon program offers the elderly pennies in the form of small increases to match living costs," Cohen said. Cohen is Vice Chairman of Older Americans for Humphrey-Muskie along with Secretary Willard Wirtz, Senator Harrison Williams, Senator Joseph Montoya, and Bayard Rustin.

"A cost of living increase added to an inadequate Social Security benefit would be no real improvement because it would leave impoverished elderly still impoverished," Cohen maintained.

"With Social Security benefits so low for 5,000,000 Americans, they must live in poverty and with millions of other elderly living close to the poverty line, more than the token increase offered by Nixon is needed," Cohen declared, adding, "The Nixon program guarantees to keep Social Security beneficiaries living in poverty."

Cohen said Nixon's proposal for a cost of living increase in Social Security benefits means little if not applied to adequate benefit levels Humphrey recommends.

Noting that Nixon's Social Security statement makes no mention of Medicare; Cohen, the chief architect of the Medicare program over the past years, hailed a Humphrey proposal to abolish the present $4 monthly premium for Medicare doctor insurance and to extend coverage to out-of-hospital drugs Medicare does not now pay for.

"Experience has shown Medicare to be a great humanitarian program, yet Mr. Nixon apparently prefers to ignore it," Cohen said, adding, "Does Mr. Nixon intend to go on ignoring this great Federal program as if it never existed?"

Cohen denounced as a scheme "for helping the well-to-do at the expense of the poor", Nixon's proposal to restore full income tax deductions for medical and drug costs for those 65 or over.

Of the $210,000,000 a year in Federal revenue involved under the Nixon proposal, Cohen said approximately 70 percent would go to taxpayers with adjusted gross incomes of $20,000 a year or more.

"This money could be better spent on expanded health coverage of the Medicare program in order to broaden its benefits," Cohen said.

"The 20 million elderly poor can only regard Nixon's Social Security proposal as a 'bitter little pill' because they stand nothing to gain under it" Cohen declared.

Fact Sheet: Why the Humphrey Proposals for the Elderly Are Better Than Those of Nixon

Nixon Position: *No real increase in social security—no increase in real income for the elderly—only a continuation of the present level of social security, with adjustment for cost of living.*

What the elderly need most of all is a substantial increase in income. The percentage of poverty among elderly persons living alone and among elderly couples is nearly 3 times as great as it is among all other households. For almost all the elderly, social security is their main source of regular continuing income. For about half of them, social security is just about all the regular continuing income they have.

The average social security benefit paid to elderly workers is ony $98 a month. Nearly 2½ million of the elderly receive benefits that are based on the minimum of $55—the amount paid to a worker who retires at 65. Even smaller amounts are paid to many of those ho retire before 65 and to elderly wives and widows.

Social security benefits, on the average, replace only about 25 percent of the earnings the worker had just before he retired. The need is for a major increase in social security. Nixon offers only to maintain the purchasing power of the present level of benefits.

In contrast, Vice President Humphrey's goal is to increase benefits by 50 percent and raise the minimum to $100. He would start immediately with a 15-to-20 percent benefit increase, with a $70 minimum. The cost of the 15-percent increase is only slightly more than the cost of the various proposals which Nixon makes, but the 15-percent increase would help all social security beneficiaries—the 24 million now on the rolls and all those who are contributing to the program for their future protection—whereas the Nixon proposals are aimed at special groups, in most instances those among the aged who are already the best-off.

Nixon Position: *Use social security to give a present to people who reach a certain age even if they are still working full time and even if they are earning as much or more than they ever earned before.*

The more social security funds are used to pay benefits to people who are still working full time and earning as much as they ever did—those who don't need retirement protection because they haven't retired—the less there is available to pay for the needed increases in benefits for everyone else.

Nixon proposes a handsome present for the small minority—less than 10 percent of older people. The present would cost about $2½ billion now and more later. Just that much less remains to pay decent benefits to the great majority, over 90 percent, of the beneficiaries—mostly those who are the least fortunate because they can't work or can't get jobs, those who, therefore, have the lowest incomes.

Nixon would help those who are relatively the most well-off and would do nothing for the great majority.

Vice President Humphrey proposes to liberalize the social security retirement test so as to give more incentives for part-time work by beneficiaries. In this way, avoiding the use of funds to pay benefits to those still working full time, he is able to pay better benefits to all.

Nixon Position: *Use social security funds to pay higher benefits to the lucky ones who can continue to work after the retirement age.*

Again Nixon would be helping those who are only the most well-off. The people who can continue to work after age 65 have higher incomes, and when they do retire their savings and other resources need to be spread over a shorter period of time because they have retired later. To pay additional benefits to these people, is an extravagant use of funds and helps only those who are the most fortunate. It does nothing for those who must retire at 65 or earlier. In fact, because it uses the funds for the lucky ones, it necessarily means doing less for the others.

Nixon Position: *Use Government money to help pay the medical expenses of those who are the best off among the people over age 65.*

Before the days of Medicare, the elderly had very poor health insurance protection, and the income tax laws allowed them to deduct 100 percent of their medical expenses. Now that Medicare is enacted, the elderly have health insurance protection as good as anyone. And so, with the enactment of Medicare, the special provision allowing the elderly to deduct their medical expenses in full for income tax purposes was revised so as to put the elderly, in this respect, on a par with everyone else.

To restore the old medical expense deduction for the elderly would help at the most only that 20 percent of the elderly who pay any income tax at all. Most of the more-than-$170 million a year of Treasury funds which would be spent for this purpose would actually go to those, among the group that had medical expenses, who were not only in the 20 percent who pay income taxes but to those among them who had the highest incomes.

Insofar as the elderly do need help, despite Medicare, with their medical bills, this means that Medicare has some gaps. These gaps should be filled—not just for the wealthy but for everyone aged 65 and over.

Instead of proposing to use Federal money to do the most for those who need the least, Vice President Humphrey proposes to improve Medicare for everyone—especially by extending Medicare to cover the cost of prescription drugs.

Vice President Humphrey also proposes to relieve the burden on the elderly of the $4 per month premium that they now pay for their supplementary medical insurance under Medicare. He would finance that insurance on a prepayment basis. The effect would be like a $4 a month increase in benefits for each elderly person who is a beneficiary.

Nixon Position: *Pay social security benefits to widows that are substantially larger than what would be paid to a worker at the same age who had the same earnings as did the widow's husband.*

A widow now gets social security benefits of 82½ percent of what her husband would have received had he lived to age 65. She gets this amount at age 62. A worker, on the other hand, who has paid social security contributions and had earnings at the same level as did the widow's husband gets benefits at age 62 that are only 80 percent of what would have been received at 65.

To pay the widow 100 percent would mean to pay her 25 percent more than would be paid to a woman worker who had contributed for many years. And to pay the widow 100 percent at age 62 would mean to pay her 25 percent more than would have been paid to her husband had he retired at 62.

Combining its cost with the cost of Nixon's proposed elimination of the retirement test, *the total would be equivalent to the cost of about a 12-or-13-percent general benefit increase*. Such an increase would have its effects, to a much greater extent, among those who need help the most.

Nixon's Position: *Convene a White House conference to probe into the problems of older Americans.*

Whoever becomes President will undoubtedly convene a White House conference because we have a law on the statute books now—a law that was planned and drafted by the Democratic leadership in Congress and signed by President Johnson—that requires the next President to convene a White House Conference on Aging in 1971.

* * * * *

It is amazing to find that the Nixon statement includes not a word about Medicare and not a word about the need to make that program still more effective than it is. It is amazing too that the statement includes not a word about the social security disability insurance program, which is of tremendous importance to the aging—those getting close to but still under age 65—and not a word about the need to make that program still more effective than it is. On the other hand, perhaps neither of these is so amazing after all since the Republicans in Congress lined up solidly in the bitter fights against and in the votes against Medicare, and, a few years earlier, in the bitter fights and in the votes against extending social security to cover disability.

ICC STUDY ON PASSENGER TRAIN SERVICE

Mr. PEARSON. Mr. President, I have just had the opportunity to read an interesting and what I consider to be a highly significant study by the staff of the ICC dealing with the subject of revenues to the railroads in the operation of their passenger train service. While this study cannot be treated as fully conclusive, it does, I think, require that we take another fresh look at the whole problem of passenger train discontinuance.

For a number of years, now, the railroads have been steadily eliminating passenger service. Within the past 2 years, there has been an acceleration of passenger train discontinuances. The railroads have argued that these discontinuances are necessitated because of financial losses incurred in their passenger train operations.

Mr. President, the ICC staff study does show that during the 5-year period of 1954–58 the railroads suffered substantial losses on the passenger train operation. But the ICC reports that the picture since 1958 is quite different. The study finds that in each year during the 1959–66 period, the railroads made profits on passenger service ranging from $11 million to $78 million. The ICC study finds that in 1967 there was a loss on passenger train operations and that this was largely attributable to the shutdown of railroad post offices.

Spokesmen for the railroads have questioned the ICC's method of computing costs and revenues. They assert that the ICC's cost analysis is faulty because it fails to take account of taxes and rents properly chargeable to the passenger train operation.

There is merit to these criticisms; however, on balance I find the ICC study extremely useful. In light of this study, I think we need to initiate a renewed and more careful study of this whole passenger train problem.

If passenger train operations have been as costly to the railroads as they have argued, some substantial changes in regulations governing train discontinuances must be made. Certainly the various bills before the Committe on Commerce should be restudied.

Mr. President, the progressive erosion of passenger train service has created enormous economic and social problems for millions of people and hundreds of communities. The public, therefore, has the right to all the facts, and Congress has the obligation to ascertain these facts and to adopt sound legislation in accordance with these facts.

TRIBUTE TO JOHN E. HORNE

Mr. SPARKMAN. Mr. President, the savings and loan industry has become an important part of this Nation's economy. In my years in the Senate I have seen its assets multiply more than 10 times to the point where it is entrusted with the savings of 43 million Americans and is the financier of nearly half of the current volume of residential mortgages. It serves the savings public well and it is vital to housing and home construction activity.

In the past several years, and continuing up to the present, the industry has weathered unprecedented and unanticipated financial and economic changes. It has borne up under the impact of crises in the Nation's money and capital markets. During the "tight money crunch" of 1966, and its partial recurrence during the first half of this year, the savings and loan industry was the major institutional investor to maintain a significant flow of mortgage funds to finance residential construction and home ownership.

The industry, the Federal Government, and indeed, the Nation are fortunate in having had John E. Horne as Chairman of the Federal Home Loan Bank Board duirng these eventful years. Under his leadership, the Board, which regulates, supervises, and insures the accounts of, its member savings and loan associations, was a major factor in maintaining the viability of the industry and enabling it to continue to play its vital role in financing housing in this Nation.

Mr. Horne holds the distinction of having been appointed to high Government executive positions by three Presidents. He was appointed Administrator of the Small Defense Plants Administration by President Harry S. Truman in 1951, and served as Administrator of its successor agency, the Small Business Administration, under appointment by President John F. Kennedy. He was appointed as a member of the Board by the late President Kennedy and was named its Chairman by President Lyndon B. Johnson, who instructed him to provide the strong leadership of the industry demanded by the times.

I have had the privilege of knowing and working with John E. Horne during the 21 years he has served the Government and the Nation in Washington. John was the first person to serve as my administrative assistant, an appointment I made upon being elected to the Senate in November 1946. He served with distinction as my administrative assistant from 1947 to 1951, and again from 1953 to 1961. During his years in my office in the Senate, he contributed generously to the thought and work involved in much of the legislation concerning Federal Government assistance to small business, and housing, and the savings and loan industry under which these important segments of our national economy now function.

The experience and knowledge John Horne gained during his years of service as a member of the Senate staff helped him materially in carrying out his administrative duties as an appointee in the executive branch of the Federal Government. For example, he revitalized the Small Business Administration and rebuilt the morale of its personnel when he became the Administrator of that agency.

Similarly, the knowledge he gained of the housing and savings and loan industries while serving as my assistant enabled him to assist the Congress in adopting legislative reforms involving the savings and loan industry and the Federal Home Loan Bank Board when he became its Chairman. Mr. Horne's energy and insight contributed materially to the adoption of the Savings and Loan Supervisory Act of 1966. Early this year, assisted by his efforts, the Congress passed the Savings and Loan Holding Company Act. Just a few months ago, as a result of Mr. Horne's ability to convince Congress of the need, it approved, and President Johnson signed, a law permitting the Federal Home Loan Bank Board to appoint the Federal Savings and Loan Insurance Corporation as receiver for State-chartered savings and loan associations which had defaulted, authority that hitherto had been confined to federally chartered associations.

Mr. Horne argued strongly and successfully for control of dividend rates paid by member savings and loan associations, which has just been extended by this Congress for another year (Public Law 90-505). It includes provisions under which the liquidity requirements of member institutions will be modernized and made more flexible. Mr. Horne was instrumental in obtaining appropriations to finance a study of the savings and loan industry by the Wharton School of Finance of the University of Pennsylvania, the first comprehensive study of the industry in its history. He has played an important role in achieving a broadening of the investing powers of savings and loan associations, which is expected to be a helpful tool in enabling these institutions to expand their traditional role of financing residential construction and homeownership.

When Mr. Horne joined me, he gave up a promising career in private business. He was the southern representative of two of the most prominent and successful book publishing companies. He served in World War II as an officer in the U.S. Navy. He is the recipient of a letter of commendation for meritorious naval service, and holds the rank of captain in the Naval Reserve.

In 1954, Mr. Horne was staff director of the Democratic senatorial campaign committee, and in 1956 was assistant campaign manager of Adlai Stevenson, the Democratic presidential nominee. In 1960, he was executive director of the National Citizens' Committee for Kennedy and Johnson.

Knowing John Horne as I do, what I am about to relate may not have his approval, but these many activities I have touched upon are only a part of an unusual life. John was born in Clayton, Ala., in 1908, where life was rugged and opportunities few. He attended a one-teacher grade school and covered seven grades in 2 years. Later on, in high school, he doubled up on his courses and finished the normal 4-year term in 2 years.

Following the completion of 1 year of college, he then, at the age of 18, became a teacher himself, in Pike County, Ala. He returned to college the next year and received his normal certificate, from Troy State Teachers College, in 1928. He taught school in Columbiana, Ala., for 3 years and then returned to school at the University of Alabama, where he graduated with honors in 1933. His teaching experience came during the depression of the 1930's, when at one time Alabama teachers were paid in scrip. So when John enrolled at the University of Alabama he literally had no money. He actually hitchhiked to the university with the huge sum of $1. Even so, he found work to pay for all his expenses and while still in school to help finance college training for two sisters and a brother. Yet he was named to Phi Beta Kappa. He was awarded a master's degree in history from the University of Alabama in 1935.

John married his lovely wife, the former Ruth Kleinman, in 1938, and they have two daughters, Linda and Susan. He resides at 415 Crownview Drive, Alexandria, Va., where he is active in civic and church affairs, serving as a vestryman in the Episcopal Church. His affiliations include the American Legion, the Veterans of Foreign Wars, the Alabama Historical Society, Elks, Newcomen Society, National Democratic Club, National Press Club, National Treasurer of Pi Kappa Alpha, the University of Alabama Alumni Society, and other worthy organizations.

Because of the nature of its work, the Federal Home Loan Bank Board comes within the jurisdiction of the Senate Committee on Banking and Currency, of which I am the chairman. As several members of that that committee and I reviewed the legislative work of the committee, the accomplishments in response to the needs of the Board came forcefully to mind, and I and several of my colleagues wished to express our appreciation to John Horne in this form.

Mr. PROXMIRE. Mr. President, I wish to join my colleague, the distinguished chairman of the Committee on Banking and Currency, Senator John Sparkman, in commending John E. Horne for his years of dedicated service to this body, the executive branch of the Government, and the people of the United States.

I wish particularly to compliment him on his unceasing efforts as Chairman of the Federal Home Loan Bank Board to enhance the stature of the savings and loan industry and to make it a better and more effective vehicle to promote thrift and economical home financing for the people of this Nation.

When I came to the Senate in 1957, John Horne was serving his second stint as the administrative assistant to the senior Senator from Alabama. I appreciated his helpfulness as an experienced staff member in orienting me to the work of the Committee on Banking and Currency and matters pending before it. He was particularly helpful acquainting me with legislative matters pertaining to small business, housing, and the savings and loan industry.

When John Horne returned to the executive branch of the Government in 1961 as Administrator of the Small Business Administration, he undertook to keep the Senate Banking Committee members and other interested Senators fully advised on developments in that Agency and in small business.

Since becoming Chairman of the Federal Home Loan Bank Board in January 1965, Mr. Horne has continued his practice of keeping Senators and Congressmen apprised of developments within that Agency and in the savings and loan and housing industries. He has been successful in coveying his broad grasp of developments in these related fields to the Congress so that it has been able to legislate wisely to improve their operations to the benefit of the public.

I share with Senator Sparkman the high regard and esteem in which he holds Chairman Horne and express the hope that Mr. Horne's abilities and talents will continue to be devoted to the Federal Government in the years ahead.

NUCLEAR NONPROLIFERATION TREATY

Mr. LAUSCHE. Mr. President, on September 9, the Cleveland Plain Dealer published an editorial arguing against the ratification of the Nuclear Nonproliferation Treaty at the present time.

The editorial reflects my own reservations on this subject. The treaty states that signatory states "must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State." This cetainly raises a question concerning the worth of signing now a treaty which has already been broken.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Hold Off on Nuclear Treaty

There was reason enough, before the Aug. 20 invasion of Czechoslovakia, for the United States to move hesitantly in ratifying the nuclear nonproliferation treaty.

Most countries on the threshold of producing nuclear arms are friendly to the United States, or are neutrals unlikely to side with the Soviet Union if hostilities broke out.

For that reason many overseas observers have judged the nonproliferation treaty to be more favorable to the Communist bloc than to the United States and the West.

Most likely to join the nuclear "have" club are West Germany, Italy, Japan, Sweden, Israel and India. They are the countries most reluctant to submit to the treaty's handcuffs.

And yet the treaty is of such worth that one could hardly want it thrown in history's trash can. It could spare the peoples of the world much insecurity and fear. And it could lead to further arms controls.

But now the Soviet Union has reverted to below-zero cold war. Its blitz occupation of Czechoslovakia, which it blames on the West, has caused Americans to stop and rethink their earlier inhibitions.

It now becomes public and plain that the Soviet Union will not withdraw all its Warsaw Pact troops from Czechoslovakia, even if and when that country submits to "normalization" as the Kremlin defines it.

No, the Kremlin is forcing Czechoslovakia to declare that its border with West Germany was not secure and must be defended by Warsaw Pact troops.

Two or more divisions of such troops will remain along that front, which militarily is good terrain for launching an attack upon

West Germany. Such a threat is the most chilling of cold war moves.

With typical Kremlin upside-down logic, the official Soviet newspaper, Pravda, however, discovers that it is not the Soviet movement of hundreds of thousands of troops which refreezes the thawing cold war.

Rather, it is Great Britain which is doing it. And Pravda's proof is that British Foreign Secretary Michael Stewart has gone to visit Romania, a Communist country which condemned the invasion of Czechoslovakia and would take no part in it.

Russia has a paranoid fear of Germany and the West. Each time it feels a sting of criticism—from one of its own poets, from protest groups anywhere among the satellites—it springs up in alarm and goes lunging around and lashing out at every shadow.

Until this new wave of fears and convulsions subsidies behind the Iron Curtain, there is little point in ratifying a treaty which must be based on mutual trust.

We still believe that inch-by-inch action toward arms control is the right path for nations great and small. But the United States cannot be as trustful now. Russia's aggression has spoiled the gradual movement toward detente. The United States must wait until that situation, to quote the Kremlin, "normalizes."

ACTIVITIES OF THE DEPARTMENT OF DEFENSE—ADDRESS BY SECRETARY CLIFFORD

Mr. INOUYE. Mr. President, the problems of urban decay and unemployment in the ghetto are questions the Senate has debated many, many times over the past few years. There are those who believe that we are spending too much of the taxpayers' money already on these social ills. There are those who believe that we are not spending enough. But almost every Senator agrees on one point: the problems are still with us, and they simply are not going to go away by themselves.

It is because of all of this that I was particularly interested to read what Secretary of Defense Clark Clifford told the National Security Industrial Association the other evening. As Senators are aware, this organization is made up of the leading defense contractors in the Nation, and includes the top management of some of our largest corporations.

Secretary Clifford made some imaginative proposals. He pointed out that the Defense Department is—by the very fact that it employs some four and a half million persons in order to keep this country safe and secure from external attack—one of the Nation's, if not the world's, largest customers for low-cost housing, for hospital construction, for education and training facilities, and, indirectly through its procurement, the stimulator of employment in every region of the land.

Secretary Clifford made it clear that the Defense Department was already in all of these fields for strictly military reasons. But because the dangers in the world today demand that we have a large and strong Defense Establishment, nearly 50 cents out of every tax dollar in the Federal budget is spent in his Department.

What he proposed to the defense contractors was that they cooperate with his Department in finding better, more economical, and more modern and advanced ways of building low-cost military housing, hospitals, training and education programs. As a prime customer for these items, he urged them to devote the immense reserves of their research and development talent to designing and developing more advanced building materials and construction practices to bring better economy and quality to housing. He urged them to come up with plans for a whole new generation of highly automated hospitals—hospitals in which routine recordkeeping and diagnostic services can be lifted from the backs of overworked doctors and nurses and put onto the backs of computers and other sophisticated data processing apparatus.

The Secretary of Defense noted that his Department has to train men in some 1,500 different skills, and that it necessarily runs one of the largest educational complexes in the world. He asked that industry—already interested in the educational market in this country—put their innovative resources to work on better ways to train men in the military.

Finally, he urged that consideration be given—by legislative action, if it is deemed wise—to providing more incentives to industry to locate some of their facilities required for defense work in labor surplus areas, thus helping to relieve hard-core unemployment.

Now the point of his proposals in low-cost military housing, more advanced military hospitals, and more efficient military education was that all these efforts would not only be of immense benefit to the Defense Department—in the long run saving tax dollars, and making our whole Military Establishment more efficient and combat ready—but that these same efforts could indirectly be of practical value in solving some of our most intractable problems of urban decay.

If industry can learn to build profitable low-cost housing for the military on a large scale, it can then do the very same thing for our cities.

If industry can research and develop a new approach to military hospital design and construction—an approach that will make it much less expensive to run these hospitals, and hence will significantly bring down the high cost of medical care—then industry can do the very same thing for new hospitals and health care in our cities.

If industry can research and develop better methods of training and educating our military forces, then it can market these same methods to our local school boards across the Nation—school boards that themselves have no funds for serious research and development efforts.

Finally, if we can find ways to give reasonable incentives to defense contractors to locate some of their new facilities in labor surplus areas, we clearly can make inroads against the tough problem of hard-core ghetto unemployment.

Secretary Clifford has instructed his own top management team in the Defense Department to submit practical proposals along these lines by November 30, so that they can be carefully considered by the new administration in January.

I believe that the speech should be read thoughtfully, and in full. It is clear from what the Secretary says that he has no woolly headed schemes for turning the Defense Department into a social welfare agency. He simply wants to do the defense job better, and more economically—and he is convinced that the very methods that industry can come up with to do the defense job better and more economically can be applied with success to similar problems in our cities and ghettos.

This makes sense for the Defense Department. It makes sense for the defense industries. And it makes sense for the country at large. I think Secretary Clifford's speech deserves careful consideration.

I ask unanimous consent that the text of Secretary Clifford's speech be printed in the Record together with an editorial comment on the speech, published in the Washington Star of September 26, 1968.

There being no objection, the address and editorial were ordered to be printed in the Record, as follows:

Address by the Honorable Clark M. Clifford, Secretary of Defense

Mr. Martin, Distinguished Guests, Ladies and Gentlemen:

I am pleased to be here, and to participate in your Twenty-Fifth Annual Dinner.

A quarter of a century is a long time in an Association's life. It is even a longer time in a man's life. But there are many of us here tonight who remember with fondness and admiration the great public servant who founded this organization, James Forrestal. Under his leadership, our Armed Forces began new movement toward greater efficiency and combat effectiveness. As our first Secretary of Defense, Jim Forrestal was not afraid to propose new ideas and to fight for them. His objective was progress.

There is a portrait of him hanging behind my desk at the Pentagon. It is a continuing symbol of the man and, in a way, of the Office of the Secretary of Defense itself, for it has looked over the shoulders of each of the eight Secretaries who has followed Jim in that job. Each has dealt with the problems of his day; each has been aided in his task by the National Security Industrial Association.

Since assuming my duties as the ninth Secretary of Defense, I have learned much about the valuable contributions NSIA has made to our defense posture. I am aware of your efforts to help us reduce costs. I know of the outstanding work of your advisory committees, which mobilize scientists, engineers and managers of industry to help us solve difficult technological problems.

I appreciate your efforts and, on behalf of the Department of Defense, I thank you.

This assembly tonight is, however, something more than the annual dinner of a great organization. This audience is as close as one can ever come to assembling the leading representatives—in and out of uniform—of what General Eisenhower once referred to as the "military-industrial complex."

All of us recall his last speech to the Nation as President in January of 1961. Recognizing the absolute necessity for a strong Defense Department and a large and sophisticated arms industry, he felt compelled to draw attention to the fact that their relationship involved some grave implications for the country.

In my view, President Eisenhower's warning is well worth pondering, for this complex represents an immense pool of resources. The capital, manpower, and innovative thinking in this unique combination of industry and the military are equalled no where in the world.

Were these resources to be misdirected, squandered or consumed inefficiently, the American people would be poorly served indeed.

Inevitably, there is danger when one is talking about the expenditure of 40 or 60 or 80 billion dollars a year.

Inevitably, there is danger when powerful industries present to Congress and to the Defense Department their logical proposals for new weapons systems or equipment. These are sincere proposals, designed to advance our military strength. The danger arises, not from some sinister intent on the part of the designer, but from the fact that this Nation does not need and cannot afford every new weapons system which resourceful industry can design.

Inevitably, there is danger when each military department sincerely advocates maximum development of the weapons it would use in our national defense. There is danger when patriotic citizens mistakenly believe that something is good for the defense of our country just because potential enemies believe it is good for their country.

I am convinced today, after six months in this office, that the dangers General Eisenhower warned against were real dangers. But I am also convinced that they have been avoided, through the checks and balances of our governmental system. They have been avoided through the alertness of our Congress and the watchfulness of our press. They have been avoided because powerful pressures come from different directions and tend to offset themselves. They have been avoided by the strengthening of the Office of the Secretary of Defense. They have been avoided by the diligence of the Commander-in-Chief.

Industry and the military establishment, in partnership, have maintained a strong, modern and effective defense capable of meeting all tasks assigned by the President in support of our foreign policy and our national objectives. This Nation has more military power today, better balanced in its make up, and better tailored to meet potential military threats, than any country has had in the history of the world.

That is the posture of military strength we maintain—and I pledge that is the posture of military strength we will continue to maintain.

However, I want to talk to you tonight about the subject of our total national strength. This, it seems to me, is appropriate because it is my job as Secretary of Defense to see that our country has the security that it needs. And it certainly is your job as members of this Association.

Security, as we have traditionally viewed it, is the protection of our country from external threats. Our military forces are designed against such external threats; the Congress appropriates funds for this purpose and the American people expect us to fulfill this mission.

The question I raise tonight is: What are the basic elements of our total national security? The answer, I think, is clear. First: the power of the weapons of our armed forces. Second: the quality of the training and leadership of those forces. Third: the unity of the American people. The most modern of weapons will be inadequate to insure our survival in today's world unless our society is keyed to the steady improvement of our political institutions and concerned that all our people participate and share in the benefits of that society.

And I submit tonight that the Department of Defense is not doing enough to promote in a positive way those aspects of our national life which are so essential to the preservation of our fundamental institutions.

What, after all, do the people most earnestly seek?

It would seem clear to me that our people want to secure their freedom. And it would seem clear that the elements of freedom are described in the Preamble to the Constitution of the United States more eloquently than anywhere else.

The establishment of justice.

Domestic tranquility.

The promotion of the general welfare.

The blessings of liberty..

It was for all those reasons that we sought to form a more perfect union, and it was for those reasons that the people of the United States did ordain and establish our Constitution.

But there are millions of Americans today who have not yet secured for themselves the elements of freedom set forth in the Preamble.

I submit that the Department of Defense, a Department which consumes 9 percent of the gross national product of our Nation, a Department which employs four and one-half million Americans, has a deep obligation to contribute far more than it has ever contributed before to the social needs of our country.

Justice . . . domestic tranquility . . . general welfare . . . blessings of liberty. Can it be that these essential elements of freedom are a responsibility of the rest of the United States Government, but not of the Department of Defense whose operations account for half of the total expenditures of that Government?

I believe that we in the Department of Defense have not only a moral obligation but an opportunity to contribute far more to the social needs of our country than we have ever done before.

Accordingly, I have today directed the Secretaries of the Army, Navy and Air Force, the Director of Research and Engineering and the Assistant Secretaries of Defense to address themselves to this challenge.

I have asked that they provide me their proposals on how we may assist in alleviating some of our most pressing domestic problems and how the Department of Defense should best organize itself for this purpose.

I am asking for their recommendations by November 30 so that an initial concept can be offered to the new Administration in January.

This effort cannot be successful if we in the Pentagon attempt to implement it ourselves.

The Department of Defense can and must work with industry, with labor and with our great scientific and educational communities. And, of course, we shall need the understanding and support of the Congress.

The proven techniques and skills and resources of industry combined with the proven organization and discipline of the Department of Defense can be utilized together far more effectively than heretofore for the benefit of our Nation.

I believe we can do it.

I believe we must do it.

There will be those who will argue that the Department of Defense is not a social welfare institution and who will contend that it has no business interfering in the internal welfare of our country.

I have no intention of turning the Department of Defense into something it should not be.

Of course I do not regard the Department of Defense primarily as an instrument of social welfare.

Of course I do not believe that the Department should take over the responsibilities of other governmental or private agencies.

Nothing that I propose tonight, nor anything that I will propose so long as I hold this office, will be permitted to interfere with the performance of our historic mission to defend our nation.

But I do believe that the citizens of the United States have reason to expect—and indeed to demand—that the element of government which spends half of their Federal tax dollars devote more of its time and more of its thinking and more of its resources to those aspects of our domestic problems which are important to our total national security.

Some might ask this question: "Are you attempting to say that a defense contract should consider not only whether the best weapon can be purchased for the cheapest price, but also whether the measurement of social utility should be included in the contract award decision?"

I am not making such a statement tonight. I do not yet know whether this would be a wise course or what changes in the present law should be considered.

But I do know that there are major areas of concern to our total national security in which the Department of Defense—working with industry—can do more. Jobs are a matter of concern. So is education. So are housing, and health and hospital care.

I offer these only as examples of areas in which the Department of Defense can be of greater assistance to the Nation. The first preliminary steps have been taken by the Department in each. Sometimes they have been taken timidly as though the Department of Defense were involving itself in something in which it really had no business.

Housing, hospitals, schools, and employment facilities for the unskilled normally do not possess enough capital resources to make an investment in innovation. They have little or no funds for research and development.

Consider housing.

The average private-sector homebuilder throughout the Nation constructs no more than 50 units a year. The average contractor cannot afford research and development into new materials, advanced design, and better production techniques. He is faced with a small local market, he is enmeshed in a tangle of local building regulations, and he has a high per-unit cost which is reflected in his prices.

No wonder that low-income housing is so unattractive to private enterprise. There are not enough incentives to justify an entrepreneur risking his limited capital.

Every major city in the nation is faced with a serious slum problem, which in turn leads to destructive social and family problems. Furthermore, slums perpetuate themselves. With minimal maintenance costs, and inflated rents, owners have little financial motive to tear down their antiquated structures and replace them with decent housing.

This can and must be reversed.

What is clearly needed are new materials and new production techniques that will make low-income housing a profitable enterprise.

I suggest that is precisely where the Department of Defense can, and must be, innovative and helpful.

The Department is the Nation's biggest single user of housing. We currently spend some $200 million a year in new construction, plus another $450 million a year for maintenance and operation, debt servicing, and leasing of existing military housing. But of this $650 million annually, we have been spending virtually nothing for improvement of materials or better construction techniques.

We have begun to remedy the situation by awarding three contracts to explore whether we can lower the cost of military housing, while retaining quality standards. First reports suggest that savings of 15% or better may be realized through modular design, adoption of factory assembly methods, and volume procurement.

We are now at a stage where, with the support of Congress, we will design a prototype project and build it at George Air Force Base in California. It will be watched with care and evaluated by both the Department of Defense and the Department of Housing and Urban Development.

Should this project turn out as we hope, we will have better military housing at lower cost, higher morale and thus improved military effectiveness. These innovations, passed along to the private economy, should have a beneficial impact on the low-income housing problem in our cities.

This beginning illustrates what can be done by the application to a major domestic problem of the techniques of our Defense effort. I ask members of this association to consider how your company can apply its Defense-gained skills to our national housing problems.

Housing needs help; so do hospitals. Costs are soaring—and for the understandable reason that 70% of hospital operating costs are wages.

Industry clearly can increase the application of its problem-solving resources to hospital design, construction, and maintenance, and to automated record-keeping, laboratory analysis, and routine diagnostic services.

This again calls for a significant research and development effort.

It is an effort generally beyond the scope of a city, county, or church group that builds a new hospital. Hospital design and construction are tradition-ridden. There is a great potential for major labor-saving, cost-cutting improvements in hospital equipment. But the local group which builds a hospital is almost always pressed for funds. It is compelled to use the "low-initial-cost" approach.

This results not in lower health-service cost. It builds in the absolute certainty that costs are going to mount.

Surely there is something we can do. The Department of Defense is one of the world's largest hospital customers. There is every reason to believe that the cooperative approach of industry and the Department can be applied to hospital construction in the same manner that it is applied to the development and procurement of the complex intercontinental ballistic missile.

Therefore, I intend to proceed with a plan developed within the Department of Defense whereby we shall solicit industry for proposals for a whole new generation of hospitals—hospitals so automated that labor costs can be cut drastically and routine services transferred from the overworked doctor and nurse to the sophisticated machine.

This will result in better, more accurate, and less costly hospital management for the military services. Even more significantly, it can point the way to better health care for our citizenry.

Let me now turn to schools and education.

We are far from the optimum development of our educational resources. The blunt fact is that we have focused much of the new technology in education on the exceptional student. For the average or below average youngster, education has been scarcely affected by the scientific revolution since World War II. Educators now say that traditional classroom procedures are not only inefficient but in some cases actually impede the average child's will to learn. If this is true of the student from middle-class America, we must acknowledge how badly we serve the child from the rural slum or the city ghetto, whatever his intellectual endowment may be. Much needs to be done.

The Department of Defense can be, and to a degree has already begun to be, a trail blazer in the improvement of education. My predecessor, Bob McNamara, began the imaginative Project 100,000. He directed that the Armed Services admit to basic training a limited number of men who, under strict earlier regulations, would have been below military entrance requirements. He was convinced that these men, with the benefit of new teaching methods, would learn to do their military jobs satisfactorily. His confidence was justified. Project 100,000 has been a spectacular success. Of the men who entered during the first year of the program, over 90% are now performing effectively on active duty.

The Department of Defense is one of the world's largest educators, and should be one of the world's best. We train military people in 1500 separate skills, and our schools for service children are in 28 countries around the globe.

The training obtained during military service has been for many Americans the open sesame to a fuller life. Now and for the indefinite future, millions more must serve to guard our country against external threats to its security. We can serve them and add immeasurably to that security by seeing to it that they leave military service equipped to accept a larger share of the problems and the rewards of American society.

I know that many of the companies represented here tonight have already entered the education field and have been working with us. I am aware of some promising work but we have just begun to explore the many useful ways for cooperation between industry and the military services. I am convinced, as I hope you are, that continued collaboration will not only help us do our job better, but that it can be the catalyst for improving school systems throughout the country.

Finally, I come to the problem of employment.

The National Alliance of Businessmen, launched last January, as the result of President Johnson's vigorous efforts, has proved that there can be a workable relationship between the Federal Government and private industry in putting to work so-called unemployables from the heart of 50 of the Nation's ghettos.

There is a real potential for defense industry to bring enterprise to the ghetto. There are already encouraging examples of what can be done—such as in the Watts area of Los Angeles and the Roxbury area of Boston. More than 50 of our major Defense contractors have launched specific projects.

I want to see this sort of effort expanded.

As a further step, I have directed today certain changes in the Armed Services Procurement Regulations. The effect of these changes will be to encourage our major contractors to give greater attention to the possibility of locating new facilities in or near labor surplus areas and to give more consideration to placing subcontracts in these areas. Through these changes in our Regulations I want to spotlight a responsibility, shared by the Defense Department and its major contractors, to contribute, wherever practical, to solving the problems of hard-core unemployment.

By law, we cannot award contracts on a sole source basis nor pay a price premium to relieve economic dislocation. This means we are forbidden from setting aside complete procurements for award exclusively to firms in labor surplus areas. We cannot award a contract without competition regardless of the significant contribution such a contract might make to the hard-core unemployment program and the total national interest. I believe the time has come to reexamine this legislative policy.

With the approval of President Johnson, who has given so much of himself to the solution of problems of human rights and human suffering, I intend to join with the Secretaries of Labor and Commerce to determine whether there are still other ways in which the Defense Department and industry can join together in attacking the problems of hard-core unemployment in our society.

Let there be no doubt as to my strong feeling that the Department of Defense has the opportunity and the responsibility to make a greater contribution to the social needs of the country, for it is my certain conviction that such action will contribute to our total national strength.

Not too many years ago, the War and Navy Departments were concerned almost exclusively with men and simple machines. Defense industries were regarded as mere munitions makers. How remote that era seems!

We now have a military-industrial team with unique resources of experience, engineering talent, management and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. Those answers can be put to good use by our cities and our states, by our schools, by large and small business alike. The Nation will be the better and the stronger.

I have no illusions that the tasks we have been discussing are simple, or that they can be accomplished overnight. The problems are many, and they will be with us for too long a time. But I am confident that the defense industries and the Defense Department can, while providing "for the common defence," also "promote the general Welfare" and make even more meaningful "the Blessings of Liberty to ourselves and our Posterity."

To this end, I bespeak your cooperation.

I pledge you mine.

[From the Washington Star, Sept. 28, 1968]

DEFENSE RESPONSIBILITY

Secretary Clifford's decision that the Department of Defense can, and should as a matter of deliberate policy, make a more significant contribution to the solution of some of this nation's domestic social problems is a novel idea. It is also one which makes sense, and which we hope will be implemented to the fullest degree possible.

Clifford's speech on the subject to some of our biggest defense contractors drew a certain amount of grumbling to the effect that the department's function is defense, "not welfare"—all of which, in the context of the secretary's explanation, was pure poppycock.

"Nothing that I propose," Clifford said, "will be permitted to interfere with the performance of our historic mission to defend our nation." The crux of his argument is quite simply that in fulfilling that mission, at a cost of 9 percent of the nation's entire gross national product, his department is in a unique position to make contributions to urban civilian solutions which are far greater than most people have imagined, or that anyone previously has articulated.

His several examples establish the point.

The scale of Defense housing operations, including, for example, a multimillion dollar prototype low-cost project in California, is seeking new material and construction techniques which might perfectly well be passed along to a private homebuilding industry reeling under extremely high costs. Defense already is engaged massively in innovative education and training—with some rather spectacular results. And all that is needed to feed into these programs teaching devices which might have civil as well as military applications is an awareness of the possibilities of doing so.

The department's determination to put automation to use in evolving labor and cost-saving devices in "a new generation of military hospitals" is directly applicable to the problems of all types of hospitals. As for jobs, the administration already is encouraging, through contract incentives, the location of employment centers in slum areas. Obviously, more can be done in this field.

Much of Clifford's speech was devoted to the necessity of avoiding waste in attacking problems where there are close parallels between military and civil needs, and where there are not nearly enough tax dollars to go around. Apart from that, however, there is something intensely exciting in the concept of introducing constructive considerations in programs which historically have been mobilized and oriented so largely toward destructive purposes. Clifford's proposals, in both their pragmatic and ideological terms, hold a promise which should be pursued by the next administration, whatever its partisan leadership.

DEATH OF CHARLES PRESCOTT TRUSSELL

Mr. MANSFIELD. Mr. President, the long career of a distinguished Washington newspaper correspondent has come to an end. I am saddened to note that Charles Prescott Trussell, a Pulitzer Prize winner and a member of the Washington bureau of the New York Times from 1941 until his retirement in 1965, died yesterday at the age of 76. He was a kind and gentle man—he was respected by those of his own profession and by all that knew him. Mrs. Mansfield and I extend to Mrs. Trussell and his family, our deepest sympathy.

I ask unanimous consent that an article treating of the life of this outstanding journalist, published in the New York Times of October 3, 1968, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

C. P. Trussell Dies—Won 1949 Pulitzer—Reported on Congress for the Times for 24 Years

Washington, October 2.—C. P. Trussell, a newspaper correspondent here for 33 years and winner of a Pulitzer Prize in 1949, died this morning in Doctor's Hospital after a long illness. He was 76 years old.

Mr. Trussell was a member of the Washington bureau of The New York Times from 1941 until his retirement in 1965. Previously, he had covered the White House and held other Washington assignments as a correspondent of The Baltimore Sun.

As a Times reporter, his principal and virtually continuous assignment was the coverage of Congressional news. The Pulitzer award was for "distinguished reporting on national affairs." The award was unique in that it was for all-round excellence in day-to-day work rather than for a single article or a series on one topic.

Mr. Trussell's career with The Times included reporting on national political conventions, a number of Presidential tours and the American Defense Conference at Rio de Janeiro in 1947. He also contributed articles on Congress to The New York Times Magazine, Nation's Business and other periodicals.

In the Washington press corps, he was known for his objectivity and integrity as a reporter, for his sometimes caustic but invariably warm-hearted sense of humor and for gracious manners and a total lack of ostentation.

CONFINED HIMSELF TO FACTS

Mr. Trussell's concept of a good reporter was one who confined himself to facts and left interpretative and editorial writing to others. "I believe in the absolute separation of Church and State," he often said with regard to his reportorial philosophy.

When he retired, Arthur Krock, who had recruited him for The Times while head of the Washington bureau, wrote in Times Talk, an office publication, that "Peck will glow in the memory of his associates like a crackling fire on the hearth on a drab, cold and rainy day."

Charles Prescott Trussell was known as Peck to all friends and most acquaintances. He wrote under the name C. P. Trussell.

He was born in Chicago on Aug. 3, 1892, a member of a family whose ancestry dates to the Revolution the family was also "haunted" for generations by a journalistic bent, according to Mr. Trussell.

His father, Homer M. Trussell was founder and editor of a weekly newspaper in Berwyn, Ill., his brother, P. L. Trussell, an uncle and two cousins were also newspapermen.

His two children, Charles Tait and Galen Douglas, began their careers as newspaper reporters. Charles is now managing editor of Nation's Business here and Galen is assistant to the Washington vice president of the National Association of Manufacturers.

Mr. Trussell's father died in 1902, and his mother, the former Margaret Shuck, operated the Berwyn weekly briefly. She then moved with her two sons to Salisbury, Md., where she gave music lessons to keep the family together.

IN HIGH SCHOOL ONE WEEK

Young Trussell finished elementary school and entered Wilcomico High School, where he stayed for only one week and never resumed his formal schooling. To support himself and supplement his mother's income, he worked as a soda fountain clerk, a tobacco stand clerk, a railroad clerk and a lumber inspector.

In 1916 he went to Springfield, Ill., where he and his brother operated an automobile tire establishment. Before the year was out, burglars stole the entire stock and the business failed.

Returning to Maryland, Mr. Trussell joined The Baltimore American as a $9-a-week reporter; he soon moved to The Baltimore News, which paid him $15 a week.

In 1917 he joined The Baltimore Sun, rising from a police and crime reporter to copy editor, assistant city editor and city editor. In 1932 he was transferred to the newspaper's Washington bureau.

Mr. Trussell was a life member of the Sigma Delta Chi journalistic fraternity and a member of the Gridiron Club, the National Press Club and the White House Correspondents Association. He was a governor of the National Press Club from 1946 to 1949.

From 1934 to 1936, he was chairman of the Standing Committee of Correspondents, which supervises the press galleries of Congress and the national conventions.

In 1923 he married Miss Beatrice Wilkins Tait, whose father, the late Galen L. Tait, was Maryland state chairman of the Republican party. Mrs. Trussell, their two sons and five grandchildren survive.

A funeral service will be held at noon Friday at St. Alban's Episcopal Church here. Burial will be private.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN 1968

Mr. JAVITS. Mr. President, during the second session of the 90th Congress, the minority—Republican—members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, made an outstanding record of constructive contributions and effective legislative achievement. In a number of instances, minority members originated the central concepts around which major legislation was built. These include contributions by every member of the minority and cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

EDUCATION

Higher Education Amendments of 1968 (Public Law 90–)

Minority amendments written into the law are as follows:

First, grants to reduce the borrowing costs of loans for the construction of academic facilities—Senator Javits.

Second, student guaranteed loan cancellation in event of death or total disability—Senator Prouty.

Third, expanding the scope of the Talent Search program to make more comprehensive and more effective the effort to attract minority and low-income individuals into postsecondary education—Senator Javits.

Fourth, qualifying union pension funds as eligible lenders under the guaranteed loan program—Senator Javits.

Fifth, minimum State allocation of $100,000 for program to attract and qualify teachers to meet critical teacher shortages—Senator Prouty.

Sixth, increasing to 23% the set-aside for junior colleges in Title III (Strengthening Developing Institution) of the Higher Education Act—Senators Javits and Murphy.

Seventh, amending Title V of the National Defense Education Act to authorize short-term training sessions for guidance counselors in elementary and secondary schools, junior colleges, and technical institutions—Senator Javits.

Eighth, requiring colleges to maintain their present level of spending for cooperative education in order to receive Federal cooperative education funds—Senator Javits.

Finally, report language to bring about equalization of disparate individual and institutional academic support programs administered by the Office of Education and other executive agencies—Senator Griffin.

Vocational Education Amendments of 1968 (Public Law 90–)

Minority amendments written into law are as follows:

First, establishment of a new cooperative vocational education program—Senator Murphy.

Second, including guidance and counseling in State vocational education programs—Senator Javits.

Third, catalog of all Federal education programs, including regulations and guidelines, as an aid to local governments, institutions, and individuals, and for administrative efficiency—Senator Prouty.

Fourth, including consumer education programs in Homemaking Education—Senator Javits.

Fifth, expanding the definition of "construction" in the Vocational Education Act to include acquisition of existing structures—Senator Javits.

Sixth, provision for local school board members on National and State advisory councils on vocational education—Senator Javits.

Seventh, utilization of research coordinating units for developing and disseminating research in educational and other agencies in each State and among the States—Senator Fannin.

Eighth, including the disadvantaged in the provision for dissemination of information on education opportunities—Senator Javits.

Ninth, including handicapped Puerto Rican children in the PL 89–313 program—Senator Javits.

Handicapped Children's Early Education Assistance Act (Public Law 90–538)

This legislation was first introduced as S–3446 on May 7, 1968 by Senator Prouty and was included as a Prouty amendment in Title II of the Vocational Education Amendments of 1968 (S–3770) reported by the Senate Committee on Labor and Public Welfare on July 11, 1968. It was approved by the Senate on July 17, 1968 when the language of S-3770 was substituted for HR 18366. However, the House was reluctant to approve the Prouty bill in this context and on July 25, 1968 the House Committee on Education and Labor reported a bill with its own number, HR 18763, which passed the House, was quickly approved by the Senate, and subsequently signed into law.

Indian Education Subcommittee

The Indian Education Subcommittee, which has conducted extensive hearings and studies and is submitting its report and recommendations this year, was created at the behest of Senator Fannin.

HEALTH

Health Manpower Act of 1968 (Public Law 90-490)

Minority amendments written into law are as follows:

First, give licensed practical nurses the same preference in obtaining nursing student loans as now given first-year nursing students, thus encouraging upward mobility—Senator Javits.

Second, requiring the Secretary of Health, Education and Welfare to prepare a study of the programs under the Allied Health Professions Personnel Training Act to determine their adequacy for meeting national needs for health manpower—Senator Javits.

Third, reducing the interest rate on Nurse Stdeunt Loans to 3%—Senator Javits.

Fourth, to make Nurse Student Loans comparable to National Defense Student Loans, providing a $6,000 overall ceiling, a 9-month grace period and a minimum repayment of $15 monthly—Senator Javits.

Fifth, reducing the interest rate on Health Professions Student Loans Loans to 3%—Senator Javits.

Sixth, to make Health Professions Student Loans comparable to National Defense Student Loans, providing a minimum repayment of $15 monthly and a grace period of one year after completion of residency or internship—Senator Javits.

Minority provisions included in the committee report were as follows:

First, requiring that health programs of support for the construction of facilities, scholarships, and fellowships be comparable with other Federal academic support programs—Senator Dominick.

Second, directing that the study required by the bill on the administration of the nurse training program include such aspects of the nurse shortage as the recruitment and utilization of nursing personnel, including the effect of salary rates, and the special problems with respect to the recruitment and retention of male nursing personnel—Senator Javits.

Health services and facilities amendments (Public Law 90-)

Title III—Alcoholic and Narcotic Addict Rehabilitation—is in some parts patterned after legislation authored by Senator Javits. Also included was the amendment introduced by him to assure that no individual shall be made the subject of research unless he explicitly agrees to become a subject therefor.

The Senate-approved provision for hospital modernization, introduced by Senator Javits of a three-year program of guaranteed loans and interest sunbventions was deleted in conference; however, the conference report gave assurance that consideration of this matter would be given at an early date during the next Congress.

JUVENILE DELINQUENCY

Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90-445)

The Minority amendment, offered by Senator Javits and cosponsored by Senator Prouty, became the basis for the final version of the bill, especially in its provisions for a State plan and local involvement. The major elements of the Minority amendment which were enacted into law were:

First. Amendment of the statement of purpose to provide that the act is designed to assist and encourage States to devote resources under other programs, such as education and crime control, to support juvenile delinquency prevention programs.

Second. Provision that other public and private organizations be consulted in the formulation of the program, and that their resources in the field be taken into account.

Third. Establishment of a rigorous set of criteria which a State must meet if it is to receive a bloc grant under a State plan, including requirements that funds be passed through to local groups for program operation, that priorities for types and locations of programs be established, that programs be coordinated with related programs under other acts and that the State apply resources under such other acts to reinforce juvenile delinquency programs, and that where a State desires to receive such a bloc grant, it must furnish one-half of the non-Federal share.

Fourth. Empowering the Secretary of HEW to approve only part of a State plan or to withhold funds for noncompliance with an approved State plan.

Fifth. Allowing local public and private organizations to apply for direct funding from the Secretary where a State has not submitted a plan or such a plan has not been properly carried out.

Sixth. Allowing the President to prescribe joint funding regulations under which one Federal agency may act for all in a case where several such agencies are providing funds to a grantee under this act.

SCIENCE

National Science Foundation Act Amendments (Public Law 90-407)

The following minority amendments were included in the law:

First, including in the National Science Board a person skilled in research management—Senator Griffin.

Second, requiring an annual authorization—Senator Griffin.

Third, requiring that the National Science Foundation not have to bear the cost of research projects requested by either the Department of Defense or the Department of State—Senator Griffin.

Fourth, requiring the NSF Director to report to the National Science Board all grants and contracts made by him—Senator Griffin.

In addition, there was included in the committee report a requirement that National Science Foundation academic support programs be made comparable with other Federal academic support programs—Senator Griffin.

VETERANS' AFFAIRS

Veterans Employment Resolution (H. Con. Res. 705)

First, expanding the resolution to cover all veterans rather than just those of the Vietnam era—Senator Dominick.

Second, clarifying the resolution so as to eliminate confusion with laws barring discrimination in employment—Senator Griffin.

DREAMING IN NIXONLAND

Mr. WILLIAMS of New Jersey. Mr. President, once again we see the same old Nixon at work, catering to special interest groups. In a letter to a number of business leaders published in the October 2 New York Times, Mr. Nixon attacks the proposed mutual fund reform bill which was passed by this body last July.

Mr. Nixon in his "letter to Wall Street" claims that this legislation which would bring increased consumer protection to millions of our Nation's mutual fund shareholders is "rate fixing in a highly competitive industry." He analogizes it to an attempt "to establish bureaucratic domination over the competitive relations and everyday activities of banks, savings institutions, insurance companies, and institutional investors."

Nothing could be further from the truth. The basic fact is that the mutual fund industry is shielded from price competition by Federal law. It is a criminal offense for a mutual fund dealer to engage in effective competition by lowering sales charges. In reality this is one industry where the anticompetitive device of price fixing is protected by Federal law.

In addition, any attempt to challenge fund management fees has been effectively barred by statutory impediments enacted 28 years ago in order to protect an infant industry. These impediments have so effectively protected fund management fees that no shareholder has ever been able to force a reduction through established judicial procedures. It is also interesting to note that the banks and insurance companies which Mr. Nixon claims would be subject to "bureaucratic domination" have not objected to this legislation. In fact, the American Bankers Association in testimony before the Senate Banking and Currency Committee wholeheartedly endorsed mutual fund reform. I, therefore, find it incredible that a presidential candidate can ignore the obvious and at the same time deny to the general public the benefits which this legislation would bring.

The Washington Post, in its October 3 editorial entitled "Dreaming in Nixonland," clearly and simply describes Mr. Nixon's machinations and intentions. The editorial states:

> When a presidential candidate seeks to satisfy a special interest group at the expense of the rest of us, there are several ways he can do it. If the candidate is a candid man, sure of his position and unafraid of public reaction, he can make a speech or release a statement detailing whatever proposal it is he has in mind. If the operation is a little more sinister, he can hang back, say very little, and from time to time toss a note over the transom saying, in effect: Don't worry. I'm with you.
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> This last appears to be exactly what Richard Nixon has done is assuring leaders of the securities business that if elected President he would end the "heavy-handed bureaucratic regulatory schemes" of the Johnson Administration. The pledge was made to important brokers and bankers in a letter not made public because it covered only a "narrow policy area."
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> We are fascinated with the explanation that the letter was not made public because it covered only a "narrow policy area." Now, let's see. He does not talk about Vietnam because of the "very important" talks at Paris, and at one point refused to elucidate his objection to Mr. Justice Fortas on grounds that the nomination was before the Senate. Vietnam and Fortas apparently are too big; now the securities business is too small. It is a marvelous theory on which to run a campaign.

Mr. Nixon's position is even more astounding when it is realized that until recently he was a director of our Nation's largest mutual fund complex. In this capacity, Mr. Nixon participated in compounding the same problems which this legislation attempts to correct.

Mr. President, the mutual fund reform bill was the result of over 8 years of careful study and review by both the Wharton School of Finance of the University of Pennsylvania and the Securities and Exchange Commission. In addition, the Senate Committee on Banking and Currency, under the leadership of our most distinguished chairman, the Senator from Alabama [Mr. SPARKMAN], carefully considered and modified these proposals during almost 2 years of hearings and executive sessions. As I have previously mentioned, the bill was then passed by the Senate despite the enormous pressures exercised against it by the mutual fund industry.

Mr. President, so that all Senators may be aware of Mr. Nixon's position opposing mutual fund reform and his obvious attempt to currry favor with the fund lobby, I ask unanimous consent that "the Nixon letter to Wall Street" and the October 3 Washington Post editorial be printed in the RECORD.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 2, 1968]

TEXT OF NIXON'S LETTER ON SECURITIES INDUSTRY

WASHINGTON, October 1.—Following is the text of Richard M. Nixon's letter, entitled "The Role of the Securities Industry in the National Economy," sent to a number of business leaders:

Today, one out of every eight Americans owns shares of mutual funds or common stocks in American industry. Directly and indirectly, 100 million Americans benefit from stock investments by way of pension plans or insurance policies. This broad base of individual ownership of American industry is the foundation of our free economy.

The fantastic growth of our securities industry and the dramatic increase in public participation has overburdened our nation's stock exchanges and raised questions about the impact of institutional investing on the market and on our economy and the effectiveness of existing law providing full and adequate protection for the investor.

These are sophisticated, complex, questions. The reaction of this Administration to these new challenges, however, has been simply to trot out the same tired old "cure-alls" of the Democratic party, that is, more heavy-handed bureaucratic regulatory schemes.

What is needed—and it will be a first priority of my Administration—is an independent, comprehensive, economic study of the role of financial institutions in our economy, the relationship of financial institutions to our nation's growth, the requirement for investor protections and the interrelationship of all financial institutions. Such a study is imperative before steps are taken which might seriously impair the nation's ability to continue to raise the capital needed for its future economic growth.

MUTUAL FUND POWERS

During the past Congress, a joint resolution was adopted authorizing a Securities and Exchange Commission study which would involve some of these issues. Even before the study could be initiated, the Justice Department and Securities and Exchange Commission advanced proposals designed to alter the basic character of the securities markets, involving drastic changes in the stock exchange rate structure and altering the economic relations of brokerage firms, institutional investors and individual investors. Tragically, those who would suffer most are the small broker dealers, the small, independent businessmen.

The Administration has further sought wide-sweeping new regulatory powers over the mutual fund industry, which powers would be tantamount to "rate-fixing" in a highly competitive industry. Agencies of the Administration have sought, sometimes with but more often without legislative authority, to establish bureaucratic domination over the competitive relations and everyday activities of banks, savings institutions, insurance companies and institutional investors.

The actions of this Administration are characterized by a legalistic and bureaucratic approach rather than one sensitive to the needs of our free economic system. Another priority of my Administration and an important plank in the Republican platform is a further and long-overdue study of the executive departments by an independent commission patterned after the Hoover Commission. One of the major items on the agenda of that commission must be a determination of the proper role which those agencies now regulating economic institutions are to play in insuring our nation's economic stability and growth.

The free and healthy operation of the market is of utmost importance to the investor; to the nation, the orderly growth of the industry and its ability to attract new investment provides the flow of capital essential to our nation's economic well-being and expansion.

LAWS FOR DISCLOSURE

Our securities laws were designed to protect the investor by insisting on full and complete disclosure. This has been the order of the day since the securities acts of the 1930's were written. I believe in the full enforcement of the securities laws to assure absolute protection for the investor; abuses of law should be vigorously prosecuted. I believe, furthermore, that the Federal Government should be continually sensitive to the needs for improvement in these laws to insure investor protection. The philosophy of this Administration, however, has been that disclosure alone is not enough and that the Government can make decisions for the investor better than he can make them for himself. This philosophy I reject.

By its actions, my Administration will evidence its faith in the American investor and in the strength and viability of American financial institutions so essential to the success of our free economy.

DREAMING IN NIXONLAND

When a presidential candidate seeks to satisfy a special interest group at the expense of the rest of us, there are several ways he can do it. If the candidate is a candid man, sure of his position and unafraid of public reaction, he can make a speech or release a statement detailing whatever proposal it is he has in mind. If the operation is a little more sinister, he can hang back, say very little, and from time to time toss a note over the transom saying, in effect: Don't worry. I'm with you.

This last appears to be exactly what Richard Nixon has done in assuring leaders of the securities business that if elected President he would end the "heavy-handed bureaucratic regulatory schemes" of the Johnson Administration. The pledge was made to important brokers and bankers in a letter not made public because it covered only "a narrow policy area." We are now told that similar documents are being prepared for leaders of the air transport business, among others.

Mr. Nixon's letter to "several thousand" securities men—entitled "The Role of the Securities Industry in the National Economy"—appeared to give particular solace to the proprietors of mutual funds, whose activities have come under increasing scrutiny by the Securities and Exchange Commission. It also denounced recent maneuvers by the SEC and the Department of Justice that have resulted in proposals to reduce sales commissions on stock transactions on the New York Stock Exchange. It will come as no surprise to anyone who has monitored Mr. Nixon's proposals that there were few specifics (at least the candidate is egalitarian in his disinclination to specify; the rich and powerful suffer along with the poor and the weak). But the burden of the message was *laissez-faire*. The fellows in Wall Street must have loved it.

We are fascinated with the explanation that the letter was not made public because it covered only a "narrow policy area." Now, let's see. He does not talk about Vietnam because of the "very important" talks at Paris, and at one point refused to elucidate his objection to Mr. Justice Fortas on grounds that the nomination was before the Senate. Vietnam and Fortas apparently are too big; now the securities business is too small. It is a marvelous theory on which to run a campaign.

Odder still, anyone who has carefully watched the Nixon entourage is aware of the avalanche of trivia that is instantly made available to anyone who wants it. The state of the David Eisenhower-Julie Nixon romance is easily learned, as is the color, style and design of Mrs. Pat Nixon's wearing apparel. Yet the securities business is being assured that Mr. Nixon will be friendly to it, and being assured in several thousand private letters which are not released. They are not released because the regulation of the securities business is a "narrow policy area." Is this campaign real, or are we only dreaming about it?

SENATE STILL HAS OPPORTUNITY TO RATIFY AT LEAST ONE HUMAN RIGHTS CONVENTION THIS SESSION

Mr. PROXMIRE. Mr. President, on September 30, the Committee on Foreign Relations reported the Protocol Relating to the Status of Refugees to the Senate and recommended that the Senate advise and consent to its accession.

As Laurence A. Dawson, Acting Deputy Director, Office of Refugees and Migration Affairs stated in his testimony before the committee:

> The protocol is a human rights document. The human rights which it covers for the refugees involved are of the most crucial and the most important type. They are literally the difference between life and death for many of them. They are in all cases the difference between the opportunity to live in dignity as a decent, self-supporting, self-respecting human being, or else in the absence of such opportunity, to languish in camps or otherwise in a state of dependency.

At this time in world history when we are seeing refugees being created by various outbreaks of strife and tension, it is particularly important that the United States give its formal approval to provisions contained in this protocol for the protection of the human rights of refugees. One only has to look at the Middle East, Biafra, Czechoslovakia, Vietnam, Tibet, and many other areas to see millions of the hungry, the wandering—the unwanted, yet paradoxically pursued.

Mr. President, I urge the leadership to schedule the protocol for immediate Senate consideration. I am confident that the favorable report of the Committee on Foreign Relations will insure its acceptance by the Senate.

We will have the opportunity to ratify a human rights convention this session. I hope we will not allow the rush for adjournment to obscure this very important piece of unfinished business.

The Senate must reaffirm its leadership in the foreign policy field and specifically in efforts to internationalize those basic human rights that we in America enjoy as our birthright. Some 3½ million human beings are in dire need right now of those rights and their guarantees.

THE INTERGOVERNMENTAL COOPERATION ACT

Mr. SCOTT. Mr. President, the Intergovernmental Cooperation Act (S. 698) as reported from conference on Monday is a measure that deserves the full support of all of us. As a cosponsor of this legislation, I am delighted with the favorable House action on the measure on Tuesday and hope that the Senate will follow suit.

This measure basically is geared to streamlining certain processes of our federal system. Contemporary federalism is desperately in need of a genuinely cooperative partnership—a partnership involving autonomous governmental jurisdictions that recognize the underlying interdependence of the system. This complex network, however, requires constant attention—especially from Congress—since operational difficulties can easily develop under new pressures and new conditions.

Intergovernmental relations have experienced a drastic transformation during the past two decades. A rapid expansion of our population as well as the galloping pace of urbanization has generated insistent public demands for more and better services. Moreover, most of the burden has fallen on State and local governments. Witness the fact that in fiscal year 1966, State and local general expenditures rose to $82.8 billion compared to a 1948 figure of $28 billion.

The National Government has made its own response to these demands—relying chiefly on the grant-in-aid technique. Federal aid for this fiscal year involves some $20.3 billion—more than 10 times the figure for 1948. Yet with this expansion, there has come increasing proliferation with more than 400 categorical grants currently in operation. With this growth in grants, there has come increasing duplication, program inconsistencies, an information gap, and a crisis in coordination.

These developments along with many others prompt my solid support of this legislation.

The proposed Intergovernmental Cooperation Act contains significant and much-needed reforms in five fundamental areas:

First. The bill seeks to coordinate procedures affecting the distribution of Federal grants to the States and to facilitate the participation of the States as effective partners in the federal system. This goal is implemented through encouraging an improved flow of information concerning Federal grants to State Governors and legislatures, by eliminating requirements for separate bank accounts, by discouraging advancement of Federal funds for longer periods than are necessary, and by permitting greater flexibility in administrative reorganization at the State level.

Second. The measure authorizes Federal departments and agencies to provide specialized and technical services to States and localities on a reimbursable basis. This will not conflict with the role of private enterprise in the provision of these services. But it will achieve economies in intergovernmental operations.

Third. The bill establishes a coordinated intergovernmental policy for the administration of development assistance grants, which includes incorporation of systematic planning required under separate Federal grant programs into comprehensive local and areawide development planning, and preference accorded to general governmental units, rather than special districts, in the disbursement of Federal aid funds. It also stipulates that the President establish Government-wide guides for the formulation, evaluation, and review of Federal development programs and projects.

Fourth. The bill establishes uniform policies and procedures with respect to the acquisition, use, and disposition of urban land by the General Services Administration, and seeks to insure the consistency of such land transactions with the zoning and land use practices of affected local governments. This title initiates a Federal policy in this area—which in time can be extended to other agencies and areas.

Fifth. Finally, the measure provides for systematic congressional review of grant-in-aid programs—both existing and future—which have no expiration provision specified by law. It is my understanding that without the constructive action of the Republican members of the conference committee no periodic review title would have emerged from conference and while I recognize that certain of its features could be strengthened, I am convinced that this title serves as a solid base for beginning the work of strengthening congressional oversight with respect to grant-in-aid programs.

Mr. President, I believe that this bill would remove many of the serious obstacles which presently impede the effective operation of the grant-in-aid system, and thereby would substantially contribute to the revitalization of American federalism. For this reason I urge passage of this measure.

Mr. President, I ask unanimous consent that a letter I have received from the very able and distinguished Member of the other body from New Jersey, Mrs. DWYER, about S. 698 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 2, 1968.

Hon. HUGH SCOTT,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: As ranking minority member of the Committee on Government Operations and a conferee on S. 698, the Intergovernmental Cooperation Act, I should like to take the liberty of acquainting you with some of the background of, and my own deep interest in, the compromise language of Title VI of the bill reported by the Conference Committee and passed by the House, entitled Congressional Review of Federal Grants-in-Aid to States and to Local Units of Government. I understand that this new title, an earlier version of which was included in the bill unanimously passed by the Senate, has been the source of some concern on the part of minority conferees from the Senate. In view of the great importance of the legislation as a whole and the significance, especially for Republicans, of our victory in winning approval of the periodic review title, I want to do everything possible to encourage broad Republican support for the bill.

You may recall that the concept of providing for periodic review of grant-in-aid programs by the appropriate standing committees of Congress originated in a recommendation of the Advisory Commission on Intergovernmental Relations in its report of June, 1961, entitled "Periodic Congressional Reassessment of Federal Grants-in-Aid." As a result of this recommendation, implementing legislation was drafted which I, together with other members, introduced in 1961. Hearings on this legislation were subsequently held by subcommittees of the House and Senate Government Operations Committees, at both of which I testified in favor of the bill.

When no final action resulted on this legislation, it was incorporated, together with additional provisions implementing other recommendations of the Advisory Commission on Intergovernmental Relations, in the omnibus Intergovernmental Cooperation Act. Although the Senate twice passed the Intergovernmental Cooperation Act without a dissenting vote, we failed to obtain favorable action in the House largely because of opposition within the Government Operations Committee to the provision for periodic review of grant-in-aid programs, specifically because of the feature automatically terminating grant programs after five years in cases where Congress had provided no termination date and had not further extended such programs. In its earlier versions, the legislation restricted the automatic termination feature to grant programs enacted after the Intergovernmental Cooperation Act became law.

The principal purpose of the automatic termination feature was, in effect, to put "teeth" in the requirement that Congressional committees review grant-in-aid programs to determine whether changing needs and circumstances warranted the extension of such programs, required adjustments in those programs, or made it possible to eliminate them altogether.

Meanwhile, however, the pattern of new grant-in-aid legislation enacted by Congress during the past five or six years changed rather notably to the extent that the great majority of new programs included specific termination dates, thereby tending to reduce the significance of the automatic termination feature of the periodic review provision. Nevertheless, opposition to this feature continued to block approval of the Intergovernmental Cooperation Act in our House Government Operations Committee so that the Committee this year elected to drop the periodic review provision in order to obtain a favorable report. Republicans on the Committee, who felt as I did that some form of periodic review was of great importance, agreed to report the bill without this provision only after the Senate had passed a similar bill including the periodic review title in the expectation that a compromise provision could be agreed on in Conference.

Prior to the Conference, in my capacity as a conferee and as ranking minority member of the Government Operations Committee, I instructed minority staff members to prepare a proposed compromise amendment for the consideration of the Conference Committee. As you know, the new language dropped the automatic termination feature for future grant-in-aid programs and substituted in its place the requirement that past as well as future programs (those not having specific expiration dates) be periodically reviewed by the Congressional Committees having jurisdiction, and this language was adopted by a majority of the conferees.

In the perspective of this background, I am personally convinced that the new periodic review provision represents an important broadening of the principle to which we all subscribe, that Congress should regularly review grant programs in keeping with its mandate to assure the economy and efficiency of government operations.

Given the fact that most recently enacted grant programs and presumably most future programs carry automatic termination dates, I believe that the new periodic review provision can have considerably greater effect than earlier versions in reaching our objective.

In anticipation of an early Senate vote on the conference report on S. 698, I respectfully urge you to reconsider any objections you may have to Title VI of the conference report. I am confident it represents not only the best compromise we can achieve but also stands as a signal achievement of sound Republican objectives. Although the legislation (both the Intergovernmental Cooperation Act and its predecessor Periodic Reassessment bill) has always been bipartisan in its origins and sponsorship, it has always seemed to me to receive more Republican support, both in quantity and quality, and has, for some time now, been a major item in the House Republican Leadership's legislative program.

Thank you very much for your courtesy.

Sincerely yours,

Florence P. Dwyer,
Member of Congress.

RAILROADS MISREPRESENT PUBLIC SENTIMENT THROUGH PERVERSION OF THE PRESS

Mr. METCALF. Mr. President, on July 15 I made a statement concerning the trend in the railroad industry toward discontinuance of passenger train service. Appearing with my statement, on page 21206 of the Congressional Record, was an editorial entitled "Public Preference Rules," which had been distributed to editors by Industrial News Review, a canned editorial service which is one of this country's principal prefabricators of public opinion.

As I indicated in my remarks, the editorial was one of a series which INR distributed to some 11,000 newspaper editors to fortify its client rail industry's campaign to eliminate railroad passenger service. I suggested that this canned opinion would appear in newspapers throughout the country, printed as if it were the conclusion of a local editor.

Mr. President, I do not know how many newspapers have used this material but, since I put the editorial in the Record, copies of the editorial as it appeared in seven newspapers, in each case appearing as though it were the thoughtful conclusion of the local editor rather than the weekly production of a railroad publicity man, have been sent to me. I have also received copies of six other railroad editorials which, upon checking, were found to be the product of the canned editorial factory rather than the local editor.

It is quite easy to see how the railroads manufacture their figures on public support for their position. They pay Industrial News Review to write a weekly editorial for them and send it to the editors. They maintain a clipping service to count the number of papers that print the editorials. Then the railroads conclude that x number of newspapers are showing "a remarkably broad grasp of railroad problems" or whatever the phrase of the day is. That is the same technique which the American Medical Association used to try to defeat medicare, and which the late Senator Pat McNamara exposed in 1965, and it is the same technique which the private power companies, which likewise subsidize Industrial News Review, have used ever since Samuel Insull expanded it into a national utility propaganda service during the twenties.

Mr. President, at this point in my remarks I ask unanimous consent to have printed in the Record the Industrial News Review editorials to which I have referred and the identical or almost identical editorials which appeared in various newspapers.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Hillsboro (Oreg.) Industrial News Review, July 1, 1968]

Public Preference Rules

(To the Editor: The aim of the Industrial News Review is to advocate and encourage policies which it believes essential to the well-being of Our Country, the development of industry, the sound investment of savings, and steady employment of American workers. Its editors express their personal convictions in discussing industrial and economic questions that affect business stability and social progress. Its weekly distribution of comment herewith is supported financially by industry, business and professions, including public utilities, retailers, railroads, mines, manufacturers, food processors, petroleum, financial institutions and others who believe that community prosperity and growth, sound government and reasonable taxation, must accompany individual and corporate prosperity. Its findings are not copyright and are submitted for consideration or reproduction, with or without credit, in whole or in part, or for any commentary use of statistics, quotations or opinions contained. Its desire is to encourage constructive comment on basic questions affecting American enterprise. You may not accept the conclusions as here given, but perhaps they will aid you in telling the story to your readers as you see it. A free interchange of ideas will enable our people to arrive at fair and intelligent decisions on questions of public interest.)

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

The AAR has released a pamphlet entitled, "The Case Of The Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for new, modernized passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the ICC conducted a long investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Donora (Pa.) Herald-American, the Daily Republican, July 10, 1968]

Public Preference Rules

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[From the Dansville (N.Y.) Express, July 18, 1968]

Preference Rules

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[From the Dover (N.H.) Foster's Daily Democrat, July 13, 1968]

Public Preference Rules

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The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Seattle (Wash.) Daily Journal of Commerce, Aug. 14, 1968]

Public Preference Will Prevail

A recent analysis of newspaper reports by the Association of American Railroads showed an unexpectedly broad grasp of railroad problems by the public but with one exception. That has to do with possible discontinuance of passenger trains. It seems evident that the public has failed to understand its own changing preferences and the resulting economic stress that has been placed on the rails.

The association has released a pamphlet entitled "The Case of the Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining railway service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for modernizing passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the Interstate Commerce Commission conducted an investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport service, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry to benefit the entire nation.

[From the Norwich (Conn.) Bulletin, July 16, 1968]

Public Preference Rules

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

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The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Parkersburg (W. Va.) News, July 16, 1968]

Press Shows Grasp of Problems

A recent analysis of newspaper editorials by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail *passenger trains*. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that has been placed on the rails.

The AAR has released a pamphlet entitled, "The Case Of The Vanishing Passenger Train." In it, the story is told of why passenger trains are disappearing. People have simply chosen other forms of transport and not because of declining service. Shortly after World War II, the railroads and the Pullman Company spent over $500 million for new, modernized passenger equipment. This equipment included ultramodern chair cars, plush sleeping cars with showers, valet service, radio-telephones, dining cars with full course meals, lounge cars with coffee shops and bar service, vista-dome observation cars, air conditioning and other conveniences and luxuries. In spite of these innovations, passenger traffic declined. If the rails were still running as many trains as they ran in 1957, passenger deficits in 1967 would have been about $1.5 billion—more than the industry's total net operating income from freight service.

In 1959, the ICC conducted a long investigation of the passenger train crisis. It reported railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay and only after sympathetic consideration of public convenience."

The U.S. will depend more and more on the rails for the hauling of freight. To meet this transport challenge, every available rail investment dollar must go for the continuation of a modernization program which is reshaping the railroad industry from the ground up to the benefit of the entire nation.

[From the Pontiac (Mich.) Press, Aug. 21, 1968]

Trace Decline of Passenger Service

A recent survey by the Association of American Railroads showed a remarkably broad grasp of railroad problems by the public—with but one exception. That had to do with discontinuance of rail passenger trains. Apparently, the public has failed to understand its own changing transportation preferences and the ensuing economic stress that it has placed on the rails.

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In 1959, the Interstate Commerce Commission conducted a long study of the passenger train crisis. It reported that railroads have "conscientiously endeavored to improve their standards of service" and "generally have not discontinued trains without serious efforts—sometimes prolonged—to make them pay, and only after sympathetic consideration of public convenience."

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[From the Hillsboro (Oreg.) Industrial News Review, May 27, 1968]

Something More Is Needed

We have all become intimately acquainted with that inflationary cycle known as the wage-price spiral. A grim example of the way it works can be seen in the recent financial experience of one of the nation's most basic industries—the railroads.

Not long ago, rail labor unions won spectacular wage increases. These increases, together with other inflationary cost rises over which the rails have had no control, are now showing up in the ledger. In reporting final 1967 figures, the Association of American Railroads said rail income after fixed charges—and after recording income from nontransportation sources—amounted to only $555 million in 1967, a drop of 39 per cent from the $906 million reported a year earlier. Rate of return on net investment skidded to 2.45 per cent—lowest since 1961. To counteract these sharp decreases in earnings, the railroads have been forced to petition the ICC for selective rate increases.

The financial strength of the railroads concerns the nation. The rails are the backbone of the transportation system. They are the keystone of military logistics, just as they are the prime movers of domestic commerce. They are a primary source of jobs, just as they are an important source of tax revenue for government. The rails are putting to work every possible technological advance to help hold down costs, and as a result have been a major restraining influence on inflation. But, obviously technology and efficiency have their limits. Something more is needed; namely, higher freight rates.

[From the Dover (N.H.) Foster's Daily Democrat, June 17, 1968]

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[From the Aiken (S.C.) Standard & Review, June 19, 1968]

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[From the Hillsboro (Oreg.) Industrial News Review, May 20, 1968]

Railroad Visionaries Bring Progress

Are railroad men becoming hopeless heads-in-the-clouds visionaries? One might be led to think so by the prediction of a railroad spokesman that the rails in our country will become in the nature of a mammoth "land bridge" for the containerized movement of cargo between Europe and the Orient. The spokesman, Mr. Thomas M. Goodfellow, president of the Association of American Railroads, may be a visionary, but his feet are solidly on the ground, and his head is clear of all clouds. His prediction was made during a meeting at Rotterdam, Holland, of transportation experts from countries throughout Western Europe and their counterparts in the United States.

Mr. Goodfellow has sound reasons for believing that in the worldwide free-flow transportation system of tomorrow, the railroads can in fact, facilitate worldwide movement of goods. He points out, "Our railroads have the capacity, technology, flexibility and dependability to become a land bridge between the Far East and Europe in either direction and in both directions. That is the shape of things to come."

The basis of the new role of the railroads is containerization. Containerization can make possible simplified rates and shippng procedures. It is also considered the key to expanding intermodal, international commerce. In the United States, containers are being used to an ever-greater extent.

In the words of Mr. Goodfellow, "United States railroads are vitally concerned with containerization. Our broad interest relates to the desirability of a free flow of world commerce. It relates, also, to the idealistic need for an efficient worldwide distribution system which we must have if this planet is to become the great place it could be." Visionaries with practical ideas and the courage to promote them, are what make new industries, new jobs and new sources of tax revenue. We owe a lot to the visionaries—in the railroads as elsewhere.

[From the Norwich (Conn.) Bulletin, June 12, 1968]

New Role for Railroads

Are railroad men becoming hopeless heads-in-the-clouds visionaries.

One might be led to think so by the prediction of a railroad spokesman that the rails in our country will become in the nature of a mammoth "land bridge" for the containerized movement of cargo between Europe and the Orient.

However, the spokesman, Thomas M. Goodfellow, president of the Association of American Railroads, may be a visionary, but his feet are solidly on the ground, and his head is clear of all clouds.

He has sound reasons, pointing out "our railroads have the capacity, technology, flexibility and dependability to become a land bridge."

"This is the shape of things to come," he says.

[From the Hillsboro (Oreg.) Industrial News Review, July 15, 1968]

What Railroads Mean to You

It was once said that if the railroads didn't exist, they would have to be invented—or words to that effect. They are not only prime movers of commerce, but they are also a mainstay of the economy generally. The trouble with trying to get down to specifics about the impact of railroads on our well-being is because, as a top rail spokesman observed, ". . . the story is usually cast in terms that are difficult to interpret in a personal way."

This rail spokesman, Mr. Thomas M. Goodfellow, president of the Association of American Railroads, made the remark during a talk at Springfield, Missouri. He then went on to tell the rail story as it applied in a personal way to the State of Missouri. He said, "The 33 railroad companies operating in Missouri not only offer transportation service, they also provide tremendous support for the economy of this state . . . they employ about 21,600 men and women, and every large community and many small ones share in the railroad payroll which normally amounts to around $166 million a year in Missouri. The state also benefits from the expenditure of millions of dollars by railroads each year for fuel, materials, supplies and equipment. In addition, Class I railroads pay out more than $11.5 million a year in taxes to help finance state and local institutions, services or facilities. In short, concluded Mr. Goodfellow, "railroad payrolls, taxes and purchases are currently contributing more than $200 million annually to the prosperity and well-being of this state."

Bringing home the railroad story as it bears on a single state shows why it is a story that involves the stability, prosperity and progress of nearly every community in the land.

[From the Parkersburg (W. Va.) News, Aug. 1, 1968]

WHAT RAILROADS MEAN TO COUNTRY

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[From the Hillsboro (Oreg.) Industrial News Review, June 10, 1968]

GROCERY PRICES AND THE IRON HORSE

It is unlikely that the average housewife would think of a technical transportation development as an important factor in the price of groceries, but proposals under consideration for high-speed movement of food across the continent by containerized unit trains could give the housewife of tomorrow lower grocery prices and fresher produce in the opinion of the head of the Association of American Railroads, Mr. Thomas M. Goodfellow.

Such trains will likely be a part of the transport revolution now taking place in the railroad industry. Mr. Goodfellow observes they have been proposed as part of the railroads highly-specialized, customer-oriented services, tailored to handle the mountainous transport tasks of our expanding economy. He adds that similar container trains serving as a "land bridge" for intercontinental shipments between Europe and the Orient are "beyond the discussion stage and no longer just conference room possibilities."

The point of the foregoing, of course, is to illustrate the interrelated interest of everyone in the problems and progress of an industry that we think of as far removed from our daily welfare. The railroads are a particularly apt example. Upon their ability to compete equally with other forms of transport under an equitable regulatory and tax system, which recognizes their importance as a mover of commerce, depends the stability and growth of vast areas of the nation. This was true a hundred years ago, and it is even more true now, as we commemorate the 100th Anniversary of the first transcontinental rail line.

[From the Norwich (Conn.) Bulletin, July 10, 1968]

RAILROADS HELP ALL

There are proposals now under consideration for high-speed movement of food across the continent by containerized unit trains that could give the housewife of tomorrow lower grocery prices and fresher produce.

This is the word from the head of the Association of American Railroads, Thomas M. Goodfellow.

Such trains likely will be a part of the transport revolution now taking place in the railroad industry.

Goodfellow says they have been proposed as part of the railroad's highly-specialized, customer-oriented services, tailored to handle the mountainous transport tasks of the expanding economy.

He adds similar container trains, serving as a "land bridge" for intercontinental shipments between Europe and the Orient, are "beyond the discussion stage and no longer just conference room possibilities."

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[From the Hillsboro (Oreg.) Industrial News Review, June 17, 1968]

SAFER THAN EVER

Misleading statistics have led to reports of an increase in "train accidents" on the railroads. These reports make it appear that the rail safety record is worsening, when in fact the truth is just the opposite. The reason the statistics are misleading is due to the effects of inflation and the ruling that any incident involving more than $750 damage to rail property is a "train accident."

With the higher costs of today's sophisticated equipment, a rough coupling of two freight cars can—and frequently does—show up in the statistics as a "train accident." As Mr. Thomas M. Goodfellow, president of the Association of American Railroads, declares, "Measured by casualties, overall rail safety has shown continuing improvement during the last 10 years." Mr. Goodfellow backs up his statement with some impressive figures: Passenger fatalities on America's railroads were reduced by better than 50 per cent in 1967, highlighting a drop in rail casualties in virtually all categories. Preliminary rail figures show only 13 passenger fatalities in 1967, compared to 27 the previous year. The fatality rate per 100 million passenger-miles dropped from .16 in 1966 to .09 last year.

The railroad has long been the safest of all conveyances—and it is getting safer.

[From the Norwich (Conn.) Bulletin, July 6, 1968]

RAILROADS SAFER

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Don't believe them.

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However, Thomas M. Goodfellow, president of the Association of American Railroads, points out, "measured by casualties, overall rail safety has shown continuing improvement during the past ten years."

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[From the Hillsboro (Oreg.) Industrial News Review, May 6, 1968]

A GROWTH INDUSTRY

In spite of present troubles—inflation-bred cost increases and the need for commensurate rate increases—the railroad industry is described, with good reason, as a "growth industry." Although it is one of the oldest industries in the country, dependence on railroads in the United States is going to grow—not diminish—in the years ahead.

Rail carriers are getting set to serve America's expanding transport needs with greater efficiency than ever before. Mr. Thomas M. Goodfellow, president of the Association of American Railroads says, "Railroads are breaking through barriers not only in technology but also in customer services, pricing, merchandising and managerial approaches."

Technology is doing much to help cut costs. Technological breakthroughs have resulted in electronic yards, computers and microwave communications systems. These innovations shortly will be joined by an electronic system for the automatic trackside scanning and identification of passing freight cars and a nationwide computerized freight car tracking system. All of this means better, more efficient and economical service to customers.

Last year, in the midst of an earnings setback, the rails pushed ahead with their investment in modernization to the tune of $1.4 billion. The welfare of the railroads concerns the growth and stability of the nation. The rails maintain a payroll which currently provides about $5 billion a year in consumer buying power. In addition, the industry spends more than $3 billion a year for supplies and pays nearly a billion dollars a year in taxes. And, it handles over 43 per cent of the total intercity freight load.

Community prosperity and growth can only accompany, not precede, that of industries such as the railroads—industries which are the economic mainstay of the country.

[From the Aiken (S.C.) Standard & Review, May 22, 1968]

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Community prosperity and growth can only accompany, not precede, that of industries such as the railroads—industries which are the economic mainstay of the country.

Mr. METCALF. Mr. President, in the editorial "Public Preference Rules," the INR makes the charge that the railroads are eliminating passenger service because the public has chosen other forms of transportation. This opinion is in sharp contrast to the feelings of my constituents who, in writing to me, have expressed their sincere and vital need for the train for business and recreational purposes.

The same editorial continues by stating that "apparently the public has failed to understand its own changing transportation preferences." This is absurd. If we were to follow this logic we might say that the air transportation industry which has recently offered special lower rates to vacationers, is doing an excellent job—perhaps better than the American Association of Railroads—of convincing the public that it does not understand its own changing preferences.

The important point remains that the facts concerning public reaction to the elimination of passenger train service are being misrepresented through the use of these canned editorials, purchased by the railroads and purporting to represent public sentiment. I have submitted the foregoing to underscore the fact that this whole matter is in serious need of further congressional investigation. It is for this purpose that we have submitted Senate Concurrent Resolution 25. I cannot too strongly reiterate my profound hope that the Committee on Commerce will report this concurrent resolution and that it will be approved so as to make it possible to reach a complete factual understanding of the rail industry's true capability for providing passenger service.

THE MILITARY COUP IN PERU—ANOTHER EXAMPLE OF THE FAILURE OF U.S. POLICIES IN LATIN AMERICA

Mr. GRUENING. Mr. President, the disgraceful military overthrow of the legitimate regime of President Fernando Belaunde Terry, of Peru, offers but another example of the failure of U.S. policies in Latin America.

President Belaunde was elected to office in 1963. Thus, at the time of the violent overthrow of his Presidency and his arrest, President Belaunde had less than a year remaining of his term of office.

President Belaunde had been a truly remarkable man. An architect, trained in the United States, he did not actively engage in politics until he sought the Presidency of his country. As President, he took an extraordinary interest in the welfare of his people, going to them to find out their needs.

This is not the first time that the military leaders of Peru have taken the law into their own hands and deposed a legitimately elected civilian government.

A similar coup took place in Peru, following military revolts in Argentina and Brazil. At that time I stated:

> Unless we act firmly to show our allies for progress in Latin America that we mean what we say, that we will deal only with stable governments representing the people and being in a position to give realistic assurances that the self-help measures of the Alliance for Progress will be carried out, we can expect more and more events such as the ones taking place in Peru today.

For many years now I have been highly critical of the U.S. military assistance program to Latin America which not only diverts much needed funds from economic and social development but also gives to the military segment of the population an inordinate amount of power over civilian rulers chosen by the people.

Over the years we have given Peru over $139 million in military assistance. During that period we have given $1.1 billion in military assistance to the countries of Latin America. As witness the military coup in Peru, our squandering of these vast sums on military hardware and training has not resulted in increased stability of the civilian governments of Latin America. The contrary is true. Those civilian governments have had to operate literally peering into the barrel of a gun, their every move subject to checkmate by military cliques.

I suppose the State Department will follow its usual course of action in the case of Peru. After a few days of futile handwringing and deploring, the military junta in Peru will be recognized as the legitimate government there and the will of over 712,000 Peruvian voters in the 1963 election will have been effectively thwarted.

There seems to have developed in this country the feeling that military budgets have about them an aura of sanctity. Although waste in military expenditures is well known, with instance after instance constantly being brought to light, when, as has been the case here on the floor this week, when military appropriations are being voted on, every proposal to cut has been met with adamant and overwhelming resistance. That same resistance has also been met to any attempts to cut our foreign military assistance programs.

Yet what has now happened in Peru has borne out the truth of the warnings that I—and many others in the Senate—have been uttering over the years that by building up the strength of the military powers in Latin America we are inviting the inevitable overthrow of civilian governments.

I, therefore, hope that the State Department will take immediate action to show the military junta in Peru that that country cannot expect a continuance of U.S. economic or military aid unless and until civilian rule has once again been reestablished in Peru and that the will of the people will be heeded. The Alliance for Progress cannot hope to succeed in any country in Latin America unless there exist conditions of domestic, political tranquillity.

THE SAD STORY OF THE TFX

Mr. CURTIS. Mr. President, I intend today to address some remarks to the long and sad history of the TFX airplane program. There is good reason for us to consider this story carefully, for in many ways it is typical of the sorrowful pattern of tragic mismanagement that has characterized the operation of the Pentagon for the last 8 years. The TFX program is well worth our study, because the many mistakes made in this one aircraft procurement effort have been repeated constantly in many other weapons programs and in routine daily operations of our military affairs, including the direction of the war in Vietnam.

TFX represents mismanagement; the gross violation of the basic principles of management of large organizations, where only broad policy and objectives should be decided at the top executive levels and where responsibility and authority for actual management should be delegated down to personnel who have the working expertise. This fundamental principle has been completely abandoned in TFX; it also has been abandoned for 8 years in the operation of the Pentagon.

TFX represents arrogance and obstinacy, and refusal by the Pentagon hierarchy to listen to the advice of subordinates, to admit to and to face up to mistakes already made, and to take timely actions to correct them. This same attitude has pervaded the decisions that have been made on our overall defense posture, as our position of dominance—of overwhelming strategic superiority—has been deliberately allowed to dribble away while our potential adversaries were building up to catch and surpass us in this vital area.

And finally, TFX represents the lack of credibility that the American people have come to expect now from the Pentagon as a matter of routine. Throughout its long history, starting with the first challenge to the contract award, proceeding through the research and development program, and including the cancellation by the Congress of the Navy TFX, there has been a consistent history of misrepresentation and even deliberate falsehood relating to the facts about this TFX program. Indeed, there has been so much distortion of fact about so many things going on in the Pentagon today the newsmen who are assigned there, as well as the American public, treat most news or information emanating from the Department of Defense with skepticism and cynical doubt. "What are they trying to pull now?" is the reaction these days to Pentagon news releases. That is a sad commentary, is it not, when a Department of the U.S. Government, one that spends half of the Federal budget, cannot be believed by the American people. The credibility gap, now a common household phrase, is the result of 8 years of this leadership in the Defense Department of the United States.

Let us trace the history of the TFX for those 8 years and follow the series of blunders that would ruin this program and bring us to face the present deterioration of our once dominant military aircraft position.

GENESIS OF TFX—THE NEOPHYTES TAKE OVER

TFX as a concept started before the present Pentagon crew took over in 1961. The research behind the new principle that made the TFX's swing wing a practical possibility was done by the NASA by 1959. The advantages of this swing wing—it would be almost straight out from the plane for slow takeoffs and landings and would be swept back for supersonic flight—had been known and there had even been several research planes that used it, but their designers had encountered some technical problems in the building of the swing wing that kept these aircraft from being practical military planes. In 1959 the NASA devised a method of pivoting these wings that alleviated the difficulties previously met, and both the Air Force and Navy were ready to use it on their next planes. The Air Force envisioned a new tactical fighter-bomber eventually to replace its F–105 Thunderchiefs—a new plane that could act as an air superiority fighter and a long-range strike bomber. The Air Force also required a transoceanic ferry range, a requirement similar in basic principle to the Navy's desire for a fighter with the capability to loiter at slow speed on air patrols in defense of the fleet. The variable sweep wing permitted both efficient cruise flight, whether ferrying or loitering, and also efficient supersonic flight for combat strikes and dogfighting. In these gross respects, therefore, the military requirements for the planes appeared similar, at least to the neophyte who was not experienced in the complexities of actual aircraft design. But in truth the Air Force and Navy "military requirements," the phrase used to describe the specifications and limitations for a new weapons system, were significantly different. Two distinctly separate airplanes could have resulted if the requirements of each service had been insisted upon.

Analogies abound to illustrate this difference, and one of these is my own favorite. Suppose you, as a race car driver, wanted to buy a little sports car like an MG or a Triumph for a slalom type of road race, while your partner needed an Indianapolis type of car, large and powerful, for a high-speed race. The banker who was backing your team said to buy two Mustangs because you could save money on common repair bills. Well, your two Mustangs would "save" him some money, but you would not win any prizes.

Coincidentally with the reports of favorable prospects for the variable swing wing, the Air Force and Navy had been studying the possibility of designing a biservice airplane. By August 1961 their engineers and scientists in charge of new airplane designs reported to Mr. McNamara that the requirements were too widely different and that a single plane "to fulfill the stated requirements of both services was not technically feasible." The new Secretary of Defense on the job for less than a year, also was studying the services' needs for tactical fighters of the future. He dictated in September 1961 that a single, common, fighter should be procured and that the military requirements had to be compromised until a single plane could result. Mr. McNamara's announced purpose was to save a billion dollars, presumably by having only one R. & D. program plus a single production line. The fact that the resulting plane would not be able to meet the needs of either service was apparently not important, so long as the supposed "saving" would result.

There is no inherent reason why both services cannot use the same airplane, providing that the missions for which it is to be used are similar. After all, the Navy adapted the Air Force F–86 Sabre Jet fighter to fit it for carrier operation and used it as its first line fighter for many years. The Air Force took the Navy F–4 Phantom and eventually bought more of them for its own fighter squadrons than the Navy has procured. But in those cases, the planes met the existing needs of each service, which was why they became successful biservice aircraft. It is clear that the first major mistake in the TFX program was to require a common airplane to replace the Navy's F–4 fighter and the Air Force's F–105 fighter bomber. The decision to proceed arbitrarily overruled the counsel of experienced experts in the highly specialized field of airplane design. This action was typical of the way the Pentagon has been run for the last 8 years.

THE TFX CONTRACT AWARD

The Air Force and Navy finally agreed to accept the resulting hybrid airplane when it became obvious that they would get nothing else. They began the normal process of obtaining proposed designs from the aircraft manufacturing industry. A new phenomenon then occurred, when the military commanders announced the winner of the design competition to the civilians newly appointed to the top posts in the Pentagon. The top officials ordered that the winner, the Boeing Co., and also the next ranking competitor—of six—General Dynamics, be given an additional 3 months to rework their designs. This happened again after the second round of design work. Boeing won the competition, the military recommended Boeing as the source, and the civilian administrators directed that additional time be granted to both companies to improve their designs. A third round of design work was accomplished. Again the result was the same. However, when the companies began work on the fourth round, they had some additional guidelines to follow. The Secretary of the Air Force issued a directive telling the services to work with the two contractors to improve their designs and also said:

> The intent of the Secretary of Defense to reduce weapon system cost by maximizing similarities of the Air Force and Navy versions, and by maximum use of common equipments and structures, etc., must continue to guide the efforts of the contractors in their design considerations. The degree of divergence between the two versions and the cost implications thereof must be identified.

At the end of the fourth round, 1 year after the start of the design competition, which normally is a 3-month process, the result was still the same, with Boeing the winner according to the evaluation team of aeronautical specialists. Their judgment was supported up the chain of military command. This time, however, there was one difference, because the evaluation team for the first time ruled that General Dynamics had come up with an acceptable design. The civilian Secretaries again were told the results, Boeing had won, but General Dynamics was also acceptable. For 2 weeks the civilians at the secretarial level debated this among themselves because, for the first time during the competition, they were presented with a possible choice. In each of the first three rounds the General Dynamics proposal had been declared unacceptable by the military, and the civilians did not have the gall to overrule that declaration. After the fourth round, however, they did reverse their military advisers and, without discussing or debating their decision with any of the generals or admirals who had recommended Boeing, they announced that General Dynamics had been chosen to build the TFX.

THE SENATE INVESTIGATION OF THE TFX CONTRACT AWARD

Looking into rumors that the Department of Defense had awarded a multibillion-dollar contract to buy the second best plane at the higher price, the Senate Permanent Subcommittee on Investigations began a preliminary inquiry into the matter in December of 1962. Actual hearings on the award began in February 1963, and were held frequently through November of that year. The hearings were suspended at that point and have not been reopened to date, although the subcommittee has continued its active inquiry into the program.

Although the hearings produced no conclusive results on why the civilian Secretaries reversed the recommendation of their advisers, they produced a mass of intriguing evidence of just how the Defense Department was being managed and how important decisions were being made. Air Force Secretary Zuckert's memorandum for the record that gave the reasons for picking General Dynamics alleged that there were four primary technical reasons for doing so, as follows:

First. Greater commonality of parts between the Air Force and Navy versions;

Second. The use of steel rather than titanium in the wing carrythrough structure;

Third. Better location of the engine inlets, under the wings of the General Dynamics design rather than on top of the plane, as in the Boeing design;

Fourth. Use of conventional speed brakes rather than thrust reversers, which were cited as a potential development risk.

The Secretaries constantly proclaimed

"their experience" in attempting to justify overruling the recommendation of an evaluation team of more than 250 aircraft specialists. We should remember that the Secretary of Defense was an accountant, the Secretary of the Air Force was a lawyer, and the Secretary of the Navy was a banker. Exactly what kinds of "experience" they were referring to is difficult to comprehend.

In addition to the technical factors cited in the memorandum, the document stated that Boeing was overoptimistic on its costs. Testimony before the subcommittee disclosed a strange line of reasoning relating to the fact that Boeing's proposal was significantly lower in price than that of General Dynamics. This offer of a lower price was held against Boeing by the civilian Secretaries for two reasons. They pointed out that both companies were bidding too low but General Dynamics was bidding higher than Boeing; therefore, they said, General Dynamics was more realistic about the eventual costs of the program. It was implied that a more realistic estimate could eventually be equated to a lower price, although this economic twist was never actually stated. Second, the memorandum stated that General Dynamics estimated their single program would save $623 million over the cost of developing two separate versions, whereas Boeing claimed a saving of only $397 million.

One would normally conclude from this that Boeing was indeed a lower cost producer than General Dynamics. However, the civilians used these claims to show that General Dynamics would eventually save more money through a greater degree of commonality of parts between its two versions of the aircraft. This greater commonality was also one of the decisive factors given in the memorandum to attempt to justify overruling the source selection board.

During the hearings, it was revealed that the Secretaries finally did decide to get some advice from some aeronautical designers. A team of experts was assembled in the Pentagon to review the two designs some months after the contract had been announced. The experts were directed to find strong points for General Dynamics and weak points for Boeing so the decision could be defended in Senate hearings. Moreover, the Pentagon's press secretary, in March 1964, issued a directive that when the TFX, or F-111 as it had been renamed, was mentioned in press releases, only "positive" things would be said about it:

> The aircraft will be described in such a manner as to make it clear that the advanced fighter will meet the requirements of the Air Force's tactical air mission, the Navy's carrier-based fighter mission and the fighter mission of the Marine Corps—The Fact that a saving of significant amounts of money will be achieved by development of the F-111 will be emphasized.

As I said earlier, the hearings were not conclusive about the real reasons for overruling the military recommendation, but a fascinating sidelight on that question was exposed when the author of a memorandum on proposed changes to the military source selection system, John Rubel, a Pentagon executive, was interrogated. His memorandum to the Deputy Secretary of Defense had suggested that the source selection board of top military men be made a "source evaluation board" that would not be permitted to select a winner. The reason for his suggestion was given in a memorandum to Deputy Secretary Roswell Gilpatric outlining proposed changes in selecting contractors for large weapons system procurements. The next to last paragraph stated:

> As I pointed out to you in an earlier conversation, it turns out in practice today to be difficult, if not impossible, to alter a source selection decision on a major procurement action unless you are willing to send the source selection board back to work with new instructions. Otherwise, you are placed in the position of making an arbitrary change in the face of fully objective procedures and determinations. That is, in general, infeasible. It is very time consuming, and it exposes the senior decision-makers to potentially severe criticisms and even outside pressure. It is practically never done.

As I say, that is a fascinating bit of insight into the workings of the minds of "the decisionmakers," as they began to call themselves.

The decisionmakers were then in the process of centralizing authority and management direction into the hands of the top few civilians, and this attempt to include source selection was a part of that process. It was pointed out by the subcommittee during the hearings that the law governing source selection in aircraft procurements required the selection board to report the winners to the service Secretary. The Secretary has the authority, under the law, to overrule the board, but the board is specifically charged with recommending the winning design. As a result of the airing given to this matter, the proposed centralization of source selection was quietly dropped by the Pentagon.

THE TFX IN RESEARCH AND DEVELOPMENT

By early 1964, when the development of the TFX was underway, the structural weight of both the Navy and Air Force versions of the plane had increased over 4 tons or more than 20 percent. The Navy could not accept this increase because the plane had already been marginal for carrier operations and now was unacceptable. The Navy asked the civilian Secretaries to cancel their version of the aircraft, allowing the Air Force to proceed alone. Also at this time the Grumman Co., the associate contractor to General Dynamics for the Navy plane, proposed that a major redesign be undertaken for the Navy version, with the proviso that commonality with the Air Force could be dropped. Grumman even submitted a preliminary design of such a plane that reduced commonality with the Air Force version from 80 to 25 percent. The redesigned plane was significantly lighter and was operable from Navy carriers. It was superior as a Navy fighter to the TFX in all respects.

This proposition was considered at the secretarial level but was rejected. Instead, the contractors were authorized to rework their structural designs to shave every possible ounce from the planes, but they were told that commonality must be maintained. This was to be accomplished under a superweight improvement program—or SWIP—which followed a weight improvement program—WIP—that had already been unsuccessful in trimming enough weight from the planes.

This action by the Pentagon's top civilians, at this point in time, 1964, destroyed the last possible chance for a successful TFX program. Had they been wise enough, had they had the temperate judgment at the time, to see the truth in what the aeronautical designers had told them 3 years before, that the desired commonality between Air Force and Navy planes was impossible to achieve, then the commonality requirement could have been abandoned and the TFX program could have been saved. Instead, they insisted on being the decisionmakers once again. They put themselves in the position of disregarding again the advice of their subordinates—in essence, they ruled against the judgment of those whose job it was to give them the benefit of years of experience in the detailed work of designing these weapons. They found it easy to accept the catchy new word "commonality" which sounded good as a superficial concept, but which in an attempt at practical application "came a cropper" in the hard world of reality.

While these efforts to stop the Navy TFX were being made by responsible people, who were forced to operate within a cloak of secrecy, work was proceeding with public fanfare on the construction of the first prototypes of the Air Force version.

It should be remembered that in 1964 the Congress and the American public were not allowed to know that there were any problems developing in the TFX program.

The rollout of the first Air Force plane, attended by a full-dress publicity effort, occurred in October of 1964, 3 weeks ahead of schedule. The Secretary of Defense spoke at the ceremony, praising the new plane "as the greatest single step forward in combat aircraft in several decades."

After the dignitaries and the press left the scene, the plane was taken back to the assembly line and work started again and continued for several more months to complete its manufacture, because when the plane had been rolled out, the fuselage was far from finished and fiberglass panels had been installed in many places and painted to make the plane appear ready for flight.

Perhaps the flimflam men then in the Pentagon did not consider this shabby subterfuge a matter of major importance, but it is certainly representative of the kind of deceptive public relations that has been typical in this TFX program.

The TFX had its first flight in December 1964 and flight testing continued, at a slow pace, in 1965. The variable sweep wing operated satisfactorily and presented no problems. But there was a serious problem in the operation of the jet engines. The air intakes, located under the wings, caused a rough and distorted airflow into the engines and as a result the engines would flameout and stall. Remember that the supposed superiority of the General Dynamic air inlet location was one of the technical reasons given by the Secretaries for overruling the military in the contract award. This problem was to plague the development work for $2\frac{1}{2}$ years, but in the initial 6 months it was so serious that no other flight test work could be accomplished. However, when testifying before the Congress in 1965, the Secretary of Defense claimed that all was well and proceeding as scheduled. The following colloquy took place between the Senator from Maine [Mrs. SMITH] and the Secretary:

> Senator SMITH. Is it true that it has been determined that the F-111 is underpowered?
>
> Secretary MCNAMARA. No, quite the contrary. The engine is turning out the thrust we estimated and initially planned. You may possibly have reference to some engine difficulties that developed. These are typical of the difficulties that occur in any development program. They are not affecting the power output of the engine but simply its performance under certain conditions of altitude and acceleration.

The Secretary, of course, knew full well the problems with the weight and the engine stalls and he knew what the Senator was talking about. But candor was never a part of the TFX story. In fact, to show his faith in the program, Mr. McNamara announced in April 1965 that the go-ahead for the production run had been given.

THE TFX BECOMES A STRATEGIC BOMBER

By the end of 1965, little progress was being made in solving the technical problem with the engine intakes. However, on December 8, the Secretary announced the phaseout of the earlier models of the B-52 bombers and all of the B-58's from the Strategic Air Command. This phaseout of 425 bombers out of the 680 in SAC was immediately challenged by many Members of Congress, who were already worried by the creeping deterioration in our relative strategic posture. Yet only 2 days later, on December 10, 1965, Mr. McNamara said of his congressional critics that "they spoke much too soon" as he announced that 210 FB-111's, a strategic version of the TFX would be built to replace the 425 B-52's and B-58's. He said this would keep SAC's bomber force at the level "to maintain the required strategic nuclear capability."

In making his claims for the SAC version of the TFX, Mr. McNamara also stated that some $200 million a year would be "saved" by substituting the TFX for the B-52 and B-58. What he did not say was that this "saving" resulted solely from operating some 215 fewer aircraft in SAC and that the same "saving" could have been accomplished by simply phasing out 215 instead of 425 of the planes already in the SAC force. The annual operating costs of a TFX are essentially identical to those of a B-52 or B-58, so in effect the claimed "savings" to be achieved by using the TFX in SAC really result from decreasing SAC's striking power. If we followed that line of thinking to its ultimate conclusion, we could "save" $71 billion this year by eliminating the Department of Defense.

As time has passed, it has become more and more evident that the policy of the top civilians in Defense has been to cut back our strategic nuclear strength at the same time that the Russians have been building theirs up at a rapid rate. The frequently cited goal of parity—of equality in nuclear striking power—was supposed to promote a relaxation of world tensions. We are now faced today with an approximate parity, and yet there has never been a more turbulent and chaotic world than we now face.

In late 1965 and early 1966, when McNamara decreed that the TFX was a SAC bomber, the Congress was appropriating the initial funds to start on a true strategic bomber, the advanced manned strategic aircraft or AMSA. This is a plane that will be more effective than the B-52 and is needed to phase into SAC in the 1970's. Strangely enough, the Defense civilians have refused to let the Air Force start development of this urgently needed plane. This odd situation persists to date, for in each succeeding year Congress has put up the money and the Secretaries and their cost-effectiveness analysts have said the AMSA is not needed. Meanwhile, over $2 billion is earmarked to purchase the SAC version of the TFX, which not only falls far short of AMSA capabilities, but is actually inferior to the planes it is replacing.

PROJECT ICARUS—THE SECRETARY TAKES PERSONAL CHARGE

By late 1966, the TFX program was in really serious technical difficulty. The air intake problem was still delaying the flight testing and the weight and drag of the airplane had increased to the point that flight tests showed the range of the plane falling 30 percent short of military requirements. Secretary McNamara decided to take personal charge of the management of the TFX program. In September 1966, he instituted what became known as Project Icarus—named after that figure in Greek mythology whose wax wings melted when he flew too close to the sun. Poor Icarus fell into the sea and was killed, but the TFX project kept rolling on.

The TFX program, under Icarus, was run from the Secretary's Pentagon office with meetings usually scheduled every Saturday morning. In attendance were the civilian Secretaries, the generals and admirals concerned with the program, and the heads of the private contractors involved. This group of executives debated such details as the proper settings for the flaps, the correct angle for the pilot's windshield, how many inches to move the landing gear, and other such design details. Then, as one informed observer was reported to have said:

> Mr. McNamara made his decision, right or wrong.

After a few months, the frequency of these meetings tapered off. They were held biweekly and then occurred every 3 or 4 weeks. There was good reason for this slowdown. In a research and development program changes cannot be effected overnight. Once a decision has been made to modify some part of the airplane, the change must be engineered, fabricated, flight tested and then a decision must be made about incorporating it in the production line. Thus, it takes months to learn the results of "management decisions" and compare how they worked out with the predictions of the experts who are the specialists in the field.

As a result of Project Icarus, the Navy TFX design was changed to alleviate some of the worst problems in aircraft carrier compatibility. Commonality was relaxed so that these design changes could be made to the Navy plane only, since they would have hurt the already deficient performance of the Air Force's mission. The cost of engineering and producing the Navy's package of fixes, as it was called, was to be some $120 million.

In the meantime, Navy pilots were testing their plane in the spring of 1967, and they reported it to be "unfit for service use." Not only was its carrier compatibility bad, but its performance as a fighter was extremely deficient. Although the package of fixes was intended to improve the carrier operations, the plane was just too much overweight ever to be an effective air superiority fighter in defense of the fleet. In 1967, the Congress prevented the Pentagon from starting production on the F-111B, Navy TFX, although another year of research and development was allowed.

THE SLOW DEATH OF THE F-111B

Late in 1967 several aircraft companies came to the Navy with proposals for a new fighter plane designed without any requirements for commonality with the Air Force versions. The new plane was designed solely to meet the Navy's mission of a fleet air defense fighter, so that many items dictated by the Air Force's low-level attack mission were eliminated in the new design. The weight of the new plane thus was many tons less than the TFX, and, at the same time, the mission performance became markedly superior, not only to the TFX but the existing F-4 Phantom as well. Navy admirals were understandably enthusiastic about the potentials for this new fighter; after 7 years of frustration, they at long last had in hand a firm alternative to the F-111B. Support within the uniformed Navy was unanimous for the new plane. The proposal to cancel the F-111B and start development of this fighter won endorsement after endorsement as it was passed up the chain of command to the top admiral in the Navy.

A close observer of the TFX history could have predicted the result of the Navy's recommendation. The proposal was passed to the civilian Secretariat level for approval, where the battle to save the Navy TFX began. The first roadblock that the civilians threw up was yet another cost effectiveness study. Although a 9-month-long study of fleet air defense had just been completed—incidentally, it was rigged to make the F-111B/Phoenix win—a new 4-month-long study was ordered to see how the new plane would fare under the same ground rules of cost effectiveness. This was a true exercise in futility, because commonsense would show that a smaller, lighter, faster, and more maneuverable version of the F-111B, carrying the exact same weapons loading, obviously would be a more effective airplane for the Navy's carriers. By the middle of April 1968, the study was completed. Of course, it "proved" what could have been stated with certainty 4 months earlier—that the new plane was indeed superior to the TFX.

The Committee on Armed Services had not waited for the results of the cost effectiveness study. When Navy admirals testified that the new plane was what they wanted, the Committee on Armed Services refused to authorize additional funding for the F–111B. The committee substituted, instead, money to begin development of the VFX, as the new plane was designated.

The civilians in the Defense Department still did not give up. The next line of retreat was a request to the Congress to fund both airplanes. The civilians began to cast doubts on the validity of the proposals from the aircraft industry. They testified that the "responsible decisionmakers" wanted to hedge and to continue the Navy TFX until they were sure the new plane could be developed as predicted. A clever campaign which involved leaking "inside" information to the press was also started, hinting that the new plane would cost $15 million each, almost twice as much as the F–111B. Since the new plane was smaller and lighter than the F–111B but used the same engines and missile control system, this was a patently ridiculous argument, but a number of reporters, not being trained in aircraft engineering, accepted and published it.

The House Armed Services Committee agreed with the Senate, also refusing to authorize more funds for the Navy TFX. This action killed the F–111B, so the Defense Department allowed the Navy to issue a stop-work order on July 10, 1968. Since the F–111B program had been using money at the rate of $1 million per day up until that point, at least $180 million was wasted in 1968 alone, after commonsense would have dictated an earlier stop to the program. Thus ended Mr. McNamara's commonality concept, after almost 7 years of stubborn insistence that it be retained as a primary goal in the TFX development, in spite of the fact that experts had declared back in August of 1961 that its objectives could not be successfully achieved.

THE AIR FORCE F–111A

The Air Force version, the F–111A, was delayed in its flight testing program for 2½ years by the problem with the air intakes. This problem was finally solved in June 1967, but at that point a decision had to be made on whether to delay production further until testing could verify the design of the plane, or to press forward and hope for the best. Twelve F–111A airplanes had been authorized for production, in addition to the 18 originally scheduled for testing purposes, and they were built with the old—and unworkable—air intakes as well as a host of other built-in deficiencies. These planes were built because otherwise the production line would have had to be stopped and the truth would have been revealed about the technical problems which beset the plane.

The decision was made to continue the line, accepting the F–111A No. 31 as the first combat-capable airplane, and the test program was to run concurrently.

Eventually, the test program did show up weaknesses in the structural design, to the extent that the wings were broken off an F–111A during static ground testing. This occurred in January 1968, just 6 weeks before the first planes were deployed to combat in Southeast Asia.

The series of crashes in Thailand followed that deployment, and then most recently a fatigue failure in the wing carrythrough structure occurred. The latest misfortune for this seemingly ill-starred plane was the crash last week of another F–111A during a training flight. Thus far, 11 F–111 aircraft have crashed with a number of fatalities.

Although there is an open question about the eventual impact of this series of unfortunate events on the total program, it seems clear that the Pentagon rushed into this production program too soon, before the design was proved adequate by normally prudent testing. This is another example of the refusal by the Pentagon to admit to problems, and to take timely corrective action on them.

THE SPIRALING COST OF THE PROGRAM

When the TFX was first dictated as a biservice project in September 1961 by Mr. McNamara, one rationale for so doing was the theoretical saving of $1 billion over the cost of two separate aircraft programs. At the time the contract was awarded in 1963, the bid price was approximately $700 million for research and development and $5.1 billion for about 1,700 production airplanes. The average production price was, therefore, about $3 million each. What happened to the cost savings that were to result from commonality? What happened to that billion dollar saving from the biservice program?

Presumably, according to Mr. McNamara's original procurement, which he and his associates repeatedly defended in Senate hearings, separate programs would cost $1 billion more for the 1,700 planes, or $6.8 billion. At that total the average cost per plane would have been about $4 million, including research and development.

It now appears that the research and development costs will at least double to $1.5 billion. Further, in 1968 the average cost of the F–111B was quoted by the Defense Department as $8 million apiece. While Pentagon officials were testifying to that figure in congressional hearings, the contractors cost information reports showed that the actual average cost would be $9.5 million each.

In 1968, the average cost of the F–111A was quoted by the Defense Department as $6.5 million apiece. This testimony in congressional hearings was being given at the same time that internal budgeting projections of the Department estimated the average cost at $9.1 million each. Although the latter figure included some spare parts, the actual airplane cost was at least $8.3 million. Fortunately for the taxpayers, the Defense Department no longer intends to buy 1,700 planes. At those prices, this would have ended up a $15 billion program, or almost triple the original estimate.

OUR MILITARY AIRCRAFT POSTURE TODAY

Including the next fiscal year, appropriations for which we are now considering, over $6 billion already is earmarked for the TFX program. The end is not in sight, however, because at least $3 to $4 billion more will be added in succeeding years if present Defense Department plans are carried to completion. What do we have to show for all the money and all the time spent on Mr. McNamara's folly? Except for the TFX, only one other tactical aircraft, the A–7 light attack jet, and no strategic bombers have been put into development in the last 8 years. At a time when the Russians are pushing full speed ahead with new planes, having shown no less than eight new models a year ago, we have been doing nothing except pour money and time into trying to make the TFX work.

Let us consider the list of planes that should now be in advanced development if a reasonably vigorous aircraft program had been pursued:

VSX: a new carrier-based antisub plane first requested by the Navy in 1966. Competition for the plane was begun this year but no contract has been let to date.

VFX: The Navy fighter to replace the F–111B. Had the F–111B been canceled in 1964 when this stop was first recommended by the Navy, this plane would be almost ready for combat now. Instead, it is in the early stages of design competition, with no contract expected until spring of 1969.

FX: A new Air Force air superiority fighter to do the fighter mission that the F–111A was supposed to be able to perform. Go ahead was first requested in 1966 but it was delayed in the Pentagon by arguments over whether to make it common with a Navy fighter. A start on this program was finally approved just this week.

AX: A turboprop replacement for the A–1 Skyraider, to be used for close support of ground troops. This has been held up for over 2 years and still has not been approved for development.

AMSA: A modern strategic bomber to replace the B–52 in SAC. This has been requested by the Air Force and funded by Congress since 1965 but still has not been started by the Defense Department.

The impact of these delays in allowing for orderly development of new aircraft means that the next administration is going to be faced with a sudden surge in aircraft development funding in the next few years. All of the five planes I have noted will have to be started—and started immediately—if we are to maintain an adequate military posture in the 1970's. Had they been phased into research and development in an orderly manner over the past 4 years, then their costs could have been spread out and they would not have to be borne in a short period of time. Had the TFX been canceled when it became apparent that it would never be able to perform its mission requirements, the money that has been wasted on this deficiently performing aircraft could have been used to develop the planes we now need.

Recovery from the effects of Mr. McNamara's obstinancy will be a major problem that the new administration must face, and the American taxpayer must face it, too, and be prepared for it. Even with an end to the war in Vietnam there will be no immediate easing of the defense burden. We are too far behind now because of the sorry record of mismanagement in the Defense Department for 8 long years. The clear effects of that mismanagement are typified by one disastrous program—TFX.

BREAD NOW COSTS MORE BREAD

Mr. McINTYRE. Mr. President, every housewife knows that the cost of a loaf of bread has risen sharply over the last few years. An article in yesterday's Wall Street Journal blames the increasing cost of bread on the high cost of distributing bread to its point of sale. According to the article, selling and distribution costs have risen by 50 percent over the last decade.

A New Hampshire inventor, Peter J. Booras, of Keene, has developed a revolutionary process that will drastically reduce the costs of producing bread. Although the costs of ingredients and actual manufacturing will decline, the largest cost cut will come in the area of distribution.

Mr. Booras' patented invention is called the endless breadloaf system, EBS for short. Whereas bread is now made by batches, as it has been for the last 5,000 years, EBS is a continuous process. It mixes the ingredients under the pressure of carbon dioxide. Eliminating fermentation time, the dough is continuously released into a confining device where it expands instantly into the shape of a breadloaf. Then a conveyor belt carries the bread into a fast-cooking electric oven for baking. The entire process takes 6 minutes, compared to the 7 hours it takes to bake a batch of bread using the traditional process.

The primary advantages of EBS are that it is a very fast process and it is a very compact process. EBS machinery takes no less than 25 percent of the space occupied by conventional bread making machinery. In fact the EBS machine is small enough to be transported on the back of a truck or sit in the back room of a large supermarket, where it could manufacture bread according to demand. This means that the machine can be very close to the point of sale, thus eliminating most of the distribution costs.

Mr. Booras has presented his revolutionary process to the Department of Defense and to the Agency for International Development at the Department of State. He feels that the speed, mobility, and economy of his process makes it valuable for supplying bread to soldiers in the field and to people in rural area.

I hope that both the Department of Defense and the Agency for International Development will carefully consider the merits of this revolutionary cost-reducing process.

I ask unanimous consent to have printed in the Record an article entitled "High Cost of Getting Bread to the Grocery Balloons Retail Price," published in the Wall Street Journal of recent date.

There being no objection, the article was ordered to be printed in the Record, as follows:

Distribution Dilemma: High Cost of Getting Bread to the Grocery Balloons Retail Price—Farmers, Bakers Say They Don't Benefit From Rise—Marketing Setup Criticized—Ingredient Costs Are Stable

(By Jack H. Morris)

Watson Weniger is disgruntled, disgusted and downright mad. He was offered less for his wheat crop this year than at any time since 1945, when he bought his 550 acres of prairie farmland near Kingman, Kan.

Equally upset is his wife, Reva Jo, who is appalled that bakers have been hiking bread prices throughout the country this summer. "Why at 30 cents a loaf, I can't buy four loaves of bread with what my husband gets for a bushel of wheat," she says.

Since a bushel of wheat eventually becomes 69 loaves of bread, Mr. Weniger laments, "it just seems like we get less and less and the consumer pays more and more. Farmers are worse off today than at any time since the Depression."

Widening disparity in prices between the farm and the grocery shelf helped trigger the 1966 housewives revolt against high food bills and has sparked Government investigations. Continuing consumer concern over food prices and farmer discontent over low returns are evident in this fall's political campaigns.

The gap is pronounced in the $5 billion-a-year bread-baking industry. While farm costs account for about 40% of all food prices, the farmer's share of the retail bread dollar is so small—about 15%—that if farmers gave away their wheat it would do little more than cancel out the two-cents-a-loaf price increase posted recently in such major cities as Chicago, San Francisco and Pittsburgh. In some cities, a large loaf of a major advertised brand of bread now sells for about 40 cents, up from around 32 cents in 1962.

COSTLY DISTRIBUTION

Bakers, with some justification, are blaming their latest price boosts on new wage contracts. But if rising production costs were the baker's only problem, profits would be far higher and retail prices would be substantially lower.

"It's the cost of getting bread to the consumer that's knocking hell out of our profits," says George F. Huber Jr., president of Huber's Bakery, Wilmington, Del., bakers of Sunbeam bread.

Climbing transportation costs, more elaborate packaging and increased selling and promotional expenses are putting upward pressure on the cost of marketing most consumer goods. But industry and Government studies indicate that bread is the most flagrant example of runaway marketing costs. The cost of moving a loaf of bread from the bakery to a housewife's grocery cart slightly exceeds the cost of growing the wheat, milling the flour and baking the bread.

"There has got to be a better system of distribution," says Harris J. Ashton, president of General Host Inc., New York, bakers of Bond and other brands of bread. "We can automate our plants, but damned if we can figure out a way to automate our drivers."

Consider Mr. Ashton's problem: Bond bread, like all other brands, is distributed by driver-salesmen, paid mainly by commission, who not only deliver the loaves but stack and arrange them on the grocery shelves as well. At each stop along their route, Bond salesmen must jostle for shelf space with salesmen from four or five other bakeries. They must pick up unsold loaves left from the day before, present a daily bill to the store manager and often return to the store later in the afternoon to straighten and restack the shelves. The result, many industry sources agree, has been to perpetuate a marketing system geared to the corner grocery of 40 years ago.

CUSTOMS NEED RETHINKING

"There are too many old customs in the baking industry which need rethinking—and too many questions which remain unanswered," says Mr. Ashton. A relative newcomer to the industry, he is making a comprehensive study of bread marketing "to see where we can profitably go from here."

Until now, bakers have paid little attention to distribution costs in their efforts to bolster sagging profits. Prices have been raised almost yearly, advertising outlays expanded, new plants built and old ones modernized at a heavy cost in capital and excess capacity, and companies have diversified into such areas as managing resorts (General Host) and selling candy, ham and heavy equipment (Ward Foods Inc., New York).

Under Government prodding, companies like General Host are beginning to take a look at their marketing procedures. In a report on the bread industry released earlier this year, The Federal Trade Commission warned that unless bakers can come up with ways to reduce their marketing costs, they are "destined to a declining position in the industry."

THREAT FROM SUPERMARKETS

The threat is coming from supermarket chains that bake their own bread, distribute it in trailer-truck quantities and let the stores stack the shelves themselves. For the same wages, a food chain driver can move four times as much bread as his wholesale counterpart, who drives a smaller van. As a result, private-label bread undersells the advertised brands by as much as six cents a loaf and already accounts for about 25% of all bread sold.

Supermarket inroads into bread baking have reached the point that Continental Baking Co., the industry giant and recent merger partner of International Telephone & Telegraph Co., says that its biggest customer for Wonder Bread is also its biggest competitor—Great Atlantic & Pacific Tea Co., whose private-label Jane Parker bread is said to be the nation's second largest seller. (Wonder is the top seller.)

Such competition, oddly enough, often tends to inflate marketing costs and bread prices. "Bread is one of those cases where competition actually increases costs because of the expense of building volume," says David Kaplan, past president of the Economics of Distribution Foundation, an organization jointly sponsored by the baking industry and the Teamsters Union to study the cost of getting bread to market.

Witness the pyramiding retail markups on bread as bakers scramble to keep grocers happy. Bakers, who generally set retail as well as wholesale prices, earmarked half a cent from each two-cent price increase this past summer for additional payment to retailers. This sum is on top of an average gross profit of 4.6 cents a loaf that retail stores received last year and represents a 50% increase over the retail margin of 3.4 cents of 10 years ago.

Because bakers take back stale loaves and stack the shelves, bread requires no investment and little work on the part of the average supermarket. And its turnover rate is the fastest in the store. As a result, the retailer's net profit on a loaf of bread far exceeds the 6/10 of a cent that bakers themselves averaged for their efforts last year. "Bread is one of the four or five most profitable items we carry," concedes an executive of Supermarkets General Corp., Cranford, N.J., operator of the Shop-Rite chain.

"The supermarkets control the shelf space. If we didn't give them the profit, I can guarantee you they wouldn't let us in the door," adds Mr. Ashton of General Host.

Russell J. Hug, executive vice president of Ward Foods (Tip-Top bread), says critics of the industry's distribution system "fail to understand the intense competition under which we are marketing a highly competitive and perishable product." Sales would plunge disastrously, he fears, if Ward attempted to trim delivery costs by letting supermarket clerks stack the bread racks. Mr. Hug says the supermarkets would be tempted to push their own brand, while allowing competing loaves to go stale in the back room.

COSTLY DISTRIBUTION

Distribution, of course, begins to take its toll long before bread leaves the baker's oven. Mr. Weniger, the Kansas wheat farmer, fumes because a local elevator operator paid him only $1.16 a bushel for his crop this year, about 20 cents a bushel less than grain was selling for on the Kansas City Board of Trade 250 miles away. He blames transportation costs for the lower price.

East Coast bakeries say that it costs about $1 a hundred pounds to ship flour from Kansas City to their plants. This phase of distribution is the only stage of the process where automation has made much headway. Flour is now shipped in huge 100,000-pound gondola cars at a substantial savings in freight and handling costs over the 100-pound cloth bags of the past. Yeast, milk, shortening and other bread ingredients also carry built-in marketing and distribution expenses.

But it's at the bakery that distribution costs skyrocket. The following table compiled from Government and industry statistics shows cost changes for a one-pound loaf of bread over the past 10 years:

	1958 (cents)	1968 (cents)	Increase (percent)
Ingredient costs	5.3	5.7	8
Plant costs	4.4	5.9	34
Selling and delivery costs	5.8	8.7	50

The negligible change in ingredient costs reflects the plight of the miller as well as that of the farmer. Despite higher production costs, the miller's contribution to the cost of a loaf of bread has remained at 6/10 of a cent for the past 20 years, and net profits currently average only about ¼ of 1% of sales.

In fact, ingredient costs would actually show a decline were it not for the wheat tax imposed on millers in 1963. The Federal levy, which helps underwrite the Government's price support program for wheat, amounts to 73 cents per bushel of wheat, a figure that millers and bakers translate into one cent a loaf in the price of bread.

Labor has been the prime factor in increasing plant costs this year. In a pattern-setting agreement this past summer, Chicago bakers won a 20-cent hourly wage boost to $3.34 and will get an additional 20 cents in each of the next two years. New York-area production workers last month began getting premium pay of 25 cents an hour for working Sunday, a normal work day in the industry.

Plant modernizations have successfully softened the impact of wage increases in the past. For instance, a single innovation, continuous mix equipment that has been widely adopted in recent years, increases labor productivity by 25%. "Sure we have absorbed wage increases in the past, but we're about as efficient as we can get," contends Roy M. Anderson, vice president of Continental. "If these wage patterns (the Chicago and New York contracts) are followed at all of our plants, it will cost us $15 million this year. That's more than our net earnings ($14.7 million) last year."

For every dollar bakers spend for production, however, they shell out $2.35 for their driver-salesmen. A typical routeman in the Northeast currently gets base pay of $49 a week, plus 10% commission on the wholesale value of his sales, which averages $1,200 weekly. Teamsters have just signed a new contract with bakers in Philadelphia raising the base to $59 within two years.

Bakers chafe at the spiraling cost of the commission system. For instance, the recent increase in bread prices will add $5.10 to the weekly pay envelope of the average routeman with no corresponding increase in his sales. In addition, most sales contracts are negotiated between a bakers sales office and the purchasing department of a food chain, not between the routeman and an individual grocer. Most union contracts also require that the full commission be paid even if bulk deliveries are made to a supermarket and no shelf service is performed.

"Unless some drastic changes are made in union contracts to give bakers more flexibility with commissions, the industry will never lick its distribution problems," asserts George Faunce, the current president of the economics of Distribution Foundation. The Teamster Union, the co-sponsor of the foundation, declines comment on this view.

If union opposition and the possibility of antitrust action by the Justice Department can be overcome, Mr. Ashton of General Host suggests the creation of a pooled delivery system for bread. Under his plan, all bakeries in an area would drop off large quantities of bread at a central location where orders would be put together for each store and delivered by a single carrier.

Whatever progress bakers can make in cutting marketing costs could have a substantial impact on profits and on consumer prices as well. The average American eats 92 pounds of bread a year and spends nearly 7% of his grocery budget on the staple. According to the FTC, postwar price increases for bread—not counting the latest round—have been over three times greater than the average price hike for other food products and have accounted for nearly one-fifth of the rise in grocery bills since 1945.

CONGRESS ADVANCES ALASKA'S FORTUNES IN CONSTRUCTIVE FIRST DECADE OF STATEHOOD

Mr. GRUENING. Mr. President, Alaska will have rounded out 10 years of statehood when the 90th Congress gives way to the 91st early next year. This is a report of progress made for and by the 49th State in the Congress in the past 10 eventful years.

It was foreseen and expected that one of the greatest benefits—perhaps the greatest—which Alaska would acquire with statehood would be voting representation in the Congress. This has proved to be the case. Alaska's congressional delegation has been able in the first 10 years to obtain more meaningful attention and attain more legislative goals than in all of Alaska's previous 91 years of lesser status under the American flag.

This account of 10 years of Alaska progress in the U.S. Senate is both a personal report of stewardship as one of Alaska's two U.S. Senators and a more general accounting of what the 86th through the 90th Congresses have done to advance the fortunes and development of the new State.

Never, I am certain, has so much been accomplished legislatively for any area of the United States in so short a time. The bright promise which membership in the U.S. Senate and voting representation in the House of Representatives seemed to hold for Alaska on January 3, 1959, the date statehood arrived, has been more than fulfilled.

Goals which have been attained have embraced not only the correction of many longstanding legislative discriminations against Alaska, but also the overcoming through timely and generous congressional action of two great unforeseen natural catastrophes which might have set for naught all of the progress otherwise made in the 49th State.

The destructive effects of the great Alaska earthquake of March 27, 1964—the greatest earthquake to occur in North America in measured history—and the Chena River flood which engulfed Fairbanks in August of 1967 were met and largely overcome by congressional action which was unprecedented in its scope and promptness.

Aside from the earthquake and flood legislation, probably the most important legislative actions taken on behalf of Alaska in the decade were those in connection with transition from territorialism to statehood at the very beginning of Alaska's history as a State nearly 10 years ago.

These are only the highlights of a remarkable 10-year history of accomplishment.

In the Congress just now ending—the 90th—the attainment of legislative goals has been more difficult than previously for a combination of reasons. For the first 8 years of its history as a State, Alaska enjoyed the benefits of a united, hard-working, and effective delegation, all members of whom were of the majority party. In the 90th Congress, noticeably, much legislation of benefit to Alaska has passed the U.S. Senate but has failed of enactment in the House of Representatives where Alaska's sole Representative is a member of the minority party. Unfortunately, the Congress is certain to adjourn soon with many needed improvements in the law frustrated for the reason that bills have cleared only one of the two Houses. Action will have to be begun all over again in both Houses in 1969 on these matters.

Additionally, progress has been slowed by the existence of the war in Vietnam with its drain on national resources and energies.

Highlights of legislation which has been obtained in the 90th Congress include enactment of—

First. Authorization of the $113.5 million Fairbanks flood control project now formally designated as the Chena River Reservoirs project, Fairbanks. When completed this will protect Fairbanks, Fort Wainwright, and the surrounding populated area against floods such as the devastating 1967 Chena River flood. Authorization was obtained in record time through the Senate Public Works Committee of which I am a member, after Senator JENNINGS RANDOLPH, chairman of the committee, assigned me to lead a special investigating team to the flood scene soon after the floodwater had subsided. The National Bureau of Standards cooperated effectively in assisting Fairbanks property owners in minimizing losses from water damage (Public Law 90–483).

Second. Assumption by the Federal Government of the cost of repairs and rehabilitation undertaken on the Eklutna hydroelectric power project following the Alaska earthquake, with the effect that these costs, totaling $2,805,437, will not be borne by purchasers of electricity in the Anchorage and Matanuska Valley areas (Public Law 90–523).

Third. Authority voted to dispose of the Alaska communications system to a private communications operator. Negotiations are now in progress toward that end (Public Law 90–135).

Fourth. A measure, of which I was the author, which will extend the term of Federal grazing leases on public lands from the previous 20 years to a new maximum of 55 years, with rights of renewal. This new act—Public Law 90–403—contains numerous other improvements in the administration of grazing leases. While the application of this law is nationwide, its principal benefit will accrue in Alaska where large areas on the Alaska Peninsula and in the Aleutian Islands particularly beckon a developing livestock industry.

Fifth. An increase from $17,500 to $25,000 in the loan limit under the Veterans' Administration home financing program in Alaska and other high cost areas. This change resulted from an amendment which I offered on the floor of the Senate during consideration of veterans legislation—Public Law 90–77. My amendment would have raised the loan limit to $30,000, but it was reduced to $25,000 by the opposition of the House conferees.

Sixth. Extension of Federal scholarships for natives to sectarian as well as nonsectarian institutions of higher learning, which makes possible Federal assistance to Indians, Eskimos, and Aleut pupils in Alaska, who wish to attend Alaska Methodist University and Sheldon Jackson Junior College, as well as the University of Alaska. I was the principal sponsor of this desirable change (Public Law 90–280).

Seventh. Appropriation of the first $1,000,000 increment in the Alaska native housing program which was sponsored by my colleague, Senator E. L. "BOB" BARTLETT.

Eighth. Adjustment to a monthly rather than a quarterly basis of educational assistance for veterans enrolled in flight training programs—S. 3476 now in conference.

Ninth. Inclusion at my instance of a study of Alaska gold rush trails in legislation establishing a nationwide system of scenic trails—Public Law 90–543.

Tenth. Increase to a $100,000 minimum annual allotment per State for education of handicapped children—Public Law 90–247.

Eleventh. Extension to National Guard technicians of the same retirement, group life and health insurance, and other fringe benefits provided all other Federal employees. This occurred when Congress incorporated my bill, S. 1019, in the National Guard Technicians Retirement Act of 1968. The law provides coverage only for those who are participants in the National Guard as of January 1, 1968—Public Law 90–486.

Twelfth. Passage after many years of determined effort of the truth-in-lending program to which my former colleague, Senator Paul Douglas of Illinois, had devoted much of his effort while a Member of Congress—Public Law 90–321.

Simply to list all of the meaningful legislative action which has been accomplished for Alaska since the convening of the 86th Congress in January of 1959 will require considerable time and space.

Without embellishment here is that remarkable record of progress made for the 49th State.

The passage of the Alaska Omnibus Act of 1959 was the first solid accomplishment of the Alaska congressional delegation consisting of Senators E. L. "BOB" BARTLETT and ERNEST GRUENING and Representative Ralph J. Rivers, who were elected by the people of Alaska in 1958. The Omnibus Act, which was put together painstakingly with the assistance of numerous of the executive agencies, but principally through the good offices of the Bureau of the Budget, completed the statutory transition of Alaska to full fledged statehood as an equal partner of the other States of the Union. The omnibus act dealt with literally hundreds of legislative loose ends which had not been handled in the Alaska Statehood Act of the previous Congress. It amended numerous grant-in-aid statutes to bring Alaska forward to a position of equality with her sister States. It transferred to Alaska many previously Federal functions and many items of Federal property which became property of the new State useful in meeting Alaska's responsibilities of self-government. Perhaps the most valuable possessions transferred under terms of the Omnibus Act were the Anchorage and Fairbanks international airports, while the most important transfer of administrative authority was that of jurisdiction over fish and wildlife within Alaska which was made effective January 1, 1960. The Omnibus Act also authorized transitional grants totaling $28.5 million to the new State to enable it to pick up in an orderly way the responsibilities of self-government in an area where virtually all of the property and resources were not only controlled but actually owned by the Federal Government.

In the important field of resource management, legislative accomplishments in the early years of statehood included increases in the totals of allowable coal lease acreage and oil lease acreage from previous arbitrary restrictive levels. Single lessees were permitted to increase coal leases from 2,560 to 10,240 acres with an additional 5,120 acres discretionary to the leasing authority. The oil lease maximum was increased to 600,000 acres.

Numerous improvements were obtained in the land laws. The State of Alaska was given 5 additional years in which to select, under the statehood land grants, lands which were under Federal lease. A commission was established to investigate the land and water resources of Alaska. The important Public Land Law Review Commission was created to propose future basic changes in land legislation.

After a great deal of difficulty and the overcoming of persistent administration objections, homesteaders on the Kenai Peninsula were given certain advantages in obtaining oil and gas rights previously denied them. Owners of land in the Big Delta and Tok areas were given authority to acquire isolated parcels of property which had been withdrawn previously in excessive highway rights-of-way. The University of Alaska was granted an easier method of disposal of previously selected lands. Land withdrawals for military purposes which had previously been made without limitation were curbed by the Congress so that such withdrawals were limited to 5,000 acres except with congressional consent.

Townsite bills were sponsored successfully for Barrow and Wainwright.

A private bill, which had important public connotations, was introduced and eventually passed to convey the homestead of William Beltz, the Eskimo who served as the first president of the Alaska State Senate, to his family after his untimely death.

Among basic Federal legislation which was liberalized as far as its benefits to Alaska are concerned was the Federal Airport Aid Act. Alaska and Hawaii were admitted for the first time in 1959 to the use of discretionary funds. In addition, the regular apportionment for Alaska was increased from $1,350,000 to $4,000,000 per year.

One of my major efforts which was finally crowned with success was the obtaining of additional special Federal highway money for Alaska where so much catching up needs to be done in order to bring our ground transportation system up to standard. A $400,000 engineering and planning study for which Federal funds were obtained resulted eventually in the adoption of a program under which $14 million will be provided annually for highway construction and maintenance in Alaska over a period of 5 years.

Alaska benefited from legislation revising the formula for Federal-aid highway matching to take into account federally withdrawn lands other than national parks, national forests, and national monuments. State of Alaska matching in the first year in which this new formula became effective was reduced from $5,940,877 to $1,963,725.

Important studies for which we were able to obtain Federal funding support involved the Knik Arm and Turnagain Arm proposed causeways. The first of these major crossings, that across Turnagain Arm, is now in the engineering stage.

Early in the history of the Alaska delegation's work in the Congress came a successful effort to extend the life of the Alaska Rail and Highway Commission. Some of its recommendations are only now beginning to be carried into effect.

Success was achieved for the first time in the field of obtaining funds for construction of roads in Alaska on an Indian reservation when money was obtained for highway construction on Annette Island.

Many improvements have been obtained in water transportation arrangements to and within Alaska. A waiver of the Jones Act to permit the use of Canadian vessels in transporting passengers and freight between Alaska communities was obtained. An amendment relative to dual rates, when offered by the Alaska Senators, succeeded in voluntary reduction of freight charges between the Orient and Alaska by the Trans-Pacific Conference.

Similarly efforts succeeded in getting the transcontinental rail carriers to adjust export rates so that freight carried across the country to West Coast ports was not charged at a higher rate when Alaska was the destination than when overseas points were involved.

A difficult and closely contested decision was won to obtain financing for operation of a new Bureau of Indian Affairs freightship, the *North Star III*, on runs to supply native villages on the Bering Sea and the Arctic Ocean.

In this Congress, the Senate has passed but the House has not yet approved legislation which I sponsored that would permit the use of Canadian ferries in coordination with movement of freight by the State of Alaska. This could substantially reduce freight costs to southeastern Alaska.

Legislation authorizing grandfather rights for Alaska motor and inland water carriers was obtained in the first year of statehood.

Although Alaska has rich undeveloped hydroelectric power resources, Federal programs for their harnessing did not exist prior to statehood except for the single Eklutna project between Anchorage and Palmer. The Congress has responded to efforts of the Alaska delegation subsequently in removing a previous $250,000 limitation on reclamation investigations in the State of Alaska.

The major hydroelectric power investigation which has been made in the first 10 years of statehood has been that involving the Rampart project on the Yukon River. Over a veto of then President Eisenhower, the Alaska delegation obtained the first appropriation to begin the study of Rampart, which is described as the largest low-cost hydroelectric power project left on the North American continent. The Rampart report, now nearing completion, is awaiting a more favorable time when the end of wars and foreign adventures will once more make it possible to proceed with major developments at home.

Now under construction as a result of an authorization in the 87th Congress and subsequent appropriations obtained by the Alaska congressional delegation is the Crater-Long Lakes division of the Snettisham hydroelectric power project near Juneau. This will furnish relatively low-cost power to Alaska's capital city area and will facilitate successful operation there of a large pulpmill and related forest industry operations.

A hydroelectric project at Bradley Lake on the Kenai Peninsula has also been authorized for construction. Under the Rural Electrification Administration program major power production has been brought into being at Cooper Lake, Bernice Lake, the Beluga gasfields, and the Healy River coalfields. REA cooperatives have greatly increased service to customers throughout Alaska.

Power studies are now being made under legislative authority voted by the Congress at Lake Grace and Takatz Creek.

Future development of a comprehensive Alaska electric power program will be facilitated by the recent creation of the Alaska Power Administration.

Utilities service of a kind unique under the flag is provided in the form of natural gas which is delivered to Eskimos at Barrow from a well which was drilled in the naval petroleum reserve under legislation obtained by the Alaska congressional delegation.

A highly successful program of river and harbor development which was stimulated by the kind of legislative muscle which came with statehood has brought new small boat harbors, navigation improvements, flood control, and erosion protection to many Alaska communities.

Alaska projects completed by the Corps of Engineers since 1959 include new, expanded or improved small boat harbors at Cordova, Dillingham, Douglas, Homer, Hoonah, Hydaburg, Juneau, Kake, King Cove, Kodiak, Metlakatla, Naknek, Ninilchik, Petersburg, Sand Point, Seldovia, Seward, Sitka, and Valdez.

Navigation projects have been completed or instituted at Dry Pass, Gastineau Channel, Neva and Olga Straits, Rocky Pass, Wrangell Narrows, the Naknek River, Kobuk River, Stikine River, Dry Straits, Auke Bay, Turn Point, and Sergius and Whitestone Narrows. Major harbors have been built, dredged, or maintained at Nome and Anchorage. Flood control projects have been undertaken in Gold Creek, the Knik River, at Nenana, Ketchikan Creek, Skagway River, Clarks Point, Bethel, Fort Yukon, Cape Nome, and Dillingham. Beach erosion protection has been undertaken at Kachemak Bay.

Efforts by the Alaska delegation to require by statute that first-class mail between the other States and Alaska be carried by air resulted in a discretionary decision by the Post Office Department to institute this policy. Transportation of other classes of mail over the Alaska Highway, with a large saving in time over previous water transportation, was instituted. Legislation was obtained to restore prestatehood size and weight limitations on fourth-class mail carried to and from Alaska.

New post offices to improve service to patrons in Alaska have been established since statehood at Dot Lake, Kotlik, Buckland, New Stuyahok, Eagle River, Russian Mission, Halibut Cove, Napakiak, Arctic Village, Chefornak, Eielson Air Force Base, Fort Wainwright, Kasigluk, Knudson Cove, Lower Kalskag, Manokatok, Myers Chuck, Nunaka Valley, Paxson, Togiak, Tuntutuliak, Wildwood, Ambler, Brevig Mission, Chignik Lagoon, and Grayling.

The major Federal building construction project of the 10 years was a structure which I obtained—the new $13 million Juneau Federal building. Other Post Office or Federal buildings have been built at Kenai, King Salmon, Spenard, College, Valdez, Eastchester, and airport annexes at the Anchorage and Fairbanks International Airports.

I was the first to introduce legislation which was subsequently enacted to extend fisheries protection to a distance of 12 miles from shore; other steps have been taken to keep Japanese and Russian fishing fleets which operate off of Alaska within reasonable bounds. A timely investigation by my Foreign Aid Expenditures Subcommittee prevented an announced plan which would have permitted Korean fishing vessels to move into Alaska waters. I was the sponsor of establishment of a commercial fisheries rehabilitation program administered by the several States.

In 1961, after overzealous Federal officials had attempted to deprive Eskimo residents of their firearms for taking ducks and geese for food during the spring season when other game is unavailable, I intervened successfully to discourage this crackdown. Numerous Eskimo citizens of Alaska had been arrested for doing what they had always done in taking a few birds to keep their families from starving to death in what was under the strict interpretation of international migratory waterfowl regulations a closed season. Neither the resource nor the Eskimo has suffered any ill effects since my action.

Through legislation which I sponsored successfully, medical care has been furnished by the U.S. Public Health Service to commercial fishermen on classes of vessels not previously covered.

This year as a result of my protests to the Civil Service Commission, Public Health Service nurses serving in Alaska received special pay increases which had been extended to all PHS nurses in the rest of the United States but had been denied nurses in Alaska.

Agriculture in Alaska was assisted measurably when efforts were successful to require purchase of fresh grade "A" Alaska milk for troops stationed in Alaska. Previously servicemen were being served reconstituted grade "C" milk.

Legislation which I sponsored or modified resulted in the establishment of a forestry research laboratory in the Fairbanks area and a water pollution control laboratory on the campus of the University of Alaska.

One of Alaska's basic resources consists of rich mineralization. The mining industry has, however, been in the doldrums. By virtue of my membership on the Senate Interior and Insular Affairs Committee, I became in 1963 chairman of the Subcommittee on Minerals, Materials, and Fuels.

Two years ago I was able to persuade the top officials concerned with mining in the Federal executive agencies to accompany me on a trip to Alaska to determine what needs to be done to make mining once more an active industry in the 49th State. The Assistant Secretary of the Interior for Mineral Resources, the Director of the Bureau of Mines, and the Director of the Geological Survey joined me in comparing mining activity in Alaska and that in adjoining areas of the Yukon Territory and British Columbia where conditions and mineralization are similar. The much greater degree of activity in Canada—seven times that of Alaska in the comparable area—indicates that we need incentives and enlightened Government investigation and research activities. Through new offshore mining techniques and the heavy minerals program which have been instituted subsequently, promising new opportunities for mining in Alaska have been uncovered.

In 1966 I was successful in obtaining enactment of what has been described as the most significant legislation in aid of mining in the last 20 years. This permits unlimited deduction for tax purposes on mining exploration which previously had been limited to $200,000 per year or $400,000 in all.

A sadly deprived segment of our population, not only in Alaska but nationally, consists of Indians and other natives. Ever since I came to the Senate I have been urging the settlement of longstanding native land claims. The Secretary of the Interior at my urging finally submitted in 1967 the draft of a bill to accomplish this purpose. Although I introduced it, it left much to be desired and it was soon superseded by a bill which I also introduced which was drafted by native groups who at that time proposed that the whole matter be settled in the Court of Claims.

When an improved and more widely acceptable solution was worked up by a task force consisting of representatives of native groups and officials designated by the Governor of Alaska, I introduced that bill in January of 1968. Hearings followed at Anchorage in February before the Senate Interior and Insular Affairs Committee. After the Secretary of the Interior repudiated the task force settlement formula which he had earlier at least by inference endorsed, Senator HENRY M. JACKSON, chairman of the Interior Committee, introduced, by request, the Secretary's proposed legislation. Hearings were held in Washington on both the Senate and House sides in July. It is obvious there is still a long road which must be traveled by the Alaska native land claims legislation before it is enacted by the Congress. I hope for meaningful action in 1969.

Some gains for natives have been made since statehood. A program of constructing sanitation facilities on Indian reservations was extended by means of legislation which I sponsored to native villages in Alaska. The Indian revolving loan fund was increased. Administration of the Pribilof Islands was completely revised and modernized. More Indian, Eskimo, and Aleut pupils than ever before are receiving high school and vocational educations at Mount Edgecumbe, Wrangell Institute, and in the first of a series of regional high schools constructed by the State of Alaska with dormitory facilities provided by the Bureau of Indian Affairs. Legislation sponsored successfully by the Alaska congressional delegation amended the Tlingit-Haida Claims Act to authorize the preparation of a roll and to permit partial per capita distribution of the award which is to be made by the Court of Claims for taking of Indian lands and resources in southeastern Alaska.

Improvement in education for all citizens has been one of my consuming goals during my career in the Senate. Great strides have been made nationally in providing Federal assistance to elementary and secondary education and to higher education and vocational education. Special formulas for Alaska have been necessary to make some of this legislation meaningful in our State. Loans have become available to higher education students under the National Defense Education Act. The Library Services Act has provided related services in Alaska as elsewhere. Almost every school district in Alaska as well as the State system of education itself has benefited from Public Laws 815 and 874 which have provided assistance for construction—$14.5 million—and operation—$102.7 million—respectively in areas affected by the impact of Federal programs.

Educational television has begun to have some influence in Alaska under a federally financed program.

A special program which I am proud to have played a part in instituting has made possible the training of Alaska natives as electronic technicians for employment on the White Alice communications system, the DEW line, and the BMEWS facility at Clear.

The challenge which faced the Alaska delegation when the Alaska earthquake and related sea waves suddenly destroyed numerous communities in south-central Alaska in 1964 has been mentioned. Under the legislative program which was achieved in the wake of this great natural disaster, the Federal Government has extended assistance totaling more than $350 million to Alaska communities, programs and individuals. Among the ingredients were $23.5 million in additional transitional grants to the State of Alaska, adjustment of indebtedness by Federal Housing Administration, Farmers Home Administration, and Rural Electrification Administration borrowers, extensive urban renewal to rehabilitate large areas at a favorable 90–10 matching ratio, mortgage relief for homeowners whose properties were destroyed or extensively damaged, HHFA insured marketing for $25 million in State bonds, modification by the Corps of Engineers of previously authorized civil work programs, extensive rebuilding at Federal expense of publicly owned non-Federal facilities and the extension to thousands of borrowers of Small Business Administration disaster loans at low-interest rates over a 30-year period.

Similar, although not quite such generous, treatment was given by the SBA following the Fairbanks flood last year.

These programs have enabled the communities of Anchorage, Fairbanks, Valdez, Cordova, Seward, Kodiak, Seldovia, and Homer to rebuild and recover following these two unprecedented natural disasters.

Considerable improvements have been obtained, always as a result of really major efforts in Congress, in tourist and visitor facilities in the Alaska national parks, national monuments, and forests. I was successful in getting the National Park Service to construct attractive visitor facilities in Glacier Bay National Monument for management by a concessionaire. This was a reversal—the first of existing, long established policy. An increase in these facilities is now needed and merited.

In Katmai National Monument I was able to obtain an appropriation for construction of a rough 21-mile Jeep trail which permits visitors to see the Valley of 10,000 Smokes. A footbridge across the McKinley River and action toward construction of a second hotel at or near Wonder Lake are improvements I have been able to stimulate for Mt. McKinley National Park.

The National Park Service is now working on a suggestion by me for establishment of a national parkway which would lead from Cordova through Chitina into the spectacular Chitina Valley, which I believe is probably the most scenic part of North America. I have been seeking action by the Park Service to preserve the Erskine House at Kodiak and from the Forest Service to install visitor facilities which would enable skiers to use some of the high country around Mendenhall Glacier and elsewhere for winter sports.

As the Alaska centennial approached in 1967, the Alaska congressional delegation was successful in obtaining first a federally financed study of what the Federal participation should be in this historic event and finally the appropriation of $4.6 million to construct throughout the State projects of lasting value commemorating 100 years of the history of Alaska under the American flag.

Some 30 communities have as a result been left a heritage of parks, museums, theaters, and the like. These have included the main Alaska, 1967 Centennial Center at Fairbanks, community centers at Cordova, Ketchikan, Nome, Point Hope, Savoonga, Seward, Sitka, Wrangell, and Valdez; native arts and crafts centers at Bethel and Gambell; restoration of historic sites at Fort Yukon, Kenai, and Ninilchik; theaters or amphitheaters at Haines and Kodiak which also obtained an aquarium; museums at Homer, Juneau, Kotzebue, and Anchorage; camp grounds at Fairbanks, Homer, Kasiloff, Matanuska-Susitna, and Seldovia; a monument and park at Petersburg; totem pole parks at Hydaburg and Klawock; a youth center at Barrow; outpatient center at Skagway; trailer park and picnic area at Soldotna; recreation road at Tustumena Lake; and a variety of projects including a native cultural exhibit, performing arts center, camper park, historical park and information center at Anchorage.

In miscellaneous important legislative efforts, we succeeded in obtaining a second Federal judge for Alaska, authorized periodic Alaska cost-of-living studies by the Bureau of Labor Statistics, raised per diem payments for Federal employees traveling in Alaska, obtained authority for transportation of motor vehicles of transferred employees, cosponsored and aided in passing in the Senate a Federal employees bill of rights which would free them from undue harassment, relieved Alaska railroad employees of the necessity to refund erroneous overpayments of wages and obtained statutory authorization for the Federal Field Committee for Development Planning in Alaska.

The Alaska delegation successfully opposed a plan of the Civil Service Commission to terminate payment of cost-of-living allowances to classified Federal employees in Alaska.

After some 48 homes near Anchorage were found to have been constructed to faulty standards even though they had FHA insured mortgages, I managed to obtain repairs and upgrading at the expense of the contractor. Later I sponsored successfully legislation to give meaning to the term "FHA-Insured."

Numerous offices of the Federal executive agencies which before statehood had attempted to administer affairs in Alaska from afar have been moved to Alaska as result of efforts by the delegation. The Internal Revenue Service moved its Alaska office from Tacoma to Anchorage. The Department of Commerce has established a field service office in Anchorage. The Farmers Home Administration has opened offices at Fairbanks, Palmer, and Soldotna. The program of this agency has increased from a level of $131,708 in 1959 to $2.5 million in 1967. The Bureau of Land Management has also tripled its annual expenditures in the State as has the Social Security Administration.

Indebtedness incurred by numerous Alaska communities under the Alaska public works program of the 1950's has been forgiven or compromised.

In addition to these programs of specific application to problems in Alaska, the Congresses in which I have served have, of course, enacted a broad spectrum of legislation which has benefited Alaska along with the rest of the Nation.

Vast improvements have come in the fields of housing, civil rights, medicare, social security, reorganization of the Federal Maritime Board, area redevelopment and economic development, community facilities loans and grants, air and water pollution control, increases in the minimum wage, manpower development and training, accelerated public works, billboard control and highway beautification, reductions in the air transportation tax and other excise taxes, extension of health insurance to retired civil servants, immigration reform, military and civilian pay raises, the poverty program, and consumer protection measures.

I have been especially proud of the work I have been able to do to benefit veterans. I was a cosponsor of legislation which was finally enacted in the form of the Cold War GI bill. The Congress also acted to provide hospitalization in private hospitals in Hawaii and Alaska for veterans with nonservice connected disabilities, there being no Veterans' Administration hospitals in those States. Another bill of which I was a cosponsor provided an additional year in which veterans could apply for national life insurance. Increased dependency and indemnity payments have been made to widows, parents, and children of veterans.

The era in which I have served in the Congress has also been notable for many advances in preservation of great natural heritages in the form of shorelines, dunes, the redwoods, canyonlands, and other national parks and monuments. As the original sponsor of legislation which resulted in the establishment of the National Foundation on the Arts and the Humanities, I am proud of the auspicious though admittedly modest start which has been made in the way of Federal encouragement in these important fields of endeavor.

In addition to my service as chairman of the Subcommittee on Minerals, Materials, and Fuels, I have headed two other important subcommittees.

Recently as chairman of the Subcommittee on Economic Development of the Public Works Committee, I conducted a series of hearings in Alaska on economic problems. These were designed to indicate how the Economic Development and Public Works Act should be amended so that its effectiveness could be improved. The use of unutilized Federal facilities at Whittier for family education, job training, and educational enrichment programs for deprived Alaskans was one of the proposals which emerged from these hearings. It was also proposed that the State of Alaska might establish an investment fund for loans to businesses, education, housing, and the construction of sewer and water facilities out of oil revenues.

My Subcommittee on Foreign Aid Expenditures of the Government Operations Committee has investigated the foreign aid program in various parts of the world, including the Middle East and South America. It has also done important work in the publicizing and finding solutions for the desperate problems connected with the worldwide population explosion greatly outdistancing our food production and environment for quality life on this planet.

The achievement of this subcommittee which I believe will be of the greatest lasting benefit in Alaska will be its locating and obtaining surplus equipment and material for use in native villages in Alaska. Particular requirements such as two 500-kilowatt generators for Hoonah and a 100-kilowatt generator for Angoon were met from such sources. A wide ranging program which will deliver much usable surplus equipment including boats, electric diesel generators, trucks, bulldozers, graders, cranes, and refrigeration vans to Alaska villages where such equipment is desperately needed is now underway.

Many of the things which a U.S. Senator finds himself able to do are only indirectly related to legislation. I have been happy to assist literally thousands of Alaskans in their problems of all kinds with the Federal Government. Recently I was instrumental in obtaining a deferment of many months and eventual scaling down of rent increases which were sought by the Federal Government for housing occupied by employees at Mount Edgecumbe and in other places in Alaska.

Through the years I have been able to bring about the naming of mountains in Alaska for deserving recipients. Among these names firmly attached to the landscape are Mount Neuberger, named for the late Senator from Oregon, who proved to be such a devoted friend of Alaska; Mounts Orville and Wilbur, for the Wright Brothers, without whose invention of the airplane it seems hardly conceivable that Alaska could exist today, and Mount Billy Mitchell, named only this year for that apostle of airpower, whose early career was spent as an Army lieutenant stringing telegraph wires from the Yukon in the Alaska interior to the Pacific Coast, and contributing mightly to the opening up of Alaska.

The above is a continuing record of the opening up of Alaska during the last 10 years, opening it up to opportunity, opening it up to the fulfillment of the aspirations of our fellow Alaskans and to others joining us in the great adventure of building in America's furthest north and west, a hopefully fine example of the American idea and purpose.

DISCRIMINATION AGAINST THE GREAT LAKES

Mr. HART. Mr. President, for some time, now, the Great Lakes have been deprived of their fair share of military cargo shipping. Shipments of military cargo via the Great Lakes and the St. Lawrence Seaway are vital to the economic growth and prosperity of our region.

The Great Lakes Conference of Senators, of which the Senator from Wisconsin [Mr. PROXMIRE] is the chairman, and I am the vice chairman, has been active in attempting to secure military cargo for the lakes. As conference chairman, Senator PROXMIRE several months ago learned that cost-allocation policies imposed by the Pentagon were responsible for the low level of military cargo shipping. The Defense Department had been loading its indirect costs strictly on the basis of the amount of tonnage handled by a given port: the greater the tonnage, the smaller the charge. With very little military tonnage coming through the Great Lakes—with most of it going overland by rail to east coast ports—the Pentagon's cost-allocation policies resulted in artificially inflated expenses for shipping via the Great Lakes. The result was that almost all of the military equipment manufactured in the Middle West was routed through the east and gulf coast ports, and the lakes were bypassed entirely.

Senator PROXMIRE, on behalf of the conference, focused public attention upon these practices, and forced a change in the Pentagon's policies. A significant start has been made toward eliminating the gross discrimination against America's "fourth seacoast," and military cargo should soon begin flowing through our ports once more.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the September 1968 issue of the AFL–CIO Maritime magazine, which documents the full story of the conference's battle against discriminatory cost-allocation policies. The article is entitled "Discrimination on the Great Lakes."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISCRIMINATION ON THE GREAT LAKES

Bowing to criticism from Senator William Proxmire of Wisconsin, the Defense Department has agreed to modify one of its longstanding policies which has discriminated against shipping on the Great Lakes.

But, the Senator has declared pointedly, the Pentagon continues to pursue other policies which work to the detriment of ports on America's "fourth seacoast." Proxmire, in his capacity as chairman of the Great Lakes Conference of Senators, has vowed to continue his fight to win fair and equitable treatment for Great Lakes shipping.

For years, the full development of the shipping potential on the Great Lakes has been hamstrung by two deeply ingrained attitudes of Pentagon bureaucrats:

A system of figuring terminal costs in such a way as to block effective use of Lakes ports for the handling of military cargo shipments.

A "double standard" under which the Defense Department chooses East Coast ports, in preference to those on the Lakes, for shipping military supplies—even military supplies originating virtually on the shores of the Great Lakes.

Proxmire charged that there was "discrimination" in the Pentagon's system of figuring shipping costs. He said the discrimination stemmed, in part, from a device known as the "indirect terminal cargo expense," which was, according to Proxmire, responsible for keeping terminal costs at Lakes ports at an "artificially high level."

The Defense Department arrived at the so-called indirect terminal cargo expense by dividing the maintenance cost for a military facility at a port by the total cargo workload.

For example, if it cost $250 thousand a year to maintain a port military facility, and if the total cargo workload was 250 thousand tons, the indirect terminal cargo expense would be a dollar per ton, added to the cost of moving goods through that port.

The result of that added burden, according to Proxmire, was that ports with relatively light military shipping, such as those on the Great Lakes, were assigned an expense of $1.30 per ton. By contrast, a port like Baltimore, which does a high volume of military shipping, had an expense of only 18 cents a ton.

The Great Lakes, Proxmire said, found themselves "in a dilemma" from which they were "powerless to extricate themselves." He likened their situation to a "chicken-and-egg predicament."

The situation was, the Senator said, that American-flag lines were refusing to compete for military shipping on the Great Lakes as long as the costs remained high. The costs remained high, he continued, because of the artificial device used by the Pentagon. This, in turn, had the effect of holding down shipping at Great Lakes ports.

In reporting that the Pentagon had budged slightly from its past position, the Senator said that V. F. Caputo, director of Defense Transportation and Warehousing Policy, has assured him that the policy has been changed and the indirect terminal cargo expense will no longer be used.

Concerning the use of a "double standard," the Senator stated that the Defense Department has as yet taken no action to correct its method of selecting East Coast ports for shipping military goods.

"For years," Proxmire said, "we have been told by the Pentagon that it prefers not to ship its cargo through the St. Lawrence Seaway out of Great Lakes ports unless American-flag lines are available to carry the shipment. We have been told that Defense Department policy calls for tight restrictions on the use of foreign-flag vessels to carry this cargo."

However, Proxmire charged, foreign-flag vessels are being used by the government to ship military cargo out of East Coast Ports.

"In other words," he stated, "the Pentagon is refusing to make use of immediately adjacent ports on the Great Lakes, on the grounds that foreign-flag carriers could not be used, while at the same time shipping goods overland to Baltimore and other East Coast ports, forgetting about restrictions and loading the goods onto foreign ships there."

Proxmire went on to cite two recent examples of the Pentagon's disregard for its own rules. In Baltimore, he noted, shipments of jeeps and trucks were booked onto the *Comet Victory* and the *Avis Ornis*, two ships flying foreign flags.

"To make it worse," he said, "the jeeps and trucks without doubt were manufactured in the Midwest."

By shipping goods overland from the Midwest, then ignoring its own restrictions and loading the goods onto foreign-flag carriers in Eastern ports, the Defense Department is using a "double standard," Proxmire declared. He maintained that the Lakes ports are "every bit as capable of handling military cargoes as East Coast outlets." He added that they could "often do so more cheaply" than Eastern ports.

That is particularly the case, the Senator said, "when the cargo is produced in the Great Lakes region." Proxmire stated that there was a "definite preferential pattern" in favor of East Coast ports and against Lakes ports.

"I have called upon the Pentagon to restudy and revise its shipping policies so that a fairer system can be put into effect," he said.

Moreover, he pledged to keep up his campaign on behalf of Great Lakes ports, until, he stated, "the entire pattern of discrimination" against Great Lakes shipping is put to an end.

"The Lakes must and will," Proxmire declared, "receive the full share of the business to which they are entitled."

RAYMOND NASHER AN OUTSTANDING CHOICE

Mr. **YARBOROUGH**. Mr. President, earlier this week President Johnson nominated an outstanding Texan, Raymond D. Nasher, of Dallas, to serve as an alternate representative for the United States to the 23d session of the General Assembly of the United Nations, being held in New York. It was a brilliant appointment.

Ray Nasher has a broad and varied background in business, civic and cultural affairs, and has offered his talents to his country on several other occasions.

During the past 3 years he has served as executive director of the White House Conference on International Cooperation, as a consultant to the State Department, a member of the Committee on International Cooperation, a member of a Federal advisory committee on urban affairs, member of the President's Committee on Urban Housing and as a member of the United States-German Cooperative Delegation.

In spite of these many duties and his work as president of a growing real estate development, and banking firm in Dallas, Raymond Nasher has taken time to serve his community further. He is active in the United Nations Association, the Dallas Council of World Affairs, the American Jewish Committee and many other organizations.

In summation, the President has chosen a devoted family man, a successful businessman, a leader in the activities of his city and his religious faith, and a man of no small experience in the affairs of his Nation. President Johnson has made an excellent appointment in Raymond Nasher.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The **PRESIDING OFFICER**. The hour of 12 o'clock having arrived, under the unanimous-consent agreement, the Chair lays before the Senate the unfinished business, which will be stated.

The BILL CLERK. A bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The clerk will state the first committee amendment.

The legislative clerk read as follows:

On page 2, line 10, after the word "elsewhere", strike out "$8,056,000,000" and insert "$8,000,000,000".

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The clerk will state the next committee amendment.

The legislative clerk read as follows:

On page 3, line 10, after the word "cadets", strike out "$5,710,000,000" and insert $5,680,000,000".

Mr. **CLARK**. Mr. President, having conferred with the Senator from Georgia, I ask unanimous consent that I may proceed with my remaining amendments before the committee amendments are acted upon.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. **METCALF**. Mr. President, will the Senator yield to me for the purpose of submitting a conference report which will take only 2 or 3 minutes?

Mr. **CLARK**. I shall be happy to do so, with the unanimous-consent understanding that the time will not be taken from my time.

Mr. **RUSSELL**. I will share the division of time with the Senator.

Mr. **CLARK**. I have only 10 minutes.

Mr. **RUSSELL**. The Senator from Montana said it would take 3 minutes.

Mr. **CLARK**. I ask unanimous consent that the time to be used by the Senator from Montana not be charged against my time.

Mr. **BYRD** of West Virginia. Mr. President, reserving the right to object—and I shall not object—I wonder whether the Senator would put that in a time frame—4 or 5 minutes.

Mr. **CLARK**. Let me ask the Senator from Montana whether he thinks he can do this in 5 minutes.

Mr. **METCALF**. I have been waiting for approximately an hour. I thought the Senators on the other side of the aisle were on the floor. I am now informed that they are not in the Chamber, so I withdraw my request.

Mr. RUSSELL. I want the Senator to understand that I have no objection, if we can get a time limitation.

AMENDMENT NO. 1011

Mr. CLARK. Mr. President, I call up my amendment No. 1011, and I ask that the first six lines be read. I intend to modify the amendment, in order to avoid a point of order.

The PRESIDING OFFICER. The first six lines of the amendment will be stated.

The bill clerk read as follows:

On page 5, after line 23, add the following:

"LIMITATION ON APPROPRIATIONS FOR MILITARY PERSONNEL

"Notwithstanding any other provision of this title, the aggregate amount of all appropriations made in this title is hereby reduced by a sum equal to 10 per centum of such aggregate amount."

Mr. CLARK. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

The purpose of this amendment is to cut back the appropriations in title I for military personnel by the amount of 10 percent of the total appropriation, which would be a saving of slightly in excess of $2 billion. Sums totaling a minimum of $4.2 billion, in my judgment, could be saved by paring back from the personnel elements of all services. For each of the services, cuts ranging from 10 to 20 percent could be made without impairing the effectiveness of the Armed Forces. But in order to be well on the safe side, I have limited the amount which would be cut by this amendment to the 10-percent figure.

Anybody who has ever been in the service—and I spent 4 years in it during World War II—is aware of the tremendous waste of manpower in all branches of the services, the vast number of support troops who sit around with little or nothing to do. Beyond that, there are tremendous overlapping areas even in functions that keep people busy. By sensible organization, massive cuts could be made in the support area, and we would have a better and more streamlined force.

Of the total Army strength of 1,550,000, approximately 360,000 are in combat units, 110,000 are transients, and 1,080,000 are in additional support roles beyond those already provided in the combat units. Let it be noted that very significant and substantial support roles are incorporated within the divisions which are the combat units. The Army should not be allowed to carry this large transient category, but should have the transient category taken out of its hide, the way a corporation in like circumstances would do. Elimination of the transient figure plus a 10-percent cut in support would yield a reduction of 218,000 troops in the Army alone, which would constitute savings of almost $2.2 billion.

I point out that I am not asking for that entire amount, because I wish to be conservative.

So far as the Navy is concerned, it lists a total strength of 775,000, of whom only 335,000 are assigned to combat units, vessels, or air wings, 50,000 transients, and 395,000 in support. A reduction of 90,000 including, as a minimum, the elimination of the transient category and a 10-percent cut in support, would mean cost savings of $900 million.

So far as the Air Force is concerned, out of the total strength of 900,000, the breakdown includes 270,000 in combat air or missile units, 5,000 transients, and 625,000 in the support function. A reasonable cut could effect a reduction of 67,500 and a savings of $675 million.

In the Marine Corps, current Marine strength is 300,000, with 120,000 in combat ground or air units, 25,000 transients, and 155,000 in support. A reasonable cut would amount to approximately 40,000 and a savings of $400 million. I point out again that this amendment does not call for those figures, which are higher than the amendment would provide.

When we get to NATO, I am of the view—and I imagine a number of Senators agree with me—that we can cut very substantially the U.S. commitment to the North Atlantic Treaty Organization. But insofar as we are concerned now about the events in Czechoslovakia, I have not included any cut in our NATO forces in the amendment now pending. Nevertheless, I believe we could enable the United States to pull out an additional 95,000 troops in Europe without any significant minimization of our security or of our ability to meet our commitments to our NATO allies.

Needless to say, the administration opposes these cuts and, of course, so do all of the Armed Forces. The Pentagon says that manpower requirements of the services are thoroughly and continuously reviewed by Congress, the Bureau of the Budget, and all levels of the Department of Defense, to insure that no "fat" exists. I deny that. I do not think it is true. I do not believe an adequate review has ever been made of our combat needs in terms of personnel.

We are told that much attention has been devoted to the distribution of personnel between combat and support units. Mr. President, the facts do not show it, for the enormous number of logistic support troops is out of all relationship to what is really needed for a hard-core, streamlined services personnel requirement.

Now, although this country has always preached the efficient use of scarce and expensive manpower resources through careful organization and judicious investments to increase the productivity of the individual, in practice there has been no more profligate waste of manpower than in the Department of Defense. Increase in personnel strength has been a primary institutional goal of each of the Military Departments. Operating with this motivation each service continues to create more echelons of command, administration, and supporting functions in order to continue expanding.

In Southeast Asia, out of roughly 525,000 military personnel in South Vietnam or a total of more than 750,000 deployed and associated with the war, we are only fielding approximately 40,000 riflemen. In a Vietnam-type conflict, riflemen are probably the single most important measure of combat strength. The remaining 18 people behind every rifleman are engaged in staff functions, artillery, supply, equipment maintenance, construction and engineer activities, housekeeping, helicopter operations and maintenance, communications, tactical aircraft operations and maintenance, escort ships, and so forth.

In Europe, the situation is hardly better. Out of roughly 330,000 military personnel, plus 100,000 civilians—and I am not including civilians in this amendment, although I am confident several billion dollars could be saved by the streamlining efforts that any corporation would insist upon—already included in the tables of organization we manage to field only approximately 45,000 men in infantry or armored maneuver battalions, which already include substantial amounts of supporting functions. By comparison, the Soviets with their historical tendency to squander manpower are able to field 75–90 percent more maneuver manpower for every 100 military personnel deployed in Eastern Europe. Even worse, their maneuver manpower is backed by a relatively higher density of heavy weapons; that is, tanks per man than the U.S. maneuver forces.

So I am satisfied, Mr. President, we can make these cuts in personnel without the slightest detriment to our combat position or our national security.

I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I desire to make only a brief comment in opposition.

The Senator from Pennsylvania said his amendment would not make any reduction in civilian personnel. Of course, this amendment does not propose any reduction in that area. Most of the civilian employees in the Department are paid from the operation and maintenance appropriations. However, they come within the provisions of section 201 of the Revenue and Expenditure Control Act that Congress has passed, and that will result in a very substantial reduction of civilian employees in the Department of Defense.

Mr. CLARK. Can the Senator give us an estimate of what that reduction would be?

Mr. RUSSELL. No; I cannot.

Mr. CLARK. I tried and I was unable to get an estimate.

Mr. RUSSELL. It only occurred to me while the Senator was speaking.

I wish to point out that the committees of the House of Representatives and the Senate have worked very diligently on the appropriations for military personnel. We have reduced the budget estimate for personnel by $442.4 million. I submit that in the condition of the world today a reduction of over $400 million is about as far as we can go without endangering the security of this country.

One other matter I wish to call to the attention of the Senator is that under his amendment he would cut the appropriation for retired pay of every Regular and Reserve officer who is in retirement by 10 percent. These payments are required by law, but if Congress does not appropriate adequate funds the retired people will not receive their checks when they are entitled to them.

I respectfully urge if any Member is up for reelection this year, he better consider well before he votes to cut retired pay.

Mr. CLARK. I am up for reelection this year.

Mr. RUSSELL. But the Senator is fearless and undaunted by any opposition.

Mr. CLARK. Fearless, but not foolhardy. I do not intend to cut retired pay.

Mr. RUSSELL. The language of the amendment would do so. The amendment reads:

> Notwithstanding any other provision of this title, the aggregate amount of all appropriations made in this title is hereby reduced by a sum equal to 10 per centum of such aggregate amount.

This title includes $2.3 billion for the appropriation, "Retired Pay, Defense."

Mr. CLARK. Will the Senator permit me to amend my amendment by adding the following words at the end of the amendment: "with the exception of pay for retired veterans."

Mr. RUSSELL. I think it would be better to say: "except the appropriation, 'Retired Pay, Defense'."

Mr. CLARK. The Senator's semantics are always so correct. Must I ask unanimous consent?

Mr. RUSSELL. The yeas and nays have been ordered and unanimous consent is necessary. I do not object to the Senator making that modification.

Mr. CLARK. Mr. President, I ask unanimous consent that my amendment may be modified in accordance with the language offered by the Senator from Georgia.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. RUSSELL. We have considered the requests for military personnel very carefully and reduced them by approximately $440 million. We even went below the House figure by $113.4 million. It would be exceedingly dangerous to take another $2.3 billion out of these appropriations. No man could say with assurance the impact that would have on the Armed Forces of the United States, but it would bring about a drastic reduction in the strength of the Army, Navy, Air Force, and Marine Corps.

I hope the amendment is rejected.

I reserve the remainder of my time.

Mr. CLARK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. CLARK. Mr. President, I ask unanimous consent that I may proceed for 2 minutes on the bill.

Mr. BYRD of West Virginia. Mr. President, I yield 2 minutes on the bill to the Senator from Pennsylvania.

Mr. CLARK. I thank the Senator.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator, on the amendment, has 4 minutes remaining.

Mr. RUSSELL. I thank the Presiding Officer.

Mr. CLARK. Mr. President, to summarize and rebut what the Senator from Georgia said, we now have roughly 3,400,000 men under arms. Somewhere in the neighborhood of 560,000 of them are in Vietnam. What are the other 2,800,00 men, more or less, doing that is vital to the security of the United States? I think they are acting as world policemen all over the world. I think they are filling up camps in every State of the country and carrying out activities which are not really in the interest of our national security. In view of our domestic problems, which are acute, and in view of our balance-of-payments problems, which are acute, and in view of the enormous deficit, for which this military appropriation is largely responsible, I think it is high time we cut to meet our economic capability.

No one wants another great big tax bill. Congress will not pass one and the country will not stand for it. We either have to give up on the dollar, make cuts in our domestic programs, or make sensible cuts in this military defense budget.

Mr. President, I yield back the remainder of my time.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes of my time to point out that this reduction applies to our forces in Vietnam as well as elsewhere. I think that if we could ever bring this tragic war in Vietnam to a conclusion, we can make substantial reductions in the strength of our Armed Forces. There is no question about that.

Mr. President, the present 12-month tour for personnel requires a tremendous number of men, and it also increases the number of men in the training base and the number in travel status.

We simply cannot reduce personnel appropriation by an additional $2.3 billion, as the Senator suggests.

As I see it, we will be drastically weakening not only our military forces but also the carrying on of the war in Vietnam. I am as much opposed to being a world policeman as anyone. I want to bring our boys home from Europe. I have opposed committing one American boy to battle anywhere unless it is under strict and clear treaty obligations. I am not even in favor of doing it then, unless we put the whole resources of our Nation behind him, which is something we have not done in Vietnam. But we are in that situation today.

I think it would be very dangerous to adopt the pending amendment.

Mr. CLARK. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I am glad to yield, if I have any time left.

Mr. CLARK. There are 3.4 million men under arms. A 10-percent cut would mean a reduction of 340,000. That would still leave over 3 million men under arms, of whom 560,000 are in Vietnam. That means that we have in excess of 2 million men somewhere else. Even if we included the extra 250,000 men who are not in Vietnam but who are supporting the war effort, we would still have in the Army, Navy, Air Force, and Marine Corps well in excess of 2 million men. So that it seems to me that this would not have any impact on the national security. Would not the Senator agree?

Mr. RUSSELL. I think the Senator oversimplifies the problem. We are engaged in training thousands of men. It is not a simple job to train a man to work on a Polaris submarine or an atomic-powered attack submarine. It is no simple job to train men to maintain jet airplanes. It takes time. Unfortunately, all too often, as soon as they are trained and their tour of enlistment has ended, they leave the services and go into private employment in jobs for which they have been trained. In many instances they are in great demand by private employers at salaries much greater than they receive in the service.

While it is true that we have about 3.4 million men in the services, it must be remembered that a great number are required for noncombat assignments such as maintenance, training, medical, communications, construction, and logistical support.

Mr. President, this amendment should be rejected resoundingly.

The PRESIDING OFFICER. All time on the amendment has now expired. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the

Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARTLETT] would each vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY] and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Texas [Mr. TOWER] is detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 4, nays 62, as follows:

[No. 306 Leg.]

YEAS—4

Clark
Gruening
Proxmire
Young, Ohio

NAYS—62

Allott
Anderson
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Morton
Moss
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Russell
Scott
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—34

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Church
Cotton
Ellender
Fannin
Fulbright
Hart
Hartke
Hayden
Hollings
Jordan, N.C.
Long, Mo.
McCarthy
McClellan
McGovern
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smathers
Smith
Symington
Tower
Tydings
Yarborough

So Mr. CLARK's amendment (No. 1011) was rejected.

AMENDMENT NO. 987

Mr. CLARK. Mr. President, I call up my amendment No. 987 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment (No. 987), as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. Notwithstanding any other provision of this Act, none of the funds appropriated herein shall be used for the purpose of procuring, modifying, or improving the surface-to-air missiles known as Hawk, Nike-Hercules, and Bomarc.""

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543".

Mr. CURTIS and other Senators requested the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. CLARK. Mr. President, before the Chair rules on that——

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. CLARK. I, of course, have no objection to the yeas and nays, but many Senators have said that they would be vastly inconvenienced if they had to stay here and vote on a number of amendments. The temper of the Senate is very clear to me. Therefore, I do not propose to ask for the yeas and nays on the other six amendments which I intend to offer. However, if other Senators want the yeas and nays, I have no objection. I was acting largely in the interest of convenience of Senators.

I wonder, therefore, if there would be any objection to a unanimous-consent request that the order for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, I did not understand the question.

The PRESIDING OFFICER. The Senator from Pennsylvania has asked unanimous consent that the order for the yeas and nays be withdrawn.

Mr. CLARK. Mr. President, I may say to the Senator from Georgia that what I have said is that I have no intention to burden Senators. The temper of the Senate is very clear. However, if other Senators want the yeas and nays, it is all right with me.

Mr. RUSSELL. It is all right with me. I do not object to the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. WILLIAMS of Delaware. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. RUSSELL. Mr. President, if the Senator will yield, I would be glad to have the amendments voted on en bloc.

Mr. CLARK. Well, if we are going to have the yeas and nays, we may as well have them voted on seriatim. I regret this inconvenience, but it is not my doing. We will proceed in the orderly way. Perhaps, if each time I indicate that I do not care for the yeas and nays, some of my colleagues will get tired of demanding the yeas and nays.

Mr. President, I yield myself such time as I may require.

Mr. President, this amendment would save some $850 million a year by phasing out air defense missiles which are ineffective and have been shown to be ineffective in combat, and deferring heavy hardware development on new missiles.

There is little reason to believe that these missiles of ours would work any better in combat than the Soviet missiles used by the North Vietnamese, which in the May 6 issue of Aviation Week were stated to have attained a kill ratio of less than 1 percent.

When I was in Vietnam in January of this year I was told by our Air Force general in charge of our command over there that the Sam missile was really quite useless and that the effective way in which air defense could be mounted was by antiaircraft guns.

The number of American aircraft shot down by antiaircraft guns is really fantastically high, and clearly proves that guns are more than enough for a good air defense. Our own antiaircraft guns are, in my judgment, just as good as and probably better than those of the Russians, and I think this is the technique we should rely on.

The U.S. missiles, called Hawk, Nike-Hercules and Bomarc, are deployed heavily around U.S. forces in Vietnam, Korea, Europe, Alaska and the continental United States. Like the SAGE system, which we discussed yesterday, their performance tests have been so unsatisfactory that they have required constant programs of modification and improvement. And as we all know, large get-well programs are always a symptom of a basic blunder.

I suggest that these surface-to-air missiles can be dispensed with without affecting in any way the security of our forces or our national security.

The Defense Department, needless to say, says that because of the poor performance of the surface-to-air missiles used by the North Vietnamese, the United States has conducted special tests and simulations on Nike-Hercules. These included displacements prior to firing as well as simulations in an electronic firing environment. These special tests verified previous results with no major problems encountered.

Nevertheless, contrary to the claims of the Department of Defense, the recent tests of our air defense missiles produced such appalling results that neither the Army nor the Navy has released the uncensored raw data to the Office of the Secretary of Defense, nevertheless, both services are applying maximum pressure to get new multibillion dollar missile development programs of unprecedented complexity, and, in my judgment, with no utility.

Mr. President, I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I do not wish to belabor this subject, but this is one of the most drastic amendments I ever saw. It would prevent us from having any antiaircraft defense missiles at all.

The Senator says these weapons are worthless. It so happens that most of the nations of the earth do not think the Hawk, for example, is worthless. Many are trying to procure them. Israel tried for years to procure some of the Hawk missiles, and I intervened and did my poor best to see that they got some of the Hawk missiles. They think they are effective, and other nations do as well.

As to the Bomarc, we have only very few of them left.

The adoption of this amendment would paralyze an investment of more than $2 billion which we have made in our air defense missile systems.

I can see no reason on earth for striking out this, comparatively speaking, little item in this defense bill, of $150 million, and abandoning our effort to maintain air defense missiles against any potential enemy.

I would remind the Senate, while we are talking about all these far-away things, that the Soviets have available to them any number of airbases only 90 miles off our shores, in Cuba. I think it would be the height of folly to say we are just going out of the antiaircraft missile business altogether. The Senate voted down yesterday the effort to scuttle the SAGE system, and this is certainly an important adjunct of that system, and is a very vital element in our national defense system at this time.

I hope the amendment will be rejected.

Mr. CLARK. Mr. President, I yield myself such of my remaining time as I may require.

No one is suggesting that we go out of the air defense business. No one is suggesting we should get out of the antiaircraft business. In fact, I believe we ought to be spending more money on antiaircraft weapons than we are today, because experience in combat in Vietnam shows that antiaircraft artillery is of the highest utility, and that surface-to-air missiles, on the contrary, are entirely ineffective.

For that reason, I think it must be recognized that when we make a ghastly mistake—and we have made a ghastly mistake in putting $2 billion into utterly ineffective systems—we ought to recognize it, and not just continue with further errors and further mistakes. Let us put this money into antiaircraft artillery, and not into these surface-to-air missiles, which are totally ineffective. The Senator has admitted that the Bomarc is not any good.

Mr. RUSSELL. I said we had moved on to the Hawk, which is a more effective weapon than the Bomarc. There is some question about the total effectiveness of the Bomarc, just as there are questions about the three Navy antiaircraft missiles, the Tartar, the Talos, and the Terrier. We have spent hundreds of millions of dollars on those weapons, trying to get them to work. I am not sure they will work today. The Navy say they will. All these systems have been rebuilt three times.

But I repeat that this would paralyze our air defense missile system, because if we are prevented from modernizing and improving a weapons system like an antiaircraft missile—we find bugs in these things every day; if we cannot iron out those bugs, we render ineffective our entire antiaircraft missile defense.

I agree with the Senator that the North Vietnamese have established beyond peradventure that there is still an advantage in the old 5-inch antiaircraft artillery. I have quarreled with the Navy for years because they took those guns off some of our ships. I finally got them to stop it. I have made them keep some of those guns in inventory for this country. They are very effective against a low-flying plane.

But it takes a missile like the Hawk to reach high altitude aircraft. Our artillery just will not go high enough. As I recall, it goes perhaps a mile, or something between 5,000 and 6,000 feet.

Let me point out that if the Senator's amendment were adopted, I do not think we could even purchase spare parts for these missiles. I think it would be a tragic mistake for us just to say, "Here we are, come on, bring your bombers, knock the life out of us, we are going to junk our air defense missile systems."

Mr. CLARK. Mr. President, I yield myself 2 minutes, if I have that much time remaining.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CLARK. I just want the RECORD to be perfectly clear that despite what my good friend from Georgia has said, I am not suggesting the elimination or even the cutting back of antiaircraft artillery. The commander of our Air Force in Vietnam told me last January that the antiaircraft artillery of the North Vietnamese, and, indeed, of the National Liberation Front also, was the most effective weapon against our airplanes. He said what happens is that we have to come in and dive through that antiaircraft barrage, and this is a very dangerous thing to do, and many of our planes are shot down. While we fly over there above the level at which antiaircraft artillery is effective, our dive bombers are always subject to being attacked from above by the Migs, particularly the Mig-21; but that is the way to defend: you employ high-flying defense combat aircraft, supported by low-firing, but effective up to about 8,000 feet, antiaircraft guns. But these gimmicks like the SAM, which the Russians have, and the Bomarc, which we have, are just ineffective, and I think we ought to admit our mistake and stop spending money for them.

I am prepared to yield back the remainder of my time.

Mr. RUSSELL. Mr. President, in that case we certainly could never have an effective antiaircraft missile, because there will never come a time when we will be able to build a perfect antiaircraft missile the first time out. That is what the Senator from Pennsylvania suggests. There will always be defects in them. We have to be able to modify and perfect them, if we are ever going to have effective antiaircraft systems.

The PRESIDING OFFICER. Does the Senator from Georgia yield back the remainder of his time?

Mr. RUSSELL. I yield back my time.

Mr. THURMOND. Mr. President, I should like to have about 2 minutes, if the Senator has it.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes remaining.

Mr. RUSSELL. I yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the pending amendment would be disastrous to our capability to defend against enemy aircraft. The more sophisticated missiles for close-in air defense are only in the development stages. Our failure to maintain and improve the Hawk, Nike-Hercules and Bomarc until better missile systems are in the hands of our troops would be breaking our faith with every combat troop in our Armed Forces.

The Sam-D weapons system to replace these are a long way down the road. The technology only is at hand. Unforeseen problems with this advanced system may be encountered. Meanwhile, our current close-in air defense for combat troops and in the United States would become less and less effective without sustained procurement, modification and improvements.

The risk is too great. Our troops are our most priceless weapon. The Hawk and Nike-Hercules are our only missile for our troops against mass, low-flying enemy planes. These weapons must not become stagnant. The amendment would be an invitation to annihilation of our troops by enemy air unless we maintain a quality inventory of these weapons.

Mr. RUSSELL. Mr. President, I yield back the remainder of my time.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. Bartlett] would each vote "nay."

On this vote, the Senator from Oregon [Mr. Morse] is paired with the Senator from West Virginia [Mr. Randolph]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senator from Arizona [Mr. Fannin], the Senator from California [Mr. Murphy], and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from Massachusetts [Mr. Brooke] and the Senator from Texas [Mr. Tower] are detained on official business.

If present and voting, the Senator from Utah [Mr. Bennett], the Senator from Massachusetts [Mr. Brooke], the Senator from Arizona [Mr. Fannin], the Senator from California [Mr. Murphy], the Senator from Texas [Mr. Tower], and the Senator from Maine [Mrs. Smith] would each vote "nay."

The result was announced—yeas 4, nays 64, as follows:

[No. 307 Leg.]

YEAS—4

Clark
Gruening
Proxmire
Young, Ohio

NAYS—64

Allott
Anderson
Boggs
Burdick
Byrd, Va.
Byrd, W. Va
Cannon
Carlson
Case
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Morton
Moss
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Russell
Scott
Smathers
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—32

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Church
Cotton
Ellender
Fannin
Fulbright
Hartke
Hayden
Hollings
Long, Mo.
McCarthy
McClellan
McGovern
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smith
Symington
Tower
Tydings
Yarborough

So Mr. Clark's amendment was rejected.

AMENDMENT NO. 994

Mr. CLARK. Mr. President, I call up my amendment No. 994. I ask that all of it following the sum of $7,108,600,000, on line 6, be deleted, and I ask that the amendment be read.

The PRESIDING OFFICER. Will the Senator repeat his modification, so that the clerk can get it correctly?

Mr. CLARK. The reading of the amendment should stop on line 6, after the figure "$7,108,600,000."

The PRESIDING OFFICER. The clerk will state the amendment, as modified.

The assistant legislative clerk read as follows:

On page 23, after line 22, insert the following:

"LIMITATION ON APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Notwithstanding any other provision of this title, the aggregate amount of all appropriations made in this title for research, development, test, and evaluation shall not exceed $7,108,600,000."

Mr. HANSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for 30 seconds?

Mr. CLARK. I yield.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

I simply wish to remind Senators that all time on this amendment, by unanimous-consent agreement, is limited to 20 minutes, and time on the remaining amendments to be offered by the Senator from Pennsylvania is limited to 20 minutes on each amendment. So if Senators will remain in the Chamber, I believe we can expedite the business and make progress more rapidly.

Mr. CLARK. Mr. President, the purpose of this amendment is to limit funds appropriated for research, development, test, and evaluation to the figure for fiscal 1968. This would save $478,793,000. It would fix the research and development figure in this bill at the enormous sum of $7,108,600,000.

In my judgment, Mr. President, if we cannot do all the research, development, test, and evaluation necessary for the security of this country with the sum of $7,108,600,000, then I think we should get somebody else working on our research and development.

I reserve the remainder of my time.

Mr. HART. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Michigan as much time as he may desire out of my remaining 8 minutes.

Mr. HART. Mr. President, if we recall the situation that confronted us when the authorization bill went through, I believe it will bring this amendment into a little clearer focus.

At that time—I draw on my memory alone, because I have not had an opportunity to check the file—the authorization proposed would have been an increase of approximately $750 million over the sum appropriated for the current year. When others and I questioned this, we were told that approximately $250 million was represented by a bookkeeping adjustment, so that actually the authorization proposed is an increase. The true increase was in the amount of about $500 million.

An effort was made at that point to reduce the authorization to the existing appropriation plus the roughly $500 billion. That effort failed.

Of course, in connection with the debate it was suggested that the appropriate time to effect a reduction in the research and development money would be when we got to the appropriation stage. Now we are here.

It seems to me, Mr. President, that with the overriding concern by so many that we reduce Federal spending, when we realize that when we talk about reducing military spending we are always fearful lest we jeopardize the security of men in the field, if there is any place where holding the line on military spending can be accomplished without jeopardy to the men in the field, it would be in the area of research and development.

Surely, as the Senator from Pennsylvania has pointed out, spending in excess of $7 billion a year for research and development should obtain for us all the research and all the development which would be necessary in the next 12 months for our survival and security. If a choice is to be made with respect to our research efforts, restricting search-and-destroy operations in the field, or school lunches—and that is part of the problem we confront when we talk about $70 billion for military spending—I think a confident judgment can be made, a rather sound position can be taken, that there is nothing imprudent, indeed there is much to recommend our holding the line in existing expenditure levels for research and development.

Therefore, I would hope that those who are concerned, as all of us are, by the national security and fiscal responsibility, and responding adequately to domestic needs, will support the Senator from Pennsylvania whose amendment is pending.

Mr. CLARK. Mr. President, I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, I am the first to admit it is somewhat difficult to defend large appropriations for research and development. In a way, it is a somewhat nebulous thing. People are working with many different ideas on many different projects. Some of the projects turn out well and are valuable, and in many cases we get no results whatever.

However, without any research and development we would fall hopelessly behind other modern nations on the earth, and indeed, the Chinese would have to be included in modern nations because they have a very large program in research and development.

Make no mistake about it. There have been a number of revolutions in the weapons systems on this earth, even since World War II, which have come out of research and development, and it is unknown whether a broadside amendment such as this one would be hitting one of those projects. We have the Polaris submarine, we have the nuclear propulsion surface ships, we have the work done on the laser and the laser beam.

There are some Senators here who have relatives or friends in Vietnam. We have developed through research and development new techniques and drugs for the treatment of burns that are accomplishing miracles compared to what the medical profession knew about treatment of burns only 2 or 3 years ago.

In addition to that, in Vietnam we encountered an entirely new and different type malaria. We had never known of it before. We thought we had cures for malaria, cures that we had used in World War II. However, those cures were totally ineffective against this highland malaria that was encountered in Vietnam. We developed new drugs, and they proved very effective for this new type malaria. No one knows what the next problems will be. The amendment might hit something of that type. The amendment might save a few dollars but projects such as those I have mentioned would suffer.

I am frank to say that every research and development program does not pan out. I do not believe that reasonable people expect all research and development to succeed, but it is absolutely essential in today's world that we maintain a wholly adequate research and development program.

Mr. President, you do not get the great scientists from educational institutions and elsewhere for nothing. They are human beings. They are patriotic, but they are not willing to work for the Government for nothing, and their services have to be paid for.

I want to call to the attention of the Senate that we have already cut approximately $420 million from the research and development appropriations. We reduced the budget requests by about $420 million. That was done with fear, trembling, trepidation, and after long consideration. Now, the Senator from Pennsylvania and the Senator from Michigan say we can cut another half billion dollars without in anywise impairing the program.

Before we concluded our hearings I heard that an amendment would be offered providing for further reductions in these appropriations. I asked the Secretary of Defense on September 18, the last day of the hearings, for his opinion and the effect of a $1 billion reduction in the Department's planned research and development program for fiscal year 1969. He replied:

> I want to make a point which I think is a valid one, that if we were to stop our R&D now, I think very likely 5 years from now we would have lost our national security. I think it would be wise for the record to show that.
>
> Also if you look back at what our R&D has produced you will find that the weapons and equipment on which we depend for national security now were perhaps not known to us a certain number of years ago.

And then the Secretary went on to state:

> If it were left up to me and I were told that we had to take away another $1 billion some place, I would go searching for it in some other part of the Defense program than to take it out of R&D, as much as I would hate to do it.

I addressed the same question to General Wheeler and he replied that he agreed with the Secretary. I quote directly from his statement:

> As he says, the weapons that we have today are not the weapons that are going to be required to defend this nation in the future.

Dr. John Foster, Director of the Department of Defense Research and Engineering, also testified. I will say parenthetically that when he was with the Livermore Laboratory he was in high regard. Now that he has gone to the Department of Defense he has apparently lost his standing as a scientist, but I still believe in him whether anyone else does or not. He said:

> I believe they [Russia] are much too close behind us. Now, if at this time one considers cutting the U.S. research and development budget by $1 billion, I can assure you that we have no alternative but to make drastic reductions or delays in some of the most major programs; in the M.I.R.V. program.

Let me say that MIRV is a vitally important program and the success of our new missiles will largely depend on that program. Dr. Foster went on to say:

> SRAM missiles for the B–52, the superhard silo program for resiting the Minuteman. The aircraft program, the fighters for the Air Fore and the Navy, the attack submarines where major improvements are needed urgently, the aircraft that we hope to start for ASW work, the Army and Navy defense of high value points against aircraft, the air defense system [deleted].

And he went into one that is very highly classified, and concluded by saying:

> All of these are being placed by the available dollar.

This is not money merely to develop methods to go out and kill people by the millions. It will give us a superiority which will enable us to maintain the peace. I could go into a number of other items under research which could be affected adversely, but I shall not do so.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I yield such time as I have remaining to the Senator from North Dakota.

The PRESIDING OFFICER. The Chair advises the Senator from Georgia that his time now has expired.

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the Senator from North Dakota on the bill.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. YOUNG of North Dakota. Mr. President, during the past 50 years, the world has advanced further, when it comes to airplanes, missiles, electronics, improvements in automobiles, and in almost every other way that we can think of, than in the thousand years that went before us.

Most of that has come about as a result of research and development. As I see it, the sole reason why Germany began World War II with such superiority in weapons to the rest of the world was due to her research and development programs.

The only reason that Russia now has advanced as far as she has, is due to the vast amount of money she has spent on research and development.

It is outstandingly clear that over the past 20 years the Soviet Union has had a constant, well planned, and fully implemented program for the development of all types of armament and the technology on which they must be based. We can no longer assume that the Russians have made some lucky decisions. We must consider that they are extremely smart.

I believe that current information would indicate that Russia has surpassed us in technology as well as the development of scientists and engineers, and that her national budget for defense, as well as we can deduce, probably buys by far more man-hours per year than does ours.

Mr. President, I fully agree with the chairman of the committee, the distinguished Senator from Georgia [Mr. RUSSELL], that our greatest assurance of peace in the future is that we at least keep abreast of Russia in military strength.

The minute we slip behind the Russians, they will take advantage of us, and there will be another war, or else we will suffer humiliation, embarrassment, and blackmail.

Mr. RUSSELL. And enslavement.

Mr. YOUNG of North Dakota. I agree.

Mr. THURMOND. Mr. President, I cannot imagine——

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield 2 minutes on the bill to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, I cannot imagine a more dangerous amendment that could be offered than this one.

The guns, the weapons, and the equipment we have today are the result of research and development that took place 5 years, 8 years, 10 years, and as long as 12 years ago.

The very fact that we won World War II was because Germany did not beat us in developing an atomic bomb.

We must stay ahead of the Communists in the development of weapons, power, and strength in our military establishment. We cannot do that unless we engage in adequate research and development, which are so essential to staying ahead of the Russians.

Mr. President, I hope that the pending amendment will be defeated.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

All I can say to my good friends from Georgia, North Dakota, and South Carolina is that if $7,108,600,000 was enough for research and development in 1968, it should be enough for 1969. If it is not, the additional expenditure, which would run this enormous total up to the sum of $7,586,000,000, is not going to save the country, as the Senator suggests.

If, as my good friend from Georgia says, this appropriation is for peace, then I do not want the "cold warriors" at the Pentagon spending it. I should like to see it spent by persons engaged in research and development for peace. We will never get it spent for peace if we leave it to the Department of Defense. It is not a fact that we need, and I do not believe we need, the enormous research and development program to protect the country, when we have all waste—open, notorious, conspicuous, demonstrable waste—which is involved in our research and development programs to which I object.

I believe that when we put a tight rein on the "cold warriors" over at the Pentagon and hold them down to the enormous sum we gave them last year, we will be doing complete justice to our national security, and we will be saving the taxpayers some money which can go toward defending the integrity of the dollar and to some of our already badly curtailed domestic programs.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARRETT] would each vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Texas [Mr. TOWER] and the Senator from Kentucky [Mr. COOPER] are detained on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Texas [Mr. TOWER], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The result was announced—yeas 13, nays 54, as follows:

[No. 308 Leg.]

YEAS—13

Brooke
Case
Clark
Gruening
Hart
Javits
Mansfield
McIntyre
Mondale
Pell
Proxmire
Tydings
Young, Ohio

NAYS—54

Allott
Anderson
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, La.
Magnuson
McGee
Metcalf
Miller
Montoya
Morton
Moss
Mundt
Pastore
Pearson
Percy
Prouty
Russell
Scott
Smathers
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—33

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Church
Cooper
Cotton
Ellender
Fannin
Fulbright
Hartke
Hayden
Hollings
Kennedy
Long, Mo.
McCarthy
McClellan
McGovern
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smith
Symington
Tower
Williams, N.J.
Yarborough

So Mr. CLARK's amendment (No. 994) was rejected.

AMENDMENT NO. 990

Mr. CLARK. Mr. President, I call up my amendment No. 990 and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 8, line 14, add a new sentence as follows: "None of the funds appropriated herein shall be used for the operation and maintenance of antisubmarine warfare aircraft carriers."

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

Mr. CLARK. Mr. President, I refuse to yield for a request for the yeas and nays.

The PRESIDING OFFICER. The Senator has the floor.

Mr. CLARK. I have the floor, and I intend to keep it.

Mr. President, the reason why I refused to yield is that I intend to withdraw the amendment before the time comes for voting on it.

Mr. President, this amendment deals with the operation and maintenance of antisubmarine warfare carriers. It is not unlike other amendments already explained in the RECORD.

The amendment would save $400 million. It is in the same general category as amendments dealing with antisubmarine carrier forces, which would save $400 million; with attack carrier forces, which would save $360 million; with amphibious forces, where the saving is already set forth in the material I placed in the RECORD yesterday; and with the manned orbiting laboratory, which would save $515 million.

These amendments were all explained in the material I placed in the RECORD yesterday.

It is clear that the temper of the Senate is such that they have no chance of success. This I very much regret, because, in my opinion, the action which the Senate has taken on these amendments is going to cause a grave threat to the integrity of the dollar and will also mean the further cutback of essential domestic programs.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the following items, which would seem to indicate that the small minority in the Senate which has been supporting my amendments is correct, and that the overwhelming majority which has rejected them is incorrect:

An editorial entitled "How Much Defense Fat?" published in the Philadelphia Evening Bulletin of Wednesday, September 25, 1968.

An editorial entitled "Guns and Bread" published in the Pittsburgh Post-Gazette of Wednesday, September 25, 1968.

An article entitled "Billions for Defense To Set Off New War," written by David Hoffman and Thomas O'Toole, and published in the Philadelphia Inquirer of May 21, 1968.

An article entitled "Much of Pentagon's $45 Billion Spending Buys Nothing," written by Donald M. Rothberg and Joan Heller, and published in the Washington Post of Tuesday, September 3, 1968.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Evening Bulletin, Sept. 25, 1968]

HOW MUCH DEFENSE FAT?

In time of war the defense budget tends to acquire a special invulnerability; an emotional shield is thrown up in front of it. But this time of war, with Congress scrounging the bottoms of its barrels to meet the $6 billion budget cut, is different.

The closer look is altogether healthy because it is becoming more and more apparent that the defense budget can be substantially trimmed without endangering the lives of American servicemen or altering the kind of war the Administration wants to fight.

The Administration went to Congress for $77 billion for defense. The House this month knocked that down by $4.8 billion. The bill before the Senate cuts it by another $350 million and now Sen. Clark has offered a series of amendments shortening it by more than $5 billion more.

The senator bases his proposals almost entirely on a June report of Congressional Quarterly, the private but widely respected journal on government affairs. That report quoted unidentified experts in and out of the Defense Department as saying that $10.8 billion of "fat" could be sliced off the budget and, far from impairing the defense effort, would help it. Their sources, CQ said, suggested nine specific areas for cuts, including the $1.1 billion antiballistic missile system and $4.2 billion in manpower.

The political perils of budget cutting are evident in Sen. Clark's proposal on helicopters. He says that a "goof" in framing an amendment resulted in a proposal that would have cut back production of Chinook helicopters at the Boeing Vertol plant at Morton. CQ's sources proposed a reduction only to attrition levels and Sen. Clark revised his amendment to conform, but not until a storm had broken at Vertol.

Sen. Clark's chances of getting his amendments passed is considered remote. When Rep. William Ryan proposed the same thing in the House, he lost by a 7–68 vote. But the critical comment Ryan's amendment drew seemed unsatisfying, even though no one would suggest "buying" any defense cut package as is without close examination, and especially not in today's troubled international climate.

House Appropriations Committee chairman George Mahon said the cuts Rep. Ryan proposed were not based on hundreds of hours of testimony, as the committee's recommendations were. Rep. Wayne Hays said CQ does not have access to any more information than a "weekly gazette in any small town."

That, of course, is nonsense. What is called into question is the committee method of examining the defense budget. Clearly there are informed dissidents who have reasons that should be listened to for believing that almost 15% of the budget request is better left unspent.

In this time of mandatory budget cutting, the defense spenders' arguments would be on sounder ground if they gave documented answers to Messrs. Clark and Ryan rather than dismissing them out of hand.

[From the Pittsburgh Post-Gazette, Sept. 25, 1968]

GUNS AND BREAD

No less a personage than Republican Presidential candidate Richard M. Nixon has declared that it would be "irresponsible and potentially dangerous" for the Administration to consider cuts in the defense budget. Despite Mr. Nixon's implication that the defense budget is beyond criticism, this is precisely what Senator Joseph S. Clark, Pennsylvania Democrat, is undertaking. Senator Clark is calling for drastic reductions in the $71.9 billion defense appropriations bill, the largest single spending bill ever presented to the Senate.

Senator Clark is convinced that massive military expenditures are destroying the U.S. economy, crucial federal programs and the social fabric. Accordingly, he has proposed a series of amendments to the defense appropriations bill which he believes will cut more than $10 billion dollars of "fat" out of the defense budget.

Senator Clark insists that only logistical elements and weapons systems of doubtful combat effectiveness would be cut back. Military sources themselves have suggested that an intensive probe of the armed services would reveal millions, if not billions, of possible savings. Senator Clark has focussed on what he considers to be outstanding examples of waste and inefficiency in military spending. His proposed amendments would:

Halt deployment of the costly and futile antiballistic missile system (ABM).

Reduce funds for the questionable bomber defense system.

Eliminate the Air Force's Manned Orbiting Laboratory (MOL).

Curtail purchase of Bomarc, Hawk and Nike-Hercules anti-aircraft missiles.

Cut back the purchase of helicopters.

Reduce the Navy's anti-submarine-warfare aircraft carrier program.

Stop the purchase of any more amphibious assault ships.

Establish a ceiling of $7.1 billion for Pentagon research and development.

Senator Clark has emphasized that none of the proposed cuts would weaken the nation's defense posture. "What I am arguing against is a bloated military budget which has thrown our sense of national priority into utter disarray," he affirms. He buttressed his case by listing 324 Pennsylvania federal projects which have not been implemented for lack of federal funds. The choice is no longer between guns and butter, but between guns and bread. Senator Clark has taken a calculated risk in proposing military cuts when the nation is involved in a bitter foreign war. His determination to restore a sense of priorites should redound to his credit whatever its effect on his political fortunes.

[From the Philadelphia (Pa.) Inquirer, Apr. 21, 1968]

BILLIONS FOR DEFENSE TO SET OFF NEW WAR

(By David Hoffman and Thomas O'Toole)

WASHINGTON.—Only 80 days after he took office, Defense Secretary Clark Clifford is agonized over the highest military budget request in post-Second World War Pentagon history.

Despite the peace talks in Paris and congressional pressure to curb spending of all kinds, the Pentagon's tentative fiscal 1970 budget stands now at $102 billion.

While that is only $1 billion more than the services asked former Defense Secretary Robert S. McNamara to present to Congress for fiscal 1969, it dwarfs the $79.1 billion which he actually recommended—a request that even now is being hotly debated by a cost-conscious Congress.

As the first defense budget in eight years that will not be passed on by McNamara, the 1970 spending proposal promises to turn the Pentagon into a battlefield in which the civilian leaders once again fight with the generals for control of the military establishment.

"It started the day McNamara left office," confides one Pentagon civilian. "His chair wasn't even cold before the generals trotted out every expensive idea they'd ever had that he didn't like."

To be sure, the fiscal 1970 defense budget won't even reach the White House before this fall, but as it stands now the Army, Navy and Air Force are asking Clifford for $28 billion just to wage the war still going on in Vietnam, up from the $26 billion they're spending in fiscal 1969.

Most of the projects (more than $73 billion worth) have little if anything to do with Vietnam. Instead, they read like a Sears catalogue of weapons for the 1970s and 1980s, such as a $6 billion, 2000 mile-an-hour interceptor and an $8 billion bomber fleet to replace the Strategic Air Command's force of 281 aging B–52's.

Virtually all of these multi-million-dollar weapons systems were turned down or delayed by McNamara at one time or another.

Take the Mach 2 interceptor, which flew experimentally as the A–11 and now goes under the name of F–12. A year ago, the Air Force went to McNamara with a request for $170 million to start production of the F–12, a request he turned down flat.

"We've tested the F–12 with two alternative forces against the expected Soviet bomber threat," McNamara said at the time, "and the F–12 ranked third in performance."

Will Clifford be that tough? Will he insist (like McNamara) that weapons undergo long "contract definition" and "cost effectiveness" studies before purchase? Can he resist the heat that service chiefs, the defense industries and their allies on Capitol Hill are sure to generate?

Such questions can only be answered early next year, when the fiscal 1970 budget moves out of Clifford's office and on to the Congress. In the meantime, Clifford is confronted with a massive pruning job, one the next President inherits to either condemn or defend.

Not only must Clifford stop, stretch and shelve pet projects championed by the generals (but never by McNamara), he also might have to trim or kill projects indorsed by his predecessor.

Among the most costly, least urgent and (hence) most vulnerable, are these:

Advanced Manned Strategic Aircraft (AMSA): McNamara saw no reason to rush this $8 billion program, which would replace the B–52. "The threat (from the Soviet Union) would have to be much larger than now projected," he told the Senate Armed Services Committee earlier this year. AMSA future: Stretchout spending of $20 million to $30 million a year. No production lines.

The F–12 interceptor: McNamara's view was seconded by Air Force Secretary Harold Brown who cautioned against overspending on antibomber defenses. Outlook: No production lines.

Nuclear Powered Attack Carriers (CVANS): McNamara planned four, one of which (the Kennedy) is soon to be commissioned and a second (the Nimitz) is under construction. Total cost: About $2.5 billion. Program future: Nimitz will be built despite 30 percent cost increase in one year; if costs continue to rise, construction of the two additional carriers could be stretched out.

FX and VFAX, Air Force and Navy versions of an advanced fighter aircraft: McNamara had both planes in the study stage, where Clifford is likely to keep them.

AX, an advanced Air Force attack plane which McNamara cut from $75 million to $2.5 million in fiscal 1969: Same level of funding likely for fiscal 1970.

Deep Submergence Systems Project (DSSP): Includes several vessels—such as a deep submergence search vehicle (DSSV) and two deep submergence rescue vehicles (DSRV), one of which is to be a nuclear-powered. Costs of this $1 billion Navy program are understood to have tripled in the past year, which makes the entire project susceptible to stretchout.

Nuclear submarines: McNamara recommended ending procurement of nuclear attack subs with delivery of the 60th "first class" boat in 1970. No new Polaris-type subs beyond the 41 now at sea are sought. Future: Key Congressmen and Adm. Hyman G. Rickover are pressing for a follow-on sub. Meanwhile, costs have risen 60 percent.

Before the fiscal 1970 defense budget reaches Capitol Hill, the mood and political complexion of Congress will be changed by national elections. But if the past is prelude, the 1970 budget is in for a frigid reception if it recommends another $80 billion year of military spending.

With increasing fervor, highly respected Senators and Congressmen are questioning the need and underlying priorities of long-range multi-billion-dollar Pentagon programs.

At least three of these projects may fall or be cut when fiscal 1969 defense appropriations come up on the Senate floor. They are:

Fast Deployment Logistics Ships (FDLS): McNamara sought 30 FDLs by 1972, which he would have used as floating warehouses to rush arms to global troublespots. But many Congressmen feel an FDL fleet might embroil the nation in new Vietnams; at the same time, FDL costs are climbing, now total more than $1.2 billion.

Antiballistic missile (ABM): McNamara was at his least persuasive supporting the $5 billion China-oriented ABM, a point long ago seized on by ABM critics. The Senate voted only 31–28 last month to authorize ABM spending and if anything gets Presidential candidates Sens. Robert F. Kennedy and Eugene J. McCarthy (both anti-ABM) back into town it will be the expected Senate Floor fight over ABM appropriations.

Manned Orbiting Laboratory (MOL): The program most likely to be stretched out, if not this year then next. Some fuss was made over the $600 million authorization for fiscal 1969, but since this is the MOL's largest construction year the Congress probably won't hurt it much. Nonetheless, many Congressmen have begun to wonder whether MOL duplicates NASA's Apollo applications program, the civilian counterpart to MOL in the 1970s.

Clark Clifford may well find himself in a vise that McNamara never had to contend with: Between the senior chairmen of hawkish committees who want to go right on spending more billions for defense, and that growing body of lawmakers who would channel a portion of the defense budget into welfare, education and urban renewal.

[From the Washington Post, Sept. 3, 1968]

MUCH OF PENTAGON'S $45 BILLION SPENDING BUYS NOTHING

(By Donald M. Rothberg and Joan Heller)

The Defense Department's $45 billion-a-year procurement budget pays for a vast array of hardware and services, but a sizable portion of it buys nothing.

It's swallowed up by duplication, by human error and by faulty management—some of it inevitable in an organization the size of the Pentagon, where 5500 people are involved in military procurement alone.

Whatever the cause, this loss—never precisely calculated—could well run into billions of dollars. A study of five major areas of procurement found that:

Defense officials emphasize that price competition reduces costs by an average of 25 per cent. But in most years no more than 14 per cent of Pentagon buying is based on competitive bidding.

The Defense Department owns billions of dollars worth of industrial equipment. Much of it is unneeded, according to the U.S. General Accounting Office, which says the Department exerts no effective control over its use.

Last year, the Pentagon lost $160 million, according to the General Services Administration, by acquiring new computer equipment even as computers it already owned or leased stood idle. The GSA is the chief purchasing agent for the Government.

The Pentagon spends $7 billion a year on research and development contracts that usually run more than double the original cost estimates.

The Defense Department insists it has adequate protection against profiteering by private contractors yet billions of dollars in annual purchases are not subject to any independent review for overpricing.

Defense Department records show that in most years no more than 14 per cent of military buying is based on price competition.

About 30 per cent of the Pentagon's business falls into a gray area called "competitive negotiated contracts," transactions in which price may or may not be a factor.

DESIGNER ADVANTAGE

The other 55 per cent involves no competition of any sort, and this business includes some of the Pentagon's very largest contracts. Once the Pentagon chooses a company to design a weapons system, it almost always returns to the designer to award a noncompetitive contract to produce the equipment.

Regulations governing defense procurement say price competition should be the rule, but there are exceptions—17 of them—and they are so broad that they have become the rule instead of the exceptions. "Urgent need" is one of the 17 exceptions.

Once a determination of "urgent need" is made, price can be erased as a factor. Such was the case last April 19 when the Army awarded two "competitive negotiated contracts" for production of M–16 rifles.

Six months earlier, the Defense Department had solicited price estimates from four manufacturers.

After the contracts were awarded, members of a special House subcommittee demanded to know why one went to General Motors even though its price was $20 million higher than two firms that lost out.

NO QUESTIONS

The Army replied that there was an urgent need to obtain a large number of M–16 rifles as soon as possible to equip South Vietnamese regular and popular forces. No one on the subcommittee questioned the Army's explanation of "urgent need."

Another common exception to the rule of competitive bidding in defense buying is "sole source of supply."

On Aug. 7, a Federal indictment was returned against Chromcraft Corp., and Alsco, Inc., with which Chromcraft merged in 1966, and four individuals for receiving kickbacks on $47 million in Defense contracts.

The Navy said the charges would have no effect on a new contract awarded to Alsco's Techfab Division for 2.75 rocket launchers because Techfab was the Navy's sole source, and "the time which would be required to develop a similar Navy-owned item and to get a new manufacturer into production is completely prohibitive."

The Defense Department wasted $160 million last year by acquiring new computer equipment even as computers it already owned or leased stood idle more than two-million hours.

This was the finding of the General Services Administration, the Federal Government's principal purchasing agent, in an unpublished survey compiled in April.

TIME WORTH $250 MILLION

The GSA study concluded that on a Government-wide basis, computers were being underused by 278,000 hours a month or more than 3.3 million hours a year. This idle computer time, GSA said, was worth $250 million.

The Defense Department owns so much industrial equipment that it can't keep tabs on it all and, as a result, spends large sums to buy machinery it doesn't need.

Furthermore, much of the equipment is used by private industry for commercial purposes, frequently without Government permission or objection.

In one instance, the Department spent $1.4 million for an 8,000-ton forge press so TRW, Inc., of Cleveland could manufacture jet engine blades when, in fact, the Government already owned forge presses in the TRW plant capable of doing the job.

Pentagon property includes industrial plant machinery, special tooling and test equipment, raw materials, buildings, plants and land.

Of that property, $14.7 billion—in all categories—is held by Defense contractors. It is assigned to them for use in Defense production. When they finish using such property in a defense contract, they are supposed to report it as available for reassignment.

OVERCHARGES CITED

But the GAO has reported to Congress many cases where the Defense Department had no idea how its property was being used, and therefore had no adequate basis for reassigning it.

The Defense Department maintains that private industry does not get away with overcharging the Government to any significant extent.

Secretary of Defense Clark Clifford wrote to the chairmen of the House and Senate Armed Services and Appropriations Committees last June 13 denying that Defense contractors were making big profits or engaging in "war profiteering." As evidence he cited the work of the Renegotiation Board.

However, there are 16 classes of exemption from the Renegotiation Board's jurisdiction, including a blanket exemption for companies which do less than $1 million in business a year with the Defense Department and four smaller agencies.

Figures compiled by the board estimate that in fiscal 1969, with all exemptions intact, $44.5 billion in contractor sales will come before the board for review.

"I would estimate that if all the exemptions were lifted, we would have jurisdiction to check for excess profits on at least another $8 billion or $9 billion in Government purchases and it could possibly go as high as $10 billion," Lawrence E. Hartwig, chairman of the Renegotiation Board, said in an interview.

On the basis of the contractors' own figures, private Logistics Management Institute stated that among the 40 largest of the participating companies, profits on sales had declined from 5.4 per cent in 1958 to 4.5 per cent in 1966 and profit on total investment had decreased from 20.4 per cent in 1958 to 13 per cent in 1966.

On the other hand, the U.S. General Accounting Office, which has legal authority to audit contractors' books, has shown that profits a company reports are not always the profits it has earned.

AUDIT FIGURES

In audits of five Defense contractors, which GAO refused to name, the agency found:

Company A reported 4.5 per cent profit but audit showed 10 per cent.

Company B said its profits were 12.5 per cent, but GAO found 19.5 per cent.

Company C reported 11.1 per cent profits but audit showed 16.9 per cent.

Company D reported a 2 per cent loss but GAO found 15 per cent profit.

Company E said its profit was 21.6 per cent. GAO found 23.7 per cent.

Even more than lowering the floor, Hartwig would like to get rid of the exemption for standard commercial articles.

As long as 35 per cent of contractors' sales of such articles—things like cars, drugs, fuel, computers—are on the private market or to agencies of Government not covered by the board, none of his sales of these items to Government agencies is subject to renegotiation.

Mr. CLARK. Mr. President, all of these amendments are useful. They all would cut nonessential fat out of this swollen budget. It is clear that the Senate is in no mood to accept them; but the time will come, Mr. President, when commonsense will prevail in this body, and may it come soon. It may well come next year, and we will find a situation where Senators will be up against the basic hard facts of life that you cannot have guns and butter both, that you have to choose between the integrity of the dollar and the very important domestic programs initiated in the Kennedy and Johnson administrations, and this very swollen and increasing military budget.

But that time is not yet here. Accordingly, Mr. President, I withdraw the amendment.

The **PRESIDING OFFICER.** The Senator withdraws his amendment.

Mr. CLARK. Mr. President, I send to the desk another amendment, which my friend, the Senator from Georgia has indicated he has favorably considered and is willing to accept, and ask that it be read.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. The Secretary of Defense is instructed to transmit to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate, and the Committees on Appropriations, Armed Services, and Foreign Affairs of the House, semiannual reports on the amounts spent on research, development, test, evaluation and procurement of chemical and biological weapons and agents, including those used for defoliation and other military operations."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543."

The PRESIDING OFFICER. Does the Senator desire that these amendments be considered en bloc?

Mr. CLARK. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, so far as I understand the amendment—and the Senator from Pennsylvania showed it to me earlier in the day—it calls for the secretary to report on certain expenditures, and I see no objection to the amendment. I do not accept it permanently, but I am willing to carry it to conference.

Mr. CLARK. Mr. President, I yield myself 1 minute. The purpose of the amendment is to make available to the relevant committees of the Senate and the House of Representatives information as to the sums of money we are spending on biological and chemical warfare, including those used for defoliation and other military operations, and reports on the amounts spent on research, development, tests, and evaluation of such weapons.

This is information to which I think the relevant committees of both bodies are entitled. I express my appreciation to the Senator from Georgia for his willingness to accept it.

Mr. CASE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. CASE. I commend the Senator from Pennsylvania for this amendment, and join him in support of it, and I thank the Senator from Georgia for accepting it. I hope it will be accepted by the conference, because I think this is a matter of real importance potentially, and certainly one that could hardly harm us.

The PRESIDING OFFICER. The 1 minute the Senator from Pennslyvania yielded himself has expired.

Mr. CLARK. Does the Senator from New Jersey want further time?

Mr. CASE. No, I just wanted to make the point that I thought it was a sound amendment.

Mr. RUSSELL. Mr. President, I can not make any promises with respect to the amendment, other than that we will give it consideration. There are some strange words in it. In other words, how much money is being spent for defoliation is going to be a very difficult thing, at best, to come in with a dollars-and-cents quotation on what was spent for that purpose.

Mr. CASE. I am sure the Senator from Pennsylvania has no pride of authorship of the particular words; but the purpose, I think, is very useful, and I hope the amendment will prevail.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. SCOTT. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time to the junior Senator from Pennsylvania?

Mr. SCOTT. In default of anybody else being able to do it, I yield myself 3 minutes on the bill.

Mr. CLARK. Mr. President, can we have a vote on the amendment before the Senator proceeds?

The PRESIDING OFFICER. Does the junior Senator from Pennsylvania desire to discuss the amendment?

Mr. SCOTT. I will withhold until after action on the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SCOTT] is recognized for 3 minutes on the bill.

Mr. SCOTT. Mr. President, I have been seeking recognition to rise in opposition to the various amendments offered by my senior colleague, but especially in opposition to amendment No. 993, which would strike the manned orbital laboratory program from the Defense appropriations bill. I do not rise simply because the loss of this program would mean the loss of millions of dollars to Pennsylvania firms and the loss of an estimated 2,000 jobs in Pennsylvania. Rather, this amendment bespeaks a careless and cavalier attitude toward national defense and vital military needs. The series of amendments, of which this is one, in my judgment endangers the security of the Nation in these perilous times.

These amendments substitute a single judgment for the judgment and the wisdom of the Committee on Armed Services and the Committee on Appropriations. The manned orbital laboratory program is not controversial in the military. It has not been opposed by former Secretary McNamara who must have made it dance to his cost-effectiveness tune. It is not a duplication of civilian effort in NASA.

It is a military program designed to develop and test equipment in space. It is vital to our Nation's security to continue this program. We have to assume, indeed we are informed, that developments of this type are being carried forward swiftly by the Soviet Union. If we are to maintain our defense posture we cannot let the MOL program deteriorate. I, for one, am satisfied with the competence and recommendations of the committee in this matter.

I suggest that if my senior colleague had had more confidence in the administration, perhaps he would have permitted us to go to a vote on some of the rest of his amendments. However, I gather that he intends to withdraw them, in which case I shall not speak further at this time, except to say that I think the entire line of amendments which it was intended to use to cut $8.5 billion from the defense effort, in the midst of a war, was hardly, in my judgment, prudent or timely.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CARLSON. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas is recognized for 4 minutes on the bill.

Mr. CARLSON. Mr. President, my colleague [Mr. PEARSON] and I had prepared an amendment that I had intended to offer in regard to the purchase and use of bulk milk dispensing equipment. This matter has been before Congress previously, in connection with the use of milk dispensing equipment by the Army.

Through the kindness of the majority and minority members of the committee, we are able to have a colloquy on the floor in regard to it, and therefore I am not offering the amendment.

However, I sincerely hope that the chairman of the committee and other members, particularly the Senator from North Dakota [Mr. YOUNG], who is familiar with the subject, will be willing to state that they have no plans with respect to a change in the present operations.

I yield to my junior colleague.

Mr. PEARSON. Mr. President, I associate myself with the comments of my senior colleague.

I am pleased to note that the Appropriations Committee has again rejected the Department of Defense request for funds to purchase bulk milk dispensers to be used on military installations within the continental United States. At a time when we are trying to hold the line on spending I do not think it makes good sense for the Department of Defense to depart from the existing, highly satisfactory program whereby the military installations contract with local business suppliers for their necessary milk supplies along with the needed dispensing machine and ask for $814,000 new funds to purchase these milk dispensing machines directly.

I am convinced that over the long run the continuation of the present system will not only mean better service to military personnel but also that it will mean less cost to the taxpayer. Moreover, if the military were to get into the business of purchasing and servicing these dispensers a number of small businessmen would be dealt a severe financial blow.

I am also pleased to note that the committee, in its report, goes on to specifically "directs that none of the funds appropriated to the Department of Defense be utilized for these purposes."

I say this because despite the fact that no funds have been officially appropriated, there have been instances where military installations have made plans to purchase or have actually purchased milk dispensers.

One such instance which came to my attention involved an Army base in California. After I discussed this with Army officials I was happy to be informed that the base was instructed to remove the machines and to renew its contract with the local dairy. As far as the Army is concerned I think this situation has now been effectively taken care of as the Department of the Army formally notified on commands on July 2 of this year that no fiscal 1969 funds could be used to purchase bulk milk dispensers and that this prohibition applied until otherwise specifically directed by Headquarters, Department of the Army.

However, I was recently informed that two naval bases had taken steps to purchase milk dispensing machines and also that a number of bases within the Air Force's Strategic Air Command were taking steps in preparation to purchase machines.

I have asked the Air Force and the Navy to explain their policy on this matter and I presume they will take the necessary corrective action. But the point is that none of this should be occurring at all. Therefore I think the language of the committee report will help clarify for one and all the congressional intent of this matter.

And in regards to this language I would like to ask the distinguished Senator from North Dakota a question: Do you interpret this language to also mean that no funds can be used for leasing milk dispensing machines?

Mr. YOUNG of North Dakota. Mr. President, this is a matter that the committee has gone into I believe for the past 3 years.

At the present time, those selling milk to the military forces furnish the dispensers. The military now wants to buy their own dispensers.

I believe that we can save the money involved here. This is the usual pattern of affairs. They want to buy a lot of equipment that they do not need.

I do not believe there will be any savings at all in this case. Those who sell the milk to the military forces can furnish the dispensers just as well, and they do all of the servicing. The servicing would become quite a problem for the military forces.

I believe the present language will serve the purpose of the Senator from Kansas, and that the military forces will not buy dispensers.

Mr. RUSSELL. Mr. President, as far as I am concerned, I stand four square on the committee position on the matter. It was approved in the committee after a full explanation by the distinguished Senator from North Dakota [Mr. YOUNG], who, I may say parenthetically, is my expert on all matters pertaining to milk from the time it is generated in the cow until it is consumed.

I intend to stand four square on that proposition as long as the Senator from North Dakota desires to do so.

Mr. STENNIS. Mr. President, I do not believe that the record needs any buttressing on these points in view of the strong statements made by these gentlemen.

I became familiar with this problem last year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 1 additional minute to the Senator.

Mr. STENNIS. Mr. President, I heartily agree with the Senator from North Dakota and the chairman of the subcommittee, too, that this is the best solution.

Mr. CARLSON. Mr. President, my colleague and I deeply appreciate the remarks just made by the distinguished chairman of the committee, the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], and the Senator from North Dakota [Mr. YOUNG].

AMENDMENT NO. 998

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may call up amendment No. 998 at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 42, strike lines 23 and 24 over to and including lines 1 and 2 on page 43, and insert the following:

> SEC. 537. No part of the funds provided in this Act shall be used to pay any recipient of a grant or contract for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 25 per centum of the direct costs.

Mr. MANSFIELD. Mr. President, I yield myself such time as I may desire.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, facts have been unearthed which indicate that under the research and development programs moneys for administrative or overhead programs have been used to clean off college football fields, to pay for janitorial services, and the like.

The pending amendment merely specifies that a ceiling of 25 percent will be imposed on the indirect costs that may be charged to any research project funded by the Department of Defense. These indirect costs are sometimes referred to as "overhead" expenses. This indirect cost or overhead limitation would extend to every research project awarded by moneys appropriated in this act.

The need for such a limitation has become vital. Out of the billions of research dollars awarded—and the overall amount is $17 billion a year, often as grants—most of the money goes not for the prosecution of the project itself, but for these expenses that only relate indirectly; expenses that cover new equipment and construction, building maintenance, secretarial services and supporting staffs. This question of allocation is left entirely to the recipient. As a result, the Government pays the recipient double and in some cases as much as three or four times the costs directly allocated to the research project.

Each year more than 10 percent of our Federal budget is poured into corporations, institutions, schools, and laboratories for these basic studies of science and the applied technology related thereto. The Department of Defense has alone this year requested $8 billion and the bill before us appropriates $7.5 billion in this category of research and development.

The Federal Government does and should play a most vital role in support of basic research and development programs. The Government should participate in and encourage new breakthroughs in basic fields of learning. This immense Federal contribution demands a deep and abiding interest by the Congress, and I am pleased that the past year has reflected a deepening of that interest.

As the size of the Federal contribution has increased so has the Federal dependence of the institutions, the colleges and universities, the corporations—both nonprofit and profit—and the laboratories. What clearly is involved in these research grants and contracts is a huge Federal subsidy.

Let me say that it is extremely difficult for a layman without scientific training and expertise to evaluate the priority that should be given when we are dealing with any of these scientific projects. As a result, congressional review of the specifics of research and development has been necessarily abbreviated. Because of the absence of strict scrutiny, a degree of laxness has arisen in the public awareness of the extent and significance of the Federal involvement.

It was with some dismay that recent revelations were made about the salary structure of some of the various nonprofit Federal contract research centers. These organizations that are creatures of the Federal Government—totally set up for the purpose of doing Federal work and totally dependent upon Federal dollars for existence—were paying salaries that ranged from $50,000 to $90,000 per year. This revelation startled many. Some questioned whether civil service wage scales should not apply to these de facto employees of the Federal Government just as they do to those employed directly.

Additional interest was generated to determine other practices that might be occurring in other federally sponsored research and development programs.

It is not wild speculation to surmise that the ever increasing Defense Department budget for research and development is attributable in part at least to the general ease with which our military establishment has been able to obtain funds. As a result, the Defense Department's involvement has expanded far beyond any jurisdiction that could normally be classified as "defense" needs. For example, one can question with some validity why the Department of Defense assumes the sponsorship of birth control research or for that matter any medical research. The Congress created the National Institutes of Health, and each year we fund their far-reaching endeavors for this purpose. Any peculiar needs for medical research of the Defense Department would certainly be honored by the National Institutes of Health.

One can question also why the Department of Defense involves itself to a great extent in the field of basic social science research. The fact that the Department of Defense last year gave a security classification to 76 contracts dealing with social science research raises a most genuine suspicion. The very existence of a security classification for basic research is only justifiable to conceal the sponsor of the project—perhaps to avoid the sponsor's embarrassment—embarrassment because the sponsor has no business involving itself in that field.

What truly is needed is more attention to the specifics in this whole area of research and development. It is elementary that in a free and open society the Government should permit the public to know where its Federal money is spent. Research that is justified should be open to scrutiny—and Congress has the obligation to scrutinize all the details.

Whatever is not specifically of a security nature should be available to the public eye.

At my request, the Department of Defense furnished me a listing of every research contract it awarded last year. They number in the many thousands. All classified information was removed from the listing. They sit in six large cartons in the Appropriations Committee Room. I believe that it is necessary for each of us and the entire research community to know what every other part is doing. I believe duplication of effort and less significant work will more readily become apparent. There would be an awareness on the part of other Federal agencies of the work that each is performing. I believe there would be less likelihood of improper sponsorship.

Although all the information intended to be assembled and printed was of an unclassified nature, it is my understanding that the Department of Defense has now raised some doubts about the advisability of assembling this information. I am at a loss to know how a compilation of unclassified information could become classified. I know that the scrutiny of the public eye and the professions' eye will cause a critique of the total effort, but this is exactly what is long overdue. I am hopeful the printing of this information will be forthcoming in the very near future. I intend to seek similar information from each Federal agency sponsoring research and development.

The pending amendment covers grants as well as contracts. It seems incredible that especially in the field of grants or gifts even the generous allowance of a 25-percent ceiling would be needed for overhead costs—costs that merely facilitate the expenditure of the amount awarded outright. This rationale for awarding an additional percentage is based paradoxically upon the grantee's claimed inability to accept outright a gift for research without losing money. In other words, if a researcher accepts $100,000 to conduct a particular study, that $100,000 would pay for items of scientific equipment, consumable supplies, technicians and research associates, associated research travel, clerical assistants, computer time, and so forth—all directly related to the research project. The grantee has always insisted upon an additional award which is claimed necessary to prevent a loss of money occasioned by accepting the Government grant. The Government is simply giving away money to help spend money that it has given away. This amounts to a subsidy on top of a subsidy. Such a practice should at least have a ceiling.

If adopted and carried to law, this amendment would simply limit to $25,000 the maximum that could be allocated to overhead costs on any grant totaling $100,000. It would require the recipient of a grant or contract to strictly account for the exact costs of any project. The facts developed during the hearings on this bill demonstrate an excessive looseness with respect to the allocation of overhead. Some universities charge the Government as much as 86 percent of the direct project cost. A representative sampling showed the following results:

	Percent
University of Delaware	67.08
Lehigh University	72.16
Princeton University	80.00
Polytechnic Institute of Brooklyn	83.40
Worcester Polytechnic Institute	86.82

NOTE.—P. 1583, Defense appropriations hearings.

They run from 28 percent to nearly 90 percent. While the committee hearings reflect a great deal of information with respect to university-sponsored research, the universities are but representative of this overhead subsidy in the research community in general.

In fiscal year 1967, $1.67 billion was expended by all Federal agencies at our universities in support of research. Of the $1.67 billion just $426 million was actually expended on direct costs of research projects. A disproportionate $1.2 billion, or about 75 percent, was expended on indirect or overhead costs.

I agree that these indirect costs are perhaps necessary, if not vital, for the proper functioning of any university. They support the total apparatus of the school and extend to salary payments for a wide diversity of personnel, from janitors to secretaries to purchasing agents and deans. They also enhance the research and educational potential of the institution, providing funds for development and expansion and for improved departmental activities.

It is indeed essential that a strong educational system be maintained at the graduate level in our country and that we continue to expand and improve these institutional facilities. But Federal subsidies provided in the form of indirect overhead research allowances are not the proper way. Is it necessary that we so conceal this emphasis on graduate education? Can we not fund directly and in the open what now goes through the back door in the way of exorbitant overhead charges?

I fully support aid to graduate education for all our universities, not just those which happen to be singled out for grants or contracts. I think funds should be made available in a direct manner and through the agency of the Federal Government that has as its primary purpose the improvement and furtherance of higher education. Only in this way can the proper role of the Federal Government be contained. The extent to which the institutions become dependent upon the sponsor of the research projects is unclear when the institutions are being financed and subsidized in this indirect manner. Indeed, I believe a greater educational freedom would prevail if a direct subsidy were available and any strings and dependency or lack of it of the universities were expressed by Congress.

Let me say, too, that the history of the educational institution's dependence upon the Federal research dollar and its use of that dollar is only symptomatic of a problem that extends to every institution and corporation receiving part of this Federal dollar. The information at these other research centers was not specifically available, although it has been suggested that the indirect cost figure is far above that of the universities.

This amendment would simply limit these overhead charges to 25 percent, which is very similar to the guidelines adopted several years ago by our Appropriations Committee in this area.

It has been argued that accounting techniques could be used to make any necessary adjustments without saving a dollar. But the purpose of this amendment goes further than the saving of the Federal dollar, however important and significant that result will be.

The real purpose of this amendment is to focus much needed attention on this area that has been greatly neglected in the past; to encourage further scrutiny, not only by Congress but by other Government and non-Government institutions as well; and to demonstrate that this is but the beginning of an in-depth evaluation that will continue over the months and years ahead.

The essential thrust of my interest in the field of research and development has been to focus greater attention on the extent of the Federal involvement and the degree of laxity that has been attendant thereto. To obtain any degree of direction, the information concerning the research contracts and grants awarded by the Federal Government must necessarily be assembled in readily accessible form. This information should be available to Congress and the professional community. The wisdom of our involvement and the sponsorship of our research should withstand any scrutiny.

Conversations this morning with the Director of Research at the Department of Defense and the Bureau of the Budget have produced recommendations agreeing to the assemblage of information to be available to the public concerning all research sponsored by the Federal Government.

It is contemplated that the assemblage of the following information with respect to every Federal contract and grant—all classified information being first removed:

First, the name of the agency awarding the research; second, the institution performing the work and the principal investigator; third, the amount awarded in the 2 previous fiscal years; and fourth, the title of the contract and the principal objective of the work.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, before I ask this question I wish to express my hearty congratulations to the Senator for his courage and eloquence in presenting this amendment.

The Senator has been reading what the Department of Defense was doing. One of the things to my mind that has made this so essential is the absence of any explicit definition of what are "indirect expenses."

I wonder if the Department proposes to do anything about that. In some cases they have held that the building of roads to a football stadium had something to do with indirect expenses.

Mr. MANSFIELD. And cleaning snow off the football field.

Mr. RUSSELL. Yes, things as remote as that.

We hear the cry from the smaller and poorer educational institutions when these things come up and they do not get the crumbs that poor Lazarus got from Dives' table.

They get a small amount directly received, and it is wholly insignificant when compared to the totality of the amount received by what we call the Ivy League—what they themselves call the Ivy League, and we follow them in calling it the Ivy League—and some larger institutions on the west coast.

Mr. MANSFIELD. And people should wire in every time they are opposed to it.

Mr. RUSSELL. Does the Senator have any assurance that we are going to get a definition of indirect expenses?

Mr. MANSFIELD. Yes, indeed.

Mr. RUSSELL. Then we could decide what is involved.

Mr. MANSFIELD. Yes, it is my understanding, after contacting the General Accounting Office, that they have in the works a study which is just about completed and which it expects to release shortly.

Mr. RUSSELL. I hope so. It should be clearly established what we are going allow to be included in "indirect expenses."

Mr. MANSFIELD. Yes. I would say to the Senator that probably because of the activities of the Committee on Appropriations a burr was placed under the saddle and it will be forthcoming shortly.

Mr. RUSSELL. I thank the Senator and assure him of my wholehearted support.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, is the Senator saying where a grant is made of $100,000 to one of these institutions he mentioned, where indirect costs may go up to 86 percent, $86,000 would go to the university and only $14,000 would be left for the project itself?

Mr. MANSFIELD. Overall, they would use 86 percent; but that is in addition to the grant they got, and this would limit it to 25 percent.

Mr. PASTORE. I know that. But what is the situation under the present system, before this amendment is agreed to.

Mr. MANSFIELD. They get additional funds.

Mr. PASTORE. Does the Senator mean they get $186,000 instead of $100,000?

Mr. MANSFIELD. The Senator is correct; for a $100,000 project.

Mr. PASTORE. I think the Senator from Montana has struck a good note. The only thing that bothers me is doing it rather precipitately and summarily here. I wonder whether in trying to avoid all abuses we create others or some injustices. I wonder if we could modify the proposal to provide that the formula today shall continue except it shall not go above, let us say, 35 percent or something. It used to be 20 percent or 25 percent and most universities wanted to raise it to 35 percent. We were reluctant to do so. I think somewhere between 20 percent and 35 percent we could strike an equitable agreement. I agree that when direct and indirect costs are equivalent to the project itself, it is out of proportion. But some of these research projects are for the benefit of the country and some of our best minds have to be attracted to them. Nobody is going to undertake a project where indirect cost has to be taken from the stockholders or from the pockets of the consumers, let us say, if it is one of the consuming products of the country.

I wonder if we could not stay with the existing formula and put on a ceiling, and then hope that the entire matter could be investigated and studied.

Mr. MANSFIELD. I think that approach should be considered. But I think 25 percent is an awful lot in itself. This is a long overdue step in the right direction.

Mr. PASTORE. It sounds like an awful lot but it could be too little, too.

Mr. MANSFIELD. The proposal I made came out with the unanimous approval of the Committee on Appropriations, at least with the approval of the members present at the time. There was in excess of a quorum. So the interest in this matter goes quite deep and it is felt, generally, that something should be done.

Mr. MANSFIELD. Mr. President, before yielding to the Senator from Florida, I wish to finish my statement, and then I am prepared to answer questions.

It is the belief that this information will lead to a fuller understanding of the Federal contribution through research and ultimately lead to a better alinement of primary responsibility.

The present amendment will be available for alteration in conference with my full approval.

Mr. HOLLAND. Mr. President, I am deeply disturbed about this amendment, and I do not have adequate information about it. I have a telegram in my hand, signed by G. T. Smiley, general manager, Apollo systems department, General Electric Co., Daytona Beach, Fla. I wish to read the telegram to show why my concern has been created in this matter:

> DAYTONA BEACH, FLA.,
> *October 1, 1968.*
>
> Hon. SPESSARD L. HOLLAND,
> *U.S. Senate Office Building,*
> *Washington, D.C.:*
>
> It is my understanding that Senator Mansfield has introduced in the Senate an amendment to H.R. 18707 the defense appropriation bill FY 1969, which would prohibit the payment of overhead rates in excess of 25 percent of direct costs on contracts for research projects. This amendment would make it impracticable for this company, and I am sure for most other companies, to accept research contracts, for example, costs for pensions, vacations, social security, and insurance are all overhead items in our companys accounting system and would probably account for most of the 25 percent of overhead that Senator Mansfield would allow. Thus, nothing would be left for traditional items of overhead costs such as facilities, utilities, supplies, etc.
>
> Since there is no standard classification of direct vs indirect (overhead) costs, all contractors would not be treated equally. Precisely what goes into the overhead pool and what is treated as direct costs is dependent upon the exact accounting system used by each contractor.
>
> I hope that after you have studied Senator Mansfield's amendment you will conclude that it is impractical, unreasonable and undesirable and that you will work to have it defeated.
>
> G. T. SMILEY,
> *General Manager, Apollo System Department, General Electric Co.*

Mr. President, I want to make it very clear that I have no great amount of information on this subject. Mr. Smiley, whom I happen to know, called me about this matter and I asked him to send me a wire. I meant to discuss it this morning with the able chairman of the Committee on Aeronautical and Space Sciences and call his attention in this particular instance to Apollo contracts which have been made with NASA.

But I have not had a chance to do so. I did not get the wire until last night. It seems to me the point made by the Senator from Georgia is a valid one, that we do not have any definition of what constitutes overhead costs, that overhead costs will differ in different cases depending on what accounting system is used, so that there is very much validity to Mr. Smiley's wire. I therefore invite my distinguished friend to make a comment on this question because I have already said I have little information on the subject.

Is the Senator aware of the fact that accounting systems are greatly different among the large concerns——

Mr. MANSFIELD. Oh yes.

Mr. HOLLAND (continuing). Handling research and development contract, and that they therefore would not be treated equally under the provisions of the amendment?

Mr. MANSFIELD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes remaining.

Mr. MANSFIELD. Let me say to the Senator from Florida that he is not the only one who has received telegrams and telephone calls. I see several Senators on their feet and I am sure that organizations and institutions from every State have been heard from as well as a good many Federal agencies. If Senators will look at the record of General Electric, so far as the Apollo program is concerned, if my memory is correct, the indirect costs or overhead—has run in excess of 100 percent. That is my best recollection at this time and subject to correction. Believe me, it is a lot of money. These people—organizations, corporations, institutions—are using the Federal Government and they are using their positions in their States to put the pressure on, so to speak, and bring their points of view before the Congress. That is proper and correct—provided the whole point of view is presented for consideration.

I repeat, to the best of my knowledge—and this is subject to correction—it is my understanding that the General Electric program on Apollo receives in excess—perhaps well in excess of 100 percent for overhead, maintenance, indirect costs, or whatever we want to call it.

Mr. ANDERSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ANDERSON. Is the Senator presenting his amendment as it now stands in type—the printed amendment?

Mr. MANSFIELD. It is at the desk. It applies only to the Department of Defense.

Mr. ANDERSON. If it applies only to the Department of Defense, I have no objection. Otherwise, I might have. I am very happy about what the Senator has done, and am glad that it applies only to the Department of Defense.

Mr. MANSFIELD. I thank the Senator. If it is successful, it is the intention of the Appropriations Committee to look into other agencies in turn so that something in the way of a pattern can be set out. I thank the distinguished chairman of the Committee on Aeronautical and Space Sciences.

Mr. McINTYRE. Mr. President, I want to say that I have received a telegram from W. G. Krall, manager of the Hooksett plant of General Electric in New Hampshire, just as did the Senator from Florida. I do not have too much comprehension of what the Senator from Montana is trying to achieve here. Any comment the Senator could make——

The PRESIDING OFFICER. All time of the Senator from Montana has now expired.

Mr. MANSFIELD. I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 minute.

Mr. McINTYRE. A comment from the Senator from Montana on this telegram would be helpful to us.

Mr. MANSFIELD. I must say that I do not know the situation with respect to this New Hampshire division of the General Electric Co. I do recall approximate figures on this General Electric involvement in the program dealing with Apollo—whatever it is.

Mr. HOLLAND. Systems.

Mr. MANSFIELD. Systems, yes.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. As I understand the time limitation on this matter, it is controlled by the mover of the amendment, and the time in opposition is controlled by the Senator in charge of the bill, unless he is in favor of the amendment, in which event it is controlled by the minority leader; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CASE. Mr. President, I am happy to yield to the Senator from Colorado as much time as he may require.

Mr. ALLOTT. That being the case, Mr. President, since the Senator from New Jersey [Mr. CASE] is acting minority leader, I yield myself a few moments to discuss this matter.

The PRESIDING OFFICER. The Chair inquires of the Senator from Montana, the Senator in charge of the bill, whether he is in opposition to this amendment.

Mr. MANSFIELD. No. I am in favor of the amendment, and I believe I have so stated. If I am not correct, I will have the RECORD changed.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Three minutes?

The PRESIDING OFFICER. I thought that is what the Senator said. How many minutes does the Senator wish?

Mr. CASE. Mr. President, I yielded to the Senator from Colorado as much time as he might require.

The PRESIDING OFFICER. The Senator from Colorado may proceed.

Mr. ALLOTT. I thank the Chair, and the Senator from New Jersey.

Mr. President, no one in the Senate has more sympathy for the general purpose of the amendment offered by the Senator from Montana than I, because I have pursued this subject over a number of years. As a matter of fact, I hold in my hand a bill, S. 1305, sponsored by 12 Members of the Senate, to create a joint congressional committee to make a continuing study of the research programs and operations of the Federal Government relating to science and technology, and for other purposes.

I have seen this question and this problem coming up for many years. I think I may say, frankly, that it was the Senator from Colorado who raised this question in the Appropriations Committee. It had been my intention to offer an amendment similar but not foursquare with that of the Senator from Montana; but his motion and his amendment preceded mine.

Mr. President, I think there is one thing we have to face. The Senator from Montana has with considerable effort on his own behalf, certainly as much as he could spare since the bill was reported, tried to ascertain the facts. I am not sure that his amendment relates to the facts as we know them so far.

It is my intention to offer, when the time is yielded back upon this particular amendment, a substitute which will eliminate the word "contracts." Otherwise, it will be, to all intents and purposes, the same amendment as that of the Senator from Montana.

This calls for a direct statement as to why this should be done. If Senators will look at the hearings of the Appropriations Committee over the past few years, with one exception, when the great Senator from Massachusetts, Mr. Saltonstall, was here, the only inquiry that has been made in this area has been into the area of colleges, universities, and nonprofit institutions.

When we throw the word "contract" in, as does the present amendment, then we get into the position of working mischief, perhaps, of which we do not know the nature. I shall talk about this further. My only point at this time is to make the Senate aware that I am generally in accord with the purposes of the Senator's amendment. I do not know and I do not honestly believe that any Member of the Senate knows at this time what the sum total effect of this amendment as it is proposed will be. So, with that statement, I yield back my time to the acting minority leader with the notice to my fellow Senators that when the time is yielded back I wish to be recognized for the purpose of offering a substitute amendment.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield me 2 minutes?

Mr. CASE. First, does the Senator from Montana wish to respond to the Senator from Colorado? I think it would be appropriate to do so now.

Mr. MANSFIELD. Oh, no. When the Senator gets through I shall be prepared to yield back the time and the Senator from Colorado can get on to his amendment.

Mr. CASE. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, there are a great many universities in New York, as there are a great many contractors in New York. These amendments suddenly are flashed on us. I do not say that in any complaining tone. I receive an enormous volume of mail from colleges and universities engaged in research, urging that this not be done, that limitation not be placed upon them, and they present much data, facts, and figures with respect to it.

Also, Mr. President, I do not know that there is any valid distinction between grants and contracts such as what the Senator from Colorado [Mr. ALLOTT] would wish to carry through.

As a member of the Appropriations Committee, I do not believe anything ought to be swept under the rug. If the manager of the bill feels that this is a subject that ought to be considered in conference, with the aid of the expertise which various people can bring to it, including colleges and universities and contractors affected, I can understand that, and I am not going to make a great issue of it. But I think the Senate ought to be assured that, if any such action is sought to be taken in conference, at least we will have the understanding that a body of experts will be available to back up whatever the conferees propose to do.

I say that for the reason that we have $7 billion involved in this appropriation bill. The majority leader, the Senator from Montana [Mr. MANSFIELD], a very important Senator, says this is a precedent and he is going to press the matter in other quarters as well. It could well be that two things could happen: that, one, an indirect cost will go to direct cost and save nothing; and, two, we may discourage useful people like General Electric from undertaking these contracts at all because they are not worthwhile. That is not unusual. It has happened before, and we may deprive the United States, therefore, of a great deal of the brains and skills which we find in the whole free enterprise system and the university system.

So I am not standing here to oppose what the manager of the bill proposes, but I do express the feeling, as one Senator, that if the conferees should come back with some definitive proposal, it would be very clear that there is no basis in fact, as we have it now, profound and searching enough to determine this kind of finding in law. I would certainly want to have one that is reasonably persuasive, if the conferees act affirmatively on this matter.

Mr. CASE. Mr. President, I yield myself 2 minutes. I feel much as the Senator from New York does. In addition to some industrial communications, I have had a number of very highly respected educational institutions in New Jersey express concern about the amendment.

On the other hand, this is a matter we have dealt with for many years, and the Senator from Montana is no enemy of education. In fact, there is an educational institution named for him in his own State, which some of us had the opportunity and honor to help institute. Yet this is such a wide-open matter, since the word "indirect" is so undefined at this time, that I, for one, and some of our other colleagues feel the same way, are relying very heavily on what our conferees may do in thoroughly considering this amendment.

I know very well that some universities have indirect expenses of 100 percent in connection with research projects, depending on how the word "indirect" is defined and how language of this sort would be applied by the Government department, in this case the Department of Defense, to a particular grant.

So I hope we may have—as we already have had assurance in the concluding remarks of the majority leader—thorough consideration of the matter de novo in conference and amendment if necessary—I believe that it is a correct interpretation of his intention——

Mr. MANSFIELD. The Senator is correct.

Mr. CASE. With that assurance, I am satisfied to let the matter go to conference.

Mr. MANSFIELD. Mr. President, the Senator from Utah [Mr. Moss] would like to have 2 or 3 minutes. I yield to him.

Mr. MOSS. I would like 3 minutes. I thank my colleague.

Mr. President, I, too, wish to voice the concern of educational institutions in my State. I do not profess to know very much about the way in which indirect and direct costs are computed. This has been worrying me since the matter was brought to my attention. But it is of such concern to my State university there that I was called late last night by the president of the university, who said this amendment would be damaging and would cost a number of research contracts the university had been working on.

The way they compute their direct and indirect costs, it amounts to about 30 percent of the computation they work out. I do not know; maybe that formula is not standard. Perhaps it is computed differently at different eductaional institutions, and perhaps private institutions compute it differently. But, at least, the way it is computed at the State university, which I would expect to be perhaps the lowest in indirect costs, the 25-percent limitation would preclude their taking a number of contracts that they have undertaken for research.

For that reason I rise to express the concern that I feel for the educational institutions, on whom we have been relying to do a great deal of this work, and to indicate that perhaps, until such time as there is an established, fixed formula of computation—if there is one, I do not know about it, and I just surmise that it varies from place to place—to determine what is an indirect cost and what is a direct cost, we may be damaging the interests of the Federal Government and damaging a number of our educational institutions that have been able to contribute to the national effort in this area by reason of accepting some of these contracts or grants for research.

So on that basis I would hope that the amendment either could be amended upward as to the top figure or laid aside at this time until more is known about it.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute. All I want to say is, coming from a State which has land-grant institutions, as does the Senator from Utah, it is the private institutions, some of which are subsidized almost entirely by the Government, that get the gravy under these programs and it is the land-grant colleges that get the droppings.

Mr. LAUSCHE. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. I want to commend the Senator from Montana for the very informative presentation which he has made. I have looked at the figures on page 1583 of the hearings, which show that some institutions have charged as high as 86 percent, 83 percent, 72 percent, 67 percent, as indirect costs in doing the research work. The very statement of the proposition——

Mr. MANSFIELD. Mr. President, I had better yield the Senator some time. I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Chair asks the majority leader if it is on the bill.

Mr. MANSFIELD. Two minutes on the bill.

Mr. LAUSCHE. The very statement of the costs sort of shock an individual. That is the experience I had when I heard the Senator from Montana identify these figures.

I understand the Senator has said that when the matter goes to conference the exact figure which he has suggested of 25 percent would, of course, be available for modification to reach such objections as the Senator from Utah has just raised.

Mr. MANSFIELD. Yes.

Mr. LAUSCHE. I would anticipate that also, and I think that is rather sound, because on page 1583 Admiral Owen, who, to my great surprise, indicated a conspicuous paucity of intelligence on what was happening in his department, finally came through with the statement that he submitted, after the Senator from Colorado questioned him, which shows a cost range from 28.6 percent to 86.82 percent.

I again commend the Senator from Montana for the very constructive work he has done on this measure.

Mr. MANSFIELD. Mr. President, 1 minute.

I thank the Senator from Ohio for what he has said, but I think the chief credit should go to the distinguished Senator from Colorado [Mr. Allott], who, year after year, has been trying to bring this matter to the attention of the Senate and to get some action on it.

I yield back the remainder of my time.

Mr. CASE. Does any Senator seek further time?

Mr. HOLLAND. Mr. President, I would like just a minute, if I might.

Mr. MANSFIELD. I believe the Senator from Colorado wishes to offer a substitute amendment.

Mr. HOLLAND. I understand, but I should like just a minute.

Mr. CASE. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. First, do I correctly understand, from the statement of the distinguished Senator from Montana, that the amendment is now being presented in a slightly different form than the amendment on our desks?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. By striking out the words "or any other act," so as to make it apply only to this defense appropriation bill for 1969; is that correct?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. I thank the Senator.

I ask unanimous consent to have printed in the Record at this point the tables referred to by the Senator from Ohio, found on page 1583 of the printed record of the hearings, including 10 institutions that were considered in the lowest bracket of costs, 10 that were in the median bracket, and 10 that were in the highest bracket. I am talking, now, solely about institutions of learning, and not about corporations which have contracts in this field, and I ask unanimous consent that those three tables be printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

1. University overhead rates—10 low

	Percent
Johns Hopkins University	28.6
Loma Linda University	29.3
University of Pennsylvania	29.7
Calvin College	30
Mississippi State University	30.1
Columbia University	30.5
Medical College of Virginia	30.7
University of Rhode Island	32.9
Louisiana State University	33
University of Cincinnati	33

2. University overhead rates—10 in medium range

	Percent
Northwestern University	49
University of Wisconsin	49
Cornell University	50
University of Rochester	51.5
Indiana University	52.5
University of Colorado	53.3
Michigan State University	54.87
University of Notre Dame	55
California Institute of Technology	56
Stanford University	57

3. University overhead rates—10 high

	Percent
University of Miami	63
Stevens Institute of Technology	64
University of Miami Institute of Marine Science	65
Iowa State University	65.02
University of Delaware	67.08
University of Illinois Medical Center Chicago	69
Lehigh University	72.16
Princeton University	80
Polytechnic Institute of Brooklyn	83.4
Worcester Polytechnic Institute	86.82

The PRESIDING OFFICER. Is all time yielded back?

Mr. CASE. I am happy to yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back on the amendment of the Senator from Montana, the Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I send to the desk an amendment by way of a substitute for the amendment of the distinguished Senator from Montana, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Colorado [Mr. ALLOTT] proposes a substitute amendment as follows, as a substitute for amendment No. 998, proposed by Mr. MANSFIELD to H.R. 18707, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes:

> SEC. 537. No part of the funds provided in this Act shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 25 per centum of the direct costs.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, when order can be restored, I shall yield myself as much of my 10 minutes as I may require.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, I should particularly like to have the attention of the distinguished majority leader on this discussion, because I hope that he will accept this amendment and take it to conference.

This, in a sense, is a diminishment of effects of his amendment, and I say that, immediately, in all honesty and candor.

But the real difference between the two amendments lies in this: that the substitute amendment offered now is limited to grants alone and not to grants and contracts, as provided in the amendment of the Senator from Montana.

What is the background for this proposed change? The background is that for years prior to fiscal year 1963, there were no limitations upon indirect costs in grants in the independent offices bill. As everyone knows, that included NASA, and also included the National Science Foundation, the Veterans' Administration, and other agencies where research was done.

In 1963, a limitation was put on of 25 percent. In 1964, that limitation was diminished to 20 percent. In 1965, it was kept at the same level of 20 percent.

Then commencing in fiscal year 1966 and as a result of what I think was a very foolish action by Congress, the limitation was amended to read as follows:

> SEC. 305. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

If there was ever a foolhardy, thoughtless piece of legislation passed—and I must say that I objected to it very strongly at the time—it was this section, because what it says is simply that if you have a research contract for $100,000, you can incur $99,999.99, in addition to the $100,000, for indirect costs. How Congress could ever be so foolish as to have accepted such a provision I do not know.

I, like others, have wires from my State university president and letters from others, saying that they are going to lose all their research contracts. The facts are, as the Senator from Montana stated awhile ago, that if we tighten up the research provision in this bill, and keep it tight in the future, we are not going to find all of the research money spent in this country, or the great bulk of it, spilling into a small area on the eastern coast and two or three big institutions on the west coast; rather, we will have more money available for research throughout the length and breadth of this country, and particularly in our land-grant colleges and universities in the West and the Midwest.

The real reason for the difference in these amendments is this: The research in colleges and universities is basically and almost entirely—not entirely, but almost entirely—done by grants; but research by corporations, including private corporations is by contract. GE has been mentioned here, so I will use it as an example; it will not be tarnished by anything I shall say. At GE, arrangements for research are made by contract, not by grant.

Frankly, I think I have attended the various hearings, the independent offices hearings and all the other hearings, as diligently as any other Senator, and I cannot recall any testimony in the last 5, 6, or 7 years which would provide a basis for our making a decision on what should be done now with respect to research contracts going to private corporations.

I have here several letters written by the Comptroller General and other people, who say, in effect, "The trouble of it is, the different institutions and the different people involved keep their books separately, and with one an item is an indirect cost and with the other a direct cost."

Mr. President, that is exactly what we are trying to get at. It is the responsibility of the Government to say which of these shall be direct costs and which shall be indirect costs, and it is not the part of the Government to go along like a flood water going down a mountain stream, and accept the accounting procedures of every institution with which it makes a contract or to which it furnishes a grant.

So, because I do not know, and frankly there is no one else here who knows, what the effects on the contracts with private corporations would be, if we leave in the contracts, I have offered this amendment by way of a substitute which, basically, for all purposes, brings it back to the college and university level, and other nonprofit institutions. I feel as the Senator from Montana does. If we have a research grant and we have charged to this grant the direct cost of the grant, I find it impossible to understand why anyone cannot supervise that grant and keep it within the limit of 25 percent.

Certainly the space they occupy, the machines they use, the time that is paid to the help and to the researchers are all direct costs. Rental is a direct cost. Phone bills are direct costs. Travel associated with the project is a direct cost.

I find it hard to realize how our Government people have been able to let them build these costs up to the extent to which they have.

I obtained these figures after much effort. And, page 1582 of the hearings, reflects that I had been questioning the members of the Military Establishment about these costs. I finally had to make this statement:

> I want to get an answer to this question, and I am not going to quit, even if I have to stay here until midnight. I want an answer as to what the outside limits are that are allowed to the university for administrative expense on a research contract.

Finally I got an answer from them. I did not get the answer then. Later, they had it inserted in the record. I asked them to give me 10 of the lowest they had, 10 that they would consider in a medium category, and 10 that they would consider in a higher category.

What did we find out? We found that whereas in the independent offices bill in 1963 we had a limit of 25 percent which was later reduced to 20 percent, the minimum now begins at 28.6 percent—or 3.6 percent more than the highest that was allowed under the law when we were putting a standard on it—and page 1583 of the hearings reflects that it runs as high as 63 percent, 64 percent, 65 percent, 65.02 percent, 67.08 percent, 69 percent, and goes as high as 83.4 percent, and 86.82 percent, which is almost 87 percent. That means that if there is a $10,000 contract, $8,700 would be added on top of that for indirect costs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLOTT. Mr. President, I yield myself an additional 5 minutes, or as much thereof as I use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLOTT. Mr. President, I conclude my remarks at this time with the hope—and I see that the distinguished Senator from Montana has been called off the floor for a moment—that the Senator from Montana will see fit to accept my amendment for the reason that I believe the only justification in the records of our Committee on Appropriations is for the amendment which is offered by way of a substitute, and we cannot, out of our records, produce a justification for the broad scope, shotgun approach, which is taken by the amendment of the distinguished majority leader.

Mr. President, I reserve the remainder of my time.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. HOLLAND. Mr. President, do I correctly understand—since I was not present at the hearings and am not a member of that subcommittee—that the only specific information on the subject which was brought out in the exhaustive hearings of that subcommittee relates to institutions of learning and contracts made between the Defense Department and those institutions of learning?

Mr. ALLOTT. The Senator is correct.

Mr. HOLLAND. And there is no information whatever on how this would apply to corporations or businesses that have contracts with the Defense Department?

Mr. ALLOTT. Or are doing business by contract, as compared with universities and nonprofit institutions which are doing business by grants.

Mr. HOLLAND. I thank the Senator.

Mr. MANSFIELD. Mr. President, during my collection of information in this general area, I wrote to Mr. Philip Handler, chairman of the National Science Board. I asked him specific questions concerning the use of Federal money for research by the academic community. I wished to know how the awards for grants and contracts were used to support institutional facilities that were not directly connected with the specific research project. I also indicated to him my desire to find some way to limit such indirect charges.

Mr. Handler replied to my letter last September 16. Let me first say that he urged that a limitation on the so-called indirect costs of research awards would be neither practicable nor desirable.

In that view he is joined by the large number of colleges and universities that have since contacted me asking that the effort on this particular amendment be abandoned.

Mr. Handler did furnish the information I requested covering the use of Federal moneys for other than project purposes. I appreciate very much the candor and frankness of his reply.

He pointed out that even though much of the $1.67 billion appropriated for all Government research at academic centers had been designated by the Congress for direct project costs, a great portion of the line itemed amounts went for other purposes; for general institutional use and development, for facility construction, departmental activities, and fellowships. What it demonstrates beyond any doubt is how this support of specific research projects is so inextricably intertwined with the entire institution that happens to do the work. I think it is a situation that demands the keenest attention.

I ask that the Record include my letter to Mr. Handler and his reply.

There being no objection, the letters were ordered to be printed in the Record, as follows:

September 12, 1968.

Hon. Philip Handler,
Chairman, National Science Board, National Science Foundation, Washington, D.C.

Dear Mr. Handler: The issue of the Federal Government's involvement in research grants has captured significant public attention in the recent months. I would appreciate your views on this issue as it relates to institutions of higher learning.

In Fiscal Year 1967 universities received approximately $1.7 billion in funds for basic research from all agencies. Knowing that research, education and training are mutually reinforcing and inextricably intertwined in our universities, has the word "research" become a catch-all term that, in fact, includes other aspects of university activity in addition to the actual conduct of scientific research? What categories of university activities are dependent on Federal research funds? Approximately what percentage of the $1.7 billion was provided for each of these purposes and are these percentages representative for other years? Would it be possible to continue the current pace of academic research with a reduced Federal expenditure by imposing some limits on the expenditure of the Federal grant for other than the research itself? What changes might be made in budgetary terminology and the budgetary process that might clarify the influence of Federal research funds on our academic institutions?

Your timely response to these questions will be most helpful in identifying the crucial issues in this most important field.

Sincerely,

National Science Foundation,
National Science Board,
Washington, D.C., September 16, 1968.

Hon. Mike Mansfield,
U.S. Senate, Washington, D.C.

Dear Senator Mansfield: I am most pleased to have the opportunity to reply to your thoughful letter with respect to the implications of support of research at institutions of higher learning and the consequences of variation in the funding level of this endeavor.

As your letter indicates, in fiscal year 1967 there was transferred from the Federal government to the universities of the United States a total of 1.67 billion dollars from the appropriations to all agencies, categorized as "research." In some instances, the appropriation was so line-itemed as to permit understanding of the detailed manner in which the funds were to be utilized. In most instances, however, this is not the case. Some Federal funds which contributed significantly to the research process were not identified as support of research, per se. Particularly noteworthy in this category was the appropriations for NDEA fellowships. To the extent that these fellowships were awarded to graduate students in the physical, biological, social, engineering, and mathematical sciences, they most certainly contributed to the active pursuit of research at the universities.

In the course of preparation of a broader study of Federal support of university based science and of graduate education, the staff of the National Science Foundation undertook an analysis of the manner in which Federal funds "in support of research" were actually utilized at the universities. To do so, we subdivided these activities into six categories which require some explanation if the subsequent analysis is to be understood. These categories were as follows:

1. General institutional use. Within this subcategory were included payments for indirect costs and for faculty salaries. As you will recognize, the former represents support of the total apparatus of the university and consists very largely of salary payments to a wide diversity of personnel—from janitors to secretaries to purchasing agents and deans—all of whom are necessary to the overall functioning of the university and whose numbers and importance have been markedly increased by the scale of the academic research endeavor. Faculty salaries are paid in a variety of ways. These include "summer salaries," prorated stipends paid to members of the faculty who are normally on a nine months appointment and who devote the summer months entirely to the research projects for which they have support; partial salaries for the entire academic or twelve month year in an amount proportionately commensurate with the fraction of their time and effort devoted to the project; full salaries for the entire year paid to individuals who are members of the faculty whose teaching responsibilities are minimal or nonexistent and who devote all of their time to the research project; and a relatively small number of special instances in which the entire salary is defrayed from Federal funds for specific reasons such as the "Career Awards and Research Career Development Awards" of the National Institutes of Health.

2. Institutional development—funds specifically appropriated for this purpose and transmitted, in block, to universities to assist them in making a significant improvement in their research and educational potential.

3. Facilities—funds for the construction of laboratory buildings but occasionally also for rather specialized facilities such as a remote marine laboratory, etc.

4. Departmental activities. In this category are bracketed funds which are utilized to provide student stipends, such as payments from research grants to this purpose, funds which provide large equipment used in common for research by all or many members of a given department and other contributions to the research capability of a disciplinary department at a university.

5. Fellowships—payments made specifically to graduate students to promote their careers from funds appropriated specifically to this end.

6. Research costs proper. In this category are included the immediate and direct costs of the conduct of research including such items as scientific equipment, consumable supplies, technicians engaged entirely for the purposes of the research project, post-doctoral full-time research associates, computer time, ship time, clerical assistance, research associated travel, etc.

In the budgets of the various agencies, as approved by the Congress, can be found instances of each of these items. However the overwhelming bulk of all the funds involved appear in most agency budgets simply as "research." In considerable measure this is also true of the approved budget of the National Science Foundation. Accordingly we undertook an analysis of the manner in which the "research" funds provided by the National Science Foundation were actually utilized at the universities, in terms of the six categories listed above. We then assumed that funds utilized for "research" in the universities but provided by other Federal agencies were expended along the same lines as those provided by the National Science Foundation. In fact, the pattern to be described below was probably exaggerated in such agencies as the Department of Defense and the Atomic Energy Commission which customarily provide in their research contracts larger fractions of individual faculty salaries than is true at the National Science Foundation, and with them, larger payments for indirect costs. Nevertheless, if one assumes that the pattern of expenditures of NSF are essentially valid for expenditures by other agencies then the table below represents what happened in FY 1967.

UTILIZATION, AT THE UNIVERSITIES, OF ALL FEDERAL FUNDS IN SUPPORT OF RESEARCH, FISCAL YEAR 1967

[In millions of dollars]

Category	Object titles in agency budgets	Actual utilization
Research projects	1,246	426
Institutional funds	103	542
Departmental funds	92	473
Development funds	40	40
Facilities	166	166
Fellowships	24	24
Total	1,671	1,671

What is most striking in the table is that whereas one billion two hundred and forty-six million dollars of the funds utilized were identified simply as research support in agency budgets, only four hundred and twenty-six million were utilized for the support of research in the most immediate sense. This decrease does not represent any abuse or subversion of the funds appropriated. Nor was any proposed research then ignored or prosecuted with less vigor than that which is appropriate to such activities. However, a total of four hundred and thirty-nine million dollars, appropriated for support of research, was utilized for the purposes described earlier for institutional funds, viz., payments for faculty salaries (about half of this category) and for indirect costs. Moreover, three hundred eighty-one millions, again appropriated in support of research, were utilized for the purposes described above as "departmental." Together these add to eight hundred and twenty millions which find their way into the support of the very fabric of the universities-administrative salaries, faculty salaries, student stipends, salaries of supporting personnel. When combined with those funds which were clearly appropriated for institutional support, institutional development, facilities construction and graduate student fellowships, it becomes clear that, of the total of 1.67 billion dollars in this pool of funds, 1.245 billions were utilized for these diverse purposes within the institutions and only four hundred and twenty-six millions were utilized for the most immediate costs of research itself.

Please understand that this analysis is provided not to deplore the manner in which the funds were utilized. Indeed quite the contrary is the case. But the analysis does indicate how utterly intertwined are the support of research—in its own right—and of graduate education, with all its ramifications, in the universities. Since the research is the most important single component of the experience of those who are graduate students, it too might be regarded as support of graduate education. Accordingly, it is equally fair to view the 1.67 billion dollars involved as the support of research and as the support of graduate education. Both are equally and simultaneously true. If the other funds were not appropriately expended, it would be impossible to utilize the four hundred and twenty-six million dollars of immediate research costs in an intelligent and useful fashion. Were the research funds themselves not available, graduate education would grind to a halt. Nevertheless, the description provided by the table does indeed illuminate the nature of the academic research enterprise and its relationship to the Federal government.

The other significant feature illustrated by this analysis is that the system operates in such fashion that there is no "knob" to turn which in simple fashion increases or decreases the level of the research endeavor without concomitantly increasing or decreasing the level of expenditure in most of the other categories. By the very nature of the operation there is very restricted freedom to "purchase" a varying amount of research from year to year. Consider for example the item of professorial salaries. In all but a few instances, the professor's salary is fractionated between funds provided from the university's own resources and those from a Federal agency. Reduction in research expenditures at the universities, of the sort which we are witnessing in the current fiscal year, must therefore result in financial embarrassment of the universities since they are committed to the total salary payments of these professors. Similar considerations apply to the salaries and wages of the administrative and supporting personnel at the institution whose activities make possible the educational and research aspects of the enterprise.

It is precisely for these reasons that it is difficult to find an appropriate answer to your question, "would it be possible to continue the current pace of academic research with a reduced Federal expenditure by imposing some limits on the expenditure of the Federal grant for other than the research itself?" Were budgetary allocations made along the lines indicated in the table, in the first instance, it would be possible, in theory, to impose restrictions on other categories while leaving the immediate direct costs of research intact. But the burden would then devolve upon the universities to provide for those services whose provision had been deleted from Federal expenditures. But the universities are themselves fully committed. Indeed I know of no university which is not presently overextended financially. The contemplated action would simply send the university closer to the borders of bankruptcy, disrupt morale, and undoubtedly result in the withdrawal of services on a scale which would make the conduct of research itself distinctly less possible and certainly less productive. The only component which could be deleted, of the six shown, in any one year, would be facilities construction. Clearly such construction is not imperative to the research ongoing in that year. But failing to appropriate such funds is, in effect, placing a mortgage upon the future. Laboratories and special research equipment which are deferred will not be available at some future date. And this means that there will be students who go untaught, and research which will go undone. It will also mean foregoing certain opportunities for new scientific starts as opportunities present. Nevertheless, were the National financial exigencies such as to make diminution in such expenditures absolutely imperative, this is the one component which could quite conceivably be put off to another year. I certainly hope that it would not be deferred for more than one year.

Your final question was, "what changes might be made in budgetary terminology and the budgetary process that might clarify the influence of Federal research funds on our academic institutions?". As we have seen these Federal funds are the life blood of the graduate education enterprise in the areas we have been considering. Parenthetically these include something more than two-thirds of all of the graduate educational endeavor. Only the arts and the humanities are outside this process at present.

In the course of securing our national position with respect to our capabilities for science and the technology which derives therefrom, through a variety of Federal agencies we have provided support in such fashion that it makes possible graduate education in the natural and social sciences as well as engineering and mathematics. At the same time the same endeavor constitutes the leading edge of science in our country since it is at the universities that the overwhelming bulk of our most significant fundamental research is conducted. It is my belief that, in the not too distant future, this entire system should be intensively and systematically investigated so that it may be better understood. Our Nation, through the Congress, should recognize that support of the graduate education/science research endeavor is indeed a Federal responsibility. Once such formal recognition were taken, it would then become possible to devise supporting instruments more appropriate to the process than is the current system whereby funds transferred in the support of research projects are then utilized to provide all of the subcomponents of the system. It is entirely conceivable that creation of a new agency is in order in the near future. An agency which would bear a closer correspondence to the system which it is designed to sustain. I should be most pleased to provide a position paper in that regard if you are interested. Meanwhile, I cannot refrain from requesting that, within the constraints imposed by our Federal fiscal problems, support of academic research, through all of the diverse Federal agencies currently so engaged, should be continued with all possible vigor and in an amount commensurate with a national need. This support has been on a budgetary plateau for two fiscal years. In view of the rising numbers of graduate students, general inflation, and the increased cost of doing scientific research due to its increased sophistication, this constitutes a serious reduction in the actual amount of research possible, and has meant indefinite postponement of starts on major new scientific opportunities. Surely, this is not in the long term national interest.

Sincerely yours,

PHILIP HANDLER,
Chairman.

Mr. MANSFIELD. Mr. President, I am prepared to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I oppose the substitute amendment. And I would like to have a roll-call vote on the matter if that is the way it is to be.

The fact that the record does not contain any information on what is going to happen to contracts does not mean that contracts are OK. And I do not want to see an arbitrary shift from research in universities and colleges to research under contract with individual firms, or vice versa.

I think we would be going very much further than we should if we were to accept the substitute rather than to dig into this question, which is fine with practically everyone here.

We would be casting our vote in favor of a certain type program against other types, at least by implication. The fact that there is no evidence in the record with relation to one type does not mean that they both should be adopted.

In view of the fact that we often face a situation in which we cannot do everything in a completely finished way, I think most of us were willing to go along with the distinguished majority leader because of the great respect and confidence we have in him, in order to have the matter looked into by the conferees.

If we are going to impose a limit on the cost for these universities and colleges and leave the corporate contractors out of it entirely, we will be making a decision that we should not make at this time because there is no evidence to support it.

The fact that there is evidence on one side and not on the other does not make the decision right. Therefore, I believe we ought to do what we originally planned to do. Let us turn over to the conferees the whole problem. But let us not opt for one type of research program as against the other.

The Senator from Colorado [Mr. ALLOTT] very frankly, as is always so characteristic of him, said there is no evidence with respect to the other type.

I think the proof, rather, is on the ground that we ought not to accept the substitute. There is evidence with respect to one and no evidence with respect to the other.

There is no reason that we should do something of this sort. I hope very much that the Senate will reject the substitute.

As I understand it, the manager of the bill is quite willing to accept the amendment of the distinguished majority leader.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I think the Senator from New York is correct. This is a matter that is not easy to work out. I do not think it can be done on the Senate floor.

The best way to get at it, after all, is to let the matter go to conference where there will be an effort to go into the matter deeper and get a ruling that would be workable at least for 1 year.

In spite of the fact the Senator from Colorado has done such outstanding work in this field, I feel that it would be best at this stage to reject the substitute and vote for the Mansfield amendment.

I yield to the Senator from Montana such time as he may require.

Mr. MANSFIELD. Mr. President, I am in accord with what the distinguished Senator from Mississippi, the acting chairman of the committee, and the distinguished senior Senator from New York [Mr. Javits] have said.

Respectfully and regretfully, I feel that I cannot agree to the proposal suggested by my good friend the senior Senator from Colorado, because what it would do would be to differentiate between a given set of circumstances affecting two different types of endeavor. While I have every respect for American business, industry, and knowhow, I certainly would not sacrifice the educational community at their expense.

It would be my hope that the Senate would see fit to accept the amendment as originally introduced, covering both the academic community and businesses which do business with the Government. As I have said, then, whatever the conferees agree to in this respect would be satisfactory to me. I would hope that if they get involved in the matter of 25 percent, it might be possible for the committee to go to the General Accounting Office to get guidelines in time so that a definition of what 25 percent really is, apart from the figure itself, would be forthcoming.

So I would say that whatever the committee in conference does, if it accepts this proposal, will be satisfactory to me; and I have an idea that one of the conferees may well be the distinguished senior Senator from Colorado.

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

I am sincerely sorry that the Senator from Montana cannot see fit to accept this amendment, but I am even more chagrined that apparently the very deft argument of the Senator from New York has fallen on a receptive ear, because we are not setting up in this instance private corporations against universities. There are two great differences. One is that contracts have to be renegotiated or subject to negotiation, and the second is that we do have actual experience with universities under the grant system, and at a 20-percent and a 25-percent level.

It is quite true that the Senator from Colorado may be on the conference committee. Mr. President, I am able to predict what the result of the conference committee will be right now. I do not believe we will get a thing done on this matter. That is why I have offered the substitute amendment, because it can be backed by years of testimony—years of testimony—in the Senate. As it relates to contracts and as it relates to private corporations, it cannot be backed.

So I am afraid that the tail will go with the hide when we get into conference and that we will have made a lot of noise and a lot of fanfare on the floor of the Senate; and then the people who have been able to so slyly build the indirect costs up to 87 percent will say, "Well, we taught those fellows a lesson, and I guess we can just keep right on going." And they will keep right on going, Mr. President. They will keep right on going because they have done it for a number of years.

I know that it is very difficult to buck the majority leader of the Senate, and I know his intentions are just as well grounded, or even better grounded, perhaps, than those of the Senator from Colorado. Certainly, they are not less grounded. But I have been on this matter for a long time. If I had been consulted before he filed his amendment, or offered his amendment, I think I probably would have offered the same suggestions that I do now. As a member of that committee, of course, he exercised his rights, which he has a right to do, and offered the amendment. In that respect, I think he has performed a very great service. But I have been at this so long that, for the sake of the record, I ask for the yeas and nays on the substitute amendment.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Mondale in the chair). Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the substitute amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the substitute amendment of the Senator from Colorado for the amendment of the Senator from Montana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE. I announce that the Senator from Louisiana [Mr. Ellender], is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Arkansas [Mr. McClellan], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that if present and voting, the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from West Virginia [Mr. Randolph], the Senator from Missouri [Mr. Symington], the Senator from Arkansas [Mr. McClellan], and the Senator from Alaska [Mr. Bartlett] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senator from Arizona [Mr. Fannin], the Senator from California [Mr. Murphy] and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from Kentucky [Mr. Cooper] is absent on official business.

If present and voting, the Senator from Arizona [Mr. Fannin], the Senator from California [Mr. Murphy] and the Senator from Maine [Mrs. Smith] would each vote "yea."

The result was announced—yeas 20, nays 46, as follows:

[No. 309 Leg.]

YEAS—20

Allott
Boggs
Carlson
Curtis
Dirksen
Dominick
Hansen
Hatfield
Hickenlooper
Holland
Hruska
Jordan, Idaho
Kuchel
Morton
Prouty
Scott
Sparkman
Thurmond
Tower
Young, N. Dak.

NAYS—46

Anderson
Brooke
Burdick
Byrd, Va.
Cannon
Case
Dodd
Eastland
Ervin
Fong
Goodell
Gore
Griffin
Gruening
Harris
Hart
Hill
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Lausche
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Pastore
Pearson
Pell
Percy
Proxmire
Russell
Spong
Stennis
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—34

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Byrd, W. Va.
Church
Clark
Cooper
Cotton
Ellender
Fannin
Fulbright
Hartke
Hayden
Hollings
Long, Mo.
Long, La.
McCarthy
McClellan
McGovern
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smathers
Smith
Symington
Yarborough

So Mr. Allott's substitute amendment was rejected.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time

having expired, the question is on agreeing to the amendment of the Senator from Montana [Mr. MANSFIELD]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HICKENLOOPER (when his name was called). On this vote I have a pair with the Senator from New Hampshire [Mr. COTTON]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. INOUYE. I announce that the Senator from Louisiana [Mr. ELLENDER] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Missouri [Mr. SYMINGTON], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Alaska [Mr. BARTLETT] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent on official business.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The pair of the Senator from New Hampshire [Mr. COTTON] has been previously announced.

The result was announced—yeas 47, nays 19, as follows:

[No. 310 Leg.]

YEAS—47

Allott
Anderson
Boggs
Burdick
Byrd, Va.
Cannon
Carlson
Curtis
Dirksen
Dodd
Dominick
Eastland
Ervin
Fong
Gore
Gruening
Hansen
Hart
Hatfield
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Kuchel
Lausche
Mansfield
McGee
Metcalf
Mondale
Montoya
Morton
Mundt
Pearson
Pell
Proxmire
Russell
Smathers
Spong
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—19

Brooke
Case
Goodell
Griffin
Harris
Hill
Holland
Jackson
Javits
Magnuson
McIntyre
Miller
Moss
Pastore
Percy
Prouty
Scott
Sparkman
Williams, N.J.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hickenlooper, for.

NOT VOTING—33

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Byrd, W. Va.
Church
Clark
Cooper
Cotton
Ellender
Fannin
Fulbright
Hartke
Hayden
Hollings
Long, Mo.
Long, La.
McCarthy
McClellan
McGovern
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smith
Symington
Yarborough

So Mr. MANSFIELD's amendment was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that an amendment I now send to the desk be considered before the committee amendments. I have already received clearance on it.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read, as follows:

On page 44, between lines 21 and 22, insert the following:

"SEC. 542. No part of the funds appropriated under this Act shall be used for the purpose of repairing any naval vessel at places other than the home port of such vessel pursuant to any contract for the repair of such vessel not awarded on the basis of competitive bidding, pursuant to chapter 137 of title 10, United States Code, open to all dry dock or other repair facilities which are (1) located within one thousand miles of the home port of such vessel, and (2) capable of performing the repair work involved."

On page 44, line 22, strike out "SEC. 542" and insert in lieu thereof "SEC. 543".

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

If I may have the attention of Senators, I can explain this amendment very, very quickly. The purpose of the amendment is to open ship repair contracts of the Navy on each coast, along the whole coast, to competitive bidding.

May I repeat that, because it is very simple concept—to take the whole of these coasts, east and west, and to open all naval ship repairs to competitive bidding upon each coast, up and down that coast.

The amendment excludes a repair which is made at the home port of such a vessel. So if a vessel is not going to be repaired at its home port, the repair of that vessel is open to competitive bidding right up and down each coast. The home port, however, may have its repair job done without being subject to the competitive bidding factor.

I may say, too, to make it plain to the Senate, that we are not trying to take work from A and give it to B. We want everybody to have a "crack" at it in terms of the competitive bidding practice.

The reason for the amendment is as follows: Within the last 5 years there has been a great overturn in the places where ship repairs have been made by the Navy. The reason—and I shall give the figures in a moment—for this overturn comes about because of the way in which the Navy has interpreted a rule, a regulation of its own, which regulation relates to the question of repair at home ports.

All the Navy rule says is that—

> Overhauls, availabilities, and other upkeep periods will be scheduled in each as close to home ports as much as is possible.

That is an OPNAV regulation.

What has happened is that the Naval Ship Systems Command has implemented this directive by adopting a practice of restricting maintenance work to bidding by private shipyards located within the same naval district in which the ship involved has its home port.

We contend that this application of the Naval Ship Systems Command regulation to arbitrary naval district lines deprives New York, New Jersey, and other ports of a fair bidding opportunity to repair these ships.

For example, ships are being moved for repair from Norfolk to Jacksonville, a distance of about 700 miles, but are not moving from Norfolk to New York for repair, notwithstanding that New York may be able to do the work at a much lower cost, and notwithstanding that it is about half that distance away, because New York is in a different naval district.

We are contending that the Navy is using these arbitrary naval district lines for purposes for which they were never intended to be used, or for which the naval regulations were never intended, and it has distressed the whole pattern of naval ship repair on the whole east coast.

I did not submit this amendment to the committee for a very interesting reason. The whole New York delegation, which consists of 41 Members of the House and two Senators, has been doing its utmost to find a way out of the controversy with the Navy. But up until yesterday, when Secretary Ignatius went to the Far East—I do not know whether his visit is a secret or not, so I shall not name the place—we had not been able to get to the point where we felt we had to submit an amendment. But with the Defense appropriation bill before us, we felt this was the right thing to do.

Let me show the Senate how the application of the policy, which is strictly one of the Naval Ship Systems' Command, has affected the following ports, in percentages. In 1963 Boston had 62 percent of the naval ship repair work. In 1966, the last year for which we have the figures, it had dropped to 11 percent.

The naval ship repair work in the New York port was 18 percent of the total in 1963. It was 7 percent of the total in 1966.

In Newport News-Norfolk, Va.—and I am not trying to begrudge my friends the business, but this is what happened—the percentage rose from 9 percent in 1963 to 31 percent in 1966.

In Jacksonville, Fla., the percentage rose from 5 percent in 1963 to 16 percent in 1966.

Without in any way seeking to deprive our good friends from other States of their portion of the business, all we ask is that those ports which have been seriously disadvantaged by the way this policy has been applied be given the opportunity to participate in open competitive bidding, so that the repair work would go to the lowest bidder. If such repair is not going to be done in the home port of the vessel, then everybody should be given a chance to bid on the work if it is within a reasonable distance of the home port of the ship to be repaired. If we are out of line on the bidding, let the best man win, but let us do away with the arbitrary regulation that requires the ship to be repaired in the same naval district as its home port, when the port of repair within that naval district bears no comparison to the distance of another available port. New York has an enormous availability, and often there is no relation in distance to the availability of the New York port as compared with another port.

That is the reason why I gave the distance between Newport News and Jacksonville, as compared with the distance from Newport News to New York. The ship can be repaired in Jacksonville, because it is in the same naval district, whereas New York cannot get the business, even though it may be a much lower bidder.

I think that matter should be corrected. We have tried to correct it administratively for a very long time, but even with the prestige of the whole New York delegation, we got nowhere. So we think it is time now for us to bring it up here on the floor.

Mr. President, I reserve the balance of my time, but before doing so I wish to make one fact available: Not one single Navy ship is being repaired today in New York, notwithstanding that we have the most extensive facilities for drydock, et cetera, for repair of ships in the New York area.

I yield 5 minutes to my colleague from New York.

Mr. GOODELL. I thank the Senator from New York for yielding to me.

Mr. President, this amendment is both an equity amendment and an economy amendment. If we were offering an amendment here today requiring competitive bidding to be restricted to naval districts, then rightly the opposition could argue it was going to cost the taxpayers money, and that we were simply presenting an amendment to try to get more business to New York State and other east coast facilities.

As a practical matter, the Navy, through its arbitrary regulations and interpretations of regulations, has put in such an amendment. Their argument primarily is that they want to have maximum use of home port facilities. There is valid argument along those lines, but this amendment would not affect home port repairs. It exempts home port repairs. The Navy, whether for morale purposes or otherwise, would be able to continue to have repairs take place in home ports at its discretion.

But when the Navy decides it wants the repairs to take place outside the home port, the bidding would be open for a radius of 1,000 miles, essentially along the entire Atlantic coast. This is where the economy aspect of the amendment comes in, because no contracts would be given to New York City or to Philadelphia or any other repair facilities unless they underbid everyone else; and if they underbid everyone else it is going to save the taxpayers of this country money.

At the moment, the arbitrary interpretation of the regulations is inequitable to New York and to a number of other States with repair facilities. It is also wasteful, because it leaves facilities unutilized.

In New York City, for instance, we have a potential employment of 25,000 employees in the ship repair industry. We are now employing 4,000 employees. Ship repair, in terms of tonnage, has been steadily going down, as my senior colleague indicated, in recent years. In World War II, the New York facilities performed 60 percent of the repair work for ships repaired on the Atlantic coast. That percentage is now down to 3.78 percent. The percentage is down because of the arbitrary interpretation of the regulation, not because the New York facilities are uncompetitive.

Therefore I say that there is ample reason to support this amendment, as a matter of equity and as a matter of potential savings to the taxpayers, and I hope the amendment will be agreed to.

Mr. RUSSELL. Mr. President, the Navy Department is very much opposed to this amendment, and they give what seems to me to be substantial reasons.

In the first place, there is very little difference, as a rule, between the costs involved, and so there would be no substantial saving, or so they assert, by use of this policy of expanded competitive bids, which I generally endorse.

They do say, however, that this amendment would have a very adverse effect upon the morale of crews. Some of the ships have very large crews, and they have families usually living at the home port, many in Government housing. If you take the ship and its crew away from its home port for 2 or 3 weeks or months while the ship is being repaired, it is very detrimental to the morale of the crews.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. RUSSELL. I am happy to yield to the Senator from New York.

Mr. GOODELL. It should be emphasized that the Navy would be permitted to go right on ordering repairs at the home ports at their discretion, with this amendment. There is no requirement under the amendment that the Navy have repairs done outside the home ports. If the Navy decides to have the repairs done outside the home ports of the ships, then the amendment would take effect and be operative.

Mr. RUSSELL. If I understand the language of the amendment, it is not as definite as the distinguished Senator says it is.

Mr. JAVITS. Mr. President, if the Senator will yield, I think we have submitted a modified form of the amendment.

Mr. RUSSELL. I thought I had the latest modification.

Mr. JAVITS. This is the pertinent one.

Mr. RUSSELL. We still have the figures "within 1,000 miles of the home port."

Mr. JAVITS. That relates to the competitive bidding.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JACKSON. Suppose there should be a collision of naval ships in the Pacific. The normal thing, we will say, would be to bring the ships into Pearl Harbor for repair. Suppose, however, that there is no private yard capable of handling naval combat ships in that area. As I read the amendment, Mr. President, the Navy would be forced to bring the ships all the way to the Pacific coast to obtain private bids. As I understand it, the Navy would not be in a position to exercise any discretion in that situation, but would have to take the ship to an area in which they could get private bids. It does not even exempt an emergency.

Mr. JAVITS. Mr. President, will the Senator yield to me on my own time?

Mr. RUSSELL. It will have to be on the Senator's time.

Mr JAVITS. Surely. I yield myself 1 minute to say to the Senator from Washington that the amendment covers that contingency, because it refers to a section of the code which excludes such an emergency from the competitive bidding factor.

In other words, the Navy is permitted to exempt itself from competitive bidding in any such situation. My amendment does not change that.

Mr. JACKSON. Mr. President, I would point out that even if there were not an emergency, it is a long way from Pearl Harbor. I am not speaking of the Puget Sound Navy Yard, but just speaking in the interests of good economy. It is a long way to move a ship from the Hawaiian Islands, 2,500 miles, to the Pacific coast, to obtain competitive bids. And the bulk of our fleet is in the Pacific, as the Senator knows.

Mr. JAVITS. Mr. President, I might say to the Senator, in answer to that proposition, that there is no question about the fact that where you deal with an emergency, or where you have practical problems in regard to naval districts, I well understand that the conferees might have to work out some modifications to fit the situation.

But in the sort of situation we normally face—I yield myself 1 additional minute—the normal situation does not in any way run into that at all. The fact is that the Navy has plenty of room for deliberation about when and where it repairs the ships. If it chooses to repair them at their home ports, it thinks nothing of sending them 700 miles, for example, within the naval districts; but it has applied this arbitrary rule, which has worked to make the whole world lopsided: Those who had the business have lost it, and those who did not have the business have gained it, not because of competition or price, but simply because the Navy has interpreted the regulation this way.

Mr. JACKSON. Mr. President, I point out to the Senator from Georgia that we did not hold hearings on this amendment.

Mr. RUSSELL. No, the amendment was not brought up in committee, and the Senator from New York explained why at the outset of his remarks: Because the New York delegation was trying to come to terms with the Navy about the issue, and could not.

Mr. JACKSON. May we complete the colloquy? Suppose it is just ordinary wear and tear we are talking about, and not an emergency. As I understand the amendment, ships in the Pacific, home ported at Hawaii, would have to go all the way, 2,500 miles, to the west coast to be repaired.

Mr. JAVITS. Not at all. My amendment provides that they could be repaired at the home port.

Mr. JACKSON. Located within 1,000 miles.

Mr. JAVITS. No, I am sorry, the Senator is not reading the right part.

It says:

> No part of the funds * * * shall be used for the purpose of any naval vessel at places other than the home port of such vessel.

Only then is the competitive bidding factor invoked, not otherwise.

Mr. JACKSON. But the point is that if at the home port, or if the home port is not involved in the situation I have just stated, there are no private facilities——

Mr. JAVITS. This does not call for private facilities. It can be applied at public facilities.

Mr. MAGNUSON. There are no large private yards in Hawaii, only the Navy shipyard.

Mr. JAVITS. Well, if there is neither in Hawaii, the question makes no sense, because the Senator is contending that is where they should be left for repair.

Mr. MAGNUSON. No private facilities, I mean.

Mr. JAVITS. The question makes no sense at all if there are no repair facilities available.

Mr. RUSSELL. Mr. President, I am sure the parliamentarian is not charging this colloquy against my time.

Mr. JAVITS. No, it is on my time.

Mr. RUSSELL. Mr. President, I merely wish to make one other observation before I yield time to some of those who are directly affected and understand this better, perhaps, than I do, because, as has been stated, there were no hearings on this amendment. But there is no provision, as I see it, Mr. President, for any unfortunate collision at sea between ships that may be located away from their home port. We have had some very unfortunate accidents of that kind over the past several years.

The Navy is opposed to the amendment. We have had no hearings on it. I think it would be a very dangerous precedent for the Senate to accept the amendment with the very limited knowledge we have at this time.

Mr. President, with that statement, I yield 3 minutes to the distinguished senior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, the amendment is not at all clear to me. I have consulted with the Navy Department and with the Bureau of Ships. And I have been informed that the adoption of the amendment would cause extreme confusion in the overhauling program of the Navy.

Thus, it seems to me that if we are going to adopt an amendment of this caliber, we should at least hold hearings on the matter and get information from the experts in the Navy as to the wisdom or lack of wisdom of such an amendment.

The repairing of naval vessels is a highly technical and difficult assignment. And before we change the general law and force the Navy to take a course of action which it feels apparently is an unwise course to take, certainly we ought to get the reasoning of that branch of the service that is involved.

The amendment is not clear. The Navy declares that in its judgment it would create extreme confusion in the handling of the ships and in the overhauling of naval vessels. And for that reason, I hope that the Senate will reject the amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. MAGNUSON. Mr. President, the Senator from Virginia knows that the Navy must have flexibility in the matter of repairs. Different questions arise. Sometimes one yard is filled and the other yard is vacant. Ships come and go. The plans of these facilities are not always geared to a certain date.

The amendment would not only deny them flexibility but would also tie their hands.

Mr. BYRD of Virginia. It would tie their hands and make it very difficult for them to do their jobs.

Mr. RUSSELL. Mr. President, they cannot anticipate collisions either.

Mr. President, I yield 8 minutes to the distinguished junior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SPONG. Mr. President, I thank the Senator from Georgia.

No hearings have been held on this matter before either the Appropriations Committee or the Armed Services Committee. What is being attempted here today is to change the entire ship repair policy of the U.S. Navy on the floor of the Senate within 2 days after notice has been given of the amendment.

The amendment has some initial appeal because it deals with competitive bidding. And certainly all of our constituents want to hear about competitive bidding and they want to be sure that the Navy, as well as any other institution, is doing the right thing.

I have no expertise in this field, but there are some questions involved in this matter which I think should be answered. I believe committee hearings should be held on this matter.

First of all, as has also been brought to the attention of the Senate by the distinguished Senator from Georgia, I am not satisfied that this would take care of vessels in emergency situations.

The Senator from Washington also mentioned this.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. JACKSON. Mr. President, I have just checked the United States Code. I point out that the amendment refers to chapter 137 of title 10 of the United States Code.

The amendment is directed to the competitive bidding provision in the code and not to the exemptive provisions.

That reference runs only to the competitive bidding provisions of title 10, and not to the exemptive provisions to which the Senator previously referred.

I understand that this is the interpretation the Navy places on the amendment.

Mr. SPONG. The Senator is correct.

Mr. President, there is no exception in the amendment for vessels which, due to the limited period of time available for repairs, cannot be returned to their home ports.

In the past few years a great distinction has been made in the repair of nuclear-powered naval vessels and naval ships powered by conventional means.

We are today engaged in a period of naval operations in which we have not only the unfortunate war in Vietnam, but also increased operations in the North Atlantic. We have problems in the Mediterranean as a result of the Russian naval buildup there. We have situations which call for the Navy to have maximum flexibility with respect to the repair of its ships in order that they might remain operational.

For the benefit of the junior Senator from New York, I would like to say that I concur with his wish insofar as economy is concerned.

When the senior Senator from New York gave notice of the amendment, he included therein a certain exchange of correspondence involving naval contracts. If it is in the interest of economy, the Navy may send vessels out of their home port.

Mr. President, I refer to page 29063 of the Record for October 1, 1968. A letter addressed to Hon. JACOB K. JAVITS points out:

> The present regulations also provide for extending the bidding area beyond the borders of a single naval district in certain circumstances. There have been occasions when solicitation outside a naval district (in some cases coast-wide) resulted in substantial monetary savings. Accordingly, when the contracting officer determining that restricting the bidding to a single district or area within a district will prevent the obtaining of adequate competition or that the results will be unduly costly, he may recommend that the area of competition be extended. In two instances during 1967, extensions of the bidding area resulted in the performance of work on First Naval District ships in the Third Naval District.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. SPONG. Mr. President, I would prefer to complete what I have to say, and then I will be delighted to yield.

Furthermore, I think there are special considerations here, which matter is also brought out in the same letter addressed to the senior Senator from New York. I continue to read from the letter.

> Other special considerations may condition or limit the list of firms for solicitation on a particular procurement. For example, when work must be performed during a restricted availability, the list of firms to be solicited may have to be limited to those which are in geographical proximity to the ship or have sufficient capacity to perform the job within the prescribed time limits. This requirement is even more pertinent in the case of emergency voyage repairs, where contracting with a single firm may be necessary in order that the repaired ship may continue on mission without having to change its operating schedule. Moreover, when the performance of repair or overhaul work includes access to material classified *confidential* or higher the solicitation must be limited to those firms which possess the necessary security clearance.

I sum up my remarks by pointing out first that we are seeking in 3 short days to change the entire repair policy of the U.S. Navy. Second, aside from that, at this particular time, the Navy must have maximum flexibility with regard to its repair policy in order that the fleet may remain operational. Third, I would again return to this point: that before the Senate or any committee of the Senate or the conference, for that matter, goes into anything as far reaching as this, we certainly need the expertise of those directly involved.

Therefore, I join the senior Senator from Georgia in opposing this amendment.

I yield to the junior Senator from New York.

Mr. GOODELL. Mr. President, I thank the Senator from Virginia for yielding to me.

I also thank the Senator for making one of the strongest arguments in favor of the amendment, because a portion of the letter from which the Senator quoted specifically points out that the Navy now has this discretion but is not using it, used it only in two cases, and that in many instances substantial monetary savings can be made by extending the area in which there will be competitive bidding for repairs.

With reference to the point made by the Senator from Washington that the amendment clearly does exempt emergency situations. The language of the amendment applies to chapter 137 of title X of the United States Code, where all the exceptions and exemptions are made. It gives the Navy ample discretion in situations involving emergency or minor repairs when the vessel cannot be repaired in its home port.

Finally, let us make it absolutely clear that in this amendment there is no effect whatever on the discretion of the Navy to continue to have repairs made in the home port of the vessel. This is the major argument the Navy raised in response to appeals made by the New York delegation initially. They based their argument almost entirely on the question of morale of Navy personnel.

I might say in that connection that the largest percentage of naval personnel in the U.S. Navy comes from the State of New York and from the other large States on the east coast, such as Pennsylvania and Massachusetts, and I am sure the same would apply on the west coast to the State of California and the other large States.

So the personnel are very well taken care of in terms of their morale if the lowest bidder for repair happens to be the city of New York, the city of Boston, or the city of Philadelphia, with their repair facilities.

Mr. SPONG. I say, in answer to the Senator from New York, that whereas I would applaud any economies that can be effected, I am not prepared at this time to substitute my judgment for that of the Navy with regard to its present repair policy.

The PRESIDING OFFICER. Who yields time?

Mr. RUSSELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 13 minutes remaining.

Mr. RUSSELL. I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, we do not have a shipyard in my State, or my area, which would be affected by the matter of repairs. There is a small shipyard at Mobile that may get a little work such as this. We have a small shipyard that does not get any. I hope that some day it will get some.

This matter involves an item in the bill of $733 million for active fleet ship repair. I refer to page 1305 of the hearings. This amendment would come along and, without hearings, without adjustment, without really knowing what we are doing, we would take that three-quarters of a billion dollars, 3 months after the fiscal year has started, and just freeze it right there and say that new rules apply. The Navy would be stopped in its tracks and would be told it could not do anything with the money in this appropriation bill until it complied with this new machinery.

I desire to aid anyone in distress. But to put such a choker around the neck of the Navy—a rather discreet group, the way they handle their business—such a vital part of our war effort, which sails the seas around the world, is something that cannot be done.

For that reason, I hope the amendment will be rejected. Whatever merit there may be in the idea, certainly can be worked out at a later time in a logical, methodical, and rational way by those versed in this subject matter.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOODELL. For the record, it should be made clear that the bulk of the repair work is done in home ports. So the bulk of the three-quarters of a billion dollars to which the Senator has referred would be exempt from this amendment, and they could go on making the repairs in the home port.

Second, the amendment does not apply to repairs made in public facilities, which is another sizable portion. The amendment applies only where they are going to make repairs through contract with private repair facilities.

Mr. STENNIS. With all deference to the Senator, I believe it would take the remainder of the fiscal year to find out just what the amendment does mean, and I believe the Navy thereby would be cramped to death.

I yield back the remainder of my time.

Mr. JAVITS. Mr. President, how stands the time for the proponents?

The PRESIDING OFFICER. The Senator from New York has 14 minutes remaining.

Mr. JAVITS. I yield myself 4 minutes.

Mr. President, with respect to the figure of 700-some million dollars, that includes new construction and conversion. Repair and overhaul, in round figures, is only approximately 20 percent of that figure. We are not dealing with 700-odd million dollars.

Second, everybody in the Chamber is hollering because he is hurt. I do not expect the States which have received the big bulk of the business, because of the Navy Department, to give it up gladly. I do not expect the Navy—it would be defying its character, encrusted in history since the Republic began—to give up any discretion.

We are only trying to get a little fresh air and a little competitive bidding into this situation. Right now, when the Navy cannot find facilities in a given district, notwithstanding its own construction of the law and regulations, it will send the ships to another district. But then it is not bound by any competitive bidding. It can arbitrarily send the ships wherever it likes.

For example, one of the letters I put in the RECORD shows that very recently drydock work on a ship home-ported in Narragansett Bay was sent to Baltimore. They went right by the Port of New York, although the Port of New York has 20,000 tons greater shipyard drydock capacity than has Baltimore. A contract for topside repair work on the same vessel—mind you, this is Narragansett, in New England—was awarded to the Metro Machine Corp. in Norfolk. Again, it went by the Port of New York and went where the Navy pleased, because they are running it.

We are not saying that that ship should have been diverted to New York. We are saying that New York, New Jersey, and Boston should be given an even break and should be permitted to bid competitively where the circumstances permit open bidding. We, therefore, have applied the whole of chapter 137, which relates to Navy procurement, and that includes such broad outs as the following, by which the Navy, even if this amendment is agreed to, could award the contract wherever it pleased:

That the purchase or contract is for property or services for which it is impracticable to obtain competition; or—another section of the law—the purchase or contract is for property or services whose procurement he determines—to wit, the Navy procurement officer—should not be publicly disclosed because of their character, ingredients, or components.

Mr. President, I say affirmatively, for the legislative history of this amendment, that the whole of chapter 137 is included in this amendment.

There are plenty of outs for the Navy; but, fundamentally, this is the only way we have been able to find to reverse a policy which leaves it within the complete discretion of the Navy, no matter how exercised, to bypass great ports with enormous capacity, sail right by them, and go somewhere else, just because they are not compelled to open a contract to competitive bidding.

We have protected the home port and morale arguments. We have protected Senator PASTORE's State, which deals with nuclear submarines.

The important thing is that normal ship repair Navy work is not being done where it can be done most economically.

Mr. President, it is high time this matter was opened up and that is the only purpose of the amendment. Some people say that there is confusion and that we should have a hearing, but we have gone into this matter, and the best evidence is this enormous exchange of correspondence. We have been wrestling with the Navy on this matter for a long time and have gotten nowhere. I think it is high time that we had a showdown on the floor of the Senate.

Mr. GOODELL. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield 2 minutes to the Senator from New York.

Mr. GOODELL. Mr. President, there is really no mystery as to why naval authorities, administrators, or Federal agencies prefer not to be required under any circumstances to have competitive bidding. They prefer to have full authority to contract any place they wish. It is much more difficult for them when they have to have competitive bidding. The value of competitive bidding is not to the administrators in making their job easier, but the value is to the taxpayers, to save us money; and it would save us money, when we enter into repair contracts on a competitive bidding procedure.

Mr. President, the amendment would give the Navy ample authority to exempt many contracts for repairs but it would require them, when those exemptions did not apply, to enter into competitive bidding instead of arbitrarily restricting the bidding to the naval districts.

There is nothing in the record to support the contention that the repairs should not be made elsewhere than at the home port of the ship.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield.

Mr. STENNIS. Mr. President, I refer to page 1305 of the hearings, part 3. The Senator from Louisiana [Mr. ELLENDER] was asking the questions. He said:

> The request includes $733.4 million for the program entitled "Active fleet ship repairs." For fiscal year 1968 $582.8 million was required for these repairs.

The Senator was apparently reading there from the official record. He purports to say so, in effect. I think these are accurate figures. I am advised by the staff member that that is so.

Mr. JAVITS. That figure includes the ship conversion, does it not?

Mr. STENNIS. I do not think so. On page 34 of the report there is listed an item, the fourth item, that the Senate committee recommends $801.7 million. There is the shipbuilding and conversion money. This is a separate item, as shown on page 1305 of part 3 of the Senate hearings.

Mr. JAVITS. I was referring to the table entered at page 29062 of the CONGRESSIONAL RECORD of October 1. It is stated:

> Dollar value of new construction and repair contracts awarded July 1967–March 1968.

That is where I got my figures.

Mr. STENNIS. Yes.

Mr. JAVITS. Whatever may be the differences in the figures, we are dealing with an order of magnitude and I think the order of magnitude has been generally described for the Senate. This is not a small matter.

Before we put the RECORD to bed tonight, I shall undertake to be sure the figures the Senator mentioned and those that I mentioned are reconciled.

However, our argument is not based on anything that is inconsequential. If it were inconsequential, we would not be here. We have a right to fight here because we think we have great facilities that are being bypassed and it is costing the United States money because those facilities are being bypassed. We only seek the opportunity to bid with everyone else. If our bid is not accepted, that is all right, but we want the opportunity.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, will the Senator yield to me for 5 minutes?

Mr. RUSSELL. I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment is not practical and would be very difficult to implement. Many special ships, such as nuclear ships, must be repaired in shipyards capable of performing the work. In most all cases that has to be in Navy shipyards. Our nuclear powered and nuclear support ships must not be restricted by such bidding procedures.

The amendment also would not permit transfer of work to a naval shipyard away from home port to keep the workload balanced between Navy shipyards. Unscheduled emergency repairs which must be expeditiously accomplished should not be made susceptible to competitive bidding. Frequently, this work has to be accomplished at ports remote from the home port. This amendment restriction would prevent intelligent and logical scheduling of repairs to meet operational deadlines.

Mr. President, ships crew accommodations and training would be disrupted and costs increased due to the inability to schedule the location in advance under an impossible bidding procedure.

Another adverse impact would be the affect on the morale of a ship's crew during repairs.

The policy of overhauling in or near home port is of the utmost importance to the morale of the crews of ships, since an overhaul represents a large amount of the time the crew can spend with their families during a tour of sea duty. A transfer of an overhaul to a location as far as 1,000 miles away is most undesirable because of the proven impact on the retention of the crew and the proven loss of life which results from personnel attempting to travel long distances by road in a limited time.

I do not believe the record sustains the fact that the Navy has been arbitrary in this matter, and I do not believe the record sustains the fact that they have not handled the matter in the most feasible and logical way possible. We have to give the Navy enough flexibility to do the job and at the place they feel is best to do it. If we do not follow that course it seems to me we are going to handicap the Navy in that respect.

Mr. President, I hope the amendment is rejected.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, to conclude, the debate has been very interesting. I again wish to emphasize that we are not dealing with repairs at home ports and we are not dealing with Navy shipyards or other Government installations. We are only dealing with construction, with these private agencies, and that is what caused the difference in the figures submitted by the Senator from Mississippi [Mr. STENNIS] and me.

We have tried to correct this matter with the Navy for a long time. We have run into a brick wall, and that is why we are here. There comes a time when there has to be a showdown with a great Government agency which will not yield any on the proposition that there shall be open opportunity. That is the purpose of our amendment.

I am prepared to yield back the remainder of my time if the Senator from Georgia will yield back the remainder of his time.

Mr. RUSSELL. Mr. President, I yield back such time as remains to the committee.

ORDER OF BUSINESS

Mr. MANSFIELD. Before the roll is called, I yield myself on the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized.

RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which Calendar No. 1562, H.R. 10790, a bill to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronics products, was passed, together with the third reading.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Arizona [Mr. Fannin], I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 9, line 13, insert immediately before the period the following: "(except that no such regulation shall in anywise limit, or interfere with, the use of electronic products by or under the direction of a licensed physician, or dentist, or by a hospital or other health facility which is licensed as such by the State in which it is located)".

Mr. MANSFIELD. I ask unanimous consent to have printed in the Record a statement by the Senator from Arizona [Mr. Fannin].

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Paul Fannin

Mr. President, my amendment amends amendment No. 984 offered by the distinguished senior Senator from Texas and others.

Mr. President, the purpose of my amendment is to insure that the provisions of this bill will not in any way limit or interfere with the use of electronic products by or under the direction of a licensed physician or dentist or by a hospital or other health facility which is licensed by the State in which located.

Mr. President, H.R. 10790 has been before two committees of the Senate and neither committee has had an opportunity to study the ramifications of the distinguished Senator's amendment.

The language of that amendment is extremely broad. It provides for "standards for the manufacture, installation, operation, use, repair, or maintenance of such products . . .". This language is all encompassing. It is, a grant of extraordinary authority to the Secretary over a large part of industry in this country. No one knows how many industries are involved. The proposal not only covers manufacturers of electronic products but every group that uses such products. It also covers those individuals and companies who are engaged in the repair and maintenance of such products.

Mr. President, I am as concerned about the health and safety of the American worker as is anyone in the Senate, but I do not believe that so broad a grant of authority should be authorized without an exhaustive study of the ramifications of such a grant.

Mr. President, I would also like to point out that the promulgation of standards also implies inspection to insure their enforcement. I do not know how many new Federal inspectors would be necessary to carry out the proposal, but, in view of the number of industries and users it would apply to, the number would be very large.

Mr. President, there is another area of the Senator's proposal that concerns me greatly. That amendment provides, among other things, that the standards will apply to the operation and use of electronic products. I assume, therefore, that it would apply to their use by those engaged in the practice of the healing arts. In view of the fact that the proposal has not been studied by any committee of the Congress, I sincerely doubt the wisdom of a grant of authority which could lead to the interference in the practice of medicine and dentistry in this country. I do not believe that it would be the intent of the Senate of the United States to grant such an authority.

Not only would this grant of authority authorize the Secretary to govern the operation and use of electronic products by those engaged in the healing arts, but, of necessity, it would authorize the inspection of medical, dental, and hospital records, which have been historically considered privileged. This, of course, would involve the inspection of the records of hundreds of thousands of doctors, dentists, and hospitals.

Mr. President, for these reasons, I feel that, my amendment is an essential modification of the amendment of the Senator from Texas [Mr. Yarborough].

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana on behalf of the Senator from Arizona [Mr. Fannin].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Hartke, Mr. Bartlett, Mr. Yarborough, Mr. Scott, and Mr. Javits conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York [Mr. Javits]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Michigan]Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Arkansas [Mr. McClellan], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Missouri [Mr. Symington], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I also announce that the Senator from Louisiana [Mr. Ellender] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Louisiana [Mr. Ellender], the Senator from Arkansas [Mr. McClellan], the Senator from Oregon [Mr. Morse], and the Senator from West Virginia [Mr. Randolph] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senator from Illinois [Mr. Dirksen], the Senator from Arizona [Mr. Fannin], the Senator from Michigan [Mr. Griffin], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Kentucky [Mr. Cooper] is absent on official business.

The Senator from Nebraska [Mr. Hruska] is detained on official business.

If present and voting the Senator from Arizona [Mr. Fannin], the Senator from Nebraska [Mr. Hruska], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from Illinois [Mr. Dirksen] is paired with the Senator from Utah [Mr. Bennett]. If present and voting, the Senator from Illinois would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 21, nays 40, as follows:

[No. 311 Leg.]

YEAS—21

Boggs
Brooke
Carlson
Case
Dominick
Goodell
Hansen
Hatfield
Javits
Jordan, Idaho
Kennedy
Lausche
Morton
Pearson
Percy
Prouty
Proxmire
Scott
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—40

Allott
Anderson
Burdick
Byrd, Va.
Cannon
Curtis
Dodd
Ervin
Fong
Gore
Gruening
Harris
Hickenlooper
Hill
Holland
Inouye
Jackson
Jordan, N.C.
Kuchel
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Pastore
Pell
Russell
Smathers
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tydings
Young, N. Dak.

NOT VOTING—39

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Byrd, W. Va.
Church
Clark
Cooper
Cotton
Dirksen
Eastland
Ellender
Fannin
Fulbright
Griffin
Hart
Hartke
Hayden
Hollings
Hruska
Long, Mo.
Long, La.
McCarthy
McClellan
McGovern
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smith
Symington
Tower
Yarborough

So Mr. JAVITS' amendment was rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SPONG. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. RUSSELL. Mr. President, may I say, for the information of the Senate, that the committee amendments have not yet been agreed to. I know of no controversy on any of them. There is one amendment I shall offer in a moment which I do not think will cause any lengthy discussion. After that, I hope we can agree to the committee amendments en bloc, and then have a vote on final passage of the bill.

It will probably be to the convenience of Senators to remain in the Chamber, because we hope to have a final vote on the bill within the next 25 minutes.

Mr. President, I ask to call up my amendment No. 983.

The PRESIDING OFFICER. The amendment will be read by the clerk.

The legislative clerk read the amendment (No. 983) as follows:

On page 44, after line 21, insert the following:

"SEC. 542. Effective on the date of enactment of this Act—

"(1) The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall not apply with respect to those employees of the Department of Defense in positions established after June 30, 1966, in support of Southeast Asia operations and scheduled for abolition on termination of those operations: *Provided*, That this paragraph shall apply to not more than one hundred and fifty thousand of such employees.

"(2) In applying the provisions of such section to the departments and agencies in the executive branch those employees (not exceeding one hundred and fifty thousand) covered by (1) above shall not be taken into account.

"(3) Notwithstanding the provisions of section 201 (a) of the Revenue and Expenditure Control Act of 1968, employment in temporary and part-time positions in the Department of Defense may be programed on an annual basis in an average number not exceeding the average number of such employees during 1967." On page 44, line 22, ployees during 1967."

On page 44, line 22, strike out "542" and insert "543".

Mr. RUSSELL. Mr. President, as all Senators are well aware, section 201 of the Revenue and Expenditure Control Act of 1968 imposes two limitations on executive branch employment. When full-time and permanent employment is above the June 30, 1966, level, the act permits the agencies to fill only three of four vacancies occurring after June 30, 1968.

Second, the number of temporary employees in any department during any month may not exceed the number of temporary employees on the rolls of that department during the corresponding month of 1967.

Mr. President, when the expenditure reduction amendment was adopted, the Senator from Delaware [Mr. WILLIAMS] and the Senator from Florida [Mr. SMATHERS] wisely took account of the situation in Southeast Asia and exempted it from the amendment.

We have employed in Southeast Asia a large number of foreign nationals, mostly South Vietnamese and Thais. They have all been employed since the 1st of July 1966, and are vitally important to the carrying on of the military operations in that area.

The purpose of this amendment is to exempt those additional employees for the support of Southeast Asia from the employee limitation provisions of the act.

The Department requested an amendment to exempt 203,000 civilian employees. This total included about 50,000 civilians that have been hired as substitutes for military personnel. My amendment does not exempt these 50,000 employees from the provisions of the act. However, I do think that it is important to exempt those employees that are supporting operations in Southeast Asia.

I have discussed the matter with the distinguished Senator from Delaware. I do not think he has any specific objection to this amendment. He, in essence, agrees that it was provided for in his original amendment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WILLIAMS of Delaware. Mr. President, it was our intention that the cost of the war in South Vietnam, be exempted, and, of course, we intended the employees that were actually assigned in the Southeast Asia area, be exempted from the provisions of the amendment which was cosponsored by the Senator from Florida [Mr. SMATHERS] and myself. We explained the amendment that way, both at the time it was passed on the floor and at the time of the consideration of the conference report.

I have talked with the staff of our committee. They did not think it was at all necessary to approve this amendment to exempt those employees since they were already covered by the original Williams-Smathers bill. However, if it is thought they would be better satisfied to have it spelled out again, we would have no objection.

What concerns us at the time was that the Department may try to interpret the exemption for the war area to apply to some employees who are in the Pentagon by saying, "Well, they are working on the Southeast Asia problem and therefore they are exempt." That was not our intention and I know that is not the intention of the Senator from Georgia. To make sure that this area is not expanded, I was wondering if we could modify this amendment with an additional proviso, after paragraph (1), and if needed it could be added after paragraph (2), to read as follows:

Provided further, That this paragraph shall apply only to those employees stationed in the Southeast Asia theater of operations.

That would definitely pin it down to those employees who were not intended to be covered originally. Frankly, I do not think it would be needed in paragraph (2) and the addition after paragraph (1) will take care of it.

It was our intention, at the time the bill was passed, that expenditures in the Southeast Asian war area were to be exempted from the $6 billion expenditure cut, because it was simply impossible to project an estimate of the cost of the war in Vietnam. We exempted that cost, just as we did the interest on the national debt on the basis that both were uncontrollable items.

Mr. RUSSELL. Did the original amendment of the Senator from Delaware exempt any employees here in Washington who might be engaged full time?

Mr. WILLIAMS of Delaware. No.

Mr. RUSSELL. Mr. President, I assume that the Senator intends for "Southeast Asia" to include the Philippines and Okinawa?

Mr. WILLIAMS of Delaware. That is correct. That comes under the Southeast war arena.

Mr. RUSSELL. With that understanding, I have no objection to the amendment of the Senator from Delaware, and I am willing to incorporate it in my amendment.

As I stated earlier, section 201 also imposes a ceiling on temporary employees of each department. This limitation provides that the number of temporary employees on the rolls of a department for any month cannot exceed the number for that month during calendar year 1967. The administering of this provision on a monthly basis is not practical within the Department of Defense because of the changes in the pattern for hiring temporary employees. For example, for July of 1968 the Department of Defense, under the monthly ceiling formula, could have on its rolls 52,300 temporary employees when, in fact, it only required 46,700 employees. However, the Department has a need for 45,600 temporary employees during December of 1968 and the limitation would allow only 33,-

460. The Department has requested that they be allowed to administer this limitation on an annual basis, rather than on a monthly basis. It was the view of the committee that the Department was entitled to this "bookkeeping" relief, and the amendment so provides.

I think this amendment is all within the spirit of the provisions of the Williams-Smathers Revenue and Expenditure Control Act of 1968.

Mr. WILLIAMS of Delaware. Mr. President, as I stated earlier, with the modification I have outlined, I have no objection to the amendment, because it merely carries out the intention of the Williams-Smathers amendment at the time it was adopted. I have talked with the chief of our staff. The staff does not think this Russell amendment as now modified will change the original law. In fact they do not think that the amendment would be necessary, but we have no objection if there is any doubt. We so intended at the time we offered our amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RUSSELL. I yield back my time.

Mr. WILLIAMS of Delaware. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Georgia, as modified.

The amendment, as modified, was agreed to.

Mr. RUSSELL. Mr. President, I ask unanimous consent that all remaining committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The remaining amendments, agreed to en bloc, are as follows:

On page 3, line 10, after the word "cadets", strike out "$5,710,000,000" and insert "$5,680,000,000".

On page 4, line 11, strike out "$31,500,000" and insert "$31,100,000".

On page 4, line 19, after the word "law", strike out "$75,800,000" and insert "$71,800,000".

On page 5, line 13, after the word "law", strike out "$96,000,000" and insert "$88,000,000."

On page 13, line 7, after the word "Bureau," strike out "$302,000,000" and insert "$267,000,000".

On page 16, at the beginning of line 15, strike out "$1,033,800,000" and insert "$801,700,000".

On page 17, line 13, after the word "plants", strike out "$2,609,000" and insert "$2,505,600,000".

On page 21, line 11, after the word "law", strike out "$1,516,600,000" and insert "$1,528,730,000".

On page 21, line 18, after the word "law", strike out "$2,096,200,000" and insert "$2,171,339,000".

On page 22, line 1, after the word "law", strike out "$3,370,300,000" and insert, "$3,364,724,000".

On page 23, line 12, after the word "which", strike out "transferred," and insert "transferred; $50,000,000, and, in addition,".

On page 44, line 5, strike out:

"SEC. 541. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

And, in lieu thereof, insert:

"SEC. 541. No part of the funds appropriated under this Act shall be used after the date of enactment of this Act for payments to individuals who are determined to be ineligible for further payments in the manner and under the criteria contained in section 411 of the Department of Labor, and Health, Education, and Welfare Appropriation Act, 1969."

FAT DEFENSE APPROPRIATION NEEDS REDUCING

Mr. McINTYRE. Mr. President, the $71.9 billion defense appropriation before us is the largest single appropriation bill in the Nation's history. With this sobering fact in mind, I would like to emphasize two points.

First, it takes a strong and stable economy to support a powerful defense structure. This concept was integral to the Revenue and Expenditure Control Act of 1968, an act passed to help curb the inflation that would have resulted from another budget deficit of $20 to $25 billion.

The climbing consumer price index, the balance-of-payments deficit, and high mortgage interest rates for the home buyer tell the same story: we must exercise fiscal restraint.

The Revenue and Expenditure Control Act sought to limit spending to $180.1 billion. But the Bureau of the Budget's Summer Review estimates that outlays will total $184.4 billion. Extra costs of the Vietnam war, social security, interest on the national debt, and veterans benefits—four categories exempt from the $6 billion cutback—account for the increase.

It is almost certain that the Congress will be asked to appropriate emergency funds for the Vietnam war before the fiscal year is over. These billions will also be exempt from the spending limitations. Thus, expenditures continue to mount despite efforts of the Congress to limit them.

All of these additional expenditures, especially those we cannot predict now, will add pressure to the economy.

A second consideration is that arms alone do not make a nation powerful. Education, equal job opportunity, and security from crime are as central to our defense as sophisticated weaponry is. Our key social programs, manpower retraining, housing for low-income families and educational assistance, keep the Nation strong and therefore must continue in full force.

Our priorities are sometimes puzzling. We spend billions on weapons to maintain the strategic balance of terror, yet we are losing the war against fear and terror in our cities. It is important to realize that a battle in one of our major cities threatens the Nation's security at least as much as a battle in a Vietnamese hamlet does.

We can no longer afford to increase defense spending at the expense of our domestic programs.

Because the Congress has not itself cut expenditures by $6 billion, the Director of the Bureau of the Budget estimates that the administration will have to cut spending by $3.5 billion to meet the congressional demands. Some of the cuts will have to come out of essential domestic programs.

In order to protect our economic growth and our domestic programs, we must take a hard look at the bill before us in an attempt to cut all but the most necessary non-Vietnam expenditures. At the same time I express my hope that spending related to the Vietnam war, which now accounts for 34 percent of the total defense appropriation, will not increase.

By postponing projects which are not immediately necessary, such as the Air Force's Manned Orbiting Laboratory, and by trying to cut expenses in other nonvital areas, we should be able to reduce this appropriation further by at least half a billion dollars.

MILITARY SPENDING MUST BE HELD IN CHECK

Mr. GRUENING. Mr. President, again this afternoon I find myself compelled to vote against the bill making appropriations for the Department of Defense.

Unless we here in the Congress exercise, by our votes, a veto power over appropriations for killing and the machines to wage war all over the globe we shall find out that we have in fact ultimately voted for our own self-destruction.

While the Congress voted to cut $6 billion from programs such as those of health, education, welfare, and housing—cuts which I did not favor—we have seen here this afternoon that any attempt to cut even the smallest sum from the military appropriations has been overwhelmingly defeated.

There is much waste in military spending which can be cut out without in any way jeopardizing the vital defenses of our Nation. Meanwhile these reckless expenditures are gravely weakening our economy, the ultimate reliance not only for defense, but for all that America needs and holds dear.

Mr. RUSSELL. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all remaining time yielded back on the bill?

Mr. MANSFIELD. All remaining time is yielded back.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is: Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. INOUYE. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from Massachusetts [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Arkansas [Mr. McClellan], the Senator from South Dakota [Mr. McGovern], the Senator from Minnesota [Mr. Mondale], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], the Senator from Maryland [Mr. Tydings], the Senator from Texas [Mr. Yarborough], and the Senator from South Carolina [Mr. Hollings] are necessarily absent.

I also announce that the Senator from Louisiana [Mr. Ellender] is absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from Massachusetts [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Arkansas [Mr. McClellan], the Senator from Oklahoma [Mr. Monroney], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], the Senator from Maryland [Mr. Tydings], the Senator from Mississippi [Mr. Eastland], and the Senator from South Carolina [Mr. Hollings], would each vote "yea."

On this vote, the Senator from West Virginia [Mr. Randolph] is paired with the Senator from Oregon [Mr. Morse]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken], the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senator from Illinois [Mr. Dirksen], the Senator from Arizona [Mr. Fannin], the Senator from Michigan [Mr. Griffin], the Senator from Oregon [Mr. Hatfield], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Kentucky [Mr. Cooper] is absent on official business.

If present and voting, the Senator from Vermont [Mr. Aiken], the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Cooper], the Senator from Illinois [Mr. Dirksen], the Senator from Oregon [Mr. Hatfield], the Senator from Michigan [Mr. Griffin], the Senator from Arizona [Mr. Fannin], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 55, nays 2, as follows:

[No. 312 Leg.]

YEAS—55

Allott
Anderson
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Carlson
Case
Curtis
Dodd
Dominick
Ervin
Fong
Goodell
Gore
Hansen
Harris
Hart
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Montoya
Morton
Moss
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Russell
Scott
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—2

Gruening
Young, Ohio

NOT VOTING—43

Aiken
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Byrd, W. Va.
Church
Clark
Cooper
Cotton
Dirksen
Eastland
Ellender
Fannin
Fulbright
Griffin
Hartke
Hatfield
Hayden
Hollings
Kennedy
Lausche
Long, Mo.
Long, La.
McCarthy
McClellan
McGovern
Mondale
Monroney
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smathers
Smith
Symington
Tower
Tydings
Yarborough

So the bill (H.R. 18707) was passed.

Mr. RUSSELL. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Russell, Mr. Hill, Mr. McClellan, Mr. Stennis, Mr. Pastore, Mr. Symington, Mr. Young of North Dakota, Mr. Mundt, and Mr. Allott conferees on the part of the Senate.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections which may be required because of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, today the Senate, under the expert guidance of the distinguished and able chairman of the Defense Appropriations Subcommittee, the Senior Senator from Georgia [Mr. Russell], has voted overwhelmingly in support of a bill which—as always—has had thorough and careful study, both in the Armed Services Committee and in the Appropriations Committee. Once again, we are deeply indebted to Senator Russell whose expertise in this field is unsurpassed.

Our thanks go also to the ranking minority member of the Defense Appropriations Subcommittee, the Senator from North Dakota [Mr. Young]. With his assistance and that of the the entire committee, this highly complex and involved measure was presented to the Senate with clarity, with great advocacy and in a manner which enabled us to move quickly to its thoughtful discussion and expeditious disposition. Contributing also to the high quality of debate were the Senator from Pennsylvania [Mr. Clark], the Senator from Michigan [Mr. Hart], and the Senator from Kentucky [Mr. Cooper].

The Senate can well be proud of the task performed on this bill. The Senator from Georgia has again earned our deepest gratitude.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney one of its reading clerks, announced that the House had passed the bill (S. 1247) to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 913. An act to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes;

S. 1069. An act for the relief of Dr. Chung Chick Nahm;

S. 1652. An act for the relief of Anastasia D. Mpatziani;

S. 2017. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed three years;

S. 2496. An act to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area;

S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees;

S. 2592. An act to amend section 530 of the Act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia;

S. 2897. An act for the relief of James T. O'Brien;

S. 3769. An act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts;

S. 3986. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite the retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes;

H.R. 5117. An act to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes;

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 13160. An act for the relief of William W. Hiebert;

H.R. 14079. An act for the relief of Lt. (j.g.) Herbert F. Swanson, and others;

H.R. 14098. An act to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86-339), relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico; and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes.

PATRICK E. EAGAN

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 910.

The legislative clerk laid before the Senate the amendment of the House of Representatives to the bill (S. 910) for the relief of the estate of Patrick E. Eagan, which was on page 2, line 12, after "Act." insert:

> No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

DISPOSITION OF FUNDS TO SOUTHERN PAIUTE NATION OF INDIANS

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3227.

The legislative clerk laid before the Senate the amendment of the House of Representatives to the bill (S. 3227) to provide for the disposition of funds appropriated to pay a judgment in favor of the Southern Paiute Nation of Indians in Indian Claims Commission dockets numbered 88, 330, and 330-A, and for other purposes, which was, on page 3, strike out line 21, over to and including line 13 on page 4, and insert:

> SEC. 4. The total amounts apportioned to the groups enrolled in section 1 (b) and (c) shall be redeposited in the Treasury of the United States to the credit of the respective bands, and may be advanced, expended, invested, or reinvested in any manner authorized by the governing body and approved by the Secretary.

Mr. MOSS. Mr. President, the purpose of S. 3227, which passed the Senate on July 9, 1968, is to provide for the distribution and use of an award to the Southern Paiute Indians by the Indian Claims Commission in 1965. The net judgment amounted to $7,253,165.19. After deduction of attorney fees and expenses the amount available to the Indians, together with interest earned, will be approximately $7 million.

Legislation of this nature is required before the Indians can utilize their funds. A floor amendment to section 4 was adopted by the Senate which required that before any of these funds are paid out plans be submitted by the Indians as to how the funds would be used, to determine that they not be dissipated or wasted.

In this particular case, part of the Paiutes have been terminated—that is, they no longer are wards of the Government—but two bands are still wards of the Government. Consequently, it is necessary for the funds to be paid out in two different ways.

The House has amended the bill by striking out the Senate's proviso in section 4. As explained in House Report No. 1882, which accompanied S. 3227, the committee amendment deletes the proviso in section 4 which is intended to prohibit the use of the funds apportioned to the Kaibab and Moapa groups 1 and 2 until 60 days after plans have been submitted to the House and Senate Committees on Interior and Insular Affairs. The proviso is deleted for two reasons: First, the plans have already been submitted and the proviso is therefore unnecessary; and, second, because of defective drafting the proviso would not accomplish its intended purpose and would, in fact, accomplish a different purpose which was not intended.

The plans for the use of the funds by the two groups as furnished by the Bureau of Indian Affairs are as follows:

The Kaibab group intends to use its funds 30 percent for a recreation investment adjacent to the Pipe Springs National Monument; 30 percent for per capita payments or family plan programs; 20 percent for reservation development, including expansion of the tribal herd; 20 percent for tribal operations to match a grant expected to be received from the Economic Development Administration.

The Moapa group intends to use its funds 33⅓ percent for per capita payments; 66⅔ percent for educational programs—loans and grants to students—and for tribal operations.

The proviso deleted was intended to apply only to the Kaibab and Moapa groups. In fact, however, it does not apply to them because it excepts bands not heretofore terminated and the Kaibab and Moapa groups have not been terminated. Actually, the proviso applies only to the terminated groups and it was not intended to apply to them. Rather than correct the defective drafting the proviso has been deleted because the plans for the use of the money are already before the committees.

Mr. President, these Paiute Indians have been waiting many, many years for their claim to be settled. They have complied with congressional requirements in terms of the use to which the money will be put, at least in terms of percentage. After all, no one knows how many Paiutes there are, or exactly how much money will be available. Due to the lateness of the session, there appears to be no possibility of holding a conference with the House. Therefore, Mr. President, I move that the Senate concur in the amendment of the House to S. 3227.

The motion was agreed to.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the interested parties. I would like the Senate to consider five noncontroversial conventions and protocols having to do with foreign arbitral awards, transit trade of landlocked states, customs cooperation council, Geneva radio regulations, and the status of refugees.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the votes on the conventions and protocols take place beginning at 10:30 tomorrow morning on these five noncontroversial, unanimously reported matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, in that connection, will the votes be taken all at the same time?

Mr. MANSFIELD. No. They are all different.

CONVENTION ON FOREIGN ARBITRAL AWARDS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive E, 90th Congress, second session, the convention of Foreign Arbitral Awards.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the convention, Executive E, 90th Congress, second session, the convention on Foreign Arbitral Awards, adopted at New York on June 10, 1958, which was read the second time, as follows:

UNITED NATIONS CONFERENCE ON INTERNATIONAL COMMERCIAL ARBITRATION (UNITED NATIONS, 1958)

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply:

(*a*) The duly authenticated original award or a duly certified copy thereof;

(*b*) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

(*a*) The parties to the agreement referred to in article II were under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

(*b*) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(*c*) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or

(*d*) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

(*e*) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

(*a*) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or

(*b*) The recognition or enforcement of the award would be contrary to the public policy of that country.

Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V(1)(*e*), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;

(*b*) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;

(*c*) A federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of his instrument of ratification or accession.

Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3. This Convention shall continue to be applicable to arbitral awards in respect of which recognition or enforcement proceedings have been instituted before the denunciation takes effect.

Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

(*a*) Signatures and ratifications in accordance with article VIII;

(*b*) Accessions in accordance with article IX;

(*c*) Declarations and notifications under articles I, X and XI;

(*d*) The date upon which this Convention enters into force in accordance with article XII;

(*e*) Denunciations and notifications in accordance with article XIII.

Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII.

For Afghanistan:
——— ———

For Albania:
——— ———

For Argentina:
——— ———

C. Ramos 26 August 1958. Subject to the declaration contained in the Final Act.[1]

For Australia:
——— ———

For Austria:
——— ———

For the Kingdom of Belgium:
Joseph Nisot
A. Herment

For Bolivia:
——— ———

For Brazil:
——— ———

For Bulgaria:
A. Gheorgiev 17 XII 1958

Bulgaria will apply the Convention to recognition and enforcement of awards made in the territory of another contracting State. With regard to awards made in the territory of non-contracting States it will apply the Convention only to the extent to which these States grant reciprocal treatment.

For the Union of Burma:
——— ———

For the Byelorussian Soviet Socialist Republic:
F. N. Gryaznov, 29 XII–1958

For Cambodia:
——— ———

For Canada:
——— ———

For Ceylon:
M. T. D. Kanakaratne, December 30th, 1958

For Chile:
——— ———

For China:
——— ———

For Colombia.
——— ———

For Costa Rica:
Alberto F. Cañas

For Cuba:
——— ———

For Czechoslovakia:
Jaroslav Pscolka, October 3, 1958

Czechoslovakia will apply the Convention to recognition and enforcement of awards made in the territory of another contracting State. With regard to awards made in the territory of non-Contracting States it will apply the Convention only to the extent to which these states grant reciprocal treatment.

For Denmark:
——— ———

For the Dominican Republic:
——— ———

For Ecuador:
José A. CORREA, Dec. 17/1958

El Ecuador, a base de reciprocidad, aplicará la Convención al reconocimiento y la ejecución de sentencias arbitrales dictadas en el territorio de otro Estado Contratante únicamente y sólo cuando tales sentencias se hayan pronunciado sobre litigios surgidos de relaciones jurídicas consideradas commerciales por el Derecho ecuatoriano[2]

For El Salvador:
M. Rafael Urquia
F. R. Lima

For Ethiopia:
——— ———

For the Federation of Malaya:
——— ———

For Finland:
G. A. Gripenberg, Dec. 29th, 1958

For France:
G. Georges-Picot, 25 November 1958

For the Federal Republic of Germany:
A. Bulow

For Ghana:
——— ———

For Greece:
——— ———

For Guatemala:
——— ———

For Haiti:
——— ———

For the Holy See:
——— ———

For Honduras:
——— ———

For Hungary:
——— ———

For Iceland:
——— ———

For India:
C. K. Daphtary

For Indonesia:
——— ———

For Iran:
——— ———

For Iraq:
——— ———

For Ireland:
——— ———

For Israel:
H. Cohn

For Italy:
——— ———

For Japan:
——— ———

For the Hashemite Kingdom of Jordan:
Thabet khalidi

For the Republic of Korea:
——— ———

For Laos:
——— ———

For Lebanon:
——— ———

For Liberia:
——— ———

For Libya:
——— ———

For Liechtenstein:
——— ———

For the Grand Duchy of Luxembourg:
Georges Heisbourg, Le 11 novembre 1958

For Mexico:
——— ———

For Monaco:
Marcel Palmaro
Le 31/12/58

For Morocco:
——— ———

For Nepal:
——— ———

For the Kingdom of the Netherlands.
C. Schurmann

For New Zealand:
——— ———

For Nicaragua:
——— ———

For the Kingdom of Norway:
——— ———

For Pakistan:
K. M. Kaiser, 30th of December 1958

For Panama:
——— ———

For Paraguay:
——— ———

For Peru:
——— ———

For the Philippine Republic:
Octavio L. Maloles

The Philippine delegation signs *ad referendum* this Convention with the reservation that it does so on the basis of reciprocity and declares that the Philippines will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State pursuant to article I, paragraph 3, of the Convention.

For Poland:
Jacek Machowski. With reservations as mentioned in article I, par. 3.

For Portugal:
——— ———

For Rumania:
——— ———

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[1] The representative of Argentina made the following declaration on behalf of his Government in relation to article X: "If another Contracting Party extends the application of the Convention to territories which fall within the sovereignty of the Argentine Republic, the rights of the Argentine Republic shall in no way be affected by that extension."

[2] [*Translation*] Ecuador, on a basis of reciprocity, will apply the Convention to the recognition and enforcement of arbitral awards made in the territory of another Contracting State only if such awards have been made with respect to differences arising out of legal relationships which are regarded as commercial under Ecuadorian law.

For San Marino:

——— ———

For Saudi Arabia:

——— ———

For Spain:

——— ———

For the Sudan:

——— ———

For Sweden:
AGDA RÖSSEL, Dec. 23, 1958
For Switzerland:
FELIX SCHNYDER, 29 décembre 1958
For Thailand:

——— ———

For Tunisia:

——— ———

For Turkey:

——— ———

For the Ukrainian Soviet Socialist Republic:
P. P. UDOVICHENKO, 29. XII, 1958
For the Union of South Africa:

——— ———

For the Union of Soviet Socialist Republics:
A. A. SOBOLEV, 29-XII-58
For the United Arab Republic:

——— ———

For the United Kingdom of Great Britain and Northern Ireland:

——— ———

For the United States of America:

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For Uruguay:

——— ———

For Venezuela:

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For Viet-Nam:

——— ———

For Yemen:

——— ———

For Yugoslavia:

——— ———

The **PRESIDING OFFICER**. Without objection, the convention will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, adopted at New York on June 10, 1958, with the following Declarations:

"The United States of America will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State."

"The United States of America will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the United States."

Mr. **MANSFIELD**. Mr. President, this convention was adopted at the conclusion of a United Nations conference which was held in New York from May 20 to June 10, 1958. Forty-four other countries participated in the conference. The administration recommends the accession to the convention.

Mr. President, I ask unanimous consent that pertinent parts of the committee report be printed at this point on the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BACKGROUND AND PURPOSE

This convention was adopted at the conclusion of a United Nations Conference which was held in New York from May 20 to June 10, 1958. Forty-four other countries participated in the conference and 33 have become parties to the convention. It was not signed for the United States because at that time the American delegation felt certain provisions of the convention were in conflict with some of our domestic laws. According to the administration, however, during the past several years there has been increasing support (both within and without the Government) for U.S. accession.

The convention applies only in those cases where the persons involved have voluntarily accepted arbitration. In this connection, article II specifically requires a written agreement under which the parties undertake to submit their differences to arbitration. In addition, article V contains certain guarantees in the nature of due process, and provides that an American court may refuse recognition or enforcement of an award as contrary to the public policy of the United States.

PROPOSED DECLARATIONS

The administration recommends that accession to the convention be accompanied by declarations that the United States, on the basis of reciprocity, would not be required to recognize and enforce awards made in states not parties to the convention or awards made in another contracting state with respect to matters excluded by that state or by the United States in its approval of the convention. These declarations are set forth below.

1. The United States of America will apply the convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another contracting state.

2. The United States of America will apply the convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the United States.

CHANGES IN DOMESTIC LAW

Changes in the Federal Arbitration Act (title 9 of the United States Code) will be required before the United States becomes party to the convention. Accordingly, the President's letter of transmittal states that U.S. accession to the convention will be executed "only after the necessary legislation is enacted."

CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES

Mr. **MANSFIELD**. Mr. President, I move that the Senate proceed to the consideration of Executive I, 90th Congress, second session—the Convention on Transit Trade of Land-Locked States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention (Ex. I, 90th Cong., second sess.)—the Convention on Transit Trade of Land-Locked States, signed in behalf of the United States of America on December 30, 1965, which was read the second time, as follows:

CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES

PREAMBLE

The States Parties to the present Convention

Recalling that article 55 of its charter requires the United Nations to promote conditions of economic progress and solutions of international economic problems,

Noting General Assembly resolution 1028 (XI) on the land-locked countries and the expansion of international trade which, "recognizing the need of land-locked countries for adequate transit facilities in promoting international trade", invited "the Governments of Member States to give full recognition to the needs of land-locked Member States in the matter of transit trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries",

Recalling article 2 of the Convention on the High Seas which states that the high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty and article 3 of the said Convention which states:

"1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord:

"(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

"(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

"2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions."

Reaffirming the following principles adopted by the United Nations Conference on Trade and Development with the understanding that these principles are interrelated and each principle should be construed in the context of the other principles:

Principle I

The recognition of the right of each land-locked State of free access to the sea is an essential principle for the expansion of international trade and economic development.

Principle II

In territorial and on internal waters, vessels flying the flag of land-locked countries should have identical rights and enjoy treatment identical to that enjoyed by vessels flying the flag of coastal States other than the territorial State.

Principle III

In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea coast should have free access to the sea. To this end States situated between the sea and a State having no sea coast shall by common agreement with the latter and in conformity with existing international conventions accord to ships flying the flag of that State treatment equal to that accorded to their own ships or to the ships of any other State as regards access to sea ports and the use of such ports.

Principle IV

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States on the basis of reciprocity, free and unrestricted transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

Principle V

The State of transit, while maintaining full sovereignty over its territory shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

Principle VI

In order to accelerate the evolution of a universal approach to the solution of the special and particular problems of trade and development of land-locked countries in the different geographical areas, the conclusion of regional and other international agreements in this regard should be encouraged by all States.

Principle VII

The facilities and special rights accorded to land-locked countries in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

Principle VIII

The principles which govern the right of free access to the sea of the land-locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems, nor shall they raise an obstacle as regards the conclusions of such agreements in the future, provided that the latter do not establish a régime which is less favourable than or opposed to the above-mentioned provisions.

Have agreed as follows:

ARTICLE 1. DEFINITIONS

For the purpose of this Convention,

(a) the term "land-locked State" means any Contracting State which has no sea-coast;

(b) the term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting State between a land-locked State and the sea when the passage is a portion of a complete journey which begins or terminates within the territory of that land-locked State and which includes sea transport directly preceding or following such passage. The trans-shipment, warehousing, breaking bulk, and change in the mode of transport of such goods as well as the assembly, disassembly or reassembly of machinery and bulky goods shall not render the passage of goods outside the definition of "traffic in transit" provided that any such operation is undertaken solely for the convenience of transportation. Nothing in this paragraph shall be construed as imposing an obligation on any Contracting State to establish or permit the establishment of permanent facilities on its territory for such assembly, disassembly or reassembly;

(c) the term "transit State" means any Contracting State with or without a sea-coast, situated between a land-locked State and the sea, through whose territory "traffic in transit" passes;

(d) the term "means of transport" includes:

(i) any railway stock, seagoing and river vessels and road vehicles;

(ii) where the local situation so requires porters and pack animals;

(iii) if agreed upon by the Contracting States concerned, other means of transport and pipelines and gas lines

when they are used for traffic in transit within the meaning of this article.

ARTICLE 2. FREEDOM OF TRANSIT

1. Freedom of transit shall be granted under the terms of this Convention for traffic in transit and means of transport. Subject to the other provisions of this Convention, the measures taken by Contracting States for regulating and forwarding traffic across their territory shall facilitate traffic in transit on routes in use mutually acceptable for transit to the Contracting States concerned. Consistent with the terms of this Convention, no discrimination shall be exercised which is based on the place of origin, departure, entry, exit or destination or on any circumstances relating to the ownership of the goods or the ownership, place of registration or flag of vessels, land vehicles or other means of transport used.

2. The rules governing the use of means of transport, when they pass across part or the whole of the territory of another Contracting State, shall be established by common agreement among the Contracting States concerned, with due regard to the multilateral international conventions to which these States are parties.

3. Each Contracting State shall authorize, in accordance with its laws, rules and regulations, the passage across or access to its territory of persons whose movement is necessary for traffic in transit.

4. The Contracting States shall permit the passage of traffic in transit across their territorial waters in accordance with the principles of customary international law or applicable international conventions and with their internal regulations.

ARTICLE 3. CUSTOMS DUTIES AND SPECIAL TRANSIT DUES

Traffic in transit shall not be subjected by any authority within the transit State to customs duties or taxes chargeable by reason of importation or exportation nor to any special dues in respect of transit. Nevertheless on such traffic in transit there may be levied charges intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such charges must correspond as nearly as possible with the expenses they are intended to cover and, subject to that condition, the charges must be imposed in conformity with the requirement of non-discrimination laid down in article 2, paragraph 1.

ARTICLE 4. MEANS OF TRANSPORT AND TARIFFS

1. The Contracting States undertake to provide, subject to availability, at the points of entry and exit, and as required at points of trans-shipment, adequate means of transport and handling equipment for the movement of traffic in transit without unnecessary delay.

2. The Contracting States undertake to apply to traffic in transit, using facilities operated or administered by the State, tariffs or charges which, having regard to the conditions of the traffic and the considerations of commercial competition, are reasonable as regards both their rates and the method of their application. These tariffs or charges shall be so fixed as to facilitate traffic in transit as much as possible, and shall not be higher than the tariffs or charges applied by Contracting States for the transport through their territory of goods of countries with access to the sea. The provisions of this paragraph shall also extend to the tariffs and charges applicable to traffic in transit using facilities operated or administered by firms or individuals, in cases in which the tariffs or charges are fixed or subject to control by the Contracting State. The term "facilities" used in this paragraph shall comprise means of transport, port installations and routes for the use of which tariffs or charges are levied.

3. Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

4. The provisions of this article must be applied under the conditions of non-discrimination laid down in article 2, paragraph 1.

ARTICLE 5. METHODS AND DOCUMENTATION IN REGARD TO CUSTOMS, TRANSPORT, ETC.

1. The Contracting States shall apply administrative and customs measures permitting the carrying out of free, uninterrupted and continuous traffic in transit. When necessary, they should undertake negotiations to agree on measures that ensure and facilitate the said transit.

2. The Contracting States undertake to use simplified documentation and expeditious methods in regard to customs, transport and other administrative procedures relating to traffic in transit for the whole transit journey on their territory, including any trans-shipment, warehousing, breaking bulk, and changes in the mode of transport as may take place in the course of such journey.

ARTICLE 6. STORAGE OF GOODS IN TRANSIT

1. The conditions of storage of goods in transit at the points of entry and exit, and at intermediate stages in the transit State may be established by agreement between the States concerned. The transit States shall grant conditions of storage at least as favourable as those granted to goods coming from or going to their own countries.

2. The tariffs and charges shall be established in accordance with article 4.

ARTICLE 7. DELAYS OR DIFFICULTIES IN TRAFFIC IN TRANSIT

1. Except in cases of *force majeure* all measures shall be taken by Contracting States to avoid delays in or restrictions on traffic in transit.

2. Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of the land-locked State shall co-operate towards their expeditious elimination.

ARTICLE 8. FREE ZONES OR OTHER CUSTOMS FACILITIES

1. For convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

2. Facilities of this nature may also be provided for the benefit of land-locked States in other transit States which have no sea coast or seaports.

ARTICLE 9. PROVISION OF GREATER FACILITIES

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in the Convention and which under conditions consistent with its principles, are agreed between Contracting States or granted by a Contracting State. The Convention also does not preclude such grant of greater facilities in the future.

ARTICLE 10—RELATION TO MOST-FAVOURED-NATION CLAUSE

1. The Contracting States agree that the facilities and special rights accorded by this Convention to land-locked States in view of their special geographical position are excluded from the operation of the most-favoured-nation clause. A land-locked State which is not a Party to this Convention may claim the facilities and special rights accorded to land-locked States under this Convention only on the basis of the most-favoured-nation clause of a treaty between that land-locked State and the Contracting State granting such facilities and special rights.

2. If a Contacting State grants to a land-locked State facilities or special rights greater than those provided for in this Convention, such facilities or special rights may be limited to that land-locked State, except in so

far as the withholding of such greater facilities or special rights from any other land-locked State contravenes the most-favoured-nation provision of a treaty between such other land-locked State and the Contracing State granting such facilities or special rights.

ARTICLE 11—EXCEPTIONS TO CONVENTION ON GROUNDS OF PUBLIC HEALTH, SECURITY, AND PROTECTION OF INTELLECTUAL PROPERTY

1. No Contracting State shall be bound by this Convention to afford transit to persons whose admission into its territory is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public morals, public health, or security, or as a precaution against diseases of animals or plants or against pests.

2. Each Contracting State shall be entitled to take reasonable precautions and measures to ensure that persons and goods, particularly goods which are the subject of a monopoly, are really in transit, and that the means of transport are really used for the passage of such goods, as well as to protect the safety of the routes and means of communication.

3. Nothing in this Convention shall affect the measures which a Contracting State may be called upon to take in pursuance of provisions in a general international convention, whether of a world-wide or regional character, to which it is a party, whether such convention was already concluded on the date of this Convention or is concluded later, when such provisions relate:

(a) to export or import or transit of particular kinds of articles such as narcotics, or other dangerous drugs, or arms; or

(b) to protection of industrial, literary or artistic property, or protection of trade names, and indications of source or appellations of origin, and the suppression of unfair competition.

4. Nothing in this Convention shall prevent any Contracting State from taking any action necessary for the protection of its essential security interests.

ARTICLE 12. EXCEPTIONS IN CASE OF EMERGENCY

The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency endangering its political existence or its safety may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this Convention on the understanding that the principle of freedom of transit shall be observed to the utmost possible extent during such a period.

ARTICLE 13. APPLICATION OF THE CONVENTION IN TIME OF WAR

This Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The convention shall, however, continue in force in time of war so far as such rights and duties permit.

ARTICLE 14. OBLIGATIONS UNDER THE CONVENTION AND RIGHTS AND DUTIES OF UNITED NATIONS MEMBERS

This Convention does not impose upon a Contracting State any obligation conflicting with its rights and duties as a Member of the United Nations.

ARTICLE 15. RECIPROCITY

The provisions of this Convention shall be applied on a basis of reciprocity.

ARTICLE 16. SETTLEMENT OF DISPUTES

1. Any dispute which may arise with respect to the interpretation or application of the provisions of this Convention which is not settled by negotiation or by other peaceful means of settlement within a period of nine months shall, at the request of either party, be settled by arbitration. The arbitration commission shall be composed of three members. Each party to the dispute shall appoint one member to the commission, while the third member, who shall be the Chairman, shall be chosen in common agreement between the parties. If the parties fail to agree on the designation of the third member within a period of three months, the third member shall be appointed by the President of the International Court of Justice. In case any of the parties fail to make an appointment within a period of three months the President of the International Court of Justice shall fill the remaining vacancy or vacancies.

2. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties.

3. Arbitration commissions or other international bodies charged with settlement of disputes under this Convention shall inform, through the Secretary-General of the United Nations, the other Contracting States of the existence and nature of disputes and of the terms of their settlement.

ARTICLE 17. SIGNATURE

The present Convention shall be open until 31 December 1965 for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

ARTICLE 18. RATIFICATION

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 19. ACCESSION

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 17. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 20. ENTRY INTO FORCE

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the instruments of ratification or accession of at least two land-locked States and two transit States having a sea coast.

2. For each State ratifying or acceding to the Convention after the deposit of the instruments of ratification or accession necessary for the entry into force of this Convention in accordance with paragraph 1 of this article, the Convention shall enter into force on the thirtieth day after the deposit by each State of its instrument of ratification or accession.

ARTICLE 21. REVISION

At the request of one third of the Contracting States, and with the concurrence of the majority of the Contracting States, the Secretary-General of the United Nations shall convene a Conference with a view to the revision of this Convention.

ARTICLE 22. NOTIFICATIONS BY THE SECRETARY-GENERAL

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 17;

(a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(b) of the date on which the present Convention will enter into force, in accordance with article 20;

(c) of requests for revision, in accordance with article 21.

ARTICLE 23. AUTHENTIC TEXTS

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 17.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at the Headquarters of the United Nations, New York, this eighth day of July, one thousand nine hundred and sixty-five.

For Afghanistan:
ABDUL H. TABIBI
For Albania:
For Algeria:
For Argentina:
LUCIO GABCÍA DEL SOLAR, December 29, 1965
For Australia:
For Austria:
For Belgium:

Subject to the reservations[1] stated in my letter No. S. 5036 of 30 December 1965, addressed to the Secretary-General of the United Nations.

C. SCHUURMANS, 30 December 1965.
For Bolivia:
F. ORTIZ S., 29 December 1965
For Brazil:
JOSÉ SETTE CÂMARA, August 4th, 1965
For Bulgaria:
For Burma:
For Burundi:
For the Byelorussian Soviet Socialist Republic:

With the following reservation:

The Government of the Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of article 16 of the Convention on Transit Trade of Land-locked States, under which members of the arbitration commission may be appointed by the President of the International Court of Justice, and declares that, in each individual case, the consent of the contending States is necessary for the appointment of members of the arbitration commission by the President of the International Court of Justice.

G. CHERNUSHCHENKO, 28 XII. 65
For Cambodia:
For Cameroon:
J. B. BELEOKEN, 10 August 1965
For Canada:
For the Central African Republic:
M. GALLIN-DOUATHE, New York, 30 December 1965
For Ceylon:
For Chad:
For Chile:

With a reservation with regard to article 16, to the effect that, in any dispute with

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[1] *Text of the reservations:*

1. With regard to the application of article 3 of the Convention, the Belgian Government considers that the exemption relates exclusively to duties or taxes on imports or exports, and not to taxes on transactions, such as the Belgian tax on transport and auxiliary services, which also apply to internal trade.

2. Belgium can apply article 4, paragraph 1, only in so far as State-owned means of transport and handling equipment are concerned.

3. The Belgian Government intends, upon depositing its instrument of ratification of the Convention, to make a reservation concerning the rights and obligations of Belgium arising from its adherence to certain international treaties relating to economic matters or trade.

American countries over the interpretation or implementation of this Convention, Chile shall proceed in accordance with whatever inter-American instruments concerning the peaceful settlement of disputes may be binding both on Chile and on the other American country.

Renán Fuentealba, December 20, 1965

For China:

For Colombia:

For the Congo (Brazzaville):

For the Congo (Democratic Republic of):

For Costa Rica:

For Cuba:

For Cyprus:

For Czechoslovakia:

With reservations[2] to articles 16, 17, 19, 22 and 23, the text of which is enclosed hereto.

Milan Klusak, 10 December 1965

For Dahomey:

For Denmark:

For the Dominican Republic:

For Ecuador:

For El Salvador:

For Ethiopia:

For the Federal Republic of Germany:

With the reservations[3] set forth in my note of December 20, 1965 addressed to the Secretary-General of the United Nations, which is attached herewith.

Sigismund von Braun, December 20, 1965

For Finland:

For France:

For Gabon:

For Ghana:

For Greece:

For Guatemala:

For Guinea:

For Haiti:

For the Holy See:

Alberto Giovannetti, December 30, 1965

For Honduras:

For Hungary:

Károly Csatorday, December 30, 1965

For Iceland:

For India:

For Indonesia:

For Iran:

For Iraq:

For Ireland:

For Israel:

For Italy:

Piero Vinci, December 31st, 1965

For the Ivory Coast:

For Jamaica:

For Japan:

For Jordan:

For Kenya:

For Kuwait:

For Laos:

T. Khampan

For Lebanon:

For Liberia:

For Libya:

For Liechtenstein:

For Luxembourg:

Pierre Wurth, 28.12.1965

For Madagascar:

For Malawi:

For Malaysia:

For Mali:

For Malta:

For Mauritania:

For Mexico:

For Monaco:

For Mongolia:

For Morocco:

For Nepal:

Padma Bahadur Khatri

For the Netherlands:

J. G. de Beus, December 30, 1965

For New Zealand:

For Nicaragua:

For the Niger:

For Nigeria:

For Norway:

For Pakistan:

For Panama:

For Paraguay:

Miguel Solano López, 23 December 1965

For Peru:

For the Philippines:

For Poland:

For Portugal:

For the Republic of Korea:

For the Republic of Viet-Nam:

For Romania:

For Rwanda:

C. Mudenge, July 23, 1965

For San Marino:

Franco Fiorio, 23 July 1965

For Saudi Arabia:

For Senegal:

For Sierra Leone:

For Somalia:

For South Africa:

For Spain:

For the Sudan:

With reservation[4] as far as article 2 is concerned. Reservation is attached.

Abdul Magid Bashir El-Ahmadi, 11th August 1965

For Sweden:

For Switzerland:

Ernesto Thalmann, 10 December 1965

For Syria:

For Thailand:

For Togo:

For Trinidad and Tobago:

For Tunisia:

For Turkey:

For Uganda:

Apollo K. Kironde, 21 December 1965

For the Ukrainian Soviet Socialist Republic:

With the following reservation:

The Government of the Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 16 of the Convention on Transit Trade of Land-locked States, under which members of the arbitration commission may be appointed by the President of the International Court of Justice, and declares that, in each individual case, the consent of the contending States is necessary for the appointment of members of the arbitration commission by the President of the International Court of Justice.

S. Shevchenko, 31 December 1965

For the Union of Soviet Socialist Republics:

With the following reservation:

The Government of the Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 16 of the Convention on Transit Trade of Land-locked States, under which members of the arbitration commission may be appointed by the President of the International Court of Justice, and declares that, in each individual case, the consent of the contending States is necessary for the appointment of members of the arbitration commission by the President of the International Court of Justice.

N. Fedorenko, 28 December 1965

For the United Arab Republic:

For the United Kingdom of Great Britain and Northern Ireland:

For the United Republic of Tanzania:

For the United States of America:

Charles W. Yost, December 30, 1965

For the Upper Volta:

For Uruguay:

For Venezuela:

For Western Samoa:

For Yemen:

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[2] *Text of the reservations:*

(1) The Czechoslovak Socialist Republic does not consider itself bound by article 16 providing for a compulsory procedure of arbitration for any dispute which may arise with respect to interpretation or application of the provisions of the Convention. The Czechoslovak Socialist Republic maintains that the consensus of all Parties to the dispute is indispensable in any particular case to be submitted for arbitration.

(2) The Czechoslovak Socialist Republic considers articles 17 and 19 to be of discriminatory character since, on the basis of their provisions, a number of States has been deprived of the possibility of becoming a Party to the Convention.

The Convention relates to matters which are of interest to all States; consequently, it has to be open for participation of all States. In accordance with the principle of sovereign equality, no States have the right to exclude other States from becoming a Party to the Convention of general interest.

(3) The latter reservation applies also to articles 22 and 23 for the same reasons.

[3] *Text of the reservations:*

In respect of article 2, paragraph 1, article 5 and article 7:

The Federal Republic of Germany starts from the assumption that normal frontier controls which, in accordance with international agreements and with existing national legislation, are carried through in an adequate and nondiscriminatory manner, meet the requirements of article 2, paragraph 1, article 5 and article 7.

In respect to article 2, paragraph 2:

The Federal Republic of Germany understands this provision to imply that, as long as agreements according to article 2, paragraph 2, have not been concluded, the national regulations of the transit state will apply.

In respect of article 4, paragraph 1 and article 6, paragraph 1:

The Federal Republic of Germany is not in a position to assume obligations as provided for in article 4, paragraph 1 and in article 6, paragraph 1. Considering transport conditions in the Federal Republic of Germany, however, it may be taken for granted that sufficient means of transport as well as handling equipment and storage facilities will be available for traffic in transit. Should difficulties arise nevertheless, the Government of the Federal Republic of Germany would be prepared to seek remedies.

In respect of article 4, paragraph 2 and article 6, paragraph 2:

The Federal Republic of Germany is not in a position to assume obligations as contained in article 4, paragraph 2 and article 6, paragraph 2. The Government of the Federal Republic of Germany is, however, prepared, within the scope of its possibilities, to use its influence as regards tariffs and charges so as to facilitate traffic in transit as much as possible.

[4] *Text of the reservation:*

The Government of the Republic of the Sudan will not consider itself bound by the third sentence of article 2, paragraph 1, of the Convention in respect of the passage across its territory of goods destined to or coming from South Africa or Portugal or goods the ownership of which could be claimed by South Africa or Portugal. The reservation is made in accordance with the spirit of Security Council resolution S/5773, in which the Security Council condemned the *apartheid* policies of the Government of the Republic of South Africa, resolution A/AC.109/124 in which the Special Committee condemned the colonial policy of Portugal and its persistent refusal to carry out the resolutions of the General Assembly, the Security Council and the Special Committee, and resolution CM/Res. 6(I) of the Council of Ministers of the Organization of African Unity. The reservations will remain in force pending the ending of the prevailing situation in South Africa and the Portuguese colonies.

Nor will the Republic of Sudan, as a member of the Arab League, consider itself bound by the same provision in respect of the passage across its territory of goods destined for or coming from Israel.

For Yugoslavia:
A. JELIC
For Zambia:
F. M. MULIKITA, 23rd December 1965

I hereby certify that the foregoing text is a true copy of the Final Act, Resolutions and Convention on Transit Trade of Land-locked States, adopted by the United Nations Conference on Transit Trade of Land-locked countries, held at the Headquarters of the United Nations in New York from 7 June to 8 July 1965, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General:
C. A. STAVROPOULOS
Under-Secretary, Legal Counsel

United Nations, New York
21 February 1966

The PRESIDING OFFICER. Without objection, the Convention will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Convention on Transit Trade of Land-Locked States, signed in behalf of the United States of America on December 30, 1965.

Mr. MANSFIELD. Mr. President, this Convention was signed by the United States on December 30, 1965. It is designed to give countries having no seacoast free access to the sea on equal terms with coastal States.

Mr. President, I ask unanimous consent that excerpts from the committee report be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PURPOSE

This convention was signed by the United States on December 30, 1965. It is designed to give countries having no seacoast free access to the sea on equal terms with coastal states. Although the United States is not directly affected by the convention, there are benefits which the American trading community may derive from it by supporting measures which tend to lessen bureaucratic difficulties encountered in international trade.

PROVISIONS OF CONVENTION

The convention covers such subjects as freedom of transit, customs duties, means of transport and tariffs, and methods of documentation and storage of goods in transit. Article 10 of the convention states that the facilities and special rights accorded by the convention to land-locked countries are excluded from the operation of the most-favored-nation clause, and article 15 provides that the provisions of the convention are to be applied on a basis of reciprocity. Article 11 sets forth certain exceptions to the convention on grounds of public health, security, and protection of intellectual property. Article 16 of the convention provides for the settlement of disputes by an arbitration commission composed of three members.

Article 20 of the convention states that it shall enter into force 30 days after instruments of ratification or accession are deposited by at least two land-locked states and two transit states having a seacoast. Pursuant to the provisions of this article, the convention went into effect on June 9, 1967.

CONVENTION ON CUSTOMS COOPERATION COUNCIL

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive G, 90th Congress, second session—the Convention on Customs Cooperation Council.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the convention (Ex. G, 90th Cong., second sess.)—the Convention on Customs Cooperation Council, with annexes, signed in Brussels on December 15, 1950, which was read the second time as follows:

CONVENTION ESTABLISHING A CUSTOMS CO-OPERATION COUNCIL

The Governments signatory to the present Convention,

Considering it advisable to secure the highest degree of harmony and uniformity in their customs systems and especially to study the problems inherent in the development and improvement of customs technique and customs legislation in connection therewith.

Convinced that it will be in the interests of international trade to promote co-operation between Governments in these matters, bearing in mind the economic and technical factors involved therein,

Have agreed as follows:

ARTICLE I

A Customs Co-operation Council (hereinafter referred to as "the Council") is hereby set up.

ARTICLE II

(*a*) The Members of the Council shall be:

(i) the Contracting Parties to the present Convention;

(ii) the Government of any separate customs territory which is proposed by a Contracting Party having responsibility for the formal conduct of its diplomatic relations, which is autonomous in the conduct of its external commercial relations and whose admission as a separate Member is approved by the Council.

(*b*) Any Government of a separate customs territory, which is a Member of the Council under paragraph (*a*) (ii) above, shall cease to be a Member on notification to the Council of the withdrawal of its membership by the Contracting Party having responsibility for the formal conduct of its diplomatic relations.

(*c*) Each Member shall nominate one delegate and one or more alternates to be its representatives on the Council. These representatives may be assisted by advisers.

(*d*) The Council may admit representatives of non-member Governments or of international organisations in the capacity of observers.

ARTICLE III

The functions of the Council shall be:

(*a*) to study all questions relating to cooperation in customs matters which the Contracting Parties agree to promote in conformity with the general purposes of the present Convention;

(*b*) to examine the technical aspects, as well as the economic factors related thereto, of customs systems with a view to proposing to its Members practical means of attaining the highest possible degree of harmony and uniformity;

(*c*) to prepare draft Conventions and amendments to Conventions and to recommend their adoption by interested Governments;

(*d*) to make recommendations to ensure the uniform interpretation and application of the Conventions concluded as a result of its work as well as those concerning the Nomenclature for the Classification of Goods in Customs Tariffs and the Valuation of Goods for Customs Purposes prepared by the European Customs Union Study Group and, to this end, to perform such functions as may be expressly assigned to it in those Conventions in accordance with the provisions thereof;

(*e*) to make recommendations, in a conciliatory capacity, for the settlement of disputes concerning the interpretation or application of the Conventions referred to in paragraph (*d*) above in accordance with the provisions of those Conventions; the parties in dispute may agree in advance to accept the recommendations of the Council as binding;

(*f*) to ensure the circulation of information regarding customs regulations and procedures;

(*g*) on its own initiative or on request, to furnish to interested Governments information or advice on customs matters within the general purposes of the present Convention and to make recommendations thereon;

(*h*) to co-operate with other inter-governmental organisations as regards matters within its competence.

ARTICLE IV

The Members of the Council shall supply to the Council any information and documentation requested by it which is necessary for the execution of its functions provided that no Member shall be required to divulge confidential information, the disclosure of which would impede the enforcement of its laws, or which would otherwise be contrary to the public interest or prejudice the legitimate commercial interests of any enterprise, public or private.

ARTICLE V

The Council shall be assisted by a permanent Technical Committee and a General Secretariat.

ARTICLE VI

(*a*) The Council shall elect annually, from among the delegates of Members, a Chairman and not less than two Vice-Chairmen.

(*b*) It shall establish its own Rules of Procedure by a majority of not less than two-thirds of its Members.

(*c*) It shall establish a Nomenclature Committee as provided in the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and a Valuation Committee as provided in the Convention on the Valuation of Goods for Customs Purposes. It shall also establish such other committees as may be desirable for the purposes of the Conventions referred to in Article III(*d*) or for any other purpose within its competence.

(*d*) It shall determine the tasks to be assigned to the Permanent Technical Committee and the powers to be delegated to it.

(*e*) It shall approve its annual budget, control its expenditure and give such directions as it may consider desirable regarding its finances to the General Secretariat.

ARTICLE VII

(*a*) The headquarters of the Council shall be in Brussels.

(*b*) The Council, the Permanent Technical Committee and any committees established by the Council may meet elsewhere than at the headquarters of the Council, if the Council so decides.

(*c*) The Council shall meet at least twice a year. Its first meeting shall take place not later than three months after the entry into force of the present Convention.

ARTICLE VIII

(*a*) Each Member of the Council shall have one vote except that a Member shall not have a vote on any question relating to the interpretation, application or amendment of any of the Conventions referred to in Article III(*d*) which is in force and which does not apply to that Member.

(*b*) Except as provided in Article VI(*b*) the decisions of the Council shall be taken by a majority of two-thirds of the Members present and entitled to vote. The Council shall not take a decision on any matter unless more than half of the Members entitled to vote on that matter are present.

ARTICLE IX

(*a*) The Council shall establish such relations with the United Nations, its principal organs, subsidiary bodies and specialised agencies, and any other inter-governmental organisations, as may best assure collaboration in the achievement of their respective tasks.

(*b*) The Council may make arrangements necessary to facilitate consultation and cooperation with non-governmental organisations interested in matters within its competence.

ARTICLE X

(*a*) The Permanent Technical Committee shall be composed of representatives of the Members of the Council. Each Member of the Council may nominate one delegate and one or more alternates to be its representatives on the Committee. Representatives shall be officials specialised in technical customs matters. They may be assisted by experts.

(*b*) The Permanent Technical Committee shall meet not less than four times a year.

ARTICLE XI

(*a*) The Council shall appoint a Secretary General and a Deputy Secretary General whose functions, duties, conditions of service and terms of office shall be determined by the Council.

(*b*) The Secretary General shall appoint the staff of the General Secretariat. The establishment and staff regulations shall be approved by the Council.

ARTICLE XII

(*a*) Each Member shall bear the expenses of its own delegation to the Council, to the Permanent Technical Committee and to any committees of the Council.

(*b*) The expenses of the Council shall be borne by its Members in accordance with a scale to be determined by the Council.

(*c*) The Council may deprive of its voting rights any Member which does not pay its contribution within three months of being notified of the amount thereof.

(*d*) Each Member shall pay its full annual contribution for the financial year during which it becomes a Member of the Council and for the financial year during which its notice of withdrawal becomes effective.

ARTICLE XIII

(*a*) The Council shall enjoy, in the territory of each of its Members, such legal capacity, as defined in the Annex to the present Convention, as may be necessary for the exercise of its functions.

(*b*) The Council, the representatives of Members, the advisers and experts appointed to assist them, and the officials of the Council shall enjoy the privileges and immunities specified in the Annex to the present Convention.

(*c*) The Annex to the present Convention shall form an integral part thereof, and any reference to the Convention shall be deemed to include a reference to the Annex.

ARTICLE XIV

The Contracting Parties accept the provisions of the Protocol concerning the European Customs Union Study Group opened for signature at Brussels on the same date as the present Convention. In determining the scale of contributions provided for in Article XII (*b*), the Council shall take into consideration membership of the Study Group.

ARTICLE XV

The present Convention shall be open for signature until 31st March, 1951.

ARTICLE XVI

(*a*) The present Convention shall be subject to ratification.

(*b*) Instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.

ARTICLE XVII

(*a*) When instruments of ratification have been deposited by seven of the signatory Governments, the present Convention shall come into force between them.

(*b*) For each signatory Government ratifying thereafter the present Convention shall come into force upon deposit of its instrument of ratification.

ARTICLE XVIII

(*a*) The Government of any State which is not a signatory to the present Convention may accede thereto as from 1st April, 1951.

(*b*) Instruments of accession shall be deposited with the Belgian Ministry of Foreign Affairs, which shall notify all signatory and acceding Governments and the Secretary General of each such deposit.

(*c*) The present Convention shall come into force for any acceding Government on the deposit of its instrument of accession, but not before it comes into force in accordance with paragraph (*a*) of Article XVII.

ARTICLE XIX

The present Convention is of unlimited duration, but at any time after the expiry of five years from its entry into force under paragraph (*a*) of Article XVII, any Contracting Party may withdraw therefrom. Withdrawal shall take effect one year after the date of receipt by the Belgian Ministry of Foreign Affairs of the notification of withdrawal. The Belgian Ministry of Foreign Affairs shall notify each withdrawal to all signatory and acceding Governments and to the Secretary General.

ARTICLE XX

(*a*) The Council may recommend amendments to the present Convention to the Contracting Parties.

(*b*) Any Contracting Party accepting an amendment shall notify the Belgian Ministry of Foreign Affairs in writing of its acceptance and the Belgian Ministry of Foreign Affairs shall notify all signatory and acceding Governments and the Secretary General of the receipt of the notice of acceptance.

(*c*) An amendment shall come into force three months after receipt by the Belgian Ministry of Foreign Affairs of notice of acceptance by all the Contracting Parties. When any amendment has been accepted by all the Contracting Parties the Belgian Ministry of Foreign Affairs shall notify all signatory and acceding Governments and the Secretary General of such acceptance and of the date on which the amendment will come into force.

(*d*) After an amendment has come into force, no Government may ratify or accede to the present Convention unless it also accepts the amendment.

In witness whereof the undersigned, having been duly authorised thereto by their respective Governments, have signed the present Convention.

Done at Brussels on the fifteenth day of December, nineteen hundred and fifty (December 15th, 1950) in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of Belgian which shall transmit certified copies thereof to each signatory and acceding Government.

For Germany:
V. MALTZAN.
For Austria:
For Belgium:
PAUL VAN ZEELAND.
For Denmark:
BENT FALKENSTJERNE.
For France:
J. DE HAUTECLOCQUE.
For Great Britain
and Northern Ireland:
J. H. LE ROUGETEL.
For Greece:
D. CAPSALIS.
For Ireland:
——— ———.
For Iceland:
PÉTUR BENEDIKTSSON.
For Italy:
PASQUALE DIANA.
For Luxembourg:
ROBERT ALS.
For Norway:
JOHAN GEORG RAEDER.
For the Netherlands:
G. BEELAERTS VAN BLOKLAND.
For Portugal:
EDUARDO VIEIRA LEITAO.
For Sweden:
G. DE REUTERSKIOLD.
For Switzerland:
——— ———.
For Turkey:
——— ———.

ANNEX—LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES OF THE COUNCIL

ARTICLE I. DEFINITIONS

Section 1

In this Annex:

(i) For the purposes of Article III, the words "property and assets" shall also include property and funds administered by the Council in furtherance of its constitutional functions;

(ii) For the purposes of Article V, the expression "representatives of Members" shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.

ARTICLE II. JURIDICAL PERSONALITY

Section 2

The Council shall possess juridical personality. It shall have the capacity:

(*a*) to contract,

(*b*) to acquire and dispose of immovable and movable property,

(*c*) to institute legal proceedings.

In these matters the Secretary General shall act on behalf of the Council.

ARTICLE III. PROPERTY, FUNDS AND ASSETS

Section 3

The Council, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 4

The premises of the Council shall be inviolable.

The property and assets of the Council, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 5

The archives of the Council and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

Section 6

Without being restricted by financial controls, regulations or moratoria of any kind:

(*a*) the Council may hold currency of any kind and operate accounts in any currency;

(*b*) the Council may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.

Section 7

The Council shall, in exercising its rights under section 6 above, pay due regard to any representations made by any of its Members and shall give effect to such representations in so far as it considers that this can be done without detriment to the interests of the Council.

Section 8

The Council, its assets, income and other property shall be:

(*a*) exempt from all direct taxes; it is understood, however, that the Council will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(*b*) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Council for its official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they are imported, except under conditions agreed by the Government of that country;

(*c*) exempt from all customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 9

While the Council will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Council is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members of the Council will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE IV. FACILITIES IN RESPECT OF COMMUNICATIONS

Section 10

The Council shall enjoy, in the territory of each of its Members, for its official communications, treatment not less favourable than that accorded by that Member to any other Government including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

Section 11

No censorship shall be applied to the official correspondence and other official communications of the Council.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Council and any of its Members.

ARTICLE V. REPRESENTATIVES OF MEMBERS

Section 12

Representatives of Members at meetings of the Council, the Permanent Technical Committee and committees of the Council shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

(*a*) immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;

(*b*) inviolability for all papers and documents;

(*c*) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(*d*) exemption in respect of themselves and their spouses from immigration restrictions or aliens' registration in the State which they are visiting or through which they are passing in the exercise of their functions;

(*e*) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(*f*) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 13

In order to secure for the representatives of Members at meetings of the Council, the Permanent Technical Committee and committees of the Council complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 14

Privileges and immunities are accorded to the representatives of Members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Council. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15

The provisions of sections 12 and 13 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative.

ARTICLE VI. OFFICIALS OF THE COUNCIL

Section 16

The Council will specify the categories of officials to which this Article shall apply. The Secretary General shall communicate to the Members of the Council the names of the officials included in these categories.

Section 17

Officials of the Council shall:

(*a*) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity and within the limits of their authority;

(*b*) be exempt from taxation in respect of the salaries and emoluments paid to them by the Council;

(*c*) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(*d*) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;

(*e*) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;

(*f*) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question, and to return such furniture and effects free of duty to their country of domicile on the termination of their functions.

Section 18

In addition to the privileges and immunities specified in section 17, the Secretary General of the Council shall be accorded in respect of himself, his spouse and children under the age of 21, the privileges, immunities, exemptions and facilities accorded to heads of diplomatic missions in conformity with international law.

The Deputy Secretary General shall enjoy the privileges, immunities, exemptions and facilities accorded to diplomatic representatives of comparable rank.

Section 19

Privileges and immunities are granted to officials in the interests of the Council only and not for the personal benefit of the individuals themselves. The Secretary General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Council. In the case of the Secretary General, the Council shall have the right to waive the immunity.

ARTICLE VII. EXPERTS ON MISSIONS FOR THE COUNCIL

Section 20

Experts (other than officials coming within the scope of Article VI) performing missions for the Council, shall be accorded such privileges, immunities and facilities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(*a*) immunity from personal arrest or detention and from seizure of their baggage;

(*b*) in respect of words spoken or written or things done by them in the performance of their mission and within the limits of their authority, immunity from legal process of every kind;

(*c*) inviolability for all papers and documents.

Section 21

Privileges, immunities and facilities are granted to experts in the interests of the Council and not for the personal benefit of the individual concerned. The Secretary General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Council.

ARTICLE VIII. ABUSES OF PRIVILEGES

Section 22

Representatives of Members at meetings of the Council, the Permanent Technical Committee and committees of the Council, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 16 and section 20, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

(i) Representatives of Members of the

Council, or persons who are entitled to diplomatic immunity under section 18, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(ii) In the case of an official to whom section 18 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Secretary General of the Council; and if expulsion proceedings are taken against an official, the Secretary General of the Council shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

Section 23

The Secretary General shall co-operate at all times with the appropriate authorities of Members of the Cuncil to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities enumerated in the present Annex.

ARTICLE IX. SETTLEMENT OF DISPUTES

Section 24

The Council shall make provision for appropriate modes of settlement of:

(*a*) disputes arising out of contracts or other disputes of a private character to which the Council is a party;

(*b*) disputes involving any official of the Council who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of sections 19 and 21.

ARTICLE X. SUPPLEMENTARY AGREEMENTS

Section 25

The Council may conclude with any Contracting Party or Contracting Parties supplementary agreements adjusting the provisions of the present Annex so far as that Contracting Party or those Contracting Parties are concerned.

Protocol Concerning the European Customs Union Study Group

The Governments signatory to the present Protocol,

Bearing in mind the objectives of the European Customs Union Study Group (hereinafter referred to as "the Study Group"), as stated in the declaration made by certain Governments in the Committee of European Economic Co-operation on the 12th September, 1947,

Desiring to relieve the Belgian Government of the expenses incurred in respect of the Study Group,

Having regard to the Convention establishing a Customs Co-operation Council opened for signature in Brussels this day (hereinafter referred to as "the Convention"),

Have agreed as follows:

1. Subject to the provisions of Paragraph 2 below, the expenses incurred by the Study Group as from 1st January, 1951 shall be provided for in the budget of the Customs Co-operation Council established by the Convention. The Council shall make appropriate arrangements for the sharing of these expenses among its Members and, if it considers it desirable, among any other Governments concerned.

2. If the Convention does not enter into force before the 1st January, 1952, the signatory Governments undertake to make joint arrangements forthwith to meet the expenses of the Study Group as from the 1st January 1951 until the Convention enters into force.

3. The General Secretariat and the Permanent Technical Committee set up under Article V of the Convention shall be placed at the disposal of the Study Group.

4. The present Protocol shall remain open for signature. It shall enter into force on the date of signature for all signatory Governments, except those which sign subject to ratification. It shall enter into force for Governments which sign subject to ratification on the date on which they deposit their instruments of ratification with the Belgian Ministry of Foreign Affairs.

5. The present Protocol shall cease to be in force if the Study Group or the Customs Co-operation Council is liquidated or if the status of the Study Group is altered by amalgamation with any other organization or otherwise.

In witness whereof the undersigned, having been duly authorized thereto by their respective Governments, have signed the present Protocol.

Done at Brussels on the fifteenth day of December, nineteen hundred and fifty (December 15th, 1950) in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Belgian Government, which shall transmit certified copies thereof to each signatory Government and to each other Government which signs or accedes to the Convention.

For Germany:
  v. Maltzan.
For Austria:
For Belgium:
  Paul van Zeeland.
For Denmark:
  Bent Falkenstjerne.
For France:
  J. de Hauteclocque.
For Great Britain and Northern Ireland:
  J. H. Le Rougetel.
For Greece:
  D. Capsalis.
For Ireland:
  ——— ———.
For Iceland:
  ——— ———.
For Italy:
  Pasquale Diana.
For Luxembourg:
  Robert Als.
For Norway:
  Johan Georg Raeder.
For the Netherlands:
  G. Beelaerts van Blokland.
For Portugal:
  Eduardo Vieira Leitao.
For Sweden:
  G. de Reuterskiold.
For Switzerland:
  ——— ———.
For Turkey:
  ——— ———.

The PRESIDING OFFICER. Without objection, the protocol will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession to the Convention Establishing a Customs Cooperation Council, together with the protocol concerning the European Customs Union Study Group, signed in Brussels on December 15, 1950, with the following reservation:

"The United States of America accepts the obligations of article XIII of the convention and the annex to the convention only to the extent the United States of America generally accords privileges and immunities to designated public international organizations under the law."

Mr. MANSFIELD. Mr. President, the convention establishing a Customs Cooperation Council was signed at Brussels on December 15, 1950. It entered into force on November 4, 1952, and is presently in force with respect to 53 countries.

Mr. President, I ask unanimous consent that excerpts from the committee report be printed in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

BACKGROUND AND PURPOSE

The Convention Establishing a Customs Cooperation Council was signed in Brussels on December 15, 1950. It entered into force on November 4, 1952, and is presently in force with respect to 53 countries.

The Council, which meets at least twice a year, is the only international organization created to study problems of tariff classification, valuation, and customs administration. It attempts to achieve the highest possible degree of harmony and uniformity between the customs systems of member countries, but its actions are in the form of recommendations which are not binding upon members.

When the Customs Cooperation Council was first established, its membership and activities were primarily European. Now, however, many of the Council's recommendations are accepted by the major trading nations of the world and it is considered important for the United States to participate in the activities of the Council in order to protect and promote U.S. interests.

COST TO U.S. GOVERNMENT

According to the executive branch, if the United States accedes to the pending convention, the Customs Cooperation Council could ask for an annual contribution of up to 30 percent of its operating expenditures (approximately $200,000) and a one-time contribution to its working capital (about $18,000).

PROPOSED RESERVATION

Article XIII of the convention goes beyond customary U.S. practices regarding privileges and immunities accorded by this country to international organizations. Such being the case, the Department of State has recommended the following reservation, which is designed to make U.S. domestic law applicable in matters relating to privileges and immunities:

"The United States of America accepts the obligations of article XIII of the convention and the annex to the convention only to the extent the United States of America generally accords privileges and immunities to designated public international organizations under its law."

PROTOCOL TO GENEVA RADIO REGULATIONS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive F—90th Congress, second session—the protocol to Geneva radio regulations.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention

(Ex. F, 90th Cong., second sess.)—the protocol to Geneva radio regulations, with annexes, dated at Geneva, November 3, 1967, which was read the second time, as follows:

FINAL ACTS OF THE WORLD ADMINISTRATIVE RADIO CONFERENCE TO DEAL WITH MATTERS RELATING TO THE MARITIME MOBILE SERVICE, GENEVA, 1967

ABBREVIATIONS

The following abbreviations are used in the Annexes to indicate the nature of amendments made in the partial revision of the Radio Regulations and of the Additional Radio Regulations:

Symbol	*Meaning*
MOD	Modification
SUP	Suppression
ADD	Addition

(NOTE.—If a modification affects only the drafting of a number, without changing the substance, the following symbol is used: (MOD))

PARTIAL REVISION OF THE RADIO REGULATIONS, GENEVA, 1959

In Resolution No. 20 adopted by the Plenipotentiary Conference, Montreux, 1965, it was decided that a World Administrative Radio Conference to deal with matters relating to the maritime mobile service should be held in Geneva in 1967, and the Administrative Council was invited to draw up the detailed agenda for this Conference and to fix the opening date and the duration thereof at its 1966 annual session. During its 21st Session (1966), the Administrative Council, with the concurrence of a majority of the Members of the Union, adopted Resolution No. 590 which determined the Agenda of the Conference and decided that a World Administrative Radio Conference should be convened in Geneva on 18 September 1967.

The World Administrative Radio Conference to deal with matters relating to the maritime mobile service accordingly convened on the appointed date, and in accordance with the provisions of Nos. 52 and 54 of the Convention, Montreux, 1965, considered and revised the relevant provisions of the Radio Regulations and of the Additional Radio Regulations, Geneva, 1959. Particulars of the revisions of the Radio Regulations are given in Annexes 1 to 37 hereto.

The revised provisions of the Radio Regulations, Geneva, 1959, shall form an integral part of the Radio Regulations which are annexed to the International Telecommunication Convention. They shall come into force on 1 April 1969 upon which date the provisions of the Radio Regulations, Geneva, 1959, which are cancelled or modified by these revisions shall be abrogated.

The delegates signing this revision of the Radio Regulations, Geneva, 1959, hereby declare that, should an administration make reservations concerning the application of one or more of the revised provisions of the Radio Regulations, Geneva, 1959, no other administration shall be obliged to observe that provision or those provisions in its relations with that particular administration.

Members and Associate Members of the Union shall inform the Secretary-General of their approval of the revision of the Radio Regulations, Geneva, 1959, by the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, Geneva, 1967. The Secretary-General will inform Members and Associate Members of the Union regarding receipt of such notifications of approval as they are received.

In witness whereof the delegates of the Members of the Union represented at the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, Geneva, 1967, have signed in the names of their respective countries this revision of the Radio Regulations, Geneva, 1959, in a single copy which will remain in the archives of the International Telecommunication Union and of which a certified copy will be delivered to each Member and Associate Member of the Union.

Done at Geneva, 3 November, 1967.

Pour l'Algérie (République Algérienne Démocratique et Populaire):
MOHAMED AOUABED.
AHCENE HAMADOU.
MOHAMED HARBI.
Pour la République Argentine:
ALDO SANTIAGO IRRERA.
ANTONIO DARINO.
HORACIO FRANCISCO FERRER.
GUSTAVO ALBERTO URRUTIA.
Pour le Commonwealth de l'Australie:
J. D. CAMPBELL.
Pour l'Autriche:
H. PANGRATZ.
Pour la Belgique:
PIERRE CHARLES MARIE BOUCHIER.
ROBERT VANCRAEYNEST.
Pour le Brésil:
ALVARO DE SOUZA COELHO.
FERNANDO COTTA PORTELLA.
ARTUR DE F. TORRES DE MELO.
DJALMA S. FERREIRA.
ROBERTO RIBEIRO RAMOS.
RENAN DOS SANTOS SILVA.
Pour la République Populaire de Bulgarie:
NICOLAY STEPHANOV.
Pour la République Fédérale du Cameroun:
J. JIPGUEP.
Pour la Canada:
A. G. W. TIMMERS.
Pour Ceylan:
F. V. VERNON WATSON.
Pour le Chili:
RAMON ARAGAY.
Pour la Chine:
PAONAN CHENG.
PETER BEI-TEH CHANG.
TIMOTHY L. WANG.
AN-KANG CHENG.
WILLIAM W. L. WU.
Pour la République de Chypre:
R. M. MICHAELIDES.
A. E. EMBEDOKLIS.
Pour la République de Colombie:
ANTONIO OVIEDO.
JOSE ANTONIO VILLAMIZAR H.
Pour la République de Corée:
JOON SHIK CHOY.
JAE MOON CHO.
Pour la République de Côte d'Ivoire:
PIERRE KOPOIN.
Pour Cuba:
JOEL RAURELL VIDAL.
LUIS SOLÁ VILA.
WIGBERTO HERNANDEZ DOMINGUEZ.
Pour le Danemark:
BØRGE NIELSEN.
POUL KR. OLESEN.
A. LINDBLAD.
P. V. LARSEN.
Pour l'Ensemble des Territoires représentés par l'Office français des postes et télécommunications d'Outre-Mer:
JEAN CONSTANTIN.
Pour l'Espagne:
FERNANDO BENITO.
VALERIANO MARTIN.
ROGELIO MASIP.
JOSÉ M. M. VILLAREJO.
FRANCISCO JIMÉNEZ EUSEBIO.
Pour les Etats-Unis d'Amérique:
ROBERT T. BARTLEY.
GORDON L. HUFFCUTT.
PAUL D. MILES.
Pour l'Ethiopie:
TESFATSION SEBHATU.
HAILU G. MARIAM.
Pour la Finlande:
T. KYTONIEMI.
ARVI SINKKONEN.
Pour la France:
YVES PLACE.
ALBERT CHASSIGNOL
JEAN BES.
Pour le Ghana.
KWEKY B. HUDSON.
Pour la Grèce:
GEORGES PAPOULIAS.
Pour la Guyane:
H. L. HAYWARD.
Pour la République Populaire Hongroise:
DEZO HORN.
Pour la République de l'Inde:
V. V. RAO.
S. V. JUNNARKAR.
Pour la République d'Indonésie:
E. J. S. LAHAY.
R. SOEKARJONO.
Pour l'Irlande:
J. MALONE.
Pour l'Islande:
S. THORKELSSON.
Pour l'Etat d'Israël:
YIRMIYAHU FLEMINGER.
Pour l'Italie:
ANGELO PETTI.
Pour la Jamaïque:
KENNETH B. SCOTT.
Pour le Japon:
S. OUCHI.
M. NIKI.
Y. KASAI.
Pour le Royaume Hachémite de Jordanie:
AHMED A. AL-SÁADOON.
Pour l'Etat de Koweït:
AHMED A. AL-SÁADOON.
Pour la République du Libéria:
SAMUEL H. BUTLER.
Pour la Malaisie:
K. P. RAMANATHAN MENON.
Pour Malte:
JOSEPH V. GALEA.
Pour le Mexique:
J. J. HERNÁNDEZ G.
Pour Monaco:
CESAR CHARLES SOLAMITO.
Pour la Norvège:
PER MORTENSEN.
ODD J. SANDVEI.
JOHN RAGNAR VEASTAD.
K. HAMMERSTROM.
ARNE BOE.
Pour la Nouvelle-Zélande:
DEREK C. ROSE.
P. D. SCOTT.
Pour le Pakistan:
S. N. RAHIM.
AKBAR HUSSAIN KHAN.
Pour le Royaume des Pays-Bas:
V. R. Y. WINKELMAN.
P. E. WILLEMS.
Pour la République Populaire de Pologne:
JERZY RUTKOWSKI.
Pour le Portugal:
M. AMARO VIEIRA.
CARLOS ALBERTO DE OLIVEIRA E LEMOS.
Pour les Provinces portugaises d'Outre-Mer:
M. AMARO VIEIRA.
CARLOS ALBERTO DE OLIVEIRA E LEMOS.
Pour la République Fédérale d'Allemagne:
B. ARENS W. KRONJAEGER.
Pour la République Socialiste de Roumanie:
VICTOR NICOLESCU.
ALEXANDRU GHEGELIU.
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Iles Anglo-Normandes et L'Ile de Man:
R. M. BILLINGTON.
P. W. F. FRYER.
J. L. CREIGHTON.
S. G. HICKS.

Pour la République du Sénégal:
Pierre Kopoin.
Pour la République de Singapour:
Seng Kong Wan.
Pour la République Sudafricaine:
William Lennox Brown.
Pour la Suède:
Per V. Akerlind.
Sven E. Thornander.
Pour la Confédération Suisse:
H. A. Kieffer.
Pour la République du Tchad:
J. Jipguep.
Pour la République Socialiste Tchécoslovaque:
Jaroslav Marsícek.
Milan Zahradnek.
Pour les Territoires des Etats-Unis d'Amérique:
William E. Denny.
Pour la République Togolaise:
Jean Constantin.
Pour la Tunisie:
Habib Ben Cheikh.
Pour la Turquie:
O. Gültekin Gebizli.
Mme. Esen Atli.
Pour l'Union des Républiques Socialistes Soviétiques:
Ashot Badalov.
Jouri Atserov.
Pour la République de Venezuela:
Mario Delmoral
Jose A. Lopez
Angel Landaeta Lovera.

Pour la République du Viet-Nam:
Bach Van Tham.
Pham Van Trinh.
Pour la République Socialiste Fédérative de Yougoslavie:
Makso Dakic

Annex 1. Revision of Article 1 of the Radio Regulations

Article 1 of the Radio Regulations shall be amended as follows:

SECTION II. RADIO SYSTEMS, SERVICES AND STATIONS

Replace Regulation No. 37 by the following new text:

MOD 37—*Port Operations Service:* A maritime mobile service in or near a port, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

After Regulation No. 38, add the following new Regulation:

ADD 38A—*Port Station:* A coast station in the port operations service.

After Regulation No. 68, add the following new Regulation:

ADD 68A—*Emergency Position-Indicating Radiobeacon Station:* A station in the mobile service the emissions of which are intended to facilitate search and rescue operations.

Annex 2. Revision of Article 5 of the Radio Regulations

Article 5 of the Radio Regulations shall be amended as follows:

SECTION IV. TABLE OF FREQUENCY ALLOCATIONS—10 KC/S TO 40 GC/S

Replace Regulations Nos. 158 and 167 by the following new texts:

MOD 158—Limited to coast radiotelegraph stations (A1 and F1 only). Exceptionally, the use of class A7J emissions is permissible subject to the necessary bandwidth not exceeding that normally used for class A1 or F1 emissions in the bands concerned.

MOD 167—Only classes A1 or F1 or F4 emissions are authorized in the band 90–160 kc/s for stations of the fixed and maritime mobile services. Exceptionally, class A7J emissions is also authorized in the band 90–160 kc/s for stations of the maritime mobile service.

Delete Regulation No. 171.

Replace Regulations Nos. 172 and 197 by the following new texts:

MOD 172—Limited to ship stations. However, the bands between 140 and 146 kc/s may also be used for coast stations on a permitted basis.

MOD 197—In Australia, North Borneo, Brunei, Sarawak, Singapore, China, Indonesia, Malaya, New Zealand and the Philippines, the band 1 605–1 800 kc/s is allocated on a permitted basis to the aeronautical radionavigation service, the stations of which shall use a mean power not exceeding 2 kW.[1]

Replace Regulations Nos. 199, 200, 201 and 287 by the following new texts:

MOD 199—In India, the band 1 800–2 000 kc/s is allocated on a permitted basis to the aeronautical mobile service.[2]

MOD 200—In Region 2, except in Greenland, coast stations and ship stations using radiotelephony shall be limited to class A3A or A3J emissions and to a peak envelope power not exceeding 1 kW. Preferably, the following carrier frequencies should be used: 2 065.0, 2 079.0, 2 082.5, 2 086.0, 2 093.0, 2 096.5, 2 100.0, 2 103.5 kc/s.

MOD 201—The frequency 2 182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2 170– 2194 kc/s are prescribed in Article 35.

MOD 287—The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band on each side of the frequency 156.8 Mc/s is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025–157.425 Mc/s and 160.625–160.975 Mc/s and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radiotelephone communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

Annex 3. Revision of Article 7 of the Radio Regulations

Article 7 of the Radio Regulations shall be amended as follows:

SECTION IV. MARITIME MOBILE SERVICE

Before Regulation No. 438, add the following new Regulation:

ADD 437A—§ 7A. Stations of the maritime mobile service employing single sideband radiotelegraph transmissions shall use upper sideband emissions. The frequencies specified in the Radio Regulations for class A2H emissions in the maritime mobile service such as 410, 425, 454, 468, 480, 500, 512 and 8 364 kc/s, shall be used as carrier frequencies.

After Regulation No. 438, add the following new Regulation:

ADD 438A—§ 8A. As a general rule, the minimum separation between adjacent frequencies used respectively by coast stations and by ship stations is 4 kc/s.

Delete Regulation No. 441.

Replace Regulations Nos. 442 to 444 by the following new texts:

MOD 442—§ 11.(1) In Region 1, frequencies assigned to stations of the maritime mobile service operating in the bands between 1 605 and 3 800 kc/s (see Article 5) should, whenever possible, be in accordance with the following subdivision:

1 605–1 625 kc/s: Radiotelegraphy exclusively.

1 625–1 670 kc/s: Low power radiotelephony.

1 670–1 950 kc/s: Coast stations.

1 950–2 053 kc/s: Ship stations working to coast stations.

2 053–2 065 kc/s: Intership working.

2 065–2 170 kc/s: Ship stations working to coast stations.

2 170–2 173.5 kc/s: Coast stations calling ship stations (including selective calling) and, exceptionally, coast stations transmitting safety messages.

2 173.5–2 190.5 kc/s: Guard-band for the distress and calling frequency 2 182 kc/s.

2 190,5–2 194 kc/s: Ship stations calling coast stations.

2 194–2 440 kc/s: Intership working.

2 440–2 578 kc/s: Ship stations working to coast stations.

2 578–2 850 kc/s: Coast stations.

3 155–3 340 kc/s: Ship stations working to coast stations.

3 340–3 400 kc/s: Intership working.

3 500–3 600 kc/s: Intership working.

3 600–3 800 kc/s: Coast stations.

MOD 443—(2) in these bands, in Region 1, the frequencies assigned to the maritime mobile service are spaced, as far as possible, by:

7 kc/s when two adjacent frequencies are used for double sideband radiotelephony;

3 kc/s when two adjacent frequencies are used for radiotelegraphy;

5 kc/s when one frequency is used for double sideband radiotelephony and the adjacent frequency is used for radiotelegraphy.

MOD 444—(3) However, in the case of the intership bands, in Region 1, the spacing is reduced to 5 kc/s for adjacent frequencies used for double sideband radiotelephony.

After Regulation No. 444, add the following new Regulations:

ADD 444A—(4) When these bands are used for single sideband radiotelephony, a station operating in the lower half of a double sideband channel shall use upper sideband emission with the carrier frequency located 3 kc/s below the centre frequency of that channel.

ADD 444B—(5) However, in the case of the intership bands, the carrier frequency of a station operating in the lower half of the double sideband channel is located only 2.5 kc/s below the centre frequency of that channel.

Replace Regulation No. 445 by the following new text:

MOD 445—§ 11A. In Regions 2 and 3, the carrier frequencies 2 635 kc/s (assigned frequency 2 636.4 kc/s) and 2 638 kc/s (assigned frequency 2 639.4 kc/s) are used as single sideband intership radiotelephony working frequencies in addition to the frequencies prescribed for common use in certain services. The carrier frequency 2 635 kc/s should be used with class A3A and A3J emissions only. The carrier frequency 2 638 kc/s may be used with class A3, A3H, A3A and A3J emissions. However, after 1 January 1982, class A3 and A3H emissions are no longer authorized. In Region 3 these frequencies are protected by a guard-band between 2 634 and 2 642 kc/s.

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[1] ADD 197.1—In Australia, Malaysia [including Sabah (North Borneo) and Sarawak], Brunei, Singapore, China, Indonesia, New Zealand and the Philippines, the stations of the maritime mobile service are authorized to use this band subject to agreements to be reached with administrations whose services, operating in accordance with the Table, may be affected.

[2] ADD 199.1—In India, the stations of the maritime mobile service are authorized to use this band subject to agreements to be reached with administrations whose services, operating in accordance with the Table, may be affected.

After Regulation No. 445, add the following new Regulation:

ADD 445A—§ 11B. The assigned frequency of a single sideband channel of a station in the radiotelephone maritime mobile service shall be 1 400 c/s higher than the carrier frequency.

Replace Regulations Nos. 447 to 449 by the following new texts:

MOD 447—(*a*) *Ship stations*, telephony, duplex operation (two-frequency channels)

4063–4139.5 kc/s
6200–6210.4 kc/s
8195–8281.2 kc/s
12330–12421 kc/s
16460–16565 kc/s
22000–22094.5 kc/s

MOD 448—(*b*) *Coast stations*, telephony, duplex operation (two-frequency channels)

4361–4438 kc/s
6514–6525 kc/s
8728.5–8815 kc/s
13107.5–13200 kc/s
17255–17360 kc/s
22624.5–22720 kc/s

MOD 449—(*c*) *Ship stations and coast stations*, telephony, simplex operation (single-frequency channels)

4139.5–4142.5 kc/s
6210.4–6216.5 kc/s
8281.2–8288 kc/s
12421–12431.5 kc/s
16565–16576 kc/s
22094.5–22112 kc/s

Delete Regulation No. 450.

Replace Regulation No. 451 by the following new text:

MOD 451—(*e*) *Ship stations*, wide-band telegraphy, facsimile, and special transmission systems

4 142.5–4 162.5 kc/s
6 216.5–6 244.5 kc/s
8 288–8 328 kc/s
12 431.5–12 479.5 kc/s
16 576–16 636.5 kc/s
22 112–22 160.5 kc/s

After Regulation No. 451, add the followig new Regulations:

ADD 451A—(*f*) *Ship stations*, oceanographic data transmission (see note *a*) in Appendix 15)

4 162.5–4 166 kc/s
6 244.5–6 248 kc/s
8 328–8 331.5 kc/s
12 479.5–12 483 kc/s
16 636.5–16 640 kc/s
22 160.5–22 164 kc/s

ADD 451B—(*g*) *Ship stations*, narrow-band direct-printing telegraph and data transmission systems

4 166–4 172.25 kc/s
6 248–6 258.25 kc/s
8 331.5–8 341.75 kc/s
12 483–12 503.25 kc/s
16 640–16 660.5 kc/s
22 164–22 184.5 kc/s

Replace Regulation No. 452 by the following new text:

MOD 452—(*h*) *Ship stations*, telegraphy

4 172.25–4 231 kc/s
6 258.25–6 345.5 kc/s
8 341.75–8 459.5 kc/s
12 503.25–12 689 kc/s
16 660.5–16 917.5 kc/s
22 184.5–22 374 kc/s
25 070–25 110 kc/s

Delete Regulation No. 452.1.

Replace Regulation No. 453 by the following new text:

MOD 453—(*i*) *Coast stations*, wide-band and manual telegraphy, facsimile, special and data transmission systems and direct-printing telegraph systems

4 231–4 361 kc/s
6 345.5–6 514 kc/s
8 459.5–8 728.5 kc/s
12 689–13 107.5 kc/s
16 917.5–17 255 kc/s
22 374–22 624.5 kc/s

After Regulation No. 453, add the following new Regulation:

ADD 453A—(1A) Frequencies in the bands 25 010–25 070 kc/s, 25 110–25 600 kc/s and 26 100–27 500 kc/s may be assigned to coast stations.

Delete Regulations Nos. 453.1, 454 and 455.

Replace Regulations Nos. 456 and 457 by the following new texts:

MOD 456—§ 13. (1) Appendix 17 shows the radiotelephone channels of the maritime mobile service in the frequency bands listed in Nos. 447, 448 and 449.

MOD 457—(2) Appendix 25 contains the frequency allotment plan for coast radiotelephone stations in the high frequency bands (see, however, Resolution No. MAR 11).

ANNEX 4. REVISION OF ARTICLE 9 OF THE RADIO REGULATIONS

Article 9 of the Radio Regulations shall be amended as follows:

SECTION III. RECORDING OF DATES AND FINDINGS IN THE MASTER REGISTER

Replace Regulation No. 573 by the following new text:

MOD 573—§ 26. (1) *Frequency Bands:*

10–2 850 kc/s
3 155–3 400 kc/s
3 500–3 900 kc/s in Region 1
3 500–4 000 kc/s in Region 2
3 500–3 950 kc/s in Region 3
4 231–4 361 kc/s
6 345.5–6 514 kc/s
8 459.5–8 728.5 kc/s
12 689–13 107.5 kc/s
16 917.5–17 255 kc/s
22 374–22524.5 kc/s

ANNEX 5. REVISION OF ARTICLE 12 OF THE RADIO REGULATIONS

Article 12 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 677 by the following new text:

MOD 677—§ 8. The use of class B emissions is forbidden in all stations.

ANNEX 6. REVISION OF ARTICLE 19 OF THE RADIO REGULATIONS

Article 19 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulations Nos. 736 and 737 by the following new texts:

MOD 736—(2) However, the requirements of identification need not apply to:

survival craft stations when transmitting distress signals automatically,

emergency position-indicating radiobeacons.

MOD 737—§ 2. A station shall be identified either by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration mark, flight identification number, ship station selective call number or signal, coast station selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing features readily recognized internationally.

SECTION II. ALLOCATION OF INTERNATIONAL SERIES AND ASSIGNMENT OF CALL SIGNS

After regulation No. 749, add the following new Regulation:

ADD 749A—§ 10A. As an interim procedure, the Secretary-General shall be responsible for supplying series of selective call numbers or signals (see No. 783H) at the request of the administrations concerned.

Replace Regulations Nos. 750 and 751 by the following new texts:

MOD 750—§ 11.(1) Each country shall choose the call signs and, if the selective calling system used is in accordance with Appendix 20C, the ship station selective call number and the coast station identification number of its stations from the international series allocated or supplied to it; and shall, in accordance with Article 20, notify this information to the Secretary-General together with the information which is to appear in Lists I to VI inclusive. These notifications do not include call signs assigned to amateur and experimental stations.

MOD 751—(2) The Secretary-General shall ensure that the same call sign, the same selective call number or the same identification number is not assigned more than once and that call signs which might be confused with distress signals, or with other signals of the same nature, are not assigned.

SECTION III. FORMATION OF CALL SIGNS

Delete Regulation No. 760.

After Regulation No. 768, add the following new Regulation:

ADD—*Emergency position-indicating radiobeacon stations*

ADD 768A § 18A.—the Morse letter B and/or the call sign of the parent ship to which the radiobeacon belongs.

SECTION IV. IDENTIFICATION OF STATIONS USING RADIOTELEPHONY

Replace Regulation No. 776 by the following new text:

MOD 776—(2) *Ship stations*

A call sign (see Nos. 765 and 766); *or*

The official name of the ship preceded, if necessary, by the name of the owner on condition that there is no possible confusion with distress, urgency and safety signals; *or*

Its selective call number or signal

After Regulation No. 777, add the following new Regulation:

ADD 777A—(4) *Emergency position-indicating radiobeacon stations:*

When speech transmission is used (see No. 1476G)

The name and/or the call sign of the parent ship to which the radiobeacon belongs.

After Section IV, insert the following new Section IVA:

ADD

SECTION IVA. SELECTIVE CALL NUMBERS IN THE MARITIME MOBILE SERVICE

ADD 783A § 25A. When stations of the maritime mobile service use selective calling devices in accordance with Appendix 20C, their call numbers shall be assigned by the responsible administrations in accordance with the provisions below.

ADD—*Formation of ship station selective call numbers and coast station identification numbers*

ADD 783B—§ 25B. (1) The ten digits from 0 to 9 inclusive shall be used to form selective call numbers.

ADD 783C—(2) However, combinations of numbers commencing with the digits 00 (zero, zero) shall not be used when forming the identification numbers for coast stations.

ADD 783D—(3) Ship station selective call numbers and coast station identification numbers in the series are formed as indicated in Nos. 783E, 783F and 783G.

ADD 783E—(4) *Coast station identification numbers*

Four digits (see No. 783C).

ADD 783F—(5) *Ship station selective call numbers*

Five digits.

ADD 783G—(6) *Predetermined groups of ship stations*

Five digits consisting of:

The same digit repeated five times, *or*

Two different digits repeated alternately.

ADD—*Assignment of ship station selective call numbers and coast station identification numbers*

ADD 783H—§ 25C. (1) In cases where selective call numbers for ship stations and identification numbers for coast stations are required for use in the maritime mobile service and the selective calling system is in accordance with Appendix 20C, as an interim procedure, the selective call numbers and identification numbers shall be supplied by the Secretary-General on request. Upon notification by an administration of the introduction of selective calling for use in the maritime mobile service:

Selective call numbers for ships will be supplied as required in blocks of 100 (one hundred);

Coast station identification numbers will be supplied in blocks of 10 (ten) to meet actual requirements;

Selective call numbers for selective calling of predetermined groups of ship stations in accordance with No. 783G will be supplied as required as single numbers.

The final procedure shall be determined at a future competent World Administrative Radio Conference.

ADD 783I—(2) Each administration shall choose the selective call numbers to be assigned to its ship stations from the blocks of the series supplied to it.

ADD 783J—(3) Each administration shall choose the coast station identification numbers to be assigned to its coast stations from the blocks of the series supplied to it.

ANNEX 7. REVISION OF ARTICLE 20 OF THE RADIO REGULATIONS

Article 20 of the Radio Regulations shall be amended as follows:

Replace Regulations Nos. 805, 806, 809, 815, 824 and 825 by the following new texts:

MOD 805 (IV)—*List IV. List of Coast Stations.*

There are annexed to this list a table and a chart showing the zones and hours of service of ships of the second and third categories (see Appendix 12) and a table of inland telegraph rates, limitrophic rates, etc.

MOD 806 (V)—*List V. List of Ship Stations.*

This list shall contain particulars of:

(*a*) ship stations fitted with radiotelegraph installations;

(*b*) ship stations fitted with radiotelegraph and radiotelephone installations;

(*c*) ship stations fitted with radiotelephone installations only, which communicate with stations of the maritime mobile service other than those of their own nationality or make international voyages.

This list shall contain a table and a chart showing the zones and hours of service of ships of the second and third categories (see Appendix 12).

MOD 809—*a*) *List VIIA. Alphabetical List of Call Signs of Stations used by the Maritime Mobile Service* (*Coast, Ship, Radiodetermination and Special Service Stations*), *Ship Station Selective Call Numbers or Signals and Coast Station Identification Numbers or Signals.*

MOD 815—§ 2. (1) The Secretary-General shall publish the amendments to be made in the documents listed in Nos. 790 to 814 inclusive. Once a month administrations shall inform him, in the form shown for the lists themselves in Appendix 9, of the additions, modifications or deletions to be made in Lists IV, V and VI using for this purpose the appropriate symbols shown in Appendix 10. Furthermore, in order to make the necessary additions, modifications and deletions to Lists I, II, III, and VIIIA, he shall use the data provided by the International Frequency Registration Board, obtained from the information received in application of the provisions of Articles 9, 9A and 10. He shall make the requisite amendments to List VII by using the data he has received for Lists I to VI and VIIIA. Lists IV and VI shall be co-ordinated with the information appearing in List I. The Secretary-General shall refer any discrepancies to the administrations concerned.

MOD 824—§ 6. The List of Coast Stations (List IV) shall be republished every two years and kept up to date by recapitulative supplements issued every six months.

MOD 825—§ 7. The List of Ship Stations (List V) shall be republished each year. It shall be kept up to date by means of a half-yearly supplement.

ANNEX 8. REVISION OF ARTICLE 23 OF THE RADIO REGULATIONS

Article 23 of the Radio Regulations shall be amended as follows:

SECTION II. CLASSES AND CATEGORIES OF CERTIFICATES

After Regulation No. 860, add the following new Regulation:

ADD 860A—(3) There is also a radiocommunication operator's general certificate for the maritime mobile service (Resolution No. MAR 16 refers).

Replace Regulations Nos. 861 and 863 by the following new texts:

MOD 861—§ 6. (1) The holder of a first or second class radiotelegraph operator's certificate may carry out the radiotelegraph or radiotelephone service of any ship or aircraft station.

MOD 863—(3) The holder of a radiotelephone operator's restricted certificate may carry out the radiotelephone service of any aircraft station, when working on frequencies of the maritime mobile service, provided that:

—the peak envelope power of the transmitter does not exceed 200 watts, or

—the operation of the transmitter requires only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, with the stability of the frequencies maintained by the transmitter itself within the limits of tolerance specified by Appendix 3, and the peak envelope power of the transmitter does not exceed 1 kilowatt.

After Regulation No. 863, add the following new Regulation:

ADD 863A—(3A) However, in the maritime mobile service, the holder of a radiotelephone operator's restricted certificate may carry out the radiotelephone service of any ship station, when working on frequencies of the maritime mobile service, provided that:

—the operation of the transmitter requires only the use of simple external controls, and excludes all manual adjustment of frequency determining elements, with the stability of the frequencies maintained by the transmitter itself within the limits of tolerance specified by Appendix 3, and the peak envelope power of the transmitter does not exceed 1 kilowatt.

SECTION III. CONDITIONS FOR THE ISSUE OF OPERATORS' CERTIFICATES

Replace Regulation No. 903 by the following new text:

MOD 903—(2) For ship radiotelephone stations where the peak envelope power of the transmitter does not exceed 400 watts and for aircraft radiotelephone stations operating on frequencies allocated exclusively to the aeronautical mobile service, each administration may itself fix the conditions for obtaining a restricted radiotelephone operator's certificate, provided that the operation of the transmitter requires only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, and that the stability of the frequencies is maintained by the transmitter itself within the limits of tolerance specified in Appendix 3. However, in fixing the conditions, administrations shall ensure that the operator has an adequate knowledge of radiotelephone operation and procedure particularly as far as distress, urgency and safety are concerned. This is no way contravenes the provisions of No. 906.

SECTION IV. QUALIFYING SERVICE

Replace Regulations 907 to 909 by the following new texts:

MOD 907—§ 17.(1) An operator holding a first or second class radiotelegraph operator's certificate is authorized to embark as chief operator of a ship station of the fourth category (see No. 932).

MOD 908—(2) Before becoming chief operator of a ship station of the second or third category (see Nos. 931 and 931A), an operator holding a first or second class radiotelegraph operator's certificate shall have had, as operator on board ship or in a coast station, at least six months' experience of which at least three months shall have been on board ship.

MOD 909—(3) Before becoming chief operator of a ship station of the first category (see No. 930), an operator holding a first class radiotelegraph operator's certificate shall have had, as operator on board ship or in a coast station, at least one year's experience of which at least six months shall have been on board ship.

Delete Regulations Nos. 910 and 911.

ANNEX 9. REVISION OF ARTICLE 24 OF THE RADIO REGULATIONS

Article 24 of the Radio Regulations shall be amended as follows:

Replace Regulations Nos. 914, 915, 916 and 918 by the following new texts:

MOD 914—(*a*) ship stations of the first category, except in the case provided for in No. 918: a chief operator holding a first class radiotelegraph operator's certificate;

MOD 915—(*b*) ship stations of the second and third categories, except in the case provided for in No. 918: a chief operator holding a first or second class radiotelegraph operator's certificate;

MOD 916—(*c*) ship stations of the fourth category, except in the cases provided for in Nos. 917 and 918: one operator holding a first or a second class radiotelegraph operator's certificate;

MOD 918—(*e*) ship stations equipped with radiotelephone installation only: one operator holding either a radiotelephone operator's certificate or a radiotelegraph operator's certificate;

ANNEX 10. REVISION OF ARTICLE 25 OF THE RADIO REGULATIONS

Article 25 of the Radio Regulations shall be amended as follows:

SECTION IV. SHIP STATIONS

Replace Regulations Nos. 929 and 931 by the following new texts:

MOD 929—§ 6. (1) For the international public correspondence service, ship stations are divided into four categories:

MOD 931—Stations of the second category: these stations maintain a service for 16 hours a day.

After Regulation No. 931, add the following new Regulation:

ADD 931A—Stations of the third category: these stations maintain a service for 8 hours a day.

Replace Regulations Nos. 932 to 934 by the following new texts:

MOD 932—Stations of the fourth category: these stations maintain a service the duration of which is either shorter than that of stations of the third category, or is not fixed by these Regulations.

MOD 933—(2) Each administration shall itself determine the rules under which ship stations subject to it are to be place in one of the above four categories.

MOD 934—§ 7. (1) Ship stations of the second and third categories shall provide service at least during the hours fixed by Appendix 12.

After Regulation No. 935, add the following new Regulation:

ADD 935A—§ 7A. Ship stations of the fourth category are encouraged to provide service as follows:

—in Zone C, defined in Appendix 12: at least during the first half-hour of the second period of service of ships in the third category;

—in Zone D, defined in Appendix 12: at least during the first half-hour of the first period of service of ships in the third category.

Delete Regulations Nos. 936 to 938.

ANNEX 11. REVISION OF ARTICLE 28 OF THE RADIO REGULATIONS

Article 28 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulation No. 955 by the following new text:

(MOD) 955—§ 1. Mobile stations shall be established in such a way as to conform to the provisions of Chapter II as regards frequencies and classes of emission.

Delete Regulation No. 956.

After Regulation No. 964, add the following new Regulation:

ADD 964A—§ 8A. Equipment intended for use on narrow-band direct-printing telegraph systems shall conform to the characteristics specified in Appendix 20B.

SECTION III. SHIP STATIONS USING RADIOTELEGRAPHY

Delete title after No. 970 and Regulation No. 971.

Replace Regulations Nos. 974 to 976, 978 and 981 by the following new texts:

MOD 974—(*a*) send class A2 or A2H emissions and receive class A2 and A2H emissions with a carrier frequency of 500 kc/s;

MOD 975—(*b*) send, in addition, class A1 and either A2 or A2H emissions on at least two working frequencies;

MOD 976—(*c*) receive, in addition, class A1, A2 and A2H emissions on all the other frequencies necessary for their service.

MOD 978—§ 17. In Region 2, any radiotelegraph station installed on board a ship which uses frequencies in the band 2 089·5-2 092·5 kc/s for call and reply shall be provided with at least one other frequency in the authorized bands between 1 605 and 2 850 kc/s.

MOD 981—(*b*) changes of frequency in transmitting apparatus shall be effected as quickly as practicable, but within fifteen seconds in any event;

SECTION IV. SHIP STATIONS USING RADIOTELEPHONY

Replace Regulations Nos. 984 and 985 by the following new texts:

MOD 984—(*a*) send class A3 or A3H emissions with a carrier frequency of 2 182 kc/s and receive class A3 and A3H emissions on a carrier frequency of 2 182 kc/s. However, after 1 January 1982, it is no longer authorized to send class A3 emissions, except for such apparatus as is referred to in No. 987.

MOD 985—(*b*) send, in addition:

(*1*) class A3 or

(*2*) class A3H, A3A and A3J [1]

emissions on at least two working frequencies.[2] However, after 1 January 1982 class A3 and A3H emissions are no longer authorized on working frequencies;

Replace Regulations Nos. 986 and 988 by the following new texts:

MOD 986—(*c*) receive, in addition:

(*1*) class A3 and A3H or

(*2*) class A3, A3H, A3A and A3J

emissions on all other frequencies necessary for their service. However, after 1 January 1982, the ability to receive class A3 and A3H emissions is no longer required.

MOD 988—§ 21. All ship stations equipped with radiotelephony to work in the authorized bands between 156 and 174 Mc/s (see No. 287 and Appendix 18) shall be able to send and receive class F3 emissions (see Resolution No. MAR 14) on:

SECTION V. AIRCRAFT STATIONS

Replace Regulation No. 992 by the following new text:

MOD 992—§ 22. (1) Any aircraft following a maritime course and required by national or international regulations to communicate for safety purposes with stations of the maritime mobile service, shall be capable of transmitting preferably class A2 or A2H and receiving preferably class A2 and A2H emissions on the carrier frequency of 500 kc/s or, on the carrier frequency of 2 182 kc/s, transmitting class A3 or A3H and receiving class A3 and A3H emissions.

SECTION VI. SURVIVAL CRAFT STATIONS

Replace Regulations Nos. 995 to 997 by the following new texts:

MOD 995—*in the bands between 405 and 535 kc/s,* be able to transmit with a carrier frequency of 500 kc/s, using class A2 or A2H emissions. If a receiver is provided for any of these bands, it shall be able to receive class A2 and A2H emissions on a carrier frequency of 500 kc/s;

MOD 996—*in the bands between 1 605 and 2 850 kc/s,* be able to transmit with a carrier frequency of 2 182 kc/s using class A3 or A3H emissions. If a receiver is provided for any of these bands, it shall be able to receive class A3 and A3H emissions on a carrier frequency of 2 182 kc/s;

MOD 997—*in the bands between 4 000 and 27 500 kc/s,* be able to transmit with a carrier frequency of 8 364 kc/s using class A2 or A2H emissions. If a receiver is provided for any of these bands, it shall be able to receive class A1, A2 and A2H emissions throughout the band 8 341·75 to 8 728·5 kc/s;

ANNEX 12. ADDITION OF A NEW ARTICLE (ARTICLE 28A) TO THE RADIO REGULATIONS

The following new Article shall be added to the Radio Regulations after Article 28:

ADD

ARTICLE 28A. INTERNATIONAL USAGE OF SELECTIVE CALLING IN THE MARITIME MOBILE SERVICE

ADD 999A.—§ 1. The characteristics of the sequential single-frequency code international selective calling system shall be in accordance with Appendix 20C.

Method of Calling

ADD 999B.—§ 2. (1) The call shall consist of:

—the selective call number or signal of the ship station called;

—the identification number or signal of the coast station calling.

However, in VHF the number of the channel to be used for the reply and for traffic may replace the identification number or signal of the coast station calling.

The call shall be transmitted twice.

ADD 999C.—(2) When a station called does not reply, the call should not normally be repeated until after an interval of at least ten minutes and should not then normally be renewed until after a further interval of thirty minutes.

Reply to Calls

ADD 999D—§ 3. The reply to calls should be made in accordance with the provisions of

—Nos. 1022 and 1023 when using radiotelegraphy;

—Nos. 1241 to 1253 when using radiotelephony.

Frequencies to be used

ADD 999E—§ 4. Selective calls should be sent on one or more of the following calling frequencies:

500 kc/s
2 182 kc/s
2 170·5 kc/s [1]
4 434·9 kc/s
6 518·6 kc/s
8 802·4 kc/s
13 182·5 kc/s
17 328·5 kc/s
22 699·0 kc/s
156·8 Mc/s

ANNEX 13. REVISION OF ARTICLE 29 OF THE RADIO REGULATIONS

Article 29 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulations Nos. 1004 and 1005 by the following new texts:

MOD 1004—§ 3. (1) In order to facilitate radiocommunications, stations of the mobile service, other than the maritime mobile service, shall use the service abbreviations given in Appendix 13.

MOD 1005—(2) In the maritime mobile service, only the service abbreviations given in Appendix 13A are to be used.

SECTION II. PRELIMINARY OPERATIONS

Delete Regulation No. 1006.

SECTION III. CALLS, REPLY TO CALLS AND SIGNALS PREPARATORY TO TRAFFIC

After Regulation No. 1013, add the following new Regulations:

ADD 1013A—(3) The procedure described in No. 1013 is not applicable to the maritime mobile service.

ADD 1013AA—(4) When selective calling is used in the maritime mobile service, the procedures prescribed in Nos. 999B, 999C and 999D shall be observed.

ADD—*Method of Calling in the Maritime Mobile Service Bands betwen 4,000 kc/s and 27,500 kc/s.*

ADD 1013B—§ 6A (1) The call consists of:

— the call sign of the station called, not more than three times;

— the word DE;

— the call sign of the calling station, not more than three times;

— the signal — . . . — (separation sign);

— the call sign of the station called, once only;

— the letter K.

ADD 1013C—(2) for normal calling, when the requirements of No. 1162 have been met, the call specified in No. 1013B may be repeated at intervals of not less than one minute for a period not exceeding five minutes and shall not be renewed until after an interval of ten minutes.

ADD 1013D—(3) When, however, the conditions of establishing contact are difficult, the call sign may be transmitted not more than ten times in succession. The call shall consist of:

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[1] MOD 985.1 Up to 1 January 1982 administrations may, in certain areas, reduce this requirement to class A3H and A3J emissions on working frequencies.

[2] ADD 985.2 In certain areas, administrations may reduce this requirement to one working frequency.

[1] ADD 999E.1 This frequency will replace 2 182 kc/s for selective calling not later than 1 April 1977.

— the call sign of the station called, not more than ten times;

— the word DE;

— the call sign of the calling station, not more than three times;

— the signal — . . . — (separation sign);

— the call sign of the station called, once only;

— the letter K.

If necessary, this call may be transmitted a second time (see No. 1079). The call or group of two consecutive calls may be repeated three times at intervals of two minutes; thereafter it shall not be repeated until an interval of ten minutes has elapsed.

ADD 1013E—(4) When calling a coast station which has indicated a watch[1] on the special calling frequencies 4 186·5, 6 279·75, 8 373, 12 559·5, 16 746 and 22 262·5 kc/s, ship stations do not apply the calling method contained in Nos. 1013B, 1013C and 1013D. In these circumstances the call consists of:

—the call sign of the station called, not more than once;

—the word DE;

—the call sign of the calling station, not more than once.

This call may be transmitted three times at intervals of one minute; thereafter it shall not be repeated until after an interval of three minutes.

After Regulation No. 1015, add the following new Regulation:

ADD 1015A—(3) However, when using direct-printing telegraphy or similar systems, the call may, by prior arrangement, be made on a working frequency in the bands reserved for such systems.

Replace Regulations Nos. 1017 and 1018 by the following new texts:

MOD 1017—(2) When, in the aeronautical mobile service, as an exception to this rule, the call is not followed by an indication of the frequency to be used for the traffic, this indicates:

MOD 1018

(*a*) where the calling station is a land station, that it proposes to use for traffic its normal working frequency shown in the appropriate document;

After Regulation No. 1019, add the following new Regulation:

ADD 1019A—(3) When, in the maritime mobile service, as an exception to No. 1016, the call by a coast station is not followed by an indication of the frequency to be used for the traffic, this indicates that the coast station proposes to use for traffic its normal working frequency shown in the List of Coast Stations.

Replace Regulation No. 1023 by the following new text:

MOD 1023—§ 11. (1) Except as otherwise provided in these Regulations, for transmitting the reply to calls and to preparatory signals, the station called shall use the frequency on which the calling station keeps watch, unless the calling station has specified a frequency for the reply.

Delete Regulations Nos. 1024 to 1026.

Annex 14. Revision of Article 30 of the Radio Regulations

Article 30 of the Radio Regulations shall be amended as follows:

After Regulation No. 1068, add the following new Regulation:

ADD 1068A—(2A) However, in the bands between 4 000 and 27 500 kc/s, a coast station may transmit its call sign at intervals, using Type 1 transmission, to enable mobile stations to select the calling band with the most favourable propogation characteristics for reliable communication (see No. 1162).

Replace Regulations Nos. 1069 to 1071 by the following new texts:

MOD 1069—(3) Coast stations shall transmit their traffic lists on their normal working frequencies in the appropriate bands. This transmission shall be preceded by a general call to all stations (CQ).

MOD 1070—(4) The call to all stations announcing the traffic list may be sent on a calling frequency in the following form:

—CQ, not more than three times;

—the word DE;

—the call sign of the calling station, not more than three times;

—QSW followed by the indication of the working frequency or frequencies on which the traffic list is about to be sent.

In no case may this preamble be repeated.

MOD 1071—(5) The provisions of No. 1070:

After Regulation No. 1071, add the following new Regulation:

ADD 1071A—(*a*) *are obligatory when 500 kc/s is used;*

Replace Regulations Nos. 1072 and 1086 by the following new texts:

(MOD) 1072—(*b*) do not apply when frequencies in the bands between 4 000 and 27 500 kc/s are used.

MOD 1086—(2) The information referred to in Nos. 1083 to 1085, preceded by the abbreviation TR, should be furnished by mobile stations, whenever this seems appropriate, without prior request from the coast station. The provision of this information is authorized only by the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station.

Delete Regulation No. 1087.

Annex 15. Revision of Article 32 of the Radio Regulations

Article 32 of the Radio Regulations shall be amended as follows:

Replace the title of Section I by the following:

MOD

SECTION I. GENERAL

After the new title of Section I, add the following new Regulation:

ADD 1094A—§ 1 Whenever the class of emission A2 or A2H is mentioned in the present Regulations for use in the maritime mobile service, the type of transmission shall, except for selective calling purposes, be telegraphy by on-off keying of the modulated emission, to the exclusion of on-off keying of the modulating audio frequencies only.

Delete Regulations Nos. 1095 to 1105 (including the titles of sub-sections A. and B.).

SECTION II. BANDS BETWEEN 405 AND 535 KC/S

Replace Regulations Nos. 1111 and 1113 by the following new texts:

MOD 1111—(*b*) by coast stations to announce the transmission of their traffic lists under the conditions provided for in Nos. 1070, 1071 and 1071A.

MOD 1113—(5) In order to facilitate the reception of distress calls, other transmissions on the frequency 500 kc/s shall be reduced to a minimum, and in any case shall not exceed one minute.

After Regulation No. 1113, add the following new Regulations:

ADD 1113A—(6) Before transmitting on 500 kc/s, stations in the mobile service must listen on this frequency for a reasonable period to make sure that no distress traffic is being sent (see No. 1007).

ADD 1113B—(7) The provisions of No. 1113A do not apply to stations in distress.

After Regulation No. 1115, add the following new Regulations:

ADD 1115A—§ 7A(1) A ship station calling a coast station shall, wherever possible and particularly in regions of heavy traffic, indicate to the coast station that it is ready to receive on the working frequency of that station.

ADD 1115B—(2) The ship station should make sure beforehand that this frequency is not already being used by the coast station.

Replace Regulations Nos. 1116, 1117, 1121 and 1122 by the following texts:

MOD 1116—§ 8.(1) The frequency for replying to a call sent on the general calling frequency (see No. 1114) shall be as follows:

—either 500 kc/s,

—or the frequency specified by the calling station (see Nos. 1023 and 1115A).

MOD 1117—(2) In regions of heavy traffic, coast stations may answer calls made by ship stations of their own nationality in accordance with special arrangements made by the administration concerned (see No. 1023).

MOD 1121—(4) In regions of heavy traffic, coast stations and ship stations should use class A1 emission on their working frequencies.

MOD 1122—§ 10. As an exception to the provisions of Nos. 1107, 1109, 1110 and 1111 and on condition that signals of distress, urgency and safety, and calls and replies are not interfered with, 500 kc/s may be used outside regions of heavy traffic for direction-finding but with discretion.

Delete Regulation No. 1122.1.

Replace Regulations Nos. 1123 to 1125 and 1134 by the following new texts:

MOD 1123—§ 11. (1) Ship stations operating in the authorized bands between 405 and 535 kc/s shall use working frequencies chosen from the following: 425, 454, 468, 480 and 512 kc/s, except as permitted by No. 418.

MOD 1124—(2) Coast stations are prohibited from transmitting on the working frequencies designated for the use of ship stations on a world-wide basis.

MOD 1125—(3) The frequency 512 kc/s may be used by ship stations as a supplementary calling frequency when 500 kc/s is being used for distress.

MOD 1134—§ 13. (1) Stations of the maritime mobile service open to public correspondence and using frequencies in the authorized bands between 405 and 535 kc/s shall, during their hours of service, remain on watch on 500 kc/s. This watch is obligatory only for class A2 and A2H emissions.

SECTION III. BANDS BETWEEN 1 605 AND 4 000 KC/S

Delete Regulation No. 1137.

Replace Regulation No. 1138 by the following new text:

MOD 1138—§ 15. In Region 2, the frequencies in the band 2 068·5 to 2 078·5 kc/s are assigned to ship stations using wide-band telegraphy, facsimile and special transmission systems. The provisions of No. 1146 are applicable.

Replace the title of Section IV and Nos. 1139 to 1142 by the following new texts:

MOD

SECTION IV. ADDITIONAL PROVISIONS APPLICABLE IN REGION 3 AREAS NORTH OF EQUATOR ONLY

MOD 1139—§ 16. (1) The band 2 089·5-2 092·5 kc/s is the calling and safety band for the maritime mobile service of radiotelegraphy in those parts of the bands between 1 605 and 2 850 kc/s in which radiotelegraphy is authorized.

MOD 1140—(2) Freqencies in the band 2 089·5-2 092·5 kc/s may be used for calls, replies and safety. These frequencies may also be used for messages preceded by the urgency or safety signals.

MOD 1141—(3) Each coast station using the calling band 2 089·5-2 092·5 kc/s shall, as far as possible, maintain watch on this band during its working hours.

MOD 1142—(4) Coast stations which use

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[1] ADD 1013E.1 Administrations whose coast stations keep watch on the special calling frequencies provided for the study of the new calling procedure, shall ensure that watch is also maintained on normal calling bands (see No. 1174) which they have indicated in accordance with No. 1168.

frequencies in the band 2 089·5-2 092·5 kc/s for calling shall be able to use at least one other frequency in those parts of the bands between 1 605 and 2 850 kc/s in which the maritime mobile service of radiotelegraphy is authorized.

SECTION V. BANDS BETWEEN 4 000 AND 27 500 KC/S

Replace Regulations Nos. 1145 to 1148 by the following new texts:

MOD 1145—§ 17.(1) Mobile radiotelegraph stations equipped to operate in the bands specified in Nos. 1174, 1192 and 1196 shall employ only class A1 emissions. In the bands specified in No. 1192, stations may use manual or automatic A1 Morse telegraphy at speeds not exceeding 40 bands. Survival craft stations may use class A2 or A2H emissions in these bands (see Nos. 994 and 997).

MOD 1146—(2) Mobile stations equipped for wide-band telegraphy, facsimile and special transmission systems may, in the frequency bands reserved for such use, employ any class of emission provided that such emissions can be contained within the wide-band channels indicated in Appendix 15. However, manual Morse and telephony are excluded, except for circuit alignment purposes.

MOD 1147—(3) Except as provided for in No. 1352A.1, coast radiotelegraph stations operating in the maritime mobile exclusive bands between 4 000 and 27 500 kc/s shall not use Type 2 emissions. (See No. 1094A.)

MOD 1148—(4) Coast radiotelegraph stations employing single-channel class A1 or F1 emissions and operating in the maritime mobile exclusive bands between 4 000 and 27 500 kc/s shall at no time use a mean power in excess of the following:

Band	*Maximum mean power*
4 Mc/s	5 kW
6 Mc/s	5 kW
8 Mc/s	10 kW
12 Mc/s	15 kW
16 Mc/s	15 kW
22 Mc/s	15 kW

After Regulation No. 1848, add the following new Regulation:

ADD 1148A—(5) Coast radiotelegraph stations employing multichannel telegraph emissions and operating in the maritime mobile exclusive bands between 4 000 and 27 500 kc/s shall at no time use a mean power in excess of 2.5 kW per 500 c/s bandwidth.

Replace Regulation No. 1149 by the following new text:

MOD 1149—§ 18. (1) Each of the bands reserved for ship radiotelegraph stations, except for the band 25 070 to 25 110 kc/s, shall be divided into six parts, beginning at the low frequency end:

After Regulation No. 1150, add the following new Regulations:

ADD 1150A—(*b*) a band of working frequencies for oceanographic data transmissions;

ADD 1150B—(*c*) a band of working frequencies for ship stations using narrow-band direct-printing telegraph and data transmission systems.

Replace Regulations Nos. 1151 to 1154 by the following new texts:

(MOD) 1151—(*d*) a band of working frequencies for the use of high traffic ship stations;

(MOD) 1152—(*e*) a band of calling frequencies for the use of all ship and aircraft stations entering into communication with stations of the maritime mobile service;

(MOD) 1153—(*f*) a band of working frequencies for the use of low traffic ship stations.

MOD 1154—(2) The bands 25 070 to 25 082.5 kc/s and 25 082.5 to 25 110 kc/s are allocated, respectively for calling and working by ship radiotelegraph stations on ships of all categories which employ A1 or F1 emissions (see No. 224).

Delete Regulation No. 1155.

Replace Regulation No. 1156 by the following new text:

MOD 1156—§ 20.(1) Ship stations shall, at the discretion of the administration controlling the station concerned, use either the high traffic band (see No. 1151) or the low traffic band (see No. 1153), depending on their traffic requirements.

Delete Regulation No. 1157.

Replace Regulations Nos. 1158, 1173 to 1178 and 1180 by the following new texts:

MOD 1158—(3) The arrangement of the frequencies in the ship radiotelegraph bands is illustrated graphically in Appendix 15.

MOD 1173—(3) Working frequencies assignable to coast stations using the bands between 4 000 and 27 500 kc/s are included within the following band limits:

4 231 to 4 361 kc/s
6 345.5 to 6 514 kc/s
8 459.5 to 8 728.5 kc/s
12 689 to 13 107.5 kc/s
16 917.5 to 17 255 kc/s
22 374 to 2 624.5 kc/s
(See also No. 453A.)

1. Calling Frequencies of Ship Stations

MOD 1174—§ 29. (1) The calling frequencies assignable to ship stations are included within the following band limits:

4 178 to 4 187 kc/s
6 267 to 6 280·5 kc/s
8 356 to 8 374 kc/s
12 534 to 12 561 kc/s
16 712 to 16 748 kc/s
22 222·5 to 22 267·5 kc/s
25 070 to 25 082·5 kc/s

MOD 1175—(2) In the band 4 178 to 4 187 kc/s, the calling frequencies are spaced 0·5 kc/s apart. The extreme frequencies assignable are 4 178·5 and 4 186·5 kc/s as indicated in Appendix 15.

MOD 1176—(3) In each of the other maritime mobile service bands between 4 000 and 18 000 kc/s, the calling frequencies shall be in harmonic relationship with those in the band 4 178 to 4 187 kc/s. In the bands 22 222·5 to 22 267·5 kc/s and 25 070 to 25 082·5 kc/s the spacing of calling frequencies is 2·5 kc/s and 1·5 kc/s respectively. The extreme frequencies assignable are 22 225 and 22 265 kc/s, and 25 073·5 and 25 081 kc/s, respectively.

MOD 1177—§ 30. The administration to which a ship station is subject shall assign to it a series of calling frequencies including one frequency in each of the bands in which the station is equipped to transmit. Administrations may, however, assign a supplementary series of calling frequencies for use in the event of interference. In the bands between 4 000 and 18 000 kc/s, the frequencies assigned to each ship station shall be in harmonic relationship. Each administration shall take the necessary steps to assign such harmonic series of calling frequencies to ships in accordance with an orderly system of rotation so as to distribute these frequencies uniformly throughout the calling bands. The same system of uniform distribution shall be applied in the assignment of calling frequencies in the bands 22 222·5 to 22 267·5 kc/s and 25 070 to 25 082·5 kc/s. Administrations may also assign to their ship stations the special calling frequencies appearing in the footnote indicated by *d*) in Appendix 15.

MOD 1178—§ 31.(1) One calling frequency in each of the calling bands indicated in No. 1174 (except in the 25 Mc/s band) shall be reserved as far as possible for the use of aircraft desiring to communicate with stations of the maritime mobile service. These frequencies are the following: 4 182, 6 273, 8 364, 12 546, 16 728 and 22 245 kc/s.

MOD 1180—§ 32. In all bands the working frequencies for ship stations equipped to use wide-band telegraphy, facsimile and special transmission systems are spaced 4 kc/s apart. The frequencies assignable are shown in Appendix 15.

After Regulation No. 1180, add the following new Regulations:

ADD 1180A—§ 32A. In all bands, the frequencies assignable for oceanographic data transmissions are spaced 0·3 kc/s apart. The frequencies assignable are shown in Appendix 15.

ADD 1180B—§ 32B. The working frequencies for ship stations using narrow-band direct-printing telegraph and data transmission systems are spaced 0·5 kc/s apart in the 4, 6 and 8 Mc/s bands and 1·0 kc/s apart in the 12, 16 and 22 Mc/s bands. The frequencies assignable are shown in Appendix 15.

Replace Regulations Nos. 1181 to 1189 and 1191 by the following new texts:

MOD 1181—§ 33.(1) The working frequencies for high traffic ships in the band 4 172·25 to 4 178 kc/s are spaced 0·5 kc/s apart, the extreme frequencies assignable being 4 172·5 and 4 177·5 kc/s as shown in Appendix 15.

MOD 1182—(2) In the band 4 187 to 4 231 kc/s, the working frequencies for low traffic ships are spaced 0·5 kc/s apart, the extreme frequencies assignable being 4 187·5 and 4 229 kc/s as shown in Appendix 15.

MOD 1183—§ 34. The working frequencies assigned to each ship station in the 6, 8, 12 and 16 Mc/s bands shall be harmonically related to those assigned in the 4 Mc/s band in all cases where such a relationship is provided in Appendix 15.

MOD 1184—§ 35. In the 22 Mc/s band, which is not in harmonic relationship with the other bands, the frequencies are spaced as follows, as shown in Appendix 15:

MOD 1185—(*a*) in the high traffic band, the working frequencies are spaced 2 kc/s apart, the extreme frequencies assignable being 22 187 and 22 221 kc/s;

MOD 1186—(*b*) in the low traffic band, the working frequencies are spaced 2·5 kc/s apart, the extreme frequencies assignable being 22 270 and 22 370 kc/s.

MOD 1187—§ 36. In the 25 Mc/s band, the working frequencies are spaced 1·5 kc/s apart. The extreme frequencies assignable are 25 084 and 25 106·5 kc/s, as shown in Appendix 15.

MOD 1188—§ 37. The working frequencies assignable for ship stations using wide-band telegraphy, facsimile and special transmission systems are included within the following band limits:

4 142·5 to 4 162·5 kc/s
6 216·5 to 6 244·5 kc/s
8 288 to 8 328 kc/s
12 431·5 to 12 479·5 kc/s
16 576 to 16 636·5 kc/s
22 112 to 22 160·5 kc/s

MOD 1189—§ 38. (1) Each administration shall assign to each ship station under its jurisdiction and employing wide-band telegraphy, facsimile and special transmission systems, one or more series of the working frequencies reserved for this purpose and shown in Appendix 15. The total number of series assigned to each ship shall be determined by traffic requirements.

MOD 1191—(3) However, within the limits of the bands given in No. 1188, administrations may, to meet the needs of specific systems, assign frequencies in a different manner from that shown in Appendix 15. Nevertheless, administrations shall take into account, as far as possible, the provisions of Appendix 15 concerning channelling and 4kc/s spacing.

After Regulation No. 1191, add the following new sub-title and Regulations:

ADD—(*c*) *Working Frequencies for Oceanographic Data Stations*

ADD 1191A—§ 38A. The working frequencies assignable to ship stations for oceanographic data transmissions are included within the following band limits:

4 162·5 to 4 166 kc/s
6 244·5 to 6 248 kc/s
8 328 to 8 331·5 kc/s
12 479·5 to 12 483 kc/s
16 636·5 to 16 640 kc/s
22 160·5 to 22 164 kc/s

ADD 1191B—§ 38B. The frequency bands in No. 1191A may also be used by buoy stations for oceanographic data transmission and by stations interrogating these buoys.

ADD 1191C—§ 38C. Each administration may assign to each station under its jurisdiction of a type specified in Nos. 1191A and 1191B one or more of the assignable frequencies designated in Appendix 15.

After new Regulation No. 1191C, add the following new sub-title and Regulations:

ADD—(*d*) *Working Frequencies for Ship Stations using Narrow-Band Direct-Printing Telegraph and Data Transmission Systems*

ADD 1191D—§ 38D. Working frequencies assignable to ship stations using narrow-band direct-printing telegraph and data transmission systems are included within the following band limits:

4 166 to 4 172.25 kc/s
6 248 to 6 258.25 kc/s
8 331.5 to 8 341.75 kc/s
12 483 to 12 503.25 kc/s
16 640 to 16 660.5 kc/s
22 164 to 22 184.5 kc/s

ADD 1191E—§ 38E. When assigning frequencies listed in Appendix 15 for narrow-band direct-printing telegraph and data transmission systems, administrations shall take due account of the information entries in the Master Register resulting from the notification procedure contained in Resolution No. MAR 8.

Replace Regulation No. 1192, the preceding title and Regulation No. 1193, by the following new texts:

(MOD)—(*e*) *Working Frequencies for High Traffic Ship Stations*

MOD 1192—§ 39. The working frequencies assignable to high traffic ship stations are included within the following band limits:

4 172.25 to 4 178 kc/s
6 258.25 to 6 267 kc/s
8 341.75 to 8 356 kc/s
12 503.25 to 12 534 kc/s
16 660.5 to 16 712 kc/s
22 184.5 to 22 222.5 kc/s

MOD 1193—§ 40. (1) Each administration shall assign to each high traffic ship station under its jurisdiction two or more of the series of working frequencies shown in Appendix 15 for vessels of this class. The total number of series of frequencies assigned to each ship station should be determined by the traffic requirements.

Replace Regulation No. 1196 and the preceding title and Nos. 1197 to 1199 by the following new texts:

(MOD)—(*f*) *Working Frequencies for Low Traffic Ship Stations*

MOD 1196—§ 42. Working frequencies assigned to low traffic ship stations shall be included within the following band limits:

4 187 to 4 231 kc/s
6 280.5 to 6 345.5 kc/s
8 374 to 8 459·5 kc/s
12 561 to 12 689 kc/s
16 748 to 16 917·5 kc/s
22 267·5 to 22 374 kc/s

MOD 1197—§ 43. (1) In each of the low traffic bands, the assignable frequencies are divided into two equal Groups A and B, Group A comprising the frequencies in the lower half of the band and Group B the frequencies in the upper half (see Appendix 15).

MOD 1198—(2) Each administration shall assign to each of the low traffic ship stations under its jurisdiction two series of working frequencies, one in Group A and the other in Group B. In each band, the two working frequencies of each station are separated, as far as practicable, by half of the width of the assignable band.

MOD 1199—(3) For example, if one of the frequencies assigned to a ship station is the lowest frequency assignable in Group A, the other should be the lowest frequency assignable in Group B. If one of the frequencies assigned is the second frequency from the low frequency end of Group A, then the other frequency assigned should be the second frequency from the low frequency end of Group B, etc.

Replace Regulation No. 1202 and the preceding title by the following new texts:

(MOD)—(*g*) *Working Frequencies Available for Use by Ships of all Categories*

MOD 1202—§ 44. The working frequencies in the bands specified in No. 1191D for narrow-band direct-printing telegraph and data transmission systems, and also those in the band 25 082·5 to 25 110 kc/s, may be assigned to ships of all categories.

Replace the title preceding No. 1203 by the following:

(MOD)—(*h*) *Abbreviations for the Indication of Working Frequencies*

ANNEX 16. REVISION OF ARTICLE 33 OF THE RADIO REGULATIONS

Article 33 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

Replace Regulation No. 1216 by the following new text:

(MOD) 1216—§ 5. (1) Stations of the maritime mobile service equipped for radiotelephony may transmit and receive radiotelegrams by means of radiotelephony.

After Regulation No. 1216, add the following new Regulations:

ADD 1216A—(2) To facilitate radiocommunications the service abbreviations given in Appendix 13A may be used.

ADD 1216B—(3) When it is necessary to spell out certain expressions, difficult words, service abbreviations, figures, etc., the phonetic spelling tables in Appendix 16 shall be used.

SECTION III. CALLS, REPLY TO CALLS AND SIGNALS PREPARATORY TO TRAFFIC

Replace Regulations Nos. 1222 and 1224 by the following new texts:

MOD 1222—§ 7. (1) The call consists of:

—the call sign or other identification of the station called, not more than three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the calling station, not more than three times.

MOD 1224—(3) When the coast station is fitted with equipment for selective calling and the ship station is fitted with equipment for receiving selective calls, the coast station shall call the ship by transmitting the appropriate code signals. The ship station shall call the coast station by speech in the manner given in No. 1222. (See also Article 28A.)

After Regulation No. 1224, add the following new Regulations:

ADD 1224A—§ 7A. Calls for internal communications on board ship when in territorial waters shall consist of:

ADD 1224B—(*a*) From the master station:

—the name of the ship followed by a single letter (ALFA, BRAVO, CHARLIE, etc.) indicating the sub-station not more than three times;

—the words THIS IS;

—the name of the ship followed by the word CONTROL;

ADD 1224C—(*b*) From the sub-station:

—the name of the ship followed by the word CONTROL not more than three times;

—the word THIS IS;

—the name of the ship followed by a single letter (ALFA, BRAVO, CHARLIE, etc.) indicating the sub-station.

Replace Regulation No. 1226 by the following new text:

MOD 1226—(*a*) the carrier frequency 2 182 kc/s;

After Regulation No. 1227, add the following new Regulations:

ADD 1227A—(*c*) in Regions 1 and 3 and in Greenland, the carrier frequency 2 191·0 kc/s (assigned frequency 2 192·4 kc/s) when a carrier frequency of 2 182 kc/s is being used for distress.

Replace Regulations Nos. 1228, 1230, 1232 to 1235 by the following new texts:

MOD 1228—(2) A ship radiotelephone station calling a coast station of another nationality should, as a general rule, use the carrier frequency 2 182 kc/s or, in Regions 1 and 3 and in Greenland, the carrier frequency 2 191·0 kc/s (assigned frequency 2 192·4 kc/s) when a carrier frequency of 2 182 kc/s is being used for distress. However, where so agreed by administrations, the ship station may use a working frequency on which watch is kept by that coast station.

MOD 1230—(*a*) the carrier frequency 2 182 kc/s;

MOD 1232—(a) An aircraft station calling a coast station or a ship station may use the carrier frequency 2 182 kc/s.

MOD 1233—(5) Subject to the provisions of No. 1235A, coast stations shall, in accordance with the requirements of their own country, call ship stations of their own nationality either on a working frequency, or, when calls to individual ships are made, on the carrier frequency 2 182 kc/s.

MOD 1234—(6) However, a ship station which keeps watch simultaneously on the carrier frequency 2 182 kc/s and a working frequency should be called on the working frequency.

MOD 1235—(7) As a general rule, coast stations should call radiotelephone ship stations of another nationality on the carrier frequency 2 182 kc/s.

After Regulation No. 1235, add the following new Regulation:

ADD 1235A—(8) Coast stations may call ship stations equipped to receive selective calls in accordance with the provisions of Article 28A.

Replace Regulations Nos. 1236 and 1237 by the following texts:

MOD 1236—§ 9. (1) A ship station calling a coast station by radiotelephony shall use either one of the calling frequencies mentioned in No. 1352 or the working frequency associated with that of the coast station in accordance with Appendix 17, Sections A and B.

MOD 1237—(2) A coast station calling a ship station by radiotelephony shall use one of the calling frequencies mentioned in No. 1352A, or one of its working frequencies shown in the List of Coast Stations.

After Regulation No. 1238, add the following new Regulation:

ADD 1238A—(4) The provisions of Nos. 1236 and 1237 do not apply to communication between ship stations and coast stations using the simplex frequencies specified in Appendix 17, Section C.

Replace Regulations Nos. 1239, 1241 and 1242 by the following new texts:

MOD 1239—§ 10. (1) In the bands between 156 Mc/s and 174 Mc/s used for the maritime mobile services, coast and ship stations should, as a general rule, call on 156.80 Mc/s. However, calling may be conducted on a working channel or on a two-frequency calling channel which has been implemented in accordance with No. 1361.

MOD 1241—§ 11. The reply to calls consists of:

—the call sign or other identification of the calling station, not more than three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the station called, not more than three times.

MOD 1242—§ 12.(1) When a ship station is called on the carrier frequency 2 182 KC/s it should reply on the same carrier frequency unless another frequency is indicated by the calling station.

After Regulation No. 1242, and the following new Regulation:

ADD 1242A—(1A) When a ship station is called by selective calling it shall reply on a frequency on which the coast station keeps watch.

Replace Regulations Nos. 1244 and 1247 by the following new texts:

MOD 1244—(3) When calling a coast station or another ship station, a ship station shall indicate the frequency on which a reply is required if this frequency is not the normal one associated wtih the frequency used for the call.

MOD 1247—(*a*) on the carrier frequency 2 182 kc/s to calls made on the carrier frequency 2 182 kc/s, unless another frequency is indicated by the calling station;

After Regulation No. 1248, add the following new Regulation:

ADD 1248A—(*c*) on a working frequency to calls made in Regions 1 and 3 and in Greenland on the carrier frequency 2 191·0 kc/s (assigned frequency 2 192·4 kc/s).

Replace Regulations Nos. 1249 and 1250 by the following new texts:

MOD 1249—§ 13. (1) A ship station called by a coast station shall reply on either one of the calling frequencies mentioned in No. 1352 or on the working frequency associated with that of the coast station, in accordance with Appendix 17, Sections A and B.

MOD 1250—(2) A coast station called by a ship station shall reply on one of the calling frequencies mentioned in No. 1352A, or on one of its working frequencies shown in the List of Coast Stations.

After Regulation No. 1251, add the following new Regulation:

ADD 1251A—(4) The provisions of Nos. 1249 and 1250 do not apply to communication between ship stations and coast stations using the simplex frequencies specified in Appendix 17, Section C.

Replace Regulation No. 1254 by the following new text:

MOD 1254—§ 15. If contact is established on the carrier frequency 2 182 kc/s, coast and ship stations shall transfer to working frequencies for the exchange of traffic.

After Regulation No. 1258, added the following new Regulations:

ADD 1258A—(4) However, a brief exchange of traffic concerning the safety of navigation need not be transmitted on a working frequency when it is important that all ships within range receive the transmission.

ADD 1258B—(5) Stations hearing a transmission concerning the safety of navigation shall listen to the message until they are satisfied that the message is of no concern to them. They shall not make any transmission likely to interfere with the message.

Replace Regulation No. 1266 by the following new text:

MOD 1266—§ 20. (1) If the station called is unable to accept traffic immediately, it should reply to the call as indicated in No. 1241 followed by "Wait . . . minutes" (or AS spoken as ALFA SIERRA . . . (minutes) in case of language difficulties), indicating the probable duration of waiting time in minutes. If the probable duration exceeds ten minutes the reason for the delay shall be given. Alternatively the station called may indicate, by any appropriate means, that it is not ready to receive traffic immediately.

SECTION IV. FORWARDING (ROUTING) OF TRAFFIC

Replace Regulations Nos. 1273 and 1280 by the following new texts:

MOD 1273

—the call sign or other identification of the station called;

—the words THIS IS or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the calling station.

(MOD) 1280—(*This modification concerns the French version only*)

Deleate Regulation No. 1284.

Replace Regulations Nos. 1285, 1287 and 1269 by the following new texts:

MOD 1285—(6) In transmitting groups of figures each figure shall be spoken separately and the transmission of each group or series of groups shall be preceded by the words "in figures".

MOD 1287—§ 24. (1) The acknowledgement of receipt of a radiotelegram or a series of radiotelegrams shall be given by the receiving station in the following manner:

—the call sign or other identification of the sending station;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the receiving station;

—"Your No . . . received, over" (or R spoken as ROMEO . . . (number), K spoken as KILO in case of language difficulties); *or*

—"Your No . . . to No . . . received, over" (or R spoken as ROMEO . . . (numbers), K spoken as KILO in case of language difficulties).

MOD 1289—(3) The end of work between two stations shall be indicated by each of them by means of the word "Out" (or VA spoken as VICTOR ALFA in case of language difficulties).

SECTION V. DURATION AND CONTROL OF WORKING

Replace Regulation No. 1290 by the following new text:

MOD 1290—§ 25. (1) Calling, and signals preparatory to traffic, shall not exceed two minutes when made on the carrier frequency 2 182 kc/s or on 156·80 Mc/s, except in cases of distress, urgency or safety to which the provisions of Article 36 apply.

SECTION VI. TESTS

Replace Regulation No. 1295 by the following new text:

MOD 1295—(2) Any signals sent for testing shall be kept to a minimum, particularly:

—on the carrier frequency 2 182 kc/s;

—on the frequency 156·80 Mc/s;

—in the zone lying between the parallels 33° North and 57° South, on the carrier frequency 4 136·3 kc/s;

—in the zone of Regions 1 and 3 lying between the parallels 33° North and 57° South, on the carrier frequency 6 204 kc/s.

ANNEX 17. REVISION OF ARTICLE 34 OF THE RADIO REGULATIONS

Article 34 of the Radio Regulations shall be amended as follows:

Replace Regulations Nos. 1301 and 1302 by the following new texts:

MOD 1301—(2) Coast stations shall transmit their traffic lists on their normal working frequencies in the appropriate bands. The transmission shall be preceded by a general call to all stations.

MOD 1302—(3) The general call to all stations announcing the traffic lists may be sent on a calling frequency in the following form:

—"Hello all ships" or CQ (spoken as CHARLIE QUEBEC) not more than three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—". . . Radio" not more than three times;

—"Listen for my traffic list on . . . kc/s".

In no case may this preamble be repeated.

After Regulation No. 1308, add the following new Regulation:

ADD 1308A—(1A) However, in the maritime mobile service, when a station called does not reply, the call may be repeated at three-minute intervals.

Replace Regulation No. 1309 by the following new text:

(MOD) 1309—(2) In the case of a communication between a station of the maritime mobile service and an aircraft station, calling may be renewed after an interval of five minutes.

After Regulation No. 1311, add the following new Regulation:

ADD 1311A—(5) However, in the maritime mobile service, before renewing the call, the calling station shall ascertain that further calling is unlikely to cause interference to other communications in progress and that the station called is not in communication with another station.

Replace Regulations Nos. 1314 and 1317 by the following new texts:

MOD 1314—§ 8. (1) The land station may, by means of the abbreviation TR (spoken as TANGO ROMEO), ask the mobile station to furnish it with the following information:

MOD 1317—(2) The information referred to in Nos. 1314 to 1316, preceded by the abbreviation TR, should be furnished by mobile stations, whenever this seems appropriate, without prior request from the coast station. The provision of this information is authorized only by the master or the person responsible for the ship, aircraft or other vehicle carrying the mobile station.

Delete Regulation No. 1318.

ANNEX 18. REVISION OF ARTICLE 35 OF THE RADIO REGULATIONS

Article 35 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL PROVISIONS

After Regulation No. 1321, add the following new Regulation:

Add 1321A—§ 1A. Frequencies on which single sideband emissions are sent shall be designated by the carrier frequency. This may be followed, in brackets, by the assigned frequency.

After Regulation No. 1322, add the following new Regulation:

Add 1322A—§ 2A. Single sideband apparatus in radiotelephone stations of the maritime mobile service operating in the bands between 1 605 and 4 000 kc/s allocated to this service and in the bands allocated exclusively to this service between 4 000 and 23 000 kc/s shall satisfy the technical and operational conditions specified in Appendix 17A and Resolution No. MAR 4.

SECTION II. BANDS BETWEEN 1 605 AND 4 000 KC/S

Add the following sub-section as first sub-section of Section II:

Add

A. Mode of Operation of Stations

ADD 1322B—§ 2B. (1) Except in the cases specified in Nos. 984, 1322D and 1323, the classes of emissions to be used in the bands between 1 605 and 4 000 kc/s shall be:

(*a*) A3 or

(*b*) A3H, A3A and A3J [1].

However, unless otherwise specified in the present Regulations (see Nos. 984, 996, 1322D, 1323 and 1337):

—after 1 January 1975, class A3 emissions shall no longer be authorized for coast stations and

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[1] ADD 1322B.1 See also Resolution No. MAR 3.

—after 1 January 1982, class A3H emissions for coast stations and class A3 and A3H emissions for ship stations shall no longer be authorized.

ADD 1322C—(2) The normal mode of operation for each coast station shall be indicated in the List of Coast Stations.

ADD 1322D—(3) Transmissions in the bands 2 170–2 173.5 kc/s and 2 190.5– 2 194 kc/s with the carrier frequency 2 170.5 kc/s (assigned frequency 2 171.9 kc/s) and the carrier frequency 2 191 kc/s (assigned frequency 2 194.4 kc/s) respectively are limited to class A3A and A3J emissions and are limited to a peak envelope power of 400 watts. However, on the carrier frequency 2 170.5 kc/s and with the same power limits [2], coast stations may use classes A2H, A2A and A2J emissions for selective calling [3] and, exceptionally, in Regions 1 and 3 and in Greenland, may also use class A3H emissions for safety messages.

Replace the heading of sub-section A as well as Regulations Nos. 1323, 1325 and 1326 by the following:

(MOD)

B. Distress

MOD 1323—§ 3. (1) The frequency 2 182 kc/s [4] is the international distress frequency for radiotelephony; it shall be used for this purpose by ship, aircraft and survival craft stations and by emergency position-indicating radiobeacons using frequencies in the authorized bands between 1 605 and 4 000 kc/s when requesting assistance from the maritime services. It is used for the distress call and distress traffic, for signals of emergency position-indicating radiobeacons, for the urgency signal and urgency messages and for the safety signal. Safety messages shall be transmitted, where practicable, on a working frequency after a preliminary announcement on 2 182 kc/s. The class of emission to be used for radiotelephony on the frequency 2 182 kc/s shall be A3 or A3H (see No. 984). The class of emission to be used by emergency position-indicating radiobeacons shall be as specified in Appendix 20A, (see also 1476G).

MOD 1325—(3) Except for transmissions authorized on the carrier frequency 2 182 kc/s, all transmissions on the frequencies between 2 173·5 and 2 190·5 kc/s are forbidden.

MOD 1326—(4) Any coast station using the carrier frequency 2 182 kc/s for distress purposes shall be able to transmit the radiotelephone alarm signal described in No. 1465 (see also Nos. 1471, 1472 and 1473).

After Regulation No. 1326, add the following new Regulations:

ADD 1326A—(5) Before transmitting on the carrier frequency 2 182 kc/s, a station in the mobile service should listen on this frequency for a reasonable period to make sure that no distress traffic is being sent (see No. 1217).

ADD 1326B—(6) The provisions of No. 1326A do not apply to stations in distress.

After the new Regulation 1326B, add the following new heading and Regulation:

ADD

C. Search and Rescue

ADD 1326—§ 3A. The frequency 3 023.5 kc/s may be used for intercommunication between mobile stations engaged in co-ordinated search and rescue operations, including communication between these stations and participating land stations, in accordance with the provisions of paragraph 4 of No. 27/196 of Appendix 27 (Frequency Allotment Plan for the Aeronautical Mobile (R) Service).

The heading of sub-section B is replaced by the following:

(MOD)

D. Call and Reply

Replace Regulation No. 1329 by the following new text:

(MOD) 1329—(*b*) by coast stations to announce the transmission, on another frequency, of traffic lists (see Nos. 1301 to 1304);

After Regulation No. 1329, add the following new Regulation:

ADD 1329A—(*c*) coast stations for selective calling with classes of emission A2H, A2A and A2J until 1 April 1977 [5] (see No. 999E).

The headings of sub-sections C and D are replaced by the following:

(MOD)

E. Watch

(MOD)

F. Traffic

After Regulation No. 1336, add the following new Regulation:

ADD 1336A—(1A) Coast stations authorized to use radiotelephony on one or more frequencies other than 2 182 kc/s in the authorized bands between 1 605 and 2 850 kc/s shall be capable of transmitting on those frequencies class A3 emissions or class A3H, A3A and A3J emissions.[6] However, after 1 January 1975, class A3 emissions shall no longer be authorized, and after 1 January 1982 class A3H emissions also shall no longer be authorized, except on the frequency 2 182 kc/s (see also No. 1322D).

Replace Regulation No. 1337 by the following new text:

MOD 1337—(2) Coast stations open to the public correspondence service on one or more frequencies between 1 605 and 2 850 kc/s shall also be capable of transmitting class A3H [7] emissions with a carrier frequency of 2 182 kc/s, and of receiving class A3 and A3H emissions with a carrier frequency of 2 182 kc/s.

The heading of sub-section E as well as Regulations Nos. 1341, 1342, 1344 and 1345 are replaced by the following:

(MOD)—

G. Additional Provisions Applying to Region 1

MOD 1341—(2) The peak envelope power of mobile radiotelephone stations operating in the authorized bands between 1 605 and 2 850 kc/s shall not exceed 400 watts.

MOD 1342—(3) The peak envelope power of coast radiotelephone stations operating in the authorized bands between 1 605 and 3 800 kc/s shall not exceed:

—8 kilowatts for coast stations located north of latitude 32° N;

—14 kilowatts for coast stations located south of latitude 32° N.

MOD 1344—(*a*) the following ship-shore working frequencies, if required by their service:

—carrier frequency 2 046 kc/s (assigned frequency 2 047.4 kc/s) and carrier frequency 2 049 kc/s (assigned frequency 2 050.4 kc/s) for class A3A and A3J emissions;

—carrier frequency 2 049 kc/s also for class A3 and A3H emissions until 1 January 1982.

MOD 1345—(*b*) the following intership frequencies, if required by their service:

—carrier frequency 2 053 kc/s (assigned frequency 2 054.4 kc/s) and carrier frequency 2 056 kc/s (assigned frequency 2 057.4 kc/s) for class A3A and A3J emissions;

—carrier frequency 2 056 kc/s also for class A3 and A3H emissions until 1 January 1982.

These frequencies may be used as additional ship-shore frequencies.

Delete Regulation No. 1347.

Replace Regulation No. 1348 by the following new text:

(MOD) 1348—§ 11. (1) Ships frequently exchanging correspondence with a coast station of a nationality other than their own may use the same frequencies as ships of the nationality of the coast station where mutually agreed by the administrations concerned.

After Regulation No. 1348, add the following new Regulation:

ADD 1348A—(2) In exceptional circumstances, if frequency usage according to Nos. 1343 to 1345 or No. 1348 is not possible, a ship station may use one of its own assigned national ship-to-shore frequencies for communication with a coast station of another nationality, under the express condition that the coast station as well as the ship station take precautions (see No. 1217) to ensure that the use of such a frequency will not cause harmful interference to the service for which the frequency in question is authorized.

The headings of sub-sections F and G as well as Regulations Nos. 1350 and 1351 are replaced by the following:

(MOD) *H. Additional Provisions Applying to Regions 1 and 3*

MOD 1350—(2) During the periods mentioned above, except for the transmissions provided for in Article 36, transmission shall cease within the band 2 173.5–2 190.5 kc/s.

I. Additional Provisions Applying to Regions 2 and 3

MOD 1351—§ 13. All stations on ships making international voyages should, if required by their service, be able to use the intership carrier frequencies:

2635 kc/s (assigned frequency 2 636·4 kc/s)
2638 kc/s (assigned frequency 2 639·4 kc/s)

The conditions of use of these frequencies are specified in No. 445.

SECTION III. BANDS BETWEEN 4 000 AND 23 000 KC/S

Add the following new sub-section as first sub-section of Section III:

ADD

A. Mode of Operation of Stations

ADD 1351A—§ 13A. (1) The classes of emission to be used for radiotelephony in the maritime mobile service bands between 4 000 and 23 000 kc/s are:

(*a*) class A3 [8], or
(*b*) class A3H,[9] A3A and A3J.[10]

However, unless otherwise specified in these Regulations (see No. 1353A):

—after 1 January 1972, class A3 emissions shall no longer be authorized for coast stations, and

—after 1 January 1978, class A3H emissions for coast stations and class A3 and A3H emissions for ship stations shall no longer be authorized.

ADD 1351B—(2) The normal mode of operation of each coast station is indicated in the List of Coast Stations.

The heading of sub-section A as well as Regulation No. 1352 are replaced by the following:

B. Call, Reply and Safety

(MOD)—

MOD 1352—§ 14.(1) Ship stations may use

---

[2] ADD 1322D.1 The application of this power limit to selective calling systems, as well as the transfer of selective calling systems from 2 182 to 2 170.5 kc/s on 1 April 1977 (see 999E), may be reconsidered, in the light of experience, by the next competent World Administrative Radio Conference.

[3] ADD 1322D. See also No. 1329A.

[4] ADD 1323.1 Whatever the class of emission used, the frequency 2 182 kc/s always designates the carrier frequency of the emission.

[5] ADD 1329A.1 Class of emission A2 permitted until 1 January 1975.

[6] ADD 1336A.1 See also Resolution No. MAR 3.

[7] ADD 1337.1 Coast stations are authorized to transmit class A3 emissions in lieu of class A3H emissions until 1 January 1975.

[8] ADD 1351A.1 For the use of class A3B emissions, see Resolution No. MAR 13.

[9] ADD 1351A.2 The conditions of use of class A3H emissions are specified in Appendix 17 and in Resolution No. MAR 6.

[10] ADD 1351A.3 See also Resolution No. MAR 3.

the following carrier frequencies for calling in radiotelephony:

4136.3 kc/s [11]
6204.0 kc/s
8268.4 kc/s
12403.5 kc/s
16533.5 kc/s
22073.5 kc/s

After Regulation No. 1352, add the following new Regulations:

ADD 1352A—(2) Coast stations may use the following carrier frequencies for calling in radiotelephony [12]:

4434.9 kc/s [13]
6518.6 kc/s [13]
8802.4 kc/s
13182.5 kc/s
17328.5 kc/s
22699.0 kc/s

ADD 1352B—§ 15. (1) In the zone lying between the parallels 33° North and 57° South, the carrier frequency 4 136·3 kc/s is designated for call, reply and safety purposes. It may also be used for messages preceded by the urgency or safety signals and, if necessary, for distress messages.

Replace Regulation No. 1353, by the following new text:

MOD 1353—(2) In the zone of Regions 1 and 3 lying between the parallels 33° North and 57° South, the carrier frequency 6 204 kc/s is designated for call, reply and safety purposes. It may also be used for messages preceded by the urgency or safety signals and, if necessary, for distress messages.

After Regulation 1353, and the following new Regulation:

ADD 1353A—(3) Stations using the frequencies 4 136·3 kc/s and 6 204 kc/s in the conditions specified in Nos. 1352B and 1353 may continue to use class A3H emissions beyond 1 January 1978.

After new Regulation No. 1353A, add the following new sub-section:

ADD

C. Search and Rescue

ADD 1353B—§ 15A. The frequency 5 680 kc/s may be used for intercommunication between mobile stations engaged in co-ordinated search and rescue operations, including communication between these stations and participating land stations, in accordance with No. 27/201, paragraph 4 of Appendix 27 (Frequency Allotment Plan for the Aeronautical Mobile (R) Service).

Replace the heading of sub-section B and Regulation No. 1354 by the following new texts:

(MOD)

D. Watch

MOD 1354—§ 16. The hours of service of coast stations open to public correspondence and the frequency or frequencies on which watch is maintained shall be indicated in the List of Coast Stations.

Replace the heading of sub-section C and Regulations Nos. 1355 to 1358 by the following new texts:

(MOD)

E. Traffic

MOD 1355—§ 17.(1) For the conduct of duplex telephony, the transmitting frequencies of the coast stations and of the corresponding ship stations shall be associated in pairs, as far as possible, as indicated in Appendix 17, Sections A and B.

MOD 1356—(2) The frequencies to be used for the conduct of simplex radiotelephony are shown in Appendix 17, Section C. In these cases, the peak envelope power of the coast station transmitter shall not exceed 1 kW.

MOD 1357—(3) The frequencies indicated in Appendix 17, Sections A, B and C, for ship station transmissions may be used by ships of any category according to traffic requirements.

MOD 1358—(4) The technical characteristics of transmitters used for radio-telephony in the maritime mobile service in the bands between 4 000 and 23 000 kc/s are specified in Appendix 17A.

SECTION IV. BANDS BETWEEN 156 AND 174 MC/S

After Regulation No. 1359, add the following new Regulation:

ADD 1359A—(1A) The frequency 156.80 Mc/s may be used by coast stations for selective calls to ships.

Replace Regulation No. 1363 by the following new text:

(MOD) 1363—(5) All emissions in the band 156.725–156.875 Mc/s [14] capable of causing harmful interference to the authorized transmissions of stations of the maritime mobile service on 156.80 Mc/s are forbidden.

After Regulation No. 1367, add the following new Regulation:

ADD 1367A—(5) However, ship stations, when in communication with a port station may, on an exceptional basis and subject to the agreement of the administration concerned, continue to maintain watch, on the appropriate port operations frequency only, provided that watch on 156.8 Mc/s is being maintained by the port station.

Replace Regulations Nos. 1370, 1371 and 1373 by the following new texts:

MOD 1370—(2) The method of working (single-frequency or two-frequency) specified in Appendix 18 for each channel should be used in the international services (see Resolution No. MAR 14).

MOD 1371—§ 22. Communications on port operations channels shall be restricted to those relating to operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Public correspondence messages are excluded.

MOD 1373—(2) In the band 156 to 174 Mc/s, administrations shall, where practicable, assign frequencies to coast and ship stations in accordance with the Table of Transmitting Frequencies given in Appendix 18 for such international services as administrations consider necessary (see Resolution No. MAR 14).

After Regulation No. 1373, add the following new Regulations:

ADD 1373A—(3) The normal sequence in which channels should be put into use by stations of the maritime mobile service in the band 156–174 Mc/s is indicated by the figures in the relevant columns of Appendix 18.

ADD 1373B—(4) Administrations should, as far as possible, arrange that ship stations fitted with the channels corresponding to the figures in a circle in Appendix 18 can obtain a reasonably adequate use of available services.

ADD 1373C—(5) During ice seasons, ship stations shall avoid harmful interference to communications on 156·300 Mc/s (Channel 06 of Appendix 18) between icebreakers and assisted ships.

Replace Regulations Nos. 1374, 1375 and 1377 by the following new texts:

(MOD) 1374—(6) In assigning frequencies to their coast stations, administrations should collaborate in cases where harmful interference might occur.

MOD 1375—(7) Channels are designated by numbers in the Table of Transmitting Frequencies given in Appendix 18 (see Resolution No. MAR 14).

MOD 1377—(2) The use of channels for maritime mobile purposes other than those indicated in the Table of Transmitting Frequencies given in Appendix 18 shall not cause harmful interference to services which operate in accordance with that Table and shall not prejudice the future development of such services (see Resolution No. MAR 14).

Delete Regulation No. 1378.

Replace Regulation No. 1379 by the following new text:

MOD 1379—§ 25. The carrier power of ship station transmitters shall not exceed 25 watts for equipment brought into service after 1 January, 1970.

ANNEX 19. REVISION OF ARTICLE 36 OF THE RADIO REGULATIONS

Article 36 of the Radio Regulations shall be amended as follows:

SECTION I. GENERAL

After Regulation No. 1386, add the following new Regulation:

ADD 1386A—§ 4A. The abbreviations and signals of Appendix 13A and the Phonetic Alphabet and Figure Code in Appendix 16 should be used where applicable and, where language difficulties exist, the use of the International Code of Signals also is recommended.

After Regulation No. 1388, add the following new Regulation:

ADD 1388A—§ 5A. Information concerning the characteristics of the emergency position-indicating radiobeacon signals is given in Nos. 1476B, 1476C and 1476D.

SECTION III. DISTRESS CALL AND MESSAGE

Replace Regulation No. 1393 by the following new text:

MOD 1393—(2) The distress call sent by radiotelephony consists of:

—the distress signal MAYDAY, spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the mobile station in distress, spoken three times.

SECTION IV. DISTRESS CALL AND MESSAGE TRANSMISSION PROCEDURE

Replace Regulation No. 1408 by the following new text:

MOD 1408—(2) However, when time is vital, the second step of this procedure (No. 1403) or even the first and second steps (Nos. 1402 and 1403), may be omitted or shortened. These two steps of the distress procedure may also be omitted in circumstances where transmission of the alarm signal is considered unnecessary.

SECTION V. ACKNOWLEDGEMENT OF RECEIPT OF A DISTRESS MESSAGE

Replace Regulation No. 1426 by the following new text:

MOD 1426—(2) However, in areas where reliable communications with one or more coast stations are practicable, ship stations should defer this acknowledgement for a short interval so that a coast station may acknowledge receipt.

After Regulation No. 1427, add the following new Regulation:

ADD 1427A—(4) However, stations in the maritime mobile service which receive a distress message from a moble station which, beyond any possible doubt, is a long distance away need not acknowledge receipt of messages except as specified in No. 1455.

Replace Regulations Nos. 1430 to 1432 by the following new texts:

MOD 1430—(*b*) Radiotelephony:

—the call sign or other identification of the station sending the distress message, spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

---

[11] ADD 1352.1 In Region 2, the frequency 4136.3 kc/s is also authorized for common use by coast and ship stations for single sideband radiotelephony on a simplex basis, provided the peak envelope power of such stations does not exceed 1 kW (see also No. 1352A.2).

[12] ADD 1352A.1 These frequencies may also be used for selective calling purposes by coast radiotelegraph stations (see Nos. 1147 and 1224).

[13] ADD 1352.2 In Region 2, the frequencies 4434.9 and 6518.6kc/s are also authorized for common use by coast and ship stations for single sideband radiotelephony on a simplex basis, provided the peak envelope power of such stations does not exceed 1 kW. The use of 6518.6 kc/s for this purpose should be limited to daytime use (see also No. 1352.1).

[14] ADD 1363.1. After 1 January 1983 this band is reduced to 156.7625–156.8375 Mc/s (see Resolution No. MAR 14).

—the call sign or other identification of the station acknowledging receipt, spoken three times;

—the word RECEIVED (or RRR spoken as ROMEO ROMEO ROMEO in case of language difficulties);

—the distress signal.

MOD 1431—§ 23. (1) Every mobile station which acknowledges receipt of a distress message shall, on the order of the master or person responsible for the ship, aircraft or other vehicle, transmit, as soon as possible, the following information in the order shown:

—its name;

—its position in the form prescribed in Nos. 1397, 1399 and 1400;

—the speed at which it is proceeding towards, and the approximate time it will take to reach, the mobile station in distress;

—additionally, if the position of the ship in distress appears doubtful, ship stations should also transmit, when available, the true bearing of the ship in distress preceded by the abbréviation QTE (for classification of bearings, see Appendix 23).

MOD 1432—(2) Before transmitting the message specified in No. 1431, the station shall ensure that it will not interfere with the emissions of other stations better situated to render immediate assistance to the station in distress.

SECTION VI. DISTRESS TRAFFIC

Replace Regulations Nos. 1436, 1449, and 1451 by the following new texts:

MOD 1436—§ 27. The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" (CQ) or to one station only, according to circumstances. In either case, it shall use:

MOD 1449—§ 34. (1) When distress traffic has ceased, or when silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic shall transmit on that frequency a message addressed "to all stations" (CQ) indicating that normal working may be resumed.

MOD 1451—(3) In radiotelephony, this message consists of:

—the distress signal MAYDAY;

—the call "Hello all stations" or CQ (spoken as CHARLIE QUEBEC) spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the station sending the message;

—the time of handing in of the message;

—the name and call sign of the mobile station which was in distress;

—the words SEELONCE FEENEE pronounced as the French words "silence fini".

After Regulation No. 1451, add the following new Regulation:

ADD 1451A—§ 34A. When a station in distress has delegated control of distress working to another station, the person in charge of the station in distress should, when he considers silence no longer justified, immediately inform the controlling station, which will act in accordance with the provisions of No. 1449.

SECTION VII. TRANSMISSION OF A DISTRESS MESSAGE BY A STATION NOT ITSELF IN DISTRESS

Replace Regulation No. 1460 by the following new text:

MOD 1460—(*b*) Radiotelephony:

—the signal MAYDAY RELAY pronounced as the French expression "m'aider relais", spoken three times;

—the words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

—the call sign or other identification of the transmitting station, spoken three times.

After Regulation No. 1462, add the following new Regulation:

ADD 1462A—§ 38A. A ship station should not acknowledge receipt of a distress message transmitted by a coast station under the conditions mentioned in Nos. 1452 to 1455 until the master or person responsible has confirmed that the ship station concerned is in a position to render assistance.

SECTION VIII. RADIOTELEGRAPH AND RADIOTELEPHONE ALARM SIGNALS

After Regulation No. 1466, add the following new Regulation:

ADD 1466A—(3) The use of the radiotelephone alarm signal (see No. 1465) by emergency position-indicating radiobeacons is indicated in Article 36, Section VIIIA.

Replace Regulation No. 1472 by the following new text:

MOD 1472—(*b*) the transmission of an urgent cyclone warning, which should be preceded by the safety signal (see Nos. 1488 and 1489). In this case they may only be used by coast stations duly authorized by their government; or

After Regulation No. 1473, add the following new Regulation:

ADD 1473A—(2) The radiotelephone alarm signal may be used by emergency position-indicating radiobeacons of Type H (see No. 1476C).

Replace Regulation No. 1474 by the following new text:

MOD 1474—(3) In the cases referred to in Nos. 1472 and 1473, an interval of two minutes should, if possible, separate the end of the radiotelegraph alarm signal and the beginning of the warning or the message.

Add the following new section after Section VIII:

ADD

SECTION VIIIA. EMERGENCY POSITION-INDICATING RADIOBEACON SIGNALS

ADD 1476A—§ 44A.(1) The emergency position-indicating radiobeacon signal consists of:

ADD 1476B—(*a*) for medium frequencies, i.e. 2 182 kc/s[1]

(1) a keyed emission modulated by a tone of 1 300 cycles per second, and having a ratio of the period of the emission to the period of silence equal to or greater than one, and an emission duration between one and five seconds;

or

ADD 1476C—(2) the radiotelephone alarm signal (see No. 1465) followed by the Morse letter B and/or the call sign of the ship to which the radio-beacon belongs transmitted by keying a carrier modulated by a tone of either 1 300 or 2200 cycles per second;

ADD 1476D—(*b*) for very high frequencies, i.e. 121·5 Mc/s and 243 Mc/s, the signal characteristics shall be in accordance with those recommended by the Organizations mentioned in Resolution No. MAR 7.

ADD 1476E—(2) Only the signal specified in No. 1476B shall be used by low power radiobeacons (Type L) and it shall be transmitted continuous.

ADD 1476F—(3) High power radiobeacons (Type H) may transmit either of the signals specified in Nos. 1476B or 1476C with a keying cycle which consists of the keying signal for between thirty and fifty seconds followed by a period of silence of between thirty and sixty seconds.

ADD 1476G—(4) However, the keying cycles in Nos. 1476E and 1476F may be interrupted for speech transmission if administrations so desire.

ADD 1476H—(5) The essential purpose of the emergency position-indicating radiobeacon signals is to facilitate determining the position of survivors in search and rescue operations.

ADD 1476I—(6) These signals shall indicate that one or more persons are in distress, may no longer be on board a ship or an aircraft, and that receiving facilities may not be available.

ADD 1476J—(7) Any mobile service station receiving one of these signals, while no distress or urgent traffic is being passed, shall consider that the provisions of Nos. 1452 and 1453 are applicable.

ADD 1476K—(8) Equipment designed to transmit emergency position-indicating radiobeacon signals on the carrier frequency 2 182 kc/s shall meet the requirements specified in Appendix 20A.

ADD 1476L—(9) Equipment designed to transmit emergency position-indicating radiobeacon signals on very high frequencies shall be in agreement with the recommendations and standards recommended by the Organizations mentioned in Resolution No. MAR 7.

SECTION IX. URGENCY SIGNAL

Replace Regulation No. 1482 by the following new text:

(MOD) 1482—(2) The urgency signal and the message following it shall be sent on one of the international distress frequencies (500 kc/s or 2 182 kc/s) or on one of the frequencies which may be used in case of distress.

After Regulation No. 1482, add the following new Regulation:

ADD 1482A—(2A) However, in the maritime mobile service, in areas of heavy traffic or in the case of a long message or a medical call, the message should be transmitted on a working frequency. An indication to this effect should be given at the end of the call.

After Regulation No. 1483, add the following new Regulation:

ADD 1483A—(4) In the maritime mobile service, urgency messages may be addressed either to all stations or to a particular station.

Replace Regulation No. 1485 by the following new text:

MOD 1485—§ 49. (1) Mobile stations which hear the urgency signal shall continue to listen for at least three minutes. At the end of this period, if no urgency message has been heard, a land station should, if possible, be notified of the receipt of the urgency signal. Thereafter, normal working may be resumed.

SECTION X. SAFETY SIGNAL

Replace Regulations Nos. 1491 and 1492 by the following new texts:

(MOD) 1491—(2) The safety signal and call shall be sent on the distress frequency or one of the frequencies which may be used in case of distress.

MOD 1492—(3) Wherever possible, the safety message which follows the call should be sent on a working frequency, particularly in areas of heavy traffic. A suitable announcement to this effect shall be made at the end of the call.

After Regulation No. 1492, add the following new Regulation:

ADD 1492A—(4) In the maritime mobile service, safety messages shall generally be addressed to all stations. In some cases, however, they may be addressed to a particular station.

ANNEX 20.—REVISION OF ARTICLE 40 OF THE RADIO REGULATIONS

Article 40 of the Radio Regulations shall be amended as follows:

SECTION III. ESTABLISHMENT OF ACCOUNTS FOR RADIOTELEPHONE CALLS

Replace Regulation No. 1530 by the following:

(MOD) 1530—(*This modification concerns the French and Spanish versions only*)

ANNEX 21.—REVISION OF APPENDIX 3 TO THE RADIO REGULATIONS

Appendix 3 to the Radio Regulations shall be amended as follows:

---

[1] ADD 1476B.1—In Japan, there are emergency position-indicating radiobeacons which transmit the distress signal and identification on frequencies between 2 089·5 kc/s and 2 092·5 kc/s using class A1 emissions.

APPENDIX 3

Table of frequency tolerances [1] *(see article 12)*

	Frequency bands (lower limit exclusive, upper limit inclusive) and categories of stations	Tolerances applicable until Jan. 1, 1966,[1] to transmitters in use and to those to be installed before Jan. 1, 1964	Tolerances applicable to new transmitters installed after Jan. 1, 1964, and to all transmitters after Jan. 1, 1966 [1]
	Band: 1,605 to 4,000 kc/s:		
MOD	2. *Land stations:*		
	—power 200 W or less	100	100(*h*)
	—power above 200 W	50	50(*h*)
	3. *Mobile stations:*		
MOD	(a) Ship stations	200	200(*i*)
	(b)		
ADD	(b A) Emergency position-indicating radiobeacons		300
	Band: 4 to 29.7 Mc/s:		
	2. *Land stations:*		
MOD	(a) Coast stations:		
	—power 500 W or less	50	50(*h*)(*l*)
	—power above 500 W and less than or equal to 5 kW	*50	*30(*h*)(*l*)
	—power above 5 kW	50	15(*h*)(*l*)
	3. *Mobile stations:*		
MOD	(a) Ship stations:		
	(1) Class A1 emissions:		
	—low traffic ships	200	200(*j*)
	—high traffic ships	—	50(*j*)(*m*)
	(2) Emissions other than class A1:		
	—power 50 W or less	50(*c*)	50(*c*)(*i*)(*k*)
	—power above 50 W	50	50(*i*)(*k*)
	Band: 100 to 470 Mc/s:		
MOD	2. *Land stations:*		
	(a) Coast stations	100	20(*n*)
	3. *Mobile stations:*		
MOD	(a) Ship stations and survival craft stations in the band 156 to 174 Mc/s	100	20(*n*)

*Jan. 1, 1970, in the case of all tolerances marked with an asterisk.

[1] Certain services may need tighter tolerances for technical and operational reasons.

NOTES REFERRING TO TABLE OF FREQUENCY TOLERANCES

ADD (*h*) For coast station single sideband radiotelephone transmitters the tolerance is 20 c/s.

ADD (*i*) For ship station single sideband radiotelephone transmitters the tolerance is 100 c/s (see also appendix 17A).

ADD (*j*) A frequency tolerance of 50 parts in 10^6 shall be applicable, in the case of assignments made after April 1, 1969, to ship stations using the lowest or highest series of:
(1) calling frequencies;
(2) working frequencies for low traffic and high traffic ships (see Appendix 15).

ADD (*k*) For ship station transmitters used for direct-printing telegraphy or for data transmissions, the tolerance is 100 c/s (with a maximum deviation of 40 c/s for short periods of the order of 15 minutes).

ADD (*l*) For coast station transmitters used for direct-printing telegraphy and for data transmissions the tolerance is 40 c/s.

ADD (*m*) Applicable to new transmitters installed after Apr. 1, 1969. Ship station transmitters installed before this date may continue to have a tolerance of 200 parts in 10^6 until Jan. 1, 1973, from which date all high traffic ship station transmitters shall have a tolerance of 50 parts in 10^6.

ADD (*n*) For coast and ship station transmitters put into service after Jan. 1, 1973, a tolerance of 10 parts in 10^6 shall apply. This tolerance is applicable to all transmitters, including survival craft stations, after Jan. 1, 1983.

ANNEX 22. REVISION OF APPENDIX 9 TO THE RADIO REGULATIONS

Appendix 9 to the Radio Regulations shall be amended as follows:

APPENDIX 9. SERVICE DOCUMENTS

(See Articles 8, 9, 10 and 20)

* * * * *

List IV. List of coast stations

* * * * *

Part B. Particulars of Coast Stations

* * * * *

MOD
(*Column 2*)

. . .	Call sign [8]	. . .
. . .	2 3	. . .

. . . .

ADD

[8] The call sign of the station shall be followed, where appropriate, by the identification number or signal, in brackets, that the station uses when sending selective calling signals.

List V. List of ship stations

MOD

Particulars of ship stations

The information concerning these stations shall be published as shown below:

Name of ship	Call sign	Country	Auxiliary installations	Class of ship	Nature of service	Hours of service	Telegraph transmission frequency bands	Telephone transmission frequency bands	Ship charge per word for radiotelegrams	Ship charge for a radiotelephone call of three minutes	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Column 1: The stations shall be arranged in alphabetical order of the names of the ships, irrespective of nationality. In the case of duplication of names, the name of the ship shall be followed by the call sign (separated from the name by a fraction bar).

Column 2: Call sign. This column also contains the selective call number or signal, where appropriate.

Column 3: Country having jurisdiction over the station (indicated by the appropriate symbol).

Column 4: Auxiliary installations, including information concerning:
(*a*) number of lifeboats fitted with radio apparatus, and
(*b*) types and number of emergency position-indicating radiobeacons (optional), the operating frequency being indicated by one of the following letters:

A= 2182 kc/s
B= 121.5 Mc/s
C= 243 Mc/s

A figure following the letter indicates the number of radiobeacons. The letter "X" signifies that the number of radiobeacons has not been communicated.

Columns 5 to 7: In the form of service symbols (see Appendix 10). In addition, the list of the symbols used in column 5 to designate the class of ship is given in the Preface to the List.

Columns 8 and 9: Indication of the frequency bands and class of emission by means of the following symbols:

Radiotelegraphy

W= 110- 150 kc/s
X= 405- 535 kc/s
Y= 1 605- 3 800 kc/s
Z= 4 000-25 110 kc/s

Radiotelephony

T= 1 605- 4 000 kc/s
U= 4 000-23 000 kc/s
V= 156- 174 Mc/s

These symbols should, if necessary, be followed by references to brief notes and indications of the frequencies for which the transmitters are adjusted, which shall appear at the end of the List.

Column 10: Basic ship charge per word for radiotelegrams. [1]

Column 11: Minimum charge for a radiotelephone call of three minutes. [1] The information in columns 10 and 11 shall be followed by a note reference to indicate the administration or private enterprise to which the accounts should be sent. In case of a change of address of the operating authority, a second note reference after the charge should give the new address and the date from which the change will take effect.

Column 12: When two or more ship stations of the same nationality bear the same name, or if the accounts for charges should be sent direct to the owner of the ship, the name of the shipping line or the firm to which the ship belongs shall be given in this column.

In addition, if there is no room in the appropriate column, further information relating to columns 1 to 11 may be given in column 12 by means of a note reference. This column may comprise several lines.

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[1] These charges are fixed or approved by each administration.

ANNEX 23. REVISISON OF APPENDIX 10 TO THE RADIO REGULATIONS

Appendix 10 to the Radio Regulations shall be amended as follows:

APPENDIX 10. SERVICE DOCUMENT SYMBOLS

(See Article 20 and Appendix 9)

Delete symbols ⚹ and ⊖

Replace the symbol [ ], ▼, Ca, H8 and Pa by the following:

MOD [ ]—A ship which carries lifeboats fitted with radio apparatus; a number inside the square brackets shows the number of such lifeboats ("S")[1]

MOD △—High traffic ship ("HS")[1]

MOD CA—Cargo ship

MOD H8—8-hour service provided by a ship station of the third category

MOD PA—Passenger ship

Add, in alphabetical order, the following new symbols:

ADD GS—Station on board a warship or a military or naval aircraft

ADD OD—Oceanographic data station

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[1] **MOD—The symbol shown in parenthesis may be used in notifications and service documents.**

ADD OE—Oceanographic data interrogating station

ANNEX 24. REVISION OF APPENDIX 11 TO THE RADIO REGULATIONS

Appendix 11 to the Radio Regulations shall be amended as follows:

APPENDIX 11. DOCUMENTS WITH WHICH SHIP AND AIRCRAFT STATIONS SHALL BE PROVIDED

(See Articles 18, 20, 21, 23, 28, and Appendix 9)

Section. I. Ship stations for which a radiotelegraph installation is required by international agreement

Replace Nos. 6 and 8 by the following new texts:

MOD 6. List of Ship Stations (the carriage of the supplement is optional);

MOD 8. Manual for Use by the Maritime Mobile Service;

Section III. Ship stations for which a radiotelephone installation is required by international agreement

Replace No. 5 by the following next text:

MOD 5. the provisions of the Radio Regulations and Additional Radio Regulations applicable to the maritime mobile radiotelephone service, or the Manual for Use by the Maritime Mobile Service.

ANNEX 25. REVISION OF APPENDIX 12 TO THE RADIO REGULATIONS

The title of Appendix 12 to the Radio Regulations shall be amended as follows:

MOD

Hours of Service for Ship Stations of the Second and Third Categories

(See Articles 20 and 25)

ANNEX 26. REVISION OF APPENDIX 13 TO THE RADIO REGULATIONS

The title of Appendix 13 to the Radio Regulations shall be amended as follows:

MOD

Miscellaneous Abbreviations and Signals to be used in Radiotelegraphy Communications except in the Maritime Mobile Service

(See Article 29)

ANNEX 27. ADDITION OF A NEW APPENDIX (APPENDIX 13A) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 13:

ADD

APPENDIX 13A. MISCELLANEOUS ABBREVIATIONS AND SIGNALS TO BE USED FOR RADIOCOMMUNICATIONS IN THE MARITIME MOBILE SERVICE

(See Articles 29, 33 and 36.)

Section I. Q Code

Introduction

1. The series of groups listed in this Appendix range from QOA to QVZ.

2. The QOA to QQZ series are reserved for the maritime mobile service.

3. Certain Q code abbreviations may be given an affirmative or negative sense by sending, immediately following the abbreviation, the letter C or the letters NO (in radiotelephony spoken as: CHARLIE or NO).

4. The meanings assigned to Q code abbreviations may be amplified or completed by the appropriation addition of other groups, call signs, place names, figures, numbers, etc. It is optional to fill in the blanks shown in parentheses. Any data which is filled in where blanks appear shall be sent in the same order as shown in the text of the following tables.

5. Q code abbreviations are given the form of a question when followed by a question mark in radiotelephony and RQ (ROMEO QUEBEC) in radiotelephony. When an abbreviation is used as a question and is followed by additional or complementary information, the question mark (or RQ) should follow this information.

6. Q code abbreviations with numbered alternative significations shall be followed by the appropriate figure to indicate the exact meaning intended. This figure shall be sent immediately following the abbreviation.

7. All times shall be given in Greenwich Mean Time (G.M.T.) unless otherwise indicated in the question or reply.

8. An asterisk * following a Q code abbreviation means that this signal has a meaning similar to a signal appearing in the International Code of Signals.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE

A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER

Abbreviation	Question	Answer or advice
QOA	Can you communicate by radiotelegraphy (500 kc/s)?	I can communicate by radiotelegraphy (500 kc/s).
QOB	Can you communicate by radiotelephony (2 182 kc/s)?	I can communicate by radiotelephony (2 182 kc/s).
QOC	Can you communicate by radiotelephony (channel 16-frequency 156·80 Mc/s)?	I can communicate by radiotelephony (channel 16-frequency 156·80 Mc/s).
QOD	Can you communicate with me in . . . 0. Dutch 5. Italian 1. English 6. Japanese 2. French 7. Norwegian 3. German 8. Russian 4. Greek 9. Spanish?	I can communicate with you in . . . 0. Dutch 5. Italian 1. English 6. Japanese 2. French 7. Norwegian 3. German 8. Russian 4. Greek 9. Spanish.
QOE	Have you received the safety signal sent by . . . (*name and/or call sign*)?	I have received the safety signal sent by . . . (*name and/or call sign*).
QOF	What is the commercial quality of my signals?,	The quality lf your signals is . . . 1. not commercial 2. marginally commercial 3. commercial.
QOG	How many tapes have you to send?..	I have . . . tapes to send.
QOH	Shall I send a phasing signal for . . . seconds?	Send a phasing signal for . . . seconds.
QOI	Shall I send my tape?	Send your tape.
QOJ	Will you listen on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons?	I am listening on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons.
QOK	Have you received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s)?	I have received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s).
QRA	What is the name of your vessel (*or* station)?	The name of my vessel (*or* station) is . . .
QRB	How far approximately are you from my station?	The approximate distance between our stations is . . . nautical miles (*or* kilometres).
QRC	By what private enterprise (*or* State Administration) are the accounts for charges for your station settled?	The accounts for charges of any station are settled by the private enterprise . . . (*or* State Administration).
QRD	Where are you bound for and where are you from?	I am bound for . . . from . . .
QRE	What is your estimated time of arrival at . . . (*or* over . . .) (*place*)?	My estimated time of arrival at . . ; (*or* over . . .) (*place*) is . . . hours.
QRF	Are you returning to . . . (*place*)?	I am returning to . . . (*place*). *or* Return to . . . (*place*).
QRG	Will you tell me my exact frequency (*or* that of . . .)?	Your exact frequency (*or* that of . . .) is . . . kc/s (*or* Mc/s).
QRH	Does my frequency vary?	Your frequency varies.
QRI	How is the tone of my transmission?	The tone of your transmission is . . . 1. good 2. variable 3. bad.
QRJ	How many radiotelephone calls have you to book?	I have . . . radiotelephone calls to book.
QRK	What s the intelligibility of my signals (*or* those of . . . (*name and/or call sign*))?	The intelligibility of your signals (*or* those of . . . (*name and/or call sign*)) is . . . 1. bad. 2. poor 3. fair 4. good 5. excellent.
QRL	Are you busy?	I am busy (*or* I am busy with . ; (*name and/or call sign*)). Please do not interfere.
QRM	Is my transmission being interfered with?	Your transmission is being interfered with . . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely.
QRN	Are you troubled by static?	I am troubled by static . . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely
QRO	Shall I increase transmitter power?	Increase transmitter power.
QRP	Shall I decrease transmitter power?	Decrease transmitter power.
QRQ	Shall I send faster?	Send faster (. . . words per minute):
QRR	Are you ready for automatic operation?	I am ready for automatic operation. Send at . . . words per minute.
QRS	Shall I send more slowly?	Send more slowly (... words per minute).
QRT	Shall I stop sending?	Stop sending.
QRU	Have you anything for me?	I have nothing for you.
QRV	Are you ready?	I am ready.
QRW	Shall I inform... that you are calling him on...kc/s (*or* Mc/s)?	Please inform... that I am calling him on...kc/s (*or* Mc/s).
QRX	When will you call me again?	I will call you again at... hours (on ...kc/s (*or* Mc/s)).
QRY	What is my turn? (*Relates to communication*)	Your turn is Number... (*or according to any other indication*). (*Relates to communication*).
QRZ	Who is calling me?	You are being called by . . . (on . . . kc/s (*or* Mc/s)).
QSA	What is the strength of my signals (*or* those of . . . (*name and/or call* sign))?	The strength of your signals (*or* those of . . . (*name and/or call sign*)) is . . . 1. scarcely perceptible 2. weak 3. fairly good 4. good 5. very good
QSB	Are my signals fading?	Your signals are fading.
QSC	Are you a low traffic ship station? (*see Article 32, Section V*).	I am a low traffic ship station.
QSD	Are my signals mutilated?	Your signals are mutilated.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE—Continued

A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER—Continued

Abbreviation	Question	Answer or advice
QSE*	What is the estimated drift of the survival craft?	The estimated drift of the survival craft is . . . (*figures and units*).
QSF*	Have you effected rescue?	I have effected rescue and am proceeding to . . . base (with . . . persons injured requiring ambulance).
QSG	Shall I send . . . telegrams at a time?	Send . . . telegrams at a time.
QSH	Are you able to home with your direction-finding equipment?	I am able to home with my direction-finding equipment (on . . . (*name and/or call sign*)).
QSI		I have been unable to break in on your transmission. *or* Will you inform . . . (*name and/or call sign*) that I have been unable to break in on his transmission (on . . . kc/s (*or* Mc/s)).
QSJ	What is the charge to be collected to . . . including your internal charge?	The charge to be collected to . . . including my internal charge is . . . francs.
QSK	Can you hear me between your signals and if so may I break in on your transmission?	I can hear you between my signals; break in on my transmission.
QSL	Can you acknowledge receipt?	I am acknowledging receipt.
QSM	Shall I repeat the last telegram which I sent you (*or* some previous telegram)?	Repeat the last telegram which you sent me (*or* telegram(s) number(s) . . .).
QSN	Did you hear me (*or* . . . (*name and/or call sign*)) on . . . kc/s (*or* Mc/s)?	I did hear you (*or* . . . (*name and/or call sign*)) on . . . kc/s (*or* Mc/s).
QSO	Can you communicate with. . . (*name and/or call sign*) direct (*or* by relay)?	I can communicate with. . . (*name and/or call sign*) direct (*or* by relay through. . .).
QSP	Will you relay to' . . (*name and/or call sign*) free of charge?	I will relay to. . . (*name and/or call sign*) free of charge.
QSQ	Have you a doctor on board (*or* is. . . (*name of person*) on board)?	I have a doctor on board (*or*. . . (*name of person*) is on board).
QSR	Shall I repeat the call on the calling frequency?	Repeat your call on the calling frequency; did not hear you (*or* have interference).
QSS	What working frequency will you use?	I will use the working frequency . . . kc/s (*or* Mc/s) (*in the high frequency bands normally only the last three figures of the frequency need be given*).
QSU	Shall I send or reply on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .)?	Send or reply on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .).
QSV	Shall I send a series of V's (*or* signs) for adjustment on this frequency (*or* on . . . kc/c (*or* Mc/s))?	Send a series of V's (*or* signs) for adjustment on this frequency (*or* on . . . kc/s (*or* Mc/s)).
QSW	Will you send on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .)?	I am going to send on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .).
QSX	Will you listen to . . . (*name and/or call sign(s)*) on . . . kc/s (*or* Mc/s)?	I am listening to . . . (*name and/or call sign(s)*) on . . . kc/s (*or* Mc/s).
QSY	Shall I change to transmission on another frequency?	Change to transmission on another frequency (*or* on . . . kc/s (*or* Mc/s)).
QSZ	Shall I send each word or group more than once?	Send each word or group twice (*or* . . . times).
QTA	Shall I cancel telegram (*or* message) number . . .?	Cancel telegram (*or* message) number . . .
QTB	Do you agree with my counting of words?	I do not agree with your counting of words; I will repeat the first letter or digit of each word or group.
QTC	How many telegrams have you to send?	I have . . . telegrams for you (*or* for .. . (*name and/or call sign*)).
QTD*	What has the rescue vessel or rescue aircraft recovered?	. . . (*identification*) has recovered . . . 1. . . . . (*number*) survivors 2. wreckage 3. . . . (*number*) bodies.
QTE	What is my TRUE bearing from you? *or* What is my TRUE bearing from. . . (*name and/or call sign*)? *or* What is the TRUE bearing of . . . (*name and/or call sign*) from . . . (*name and/or call sign*)?	Your TRUE bearing from me is . . : degrees at. . . hours. *or* Your TRUE bearing from . . . (*name and/or call sign*) was . . . degrees at . . . hours. *or* The TRUE bearing of . . . (*name and/or call sign*) from . . . (*name and/or call sign*) was . . . degrees at . . . hours.
QFT	Will you give me my position according to the bearings taken by the direction-finding stations which you control?	Your position according to the bearings taken by the direction-finding stations which I control was . . . latitude . . . longitude (*or other indication of position*), class . . . at . hours.
QTG	Will you send two dashes of ten seconds each (*or* carrier) followed by your call sign (*or* name) (repeated . . . times) on . . . kc/s (*or* Mc/s)? *or* Will you request . . . (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/*or* name) (repeated . . . times) on .. . kc/s (*or* M/c/s)?	I am going to send two dashes of ten seconds each (*or* carrier) followed by my call sign (*or* name) (repeated . . . times) on . . . kc/s (*or* Mc/s). *or* I have requested . . . (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/*or* name) (repeated . . . times) on . . . kc/s (*or* Mc/s).
QTH	What is your position in latitude and longitude (*or according to any other indication*)?	My position is . . . latitude . . . longitude (*or according to any other indication*).
QTI*	What is your TRUE course?	My TRUE course is . . . degrees.
QTJ*	What is your speed? (*Requests the speed of a ship or aircraft through the water or air respectively.*)	My speed is . . . knots (*or* kilometres per hour *or* . . . statute miles per hour). (*Indicates the speed of a ship or aircraft through the water or air respectively.*)
QTK*	What is the speed of your aircraft in relation to the surface of the earth?	The speed of my aircraft in relation to the surface of the earth is . . . knots (*or* . . . kilometres per hour *or* . . . statute miles per hour).
QTL*	Whzt is your TRUE heading?	My TRUE heading is . . . degrees.
QTM*	What is your MAGNETIC heading?	My MAGNETIC heading is * * * degrees.
QTN	At what time did you depart from * * * (*place*)?	I departed from * * * (*place*) at * * * hours.
QTO	Have you left dock (*or* port)? *or* Are you airborne?	I have left dock (*or* port). *or* I am airborne.
QTP	Are you going to enter dock (*or* port)? *or* Are you going to alight (*or* land)?	I am going to enter dock (*or* port). *or* I am going to alight (*or* land).
QTQ	Can you communicate with my station by means of the International Code of Signals (INTERCO)?	I am going to communicate with your station by means of the International Code of Signals INTERCO).
QTR	What is the correct time?	The correct time is . . . hours.
QTS	Will you send your call sign (*and/or* name) for . . . seconds?	I will send my call sign (*and/or* name) for . . . seconds.
QTT		The identification signal which follows is superimposed on another transmission.
QTU	What are the hours during which your station is open?	My station is open from . . . to . . . hours.
QTV	Shall I stand guard for you on the frequency of . . . kc/s (*or* Mc/s) (from . . . to . . . hours)?	Stand guard for me on the frequency of . . . kc/s (*or* Mc/s) (from . . . to . . . hours).
QTW*	What is the condition of survivors?	Survivors are in . . . condition and urgently need . . .
QTX	Will you keep your station open for further communication with me until further notice (*or* until . . . hours)?	I will keep my station open for further communication with you until further notice (*or* until . . hours).
QTY*	Are you proceeding to the position of incident and if so when do you expect to arrive?	I am proceeding to the position of incident and expect to arrive at . . . hours (on . . . *date*).
QTZ*	Are you continuing the search?	I am continuing the search for . . : (aircraft, ship, survival craft, survivors or wreckage).
QUA	Have you news of . . . (*name and/or call sign*)?	Here is news of . . . (*name and/or call sign*).
QUB*	Can you give me in the following order information concerning: the direction in degrees TRUE and speed of the surface wind; visibility; present weather; and amount, type and height of base of cloud above surface elevation at . . . (*place of observation*)?	Here is the information requested: . . . (*The units used for speed and distances should be indicated*).
QUC	What is the number (*or other indication*) of the last message you received from me (*or* from. . . (*name and/or call sign*))?	The number (*or other indication*) of the last message I received from you (*or* from. . . (*name and/or call sign*)) *is*. . .
QUD	Have you received the urgency signal sent by . . . (*name and/or call sign*)?	I have received the urgency signal sent by . . . (*name and/or call sign*) *at* . . . hours.
QUE	Can you speak in . . . (*language*), with interpreter if necessary; if so, on what frequencies?	I can speak in . . . (*language*) on . . . kc/s (*or* Mc/s).
QUF	Have you received the distress signal sent by . . . (*name and/or call sign*)?	I have received the distress signal sent by . . . (*name and/or call sign*) at . . . hours.
QUH*	Will you give me the present barometric pressure at sea level?	The present barometric pressure at sea level is . . . (*units*).
QUM	May I resume normal working?	Normal working may be resumed.
QUN	1. *When directed to all stations:* Will vessels in my immediate vicinity . . . *or* (in the vicinity of . . . latitude . . . longitude) *or* (in the vicinity of . . .) please indicate their position, TRUE course and speed? 2. *When directed to a single station:* Please indicate your position, TRUE course and speed?	My position, TRUE course and speed are . . .
QUO*	Shall I search for . . . 1. aircraft 2. ship 3. survival craft in the vicinity of . . . latitude . . . longitude (*or according to any other indication*)?	Please search for . . . 1. aircraft 2. ship 3. survival craft in the vicinity of . . . latitude . . . longitude (*or according to any other indication*).
QUP*	Will you indicate your position by . . . 1. searchlight 2. black smoke trail 3. pyrotechnic lights?	My position is indicated by . . . 1. searchlight 2. black smoke trail 3. pyrotechnic lights.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE—Continued

A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER—Continued

Abbreviation	Question	Answer or advice
QUR*	Have survivors . . . 1. received survival equipment 2. been picked up by rescue vessel 3. been reached by ground rescue party?	Survivors . . . 1. are in possession of survival equipment dropped by . . . 2. have been picked up by rescue vessel 3. have been reached by ground rescue party.
QUS*	Have you sighted survivors or wreckage? If so, in what position?	Have sighted . . . 1. survivors in water 2. survivors on rafts 3. wreckage in position . . . latitude . . . longitude (*or according to any other indication*).
QUT*	Is position of incident marked?	Position of incident is marked by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).
QUU*	Shall I home ship or aircraft to my position?	Home ship or aircraft . . . (*name and/or call sign*) . . . 1. to your position by sending your call sign and long dashes on . . . kc/s (*or* Mc/s) 2. by sending on . . . kc/s (*or* Mc/s) TRUE track to reach you.
QUW*	Are you in the search area designated as . . . (*designator or latitude and longitude*)?	I am in the . . . (*designation*) search area.
QUY*	Is position of survival craft marked?	Position of survival craft was marked at . . . hours by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).

B. LIST OF SIGNALS ACCORDING TO THE NATURE OF QUESTIONS, ANSWER OR ADVICE

Abbreviation	Question	Answer or advice
	NAME	
QRA	What is the name of your vessel (*or* station)?	The name of my vessel (*or* station) is. . .
	ROUTE	
QRD	Where are you bound for and where are you from?	I am bound for . . . from . . .
	POSITION	
QRB	How far approximately are you from my station?	The approximate distance between our stations is . . . nautical miles (*or* kilometres).
QTH	What is your position in latitude and longitude (*or according to any other indication*)?	My position is . . . latitude . . . longitude (*or according to any other indication*).
QTN	At what time did you depart from . . . (*place*)?	I departed from . . . (*place*) at . . . hours.
	QUALITY OF SIGNALS	
QOF	What is the commercial quality of my signals?	The quality of your siguals is . . . 1. not commercial 2. marginally commercial 3. commercial.
QRI	How is the tone of my transmission?	The tone of your transmission is . . . 1. good 2. variable 3. bad.
QRK	What is the intelligibility of my signals (*or* those of . . . (*name and/or call sign*))?	The intelligibility of your signal (*or* those of . . . (*name and/ or call sign*)) is . . . 1. bad 2. poor 3. fair 4. good 5. excellent.
	STRENGTH OF SIGNALS	
QRO	Shall I increase transmitter power?	Increase transmitter power.
QRP	Shall I decrease transmitter power?	Decrease transmitter power.
QSA	What is the strength of my signals (*or those of* . . . (*name and/or call sign*))?	The strength of your signals (*or those of* . . . (*name and/or call sign*)) is . . . 1. scarcely perceptible 2. weak 3. fairly good 4. good 5. very good.
QSB	Are my signals fading?	Your signals are fading.
	KEYING	
QRQ	Shall I send faster?	Send faster (. . . words per minute).
QRR	Are you ready for automatic operation?	I am ready for automatic operation. Send at. . . words per minute.
QRS	Shall I send more slowly?	Send more slowly (. . . words per minute).
QSD	Are my signals mutilated?	Your signals are mutilated.
	INTERFERENCE	
QRM	Is my transmission being interfered with?	Your transmission is being interfered with. . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely.
QRN	Are you troubled by static?	I am troubled by static . . . 1. nil 2. slightly 3. moderately 4. severely 5. extremely.
	ADJUSTMENT OF FREQUENCY	
QRG	Will you tell me my exact frequency (*or* that of . . .)?	Your exact frequency (*or* that of . . .) is . . . kc/s (*or* Mc/s).
QRH	Does my frequency vary?	Your frequency varies.
QTS	Will you send your call sign (and/*or* name) for . . . seconds?	I will send my call sign (and/*or* name) for . . . seconds.
	CHOICE OF FREQUENCY AND/OR CLASS OF EMISSION	
QSN	Did you hear me (*or* . . . (*name and/or call sign*)) on . . . kc/s (*or* Mc/s)?	I did hear you (*or* . . . (*name and/or call sign*)) on . . . kc/s (*or* Mc/s).
QSS	What working frequency will you use?	I will use the working frequency . . . kc/s (*or* Mc/s) (*in the high frequency bands normally only the last three figures of the frequency need be given*).
QSU	Shall I send *or* reply on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .)?	Send or reply on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .).
QSV	Shall I send a series of V's (*or* signs) for adjustment on this frequency (*or* . . . kc/s (*or* Mc/s))?	Send a series of V's (*or* signs) for adjustment on this frequency (*or* . . . kc/s (*or* Mc/s)).
QSW	Will you send on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .)?	I am going to send on this frequency (*or* on . . . kc/s (*or* Mc/s)) (with emissions of class . . .).
QSX	Will you listen to . . . (*name and/or call sign(s)*) on . . . kc/s (*or* Mc/s)?	I am listening to . . . (*name and/or call sign(s)*) on . . . kc/s (*or* Mc/s).
	CHANGE OF FREQUENCY	
QSY	Shall I change to transmission on another frequency?	Change to transmission on another frequency (*or* on . . . kc/s (*or* Mc/s)).
	ESTABLISHING COMMUNICATION	
QOA	Can you communicate by radiotelegraphy (500 kc/s)?	I can communicate by radiotelegraphy (500 kc/s).
QOB	Can you communicate by radiotelephony (2 182 kc/s)?	I can communicate by radiotelephony (2 182 kc/s).
QOC	Can you communicate by radiotelephony (channel 16-frequency 156.80 Mc/s)?	I can communicate by radiotelephony (channel 16-frequency 156.80 Mc/s).
QOD	Can you communicate with me in . . . 0. Dutch 1. English 2. French 3. German 4. Greek 5. Italian 6. Japanese 7. Norwegian 8. Russian 9. Spanish?	I can communicate with you in . . . 0. Dutch 1. English 2. French 3. German 4. Greek 5. Italian 6. Japanese 7. Norwegian 8. Russian 9. Spanish.
QRL	Are you busy?	I am busy (*or* I am busy with . . . (*name and/or call sign*)). Please do not interfere.
QRV	Are you ready?	I am ready.
QRX	When will you call me again?	I will call you again at . . . hours (on . . . kc/s (*or* Mc/s)).
QRY	What is my turn? (*Relates to communication*)	Your turn is Number . . . (*or according to any other indication*). (*Relates to communication*)
QRZ	Who is calling me?	You are being called by . . . (on . . . kc/s (*or* Mc/s)).
QSC	Are you a low traffic ship station? (*see Article 32, Section V*)	I am a low traffic ship station.
QSR	Shall I repeat the call on the calling frequency?	Repeat your call on the calling frequency; did not hear you (*or* have interference).
QTQ	Can you communicate with my station by means of the International Code of Signals (INTERCO)?	I am going to communicate with your station by means of the International Code of Signals (INTERCO).
QUE	Can you speak in . . . (*language*), with interpreter if necessary; if so, on what frequencies?	I can speak in . . . (*language*) on . . . kc/s (*or* Mc/s).
	TIME	
QTR	What is the correct time?	The correct time is . . . hours.
QTU	What are the hours during which your station is open?	My station is open from . . . to hours.
	CHARGES	
QRC	By what private enterprise (*or* State Administration) are the accounts for charges for your station settled?	The accounts for charges of my station are settled by the private enterprise . . . (*or* State Administration).
QSJ	What is the charge to be collected to . . . including your internal charge?	The charge to be collected to . . . including my internal charge is. . . francs.

ABBREVIATIONS AVAILABLE FOR THE MARITIME MOBILE SERVICE—Continued

B. LIST OF SIGNALS ACCORDING TO THE NATURE OF QUESTIONS, ANSWER OR ADVICE—Continued

Abbreviation	Question	Answer or advice
	TRANSIT	
QRW	Shall I inform . . . that you are calling him on . . . kc/s (*or* Mc/s)?	Please inform . . . that I am calling him on . . . kc/s (*or* Mc/s).
QSO	Can you communicate with . . . (*name and/or call sign*) direct (*or* by relay)?	I can communicate with . . . (*name and/or call sign*) direct (*or* by relay through . . .).
QSP	Will you relay to . . . (*name and/or call sign*) free of charge?	I will relay to . . . (*name and/or call sign*) free of charge.
QSQ	Have you a doctor on board (*or* is . . . (*name of person*) on board)?	I have a doctor on board (*or* . . . (*name of person*) is on board).
QUA	Have you news of . . . (*name and/or call sign*)?	Here is news of . . . (*name and/or call sign*).
QUC	What is the number (*or other indication*) of the last message you received from me (*or from* . . . (*name and/or call sign*))?	The number (*or other indication*) if the last message I received from you (*or* from . . . (*name and/or call sign*)) *is* . . .
	EXCHANGE OF CORRESPONDENCE	
QOG	How many tapes have you to send? . .	I have . . . tapes to send.
QOH	Shall I send a phasing signal for . . . seconds?	Send a phasing signal for . . . seconds.
QOI	Shall I send my tape?	Send your tape.
QRJ	How many radiotelephone calls have you to book?	I have . . . radiotelephone calls to book.
QRU	Have you anything for me?	I have nothing for you.
QSG	Shall I send . . . telegrams at a time?	Send . . . telegrams at a time.
QSI		I have been unable to break in on your transmission. *or* Will you inform . . . (*name and/or call sign*) that I have been unable to break in on his transmission (on . . . kc/s (*or* Mc/s)).
QSK	Can you hear me between your signals and if so may I break in on your transmission?	I can hear you between my signals; break in on my transmission.
QSL	Can you acknowledge receipt?	I am acknowledging receipt.
QSM	Shall I repeat the last telegram which I sent you (*or* some previous telegram)?	Repeat the last telegram which you sent me (*or* telegram(s) number(s) . . .).
QSZ	Shall I send each word or group more than once?	Send each word or group twice (*or* . . . times).
QTA	Shall I cancel telegram (*or* message) number . . .?	Cancel telegram (*or* message) number . . .
QTB	Do you agree with my counting of words?	I do not agree with your counting of words; I will repeat the first letter or digit of each word or group.
QTC	How many telegrams have you to send?	I have . . . telegrams for you (*or* for . . . (*name and/or call sign*)).
QTV	Shall I stand guard for you on the frequency of . . . kc/s (*or* Mc/s) (from . . . to . . . hours)?	Stand guard for me on the frequency of . . . kc/s (*or* Mc/s) (from . . . to . . . hours).
QTX	Will you keep your station open for further communication with me until further notice (*or* until . . . hours)?	I will keep my station open for further communication with you until further notice (*or* until . . . hours).
	MOVEMENT	
QRE	What is your estimated time of arrival at . . . (*or* over . . .) (*place*)?	My estimated time of arrival at . . (*or* over . . .) (*place*) is . . . hours.
QRF	Are you returning to . . . (*place*)?	I am returning to . . . (*place*). Return to . . . (*place*).
QSH	Are you able to home with your direction-finding equipment?	I am able to home with my direction-finding equipment (on . . . (*name and/or call sign*)).
QTI*	What is your TRUE course?	My TRUE course is . . . degrees.
QTJ*	What is your speed? (*Requests the speed of a ship or aircraft through the water or air respectively.*)	My speed is . . . knots (*or* . . . kilometres per hour *or* . . . statute miles per hour). (*Indicates the speed of a ship or aircraft through the water or air respectively.*)
QTK*	What is the speed of your aircraft in relation to the surface of the earth?	The speed of my aircraft in relation to the surface of the earth is . . . knots (*or* . . . kilometres per hour *or* . . . statute miles per hour).
QTL*	What is your TRUE heading?	My TRUE heading is . . . degrees.
QTM*	What is your MAGNETIC heading?	My MAGNETIC heading is . . . degrees.
QTN	At what time did you depart from . . . (*place*)?	I departed from . . . (*place*) at . . . hours.
QTO	Have you left dock (*or* port)? *or* Are you airborne?	I have left dock (*or* port). *or* I am airborne.
QTP	Are you going to enter dock (*or* port? *or* Are you going to alight (*or* land)?	I am going to enter dock (*or* port). *or* I am going to alight (*or* land).
QUN	1. *When directed to all stations:* Will vessels in my immediate vicinity . . . *or* (in the vicinity of . . . latitude . . . longitude) *or* (in the vicinity of . . .) please indicate their position, TRUE course and speed? 2. *When directed to a single station:* Please indicate your position, TRUE course and speed?	My position, TRUE course and speed are . . .
	METEOROLOGY	
QUB*	Can you give me in the following order information concerning: the direction in degrees TRUE and speed of the surface wind; visibility; present weather; and amount, type and height of base of cloud above surface elevation at . . . (*place of observation*)?	Here is the information requested . . . (*The units used for speed and distances should be indicated*).
QUH*	Will you give me the present barometric pressure at sea level?	The present barometric pressure at sea level is . . . (*units*).
	RADIO DIRECTION-FINDING	
QTE	What is my TRUE bearing from you? *or* What is my TRUE bearing from * * * (*name and/or call sign*)? *or* What is the TRUE bearing of * * * (*name and/or call sign*) from * * * (*name and/or call sign*)?	Your TRUE bearing from me is * * * degrees at * * * hours. *or* Your TRUE bearing from * * * (*name and/or call sign*) was * * * degrees at * * * hours. *or* The TRUE bearing of * * * (*name and/or call sign*) from * * * (*name and/or call sign*) was * * * degrees at * * * hours.
QTF	Will you give me my position according to the bearings taken by the direction-finding stations which you control?	Your position according to the bearings taken by the direction-finding stations which I control was . . . latitude . . . longitude (*or other indication of position*), class . . . at . . . hours.
QTG	Will you send two dashes of ten seconds each (*or* carrier) followed by your call sign (*or* name) (repeated . . . times) (on . . . kc/s (*or* Mc/s))? *or* Will your request . . . (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/*or* name) (repeated . . . times) on . . . kc/s (*or* Mc/s)?	I am going to send two dashes of ten seconds each (*or* carrier) followed by my call sign (*or* name) (repeated . . . times) (on . . . kc/s (*or* Mc/s)). *or* I have requested . . . (*name and/or call sign*) to send two dashes of ten seconds each (*or* carrier) followed by his call sign (and/*or*) name) (repeated . . . times) on . . . kc/s (*or* Mc/s).
	SUSPENSION OF WORK	
QRT	Shall I stop sending?	Stop sending.
QUM	May I resume normal working?	Normal working may be resumed.
	SAFETY	
QOE	Have you received the safety signal sent by. . . (*name and/or call sign*)?	I have received the safety signal sent by. . . (*name and/or call sign*).
	URGENCY	
QUD	Have you received the urgency signal sent by. . . (*name and/or call sign*)?	I have received the urgency signal sent by. . . (*name and/or call sign*) at. . . hours.
	DISTRESS	
QOJ	Will you listen on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons?	I am listening on . . . kc/s (*or* Mc/s) for signals of emergency position-indicating radiobeacons.
QOK	Have you received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s)?	I have received the signals of an emergency position-indicating radiobeacon on . . . kc/s (*or* Mc/s).
QUF	Have you received the distress signal sent by . . . (*name and/or call sign*)?	I have received the distress signal sent by . . . (*name and/or call sign*) at . . . hours.
QUM	May I resume normal working?	Normal working may be resumed.
	SEARCH AND RESCUE	
QSE*	What is the estimated drift of the survival craft?	The estimated drift of the survival craft is . . . (*figures and units*).
QSF*	Have you effected rescue?	I have effected rescue and am proceeding to . . . base (with . . . persons injured requiring ambulance).
QTD*	What has the rescue vessel or rescue aircraft recovered?	. . . (*identification*) has recovered . . . 1. . . . (*number*) survivors 2. wreckage 3. . . . (*number*) bodies.
QTW*	What is the condition of survivors?	Survivors are in . . . condition and urgently need . . .
QTY*	Are you proceeding to the position of incident and if so when do you expect to arrive?	I am proceeding to the position of incident and expect to arrive at . . . hours (on . . . *date*).
QTZ*	Are you continuing the search?	I am continuing the search for . . . (aircraft, ship, survival craft, survivors or wreckage).
QUN	1. *When directed to all stations:* Will vessels in my immediate vicinity . . . *or* (in the vicinity of . . . latitude . . . longitude) *or* (in the vicinity of . . .) please indicate their position, TRUE course and speed? 2. *When directed to a single station:* Please indicate your position, TRUE course and speed?	My position, TRUE course and speed are . . .

B. LIST OF SIGNALS ACCORDING TO THE NATURE OF QUESTIONS, ANSWER OR ADVICE—Continued

Abbreviation or Signal	Definition	
	SEARCH AND RESCUE—continued	
QUO*	Shall I search for . . . 1. aircraft 2. ship 3. survival craft in the vicinity of . . . latitude . . . longitude (*or according to any other indication*)?	Please search for . . . 1. aircraft 2. ship 3. survival craft in the vicinity of . . . latitude . . . longitude (*or according to any other indication*).
QUP*	Will you indicate your position by . . . 1. searchlight 2. black smoke trail 3. pyrotechnic lights?	My position is indicated by . . . 1. searchlight 2. black smoke trail 3. pyrotechnic lights.
QUR*	Have survivors . . . 1. received survival equipment 2. been picked up by rescue vessel 3. been reached by ground rescue party?	Survivors . . . 1. are in possession of survival equipment dropped by . . . 2. have been picked up by rescue vessel 3. have been reached by ground rescue party.
QUS*	Have you sighted survivors or wreckage? If so, in what position?	Have sighted . . . 1. survivors in water 2. survivors on rafts 3. wreckage in position . . . latitude . . . longitude (*or according to any other indication*).
QUT*	Is position of incident marked?	Position of incident is marked by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).
QUU*	Shall I home ship or aircraft to my position?	Home ship or aircraft . . . (*name and/or call sign*) . . . 1. to your position by sending your call sign and long dashes on . . . kc/s (*or* Mc/s) 2. by sending on . . . kc/s (*or* Mc/s) TRUE track to reach you.
QUW*	Are you in the search area designated as . . . (*designator or latitude and longitude*)?	I am in the . . . (*designation*) search area.
QUY*	Is position of survival craft marked?	Position of survival craft was marked at . . . hours by . . . 1. flame or smoke float 2. sea marker 3. sea marker dye 4. . . . (*specify other marking*).
	IDENTIFICATION	
QTT		The identification signal which follows is superimposed on another transmission.

SECTION II. MISCELLANEOUS ABBREVIATIONS AND SIGNALS

Abbreviation or Signal	Definition
AA	All after . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
AB	All before . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
ADS	Address (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
AR	End of transmission.
AS	Waiting period.
BK	Signal used to interrupt a transmission in progress.
BN	All between . . . and . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
BQ	A reply to an RQ.
$\overline{\text{BT}}$	Signal to mark the separation between different parts of the same transmission.
C	Yes *or* "The significance of the previous group should be read in the affirmative".
CFM	Confirm (*or* I confirm).
CL	I am closing my station.
COL	Collate (*or* I collate).
CORRECTION.	Cancel my last word *or* group. The correct word *or* group follows (*used in radiotelephony, spoken as KOR-REK-SHUN*).
CP	General call to two or more specified stations (*see Article 31*).
CQ	General call to all stations.
CS	Call sign (*used to request a call sign*).
DE	"from . . ." (*used to precede the name or other identification of the calling station*).
DF	Your bearing at . . . hours was . . . degrees, in the doubtful sector of this station, with a possible error of . . . degrees.
DO	Bearing doubtful. Ask for another bearing later (*or* at . . . hours).
E	East (Cardinal point) (*see No.* 1400).
ETA	Estimated time of arrival.
INTERCO	International Code of Signals groups follow (*used in radiotelephony, spoken as IN-TER-CO*).
K	Invitation to transmit.
$\overline{\text{KA}}$	Starting signal.
KTS	Nautical miles per hour (*Knots*).
MIN	Minute (*or* Minutes).
MSG	Prefix indicating a message to or from the master of a ship concerning its operation or navigation.
N	North (Cardinal point) (*see No.* 1400).
NIL	I have nothing to send to you.
NO	No (*Negative*).
NW	Now.
NX	Notice to Mariners (*or* Notice to Mariners follows).
OK	We agree (*or* It is correct).
OL	Ocean Letter.
P	Prefix indicating a private radiotelegram.
PBL	Preamble (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
PSE	Please.
R	Received.
REF	Reference to . . . (*or* Refer to . . .).
RPT	Repeat (*or* I repeat) (*or* Repeat . . .).
RQ	Indication of a request.
S	South (Cardinal point) (*see No.* 1400).
SIG	Signature (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
SLT	Radiomaritime Letter.
SVC	Prefix indicating a service telegram.
SYS	Refer to your service telegram.
TFC	Traffic.
TR	Used by a land station to request the position and next port of call of a mobile station (*see Nos.* 1083 *and* 1314); used also as a prefix to the reply.
TU	Thank you.
TXT	Text (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
$\overline{\text{VA}}$	End of work.
W	West (Cardinal point) (*see No.* 1400).
WA	Word after . . . (*used after a question mark in radiotelegraphy or after RQ in radiotelephony (in case of language difficulties) or after RPT, to request a repetition*).
WB	Word before . . . (*used after a question mark in radiotelegraphy or after, RQ in radiotelephony (in case of language difficulties) or after RPT to request a repetition*).
WD	Word(s) or Group(s).
WX	Weather report (*or* Weather report follows).
XQ	Prefix used to indicate the transmission of a service note.
YZ	The words which follow are in plain language.

Note: When used in radiotelegraphy a bar over the letters composing a signal denotes that the letters are to be sent as one signal.

ANNEX 28. REVISION OF APPENDIX 15 TO THE RADIO REGULATIONS

Appendix 15 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 15. TABLE OF FREQUENCIES TO BE USED BY SHIP RADIOTELEGRAPH STATIONS IN THE BANDS BETWEEN 4 AND 27.5 MC/S ALLOCATED EXCLUSIVELY TO THE MARITIME MOBILE SERVICE

(See Article 32)

In the Table:

(*a*) the assignable frequencies in a given band for each usage are:

Indicated by the lowest and highest frequency, in heavy type, assigned in that band;

Regularly spaced, the number of assignable frequencies and the spacing in kc/s being indicated in italics;

(*b*) the vertical arrows indicate the harmonic relationship between the frequencies assigned in the different bands.

FREQUENCIES ASSIGNABLE TO SHIP RADIOTELEGRAPH STATIONS USING THE MARITIME MOBILE SERVICE BANDS BETWEEN 4 AND 27·5 MC/S

(KC/S)

Bands Mc/s	Limits	Assignable frequencies for wide-band telegraphy, facsimile and special transmission systems	Limits	Oceanographic data transmission (a)	Limits	Assignable frequencies for narrow-band direct-printing telegraph and data transmission systems	Limits	Assignable working frequencies for high traffic ships (b)	Limits	Calling frequencies (d)	Limits	Assignable working frequencies for low traffic ships		Limits
												GROUP A	GROUP B	
4	4 142·5	4 144·5...4 160·5 *5 frequencies spaced 4*	4 162·5	4 162·9...4 165·6 *10 frequencies spaced 0·3*	4 166	4 166·5...4 172 *12 frequencies spaced 0·5*	4 172·25	4 172·5...4 177·5 *11 frequencies spaced 0·5*	4 178	4 178·5...4 186·5 *17 frequencies spaced 0·5*	4 187	4 187·5...4 208 *84 frequencies spaced 0·5*	4 208·5...4 229	4 231
6	6 216·5	6 218·5...6 242·5 *7 frequencies spaced 4*	6 244·5	6 244·9...6 247·6 *10 frequencies spaced 0·3*	6 248	6 248·5...6 258 *20 frequencies spaced 0·5*	6 258·25	6 258·75...6 266·25 *11 frequencies spaced 0·75*	6 267	6 267·75...6 279·75 *17 frequencies spaced 0·75*	6 280·5	6 281·25...6 312 *84 frequencies spaced 0·75*	6 312·75...6 343·5	6 345·5
8	8 288	8 290...8 326 *10 frequencies spaced 4*	8 328	8 328·4...8 331·1 *10 frequencies spaced 0·3*	8 331·5	8 332...8 341·5 *20 frequencies spaced 0·5*	8 341·75	8 342.....8 345......8 355 *14 frequencies spaced 1*	8 356	8 357...(c)...8 373 *17 frequencies spaced 1*	8 374	8 375...8 416 *84 frequencies spaced 1*	8 417...8 458	8 459·5
12	12 431·5	12 433·5...12 477·5 *12 frequencies spaced 4*	12 479·5	12 479·9...12 482·6 *10 frequencies spaced 0·3*	12 483	12 484...12 503 *20 frequencies spaced 1*	12 503·25	12 504..12 513..12 517·5..12 532·5 *20 frequencies spaced 1·5*	12 534	12 535·5...12 559·5 *17 frequencies spaced 1·5*	12 561	12 562·5..12 624 *84 frequencies spaced 1·5*	12 625·5..12 687	12 689
16	16 576	16 578...16 634 *15 frequencies spaced 4*	16 636·5	16 636·9...16 639·6 *10 frequencies spaced 0·3*	16 640	16 641...16 660 *20 frequencies spaced 1*	16 660·5	16 662..16 672..16 684..16 690..16 710 *25 frequencies spaced 2*	16 712	16 714...16 746 *17 frequencies spaced 2*	16 748	16 750..16 832 *84 frequencies spaced 2*	16 834..16 916	16 917·5
22	22 112	22 114...22 158 *12 frequencies spaced 4*	22 160·5	22 169·9...22 163·6 *10 frequencies spaced 0·3*	22 164	22 165...22 184 *20 frequencies spaced 1*	22 184·5	22 187.........................22 221 *18 frequencies spaced 2*	22 222·5	22 225...22 265 *17 frequencies spaced 2·5*	22 267·5	22 270...22 320 *41 frequencies spaced 2·5*	22 322·5...22 370	22 374

ASSIGNABLE FREQUENCIES TO SHIPS OF ALL CATEGORIES

	Limit	Calling frequencies	Limit	Working frequencies	Limit
25	25 070	25 073·5.........................25 081 *6 frequencies spaced 1·5*	25 082·5	25 084.........................25 106·5 *16 frequencies spaced 1·5*	25 110

(a) The frequency bands may also be used by buoy stations for oceanographic data transmission and by stations interrogating these buoys, in accordance with the conditions set forth in Resolution No. MAR 20.
(b) Manual or automatic A1 Morse telegraphy at speeds not exceeding 40 bauds.
(c) For the conditions of use of 8 364 kc/s, see No. 1179.

(d) The frequencies 4 186·5, 6 279·75, 8 373, 12 559·5, 16 746 and 22 262·5 kc/s may also be assigned as special calling frequencies. Administrations should, if possible, abstain from assigning these frequencies as normal calling frequencies (See Nos. 1013E and 1013E.1).

ANNEX 29. REVISION OF APPENDIX 16 TO THE RADIO REGULATIONS

Appendix 16 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 16 PHONETIC ALPHABET AND FIGURE CODE

(See Articles 33 and 36)

1. When it is necessary to spell out call signs, service abbreviations and words, the following letter spelling table shall be used:

Letter to be transmitted	Word to be used	Spoken as [1]—
A	Alfa	*AL* FAH
B	Bravo	*BRAH* VOH
C	Charlie	*CHAR* LEE or *SHAR* LEE
D	Delta	*DELL* TAH
E	Echo	*ECK* OH
F	Foxtrot	*FOKS* TROT
G	Golf	GOLF
H	Hotel	HOH *TELL*
I	India	*IN* DEE AH
J	Juliett	*JEW* LEE *ETT*
K	Kilo	*KEY* LOH
L	Lima	*LEE* MAH
M	Mike	MIKE
N	November	NO *VEM* BER
O	Oscar	*OSS* CAH
P	Papa	PAH *PAH*
Q	Quebec	KEH *BECK*
R	Romeo	*ROW* ME OH
S	Sierra	SEE *AIR* RAH
T	Tango	*TANG* GO
U	Uniform	*YOU* NEE FORM or *OO* NEE FORM
V	Victor	*VIK* TAH
W	Whiskey	*WISS* KEY
X	X-ray	*ECKS RAY*
Y	Yankee	*YANG* KEY
Z	Zulu	*ZOO* LOO

[1] The syllables to be emphasized are italicized.

2. When it is necessary to spell out figures or marks, the following table shall be used:

Figure or mark to be transmitted	Code word to be used	Spoken as [1]—
0	NADAZERO	NAH-DAH-ZAY-ROH
1	UNAONE	OO-NAH-WUN
2	BISSOTWO	BEES-SOH-TOO
3	TERRATHREE	TAY-RAH-TREE
4	KARTEFOUR	KAR-TAY-FOWER
5	PANTAFIVE	PAN-TAH-FIVE
6	SOXISIX	SOK-SEE-SIX
7	SETTESEVEN	SAY-TAY-SEVEN
8	OKTOEIGHT	OK-TOH-AIT
9	NOVENINE	NO-VAY-NINER
Decimal point.	DECIMAL	DAY-SEE-MAL
Full stop	STOP	STOP

[1] Each syllable should be equally emphasized.

3. However, stations of the same country, when communicating between themselves, may use any other table recognized by their administration.

ANNEX. 30.—REVISION OF APPENDIX 17 TO THE RADIO REGULATIONS

Appendix 17 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 17.—CHANNELING OF THE MARITIME MOBILE RADIOTELEPHONE BANDS BETWEEN 4 000 AND 23 000 KC/S

(See Article 35)

1. Channelling arrangements for the frequencies to be used by coast and ship stations in the bands allocated to the maritime mobile radiotelephone service are indicated in three sections as follows:

Section A—Table of double sideband transmitting frequencies for duplex (two-frequency) operation (in kc/s).

Section B—Table of single sideband transmitting frequencies for duplex (two-frequency) operation (in kc/s).

Section C—Table of single sideband transmitting frequencies for simplex (single-frequency) operation (in kc/s).

2. The technical characteristics for single sideband transmitters are specified in Appendix 17A.

3. One or more series of frequencies from Sections A or B (with the exception of those frequencies of Section B mentioned in paragraph 5 below) are assigned to each coast station, which uses these frequencies associated, as far as possible, in pairs; each pair comprises a transmitting and a receiving frequency. The series shall be selected with due regard to the areas served and so as to avoid, as far as possible, harmful interference between the services of different coast stations.

4. The frequencies in Section C are provided for world-wide common use by ships of all categories, according to traffic requirements, for ship transmissions to coast stations and for intership communication. They are also authorized for world-wide common use for transmissions by coast stations (simplex operation) provided the peak envelope power does not exceed 1 kW.

5. (*a*) The following series of frequencies in Section B are allocated for calling purposes:

Series No. 24 in the 4 Mc/s and 8 Mc/s band;

Series No. 2 in the 6 Mc/s band;

Series No. 22 in the 12, 16 and 22 Mc/s bands.

The remaining frequencies in Sections A, B and C are working frequencies.

(*b*) Use of the double sideband calling frequencies 8 269, 12 403.5, 16 533.5 and 22 074 kc/s should, as far as possible, cease by 1 March 1970 to permit the use of the new single sideband channels. In any event, the use of these frequencies for double sideband calling shall cease by 1 January 1978.

6. Stations utilizing double sideband emissions shall operate only on the frequencies in Section A subject to No. 1351A and on the frequencies mentioned in paragraph 5 (*b*) above.

7. (*a*) Stations using single sideband emissions shall operate only on the carrier frequencies shown in Sections B and C in conformity with the technical characteristics specified in Appendix 17A. The upper sideband mode shall always be employed.

(*b*) Stations employing the single sideband mode shall use only class A3A and A3J emissions. However, administration should endeavour, as far as possible, to restrict to class A3J emissions, the use of the Series No. 1 frequencies from Section B. Until 1 January 1978 class A3H emissions (in accordance with No. 1351A) are permitted only on those carrier frequencies shown in Section B which are coincident with, or within 100 c/s of, the frequencies shown in Section A. However, on the calling frequencies for coast stations class A3H emissions may be used until 1 January 1978.

8. During the transition period (see Resolution No. MAR 13) assignments to stations using independent sideband emissions shall be considered to be in accordance with the Table in Section A if the necessary bandwidth does not extend beyond the upper or lower limits of the bandwidth provided for double sideband emissions.

9. If an administration authorizes the use of frequencies other than those indicated in Sections A, B, and C, its radiotelephone service shall not cause harmful interference to radiotelephone stations of the maritime mobile service which use frequencies in accordance with the following Tables.

SECTION A.—TABLE OF DOUBLE SIDEBAND TRANSMITTING FREQUENCIES FOR DUPLEX (2-FREQUENCY) OPERATION (IN KC/S)

Series No.	4 Mc/s band		8 Mc/s band		12 Mc/s band		16 Mc/s band		22 Mc/s band	
	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency	Coast station frequency	Ship station frequency
1	4 364·7	4 066·1	8 732·1	8 198·1	13 112·5	12 333·5	17 258·5	16 463·5	22 629·0	22 003·5
2	4 371·0	4 072·4	8 738·4	8 204·4	13 119·5	12 340·5	17 265·5	16 470·5	22 636·0	22 010·5
3	4 377·4	4 078·8	8 744·8	8 210·8	13 126·5	12 347·5	17 272·5	16 477·5	22 643·0	22 017·5
4	4 383·8	4 085·2	8 751·2	8 217·2	13 133·5	12 354·5	17 279·5	16 484·5	22 650·0	22 024·5
5	4 390·2	4 091·6	8 757·6	8 223·6	13 140·5	12 361·5	17 286·5	16 491·5	22 657·0	22 031·5
6	4 396·6	4 098·0	8 764·0	8 230·0	13 147·5	12 368·5	17 293·5	16 498·5	22 664·0	22 038·5
7	4 403·0	4 104·4	8 770·4	8 236·4	13 154.5	12 375·5	17 300·5	16 505·5	22 671·0	22 045.5
8	4 409·4	4 110·8	8 776·8	8 242·8	13 161·5	12 382·5	17 307·5	16 512·5	22 678·0	22 052·5
9	4 415·8	4 117·2	8 783·2	8 249·2	13 168·5	12 389·5	17 314·5	16 519·5	22 685·0	22 059·5
10	4 422·2	4 123·6	8 789·6	8 255·6	13 175·5	12 396·5	17 321·5	16 526·5	22 692·0	22 066·5
11	4 428·6	4 129·9	8 796·0	8 261·9						

SECTION B.—TABLE OF SINGLE SIDEBAND TRANSMITTING FREQUENCIES FOR DUPLEX (TWO-FREQUENCY) OPERATION (IN KC/S)

[4 Mc/s Band]

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	4 361·6	4 363·0	4 063·0	4 064·4
2	4 364·7	4 366·1	4 066·1	4 067·5
3	4 367·8	4 369·2	4 069·2	4 070·6
4	4 371·0	4 372·4	4 072·4	4 073·8
5	4 374·2	4 375·6	4 075·6	4 077·0
6	4 377·4	4 378·8	4 078·8	4 080·2
7	4 380·6	4 382·0	4 082·0	4 083·4
8	4 383·8	4 385·2	4 085·2	4 086·6
9	4 387·0	4 388·4	4 088·4	4 089·8
10	4 390·2	4 391·6	4 091·6	4 093·0
11	4 393·4	4 394·8	4 094·8	4 096·2
12	4 396·6	4 398·0	4 098·0	4 099·4
13	4 399·8	4 401·2	4 101·2	4 102·6
14	4 403·0	4 404·4	4 104·4	4 105·8
15	4 406·2	4 407·6	4 107·6	4 109·0
16	4 409·4	4 410·8	4 110·8	4 112·2
17	4 412·6	4 414·0	4 114·0	4 115·4
18	4 415·8	4 417·2	4 117·2	4 118·6
19	4 419·0	4 420·4	4 120·4	4 121·8
20	4 422·2	4 423·6	4 123·6	4 125·0
21	4 425·4	4 426·8	4 126·8	4 128·2
22	4 428·6	4 430·0	4 130·0	4 131·4
23	4 431·8	4 433·2	4 133·2	4 134·6
24	4 434·9*	4 436·3*	4 136·3*[1]	4 137·7*

6 MC/S BAND

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	6 515·4	6 516·8	6 200·8	6 202·2
2	6 518·6*	6 520·0*	6 204·0*[1]	6 205·4*
3	6 521·8	6 523·2	6 207·2	6 208·6

8 MC/S BAND

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	8 729·0	8 730·4	8 195·0	8 194·4
2	8 732·1	8 733·5	8 198·1	8 199·5
3	8 735·2	8 736·6	8 201·2	8 202·6
4	8 738·4	8 739·8	8 204·4	8 205·8
5	8 741·6	8 743·0	8 207·6	8 209·0
6	8 744·8	8 746·2	8 210·8	8 212·2
7	8 748·0	8 749·4	8 214·0	8 215·4
8	8 751·2	8 752·6	8 217·2	8 218·6
9	8 754·4	8 755·8	8 220·4	8 221·8
10	8 757·6	8.759·0	8 223·6	8 255·0
11	8 760·8	8 762·2	8 226·8	8 228·2
12	8.764·0	8 765·4	8 230·0	8 231·4
13	8 767·2	8 768·6	8 233·2	8 234·6
14	8 770·4	8 771·8	8 236.4	8 237·8
15	8 773·6	8 775·0	8 239·6	8 241·0
16	8 776·8	8 778·2	8.242·8	8 244·2
17	8.780·0	8 781·4	8 246·0	8 247·4
18	8 783·2	8 784·6	8 249·2	8 250·6
19	8 786·4	8 787·8	8 252·4	8 253·8
20	8 789·6	8.791·0	8 255·6	8 257·0
21	8 792·8	8 794·2	8 258·8	8 260·2
22	8 796·0	8 797·4	8 262·0	8 263·4
23	8 799·2	8 800·6	8 265·2	8 266·6
24	8 802·4*	8 803·8*	8 268·4*	8 269·8*
25	8 805·6	8 807·0	8 271·6	8 273·0
26	8 808·8	8 810·2	8 274·8	8 276·2
27	8 812·0	8 813·4	8 278·0	8 279·4

12 MC/S BAND

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	13 109·0	13 110·4	12 330·0	12 331·4
2	13 112·5	13 113·9	12 333·5	12 334·9
3	13 116·0	13 117·4	12 337·0	12 338·4
4	13 119·5	13 120·9	12 340·5	12 341·9
5	13 123·0	13 124·4	12 344·0	12 345·4
6	13 126·5	13 127·9	12 347·5	12 348·9
7	13 130·0	13 131·4	12 351·0	12 352·4
8	13 133·5	13 134·9	12 354·5	12 355·9
9	13 137·0	13 138·4	12 358·0	12 359·4
10	13 140·5	13 141·9	12 361·5	12 362·9
11	13 144·0	13 145·4	12 365·0	12 366·4
12	13 147·5	13 148·9	12 368·5	12 369·9
13	13 151·0	13 152·4	12 372·0	12 373·4
14	13 154·5	13 155·9	12 375·5	12 376·9
15	13 158·0	13 159·4	12 379·0	12 380·4
16	13 161·5	13 162·9	12 382·5	12 383·9
17	13 165·0	13 166·4	12 386·0	12 387·4
18	13 168·5	13 169·9	12 389·5	12 390·9
19	13 172·0	13 173·4	12 393·0	12 394·4
20	13 175·5	13 176·9	12 396·5	12 397·9
21	13 179·0	13 180·4	12 400·0	12 401·4
22	13 182·5*	13 183·9*	12 403·5*	12 404·9*
23	13 186·0	13 187·4	12 407·0	12 408·4
24	13 189·5	13 190·9	12 410·5	12 411.9
25	13 193·0	13 194·4	12 414·0	12 415·4
26	13 196·5	13 197·9	12 417·5	12 418·9

16 MC/S BAND

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	17 255·0	17 256·4	16 460·0	16 461·4
2	17 258·5	17 259·9	16 463·5	16 464·9
3	17 262·0	17 263·4	16 467·0	16 468·4
4	17 265·5	17 266·9	16 470·5	16 471·9
5	17 269·0	17 270·4	16 474·0	16 475·4
6	17 272·5	17 273·9	16 477·5	16 478·9
7	17 276·0	17 277·4	16 481·0	16 482·4
8	17 279·5	17 280·9	16 484·5	16 485·9
9	17 283·0	17 284·4	16 488·0	16 489·4
10	17 286·5	17 287·9	16 491·5	16 492·9
11	17 290·0	17 291·4	16 495·0	16 496·4
12	17 293·5	17 294·9	16 498·5	16 499·9
13	17 297·0	17 298·4	16 502·0	16 503·4
14	17 300·5	17 301·9	16 505·5	16 506·9
15	17 304·0	17 305·4	16 509·0	16 510·4
16	17 307·5	17 308·9	16 512·5	16 513·9
17	17 311·0	17 312·4	16 516·0	16 517·4
18	17 314·5	17 315·9	16 519·5	16 520·9
19	17 318·0	17 319·4	16 523·0	16 524·4
20	17 321·5	17 322·9	16 526·5	16 527·9
21	17 325·0	17 326·4	16 530·0	16 531·4
22	*17 328·5	*17 329·9	*16 533·5	*16 534·9
23	17 332·0	17 333·4	16 537·0	16 538·4
24	17 335·5	17 336·9	16 540·5	16 541·9
25	17 339·0	17 340·4	16 544·0	16 545·4
26	17 342·5	17 343·9	16 547·5	16 548·9
27	17 346·0	17 347·4	16 551·0	16 552·4
28	17 349·5	17 350·9	16 554·5	16 555·9
29	17 353·0	17 354·4	16 558·0	16 559·4
30	17 356·5	17 357·9	16 561·5	16 562·9

22 MC/S BAND

Series No.	Coast stations		Ship stations	
	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
1	22 625·5	22 626·9	22 000·0	22 001·4
2	22 629·0	22 630·4	22 003·5	22 004·9
3	22 632·5	22 633·9	22 007·0	22 008·4
4	22 636·0	22 637·4	22 010·5	22 011·9
5	22 639·5	22 640·9	22 014·0	22 015·4
6	22 643·0	22 644·4	22 017·5	22 018·9
7	22 646·5	22 647·9	22 021·0	22 022·4
8	22 650·0	22 651·4	22 024·5	22 025·9
9	22 653·5	22 654·9	22 028·0	22 029·4
10	22 657·0	22 658·4	22 031·5	22 032·9
11	22 660·5	22 661·9	22 035·0	22 036·4
12	22 664·0	22 665·4	22.038·5	22 039·9
13	22 667·5	22.668·9	22 042·0	22 043·4
14	22 671·0	22 672·4	22 045·5	22 046·9
15	22 674·5	22 675·9	22 049·0	22 050·4
16	22 678·0	22 679·4	22 052·5	22 053·9
17	22 681·5	22 682·9	22 056·0	22 057·4
18	22 685·0	22 686·4	22 059·5	22 060·9
19	22 688·5	22 689·9	22 063·0	22 064·4
20	22 692·0	22 693·4	22 066·5	22 067·9
21	22 695·5	22 696·9	22 070·0	22 071·4
22	22 699·0*	22 700·4*	22 073·5*	22 074·9*
23	22 702·5	22 703·9	22 077·0	22 078·4
24	22 706·0	22 707·4	22 080·5	22 081·9
25	22 709·5	22 710·9	22 084·0	22 085·4
26	22 713·0	22 714·4	22 087·5	22 088·9
27	22 716·5	22 717·9	22 091·0	22 092·4

*The frequencies followed by an asterisk are calling frequencies (see Nos. 1352 and 1352A).

[1] For the conditions of use of frequencies 4 136·3 and 6 204·0 kc/s, see Nos. 1352B and 1353 respectively.

SECTION C.—TABLE OF SINGLE SIDEBAND TRANSMITTING FREQUENCIES FOR SIMPLEX (SINGLE-FREQUENCY) OPERATION (IN KC/S)

4 Mc/s Band		6 Mc/s Band		8 Mc/s Band		12 Mc/s Band		16 Mc/s Band		22 Mc/s Band	
Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency	Carrier frequency	Assigned frequency
4 139·5	4 140·9	6 210·4 6 213·5	6 211·8 6 214·9	8 281·2 8 284·4	8 282·6 8 285·8	12 421·0 12 424·5 12 428·0	12 422.4 12 425·9 12 429·4	16 565·0 16 568·5 16 572·0	16 566·4 16 569·9 16 573·4	22 094·5 22 098·0 22 101·5 22 105·0 22 108·5	22 095·9 22 099·4 22 102·9 22 106·4 22 109·9

ANNEX 31. ADDITION OF A NEW APPENDIX (APPENDIX 17A) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 17:

ADD

APPENDIX 17A. TECHNICAL CHARACTERISTICS OF SINGLE SIDEBAND TRANSMITTERS USED IN THE MARITIME MOBILE SERVICE FOR RADIOTELEPHONY IN THE BANDS BETWEEN 1 605 AND 4 000 KC/S AND BETWEEN 4 000 AND 23 000 KC/S

1. Classes of emission:

(*a*) for class A3A emissions the power of the carrier shall be 16±2 db below the peak envelope power;

(*b*) for class A3J emissions the power of the carrier shall be at least 40 db below the peak envelope power.

2. Coast and ship stations shall use only the upper sideband.

3. The transmitter audio-frequency band shall be 350 to 2 700 c/s, with a permitted amplitude variation of 6 db.

4. The carrier frequencies shall be maintained within the following tolerances:

(*a*) coast stations: ±20 c/s;

(*b*) ship stations: ±100 c/s; the short-term limits (of the order of 15 minutes) shall be ±40 c/s.

5. The unwanted frequency modulation of the carrier shall be sufficiently low to prevent harmful distortion.

6. When class A3H, A3A or A3J emissions are used, the power of any unwanted emission supplied to the antenna transmission line on any discrete frequency shall, when the transmitter is driven to full peak envelope power, be in accordance with the following table:

Separation △ in kc/s between the frequency of the unwanted emission and the assigned frequency [1]	Minimum attenuation below peak envelope power
1·6<△≦4·8	28 db
4·8<△<8·0	38 db
8·0<△	43 db, without exceeding the power of 50 milliwatts

[1] The assigned frequency is 1 400 c/s higher than the carrier frequency (see No. 445A).

Transmitters using reduced carrier or suppressed carrier emission may, as far as spurious emissions are concerned, be tested for compliance with this regulation by means of a two-tone audio input signal with a frequency separation between the tones such that all intermodulation products occur at frequencies at least 1.6 kc/s removed from the assigned frequency.

ANNEX 32. REVISION OF APPENDIX 18 TO THE RADIO REGULATIONS

Appendix 18 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 18. TABLE OF TRANSMITTING FREQUENCIES FOR THE BAND 156–174 MC/S FOR RADIOTELEPHONY IN THE INTERNATIONAL MARITIME MOBILE SERVICE (SEE NO. 287 AND ARTICLE 35)

Note 1: For assistance in understanding the Table, see notes (*a*) to (*j*) below.

Note 2: Channles 01 to 28, except 15 and 17, correspond to the channels of Appendix 18 to the Radio Regulations, Geneva, 1959, and channels 15, 17 and 60 to 88 represent the additional channels available for assignment by administrations in the future in this frequency band (see Resolution No. MAR 14).

Note 3: Channel designators 60 to 88 were chosen for the additional channels in order to separate them clearly from the original channels.

Channel designators	Transmitting frequencies (Mc/s)		Intership	Port operations		Public correspondence
	Ship stations	Coast stations		Single frequency	Two frequency	
60(*g*)	156·025	160·625	----	----	17	25
01	156·050(*f*)	160·650	----	----	10	8
61	156·075	160·675	----	----	23	19
02	156·100	160·700	----	----	8	10
62	156·125	160·725	----	----	20	22
03	156·150(*f*)	160·750	----	----	9	9
63	156·175(*f*)	160·775	----	----	18	24
04	156·200	160·800	----	----	11	7
64	156·225	160·825	----	----	22	20
05	156·250	160·850	----	----	6	12
65	156·275	160·875	----	----	21	21
06	156·300(*e*)		①	----	----	----
66	156·325	160·925	----	----	19	23
07	156·350	160·950	----	----	7	11
67	156·375	156·375	10	10	----	----
08	156·400	----	③	----	----	----
68	156·425	156·425	----	6	----	----
09	156·450	156·450	5	5	----	----
69	156·475	156·475	9	11	----	----
10	156·500	156·500	3	9	----	----
70	156·525	----	6	----	----	----
11	156·550	156·550	----	3	----	----
71	156·575	156·575	----	7	----	----
12	156·600	156·600	----	①	----	----
72	156·625	----	7	----	----	----
13	156·650	156·650	4	4	----	----
73	156·675	156·675	8	12	----	----
14	156·700	156·700	----	③	----	----
74	156·725	156·725	----	8	----	----
15(*d*)(*i*)	156·750	156·750	12	14	----	----
75	----	Guard-band 156·7625–156·7875 Mc/s (*j*)				
16	156·800	156·800	CALLING AND SAFETY			
76	----	Guard-band 156·8125–156·8375 Mc/s (*j*)				
17(*d*)(*i*)	156·850	156·850	13	13	----	----
77	156·875	----	11	----	----	----
18	156·900	161·500	----	----	3	----
78	156·925	161·525	----	----	12	----
19	156·950	161·550	----	----	4	----
79	156·975	161·575	----	----	14	----
20	157·000	161·600	----	----	①	----
80	157·025	161·625	----	----	16	----
21	157·050	156·050(*f*) or 161·650	----	----	5	----
81	157·075	161·675	----	----	15	----
22	157·100	161·700	----	----	③	----
82	157·125	161·725	----	----	13	26
23	157·150	156·150(*f*) or 161·750	----	----	----	5
83	157·175	156·175(*f*) or 161·775	----	----	----	16
24	157·200	161·800	----	----	----	4
84	157·225	161·825	----	----	24	13
25	157·250	161·850	----	----	----	③
85	157·275	161·875	----	----	----	17
26	157·300	161·900	----	----	----	①
86	157·325	161·925	----	----	----	15
27	157·350	161·950	----	----	----	③
87	157·375	161·975	----	----	----	14
28	157·400	161·000	----	----	----	6
88(*g*)	157·425	161·025	----	----	----	18

NOTES REFERRING TO THE TABLE

(*a*) The figures in the column headed "Intership" indicate the normal sequence in which channels should be taken into use by mobile stations.

(*b*) The figures in the columns headed "Port Operations" and "Public Correspondence" indicate the normal sequence in which channels should be taken into use by each coast station. However, in some cases, it may be necessary to omit channels in order to avoid harmful interference between the services of neighboring coast stations.

(*c*) Administrations should, as far as possible, arrange that ship stations fitted with the channels corresponding to the figures in a circle can obtain a reasonably adequate use of available services.

(*d*) On channels 15 and 17, the maximum frequency deviation shall be limited to ± 5 kc/s. Until Jan. 1. 1983, the effective radiated power of ship stations must not exceed 1 watt.

(*e*) During ice seasons, ship stations shall avoid harmful interference to communications on 156·300 Mc/s (channel 06) between icebreakers and assisted ships.

(*f*) In France and in Belgium, the frequencies 156·050, 156·150 and 156·175 Mc/s are used as ship station frequencies in channels 01, 03, and 63, respectively, and as coast station frequencies in channels 21, 23, and 83, respectively, when the latter are used in the special semiduplex public correspondence systems employed with 1 Mc/s separation between transmit and receive frequencies.

(*g*) Channels 60 and 88 can be used subject to special agreements between interested and affected administrations.

(*h*) The frequencies in this table may also be used for radiotelephone communications on inland waterways in accordance with the conditions specified in No. 287.

(*i*) Channels 15 and 17 may also be used for internal operational communications on board ships, provided the effective radiated power does not exceed 0·1 W, and subject to the national regulations of the administration concerned when these channels are used in its territorial waters.

(*j*) This guard-band will apply after Jan. 1, 1983 (see No. 1363.1).

ANNEX 33. REVISION OF APPENDIX 19 TO THE RADIO REGULATIONS

Appendix 19 to the Radio Regulations shall be amended as follows:

MOD

APPENDIX 19 TECHNICAL CHARACTERISTICS FOR TRANSMITTERS AND RECEIVERS USED IN THE MARITIME MOBILE SERVICE IN THE 156–174 MC/S BAND

(See Articles 28 and 35, Appendix 18 and Resolution No. MAR 14)

Section A. Transmitters and receivers using 50 kc/s-spacing between adjacent channels

1. Only frequency modulation with a pre-emphasis of 6 db/octave (phase modulation) shall be used.

2. The frequency deviation corresponding to 100% modulation shall approach 15 kc/s as nearly as practicable. In no event shall the frequency deviation exceed ± 15 kc/s. However, it is recognized that, under certain conditions, the percentage of modulation may be decreased to avoid adjacent channel interference.

3. When transmitting on any of the frequencies designated in the Table in Appendix 18, the emission of each station shall be vertically polarized at the source.

4. The audio-frequency band shall be limited to 3 000 c/s.

Section B. Transmitters and receivers using 25 kc/s-spacing between adjacent channels

1. Only frequency modulation with a pre-emphasis of 6 db/octave (phase modulation) shall be used.

2. The frequency deviation corresponding to 100% modulation shall approach 5 kc/s as nearly as practicable. In no event shall the frequency deviation exceed ± 5 kc/s.

3. The frequency tolerance for coast and ship stations shall not exceed 10 parts in 10^6.

4. When transmitting on any of the frequencies designated in the Table in Appendix 18, the emission of each station shall be vertically polarized at the source.

5. The audio-frequency band shall be limited to 3,000 c/s.

6. It shall be possible to reduce, readily, the effective radiated power of a ship station to 1 watt or less.

ANNEX 34. REVISION OF APPENDIX 20 TO THE RADIO REGULATIONS

Appendix 20 to the Radio Regulations shall be amended as follows:

APPENDIX 20. AUTOMATIC RECEIVING EQUIPMENT FOR RADIOTELEGRAPH AND RADIOTELEPHONE ALARM SIGNALS

(See Section VIII of Article 36)

1. The automatic devices intended for the reception of the radiotelegraph alarm signal shall fulfill the following conditions:

MOD—(a) The equipment shall respond to the alarm signal transmitted by the telegraphic emissions of at least class A2 and A2H (see No. 1094A).

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ANNEX 35. ADDITION OF A NEW APPENDIX (APPENDIX 20A) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 20:

ADD

APPENDIX 20A. TECHNICAL CHARACTERISTICS OF EMERGENCY POSITION-INDICATING RADIOBEACONS OPERATING ON THE CARRIER FREQUENCY 2 182 KC/S

(See Section VIIIA of Article 36)

Emergency position-indicating radiobeacons shall fulfill the following conditions:

(*a*) The power radiated by low-power radiobeacons (Type L) shall be of a value necessary to produce at a distance of 30 nautical miles at sea level a field strength equal to or less than 10 microvolts per metre, with an initial field strength of at least 2.5 microvolts per metre.

(*b*) The power radiated by high-power radiobeacons (Type H) shall be of a value necessary to produce at a distance of 30 nautical miles at sea level a field strength greater than 10 microvolts per metre.

(*c*) After a period of 48 hours' continuous operation the radiated power shall not be less than 20 per cent of the initial power.

(*d*) The radiobeacons shall be capable of class A2 or A2H emissions, with a depth of modulation between 30 and 90 per cent.

(*e*) The audio-frequency tolerance of emissions used for emergency position-indicating radiobeacons (Nos. 1476B and 1476C) are:

±20 c/s for the frequency of 1 300 c/s
±35 c/s for the frequency of 2 200 c/s

(*f*) Equipment shall be designed to comply with relevant C.C.I.R. recommendations.

ANNEX 36. ADDITION OF A NEW APPENDIX (APPENDIX 20B) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 20A:

ADD

APPENDIX 20B. NARROW-BAND DIRECT-PRINTING TELEGRAPH EQUIPMENT

(See Articles 28 and 29)

The equipment for narrow-band direct-printing telegraph systems in the maritime mobile service shall fulfill the following conditions:

(*a*) The equipment shall accept signals conforming to International Telegraph Alphabet Code No. 2 at a modulation rate of 50 bauds and shall provide similar signals at its output for extension to the public telegraph network.

(*b*) The modulation rate over the radio path shall not exceed 100 bauds.

(*c*) Class F1 emissions shall be used with a total frequency shift of 170 c/s.

ANNEX 37. ADDITION OF A NEW APPENDIX (APPENDIX 20C) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after Appendix 20B:

ADD

APPENDIX 20C. SELECTIVE CALLING SYSTEM FOR USE IN THE INTERNATIONAL MARITIME MOBILE SERVICE

(See Articles 19, 28A, 29 and 33 and Appendix 9)

1. Where there is a need to fulfill immediate requirements for selective calling, the system to be used shall have the following characteristics:

1.1 the selective call signal shall consist of five figures representing the code number assigned to a ship for selective calling;

1.2 the audio-frequency signal applied to the input of the coast station transmitter shall consist of consecutive audio-frequency pulses conforming to the following:

1.2.1 the audio frequencies used to identify the figures of the code number assigned to a ship shall conform to the following series:

Figure	1	2	3	4	5	6	7	8	9	0	Figure repetition
Audio frequency (c/s)..	1124	1197	1275	1358	1446	1540	1640	1747	1860	1981	2110

For example, the series of audio-frequency pulses corresponding to the selective call 12133 would be 1124–1197–1124–1275–2110 c/s, and the series corresponding to the code number 22222 would be 1197–2110–1197–2110–1197 c/s;

1.2.2 if the series of numbers represented by the use of only two frequencies, chosen from those in paragraph 1.2.1, are reserved for calling predetermined groups of ships, then 100 different groups of numbers are available for allocation, according to the needs of administrations;

1.2.3 the waveforms of the audio-frequency generators shall be substantially sinusoidal, not exceeding 2% total harmonic distortion;

1.2.4 the audio-frequency pulses shall be transmitted sequentially;

1.2.5 the difference between the maximum amplitude of any audio-frequency pulses shall not exceed 1 db;

1.2.6 the duration of each audio-frequency pulse, measured between the half-amplitude points, shall be 100 ms ± 10 ms;

1.2.7 the time interval between consecutive pulses, measured between the half-amplitude points, shall be 3 ms ± 2 ms;

1.2.8 the rise and the decay time of each audio-frequency pulse, measured between the 10% and 90% amplitude points, shall be 1·5 ms ± 1 ms;

1.2.9 the frequency tolerance of the audio frequencies given in paragraph 1.2.1 shall be ± 4 c/s;

1.2.10 the selective call signal (the selective call number assigned to the ship station) shall be transmitted twice with an interval of 900 ms ± 100 ms between the end of the first signal and the beginning of the second signal (Figure 1);

1.2.11 the interval between calls from a coast station to different ships shall be at least 1 second (Figure 1).

2. The additional information following the selective call signal shall be transmitted as follows:

2.1 to identify the calling coast station, four figures shall be transmitted;

2.2 to identify the VHF channel on which a reply is required, two "zeros" followed by two "figures" should be transmitted (see Appendix 18);

2.3 the characteristics of the signals shall conform to paragraphs 1.2.1 and 1.2.3 to 1.2.9 inclusive;

2.4 the composition of the signal shall be as shown in the diagram (Figure 2), the tolerance on the 350 ms interval being ± 30 ms.

3. An "all ships call" to actuate the receiving selectors on all ships, regardless of their individual code number, shall consist of a continuous sequential transmission of the eleven audio frequencies given in paragraph 1.2.1. The parameters of the audio-frequency pulses shall be in accordance with paragraphs 1.2.3, 1.2.4, 1.2.5 and 1.2.9. The duration of each audio-frequency pulse, measured between the half-amplitude points, shall be 17 ms ± 1 ms and the interval between consecutive pulses, measured between half-amplitude points, shall not exceed 1 ms.

4. Receiving selectors on ships should operate reliably in any radio conditions acceptable for satisfactory communication.

5. The receiving selector shall be designed to accept the signals as defined in paragraph 1. However, bearing in mind that coast stations may transmit additional signals (e.g. coast station identification), it is important that he reset time of the decoder should be 250 ms ± 40 ms.

6. The receiving selector should be so designed, constructed and maintained that it is resistant to atmospherics and other unwanted signals including selective calling signals other than that for which the decoder has been set up.

7. The receiving selector shall include an audible or visual means of indicating the receipt of a call and, if required, an additional facility allowing the determination of the identity of the calling station or the VHF channel on which to reply according to the needs of administrations.

8. The indicating means shall be actuated on correct reception of the calling signal, no matter whether the correct registration has occurred on the first, or the second, or both parts of the calling signal transmitted by the coast stations.

9. The indicating means shall remain actuated until reset manually.

10. The receiving selector equipment should be as simple as is practicable, be capable of reliable operation over long periods with a minimum of maintenance, and could, with advantage, include facilities for self-testing.

FIGURE 1.—COMPOSITION OF SELECTIVE CALL SIGNALS WITHOUT ADDITIONAL INFORMATION

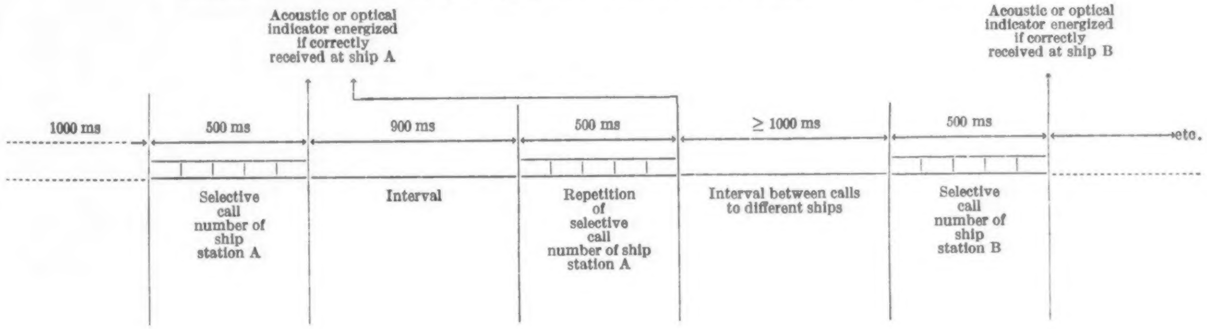
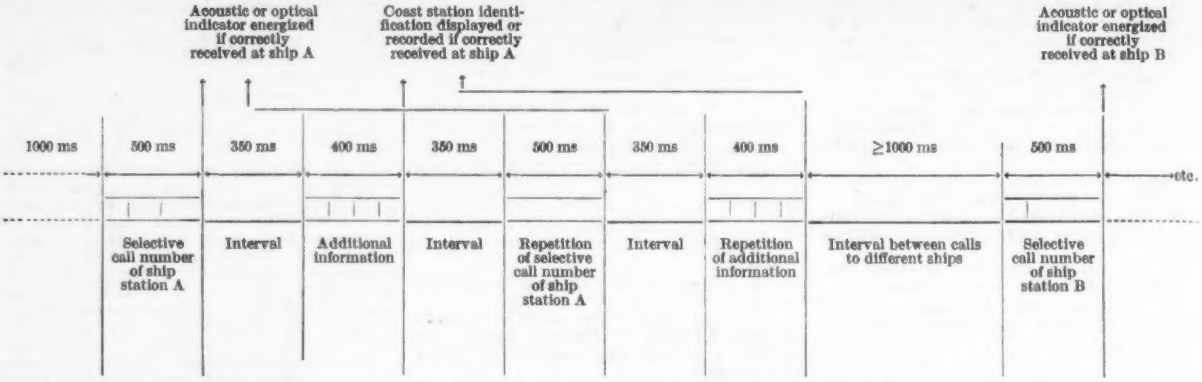

Acoustic or optical indicator energized if correctly received at ship A
Acoustic or optical indicator energized if correctly received at ship B
1000 ms
500 ms
900 ms
500 ms
≥ 1000 ms
500 ms
etc.
Selective call number of ship station A
Interval
Repetition of selective call number of ship station A
Interval between calls to different ships
Selective call number of ship station B

FIGURE 2.—COMPOSITION OF SELECTIVE CALL SIGNALS WITH ADDITIONAL INFORMATION


Acoustic or optical indicator energized if correctly received at ship A
Coast station identification displayed or recorded if correctly received at ship A
Acoustic or optical indicator energized if correctly received at ship B
1000 ms
500 ms
350 ms
400 ms
350 ms
500 ms
350 ms
400 ms
≥1000 ms
500 ms
etc.
Selective call number of ship station A
Interval
Additional information
Interval
Repetition of selective call number of ship station A
Interval
Repetition of additional information
Interval between calls to different ships
Selective call number of ship station B

FINAL PROTOCOL

At the time of signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the undersigned delegates take note of the following statements made by signatory delegations:

ALGERIA (ALGERIAN DEMOCRATIC AND POPULAR REPUBLIC), FEDERAL REPUBLIC OF CAMEROON, REPUBLIC OF THE IVORY COAST, ETHIOPIA, GHANA, REPUBLIC OF LIBERIA, REPUBLIC OF THE SENEGAL, TUNISIA

The delegations of the above-mentioned countries declare that neither their signature of the Final Acts of the Radio Administrative Conference on matters relating to the maritime mobile service, Geneva, 1967, nor the subsequent approval of these Acts by their Governments in any way imply recognition of the present Government of the Republic of South Africa or any obligation towards that Government.

ALGERIA (ALGERIAN DEMOCRATIC AND POPULAR REPUBLIC), HASHEMITE KINGDOM OF JORDAN, STATE OF KUWAIT AND TUNISIA

The above-mentioned delegations declare that the signature, and possible subsequent approval by their respective Governments of the Final Acts of the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, are not valid with respect to the Member appearing under the name of Israel, and in no way imply its recognition.

PEOPLE'S REPUBLIC OF BULGARIA, HUNGARIAN PEOPLE'S REPUBLIC, PEOPLE'S REPUBLIC OF POLAND AND CZECHOSLOVAK SOCIALIST REPUBLIC

In signing the Final Acts of the present Conference, the delegations of the above-mentioned countries wish to make the following declaration:

The present Conference has designated frequency bands for the transmission of oceanographic data in the decametric wave bands allocated exclusively to the maritime mobile service.

The delegations of the above-mentioned countries fully recognize the importance of establishing a world-wide system for the collection and transmission of oceanographic data. Nevertheless, they consider it would be more logical and consonant with the interests of such a system if its international legal status were defined beforehand and solutions devised for all the technical problems arising in connection with the establishment and operation of the system. In the absence of technical criteria worked out by the competent international bodies, including the C.C.I.R., any decisions on this matter are bound to be incomplete and even erroneous.

For these reasons the delegations of the above-mentioned countries maintain their point of view that a solution to the problems of oceanography including the allocation of frequency bands and the assignment of frequencies for the transmission of oceanographic data, can only be worked out following a thorough study of the problem by the Intergovernmental Oceanographic Commission and the World Meteorological Organization, acting in consultation with the International Telecommunication Union—the technical and legal conditions referred to above having been fulfilled—and on the basis of a world-wide, coordinated plan for the geographical distribution of oceanographical stations and their systems of operation.

In view of the foregoing, the delegations of the abovementioned countries consider the question of the allocation and use of frequency bands for the transmission of oceanographic data as not yet settled.

CHILE

The delegation of Chile makes the following reservations for inclusion in the Final Protocol:

(*a*) *Introduction of single sideband technique*

Considering

1. that the present Conference has laid down dates for the replacement of the double sideband system by the single sideband system in the bands allocated to the maritime mobile service between 1 605 and 4 000 kc/s and the HF bands;

2. that the observance of these dates will make considerable financial demands that will not be easy to meet;

the delegation of Chile makes a formal reservation with regard to the dates adopted at the present Conference for the introduction of the single sideband technique into the maritime mobile service. Nevertheless, every effort will be made to observe the dates laid down.

(*b*) *General reservation*

The delegation of Chile signs the Final Acts, the agreements, resolutions and recommendations of this Conference subject to their later ratification by the competent Chilian authorities.

REPUBLIC OF CHINA

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of the Republic of China declares, with reference to the statement made by the representative of the reactionary Castro régime, that the Government of the Republic of China rejects and considers as null and void such a statement which is incompatible with and derogatory to its legitimate position as the Government of China.

REPUBLIC OF KOREA

The delegation of the Republic of Korea to the World Administrative Radio Conference, Geneva, 1967, declares that it is, as at the previous conferences since the accession of Korea to the Union, the only legitimate representation throughout Korea and recognized as such by the Conference.

Any declaration or reservation made in connection with or attached to the Radio Regulations by any Member of the Union, incompatible with the position of the Republic of Korea as set forth above, is illegal and therefore null and void.

REPUBLIC OF THE IVORY COAST AND REPUBLIC OF THE SENEGAL

The delegation of the Ivory Coast hereby declares that it reserves for its Government and for that of the Republic of the Senegal, by virtue of the powers conferred on it, the right to take any steps—in cooperation with the I.T.U.—they might deem necessary to safeguard their interests, should any Member or Associate Member fail to observe in any way the provisions of the revised version of the Radio Regulations, Geneva, 1959, established by the World Administrative Radio Conference to deal with matters relating to the maritime mobile service, Geneva, 1967, or if reservations made by other countries should jeopardize the proper working of their telecommunication services.

CUBA

On signing the Final Acts of the Maritime Mobile Radio Conference, Geneva, 1967, the delegation of Cuba, on behalf of the Government of the Republic of Cuba, makes the following declarations:

I

Considering

(*a*) that there is no agreement on legislation regulating all matters concerned with oceanographic data transmission under world-wide juridical standards;

(*b*) that technical data and an organized world-wide system for establishing a plan for collecting and supplying oceanographic information to all countries do not exist;

(*c*) that this Conference approved without unanimity the setting aside of a frequency band for the transmission of oceanographic data without prior establishment of the technical, organizational and juridical bases for the carrying out of such a plan;

Cuba accordingly makes a formal reservation as regards everything approved in this Conference in connection with the establishment of specific bands in the radio spectrum allocated to the maritime mobile service for the exclusive use of oceanographic data transmission, so long as the bases of a world-wide system, coordinated for the collection of such data, do not exist and there is no plan which would allow all countries to participate under equal conditions.

II

Considering

(*a*) that several countries have expressed themselves in favour of later dates than that agreed by the present Conference for the introduction of single sideband technique in the maritime mobile bands;

(*b*) that no single criterion has been found on the dates of implementation, which shows that various countries are not in sufficiently developed economic, technical and operational conditions to introduce this system by the agreed date;

(*c*) that the Conference has not taken into account the unequal development of the various countries represented; we therefore make a formal reservation as regards the dates approved by the present Conference for the introduction of single sideband technique in the maritime mobile service.

III

1. The delegation of the traitor régime of Saigon cannot, in this Conference, nor in any other, represent the heroic people of South Vietnam. The sole legitimate representative of the people of South Vietnam is the National Liberation Front of South Vietnam.

2. It is ridiculous and without any legal value that the delegates of the puppet régime of South Korea should presume to represent all Korea at this Conference. The Government of South Korea is at no time representative of the Korean people.

3. The presence and the signature of the Final Acts of this Conference by the delegates of the puppet régime of Taiwan are illegal and illogical. The legitimate representatives of China can be appointed only by the Government of the Chinese People's Republic.

GHANA

The delegation of the Republic of Ghana reserves the right of its Government to take any action it deems necessary to safeguard its interests should Members or Associate Members in any way fail to comply with the requirements of the Radio Regulations of the World Administrative Radio Conference, Geneva, 1967, or should reservations by other countries jeopardize its telecommunication services.

REPUBLIC OF INDONESIA

Bearing in mind that the new five-year development plan, scheduled to start in 1969, is still being formulated, the Indonesian delegation, on behalf of its Administration, reserves its position, with regard to the target dates (1.1.1972) mentioned (No. 1351A of the Revised Radio Regulations, Geneva, 1967) in paragraphs 2 and 3 of Resolution No. MAR 6.

STATE OF ISRAEL

The declarations made by the Governments of Algeria, Jordan, Kuwait and Tunisia being in flagrant contradiction to the principles and purposes of the International Telecommunication Union and therefore void of any legal validity, the Government of Israel wishes to put on record that it rejects these declarations outright and will proceed on the assumption that they can have no validity as to the rights and duties of any Member State of the International Telecommunication Union.

In any case, the Government of Israel will avail itself of its rights to safeguard its interests should the Governments of Algeria, Jordan, Kuwait and Tunisia in any way violate any of the articles of the International Telecommunications Convention, including any of the Regulations annexed thereto.

REPUBLIC OF LIBERIA

The delegation of the Republic of Liberia hereby reserves the right of its Government to take any action it deems necessary to safeguard its interests should Members or Associate Members in any way fail to comply with the requirements of the World Administrative Radio Conference, Geneva, 1967, or should reservations by other countries jeopardize its telecommunication services.

MALAYSIA

Upon signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of Malaysia declares that it reserves the right of the Government of Malaysia to take any action it deems necessary to safeguard its interests should Members or Associate Members in any way fail to comply with the requirements of the Final Acts of the World Administrative Radio Conference, Geneva, 1967, or should any reservation made by Members or Associate Members jeopardize its telecommunication services.

PAKISTAN

The delegation of Pakistan declares that its Government would do its utmost to abide by the various decisions of the World Administrative Radio Conference, Geneva, 1967. However, Pakistan reserves the right to take all necessary action to safeguard its interests should a Member or Associate Member fail to abide by the decisions of the same Conference or should reservations made by other administrations jeopardize the telecommunication services of Pakistan.

REPUBLIC OF SINGAPORE

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of the Republic of Singapore reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Final Acts of this Conference or should reservations by any country jeopardize the telecommunication services of the Republic of Singapore.

REPUBLIC OF SOUTH AFRICA

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the delegation of the Republic of South Africa declares that it represents the legal Government of the Republic of South Africa and does not accept any reservations made by other delegations impinging upon the status of the Government of the Republic of South Africa. Furthermore, the delegation declares that its country reserves the right to take all necessary steps to protect its radio services in cases where any Member or Associate Member of the Union fails to comply with the provisions of the Radio Regulations and Additional Radio Regulations as revised by the present Conference or where the reservations made by Members have a harmful effect on the telecommunication services of the Republic of South Africa.

UNION OF SOVIET SOCIALIST REPUBLICS

In view of the importance of establishing a world-wide system for the transmission of oceanographic data and the fact that the actual allocation of frequencies for oceanography should only be made with reference to such a world-wide system, the delegation of the Union of Soviet Socialist Republics has submitted proposals to the World Administrative Radio Conference, Geneva, 1967, recommending that the Intergovernmental Oceanographic Commission (I.O.C.) and the World Meteorological Organization (W.M.O.) work out an international system of this sort and determine the frequency requirements of oceanography with the help of telecommunication experts.

Taking into consideration that specified frequency bands have been allocated for the transmission of oceanographic data before a plan for the establishment of a world-wide system for the collection of oceanographic data has been worked out and agreed upon by the countries concerned, the Telecommunication Administration of the U.S.S.R. considers that the question of allocating frequencies for the transmission of oceanographic data has been left open.

REPUBLIC OF VIET-NAM

In signing the Final Acts of the World Administrative Radio Conference, Geneva, 1967, the Viet-Nam delegation makes the following reservations on behalf of the Republic of Viet-Nam:

I

The delegation of the Republic of Viet-Nam reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should reservations by any country jeopardize the telecommunication services of the Republic of Viet-Nam.

II

The statements made by certain delegates during the present Conference about the delegation of Viet-Nam are without any legal basis and are considered invalid.

(*The signatures follow*)

(*The signatures following the Final Protocol are the same as those which follow the revision of the Radio Regulations on pages 3 to 28.*)

The PRESIDING OFFICER. Without objection, the protocol will be considered as having passed through its various parliamentary stages up to the point of consideration of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the text of a Partial Revision of the Radio Regulations (Geneva, 1959), with a Final Protocol, dated at Geneva November 3, 1967.

Mr. MANSFIELD. Mr. President, the partial revision of the radio regulations was adopted at the World Administrative Radio Conference to deal with matters relating to the maritime mobile service which was held in Geneva from September 18 to November 3, 1967.

I ask unanimous consent that excerpts from the committee report be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BACKGROUND AND PURPOSE

The Partial Revision of the Radio Regulations was adopted at a World Administrative Radio Conference to deal with matters relating to the maritime mobile service which was held in Geneva from September 18 to November 3, 1967. It amends the 1959 Radio Regulations with respect to matters relating to the maritime mobile service, with particular reference to radiotelephony and radiotelegraphy.

The last revision of the Radio Regulations affecting the maritime mobile service was made in 1959. Since that time, of course, there has been a reduction in the number of passenger ships (because of the growth of air travel) and an increase in the number of cargo ships, fishing fleets, and other craft, including private boating. As a consequence, the requirements for radiotelephone and radiotelegraph channels have increased. The pending Partial Revision is designed to rectify this situation by specifying certain frequency bands to be used for radiocommunications and by bringing up to date the operating procedures to be followed with respect to maritime mobile service.

According to the report of the U.S. delegation, one of the most controversial items considered at the conference dealt with oceanography. The Soviet bloc and France were opposed to any accommodation of oceanography at the conference, but they were overruled by substantial votes and the United States was successful in maintaining its position. It should be noted, however, that the Soviet bloc and Cuba filed reservations on the frequencies allocated for oceanography.

The Partial Revision will come into effect on April 1, 1969, for governments which have deposited their instruments of ratification by that date.

PROTOCOL RELATING TO REFUGEES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Executive K, 90th Congress, second session, the protocol relating to refugees.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the Convention (Ex. K, 90th Cong., second sess.)—the protocol relating to refugees, done at New York on January 31, 1967, which was read the second time, as follows:

PROTOCOL RELATING TO THE STATUS OF REFUGEES

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

ARTICLE I. GENERAL PROVISION

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term "refugee" shall except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and * * *" and the words "* * * as a result of such events", in article 1A(2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1B(1)(*a*) of the Convention, shall, unless extended under article 1B(2) thereof, apply also under the present Protocol.

ARTICLE II. COOPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The States Parties to the present Protocol undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner, or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:

(*a*) The condition of refugees;

(*b*) The implementation of the present Protocol;

(*c*) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

ARTICLE III. INFORMATION ON NATIONAL LEGISLATION

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

ARTICLE IV. SETTLEMENT OF DISPUTES

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ARTICLE V. ACCESSION

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE VI. FEDERAL CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;

(*b*) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(*c*) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

ARTICLE VII. RESERVATIONS AND DECLARATIONS

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16(1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.

3. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

4. Declaration made under article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

ARTICLE VIII. ENTRY INTO FORCE

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

ARTICLE IX. DENUNCIATION

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

ARTICLE X. NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

ARTICLE XI. DEPOSIT IN THE ARCHIVES OF THE SECRETARIAT OF THE UNITED NATIONS

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in article V above.

In accordance with article XI of the Protocol, we have appended our signatures this thirty-first day of January one thousand nine hundred and sixty-seven.

A. R. PAZHWAK,
President of the General Assembly of the United Nations.

U THANT,
Secretary-General of the United Nations.

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF REFUGEES AND STATELESS PERSONS—CONVENTION RELATING TO THE STATUS OF REFUGEES

PREAMBLE

The HIGH CONTRACTING PARTIES,

CONSIDERING that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

CONSIDERING that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

CONSIDERING that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

CONSIDERING that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

EXPRESSING the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

NOTING that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

HAVE AGREED as follows:

CHAPTER I. GENERAL PROVISIONS

Article 1. Definition of the term "refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligiblity taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either

(*a*) "events occurring in Europe before 1 January 1951"; or

(*b*) "events occurring in Europe or elsewhere before 1 January 1951";

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (*a*) may at any time extend its obligations by adopting alternative (*b*) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(*a*) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(*b*) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(*c*) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 2. General Obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3. Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4. Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Article 5. Rights granted apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6. The term "in the same circumstances"

For the purpose of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfill for the enjoyment of the right in question if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

Article 7. Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting state shall accord to refugees the same treatment as is accorded to aliens generally.

2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfill the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8. Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9. Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10. Continuity of residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11. Refugee seamen

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER II. JURIDICAL STATUS

Article 12. Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13. Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14. Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15. Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16. Access to courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER III. GAINFUL EMPLOYMENT

Article 17. Wage-earning employment

1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

(*a*) He has completed three years' residence in the country.

(*b*) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse.

(*c*) He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18. Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19. Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

CHAPTER IV. WELFARE

Article 20. Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21. Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22. Public Education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23. Public Relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24. Labour Legislation and Social Security

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(*a*) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining.

(*b*) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and noncontracting States.

CHAPTER V. ADMINISTRATIVE MEASURES

Article 25. Administrative assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the Official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

Article 26. Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 27. Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28. Travel documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to

any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29. Fiscal charges

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30. Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

Article 31. Refugees unlawfully in the country of refuge

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32. Expulsion

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33. Prohibition of expulsion or return ("refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Article 34. Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

CHAPTER VI. EXECUTORY TRANSITORY PROVISIONS

Article 35. Co-operation of the national authorities with the United Nations

1. The Contracting States undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

(*a*) the condition of refugees,

(*b*) the implementation of this Convention, and

(*c*) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article 36. Information on national legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure application of this Convention.

Article 37. Relation to previous Conventions

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

CHAPTER VII. FINAL CLAUSES

Article 38. Settlement of disputes

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 39. Signature, ratification and accession

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be re-opened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

2. This convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 40. Territorial application clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 41. Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(*b*) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment.

(*c*) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

Article 42. Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16(1), 33, 36–46 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 43. Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 44. Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year

from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 45. Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

Article 46. Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 39:

(*a*) Of declarations and notifications in accordance with section B of article 1;

(*b*) Of signatures, ratifications and accessions in accordance with article 39;

(*c*) Of declarations and notifications in accordance with article 40;

(*d*) Of reservations and withdrawals in accordance with article 42;

(*e*) Of the date on which this Convention will come into force in accordance with article 43;

(*f*) Of denunciations and notifications in accordance with article 44;

(*g*) Of requests for revision in accordance with article 45.

IN FAITH WHEREOF the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments,

DONE at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

SCHEDULE

Paragraph 1

1. The travel document referred to in article 28 of this Convention shall be similar to the specimen annexed hereto.

2. The document shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with article 28 of this Convention shall be readmitted to its territory at any time during the period of its validity.

2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX

Specimen travel document

The document will be in booklet form (approximately 15×10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

No. ------

(1)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

This document expires on -------- unless its validity is extended or renewed.

Name ------------------------------
Forename(s) ------------------------
Accompanied by ----------child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to ------------ [state here the country whose authorities are issuing the document] on or before ------------ unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months.]

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.] [1]

(This document contains — pages, exclusive of cover.)

(2)

Place and date of birth------------------
Occupation ---------------------------
Present residence----------------------
* Maiden name and forename(s) of wife--

* Name and forename(s) of husband----

Description

Height ------------------------------
Hair --------------------------------
Colour of eyes------------------------
Nose --------------------------------
Shape of face-------------------------
Complexion --------------------------
Special peculiarities-------------------
Children accompanying holder:
Name: ------------------------------

Forename(s): ------------------------

Place and date of birth:---------------

Sex: --------------------------------

* Strike out whichever does not apply

---

[1] The sentence in brackets to be inserted by Governments which so desire.

(This document contains — pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority

Finger-prints of holder (if required)

Signature of holder______________________

(This document contains — pages, exclusive of cover.)

(4)

1. This document is valid for the following countries: ______________________

____

____

____

2. Document or documents on the basis of which the present document is issued:______

____

____

____

Issued at______________________

Date ______________________

Signature and stamp of authority issuing the document:

Fee paid:

(This document contains — pages, exclusive of cover.)

(5)

Extension or renewal of validity

Fee paid:

From ______________________

To ______________________

Done at______________________

Date ______________________

Signature and stamp of authority extending or renewing the validity of the document:

Extension or renewal of validity

Fee paid:

From ______________________

To ______________________

Done at______________________

Date ______________________

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains — pages, exclusive of cover.)

(6)

Extension or renewal of validity

Fee paid:

From ______________________

To ______________________

Done at______________________

Date ______________________

Signature and stamp of authority extending or renewing the validity of the document:

Extension or renewal of validity

Fee paid:

From ______________________

To ______________________

Done at______________________

Date ______________________

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains — pages, exclusive of cover.)

(7–32)

Visas

The name of the holder of the document must be repeated in each visa.

(This document contains — pages, exclusive of cover.)

PROTOCOL RELATING TO THE STATUS OF REFUGEES OF 31 JANUARY 1967

List of parties to the protocol

Algeria
Argentina
Cameroon
Central African Republic
Cyprus
Denmark
The Gambia
Guinea
Holy See
Iceland
Israel
Liechtenstein
Nigeria
Norway
Senegal
Sweden
Switzerland
Yugoslavia

Total, 18.

CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951

List of parties to the convention

Algeria
Argentina
Australia
Austria
Belgium
Brazil
Burundi
Cameroon
Central African Republic
Colombia
Congo (Brazzaville)
Congo (Kinshasa)
Cyprus
Dahomey
Denmark
Ecuador
Federal Republic of Germany
France
Gabon
The Gambia
Ghana
Greece
Guinea
Holy See
Iceland
Ireland
Israel
Italy
Ivory Coast
Jamaica
Kenya
Liberia
Liechtenstein
Luxembourg
Madagascar
Monaco
Morocco
Netherlands
New Zealand
Niger
Nigeria
Norway
Peru
Portugal
Senegal
Sweden
Switzerland
Togo
Tunisia
Turkey
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
Yugoslavia

Total, 53.

The PRESIDING OFFICER. Without objection, the proposal will be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession to the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967, with the following reservations:

The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to nonresident aliens."

The United States of America accepts the obligation of paragraph 1(b) of Article 24 of the Convention except insofar as that paragraph may conflict in certain instances with any provision of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favorable than is accorded aliens generally in the same circumstances.

Mr. MANSFIELD. Mr. President, this protocol was signed at New York on January 31, 1967. The pending protocol adopts the 1951 convention's definition of refugees as persons.

It is understood that the protocol would not impinge adversely upon the Federal and State laws of this country.

Mr. President, I ask unanimous consent that excerpts from the committee report be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PROVISIONS OF PROTOCOL

This protocol was signed at New York on January 31, 1967. If the United States accedes to the protocol, it is automatically bound to apply articles 2 through 34 of the 1951 Convention Relating to the Status of Refugees to which the United States is not presently a party. One of the basic provisions of that convention (article 33) prohibits the expulsion or return of refugees to territories where their life or freedom would be threatened.

The pending protocol adopts the 1951 convention's definition of refugees as persons who are outside of and are unwilling to return to their respective countries of nationality or habitual residence because of "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." The protocol also incorporates those provisions of the 1951 convention dealing with the freedom of religion for refugees, the right of free access to courts of law, the right to hold gainful employment, to acquire property, to move freely, and to participate in the benefits of public education, relief, social security, unemployment compensation, and other programs.

It is understood that the protocol would not impinge adversely upon the Federal and State laws of this country. However, there appears to be a conflict between article 29(1) of the convention and U.S. revenue laws dealing with the taxation of nonresident aliens and article 24 of the convention and certain provisions of our social security laws. Accordingly, the two reservations set forth below have been proposed to clarify both of these situations.

The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to nonresident aliens.

The United States of America accepts the obligation of paragraph 1(b) of Article 24 of the Convention except insofar as that paragraph may conflict in certain instances with any provision of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favorable than is accorded aliens generally in the same circumstances.

SETTLEMENT OF DISPUTES

Article IV of the protocol states that any disputes that cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ENTRY INTO FORCE

The pending protocol went into effect in November of 1967. It will come into force for the United States on the date its instrument of accession is deposited.

Mr. MANSFIELD. Mr. President, I hope that all Senators who are in town will be informed that, beginning at 10:30 tomorrow morning, there will be a series of five votes on these matters.

I ask unanimous consent that it be in order to request the yeas and nays on all five treaties at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays were thus ordered on each of the five treaties.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate returned to legislative session.

PARTICIPATION OF LAW OFFICERS AND COUNSEL ON COURTS-MARTIAL

Mr. ERVIN. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1590, H.R. 15971.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15971) to increase the participation of law officers and counsel on courts-martial, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Armed Services, with amendments, on page 1, at the beginning of line 3, insert "That this Act may be cited as the "Military Justice Act of 1968".; at the beginning of line 5, strike out "That chapter"; at the beginning of line 6, insert "SEC. 2. Chapter"; in line 8, after the word 'amended' strike out "by inserting the words 'or special' after the word 'general'." and insert to read as follows:

"(10) 'Military judge' means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26).

"(2) Section 806(c) is amended by striking out 'law officer' and inserting in lieu thereof 'military judge'."

On page 2, at the beginning of line 5, strike out "(2)" and insert "(3)"; in line 11, after the word "a" strike out "law officer" and insert "military judge"; in line 13, after the word "a" strike out "law officer" and insert "military judge"; in line 15, after the word "the" strike out "law officer" and insert "military judge"; in line 17, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; in line 18, after the word "the" strike out "law officer" and insert "military judge"; at the beginning of line 19, strike out "and the convening authority consents"; in line 22, after the word "a" strike out "law officer" and insert "military judge"; in line 24, after the word "a" strike out "law officer" and insert "military judge, if one has been detailed to the court, and the accused"; on page 3, line 2, after "(B)" insert "so requests"; at the beginning of line 5 strike out "(3)" and insert "(4)"; at the beginning of line 12, strike out "(4)" and insert "(5)"; in line 14, after the word "thereof" strike out "A bad conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made and the accused was represented or afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b))." and insert "A bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. In any such case in which a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason or reasons a military judge could not be detailed."

On page 4, after line 6, insert:

(6) The second and third sentences of section 820 (article 20) are amended to read as follows: "No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate."

At the beginning of line 14, strike out "(5)" and insert "(7)"; in line 18, after the word "the" strike out "law officer" and insert "military judge"; on page 5, at the beginning of line 1, strike out "(6)" and insert "(8)"; in the line following line 3, after the figure "26" strike out "Law officer" and insert "Military judge"; after the line 3, strike out:

(7) The catchline and subsection (a) of section 826 (article 26) are amended to read as follows:

"§ 826. Art. 26. Law officer of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulation of the Secretary concerned, the authority convening a special court-martial may, detail as law officer thereof a commissioned officer who is a member of the bar of a Federal court or of the highest court of a State and who is certified to be qualified for that duty by the Judge Advocate General of the armed force of which he is a member. A commissioned officer who is certified to be qualified for duty as a law officer of a general court-martial is also qualified for duty as a law officer of a single-officer or other special court-martial. A commissioned officer who is certified to be qualified for duty as a law officer of a special court-martial is qualified for duty as a law officer of any kind of special court-martial. However, no person may act as a law officer of a single-officer general court-martial unless he is specially certified to be qualified for that duty. No person is eligible to act as law officer in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

(8) Section 826(b) (article 26(b)) is amended by striking out the figures "839" and "39" and inserting the figures "839(b)" and "39(b)", respectively, in place thereof.

And, in lieu thereof, insert:

(9) Section 826 (article 26) is amended to read as follows:

"§ 826. Art. 26. Military judge of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto. A military judge shall preside over each open session of the court-martial to which he has been detailed.

"(b) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee.

"(d) No person is eligible to act as military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

"(e) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court."

At the top of page 8 insert:

(10) Section 827 is amended—

(A) by striking out "law officer" in the second sentence of subsection (a) and inserting in lieu thereof "military judge"; and

(B) by redesignating paragraphs (1) and (2) of subsection (c) as paragraphs (2) and (3), respectively, and by inserting a new paragraph (1) as follows:

"(1) the accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. If counsel having such qualifications cannot be obtained, the court may be convened and the trial held but the convening authority shall make a detailed written statement, to be appended to the record, stating why counsel with such qualifications could not be obtained;".

At the beginning of line 20, strike out "(9)" and insert "(11)"; in line 24, after the word "than" strike out "single officer general court-martial" and insert "a general court-martial composed of a military judge only,";" on page 9, line 7, after the word "the" where it appears the first time, strike out "law officer" and insert "military judge"; in line 9, after the word "a" strike out "single officer special court-martial" and insert "special court-martial composed of a military judge only,"; at the beginning of line 19, strike out "law officer" and insert "military judge,"; in line 23, after the word "the" strike out "law officer" and insert "military judge"; in the same line after the word "a" strike out "single officer"; in line 24, after the word "court-martial" insert "composed of a military judge only"; on page 10, line 5, after the word "new" strike out "law officer" and insert "military judge"; in line 9, after the word "new" strike out "law officer" and insert "military judge,"; at the beginning of line 11, strike out "(10)" and insert "(12)"; in line 15, after the word "the" strike out "law officer" and insert "military judge"; after line 20, insert:

(13) Section 837 (article 37) is amended—

(A) by inserting "(a)" at the beginning of the first sentence thereof;

(B) by striking out "law officer" in the first sentence and inserting in lieu thereof "military judge";

(C) by adding at the end thereof the following new sentence: "The foregoing provisions of the subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.";

(D) by adding after subsection (a) (as designated by paragraph (1) hereof) a new subsection as follows:

"(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial.".

On page 12, at the beginning of line 1, strike out "(11)" and insert "(14)"; in line 3, after the word "words" strike out "law officer" and insert "military judge"; in line 4, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; at the beginning of line 6, strike out "(12)" and insert "(15)"; in line 11, after the word "a" strike out "law officer" and insert "military judge"; in the same line, after the word "the" strike out "law officer" and insert "military judge"; in line 19, after the word "the" strike out "law officer" and insert "military judge"; on page 13, line 2, after the word "the" strike out "law officer" and insert "military judge"; in line 11, after the word "present." strike out "After the members of a court marital which includes a law officer and members have finally voted on the findings, the president of the court may request the law officer and the reporter, if any, to appear before the members to put the findings in proper form and these proceedings shall be on the record."; in line 18, after the word "the" where it appears the second time, strike out "law officer" and insert "military judge."; in line 21, after the word "a" strike out "law officer" and insert "military judge"; in line 22, after the word "the" where it appears the second time, strike out "law officer" and insert "military judge"; at the beginning of line 23, strike out "(13)" and insert "(16)"; on page 14, line 2, after the word "The" strike out "law officer" and insert "military judge"; in line 3, after the word "a" strike out "law officer" and insert "military judge"; at the beginning of line 6 strike out "(14)" and insert "(17)"; in the same line, after the figure "841" strike out "(a)"; in the same line, after the figure "41" strike out "(a)"; in line 8, after the word "sentence" insert "of subsection (a)"; in line 9, after the word "The" strike out "law officer" and insert "military judge"; in line 12, after the word "court.";" strike out "and"; in line 14, after the word "sentence" insert "of subsection (a)"; in the same line, after the word "words" strike out "law officer" and insert "military judge"; in line 16, strike out "thereof." and insert "thereof; and"; after line 17, insert:

(C) by striking out "law officer" in subsection (b) and inserting in lieu thereof "military judge."

At the beginning of line 19, strike out "(15)" and insert "(18)"; in line 21, after the word "duties" strike out "law officers" and insert "military judges"; on page 15, line 6, after the word "a" strike out "law officer" and insert "military judge"; at the beginning of line 13, strike out "(16)" and insert "(19)"; in line 22, after the word "the" where it appears the second time, strike out "law officer" and insert "military judge"; in line 23, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; on page 16, at the beginning of line 6, strike out "(17)" and insert "(20)"; in line 7, after the word "the" where it appears the third time, strike out "law officer" and insert "military judge"; in line 8, after the word "a" strike out "law officer" and insert "military judge"; at the beginning of line 11, strike out "(18)" and insert "(21)"; at the beginning of line 16, strike out "law officer" and insert "military judge"; in line 19, after the word "the" strike out "law officer" and insert "military judge"; in line 21, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; in line 24, after the word "the" strike out "law officer" and insert "military judge"; on page 17, line 2, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; in line 5, after the word "the" where it appears the third time, strike out "law officer" and insert "military judge"; in line 7, after the word "a" strike out "law officer" and insert "military judge"; in line 9, after the word "words" insert "law officer"; in line 14, after the word "words" strike out "and" and insert "military judge or"; in line 15, after the word "a" where it appears the second time, strike out "law officer" and insert "military judge"; at the beginning of line 22, strike out "single officer court-martial" and insert "court-martial composed of a military judge only."; in line 23, after the amendment just above stated, strike out "An officer who is detailed as a single officer" and insert "The military judge of such a"; on page 18, at the beginning of line 3, strike out "Such single officer" and insert "The military judge of such a"; at the beginning of line 8, strike out "(19)" and insert "(22)"; at the beginning of line 19, strike out "(20)" and insert "(23)"; at the beginning of line 24, strike out "law officer" and insert "military judge"; in line 25, after the word "the" strike out "law officer" and insert "military judge"; on page 19, at the beginning of line 5, strike out "law officer" and insert "military judge"; after line 13, insert:

(24) Section 857 (article 57) is amended by inserting the words "or deferred" after "suspended" in subsections (a) and (b); and by adding at the end thereof a new subsection as follows:

"(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in his sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned."

(25) The table of sections at the beginning of subchapter IX is amended by striking out

"866. 66. Review by board of review."

and inserting in lieu thereof the following:

"866. 66. Review by Court of Military Review.".

(26) Section 865(b) is amended by striking out "board of review" each time it appears therein and inserting in lieu thereof "Court of Military Review".

(27) Section 866 (article 66) is amended—

(A) by striking out the catchline and insreting in lieu thereof the following:

"§ 866. Art. 66. Review by Court of Military Review";

(B) by amending subsection (a) to read as follows:

"(a) Each Judge Advocate General shall establish a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians, each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judges assigned to the court will serve and which military judge assigned to the court will act as the senior judge on each panel.";

(C) by striking out "board of review" each time it appears in subsections (b), (c), (d), and (e) and inserting in lieu thereof "Court of Military Review";

(D) by striking out "boards of review" each time it appears in subsection (f) and inserting in lieu thereof "Courts of Military Review"; and

(E) by adding at the end thereof the following new subsections:

"(g) No member of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other member of the same or another Court of Military Review, an effectiveness, fitness or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty.

"(h) No member of a Court of Military Review shall be eligible to review the record of any trial if such member served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted, or served as military judge, trial or defense counsel, or reviewing officer of such trial.".

(28) Subsections (b) and (f) of section 867 (article 67) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(29) Section 868 (article 68) is amended to read as follows:

"§ 868. Art. 68. Branch offices

"The Secretary concerned may direct the Judge Advocate General to establish a branch office with any command. The branch office shall be under an Assistant Judge Advovate General who, with the consent of the Judge Advocate General, may establish a Court of Military Review with one or more panels. That Assistant Judge Advocate General and any Court of Military Review established by him may perform for that command under the general supervision of the Judge Advocate General, the respective duties which the Judge Advocate General and a Court of Military Review established by the Judge Advocate General would otherwise be required to perform as all cases involving sentences not requiring approval by the President."

On page 23, at the beginning of line 4, strike out "(21) (A)" and insert "(30)"; in line 8, after the word "a" strike out "board of review" and insert "Court of Military Review"; after line 13 strike out:

(B) The first sentence of section 873 (article 73) is amended to read as follows: "At any time within two years after approval by the convening authority of a court martial sentence which has been referred to a board of review the accused may petition the Judge Advocate General for a new trial on grounds of newly discovered evidence or fraud on the court."

SEC. 2. (1) Except for subsection (21) of section 1, this Act becomes effective on the first day of the tenth month following the month in which it is enacted.

(2) Subsection (21)(A) of section 1 becomes effective upon the date of enactment of this Act.

(3) Subsection (21)(B) of section 1 shall apply to all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

After line 4, insert:

(31) Subsections (b), (c), and (d) of section 870 (article 70) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(32) Section 871 (article 71) is amended—

(A) by striking out "board of review" in subsection (c) and inserting in lieu thereof "Court of Military Review"; and

(B) by inserting "or deferred" in the first sentence of subsection (d) immediately after "suspended".

(33) Section 873 (article 73) is amended to read as follows:

"§ 873. Art. 73. Petition for a new trial

"At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

(34) Section 936(b) (article 136(b)) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

On page 25, after line 5, insert a new section, as follows:

SEC. 3. (a) Whenever the term law officer is used, with reference to any officer detailed to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

After line 18, insert a new section, as follows:

SEC. 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Justice Act of 1968".

SEC. 2. Chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, is amended as follows:

(1) Section 801(10) (article 1(10)) is amended to read as follows:

"(10) 'Military judge' means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26).".

(2) Section 806(c) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

(3) Section 816 (article 16) is amended to read as follows:

"§ 816. Art. 16. Courts-martial classified

"The three kinds of courts-martial in each of the armed forces are—

"(1) general courts-martial, consisting of—

"(A) a military judge and not less than five members; or

"(B) only a military judge, if before the court is assembled the accused, knowing the identify of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;

"(2) special courts-martial, consisting of—

"(A) not less than three members; or

"(B) a military judge and not less than three members; or

"(C) only a military judge, if one has been detailed to the court, and the accused under the same conditions as those prescribed in clause (1)(B) so requests; and

"(3) summary courts-martial, consisting of one commissioned officer."

(4) Section 818 (article 18) is amended by adding the following sentence at the end thereof: "However, a general court-martial of the kind specified in section 816(1)(B) of this title (article 16(1)(B)) shall not have jurisdiction to try any person for any offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case."

(5) Section 819 (article 19) is amended by striking out the last sentence and inserting the following sentence in place thereof: "A bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. In any such case in which a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason or reasons a military judge could not be detailed."

(6) The second and third sentences of section 820 (article 20) are amended to read as follows: "No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate."

(7) Section 825 (c)(1) (article 25(c)(1)) is amended—

(A) by striking out "before the convening of the court," in the first sentence and inserting "before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused," in place thereof; and

(B) by striking out "convened" in the last sentence and inserting "assembled" in place thereof.

(8) Subchapter V is amended by striking out the following item in the analysis:

"826. 26. Law officer of a general court-martial."

and inserting the following item in place thereof:

"826. 26. Military judge of a general or special court-martial."

(9) Section 826 (article 26) is amended to read as follows:

"§ 826. Art. 26. Military judge of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto. A military judge shall preside over each open session of the court-martial to which he has been detailed.

"(b) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or non-judicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee.

"(d) No person is eligible to act as military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

"(e) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court."

(10) Section 827 is amended—

(A) by striking out "law officer" in the second sentence of subsection (a) and inserting in lieu thereof "military judge"; and

(B) by redesignating paragraphs (1) and (2) of subsection (c) as paragraphs (2) and (3), respectively, and by inserting a new paragraph (1) as follows:

"(1) the accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. If counsel having such qualifications cannot be obtained, the court may be convened and the trial held but the convening authority shall make a detailed written statement, to be appended to the record, stating why counsel with such qualifications could not be obtained;".

(11) Section 829 (article 29) is amended—

(A) by striking out "accused has been arraigned" in subsection (a) and inserting "court has been assembled for the trial of the accused" in place thereof;

(B) by inserting ", other than a general court-martial composed of a military judge only," after "court-martial" in the first sentence of subsection (b); and by amending the last sentence of subsection (b) to read as follows: "The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the law officer military judge, the accused, and counsel for both sides.";

(C) by inserting ", other than a special court-martial composed of a military judge only," after "court-martial" in the first sentence of subsection (c); and by amending the last sentence of subsection (c) to read as follows: "The trial shall proceed with the new members present as if no evidence had previously been introduced at the trial, unless a verbatin record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, if any, the accused, and counsel for both sides."; and

(D) by adding the following new subsection at the end thereof:

"(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of section 816 (1)(B) or (2)(C) of this title (article 16 (1)(B) or (2)(C)), after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides."

(12) Section 835 (article 35) is amended by striking out the second sentence and inserting the following in place thereof: "In time of peace no person may, against his objection, be brought to trial, or be required to participate by himself or counsel in a session called by the military judge under section 839(a) of this title (article 39 (a)), in a general court-martial case within a period of five days after the service of charges upon him, or in a special court-martial case within a period of three days after the service of charges upon him."

(13) Section 837 (article 37) is amended—

(A) by inserting "(a)" at the beginning of the first sentence thereof;

(B) by striking out "law officer" in the first sentence and inserting in lieu thereof "military judge";

(C) by adding at the end thereof the following new sentence: "The foregoing provisions of the subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.";

(D) by adding after subsection (a) (as designated by paragraph (1) hereof) a new subsection as follows:

"(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial.".

(14) Section 838(b) (article 38(b)) is amended by striking out the words "president of the court" in the last sentence and inserting the words "military judge or by the president of a court-martial without a military judge" in place thereof.

(15) Section 839 (article 39) is amended to read as follows:

"§ 839. Art. 39. Sessions

"(a) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to section 835 of this title (article 35), call the court into session without the presence of the members for the purpose of—

"(1) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(2) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the court;

"(3) if permitted by regulations of the Secretary concerned, holding the arraignment and receiving the pleas of the accused; and

(4) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 836 of this title (article 36) and which does not require the presence of the members of the court.

These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

"(b) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and, in cases in which a military judge has been detailed to the court, the military judge."

(16) Section 840 (article 40) is amended to read as follows:

"§ 840. Art. 40. Continuances

"The military judge or a court-martial without a military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just."

(17) Section 841 (article 41) is amended—

(A) by amending the first sentence of subsection (a) to read as follows: "The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court.";

(B) by striking out the word "court" in the second sentence of subsection (a) and inserting the words "military judge, or, if none, the court," in place thereof; and

(C) by striking out "law officer" in subsection (b) and inserting in lieu thereof "military judge".

(18) Section 842(a) (article 42(a)) is amended to read as follows:

"(a) Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary concerned. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate, law specialist, or other person certified to be qualified or competent for the duty, and if such an oath is taken it need not again be taken at the time the judge advocate, law specialist, or other person is detailed to that duty."

(19) Section 845 (article 45) is amended—

(A) by striking out the words "arraigned before a court-martial" in subsection (a) and inserting the words "after arraignment" in place thereof; and

(B) by amending subsection (b) to read as follows:

"(b) A plea of guilty by the accused may not be received to any charge or specification alleging an offense for which the death penalty may be adjudged. With respect to any other charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by regulations of the Secretary concerned, be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty."

(20) Section 849(a) (article 49(a)) is amended by inserting after the word "unless" the words "the military judge or court-martial without military judge hearing the case or, if the case is not being heard,".

(21) Section 851 (article 51) is amended—

(A) by amending the first sentence of subsection (a) to read as follows: "Voting by members of a general or special court-martial on the findings and on the sentence, and by members of a court-martial without a military judge upon questions of challenge, shall be by secret written ballot.";

(B) by amending the first three sentences of subsection (b) to read as follows: "The military judge and, except for questions of challenge, the president of a court-martial without a military judge shall rule upon all questions of law and all interlocultory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused, or by the president of a court-martial without a military judge upon any question of law other than a motion for a finding of not guilty, is final and constitutes the ruling of the court. However, the military judge or the president of a court-martial without a military judge may change his ruling at any time during the trial.";

(C) by striking out the words "law officer of a general court-martial and the president of a special court-martial shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court" in the first sentence of subsection (c) and inserting the words "military judge or the president of a court-martial without a military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them" in place thereof; and

(D) by adding the following new subsection at the end thereof:

"(d) Subsections (a), (b), and (c) do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein."

(22) Section 852 (article 52) is amended—

(A) by inserting the words "as provided in section 845(b) of this title (article 45(b)) or" after the word "except" in section (a)(2); and

(B) by inserting immediately before the period in the first sentence of subsection (c) the words ", but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence".

(23) Section 854(a) (article 54(a)) is amended to read as follows:

"(a) Each general court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection. If the proceedings have resulted in an acquittal of all charges and specifications or, if not affecting a general or flag officer, in a sentence not including discharge and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain such matters as may be prescribed by regulations of the President."

(24) Section 857 (article 57) is amended by inserting the words "or deferred" after "suspended" in subsections (a) and (b); and by adding at the end thereof a new subsection as follows:

"(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in his sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned."

(25) The table of sections at the beginning of subchapter IX is amended by striking out

"866. 66. Review by board of review."

and inserting in lieu thereof the following:

"866. 66. Review by Court of Military Review.".

(26) Section 865(b) is amended by striking out "board of review" each time it appears therein and inserting in lieu thereof "Court of Military Review".

(27) Section 866 (article 66) is amended—

(A) by striking out the catchline and inserting in lieu thereof the following:

"§ 866. Art. 66. Review by Court of Military Review";

(B) by amending subsection (a) to read as follows:

"(a) Each Judge Advocate General shall establish a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians, each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judges assigned to the court will serve and which military judge assigned to the court will act as the senior judge on each panel.";

(C) by striking out "board of review" each time it appears in subsection (b), (c), (d), and (e) and inserting in lieu thereof "Court of Military Review";

(D) by striking out "boards of review" each time it appears in subsection (f) and inserting in lieu thereof "Courts of Military Review"; and

(E) by adding at the end thereof the following new subsections:

"(g) No member of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other member of the same or another Court of Military Review, an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty.

"(h) No member of a Court of Military Review shall be eligible to review the record of any trial if such member served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted, or served as military judge, trial or defense counsel, or reviewing officer of such trial.".

(28) Subsections (b) and (f) of section 867 (article 67) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(29) Section 868 (article 68) is amended to read as follows:

"§ 868. Art. 68. Branch offices

"The Secretary concerned may direct the Judge Advocate General to establish a branch office with any command. The branch office shall be under an Assistant Judge Advocate General who, with the consent of the Judge Advocate General, may establish a Court of Military Review with one or more panels. That Assistant Judge Advocate General and any Court of Military Review established by him may perform for that command under the general supervision of the Judge Advocate General, the respective duties which the Judge Advocate General and a Court of Military Review established by the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President."

(30) Section 869 (article 69) is amended by adding the following new sentence at the end thereof: "Notwithstanding section 876 of this title (article 76), the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused."

(31) Subsections (b), (c), and (d) of section 870 (article 70) are amended by striking out "board of review" each time it appears and inserting in lieu thereof "Court of Military Review".

(32) Section 871 (article 71) is amended—

(A) by striking out "board of review" in subsection (c) and inserting in lieu thereof "Court of Military Review"; and

(B) by inserting "or deferred" in the first sentence of subsection (d) immediately after "suspended".

(33) Section 873 (article 73) is amended to read as follows:

"§ 873. Art. 73. Petition for a new trial

"At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

(34) Section 936(b) (article 136(b)) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

SEC. 3. (a) Whenever the term law officer is used, with reference to any officer detailed to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

SEC. 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY JUSTICE ACT OF 1968

Mr. ERVIN. Mr. President, the bill under consideration, H.R. 15971, the proposed Military Justice Act of 1968, represents the first major revision of the Uniform Code of Military Justice since its enactment in 1950. As reported by the Committee on Armed Services, the act will accomplish much-needed procedural and substantive reforms in the court-martial system administered in the armed services. These reforms are the product of 8 years of studies and hearings by the Senate Subcommittee on Constitutional Rights and a special subcommittee of the Senate Armed Services Committee. Passage of the act will represent a fitting culmination of those efforts and similar efforts in the House of Representatives, and will certainly be remembered as a milestone in the struggle for first-class justice for America's fighting men.

As introduced and guided through the House of Representatives by Congressman BENNETT, of Florida, the bill was a completely noncontroversial measure which included only a number of procedural reforms desired by the Department of Defense. The bill, as passed by the House on June 4, 1968, in my view did not contain the minimum reforms necessary to return the military system of criminal justice to the leading position in American law it attained with enactment of the Uniform Code of Military Justice in 1950. Because of the lateness of the session, however, it was apparent that enactment of the bill might be jeopardized by Senate amendments objectionable to the Department of Defense. I, therefore, had several informal conferences with representatives of the Department of Defense with a view toward reaching agreement on incorporating into the legislation several provisions which had been recommended by the Subcommittee on Constitutional Rights and which I considered indispensable, but which were not contained in the House-passed bill. As a result of these conferences, I submitted, and the Armed Services Committee adopted, several strengthening amendments to H.R. 15971. These amendments have been carefully studied and discussed by each of the armed services and the bill, as amended, has been approved by the Department of Defense.

In general, the bill, as reported, makes the following major changes in the Uniform Code of Military Justice:

Creates an independent judiciary for the armed services, composed of military judges who are insulated from control by commanding officers and who will now have increased functions and powers roughly equivalent to those exercised by federal district court judges.

Provides that legally qualified counsel must represent a defendant before any special court-martial empowered to give him a bad conduct discharge; and, in addition, a military judge must preside over the trial unless military conditions make it impossible. In less serious special courts-martial, legally qualified counsel must be made available to represent the accused if reasonably possible.

Permits defendants to waive trial by a jury of officers and be tried by a military judge sitting alone, much as a civilian can waive a jury trial and be tried by the court alone.

Bars trial by summary court-martial—where there is no right to defense counsel, no independent judge, and no jury—if the defendant objects.

Transforms intermediate court-martial review boards into "Courts of Military Review" with independent military judges.

Strengthens bans against command interference with military justice.

Modernizes outmoded and cumbersome military trial procedures to conform more closely with federal court practices.

Authorizes for the first time a military form of release on bail pending appeal.

Extends the time limit for petitioning for a new trial from one to two years, and strengthens other post-conviction remedies available to servicemen.

Because the committee report explains in detail all of the provisions of the bill and the changes made by the committee, I shall refer only to a few of the major committee amendments.

First, the bill redesignated the "law officer" as a "military judge." This change will increase the prestige of the legal officers who preside over courts-martial and will more accurately reflect their new functions and powers under other provisions of the act.

Second, the bill as amended proposes a change in article 16 of the Uniform Code of Military Justice to provide that a general or special court-martial shall consist of only a military judge if the accused, before the court is assembled, so requests in writing and the military judge approves. Before he makes such a request, the accused is entitled to know the identity of the military judge and to have the advice of counsel. This provision differs from the House-passed bill in that the election of the defendant to be tried by the judge alone instead of by a full-member court-martial is not made subject to the consent of the commanding officer who ordered the court-martial as well as the military judge. The House-passed provision, which requires that both officers consent, is modeled after rule 23a of the Federal Rules of Criminal Procedure, which provides that both the court and the Government must consent to waiver by the defendant of trial by jury. However, I believe that there are significant differences between the military community and the civilian community which make such an exact parallel in procedures inadvisable. In Federal civilian criminal trials the jury is selected from a broad base of voters pursuant to a detailed Federal statute designed to insure complete impartiality. There are no such safeguards in the selection of the members of a court-martial. Furthermore, the command structure in the military presents a possibility of undue prejudicial influence over the court by commanding officers that is not present in civilian life. In any case, the military judge, after having heard arguments from both trial counsel and defense counsel concerning the appropriateness of trial by a military judge alone, will be in the best position to protect the interest of both the Government and the accused. Hence, only his approval is required by the bill as amended by the committee.

Third, the bill as amended proposes a change in article 19 to provide that no special court-martial may adjudge a bad-conduct discharge unless legally qualified counsel has been detailed to represent the accused and a military judge has been detailed to the court, if one is available. The exception allowed in the bill to the requirement of a military judge is that if one cannot be obtained because of physical conditions or military exigencies the trial may be held without a military judge but the convening authority must file for the record a detailed written statement indicating why a military judge is not available and why the trial must be held at this time and place notwithstanding such unavailability. Because of the seriousness of a bad-conduct discharge, and the permanent stigma that attaches to the recipient, I strongly believe that a military judge should preside over tribunals empowered to adjudge such discharges, particularly since both the Government and the accused will be represented by legally qualified counsel under another part of this amendment. I intended by this provision that except in the most unusual circumstances, such as combat conditions, a military judge will be detailed in all bad-conduct discharge cases. I recognize that occasions may arise when it will be difficult or impossible to fulfill this requirement in commands that are isolated geographically or because of combat or other conditions. But I believe that the availability of rapid and reliable airplane and helicopter transportation should make such occasions very rare. The requirement that the convening authority must justify in writing the failure to detail a military judge in such cases will allow his decision to be scrutinized on appeal with a view to restricting resort to this exception to cases of genuine unavailability.

Fourth, the committee inserted a new provision to amend article 20 of the Uni-

form Code of Military Justice to assure that a serviceman may not be tried over his objection by a summary court-martial, which consists of one commissioned officer and which affords literally no safeguards to the defendant. This amendment is a compromise between those who favor retention of the summary court as under present law and those, including myself, who would abolish it. This compromise is no expression of confidence in the summary court, which I consider to be an inferior court in concept, procedure and in the quality of justice it dispenses. However, until such time as the court can be totally eliminated from the court-martial structure, the amendment proposes merely to remove the present restriction on the existing right of servicemen to refuse trial by summary court. This will assure that no serviceman may be forced to stand trial in such a court if he prefers to be tried by a special or general court-martial instead.

Finally, the committee inserted a new provision to amend article 27 to provide that an accused before a special court-martial—other than one empowered to award a bad-conduct discharge—must be afforded the opportunity, which he may waive, to be represented by legally qualified counsel, unless such counsel is not available because of physical conditions or military exigencies. I believe that an accused should be represented by legal counsel in a court-martial which may result in a sentence as serious as confinement for 6 months or forfeiture of two-thirds pay for 6 months, and I intended by this amendment that the same considerations applicable to the detailing of a military judge to a special court-martial empowered to adjudge a bad-conduct discharge should apply to the detailing of legally qualified defense counsel to all other special courts-martial.

Mr. President, this measure includes many, but not all, of the proposals I have sponsored for many years to establish more equitable procedures in courts-martial. I think it is an extremely important bill and I strongly urge its passage. Unfortunately, however, it does not affect at all the procedures before administrative discharge boards which are established by the armed services ostensibly for administrative rather than disciplinary purposes, but which have the power to impose punitive discharges for acts or omissions which could be the subject of courts-martial. Although the procedures before such boards are perhaps in greater need of reform than the court-martial structure, in view of the lateness of the session I have not insisted on inclusion of such reforms in the present bill. However, I have been assured by representatives of the Department of Defense that the Department does not offer any objection to the pending bill as amended by the Senate Committee on the Armed Services, and that it may be possible to obtain some desired reforms in respect to administrative discharge boards next year without opposition.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1601), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE AMENDMENTS

Many of the amendments are technical or conforming. Substantive amendments are as follows:

1. The term "law officer" is changed to "military judge" wherever it appears in the bill and wherever it appears elsewhere in the Federal laws.

2. Subsection 2 of section 1 of the bill as passed by the House, which proposes an amendment to article 16 of the Uniform Code of Military Justice (courts-martial classified) to permit the convening of general and special courts-martial consisting of a law officer alone, is amended (sec. 2(3) of the amended bill) by changing the designation to "military judge" and by deleting the requirement that the convening authority consent to the election by the accused to be tried by such a single-officer court.

3. Subsection 4 of section 1 of the House bill, which proposes to amend article 19 of the code (jurisdiction of special courts-martial) to add a requirement that legally qualified counsel be available, upon request, to the accused in any special court-martial empowered to adjudge a bad conduct discharge, is amended (sec. 2(5) of the amended bill) by making it mandatory that legally qualified counsel be detailed to represent the accused in such a trial and by adding a requirement that a military judge be detailed to preside over the trial unless the convening authority certifies in writing that one is not available because of physical conditions or military exigencies.

4. A new provision, section 2(6), is inserted which would amend article 20 of the code (jurisdiction of summary courts-martial) to provide that in all cases a serviceman may refuse trial by summary court-martial and be tried instead by special or general court, as appropriate. Article 20 presently provides that no such right to decline trial by summary court is available to a serviceman who has been offered nonjudicial punishment for the offense and has elected to be court-martialed instead.

5. Subsection 7 of section 1 of the House bill, which proposes an amendment to article 26 of the code (law officers) to provide for the detailing of law officers to special as well as general courts-martial and to set forth the qualifications of law officers, is amended (sec. 2(9), of the amended bill) by changing the designation to "military judge" and by providing for the establishment of an "independent field judiciary" of military judges certified by the judge advocate generals for duty on general courts-martial, who are assigned directly to the judge advocate generals and responsible, for direction and fitness rating, only to them or their designees.

6. A new provision, section 2(10), is inserted which would amend article 27 of the code (detail of trial counsel and defense counsel) to provide that in all special courts-martial (other than those authorized to adjudge a bad conduct discharge) the accused must be offered legally qualified counsel—which he may waive—unless such counsel is certified in writing to be unavailable because of physical conditions or military exigencies.

7. A new provision, subsection 2(13), is inserted which would amend article 37 of the code (unlawful command influence) to strengthen the existing prohibitions against unlawful influence exerted on a court-martial or its members or officials by the convening authority or other commanding officers. The matter proposed to be added to article 37 would provide that the performance of a serviceman as a member of a court-martial could not be evaluated in preparing an effectiveness, fitness, or efficiency report on him, nor could he be given a less favorable rating because of his zeal in acting as defense counsel in a court-martial. A further proposed change in article 37 would specifically exempt general informational lectures on military justice from the prohibitions of the article.

8. Subsection 12(b) of section 1 of the House bill, which proposes an amendment to article 39 of the code (sessions) to provide that the military judge of a special as well as a general court-martial may upon request appear before the members of the court in private to put the findings in proper form, is amended (sec. 2(15)(b) of the amended bill) by deleting that entire provision. Thus, all proceedings, except the deliberations and voting of the members of the court-martial, would be in open court in the presence of the accused, defense counsel, and trial counsel.

9. A new provision, section 2(24), is inserted which would amend article 57 of the code (effective date of sentences) to authorize convening authorities to defer execution of certain sentences to confinement during the appellate review process, thus providing for the first time a procedure similar to release on bail pending appeal in civilian courts.

10. New provisions, sections 2(25) through (28) and sections 2(31) and (32A), are inserted which would amend article 66 of the code (review by board of review) and make conforming amendments to related articles. The changes made by these provisions are for the most part technical and conforming to reflect the change in designation of "boards of review" to "courts of military review." The only substantive changes proposed are in article 66 itself. Subsection (a) of article 66 would be amended to permit the judge advocate generals to establish one court of military review for each service which would sit en banc or in panels, to replace the several boards of review that presently exist in each service. A new subsection (g) would be added to article 66 to prohibit any member of a court of military review from preparing efficiency, fitness, or similar reports on any other member of any court of military review. A final new subsection (h) would be added to prohibit a member of a court of military review from reviewing the record of any trial by court-martial in which he previously participated in any other capacity.

11. A new provision, section 2(29), is inserted which would amend article 68 (branch offices) to authorize the Secretary of a service (instead of the President) to direct the Judge Advocate General to establish a branch office with any command, under the direction of an assistant judge advocate general who in turn could be authorized to establish a court of military review with one or more panels.

12. Subsection 21(B) of section 1 of the House bill, which proposes an amendment to article 73 of the code (petition for a new trial) to extend from 1 to 2 years the time for petitioning for a new trial in certain cases, is amended (sec. 2(33) of the amended bill) to extend the right to petition for a new trial to all accused persons, not just those sentenced to death, dismissal, a punitive discharge, or a year or more in confinement, as under the present article.

PURPOSE OF THE PROPOSAL

The bill is not intended to be an overall revision of the court-martial system. Rather it is an attempt to make a few changes that can be agreed upon by the Congress and the armed services in an attempt to improve some of the procedures and increase the substantive safeguards in courts-martial. In brief, the bill, as reported by the committee, amends the Uniform Code of Military Justice to streamline court-martial procedures in line with procedures in U.S. district courts, to redesignate the law officer of a court-martial as a "military judge" and give him functions and powers more closely allied to those of Federal district judges, to increase the availability of legally qualified counsel to represent the accused in courts-martial to redesignate appellate boards of review as "courts of military review" and change somewhat their structure, to increase the independence of military judges and members and other officials of courts-martial from unlawful influence by convening authorities and other commanding officers, and to increase the postconviction safeguards and remedies available to the accused.

SECTIONAL ANALYSIS

Section 1, the enacting clause, is amended to provide that the act may be cited as the "Military Justice Act of 1968."

Section 2(1) amends subsection (10) of article 1 of the Uniform Code of Military Justice (definitions) to redesignate the law officer of a court-martial as a "military judge" and to include in the definition of the term an official of a special court-martial as well as a general court-martial. This reflects the amendment by section 2(3) below to article 16 which permits the detailing of a military judge to preside over a special court-martial and to sit as a single-officer court if the accused so elects, and the amendment to article 19 made by section 2 (5) below which requires that a military judge be detailed to preside over a special court-martial empowered to adjudge a bad conduct discharge, if one is available.

This change in designation will increase the prestige of the legal officers who preside over courts-martial and will more accurately reflect their new functions and powers under other provisions of the act.

Section 2(2) is a conforming amendment.

Section 2(3) amends article 16 of the uniform code (courts-martial classified) to provide that a general or special court-martial shall consist of only a military judge if the accused, before the court is assembled, so requests in writing and the military judge approves. Before he makes such a request, the accused is entitled to know the identity of the military judge and to have the advice of counsel. The election is available in the case of a special court-martial only if a military judge has been detailed to the court.

The adoption of such a procedure will result in an appreciable reduction in both the time and manpower normally expended in trials by courts-martial. The vast majority of cases in which an accused pleads guilty would probably be tried by a military judge alone.

The bill as passed by the House made the election of the accused to be tried by such a single-officer court subject to the approval of the military judge and the consent of the convening authority. The committee has amended the provision by deleting the requirement for consent by the convening authority. The report of the Committee on Armed Services of the House of Representatives states that the provision is modeled after rule 23a of the Federal Rules of Criminal Procedure, which provides that both the court and the Government must consent to waiver by the defendant of trial by jury. However, the committee believes that there are differences between the military community and the civilian community which make such an exact parallel in procedures inadvisable. The command structure in the military presents a possibility of undue prejudicial command influence that is not present in civilian life. In any case, the military judge, after having heard arguments from both trial counsel and defense counsel concerning the appropriateness of trial by a military judge alone, will be in the best position to protect the interest of both the Government and the accused.

Article 16 is further amended by providing for a special court-martial consisting of a military judge and not less than three members. Heretofore, legally trained officers have not been assigned to preside over special courts. The special court-martial with a military judge and members is designed primarily for the trial of cases involving factual and legal problems which might be considered too difficult for a legally untrained special court-martial president to handle. In addition, it should be noted that under the amendment to article 19 made by section 2(5) below, a military judge would have to be detailed, if available, to preside over any special court-martial empowered to adjudge a bad conduct discharge.

Section 2(4) amends article 18 (jurisdiction of general courts-martial) to provide that a general court-martial consisting of only a military judge has no jurisdiction in cases in which the death penalty may be adjudged. The provision is intended to avoid the type of choice found objectionable by the U.S. Supreme Court in *United States* v. *Jackson*, 390 U.S. 570 (1968), which invalidated a provision in the Federal Kidnapping Act that only the jury could impose the death penalty, on the theory that this provision impaired free exercise of the right to a jury trial. The section provides that the jurisdiction of a military judge sitting alone is limited to cases rendered noncapital before reference to trial.

Section 2(5) amends article 19 (jurisdiction of special courts-martial) by providing that before a special court-martial may adjudge a bad-conduct discharge the accused must be detailed counsel who is legally qualified in the sense of article 27(b) to represent him at the trial. Under article 19 as it presently appears in the code, the accused is entitled to "counsel" in such cases but such counsel need have no training in or knowledge of the law.

The comparable provision in the House bill permitted the accused to waive representation by legal counsel in such cases. It is felt by the committee that many young servicemen involved in special courts-martial are too immature to appreciate the value of legal counsel in such circumstances or to comprehend the permanent stigma of a punitive discharge. Hence, a committee amendment provides that legal counsel must be detailed to represent the accused in all such cases without the necessity of a request and without a waiver procedure which might result in many unwise waivers. Such representation, of course, will be at no expense to the accused. This amendment does not limit or otherwise affect any right the accused may have to obtain counsel of his own selection under article 38(b). The obligation of the service will be satisfied when legal counsel has been detailed, even though the accused may choose not to cooperate with, or utilize the services of, the detailed counsel.

The committee amendment further provides that a bad-conduct discharge may not be adjudged by a special court-martial unless a military judge was detailed to the trial. The exception to this provision is that if a military judge cannot be obtained because of physical conditions or military exigencies the trial may be held without the military judge, but the convening authority shall file a detailed written statement to be appended to the record indicating why a military judge was not available, and setting forth the reasons why the trial had to be held at that time and place notwithstanding the unavailability of a military judge. The committee believes that, because of the seriousness of a bad-conduct discharge, a military judge should preside over tribunals empowered to adjudge such discharges, particularly since both the Government and the accused will now be represented by legally qualified counsel. The committee intends by this provision that, except in the most unusual circumstances, a military judge will be detailed in all bad-conduct discharge cases. Furthermore, the requirement that the convening authority justify in writing the failure to detail a military judge in such cases will allow his decision to be scrutinized on appeal with a view to restricting resort to this exception to cases of genuine unavailability.

Section 2(6) is a new provision added by committee amendment. It would amend article 20 (jurisdiction of summary courts-martial) to assure that a serviceman could not be tried over his objection by a summary court-martial, which consists of one commissioned officer. Under article 20 as presently worded, a serviceman initially offered trial by summary court-martial for an alleged offense may refuse this and demand trial by special or general court. On the other hand, if he initially is offered article 15 punishment ("nonjudicial" punishment) and elects to be court-martialed instead, he may not refuse trial by summary court-martial if his commander decides to refer the case to such a court. In 1961, the Congress enacted a major amendment to article 15 greatly expanding the nonjudicial-punishment powers of military commanders. One reason for this change was the expectation of the Department of Defense that by making the article 15 disciplinary powers of a commanding officer roughly equivalent to the judicial powers he possesses as the summary court-martial officer, the reliance of commander on that inferior court would decline to a point where it could be abolished. In the years since that amendment became effective, the use of the court has declined dramatically—in the Army and Navy by 50 percent and in the Air Force by over 75 percent. However, it is still used in many thousands of cases. The committee amendment is a compromise between those who favor retention of the summary court as under present law and those who would abolish it. The amendment proposes to remove the present restriction on the existing right of servicemen to refuse trial by summary court, thus assuring that no serviceman may be forced to stand trial against his will in a court where the same man is judge and jury, prosecutor, and defense counsel.

Section 2(7) amends article 25 (members of courts-martial) to provide in subsection (c)(1) that an accused who desires that enlisted members serve on his court-martial shall make such a request before the conclusion of a pretrial session called by the military judge under article 39(a) or, in the absence of such a session, before the court is assembled for the trial of the accused. One of the purposes of the proposed amendment to article 39 (sec. 2(15) below) which would permit the military judge to convene pretrial sessions, is to insure that the trial of the general issues will not be delayed after the court-martial members are in attendance. Under present practice, an accused can postpone his request for enlisted members until the appointed members of the court have gathered and, if enlisted persons are not then on the court, the court would be forced to adjourn until unlisted members are obtained and some of the officer-members relieved. The amendment would remove this cause of frequent delay. The request for enlisted personnel could be made at any time prior to the conclusion of such a session. If no pretrial session is held, the procedure for requesting enlisted persons will be substantially the same as the procedure now used.

Article 25 is further amended by substituting the word "assembled" for the word "convened" in subsection (c)(1). The term "convened" as used in the present subsection (c)(1) has been considered to be a term of art which has reference to that time in the court-martial proceedings when the members, the military judge, and counsel are sworn. The proposed amendment to article 42 (sec. 6(18) below) contemplates that, if permitted by regulations of the Secretary concerned, the above personnel will be sworn in at some time before their gathering in the courtroom. Accordingly, the term "convened" as used in the above sense might have no application under the amended procedure. Furthermore, the term "convened" is used elsewhere in the code to refer to the appointment of courts-martial and consequently has caused some confusion in this respect. This and other amendments in this bill will obviate this confusion of terms by using the word "assembled" to refer to the gathering as distinguished from the appointment of the court.

Section 7(8) is a technical amendment to conform the analysis in subchapter V to the amendments changing "law officer" to "military judge" and providing for detail of a military judge to a special court-martial.

Section 7(9) amends article 26 (law officers) to change the title designation of "law officer" to "military judge," to indicate that military judges may be detailed to special courts-martial as well as to general courts-martial, and to prescribe the method for designating and detailing military judges of general courts-martial with provision for their assignment and utilization.

The proposed new subsection (a) of article 26 will include a specific provision that the military judge shall preside over each open session of a court-martial to which he is detailed.

Proposed new subsection (b) will require that a military judge be a commissioned officer who is a member of the bar of a Federal court or a member of the bar of the highest court of a State. He will be certified as a military judge by the Judge Advocate General of the armed force of which he is a member.

Proposed new subsection (c) will enact into law the general principles of the "independent field judiciary" system already adopted administratively by some of the armed services, while leaving to the services a desirable degree of flexibility for implementing improvements in detail which may be indicated by additional experience. The intent is to provide for the establishment within each service of an independent judiciary composed of military judges certified for duty on general courts-martial, who are assigned directly to the Judge Advocate General of the service and are responsible only to him or his designees for direction and fitness ratings. Rules for designating and detailing military judges of special courts-martial are left subject to regulations of the Secretary concerned. This will permit the establishment of special lists of junior judge advocates who can be utilized for other duties while serving as military judges of special courts-martial in preparation for later assignment to general courts-martial.

Proposed new subsection (d) disqualifies an officer from acting as a military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

Proposed new subsection (e) is an amended version of the present subsection (b) of article 26 which would eliminate the procedure whereby the military judge may consult in closed session with the members of the court in order to assist them in putting the findings in proper form. This practice has produced unfortunate results in some instances and has been condemned by the Court of Military Appeals. See *United States v. Manuel*, 16 USCMA 357, 36 CMR 513 (1966). Under the amendment, such consultation would have to be in the presence of the accused, trial counsel, and defense counsel.

Section (2)10 amends article 27 (detail of counsel) by affording an accused before a special court-martial the opportunity to be represented by legally qualified counsel in the sense of article 27(b), unless counsel having such qualifications cannot be obtained because of physical conditions or military exigencies. The accused may waive such representation. If the accused wishes qualified legal counsel and such counsel cannot be made available, the convening authority shall make a detailed written statement to be appended to the record indicating why counsel was not available, and setting forth the reasons why the trial had to be held at that time and place notwithstanding the unavailability of qualified defense counsel. The committee believes that an accused should be represented by legal counsel in a court-martial which may result in a sentence as severe as confinement for 6 months. It is the intent of the committee that the considerations applicable to the detailing of military judges to certain special courts-martial (set forth above in the analysis of sec. 2(5)) shall apply to the detailing of legally qualified defense counsel to special courts-martial. It is understood that this requirement may create a manpower problem, but the committee believes that with sufficient attention and effort the problem can be overcome and resort to the unavailability exception can be kept to a minimum.

It should be kept in mind that the exception in cases of unavailability and the provision for waiver by the accused are not applicable to a court-martial empowered to adjudge a bad-conduct discharge. In such a case, under the proposed amendment to article 19 by section 2(5) above, legally qualified counsel must be detailed to represent the accused without exception and with no provision for waiver by the accused.

Section 2(11) amends article 29 (absent and additional members of courts-martial) to provide that no member of a general or special court-martial may be absent or excused, except for certain reasons which are specified, after the court has been assembled for the trial of the accused. Courts-martial consisting only of a military judge are specifically excepted from the operation of subsections (b) and (c) of article 29 which provide for the detailing of new members to replace absent or excused members of general and special courts.

A new subsection (d) is added to provide for those instances in which a military judge sitting alone as a single-officer general or special court-martial is absent, whether because of physical disability, challenge, or other good cause, and a new military judge is detailed. Just as in the case of absent court members, the trial shall proceed as if no evidence had previously been introduced unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides. The accused, knowing the identity of the newly detailed military judge and after consultation with counsel, must request in writing that the new military judge try his case (see sec. 2(3) above). Otherwise, the charges must be returned to the convening authority for reference to a court-martial which includes members or for other disposition.

This section further amends article 29 by deleting any reference in subsections (b) and (c) to the oaths of the members so as to make it clear that it is not required that new members take their oaths at the trial. The proposed amendment to article 42 (see sec. 2(18) below) provides that the oath may be taken at any time before a member performs his duties. The words "evidence previously introduced before the members of the court" have been inserted in place of the present language so that only that evidence which has been introduced before the members of the court must be read to the court to which the new members have been detailed and so that all evidence, not just "testimony," will be included.

Section 2(12) amends article 35 (service of charges) to provide time for preparation by the defense before the convening of a pretrial session under the proposed amendment to article 39 below.

Section 2(13) amends article 37 (unlawfully influencing action of court) to strengthen the existing prohibitions against unlawful command influence exerted on members or officials of a court-martial by the convening authority or other commanding officers.

The section would redesignate the text of the present article as subsection (a) and would specifically exempt general informational lectures on military justice from the prohibitions of the article, thereby reversing a Court of Military Appeals decision in which such general lectures were found to violate article 37.

The section would also add to article 37 a new subsection (b) providing that the performance of a serviceman as a member of a court-martial may not be evaluated in preparing an effectiveness, fitness, or efficiency report on him or in determining his fitness for promotion, transfer, or retention in the service, nor may he be given a less favorable rating or evaluation because of his zeal in acting as defense counsel in a court-martial.

Section 2 (14) amends article 38 (duties of counsel) by providing that, if the accused who has individual counsel does not desire that detailed counsel act in his behalf as associate counsel, detailed counsel shall be excused by the military judge instead of by the president when the trial is by a court-martial which includes, or consists only of, a military judge. This change is made necessary by the provisions for courts-martial consisting of a military judge only, and also by the provisions which permit the military judge to call the court into pretrial session without the presence of the members. In the absence of the amendment the military judge would not be empowered to excuse counsel at the session.

Section 2 (15) amends article 39 (sessions) to provide that the military judge of a court-martial composed of a military judge and members may call the court into session without the attendance of members for the purpose of disposing of interlocutory motions raising defenses and objections, ruling upon other matters that may legally be ruled upon by the military judge, holding the arraignment and receiving the pleas of the accused if permitted by regulations of the Secretary concerned, and performing other procedural functions which do not require the presence of court members. The effect of the amendment, generally, is to conform military criminal procedure with the rules of criminal procedure applicable in the U.S. district courts and otherwise to give statutory sanction to pretrial and other hearings without the presence of the members concerning those matters which are amenable to disposition on either a tentative or final basis by the military judge. The pretrial disposition of motions raising defenses and objections is in accordance with rule 12 of the Federal Rules of Criminal Procedure. (Note also rule 17.1 of the Federal Rules of Criminal Procedure.) Other procedural and interlocutory matters will be presented for appropriate rulings by the military judge at pretrial sessions at his discretion, although he may not abuse that discretion by violating or impairing in these proceedings any substantial right of the accused. This is in accordance with the principles expressed by the U.S. Court of Military Appeals in *United States* v. *Mullican,* 7 USCMA 208, 21 CMR 334.

A typical matter which could be disposed of at a pretrial session is the preliminary decision on the admissibility of a contested confession. Under present practice, an objection by the defense to the admissibility of a confession on the ground that it was not voluntary frequently results in a lengthy hearing before the military judge from which the members of the court are excluded, although they must still remain in attendance. By permitting the military judge to rule on this question before the members of the court have assembled, the members are not required to spend considerable time merely waiting for a decision of the military judge. If the military judge sustains the objection, the issue is resolved, and the fact and innuendoes surrounding the making of the confession will not reach the members by inference or otherwise. If the military judge determines to admit the confession, the issue of voluntariness will normally, under civilian and military Federal practice, be relitigated before the full court.

Only one pretrial session would be called in any particular case, although that session could continue for as long as necessary and could be recessed, postponed, continued, or reconvened. A reconvened pretrial session would not constitute a second such session, but rather a continuation of the session first called.

This amendment merely provides a grant of authority to the military judge to hold sessions without the attendance of the members of the court for the purposes designated in the amendment and does not attempt to formulate rules for the conduct of these sessions or for determining whether or not particular matters not raised there at shall be considered as waived. These are questions more appropriately resolved under the authority given to the president in article 36 to make rules governing the procedure before courts-martial. The president now prescribes rules as to motions raising defenses and objections in court-martial trials in chapter XII of the Manual for Courts-Martial, as does the Supreme Court for Federal criminal trials in rule 12 of the Federal Rules of Criminal Procedures.

The section also amends article 39 to conform to the amendment to article 26 by section 2(9) above which eliminates the practice of the military judge conferring with the members on the form of the findings without the presence of the accused and counsel.

Section 2(16) amends article 40 (continuances) to make it clear that when the court includes a military judge he will decide whether or not a continuance will be granted. This has actually been the practice under the code.

Section 2(17) amends subsection (a) of article 41 (challenges) by specifically providing that the military judge of a special court-martial may be challenged for cause. Article 41(a) is further amended to provide that when a court-martial includes a military judge, he, rather than the members, shall determine the relevancy and validity of challenges. The effect of this amendment is to conform procedures before courts-martial to procedures in the U.S. district courts in which the trial judge rules upon a challenge for cause against a juror. As recently as February 5, 1965, in the case of *United States* v. *Cleveland,* 15 USCMA 213, 35 CMR 185, the Court of Military Appeals reaffirmed its recommendation (made in the 1960 annual report to Congress) that legislation be enacted to empower the military judge to rule upon the validity of challenges for cause. Prior expressions of this position may be found in *United States* v. *Talbott,* 12 USCMA 446, 31 CMR 32 (1961); *United States* v. *Deain,* 5 USCMA 44, 17 CMR 41 (1954); and *United States* v. *Adamsik,* 4 USCMA 412, 15 SCMR 412 (1954).

Section 2(18) amends subsection (a) of article 42 (oaths) by omitting the requirement that the oath given to court-martial personnel be taken in the presence of the accused and further by providing that the form of the oath, the time and place of its taking, the manner of recording thereof, and whether the oath shall be taken for all cases or for a particular case, shall be prescribed by regulations of the Secretary concerned. The amendment also contemplates that secretarial regulations may permit the administration of an oath to certified legal personnel on a one-time basis as in the case of legal practitioners before civilian courts.

Section 2(19) amends article 45 (pleas of the accused) to allow, if permitted by regulations of the Secretary concerned and if the offense is not one for which the death penalty may be adjudged, the entry of findings of guilty upon acceptance of a plea of guilty without the necessity of voting on the findings. At common law and under the practice in the U.S. district courts, the court may enter judgment upon a plea of guilty without a formal finding of guilty and the record of judgment entered on such plea constitutes a judicial determination of guilt. The amendment is intended to conform military criminal procedure with that in civilian jurisdictions, and to delete from military practice the merely ritualistic formality of requiring the assembled court to vote on the findings. The section also deletes the reference in subsection (a) to "arraignment before a court-martial" to conform with the changed article 39.

Section 2(20) amends subsection (a) of article 49 (depositions) to provide that, when a case is being heard, the military judge or court-martial without a military judge is the appropriate authority to forbid the taking of a deposition for good cause. The intent and purpose of this change is to vest in the military judge or in the court-martial if it does not include a military judge the authority to rule on this interlocutory matter after trial has begun.

Section 2(21) amends article 51 (voting and rulings) to reflect the amendment to article 41 which provides that, when a court-martial includes a military judge, he is the person who rules upon all challenges for cause, and to include specifically in subsection (c) the duty of the military judge and president of a court-martial without a military judge to instruct the members of the court. This section further amends article 51 to provide that rulings of the military judge of a special, as well as a general, court-martial on all questions of law and all interlocutory questions other than the factual issues of the accused's mental responsibility are final and that rulings of the president of a special court-martial without a military judge on questions of law other than a motion for a finding of not guilty are also final. The military judge or the president of a court-martial without a military judge, however, can change his ruling at any time during the trial. The power given to the military judge by this amendment is in accordance with Federal practice, and the power given to the president of a special court-martial to rule finally on questions of law is implicit in the decision of the U.S. Court of Military Appeals in *United States* v. *Bridges,* 12 USCMA 96, 30 CMR 96.

Article 51 is further amended to provide that a military judge who is sitting alone as a single-officer court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. Under these circumstances, the military judge shall make a general finding and, if requested, find the facts specially. If an opinion is filed it will be sufficient if the finding of fact appears therein.

Section 2(22) amends article 52 (number of votes required) to conform with the amendment to article 45 by inserting in subsection (a)(2) a provision whereby findings of guilty may be entered against a person upon his plea of guilty without the formality of a vote, if permitted by regulations of the Secretary concerned and if the offense is not one for which the death penalty may be adjudged. Article 52 is further amended by adding to subsection (c) a provision whereby the members of the court may determine to reconsider a finding of guilty or, with a view to decreasing it, a sentence upon any vote which indicates that reconsideration is not opposed by the number of votes required for that finding or sentence. This amendment is consistent with justice and fair procedure, for such a vote would indicate that at least one of the members who had voted for the finding or sentence now desires to reconsider the matter. A reconsideration of a finding of guilty of a lesser included offense with a view to arriving at a finding of guilty of a greater offense is actually a reconsideration of a finding of not guilty, and accordingly a majority vote is required before such a reconsideration can be undertaken. The amendment is not intended to have any effect upon the time within which a finding or sentence may be reconsidered, this being part of the rulemaking power of the President under article 36 (see pars. 74d(3) and 76(c) of the Manual for Courts-Martial for rules now in effect).

Section 2(23) amends subsection (a) of article 54 (record of trial) to provide for authentication of a record of trial by general court-martial by the signature of the military judge. Under the present law, the record must be authenticated by the signature of both military judge and the president, or, if they are unavailable for one of the reasons specified in the article, by two members. However, neither the president nor other members are present during the many hearings held out of their presence even under the present practice, and thus actually are unable to certify to the correctness of a transcription of those proceedings. The amendment further provides that if the military judge cannot, for one of the specified reasons, authenticate the record, it shall be authenticated by the signature of the trial counsel or if he is unable to authenticate it because of his death, disability, or absence, by a member. Authentications by a member, if the court has members, in this latter case may be a practical necessity despite the absence of the member from hearings conducted by the military judge. In a general court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection.

This amendment further amends article 54 by permitting the president to provide for summarized records of trial in general court-martial cases resulting in acquittal of all charges and specifications or, if they do not affect a general or flag officer, in sentences not involving a discharge and not in excess of a sentence that can otherwise be adjudged by special courts-martial. This amendment corrects an inconsistency which has heretofore existed, since the use of a summarized record of trial is permitted in special court-martial cases if the sentence does not extend to a bad-conduct discharge. The reasons which justify the employment of summarized records of trial in certain special court-martial cases are equally applicable to the class of general court-martial cases affected by this amendment—that is, the time, effort, and expense of preparing a verbatim transcript are not justified. It is recognized, of course, that the general court-martial case will have to be fully reported in the first instance, and the amendment deals only with preparation of the record after trial.

Section 2(24) amends article 57 (effective date of sentences) to permit the deferment of sentences to confinement during the appellate review process. For the convicted military accused, no practical provision for release during the period of appellate review now exists. Article 57(b) provides that a sentence to confinement begins to run from the date it is adjudged by the court, with the exception that periods during which it is suspended are to be excluded in computing the term of confinement. The Court of Military Appeals has held (*United States* v. *May*, 10 USCMA 358, 27 CMR 415 (1959) that a suspension of a sentence makes the accused a probationer as to the part suspended, and that the suspension may not thereafter be vacated except after a hearing to establish that the accused has violated his probation. Suspension of sentence cannot, therefore, be used effectively as a means of release pending appeal. In consequence, a convicted military prisoner must begin serving his sentence to confinement from the date it is adjudged, even though it ultimately may be reversed on appeal. If it is reversed by the Court of Military Appeals, the prisoner probably will have served the entire sentence by the time a decision is rendered. If reversal comes earlier, at the court of military review level, he will at least have served several months of the sentence before reversal.

This amendment will correct this situation by authorizing a means of release from confinement during appellate review. Under the proposed new subsection (d), article 57, the convening authority or the officer exercising general court-martial jurisdiction over the command could in his discretion defer an individual's service of a sentence to confinement which has not been ordered executed, upon the accused's application. The deferment would be terminated and the sentence would begin to run automatically when the sentence is approved upon review and ordered executed. The discretion exercised would be very broad and would be vested exclusively in the convening authority or the officer exercising general court-martial jurisdiction. Such officers would take into consideration all relevant factors in each case and would grant or deny deferment based upon the best interest of the individual and the service. The officer granting the deferment or, if the individual is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the individual is currently assigned would have discretionary authority to rescind it at any time.

Sections 2(25) and 2(26) are technical amendments to the analysis of subchapter IX and article 65(b), respectively, to reflect the redesignation by the following section of "boards of review" as "courts of military review."

Section 2(27) amends article 66 (boards of review) by redesignating the boards as "courts of military relvew" and by directing each judge advocate general to establish a single court of military review in the place of the "one or more boards of review" provided for in the present article 66(a). The amendment also provides that the court of military review shall be composed of one or more panels and that each panel shall be composed of not less than three appellate military judges. In reviewing court-martial cases, the court of military review may sit as a whole, or in panels, in accordance with uniform rules of procedure prescribed by the judge advocate generals in accordance with article 66(f). Qualifications of the appellate military judges who may be assigned to the court remain the same as the present qualifications for members of boards of review. Under the amendment, the Judge Advocate General designates as chief judge one of the appellate military judges of the court of military review established by him. The chief judge determines on which of the panels of the court the appellate military judges assigned to the court will serve and which appellate military judge assigned to the court will act as the senior judge on each panel. The purpose of the amendment is to provide a single appellate body for the review of court-martial cases within each service, to improve and enhance the stature and independent status of these appellate bodies, and to provide for sound internal administration within these courts of military review.

This section further amends article 66 by adding two new subsections at the end thereof: Subsection (g) prohibits one member of a court of military review from preparing or in any way participating in the submission of a fitness or efficiency report on any other member. This prohibition also extends to any report or document used in determining another member's qualifications for advancement in grade, assignment or transfer, or retention on active duty. Subsection (h) prohibits any member of a court of military review from reviewing the record in any case in which that member served as investigating officer, member of the court-martial, military judge, trial or defense counsel, or reviewing officer.

Section 2(28) is a technical amendment to reflect the change in terminology made by the previous section.

Section 2(29) amends article 68 (branch offices) to provide that the Secretary concerned, instead of the president as provided in the present article, may direct the Judge Advocate General to establish a branch office under an assistant judge advocate general with any command. That assistant judge advocate general, with the consent of the Judge Advocate General, may establish a court of military review with one or more panels. In other respects the provisions of the amendment are similar to the provisions of the present article 68 respecting the assistant judge advocate general and boards of review.

Section 2(30) amends article 69 (review by Judge Advocate General) by adding a new sentence authorizing the Judge Advocate General) to either vacate or modify the findings or sentence, or both, in whole or in part, in any court-martial case which has been finally reviewed, but which has not been reviewed by a court of military review, because of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused. It has been the experience of all of the services in this class of cases, particularly with respect to summary court-martial cases and those special and general court-martial cases not reviewable by a board of review, that some provision should be made for removing the fact of conviction, as well as granting other relief, in appropriate cases. Since the decision to remove the fact of conviction is a judicial determination based on the traditional legal grounds mentioned in the proposed amendment, it is considered appropriate that the Judge Advocate General should be empowered to perform this function as well as to grant lesser forms of relief. This amendment would not limit the power now possessed by the Secretary concerned, acting through boards established under 10 U.S.C. 1552, to correct an error or remove an injustice.

Section 2(31) amends article 70 (appellate counsel) to reflect the new title "court of military review."

Section 2(32) amends article 71 (execution and suspension of sentence) to reflect the new title "court of military review" and to reflect the amendment made by section 2(24) above permitting the deferment of sentences to confinement pending appellate review.

Section 2(33) amends article 73 (petition for new trial) to extend the time within which an accused may petition the Judge Advocate General for a new trial from 1 to 2 years, and to extend the right to petition for a new trial to all cases, not just those involving sentences to death, dismissal, a punitive discharge, or a year or more in confinement, as under the present article 73.

Section 2(34) is a technical amendment to reflect the new title "military judge."

Section 3 is a technical amendment providing that in any other provision of Federal law, or in any regulation, document, or record of the United States, the term "law officer," when used to refer to a court-martial official, shall be deemed to mean "military judge," and the term "board of review," when used to refer to the appellate review of court-martial cases, shall be deemed to mean "court of military review."

Section 4 provides that the amendments made by this act shall become effective on the first day of the 10th month following the month in which it is enacted, except for the amendment made by section 2(30) (review by Judge Advocate General) which shall become effective upon enactment of the act, and the amendment made by section 2(33) (petition for new trial) which shall apply to all court-martial sentences approved not more than 2 years before enactment of the act.

The title of the act is amended to read: "An act to increase the participation of military judges and counsel on courts-martial, and for other purposes."

DEPARTMENTAL RECOMMENDATION

As referred to the committee the bill had the approval of the Department of Defense. Although some of the committee amendments had earlier been opposed by the Department of Defense in its reports on military justice proposals, the committee was informally notified that the Department of Defense approves the bill as reported by the committee.

The **PRESIDING OFFICER**. The bill is open to further amendment; if there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15971) was read the third time and passed.

The title was amended, so as to read: "An act to increase the participation of military judges and counsel on courts-martial, and for other purposes."

FEDERAL MAGISTRATE ACT

Mr. **TYDINGS**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 945.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 945) to abolish the office of United States commissioner, to establish in place thereof within the judicial branch of the Government the office of United States magistrate, and for other purposes which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Magistrates Act".

TITLE I—UNITED STATES MAGISTRATES

SEC. 101. Chapter 43, title 28, United States Code, relating to United States commissioners, is amended to read as follows:

"CHAPTER 43.—UNITED STATES MAGISTRATES

"Sec.
"631. Appointment and tenure.
"632. Character of service.
"633. Determination of number, locations, and salaries of magistrates.
"634. Compensation.
"635. Expenses.
"636. Jurisdiction and powers.
"637. Training.
"638. Dockets and forms; United States Code; seals.
"639. Definitions.

"§ 631. Appointment and tenure

"(a) The judges of each United States district court shall appoint United States magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. Where there is more than one judge of a district court, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where an area under the administration of the National Park Service, or the United States Fish and Wildlife Service, or any other Federal agency, extends into two or more judicial districts and it is deemed desirable by the conference that the territorial jurisdiction of a magistrate's appointment include the entirety of such area, the appointment or reappointment shall be made by the concurrence of a majority of all judges of the district courts of the judicial districts involved, and where there is no such concurrence by the concurrence of the chief judges of such district courts.

"(b) No individual may be appointed to serve as a magistrate under this chapter unless:

"(1) He is a member in good standing of the bar of the highest court of the State in which he is to serve, or, in the case of an individual appointed to serve—

"(A) in the District of Columbia, a member in good standing of the bar of the United States district court for the District of Columbia;

"(B) in the Commonwealth of Puerto Rico, a member in good standing of the bar of the Supreme Court of Puerto Rico; or

"(C) in an area under the administration of the National Park Service, the United States Fish and Wildlife Service, or any other Federal agency that extends into two or more States, a member in good standing of the bar of the highest court of one of those States;

except that an individual who does not meet the bar membership requirements of the first sentence of this paragraph may be appointed and serve as a part-time magistrate if the appointing court or courts and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location;

"(2) He is determined by the appointing district court or courts to be competent to perform the duties of the office;

"(3) In the case of an individual appointed to serve in a national park, he resides within the exterior boundaries of that park, or at some place reasonably adjacent thereto;

"(4) He is not related by blood or marriage to a judge of the appointing court or courts at the time of his initial appointment.

"(c) A magistrate may hold no other civil or military office or employment under the United States: *Provided, however*, That, with the approval of the conference, a part-time referee in bankruptcy or a clerk or deputy clerk of a court of the United States may be appointed and serve as a part-time United States magistrate, but the conference shall fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate and part-time referee in bankruptcy, clerk or deputy clerk: And *provided further*, That retired officers and retired enlisted personnel of the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, members of the Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and members of the Army National Guard of the United States, the Air National Guard of the United States, and the Naval Militia and of the National Guard of a State, territory, or the District of Columbia, except the National Guard disbursing officers who are on a full-time salary basis, may be appointed and serve as United States magistrates.

"(d) No individual may serve under this chapter after having attained the age of seventy years: *Provided, however*, That upon the unanimous vote of all the judges of the appointing court or courts, a magistrate who has attained the age of seventy years may continue to serve and may be reappointed under this chapter.

"(e) The appointment of any individual as a full-time magistrate shall be for a term of eight years, and the appointment of any individuals as a part-time magistrate shall be for a term of four years, except that the term of a full-time or part-time magistrate appointed under subsection (j) shall expire upon—

"(1) the expiration of the absent magistrate's term,

"(2) the reinstatement of the absent magistrate in regular service in office as a magistrate,

"(3) the failure of the absent magistrate to make timely application under subsection (i) of this section for reinstatement in regular service in office as a magistrate after discharge or release from military service.

"(4) the death or resignation of the absent magistrate, or

"(5) the removal from office of the absent magistrate pursuant to subsection (h) of this section,

whichever may first occur.

"(f) Each individual appointed as a magistrate under this section shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of his office.

"(g) Each appointment made by a judge or judges of a district court shall be entered of record in such court, and notice of such appointment shall be given at once by the clerk of that court to the Director.

"(h) Removal of a magistrate during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but a magistrate's office shall be terminated if the conference determines that the services performed by his office are no longer needed. Removal shall be by the judges of the district court for the judicial district in which the magistrate serves; where there is more than one judge of a district court, removal shall not occur unless a majority of all the judges of such court concur in the order of removal; and when there is a tie vote of the judges of the district court on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council. In the case of a magistrate appointed under the third sentence of subsection (a) of this section, removal shall not occur unless a majority of all the judges of the appointing district courts concur in the order of removal; and where there is a tie vote on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council or councils. Before any order or removal shall be entered, a full specification of the charges shall be furnished to the magistrate, and he shall be accorded by the judge or judges of the removing court, courts, council, or councils an opportunity to be heard on the charges.

"(i)(1) A magistrate who is inducted into the Armed Forces of the United States pursuant to the Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.), or is otherwise ordered to active duty with such forces for a period of more than thirty days, and who makes application for a leave of absence to the district court or courts which appointed him, shall be granted a leave of absence without compensation for such period as he is required to serve in such forces. Every application for a leave of absence under this subsection shall include a copy of the official orders requiring the magistrate's military service. The granting of a leave of absence under this subsection shall not operate to extend the term of office of any magistrate.

"(2) A magistrate granted a leave of absence under this subsection who—

"(A) receives a certificate of service under section 9(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 459(a)), or is released under honorable conditions from the military service,

"(B) makes application for reinstatement to regular service in office as a magistrate within ninety days after he is released from such service or training or from hospitalization continuing after discharge for a period of not more than one year, and

"(C) is determined by the appointing court or courts in the manner specified in subsection (a) of this section to be still qualified to perform the duties of such position, shall be reinstated in regular service in such office.

"(j) Upon the grant by the appropriate district court or courts of a leave of absence to a magistrate entitled to such relief under the terms of subsection (i) of this section, such court or courts may proceed to appoint, in the manner specified in subsection (a) of this section, another magistrate, qualified for appointment and service under subsections (b), (c), and (d) of this section, who shall serve for the period specified in subsection (e) of this section.

"§ 632. Character of service

"(a) Full-time United States magistrates may not engage in the practice of law, and may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"(b) Part-time United States magistrates shall render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, nor act in any capacity that is, under such regulations as the conference may establish, inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"§ 633. Determination of number, locations, and salaries of magistrates

"(a) SURVEYS BY THE DIRECTOR.—

"(1) The Director shall, within one year immediately following the date of the enactment of the Federal Magistrates Act, make a careful sulrvey of conditions in judicial districts to determine (A) the number of appointments of full-time magistrates and part-time magistrates required to be made under this chapter to provide for the expeditious and effective administration of justice, (B) the locations at which such officers shall serve, and (C) their respective salaries under section 634 of this title. Thereafter, the Director shall, from time to time, make such surveys, general or local, as the conference shall deem expedient.

"(2) In the course of any survey, the Director shall take into account local conditions in each judicial district, including the areas and the populations to be served, the transportation and communications facilities available, the amount and distribution of business of the type expected to arise before officers appointed under this chapter (including such matters as may be assigned under section 636(b) of this chapter), and any other material factors. The Director shall give consideration to suggestions from any interested parties, including district judges, United States commissioners or officers appointed under this chapter, United States attorneys, bar associations, and other parties having relevant experience or information.

"(3) The surveys shall be made with a view toward creating and maintaining a system of full-time United States magistrates. However, should the Director find, as a result of any such surveys, areas in which the employment of a full-time magistrate would not be feasible or desirable, he shall recommend the appointment of part-time United States magistrates in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer of the United States promptly after arrest.

"(b) DETERMINATION BY THE CONFERENCE.—Upon the completion of the initial surveys required by subsection (a) of this section, the Director shall report to the district courts, the councils, and the conference his recommendations concerning the number of full-time magistrates and part-time magistrates, their respective locations, and the amount of their respective salaries under section 643 of this title. The district courts shall advise their respective councils, stating their recommendations and the reasons therefor; the councils shall advise the conference, stating their recommendations and the reasons therefor, and shall also report to the conference the recommendations of the district courts. The conference shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates and part-time United States magistrates, the locations at which they shall serve, and their respective salaries. Such determinations shall take effect in each judicial district at such time as the district court for such judicial district shall determine, but in no event later than one year after they are promulgated.

"(c) CHANGES IN NUMBER, LOCATIONS, AND SALARIES.—Except as otherwise provided in this chapter, the conference may, from time to time, in the light of the recommendations of the Director, the district courts, and the councils, change the number, locations, and salaries of full-time and part-time magistrates, as the expeditious administration of justice may require. Such determinations shall take effect sixty days after they are promulgated.

"§ 634. Compensation

"(a) Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference pursuant to section 633 of this title, at rates not more than $22,500 per annum for full-time United States magistrates, and not more than $11,000 per annum nor less than $100 per annum for part-time United States magistrates. In fixing the amount of salary to be paid to any officer appointed under this chapter, consideration shall be given to the average number and the nature of matters that have arisen during the immediately preceding period of five years, and that may be expected thereafter to arise, over which such officer would have jurisdiction and to such other factors as may be material. Disbursement of salaries shall be made by or pursuant to the order of the Director.

"(b) Except as provided by section 8344, title 5, relating to reductions of the salaries of reemployed annuitants under subchapter III of chapter 83 of such title and unless the office has been terminated as provided in this chapter, the salary of a full-time United States magistrate shall not be reduced, during the term in which he is serving, below the salary fixed for him at the beginning of that term.

"(c) All United States magistrates, effective upon their taking the oath or affirmation of office, and all necessary clerical and secretarial assistants employed in the offices of full-time United States magistrates shall be deemed to be officers and employees in the judicial branch of the United States Government within the meaning of subsection III (relating to civil service retirement) of chapter 83, chapter 87 (relating to Federal employees' group life insurance), and chapter 89 (relating to Federal employees' health benefits program) of title 5. Part-time magistrates shall not be excluded from coverage under these chapters solely for lack of a prearranged regular tour of duty.

"§ 635. Expenses

"(a) Full-time United States magistrates serving under this chapter shall be allowed their actual and necessary expenses incurred in the performance of their duties, including the compensation of necessary clerical and secretarial assistance. Such expenses and compensation shall be determined and paid by the Director under such regulations as the Director shall prescribe with the approval of the conference. The Administrator of General Services shall provide such magistrates with necessary courtrooms, office space, furniture and facilities within United States courthouses or office buildings owned or occupied by departments or agencies of the United States, or should suitable courtroom and office space not be available within any such courthouse or office building, the Administrator of General Services, at the request of the Director, shall procure and pay for suitable courtroom and office space, furniture and facilities for such magistrate in another building, but only if such request has been approved as necessary by the judicial council of the appropriate circuit.

"(b) Under such regulations as the Director shall prescribe with the approval of the conference, the Director shall reimburse part-time magistrates for actual expenses necessarily incurred by them in the performance of their duties under this chapter. Such reimbursement may be made, at rates not exceeding those prescribed by such regulations, for expenses incurred by such part-time magistrates for clerical and secretarial assistance, stationery, telephone and other communications services, travel, and such other expenses as may be determined to be necessary for the proper performance of the duties of such officers: *Provided, however,* That no reimbursement shall be made for all or any portion of the expense incurred by such part-time magistrates for the procurement of office space.

"§ 636. Jurisdiction and powers

"(a) Each United States magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment—

"(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

"(2) the power to administer oaths and affirmations, impose conditions of release under section 3146 of title 18, and take acknowledgements, affidavits, and depositions; and

"(3) the power to conduct trials under section 3401, title 18, United States Code, in conformity with and subject to the limitations of that section.

"(b) Any district court of the United States, by the concurrence of a majority of all the judges of such district court, may establish rules pursuant to which any full-time United States magistrate, or, where there is no full-time magistrate reasonably available, any part-time magistrate specially designated by the court, may be assigned within the territorial jurisdiction of such court such additional duties as are not inconsistent with the Constitution and laws of the United States. The additional duties authorized by rule may include, but are not restricted to—

"(1) service as a special master in an appropriate civil action, pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts;

"(2) assistance to a district judge in the conduct of pretrial or discovery proceedings in civil or criminal actions; and

"(3) preliminary review of applications for post-trial relief made by individuals convicted of criminal offenses, and submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case as to whether there should be a hearing.

"(c) The practice and procedure for the trial of cases before officers serving under this chapter, and for the taking and hearing of appeals to the district courts, shall conform to rules promulgated by the Supreme Court pursuant to section 3402 of title 18, United States Code.

"(d) In a proceeding before a magistrate, any of the following acts or conduct shall constitute a contempt of the district court for the district wherein the magistrate is sitting: (1) disobedience or resistance to any lawful order, process, or writ; (2) misbehavior at a hearing or other proceeding, or so near the place thereof as to obstruct the same; (3) failure to produce, after having been ordered to do so, any pertinent document; (4) refusal to appear after having been subpenaed or, upon appearing, refusal to take the oath or affirmation as a witness, or having taken the oath or affirmation, refusal to be examined according to law; or (5) any other act or conduct which if committed before a judge of the district court would constitute contempt of such court. Upon the commission of any such act or conduct, the magistrate shall forthwith certify the facts to a judge of the district court and may serve or cause to be served upon any person whose behavior is brought into question under this section an order requiring such person to appear before a judge of that court upon a day certain to show cause why he should not be adjudged in contempt by reason of the facts so certified. A judge of the district court shall thereupon, in a summary manner, hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a judge of the court, or commit such person upon the conditions applicable in the case of defiance of the process of the district court or misconduct in the presence of a judge of that court.

"§ 637. Training

"The Federal Judicial Center shall conduct periodic training programs and seminars for both full-time and part-time United States magistrates, including an introductory training program for new magistrates, to be held within one year after initial appointment.

"§ 638. Dockets and forms; United States Code; seals

"(a) The Director shall furnish to United States magistrates adequate docket books and forms prescribed by the Director. The Director shall also furnish to each such officer a copy of the current edition of the United States Code.

"(b) All property furnished to any such officer shall remain the property of the United States and, upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders.

"(c) The Director shall furnish to each United States magistrate appointed under this chapter an official impression seal in a form prescribed by the conference. Each such officer shall affix his seal to every jurat or certificate of his official acts without fee.

"§ 639. Definitions

"As used in this chapter—

"(1) 'Conference' shall mean the Judicial Conference of the United States;

"(2) 'Council' shall means the Judicial Council of the Circuit;

"(3) 'Director' shall mean the Director of the Administrative Office of the United States Courts;

"(4) 'Full-time magistrate' shall mean a full-time United States magistrate;

"(5) 'Part-time magistrate' shall mean a part-time United States magistrate; and

"(6) 'United States magistrate' and 'magistrate' shall mean both full-time and part-time United States magistrates."

SEC. 102. (a) The item relating to United States commissioners contained in the chapter analysis of part III, title 28, United States Code, is amended to read as follows:

"43. United States magistrates........ 631."

(b) The item relating to United States commissioners contained in the part and chapter analysis immediately following the title caption of title 28, United States Code, is amended to read as follows:

"43. United States magistrates........ 631."

TITLE II—ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SEC. 201. (a) Paragraph (9) of subsection (a) of section 604, title 28, United States Code, is amended by striking out the words "United States Commissioners", and inserting in lieu thereof the words "United States magistrates".

(b) Section 604, title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) The Director, under the supervision and direction of the conference, shall:

"(1) supervise all administrative matters relating to the offices of the United States magistrates;

"(2) gather, compile, and evaluate all statistical and other information required for the performance of his duties and the duties of the conference with respect to such officers:

"(3) lay before Congress annually statistical tables and other information which will accurately reflect the business which has come before the various United States magistrates;

"(4) prepare and distribute a manual, with annual supplements and periodic revisions, for the use of such officers, which shall set forth their powers and duties, describe all categories of proceedings that may arise before them, and contain such other information as may be required to enable them to discharge their powers and duties promptly, effectively, and impartially.

"(e) The Director may promulgate appropriate rules and regulations approved by the conference and not inconsistent with any provision of law, to assist him in the performance of the duties conferred upon him by subsection (d) of this section. Magistrates shall keep such records and make such reports as are specified in such rules and regulations".

TITLE III—AMENDMENTS TO TITLE 18, UNITED STATES CODE

TECHNICAL AMENDMENTS

SEC. 301. (a) Except as otherwise specifically provided by this title, part II, title 18, United States Code (relating to criminal procedure) is amended by:

(1) striking out the words "United States commissioner" wherever they appear therein, and inserting in lieu thereof the words "United States magistrate";

(2) striking out the words "United States commissioners" wherever they appear therein, and inserting in lieu thereof the words "United States magistrates";

(3) striking out the word "commissioner" wherever it appears in relation to a United States Commissioner, and inserting in lieu thereof the word "magistrate";

(4) striking out the word "Commissioners" wherever it appears in relation to United States commissioners, and inserting in lieu thereof the word "magistrates".

(b) Section 202(a) of title 18, United States Code, is amended by striking out words "or a part-time United States Commissioner", and inserting in lieu thereof the words "a part-time United States commissioner, or a part-time United States magistrate".

(c) The chapter caption of chapter 219, part II, title 18, United States Code, is amended to read as follows:

"CHAPTER 219.—TRIAL BY UNITED STATES MAGISTRATES"

TRIAL BY MAGISTRATES

SEC. 302. (a) Section 3401, title 18, United States Code, is amended to read as follows:

"§ 3401. Minor offenses; application of probation laws

"(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, and under such conditions as may be imposed by the terms of the special designation, any United States magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, minor offenses committed within that judicial district.

"(b) Any person charged with a minor offense may elect, however, to be tried before a judge of the district court for the district in which the offense was committed. The magistrate shall carefully explain to the defendant that he has a right to trial before a judge of the district court and that he may have a right to trial by jury before such judge, and shall not proceed to try the case unless the defendant, after such explanation, signs a written consent to be tried before the magistrate that specifically waives both a trial before a judge of the district court and any right to trial by jury that he may have.

"(c) A magistrate who exercises trial jurisdiction under this section, and before whom a person is convicted or pleads either guilty or nolo contendere, may, with the approval of a judge of the district court, direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate prior to the imposition of sentence.

"(d) The probation laws shall be applicable to persons tried by a magistrate under this section, and such officer shall have power to grant probation and to revoke or reinstate the probation of any person granted probation by him.

"(e) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

"(f) As used in this section, the term 'minor offenses' means misdemeanors punishable under the laws of the United States, the penalty for which does not exceed imprisonment for a period of one year, or a fine of not more than $1,000, or both, except that such term does not include any offense punishable under any of the following provisions of law: Section 102 of the Revised Statutes, as amended (2 U.S.C. 192); section 314(a) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 252(a)); and sections 210, 211, 242, 594, 597, 599, 600, 601, 1304, 1504, 1508, 1509, 2234, 2235, and 2236 of title 18, United States Code."

(b) Section 3402, title 18, United States Code, is amended to read as follows:

"§ 3402. Rules of procedure; practice and appeal

"In all cases of conviction by a United States magistrate an appeal of right shall lie from the judgment of the magistrate to a judge of the district court of the district in which the offense was committed.

"The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before magistrates and for taking and hearing of appeals to the judges of the district courts of the United States."

(c) The item related to section 3401, title 18, United States Code, contained in the chapter analysis of chapter 219, title 18, United States Code, is amended to read as follows:

"3401 Minor offenses; application of probation laws."

PRELIMINARY EXAMINATION

SEC. 303. (a) Section 3060, title 18, United States Code, is amended to read as follows:

"§ 3060. Preliminary examination

"(a) Except as otherwise provided by this section, a preliminary examination shall be held within the time set by the judge or magistrate pursuant to subsection (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it.

"(b) The date for the preliminary examination shall be fixed by the judge or magistrate at the initial appearance of the arrested person. Except as provided by subsection (c) of this section, or unless the arrested person waives the preliminary examination, such examination shall be held within a reasonable time following initial appearance, but in any event not later than—

"(1) the tenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day; or

"(2) the twentieth day following the date of the initial appearance if the arrested person is released from custody under any condition other than a condition described in paragraph (1) of this subsection.

"(c) With the consent of the arrested person, the date fixed by the judge or magistrate for the preliminary examination may be a date later than that prescribed by subsection (b), or many be continued one or more times to a date subsequent to the date initially fixed therefor. In the absence of such consent of the accused, the date fixed for the preliminary hearing may be a date later than that prescribed by subsection (b), or may be continued to a date subsequent to the date initially fixed therefor, only upon the order of a judge of the appropriate United States district court after a finding that extraordinary circumstances exist, and that the delay of the preliminary hearing is indispensable to the interests of justice.

"(d) Except as provided by subsection (e) of this section, an arrested person who has not been accorded the preliminary examination required by subsection (a) within the period of time fixed by the judge or magistrate in compliance with subsections (b) and (c), shall be discharged from custody or from the requirement of bail or any other condition of release, without prejudice, however, to the institution of further criminal proceedings against him upon the charge upon which he was arrested.

"(e) No preliminary examination in compliance with subsection (a) of this section shall be required to be accorded an arrested person, nor shall such arrested person be discharged from custody or from the requirement of bail or any other condition of release pursuant to subsection (d), if at any time subsequent to the initial appearance of such person before a judge or magistrate and prior to the date fixed for the preliminary examination pursuant to subsections (b) and (c) an indictment is returned or, in appropriate cases, an information is filed against such person in a court of the United States.

"(f) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A copy of the record of such proceeding shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts."

(b) The item relating to section 3060 contained in the section analysis of chapter 203, title 18, United States Code, is amended to read as follows:

"3060. Preliminary examination."

TITLE IV—TRANSITIONAL PROVISIONS

APPOINTMENT OF MAGISTRATES

SEC. 401. (a) No individual may serve as a United States commissioner within any judicial district after the date on which a United States magistrate assumes office in such judicial district.

(b) An individual serving as a United States commissioner within any judicial district on the date of enactment of this Act who is a member in good standing of the bar of the highest court of any State may be appointed to the office of United States magistrate for an initial term, and may be reappointed to such office for successive terms, notwithstanding his failure to meet the bar membership qualification imposed by section 631(b)(1) of chapter 43, title 28, United States Code: *Provided, however*, That any appointment or reappointment of such an individual must be by unanimous vote of all the judges of the appointing district court or courts.

APPLICABLE LAW

SEC. 402. (a) All provisions of law relating to the powers, duties, jurisdiction, functions, service, compensation, and facilities of United States commissioners, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect in each judicial district until but not on or after (1) the date on which the first United States magistrate assumes office within such judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or (2) the third anniversary of the date of enactment of this Act, whichever date is earlier.

(b) On and after the date on which the first United States magistrate assumes office within any judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or the third anniversary of the date of enactment of this Act, whichever date is earlier—

(1) the provisions of chapter 43, title 28, United States Code, as amended by this Act, shall be effective within such judicial district except as otherwise specifically provided by section 401(b) of this title; and

(2) within such judicial district every reference to a United States commissioner contained in any previously enacted statute of the United States (other than sections 8331(1)(E), 8332(1), 8701(a)(7), and 8901(1)(G) of title 5), any previously promulgated rule of any court of the United States, or any previously promulgated regulation of any executive department or agency of the United States, shall be deemed to be a reference to a United States magistrate duly appointed under section 631 of chapter 43, title 28, United States Code, as amended by this Act.

(c) The administrative powers and duties of the Director of the Administrative Office of the United States Courts with respect to United States commissioners under the provisions of chapter 41, title 28, United States Code, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect until no United States commissioner remains in service.

EFFECTIVE DATE

SEC. 403. Except as otherwise provided by sections 401 and 402 of this title, this Act shall take effect on the date of its enactment.

TITLE V—SEVERABILITY

SEC. 501. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of its application to other persons and circumstances shall not be affected.

Mr. TYDINGS. Mr. President, the purpose of S. 945 is to abolish the office of U.S. commissioner and to reform the first echelon of the Federal judiciary into an effective component of a modern scheme of justice by establishing a system of U.S. magistrates. The bill passed the Senate unanimously on June 29, 1967, and was passed in an amended form by the House of Representatives on September 26, 1968. The House amendments do not alter the basic structure of S. 945. They are meant primarily to clarify the act, avoid inconsistencies between the act and other statutes, and make grammatical changes.

Work on this legislation began in October 1965, with hearings on the U.S. commissioner system by the Senate Subcommittee on Improvements in Judicial Machinery of which I am chairman. These hearings continued in December 1965 and February 1966. The basic information gathered at these three sets of hearings, supplemented by data gathered from the responses of over 400 U.S. commissioners to a subcommittee questionnaire, provided the foundation for the drafting of S. 3475, the Federal Magistrates Act of 1966.

After extensive circulation to interested parties of a draft bill, the Federal Magistrates Act of 1966, S. 3475, was introduced on June 7, 1966, by myself and Senator SCOTT, and was cosponsored by Senators BAYH, BENNETT, BREWSTER, DOUGLAS, ERVIN, KENNEDY of Massachusetts, LONG of Missouri, and MOSS. The measure was circulated for comment to every Federal judge, every U.S. attorney, every U.S. commissioner, and to numerous bar associations, law professors, and members of the bar—over 1,500 people in all—and the subcommittee received many helpful responses detailing the thoughts of those consulted.

The subcommittee held hearings on S. 3475 in July and August 1966, and took testimony from a wide range of interested parties. S. 3475, in an amended form that reflected improvements suggested by witnesses at the hearings and those to whom the bill was sent for comment, was introduced as S. 945 in the 90th Congress, and was cosponsored by over 40 Senators. S. 945 has the formal endorsement of the Judicial Conference of the United States and the American Bar Association, and is supported by the Department of Justice and the National Association of U.S. Commissioners.

The hearings on the present operation of the U.S. commissioner system, and the responses to the questionnaire sent to all commissioners, revealed many substantial defects in the existing system, the most notable being the following:

First. Commissioners are paid under a fee system, according to the nature and number of matters they handle. This system is of doubtful wisdom and questionable constitutionality. In *Tumey* v. *Ohio* (273 U.S. 510 (1927)), the Supreme Court held that when a judicial officer has a direct, substantial, pecuniary interest in the outcome of a controversy before him, the procedure violates the due-process clause guarantees of the Constitution. The present method of compensating commissioners probably runs afoul of the Tumey rule.

Second. Present law imposes a ceiling of $10,500 on fees a commissioner may earn in a given year. This means that the busiest commissioners are grossly underpaid for the amount of work they do, since they often reach the statutory ceiling during the first few months of the year. It is, therefore, difficult to attract the best men for the job.

Third. All but a handful of commissioners—those with full-time appointments, who are prohibited from practicing law—must meet the expenses of their office from their own resources. Consequently, the offices of most commissioners are understaffed and poorly accommodated. In fact, the hearings of the Subcommittee on Improvements in Judicial Machinery disclosed that commissioners worked under such poor conditions that one of these judicial officers was forced to hear cases at the tailgate of his station wagon.

Fourth. Almost one-third of the over 700 commissioners are nonlawyers, yet commissioners are frequently called upon to apply some of the most sophisticated rules of constitutional law—rules that the best attorneys and judges are hard pressed to apply correctly.

Fifth. Many commissioners lack an understanding of the true nature of their statutory functions; there is great disparity from district to district on how even fundamental problems are handled, due in great measure to inadequate statutory guidelines and the lack of any effective administrative apparatus within the judiciary that is charged with assisting commissioners in the performance of their duties.

Sixth. Commissioners in many districts grant search-and-arrest warrant applications perfunctorily, thereby depriving both the accused and the legal system of an independent determination of the question of probable cause.

Seventh. Few commissioners have any clear idea of what the contours and purposes of the preliminary hearing are. Much of this confusion is pardonable, since the law with respect to the preliminary hearing is in dire need of clarification.

Eighth. The commissioner's trial jurisdiction is limited to petty offense misdemeanors committed on Federal reservations. This restriction gives rise to several undesirable consequences: First, the U.S. district courts are burdened with a number of minor criminal matters that could easily be handled by a lesser judicial officer such as a commissioner, and which lend an undesirable "police court" atmosphere to the district courts. Second, some offenses committed on Federal enclaves are "downgraded" from more serious misdemeanor or even felony status so that they can be tried as petty offenses before the commissioner rather than before the district court judge. Third, frequently petty offenses committed outside Federal enclaves are simply nol prossed, since they can be tried only in the already overburdened district courts. None of these three consequences of the commissioner's restricted trial jurisdiction serves the ends of justice.

Although the present U.S. commissioner system is in many ways defective, the hearings demonstrated that it was neither practical nor desirable simply to abolish the commissioner system and transfer the functions now performed by that office to the U.S. district court judges, who are already overburdened by their present duties and not geographically situated to service the needs of remote areas of the country. An upgraded system of judicial officers below the level of the district judge can provide significant advantages for the Federal judicial system. Consequently, S. 945 is designed to create an upgraded lower tier judicial office that will be free from the present defects of the U.S. commissioner system, and that will be a truly useful component of our Federal judiciary. By raising the standards of the lowest judicial office by making the position more attractive to highly qualified individuals, and by increasing the scope of the responsibilities that can be discharged by that office, the bill establishes a system capable of increasing the overall efficiency of the Federal judiciary by relieving the district courts of some of their minor burdens, while at the same time providing a higher standard of justice at the point where many individuals first come into contact with the courts.

Specifically, S. 945 establishes the U.S. magistrate system which differs from the commissioner system in the following important way:

First, it changes the title of the office of the front line of Federal justice to U.S. magistrate, and formally classifies U.S. magistrates as either full time or part time.

Second, it requires that all U.S. magistrates be attorneys unless it is impossible to find a qualified attorney to fill a particular position, and establishes other minimum qualifications in order to insure judicial independence and disinterest.

Third, it eliminates the anachronistic fee system of compensation, and replaces it with a system of salaries set on a sliding scale according to anticipated workload.

Fourth, it gives full-time U.S. magistrates a secure 8-year term of office, and part-time U.S. magistrates a secure 4-year term of office; both full-time and part-time magistrates are subject to removal only for cause.

Fifth, it provides that full-time U.S. magistrates are to be supplied with office space, clerical assistants, and all necessary stationery and other materials; and that part-time U.S. magistrates are to receive reimbursement for all necessary expenses incurred in the performance of their official duties.

Sixth, it allows U.S. magistrates to be assigned duties by the U.S. district courts in addition to those normally undertaken by U.S. commissioners today. These additional duties may include, but are not limited to, service as special masters, supervision of pretrial or discovery proceedings, and preliminary consideration of petitions for postconviction relief.

Seventh, it gives the U.S. magistrate an expanded trial jurisdiction over minor criminal offenses when the accused executes a knowledgeable waiver of both his right to trial before a U.S. district court and any right to trial by jury he may have. Under present law, U.S. commissioners have trial jurisdiction over misdemeanors committed on Federal reservations when the offense is punishable by not more than 6 months' imprisonment or a fine of $500, or both. The magistrate's trial jurisdiction, with certain exceptions, will extend to misdemeanors, wherever committed, that are punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000, or both. Appeal of right to the district court is accorded those who elect to be tried before the magistrate.

Eighth, it clarifies existing law with regard to the preliminary hearing by requiring that, absent a grand jury indictment or an appropriate court order, a hearing be held within a reasonable time not to exceed 10 days following initial appearance if the accused is held in custody, or within 20 days following initial appearance if the accused has been released on bail or otherwise.

Mr. President, S. 945 is intended both to update and make more effective a system that has not been altered basically for over a century and to cull from the ever-growing workload of the U.S. district courts matter that is more desirably performed by a lower tier of judicial officers.

The most recent statistics on the business of the district courts show that there is a mounting backlog of both civil and criminal cases. The total volume of both civil and criminal cases in the Federal district courts had increased to an alltime high of 97,245 by the end of fiscal year 1968. During the last fiscal year, as has been the case for the past several years, the most marked increase in civil business came from Federal and State prisoners who filed petitions for postconviction relief. The number of prisoner petitioners jumped by more than 8 percent in fiscal 1968 continuing an upward spiral that has seen Federal prisoner petitions increase by 25 percent and State prisoner petitions climb by one-third in the last 3 fiscal years.

When implemented, the Magistrates Act will materially assist the district courts in disposition of these prisoner petitions. S. 945, by amending section 636 of title 28, United States Code, authorizes the district courts to assign to magistrate responsibility for preliminary review of petitions for postconviction relief, and for the submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case.

By expanding the trial jurisdiction of the first echelon of Federal judicial officers, S. 945 will take from the crowded court dockets many minor criminal matters. As U.S. attorney for the district of Maryland, I know that the district court there is burdened annually with a plethora of cases arising from the migratory bird statutes. These cases now are beyond the jurisdiction of the U.S. commissioner because he now has jurisdiction only over offenses committed on Federal enclaves. S. 945 expands the magistrate's jurisdiction to minor offenses wherever committed and would help clear the dockets of such minor matters as violations of the migratory game laws.

Mr. President, it was clearly evident shortly after the Subcommittee on Improvements in Judicial Machinery began its study of the commissioner system that substantial improvements were necessary. S. 945 makes the needed improvements. This bill has been subjected to 3 years of intensive study and consideration by both Houses. The enactment of these improvements should not be further delayed.

As I have noted, the House amendments do not alter the basic structure of S. 945.

Mr. President, I would like at this time to pay tribute to the distinguished senior Senator from Nebraska [Mr. HRUSKA], ranking minority member of the Subcommittee on Improvements in Judicial Machinery, for the long hours of work that he and his staff put into the development of this legislation, which, as I indicated, was first introduced in 1966 and passed the Senate in 1967. The bill finally was passed by the House of Representatives and is before us at this time.

I would also like to pay tribute to the Senator from North Carolina [Mr. ERVIN] and the Senator from Michigan [Mr. HART], who both spent many long hours working with the Senator from Nebraska [Mr. HRUSKA] and myself on this bill.

I think it is a meaningful reform in the U.S. Federal judiciary. Attempts at reform of the commissioner system have been initiated in the U.S. Senate and the House of Representatives for the past 100 years. These previous attempts have been unsuccessful. I am delighted that the Congress is finally going to act to reform substantially the first echelon of Federal justice.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HRUSKA. Mr. President, S. 945, which will be known as the Federal Magistrates Act, is a far cry from the original bill which was introduced to deal with this subject. The vast changes and refinements which have been put in the final text now before us are a tribute to the adjustability and adaptability of those who drafted it. The meritorious amendments and suggestions came from many, many sources to which an appeal for comments was made. They have been compiled in the act which is before us.

The legislative history has been made on the issues involved through the hearings held and the reports of the Senate and House. I shall not go back to review those.

I do want to observe that the changes made in the other body do not go to substance; they, rather, clarify the substance. One amendment allows magistrates to take military leaves of absence. Another amendment makes clear that the act does not apply in territories where there is no district court. There is a modification and clarification of the antinepotism provision. There is an effective effort made, to conform the bill to the Bail Reform Act, and, further, to clarify that the act of a magistrate is an act of the court. Amendments require the presence of a reporter during hearings and otherwise clarify the bill.

I commend the Senator from Maryland [Mr. Tydings] for his persistent course of conduct in this legislation. The bill is noteworthy and certainly historymaking. I prophesy for it a very favorable reception both among the judiciary and the people who will have occasion to work with or appear before the magistrates. I join the Senator in urging the Senate to take favorable action at this time.

Mr. TYDINGS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

REPORTS OF TORTURE IN GREECE

Mr. PELL. Mr. President, over the past months I have become increasingly concerned with one of the more heinous characteristics of the Greek dictatorship. I refer to the brutal behavior of this regime in the treatment of its own citizens. Reports of maltreatment of prisoners and particularly the torture of political prisoners have flowed out of Greece for many months. As with any dictatorship, it is difficult to confirm charges of torture and brutality. The full record will await that inevitable day when the junta has been turned out.

But I do want to call the attention of Senators to a report on the brutality of this regime that has come from an absolutely impeccable source. I refer to the report of the rapporteur of the Political Committee of the Consultative Assembly of the Council of Europe.

My colleagues are familiar with this distinguished body of parliamentarians from 18 European member nations. Located in Strasbourg, France, this organization has debated matters important to the European community since 1949.

On January 31, 1968, the Consultative Assembly approved a resolution calling on the Council to investigate conditions in Greece following the coup of April 20, 1967. The rapporteur of this investigation was the delegate from the Netherlands, Mr. van der Stoel, acting upon the instructions of the Secretary General of the Council of Europe. He submitted a preliminary report on May 8, 1968. This was followed by a detailed examination which he submitted to the Assembly on September 26, 1968. His comments on the torture of prisoners are most revealing, and I ask unanimous consent to have them printed in the Record at this point:

There being no objection, the material was ordered to be printed in the Record, as follows:

Cases of Torture

30. In my last report I referred to the numerous allegations which have been made about torture and ill-treatment taking place in Greek prisons and internment camps. In my April report I mentioned that from a very reliable source I learned of two concrete cases of serious ill-treatment during the interrogation of persons arrested. Since then I have met two persons who have been tortured or at least very seriously ill-treated. I checked the allegations made by the persons concerned in every possible way. One of them was even able to show on his body the marks of the ill-treatment to which he had been subjected. I consider both of these witnesses to be completely trustworthy.

31. In this connection it may be recalled that in several cases which came up before military tribunals the accused stated that they have been tortured or ill-treated. In the course of the high treason trial against 21 persons, which took place in Athens last July, the well-known Athenian lawyer, Mr. Protopappas, and the sociologist, Mr. Notaras, declared that they had been tortured and severely ill-treated. They said that they had been subjected, inter alia, to "mock" executions, to electric shocks and to the "falanga" torture process. Their statements were very much on the same lines as those of the two persons whom I have mentioned above.

Mr. PELL. I might point out that torture is specifically referred to in the European Convention on the Protection of Human Rights and Fundamental Freedoms, signed by all members of the Council of Europe in 1950. Article III of that convention states: "No one shall be subjected to inhuman or degrading torture or punishment," and is one of four articles of the convention which cannot be suspended for reasons of national security.

His observations reach the following tragic conclusions:

First. There has been no alleviation of the dictatorship in Greece;

Second. The draft constitution does not comply with democratic principles;

Third. The referendum will be held under the state of siege. It cannot be said that it is organized under conditions of propriety, enabling everyone to conduct a free and democratic campaign;

Fourth. A majority in favor of the draft constitution at the referendum cannot be considered as a vote of confidence for the present Government.

These conclusions we must bear in mind as we debate our future relations, including the matter of military assistance, with Greece, a NATO ally who has ridiculed the objectives for which the Western alliance stands.

Mr. President, I ask unanimous consent to have additional remarks relating to the situation in Greece and a resolution associated therewith printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Future Prospects

Since my previous report, then, there is very little reason to be more optimistic about the future of Greece. No significant progress has been made on the road which might lead back to democracy. There seems to be a real danger that the regime will not be a provisional or transitional one, as Mr. Pipinelis emphasised would be the case in the course of conversations I had with him in April, in order to show the difference between the Greek dictatorship and that of Spain or Portugal, but a lasting one. The only possibility of preventing a perpetuation of the present regime would be a concerted effort of all democratic forces inside Greece, of all democratic Greeks in exile and, last but not least, of Greece's friends and allies, especially the United States, to convince the present government that it has to make way for a broadly-based government of national unity. Such a government ought to get strong support from Greece's friends in order to help it to stabilise the situation. For instance, the aid suspended in the framework of the association treaty between Greece and the EEC ought to be resumed immediately and, if possible, increased but only after the country's return to democracy, in the framework of OECD, a concerted effort should be made to offer loans to the Greek Government in order to enable it to start a big investment programme and speed up the growth of the Greek economy. In this way, it could be shown that a democratic Greece is not without friends—that on the contrary it has many allies who are willing to give a helping hand.

A few weeks after the occupation of Czechoslovakia by the troops of the USSR and her allies, it seems more than ever necessary to consider the Greek issue in the framework of world politics. Some might be inclined to leave the Greek question aside, now that Soviet imperialism has once again shown its aggressive nature. But we in the Council of Europe cannot at the same time condemn the tragic events in a country which is not a member of the Council of Europe and remain silent about the situation in one of our member States, which is in contradiction with our basic principles. There is undoubtedly a certain temptation to leave the Greek situation as it is because other world problems might be considered as being of a more pressing nature. After the events in Czechoslovakia, there is even a real danger that in the Western world such emphasis is laid on the containment of Communism that there is a tendency to cover up disagreements as they exist between Greece and her allies. The penetration of the Soviet Union in the Eastern Mediterranean, which increases the strategic importance of Greece for NATO, might have the same effect. It would, however, be a terrible mistake to be guided by such arguments. Such a policy will inevitably fail to produce the results hoped for; in the long run it might even produce the opposite results. If the present dictatorship were to persist, tensions would grow in Greek society, which would probably result in a strengthening of Communism in Greece. Greece can only play its part in the containment of Communism if the danger of a polarisation process between Communism on the one hand and dictatorial government, on the other can be prevented and if there is a relationship of mutual confidence between the government and the people. The only way of achieving this aim is to replace the present government, which will be more and more strongly resented as time goes on, by a really representative government of national unity in which all democratic forces of the country would take part and the main task of which would be the organisation of free elections, the drafting of a really democratic constitution and the return of the country to a normal situation and a democratic regime. This is a real alternative. * * *

COUNCIL OF EUROPE CONSULTATIVE ASSEMBLY REPORT ON THE SITUATION IN GREECE[1]

I. DRAFT RESOLUTION

(Presented by the Political Affairs Committee)[2]

The Assembly,

1. Recalling the provisions of Article 3 of the Statute of the Council of Europe, by virtue of which every member must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms;

2. Recalling that in Resolution 361 the Assembly decided (inter alia) in paragraph 8:

(i) to give close consideration to the Constitution submitted to referendum and to the conditions under which the referendum itself would be held in order to ascertain their democratic character and

(ii) to make a recommendation by the spring of 1969 at the latest and earlier if necessary in relation to the suspension or explusion of Greece from the Council of Europe if the promises of the regime to move towards an acceptable parliamentary democracy had not been respected;

3. Considering that:

(a) the derogation from, and the violation of, human rights and fundamental freedoms in Greece still persists;

(b) many army officers, civil servants, professors and even judges have been dismissed on political grounds;

(c) according to the opinion of juridical experts the draft constitution drawn up by the Greek Government does not conform to democratic principles;

(d) the conditions in the months preceding the referendum on the draft Constitution have made a free and democratic campaign impossible, that according to the declarations of the Greek Government the referendum will be held under martial law decreed on 21 April 1967, and that it cannot therefore be considered as a free expression of the popular will;

(e) the Greek Government has made it clear, inter alia, in the declaration made by the Prime Minister on 16 September, 1968, that it has no intention, in the near future, of applying the articles of the Constitution concerning parliamentary elections and human rights and fundamental freedoms, including the freedom of press, the freedom of association, the freedom of assembly, and the freedom to form political parties;

4. Condemns the continued refusal of the Greek Government to re-establish human rights and fundamental freedoms and to ensure the rapid return to a democratic parliamentary regime;

5. Expresses its solidarity with the Greek people in its present plight and especially with those who are the victims of repressive measures;

6. Considers that respect for the Statute constitutes the very foundation of the Council of Europe's existence and must therefore admit of no exception;

7. Recalls Article 8 of the Statute of the Council of Europe by virtue of which "any member of the Council of Europe which has seriously violated Article 3 of its Statute may be suspended from its right of representation";

8. Calls for:

(a) the immediate return to a democratic and parliamentary system including the right of the Greek people to vote upon a democratic constitution;

(b) the immediate abolition of martial law, the full restoration of human rights and fundamental freedoms and an end to restrictions on political liberties;

(c) the organisation of parliamentary elections within six months under conditions which allow everyone to conduct a free and democratic campaign, including the announcement of the date of such elections in adequate time to enable political parties to prepare for them;

9. Expects all member governments of the Council of Europe to use their influence to secure the realisation of these aims and to show their willingness to give both moral and material support to a government committed to the rapid establishment of a democratic and parliamentary system in Greece * * *.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 197) to correct certain references in section 4(i) of the act entitled "An act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes," approved May 7, 1968.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9089) for the relief of E. Christian Des Marets, Sr.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5785) to authorize the disposal of magnesium from the national stockpile.

THE POPULATION BOOM

Mr. TYDINGS. Mr. President, this week, on September 30, the president of the International Bank for Reconstruction and Development, better known as the World Bank, Mr. Robert S. McNamara, delivered an address which I believe should be heeded by all Members of Congress and, indeed, by all chiefs of state in developing nations as well as the developed nations.

He pointed out that regardless of how successful the aid programs or redevelopment bank programs may be, unless the developing nations come to grips with the demographic explosion, there is no possibility of ever reducing the gap between the standard of living in the undeveloped nations and the standard of living in the developed nations.

I ask unanimous consent that the complete text of his address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 1, 1968]

TEXT OF ADDRESS BY ROBERT MCNAMARA, WORLD BANK'S NEW PRESIDENT

(NOTE.—Text of the speech by Robert S. McNamara, president of the International Bank for Reconstruction and Development (World Bank), to the bank's annual meeting today.)

This is my first public speech as president of the World Bank, and I speak to you with some diffidence as a newcomer with only half a year's experience in this post—but perhaps the half year in my whole life in which I have felt myself most challenged by the prospect before me.

I have always regarded the World Bank as something more than a bank, as a development agency, and when I came here six months ago I was not entirely a stranger to the problems of world development. As American Secretary of Defense I had observed, and spoken publicly about, the connection between world poverty and unstable relations among nations; as a citizen of the world I had begun to sense the truth in Pope Paul's dictum that "Development is Peace." Yet I was uneasily aware that as the peoples of the world looked at the sixties—the United Nation's development decade—they felt a deep sense of frustration and failure. The rich countries felt that they had given billions of dollars without achieving much in the way of development; the poor countries felt that too little of the enormous increases in the wealth of the developed world had been diverted to help them rise out of the pit of poverty in which they have been engulfed for centuries past.

NO CLEAR JOINT STRATEGY

How far is this mood of frustration and failure justified by the events of the past decade? I have sought to find out the truth about this, but I confess, though there have been many voices only too anxious to answer my question, each with a panoply of statistics to prove its point, there is no agreed situation report, nor any clear joint strategy for the future.

There have been successes: many millions in aid have been forthcoming from the developed world, and as a result of that aid and of their own increased capacity to manage their affairs, the economic growth of the poorer countries has been stimulated.

Let us make no mistake; aid does work, it is not money wasted, it is a sound investment. Even the ultimate goal of the development decade, an annual rise in national incomes in the poorer countries of 5 per cent by 1970 is likely to be achieved: the average annual growth thus far has been 4.8 per cent.

And yet . . . you know and I know that these cheerful statistics are cosmetics which conceal a far less cheerful picture in many countries. The oil-rich nations of the Middle East have prospered economically; so have some small states in East Asia. But for the nations of Africa and South Asia—nations with a population of over one billion—the average increase in national income is, at most, 3.5 per cent, and much of that is concentrated in the industrial areas while the peasant remains stuck in his immemorial poverty, living on the bare margin of subsistence.

Casting its shadow over all this scene is the mushrooming cloud of the population explosion. If we take this into account, and look at the progress for human beings rather than nations, the growth figures appear even less acceptable.

INCOME GROWTH LAGS

The annual growth of per capita income in Latin America is less than two per cent, in East Asia only about two per cent, in Africa only one per cent, and in South Asia only about half a per cent. At these rates, a doubling of per capita income in East Asia would take nearly 35 years, in Latin America more than 40 years, in Africa almost 70 years and in South Asia nearly a century and a half. Even in the most progressive of these areas, the amount of improvement would be imperceptible to the average citizen from year to year.

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[1] See Resolution 361 and Order No. 268 of 31 January 1968.

[2] Adopted on 25 September 1968 by the Committee with 18 votes in favour, 1 against and 0 abstentions.

Members of the Committee: MM. *Struye* (Chairman), *Finn Moe, Federspiel* (Vice-Chairman), Akça, Badini Confalonieri, Bettiol (Alternate: *Sibille*), *Björk, Borg Olivier de Puget,* Bringolf, *Czernetz,* Edelman, Erim, Flornoy, Furler (Alternate: *Rutschke*), *Gustafson, Housiaux, Kirk, Kliesing,* Kristjansson, Lusser, *MacEntee,* Margue, *Miller, Mommersteeg, Montini,* Moutet, Nessler, *Schulz, van der Stoel, Toncic.*

N.B. The names of the members who took part in the vote are italicized.

Secretaries of the Committee: MM. Rosenstiel and de Jonge.

Such a situation cries out for a greater and more urgent effort by the richer countries to assist economic growth in these poorer countries. It is clear they are financially capable of such action. During the development decade so far, they have added to their annual real incomes a sum of about $400 billion, an addition itself far greater than the total annual incomes of the underdeveloped countries of Asia, Africa and Latin America.

But I found, and I need hardly tell you this, that while the requirement for assistance was never higher, the will to provide it was never lower in many, though not all, of the countries which provide the bulk of economic aid.

And the disenchantment of the rich with the future of development aid was fed by performance deficiencies of many of the poorer nations. Blatant mismanagement of economies; diversion of scarce resources to wars of nationalism; perpetuation of discriminatory systems of social behavior and income distribution have been all too common in these countries.

This then was the picture of the development world which I found in my first weeks at the World Bank. A confused but sharply disappointing picture, in which it was difficult to see what had gone wrong in the past (though something clearly had), or what was the right path ahead for us.

In these circumstances, I turned to a suggestion which had been put forward by my predecessor, Mr. George Woods—one of his many bits of wise advice from which we all, and I especially, have benefited. This was that we should establish a commission of men well versed in world affairs, and accustomed to influencing them, who would survey the past aid effort; seek out the lessons it can teach for the future; and then examine that future to see what needs to be done by rich and poor, developed and underdeveloped alike to promote the economic well-being of the great majority of mankind. As you know, Mr. Lester B. Pearson, formerly Prime Minister of Canada, has agreed to lead such a survey, which will now proceed independently of the bank.

The Pearson Commission will be turning our eyes to the long future, marking out guidelines not just for a decade but for a whole generation of development that will carry us to the end of this century. But here are we now, living in 1968, with much that we can and must do today and tomorrow. It is already clear beyond contradiction that during the first four-fifths of the development decade the income gap between the developed and the less-developed countries has increased, is increasing and ought to be diminished. But it is equally clear that the political will to foster development has weakened, is weakening further and needs desperately to be strengthened.

What can the bank do in this situation? I have been determined on one thing: that the bank could and would act; it would not share in the general paralysis which was afflicting aid efforts in so many parts of the world. I do not believe that the bank can go it alone and do the job of development that needs to be done around the world by itself; but I do believe that it can provide leadership in the effort, and can show that it is not resources which are lacking—for the richer countries amongst them have resources in plenty—but what is lacking is the will to employ those resources on the development of the poorer nations.

We in the bank, therefore, set out to survey the next five years, to formulate a "development plan" for each developing nation, and to see what the bank group could invest if there were no constraint of funds, and the only limits on our activities were the capacity of our member countries to use our assistance effectively and to repay our loans on the terms on which they were lent.

As a result of this survey, we have concluded that a very substantial increase in bank group activities is desirable and possible.

It is toward this objective that I shall attempt to guide the bank's activities in the next few years. In doing so I shall need the advice and support of you gentlemen, our governors, expressed through the board of executive directors. Therefore I think it prudent and fitting that I should now present to you an outline of my thinking.

Let me begin by giving you some orders of magnitude: I believe that globally the bank group should during the next five years lend twice as much as during the past five years. This means that betweeen now and 1973 the bank group would lend in total close to as much as it has lent since it began operations 22 years ago.

This is a change of such a degree that I feel it necessary to emphasize that it is not a change of kind. We believe that we can carry out these operations within the high standards of careful evaluation and sound financing that my predecessors have made synonymous with the name of the World Bank.

Our loans will be for projects as soundly based and appraised as ever in our history. However, more and more, in looking for projects to support we shall look for those which contribute most fundamentally to the development of the total national economy, seeking to break strangleholds on development; to find those growth opportunities that stimulate further growth. And our help will be directed to those poor nations which need it most.

This, I believe, to be sound development financing, but it is not riskproof; nor do I believe that the utter avoidance of risks is the path of prudence of wisdom. I recently visited Indonesia where, for good reasons, the bank has never made a loan of any sort in the past. What I found was the sixth largest nation in the world, rich in natural resources, striving in the wake of the most terrible disasters, both economic and political, to set itself straight on the path to development. Without external help it faces certain disaster; by giving help (as we have begun to do through the International Development Association and through the establishment of a permanent mission) we are running some risks. I do not believe you would wish it otherwise.

The parable of the talents is a parable about power—about financial power—it illuminates the great truth that all power is given us to be used, not to be wrapped in a napkin against risk.

But if we are to lend at double the level of the past, can we raise the money? I will not speak now about the soft-loan money which is raised by government contributions—you all know how essential these funds are—but about the money we raise by bond issues in the capital markets of the world. I am confident that the money is there, because I have confidence in the immense capacity of the economies of the developed world; no country need fear bankrupting itself because it plays its full part in development.

There are, of course, certain constraints through balance-of-payments difficulties, but I am fully aware that the balance-of-payments difficulty is a problem of balance among the rich economies and not of balance between those countries as a group and the rest of the world—very little of the money lent in aid stays in the developing countries, almost all of it returns quickly in payment for the goods purchased in the richer countries. It is our job in the World Bank to look at the world money markets as a whole, and see where there are surpluses, where there are reserves that can be tapped. Following this line we have gone to the Middle East, and successfully raised funds there. as well as in the more conventional markets of the world—in particular Germany and America.

As a result, in the first 90 days of this fiscal year the World Bank has raised more funds by borrowing than in the whole of any single year in its history.

I have been stressing that in doubling the bank group's lending activities we are not departing from our high standards of investment policy. But I would not want you to think that our policy is simply "more of the same."

Our five-year prospect calls for considerable changes in the allocation of our resources, both to geographic areas and to economic sectors, to suit the considerably changed circumstances of today and tomorrow.

First as to area: in the past the bank group has tended to concentrate its effort on the South Asian subcontinent. Much has been achieved—the harnessing of the waters of the Indus River system for power and irrigation for instance—and much remains to be achieved. I believe World Bank lending to Asia should rise substantially over the next five years. But it is not to Asia alone that our new effort will be directed. It is to Latin America and Africa as well, where in the past our activities have been less concentrated, and to some countries in great need of our help, such as Indonesia and the U.A.R., where our past activities have been negligible.

In Latin America, I foresee our investment rate more than doubling in the next five years. But it is in Africa, just coming to the threshold of major investment for development, where the greatest expansion of our activities should take place. There, over the next five years, with effective collaboration from the African countries, we should increase our rate of investment threefold.

Further changes will flow from our shift to a greater emphasis on Africa and Latin America. The states of these two continents are smaller than the giants of Asia. There will be many more but smaller projects, demanding much more staff work per million dollars lent than in the past.

RECRUITING DRIVE

The work of the bank will also be increased because in many of the countries in which we will now be investing there is no well-established development plan or planning organization. We shall try, in conjunction with other sources of funds, to help these countries to develop plans and to adopt wise and appropriate policies for development—in some cases by establishing resident missions as we have done in Indonesia—but always remembering that it is their country, their economy, their culture and their aspirations which we seek to assist.

In particular, we will exert special efforts to right one upside-down aspect of bank group operations: the fact that many of our poorest members, despite their greater need, have had the least technical and financial assistance from the bank group. About 10 of these have had no loans or credits at all. This is largely because of their inability to prepare projects for consideration. In these cases we will provide special assistance to improve economic performance and to identify and prepare projects acceptable for bank group financing.

With the doubling of bank group lending and with the increase in the complexity of our operations, there will clearly be need for an increase in the total professional staff of the bank, as well as for some streamlining of our procedures. We are now engaged in a worldwide recruiting drive to find people with the high standards of expertise and dedication that have always been the attributes of its staff. I am anxious that this should really be an international bank, in fact as well as in name, and I intend to ensure that we move steadily in the direction of the widest possible distribution in the nationalities of our staff.

Not only should our lending double in volume and shift geographically, but we can foresee, as well, dramatic changes among sectors of investment. Great increases will occur in the sectors of education and agriculture.

EDUCATION OUTLAYS

Education is a relatively new field for the bank on which my predecessor, George Woods, with his wise sense of priorities, began to place increased emphasis. In recent years the bank has been seeking, uneasily but with a growing sense of urgency, to find its optimum role in this field.

We are aware of the immense numbers of illiterates in the developing world: about 30 per cent in Latin America, 60 per cent in Asia, 80 per cent in tropical Africa. We know, too, that education is relevant to all dimensions of development: it makes a more effective worker, a more creative manager, a better farmer, a more efficient administrator, a human being closer to self-fulfillment.

The need is clear, but it has been less clear how the bank's resources can be brought to bear on this labyrinthine problem. Now, after some years of collaboration with UNESCO, we believe we see a way ahead for increasing bank investment which we hope will call forth further investment by the government of the developing country itself.

Our aims here will be to provide assistance where it will contribute most to economic development. This will mean emphasis on educational planning—the starting point for the whole process of educational improvement. It will mean assistance, particularly in teacher training, at all levels, from primary to university. It will mean expansion of our support for a variety of their educational activities, including the training of managers, entrepreneurs and of course of agriculturalists.

It is important to emphasize that education, normally one of the largest employers in any country, is one of the few industries which has not undergone a technological revolution. We must help to move it out of the handicraft stage. With the terrible and growing shortage of qualified teachers all over the developing world we must seek ways to make good teachers more productive. This will involve investment in text books, in audio-visual materials, and above all in the use of modern communications techniques (radio, film and television) for teaching purposes.

To carry out this program we would hope over the next five years to increase our lending for education development at least threefold.

But the sector of greatest expansion in our five year program is agriculture, which has for so long been the stepchild of development. Here again there has never been any doubt about its importance. About two-thirds of the people of the developing world live on the soil, yet these countries have to import annually $4-billion of food from the industrialized nations. Even then their diet is so inadequate, in many cases, that they cannot do an effective day's work and, more ominous still, there is growing scientific evidence that the dietary deficiencies of the parents are passed as mental deficiencies to the children.

The need has stared us in the face for decades past. But how to help?

In the past, investment in agricultural improvement produced but a modest yield; the traditional seeds and plants did better with irrigation and fertilizer but the increase in yield was not dramatic. Now, as you know, as the result of research in the past 20 years, a breakthrough has taken place in the production of new strains of wheat and rice and other plants which can improve yields by three to five times. What is more, these new strains are particularly sensitive to the input of water and fertilizer; badly managed they will produce little more than the traditional plants, but with correct management they will give the peasant an unprecedented crop.

Here is an opportunity where irrigation, fertilizer and peasant education can produce miracles in the sight of the beholder. The farmer himself in one short season can see the beneficial results of that scientific agriculture which has seemed so often in the past to be a will o' the wisp tempting him to innovation without benefit.

Our task now is to enable the peasant to make the most of this opportunity and we, with the continuing assistance of F.A.O. [Food and Agriculture Organization] intend to do so at once and in good measure. Irrigation schemes, fertilizer plants, agricultural research and extension, the production of pesticides, agricultural machinery, storage facilities—with all of these we will press ahead in the immediate future. Indeed in the coming year we plan to process more than twice the value of agricultural loans as in the last, and our agricultural dollar loan volume over the next five years should quadruple.

There is an element of risk in all this, of course. The seeds were issued before all the tests had been completed; the resistance of the crops to local diseases or pets cannot yet be assured; the splendid harvest in India and Pakistan this year cannot all be attributed to the new seeds. But I have no doubt, though setbacks may lie ahead, that there has been an agricultural revolution as significant as any development since the industrial revolution. It is one that gives us a breathing spell in the race between man and his resources.

POPULATION GROWTH

This leads me to yet another area where the bank needs to take new initiatives—the control of population growth. This is a thorny subject which it would be very much more convenient to leave alone. But I cannot, because the World Bank is concerned above all with economic development, and the rapid growth of population is one of the greatest barriers to the economic growth and social well-being of our member states.

This is the aspect of the population problem with which I shall deal, because it is this aspect which most closely concerns the World Bank, and makes it impossible for any of us to brush the subject aside, however strong our inclinations to do so may be.

I do not need before this audience to deal with the terrifying statistics of population growth as a whole, which show that, although world population totaled only one-quarter billion in the first century A.D. and required 1,650 years to add another quarter billion, it added one billion in the next 200 years; a second billion in the following century and a third billion in the next 30 years. It is now expected to add three more billion by the end of the century. By then, at present rates, it will be increasing one billion each eight years. Nor do I need to deal with the personal tragedies and dangers to health of unwanted births, though these were suddenly illuminated for me by an item in a newspaper last month which recorded that in the two largest cities of one European country live births were outnumbered by illegal abortions which imperiled the life of each unhappy mother.

POPULATION IMPACT

As a development planner, I wish to deal only with the hard facts of population impact on economic growth. Recent studies show the crippling effect of a high rate of population increase on economic growth in any developing country. For example, take two typical developing countries with similar standards of living, each with a birth rate of 40 per thousand (this is the actual rate in India and Mexico) and estimate what would happen if the birth rate in one of those countries, in a period of 25 years, were to be halved to 20 per thousand, a rate still well above that in most developed countries. The country which lowered its population growth would raise its standard of living 40 per cent above the other country in a single generation.

In terms of the gap between rich countries and poor, these studies show that more than anything else it is the population explosion which, by holding back the advancement of the poor, is blowing apart the rich and the poor and widening the already dangerous gap between them.

Furthermore these economic studies show that this drag of excessive population growth is quite independent of the density of population. This is something that needs emphasizing in view of the fact that many policy makers in the developing countries attach only minor importance to reducing population growth. It is a false claim that some countries need more population to fill their land or accelerate their economic growth. There are no vacant lands equipped with roads, schools, houses, and the tools of agricultural or industrial employment. Therefore, the people who are to fill those lands, before they can live at even the current low standard of living, must first eat up a portion of the present scarce supply of capital—it is the burden which defeats a nation's efforts to raise its standard of living by increasing its population.

No one can doubt then that very serious problems of population growth face most of the developing nations today; what are the chances of their being dealt with by natural causes? The answer lies in understanding the nature of the population explosion. It is not caused by any increase in the birth rate, but by a dramatic drop in the death rate due mainly to medical advances. It is this death control which has created the present emergency, and I do not believe that anyone would wish to reintroduce pestilence—or any other of the four horsemen of the apocalypse—as a "natural" solution to the population problem.

We are therefore faced with the question of what action we at the bank, as a development agency, should take to lift this burden from the backs of many of our members. I propose the following three courses:

First, to let the developing nations know the extent to which rapid population growth slows down their potential development, and that, in consequence, the optimum employment of the world's scarce development funds requires attention to this problem.

Second: to seek opportunities to finance facilities required by our member countries to carry out family planning programs.

Third: to join with others in programs of research to determine the most effective methods of family planning and of national administration of population control programs.

With these three proposals for immediate action, I hope we may contribute to the success of the U.N. system which is already working in this field, and to the well-being of the developing nations.

Gentlemen, I have spoken long enough. Let me conclude by saying that in the next few days, while we examine the innumerable and daunting problems which face you who exercise control over so much of the world's financial and economic power, I hope that none of us will yield to despair as we see how much there is to do, how little time in which to do it.

There is no cause for despair. There is every reason for hope. In the past few generations the world has created a productive machine which could abolish poverty from the face of the earth. As we lift up our eyes from contemplating our troubles, who can fail to see the immense prospects that lie ahead for all mankind, if we have but the wit and the will to use our capacity fully.

I am not despondent about the difficulties that lie ahead because I have faith in our ability to overcome them. That is why I have proposed a program of greatly increased activity by the World Bank group, so that by taking a lead in development assistance we may encourage all those, rich and poor alike, who have begun to lose heart and slacken their pace.

If we in the bank are able to double our effort, this could be the signal for others to rally again to the struggle, determined to use our overwhelming strength for the betterment of all mankind, and the fulfillment of the human spirit.

INCREASE IN NUMBER AND SALARIES OF CERTAIN JUDGES

Mr. TYDINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2439.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2439) to increase the number and salaries of judges of the District of Columbia court of general sessions and the juvenile court of the District of Columbia, the salaries of the District of Columbia court of appeals and the District of Columbia Tax Court, and for other purposes, which was to strike out all after the enacting clause, and insert:

> That (a) section 11–902(a) of the District of Columbia Code is amended by striking out "twenty" and inserting in lieu thereof "twenty-two".
>
> (b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$24,000" and inserting in lieu thereof "$28,000", and by striking out "$23,500" and inserting in lieu thereof "$27,500".
>
> SEC. 2. Section 11–702(d) of the District of Columbia Code is amended by striking out "$25,000" and inserting in lieu thereof "$29,000", and by striking out "$24,500" and inserting in lieu thereof "$28,500".
>
> SEC. 3. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$23,500" and inserting in lieu thereof "$27,500".
>
> SEC. 4. The amendments made by this Act shall take effect as of October 1, 1968.

And amend the title so as to read: "An act to increase the number and salaries of judges of the District of Columbia Court of General Sessions, the salaries of the District of Columbia Court of Appeals, and the District of Columbia Tax Court, and for other purposes."

Mr. TYDINGS. Mr. President, I ask unanimous consent that a table showing the differences between the Senate and House version of S. 2439 be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 2439. JUDICIAL SALARIES AND ADDITIONAL JUDGES FOR DISTRICT OF COLUMBIA COURTS

[Differences between Senate and House versions of the bill]

THE SENATE BILL	THE HOUSE AMENDMENT
1. Adds 5 additional associate judges to the D.C. Court of General Sessions, raising the judicial strength of the court from 20 to 25 associate judges and 1 chief judge.	1. Adds 2 associate judges, raising the court's strength from 20 to 22 associate judges and 1 chief judge.
2. Adds 2 associate judges to the Juvenile Court, D.C., increasing that court from 2 to 4 associate judges and 1 chief judge.	2. No comparable provision.
3. Provides a $4,000 increase in the annual salary of judges of the D.C. Court of Appeals, the D.C. Court of General Sessions, the Juvenile Court, D.C., and the D.C. Tax Court. D.C. Court of Appeals: Chief Judge: $25,000 to $29,000. Associate Judges: $24,500 to $28,500. D.C. Court of General Sessions, Juvenile Court, and D.C. Tax Court: Chief Judges: $24,000 to $28,000. Associate Judges: $23,500 to $27,500.	3. Same provision.
4. Provides authority to employ one Attorney-Advisor for each judge on the Court of General Sessions.	4. No comparable provision.

Mr. TYDINGS. Mr. President, S. 2439 as originally passed by the Senate provided for five additional judges to the District of Columbia court of general sessions, raising the judicial strength of the court from 20 to 25 associate judges and one chief judge. However, the House amendment reduced the five additional judges to two associate judges, raising the court's strength from 20 to 22 associate judges and one chief judge.

The amendment of the House is acceptable. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

Mr. TYDINGS. Mr. President, there is a similar House bill on the calendar, No. 1431 (H.R. 15678). I ask unanimous consent that the House bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ELECTION AND FOREIGN POLICY

Mr. GORE. Mr. President, Ralph Waldo Emerson protested in his time that "Things are in the saddle and ride mankind." In midcentury America it is images that fill the saddle, not "things" but the appearance of things, not ideas but the sound of ideas, not structures but their facades, not men but the faces which they show to the world. Dependent as they are on public esteem, politicians are peculiarly susceptible to the pressures of this age of images. And nothing calls forth that susceptibility like the imminence of an election.

An election ought to be a time of serious discussion, a time when ideas are brought forth and debated, not for their sound but for their meaning, not for their marketability but for their merit. In this of all election years ideas are wanted, because the Nation is in trouble, its policies having not only failed but been consistently misrepresented. In the wake of deception and failure there has arisen a hunger for authenticity more intense than at any previous time of crisis one can recall. The more fierce the famine, this hunger for authenticity is most acute among the young, so much so that even disdain—if it is honest disdain—is accepted as idealism. But disdain, I feel sure, is not what Americans really want, least of all the young. As I have gone from campus to campus a total rejection of sham by the youth of today is unmistakable. Truth is what they want—truth at every level—from high ideals to plain talk about things we know but never say out loud.

That is exactly what we are not getting in the current, uninspired election campaign. What we are getting is a certain amount of silliness; to wit, Mr. Agnew's reference to Mr. HUMPHREY as "squishy soft" and Mr. HUMPHREY's reference to Mr. Nixon as a "wobbler," a good deal of patronizing unctuousness—almost any of Mr. Nixon's speeches will serve as an example—a great deal of bland evasion—again, the honors go to Mr. Nixon—and some venal demagoguery on which Mr. Wallace has cornered the market. For Vice President HUMPHREY, at least it can be said that, despite his inconsistencies on Vietnam and his volubility on everything, he proposes, as his proponents do not, to act vigorously against the nuclear arms race and against the poverty and racial injustice at home which are the real sources of the current agitation over "law and order."

The American people deserve something better than they are getting in this election campaign. It is not really something new but a return to our own best traditions that the people hunger for. Woodrow Wilson showed that a leader could speak to the American people in the language of universal values. Franklin Roosevelt tapped the deep currents of humanitarianism in the American character. Adlai Stevenson showed that "talking sense" could be politically inspiring and John F. Kennedy showed that it could be politically rewarding. Values and sense, these are what the people want, and these are what they deserve.

For my own part, I propose today to offer some plain talk about American foreign policy. I do not pretend to have courage or virtue that my fellow politicians lack. If I am able to speak plainly, it may be in part because I am one among those two-thirds of the Senate whom the Founding Fathers, in their wisdom, placed outside of the electoral process in each election year. With these credentials I turn now to some of the outstanding issues of our foreign policy, hoping, if not to answer questions, at least to ask the right ones, if not to bring forth new ideas, at least to call things by their right name.

VIETNAM

Thus far in the campaign the range of the Vietnam discussion has run from total evasion of the issue at the one extreme to obfuscation at the other. Mr. Nixon, who applauded just about every mistake that the Johnson administration made, objecting only that they were not made sooner and on a grander scale, now, in mock chauvinism, declines to comment, piously—and conveniently—refusing to obstruct the Paris negotiations, which in fact are already hopelessly obstructed.

The nearest that either major party candidate has come to this central foreign policy issue of our times is guarded references to partial bombing of North Vietnam, at most a tactic.

It is not my purpose, however, to belabor the irrelevancies, of which the candidates are taking care. It is rather my purpose to raise the questions which are pertinent, questions of policy which the American people are entitled to have clarified by the presidential candidates themselves.

There is first of all the question of our war aims. What are we fighting for? What are our peace terms other than that the "other side" stop "doing what it is doing?" On the one hand, it is contended that we do not seek a "victory," on the other, that we will not "impose" a coalition government on the South Vietnamese people. This amounts to an assertion that we propose neither to exclude the National Liberation Front from the Government of South Vietnam, as "victory" would imply, nor include it, as a coalition would do.

I find this puzzling, and I am not enlightened by the disingenuous assertion that, although the National Liberation Front is unacceptable as an organized political force, its members might be permitted to participate "as individuals" in South Vietnamese politics. What this amounts to is that we do not propose to have the Saigon generals imprison all their opponents or strip them of their rights of citizenship. That is not a compromise; it is an amnesty to follow upon surrender. Since it is inconceivable that an undefeated Vietcong is going to turn in its arms, disband and commit its members, "as individuals," to the tender mercies of Mr. Thieu and Mr. Ky, such an objective can only be obtained by winning the military victory that has eluded us throughout the years of our involvement in Vietnam.

If the National Liberation Front is not to be excluded from the Government of South Vietnam, then presumably it is to be included. That means a coalition government, or at least a significant role by some other term for the National Liberation Front in a transitional government pending arrangements for self-determination, since it is unrealistic—to understate the matter—to expect the Vietcong to turn in their arms and wait for the Saigon generals to invite them into the government or conduct an impartial election.

How do our presidential candidates feel about this? All three, I expect, are opposed to the participation of the National Liberation Front in the government of South Vietnam. If so, could they not say why and also say, clearly and explicitly, what other possible compromise they might advocate and how they would propose to achieve it? Or, if my assumption is wrong and either of them does favor or would favor the participation of the National Liberation Front in the South Vietnamese Government, it would be extremely helpful to the voters if he would say so.

There are, after all, only three possible outcomes to any war: victory, compromise, or defeat. So far as can be deduced from their public statements, both the present administration and the candidates to succeed it oppose all three of these possibilities in any feasible form. Can the voters be blamed if they feel confused? Can the young be blamed for alienation?

Assuming that we should, somehow, clarify our war aims, the question arises as to what would happen if we and our South Vietnamese proteges could not agree on acceptable terms of peace. Most of the very little which has been said on this matter so far only adds to the confusion. It is said, for example, that, of course, the South Vietnamese must participate in any substantive peace negotiations, that it is not for us to impose peace terms on the South Vietnamese, that South Vietnam, after all, is a sovereign nation which must determine its own destiny.

In truth we have already had something to do with determining South Vietnam's destiny. As of early 1965, just before the sending of American combat troops, South Vietnam's "destiny" was about to be taken over by indigenous forces unfriendly to the United States, the Vietcong. We altered that by our massive intervention and for the past 4 years our presence and it alone has kept the Saigon government in power, since its own army, larger than ours, is either unable or unwilling to do so.

In the light of actual circumstances, the real question is not whether the United States would "infringe" upon the Saigon government's "sovereignty" by negotiating a peace, but whether the "sovereignty" of the Saigon government extends to the right to keep an American army of half a million men fighting until their objectives are achieved. The question is more nearly one of our sovereignty than of theirs.

What if we did reach agreement with the North Vietnamese on terms that the Saigon government refused to accept? Would we continue the war? Or would we tell our proteges to take it or leave it and, if they chose to leave it, go ahead and make our own peace?

Would we, for example, failing of an agreement between the Saigon government and the Vietcong, agree with North Vietnam on a "mutual withdrawal" of troops from South Vietnam—our 500,000 and their 75,000—leaving the South Vietnamese factions to fight it out?

We would not have to impose anything on the South Vietnamese. They would retain their "sovereign" right to continue the war if they wished. And we would retain our sovereign right to make peace.

And what are our real aims? Are they realistic, are they attainable? If attained, would they be in the long-term best interest of the United States? More importantly, are they right?

A basic moral question to which millions of Americans, particularly the young and the idealistic, wish an answer is whether it was the right decision, the right policy, the right course of action for the most powerful nation on earth to seek to work its political will in and upon a small and backward people by the use of massive combat force?

What is, or what should be, our real aim in the Vietnam war? Is our ultimate goal to assist the Vietnamese people in the unification of their ancient culture? Should this be our goal? Or, was it, is it, and should it be our goal to sever this small country into two nations, something we agreed not to do in the Geneva accords in 1954, and to insist upon creating in South Vietnam something in our own image called a Democratic Republic and governed by officials subject to our approval, however indirect. Would such a conclusion be "victory," or is this the kind of "negotiated settlement" we seek? These are some of the questions that seem pertinent to our hopes for peace in Vietnam. They are pertinent, too, to our own understanding of ourselves, of our motives, perhaps of our destiny as a people. These questions are not being answered by the presidential candidates. They are not even being asked.

THE LESSON OF CZECHOSLOVAKIA

From Czechoslovakia as from Vietnam there is something to be learned, but only if we are honest with ourselves about events and our relationship to them. Experience, it has been said, is a good teacher. But this is true only if we see things as they are rather than as we would like them to be. Otherwise, experience can be an unreliable teacher. An accurately recounted experience can be highly instructive; a misconstrued experience holds nothing for the future but misdirection.

Thus far, the presidential candidates have had little to say about Czechoslovakia and perhaps that is just as well considering our country's preoccupation with Vietnam and domestic violence and protest. The Secretary of State, however, not being a candidate, has found ample occasion to discuss Czechoslovakia and, as one noncandidate to another, I am moved to engage him in dialog.

In a speech in New Haven on September 12 Mr. Rusk averred, with respect to American inaction in the wake of the Soviet occupation of Czechoslovakia:

> The United States has not entered into any spheres-of-influence agreements or understandings with anyone anywhere in the world.

Answering a question that no one has asked, the statement manages to be both true and misleading. It is true, so far as any of us knows, in denying that any secret agreement conceding Soviet dominance in Eastern Europe was concluded at Yalta or anywhere else. It is, I believe, misleading in its implication that no such agreement or understanding exists. It is quite obvious that, without ever having signed an agreement or issued a manifesto, we do recognize Eastern Europe as a Soviet sphere, just as the Russians acknowledge Latin America to be our sphere of influence.

Indeed, Secretary Rusk himself recognizes it. In his New Haven speech, after denying that the United States was a party to any agreement on spheres of influence, the Secretary went on to point out what we all know:

> The Soviet Union has in fact, with the Red Army, established and maintained by force in Eastern Europe a sphere—not of influence, but of dominance.

And in order to avoid almost certain nuclear war with the Soviet Union, the Secretary went on:

> We recognize the reality of the Soviet military position and the existence of the Warsaw Pact.

Perhaps the Secretary's point is that it is not a "sphere of influence" but a "sphere of dominance" which we recognize. Perhaps it is simply that he prefers not to call this particular thing by its right name.

But why not? I fully agree that spheres-of-influence politics is morally indefensible but I fail to see any redeeming virtue in denying that we engage in it when in fact we do. What indeed is the Monroe Doctrine but the assertion of U.S. hegemony in the Western Hemisphere? And whom do we deceive when we deny such things? The answer patently, is ourselves, and no one else.

The denial to ourselves of unpleasant knowledge can be comforting but its cost is high. It is comfort purchased at the cost of insight, the sense of virtue purchased at the cost of opportunity—the opportunity to profit from an experience by understanding it, to gain wisdom for the future from calling present realities by their right names.

Acknowledging that we do indeed play spheres-of-influence politics, that we recognize Eastern Europe as a Soviet sphere while vigorously defending our own areas of predominance, what is there to be learned from the tragedy of Czechoslovakia and from our own inability to help that brave and resourceful people?

For one thing the Russian experience in Czechoslovakia suggests some guidelines for realistic and civilized behavior in our own spheres of influence, notably Latin America. At a time when Vietnam has given the United States an almost unchallenged worldwide reputation for the overbearing use of force, the Russians, after a long period of what some have described as "good behavior," are against giving us a run for it, and they are paying a high price for their brutality. To their apparent astonishment, the Russians found no quislings available to put a respectable face on their aggression, and also found that even Communist parties—such as those in Yugoslavia, Rumania, France, and Italy—condemned the invasion, openly admired the Czechslovakians for their bravery and patriotism, and almost as openly despised the Russians for their hamhanded brutality.

What has that to do with us? Lest we react with too much righteous indignation at the thought that we might do anything comparable to the Russian invasion of Czechoslovakia, it might adjust our perspective to recall the manner in which the Arbenz Government of Guatemala was overturned—the abortive Bay of Pigs episode in 1961—and the intervention with our troops on the side of a military junta against a constitutional government seeking to restore itself in the Dominican Republic in 1965.

It is a fair bet that there will be more revolutions in Latin America in years to come and the United States would do well to consider what its response will be. We can send the marines as in the old days or we can profit from the Russian experience by recognizing that the nationalism of small countries has become a force to be reckoned with, more formidable in its ability to command popular allegiances than either the world ideologies or the enormous prestige and physical strength of the great powers. We can recognize, as the distinguished majority leader pointed out in his recent report on Czechoslovakia:

> In this age of nationalism . . . only suppression will keep a semblance of order, and in this day and age, the suppression of widespread discontent, particularly by an outside power, carries a very high price. It is paid not only in the immense cost of massive military operations, but more important, it is paid in the adverse impact which this use of force exerts on the whole range of a nation's relations. . . ."

There are important inferences to be drawn from the Czechoslovak tragedy about Russia and its relations with Eastern Europe put, conceding as we do that Eastern Europe is a de facto Soviet sphere of influence there is not much we can do with those inferences. We can, and should, put off any removal of American troops from Europe for the time being. We can and should avoid giving promises of support to people whom we cannot support—as President Johnson has wisely refrained from doing. We can remove impediments to trade and travel between ourselves and Eastern European countries. But those are about all the things we can do, and they are not much.

The really useful lessons for us arising out of Czechoslovakia apply to our treatment of the small nations who live in our shadow, and those are lessons which can only be learned if we are honest about the distasteful similarities as well as the differences between ourselves and the Russians in the treatment of our respective spheres of influence.

There is another, more fundamental question raised by the Soviet invasion of Czechoslovakia, and that is whether we are all doomed forever to play the brutal game of power politics and great-power spheres of influence. Is it permanent and inevitable, a law of history as it were, that great powers will claim the right to impose "friendly" regimes on their weaker neighbors? This may be necessary, I concede, in a nuclear age. But, if so, is it true of the United States alone?

But perhaps there is a better way to organize international relations. I hope so. Perhaps there is still merit and hope in the different concepts of security which underlay the Covenant of the League of Nations and the United Nations Charter, seeking, as Woodrow Wilson put it, "not a balance of power, but a community of power, not organized rivalries, but an organized common peace."

Of such matters the presidential candidates of 1968 have had little to say. And perhaps, in the current world atmosphere, there is little that profitably can be said about building an international security community. There is, however, something to be said, and a great deal to be done, toward limiting national rivalries through the more limited but nonetheless fateful medium of arms control.

LIMITING THE ARMS RACE

Of all the inferences drawn from the Russian invasion of Czechoslovakia, none is more misconceived and potentially destructive than the contention that we ought to delay ratification of the nuclear nonproliferation treaty, as if such inaction would constitute a suitable rebuke to the Soviet Union. Suitable indeed. One might as well reproach an incendiary by dismantling the fire department. Nonetheless, Mr. Nixon, who ought to know better, declared in a speech in Seattle on September 24 that—

> At a time when the Soviet Union has its troops in Czechoslovakia, when it has crushed out the little flicker of freedom that was there, the United States should not enter into an agreement with the Soviet Union and put the seal of approval on what they have done.

The truth is, I strongly suspect, that no responsible person in public life really regards ratification of the nonproliferation treaty as somehow inappropriate in the wake of the Czechoslovakian invasion, for the excellent reason that the two have hardly anything to do with each other. Our interest in preventing the spread of nuclear weapons is surely no less.

The treaty, after all, is not a gift to the Russians but a very significant act of self-restraint on the part of the nonnuclear signatories, who would bind themselves not to acquire nuclear weapons, and a lesser restraint on the nuclear powers, including the Soviet Union, who would be restrained from handing out nuclear weapons to their small-power proteges. As to the United States, the treaty would prohibit nothing that we have not already prohibited to ourselves by our own laws, the transfer, that is, of nuclear weapons to other States.

In an earlier statement than the one quoted, Mr. Nixon with perhaps inadvertent candor put his finger on the real connection between the nonproliferation treaty and Czechoslovakia by asserting that ratification now "would leave the impression that we approve the action of the Soviets" in Czechoslovakia. The point, pardon me, seems to be that ratification would create the "impression" of American approval of the Soviet action in Czechoslovakia even though that impression would not in fact be warranted.

Is there nothing that political leaders can do or should do to allay popular apprehensions about the nonproliferation treaty—except to both abet and exploit them?

My own feeling is that the American people understand very well the critical importance of this treaty and are intelligent enough to perceive the irrelevance of Russian aggression in Czechoslovakia to the need for limiting the spread of nuclear weapons. Surely, in any case, it is a political leader's duty to try to educate public sentiment when he believes it to be laggard or amiss.

Ratification of this treaty should not be delayed on account of the election. Delay may be fatal to this treaty, which has to do with nothing less than the prospect for human survival.

In his campaign speeches Mr. Nixon has been quoting Franklin Roosevelt's characterization of the Presidency as preeminently "a place of moral leadership." What, then, is a presidential campaign if not an opportunity to demonstrate the capacity for moral leadership? And in the year 1968 what issue provides a better opportunity to demonstrate that capacity than the nuclear nonproliferation treaty?

No less important than restricting the spread of nuclear weapons is the cessation or slowing down of the nuclear arms race. Only a few disagree with this objective; it is the steps which might lead to it that arouse controversy, so much so that the objective has gone quite by the board. The arms race goes on, with no end in sight short of that terrible catastrophe which, if it comes, will put an end not only to nuclear weapons but to their owners as well.

Many times in the past we have reached armaments thresholds at which we and the Russians to our great mutual advantage might have put a halt to new armaments and their burgeoning costs. On every such occasion mutual mistrust has caused the two great powers to plunge onward. Now once again, we have reached a threshold at which there is a fairly stable balance of mutual deterrents between the two superpowers. Arms control measures are as feasible as they have ever been and more feasible than they are likely to be again for a very long time unless we call a halt now.

The immediate issue is the Sentinel, the so-called thin antiballistic missile with which the administration, most unwisely, is pushing ahead. The explanation, as offered by Secretary of Defense Clifford, is that "when and if we negotiate, safety and success demand that we negotiate from strength."

I do not think that either "safety" or "success" is likely to eventuate from deploying the Sentinel system. The trouble of course is that the Russians, who say they are ready to negotiate now on measures to restrict the development of costly antiballistic missile systems, may change their minds if we plunge beyond the present threshold, because they too, oddly enough, may think it desirable to "negotiate from strength."

The plain fact is that, whatever prospect there is for safety and success through arms control, depends upon the maintenance of a rough balance between the two great powers. Only on the basis of such a balance can we hope to progress with the same kind of patient, careful negotiations which resulted in the test ban treaty of 1963 and the nonproliferation treaty of this year.

"Negotiating from strength" is and always has been a formula for failure. When one party "negotiates from strength," the other, perforce, negotiates from weakness, and that is something which no nation will do if it can possibly avoid it. And the Russians can avoid it—at least in the same costly and shortsighted way that we can. If we deploy a "thin" anti-ballistic-missile system, they almost certainly will deploy one too, perhaps just a bit "thicker" than ours so as to be able to negotiate from strength; whereupon we, wishing to regain the advantage, will thicken our system up just a bit more. And so it will go until we reach a new threshold of equilibrium, where, if we are very lucky and things in the meantime have not gotten out of hand, we will again have the opportunity to negotiate—not, however, from a "position of strength" but from a position of mental and financial bankruptcy.

Not only does the Sentinel threaten the further progress of arms control; it threatens the nonproliferation treaty itself. Article 6 of that treaty pledges the signatories to proceed in good faith with measures of arms control and disarmament. That article was included by the United States and the Soviet Union as an inducement for the nonnuclear powers to agree to the self-denial of nuclear weapons. If, in addition to stalling on ratification of the treaty, the United States now also stalls on the pledge contained in article 6, it is possible that such nations as West Germany, Japan, India and Israel may decide that they cannot risk the self-denial of the nonproliferation treaty but must create for themselves instead a nuclear "position of strength."

The major problems posed by the nonproliferation treaty and by proposals for restricting the development of new weapons systems are political rather than substantive. From the viewpoint of logic and self-interest the need seems hardly contestable, and I suspect that it is just as apparent to Soviet policymakers as it is to our own. But there are formidable political difficulties, springing from the profound mutual mistrust which impels both powers to seek that elusive "position of strength," and from the domestic complications which popular mistrust creates for American political leaders, who, unlike their Soviet counterparts, require strong popular backing in order to act.

The domestic question is one of persuasion and education and, in a more fundamental sense, of the democratic politician's concept of his own responsibilities. It applies, obviously, not only to Presidents and presidential candidates but to every Member and candidate for Congress. We can, in the present instance, join Mr. Nixon in opposition to early ratification of the nonproliferation treaty, because, as he puts it, ratification now "would leave the impression" of our approval of Soviet action in Czechoslovakia. Or we can remind our constituents and ourselves in the process that, as Edmund Burke put it, "Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

In politics, as in personal relationships, our best friends are not those who tell us only what we want to hear but those who dare to tell us what we may not want to hear at all but very much need to hear.

A lack, indeed a fear, of candor not only adversely affects our efforts to end the agony of Vietnam but also hinders our attempt to draw appropriate conclusions from the Soviet invasion of Czechoslovakia, and to impose rational limits on the nuclear arms race. Indeed, it is not too much to say that our foreign policy has been been gravely weakened by an extravagant and unhealthy preoccupation with the way things look and sound as distinguished from the way they are.

Image making is one of the inherent hazards of a political system in which the ability of public men to govern depends upon their ability to inspire public confidence. But when inspiration gives way to manipulation, when ideas give way to gimmicks and judgment to mental agility, then the very integrity of the democratic process is called into question. In the end, the image making becomes a joke on the image makers, because most people, it turns out, are not really satisfied with hearing what they think they want to hear. Beyond personal hopes and prejudices people hunger for ideas—ideas about life and its meaning, ideas about man and society, ideas that ring true because they are spoken in truth, not for their sound but for their meaning.

The Nation hungers for authenticity. Neither Vietnam nor the bomb nor the student rebellion nor the black revolution is what is ultimately wrong with this country. More menacing and more perplexing than any of these issues is our seeming inability, so manifest in this election campaign, to discuss them with courage and candor. The performance of the candidates thus far has created a massive American unhappiness with their choices for President in 1968. Each

candidate, however, is capable of better. And there is yet time.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. GORE. Mr. President, I move that the Senate proceed to the consideration of Calendar 1583, H.R. 19908, making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 19908) making appropriations for Foreign Assistance and Related Agencies for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GORE. Mr. President, I move that the Senate adjourn until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, October 4, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1968:

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy subject to the qualifications therefor as provided by law:

Daniel R. Aldridge
Charles S. Rivers
Kenneth A. Schweers

The following-named (Naval Reserve Officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Walter E. Farin

The following-named (Naval Reserve Officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Lowell J. Brown
Axel F. Campbell
Raymond Iglecia-Fernandez
Thomas M. Schenk

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Jay H. Apfelbaum
Ralph E. Bailey
Edward L. Blackman
Stanley A. Bloustine
Harry R. Boffman, Jr.
Lawrence P. Bogle III
Edward M. Braun
Jack W. Brindley
Charles G. Briseno
George S. Buckner, Jr.
Barry B. Campbell
Robert D. Capell
William A. Carr
Conwell B. Carter
Joe E. Coker
Leslie L. Coley
Diane L. Colgan
William F. Cook, Jr.
William E. Cooley, Jr.
Peter D. Gibbons
John R. Gillette
Samuel P. Gingrich
Bert R. Goldburg
Robert F. Granatir
Hamilton R. Hayes
William A. Hays, Jr.
Donald A. Hazlett
William J. Hoskins
William M. Houk
Noel S. Howard
Paul E. Johnson
Curtis A. Juhala
Roger A. Kleve
Robert J. Knuff
Harold M. Koenig
Daniel M. Koenigsberg
Frederick D. Leist
Robert A. Love III
William M. Lyman
Thomas P. Lynch
Gary S. Lytle
James L. Manion
Robert D. McArtor
Hugh B. McCormick
Donald M. McMillan
Michael R. McMillan
Fred R T. Nelson
Robert Niccolini
Thomas C. Nicholson
Kenneth R. Noel
Gary L. Pease
Bruce D. Rasmussen
George R. Richardson, Jr.
Nathaniel R. Robertson
Myer H. Rosenthal
Gary H. Safley
Frank G. Satko
Roger D. Shetterly
Jerrold R. Smith
John J. Smith III
David M. Snyder
Bryan D. Spader
James M. Stearns
Paul G. Steinkuller
Richard B. Stice
Arthur K. Strasburger
Wayne Stubblefield
Herbert C. Thomas, Jr.
Franklin R. Ward
Clyde M. Weaver
Matthew White

Alexander L. Kesselman (Naval Reserve officer) to be a lieutenant commander in the Medical Corps of the Navy, for temporary service, subject to the qualifications therefor as provided by law.

Roger A. Webster (civilian college graduate) to be a permanent lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefore as provided by law:

Verlin W. Balsiger, Jr.
Charles D. Gillespie

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Lewis E. Gant
David J. Howe
Michael F. O'Halloran

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

James M. Bleeke
Norman L. Davis
Richard A. Hawse
Michael L. Milford
Robert C. Moe
"J" Frank Pinkner

James P. Foley (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Lloyd R. Martin (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

The following-named temporary chief warrant officers W–2 to be designated in a temporary status as permanent chief warrant officers, W–2, subject to the qualifications therefor as provided by law:

Linwood A. Daggett
Bernard C. Frank
John W. Banks
Maurice W. Battey
Lawrence M. Cunningham
James N. Greer
Richard E. Johnston
Robert G. Lewis
William F. Linsley
John E. Madden
Carl E. McGee
Jerry W. McNutt
Kenneth R. Miller
Louis E. Mingo
Jack B. Nunley
Floyd W. Oneal
Robert H. Richmond
Clarence L. Smith
Royal T. Hogg, Jr.
Andrew A. Kannegieser
Donald R. Keith
Charles R. Luther
Ronald L. Miller
Sidney T. Spencer
Chester H. Bailey
Peter F. Fawcett
Joseph B. Haaf
James E. Harper
Frank J. Mehrtens
Owen E. Moore
Richard L. Owens
Joel Porter
Vincent E. Blank
Robert G. Davis
Jackie L. Dennis
Dale T. Hall
Donald B. Pascoe
Richard G. Powers
Francis L. Scales
James C. Smitheman
Robert T. Wilson
Eugene L. Allbert
Michael A. Chernegie
Robert E. Duchesneau
Jerry A. Hamilton
Michael W. Jantz
Charles M. Lindsey
Deward W. Polk
Richard M. Shook
William T. Tabb, Jr.
Hayden R. Wisdom
James L. Adams
Robert C. Bailey
A. Thomas Baity
Robert F. Boorom
Richard H. Hogan, Jr.
Richard L. Jones
Jean R. Lafleur
Richard W. Lawton
William E. Maupin, Jr.
John J. McCarthy, Jr.
Timothy R. McMaster
Frank T. Meuchel
Paul G. Neal
Keith O. Nyman
William R. Overman
Fred L. Rouse
Burton H. Sickler
Leonard R. Tourigny
Lyman E. Parkhurst
Andrew G. Szlaga
Burroughs A. Waltrip, Jr.
Roy W. Black
Richard D. Bland
Jack Bramblett
Kenneth C. Bryden
William F. Cartwright
Ronald J. Cornett
Larry K. Hardin
William C. Keaton
Peter Krawchuk
Francis J. Larock, Jr.
Richard W. Lowe
Jesse J. Maiden
Charles L. Malmborg
Harry A. Marenbach
Larry K. T. Mathis
Robert D. Miller
Walter E. Miller
Robert D. Mulligan
Eugenio N. Nepomuceno
Alfred W. O'Brian
Harold Owen
Earl E. Perkins, Jr.
Bobby R. Rabren
James A. Roberts
Paul D. Ruffin, Jr.
Edward M. Riley, Jr.
Neal G. Roos
Joseph C. Shields
William H. Speed, Jr.
Douglas Sprey
Jack J. Stewart
Frederick C. Stone
Donald F. Tellman
Richard E. Weiland
Donald M. Wray
James W. Barber
James R. Edmond
Michael J. Gelsomino
Albert M. Bliss
Carl E. Hudson
Eugene F. Goode
Robert S. Northrop
Burl R. Pegden
Thomas C. Rearer
William H. Skipworth
Floyd H. Smith
Stanley L. Stosel
Lloyd D. Tinnon
Robert J. Adams
George R. Board
Robert W. Booth
Robert S. Carlson
James F. Devries
Gerald D. Ensminger
Richard C. Jorgenson
Michael B. Lowe
William E. Mundy
Robert L. Ohm
Allen V. Polhemus
Bobby W. Proffitt
Coy D. Ritchie, Jr.
Edward L. Welsh
Robert F. Beabout
Richard J. Dix
George L. Hodges, Jr.
William G. Horton
Theodore J. Mara
Robert D. Middlebrooks
James E. Morgan
David L. Hubert
Joseph E. McCarthy
Lawrence N. Wiltzius, Jr.
Donald N. Dexter
Lesley Gardner
Everett D. Pinkerton
Robert A. Harville
Howard E. Martin III
John J. Parker
Ronald E. Englebretson
David Greenberger
Robert H. Hagenbruch
Kenneth E. McCowan
James C. Owens, Jr.
Tannis R. Watson
David O. Babington
Clyde E. Baker
Angelo Chavez
Edward L. Davis
Clinton H. Duke, Jr.
Sheldon J. Goodman
Raymond J. Grinnell, Jr.
Hugh F. Holden
Herbert J. Kressel
James M. McGee
Richard G. Minter
Herbert F. Velsor
Eugene A. Wells
Roger D. J. Bratsch
Ruben Escajeda
Dan D. Finch
Nathan B. Flanagan
Charles E. Garrett
Lindsay M. Gillespie
Robert D. Henderson
James J. Joines
Jack C. Lenz
John B. Lipinski
Jimmie A. Mora
Phillip G. Morris
William J. Mueller
George C. Rogers, Jr.
Harold C. Shumpert
Joseph E. Sullivan
William L. Warren

William L. Dentler (U.S. Navy retired), to be reappointed from the temporary disability retired list as lieutenant commander, Medical Service Corps, USN, subject to qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the

Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Edward S. Amis
John R. Anderson
James A. Anthony, Jr.
Allan C. Bisbee
Robert E. Bondurant
James D. Bowie
William M. Burrows, Jr.
Bruce L. Daniels
James G. Fleming
Thomas W. Glynn
John H. Hodgers
Douglas L. Horton
Darel J. Hulsing
Hugh B. Hunt
Robert N. Jones
Thomas Lohner
Jack F. Mason
Norman D. Pryor
John A. Routenberg
Scott L. Sibert
Robert H. Smart
Richard D. Tenney
Thomas G. Tuxill
John J. Walsh, Jr.
Theodore G. Williams

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abbott, John
Abromitis, William, Jr.
Adams, Richard C.
Adkins, Joe D.
Alderman, Edward L.
Aldrich, Robert G.
Alt, Walter L.
Alvis, John H.
Anderson, Richard W.
Anderson, Robert J.
Armstrong, Frank D., Jr.
Armstrong, Colin L.
Arnold, Henry D.
Ashford, Robert L.
Atkins, "A" "J" Martin
Bailey, George G.
Bajus, John C.
Balch, Allen H.
Barr, Max D.
Barrow, John C.
Barton, George E.
Bates, Richard W.
Baumann, Hugh B.
Beaman, Percy S.
Becker, Jerry T.
Beckwith, Reynolds
Bellinger, Richard M.
Bezore, Eugene
Bilderback, Oral J.
Bird, Comer H., Jr.
Birdwell, Carl, Jr.
Boger, Clarence E.
Boh, Roger M., Jr.
Bolan, Charles D.
Bowers, William W.
Boyd, Richard C.
Brady, Robert L., Jr.
Brown, Edward J.
Brownell, Stuart M.
Brown, Woolson S.
Brozena, John M.
Brunson, James S.
Buechler, Robert G.
Burke, James A.
Burrows, Kenneth A.
Bush, Philip R.
Butler, James D.
Butler, Dempsey, Jr.
Campbell, Ivan R.
Cardillo, Robert J.
Carruth, David C.
Carter, John T., Jr.
Carter, Charles C.
Cartwright, Billie J.
Carver, Edward S.
Case, Richard E.
Castle, Ernest C.
Castruccio, Nicholas A.
Chalbeck, John A.
Chambers, Horace B., Jr.
Cheek, Glen R.
Chessman, Samuel R.
Chew, Robert S., Jr.
Chuilli, Ernest J.
Clark, Glenwood, Jr.
Claytor, Richard A.
Cobb, Warrington C.
Cockrell, Jack R.
Collins, Robert M.
Conolly, Robert C., II
Cook, Murray C.
Cornell, Kenneth E.
Crabtree, Alan B.
Crumpton, John R., Jr.
Cuddy, Thomas W.
Cullen, James H.
Cullison, Chester D.
Daniel, William A.
Davidson, John D.
Davis, John M.
Davis, George H.
Day, Edward R., Jr.
Degler, Forrest R., Jr.
Dejarnette, Hugh M.
Denham, John G.
Denny, Lewis E.
Derrick, Arthur C.
Dietrich, Edward O.
Dixon, John C., Jr.
Donlon, John M.
Donnelly, William N.
Dotson, William C.
Draim, John E.
Draz, David I.
Duncan, Robert D.
Eareckson, Frederick L., Jr.
Earley, Walter M., Jr.
Edmundson, James E.
Egan, Henry W.
Eidson, George V.
Ellis, Edmund H.
Emerson, David F.
Engel, Paul H.
Enney, Kenneth E.
Ennis, Robert
Estelmann, Hermann J.
Ettinger, Harry E., Jr.
Eustace, Robert J.
Evans, Delmar H., Jr.
Everngam, John L., Jr.
Faulkner, Doc G., Jr.
Featherston, Frank H.
Ferguson, Robert E.
Finke, Eugene I.
Fitzgerald, Jean
Fleiner, Fred J.
Foster, Wynn F.
Foster, James R.
Fowke, Benjamin B.
Franke, Fred A. W., Jr.
Fritzke, Herman E., Jr.
Gallagher, John J.
Gardner, James S.
Geary, Mervyn O.
Ghormley, Ralph M.
Gildow, William E.
Gilmore, Frank C.
Gracey, Jack L.
Grady, Morris R.
Graham, Warren C., Jr
Grause, Jerome E.
Grayson, Roy R.
Griffith, Harold F.
Guthe, Douglas B.
Guthrie, William S.
Haecherl, Frank S.
Hahn, Thomas F.
Hall, Donald P.
Hamlin, David R.
Harding, Norton D., Jr.
Harlow, Robert J.
Harris, Wade H.
Hayes, James W., Jr.
Hays, Ronald J.
Hill, Edward C.
Himelick, Ronald V.
Hodge, Alan G.
Holdren, Leland A.
Holmes, Robert E.
Hopkins, Thomas M.
Horn, Kenneth A.
Howell, Raymond S., Jr.
Hughes, David L.
Ince, Eugene S., Jr.
Janiec, Roy T.
Jenkins, Harry T., Jr.
Jenks, Shepherd M.
Jenks, Albert L., Jr.
Jensen, John L., Jr.
Jewett, Frederick F., II
Jones, Gerald R.
Jussel, Alfred R.
Kanak, Robert A.
Kanakanui, William A., Jr.
Keller, Jack E.
Keller, Robert G.
Kennedy, Robert W.
Key, Harry N., Jr.
Kidd, John W.
Kilcline, Thomas J.
King, John W., Jr.
King, Robert R., Jr.
Kirklighter, James F., Jr.
Klapka, Edward J.
Klemm, Vernon P.
Klinefelter, John W.
Knock, Franklin C.
Kolda, Frank C.
Koval, Francis P.
Kremidas, William S.
Krimmel, John E.
Krueger, Otto E.
Lamoreaux, Lewis S.
Larson, Norman O.
Law, Jason P.
Lebert, William A.
Lebiedz, Edward F.
Lee, George H.
Lesperance, Albert P.
Linder, James B.
Lisanby, James W.
Lockwood, Warren H.
Loheed, Hubert B.
Longo, Charles R.
Loomis, Thomas A.
Mandeville, Robert C., Jr.
Marsh, Marvin D.
Marshall, John E.
Marsolais, Lawrence D.
Martin, Samuel A.
Martin, James W.
Martin, Robert J.
Martin, William L., III
Martin, Charles E.
Marzluff, Joseph O.
Mathews, John M.
Mattson, Kenneth B.
McCaig, James A.
McCallum, Elmer A., Jr.
McCann, Carl J.
McCoucghy, John K., Jr.
McCreight, Major I., III
McCue, William W.
McDonald, Jack H.
McDonald, Robert P.
McFarland, Ralph I.
McFarland, Milton C.
McGinnis, Thomas P.
Mead, Merle P.
Meanix, William H., Jr.
Miles, Lee C.
Miller, David B.
Miller, Edmund A.
Milner, William G.
Mitchell, William T., Jr.
Mixon, Cameron O., Jr.
Mohlenhoff, William
Monroe, Robert R.
Moore, Robert S.
Morgan, Joseph R.
Morin, James B.
Morris, James H.
Munday, Donald F.
Myrick, James E.
Neely, Guy M., Jr.
Nellis, Donald P.
Nelson, Frederick L.
Newgard, Douglas L.
Nickerson, Richard H.
Noel, Lionel M.
Norris, William J.
Nowers, William E.
Nugent, Thomas H., Jr.
Oconnell, William R.
Otth, Edward J., Jr.
Page, Louis C., Jr.
Palazzolo, Anthony L.
Paulis, Joseph J., Jr.
Peck, Paul A.
Peksa, Charles F.
Porcari, Thomas J.
Porter, Kenneth A.
Post, Harry J.
Poteet, Alonzo M., Jr.
Prisley, John P.
Provost, Robert D.
Pstrak, Theodore W.
Pyle, Robert E.
Ralston, Wesley L.
Read, William L.
Reichert, Herbert E.
Reid, Charles E., Jr.
Reiher, Eugene J.
Resch, Earl F.
Rigsbee, John T.
Roberts, James W.
Robertson, Keith H.
Roemer, Robert F.
Rogers, William H.
Rogers, Edward B., Jr.
Romatowski, Louis A., Jr.
Romley, Richard M.
Ross, Claude M.
Ross, Donald S.
Russell, Paul E.
Saar, Charles W.
Sallada, William F.
Sandon, Kenneth M.
Scappini, Mimo L.
Schaufelberger, Albert A., Jr.
Schorz, Ernest H.
Schwoeffermann, Robert E.
Shepherd, Burton H.
Shute, John W.
Skinner, William A.
Smith, Meredith A.
Smith, Harold F., Jr.
Smith, Gerald F.
Smith, Homer L.
Snopkowski, Edward L.
Somers, Robert W.
Sourbeer, Emory R., Jr
Southworth, Harrison B.
Stokes, Robert E. L., Jr.
Stringfellow, Reid
Stuyvesant, William R.
Sundberg, John P.
Swanson, Charles O.
Synhorst, Gerald E.
Taylor, Boone C.
Tegfeldt, Carl G.
Thiele, Karl R.
Thompson, Robert M.
Thomson, Richard G.
Tissot, Ernest, E., Jr.
Townes, John W., Jr.
Townsend, Marland W., Jr.
Trahan, Paul K.
Tripp, Paul R.
Vallely, James R.
Vanlunen, Lloyd M.
Vecchione, Felix S.
Vermilya, Jay "J"
Walker, John R.
Walker, Charles M.
Ward, James F., II
Webber, James H.
Webster, Dean E.
Weeks, Robert E.
Wentworth, Thomas F., Jr.
Wenzel, Harold F.
White, Joseph P.
Whyte, James D.
Williams, James E.
Wilson, James H.
Wilson, Ralph E., Jr.
Wissler, John G.
Wold, John C.
Wood, Robert C.
Woodard, David A.
Wurlitzer, Robert E.
Young, Randall W.
Zinsler. Frank G.

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Akers, Richard E.
Akin, Richard W.
Amsler, Fred R., Jr.
Anastasi, Gasjar W.
Aubrey, Royal G.
Austin, David A.
Austin, Raymond F., Jr
Bailey, Albert G.
Bailey, Robert J.
Balding, Thomas L.
Bassham, Harold L.
Bates, Thomas R.
Bellinger, Sidney B., Jr
Benoit, Richard P.
Bertuch, Albert W.
Biehl, Robert F.
Bistrong, Herbert W.
Black, Paul L.
Block, Robert C.
Boorstin, James B.
Bowlds, Joseph H.
Brierre, Joseph T., Jr.
Brodhead, Charles L., Jr.
Brough, James W.
Budd, Frank W., Jr.
Burkett, Patrick R.
Cantrell, Robert W.
Caratti, John F.
Cardoso, Norman
Carson, Thomas E.
Case, Jerry L.
Cassells, Joseph S.
Castell, Donald O.
Cavender, William F.
Cefalo, Robert C.
Chenault, Oran W., Jr.
Choquette, Armand J., Jr.
Christensen, Harvey E.
Cochran, Robert C.
Coleman, James D.
Conrad, Robert N.
Copman, Louis
Cowherd, Donald W.
Cramer, Adelbert D.
Curry, Norvelle
Davis, David B., II
Davis, Gerald L.
Davis, Reginald M.
Delisser, Robert B. M.
Diamond, Evans
Dickson, Larry G.
Draper, Wilmot S.
Early, Calvin B.
Eddington, William R.
Engelke, Harold A., Jr.
Erde, Allan
Essex, Francis X.
Fackler, Martin L., Jr.
Faust, Kenneth J.
Faust, Robert B.
Fenning, John B.
Flagg, Richard S.
Flynn, Patrick W.
Fout, Larry R.
Frankhouser, George V., Jr.
Gareis, Frank J.
Gibson, Donald C.
Giles, John H.
Gorman, Edward R.
Griffin, Charles N., Jr.
Grossi, Thomas A.
Hagan, Arthur D.
Hanauer, Franklin A.
Harkins, Hugh H.
Harris, Boyd L.
Hauzenblass, John W.
Hayen, Donald O.
Hebert, Peter W.
Heller, Warren
Henderson, John A., III
Herman, Clifford M.
Hiehle, John F.
Hix, William R.
Howery, Stephen E.
Hunsaker, Darrell H.
Huntsinger, Larry A.
James, David R., Sr.
Johnson, David W.
Johnson, Richard F.
Jones, Daniel M.
Jorgensen, Morton C., Jr.
Joyce, Thomas H., III
Julian, Sydney R., Jr.
Karnei, Robert F., Jr.
Kesler, Kelvin F.
Kinney, Robert J.
Kinzie, Daniel H., IV
Kostiuk, Eugene S.
Lewis, Frederick D.
Lopez, Domingo A.
Lord, James M.
Lowsma, Henry B.
Luehrs, James G.
Lynch, John I., Jr.
Lynch, William F., Jr.
Magenheimer, Richard J.
Manring, Daniel A.
Markham, Thomas N.
McClain, Garvin H.
McDermott, William M., Jr.
McGuigan, Patrick M., Jr.
McLean, Walter L.
McMahon, David J.
Meaders, Robert H.
Middlekauff, Robert K.
Monell, William C.
Morris, Arthur S., Jr.
Morrison, Francis S.
Murphy, Eugene L.
Noble, Richard F.
Norton, John W.
O'Loughlin, John M.
O'Reilly, Richard R.
Pedersen, Carl M.

Petway, Malcolm L.
Pine, Robert H.
Plavcan, William G.
Pulglase, Van N., Jr.
Pope, Herbert L.
Price, Albert C.
Pursch, Joseph A.
Raffaelly, Nicholas R.
Ragsdale, Julian L.
Ramlo, John H.
Randels, Paul H.
Reed, Jerome M.
Rivers, Leslie D.
Robitaille, George A.
Roe, Robert D.
Roling, Gerald T.
Romine, John S.
Routledge, James A.
Roy, Donald E.
Rundlett, Fred A.
Rutland, Eugene D., Jr.
Ryan, Richard M.
Sablan, Ralph G.
Schneider, Paul J.
Schwartz, Ronald A.
Scott, Augustus B.
Seal, Robert B.
Senn, James P.
Sennett, Charlie O., Jr.
Shea, David W., Jr.
Shultz, Richard R.
Shute, Howard E.
Simmons, William W.
Sisler, Maynard L.
Skinner, Morris F., Jr.
Smith, Franklin A.
Smith, James W.
Smith, John P.
Smith, Raphael F.
Smith, William W.
Sobotka, Fred E.
Solomon, Alexandre
Spaur, William H.
Steimel, Herbert A.
Strickland, George T., Jr.
Swensson, Norman L.
Thomas, David F.
Thomas, Joseph J., Jr.
Tolmie, John D.
Tope, Stephen L., Jr.
Urbanc, Andrew N.
Urschel, William P.
Usselman, James A.
Vandewyngaerde, George A.
VanHove, Eugene D.
VanValkenburgh, Wood G.
Volcjak, Charles B.
Voshell, Thomas H., Jr.
Wachter, Francis W.
Wall, Norman R.
Warmolts, John R.
Weber, David M.
Weglarz, Stanley S.
Whatley, Theodore R.
Wiener, Leslie
Wilkes, Harman D.
Williams, Wilfred L.
Witt, Frederick J.
Wolfe, Wayne H.
Woodall, Martin A.
Zimble, James A.
Birdwell, Thomas R.
Boone, Jeptha T.
Brannon, William L., Jr.
Brettschneider, Lawrence
Carlson, John D.
Cummins, Larry E.
Davis, David R., II
Dully, Frank E., Jr.
Gee, Williams
Gibbs, Benjamin F., Jr.
Giddings, Jack E.
Kellett, Cyril F., Jr.
Kelly, Robert J.
Meador, James C., Jr.
Morgan, James D.
Ohslund, Ronald K.
Pasquale, Dominick N., Jr.
Philip, Gordon W.
Power, Curtis G., Jr.
Quinn, James J.
Schillaci, Richard F.
Sphar, Raymond L., Jr.
Stanton, Kevin C.
Swierzewski, Stanley J., Jr.
Tyler, Paul E.
Vorosmarti, James, Jr.
Yon, Joseph L., Jr.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abbott, Harold
Adams, Anthony S.
Adams, Richard J.
Adams, Steve
Albright, Howard A.
Anders, Elwood
Andersen, Milford E.
Armstrong, Earl, Jr.
Arnold, Merton W.
Arntz, Ranald J.
Ashley, Johnie R., Jr.
Baggett, Charles W.
Bailey, Jack
Baller, Elmer W.
Bartolo, Paciano F.
Barton, Willie E.
Bass, Gayle W.
Beaudrot, Marion L., Jr.
Bedell, Lawrence L.
Belt, Grady L., Jr.
Billingsley, Arthur D.
Boehme, Robert F.
Boone, Martin M.
Bousquet, Charles E.
Bowers, Frank J.
Bowman, Charles E.
Brogan, Clifford
Brooks, Harry A., Jr.
Brown, Harry A.
Brown, Sumner C.
Bruchman, Robert F.
Brunson, Robin L.
Bryant, Kenneth D.
Byrns, Joseph L.
Buffin, Leroy E.
Bunch, George W.
Busteed, Stanley K.
Byrd, William J.
Campbell, Ronnie M.
Campfield, Allan D.
Carroll, James R.
Carter, Maxie H.
Chambers, Richard L.
Chambers, William W.
Chapman, Paul T.
Clark, Vander, Jr.
Clearman, Wallace R.
Cobb, Forest J.
Cole, Henry C.
Collins, George M.
Collins, Harold E., Jr.
Collins, Leslie M.
Comptom, Robert W.
Conniff, Robert J.
Cook, Alvin G., Jr.
Cook, Henry B.
Cooney, Thomas J.
Coons, Billy G.
Cotton, Frederick D.
Cox, Millard A., Jr.
Creamer, George U.
Cullins, James A.
Cummings, Robert W.
Davis, Arthur B.
Dial, Robert D.
Dickson, Bobby J.
Dirkx, Peter C.
Donahue, William C.
Donald, Robert W.
Doran, Leroy J.
Drake, Franklin
Drew, Norman E.
Dudgeon, James W.
Eargle, Jack L.
Ellis, Robert E.
Erickson, Richard O.
Escajeda, Jose G.
Estep, Robert J.
Estes, Wilson R., Jr.
Evans, Gerald C.
Fairhurst, Richard J.
Farnham, William D.
Faxon, Ralph W.
Felgar, George A.
Fox, Franklin O.
Fox, Joseph
Franks, James P.
Fuller, Dale E.
Galloway, Jere F.
Galloway, Julian A.
Gearhart, Tremaine K.
Gifford, George E.
Gillespie, Jack H.
Golie, Edward S.
Grages, Dale E.
Graham, Homer B., Jr.
Graville, William N.
Greene, James C.
Greenfeldt, Nathan L.
Grisham, Paul O.
Gross, Gary B.
Grossglass, David L.
Hale, George B., Jr.
Hall, Robert R.
Hansen, Gerald P.
Hansen, Richard N.
Harger, Howard D.
Harrison, Gene C.
Hartman, Richard D.
Havens, Eugene A.
Heathscott, John P.
Hedge, Thomas E., II
Hethcox, John E.
Hicks, Robert D.
Hill, Charles K.
Hilleman, Gerland E.
Hoggard, John W. Jr.
Hollett, James M.
Holzapfel, Robert W.
Howell, James R.
Howell, Stephen H.
Huebner, Paul V.
Hughey, Roger D.
Hull, Robert V.
Hunnicutt, Charles E.
Jacobson, Richard L.
Jensen, Marvin A.
Jones, Leroy E.
Jones, Robert J.
Jones, Sidney T.
Jones, William D.
Jordan, Eugene
Joyce, John J.
Junkins, Earl D.
Kahl, William D.
Keller, Dudley P.
Kelley, Kenneth L.
Kiker, Willis R.
Kincheloe, James W.
Kirk, Arthur L.
Krause, Eugene P.
Krejci, Fred, Jr.
Lambson, Daniel E.
Land, Theadore R.
Languell, Fred L.
Lantz, Bruce A.
Lapp, James W.
Lassich, Ernesto
Laudenbach, Donald H.
Layman, Richard C.
Lemay, Eugene E.
Lemieux, Francis J.
Lewis, Robert A.
Long, David F.
Lowe, Bobby W.
Lyon, Edward T.
Magera, Anton C., Jr.
Malone, John C.
Martin, Frederick K.
Martin, Norman C.
Martinez, Jose M., Jr.
Martinson, Raymond F.
Massey, Robert
McCool, John J.
McCrimmon, Norman T.
McGrath, James M.
McIntyre, Charles R.
McJunkin, Theodore
McKenzie, William Dale D.
McNabb, Lloyd J.
Melody, Robert A.
Memolo, Joseph S.
Micele, Charles K.
Middlebrook, Robert K.
Millis, Joseph D.
Moffett, Carl L.
Morrow, George P.
Mott, Ralph T.
Muffley, Ned E.
Mullican, Robert W.
Myers, Gustavus A., II
Namtvedt, Roland F.
Neesley, Raymond L.
Nicholson, Douglas F.
Nolan, Hartwell E., Jr.
O'Brien, Robert H.
Payton, Kenneth F.
Phanuef, David R.
Perkins, Thomas M.
Perry, Clyde M.
Pickering, Richard H.
Pike, Earl C.
Poole, Robert D.
Pritchard, Paul E.
Pryor, Edwin R., III
Purtzer, Don L.
Quinn, Henry B.
Ragsdale, John O.
Reaume, Norman S.
Redwine, Bobby K.
Remmers, Edward H.
Richardson, Forney N., Jr.
Robbins, Robert C.
Robertshaw, Donald G.
Roderick, Clinton O.
Rogers, Floyd E.
Russ, Norman E.
Saul, Joseph W.
Schmidt, Joseph H.
Sears, Everett E.
Seckel, Joseph C.
Segal, Victor D.
Sharp, Erwin A.
Sharp, William J.
Shaw, John E.
Shaw, Ralph H.
Shaw, Tommy
Sikes, Rufus R.
Sisk, Charles E.
Skambraks, Herman L.
Smallman, David H.
Smelker, Gaylord W.
Smith, Alan A.
Smith, Clarence E.
Smith, Harold D.
Smith, Jerry L.
Smith, Richard L. W.
Sneidar, Sylvester
Stemmer, Joseph S., Jr.
Stevens, Jack L.
Stewart, Eugene A.
Stockton, Idus L.
Stoner, Keith D.
Summers, James E., Jr
Talaasen, Barthol E.
Tamburello, Donald A.
Texeira, Antone, Jr.
Thomas, George B.
Thorley, James E.
Titus, Jerry L.
Topping, William R., Jr.
Trego, Eugene I.
Trickett, James R.
Underwood, James P.
Valentine, Wendell R.
Vandenberg, Lyle D.
Vanpelt, Richard, Jr.
Vernon, William H.
Villandre, Paul P.
Vogt, James A.
Waits, Wood D.
Walker, Floyd A.
Walters, Earl A.
Ward, Jerry D.
Waters, James L., Jr.
Wheeler, Neil L.
Widener, Ray L.
Williams, George L.
Williamson, Forest D.
Williamson, Robert R., Jr.
Wilson, Larry N.
Wilson, Wayne K.
Wood, Grover E.
Wylie, John O.
Yaeger, William L.
Zumwalt, James D.

CIVIL ENGINEER CORPS

Crowe, Jerry D.
Mickelson, James E.
Ortenstone, Ronald E.

MEDICAL SERVICE CORPS

Arnold, Leroy E.
Baker, Goerge F.
Barbee, Benjamine D., Jr.
Barnhill, Russell W.
Bell, Gerald M.
Belter, Lyle E.
Blanton, James R.
Bobola, Edward
Bradford, Dale E.
Bruhn, John E.
Butler, Raymond A.
Carpenter, Gordon L.
Charland, Normand L.
Closson, David E.
Coleman, Robert C.
Cooper, Furman K.
Cote, Robert R.
Crumbley, Thomas N.
Cunningham, Orlin E.
Curran, Raymond M.
David, Dennis D.
Davis, Donald M.
Davis, Donald R.
Dodson, Jerrold H.
Franklin, Douglass W.
Goodhartt, William R.
Graham, James H.
Gutshall, Richard B., Jr.
Hamas, Michael, Jr.
Hammons, Johnnie D., Jr.
Hansel, George J.
Hayes, Charles H.
Hays, Elwin J.
Hazelton, Terrial L.
Hickey, Myron J.
Hill, Charles R.
Hmel, Leonard J.
Hostetler, Melvin G.
Hurder, Richard J.
Jeffs, Robert A. A.
Julius, Leonard J.
King, Glen M.
Loos, Ernest J.
Ludwig, William C.
Maas, John A.
Maassen, Leland R.
Mann, Charles F., Jr.
Markley, Edward G.
Mathewson, Gordon W
McGrath, William P.
Medlock, Thomas P.
Milliken, Paul R.
Mincer, Arvin A.
Moore, Leonard L.
Moore, Patrick H.
Nacrelli, Walter A.
Newman, Reginald E.
Owens, Kenneth L.
Potter, Duane E.
Price, Darrell L.
Rausch, Jack L.
Raymond, Lawrence F.
Reysen, Richard H.
Riley, Michael T.
Robertson, Robert H., Jr.
Robinson, Ralph E.
Sander, Dale F.
Schlegel, Elvin L., Jr.
Schroll, John E.
Sherwood, Walter O.
Sides, Alfred L.
Smith, James L.
Smith, James P., Jr.
Smith, Robert E.
Snow, Kenneth S., Jr.
Spencer, Robert F.
Sperry, Douglas R.
Stewart, Gene N.
Taylor, Lloyd C., Jr.
Thorson, Donald D.
Thrall, Allen M.
Wain, William E.
Wolff, Lavern V.
Wooll, Earl R.

James D. Norvell, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade) and temporary grade of lieutenant.

The following-named line officers of the Navy for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade):

Gary L. Krebs
Kenneth W. Meeks
Thomas J. Regan, Jr.
John P. Scott III

James O. Jackson, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of ensign.

Lieutenant "T" "J" Rundle, Medical Corps, U.S Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Beery, James R.
Bunker, Mark A.
Busch, John R.
Carpenter, Nicholas M.
Clark, Donald B.
Coleman, Randy "J"
Dilley, James E.
Duskin, George H.
Folsom, Benjamin F., Jr.
Gay, John P.
Hayes, Michael J.
Hazazer, Daniel P.
Kempenaar, Virgil R.
Kirkwood, Kenneth M.
Kruszona, Raymond R.
Lawrence, William R.
Lindahl, William R.
Moser, Ronald B.
Mowbray, James F.
Nelson, Barron C.
Pearsall, Richard E.
Sanford, Richard M.
Sehlin, Donald B.
Sloane, Richard T.
Springer, Robert W.
Stevenson, John W.
Taylor, Daniel A.
Taylor, Milton L.
Thompson, Donald J.
Trotter, Earl C.
Umstead, Marvin F., Jr.
Vinroot, Charles A.
Wagner, Tod W.
Walker, James B.
Weaver, Thomas S.
Weber, Francis J.
Weisbrod, David S.
Williams, Richard A.
Wojcik, Raymond T.
Wollett, Donald H.

SUPPLY CORPS

Conti, Carmen D.
Dagrosa, Richard L.
Kelley, John R., Jr.
Solatka, Robert J.
Thompson, Robert F.
Voigt, Richard D.

CIVIL ENGINEER CORPS

McTomney, William P.
Mellon, Paul E.
Morris, Henry M.

MEDICAL SERVICE CORPS

Hall, David A.

The following-named women officers of the U.S. Navy for permanent promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Biadasz, Frances E.
Ducey, Anne L.

The following-named women officers of the U.S. Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Arenth, Rosemary D.
Barteau, Celia L.
Donnelly, Mary E.
Gravatt, Margaret J.
Hamilton, Frances
Koestline, Sarah E.
Lloyd, Rebecca A.
Marshall, Alice C.
Mogge, Marjorie H.
Sheldon, Bessie B.
Thompson, Allyn R.
Walsh, Rosemarie C.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Anderson, Jimmy D.
Aven, Joseph M.
Beeman, Elizabeth A.
Chrisman, Williard G.
Cooper, Elizabeth J.
Cordrey, Robert E.
Cranor, David A.
Destcroix, Lawrence E., Jr.
Gazarek, Michael J.
Gibson, Elwood L.
Harris, Robert W.
Hayes, Michael T.
Ihle, David M.
Juhl, Clarence H.
Lassen, Clyde E.
Mullert, Michael A.
Nelson, Jerome G. S.
Reader, Robert J.
Rogers, Geoffrey S.
Rossley, William F.
Rowley, Charles W.
Smith, William C.
St. Jean, Russell J.
Thompson, Joseph C.
Wendt, William A.
Wright, John D., Jr.
Zardeskas, Ralph A.

SUPPLY CORPS

Kennedy, Hunter L.
MacDonald, Alan R.
Rock, William J.
Schweitz, James J.
Smith, Roger J.
Squire, Stanley R.
Trulli, Bruce M.
Zimmerman, James H.

CIVIL ENGINEER CORPS

Jensen, Allen H.
Taylor, Ernest J.

MEDICAL SERVICE CORPS

Thome, Carl D.

IN THE MARINE CORPS

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Albers, Kenneth H.
Anderson, James L.
Asmus, Ronald H.
Baier, Charles G.
Bailey, James E.
Bickley, Kenneth C.
Bisplinghoff, Gary W.
Black, Ira E.
Bressette, Bernard L.
Brooks, Calvin C., Jr.
Brown, Calvin D.
Burton, James J.
Butler, William R.
Canale, Patsy A.
Cook, Donald C.
Curry, John W.
Feid, Donald A.
Fitzgerald, Joseph R.
Francis, Danny W.
Franklin, Edgar, Jr.
Franklin, Eugene T.
Grayson, William R.
Grimes, Edward C.
Harris, David L.
Heidmous, James G.
Henderson, Ralph M.
Howe, Ernie W.
James, Donald W.
Johns, Bobby L.
Johnson, Ernest E.
Knudson, Michael C.
Koch, Ernestine A.
Lackey, Charles E.
Loftus, Redmond J., Jr.
Loveless, Claude H., Jr.
Lynch, Patrick J.
Miller, George A.
Milner, James R.
Mitchell, Thomas E., Jr.
Moody, William R.
Newsom, Edwin R.
Polderdyke, Eugene L.
Ritchie, Howard M., Jr.
Ritter, Robert D.
Rodden, Gerald L.
Sanchez, Efrain F.
Scott, Ray H.
Shultz, John R., Jr.
Simpson, Danny L.
Skudalski, John S.
Smith, Paul E.
Stewart, Garland J.
Sykes, Otis C., Jr.
Tevebaugh, Leonard J.
Trautman, George
Troutner, William T.
Velarde, John F.
Veteto, Lee E.
Waddill, Durward C.
Walker, William J.
Ward, Lawerance
Weeks, Loyd T.
Williams, Francis O.
Williams, Leroy
Windham, Robert L.
Wine, Larry L.
Wolf, Donald E.
Wright, Billy E.
Wrigley, Joseph F., Jr.
Zullo, Ralph P.

The following named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Bell, Charles R., Jr.
Boyle, Charles J.
Brameyer, Jan D., Jr.
Duberstein, David C.
Gesner, James H.
Girdwood, Joseph H. M.
Hanks, Jerry G.
Holbert, George W.
Jenkins, Dennis J.
Kosits, Rudolph J.
Lucas, William J.
Miller, Thomas S.
O'Malley, Martin E.
Scoggan, Philip L.
Shoemaker, Roy M.
Simmons, Michael K.
Thomas, William G.
Whipple, John N.
Yazel, Kenneth H.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel, subject to qualification therefor as provided by law:

Thomas R. Abernathy
Sammy T. Adams
Thomas H. Allen, Jr.
Andrew E. Andersen, Jr.
Ernest J. Andersen
John B. Arquiette
William C. Ashby, Jr.
Robert H. Axton
Thomas J. Ayers
Frank J. Badamo
Clarence M. Baker
Richard A. Bancroft
John B. Bany, Jr.
Warren H. Barker
Willis W. Barton, Jr.
Carl L. Battistone
Don D. Beal
Glen T. Beauchamp
George N. Bell
Roy L. Belli
Kenneth H. Berthoud, Jr.
Anthony L. Blair
John H. Blair
Allan H. Bloom
Daniel Z. Boyd
Frank M. Boyd
Thomas E. Bradley
Guy L. Brown
Richard L. Brownell
Charles D. Bujan
Philip F. Buran
Thomas K. Burk, Jr.
Larry R. Butler
James D. Calder
John W. Campbell
James H. Carothers, Jr.
Robert E. Carruthers
William G. Carson, Jr.
Logan Cassedy
Curtis E. Caudill
Louis J. Cavallo
Don R. Christensen
Robert A. Christy
Fred E. Clark, Jr.
Bernard E. Clark
James E. Clark
John Clatworthy
John M. Cockey
James H. Coffin
William A. Cohn
Clayton L. Comfort
Joseph A. Como
John C. Conlin
Marcus H. Cook
Richard M. Cooke
Wallace M. Couch
Richard G. Courtney
Thomas J. Coyle
Winchell M. Craig, Jr.
John M. Cummings
Will C. Cuppy, Jr.
John J. Daley, Jr.
Daniel C. Daly
Darrell C. Danielson
Robert R. Darron
Darrell U. Davidson
Harold R. Davis
Carl F. Dawson
Forest G. Dawson
Richard G. Deem
Godfrey S. Delcuze
Clyde S. De Long, Jr.
Charles F. Dininger, Jr.
William H. Disher
Charles E. Dorffeld
John A. Dowd
John W. Dresely
Charles R. Dunbaugh
Billy R. Duncan
John A. Durham, Jr.
Thomas A. Dutton
Merritt S. Edmunds
Raymond W. Edwards
William R. Eleazer
Arthur J. Eagan
William E. Farris
Gerit L. Fenenga
Patrick J. Fennell, Jr.
Robert J. Eitel
Malcolm V. Fites
Daniel J. Ford
James R. Forman
Arthur D. Friedman
Raymond S. Fry
Joseph P. Gagliardo, Jr.
Thomas P. Ganey
Donald J. Garrett
Elmer T. Garrett, Jr.
Gus J. George
John P. Gillen
Salvador Giovingo
John J. Giubilato
Harold G. Glasgow
Richard W. Goodale
Michael J. Gott
David E. Gragan
Thomas E. Graney
James C. Gray III
John W. Greene
Roger W. Greer
Robert P. Guay
Charles F. Hammel
James J. Harp
James B. Harris
Donald L. Harvey
Francis W. Haskins
Thomas M. Hearn
Paul M. Helsher
Walter J. Henderson
Robert J. Henley
Clark G. Henry
Harry W. Hite
Ralph P. Holt
Ivan F. Horne
Carl C. Hossli
Stanley S. Houston
Darrell L. Howarth
John Hubner
Walter P. Hutchins
Robert N. Hutchinson
John K. Hyatt, Jr.
Milton E. Irons
Herschel L. Johnson, Jr.
Mannon A. Johnson, Jr.
Robert W. Jones
Martin D. Julian
Edward W. Kain
David S. Karukin
James P. Kehoe
Albert W. Keller
David A. Kelly
John F. Kelly
Richard H. Kirkpatrick
Robert D. Klein
Charles W. Knapp
Charles R. Kneale
Howard M. Koppenhaver
Milton C. Kramer
John P. Kraynak
Arthur W. Lavigne
Rodney O. Lawrence
Donald Q. Layne
Richard J. Lee, Jr.
William G. Leftwich, Jr.
Chester A. Liddle, Jr.
Marvin H. Lugger
Aubrey L. Lumpkin
Bertram A. Maas
Herman A. MacDonald, Jr.
Byron E. Madden
Leroy A. Madera
Joseph A. Mallery, Jr.
Albert H. Manhard, Jr.
Bennie H. Mann, Jr.
John W. Mann
Preston P. Marques, Jr.
Robert W. Martin, Jr.
John R. Matheson
Donald J. McAdams
Warren M. McConnell
James G. McCormick
Jack D. McCreight
Daniel V. McDonald
Richard C. McDonald
Robert McLellan
James J. McMonagle
James W. Medis
John H. Miller
William S. Miller, Jr.
Lewis L. Mills
Frank H. Mitchell, Jr.
Donald C. Morgan
Thomas E. Morrow
John R. Muhlig, Jr.
James D. Munson
Donald L. Murphy
Michael P. Murray
Michael J. Needham
Ronald E. Nelson
Merrill S. Newbill
William J. Nielsen
Thomas F. Nugent
James K. O'Rourke
Lowell W. Parish
Gerald S. Pate
Richard Perez
Aydlette H. Perry, Jr.
Victor A. Perry
Bob K. Peterson
Richard C. Pfeifle
Bert R. Pitcher, Jr.
Charles F. Pitchford
Robert A. Plamondon
John E. Poindexter
George A. Porter
Robert G. Prebihalo
Richard E. Pryor
Walter S. Pullar, Jr.
Paul H. Rafi
Richard E. Rainbolt
Thomas E. Raines
John M. Rapp
J. C. Rappe
Robert W. Rasdal
Percy D. Ratcliff
Arvid W. Realsen
Edmund J. Regan, Jr.
Edward D. Resnik
Donald N. Rexroad
Otto W. Ritter
Ronald I. Rivard
Morris G. Robbins
Richard T. Roberts
Duncan J. Robertson
James C. Robinson
Edward J. Rochford, Jr.
John M. Roe, Jr.
Ilow M. Roque
Cledwyn P. Rowlands
Alfred W. Ruete, Jr.

Harry M. Runkle
Wesley M. Rush
James Ryan, Jr.
Harry L. Sagar
Frederick P. Salzman, Jr.
Ernest R. Savoy
Edward W. Schultze
David F. Seiler
Raymond A. Shaffer
Robert R. Sheahan
Morris S. Shimanoff
James E. Shuttleworth
Jack A. Simmons
Donald R. Simpson
Thomas H. Simpson
William A. Simpson
John E. Sinclair
Gerald J. Slack
Robert K. Slack
Daniel B. Smigay
William E. Smilanich, Jr.
Bernard S. Smith, Jr.
Craig S. Smith
Haywood R. Smith
John H. Smith
Joseph N. Smith
Joseph T. Smith
Kenneth E. Smith
Kenneth L. Smith
Robert E. Solliday
Ralph B. Spencer
David A. Spurlock
Paul A. Stamour
John R. Stanley
Merlin V. Statzer
Fred W. Stclair
Ray A. Stephens
Billy F. Stewart
John Strahan
Richard A. Sulik
William J. Sullivan
James T. Swinney
John L. Thatcher
Joseph H. Thompson
Robert B. Thompson
Robert H. Thompson
Billy D. Thornbury
William M. Thurber
Winn M. Thurman
Herbert R. Tiede
Paul J. Tighe
Robert C. Tilly
Edward H. Toms
Charles Treble
Bruce A. Truesdale
Roland L. Turner
David S. Twinning
William A. Tyksinski
Kenneth D. Vanek
Frederick N. Vansant
Wallace E. Vickery
David H. Wagner
James H. Walker
Joe G. Walker, Jr.
Robert P. Walling
Frank R. Warren
Leroy E. Watson
Robert P. Whalen
Jean P. White
Clair E. Willcox
Robert G. Williams
Lawrence J. Willis
Charles W. Wilson
Billy E. Wilson
Russell E. Wiltsie
Willard J. Woodring, Jr.
Dale E. Young
Earnest G. Young
George P. Yourishin
Frank Zimolzak

The following-named officer of the Marine Corps for permanent appointment to the grade of major, subject to qualification therefor as provided by law:

George W. Cox, Jr.

The following-named officer of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to qualification therefor as provided by law:

Walker M. Lazar.

HOUSE OF REPRESENTATIVES—*Thursday, October 3, 1968*

The House met at 12 o'clock noon.

Rabbi Emeritus Israel Goldstein, Congregation B'Nai Jeshurun, New York City, N.Y., offered the following prayer:

Lord of creation, who hast ordained the laws of nature, hast set the stars in their courses, and hast endowed man with the capacity to discern between right and wrong, and to set laws for the government of relations between man and man.

May these Legislative Halls radiate wise guidance to our Nation beset with problems at home and abroad. May there come forth out of Zion restored in our day and from Jerusalem golden with the glow of three world religions, the Torah, the law of justice, brotherhood, and peace.

May blessed America match its might with its spirit, its wealth with its wisdom, and its diversity of races and creeds with its unity of purpose, now and evermore, and may peace cover the earth as the waters that cover the sea. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 13160. An act for the relief of William W. Hiebert;

H.R. 14079. An act for the relief of Lt. (junior grade) Herbert F. Swanson, and others;

H.R. 14098. An act to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938, as amended;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86–339), relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico; and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7417. An act to prescribe administrative procedures for the District of Columbia government; and

H.R. 9089. An act for the relief of E. Christian Des Marets, Sr.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 944) entitled "An act relating to the establishment of parking facilities in the District of Columbia," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TYDINGS, Mr. SPONG, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 913. An act to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes;

S. 1069. An act for the relief of Dr. Chung Chick Nahm;

S. 1652. An act for the relief of Anastasia D. Mpatziani;

S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees; and

S. 2897. An act for the relief of James T. O'Brien.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2553. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; and

S. 3615. An act to authorize the Secretary of the Army to convey to the Port of Cascade Locks, Oreg., a certain interest in lands in the State of Oregon for municipal purposes.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. PELL and Mr. PERCY as alternate delegates to the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, November 11 to 16, 1968.

RABBI EMERITUS ISRAEL GOLDSTEIN

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RYAN], who made the arrangements for Rabbi Goldstein to deliver the invocation and who has the privilege of representing the district in which Congregation B'nai Jeshurun is located, be permitted to insert his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TENZER]?

There was no objection.

Mr. RYAN. Mr. Speaker, the House of Representatives has been singularly honored today by the presence of Dr. Israel Goldstein, rabbi emeritus of Congregation B'nai Jeshurun of New York City—and I might add of the 20th Congressional District—who offered the invocation. We are honored not only because of the eminent position of leadership which Dr. Goldstein holds in world Jewry but because he was willing to bring his message to us, sharing his thoughts and asking for divine guidance for us, on the day following Yom Kippur, the Day of Atonement, the most sacred day in the Jewish year.

Dr. Goldstein is observing his 50th year in the rabbinate, another reason to rejoice in his presence. No stranger to the House, 8 years ago on February 1, 1960, before he retired from Congregation B'nai Jeshurun, he offered the prayer in the House. That historic occasion marked the 100th anniversary of the first prayer delivered in the House of Representatives by a rabbi. In 1860 Dr. Morris J. Raphall, also of Congregation B'nai Jeshurun, offered the original prayer.

One hundred years ago Rabbi Raphall's prayer was delivered at a time of grave national crisis when the Nation was on the threshold of the Civil War. Today, this Nation faces a crisis unmatched since that time. If Congress had heeded the prayer of Dr. Goldstein 8 years ago, the convulsive conflicts and deep divisions of this hour might well have been avoided. Dr. Goldstein then urged "cleansing our own habitations from the germs of hatred and prejudice" and asked that we have "the will to pursue peace relentlessly."

Dr. Goldstein's eloquent words have again summoned our Nation to the same goals so that "peace cover[s] the earth as the waters that cover the sea." Let us now heed today's prayer of this great spiritual leader.

RABBI EMERITUS ISRAEL GOLDSTEIN

Mr. TENZER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TENZER. Mr. Speaker, on this, the day following Yom Kippur, the most holy day in the Jewish religion, the Members of the House have had the privilege of hearing Dr. Israel Goldstein, rabbi emeritus of Congregation B'Nai Jeshurun in New York, deliver the opening prayer.

As an old friend of Rabbi Goldstein, I am familiar with the record of this man who has dedicated his life to religious, civil, and humanitarian causes. Rabbi Goldstein's career has too many highlights to enumerate here but a few of his outstanding achievements deserve our attention.

Dr. Goldstein is a founder of Brandeis University, 1946; former president of the World Association for Hebrew Culture; former president of the Zionist Organization of America; president and honorary president of the World Jewish Congress and world chairman of the United Jewish Appeal.

As I end my career in the House of Representatives, it is a privilege to hear the opening prayer of the House delivered by a man such as Dr. Goldstein. He is more than a theologian, a scholar, a professor, an outstanding rabbi—he is a man who has dedicated himself to improving world understanding, to the fight against hatred and fear, and to the cause of world peace.

I join with my colleagues in the House in expressing our appreciation to Rabbi Goldstein and in wishing him many years of health to continue his struggle for a better world community—a world of peace and brotherhood without violence and prejudice.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. TENZER. I yield to our distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I am very happy today to join with my friend from New York in the comments he has made about Rabbi Goldstein. It has been some years since I first had the pleasure of meeting and knowing Rabbi Goldstein, and I am very happy that he is here with us today because he brought back to my mind fond memories of events of past history.

Dr. Goldstein is one of the outstanding churchmen of the world. When he speaks he brings to communicants and members of all religions the Message of God. Rabbi Goldstein has dedicated his life to the service of God, mankind, and to our country.

Mr. Speaker, I can remember in 1944 when I was chairman of the Democratic platform committee at our national convention, when for the first time in the history of any political party in the United States a plank was inserted pledging the Democratic Party in favor "of a free and independent Jewish commonwealth in Palestine. It was a great privilege for me, under my leadership, to have that plank inserted in the Democratic platform as far back as 1944, which was 4 years prior to the actual establishment of the independence of the new nation of Israel. At that time Rabbi Goldstein was very active, as were the late Rabbi Silver and my late friend, Elihu Stone of Boston, and others.

Mr. Speaker, I had the opportunity for a minute or two chat in my office before Dr. Goldstein came into the House to deliver his beautiful prayer, and we had an opportunity to refresh our memories about that historic event.

I am very happy, not only as the Speaker, but from a personal angle, to renew the friendship that started in 1944 with Rabbi Goldstein.

Mr. Speaker, it is a privilege to express our pleasure in having Rabbi Dr. Goldstein offer prayer to the House today.

Mr. TENZER. I thank our distinguished Speaker for his comments.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore (Mr. FRIEDEL). Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 362]

Adair
Ashley
Ashmore
Aspinall
Battin
Berry
Blackburn
Brademas
Brock
Brown, Calif.
Burke, Fla.
Button
Cahill
Celler
Clark
Conable
Cowger
Cramer
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Diggs
Dow
Edwards, La.
Evans, Colo.
Fascell
Ford, Gerald R.
Ford,
  William D.
Fulton, Tenn.
Galifianakis
Gallagher
Gardner
Gilbert
Gray
Green, Pa.
Griffiths
Gurney
Hagan
Halleck
Hansen, Idaho
Hardy
Harsha
Hays
Heckler, Mass.
Helstoski
Herlong
Hull
Hungate
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kornegay
Kupferman
Landrum
Leggett
Long, La.
McCarthy
Macdonald,
  Mass.
Martin
Mathias, Md.
Matsunaga
May
Minshall
Moore
Moorhead
Mosher
Moss
Nichols
O'Konski
Olsen
Ottinger
Pickle
Podell
Poff
Pollock
Price, Ill.
Rarick
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Rostenthal
Roudebush
Roush
Ryan
Schweiker
Scott
Smith, Okla.
Snyder
Springer
Stratton
Teague, Calif.
Thompson, N.J.
Utt
Waldie
Walker
Watson
Wiggins
Willis
Wilson, Bob
Zablocki
Zion

The **SPEAKER.** On this rollcall 323 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 653, NONMALLEABLE IRON CASTINGS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight Thursday, October 3, 1968, to file a conference report on the bill H.R. 653, to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7735, ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE, AND BAUXITE ORE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight Thursday, October 3, 1968, to file a conference report on the bill H.R. 7735, relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, what was the nature of the first conference report, very briefly, may I ask the gentleman from Arkansas?

Mr. MILLS. It has to do with the tariff duty on certain nonmalleable iron castings. The one that is presently before the House at this time has to do with the tariff status on aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

Mr. GROSS. Mr. Speaker, I thank the gentleman. I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17324, AMENDING RENEGOTIATION ACT OF 1951

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight tonight, Thursday, October 3, 1968, to file a conference report on the bill H.R. 17324, to amend and extend the Renegotiation Act of 1951.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AUTHORIZING THE DISPOSAL OF MAGNESIUM FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5785) to authorize the disposal of magnesium from the national stockpile, with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 1, line 4, strike out "by negotiation or otherwise," and insert: "by public advertisement for bids and sale to the highest responsible bidder,".

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts if the amendment by the other body is, within the knowledge of the gentleman, germane to the bill?

Mr. **PHILBIN**. If the gentleman will yield, the answer is "Yes," the amendment is germane to the bill.

Mr. **GROSS**. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JOSÉ ESTRADA

Mr. **FEIGHAN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15402) for the relief of José Estrada.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15402

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purposes of the Immigration and Nationality Act, José Estrada shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 18, 1961.

With the following committee amendment:

> On line 6, after "1961" strike out the period and insert: "and the period of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. **FEIGHAN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2675) for the relief of José Estrada.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2675

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purposes of the Immigration and Nationality Act, José Estrada shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 18, 1961.

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. **FEIGHAN**. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. **FEIGHAN**: Strike out all after the enacting clause of S. 2675 and insert in lieu thereof the provisions of the bill H.R. 15402, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15402) was laid on the table.

PERMISSION TO FILE REPORT ON S. 3206, FEDERAL WATER POLLUTION CONTROL ACT

Mr. **BLATNIK**. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight, Thursday, October 3, to file the report on S. 3206, a bill to amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and for other purposes, amended.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

Mr. **ARENDS**. Mr. Speaker, reserving the right to object, will the minority members of the committee be able to file their minority views for printing of the report at the same time the majority views are filed?

Mr. **BLATNIK**. They are the ones who asked for the additional time, and that is why I am making the request.

Mr. **ARENDS**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WHICH WAY PRESIDENT JOHNSON?

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. **GROSS**. Mr. Speaker, the outrageous action of President Johnson in directing the freezing of the bank accounts in this country of representatives of the Rhodesian Government is incredible.

These representatives have committed no crime; their government is not waging war upon the United States, nor are they enemies of the United States.

In order to support their families in this country they must now suffer the humiliation of appearing hat in hand at the Treasury Department and throw themselves upon the mercy of and beg from the bureaucrats who carry out the dictatorial mandates of Lyndon Johnson. Through this underhanded procedure does lame duck President Johnson carry out his lickspittle role in support of the British boycott of Rhodesia. Meanwhile he hides in the shadows while British freighters steam through the 7th Fleet on the way to North Vietnam with their cargoes of supplies for the Communists who have killed 28,000 Americans and maimed another 100,000.

Shame, shame on those who punish our friends, but toady to those who are aiding the slaughter of Americans.

VETERANS' HOME LOAN PROGRAM—AMENDMENT TO THE NATIONAL HOUSING ACT

Mr. **TEAGUE** of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S.J. Res. 197) to correct certain references in section 4(i) of the act entitled "An act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes," approved May 7, 1968.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **SAYLOR**. Mr. Speaker, reserving the right to object, and I will not object, I take this time to yield to the gentleman from Texas to explain what is being done in this resolution.

Mr. **TEAGUE** of Texas. Mr. Speaker, will the gentleman yield?

Mr. **SAYLOR**. I yield to the gentleman from Texas.

Mr. **TEAGUE** of Texas. Mr. Speaker, this joint resolution, which passed the Senate unanimously on August 1, 1968, corrects a technical error in Public Law 90–301 approved May 7, 1968.

The error prevented the public members of the Mortgage Interest Rate Commission, created by section 4 of the law, from receiving the per diem authorized by Public Law 90–301. Senate Joint Resolution 197 corrects this obvious deficiency.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 197

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4(i) of the Act of May 7, 1968 (Public Law 90–301); is amended—
>
> (1) by striking out "(a)", each place it appears, and inserting in lieu thereof "(b)";
>
> (2) by striking out "(4)" and inserting in lieu thereof "(5)"; and
>
> (3) by striking out "(5)" and inserting in lieu thereof "(6)".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NURSING HOME CARE OF VETERANS HOSPITALIZED BY THE VETERANS' ADMINISTRATION IN ALASKA OR HAWAII

Mr. **TEAGUE** of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3593) to amend title 38 of the United States Code to eliminate certain requirements for the furnishing of nursing home care in cases of veterans hospitalized by the Veterans' Administration in Alaska or Hawaii, with Senate amendments thereto, and concur in the Senate amendments with an amendment which I offer.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 9, insert:

"SEC. 2. Clause (iii) of section 601(4)(C) of title 38, United States Code, is amended to read as follows:

"'(iii) for veterans of any war in a State, Territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, but authority under this clause (iii) shall expire on December 31, 1978.'."

The Clerk read the House amendment to the Senate amendments offered by Mr. TEAGUE of Texas:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

"SEC. 2. Clause (iii) of section 601(4)(C) of title 38, United States Code, is amended to read as follows: '(iii) for veterans of any war in a State, Territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978.'

"SEC. 3. (a) Section 620 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"'(c) The Service Contract Act of 1965 shall not apply with respect to any contract entered into by the Administrator and an institution for the furnishing of nursing home care under this section.'

"(b) The effective date of the amendment made by subsection (a) shall be the ninetieth day after the date of the enactment of the Service Contract Act of 1965.

"SEC. 4. Effective on the date of enactment of this Act—

"(1) the provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall cease to apply with respect to employees of the Veterans' Administration, and

"(2) in applying the provisions of such section to the departments and agencies of the executive branch, such employees shall not be taken into account."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I shall not object, I want to express my support of the amendment offered by the gentleman from Texas, the distinguished chairman of our committee. The gentleman's amendment relates to three subjects in the field of veterans' affairs.

In the first instance, the amendment will permit the furnishing of medical care to veterans in Hawaii and Alaska on the same basis as it is presently furnished to veterans in the 48 contiguous States. Because there are no Veterans' Administration hospitals in Alaska and Hawaii, the Senate amendment would authorize the furnishing of such care in private facilities. Unfortunately, the Senate amendment furnishes no guidelines or limitations upon the use of these private facilities. The amendment offered by the gentleman from Texas provides that the average hospital patient-load per thousand veteran population in Alaska and Hawaii shall not exceed the average patient-load per thousand veteran population in the other 48 States.

The next section of the gentleman's amendment will prevent the veterans' community nursing home program from being destroyed. A recent ruling of the Secretary of Labor has made private nursing homes that contract with the Veterans' Administration for the care of veterans subject to the provisions of the Services Contract Act of 1965. In most instances, these community nursing homes have one or two veteran-patients. Because of this fact, they are required to increase wages of all employees. Many of these nursing homes, Mr. Speaker, have already served notice on the Veterans' Administration that they will no longer contract with that agency for the care of veterans should this ruling prevail.

The amendment under consideration would exclude nursing homes that contract with the Veterans' Administration from the provisions of the Service Contract Act of 1965. If this amendment is not adopted, Mr. Speaker, I fear that a great majority of the community nursing homes that provide care for veterans will withdraw from the program. If the Secretary of Labor's ruling prevails, it will not put one extra dime into the pockets of employees of these nursing homes. Rather, the nursing home will simply refuse to do business with the Veterans' Administration, and thereby, will not be subject to the provisions of the Services Contract Act, and the older veteran alone will suffer.

The third section of the amendment, Mr. Speaker, will exclude the Veterans' Administration from the personnel reduction formula set forth in section 201 of the Revenue and Expenditure Control Act of 1968. Despite the intent of Congress expressed in the statement of the managers on the part of the House when the bill, H.R. 15414, was under consideration, that the Veterans' Administration should be excluded from the personnel reduction formula when it had reached its June 30, 1966, level of employment, the Bureau of the Budget has indicated that the Veterans' Administration may have to share further in the reduction formula beginning in December 1968 or January of next year. Such a reduction would severely curtail the operation of the Veterans' Administration hospital program.

It is inconceivable, Mr. Speaker, that this Congress would permit veterans' hospital facilities to be reduced at a time when casualties from Vietnam require hospitalization in ever-increasing numbers and the medical needs of older veterans are continually increasing as well.

I hope, however, if this amendment is adopted, that since the Veterans' Administration employees have reached the 1966 level, the Veterans' Administration will not try to hire employees above that level during the remainder of this fiscal year.

I urge the adoption of this amendment.

Mr. TEAGUE of Texas. Mr. Speaker, as passed by the House, this bill authorized the furnishing of nursing care in community nursing homes at the expense of the Veterans' Administration in the States of Hawaii and Alaska even though a veteran had not been in a Veterans' Administration hospital and reached a condition of maximum hospital benefits. Public Law 88-450 authorized among other things a system of nursing care in the Veterans' Administration and also the placement of veterans who had been in Veterans' Administration hospitals in community nursing homes generally for a period of 6 months. Because of the fact that there were no Veterans' Administration hospitals in Alaska and Hawaii, H.R. 3593 was necessary in order to permit the furnishing of care in community nursing homes.

Section 2 of the bill was added by the Senate and authorized the care of veteran patients in private community hospitals at Government expense. Today such hospital care is provided in Alaska and Hawaii in Department of Defense installations and in a lesser degree in those operated by the Department of Health, Education, and Welfare. In Hawaii a State hospital is also utilized for this purpose. Non-service-connected contract care for male veterans is not authorized in the continental limits—the other 48 States—but is sought in this instance because of the unique situation prevailing in Alaska and Hawaii.

The Veterans' Administration estimates that the additional cost for section 2 would be "relatively small," and this is supported by the fact that the average daily patient load in fiscal year 1968 was 29 in Alaska and 84 in Hawaii.

Mr. Speaker, the action which I am urging the House to take today concurs in the Senate amendment with an amendment, granting the special treatment I have described for the veterans of the States of Alaska and Hawaii, but provides that the veterans in those States shall not receive any preferential treatment which would provide greater facilities than enjoyed on a comparable basis by veterans in the other 48 States.

The authority under section 2, in accordance with the Senate amendment, would expire on December 31, 1978, and the Veterans' Administration advises that the cost of section 2 would be one-half million dollars a year. Section 1, relating to nursing care, would cost approximately $22,000 a year.

Section 3 removes from the application of the Service Contract Act of 1965 any contract entered into by the Administrator of Veterans' Affairs with any community nursing home for the purpose of providing nursing care for an eligible veteran, as authorized by Public Law 88-450. The section would be effective from the 90th day following the date of enactment of Public Law 89-286, the Service Contract Act, which was October 22, 1965. The application of this law to the activities of the Veterans' Administration in the field of contract nursing homes has worked a severe hardship on many veterans and has greatly increased the cost of the program to the Veterans' Administration and thus to the taxpayer. There would be no additional appropriation required by the enactment of this section and in fact it would save several millions of dollars which the Veterans' Administration would otherwise be required to expend.

By way of background, Public Law 88–450 primarily accomplished the following:

Created 4,000 nursing care beds in the Veterans' Administration medical system;

Increased the per diem payment to State homes caring for VA beneficiaries in the nursing care category;

Authorized a program of matching grants of $5 million each year for 5 years for the construction of State nursing care facilities; and

Authorized the VA to pay community nursing homes, generally for a 6-month period, for care of former VA patients who had received maximum hospital benefits.

This measure is concerned with the community nursing home aspects of Public Law 88–450.

These homes are available in practically every community in America. The Veterans' Administration has contracts or agreements with 2,325 community nursing homes having approximately 170,000 beds in 48 States and Puerto Rico. Twenty-five million dollars has been spent on this program so far. As of May 31, 1968, there were 3,048 veteran patients under the program. The objective of the program is to take veterans out of expensive hospital beds—$42 per diem—and place them in nursing homes—$14.40 per diem maximum—near their homes. The program has been an outstanding success. In most instances a typical nursing home will have only two or three patients under the VA program.

Public Law 89–286, the Service Contract Act of 1965, was enacted for the principal purpose of requiring that the minimum wage be paid to service employees hired by agencies having contracts to provide service to the Federal Government. The act defines "service employees" as guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or an unskilled, semiskilled, or skilled manual labor occupation; or any other employee, including foreman or supervisor, in a position having a trade, craft, or labor experience, as a paramount requirement. The legislative history of the act indicates that it was not the intention of Congress to cover medical services. House Report No. 948 contains the following statement:

> Thus, for example, contracts made by the District of Columbia government with local hospitals for the care of indigent patients would not be covered since "service employee" as defined in the bill would be performing only incidental functions.

In addition to this indication that medical services be exempt, section 4b of the bill provides authority for the Secretary of Labor to provide exemption "as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business." The Secretary has made one such exemption relating to transportation agencies.

On June 3 the Veterans' Administration wrote the Secretary of Labor describing in detail the type of medical services procured for veteran patients under the agreements with community nursing homes and raised the question that the program should be exempt because of the type of medical services being procured. The letter also requested that if the agency declined, then an exemption should be granted to prevent "a most serious disruption and impairment of the conduct of the Government's business." A reply was received June 19, 1968, declining to grant an exception. On May 22 the chairman of this committee again directed a letter to the Secretary of Labor asking the Secretary for his authority for the action he had taken and requested a reply at the earliest possible time. Eleven days later, on June 3, the chairman received a brief acknowledgment, and on June 7 he directed another letter to the Secretary of Labor asking for a reply to the letter by the Administrator of Veterans' Affairs, and asked for a prompt response. On June 11 the chairman sent a telegram pointing out to the Secretary of Labor that he had not received a reply to his letters, that he was convinced that the interpretation was in error, and that failure to act would result in serious impairment to the Veterans' Administration nursing home program. This telegram requested a prompt response. On June 11 a letter was also directed to the President of the United States calling his attention to the conflict between the two departments. A letter from the Department of Labor, identical in result to the VA letter, was received June 19, 1968.

At the present time there are 6,591 eligible veterans on the waiting list for admission to VA hospitals throughout the United States. VA patients in community nursing homes under agreements entered into at the time of placement may be returned to VA care when their conditions worsen or under conditions such as would prevail if the Department of Labor's ruling is continued. The net increase in the cost to the VA to readmit these patients to its hospitals is in the magnitude of $1½ to $2½ million per month—moving from a $14.40 per day rate in a nursing unit to an average cost of $42 per day in a general hospital. The VA estimates that approximately 1,500 to 2,700 nursing care patients would have to be readmitted.

Under the provision of the Fair Labor Standards Act the minimum wage for community nursing home employees is $1.15 per hour and will be increased 15 cents each year until the level of $1.60 is reached. Application of the Service Contract Act, Public Law 89–286 would provide an immediate minimum wage of $1.60.

Section 4 of the proposed addition to the bill, H.R. 3593, in effect exempts the Veterans' Administration from section 201 of Public Law 90–364, the Revenue and Expenditure Control Act of 1968. I ask the House to take this action with considerable reluctance and only after it has become apparent that it will not be possible to fulfill the assurances given to the distinguished gentleman from Arkansas, the able chairman of the Committee on Ways and Means, and to me at the time of the consideration of the bill, H.R. 15414.

The statement of the managers on the part of the House in connection with that bill stated:

> In keeping with the June 30, 1966, date, the provision is carefully designed so that it can be operated in such a fashion that whenever any agency has reached its June 30, 1966, level, then it can be in a position to resume full appointment. To this end, the conferees believe that the more efficient operation of the Government means that the Director of the Budget generally should reassign vacancies to any agency which has reached its June 30, 1966, level. For example, in applying this provision in the case of the Veterans' Administration (including all such employees working in veterans' hospitals), no reduction should be required in employee levels below that of June 30, 1966, in the case of permanent or full-time employees.

The Bureau of the Budget cannot fulfill the above agreement, as indicated by the letter from the Director of the Bureau which I include at this point. Thus it will be impossible to guarantee that the Veterans' Administration can resume normal hiring practices even though that agency has reached its June 30, 1966, level of employment, and has been in that condition for a number of weeks.

The Administrator of Veterans' Affairs has advised me:

> The impact of P.L. 90–364 employment restrictions on VA programs is proving to be far more serious than we initially anticipated. Larger-than-expected workloads are being experienced in virtually all programs, as Vietnam servicemen return to civilian life at a rate of over 70,000 a month. We cannot accommodate these increasing workloads by P.L. 90–364 restrictions. Serious backlogs are developing and the quality of care and services provided veteran beneficiaries has suffered; plans for important new and expanded programs, particularly in Health Services, have had to be either abandoned or drastically curtailed.

Further, the Congress has exempted from the provision of personnel control 524,000 of the Post Office Department, 13,500 of the Tennessee Valley Authority, 17,000 employees of the FBI, and 30,000 of the Federal Aviation Agency. Other exemptions are pending and in active stages. These exemptions, coupled with the decision of the Bureau of the Budget, leave me no alternative, for if the veterans' program is to operate at the level which is necessary to meet the needs of our returning veterans, and if the Department of Medicine and Surgery is to fulfill its obligation to the sick and elderly veterans of our Nation, it is essential that the legislation of the type I am proposing here today be enacted into law.

The letter from the Bureau of the Budget follows:

BUREAU OF THE BUDGET,
Washington D.C., September 24, 1968.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter of September 19, regarding the reassignment of vacancies to the Veterans' Administration as contemplated in the statement of the House managers of the conference on H.R. 15414.

In your letter, you quote a statement of the conference managers. I have read that statement and have been guided by it in reassigning vacancies among agencies. At the time that statement was drafted, the conferees had agreed that there would be no statutory exemption to the provision that has become Section 201 of Public Law 90-364. On this basis, I believed I could reassign vacancies (in excess of the 25% attrition required under Section 201) from other agencies to the Veterans' Administration in sufficient numbers to keep its full-time permanent employment from falling below the June 1966 level.

My staff believes that, starting this November, such reassignments may have to total 600 to 800 positions per month. I have already taken actions which should result in sufficient spaces being available for the necessary November reassignments and, if actual developments conform to our estimates, the prospective December needs.

However, I too, have noted the events cited in your letter with respect to the exemption of various groups of employees from the provisions of Section 201 of Public Law 90-364. As you undoubtedly understand, the greater the number of employees exempted by the Congress, the smaller becomes the universe from which I can obtain and reassign vacant positions to the Veterans' Administration.

There is another problem. As more agencies reach their June 1966 level, and request reassignments of vacancies to maintain that employment level, it becomes more and more difficult to reduce further the vacancy-filling rate of other agencies in order to make such reassignments possible.

Only yesterday, the Senate passed a provision which, in effect, directed me to give priority to the needs of the Social Security Administration, at the expense of other Government programs. To allow the Social Security Administration to maintain or increase its present level will, of course, make it even more difficult to maintain other agencies at their June 1966 level.

Nevertheless, as long as I can, consistent with the more efficient operation of the Government, I shall try to reassign positions in accordance with the statement on page 45 of the Conference Report on H.R. 15414 (House Report 1533). However, the exemptions already legislated, plus those being considered, which were not foreseen at the time the conferees were deliberating, make me much less confident that it will be possible to do this.

In addition, with a new Administration and Congress taking over next January, I cannot give you positive assurance that the necessary spaces will be provided after the first of the year to keep full-time permanent employees of the Veterans' Administration from falling below the June 1966 level. Depending on the nature and scope of exemptive legislation enacted in the coming weeks, even December may be a problem, but I still hope that I will be able to take care of that month.

As you can well understand, we are trying to foresee developments on the basis of scant and incomplete historical data, and the new reports we have required from the agencies arrive almost one month behind the period covered. Nevertheless, we are trying hard to keep on top of the situation. Although I would have preferred to have this letter be more sanguine about the outlook than it is, I hope it is helpful to you, and that you understand our problem.

Sincerely,

CHARLES J. ZWICK,
Director.

Mr. Speaker, I include as a part of my remarks the text of telegrams I have received from four veterans organizations in support of the action I have just requested:

WASHINGTON, D.C.,
October 2, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.:

The Veterans of Foreign Wars strongly supports H.R. 3593, which provides for additional medical and nursing home care for veterans in Alaska and Hawaii. V.F.W. also supports two amendments which you will offer to this bill. VA hospitals are facing a serious personnel crisis because of rising Vietnam casualties and increased demands for hospital care by older veterans. It must be made clear that the VA is exempted from personnel cuts required by P.L. 90-364. Your amendment will accomplish this purpose and has the complete support of the V.F.W. Likewise the community nursing home care program is being seriously disrupted by an arbitrary ruling by Department of Labor that places these homes under the Service Contract Act of 1965. Your amendment to exempt VA from the service contract act desperately needed to prevent veterans community nursing home program from being wrecked.

RICHARD HOMAN,
Commander in Chief, Veterans of Foreign Wars of the United States.

WASHINGTON, D.C.,
October 2, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.:

The American Legion urges the enactment of H.R. 3593, a bill to permit the administrator of veterans affairs to furnish nursing home and hospital care for veterans in Alaska and Hawaii. We also support your amendments to exempt VA contracts with community nursing homes from the service contract act and to assure that VA would not be required to reduce its personnel below the June 30, 1966 ceiling under the personnel cutback formula of the revenue and expenditures control act of 1968. Enactment of this measure, as amended, would assure that veterans residing in Alaska and Hawaii would receive hospital and nursing bed care now denied by law, forestall the curtailment of the nursing care program established under P.L. 88-450, and prevent the closing of thousands of hospital beds and disruption of service to veterans, their dependents, and their survivors.

HERALD E. STRINGER,
Director, National Legislative Commission, the American Legion.

WASHINGTON, D.C.,
October 3, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Rayburn House Office Building, Washington, D.C.:

AMVETS, American Veterans of World War II, ask full support of H.R. 3593 to afford improved medical care to Hawaiian and Alaskan veterans.

We further strongly urge adoption of the amendment to this bill that would exempt the Veterans' Administration from any personnel reductions required by P.L. 90-364.

Your favorable action is also urged for passage of the proposed amendment exempting the Veterans' Administration from the wage scale requirements of the Service Contract Act. This program of care to elderly veterans in local home town nursing homes is vital and must be maintained.

RALPH E. HALL,
National Executive Director.

WASHINGTON, D.C.,
October 3, 1968.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, D.C.:

The Disabled American Veterans strongly supports the enactment of H.R. 3593 to furnish nursing home care for veterans residing in Alaska and Hawaii. We commend the House Committee on Veterans' Affairs for amending the bill in two very important areas.

Medical care for veterans who have served this Nation in time of war has long been recognized as a responsibility of the Federal Government. The enactment of H.R. 3593 as amended will fulfill America's obligation to its wartime disabled by correcting the inequity in present law which denies the benefit of nursing home care to veterans residing in the States of Alaska and Hawaii. It will prevent destruction of the hometown nursing care program for the veterans in all 50 States by exempting VA contracts from the minimum wage provisions of the Service Contract Act of 1965.

Adoption of the second amendment to exempt VA medical programs from the personnel limitations of the Revenue and Expenditure Control Act of 1968 is urgently needed and fully justified by the Veterans' Administration's increasing need to provide high level medical care for the 178,000 American servicemen who have thus far been wounded or disabled in the Vietnam conflict.

CHARLES L. HUBER,
National Director of Legislation, Disabled American Veterans.

Mrs. MINK. Mr. Speaker, this is indeed a privilege for me to participate in the final passage of H.R. 3593, a bill I introduced on January 24, 1967, to correct an obviously unintended inequity in the treatment of veterans in Hawaii and Alaska. There has been considerable delay in this final passage but I believe the veterans in all 50 States will join with me in saying that the wait has been time well spent.

This legislation will accord to veterans in Hawaii and Alaska the same special care treatment accorded to those former servicemen in the 48 States on the mainland of the United States. It will furnish nursing home care to veterans hospitalized by the Veterans' Administration in Alaska and in my State.

By taking final action today, the House will correct an oversight in Public Law 88-450 which provides for the transfer of patients in Veterans' Administration hospitals to qualified nursing homes at Government expense when such care is deemed necessary for a veteran's recovery. The Government pays the cost of such nursing home expenses for up to 6 months, sometimes longer in exceptional cases, but will not pay more than one-third of the cost of treatment in a VA hospital.

Regrettably, when Public Law 88-450 was enacted, there was an oversight insofar as consideration was not given to the fact that Alaska and Hawaii are alone among all of the States in having no hospitals directly operated by the Veterans' Administration.

Veterans in both States do receive Government hospitalization benefits in institutions operated by other Federal agencies which contract for such care with the VA, the terms of Public Law 88-450 disallow subsequent nursing home care for patients in only these two States since they cannot be hospitalized in a facility under the direct jurisdiction of the VA. Thus the law denies to Hawaii and Alaska veterans equal benefits to those accorded to veterans in the other 48 States, the District of Columbia, and Puerto Rico.

In February 1967, the Veterans' Administration took note of this disparity in its report on my bill. It states to the House Committee on Veterans' Affairs:

> We agree that our veterans in Alaska and Hawaii should not be denied the privilege of receiving nursing home care at Federal expense due to the fact that no VA hospitals are located there. Accordingly, we favor enactment of this legislation.

I believe that to be fully equitable, the law must clearly provide that the Veterans' Administration shall make available nursing home care to all eligible veterans who have been treated through contract arrangements wherein the Veterans' Administration assumes the financial cost of such hospitalization.

Whether a veteran is entitled to receive nursing home care or not should not be dependent upon where he gets his hospitalization, but rather upon whether that treatment is being paid for in the first instance by the Veterans' Administration.

If the veteran's hospitalization is covered by the VA, then logically, his transfer to a nursing home ought to also be covered under Public Law 88–450.

I wish to commend the Honorable OLIN E. TEAGUE, chairman of the Veterans' Affairs Committee, and the members of this distinguished committee for their concern and favorable consideration of this legislation. I believe their action will be justifiably lauded by each veteran and veterans organization in the country.

I urge my colleagues to approve this legislation.

Mr. DOLE. Mr. Speaker, I rise in support of the amendment to H.R. 3593 offered by the distinguished chairman of the Committee on Veterans' Affairs. I am particularly interested in preventing the destruction of the Veterans' Administration hospital system. If the gentleman's amendment is not adopted, the Veterans' Administration will be forced to reduce its employment level far below the level required to provide satisfactory care and treatment for veterans. I cannot stand idly by and permit the deterioration of the splendid "second to none" medical and hospital program which a grateful Nation has provided for its veterans. The failure to adopt the gentleman's amendment means that the Veterans' Administration will not have enough doctors, nurses, and technicians to operate the 110,000 hospital beds presently in the system. Consequently, entire wards, and possibly entire hospitals would have to be closed.

We cannot permit this to happen. It is patently ridiculous to cut back the Veterans' Administration hospital system at a time when existing hospital facilities are already overburdened by casualties from Vietnam and by the increasing medical needs of the aging veteran population.

The amendment offered by the gentleman from Texas will exclude the Veterans' Administration from the personnel reduction formula set forth in Public Law 90–364, thus permitting the Veterans' Administration to maintain its current level of employment.

I strongly support this amendment and urge that it be adopted.

Mr. SKUBITZ. Mr. Speaker, I support the amendment to H.R. 3593, offered by the gentleman from Texas [Mr. TEAGUE]. One of the principal thrusts of this amendment is to exclude the Veterans' Administration from the personnel reduction formula authorized by the Revenue and Expenditures Contract Act of 1968, Public Law 90–364.

This action is extremely desirable. In fact, it is essential if we are to maintain a Veterans' Administration hospital system dedicated to the care and treatment of sick and wounded war veterans. The Veterans' Administration has indicated, Mr. Speaker, that it cannot maintain the high degree of outstanding service to hospitalized veterans if the agency is required to reduce personnel below its 1966 level. That level has already been reached. Any further reductions will cut the heart out of the veterans' hospital program. A sufficient number of doctors, nurses, and technicians could not be employed to operate the hospitals. The result is inevitable—a drastic cutback on the number of operating beds. Serious backlogs are already developing and the quality of care and services provided veteran beneficiaries has suffered. With Vietnam servicemen returning to civilian life at a rate of over 70,000 a month, many of them war casualties, it is inconceivable that we should permit the Veterans' Administration hospital system to be curtailed. It is essential that we have sufficient facilities to provide the highest quality of medical care to the young men who have shed their blood on the battlefield in Vietnam.

I shall support this amendment, Mr. Speaker, and urge my colleagues to do the same.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The House amendment to the Senate amendments was agreed to.

The Senate amendments, as amended, were concurred in.

The title was amended so as to read: "An act to amend title 38 of the United States Code to provide nursing home care and contract hospitalization for certain veterans living in Alaska and Hawaii, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on this subject.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

FOR THE RELIEF OF E. CHRISTIAN DES MARETS, SR.

Mr. TENZER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9089) for the relief of E. Christian Des Marets, Sr., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 1, line 3, strike out "Covina," and insert "Redlands,".
>
> Page 2, line 9, strike out "Des Martes," and insert "Des Marets,".

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES—PERMISSION TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE CERTAIN REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports under the rule.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 18037, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes; and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1936)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18037) "making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 33, 45, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 23, 24, 50, 53, 54, 56, 59, and 60; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,811,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"For grants and payments under titles II, III, V, VII, and VIII of the Elementary and Secondary Education Act of 1965, as amended, $258,126,000, of which $50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Elementary and Secondary Education Act of 1965; $165,876,000 shall be for supplementary educational centers and services under title III of said Act; $29,750,000 shall be for strengthening State departments of education under title V of said Act; $7,500,000 shall be for improving the education of bilingual children under title VII of said Act; and $5,000,000 shall be for preventing school dropouts under title VIII of said Act."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,123,127,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and proposed for insertion by the Senate, insert the following:

": *Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than 92 per centum of the amounts allocated from the fiscal year 1968 appropriation to local educational agencies in such States for grants."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,900,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$167,104,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$10,224,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$28,942,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$88,733,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,700,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,995,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$185,149,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$166,927,500"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$29,983,500"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$143,888,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$128,934,500"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$96,840,500"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$163,513,500"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$73,126,500"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,820,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$84,809,500"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$18,160,500"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$117,500,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"REHABILITATION RESEARCH AND TRAINING

"For grants and other expenses (except administrative expenses) for research, training, traineeships, and other special projects, pursuant to sections 4, 7, and 16, of the Vocational Rehabilitation Act, as amended, and not to exceed $100,000 for carrying out functions authorized by the International Health Research Act of 1960 (74 Stat. 364), $64,000,000."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$5,000,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,948,000,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"NATIONAL COMMISSION ON PRODUCT SAFETY

"*Salaries and expenses*

"For necessary expenses of the National Commission on Product Safety, authorized by the Act of November 20, 1967 (Public Law 90–146), $500,000."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 7, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 30, 31, 32, 42, 46, 47, 49, 52, 63, 64, 65, and 66.

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
W. R. HULL, Jr.,
BOB CASEY,
GEORGE MAHON,
MELVIN R. LAIRD (except as to amendments 63 and 64),
ROBERT H. MICHEL (except as to amendment 61),
GARNER E. SHRIVER,
Managers on the Part of the House.

LISTER HILL,
RICHARD B. RUSSELL,
WARREN G. MAGNUSON,
JOHN STENNIS,
ALAN BIBLE,
ROBERT C. BYRD,
NORRIS COTTON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18037) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1969, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF LABOR

Manpower administration

Amendments Nos. 1 and 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendments which provide language relating to rates of pay of trainees under the Manpower Development and Training Act.

The conferees feel that the needs of the

Secretary of Labor in carrying out the important manpower development and training program might best be met by allowing him more flexibility and discretion in applying the reduction in the appropriation "Manpower development and training activities" than was indicated in the Senate report. It is, therefore, suggested that he reassess the estimate and, after consultation with the states, submit a new plan of distribution for approval of the House and Senate committees for this item.

Amendment No. 3: Appropriates $25,000,000 for "Revolving fund for advances to employment security administration account, unemployment trust fund" as proposed by the Senate instead of $43,000,000 as proposed by the House.

Wage and hour division

Amendment No. 4: Appropriates $25,811,000 for "Wage and hour division, salaries and expenses" instead of $25,711,000 as proposed by the House and $25,911,000 as proposed by the Senate.

Bureau of International Labor Affairs

Amendment No. 5: Strikes appropriation of $50,000 for "Special foreign currency program" proposed by the House.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Amendments Nos. 6, 7 (reported in technical disagreement—the managers on the part of the House will offer a motion to recede and concur with an amendment), 8, and 9: Appropriate (including the proposed motion relating to amendment No. 7) $1,476,993,000 for "Elementary and secondary educational activities" for fiscal year 1969 instead of $1,330,753,000 as proposed by the House and $1,564,826,000 as proposed by the Senate. The amendments will also make the following adjustments within the total appropriation:

(1) provide $1,123,127,000 for "Educationally deprived children" under Title I of the Elementary and Secondary Education Act instead of $1,073,127,000 as proposed by the House and $1,200,000,000 as proposed by the Senate;

(2) provide $50,000,000 for "Library resources" under Title II of the Elementary and Secondary Education Act as proposed by the House instead of $60,000,000 as proposed by the Senate;

(3) provide $165,876,000 for "Supplementary educational centers and services" under title III of the Elementary and Secondary Education Act instead of $177,876,000 as proposed by the House and $155,876,000 as proposed by the Senate;

(4) provide $7,500,000 for "Bilingual education program" under Title VII of the Elementary and Secondary Education Act instead of $10,000,000 as proposed by the Senate;

(5) provide $5,000,000 for "Dropout prevention program" under Title VIII of the Elementary and Secondary Education Act instead of $20,000,000 as proposed by the Senate;

(6) provide $78,740,000 for "Equipment and minor remodeling" under Title III of the National Defense Education Act instead of $82,200,000 as proposed by the Senate;

(7) provide $17,000,000 for "Testing, guidance and counseling" under Title V of the National Defense Education Act as proposed by the Senate;

(8) strike language proposed by the House that would limit to $68,607,000 the amount of funds under Title I of the Elementary and Secondary Education Act that could be used for equipment;

(9) provide that, in total, the schools in each state will receive, in 1969, under Title I of the Elementary and Secondary Education Act at least 92 per cent as much as such schools did in 1968, instead of 85 per cent as proposed by the House and 100 per cent as proposed by the Senate; and

(10) strike House language that would limit the amount of funds under Title I of the Elementary and Secondary Education Act that could be spent under the special authorization for handicapped children, neglected and delinquent children, and migrant children to the 1968 level.

Amendment No. 10: Reported in disagreement.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $156,900,000 for "Education professions development activities" instead of $111,900,000 as proposed by the House and $181,900,000 as proposed by the Senate. The conferees are agreed that none of the reduction below the Senate proposal shall be applied against the amount included therein for Title IV of the National Defense Education Act.

Amendment No. 12: Appropriates $20,900,000 for the "Teacher Corps" instead of $15,000,000 as proposed by the House and $31,200,000 as proposed by the Senate.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $696,307,000 for "Higher educational activities" as proposed by the Senate and will provide that the allocation of funds for purposes provided for by this appropriation shall be as contained in the Senate amendment except that grants for construction of public community colleges and technical institutes shall be $50,000,000 instead of $34,000,000 as proposed in the Senate amendment, and $124,600,000 shall be for educational opportunity grants instead of $140,600,000 as proposed in the Senate amendment.

Amendments Nos. 14, 15, 16, and 17: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in Senate amendments Nos. 14 and 16 and to recede and concur in Senate amendments Nos. 15 and 17 with amendments. The combined effect will be to appropriate $143,144,000 for "Libraries and community services" instead of $94,894,000 as proposed by the House and $143,644,000 as proposed by the Senate; provide that of the total appropriation $9,500,000 shall be for community services and continuing education programs under Title I of the Higher Education Act as proposed by the Senate; provide that $5,500,000 shall be for transfer to the Librarian of Congress for the acquisition and cataloging of library materials instead of $6,000,000 as proposed by the Senate; and add legal citations as proposed by the Senate.

Educational improvement for the handicapped: The total appropriation of $78,850,000 is not in disagreement between the House and the Senate. The conferees are agreed that the allocation of these funds shall be in accordance with the report of the Senate Committee on Appropriations.

Amendments Nos. 18 and 19: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in Senate amendment No. 18 and recede and concur in Senate amendment No. 19 with an amendment. The combined effect will be to appropriate $89,417,000 for "Research and training" instead of $86,417,000 as proposed by the House and $92,967,000 as proposed by the Senate; and add a legal citation as proposed by the Senate. The conferees are agreed that within the total appropriation there shall be $3,000,000 available for library improvement research instead of $3,550,000 as proposed by the Senate; $34,400,000 for educational laboratories and research and development centers as proposed by the Senate instead of $33,400,000 as proposed by the House; $1,000,000 for a national achievement study as proposed by the House; and $1,000,000 for the urban school demonstration in the District of Columbia as proposed by the House instead of $5,000,000 as proposed by the Senate.

Amendment No. 20: Deletes provision that $500,000 of the amount appropriated for "Research and training" shall be grants and contracts for training and research in cooperative education as proposed by the Senate.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $15,700,000 for "Foreign language training and area programs."

Public Health Service

Amendment No. 22: Appropriates $167,104,000 for "Comprehensive health planning and services" instead of $165,604,000 as proposed by the House and $168,604,000 as proposed by the Senate. The conferees are agreed that, of the total amount appropriated, up to $20,000,000 will be available for project grants for rat control programs.

Health manpower

Amendments Nos. 23, 24, and 25: Appropriate $172,176,000 for "Health manpower education and utilization" as proposed by the Senate instead of $182,400,000 as proposed by the House; establish a separate appropriation item "Dental health activities" as proposed by the Senate instead of including appropriations for such activities under "Health manpower education and utilization" as proposed by the House; and appropriate $10,224,000 for "Dental health activities" instead of $11,173,000 as proposed by the Senate.

Disease prevention and environmental control

Amendment No. 26: Appropriates $28,942,000 for "Chronic diseases" instead of $27,942,000 as proposed by the House and $30,942,000 as proposed by the Senate. The increase over the amount proposed by the House is for the respiratory disease control program and the pilot arthritis center and satellite facility program.

Amendments Nos. 27 and 28: Appropriate $88,733,000 for "Air pollution" instead of $86,733,000 as proposed by the House and $94,033,000 as proposed by the Senate, and provide that $18,700,000 shall remain available until expended to carry out Section 104 of the Clean Air Act instead of not to exceed $31,300,000 as proposed by the House and $24,000,000 as proposed by the Senate.

Amendment No. 29: Appropriates $42,995,000 for "Urban and industrial health" instead of $42,875,000 as proposed by the House and $43,375,000 as proposed by the Senate. The increase of $120,000 over the amount proposed by the House is for the Arctic Health Research Laboratory.

Health services

Amendments Nos. 30, 31, and 32: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in Senate amendment No. 30 and recede and concur in Senate amendments Nos. 31 and 32 with amendments. The combined effect will be to appropriate $49,931,000 for "Community health services" instead of $42,731,000 as proposed by the House and $50,831,000 as proposed by the Senate; add a legal citation; and provide that $7,200,000 of this appropriation shall be available for special grants for health of migratory workers instead of $8,100,000 as proposed by the Senate. The conferees agreed to delete earmarking contained in the Senate report which would direct that $100,000 from the total appropriation be provided for a pilot research and demonstration institute for regional rural health services in the Nebraska-South Dakota area.

Amendment No. 33: Strikes paragraph proposed by the Senate which would appropriate $61,199,000 to carry out the provisions of the District of Columbia Medical Facilities Construction Act of 1968. The deletion of this appropriation was without prejudice to the program authorized by said Act. Neither the House nor Senate Committees on Appropriations have had any hearings on the program. It was agreed that such hearings will be held as soon as feasible with a view to further appropriation action at an early date.

National Institutes of Health

The managers on the part of the House agreed to no specific items of earmarking within appropriations to the National Institutes of Health (including Regional medical programs), and they agreed that no item shall exceed the budget estimate.

Amendment No. 34: Appropriates $185,149,500 for the "National Cancer Institute" instead of $182,592,000 as proposed by the House and $191,592,000 as proposed by the Senate.

Amendment No. 35: Appropriates $166,927,500 for the "National Heart Institute" instead of $164,120,000 as proposed by the House and $172,120,000 as proposed by the Senate.

Amendment No. 36: Appropriates $29,983,500 for the "National Institute of Dental Research" instead of $29,553,000 as proposed by the House and $30,414,000 as proposed by the Senate.

Amendment No. 37: Appropriates $143,888,000 for the "National Institute of Arthritis and Metabolic Diseases" instead of $141,287,000 as proposed by the House and $147,287,000 as proposed by the Senate.

Amendment No. 38: Appropriates $128,934,500 for the "National Institute of Neurological Diseases and Blindness" instead of $126,674,000 as proposed by the House and $132,674,000 as proposed by the Senate.

Amendment No. 39: Appropriates $96,840,500 for the "National Institute of Allergy and Infectious Diseases" instead of $95,119,000 as proposed by the House and $99,119,000 as proposed by the Senate.

Amendment No. 40: Appropriates $163,513,500 for the "National Institute of General Medical Sciences" instead of $161,250,000 as proposed by the House and $166,250,000 as proposed by the Senate.

Amendment No. 41: Appropriates $73,126,500 for the "National Institute of Child Health and Human Development" instead of $70,859,000 as proposed by the House and $76,359,000 as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $61,907,000 for "Regional medical programs" instead of $68,922,000 as proposed by the Senate.

Amendment No. 43: Appropriates $17,820,000 for "Environmental health sciences" instead of $17,541,000 as proposed by the House and $18,099,000 as proposed by the Senate.

Amendment No. 44: Appropriates $84,809,500 for "General research and services, National Institutes of Health" instead of $82,719,000 as proposed by the House and $94,823,000 as proposed by the Senate.

National Institute of Mental Health

Amendment No. 45: Appropriates $263,139,000 for "Mental health research and services" as proposed by the House instead of $277,639,000 as proposed by the Senate. The conferees agreed that the provision included in the House report to prohibit the use of funds contained in this appropriation for the "Early child care demonstration and evaluation program" shall not apply.

Amendment Nos. 46 and 47: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the Senate amendments which appropriate $87,300,000 for "Community mental health resource support" instead of $79,300,000 as proposed by the House, and provide that $8,000,000 of the appropriation for "Community mental health resource support" shall be available for the construction and staffing of facilities for the prevention and treatment of narcotic addiction.

Other Public Health Service

Amendment No. 48: Appropriates $18,160,500 for the "National Library of Medicine" instead of $17,149,000 as proposed by the House and $19,172,000 as proposed by the Senate.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will delete the appropriation of $5,310,000 for "Buildings and facilities" proposed by the Senate and will insert language proposed by the Senate to authorize the Secretary to accept a donation of the site for an environmental health facility at Morgantown, West Virginia. The conferees are agreed that $5,310,000 of funds currently available under the appropriation for "Buildings and facilities" will be available for the environmental health facility at Morgantown, West Virginia, and that this project shall have high priority.

Social and Rehabilitation Service

Amendments Nos. 50 and 51: Appropriate $117,500,000 for "Work incentive activities" instead of $135,000,000 as proposed by the House and $100,000,000 as proposed by the Senate and remove the earmarking of a specific amount to be transferred to the Department of Labor as proposed by the House.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will appropriate $368,990,000 for "Grants and rehabilitation services and facilities" instead of $345,900,000 as proposed by the House and $375,490,000 as proposed by the Senate; will delete $3,500,000 proposed by the Senate to start a new program for migratory agricultural workers; and will provide $8,000,000 for "expansion grants" instead of $11,000,000 proposed by the Senate.

Amendment No. 53: Appropriates $32,556,000 for "Mental retardation" as proposed by the Senate instead of $30,056,000 as proposed by the House.

Amendment No. 54: Deletes language proposed by the House that would prohibit the use of any funds appropriated for "Maternal and child health and welfare" to start activities for which no funds were appropriated in fiscal year 1968.

Amendment No. 55: Appropriates $64,000,000 for "Rehabilitation research and training" instead of $65,000,000 as proposed by the Senate and deletes $300,000 for a National Conference on Rehabilitation of the Disabled and Disadvantaged proposed by the Senate.

Amendment No. 56: Makes funds appropriated for "Vocational rehabilitation research and training (special foreign currency program)" available for use in connection with several activities of the Social and Rehabilitation Service as proposed by the Senate rather than being limited to use in connection with vocational rehabilitation activities as proposed by the House.

Office of the Secretary

Amendment No. 57: Appropriates $5,000,000 for "Payment to the Corporation for Public Broadcasting" instead of $6,000,000 as proposed by the Senate.

Amendment No. 58: Strikes language proposed by the Senate to establish a President's Commission on Preventive Medicine.

TITLE III—RELATED AGENCIES

National Mediation Board

Amendment No. 59: Appropriates $2,492,000 for "Salaries and expenses" as proposed by the Senate instead of $2,242,000 as proposed by the House.

Federal Mediation and Conciliation Service

Amendment No. 60: Appropriates $8,090,000 for "Salaries and expenses" as proposed by the Senate instead of $7,662,000 as proposed by the House.

Office of Economic Opportunity

Amendment No. 61: Appropriates $1,948,000,000 for "Economic opportunity program" instead of $1,873,000,000 as proposed by the House and $2,088,000,000 as proposed by the Senate.

National Commission on Product Safety

Amendment No. 62: Appropriates $500,000 for "Salaries and expenses" instead of $2,000,000 as proposed by the Senate.

TITLE IV—GENERAL PROVISIONS

Amendments Nos. 63 and 64: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the Senate amendments with amendments which will provide language similar to language contained in Sections 409 and 410 as proposed by the House with portions of the additional language proposed by the Senate.

Amendment No. 65: Reported in disagreement.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides language regarding restrictions on loan and grant funds.

DANIEL F. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
W. R. HULL, Jr.,
BOB CASEY,
GEORGE MAHON,
MELVIN R. LAIRD
(except as to amendments 63 and 64),
ROBERT H. MICHEL
(except as to amendment 61),
GARNER E. SHRIVER,
Managers on the Part of the House.

Mr. FLOOD (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, the total involved in this bill for the Departments of Labor and Health, Education, and Welfare, and related agencies is $18,475,603,800. The amount over the House is $1,242,732,500. I will have something to say on that in a minute or two. However, the conference agreement is under the Senate bill by $557,742,200. The amount under the budget is $825,921,200.

With reference to what I just said about the amount over the House, of the increase over the House, $1,073,094,000 was for items that were deferred, and therefore not acted on by the House, because they lacked authorization or they lacked a budget request at the time the House acted. Thus, the net increase over the House bill for the items that the House acted on originally is $169,638,500, or considerably less than 1 percent.

Contrary to the usual pattern of this bill down through the years, most of the increase over the House is in the field of education. That area is over $1 billion more than was in the House bill, whereas a relatively small part of the increase, $102 million, is in the Public Health Service, including the National Institutes of

Health. Of course, much of the increase in education is due to items which did not have authorization and were therefore deferred by the House and were added to the bill by the Senate.

Now, with regard to the actual expenditures, this assumes a more important role than usual this year, due to the Revenue and Expenditure Control Act of 1968. That is the bill, if Members do not know that fancy title, which had to do with the 10-percent surtax plus the $6 billion cut. We estimate that there was cut $341,250,000 under the budget by the House bill, $111.7 million by the Senate bill, and $257 million by the conference agreement.

Mr. Speaker, so far as I know there is nothing very controversial in the conference report. I do not believe there will be anything controversial so far as the dollars are concerned in the series of amendments in technical disagreement. There is a long list of amendments we have brought back for separate votes. There may be some differences of opinion concerning some of the language on a couple of amendments.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a table which is in considerable detail. It is one of the best tables I have ever seen, and I have been here a long time, with regard to these appropriation bills. This is in considerable detail on every action we took on this bill, and there are some very easily understood and very enlightening and very appropriate comparisons. It is an excellent table.

The **SPEAKER** pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Comparative summary of new budget (obligational) authority in the Departments of Labor, and Health, Education, and Welfare Appropriation bill for 1969 (H.R. 18037)

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	1968 enacted [1]	1969				Conference agreement compared with—			
		Budget estimate	House bill	Senate bill	Conference agreement	1968	Budget 1969	House	Senate
DEPARTMENT OF LABOR									
MANPOWER ADMINISTRATION									
Manpower development and training activities	$398,497,000	$413,096,000	$400,000,000	$400,000,000	$400,000,000	+$1,503,000	−$13,096,000		
Office of Manpower Administrator, salaries and expenses	30,696,000	29,422,000	26,722,000	26,722,000	26,722,000	−3,974,000	−2,700,000		
Bureau of Apprenticeship and Training, salaries and expenses	8,267,000	9,262,000	9,055,000	9,055,000	9,055,000	+788,000	−207,000		
Grants to States for unemployment compensation and employment service administration	*(556,932,000)*	*(616,573,000)*	*(604,073,000)*	*(604,073,000)*	*(604,073,000)*	*(47,141,000)*	*(−12,500,000)*		
Unemployment compensation for Federal employees and ex-servicemen	[2] 93,000,000	92,200,000	92,200,000	92,200,000	92,200,000	−800,000			
Trade adjustment activities	(3)	1,300,000	1,300,000	1,300,000	1,300,000	+1,300,000			
Bureau of Employment Security, salaries and expenses	2,630,000	3,026,000	2,900,000	2,900,000	2,900,000	+270,000	−126,000		
Trust fund transfer	*(17,990,000)*	*(20,947,000)*	*(20,073,000)*	*(20,073,000)*	*(20,073,000)*	*(+2,083,000)*	*(−874,000)*		
Advances to employment security administration account		43,000,000	43,000,000	25,000,000	25,000,000	+25,000,000	−18,000,000	−$18,000,000	
Total, Manpower Administration	533,090,000	591,306,000	575,177,000	557,177,000	557,177,000	+24,087,000	−34,129,000	−18,000,000	
LABOR-MANAGEMENT RELATIONS									
Labor-Management Services Administration, salaries and expenses	8,533,000	9,063,000	9,063,000	9,063,000	9.063,000	+530,000			
WAGE AND LABOR STANDARDS [3]									
Wage and Labor Standards Administration, salaries and expenses		12,177,000	11,777,000	11,777,000	11,777,000	+11,777,000	−400,000		
Bureau of Employees' Compensation, salaries and expenses	5,408,000					−5,408,000			
Trust fund transfer	*(68,000)*					*(−68,000)*			
Bureau of Labor Standards, salaries and expenses	4,429,000					−4,429,000			
Women's Bureau, salaries and expenses	912,000					−912,000			
Employees' compensation claims and expenses	56,061,000	52 691,000	52,691,000	52,691,000	52,691,000	−3,370,000			
Wage and Hour Division, salaries and expenses	24,166.000	26 211,000	25,711,000	25,911,000	25,811,000	+1,645,000	−400,000	+100,000	−$100,000
Total, wage and labor standards	90,976,000	91,079,000	90,179,000	90,379,000	90,279,000	−697,000	−800,000	+100,000	−100,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	20,933,000	22,669,000	21,763,000	2,1763,000	21,763,000	+830,000	−906,000		
BUREAU OF INTERNATIONAL LABOR AFFAIRS									
Salaries and expenses	1,348,000	1,410,000	1,386,000	1,386,000	1,386,000	+38,000	−24,000		
Special foreign currency program	75,000	360,000	50,000			−75,000	−360,000	−50,000	
Total, Bureau of International Labor Affairs	1,423,000	1,770,000	1,436,000	1,386,000	1,386,000	−37,000	−384,000	−50,000	
OFFICE OF THE SOLICITOR									
Salaries and expenses	5,741,000	6,226,000	6,126,000	6,126,000	6,126,000	+385,000	−100,000		
Trust fund transfer	*(144,000)*	*(144,000)*	*(144,000)*	*(144 000)*	*(144,000)*				
Total, Office of the Solicitor	5,741,000	6,226,000	6,126,000	6,126,000	6,126,000	+385,000	−100,000		
OFFICE OF THE SECRETARY									
Salaries and expenses	4,388,000	5,128,000	4,878,000	4,878,000	4,878,000	+490,000	−250,000		
Trust fund transfer	*(538,000)*	*(538,000)*	*(538,000)*	*(538,000)*	*(538,000)*				
Federal contract compliance and civil rights program	1,103,000	1,456,000	904,000	904,000	904,000	−199,000	−552,000		
Trust fund transfer		*(762,000)*	*(512,000)*	*(512,000)*	*(512,000)*	*(+512,000)*	*(−250,000)*		
Preventing age discrimination in employment		1,000,000	500,000	500,000	500,000	+500,000	−500,000		
Total, Office of the Secretary	5,491,000	7,584,000	6,282,000	6,282,000	6,282,000	+791,000	−1,302,000		
Total appropriations, Department of Labor	666,187,000	729,697,000	710,026,000	692,176,000	692,076,000	+25,889,000	−37,621,000	−17,950,000	−100,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
FOOD AND DRUG ADMINISTRATION								
Salaries and expenses	66,000,000	4 71,001,000	67,296,000	67,296,000	67,296,000	+1,296,000	-3,705,000		
Buildings and facilities	1,150,000	100,000				-1,150,000	-100,000		
Total, Food and Drug Administration	67,150,000	71,101,000	67,296,000	67,196,000	67,296,000	+146,000	-3,805,000		
OFFICE OF EDUCATION									
Elementary and secondary educational activities	1,677,907,000	1,561,703,000	5 1,330,753,000	1,564,826,000	1,476,993,000	-200,914,000	-84,710,000	+146,240,000	-87,833,000
Advance appropriation for 1970 (indefinite)		6 1,200,000,000	965,814,300	1,080,000,000	1,010,814,300	+1,010,814,300	-189,185,700	+45,000,000	-69,185,700
School assistance in federally affected areas	530,102,000	410,335,000	520,845,000	520,845,000	520,845,000	-9,257,000	+110,510,000		
1968 special funds				90,965,000	(10)				-90,965,000
Education professions development activities		215,913,000	5 126,900,000	196,900,000	171,900,000	+171,900,000	-44,013,000	+45,000,000	-25,000,000
Teacher Corps	13,500,000	31,235,000	15,000,000	31,200,000	20,900,000	+7,400,000	-10,335,000	+5,900,000	-10,300,000
Higher educational activities	1,158,194,000	708,127,000	(8)	696,307,000	696,307,000	-461,887,000	-11,820,000	+696,307,000	
Higher education facilities loan fund		100,000,000	100,000,000	100,000,000	100,000,000	+100,000,000			
Participation sales authorization	100,000,000					-100,000,000			
Payment of participation sales insufficiencies	925,000	7 3,275,000	3,275,000	3,275,000	3,275,000	+2,350,000			
Expansion and improvement of vocational education	252,900,000	249,995,000	248,216,000	248,216,000	248,216,000	-4,684,000	-1,779,000		
Libraries and communities services	156,500,000	149,199,000	5 94,894,000	143,644,000	143,144,000	-13,356,000	-6,055,000	+48,250,000	-500,000
Educational improvement for the handicapped	53,400,000	85,225,000	78,850,000	78,850,000	78,850,000	+25,450,000	-6,375,000		
Research and training	90,967,000	142,300,000	5 86,417,000	92,967,000	89,417,000	-1,550,000	-52,883,000	+3,000,000	-3,550,000
Foreign language training and area programs	15,700,000	19,250,000	(9)	15,700,000	15,700,000		-3,550,000	+15,700,000	
Educational research and training (special foreign currency program)		4,000,000	1,000,000	1,000,000	1,000,000	+1,000,000	-3,000,000		
Salaries and expenses	37,385,000	46,100,000	42,000,000	42,000,000	42,000,000	+4,615,000	-4,100,000		
Total, new budget (obligational) authority, Office of Education	4,087,480,000	4,926,657,000	3,613,964,300	4,906,695,000	4,619,361,300	+531,881,300	-307,295,700	+1,005,397,000	-287,333,700
Consisting of—									
Definite appropriations:									
Regular	3,987,480,000	3,726,657,000	2,648,150,000	3,735,730,000	3,608,547,000	-378,933,000	-118,110,000	+960,397,000	-127,183,000
1968 Special funds				90,965,000	(10)				-90,965,000
Indefinite appropriations: Advance for 1970		6 1,200,000,000	965,814,300	1,080,000,000	1,010,814,300	+1,010,814,300	-189,185,700	+45,000,000	-69,185,700
Authorization to spend debt receipts (participation certificates)	100,000,000					-100,000,000			
PUBLIC HEALTH SERVICE									
OFFICE OF THE SURGEON GENERAL									
Salaries and expenses	8,358,000	9,073,000	9,073,000	9,073,000	9,073,000	+715,000			
Comprehensive health planning and services	140,676,000	195,383,000	165,604,000	168,604,000	167,104,000	+26,428,000	-28,279,000	+1,500,000	-1,500,000
Subtotal, Office of the Surgeon General	149,034,000	204,456,000	174,677,000	177,677,000	176,177,000	+27,143,000	-28,279,000	+1,500,000	-1,500,000
HEALTH MANPOWER									
Health manpower education and utilization	164,663,000	197,400,000	182,400,000	172,176,000	172,176,000	+7,513,000	-25,224,000	-10,224,000	
Dental health activities	8 *(9,635,000)*	8 *(11,173,000)*	8 *(10,224,000)*	8 11,173,000	8 10,224,000	+10,224,000	+10,224,000	+10,224,000	-949,000
Construction of health educational facilities	203,000,000	84,800,000	84,800,000	84,800,000	84,800,000	-118,100,000			
Participation sales authorization	15,000,000					-15,000,000			
Payment of participation sales insufficiencies	250,000	7 200,000	200,000	200,000	200,000	-50,000			
Subtotal, health manpower	382,913,000	282,400,000	267,400,000	268,349,000	267,400,000	-115,513,000	-15,000,000		-949,000
DISEASE PREVENTION AND ENVIRONMENTAL CONTROL									
Chronic diseases	27,942,000	29,779,000	27,942,000	30,942,000	28,942,000	+1,000,000	-837,000	+1,000,000	-2,000,000
Communicable diseases	72,109,000	63,407,000	62,144,000	62,144,000	62,144,000	-9,965,000	-1,263,000		
Air pollution	64,185,000	106,733,000	86,733,000	94,033,000	88,733,000	+24,548,000	-18,000,000	+2,000,000	-5,300,000
Urban and industrial health	41,750,000	45,611,000	42,875,000	43,375,000	42,995,000	+1,245,000	-2,616,000	+120,000	-380,000
Radiological health	15,687,000	18,077,000	17,743,000	17,743,000	17,743,000	+2,056,000	-334,000		
Subtotal, disease prevention and environmental control	221,673,000	263,607,000	237,437,000	248,237,000	240,557,000	+18,884,000	-23,050,000	+3,120,000	-7,680,000
HEALTH SERVICES									
Community health services	54,234,000	59,500,000	5 42,731,000	50,831,000	49,931,000	-4,303,000	-9,569,000	+7,200,000	-900,000
Trust fund transfer	*(4,075,000)*	*(4,320,000)*	*(4,320,000)*	*(4,320,000)*	*(4,320,000)*	*(+245,000)*			
Patient care and special health services	63,230,000	71,193,000	70,443,000	70,443,000	704,43,000	+7,213,000	-750,000		
Hospital construction activities	293,357,000	258,368,000	258,368,000	319,567,000	258,368,000	-34,989,000			-61,199,000
Subtotal, health services	410,821,000	389,061,000	371,542,000	440,841,000	378,742,000	-32,079,000	-10,319,000	+7,200,000	-62,099,000
NATIONAL INSTITUTES OF HEALTH									
Biologics standards	8,649,000	8,499,000	8,499,000	8,499,000	8,499,000	-150,000			
National Cancer Institute	183,356,000	187,707,000	182,592,000	191,592,000	185,149,500	+1,793,500	-2,557,500	+2,557,500	-6,442,500
National Heart Institute	167,954,000	169,735,000	164,120,000	172,120,000	166,927,500	-1,026,500	-2,807,500	+2,807,500	-5,192,500
National Institute of Dental Research	30,307,000	30,414,000	29,553,000	30,414,000	29,983,500	-323,500	-430,500	+430,500	-430,500
National Institute of Arthritis and Metabolic Diseases	143,954,000	146,489,000	141,287,000	147,287,000	143,888,000	-66,000	-2,601,000	+2,601,000	-3,399,000
National Institute of Neurological Diseases and Blindness	128,633,000	131,195,000	126,674,000	132,674,000	128,934,500	+301,500	-2,260,500	+2,260,500	-3,739,500
National Institute of Allergy and Infectious Diseases	94,422,000	98,562,000	95,119,000	99,119,000	96,840,500	+2,418,500	-1,721,500	+1,721,500	-2,278,500
National Institute of General Medical Sciences	160,284,000	165,777,000	161,250,000	166,250,000	163,513,500	+3,229,500	-2,263,500	+2,263,500	-2,736,500

See footnotes at end of table.

Comparative summary of new budget (obligational) authority in the Departments of Labor, and Health, Education, and Welfare Appropriation bill for 1969 (H.R. 18037)—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	1968 enacted [1]	1969				Conference agreement compared with—			
		Budget estimate	House bill	Senate bill	Conference agreement	1968 [1]	Budget 1969	House	Senate
NATIONAL INSTITUTES OF HEALTH—Continued									
National Institute of Child Health and Human Development	$68,621,000	$75,394,000	$70,859,000	$76,359,000	$73,126,500	+$4,505,500	−$2,267,500	+$2,267,500	−$3,232,500
Regional medical programs	58,814,000	68,922,000	([5])	68,922,000	61,907,000	+3,093,000	−7,015,000	+61,907,000	−7,015,000
Environmental health sciences	17,289,000	18,099,000	17,541,000	18,099,000	17,820,000	+531,000	−279,000	+279,000	−279,000
General research and services	81,141,000	[6] 86,900,000	82,719,000	94,823,000	84,809,500	+3,668,500	−2,090,500	+2,090,500	−10,013,500
Grants for construction of health research facilities	35,000,000	8,400,000	8,400,000	8,400,000	8,400,000	−26,600,000			
John E. Fogarty International Center for Advanced Study in the Health Sciences	500,000	[6] 600,000	600,000	600,000	600,000	+100,000			
Subtotal, National Institutes of Health	1,178,924,000	1,196,693,000	1,089,213,000	1,215,158,000	1,170,399,000	−8,525,000	−26,294,000	+81,186,000	−44,759,000
NATIONAL INSTITUTE OF MENTAL HEALTH									
Mental health research and services	246,741,000	277,639,000	263,139,000	277,639,000	263,139,000	+16,398,000	−14,500,000		−14,500,000
Community mental health resource support	100,168,000	87,300,000	[5] 79,300,000	87,300,000	87,300,000	−12,868,000		+8,000,000	
St. Elizabeths Hospital, salaries and expenses (indefinite)	9,751,000	11,077,000	11,077,000	11,077,000	11,077,000	+1,326,000			
St. Elizabeths Hospital, buildings and facilities	1,237,000	1,302,000				−1,237,000	−1,302,000		
Subtotal, National Institute of Mental Health	357,897,000	377,318,000	353,516,000	376,016,000	361,516,000	+3,619,000	−15,802,000	+8,000,000	−14,500,000
OTHER PUBLIC HEALTH SERVICE									
National health statistics	8,317,000	9,501,000	8,230,000	8,230,000	8,230,000	−87,000	−1,271,000		
National Library of Medicine	19,912,000	19,172,000	17,149,000	19,172,000	18,160,500	−1,751,500	−1,011,500	+1,011,500	−1,011,500
Buildings and facilities	10,715,000	12,495,000		5,310,000		−10,715,000	−12,495,000		−5,310,000
Scientific activities overseas (special foreign currency program)	15,000,000	30,000,000	15,000,000	15,000,000	15,000,000		−15,000,000		
Retired pay of commissioned officers (indefinite)	13,800,000	15,090,000	15,090,000	15,090,000	15,090,000	+1,290,000			
Subtotal, other Public Health Service	67,744,000	86,258,000	55,469,000	62,802,000	56,480,500	−11,263,500	−29,777,500	+1,011,500	−6,321,500
Total new budget (obligational) authority, Public Health Service	2,769,006,000	2,799,793,000	2,549,254,000	2,789,080,000	2,651,271,500	−117,734,500	−148,521,500	−102,017,500	−137,808,500
Consisting of—									
Definite appropriations	2,730,455,000	2,773,626,000	2,523,087,000	2,762,913,000	2,625,104,500	−105,350,500	−148,521,500	+102,017,500	−137,808,500
Indefinite appropriations	23,551,000	26,167,000	26,167,000	26,167,000	26,167,000	+2,616,000			
Authorization to spend debt receipts (participation certificates)	15,000,000					−15,000,000			
SOCIAL AND REHABILITATION SERVICE [3]									
Grants to States for maintenance payments		3,051,900,000	3,051,900,000	3,051,900,000	3,051,900,000	+3,051,900,000			
Work incentive activities		135,000,000	135,000,000	100,000,000	117,500,000	+117,500,000	−17,500,000	−17,500,000	+17,500,000
Grants to States for medical assistance		2,118,300,000	2,118,300,000	2,118,300,000	2,118,300,000	+2,118,300,000			
Social sciences, administration, training, and demonstration projects		594,800,000	594,800,000	594,800,000	594,800,000	+594,800,000			
Grants to States for public assistance	5,259,300,000					−5,259,300,000			
Assistance for repatriated U.S. nationals	525,000	545,000	545,000	545,000	545,000	+20,000			
Grants for rehabilitation services and facilities	311,550,000	375,490,000	[5] 345,900,000	375,490,000	368,990,000	+57,440,000	−6,500,000	+23,090,000	−6,500,000
Mental retardation		30,056,000	30,056,000	32,556,000	32,556,000	+32,556,000	+2,500,000	+2,500,000	
Maternal and child health and welfare	235,600,000	297,500,000	265,400,000	265,400,000	265,400,000	+29,800,000	−32,100,000		
Development of programs for the aging	18,450,000	26,000,000	23,000,000	23,000,000	23,000,000	+4,550,000	−3,000,000		
Cooperative research or demonstration projects	3,150,000	5,000,000	3,150,000	3,150,000	3,150,000		−1,850,000		
Rehabilitation research and training	63,937,000	67,925,000	([5])	65,000,000	64,000,000	+63,000	−3,925,000	+64,000,000	−1,000,000
Research and training (special foreign currency program)	5,000,000	7,500,000	5,000,000	5,000,000	5,000,000		−2,500,000		
Salaries and expenses	21,380,000	27,800,000	26,383,000	26,383,000	26,383,000	+5,003,000	−1,417,000		
Trust fund transfers	*(336,000)*	*(348,000)*	*(348,000)*	*(348,000)*	*(348,000)*	*(+12,000)*			
Grants for correctional rehabilitation study	800,000					−800,000			
Total, Social and Rehabilitation Service	5,919,692,000	6,737,816,000	6,599,434,000	6,661,524,000	6,671,524,000	+751,832,000	−66,292,000	+72,090,000	+10,000,000
SOCIAL SECURITY ADMINISTRATION									
Limitation on salaries and expenses	*(716,328,000)*	*(778,145,000)*	*(768,145,000)*	*(768,145,000)*	*(768,145,000)*	*(+52,817,000)*	*(−10,000,000)*		
Payment to trust funds for health insurance for the aged	1,279,659,000	1,360,227,000	1,360,227,000	1,360,227,000	1,360,227,000	+80,568,000			
Payment for military service credits	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000				
Payment for special benefits for the aged		225,545,000	225,545,000	225,545,000	225,545,000	+225,545,000			
Total, Social Security Administration	1,384,659,000	1,690,772,000	1,690,772,000	1,690,772,000	1,690,772,000	+306,113,000			
SPECIAL INSTITUTIONS									
American Printing House for the Blind, education of the blind	1,225,000	1,340,000	1,340,000	1,340,000	1,340,000	+115,000			
National Technical Institute for the Deaf	2,615,000	800,000	800,000	800,000	800,000	−1,815,000			
Model secondary school for the deaf, salaries and expenses	425,000	400,000	400,000	400,000	400,000	−25,000			

Model secondary school for the deaf, construction	275,000	445,000	445,000	445,000	445,000	+170,000			
Salaries and expenses, Gallaudet College	2,878,000	3,785,000	3,635,000	3,635,000	3,635,000	+757,000	−150,000		
Construction, Gallaudet College	2,196,000	675,000				−2,196,000	−675,000		
Salaries and expenses, Howard University	15,300,000	18,330,000	17,830,000	17,830,000	17,830,000	+2,530,000	−500,000		
Construction, Howard University	3,926,000	2,209,000	2,209,000	2,209,000	2,209,000	−1,717,000			
Salaries and expenses, Freedmen's Hospital	6,700,000	8,739,000	8,739,000	8,739,000	8,739,000	+2,039,000			
Total, special institutions	35,540,000	36,723,000	35,398,000	35,398,000	35,398,000	−142,000	−1,325,000		
OFFICE OF THE SECRETARY									
Salaries and expenses, Office of the Secretary	7,139,000	10,705,000	8,405,000	8,405,000	8,405,000	+1,266,000	−2,300,000		
Reappropriation	40,000					−40,000			
Transfer from trust funds	*(1,211,000)*	*(1,459,000)*	*(1,282,000)*	*(1,282,000)*	*(1,282,000)*	*(+71,000)*	*(−177,000)*		
Office of Field Coordination, salaries and expenses	2,209,000	2,908,000	2,508,000	2,508,000	2,508,000	+299,000	−400,000		
Transfers	*(1,815,000)*	*(2,379,000)*	*(2,079,000)*	*(2,079,000)*	*(2,079,000)*	*(+264,000)*	*(−300,000)*		
Office of the Comptroller, salaries and expenses	6,768,000	9,144,000	8,544,000	8,544,000	8,544,000	+1,776,000	−600,000		
Transfers from trust funds	*(991,000)*	*(1,335,000)*	*(1,255,000)*	*(1,255,000)*	*(1,255,000)*	*(+264,000)*	*(−80,000)*		
Office of Administration, salaries and expenses	2,427,000	3,312,000	2,612,000	2,612,000	2,612,000	+185,000	−700,000		
Transfer from trust funds	*(271,000)*	*(352,000)*	*(302,000)*	*(302,000)*	*(302,000)*	*(+31,000)*	*(−50,000)*		
Surplus property utilization	1,119,000	1,186,000	1,186,000	1,186,000	1,186,000	+67,000			
Office of the General Counsel, salaries and expenses	1,935,000	2,125,000	2,125,000	2,125,000	2,125,000	+190,000			
Transfers	*(1,373,000)*	*(1,375,000)*	*(1,375,000)*	*(1,375,000)*	*(1,375,000)*	*(+2,000)*			
Educational broadcasting facilities		13,087,000	4,375,000	4,375,000	4,375,000	+4,375,000	+8,712,000		
Public broadcasting program		9,000,000	(5)	6,000,000	5,000,000	+5,000,000	−4,000,000	+5,000,000	−1,000,000
Higher education for international understanding		10,820,000					−10,820,000		
Total, Office of the Secretary	21,637,000	62,287,000	29,755,000	35,755,000	34,755,000	+13,118,000	−27,532,000	+5,000,000	−1,000,000
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	14,285,164,000	16,325,149,000	14,585,873,300	16,186,520,000	15,770,377,800	+1,485,213,800	−554,771,200	+1,184,504,500	−416,142,200
Consisting of—									
Definite appropriations:									
Regular	14,146,573,000	15,098,982,000	13,593,892,000	14,989,388,000	14,733,396,500	+586,823,500	−365,585,500	+1,139,504,500	−255,991,500
1968 special funds				90,965,000	(10)				−90,965,000
Indefinite appropriations:									
Regular	23,551,000	26,167,000	26,167,000	26,167,000	26,167,000	+2,616,000			
1970 advance		1,200,000,000	965,814,300	1,080,000,000	1,010,814,300	+1,010,814,300	−189,185,700	+45,000,000	−69,185,700
Reappropriation	40,000					−40,000			
Authorization to spend debt receipts (participation certificates)	115,000,000					−115,000,000			
RELATED AGENCIES									
National Labor Relations Board	32,288,000	35,074,000	35,074,000	35,074,000	35,074,000	+2,786,000			
National Mediation Board	2,150,000	2,242,000	2,242,000	2,492,000	2,492,000	+342,000	+250,000	+250,000	
Railroad Retirement Board:									
Limitation on salaries and expenses	*(14,150,000)*	*(14,490,000)*	*(14,490,000)*	*(14,490,000)*	*(14,490,000)*	*(+340,000)*			
Payment for military service credits	17,839,000	18,446,000	18,446,000	18,446,000	18,446,000	+607,000			
Federal Mediation and Conciliation Service	7,425,000	8,090,000	7,662,000	8,090,000	8,090,000	+665,000		+428,000	
U.S. Soldiers' Home (trust fund appropriations):									
Operation and maintenance	*(8,024,000)*	*(8,602,000)*	*(8,602,000)*	*(8,062,000)*	*(8,602,000)*	*(+578,000)*			
Capital outlay	*(305,000)*	*(726,000)*	*(726,000)*	*(726,000)*	*(726,000)*	*(+421,000)*			
Office of Economic Opportunity	1,778,000,000	2,180,000,000	1,873,000,000	2,088,000,000	1,948,000,000	+170,000,000	−232,000,000	+75,000,000	−140,000,000
Federal Radiation Council	131,000	127,000	127,000	127,000	127,000	−4,000			
President's Committee on Consumer Interests	337,000	700,000	421,000	421,000	421,000	+84,000	−279,000		
National Commission on Product Safety		2,000,000		2,000,000	500,000	+500,000	−1,500,000	+500,000	−1,500,000
Grand total, new budget (obligational) authority	16,789,521,000	19,301,525,000	17,232,871,300	19,033,346,000	18,475,603,800	+1,686,082,800	−825,921,200	+1,242,732,500	−557,742,200
Consisting of—									
Definite appropriations:									
Regular	16,650,930,000	18,075,358,000	16,240,890,000	17,836,214,000	17,438,622,500	+787,692,500	−636,735,500	+1,197,732,500	−397,591,500
1968 special funds				90,965,000	(10)				−90,965,000
Indefinite appropriations:									
Regular	23,551,000	26,167,000	26,167,000	26,167,000	26,167,000	+2,616,000			
Advance for 1970		1,200,000,000	965,814,300	1,080,000,000	1,010,814,300	+1,010,814,300	−189,185,700	+45,000,000	−69,185,700
Reappropriations	40,000					−40,000			
Authorization to spend debt receipts (participation certificates)	115,000,000					−115,000,000			

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[1] Amounts have not been reduced to reflect reserves pursuant to Public Law 90-218 (H.J. Res. 888).

[2] The appropriation "unemployment compensation for Federal employees and ex-servicemen" included not to exceed $5,000,000, for "trade adjustment activities" in 1968.

[3] Individual appropriation items are not comparable between fiscal years 1968 and 1969 because of extensive changes in the appropriation structure.

[4] Includes $1,200,000 requested in H. Doc. 259.

[5] The House deferred action on the following amounts that lacked authorization or budget request at the time the House considered the bill:

	(thousands)
Elementary and secondary education activities	$39,950
Education professions development activities	86,600
Higher educational activities	708,127
Libraries and community services	48,750
Research and training	3,550
Foreign language training and area programs	$19,250
Community health services	8,100
Regional medical programs	68,922
Community mental health research support	8,000
Grants for rehabilitation services and facilities	26,090
Rehabilitation research and training	67,925
Public broadcasting	9,000
National Commission on Product Safety	2,000

[6] Requested in the budget as a definite appropriation.

[7] Requested in the budget as an indefinite appropriation.

[8] Proposed to be established as separate item in Senate bill.

[9] $600,000 requested under "General research and services" is recommended under "John E. Fogarty International Center for Advanced Study in the Health Sciences."

[10] Reported in disagreement.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I can understand why the bill is considerably higher as compared to the House bill, because of unauthorized items which went into the bill. But why is the bill $1,686 million, approximately, above the spending for the same general purposes of last year?

Mr. FLOOD. Well, I think that the gentleman had a good deal to do with the debate on the things that occasion that situation. It is simply because there is a great deal of legislation which is new from last year. I could not give you a better answer.

Mr. GROSS. So there are legislative endeavors of some people that are now catching up with us in terms of dollars. It does not look like there will be a $6 billion cut. Will the gentleman from Pennsylvania agree with that, that $6 billion is out of the window?

Mr. FLOOD. In the words of Mr. Justice Holmes when he was chief of the Supreme Court of Adjudicature of the State of Massachusetts, when that situation arises we shall endeavor to deal with it.

Mr. GROSS. I thank you.

Mr. FLOOD. Mr. Speaker, I now yield 5 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

There is no basic disagreement insofar as any of the items brought forth in the conference report are concerned. We have brought back a series of amendments in technical disagreement. On few of these there is some controversy concerning the informal agreement the House conferees bring back to you with regard to the differences between the House and the Senate positions. These will be acted on later, but as far as the conference report itself is concerned, I can assure my colleagues that this is a good conference report and that the conference report should be adopted.

I would like to call to your attention that this is the second largest bill that will pass the House this year. The Departments and agencies covered by this bill will receive over $62 billion as this bill now stands. There is $18.5 billion in general revenue and over $43½ billion of trust fund revenues in that total for the current year.

The gentleman from Iowa [Mr. GROSS] raised a very interesting point which has to do with new programs. It is true with the continuing increase in the categorical aid programs—and we are funding in this bill for the first time some 15 to 20 new categorical aid programs which were adopted by the Congress—the funding levels have been increased over last year's figure by about $1 billion. This increase is almost entirely due to the new programs and to the pay increase that was voted by the Congress for the Civil Service employees.

I repeat, Mr. Speaker, this is a good conference report and I hope that it is unanimously adopted by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. MAHON] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MAHON. Mr. Speaker, one of the appropriations contained in the report is for the Office of Economic Opportunity. There is no need to discuss the amount provided for OEO. It should be made clear, however, that the conferees did not agree to assign any specific funds for the various programs which are undertaken. This is in the best interest of efficient program operation since it leaves flexibility to adjust the various parts of the program of the Office of Economic Opportunity to meet changing conditions and situations throughout the year. In short, the conferees have not undertaken to specifically earmark funds which are available to the Office of Economic Opportunity in the measure before us.

Mr. ROYBAL. Mr. Speaker, I have followed the course of the Whitten riders on the Labor-HEW appropriations bill with dismay, almost in disbelief, that language so clearly intended to perpetuate illegal dual school systems in the South could advance in the 90th Congress.

Yet, this language has advanced because it has been advocated with misleading charges and claims.

The most glaring example of misleading language, in my opinion, is found in the CONGRESSIONAL RECORD of June 26, 1968, in the gentleman from Mississippi's [Mr. WHITTEN] advocacy of his riders. He said:

> The schools in the country which this measure would touch are fully desegregated within the meaning of the Civil Rights Act.

And a little further on, he repeated:

> Yet today we stand by while the U.S. Department of Education actually withholds funds we provide for education, from fully integrated schools, integrated as the Congress described in the Civil Rights Act.

I think it would be well to state at this point what should be obvious by now even in Mississippi; that is, title VI of the Civil Rights Act of 1964 prohibits use of Federal funds for programs or activities that discriminate as to race, color, or national origin.

Now, let us examine the facts as they are in Mississippi, and more particularly, in 36 school districts in the counties that the gentleman from Mississippi [Mr. WHITTEN] represents.

Of the 11 States of the Old Confederacy, Mississippi has accomplished least toward abolishing the illegal dual school systems—a form of discrimination held illegal by the U.S. Supreme Court 14 years ago—a form of discrimination which was a prime target of title VI of the Civil Rights Act of 1964, which has now been the law of the land 4 years.

In fact, it still has a statute on its books which provides a penalty for desegregation. To this day section 6220.5 of the Mississippi Code says:

> MIXTURE OF RACES FORBIDDEN—PENALTY
>
> 1. It shall be unlawful for any member of the white or Caucasian race to attend any school of high school level or below . . . which is also attended by a member or members of the colored or Negro race.
>
> 2. Persons convicted of a volation of this Act shall be . . . fined . . . or imprisoned in the county jail . . . or both.

Also on the books is section 2056(7) of title XI, declaring it a crime to conspire to "overthrow or violate the segregation laws of this State through force, violence, threats, intimidation, or otherwise. And what has this kind of attitude meant?

What does Mississippi have to show as its contribution toward ending racial discrimination in the United States? The answer is virtually nothing. Approximately four out of 100 Negro students in Mississippi are permitted to attend school with white children, provided they can stand the hostility within the community, and provided their parents can withstand economic pressures, harassment, and intimidation.

The same situation that exists in Mississippi as a whole is found in the congressional district of the author of sections 409 and 410 of the Labor-HEW appropriations bill. Approximately 96 percent of the Negro students in the 36 school systems in his district are in segregated schools, based on figures provided to the Office for Civil Rights by school officials.

Of the 36 school districts:

Eleven are under court order to desegregate, including the school district in Grenada, Miss., which became a familiar national dateline in the newspapers because of the violence aimed at preventing school desegregation;

Four school districts have been notified by the Department of Health, Education, and Welfare that they will be offered an opportunity for a hearing as a result of their failure to end racial discrimination;

Eleven school districts have developed plans for desegregation and shown adequate progress to remain in compliance for the present, and eligible for Federal funds;

Three school districts have been found in noncompliance by a Federal hearing examiner, although termination of funds has not yet gone into effect;

One school district has decided to forgo Federal funds in order to avoid providing its Negro students their constitutional right to the same educational opportunity as others in the school system; and

Six have had funds terminated because of failure to end discrimination.

Let us now examine a particular school district among these 36 which, I take it, are among those the gentleman from Mississippi [Mr. WHITTEN] considers integrated within the meaning of the law—and I remind you that the law is aimed at eliminating racial discrimination.

In Pontotoc Municipal School District, for example, eligibility for Federal funds was terminated as a result of hearing examiner's ruling. The termination became effective in December 1967. Here is what the examiner said, after hearing testimony to the effect that Pontotoc had set up a separate school district specifically for the purpose of assigning all of the Pontotoc Negro children there:

> It is beyond cavil that the creation of the Pontotoc Attendance Center was for the purpose of maintaining and perpetuating segregation and separate treatment of Negroes residing in the geographic area over which responding school district has jurisdiction.

Now, let us enumerate some of the findings of the Federal hearing examiner in the case of South Tippah School District, which was found in noncompliance in a decision issued on November 28, 1968. I will just pick out some of the highlights of the 21 points enumerated by the examiner:

> Item—After four "freedom of choice" periods in three school years, the Negro schools remain all Negro in the composition of their student bodies and more than 97 percent of the Negro children in the respondent school system have remained in all Negro schools.
>
> Item—Parents of Negro children hear assault, and damage to their property, or other reprisal, from lawless members of the community if they exercise a choice to send their children to schools known as "white schools", and there is a reasonable basis for that fear.
>
> Item—There are substantially fewer elective courses available in the Negro schools than in the white schools, and Negro students are not apprised of the different courses of studies offered in the several schools at the time they are required to make a choice of schools.

I could list an endless variety of examples of the racial discrimination still practiced in dual school systems, in every State in the South and an even longer list of the strategies devised by southern school officials to evade the requirements of the law. But I believe my colleagues will agree that this is not the year to cancel civil rights which we have tried so hard and so long to secure by enactment of new laws. The Whitten riders would set us back beyond the Supreme Court decision of 1954 which held that the dual system was illegal, because it would say, in effect, that HEW and other Federal agencies are helpless to enforce the ruling of the court or laws enacted by the Congress of the United States to assure equal educational opportunities to all.

The status of 36 school districts in Mississippi follows:

STATUS OF 36 SCHOOL DISTRICTS IN MISSISSIPPI

Hearing held, examiner finds non-compliance (3): Water Valley, Coahoma, and South Panola.

Funds terminated (6): Baldwyn, South Tippah, W. Tallahatchie, Coffeeville, Oakland, and Pontotoc Municipal.

Proceedings initiated, no hearing held yet (4): E. Tallahatchie, Tupelo, Lafayette, and Oxford.

Voluntary plan districts presently eligible for funds (11): (Terminal plans) Alcorn, Itawamba, Lee, New Albany, Prentiss, Union, and Tishomingo. (Asked to do more in August letter) North Panola, DeSoto, Nettleton Line, and Tate.

Under court order (11): Clarksdale, Iuka, Pontotoc County, Marshall, Holly Springs, Benton, North Tippah, Grenada, Corinth, Quitman County, and Tunica.

Mr. REINECKE. Mr. Speaker, I would like to emphasize my strong support for the amendment in the Labor-Health, Education, and Welfare appropriations for 1969 which provides $90,965,000 for the support of schools in federally affected areas under Public Law 874. These funds are for reimbursements to school districts under entitlements for fiscal 1968.

Eighteen years ago, the 81st Congress passed Public Law 874 to provide funds for operating expenses for school districts placed under a heavy financial burden due to Federal activities in the area. Since the enactment of the original law, Congress has never failed to appropriate funds sufficient to pay nearly 100-percent entitlement to all eligible districts in any fiscal year. This year, however, it has been quite different. In fiscal 1968, Congress originally appropriated $416,200,000 to fund this program, but this amount was reduced to $395,390,000—in the middle of the school year—under the authority of the Revenue and Expenditures Control Act of 1968. Congress, realizing the inequity of such an importune cut in support, appropriated $90,965,000 in the second supplemental appropriation bill for 1968, providing 100 percent entitlement for all eligible districts. These additional funds were frozen by the President, so that today eligible districts have received only about 80 percent of entitlement.

The Congress, in enacting Public Law 874, made a tacit commitment to local districts to support them in their efforts to educate this Nation's children. A quality education is one of the most important benefits of our American heritage. In places where the Federal Government has caused undue financial burden on local agencies, it is only right that the Federal Government assist the local agencies in meeting these burdens. The Government cannot honorably fail to meet the needs caused by its own activities.

If these funds are not made available to eligible school districts, it will place a great strain on them; indeed, it has already done so. These funds have come to be a more or less stable item in an administrator's budget, and slashing them in the middle of the year—as was done this time—can completely destroy a carefully balanced budget. The problem is made even more severe when the district depends on the funds received under Public Law 874 for a good portion of its operating expenses. While we cannot completely repair the damage that has been done or undo the difficulties which have been caused in some districts, we can certainly make the situation a great deal better by promptly appropriating these funds now.

I should also like to make a comment on the appropriation of funds for entitlement under Public Law 874 for fiscal 1969. The amount requested in budget was equivalent to what eligible districts received last year—$395,390,000. The bill before us today contains much more than that—$505,900,000—which, again, will pay nearly 100 percent of entitlement for all eligible school districts. I fully support the funding of this program at the 100-percent level now, whether it is requested in the budget or not, so that we may avoid any more such difficulties as we faced last year. The program of assistance to school districts in federally affected areas is too important to be jeopardized by minimal budget requests and late funding. The education of our children is a precious trust; it must be consistently supported at the maximum level necessary to provide the quality education each child deserves.

Mr. DICKINSON. Mr. Speaker, I am proud to rise in support of the motion on the floor by the distinguished Congresswoman from Hawaii which directs the House conferees to accept the Senate language providing for $91,000,000, to be paid retroactively for fiscal year 1968, for school assistance in federally impacted areas.

Mr. Speaker, the one and only clear responsibility of the Federal Government in education is to assist local schools when the Federal Government itself has flooded those schools with children of federally employed parents, including military personnel. This responsibility is made even more untenable because, as you are well aware, Federal lands and military installations are exempt from State and local taxes—taxes which form the bulk of revenue that make up the school budget.

In my congressional district, the Second in Alabama, the number of children whose parents are employed by the Federal Government or who are stationed at either Maxwell or Gunter Air Force Bases exceeds 8,000. The impact of these children into the school community is, as you can readily understand, an enormous financial burden.

Our public schools simply cannot operate if the Federal Government does not carry out it's responsibility. Nor is it reasonable or fair for the Federal Government to say that it will only carry out part of the responsibility.

The purpose of the gentlewoman's motion is to assure that 100 percent of this responsibility is met. Unless the $91 million is restored to federally impacted schools across the country, we shall meet only a part of this obligation.

I strongly urge approval of the motion.

Mr. DORN. Mr. Speaker, the only action we are asking this House to take today is to help in the cause of education. I might say we are pleading with this body to permit our local education leaders to proceed with the education of our children particularly those in the elementary grades. To withhold funds from our elementary schools for equipment, books, libraries, labs, and comfortable buildings is detrimental to job opportunity and technology tomorrow. This illegal action of withholding funds on the part of Washington bureaucrats is encouraging and supporting disease, poverty, delinquency, and dropouts tomorrow. Thousands of American youth are turned down by college entrance exams every year because of a lack of the knowledge of the fundamentals in elementary education.

Mr. Speaker, this is becoming more apparent every day. Here we have the Federal Government supporting and sponsoring school closings, ridiculous redistricting, busing across miles of road in the early morning, creating chaos in our local elementary school systems. This arbitrary action is turning back the wheels of progress, thus turning back the clock. It is rejecting understanding, brotherhood, and love so essential to solving our complex education problems.

The least we can do today in this House is to make it crystal clear to HEW that education has priority. We can argue sociology and the intent of Congress in the courts. The school session is already well underway—let our kids have this money which their mothers and fathers paid to the Federal Government in taxes while the courts decide the final issue.

I agree completely with the distinguished, able, and beloved chairman of the Appropriations Committee, my friend the gentleman from Texas [Mr. MAHON].

Mr. FRASER. Mr. Speaker, during today's consideration of the HEW appropriation bill, a great deal has been said about the growing need for Federal programs to help improve the quality of American education. And much has been said about efforts to bring better education to children who have been denied educational opportunities that should be available to all children. Educational deficiencies are particularly acute in the inner-city schools.

Federal programs, however, in conjunction with local school boards, have contributed enormously to the improvement of schools in our inner cities. The following article from the October 1 Minneapolis Tribune tells the story of the importance of some of these programs in the city I represent—and the need to do even more:

INNER-CITY SCHOOLS NEED NEW PROGRAMS

(By Joe Rigert)

"Social-dynamite is building up in our large cities in the form of unemployed out-of-school youth, especially in the Negro slums."

School reformer James Bryant Conant issued this warning back in 1961 to dramatize his call for improvements in educating the poor.

As the general public now knows only too well, that dynamite has exploded in cities across the country. It exploded in Minneapolis in 1966 and 1967, in St. Paul in 1968, and now is exploding in the schools themselves.

"It is the paradox of education in metropolitan America that where the needs are greatest, the resources are scarcest; the children needing education the most are receiving the least!"

That observation by the U.S. Advisory Commission on Intergovernmental Relations this year also applies to Minneapolis. Inner-city schools, where educational problems are two, three or four times greater than in more affluent areas, have had the oldest buildings, the least-experienced teachers, the most-deficient educational programs.

This began to change when money became available from the 1965 federal-aid school act to lower class sizes, obtain more materials and try out new programs.

It received another boost earlier this year when the school board authorized the spending of an additional $2 million for compensatory programs in schools in the poverty areas.

The idea behind this action is that only by unequal spending is it possible to provide truly equal education for children who have been the victims of poverty, discrimination and, yes, poor education.

The proposed 1969 school budget increases, up for action by the Board of Estimate and Taxation, will make it possible to continue and expand that effort to equalize education for the poor—and, in the view of school officials—defuse the social dynamite accumulating in the city.

For the first time, under the 1969 budget, substantial amounts of local money will be added to the federal funds in this effort.

School officials estimate that 15,000 to 18,000 students in the inner city will benefit next year from the additional outlay through concentrated education centers, "talking typewriters," more teacher aides, more hot-lunch programs and other improvements.

These programs will take about $1.3 million of the $5.3 million being sought beyond actual spending this year.

The most dramatic new program, and subject to most of the fire from critics because of its experimental nature, is the use of the talking typewriter to teach reading.

The computer-based typewriters actually do talk to the students. They tell stories, illustrate the stories with pictures and ask the pupil to type what he is learning. Because the typewriter will not accept an incorrect response—the keyboard locks when the wrong key is punched—the student is stimulated to keep trying without experiencing the familiar feeling of defeat. The goal is to build self-confidence.

Minneapolis is using 21 of the machines at two "basic skills centers" at a 1969 budget cost of slightly under $500,000. Brooklyn, N.Y., installed 20 such machines for a similar program in January of 1967.

The concentrated-education centers, with programs worked up in co-operation with parents, offer such things as small class size, ungraded classes, added diagnostic services to determine problems, more library facilities, more special education, and detached learning units.

Those centers are being set up at Mann-Bryant on the South Side and Hay-Lincoln on the North Side.

The need for special programs in the poverty-area schools has been well-documented. Recent studies have shown that more than half the first-graders in some schools have learning difficulties. One-parent homes, high delinquency rates, a high student-transfer rate, and inadequate teaching all have led to learning failures and excessive dropouts.

More than 1 out of 3 students has been dropping out before finishing high school in the inner-city areas.

A committee of the National Education Association wrote in a report earlier this year that the Minneapolis schools were in a period of grace and still had time "to avert the kind of eruption out of neglect and frustration that has occurred in other urban areas."

The events of recent weeks indicate that the period of grace is short, and the time to act—as proposed in the 1969 budget—is at hand, for the sake of the students and the city.

Mr. BOLAND. Mr. Speaker, I want to express my support for this conference report's provision seeking to restore the $91 million fiscal 1968 supplemental appropriation for federally impacted school districts. The $91 million—it was authorized earlier this year in an urgent supplemental appropriations bill, but it lapsed when the administration refused to release it for obligation before the July 31 deadline—would help thousands of financially pressed school systems throughout the United States to achieve their educational goals. Faced with soaring enrollment rates and dwindling revenue rates, school systems charged with educating the children of Federal employees and military personnel are struggling to escape a financial plight, of almost unprecedented severity. We in the Congress, it is clear, must accept our responsibility to provide the funds these schools are plainly and unequivocally entitled to under the law.

A denial of the $91 million appropriation sought in conference report 1936 would give rise to educational and administrative difficulties of labyrinthian complexity, forcing thousands of schools to rework budgets and teaching programs drafted with the assumption that the Federal Government would honor its commitment under Public Law 874. Abandoning this commitment would cause another problem of even greater portent: it would jeopardize this country's educational system in an era that demands the best possible schools.

In enacting Public Law 874 the Congress recognized that Federal employees and military personnel contribute little to a community's tax base because they are so often transients living in apartments or on Government bases. Over the past several years—even since the Vietnam war has spurred a vast expansion in our Armed Forces and defense industries—these Government workers and servicemen have been sending more and more children to community schools. Such schools, as a result, need Public Law 874 funds more than ever.

Allow me to cite just one example. Chicopee, Mass., a community in my congressional district that educates children from nearby Westover Air Force Base, would lose hundreds of thousands of dollars in Federal aid if the $91 million appropriation before us today is not passed. Other communities in this region would be similarly hurt—communities such as Springfield, West Springfield, Ludlow, Wilbraham, the Hampden-Wilbraham School District, Granby, South Hadley, and Belchertown. We must provide the funds needed by these communities and thousands of other communities throughout the United States.

Mr. FLOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 7, insert: "*Provided*, That no part of the appropriation for expenses under such Act shall be available to pay any trainee in a service industry to which the provisions of section 6(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201–219), are applicable at a rate in excess of the minimum wage prescribed by such section".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 13, insert: "*Provided further*, That no part of the appropriation in this Act shall be available to pay any trainee in a service industry to which the provisions of section 6(b) of the Fair Labor Standards Act of 1938, as amended, are applicable at a rate in excess of the following, whichever is highest:

"(1) the minimum wage prescribed by such section;

"(2) the minimum wage requirement applicable to the trainee pursuant to the provisions of any other section of the Act or any other Federal, State, or local law; or

"(3) the minimum entrance rate for inexperienced workers in the same occupation in the establishment."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 14, line 1, insert:

"For grants to States and loans to nonprofit private schools for equipment and minor remodeling under title III of the National Defense Education Act of 1958, as amended, and for grants to States for administrative services under said title III, $82,200,000; and for grants to States for testing, guidance, and counseling under title V of said Act, $17,000,000: *Provided*, That allotments under sections 302(a) and 305 for equipment and minor remodeling shall be made on the basis of $79,200,000 for grants to States and on the basis of $2,038,636 for loans to nonprofit private schools, and allotments under section 302(b) for administrative services shall be made on the basis of $2,000,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: Strike out the sum of $82,200,000 proposed by said amendment and insert in lieu thereof "$78,740,000," and strike out the sum of $79,200,000 proposed by said amendment and insert in lieu thereof "$75,740,000."

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 15, line 17, insert: "For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), $90,965,000, fiscal year 1968: *Provided*, That these funds shall not be subject to the provisions of the Anti-Deficiency Statute, Revised Statutes, 3679, section 665 (c), title 31, United States Code: *Provided further*, That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendments of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), $90,965,000, fiscal year 1968."

Mr. FLOOD. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Hawaii [Mrs. Mink] for the purpose of making a statement on this amendment.

Mrs. MINK. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania for yielding me this time to express my appreciation to the conferees on the part of the House in so diligently protecting the interests of those of us who have concern for the Public Law 874 impact aid program. As I understand, amendment No.10 relates to fiscal year 1968 funds which were appropriated in the Supplemental Appropriations Act of 1968 in the sum of $90.9 million, but which lapsed on July 30, 1968.

Unfortunately, and despite the actions of the House in adding the additional $91 million to the fiscal 1968 impacted aid program, the administration, the Bureau of the Budget, and the White House did not see fit to allot these funds to the schools, and instead allowed them to lapse.

Mr. Speaker, in my opinion, this was a most unfortunate and if not tragic development inasmuch as the schools had already appropriated and spent these funds upon the reliance that the moneys would be extended to them at the end of the last quarter of fiscal year 1968.

The language of Senate amendment No. 10 reappropriates the $91 million and exempts it from the Revenue and Expenditures Control Act. The language which has been inserted by the Senate clearly states that we do not intend for the administration to in any way use the statute which we adopted several months ago, the Revenue and Expenditures Control Act of 1968, to support their unconscionable refusal to allocate these funds.

Mr. Speaker, I fully support the language which has been inserted by the other body because it represents a directive to the Bureau of the Budget that they should not in any way use the Revenue and Expenditures Control Act to argue against the allotment of these funds which the school districts have already used in the school year which ended on June 1968.

Therefore, Mr. Speaker, I would hope that the language of the Senate would be adopted and that the motion of the gentleman from Pennsylvania [Mr. Flood] to delete this language be voted down.

The gentleman's amendment will delete the exemption from the spending cut; I will vote "no," so that I may be later permitted to move to recede and concur to the Senate amendment. Notwithstanding all these efforts to force the allotment of these funds I fully recognize that the administration in the final analysis may again refuse to allot these funds no matter what we do.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I thank the gentlewoman for yielding. I want to rise to express my support of the position that the gentlewoman has taken. I do this, of course, based upon the requests that I have had from the people in my congressional district wherein there is a very heavily impacted area as a result of military activities that are taking place in Southeast Asia.

The school districts affected have a very difficult time in planning and administering their budgets because of the uncertainties associated with funding of the Public Law 874 moneys authorized.

While I realize the money question has been agreed to by the conferees, for which we are very grateful, the purpose of voting "No" on this amendment is to further solidify the Congress' position which expresses our determination to see that the administration will actually release and commit these funds. This is the intent of Congress it should be carried out by the executive branch.

Mrs. MINK. I thank the gentleman from California for supporting the position which I have expressed.

Mr. ST GERMAIN. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the distinguished gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, I thank the gentlewoman from Hawaii for yielding me this time. I too rise to associate myself with the remarks of the gentlewoman from Hawaii, and hope that the House will concur in the Senate amendment.

Mr. Speaker, once again I rise in an effort to gain the funds necessary to meet the full entitlement of impacted school districts across the land as expressed in Public Law 874.

The commitment to impacted school districts, so clearly spelled out in Public Law 874, is one which this body seems to recognize yet is reluctant to meet.

How, pray tell, can we continue to say in one breath that the Federal Government has a definite commitment to school districts when the presence of its installations creates a heavy financial burden and in another breath say that these school districts that educate the children of parents who work or live on Federal property will simply have to bear the additional cost of educating these children?

How many times must the House of Representatives be reminded by the other body that the Congress must live up to its obligation to the impacted school districts and approve the necessary funds to meet the full entitlements under this program?

When we considered the urgent supplemental appropriation bill in February, I offered an amendment to provide the necessary funds to meet full entitlements under Public Law 874. My proposal was unfortunately rejected.

However, when the Senate considered this measure, they approved an amendment offered by Senator FULBRIGHT which provided the additional $91 million needed to meet full entitlements in fiscal year 1968.

When the urgent supplemental appropriation bill reached an impasse in conference, the gentlewoman from Hawaii [Mrs. MINK] offered an amendment to the second supplemental appropriation bill for 1968 in an effort to gain the $91 million in impacted school funds. This amendment, which I joined in sponsoring, was adopted by this body by a vote of 226 to 133 and subsequently approved by the Senate.

For those of us intimately involved in this matter it was a delightful victory after a long, dark battle. But the victory was short lived for the President at a news conference on July 31 announced that he would hold in reserve the additional impacted funds voted by the Congress.

As we all know, Senator MUNDT of South Dakota offered an amendment to the HEW appropriation bill which provides that the $91 million additional impacted school funds would not be taken into consideration for the purpose of the Revenue and Expenditures Control Act, thus "freeing," in effect, the necessary impacted funds.

Let us not allow another opportunity to pass. Let us make available the funds to which our impacted school districts are entitled. Let us finally live up to our commitment.

If we should fail to do so again, the State of Rhode Island alone will be shortchanged $651,379. The Rhode Island school districts acted in good faith in providing the necessary education for the children whose parents live or work at the various military installations in Rhode Island and we should also act in good faith by giving to these school districts what was promised to them under Public Law 874.

Mrs. MINK. Mr. Speaker, I wish to state very clearly that it is my position and I hope also that of the Members of this House who believe that these payments ought to be made to these schools that have depended upon and relied upon them, that we vote down the motion to amend Senate amendment No. 10. By voting down this motion, I will then have an opportunity to subsequently move to concur with the Senate amendment in toto, which will allow not only the funds to be preserved, but also declare our intent to the administration that we do not wish to have these expenditure controls again used as a weapon against the allotment of these much-needed funds.

I thank the gentleman from Pennsylvania for yielding me this time.

Mr. FLOOD. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I appreciate the gentleman yielding to me before he moves the previous question.

I would just like to state that there is confusion here, Mr. Speaker. The status of this amendment at the present time is that the House bill did not have $1 in it for this purpose. Further, the House, on September 17, disagreed to the Senate amendment that would provide the funds. So the present status is that the bill does not contain the $90 million. It does not contain $1 for the purpose that the gentlewoman from Hawaii is interested in.

I would hope that the motion of the gentleman from Pennsylvania, which would insert the full amount of $90,965,000, would be agreed to, because the bill currently has no money in it for impacted aid for fiscal year 1968, and it would very likely end up with no funds being appropriated if the motion of the gentleman from Pennsylvania is defeated. So I believe, in order to serve the purposes of those who are interested in seeing that those funds be appropriated, it is most important that we recede from the position the House previously took in rejecting these funds, and adopt the motion of the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Maryland [Mr. MACHEN] for the purpose of making a unanimous-consent request.

Mr. MACHEN. Mr. Speaker, I rise today to urge that all my colleagues accept Senate amendment No. 10 to the bill we are now considering. The record of the House with regard to the impacted areas program is quite clear. We appropriated the necessary funds for 100-percent entitlements in the 1968–69 fiscal years. The action of the President in freezing funds we appropriated for this program for the 1968 fiscal year is directly contrary to the clear and unequivocal mandate of the Congress. We voted to appropriate these funds and now I think we must vote once more to exempt the $90 million involved from any false economy which the President thinks he can achieve in not spending this money.

When we considered the legislation to provide 100 percent of entitlements for the impacted aid program for the 1968 fiscal year, we were all well aware of the President's desire to cut the program. We evaluated the arguments made by the administration and the Appropriations Committee and we decided it was in the best interests of the Nation that this program be continued at 100-percent entitlements for both the 1968–69 fiscal years. We made the wishes of the Congress crystal clear on this matter. Our views, as we all know, were not respected by the President, Today we have the opportunity to overrule his action in freezing 1968 fiscal year impacted aid funds and I urge all my colleagues to join with me in taking this action.

I believe cuts in education programs represent the height of false economy. Our education programs must have the highest domestic priority because education is the long-range solution to many of our most pressing social problems. The President, when he refused to spend the money so clearly earmarked for the continued educational advancement of children in school districts which have either Federal installations or military bases, disregarded the will of Congress and struck a body blow to the cause of American education. Today, we have the opportunity to parry that blow and let the President know that we believe the human cost involved in education program budget reductions just is not worth it.

The President has every right to ask the Congress to cut any program. However, when we decided against his recommendation and appropriated the funds for 100 percent entitlements under the impacted areas program for the 1968 fiscal year, he should have accepted our decision and abided by it.

Over the years the impacted areas program has proven successful. The funds it provides are absolutely essential to the schools in my congressional district. I was alarmed and dismayed at the President's complete disregard for the educational needs of the Nation's school children when he froze fiscal year 1968 impacted aid funds. In my opinion his action was fiscally irresponsible and I urge all my colleagues once more to join with me in overruling his action by voting to accept Senate amendment No. 10 to the bill now under consideration.

Mr. PETTIS. Mr. Speaker, again I rise, as I did on June 11 and on June 25 to express the great importance and desperate need of funds for school assistance in federally affected areas.

I have just returned from my District, the 33d Congressional District of California, after having visited four communities in which there are substantial military installations with large numbers of military personnel whose children are educated in the public schools of the area.

The lack of these funds would mean that our residents will be faced with either a tax increase which they will be unable to bear or a reduction in educational programs in the county.

Certainly we must all agree that better education and increased skills are the answers to a reduction in our crime rate, a reduction in the number of citizens on welfare, and a reduction in many of the problems our impoverished citizens are facing.

Proper education is the single most important item in preserving the American way of life.

The education of our young people must have first priority, and for this reason these funds must be made available.

I would hate to see our Government break faith with our citizens in this manner. It is not fair and it is not right.

I sincerely urge your vote.

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Pennsylvania that the House recede from its disagreement to Senate amendment numbered 10 and concur therein with an amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MINK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 146, not voting 86, as follows:

[Roll No. 363]

YEAS—199

Abbitt
Abernethy
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Ayres
Bates
Belcher
Bennett
Betts
Bevill
Blanton
Blatnik
Bolling
Bolton
Brooks
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burleson
Bush
Byrnes, Wis.
Cabell
Cahill
Carter
Casey
Cederberg
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins
Conte
Cramer
Culver
Cunningham
Daddario
de la Garza
Dellenback
Denney
Devine
Dole
Dorn
Downing
Duncan
Edmondson
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Feighan
Findley
Fino
Flood
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Friedel
Fuqua
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Goodling
Green, Oreg.
Griffin
Grover
Hagan
Haley
Hammerschmidt
Harrison
Hébert
Hosmer
Hunt
Joelson
Johnson, Pa.
Jonas
Kelly
King, N.Y.
Kirwan
Kleppe
Kornegay
Kuykendall
Kyl
Laird
Langen
Latta
Lipscomb
Long, Md.
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McMillan
MacGregor
Mahon
Mailliard
Mayne
Meskill
Michel
Miller, Ohio
Mills
Mize
Monagan
Montgomery
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Myers
Nelsen
O'Neal, Ga.
Passman
Patten
Pepper
Pirnie
Poage
Poff
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Reid, Ill.
Reifel
Reuss
Rhodes, Ariz.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Rostenkowski
Roth
Rumsfeld
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Steed
Steiger, Wis.
Stephens
Stuckey
Sullivan
Taft
Taylor
Thompson, Ga.
Thomson, Wis.
Tuck
Ullman
Vander Jagt
Vanik
Vigorito
Wampler
Watkins
Whalley
White
Whitener
Whitten
Widnall
Williams, Pa.
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zwach

NAYS—146

Adams
Addabbo
Anderson, Tenn.
Annunzio
Baring
Barrett
Bell
Biester
Bingham
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Broomfield
Brotzman
Broyhill, Va.
Buchanan
Burke, Mass.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Carey
Celler
Chamberlain
Clausen, Don H.
Cohelan
Conyers
Corbett
Corman
Daniels
Delaney
Dent
Derwinski
Diggs
Dingell
Donohue
Dowdy
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Everett
Farbstein
Fisher
Foley
Ford, William D.
Fraser
Fulton, Pa.
Gilbert
Gonzalez
Gray
Green, Pa.
Gross
Gubser
Gude
Hall
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Holifield
Horton
Howard
Hutchinson
Ichord
Irwin
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Keith
Kluczynski
Kyros
Lennon
Lloyd
McCloskey
McFall
Machen
Madden
Marsh
Mathias, Calif.
Meeds
Miller, Calif.
Minish
Mink
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patman
Pelly
Perkins
Pettis
Philbin
Pike
Randall
Rees
Reid, N.Y.
Reinecke
Resnick
Rhodes, Pa.
Ronan
Rooney, N.Y.
Rosenthal
Roybal
Ruppe
St Germain
St. Onge
Saylor
Scheuer
Sisk
Stanton
Steiger, Ariz.
Stubblefield
Talcott
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Waggonner
Watson
Watts
Whalen
Wilson, Charles H.
Wolff
Young

NOT VOTING—86

Adair
Ashmore
Aspinall
Battin
Berry
Blackburn
Brademas
Brock
Brown, Calif.
Burke, Fla.
Button
Colmer
Conable
Cowger
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Dow
Edwards, La.
Evans, Colo.
Fascell
Fulton, Tenn.
Gallagher
Gardner
Griffiths
Gurney
Halleck
Hansen, Idaho
Hardy
Harsha
Hays
Helstoski
Herlong
Hull
Hungate
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kupferman
Landrum
Leggett
Long, La.
McCarthy
Macdonald, Mass.
Martin
Mathias, Md.
Matsunaga
May
Minshall
Moore
Moorhead
Mosher
Moss
Nichols
O'Konski
Olsen
Pickle
Podell
Pollock
Price, Ill.
Rarick
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
Schweiker
Scott
Smith, Okla.
Snyder
Stratton
Teague, Calif.
Teague, Tex.
Utt
Waldie
Walker
Wiggins
Willis
Zablocki
Zion

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Burke of Florida for, with Mr. Wiggins against.

Mr. Martin for, with Mr. Harsha against.

Mr. Smith of Oklahoma for, with Mr. Kupferman against.

Mr. Berry for, with Mr. Mathias of Maryland against.

Mr. Mosher for, with Mr. Pollock against.

Until further notice:

Mr. Aspinall with Mr. Adair.

Mr. Rogers of Colorado with Mr. Curtis.

Mr. Price of Illinois with Mr. Button.

Mr. Evans of Colorado with Mr. Battin.

Mr. Ryan with Mr. Moore.

Mr. Stratton with Mr. Conable.

Mr. Hull with Mr. Brock.

Mr. Moss with Mr. Gurney.

Mr. Moorhead with Mr. Cowger.

Mr. Brademas with Mr. Davis of Wisconsin.

Mr. Fulton of Tennessee with Mr. Blackburn.

Mr. Roush with Mr. Dickinson.

Mr. Nichols with Mr. Gardner.

Mr. Matsunaga with Mr. Hansen of Idaho.

Mr. Leggett with Mrs. May.

Mr. Karth with Mr. Minshall.

Mr. Jacobs with Mr. O'Konski.

Mr. Hungate with Mr. Roudebush.

Mr. Teague of Texas with Mr. Halleck.

Mr. Walker with Mr. Schweiker.

Mr. Zablocki with Mr. Scott.

Mr. Ashmore with Mr. Snyder.

Mr. Davis of Georgia with Mr. Utt.

Mr. Dow with Mr. Zion.

Mr. Hays with Mr. Teague of California.

Mr. Rooney of Pennsylvania with Mr. Olsen.

Mr. Podell with Mr. Pickle.

Mr. Macdonald of Massachusetts with Mr. Colmer.

Mr. Waldie with Mr. Dawson.

Mr. Jarman with Mr. McCarthy.

Mr. Brown of California with Mr. King of California.

Mr. Edwards of Louisiana with Mrs. Griffiths.

Mr. Kee with Mr. Fascell.

Mr. Hardy with Mr. Gallagher.

Mr. Helstoski with Mr. Rarick.

Mr. Edwards of Louisiana with Mr. Karsten.

Mr. Long of Louisiana with Mr. Landrum.

Messrs. BLANTON, GARMATZ, PRYOR, HALEY, BROWN of Ohio, DOLE, MIZE, DENNEY, DEVINE, STEED, and EDMONDSON, changed their votes from "nay" to "yea."

Messrs. ECKHARDT, EVERETT, and KEITH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11. Page 16, line 22, strike out "$111,900,000" and insert: "and title IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 461–465), $181,900,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$156,900,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 17, line 13, insert:

"HIGHER EDUCATIONAL ACTIVITIES

"For grants, loans, contracts, payments, and advances under titles III and IV (except payments under parts C and D) and part A of title VI of the Higher Education Act of 1965, as amended, under the Higher Education Facilities Act of 1963, as amended, under title II of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), under section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), and for grants under part C of title I of the Economic Opportunity Act of 1964, as amended, $696,307,000, of which $30,000,000 shall be for the purposes of title III of the Higher Education Act of 1965, $144,600,000 shall be for programs under part A of title IV of that Act, of which $140,600,000 shall be for educational opportunity grants and shall remain available through June 30, 1970, $76,400,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with payments of interest and fees, $14,500,000 shall be for the purposes of part A of title VI of the Act of which amounts reallotted shall remain available through June 30, 1970, $139,900,000 shall be for grants for college work-study programs under part C of title I of the Economic Opportunity Act of 1964 of which amounts reallotted shall remain available through June 30, 1970, $34,000,000 shall be for grants for construction of public community colleges and technical institutes and $33,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1970, $8,000,000, to remain available until expended shall be for grants for construction of graduate academic facilities under title II of that Act, $192,000,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 and loans for non-Federal capital contributions to student loan funds under title II of the National Defense Education Act of 1958, of which not to exceed $2,000,000 shall be for such loans for non-Federal contributions, and $11,950,000 shall be for the purposes of section 22 of the Act of June 29, 1935: *Provided*, That allotments to States for college work-study programs for the fiscal year ending June 30, 1969, shall include, in addition to funds appropriated herein, funds appropriated for this purpose for the fiscal year ending June 30, 1968, but not allotted to States for that fiscal year."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the sum of $144,600,000 proposed by said amendment insert "$128,600,000";

In lieu of the sum of $140,600,000 proposed by said amendment insert "$124,600,000"; and

In lieu of the sum of $34,000,000 proposed by said amendment insert "$50,000,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14. Page 21, line 1, insert: "titles I and II (except section 224(a)(1)) of the Higher Education Act of 1965."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore (Mr. Albert). The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 21, line 3, strike out "$94,894,000" and insert "$143,644,000,"

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$143,144,000."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 21, line 13, strike out "such Act," and insert: "$9,500,000 shall be for community service and continuing education programs under title I of the Higher Education Act, as amended,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 21, line 15, insert: "$6,000,000 shall be for transfer to the Librarian of Congress for the acquisition and cataloging of library materials under part C of title II of such Act,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$5,500,000."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 22, line 13, insert: "section 224(a)(1) of the Higher Education Act of 1965;".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 22, line 15, strike out "$86,417,000" and insert "$92,967,000"

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "$89,417,000."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 23, line 1, insert:

"FOREIGN LANGUAGE TRAINING AND AREA PROGRAMS

"For grants, contracts and payments for language and area programs authorized by title VI of the National Defense Education Act and to carry out the provisions of section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $15,700,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No 30: Page 30, line 17, insert "310,".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 30, line 20, strike "$42,731,000" and insert "$50,831,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$49,931,000."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 30, line 20: insert ", of which $8,100,000 shall be available for special grants for health of migratory workers:".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$7,200,000."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 34, line 20, insert:

"REGIONAL MEDICAL PROGRAMS

"To carry out title IX of the Act, $68,922,000, of which $62,900,000 shall remain available until June 30, 1970, for grants pursuant to such title."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: Strike out the sum of $68,992,000 included in said amendment and insert in lieu thereof "$67,907,000"; and strike out the sum of $62,900,000 included in said amendment and insert in lieu thereof "$56,200,000."

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: On page 37, line 5, strike out "$79,300,000" and insert: "$87,300,000,".

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 47: On page 37, line 12, insert: *"Provided further*, That $8,000,000 shall be available for the construction and staffing of facilities for the prevention and treatment of narcotic addiction:".

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: On page 38, line 17, insert:

"BUILDINGS AND FACILITIES

"For construction, major repair, improvement, extension, and equipment of Public Health Service facilities or other Government facilities allocated for use of the Public Health Service, not otherwise provided, including plans and specifications and acquisition of sites, $5,310,000, to remain available until expended: *Provided,* That the Secretary may accept a conveyance by donation deed of the site for an environmental health facility at Morgantown, West Virginia, notwithstanding a right of reverter in the donor if the property ceases to be used as an environmental health facility."

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: Strike out the matter inserted by said amendment and insert the following:

"BUILDINGS AND FACILITIES

"The Secretary may accept a conveyance by donation deed of the site for an environmental health facility at Morgantown, West Virginia, notwithstanding a right of reverter in the donor if the property ceases to be used as an environmental health facility."

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: On page 41, line 16, strike out:

"For grants under section 2 of the Vocational Rehabilitation Act, as amended, $345,900,000: *Provided,* That the Secretary shall, within the limits of the allotments and additional allotments for grants under section 2 of such Act, allocate (or from time to time reallocate) among the States, in accordance with regulations, amounts not exceeding in the aggregate $10,000,000, which may be used only for paying the Federal share of expenditures for the establishment of workshops or rehabilitation facilities where the State funds used for such expenditures are derived from private contributions conditioned on use for a specified workshop or facility, and no part of the allotment or additional allotment to any State for grants under section 2 of said Act other than the allocation cr reallocation to such State under this proviso may be so used."

And insert:

"For grants under sections 2, 3, 4(a), 2(A), 12, 13, and 18 of the Vocational Rehabilitation Act, as amended, $375,490,000, of which $345,900,000 is for grants for vocational rehabilitation services under section 2; $3,200,000 is for grants under section 3; $11,000,000 (to remain available through June 30, 1971) shall be for planning, preparing for, and initiating special programs to expand vocational rehabilitation services under section 4(a)(2)(A); and $1,890,000 (to remain available through June 30, 1970) is for grants with respect to workshops and rehabilitation facilities under section 12: *Provided,* That the Secretary shall, within the limits of the allotments and additional allotments for grants under section 2 of such Act, allocate (or from time to time reallocate) among the States, in accordance with regulations, amounts not exceeding in the aggregate $10,000,000, which may be used only for paying the Federal share of expenditures for the establishment of workshops or rehabilitation facilities where the State funds used for such expenditures are derived from private contributions conditioned on use for a specified workshop or facility, and no part of the allotment or additional allotment to any State for grants under section 2 of said Act other than the allocation or reallocation to such State under this proviso may be so used: *Provided further,* That the allotment to any State under section 3(a)(1) of such Act shall be not less than $25,000."

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

"For grants under sections 2, 3, 4(a)(2)(A), 12, and 13 of the Vocational Rehabilitation Act, as amended, $368,990,000 of which $345,900,000 is for grants for vocational rehabilitation services under section 2; $3,200,000 is for grants under section 3; $8,000,000 (to remain available through June 30, 1971) shall be for planning, preparing for, and initiating special programs to expand vocational rehabilitation services under section 4(a)(2)(A); and $1,890,000 (to remain available through June 30, 1970) is for grants with respect to workshops and rehabilitation facilities under section 12: *Provided,* That the Secretary shall, within the limits of the allotments and additional allotments for grants under section 2 of such Act, allocate (or from time to time reallocate) among the States, in accordance with regulations, amounts not exceeding in the aggregate $10,000,000, which may be used only for paying the Federal share of expenditures for the establishment of workshops or rehabilitation facilities where the State funds used for such expenditures are derived from private contributions conditioned on use for a specified workshop or facility, and no part of the allotment or additional allotment to any State for grants under section 2 of said Act other than the allocation or reallocation to such State under this proviso may be so used; *Provided further,* That the allotment to any State under section 3(a)(1) of such Act shall be not less than $25,000."

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 63: On page 63, line 23, strike out:

"Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment any school, or to force any student attending any secondary school to attend a particular school against the choice of his or her parents or parent."

And insert:

"Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

MOTION OFFERED BY MR. FLOOD

Mr. **FLOOD**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

"Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent."

The **SPEAKER** pro tempore. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. **FLOOD**. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. Natcher], a member of the committee.

CALL OF THE HOUSE

Mr. **DOWDY**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

Mr. **NATCHER**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 364]

Adair
Ashbrook
Ashmore
Aspinall
Battin
Berry
Blackburn
Brademas
Brown, Calif.
Burke, Fla.
Button
Celler
Clark
Conable
Cowger
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Donohue
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fascell
Fulton, Tenn.
Gallagher
Gardner
Gray
Griffiths
Gurney
Halleck
Hansen, Idaho
Harsha
Hays
Helstoski
Herlong
Hull
Hungate
Ichord
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kupferman
Landrum
Leggett
Long, La.

McCarthy
McCulloch
Macdonald, Mass.
MacGregor
Martin
Mathias, Calif.
Matsunaga
May
Minshall
Moore
Moorhead
Mosher
Moss
Murphy, N.Y.
Nichols
O'Konski
Olsen
Pickle
Podell
Pollock
Price, Ill.
Rarick
Rodino
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
Schweiker
Scott
Sisk
Smith, Calif.
Smith, Okla.
Snyder
Stratton
Stuckey
Teague, Calif.
Teague, Tex.
Utt
Waldie
Walker
Watson
Wiggins
Willis
Zablocki
Zion

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 18037, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. NATCHER. Mr. Speaker, this bill passed the House on July 26. During the general debate on the bill two amendments were offered to strike from the bill sections 409 and 410. These amendments, after due discussion, were voted upon, and on a division vote 75 voted for the amendments and 116 against the amendments.

Following the division vote, tellers were demanded. On a teller vote, the vote was 101 for the amendments and 137 against the amendments. Then, Mr. Speaker, following this procedure we had a rollcall vote on the previous question on the bill. At that time the rollcall vote was 275 for and 126 against. Then following this vote, a rollcall vote, we had a voice vote on final passage of the bill.

Mr. Speaker, in order for the Members to understand just what transpired in the conference and just where we are now concerning the language in section 409 and section 410 in the bill, I would like to make this brief statement.

The conferees were named and sent into conference. We, of course, as all other conferees, were instructed to maintain the position of the House. Mr. Speaker, let us see just where we are now as to the position we are in with respect to these two amendments. At the time this bill was before the House, we had section 409, which reads as follows:

> SEC. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any secondary school to attend a particular school against the choice of his or her parents or parent.

That is the provision that was in the bill as it passed the House. That is section 409, amendment No. 63, that my chairman has just called up to be acted on.

Mr. Speaker, the Senate passed a bill which contains the following language for section 409:

> SEC. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

I say to the Members of the House, here is the difference between the one amendment in the Senate, and the House. Section 409 as it passed the House provided for secondary schools only. The word "elementary" through some omission was left out. That word should have been in the section as it passed the House. On the other side, the other body first added the word "elementary," so then it provided for "elementary or secondary school." That is the first difference.

The second difference in the section is this: The other body then added the words, "in order to overcome racial imbalance."

In the conference, after discussing this matter pro and con, it was agreed by the conferees on both sides that the word "elementary" was necessary as added in the other body, and it was agreed the word "elementary" should be added, and it applies both to elementary and secondary schools in the conference report before us at this time.

It was then agreed that the words "in order to overcome racial imbalance" should be stricken, and those words in the conference report and in the amendment are out of section 409.

Mr. Speaker, although section 410 will be up in the next amendment, which will be amendment No. 64, I think I should briefly explain what transpired in the conference. In section 410, as it passed the House, we had these words:

> SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students of a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

That is the language contained in section 410 as it passed the House.

Mr. Speaker, section 410, as it passed the other body, provided as follows:

> No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: *Provided*, That the Secretary shall assign as many persons to the investigation and compliance activities of title VI of the Civil Rights Act of 1964 related to elementary and secondary education in the other States as are assigned to the seventeen Southern and border States to assure that this law is administered and enforced on a national basis, and the Secretary is directed to enforce compliance with title VI of the Civil Rights Act of 1964 by like methods and with equal emphasis in all States of the Union and to report to the Congress by March 1, 1969, on the actions he has taken and the results achieved in establishing this compliance program on a national basis: *Provided further*, That notwithstanding any other provision of law, funds or commodities for school lunch programs or medical services may not be recommended for withholding by any official employed under appropriations contained herein in order to overcome racial imbalance: *Provided further*, That notwithstanding any other provision of law, moneys received from national forests to be expended for the benefit of the public schools or public roads of the county or counties in which the national forest is situated, may not be recommended for withholding by any official employed under appropriations contained herein.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has again expired.

Mr. FLOOD. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. NATCHER. Mr. Speaker, that is the entire language of section 410, as it passed the other body.

In conference it was agreed by the conferees that the first portion of section 410, the portion the House adopted, down to the words "in order to overcome racial imbalance" would be approved. The words "in order to overcome racial imbalance," added by the other body, were stricken. That is No. 1 as to change.

No. 2, the provision that the Secretary should assign these people to operate in all the States the same as in the 17 Southern and border States, Mr. Speaker, was agreed to by the conferees. That is the language added in the Senate. We agreed to it in conference.

That portion added on the other side providing for the school lunch programs and medical services, was deleted in conference. It was not necessary, therefore it was deleted in conference.

The last proviso, concerning the use of moneys received from national forests, was insisted on in the Senate, notwithstanding the fact that in the Agricultural appropriation bill, which we passed in the House and in the Senate, and which has long since been signed into law, contained a provision to this effect—at least, the report accompanying the bill contained a similar provision.

Mr. Speaker, in conference we made every effort to maintain the position of the House. Some of the language we bring back to you in sections 409 and 410 we had to agree to in order to bring in a conference report. We did the best we could, Mr. Speaker.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Speaker, the language which the conferees recommend to cope with the problem of excessive bureaucratic domination of the Nation's schools from Washington is sound and reasonable and needed. It will not interfere with any law which has been enacted by Congress or any court ruling which governs school integration problems. It will have one effect and one effect only; that of curbing the half-baked teams, many of them college dropouts, which have swarmed across our country interfering with the orderly operation of schools.

This crowd has little or no knowledge of educational standards or school operating procedures. Their one objective is race mixing, and the fact that they have helped to destroy sound school systems is of no consequence to them. These are the people who have required busing of children from before daylight until after dark all the way across cities or counties, regardless of what it may be doing to the children themselves. They are the people who have required closing of needed schools and the operation of schools which are not needed, in order to satisfy a bureaucratic whim. These are the people who have dominated and intimidated elected school officials and experienced school supervisors.

The highhanded manner in which these things have been done throughout the Nation is a national disgrace. Yet because of the magic term "civil rights," the leadership of Congress and its committee have been reluctant to interfere. This, despite constant stress by Members, particularly of the House, of the urgency of the situation and the need for correction. Now the respective branches of Congress and the conference committee have approved language to curb these edicts which have so hampered school officials, supported school closings, and generally downgraded educational processes just to achieve a mix of students acceptable to Washington sociologists. This language should have the overwhelming endorsement of the Congress.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Texas [Mr. FISHER].

Mr. FISHER. Mr. Speaker, I shall, of course, vote for the so-called Whitten amendment. If it is adopted the Government agency which dispenses funds for education will no longer be allowed to withhold money for a school district, at the whim of a bureaucrat.

As the law now stands, the busing of students from one school to another, in order to achieve a racial balance, is not sanctioned. But though not sanctioned, under the 1964 Civil Rights Act, the agency may arbitrarily withhold such funds which the Congress has appropriated and allocated for a particular district, if someone in that agency decides he wants more mixture of races—to achieve which would require busing of youngsters across town to another school.

Mr. Speaker, this practice by the Government agency is nothing but legalized blackmail, employed to achieve a social arrangement desired by a Washington bureaucrat. Today we see the old 1964 Civil Rights Act back to plague those responsible for its enactment. They are now seeing their own constituents punished for no good reason.

This business of forcing children to be jerked away from their own neighborhood schools, jammed into buses, and wheeled across a city for no reason except to satisfy the whims of some appointed official in Washington, makes no sense to me. It is a vicious, unnecessary, and wholly unjustified practice.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Alabama [Mr. EDWARDS].

Mr. EDWARDS of Alabama. Mr. Speaker, the Federal Government has no business forcing the busing of students, abolishment of any school, or forcing students to attend particular schools against the choice of their parents. Likewise, the Federal Government has no business withholding funds from those school districts which refuse to follow such improper Federal orders. These are local matters and should be under the exclusive control of local school boards. And it is illegal to withhold Federal funds to force those actions.

Some have even argued that the Federal Government is not doing what section 409 seeks to prevent. But this just is not true. The Department of Health, Education, and Welfare has interferred in almost every conceivable way with the operation of local school systems. This must be stopped. It cannot be tolerated. And to make matters worse, Mr. Speaker, HEW has been concentrating this improper force in the 17 Southern and Border States. This is the reason for the need for section 410 which says the Federal Government must apply the law in all 50 States, not just in the South.

There is no law that says that the Federal Government can force busing, force the closing of schools, or force students to attend certain schools. But HEW does these things every day by withholding Federal funds until local school boards bend to the will of some Federal bureaucrat.

Mr. Speaker, I strongly urge my colleagues to support the conference report. It is right and proper and will clear up once and for all the illegal activities of HEW.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I am delighted to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, the following list of questions and answers clearly portrays the facts in regard to the problems posed by the Whitten amendments contained in the Department of Health, Education, and Welfare conference report.

QUESTIONS AND ANSWERS—RACIAL IMBALANCE

1. What is racial imbalance?

A. A situation in a school district in which a certain number of schools are attended by a very large proportion of minority group students in the system.

2. How does it come into being?

A. Usually as a result of school zone lines which are drawn around residential communities which contain high proportions of minority families.

3. Is it illegal?

A. Racial imbalance per se is not illegal. If the attendance of the minority students at certain schools is an honest result of reasonably drawn school zone boundaries and the zones are not based upon racial criteria, then the attendance assignments are not unconstitutional.

4. What does the Federal Government do about it?

A. Nothing. Title IV of the Civil Rights Act of 1964 prevents the Department of Health, Education, and Welfare from taking action to correct racial imbalance. Other language, found in Section 704 of the Elementary and Secondary Education Act, similarly prohibits bussing to correct imbalance.

5. If racial imbalance is not unconstitutional, is there any racial separation considered illegal?

A. Yes. Many states, mostly the 17 Southern and Border States, required or permitted legally enforceable segregation of students and teachers by race. School systems in these states which established dual systems by race have a legal obligation to affirmatively eliminate all remaining vestiges of the segregated system. Separation by race in these systems is considered unconstitutional discrimination.

6. What does the Federal Government do about unconstitutional segregation?

A. Under Title VI of the Civil Rights Act of 1964 Federal agencies are required to withhold Federal aid from school systems which are unconstitutionally segregated. Under the Law's requirement that the Department of HEW seek to secure voluntary change prior to the imposition of sanctions, hundreds of school systems have acted to eliminate segregation. On the other hand, about 100 of the 4500 school districts in the 17 Southern and Border States are losing their Federal aid. In addition, the Justice Department can sue these districts to desegregate where they have received a worthy complaint that unconstitutional segregation exists.

7. Have the Federal courts decided any of these questions?

A. The courts have clearly decided that former dual school systems must take positive action to remove all remaining vestiges of the segregated system. These lower court decisions have been repeatedly upheld by the Supreme Court. As yet, Federal courts are divided on whether racial imbalance is unconstitutional and the Supreme Court has not decided the question.

BUSSING

1. Does the Federal Government require bussing of students to desegregate schools?

A. No. The Federal Government has no transportation requirements of any kind. There is a requirement, however, that school districts which are unconstitutionally segregated act affirmatively to eliminate their separate schools based on race. In these cases, local districts sometimes decide they have to transport students to accomplish this. The means to achieving the constitutional objective are, however, entirely up to the local school official.

2. Don't some school districts already bus students?

A. Yes. In fact, a recent study showed that 90 percent of all districts bus students for one reason or another. Some do so in order to desegregate schools, but they are acting on their own initiative. Many school systems in the South are still bussing students on a segregated basis, bussing white students past near-by Negro schools and Negro students past near-by white schools in order to preserve segregation.

FREE CHOICE

1. What's a free choice plan?

A. A plan of assigning students to elementary and secondary schools whereby students, or their parents, choose which schools shall they attend?

2. Is this usual school procedure?

A. No. In fact, it is a method of student assignment confined almost exclusively to Southern school districts. It was originally devised when certain school districts had to meet legal desegregation requirements.

3. What does it have to do with desegregation?

A. Many school districts which had to desegregate rightfully figured that desegregation would proceed more slowly if minority group students had to indicate a desire to attend white schools. In other words, the burden for eliminating segregation was placed upon the shoulders of the Negro children and parents who had been discriminated against.

4. Isn't free choice used in school districts which are not acting unconstitutionally?

A. No. Most school systems in the nation would never use free choice as a method of assigning students. It is based completely on personal choice and not upon school planning needs at all.

5. What has resulted from the use of free choice?

A. In most cases, segregated schools have remained segregated. This is usually because minority group students and their families are afraid to voluntarily demonstrate their desire to attend desegregated schools; because economic and social intimidation is used to discourage minority attempts to desegregate; and because physical threats sometimes prevent free choice from working.

6. What has the Federal Government done about it?

A. Where it has failed to end segregation the Federal Government has acted to negotiate change or, failing that, to withhold Federal aid, under Title VI of the Civil Rights Act of 1964. Federal agencies now require an end to segregation, as the Federal Courts have, by whatever reasonable means.

7. Have the courts decided the issue?

A. Yes. In May 1968, the Supreme Court clearly stated that school officials were responsible for eliminating unconstitutional segregation and for choosing alternatives to free choice wherever that procedure failed to meet the constitutional objective.

ABOLISHMENT OF SCHOOLS

1. Does the Federal Government order the closing of schools?

A. Every single Federal requirement regarding desegregation can be met without the closing of one school *if* local officials wish to completely desegregate. However, many schools originally established for Negro students are so small and inferior that school officials refuse to desegregate them and the Federal government has recommended closing them.

2. If that's so, why do some local officials claim Federal agencies force closings?

A. Because some communities decide not to send white students to formerly all-Negro schools. They are therefore left with all-Negro schools which are vestiges of the dual system they are constitutionally obliged to eliminate. In addition, many of the all-Negro schools are physically inferior and their continued use means the district is providing unequal educational opportunity, clearly a violation of the law.

TELLING IT LIKE IT IS

Mr. Speaker, if any of our colleagues here today have any question about what is involved in the anti-civil-rights Whitten amendments which are currently before the House, I suggest that they read the excellent editorial which appeared in this morning's Washington Post. The editorial gets right to the heart of what the gentleman from Mississippi and his supporters have in mind.

The issues before the House today, Mr. Speaker, do not involve busing, nor do they involve closing of schools. Make no mistake about that. The only issue before us here today is whether the House is prepared 14 years after the famous Brown decision and 4 years after the enactment of the Civil Rights Act to say that ineffective desegregation efforts will be accepted by the Federal Government.

In addition, Mr. Speaker, we are being asked in the Whitten amendments to endorse a procedure under which the Federal Government—using the taxes of all Americans—should be required to support school systems which continue to operate on an unconstitutionally, racially segregated basis.

Mr. Speaker, I urge that my colleagues take a few moments to read the editorial in the Washington Post, which follows:

MR. JUSTICE WHITTEN

> If you merely mention the words "bus" and "busing" these days, the ordinarily unhallucinated citizen is apt to see an endless motorcade of children being forcibly hauled great distances to schoolrooms where they are not wanted—all for the sake of achieving some bureaucrat's idea of the perfect racial color scheme. Congressmen and Senators are well aware of this common fantasy, since some of them helped to create it and others believe in it themselves. That is why it is important to see Rep. Jamie Whitten's so-called "anti-busing" measures—which come up in the House today—for what they really are.
>
> These provisions have next to nothing to do with the specter of busing or with questions (still far from resolved in the courts) of "de facto" segregation in the North. Rather, they are an attempt to revoke Title VI of the Civil Rights Act of 1964, to overturn the Supreme Court's decisions of last May which held that "freedom of choice" plans were insufficient evidence of desegregation, and—in doing all this—to give a congressional blessing to those Southern school districts which continue to defy the 14-year-old Brown decision.
>
> "Freedom of choice" is one of those phrases, like "right to work," which has an actual meaning quite at odds with its civil libertarian ring; and the Court has held that Southern school districts, merely by announcing their desegregation in this fashion have not effected it. What Representative Whitten's legislation would do is forbid the Executive Branch to use funds to promote any sterner guidelines than the "freedom of choice" plan and forbid it also from withholding aid from any school district which has nominally adopted such a plan. In other words, in the high noon of law and order, it would direct Federal officialdom to violate provisions of Federal law and edicts of Federal Courts as well.
>
> Mr. Whitten's measures were attached to the Labor-HEW appropriations bill in the House and melted down to harmlessness in the Senate. By a depressing series of developments they survived a Senate-House conference and are now part of the report on Labor-HEW appropriations. The slim ray of hope that they may be rejected proceeds from a technicality which will enable the House to vote separately on the Whitten provisions without affecting the appropriations bill.
>
> Legislators should be aware that they will not be voting on a busing question. They will be voting on whether or not to restore funds to the hundred or so Southern school districts—out of several thousand in the South—from which funds have been cut off. Several of these are in Mr. Whitten's congressional district; some, where Negro children outnumber whites about two to one, have no integration at all. If the Congress is going to vote for Mr. Whitten's legislation, it should be very clear about what it is doing.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I am pleased to yield to the gentleman from California.

Mr. HAWKINS. Mr. Speaker, I wish to identify myself with the remarks that the gentleman from California will make.

The Whitten amendments to the Labor-Health, Education, and Welfare appropriations bill stand as an open invitation to recalcitrant southern school officials to continue defiance of the law, to disregard the constitutional rights of millions of Negro students to equal access to public elementary and secondary schools.

In the past 4 years, under the Civil Rights Act of 1964, the Nation has witnessed an historical change in the South—a change away from the discriminatory dual school systems, in which Negro children were bused across town to get them away from white schools, and white students were similarly transported to neighborhoods where no Negroes were permitted to attend.

More than 600 southern school systems have completely abolished the dual system. Hundreds of others were moving in that direction. But a noisy few who have found ingenious ways to circumvent the law and deprive minority citizens of equal educational opportunity, have never ceased to hope for the day when this country would turn its back on the Constitution.

If the Whitten amendments are passed, many school districts which have reluctantly complied with the law in the past few months or years will seize upon them as authority for backsliding on a scale this country has never before witnessed. Negro students who have been admitted to one of the precious freedoms so long denied them, the freedom to participate as equals with white contemporaries, will once again be relegated to school buildings that are out of sight—and, as evidenced by their inadequate teaching, curriculum, and facilities—out of mind of the school authorities.

Respect for law and order, my friends, is built at home and in the local community, by example. Are other generations of minority citizens—Negroes, Indians, Spanish-surnamed, or oriental—to be cast aside by this Congress? I think not; for since this Nation was founded, we have moved forward in the protection of human rights, and I believe we shall continue to do so despite the rising tide of racism that manifests itself today in this land, by violence and by disrespect for law and order.

Racial discrimination cannot be sanctified by Congress, but it can be modified or abolished by Congress, and that is our job today—to defeat the Whitten amendments.

Mr. COHELAN. Mr. Speaker, the question now before us is one of black and white.

The question is whether the Federal Government should be able to effectively encourage desegregation in schools which are unconstitutionally segregated.

The question has nothing to do with forced busing of students.

It has nothing to do with correction of de facto segregation. In fact the Senate language which I support over the conference language specifically provides that funds may not be withheld for failure to deal with racial imbalance.

In 1964 when we passed the Civil Rights Act, we determined that the Federal Government should be able to withhold Federal aid to schools which unconstitutionally refused to desegregate. In a word we will continue to enforce the guidelines eliminating unconstitutional segregation.

A vote for the conference language is a vote against civil rights. It is a vote against the Constitution and the Supreme Court. It is a vote against elementary fairness and equality in education.

In the strongest possible way I urge you to defeat the conference language and to recede to the Senate limitations.

Mr. Speaker, the distinguished chairman has offered a motion which, if adopted, would seriously impair the effective administration of title VI of the Civil Rights Act of 1964. In curtailing the ability of the Department of Health, Education, and Welfare to impose valid sanctions against school systems which are maintaining discriminatory and segregated schools, the conferees have rejected the position endorsed earlier by the Senate and have reinstituted the Whitten provisions for sections 409 and 410 of the Labor and Health, Education, and Welfare appropriations bill. The Senate approved a modification of these provisions which would deal with the sensitive and controversial issue of racial imbalance, as distinguished from unconstitutional segregation, while at the same time guaranteeing the effectiveness of title VI.

I believe that it is imperative that the original Senate version be restored. While affirming other statutory provisions dealing with busing and racial imbalance, the Senate version does not emasculate the purpose of title VI, which is to prohibit the use of Federal funds in school districts operating unconstitutionally segregated schools. By inserting the words "in order to overcome racial imbalance" at two points in the House-passed Whitten provisions, the Senate has preserved existing procedures with respect to HEW's school desegregation program. At the same time, such language reaffirms existing statutory requirements that HEW may deal under title VI only with unconstitutional segregation and discrimination in the Nation's school systems.

The issue confronting us is very simple and yet extremely basic to the fulfillment of the letter and intent of title VI and ultimately to the constitutional rights of thousands of schoolchildren.

Title VI will have been a futile gesture in the direction of equal opportunity if we do not take this action. We are witnessing progress in the area of school desegregation—much of which has occurred because of the voluntary action of local school officials. But this progress would be retarded if we create conditions which would allow school systems to revert to so-called freedom of choice as the only enforceable method of desegregating schools. It would be unjust and imprudent to take such a backward step at a point in history when the realization of justice is this society's most urgent need.

The arguments against freedom of choice have already been presented during our earlier discussions of the Whitten amendments. Need we again point out the overwhelming evidence against making school desegregation contingent only on a demonstrably ineffective technique—a technique which has served only to maintain the status quo in school systems which were established to maintain racial segregation in education.

If we must restate existing measures—those contained in title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act—which deal with racial imbalance, then we will do so. The Senate proposed this alternative and I urge its endorsement. But let us not end this session of Congress with a rejection of a carefully considered and fairly administered legislative commitment to equal opportunity.

Mr. Speaker, the schools of this Nation represent a microcosm of most of our social ills which have reached such acute proportions. To permit Federal funds to subsidize segregated education—and this is what we can expect if freedom of choice prevails—would be an act of folly. To endorse Federal efforts to end unconstitutional dual school systems is the least that we can do to eradicate the punitive traditions of the past.

I strongly urge defeat of this motion to adopt the Whitten language.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 3, 1968.

Hon. JEFFERY COHELAN,
House of Representatives,
Washington, D.C.

DEAR JEFF: This is in response to your request for my views concerning the Whitten rider in the Labor-HEW appropriations bill.

Nearly five years ago, the President called upon the Congress of the United States in the name of honor and decency to "eliminate from this Nation every trace of discrimination and oppression that is based upon race or color." A few months later, on July 2, 1964, the Congress passed the most important Civil Rights Act of this century, symbolizing a great nation's commitment to equal justice for all.

One of the most vital provisions of that law was designed to insure every American child, regardless of his race, creed or color, of an equal opportunity in education. It finally provided the means to prohibit racially segregated school systems which the Supreme Court had declared unconstitutional ten years earlier.

That law held great promise of ending a practice which had denied so many children in this country the basic right of equality of educational opportunity. For many thousands of children that promise has become a reality. Through the efforts of the Federal Government in cooperation with the states, local governments and local school districts, many thousands of children have now been freed from the burdens of segregated schools.

But the day of complete equality for all children has not yet come and the need for effective enforcement of the Civil Rights Act of 1964 is still pressing.

The Congress of the United States is now being asked to halt the progress which has been made toward the elimination of racially segregated schools in this country. It is being asked to consider provisions in the Labor-HEW appropriations bill which threaten to stop, or perhaps reverse, this Nation's drive for equality, for equal opportunity for all children in the land.

The Congress is being asked to consider provisions which could deny the promise of the Civil Rights Act of 1964, and the rights of all children to freedom from discrimination and inequality.

This Nation cannot—it must not—turn the clock back to the days of inherently unequal opportunity for some children. This Nation must not be deprived of means for ending segregation in education.

I urge the Congress not to destroy what has taken so long to build. Let us reject the efforts of those who would divide this Nation and its people so that we may go on to help, to build, and to grow as one people.

Sincerely,

WILBUR J. COHEN,
Secretary.

TIMES URGES DEFEAT OF WHITTEN PROVISIONS

Mr. Speaker, the New York Times, in an editorial today, called for the defeat of the anticivil rights provisions of the Labor-Health, Education, and Welfare appropriations bill, as originally proposed by the gentleman from Mississippi [Mr. WHITTEN]. The Senate amended the restrictive provisions to make possible the continued effective operation of title VI. It is this version which I urge you to endorse, for it allows the Federal Government to eliminate unconstitutional, segregated schools.

This world-famous newspaper correctly labeled the Whitten provisions as a clear and direct attack on the Constitution and the historic 1954 Supreme Court decision outlawing racially segregated schools. The editorial follows:

THE WHITTEN AMENDMENTS

The House of Representatives is scheduled to vote today on the latest Southern effort to take away the Federal Government's power to withhold financial aid from segregated schools. The issue arises because of three amendments to the appropriations bill for the Department of Health, Education and Welfare—all offered by Representative Whitten, Democrat of Mississippi, and approved by the House last June. Since the Senate has refused to accept these amendments, the question is now back in the House for reconsideration.

Two of the three Whitten amendments are meaningless gestures. The real controversy centers on the third which states that students could not be required to attend a particular school as a condition for receiving Federal funds. At present the Federal Government withholds money from school districts following "freedom of choice" desegregation plans, which the Federal courts have ruled are invalid schemes for perpetuating segregation.

If the department is deprived of the authority to withhold money, it will be left with no effective lever to hasten integration. Unless the House wishes to reduce desegregation efforts to zero, it should reverse its decision of last June and drop Mr. Whitten's obstructionist language from the bill.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I am glad to yield to the distinguished gentleman from New Jersey.

Mr. JOELSON. Does not the conference version also specifically say in sections 409 and 410 that no part of the funds contained shall be used to force busing of students?

Mr. COHELAN. That is correct.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I am happy to yield to the distinguished gentleman from New York.

Mr. REID of New York. I think the point which the gentleman from California is making is excellent.

The committee or the Whitten amendment could revoke or repeal title VI of the Civil Rights Act of 1964.

It is true that freedom of choice plans have been totally inadequate and insufficient evidence of desegregation, in a word invalid schemes for perpetrating segregation. Specifically the courts have held that freedom of choice plans are acceptable only when these plans result in the elimination of discrimination and unconstitutional segregation.

On May 27 of this year, the Supreme Court held in the Green case that the "burden on a school board today is to come forward with a—desegregation—plan that promises realistically to work, and promises realistically to work now."

The Whitten amendment should be voted down and we should give full authority to the department to withhold money to enforce desegregation. I commend the gentleman from California for his leadership.

Mr. COHELAN. The distinguished gentleman from New York is a member of the authorizing committee and has worked very hard on this legislation, and I commend the gentleman for bringing these points to our attention.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from New Jersey, a member of the Committee on Appropriations.

Mr. JOELSON. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman on his statement. We hear a great deal today about law and order. I do not believe it promotes law and order to encourage violations of the law of the land and the Constitution as interpreted by our Supreme Court. I, being an advocate of law and order, will oppose the Whitten amendment.

Mr. COHELAN. Mr. Speaker, I thank the gentleman.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to my distinguished colleague from California [Mr. Corman].

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding, and I wish to commend the gentleman for his statement, and join him in his statement.

I might point out to the gentleman that we found, when we held our hearings in the ad hoc Committee on the Judiciary, the actual uselessness of guidelines, and nothing so meaningless, and nothing so open, inevitably, to violation as to present free choice plans in those areas which before 1954 maintained dual school systems.

Mr. MACHEN. Mr. Speaker, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Maryland.

Mr. MACHEN. Mr. Speaker, I am more or less in complete accord and agreement with what the gentleman has stated, but going back to the statement on busing for busing's sake, for example, in our area we have only six schools out of a total of 140 which, due to geographic locations—and there has been racial integration of all of our schools—but in six of the schools in the elementary and secondary grades, in order to get a racial balance—and they are not crowded, they are good schools—you would have to bus half of the students out and bus the other half in.

Is that the intent here?

Mr. COHELAN. I would call the attention of the gentleman from Maryland to section 409, and would say the very language of this particular section in the Senate version deals with the very thing the gentleman is talking about.

Mr. MACHEN. I just want to establish further colloquy on this.

Mr. COHELAN. Very well.

Mr. MACHEN. Because there is a little bit of difference on that as far as HEW is concerned.

Mr. COHELAN. Here is the section, and the gentleman from Kentucky went to great length to read it:

> No part of the funds contained in this act may be used to force busing of students——

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. FLOOD. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. COHELAN. I thank the gentleman for yielding.

I will yield to the gentleman from Maryland.

Mr. MACHEN. Mr. Speaker, I wish to point out clearly in the Record that we cannot have busing just for busing's sake. Second, we recognize that other areas need better teachers, and need less concentration.

Mr. COHELAN. Let me inform the gentleman from Maryland, since he is making an inquiry of me, and since my time is very limited, that section 409 reads:

> No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents, or parent, in order to overcome racial imbalance.

The effect of the motion, if we prevail in it, and we strike down the Whitten amendments will be to prohibit HEW from withholding funds for failures to correct racial imbalance but will not prohibit withholding funds for failures to correct unconstitutional desegregation. When the time comes, I or some other gentleman who is recognized, will introduce a motion to recede and then concur in the Senate amendments.

Mr. CONYERS. Mr. Speaker, 14 years after the Supreme Court unanimously ruled that racially segregated school systems violate the 14th amendment, efforts are still made in the Congress to negate that historic decision. It is a sad commentary that the other body has approved and sent to us a bill containing provisions aimed at crippling the efforts of the Federal Government to end unconstitutional school segregation.

The obvious intent of sections 409 and 410 of the Labor-HEW appropriations bill is to accomplish indirectly what cannot be achieved directly by those desiring to perpetuate racial discrimination in our public schools. Not only is this kind of discrimination unconstitutional, but its elimination is a prerequisite to eligibility for Federal financial assistance under the terms of title VI of the Civil Rights Act of 1964. And I would remind my colleagues that the Civil Rights Act was passed by an overwhelming majority of both the House and Senate.

If we allow sections containing anticivil rights language to remain in the Labor-HEW appropriations bill, we would make a mockery of the action taken only 4 years ago to provide equal educational opportunities for the children of this Nation. It would violate every precept of our American heritage of equal justice for all by legitimatizing racial discrimination in our educational system. And it would make our vaunted sense of fair play a source of derision everywhere.

Mr. Speaker, I am frankly amazed that the sections were not laughed out of existence when they came before the House. I am confident that the Members of the House will agree to eliminate these sections without further delay, so that we may get on with the business of helping to provide equal educational opportunities for all the children of this great Nation.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

Mr. FLOOD. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. Roberts].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from California has made a very eloquent plea, but he has completely missed one point. Let me cite one example: near Tyler, Tex., there is a Negro community, and it has one of the best schools in the area and one of the newest schools in the system. It is several miles away from the downtown school system. The school was built for the benefit of this community. Federal funds for this school were impounded because it was a Negro school. The HEW task force came down and said "you must close this school," and if there is no school then we are going to have to bus the children. That is the way the HEW crowd gets around the law. They are violating the antibussing amendment that this House passed. The only way to correct this is to adopt the amendment proposed by the conference committee and stop the closing of schools serving the community.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. Whitten].

Mr. WHITTEN. Mr. Speaker, may I quote the two sections which I wrote in this bill: an earlier and detailed discussion appears in the Congressional Record July 2:

> Sec. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any secondary school to attend a particular school against the choice of his or her parents or parent.
>
> Sec. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students of a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

In the first place, both sections say that none of these actions can be used to force—the words "to force" are significant in each paragraph. This does not do anything to stop anything, any school district or any county or any political entity, from doing what its officials want. It says, to HEW, the money in this bill cannot be used to force the busing of children. Of course, we should not have to take this action and would not if the Department of Education would follow the clear intent of the law.

Officials of the Department of Health, Education, and Welfare do not even claim they have the right to force the busing of children.

These two amendments say that the money in this bill cannot be used by HEW to force the abolishment of schools.

The same officials do not claim any such right to force the abolishment of schools.

It says such officials cannot use either of these means to force parents to send their children where they do not want to.

They do not claim that right.

So, you say—why did you write this? Because I have tried several of these cases. Such cases were an eye opener to me. What they do is hold up money from a school, school district, or State until the officials come in and "voluntarily" offer to do these things that are not required by law, before they will release funds. What they are doing is: they are withholding funds that are so badly needed for education; closing schools where we have classrooms that are overcrowded.

I have a letter dated here no later than September 4, when this was already known to be in the mill in the Congress, saying if nothing else could be offered school officials consider getting rid of two schools.

That is from a county in my district. So let me say to you, the language I sponsored says to HEW, "You cannot use this money to force them to do these three things that Education officials do not even claim they have the right to do anyway."

But by withholding the money, they are accomplishing indirectly that which they cannot do directly for there is no such authority in the law.

Now so far as civil rights are concerned. Nobody—and you could speak all day long—nobody in this House will claim and I do not believe there is a Member on the floor who will claim that the Civil Rights Act nor any other act gives them the right to require busing, or to close schools, or to send your child where you do not want your child to go—but the officials do it just the same.

They are doing it by withholding the money.

Let me point out a little something that you want to remember—the Senate took the language that the House adopted overwhelmingly by a vote of 137 to 101 and added these words. "In order to overcome racial imbalance."

These are the words which, in effect, largely neutralized sections 409–410.

So if you go to the Senate language and put those four or five words back, which say, you cannot do it for a particular purpose—and all of you who are lawyers will realize that when you say you cannot do it for one purpose, it infers that you can do it for any other purpose—and HEW officials claim some other purpose anyway.

But if you were to take the Senate language, and I might say to my friend, the gentleman from California—you would in effect just repeat the existing law—what else would you be doing?

If you vote my provision down and take the Senate language, my friends, you are voting for a provision that says that they have to withhold money from Boston, Philadelphia, Washington, D.C., and Chicago as they do in the 17 Southeastern States until school officials offer a satisfactory proposal.

I am talking about schools that are fully desegregated and open to everybody who wants to go to them.

What is so wrong in saying that this group down here with the money that we appropriated for education, cannot hold it and deprive children of educational advantages until school officials voluntarily offer to do something that the law does not call for at all?

To my friends here from other areas of our Nation, if you think that is not too bad for the southeastern region to face this practice, can you afford to vote for the Senate provision which says they have to visit that same practice on you?

Read the Senate requirements—here is what the Senate provision says:

> The Secretary is directed to enforce compliance with title VI by "like methods" and with "equal emphasis" in all States.

When HEW moves in on Boston, on Philadelphia, Chicago, and all the rest, remember you brought it on yourselves.

Mr. FLOOD. Mr. Speaker, I yield such time as he may require to the gentleman from Wisconsin [Mr. LAIRD].

OPPOSITION TO AMENDMENTS 63 AND 64

Mr. LAIRD. I thank the gentleman for yielding to me. As a member of the conference committee I took exception to amendments 63 and 64.

I wish to make my exception to amendments No. 63 and No. 64 clear. In the full appropriations committee these amendments were adopted by a vote of 17 to 14. I oppose these amendments in committee and here on the floor. I have maintained the position throughout consideration of this bill that these amendments should be considered in the regular legislative manner and not as a rider to an appropriation bill. I do not believe that this bill is the proper vehicle for writing civil rights legislation. The House amendments write new civil rights law—the Senate amendments basically maintain the present law.

Our committee has been criticized from time to time for getting into the area of writing new legislation on appropriation bills. I do not believe that this is the proper way to legislate in this year of 1968 or in any other year.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. I thank the gentleman for yielding. I agree with the gentleman from Wisconsin that it is not wise to legislate in an appropriation bill. But we have to make a decision today because there is language in both bills. I urge my colleagues to follow the position stated by the gentleman from California [Mr. COHELAN] to vote down the proposed conference report and accept the Senate language. Then we will limit the prohibition against busing, the prohibition against abolishing schools, and the prohibition against sending a child to another school different from that which he is presently attending only to overcome racial imbalance.

The record is replete with legislative intent that never should present laws have been used, nor do we intend it to be used, to bring about a racial balance. We do not intend that. When people live in certain areas of the city, congregated together with a certain race, it is their privilege. I believe that they should have a right to go elsewhere. But when the schools are located in those neighborhoods, they cannot have racial balance. However, if we are going to prevent a continuation of illegal and unconstitutional segregation of schools, we cannot accept the House language but instead should accept the Senate language in sections 409 and 410.

Mr. LAIRD. Mr. Speaker, my position on amendments 63 and 64 is merely that this new legislation without proper hearings should not be included in an appropriation bill. I think it goes far beyond the normal limitation that is sometimes used on appropriation bills because of its significant impact on title VI of the Civil Rights Act of 1964.

I can assure this House that your committee is sympathetic to the complaints that have been brought to our attention concerning the operation and administration of title VI of the Civil Rights Act by the Department of Health, Education, and Welfare. We will investigate these complaints and see that the administration follows the law and the legislative intent of the law as set forth in the House and Senate debate when the basic law was enacted.

Mr. FLOOD. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Speaker, I appreciate the gentleman yielding.

It seems to me the gentleman from Texas who spoke earlier put his finger at the heart of the problem, and I think I can quote him accurately when he said that, in Tyler, there is "this Negro school." That is the question for us to answer today. Do we believe in 1968, in America, that there is any place for a Negro school? If we do not believe that, then we will adopt the Senate version of this bill.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Texas.

Mr. ROBERTS. The gentleman is almost right, but he did not understand that this school is 5 miles out of the city of Tyler in a Negro community. There is not another school near it. You have to bus them 5 miles into town, and it is one of the best schools in the district. This community wants its own school and I say it has this right.

Mr. CORMAN. Yes. I think we are at the heart of the problem: Is there a place left in America for a Negro school? I thought we said in 1964 that there was not. I plead with you again today to say that there is not by accepting the Senate version of the bill.

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

CALL OF THE HOUSE

Mr. HARDY. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. FLOOD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 365]

Adair
Ashbrook
Ashley
Ashmore
Aspinall
Battin
Berry
Blackburn
Brademas
Brown, Calif.
Burke, Fla.
Button
Celler
Clark
Conable
Cowger
Curtis
Daniels
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Dingell
Edwards, La.
Evans, Colo.
Fascell
Fino
Fulton, Tenn.
Gallagher
Gardner
Griffiths
Gurney
Halleck
Hanna
Hansen, Idaho
Harsha
Hays
Helstoski
Herlong
Hull
Hungate
Ichord
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kluczynski
Kupferman
Landrum
Leggett
Long, La.
McCarthy
McClory
Macdonald, Mass.
Martin
Mathias, Calif.
Matsunaga
May
Minshall
Moore
Moorhead
Mosher
Moss
Nichols
O'Konski
Olsen
Ottinger
Pickle
Podell
Pollock
Price, Ill.
Rarick
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Ryan
St. Onge
Schweiker
Scott
Sisk
Smith, Calif.
Smith, Okla.
Snyder
Staggers
Stratton
Teague, Calif.
Teague, Tex.
Utt
Waldie
Walker
Watson
Wiggins
Willis
Wilson, Charles H.
Zablocki
Zion

The **SPEAKER.** On this rollcall, 330 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 18037, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1969

The **SPEAKER.** The question is on the motion offered by the gentleman from Pennsylvania [Mr. FLOOD], that the House recede from its disagreement to Senate amendment No. 63 and concur therein with an amendment.

The question was taken.

Mr. COHELAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 176, not voting 88, as follows:

[Roll No. 366]

YEAS—167

Abbitt
Abernethy
Anderson, Tenn.
Andrews, Ala.
Arends
Ashbrook
Ayres
Baring
Belcher
Bennett
Betts
Bevill
Blanton
Bolton
Bow
Bray
Brinkley
Brock
Brooks
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Bush
Cabell
Carter
Casey
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Cramer
Cunningham
de la Garza
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Eilberg
Eshleman
Everett
Evins, Tenn.
Fisher
Flood
Flynt
Fountain
Fuqua
Galifianakis
Gathings
Gettys
Gibbons
Goodling
Green, Oreg.
Griffin
Gross
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hardy
Harrison
Hébert
Henderson
Hosmer
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kelly
King, N.Y.
Kornegay
Kuykendall
Kyl
Langen
Latta
Lennon
Lipscomb
Lloyd
Lukens
McClure
McDonald, Mich.
McEwen
McMillan
Mahon
Marsh
Mayne
Michel
Miller, Ohio
Mills
Mize
Monagan
Montgomery
Morris, N. Mex.
Morton
Myers
Natcher
O'Neal, Ga.
Passman
Patman
Perkins
Poage
Poff
Price, Tex.
Pryor
Pucinski
Purcell
Quillen
Randall
Reid, Ill.
Reinecke
Rhodes, Ariz.
Rivers
Roberts
Rogers, Fla.
Roth
Sandman
Satterfield
Saylor
Schneebeli
Selden
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Tuck
Ullman
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Williams, Pa.
Wilson, Bob
Winn
Wright
Wyman
Young

NAYS—176

Adams
Addabbo
Albert
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Bates
Bell
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brasco
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Clark
Cleveland
Cohelan
Conte
Conyers
Corbett
Corman
Culver
Daddario
Daniels
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dow
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Fallon
Farbstein
Feighan
Findley
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Garmatz
Giaimo
Gilbert
Gonzalez
Green, Pa.
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hicks
Holifield
Horton
Howard
Irwin
Joelson
Johnson, Calif.
Kastenmeier
Keith
Kirwan
Kleppe
Kluczynski
Kyros
Laird
Long, Md.
McCloskey
McCulloch
McDade
McFall
MacGregor
Machen
Madden
Mailliard
Mathias, Md.
Meeds
Meskill
Miller, Calif.
Minish
Mink
Morgan
Morse, Mass.
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Pettis
Philbin
Pike
Pirnie
Quie
Railsback
Rees
Reid, N.Y.
Reifel
Resnick
Reuss
Rhodes, Pa.
Riegle
Robison
Rodino
Rooney, N.Y.
Rosenthal
Rostenkowski
Ronan
Roybal
Rumsfeld
Ruppe
St Germain
Schadeberg
Scherle
Scheuer
Shipley
Shriver
Sisk
Springer
Stafford
Stanton
Steiger, Wis.
Sullivan
Taft
Talcott
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vanik
Vigorito
Whalen
Widnall
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wylie
Yates
Zwach

NOT VOTING—88

Adair
Ashmore
Aspinall
Battin
Berry
Blackburn
Brademas
Brown, Calif.
Burke, Fla.
Button
Conable
Cowger
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Edwards, La.
Evans, Colo.
Fascell
Fino
Fulton, Tenn.
Gallagher
Gardner
Gray
Griffiths
Gurney
Halleck
Hansen, Idaho
Harsha
Hays
Helstoski
Herlong
Hull
Hungate
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kupferman
Landrum
Leggett
Long, La.
McCarthy
McClory
Macdonald, Mass.
Martin
Mathias, Calif.
Matsunaga
May
Minshall
Moore
Moorhead
Mosher
Moss
Nichols
O'Konski
Olsen
Pickle
Podell
Pollock
Price, Ill.
Rarick
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
St. Onge
Schweiker
Schwengel
Scott
Smith, N.Y.
Snyder
Staggers
Stratton
Teague, Calif.
Teague, Tex.
Utt
Waldie
Walker
Wiggins
Willis
Zablocki
Zion

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ashmore for, with Mr. Price of Illinois against.

Mr. Rarick for, with Mr. Aspinall against.

Mr. Long of Louisiana for, with Mr. Stratton against.

Mr. Edwards of Louisiana for, with Mr. Ryan against.

Mr. Herlong for, with Mr. St. Onge against.

Mr. Hull for, with Mr. Brademas against.

Mr. Hungate for, with Mr. Leggett against.

Mr. Nichols for, with Mr. Matsunaga against.

Mr. Pickle for, with Mr. Brown of California against.

Mr. Teague of Texas for, with Mr. Moorhead against.

Mr. Willis for, with Mr. Button against.

Mr. Blackburn for, with Mr. Rogers of Colorado against.

Mr. Burke of Florida for, with Mr. Kupferman against.

Mr. Dickinson for, with Mr. Mosher against.

Mr. Gardner for, with Mr. Pollock against.

Mr. Gurney for, with Mr. Roush against.

Mr. Snyder for, with Mr. Moss against.

Mr. Davis of Georgia for, with Mr. Jacobs against.

Until further notice:

Mr. Evans of Colorado with Mr. Adair.

Mr. Fulton of Tennessee with Mr. Martin.

Mr. Karth with Mr. Mathias of California.

Mr. Staggers with Mr. Batten.

Mr. Olsen with Mr. Davis of Wisconsin.

Mr. Jarman with Mr. Halleck.

Mr. Macdonald of Massachusetts with Mr. Berry.

Mr. Rooney of Pennsylvania with Mr. Fino.
Mr. Podell with Mr. Conable.
Mr. McCarthy with Mr. Harsha.
Mr. Landrum with Mr. Cowger.
Mrs. Griffiths with Mrs. May.
Mr. Walker with Mr. Curtis.
Mr. Gallagher with Mr. Hansen of Idaho.
Mr. Gray with Mr. Minshall.
Mr. Kee with Mr. Moore.
Mr. Waldie with Mr. O'Konski.
Mr. Zablocki with Mr. Roudebush.
Mr. Hays with Mr. Schweiker.
Mr. Helstoski with Mr. Schwengel.
Mr. Karsten with Mr. Scott.
Mr. King of California with Mr. Teague of California.
Mr. Fascell with Mr. Utt.
Mr. Dawson with Mr. Smith of New York.
Mr. Zion with Mr. Wiggins.

Mr. HANNA changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

PREFERENTIAL MOTION OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. COHELAN moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. COHELAN].

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. WAGGONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 330, nays 7, not voting 95, as follows:

[Roll No. 367]

YEAS—330

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Bates
Belcher
Bell
Bennett
Betts
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Colmer
Conte
Conyers
Corbett
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
de la Garza
Delaney
Dellenback
Dent
Derwinski
Devine
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Everett
Fallon
Farbstein
Feighan
Findley
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William .D
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Hardy
Harrison
Harvey
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Irwin
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, Md.
Lukens
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Md.
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mize
Monagan
Montgomery
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poage
Poff
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roth
Roybal
Rumsfeld
Ruppe
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Selden
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zwach

NAYS—7

Clawson, Del
Denney
Evins, Tenn.
Gross
Hall
Mayne
Mink

NOT VOTING—95

Adair
Ashmore
Aspinall
Battin
Berry
Bevill
Blackburn
Brademas
Brown, Calif.
Burke, Fla.
Button
Conable
Cowger
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Dulski
Edwards, La.
Evans, Colo.
Fascell
Fino
Fulton, Tenn.
Gallagher
Gardner
Gray
Griffiths
Gurney
Halleck
Hanna
Hansen, Idaho
Harsha
Hays
Helstoski
Herlong
Hull
Hungate
Ichord
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kupferman
Landrum
Leggett
Long, La.
McCarthy
McClory
Macdonald, Mass.
Martin
Mathias, Calif.
Matsunaga
May
Minshall
Moore
Moorhead
Mosher
Moss
Nichols
O'Konski
Olsen
Pickle
Podell
Pollock
Price, Ill.
Rarick
Resnick
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
St. Onge
Schweiker
Schwengel
Scott
Sikes
Sisk
Snyder
Staggers
Stratton
Teague, Calif.
Udall
Utt
Waldie
Walker
Wiggins
Willis
Zablocki
Zion

So the preferential motion was agreed to.

The Clerk announced the following pairs:

Mr. Aspinall with Mr. Halleck.
Mr. Price of Illinois with Mr. Adair.
Mr. Keith with Mr. Morton.
Mr. Leggett with Mr. Davis of Wisconsin.
Mr. Brademas with Mr. Pollock.
Mr. St. Onge with Mr. Harsha.
Mr. Ashmore with Mr. Berry.
Mr. Nichols with Mr. O'Konski.
Mr. Sikes with Mr. Conable.
Mr. Hanna with Mr. Mosher.
Mr. Evans of Colorado with Mr. Roudebush.
Mr. Roush with Mr. Boltin.
Mr. Hungate with Mr. Teague of California.
Mr. Udall with Mr. Utt.
Mr. Davis of Georgia with Mr. Dickinson.
Mr. Jacobs with Mr. Wiggins.
Mr. Matsunaga with Mr. Schwengel.
Mr. Zablocki with Mr. McClory.
Mr. Long of Louisiana with Mr. Blackburn.
Mr. Regan with Mr. Kupferman.
Mr. Moorhead with Mr. Fino.
Mr. Fulton of Tennessee with Mr. Mathias of California.
Mr. Dulski with Mrs. May.
Mr. Podell with Mr. Snyder.
Mr. Fascell with Mr. Minshall.
Mr. Stratton with Mr. Button.
Mr. Pickle with Mr. Zion.
Mr. Rogers of Colorado with Mr. Cowger.
Mr. Rooney of Pennsylvania with Mr. Scott.
Mr. Hull with Mr. Burke of Florida.
Mrs. Griffiths with Mr. Schweiker.
Mr. Gray with Mr. Curtis.
Mr. Bevill with Mr. Gardner.
Mr. Walker with Mr. Guerney.
Mr. Waldie with Mr. Hansen of Idaho.
Mr. Kee with Mr. Moore.
Mr. Jarman with Mr. Ichord.
Mr. Brown of California with Mr. Dawson.
Mr. Edwards of Louisiana with Mr. Olsen.
Mr. Moss with Mr. Macdonald of Massachusetts.
Mr. McFall with Mr. McCarthy.
Mr. Gallagher with Mr. Hays.
Mr. Helstowski with Mr. Sisk.
Mr. Staggers with Mr. Herlong.
Mr. Resnick with Mr. Rarick.
Mr. King of California with Mr. Landrum.
Mr. Karsten with Mr. Willis.

Mrs. GREEN of Oregon and Messrs. ABBITT, BROOKS, DORN, TUCK, BLANTON, EILBERG, CASEY, CABELL, EVERETT, JONES of Alabama, ANDERSON of Tennessee, BARING, ASHBROOK, AYRES, and BROYHILL of Virginia changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 64: Page 64, line 9, strike out:

"SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students of a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

And insert:

"SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: *Provided*, That the Secretary shall assign as many persons to the investigation and compliance activities of title VI of the Civil Rights Act of 1964 related to elementary and secondary education in the other States as are assigned to the seventeen Southern and border States to assure that this law is administered and enforced on a national basis, and the Secretary is directed to enforce compliance with title VI of the Civil Rights Act of 1964 by like methods and with equal emphasis in all States of the Union and to report to the Congress by March 1, 1969, on the actions he has taken and the results achieved in establishing this compliance program on a national basis: *Provided further*, That notwithstanding any other provision of law, funds or commodities for school lunch programs or medical services may not be recommended for withholding by any official employed under appropriations contained herein in order to overcome racial imbalance: *Provided further*, That notwithstanding any other provision of law, moneys received from national forests to be expended for the benefit of the public schools or public roads of the county or counties in which the national forest is situated, may not be recommended for withholding by any official employed under appropriations contained herein."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

"SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: *Provided*, That the Secretary shall assign as many persons to the investigation and compliance activities of title VI of the Civil Rights Act of 1964 related to elementary and secondary education in the other States as are assigned to the seventeen Southern and border States to assure that this law is administered and enforced on a national basis, and the Secretary is directed to enforce compliance with title VI of the Civil Rights Act of 1964 by like methods and with equal emphasis in all States of the Union and to report to the Congress by March 1, 1969, on the actions he has taken and the results achieved in establishing this compliance program on a national basis: *Provided further*, That notwithstanding any other provision of law, moneys received from national forests to be expended for the benefit of the public schools or public roads of the county or counties in which the national forest is situated, may not be recommended for withholding by any official employed under appropriations contained herein."

PREFERENTIAL MOTION OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. COHELAN: Mr. COHELAN moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker and Members of the House, we just lost a vote on section 409 of this conference report by eight votes. A change of five votes would have saved our schools.

Now we have another section, section 410, under consideration, and I want you to listen to me. If there is anything in the world that is needed in this country of ours today it is more and better education. We are short of school teachers. We are short of classrooms, and we are short of financing.

My colleague rose and said that these provisions would repeal the Civil Rights Act. That is not so. These provisions do not even affect it. They do not touch any Civil Rights Act. They would stop HEW officials from going beyond such acts. Such unfounded charges may have influenced six, eight, or 10 Members. I want you to listen to me. This is what you are voting on here, and I believe that you mean the money that is provided in this bill to go for the education of the youth of this country, to teach them in the schools of this country. Let me read to you section 410:

> SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

It is ridiculous to let the Department of Education freeze educational money here in Washington until a school district promises that it will abolish a school, for this group downtown to say, "We are going to sit on this money that Congress appropriated for education, to pay teachers, to provide training, and to do other things until you come in and offer to bus children across town against the wishes of their parents."

Are we going to stand here and let this group downtown say, "You appropriated money from the taxpayers' pockets for education and the people, the students, and the teachers, need it; but you are not going to get it until you agree to make each child go where we say he must go over the protest of his parents. Of course really these officials do not say what you must do, they merely hold you in noncompliance until your offer is satisfactory, satisfactory to them.

I hope that you will support what is sound. I believe we have appropriated some $17 billion in this field. Honestly, is it sound to be a party to the withholding of educational funds until a school district agrees to bus children against the wishes of their parents, to abolish a school because they say so, or to send your children where you do not want them to go?

This does not change anything. They do not have the right to require these things. They merely hold your money until you come and offer such proposal as is satisfactory to them.

I want you to vote on this provision with full knowledge that if you vote with me, in this case we are saying, "Argue your case in the courts. Let the Attorney General file suit. Let the parties litigate. But the schools are going to run while the litigation proceeds. When we appropriate money for education, we mean for it to be used promptly for that purpose."

In today's newspaper it was said I was trying to make the Department of Education release funds to more than 200 schools. I did not know there were that many schools that had their money frozen, but I certainly am trying to get the funds released. But we should not be parties to the withholding of a dollar of educational funds while the litigants argue about what the Civil Rights Act means. Let them argue from now until doomsday in the courts. Let the courts issue the decrees and appeals taken. This measure does not change the law. It does not change the Civil Rights Act. It neither liberalizes or restricts the authority and jurisdiction of the Federal courts. It provides that while all this is going on, we mean that the money that we are appropriating shall be used in running the schools and educating the children—and if approved as I pointed out in a speech which appears in the RECORD on July 2, the courts would take notice of this expression of Congress or else public opinion would step in and force relief as has been done in the antiriot legislation.

We say: "You can settle all these arguments when and where you please, but we mean for you to use this money we appropriate for education and we mean for you to do it now."

Let me repeat section 410 again. It is very short and very simple and very effective, if Members will go along with me:

> SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students of a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

I hope the Members will stay with us on this provision. I think we owe it to the schoolchildren, of all races, to let them go to school while we argue these controversial matters out in the courts.

Mr. FLOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. MAHON] the chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I think it might be well to try to give a little background with respect to the problem now confronting us. The problem confronting us on the previous vote was somewhat different from the problem confronting us on this vote. To those who hesitated to vote with the committee on the previous issue, let me say that I hope you will be able to vote with the committee on the motion now before us. The committee position is in opposition to the motion of the gentleman from California [Mr. COHELAN].

On the original version of the appropriation bill for the Department of Health, Education, and Welfare the Committee on Appropriations adopted an amendment which was approved by the House and which was contained in the bill when it went to the other body.

The other body modified it to some degree. It does seem to me we could subscribe to the language which was originally approved by the House. It is not too far reaching. It is rather narrow in scope. It simply says—and the other body approved it with only a few modifications—and although I know it was read a moment ago, I would just like to read it again, because I believe we can subscribe to it and vote for this provision in which we say:

> No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students of a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

So the previous amendment which was adopted by the House on the rollcall vote provides for no busing of students, and so on, but the narrow question here is that of withholding funds. It would seem to me that in the light of the equities involved generally, we could go on record here in support of the language which I have read to the House. So I would hope the committee may be sustained and that the motion of the gentleman from California be voted down.

It is unfortunate that the House has rejected in a previous action the House language in favor of the language of the Senate.

Mr. FLOOD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Cohelan].

Mr. COHELAN. Mr. Speaker, the hour is growing late, and I could repeat the arguments I made earlier this afternoon, and indeed the ones I made in July of this year—but nothing has changed. In spite of the fact that our distinguished colleague from Mississippi and our distinguished colleague from Texas, the chairman of my committee, have reiterated their positions, and there are many obvious reasons for this, nothing has changed. The fact of the matter is that if we were to accept the Whitten amendments, we would revert to the conditions we referred to in our basic argument, which means title VI of the Civil Rights Act of 1964 is going to be effectively interdicted.

I ask Members to support receding and concurring in the Senate amendment, and I ask for a "yes" vote when we have an opportunity to vote on my motion.

Mr. FLOOD. Mr. Speaker, I have already agreed to yield to the gentleman from New York [Mr. Dow] 2 minutes, but I would hope at the end of his remarks I can move the previous question.

At this time I yield 2 minutes to the gentleman from New York [Mr. Dow].

Mr. DOW. Mr. Speaker, it just happens some figures from the Department of Health, Education, and Welfare have just come to my office. Those figures show that in the South, only 14 percent of the black children in the Southern States are in integrated schools, that is, schools where the proportion of whites is 50 percent or better, and in the State represented by the distinguished gentleman from Mississippi [Mr. Whitten], the proportion is less than 4 percent. So I do not think there is any need for the gentleman to be alarmed about his problem down there.

I can only say that the Constitution and its interpretation call for integration in our schools. Why in thunder can we not go ahead with the devices and mechanisms necessary to bring it about? I do not know if the method represented by the Senate amendment is the best one. I believe there is some question about it.

Most certainly we do have to proceed by every means at our command to make this country of freedom and liberty a reality for every one of our 200 million Americans.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, it is with some irony I must rise in this debate in support of the motion, to point out that section 410 says as follows:

> No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds * * *

This is the law. Notwithstanding, I am supporting this motion, and urge all Members to do likewise.

The SPEAKER. The time of the gentleman from New York [Mr. Dow] has expired.

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PUCINSKI. Am I correct in understanding we are now to vote on the preferential motion offered by the gentleman from California [Mr. Cohelan]?

The SPEAKER. The first vote will come on the motion offered by the gentleman from California.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the preferential motion be reread, so that we will know what we are to vote on.

The SPEAKER. Without objection, the preferential motion will be re-reported by the Clerk.

There was no objection.

The Clerk reread the preferential motion.

Mr. FLOOD. Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER. The question is on the preferential motion offered by the gentleman from California [Mr. Cohelan], that the House recede from its disagreement to Senate amendment No. 64 and concur therein.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 47, noes 81.

Mr. COHELAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 155, not voting 110, as follows:

[Roll No. 368]

YEAS—167

Adams
Addabbo
Albert
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Bates
Bell
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Chamberlain
Clausen, Don H.
Cleveland
Cohelan
Conte
Conyers
Corman
Culver
Daddario
Daniels
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dow
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Fallon
Farbstein
Feighan
Findley
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Garmatz
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Grover
Gude
Halpern
Hamilton
Hanley
Hansen, Wash.
Harrison
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hicks
Holifield
Horton
Howard
Hutchinson
Irwin
Joelson
Johnson, Calif.
Kastenmeier
Keith
Kleppe
Kluczynski
Kyros
Laird
Long, Md.
McCloskey
McClure
McCulloch
McDade
McFall
MacGregor
Machen
Madden
Mailliard
Meeds
Meskill
Michel
Miller, Calif.
Minish
Mink
Monagan
Morgan
Morse, Mass.
Murphy, Ill.
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Patten
Pelly
Philbin
Pike
Pirnie
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Robison
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ruppe
St Germain
Scheuer
Shriver
Springer
Stafford
Stanton
Steiger, Wis.
Sullivan
Taft
Tenzer
Thompson, N.J.
Tiernan
Tunney
Van Deerlin
Vanik
Vigorito
Whalen
Widnall
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wylie
Yates
Zwach

NAYS—155

Abbitt
Abernethy
Anderson, Tenn.
Andrews, Ala.
Arends
Ashbrook
Ayres
Baring
Bennett
Betts
Blanton
Bolton
Bray
Brinkley
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Bush
Cabell
Carter
Casey
Clancy
Clark
Clawson, Del
Collier
Collins
Colmer
Corbett
Cunningham
de la Garza
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Eilberg
Eshleman
Everett
Evins, Tenn.
Fisher
Flood
Flynt
Fountain
Fulton, Pa.
Fuqua
Galifianakis
Gathings
Gettys
Gibbons
Goodling
Green, Oreg.
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hardy
Hébert
Henderson
Hosmer
Hunt
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kelly
King, N.Y.
Kornegay
Kuykendall
Kyl
Langen
Latta
Lennon
Lipscomb
Lloyd
Lukens
McDonald, Mich.
McEwen
McMillan
Mahon
Marsh
Mayne
Miller, Ohio
Mize
Montgomery
Morris, N. Mex.
Morton
Myers
Natcher
O'Neal, Ga.
Passman
Patman
Perkins
Pettis
Poage
Poff
Price, Tex.
Quillen
Randall
Reid, Ill.

Reinecke
Rivers
Roberts
Rogers, Fla.
Roth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Selden
Shipley
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Steed
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Ullman
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Williams, Pa.
Wilson, Bob
Winn
Wright
Wyman
Young

NOT VOTING—110

Adair
Ashmore
Aspinall
Battin
Belcher
Berry
Bevill
Blackburn
Brademas
Brown, Calif.
Burke, Fla.
Burton, Utah
Button
Celler
Conable
Cowger
Cramer
Curtis
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Dulski
Edmondson
Edwards, La.
Evans, Colo.
Fascell
Fino
Ford, Gerald R.
Fulton, Tenn.
Gallagher
Gardner
Griffiths
Gurney
Halleck
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Hays
Helstoski
Herlong
Hull
Hungate
Ichord
Jacobs
Jarman
Jones, Mo.
Karsten
Karth
Kee
King, Calif.
Kirwan
Kupferman
Landrum
Leggett
Long, La.
McCarthy
McClory
Macdonald, Mass.
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mills
Minshall
Moore
Moorhead
Mosher
Moss
Murphy, N.Y.
Nichols
O'Konski
Olsen
Ottinger
Pepper
Pickle
Podell
Pollock
Price, Ill.
Pryor
Purcell
Rarick
Resnick
Rogers, Colo.
Rooney, Pa.
Roudebush
Roush
Ryan
St. Onge
Schweiker
Schwengel
Scott
Sikes
Sisk
Snyder
Staggers
Steiger, Ariz.
Stratton
Teague, Calif.
Udall
Utt
Waldie
Walker
Wiggins
Willis
Zablocki
Zion

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Aspinall for, with Mr. Ashmore against.

Mr. Rogers of Colorado for, with Mr. Long of Louisiana against.

Mr. Price of Illinois for, with Mr. Willis against.

Mr. St. Onge for, with Mr. Davis of Georgia against.

Mr. Podell for, with Mr. Landrum against.

Mr. Brademas for, with Mr. Rarick against.

Mr. Button for, with Mr. Bevill against.

Mr. Kupferman for, with Mr. Edwards of Louisiana against.

Mr. Mathias of Maryland for, with Mr. Herlong against.

Mr. Mosher for, with Mr. Hull against.

Mr. Dulski for, with Mr. Hungate against.

Mr. Edmondson for, with Mr. Nichols against.

Mr. Evans of Colorado for, with Mr. Pickle against.

Mr. Hanna for, with Mr. Sikes against.

Mr. Stratton for, with Mr. Blackburn against.

Mr. Ryan for, with Mr. Burke of Florida against.

Mr. Roush for, with Mr. Cramer against.

Mr. Rooney of Pennsylvania for, with Mr. Dickinson against.

Mr. Murphy of New York for, with Mr. Gardner against.

Mr. Moorhead for, with Mr. Gurney against.

Mr. Matsunaga for, with Mr. Purcell against.

Mr. Macdonald of Massachusetts for, with Mr. Snyder against.

Mr. Jacobs for, with Mr. Utt against.

Mr. Karth for, with Mr. Burton of Utah against.

Mr. Celler for, with Mr. Berry against.

Until further notice:

Mr. Zablocki with Mr. Martin.

Mr. Leggett with Mr. O'Konski.

Mr. Fascell with Mr. Battin.

Mr. Kirwan with Mr. Adair.

Mr. Gallagher with Mr. Minshall.

Mr. Sisk with Mr. Belcher.

Mr. Brown of California with Mr. Pollock.

Mr. Staggers with Mr. Conable.

Mr. Udall with Mr. Steiger of Arizona.

Mr. Karsten with Mr. Moore.

Mr. Walker with Mr. Schweiker.

Mr. Hays with Mr. Teague of California.

Mr. Kee with Mr. Zion.

Mr. McCarthy with Mr. Schwengel.

Mr. Waldie with Mr. Wiggins.

Mrs. Griffiths with Mr. Fino.

Mr. Ottinger with Mr. Scott.

Mr. Mills with Mr. Gerald R. Ford.

Mr. Jarman with Mr. Halleck.

Mr. Ichord with Mr. Davis of Wisconsin.

Mr. Pryor with Mr. Curtis.

Mr. Moss with Mr. Hansen of Idaho.

Mr. Resnick with Mr. Cowger.

Mr. Helstoski with Mr. Hammerschmidt.

Mr. Pepper with Mr. Roudebush.

Mr. Olsen with Mrs. May.

Mr. King of California with Mr. Mathias of California.

Mr. Dawson with Mr. McClory.

Mr. Fulton of Tennessee with Mr. Harsha.

Mr. FISHER and Mr. SMITH of Oklahoma changed their votes from "yea" to "nay."

Mr. ANDERSON of Illinois and Mr. KLEPPE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 65: Page 65, line 16, strike out:

"SEC. 411. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

And insert:

"SEC. 411. (a) If an institution of higher education determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution that such individual—

"(1) has been convicted by any court of record of any crime which was committed after the day of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption or the seizure of property under control of such institution to prevent officials or students in such institution from engaging in their duties or pursuing their studies, or

"(2) has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act,

and that such crime or refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then the institution shall deny any further payment to, or for the direct benefit of, such individual under any of the following programs:

"(A) The student loan program under title II of the National Defense Education Act of 1958.

"(B) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

"(C) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

"(D) The college work-study program under part C of title IV of the Higher Education Act of 1965.

"(E) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958.

"(b) Nothing in this subsection shall be construed to limit the freedom of any student to verbal expression for individual views or opinions."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House further insist on its disagreement to the amendment of the Senate numbered 65.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 67, line 12, insert:

"SEC. 412. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or grant to any individual who (A) has, within the five-year period immediately preceding his application for such loan, guarantee of a loan, or grant, received a loan, guarantee of a loan, or grant the funds for which were made available pursuant to an Act making appropriations for the Department of Health, Education, and Welfare, and (B) has used any of the proceeds resulting from such loan, guarantee of a loan, or grant for any purpose other than the purpose for which the loan or grant was made."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 10790. An act to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10790) entitled "An act to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARTKE, Mr. BARTLETT, Mr. YARBOROUGH, Mr. SCOTT, and Mr. JAVITS to be the conferees on the part of the Senate.

OLDER AMERICANS ACT AMENDMENTS OF 1968

Mr. PERKINS. Mr. Speaker, pursuant to the unanimous-consent agreement on Monday, September 30, I call up the bill (H.R. 19747) to strengthen and improve the Older Americans Act of 1965, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Kentucky?

Mr. REID of New York. Mr. Speaker, reserving the right to object, and I shall not object, I rise in strong support of H.R. 19747, the Older Americans Act Amendments of 1968. Specifically, the act has two principal objectives. As Mary E. Switzer, the able Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, so well stated in testimony before our subcommittee:

> The first of these objectives is to open up new doors of opportunity for older people themselves who wish to be of service to others. The second major objective of the bill is to increase and strengthen the leadership role of State commissions and agencies on aging and their efforts to build a strong underpinning of statewide and local programs of basic support and services for their older citizens. I believe that the provisions of H.R. 17867 [H.R. 19747 is a clean bill] will enhance the ability of the Administration on Aging and the State agencies on aging to move ahead in both areas.

In addition, Under Secretary James H. McCrocke stated, in a letter to me:

> We believe that the provisions of H.R. 19747 will help strengthen the work of State commissions and agencies on aging in their efforts to develop improved State and community programs for their older citizens.

It is expected that these amendments will accomplish a variety of objectives. State agencies on aging will be strengthened and community planning and involvement will be improved. There will be more statewide planning, coordination, and evaluation of programs. Under section 7 of the bill, the Secretary is authorized to set aside 10 percent of the funds for title IV and V to assist States to develop and operate statewide, regional, metropolitan area, or other areawide model projects for carrying out the purpose of title III, and it is hoped that these model projects will produce new and innovative methods. Further, the amendments extend the duration of support for programs in community planning, services, and training to a fourth year, with a Federal matching rate of 40 percent.

Most important, however, the amendments would add a new title VI to the bill to establish a program of service roles in retirement. Under this title, the foster grandparents program would be transferred to the Administration on Aging, which has administered the program for OEO since its inception. In addition, the Administration on Aging will be authorized to provide assistance for the development and operation of new projects to provide opportunities for persons over 60 to render supportive services to children and older persons having exceptional needs.

Mr. Speaker, this is a hopeful program. This year, there were 3,952 foster grandparents employed and they served a minimum of 8,000 children on any given day. The program served children in institutions for the dependent, neglected, retarded, handicapped and disturbed, as well as day centers, special classes, correctional settings, and even individual homes where special needs exist. The Catholic Charities of New York City, one of the original delegate agencies, last year had 114 foster grandparents working in four institutions.

Mr. Speaker, I intend to offer an amendment to make it explicit that title VI is primarily a service program and, indeed, that many could not go into a full-time job without losing their social security benefits. My amendment will make it clear that voluntary service is welcome and that volunteers will be reimbursed for their expenses. Under the present system, out-of-pocket expenses and the difficulty of transportation often preclude elderly citizens' offering their services on a voluntary basis. This fact was pointed out by the Community Service Society of New York, in testimony submitted for the hearing record, and I feel that the bill should be amended to make it possible for those who would like to volunteer their services, but cannot afford carfare, for example, to have their expenses defrayed.

With regard to new funds, this bill provides no new authorizations but does transfer the $10 million authorized to OEO for the foster grandparents program to the Administration on Aging. It is expected that $23 million in appropriations will be provided for these programs.

Lastly, Mr. Speaker, it is again important to stress that many of our senior citizens are, in fact, younger in spirit and in capacity than others who are years younger in chronological age. Some of our citizens' most important contributions to business, to the community, and in volunteer service clearly lie ahead. Further, we should recognize that social security benefits should be liberalized and that the limitations on earnings should be substantially increased and, perhaps, ultimately eliminated. Second, widows' benefits should be increased from 82 percent to a full 100 percent of the late husband's pension. Third, vesting rights should be strengthened and a worker should not forfeit his pension rights by moving from one job to another. Fourth, State and Federal laws should recognize that chronological age should not necessarily be the gage of employment potential. However, in some cases optional retirement age should be set at an earlier age. Finally, if we are to meet our obligations to senior citizens, we must do much more to meet their needs for adequate housing located close to shopping, medical, cultural, job, and transportation facilities.

GENERAL LEAVE

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, is this the Older Americans Act?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1968".

EXTENSION OF DURATION OF PROJECT SUPPORT

SEC. 2. The second sentence of subsection (c) of section 302 is amended (1) by striking out "and 50 per centum of such cost for the third year" and inserting in lieu thereof "50 per centum of such cost for the third year, and 40 per centum of such cost for the fourth year", and (2) by striking out "three years" and inserting in lieu thereof "four years".

STATE PLAN REQUIREMENTS FOR PLANNING, COORDINATION, AND EVALUATION, AND FOR MAINTENANCE OF EFFORT

SEC. 3. Effective with respect to appropriations for fiscal years beginning after June 30, 1968, section 303(a) of such Act (42 U.S.C. 3023(a)) is amended (1) by redesignating clauses (2) through (8) as clauses (4) through (10), respectively; (2) by striking out ", and for coordinating the activities of such agencies and organizations to the extent feasible" in clause (5) (as so redesignated); and (3) by adding the following new clauses after clause (1):

"(2) provides for statewide planning, coordination, and evaluation of programs and activities related to the purposes to this Act in accordance with basic criteria established by the Secretary, but such basic criteria shall be formulated and developed in consulation with the State agencies;

"(3) provides satisfactory assurance that there will be expended for carrying out the plan for each fiscal year, from State funds other than Federal funds, an amount not less than the amount expended for like purposes from such funds for the fiscal year ending June 30, 1968;".

INCREASE OF FEDERAL FUNDS AVAILABLE FOR COSTS OF STATE PLAN ADMINISTRATION

Sec. 4. Effective with respect to appropriations for fiscal years beginning after June 30, 1968, section 304 of such Act (42 U.S.C. 3024) is amended (1) by striking out "10 per centum or $25,000" and substituting in lieu thereof "10 per centum or $75,000 ($35,000 in the case of the Virgin Islands, Guam, and American Samoa)"; and (2) by striking out "subsection (a) (3) thereof" and substituting in lieu thereof "clauses (2) and (5) of section 303(a)".

REALLOTMENT

Sec. 5. The first sentence of subsection (b) of section 302 is amended by striking out "the State notifies the Secretary will" and substituting in lieu thereof "the Secretary determines will".

EXTENSION OF CONTRACT AUTHORITY FOR RESEARCH AND DEVELOPMENT PROJECTS AND TRAINING PROJECTS

Sec. 6. (a) Section 401 of such Act (42 U.S.C. 3031) is amended by striking out "any such agency" and substituting in lieu thereof "any agency".

(b) Section 501 of such Act (42 U.S.C. 3041) is amended to read as follows: "The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution, and contracts with any agency, organization, or institution, for the specialized training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act."

AUTHORIZATION OF AREAWIDE MODEL PROJECTS

Sec. 7. (a) Title IV of the Older Americans Act of 1965 is amended by inserting at the end thereof the following new section:

"AREAWIDE MODEL PROJECTS

"Sec. 403. (a) From the sums reserved therefor pursuant to subsection (b), the Secretary may, upon such terms as he may deem appropriate, make grants to or contracts with State agencies established or designated as provided in section 303(a) (1) to pay not to exceed 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, or other areawide model projects for carrying out the purposes of title III, to be conducted by such State agency (directly or by direct contract arrangements) in priority fields designated by the Secretary by regulation. No such project may be assisted with funds under this section for a period of more than four fiscal years.

"(b) Not to exceed 10 per centum of the sums appropriated under section 703 for any fiscal year may be reserved by the Secretary for grants or contracts pursuant to subsection (a)."

(b) Section 402 of such Act is amended by striking out "this title" each time it appears therein, and inserting in lieu thereof "section 401".

(c) The amendments made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1969.

SERVICE ROLES IN RETIREMENT

Sec. 8. (a) Such Act is further amended by redesignating title VI as title VII, by redesignating section 601 through 603 and references thereto as sections 701 through 703, respectively, and by inserting after title V the following new title:

"TITLE VI—SERVICE ROLES IN RETIREMENT

"GRANTS AND CONTRACTS FOR SERVICE PROJECTS

"Sec. 601. (a) The Secretary is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay not to exceed 90 per centum of the cost of the development and operation of projects designed to provide opportunities for persons aged sixty or over to render supportive services to children and older persons having exceptional needs, including but not limited to services—

"(1) to children receiving institutional care in hospitals, homes for dependent and neglected children, or other establishment providing care for children on a temporary or permanent residential basis;

"(2) in such capacities as aides or tutors in day care centers or nursery schools, for children (not in residential situations described above) who are from low-income families or from urban or rural areas with high concentrations or proportions of low-income persons; and

"(3) to older persons in need of special, personalized assistance because of physical infirmities or other special circumstances.

"(b) Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Secretary may determine.

"CONDITIONS OF GRANTS AND CONTRACTS

"Sec. 602. (a) The Secretary shall not make any grant or enter into any contract under this title unless the grant application or contract proposal, as the case may be, has been submitted for review and recommendations to the State agency (if any) established or designated as provided in section 303(a) (1).

"(b) (1) In administering this title the Secretary shall—

"(A) give preference to projects in which priority will be given in the enrollment of participants to older persons of low income who are no longer in the regular work force: *Provided*, That such persons shall constitute at least 75 per centum of the participants in any project described in section 601(a) which is funded under this title;

"(B) award a grant or contract only if he determines that the project will not result in the displacement of employed workers or impair existing contracts for services.

"(2) The Secretary shall not award a grant or contract under this title which involves a project proposed to be undertaken in a community served by a community action agency unless—

"(A) in the case of a project described in section 601(a), and in other cases except those in which the Secretary may determine that it would be inappropriate, such agency is the applicant for such grant or contract, or, if not, such agency has been afforded a reasonable opportunity to apply for and receive such award and to administer or supervise the administration of the project; and

"(B) in cases in which such agency is not the grantee or contractor (including cases to which subparagraph (A) applies but in which such agency has not availed itself of the opportunity to apply for and receive such award), the application contains or is supported by satisfactory assurance that the project has been developed, and will to the extent appropriate be conducted, in consultation with, or with the participation of, such agency.

Subparagraph (A) of this paragraph shall not apply in the case of a project which is to be carried out by or under the supervision of the applicant throughout the State or over an area more comprehensive than that served by any single community action agency and which the Secretary determines can be more effectively administered if its components are not conducted as community-based projects.

"(c) The term 'community action agency', as used in this section, means a community action agency established under title II of the Economic Opportunity Act of 1964.

"INTERAGENCY COOPERATION

"Sec. 603. In administering this title, the Secretary shall consult with the Office of Economic Opportunity, the Department of Labor, and any other Federal agencies administering relevant programs with a view to achieving optimal coordination of the program under this title with such other programs and shall promote the coordination of projects under this title with other public or private programs or projects carried out at State and local levels. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interest of older persons whose services may be utilized in projects under this title.

"APPROPRIATIONS AUTHORIZED

"Sec. 604. There are authorized to be appropriated for grants or contracts under this title, $10,000,000 for the fiscal year ending June 30, 1969, and such sums as may be necessary for succeeding fiscal years."

(b) The amendments made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1968. Any sums which are appropriated to the Office of Economic Opportunity for the fiscal year ending June 30, 1969, for carrying out a "Foster Grandparents" program under the Economic Opportunity Act of 1964, or are (as determined by the Director of the Bureau of the Budget) allocated for such purpose from any appropriation for such year, including any sums appropriated or allocated for salaries and expenses for carrying out such program, shall, to the extent that such sums are unexpended on the date of enactment of this Act, be transferred to the Secretary for carrying out such a program under title VI of the Older Americans Act of 1965, as added by this Act, and the total amount of such sums plus amounts expended prior to such date of enactment shall be deducted from the authorization for appropriations for grants or contracts under such title VI for such year.

Mr. PERKINS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the Committee on Education and Labor is particularly pleased to bring H.R. 19747 before the House today. Much of the credit for the bill we have before us goes to our distinguished colleague, Congressman Daniels of New Jersey, chairman of the Select Subcommittee on Education, and to the members of his subcommittee. Mr. Daniels' subcommittee held extensive hearings on this legislation, and consulted with experts in the field of aging. The full committee has worked together to bring to the House an effective bill to help our older citizens find and maintain a meaningful way of life. The Members of the House can look back with pride, I believe, to the passage of the Older Americans Act of 1965. The accomplishments under the act are a tribute to the Congress and, especially, to our late and beloved colleague, John Fogarty, who worked diligently for the bill for many.

For the first time in the history of the country the importance of the older American was recognized with the establishment of the Administration on Aging as one of the major components in the Department of Health, Education, and Welfare. As a result of the act, and the amendments of 1967, 49 States and jurisdictions now have extensive programs.

Opportunities for volunteer work, recreation, and education have been developed. Hundreds of senior centers have been established. Part-time jobs have been found for older people. Services such as homemakers, housekeeping, and shopping assistance have made it possible for many older people to live independently, even though they may be temporarily ill, or frail. For the homebound older persons, friendly visiting and telephone reassurance services are helping those people to realize that someone is concerned for their welfare.

Mr. Speaker, we are more than pleased with the activities which have been taking place under the Older Americans Act, and the greatly increased awareness of the needs, interests, and capabilities of older people. However, we still have a long way to go if we are to help older people live a fuller life during the extended life span which medical science has made possible.

The bill before us today will enlarge the scope and expand the programs under the Older Americans Act. Briefly, it will improve the planning, coordination, and evaluation of State programs by increasing the amount available for the cost of administering State plans. It will strengthen State agencies and give them more staff to work with and help local communities.

The bill sets aside 10 percent of the amount authorized for research and training to be used to develop areawide model projects. These are expected to point the way toward the development of a battery of comprehensive services which an isolated community would not be able to develop on its own. The bill transfers the foster grandparents program to the Department of Health, Education, and Welfare and, in addition, authorizes opportunities for older people to serve as aides or tutors in day-care centers or nursery schools. It also provides for older people to serve other older persons in need of special personalized assistance.

I would like to elaborate a little on the portions of the bill which will enable State agencies on aging to increase their ability to serve older people. The first is section 2, which provides that Federal assistance to local projects will be available for 4 years instead of 3 years, as is the case under the present act. Many of the projects developed in the communities have been built on a new concept and, therefore, it has taken time for their full implementation. In many places, especially in poor areas where programs are most needed, an extended period of support is necessary.

I want to call attention also to sections 3 and 4 which would strengthen State agencies on aging. Those of us who have watched operations under the Older Americans Act know that the competency and efficiency of State agencies is very important if the funds appropriated under that act are to reach the older citizens who should be helped. The tremendous expansion of programs during the last 2 years has taxed the State agencies severely. There is a continuous demand from localities for more consultation and more technical assistance to help them initiate needed programs. Sections 3 and 4 are designed to help States prepare to meet those requests.

Our 19 million older people have contributed a great deal to the strength and prosperity of this country. The bill before us recognizes that they still have much to give and it seeks to provide opportunities for them to serve. Too many of our older retired persons are alienated and segregated from community life, when they still are able to make meaningful contributions. The bill before us will also increase their opportunities for social and recreational pursuits.

I hope this House will pass H.R. 19747 unanimously. It is a good bill and it will do a lot for older Americans who deserve and need the best we can provide.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Kentucky yielding to me at this time. While the gentleman is looking for the amendment which I understand will be offered, I wonder if he could answer this question for me? Is this $10 million authorized under section 604 at page 9 of the bill a budgeted item?

Mr. PERKINS. It is a budgeted item.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, even in view of the fact that there is a $3.6 million increase over the amount recommended for the last fiscal year?

Mr. PERKINS. That is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I wonder in regard to title VI of the bill if it is wise to grant to the Secretary such broad discretionary powers as to the making of grants. In view of the fact, Mr. Speaker, that besides the specified purposes, such aides or tutors, the language does not limit grants for these purposes, therefore making the limitations meaningless. I just wonder if the Secretary, in the wisdom of the committee and the distinguished chairman, should be granted this much discretionary power practically with unanimous consent and without any discussion of the contents of the bill?

Mr. PERKINS. We have followed this same pattern in demonstration programs in similar legislative provisions under which the Secretary is given discretionary power to approve plans upon a regular application which meets certain criteria. The bill does not bestow upon the Secretary any extraordinary discretionary authority.

Mr. HALL. It is the intent, then, Mr. Speaker, of the Committee on Education and Labor to maintain surveillance and oversight of this program?

Mr. PERKINS. That is absolutely correct.

Mr. HALL. Mr. Speaker, I wonder if the gentleman would tell us why they use age 60 instead of age 65 as the minimum age for participation as per page 5, line 19?

Mr. PERKINS. In one sense of the word you may say this is an arbitrary figure, but we had to draw the line somewhere. It is more reasonable to draw the line at 60 in that many cannot find employment after they are 60 years of age. At the age of 60, it is almost impossible for many to find employment. Many view a 60-year-old as quite elderly.

Mr. HALL. I believe the gentleman has proved that the age is arbitrary, but as a matter of fact there are many of us who are around that age who do not consider we are worn out or exhausted. The gentleman from Kentucky, I am sure, might feel that way.

But anyway, who, under this bill as we are going to pass it, defines what is low income? I am referring to page 7, line 3, where it states that preference will be given.

Mr. PERKINS. The Secretary of Health, Education, and Welfare; however, he will probably delegate this to the Commissioner on Aging.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, my question to the gentleman, if I may continue the colloquy for purposes of legislative record, is: Who defines what is low income?

Mr. PERKINS. The Commissioner on Aging.

Mr. HALL. Is it an income of below $3,000?

Mr. PERKINS. The Commissioner on Aging will make that determination.

Mr. HALL. Would the gentleman say that it would be a national income of less than $3,000 a year?

Mr. PERKINS. I would think so, perhaps less. We are talking about elderly persons who in many instances have little if any income.

Mr. HALL. Mr. Speaker, I would ask the gentleman what protection is there written into the bill to ensure that one State or small group of States will not receive a disproportionately large share of the funds?

Mr. PERKINS. There is no formula allocation for the new program. However, there is a limited amount of money available and I am sure the Secretary would not allocate too much of the money in any one State. The Committee on Education and Labor will watch this very carefully, however.

Mr. HALL. The gentleman from Kentucky also recognizes that under medicare recently one or two States exhausted the fund and limitations had to be placed on the amendments in 1967, I believe it was. Could that happen under this Older Americans Act?

Mr. PERKINS. The gentleman well recognizes that the total actual appropriation for this fiscal year is quite small. I cannot visualize the Secretary going overboard and acting arbitrarily in the allocation of funds.

Mr. HALL. In that case, the gentleman is referring to the Secretary of HEW?

Mr. PERKINS. Who will probably delegate this matter to the Commissioner on Aging.

Mr. HALL. Mr. Speaker, I will just have to say that the Commissioner on Education in his past actions has not always lived up to the good hopes and high intentions of the gentleman from Kentucky. I hope the gentleman is right.

Mr. PERKINS. The gentleman misunderstood me. I said the Commissioner on Aging.

Mr. HALL. Mr. Speaker, I yield back the balance of my time.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise to give my enthusiastic support to H.R. 19747, the Older Americans Act Amendments of 1968.

In the relatively short time since the 1965 passage of the Older Americans Act, new avenues have been opened for older people. I am convinced that with the new authority and flexibility provided by the bill before us today even greater strides can be made during the years ahead.

In my State in the past 12 months, over 20,000 older persons have been served directly by the Older Americans Act. Multipurpose senior centers have been developed in 14 cities and towns which have never had centers before. These centers offer a wide range of opportunities and services to older people. In the centers they enjoy educational and recreation programs; find part-time employment; receive social services and counseling; and probably most important, they have opportunities to make new friends and develop satisfactory social relationships. Three towns in my State have established information and referral centers where older persons with multiple special problems can go and receive direction, guidance, and assistance. In the city of Milwaukee a special library service has been established for senior citizens and has served over 6,700 individuals in its first year of operation.

The Committee on Education and Labor has given serious consideration to the proposed amendments to the Older Americans Act which we are now considering. Under the capable chairmanship of Congressman DANIELS, the Select Education Subcommittee held hearings to determine the merits of this legislation. It is our unanimous opinion that these amendments represent a significant step forward for our older citizens, and I am pleased to join in sponsoring this legislation with other members of the committee.

Mr. Speaker, it is my belief that this bill will strengthen the State agencies on aging. It will give to them additional resources to provide more guidance and technical assistance to communities. It is the responsibility of each community to discover the gaps in services for older people and then to develop programs which fill those gaps. Such an assessment by a local council on aging requires consultation and coordinated action with many other local agencies in order to avoid overlapping and duplication of effort. In other words, a community which looks after its own older people is a community which plans. A State agency with competent staff can be of invaluable assistance in both planning and initiating new programs. H.R. 19747 also gives to the States the authority and resources for more statewide planning, coordination and evaluation of programs. Thus the States and communities, working together, will be able to provide a stronger and more comprehensive program for the older citizens.

To guarantee that not only States and communities work together but that the Federal Government and the States work together cooperatively as well, a new provision has been added to section 303—State plans. It states:

> The Secretary shall approve a State plan for purposes of this title which—provides for statewide planning, coordination, and evaluation of programs and activities related to the purposes of this Act in accordance with basic criteria established by the Secretary, but such basic criteria shall be formulated and developed in consultation with the State agencies.

It is my feeling that any guidelines or plans governing the programs to be operated in the States cannot and should not be developed in isolation here in Washington. Therefore, I consider it to be most important that this provision be included in the legislation. Upon questioning from me to clarify the intent of this amendment and to insure a cooperative relationship would exist between the States and the Federal Government in establishing the criteria, Mr. William Bechill, Commissioner on the Aging, elaborated as follows:

> As you know, the intent of this particular amendment is to give more focus and responsibility to the role of statewide leadership in these activities of planning, evaluation and coordination and this has been an implied role in the Older Americans Act from the beginning. The intent of this particular amendment is to make it much more explicit because the State agency in essence represents a concern toward the total needs and interests of the older people in the State.
>
> The kind of criteria we would envision the Secretary developing here would be done first of all in very close consultation with the State agencies themselves. I would think we could go to at least three or four basic areas where criteria would be established.
>
> First we want to set out in a very general way what are the functional responsibilities of a State agency in these three areas of planning, coordination, and evaluation.
>
> Second we would want to set out, again in a general way, some suggested standards as to the kind of staffing a State might wish to devote to these kinds of activities.
>
> Third, we would want to indicate the areas in which evaluation of programs would be established. Here we are thinking of the State agency looking at the data available, discussing with other agencies at the State level to ascertain the housing conditions and needs of older people in the State, the health needs, the needs for income support, the level of social services available on a statewide basis, educational opportunities, and free time opportunities.

I am especially interested in the new section 403 which has been added to title IV of the original act. The new section authorizes the Secretary of Health, Education, and Welfare to set aside 10 percent of the sums appropriated for titles IV and V. This money will be used to finance special model projects which may be areawide, statewide, or regional in scope. Projects will be conducted by the State agency in a priority field designated by the Secretary, but no one project can be financed for more than 4 fiscal years.

This section will add a new dimension to the Older Americans Act because it will encourage and assist States to initiate new and innovative methods for the most essential needs of older people. With the additional resources provided in this section, it is our hope that States will begin comprehensive programs over broad areas which include and coordinate several governmental jurisdictions and put together packages of services to serve multiple needs and large numbers of older Americans.

Mr. Speaker, the committee in reviewing the administration's request spent considerable time deliberating the need for a fourth year of Federal matching for community projects. The present law establishes a declining matching formula of 75 percent for the first year, 60 percent for the second year, and 50 percent for the third year. The committee was impressed by testimony indicating that in selected cases it is often necessary to extend programs for an extra year; therefore, it was the judgment of the committee that 40 percent Federal funding be allowed for such programs.

It should be clear that the committee did not intend that this provision would constitute a blanket to fund all programs for a fourth year. Rather, the committee intended that the authority should be used sparingly and only in special cases. Furthermore, the criteria for funding an additional year should be contingent upon the willingness of the local community involved to assure continuation of the particular project after Federal financing ceases. It is felt that money for projects coming from the Federal Government should be considered as "seed" money, and if the community considers a program valuable then a fourth year of shared cost will be helpful before it assumes the responsibility of financing it.

The new title VI which transfers the foster grandparent program to the Administration on Aging has my complete endorsement. This is by no means a radical move as the AOA has been administering this program from its inception under contract with the Office of Economic Opportunity and has worked cooperatively with them for 3 years. In addition to the transfer, the program will be expanded to provide additional opportunities to serve in schools and other older persons in need of special assistance. The foster grandparent program has demonstrated that an opportunity to be of service to someone else can change the drab, lonely days of an older person into an exhilarating, satisfying experience. One foster grandparent wrote to me:

> Being a foster grandparent has been a blessing to me.

Another said:

> This program has made me feel needed and wanted again. It has got me out among older people my own age and has made living seem more worthwhile.

And another said:

> I thought I was just about ready for the shelf until this program came along.

The foster grandparents program has served only children, but there are many older people who are also in need of specialized assistance. If elderly individuals can be given an opportunity to help others who are ill or handicapped, the benefits will be twofold. Persons recruited and trained to give of themselves derive tremendous satisfaction from being useful and needed. They cannot help but experience an increase in their self-esteem.

Passage of the Older Americans Act of 1965 was an achievement and a tribute to the 19 million older people of this country. The amendments of 1967 made necessary improvements. I hope today this House will take yet another step by passing the bill before us.

I was pleased, Mr. Speaker, to receive word from two of our most important and active organizations, which I want to share with the House. The letter from Cyril F. Brickfield is as follows, in part:

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C., October 3, 1968.

HON. WILLIAM S. STEIGER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The American Association of Retired Persons and the National Retired Teachers Association have a nationwide membership of over one and a quarter million older Americans. We are non-profit, non-partisan organizations whose desire to see the Administration on Aging strengthened is well known. We feel that the amendments, as reported by the Committee on Education and Labor, would substantially strengthen A.O.A. We supported the amendments in our appearance before the Committee. We continue to support the amendments and request that you set the record straight and make it known to your colleagues that we are national associations which have supported and continue to support the amendments in their present form. We urge that they be so enacted.

Sincerely yours,
CYRIL F. BRICKFIELD,
Executive Director.

Mr. Speaker, the support of these two organizations for H.R. 19747 is encouraging and serves well the cause of improved legislation represented in this bill.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased that the committee has accepted this amendment as I think it satisfactorily meets the concerns I have had about title VI.

Title VI would have given the Secretary of HEW the power to dispense public funds with very few limitations. He can make grants to or contracts with public and nonprofit private agencies and organizations to pay up to 90 percent of the costs of projects which will provide opportunities for persons age 60 and over.

Are these costs for reimbursement of volunteers for expenses of travel and lunch, and so forth, or are they payment for services rendered, and based on an hourly or weekly wage rate? The committee report says that this is not primarily an income-producing activity for older people but rather one in which they can find personal satisfaction and status. On the other hand, the Commissioner on Aging responding to questions placed in the record after his testimony before the Senate committee, says they have ample authority and programs for volunteer services under other titles of the Older Americans Act and that this new title is intended for paid service.

Prior to the acceptance of this amendment I would have asked: "On what basis will these people be paid, on a prevailing rate, on a minimum wage basis or at the whim of the project director?" The amendment I think, resolves this issue, clearly, this program is now one involving volunteer type services of elderly citizens who are retired and are not a part of the labor force.

Is this to be part-time work or full-time paid or volunteer work, or a mixture where some are paid and some are not? The amendment makes the bill much clearer on this subject.

The funds to be used in the first year amount to $10 million, a sum made available under appropriations for the Economic Opportunity Act, title I–B. Are the funds to be used in a manner consistent with the desires of Congress for the expenditure of Economic Opportunity Act funds? Well, the answer seemed to be more or less prior to the amendment; priority is to be given to people of low income, but 25 percent need not meet this criterion. Some areas of concern remain which I expect to be solved by effective administration.

Are community action agencies to be used in this program? Well, again, more or less. If an award for a project is made in an area served by a community action agency they will need to be involved somehow, unless the Secretary determines that it would be inappropriate. If HEW prefers not to look to the community action agencies, then it simply places its contracts or grants where there is no community action agency, or makes sure the project serves an area that is served by more than one community action agency.

There has been criticism over the 3 years during which the Administration on Aging administered the foster grandparents projects, that the State units on aging were bypassed. Some improvement is made in this bill by requiring in effect, comments from the State agency on aging but that is the limit of its power or responsibility. Yet over the past few years, more money has been available through foster grandparents projects directly from the Federal agency than was available under title III to all of the State agencies for all of the great variety of projects which they support. Under the new bill the State agencies will have the privilege of providing information to local agencies concerning these programs and of making comments on their applications.

It is now almost 2 years since an agency hired to evaluate the program, pointed to the very high costs of administration and overhead. In the hearings before the House subcommittee, a member inquired of the representative of the Office of Economic Opportunity concerning the costs, which seemed to be at a high level of 40 percent. The witness from OEO responded that she had been disturbed about this and had asked over a period of a year for information on the administrative costs, from the Commissioner on Aging, but had never been able to obtain them. That morning she had heard testimony to the effect that costs were lower but had been unable to check the figures. Yet Report No. 1922 from the Committee on Education and Labor says that the Administration on Aging should develop policies and procedures and regulations for service roles in retirement closely following those of the foster grandparents program.

There has been this very serious question of high costs under the administrative approach followed in foster grandparents. We do not want by enacting a law to give our blessing to such an operation, if this is indeed the case.

Mr. DANIELS. Mr. Speaker, I rise in support of H.R. 19747.

As chairman of the Select Subcommittee on Education, which conducted hearings on the proposed Older Americans Act Amendments of 1968, I believe that this bill represents a milestone in the development of legislation for our older citizens.

All people must share fully in the prosperity of our society. We in Congress and in this Nation have a duty to strengthen our efforts to assure a life of purpose and satisfaction, health and meaningful participation to our senior citizens.

Since July 14, 1965, when the Older Americans Act which created the Administration on Aging was signed into law, great strides have been made in States and communities across the country. Forty-six States, the District of Columbia, Puerto Rico, and the Virgin Islands now have approved State plans in operation under title III of the act.

As a result, approximately 600,000 older people are being directly helped through a wide variety of service programs.

The bill we are considering today would increase and strengthen the leadership role of State commissions and agencies on aging in their efforts to build statewide and basic support for their older citizens.

Under present law, title III of the Older Americans Act provides that from a State's allotment for a fiscal year not more than 10 percent or $25,000, whichever is the larger, shall be available for paying up to one-half of the costs of the State plan administration. This would be increased to 10 percentum of $75,000—$35,000 in the case of the Virgin Islands, Guam, and American Samoa—whichever is greater. As a result, State agencies will be able to give increased guidance to the programing of services for senior citizens in the State and local communities.

Under present law, title III grants may be made for 3 years with a declining matching formula of 75 percent for the first year, 60 percent for the second year, and 50 percent for the third year. A proposed amendment would provide for a fourth year of funding at 40 percent. This will enable States to assure the continuation of proven community projects and services by providing additional time to develop the necessary community financial support.

Another important section of this bill would authorize the Secretary of Health, Education, and Welfare to set aside not more than 10 percent of the sums appropriated under section 703 of the act for any fiscal year, to be used by him on a project-by-project basis for statewide, regional, metropolitan area or other areawide model projects. These projects would be conducted in priority areas identified by the Secretary. Applicants for these grants would be State agencies responsible for administration of a State plan approved under title III. This proposed amendment would give State agencies and the Secretary the flexibility to respond to urgent needs of older people by concentrating on areawide approaches to their problems.

Another amendment would extend the Secretary's authority to permit the making of contracts under titles IV and V of the Older Americans Act with profit-making corporations for research and development projects and training programs.

Mr. Speaker, I would now like to turn to a most important new program of services roles in retirement included in this bill. This program would authorize the Secretary of Health, Education, and Welfare to make grants to or contracts with public or nonprofit private agencies or organizations to pay not more than 90 percent of the cost of the development and operation of projects designed to provide opportunities for persons age 60 or over who are no longer in the regular work force to render supportive services to children and older persons with exceptional needs. The foster grandparent program, operated by the Administration on Aging and funded by the Office of Economic Opportunity, would be absorbed in the new program. Authorization of appropriations of $10 million for the fiscal year ending June 30, 1969, and such sums as may be necessary for the succeeding years would be provided. Emphasis would be given to the involvement of low-income persons as participants in these programs.

This bill, which both the Select Subcommittee on Education and the full Committee on Education and Labor approved unanimously and with bipartisan approval, will provide assurance to our 19 million older Americans that the people and the Congress of this great Nation intend to see that its senior citizens enjoy a meaningful life.

Mr. Speaker, this bill gives us a real opportunity to build on and strengthen the existing partnership between all levels of government—Federal, State, and local—in the field of aging. I urge all my colleagues to vote for H.R. 19747 to continue to enlarge the vistas of the elderly and to demonstrate that their presence and active participation in the life of their communities is still warmly desired by us all.

Mr. AYRES. Mr. Speaker, I rise to give my support to the Older Americans Act Amendments of 1968, as embodied in H.R. 19747. The Committee on Education and Labor should be congratulated for this important step on behalf of older Americans.

It is my opinion, and that of the committee, that we must continue to give the highest priority to solving the problems of older Americans. Despite the truly significant progress that we have made in this area, we still have much more to do. The identification and solution of the problems of older persons in this changing society has not nearly kept pace with the manifold increase of complexities with which they must cope.

H.R. 19747 will increase and strengthen the leadership role of State commissions and agencies on aging and their efforts to build a strong underpinning of statewide and local programs of basic support and services for their older citizens. These State agencies are absolutely essential to the development of strong and effective programs. Because the needs of older people are varied and dissect many program areas, it is most important that careful attention be given to coordinating these various programs so that they work together for the well-being of all older persons. This is a major responsibility of the State agencies as they work with the local communities and with other agencies who administer the various programs for older people. These amendments would strengthen State agencies on aging by a new requirement that State plans include a provision for statewide planning, coordination, and evaluation of programs related to the purposes of the Older Americans Act. To insure that these plans are as effective as possible, they would be based on criteria developed by the Secretary of Health, Education, and Welfare in consultation with the State agencies on aging. In addition, to assist the States in carrying out these activities, the portion of the States allotment available to pay part of the cost of State plan administration would be increased to 10 percent of the States allocation, or $75,000—$35,000 in the case of the Virgin Islands, Guam, and American Samoa—whichever is greater.

The amendments would also provide the State agencies with the flexibility to fund community projects for an additional year in cases where essential community services are being provided, but where a longer period of Federal support is required to assure a project's continuation. Under present law, community grants may be made for 3 years with a declining matching formula of 75 percent for the first year, 60 percent for the second year, and 50 percent for the third year. The new amendment provides for a fourth year of funding at 40 percent.

There are now 49 State agencies operating in 46 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Approximately 600,000 older people are being directly served through a wide variety of service programs such as information and referral services; senior center programs; special programs for homemakers, home repair, consumer and transportation education, and support of local planning efforts. The new amendments should provide a significant step forward in enhancing and building upon these efforts which are already underway.

I therefore support the passage of H.R. 19747 and ask its unanimous passage.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Reid of New York: On page 5, line 20, after "services" insert the following: "(including volunteer service for which reimbursement of expenses may be allowed)".

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman.

Mr. PERKINS. Mr. Speaker, we accept the amendment.

The amendment makes it explicit that federally supported projects may include voluntary services and that Federal funds may be used to pay expenses that the volunteers incur.

We feel that the bill already covers this but we are pleased to accept the clarifying amendment.

The SPEAKER pro tempore (Mr. Albert). The question is on the amendment offered by the gentleman from New York [Mr. Reid].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DANIELS

Mr. DANIELS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Daniels: On page 5, line 19, after "over" insert the following: "Who are no longer in the regular work force.".
>
> On page 7, beginning in line 5, strike out "who are no longer in the regular work force".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill, H.R. 19747.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RESIGNATION FROM COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation from a committee:

Congress of the United States,
House of Representatives,
Washington, D.C., October 3, 1968.

Hon. John W. McCormack,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Please accept my resignation, effective immediately, from the Committee on Interior and Insular Affairs.

Sincerely,

Wendell Wyatt,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 3, 1968.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: During the 88th Congress and again during this 90th Congress it has been an honor and a privilege for me to serve as one of the Republican Members of the House Committee on Appropriations.

The many friends I have made and the knowledge gained from participating in the deliberations of this hard-working, dedicated group of public servants will always remain an invaluable and rewarding experience.

The work of the Committee on Appropriations is now drawing to a conclusion for the 90th Congress, and in view of the fact that my activities and endeavors for the next couple of years will be in areas away from the Congressional scene, I am submitting my resignation from this Committee, to become effective on Thursday, October 3, 1968.

With warmest personal regards,
Sincerely,
WILLIAM HENRY HARRISON.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE ON APPROPRIATIONS

Mr. ARENDS. Mr. Speaker, I offer a privileged resolution (H. Res. 1316) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1316

Resolved, That Wendell Wyatt, of Oregon, be, and is hereby, elected a member of the standing Committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM—PROVIDING FOR CONSIDERATION OF SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1969

Mr. MAHON. Mr. Speaker, I ask unanimous consent that on any day next week after Monday it may be in order for the House to consider a supplemental appropriation bill for the fiscal year 1969.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Speaker, reserving the right to object, and I shall not object, I should like to inquire of the distinguished chairman of the committee if it is possible, and I will put this to the majority leadership also, that this supplemental appropriation bill might be the first scheduled business on Tuesday next.

Various Members have made plans and have made inquiries of me, and I should like to have some information in that respect.

Mr. MAHON. I would hope that the bill could be considered on Tuesday. From the information I have from the leadership, it will be put on the calendar for Tuesday of next week.

The SPEAKER pro tempore. If the Chair may make a statement, it will be the first order of business after the Monday business.

So the Chair would state it would be, if it is ready, for consideration by the House.

Mr. HALL. Mr. Speaker, further reserving the right to object, I wonder if the gentleman from Texas would explain why we are considering a supplemental appropriation bill and asking unanimous consent that it may be brought up at any time at this particular juncture when it is general knowledge around the floor of the House that we have only two more working days so far as we can see before we adjourn sine die.

Mr. MAHON. It is usually necessary at the end of every session to consider certain appropriation requests from the President as a result of recently passed legislation or for other reasons.

One of the very pressing matters involved is that it is thought desirable by the leaders—I believe on both sides of the aisle—that we approve a provision exempting the Commodity Credit Corporation price support and the public assistance grant programs from the present ceiling provisions of the Revenue and Expenditure Control Act of 1968. The expenditures for those programs are virtually uncontrollable without changing the basic laws; and they are running above the original budget estimates.

Mr. HALL. The gentleman means by that statement that we are further torpedoing the Economic Assistance Act of 1968 and the economy measures that this same House and the Congress has taken in combining the surtax with a $6 billion cutback and a $18 billion slippage out of the pipeline. If I remember correctly, in one day this House, failing to exercise its power of the purse, exempted postal people, FBI agents, and aircraft controllers under the FAA. Now there is a scramble to exempt more in education when that conference report comes back. And now you say we must do it with these other agencies. So what we are doing is scuttling the Economic Assistance Act of 1968 in a supplemental by unanimous consent.

I cannot see how we can get individually elected Members to forgo their prerogatives by such a request.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. MAHON. The expenditures for public assistance were estimated in the original budget for 1969 as being about $5.7 billion. They involve grants to States under formulae in basic laws. It has now developed that the figure must be increased some $560 million. That is a virtually uncontrollable item insofar as the appropriations process is concerned. But what will be proposed will not in any way propose to change the $6 billion expenditure reduction approved by Congress. The cutbacks in expenditures would, in a round total, have to be some $7.2 billion rather than $6 billion if we do not take this action to take account of the additional mandatory expenditures which are now shown to be necessary to take care of the CCC price support and public assistance programs.

Mr. HALL. Mr. Speaker, the gentleman by his very position purports to be an expert in the fiscal affairs of the country. Would it be bad if we saved $7.2 billion of the taxpayers' money, or applied that much against the planned deficit that we already have?

Mr. MAHON. I think it might be rather difficult to achieve. But the point I would make is that unless some exemption is granted here, what we thought we did when we passed the Revenue and Expenditure Control Act would be materially different, because at that time we assumed that the farm price support expenditures of the Commodity Credit Corporation would be about $2.8 billion, and the expenditure for public assistance grants would be about $5.7 billion. Present information is that CCC will go over the original figure by about $900 million, and public assistance by about $560 million. There are some small offsets, I believe. The net is $1.2 billion, roughly, above the $6 billion if no exemption is granted. These are programs the expenditures for which are not controllable without amending the basic laws. So in the light of better information, in order to carry out the intent of Congress, we are going to propose this legislation which will make it possible for other programs not to be cut more than had been the original intent of Congress in the passage of the tax bill.

Mr. HALL. Mr. Speaker, I find that extremely difficult to understand. We are either going to have it one way or we are going to have it the other. I believe the gentleman himself said at the time we should have established priorities or should have left it up to the executive branch to do, instead of coming in here at this time to establish such priorities that we should have established in the first place; but we are doing it in a fragmenting way.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. MAHON. The gentleman from Ohio [Mr. BOW] knows, the gentleman from Arkansas [Mr. MILLS] knows, and the gentleman from Wisconsin [Mr. BYRNES] knows, as well as others, that we have gone into this matter rather thoroughly. We all agree that it was not the purpose of the tax-expenditure reduction bill to impose a mandatory reduction of more than $6 billion in expenditures, which will, according to the information, be the situation if the two exemptions I have noted are not granted.

I might add that we have in the House already given over the $10 million reduction goal in the expenditure reduction bill as to cuts in new appropriation or obligational authority requests. And I believe we will exceed that goal when all the bills are finally processed, when we refer to $6 billion, we refer to expenditures, not appropriations. But the proportion we are referring to in no way proposes to change the $6 billion. It would still have to be effected.

As I say, expenditures for CCC price supports and public assistance are virtually uncontrollable. There was a misestimate which was not the fault of Congress, and it was unknown to Congress when we passed the revenue and expenditure control bill, so it is just a matter of enabling the Congress, if it wishes to do so—and it will have an opportunity to vote on it—to remedy the situation when we bring in the supplemental bill.

Mr. HALL. Mr. Speaker, let me ask one final question: Will the bill be back up in the House as in the Committee of the Whole House on the State of the Union so we can work our will on it, or is it the intent to rush it through and limit time, so we will not have an opportunity to work our will?

Mr. MAHON. It is the intent to bring it up in the Committee of the Whole House on the State of the Union, as is of course customary on all regular appropriation bills.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the gentleman from Texas [Mr. MAHON].

There was no objection.

Mr. BOW reserved all points of order on the bill.

CONFERENCE REPORT ON H.R. 18366, VOCATIONAL EDUCATION AMENDMENTS OF 1968

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1938)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Vocational Education Amendments of 1968".

TITLE I—AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

ACT AMENDMENTS

SEC. 101. (a) The Act of December 18, 1963, Public Law 88-210 (77 Stat. 403 et seq.), is amended—

(1) by redesignating parts B and C thereof as titles II and III and redesignating sections 21 through 28 and 31 through 33, and all references thereto, as sections 201 through 208 and 301 through 303, respectively;

(2) redesignating part A thereof as title I; and

(3) adding after the enacting clause, the following: "That title I of this Act may be cited as the 'Vocational Education Act of 1963'.".

(b) Title I of such Act (as redesignated by subsection (a)) is amended to read as follows:

"TITLE 1—VOCATIONAL EDUCATION

"PART A—GENERAL PROVISIONS

"DECLARATION OF PURPOSE

"SEC. 101. It is the purpose of this title to authorize Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 102. (a) There are authorized to be appropriated $355,000,000 for the fiscal year ending June 30, 1969, $565,000,000 for the fiscal year ending June 30, 1970, $675,000,000 for the fiscal year ending June 30, 1971, $675,000,000 for the fiscal year ending June 30, 1972, and $565,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year for the purposes of parts B and C of this title. From the amount appropriated pursuant to the preceding sentence and allotted to each State under section 103, 90 per centum shall be available for the purposes of part B and 10 per centum shall be available for the purposes of part C.

"(b) There are also authorized to be appropriated $40,000,000 each for the fiscal years and ending June 30, 1969, and June 30, 1970, for the purposes of section 122(a)(4)(A). Nothing in this subsection shall be construed to affect the availability for such purposes, of appropriations made pursuant to subsection (a) of this section.

"(c) There are further authorized to be appropriated for each fiscal year such sums as may be necessary to pay the cost of the administration and development of State plans, the activities of advisory councils created under this title, and the evaluation and dissemination activities required pursuant to this title.

"ALLOTMENTS AMONG STATES

"SEC. 103. (a)(1) From the sums appropriated pursuant to section 102(a) the Commissioner shall first reserve an amount, not to exceed $5,000,000 in any fiscal year, for transfer to the Secretary of Labor to finance (upon terms and conditions mutually satisfactory to the Commissioner and the Secretary of Labor) national, regional, State, and local studies and projections of manpower needs for the use and guidance of Federal, State, and local officials, and of advisory councils charged with responsibilities under this title.

"(2) The remainder of the sums appropriated pursuant to section 102(a) and all of the sums appropriated pursuant to section 102(b) shall be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income in the respective States as follows: The Commissioner shall allot to each State for each fiscal year—

"(A) An amount which bears the same ratio to 50 per centum of the sums being allotted, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

"(B) An amount which bears the same ratio to 20 per centum of the sums being allotted, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

"(C) An amount which bears the same ratio to 15 per centum of the sums being allotted, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

"(D) An amount which bears the same ratio to 5 per centum of the sums being allotted, as the sum of the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under paragraphs (A), (B), and (C) for such year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which is less than $10,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such subsection, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallotment, on such dates during such year as the Commissioner shall fix, on the basis of criteria established by regulation, first among programs authorized by other parts of this title within that State and then among other States, except that funds appropriated under section 102(b) may only be reallotted for the uses set forth in section 122(a)(4)(A). Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the next succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

"(d)(1) The 'allotment ratio' for any State shall be 1.00 less the product of—

"(A) 0.50, and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacifi Islands shall be 0.60.

"(2) The allotment ratios shall be promulgated by the Commisioner for each fiscal year between July 1 and September 30 of the preceding fiscal year. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

"(3) The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) For the purposes of this section population shall be determined by the Commissioner on the basis of the latest estimates available to him.

"NATIONAL AND STATE ADVISORY COUNCILS

"Sec. 104. (a)(1) There is hereby created a National Advisory Council on Vocational Education (hereinafter referred to as the 'National Council') consisting of twenty-one members appointed by the President, without regard to the civil service laws, for terms of three years, except that (i) in the case of the initial members, seven shall be appointed for terms of one year each and seven shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons—

"(A) representative of labor and management, including persons who have knowledge of the semiskilled, skilled, and technical employment in such occupational fields as agriculture, home economics, distribution and marketing, health, trades, manufacturing, office and service industries, and persons representative of new and emerging occupational fields,

"(B) familiar with manpower problems and administration of manpower programs,

"(C) knowledgeable about the administration of State and local vocational education programs, including members of local school boards,

"(D) experienced in the education and training of handicapped persons,

"(E) familiar with the special problems and needs of individuals disadvantaged by their socioeconomic backgrounds,

"(F) having special knowledge of postsecondary and adult vocational education programs, and

"(G) representative of the general public who are not Federal employees, including parents and students, except that they may not be representative of categories (A) through (F), and who shall constitute no less than one-third of the total membership. The National Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than four times a year.

"(2) The National Council shall—

"(A) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

"(B) review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

"(C) conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

"(3) Members of the National Council who are not regular full-time employees of the United States shall, while serving on business of the National Council, be entitled to receive compensation at rates fixed by the President, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

"(4) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $100,000, and for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years, $150,000.

"(5) The National Council shall review the possible duplication of vocational education programs at the postsecondary and adult levels within geographic areas, and shall make annual reports of the extent to which such duplication exists, together with its findings and recommendations, to the Secretary. In making these reports, the Council shall seek the opinions of persons familiar with postsecondary and adult vocational education in each State from schools, junior colleges, technical institutes, and other institutions of higher education, as well as from State boards of education, State junior college boards, and State boards of higher education, and persons familiar with area schools, labor, business and industry, accrediting commissions, proprietary institutions, and manpower programs.

"(b)(1) Any State which desires to receive a grant under this title for any fiscal year shall establish a State advisory council, which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall—

"(A) include as members a person or persons—

"(i) familiar with the vocational needs and the problems of management and labor in the State, and a person or persons representing State industrial and economic development agencies,

"(ii) representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training,

"(iii) familiar with the administration of State and local vocational education programs, and a person or persons having special knowledge, experience, or qualifications with respect to vocational education and who are not involved in the administration of State or local vocational education programs,

"(iv) familiar with programs of technical and vocational education, including programs in comprehensive secondary schools,

"(v) representative of local educational agencies, and a person or persons who are representative of school boards,

"(vi) representative of manpower and vocational education agencies in the State, including a person or persons from the Comprehensive Area Manpower Planning System of the State,

"(vii) representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students,

"(viii) having special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons, and

"(ix) representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph;

"(B) advise the State board on the development of and policy matters arising in the administration of the State plan submitted pursuant to part B of this title, including the preparation of long-range and annual program plans pursuant to paragraphs (4) and (5) of section 123(a);

"(C) evaluate vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof; and

"(D) prepare and submit through the State board to the Commissioner and to the National Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (i) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan provided for in paragraphs (4) and (5) of section 123(a), and (ii) recommends such changes in such programs, services, and activities as may be warranted by the evaluations.

"(2) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1969, in which a State desires to receive a grant under this title, that State shall certify the establishment of, and membership of, its State Advisory Council to the Commissioner.

"(3) Each State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State Advisory Council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

"(4) State Advisory Councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(c) From the sums appropriated pursuant to section 102(c) for any fiscal year, the Commissioner is authorized (in accordance with regulations) to pay to each State Advisory Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this title in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's allotment under section 103, but such amount shall not exceed $150,000 and shall not be less than $50,000.

"FEDERAL ADMINISTRATION

"Sec. 105. Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

"LABOR STANDARDS

"Sec. 106. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"LIMITATION ON PAYMENTS UNDER THIS TITLE

"Sec. 107. (a) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

"(b) Funds appropriated pursuant to this title may be used for residential vocational education schools only to the extent that the operation of such schools is consistent with general regulations of the Commissioner concerning the operation of such schools, but in no case may juveniles be assigned to such schools as the result of their delinquent conduct, and such facilities may not be used in such a manner as to result in racial segregation.

"DEFINITIONS

"Sec. 108. For the purpose of this title—

"(1) The term 'vocational education' means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local educational agency and is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; and such term includes vocational guidance and counseling (individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; the training of persons engaged as, or preparing to become, teachers in a vocational education program or preparing such teachers to meet special education needs of handicapped students; teachers, supervisors, or directors of such teachers while in such a training program; travel of students and vocational education personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

"(2) The term 'area vocational education school' means—

"(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market, or

"(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market, or

"(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

"(D) the department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not necessarily leading to a baccalaureate degree, if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in (C) or (D), it admits as regular students both persons who have completed high school and persons who have left high school.

"(3) The term 'school facilities' means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

"(4) The term 'construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

"(5) the term 'Commissioner' means the Commissioner of Education, and the term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(6) The term 'handicapped', when applied to persons, means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired persons who by reason thereof require special education and related services.

"(7) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(8) The term 'State board' means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies, in the State.

"(9) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"(10) The term 'high school' does not include any grade beyond grade 12.

"(11) The term 'private vocational training institution' means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

"(12) The term 'Vocational Education Act of 1946' means titles I, II, and III of the Act of June 9, 1936, as amended (20 U.S.C. 15i-15m, 15o–15q, 15aa–15jj, 15aaa–15ggg).

"(13) The term 'supplementary vocational education Acts' means section 1 of the Act of March 3, 1931 (20 U.S.C. 30) (relating to vocational education in Puerto Rico), the Act of March 18, 1950 (20 U.S.C. 31–33) (relating to vocational education in the Virgin Islands), and section 9 to the Act of August 1, 1956 (20 U.S.C. 34) (relating to vocational education in Guam).

"Part B—State Vocational Education Programs

"AUTHORIZATION OF GRANTS

"Sec. 121. From the sums made available for grants under this part pursuant to sections 102 and 103, the Commissioner is authorized to make grants to States to assist them in conducting vocational education programs for persons of all ages in all communities of the States, which are designed to insure that education and training programs for career vocations are available to all individuals who desire and need such education and training.

"USES OF FEDERAL FUNDS

"Sec. 122. (a) Grants to States under this part may be used, in accordance with State plans approved pursuant to section 123, for the following purposes:

"(1) vocational education programs for high school students, including such programs which are designed to prepare them for advanced or highly skilled postsecondary vocational and technical education;

"(2) vocational education for persons who have completed or left high school and who are available for study in preparation for entering the labor market;

"(3) vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962 (Public Law 87–415), the Area Redevelopment Act (Public Law 87–27), or the Trade Expansion Act of 1962 (Public Law 87–794)) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

"(4) (A) vocational education for persons (other than handicapped persons defined in section 108(6) who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;

"(B) vocational education for handicapped persons who because of their handicapping condition cannot succeed in the regular vocational education program without special educational assistance or who require a modified vocational education program;

"(5) construction of area vocational education school facilities.

"(6) vocational guidance and counseling designed to aid persons enumerated in paragraphs (1) through (4) of this subsection in the selection of, and preparation for, employment in all vocational areas;

"(7) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

"(8) ancillary services and activities to assure equality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials, and improved State administration and leadership, including periodic evaluation of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities.

"(b) In addition to the uses of funds specified in subsection (a), funds appropriated pursuant to section 102(c) and paid to a State for the following purpose by the Commissioner may be used for—

"(1) the development of the State plan;

"(2) State administration of the State plan, including obtaining information regarding current and projected manpower needs and job opportunities; and

"(3) the evaluations required under this title and the dissemination of the results thereof.

"(c)(1) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (4)(A) of subsection (a): Provided, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

"(2) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (2) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

"(3) At least 10 per centum of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, shall be used only for the purpose set forth in paragraph 4(B) of subsection (a).

"(4) As used in this subsection, the term 'base allotment' means the sum of the allotments to a State for the fiscal year ending June 30, 1969, from (1) sums appropriated under section 102(a) of this Act, (2) the Smith-Hughes Act (that is, the Act approved February 23, 1917 (39 Stat. 929; 20 U.S.C. 11–15, 16–28)), (3) the Vocational Education Act of 1946, and (4) any of the supplementary vocational educational Acts (including, in the case of American Samoa, section 2 of the Act of September 25, 1962, 48 U.S.C. 1667).

"STATE PLANS

"SEC. 123. (a) Any State desiring to receive the amount for which it is eligible for any fiscal year pursuant to this title shall submit a State plan at such time, in such detail, and containing such information as the Commissioner deems necessary, which meets the requirements set forth in this title. The Commissioner shall approve a plan submitted by a State if he determines that the plan submitted for that year—

"(1) has been prepared in consultation with the State advisory council for that State;

"(2) designates the State board as the sole agency for administration of the State plan, or for supervision of the administration thereof by local educational agencies;

"(3) has been submitted only after the State board (A) has given reasonable notice, and afforded a reasonable opportunity for a public hearing, and (B) has implemented policies and procedures to insure that copies of the State plan and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of such plan will be made reasonably available to the public;

"(4) sets forth a long-range program plan (or, as is appropriate, a supplement to, or revision of, a previously submitted long-range plan) for vocational education in the State, which program plan (A) has been prepared in consultation with the State advisory council, (B) extends over such period of time (but not more than five years or less than three years), beginning with the fiscal year for which the State plan is submitted, as the Commissioner deems necessary and appropriate for the purposes of this title, (C) describes the present and projected vocational education needs of the State in terms of the purposes of this title, and (D) sets forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State;

"(5) sets forth an annual program plan, which (A) has been prepared in consultation with the State advisory council, (B) describes the content of, and allocation of Federal and State vocational education funds to programs, services, and activities to be carried out under the State plan during the year for which Federal funds are sought (whether or not supported with Federal funds under this title), (C) indicates how and to what extent, such programs, services, and activities will carry out the program objectives set forth in the long-range program plan provided for in paragraph (4), and (D) indicates how, and to what extent, allocations of Federal funds allotted to the State will take into consideration the criteria set forth in the State plan pursuant to paragraph (6), and (E) indicates the extent to which consideration was given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 104;

"(6) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local educational agencies in the State and for the uses of such funds, specified in paragraphs (1) through (8) of section 122(a), for the programs, services, and activities set forth in the program plans submitted pursuant to paragraphs (4) and (5), which policies and procedures assure that—

"(A) due consideration will be given to the results of periodic evaluations of State and local vocational education programs, services, and activities in the light of information regarding current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities on the local, State, and national levels,

"(B) due consideration will be given to the relative vocational education needs of all population groups in all geographic areas and communities in the State, particularly persons with academic, socioeconomic, mental, and physical handicaps that prevent them from succeeding in regular vocational education programs,

"(C) due consideration will be given to the relative ability of particular local educational agencies within the State particularly those in economically depressed areas and those with high rates of unemployment, to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies,

"(D) due consideration will be given to the cost of the programs, services, and activities provided by local educational agencies which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies,

"(E) funds made available under this title will not be allocated to local educational agencies in a manner, such as the matching of local expenditures at a percentage ratio uniform throughout the State, which fails to take into consideration the criteria set forth in paragraphs (A), (B), (C), and (D),

"(F) applications from local educational agencies for funds—

"(i) have been developed in consultation with representatives of the educational and training resources available to the area to be served by the applicant,

"(ii) are designed to provide the persons to be served with education programs which will make substantial progress toward preparing such persons for a career,

"(iii) include assurances of adequate planning to meet the vocational education needs of potential students in the area or community served by such agency, and,

"(iv) include a plan, related to the appropriate comprehensive area manpower plan (if any), for meeting the vocational education needs in the area or community served by such agency; and

"(v) indicate how, and to what extent the vocational education programs, services, and activities proposed in the application will meet the needs set forth pursuant to clause (iii); and

"(G) no local educational agency which is making a reasonable tax effort, as defined by regulations, will be denied funds for the establishment of new vocational education programs solely because the local educational agency is unable to pay the non-Federal share of the cost of such new programs;

"(7) provides minimum qualification for teachers, teacher-trainees, supervisors, directors, and other personnel having responsibilities for vocational education in the State and the policies and procedures developed to improve the qualifications of such personnel and to insure that such qualifications continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan;

"(8) provides for entering into cooperative arrangements with the system of public employment offices in the State approved by the State board and by the State head of such system, looking toward such offices making available to the State board and local educational agencies occupational information regarding reasonable prospects of employment in the community and elsewhere, and toward consideration of such information by such board and agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained; and looking toward guidance and counseling personnel of the State board and local educational agencies making available to public employment offices information regarding the occupational qualifications of persons leaving or completing vocational education courses or schools, and toward consideration of such information by such offices in the occupational guidance and placement of such persons;

"(9) provides that in the development of vocational education programs, services and activities under this title, there may be, in addition to the cooperative arrangements provided for in paragraph (8), cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations;

"(10) provides that effective use will be made of the results and experience of programs and projects assisted under other parts of this title;

"(11) provides assurance that Federal funds made available under this part will be so used as to supplement, and to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses set forth in section 122(a), so that all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom, and in no case supplant such State or local funds;

"(12) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title;

"(13) provides that any local educational agency dissatisfied with final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing;

"(14) provides assurance that the requirements of section 106 will be complied with on all construction projects in the State assisted under this title;

"(15) provides for compliance with the requirements with respect to the use of funds set forth in section 122(c);

"(16) provides that grants made from sums appropriated under section 102(b) shall (A) be allocated within the State to areas of high concentration of youth unemployment and school dropouts, and (B) be made only if (i) to the extent consistent with the numbers of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students, and (ii) effective policies and procedures will be adopted which assure that Federal funds made available under this section to accommodate students in nonprofit private schools will not be commingled with State or local funds;

"(17) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(18) includes provisions which shall assure that funds authorized by this title will not be used for any program of vocational education (except homemaking programs under part F) which cannot be demonstrated to (A) prepare students for employment or (B) be necessary to prepare individuals for successful completion of such a program, or (C) be of significant assistance to individuals enrolled in making an informed and meaningful occupational choice.

"(b) The Commissioner shall not approve a State plan under this section until he has made specific findings as to the compliance of such plan with the requirements of this part and he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such plan will be carried out.

"(c) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (a), finds that—

"(A) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(B) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State board that no further payments will be made to the State under this title (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to programs under or portions of the State plan not affected by such failure).

"(3) A State board which is dissatisfied with a final action of the Commissioner under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner, to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"(d) (1) If any local educational agency is dissatisfied with the final action of the State board with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board. The State board thereupon shall file in the court the record of the proceedings on which the State board based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State board, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State board to take further evidence, and the State board may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State board or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"Sec. 124. (a) The Commissioner shall pay, from the amount available to the State for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan as approved pursuant to section 123, except that—

"(1) allotments of States under section 103 from sums appropriated under section 102(b) may be used, at the discretion of the Commissioner, for paying all or part of the expenditures of the States from such allotments; and

"(2) in the case of the Trust Territory of the Pacific Islands and American Samoa, such amount shall be equal to 100 per centum of such expenditures.

"(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(c) No payments shall be made in any fiscal year under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for vocational education in that State for the preceding fiscal year was not less than such fiscal effort for vocational education for the second preceding fiscal year.

"PART C—RESEARCH AND TRAINING IN VOCATIONAL EDUCATION

"AUTHORIZATION OF GRANTS AND CONTRACTS

"Sec. 131. (a) From 50 per centum of the sums available to each State for the purposes of this part the Commissioner is authorized to make grants to and contracts with institutions of higher education, public and private agencies and institutions, State boards, and, with the approval of the appropriate State board, to local educational agencies in that State for the purposes set forth in section 132, except that no grant may be made other than to a nonprofit agency or institution.

"(b) The remaining 50 per centum of the sums available to each State for the purposes of this part shall be used by its State board, in accordance with its State plan, (1) for paying up to 75 per centum of the costs of the State reseach coordination unit, and (2) for grants to colleges and universities, and other public or nonprofit private agencies and institutions, and local educational agencies and contracts with private agencies, organizations, and institutions to pay 90 percentum of the costs of programs and projects for (i) research and training programs, (ii) experimental, developmental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly youths in economically depressed communities who have academic socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs, and (iii) the dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, which programs and projects have been recommended by the State research coordination unit or by the State advisory council.

"USES OF FEDERAL FUNDS

"Sec. 132. The funds available for grants and contracts under section 131(a) may be used for—

"(1) research in vocational education;

"(2) training programs designed to familiarize persons involved in vocational education with research findings and successful pilot and demonstration projects in vocational education;

"(3) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings;

"(4) demonstration and dissemination projects;

"(5) the developments of new vocational education curricula; and

"(6) projects in the development of new careers and occupations, such as—

"(A) research and experimental projects designed to identify new careers in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation requiring less training than professional positions and to delineate within such careers roles with the potential for advancement from one level to another;

"(B) training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in the fields described in subparagraph (A), including programs to prepare professionals (including administrators) to work effectively with aides; and

"(C) projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs.

"APPLICATIONS

"Sec. 133. (a) A grant or contract under section 131(a) may be made upon application to the Commissioner at such time or times, in such manner, and containing, or accompanied by, such information as the Commissioner deems necessary. Such application shall contain—

"(1) a description of the nature, duration, purpose, and plan of the project;

"(2) the qualifications of the principal staff who will be responsible for the project;

"(3) a justification of the amount of grant funds requested;

"(4) the portion of the cost to be borne by the applicant; and

"(5) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

"(b) The Commissioner may not approve an application until such application has been reviewed by a panel of experts who are not employees of the Federal Government.

"PAYMENTS

"Sec. 134. From the amount available for grants or contracts under section 131(a), the Commissioner shall pay to each applicant part of the amount expended by such applicant in accordance with the application approved pursuant to section 133.

"Part D—Exemplary Programs and Projects

"FINDINGS AND PURPOSE

"Sec. 141. The Congress finds that it is necessary to reduce the continuing seriously high level of youth unemployment by developing means for giving the same kind of attention as is now given to the college preparation needs of those young persons who go on to college, to the job preparation needs of the two out of three young persons who end their education at or before completion of the secondary level, too many of whom face long and bitter months of job hunting or marginal work after leaving school. The purposes of this part, therefore, are to stimulate, through Federal financial support, new ways to create a bridge between school and earning a living for young people, who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies.

"AUTHORIZATION OF GRANTS AND CONTRACTS

"Sec. 142. (a) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, $57,500,000 for the fiscal year ending June 30, 1970, and $75,000,000 for each of the two succeeding fiscal years to enable the Commissioner to carry out the provisions of this part.

"(b)(1) From the sums appropriated pursuant to this part the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine and shall allot such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands according to their respective needs for assistance under this part.

"(2) From the remainder of such sums the Commissioner shall allocate $200,000 to each State (except for those provided for in paragraph (1)), and he shall in addition allocate to each such State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all such States.

"(c) From 50 per centum of the sums allotted to each State for the purposes of this part, the Commisisoner is authorized to make grants to or contracts with State boards or local educational agencies for the purpose of stimulating and assisting in the development, establishment, and operation of programs or projects designed to carry out the purposes of this part. The Commissioner also may make, in such State from such sums, grants to other public or nonprofit private agencies, organizations, or institutions, or contracts with public or private agencies, organizations, or institutions, when such grants or contracts will make an especially significant contribution to attaining the objectives of this part.

"(d) The State board may use the remaining 50 per centum of such sums for making grants to local educational agencies or other public or nonprofit private agencies, organizations, or institutions or contracts with public or private agencies, organizations, or institutions including business and industrial concerns, upon such terms and conditions consistent with the provisions of this part and with its State plan approved pursuant to section 123, as it determines will most effectively carry out the development, establishment, and operation of exemplary and innovative occupational education programs or projects designed to serve as models for use in vocational education programs.

"USES OF FUNDS

"Sec. 143. (a) Grants or contracts pursuant to this part may be made, upon terms and conditions consistent with the provisions of this part, to pay all or part of the cost of—

"(1) planning and developing exemplary programs or projects such as those described in paragraph (2), or

"(2) establishing, operating, or evaluating exemplary programs or projects designed to carry out the purposes set forth in section 141, and to broaden occupational aspirations and opportunities for youths, with special emphasis given to youths who have academic, socioeconomic, or other handicaps, which programs or projects may, among others, include—

"(A) those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

"(B) programs or projects for students providing educational experiences through work during the school year or in the summer;

"(C) programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

"(D) programs or projects designed to broaden or improve vocational education curriculums;

"(E) exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

"(F) programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

"(G) programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

"(b)(1) A grant or contract pursuant to this part may be made only if the Commissioner is in the case of grants or contracts made by him, or the State board, in the case of grants or contracts made by it, determines—

"(A) that effective procedures will be adopted by grantees and contractors to coordinate the development and operation of other programs and projects carried out under grants or contracts pursuant to this part, with the appropriate State plan, and with other public and private programs having the same or similar purposes;

"(B) that to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students; and

"(C) that effective policies and procedures will be adopted which assure that Federal funds made available under this part will not be commingled with State or local funds.

"(2) The amount available to a State pursuant to section 142(d) shall be available for obligation for grants or contracts pursuant to the State plan approved under section 123, for paying all of the cost of programs described in section 142(d) and section 143(a) during that year and the succeeding fiscal year.

"(3) No grant or contract (other than a grant or contract with a State board) shall be made by the Commissioner under section 142(c) with respect to any program or project unless such program or project has been submitted to the State board in the State in which it is to be conducted and has not been disapproved by the State board within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations.

"(4) Notwithstanding any other provision of law, unless hereafter enacted expressly in limitation of the provisions of this paragraph, funds available to Commissioner pursuant to section 142(c) shall remain available until expended.

"PAYMENTS

"Sec. 144. From the amount available for grants and contracts, under this part pursuant to section 142(c), in the appropriate State, the Commissioner shall pay to each applicant an amount equal to the amount expended by such applicant in accordance with the approved application. Such payment may be made on such terms as are approved in such application. Payments pursuant to grants under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"LIMITATION ON DURATION OF ASSISTANCE

"Sec. 145. Financial assistance may not be given under this part to any program or project for a period exceeding three years.

"Part E—Residential Vocational Education

"DEMONSTRATION SCHOOLS

"Sec. 151. (a) For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to subsection (b) to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purposes of this section, an equitable geographical distribution of such schools.

"(b) There are authorized to be appropriated for the purpose of this section $25,000,000 for the fiscal year ending June 30, 1969, $30,000,000 for the fiscal year ending June 30, 1970, and $35,000,000 each for the fiscal year ending June 30, 1971, and for the succeeding fiscal year.

"STATE PROGRAMS

"SEC. 152. (a)(1) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, and $15,000,000 for the fiscal year ending June 30, 1970, for grants to the States to provide residential vocational education facilities in accordance with the provisions of this section.

"(2) From the sums appropriated under paragraph (1), the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the population of each State bears to the population of all the States.

"(3) For purposes of this section—

"(A) the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) the amount allotted under this subsection to any State for the fiscal year ending June 30, 1969, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year; and

"(C) the amount of any State's allotment under subsection (a)(2) for any fiscal year, which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b), shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b)(1) Funds allotted to the States under subsection (a) shall be used by the State, or, with the approval of the State boards, by public educational agencies, organizations, or institutions within such State, to pay the Federal share of the cost of planning, constructing, and operating residential vocational education facilities to provide vocational education (including room, board, and other necessities) for youths, at least age fourteen but who have not attained age twenty-one at the time of admission to the training program, who need full-time study on a residential basis and who can profit from vocational education instruction. In the administration of the program conducted under this section, special consideration shall be given to needs in geographical areas having substantial or disproportionate numbers of youths who have dropped out of school or are unemployed, and to serving persons from such areas.

"(2) For purposes of this section, the Federal share of the cost of planning, constructing, and operating residential vocational education facilities shall not exceed 90 per centum of the costs incurred in any fiscal year.

"(c) For purposes of this section the State plan approved under section 123 shall set forth the policies and procedures to be used by the State in determining the size and locations of such residential vocational facilities, taking into account the use of existing vocational education facilities. Such policies and procedures must give assurance that—

"(1) adequate provision will be made for the appropriate selection without regard to sex, race, color, religion, national origin or place of residence within the State of students needing education and training at such school;

"(2) the residential school facility will be operated and maintained for the purpose of conducting a residential vocational education school program;

"(3) vocational course offerings at such school will include fields for which available labor market analyses indicate a present or continuing need for trained manpower, and that the courses offered will be appropriately designed to prepare enrollees for entry into employment or advancement in such fields; and

"(4) no fees, tuition, or other charges will be required of students who occupy the residential vocational education facility.

"(d) For purposes of this section—

"(1) the term 'residential school facility' means a school facility (as defined in section 108(3)), used for residential vocational education purposes. Such term also includes dormitory, cafeteria, and recreational facilities, and such other facilities as the Commissioner determines are appropriate for a residential vocational education school,

"(2) the term 'operation' means maintenance and operation, and includes the cost of salaries, equipment, supplies, and materials, and may include but is not limited to other reasonable costs of services and supplies needed by residential students, such as clothing and transportation.

GRANTS TO REDUCE BORROWING COSTS FOR SCHOOLS AND DORMITORIES

"SEC. 153. (a) The Commissioner is authorized to make annual grants to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations, or institutions to reduce the cost of borrowing funds for the construction of residential schools and dormitories to provide vocational education for youths, at least fourteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making contracts for such grants, the Commissioner shall give special consideration to the needs of urban and rural areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain an equitable geographical distribution of such schools.

"(b) Annual grants with respect to the construction of any such residential school shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount equal to the difference between (1) the average annual debt service required to be paid, during the life of the loan, on the amount borrowed for the construction of such facilities, and (2) the average annual debt service which the institution would be required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum.

"(c) The Commissioner shall not enter into a contract for grants under this section unless he determines that the amount borrowed does not exceed the total cost of construction of the facilities, and that such construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials.

"(d)(1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of annual grants in accordance with this section.

"(2) Contracts for annual grants under this section shall not be entered into for an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual grants which may be paid in any year pursuant to contracts entered into under this section shall not exceed $5,000,000, which amount shall be increased by $5,000,000 on July 1, 1969.

"PART F—CONSUMER AND HOMEMAKING EDUCATION

"AUTHORIZATION

"SEC. 161. (a)(1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, $25,000,000, for the fiscal year ending June 30, 1971, $35,000,000, and for the fiscal year ending June 30, 1972, $50,000,000, for the purposes of this part. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 103 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be allotted among the States.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b) For purposes of this part the State plan approved under section 123 shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs which (A) encourage home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, (B) encourage preparation for professional leadership, (C) are designed to prepare youths and adults for the role of homemaker, or to contribute to the employability of such youths and adults in the dual role of homemaker and wage earner, (D) include consumer education programs, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

"(c) From a State's allotment under this section for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that, for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

"(d) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

"PART G—COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 171. The Congress finds that cooperative work-study programs offer many advantages in preparing young people for employment. Through such programs, a meaningful work experience is combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes. Such programs remove the artificial barriers which separate work and education and, by involving educators with employers, create interaction whereby the needs and problems of both are made known. Such interaction makes it possible for occupational curricula to be revised to reflect current needs in various occupations. It is the purpose of this part to assist the State to expand cooperative work-study programs by providing financial assistance for personnel to coordinate such programs, and to provide instruction related to the work experience; to reimburse employers when necessary for certain added costs incurred in providing on-the-job training through work experience; and to pay costs for certain services, such as transportation of students or other unusual costs that the individual students may not reasonably be expected to assume while pursuing a cooperative work-study program.

"AUTHORIZATIONS AND ALLOTMENTS

"SEC. 172. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1969, $20,000,000, for the fiscal year ending June 30, 1970, $35,000,000, for the fiscal year ending June 30, 1971, $50,000,000, and for the fiscal year ending June 30, 1972, $75,000,000, for making grants to the States for programs of vocational education designed to prepare students for employment through cooperative work-study arrangements.

"(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine, and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section. From the remainder of such sums the Commissioner shall allocate $200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States. For purposes of the preceding sentence, the term 'State' does not include the areas referred to in the first sentence of this paragraph.

"(2) The amount of any State's allotment under this section for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under section 173 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes set forth in section 173. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(3) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

"PLAN REQUIREMENT

"SEC. 173. (a) A State in order to participate in the program authorized by this part, shall submit, as part of its State plan, to the Commissioner, through its State board, a plan which shall set forth policies and procedures to be used by the State board in establishing cooperative work-study programs through local educational agencies with participation of public and private employers. Such policies and procedures must give assurance that—

"(1) funds will be used only for developing and operating cooperative work-study programs as defined in section 175 which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs;

"(2) necessary procedures are established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative work-study programs;

"(3) provision is made for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided such on-the-job training is related to existing carrier opportunities susceptible of promotion and advancement and does not displace other workers who perform such work;

"(4) ancillary services and activities to assure quality in cooperative work-study programs are provided for, such as preservice and inservice training for teacher coordinators, supervision, curriculum materials, and evaluation;

"(5) priority for funding cooperative work-study programs through local educational agencies, is given to areas that have high rates of school dropouts and youth unemployment;

"(6) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students;

"(7) Federal funds made available under this part will not be commingled with State or local funds; and

"(8) such accounting, evaluation, and follow-up procedures as the Commissioner deems necessary will be provided.

"(b) The Commissioner shall approve such part of its State plan which fulfills the conditions specified above, and the provisions of part B (relating to the disapproval of State plans) shall apply to this section.

"USE OF FUNDS

"SEC. 174. Funds allocated under this part for cooperative work-study programs shall be available for paying all or part of the State's expenditures under its State plan for this part for any fiscal year, but not in excess of its allotment under section 172.

"DEFINITION

"SEC. 175. For purposes of this part, the term 'cooperative work-study program' means a program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative work-study program.

"PART H—WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

"AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENT

"SEC. 181. (a) There are hereby authorized to be appropriated $35,000,000 for each of the fiscal years ending June 30, 1969 and June 30, 1970 for the purposes of this part.

"(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums for such year as the population aged fifteen to twenty, inclusive, of the State, in the preceding fiscal year bears to the population aged fifteen to twenty, inclusive, of all the States in such preceding year.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved pursuant to section 182 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"PLAN REQUIREMENT

"SEC. 182. (a) To be eligible to participate in the program authorized by this part, a State shall submit as a part of its State plan through its State board to the Commissioner a plan, in such detail as the Commissioner determines necessary, which—

"(1) designates the State board as the sole agency for administration of the plan, or for supervision of the administration thereof by local educational agencies;

"(2) sets forth the policies and procedures to be followed by the State in approving work-study programs, under which policies and procedures funds paid to the State from its allotment under section 181 will be expended solely for the payment of compensation of students employed pursuant to work-study programs which meet the requirements of subsection (b), except that not to exceed 1 per centum of any such allotment, or $10,000, whichever is the greater, may be used to pay the cost of developing the plan required by this section and the cost of administering such plan after its approval under this section;

"(3) sets forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provides for undertaking such programs, insofar as financial resources available therefor make possible in the order determined by the application of such principles;

"(4) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

"(5) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) For the purposes of this section, a work-study program shall—

"(1) be administered by the local educational agency and made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

"(2) provide that employment under such work-study. program shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under this title, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his vocational education program while employed under the work-study program;

"(3) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session, or for compensation which exceeds $45 in any month or $350 in any academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his home, in which case his compensation may not exceed $60 in any month or $500 in any academic year or its equivalent;

"(4) provide that employment under such work-study program shall be for the local educational agency or for some other public agency or institution; and

"(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program under this section is approved.

"(c) The provisions of part B shall be applicable to the Commissioner's actions with respect to plans submitted under this section.

"PAYMENTS

"SEC. 183. (a) From a State's allotment under this section for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, the Commissioner shall pay to such State an amount equal to 80 per centum of (1) the amount expended for compensation of students employed pursuant to work-study programs under the part of the State's plan approved under section 182, plus (2) an amount, not to exceed 1 per centum of such allotment, or $10,000, whichever is the greater, expended for the development of such plan and for the administration of such plan after its approval by the Commissioner. No State shall receive payments under this section for any fiscal year in excess of its allotment under section 181 for such fiscal year.

"(b) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds allotted under section 181.

"STATUS OF PARTICIPANTS

"SEC. 184. Students employed in work-study programs under this part shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any purpose.

"PART I—CURRICULUM DEVELOPMENT IN VOCATIONAL AND TECHNICAL EDUCATION

"AUTHORIZATION

"SEC. 191. (a) The Congress finds that curriculum development in vocational education is complicated by the diversity of occupational objectives; variations due to geography; differences in educational levels and types of programs; and by the wide range of occupations which includes, but is not limited to, agriculture, food processing and preparation, trades and industry, distribution and marketing, technical, public service, health services, business, and office occupations. It is therefore the purpose of this section to enable the Commissioner to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

"(b) There are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1969, and $10,000,000 for the fiscal year ending June 30, 1970, for the purposes set forth in this section.

"(c)(1) Sums appropriated pursuant to subsection (b) shall be used by the Commissioners, after consultation with the appropriate State agencies and the National Council, to make grants to or contracts with colleges or universities, State boards, and other public or nonprofit private agencies and institutions, or contracts with public or private agencies, organizations, or institutions—

"(A) to promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields;

"(B) to develop standards for curriculum development in all occupational fields;

"(C) to coordinate efforts of the States in the preparation of curriculum materials and prepare current lists of curriculum materials available in all occupational fields;

"(D) to survey curriculum materials produced by other agencies of Government, including the Department of Defense;

"(E) to evaluate vocational-technical education curriculum materials and their uses; and

"(F) to train personnel in curriculum development.

"(2) For purposes of this subsection, 'curriculum materials' means materials consisting of a series of courses to cover instruction in any occupational field in vocational education which are designed to prepare persons for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field."

EFFECTIVE DATE

SEC. 102. (a) Except as provided in subsection (b), the amendments made by section 101 shall become effective upon enactment.

(b) The amendments by this Act to the Vocational Education Act of 1963 shall not, during the fiscal year ending June 30, 1969, apply with respect to programs which are continuations of programs (including programs under part H) carried on under any State's plan during the preceding fiscal year.

REPEAL OF EARLIER VOCATIONAL EDUCATION ACTS

SEC. 103. Effective July 1, 1969, the Vocational Education Act of 1946 (the Act of June 8, 1936, as amended, 20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aa–15ggg), section 1 of the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31–33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667) are repealed.

USE OF FUNDS AVAILABLE UNDER THE SMITH-HUGHES ACT

SEC. 104. Funds appropriated by the first section of the Smith-Hughes Act (that is the Act approved February 23, 1917, 39 Stat. 929, as amended (20 U.S.C. 11–15, 16–28)), shall be considered as funds appropriated pursuant to section 102(a) of this Act.

TITLE II—VOCATIONAL EDUCATION LEADERSHIP AND PROFESSIONAL DEVELOPMENT AMENDMENT OF HIGHER EDUCATION ACT OF 1965

SEC. 201. The Higher Education Act of 1965 is amended by inserting the following new part at the end of title V (the Education Professions Development Act):

"PART F—TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATION PERSONNEL

"STATEMENT OF PURPOSE

"SEC. 551. It is the purpose of this part to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to up-date the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.

"LEADERSHIP DEVELOPMENT AWARDS

"SEC. 552. (a) In order to meet the needs in all the States for qualified vocational education personnel (such as administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs) the Commissioner shall make available leadership development awards in accordance with the provisions of this part only upon his determination that—

"(A) persons selected for awards have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

"(B) persons receiving such awards are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

"(C) persons selected are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as a graduate student to a program of higher education approved by the Commissioner under subsection (c).

"(b)(1) The Commissioner shall pay to persons selected for leadership development awards such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(2) The Commissioner shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported programs not to exceed the equivalent of $3,500 per academic year, but any amount charged such person for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection.

"(c) The Commissioner shall approve the vocational education leadership development program of an institution of higher education by the institution only upon finding that—

"(1) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development;

"(2) such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

"(3) such programs are conducted by a school of graduate study in the institution of higher education; and

"(4) such program is also approved by the State board for vocational education in the State where the institution is located.

"(d) In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, and teacher educators, in vocational education programs in all the States, the Commissioner in carrying out this section shall apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State.

"(e) Persons receiving leadership awards under the provisions of this section shall continue to receive the payments provided in subsection (b) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full-time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

"EXCHANGE PROGRAMS, INSTITUTES, AND INSERVICE EDUCATION FOR VOCATIONAL-EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS

"SEC. 553. (a) The Commissioner is authorized to make grants to State boards, as defined in the Vocational Education Act of 1963, to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, and coordinators, and other personnel, in order to strengthen education programs supported by this part and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

"(b) Grants under this section may be used for projects and activities such as—

"(1) exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in such school;

"(2) inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

"(3) short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless these are part of a continuing program of inservice or preservice training.

"(c) A grant may be made under this section only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner shall not approve an application unless it—

"(1) sets forth a program for carrying out one or more projects or activities which meet the requirements of subsection (b), and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

"(2) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of subsection (b), and in no case supplant such funds;

"(3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(4) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"FAMILIARIZING TEACHERS WITH NEW CURRICULAR MATERIALS

"SEC. 554. In approving training and development programs for vocational educational personnel, the Commissioner shall give special consideration to programs which are designed to familiarize teachers with new curricular materials in vocational education.

"APPROPRIATIONS AUTHORIZED

"SEC. 555. There is authorized to be appropriated to carry out this part, the sum of $25,000,000 for the fiscal year ending June 30, 1969, and the sum of $35,000,000 for the fiscal year ending June 30, 1970."

TITLE III—MISCELLANEOUS PROVISIONS

ADEQUATE LEADTIME, PLANNING, AND EVALUATION

SEC. 301. (a) Section 401 of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247) is amended to read as follows:

"PROGRAMS SUBJECT TO THIS TITLE

"SEC. 401. The provisions of this title shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this title unless so specified by such amendments."

(b) Title IV of such Act is amended by inserting after section 405 the following new section:

"AVAILABILITY OF APPROPRIATIONS

"SEC. 406. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year."

REDUCING AGE LIMIT IN ADULT EDUCATION PROGRAM

SEC. 302. Effective with respect to appropriations for fiscal years beginning after June 30, 1969, section 303(a) of the Adult Education Act of 1966 (title III of Public Law 89–750, 80 Stat. 1216) is amended by striking out "eighteen" and inserting in lieu thereof "sixteen".

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 303. (a) For the purpose of carrying out more effectively the provisions of the programs administered by him (including those administered by him by delegation), the Commissioner of Education—

(1) shall prepare and disseminate to all appropriate State and local agencies and institutions and others concerned with education, complete information on programs of Federal assistance;

(2) shall inform the public on federally supported programs for education by providing information to communications media; such dissemination activity shall include the development and issuance of materials which inform teachers, students, the disadvantaged, and dropouts of new and expanding opportunities for education, together with materials specifically directed to institutions or individuals vested with responsibility for one or more programs administered by the Commissioner;

(3) shall develop, on both formal and informal bases, a close liaison for interchange of ideas and information with representatives of American business and with service, labor, or other organizations, both public and private, to advance American education:

(4) shall collect data and information on programs qualifying for assistance under programs administered by him for the purpose of obtaining objective measurements of the effectiveness achieved in carrying out the purposes of such programs;

(5) may upon request provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education undertaking to initiate or expand programs in order to increase the quality or depth or broaden the scope of such programs, and shall inform such agencies and institutions of the availability of assistance pursuant to this clause.

(6) shall prepare and disseminate to State educational agencies, local educational agencies, and other appropriate agencies and institutions an annual report setting forth developments in the utilization and adaptation of programs administered by him; and

(7) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

(b)(1) For such purpose and also for the purpose of carrying out more effectively other provisions of Federal law, the Commissioner, upon request from a State educational agency, shall provide counseling and technical assistance to elementary and secondary schools in rural areas, as defined by the Commissioner, of such State (A) in determining benefits available to such agencies and schools under Federal laws, and (B) in preparing applications and meeting other requirements for such benefits. Assistance pursuant to this subsection may, in accordance with such request, be provided by personnel from the Office of Education or be provided in the form of grants in such amounts as may be necessary for such State educational agency to employ such personnel as may be necessary to provide such assistance.

(2) The Commissioner is further authorized to provide the types of assistance available to elementary and secondary schools under paragraph (1) to institutions of higher education.

(c) The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials and a brief description of such program;

(2) set forth the availability of benefits and eligibility restrictions in each such program;

(3) set forth the budget requests for each such program, past appropriations, obligations incurred, the average assistance provided under each such program, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

(4) set forth the prerequisites, including the cost to the recipient of receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

(6) set forth the application procedures;

(7) contain a detailed index designed to assist the potential beneficiary to identify all education assistance programs related to a particular need or category of potential beneficiaries;

(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

(9) be transmitted to Congress within the first month of each regular session, together with a report setting forth the specific measures taken in the past year to simplify the various application forms and program guidelines a potential beneficiary would use to benefit from each Federal education assistance program, and to coordinate, simplify application forms and program guidelines.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1970, and each succeeding fiscal year ending prior to July 1, 1972, such sums as may be necessary to carry out the provisions of this section.

(e) Section 806 of the Elementary and Secondary Education Act of 1965 shall become ineffective the first fiscal year for which funds are appropriated to carry out the provisions of this section.

TRAINING TEACHERS OF THE HANDICAPPED

Sec. 304. Section 1 of Public Law 85–926 (grants for teaching in the education of handicapped children) is amended by inserting "and other appropriate non-profit institutions or agencies" after the words "non-profit institutions of higher learning" wherever such words occur.

PREVENTION OF REDUCTION OF STATE AID ON ACCOUNT OF PAYMENTS UNDER PUBLIC LAW 874

Sec. 305. (a) Subsection (d) of section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended (1) by inserting "(1)" after "(d)", and (2) by adding the following new paragraph:

"(2) No payments may be made during any fiscal year to any local educational agency in any State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid (as defined by regulation), or the amount of that aid, with respect to free public education during that year or the preceding fiscal year, or which makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such local educational agency would receive if it were not so eligible."

(b) The amendments made by subsection (a) shall become effective with respect to each State on the first day of the first fiscal year which begins after the adjournment of the first complete legislative session (at which State aid may be considered) of such State's legislature held after the date of enactment of this Act.

PROGRAM CONSOLIDATION STUDY

Sec. 306. The Commissioner of Education shall make a study of the feasibility of consolidation of education programs in order to provide for more efficient use of Federal funds at the local level and to simplify application procedures for such funds and shall, within one year of the date of enactment of this Act, submit to the Congress a report on the results of the study and any recommendations for legislation which would facilitate consolidation of education programs.

STATE SCHOOLS FOR HANDICAPPED IN TERRITORIES

Sec. 307. Section 103(a)(4) of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, 81st Congress, as amended) is amended by inserting "except paragraph (5)," after "this subsection,".

JOB CORPS STUDY

Sec. 308 (a) The Commissioner of Education is authorized and directed to make a special study of the means by which the existing Job Corps facilities and programs established under the Economic Opportunity Act of 1964 most effectively might, if determined feasible, be transferred to State or joint Federal-State operation in conjunction with the program of Residential Vocational Education authorized by part E of the Vocational Education Act of 1953.

(b) The Commissioner shall consult with other Federal officers, State boards of vocational education, and such other individuals and organizations as he may deem necessary for this study, and shall make a report of his findings and recommendations to the appropriate committees of the Congress not later than March 1, 1969.

HEADSTART STUDY

Sec. 309. The President shall make a special study of whether the responsibility for administering the Headstart program established under the Economic Opportunity Act of 1964 should continue to be vested in the Director of the Office of Economic Opportunity, should be transferred to another agency of the Government, or should be delegated to another such agency pursuant to the provisions of section 602(d) of the aforementioned Economic Opportunity Act of 1964, and shall submit the findings of this study to the Congress not later than March 1, 1969.

And the Senate agree to the same.

Carl D. Perkins,
Edith Green,
Roman Pucinski,
John Brademas,
Augustus F. Hawkins,
Sam M. Gibbons,
William D. Ford,
James H. Scheuer,
Lloyd Meeds,
Carl Albert,
William H. Ayres,
Albert H. Quie,
John Ashbrook,
Alphonzo Bell,
Bill Scherle,
John Dellenback,
Edwin D. Eshleman,
William A. Steiger,
Managers on the Part of the House.

Wayne Morse,
Ralph W. Yarborough,
Joseph Clark,
Jennings Randolph,
Harrison Williams,
Gaylord Nelson,
Winston Prouty,
J. K. Javits,
Peter Dominick,
George L. Murphy,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted in lieu thereof a new text. The conference report adopts provisions which are a substitute for both the House bill and the Senate amendment. Except for minor clarifying and technical changes, this statement explains the action taken by the committee of conference with respect to the differences between the House bill and the Senate amendment.

In general.—The House bill made extensive amendments to the Vocational Education Act of 1963 using the "cut and bite" technique. The Senate amendment, in contrast, employed the technique of amending that act "to read as follows", extensively revising and reorganizing it. The substitute agreed upon in conference adopts the approach of the Senate amendment and so amends the Vocational Education Act of 1963 "to read as follows". This has necessitated a number of minor revisions in the language of the House bill, which have no substantive effect.

Disposition of provisions of the Senate amendment unrelated to vocational education.—The Senate amendment but not the House bill contained a provision amending title III of the Elementary and Secondary Education Act of 1965 so as to continue for the fiscal year ending June 30, 1970, the 25-percent reservation to the Commissioner for direct funding of local educational agency applications. The conference substitute does not contain this provision.

The Senate amendment authorized a new program for early education of handicapped children with authorizations of $5 million for fiscal year 1969 and $10 million for fiscal year 1970. Prior to the commencement of the conference the Congress had passed similar provisions as a separate measure (H.R. 18763). The conference substitute does not contain this provision.

The Senate amendment authorized a new preschool program for children from low-income families with an authorization of $375 million for fiscal year 1969 to be administered by the U.S. Commissioner of Education, such new program to replace the "Headstart" program, provisions for which were repealed by the Senate amendment. In lieu of the Senate amendment, the conference substitute contains a provision requiring the President to make a special study as to whether responsibility for administering the "Headstart" program should continue in the Office of Economic Opportunity, be transfered to another agency of the Government, or be delegated to another agency. He is required to submit the findings of the study to the Congress no later than March 1, 1969.

The Senate amendment, but not the House bill, amended Public Law 85-926 (dealing with the training of teacher trainers of the handicapped) to authorize the making of grants to "other appropriate nonprofit institutions or agencies" in addition to existing authority to make grants to public and nonprofit institutions of higher education. The conference substitute contains this provision.

The Senate amendment, unlike the House bill, contained an amendment to title I of the Elementary and Secondary Education Act to extend its benefits to schools for the handicapped in the Trust Territory. The conference substitute contains this provision.

The Senate amendment, but not the House bill, prohibited payments to any State which considers in its distribution of State aid for educational assistance to local educational agencies for education, Federal funds available under Public Law 81-874. The conference substitute contains this provision.

The Senate amendment contained provisions, not contained in the House bill, establishing an emergency food service program for needy children and amending the Child Nutrition Act and the National School Lunch Act. These provisions are not contained in the conference substitute.

The Senate amendment contained provisions consolidating authority for the Commissioner of Education to carry out the collection and dissemination of information in connection with any education program administered by him. The House bill limited this authority to programs under the Vocational Education Act. The conference substitute contains the Senate provision.

The Senate amendment provided authority outside of the Vocational Education Act of 1963 to require the Commissioner to provide technical assistance to elementary and secondary schools in rural areas in order to determine benefits available to them under Federal law and to assist them in the preparation of applications for such benefits. The Senate amendment also authorized the Commissioner to provide this type of assistance to institutions of higher education. The House bill contained no comparable provisions. The conference substitute contains the Senate provisions.

The Senate amendment contained provisions not contained in the House bill which precluded the Commissioner of Education from effecting in any manner, or agreeing to the consolidation of, any programs which result in the commingling in the Federal, State, or local level of funds derived from different appropriations. This Senate provision also precluded the transferral of funds derived from different appropriations to the use of any other program, and precluded sanctioning any agreement with a State agency which would have the effect of approving programs involving funds from different appropriations. This Senate amendment further precluded making any grants of contracts upon condition of the receipt of grants or contracts from another organization. The conference substitute does not contain these provisions.

The Senate amendment required the Commissioner to make a study of the feasibility of consolidating educational programs and to make a report to the Congress of the study. The House bill had no comparable provision. The conference substitute contains the Senate provision.

The Senate amendment, but not the House bill, contained provisions precluding a local educational agency from receiving any financial assistance under the act or any act amended by the act unless the agency had certified to the Commissioner of Education that it appropriately enforces its compulsory school attendance rules. The Senate recedes.

The Senate amendment further required that the Secretary of Health, Education, and Welfare make a study of State laws relating to compulsory school attendance rules to enable a determination of what Federal action should be taken to promote minimum education requirements. The House bill did not contain this provision. The Senate recedes.

The Senate amendment but not the House bill required the Commissioner to prepare and distribute a catalog of all Federal educational programs whether or not such programs are administered by him. The House bill contained no such provision. The conference substitute contains the Senate provision.

Authorizations.—Both bills contained provisions authorizing appropriations for the purpose of enabling the Commissioner to make grants to States for comprehensive programs comparable to authority now contained in existing law. However, the House bill and Senate amendment differ in the level of limitations on such authorizations. In general, the conference substitute follows the provisions of the House bill with respect to the percentages of comprehensive grant funds which must be employed by States for certain specified uses. Such variations are specifically reflected in other portions of this report. The conference agreement with respect to funding authorizations is as follows:

Program	House	Senate	Conference
(1) Grants to States for comprehensive programs and training and research:			
Fiscal year 1969	[1] $355,000,000	$225,000,000	$355,000,000
Fiscal year 1970	565,000,000	517,005,000	565,000,000
Fiscal year 1971	565,000,000	675,000,000	675,000,000
Fiscal year 1972	565,000,000	675,000,000	675,000,000
Each year thereafter	565,000,000		565,000,000
(2) Programs for disavantaged:			
Fiscal year 1969	40,000,000		40,000,000
Fiscal year 1970	40,000,000		40,000,000
(3) Administration of all new programs	(2)	(3)	(4)
(4) Administration by O E and States of comprehensive programs	(5)	(3)	(4)
(5) Work-study:			
Fiscal year 1969	35,000,000		35,000,000
Fiscal year 1970	35,000,000		35,000,000
(6) Exemplary programs:			
Fiscal year 1969	15,000,000		15,000,000
Fiscal year 1970	25,000,000	57,500,000	57,500,000
Fiscal year 1971		75,000,000	75,000,000
Fiscal year 1972		75,000,000	75,000,000
(7) Cooperative vocational education:			
Fiscal year 1969	20,000,000		20,000,000
Fiscal year 1970	50,000,000	25,000,000	35,000,000
Fiscal year 1971		50,000,000	50,000,000
Fiscal year 1972		75,000,000	75,000,000
(8) Demonstration residential schools:			
Fiscal year 1969		25,000,000	25,000,000
Fiscal year 1970		30,000,000	30,000,000
Fiscal year 1971		35,000,000	35,000,000
Fiscal year 1972		35,000,000	35,000,000
(9) Grants to States for residential schools:			
Fiscal year 1969	15,000,000		15,000,000
Fiscal year 1970	15,000,000		15,000,000
(10) Dormitories:			
Fiscal year 1969	5,000,000		5,000,000
Fiscal year 1970	10,000,000		10,000,000
(11) Consumer and homemaking education:			
Fiscal year 1970	15,000,000	25,000,000	25,000,000
Fiscal year 1971		35,000,000	35,000,000
Fiscal year 1972		50,000,000	50,000,000
(12) Curriculum development:			
Fiscal year 1969	7,000,000		7,000,000
Fiscal year 1970	10,000,000		10,000,000
(13) National Advisory Council:			
Fiscal year 1969	100,000	(4)	100,000
Fiscal year 1970	150,000	(4)	150,000
Fiscal year 1971		(4)	150,000
Fiscal year 1972		(4)	150,000
Fiscal year 1973		(4)	
(14) Vocational education professions development:			
Fiscal year 1969	25,000,000		25,000,000
Fiscal year 1970	35,000,000		35,000,000

[1] $5,000,000 reserved for Labor Department manpower studies on occupational training needs.

[2] 3 percent of grant or $50,000, whichever greater.

[3] Such sums as may be appropriated only through fiscal year 1973.

[4] Such sums as may be appropriated.

[5] Such sums as may be appropriated for each fiscal year.

Note: This table does not show sums deleted in conference totaling $50,000,000 for fiscal year 1969 and $435,000,000 for fiscal year 1970 for programs in the Senate amendment but not in the House bill.

PART A—GENERAL PROVISIONS

Declaration of purpose.—The statement of purposes in both the House bill and Senate amendment contains identical language with respect to such purpose with the exception that the Senate adds additional emphasis to programs for students in postsecondary schools. The conference substitute retains the Senate language.

Labor Department manpower studies.—The House bill reserved from the amounts appropriated for comprehensive programs, $5 million for transfer to the Secretary of Labor to finance national, regional, State and local studies and projection of manpower needs. There is no comparable Senate provision. The agreement reached in conference retains this provision of the House bill.

Allotments to States.—In the allotment formula to the States, the House bill followed existing law with respect to the percentages of the funds which are distributed according to certain population groupings. The Senate amendment alters the percentages of these groupings as follows:

Senate amendment	*Existing law (percent)*
(a) Percentage (15 to 19 years old) 55 percent	50
(b) Percentage (20 to 24 years old) 30 percent	20
(c) Percentage (25 to 65 years old) 15 percent	15
(d) Percentage on same ratio as the total of groups (a), (b), and (c) above	5

The conference substitute retains the formula in existing law.

The reallotment language in both the House bill and Senate amendment modified existing law. Existing law provides for reallotment in proportion to the original allotment. The House bill provided for a reallotment on the basis of equitable and reasonable factors determined by the Commissioner, and required reallotments of funds appropriated for programs for the disadvantaged be used only for that purpose. In contrast, the Senate amendment permitted the Commissioner to reallot first among other programs under parts other than B and C within the State to which the original allotment was made, and then among other States. The House recedes; but the requirement that funds appropriated for programs for the disadvantaged be reallotted only for that purpose is retained.

The House bill retained provisions of existing law with respect to the requirement that populations of particular age groups of a State shall be determined on the basis of the latest available estimates furnished by the Department of Commerce. The Senate amendment provided that such population determinations shall be on the basis of the latest estimates available to the Commissioner, dropping references to the Department of Commerce. The House recedes.

National Advisory Council.—The House bill retained the existing Advisory Committee on Vocational Education in addition to a newly created National Advisory Council. Both of these advisory groups have substantially the same functions. The Senate amendment provides solely for a National Advisory Council. The House recedes.

Under the House bill the National Advisory Council would consist of 15 members, not more than five of whom could be regular full-time Federal or State employees. The Senate amendment provided for a 21-member National Advisory Council. The House recedes.

Both versions of the legislation provided for representation of labor and management on the Council, but the Senate amendment specified that this representation must include persons knowledgeable about semiskilled, skilled, and technical employment in several specified occupational fields. The House recedes.

The Senate amendment, in contrast to the House bill, required membership representatives of local school boards and persons knowledgeable about postsecondary and adult vocational education programs and persons familiar with the special problems of the disadvantaged. The House recedes.

The Senate amendment provided that the representatives of the general public could not include Federal employees, but must include parents and students, and must constitute no less than one-third of the total membership. In contrast, the House bill provided for persons representative of local education agencies and not less than five persons representative of the general public. The conference report adopts the provisions of the Senate amendment on this matter.

The Senate amendment, but not the House bill, empowered the National Council to review State plans and advise the Commissioner as regards their approval and to conduct independent evaluations. The conference substitute drops the Senate provision requiring the Council to review State plans and advise the Commissioner with respect to their approval.

The House bill authorized $100,000 for fiscal year 1969 and $150,000 for fiscal year 1970 to pay for technical assistance for the National Advisory Council. The Senate amendment in contrast provides unlimited authorizations for each fiscal year through July 1, 1973. The conference agreement adopts the House provision as regards the monetary amount, while extending the authorization to fiscal 1972.

The Senate amendment required the National Council to review the possible local duplication of vocational education programs at the postsecondary and adult levels and to report its findings. The House bill contained no comparable provision. The conference report includes it.

State advisory councils.—Both versions of the legislation required each State to establish a State advisory council. However, the House bill required that the appointment of the council must be by the Governor while the Senate amendment provided that the council must be appointed by the State Board. The conference substitute provides that the council will be appointed by the Governor of the State, except that in States in which the State board is elective, it will appoint the members.

The House bill makes it clear in the listing of each category of representatives for the council that only one person need be selected from each category. In contrast, the Senate amendment is subject to the interpretation that more than one person be selected from each category listed. The Senate recedes.

Under the Senate amendment, the council must include persons representing State industrial and economic development and planning agencies, a requirement not contained in the House bill. The conference agreement includes the Senate provision with the deletion of reference to representation from planning agencies.

Both versions of the legislation required the council to include as members persons representative of certain generally described post-secondary educational institutions, but the Senate in the listing includes "adult education agencies or institutions," a term not employed in the House bill's corresponding listing. The House recedes.

The Senate amendment contained a requirement not included in the House bill that council members include those having special knowledge with respect to vocational education who are not involved in the administration of State or local vocational education programs. The House recedes.

The House bill, unlike the Senate amendment, contained a special requirement that the council include a person or persons familiar with programs of technical vocational education and training, including comprehensive secondary schools. The Senate recedes.

The House bill contained a requirement, not included in the Senate amendment, that the council include a person or persons representative of local educational agencies. The Senate recedes.

The House bill contained a provision not included in the Senate amendment that the council include a person or persons representing manpower and vocational education agencies in the State, including persons from the comprehensive area manpower planning system of the State. The Senate recedes.

Both versions of the legislation required representation on the council from educators serving large numbers of disadvantaged students, but the House bill provided that such person or persons must represent "school systems" and the Senate amendment required that they represent "local educational agencies." The Senate recedes.

The Senate amendment, unlike the House bill, required representation of persons who are members of school boards. The House recedes.

The House bill required representation on the council of persons from the general public, "including persons representaitve of and knowledgeable about the poor and disadvantaged" but who are not qualified for membership under the previously described categories, which general public representatives shall constitute not less than one-third of the Board. In contrast, the Senate amendment simply required that the Board include representatives of the general public "such as members of parent-teacher associations and youth groups." The conference substitute adopts the House provision, with the deletion of the one-third requirement.

Both versions of the legislation provide similar functions for the State Advisory Council, but differ in the following respects:

(*a*) The House bill specifies that the Council shall review annual program evaluations prepared by the State board;

(*b*) The Senate amendment contains a requirement that the State Advisory Council advise the State board on the disposition of applications for Federal funds for comprehensive programs which have been submitted to it. There is no comparable House provision;

(*c*) The Senate amendment contains a requirement, not contained in the House bill, that the State Council advise the State board on the results of research findings throughout the Nation and their applicability to problems within the State.

(*d*) The Senate amendment also contains a requirement, not contained in the House bill, requiring the Advisory Council to advise the State board on the success of exemplary vocational education programs in the Nation which could be adopted within the State;

(*e*) The Senate amendment contains a provision, not contained in the House bill, requiring the State Advisory Council to advise the State board on the development of applications of the State for grants under part E (State Special Emphasis Programs);

(*f*) The Senate amendment contains a requirement, not contained in the House bill, to the effect that the Council shall advise the State board on the distribution of funds and services to local educational agencies. In each of the above instances, except in (*a*), the Senate recedes.

The Senate amendment contained a specific requirement, not contained in the House bill, that the States shall certify the establishment of and the membership of the State advisory council to the Commissioner no less than 90 days prior to the beginning of any fiscal year in which the State desires to receive funds under title I. This provision is retained in the conference substitute, but a provision permitting the Commissioner to require the certification to contain additional information has not been retained. It appeared clear to the conferees that there existed ample authority for the Commissioner to require the submission of this information in other ways.

The Senate amendment contained a requirement, not contained in the House bill, that each State advisory council meet within 30 days after certification has been accepted by the Commissioner and select from its membership a chairman. The Senate amendment also contained a requirement, not contained in the House bill, that the time, place, and manner of the meeting shall be prescribed by the State advisory council under its rules, but such rules must provide for not less than one public meeting each year where the public is given an opportunity to express views. The House recedes on both these items.

The Senate amendment contained a provision, not included in the House bill, specifying that members of the State advisory council shall be entitled to receive compensation at rates not in excess of $50 per day from Federal funds, as well as appropriate subsistence and travel expenses while away from home. While this provision has been deleted, it does not indicate any intention on the part of the conferees that members of these councils should not be suitably compensated.

Federal administration.—The Senate amendment, unlike the House bill: (a) permitted the Commissioner to delegate his functions to any employee of the Office of Education; (b) authorized the Commmissioner to utilize the services of any other Federal agency; and (c) required the Commissioner to consult with the Department of Labor and other Federal agencies administering programs which may be coordinated with these programs. The conference substitute does not contain these provisions.

Effect of insufficient appropriations.—The Senate amendment, unlike the House bill, provided that whenever the appropriations under the act are less than $300 million, 90 percent of the appropriations for that year shall be for State grants under part B and 10 percent shall be for grants and contracts for research under part C; but in case the appropriations for any fiscal year are less than the appropriations for fiscal year 1969, the amount allotted to any State under part B (State grants) shall not be less than the amount allotted during fiscal year 1969. This provision does not appear in the conference substitute.

Limitation of payments.—The Senate amendment, unlike the House bill, prohibits payments for religious worship or instruction. The conference agreement included this provision. As regards residential vocational schools, the Senate amendment, unlike the House bill, prohibits the assignment of juveniles as a result of their delinquent conduct, and prohibits use of such facilities to foster racial segregation. This provision is retained in the conference report, but its inclusion in no way is to preclude enrollment of persons with records of delinquency.

Definitions.—The Senate amendment broadened the definition of "vocational education" to include remedial or related academic and technical instruction. The Senate amendment also broadened the definition to include technicians and subprofessionals and individuals enrolled in advanced technical education programs. The Senate amendment also included vocational youth club activities and the preparation of teachers for handicapped students. The House bill had none of these provisions. The conference substitute adopts the provisions of the Senate bill, except as to youth club activities, but adds a provision of the House bill that included job placement in the definition.

The House bill deleted the word "area" from the defined term "area vocational education schools." The effect of the deletion is to apply the definition to all "vocational education schools," which definition formerly was limited to area vocational schools. The House recedes.

The Senate amendment, unlike the House bill, revised the definition of "construction" to include the acquisition of existing buildings. The House recedes.

The Senate amendment eliminated, unlike the House bill, the definitions of "Vocational Education Act of 1946," and "supplementary vocational education acts." The Senate recedes.

The House bill, in the definition of "private vocational training institution," provided that the program offered by such institution must be a postsecondary program. The Senate amendment has no such restriction. The Senate recedes.

PART B—STATE VOCATIONAL EDUCATION PROGRAMS

Uses of grant funds by States.—The Senate amendment altered provisions of the existing law to stress preparatory vocational education programs for high school students designed to prepare them for advanced or skilled postsecondary education and modified the existing law with respect to vocational education programs for persons who have "completed or left high school" so as to redirect this program to the "postsecondary level of education." The conference substitute retains the provisions of existing law with the addition that language is included to assure authority to provide vocational education courses for high school students designed to prepare them for advanced or highly skilled postsecondary and vocational education.

The House bill retained provisions of existing law providing that one of the objectives of Federal support for vocational education was for persons who have completed or left high school and who were available for full-time study in preparation for entering the labor market. The Senate amendment modified this provision slightly and eliminated the requirement for "full-time" study. The conference substitute retains the language of the existing law but deletes the "full-time" requirement. The Senate amendment deleted the provisions of existing law which do not permit the use of grant funds for vocational education for persons receiving training allowances under MDTA, ARA, or the Trade Expansion Act of 1962. The conference substitute retains these provisions of existing law. The Senate amendment contained special programs to serve school dropouts. The provisions of existing law, which were retained by the House bill, appropriately covered this vocational education objective. The provision of the Senate amendment was not retained in the conference substitute.

The House bill dropped the requirement in existing law which limited construction of vocational education school facilities to "area" school facilities. This provision of the House bill was not retained by the conference substitute. The Senate amendment added as one of the uses of vocational educational funds "exploratory" occupational educational programs. The conference substitute does not contain this provision.

The House bill required that for the fiscal year 1970 and subsequent fiscal years, at least 25 percent of the amount appropriated in excess of the total of the amounts appropriated under (i) Smith-Hughes Act, (ii) the George-Barden Act, (iii) section 102(a) of the Vocational Education Act of 1963, and (iv) any of the supplementary vocational education acts, for the fiscal year 1969, should be utilized by the State for carrying out programs for the disadvantaged. In addition, the House bill required that in no fiscal year should the amount used for educational programs for the disadvantaged be less than 15 percent of the total allotments to the State of funds from (i) through (iv), as described above. The Senate amendment provided that State plans must provide that 15 percent of the State grant amount must be used for this purpose. The provisions of the House bill are contained in the conference substitute.

The House bill required beginning with fiscal year 1970 that each State expend at least 25 percent of its funds which are in excess of the funds derived from (i) through (iv) (described in the preceding paragraph) for the fiscal year 1969 for providing vocational education for persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market. In addition, the House amendment specified that in no fiscal year shall a State expend less than 15 percent of the total amount allotted to it from such acts for such purpose. The Senate amendment required that the State plan provide that 15 percent of the State grant amount be used for this purpose. The conference substitute contains the provisions of the House bill.

The Senate amendment required that not less than 10 percent of the funds made available to States for "comprehensive" programs should be expended for the physical and mentally handicapped. No similar provision was contained in the House bill. The conference substitute contains a comparable provision.

State plans.—The House bill amended the provision of existing section 5 of the Vocational Education Act of 1963 with respect to State plan requirements and made the State plan requirements of section 5 applicable to the entire vocational education provisions, both old and newly authorized programs. The Senate amendment rewrote State plan requirement provision which State plan requirement was applicable only to vocational education programs authorized under part B dealing with 70 percent of the comprehensive grant authorizations. The conference substitute contains the provisions of the House bill.

Both the House bill and the Senate amendment required consultation with the State advisory council by the State board administering the State plan but the Senate amendment required further that the State plan include provisions for consultation with the State advisory council on policy matters "concerning the approval of applications for, and the distribution of Federal funds." The conference substitute follows the provisions of the House bill.

Both the House bill and the Senate amendment required that the State plan include assurances that copies of the State plan and other policy documents, rules, regulations, and so forth, will be made reasonably available to the public. The Senate amendment in addition required that before the State board submitted its plan for approval that it, after reasonable notice, had afforded an opportunity for a public hearing. The conference substitute adopts the provisions of the Senate amendment.

Both the House bill and the Senate amendment required the State plan to set forth a long-range program plan to extend over a period of time not more than 5 years. The Senate amendment added a requirement not contained in the House bill that such long-range program be for a period of not less than 3 years. The conference substitute contains the provisions provided in the Senate amendment.

The House bill provided that the long-range program must set forth vocational education objectives which "afford satisfactory assurances" of substantial progress toward meeting the vocational educational needs of the State. The Senate amendment embodied somewhat comparable language but stated the objective to be to "hold promise of making substantial progress toward meeting the vocational educational needs of all individuals in the State." The conference substitute adopts the language in the House bill but modifies it to include the language "the vocational educational needs of the potential students in the State."

Both the House bill and the Senate amendment required the State plan to include an annual program plan prepared by the State board in consultation with the State advisory council. Under both versions of the legislation the annual program plan must describe the content of and allocation of funds under programs, services, and activities to be carried out during the following year and both versions seemed to indicate that the plan must describe the allocation of funds both from Federal and State sources, though different language was used. The language in the House bill, unlike the Senate amendment, required description of the allocations also to have been made with respect to funds received from sources other than Federal and State. The provisions of the House bill are contained in the conference substitute.

Both the House bill and the Senate amendment required particular consideration to be given to persons with academic or socioeconomic handicaps, however, the House bill used the broad term "and other handicaps" to further describe the target group, whereas the Senate in lieu of this term used the term "mental and physical handicaps" in further describing the target group. The House bill further described this disadvantaged group with the phrase "that prevent them or will likely prevent them from being readily employable." The Senate in lieu of this language further described the disadvantaged group with the phrase "that prevent them from succeeding in regular vocational education programs." The conference substitute contains the provisions of the Senate amendment.

The House bill contained a provision, not included in the Senate amendment, which required State plans to include provisions that the comprehensive plan be related "to the local cooperative manpower plan, if any" and indicating how and to what extent the proposals in the application will meet those needs. The conference substitute follows the House provision, but substitutes for the words "local cooperative manpower plan," the words "appropriate comprehensive area manpower plan".

The Senate amendment also contained a State plan requirement that no local education agency making a reasonable tax effort, as defined by regulations, will be denied funds for the establishment of new vocational education programs solely because such local agency is unable to pay the non-Federal share of the cost. There was no comparable provision in the House bill. The conference substitute adopts the provision of the Senate amendment in this respect.

The House bill contained the provision of existing law requiring State plans to include minimum qualifications for teachers, teacher trainers, supervisors, directors, and others having responsibility under the State plan. In addition to containing this requirement the Senate amendment required the State plan also to set forth policies and procedures to improve the qualifications of such personnel and to insure that such personnel are matched to the need for personnel in vocational education programs to be carried out under the State plan. The conference substitute adopts the provisions of the Senate amendment in this respect.

The House bill amended the State plan requirements of existing law to provide that in the development of vocational education programs there may be in addition to the cooperative arrangements now provided by section 5(a)(4), cooperative arrangements with other agencies concerned with manpower and job opportunities such as institutions of higher education, model cities, and community action organizations. The Senate amendment contained a comparable provision but extends the cooperative arrangement not only to the development of programs but also to their conduct. In addition the Senate amendment required such arrangements and the House bill merely authorized them. The conference substitute follows the provisions of the House bill, but includes labor and business organizations among the listed agencies and organizations with which cooperative arrangements can be made.

The Senate amendment contained a provision not in the House bill and not in existing law which required that States include provisions in the State plan that the State agency will not take adverse action with respect to an application for funds without affording the local educational agency reasonable notice and opportunity for hearings. The conference substitute adopts the substance of the Senate amendment in this respect.

The House bill required the State plan to provide assurances with respect to compliance to Davis-Bacon as particularly set forth in section 7 of existing law. The Senate amendment does not make this a requirement of the State plan, but section 107 of the Senate bill made such labor standards applicable to all construction assisted from funds provided under part A of the Senate bill. The conference substitute adopts the provisions of the House bill.

The House bill contained a provision not included in the Senate bill to the effect that grants made from sums authorized under section 2(b) (special programs for the disadvantaged) shall be allocated to areas of high youth unemployment and school dropouts, and affords appropriate opportunity for students in nonprofit private schools to participate in programs and finally, that the plan include procedures to prevent commingling of these special funds to accommodate nonprofit private school students with the other State or local funds. The conference substitute adopts the provisions of the House bill.

Both the House bill and the Senate amendment provided for inclusion in the State plan of provisions for making reports to the Commissioner and for keeping appropriate records and making them available to the Commissioner. To this requirement the Senate amendment added an additional requirement that the State plan provide for submitting to the Commissioner an annual evaluation report. The conference substitute adopts the provisions of the House bill.

The House bill contained a requirement for State plans, not included in the Senate amendment, which is designed to assure that Federal funds will not be used for any program of vocational education which cannot be demonstrated (*a*) to prepare students for employment in such a fashion that they will be more desirable to potential employers than employees not enrolled in such program or (*b*) to be necessary to prepare individuals for entry into such a program or (*c*) be of significant assistance to individuals in making an occupational choice. The conference substitute contains the provisions of the House bill modified so as to delete all of clause (a) above, with exception of the portion pertaining to preparation of students for employment.

Both the House bill and the Senate amendment provided that the Commissioner could not approve a State plan until it fulfilled the appropriate conditions specified in the act and could not finally disapprove such a plan until reasonable notice and opportunity for a hearing had been given to the State board. However, the Senate in addition required that the findings of the Commission with respect to the compliance of the State plan to the requirements of the act had to be submitted to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least annually. The conference substitute adopts the provisions of the House bill.

Both the House bill and the Senate amendment provided authority for the Commissioner to cut off funds to any State where there has been a failure to comply substantially with the provision of the State plan. In addition, the House bill gave this authority to the Commissioner where the State plan had been so changed that it no longer complied with the requirements of the law with respect to such plans. The conference substitute contains the provisions of the House bill.

Both the House bill and the Senate amendment provided procedures by which judicial review may be obtained with respect to the Commissioner's action on a State plan. However, the language of the House bill indicated that such action was to be initiated by the "State board" and the Senate amendment indicated that the action was to be initiated by the "State." The conference substitute contains the provisions of the House bill.

In connection with judicial review the House bill, unlike the Senate amendment, gave the Commissioner authority to modify or set aside his action up until the time of filing the record in the court proceedings. The conference substitute contains the provisions of the House bill.

Both the House bill and the Senate amendment provided that in proceedings for judicial review the findings of the Commissioner, where supported by substantial evidence, shall be conclusive, but that the court may remand the proceedings with the Commissioner to take further evidence. However, under the House bill, but not in the Senate amendment, the resulting modified findings of facts shall likewise be conclusive if supported by substantive evidence. The conference substitute adopts the provisions of the House bill.

In connection with the judicial review provisions the House bill, but not the Senate amendment, provided that the initial court proceedings shall not, unless specifically ordered by the court, operate as a stay of the Commissioner's action. The conference substitute adopts the provisions of the House bill.

Unlike the House bill, the Senate amendment also provided for judicial review proceedings for local educational agencies in the Federal courts when such agencies were dissatisfied with the final action of the State board with respect to the approval of an application by such local agency. The conference substitute adopts the provisions of the Senate amendment.

Matching requirements.—The House bill provided a dollar for dollar matching for comprehensive programs (100 percent Federal grants in the case of the Trust Territory and American Samoa). The Senate amendment provided that if the State increased its expenditures by 10 percent over the previous year any Federal funds which are in excess of 10 percent over the previous year would be free from the matching requirement if the additional funds were used for new or expanded vocational educational programs. The Senate amendment further provided that in the case of local educational agencies which could not raise additional funds to establish urgently needed vocational educational programs the Commissioner in fiscal years 1970 and 1971 could waive the matching requirements with respect to the excess of the amount paid to the State during the fiscal year 1969. The conference substitute adopts the provisions of the House bill.

Maintenance of effort.—The Senate amendment, unlike the House bill, contained a maintenance of effort requirement applicable both to the State and to a local educational agency receiving funds. The conference substitute adopts the provisions of the Senate amendment.

PART C—RESEARCH AND TRAINING IN VOCATIONAL EDUCATION

Both the House bill and the Senate amendment set apart 10 percent of the funds appropriated pursuant to the basic authorizing section to be used for research and training in vocational education. The House version of the legislation reserves 50 percent of such funds for allocation by the Commissioner to enable him to make grants to and contracts with institutions of higher education, public and private agencies and institutions, to the State boards and with the approval of the State board, to local educational agencies, for the purposes set forth in the provisions of section 4(c) of the present law and for the additional purpose of the dissemination of information derived from research and demonstrations in the field of vocational education. Under the House provision, the remaining 50 percent shall be allotted among the States under the formula used for grants for comprehensive programs, to be used by State boards for paying up to 75 percent of the cost of State research coordination units and up to 90 percent of the cost of other described projects.

The Senate amendment completely rewrites the existing law. The stated purposes are to provide education for new and emerging careers and occupations, experimental development and pilot programs to test research demonstration and discrimination, the development of new curricula and projects to evaluate the operation of programs for the training, development, and utilization of public services aides. All funds are allocated among the States. The Senate amendment permits the Commissioner to reserve 50 percent of the funds available to the States for projects which are of national or regional importance or interstate projects, but if such reservation is made with respect to the remainder of such funds the Commissioner is required to give special consideration to applications from State boards and from institutions of higher education to support research coordinating units and projects such units recommend. The Senate amendment more elaborately specifies the uses which may be made of funds set apart for research and training. The Senate amendment, unlike the House bill and unlike existing law, specifies in detail what the application for a grant for research and training shall contain and further specifies that the Commissioner may not approve an application until the application has been reviewed by a panel of experts who are not employees of the Federal Government. The Senate amendment contains a provision not in the House bill which permits the Commissioner to pay up to 90 percent of the cost of projects funded under the research and training provisions. Except with respect to the 50 percent set aside for allotments to States for research and training, the House bill maintains the provision of existing law with respect to the authority of the Commissioner to pay "part of the cost of grants and make contracts with private agencies, organizations or institutions."

The conference substitute provides that half of the funds are retained by the Commissioner and may be used for the purposes specified in the Senate amendment. The Senate provisions on applications and uses of funds are retained to apply with respect to grants from and contracts with the Commissioner. The House provision permitting payment of all or part of program costs are retained in the case of grants from the Commissioner. The conference report further provides that the remaining half of the funds are to be used in the manner provided in the House bill respecting grants to State boards for research of coordination units and other described projects.

PART D—EXEMPLARY PROGRAMS

The House bill authorized State grants for exemplary programs, with a reservation to the Commissioner of 10 percent of the sums appropriated for the program. The Senate amendment provided for direct grants by the Commissioner, but applications for such grants must first have been submitted to the State boards and not have been disapproved by the State boards within 60 days. The conference substitute contains a provision that 50 percent of the funds should be used for State grants and 50 percent should be used for direct grants by the Commissioner. The conference substitute also provides that applications for these direct grants by the Commissioner must first be submitted to the State board and not be disapproved within 60 days of such submission.

The House bill provided for payments of all or part of the costs of exemplary programs. The Senate amendment provided for payments of 90 percent of the costs. The conference substitute retains the House provision.

The House bill's provisions for exemplary programs included both elementary and secondary students in programs to acquaint students with occupational choices. The Senate amendment limited these programs to postelementary students. The conference substitute retains the House provisions.

The House bill provided for programs at the secondary level to motivate and provide preprofessional preparation for potential teachers. The Senate amendment had no such provision. The conference substitute retains the House provision.

The Senate amendment required coordination by exemplary program grantees with cooperative area manpower planning systems. The House bill contained a provision that grantees coordinate the programs with the appropriate State plan and with other public and private programs having the same or similar purposes. The House bill also provided in the State plan for coordination by grantees with CAMPS. The conference substitute contains the House provisions.

The House bill contained a clause prohibiting commingling of Federal funds with State or local funds. The Senate amendment contained no such provision. The conference substitute retains the House provision.

Special emphasis.—The Senate amendment provided that 10 percent of the comprehensive State grant funds should be earmarked for "Special-Emphasis Programs," with 90 percent Federal funding whereas other programs funded from comprehensive State grants are limited to 50 percent Federal funds. The conference substitute follows the provisions of the House bill.

PART E—RESIDENTIAL VOCATIONAL EDUCATION

School programs.—The Senate amendment reauthorized the demonstration residential school program in the existing law. The House bill contained no such provision. The conference substitute contains the Senate provision.

The House bill authorized a new residential school program to be administered by the States, providing grants to States for constructing vocational education facilities which are defined to cover not only classrooms and related facilities such as cafeterias now defined in section 108 but also dormitories. The Senate amendment contained no such provision. The conference substitute retains the House provision.

The House bill authorized a grant program to reduce the costs of borrowing for the construction of residential schools and dormitories. The Senate amendment contained no such provision. The conference substitute retains the House provision.

PART F—CONSUMER AND HOMEMAKING EDUCATION

The House bill provided in the consumer and homemaking education part for educational programs which encouraged home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, and which encouraged preparation for professional leadership. The Senate amendment contained no such provisions. The conference substitute retains the House provisions.

The House bill provided for educational programs which prepared youths and adults for the role of homemaker or contributed to their employability in the dual role of homemaker and wage earner. The Senate amendment provided for programs which prepared homemakers or potential homemakers. The conference substitute retains the House provisions.

The Senate amendment specified consumer education programs among the authorized educational programs. The House bill contained no such provision. The conference substitute contains the Senate provision.

The House bill provided for curriculum development in consumer and homemaking education. The Senate amendment contained no such provision. The conference substitute retains the House provision. In no manner does this retention authorize Federal control of curriculum in the schools.

The House bill required that one-third of the Federal funds must be used in economically depressed areas or in areas with high rates of unemployment for programs designed to assist consumers, and to help improve home environments and the quality of family life. The Senate amendment contained no such provision. The conference substitute retains the House provision.

PART G—COOPERATIVE EDUCATION PROGRAMS

The House bill provided for participation of private school children in the cooperative work-study programs. The Senate amendment had no such provision. The conference substitute retains the House provision.

The House bill provided for up to 100-percent Federal funding. The Senate amendment provided for 90–10 matching. The conference substitute retains the House provision.

In the definition of a "cooperative work-study program," the House bill provided that the number of hours of work should approximately equal the number of hours spent in school. The Senate amendment did not contain this limitation. The conference substitute does not contain the House provision.

PART H—WORK-STUDY PROGRAM

The House bill extended the work-study provisions of existing law through fiscal year 1970. It also raised the Federal matching from 75 to 80 percent of program costs. There was no comparable Senate provision. The conference report retains the House provision.

PART I—CURRICULUM DEVELOPMENT IN VOCATIONAL AND TECHNICAL EDUCATION

The House bill contained a provision to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations and to coordinate improvements in, and dissemination of, existing curriculum materials. The Senate amendment contained no comparable provision. The Senate recedes.

MISCELLANEOUS

Effective dates.—The Senate amendment provides that its amendments are effective July 1, 1969, except for the provisions concerning National and State Advisory Councils which are effective upon enactment. The House bill provides for effectiveness of all provisions upon enactment except that the amendments to the State plan requirements shall not be effective during fiscal year 1969 with respect to those programs which are continuations of programs carried on during the preceding fiscal year. The conference report adopts the substance of the House provision.

Teacher training.—The House bill provided for an amendment to the Education Professions Education Act to add a new Part F to provide for leadership awards and such programs as teachers institutes and exchange programs. The Senate amendment contained no such provision. The conference substitute contains the House provision.

Advance funding.—The House bill added the Vocational Educational Act of 1963 to those education programs covered by advance funding authority provided in title IV of the Elementary and Secondary Education Amendments of 1967 (Public Law 90–247). The Senate amendment covered under title IV all education programs administered by the Commissioner whether by authority of statute or by delegation. The conference substitute contains the provisions of the Senate amendment.

The Senate amendment, unlike the House bill, added a new section to title IV of Public Law 90–247 providing for automatic extension for 1 year of the authorization for any covered program in the penultimate year of its authorization unless the Congress passed or formally rejected legislation to extend the authorization for such program. The conference substitute does not contain this provision.

Availability of funds until the end of the fiscal year.—The Senate amendment, unlike the House bill, added a new section to title IV of Public Law 90–247 which provided that funds appropriated in any fiscal year to carry out any of the programs covered by title IV shall remain available for obligation until the end of such fiscal year. The substitute contains this provision.

Job Corps study.—The House bill contained a provision not contained in the Senate amendment authorizing and directing the Commissioner of Education to make a special study of the means by which the Job Corps might most effectively and expeditiously be transferred to State or joint Federal-State operation in conjunction with the program of residential vocational schools authorized by the Vocational Education Act of 1963. The conference substitute contains this provision with a modification which inserts the words "if determined feasible" into the text of the description of the study. The provision for this study does not indicate that conferees recommend an alteration in the present Job Corps administration. It merely represents the desire of the conferees to enable the appropriate committees and the Congress to review effective options in increasing manpower training opportunities.

Carl D. Perkins,
Edith Green,
Roman C. Pucinski,
John Brademas,
Augustus F. Hawkins,
Sam Gibbons,
William D. Ford,
James H. Scheuer,
Lloyd Meeds,
Carl Albert,
William H. Ayres,
Albert H. Quie,
John Ashbrook,
Alphonzo Bell,
Bill Scherle,
John R. Dellenback,
Edwin D. Eshleman,
William A. Steiger,
Managers on the Part of the House.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement on the part of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized for 1 hour.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I rise in support of the conference report on H.R. 18366. This bill passed the House unanimously. The conference report was acceptable to all members of the committee and the conferees. This is probably one of the greatest steps in the direction of helping individuals who are not going on to college to get into our mainstream of industry. This can truly be called an industrybound bill.

I commend the chairman of the committee for the work that has gone into this, because, in my judgment, this will do more to help people learn to earn and to break the pockets of poverty than any other business that has been considered by this House.

Mr. Speaker, last February I spoke in this House on "the tragic neglect of vocational education and its consequences for America." I pointed out that less than 4 percent of our population aged 18 to 21 were enrolled in postsecondary vocational and technical programs. From a very careful analysis of enrollment figures, I concluded that not more than one high school student in nine is being prepared for gainful employment in our industrial economy upon graduation from high school. I also outlined the administrative and budgetary neglect of vocational-technical education at the Federal level, and called for doubling the Federal effort at the very minimum.

The legislation now before us will more than double the Federal assistance for programs that enable millions of young Americans to learn to earn. But it does a great deal more. It completely rewrites the earlier Vocational Education Acts to provide a new charter for bringing occupational education into the forefront of our total educational system. This is the most important education legislation we have considered in years.

I will say to my colleagues that we provide almost unlimited help for the 20 percent of our young people who enter and complete a college education. I am all for that; they are vital to the Nation. But they are no more vital and no more deserving of help than the 80 percent who will work at machines in our factories, meet our needs for skilled tradesmen, do the vital work of skilled technicians in hundreds of fields of work, fill the millions of jobs in retail establishments and offices across the land, and provide the personal services that mark a civilized society.

Mr. Speaker, with this legislation we move a long step in the direction of assuring that every American citizen will have a skill that will enable him or her to take a decent and remunerative place in our society. This legislation builds the strength of America, economically, socially, and in human terms as perhaps no other could. The very best assurance against poverty and crime and unrest and other problems that plague America is a good job at a decent wage. That is what this legislation is all about. If our school systems in every State and in every city were organized and conducted so as to assure that every student who wants to work is equipped with the skills of modern industry and technology, there would not be a dropout problem. Nor would there be the necessity for expensive manpower training and development programs and the even more expensive Job Corps type of operation.

It will be said that this bill has in it a provision affecting Federal expenditures this year—but I say to my colleagues that this legislation will save more tax dollars in the long run than any other investment we could make.

This is not an administration bill. It grew out of the conviction of members of our committee, widely shared by Members of this House, that there is no time to lose in modernizing and improving vocational-technical education. It grew out of the findings of the Essex Commission that the Nation's educational establishment had seriously and sadly neglected occupational education needed by the vast majority of students. This legislation was originated in the House of Representatives and it is the act of a responsive and responsible legislature.

I urge approval of the conference report.

Mr. PERKINS. Mr. Speaker, the conference report we bring before the House today has in my judgment been thoroughly explained to the Members, having appeared in the Congressional Record on Monday and again on Tuesday of this week. We had a large group of House managers, one of the largest and best I have ever had the experience and pleasure of serving with.

The managers on the part of the House were in addition to me—Mrs. Green of Oregon, Messrs. Pucinski, Brademas, Hawkins, Gibbons, William D. Ford, Scheuer, Meeds, and Albert for the majority, and Messrs. Ayres, Quie, Ashbrook, Bell, Scherle, Dellenback, Eshleman, and William Steiger for the minority. These Members were extremely effective in securing from the conference an excellent bill, one which, I might add, follows closely the bill which passed the House on July 15.

All of the conferees agreed to this conference report and signed the conference report.

Mr. Speaker, in 1917 the U.S. Congress recognized the critical importance to the Nation of occupational training by the enactment of the historical Smith-Hughes Act. Twenty-nine years later the Congress enacted the George Barden Act reflecting again the concern of Congress that vocational training opportunities be provided in newly developing job opportunities.

Seventeen years later another major revision in Federal support of vocational education took place with the enactment of the Vocational Education Act of 1963.

While slight revisions were made from time to time in the intervals of these major enactments these acts represent the major efforts of the Congress to direct vocational training opportunities to the changing demands of the job market.

The commitment in 1917 was approximately $7 million to which was added $40 million in 1946. As a result of the 1963 act, the measure of Federal support has now reached the level of $225 million. In the legislation passed by the House on July 15 of this year, with a unanimous vote, this commitment to State-administered programs was raised to $355 million for the current fiscal year.

This authorization will reach a permanent level in fiscal year 1973 of $565 million. In addition the conference report retains those provisions of the House-passed bill authorizing $40 million for special programs for the disadvantaged; $35 million for continuation of the vocational education work-study program each year through fiscal year 1970; $15 million for exemplary programs for the current fiscal year which begins a 4-year program with authorizations in 1972 of

$75 million; cooperative vocational education programs with $20 million authorized for fiscal year 1969 and $75 million in 1972 culminating the 4-year authorization; a 4-year authorization for demonstration residential schools; a 4-year authorization for a State grant residential school program and a 2-year program of grants to States to assist in financing the construction of residential and other vocational education facilities; a 3-year authorization for consumer and homemaking education beginning in 1970 with an authorization of $25 million, an authorization in 1971 of $35 million and an authorization in 1972 of $50 million.

The legislation also gives attention to the needs of training of vocational education instructors, administrators, and teachers of vocational education instructors by amendment to the Education Professions Development Act with specific authorizations for such activities at $25 million in 1969 and $30 million in 1970.

Mr. Speaker, this legislation approaches realistically funding levels for support of vocational education. In 1963, in the course of our hearings and in the development of the 1963 act, the National Advisory Council on Vocational Education, which had studied the entire program area for the preceding year, reported that the need at that time was Federal fund support of vocational education to the amount of approximately $400 million annually. This is twice the amount authorized for the fiscal year 1968 under existing legislation. States and local communities, on the average, are spending $3 for every $1 of Federal funds going into the vocational education program.

There is no question about the capacity of vocational education institutions in the States to effectively utilize the increased funds that we authorize by this legislation.

In fact, the National Advisory Council reporting to the Secretary of the Department of Health, Education, and Welfare and the Congress earlier this year indicated an appropriate Federal funding level of one billion 250 million dollars.

While this legislation does not authorize appropriation of funds in this magnitude it does, I believe, make significant progress toward enabling States and local communities to meet all the needs of youths and adults for occupational training.

Mr. Speaker, this legislation maintains the principal that vocational education is to be primarily a State and local responsibility, with administration of the programs resting with the State. However, the legislation takes care to assure that within the State plan developed for the use of Federal funds attention will be given to the needs for vocational training offerings in all geographical areas of the State taking into account the financial capability of the local area within the State to adequately finance such programs. The legislation stresses the congressional policy of funding programs that will strengthen skill training and course content to assure participants in vocational education programs the necessary training or retraining for meaningful careers. In a word, the legislation stresses quality.

In this regard, the legislation stresses training and study at the secondary and postsecondary level. The legislation seeks to involve in the vocational education process all the resources available in the State particularly, the growing system of community colleges and area vocational technical schools.

Finally, in order to assure that the Vocational Education Act and Federal support of vocational education programs is meaningfully directed to national, local and State manpower needs the legislation makes permanent the establishment of a National Advisory Council to review annually the conduct of the program so that appropriate adjustments and legislative recommendations will be forthcoming in timely fashion as the accelerated pace of technological development requires changes in vocational education.

Mr. Speaker, vocational education will continue to play a major role in the elimination of rural poverty, school dropouts, in assisting the educationally disadvantaged, manpower shortages, unemployed and underemployed people. Alleviation of these problems is vitally relevant to the Nation's ability to maintain a highly educated, skilled, and flexible work force.

Many of the current problems have resulted from changes in the nature of work. Old jobs are disappearing or being altered; new ones are emerging. Relocation of industry and shifts in market demands have further complicated the labor market. In addition, jobs for which physical strength and untrained minds were adequate in former times virtually vanished, while jobs requiring perfected skills and advanced education have increased.

All youth should be afforded an opportunity to be successful on a job. Cooperative work-experience and work-study programs must be provided for high school youth.

Educational programs need to be relevant. Emphasis should be on how students perform, not just the mastery of subject matter. Achieving this objective may require a new purpose for the public schools. Program development must become more closely attuned to individual interests, aptitudes, needs and subsequent occupational and educational requirements for every boy and girl. We can no longer teach some and not the others.

The Vocational Education Amendments of 1968 provide a way to bring about the required changes. This program in operation would affect over 25 million people a year. This act is also designed to help the "hard-to-reach" and the "hard-to-teach."

This new legislation places resources and program flexibility at the discretion of State and local school agencies while it is designed to focus on the major deficiencies of the past.

We have maintained authority to continue research activities. The research and training authority presently under 4(c) of Public Law 88–210 is in part C of the revision. The program has been changed to provide that one-half of the funds are to be used by the Commissioner under detailed procedures set forth in law. The remaining one-half of the amount is to be used by the State Board for activities eligible under present law and for State research coordinating units. The fact that all research funds are allocated among the States does not preclude the Commissioner from funding the projects of national importance or from alloting funds from a number of States for a national research project. The allotment of funds among the States was designed to insure equitable geographical distribution of research funds.

Title I of the Vocational Education Amendments of 1968 provides funds to the States for maintaining, extending, and improving existing programs, and for developing new ones. Title II provides assistance for leadership and professional development. Title III includes provisions, such as: adequate leadtime for planning and evaluation; reducing the age limit in adult programs from 18 to 16; collection and dissemination of information; and training teachers of the handicapped.

Mr. Speaker, regarding the language on program consolidation study, contained in section 306 of the conference substitute, the House bill contained no provision concerning the concept of consolidating several federally enacted education programs into single projects. The Senate bill carried two provisions with regard to the consolidation of programs concept. The two provisions were: First, a prohibition against such activity, and second, a directive to the Commissioner of Education requiring him to conduct a study of the feasibility of program consolidation by legislation. The conference committee rejected the prohibition provision and accepted the study provision. The understanding of the House conferees on this point was that the study, called for in the conference report, should involve some experimental programs, such as those the U.S. Office of Education has planned to conduct. The study should not preclude consolidation activities not expressly now precluded by law. The House conferees, thus, held to the concept of overhauling and improving the operational activity of federally enacted programs at all three levels of government to the end that the contribution of the Federal Government achieve maximum impact on the improvement of education for the youth of this Nation.

In general, the States have a mandate and a means to concentrate on preventive and strengthening programs and services, rather than on more costly remedial efforts. These are the reasons why the Vocational Education Amendments of 1968 must pass.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. The gentleman from Kentucky has been a strong supporter of and has helped to develop vocational education through the years.

The gentleman from Kentucky and I worked together this year in developing a vocational education bill. I know we are both happy to be able to report all of the provisions of our legislation were adopted, and not only in the House. When we came back from the conference, the Senate receded and yielded to the House on most every provision we provided in our bill. So we can say that this is a House bill in all parts. We, of course, yielded in a few instances to the Senate provisions.

I just want to commend the chairman of the committee for his excellent work. I am pleased we were able to work together in a completely bipartisan fashion, so that we can, through the vocational education measure here before us, do more in helping young people, in helping those who might otherwise be unemployed, in helping those who need a skill for modern employment—more than has been done by any other piece of legislation so far. I believe this is the greatest progress we have made in vocational education, and will put this field up with the other academic fields.

I just want to make this commendation. There will not be any reduction in the efforts in the field of vocational education under the Smith-Hughes and George-Barden Acts because of the fact that this is an expansion in vocational education.

Mr. Speaker, the conference report and the statement on the part of the Members explained quite well the provision that now will be enacted and the law upon the passage of this legislation in the House this evening. It is the culmination of years of study and it carries the great hope for expansion and development of vocational education to eventually meet the needs of all Americans. As I have stated many times before, every person leaving high school should have three options: First, to take a job for which he or she has already the skills, or second, to go on to further vocational and technical training, or third, to attend a college. I believe this legislation is the most far-reaching leading to that that we could devise at this time. I am hopeful that the Congress will, in the future, show its real commitment to this cause by appropriating the full authorization on this bill.

As I mentioned before, this legislation does not eliminate any previous vocational education; in fact, it will permit all categories to further expand and modernize. Since my district has been primarily an agriculture district until recently, I would like to say a few words about this subject matter less any gain the impression that this legislation will in some way permit vocational agriculture to take a position of secondary importance.

Agriculture, Mr. Speaker, as we know it in the United States today is the envy of the world. A single American farmer produces an abundance of high quality food and fiber for himself and 29 or 30 other people. Food costs are among the lowest in the world, in terms of the hours of labor required to purchase food items. In addition to some 200 million Americans, millions of people abroad look to the United States as a source of life-sustaining food.

The high level of productivity and efficiency of American farms did not just happen. It came about to a great degree because of advancements in technology and management skills which were applied by persons trained in their use and application.

There is no intention by the elimination of the George-Barden Act and the retention of the Smith-Hughes Act with the transfer of funds to the comprehensive vocational educational program embodied herein to any way encourage reduction in vocational agriculture. America's advanced agriculture and the training for it did not just happen. It was planned and provided for as far back as February 23, 1917, when the Congress enacted the Smith-Hughes Act—Public Law 347.

The purpose of this act, as set forth in its title, was "to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

Language of the Smith-Hughes Act leaves no doubt that the main thrust of its intention was to encourage—and assist with Federal funds—the individual States to expand teaching of agricultural subjects in their secondary schools. One section of the act deals solely with authorization of funds for teaching agricultural subjects. Another section deals with teaching "of trade, home economics, and industrial subjects;" and another authorizes funds for preparing teachers, supervisors, and directors of agricultural subjects.

As Congress expands the funds for vocational training, it does not intend that agricultural training should play second fiddle as some feel is beginning to happen now.

Many observers feel vocational agriculture has been the victim of a double dose of administrative neglect by the Division of Vocational and Technical Education of the U.S. Office of Education. Not only has personnel skilled and experienced in agricultural training been virtually eliminated, but agricultural education has been shoved several steps down the administrative ladder.

As recently as 5 years ago, the Office of Education maintained a staff of eight specialists in agricultural education in a unit headed by a branch chief, who also was a specialist in this area. He was responsible to a designated "Assistant Commissioner for Vocational Education," who was only one step removed from the Commissioner of Education himself.

Vocational agricultural education, or what remains of it, currently is being handled by two individuals, neither of whom has any reference to agriculture in his title and neither of whom is assigned to agricultural education on a full-time basis. One of these persons, under provisions of Public Law 740 of the 81st Congress, is directed to serve as national adviser to the Future Farmers of America. This task alone should require considerable time, if it is to be performed in a manner which will be of any significant value to FFA.

The other individual, who also is designated as a "program officer" and directly responsible to a "senior program officer," is required under Public Law 740 to serve as executive secretary of FFA, a position to which his full time could be devoted to great advantage.

The Future Farmers of America is the national organization of students studying vocational agriculture in public secondary schools. It was organized in 1923 and was granted a Federal charter by congressional action in 1950. Throughout the years since its founding, FFA has served to stimulate interest in systematic vocational education and to broaden the scope of such training to include leadership, cooperation and citizenship. Along with improvement of agricultural techniques, participation in FFA fosters leadership training and character development, sportsmanship, cooperation, service to the community, thrift, scholarship, organized recreation, citizenship and patriotism.

Carrying out their responsibilities to FFA by two individuals—neither of whom is assigned to vocational agricultural education on a full-time basis—leaves them little, if any, time for work with agricultural training technicians in individual States.

Mr. Speaker, agriculture is this Nation's largest individual industry, and certainly is important to all of us who are dependent upon the productivity of American agriculture for a readily available and abundant supply of high-quality food and fiber. If we are to maintain our agricultural industry on an efficient basis, we must make certain that persons entering farming are adequately equipped by virtue of training for jobs which are becoming more complex each year.

The National Advisory Council on Vocational Education has expressed concern over limitations on vocational training in high schools, and has cited, apparently as one reason for these limitations, that a "high proportion of students" are being trained in agriculture.

I interpret this to mean that there is no desire to reduce training in agriculture where it is needed, but there has been a dearth of training in many new vocational skills which would lead to gainful employment. But more recently, a university economist declared that more than 900,000 people were enrolled in vocational agricultural courses and this number exceeds greatly the replacement needs of agriculture. I would like to explain where he has made a mistake.

Figures of the U.S. Office of Education show that more than 933,000 people were enrolled in vocational agricultural training courses in 1967. Of this number, approximately 506,700 were in secondary schools; 8,100 were in post-secondary school courses; and more than 412,800 were active farmers or farmworkers taking evening or off-season classes as a means of improving their proficiency. In other words, nearly half of the 933,000 people taking some type of vocational agricultural training were individuals already engaged in agriculture. For them, this training was "continuing education" to broaden their knowledge and improve their skills.

Of the 8,100 students in post secondary vocational agriculture courses in 1967, records show that approximately 4,500 completed requirements and presumably were employed in some segment of the agricultural industry. At the secondary school level, where 506,700 were enrolled, records show that something more than 102,000 students completed requirements for graduation.

But not all secondary school graduates in agricultural courses become immediately available for employment in farming or in related industries requiring specialized knowledge of agriculture. Many of them fortunately continue their education at institutions of higher learning. A sizable percent of them enter the Armed Forces.

On the basis of experience in previous years, it can be estimated that of the approximately 106,000 students who completed vocational agricultural training courses last year, fewer than 50,000 either entered or were available for employment in the vast agricultural industry, which includes both farming and farm-related occupations.

Mr. Speaker, population figures reveal that the average farm operator today is 53 or 54 years old, and it has been estimated that, within the next 15 years, two-thirds of our farm operators will have reached the age of 65 or otherwise will be out of farming. To supply replacements for this number of farm operators and farm workers requires a vocational agricultural education program which will make available a trained force nearer to 150,000 individuals each year than to the 50,000 considered likely from last year's efforts.

It is recognized by all of us, of course, that the number of farm operators and hired farm workers is steadily declining, dropping to 4,200,000 last year. This number is declining largely because of advances in technology and management skills, and these advances of themselves require a higher degree of training and education.

The productivity of American farms and the skill and efficiency of those organizations which supply farmers and handle and distribute their products are vital to the security and prosperity of this great Nation and to millions of people abroad. If we are to maintain an agricultural industry in keeping with America's magnificent productive capacity, we must train our young people who desire to enter agriculture in the skills and techniques required to do their jobs well. Without trained people, we cannot hope to maintain our agricultural progress.

Officials of the Office of Education who are charged with responsibility for determining relative emphasis to be placed on the various vocational programs should reexamine and reevaluate the significance of vocational agricultural training in the light of the foregoing comments. Vocational agriculture is no longer oriented entirely to the farm, but it trains young people for agriculture-related industries and it helps the young farm lad in his first transition to vocational training for occupation not related to agriculture.

I raise these points on agriculture because it is my feeling that the entire program of vocational education has not received sufficient emphasis from the Office of Education. It was pointed out in the testimony before our committee that only one supergrade official was assigned to vocational education. As important as the task that lies ahead in these fields, certainly vocational education should have Bureau status. In fact, I think it is so important that it should be the link that should draw all our education and training programs into a new Cabinet-level Department of Education and Manpower. We have many new fields to conquer. I hope the future will see a dramatic expansion in vocational education, not just a reduction in one area to shift emphasis to another—let us tool up now in order that all Americans might gain the skills so that at no future time would we find people unemployed or underemployed because of lack of skills.

Mr. PERKINS. Let me say to my distinguished colleague from Minnesota that this is a bipartisan measure. In colloquy here on the floor last December it was made clear we intended to have a vocational education bill this year, and the able gentleman from Minnesota has been of tremendous assistance in our being able to fulfill that commitment.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman.

I rise in support of this bill, and I hope the conference report will be adopted by a unanimous vote.

Mr. Speaker, this morning's Washington Post has six pages—51 columns of help-wanted advertisements. Yet the latest figure for unemployment in the District of Columbia metropolitan area was 30,500. And that is just the number who were unemployed. It does not count those who are earning very little in some very low paying jobs. Moreover, nearly 5,000 people in the District of Columbia alone are receiving unemployment compensation. All this while the Washington Post has 3,000 help-wanted advertisements just this morning.

This example, these figures, are basic reasons why this vocational education legislation and this conference report is crucially important. A person out of work cannot care for himself and his family, cannot contribute to the basic strength of this Nation, and is, in blunt but accurate words, a symbol, not just of personal failure, but a symbol of a failure by this society to do those things that most need doing.

And we must demonstrate our determination to do what needs doing to help our Nation's schools meet the challenges of living in this highly technical society.

Mr. Speaker, even as we recognize the years of work our teachers dedicate to the Nation's children, so also must we realize that dedication and imagination cannot conquer our educational problems without fiscal muscle.

And the Federal effort, while it does not seek to replace State and local effort, can mean the difference between the edge of excellence and the edge of despair.

Mr. Speaker, people are moving to our cities at a rate over half a million each year. These people are often the poorest and least exposed to educational opportunity. They come because better machines—all the technological miracles we have wrought in agriculture—reduce the need for human labor. And they come to our cities, ill prepared to participate in an economic system that demands extended training. I think it not a part of the American ideal that we permit some of our citizens to live out their lives in the degradation of grinding poverty.

Nor can we maintain our national strength if we do not act to remove the production bottleneck that arises as unskilled labor seeks unfilled jobs. Any businessman who invests heavily in one segment of his production line and neglects another would not deserve the title "businessman"—nor would he long be one. This is a competitive world. We are blessed with the physical resources to stay ahead of the competition. But physical resources without human effort are as nothing. To help people become productive citizens is not charity. It is just commonsense. This legislation is, therefore, an investment in individuals so that they may enjoy the dignity of life that can be theirs. It is also a necessary investment in the total strength of this Nation.

Moreover, Mr. Speaker, I think it high time that we help our established schools do the job they can if they have the money. In the past several years we have heard repeated cries that the public schools have failed. Would it not be more appropriate to point out that public schools are but one institution in our society and that perhaps the sin of failure lies closer to the door of those who demand miracles but provide no funds. And I would point out that programs under catchy titles, accompanied by glib promises of magic, have received our help. I say it is time to invest our labor in the vein of gold we and Americans before us have so laboriously developed. Let us cease this restless search for the easy, one-shot solution to problems that beg for thought and perseverance. The vein of gold is in our public schools. Let us work it.

Mr. Speaker, I would also like to emphasize that a major impact of this legislation will be in strengthening the ability of States to provide vocational education opportunity to their constituent citizens. This is, in my view, extremely important, because it is at the State and local level that State and local problems are clearest. And I am sure that State educational officials have the wisdom to recognize what their immediate needs are—and the will to meet those needs—if they command the necessary resources.

The provisions of this legislation and in the conference report to help the

States create broadly representative advisory councils on vocational education is farsighted. It will help insure that vocational education fits the needs of those whose need is greatest within each area of our Nation. And it will, under the aegis of the National Advisory Council, help insure a truly unified effort on a national scale.

Mr. Speaker, I would like to commend my colleagues on the House General Subcommittee on Education for their dedicated work on this legislation. The quality of their work is reflected in the fact that the House passed this bill by a vote of 390 to 0. And I would note also that the Senate passed the bill by a vote of 88 to 0. I was privileged to be a member of the House-Senate conference committee on this bill, and it is, in its final form, essentially the bill which has received unanimous support in both Houses of the Congress.

This bill will do something about something which needs doing.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman's yielding. I rise in enthusiastic support of the conference report.

Mr. Speaker, it is imperative that we approve this conference report on the Vocational Education Act Amendments of 1968.

This legislation is addressed to the fundamental national interest in producing the skilled manpower without which we cannot sustain an accelerating revolution in technology. It is addressed to the needs of millions of American youth, for whom a secure and useful place in this society depends upon adequate preparation for employment. It is designed to meet a fundamental prerequisite of a healthy national economy, and it is the best single weapon in our war on poverty.

This legislation is a great deal more than a series of amendments to the 1963 Vocational Education Act; it mandates a complete modernization of federally supported vocational education and provides the means of achieving this objective. This may well prove to be the single most important act of the 90th Congress.

Mr. Speaker, I recognize that many Members not serving on our committee are not as aware of the needs in vocational-technical education in this country. Despite general and striking improvements since the 1963 Vocational Education Act was approved, occupational education in our Nation's schools lags far, far behind our needs.

Only about one high school student in every four receives any occupational education, and a large percentage of those who do are in vocational agriculture courses or nonemployment home economics. Yet 80 percent of our young people will need occupational training for work which does not require a college degree. Less than 4 percent of our young people aged 18 to 21 are in postsecondary vocational-technical programs, and in the midst of an explosion in the progress of technology only 4 percent of all vocational enrollments are in technological occupations. In the greatest industrial economy ever developed, only 20 percent of all vocational enrollments are in trades and industrial occupations. These are the hard facts of vocational education which make this legislation an absolute necessity.

Vocational-technical education has been treated as the poor relation of the public school system while each year some 700,000 youngsters reject school as perhaps irrelevant and drop out. The downgrading of vocational-technical education is nowhere more evident than in the U.S. Office of Education, where it is relegated to the status of a division within a bureau. I fought in our committee to create a bureau within that Office for this vital program, and I lost. But I am serving notice right now that the next Commissioner of Education will be expected to remedy this situation within that agency. Hopefully, the next President will go even further and recommend enactment of a bill to create a Department of Education and Manpower cosponsored by the gentleman from Ohio [Mr. AYRES], the gentleman from Minnesota [Mr. QUIE], myself and others on this side of the aisle. This is the only way to give occupational education the status it should and must have at the Federal level.

Mr. Speaker, this legislation does go a very long way to correcting the neglect of vocational-technical education in our schools. It virtually triples authorizations, bringing this phase of education in closer balance with our commitments to college and university education. It adds important new programs such as cooperative school and industry programs, teacher training and exchange, modernization of curriculum, and emphasis upon the needs of handicapped and disadvantaged students. It also provides the mechanism at the State level for bringing vocational education into the mainstream of both education and the economy.

I am referring to the establishment of independent, broadly representative State advisory committees to review progress under this new act and to assure that the programs are related to employment needs in each State. These committees would be appointed by the Governor of the State, except in those States where the State board for vocational education is itself an elected body. The purpose quite simply is to bring such a commission close to the elective process where it will not be insulated from public opinion. Some educators in my State, for whom I have great respect, have expressed concern about such a committee, but I would point out that it is purely evaluative and advisory—Senate provisions giving it administrative powers have been eliminated by the conference. The fact is that even in the most advanced States in terms of vocational education—and Wisconsin is one of the best—the program falls far short of existing needs. We must simply recognize this fact and then get the general public to recognize it and insist upon improvements. An independent advisory committee—even if it becomes somewhat abrasive in the process—can do much to focus public attention upon the needs of vocational education, and to gain public support for meeting those needs.

Mr. Speaker, it is a great privilege to have worked on this legislation in our committee, to have joined in sponsoring it as reported to the House, and to have participated in the conference that worked out the final details of H.R. 18366. This final version is—in all important respects—the bill approved by this House. I cannot conceive of the House at this juncture failing to adopt the report of the conference committee. It would be a tragic error to reject it on an extraneous issue unrelated to the tremendous needs of vocational-technical education. Accordingly, I urge that the conference report be adopted.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I thank the chairman for yielding. I join in very strong support of this measure. This is a highly desirable proposal and I commend the Members of the other party who have worked so long and assiduously together with those of us on this side.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I note the following statement on page 56 of the statement of the managers on the part of the House on the pending conference report:

> *Availability of funds until the end of the fiscal year.*—The Senate amendment, unlike the House bill, added a new section to title IV of Public Law 90-247 which provided that funds appropriated in any fiscal year to carry out any of the programs covered by title IV shall remain available for obligation until the end of such fiscal year. The substitute contains this provision.

In reading the debate on this section in the other body, where it originated, which is section 406 of the conference report but was, I believe, section 407 at that time, the question arises on what the intent of the Congress is in the adoption of this section of the conference report which we, I assume, are about to adopt. I see nothing in the statement of the House managers that in any way undertakes to construe the meaning and scope of section 406. So it seems to me we ought to undertake to clarify the situation.

I know that the gentleman is familiar with the so-called antideficiency law, 31 U.S.C. 665, which has been on the books for many years. This law provides, among many other things, that the Executive can withhold from obligation, and thus from expenditure, as the circumstances warrant it, funds which may have been made available. Section 406 of this conference report says that the funds referred to will remain available for obligation until the end of the fiscal year. Of course, that is true. The funds are always available until the end of the fiscal year and in some instances, in certain types of appropriations, the funds remain available until expended.

I shall ask, if I may, in a moment permission to revise and extend my remarks in connection with this whole matter, but I would like to ask the gentleman this question: Is it the gentleman's interpretation of the power and responsibility and prerogatives of the President and of the Executive, that they will not necessarily, as a result of the action on this bill, be compelled and required by law, regardless of the judgment of the executive branch, to expend all of the funds referred to in section 406?

Mr. PERKINS. Let me first state that under miscellaneous provisions we amended section 401 of title IV of Public Law 90–247 to make the exemption from the Revenue and Expenditures Control Act applicable to all the programs administered by the U.S. Office of Education. This amendment to section 401 also had the effect of giving all such programs advanced funding authority. Then, as to section 406, in my judgment, this section pertains to the disbursement of funds to the Department of Health, Education, and Welfare. They cannot fail to abide by section 406. However, insofar as the President is concerned, we do not touch his constitutional powers. The exemption here does not apply to the constitutional powers of the President to impound funds.

Mr. MAHON. Would it not be a fair assumption to say that you do not in this language undertake to repeal the law which permits the executive branch of the Government, including the Director of the Bureau of the Budget, to withhold expenditure of the funds?

Mr. PERKINS. I will answer the gentleman's question in this way: The President, if he directs the Bureau of the Budget to withhold funds from any governmental agency, we do not touch any constitutional prerogative of the President to take such action. We do not have the authority and I do not know in my judgment how we could get to that. The President in my judgment would not be able to operate an efficient form of Government if we tried to take this power away from him. I do not believe we have the right to take that power away from him, but we do have the right to say that programs operated by a Federal agency shall be exempt from legislation requiring a reduction in obligation of appropriated funds.

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, of course, the Director of the Budget is just an arm of the President.

Mr. PERKINS. Of course, it is an arm of the President.

Mr. MAHON. Being an arm of the President, whatever the Bureau of the Budget does the President does, and vice versa, more or less.

Mr. PERKINS. Let me answer it this way. We do not and cannot interfere with the constitutional power of the President insofar as impounding any funds is concerned and we do not wish to do so.

Mr. MAHON. Insofar as the Bureau of the Budget is concerned, which is the spokesman of the President?

Mr. PERKINS. If the President directs them as the spokesman, I agree with you that the Bureau of the Budget is the right arm of the President.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota.

Mr. QUIE. It is my understanding of the language of section 406 that the President would continue to have the authority to reduce expenditures in the education field if he so desired. He has always had that authority. We do not deny him the right to expend the money that we appropriate, but we do remove these education programs from legislation directing or requiring the reduction of appropriated funds.

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in support of this conference report on the Vocational Education Act amendments. I think the House conferees deserve praise for their skillful work in bringing forward this report. I would particularly note the contribution of the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky [Mr. PERKINS], for his leadership in this effort.

I have been proud to be a member of the Committee on Education and Labor which, over the years, has reported and helped write into law massive and important education programs, programs which help to insure that every American child has the opportunity for a good education. This congressional commitment to excellence in education now helps young people from the preschool years through postgraduate education; future historians of congressional action of the last decade may well consider this commitment, and its implementation, our most important achievement.

This conference report on vocational education is symbolic of this commitment, because it represents an effort to fill one large gap in earlier aid to education programs. Vocational education has traditionally been the stepchild of American education. The prestige, and more important, the money, has been directed at programs leading to higher education But this conference report acknowledges that although our country's well-being demands a large pool of college educated men and women, it also demands that we train and educate technicians and craftsmen to operate and keep running our mechanized, computerized economy.

The conference report authorizes appropriations of some $3 billion over 3 fiscal years to upgrade State and local efforts in vocational education. We should note that this report retains the House bill's emphasis on training for jobs, training which will provide potential dropouts with the skills they need to get useful jobs when their formal education is completed. Such young men and women, assisted by the programs authorized by this report, will enter our society on a payroll, and not on a welfare roll. They will not be the dropouts of the 1970's, people whose lives and talents have been wasted, but will instead be able to take their place in society as citizens who can contribute to the common good, and who can lead productive and dignified lives. I am pleased that my State of New Jersey has already taken important first steps in improving its vocational education programs. I am confident that the aid promised by this conference report will assist New Jersey in its efforts.

In addition to authorizing these tremendously important programs in education, this conference report contains two other provisions about which I feel strongly. First, this report will exempt education programs from the strictures of the Revenue and Expenditure Control Act of 1968. In other words, the full amount of money appropriated for education programs will be available for education. I am all for insuring that every tax dollar my constituents pay is used to promote directly the national interest. But I can think of no national interest whatsoever that is served by reducing Federal aid to education. Last month we approved the largest single appropriations bill ever voted in history. We willingly voted this $72 billion to maintain our national defense posture. But I say to my colleagues that all of the military hardware and defense capability purchased by this $72 billion will be worthless if we do not continue and expand our education programs here at home. Whether you talk about the need of our industry for trained workers, or about the need of our local, State, and Federal governments for educated personnel, or even of the growing demand of the defense structure itself for skilled and educated personnel, it all comes back to education. Our Nation, with its sophisticated economy, and with its commitment to the principles of freedom, cannot survive unless we continue our pursuit of excellence in education. Believing this, I hope this report, with this exemption, will be approved.

Second, this conference report has for the moment saved the Headstart program. We have been through the arguments for and against dismantling the Office of Economic Opportunity many times in this Congress, and my position against such dismantling is clear. I would therefore commend the House conferees for insisting that Project Headstart not be transferred by virtue of this bill.

In conclusion, I strongly urge my colleagues to approve this conference report. It will fill an important gap in our present aid to education programs, and will reaffirm our national commitment to improving American education.

Mr. CUNNINGHAM. Mr. Speaker, I voted in favor of H.R. 18366 the Vocational Education Amendments of 1968 when it passed the House. I believe strongly in this type of training for our people and there is a great demand for the skills taught under this act throughout the country. I know of no legislation that is more urgently needed than this. I, therefore, give my strong support to the conference report before us today and urge the membership of the House to back it wholeheartedly as they did the original bill passed in this body and forwarded to the other body. I have followed this legislation closely and am convinced as I have said that it will fill a very critical shortage existing today for skilled help and further that it will give needed employment to those without a skill or those who have been unemployed because skill was not used due to some changing economic conditions throughout the country. Although I have supported elementary, secondary, and higher education legislation there is another way to gain worthwhile and rewarding employment though training under this act. This legislation will "bring home the bacon," to use a phrase, to thousands of workers who are presently underemployed or not employed because they do not have a skill. As noted above I have supported elementary, secondary, and college financial help to students and to the schools but I am also convinced one can receive a needed education in the various skills to make a decent living by participating in this act. Not everyone has the money or the grades to enter college but through this Vocational Education program they can get equivalent education and earn as much as many of the graduates of our universities. I hope those in need will take advantage of this great program we have provided for them.

Mr. HUNT. Mr. Speaker, in the current setting of school dropouts, teacher strikes, high unemployment rates of urban youth, and widespread dissatisfaction of many young people with our educational system, the passage of H.R. 18366 is significant, since it shows the interest of the Congress in further upgrading vocational-technical education throughout America.

For too long, the education establishment has relegated vocational-technical education to second-class status, with too many secondary school systems almost totally oriented to college preparation. At long last, we are beginning to see a change in this attitude. Every secondary school student in America should have a free choice between a college preparation course of study and a vocational-technical course that would prepare him for a skilled job on graduation. This free choice, if accompanied by enlightened guidance counseling, will make public education more meaningful for millions of American youth.

While I do not intend to comment in detail on the report of the conferees on the measure before us today, I do want to make some remarks at this time regarding certain administrative decisions of the U.S. Office of Education of the Department of Health, Education, and Welfare that vitally affect vocational education, and particularly vocational agriculture and its companion student organization, the Future Farmers of America.

New Jersey is the most urban State in the Nation; but we still call ourselves "The Garden State," because we still have a thriving agricultural industry that employs some 30,000 people in its farm production phase, not to mention hundreds of thousands of others in its marketing, processing, and storage phases. While the number of jobs on farms is continuing to decline, our farms are producing more than ever before, and are more important than ever before in the total picture of feeding a growing population at home and abroad.

The recent administrative reorganization of the Office of Education reflects a downgrading of the status and prestige of vocational agriculture. The Chief of Agricultural Services has become a "program officer," and has been allocated only part-time responsibilities for agricultural education. The agricultural staff has been relegated to regional offices, and its personnel are no longer designated as program officers. The office of the executive secretary of the Future Farmers of America is now a part-time operation.

These administrative decisions of the Office of Education do not reflect the intent of Congress as contained in the Vocational Education Act of 1963 and in the amendments of that act contained in the report of the conferees on H.R. 18366.

I am afraid that someone in the Office of Education has decided that agriculture is a dwindling industry, employing fewer people, and that some of the attention in the past placed on vocational agriculture should be shifted to other vocations. If this attitude should prevail in the future, it will continue to cause a downgrading of vocational agriculture, which will virtually be lost in the administrative shuffle.

The total agri-business complex employs more people than ever before, and is, in fact, the largest employer in the country. While it is true that fewer people are needed on farms today, it is also true that the jobs that remain require more skills to operate a farming industry that is highly mechanized and highly technical in nature. The general need for people with agricultural backgrounds in the many nonfarm phases of agri-business is greater than ever before.

Further evidence of a lack of interest in agricultural education is revealed in the fact that the agricultural industry is not represented on the National Advisory Council on Vocational Education, except by two former teachers of vocational agriculture.

In an answer to a recent inquiry on the reorganization of vocational education within the Office of Education, I was sent some material from the Division of Vocational and Technical Education, which indicates that the new "program officer, work experience, and agricultural education" will be able to utilize the services of a "cadre of approximately 50 nationally recognized specialists in vocational education who will be available as consultants to the Division to work with him on problem areas."

Mr. Speaker, we all know about the consultant racket. The gentlewoman from Oregon, Representative EDITH GREEN, the distinguished chairman of the House Education Subcommittee, has ably pointed out some of the flagrant abuses of the use of $100-a-day consultants in the Office of Economic Opportunity. In this connection, I was recently interested to note a grant of $158,210 under the Manpower Training Act to the Annandale Reformatory in New Jersey, to retrain some 250 inmates of that institution. This represents an average cost per student of more than $600; and yet the average annual Federal expenditure per student in Vocational Agriculture in 1966 was $28 per student, according to the report of the Senate Committee on Labor and Public Welfare.

I am also greatly concerned about the future status and welfare of the Future Farmers of America. This is a highly respected organization of the students of vocational agriculture throughout the United States. It has done more to train young men in the skills of leadership and community participation than any other organization of its kind. It is one of the most valuable assets of rural America; and because many of the students in vocational agriculture have found jobs in nonfarm businesses, the work of the FFA has made a general contribution to the well being of America.

Why should this enviable record of success be penalized and downgraded? The employee of the Office of Education that had been responsible for working with this constructive in-school program for many years, in accordance with Public Law 740, has now been told he may spend only half his time in this responsibility.

Instead of penalizing the FFA program, this kind of constructive student activity should be encouraged in other vocations by the Office of Education. The success story of FFA should be copied to encourage students in other vocations to become better citizens through leadership and citizenship training.

Mr. Speaker, the purpose of my remarks today is to express concern about the direction certain administrative rulings of the Office of Education have been taking. In my opinion these actions are tending to downgrade agricultural education. Funds that have been heretofore provided by Congress under the George Barden Act and the Smith-Hughes Act should be protected and expanded—not hampered and crippled. Because of the broad nature of agricultural education and the potential vocational agriculture has for agriculture and its related industry, the Office of Education should reexamine its administrative reorganization to reinstate a strong and identifiable department of agricultural education within the vocational technical education branch; with an adequate regional staff of agricultural specialists; and a strengthened relationship with the agricultural youth organization, as authorized by Public Law 740.

Mr. FRASER. Mr. Speaker, I strongly support the Vocational Education Act Amendments of 1968. Passage of this bill would make a downpayment on the future for youths who are most in need of training.

The bill that came out of the conference committee should be given the support of the House, because it is an investment in the job prospects of disadvantaged young Americans.

The amendments place special emphasis on modernizing vocational education and on training in urban ghettos and rural poverty areas. For many of the young people who would take advantage of these programs, college is only a remote possibility. Therefore, a well-run vocational education program is a critical factor in preparing these youths for worthwhile and productive lives and in keeping them on the employment rolls.

I particularly urge the adoption of the provision to exempt all Federal aid school funds from the cutbacks being imposed on other programs by the Revenue Control Act. Education should be given the top priority among all of our domestic spending programs. It is far too important a program to be trimmed in any way.

The House conferees on this bill deserve special commendation for rejecting the proposal of the other body to transfer the Headstart program from the Office of Economic Opportunity to the Office of Education. Headstart has been one of the most successful parts of the antipoverty program. Its administration has been generally efficient, and I see no need to transfer jurisdiction at this time.

Mr. PUCINSKI. Mr. Speaker, this is a proud day for me. Several weeks ago, Congress approved and President Johnson signed into law the Juvenile Delinquency Act of 1968 which I sponsored in the House.

Today we are putting the final touches on the Vocational Education Amendments of 1968 Act which I also sponsored and as chairman of the General Subcommittee on Education helped work through Congress.

I am proud that in this session I was able to see two major bills dealing with the problems of young people passed into law. This is a great day for me and my cup flows over with pride and humility.

At the very outset, I want to thank the gentleman from Kentucky [Mr. PERKINS], the chairman of the House Committee on Education and Labor, for his tremendous help and his outstanding leadership on this legislation. Mr. PERKINS has done more for American education than any other American.

Mr. Speaker, when the full record is written, it will show CARL PERKINS has had a greater impact in improving American education at all levels than any other American in our history.

I also want to thank the gentleman from Washington, LLOYD MEEDS for his continuing help in drafting this legislation.

I also want to thank my entire subcommittee and the full committee for their cooperation.

Mr. Speaker, this is a historic bill. It will assure every American youngster an opportunity to develop a marketable skill before graduating from high school.

This bill had 144 major points in disagreement between the House and Senate when we went to conference.

It is a tribute to our staff that this bill could be resolved in the time it took us. I should like to pay particular tribute to our committee counsel, Jack Jennings who is a brilliant young attorney and who grasped the full meaning of the need for the legislation.

I should also like to thank our education director, Sharlene Pearlman, for her untiring effort as well as our clerk, Thomas Gerber. Miss Pearlman has brought to the committee a vast share of knowledge in education.

I should also like to pay tribute to Dr. Elizabeth Simpson, acting head of the Vocational and Technical Education Department at the University of Illinois in Champaign-Urbana, for her tremendous contribution toward the development of this bill. Dr. Simpson, acting as consultant to the committee, brought with her an enormous amount of knowledge in the field of vocational education and home economics and was the moving light in helping draft a measure which won unanimous approval in the House. Dr. Simpson was the architect for a whole new approach to vocational education.

I would also like to thank the American Vocational Education Association and its executive director, Mr. Lowell Burkett for his tireless effort on behalf of this bill.

Mr. Speaker, I am proud to urge adoption of this conference and let us get on with the job of bringing vocational education in America into the 20th century.

Mr. DICKINSON. Mr. Speaker, I rise in support of the conference report on H.R. 18366 which was agreed to by the Senate on October 2, 1968, for support of $3.5 billion in Federal funds for vocational education over the next 4 years.

The importance and urgency of this legislation cannot be underemphasized when you consider that four out of five young people require occupational training if they are to be employable.

Not only in the Second District of Alabama, but throughout this great Nation of ours, too many of our young people grow into adulthood without salable skills or preparation for additional training that will be needed in this age of space technology.

When you consider that the Federal Government spends $8 in direct support of higher education for every $1 it spends for vocational-technical education, even though there are four times as many people requiring vocational funds, it can be readily understood why a change to reflect a better balance is now in order.

I strongly urge approval of this legislation.

Mr. KASTENMEIER. Mr. Speaker, as one of the cosponsors of the Vocational Education Amendments of 1968, I am gratified that the House today is voting on the conference report on this legislation.

This bill provides for the modernization of vocational training over the next 4 years, with emphasis on ghetto and rural poverty areas.

It increases the authorization for the present program of Federal grants to the States by adding $130 million to the $225 million already authorized for this fiscal year. Expansion of our vocational education programs is essential and long overdue, particularly since 80 percent of our young people do not complete college and thus need to be able to participate in vocational and technical education programs in order to prepare for productive roles in society. The problems they face in finding jobs are illustrated by the fact that the highest single group of unemployed in our Nation is our youth—23 percent of the white males between 16 and 19 are unemployed.

The unemployment rate is much higher among youths in disadvantaged and minority groups, both in rural areas and the urban ghetto, and may reach 35 percent. Yet, only 1 percent of the present vocational education funds are directed to programs to train them. This legislation authorizes $40 million annually for the next 2 years for programs for the disadvantaged and it also would assist these youths by extending the successful work-study program which permits students to hold part-time jobs while attending school.

This vocational education bill also provides for consumer and homemaking education and authorizes $25 million in fiscal year 1968, and $35 and $50 million respectively for the next 2 years, to support this program.

In addition, I am very pleased the conferees agreed to delete the Senate amendment which would have transferred the Headstart program to the Office of Education and thus delayed a decision on this until the President furnishes Congress with a recommendation next year on whether this imaginative and highly praised program should remain in the Office of Economic Opportunity.

By approving this legislation, we are moving to provide more relevant and extensive vocational education and I only hope this legislation will succeed in providing the programs through which our youth can prepare for meaningful employment in decent jobs.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 10790, AMENDING PUBLIC HEALTH SERVICE ACT

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10790) to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The **SPEAKER.** Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, KYROS, SPRINGER, NELSEN, and CARTER.

FOR THE RELIEF OF THE BEASLEY ENGINEERING CO., INC.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8588) for the relief of the Beasley Engineering Co., Inc.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

Mr. ARENDS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this is the bill that was formerly 2 days ago objected to but now there has been clearance of the bill with the objectors on this side of the aisle as well as on the other side of the aisle and that it was on the Private Calendar?

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, the gentleman is exactly correct. The bill was passed over under previous unanimous consent on the Private Calendar and was passed over again because of the unavoidable absence of the gentleman from Oklahoma [Mr. EDMONDSON]. I later cleared the bill with the objectors on the other side of the aisle as well as the objectors on this side of the aisle.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

Mr. TALCOTT. Mr. Speaker, reserving the right to object, this was a private bill on the Private Calendar, as I understand it.

Is it the intention of the House to bring up the Private Calendar bills piecemeal in this fashion, all of the rest of the Private Calendar bills?

The **SPEAKER.** The Chair will state that this is not taking up the Private Calendar piecemeal, it is a unanimous-consent request on a bill that the Chair understands has been cleared on both sides of the aisle by the objectors and leaders on both sides.

The Chair would further state that the Chair has entertained that sort of unanimous-consent request from Members on any number of occasions.

Mr. TALCOTT. But it is not the intention to bring up all the rest of the Private Calendar bills?

The **SPEAKER.** Not unless they have been cleared.

Mr. TALCOTT. I thank the Chair, and I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Beasley Engineering Company, Incorporated, of Emeryville, California, the sum of $94,298.10 in full satisfaction of its claims against the United States for losses sustained as the result of damage or destruction of portions of the Dalles irrigation works being constructed under Bureau of Reclamation contract numbered 14–06–D–4014, specifications numbered DC–6004, as a result of floods and high waters during December 1964 and January 1965, which destroyed or damaged work already in place and necessitated reconstruction and repair of installations covered by said contract: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment.

On page 1, line 6, strike "$94,298.10" and insert "$23,746.55".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I have asked permission to address the House at this time in order to ask the majority leader if he can tell us about the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, the program for next week is as follows:

Monday is Consent Calendar day, and on Monday also the following bills will be considered under suspension of the rules:

H.R. 15990, to amend the Manpower Development and Training Act relating to seasonal unemployment in the construction industry;

S. 3206, to amend the Federal Water Pollution Control Act;

H.R. 18205, to provide for the continuance of civil government for the Trust Territory of the Pacific Islands;

H.R. 15151, Guam Development Fund Act of 1968;

H.R. 19910, Federal milk marketing order amendments;

S. 2671, to provide for the control of noxious plants on Federal Government lands;

S. 3736, land sale to village of Central, N. Mex.;

S. 1507, to include firefighters within the provisions of law relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 1190, to provide for the inclusion of certain periods of reemployment of annuitants in computing annuities of surviving spouses;

H.R. 19988, Woodrow Wilson Memorial Act of 1968;

H.R. 10725, to provide salary increases for certain members of the police force of the Library of Congress;

H.R. 7195, relating to salaries of the police for the National Zoological Park;

H.R. 17954, to correct inequities arising out of overpayments of compensation to Government employees;

H.R. 7406, to authorize the furnishing of subsistence to certain employees of the Corps of Engineers; and

H.R. 12881, to authorize allowances to defray commuting expenses of civilian employees at remote worksites.

The following bills will also be considered next week:

The supplemental appropriation bill for fiscal year 1969;

Senate Joint Resolution 175, to suspend for the 1968 campaign the equal-time requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President, with an open rule and 1 hour of debate;

S. 2511, Crude Pine Gum Act of 1967, with an open rule and 1 hour of debate; and

S. 2012, to amend the District of Columbia Public School Food Services Act under the general rules of the House.

Conference reports on the following bills will be called up on Wednesday on request of the distinguished gentleman from Arkansas, the chairman of the Committee on Ways and Means [Mr. MILLS]:

H.R. 17324, Renegotiation Amendments Act of 1968;

H.R. 7735, dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; and

H.R. 653, duty on certain nonmalleable iron castings.

May I advise the Members that bills programed for next week may not necessarily be brought up in the order listed because we are trying to maintain flexibility, to have them in order at all times throughout the week.

Members will be advised of additions to or changes in the program as soon as possible.

Of course, conference reports may be brought up at any time.

We hope to dispose of all outstanding conference reports next week including all bills before the House and Senate and all bills that have heretofore been passed by the House and Senate.

Mr. ARENDS. May I say to the distinguished majority leader that there has been some tentative agreement that the supplemental appropriation bill might be called the first thing on Tuesday.

Mr. ALBERT. The gentleman is correct. We put it at the end of the suspensions, which would normally make it the first order of business on Tuesday.

Mr. ARENDS. I wonder if the gentleman would like to take a shot in the dark in view of the fact that we are going over until Monday and we can get out of here next week?

Mr. ALBERT. It is the hope of the leadership on this side, and of course we are subject to the action of the other body, that we will adjourn sine die next week as early as possible. That is our hope.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. RUMSFELD. I appreciate the gentleman yielding to me.

Mr. Speaker, I heard the gentleman from Oklahoma say that it is his intention to dispose of all bills before the House and Senate.

Does that mean that the gentleman intends to schedule, at some point, the legislative reorganization bill and the election reform bill?

Mr. ALBERT. That is not before the House. That is before the Committee on Rules.

Mr. RUMSFELD. That is business that has been before the House or before the Congress for some 2 years now.

Mr. ALBERT. The gentleman knows that I personally favor the reorganization bill. But there have been literally hundreds or thousands of bills before the House of Representatives for a year or more.

It is the disposition of those bills which are ready for programing on the floor that is intended for next week. That is as far as the present speaker can inform the gentleman.

Mr. RUMSFELD. It is interesting that the Committee on Rules was perfectly capable of meeting this morning and reporting out a rule on the suspension of equal time bill when for some reason or another the leadership on your side of the aisle indicated that the Committee on Rules was not going to meet for the reporting out of additional rules. This was the reason that was given as to why they could not schedule the two bills I am referring to. Yet, the equal time bill seems to have some special priority.

Mr. ALBERT. The Committee on Rules makes its own determination as to when it will meet and it cut off meeting on various bills several weeks ago. It was not the leadership of the House.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 7

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRIBUTE TO CONGRESSMAN THOMAS B. CURTIS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. RUMSFELD], is recognized for 60 minutes.

Mr. RUMSFELD. Mr. Speaker, our colleague, the gentleman from Missouri [Mr. CURTIS], is leaving the House of Representatives this year after 18 years of service. I have taken this time to make a few remarks about his service in the House and to provide this opportunity for other Members.

In reviewing some of the aspects of the contributions of Mr. CURTIS of Missouri as a Member of the House of Representatives from the State of Missouri, I would have to, of course, mention his service on the Committee on Ways and Means, and his service on the Joint Economic Committee, on which I also serve. Even more important has been the leadership he has provided in ideas, in thoughtful and constructive approaches for dealing with the important problems facing our country. He is a man who has developed a reputation as both an activist and an intellectual because of his willingness to do his homework carefully and thoughtfully, and his desire always to be accurate and complete in his presentations.

Certainly in trade matters, economic matters, in the areas of education, training—for example, the Manpower Training and Development Act—and also in fields that do not relate to his committee work, fields such as civil rights—the gentleman from Missouri has been a long and very effective legislator, his contributions have been both extensive and significant.

One of the subjects on which the gentleman from Missouri has become a national expert is military manpower. The subject of and the controversy surrounding the Selective Service System and the draft laws of our country is an area that the gentleman from Missouri has pioneered in over a period of many years in trying to develop greater and more accurate information on the subject and attempting to suggest alternative methods to improve the Selective Service System, and to bring about reforms with respect to the inequities and uncertainties that exist in our present draft laws.

His work in legislative reorganization must also be mentioned. As a national legislator for 18 years he has made it his business to know the Congress, to know the work of the House, and to carefully analyze how it functions, how well it functions or how poorly it may function in certain instances, and as the ranking Member of the Joint Committee on the Reorganization of Congress, it would have to be said that he has made a unique and lasting contribution to the entire effort of finding ways in which the legislative branch of the Federal Government can improve and update its rules and procedures to make a more efficient instrument of Government. The Congress of the United States is a far better and more effective institution for his having served here.

Beyond these specific activities I would say a word or two about the man.

After serving with him for 6 years, I know TOM CURTIS to be a man who has willingly and generously given of his time to assist other Members of the House, in both political parties, new Members and old Members. He is the kind of man other Members bring their questions to, whether they are about the operations of the House, or about legislation, because he is one who has not only demonstrated willingness to help others, but who has also demonstrated the qualities of judgment, integrity and scholarship which each Member of this body respects.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, while the gentleman from Illinois was speaking about the man, TOM CURTIS, I would like to point out that Congressman CURTIS has on frequent occasions demonstrated great courage on the floor. We have seen some instances in which he was the only individual who voted a certain way or other times when there were only a few who voted as he did. In each case, he explained to the House with great clarity and very convincingly exactly why he took the position he did. In each case his decision was based not on politics, but on deep convictions. TOM CURTIS is a man of great courage.

Mr. Speaker, I thank the gentleman for yielding.

Mr. RUMSFELD. Mr. Speaker, I thank the gentleman for his comments. I fully agree with the gentleman that courage is another attribute that TOM CURTIS has in abundance. Certainly the record he has made and the demonstrated willingness to take stands he feels very deeply about—but which at the moment might not have been popular, either in this Chamber or elsewhere around the country—have been a hallmark of his service.

Finally, I would say of Mr. CURTIS, of Missouri, that he is a man who has not bothered to take the time to seek credit. He is one who has been more interested in the ideas, the concepts, and accomplishments. This is, I think, an important reason why the gentleman from Missouri [Mr. CURTIS] has been so constructive, so successful, and so effective as a legislator.

Few men have made so lasting an impression on the careers of other Members of the House, and few have been so willing to assist others. Men like TOM CURTIS are in short supply and I and many others feel deeply privileged to have had the opportunity and benefit of working with him and learning from him.

At this point in the RECORD I wish to insert a statement by the Honorable THOMAS B. CURTIS, a Representative in Congress from the State of Missouri, made by him as the ranking member of the Joint Committee on the Organization of Congress, on May 10, 1965—which I believe was the opening session of the Joint Committee on the Organization of Congress. In it, Mr. CURTIS set forth some of his thoughts about this House of Representatives and the Congress and his views as to how the House can best accomplish the people's business.

HEARINGS OF THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS, MAY 10, 1965

STATEMENT OF HON. THOMAS B. CURTIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI, A MEMBER OF THE JOINT COMMITTEE

Representative CURTIS. Thank you very much. This study of the organization and operation of Congress, with a view toward strengthening it, and enabling it better to meet its responsibilities under the Constitution, is one of the most important undertakings of the 89th Congress.

The success of our study, the reforms we suggest, and their acceptance and application in practice by future Congresses will help determine the future vitality of self-government through elected representatives in our unique tripartite National Government.

It is well at the outset, I think, to put the problem we face in proper perspective.

We should recognize that there is a limit to what our committee can do toward strengthening Congress. No matter how perfect an organizational structure we devise, how workable the procedures we recommend, we still can do no more than provide a vehicle.

More important by far are the vision, the will, the determination, and the ability of future Members of the Congress, and more specificially of the leaders they select, to protect, preserve, and to exercise the legislative powers and prerogatives vested in the Congress by article I of the Constitution.

Some of our recommendations will be enacted into law as an exercise of the rulemaking powers vested in the Senate and the House of Representatives.

But the study of our committee should produce benefits beyond any precepts written in rules. Practical suggestions for handling problems facing Senators and Congressmen and committees can well be compiled in our report as a kind of congressional handbook, helpful to new and old Members alike.

Rules and reforms will be effective in strengthening Congress only to the extent they are observed and utilized.

A false measure of the effectiveness of Congress is suggested by some whose knowledge, I guess, of congressional problems is superficial; namely, the rate of speed of enacting laws, especially measures recommended by the executive branch. Making a law is not the same business as making an automobile.

Legislating or determining policy involves thought, study, imagination, judgment, and sympathetic understanding of the aspirations, the needs, and the desires of 190 million free individual Americans. The excellence of performance of elected representatives in discharging this vital responsibility for our Republic cannot be measured by elapsed time, number of laws, number of words, or any other rigid or mechanical tests applicable to production-line efficiency.

The power to legislate includes the power not to legislate. The checks and balances consciously written into our Constitution were intended to preclude rash and precipitate action.

Thus, some suggested reforms designed to remove any resistance to well-publicized administration proposals instead of strengthening the Congress would weaken it even further.

A caveat ought to be raised also with respect to suggestions that Members have too many things to do and that if some of their duties and powers were taken away from them they would have more time to exercise the remainder of their powers more effectively. Such suggestions should be scrutinized closely to make sure they deal only with inconsequential but time-consuming chores and would not detract from the power of Congress in the name of streamlining it.

I look forward to the hearings and the consideration by the committee of suggested reforms and the opportunity so to improve the Congress as to render it a more potent force in determining the future course of our Nation.

At this point in the Record also I insert a comment on the gentleman from Missouri by Dr. Robert L. Peabody, associate professor, Department of Political Science, Johns Hopkins University, Baltimore, Md.:

To the outside observer, the House of Representatives is complex, multifaceted, difficult to comprehend, almost always interesting, occasionally baffling. Composed as it is of 435 Members, elected every two years, it is above all the national institution closest to the people and usually most representative of the mood and temper of the times.

Many of his colleagues will no doubt pay tribute to Rep. Thomas B. Curtis of Missouri for his virtues both as an individual and as a Congressman: his personal integrity, his sense of purpose, his dedication to the improvement of the legislative process. He commitment to an open dialogue and the free exchange of ideas as the best means of obtaining legislation beneficial to the public's interest and leading to the solution of national problems has been seldom matched and rarely exceeded.

As a political scientist, I wish to pay particular tribute to still another attribute—his "open door" policy for students of the legislative process. I know I speak for many of my colleagues—John Saloma of M.I.T. and John Manley of the University of Wisconsin, to name just two—whose understanding of the workings of the House have been immeasurably enriched by association with Mr. Curtis. My own sense of indebtedness to him is very great.

If the House of Representatives and the Congress of the United States are to regain their proper functions as innovators of policy, accommodators of local, state, and national interests, and overseers of the Federal executive, within the Constitutional framework, then the people of the United States need to elect and return more "Tom Curtises" on both sides of the aisle in both bodies.

Mr. Speaker, I have had prepared some information that sets forth what in some instances are the well-known activities and contributions of the gentleman from Missouri [Mr. Curtis] but what in other instances are the very little known ways in which the gentleman from Missouri has distinguished himself and, in fact, distinguished this body by his service in the House of Representatives.

I include this material in the Record at this point:

THOMAS B. CURTIS—A SHORT BIOGRAPHY

INTRODUCTION

Congressman Curtis was first elected to the House of Representatives in 1950 and has been re-elected in every biennial election since. In 1966, his winning margin was 52,000 votes. A consistently popular campaigner, his victory efforts have been marked by an insistence on discussing the issues in open debate.

In Congress, Tom Curtis is the second ranking Republican on the very important House Committee on Ways and Means. He is the senior Republican on the prestigious Senate-House Joint Economic Committee. As a member, also, of the Senate-House Joint Committee on Internal Revenue Taxation, he is the only Congressman to hold a seat on all three major economic committees.

Curtis was the senior Republican member on the bipartisan Joint Senate-House Committee on the Organization of the Congress, and since 1964, he has served as a Congressional Delegate for Trade Negotiations.

Curtis has been recognized as one of the leading economic spokesmen in America and has been awarded many citations and honors. In 1963, the American Political Science Association singled out Tom Curtis for its Congressional Distinguished Service Award as the most outstanding Republican Congressman for the 1961–1962 session of Congress.

In 1958, he received the Ellis Forshee Award from the Missouri Federation of the Blind for outstanding contributions in behalf of the blind, and, in 1961, the Newel Perry Award from the National Federation of the Blind.

He is the holder of the Alumni Citation from Washington University for his outstanding career and public service and for his record of public service to the St. Louis area, the Citizens Committee for the Enactment of the Hoover Commission Recommendations Citation for his untiring efforts to bring reforms and cut down waste in federal government, the American Nursing Home Association Citation for his work in behalf of the true welfare of our elderly citizens, the St. Louis Globe-Democrat Man of the Year Award, the Boy Scouts of America Silver Beaver Medal, the Mississippi Valley Junior Achievement Free Enterprise Award, and the Missouri University Honorary Fraternity Alpha Kappa Psi Citizen of the Year Award.

Born in Webster Groves, Missouri, Congressman Curtis, 56, is married to the former Susan Ross Chivvis. They are the parents of five children, four sons and a daughter. Leland, married, is a senior at Washington University Law School. Alan is currently serving in the U.S. Army. Charles is a student at Westminster College in Fulton, Missouri. Jonathan is a freshman at Hixon Junior High School in Webster Groves. Liz, now married to lawyer Thomas Allen, has taught school in Albert Lea, Minnesota.

Congressman Curtis is a member of a family long active in Missouri civic affairs. His grandfather was the first Dean of the Washington University Law School. His four brothers include an Episcopalian minister, a medical doctor, a certified public accountant, and a career officer with the American Foreign Service.

A graduate of Webster Groves public schools, Congressman Curtis studied at Dartmouth College, from which he received his A.B. degree with honors and an honorary M.A. degree. His law degree was earned at Washington University. In addition, he holds the honorary Doctor of Laws degree from Westminster College in Fulton, Mo. He is a life trustee of Dartmouth College and a member of the board of directors of Williams Woods College at Fulton.

As a practicing attorney, Congressman Curtis has been active in the St. Louis, St. Louis County, and Missouri Bar Associations. He was a member of the State Board of Law Examiners from 1948 to 1950.

His military service includes enlistment in the Navy in April, 1942, and service in the Atlantic and Pacific Theatres until December, 1945. He was commissioned Lieutenant (j.g.) and received service citations for his achievements which also earned him the commissions of Lieutenant and Lieutenant Commander. He is a member of the National Distinguished Guest Committee of the American Legion.

Curtis' community service before and after his election to Congress includes work with the Big Brother Organization, the Community Chest Fund, the St. Louis Social Planning Council, the Visiting Nurses Association, as Chairman of Boy Scout Camps at Irondale, Mo., the Eagle Scout Association, the Red Cross, as Lecturer in Law at the Y.M.C.A., and activities at Jefferson College and with the American Legion, Webster Groves Memorial Post 172. He has been active in the past in the Lions, Kiwanis and Moose organizations. For more than 27 years he taught the Adult Bible Class at Faith Congregational Church in Webster Groves.

A Congressional student and widely-respected authority on government procedure and economics, Congressman Curtis is the author of the book, "87 Million Jobs: A Dynamic Solution to End Unemployment."

Congressman Curtis, who is a member of the Republican Task Force on Job Opportunities and Welfare, played a key role in development and enactment of the Manpower Development and Retraining Law. As spokesman for Congress in the economic sphere, he was a leader in writing laws extending Social Security to cover disability and in producing major tax reform legislation of recent years. He was a participating author of the Tax Code of 1954 and the 1962 Revenue Act and is a key advocate of Congressional reform. He was one of the first Congressmen to propose a permanent Ethics Committee to oversee the standards and ethical codes of the Members of Congress.

LEADERSHIP IN CONGRESS

In Congress, Tom Curtis is recognized as a leading expert in the field of economics (Bus. Wk. 1-13-62, Monthly Labor Review 1-64, General Electric Forum, Jan.-Mar. '64, remarks by Sen. Javits) and his ranking position on two powerful committees—the House Ways and Means Committee and the Joint Economic Committee—gives him the seniority necessary to make his opinions and proposals effective. He is senior Republican on the Joint Economic Committee, whose report on the President's annual economic message sets the economic lines of battle in Congress. This Committee considers important economic policy issues such as military procurement, agriculture, trade, Latin American policy, and its relation to the state of the economy. As second-ranking Republican on the House Ways and Means Committee, Curtis is active in the fields of taxation, social security, unemployment compensation, trade and tariffs, and other important legislative areas within jurisdiction of the committee. He is also a member of the Joint Committee on Internal Revenue Taxation, the House Committee on Reduction of Nonessential Expenditures, the G.O.P. Policy Committee and the GOP Task Force on NATO Unity.

Tom Curtis is highly respected by both Republican and Democratic colleagues in Congress. A survey of congressional opinion conducted by Redbook Magazine (Feb. '62) revealed Curtis as the second most admired Republican in the House. Former President Eisenhower has said that he considers Curtis "an exceptional member of Congress". In an article in Fortune Magazine (Dec. 1963) Curtis was discussed as one of the top ten conservatives in Congress and considered one of a group of four representatives who make expertly informed fiscal conservatism their hallmark. When endorsing Curtis for election in '62, the National Committee for an Effective Congress stated: ". . . he is the one member to whom congressional colleagues in both parties most often turn when they are seeking to assure bi-partisan support for measures of national significance." Their endorsement emphasized the respect he has gained.

Tom Curtis was recognized as the outstanding Republican member of the House of Representatives by the American Political Science Association in 1963. The Association presented to him their "Distinguished Service Award for Congressional Service" which bi-annually honors one Republican and one Democrat in both Houses of Congress. The award, one of the Nation's highest honors in the field of government service, states:

"With selfless tenacity, with a love of hearty debate, and with an honesty and sincerity that have won him the respect of his colleagues, Thomas B. Curtis seeks to maintain the vitality of Congress and of his party.

"By articulating and advancing policy alternatives, he has elevated the discussion of economic issues in the Congress and elsewhere. Joining in a bipartisan effort, he worked energetically for enactment of trade legislation consistent with his nation's role in international affairs. He speaks with a compelling voice in the development of his party's approach to the problem of full employment in a rapidly automating economy. A student of Congress, he is in the forefront among his colleagues in working for alteration of rules and procedures to meet the needs of a changing society in a changing world.

"The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to Thomas B. Curtis, Republican of Missouri—respected advocate, courageous individualist, and diligent legislator whose service is in the finest tradition of constructive conservatism."

LEADERSHIP NATIONALLY

Tom Curtis was widely mentioned in 1960 as a possible Republican Vice-Presidential candidate (Cong. Quarterly, Fact Sheet 7-15-60; Newsweek 4-18-60), and again in 1964 his name was prominently mentioned for this high position.

His opinions and ideas on national issues have been widely heard and read across the country. He has been called upon to participate in discussions and debates on a number of nation-wide radio and television programs. Among them have been: CBS-TV's special program on the tax cut (7-13-63) and Curtis' nationally televised speech on NBC-TV in rebuttal to President Kennedy on the tax cut (9-21-63); Mutual Broadcasting's "What's The Issue", a discussion of the Social Security Advisory Council (9-22-63) and the newly passed Social Security Act Amendments of 1964 (8-16-64). After the death of President Kennedy, he participated in a broadcast over Radio Liberty (December 1963) assuring millions of listeners in the captive nations and in Russia of the stability of our government in the face of national tragedy, and the Educational Broadcasting Corporation's "Court of Reason" discussing the subject of presidential succession and stability (1-22-64). He also appeared on the very popular Metro-media program "Under Discussion" with leaders in the foreign policy field on the subject of "Foreign Policy: Myths or Realities" which considered Senator Fulbright's criticism of America as disillusioned by the "master-myth" of the cold war. His opinions on the Medicare issue were heard in a debate with Senator Neuberger (D.-Ore.) over the CBS radio program "Leading Question" (Aug. 1964).

His views have been given coverage in many nationally circulated magazines, (Life, editorial 2-7-64; Reader's Digest, June 1963 on Medicare; Nation's Business, May 1963, and the Washington World.) He has published articles in many special interest magazines, including the American Legion magazine (Jan. 1964), the G. E. Forum (Jan.-Mar. 1964, "Protecting the Integrity of the Dollar"), the Yale Political Journal, "Taxation and Economic Progress" (Jan. 1963), Medical World News (Jan. 1964), Vital Speeches (10-15-63), the Tax Foundation's Monthly Tax Features (Dec. 1963) Advance magazine "Youth and the Military" (summer 1963), the National Association of Secondary School Principals' Bulletin "Automation" (Nov. 1964), the Missouri Bar Journal, "The Lawyer in Congress" (Sept. 1964), Play Boy "Conscription and Commitment," (February 1966).

LEADERSHIP IN MISSOURI

Curtis has worked to build the strength and unity of the Republican Party in his home State as well as on the national level. In recognition of his efforts and abilities, the Missouri Republican Convention in 1960 passed a resolution calling for consideration of Curtis for the Vice-Presidency (Kansas City Star (6-5-60)), and he was again endorsed for the 2nd place on the Republican National ticket by the St. Louis Young Republicans, a group of more than 3400 members. His important role as GOP spokesman and the strength he would add to the 1964 ticket were stressed in a feature article by the St. Louis Globe-Democrat (May 1963). Named as a delegate to the 1964 Republican National Convention from the Second District, he was considered a possible favorite son candidate by other members of the Missouri delegation.

In 1960, Curtis was named "Man of the Year" by the St. Louis Globe-Democrat through a committee of prominent civic leaders who made the selection on the basis of distinguished public service. A gathering of 1300 Republican leaders and other St. Louisans honored Curtis at a testimonial dinner in November of 1963, expressing their appreciation for the work he has done for St. Louis and the Nation.

Curtis was honored by Westminster College in Fulton, Mo., in June of 1962, when he was awarded an honorary LL.D. degree and by William Woods College in Fulton in September of 1963 when he was appointed to the Board of Directors.

AS A LEGISLATOR

Human rights

Curtis has long been one of the prime Congressional movers for civil rights and equal opportunities with law and order. Early in 1963, before the Administration introduced any civil rights bill, Curtis had organized a group of 30 Republican Congressmen for consideration of possible legislative action. This Curtis-led group sponsored measures which would eliminate segregation in public accommodations (housing) and vest authority in the U.S. Attorney General to act in civil rights cases after state and local authorities had failed. (Cong. Rec. pages 1495-1499, January 31, 1963). These same provisions became the cornerstone of the historic Civil Rights Act of 1964 passed by Congress.

The Voting Rights Act of 1965 also received Curtis' enthusiastic support, and the Civil Rights Act of 1966, which passed the House but failed in the Senate, contained an entire title which originated in Curtis' office. Realizing that one of the basic problems was not to give the Chief Executive more power but rather to make the President account for the exercise of the power he already had, curtis authored a Title which compelled the U.S. Attorney General to report regularly to the Senate and House on the progress of civil rights compliance.

In 1965 Curtis was a leader in the struggle to have Congress consider the challenge of Mississippi Freedom Party for the seats of the regular Democrat party members from Mississippi. (Cong. Rec. Sept. 16, 1965, p. 23186) (Cong. Rec. Sept. 17, 1965, p. 23392-3). Curtis was singularly praised for his stand by the leader of the Mississippi Freedom Party (statement by Mr. Lawrence Guyot, Chairman, MFDP, September 17, 1965), and for his civil rights efforts in general was cited by the Council for United Civil Rights Leadership which included the late Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, James Farmer, and James Forman among others. (Feb. 1965)

Civil Liberties, and procedures which insure their growth and development, have been a constant concern to Curtis. Getting to the core of the controversy surrounding the House Committee on Un-American Activities (HUAC), Curtis proposed a bill (H.R. 8491, Cong. Rec. April 11, 1967, p. 3912-3913) which would allow a select committee of the Congress to evaluate contempt citations rather than the committee (HUAC) which made them. He would thus prevent the same group of legislators from acting both as prosecutor and judge of the activities of a witness. Removing these procedural excesses, Curtis believes, would also remove much of the vocal opposition to the Committee's interesting and valuable work of investigating and informing the Congress for the purpose of legislating on subversive elements within our society.

Curtis is also the author of a bill (H.R. 5579) Cong. Rec. February 16, 1967, H-1446, which would protect the rights of mentally incompetent persons in judicial proceedings. This bill has the backing of both members of the American Medical Association and the American Bar Association as an effective way to deal with a growing problem.

GUARANTEEING ECONOMIC OPPORTUNITY

The unskilled. The fundamental idea behind Curtis' efforts in the area of constructive welfare and fighting poverty is that Federal programs must be directed toward getting the individual to be able to earn his own living, and get on his "economic feet". This means to Curtis a clearing away of obstacles, economic or social, which block full equality of economic opportunity. The primary barrier is lack of education and training for modern jobs.

On July 11, 1968, Congressman Curtis and three Republican colleagues (Goodell, Widnall, Taft) introduced H.R. 18715 (see Cong. Rec. H7017–19 July 18, 1968) one of the most imaginative bills in recent years to fulfill the promise of economic opportunity to people of the ghetto and other low income, high unemployment areas. The Community Self-Development Act, as the bill is called, authorizes the establishment of Community Development Corporations, stock business corporations formed by residents of an area below norms in income and employment. The CDC owns and manages subsidiary businesses in the community and conducts a broad range of social service programs as desired by its stockholders. A community resident can become a stockholder by buying a $5 share or by earning it through contributed labor.

The Community Self-Determination Act has received the strong endorsement of the Congress of Racial Equality (CORE) and many other groups promoting the concept that "black people should have an opportunity to own their own businesses" and to "have a piece of the action." Following the lead of Curtis, Goodell, Widnall and Taft, 36 other House Republicans and 26 Senators—13 from each party—have introduced the bill. Republican presidential candidate Richard Nixon issued a statement supporting the concept and the Party Platform endorsed it.

Tom Curtis is one of the most highly respected experts in the Congress on job training and retraining. In the 87th Congress, Curtis was Chairman of the Republican Policy Committee's successful study "Operation Employment" (final report, Cong. Rec. August 14, 1961, p. 14701). This study laid the groundwork for the Manpower Development and Training Act of 1962, which contained most of its key provisions. The Curtis conception of the need continually to upgrade the entire "skill ladder" to reduce unemployment and fill the vacant jobs created by technology received fuller amplification in his book *"87 Million Jobs, A Dynamic Solution To End Unemployment.* (Oct. 1962, Duell, Sloan and Pearce, New York).

The less than satisfactory results due to ineffective administration of the Manpower Development and Training Act of 1962, spurred Curtis to further efforts in the essential area of manpower training and retraining. In the 89th Congress Curtis introduced the Human Investment Act (H.R. 10934, Cong. Rec. Sept. 9, 1965, p. 22400–22417), a bill which would give industry a tax credit for training and retraining program expenses It is based on the theory that job training needs to be continually undertaken at every level, and that business and labor working together, and not the government, know better than government what jobs are in demand and how most efficiently to train people for them. Cosponsoring the Human Investment Act behind Curtis in the 89th Congress were 108 of his Republican colleagues including all twelve members of the Joint Senate-House Republican leadership. In the 90th Congress (H.R. 4524, Con. Rec. H926–448, Feb. 2, 1962) this number swelled to over 159 Republican Senators and Congressmen.

Curtis has introduced many other bills designed to open up employment opportunities for the unskilled and those dislocated by the advancing effects of technology. Among them is The Employment Incentives Act of 1967, (H.R. 13777, Cong. Rec. H14264, Oct. 31, 1967), a bill designed to deal with the excesses of the federal minimum wage laws which often prevent an employer from hiring an unskilled employee if his expected productivity would be less than the minimum wage required to be paid. Under the Curtis proposal, the government would be required to give an employer 40% of the minimum wage, for a period of either six months or one year of an employee certified to be unskilled by the U.S. Department of Labor.

Another Curtis proposal is to increase mobility of labor to take advantage of new jobs opening up, by liberalizing the deductions for reimbursed moving expenses, (H.R. 3947, Cong. Rec. January 26, 1967, H698–699), or in the particular case of disabled individuals, for expenses for transportation to and from work (H.R. 3949 Cong. Rec. January 26, 1967, H699).

EDUCATION

In the closing days of the 90th Congress, Congressman Curtis introduced an education bill which reflected the underlying theoretical basis of his work in the area over a period of many years and which represents a modern approach for financing educational expenses. The Curtis bill introduced on Oct. 3, 1968 is based upon the theory that expenses for education is a capital expenditure, one which yields rich returns to the individual and to the society. Consequently, the bill provides that the person who makes this investment shall be allowed to write it off as a capital expenditure on his income tax up to a maximum of $10,000 for a period of ten years. (See Cong. Rec. Oct. 3, 1968).

Since the late 1950's, Congressman Curtis has reintroduced legislation which would improve the Higher Educational opportunities for millions of Americans by allowing a tax credit against income tax for tuition and fees paid by individuals to institutions of higher education and to allow a tax credit for contributions from individuals and corporations to such educational institutions (H.R. 1681) (Cong. Rec. January 6, 1965, pp. 130–131). Curtis supplemented this higher education bill with a proposal which would strengthen the opportunities of educationally deprived children by allowing tax credits and payments to individuals who must meet the cost of such education (H.R. 6357, Cong. Rec. March 16, 1965, p. 4922–3). These proposals, with modifications, were endorsed by the Republican House leadership and presented as the Educational Tax Adjustment Act of 1965. This bill was considered as the alternative to direct federal aid to education and preferred by those who wished to remove impediments to greater local, state, and private contributions to education. Curtis has pointed out that while federal expenditures to education have increased enormously, the growth in expenditures for education from all sources in our society combined has decreased in recent years. This effect, says Curtis, is the operation of the "Curtis corollary" to Gresham's law—federal money drives out state, local, and private funds.

Curtis' involvement with education has been long standing. Since his graduation from Dartmouth College with a B.A. degree with honors, he has received an honorary M.A. degree from the same institution, earned his law degree from Washington University in St. Louis, and received an honorary Doctor of Law degree from Westminster College in Fulton, Missouri. He is also a member of the Board of Directors of William Woods College in Fulton, Missouri, and a life Trustee of his alma mater, Dartmouth College.

URBAN PROBLEMS

In 1967, when the Subcommittee on Urban Affairs of the Senate-House Joint Economic Committee undertook to study in depth the economic and related problems of the nation's urban areas, they requested that papers be presented to divergent aspects of urban problems as background. Included among the twenty-one papers requested, nineteen were by academicians, one was prepared by an institution, and one was prepared by a Congressman—Tom Curtis. (Joint Committee Print, *"Urban America: Goals and Problems"*, August 1967)

The Curtis paper entitled "Toward a Better Understanding of Urban America" (Joint Committee Print, p. 213) presents an historical appraisal of the development of the high rise city, reaching the conclusion that the factors which contributed to the growth of concentrated urban living—the proximity of water as a source of industrial power, and the close aggregation of the labor force to run the plants—no longer exist. They have been replaced instead by electricity and a more mobile labor force, thus allowing plants to be located almost anywhere, with the continuation of a high rise core region no longer necessary. Curtis points out that those who advocate great sums of federal money for the restoration of the core city are opposing progress and are creatures of the vested interests of the property owners of the core area. The long range solution, says Curtis, lies in breaking down barriers for the core city dweller—be they economic or social—so that he can follow his preference out of the concentrated areas into more dispersed living conditions. This means job training, labor mobility and not massive federal renewal projects which merely perpetuate the concentrated conditions.

Immediate conditions demand attention, and Curtis solutions for the economic needs of the urban areas include an updated real estate property tax, based upon fairer assessment of property values, better zoning, and enforced building codes. Curtis is also a sponsor of the National Home Ownership Foundation Act (H.R. 8846, Cong. Rec. H4443, April 20, 1967), authored by Senator Percy (R.-Ill.) which stresses ownership and the pride that goes with it rather than rental. The NHOF would assist the low income families in financing the home with funds obtained from debentures sold by that institution as well as the home owner with advisement and other subsidiary services.

Curtis' interest in urban problems has extended to fully acquainting the next generation of America's leaders with those problems first hand. Congressman Curtis was the first Congressional sponsor of the *Cornerstone Project*, a program originated and operated by students which provides a series of two week seminar sessions each summer for Washington's student interns in a ghetto of one of several large metropolitan areas. The project has grown from one city in 1966 to five cities in 1968, and from Curtis as the original Congressional sponsor to twenty Senators and Congressmen of both parties.

There is no one in the House of Representatives who has worked more diligently to obtain fair Congressional hearings on the Report of the National Advisory Commission on Civil Disorders (Kener Commission) than Congressman Tom Curtis. While expressing deep reservations about some of the scholarship underlying the report, Congressman Curtis took the floor of the House on March 4, three days after the Kener Report was released, and stated: "This is something that the appropriate Congressional Committee should immediately proceed to find out. Then if some real studying has been done, it can serve as the basis for moving forward to do the comprehensive job that is so badly needed." (See Cong. Rec. March 4, 1968, p. 1599–60)

On April 9, 1968, more than a month after the publication of the report of the National Advisory Commission, when it was apparent that the Democratic leadership in the Congress and the White House intended to ignore the report, Congressman Curtis again took the floor and introduced legislation (H. Con. Res. 758) which would provide for a Joint Senate-House Committee on Central City Affairs "to immediately take up the report of the National Advisory Commission together with its working papers and background material, to hold public hearings on the report, calling before it members of the Commission and others who helped in its studies as well as knowledgeable people in government and the private sector—all under cross examination and to report back to the Congress within six months recommendations for action." (See Cong. Rec. April 9, 1968, p. E2825–26). The Curtis resolution has never received consideration by the House and has been pending before the House Committee on Rules since its introduction six months ago.

However, as senior Republican on the Joint Economic Committee, Congressman Curtis was instrumental in bringing about the hearings that were held by the JEC on May 28, 29, and June 4, 5 and 6 of 1968. It was also his initiative and that of other Republican members of the Committee to extend an invitation to the Rev. Ralph Abernathy who was in Washington at that time directing the "Poor People's Campaign". Although the Committee rescheduled Dr. Abernathy's appearance several times at his request, he never did ultimately appear.

SOCIAL SECURITY, WELFARE, REHABILITATION AND THE NEEDY

Tom Curtis has spent sixteen years as an active member of the House Ways and Means Committee which is responsible for all social security and most welfare legislation. He has consistently approached his tasks on the committee positively, recognizing that nearly everyone can contribute something to society, and that it is in society's interest—and most of all the individual's—to help them do it.

Curtis has seen many of his proposals enacted into law. In the area of health care for the aged, Curtis successfully sponsored bills to provide federal guarantees for loans to qualified nursing homes through the F.H.A. and to provide federal assistance for the training of practical nurses. Curtis has been honored for such work through receipt of the American Nursing Home citation. He has also sponsored a bill, which is now law, which cuts the cost of medicines bought through the mail by lowering postage rates on such prescriptions. In addition, a Curtis proposal now enables retirement pension plans to pay health benefits thus enabling 15 million persons under such plans to provide for retirement and health care costs. The Social Security Amendments of 1965 contained Curtis proposals including provision of monthly insurance benefits for certain dependent parents of individuals; entitled to either old age or disability insurance benefits. The 1965 amendments also contained substantially the provisions of Curtis's bill, H.R. 3360 (Cong. Rec. 1095, Jan. 25, 1965) which made individuals suffering from Tuberculosis or mental illness eligible for public assistance payments on the same basis as individuals suffering from other types of illness.

Curtis was instrumental in the historic extension of the Social Security System to cover the disabled. Certain legislation he has sponsored in this area would liberalize benefits to the blind. (H.R. 11214, Cong. Rec. H8226, June 28, 1967).

Curtis has been recognized for his work on behalf of the blind, receiving in 1953, the Ellis Forshee Award from the Missouri Federation of the Blind, and in 1961 the Newel Perry Award from the National Federation of the Blind.

Curtis has expressed concern over the future of the Social Security System if continued on its present course of providing a full retirement program for everyone in the society. In his opinion, Social Security should not be allowed to invade forcibly the field of retirement plans or pension plans or other ways in which citizens may have provided for their retirement in their own way. Several years ago, Curtis proposed a bill that would allow any citizen to take out his own retirement program in lieu of Social Security if that program was at least equivalent in benefits to the Social Security System (H.R. 6697, March 7, 1967, Cong. Rec. H2237–H2239). Correspondingly, Curtis also sponsored a bill which would allow certain employees who are not covered under certain programs to elect in. The Curtis bill permits states to provide for coverage of hospital insurance benefits of the aged for state and local employees (including most school teachers) who are not otherwise covered. (H.R. 18463, Cong. Rec. 26725, October 19, 1966)

LABOR POLICY

National strikes in important industries directly affecting the public, and planned so as to turn the public's discomfort into political pressure as an additional weapon to economic pressure on management, have been prevalent in recent years, and unless some governmental action is taken the number of such strikes may well increase. The Johnson Administration has promised since January 1965 to present proposals to deal with the problems of increasing national strikes. It has not had the courage or resourcefulness to do so.

Tom Curtis has reintroduced since 1963 legislation that would set up the necessary procedures in the Congress to find a solution. H.J. Res. 352 Cong. Rec. H1682–3, February 23, 1967, established a Joint Congressional Committee to study and report on industry collective bargaining and strikes and lockouts. To the procedural machinery Curtis has offered a substantive proposal for consideration. Labor's right to strike against a management with whom it has a grievance should always be protected, as well as its right to use a strike and threat of a strike to acquire better wages, hours and working conditions from a particular management. However, this clash of economic power, fundamental to the concept of collective bargaining is perverted when bargaining is allowed to be conducted industrywide through the assimilation of power of either the union or the management. At the point when the entire industry is involved the public is deeply involved and its interests are often overlooked or deliberately abused. Curtis has proposed that the simultaneous expiration of contracts within any one industry be prohibited. Labor should retain the right to strike against the particular company for whom it is employed but whole industries could not be shut down, and the public interest and strategic needs of the country would not be compromised.

Curtis has also shown concern for the development of independent labor organizations and favors the creation of a Congressional Committee on small independent unions, similar to that presently existing for the benefit of small business. (See Cong. Rec. H4212–3, April 17, 1967 on H. Res. 435).

Recognizing the great role that labor organizations can play in improving employment practices and alleviating employee grievances, Congressman Curtis has introduced legislation to improve employee-management relations in the Federal Civil Service. The Curtis bill, H.R. 10774, would implement Executive Order No. 10988 by making recognition of properly constituted Federal employee organizations mandatory and providing for grievance procedures. (See Cong. Rec. H7133–4; June 13, 1967). Of this legislation Curtis has said "governmental agencies should not be excepted from generally recognized standards, procedures, and methods of sound employment relations. Indeed practices which have insured fair and impartial consideration of employees views on working conditions, and provided effective methods of adjusting grievances, may be even more necessary in Federal agencies than in private firms."

AGRICULTURE

In an age where the greater danger is overpopulation, rather than over-production of food stuffs, Tom Curtis introduced a bill (H.R. 7326, Cong. Rec. H2849, March 3, 1967) to reorient American agriculture toward satisfying growing world needs through increasing production, repealing cumbersome federal agricultural farm restrictions, and directing the American farmer to growing world markets. In introducing this bill to repeal federal farm subsidies and controls in wheat and feed grains, Curtis pointed to the decline of farm income in the face of increasing federal controls, and to his studies connected with the potential increase in world trade through reduction of national economic barriers sought for by the Kennedy Round of General Agreement on Tariff and Trade negotiations, at which he is one of the four Congressional Delegates.

The Curtis bill has received full support from the American Farm Bureau Federation, and 19 other members of the House of Representatives.

The Curtis bill is limited in that it only applies to wheat and feed grains. Instead of government supports it proposes government insured recourse loans standing behind the farmer should they be needed. It then allows the farmer to compete for the expanding markets that should be his. There is an opportunity for expanding American agriculture trade with foreign nations, and the Curtis bill is intimately connected with this. World trade in most important agriculture products is impeded and confused by our present domestic policies which have created artificial markets domestically for our products, Curtis contends. U.S. action to re-establish conditions in the market place in wheat and feed grains would prepare the way to far more successful world trade.

The current administration policy has been regressive in international agricultural policy. Congressman Curtis warned against the enactment of the Administration's International Grains Agreement before it was signed on the program called "What's the Issue" on March 21, 1968. Nonetheless the Administration signed the Agreement and on July 26 Congressman Curtis pointed out the negative effects the Agreement had on the U.S. wheat farmers (Cong. Rec. July 26, 1968, p. E7004–5) explaining that the Agreement in effect was an export tax on U.S. wheat and that prices were down and parity had not been so low since the 1930's. Again on September 20, 1968, Congressman Curtis warned of the effects of the regressive policy, (Cong. Rec. E8141.)

Congressman Curtis has also introduced a bill, H.R. 19182, which would alleviate the competition to the legitimate family farmer which is created by the increasing number of "hobby farmers" and corporate farming operations whose principal interest in farming is to obtain a tax deduction for business losses. Congressman Curtis' bill closes this loophole, and in so doing would provide a benefit to the farmer who must make a living for himself and his family from his land. (See Cong. Rec. August 1, 1968, E7233–35).

NATIONAL DEFENSE

Manpower Policy

Tom Curtis has been the leading Congressional advocate of the concept of a voluntary military career, obtainable through a system of increased pay, greater benefits, improved utilization of civilian skills in the military, and cutbacks in extraneous military personnel doing non-military functions. Again Curtis was the organizer of a task force of his Republican colleagues in the House to study the potentialities of this proposal, and that task force presented the House with a lengthy study in April 1964. (Cong. Rec. 8310–8324, April 21, 1964)

Ingrown attitudes, military bureaucratic resistance, and Johnson Administration political pressure combined to submerge any study of the proposal. Yet Curtis never halted in his efforts to develop a public dialogue. Since the 1950's he has testified several times before each of the standing Armed Services Committees of the Congress and was instrumental in obtaining hearings by the Senate-House Joint Economic Subcommittee in April 1967, on the economic aspects of a voluntary system as opposed to the present conscriptive system. He has challenged the Defense Department personally repeatedly (see Cong. Rec. H748-755, January 30, 1967) as well as the shallow study of the Marshall and Clark Commissions (Cong. Rec. H2148-9, March 6, 1967). Curtis has also written extensively on this subject for such widely diverse publications as Advance magazine (1963), Playboy magazine (February 1966) and the Forensic Quarterly (1968).

Curtis presented his suggested improvements of the draft to the Republican Platform Committee of the 1964 Republican National Convention and his proposal that the Republican Party adopt a plank urging the establishment of efforts toward a voluntary military system offering real career incentives. The plank was adopted. Since then Curtis' position has been adopted by Democrats, Republicans, liberals, conservatives, usually opposing forces that can agree on these needed draft reform.

Material procurement policy

Curtis is the sponsor of legislation which is directly responsible for much of the recent success in reorganizing the Department of Defense supply policies. In 1958, together with the now Speaker of the House, John McCormack, he offered an amendment to the 1958 Defense Reorganization Act to provide the Secretary of Defense the power to unify the services and supply functions of the Department. (Cong. Rec. May 12, 1959, A4002). The study for this legislation was undertaken primarily by the Subcommittee on Defense Procurement Policy of the Senate-House Joint Economic Committee on which Curtis is now ranking minority member.

His interest in the field stems from his days on the Bonner Subcommittee on the Committee on Expenditures in the Executive Departments in his first term in Congress, 1950.

Federal expenditure policy

By virtue of his experience and position as senior Republican member of the Senate-House Joint Economic Committee Tom Curtis is one of the members of Congress most often looked to for guidance on matters of fiscal and monetary policy.

Curtis took the lead in the struggle which culminated in 1967-68 to urge the Johnson Administration to accept some expenditure discipline in the face of the severe economic crisis and the vast, expensive Vietnam expenditures, before conceding to the Administration's demands for a surcharge tax increase. The Curtis effort resulted in an unusual unanimous report by the Senate-House Joint Economic Committee in early 1967 urging the Administration to cut back their proposed budget by some 5 billions of dollars. From his place on the Ways and Means Committee and the Joint Economic Committee, Curtis' interrogation of Administration claims of expenditure restraint were significantly responsible for the Committee's conclusion that Federal spending increases rather than reductions to benefit the taxpayers were being planned and carried out by the Administration. In a letter to his constituents, July 16, 1968, inserted in the Cong. Rec. E6529-32, Curtis pointed out how the Administration could cut back at least 15 billions of dollars without touching funds for the Vietnam war servicemen or the poverty programs if the Administration actually believed the gravity of its own slogans and statements.

The Ways and Means Committee and the House of Representatives, however, voted in favor of the Administration's request for a tax increase without tying the Administration to any specific reductions in federal expenditures. As a result, Congressman Curtis voted against the tax increase. His foresight has proved to be correct, as the Administration—lacking specific restrictions—resorted to gimmicry and dilatory actions to avoid any real expenditure reduction measures. Congressman Curtis took a special order to explain this to the House and the public on May 14, 1968, (Cong. Rec. 3748-54) during the debate on the Conference Report on the tax bill on June 20, 1968 (Cong. Rec. H5232-34, 41, 46, 47, 48) and in remarks on September 17, 1968, (Cong. Rec. E8003-4). Because of his efforts, Congressman Curtis has received the National Associated Businessman's "Watchdog of the Treasury" award on several occasions.

VIETNAM

Since February 1966 in a newsletter to his constituents a few months after the initial drastic escalation of the conflict in Vietnam, Congressman Curtis has been vigorously objecting to the chosen means of the Administration in pursuing the war.

In a speech while stumping in southwest Missouri on September 14, 1968, the Congressman said:

"I argue that there are better ways of fighting this war than the present method of fighting fire with fire, military might with military might.

"Indeed, I feel that using our economic power wisely initially would have forestalled any need to use military force in Vietnam.

"There could be no escalation of the war such as we are now witnessing in Vietnam without the flow, in great quantities, of oil and gasoline into North Vietnam through the port of Haiphong. In the event of an embargo on gasoline oil, and other war materials were unsuccessful, a blockade of the port would close down the war in a matter of months.

"The tragedy is that the Johnson Administration used military power or escalated military power, the lives of our young men, but still does not use or even discuss the use of economic power."

In these remarks, Curtis reiterated the theme he developed in early 1966, and which led him to co-sponsor a House Resolution offered by Congressman Paul Findley (R.-Ill.) on October 30, 1967, (Cong. Rec. H14173-82) at which time 27 different alternatives to the Administration's Vietnam policy were offered and Congressional study demanded.

TAX EQUALIZATION

The equalization of tax burdens on both individuals and competing enterprises and businesses is basic to our Nation's economy and Curtis has introduced legislation to that effect. He joined with Wilbur Mills (D.-Ark.), Chairman of the House Ways and Means Committee, in writing the basic tax legislation for life insurance companies based upon the idea of equalization. (Cong. Rec. 2-14-63, p. 2149.) With regard to co-operatives, Curtis has introduced legislation which would make these earnings of co-operative corporations taxable as corporate income for business done for the U.S. (Cong. Rec. 7-11-63, p. 11793.) Another proposal would equalize taxation of certain redemptions of preferred stock. (Cong. Rec. 2-5-63, p. 1756.)

The problems of small business are of great concern to Curtis. He served on the Small Business Committee during his first years as a Congressman and has never lost his interest in the problems of small business. In 1960 he introduced a bill which would help small business accumulate capital for growth and expansion through retained earnings. In addition, this proposal would have offered special aid to the service and distributive industries, often neglected in tax laws which focus on manufacturing. Portions of his ideas in this regard were incorporated in the investment tax credit plan adopted in the Revenue Act of 1962.

Recognizing the unequal burden placed on individuals with fluctuating annual income, such as artists and authors, he wrote the legislation which became law in the Revenue Act of 1964 which allows a person to average his income over a five year period.

Curtis has often introduced legislation to head off rulings by the Internal Revenue Service which would be in conflict with the intent of Congress in passing a tax law. He introduced such a bill which would have the effect of guaranteeing tax exempt status of income derived from advertising in the publications of tax exempt organizations. (Cong. Rec. 9-1-64, p. 20550) As he stated in his remarks at the time, such a regulation would affect all agricultural, labor, trade, educational and professional associations as well as such organizations as the Boy Scouts.

THE REVENUE ACT OF 1964

Curtis was the leading Republican spokesman in the debate over the tax cut bill of 1963-64. He had long maintained that the Nation needed a reduction in taxes as they were stifling individual and corporate initiative but he argued that we needed a reduction in federal expenditures at the same time in order to eliminate the huge deficit spending of the Administration. (The Missing Prerequisite for Tax Reduction, Monitor 9-'63). Curtis argued that planned deficit spending was unwise because it would be "making greater debt by paying less taxes for bigger government". He appeared on CBS-TV News Report on the tax cut in July 1963 to discuss the issue with leading economists, and in his speech on NBC-TV in September 1963 he clearly outlined the Republican position on this matter. "An earned tax cut is best," he maintained, "and government spending levels should be held to that of the 1963 rate in order that a cut in taxes would have a positive value for the Nation's economy". With other members of the Joint Economic Committee, he introduced legislation to set up a Commission of Federal Expenditure Policy which would take a broad and long range view of government spending. (Cong. Rec. 10-21-63, p. 18976)

TRADE

Curtis sees trade as a key to international peace and an important battleground in the Cold War. During the debate in the House in 1955 on the Reciprocal Trade Agreements Act, Tom Curtis introduced a "tariff differential" proposal as an amendment to that act. This proposal, though not adopted at that time, has received much interest by many Congressmen at this time, due to the GATT trade negotiations and because of the worsening situation in the U.S. balance of payments picture. The tariff differential proposal that Curtis introduced in 1955 would make U.S. concessions in tariffs contingent upon a foreign producer's willingness to pay the prescribed percentage of the legal minimum wage which American manufacturers must pay under the Fair Labor Standards Act. In his speech at that time, he said: "Foreign producers who want to reap the lush benefits of the United States markets must qualify by passing on part of those benefits by wages pegged to the legal minimum wage scale on American workers—the worker with whom they are competing."

In 1958, Curtis worked for the extension of the Reciprocal Trade Agreements Act and in 1962 he led efforts for the forming of better trade negotiations, calling for "a concert of free nations" within which the United States and other countries could work with harmony to counter the Communist trade challenge.

Curtis, as one of the four U.S. negotiators at the GATT trade negotiations in Geneva, Switzerland, in May 1964, has worked to reach a peaceful settlement of international differences by "talking in terms of economics instead of diplomacy". (S. L. G-D 5-2-64) This important conference on international trade relations brings together 75 countries who adhere to the general principles laid down by the General Agreement on Tariffs and Trade (GATT), and who seek to establish a more free flowing balance of trade among nations. Curtis has often pointed out that there are many harmful non-tariff trade barriers which place American exporters at a competitive disadvantage such as direct and indirect subsidies, quotas, and other restrictive measures such as a lack of foreign antitrust laws. The problems of equitable sharing of defense costs with Europe, agreements by Europeans to reduce agricultural protectionism, and the greater European absorption of the industrial output of Japan are more immediately important than cutting tariffs.

Curtis was the first person to lecture under a series of lectures at Tufts University called the Christian Herter lecture series. (Speech, Cong. Rec. 1-23-63, p. A221), and has since delivered many speeches on the subject of U.S. Foreign Economic Policy. (Speech, Synthetic Organic Chemical Manufacturers Association, Sept. 9, 1964; speech, Washington Export Council, Sept. 3, 1964)

To aid in turning back Communism in underdeveloped countries, Curtis has proposed an International Home Loan Bank System to operate like a Savings and Loan Association in the United States. Such a bank system would encourage the development of institutions by making capital available. He has also introduced a bill to set up a United States Trading Corporation to help American companies challenge unfair competitive methods employed by the Communists.

Thomas B. Curtis served as a Congressional Delegate to GATT for four years. His leadership in the international trade field has been acknowledged both here and abroad. He participated actively in both Washington and Geneva, as the negotiations progressed and was the only member of Congress who regularly reported to the members of Congress, the press, interested industries, unions, scholars and others on the state of the negotiations and the problems that were arising.

His reports are currently being compiled in a book on American International Trade Policy for the 1970's. Congressman Curtis and his office devoted a sizable amount of time and effort to assisting American business and government representatives in finding out what was really going on during the Kennedy Round trade negotiations and in making sure that the private sector of the American economy would be represented by the U.S. governmental officials and in turn that the U.S. government negotiators were given maximum cooperation to obtain the best possible arrangements for the U.S.

Congressman Curtis and Ways and Means Chairman Wilbur Mills developed together the concept that members of Congress, 2 from the Senate, 2 from the House, one of each to be alternates, each party should be members of the actual U.S. delegation instead of just being advisers.

Congressman Curtis had found in previous negotiations that he was prevented from adequately representing the U.S. Congress and American economic interest by not being able to see the working papers which the State Department claimed were classified for congressional advisers. By being members of the U.S. delegation the Senators and Congressmen were able to see and understand economic data which previously had not been made available to the U.S. Congress. This is regarded as a pioneering step in allowing Senators and Congressmen to participate more actively and meaningfully in international negotiations rather than having to depend upon what the Executive branch decides to make available to members of Congress or advisers.

Congressman Curtis also worked very closely with the newly appointed Special Trade Representatives and their staff in order to build up the concept that American trade policy had to be coordinated and strengthened instead of being spread out all over various government agencies, many of which did not have items of information or policy which were necessary for adequate bargaining by the USA. Newspapers such as the New York Times, Washington Post and others have pointed out that Congressman Curtis' role as the House delegate was one of the most pioneering constructive efforts made by any member of Congress in international relations for many years.

ECONOMIC POLICY

Curtis is one of the leading Republican voices in the field of economics and his opinions are highly regarded, as foremost in constructive criticism of the Administration's proposals. He has participated in conferences and discussions before nationwide audiences on economic issues. (The tax cut, NBC 9-21-63, CBS's Leading Question "Will Congress Enact the President's Program?" 1-19-64) (Conference on Federal Tax Reform in 1963 held by Tax Foundation, Inc., Guest Lecturer at Tufts University 1-7-63)

Curtis works for fiscal responsibility and a solid national economy. In the matter of government spending he advocates self-control—spending what we can afford—and he would remind those who speak for spending increases and deficit financing that it is the citizen's duty to support the country, *not* the country's duty to support its citizens. (N.Y. Chamber of Commerce Bulletin, in January 1963) In January of 1964, Curtis warned against the obvious dangers of inflation and serious "overheating" of the economy if the Johnson Administration continued to urge continued heavy Federal spending as further stimulation for an already expanding economy. Curtis stated along with other Republican members of the Joint Economic Committee, that the Johnson budget for fiscal 1965 was an illusory budget, pointing out that several of the special budget techniques, which were used to give the appearance of reduced spending, could be used only for a short time. The Budget also calls for many new Government programs which require a small outlay in 1965, but which will require considerably larger expenditures in future years. (1964 Joint Economic Report on the Economic Report of the President—Minority Views, p. 40)

Federal debt

Tom Curtis is not only a leading spokesman for the Republican party on the subject of the many facets of federal debt but is one of the closest students of debt policies in the Congress. Curtis in a speech before the Thirtieth Annual Convention of the Independent Bankers Association (4-10-64 Cong. Rec. 4-22-64, p. 8545) stated that the officials of the present administration responsible for our fiscal policies finally recognized that our federal tax structure was impeding this country's economic growth, but they were still unconcerned about the economic impact of the federal debt. In that speech, he pointed out that debt is simply deferred taxation and that federal debt is inextricably woven into our monetary policy, and that unless tax policy was developed with these things in mind, serious economic consequences could result. Curtis believes that debt policy should be as neutral as possible. It should be used as an adjunct to tax policy. Its main purpose is to spread the payment for capital assets over their useful life so that those who benefit from the assets may more equally bear the cost of them. Debt can also be used for current expenditures in times of emergency, such as war, so that too great a burden will not be placed on the tax structure.

Likewise, Curtis believes that monetary policy should be as neutral as possible. Its purpose should be to establish and maintain money as a stable unit of purchasing power—a dollar undiminished by inflation. It should provide an equitable medium of exchange between goods, services, labor and savings. In pursuit of this objective, Curtis feels that the amount of money in circulation should relate to the nature and amount of the economic activity within the society at a given time.

Tom Curtis believes that even in pursuing neutral monetary, tax and debt policies, an economic impact will still result, but the objective of the policy should be to minimize the economic impact rather than maximize it. Curtis feels that the dominant school of economic thought in the Administration today is one which seeks to use tax, monetary, and debt policies affirmatively to deliberately bring about certain economic and social results, not to minimize them.

Curtis was also one of the most vocal speakers during the debates on the debt ceiling increases in the past several years. He is an advocate of using the debt ceiling as a mechanism whereby Congress can exercise its judgment on the rate of federal expenditures for any given year, even though he recognizes this is a cumbersome method. He has also been a close student of the economic consequences of deferred taxation—which is debt. He is particularly concerned with possible inflationary pressures which can come from financing the debt, and its effect on our balance of payments position.

One of Tom Curtis' major interests has been in the field of federal budgetary and accounting procedures and at the present time he is a member of the Joint Economic Committee's Subcommittee on Economic Statistics.

Balance of payments

Curtis has emphasized the urgent need in our economy to eliminate the balance of payments deficit by coming to grips with the underlying causes. He proposed that the U.S. establish a stable price level, eliminate chronic budget deficits, and seek to equalize competitive conditions between U.S. exporters and those of other industrial nations. He criticized the Kennedy administration proposal for an "Interest Equalization Tax" as a weak solution to stem the outflow of private capital from the country. He considered the tax thoroughly discriminatory and full of loopholes. More important is the establishment of a favorable investment climate in this country and putting our own Federal fiscal house in order. As steps in this direction, Curtis suggests an improvement in the return on stockholder's equity, and a revision of depreciation schedules to make them more realistic in relation to the facts of modern technology. Achieving a balance of payment equilibrium Curtis urges, should be given top priority in the Nation's economic policy and the U.S. should work to strengthen international monetary and credit mechanism if we are to prevent serious crippling or collapse of world financial structure.

PROCEDURES

Curtis believes in safeguarding individual rights and in the promotion of progress by the establishment and adherence to sound rules of procedure. To him, rules, carefully prepared and honestly followed, are one of the surest guarantees of our freedom.

Curtis is always alert for measures that will allow Congress to act more swiftly and efficiently on legislative proposals. He is a close student of the procedures of the House of Representatives and attempts to inform Congress of any improvements possible for moving its considerations forward while still providing adequate rules for honest and meaningful debate. Columnist Roscoe Drummond wrote that Curtis was an important champion of modernizing the creaky machinery of Congress. (Look Magazine, "Speaking Out", 2–9–63) In his participation in the non-partisan Brookings Institution Studies on Congressional Reform as well as the Orville Dryfoos Conference at Dartmouth College in March 1964, Curtis has urged revision of the House rules of procedure to insure that Congress becomes a truly deliberative body rather than one which is a mere channel for measures sponsored by the Executive Branch.

Curtis has urged that Congress seek to meet the adjournment date of July 31 each year, as prescribed by law, instead of wasting time at the beginning of the session and extending business into late autumn. With an earlier adjournment, Congressmen could get home early and maintain an active role in the community of the district they represent.

Within committees, Curtis is just as strong for sound procedure. Finding none in the Joint Economic Committee when he joined it, he cooperated with its new Chairman, Senator Douglas (D.-Ill.) in drafting rules for the Committee. Where he has found rules violated in his committee, Curtis has been quick to insist that there either be compliance or, if justified, a revision of the rules. Similarly, when the membership of the Advisory Council on Social Security Financing appeared "stacked" with men who had publicly endorsed medicare before appointment, Curtis fought for a more fair representation on the issue. An objective report should represent the interests of those who oppose medicare as well, Curtis maintained. (Cong. Rec. 9–17–63, p. 16420)

He has taken a leading role in the fight for adequate committee staffing for congressional committees. He has made a firm stand of objection to the imbalance of committee staffing which greatly handicaps the Republican minority and has appealed to Democratic members of Congress to recognize this injustice. Curtis points out that the important work of the minority in Congress is essential to a sound political structure in America, but that work cannot be carried on unless Republicans as well as Democrats are allowed adequate working staffs. He called for and led the fight for an increase in Republican staff representation on all committees from the existing 10% of total to a more just percentage of 40% so the committee will be able to operate more efficiently.

Curtis has consistently opposed gag rules and other unrealistic restrictions on debate, such as the use of the suspension of the rules procedure on major legislation (Cong. Rec. 9–7–61, p. 17481), which prevents thorough consideration of measures. He has also publicly castigated committees which fail to provide their records and reports for adequate study before the bills which they have reported come to the floor for debate, and the failure of committees to give adequate study to items brought to the floor. (Cong. Rec. 6–21–62, p. 10538)

He believes that there is a definite role for committees to play as an arm of the parent body, to study and report but not to decide issues which must be left, with the proper information, for the House to work its will. He also holds that the committee structure should be used for working the committees' area of special interest rather than having ad hoc investigation by individual members or unofficial groups. (Cong. Rec. 9–7–62, p. 17482)

Curtis sees the importance of keeping the Congressional Record an accurate, non-partisan report of the happenings of Congress. When he found political slanting in tables introduced in the Record's daily digest by Democratic congressional leaders, Curtis brought this to the attention of Congress which brought an end to it. To prevent abuse of the Record by Congressmen under the permission to revise and extend remarks, he co-sponsored legislation which would require the printed Record to differentiate words spoken in the House from those extensions and revisions made later, thus assuring a more dependable official report.

Curtis sees the weakness of congressional procedures which cite individuals for contempt, and has introduced legislation to increase the speed and skill with which Congress can deal with such situations. In 1960, he opposed the citation of Bernard Goldfine for contempt on procedural grounds and defended Port of New York authority officials cited for contempt when division of time for floor debate on this question was controlled entirely by those favoring the citation. His proposal would establish screening committees in both Houses to study requests for contempt citations, and would give Congress authority to resort to an optional declaratory judgment procedure when a witness refuses to testify or to produce papers before congressional committees.

In the wake of charges that Congressmen were careless in spending government funds for their own benefit while on congressional expense accounts, Curtis joined in introducing legislation to tighten accounting procedures for House members. (Cong. Rec. 6–15–60, p. 11831)

MORE CONGRESSIONAL ETHICS AND CONGRESSIONAL REFORM BATTLES

While many were content with branding the 89th Congress as merely a rubber stamp for the Executive, Curtis was actively studying ways to improve congressional procedures and organization to deal effectively with the issues of a modern technical age. Tom Curtis served as the senior House Republican member of the joint Senate-House Committee on the Organization of the Congress. For two years that committee held hearings and conducted studies on Congressional reform, and unanimously reported in 1967 the Legislative Reorganization Act (S. 355).

The Legislative Reorganization Act contains over one hundred recommendations including more open committee hearings, restrictions on proxy voting in committee, radio and TV broadcast of committee hearings, additional minority staffing, rights of minority to call witnesses, removal of postmasters from the patronage system, and restrictions on lobbying.

One of the provisions of the Legislative Reorganization Act which did get separately passed is one which bears Curtis' strong imprint—a standing Ethics Committee for the House. Congressional ethics has long been a matter of great concern to Curtis, often pointing out that the Congress was one of the few large institutions or professions that did not make significant efforts to police the conduct of its own members. It was concern for maintaining the integrity of Congress as an institution, and setting the necessary precedents for the House to follow in ethics cases, that prompted him to introduce the resolution which called for a vote of the Congress on the exclusion of former Congressman Adam Clayton Powell on March 1, 1966.

After the establishment of the House Ethics Committee—the House Committee on Standards of Official Conduct, Curtis appeared before them on April 13, 1967, (Cong. Rec. H–4213–5) and testified on his suggestions for a workable code of Congressional conduct which contained as the fundamental provision full disclosure of all uses of official funds by Congressmen or Committee staffs, and disclosure of all sources of campaign revenue and contributions. (The Committee reported back to the House late in 1968).

Curtis has also proposed many bills designed to expand the ability of the Congress to investigate other areas of governmental activity, and to enable it to collect and assimilate information so that it can improve its function as a study and deliberative legislative body. Among these are a bill to create a select committee to conduct a study of the fiscal organization and procedures of the Congress, a bill to modernize Congressional Control over the federal budgetary process by requiring that the Director of the Bureau of the Budget shall be appointed with the advice and consent of the Senate, to establish a subcommittee of the Senate-House Joint Economic Committee on the Federal Budget and Fiscal Policy, and to increase the auditing functions of the General Accounting Office. Another important Curtis bill would provide for the establishment of a Minority Economic Council responsible to the party not in control of the White House which would serve significantly to improve economic study and action in the federal government, with better economic policy an almost certain consequence.

Among the honors he has received for his work to bring about governmental reforms is the Citizens Committee for the Enactment of the Hoover Commission Recommendations Citation, the endorsement of the National Committee for an Effective Congress, the Ripon Society, and Republicans for Progress.

LOCAL

While Curtis is one of the most active Congressmen nationally, he has maintained an active, working concern for the welfare of his district and state as well. His interest in local projects and individual cases in the St. Louis area has brought favorable legislative action on a considerable number of issues. Curtis seeks to help resolve the inevitable differences that arise between federal government and the individuals, businesses, and governmental units in the area he represents.

Through Curtis' single-handed efforts, a restudy of plans for the flood protection of the Meramac River Basin was initiated with the Corps of Engineers cooperating with interested local groups to come up with a sound plan for action. (Cong. Rec. 3–29–60, p. 6402). He sees great potential for this underdeveloped resource near the St. Louis area, and has urged that state and local authorities give it high priority.

To preserve the natural beauty of Ozark scenes, Curtis has worked with other Congressmen in drafting a new plan for the creation of the Ozark National Rivers Project. The plan establishes land near the Jacks Fork and Current Rivers in southern Missouri as a national recreation area and would allow the Park Service to acquire scenic easements from land owners, allowing them to remain on their property. The bill which was finally enacted into law contained his proposals for scenic easements for recreation purposes rather than an outright purchase of the land.

He aided the famed St. Louis Municipal Opera by having the Internal Revenue Code amended to extend exemption from admission tax to "musical performances" such as those of the Muni Opera. He appeared before the Civil Aeronautics Board supporting the position of the St. Louis based Ozark Airlines in a route application case, calling attention to the improper activities of a Board member. Recently he has urged creation by the Civil Aeronautics Board to investigate possibility of licensing more flights between St. Louis and Denver and other western points. He has cooperated in the strengthening of the Bi-State Commission working for the development of the area centered on St Louis.

For the financial benefit of both St. Louis and the federal government, Curtis recommended that the land site of the Old Customhouse at Eighth and Olive Streets be sold to private interests and the Post Office be rebuilt on another location more suitable to government needs, closer to existing federal buildings. Curtis' belief in and study of this project has led him to the belief that it would be cheaper not to demolish the old building and rebuild on the same site, but rather to sell it and put this valuable property back on the tax rolls. Curtis appeared before a subcommittee of the Public Works Appropriation Committee in opposition to an appropriation of federal funds for this project before a more complete economic and feasible study was made. He placed this correspondence with the GSA in the Congressional Record (Aug. 13, p. 18674).

He has also been instrumental in obtaining relief for individuals through private legislation, when all other remedies have failed.

Mr. CLEVELAND. Mr. Speaker, it is a pleasure for me to add a few brief words in tribute to Congressman Tom Curtis, of Missouri. I regret that he will no longer be a Member of this body and from the bottom of my heart I sincerely hope that his quest for a seat in the U.S. Senate will be successful.

I met Tom Curtis for the first time shortly after I was elected to Congress in the fall of 1962. As a trustee of Dartmouth College Tom was in Hanover, N.H. At the suggestion of a mutual friend, Robert Monahan, the Dartmouth College Forester and at that time a State senator, I went to Hanover from my home in New London to meet Tom Curtis. He was very generous with his time and helpful with his suggestions to a Congressman-elect.

Tom's wife, Susan, who was with him at the time was also thoughtful in her suggestions to my own wife, Hilary. Their daughter, Elizabeth, had been a student in my wife's government class at Colby Junior College and had helped me with my campaign. I shall never forget that meeting. Tom told me that opportunities for effective service were almost unlimited for a Congressman with reasonable intelligence who was not afraid of hard work. He was so right.

The hallmark of the Curtis record seems to be epitomized by those remarks. Coupled with Tom's basic intelligence and his propensity for hard work has been the outstanding degree of scholarship which he has brought to his work as a U.S. Congressman. His probing mind and his repeated insistence that we debate the issues fully and fairly will ring through these halls long after he has left.

As one of the outstanding students and proponents of congressional reform it is regrettable that we conclude this session without having acted on the Legislative Reorganization Act of 1967, much of which is a monument to Tom Curtis. When this act, with improvements, is passed in the next session of Congress it will be a living memorial to a truly great man who has inspired countless younger Congressmen to try a little harder—to do a little better—as we go about the people's business here in Washington.

Mr. GERALD R. FORD. Mr. Speaker, today we join in honoring a man worthy of the finest tributes Members of this body can bestow. Tom Curtis is, in many ways, the conscience of the people and the conscience of the House of Representatives. Throughout his 18 years in the House, Tom Curtis has been an outspoken and unyielding foe of Federal waste and extravagance. He has consistently and vigorously fought to put integrity back into our dollar so it will be worth more to the working man. Tom Curtis has always operated on the premise that Americans are proud people who prefer a hand up to a handout. He believes Americans stand out among the peoples of the world because most Americans want to stand on their own two feet. It was in that spirit that Tom Curtis authored the Manpower Development and Training Act in 1962 and has since sought to improve it. It is that philosophy too, that prompted him to sponsor the Human Investment Act, based on the use of tax incentives to launch manpower training programs within private industry. He has been a leader in moves to get people off welfare and into jobs. He espouses the positive approach to human welfare as the only route to human dignity and happiness. He is a crusader for sound improvements in the well-being of individual Americans and in the operations of the Congress. A member of the House Ways and Means Committee and the Joint Economic Committee, Tom Curtis is one of the best brains in the Congress in the field of economics. Having served on the Joint Committee on Reorganization of the Congress, Tom is determined that Congress shall improve its method of operation. Today we salute a man who has been a distinguished Member of the House. I feel sure that Tom Curtis also will make great contributions as a member of the U.S. Senate. I regret losing him in the House but I wish him every good thing for the future.

Mr. ARENDS. Mr. Speaker, when the new Congress assembles next January our distinguished colleague, Tom Curtis, will not be occupying a seat here in the House, representing the Second District of Missouri, but will be the spokesman on the other side of the Capitol for the entire State of Missouri. He apparently feels that he can render a larger service in the Senate than he can in the House. While we will greatly miss him, we do have the satisfaction of knowing that if elected to the Senate, as we confidently expect he will be, we will see him from time to time. And the Congress will continue to have the benefit of his vast knowledge, particularly in the field of economics, and the benefit of his detailed knowledge of the legislative processes.

Whatever the future may bring, the contribution that Tom Curtis has made to the deliberations in the Congress over his 18 years service in this body will stand for all time as a monument to his ability. The mere fact that he was assigned to the Ways and Means Committee, the Joint Committee on Internal Revenue Taxation, and the Joint Economic Committee bespeaks his stature and our confidence in him in dealing with some of the most important and most intricate of problems.

More than that, and for this I think Tom will be most remembered by us who have served with him; he has been in the forefront of the long, continuing and frustrating effort to bring about a much needed reorganization of the Congress. He has served with distinction on the Joint Committee on the Organization of the Congress. He has sought to bring about much-needed improvements.

He and others who have worked with him have experienced many disappointments. But I am sure the day is not far distant, and hopefully in the next Congress, when all he has sought to accomplish for congressional reorganization, so sorely needed, will be realized. I do know that Tom Curtis' program for a reorganization of the Congress will have top priority in the Republican 91st Congress.

I hold great affection and great respect for Tom Curtis. I consider him one of the most scholarly men to have served in this body. I wish for him the very, very best and look forward to addressing him as Senator Curtis.

Mr. LAIRD. Mr. Speaker, it is my great privilege to join in a tribute to the Honorable Thomas B. Curtis, of Missouri, who will be leaving this House at the end of the 90th Congress.

I have known Tom Curtis since I arrived in 1953 at the start of the 83d Congress. Since that time, I have had the opportunity to work closely with him on many occasions and have grown to respect and admire his ability and his clear grasp of the many issues facing us today.

Tom Curtis has made a special contribution in the area of rational economic policy for the Government. As a ranking minority member of the House Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation, Tom has consistently pointed out the glaring mistakes of the executive branch in many areas of taxation policy.

Closely related to this has been his consistently important role in matters of international trade. He was, for example, one of the U.S. delegates to the Kennedy round of tariff negotiations and ably kept the Congress informed of the progress of those negotiations, while leading the fight in Congress to implement some of the major provisions of the Kennedy round.

Tom Curtis is a lawyer by training and yet his major contribution to the House of Representatives is recorded in the area of economic policy. Besides his work on the Ways and Means Committee, Tom has been the ranking Republican member of the Joint Economic Committee. His sharp interrogation of witnesses before that committee has been one of the major factors in the leading role which the Joint Economic Committee has played in advancing sensible economic policy for the United States.

If I were only to relate Tom Curtis' outstanding contributions on these three congressional committees, however, I would be remiss in my duties. Tom has not only been one of our economic leaders, he has also been in the vanguard of congressional reform, and has served as a ranking member of the Joint Committee on the Organization of the Congress. He has pressed for congressional reform, for legislative oversight, for adequate minority staffing, and for the introduction of modern methods into the work of the Congress.

Tom's legislative record has also been outstanding. As the primary author of the Republican "Human Investment Act," Tom has rallied support for this approach, to the point where tax credits for job retraining programs in private industry are now supported by both of the major party candidates.

Tom Curtis has also served his party well. As a member of the Republican Planning and Research Committee, he has greatly assisted the minority leadership in drafting new programs and plans for the party.

Tom Curtis has truly made his mark in the House of Representatives. We shall all miss him, but we look forward to working with him when he crosses to the other Chamber next January.

Mr. HALL. Mr. Speaker, it is a pleasure for me to join today in honoring the senior Republican Member of the House of Representatives from Missouri, my close friend and colleague, Tom Curtis.

The service he has rendered to the Nation during his 20 years in this House truly marks him as a statesman of the highest order, one not afraid to support unpopular causes, or to oppose popular ones, when his keen intellect tells him his country's interest would dictate otherwise.

For that courage, combined with an uncanny knowledge of the issues of our times, he has gained the love of those of us on this side of the aisle, and the respect of those on the other.

When I first came to Congress, Tom Curtis already had served 12 years in the House. The honors that have been accorded him are many and significant, including the Congressional Distinguished Service Award of the American Political Science Association.

But those of us who have served with Tom would love and admire him whether or not he had been recognized by those whose business it is to recognize. We know him as a brilliant economist, whose knowledge of the nuts and bolts of free enterprise can be devastating in debate with those who would abandon its key concepts of competition, incentive and risk.

At a time in history when far too many issues are decided on the basis of slogans or promises, he has shown time and time again a capacity to penetrate the slogans and get to the real heart of the issue at hand. At a time when some misguided people have to rely on four letter words to belittle America, Tom is perhaps the strongest advocate in this body of the reasoned, detailed, and specific arguments that are tailored to the complexities of 20th century problems. He truly accentuates the positive.

In my 8 years in the House of Representatives, I have never heard Tom lose a debate, one reason being that few are willing to try to match their knowledge of an issue against his intellect and understanding. I also know that such knowledge does not come easily. If any record were kept by the House electrician of whose office burns the most midnight oil, we would probably find that Tom Curtis' office burns out more electric light bulbs than any other office on Capitol Hill. Tom does not merely analyze a problem or an issue, he devours it.

He is a patriot in the truest sense of the word, a fighter for the principles in which he believes. He has proved to be a great statewide campaigner.

It has been my special privilege to serve with him on the joint House-Senate Committee on the Organization of Congress. His contributions to our efforts have been invaluable, and when Congress finally does get around to adopting the committee's recommendations, as it surely must, it will reflect many of his proposals and suggestions.

Tom's departure from this body will leave a vacuum which can never be adequately filled. But, I have every confidence that the House's loss will be the other body's gain. Just as he has been a great Representative of the people, he will make an outstanding Senator. The people of Missouri are not going to let his experience and understanding be lost to our State in the crucial days that lie ahead. They are going to restore two-party representation to our State in the Senate of the United States, and in the capable person of Tom Curtis they will find a man who is fully capable of meeting the challenges of the 1970's. So Tom, I look forward to seeing you in the 91st Congress and I predict that the Senate, the Nation, and our beloved State of Missouri, will be the beneficiary of your enlightened leadership, and devotion to the cause of freedom and opportunity.

Mr. ANDREWS of North Dakota. Mr. Speaker, Tom Curtis has a reputation of being one of the hardest working Congressmen on Capitol Hill—and it is a reputation that he richly deserves. His deep understanding of economics and well-grounded approach to fiscal problems has been inspirational to me and, I am sure, to many others.

While I regret that we are going to lose his invaluable counsel in this body, I join with my colleagues today who are wishing him every success.

Mr. KUPFERMAN. Mr. Speaker, there is an old story about the Columbia Law School professor who moved to Harvard Law School and, thereby, raised the teaching standards at both institutions.

When Tom Curtis leaves the House at the end of this year, it will be a distinct loss; but the standards in the other body will certainly be raised with his presence there.

While I have not always agreed with Congressman Curtis as a matter of general philosophy, I have come to respect his intelligence, perspicacity, and ability to make issues clear, especially in the economic area.

I need not elaborate at this time, but the Congressional Record is replete with his instructive discourses on economic matters, where at the conclusion I have saved the taxpayers a great deal of money by simply stating that his explanation was so clear and concise that I would merely indicate my agreement.

Mr. Speaker, it has been a privilege to serve in the 89th and 90th Congresses with my good friend Tom Curtis, of Missouri.

Mr. PIRNIE. Mr. Speaker, the decision of our good friend, Tom Curtis, to seek election to the Senate from the State of Missouri was met with mixed emotions among his many friends in the House. We knew he had the character, background, and ability to become an outstanding Member of the other body but we were reluctant to lose his capable leadership in the House. For 18 years he has faithfully and effectively represented the Second District of his State. Every year has added to the respect in which he has been held. As a senior member of the Ways and Means Committee he has exerted a great influence on all major legislation. His economic views have been stated with clarity and conviction. Always thorough in his preparation, his positions have been advisedly taken and courageously maintained.

Tom will bring to the Senate this background of wisdom and experience which will make him immediately effective in that body. Certainly in leaving the House he carries with him the high regard and good wishes of his colleagues who will warmly remember "the sage of Missouri."

Mr. ZWACH. Mr. Speaker, I feel privileged to be able to join with my colleagues today in paying tribute to one of our most distinguished Members, Mr. Curtis.

His long record of service, both to his own Second District, and to the Nation, will be sorely missed at his departure with the end of the current session. As a ranking member of the House Ways and Means Committee, Tom has given the highest quality of leadership to all of our citizens.

I am certain that all Members join with me in saying "thank you" for many years of service to our body and to America.

Mr. LANGEN. Mr. Speaker, the city of St. Louis has a uniqueness that is recognized throughout our land. It is truly the crossroads of America—bringing together East and West, North and South. Its community is at once cosmopolitan and rustic, industrial and agricultural, progressive and historically significant. It is not surprising that such a community should have cradled great men and women—to say nothing of great baseball teams.

One of these men is our colleague, the gentleman from Missouri, whom we honor today. He has made a distinguished and revered name for himself among his constituency, in the Halls of Congress, and throughout the Nation, in the 18 years that he has served the Second District of Missouri in the House of Representatives.

On the Ways and Means Committee—a challenging assignment to anyone—he has brought to his task the resources of his education and ability in the field of law, and his dedication to the fulfillment of the responsibilities of a public servant. He has proved himself to be considerate of the concerns of the educator, the farmer, the taxpayer—the American citizen, whoever he may be. And he has provided wise and friendly counsel to many of us here.

I am proud and pleased to join my colleagues in saluting Tom Curtis, and wishing him and his fine family well in all of their endeavors. We look forward to seeing you again next year, Tom, from perhaps just a little different vantage point.

Mr. BELCHER. Mr. Speaker, I am certainly grateful to our colleague from Illinois for providing this opportunity to pay tribute to my friend, the gentleman from Missouri, Tom Curtis.

Mr. Speaker, we have had a number of these occasions lately honoring colleagues who have chosen to retire from the Congress and not to seek reelection; and we have approached them with mixed emotions, sorry that old friends and familiar faces will no longer be among us but certainly not inclined to begrudge the freedom and pleasure of a respite from long and faithful public service.

It is a special pleasure today, therefore, to join in honoring one who will undoubtedly be back in Washington next January—one whose departure from this body is occasioned by his determination to seek election to the other body. Why he wants to jump from the frying pan into the fire is a mystery to me. But I have every confidence that the leap from this side of Capitol Hill to the other is one he can and will negotiate successfully.

Tom Curtis and I came to Congress together almost 18 years ago, and I am frank to say that I have depended upon him tremendously from the very beginning both as friend and advisor. Many times Tom has appeared on my weekly radio and television program to discuss tax matters, the economy, and innumerable other fiscal and trade topics to the great delight and enlightment of both my constituents and myself.

Tom's scholarly dedication to digging out the facts and his articulate ability to express complex fiscal problems in a way that can be easily understood has made him one of the most valuable Members of the House and of the Ways and Means Committee on which he has served with exceptional skill.

I doubt that there has ever been in this body a more friendly, congenial, and helpful Member than Tom Curtis. The frequent and detailed analyses of fiscal legislation, trade negotiations and other matters which he circulates to his colleagues are without rival for thoughtfulness and helpfulness and speak volumes for his genuine concern about the welfare of this great Nation. Though he has always served his district superbly—and that will not be lost on the voters in his coming campaign for the Senate—his is no provincial representation. His patriotism and devotion to his country mark him as a servant of all the people, not just those who elect him to Congress.

This House is going to miss his hard work and his great mind as much as it will miss his friendly and cheerfulness good nature. I take this opportunity to urge all the people of his beloved Missouri to join in sending Tom Curtis to the Senate—both in their own self-interest and to the everlasting debt and benefit of the entire Nation.

Tom, I wish you every possible success and look forward to a new but equally warm and profitable relationship with you next year after you are elected to the other body, as I know you are going to be.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, it is an honor and a privilege that I join my fellow colleagues in paying tribute to the distinguished gentleman from Missouri, Congressman Tom Curtis, on his retirement from the U.S. House of Representatives.

I must congratulate the Second District of Missouri for sending to Congress a man of integrity with such a keen sense of responsibility and loyalty to his constituents, his fellow colleagues, his party and his country. Certainly, Mr. Curtis has done a commendable job in the Congress and has contributed a great deal of his experience and know-how to the benefit of our country.

Mr. Curtis serves on three committees, including the House Ways and Means Committee. It is reassuring to know that such well-qualified, conscientious public servants are serving on that committee. I know that his fellow committee colleagues will miss his skills, counsel, and intelligence on the Ways and Means Committee.

Mr. Curtis has served his party and his country diligently and faithfully, and he will certainly be missed by all. I want to wish Mr. Curtis at this time the very best of success, happiness, and health for many years to come during his retirement.

Mr. RAILSBACK. Mr. Speaker, one of the first persons that I met when I arrived in Washington a year ago January to become a Member of this body was Congressman Tom Curtis. Since that time I have come to know Tom quite well, as have many of the other freshman Members. He has been of great help to us during the past year and a half, and I know that he will be missed by everyone who knew him in future sessions of the House.

It is my pleasure to join with my colleagues in paying tribute to this fine man upon his retirement from the House. He is an able legislator, a devoted public servant, and a conscientious Congressman who is most responsive to the wants and needs of his district. He is leaving the House and running for election for membership in the Senate of the United States.

Those of us who know him wish him well in this endeavor, and if he is successful, we all know that the Senate will be gaining a great, outstanding, hard-working American of the highest integrity. It will be our loss and the Senate's gain.

Best of luck, Tom, in the future, irrespective of what happens on November 5.

Mr. BROCK. Mr. Speaker, one of the most distinguished Members of this body will be leaving us at the end of this session. The role he has played in forming responsible economic policy, rooting out hard to find information from an often uncooperative executive branch, and exerting his great quality of leadership here in the House, make his departure an occasion of personal regret for many of us.

There is some consolation, however, in the fact that he may return to Washington next January to serve with equal distinction in the other wing of the Capitol Building.

As one who has known and worked with Tom Curtis for some of the 18 years he has spent in the House, I am especially aware of the many contributions he has made to his country.

His keen, incisive mind, his recognition of the importance of sound economy and sound economics, and his inexhaustible fund of knowledge and energy—all these will be missed by us next year.

But Tom's impact on this body, and the accomplishments he leaves behind him, will serve as a model for all of us for many years to come.

Mr. DICKINSON. Mr. Speaker, the respected Congressman from the Second District of Missouri, the Honorable Thomas B. Curtis, has announced his decision to retire from the House of Representatives. Mr. Curtis has served his district with dedication and integrity for 18 years. We shall miss him.

Mr. Curtis was born in St. Louis, Mo., and educated in the Webster Groves public schools. In 1932, he received his bachelor's degree from Dartmouth College, and in 1935, he received his LL.B. degree from the Washington University Law School. He entered legal practice with the firm of Biggs, Hensley, Hughes, Curtis, and Biggs. Active in local politics, he was a member in 1942 of the board of election commissioners of St. Louis County. From 1946 to 1950, when he was first elected to the U.S. Congress, he served as a member of the St. Louis County Republican Central Committee.

Congressman Curtis has served on the House Ways and Means Committee, the Joint Economic Committee, and the Joint Committee for Internal Revenue Taxation. He has worked hard, and he has served his country well. I should like to add my best wishes to those of many of my colleagues in wishing Representative Curtis farewell. I hope I shall see him back again next year, on the other side of the Capitol.

Mr. KLEPPE. Mr. Speaker, it is a great privilege to join in this tribute to one of our best-loved colleagues, the gentleman from Missouri, Tom Curtis, who is leaving the House of Representatives after 18 years of brilliant service. If he were retiring from the legislative halls, it would be a tragic event.

Since he has chosen to move to the "other body," however, his tremendous experience and ability will, I sincerely hope, be available to the Nation for many more years.

I have had the privilege of serving with Tom for only these last 2 years. During that time, I have been constantly impressed with the depth of his knowledge, particularly in the fields of economics and finance. He is, to borrow a phrase, truly both a gentleman and a scholar.

We shall all miss him here in the House. I join in wishing him well for the future.

Mr. STEIGER of Wisconsin. Mr. Speaker, it is a misfortune that in the hurried closing days of this session time dose not permit us an adequate researching and cataloging of the contributions of Thomas B. Curtis. I suppose this circumstance we are in is only appropriate. It seems that we have relied on Tom Curtis himself for the careful research and clinching arguments; now that he has chosen to leave this body, the vital role that he has managed to perform in the House of Representatives for these many years becomes immediately more apparent.

We need not research his record of 18 years, however, to know that it has been illustrious and that he is a constructive, helpful, enormously intelligent, and forceful leader.

His very recent contribution of the Human Investment Act alone is a real demonstration of his understanding of this country's economy and the constructive leadership of which he is so eminently capable.

It is not possible to know Tom Curtis well without wanting to salute him. America's dollar is sounder, our legislation is sounder, and this is a stronger country because the people of Missouri gave us Tom Curtis in the House of Representatives. It is our fond hope that they will be as generous to the Senate in the 91st Congress.

Mr. HANSEN of Idaho. Mr. Speaker, I am pleased to join in this tribute to the gentleman from Missouri [Mr. Curtis]. The pleasure is enhanced by the knowledge that we are not honoring a man who is leaving us; rather, we are honoring a man who is just going to change his address, moving from one side of the Hill the other.

Mr. Speaker, Tom Curtis is recognized on both sides of the aisle as one of the most knowledgeable men in the Congress on fiscal matters. His wisdom—his expertise—has added greatly to the prestige of the influential Committee on Ways and Means on which he has served with such distinction for 16 of the 18 years he has been a Member of Congress. And that same wisdom and expertise will continue to serve well Tom Curtis' State of Missouri and the entire United States after he has taken his seat as the junior Senator from Missouri next January.

Mr. Speaker, my association with Tom Curtis has been immeasurably pleasant and rewarding throughout the 4 years during which I have served with him in the House. I wish him well in the new challenges he will face next year in the Senate.

Mr. TAFT. Mr. Speaker, Tom Curtis symbolizes the thoughtful approach to legislative matters in the Ways and Means Committee. He is a studious devotee of sound economy and has continuously strived to equate taxation with just programs. He has been a distinguished Member of Congress and it has been a privilege and pleasure to serve with him in the House of Representatives.

Tom Curtis is leaving this body to go to the Senate. He will be sorely missed by all of us here, but I feel sure he will be an earnest, diligent, and thoughtful Member of the Senate.

Mr. BROTZMAN. Mr. Speaker, it is a real pleasure for me to join in this tribute to the distinguished gentleman from Missouri, Mr. Curtis, who is leaving the House of Representatives after 18 years of service in this body.

Tom Curtis has earned the well-deserved reputation as a scholar and an authority on fiscal matters in the House of Representatives. He has concerned himself with the well-being and interests of the American taxpayer and has always put that concern above any personal or political considerations. His record of service on the Ways and Means Committee, the Joint Economic Committee, and the Joint Committee on Internal Revenue Taxation has been an outstanding one, and his ideas, his contributions, his authoritative views on tax and spending legislation have gained the respect of Members from both sides of the aisle.

Speaking for myself, I can say that I have always held in the highest regard his advice and counsel. When Tom Curtis speaks on fiscal matters, I listen, as do a great many Members of the House of Representatives.

I want to join with my colleagues here today in wishing Tom all possible success in his future undertakings. It is my hope that his advice and counsel will continue to be heard in the Halls of Congress.

Mr. SPRINGER. Mr. Speaker, Tom Curtis and I came to Congress the same year. We were both freshman Members of the 82d Congress, which was elected in 1950, and I always have considered him to be one of my closest friends in this body.

After serving with Tom Curtis for almost 18 years I can honestly say that I know of no Member of this House who has a better grasp of the constitutional principles on which our Nation was founded, no one who has a more detailed knowledge of the Federal Government, no Member who has a better insight into the workings of Congress, than does the gentleman from Missouri.

We owe a great deal to Tom Curtis. We are indebted to him for the meticulous care with which he examined the intricate bills coming before the Committee on Ways and Means, particularly those dealing with the complex subjects of taxes and social security. We also owe Tom Curtis our gratitude for his years of studious work in the cause of congressional reform. Although the excellent recommendations of the Joint Committee on the Organization of the Congress, on which Tom did such a tremendous job, have been stalled for reasons beyond the control of those of us on the minority side, I know that Tom Curtis, in another place under the Capitol dome, will keep on fighting for improved procedures that will better enable us to cope with our ever-increasing workload.

Fortunately for the country, Tom's voluntary retirement from the House does not mean his withdrawal from the national political scene. Far from it. I am certain that the people of Missouri will avail themselves of the opportunity to keep him working in the service of his State and his country as the new U.S. Senator from Missouri in January 1969.

Mr. PELLY. Mr. Speaker, I hate to see Tom Curtis leave the House of Representatives, because, as every House Member knows, he has been a strong voice for improved procedures and responsible ways of legislation.

There are many distinguished Representatives in this body, but there is one unique personality for certainly no one in this House has a higher consistency rating than Tom Curtis. He is Mr. Integrity and has a set of guidelines he believes in and has followed them and voted that way throughout his career.

One fact remains, however, it may well be that the House's loss will be the Senate's gain. Certainly, his election to the Senate will assure that his crusade for good government and congressional reform will continue. Wherever he is, Tom Curtis will be at once a student, and at the same time, a teacher of government; and an expert widely recognized. He will long be remembered by his colleagues as one who believed in full and free debate, and one who practiced what he preached.

Yes, Mr. Speaker, Tom Curtis will be missed in this Chamber and on the Committee on Ways and Means.

I join with his other friends and admirers and say good luck to him and, as the saying goes, may our trails cross and recross.

Mr. SCHNEEBELI. Mr. Speaker, the departure of Tom Curtis from the House to make a bid for a seat in the Senate will be strongly felt by his colleagues here, where he has had a long and extraordinary career marked by accomplishments far too many to mention here. At his leaving, we are most keenly aware of just how much we have benefited by his presence among us and of what a great service he has rendered not only to this body, but to the whole Nation.

Endowed with a keen mind, Tom Curtis has made great contributions toward responsible legislation through his tremendous capacity for adopting the intellectual approach to any problem. His ability to comprehend the interrelationships of presented facts in such a way as to choose the best course toward desired goals has contributed to the thinking of his colleagues in arriving at solutions to our problems.

In addition, he is a most knowledgeable fellow, the scope of his information extending in many directions and over many areas, including an amazing knowledge of economics, foreign trade, social security, as well as congressional procedures and rules, to cite only a few examples.

So many contributions and accomplishments have been associated with Tom Curtis' career that one wonders how he finds the time and energy to serve in so many capacities here in Washington, such as membership in the Ways and Means Committee, the Joint Economic Committee, Republican Committee on the Organization of Congress, Joint Committee on Internal Revenue Taxation, as well as many task forces—an impressive combination of responsibilities attesting to the tremendous demands which his capabilities have enabled him to meet with great effectiveness.

With all his responsibilities, he has still found the time to act as leader, mentor, and teacher of many of the young Members who owe much to him in ther development into effective legislators.

Tom does not spend much time with the embassy and cocktail circuit; he has been too busy spending most of his Washington evenings in his office until 9 p.m. regularly. He will be remembered as a strong and effective proponent for minority rights, one evidence of which was his leadership in a fight for increasing minority staffing.

The fact that he was chosen for many years to be a House delegate to the important GATT Conference at Geneva, Switzerland, is further testimony of the confidence in his abilities he inspires in his colleagues.

He finds time also to devote his talents and energies outside the congressional area—witness the fact that he is serving as trustee of his alma mater, Dartmouth College.

With all these activities, Tom still finds the time to keep in good physical trim; in fact, he is quite an athlete for his age, and I can vouch for the fact that he is a tiger on the paddle ball court.

All in all, our loss here in the House with the departure of Tom Curtis is tremendous, and the Senate has much to gain by his membership in that body. Our Ways and Means Committee will miss his sharp analysis and cross-questioning of hearing witnesses to bring out the facts more pointedly.

Mr. BETTS. Mr. Speaker, Tom Curtis and I have worked together and have been friends ever since we first came to Congress in 1951. Also, I have had the privilege of serving with him on the Ways and Means Committee.

As a member of this committee, Tom has received national recognition as a student of Federal taxation especially in relation to the economy of the Nation. His knowledge of the subject has caused him to be in demand as a speaker all over the country.

I am sure that never in his congressional career has he ever treated a legislative problem casually or superficially. To him every issue is a challenge to research it in depth. This is evidenced by the detailed questioning of witnesses in committee and his speeches on the floor of the House.

Tom Curtis has made valuable contributions to the Ways and Means Committee and to the House. I regret to see him leave us but I do extend him my best wishes in his future endeavors.

Mr. HUTCHINSON. Mr. Speaker, I am delighted to join in tribute to our colleague, Tom Curtis, and to wish him success in his campaign for a seat in the other body.

His record in the House, spanning 18 years, has been truly outstanding, and his knowledge in taxation and economics has been most helpful. He is forthright and politically courageous. His leadership will be missed here, but we hope the people of his State will permit him to continue as a U.S. Senator.

When the gentleman from Missouri [Mr. Curtis] was a boy, his family used to spend their summers in my home community along the shores of Lake Michigan. One of his brothers now lives in the district I represent, and Congressman Curtis is well known there. Many people in Fennville, Ganges, Douglas, and Saugatuck, Mich., are mighty proud of Tom Curtis, and of his outstanding service in this House, and I am one of them. I wish him the best of success in November and in the years ahead.

Mr. FINO. Mr. Speaker, I wish to join my colleagues today in paying tribute to a good friend and fellow Republican, the Honorable Thomas B. Curtis.

Ever since the 82d Congress, the House of Representatives has had the good fortune of benefiting from the services of Congressman Curtis, of Missouri. His devotion to his district, his State, and his country has been commendable and it is indeed sad that this House will no longer enjoy the good and valuable services of Congressman Curtis.

I have known Tom for the past 16 years and I am privileged to be able to call him a close friend. He has not only won my admiration and respect but that of my colleagues as well in making significant and valuable legislative contributions to his country and its people.

Although I have not had the privilege of serving with him on the various committees in which he has avidly participated, I know these offices will feel the absence of his wisdom and understanding.

I would like to extend to Tom Curtis my best wishes for health and happiness in his retirement from the House and my best wishes on his forthcoming elevation to the U.S. Senate.

Mr. DELLENBACK. Mr. Speaker, I join today with mixed emotions in the special order honoring our respected colleague, Congressman Tom Curtis, of Missouri. I feel nothing but pleasure in expressing my high regard for this able and dedicated gentleman. But I feel very considerable regret that the cause for today's special order is the imminent departure from this body of Tom Curtis.

I was impressed by Tom Curtis shortly after I began my service here in the Congress in January of 1967. As the months passed and my opportunities grew to observe Tom's very special dedication to the twin concepts of current fiscal responsibility and of the basic soundness of the American economy, my admiration and respect for this very able gentleman has also grown.

Tom Curtis has been an exceptionally fine Congressman. If and when the good people of Missouri in November of this year see fit to elect him to the U.S. Senate, that body will have gained a very valuable new member. Our great loss will indeed have become their great gain. Our comfort lies in the realization that the Nation will still find him its faithful and valuable and full time servant.

Mr. WYDLER. Mr. Speaker, if I were to pick one Member of the House of Representatives who, during my years here, has spoken with a deep knowledge and fairness, it would be Thomas B. Curtis, of Missouri.

He is a scholar and a gentleman, and has the highest qualities that a good Congressman should have. I am lucky to know him as a friend.

Mr. VANDER JAGT. Mr. Speaker, today it is my privilege to join in saluting Congressman Thomas B. Curtis, of Missouri, for his constructive and scholarly contributions in the House of Representatives in the past 18 years.

I have had the benefit of the kindly counsel of this distinguished American. He has been most helpful and most generous in sharing his wisdom with those having less experience in our National Government.

Mr. UTT. Mr. Speaker, it has been a real pleasure for me, over many years, to serve in the House and on the Ways and Means Committee beside Tom Curtis. He will be sorely missed. Tom has been a hard working Member of the House, doing his homework well so that his information on the various issues before us matched his outstanding ability and clear thinking.

Tom was never obstructive, but rather has been completely constructive in his approach to legislation, and his ideas and advice have been most helpful in the work of the committee as well as in reaching acceptable compromises in the many House-Senate conferences on which he served.

It is my sincere hope that I will have the pleasure of seeing him often in the years to come as the Senator from Missouri, and I wish him every success in the coming election. The citizens of Missouri can do no better than to send him to the Senate to continue his fine work for their State.

Mr. CAHILL. Mr. Speaker, I am pleased, indeed, to join my colleagues in paying deserved tribute to Thomas B. Curtis, of Missouri, on the occasion of his departure from the U.S. House of Representatives, as he prepares to continue serving his State and Nation in the other body. No member of the Republican side has been more respected by his colleagues than Tom Curtis. An outstanding member of the Ways and Means Committee, Tom has become an accepted expert on all financial matters in the House of Representatives. Both sides of the aisle listen to what Tom Curtis has to say on matters relating to the finances of our Nation. I recall personally, as a very young Member of this body, the many courtesies and assists Tom gave me. This was particularly true when I had a personal interest in legislation originating in his committee. All of us will miss Tom Curtis, his advice, and his friendship, but we can be happy in the knowledge that he will not be far removed from his friends in the House, and that he will continue to serve his State and Nation in the National Government.

Betty joins me in wishing Tom and his family many years of success and happiness.

Mr. LLOYD. Mr. Speaker, I certainly want to take advantage of this opportunity to pay my respects to Tom Curtis.

As a new Member of the 88th Congress in 1963 and 1964. I learned to listen to Tom Curtis to sift out fact from political fancy. I recall occasions when he was in the well of the House explaining an economic issue and a member of either party would attempt to make a point which appeared to be for political advantage. Tom Curtis would reply something like this:

> Now look, lets just keep political partisanship out of this and look at the facts.

And so to me a Tom Curtis presentation became something to trust because he was a reliable authority. He is a reliable authority not only because of his objective approach, but because, as will be testified many times here today, he is a scholar who works seriously at scholarship.

I did not run for reelection to the House of Representatives for the 89th Congress, but I did become a candidate again for the 90th Congress, and when my committee decided upon a fundraising dinner in 1966, I asked Tom Curtis to come out to Salt Lake City and speak at this event. He graciously consented and he performed in his own typically masterful fashion. He drew deeply from his great fund of information and balanced judgment and left an impression in my congressional district which materially improved the reputation of the entire Congress. Due in great measure to his appearance in my behalf, I was returned to this body where I have again paid the most careful attention, not only to what he has said here, but also to the very significant materials which he has placed in the Congressional Record.

In saluting him here today, I will not mourn his passing because the citizens of Missouri must certainly appreciate this great American to the extent that they will continue to contribute him to the Congress as a Member of the U.S. Senate where we all can continue to profit from his scholarship and judgment at least through the Congressional Record.

Mr. McCLORY. Mr. Speaker, it is understandable that our colleague Congressman Thomas B. Curtis, of Missouri, has been selected by the Republican leaders of his State as their candidate for U.S. Senator.

Congressman Curtis has been one of the most active and constructive Members of the House of Representatives during his 18 years of service in the House.

Tom Curtis' scholarly grasp of major national problems has enlightened the Members of the Congress as well as those in the executive branch on many issues. Congressman Curtis has demonstrated an independence of judgment motivated by principles of the highest order in articulating his economic and legislative views.

As a fellow alumnus, I am proud to add that Tom Curtis has brought distinction and honor to our alma mater—Dartmouth College, of which he is a life trustee.

It is my expectation that Congressman Tom Curtis will be elected by an overwhelming margin to the U.S. Senate and that he will continue his career of public service in the other body. Many of us who have come to follow Tom Curtis' leadership in the House of Representatives will want to continue in the path which he has set. It is our hope that his colleagues in the other body will give appropriate recognition to his talents and will be influenced by his dedication and wisdom.

I am confident that all of us who have had the opportunity to serve with Congressman Tom Curtis have benefited from this experience and are grateful to him.

Mr. GROSS. Mr. Speaker, I, too, wish to say a few words in praise of Representative Thomas B. Curtis, of Missouri, who will leave the House at the end of this session.

Tom Curtis has combined a fine analytical mind with hard work and courage to become one of the most valuable Members of this body. He was constructive yet he never hesitated to dissent when he was convinced that reason dictated such a course. He especially left his imprint on legislation originating in the House Ways and Means Committee on which he served with great dedication.

I count it my good fortune to have served so many years with him. I am confident that he will be elected to the U.S. Senate, and, while I greatly regret that he is leaving the House of Representatives, I know that he will continue his distinguished service in behalf of the State of Missouri and the Nation in the Senate.

Mrs. BOLTON. Mr. Speaker, the gentleman from Missouri [Mr. Curtis] is known to all of us as a hardworking and very able Member of the House. I am happy to have this opportunity to join the gentleman from Illinois [Mr. Rumsfeld] and others in paying him a richly deserved tribute.

Tom Curtis' scholarly legislative contributions to the House over the past 18 years as a high-ranking member of the Committee on Ways and Means and the senior Republican on the Joint Economic Committee will be remembered for many years.

We all recall his studies concerning the unemployment situation. His book, "87 Million Jobs," published in 1963, provided exciting and challenging ideas, and deserves the attention of everyone who is concerned about finding a genuine and lasting solution to the problems of mounting and persistent unemployment among the unskilled and those whose skills become obsolete due to technological changes. His main thrust in the book is to identify job vacancies, train men to fill them, and then match the manless job with the jobless man. His work in this field played a prominent part in the passage of the Manpower Development and Training Act.

But this is just one example of Tom Curtis' achievements. He has long been recognized as the leading Republican spokesman on economic matters. He will be much missed by all of us here in the House, but we hope that we shall see him often after he becomes a Member of the "other body."

Your going, Tom, will leave a huge hole here in this body—but we wish you well and pray that—

The roads rise up before you
  And the wind be always at your back.
May the sun shine warm upon your face
  As the rain falls soft upon your fields,
And may the Lord hold you always
  In the hollow of His hand.

Mrs. REID of Illinois. Mr. Speaker, it is a pleasure to join with my colleagues on both sides of the aisle in paying well-deserved tribute to our colleague, Thomas B. Curtis, of Missouri, who will be leaving the House of Representatives at the end of this year.

Although it has been my privilege to have known Tom Curtis for only 6 of the 18 years he has served so ably as a Member of the House, I have always had the greatest admiration for his outstanding ability and integrity. I think all of us will agree that as a senior member of the Committee on Ways and Means as well as a member of the Joint Economic Committee and Joint Committee on Internal Revenue Taxation he has brought expert knowledge to the complex field of taxation and special insights to the whole range of present-day economic problems. As a member of the Committee on Appropriations, I have appreciated his wise counsel on fiscal matters.

The people of the Second District of Missouri are indeed to be commended for their good judgment in sending such an able Representative to Congress. I join with his many friends in expressing the hope that Tom Curtis will continue to serve the people of his State for many years to come.

Mr. CONABLE. Mr. Speaker, Tom Curtis is not only a public servant but a public conscience. A man of uncompromising honesty, his idealism is untarnished by that sometimes-too-flexible trait of character which some disguise under the term "pragmatism." Beyond that, he is a prodigious worker, a man whose brain can evaluate, absorb, and marshal an apparently unlimited parade of facts, theory, and logistic or moral argument.

Nobody who knows Tom Curtis well, can fail to admire him. Nobody who has observed his service here can question the uniqueness or the magnitude of his contributions to the welfare of the American people.

I join my colleagues in expressing the hope that our loss of his counsel here will mean only that he is giving it to a wider forum, because the country needs people of his shining personal integrity in Government. I thank him for the opportunity to have shared in his public service in the Ways and Means Committee as well as the House of Representatives, because it has been a valuable experience for me and one that I shall not forget.

Mr. RHODES of Arizona. Mr. Speaker, I am pleased to join in a special tribute today to Hon. Thomas B. Curtis.

Tom Curtis has one of the finest minds I know, thoroughly skilled in economics, with sound views on the fiscal and monetary system of this country. For the past 18 years, Tom Curtis has been a hard-working Member of the House, and is familiar with every aspect of legislation. He is an expert on the rules of the House of Representatives, and his vast knowledge and experience makes him one of our most invaluable Members. Our Nation and his district are deservingly grateful to this dedicated public servant. I hope I may have the privilege of serving with the future Senator Thomas B. Curtis for many more years to come.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have had the honor to serve in Congress for 18 years with our colleague, the gentleman from Missouri [Mr. Curtis]. For 16 of those years I have had the honor of serving with him on the Committee on Ways and Means. During this long period of service in the House of Representatives and on the Ways and Means Committee with Tom Curtis I have been impressed by his dedication to duty and his adherence to principle.

Congressman Curtis was truly dedicated to the work of the Congress and his interests embraced the full scope of its legislative activities. He was active in efforts to reform our draft laws, in developing recommendations for reorganizing Congress, and in the field of economics and taxation. His knowledge of manpower problems enabled him to make a real contribution in connection with the Manpower Development and Training Act. His interest in manpower problems has been particularly helpful to the

Ways and Means Committee in connection with legislation in developing unemployment compensation and work training programs.

Congressman CURTIS also represented the Ways and Means Committee at the so-called Kennedy round of trade agreements negotiations at Geneva. Congressman CURTIS' report on those negotiations exemplified the thoroughness which was so characteristic of him during his service as a Member of Congress.

Congressman CURTIS was a member of three major committees of Congress. He was the senior Republican on the Joint Economic Committee, the second-ranking Republican on the Ways and Means Committee, and a member of the Joint Committee on Internal Revenue Taxation. In addition to these important duties, Congressman CURTIS was the senior Republican member on the Joint Committee on the Organization of Congress. All of the Members of the House are familiar with the contributions that he made in his outstanding service on these committes.

These are the major highlights of Congressman CURTIS' long and distinguished record in Congress. To those of us who have worked with him in the difficult day-to-day tasks of the committee know of the long hours that were necessary to compile such a distinguished record of service. We will miss his experience, wisdom, imagination, and dedication. While Congressman CURTIS will no longer be serving in the House of Representatives, I am certain he will continue to serve his Nation and fellow man with distinction. It is with deep appreciation for his many personal kindnesses that we wish him a long and distinguished career.

Mr. WHALEN. Mr. Speaker, when the House reconvenes in January it will be without the presence of that erudite veteran of 18 years' continuous service, the Honorable THOMAS B. CURTIS, of Missouri.

I first had the pleasure of meeting TOM when I introduced him as the speaker at a tax clinic sponsored by the University of Dayton several years ago. I remember that I was very impressed then with his expertise. This opinion has been reinforced by his outstanding contributions as a member of the House Ways and Means Committee and the Joint Economic Committee.

Hopefully, his aspirations for election to the other body will be successful so that he can continue to contribute to the solution of the serious questions facing the Nation.

TOM CURTIS has been a devoted public servant. It is my honor to have been his colleague during the 90th Congress.

Mr. DORN. Mr. Speaker, before we take our departure from Washington, D.C., for our separate districts, I want to bid farewell to a good friend, an honored colleague, a Member of the House of Representatives who has risen above party in the respect he has earned from Members on both sides of the aisle.

TOM CURTIS, of Missouri, has made his name a synonym for wisdom in fiscal affairs, for integrity on every issue that has come before this House. It is a loss to the House of Representatives that he will not continue to serve in its ranks.

Representative CURTIS has served with distinction on the Ways and Means Committee, the Joint Committee on Internal Revenue Taxation, and the Joint Economic Committee. The entire Nation is in his debt for 18 years of dedicated, enlightened service.

I wish my good friend continued success and good health in the years ahead.

GENERAL LEAVE TO EXTEND

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that all Members have 2 legislative days to extend their remarks in the RECORD concerning the gentleman from Missouri [Mr. CURTIS] immediately following the remarks which have already been made.

The SPEAKER pro tempore (Mr. MEEDS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRESIDENT JOHNSON'S EFFORTS FOR PEACE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, American foreign policy has two principal objectives: To preserve the security of the United States, and to build the foundations of peace throughout the world.

The first requirement for global peace is the possession of nuclear power by the United States. But it is equally important that we do all in our power to minimize the dangers of conflict with other nuclear powers, to lessen the tensions between us, to lower the level of world armaments and reduce the dangers which nuclear war presents to all mankind. We have been making encouraging progress in finding common ground with the Soviet Union in recent years and we have negotiated a number of important agreements:

The Limited Test Ban Treaty which has helped reduce the pollution of the world's atmosphere with atomic waste;

The Outer Space Treaty which calls on all states to refrain from putting nuclear weapons into outer space;

The Treaty on Nonproliferation of Nuclear Weapons, which President Johnson has called "a triumph of sanity in international affairs and a testament of man's will to survive."

The agreement, in principle, to discuss limitation and reduction of strategic missile systems;

The consular agreement, which provides better services and protection for Americans traveling in the U.S.S.R.;

Cultural exchange agreements which expose the people of the U.S.S.R. to the climate of free ideas of the West; and

A civil aviation agreement which increases contacts between our two peoples.

These agreements were not based on any premises which the Soviet invasion of Czechoslovakia has caused us to revise. In other words, we have no illusions about the policies of the men in the Kremlin. The Soviets will obviously use force to achieve their aims. Events of these past weeks remind us that there are large areas of uncommon ground between Russia and America. For us, national interest and the cause of freedom are one. For the Soviet Union this is not the case.

Around the world, we have met the challenge of Communist aggression whenever it has threatened our free world allies. Great sacrifices have been made to assure both friend and foe that solemn commitments entered into by this country are not scraps of paper but assurances of action on our part.

In Europe, we have sought to strengthen the NATO Alliance, whose success over two decades in halting Soviet expansion has bred complacency in some circles.

The withdrawal of France from NATO might have resulted in abandonment of the Alliance. But our persistent efforts have enlisted the solid cooperation of our NATO partners in keeping the Alliance a credible deterrent to aggression.

In our own hemisphere, the Organization of American States remains vigilant against the further encroachment of communism. In 1965, the Foreign Ministers of the OAS countries took a common position on the need to safeguard representative governments from extra-constitutional changes.

Cuba has been progressively isolated both politically and economically. Its viability today is completely dependent upon Soviet economic support. Increasingly effective countermeasures to Cuban inspired and supplied guerrilla movements in Colombia, Venezuela, and Bolivia have been showing hopeful results.

In Vietnam, we have made clear to all, our readiness to employ force whenever the use of force is directed against us or our allies. We are in Vietnam for one reason; to counter the naked use of force by Hanoi against a nation for whose protection we have a solemn commitment. When that aggression ceases and the freedom of choice of the people of Vietnam is assured, American forces will not be needed.

We all hope that the talks in Paris may before too long provide the basis for a peaceful settlement of the conflict. Until then we have an undeniable obligation, with our other Asian allies, to assist the Vietnamese people in their struggle for national survival.

Our participation in that struggle is amply justified in terms of legal international commitments. But let us not forget that four successive American Presidents have also recognized this commitment.

The situation in Vietnam has tended to obscure the fact that the forces of Communist aggression threaten the security of virtually every free nation in Southeast Asia. Laos is under heavy pressure from the military forces of Hanoi. Thailand, Burma, and Malaysia are contending with Communist subversive activities actively supported by North Vietnam and Communist China. South Korea must contend with constant provocation from Communist North Korea including attempts to assassinate their President. Even Cambodia, desperately seeking to preserve a neutral position, has been compelled to warn Hanoi publicly that continued violation of its territory could result in their abandoning that neutrality.

The foreign policy of the Johnson administration has always been aimed at peaceful settlement of disputes and of constant efforts to reduce tensions which could lead to conflict.

In our own hemisphere, for example, we resolved our differences with Panama through a policy of restraint and understanding which reduced tensions and led to negotiations and a basis for the settlement of longstanding problems. Similarly, we took the initiative in reaching an equitable settlement with Mexico over the problem of the disputed Chamizal area which had bedeviled our relations with Mexico for decades.

In South Asia, U.S.-backed efforts by the U.N. helped achieve a quick cease-fire and withdrawal of forces after the outbreak of hostilities between Pakistan and India in 1965.

In the Middle East, the U.N. Security Council, with the United States taking the lead, achieved a cease-fire in the Arab-Israel 6-day war.

In Cyprus, a direct military confrontation between two of our NATO allies, Greece and Turkey, was averted through U.N. actions in which the United States took a leading role.

In the Far East, the confrontation between Indonesia and Malaysia was brought to an end in 1965 following the failure of an attempted Communist coup in Indonesia—a result which probably would not have occurred if the United States had not been standing firm in Vietnam.

In Asia, longstanding tensions between Korea and Japan came to an end in 1965 with an agreement opening a new era of economic cooperation.

In Africa, civil wars in the Congo which threatened seriously to draw the United States and the Soviet Union into conflict were dampened down through U.N. action that we supported.

Around the globe, U.S. policy has constantly directed itself to promoting the peaceful settlement of international disputes.

An important new ingredient has been added to the relations between countries in recent years which is making an ever-increasing contribution to their economic and social advancement. This is the concept of regional cooperation. The United States has welcomed the development of regional economic and political institutions because these organizations promise a means of moving more rapidly toward the goals on which we and other free nations seek.

President Johnson has taken a special interest in promoting regional cooperation. The President has made clear that he sees in regionalism more than economic advantages. He stated:

> The benefits of regionalism go far beyond the specific returns of joint projects. It strengthens the sense of community, which is mankind's best hope for peace.

In Europe, the first major effort in the field of regional cooperation, the European Common Market, has moved steadily forward over what pessimists saw as insurmountable obstacles of national pride and narrow economic nationalism.

Similarly, progress has been made by the member nations of the European Free Trade Association who, since early 1967, have enjoyed the advantages of duty-free internal trade for their industrial products.

Less known but equally significant has been the rapid development of regional institutions in Asia, in Africa, and in Latin America.

All these institutions, large and small, by sharing their resources in common endeavors are multiplying manifold the results they could otherwise expect were they to go it alone. That is why the Johnson record has been one of firm encouragement and tangible aid for efforts such as these.

The point is that the real work of peace is a steady, unspectacular grinding away at the daily problems which governments must solve on behalf of their people. On behalf of the American people our Government sends representatives to some 600 international conferences annually, and that in the last few years we have participated in more than 50 international institutions and programs. They are not all international events which grab headlines, but they are lifelines over which the progress of nations is carried forward.

The road to peace for America in the complex nuclear world of today is a road built with patience, perseverance, and the honoring of our commitments. Under the leadership of President Johnson, America has followed that road, and the horrors of nuclear war have been averted for the people of the world.

VICE PRESIDENT HUMPHREY'S STATESMANSHIP

Mr. NIX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIX. Mr. Speaker, if it were possible, for one moment, to cast aside the politics of partisanship, I think there would be wide agreement that the Vice President of our country issued a judicious and sincere manifesto calling for the end of the war in Vietnam.

Mr. HUMPHREY's report to the American people on Monday evening, September 30, represented a new statesmanship in the forest of confusion surrounding this terrible war. His speech was honest, it was forthright and of highest importance, it was specific.

The Vietnam crisis which has stalled this Nation's forward progress was eloquently summed up by the Vice President when he said:

> In a troubled and dangerous world, we should seek not to march alone, but to lead in such a way that others will wish to join us.

Can any of us in this distinguished House today deny that we live in one of the most perilous times in our national history? At home, we are torn by racial divisions, a generation gap and a creeping national uneasiness. Abroad, we are plagued by a war which has sapped our national strength, devalued our human resources and alienated our young.

Indeed, it is a time for healing and I think our distinguished Vice President took a giant stride toward that purpose in his first definitive statement on what he will do after he is elected President.

Intellectual honesty compels me to admit that the sterility of rhetoric has prevented the flowing of sound ideas from all political camps. Too often the candidates for President have been content to merely assert their determination to end the war. The Republican candidate, Richard Nixon, in his acceptance speech could only promise:

> I pledge to you . . . that the first priority foreign policy objective of our next administration will be to bring an honorable end to the war in Vietnam.

Our Vice President made a similar promise Monday evening by declaring:

> I have pledged that my first priority as President shall be to end the war and obtain an honorable peace.

There, however, the similarity ended. Never once in Mr. Nixon's niagara of words that almost drowned our television sets during his acceptance speech did he spell out just what he would do to end the war in Vietnam. His speech was rather a blatant appeal to confusion and a crude exercise in rhetorical shadowboxing. Mr. Nixon, during his entire campaign, has been on an endless treadmill of badmouthing proposed solutions to the war's end and he cannot get off because he himself has no solution.

Our history is unfortunately filled with men who proposed change for change's sake. But activity is no substitute for action, nor are words any substitute for wisdom. Mr. Nixon preens in the posture of a President, but the substance is sadly lacking and the American people are just that more impoverished for his shallow performance.

We heard wisdom and there was substance this past Monday evening when the Vice President proposed several specific solutions to ending the war in Vietnam. He courageously recognized there is no simplistic formula for terminating the slaughter between peoples in Vietnam. But he dared to propose and when he takes office as the next President of the United States, the American electorate will know exactly what to expect of him.

To begin with, Mr. HUMPHREY outlined two courses of action he would take:

> I would not undertake a unilateral withdrawal. . . . Nor would I escalate the level of violence in either North or South Vietnam.

Having disposed of those unacceptable alternatives, the Vice President next outlined three courses of action which could either come in successive phases or be undertaken conjointly, depending upon the reactions of the enemy. These three courses of action proposed to initiate a climate of peace are:

First. Stop the bombing of the North "as an acceptable risk for peace" in the hope that it would "lead to success in the negotiations and a shorter war."

Second. De-Americanize the war by sitting down "with the leaders of South Vietnam to set a specific timetable by which American forces could be systematically reduced while South Vietnamese forces took over more and more of the burden."

Third. An immediate cease-fire—"with United Nations or other international supervision and supervised withdrawal of all foreign forces from South Vietnam."

But the Vice President's proposals were not restricted to the military operations. Long a man of peace and a dedicated practitioner of the democratic ethic, Mr. Humphrey stated that there must be free elections—"with all people, including members of the National Liberation Front and other dissident groups, able to participate in those elections if they were willing to abide by peaceful processes."

As passionately as Vice President Humphrey is committed to the cause of world peace, he nonetheless is resolute that whatever steps we take must be matched by the other side. Thus, he declared:

> We can agree to bring home our forces from South Vietnam, if the North Vietnamese agree to bring theirs home at the same time.

Mr. Speaker, do not the statements by our Vice President this past Monday evening represent a clear and orderly process by which the attainment of peace in Southeast Asia can be achieved? Whether or not one agrees with the current operations in Vietnam, has not Mr. Humphrey constructed a course of action that is specific, capable of implementation and honorable?

Unyielding determination and vigorous prosecution are commendable traits in any war. But the time for peace must bring with it a time of flexibility and a time of negotiation. A war-weary nation has indicated that time is now. Their voices have been heard by a sensitive statesman. And he has answered them.

I am proud to stand shoulder to shoulder with an outstanding man of peace, an honorable leader of our country and a dedicated Democrat.

Monday evening, September 30, 1968, may well be remembered as the evening that this country took one of its most important steps into the house of world peace. History will salute Hubert H. Humphrey as the man who led in such a way that others did, indeed, join us.

PATSY MINK COMMENDED FOR HARD WORK IN HELPING U.S. TRUST TERRITORIES

Mr. MEEDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MEEDS. Mr. Speaker, I have had the honor to serve on two of our committees with my good friend and colleague, the gentlewoman from Hawaii, the Honorable Patsy Mink. On both the Education and Labor Committee and on the Interior and Insular Affairs Committee her diligence and creativity have impressed us all.

Patsy has taken a keen interest in one area of American influence too frequently ignored in the past 20 years. Her hard work on behalf of the people of the U.S. Trust Territories in the Pacific has now been recognized formally by the Yap Islands Legislature. I would like to include in the Record their resolution commending her efforts:

Yap Islands Resolution No. 37–5–68

Resolution: Commending the Honorable Patsy T. Mink, Member of the U.S. Congress from the State of Hawaii, for her sincere concern of the welfare of the inhabitants of the Trust Territory of the Pacific Islands

Whereas, the Honorable Patsy T. Mink has often demonstrated her sincere concern, embracing the desire of the United States Congress to promote the political, economic, and social welfare of the people of the Trust Territory of the Pacific Islands, and most recently demonstrated her concern by introducing in the United States Congress H.R. 16183, entitled "Organic Act of the Trust Territory of the Pacific Islands"; and

Whereas, the Yap Islands Legislature has taken notice of the numerous Acts of the United States Congress establishing programs beneficial to the people of the United States and its possessions on which the Honorable Patsy T. Mink has taken a firm stand and proposed amendments and bravely defendend the same in order that such programs could be extended to the Trust Territory so that the people of this area could enjoy and benefit from these programs; and

Whereas, the Honorable Patsy T. Mink was a member of the last United States Congressional Visiting Mission which toured the Trust Territory during the first months of this year during which she took active part in sharing with the people of the Trust Territory her wisdom and deep insight into the problems facing this area;

Therefore, be it resolved by the Yap Islands Legislature that: The Honorable Patsy T. Mink, member of the United States Congress, is hereby commended wholeheartedly in appreciation of her active role and initiative symbolizing her sincere and utmost concern for the numerous problems of the Trust Territory of the Pacific Islands, and drawing attention to these problems in the United States Congress;

Be it further resolved, that certified copies of this commendation be forwarded to: The Honorable Patsy T. Mink; the President of the United States of America, the Honorable Lyndon B. Johnson; the President of the Senate, United States Congress, the Honorable Hubert H. Humphrey; the Speaker of the House of Representatives, United States Congress, the Honorable John W. McCormack; the Secretary of the Interior, the Honorable Stewart L. Udall; Chairman of the Committee on Interior and Insular Affairs, the Honorable Wayne N. Aspinall; the High Commissioner of the Trust Territory of the Pacific Islands, the Honorable William R. Norwood; and the District Administrator of Yap, Mr. James C. Flannery.

Adopted by the Yap Islands Legislature this 24th day of May 1968.

Joachim Falmig,
President.
Raphael Dabuchiren,
Secretary.

THE INTERSTATE COMMERCE COMMISSION WAKES UP

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, the maze of figures produced by the railroads purporting to show tremendous operating losses in passenger trains has been challenged by an Interstate Commerce Commission study by the Bureau of Economics. This study shows that revenues exceeded expenditures on the railroads by $35 million for passengers during the years 1945–67 instead of a loss of $7.3 billion as the railroads claim.

If the Commission figures accurately reflect the financial picture of railroad passenger service, how in the name of commonsense could the ICC justify the discontinuance of 500 passenger trains over the last 10 years?

The consequences are being reflected in the clogging of airports and airways, and traffic congestion on our bridges and highways. It is high time we get the railroads moving again to provide first-class passenger service. I am pleased to see that the ICC is waking up and starting to protect the public interest.

I would like to put in the Record these articles from the Wall Street Journal, the Washington Star, and the Washington Post on the ICC findings on rail passenger finances:

[From the Wall Street Journal, Oct. 2, 1968]

Rail-Passenger Income Led Costs in 1954–1966, ICC Study Asserts—But Industry Labels Analysis as "Some Kind of New Math"—Accounting Methods Disputed

Washington.—The Interstate Commerce Commission moved to offset what it considers an overly bleak picture of the nation's rail-passenger operations.

The ICC's Bureau of Economics disclosed a financial analysis showing that between 1954 and 1966, rail passenger revenue exceeded operating expenses related solely to passenger and "allied" services by $35 million.

The study noted, however, that last year these expenses exceeded such operating revenue by $72 million, the first time since 1958 that revenue fell below the passenger expenses. The reasons for the change "have not been fully analyzed," the study said, but it noted that increased wage scales might have been a factor.

Railroad sources said the analysis apparently was an attempt to counter what the ICC feels is an exaggerated picture of how much money the nation's railroads could save by dropping passenger service. The railroads immediately attacked the study as "some kind of 'new math.'"

ACCELERATING TREND

There has been an accelerating trend in the rail industry to discontinue passenger service. In most cases, roads asking ICC permission to discontinue the service complain that they are losing money and passengers and that it is financially unprofitable to continue offering the service.

The ICC analysis, published in a monthly report of the Economics Bureau, doesn't contend that the railroads made a profit during the years covered. What the figures show is that during the period from 1954 through 1966 the railroads' passenger-service revenue exceeded expenses related solely to passenger operations.

These expenses include such items as repairs to passenger-train cars, fuel consumed by locomotives in passenger trains, wages of ticket agents and maintenance of passenger stations. They don't include so-called common expenses, where the cost incurred stems from both passenger and freight operations and the respective shares must be allocated through accounting procedures. Nor do the figures include taxes and rental expenses.

Using this basis, the ICC analysis shows that from 1954 through 1958 the nation's railroads had a deficit of $318 million, meaning that the solely related passenger expenses exceeded the operating revenue by that much. From 1959 through 1966, however, operating revenue exceeded solely related expenses by $353 million, according to the study. This left the roads with $35 million in what the report called "incremental net operating passenger revenues" during the 13-year span.

LAST YEAR'S FIGURES

The 1967 figures underscore the controversy over the rail-passenger expense picture.

The industry has contended it had a deficit of $485 million from rail-passenger operations in 1967.

Some ICC officials believe this has left the impression that the railroads would save that amount if their passenger operations were dropped. They say the $72 million deficit the ICC report shows from solely related passenger expenses is the base figure that railroads would save if all passenger trains were dropped.

They concede the final figure would be higher because it would include taxes and rental expenses, plus common expenses allocated to passenger services. They argue, however, that the final savings would be nowhere near $485 million.

ICC officials argue that the figures aren't much different from those the agency submitted in a report to Congress earlier this year and that their contention isn't really new. Even so, the Association of American Railroads reacted sharply, saying that the study "must be some kind of 'new math.'"

The association added: "The so-called study . . . simply—and conveniently—excludes from the cost column taxes and rents which are directly related to passenger operations and which can't logically be charged to anything else. That's like figuring up the family budget without including the mortgage payment and the grocery bill—or assuming the cost of driving a car depends solely on the price of gasoline. You can't stay solvent that way for very long."

[From the Washington (D.C.) Star, Oct. 1, 1968]

FIGURES PROVE RAIL PASSENGER PROFITS—OR LOSSES

(By Stephen M. Aug)

Depending on whose bookkeeping you choose to believe, the nation's railroads either lost $7.3 billion hauling passengers during the years 1954–1967—as the railroads claim—or made a $35 million profit during the same years on passengers, as an Interstate Commerce Commission bureau reported today.

The ICC's Bureau of Economics, in its monthly publication Transport Economics, says the railroads made a profit hauling passengers in all years from 1959 through 1966. There was a $72 million loss in 1967. Profits ranged from $11 million in 1959 to $78 million in 1962.

The railroads claim they lost money on passengers in every year since 1945, with losses ranging from $724 million in 1957 to $394 million in 1962. The railroad claimed 1967 loss was $485 million.

The vast differences in the figures are due solely to differences in accounting methods—all the basic figures were supplied by the railroads. The big losses claimed by the industry result from the fact that under normal ICC accounting procedures they may charge against the passenger service a portion of all their expenses—the so-called fully allocated method—which includes everything from the president's salary to the cost of replacing tracks and ties.

DIRECT EXPENSES

The figures in the new report charge to the passenger service only the direct expenses of operating the trains—crewmen's salaries, fuel, maintenance of equipment among them.

Some critics of the railroads have contended that the industry, in showing their passenger service deficits only on a fully allocated cost basis, has been less than candid with the public in discussing claimed losses from passenger operations.

The significance of the report is that this is the first time the ICC has shown in a report the so-called out-of-pocket costs of operating passenger trains for a large group of railroads. It also is the first time it has listed such costs—and shown the consequent profits—over a period of years.

For some time even the commissioners have abandoned the use of the fully allocated cost basis in considering railroad requests to discontinue passenger trains. The commissioners prefer to use the out-of-pocket costs.

SHAKIEST PROFIT

Ironically, the report shows that while the railroads as a group lost money last year on passengers, several lines that showed a profit are financially the most shaky. Nearly all the big commuter railroads in the Northeast listed a profit, and the ICC says some of these are "attributable to the subsidies granted passenger operations by local, state and federal agencies."

The railroad showing the largest 1967 profit was the bankrupt New York, New Haven & Hartford, with profit listed at $17.6 million. The New Haven claims a loss last year of $10.3 million on passenger service.

The combined loss for the Penn Central—Pennsy and New York Central are shown separately—would be $8.4 million compared to a claimed loss of $85 million.

Outside the Northeast, only two of the 35 large railroads listed individually showed profits: Chicago & North Western at $6.7 million versus a claimed loss of $1.5 million, and Southern Pacific at $1.3 million, versus a claimed loss of nearly $19.7 million.

Southern Pacific has tried continually to get out of the passenger business entirely. Currently it is subject of an ICC proceeding in which an examiner has accused it of downgrading its services to discourage passengers.

Among 1967 figures for railroads serving this area, the report lists the Baltimore & Ohio with a $3.9 million deficit compared with $12 million claimed; Chesapeake & Ohio, $6.2 million compared with $14 million claimed; Richmond, Fredericksburg & Potomac, $299,000 profit and $3 million loss claimed; Seaboard Coast Line $12 million and $37.5 million claimed; Southern $8.6 million and $19.5 million claimed.

Rail passengers: Profit or loss?

[In millions of dollars]

	ICC-claimed profit	*Railroad-claimed loss*
1954 (loss)	38	669.5
1955 (loss)	46	636.7
1956 (loss)	82	696.9
1957 (loss)	114	723.7
1958 (loss)	38	610.4
1959	11	543.8
1960	39	485.2
1961	76	408.2
1962	78	394.3
1963	56	398.9
1964	46	410.1
1965	21	420.6
1966	26	399.6
1967 (loss)	72	495.0

[From the Washington (D.C.) Post, Oct. 2, 1968]

ICC STUDY FINDS RAILROADS MAKE MONEY ON PASSENGER RUNS

(By David Hoffman)

An Interstate Commerce Commission study seemed to puncture yesterday the long-time plaint of American railroads that passenger train service inherently costs the companies big money.

Analyzing rail passenger revenues during the last 13 years, ICC concluded that American railroads netted $35 million selling a service they claim cannot turn a profit. But ICC's claim was immediately disputed by the Association of American Railroads.

"It appears," said the Association, "the so-called study by the ICC staff simply, and conveniently, excludes from the cost column taxes and rents which are directly related to passenger operations and which can't logically be charged to anything else."

LOSSES IN 1954–58

ICC acknowledged that during the five-year time-span that began in 1954, the U.S. railroads incurred deficits ranging up to $114 million per annum in consecutive years. But in each year during the 1959–1966 period, the Commission asserted, revenues attributable to passenger service returned a minimum profit of $11 million and a maximum profit of $78 million to U.S. rail carriers.

ICC's conclusions were contained in a monthly report entitled "Transport Economics," which is published by the Commission's Bureau of Economics.

U.S. railroads have long contended that airlines, automobiles and buses have siphoned off so much traffic that intercity passenger service, via train, is becoming a money-losing operation. In hundreds of cases, the railroads have asked government permission to discontinue passenger runs between U.S. city pairs, retaining only freight service.

DEFICIT IN 1967

According to ICC, the first passenger train deficit since 1958 was recorded in 1967, when the larger United States railroads reported losing $72 million hauling people exclusively. That deficit, according to ICC sources, was largely attributable to the shutdown of railroad post offices—the result of a government economy drive.

Rebutting the ICC conclusions, the Association of American Railroads said the Commission's cost accounting system was analogous to "figuring up the family budget without including the mortgage payment and the grocery bill—or assuming the cost of driving a car depends solely on the price of gasoline."

In other words, it said, the costs associated with operating a passenger train have not been fairly calculated.

LAW AND ORDER

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, throughout my life I have supported our peace officers and upheld law and order. I made the following address to this House on June 27, 1963, more than 5 years ago:

LAW AND ORDER

Mr. DORN. Mr. Speaker, the greatest threat to freedom of assembly, freedom of speech and all of our basic fundamental freedoms in the United States today is illegal assembly, illegal demonstrations, mob violence, and disrespect for law and order. Our Constitution and our very existence as a Nation is in jeopardy. Our English civilization is at stake. Under our American system of government, the Constitution has provided a means whereby wrong can be righted, grievances can be aired, and justice sought in an orderly legal fashion. The Constitution provides for law making in a climate of caution and cool deliberation.

Every thinking American citizen today is alarmed and shocked at the growing tendency to force the passage of legislation—local, State, and National—by demonstrations, mob violence, and disrespect to peace officers. Even court orders and court decisions are being influenced by illegal demonstrations and surging mobs. No one is free to assemble or to speak in public when threatened by chanting mobs. Our dedicated, patriotic peace officers cannot preserve law and order and protect the right to assemble and freedom of speech under a barrage of brick bats and liquor bottles, particularly when the mobs feel that they are encouraged by the Federal Government. Our law enforcement agencies at the local and State level have acted with great restraint, good judgment, and devotion to duty. They have kept cool in the face of insult, obscenity, violence, and harassment unparalleled in our history and almost unbelievable. Local policemen, chiefs of police, magistrates, local courts, sheriffs, sheriffs' deputies, State patrolmen, and State police throughout this Nation should be commended and honored for the magnificent way in which they have handled mob violence in the face of the most adverse and trying circumstances. They urgently need the backing and cooperation of the Federal Government. Let me warn this House that disrespect for the uniform of a local policeman today can lead tomorrow to disrespect and insurrection against the men in uniform of our Armed Forces.

Mr. Speaker, local and State law-enforcement men in every State of this Union are patriotic. They are dedicated. They often serve long hours and are called upon for extra duty. Their job is a hazardous one, and they are underpaid. The Federal Government must support these men for they are the front-line against agitation, mob violence, fascism, subversion, and communism.

Mr. Speaker, I call upon the Attorney General, the President, and the leaders of the Congress to have confidence in and support these local peace officers who are on the firing line in the battle to preserve freedom through law and order.

Mr. Speaker, I would remind the Attorney General that demonstrations in South Korea got out of hand and overthrew the National Government. Street demonstrations and mob violence overthrew the Government of Turkey. We are all familiar with the mobs of Paris. This is a sinister mob demonstration technique being adopted by the enemies of freedom all over the world. It can and will happen in the United States unless the Federal Government supports local and State government. If this support is not soon forthcoming from the Federal Government, we can and will be on the road toward anarchy and national disaster. The Federal Government should never permit illegal demonstrations and marches upon this Capitol designed to coerce and force Congress to submit to mob rule and the law of the jungle.

S. 2658

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 30 minutes.

Mr. SCHWENGEL. Mr. Speaker, during the past several weeks I have delved into the question of weight and width limits for trucks traveling on our interstate and defense highways; namely S. 2658. The following article, written by Larry Fernsworth, is extremely perceptive to the problems the bill creates, and I think he did a magnificent job in covering the subject very well. Not only did he reach into the difficulties and dangers we would be faced with these behemoths on our highways, but I believe he has presented the bill to the public in the Sacramento Bee fairly and honestly. I herewith submit it to the CONGRESSIONAL RECORD so my colleagues will have the opportunity of pursuing it as they contemplate this piece of legislation:

BILL FOR BIGGER TRUCKS, BUSES RUNS INTO HEAVY TRAFFIC FROM OPPONENTS

(By Larry Fernsworth)

WASHINGTON.—A floodtide of protests from state and local officials in all parts of the country has slowed and perhaps halted the course through Congress of the Senate-passed bill intended to increase the weights, widths and lengths of trucks and passenger buses on interstate highways.

Leading the congressional battle is the American Automobile Association (AAA), whose executive vice president, George F. Kachlein Jr. has branded the measure an "antisafety bill that will turn our interstate highways into truckways with highway freight trains making travel so uncomfortable that passenger cars will be forced off the newer roads."

The AAA, in opposing the bill, is pitted against another semi-public body, the American Association of State Highway Officials, with a membership of a few hundred top administrators of state highway departments.

CMA BACKS BILL

Shippers and manufacturers, including the California Manufacturers Association, are out in full force in an effort to see the bill through.

Among the senate supporters was California Sen. Thomas H. Kuchel who appeared as a witness before the Senate Public Works Committee before the bill passed in the Senate last April 4. At that time the bill slipped through almost unnoticed and with only a few senators on the floor.

Kachlein told a congressional committee that 67.2 per cent of the persons killed in motor-carrier accidents were victims of collisions between trucks and passenger cars.

But John O. Morton of New Hampshire, president of the highway officials group, urged more "flexibility" for carriers in the matter of weights and size and brushed aside the question of highway safety as he spoke in behalf of the bill.

When asked by a senator about the safety factor, Morton replied:

"There is no doubt that some motorists experience claustrophobia when they find themselves in a congested traffic stream. This could become a traffic safety problem that could be hard to qualify as the number of large vehicles increases . . . In the next highway program we expect to establish some exclusive truck lines."

KUCHEL CITES GROWTH

Sen. Kuchel presented the views of California manufacturers and shippers.

"I believe this bill to be a most important step forward in strengthening and developing our national highway system which is the very life of the United States," he said.

He cited California's population growth of 40 per cent in a decade. This, he said, "has caused a rapidly expanding demand for highway transportation for which there is no viable alternative. Our basic industries, our farms, mines, forests, factories and defense installations are dispersed through the region; and they require highway transportation commensurate with the growth which has taken place in population and in economic scale."

The California Manufacturers' Association, having John T. Reed of San Francisco as its spokesman, wrote that the association "enthusiastically supports" the bill and said "it represents approximately 70 per cent of the manufacturing that takes place within the state."

"PERMISSIVE" LEGISLATION

The bill is "permissive" in the sense that it permits states to increase weights, lengths and widths of commercial traffic without the loss of federal road money. But its critics assert the permissive federal legislation is only the prelude to drives to be launched in most of the 50 states to obtain the needed authorizations.

What the bill does is to allow the following increases: Single-axle weight from 18,000 to 20,000 pounds; tandem-axle weight from 32,000 to 34,000 pounds; maximum gross weights from 73,280 up to a sliding scale of weights that are as high as 105,500 pounds for a nine-axle vehicle.

A few states already have weights and sizes higher than the federal standards because of a "grandfather clause" in the present law which permits the higher measurements in those states that already had them when the legislation was passed.

No restrictions whatever are made on length. Objectors point out that this would make two, three or more "bottoms" permissible—in other words a lead truck and two trailers—or even more.

California standards, with slight exceptions, conform to the federal scales. There is a slight increase from the federal gross weight of 73,280 pounds in the case of five- and six-axle trucks which are permitted an additional 3,520 pounds. There are no restrictions on towed units.

STRONG LOBBY

Iowa's Rep. Fred Schwengel, a Republican, who is spearheading the House opposition, states that the trucking lobby is again mustering its forces to see the bill through.

He told the House that the trucking industry is planning "to get the biggest and widest vehicles on as many roads as possible as quickly as possible."

He called its attention to the fact that one of the country's leading truck suppliers, Pullman Inc., "is already hard at it testing triples . . . not just two trailers hitched together, but three," as it has advertised in trade publications.

The state highway officials group suggests that it will become one of the principal lobbyists before the state legislatures should the bill become federal law. President Morton said "our recommendations have always been respected by state legislatures and enjoyed prestige in both the legislatures and the highway transport industry."

Other public bodies like the National League of Cities, the National Association of County Officials and the Association of State Highway Patrols, which have daily and direct experiences in dealing with road hazards, do not share the enthusiasm of officials in the state highway departments. They go along unreservedly with the AAA.

CAR DRIVERS' PROBLEM

The AAA spokesman, Kachlein, said his group believes "that truck combinations are already too large.

"The passenger car operator intuitively fears sharing the same highway with such huge trucks. He hates to pass them because he can never be sure what lies ahead. In rain or slush his windshield is inundated, restricting his forward vision and creating uncertainty as to the passage.

"He doesn't like to be followed by them—just as often as not they seem to be climbing up his rear bumper. When trucks occupy opposing lanes the big rigs rock his vehicle as they pass at relative speeds of 100 miles or more, sucking him into their wake.

"He doesn't like to follow them because they block his forward vision and slow his travel speed. At night, even with depressed beams, higher mounting of truck lights produces severe glare impairing his vision.

"Whenever a truck and a car collide, it is the occupant of the car who is most likely to suffer injury or death."

The AAA recommended that, rather than increasing weights and widths, the present "grandfather clause" of the law be repealed so as to require carriers to conform everywhere to existing federal standards.

DANGER OF DAMAGE

The AAA executive also was concerned about the increased wear and tear on highway structure, the damage and danger to bridges and the fact the bill made no provision for requiring the trucking industry to pay its fair share of the increased tax burden.

If the increased standards prevail, he said, "the mileage of existing roads and streets would deteriorate in an accelerated rate and the cost of the pavement and bridges to replace structures thus permanently destroyed will become an increasingly heavy burden on the operators of passenger cars as well as on 14 million truck owners who do not require the heavy facility but who bear the major share of the cost of providing and maintaining them."

He also cited the collapse of the bridge between Point Pleasant, West Virginia, and the Ohio shore last December which, he said, "has triggered off numerous investigations of bridge-load-carrying capabilities throughout the country."

One provision of the bill is that the heavier vehicles be permitted only on interstate highways, critics state that to keep the heavier vehicles off primary and secondary roads would be impossible.

Although the bill already has been approved by the House Public Works Committee and has been granted a "rule" of debate by the Rules Committee, it remains to be called up in the House by the speaker. Rep. Schwengel has asked that the bill be recommitted to the Ways and Means Committee to enable that committee to determine whether the heavy truckers are paying their fair share of the tax burden.

Although there has long been pending before the Ways and Means Committee a bill to increase the user taxes for trucks it has been stalled so far.

OTHER PROMOTERS

One of the industries promoting the bill is the American Pulp and Paper Institute, with which is joined the American Pulpwood Association. Five California manufacturing and shipping groups related to paper and pulp support the bill. They are:

American Forest Products Corp., Crown Zellerbach Corp., Fibreboard Corp. and Longview Fibre Co., all of San Francisco, and Paterson Pacific Parchment Co. of Sunnyvale.

Among other groups favoring the legislation are mining groups including the Nevada Mining Association of Reno; the American Farm Bureau, sponsoring the shippers of farm products; and shippers of cattle, lumber, petroleum, cement and a variety of manufactured products.

Also the Truck Trailer Manufacturers' Association and the White Motor Corp., major suppliers of motor trucks.

Tempers have flared in the House in discussion of the bill even though it has not yet been called up on the floor. One angry member called Schwengel a "polecat," an epithet later stricken from the record, Schwengel also has accused the Greyhound Bus Co., of threatening him with defeat if he persisted in his campaign.

The bus companies want the half-foot wider seating capacity which they maintain is necessary because of the increasing girths of bus passengers.

MR. CONGRESSMAN: HOW MANY COUNTIES IN YOUR DISTRICT HAVE REQUESTED INCLUSION IN THE FOOD STAMP PROGRAM? WILL YOU VOTE THE FUNDS TO INCLUDE THEM?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri [Mrs. SULLIVAN] is recognized for 1 hour.

Mrs. SULLIVAN. Mr. Speaker, a supplemental appropriation bill will shortly be coming before the House containing funds for many programs of Government affected by legislation passed by the Congress too late for inclusion in the regular appropriation bills. One such item is the food stamp program, for which Congress authorized the appropriation of an additional $90,000,000 this fiscal year over the $225,000,000 previously authorized and appropriated. It is my understanding that the President has asked for this full amount.

Actually, the Secretary of Agriculture had reported to the Committee on Agriculture during hearings on the food stamp legislation this session that he would need $100,000,000 more than the present authorized ceiling for this year in order to bring into the program all of the areas throughout the country which have requested the food stamp program. But although the House voted to remove any dollar limitation on the appropriations which could be made for the program this year, and for the 3 subsequent fiscal years, the conference report on the food stamp bill nevertheless did set such ceilings and there is nothing further we can do about that this year.

Next year, therefore, we are going to have to take up this issue once again, and go through the same dreary battle over this worthwhile program all over again. If we do not do so, then the level of operations of the food stamp program in effect at the end of this fiscal year will not be increased by the addition of a single new area, and there may even have to be a cutback in operations during the 1970 fiscal year. There is not much value in engaging in any recriminations over that fact right now—but we should all be aware of the situation, particularly those Members who have areas in their districts for which their State governments have not yet formally requested the food stamp program. Only about one-third of the counties in the Nation are in the program now, and if all of those areas which have formally requested it are to obtain it during this fiscal year, that would still leave about one-half of the counties in the United States not able to participate in it under present law.

WHICH COUNTIES WILL BE INCLUDED FIRST?

Mr. Speaker, 136 counties or independent cities in 23 States have been waiting since last December to come into the food stamp program, after having been recommended for the program by the State governments and having been certified for inclusion by the U.S. Department of Agriculture. In view of the long delay in obtaining sufficient funds to bring them into the program, these counties and cities will be the first to come into the program once the supplemental appropriation bill is enacted and sufficient additional funds are provided.

Under the authorization bill passed by the Senate and approved by the House Committee on Agriculture earlier this year, proposing only a $20,000,000 increase in the appropriation ceiling for the program, none of these 136 areas would have been reached during this fiscal year, for the program is now operating, I believe, at a level of about $245,000,000, which would have been the ceiling for the current fiscal year under the Senate-passed and House committee-approved bill. So these 136 areas, when they get the program this year, can thank the 130 Members who joined in introducing my bill to remove the present ceiling, and the additional Members who joined us on July 30 in the extremely close teller vote of 151 to 138 in Committee of the Whole House on the State of the Union to overturn the committee and adopt my bill as a substitute for the inadequate committee bill. The rollcall vote on my substitute bill was a more comfortable victory of 227 to 172, while on final passage that day, virtually everyone professed to be in favor of the food stamp bill and the vote was 315 to 83.

I hope that those among the 172 who voted "nay" on the Sullivan amendment on July 30, but whose districts will now get food stamp projects because that vote carried, will now help to appropriate sufficient funds to expand the program to their districts and to the other areas which have been patiently waiting for it.

The list of counties or cities waiting since their certification for the program last December, and which will be able to obtain the program now if sufficient funds are provided, is as follows:

AREAS ALREADY DESIGNATED FOR FOOD STAMP PROJECTS WHEN FUNDS ARE VOTED

ALASKA

Representative

Anchorage, Dillingham, Fairbanks, Juneau, Ketchikan, and Seward: Pollock [at large].

ARKANSAS

Columbia County: Pryor.
Garland and Washington Counties: Hammerschmidt.

COLORADO

Chaffee County: Aspinall.
Fremont County: Evans.
Grand, Lake, and Routt Counties: Aspinall.
Teller County: Evans.

GEORGIA

Chatham County: Hagan.
Polk County: Davis.

ILLINOIS

Boone County: Anderson.
Bureau County: Michel.
Carroll County: Anderson.
De Kalb County: Reid.
DuPage County: Erlenborn.
Ford County: Arends.
Fulton County: Railsback.
Grundy County: Reid.
Henderson and Henry Counties: Railsback.
Jo Daviess County: Anderson.

Kane County: Reid.
Kankakee County: Arends.
Kendall County: Reid.
Knox County: Railsback.
Lake County: McClory.
LaSalle County: Reid.
Lee County: Anderson.
Livingston County: Arends.
Marshall County: Michel.
McHenry County: McClory.
McLean County: Arends.
Mercer County: Railsback.
Ogle County: Anderson.
Peoria County, Putnam County: Michel.
Rock Island County: Railsback.
Stark County: Michel.
Stephenson County: Anderson.
Tazewell County, Warren County: Railsback.
Whiteside County, Will County: Arends and Erlenborn.
Winnebago County: Anderson.
Woodford County: Michel.

LOUISIANA

DeSoto Parish: Waggonner.
Orleans Parish: Hébert and Boggs.
Ouachita Parish: Passman.
St. Tammany Parish: Rarick.

MARYLAND

Kent County: Morton.
St. Mary's County: Morton.
Worcester County: Morton.

MICHIGAN

Alger County: Ruppe.
Allegan County: Hutchinson.
Antrim County: Cederberg.
Barry County: Brown.
Benzie County: Vander Jagt.
Branch County: Hutchinson.
Clare County: Cederberg.
Clinton County: Brown and Chamberlain.
Delta County, Dickinson County: Ruppe.
Eaton County: Brown.
Genesee County: Riegle.
Grand Traverse County: Vander Jagt.
Hillsdale County: Hutchinson.
Isabella County: Cederberg.
Mason County, Muskegon County: Vander Jagt.
Ogemaw County: Cederberg.
Saginaw County: Harvey.
Schoolcraft County: Ruppe.
Shiawassee County: Chamberlain.
St. Joseph County: Hutchinson.
Wexford County: Vander Jagt.

MASSACHUSETTS

City of Boston: O'Neill, McCormack, and Burke.
City of Cambridge: O'Neill.
City of Dracut: Morse.
City of Pittsfield: Conte.
City of Quincy: Burke.
City of Revere: Macdonald.
City of Springfield: Boland.

MINNESOTA

Cook County: Blatnik.
Le Sueur County: Nelsen.
Mille Lacs County: Zwach.
Sibley County: Nelsen.

MISSISSIPPI

Alcorn County: Whitten.

MONTANA

Glacier County: Olsen.
Valley County: Battin.

NEW MEXICO

Bernalillo County: Morris and Walker [at large].
Schoharie County: Resnick.

NORTH CAROLINA

Rockingham County: Galifianakis.

NORTH DAKOTA

Foster County: Andrews.

OHIO

Ashtabula County: Stanton.
Delaware County: Betts.
Fulton County: Latta.
Gallia County: Miller.
Greene County: Brown.
Huron County: Mosher.
Licking County: Ashbrook.
Medina County: Mosher.
Noble County: Hays.
Perry County: Miller.
Ross County: Harsha.
Sandusky County: Latta.
Shelby County: McCulloch.
Van Wert County: Latta.

PENNSYLVANIA

Berks County: Rhodes.
Butler County: Clark.
Cameron County, Centre County: Johnson.
Delaware County: Watkins and Williams.
Elk County: Johnson.
Monroe County, Northampton County: Rooney.
York County: Goodling.

SOUTH DAKOTA

Beadle County, Bennett County: Berry.
Brown County, Codington County: Reifel.
Davison County, Shannon County, Washabaugh County: Berry.

UTAH

Salt Lake County: Lloyd.
San Juan County: Burton.

VIRGINIA

Fairfax County (including Cities of Falls Church and Fairfax): Scott and Broyhill.

WASHINGTON

King County: Pelly and Adams.
Pierce County: Hicks.

WISCONSIN

Eau Claire County: O'Konski.

ADDITIONAL AREAS WHICH HAVE REQUESTED FOOD STAMP PROGRAMS, ALL OF WHICH CAN BE INCLUDED ONLY IF THE FULL $90 MILLION IS APPROPRIATED

Mr. Speaker, I have a separate list of areas throughout the country which have also requested the food stamp program. If we appropriate the full $90 million in additional funds authorized for this fiscal year, it is my understanding that all of these areas can be included in the program during this fiscal year.

Some of them are in districts represented by Members of Congress who have always and enthusiastically supported the food stamp program; others are in areas where the Members may be lukewarm or antagonistic. But the people of those areas, regardless of how the Congressman may have felt in the past about food stamps, should have the opportunity now being enjoyed by nearly 3 million other low-income Americans to eat properly—to purchase an adequate diet—regardless of how inadequate their incomes may be.

Therefore, Mr. Speaker, in fairness to the families of very low income, and particularly to the children of such families, in all of the localities I am listing herewith, I hope the Congress will now appropriate sufficient funds—the full $90 million—to bring those areas into this successful program to eradicate malnutrition in the United States.

Following are the 187 areas in 29 States which want the food stamp program and are ready to put it into effect if Congress will provide enough funds—that is, the full $90 million authorized in additional food stamp appropriations for this fiscal year:

REQUESTS FOR FOOD STAMP PROGRAM

ALABAMA

Representative

Tuscaloosa County: Selden.

ARKANSAS

Scott County: Hammerschmidt.

CALIFORNIA

Del Norte County, Marin County: Clausen.
Monterey County: Talcott.
Sacramento County: Moss.
Stanislaus County: McFall.
Tehama County: Johnson.

COLORADO

Ouray County, San Miguel County: Aspinall.

CONNECTICUT

Bridgeport Welfare District: Irwin.
Middletown Welfare District, Norwich Welfare District: St. Onge.
Stamford Welfare District: Irwin.
Torrington Welfare District: Meskill.

GEORGIA

Dooly County: Brinkley.
Newton County: Stephens.
Wilcox County: Stuckey.

INDIANA

Blackford County: Roush.
Brown County, Sullivan County, Warren County: Myers.
Grant County, Huntington County: Roush.
Wayne County: Roudebush.
Dearborn County: Hamilton.
St. Joseph County: Brademas.

IOWA

Fremont County: Scherle.
Worth County, Bremer County: Gross.
Muscatine County. Schwengel.
Monroe County: Kyl.
Polk County, Boone County, Webster County: Smith.
Adair County, Page County: Scherle.
Louisa County: Schwengel.
Poweshiek County: Kyl.
Black Hawk County: Gross.

KANSAS

Leavenworth County: Mize.
Johnson County: Winn.

KENTUCKY

Bracken County: Watts.
Christian County: Stubblefield.
Edmonson County: Natcher.
Fulton County: Stubblefield.
Hart County: Natcher.
Lewis County: Perkins.
McClean County: Stubblefield.
Metcalfe County: Carter.
Owen County: Watts.
Boone County: Snyder.

LOUISIANA

Bienville Parish: Waggonner.
East Feliciana Parish, Jackson Parish: Passman.
Jefferson Parish: Boggs.
Lafourche Parish: Willis.
Lincoln Parish, Morehouse Parish: Passman.
Sabine Parish: Long.
St. Bernard Parish: Hebért.
Tangipahoa Parish: Rarick.
Webster Parish: Waggonner.
West Baton Rouge: Long.

MARYLAND

Cecil County: Morton.

MICHIGAN

Baraga County: Ruppe.
Calhoun County: Brown.
Cass County: Hutchinson.
Ionia County: Ford.

Livingston County: Esch.

Marquette County: Ruppe.

Mecosta County: Cederberg.

Menominee County: Ruppe.

Montcalm County: Cederberg.

Presque Isle County: Ruppe.

Tuscola County: Harvey.

MINNESOTA

Brown County: Nelsen.

Meeker County: Zwach.

Norman County: Langen.

Steele County: Quie.

Waseca County: Nelsen.

Stevens County: Zwach.

Grant County: Langen.

MISSISSIPPI

Pearl River County: Colmer.

Rankin County, Sharkey County: Montgomery.

Tippah County: Whitten.

Adams County: Williams.

MONTANA

Hill County: Battin. Missoula County: Olsen. Musselshell County, Richland County: Battin.

Mineral County: Olsen.

NEBRASKA

Madison County: Denney.

McPherson County, Lincoln County, Logan County, Webster County, Hayes County, Frontier County, Furnas County, Hitchcock County: Martin.

Richardson County: Denney.

Adams County: Martin.

Washington County: Cunningham.

Dundy County, Blaine County, Thomas County, Chase County, Hooker County: Martin.

Wayne County, Otoe County: Denney.

NEW JERSEY

Essex County: Radino and Minish.

Hunterdon County: Thompson.

Morris County, Somerset County: Frelinghuysen.

NEW MEXICO

Las Alamos County: Morris and Walker at large.

NEW YORK

Dutchess County, City of Poughkeepsie, Ulster County: Resnick.

NORTH CAROLINA

Catawba County: Whitener.

Davie County: Broyhill.

Iredell County: Whitener.

McDowell: Taylor.

Pitt County, Richmond County: Jonas.

Robeson County: Lennon.

NORTH DAKOTA

Divide County, Renville County, Adams County: Kleppe.

Griggs County, Nelson County, Stutsman County, Pembina County: Andrews.

PENNSYLVANIA

Forest County: Johnson.

Lancaster County: Eshleman.

Warren County: Johnson.

Franklin County: Whalley.

Pike County: McDade.

Chester County: Watkins.

Cumberland County: Goodling.

Lebanon County: Eshleman.

Lehigh County: Biester and Rooney.

Bucks County: Biester.

Montgomery County: Schweiker and Biester.

RHODE ISLAND

Providence County: St Germain and Tiernan.

Newport County, Bristol County: St Germain.

Kent County, Washington County: Tiernan.

SOUTH DAKOTA

Hanson County, Miner County: Reifel.

Hyde County: Berry.

Clark County, Day County: Reifel.

Gregory County, Hughes County: Berry.

Roberts County: Reifel.

Spink County: Berry.

McCook County, Reifel.

Perkins County, Charles Mix County, Douglas County, Edmunds County, Aurora County: Berry.

Lincoln County, Lake County: Reifel.

Walworth County, Haakon County, Jackson County: Berry.

Minnehaha County, Turner County: Reifel.

McPherson County: Berry.

TENNESSEE

Henderson County: Blanton.

Bradley County: Brock.

White County, Evins.

Carter County, Quillen.

Rhea County. Brock.

Hamblen County: Quillen.

Maury County: Anderson.

TEXAS

Harris County: Bush and Eckhardt.

VIRGINIA

City of Hampton: Downing. City of Richmond: Satterfield. City of Virginia Beach: Downing.

WISCONSIN

Buffalo County, LaCrosse County, Iowa County: Thomson.

THE REAL GEORGE WALLACE—A PHONY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, only a couple of weeks ago, the former Governor of Alabama, George Wallace, came into my district and visited Springfield. While there he sought to associate himself with the spirit and philosophy of Abraham Lincoln. As I reviewed his remarks made during the course of his visit to Springfield I was overswept by a feeling of revulsion and disgust. I feel that many of my colleagues in this House and in the other body as well—share this feeling with me.

When I read the Gallup poll Monday morning and found that more and more Americans have come to accept Governor Wallace as a respectable figure on the American politicial scene, I decided the time had come for me to speak out.

In the competition in the Democratic and Republican Parties which occurred earlier this year as rivals of the present nominees sought to wrest the nomination for themselves, many were, of course, disappointed. Governor Wallace has, of course, played on this disappointment. He has criticized the record of HUBERT H. HUMPHREY as being soft on crime. Yet Mr. Wallace, who was unable to control crime in his own State of Alabama, completely ignores the fact that as mayor of Minneapolis, Mr. HUMPHREY was awarded the FBI's top award for effective municipal law enforcement. Nor does he mention that Mr. HUMPHREY was one of the first men in public life to recognize the dangers of drug abuse and coauthored the Durham-Humphrey Act, which provided the first protection for the public against habit forming drugs.

His criticism of Mr. Nixon, likewise, is without foundation. He charges Mr. Nixon with speaking out of both sides of his mouth—something at which Mr. Wallace himself is an expert. He charges Mr. Nixon and Chief Justice Earl Warren as being parties to a conspiracy to plan in advance the Court's desegregation decision of 1954.

Both Mr. HUMPHREY and Mr. Nixon are outstanding political figures. Disagreement over issues should not obscure the fact that both men represent the best traditions of American politics. Both have risked their lives—Mr. Nixon as Vice President while in South America and Mr. HUMPHREY as mayor in Minneapolis—for the things in which they believe.

Governor Wallace has—by contrast—risked the lives of innocent persons with his preachments of hate, violence, bigotry and racism. Cleverly disguising his real motives, Mr. Wallace has posed as a campaigner for the "little man" whom he asks to "stand up for America." So far his disguise has fooled tremendous numbers of citizens. Unfortunately, among this number are many patriotic, deeply concerned, and responsible people. Such is Gen. Curtis LeMay. While he has been controversial, General LeMay's record of service to his country, courage and honor are unquestioned.

General LeMay will, I predict, live to regret his decision to team up with Mr. Wallace. Like millions of other Americans, he obviously has so far accepted as genuine the utterly phony George Wallace. He has been hoodwinked by the slick talk.

What is needed today is for the real George Wallace to stand up. Let him be seen and examined for what he really is—a phony.

The tragedy of George Wallace is that he started his political career as a promising representative of the "New South." As a member of the Alabama House of Representatives he authored the Wallace trade school act and the Wallace industrial act. Twice he was voted an outstanding legislator by his fellow State representatives. In 1956 he worked for a compromise civil rights plank in the national Democratic platform. In 1955, as a circuit judge, he sentenced a white man to life imprisonment for slaying a Negro; it was the first such conviction in Alabama for many years. In 1958—in his first race for Governor—Mr. Wallace ran as a moderate. He disavowed the Ku Klux Klan—which backed his opponent, John Patterson—and received a "favorable" rating from the Alabama Labor Council and the support of several prominent Negroes.

The George Wallace of that decade, unfortunately, is not the George Wallace of 1968.

In the 10 years since his first political defeat, Governor Wallace has changed his entire public philosophy and approach to campaign issues. Gone is the man of moderation, of reason, of even temperament. In place of his sometimes eloquent pleas for racial moderation came, "Segregation now—segregation tomorrow, and segregation forever." One who preaches hate cannot be too surprised at the harvest his words reap. The Birmingham riots, the confrontation at the University of Alabama, the Selma March, the fatalities in the bombing of the Negro church in Montgomery, and all the rest followed his incitement to definance of law just as surely as day follows the night.

Yet it is becoming apparent that many Americans who harbor no ill will whatsoever toward Negroes are intrigued and attracted by other aspects of George Wallace's campaign. These aspects, briefly, are "respect" for the Constitution, reliance on "local" government, "reduced" Federal spending, and increased emphasis on "law and order." These are time-honored concepts to which most Americans—myself included—are deeply committed.

These are the concepts with which George Wallace lures Americans in those areas in which his racial appeal finds little support. It is to those Americans who have been misled by this phase of the Wallace appeal that my remarks are directed.

The fact is that in every part of Mr. Wallace's appeal, his record and his words are in sharp conflict. Seldom in American political history has the gulf between rhetoric and deed been so great.

For a man who preaches "respect" for the Constitution and "law and order" George Wallace has—during the last 10 years—made a mockery of the U.S. Constitution. Though criticizing the Supreme Court for some of its decisions, and for "legislating," Governor Wallace has set himself up as a one man Supreme Court seeking to nullify those decisions with which he disagrees. When he can do this through some legal action he will avail himself of that opportunity. When that fails, he is not above using force. Thus as a judge Mr. Wallace sought to circumvent an order requiring him to turn over the voting lists of Barbour and Bullock Counties to the Civil Rights Commission.

He ignored a Federal court order and instead turned the files over to specially convened State grand juries in the two counties. Mr. Wallace was cited for contempt for his action but the citation was dismissed by a Federal judge who was a former classmate. In 1963 he again violated the law by ignoring a Federal court injunction not to bar the entry of two Negroes to the tax-supported University of Alabama. As Governor he sought to change the Alabama constitution so he could succeed himself as Governor. When the legislature refused to accommodate his immediate desire he circumvented the State constitution and the will of the legislature by making his wife—soon to be fatally stricken—his stand-in as Governor. Despite the Constitution he continued as de facto Governor until his wife's death.

Never was there any question as to whom was the real Governor, and today—for the sake of the America he professes to love—there must be no question as to the real George Wallace.

George Wallace is a student and protege of former Alabama Gov. James—Big Jim, Kissin' Jim—Folsom. Whenever Governor Wallace criticizes the "liberal" past of men like Governor Reagan or Mr. Nixon, his own record of Folsomite liberalism should be sharply brought to his attention.

"Folsomism" was a mixture of the old southern populist "share-the-wealth" statist economics that brought Huey Long, Lyndon Johnson, Eugene Talmadge, Theodore Bilbo and other southern big spenders to national attention. Mr. Wallace was nurtured in this tradition.

George Wallace spent 6 years in the Alabama Legislature, 4 of them during Folsom's administration when he was a consistent and loyal supporter of Governor Folsom and his policies. He managed the south Alabama campaign of Governor Folsom in 1954.

Folsom's 1948 platform, when he tried to get an abortive third party presidential movement going, included a pledge to "cover the entire United States with TVA's," to expand Federal benefits for roads, schools and buildings and urged a general welfare tax to support everybody over 65 years of age. In those days Mr. Wallace enthusiastically supported those programs. He was all for big government spending.

During the term of Gov. Gordon Persons, who served between Folsom's two administrations, Mr. Wallace was considered to be, according to one Persons administration official:

> The leading liberal in the legislature, no doubt about that. He was regarded as a dangerous leftwinger. A lot of people even looked on him as downright pink."[1]

Like the real Wallace program of today, Folsomism supported all the Federal aid programs that were available—and asked for more. And again, like the real Wallace program of today, Folsomism wanted this Federal money to be supplied with no Federal control over its use—in other words, the people of the Nation who were to supply the money to the State of Alabama were not supposed to be able to say whether the money was to be spent wisely, fairly, honestly, and without discrimination. Accordingly to Mr. Wallace and Big Jim Folsom, this was just a matter of local control.

Governor Wallace repudiated "Folsomism" in his race for Governor in 1958, although up to that time he had been one of Folsom's strongest supporters. The real reason for the break was brought out recently in a biography of Wallace:

> Mr. Wallace was afraid that public sentiment had turned against Folsom because of his drinking and because he had entertained then-Congressman Adam Clayton Powell in the Governor's mansion.[2] Because of this fear, Mr. Wallace decided to run against Folsomism. Voters noted, however, that the George Wallace who was now promising to clean up Folsomism was the same George Wallace who had been Big Jim Folsom's south Alabama campaign manager only four years earlier, and that during that campaign Mr. Wallace had repeatedly told audiences that he thought the big Folsom Administration, which had been noted for graft and corruption, was a good one. "If that's Folsomism, then I'm for Folsomism," Mr. Wallace repeatedly told crowds.[3]

WALLACE'S CAMPAIGNS

The most noteworthy feature of Mr. Wallace's two campaigns for the governorship was his vote-bidding and his sudden turn away from Folsomism.

In the 1958 race, when his opponent was former Attorney General John Patterson, Mr. Wallace campaigned on a promise to "save the State from Folsomism." Nevertheless, most of the old Folsom supporters were in Mr. Wallace's camp when the votes were counted.

But his ability to be all things to all men also won the Wallace campaign the support of the leading Alabama dailies, and the leading Alabama businessmen, both of whom supported him because of his "anti-Folsomite" stand, and the support of the Alabama AFL–CIO. It should be noted that Mr. Wallace, in order to get the support of the Alabama labor bosses, promised to repeal the State right-to-work law if elected.[4]

As for the vote-buying, Mr. Wallace learned his lesson well. Patterson in the 1958 campaign, promised a State old age pension averaging $75 per month. Mr. Wallace never committed himself to a specific figure. Big Jim Folsom is reported to have told Mr. Wallace during that campaign:

> George, I taught you better than that, didn't I? The only answer to a $75 pension program is an $80 pension promise.

Governor Wallace never forgot that. In the 1962 campaign, running against Folsom himself, Mr. Wallace heard his opponent come out for an $80 monthly pension pledge. Mr. Wallace kicked off his campaign with a promise of $100. Then, declaring he had studied the State's revenues and found some extra money, he upped that to $110—the average old age pension in Alabama today is about $80.[5]

The other thing that Mr. Wallace never forgot was the race issue. In 1958 Mr. Wallace, who to that time had taken somewhat of a moderate stance on the question of race—though he always supported full segregation—was faced with an all out racist campaign from Patterson, who campaigned with support from the Ku Klux Klan. After his defeat, Mr. Wallace stated that Patterson had "outsegged"—some versions say "out-niggered"—him, but that he would never be "out-segged" again.[6]

He was not. In 1962, it was Mr. Wallace who had support from the Klan.

Governor Wallace refused to repudiate his support from the Klan, even though he had come down hard on the Klan during the 1958 race. At that time he said his opponent was "rolling in a new wave of the Klan and its terrible tradition of lawlessness."[7] Mr. Wallace received the support of Jewish groups and the NAACP, mostly because of his opposition to the Klan.

But 4 years later, determined not to be "out-segged" again, Mr. Wallace launched no attacks on the Klan. Turning his back on his earlier repudiation of the Klan, Mr. Wallace at the same time repudiated the good people who believed him when he promised to oppose lawlessness and terror. The Klan was for Mr. Wallace, and Mr. Wallace never repudiated them. Four years earlier he had told the voters of Alabama that the election of John Patterson "would put starch in all those dirty bedsheets." In 1962 the starch in the sheets was manufactured by George Wallace.

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[1] "The Little Man," by Marshall Frady, Saturday Evening Post, June 15, 1968, p. 66. Excerpts from the biography, *Wallace*, by Marshall Frady, to be published this year by New American Library.

[2] Ibid., pp. 66–67.

[3] Human Events, January 27, 1968, p. 8.

[4] Montgomery Advertiser, May 1, 1958.

[5] Human Events, January 27, 1968, p. 9.

[6] See Note 2.

[7] Montgomery Advertiser, May 12, 1958.

WALLACE AS GOVERNOR

Mr. Wallace's term as Governor was a mixture of racist policies where there was publicity to be gained, loud talk against the Federal Government, and being always first in line for the Federal handouts.

Mr. Wallace always maintains that he is only taking back what the Federal Government took from Alabama in the first place in taxes. Yet there is no record of Mr. Wallace ever calling for a reduction in Federal domestic spending programs that make high taxes necessary in the first place. Moreover, the statistics show that between $2 and $2.50 are received by Alabama from the Federal Government for every $1 Alabamans pay in Federal taxes.[8]

One Member of Congress once said of Mr. Wallace:

> He's a fiscal liberal if I ever saw one. In fact, he's a liberal on just about everything except civil rights. He cusses the Federal government, but it's always on something relating to civil rights. He doesn't turn down a nickel of Federal matching funds on anything. If there's a Federal-State welfare program that he's against, I don't know what it is.[9]

The meaning of fiscal integrity has escaped George Wallace. Indeed, it is difficult to say which government has the worse record on the question of fiscal sanity—the administration of Lyndon Johnson or the administration of George Wallace. But then they both come out of the same Southern-populist "something for nothing" economic philosophy.

During Mr. Wallace's term as Governor the State spent more money than under any Governor in the State's history, according to Congressional Quarterly.

An indication of Mr. Wallace's "constitutionalism" can be seen in the way he changes the meaning of his words to suit the political winds. In his inaugural address in 1963, Mr. Wallace promised "segregation now, segregation tomorrow, segregation forever." But in 1967 and 1968, as he is seeking to get national approval of his candidacy, he tells newsmen who remind him of his words:

> That could have been phrased very well as, "local government today, local government tomorrow, and local government forever."[10]

Americans must ask themselves whether they want a man to give meaning to our laws who is himself capable of distorting the meaning of words when it suits him? We may reasonably conclude that, to Mr. Wallace, local government and racial segregation are one and the same.

CRIME

George Wallace says the big issue in 1968 is going to be—

> Law and order. Crime in the streets. The people are going to be fed up."[11]

Governor Wallace should know. In every category but two the crime rate increased faster in Alabama during the Wallace administration than it increased nationally during the same years.

Here are the figures, taken from the FBI Uniform Crime Reports for 1963 and 1966—the years George Wallace was Governor of Alabama:

The total crime rate—per 100,000 inhabitants—increased nationally 29 percent.

The total crime rate increased in Alabama 42.4 percent.

The forcible rape rate increased nationally 40.2 percent.

The forcible rape rate increased in Alabama 70.2 percent.

The aggravated assault rate increased nationally 30.1 percent.

The aggravated assault rate increased in Alabama 39.9 percent.

The burglary rate increased nationally 24.9 percent.

The burglary rate increased in Alabama 39.9 percent.

The larceny rate increased nationally 32.8 percent.

The larceny rate increased in Alabama 44.5 percent.

The auto theft rate increased nationally 32.3 percent.

The auto theft rate increased in Alabama 44.5 percent.

Only in the categories of murder and robbery did Alabama not outpace the national crime rate increase.

This is the record of the man who promises to restore law and order.

Except for vague attacks on the judiciary, Mr. Wallace has indicated only two solutions to the problem of rising crime. In one statement he implied that he would order the chauffeur of his presidential limousine to run over any one lying in front of his car. In another speech he promised law and order, even "if I had to call out 30,000 troops with 2-foot bayonets and put them every 30 feet apart."

Assuming he were elected President, what type of leadership, what progress, could George Wallace offer to the people of the United States? Part of the answer is found in his record as Governor of Alabama.

Depressed personal income would be one likely accomplishment of a Wallace administration if his record in Alabama is any guide. For Alabama ranks 40th among States in per capita annual income and is $900 below the national average. During the period he was Governor, Alabama met only one of the eight key standards for State child labor laws.

Alabama ranks 48th among States in per pupil expenditures in public schools and 49th in payments for dependent children. Of all Southeastern States, Alabama is next to the bottom in the increase in manufacturing jobs in recent years. Yet despite this poverty of accomplishments, State taxes have been increased in many categories. After promising not to increase Alabama's sales taxes, they have in fact soared to among the highest in the Nation. More than 40 percent of Alabama males called up for military service are disqualified due to literacy and health reasons. Only three States have poorer records.

Mr. Wallace gives lip service to individual initiative, and gets roars of applause when he ridicules those on welfare. However, after 6 years of Wallace government, Alabama ranked second in the Nation—exceeded only by Louisiana—in percent of population on public assistance.

Obviously, most of Alabama's problems predate the arrival of George Wallace as Governor. But the conditions survived his 4 years in office and his nearly 1½ years as unofficial Governor, and the relative standing of his State in the categories I have mentioned is basically unchanged. One may reasonably inquire of the Governor, if he promises to do so much for the "little man" in America, why did he do so little for him as Governor? If he promises to restore law and order in the entire country, why could not he do it in Alabama?

Ten years ago a book entitled "The Age of the Coming Caesars" captured national attention with its description of the future. It saw a United States that would ultimately resemble the Vichy France, cowed by a foreign power and concerned about domestic tranquillity and economic progress. The author predicted that the voters would elect men who could promise law and order and economic prosperity in return for a surrender of basic, fundamental liberties. George Wallace—like Pierre Laval, central figure of Vichy France says to us, "let America become a police state and I can promise you law and order." If his Alabama record is any guide Mr. Wallace can give us neither law and order or economic progress but he can give us a police state.

THE NEED TO CONTROL IMPORTS TO PROTECT AMERICAN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BUCHANAN], is recognized for 30 minutes.

Mr. BUCHANAN. Mr. Speaker, as the 90th Congress draws to a close, there is legislation of vital importance to our Nation and our citizens which has received too little attention in proportion to the urgent need for action in this area—legislation introduced in the House to increase job stability and security for American workers in those industries subject to the continuing and increasing impact of foreign imports flooding the American domestic market from nations where labor is cheap and production costs low.

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[8] According to figures published by the Tax Foundation, Alabama received $2.00 in Federal grants-in-aid alone for every $1.12 it pays in taxes. These figures do not take into account the vast expenditures Alabama receives through the Redstone Arsenal, the Huntsville space center, Maxwell Air Force Base, or the Federal salaries paid to Federal employees in Alabama. Nor does it account for many forms of Federal welfare received by Alabama, where the rate of people on welfare is the second highest in the nation. When these items are included the estimates of Federal money spent in Alabama per $1.00 of Federal taxes paid by Alabama rises to $2.50—or higher.

[9] Congressional Quarterly, September 1967, No. 39, Part I, p. 1923.

[10] Meet the Press, April 23, 1967.

[11] Interview with James Jackson Kilpatrick, National Review, April 18, 1967.

This is a matter of grave concern to me, and I have appeared before the Ways and Means Committee of the House this year, as well as before the General Subcommittee on Labor of the Education and Labor Committee in both the 89th and the 90th Congress in support of legislative action to protect the American worker from the adverse effect of foreign imports on his job.

I have taken the floor during debate to bring to the attention of the Members of the House the dangerous threat to the American worker posed by this constantly rising flood of imports which on the American market is replacing products of American workers—and especially American steelworkers—at an alarming rate.

And I have also joined with other Members of the House in introducing bills to provide relief to American industries and workers who have been injured by increasing imports from low-wage areas—and bills to provide specifically for orderly trade in iron and steel mill products through quantitative limitations on U.S. imports—a system of quota controls.

The first of these—legislation to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, passed the House on September 28, 1967, as H.R. 478, the Fair Labor Standards Foreign Trade Act.

This bill provides a specific procedure of investigation to identify sectors of employment and communities whose welfare and standards of living are being impaired or threatened with impairment by excessive imports of goods produced abroad under substandard labor conditions, and gives the President certain powers of import regulation. Such import regulation to be applied to offending imports could be in the form of increased duties or quantitative limitations.

An important provision of this bill specifies that any employee organization of a domestic industry—as well as any community organization and certain others—may request the investigation to determine the actual effect of imports in question upon domestic working conditions, standards of living, and job opportunities—in situations in which imports are believed to be threatening the jobs or economic security of the workers or communities.

To date the Senate has failed to act on H.R. 478, and the bill is still pending before the Senate Labor and Welfare Committee.

The bills to provide for orderly trade in iron and steel mill products through quota control are pending in the House Ways and Means Committee. While the committee recently held executive hearings on "Tariff and Trade Proposals," during which I testified urging enactment of legislation for the protection of American steelworkers and the American steel industry, there has been no committee action on legislation.

The bills for orderly trade in iron and steel mill products would specifically provide for certain limitation of imports of iron and steel mill products which threaten the soundness of the domestic iron and steel industry—and the jobs of American steelworkers.

Only through enactment of effective legislation can the American steelworker, as well as other American workers in industries similarly affected by foreign imports, gain adequate protection from the adverse effect of these imports.

In 1967 raw steel production in the United States totaled 4,338,000 net tons. Of this U.S. total, Alabama produced 3.4 percent, and ranked eighth among steel producing States. There were 14 operating steelplants in the State. These plants accounted for an annual payroll in 1966 of $196,383,000 and made State and local tax payments in the amount of $9,274,614.

In the period 1955 through 1965, steel consumption in the United States rose from 82,200,000 net tons to 106,200,000, an increase in consumption of 24,000,000 net tons. Of this increase in steel consumption in the United States on a national scale, 9,700,000 net tons were imported.

The southern market increased in total consumption by 3,300,000 net tons. Southern steel producers' share of this increase, however, was only 600,000 net tons while imports accounted for 2,700,000 net tons of the total increased southern market consumption.

In 1965, at the end of this 10-year period, domestic steel produced outside the South and brought into the southern market was 5,300,000 net tons—exactly the same as in 1955. Hence, nonsouthern domestic producers had no share in the growth of the southern market during this period. Foreign imports of steel into the southern market during the same period rose from 400,000 to 3,100,000 tons.

The effect of the continuing increase in steel imports is clear from these figures. Growth in steel consumption in the southern market which could have been met by expanded production by southern and other domestic steel producers—with increased jobs for American steelworkers—was instead supplied through steel imports.

The city of Birmingham, Ala., which I have the privilege to represent in the Congress is one of the Nation's steel producing centers, and the continuing impact of steel imports is of vital interest to the people of my district.

To give some idea as to the basis for concern over the employment impact which imports can have on the steel industry alone, it has been estimated that 10.8 million tons of steel mill products imported during 1966 were equivalent to employment opportunities in the basic steel industry of 69,000 jobs and in supporting activities of another 14,000 jobs. Some estimates of job loss run even higher.

Low wages for foreign workers in the steel industry plus the rapid spread of steel technology have given foreign producers substantial labor cost advantages.

As an example, in 1966 hourly employment cost in the domestic steel industry was $4.63 as compared with a low of $1.08 for Japan and ranging in between for steel producing countries including West Germany, Belgium, France, Italy, Luxembourg, and the Netherlands to a high of $2.08, or a margin ranging between $3.53 to $2.55 in favor of the foreign steel producers.

The difference between the United States, Western Europe, and Japan in employment cost in the production of steel is about $25 per ton in the case of Europe and $40 per ton in the case of Japan. The disparities in hourly employment costs between the steel industries of the United States and the other major producers are so great that steel labor productivity here would have to be two and one-half times that of the Europeans and four and one-half times that of the Japanese to equalize unit labor costs.

Following World War II, while the American steel industry was still in the process of recovering from the drain upon its resources resulting from the war and the reconstruction abroad, there were fully modern steel-making plants being constructed overseas, in great part financed by the United States and built with the output of American mills.

In a special report on steel in Business Week of June 1966, it was pointed out that since 1947 the United States had shifted from a net exporter, with an annual export surplus in steel mill products of 6 million tons, to a net importer.

While the United States had net steel exports of about 4 million tons in 1957, by 1965 this had been replaced by net steel imports of 8 million tons. On balance, the total loss to foreign steel amounted to 12 million tons.

A factor in the loss of steel exports by the United States is the nontariff barrier—the extent to which foreign countries are charging fees in addition to straight duty charges which, in fact, provide effective protective barriers from imports. These nontariff barriers in the past have not received adequate consideration when tariff agreements have been entered into by the United States.

As an example, welded carbon pipe may be imported into the United States from Belgium, France, or West Germany for a duty charge of $12.50. To export the same product from the United States to Belgium results in charges of $30.53; to France, charges of $57.32; and to West Germany, charges of $30.07.

As another example, carbon plates can be imported into the United States from these three countries for a duty charge of $8. To export this product results in charges per $100 of product of $14.25 to Belgium; $42.07 to France; and $21.08 to West Germany.

The American steelworkers, along with all Americans, have, through the taxes they have paid to their Government, helped to subsidize their foreign competition through our foreign aid programs. That competition is thriving, is using in many instances—by our standards—substandard, low-cost labor, and is competing with our American workers who ought to continue to receive wages that are commensurate with what people working in the most prosperous great nation the world has yet known should receive. This consequently constitutes both strong and unfair foreign competition.

Certainly, at the very least the American worker is entitled to some protection from the consquences of our Government's use of his own tax dollars.

There is no indication in the foreseeable future that the import pressures will lessen in the steel industry and other domestic industries affected by the continuing rise in import of many commodities, and also faced with the serious disparity of employment costs. At the same time many foreign countries have quantitative controls protecting their own industries against import of some commodities.

In steel, on a world basis, foreign governments have a 42 percent financial interest in their own steel industries, and in the countries of Western Europe, a 28 percent financial interest. Resulting Government concessions again add to the cost gap between foreign and domestic production cost. In addition, excepting the Soviet bloc, Western Europe and Japan have an excess of 55 million tons in production capacity.

To establish any effective tariff control in the import of steel would require an increase of almost 1,000 percent—obviously not a practical consideration.

With other Members of Congress, I have introduced legislation to establish annual quantitative limitations on U.S. imports of steel products—orderly quota controls which would provide a fair and flexible method by which a reasonable protection could be established for our American steelworkers and their industry.

Our American steelworkers are engaged in the production of products not only vital to our Nation's economy, but essential to our national defense and security.

It is time the Congress gives consideration to import controls which will safeguard their future.

AMERICAN LACK OF COMMITMENT IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BELL] is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, I have just returned from a week's tour of frontier sections of the Middle East. Now controlled by Israel as a result of the 6-day war.

I made the trip as a result of growing personal concern over the last 60 days that the cease-fire in the Middle East was disintegrating and that early resumption of war was possible.

My visit was reassuring, insofar as the short-term outlook is concerned.

Given, however, the irrationality of the surrounding Arab nations, an irrationality which produced the 6-day war in 1967, no observer has a right to be completely secure in making optimistic predictions.

But despite fairly frequent exchanges of gunfire across the Suez and at the central Jordanian border in and near the west bank, and despite undoubted sponsorship of Arab terrorist activity by the Government of Syria, the peace on this day seems relatively stable.

What is omnious in the Middle East is:

First. The gradually shifting balance of military power to the Arab coalition, and particularly to those Arab nations which are fanatically insistent upon continued war and elimination of Israel;

Second. The extraordinary support given these Arab nations by Russia with the resulting Russian emergence as a Mediterranean power and as a potentially dominant influence in the Red Sea;

Third. The somewhat naive belief of some officials in the United States and elsewhere that, through negotiations, the basic Arab obsession with the destruction of Israel can be changed, or that the expansion of Russia into the Mediterranean and the Red Sea can be terminated.

This combination of factors could produce in the next 2 to 3 years an explosion in the Middle East far more severe than any we have known in this century.

The Middle East has as much, and perhaps more, strategic significance as Southeast Asia.

Yet we seem to be balancing our massive involvement and interventionist policies in Vietnam with an astringent near neutrality in the Middle East.

If we are overinvolved with support of an ally in Southeast Asia, we most assuredly are underinvolved in support of a substantially more deserving ally in the Middle East.

Russia lost $1 billion worth of military equipment in the 6 days of the war of 1967.

Within a year that equipment has been replaced.

More importantly, it has been replaced with more modern, more sophisticated weaponry.

It is now estimated that more than 2,000 Russian military advisers are located in Egypt.

Syria, with a more easily managed Government, has become virtually a Soviet arsenal.

There is every indication that equipment lost by the Arabs in 1967 has been replaced, yet Russia continues the arms buildup.

Arab Air Force losses as a result of the 6-day war have, for the most part, been replaced by the Mig-21, a newer and substantially improved model.

And reports have been circulating for some months that commitments have been made for delivery of Mig-23 aircraft, a highly advanced and sophisticated fighter.

Now we hear that the initial shipments of these advanced air strike units, as well as offensive rocket launchers, are on their way to Egypt.

There is no fighter aircraft in Israel today equal to the Mig-23.

The Mirage jet fighters purchased from France for $60 million are not, as a result of an edict by De Gaulle, allowed outside of France and are, thus, of no value as a deterrent or as instruments for Israel defense.

Israel is asking the United States only to sell her 50 Phantom jets which would counter the Mig-21 deliveries, not the more advanced Mig-23's.

Our procrastination has exceeded all reason.

Even if a much-desired big power decision to halt the Middle East arms race were achieved this year, the commitment of 50 Phantom jets would be needed to offset the new Arab weapons.

As a practical matter, however, the prospects for suspension of an arms buildup are as bleak as they possibly could be under present circumstances.

Russia supplies the Arab Governments to secure her new power position in the Mediterranean and the Red Sea.

She also supplies the Arabs to pressure Israel into relinquishment of territory which has been under Israel control since the 6-day war.

Not the least of the reasons for this is the importance to Russia of the Suez Canal which will surely remain closed until there is a peace settlement, or until Israel retreats from the Sinai.

But it must be understood that Sinai, the Golan Heights, and certain portions of occupied Jordan are natural military barricades, profoundly important to the defense of Israel.

The stronger, the more threatening the Arabs become, the more vital these occupied barriers become to Israel military planners.

Withholding of the Phantom jets, particularly while Russia is supplying equivalent aircraft to Cairo, virtually forces Israel to feel she must rely on herself and thus to be uncompromising in the maintenance of her present defenses.

Everyone in the United States would be able to understand this position perfectly if our own borders were similarly threatened.

I fear we do not understand the subtle result of our failure to supply the Phantom jets.

In a sense it causes an aggravation of a continuing concern which I suspect is felt by Israel officials.

It is the concern that is inevitable when all reassurances from the United States are privately spoken, all public statements seem neutral, and our actions seem more in agreement with our public statements than with our private statements.

It is true that we have supplied Israel with military equipment.

Sometimes it has been direct.

Sometimes it has been indirect, such as the Patton tanks and heavy artillery captured by Israel from Jordan in 1967.

But even our military assistance has not conveyed the full element of support that it ought to have conveyed.

When we sell military hardware to West Germany which is subsequently resold to Israel we fool nobody, and least of all the Russians and the leaders of the hostile Arab nations.

But we do create a doubt in the minds of all, particularly the Israelis, about our real position in the event of a showdown.

The combination of Russian commitment and American lack of commitment is producing a vague and thus increasingly dangerous situation in the Middle East with all participants performing in a way different from what might be expected if the true United States position were understood.

I believe it is imperative that we commit the Phantom jets to Israel and commit them now.

And with this commitment I believe we should declare that our association with Israel, and our dedication to her permanence as a nation, is one of the keystones of American foreign policy.

POLISH VESSEL TRADING AT U.S. PORTS DESPITE BLACKLIST

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. CHAMBERLAIN] is recognized for 10 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, several days ago I brought to the attention of my colleagues and the American people the fact that a Polish vessel, *Hugo Kollataj*, which has carried supplies to North Vietnam, was calling at five Americans ports to carry on trade on a business-as-usual basis. I pointed out that while this ship was blacklisted by the U.S. Government to prohibit it from carrying U.S. Government-financed cargoes out of the country there was presently nothing legally wrong with the same vessel coming to our shore to make profits on private trade. I further pointed out that while I have for a number of years sponsored legislation to close our ports completely to such vessels that the Departments of Commerce and State reiterated their opposition to my bill just a few days before the *Hugo Kollataj* entered U.S. waters.

On September 14 I wrote the President urging that the administration reexamine its policy of condoning such trading in our ports and I have now received a reply dated September 30 and signed by W. W. Rostow, Special Assistant to the President. From this response I can only conclude that the administration is not really concerned with taking effective action.

First of all, while Mr. Rostow gives no indication that anything could presently be done about this problem, I am satisfied that there already exists fully sufficient means to the executive branch that would have prevented the *Hugo Kollataj* from unloading its cargo if the administration really wanted to do something about it. I am therefore confirmed in my belief that in view of the attitude of the present administration, legislation is the only answer.

Second, Mr. Rostow apparently would leave the impression that the *Hugo Kollataj* has only been to North Vietnam once when in fact, according to information made available to me by the Department of Defense it has been there more than once.

Third, Mr. Rostow claims that legislation is not needed because—

> We have no information indicating that ships calling at North Vietnamese ports will begin calling at United States ports.

If that were the sole consideration there would obviously be no need for a blacklist to prevent such vessels from carrying U.S. Government-financed cargoes from the U.S. ports either. The point is, how can we hope to obtain full cooperation from other free world countries to stop their ships from going to North Vietnam when we at the same time officially condone the use of our ports to the same vessels and in fact to the vessels of a Communist country.

Fourth, my bill not only would bar U.S. ports to any vessel that has been to North Vietnam but also to all other vessels owned by the same shipping interest. In Communist Poland, of course, there is only one shipping interest; namely, the Government of Poland. I am advised by the Maritime Administration that between January 1 and July 31 of 1968, 11 Polish ships entered American ports a total of 124 times.

Fifth, I am amazed that Mr. Rostow gives no indication that the administration has made any representations to the Polish Government concerning the *Hugo Kollataj*.

In conclusion may I say that it is apparent that this is but another example of the administration's indifference and failure to use all the diplomatic, economic, and legal resources at its command to increase pressure on the enemy's seaborne sources of supply.

Another example is provided by the sharp increase in free-world-flag ship traffic to North Vietnam during 1968 which is about double the 1967 rate. I have been advised by the Department of Defense that during September, 14 more free world ships arrived in North Vietnam; 11 were flying the British flag, one Cypriot, one Singapore, one Kuwaiti. This brings the total for the year to 112 under nine different flags as compared to 57 arrivals during the same period in 1967.

At this point in the RECORD I include copies of my letter to the President, Mr. Rostow's reply and a chart indicating the number of free world ship arrivals in North Vietnam so far this year.

SEPTEMBER 14, 1968.

Hon. LYNDON B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: A vessel, *Hugo Kollataj*, currently "blacklisted" by the Maritime Administration for trading with North Vietnam is presently calling at American ports.

This ship was first listed by the Maritime Administration in its report No. 9 issued January 13, 1967, and classified Department of Defense information contains confirming reports as to the dates of its arrivals in North Vietnam. The *Hugo Kollataj*, owned by the Polish government, entered Boston Harbor on September 1, 1968, New York Harbor on September 8, 1968, and is scheduled to make other stops at Philadelphia, Baltimore and Norfolk. This past Wednesday morning I personally watched the unloading of tons of Polish steel from its hold onto the docks of Pier 8 in Brooklyn.

While this ship is only legally barred from carrying U.S. Government-financed cargoes out of the United States I would respectfully urge that the Government re-examine its policy and extend this prohibition to cover private trade in U.S. ports as well, as recommended in my bill, H.R. 365. Though it may be true that this commerce, in terms of tonnage and perhaps dollar value, does not amount to much, I feel very strongly that there is a deep moral question involved which compels me to ask why a vessel which has been helping to supply the enemy should be permitted to make profits in American ports on a business-as-usual basis, particularly with the present high level of American casualties in South Vietnam.

Whether or not the closing of U.S. ports to such vessels would reduce Polish trade with North Vietnam is not of controlling importance. In view of the Government's recent restraints placed on relations with Poland and other Warsaw Pact countries due to their part in the invasion and suppression of Czechoslovakia as well as the part that Poland is helping to play in the invasion and suppression of South Vietnam, I simply can see no good reason why the *Hugo Kollataj* should be welcomed in U.S. ports.

Respectfully yours,
CHARLES E. CHAMBERLAIN.

THE WHITE HOUSE,
Washington, D.C., September 30, 1968.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: The President has asked me to reply to your letter of September 14, 1968 concerning the Polish ship *Hugo Kollataj* and possible legislation which would prevent ships that have called at North Vietnamese ports from then being permitted to call at United States ports.

The *Hugo Kollataj* is the only ship—Communist or free world—on the Maritime Administration's "North Vietnam list" which has come to the United States. It made one voyage to North Vietnam, in November 1966. Since then it has been in the Far Eastern trade, going mainly to Japan. It has not returned to North Vietnam.

As you noted, the *Hugo Kollataj* is currently barred from carrying United States Government-sponsored cargo from United States ports because of its voyage to North Vietnam. In light of the fact that this is the only instance of a ship on the "North Vietnam list" calling at United States ports, we have not believed it necessary to have additional legislation on this matter.

We have no information indicating that ships calling at North Vietnamese ports will begin calling at United States ports. Should this occur, we would want to consider measures—such as the legislation you mentioned—to deal with the situation.

Sincerely yours,
W. W. ROSTOW.

FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM, 1968

	British	Cypriot	Singapore	Lebanese	Somalia	Italian	Japanese	Malta	Kuwait	Total
January	9	1								10
February	7	1								8
March	10		1			1				12
April	10	1	1	1						13
May	13	3	1				1			18
June	12	2	1	1				1		17
July	6				2					8
August	9	3								12
September	11	1	1						1	14
Total	87	12	5	2	2	1	1	1	1	112

MR. NIXON'S LETTER TO THE SECURITIES INDUSTRY: A STUDY IN SYCOPHANCY

The SPEAKER pro tempore (Mr. MEEDS). Under previous order of the House the gentleman from Wisconsin [Mr. REUSS] is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Mr. Richard M. Nixon has again followed the clandestine route. He has sent a private letter to leaders in the securities industry for private circulation. According to Mr. Nixon's top economic adviser, Alan Greenspan, it was not made public because it covers "a narrow policy area."

This is another action by Mr. Nixon designed to serve conflicting purposes. He appeals to the securities industry on a straight self-interest basis. At the same time he covers up his blatant disregard for the public interest and the interest of investors. It was an appeal to a limited number of brokers and investment bankers, in effect, attacking the protection and security of 25 million American owners of shares of common stocks.

Why did candidate Nixon not release this letter to the public? Was it possible that he knew that millions of Americans have confidence in investing in common stocks just because of the protection afforded by the SEC?

THE SEC IS AN INDEPENDENT AGENCY

Mr. Nixon's statement shows a complete and total ignorance of the role of independent agencies in the Federal Government. By legislation and by practice, regulatory agencies are independent. Responsible Presidents do not even try to interfere with these important regulatory bodies. It is either naive or malicious to charge that securities regulation has been subject to "heavy-handed bureaucratic regulatory schemes" by the Johnson administration.

The last time a President sought to dictate to an independent agency in the Federal Government was when Nixon was Vice President and, as a result, the Dixon-Yates scandal was exposed. It was a scandal that resulted from the very practice which candidate Nixon is now engaging in—namely, trying to interject political pressure where it does not belong.

IT IS BIPARTISAN

The Securities and Exchange Commission is a bipartisan organization with its members including identified Republicans as well as identified Democrats. The SEC's activities have never been the subject of partisan debates. Candidate Nixon's political maneuvers tend to undermine not only the independence but also the bipartisan nature of the SEC and renders a disservice to the American investor.

Mr. Nixon neglects to recognize the broadly accepted practices and legal protections underlying the operations of the SEC. The agency conducts not only extensive studies but it holds open hearings which afford opportunities to all parties to present facts and to have their views fully revealed. If Mr. Nixon understood this regulatory process he would not talk about "bureaucratic domination" and "a legalistic and bureaucratic approach."

EFFECTIVE INDUSTRY COOPERATION

Of all the industries subject to broad regulation none has supported its regulatory agency, the SEC, more than the securities industry. Of course, there have been differences in views between the Commission and some of the securities industry, but more often than not the New York Stock Exchange and other stock exchanges have worked in harmony and effectively with the SEC for the benefit of the industry and investors.

Mr. Nixon in his letter recognizes the fantastic growth of the securities industry and the fact that one out of eight Americans own shares of mutual funds or common stock and that, indirectly, 100 million Americans benefit from stock investments by way of pension plans or insurance policies. He neglects to add that most of this growth occurred primarily since the SEC was established. There is not the slightest evidence that the SEC did anything other than encourage the broadening of stock ownership in America.

This regulatory body has dealt in one of the most sensitive and one of the most difficult areas where hundreds of billions of dollars are at stake. There has never been any scandal or corruption associated with this agency.

Never has a candidate so shamelessly sought to solicit Wall Street dollars and Wall Street support for a political campaign.

BIGGEST ECONOMIC GIVEAWAYS

Mr. PRICE of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PRICE of Texas. Mr. Speaker, the political skids are being greased in the Democratic Party and inside the Johnson administration for one of the biggest economic giveaways ever conferred upon a private company by the U.S. Government.

This giveaway will be in the form of a special privilege to Occidental Petroleum Corp., to import 300,000 barrels a day of foreign oil into a "foreign trade zone" at Machiasport, Maine, with the exclusive right to market 200,000 barrels daily of that oil in the United States.

Other U.S. refineries, subject to quota limitations under the mandatory oil import program, will have to get by on imports of about 9 percent of their refinery throughput of crude oil.

This project would confer an economic advantage of at least $40,000,000 a year upon one company.

It will make a sham and a mockery of the mandatory oil import program which every Government study ever conducted has confirmed as vital if we are to maintain oil supplies adequate to provide for our own security.

The Machiasport project will build into the oil import program, an inequitous economic sanctuary for one company. It would confer special privilege upon that company of a magnitude almost beyond imagination.

It will deal a death blow to equity among companies which should be treated equally under the oil import program. It will therefore be the beginning of the end of that program. It will thus accelerate our dependence upon foreign oil. And it will aggravate our balance-of-payments deficit by hundreds of millions of dollars annually.

It will foreclose all opportunity for the domestic oil industry to restore its exploration-drilling to levels required to meet the future energy needs of our economy and our national defense. It will necessarily hasten the day of an oil famine in these United States of America.

Dame Fortune, it happens, has smiled upon the applicant company, Occidental Petroleum, in the Libyan desert. This company's discovery well there was reported in the press to be one of the most prolific ever known. Now, it seeks to dump that cheap oil, at a cutrate price, in the American market.

If it is permitted to do so, the American people will one day look upon the act of a favor-giving government as the day misfortune frowned upon our country. The message will come home when this, the world's greatest power, is forced to go begging for oil to the Arab bloc which even now, is playing footsie with Communist Russia.

It is no less than irony that the oil for which Occidental seeks such special favor was the same oil denied to this country and its allies under a Libyan oil embargo during the Middle East crisis in 1967.

Despite these facts, I am prepared to make a prediction. I predict that, unless reason is made to prevail, this unprecedented economic advantage will be conferred upon this one company, Occidental Petroleum. Why do I make this prediction? Because of the "quiet hurry" in which it is being petted along by the administration. One with half a nose can smell a political "deal" in Washington and an administrative "fix" and the "fix" is on in the Johnson administration to slide through this smelly deal.

The Oil Daily, reputable national petroleum newspaper, put it in cold and simple terms in its issue of September 23. Despite intense opposition to the Occidental project, said the Oil Daily:

> The political climate looks favorable for approval by the Johnson Administration—before the end of the year.

And what is the big rush by a lame duck administration to hand out such special privilege? Consumer State congressmen, primarily from New England, are pressuring the administration about fuel oil prices and Occidental Petroleum has appealed to these political instincts by pledging to supply such fuel at radical discount. With this deal, it could well afford to do so. The Oil Daily observed:

> Whether the White House would go along—perhaps to help the fizzling political drive by Vice President Humphrey for the Presidency—remains to be seen.
>
> This ambitious project first surfaced just over two months ago when on July 3, the Oil Daily revealed plans for this "trade

> zone," and said: "Senator Muskie (D-Maine) is now working quietly to press for sympathetic consideration of the scheme by Interior Secretary, Stewart Udall, the oil import control boss in the Johnson Administration."

This news account went on to say:

> Muskie and some Washington figures who are pushing the appeal for oil imports for a zone refinery at Machiasport, Maine, conferred with Udall in his office about ten days ago.

The July 3, story went on to say that news of the "trade zone" was broken at a New England Governors' Conference, at Stowe, Vt., "about a week ago."

Why at a Governors' conference? Well, Occidental Petroleum—out of the bigness of its corporate heart—has agreed to pay into a New England conservation fund 20 cents per barrel on each barrel of products it is permitted to bring into U.S. market. This will give the New England Governors about $7 million a year for "conservation" projects.

The overwhelming economic advantage which Occidental is seeking is made self-evident by the fact that it could afford, in effect, to "buy" regional political support for this project to the tune of 20 cents a barrel for products sold.

This is a strange and alien new arrangement for "doing business" in these United States. If the project at Machiasport has any merit, it should stand on that merit. Questions arise in one's mind, however, when he searches his memory for another instance when a business of any kind—in New England or anywhere on the U.S. mainland—has agreed to put up such funds for public use for the mere right to get a plant built. This 20 cents per barrel grant has one purpose and one only, so let's call it what it is: "political payola."

The pressure brought from the very start in support of this project by the candidate for Vice President on the Democratic ticket, Senator MUSKIE, indicates that Occidental has indeed done its political homework well. It has the biggest guns in the Democratic Party doing its handiwork for this economic-political windfall.

That is why I am willing to predict approval of this project. It is being masterminded by experts with an inside track in the administration.

Another straw in the wind came when President Johnson issued his choice of names for a 35-member Advisory Committee on Foreign Trade Policy. Prominent in this list is the President of Occidental Petroleum, Dr. Armand Hammer. I would not depreciate Dr. Hammer's qualifications to serve on such a group if he were not at the very moment of his appointment, by rather strange coincidence, bringing about unprecedented political pressures in support of the tremendous economic grand slam his company is seeking at Machiasport. In this circumstance, Dr. Hammer should resign his position, or, in the alternative, should be relieved from this particular "advisory" group as his service thereon qualifies as a flagrant conflict of interest.

There are other signs of the sense of urgency which the Government is attaching to this project. As I said, plans for it surfaced only 2 months ago. The application for designation of the "trade zone" was not filed until later. Yet, the Foreign-Trade Zones Board is moving quietly but rapidly to process this application.

Why such a hurry? This is a lame duck administration, and if it is going to pass out political favors worth multimillions of dollars per year, it must move. It has less than 90 days in which to grant this appetizing bowl of greenback gravy.

So, for once in the Johnson administration, the wheels are turning exceedingly fast. If the administration is going to play favorites on such a scale as this, then it must indeed be worried for the Humphrey-Muskie team. If it were confident of the outcome on November 4, then it could afford to wait in quiet decorum and let the real champion of this big giveaway, EDMUND MUSKIE, push it through to conclusion.

How long Occidental Petroleum played the political game in New England to sew up support for this project is a matter of speculation. It first came to light, as I said, on July 3, with the news that Senator MUSKIE was "working quietly" in Washington to line up the support of Secretary Udall, "who (noted in the Oil Daily) has been a long-time friend."

But it was not until 20 days later, on July 23, that this same newspaper reported in its lead story that:

> Occidental Petroleum Corporation was revealed Monday (July 22) as the dominant interest behind the application for a foreign trade zone at Machiasport, Maine, where a 300,000-barrel-daily petroleum refinery is planned, with potent political backing in Washington and New England.

The Oil Daily, at the same time, revealed that plans for this project were originally filed with Interior Secretary Udall by Jack Evans, organizer of Business Development Fund, Inc., and New England Refinery Associates, Inc.

But this news account noted that a new "voluminous brochure" filed with Interior had a covering letter from Occidental Petroleum Corp. to the effect that the application, "is filed on behalf of Occidental Petroleum Corp., which corporation is the owner of Business Development Fund, Inc., and New England Refinery Associates, Inc."

So, after its conception by Mr. Evans, a rather well-known Washington figure also noted in the past for his political ties to Secretary Udall, this grandiose scheme was taken over, apparently, lock, stock, and barrel by Occidental, which knows a good thing when it sees one.

It can be recalled that early in the Kennedy administration, a scandal erupted when the Washington Post revealed that Jack Evans had been soliciting oil companies for Democrat contributions to the Democrat Party at the request of Secretary Udall, according to some press reports.

Mr. Udall, as the Oil Daily said, is the "oil import control boss in the Johnson administration." It is he who must license any imports of oil, whether under ordinary quota allocations as nearly 300 "common" refiners are, or as a condition of political prizetaking as Occidental Petroleum prefers.

The oil import program for which Mr. Udall is responsible is a child of the Congress. It is authorized in the defense amendment of the Trade Act. That amendment has only one purpose: to protect defense-vital domestic industries against imports of such volume as threaten to impair the national security.

The Foreign Trade Zones Act also is a child of Congress. Its intent was to encourage domestic manufacture of foreign raw materials for reexport, and to encourage "foreign commerce." There is nothing in the act which remotely indicates that Congress intended such use of "trade zones" as are now contemplated by Occidental Petroleum. What that company seeks, clearly and bluntly, is special treatment outside of the national security provisions of the oil import program; special treatment which would give that company a Government-granted handout that would make "Teapot Dome" look like Alice's tea party.

Nobody profited from "Teapot Dome," but if this giant handout is sanctioned by the Johnson administration, Occidental Petroleum will reap a whirlwind of profits because it will be permitted to stake out the whole New England community as a private preserve in which it—and it alone—will be the supplier of cutrate petroleum products as the only U.S. refiner operating on cheap foreign oil which flows in such volumes as to stager the imagination.

I know New Englanders are attracted by promises of cheap fuel. Who is not? But the fact of the matter is that we cannot have our cake and eat it. We can either have a strong domestic petroleum industry able to meet our future needs, paying American wages, and American costs, and peopled by Americans who can afford to buy New England shoes, and New England lace, and Maine potatoes, or we can take the alternative of building political refineries to operate on Middle East oil upon which, as a result, we would become irretrievably dependent.

The siren call of Occidental's cheap oil will not be so musical the next time the Arab-Israeli passions flame into war and Americans are again denied access to Libyan oil. So-called cheap Middle East-African oil is available to us only so long as we do not need it. "Cheap" only until we cannot do without it. But the skids are greased to sell out the Nation's security, and scuttle the oil import program, and hopefully, to reinforce the Muskie-Humphrey ticket in New England. If the course is charted and there is no turning back, no shutting off this special-favor handout, the Democrat ticket just might find that this political deal has worked to put it on the downskids among Americans who do not cotton to such smelly deals.

This whole thing is reminiscent of the TV quiz scandals of several years ago. In those games, the contestants were given the answers before the show. Occidental petroleum has all the political answers to win this game. It promises cheaper fuel to New England. It promises help with the air pollution problem, but the petroleum industry can solve that problem without smelling up the air with political deals. And, it promises $7 million a year to the New England "conservation" fund.

Yes, the right answers are all in; the contestant has done his homework, and the big prize is virtually within grasp. And the sponsors in Washington, like those who paid for "The $64,000 Question," may rue the day.

In the public and in the national interest, the President of the United States should order an investigation of this tremendous economic giveaway to one company, including a look at its potential impact upon the national security of these United States. That investigation should be conducted on an impartial basis in the highest levels of government. It should exclude New England Congressmen and New England Senators who have a bias against domestic oil except in emergencies when it is the only oil available to them. But the domestic petroleum industry cannot be put in mothballs; it cannot be put on the shelf while we turn more and more to unreliable foreign oil controlled by monarchs and dictators who would like nothing better than to see us rendered dependent upon that oil.

Pending such an investigation, the President of the United States should order the Foreign-Trade Zones Board to cancel its October 10 hearing. If he does not, that Board is submitting to political pressure and to political usury, and to political pressures unprecedented although the national security purpose of the oil import program has been subjected to some high and mighty pressures in its short history. Other examples are refinery and petroleum chemical projects in Puerto Rico and the Virgin Islands also involving political kickbacks to the local governments. But the Occidental project makes these look like peanuts.

I, for one, intend to keep exposing this smelly deal for what it is. And, I believe when my colleagues who have labored long years to make this country secure as to vital energy supplies recognize this deal for what it is, there will be a new "march" in Washington; a march on the agencies responsible for oil policy to insist that our oil programs be administered on a basis of equity—not on a basis of monumental privilege-giving and political favor.

[From the Oil Daily, July 3, 1968]

Muskie Seeks Udall Help for Zone Refinery on Maine Coast

(Washington Bureau)

WASHINGTON—An air of excitement has been developed here over the possibility that a foreign trade zone might be approved for oil imports on the coast of Maine, where plans are afoot for construction of a large refinery that would make low-sulfur residual fuel oil, among other products.

Senator Muskie (D., Maine) is now working quietly at this end to press for sympathetic consideration of the scheme by Interior Secretary Stewart Udall, the oil import control boss in the Johnson Administration.

Muskie and some Washington figures who are pushing the appeal for oil imports for a zone refinery at Machiasport, Maine, conferred with Udall in his office about ten days ago.

It was Muskie, who has been a long-time friend of Udall, who was instrumental (along with the Kennedy brothers) in finally persuading the Johnson Administration to lift quota controls on imports of residual fuel oil three years ago.

The news about the foreign trade zone for a refinery at Machiasport, Maine, where deepwater is available to handle large tankers, was broken at a New England governors conference at Stowe, Vt., about a week ago.

At that time, Maine Governor Curtis revealed that an application had been filed for a zone at Machiasport by the Maine Port Authority, with the Foreign Trade Zone Board in the Commerce Department here.

The application, however, was described as "deficient in a number of respects" by sources at the Foreign Trade Zone Board. A copy of the zone law and regulations have been sent to the Maine authority for study with the suggestion the application be refiled properly.

Maine Governor Curtis, in an interview in Maine, said this week that he could not disclose the names of "oil companies" who would be involved in majority financing of the refinery project, but he said that it would be about 300,000 barrels daily and cover an area of 1,000 acres.

A causeway would connect the mainland to Starboard Island and to Stone Island where storage tanks would be located.

Critical factor involves obtaining an oil import quota from the federal government for the proposed refinery, Curtis emphasized. If a quota is granted, then the plant and other facilities can be built, he said.

Of the $73 million total cost for the project, Curtis said about $67 million would come from "oil companies," New England regional funds would provide an additional $500,000, between $1 million and $1.5 million would come from the Economic Development Administration and the Maine Port Authority would provide bond financing of $4 million to $5 million for port development.

Oil interests involved in the project were understood to be conferring with Muskie in the senator's office here Tuesday, but identity of the parties involved, and their discussions, were not available.

So far, Udall has refused to issue a quota of 10,000 b/d sought by Dow Chemical Co. for its zone plant in Bay County, Michigan, despite renewed pressure recently by the company and by the Michigan delegation in Congress that the quota be granted.

Dow, and the Michigan congressmen, have pointed out to Udall that the unemployment rate in the area of Dow's plant is very high, about double the national average, and that without an import quota Dow's facilities at that location will have to be shut down, throwing more people out of work.

In view of Udall's reluctance to grant Dow a quota—based on appeals related to unemployment—observers here found it difficult to imagine Udall granting a quota for a zone on the coast of Maine for a refinery—but Udall has surprised everyone before on oil import matters, and Senator Muskie is also credited with being a highly persuasive advocate of projects for his state.

[From the Oil Daily, July 23, 1968]

Oxy Holds Key Role in Maine FTZ Move—Interior Reveals Data on 300,000-Barrel-Daily Refinery—Has Strong Backing in Capital and New England

WASHINGTON.—Occidental Petroleum Corp. was revealed Monday as the dominant interest behind the application for a foreign trade zone at Machias, Maine, where a 300,000-barrel-daily petroleum refinery is planned, with potent political backing in Washington and New England.

The Interior Department Monday made public a voluminous brochure on the project with a covering letter from Occidental informing Interior that the 300,000 b/d crude oil import quota sought for the zone, filed originally by the Business Development Fund, Inc. (Jack Evans) and New England Refinery Associates, Inc., "is filed on behalf of Occidental Petroleum Corp., which corporation is the owner of Business Development Fund, Inc., and New England Refinery Associates, Inc."

A simplified flow chart filed with the application showed that 240,000 b/d of the plant's crude supply would come from Libya and 60,000 b/d in Bachaquero crude oil from Venezuela.

The plant would turn out 4,000 b/d of refinery fuel gas, 53,000 b/d naphtha, 10,000 b/d gasoline, 30,000 b/d JP–4 jet fuel, 91,000 b/d No. 2 fuel oil and marine diesel, 7,000 to 10,000 b/d Navy Special, 7,000 b/d refinery fuel oil, 20,000 b/d high sulfur fuel oil, and 75,000 b/d low sulfur fuel oil.

Some half dozen large independent deepwater terminal operators in New England are also associated with the project but their names were not revealed in the filing made public by Interior.

The project is also strongly backed by the New England Development Commission in which all of the New England state governments participate. It has also been pushed very hard in contacts with top level Administration officials by Senator Muskie (D., Maine), ringleader of the New England congressional delegation pressing for approval.

Governor Curtis of Maine, accompanied by staff aides, visited with the executive director of the Foreign Trade Zones Board in the Commerce Department a week ago to discuss details of the application and to make necessary modifications to meet requirements of the zone law.

One primary reason that New England politicians are behind the project is that the application filed with Interior makes clear that the proposed refineries' posted price policy would provide for discounts of at least 10% from "present price levels" for gasoline, a discount of at least 10% on No. 2 fuel oil for home heating below Boston harbor and/or U.S. Gulf Coast prices.

Also, the refinery would supply Defense Department jet fuels "at prices at a minimum of 10% below present contract prices." Prices for residual fuel oil would be competitive, the application states, "and in the case of maximum of 1% sulfur fuel (would) lead the way in low-priced levels." Also, Navy Special fuel oil would be competitive with foreign refined oils now supplied to the Defense Department, it was said.

The plant which would be engineered, designed and built by Foster Wheeler Corp. would also have associated ocean terminal storage totaling 15,000,000 barrels, to be built by Chicago Bridge & Iron Co.

The application states that the refined products to be made would be sold by a "cooperative consortium of seven independent non-integrated ocean terminal marketers representing the large non-integrated New England companies operating deepwater ocean terminal facilities, and several smaller marketers, who will be stockholders in the refinery, thus covering a very substantial portion of the New England market."

The application filed with Interior said that in order for the refinery to adopt a pricing policy to cut costs to consumers, it would be necessary that the company be allocated an import quota of 100,000 b/d of refined products of which the major portion, 90,000 b/d, would be No. 2 home heating fuel oil, and the balance gasoline.

"We have firm markets in New England for all products other than those to be sold and exported to the Department of Defense which is awarded on a bid basis, and others," the application stated.

"Contingent on the awarding of a zone license and quotas, satellite plants—petrochemical, or reduction, pulp and paper, power, etc—are planned."

All of the marketing of products, domestically, apparently, would be made through the seven independent marketers, who would be associated with the project as stockholders.

The company also plans, according to the application, to make a bonus payment of 20¢ a barrel on all quotas allocated to the New England Marine Resources Foundation, which is now being set up by Governor Curtis and on which all New England governors would be represented on the board of trustees.

On the basis of the quota requested, these bonus payments would exceed $7 million per year to the nonprofit New England foundation.

It was estimated that the basic cost of the zone, the core refinery, and the ocean terminals would be about $65 million for which "financing arrangements have been completed."

Major emphasis on production at the refinery, it was said, would be production of low-sulfur heavy fuel oil and petrochemical feedstocks.

It was estimated that investment in petrochemical facilities adjacent to the plant "would total several hundred millions of dollars."

There have been preliminary talks with a number of other industrial groups, including pulp and paper mills, reducers, power companies, and others, it was said.

The application argued that the project would benefit national security, since the port is one the few in the world capable of handling the largest tankers that can be built, it is far from heavy sea lane traffic, would probably be uncontaminated in an atomic attack, would provide huge storage for an emergency, cut taxpayer costs for military products, benefit balance of payments, and have other advantages.

It also argued that the complex would have a beneficial impact on the domestic economy since it would be located "in one of the most economically depressed counties on the East Coast."

It was also emphasized that the low sulfur residual to be made would meet air pollution control standards (in which Senator Muskie has a substantial interest) and would provide home heating oil for New England consumers and this product is "now in short supply."

[From the Oil Daily, Oct. 2, 1968]

OPPONENTS OF MAINE REFINERY HIT BY GOVERNOR

AUGUSTA, MAINE.—Gov. Kenneth M. Curtis hit back at the opposition to the proposed establishment of a foreign trade zone at Portland and a subzone at Machiasport where Occidental Petroleum Corp. plans to build a 300,000-barrel-a-day refinery.

Governor Curtis said that the governors of all six New England states have endorsed the proposal and several will appear to testify before the Foreign Trade Zones Board meeting at Portland on Oct. 10 and 11.

"This unprecedented unanimity and testimony will be supported also by virtually the entire New England congressional delegation, composed of 12 U. S. senators, including Edward M. Kennedy, Edmund Muskie, John O. Pastore and Edward Brooke, and 25 congressmen," he said.

Governor Curtis argued that the benefits of Occidental's plans are enormous and essential to the public interest. "It will lower the cost of heating oil to consumers by approximately $50 million to $60 million annually in the New England area alone, plus reduce the cost of oil to the Department of Defense by 10%, which will save the government of the United States $6 million annually.

"Moreover, the project would make an important strategic contribution to our national security because, coupled with the storage capacity planned, it would represent a dispersal of the U. S. refinery capability," Curtis added.

The governor also pointed out that Washington County, in which the refinery would be located, has been designated a depressed area and that the building of a refinery will eventually attract other important industries to provide employment. He said that last year, the average income of one-third of the county's families was under $3,000.

Curtis noted that while there are 291 refineries in the other 44 states, there is not a single one located in New England. To correct this situation, he said, "the Foreign Trade Zones Board will be urged to act promptly on this application so that the derivative benefits to the public and the national security can be obtained as quickly as possible."

The governor scored the opposition already reported by other major oil companies, including Esso, Gulf, Mobil, Cities Service, Sinclair and Continental.

"The attempt of these oil companies to maintain their large profits and to block any competition which would reduce the price of oil for the people of my state and other New England states is a selfish program which ignores the public interest. What possible basis can there be for this selfish objection to a plan which would reduce the cost to poor families for heating oil and gasoline and at the same time would benefit the national security; therefore, we are determined to see the program through," he stated.

"New England states and their residents have been the victims for the past nine years of grossly inequitable distribution of their fair share of the imported quota of oil."

He argued that the 8% requested quota could be achieved within the 12.2% quota formula protection by redistributing the quota to give New England its fair share. The major oil companies have argued that this plan might destroy the 12.2% guideline.

He further stated that the major oil companies "have made an estimated profit of $5 billion from the value of quotas granted since 1959. This is continuing at the rate of over $500 million a year. It is these quotas over which they insist on keeping monopoly control. This practice is preventing competition within the New England states. Such competition might reduce the oil companies' profits somewhat but would benefit the public a great deal more."

[From the Journal of Commerce, Sept. 27, 1968]

NEC BACKS MAINE TRADE ZONE

The New England Council (NEC) meeting yesterday at the Statler office building in Boston, launched a campaign in support of a $150 million Machiasport, Me., oil refinery and foreign trade zone for New England.

The refinery would have a 300,000 barrels a day capacity, which the council says is the largest plant of its type in the world ever designed and built from scratch. It said that Machiasport Bay in northern Maine has a large natural harbor, 90 feet deep and ice-free. This depth with a four mile turnaround area will accommodate the largest tankers afloat or on the drawing boards, it was asserted by Occidental Petroleum Corp., the proposed builder.

BIG STORAGE AREA

Plans call for 16,000,000 barrels of oil storage tanks. Port facilities, including general purpose jetties and docks, will be built by the Port Authority of the State of Maine and special oil handling facilities by the refinery company, it was said.

The NEC says it expects speedy approval of the Machias project because "few, if any, industrial projects anywhere have ever been so responsive to national, regional and state economic, social and defense objectives as this one."

Three separate federal government approvals must be obtained before the project can get underway, it was noted.

First the State of Maine must receive approval of its application to establish a foreign trade zone and sub-zone.

Secondly, the Interior Department must issue a license permitting the import of crude oil to the foreign trade zone.

Third, Occidental Petroleum has applied to the Interior Department for a 100,000 daily import qouta which allows the refinery to ship 90,000 barrels a day of home heating to New England, along with 10,000 barrels a day of gasoline. This application is under review.

OBJECTIVE NOTED

The NEC said that the objective of the refinery is "to maximize production of low-pollutant, low sulfur, heavy fuel oil for industrial consumers in New England, and No. 2 heating oil for New England home-owners long plagued by annual shortages, and ever higher prices; also, to make products for the U.S. armed forces and for the export market."

It said that low sulfur crude oil would be supplied by Occidental from its Libyan oil fields along with sizable quantities of crude from Venezuela.

It was stated that refined products from the refinery would be marketed in New England by "several large, nonintegrated, independent, deep-water ocean terminal operators toegther with several smaller independent marketers."

RECEIVES WIDE SUPPORT

According to the council, the project has received "wide bipartisan political support throughout New England," adding that all six governors of the New England states have unanimously and publicly approved the plan as a New England regional project."

The refinery company, it was stated, has agreed to establish a non-profit natural resources foundation in New England which will receive annual contributions for use in pure and applied research and development of natural and marine resources.

"The project," according to the council, "will result in a sharp reduction in air pollution for a large segment of our population; an important contribution to our balance of payments problem; a strong stimulus to County, Me., one of our most depressed areas; a positive assist to our American-flag tanker fleet and other maritime interests; an ending to our perennial shortages of home heating oil in New England, and a sizable reduction in cost to New England customers of the refinery and to the U.S. Defense Department for refined products used by our armed forces."

Rawleigh Warner, Jr., president of Mobil Oil Corp., said that approval by the Interior Department of special import privileges would mean that the mandatory oil import program could no longer achieve its national security objective of preserving a healthy domestic petroleum industry.

In a memorandum to Interior Secretary Stewart L. Udall, the Mobil executive said: "approval of the Occidental request would make nonsense of the principle of fair and equitable distribution of products which mostly would be brought into the U.S."

He said that "approval of the proposal would constitute virtual agreement that a foreign trade zone could be used for purposes fundamentally at variance with the purposes of such zones to foster foreign trade.

OBJECTIONS VOICED

Cities Service also voiced objections to the Machias proposal, saying that "it would ultimately destroy the entire oil import program."

Charles S. Mitchell, chairman of the board, asserted, "the proposal is obviously conceived to circumvent the oil import program and permit one company to increase its profits from its own foreign crude supply."

Specifically, Cities Service said, a quota of this size by Occidental of 100,000 barrels a day of refined petroleum products from this trade zone would give one company about 17 per cent of the total allocation to refiners, representing "a windfall of over $40 million for a single company at the expense of all others who participate in the program."

Public Notice: Foreign-Trade Zones Board, Portland, Maine—Application for a Foreign-Trade Zone and Subzone—Notice of Hearing

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Maine Port Authority, a public corporation, for the privilege of establishing, operating, and maintaining a general purpose foreign-trade zone in Portland and a sub-zone for the purpose of oil refining in Machiasport, Maine, within the Customs District of Portland, Maine of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a-81u).

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to Board Regulations,[1] has designated N. Norman Engleberg, Office of Business Programs, Business and Defense Services Administration, U.S. Department of Commerce, Washington D.C., as Examiner to investigate the application and accompany exhibits for compliance with Sections 400.600–400.608 of said Regulations; and said application having been found to be in order, the Acting Executive Secretary has designated as an Examiners Committee said N. Norman Engleberg, Chairman; Daniel J. Sullivan, Jr., Deputy Assistant Regional Commissioner, Inspection and Control, U.S. Bureau of Customs, Boston, Massachusetts; and Colonel Franklin R. Day, Division Engineer, New England Division, Corps of Engineers, United States Army, Waltham, Massachusetts, in whose districts the proposed zone and sub-zone are to be located, to conduct a thorough investigation of the application and report thereon to the Foreign-Trade Zones Board.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board Regulations, that a public hearing on the application will be held by the Examiners Committee beginning at ten A.M., local time, Thursday October 10, 1968 at Portland, Maine, Maine Courtroom, 156 Federal Street, U.S. District Court Building.

A copy of the application and accompanying exhibits is available for public examination at each of the following locations:

Office of the Regional Commissioner of Customs, Inspection and Control Division, U.S. Customs, 24th Floor of the John F. Kennedy Building, Government Center, Boston, Massachusetts.

Office of the District Director of Customs, 312 Fore Street, Portland, Maine 04111.

Office of the Director, U.S. Department of Commerce Field Office, Room 510, John F. Kennedy Federal Building, Boston, Massachusetts.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 6827, Main Commerce Building, 14th Street and Constitution Ave. N.W., Washington, D.C.

The proposed general purpose zone consists of approximately 7,930 square feet located on the property of the Maine Port Authority of Portland, now the site of the Maine State Pier. The pier is only 2½ miles away from open water and 10 miles from the Portland lightship. The total area of the proposed sub-zone is 1,680.3 acres, of which 600 acres are available for future expansion. The sub-zone is located in Machiasport, County of Washington, where Occidental Petroleum Corporation proposes to establish and operate an oil refinery subject to obtaining the necessary licenses from the Oil Import Administrator for the use of foreign crude oil.

The purposes of the hearing are to inform interested parties concerning this application, to afford them an opportunity to express their views relative thereto, and to obtain information useful to the Examiners Committee.

Interested parties or their representatives will be afforded the opportunity to be heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file written request therefor by October 7, 1968, and provide a written summary of their views regarding the application. Requests to be heard and written summaries should be directed to Mr. N. Norman Engleberg, Chairman of the Examiners Committee, Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C. 20230.

Persons not submitting advance written requests may, nevertheless, be heard at the hearing at the discretion of the Examiners Committee. Interested parties not able to be present or represented at the hearing may submit their written views concerning the application to the Examiners Committee as indicated above.

Richard E. Hull,
Acting Executive Secretary, Foreign-Trade Zones Board.

Date: September 17, 1968.

IMMIGRATION

Mr. MINISH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MINISH. Mr. Speaker, our late beloved President John F. Kennedy once wrote:

> Immigration policy should be generous; it should be fair; it should be flexible. With such a policy we can turn to the world and to our own past with clean hands and a clear conscience. Such a policy would be but a reaffirmation of old principles. It would be an expression of our agreement with George Washington that the bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges if by decency and propriety of conduct they appear to merit the enjoyment.

The enactment of the Immigration and Nationality Act of 1965 was consonant with the policy so eloquently affirmed by President Kennedy. In place of the national origins quota system with its defects and inequities, the 1965 act rightly laid emphasis on the humanitarian policy of reunification of families and the pragmatic policy of securing skills and talents urgently needed in our developing society. I firmly believe this law is a sound basis on which our country can build an immigration policy which serves the national interest and which renews our heritage as a democratic and humanitarian people. Nonetheless the fact must be recognized that the law as it now stands still falls short of attaining our laudable objectives. Experience gained during the 3 years since its enactment demonstrates the need for continuing reform in this vitally important field.

I should like to address myself at this time to one particularly troubling problem that I have repeatedly urged this Congress to act upon at this session. This problem concerns the failure of the new law to provide adequate opportunities for "new seed" immigration, that is, applicants without the close family ties or without the specified skills and talents required for preference for admission. These "new seed" immigrants have traditionally come from the Western European countries which have made such an invaluable contribution through the generations to the growth of our Nation to its present preeminence as the strongest, most powerful, and richest Nation in the history of the world. Now, immigration from those countries has drastically declined due to the restrictive family and labor provisions.

The backbreaking work, the dogged determination, the zest, pluck, and ability of these nation builders merit the gratitude of those who have benefited so immeasurably from their proud role in our glorious history. It is clearly in our national interest to continue to give young men and women of this caliber an opportunity to come here. I have, accordingly, joined with the Honorable William F. Ryan, of New York, and some 40 other concerned colleagues in sponsoring legislation to correct the unforeseen and inequitable effects of the 1965 act by establishing a floor under the immigration levels from every nation. The floor would be equivalent to 75 percent of a country's annual average level of immigration during the 1956–65 base period or 10,000, whichever is less. To the extent that immigration falls below the floor for a given year, extra numbers will be provided the following year so that total immigration equals the established floor. For example, in relation to Ireland, this formula would establish the annual limit at 5,390; to Germany, 10,000; to Great Britain, 10,000. It should be stressed that this proposal is in no wise a reversion to the old national origins quota system nor would it impair in any way the purposes of the new law. It would merely equalize the standing of all nations and insure a fair chance to each applicant.

It should also be pointed out that this emergency measure would not be necessary had the projections made in 1965 by the State Department proved accurate. It was then believed that the new plan would not measurably impede immigration from those countries that had enjoyed the largest quotas under the national origins quota system. For example, it was estimated that Ireland would have 5,200 places which would compare favorably with the number of visas issued under the old law. Unfortunately, this proved not to be the case: in 1967 only 2,665 visas were issued. Again, Germany, which has 28,691 visas issued in 1964, had only 16,863 in 1967.

Disturbing as these developments have been during the 3-year transitional changeover period from the old to the new quota system, the situation is now truly acute. For the next 2 or 3 years there will be very few visas available to natives of Western and Northern European countries since the quota numbers must be reserved to those on the waiting lists of the less favored nations under the national origins quota system.

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[1] See Title 15, Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

Clearly it was not the intent of Congress in its admirable efforts to eliminate discrimination from our immigration policy to close the door on applicants from Northern and Western Europe. The only feasible method of rectifying this unforeseen inequity is the passage of the pending legislation. The present situation frustrates our objective of a nondiscriminatory policy and adversely affects our relations with countries with which we have been closely bound.

Mr. Speaker, this issue is too critical for action to be deferred. I urge that priority attention be given to the pending legislation so that it can be enacted into law before the adjournment of the 90th Congress.

SMALL BUSINESS TOOL AND DIE INDUSTRY THREATENED BY AUTOMOTIVE MANUFACTURERS

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, we are all aware of the recent announcement by the Chrysler Corp. regarding price increases on its 1969 models. I am sure most of us share the deep concern of the Council of Economic Advisers that price increase not related to productivity or quality seriously threaten our country's economic stability. New expenditures for safety equipment are minimal, and it is alleged that the company will save countless millions by cutting in half its auto warranties. However, Chrysler claims that its labor and material costs are up, necessitating higher consumer prices.

In a recent press conference in New York spokesmen for the National Tool, Die & Precision Machining Association charged that Chrysler has exhibited an insensitivity to costs by building and acquiring tool and die facilities over the last few years that have resulted in substantially higher tooling costs. This association represents an industry of over 6,000 small businesses, many of which have traditionally competed for the auto industry's tooling work. In recent years about 35 percent of the industry's sales have been to automotive manufacturers. If Chrysler and the other automakers continue to build their own "captive" facilities, many of these small businesses are going to disappear and the overall capacity of the industry, so critical in times of mobilization, is going to be reduced substantially. I understand that the "captive" trend has resulted in the failure of several of the large independent companies in the Detroit area just within the last 6 months.

The tool and die industry asserts that the automakers gain no advantage in cost, quality, or technology through expanding their captive facilities, and that, in fact, captive facilities are acknowledged, even by the automakers themselves, to be inefficient due to the seasonal nature of tooling requirements.

It may seem hard to believe that Chrysler and the other automakers would knowingly operate in such an uneconomic fashion. But if they can simply pass these inefficiencies along to the consumer in the form of higher prices, perhaps there is not enough incentive to be efficient. I think the claim that such a practice is contributing to the higher cost should be seriously considered.

During the 89th Congress, the House Small Business Committee learned that these small manufacturing units were experiencing difficulties due to their inability to finance the purchase of modern equipment. Our committee inquired into this matter and thereafter hearings were held by a subcommittee which I headed. In line with the conclusions and recommendations reached by the committee, the Small Business Administration adopted new loan policies and procedures which enabled the members of this industry to purchase the needed equipment.

Mr. Speaker, under unanimous consent, I include in the Record the statement made recently in New York by Stuart T. O'Neal, president of the National Tool, Die & Precision Machining Association. I believe this statement documents a serious threat to small business and it may very well be quite pertinent to our present concern with respect to rising automobile prices:

A Statement by Stuart T. O'Neal, President, National Tool, Die, & Precision Machining Association, September 1968

The trend toward in-plant tooling and diemaking among the big three automakers is harmful not only to the nation's $2.5 billion-a-year tool and die industry but to the general public as well.

We, the elected officers of the National Tool, Die & Precision Machining Association, have gathered here today to apprise you of our campaign aimed at acquainting the auto industry, the metalworking trades, and the public with the economic pitfalls inherent in Automotive's "captive" tool and die shops.

Basically, our campaign is a broad-based attempt to stem the tool and die industry's rapidly-dwindling share of business from the automotive industry. The automotive market presently accounts for over 35 percent of our industry's sales, but this major market is steadily eroding as the automakers continue to expand their in-house tool and die facilities.

In addition, one major automotive manufacturer has recently announced its decision to purchase a large percentage of its tooling program abroad. This factor, too, is cutting heavily into what the tool and die industry *must* consider its major market.

If the captive trend is not slowed, the tool and die industry may be faced with withspread unemployment as shops which once served the automakers are forced to curtail production or, worse, close down.

Already, two large tool and die shops in the Detroit area have been forced to close, another is being sold, and eight smaller Detroit shops have changed hands or closed down within the past year. This is the effect in only one city.

In turn, we feel, this situation may have an injurious effect on other industries which depend on the resources of contract tool and die shops. In reducing the productivity of these contract shops, the automakers are in essence cutting deeply into the potential of the tool and die industry to provide facilities for tooling and machining in other industries when the seasonal automotive industry is slack.

Further, NTDPMA members fear that the actions of the automakers could stand to eliminate a large amount of independent tool and die capacity which has always been recognized as a critical factor in times of national emergency.

Among the points which most perplex us in the tool and die industry is the fact that automakers have not as yet found it necessary to justify the captive tooling concept on a cost basis. They continue to cling to a system that is at once inefficient and uneconomical, and has always been proved so in the past.

There is no doubt in our minds that tooling of new automobile models can be achieved most efficiently and at lowest cost by independent tool and die companies.

And, indeed, I think it would be fair to say that the automakers themselves are in agreement on this point. Further, most will reluctantly agree that the in-plant shops—lacking the free-enterprise system's spur of competition so necessary and so vital within the contract tool and die industry—have so far failed to generate the results they had hoped for when the captive trend began in the early 'Sixties.

As a result, of course, this insensitivity of the automakers is reflected in unnecessarily increased prices to the consumer for the auto industry's finished products. Americans are simply paying more for their cars and captive shops are one reason for this.

In our attempt to rectify this situation and to seek solutions to the mutual problems we share with the auto industry, we have, for the most part, been faced with a communications gap of alarming proportions.

We are encouraged, however, by the attitude of the General Motors Corporation which has demonstrated an awareness of the public-interest considerations involved and a willingness to work with us toward remedies which will protect the contract tool and die industry.

Unfortunately, Chrysler Corporation, which has perhaps been most active in its expansion of captive facilities, has yet to take a similarly constructive attitude.

Our association intends to use all appropriate means to resolve this problem and to protect the health of this vital contract industry. We will pursue all opportunities for discussions with the auto companies, and if such discussions are unproductive, we expect to obtain the assistance of the Small Business Committees of Congress and other government agencies that have studied our industry in the past and continually express concern for its vitality.

We feel strongly that there are issues here of national importance.

JEFFREY DAVIS TELLS WHY HE DIED FOR HIS COUNTRY

Mr. MYERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MYERS. Mr. Speaker, a young Brownsburg, Ind., soldier, killed September 4 in Vietnam knew whom and what he was fighting for—and left a record of it for his widow. I did not know this young man but I wish I had had the honor.

Sgt. Jeffrey A. Davis wrote a letter to his bride of 5 months to be opened only in the event of his death. I talked with his widow, Jane, this morning and received permission to share that letter with you which was reprinted in his hometown newspaper, the Brownsburg Guide.

His words are particularly appropriate in view of events occurring around our Nation today. We all share in the sorrow of his widow and parents, Mr. and Mrs. Edgar Davis of Brownsburg, but we know they must be proud, as we are, to know of his dedication to the principles which have made this country so great. The copy of that letter follows:

> Well, if you are reading this my short but full life has ended. However, I'm not sad or hurt; I'm happy where I am now. I am free of the great responsibilities that life puts upon a person. It is too bad I had to die in another country, the United States is so wonderful, but at least I died for a reason, and a good one. I may not understand this war, or like it, or want to fight it, but nevertheless I had to do it and I did.
>
> I died for the people of the United States. I died really for you, you were my one real happiness. I died also for your Mom and Dad so that they could go on working at Grant's and Chevrolet. For your brothers that they could play sports in freedom without Communist rule. I died for my parents that they could enjoy my Dad's retirement in freedom, go on vacations and have fun. Nancy, so she could raise her sons to be morally and physically straight in a free world, or country at least. For Duke, whom I admired my whole life. For others also who enjoy this wonderful country, and who appreciate what they have and thank God every day for it.
>
> (This next part I would like to be put in the paper for my own reasons.)
>
> "I died for the guys with long hair and protest signs. The draft card burners, the hippies, the "anti-everything" people who have nothing better to do. The college kids who think they shouldn't have to serve because they are too good.—I died so these people could have a little longer time to try to get straightened out in life. God knows they need it.
>
> Yes, I died for the so-called "younger generation" of which I was a part but for some unknown reason I never became an active member. I guess I was a "square" or something with short hair, no police record, didn't drink or smoke (pot included) and volunteered for the service.
>
> I died for the parents of these kids also, God forgive them. I died so these members, active members, of the "young generation" could have the right to do what they do. To protest, have long hair, go to the college of their own choice, wear weird clothes, and run around mixed up with no direction at all. I died so they could protest the war. I fought and died in. Without it, what would they protest?
>
> But, I also died for the many thousands who died in this war and other wars before, for these same reasons. For the men who fought gallantly on the many battlefields of many wars to keep this country free. I guess that in order to gain freedom there must be war. I died for the United States.
>
> Sgt. J. A. Davis
> Co. A3/187th Abn. Inf.
> 101st Abn. Div.
>
> (Concerning future children) Please send them to church. Let them learn of God and how wonderful He is. Teach them to be strong persons; physically, mentally and morally . . . My life is over now and I leave behind a big debt . . . Do me a favor. Don't cry over me now. It's too late. It's over. Forget it, and start again.
>
> Mould your life around a new partner because I've gone on to a new life. I hope some day that you shall join me here, and if you do then, I'll know my life has been lived according to God's wishes 'cause with you I will be in heaven. Thank you, and Goodbye.

CRIME CAPITAL

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, last night, in talking to the Junior Woman's Club of Fairfax County, Va., I discussed the highly partisan criticism leveled at former Vice President Richard M. Nixon by the Commissioner of the District of Columbia. You may recall, Mr. Speaker, that Mr. Nixon has referred to the District of Columbia as a "crime Capital".

I told the ladies that Britishers stroll through their capital in safety while terror stalks the streets of Washington. I should like to repeat here a part of my statement last night as I believe the statistics I have developed comparing crime in our Nation's Capital with crime in London, with 10 times the population, completely substantiate Mr. Nixon's description of the District of Columbia.

I am astounded by apologists for Washington's crime situation who pass off the jungle conditions that exist here as no better or no worse than exist in other American cities. These apologists, including Commissioner Walter E. Washington, are careful to compare our Nation's Capital with other American cities rather than other world capitals.

London, England, although 10 times the population of Washington, D.C., had fewer murders, fewer rapes, and fewer robberies in actual numbers in calendar year 1966 than did Washington, D.C. When the 1967 figures have been compiled and compared I am sure the difference will be even greater.

Even more astounding is the crime rate in major crimes per 100,000 inhabitants in comparing these two capitals. In 1966, the District of Columbia had 17.5 murders and non-negligent manslaughters per 100,000 inhabitants as opposed to 1.2 such offenses per 100,000 in London. Washington had 16.6 forcible rapes per 100,000 in that year as opposed to one such offense per 100,000 in London. Washington had 459.4 robberies per 100,000 versus 11.8 in London. Washington had 394.2 aggravated assaults per 100,000 as opposed to London's 53.5. Only in one major crime, that of larceny, did London exceed the crime rate in Washington, D.C.

While I admire Walter Washington's desire to defend his city, I cannot condone a partisan attack by such an official on a presidential candidate. His behavior is particularly reprehensible since he is supposedly a nonpartisan Commissioner of the Nation's Capital.

Washington after dark is indeed unsafe in most of its precincts. Before these apologists start pointing to socioeconomic factors intended to whitewash Washington's vicious crime situation, I suggest that they look to other world capitals, Stockholm, Oslo, Tokyo, and indeed capitals behind the Iron Curtain. I suggest that they carefully analyze the socioeconomic factors in those cities that might be comparable to Washington and relate the crime rate in those cities to the one here. We have a shameful situation in this Nation's Capital, and it is indeed a crime capital.

As an American and as a resident of this area, I am not proud of this situation and I do not intend to have it swept under the rug. I strongly praise Richard Nixon for pointing to this situation and pledging to do something about it.

It is interesting to note, as Mr. Nixon said, that Washington, D.C. is the only city in the United States under Federal jurisdiction and where the Federal Government is responsible for maintaining law and order. London also gives Parliament the duty of policing its precincts and has done so for over 100 years, since the days of Sir Robert Peele. The highly honored Scotland Yard, charged with maintaining law and order in the metropolitan district of London comes under the office of the Home Secretary.

I have proposed a bill which is presently being heard by the District of Columbia Committee which would, if enacted, place all of the various police forces in the District of Columbia under a single commissioner answerable to the Congress. Enactment of this legislation could mean the beginning of the long road back to a safe city.

The following table indicates the number of so-called part I offenses reported to, or otherwise known by, the police as having been committed in London in 1966, and the same information is indicated with respect to the District of Columbia. Rates per 100,000 inhabitants are also shown. Rates are based on the following population estimates:

[London, 8,839,330; District of Columbia, 806,000]

	London		Washington	
	Number	Rate	Number	Rate
Murder and nonnegligent manslaughter	99	1.2	141	17.5
Manslaughter by negligence	94	1.1	15	1.9
Forcible rape	88	1.0	134	16.6
Robbery	1,992	11.8	3,703	459.4
Aggravated assault	4,487	53.5	3,177	394.2
Burglary; breaking or entering	51,589	614.9	10,498	1302.5
Larceny; theft	194,381	2317.0	15,719	1950.2
Automobile theft	7,583	90.4	6,565	814.5
Total	260,313	3102.9	39,952	4956.8

TRIBUTE TO HON. WILLIAM M. TUCK

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I was unable to participate in the tribute given last Thursday to our colleague, Congressman William Tuck, of Virginia, who, unfortunately, will be voluntarily retiring from Congress at the end of this session.

It has been my privilege to serve with Governor Tuck on the House Committee on Un-American Activities for a number of years, and consequently our relationship has been more than a passing congressional acquaintance. I know all will agree that his warmth and graciousness make him the personification of that institution peculiar to American life, the Southern gentleman. Nonetheless, in his defense of constitutional principles his fire and eloquence demonstrated his deep dedication to basic American precepts.

Congress will indeed lose a wealth of experience, balanced by service at both the State and Federal levels, when Governor Tuck leaves these halls to return to the scene of his birth. His many years of public service to the Commonwealth of Virginia prepared him well for his later assignment in the House.

Along with the other Members I will indeed miss the kindly and reassuring presence of Bill Tuck among us when this session draws to a close. But it is indeed satisfying to know that the Honorable William Munford Tuck, Member of Congress, is going home at long last to join and enjoy his people whom he has served so well.

ACLU IS ON THE MOVE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, Barron's, the popular business and financial weekly, has been running a series of articles on the American Civil Liberties Union, which has proved to be highly informative and immensely useful. Written by Shirley Scheibla who recently authored a comprehensive review of the poverty program abuses entitled "Poverty Is Where the Money Is," this series provides current and readable data on the history, policies, and future programs of this most controversial of organizations. The first two parts of the series appear in the Congressional Record of September 9, 1968, beginning on page 26097.

It would seem that almost no abuse is too extreme nor hardly any cause too radical to be justified under the cloak of civil liberty by the ACLU.

In this third and final article of the series, Shirley Scheibla outlines the proposed plans with which the ACLU hopes to extend its influence in the field of legal assistance. Aided by a new ruling by the Internal Revenue Service, more funds are coming into ACLU, thus making possible this new extension of services.

Author Scheibla is to be commended for making available to the public this comprehensive treatment of the ACLU. With the Union about to launch a nationwide public relations and educational campaign, it is indeed timely that the Barron's articles have appeared in print at this time. I would venture to say that much that appears in the Scheibla articles will never see the light of day in the literature of the American Civil Liberties Union.

I request that the third part of the series, entitled "Defense to Offense—the ACLU Is Rapidly Expanding Its Sphere of Influence," by Shirley Scheibla, from the September 30 issue of Barron's, be inserted in the Record at this point.

Defense to Offense—The ACLU Is Rapidly Expanding Its Sphere of Influence

(By Shirley Scheibla)

Washington.—Not long ago, and with little fanfare, the American Civil Liberties Union rescinded a 1940 resolution barring Communists from office. The move—even if nobody's business but ACLU's—accurately reflects what's going on these days at the same old stand. Until recently, ACLU pursued its aims mainly through litigation, readily recruiting attorneys who served nobly and without pay; its only two counsel on salary were employed at the New York headquarters. Now, though, ACLU is setting up legal centers with paid staffs, and eventually will have them all over the country. These, in turn, plan to open ghetto offices—five already are in business—which will operate in cooperation with foundations and the Legal Services Program of the Office of Economic Opportunity (Barron's, March 4 and April 29). Finally, the Union is about to launch a nationwide public relations and educational campaign, propose some new federal legislation and take to the courts to challenge certain laws already on the books.

PRETTY PLEAS?

In turning activist, ACLU is not merely shifting from passive defense to total offense. It will go on, as before, pleading for relaxation of government security measures and for the "rights" of welfare recipients. But it also expects to go further than ever before in promoting black separatism, with the emphasis on community control over police and schools. Another scheme involves a multipronged attack on the nation's prison system. Still another will seek to force America's press to carry ACLU news and views.

What makes all this possible is a new method of financing sanctioned by the Internal Revenue Service. Slightly over a year ago, IRS ruled that ACLU-sponsored foundations could accept tax-exempt donations. (While ACLU itself pays no taxes, contributions from supporters had been disallowed as deductions.) Accordingly, the Union has established the Roger Baldwin Foundation; moreover, at least one ACLU affiliate has formed a foundation of its own. The Baldwin trust, barely in being, already has received grants from the Marshall Field, New World, Norman and New York Foundations—"among others." It has hired staff attorneys and opened offices in New York City, Chicago, Los Angeles, Newark, New Orleans, Atlanta, Delano (Calif.) and Jackson, Miss. Publicly, it has announced receipts of only $471,000, but it also has made public a budget that pegs expenditures over the next few years at $2.4 million.

Serving as legal director of Baldwin is one Melvin L. Wulf. On behalf of ACLU, Mr. Wulf happens to be representing Robert F. Williams in a case now pending against the Post Office Department. Mr. Williams is the chairman in exile—variously to Havana, Peking and, now, Dar-Es Salaam, Tanzania—of the Revolutionary Action Movement (RAM). Members of that group have been charged with illegal possession of extensive arsenals and conspiracy to murder several U.S. political leaders. According to J. Edgar Hoover, Mr. Williams is an advocate of violence; the FBI wants him on a charge of kidnapping.

BATTERING RAM

The Williams case challenges a Post Office order, which banned the May 1967 issue of The Crusader (a RAM publication) from the U.S. mails. The issue urged American Negro soldiers to murder white fellow GI's in Vietnam. It also gave instructions in how to sabotage sewer lines, electrical power plants and highways. As legal director of the Baldwin Foundation, Mr. Wulf presumably is in position to supervise all the expanded legal activities the Foundation is making possible.

Osmond K. Fraenkel is one of the paid general counsel, for both RBF and ACLU. According to the American Legion's "Firing Line" of December 13, 1956, Mr. Fraenkel has been affiliated with the American Student Union, the Citizens' Committee to Free Earl Browder, Film Audiences for Democracy, the International Juridical Association and the National Lawyers Guild—all classed as Communist fronts at one time or another by HUAC. Says ACLU: "The fact that contributions to the Roger Baldwin Foundation are deductible by donors will, we trust, enable civil libertarians of substantial means, as well as family funds and foundations, to contribute sums in five- and six-figure figures—the kind of sums ACLU has rarely received in the past."

RED LIGHTS?

Whether ACLU will bar Communists from actively participating in its expanded programs is open to question. When it killed its 1940 anti-Red resolution, the Union substituted one requiring that officers and staff members be committed to "the concept of democratic government and civil liberties for all people," as well as to the objectives of the Union as set forth in Section 2 of its constitution. The latter says they will "maintain and advance civil liberties, including the freedom of association, press, religion and speech and the rights to the franchise, to due process of law and to equal protection of the laws for all people throughout the United States and its possessions."

Asked if the new constitutional provisions will keep Communists out of the ACLU, Washington Director Lawrence Speiser told Barron's: "That's open to interpretation." An indication of the Union's thinking may have come from Lynn Kastner, executive director of the Minnesota CLU. According to the New York Post, he said both ACLU and the Minnesota CLU will join in a fight to place the candidates of the Communist Party on Minnesota's Presidential ballot this November. If so, it will be the first time Communists have sought a place on a U.S. Presidential ballot since the Communist Control Act of 1954 said the Party is not entitled to any rights and immunities flowing from government.

(Last Wednesday, it might be noted, a Washington Post story reported that the Justice Department has given this interpretation of the '54 Act: It applies only to the Communist Party, not to individual members, and therefore wouldn't bar Party candidates from the ballot. The same newspaper quoted Mr. Kastner as saying the Act should be struck down anyway.)

Nor is that all. At ACLU's biennial conference in Ann Arbor, Mich., last June, its governing board was asked to adopt a policy of defending civil disobedience, because "there are circumstances under which deliberate violation of an admittedly valid law is a method by which the expression of political and social views may be made. . . ." To further assure the expression of such views, the conference recommended that "daily newspapers voluntarily institute a policy of providing editorial space to unedited news and opinion contributions from the public." This, it was explained, was urged "as an experimental alternative to the course of considering newspapers as public utilities subject to regulation. . . ."

The conference also called on ACLU to undertake, "through affiliates . . . an aggressive program to air its own views and to encourage other organizations to avail themselves of the opportunity to get on air waves on stations under FCC (Federal Communications Commission) control, and that the ACLU national office prepare program materials to use on such broadcasts." It further resolved "that the ACLU, in order to foster diversity on the air waves, vigorously support government subsidy of public broadcasting with appropriate safeguards to prevent government dictation of program content." Not least, the conferees called for "a national educational campaign designed to press our principles on the public," including publication of a 32-page magazine "designed professionally." (ACLU now publishes Civil Liberties, usually between eight and 12 pages in length.)

OPEN UP THE JAILS

Evils and abuses of the prison system particularly need public exposure, the conference said. It suggested "the possibility of doing away with prisons as they exist now," and declared that the mere act of incarceration may be punishment enough.

Here are some other recommendations of the conference:

Secure passage of federal legislation to require the narrowest possible restriction of the security-clearance program to situations which actually and immediately concern the security of the U.S.

Oppose the present draft law in the judicial, legislative and public forums. Work for the amendment of the Selective Service Act to provide free counsel for all draftees, upon request, and to permit a conscientious objector, after he has exhausted all administrative remedies, to have a civil review trial de novo in the District Courts to challenge the ruling of his draft board.

Form a national legislative committee to be composed of one representative from each affiliate to implement legislative policy.

MINORITY RAPPORT

Here's the clincher: Appoint a special committee on black separatism to study (a) the rights of minorities to choose separate living arrangements in publicly supported buildings such as university dormitories; (b) legislation to allow subcultural areas to become viable economically, possibly including preferential funding; (c) protection of the rights of minority individuals to choose styles of life that lead to assimilation, integration, separatism or coexistence; (d) protection of militant organizations from harassment and extra-legal administration of the law; (e) the adjudication of problems in school decentralization to allow local participation in school administration; (f) the possibilities and problems of hiring practices in schools.

"With reference to (e) and (f), a plan to be devised whereby ghetto parents, students and teachers can formulate the policy of ghetto schools, and parent and community people will have equal determining voice in the curricula of their schools and in the hiring of qualified personnel." (In a September 2 editorial, Barron's pointed out that where so-called control of schools has been initiated, it has meant, in effect, mob rule.)

The conference, finally, called for legislation to "establish ombudsman-type review agencies with jurisdiction over all government agencies, including police" and "assure civilian review of police expenditures." It also asked a committee to "study the position that a policeman off-duty is not a policeman but a civilian with no police authority and should not be armed."

GRAPES OF WRATH

So much for the ACLU conference's resolutions and recommendations. While they provide interesting clues to future policies and tendencies, ACLU's activities through the Roger Baldwin Foundation have been anything but hesitant in the scant year of its existence. Last May, for example, the latter got $85,000 from the Field Foundation "to aid the work of Cesar Chavez in establishing the right of California migrant grape-pickers to organize as a union, to distribute literature and to picket and to further the work of the ACLU in the South."

Mr. Chavez who heads the AFL–CIO's United Farm Workers Organizing Committee (UFWOC), trained under Saul Alinsky, the self-styled professional agitator. Part of the Field Foundation grant is being used to pay the salary of Jerome Cohen, an attorney who works full-time for UFWOC. The money also went to defray costs incurred in litigation defending the boycott of California grapes, in support of Mr. Chavez's union. (Last August 5, incidentally, Barron's called that boycott the first major endeavor to force compulsory unionism on agriculture. After a complaint was filed with the Regional National Labor Relations Board in New York City, charging that the boycott there was illegal, the unions involved signed an agreement to halt it.) The Baldwin Foundation says it contemplates other projects like the Chavez caper for migrant farm workers in New York, New Jersey and Minnesota.

CALLING THE COPS

Certain of the legal offices newly established by the Foundation in the Los Angeles area, meanwhile, plan to concentrate on "police misconduct." Three weeks ago, Eason Monroe, ACLU executive director for Southern California, told Barron's: "Our sole present involvement in the Roger Baldwin Foundation is to finance, through its tax-deductible means, two offices in the Negro and Mexican-American ghettos of Los Angeles which serve to receive and to transmit . . . complaints regarding police misconduct." (Exactly how many Los Angeles ghetto offices the Foundation has is not clear. A few days afterward, Barton R. Clausen, Director of Information and Education for ACLU, told Barron's the number is three.)

The Wieboldt Foundation, another RBF donor, has provided funds for a staff attorney in the Negro ghetto of Chicago. His mission will be "civil liberties" issues there, in connection with Baldwin's Illinois Special Legal Project. That scheme already has made some headlines. Last July, the Illinois division of RBF filed suit to enjoin Southern Illinois University from banning Stuart Novick on campus. One day after a Novick speech, which university trustees considered "inflammatory in nature," a university building was bombed. According to RBF attorneys, there was no cause-and-effect relationship; by subsequently prohibiting him from appearing on campus, they contended, Southern Illinois was denying Mr. Novick his Constitutional freedom of speech.

On May 14, the Baldwin Foundation hosted a $100-a-plate dinner in honor of former Illinois Governor Otto Kerner, "for the bold and courageous Kerner Report, surely one of the most significant documents of our critical times." (For another view of the same report, see Barron's, April 29.) Funds raised at the Chicago banquet went to RBF's Illinois Project.

In Newark, according to Emil Oxfeld, president of New Jersey's ACLU, the major effort of a ghetto office (opened earlier this month) will be diretced at "police malpractices, employment discrimination and incendiary school situations." It will be supported jointly by the Law Students Civil Rights Research Council (LSCRRC) and the Baldwin Foundation. Last February, ACLU and its Foundation sponsored a Newark conference on police practices at Rutgers University Law School, which boasts an LSCRRC chapter. The Essex County (N.J.) Chiefs of Police Association has a report on the event.

Morton Stavis, it appears, made some startling remarks at the conference. According to the police chiefs' report, Mr. Stavis called the grand jury system useless, because it is normally not possible to obtain information on the testimony taken—and "who knows what kind of snide remarks are made to grand juries by the assistant prosecutor in order to sway them in their thinking." The report quotes Mr. Stavis as saying, "Civil process can result in cops from the chief down to the man who beat up the citizen being ordered to the ACLU's lawyer's office for the taking of depositions. And it is well when the cop arrives to be sure that you are busy so that he has to squirm in the waiting room for a while. This waiting period has tremendous therapeutic effects upon arrogant cops."

When the National Capital Area CLU sought a grant from Washington's Meyer Foundation to further the work of the Baldwin Foundation here, Meyer refused, saying it preferred to limit its largesse to local facilities and services. Shortly thereafter, NCACLU established its own foundation: the American Civil Liberties Fund of the National Capital Area. The latter now has a two-year, $15,000 grant from the Meyer Foundation which it has used, along with contributions from members, partly to hire a full-time legal director and invoke a conference on police practices.

THE KICK-OFF

That event took place at Howard University on June 15. NCACLU Executive Director Irma Thexton says it was the kick-off for an "educational campaign," made possible with foundation money. (Participants, she adds, automatically have become a standing committee on "police practices.") Julius Hobson, chairman of the local branch of Advisory Community Teams (ACT) and an avowed Marxist, participated in one such workshop, on "The Negro Police Officer." Philip Hirschkop, one of H. Rap Brown's attorneys and a member of NCACLU's executive board, took part in another on "Civil Disturbances and Control of Disorder." The Rev. Channing E. Phillips, an official of Stokely Carmichael's Black United Front (and favorite-son candidate from D.C. for the Presidential nomination at the Democratic convention), participated in a workshop on "The Power Structure of the Police Department." (The above participants were among those listed in the official program printed by NCACLU.)

FREE ADVICE

After the Howard conference, NCACLU issued a 42-page report titled "A Police Department in Trouble: Racial Discrimination and Misconduct in the Police Department of Washington, D.C." Among its findings and recommendations:

Difficult though it may be to document the existence or lack of it, indications are that physical brutality is quite widespread in this city.

"If strong civilian control is not exercised at once to alleviate these conditions, the result is bound to be increasingly ugly confrontations between police and citizens. Unless the city is prepared to face the prospect of continuing military occupation, order can be maintained only if the police department is made to reduce drastically the number of physical attacks and other abuses directed at Negro citizens."

The City Council should ask the U.S. Attorney General to designate special personnel for the exclusive purpose of investigating and prosecuting citizen-charges of police crimes.

The present precinct-advisory council and the Chief's Committee on Police Community Relations are not sufficiently representative of the community. They should be abolished.

GET IT IN THE PAPER

The same day the report was issued, a D.C. Lawyers Committee was formed—and immediately went into action promoting its recommendations. On August 6, the Washington Star picked up the action. It said the committee had urged the City Council to establish citizen precinct review boards that would have authority to veto patrol assignments, select precinct officials and hear citizen complaints against police. The committee also urged the elimination of all-white patrols in black communities, and adoption of a requirement that all police officers live in the District. Meanwhile, the D.C. Policemen's Association pointed out that proposals for citizen control of police precincts in effect would split the city into 14 police departments making it difficult for any officer to carry out his duties authoritatively.

Nationally, ACLU has pressed the case for all-civilian review boards in a booklet titled "Police Power and Citizens' Rights." It says that charges sustained by such boards should be heard by juries "instead of judges who, as part of the law enforcement establishment, have an interest in supporting the police." The more serious incidents, it goes on, "are easily identified with the turbulence of the second American revolution—the unrelenting and necessary drive for civil rights." Civilian boards, therefore, are needed even when no "police brutality" exists because "where the police do not physically abuse minority group members, the mistreatment is subtle and galling."

THE LAWYER GAP

ACLU expects its new foundation money to be especially helpful in handling "police brutality" cases, since it can't always find cooperating attorneys willing to handle them without pay. Other new-found funds will enable it to send lawyers to the South, where local barristers frequently are hard to recruit on civil rights cases. The Baldwin Foundation has absorbed the Lawyers Constitutional Defense Committee, founded in 1964 to provide lawyers in the South.

Finally, ACLU has slated an ambitious education and research program. "Professionally prepared curricula are already being developed at several major universities, much of it at the instance of ACLU," according to the Foundation. "With new techniques, these will be disseminated to schools and colleges by RBF." Planned is "a series of regional seminars to educate lawyers, college guidance counselors, religious leaders and prospective draftees about Selective Service Law and practice and particularly how it conflicts with the Bill of Rights." Thanks to its new affluence, RBF says it expects "to make far more effective use of the modern tools of mass communications. . . ."

That, then, is ACLU's new program. Undoubtedly, the administration of justice in this country can profit by some improvement. But the ACLU way points to no such happy goal. The pursuit of individual liberties—when carried to an absurd extreme in disregard of the general welfare—could well destroy liberty for all.

ATTACKING POLLUTION IN MINE DRAINAGE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, today I have written to Mr. George Fumich, Jr., Director of the Office of Coal Research, asking that he look into what could conceivably lead to a major breakthrough in the attack on water pollution.

Last month a U.S. patent application was issued to John W. Dixon, executive director and superintendent of the Johnstown Municipal Authority sewage disposal plant, for a process to reduce the iron content of mine drainage. Mr. Dixon's experience also includes 5 years in the coal research department of Bethlehem Steel Corp. and 14 years in the pharmaceutical business.

If, as Mr. Dixon is convinced, his discovery can bring economical removal of iron from mine water, both industry and Government should investigate the process immediately. The success of such a project would also create a new source of iron supply and could lead to the development of new industry in mining regions.

While I am confident that coal companies will quickly adopt any practical iron-removal process, Federal and State governments are equally concerned because of the commitment to clean up water from abandoned mines.

POLICIES ALIENATE OUR FRIENDS

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I am amazed to learn that the United States, through its Office of Foreign Assets Control, had seized the personal accounts of representatives of Rhodesia in this country. This high-handed and inexcusable action is part of a pattern by which the United States attempts to coerce the friendly government of a nation whose economy is sound and durable simply because that country has refused to accept the chaos which has been brought to much of Africa through irresponsibility.

Sometimes it is hard to believe that our own Government has a responsible foreign policy. There is no reason for the United States to attempt, by use of sanctions or otherwise, to dominate policies of the Rhodesian Government. It is to be hoped that one of the first actions of the new administration next year will be a departure from these misguided policies which serve only to alienate our friends and to encourage our enemies.

CONFIRMATION OF DISTRICT JUDGE DESIRED

Mr. BURTON of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BURTON of California. Mr. Speaker, a distinguished member of the legal profession, U.S. Attorney Cecil Poole, was nominated by President Johnson for the Federal bench in northern California on May 29. To date, no action has been taken by the Senate Judiciary Committee on the appointment and I must ask why.

The San Francisco Examiner has pointed out that 20 nominations to the lower Federal courts have been made since Cecil Poole's name was submitted. Seventeen have been confirmed, including some submitted after Mr. Poole; one has had a hearing and one had his name submitted just 3 weeks ago.

Why does Cecil Poole stand alone—unconfirmed, unrejected, apparently unconsidered?

What are the factors which single Cecil Poole out from the other 19 nominations which have been submitted to the Senate Judiciary Committee?

Cecil Poole is the only Negro among the 20 nominees. If confirmed by the Senate, he would be the first Negro elevated to the Federal bench west of the Mississippi. I am reluctant to give voice to the question many are asking—are these factors?

Cecil Poole is a former assistant district attorney for San Francisco, trial judge advocate in the Air Force, clemency secretary to the Governor of California and presently U.S. attorney. His qualifications were investigated before he was appointed U.S. attorney. The American Bar Association has endorsed his elevation to the court. Are we to believe that there is some sudden question concerning his qualifications?

What is the reason for the delay?

Without a hearing, conjecture can run rampant. What are the motivations and what have been the actions of the Senator from Mississippi, Mr. Eastland, and the Senator from California, Mr. Murphy, in this case?

Why has this one Federal judgeship of the 20 submitted since May been singled out?

The Los Angeles Times stated its view that—

> The delay gives rise to some unpleasant assumptions. Either the nomination is being held up because of Poole's race—which is reprehensible—or because some senators are intent on blocking action until a new President takes office in January. This is also wrong.

The San Francisco Chronicle said:

> It is unjust and deplorable that a hearing on this appointment should not yet have been held by the Senate Judiciary Committee, of which Senator James O. Eastland of Mississippi is Chairman.
>
> Continued senatorial delay in filling the judgeship is detrimental to the administration of justice in the crowded Federal courts here; it is offensive to the appointee and contemptuous of the President. We call for prompt and favorable action to seat this able man on the Federal bench.

Mr. Speaker, in the face of this broad community support, in the face of Cecil

Poole's experience, his prior consideration by the American Bar Association, I can only ask—as do many others—why?

Why the footdragging? Why the stalling? Why the air of intrigue and mystery?

Why has Cecil Poole's appointment been singled out for inaction?

NIXON RUNS TRUE TO FORM BY APPEALING TO THE VESTED FINANCIAL INTERESTS TO THE DETRIMENT OF THE AMERICAN PUBLIC

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, it has come to light that the Republican nominee for President of the United States, Mr. Nixon, has been making secret deals and commitments with various segments of our economy. No such action, in my opinion, can be condoned in a free democratic society such as ours. In Wednesday's October 2 edition of the New York Times there is a story which states that Mr. Nixon promised to the securities industry that he would end the "heavy-handed bureaucratic regulatory schemes of the Johnson administration." The news story goes on to say that Mr. Nixon voiced concern over legislation which passed the Senate this year which would require the mutual fund industry to reduce their excessive charges to people who invested in mutual funds. Further, the newspaper article states that the firms within the securities industry have always been large contributors to the political campaigns. It is very evident, indeed to me, and I am sure to the rest of the people, that these large political contributions seldom find their way in the Democratic Party.

This is understandable, Mr. Speaker, since we generally find the Republican Party catering to the desires and wishes of rich individuals and the rich and financial interests in our society, whereas the Democratic Party has throughout its history sought to provide benefits to all of our people without discrimination.

My reason for taking the floor in this instance, Mr. Speaker, is not only to condemn the obvious and blatant attempt by the Republican presidential nominee to cater to the desires of the securities industry but also to point out that the policy position taken by Mr. Nixon in this instance shows a complete lack of understanding of the legislation that is before the Congress this year on the mutual fund industry and a complete lack of concern on his part for the protection of the American people. This legislation sought, among other things, to protect the small investors who have a small amount of savings to invest in a mutual fund from the exorbitant charges that firms within the mutual fund industry have levied against them. The independent studies done by academicians, the studies done by the Securities and Exchange Commission and others, point out that in some instances the mutual fund industry charged in excess of 400 percent of the fees charged by brokerage houses for similar services. Contrary to the accusations of the Republican presidential nominee, the Securities and Exchange Commission under the proposed legislation was not in any way seeking to dominate the mutual fund industry, dictate policy to it, or do anything to prevent competition within this industry. Rather, the legislation had as its main objective that of protecting the millions of people who invest in the mutual fund industry by providing an environment in which competition would be fostered and the investing public would be treated equitably at reasonable costs to him.

Personally, Mr. Speaker, I am not shocked over Mr. Nixon's position in this instance. It is in keeping with his actions over the years since he first became a Member of this body. It is in keeping with the philosophy he has adopted which, reduced to its basic principle, says our objective shall be to cater to the vested interests and "fat cats" of our society and the public be damned.

Mr. Speaker, I believe that there are now some 9 million people in the United States who are owners of mutual fund shares. I trust that they will all become aware of Mr. Nixon's position on this matter. There is only one conclusion that can be drawn, and that is that if elected these 9 million mutual fund holders will have to continue to pay excessive and exorbitant charges for the mutual fund shares they buy because this is the way Mr. Nixon wants it.

IMPACTED AID SCHOOL FUNDS

Mr. SMITH of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SMITH of Oklahoma. Mr. Speaker, it is vitally important that this Congress recognize the urgency of the situation created by the President's refusal to release $90,965,000 in impacted aid school funds, authorized by Congress in July, under title I of Public Law 874, for fiscal year 1968.

On September 5, I introduced H.R. 19574, a bill that would release these funds for fiscal 1968, including $2,205,598 for the school districts of Oklahoma. The Senate included these funds in current Labor-Health, Education, and Welfare appropriation legislation. On September 24 I urged that the conferees accept the Senate measure which includes these funds. I am now calling upon the House of Representatives to accept the Senate version of this bill that would restore $90,965,000 necessary to keep our commitments made to entitled impacted school districts.

A matter of the Government's keeping its word is at issue here. Congress authorized and appropriated these funds earlier this year. Congress kept its word, but the President refused to release the funds, and now it is necessary for Congress to act again to restore these funds.

The future of our Nation is in the hands of our schoolchildren, and we cannot and must not deny them the necessary funds for their education. We must place a high priority upon their education in this difficult time in our history. This is not a time to play political games by freezing funds that are so vitally needed by our schools in impacted areas. In my State of Oklahoma the school districts have relied upon the Federal Government to compensate them for the extra burdens created by the Federal activities in their areas, and have prepared their annual budgets accordingly.

I urge my colleagues in the House to accept the Senate version of this measure that will release the funds originally authorized by Congress. This is one good way to provide for the future reduction of our welfare dependency and to advance our economic development.

IMPACTED AREAS FUNDS

Mr. TIERNAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Speaker, I urge that the House accept the Senate amendment that provides for full entitlement to impacted school districts for fiscal 1968.

The Congress made a commitment last May when we voted to restore a $91 million cut. Unfortunately, the Bureau of the Budget ignored our wishes in this matter and failed to release the necessary funds.

Mr. Speaker, I am very much concerned about this situation not only because the Congress made a moral commitment to these communities but also because I strongly feel that funds for impacted school districts belong in the category of priority programs which cannot now afford a reduction.

School districts have drawn up and completed their budgets and I dare say there is no fat in their budgets. I do not think that we can afford a cutback in quantity or, more important, in quality of education. Salaries and building maintenance are fairly fixed items and if we do not accept the Senate amendment the first category that would be affected is that of supplies, equipment, and textbooks. It will be the quality of education that will suffer if we do not insist on the release of these funds.

Finally, Mr. Speaker, we must not place the children of the military in a second-class category by giving them a second-rate education. Like the responsibilty we have to those communities who carry the burden of educating these children, we also have the obligation to those parents, who are making a sacrifice while in the military service, to provide for equal education opportunities for their children.

The hour is very late, we can no longer delay this action. I urge acceptance of the conference report.

PRESIDENTIAL ELECTION REFORMS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ULLMAN. Mr. Speaker, I am today introducing a bill to provide for major reforms in our presidential election process. I think that now is the time for all Americans to realistically ponder the consequences of continuing with an outdated presidential electoral process.

This legislation, the National Presidential Elections Act, provides for a national presidential primary, and for the election of the President and Vice President of the United States by popular vote. This measure also establishes a National Presidential Elections Commission to administer the primary election and to supervise the national general election. This proposal will prevent elections from being thrown into the House of Representatives, and it will bring the electoral process closer to the people.

A companion measure is also being introduced—a joint resolution calling for a constitutional amendment to abolish the electoral college and provide for the direct popular election of the President and Vice President.

Under the National Presidential Elections Act, political parties and candidates must qualify to participate in the national primary election. Parties must meet either or both of the following requirements in at least three-fourths of the States. They must either have had 25 percent of the total vote cast in the State in the last presidential election, or they must file petitions containing signatures of at least 5 percent of the qualified voters in that State. This process must be completed at least 120 days before the national primary election. This requirement is stiff enough to prevent the confusion that would be caused by a proliferation of minor splinter groups. However, it provides a realistic vehicle for genuine broad-based political movements to participate in our national political life.

Although the qualifications for candidates are less stringent, they will assure that candidates have a broad base of popular support. Candidates for the presidential primary would qualify by filing petitions with signatures of 2 percent or more of the total national vote in the preceding presidential election. These signatures must be obtained from at least two-thirds of the States, with a minimum of 50,000 from any one State. This provision is to insure that the candidates contact a cross-section of the people when they circulate their petitions. The petitions must be filed and approved at least 60 days before the election.

The national primary will be held the second Tuesday of September and the general election will be held at the same time it is now.

The candidates receiving pluralities on the respective party primary ballots will be declared the nominees eligible to participate in the general election.

The parties will choose their vice presidential candidate by the third Tuesday in September, by nominating convention or by whatever method they wish.

The qualified nominees of a party for President and Vice President in the general election must win more than 50 percent of the vote to be elected. If the nominees of no party receives a majority there will be a runoff election 2 weeks later between the two slates receiving the most votes.

The party's candidates which receive a majority in this election will be President and Vice President. I think it particularly important that we assure that no President be elected without a majority vote.

A National Presidential Elections Commission will be established under the provisions of this bill. It will be composed of five members appointed by the President, with no more than three of the same party. The Commission's duties will be to set guidelines for the national elections to certify the qualifications of the candidates and parties, and the final election of the President and Vice President. They also will have judicial powers over disputes arising under this act. The Commissioners will serve for a 4-year term ending December 31 of the year following the most recent general election. They serve without pay, but have the authority to appoint an executive director and a full-time staff. This staff will help them conduct studies and make recommendations to Congress regarding the conduct of the national presidential elections.

I am confident that this act will in no way infringe on the States' rights to carry out their own elections, to determine the kind of primary they want to hold, and to establish their own voters' qualifications. The national ballot is uniform and carries only the names of those candidates for President. However, the parties and candidates must work through the State electoral machinery to participate in the election. They must file their petitions with the chief elections officers of the States concerned, and through the procedures devised by those States.

Mr. Speaker, I have no illusion that this proposal will be acted upon in this Congress, but I am making it now, during a national presidential campaign, because I believe the American people are anxious for some hope that our outmoded electoral process will be changed. This will also permit time for discussion of my proposal prior to congressional consideration, which I hope will begin early next year.

TURN ON THE SILENCE—THE LAST ASSAULT ON NOISE IS ONLY THE BEGINNING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. KUPFERMAN], is recognized for 60 minutes.

Mr. KUPFERMAN. Mr. Speaker, this will be my last speech in Congress on the subject of "noise."

In this "summing up" I shall incorporate by reference my speech on June 10, 1968—CONGRESSIONAL RECORD, page 16413—which summarized the developments to that date with specific highlights in the campaign against noise pollution since April 21, 1966, when I introduced in the 89th Congress then H.R. 14602—CONGRESSIONAL RECORD, volume 112, part 7, page 8850—now H.R. 2819, for an Office of Noise Control.

Of most interest is the fact that Nation's Business, the magazine of the Chamber of Commerce of the United States, in its September issue, has an article entitled "Industry Cleans Up"—page 56—which in its discussion of pollutants, solid waste disposal, and the like, specifically considers—at page 64—the problem of "Noise Pollution, Too."

The excerpt from the article follows:

NOISE POLLUTION, TOO

Noise is a form of pollution, too. Sooner or later the federal government may establish an Office of Noise Abatement. There is no question that noise levels are rising all the time, especially in the cities.

A freshman New York Republican Congressman, Theodore Kupferman, has waged a fight in Congress for almost two years to enact legislation to attack the problems of noise. As in the case of air and water pollution, business may one day capitalize on noise abatement. There will be a market for products which cut down on noise. Building materials are a prime example.

So far, the government has focused its attention on jet aircraft noise. Bills have been introduced to reduce jet noise. There is already considerable controversy over whether the American supersonic jet, now under development, will be permitted to fly over land because of the shattering noise it would create as it moves through the air.

New-type helicopters developed for Viet Nam have cut down noise to the point they are said to be acceptable for use over highly populated areas. Airlines now frequently work out flight patterns to minimize landings and takeoffs over residential sections.

That the Chamber of Commerce of the United States was interested in noise pollution was forecast in my June 10 speech—see CONGRESSIONAL RECORD, page 16468.

Further evidence of that fact is in the letter and enclosure from John J. Coffey, which follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES,
Washington, D.C., July 25, 1968.

Hon. THEODORE R. KUPFERMAN,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR MR. KUPFERMAN: Many thanks for expressing the interest of both the National Chamber and myself in your June 10, 1968 insert in the Congressional Record. The National Chamber is becoming increasingly concerned about noise pollution problems and has directed that our Environmental Pollution Advisory Panel consider this problem as a top priority issue during fiscal 1969.

I have taken the liberty of enclosing several copies of a weekly National Chamber publication entitled, "Washington Report," which on Page 2 highlighted your presentation to our National Chamber Trade Association Executives.

Should our Environmental Pollution Advisory Panel require assistance during their work, may I call upon you for aid?

Sincerely,

JOHN J. COFFEY,
Secretary, Environmental Pollution Advisory Panel.

[From the Washington Report, vol. 7, No. 29, p. 2, July 12, 1968]

Solutions to environmental pollution problems which have become tremendously more complex during the past two decades due to technological and population explosions, are of vital concern to the business community.

Air and water resources are widely recognized as two areas of critical concern, yet, through the National Chamber, business leaders are also working for answers to problems in areas such as Twentieth Century noise pollution.

This has been facilitated through a series of highly informative National Chamber luncheon meetings which have attracted Washington-based business leaders to hear and question ranking Federal Government officials.

Thus, less than a year ago, three government officials told more than 100 business and trade-association executives that excessive noise does not have to be the price of industrial expansion and that society can avoid slums of the future.

Rep. Theodore R. Kupferman (R–N.Y.) went on to describe for the businessmen a bill he has introduced which would launch the first comprehensive federal, state and local assault on noise problems.

Also reporting on Federal Government activities to combat noise pollution were: A. J. Evans, director, division of aeronautical vehicles, NASA's Office of Advisory Research and Technology, and Elwood T. Driver, chief, controls branch, National Highway Safety Bureau, Department of Transportation.

Citizens for a Quieter City, Inc., has just issued its first annual report. I am pleased to have had a hand in stimulating their organization in New York City and to know their executive director, Robert Alex Baron, who is a sparkplug in the antinoise campaign.

Their report follows:

ONE YEAR LATER—PROGRESS REPORT, CITIZENS FOR A QUIETER CITY, INC.

"It is known that loud noises cause effects which the recipient cannot control. The blood vessels constrict, the skin pales, the muscles tense, and adrenal hormone is suddenly injected into the blood stream, which increases tension and nervousness. . . . Noise can cause enough emotional response to make a person feel nervous, irritable and anxious. Rest, relaxation and peaceful sleep are interrupted and often denied to those suffering from illness. . . .

"We now have millions with heart disease, high blood pressure, and emotional illnesses who need protection from the additional stress of noise." (Samuel Rosen, M.D., Chairman, Board of Directors, Citizens for a Quieter City, Inc.)

THE BEGINNING

Citizens for a Quieter City, Inc., a voluntary, non-profit organization dedicated to containing and reducing noise in the city, was incorporated in the state of New York as a membership corporation in September, 1966.

On January 9, 1967, Jerome Nathanson, Samuel Rosen, M.D., John Wharton, and Robert Alex Baron publicly announced the purpose of the organization: "to create an awareness of the need for the control of city noises and of the means available for noise control."

To augment the work of the founder/directors, and as a further source of information and guidance, a non-voting Advisory Board of specialists was created.

Since the inception of the organization, the directors, the advisory board, and a paid staff have worked toward four specific objectives:

To advance knowledge about the deleterious effects of noise.

To advance the development of information about methods useful in controlling and reducing the noise assault on urban man in all of his environments.

To educate and alert the general public about the injurious effects of noise.

To inform the public about methods of controlling, reducing and abating noise and noise exposure.

OPERATIONS

Citizens for a Quieter City, Inc., opened its first office in January, 1967. Most of the operational activities are carried out by Executive Vice President Robert Alex Baron, who has been described by Congressman Theodore Kupferman as "one of America's leading anti-noise exponents."

During 1967 Mr. Baron performed a wide variety of functions, including arranging and supervising demonstrations and conferences; consultations with governmental officials, scientists, businessmen, and writers; in-depth research projects and preparation of position papers and speeches for hearings and professional societies.

All activities were based on four objectives;

1. to demonstrate that noise can be controlled
2. to locate and investigate quieter products
3. to cooperate with city and other governmental agencies, and with civic organizations
4. to prepare for a general membership and educational program for fiscal 1968–1969.

Operations were financed entirely by tax-deductible contributions. During 1967, "seed money" was contributed by private individuals and foundations. Individual contributions ranged from one dollar to $2,500.00, and foundation grants from $25.00 to $5,000.00. One corporate gift of $100.00 was received. No general campaign for fund raising was instituted in 1967; solicitation was made by personal contact and a limited mailing.

Citizens for a Quieter City, Inc. is deeply indebted to several volunteer organizations which helped make 1967 a full and productive year: Lutz and Carr, C.P.A.'s, for accounting services; Brozan & Holman, legal counsel; John Sanford Harper, public relations counsel; and Scali, McCabe, Sloves, Inc., advertising counsel.

YEAR IN REVIEW

Activities of Citizens for a Quieter City, Inc. during 1967 fell into three general categories: Research, Educational, and Action.

A brief recapitulation of each follows.

Research activities

The first committee authorized by the Directors, the Technical Committee, has as its primary mission research into quieter products for demonstration purposes. This committee is concerned with the technical and "hardware" aspects of noise control. Members of the committee are Messrs. Martin Hirschorn (Chairman), Baron, Selwyn Bloome, Alfred Greenberg, Dr. Francis Kirschner, Messrs. Anthony Essex Potter, and Wade W. Paschke. Committee Chairman Hirschorn, working closely with Mr. Baron, researched, prepared, and presented to the City Council analysis and recommendations on the proposed New York City Multiple Dwelling Code; prepared, on request, background material for Senator Robert Kennedy and State Senator Whitney North Seymour, Jr.—and provided expert testimony for the City Council—on the subject of the control of construction noise. Mr. Hirschorn also recommended and circulated to the Mayor's Task Force members a suggested standard for permissible noise levels.

Mr. Paschke attended a session on "Noise and Fume Control Specifications for Public Vehicles" at the 1967 Public Works Congress and Equipment Show. Committee Member Potter investigated a muffled jackhammer and compressor in London and arranged with the manufacturer to have two units shipped to New York for demonstration purposes.

At the invitation of the Mayor's Task Force on Noise Control, Mr. Baron spent three days in Detroit conferring with key executives of General Motors, Ford, and Chrysler. CQC discussed with Mercedes-Benz their quieter bus, and with Jaguar and Peugeot their quieter horns. The Committee is following developments in the field of electric cars. CQC also investigated with manufacturers such diverse products as sound-proofed windows, sound-conditioned walls, silent water closets, quieter outboard motors, quieter garbage trucks, and sound-deadened office furniture. We located and assembled information on noise control in practice ranging from controlling cooling tower noise to the use of architectural acoustic materials. Thanks to Messrs. Bloome and Greenberg, translations have been made of some technical European noise control documents.

Seeking quieter construction equipment, CQC met with key executives of such leaders in the field as Chicago Pneumatic, Ingersoll-Rand, and Holman Bros., England. Other meetings have taken place with trade associations representing manufacturers of noisy equipment and manufacturers of noise controls; and such associations as the Compressed Air and Gas Institute, the Lead Industries Association, the Acoustical Materials Association, the Gypsum Association, and the N. Y. Building Congress. A number of large corporations met with CQC during the year as part of their market research efforts. Among them were B. F. Goodrich, Scott Paper, and Celanese.

Educational activities

The educational activities of Citizens for a Quieter City, Inc. (ranging from expert testimony at various hearings to presenting our case to the general public through mass media), served as a base for much of our progress during 1967.

These activities began virtually during our first days, when our formation was reported in communications media, both local and national, including technical and professional journals. Both our organization and its philosophy have been featured in the nation's newspapers serviced by the Associated Press and the United Press International.

We have been responsible for at least five editorials on various aspects of the noise problem, two in *The New York Times,* two in the *Chicago Daily News,* and one in the *East-Hampton Star*. Published letters to editors covered the proposed new Building Code, the acoustic novelty of the new Paley "Vest-pocket" Park and other noise control subjects.

Feature stories appeared in local and national magazines, including the *Magazine of the New York League for the Hard of Hearing, Audio,* and the *Magazine of the Junior League*. The *Magazine of the American Association of Speech and Hearing* printed Mr. Baron's address to the Fourth International Congress for Noise Abatement. Citizens for a Quieter City will be reported in *Redbook* in the summer of 1968.

Radio and Television Appearances

The broadcast media have been sympathetic to our cause and during 1967 our officers and directors appeared on interview and panel shows including WCBS–TV's Jim Jensen Reports, Channel 13 Newsfront, and WNEW–TV's the New Yorkers.

Interviews were broadcast on local and network radio. Dr. and Mrs. Rosen appeared on WCAU, Philadelphia. Dr. Rosen and

Messrs Nathanson and Baron were guests on a half-hour WBAI broadcast sponsored by the New York Society for Ethical Culture. Mr. Baron was interviewed on the half-hour Businessmen's Council for Clean Air Program, aired over WNYC–AM and FM. President Nathanson referred to CQC in a Sunday sermon of the Ethical Culture Society broadcast over WQXR. The subject—A Quieter New York. A special interview was taped by the Australian Broadcasting Co.

In addition, we have rendered assistance to production, feature and editorial personnel of press, radio, and television. Publications serviced included *Nation's Business*, McGraw-Hill *Air and Water News*, Roche Medical Image, *Medical Tribune*, Medical World News, and the *Columbia Journal of Law and Social Problems*. We had conferences with key staff members of the Walter Cronkite CBS–TV Show, WCBS–TV's Eye on New York, the local WNBC–TV documentary unit, and KYW–TV, Philadelphia. Extensive conferences were held with Scali, McCabe and Sloves in preparation for an all-media advertising campaign for fiscal 1968–1969.

Original Papers

Mr. Baron presented two papers during the year: (1) The Noise Receiver: The Citizen at the Community Noise State of the Art Seminar of the 74th Meeting of the Acoustical Society of America. It will be published in the magazine *Sound and Vibration*. (2) Noise and Urban Man at the 95th Annual Meeting of the American Public Health Association. This will be published in that organization's *American Journal of Public Health*. A summary appeared in Public Health Reports, the Journal of the Department of Health, Education, and Welfare.

Information Central: Reference Library and Clearing House

The nucleus of a reference library of printed material, films, and tapes was established during the year. Original papers cover such topics as the technology of noise control, city planning, health hazards, and the responsibility of the acoustical engineer, and the public health officer. Films include "Dangerous Noise," produced by the Netherlands Information Office; "Noise," produced by the Zurich Office of Noise Control; and several short films on quiet subways and construction equipment. Mr. Stillman donated a taped broadcast of an Australian view of noise, its dangers, and control.

With the permission of *The New York Times* we reprinted an article on the danger of noise to hearing, and another on the health effects of noise in the everyday environment. We have arranged for reprints of Dr. Rosen's guest editorial in *Medical Tribune and Medical News* Noise Pollution: A Need for Action.

A file of progressive and proposed legislation is being developed. CQC literature will be distributed to the 500 delegates to the national convention of the Association of the Junior Leagues of America.

Mr. Baron was a speaker at the Richmond Borough Day Program of the Federation of Women's Clubs, and a guest speaker before the Advertising Women's Club of New York.

Action activities

It became evident during 1967 that Citizens for a Quieter City bases its case on fact rather than polemic. The soundness of our position has been demonstrated by wide public support and a large number of calls upon our services by individuals, groups, institutions, professional societies, and government departments.

Our program led to a variety of action activities during 1967:

1. We publicly demonstrated, live, for the first time, quieter (muffled) construction equipment.
2. Arranged and co-sponsored with the Borough President of Manhattan the first conference on noise control for the citizens of New York.
3. Cooperated with the Mayor's Task Force on Noise Control.
4. Met with manufacturers of noise-making and noise-control devices.
5. We pioneered the concept of municipal noise control through purchase specifications (for garbage trucks).
6. Contracted for the writing of a script for a major-scale documentary film to be produced in 1968.
7. Testified, upon request, before Congressional and City hearings.
8. Provided speakers for civic groups.
9. Developed concern among civic and professional groups and political leaders.
10. Encouraged the development of a sound-deadened metal garbage can.
11. Generated informative articles in magazines and newspapers, and stimulating programs on radio and television.
12. Presented papers before national professional society meetings.

Citizens for a Quieter City in the first year of its existence became a focus for a point of view, a center for noise abatement information, in short, *a force for a quieter city*.

Government

Federal: We have either met or corresponded with Senators, Congressmen, Secretary of the Interior Stewart L. Udall, and officials of various government agencies. We contributed data to the Task Force on Environmental Health and Related Problems sponsored by the Department of Health, Education, and Welfare, and submitted testimony for the joint U.S. Senate Commerce and Public Works Committees on proposals to sponsor research and development fuel cell and electric propulsion systems. CQC maintains a close contact with the National Noise Study Program of the Public Health Service.

State: We have established contact with the New York State Department of Health and the Department of Labor, Industrial Hygiene Division We have answered inquiries for and conferred with legislators about noise abatement reference material.

City: In addition to participating in the work of the Mayor's Task Force, CQC testified at public hearings on the proposed new Building Code (noise control provisions); on the proposed 61st Street Heliport; on the renewal of the Pan Am Heliport permit; on the need for an Office of Noise Control in the new Environmental Protection Administration. Messrs. Hirschorn and Baron, who bore the brunt of the work for these hearings, also had meetings and correspondence with those City Commissioners and Councilmen interested in antinoise information. The efforts of CQC to make the city more livable were recognized by Mayor Lindsay when he invited Mr. Baron to the Mayor's Citizen Luncheon in October, 1967.

Labor

We worked to enlist the interest and support of the labor movement. We elected Angus Duncan, Executive Secretary of Actors Equity Association, to the Advisory Board. We met with Mr. Herman E. Kenin, a vice president of the AFL–CIO and President of the American Federation of Musicians, and we started a correspondence with the AFL–CIO administration in Washington.

Scientists

To encourage the growing interest of scientists in noise pollution, we acquainted the Scientists Institute for Public Information with our program, and established contact with such men as Dr. Rene Dubos and Dr. Athelstan Spilhaus. We cooperated with the Division of Environmental Sciences of the New York Academy of Science.

Architects and Planners

We are encouraging architects, through their Committee on the Natural Environment of the New York Chapter of the American Institute of Architects, to adopt a more active interest in the control of noise in man's environment. Morris Ketchum, a past president of the AIA, was an invited speaker at our Conference on Urban Noise Control. We expressed the need for noise consideration in planning and zoning to members of the City Planning Commission. We are cooperating with the Regional Plan Association's study of the psychological effects of the environment.

The Academic Community

Conferences were held with medical students and graduate students writing papers in the fields of journalism, law, and city planning. They came to CQC for background information. Requests for teaching material were received from all levels of education—grade schools to universities. Mr. Baron conducted a session of the Graduate Seminar in Audiology at Seton Hall University, New Jersey.

The Public

Attempts were made, within the limitations of budget and staff, to advise on the numerous complaints that arrived by mail and by telephone. Where possible, we made referrals to the appropriate city agencies. In most cases we had to inform the noise victim that no relief was possible, that existing rules and regulations and lack of enforcement offer no protection from noise intrusion. Where technical solutions were called for, referrals were made to specialists.

RESULTS

The results of our first year of operation have, in part, been detailed as we described our efforts to date. In addition, we are proud to point to a number of direct and indirect accomplishments.

Toward a quieter city

As a result, at least in part, of our educational efforts and information disseminated to civic, government, and business leaders, there has been a renaissance of interest in coping with the problem of excessive noise.

Locally, the Mayor set up the Task Force on Noise Control, and the City Council introduced several bills on noise (which remain in Committee), moved for eventual adoption of the proposed new Building Code, and acted to establish a Noise Control Office in the new Environmental Protection Administration.

On a state level, noise control legislation has been introduced by Senator Whitney North Seymour, Jr. and Assemblyman Jerome Kretchmer and S. William Green. These bills cover restrictions on helicopter flights, control of auto horn noise levels, noise levels for zoning, construction noise restrictions, the regulation of transistor radios in public transport and public places, noise control construction standards for multiple dwellings, and a bill to create a Noise Control Board with the State Department of Health. The Conservation Bill of Rights adopted by the State Constitutional Convention contained a provision for abating excessive and unnecessary noise.

On the Federal level, several bills were again introduced to authorize the FAA to certificate aircraft for noise. A joint committee, co-chaired by Senators Magnuson and Muskie, held hearings on the development of electric vehicles and the fuel cell, and Secretary of the Interior Udall appointed a committee of scientists to study the sonic boom and other environmental noises.

An increasing number of manufacturers are stressing quiet and noise pollution concepts in their advertising, among them Midas Muffler, Avis, Fisher Radio, and Flents Ear Stopples.

The Quieter Garbage Truck

CQC was instrumental in urging the city of New York to ask for noise controls in the purchase of new garbage trucks. Accepted in principle by the City and the Task Force, complete specifications were not included in the bids and the results were not what they could have been. Nonetheless, a precedent has been set for the use of the taxpayer's dollar to achieve noise reduction without always having to wait for slow-moving legislative action.

The Quieter Garbage Can

For decades surveys and letters of complaint to newspapers have indicated the need for a metal garbage can that would not clang and disturb sleep and rest. Since metal cans are the only type currently permitted by the municipal sanitary code, Mr. Baron suggested to Mr. James Botsford of the Bethlehem Steel Corporation that he develop a sound-deadened product. He agreed, and his invention was publicly demonstrated by CQC in a very successful presentation before the press and broadcast media (April 18, 1968).

The Lincoln Center Demonstration

CQC also arranged the first public demonstration on American soil of a portable air compressor with silencing features, jackhammers with built-in mufflers, and a well-designed and muffled motorcycle. Thanks to the interest of Lincoln Center in our objectives, we were able to hold that demonstration on its Plaza North, on December 18th, 1967. On hand to observe the contrast between these products and those with no mufflers were such dignitaries as Congressman Theodore R. Kupferman and William F. Ryan; and representatives of the Mayor's Office, various city agencies, the Transit Authority, Con Edison, the trade association of the pneumatic tool industry, and individual competitive pneumatic tool manufacturers. Press, radio, and television coverage included a bylined story and photograph in *The New York Times*, a bylined story in the *New York Post*, WCBS–TV News, local radio, and numerous stories throughout the nation.

New York's first conference on urban noise control

The First New York Conference on Urban Noise Control was held at New York University's Law School Auditorium, March 18, 1967. It was co-sponsored by The Honorable Percy Sutton, Borough President of Manhattan, who invited CQC to arrange it. Speakers included Mr. Sutton; Mr. Nathanson; Mr. Hirschorn; Dr. Kirschner; acoustical consultants Michael J. Kodaras and Stannard M. Potter; Councilman Christine K. Helwig of the Town of Mamaroneck and Chairman of the Thruway Noise Abatement Committee; Ralph G. Caso, Presiding Supervisor of the Town of Hempstead; and New York City Councilmen Edward Koch and Robert A. Low. A paper on health was contributed by Dr. Rosen. One immediate result of this Conference was the unanimous adoption of a resolution calling upon all levels of government to protect urban man from disturbing noise "at work, in transit, at home, and at play."

(A somewhat similar resolution was adopted by the New York District of the Federation of Women's Clubs. This was the result of the work of the late Mrs. Milligan, one of the original members of our Board of Directors, who had asked Mr. Baron to assist the Federation in drafting and enacting this resolution.)

Cooperation with other organizations

Mayor's Task Force on Noise Control, chaired by Mr. Neil Anderson, Executive Vice President of the New York Board of Trade, began its survey early in 1967. Messrs. Baron and Hirschorn participated as observer-consultants. A report will be published in 1968.

The December, 1967 issue of the Conservation Foundation's *CF Letter* was devoted to noise pollution. CQC's activities and its members' comments are prominently featured, and CQC is listed as a source for noise abatement information. (Copies are available from the Conservation Foundation, 1250 Connecticut Avenue, NW, Washington, D.C. 20036.

CQC also provides a watchdog function for New Yorkers, as individuals and city officials, alerting them to the acoustic significance of heliports and STOL ports, unmuffled construction, laxness in law enforcement and gaps in legislation. For example: it was CQC that brought to the public's attention the weaknesses of the noise control provisions of the proposed new Building Code.

OUTLOOK FOR THE FUTURE

The future of Citizens for a Quieter City, Inc. depends upon a combination of factors: the right historic moment, luck, the strength and wisdom of the initial support, and additional backing of our cause.

We will continue to seek funds from foundations and individual contributors. Budget forecasts will be based on the production of a documentary film, the launching of an intensive advertising campaign, the development of an expanded educational program, and a concentrated membership drive.

The program for fiscal 1968–1969 is set and well under way. Through research and educational programs, Citizens for a Quieter City will:

1. Identify and evaluate noise in the urban man's environments.
2. Inform the public of the need to control noise.
3. Inform the public of the technological tools available for control.
4. Encourage wide-spread application of the current knowledge of noise control.
5. Encourage improvements in noise control technology.
6. Stimulate interest in urban noise control on city, state, and federal governmental levels.
7. Stimulate and promote research and application of developments in:
   - a. the effects of noise exposure on man
   - b. economical and effective ways to control noise
   - c. new noise-free energy and power sources
   - d. silencing vehicles, mobile equipment, and machines
   - e. noise law enforcement
   - f. noise codes
   - g. "people-made" noise reduction
   - h. noise maxima.
8. Encourage planners on city, state, and federal levels to include noise control in their goals.

EXHIBIT A

Citizens for a Quieter City, Inc.—Statement of financial condition, Dec. 31, 1967

Assets:	
Cash in bank and on hand	$2,540
Prepaid expenses	2,088
Security deposit	200
Total assets	4,828
Less liabilities:	
Accounts payable	74
Payroll taxes	284
Total liabilities	358
Fund balance	4,470

EXHIBIT A—Continued

Citizens for a Quieter City, Inc.—Statement of receipts and expenditures, Nov. 21, 1966, through Dec. 31, 1967

Receipts:	
Contributions	$22,148
Interest income	121
Total receipts	22,269
Less expenditures:	
Salaries	11,200
Secretarial services	1,648
Office supplies	838
Telephone	968
Rent	825
Printing and mailing	532
Meetings and luncheons	1,039
Insurance	230
Transportation	95
Dues and subscriptions	162
Contributions	51
Legal	211
Total expenditures	17,799
Excess of receipts over expenditures	4,470

CONTRIBUTORS

Morris B. Abram, Steve Allen, Rube Atkin, Julian Bach, Jr., Marden Bate, Miss Batya Bauman, Julius Beckhard, Mrs. M. E. Borish, Miss Lee Bozeman, Martin N. Broom, Ralph M. Brozan, Paul J. Bruning, Bob Calderone, Frank H. Canaday, Reverend Francis Canavan, S.J.

Miss Alice Crocker, Mrs. Henry T. Curtiss, Wright Danenbarger, Francis Daniel, Edward C. Delafield, Robert Eller, Sherman Ewing, Harry Felson, Miss Mary E. Fink, Herbert B. Greenhouse, Allen Grover, Carl B. Hess, Peter Hudiburg.

David J. Impastato, M.D., Irving Kahn, Miss Ann Keely, Mrs. Lucy B. Lemann, Stuart M. Low, Miss Armina Marshall, Mrs. Matthew A. Meyer, Philip Minor, George Nichols III, Miss Gertrude Norman, George Oppenheimer, Harold Prince, Jacques M. Quen, M.D., Joseph Verner Reed.

Samuel Rosen, M.D., St. Thomas Church, Richard Samuel, Joel Schenker, Mrs. Sidney Scheuer, Albert W. Selden, Mrs. John E. Sullivan, Miss Alice Taylor, Mrs. Carl Varin, Dr. William Vogt, John F. Wharton, Miss Jean Wolf, David Zelinka.

Corporate and foundation

Halcyon Foundation.
Hiroshima Peace Center Associates.
Industrial Acoustics Company, Inc.
Scheuer Associates Foundation.
The Reader's Digest Association, Inc.
The Scherman Foundation.
Lenore Tobin Theatre Party Bureau, Inc.

CITIZENS FOR A QUIETER CITY, INC.

Officers

Jerome Nathanson, President: A Leader, N.Y. Society for Ethical Culture; Chairman, Fraternity of Leaders, American Ethical Union.

Robert Alex Baron, Executive Vice President: Civic noise abatement specialist; founder, Upper Sixth Avenue Noise Abatement Association; sole American delegate and speaker, IVth International Congress of Noise Abatement.

Samuel Rosen, M.D., Chairman of the Board: Ear surgeon and auditory researcher; consulting ear surgeon, Mount Sinai Hospital, New York.

John F. Wharton, Esq., Vice President: Attorney and writer on public affairs; Counsel, Paul Weiss, Rifkind, Wharton & Garrison.

Ralph M. Brozan, Esq., Secretary-Treasurer: Brozan & Holman.

Board of directors

Samuel Rosen, M.D., Chairman, Cleveland Amory: Author, commentator; a director of the National Humane Society.

Robert Alex Baron.

Mrs. H. Friedlaender: Housewife & civic worker.

Ralph M. Brozan: Brozan & Holman.

John Sanford Harper: Public Relations Counsel.

Carl B. Hess: Vice President & Director; American Securities Corp.

Martin Hirschorn, President: Industrial Acoustics Co.

Jerome Nathanson.

Anthony Essex Potter: Director & Vice President; Taylor Woodrow Blitman.

Mrs. Helen Van Dernoot Rosen: Audiologist.

Albert W. Selden: Theatrical Producer.

Marvin Sloves: President, Scali, McCabe, Sloves, Inc., Advertising Counsel.

Calvin W. Stillman: Director of Research Center for Outdoor Needs.

Dr. William Vogt: Ecologist.

John F. Wharton.

Advisory board

Steve Allen: Author and Entertainer.

Selwyn Bloome: Professional Engineer; Partner, Fred S. Dubin Associates.

Dr. Deltev W. Bronk: President, The Rockefeller University.

John Connell, Esq.: Founder and Chairman; The Noise Abatement Society (England).

Angus Duncan: Executive Secretary, Actors Equity Association.

Prof. E. Allan Farnsworth: Columbia Univ. Law School.

Dr. Frank Field: WNBC Science Editor; Research Fellow, Department of Preventive Medicine, Albert Einstein College of Medicine.

Eleanor Clark French: Civic Leader.

Alfred Greenberg: Alfred Greenberg Assoc., Environmental Engineering Consultants; liaison: Technical Societies Council of New York.

Allen Grover: Retired.

Jack S. Hoffinger, Esq.: Attorney.

Francis Kirschner: Physicist; Director of Engineering, Soundcoat Company, Inc.

Dr. Edward E. Klein: Rabbi, Stephen Wise Free Synagogue.

Dr. Lawrence Le Shan: Research and Clinical Psychologist.

Dr. Edna Levine: Psychology Professor; Director, Center for Research and Advanced Training in Deafness and Rehabilitation, N.Y.U.

O. M. Miller: American Geographical Society.

Rev. Frederick M. Morris, D.D.: Rector, Saint Thomas Church.

Wade W. Paschke: District Manager, Joy Manufacturing Company.

Dallas Pratt, M.D.

James T. Prendergast: Associate Counsel, Staff New York State Constitutional Convention.

David Prowitt: Executive Producer, Science Programming, National Educational Television.

Mrs. Selma Robinson: Senior Editor, McCall's; member of the Board of Directors, N. Y. League for the Hard of Hearing.

Mrs. Eleanor C. Ronnei: Administrative Director, New York League for The Hard of Hearing.

Ricardo Scofidio: Liaison for Committee on the Natural Environment, N.Y. Chap., American Institute of Architects.

Earl Ubell: Science Editor WCBS–TV.

(Affiliation listed for identification purposes only.)

Robert Alex Baron also took part in the fifth International Congress for Noise Abatement in London in May, and his statement there follows:

[From the 5th International Congress for Noise Abatement, London, May 13–18, 1968]

NOISE ABATEMENT, U.S.A.: PROGRESS AND A NEW THREAT

(By Robert Alex Baron, executive vice president, Citizens for a Quieter City, Inc., New York, N.Y.)

It gives me great pleasure to report to you that in the two years since the last Congress there has been a quiet revolution in the United States. More people are becoming aware of the fact that gross national product means nothing if the quality of life deteriorates. More people are beginning to realize we can harness our energies to tame the noisy waste products of our new technology.

I present some highlights. First, the U.S. now has a permanent, broad spectrum citizen's noise abatement organization. Thanks in a large measure to the inspiration and knowledge gained at your IVth Congress, I was able to return to the U. S. and organize Citizens for a Quieter City, Inc. The Chairman of our Board of Directors is the internationally recognized ear surgeon and medical scientist, Dr. Samuel Rosen. On our Advisory Board is John Connell of the British Noise Abatement Society.

Our methods are educational and based on fact, not polemic. Because too few know there is a science and technology of noise control, we co-sponsored and arranged New York's First Conference on Urban Noise Control. For the same reason we publicly demonstrated before Federal and local officials muffled construction equipment, some of it manufactured in England.

CQC was instrumental in urging the City of New York to ask for noise controls in the purchase of new garbage trucks. Accepted in principle by the City and the Task Force, complete specifications were not what they could or should have been. Nonetheless, a precedent has been set for the use of the taxpayer's dollar to achieve noise reduction without always having to wait for slow-moving legislative action.

Other manufacturers have been encouraged to design quieter products. Our latest victory is over the noisy metal garbage can, or dust bin. At the suggestion of Citizens for a Quieter City, the Bethlehem Steel Corporation developed a sound-deadened metal refuse container that does not clang or bang.

We gained the interest of professional societies. Both the American Public Health Association and the Acoustical Society of America invited the author to present papers at their annual meetings. These papers, both of which will be published, call upon the public health official and the acoustics expert to cease neglecting the everyday environment and join forces with his fellow man in the battle to control noise. As one result of these appeals, I have been invited to participate in the deliberations of a committee of the United States of American Standards Institute for the development of standards for outdoor community noise. This will be the first time that the everyday citizen receiver of noise will be represented in the development of noise standards.

Press coverage has been excellent and our work has been publicized locally and nationally in newspapers, magazines, radio and television. This publicity has helped create the new awareness of the growing noise problem.

Two government reports have already appeared which recognize noise as a pollutant. President Johnson received the first report from a panel of his Science Advisory Committee stating: ". . . the noise of a jet airplane or of the other fellow's transistor radio . . . is irritating and offensive." It recommends that "the Federal Government encourage the development of codes governing noise insulation in apartment buildings." New York City soon may adopt such a code. We have examined this code and suggested that the weak noise control provisions be strengthened.

The second Federal report, prepared for the Department of Health, Education, and Welfare, recommends that by 1973 there be standards for environmental noise limits and controls. In spite of these forward-looking reports, Congress is slow to move, and has still not acted upon Theodore Kupferman's proposal for a Federal Office of Noise Control under the Surgeon General.

Motor vehicle decibel standards now exist in two states, New York and California. In both states the limits are too high, as is the case in England's new standards. The maximums must be lowered if we are to inspire the motor vehicle industry to build quieter machines.

Proposed state and local legislation in New York would control the acoustic qualities of auto horns, regulate the playing of transistor radios in public transport and public places, and prohibit the intrusion of helicopters and jackhammers prior to 8:00 A.M. The health departments, incidentally, have not shown too great an interest in the noise problem and it is of interest that there is a proposal to create an office of noise control as part of the New York State Health Department.

However, noise control is primarily a municipal responsibility, and New York is waiting for the report of the Mayor's Task Force on Noise Control. In the meantime, New York will be the first city to have a Noise Control Office. Significantly enough, it will be part of the new Environmental Protection Administration which also deals with air and water pollution.

These have been some of the signs of progress in our late-starting battle to conquer noise. Most of the gains have been in recognition and what is now needed is a continued and effective program to activate more of the public and the majority of public officials. It will be up to organizations such as Citizens for a Quieter City to provide the facts and to encourage the development of leadership in the community.

Which brings me to a new threat: center city aviation. Much publicity has been given and properly so, to the threat of the sonic boom. The nation has been alerted to the threat of the supersonic transport, the SST, by the Citizens League Against the Sonic Boom. Secretary of the Interior Stewart Udall has appointed a committee of distinguished citizens to report to him on the sonic boom and other environmental noise problems. In my opinion there is now a more immediate threat to the cities and its initials are V/STOL, vertical and short takeoff and landing planes. This includes helicopters.

Government and the aviation industry to relieve pressure on the major jetports want to set up a series of heliports and STOLports in the center of the city. New York City has been selected as the guinea pig and a mile-long landing strip for STOLplanes is being planned for the river's edge in the heart of Manhattan. A half million residents, hospitals, and our giant cultural complex Lincoln Center are threatened by future landings and takeoffs that may reach one a minute, day and night. How much noise is to be expected can be judged when I tell you that there are designs for 200 passenger STOLcraft.

STOLports are planned for other parts of the city, and for other cities. If this experiment succeeds, I am sure that European cities will be pressured into enjoying the same blessings of unmuffled aviation. I respectfully urge the AICB to adopt a resolution calling upon all governments to postpone the introduction of center city heliports and STOLports—at least until there is a thorough and impartial investigation of

their impact on the urban environment, and until the aviation industry shows proof that it can and will design air and noise pollution free aircraft. This resolution should also apply to airport sites planned for rivers flowing through the heart of the city.

We want to make one thing clear; we are not against progress. We are not even against convenience. We are, however, for maximum research and experimentation to develop quieter ways of introducing change into our society. Let us be fair to the businessman and the manufacturer. They have to report to their stockholders. How can a manufacturer explain to his stockholders that he voluntarily spent millions on reducing the noise of a helicopter or a STOLcraft while his competitors gained a competitive advantage by *not* spending that money? Society must give the businessman and the manufacturer an incentive. It is up to an aroused citizenry to provide that incentive.

I was very happy to take part in the National Conference on Noise as a Public Health Hazard held here in Washington, D.C., in June.

The program for the conference held under the auspices of the American Speech and Hearing Association, as well as related material follow. I am pleased to be able to announce that the proceedings at the conference will be published.

NATIONAL CONFERENCE ON NOISE AS A PUBLIC HEALTH HAZARD

(Sponsored by the American Speech and Hearing Association, June 13–14, 1968, Mayflower Hotel, Washington, D.C.)

(This conference is being supported by the National Center for Chronic Disease Control and the National Center for Urban and Industrial Health, Bureau for Disease Prevention and Environmental Control, U.S. Public Health Service, Department of Health, Education, and Welfare.)

THURSDAY, JUNE 13

8:30—Registration and coffee.

9:30—Opening session welcomes Lennart Kopra, Chairman of the Project Committee, University of Texas; Richard Prindle, Director, Bureau of Disease Prevention and Environmental Control.

9:40—Keynote Address: William H. Stewart, Surgeon General, U.S. Public Health Service.

10:00—Introductory Address: Walter A. Rosenblith, Massachusetts Institute of Technology.

10:30—Primer on Methods and Scales of Noise Measurement: Wayne Rudmose, President, Tracor, Inc.

11:30—Lunch.

12:30—Panel I—Effects of Noise on Man:

Chairman: Karl D. Kryter, Stanford Research Institute.

Effects of Noise on Hearing Thresholds: W. Dixon Ward, University of Minnesota.

Effects of Noise on Speech Intelligibility: John C. Webster, U.S. Naval Electronics Laboratory.

Effects of Noise on Psychological State: Alexander Cohen, National Center for Urban & Industrial Health.

Effects of Noise on Physiological State: Gerd Jansen, Max Planck Institute for Work Physiology, West Germany.

Discussant: Etienne Grandjean, Department of Hygiene and Work Physiology, Zurich, Switzerland.

2:30—Coffee.

2:45—Panel II—Industrial Noise and the Worker:

Chairman: Aram Glorig, Callier Hearing and Speech Center, Dallas, Texas.

Acceptable Noise Levels—Damage Risk Criteria: Donald H. Eldredge & James Miller, Central Institute for the Deaf.

Acceptable Noise Levels—Interference with Speech Communication: J. M. Pickett, Gallaudet College.

Control of Industrial Noise Through Engineering: James H. Botsford, Bethlehem Steel Corporation.

Control of Industrial Noise Through Regulation and Liability: Edmund Leonard, Orinda, California.

Control of Industrial Noise Through Personal Protection: R. R. A. Coles, Surgeon Commander, Royal Navy, Hampshire, England.

Discussant: Paul Michael, Pennsylvania State University.

5:00—Dinner.

7:00—Panel III—Noise in the Community:

Chairman: Henning von Gierke, Aero-Space Medical Laboratories, Wright-Patterson Air Force Base, Ohio.

Speech Interference from Community Noise: James L. Flanagan, Bell Telephone Laboratories.

Community Noise Surveys: Walter Soroka, University of California.

Effects of Noise on Community Behavior: Paul Borsky, Columbia School of Public Health & Administrative Medicine.

Community Noise—The Citizen's View: Congressman Theodore Kupferman, New York's 17th District.

Discussant: Ira Hirsh, Central Institute for the Deaf.

FRIDAY, JUNE 14

9:00—Panel IV—Special Problems of Recent Technological Development:

Chairman: William J. Galloway, Bolt, Beranek and Newman, Inc.

Sonic Boom—Results of Laboratory and Field Studies: Karl D. Kryter, Stanford Research Institute.

Laboratory and Field Studies on the Effects of Duration and Spectral Complexity on Subjective Ratings of Noise: Karl S. Pearsons, Bolt, Beranek and Newman, Inc.

Sonic Boom—A Community Study: Charles Nixon, Wright-Patterson Air Force Base, Ohio.

General Aircraft Noise: Leo Beranek, Bolt, Beranek and Newman, Inc.

Damage Experience: William R. Arnold, Chief, Claims Division, U.S. Air Force.

The Citizen's View: Wilbur H. Ferry, Fund for the Republic, Inc., Santa Barbara, California.

Discussant: William J. Galloway.

11:00—Coffee.

11:15—Panel V—Community Noise Control:

Chairman: Stannard Potter, United Acoustic Consultants.

Control of Noise at the Sources: Aircraft as a Source, John M. Tyler, Pratt and Whitney Aircraft.

Cars, Trucks, and Tractors as Sources: David C. Apps, General Motors Proving Ground.

Architectural Design: Robert Benson, R. W. Benson and Associates, Inc.

Control Through Laws and Regulations: James Kaufman, Houghton, Pappas, Lepore and Fink.

Control Through Propaganda and Education: Lewis S. Goodfriend, Goodfriend-Ostergaard Association.

City Planning and Noise: Dorn McGrath, Jr., Division of Metropolitan Area Analysis.

Discussant: Paul S. Veneklasen, Paul S. Veneklasen and Associates.

1:15—Lunch.

2:45—Panel VI—Summary Panel:

Chairman: Leo Doerfler, University of Pittsburgh School of Medicine.

Panelists: Aram Glorig, Callier Hearing and Speech Center; Henning von Gierke, Wright-Patterson Air Force Base; James Kaufman, Houghton, Pappas, Lepore and Fink; Karl Kryter, Stanford Research Institute; Ira Hirsh, Central Institute for the Deaf; William Castle, Rochester Technical Institute for the Deaf.

PUBLIC HEALTH SERVICE,
Arlington, Va., June 18, 1968.

Hon. THEODORE R. KUPFERMAN,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KUPFERMAN: I should like very much to thank you on my own behalf, and also express the appreciation of the Public Health Service, for the very thorough and comprehensive presentation you made to the National Conference on Noise as a Public Health Hazard. Your participation in this Conference added immeasurably to its success as well as insuring that the broadest possible viewpoint was brought to bear on the problem area.

I am hopeful that the objectiveness and openness of discussion which took place at the Conference will receive broad exposure and coverage in the mass media and within Government circles, so that the problems as defined can be approached and hopefully controlled before they get out of hand.

Again, many thanks for your time and effort which resulted in such a fine presentation.

Sincerely yours,
GEORGE E. URBAN, Jr., M.D.,
Consultant in Otolaringology, Neurological and Sensory Disease Control Program, National Center for Chronic Disease Control.

[From the New York Post, June 14, 1968]

NOISE, THE SINISTER HEALTH HAZARD

WASHINGTON.—The noise in the big cities is probably responsible for more physical and mental illness than anyone suspects, according to the head of the U.S. Public Health Service.

"Ulcers, cardiovascular problems, psychoses and neuroses" were enumerated by Surgeon General William H. Stewart yesterday as some of the ills traceable to excessive noise. Stewart spoke at the opening of a two-day national conference on noise as a public health hazard.

The effect of noise on industrial workers is well known, Stewart said, but what happens to the general public is less clearly understood. He pointed out that doctors are aware of the physical and psychological reactions of people under stress conditions.

Noise is something we will have to live with as part of modern civilization, Stewart acknowledged. But, he said, more care should be taken in putting to use new technology which adds noise to an already noisy environment.

Somewhere between 6,000,000 and 16,000,000 Americans work in noise conditions that might eventually damage their hearing, Stewart said.

"Perhaps half the machines in industrial use produce noise levels intense enough to pose a hazard to the hearing of exposed workers," he said.

[From the Washington Post, June 14, 1968]

HEALTH PERIL IN NOISE CITED—400 EXPERTS TALK QUIETLY ABOUT RISING THREAT OF SOUND POLLUTION

(By Jean M. White)

The First National Conference on Noise as a Public Health Hazard convened yesterday with 400 experts talking quietly about the dangers of rising noise pollution in this sound-porous world.

They heard how noise can cause blood vessels to constrict, pupils of the eye to dilate, and pulse to change. They also were told how noise cuts work performance, produces mental stress, and even conveys feelings—like the chilling scratch of a piece of chalk on a blackboard.

In his keynote address, Dr. William H. Stewart, Surgeon General and head of the

Public Health Service, recalled that 20 years ago it took a Donora to bring air pollution to public attention. Twenty persons died in the small Pennsylvania town under a blanket of smog.

"We haven't had our Donora episode in the noise field. Perhaps we never will," Dr. Stewart observed but then added:

"More likely, our Donora incidents are occurring day by day in communities across the Nation—not in terms of 20 deaths specifically attributable to a surfeit of noise, but in terms of many more than 20 ulcers, cardiovascular problems, psychoses, and neurosis, for which the noise of 20th Century living is a major contributory cause."

NOT DRAMATIC ENOUGH

One difficulty in controlling noise pollution is that its effects often aren't dramatic enough to capture public concern, Dr. George E. Urban Jr., the conference planner, emphasized in an interview.

"The effects are probably never going to be dramatic. If a gun is fired near a person's ear, and he loses hearing, the danger is clear. But what of the effect of a typewriter or machine in a noisy room over ten years?" Dr. Urban asked.

Dr. Urban is an otolaryngologist for the PHS's National Center for Chronic Disease Control.

One thing that the Center is interested in finding out is how chronic noise can affect chronic disease.

Dr. Urban noted that most talk of noise control now centers around sonic booms—"much like a pistol shot"—when the "buzzsaw in the next room can be much more irritating and a greater health hazard."

At today's concluding session, one panel will center on aircraft noise on the threshold of the age of Supersonic Transport.

MAY NOT TOLERATE IT

In a paper prepared for presentation at the panel, Karl D. Kryter, of Stanford Research Institute, says studies indicate that the public probably will not tolerate the number of sonic booms that will be experienced by some 50 million people if the SST is used for transcontinental air traffic.

The boom, he notes, is dragged across the country and affects a band 50 miles wide under each flight path.

The conference is being sponsored by the American Speech and Hearing Association with PHS support.

In a related development, Sen. Clifford P. Case (R-N.J.) told the Senate Congress should ban supersonic flights over the United States until it knows more about the potential harm from sonic boom.

NATIONAL CONFERENCE ON
NOISE AS A PUBLIC HEALTH HAZARD,
June 20, 1968.

Hon. THEODORE R. KUPFERMAN,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KUPFERMAN: On behalf of the project committee, I would like to thank you for your significant contribution to the success of the conference.

Dix Ward will be in touch with you concerning the published proceedings which we hope to have finished by September. Thank you again.

Sincerely,
J. E. FRICKE, Ph. D.,
Project Director.

The Berkeley program at the University of California on "Atmospheric Noise Pollution and Measures for Its Control," referred to in my June 10 speech, was well attended. The materials distributed were so voluminous that they cannot here be reproduced. Those interested should be in touch with Prof. Walter W. Soroka at the college of engineering at Berkeley.

A reference to the Audio Pollution Conference at Berkeley follows:

THE ECKEL CORP.,
Cambridge, Mass., July 17, 1968.

Re industrial noise control.

Hon. THEODORE R. KUPFERMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KUPFERMAN: It was a pleasure meeting you and listening to your discussion at the recent Audio Pollution Conference in Berkeley, California. Eckel Industries, Inc. has a somewhat different problem from the consultants who are concerned with determining the specific extent of the problem in industry. We are faced with the task of remedying the problem in a practical, feasible, economical and sometimes extremely unique way.

We believe it would be beneficial to all concerned if there could be a compilation of the various state published noise control standards and/or pamphlets of recommendation for industrial noise control. The comparison of the data thus compiled could be of tremendous benefit to the long range program of a Noise Abatement Department. Any assistance that you or your staff can offer us in regard to this would be greatly appreciated.

We would also like at this time to extend to you our complete cooperation as you delve further into this problem. Even as we have found that solutions to noise problems must be practical to be effective, it is without hesitation that we strongly recommend that any guide lines or standards in noise control must be practical to be effective.

Very truly yours,
ECKEL INDUSTRIES, INC.,
WILLIAM M. VEAZEY,
Vice President.

One of the leading figures in noise abatement is Prof. Vern O. Knudsen of the department of physics of the University of California at Los Angeles.

His letter of July 17 and most recent paper on "Noise in Our Environment" follow:

UNIVERSITY OF CALIFORNIA,
Los Angeles, July 17, 1968.

Congressman THEODORE R. KUPFERMAN,
House of Representatives,
Washington, D.C.

MY DEAR MR. KUPFERMAN: Enclosed is a copy of the paper I promised to send you dealing with Noise in Our Environment. Although there is little of anything new in it, it may be useful to you in your commendable efforts to move Congress and relevant Federal agencies "off the time."

Cordially yours,
VERN O. KNUDSEN.

ACOUSTICS: NOISE IN OUR ENVIRONMENT

(Paper read at the 75th annual meeting of the American Association for Engineering Education, University of California, Los Angeles, June 19, 1968, by Vern O. Knudsen, University of California, Los Angeles)

ABSTRACT

The Roman poet, Horace, was among the first to inveigh against the noises that hampered the man of letters. His invective reached a climax in "castigating the barking of the mad bitch and the squealing of the filthy sow". Noise in England was legally restrained as long ago as 1878. A plaintiff obtained an injunction to restrain the ringing of bells at unseasonable hours in a chapel near plaintiff's dwelling. But the scientific study of noise and its effects on man began in earnest only about 55 years ago with the advent of electron circuits and high quality microphones. The past two or three years have witnessed a massive increase in our concern and alarm about the noise problem. Noise has earned the appellation, the New Pollutant. Noise and its companion, Smog, will reach lethal levels if they are not controlled. The loudest noises to which we are exposed have increased some 20 decibels in the past twenty years, and if this rate of increase continues for another twenty years, they will become lethal. Noise obliterates speech, music and all other wanted sounds. It impairs man's hearing, sometimes to complete loss of useful hearing. It interferes with rest, relaxation, study, sleep, and many other functions. It can constrict blood vessels, raise blood pressure and inject adrenal hormone into the blood; it can induce fatigue, tension and nervousness; it can greatly accelerate the activity of the kidneys and in rare instances it has induced enuresis. Acousticians agree that the internal combustion engine is the most persistent and ubiquitous contributor to noise, but the worst offender of all is the airplane. Noises from trucks, buses and subway trains produce noise levels as great as 103 dB. Good mufflers and a modicum of applied acoustics would decrease these noises at least 15 to 20 dB. Some aircraft noises reach levels that exceed 140 dB. A level of 155 dB is lethal for small animals and a moderately greater level would be lethal for man. Prolonged exposure to levels above 90 dB induces permanent loss of hearing. It is imperative that we abate these noxious noises and that we increase our efforts to obtain regulatory noise codes and the means for enforcing them. What we need is not more, and more precise, noise measurements, but *action*, beginning with Congress, the Federal Aviation Authority, and the refusal of FAA to make their services available to airport agencies that have not complied with land use around the airports.

I. NOISE IN OUR ENVIRONMENT

A more succinct title for the following discourse could be "Sound: the Good and the Bad", and therefore I shall first speak about noise, the bane of hearing, and then about some of the things we can do to improve the acoustical environment in our homes and public buildings, concluding with a brief review, with demonstrations, of our early and recent research in architectural acoustics. There is in fact a thread of continuity about noise between Parts I and II because the most important acoustical improvement we can make in the buildings we help design is the control of noise.

The sense of hearing is central to both parts of this bifurcated lecture. The engineer or scientist who lacks humility in extolling the marvels of modern science and technology may well consider the human ear. It is so sensitive that it comes within a few decibels of hearing the shower of air molecules which by Brownian movement impinge on the ear drum, and yet it can hear the deafening roar of a jet engine, the acoustical power of which may be 10^{15} times as powerful as a barely audible sound. But if you value your hearing, don't expose yourself to such 150 dB noises. No less marvelous is the ear's capability to recognize small differences of pitch, loudness and quality, so that you can almost always recognize whose voice is speaking to you over the telephone, or even whose footsteps are approaching your office.

Noise or unwanted sound has been recognized as bad at least 2000 years. The Roman poet, Horace, inveighed against noises that hampered the man of letters in the Eternal City. He rebuked those who used machines to move heavy stones or wooden beams. He complained of mournful funerals that contend with heavy wagons on cobblestoned roads to see which makes the more noise. His invective reached a climax in castigating the barking of the mad bitch and the squealing of the filthy sow. He ends his poetic harangue against noise with the gentle line, which translated runs something like this: "But now, along with you, I am resolved to meditate on my song."

Noise in England was legally restrained as long ago as 1878. A plaintiff obtained an injunction to restrain the ringing of bells at unseasonable hours in a chapel near plaintiff's dwelling. The scientific study of noise, however, and its effects on man began in earnest about 55 years ago with the advent of electron circuits and high quality microphones. Noise meters were invented, along with the decibel (dB). Every engineer and engineering student should know what a sound level meter is, and how to interpret the readings of the meter, using the A-, B- or C-Scale. He also should know that for evaluating certain types of noise, for example, the noise from an air conditioning system, it is indispensable to have associated with the sound level meter a series of octave band filters, which makes it possible to determine how the noise energy is distributed throughout the audible range of frequencies, and also how such a series of octave band measurements of noise can lead to a single numerical rating of the noise, namely, the NC rating. NC stands for Noise Criterion. It is obtained by plotting the octave band decibel levels of the noise on a chart made up of a series of NC curves. For example, an NC rating of 50 dB means that no one of the octave band decibel levels can exceed the NC–50 curve on the chart.

Architects and many others concerned about noise as a modern pollutant, but almost never engineers, often ask me to define the decibel. I usually begin by relating a conversation I overheard on the deck of a naval vessel when out of Key West, Florida, in 1944, we were testing the first US atomic torpedo. The conversation was between two admirals. I shall substitute some modest adjectives for the more salty ones characteristic of a sailor's vocabulary.

Admiral A: "Why, you dumb cluck, you dont' even know what a decibel is!"

Admiral B: "Like ——— I don't!"

Admiral A: "Well, what is a decibel?"

Admiral B: "Why, you old-so-and-so, a decibel is what you read on a decibel meter."

The decibel originated at the Bell Telephone Laboratories, and that will suffice to explain the "bell" part. The zero on the decibel scale corresponds to a sound intensity of 10^{-16} watts per square centimeter. That is 1/10 of one-millionth of one-billionth of a watt, and it approximates the faintest sound that a normal human ear can hear. In order to hear this zero decibel sound, you must have normal hearing, and be in perfectly quiet surroundings, such as we have, for example, in the anechoic chamber in this building (Knudsen Hall). When the intensity of the sound is increased ten-fold above the 0 level, the level is 10 dB. If it is increased one hundred fold, the level is 20 dB. If it is increased a million fold, it is 60 dB. The scale is a logarythmic one. If the intensity of the sound is I watts per square centimeter, then the logarythm to the base 10 of I divided by 10^{-16} gives you the level in decibels, that is, $\log_{10} I/10^{-16}$. Now for the average person or even for the non-acoustical engineer, a watt isn't very much power, but one watt of audio-frequency acoustical power per square centimeter has a decibel level of 160 decibels, which is so loud that if you were exposed to it for even a few seconds, your hearing probably would be destroyed. Such a sound could drive the stapes of the middle ear through the oval window into your internal ear. The worst that could happen would be an infection of the endolymph fluid in the internal ear which fluid is continuous with that in the spinal canal; such an infection normally results in spinal meningitis.

The past two or three years have witnessed a massive increase in our concern and alarm about the noise problem. Noise has earned the appelation, the New Pollutant. Early in 1967, the National Education Television produced a film, much of it in our own acoustical laboratory, entitled "Noise the New Pollutant". This film has been broadcast several times from our local Channel 28 KCET, and from 140 other television stations in the United States affiliated with KCET. The film is available as a motion picture film, in color, for educational and institutional uses. It was shown, for example, at the 1967 dinner meeting of the Acoustical Society of America, at which also Congressman Theodore Kupferman of New York was the principal speaker. He is currently sponsoring legislation to establish in the office of the Surgeon General a director of noise control, whose chief function would be to establish national standards for noise control and to assist the States and communities in establishing suitable codes for the abatement of harmful, disturbing and unnecessary noise.

Even in the theatrical world, there is evidence of the current interest in noise. You will recall that the title of one of the recent Broadway hits is "I Cannot Hear You When the Water is Running in the Bathroom". I wonder how many of us in this audience have been wrongfully castigated by our well-meaning wives because we couldn't hear what the sweet dears were saying when the water was running in the bathroom.

The sound meter, such as the one I am now holding, is indispensable for dealing with the noise problem. As most of you know, it consists of a microphone at this end (pointing at it), an amplifier, a selection of filters, and an electrical attenuator, the appropriate adjustment of which controls the reading of a meter calibrated in decibels. The filter associated with the A-scale reading of the meter greatly attenuates the low frequencies, so that the reading of this scale registers the sound intensity much as would the human ear, which is much more sensitive for high than for low frequencies. In contrast, when the meter is set for C-scale reading, it contains no filter at all; it then measures the total sound level. Then it has the octave band filters which are necessary for determining the NC value of the noise. Unless otherwise specified, the decibel readings I shall refer to today are A-scale readings because, as I mentioned, they correspond approximately to the subjective loudness of the noise. The A-scale values for most of the noises we shall discuss are 6 to 12 dB less than the C-scale ones. Most of the noises with which we are familiar have much more energy at low frequencies than at high ones; how much more for a given noise can be roughly estimated by the differences between the A-, B- and C-scale readings.

If I hold this meter about 2 ft from my mouth, it registers the sound level of my speech, which fluctuates from about 60 to 70 dB (A-scale), and it goes up about 10 dB on the C-scale, the level would be about 6 dB less in the middle of this lecture hall, and because of the acoustical design of the hall, the level is approximately the same for all seating positions. The best level for understanding speech in quiet surroundings is about 65 to 70 dB. If there is any background noise, the level of the speech must be correspondingly louder in order to be heard well. When I listen to the radio news in my bedroom, which is very quiet, I set the level at about 68 dB. Without turning up the level, I can hear quite well what is being broadcast when I go into the adjoining bathroom, provided the bathroom is free from all noise, but when the water is running for any of the normal bathroom activities, I find it necessary to step up the level of the radio at least 12 to 15 dB. When the level of speech rises much above 70 dB, the hearing mechanism no longer obeys Hooke's law, and the resulting non-linear distortion introduces spurious frequencies that were not present in the original sound, so that at very high speech levels, the speech is no longer understandable. When this happens, you can make the speech much more understandable by plugging your ears, thus reducing the loudness of the speech to somewhere near its optimal level. I have recently attended two movie premieres and a musical comedy in which I found it necessary to plug my ears in order to understand some of the spoken lines. The worst of the three, acoustically speaking, was the recent ("rock and roll") musical comedy based on Shakespear's "Othello". Iago made his entrance with a microphone held about two inches from his lips. His speech was amplified to a level of about 100 dB. I predict that repeated and prolonged exposure to such sound levels to most persons would result in a lost of hearing. This prediction is supported by the title of a technical paper at a recent meeting of the Acoustical Society of America entitled "Acoustical Trauma from Rock-and-Roll Music".

The siren on top of Kinsey Hall, the old physics building just to the north of us, registers a level as high as 140 dB at a distance of 25 ft; it drops off to about 132 db at 50 ft, and at greater distances it drops off about 6 dB for every doubling of the distance, more or less, depending upon such atmospheric conditions as wind, temperature gradient, humidity, atmospheric turbulence and also upon the topography and ground cover of the terrain, including such obstacles as buildings, trees, shrubbery, etc.

A few years ago, two Air Force officers came to our laboratory to discuss the problem of excessive noise produced by a super jet plane equipped with afterburners. Their measurements indicated that the total noise level in the direction of maximum radiation of the sound was 130 dB at 300 ft, which at 125 ft, would be about 140 dB. Sound levels on the decks of aircraft carriers resulting from the take-off of aircraft with afterburners have been reported as high as 155 dB. The evidence today is that no one wishing to preserve his hearing should be exposed, even for a short time, to noises in excess of 140 dB.

The hearing in my right ear was temporarily impaired after exposure to six repeated blank shots of a 38 pistol, held two inches from my right ear. This 140 dB noise induced a temporary loss of hearing with a maximal loss of 20 dB at 4,000 Hz. I was aware of the loss (and associated tinnitus) for several hours, but two days later there was apparently full recovery. If I had kept up such exposure every day for several months, I probably now would not be able to hear typical questions from the floor of this lecture hall.

Intense low frequency sounds excite into vibratory motion the fluid in the semicircular ear canals, and this motion within the canals and vestibule can cause vestibular disturbances similar to those that are caused by sea or air sickness. In my examination of the 118 dB noise problem in the electric power substation, I found that two of the men described vestibular disturbances (dizziness and vertigo) which probably were induced by the intense low frequency noise and vibration.

When a noise level exceeds about 90 dB, it is almost impossible for two persons to converse with each other in that noise unless the lips of the speaker are very near the listener's ear. This condition often develops at cocktail parties where too many people are trying desperately to out-talk one another. Ultimately, even the vocal chords of the speaker become so irritated that he develops an acute laryngitis. I once attended a cocktail party, equipped with a simple two-way speaking tube contraption. It consisted of two rubber tubes, $\frac{3}{8}$'' in diameter and about 2 ft long with a glass funnel on the end of each tube. The funnel of one tube was at my mouth; I handed the funnel at the other tube to my victim, and said, "Put this to your ear". I handed him the other tube and said, "Put this to your mouth". We were at once in an easy conversation condition.

Noise interferes with rest, relaxation, study, sleep and many other functions. It can constrict blood vessels, raise blood pressure, and inject adrenal hormone into the blood; it can induce fatigue, tension and nervousness; it can greatly accelerate the activity of the kidneys, and in rare instances it even has induced enuresis. Have you ever kept a record of how many times you are awakened by noise? If you haven't, I wish you would and then report your results to me. Before I began wearing ear plugs at night, I was awakened three out of four times by noise. The sleep laboratory at Stanford University Research Institute shows how the brain waves of the sleeping person are severly distorted even if the noise is not sufficient to awaken him.

Noise causes the flexing of many internal muscles. When I suffered from a duodenal ulcer 30 years ago, I felt a stomach pain every time I heard a loud sudden noise. I suspect it is much like having a sore on your finger knuckle; if you bend the finger back and forth, the sore can't heal, and it hurts. I believe the sudden flexing of ulcerated organs of the body, as the duodenum, are exacerbated by loud sudden noises. It was my reaction to such noises that led me to devise an acoustical ear plug, which after extensive research and development during World War II, first at UCLA and then at Harvard, led to the production of the so-called "Ear Warden" or "Ear Defender". Four million pairs of these acoustically designed ear plugs were made for our armed forces during World War II, and all those who were exposed to hazardous noises were ordered to wear them. The men who helped clear paths through mine fields, by means of handpushed detonators, would have suffered severe loss of hearing, or ruptured ear drums, or even would have developed spinal meningitis, if they had not worn these plugs. Many persons in the armed forces and in noisy industrial establishments would presently suffer from serious hearing losses if they had not used effective ear plugs or ear muffs against excessive noise.

When noise levels exceed about 150 dB–C, they become lethal for small organisms. At about 155 dB–C, they can kill mice, rats and similar animals. The cause of death is usually a rise in body temperature resulting from the conversion of the sound energy into heat. The furry pelt of such small animals is an effective absorber of heat, and it has been demonstrated that when this hair is shaved off it requires a longer exposure to the same intense sound for the body to reach a lethal temperature.

Through the years my colleagues and I have made many noise surveys along our Los Angeles freeways and principal boulevards, along Market Street in San Francisco; the campuses at UCLA, UCSD, the El Toro Air Marine Base, the Hollywood Bowl and many other places. These surveys support the findings of many similar surveys made by others, namely, that trucks, sports cars and motorcycles are among the worst and most persistent of our noise polluters, especially when these vehicles operate without benefit of proper mufflers. We have measured levels from diesel trucks as high as 105 dB along our freeways. Motorcycles without mufflers often generate 100 dB. Noise levels from airplanes as high as 75 dB have been measured in Hollywood Bowl. This is sufficient to completely mask music, even of mezzo forte loudness. We abandoned a project to develop a permanent open air theater on the Los Angeles campus because aircraft noise made it impractical to provide such a facility.

Noise from street or air traffic is often influenced greatly by atmospheric conditions. For example, noise from the Hollywood Freeway which passes Hollywood Bowl at a distance of about 200 yards is greatly augmented in the Bowl when there is a temperature inversion in the atmosphere. Under this condition, sound propagated through the lower atmosphere is refracted downward, and therefore the freeway noise propagated toward the Bowl travels over the adjacent hills, and by downward refraction it becomes unusually disturbing in the seating areas of the Bowl.

Although the noises that originate from surface transportation are the most ubiquitous contributors to noise pollution, the noises resulting from air traffic especially near airports, are the most damaging to the small fraction of the population who live near airports, and especially under the paths of take-off and approach. I attended a dinner meeting of a musical group a few weeks ago at a beach club not far removed from the new runway at the Los Angeles International Airport. The entertainment following dinner was furnished by a group of talented graduate students from UCLA who were especially trained in performing light opera music. Every take-off of a large jet plane from the nearby runway completely masked the music of these artists, and set the entire building into a shuddering vibration. Acoustical experts agree that the internal combustion engine is the principal offender in contributing to our noise-polluted environment, and that presently the worst villain is the airplane, whose generation of noise increases proportionally with every increase in its power plant. Engineers and engineering educators can do much to promote the reduction of noise from offending trucks, motorcycles and automobiles. The ubiquitous and disturbing noise from these vehicles can be brought down to a tolerable noise level simply by the equipping of such vehicles with better, longer-lasting mufflers. We already have good mufflers of good acoustical design if we would keep them in repair, which usually means to prevent them from corrosive perforations and disintegration. The typical American automobile, from the cheapest to the most costly models, come from the factory equipped with good mufflers. But the effective life of these mufflers is less than one-half the useful life of the car. The compulsory use of effective mufflers for all vehicles would contribute immensely to the elimination of noise pollution. Trucks, buses, sports cars and motorcycles could be equipped with effective mufflers at reasonable cost. A truck or bus, thus equipped, would then not make much more noise than three or four Cadillacs, with good mufflers, moving along together.

But the noise associated with aircraft poses the worst threat to future noise pollution. Only a few weeks ago, technical journals and newspapers announced the withdrawal of the nation's airport operators from the industry-wide National Aircraft Noise Abatement Council. In announcing their withdrawal, the official statement said, "We, of the airport segment of the aviation industry are tired of being the scapegoat for the airlines and manufacturers. As operators of airports, we can exercise no conrtol over types of aircraft being built for the airlines. We have no control over flight patterns or air routes or air schedules. In brief, this is a Federal matter and the sooner we achieve the necessary legislation, the sooner the public can be assured of noise relief." The airport operators have recommended action programs, including immediate modification of all jet engines to reduce their noise; financial support of NASA for the development of less noisy future jet engines; and the support for pending Congressional legislation, such as is now actively sponsored by Congressman Kupferman. Our role in this vital issue is to recognize that the present bottleneck is the result of inaction by the Federal Government. If Federal legislation is enacted, engineers would have a target to aim at, and with the help of engineers and engineering educators, this worst of all noise hazards could be controlled before it gets entirely out of hand. The worst threat at present is of course from the sonic boom. The most authoritative and informative article I have read on this subject appeared in the February 1968 issue of Physics Today. The author is Harvey H. Hubbard, head of the acoustics branch of NASA. I recommend the reading of this article by those who want unbiased and factual information on this controversial subject. This technical and easy-to-understand article explains how the booms are created, and what they do and threaten to do to people and buildings.

We may have to live with much of the noise from superjets and supersonic aircraft. The survival of our way of life probably is dependent upon them, and we shall have to take the noise if we don't control it. I am confident that ultimately we can and will control it. In the meantime, as educators, we should increase our immediate efforts to obtain regulatory noise codes and the means for enforcing them; and as a long range program, we should encourage more engineering schools and departments to develop better and longer-lived noise mufflers for all combustion engines, which probably would be realized if acoustics were appropriately emphasized by engineering educators.

Several states now have legislation which makes it possible for employees to obtain compensation benefits for loss of hearing due to the noise in which they are obliged to work. Industries that generate hazardous noise should make it mandatory for their employees to wear ear protectors, which, well designed and properly fitted, will provide a noise reduction of as much as 30–40 dB; and these industries, for self protection as well as for altruistic reasons, should require audiometric tests of all new employees, and periodic tests thereafter of the continuing employees. Appropriate legislation should provide for reasonable compensation for loss of hearing induced by industrial noise, and it also should protect employers against unjustified claims by malingering employees. But noise induced impairment of hearing can deprive its victim of much more than his capacity to earn his daily bread; for example, it can deny him his priceless privilege to hear speech and enjoy music. It is our duty to vouchsafe that privilege by doing everything we possibly can—by our teaching, research and public service—to reduce present and future noise, and to promote the development and use of the best possible protective devices, especially for those who must earn their daily bread by exposure to hazardous noise. As the most practical expedient against today's noisy world, I advocate the widespread acceptance of well designed and properly fitted ear protectors. They are certainly as important for protecting us against noise as dark glasses are for protecting us against the glare of the sun.

Ladies and Gentlemen, I conclude this elementary message about Bad Sound, or Noise in Our Environment, by urging that we teach our engineering student more acoustics, including emphasis on the nature of noise, its harmful effects and how to abate it. But above all, putting first things first, we should recognize that what the public needs is not more, and more precise, noise measurements, but *action*, beginning with Congress and the Federal Aviation Authority, followed by the refusal of FAA to make their services available to airport agencies that have not complied with FAA rules for land use and appropriate zoning regulations around their airports.

Following a brief intermission, I shall discuss informally some of the practical things we can do to exclude noise from the buildings in which we live, work and teach; and more specifically, I shall discuss some of the research we have long been conducting and are presently conducting at UCLA to improve the quality of the music we hear in concert halls and other music rooms.

II. ARCHITECTURAL ACOUSTICS

1. In Part I of this discussion about acoustics, among other things, I pleaded for your support of the efforts of congressmen and others to enact legislation to establish standards for, and to assist communities in, the drafting of suitable noise control codes and ordinances. Such codes are well established in nearly all European countries, both in front of and behind the Iron Curtain. Most building codes in those countries require that apartments, schools, hospitals and certain other buildings be constructed so as to provide a sound insulation of not less than 50 dB against outside air-borne noise or against the noise from an adjacent room or apartment. The codes deal with both air-borne and solid-borne noise. These values apply even to low cost housing.

In contrast, there are many high cost apartments, motels and hotels throughout the United States that fail to provide even as much sound insulation as 30 dB. That, by a long margin, is insufficient. There are now relatively simple and inexpensive types of dry wall partitions and ceiling constructions that would meet the 50 dB requirement. Also required where traffic and other outside noises are severe would be double glazing of the windows (for example, two thicknesses of plate glass ¼" and ⅜", separated by a six to eight inch airspace); heavy, tight-fitting doors; suitable vestibules (to serve as "sound locks") between the outside door and the residential apartments in multi-unit dwellings; the carpeting of floors in multi-level structures, and in some instances the treatment of the ceiling and portions of the walls with sound absorptive materials.

2. Research in artchitectural acoustics at UCLA began in 1922 and has continued since then. My beginning at UCLA that year was not auspicious. The office space I inherited was a janitor's cubbyhole under a stairway which I shared with two other instructors. The facilities for research were S=0, E=0, where S is the research space and E the research equipment. But the uses of adversity can be rewarding if not sweet. Searching before researching, I found six high school auditoriums in Los Angeles, acoustically among the world's worst. These became UCLA's first acoustical laboratories. Suddenly, as often happens in California, S ballooned to 60,000 sq ft, and, thanks to my prior Bell Telephone Laboratory experience, E became a breadboard vacuum tube oscillator and amplifier, a loudspeaker, a stop watch and some homemade controls. Armed with this primitive electronic equipment and the six acoustically sick auditoriums, plus three smaller rooms on the Vermont Avenue campus of the University, and the first sound stage at Metro-Goldwyn-Mayer, I began studies of the effects of reverberation, room size, and noise on the hearing of speech in enclosed spaces. This research led to quantitative evaluations of the effects of these acoustical characteristics, so that it became possible to calculate just how well speech could be heard in either existing or planned auditoriums.

When we moved to Westwood in 1929, we were provided with splendid facilities in Kinsey Hall for researches in architectural acoustics that served us until Knudsen Hall was completed some four years ago. The researches we began in 1929 led to two significant findings, namely, (1) that contrary to the prevailing theory, the reverberation of sound in a room consisted primarily of the free decay of the normal resonances (Eigentones) of the room; and (2) that the absorption of sound in the air was very much greater than had been predicted by classical physics, based on the viscosity and heat conduction of the air. Our experiments indicated that the absorption of sound in air (and also in other gases) was greatly dependent upon temperature and upon the presence of small amounts of certain admixed gases. The absorption of sound in air at high frequencies was unbelievably dependent upon the humidity of the air. This absorption was found to result from collisions between molecules; in the case of air, collisions between oxygen and water vapor molecules which for certain conditions of humidity and temperature of the air, and certain audible frequencies, turned out to be as much as 100 times the amount calculated by the classical theories dependent upon the viscosity and heat conductivity of the air, and this large anomonous absorption, as a co-worker, Hans Kneser, correctly theorized, was predictable in terms of the known vibrational behaviour of the oxygen molecules. This latter finding had immediate application to molecular and relaxation physics, to the acoustics of rooms and open air theaters; it also has application to the propagation of noise through the atmosphere.

During the past five years, our researches have been concerned with the applications of wave or physical acoustics to architectural acoustics, and especially to the acoustical design of concert halls. Our first project, utilizing the splendid facilities in this building, which we shall display later this morning, consisted of an investigation of the diffraction of sound by arrays of reflective panels, similar to those that have been used in many European auditoriums for correcting objectionable reflections from ceilings, and have been used in certain auditoriums in this country for introducing early reflections. Our results, which are consistent with the well-known results of optical diffraction but which as yet are too complex to yield to mathematical calculation, indicate, among other things, that panel arrays, such as have been installed in many auditoriums, are relatively non-reflective for frequencies below about 200–300 Hz.

A second investigation which was completed a year ago dealt further with the absorptive and dispersive effects of suspended panels in our reverberation room, but more especially with how the reverberation changes with different locations in a room when one surface, for example, the floor, is completely absorptive. In our reverberation room, which is 19′ x 30′ x 24′ high, when the floor was completely covered with a 2-inch blanket of mineral wool, the reverberation time in the upper part of the room was as long as 6 seconds at low frequencies, but about 1.3 seconds in the lower part of the room. A practical consequence of this finding is that for many rooms, especially rectangular ones with high ceilings, more benefit for the reduction of noise and reverberation would result from the absorptive treatment of the floor (for example, carpet over a thick hair-felt pad) than the equivalent treatment of the ceiling.

3. *Recent Research at UCLA*—Our latest research in architectural acoustics has been concerned with the diffusion of sound in rooms, and more specifically, thus far, with the acoustical properties of helium filled meteorological balloons, and their effectiveness for increasing the diffusion of sound in rooms. For example, 20 helium balloons, having a diameter of 40 inches, randomly located in our reverberation room, with the floor absorptive, increased the diffusion to the extent that the reverberation characteristics were almost uniform for all locations in the room, and furthermore the increased diffusion improved the acoustical characteristics of the room for determining the absorptive properties of acoustical materials, and they significantly improved the acoustical quality of the room for both speech and music.

In all of our acoustical research at UCLA, I have had the valued collaboration of my longtime colleague, Professor L. P. Delsasso. Dr. Delsasso has set up a demonstration in this room which will enable you to hear some acoustical effects of our recent experiments. The demonstration consists of a recording of a specimen of a string quartet and of a trumpet, made in our anechoic room, and then played back and rerecorded in two different locations in the reverberation room with the floor covered with 2 inches of mineral wool. The recording first reproduces the music as taped in the anechoic room, and, except for minor acoustical and electro-acoustical deficiencies, will sound much as would the live music if you heard it in this room. The recording then reproduces the original tape when played back in the reverberation room, first when the reproducing loudspeaker and the recording microphone were located in the upper part of the room, and then in the lower part of the room. The final recording demonstrates the effect of the helium filled balloons in making the reverberation nearly uniform in all parts of the room.

Modern Medicine in its July 29, 1968, issue has an article on "The Hazard of Noise" under the heading of "Medical Scene." The article and the letter of July 29 referring to it follow:

MODERN MEDICINE,
July 29, 1968.

DEAR MR. KUPFERMAN: We thought you might like to receive this copy of Modern Medicine, containing an item of interest to you on Pages 21–34.

Cordially,

RICHARD A. GRONQUIST,
Account Supervisor.

THE HAZARD OF NOISE

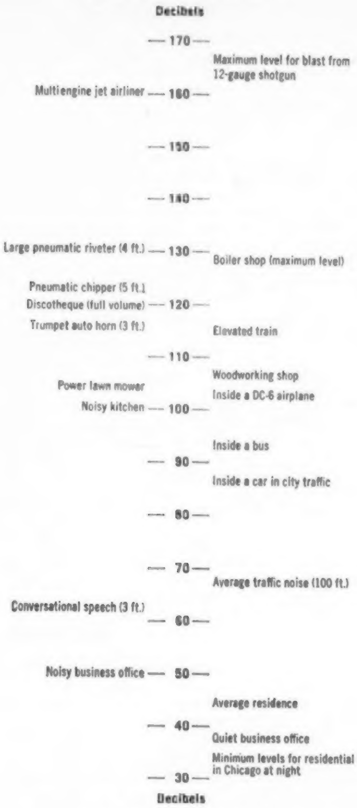
"Potentially, the health hazard of noise is as serious as that posed by polluted air or water."

This is the view of Dr. Austin Henschel, chief of the physiology section of the occupational health program at the National Center for Urban and Industrial Health in Cincinnati, one of a number of physicians and scientists who are becoming increasingly concerned over the problem of excessive noise. "Exposure to excessive noise," Dr. Henschel adds, "may produce adverse phychological effects and such physiological effects as hypertension and heart disease as well as hearing damage."

The etiologic role of noise in various human disorders is still a matter of scientific controversy. Experts in the field generally accept the fact that excessive noise can cause hearing impairment. Some experts also maintain that psychological trauma can result, but here they differ greatly as to whether this is an isolated or widespread health problem. The split is even broader on the issue of whether or not noise is a contributing factor in such physiological disorders as hypertension and heart disease.

Sound has two main characteristics, frequency and intensity. The frequency is the number of waves passing a given point at a given time. It is detected by human beings as pitch—how high or how low a sound is. Frequencies up to 3,000 cycles per second (cps) are the most important for understanding speech.

Intensity or loudness, the other main characteristic of sound, is measured in decibels (db). The decibel scale is not one of equalized units but rather is a logarithmic scale. Every upward step of 10 decibels represents a hundredfold multiplication of sound energy. Thus, a sound of 60 db is 100 times more powerful than one of 50 db.


Typical overall sound levels

A number of studies have demonstrated that regular industrial exposure to noise at intensity levels of 85 db or more and frequencies higher than 3,000 cps may result in serious hearing loss. For example, Dr. Aram Glorig of the Callier Hearing and Speech Center in Dallas studied 400 men who worked for up to forty years in occupations in which noise levels averaged 90 db at between 100 and 6,000 cps. The majority had suffered substantial hearing loss, which often started during the early years of exposure and which was particularly related to exposure to sound at higher frequencies.

Physiologically, sound can produce inner ear damage that may vary from minor changes in the specialized epithelial "hair" cell endings to complete destruction of the organ of Corti encased in the cochlea. The mechanism that produces this pathology is not completely known, but it appears that overstimulation by sound produces metabolic changes in the cell and these changes cause degenerative damage.

Recent population studies in the United States have suggested that hearing loss, which in the past was thought to be a hazard of only those in high noise level occupations, also may occur with age after a lifetime of exposure to environmental noise at the levels found in many cities.

These everyday noise levels have been measured in various locations and situations. For example, the noise level inside a car in city traffic can be 85 db or more, and the level can reach 100 db in a New York subway. In the home, the kitchen can be as noisy as a subway, generating 100 db or more when a fan, dishwasher, and garbage disposal are all operating at the same time. Still higher is the 160 db encountered around multiengined jet airliners, while the peak level for a shot from a 12-gauge shotgun has been estimated to be as high as 165 db.

Acoustical engineers generally consider noise levels of more than 85 db to be excessive, and those over 100 db to be a cause of actual physical discomfort. This means that our urban environment already is excessively noisy at times and can be expected to get worse. Dr. John D. Dougherty of the Harvard School of Public Health says that community noise exposure now is often above maximum standards for hearing safety in industry. "The saving quality in the past has been that noise has been on a short-term exposure basis," he points out. But as the power use in home and street increases, he warns, steps must be taken to limit the noise output. Otherwise, total time exposures will exceed the industrial standards.

One area where noise levels are constantly in excess of industrial standards occurs in discotheques. Dr. Charles P. Lebo, assistant clinical professor of otolaryngology at the University of California, has found that background noise levels in full-volume discotheques frequently reach peaks of 120 db at frequencies between 500 and 4,000 cps. This is high enough to produce a temporary threshold shift in hearing. If a teen-ager is exposed to these levels for four hours a day, two days per week, and continues this exposure rate for a year or more, there is likely to be some permanent hearing loss, he says. This permanent hearing loss is comparable to the neural deafness found in the elderly, Dr. Lebo says.

Dr. Samuel Rosen, associate clinical professor of otology at Columbia University College of Physicians and Surgeons, has investigated the relationship of environmental noise to presbycusis, the loss of hearing associated with aging, and to other physiological disorders. On three trips to southeastern Sudan to study the Mabaan tribe. Dr. Rosen and his associates found that, in general, Mabaans in their 70s could hear high frequencies as well as New Yorkers in their 20s and far better than New Yorkers in their 70s.

The Mabaans live in an environment which is almost entirely noise-free. In measurements taken in several villages, Dr. Rosen found that the average noise level was below the level of that in a silent living room in the United States. This low level of environmental noise, he feels, may be a major reason for the good hearing of the Mabaans, although he points out that variables such as diet, a low incidence of hypertension and heart disease, and the generally low level of stress in this primitive society may also have significant roles in preventing hearing loss.

Based on the results of his studies in the Mabaans, who had significantly lower mean systolic blood pressure levels at all ages than the levels at any adult age group in the United States, Dr. Rosen also believes that prolonged exposure to excess noise may be a contributing factor in hypertension and heart disease.

"There is no natural way to protect the ears from noise," Dr. Rosen says, "and the reflex which causes contraction of the blood vessels occurs with equal intensity during sleep as well as the time when you are awake. Not only do the blood vessels contract when exposed to noise signals, but the muscles constrict and adrenalin pours out in the blood. The general level of tension produced by noise signals and the adrenalin output cause the individual to be very tense and nervous. If this noise-induced tension becomes chronic, it can have serious effects on the vascular system. Noise is really a form of torture."

Evidence is scanty but animal studies and some foreign studies seem to indicate that noise does have some physical effects on the vascular system. In the process of a hearing study, Dr. Merle Lawrence of the Kresge Hearing Research Institute at the University of Michigan has found a depletion or absence of red blood cells in the capillaries of the ears of guninea pigs following exposure to noise at 120 db at 4,000 cps.

Dr. Lawrence also found that certain dosages of salicylates create the same type of activity in the capillaries of the ear. "It is not difficult to conceive of someone who works in noisy surroundings taking several aspirins to relieve a headache and then returning to work in the noisy environment," he said. "However, we are not certain how long these effects last or whether they pose any threat to health, but it doesn't seem that deprivation of red blood cells could have a beneficial effect."

The foreign studies indicate other changes following noise exposure. A Russian study showed that exposure to excess noise can produce cardiovascular changes, especially instability of arterial blood pressure. A British study showed that noise exposure produced a contraction of the arterioles of the hands.

Can environmental noise also cause distress to the point of affecting mental health? Dr. Julius Buchwald of the State University of New York Downstate Medical Center believes so.

"If the levels of noise continue to rise, the number of sleep interruptions will increase," he says. "If an individual's sleep is interrupted too many times during a night, he will fail to get his quota of dreams. A person who is not permitted to dream, even if he is deprived of dreams for only a short time, may develop psychoses, hallucinations, suicidal and homicidal impulses, and nightmarish memories."

Another effect of noise, according to Dr. Buchwald, is that it disturbs people in a subliminal manner even while they are awake The cumulative effect of these subliminal interruptions may cause increasing irritability, anxiety, and more rapid onset of fatigue.

Other persons, however, believe that the impact of noise on our society is overstressed. This view is held by Dr. Leo Beranek of the acoustics consulting firm of Bolt, Beranek, and Newman.

"The noises of our daily life have been blamed variously for the high divorce rate, social conflict, indigestion and other organic disabilities, nervous breakdown, high blood pressure, heart failure, and even insanity," he says. "Most of these allegations arise from overvivid imaginations. Still one cannot completely rule out the possibility that some people are particularly sensitive to noise just as others are allergic to nuts, eggs, or household dust."

Dr. Lee E. Farr, professor of nuclear and environmental medicine at the University of Texas, is one who feels that noise itself does not constitute a hazard to health. "But," he says, "it does create a nuisance that can precipitate emotional or psychological problems in a susceptible individual and these problems may result in disability or disease."

The problem of assessing the trauma, both physiological and psychological, caused by or aggravated by noise, Dr. Farr says, is that it is difficult actually to indict noise since the damage usually results from prolonged and diffuse exposure rather than from a single, traceable incident.

It has been estimated that the general noise level in major cities in the United States has been rising at a rate of 1 db a year for the last thirty years, and efforts to reduce the level have not been notably successful. Noise has become a companion to technological progress.

But Rep. Theodore R. Kupferman (R., N.Y.), the author of a bill to aid state and local noise control programs and to sponsor federal education and research in the field, says that the idea that noise is a necessary price of industrial and economic progress is as antiquated as is the belief that contaminated water and a polluted atmosphere must also accompany civilization's advances.

"Noise," he says, "detracts from the quality of our lives much like a filthy street or a polluted stream." In the long run, he adds, our handling of the problem "will reflect how civilized we have a right to call ourselves."

The title of my speech "Turn on the Silence" is taken from an article in PHC, Plumbing, Heating, Cooling Business magazine, July 1968 issue at page 34.

The letter of July 30 from the magazine's associate editor, Richard R. Pustorino, Jr., and the article follow:

PLUMBING, HEATING, COOLING BUSINESS,
Washington, D.C., July 30, 1968.

Representative THEODORE R. KUPFERMAN,
Longworth Building,
Washington, D.C.

DEAR MR. KUPFERMAN: Please find enclosed three copies of the July issue of PHC Business with the inclusive articles on noise control, "Turn On The Silence" (p. 34). In the context of this story, I have included some remarks you made during our recent interview.

Indeed, it is the desire of PHC Business to alert plumbing, heating, and cooling contractors to the growing perils of noise, but we do not intend to let it go at that. Based on our research and on data we've been collecting over the past months, we shall attempt to show the contractor some specific and practical methods of eradicating environmental noise problems. This we will do in Part II of "Turn On The Silence", to be included in a forthcoming issue of our magazine.

I'd like to thank you and your staff for the assistance given me in the development of these articles and I thought you might like to know that as a result of these feature articles, 33,000 more people, representing the total circulation of our magazine, have heard the word.

Very truly yours,
RICHARD R. PUSTORINO, Jr.,
Associate Editor.

TURN ON THE SILENCE

Noise is taking over the country as a pollutant, rivaling the problems we are facing with water and air pollution. The PHC field can play an important role in helping to solve this national problem.

In one very frightening respect, historians of the future might well be justified in referring to the present generation of humankind as "the Frankenstein people."

Like the mad fictional doctor, mankind has created monsters of such gargantuan potential that they make the Frankenstein monster look like Alice in Wonderland; witness the H-Bomb, the napalm bomb, smog or the "death by pollution" of Lake Erie.

Another such monster is noise. It is a monster which, out of control, will bring a unique new horror upon our civilization.

Simply defined, noise is sound that registers and is immediately rejected by the brain. It is unwanted sound—sound that evokes discomfort of mind or of body; it is, unfortunately, all around us.

Not all sounds are noises. To refer to a Bach Concerto as *noise*, would, generally, be held ludicrous; the same would apply to the pleasing sounds of birds and other wild animals. On the other hand, there are few among us who find the hammering of a pneumatic drill a delight to the ear. Different sounds evoke different responses in different people, thus noise is, for the most part, a matter of individual acceptability.

In the southeastern Sudan lives a primitive peoples—the Mabaans who, in recent studies, were found to live in a realtively noiseless environment. It was further discovered that as a result of living in this silent atmosphere these natives did not suffer from many of the common ailments of the mechanized world. But when the Mabaans are exposed to the same levels of noise to which we in modern societies are subjected, they begin to suffer much the same symptoms.

The decibel is the unit by which noise intensity is measured—any level above 85 decibels (some conservative estimates put the danger level at 60 decibels) is considered potentially harmful to health. Loud noises in the 95 to 110 decibel range during a five-minute period caused definite constriction of the tiny blood vessel arterioles. This vasco-constriction lasted for 25 minutes after the noise ceased, diminishing cardiac output and causing brady-cardiac in which the heart slows down to gain momentum for a big push of blood through the system. The overall effect of continuous noise is to alter the supply of blood throughout the nervous system, causing both hearing loss and elevation of the blood pressure. This helps explain why the United States has the highest incidence of arteriosclerotic heart disease in the world, the *Congressional Record* for November 3, 1967, reports.

According to a recent report of the American Medical Association, "In some industries, such as boiler-making, it has long been known that some workers find the noises especially bothersome; their ears often show audiometric evidence of real damage."

The effects of noise, however, are not only limited to these detrimental physiological mutations: it has been found that exposure to excessive and even intermittent noise over long periods of time can produce psychological symptoms of hypertension, vertigo, hallucination, paranoia and on occasion suicidal and homicidal impulses.

If, then, we are aware that America is the noisiest country of the world, and it is agreed that we have the highest per capita rate of mental illness, is it not altogether possible that there may be a grave connection between the effects of noise and this incidence of mental instability? And to follow this train of thought to an even higher plateau, is it not possible that there exists a link between the effects of noise and the high incidence of senseless violence with which our nation is plagued? If nothing else, these questions deserve some investigation.

In many urban and semi-urban areas, aircraft noises pose the greatest single problem to residents of those sections. Although some airports have developed measures to cut down on the racket from incoming and outgoing air traffic, in most instances these measures are not sufficient to stave off the problem completely.

Aside from aircraft noises, automobile and truck traffic pose the greatest single problem in many areas. Rush hour noise levels at Grand Central Station in New York City have been put as high as 81 decibels—21 points above the conservative maximum "safe" level of 60 decibels.

Laws to limit traffic noises (by imposing fines on auto owners who honk horns unnecessarily, or neglect to replace faulty mufflers) would greatly reduce one area of the problem. On a long-term basis it might even be feasible to have sunken highways with shoulders acting as natural sound absorbers. And, of course, at the manufacturing level improvements can be made in the design of vehicles to reduce noise.

One of the greatest originators of clamor is the construction industry. A riveter, for example, is exposed to a count of about 105 db; a pneumatic drill registers at about 130 db., 10 points above the threshold of pain and more than twice the maximum "safe db level."

The use of ear plugs or muffs would help to lessen this bombardment to workers' eardrums but this would affect only the workers and not nearby residents and alone is not a sufficient deterrent to the problem. Again, adequate muffling devices must be developed for construction machinery and built in at manufacturing levels.

More residential building codes that permit construction activity only during specified hours of the day help to cutdown on the noise. (New York City already has a regulation of this type.)

One residential developer's quest for silence resulted in the construction of a luxury condiminium equipped with 24 "furnace rooms in the sky." To achieve "utter silence," the McLennan Co., Park Ridge, Ill., conceived the idea of mounting noise generating modular heating, cooling, humidifying and electronic air cleaning units in attractive enclosures outside each apartment, in the overhangs extending above each of the structure's three tiers.

The climate control units were set above open hallways and combined with elaborate insulating techniques to eliminate almost all outside noise and dirt. This example of noise control shows maximum use of sound isolation utilizing adjacent available space.

Construction noise responsibility does not end with the erection of a building. In the past few years, building shows a trend toward thinner walls and less acoustical insulation. As a result, some apartment dwellers have complained of hearing plumbing noises and even conversation in adjoining apartments. One inhabitant of a new Washington, D.C., apartment building tells of hearing even the tick-tock of a neighbor's clock before being finally driven to other lodgings.

Factory and small shop noise, if above 60 db, results in a deterioration of communications among workers. On a long term basis, employer losses in workers' efficiency far outweight the costs of minimizing the din.

Noise	Decibel level
Pneumatic Drill	130
Diesel Engine Room	125
Threshold of Pain	120
Jet Passenger Ramp	117
Loud Motorcycle	111
Boiler Factory	107
Riveter	105
Electric Food Blender	93
Noisy Factory	90
Danger Level *	85
Printing Press	80
Quiet Typewriter	65
Conversation	60
Average Residence	40
Whisper	20

*"Danger Levels" are a matter of controversy, some experts put it as low as 60 db. The figure appearing above was the one used at the most recent meeting of the National Conference on Noise as a Public Health Hazard sponsored by the American Speech and Hearing Association.

Moreover, it is clearly the responsibility of management to provide safe and pleasant working conditions for its employees. From a purely mercenary point of view and according to the United Nations, noise is the most costly occupational hazard facing American industry today. Economically, the control of noise has the virtues of opening up new areas of industry, cutting losses in workers' efficiency, and saving the eardrums of a lot of people.

If there is a collective ignorance to the problems of noise eradication in America, it is not shared by all. In fact when it comes to sounding out noise problems, Rep. Theodore R. Kupferman (R–N.Y.), of Manhattan's 17th Congressional District is like a badger ferreting out ground hogs.

Widely recognized as a lay authority on what has been dubbed "ear pollution," Mr. Kupferman has introduced legislation in support of the eradication and control of noise in two bills before the House. One bill calls for aviation noise abatement by providing Federal funds to assist state and local governments in developing noise control programs. The other bill, with a budget appropriation of $3,000,000, would provide an office of noise control in the Surgeon General's office. The office would study the effects of noise, develop ways to eradicate noise, serve as a storehouse of knowledge and act as an advisor to Government and industry. Unfortunately, no action has yet been taken on either of the two bills.

In a recent interview with PHC Business, Mr. Kupferman indicated that noise already constitutes a public nuisance in the United States, and for the past 30 years noise levels in cities have risen one decibel per year.

As is evidenced by his bills, Mr. Kupferman feels solutions to noise problems should be sought at the Federal level . . . "at least with studies, preparation of materials and the dissemination of information inexpensively to localities concerned."

He stressed the need for legislation and said, "If you have a construction code, for instance, that says no building will be set up in the future unless predetermined acoustical requirements are met, then you have enforceable legislation.

"New York City has a mayor's task force to investigate and make recommendations on the control of noise," the Congressman continued. "We did a study there together with task force executive director Neil Anderson and a number of the television and radio stations. We picked, at the time, the construction of Madison Square Garden as an area to test the existing decibel level. The new Garden runs from 7th to 8th Avenues, streets which have a lot of truck traffic. We picked the confluence of this and the actual noise of construction and the audiometer went beyond all reasonable approaches to the problem. It appears that many contractors were unaware of certain kinds of sound-proofing and other materials to help minimize construction noises—it just seemed to me that if the biggest and most sophisticated city in the world wasn't aware of the problem, what would the situation be throughout the rest of the country?"

The situation throughout the rest of the country is bad. According to experts in the field, we are now at the same relative position with regard to noise pollution as we were 10 years ago with regard to air and water pollution. We should have learned our lesson by now but obviously we haven't.

A review of the techno-sociological and health aspects of noise pollution is being prepared at Carnegie-Mellon University at Pittsburgh, Pa. I have been in touch with Prof. George Bugliarello concerning it in the initial stages.

The heading on the review follows, and I look forward to the final work:

NOISE POLLUTION—A REVIEW OF ITS TECHNO-SOCIOLOGICAL AND HEALTH ASPECTS

(Biotechnology program, Carnegie-Mellon University, February 1, 1968—Research performed under a contract with Resources for the Future, Inc.)

Project Director: George Bugliarello, Chairman, Biotechnology Program.

Project Engineer: Charles Wakstein, Visiting Assistant Professor of Biotechnology.

Project Staff: Carole A. Walker, Research Economist; Peter S. Bair, Research Engineer; Diana R. Braverman, Communication Media Specialist Howard Schwartz, Research Assistant; Hilary S. Green, Project Assistant.

Project Consultant: Morton I. Kamien, Associate Professor of Economics.

While a great deal has been said about air pollution in connection with the oil industry, from Holland comes a report on "*The Legal Aspects of Noise Control in the Oil Industry*," which follows.

Another report entitled "Environmental Noise Control in the Petroleum Industry" is from a lecture presented by Mr. R. J. Davies of the Institute of Sound and Vibration Research of the University of Southampton, England, at the CONCAWE Technical Meeting on Environmental Noise Control, held in The Hague, on March 20, 1968.

The paper describes the noise problem and its control in existing refineries. Noise control aspects in the design of new refineries are also briefly discussed.

The report is technical, it is illustrated with many charts, and is available for reference in my office.

THE LEGAL ASPECTS OF NOISE CONTROL IN THE OIL INDUSTRY

(A report prepared by the working group, "Noise Control," drafted by M. J. Bormans, Stichting CONCAWE, The Hague, June 1968)

INTRODUCTION

The rapidly increasing industrialization in many countries and the concommitant concentration of the population in relatively limited areas often results in problems of air, soil and water pollution, to which, in the last few decades, we also have to add the nuisance from noise.

The improving standards of living are making people less tolerant of loss of amenities and this factor, couples with the fear of possible hazards to public health, is resulting in an increase of pollution abatement legislation. In many West-European countries noise is now becoming a serious environmental problem and legislative proposals are introduced for its control.

Oil refining and the utilization of petroleum products may contribute to this environmental noise problem and therefore aspects of the legislation will affect the activities and economics of the oil industry.

A new CONCAWE Working Group* was formed in September 1966 to deal with noise as a possible public nuisance. One of its objectives is "to bring together information on legislation, standards and codes, both current and proposed". Based on the systematic collection by the working group members of the relevant information, the CONCAWE secretariat has now prepared this survey on the legal aspects of noise control in the oil industry.

In general, noise abatement legislation refers, as far as the industrial noise is concerned into two main groups:

1. the occupational health aspect (protection of the worker on his job).

2. the environmental health aspect (protection of the individual living in the neighbourhood).

In this report only the second aspect is dealt with, in accordance with the objectives of the working group. A survey on noise in the work-place with respect to legislation and financial compensation is given in the literature.[1]

THE NUISANCE OF NOISE

Noise is defined as an unwanted or undesired sound for the receiver, in other words *sound-emissions of a plant may produce annoying sound immissions within the neighbourhoods*. Moreover, noise may also be capable of causing injury to the human organism. Thus a single notion covers two quite distinct criteria, one based on subjective judgment and the other on organic injury that can be observed objectively; it is not necessary for both criteria to apply in a single case.

Dr. A. Bell in his report[2] for the WHO said:

"The community's complaints about noise are conditioned by many factors—whether it is a residential or an industrial area the community's wish to attract or discourage industry, the standards of house construction, the location of schools and hospitals, the times when noise occurs or recurs, the characteristics of the noise, topography, the effects of noise on property values, and whether noise is a reminder of the possibility of accidents" and Dr. Molitor in his report[3] for the Council of Europe concluded: "It becomes evident that the major problem is that of noise 'nuisance' and that the ill-effects of greatest general concern tend to place noise in the same public health category as dust, smoke and other impurities in the air."

PRINCIPLES AND FORMS OF LEGISLATION

Legislation for the abatement of environmental noise, if any, in many countries is mainly based on the principle of the "annoyance of the neighbourhood."

Present legislation against noise finds its way back in:

1. private law (civil code, common law in Anglo-Saxon countries)

2. public law (framework law, regulations, bye-laws, decrees, ordinances, orders, etc.)

Private law

The civil law in most European countries, or the common law in the United Kingdom and other common law countries, protects the right of the individual to enjoy the amenities of his property without interference from third parties. An excellent illustration of the complexity of these rights of ownership is given in the Civil Code (BGB) of the Federal German Republic[4,5,6] and this will be used to demonstrate the difficulties involved in applying this legislation, and subsequent developments to overcome these difficulties:

(1) *Paragraph 903 BGB* protects the right of a property owner to use his property as he chooses provided that the law or the rights of third parties are not contravened.

(2) *Paragraph 1004 BGB* provides protection against trespass (nuisance) but requires that some tolerance be exercised in this respect. This tolerance is necessary since, where people live in close proximity to each other, it is sometimes impossible for a property to be used without some outward manifestation of this activity; therefore,

(3) *Paragraph 906 BGB* states that an owner cannot object to the intrusion of industrial immission such as noise unless they have a substantial effect on his property. Furthermore, if the nuisance arises from a practice common in the neighbourhood, the victim is obliged to tolerate even a substantial nuisance provided that no economical or practical means of abating the nuisance is available; under certain circumstances he can obtain monetary compensation if the effects of the nuisance exceed the bearable limit.

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*Mr. R. J. Sherwood, Esso Europe Inc., chairman, Abingdon; Mr. L. Hendriks, BIPM, The Hague; Dr. B. W. Duck, BP Research Centre, Sunbury-on-Thames; Mr. R. Guillo, Elf Union, Feyzin; Mr. H. E. Runion, Gulf Oil Corporation, Pittsburgh; Mr. A. C. Pabst, Mobil Oil Corp., New York; Dr. F. Scheuer, UKW, Wesseling; and Dr. I. A. B. Crawford, Mobil Oil Co. Ltd., London.

Footnotes at end of article.

(4) *Paragraph 907 BGB* gives a property owner the right to demand that installations shall not exist or be operated on neighbouring sites if it can be predicted with certainty that this will exert an impermissible effect on his property. If the installation satisfies the legal prescriptions of the State, which may stipulate siting restrictions or other preventive measures, the positive evidence of an impermissible nuisance is necessary before the removal of the installation can be demanded.

(5) Finally, *Paragraph 904 BGB* states that a property owner cannot forbid the action of another person which may affect his property if this action is taken in an emergency to prevent damage of considerably greater magnitude to another property; he may, however, recover suitable compensation for the damage incurred.

(6) There are, of course, general laws in most countries forbidding practices which may be harmful to third parties. Thus, *Paragraph 823-BGB* states that whoever intentionally or negligently harms the life, body, health, freedom, property or any other right of another person shall be liable for compensation.

These paragraphs of the BGB contain neither definitions nor numerical values and the interpretation of such terms as "common usage", "economically bearable", "substantial" or "intolerable effect" is extremely difficult since it must be made on a general basis and may not take into account the peculiar circumstances of the parties involved.

For these reasons the outcome of many projected law cases is doubtful and since the process can be extremely expensive, this form of law is unattractive and impracticable as a means of abating noise. However, it must be stressed that successful noise abatement cases, sometimes resulting in an injunction and the payment of large sums in compensation, are possible under private and common law and it would be prudent for industrial management to observe the principles contained in these laws.[7]

Public law

In many European states the above forms of law are the sole means of controlling industrial noise but there is an increasing tendency for governments to promulgate public laws for the specific purpose of reducing noise from industrial, traffic, construction and demolition as well as from domestic sources. The advantage of this form of legislation, which we find back in for example the traffic law, etc. is that statutory standards can be set and failure to conform with these is an offence in itself and proof of a nuisance or damage is not necessary. The only defence in such a case is that the contravention resulted from circumstances beyond the control of the accused, e.g., due to an unpredictable fault in the installation which could not have been prevented by reasonable maintenance.

The form and scope of these statutory controls depends initially on the legislative competence laid down by the constitution or basic laws of the country in question. For example, in the Federal German Republic the Federal Government has the right to legislate on matters concerning industry and commerce but they have no competence in respect of pollution emanating from domestic sources; this is exclusively the responsibility of the individual Provinces (Laender) forming the Republic. Similar difficulties may exist in many federated states and also in countries where the responsibility for such matters is delegated by law or tradition to the municipal authorities.

The period of time necessary to draft, debate and re-draft new legislation so that it is compatible with both the existing law and the best interests of the public is unlikely to be less than two years and is often considerably longer. Therefore, experience has taught that the most convenient form of legislation is that of the "framework" (loi-cadre) or enabling law, which defines the purpose and scope of the particular law, specifies the competent authorities, the penalties for contraventions, etc., but does not contain specific details which may become invalid in the light of future knowledge. The enabling law must then be implemented by supporting regulations, the terms of which can be varied without recourse to the full legislative procedure. This form of legislation is finding increasing application and will be identified in the laws of several of the countries discussed individually below.

SITUATION IN WEST-EUROPEAN COUNTRIES

From the existing laws controlling environmental noise in Western Europe it will be found that these give no precise indication of the noise levels which are to be regarded as tolerable or intolerable. However, in some countries (United Kingdom, W. Germany, Switzerland) noise limits have been proposed by well qualified organizations and as the ISO has not yet issued any recommendation with respect to environmental noise, these recommendations will be discussed in detail in chapter V, because they have considerable influence in those countries.

Austria

1. *Private law:* The civil code (Allgemeines Bürgerliches Gesetzbuch (ABGB) of 1811) describes in § 364 the rights of ownership and the penal code (Strafgesetzbuch (StG) of 1852) states in § 152, 411, 335 and 336 that disturbance of the peace by noise is punishable.[8]

2. *Public law:* Of more importance is the industrial code (Gewerbeordnung of 1859) which is similar to the W.-German industrial code. § 25 requires that a licence be obtained for any installation which may be a hazard or a nuisance to the occupiers of neighbouring property or the public at large. Moreover, recommendations with regard to the nuisance of noise [9] [10] [11] have been issued by the OAL (Osterreichischer Arbeitsring für Lärmbekämpfung)

Belgium

1. *Private law:* Articles 1382–3 of the Belgium Civil Code (of 1804) allow actions before the civil courts for compensation in the event of damage arising from impermissible activities. Following the established legal practice, this reparation can only be required where the nuisance exceeds that level which must ordinarily be tolerated by persons living in the neighborhood.[12]

The Penal Code (of 1810) provides for punishment in cases of bodily harm, either intentional or due to negligence, and in cases of damage to property. However, in cases brought under both the Civil and Penal Codes, the offender must be positively identified and, where relevant, intent to harm must be proven, both of which are extremely difficult to achieve in cases of noise.

2. *Public law:* Decrees published in 1789 (Formation of Municipalities, 14th December) and 1790 (Organization of Judiciary, 16th-24th August) vest the Burgomaster of the municipality with power to safeguard public health.

The General Regulations for the Protection of Labour [13] of 1888 give some limited powers for the control of noise from industrial installations. According to Orders passed in 1946 and 1947, the erection of certain industrial installations which may be unhealthy, or which may endanger the general public, are subject to authorization by the competent authorities. The installations are divided into classes, depending on their nature, and permission to erect or operate them must be obtained either from the permanent deputation of the province or the College of Burgomaster and aldermen of the community. This license is usually granted for a period of 30 years. The technical Inspectorate and the Medical Inspectorate of the Ministry of Labour and Employment act as technical advisors to the Authorities in deciding whether the authorization should be granted or refused and in establishing any noise control measure to be included in the license.[14] [15]

3. *Proposed legislation:* The list of nuisances inherent in the operation of establishments classified as dangerous or unhealthy is limited, and these regulations do not cover the general concept of "noise pollution"; furthermore, the establishments subject to supervision by the Ministry of Labour or the Ministry of Public Health are far from comprising all those liable to cause noise nuisance. Therefore, the Supreme Council for Public Health, in meeting of 25th March, 1964, approved a draft framework law, conferring general powers on the King through various Ministers, to take all appropriate measures to prevent environmental noise nuisances. This draft has not as yet been discussed by the Belgian Chamber and Senate, the law must be supported by Royal Decrees introduced by the relevant Minister, depending on the source of noise to be controlled (industrial, traffic, domestic, navigation, aircraft).

Denmark

1. *Private law:* A civil code, similar to the Code Napoleon, does not exist in Denmark. The individual citizen can take action through the law courts, against a company, for creating excessive noise in his neighbourhood.[1] The legal process follows the practice of common law.[16]

On the other hand, there are established rules of good neighbourliness, which can be taken into account. The penal code of 1930 provides for punishment in cases of disturbance of the peace by noise.[17]

2. *Public law:* Environmental noise is also limited by the Police regulations of 1961 and the police may ask a company not to operate noisy machinery during the night.

The public health codes of local authorities give regulations for abatement of excessive noise and the local authority may restrict the operation of certain machinery or may request the application of noise abatement measures.

Construction work noise regulations are issued by the Ministry of Housing.[18]

3. *Proposed legislation:* There are no special laws proposed against the creation of excessive noise, but the problem is regarded more and more seriously by scientists, engineers, organizations and authorities.

Republic of Ireland

1. *Private law:* Protections against noise nuisance is offered by common law and such nuisance may be remedied by proceedings for an injunction.

2. *Public law:* Standards and codes of practice in relation to building are generally similar to those in operation in Great Britain.

The general legislation in relation to noise and vibration is contained in Section 51 of the Local Government (Planning and Development) Act, 1963.

No specific regulations relating to noise levels in industrial premises have so far been drawn up by the Minister of Labour in Ireland. The factory Inspectorate has, however, been carrying out investigations on noise levels generally and the effect, if any, on persons employed. The existing statutory provisions of the Factories Act, 1955, enables the Factory Inspectorate to ask occupants of factories to reduce excessive noise to internationally accepted standards. The Minister for Labour has powers under section 71 of the Factories Act 1955, to make special regulations if he is satisfied that any manufacture, machine, plant, equipment, appliance or process is of such a nature as to cause risk of bodily injury, which includes injury

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Footnotes at end of article.

to health of persons employed due to harmful exposure to noise.

Finland

1. Private law: There is no specific legislation against excessive noise. The jurisdiction is based on common law and the main-source of private law is the Swedish private law (Sveriges Rikeslag of 1734) (18). The law on neighbourly relationships enables the individual citizen to take action through the law courts against an industrial company, which creates excessive noise in his neighborhood.[1]

The penal code of 1889, which is simular to the German penal code of 1871, provides for punishment in cases of disturbance of peace by noise.[17]

2. Public law: Police regulations in towns forbid excessive noise during night (21–7 hr). A special permit has to be obtained for carrying out noisy work after 18 hr in housing areas.

3. Proposed legislation: There has been plenty of public discussion in Finland on tightening the restrictions. By order no. 393/1966 a council on air pollution and noise abatement has been established and the section on noise abatement is studying airport noise and town planning.[19] NR 45 has been proposed as limit for industrial noise levels at the nearest residential house. It is expected that new regulations will be issued soon.

France

1. Private law: Art. 1382 Code Civil states that a person is liable for compensation in the event of damage to a third party arising from his activities and Art. 1383 extends this to include damage caused by negligence or lack of foresight.[20]

Tolerance must, however, be exercised in respect of damage (or nuisance) which does not exceed conditions common in the neighbourhood. The criminal law also provides for action in the event of physical damage or damage to property but the interpretation placed on these laws makes them inapplicable in cases of nuisances of noise since it would be necessary to demonstrate tangible damage e.g. wounding in the case of a physical assault.

However, if an industrial plant has existed in a certain area before the people who complain of the nuisance, this is not considered to absolve the company of its responsibility.

2. *Public law:* The most important laws for the prevention of noise originating from industrial premises are contained in the law of 19th December, 1917,[21] which divided industrial and commercial establishments into three classes:

(i) Those which must be sited away from habitations because of a possible nuisance or danger to health.

(ii) Those which need not be kept separate from dwelling areas provided that adequate measures are taken to prevent damage or inconvenience.

(iii) Those which present no serious inconveniences either to neighbours or to public health and are subject to the general conditions issued in the interest of public health in respect of all similar establishments.

The first and second classes may only be opened with the authorization of the Prefect and may not be constructed in zones other than those reserved for industrial exploitation. Alterations to existing establishments in these classes should not aggravate their effects on the neighbourhood. In the event of such an establishment causing a nuisance or damage, the operator is required to take measures to rectify the situation at his own discretion. If, however, these measures prove inadequate the authorities may enforce such measures as they deem necessary.

Establishments in the third class are subject only to prior notification to the Prefect.

The decree no. 63–405 of 10th April, 1963 has modified the legislation on occupational deafness [22] and the decree of 4th September, 1967 gives rules for the layout and construction of refineries.[23]

3. *Future legislation:* The Central Commission for the abatement of noise of the Ministry of Interior and the Study Commission for noise of the Ministry of Public Health are studying the effects of noise and appropriate legislation will be proposed.

Federal German Republic

1. *Private law:* The sections of the Civil Code (BGB) protecting the rights of ownership have been discussed in the previous section on "Principles and forms of legislation".

The federal penal code (StGB) states that excessive disturbance of the peace by noise (art. 360) and affecting the health of others (art. 223) is punishable.

2. *Public law:* The Constitution of the Federal German Republic lays down that the regulation of industry and commerce falls into the category of "concurrent legislation," [24] that is, if the Federal Government does not exercise its primary right to legislate on these matters, then the governments of the individual Provinces may issue their own regulations. Subsequent Federal regulations, which must be approved by the individual Provinces through the Bundesrat, invalidate those of the individual Provinces.

On this basis some Provinces (Länder) have issued own regulations of which the "Law for the Suppression of Air Pollution, Noise and Vibration", passed in North Rhine-Westphalia in 1962 gives a good example. For detail information on "Länder" legislation we refer to the literature.[4][5][6]

However, this will be changed when the Federal Government has issued the proposed Technical Guideline (TALärm=Technische Anleitung Lärm (25) in support of the Industrial Code (GewO) which contains the basic frame-work law.

a. *Industrial Code (GewO):* The articles § 16, 25, 147 and 155 of the Industrial Code (26) have been modified in 1959 and art. 16 and 25 are summarized below. Elucidations on the Industrial Code are given in the literature.[27][28][29][30]

(i) *Paragraph 16 GewO* requires that a licence be obtained for any installation which may be a hazard or a nuisance to the occupiers of neighbouring property or the public at large (31). To qualify for a license the installation must be equipped in accordance with the current state of technology with respect to the limitation and dispersal of emissions and the resulting emissions must not exceed any relevant limits specified in subsequent regulations.

The Federal Government may also issue Technical Instructions (Technische Anleitungen) concerning the procedure and principles to be adhered to by the licensing authorities when considering an application under Paragraph 16 GewO.

(ii) *Paragraph 25 GewO* concerns the duration of the licence issued under Paragraph 16 GewO and the conditions for subsequent re-examination. In general, the licence remains valid unless some significant alteration is made to the plant. However, the authorities can require that the owner measures the nature and quantity of the noise issuing from the installation both when it is initially commissioned and at five yearly intervals thereafter. These measurements may be demanded at shorter intervals if the authorities have reason to fear that the owners or occupiers of neighbouring properties are being subjected to a significant hazard or nuisance. Where deemed necessary, the installation of permanent measuring equipment can be demanded at the expense of the operator. If there is noise annoyance, this § 25 may be invoked calling for noise abatement measures, as far as is economically possible.

b. *Income tax regulations (Einkommensteuergesetz)*: Paragraph 51, Pt. 1 No. 2 of the Income tax regulations EStG (BGB1I 1964. p. 889) provides for special tax deductions and depreciation allowances for equipment for noise abatement. To qualify for this allowance, the installation must be undertaken before 31st December 1970 and must be necessary to the "public interest". The concession may also be allowed when plant has to be moved or modified for the same reason. The conditions which must be satisfied before this allowance can be claimed are given in § 82 of the "Einkommensteuer-Durchführungsverordnung (EStDV) and the definitions of various expressions used in the above laws, together with notes on the application of these laws are given in the literature.[32–34]

3. Proposed legislation: As already mentioned under item 2 above the Federal Government published in 1967 a draft Technical Guideline for Noise Abatement (TALärm) in support of the GewO. These contain some of the most detailed measures for the control of noise currently proposed and, since there is some evidence that similar measures or standards may be used by legislators in other countries, they will be considered in some detail in an addendum to this report at a later date, because the draft is still subject to alterations.

Great Britain

The law relating to noise is already covered very thoroughly by various specialists.[35–40] Some law applies generally and some to particular noises. In this report only a short outline of the general law will be made and for detailed information reference is made to the literature. There is no specific legal limit to community noise. The permissible noise level in any locality is determined by public tolerance, communal and individual, and by the opinions of the local authority or the courts as to what noise is appropriate to the locality. Noise may constitute an offence against a statute (statutory nuisance or constitute a nuisance (private and/or public) at common law.

1. Common law: There is no codified civil law in Great Britain which can be compared with the modified civil codes inherited by most Western European countries from Napoleonic times.

Private actions against nuisance, etc. must be tried under the common law which has evolved over the years on the basis of juridical rulings in previous similar cases.

Since the situations in two cases are unlikely to be identical, the forecast of the outcome of a case is difficult, and the risk that the plaintiff may incur heavy financial costs if his action fails, makes this approach unattractive.

Common law nuisances are either public nuisances or private nuisances.

a. it is a public nuisance if, within its sphere, which is the neighbourhood, it materially affects the reasonable comfort and convenience of life of a class of the Queen's subjects. Whether the number of persons affected is sufficient to constitute a "class" is one of fact. It has also been said that a Public Nuisance is a nuisance which is so widespread in its range, or so indiscriminate in its effect, that it would not be reasonable to expect one person to take proceedings, at his own expense, to put a stop to it, but that they should be taken at the expense of the community at large.

b. it is a private one, when it causes material discomfort and inconvenience to an individual.

The distinction between a public and a private nuisance is important since the Attorney General must be made a party to any action, by a Local Authority, for a public

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Footnotes at end of article.

nuisance. In seeking an Injunction, at a County Court, against an alleged noise nuisance, the individual must claim for damages.

The main principles established in dealing with Common Law nuisances in the Chancery Division of the High Court, are

(i) Unlike defences against a Statutory nuisance, it is no defense for the defendant to show that he has taken all reasonable steps and care to prevent noise, although it would appear that the steps taken by the defendant to abate the nuisance may be considered relevant when the Court exercises its discretion whether to grant an injunction.

(ii) The noise need not be injurious to health. The question can be one of interfering with ordinary comfort. The principle has been laid down that every person is entitled as against his neighbor, to the comfortable and healthful enjoyment of the property occupied by him.

(iii) The Court does not seek to apply a fixed standard of comfort. The question is not only whether he himself suffers what he regards as inconvenience, but also whether a reasonably-minded resident in the locality, accustomed to local noises, would take the same view.

(iv) If, after taking into consideration background noise, a serious (not slight) additional interference to the plaintiff's comfort is found, then the Court has a discretion to interfere. It has been ruled that "It does not follow that, because I live in say, the manufacturing part of Sheffield, I cannot complain if a steam hammer is introduced next door, and so worked as to render sleep at night impossible, although previous to its introduction my house was a reasonable, comfortable abode, having regard to the local standard.

"It would be no answer to say that the steam hammer is of the most modern approved pattern and is reasonably worked".

(v) This generalization is important because interference with sleep is specially mentioned.

(vi) It is no defence in private nuisance cases for the defendant to show that the plaintiff came to the nuisance: nor that the nuisance complained of is beneficial to the public.

(vii) The Court will not interfere with building operations conducted in a reasonable manner, but noisy operations have been restricted to daylight hours.

Two main points arise from these principles: there appears to be no provision for prevention; transient noise cannot be effectively controlled.

Section 276 of the Local Government Act of 1933 provides that a local authority may, if they deem it necessary and expedient for the promotion or protection of the inhabitants of their area, prosecute or defend any legal proceedings. Proceedings could, it appears, be taken under this section in respect of a common law nuisance as distinct from a Statutory Nuisance.

However, a local Authority has to move that noise is injurious or dangerous to health and, while it is now generally accepted that noise can be injurious to health, it is difficult to prove that a particular noise is injurious or dangerous to health. Medical opinion (for the plaintiff and the defendant) are likely to be at variance.

That the words injurious or dangerous to health are omitted from the provisions of the Noise Abatement Act, 1960 is a considerable legislative advance, and it is interesting to note that the word "good" is omitted from "best practical means" as a *good* defense, the Noise Abatement Act 1960 which says that "it shall be a defense".

2. *Private law:*

a. *Public Health Act 1936:* Nuisance is not defined in the Public Health Act 1936. The Noise Abatement Act 1960[41] brought noise within the scope of the Public Health Act and this subject to the procedures (for statutory action) set out by section 93 of this act. They are as follows:[36][37][38]

(i) If a Public Health Inspector is satisfied of the existence of a noise or vibration nuisance, and is unable to abate it informally, he must report to the Health Committee. Most Health Committees have authority (delegated powers) to serve statutory notices. Where a Local Authority are satisfied of the existence of a Statutory nuisance they shall serve a notice on the person by whose act, default or sufference the nuisance arises or continues, requiring him to abate the nuisance.

(ii) Where any works are asked for in the notice they must be specified.

(iii) In the event of the statutory notice not being complied with, the Local Authority have recourse to the Magistrates Court to obtain a Nuisance Order. In Magistrates Court proceedings, Sections 45 and 78 of the Magistrates Courts Acts 1952 apply.

Moreover, also any three persons may apply to the magistrates and institute proceedings in the same way as under a, b, and c.

(iv) The Court shall make such a Nuisance as it thinks fit. As to the "best practical means" the burden of proof that the best practical means have been taken rests with the defendant, but if the Local Authority are to be in a position to dispute such a defense, it would be necessary for them to submit evidence to the contrary.

If the defendant satisfies the Court that the best practical means have been taken, it would appear that the Court would have no option but to refuse to make a Nuisance order.

The definition of the expression "best practicable means" is extremely important and includes not only the provision of the most up to date equipment but also requires that the equipment be adequately maintained and supervised by the owner, or his representative. Furthermore, the obligation to adopt the best practicable means is continuous and may entail alterations to the plant and process when improved techniques become available. It must be stressed that, before requiring any such alterations, the Inspector will consider the effect of these on the economics of the process so that a balance is maintained between the overall cost of the improvements and the damage or nuisance likely to occur if the emission is not reduced. (Section 110 of Public Health Act)

The owner must provide all necessary facilities for entry, inspection and testing and he must disclose, in confidence, such process details as may be required by the inspector.

(v) If the Nuisance Order is not complied with, then the Local Authority may do the work in default and recover the costs and/or may return to the Magistrates Court and ask for a fine, and a daily penalty.

(vi) There is a right of appeal to Quarter Sessions.

b. *Noise Abatement Act 1960:* The Noise Abatement Act came into operation on the 27th November 1960. Administration of the Act rests upon each local authority in England, Scotland and Wales. Following sections relate to industrial noise.

(i) *Section 1(1):* Subject to the provisions of this section, noise or vibration which is a nuisance shall be a statutory nuisance for the purposes of Part III of the Public Health Act 1936, and the provisions of that Act shall have effect accordingly as if subsections (1) to (4) of this section were provisions of the said Part III.

(ii) *Section 1(4):* Statutory undertakings are exempt.

The 1960 Act does not define the words "noise or vibration." It seems certain from cases already decided under this Act that these words apply to noises made by mechanical processes. However, no direct guidance has, as yet, been given as to whether the term embraces other sorts of noise, e.g. shouting or animal noises.

c. *Road Traffic Act 1930:* Traffic noises are dealt with by the Police under Regulation 20 of the Motor Vehicles (Construction and Use) Regulations 1951, made under the Road Traffic Act 1930.

After October 1969, new road vehicles, on full throttle, shall not exceed—

	dB(A)
Motorcycle less than 50 cc	77
50–125 cc	82
Over 125 cc	86
Cars and light goods	84
Heavy lorries, coaches, buses	89

Existing vehicles will be allowed an additional 3 dBA. The meter will be held at a height of 1.2 metres, and 7.5 metres from the centre of the vehicle.

d. *Bye-laws:* There are a number of statutes which authorize the making of bye-laws. Section 249 of the Local Government Act 1933 allows county councils and borough councils to make bye-laws for the suppression of nuisance. All aspects of noise can be included; there are, however, two restrictive factors:

(i) bye-laws have to be confirmed either by the Home Secretary or some other Minister, and

(ii) the courts have a right to consider the reasonableness of the bye-law.

3. *Proposed changes in the law:* The Wilson report[38] called for more care to be taken in the siting of new factories and in the design of new machines. As a result of this report the Ministry of Housing and Local Government sent a circular to the local Authorities in April 1967.

This circular calls the attention of the Local Authorities to the BS 4142:1967: "Methods of rating Industrial Noise affecting residential and industrial areas,"[42] and asks them to make a determined attack on the problems of industrial noise.

Italy

1. *Civil law:* The civil code in Italy is similar to the codes of France, Belgium, The Netherlands, Germany.

a. *Art. 833* of the Civil Code of 1943 (Codice Civile) forbids property owners from indulging in any practice with the sole purpose of annoying third parties. This is hardly of significance in the question of industrial pollution but it illustrates a basic principle of the civil law concerning the motive behind any activity and, in such a case, the offender's neighbours would not need to exercise any toleration if it could be shown that there was no useful or valid purpose connected with the nuisance.

b. *Art. 844* of the Civil Code requires neighbours to exercise toleration where the emission of noise, etc. does not exceed those levels normally experienced in the locality.

c. *Art 659* of the Penal Code of 1930 (Codice Peanle) imposes fines on anyone practising a noisy profession or trade, in violation of the law or the regulations laid down by the authorities[43] and art. 582 gives the prescription with respect to bodily damage.

As in other countries, these laws would be difficult to implement.

2. *Private Law:*

a. *Public security Regulations of 1931* (Testo Unico di Pubblica Sicurrezza).[44]

Art. 66 states that the practice of noisy professions or trades must cease at the hours laid down by municipal bye-laws or by the major.

b. *Public Health laws:*

This law[45] requires (*Art. 344*) that local health and hygiene ordinances should be issued to protect the health of the public.

Art. 345 empowers the competent Burgomaster to issue such ordinances with the approval of the provincial authorities and the national Ministry of Health (Art 101 of the Milan Police Regulations refers). He is also

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Footnotes at end of article.

responsible, under *Art. 217*, for taking any necessary steps to prevent damage to the health of the population due to industrial emissions. Furthermore, a license to operate any installation in the two categories given in *Art. 216* must be obtained from the Burgomaster before construction.

Luxembourg

1. *Civil law:* The civil code of 1804 is similar to the Belgian code and we refer to Belgium for the regulations (art. 1382, 1383) laid down in the code.[46]

2. *Private law:*

a. *Traffic law:* Traffic noise is regulated by art. 25, art. 131 and art. 174 of the Decree of 23rd November, 1955.

b. *Industrial code:* As in Belgium the installation or operation of a new plant, workshop or industry must be authorized by the Authorities as laid down in the Decrees of 17th June, 1872 and 7th July, 1882. This license-system applies also to modification of existing installations of which a list is given in the appendix to the Decree.

The Netherlands

1. *Civil law:* The civil code of 1838 (Burgerlijk Wetboek) contains the usual basic protection for the rights of property owners but no specific mention is made of noise (reference is made to France, Belgium). Under art. 1401 a private citizen is able to bring a law suit against anyone who causes noise, if the noise shows lack of consideration for the person or property of others.[47-49]

The criminal code of 1881 and 1886 states in art. 431 that excessive disturbance of the peace by noise is punishable.

2. *Public law:* The Nuisance law of 1875 (Hinderwet) [50] [51] requires that certain specified industrial installations, which can cause external hazards or nuisance, must be approved by the authorities. The municipal authorities, through the Burgomaster, are normally responsible for formulating the conditions required by each license. These conditions may forbid certain practices, stipulate design features such as minimum noise emission-levels, noise abatement measures, etc.

Although the responsibility for licensing and inspecting installments covered by this law rests with the municipal authorities they can seek advice from other authorities and organizations: Factory Inspectorate, Environmental Health Inspection. There is no specific legislation against noise.

Norway

1. *Civil law:* There exists no written civil code. The Old Neighborhood laws (Nabeloven 27.5.1887) provided for the protection of the general public against nuisance but they are inadequate for the current situation.

The penal code of 1902 provides in § 350, § 365, § 390a and § 228 that disturbance of peace by noise, contravention of the public health and safety regulations and bodily damage are punishable.[52]

2. *Public Law:*

a. *The Public Health Act of 1860* (Sunnhetsloven) This act contains a general requirement that the City Boards of Health prevent activity which causes an undue hazard to public health.

b. *New Neighbourhood Act of 1961* (Lov omm rettshöve mellom grannar)

This act provides that royal permission must be obtained before the erection, or alternation of industrial installations that are likely to emit nuisances. § 2 of this act is similar to § 906 of the German BGB and the § 19 and 20 conform to the § 16, etc. of the German GewO.[53]

c. *Work safety law of 1956* (Lov om arbeidervern): § 5. Item 2. Point 2 of this law provides that noise and vibration have to be avoided as much as possible. The factory Inspectorate (Statens Arbeidstilsyn) issued with circular letter no. 108 of April 1959 directives for the industry with respect to noise abatement.

d. *Traffic law of 1926* (Lov om motorvogner): By alterations (circular letter no. 61/59 of 9.7.59) to this law noise limits have been set for cars.

Spain

Limited information was available to the secretariat. From the literature we may deduce that the private citizen can sue, in the law courts, firms who produce a harmful amount of noise.

Recent anti-noise legislation are of three types:

1. Legislation to regulate harmful, unhealthy, noxious and dangerous activities, and it includes a schedule of activities which are considered to create a nuisance of noise.

2. Municipal by-laws for suppressing noise during hours of rest. The local governments have the power to lay down rules about the siting of noisy factories.

Sweden

1. *Private law:* Although the civil law in Sweden is not codified, as in most Western European countries, it uses the same basis principles of law to protect the rights of the individual against interference.[54] Therefore, in practice, noise which exceeds that normal in the neighbourhood is impermissible and a civil law case for abatement can be raised. The success of such an action will depend, of course, on the successful identification of the offender and adequate proof that damage or nuisance has been caused; therefore such an action is subject to the uncertainties and expenses that accompany such civil law cases in other lands.

The Penal Code of 1864 (version 1948) states that excessive disturbance of some actions (chap. 11 § 4 and 11) are punishable.

2. *Public law:*

a. *Health law of 1958 (Halsovårdsstadgan):* The general public health law[54] contains paragraphs which, although not specific to the abatement of noise can be used to control this problem in certain types of installation.

(i) *Chapter 12 § 63* of this law states that certain establishments or storage sites may not be constructed, used or altered without permission from the local health authority (Hälsovårdsnämnden) and that their design and operation must not cause a sanitary nuisance (§ 62)

(ii) *Paragraph 64* requires that a written application be made for permission subject to Paragraph 63 and that this application be supported by proposals concerning the measures intended to prevent any sanitary nuisance, which is defined as follows: all external factors of any importance, which are not purely temporary in nature, and which can have a deleterious physical or mental effect on the health of a normal person.

Complaints concerning any such sanitary nuisance must be made to the local public health authorities who must then decide whether the complaint is justified or not. However, since no clear definition of a "sanitary nuisance" is given in the law it may be difficult for them to intervene in many cases. Appeals against any decisions in such matters may be made to higher authorities up to the Supreme Administrative Court.

If the local authority finds that a danger to public health exists, they can require the plant, under liability of a fine, to remove the causes of the noise.

b. *Building and Construction law of 1947 (Byggnadstadgan):* The National Board for Building and Town Planning recommended in 1960 limits for living rooms in noisy districts (max. 45 dB(A) in towns and max 35 dB(A) in rural communities).

c. *Workers Protection Art 1949:* The following general regulation prescribes that to be allowed for use, machinery, tools or other technical equipment shall be provided with the protective arrangements required and also otherwise offer adequate safety against ill health and accidents.

3. *Proposed legislation:* In October, 1963, the King appointed a group of experts to inquire into matters around and legislation on neighbourhood disturbing nuisance which has been summarized under a Swedish concept "immissioner".

In December, 1966, the experts presented two proposals for new legislations (frame work laws): Legislation on air pollution, noise, and other private nuisance (in Swedish called "immissionslag" "law of immission"), and Legislation on supervision in protection against water pollution, air pollution, noise, etc. (environment inspection law). Besides, the experts have presented proposals for some alterations of the current water and nature conservancy laws. These laws will be effective from 1st July, 1968.

The word "immission" has been derived from the Roman law and has through German law entered the professional language of Swedish jurists. It is a collective name of certain kinds of disturbing effects between houses, i.e. spreading of finely dispersed solid, liquid or gaseous substances such as smoke, carbon, ash, sparks, dust, sand, splash of water, gases, vapour, effects of a physical nature, e.g. heat, cold, light, noise, vibration, electric current, stench, etc.

British law does not use the word "immission". The most adequate concept is said to be "nuisance" and then particularly "private nuisance", which however seems to be a slightly wider concept than what is referred to here with "Immission".

The legislation now submitted contains only general rules on obligation for a planned emitting industry to apply for a concession for their plant or to let it be subject to other obligatory pre-investigation and rules on official inspection.

The inspection authority shall be the National Nature Conservance Board and the county administrations. "Immission" shall be prevented as far as practically possible. Technical norms and limit values should not be validated by law but be established by the Nature Conservancy Board.

Switzerland

Articles 69, 31b and 37b of the Swiss Federal Constitution of 1874 are limited in scope and the Federal Government has no general competence in the field of noise legislation. In general, it may be observed that the division of competence between the Federal Authorities, the Cantonal Authorities and the Communes in Switzerland is complicated.

1. *Private law:*

a. The Civil Code of 1907 (Eidgenössischen Zivilgesetzbuch—ZGB) (55), (56) contains the customary articles for the protection of rights of ownership as follows:

Art. 679ZGB—if there is any encroachment on the rights of a property owner, or these rights are damaged or threatened with damage, he may sue for the removal of the wrong, for protection against the threatened damage and for compensation.

In addition *Art. 684ZGB* states that—it is the duty of every person, when exercising his rights of ownership, namely to operate a business on his land, to restrict any excessive encroachment into his neighbours rights. Particularly forbidden are all influences due to smoke, soot, annoying dust, noise or vibration which are damaging or which, according to local usage and the position of the property, are unjustifiable.

The authorities can only intervene on the basis of these articles if the victim prefers a complaint and experience shows that this is rare, even in very severe cases, unless the victim is affected economically.

b. The Penal Code of 1937 (Strafgesetzbuch—StGB) also contains a basis which can be used for noise abatement.

Art. 125 StGB—whoever negligently endangers the body or health of humans shall,

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Footnotes at end of article.

upon complaint, be punished with imprisonment or with a fine.

If the damage is serious, the authorities will proceed against the offender.

Art. 225 StGB—whoever intentionally, but without criminal intent, or through negligence endangers the life and limb of a person, or their rights of ownership with explosives or poisonous gases shall be punished by imprisonment not exceeding 5 years. In minor cases a fine may be imposed.

These regulations require evidence of damage to health, or a threat to life or limb and this is not often demonstrable medically. Therefore, the scope of these laws is restricted to severe individual cases and is inadequate for circumstances in the nature of a general nuisance such as noise.

2. *Public law:* At the request of the Federal Council, a commission of experts has presented in 1962 a report[57] on the noise problem in Switzerland. This excellent report, drawn up by 5 subcommissions, of which one was legislation, gave also a draft for an ordinance on noise abatement. (Musterverordnung zum Schutz gegen den Lärm) and noise limits.

a. *Federal Labour Law of 1964* (Arbeitsgesetz=ArG): This law (58), (59), (60) came into effect in 1966 and should lead to a more complete and unified control of industrial nuisances in Switzerland with respect to workers and the neighbourhood of a plant.

Art. 6.1 of this law deals with the protection of health and the prevention of accidents: the employer is obliged to take all measures which are suited to the particular operation, conform to the current state of technology and which experience has shown to be necessary to protect the workers and populace from a hazard or nuisance.

Proposals to erect or modify industrial installations must be submitted for approval to the Cantonal Authorities who will obtain the professional opinion of Federal Works Inspectorate (Eidgenössischen Arbeitsinspektorats). If the planned installation conforms to the Federal and Cantonal prescriptions, then the Cantonal Authorities will approve the plans with the possible provision of additional special protective measures if necessary.

The Federal Authorities exercise ultimate control in the application of this law through the medium of the Cantonal Authorities.

(i) The first Ordinance, in support of this new law, contains general details for its implementation. (14th January, 1966).

Art. 23 of this Ordinance contains details of the application procedure for a license. Plans giving full details of buildings and installations must be submitted with particular attention being given to steam boilers, pressure vessels, oil storage installations, furnaces, and for materials representing any special health hazard.

Alterations to an existing installation may require a new licensing application if they can lead to an increased hazard for the worker, or to an increased nuisance in the neighbourhood. If the operation of an installation, subsequent to the issue of a licence, can be shown to cause any hazard or nuisance, the authorities may require the operator to implement additional preventive measures to correct the situation within a specified period of time.

Failure to conform with this requirement may lead to the official closure of the installation under the provisions of the Articles 51 and 52 of the Law.

(ii) The second ordinance (Jan. 1966) issued to support this law, gives special prescription for certain groups of installations or workers.

(iii) A third ordinance (1967) contains technical prescriptions for the erection and operation of factories and similar installations.

b. *Regional laws*: In addition to the Federal laws, there are a number of Cantonal regulations and ordinances which permit measures to be taken for the noise abatement within the Cantonal jurisdiction.

NOISE LIMITS FOR DIFFERENT ZONES, RECOMMENDED BY VARIOUS ORGANIZATIONS

Recommendations of the Association of German Engineers

The Association of German Engineers (Verein Deutscher Ingenieure VDI) issued in 1960 its Recommendation 2058 (61), which is now being revised and which recommends with respect to the effect of noise from industry on the neighborhood, the following maximum noise levels: (measured outside in front of the nearest house, at 0.5 m distance of the open window).

Zone	Maximum levels in DIN—phones	
	Day	Night
(a) Industrial	65	50
(b) Mainly residential	60	45
(c) Residential only	50	35

An elucidation is also given on the measurement and effects of the noise, and on the noise abatement measures to be taken. Other standards or recommendations published in Germany may be of interest.[62-65]

Proposals of the British Standards Institution

In the BS 4142, issued in 1967[43] the following noise limits were put forward (measured outside at 3.6 m away from any walls, buildings or other refecting structures):

Type of district	Maximum levels in dB(A)	
	Weekday	Night
(a) Rural (residential)	50	40
(b) Suburban (little road traffic)	55	45
(c) Urban (residential)	60	50
(d) Predominantly residential urban (but with some light industry or main roads)	65	55
(e) General industrial area intermediate between (d) and (f)	70	60
(f) Predominantly industrial area with few dwellings	75	65

Method of measurement, basic and corrected criteria, method of rating the noise are given in the standard and elucidated in a CONCAVE working group report.[66]

Recommendation of the Swiss Commission of Experts[67]

This report recommends the following noise limits (measured with microphone in the open window):

Zones		Basic noise dB(A)		Peaks (a) dB(A)		Peaks (b) dB(A)	
No.	Type	Night	Day	Night	Day	Night	Day
	Rural area	35	45	45	50	55	55
II	Quiet residential area	45	55	55	65	65	70
III	Mixed residential and commercial	45	60	55	70	65	75
IV	Commercial area	50	60	60	70	65	75
V	Industrial area	55	65	60	75	70	80
VI	Main roads	60	70	70	80	80	90

Note: a=more than 6 peaks per hour (7-60); b=less than 6 peaks per hour.

Draft-proposal TALärm (West Germany)

The proposed maximum immission noise values are the same as those given in the VDI 2058 (d.d. 1960), which are:

For exclusive industrial areas: day 70 dB(A); night 70 dB(A).

For meanly commercial areas: day 65 dB(A); night 50 dB(A).

For mixed resid./comm. areas: day 60 dB(.̇); night 45 dB(A).

For meanly residential areas: day 55 dB(A); night 50 dB(A).

For exclusive resid. areas: day 50 dB(A); night 35 dB(A).

The measurements shall be made 0.5 m before the open window which is most exposed to the noise.

Recommendations of the OAL (Österreichischer Arbeitsring für Lärmbekämpfung)[67]

The OAL recommends the following limits for rooms for recreation and rest: (measured outside at 3.5 m of the house-wall and at 1.25 m height)

Zone	Maximum noise level in dB(A)	
	Day	Night
(a) Industrial	55	45
(b) Traffic area (town)	50	40
(c) Rural area (living area, community)	40	30

Recommendations of the ISO (International Standards Organization)

The ISO made several important proposals dealing with noise ratings for annoyance. A list of ISO Recommendations and IEC publications is given in appendix I.

Most of the ISO documents on noise ratings for annoyance[68, 69] are in draft form only and does not constitute an officially recognized standard of the ISO. During the last regular ISO meeting (Copenhagen May 1968) it has been decided to rewrite the proposals with respect to annoyance.

CONCLUSIONS

This review of some of the more important legislation concerning environmental noise abatement is by no means complete and furthermore, the situation is in a state of flux in many countries. Therefore, it will always be advisable to seek the knowledge of a lawyer well versed in the industrial law of the country in question when attempting to ascertain the actual situation and the current application of the law.

The inclusion of criminal, or penal law under the heading "Private law" in this article not strictly correct but, since both the civil and penal laws only deal with the abatement of pollution in principle, it was considered desirable to separate them from the so-called "Public law" which often contains specific details concerning the measures to be taken by industry.

It must be stressed that, although the common/civil law method of abating pollution is difficult, it is by no means impossible for a successful action to be brought by this method and industry would be prudent to observe the principles of these laws, i.e. to be a "good neighbour".

In many countries, pollution abatement legislation is still in the formative stage and there are also increasing demands for international standards for noise control.[3] The report prepared by Dr. Molitor will be discussed in June 1968 in the Council of Europe and the outcome of it will be a noise charter, with recommendations to the member countries as was the case for water and air pollution.

There is often agitation for a country to adopt forms of legislation and controls previously formulated in other jurisdictions. However, it would be wrong to ignore the experience gained in other situations, but it must be translated into terms which are applicable to the particular situation under

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Footnotes at end of article.

consideration if it is to be of any constructive use.

It should be remembered that the legislators are influenced by public opinion, often represented by groups having a particular interest in the subject, and that the resulting legislation will depend on the strength of public opinion and the information made available by "experts" in the subjects concerned. Therefore, it is desirable that the industry should ascertain the facts concerning the need for noise abatement, the best methods of achieving the desired abatement and finally, the cost of these measures to the entire community. These facts should then be made available to both the legislators and the public on the broadest possible basis.

ATTACHMENT

List of ISO recommendations

R31/Part VII: Quantities and units of acoustics (1965).

R131: Expression of the physical and subject if magnitudes of Sound or Noise.

R140: Airborne and impact sound transmission measurements in the laboratory and in the field (1960).

R226: Normal equal-loudness contours for pure tones and normal threshold of hearing under free-field listening conditions (1961).

R226: Preferred frequencies for acoustical measurements (1962).

R357: Expression of the power and intensity levels of sound or noise (1963).

R362: Measurement of noise emitted by motor vehicles (1964).

R454: Relations between sound pressure levels of narrow bands of noise in a diffuse field and in a frontally incident free field for equal loudness (1965).

R495: General requirements for the preparation of test codes for measuring the noise emitted by machines (1966).

R532: Method of calculating loudness level (1966).

List of IEC publications

No. 50/08 Electro-acoustics: Glossary of acoustical terms.

No. 123: Recommendations for sound level meters.

No. 177: Pure tone audiometers for general diagnostic purposes (1965).

No. 178: Pure tone screening audiometers (1965).

No. 179: Precision sound level meters (1965).

No. 184: Methods for specifying the characteristics of electromechanical transducers for shock and vibration measurements (1965).

No. 196: IEC standard frequencies (1965).

No. 222: Methods for specifying the characteristics of auxiliary equipment for shock and vibration measurement (1966).

List of ISO draft—Recommendations or draft Secretariat proposals

TC108–: thresholds of mechanical vibration and shock acceptable to man.

TC43–8: Doc. 43 (Secr. 275) 405 Draft: Proposal for "Permissible (Low Risk) Noise Exposure for Hearing Conservation".

TC 43–9: Doc. 43 (Secr. 245) 371 Draft: Proposal for "Measurement of noise emitted by rotating electrical machinery".

TC43–14: Doc. 43 (Secr. 241) 367 Draft: Proposal for: "Standard Reference Quantities for Acoustical levels".

List of IEC draft—Recommendations or draft Secretariat proposals

TC 29–8: Doc. 29 (Central office) 72: Proposal for "Specification for octave, half-octave and third-octave filters, intended for the analysis of sounds and vibrations".

My good friend, H. R. Weston, scientific officer, Division of Occupational Health, of the Department of Public Health, in Sydney, Australia, continues to supply us with his articles on noise:

DEPARTMENT OF PUBLIC HEALTH,
DIVISION OF OCCUPATIONAL
HEALTH,
Sydney, Australia, September 11, 1968.

Hon. THEODORE R. KUPFERMAN,
Congress of the United States,
Washington, D.C.

DEAR MR. KUPFERMAN: Thank you very much for the extract from the Congressional Record June 10, 1968 Summing up on Noise which is very interesting and useful to me.

I was pleased to hear from you and to know that you are keeping up the good work on noise.

For your information I am enclosing a copy of "Auditory Hazards in Primary Industries", a paper which I gave at a Symposium on "Noise in Industry" held at Adelaide University in February this year.

Kindest regards.

Yours sincerely,

H. R. WESTON,
Scientific Officer.

P.S.—I am also enclosing a copy just to hand of a paper, "Some Practical Aspects of Hearing Conservation," which I gave at an Acoustics Symposium which was held in Sydney this week by the Australian Acoustical Society (New South Wales Division).

SOME PRACTICAL ASPECTS OF HEARING CONSERVATION

(By H. R. Weston, A.S.A.S.M., Scientific Officer, Division of Occupational Health, N.S.W. Department of Public Health)

NOTE.—This paper is based on industrial experiences. Prevention in the buying stage is stated as the most important factor in reducing occupational deafness. A noise specification is suggested. Reference is made to noise reduction by enclosure, with some reasons for failures, and practical difficulties which are often overlooked by well meaning enthusiasts. It is pointed out that enclosures can be used more extensively in industry with a combination of technical advice and operation know how.

Finally the author discusses ear protection as a last resort but, nevertheless, an essential part of hearing conservation. Some reasons, for objections and suggestions for motivation are given.

PREVENTION BY DESIGN AND PURCHASE

Prevention in the design purchasing and planning stage is by far the most important single factor with which we can hope to reduce occupational deafness. It is the only way in which we can overcome inconsistencies with human behaviour. To a large extent customers control what the engineers and equipment manufacturers are going to do; in the past they have not asked for noise reduction. Users can motivate and assist manufacturers of equipment by including noise in buying specifications.

As a guide to industry, when ordering new equipment the following figures, which correspond to N.R. 85 (I.S.O.) are suggested as the maximum desirable levels in the vicinity of the operator's ear, under operating conditions, with a sound level meter on fast response.

DESIRABLE MAXIMUM LEVEL FOR NEW EQUIPMENT

Octave band midfrequencies (Hz)	63	125	250	500	1000	2000	4000	8000
Maximum SPL in decibels	103	96	91	87	85	83	81	79

While this is considered a reasonable practical limit it will not eliminate all risk and it should not be regarded as final. Efforts should, of course, be made to attain lower levels where practical.

If the noise requirements cannot be met manufacturers should be asked to supply particulars of the noise from their machines so that the user can take it into account in his proposed design, location and building.

REDUCTION BY SEGREGATION AND ENCLOSURE

When there are existing sources which constitute a risk and which cannot be reduced, industry should very thoroughly examine means of segregating and enclosing noisy processes and machines if practical.

It is unfortunate that situations occur where one or two noisy operations which could be isolated, such as engines on test, are permitted to create a hazard for many personnel who are themselves on relatively quiet work.

However, enclosure should not be taken for granted. We sometimes hear that it is easy to reduce industrial noise by barriers and enclosures. This form of publicity by would-be noise abaters, although well meaning, is most inadvisable and misleading. It fails to recognise the problems involved, it tends to embarrass rather than to encourage industry and ill advised action may result in unnecessary waste of money. In some cases it appears to encourage resistance to protection in a situation which is virtually impossible to reduce.

In some cases the ultimate action is a compromise.

If an enclosure is to be effective it is desirable that it should be impermeable and sealed to eliminate leakage paths. In practice many attempts fail in this respect. Openings may be required for adjustment, maintenance, material handling, pipework ducts, operating levers, etc. It is futile to expect a high transmission loss where there has to be a large area of opening.

If designed to meet acoustic requirements operational problems may be introduced such as obstruction, additional movements, heat and ventilation and restricted vision; in practice vital doors and closures are removed and are not replaced. However good a design is acoustically, usually if it hinders the operation in any way it will not be successful. Speaking ergonomically, it must be designed to suit the worker as he cannot be expected to readily adjust to suit the machine.

The efficiency of enclosures, requiring a lining of porous absorptive material, is sometimes quickly reduced by coatings of oil, cement, metal splashes, etc. In some cases perforated replacement panel covers have been successfully used to overcome this problem and splash plates may be applicable.

Operations such as heavy type hot forging do not readily lend themselves to suitable enclosures.

It should be emphasised that enclosures may be complicated, costly and often futile. There are situations where they are neither practical nor economical. It seems preferable to be realistic.

However, the author is of the opinion that if management is sufficiently motivated, acoustically designed enclosures can be and should be applied in industry much more extensively than they are at present.

They must be compatible with operational requirements. This requires the application of sound control principles together with a complete understanding of practical operation. It would seem desirable for the acoustics engineer to work in consultation with the plant manager, engineer and particularly operation personnel concerned.

As an illustration, a 6 header wood moulder would be classed as difficult, perhaps quite correctly, by many woodworking shop managers. There are exhaust ducts, feed openings, finished product openings, it requires ready access for adjustment, etc. Nevertheless, it has been done.

There have been illustrations of enclosures with spring loaded doors for this type of machine. In this particular case, shown in sketch, the operators felt that hinged doors could not provide the desirable flexibility but sliding doors were found to be practical.

Without any refinements such as overlap or sealed doors, lined ducts for feed-in or acoustic lining inside it gave an effective improvement of 10 dBA.

In another case a plastic granulating machine was enclosed in a ply-wood box lined with porous absorptive material. A suspended rubber sheet three-sixteenths of an inch thick provided a suitable closure for the feed chute opening which otherwise would have been an escape route.

If they are to be effective, barriers need to be close to either the machine, or the operator.

Mechanical handling methods enable the use of barriers with glass vision panels for operators, such as in timber mills, where the sources are limited and the noise is more or less directional. Barriers are usually ineffective if there are numerous sources, perhaps in a large and reverberant building, particularly if the operator has to make frequent excursions to various parts of the mill.

Situations where a noise source does not require frequent access, such as tin cans crashing together in a can chute, can readily be treated by a duct lined with sound absorptive material.

EAR PROTECTION

Ear protection has often been described as a "last ditch stand." However, it must be considered a most important part of hearing conservation as there are still many cases where reduction to a safe level is either not practical, or it is a low range matter. The object is to reduce to a safe level noise entering the ear. For most industrial purposes the following kinds are available, vix:

(a) Ear muffs are supported by a band over the head, a neck band suitable for wearing with a safety hat and some are attached to a safety hat.

They are convenient and do not require individual fitting.

(b) Ear canal caps are held firmly against the entrance to the ear canal by a small lightweight head band but they do not enter the ear. They do not require individual fitting. A suitable fit depends on the employee adjusting them correctly.

(c) Ear plugs fit into the ear canal. There are many types of prefabricated plastic plugs which are made in a range of sizes. The correct size is important, and individual fitting of each ear is required. In order to obtain a good seal there will be some pressure on the ear and consequently discomfort can be expected initially. They are easily carried and also easily lost or left in the "other pocket".

(d) Fibreglass Wool is available from which fresh ear plugs can be made up daily by the employee. There are differences of opinion on these but, providing care is taken to make them up to fit the ear canal they will provide a suitable attenuation. A disadvantage is that it is dependent on the employee to ensure that it is made up correctly. It has the advantage that prior fitting is not required.

This material is being used widely in many industries here and overseas and in the Armed Services. There are indications that employees will accept it more readily than many permanent types.

Typical attenuations in dB are as follows:

Frequency Hz	250	500	1000	2000	4000
Fibre glass wool	11	13	17	29	35
Normal ear plug	16	17	24	28	27
Medium ear muff	18	26	43	43	46

FITTING AND INDOCTRINATION

It is desirable for the employee to select from a range of protection the type that suits him best.

The most logical place for initial fitting at first thought might appear to be in the plant medical centre. While this is suitable for giving instructions on the correct use and reasons for protection, ear protection will make a quiet situation quieter and it will not give the employee a true indication. On the other hand, if fitted in the work environment there are advantages, the reduction is dramatic, the benefit obivous, and it gives a better understanding of the changes of levels involved. Introduction of noise into the fitting room is a suitable compromise. Often employees will not accept ear protection readily. There are a number of reasons some of which are as follows:

Management has not taken the trouble to provide it properly. It must be suitable for the job and for the employee. He must be taught how to use it, how to adapt to a new level of sound and how he should adjust his own voice level.

Discomfort. Protection must be suitable for the situation. It will require some time to become accustomed to it. If it hurts, the ear should be given a rest for a few days.

Indifference, or a resistance to a change. With the insidious onset of hearing loss he is not aware of the importance.

Fear of missing speech, warning signals, or roof movement in tunnels. Usually in a noise such sounds are heard as well or better.

Ability to bear changes in the sound of machines.

Annoyance by low freqeuncy drumming and resonance in muffs.

Irritants, chemical vapours and heat.

A large difference between the noise and the quiet periods.

He is "tough" and does not require protection.

A routine approach without recognition of differences in individuals and in situations.

Some reasons for non-acceptance may be based on false conceptions. Objections should never be overlooked. There may be a good reason, or a fear that can be explained. Management should find out why, and either correct the difficulty or explain it.

When fitted well the improved comfort in his work will go a long way to gain acceptance.

Fortunately many of the industrial noises which are difficult to quieten will lend themselves to ear protection but some exceptions are likely.

It is the responsibility of management to educate and motivate the employees so that ear protection is used. This will require personal attention by a responsible person, frequent follow up, the co-operation of foremen together with patience and understanding by all concerned.

Union leaders, in the interest of the welfare of their members, also have a responsibility to encourage them in the use of ear protection. The industrial manager is usually in a position to know the "industrial climate" and to decide on the approach which is appropriate to his problem. Efforts to achieve the successful adoption of a hearing conservation scheme may well be rewarded by an improvement in plant operation and morale.

SUMMARY

Prevention is the most important part of hearing conservation. Users must demand and specify quieter machines.

Industry should give more thought to segregation and enclosure but false conceptions should be avoided. It is often a complicated problem requiring close co-operation between the sound engineer and the production management.

Ear protection remains an essential part of the program. It's acceptance will depend largely on the ability of management to provide it properly and to resolve difficulties, either real or false, that they may encounter.

If a hearing conservation scheme is to be successful, as with any safety programme, it requires the sincere interest and support from the highest levels of management and the co-operation of the union.

ACKNOWLEDGMENT

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AUDITORY HAZARD IN PRIMARY INDUSTRIES

(By H. R. Weston, A.S.A.S.M., scientific officer, Division of Occupational Health, N.S.W. Department of Public Health)

ABSTRACT

After pointing out that many occupations in the country are exposed to noise at a hazard level; noise studies in various primary industries are referred to with particular attention to tractors and similar forestry and construction equipment.

Reference is made to some other machines used in the country.

Typical Sound Pressure level figures are presented showing the types of noises which occur and the estimated excess exposures. In some cases simple single figure measurements are shown for comparison.

Noise control is recognized as a complicated engineering problem for the manufacturer and the necessity for his attention to this is stressed. It is pointed out that users can help by asking for information on the noise of machines which they propose to buy and a specification is given as a guide and as an incentive to manufacturers.

Ear protection is referred to as an alternative when noise control is not practical.

(NOTE.—Tables referred to appear preceding references at end of article.)

INTRODUCTION

It is well known that the man on the land may be exposed to a wide variety of occupational accidents and health risks, such as the use of pesticides which involve considerable danger if they are not handled in the correct manner.

Until comparatively recent years, no attention has been given to the potential hazard of prolonged exposure to noise in primary occupations.

It is generally accepted that noise often contributes to annoyance, discomfort, irritability and interference with our relaxation, but there are inter-related factors and a relationship is difficult to prove. Sometimes the health aspect of annoying noise is very much exaggerated. While it may irritate an existing state of ill health, in many cases it would seem that low level noises with annoying characteristics do not directly produce injury. However, it is often an intrusion on our privacy, it interferes with our comfort, for the most part people's well-being is diminished by noise and life in general is made miserable. Consequently we should not have to tolerate it.

This paper refers to a major effect of noise on which there is proof, that is a noise induced impairment of hearing which is likely from a repeating, or continuous exposure to loud noises. (Glorig, 1958, Sataloff, 1957).

Although dealing with occupations in primary industries there are many occupations in secondary industries and construction work which are closely related.

There is a difference that an exposure on a farm may be seasonal, where as operators in secondary industries and many primary industries are exposed daily throughout the year at a more or less constant level.

Another difference for survey purposes is that the farmer is less likely to change his job than employees in secondary industries. Consequently he is less likely to have been exposed to high levels of widely varying noises.

It should be kept in mind, however, that there are activities, apart from occupational, in the country, such as shooting, which may be responsible for some hearing loss. When carrying out a survey of tractor drivers, some audiograms were not taken into account when it was felt that there was a likelihood of contributing factors other than the tractor noise.

Occupations in the open have an advantage that they are usually free from nearby reflecting surfaces and enclosures which will give a build up of sound. However, in many cases the position of the operator is very near the source of the noise so that he receives it at a very high level.

In the case of a chain saw operator on large diameter timber the position of the operator and his machine is often such that reflected sound will increase the level to which he is exposed.

CRITERIA

A number of criteria have been proposed for noise induced hearing loss. While there are still some differences of opinion the various proposals have tended towards agreement. (Piesse et al 1962, Glorig, A., 1964, I.S.O. 1963, 1967).

One used in this paper in reference to earlier work on tractors and farm equipment was originated by the Commonwealth Acoustic Laboratory, (Piesse et al 1962). In this, a figure of 85 decibels in any one of the four critical octaves from 300 cps to 4,800 cps is taken as the hearing conservation level, or the level above which prolonged exposure is considered a potential risk. When this level of 85 dB is exceeded, the term "excess noise exposure" is used to indicate the amount of this excess in decibels. An excess is shown as plus or if below the limit the amount is shown as minus.

The one used in more recent work is that proposed by the International Organisation for Standardisation (I.S.O. 1963). In this, N.R. 85 in octaves with centre frequencies 500, 1,000 and 2,000 cps is taken as the hearing conservation level, above which it is considered a potential risk with continuous exposure.

These criteria are comparable for many occupational activities. They could be expected to give similar excess exposure figures in most cases for the machines being considered in this paper as the sound pressure level drops off at the higher frequencies.

In addition, in some of the more recent investigations Sound Level "A" figures have been shown for comparison. The "A" weighting of the Standard Sound Level Meter has been proposed by some workers as a quick method of indicating when there is a risk of occupational hearing loss. Because of its simplicity it is gaining acceptance.

Sound Level "A" would appear to have a most useful place in Hearing Conservation providing that the limitations are realised; it does not give as much information as an octave band analysis.

As has been pointed out in other papers, noise induced hearing loss depends also upon exposure time. The International Organisation for Standardisation has also proposed standards for noises that are not continuous throughout the day.

As some noises, particularly in farming, may not be continuous throughout the day the brief modified Table A presented below will serve as a guideline to show the relationship between time exposures for equivalent sound levels for broad band noise for one exposure per day.

TABLE A

Average level in critical octave from 300 to 2,400 c.p.s. or NR in octaves 500, 1,000, and 2,000 c.p.s.	On time per day (minutes)
85	Less than 300.
90	Less than 120.
95	Less than 50.
100	Less than 25.
105	Less than 16.
115	Less than 8.
120	Less than 5.

TRACTORS

Studies, which have been carried out on tractor noise and the hearing of drivers, have indicated that the noise is an occupational hazard.

A survey carried out by the N.S.W. Division of Occupational Health in conjunction with the N.S.W. Department of Agriculture in 1962 (Weston 1963) showed a greater impairment of hearing among drivers in the inland area than in the coastal area and indicated that there is a potential risk of impairment of hearing when driving heavy tractors over long periods.

Some work carried out by Lierle and Reger in Iowa, U.S.A., indicated that tractor noise is sufficiently high in intensity to produce high frequency hearing losses in farmer drivers, with noise susceptible ears if exposed over a period of years. (Lierle and Reger, 1958).

A group of New Zealand tractor drivers on farms were tested as well as a matched group of office workers. (Bell 1956). Results suggested that deafness among tractor drivers was an occupational hazard.

An investigation was conducted into the incidence of deafness among cane farmer operators in the sugar industry (Murphy and Tonkin, 1964). This showed a significant number of farmers with losses in each ear outside of the normal range. It was considered that more extensive testing of cane farmers would be required to verify conclusions.

It is interesting that several of the studies indicated that left ears tend to suffer a slightly greater hearing loss than right ears. While there are several possible reasons for this, such as shooting, from observations of drivers the author is of the opinion that, the most important factor is the fact that the driver frequently looks over his right shoulder to watch the following plough, etc., thereby directing his left ear toward the tractor exhaust and his right ear away from it.

Tractor work on farms is usually seasonal. The average farmer would not drive his tractor "all day" for more than 10 to 12 weeks of the year. For the remainder of the year driving would be intermittent and for brief periods. Although there is considerable "off period" during the year, a hearing hazard is indicated. This situation is unusual, in comparison with many secondary industries where work is continuous throughout the day over the whole year.

Many tractor drivers were acutely aware of tinnitus, especially at night. This appeared to be more prevalent among drivers who had shown marked hearing impairment.

This, together with a Temporary Threshold Shift lasting some hours can be quite distressing for drivers, perhaps more so in the country where backgrounds are likely to be low.

Table 1 shows some typical sound pressure levels for farm tractors ranging from 92 to 106 dB overall, with "excess noise exposures" ranging from minus 10 to plus 13 dB.

MISCELLANEOUS MACHINERY

Table 2 shows some figures for miscellaneous machinery associated with the farm. In many cases these operations are intermittent and for relative brief periods. As such they would not present a hazard but it is perhaps as well for those concerned to be aware of some of these as they may contribute to overall exposure.

A corn husker would operate all day but during the harvesting season only. Normally hammer mills and circular saws would be expected to operate for brief periods only but, bearing in mind that the operators may also be exposed to other noises some of the time, it is suggested these should be kept in mind as possible contributors to an auditory hazard and the practice of protecting ears should be cultivated even if only to eliminate a temporary loss, or tinnitus.

Chain saws

These are shown in Table 2. Overall levels ranged from 110 to 126 dB and the Hearing Conservation Level was exceeded by as much as 37 dB. Chain saws are normal equipment for forestry work. In this industry, where they are used for long periods, there is no doubt that they present a very serious risk of permanent damage to hearing.

It is considered that ear protection should always be worn by operators.

Apart from their use in the timber industry they are now being used on many farms. As the actual noise level and time will vary from cut to cut, with the type of machine and with the condition of the motor and the blade, it is not possible to give a definite assessment of the degree of risk when these saws are used intermittently. At the highest levels shown it is estimated that there would be a risk of hearing damage to the operator when the exposure exceeded five minutes per day, as indicated in Table A. At the levels shown it seems reasonable to always regard this operation as a potential risk; operators would be well advised to use ear protection even for brief exposures.

Electrically operated chain saws are quiet and do not present a risk to hearing. In forestry work it may be practical to use electrical saws with a portable generating set.

FORESTRY EQUIPMENT

It is felt that with machines such as tractors, by measuring the sound levels under maximum and average operating conditions a reasonably accurate assessment of the damage risk can be made.

There is a similarity between tractors and some construction machinery, much of which is used continuously in the forestry industry.

Table 3 shows particulars of noise from machinery which is used in forestry and road making as well as construction projects. Figures show operating levels ranging from 98 to 112dB overall and 89 to 110 dBA and indicated that noise was well in excess of the Hearing Conservation Level. On this type of work it can be assumed that it will be continuous throughout the day, or for at least 5 hours.

It is interesting to note in Table 3 that the Sound Level "A" figures, when compared with the proposed risk level of 90 dBA, showed reasonable agreement with the "excess noise exposures" which were estimated from the critical octave band figures. These support the opinion, that is gaining acceptance, that Sound Level "A" is a quick and useful method for assessing an auditory noise hazard. This should be noted as distinct from annoyance and from engineering control.

Hearing tests carried out on a limited number of earth moving equipment operators, after eliminating those who may have had contributing factors other than the noise from the machines concerned, supported the view that this noise is a hazard which will produce a hearing loss to average ears.

A study of heavy equipment operators in California, (Ottoboni and Milby, 1966), showed high noise levels and significant hearing losses of operators indicating the need for reduction of noise by the installation of muffler and other design changes.

In a noise and hearing survey of earth moving equipment operators carried out in Ohio, U.S.A. (La Benz et al, 1967) overall levels were found ranging from 90–120 dB with maximum energy in the octaves below 600 cps. All measurements were found to exceed hazardous exposure criteria in one or more octave bands and indicated the need for noise control by engineering methods. In this group of workers there was persuasive evidence of hearing impairment which was relatable to noise exposure.

It was felt that personal protective equipment had some limitations for this type of work.

PNEUMATIC EQUIPMENT

Air Compressors usually show high noise levels but are not always an occupational hazard as personnel may not be continually close to the units. If necessary, it would usually be practical to enclose these. In doing this it is important to use acoustic baffles, or filters, over any ventilation openings.

Perhaps it should be mentioned that air compressor noise can be a great source of annoyance to people living in the vicinity, and when the use of one is contemplated, in or near a community area, some effort should be made to quieten by a suitable enclosure.

Pneumatic Rock Picks (Jack Hammers) are notoriously noisy.

Figures taken on these from time to time have indicated a risk of impairment of hearing for the operators.

Table 3 shows the figures for 2 pneumatic picks, with and without exhaust silencers. Two picks of weights 60 and 75 lbs. showed levels of 105 and 110 dBA respectively without silencers, and 100 and 104 dBA with silencers.

The principal source of noise from pneumatic picks is the exhaust of the compressed air. This can be reduced by exhaust mufflers in the order of 6 dBA. While this type of silencer reduces the noise and the risk of hearing loss, it does not eliminate all excess exposure and ear protection is still required. Such reduction can be very valuable in reducing the noise to which nearby employees are subjected and, of course, in reducing very annoying noise which may reach nearby community areas.

MEAT INDUSTRY

Table 4 shows the levels of two machines used in the meat industry.

It is interesting to note that, with the duplex grinding machine, although no excess was indicated above the hazardous exposure criteria, there was a high level pure tone in the octave with mid frequency 125 cps. This annoying pure tone was a source of employee complaint. Ear protection appears to be of limited value in a case such as this.

FRUIT AND VEGETABLE CANNING INDUSTRY

A brief study in the canning industry showed levels which were not as high as might be expected; no figures have been given, but in some cases an excess noise exposure was indicated. A particular noise, which perhaps should be mentioned, is that which originated from the continual banging of empty cans as they were fed down a chute to the filling section. At this position several employees in the immediate vicinity were subjected to a potential risk.

It seems practical to enclose such sources, at the main points of impact, in tubes lined inside with sound absorptive material.

There are other possible sources which may require attention such as high speed pulverising mills and escaping steam.

Canning should not be confused with the can making industry which, of course, shows very high levels and has plenty of scope for noise reduction by design and enclosure of machines and conveyors.

NOISE CONTROL BY MANUFACTURERS

Opinions regarding the origins of diesel engine noise differ considerably. For tractors and similar equipment exhaust noise generally appears to be a major contributor. (Rowley, D. W., 1967). This calls for attention always to:—

(i) The installation of an effective muffler on the engine exhaust.

(ii) The position of the exhaust in relation to the operator, and

(iii) The provision of a possible insulated cabin for the driver.

There are many other factors which contribute in varying degrees, including the abrupt pressure rise produced by combustion, piston slap, different design techniques employed for small and large engines, sideways movement of the piston across the cylinder clearance, transmission noise, turbocharger noise and surface radiated noise.

Noise reducton is often presented as something simple. This is not so and we should be realistic. It is an engineering problem which presents many difficulties. It would seem that manufacturers are in the best position to handle this and they must be encouraged to accept the challenge and be prepared to give considerable attention to it.

One reason why manufacturers have done little about it is that they have not been asked to do anything.

In the past, tractor manufacturers have been in a position where a loud exhaust gave the impression of power. It was perhaps a good selling point. This also applied to other noisy equipment.

This type of thinking may still exist to some extent and there is a need for everyone concerned to be educated for "quiet". However, we seem to have reached the stage where there is a considerable awareness of the need for quieter products among users.

Purchasers should encourage manufacturers of noisy equipment to produce quieter machines. The prospective buyer can do this by asking for information on the noise when calling for quotations, or, from available criteria, he can give the manufacturer a specification of the desirable maximum operating level. This does not necessarily mean that he would get it immediately, but he would put all manufacturers on the same basis, he would provide an incentive and they would know what levels to aim for.

CRITERIA FOR PURCHASING

As a guide, when ordering new equipment, figures shown in Table B, which correspond to N.R. 85 (I.S.O.), can be quoted as the maximum desirable limits in the vicinity of the operator's ear, under operating conditions, with a sound level meter on fast response.

TABLE B.—DESIRABLE MAXIMUM LEVELS FOR NEW EQUIPMENT

Octave band midfrequencies in c.p.s.	63	125	250	500	1,000	2,000	4,000	8,000
Maximum sound pressure level in decibels	103	96	91	87	85	83	81	79

Some Government Departments and private industries are already giving a specification when calling for quotations.

It should be realised that these figures are for the problem of noise as an occupational hearing risk. When dealing with it for comfort and annoyance there are other criteria available.

In many cases the simple single figure of 90 dBA would correspond with the above.

However, hearing conservation cannot be completely divorced from annoyance and it is considered that, for noise specifications for equipment, and for engineering control, octave band figures are necessary. It is very desirable for the designer to keep in mind the whole spectrum; low frequency drumming must not be overlooked, particularly in diesel engines associated with the types of machines which have been referred to above. In some cases the use of spark arresters, "mufflers", while serving a very useful purpose in reducing noise in the hazardous exposure range have actually, owing to resonance, increased the noise level in the lower frequencies.

While discussing criteria to guide manufacturers it should be mentioned that standard methods of measuring are desirable so that when suppliers quote levels for their machines, the prospective customers will have a basis for comparison. When specifying desirable limits, or when asking for the figures for a particular machine, it is preferable to state the method and position of measurement so that the figures from suppliers can be compared.

The author is of the opinion that measurements of tractors, and the various machines which have been referred to above, should be made in the open, under free field conditions, clear of reflective surfaces. This will not necessarily represent the worst conditions such as might exist if the machine is to be used near a rock face, or in a cutting. However, it is much better to measure under open conditions, which are comparable, and to then make allowances, if necessary, for adverse conditions which might apply in the ultimate operations.

EAR PROTECTION

Noise reduction to a suitable level is the desirable solution. However, there are still many cases where reduction to a safe level is either not practical, or it is a long range matter.

In such cases, ear protection is the only practical method and it should be used to reduce noise entering the ear.

For most uses there are three kinds of protection, viz:—

(a) Ear muffs which are supported by a band over the head, or a band passing behind the head. The latter is often preferable because it can be worn with a hat.

(b) Ear canal caps held against the head by a small head band. This type can also be worn with a hat.

(c) Ear plugs which fit into the ear. There are many types of pre-fabricated plastic ones which are made in several sizes. When using these the correct size is important. This may present some difficulty in the country.

There is available a plastic fiberglass wool from which fresh ear plugs can be made up daily. There are differences of opinion on these but, providing care is taken to make them up to fit the ear canal, they will provide a suitable attenuation.

They have an advantage that prior fitting is not required.

For drivers of tractors and similar machines ear muffs (a) are considered very suitable, because:—

(1) They can be left with the machine and can be easily put on, or taken off, or lifted to one side for listening during quiet periods.

(2) There is no difficulty in fitting to size.

The ear canal caps (b) also have these advantages and providing there is a suitable seal against the ear canal openings there seems to be no reason why they should not be suitable.

Ear protection may meet with some objections. On some of the operations mentioned the use may be limited, but generally it gives satisfactory protection.

It may take some time for a person to become accustomed to it and to the new level of sound.

Where a noise hazard, which cannot be reduced by engineering means, exists in an industry it is the responsibility of management to instruct and to encourage employees in the use of ear protection. Successful adoption of ear protection may well be a reflection of the morale in the industry and of the management.

If there are objections find out why. An employee may have a reason for not wanting to wear protection, to him it may be a good reason, but it may be a fear which can be explained.

Union leaders, in the interest of the welfare of their members, also have a responsibility to encourage them in the use of ear protection.

AUDIOMETRY

Hearing tests are essential to check the success, or otherwise of any hearing conservation scheme. It is assumed that these will be fully dealt with in one of the other papers for this Symposium.

SUMMARY

Occupations in the country are by no means free of noise hazards.

Investigations have shown that, under operating conditions, the noise levels of tractors are frequently excessive and when driving tractors over a number of years there is a potential risk of impairment of hearing.

On some farms there are other machines which produce a high noise level. The operation time is usually brief but they should not be overlooked as contributors to a hearing risk.

Chain saws should be considered a risk even for short exposures. When used continuously in the forest they are regarded as a serious hazard.

Studies on equipment used in forestry and also in construction work have indicated the presence of an auditory hazard for operators. On a limited number of measurements on forestry equipment, the simplified Sound Level "A" figures appeared comparable with octave band figures as an indication of an auditory risk.

Exhaust noise is a major factor. Attention should always be given to a suitable muffler.

Noise reduction is an engineering problem, in some cases very complicated, which must be handled by the manufacturer.

Users, whether individual owners, private companies, or government departments can encourage manufacturers to reduce noise by asking for quieter equipment, giving a noise specification and by buying quieter machines. There is a criterion which can be used as a specification, or buying guide.

In many cases immediate reduction to a suitable level is not practical. When this is so, ear protection should be used.

Management and Union leaders have responsibilities for the successful introduction of ear protection.

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TABLES

The following tables show the overall sound pressure levels, the distribution in octave bands and the estimated "Excess Noise Exposure" (E.N.E.). Figures were taken in the vicinity of the operator's ear unless otherwise stated.

(1) Farm Tractors.

(2) Miscellaneous Machinery on the Land.

(3) Equipment used in Forestry. This Table includes Sound Level "A" figures.

(4) Equipment used in the Meat Industry.

TABLE 1.—FARM TRACTORS

Tractor horsepower	Decibels									
	Overall SPL	Octave bands (cycles per second)								ENE (CAL)
		37.5 75	75 150	150 300	300 600	600 1,200	1,200 2,400	2,400 4,800	4,800 9,600	
30 to 40 horsepower	93	90	83	79	74	76	70	67	65	−9
Do	92	86	88	84	77	82	75	70	63	−3
25 to 30 horsepower	101	94	98	90	91	90	91	85	77	+6
50 to 60 horsepower	106	104	99	98	92	92	93	92	87	+8
Do	95	88	91	90	81	82	81	74	69	−3
Do	98	93	90	90	88	84	85	83	81	+3
60 to 70 horsepower	106	104	101	97	98	92	87	85	78	+13
70 to 80 horsepower	101	98	98	91	84	80	77	74	68	−1
60 horsepower:										
(a) With spark arrester	106	97	104	97	92	91	88	85	75	+7
(b) Without spark arrester	106	90	99	100	98	96	97	93	86	+13

TABLE 2.—MISCELLANEOUS MACHINERY ON THE FARM

Machine and particulars	Decibels									
	Overall SPL	Octave bands (cycles per second)								ENE (CAL)
		37.5 75	75 150	150 300	300 600	600 1,200	1,200 2,400	2,400 4,800	4,800 9,600	
Corn husker and sheller (mounted on a trolley towed by a tractor)	106	94	97	101	100	100	93	91	89	+15
Hammer mill, belt driven by tractor, operating empty	101	87	84	92	95	98	92	87	81	+18
Hammer mill; tractor driven; milling grain	99	84	84	91	86	83	90	94	96	+9
Circular saw, 32 in., sawing firewood	114	86	91	86	96	98	101	109	107	+24
Shearing machine, type 1	88	81	73	67	76	76	77	82	84	−3
Shearing machine, type 2	77	68	62	64	65	66	70	72	72	−13
Chain saws:										
6 horsepower medium wood	116	83	100	97	106	111	102	96	87	+26
7 horsepower hard wood	110	93	100	95	102	104	93	93	92	+19
7.5 horsepower medium wood	115	96	102	103	106	109	103	98	98	+24
8 horsepower hard wood	120	97	108	109	114	112	108	105	106	+29
10 horsepower hard wood	123	97	108	112	117	118	111	111	110	+33
10 horsepower hard wood	126	102	110	110	122	121	116	115	114	+37
Chain saw, electric, hard wood	84	66	65	66	73	75	78	78	77	−7

TABLE 3.—MACHINES USED IN THE FORESTRY INDUSTRY

	Decibels										
	Overall S.P.L.	dBA	Octave center frequencies (cycles per second)								E.N.E
			63	125	250	500	1,000	2,000	4,000	8,000	
Loader, 70 to 80 horsepower:											
(a) Low idle	89	79	77	84	75	73	75	71	66	54	−10
(b) High idle (maximum r.p.m.)	107	94	84	107	90	88	86	83	80	63	+3
(c) Under load	105	92	99	103	97	88	86	85	72	62	+3
Loader, 130 horsepower:											
(a) Low idle	95	79	91	88	75	79	72	68	61	53	−6
(b) High idle (maximum r.p.m.)	108	97	94	108	95	94	94	86	81	69	+9
(c) Under load	110	98	95	109	96	97	94	90	82	67	+12
Crawler tractor, 110 to 120 horsepower:											
(a) Low idle	97	86	95	92	83	83	81	77	74	62	−2
(b) High idle (maximum r.p.m.)	103	98	87	101	95	95	93	92	89	80	+10
(c) Under load	108	100	97	107	99	96	91	91	90	80	+11
Crawler tractor, 160 to 170 horsepower: Under load	110	103	84	106	106	101	94	90	82	71	+16
Grader, 60 horsepower:											
(a) Low idle	91	78	89	82	79	74	74	71	62	54	−11
(b) High idle (maximum r.p.m.)	98	89	94	94	88	83	83	76	72	63	−2
(c) Under load	98	89	96	92	84	83	84	78	72	60	−1
Grader, 130 to 140 horsepower: Under load	109	99	97	107	103	96	93	86	80	74	+11
Grader, 120 to 130 horsepower:											
(a) Low idle	104	84	101	92	85	80	80	70	62	59	−5
(b) High idle (maximum r.p.m.)	112	100	108	110	97	96	96	90	74	68	+11
(c) Travel, low gear (normal grading speed)	110	102	106	107	100	96	95	88	74	70	+11
(d) Normal road travel	110	102	102	108	102	93	98	88	84	75	+13
Grader, 160 to 170 horsepower: Forward travel (low gear)	106	96	97	102	94	90	91	87	75	66	+6
Air compressor, 365 c.f.m. (10 feet from side):											
(a) On load	105	91	98	95	89	89	83	83	80	67	+4
(b) Idling	105	89	100	95	84	86	82	82	78	65	+1
Pneumatic rock pick, 75 pounds:											
(a) Without exhaust silencer	112	110	100	103	105	104	107	104	102	101	+22
(b) With exhaust silencer	109	104	103	106	102	94	92	93	94	95	+9
Pneumatic rock pick, 60 pounds:											
(a) Without exhaust silencer	107	105	84	89	98	103	103	100	94	92	+20
(b) With exhaust silencer	102	100	95	97	92	98	92	84	82	84	+13

TABLE 4.—MEAT INDUSTRY EQUIPMENT

Machine and particulars	Decibels										E.N.E.
	Overall S.P.L.	dBA	Octave center frequencies (cycles per second)								
			63	125	250	500	1,000	2,000	4,000	8,000	
Hogging machine at 4 feet:											
(a) Crushing bullocks' heads	109	....	93	98	101	101	100	99	98	92	+16
(b) Idling	97	....	89	96	93	86	83	79	74	62	+1
Duplex grinding machine at 12 feet: Grinding offal	107	92	93	107	94	80	78	74	74	70	−5

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A number of recent newspaper items on noise deserve attention:

[From the New York Times, July 2, 1968]

ROAD NOISE HELD CAUSE FOR DAMAGE

(By Sidney E. Zion)

ALBANY, July 1.—In a 4-to-3 decision that drew a stinging dissent, the Court of Appeals today held that the state must pay a property owner damages for the noise of passing traffic when the state takes part of his land to build a highway.

Judge Kenneth B. Keating, in a majority opinion that at times read like a poem to country living, rejected the state's contention that traffic noise, because it is suffered by the public generally, should be excluded as an element of damages.

"Of particular concern," Judge Keating wrote, "has been the damage done [by massive public highway construction] to the quiet beauty of many once remote and inaccessible areas, as well as the intrusion of the seemingly endless line of asphalt and concrete into the enclaves which many people have sought as surcease from the hustle and bustle of modern-day life."

The decision by the state's highest court upheld a $37,000 award to Ira and Dorothy Dennison, whose land in a remote wooded area in Lake George was partially taken for the Luzerne Road-Lake George Interchange.

MILLIONS "SUFFER" NOISE

The amount, granted by a Court of Claims judge, was based only in part on the noise factor, since the highway also resulted in a loss of privacy, seclusion and view from the Dennisons' Colonial home. But the only issue on appeal was the traffic noise.

In an often biting dissenting opinion, Judge Francis Bergan said the court had departed from precedent and seemed "by implication" to sanction future noise damage in "quite unrestricted form."

"Millions of residents of New York," he added, "are exposed to it along the Long Island Expressway, the East River Drive, the West Side Drive, to suggest some notable examples. That it has a consequence on market value wherever it is heard is undoubtedly true. But there are some unpleasant consequences of modern life which are not the proper subject of damages in a law court."

But Chief Judge Stanley Fuld, who wrote a concurring opinion and thus cast the deciding vote for the majority, appeared to scotch the prospects of wholesale damage awards for traffic noise.

"We are not," he wrote, "contrary to intimations in the dissenting opinion, accepting future traffic noise as an element of damage in quite unrestricted form."

[From the New York Times, Sept. 8, 1968]

Variety of Noises Assails Tokyoites—Sound in the Ginza District Exceeds Safety Level

(By Philip Shabecoff)

Tokyo, September 7.—At the busiest intersection of Tokyo's lively Ginza District is a large illuminated sign that keeps flashing the noise level in the immediate vicinity.

Under the sign is a message noting that a sound level of 70 phon (or decibels) is the safe maximum of a commercial area.

A pedestrian who has passed by this sign every day for the last three weeks has never seen it register a noise level of less than 88 phon.

"Tokyo is not only the biggest city in the world, it is also the noise capital of the world," Minora Matsumoto, chief of the Noise Control Section of the Tokyo city government, declared in an interview this week.

NOISE HELD HARMFUL

Along with air and water pollution, noise is considered one of the major public health problems in Tokyo, Mr. Matsumoto explained. And judging by the number of complaints received by the city, the people of Tokyo regard the constant assault on their eardrums as more of an irritant than tainted water or air, he added.

"There is no doubt," he city official said, "that the high noise level creates serious physical, mental and spiritual problems for the people of this city."

A visitor standing on any main thoroughfare needs no electronic sign or city official to remind him that Tokyo is a deafening bedlam of familiar and exotic sounds.

Above all there are the human sounds of this teeming city—the scrape of millions of feet on pavement, the hum of millions of conversations, the laughter and shouts of people working and playing.

For more than a decade now, Tokyo has had a municipal ordinance for noise control. Special police squads are assigned to investigate undue noise and try to eliminate its source.

But the ordinance has no teeth and has proved largely unenforceable.

Recently, however, the Japanese Diet, or Parliament, passed a noise control law that will enable the imposition of jail sentences and other penalties against noise offenders.

"The new noise control law can mitigate the problem to a certain extent," said Mr. Matsumoto. "But there is no way the problem can be solved."

[From the New York Times, July 11, 1968]

Can House Be Built To Resist Jet Din? FHA To Find Out

Mineola, Long Island, July 10.—The Town of Hempstead has been selected as one of the three areas in which the Federal Housing Administration will experiment in home construction designed to minimize outside jet noise.

Presiding Supervisor Ralph G. Caso announced today that two vacant houses in the heart of the Inwood urban renewal area, which lies southeast of Kennedy International Airport, would be used to measure the effectiveness of new sound-deadening materials.

Mr. Caso said that ceilings and wall installations, double windows and muted air-conditioning units would be installed in the homes and that the noise level inside would be measured for six months, beginning in September.

At the end of testing, which will be conducted by the acoustical firm of Bolt, Branek & Newman of New York City, the homes will be offered for sale to people living in the urban-renewal area.

Nat L. Eure, a project engineer for the F.H.A., said that the two other areas selected for experiments were Boston and Los Angeles. The exact area in Boston has not been determined, he said, but in Los Angeles the studies will be under the departure lanes of Playa del Roy Airport and the approach and landing corridors of Englewood Airport.

[From the New York Times, Sept. 11, 1968]

Tests Show Noise Causing Tension—Hunter Co-eds are Used in Psychologists' Study

(By John Leo)

Man is paying a high price for the rising noise level of his society, according to a study made by two New York psychologists.

Tests by David Glass, a New York University social psychologist, and Jerome E. Singer, a psychologist at the State University of New York at Stony Brook, show that random, unpredictable noises bring marked irritation and frustration, as well as dramatic declines in work efficiency, even after the noise is stopped.

The study challenges the widespread assumption among scientists as well as the general public that man can learn to adjust to almost any noise level without serious effects on behavior.

"Our study suggests that powerlessness is the cause of the adverse effects," Dr. Glass said in an interview yesterday. "If the noise is predictable and regular, or if the noise is irregular but the subject is told he can shut it off if it becomes too much for him, the frustration and inefficiency don't appear."

HUNTER GIRLS TESTED

In the first part of the test last fall, 50 Hunter College co-eds were separated into five groups of equal size. Three groups (loud predictable noise, low predictable noise, and no noise at all) showed little tension and high ability to stand frustration.

The other two groups (loud unpredictable noise, low unpredictable noise) showed high tension on a dynagraph recorder—similar to a lie detector—and a low ability to handle frustration on a series of mathematical puzzles.

The puzzles, some of which were unsolvable, measured the subject's willingness to stick with a difficult assignment.

The puzzles were assigned after the noise had stopped, as were tests in simple proofreading. The two groups exposed to unpredictable noise failed to correct about 50 per cent more textual errors than did the other three groups.

A second experiment, some weeks later, was designed to test Dr. Glass's hypothesis that the adverse effects were linked to powerlessness—in this case the inability to control or predict the environment.

Two groups of randomly selected co-eds were exposed to equal series of loud unpredictable noise. One group, told in advance that it could press a buzzer and thus stop the test if the noise was too great, dramatically outperformed the group that had no reason to suppose it could control the noise.

The buzzer group showed two to five times the ability to handle frustration in the puzzle tests conducted after the noise ended.

In a proposal to the Russell Sage Foundation for a grant to continue the research, Dr. Glass wrote: "The results of the second experiment show that the perception of control over one's environment is a sufficient condition for reducing the adverse effects of adaption to aversive stimuli."

In an interview yesterday, he suggested that the study might have important implications for white society's treatment of Negroes.

"If adverse effects are wiped out when you give a person control, what would this mean for giving the Negro power and control of his environment?" Dr. Glass asked.

Like the Negro, he said, the co-eds who performed badly on the noise tests were subject to a form of arbitrary discrimination that produced tension and frustration.

[From the New York Times, Aug. 20, 1968]

Rock Music Damages Ear Drum of Guinea Pig, Perhaps of Man

Rock music played for a guinea pig destroyed cells in a crucial part of the animal's ear, a researcher at the University of Tennessee has reported.

Photographs taken through a microscope clearly showed cell destruction in the cochlea, the part of the ear that translates sound waves into nerve impulses, said Dr. David M. Lipscomb, director of the university's audio clinical services.

In the experiment, go-go music was recorded at a Knoxville discotheque and then played back to the guinea pig level measured in the discotheque.

"We used 120 decibels as the sound level for these tests," Dr. Lipsomb said, "but we have measured sound in these discotheques at 138 decibles, only two decibels below the pain threshold." The sound intensity of a jet engine, also registers about 120 decibels.

The guinea pig's listening sessions were spread over three months at intervals designed to match the listening habits of the average discotheque-goer. On some days the animal listened to as much as four hours of music. On other days she heard none.

Both ears were exposed for the first 44 hours of listening, and after that the left ear was plugged.

After 88 hours and 30 minutes of exposure to rock music, the cochlear cells were photographed. Cells in the left ear were normal. But many of those in the exposed right ear had collapsed and "shriveled up like peas," Dr. Lipscomb said in a telephone interview yesterday.

Some time after the first 44 hours of exposure, Dr. Lipscomb said, the unplugged right ear apparently reached a point where it could withstand no more of the 120-decibel stress, and its cells began to deteriorate.

"The level of sound used by these go-go bands is far in excess of the level that industry has been concerned about for years," Dr. Lipscomb said. Studies have shown that industrial workers in factories with high noise levels suffer some hearing impairment.

The recently completed study was prompted last fall when routine screening of freshmen at the University in Knoxville revealed a high proportion of students with measurable hearing loss.

"We were shocked to find that the hearing of many of these students had already deteriorated to a level of the average 65-year-old person," Dr. Lipscomb said.

In a separate study, Dr. Lipscomb also found by testing 3,000 Knoxville public school students that high-frequency hearing loss was prevalent among teen-agers.

LOSS RISES BY AGE

Initial analysis of the test data indicated that about 5 per cent of the 1,000 sixth-graders in the study had measurable hearing loss. The proportion rose to 14 per cent of 1,000 students in the ninth grade and to about 20 per cent of 1,000 students in the 12th.

"The level of sound used by these go-go bands is far in excess of the level that industry has been concerned about for years." Dr. Lipscomb said. Studies have shown that industrial workers in factories with high noise levels suffer some hearing impairment.

Rock music is not the only apparent sound pollutant to be included in what Dr. Lipscomb called the "recreational noise" category. Motorcycles, gunfire and even participation in school bands could also be harmful, he said.

"We have apparently reached the point where the young people are losing sufficient hearing to jeopardize their occupational potential," Dr. Lipscomb added. "We must enter into a program of safety or the consequences are going to be pretty dire."

[From the Greenwich Village (N.Y.) Villager, Aug. 1, 1968]

Noise Pollution Here To Stay?

Noise pollution, that little brother in the family of environmental health hazards (its older siblings include air pollution, water pollution and cigarette smoking) has come of age at last. Which is another way of saying that there has been a national conference about it.

Nothing happened at the conference to make the removal of defensive ear plugs an early priority. The Surgeon General of the Public Health Service, Dr. William H. Stewart, said that excessive noise is a bad thing and its effects should be considered carefully. Senator Clifford P. Case, of New Jersey, said that sonic booms ought to be looked into. While no definite steps were taken, the ill effects of uncontrolled noise on hearing, digestion, the nervous system and other body functions were emphatically confirmed.

The conference, in short, may be considered one more step toward the initiation of noise control measures. Although steps toward the beginning of an effective anti-noise campaign in America have been rather tentative and halting so far, there is little doubt that it will eventually get started. More and more physicians speak out on the damaging effects of supernoise. Anti-noise associations continue to spring up; legislation keeps being introduced; and for all anyone knows, the public may one day arouse itself and demand noise pollution control.

One of the advocates of Federal noise control legislation, Congressman Theodore R. Kupferman, of New York, recently summed up the situation thus: ". . . If proper educational and remedial steps in this area had been taken 10 years ago, the air pollution problem might not have reached the proportions it has today. We are now at the same relative point with respect to the environmental problem of noise pollution."

[From the Lebanon (N.H.) Valley News, Aug. 31, 1968]

Lyme Residents Find No Remedy for Their Dislike of Mill's Noise

(By Jerome B. Robinson)

LYME.—The incessant whine of a sawdust blower at the J. Sevigney Lumber Co. mill in Thetford is driving residents of River Road across the river in Lyme batty, and their inability to do anything about the situation is frustrating their already frazzled states of mind.

The noise has been a source of complaint since the mill began operating nine years ago, but it's reached a new high this year with the addition of another louder blower.

Prof. Charles Hallett of Fordham University, whose summer house is across the river from the mill, says he must spend the daylight hours working at Baker Library in Hanover because it's impossible to concentrate in his otherwise serene riverside summer home.

He and other River Road residents have organized to force reduction of the mill's noisy operation, but they have been met at every turn with official inability to act.

Fifteen residents of the two-mile stretch of road opposite the sawmill went to the Lyme Selectmen earlier this year to seek an official complaint against the noise.

They were told the Lyme Selectmen had no authority across the river and would do nothing.

Next they approached North Thetford residents and got them to speak to their own Selectmen about the racket. They were again brushed off. Noise means progress, they were reportedly told.

Request for assistance from Dr. William F. Putnam, Lyme Health officer, resulted in another dead end.

Dr. Putnam said he had no authority in the matter and referred the group to the Vermont Department of Health and Vermont State's Atty. Philip Angell of Randolph.

APPOINTMENT FIZZLES

A representative of the irritated citizen's group phoned Angell's office for an appointment. That fizzled when Angell said he could do nothing for them and suggested that the trip to Randolph would be a waste of time.

The Lyme group, driven to desperation by the noise they have to listen to each day, could find no one who wanted to listen to their complaints.

They tried the Vermont Department of Health. Commissioner of Health R. B. Aiken referred the request to the Industrial Hygiene Dept. which sent industrial Hygiene Engineer Arthur E. Lange to investigate the problem.

Finally, it seemed the group was getting something done.

Lange made a study at the mill which showed that workers inside the building were subjected to a noise level of up to 124 decibels—a rating equal to the noise level of a jet engine.

He found noise level exposures which he reported were hazardous to the health of mill employees and recommended methods of reducing the noise at little expense. He also recommended that mill employees wear eye and ear protection.

Lange said the noise level would be adequately reduced if mill-owner Sevigney would:

(1) Direct the discharge openings of the sawdust and chip transport ducts downwards instead of horizontally along the ground.

(2) Construct an acoustically lined barrier around the chip collector and debarking machine as well as using rubber flexible boots at duct joints, and

(3) Consider using shock mounts and encasements for motors.

That was early in June. None of the recommendations have been followed, according to reports.

BARKING ADDED

In fact, to add to the area residents' discomfort, mill foreman Warren Hook built a kennel on the mill property and housed a pack of hounds there. Now when the whine of the blower cuts off at 4:30 p.m., the dogs start barking.

"They're hunting dogs. They're no good if they don't bark," Hook is said to have responded when his neighbors complained of the additional racket.

Mrs. H. M. Mack, proprietor of the Stone House Inn near the mill on the Thetford side of the river, says she's lost business from patrons who can't stand the noise of the motors and the barking dogs.

She joined with Dr. Hallett July 3 to seek assistance from Vermont Atty. Gen. James L. Oakes. Relating the history of the case, Hallett and Mrs. Mack wrote, "Totally disregarding the previous complaints, the owner has recently installed a larger machine which makes it intolerable for those who were formerly disturbed and a distinct annoyance to many other people who had not been affected before."

Oakes wrote back that he had turned the matter over to Asst. Atty. Gen. Jonathan Brownell for investigation. After a month Brownell answered, repeating the information that Hallett and Mrs. Mack had given to Atty. Gen. Oakes and taking credit for the information being the result of his investigation.

But more irritating to the letter writers was Brownell's conclusion which stated "there are no applicable state laws bearing on the particular issue which you have raised."

FINAL STRAW

The final straw was Brownell's advice that the group contact State's Atty. Phillip Angell in Randolph for assistance to determine whether public nuisance action could be brought to court.

The humiliated deafened citizens had been to Angell months before. It was he who told them an appointment with him would be a waste of time.

That was early this month. The Lyme Road residents don't know where to turn. They wrote to Gov. Hoff's office on Sept. 7, 1966, and never received a reply.

In the meantime from 7 o'clock in the morning until 4:30 or so in the afternoon the whine of the blower motor sets their nerves on edge and their anger mounts.

Attempting to gather comment on the situation from mill-owner Sevigney, the Valley News telephoned his Lebanon office Friday. Sevigney was at the Thetford mill. There is no telephone there.

THE CONSERVATION FOUNDATION,
Washington, D.C., October 7, 1968.

Hon. THEODORE R. KUPFERMAN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KUPFERMAN: I appreciate your letter of September 10 commenting on our pamphlet "An Environment Fit For People."

You are quite right; the problem of noise pollution did not receive the emphasis it deserves in the final version of the pamphlet. It is mentioned, although all too briefly, on Page 8.

However, The Conservation Foundation has devoted considerable space to noise pollution in our regular publication, *CF Letter*, as you know. You very kindly inserted our December 29, 1967 issue on noise into the Congressional Record on June 10, 1968. And we recently devoted another issue of CF Letter to noise. (A copy is enclosed.)

I would like to take this opportunity to express my congratulations to you for the leadership you have provided on the noise problem. We have a continuing interest in the subject and look forward to working with you in your efforts for noise control.

Sincerely,

RUSSELL E. TRAIN,
President.

A Report on Environmental Issues From the Conservation Foundation, August 30, 1968

AN OPENING ATTACK ON THE DECIBEL DIN: NEW LAW SEEKS TO CONTROL AIRCRAFT NOISE

When the history of the struggle for environmental quality is written, 1968 may well be noted as the year in which Congress and the Administration at least began facing up to the problem of noise pollution. While the decibel din will continue undiminished, there is this to report:

Item: Congress passed and the President signed the first national legislation which attempts to deal with the problem of noise in the environment.

Item: The Department of Health, Education and Welfare for the first time funded and cosponsored a national conference on noise as a hazard.

Item: A special Interior Department study group is expected to present its first report on noise and man within a few weeks.

The bill enacted by Congress is H.R. 3400 and it deals with aircraft noise. It does not promise to be notably effective, however. Not in the near future, at any rate. In fact, some might call it a token gesture. But it is a beginning—a recognition by Congress of growing concern about noise pollution.

H.R. 3400 adds a new Section 611 to the Federal Aviation Act of 1958. The amendment specifically requires the Federal Aviation Administration to establish and enforce regulations to control aircraft noise, including sonic boom.

The FAA, part of the Department of Transportation, is given power to withhold or revoke certification of an airplane which is too noisy by its standards (FAA certificates specify allowable operating conditions.) And it doesn't have to wait for the airplane to fly—the noise factor is taken into account in the development and manufacture of new aircraft.

The FAA is thus given powers comparable to those it has for maintaining safety. Section 611 also supplements the FAA's existing authority under Section 307(c) to protect people on the ground from aircraft noise by establishing take-off and flight patterns, power cut-backs, preferred runways and other procedures designed to minimize the loudness and duration of noise over populated areas.

The new law states: "In order to afford present and future relief and protection to the public from unnecessary aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, after consultation with the Secretary of Transportation, shall prescribe and amend standards for the measurement of aircraft noise and sonic boom and shall prescribe and amend such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards, rules and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title."

Section 611 further directs the FAA, in establishing noise standards, to consider whether any proposed standard 'is consistent with the highest degrees of safety" and whether it is "economically reasonable, technologically practicable, and appropriate for the particular type of aircraft . . . to which it will apply."

On June 13, three days after the House passed H.R. 3400, a skeptical Congressman Theodore Kupferman of New York told the national conference: "I don't expect the standards will be anything to brag about."

Nevertheless, the bill was hailed as a move in the right direction. Congressman Samuel N. Friedel of Maryland, chairman of the House Commerce subcommittee which reported out the bill, called it an "excellent first step toward the much needed goal of noise reduction."

It was generally agreed that the new law was badly needed to spur any real efforts at noise suppression in aircraft. Voluntary industry accomplishments so far are hard to assess, but Austin J. Tobin, executive director of the Port of New York Authority, has called them "more fictional than factual." He wrote the House Commerce Committee on March 18 that "in the absence of legislation, technology has produced no significant solutions to the aircraft noise problem during the past 20 years."

Most of the research in noise suppression is being done and paid for by the FAA, NASA, and the Air Force. Joseph Blatt, associate administrator for development of the FAA, told a House Science and Astronautics subcommittee on February 27, "We did not get any enthusiastic reaction from the industry . . . to establish a joint venture with us."

But more deterioration in sight

There were plenty of warnings besides Kupferman's that the public should not expect too much from the new law. "I do not expect this bill to bring an overnight solution," said Friedel. And Congressman Harley O. Staggers of West Virginia (chairman of the House Commerce Committee) cautioned the public against thinking the legislation will bring "any fast or dramatic change in the present situation."

For one thing, the FAA's standards are unlikely to require any greater noise suppression than existing technology can produce. For another, when the economic and safety factors are weighed in, the standards may call for considerably less.

"The techniques of noise reduction and the engines will be expensive," noise expert Leo L. Beranek said at the Washington conference, "and we may expect that they will go unused unless maximum permissible noise levels are established."

Col. Charles R. Foster, head of the Department of Transportation's Office of Noise Abatement, says that procedures to certificate aircraft are already being developed, and the first step will be issuance of a notice of proposed rulemaking, giving industry and other interested parties a chance to comment on proposed standards. Blatt told the House subcommittee it would be about a year before the FAA would have standards established, and at least another five years before any quieter new planes appear or existing engines are fitted with quieting devices.

Asked Congressman John W. Wydler of New York: "But do you have the information on which you could base immediate standards?"

BLATT. "State-of-the-art standards, yes, sir."

WYDLER. "Which would be, then, if I understand your answer, exactly the noise the planes are making now . . . So you would legitimize, in effect, the present noise levels?"

BLATT. "Just about."

Thus, the prognosis for relief is not good. Beranek says it is the consensus of those in both industry and government that aircraft could be built by 1973 that would be quieter than today's noisiest turbo-fan jets by 7 to 20 PNdB. (PNdB are perceived noise decibels, similar to simple decibel measurements of the levels of noise, but adjusted to give somewhat more weight to the increased annoyance factor found in high frequency components of an aircraft's complex noise. PNdB figures are about 13 units higher than the decibel scales used to measure machinery and other noises.)

A reduction of 20 PNdB would significantly lessen annoyance, but seems unlikely from an economic standpoint; a change of only 7 PNdB would be far less effective. Meanwhile, hundreds of new planes will take to the air without benefit of abatement technology. The outlook for noise reduction by modifying present-day aircraft is currently only a few PNdB.

"It will take a long, long time to get some real reduction," concedes Foster. And Dr. Donald F. Hornig, director of the Office of Science and Technology, agrees with the estimate of five years or longer, adding that conditions in affected communities "will continue to deteriorate." That's probably putting it mildly, since the volume of air traffic in the country is expected to triple by 1975.

In addition to technology, effective standards will obviously require a strong commitment to noise reduction by the FAA and by the Secretary of Transportation. The legislation originally proposed by the Administration would have placed standard-setting authority in the hands of the Secretary. But Congress shifted the responsibility to the Administrator of the FAA, leaving the Secretary with "consultation" rights only.

Congress did so because it felt that noise and safety are so interrelated they should both be vested with the FAA. As the House committee said in its report: "In many instances, it will be extremely difficult if not impossible to consider noise or sonic boom standards . . . without at the same time giving serious attention to safety considerations."

There is some fear, however, that the noise problem may get lost in the hands of the FAA, which is an aviation development agency. Indeed, both FAA officials and the Secretary have indicated in the past that aviation noise is not one of their primary concerns.

Former Administrator Najeeb Halaby has said: "What is one man's annoyance is another man's livelihood." And Alan S. Boyd, the current Secretary, has on several occasions minimized the noise problem and stressed the economic benefits of aviation, saying: Noise is a "very unfortunate and disturbing thing, but we do learn to live with the greater amounts of noise and I think there is room for more tolerance of noise in the field of aircraft." Boyd has also asked Congress to "keep this whole business in some perspective . . . I think that (noise pollution) is an undesirable side effect, but it does not mean that we should eliminate aircraft in the United States."

No one, of course, had suggested any such thing.

ON BANNING THE BOOM

The programmed supersonic transport or SST, with its startling sonic boom, adds another dimension to the aircraft noise problem. (See December 29, 1967 *CF Letter*.) So far, technological efforts to reduce the disruptive thunderclap of the boom have been stymied by aerodynamic and economic realities.

Can the public learn to stop worrying and live with the sonic boom? No, say the experts. In a report to the National Academy of Sciences' Committee on SST–Sonic Boom on June 7, the Subcommittee on Human Response and its chairman, Dr. Raymond A. Bauer of Harvard University, wrote:

While physiological studies to date indicate little cause for concern, a review of field studies of the psychological impact of the sonic boom shows a growing consensus that is discouraging for the use of the current version of the commercial supersonic transport over populated areas at which it will be generating a sonic boom." He expressed "cautious optimism" that in the future it might be possible to design an SST with an acceptable boom.

Among the many others who are more outspoken, Dr. Karl D. Kryter of the Stanford Research Institute, told the Washington conference: "Will the society of the United States 'pay' the price of the annoyance and discomfort of being exposed to the booms from the SST? this is the most, if not the only, necessary question, and the answer, if one is to believe the research data . . . appears to be definitely no."

Reflecting these views, Senator Clifford Case of New Jersey on April 29 introduced a bill (S. 3399) to ban all non-military supersonic flights over the U.S. pending the results of a two-year scientific investigation of the boom and its effects. Congress, after reviewing the results, would decide whether the ban should be continued.

When H.R. 3400 came up for Senate floor debate on July 11, Case and Senator William Proxmire of Wisconsin sought to tack on the same language. But the amendment was turned down by a 55–12 vote. Thus the decision on sonic boom flights over land was placed in the hands of the FAA.

That, said Case, raising a question of conflict of interest, is "like putting the fox in the chicken coop." What he and other critics mean is that the FAA has played a vigorous and dedicated role in the promotion and development of the SST. As the responsible agency, it would not be inclined to hamstring its own work. "I am not damning the FAA at all, but it is a narrow, single-minded instrument for the development of aviation," Case said. "That is fine." But, he said, "the executive branch necessarily defends its programs and is loath to adopt a regulation which would limit the success of a project." He said that Congress, rather than the FAA, should make the final policy decision because only

Congress can properly meld all the differences of public opinion, economic and social factors.

Critics of the SST program have also predicted that tremendous economic pressures will eventually be applied to permit supersonic flights over land—rather than just water as currently contemplated. Dr. Bo Lundberg, a Swedish noise expert, has repeatedly warned that, unacceptable as expected booms of up to two pounds per square foot would be to the public, occasional "superbooms" more than twice as strong would be unbearable. "In view of this," he told the Washington conference, "the oft-repeated statement (even in official scientific reports) that the probability of severe shocks or material damage being caused by SST booms 'is very small,' is utterly misleading." There is also a problem of low-flying accidents, such as the embarrassing one on May 31 when a supersonic fighter's boom shattered some 200 windows during dedication ceremonies at the Air Force Academy.

Doubtless the best recent news for SST opponents was the decision last February to delay work on the plane for about a year. Though technical problems were given as the reason, it is widely suspected that the major factor was political and economic pressure. (The plane's budget had already been severely cut.) In any case, the SST is now not likely to be in service until around 1976, although the British-French Concorde may be flying as soon as 1971.

RESEARCH AND PLANNING FOR ABATEMENT

There are, of course, ways of coping with aircraft noise other than developing quieter engines and airframes, altering take-off and landing patterns, cutting power, and using different runways. Such techniques are already being used in some places, but dramatic improvements are not anticipated from them anyway.

Over the long run, better airport planning, with appropriate zoning or compatible land usage, doubtless offers greater hope. Changes around *existing* airports would be cumbersome—and expensive—to say the least. But major consideration is also being given to greater insulation and soundproofing of buildings in noisy areas.

Federal government efforts to solve the problem are now coordinated by the interagency Federal Aircraft Noise Abatement Program. This is directed by DOT, but various other agencies also provided research and chairmen for eight study panels on aircraft noise research, sonic boom research, aircraft operations, airport and land use, natural environment, structures, human response, and legislative-legal questions. Some current work:

The natural environment panel will study the effects of noise and sonic boom on domestic and wild animals, and on the fragile formations which exist in so many national parks. Sound equipment is being placed in four parks to study booms, which have already been charged with causing the collapse of prehistoric Indian dwellings and valued rock formations.

Interior Secretary Stewart Udall was so concerned with this problem and other effects of noise pollution that at the end of 1967 he named a blue ribbon committee of scientists to study them. The committee is expected to report its findings soon.

Udall was apparently dissatisfied with the anti-noise efforts of other agencies with seemingly greater responsibility, such as the FAA and HEW. For example, HEW was urged in mid-1967 by its own task force on environmental health to investigate noise tolerance levels, and to develop model codes for control of noise in the environment. Apparently, few if any efforts have been made in that direction.

(Another growing noise problem is the sudden advent of the popular snowmobile. It shatters the silent beauty of the wilderness. Its noise has been compared to that of a chain saw. There are already several hundred thousand zooming through the countryside, with a million estimated in less than five years.)

Computer and systems analysis are being used to forecast noise exposure in various airport areas, "to develop practicable approaches to a coordinated federal program for stimulating airport community development in directions which would tend to anticipate or ameliorate community aircraft noise problems," as it was put in the April 1 status report of the interagency federal group.

Dorn C. McGrath, Jr., director of the Division of Metropolitan Area Analysis, Department of Housing and Urban Development, told the Washington conference that HUD is studying present and projected land use, and the growth of population and aircraft operations "to assess the cost of alternative measures for providing some degree of relief."

McGrath said it was determined that by 1975 Kennedy International Airport, for example, would expose 373,500 people in a 36-square mile area to a level of noise which experience shows would prompt them to "respond vigorously." More than a million other residents in a 121-square mile area would be subjected to noise "generally considered unacceptable."

Concurrently, HUD is studying projections of property values, types of construction, insulation and other factors. For example, the Federal Housing Administration is sponsoring several field tests of the effectiveness of new soundproofing materials and techniques—using actual houses near airports at Hempstead, N.Y., Los Angeles and Boston—and monitoring noise levels for six months.

Eventually, the aim is to crank in all available research and arrive at practical proposals for abating noise. This would involve the evaluation of all the complex economic and social trade-offs associated with land acquisition, zoning or conversion (including creation of recreation areas, wetlands conservation, etc.); insulation or air conditioning of existing buildings; diversion or rerouting of flights—all in addition to the flight operation and technological noise reduction efforts noted above.

As McGrath said, "airport development plans and proposals seem to have been notably free from local debate on the question of noise effects that such plans might produce in neighboring communities." Ditto highway planning. "Failure to apply principles of urban noise control threatens to make a mockery of the concept of compatible land usage at the metropolitan scale. For example. Even while the San Francisco airport was under suit for $3.4 million by residents of the City of Millbrae for noise damages, the city continued to grant building permits for additional residential units in the noise-affected area."

Walter W. Soroka, professor at the University of California, Berkeley, said in Washington: "The overriding problems of eocnomics and safety still largely determine the nature of remedial action that can be taken, and as a result airports and their environs will continue to be noisy for some time to come."

THE WAR AGAINST COMMUNITY NOISE

"To some administrators the only real concern about community reactions to noise is the level of actual complaints. Such a view has been proven very shortsighted . . . the number of actual complaints is but the barely visible tip of a huge iceberg."

So said Paul N. Borsky, of the Columbia University School of Public Health and Administrative Medicine, at the Washington conference. Of course the strongest complaints are legal actions, and they have not been without success. Consider:

A resident of a secluded Lake George area had a piece of his land taken for a freeway. On July 1, 1968 the New York Court of Appeals ruled 4–3 that the state must also pay him damages for noise caused by the traffic. Judge Kenneth B. Keating noted the "massive" highway construction program and said: "Of particular concern has been the damage done to the quiet beauty of many once remote and inaccessible areas, as well as the intrusion of the seemingly endless line of asphalt and concrete into the enclaves which many people have sought as surcease from the hustle and bustle of modern day life."

Hundreds of suits against aircraft noise are pending throughout the country. For example, it was reported on August 7 that 94,000 Inglewood, California residents who live near Los Angeles International Airport have filed a $1.4 billion damage suit claiming that the jet noise has brought "nerve and emotional disturbances of a permanent nature."

To forestall a further flood of damage claims, the Defense Department's National Guard Bureau last April sent the following telegram to all flying squadrons: "Flying commands are reminded of the mink whelping season which extends from about 23 April through 31 May. The alleged adverse effects of noise on mink during whelping season results in excessive claims against the government. Request overflight of known mink ranches be avoided to the greatest extent possible."

The legal picture for aircraft noise is mixed, and depends a great deal on which state one is in. On December 11, 1967, the California Superior Court ruled that 10 persons whose homes were being taken were not entitled to damage claims of from $4,000 to $8,000 apiece for past noise disturbances because they couldn't show their property had depreciated in value. Somewhat contrarily, on March 11 the U.S. Supreme Court let stand a Florida court decision that 30 property owners could collect damages if they suffered substantially from the noise of jets using Jacksonville Municipal Airport.

In another case, the Iowa Supreme Court said: "One must use his own property so that his neighbor's comfortable and reasonable use and enjoyment of his estate will not be unreasonably interfered with or disturbed . . . Noises may be of such character and intensity as to so unreasonably interfere with the comfort and enjoyment of private property as to constitute a nuisance, and, in such cases, injury to health . . . need not be shown."

In addition to the potential for court relief, many states and cities have ordinances specifically aimed at noise. For example, there are laws against excessive noise from motor vehicles, construction equipment and other machinery. Coral Gables, Florida even has an ordinance which sets maximum sound levels for home air conditioning units.

In general, however, such ordinances are either fairly permissive, not well enforced, or provide for fines too small to be a deterrent. (New York City has a new building code embodying abatement standards for apartments, but noise expert Martin Hirschorn has told the City Council that it would "legislate noisier apartments than we have now.")

Another legal approach against noise involves zoning. In a landmark case in the field of city planning in 1926, the U.S. Supreme Court noted that zoning could be used as a means to "decrease noise and other conditions which produce nervous disorders." (Village of Euclid v. Ambler Realty Co., 272 US 365).

A number of cities throughout the country have anti-noise ordinances which involve zoning. They were well summarized by Professor Soroka at the Washington conference. An example is a Chicago ordinance adopted in 1957 after years of study. It establishes maximum permissible sound levels which manufacturing districts can produce at their boundaries with residential or commercial districts. Acoustics expert Stannard M. Potter told the Washington conference that its chief weakness is that traffic noise is exempted, and thus the law fails to quiet the community.

The ordinance sets a decibel level for each of eight segments of the frequency spectrum (octave bands) which people hear, with lower permissible levels for the more abrasive high frequencies. Most experts these days urge that restrictions against noise contain more refinements to reflect the various subjective attributes of noise. For example, they suggest that maximum levels be raised or lowered several decibels, depending on whether it is night or day; winter or summer; the extent of muffling background noise; the area of the city; whether the noise is steady or comes at infrequent intervals; whether it is "smooth" or impulsive in nature; and whether it contains pure tones. (A noise with pure tones or narrow band frequencies has been found to be particularly annoying. Expert Lewis S. Goodfriend told the Rutgers conference that even faint pure tones will come through the rest of the noise spectrum and "eat right into you." He compares them with the pure colors so prevalent in modern art. These, however, are used in combination: "But if you go into a pure color green room, you don't like it.")

OTHER WAYS TO STIFLE THE RACKET

There is little doubt that technology, given the incentive, can eventually meet many of the challenges of noise abatement. Much work is being done on quieter subways, particularly the San Francisco area's rapid rail system; quieter air compressors and jackhammers have been demonstrated; and Westinghouse Research Laboratories has reported the experimental use of a "gun" that shoots electrons and could presumably be used to cut rock and dig up city streets with far less noise than current tools.

A quieter garbage can has been widely demonstrated and heralded. It was developed through the efforts of Robert Alex Baron, head of Citizens for a Quieter City (New York), and James H. Botsford, an engineer with Bethlehem Steel Co. When it falls, there is a dull thud rather than a mind-vibrating clang.

"It's perhaps the best publicity gimmick the company has ever had," says Botsford, who stresses its value for hospitals, institutions, apartment buildings and the like. The steel can, which is being manufactured by the Dover Stamping Co., Fall River, Mass., has a vibration damping belt, rubber feet, an undercoating, and handles attached with rubber.

A rather different method of controlling noise is the introduction into an environment of "ambient noise." Thus a humming air conditioner, background music or other low-level, steady noise serves to wash over more intense sounds and mitigate their disruptive effects. This has been called "acoustical perfume," and one example is the small generator of "White Sound" which is being marketed for placement near one's pillow. "A blend of rhythmic tones that blot out disturbing noises," says the advertisement. "White Sound soothes and lulls like the swooshing pine-wood winds."

No one has figured out what to do about rock-and-roll music. Aside from whatever cultural disadvantages it may have, researchers have concluded that the acoustical pounding of an electronic rock band is producing hearing loss just as surely as a loud industrial machine at a job site, or the normal deterioration that comes with age. A number of researchers report levels at discotheques of 120 and 125 decibels, which, as Dr. David M. Lipscomb of the University of Tennessee points out, is "far in excess of the level that industry has been concerned about for years."

To help confirm his observations that a high percentage of university freshmen had some hearing loss, Lipscomb recorded rock music at a Knoxville discotheque and played it back to a guinea pig at normal teen-age intervals. After three months he found that many cochlear cells in the animal's ears were destroyed.

Selective Service says that loud music is apparently responsible for the partial deafness which causes many draftees to be rejected. Dr. Alexander Cohen, chief of the Public Health Service's National Noise Study, told the Washington conference he would not recommend that the federal government be "so paternalistic as to outlaw discotheques," but added—perhaps only half jestingly—that it might require signs outside saying: "Caution: The noise levels inside may be dangerous to your health."

FOR FURTHER INFORMATION

The first "National Conference on Noise as a Public Health Hazard" was sponsored by the American Speech and Hearing Association with the support of HEW's Public Health Service. It was held in Washington, D.C. on June 13–14 and brought together several hundred leading experts in the field. Proceedings are expected to be available by October 15 from ASHA, 9030 Old Georgetown Road, Washington, D.C. 20014.

On May 22 a "Noise Pollution Conference" was held at Rutgers—The State University, and proceedings will be available later this year from Professor Joseph J. Soporowski, Jr., Department of Environmental Science, Rutgers–The State University, New Brunswick, New Jersey 08903.

WHAT NOISE?

Surgeon General William H. Stewart, at National Conference on Noise, June 13, 1968:

"Attitudes concerning noise as a health hazard now are analogous with attitudes toward air pollution in 1958 . . . (Then) there were a number of voices saying, in effect: 'Air pollution problem? What air pollution problem? I don't smell anything.' Today there are apologists for some of our noisier phenomena in our society saying 'I don't hear anything'."

"WE DARE NOT BE COMPLACENT"

President Johnson, natural resources message to Congress, March 8, 1968: "What was once critically described as 'the busy hum of traffic' has now turned into an unbearable din for many city dwellers. The crescendo of noise—whether it comes from truck or jackhammer, siren or airplane—is more than an irritating nuisance. It intrudes on privacy, shatters serenity, and can inflict pain. We dare not be complacent about this ever-mounting volume of noise. In the years ahead, it can bring even more discomfort—and worse—to the lives of people."

PRACTICAL POLITICS

Wilbur H. Ferry, Fund for the Republic, Inc., at National Conference on Noise, June 14, 1968: "The best way of eliminating the threat of sonic boom for once and all in this country would be to have supersonic military planes fly across this capital city for two or three days and nights—when Congress is in session. I am confident that the great SST debate would come to an abrupt and decisive halt."

SHIFTING THE BURDEN

In order to more accurately determine damages, and "place the cost of noise where it should properly fall," Charles M. Haar, an Assistant Secretary of the Department of Housing and Urban Development, suggested in May that airports be required to pay for the right to make noise under some sort of leasing arrangement with their neighbors. At the end of a two or three-year expiration date, he suggested at a meeting of the Practicing Law Institute, the property owner would have to prove a loss of value due to the noise, and claims would be settled accordingly. He said this would be a "more equitable means of recognizing accurately the extent of damage suffered for a given time."

LITTLE DID THEY KNOW

Senator THOMAS KUCHEL of California, July 11, 1968: "The Preamble of the Constitution of the United States sets forth as one of its purposes the insuring of 'domestic tranquility.' More and more today, as the sound effects of modern life bombard Americans, there is a need to promote 'domestic tranquility' by reducing noise."

A PROPHETIC VOICE

"Noise as a Nuisance," 82 U. of Pa. L. Rev. 567,582 (1934): During the Depression, Professor William H. Lloyd wrote: "Air- and sound-conditioned houses may be the next luxury, when luxury is resumed, to the profit of our inventors and engineers, who, having devoted one century to creating pandemonium, may spend the next century in abating it."

One article especially, by Cliff Carpenter of the Rochester Democrat and Chronicle, involves James J. Kaufman, Esq., my former legislative assistant:

The Decibel Dilemma

Are you tired? . . . nerves frayed? . . . short-tempered? . . . do you hate everyobdy, even (or especially) your children?

Maybe it isn't tired blood or the wrong girdle.

You may be a victim of the most insidious of modern health menaces, noise pollution! It has proved that if enough senior idiots crank up their power lawnmowers at 7 a.m., and enough junior jerks turn up the volume on their electric guitars at 10 p.m., the result can be ruined hearing, wrecked home life, and even insanity.

It is dangerously easy for newspapers and magazines to be flippant in reporting anti-noise movements, because the subject is a natural for such headlines as "Noise Control Unit Plans Loud Protest" (D&C just last week). But the evidence shows that society is in a deadly race against time; either there are accepted legal definitions of damaging noise, plus tight law enforcement based on those definitions, or noise pollution will join those twin frights, air and water pollution, in menacing the human race.

For noise seems to be such a simple thing ("Joey, slam that door again and I'll spank you!") . . . where in reality it is immensely complicated when it becomes loud enough to be disturbing. One man's noise is another man's music.

Here is where a 29-year-old Rochester attorney comes in.

James J. Kaufman, a native of nearby Newark, is quiet-voiced, likes to vacation with his wife in quiet out-of-the-way places, may well know more about the legal aspects of noise than anybody in America, but does not want to be associated with extremist anti-noise nuts or with any movements that drag noise into politics. He's canny.

Kaufman's concern with noise dates to shortly after his graduation from Albany Law School when, as legal assistant to Congressman Theodore R. Kupferman (who inherited Mayor Lindsay's noisy old New York district), he researched and drafted the first general noise control bill. The bill was reintroduced last year in Congress. Now in private practice, Kaufman continues to work as a member of a national panel on noise abatement, and is a principal in the founding of a local group, Citizens for a Quieter Environment.

Here are samples of the facts that emerge from his continuing research and correspondence:

The United States has no federal anti-noise statutes.

Nor does the United States have noise control provisions in building codes, which accounts in part for cracker-box apartment construction in Rochester and everywhere else. But some other countries are well advanced in sophisticated accoustical building codes, notably Britain, Sweden, West Germany, Netherlands, Italy, Japan and Russia.

But if some other countries are ahead of us in accoustical building requirements, they are no better off in other areas of noise pollution . . . England and Germany and even remote Australia are following Kaufman's efforts.

The first anti-noise study in this state (and possibly the first in the nation) was ordered by New York Mayor Jimmy Walker in 1929 . . . "then absolutely nothing was done in New York City until 1967 when Mayor Lindsay appointed a task force."

Any progress dealing with noise involves a "delicate balancing of individual rights and remedies against the rights and remedies of society . . . Noise pollution is the most difficult form of pollution to deal with because at certain levels it is largely subjective."

Scientists and health authorities now have proved that noise is a major health problem . . . "but this proof must be related to citizen groups on local levels; we can't expect the esoteric deliberations of scientists to get through to the people; the scientists' findings have to be incorporated in laws; the laws cannot simply prohibit excessive noise, they must formulate standards usable in putting the finger on dangerous noise."

Kaufman is convinced that a quieter world would be a happier world and a saner world, but the effort has to be made now . . . "there would be far fewer air and water pollution problems if the nation had taken the obvious preventative action 10 or 20 years ago."

We must learn to "think quiet." We have to recognize the personal danger of noise pollution, and then demand quieter jobs and quieter industrial products—autos, trucks, motorcycles, lawnmowers, vacuum cleaners, dishwashers, air conditioners, mufflers, heaters. Despite the grim size of this decibel dilemma Kaufman is optimistic; he thinks enough people want peace and quiet to support anti-noise movements. He gets one loud vote of support from us!

In my June 10 speech, I referred to the fact that the July 1967 Unesco Courier magazine was devoted completely to "Noise Pollution." At the time—RECORD, page 16454—I included the article "Down With Decibels." There has been so much interest in this that I have the remainder of the magazine including: "The Architects of Silence," by Constantin Stramentov; "Street and Air Traffic Noise—and What We Can Do About It," by Leo L. Beranek; "Supersonic 'Boom Carpet' "; "Cordoba—Argentina—Takes Noise Abatement by the Horns," by G. L. Fuchs; "Echoes From Our Noisy World"; "Noise and Health—Noise Can Cause Damage to Hearing and Have Other Harmful Effects," by Gunther Lehmann; "The Danger of Sounds We Cannot Hear."

THE ARCHITECTS OF SILENCE

(By Constantin Stramentov)

Do we need absolute silence? Those who have ever remained for any time in a soundproof chamber know what a horrifying experience it is. Absolute silence is contrary to nature, an artificial creation of our century. All of us at one time or another have described a particularly intense silence as "terrifying."

It is easy to imagine how dangerous a completely silent car would be. It would cause far more serious trouble than the disturbing throb of its engine, which our ear associates spontaneously with the approach of danger. Surprisingly then, noise has the dual character of being both harmful and useful.

When they produced that noisy plaything, the automobile, for man's gratification, Daimler and Benz certainly never suspected that their gift was to be, in a sense, the Trojan horse of our civilization. We are now paying a high price for the satisfaction of having faster ways of transport: we have to live constantly with the infernal din of motor traffic. Once again, as so often happens, man is the victim of progress, the slave of his own invention.

So harmful is noise that it can sometimes kill. The hooting of a car symbolizes this mortal danger. The noise made by a motor horn two yards away is estimated at 95–100 phons. It has been established that man's visual reaction drops by 25% when the noise level rises to 90 phons. The possible consequences of this need no elaboration.

What, in fact, we are combating is not so much noise as such (in accoustics, all sounds are termed noise) as its dual character. We are trying to abolish noises that are harmful to human beings, but not to get rid of all noises, since this would deprive man of a vital source of information. Radio, for instance, is a useful noise, while music is simply a pleasant one.

In this article we shall often use the word "phon" so it would perhaps be as well to explain briefly what is meant by the measurement of sound.

The physical unit for measuring the intensity of sound is the decibel. But the number of decibels does not give us a precise idea of the receptivity of the human ear. So we also have to use a physiological unit, corresponding to the subjective perception of sound by the average human ear. This unit is the "phon".

The phon is the smallest variation of sound perceptible to the human ear. And the range of audible sounds between the threshold of audibility and the point at which sound causes pain is generally estimated as 120 phons.

The twentieth century has been marked by the relentless invasion of noise into everyday life. Yet no city deserves to be called "modern" so long as the sleep of its citizens is disturbed by the rumble of passing trucks. In the daytime conditions are different and the infernal roar of thousands of automobiles crowding our streets and highways scarcely bothers us at all.

It has become so familiar that it seems to be merely a drone in the background, especially since the increase in noise from year to year has been fairly slow, as though to give us time to become accustomed to it. But now, in the 1960s, it has attained a level of 80 phons on our main thoroughfares. Here, to give a better idea of what this represents, are some figures for other sounds:

	Phons
Rustling grass	10
Noise inside a light vehicle	35–55
Normal noise inside a house	40–50
A moving tram	70
Motor cycle with silencer	90
Pneumatic hammer at a distance of 30 feet	100

To take an extreme example, there is the sad story of the metal pail which was left by mistake inside a room used for testing jet engines. Within a certain time it had completely disintegrated due to the sound vibrations set up by the roaring engines.

Another point to remember is that the range of sounds perceptible to the human ear is relatively limited. On either side of this spectrum are infrasounds and ultrasounds that we do not perceive. And tests have shown that inaudible noise, like an invisible enemy, is even more deadly than the noise we hear. However, enemy No. 1 is still the noise within the 0 to 120 phon spectrum.

James Watt (1736–1819) the British engineer, once rightly remarked that to uneducated persons noise is suggestive of power. A machine which operates silently or without vibration is obviously far less impressive than a noisy one.

Some people still imagine that the more noise there is, the more work is being done. But tests made in post offices, for instance, showed that when noise increased from 75 to 95 decibels, productivity immediately dropped by 25 per cent, and mistakes made in sorting mail increased four-fold. Acousticians then placed sound-deadening screens between the employees, reducing noise by between four and five decibels, and even this small reduction raised productivity by 5 per cent. When noise was further reduced by between 10 and 15 decibels, productivity rose by 18 per cent.

The familiar exclamation, "Don't make a noise", or "Quiet please" can be translated into scientific terminology as follows: "My work demands great concentration and I must therefore preserve the connective functions of my cerebral cortex. I cannot afford to weaken the inhibitory processes and I have to preserve the working capacity of my nervous system."

Research of various kinds as well as statistics show the harm caused by noise as:

A frequent cause of street accidents and mishaps at work

The source of disorders of the nervous system

Responsible for hearing losses of varying degrees

Inimical to working efficiency

The campaign against noise cannot be waged in isolation. The biggest source of noise is transport (at least in towns) and town-planners and acousticians everywhere are confronted with more or less the same problems.

In the Soviet Union the anti-noise campaign is being promoted on three fronts:

In hygiene and public health, through studies of industrial working conditions, research into the effects of noise on human beings and the enforcement of noise control measures;

In architectural planning, through the use of more rational layouts for towns and built-up areas, and building and architectural studies, including research into new methods of sound-proofing houses;

In technology, through the development of new muffling techniques and the manufacture of more efficient sound-proofing materials.

In modern industrial planning, in metallurgy for instance, noise levels often influence the design of a factory, the various departments being arranged according to the intensity of noise they are likely to produce. The noisier the workshop, the more massive the noise insulating walls around it and the more complex the screening devices. In some cases operations are supervised from observation posts. Other arrangements to reduce the effects of noise include remote-control posts, closed-circuit television and special rest rooms for workers.

Rolling mills are always controlled from completely sound-proof cabins. Workshops for assembling and testing engines, where the noise cannot be stifled at source, are isolated by heavy screens and test benches are operated automatically by remote control.

In the U.S.S.R. action has been taken against abusive noise on a broad administrative front. Regulations forbid the use of certain vehicles on specified routes and of noisy vehicles at night. In August 1956 the use of motor horns was made illegal in Moscow and the noise level in the streets immediately dropped by eight to ten phons. Since then the steady increase in traffic has to some extent cancelled out the beneficial effects of this regulation.

In our age of specialization, a new technician has appeared in the field of town planning and construction: the expert who deals with the practical problems of acoustics. Architects, builders and acousticians now cooperate in planning how best to use our urban living space.

To reconcile all the factors involved is not easy. Controversies arise between constructors and acousticians on the one hand and automobile industry engineers on the other. It has also been found that modern architecture does not always satisfy the needs of acoustics. The vast, flat surfaces of modern buildings, it appears, are acoustically less suitable for cities than the tortuous carved stone of "Baroque" architecture which diverts noise and rapidly reduces its intensity.

Squares are usually thought to be the noisiest places in town, yet tests show surprisingly that they are less noisy than streets. City streets may be likened to canals, with houses acting as walls, between which all sounds continue to reverberate until they finally die out. In squares the extra space helps to disperse the sound waves which are also absorbed by trees and gardens.

Ideally, noise should be eliminated at its source, but this is not yet practicable, so for the moment efforts are made to localize it by every means.

A miniature town, for testing techniques designed to eliminate the scourge of modern city noise, has been built on the banks of the Volga River. The sources of urban noise re-created in this artificial city provide researchers with reliable data on which to work and conditions in which the vulnerable points can be identified.

Town planning in the Soviet Union complies strictly with the principle of separating industrial and residential areas, and in this way city dwellers are spared the harassment of excessive noise.

Satellite towns without factories have also been built and town planning methods devised to reduce the volume of noise, particularly by adapting the design of main streets to the needs of the buildings flanking them.

Reconstruction and renovation of cities offer opportunities for eliminating or reducing many sources of noise. Green spaces, and protective screens are incoropated in street designs so as to surround buildings with a "wall of silence".

Such solutions, with the exception of the planting of trees, can hardly be said to improve the appearance of a town. The acoustician, working in this case not with the architect but in opposition to him, conceals the buildings behind a screen. So what is there left for the architect to do except to seal the windows hermetically and use thicker panes. And that implies the installation of air-conditioning—itself a source of noise.

So the answer is to reach a compromise. The appearance of a town cannot be sacrificed to meet the demands of acoustics, yet acoustics must be taken into account for the sake of the health and tranquility of the inhabitants.

Some people are always hopeful that a scientific innovation will come along to solve the problem. Physicists, for instance, propose using one evil to suppress another. As an antidote to noise they suggest using electronic apparatus whose loud speakers would emit sound waves with oscillations of the same amplitude as that of the unwanted noise, but in inverse phase: The resulting interfence, they say, would wipe out the noise.

Whatever methods are used, the "music" of town noises has to be rewritten completely and rendered, if not truly harmonious, at least acceptable to the human ear.

Street and Air Traffic Noise—and What We Can Do About It

(By Leo L. Beranek)

Noise once served as man's principal warning signal. The sound of an approaching carriage on an otherwise quiet street warned people of danger. A booming sound meant an explosion, often accompanied by disaster. A noisy bearing or a shrieking cutting tool signaled mechanical failure in the factory. The piercing shout of a fellow worker was a prime factor in preservation of life on a construction job.

Historically, noise has been a servant to man. But in the last quarter century, noise has fallen from a position of usefulness to one of nuisance. Modern technology has furnished its own fanfare—an ever-increasing din that disturbs our sleep, interrupts our conversation, creates anxiety and annoyance, and sometimes damages hearing.

Advancing civilizations will create more noise, not less. Of that, we are certain. In all probability, the noise level will grow not only in urban centres, but, with increasing population and the proliferation of machines, noise will invade the few remaining havens of silence in the world. A century from now, when a man wants to escape to a quiet spot, there may be no place left to go.

We probably could not reverse the trend, even if we tried; so we must view the problem not as one of eliminating noise, but rather of controlling it. Science alone is not the answer. Our most troublesome noise problems carry price tags; economic considerations must be weighed against people's desire for culture and "the good life."

As in any democratic process, the balance is struck in the political arena. The people's well-being must be squared with preserving a good educational system, with maintaining a reasonable tax rate, and with guarding the nation's position in the marketplace of the world. The science, economics, and politics of several of our most important noise problems are the subjects of this paper.

Sensational stories of the effects of loud noises on the well-being of man are often printed in the popular press. The noises of daily life have been blamed for increases in the divorce rate, social conflict, indigestion, inability to perform tasks with the limbs, or eyes, nervous breakdowns, high blood pressure, heart failure, and even insanity.

Most of these allegations are the products of vivid imaginations. Of course, one cannot rule out the possibility that a few people are particularly sensitive to noise, just as some as allergic to nuts, eggs, or ordinary dust. But controlled social observations have indicated that the most important biological effects of loud noises are: hearing impairment, interference with speech communication; interference *by distraction* with mental or skill work; interference with sleep; and a feeling of general annoyance.

Surveys conducted in Central London, near London airport, and in several American cities both near and far from military air bases have revealed some interesting statistics. Of the thousands of people interviewed, about one-fourth of those present in *any stratum of noise intensity* seem to be unperturbed by their noise environment.

These people apparently could and often do live happily next to elevated train routes, trucking routes, aircraft flight paths, or other very noisy activities. About a tenth of those interviewed seem to be disturbed by most any audible noise not of their own making, regardless of level. These same people were dissatisfied with many other things in their environment.

It appears that fear of safety for children near traffic routes and fear of air crashes increases people's sensitivity to these respective types of noise. Personal differences owing to age, sex, income, education, occupation, and so forth, do not seem to be very significant. Of those in areas with a specific loud noise, about one-third said that they tend to get used to the noise, while about one-fourth said they are bothered more by the noise as time goes on.

Carefully controlled tests performed in laboratories and with pilots of aircraft indicate that noise alone does not effect people's ability to reason, to do mathematical exercises, or to control flight (using flight trainers, with and without lound cockpit noise.)

Nevertheless, we should not dismiss annoyance as a figment of the imagination. Some physiologists assert that annoyance should be considered as a biological protective mechanism, inducing man to avoid noise and to seek recovery processes. The biological meaning of annoyance may be comparable to other feelings of discomfort like fatigue, hunger, cold or warm sensations.

The clip-clop of horses and the rumbling of carriages in an earlier day were quiet enough to be romantic. Traffic noise was no real problem so long as people were forced to content themselves with these slow means of transportation.

Today's urban noise is largely the result of people's insatiable desire to reach distant places ever more rapidly and comfortably. As we have developed faster ways to transport ourselves and our commercial goods, we have created a noise nuisance that is becoming increasingly difficult to live with.

Cars, buses, trains, trucks, and airplanes are a necessary part of our lives. It does not follow, however, that all the noise created by these machines must also be a part.

Which noises are the most troublesome to the inhabitants of a city? The 1,400 people interviewed in a British survey were asked, among other things in a questionnaire, "if you could change just one of the many things you don't like about living around here, which would you choose?" They responded as follows:

Noise was mentioned as often as slums, dirt, smoke, public facilities, transport, government, and the amount of traffic.

About one-third of the total sampling specifically mentioned motor-vehicle traffic noise as one of its major irritants.

Four to seven times as many people were disturbed by the noise of road traffic as by the noise of aircraft, trains, or industry.

Traffic noise appeared to be as important an annoyance as all other noises together, including the noises of aircraft, trains, industry, construction and demolition, domestic appliances, neighbours, children, radio and television, bells, alarms, and pets.

People tolerate greater intensities of continuous noise than they do of intermittent noise. Also they tolerate higher (but less-frequent) levels of noise from aircraft than lower (but nearly continous) levels of noise from automobiles.

Similar surveys of occupants of apartment buildings in Rotterdam and The Hague, Netherlands, revealed that 25 per cent were annoyed by traffic sounds; 12 per cent by children playing; and 10 per cent by doors slamming. There is, of course, a close relation between annoyance and the location of the building. The Netherlands survey also indicatied that:

Noise nuisance is greatest in homes where children must study in the evenings or where adults read extensively or engage in self-education.

Noise nuisance decreases with increase in family size and increases as the children grow older

Based on these fairly representative surveys, it is abundantly clear that a city's first efforts to produce quieter living must be directed at reducing noise from traffic.

The steady flow of passenger-car traffic alone would not necessarily be irritating. Many new cars are equipped with good exhaust silencers and quiet tire treads. Cities and highway builders have it in their power to choose quiet road surfaces. The real trouble lies with trucks, buses, motorcycles, and sports cars. The average truck at 60 miles per hour is about twice as noisy as a steady stream of automobile traffic. Further, truck noise is more irritating than this difference indicates because trucks pass less often and the loud burst of noise that results is distracting and annoying. The same holds for sports cars, motorcyles, and buses.

Many old cars are more noisy than new ones, usually due to deterioration of exhaust mufflers. Lack of shielding of engine noise and inadequate mufflers are common on trucks of all ages.

The British Government is considering a law that would require all new passenger cars and trucks to have noise levels lower than 85 dBA, (noise measured in decibels on the "A" scale which partially discriminates against the lower tones in a noise, much as a person does when judging the "noisiness" of a sound). Motorcycles and other mechanically propelled two-wheeled vehicles would be limited to levels below 90 dBA.

The acoustical test for British automobiles requires measurement of the noise at a point 25 ft from the centre-line of the lane in which the vehicle travels for three different operating conditions:

Constant speed of 30 mph in top gear;

Starting from a steady speed of 30 mph and (beginning 32 ft before passing the test microphone) accelerating as rapidly as possible over a distance of 65 ft; and

Maintaining a constant speed of 30 mph at full throttle with brakes applied. The highest noise level obtained under these three conditions of test is used to rate the vehicle.

The State of California has proposed legislation which would prohibit noise levels in excess of 82 dBA, for passenger cars, and 92 dBA, for heavy trucks and for trucks and buses at posted highway speeds or the maximum speed of the vehicle.

In France, maximum permissible noise levels, determined under the British test regime, are 83 dBA for passenger cars and small trucks, 86 dBA for motorcycles, and 90 dBA for large trucks and buses.

In Switzerland, maximum permissible noise levels, measured laterally in an open field at a distance of seven metres with full engine power, are 80 dBA for passenger cars, 84 dBA for two-stroke motorcycles and 90 dBA for 4-stroke motorcycles, large trucks, and buses.

Hit-or-miss municipal and state laws designed to control the noise of surface transportation generally are not effective. Trucking today is largely between countries or states. The increased costs of providing and maintaining adequate mufflers and engine covers are such that compliance with noise laws will be assured only if they are international (in Europe) or national (in large countries such as Brazil, U.S.S.R., or U.S.A.) and apply to all vehicles.

Traffic noise, serious as it may be, disturbs only a relatively narrow strip of property on either side of the right-of-way. To those who complain of the nuisance, there is a reasonable reply. Move! But not so with modern planes.

During takeoffs and landings, large transcontinental and international jet airplanes may disturb and annoy thousands of people spread over many acres. The increasing popularity of helicopters promises to pose new problems. Heliports, uniformly distributed throughout a city, would affect all residents.

With the advent of supersonic aircraft, nobody in a nation can be sure of freedom from sonic booms. A nation could, of course, refuse supersonic aircraft entrance into its air space, and restrict the operations of high-powered and, hence, noisy aircraft to isolated areas. But this is hardly a practical solution for nations ever more dependent on large aircraft for commerce, travel, and defence. We must search for other answers.

How much aircraft noise is too much? Attempts have been made on a number of occasions, in the Federal Republic of Germany, the Netherlands, England and the United States, to determine a relation between PNdB (adjusted for the number of flights per day) and the "annoyance" of aircraft noise as judged by residents under flight paths near airports. (PNdB is the perceived-noise-level in decibels, which takes into account the individual judgment of the loudness of different types of noises.)

It appears that there is a significant degree of dissatisfaction with aircraft noise whenever the average value of the maximums of the flyover noise exceeds about 115 PNdB (assuming 20 to 40 flyovers each day during daytime hours).

The British Ministry of Aviation has specified maximum permissible noise levels in the main built-up areas around the London airport for jet aircraft on takeoff, as follows: for hours between 7 a.m. and 11 p.m., 110 PNdB; after 11 p.m., 102 PNdB.

At the Kennedy Airport in New York, the Port of New York Authority has specified a maximum permissible figure for jet takeoffs over neighbourhoods of 112 PNdB. At night, jet takeoffs are generally permitted only from runways that lead over water. The airports of Paris are also discussing similar restrictions. No restrictions are made on landing noise at London's or New York's airports.

Factors other than noisiness (in PNdB) enter into the annoyance created by aircraft operations. Among the more important are the average duration of the noise of single flyovers, the number of flyovers per day, and the time of day in which they occur. It appears from judgment tests that doubling the duration of noise associated with each flyover or doubling the number of flyovers each day is equivalent to a three to four PNdB increase in the level of a single flyover.

People are more sensitive to aircraft noise during the late evening or night, partly because the ambient noise is lower and partly because people are trying to sleep. Some studies have indicated that noise levels between 10 p.m. and 1 a.m. must be 10 or more PNdB lower than those between 7 a.m. and 10 p.m. if people are to judge the noise situation as being about equal.

If the land around an airport were strictly zoned to prevent residential construction, the aircraft-noise problem would be much less significant. But around existing airports, zoning against housing generally cannot be used as a substitute for the needed exercise of the power of condemnation and the ensuing obligation to pay for whatever is expropriated.

Unfortunately, private airport owners possess grossly inadequate resources to pay the price of expropriation and, in the past, municipalities generally encountered public objection to prohibition of residential construction, even near airports.

The citizens of some countries are demanding that their parliaments should pass legislation requiring all aircraft to produce lower noise levels in neighbourhoods. However, a law that would specify lower maximum acceptable levels to be met by all operating aircraft will do little immediate good, since most of today's aircraft cannot meet a substantially lower noise requirement.

Noise limitations must first be imposed on new aircraft entering the airlines' inventories. Then attrition and the retro-fitting of silencers to existing aircraft, where feasible, become practical avenues toward quieter flight.

U.S. Federal requirements on acceptable noise levels before certification of new aircraft are the existing legal means available to accomplish this result. Without such regulation, competitive pressures in both the manufacturing and operating industries will maintain the same lack of concern about noise as that which now exists for noise from trucks.

Primarily as the result of regulations by the airports of England, France, Australia, Denmark and U.S.A. and, in turn, airline purchase specifications, manufacturers have fitted silencing devices to the exhaust ports of most turbojet engines. These silencers reduce takeoff noise to some extent.

The newer bypass (turbofan) engines provide considerably higher thrusts without a proportional increase in noise. Unfortunately, silencers on their exhausts do little additional good. For new aircraft, manufacturers are studying ways to mount the engine nacelles above the wings so as to shield neighbourhoods from much of the engine noise.

Aircraft are also noisy on approach to landing both because of the whine of the engine-intake compressors and because most pilots believe it is safer to land at a low glide angle while using appreciable engine powers. To achieve a large angle of the glide path at which an airplane approaches the runway—6° to 8° instead of 3°—the airline pilots say that better instrumentation (perhaps computer control of landings), better engine response, and better airplane-handling qualities would all have to be provided in the aircraft.

At least one country is experimenting with regulations that require jet aircraft to climb as rapidly as possible to an altitude of about 1,500 ft and then to cut back engine power in order to reduce noise until the aircraft reaches an altitude of 3,000 ft. To avoid flying directly over houses at low altitudes, the aircraft must also turn after takeoff and until it has gained considerable altitude follow a river or a highway.

The means seem available for appreciable control of in-flight aircraft noise. Included are:. refinement of aircraft design so they can climb and land at steeper angles, embodiment of better noise-control features in engines, nacelles and wings, and introduction of sophisticated operating procedures.

But until regulations spell out maximum-permissible noise levels appropriate to differently zoned urban areas and certificate new aircraft only if they can meet these requirements, it is not likely that the upward trend of aircraft noise levels will be arrested.

Many people are apprehensive of the noisiness of the next generation of aircraft, known as the supersonic transport, or for short, the SST. An airplane traveling faster than the speed of sound produces pressures, or shock waves around the nose and around each protruding part of the airplane. These waves are analogous to those on either side of the bow of a rapidly moving ship.

Shock waves form a cone that encircles and follows the aircraft and intersects with the earth. As the line of intersection with the earth advances with the movement of the airplane, people living within the width of the intersecting path usually hear two closely-spaced explosive sounds, known as the "sonic boom". Typically when first experiencing the sonic boom residents are startled and frightened.

Their reactions are caused in part because the boom occurs without any prior warning and in part because the individual is conditioned to associate loud explosive-like sounds with possible damage to his home, or to his person. He may imagine that something has exploded nearby or a vehicle has struck his dwelling. Or, he may fear that repeated booms will crack plaster, loosen fixtures, and weaken the structure of his house.

Measured outdoors, a typical sonic boom

from a high-flying aircraft is a pressure wave that suddenly increases above normal atmospheric pressure by 0.5 to 2 pounds per square foot, then decreases somewhat more slowly to below normal atomspheric pressure by about the same amount, and finally jumps back to atmospheric pressure. The result is an N-shaped pressure wave less than half a second long. The lateral spread of the boom becomes greater as the altitude of the airplane increases, although the intensity of the boom decreases.

The American Government has vigorously pursued investigations of the effects of sonic booms on people and structures. One of these investigations was carried out over the Oklahoma City area from February to July 1964. During this period, the population was subjected, during daytimes only, to a total of 1,250 sonic booms. The average intensities of the booms were 1.13 pounds per square foot (psf) during the first 11 weeks, 1.23 psf during the next eight weeks, and 1.60 psf during the final seven weeks of the programme.

From complaints received and interviews of the residents, it was found that the sonic boom was, in some measure, a disturbing influence in the lives of most of those people living within eight miles to either side of a line directly below the flight path.

At the end of six months, about one-fourth of the people interviewed said that they felt that they could not learn to accept eight booms a day, at least at the 1.6 psf level. At some lower pressure level, as yet to be more definitely determined, very few people should be annoyed.

The most significant result from the Oklahoma tests was that many residents believed their homes were being damaged by the sonic booms, although continuous observation of a number of houses showed no damage. In other parts of the country, near military bases where supersonic military aircraft are regularly flown, large areas of houses have been subjected to sonic booms, many greater than 2.0 psf. The number of damage claims filed by persons in those areas has been small.

Nevertheless, over 40% of those interviewed in Oklahoma City felt that their homes had been damaged. This result suggests that belief in alleged damage to property increases annoyance and complaints. It also suggests that people might be less concerned with sonic booms if it were clearly demonstrated that SST noise levels at or below those specified by the government would not damage structures.

There is no question about the future of supersonic transport aircraft—the French-British SST will enter service soon. Sonic booms are unavoidable, but it seems that overpressures should be held within limits that will not disturb people greatly or harm property. It seems mandatory that acceptable boom levels be established internationally and that SST operations afterwards be policed to assure compliance with the regulations.

People in modern societies *must adapt* in some measure to the noises of modern civilization. The extent to which adaptation is necessary is largely a matter of economics and convenience. At moderate cost and some loss of convenience, the hearing of workers can be protected. Noise created inside office buildings and dwellings can be reduced to acceptable levels by proper use of materials and structures for noise control. The noise of transportation can be made less annoying by suitable designs of vehicles, by requiring noise limits for new vehicles, by legislation and enforcement of noise codes, by operating vehicles properly, by zoning and condemnation of residential areas near airports and superhighways. In the worst cases, we may have to resort to sealed, fully climatized housing.

CORDOBA, ARGENTINA, TAKES NOISE ABATEMENT BY THE HORNS

(By G. L. Fuchs)

(NOTE.—G. L. Fuchs, an Argentine engineer, is professor of acoustics and director of the acoustics research centre at the University of Cordoba (Argentina). This article is taken from the paper presented by Professor Fuchs to the Congress of the International Association Against Noise, in 1966, at Baden-Baden (Federal Republic of Germany).

The city of Cordoba in Argentina, where I live, has over 600,000 inhabitants—and some 50,000 motorcycles and motorscooters.

Cordoba's municipal regulations on noise were introduced many years ago and had long been ineffective. Yet nothing was being done to bring them up to date. This fact, coupled with an explosive growth and the wave of industrialization which began in the 1940s, had given Cordoba one of the highest noise levels of any city in Argentina. This applied not only to downtown Cordoba, with its constant roar of traffic, but also to residential areas among which industrial plants and shops of all kinds had been installed.

In 1960 we started our first noise abatement campaign, sponsored jointly by the municipal authorities, the University of Cordoba and a number of private organizations. A noise symposium was held and it was decided to ask the International Association Against Noise to assist Argentina in setting up a National League Against Noise.

An official "Silence Week" followed the symposium and did much to arouse public interest in the need for noise control. It also brought some relief through the temporary suppression of automobile horns and loudspeaker advertising. But the improvement was short lived because of the lack of inspectors and the inadequacy of Cordoba's noise regulations.

In 1964 we set up Argentina's first Noise Abatement Council (Consejo Permanente de Lucho contra el Ruido) following which Argentina was admitted to the International Association Against Noise the same year.

I would like now to outline our case history that might assist other towns and countries in a similar situation.

Firstly, our new anti-noise municipal regulation distinguishes between "unnecessary" and "excessive" noise. It classifies over 15 unnecessary noises which can be penalized without recourse to noise level measurement or analysis.

Since the application of the anti-noise law we have classified as unnecessary noises all public address systems that can be heard outside enclosed premises, including music, publicity and speeches.

The second category (excessive noise) covers those that even when justified may exceed limits that affect the well being and tranquility of our citizens. For the first time in our legislation, we have established noise levels based on European criteria: average levels for day-time (6 a.m. to 10 p.m.) and night-time (10 p.m. to 6 a.m.), as well as infrequent peak levels (up to six hours) and frequent peaks (more than six hours) which are allowed in each case.

Since we have not been able to make a noise survey of the city nor to delineate appropriate zones, we have had to classify environments in the following categories: hospitals and similar institutions; residential sections, schools and small shops; downtown business areas and multi-storied buildings; industrial areas and main roads or freeways.

It has been something of a problem to classify the appropriate environment in each case. But some difficulties notwithstanding, the system works well and has led to few controversies.

"Critical" areas for hospitals and convalescent homes have been established and circles of 200 metres diameter drawn around these institutions. The law has been modified to exclude all noisy industries such as metal works and factories from these areas. Existing industries of this type have been invited to find new locations.

We realize that to obtain more precise data we shall have to carry out a noise survey of Cordoba City. But so far we have found that our noise level readings correspond closely to subjective complaints on noise, and that the public is satisfied in places where the established levels are not exceeded.

Vehicle noise limits have been based on the results of experiments in other countries, chiefly Switzerland.

A team of five men trained in our laboratory checks noisy vehicles on main thoroughfares. These inspectors are not yet equipped to measure noise levels but their estimates of abusive noises have been highly accurate (an error of one per cent or less was noted in the first year, when 3,000 noise offenders were fined). When offenders contest noise estimates, they must report immediately to the noise laboratory for an official test.

Motorcycles are our greatest problem. There is one motorcycle or motorscooter for every 12 persons in our city and these vehicles are usually driven at high speeds. Some motorcycles have silencers of poor quality, and our laboratory is studying how to improve the efficiency of silencers on models manufactured in Argentina. In our view, the ideal system of control would be an obligatory test of motorcycle silencers once a year when driving licenses are renewed.

Horns and silencers fitted on cars and motorcycles do not come under municipal jurisdiction and so we need a national law to exercise a control on their manufacture. The same applies to noise checks on Argentina's interprovincial highways. And for a more effective restraint of noise offenders, co-ordination between municipal authorities is needed within each province.

An important feature of Cordoba's Noise Abatement Council is that its function is not only to advise on noise reduction, but also to decide on the application of penalties for noise offenses.

Liability for an infringement of noise regulations covers not only those directly responsible, but anyone associated with the offence. Penalties include fines, temporary or permanent cancellation of driving licenses and the closing (temporarily or permanently) of shops, clubs and other businesses.

In Cordoba, we have studied some of the psychological aspects of noise offences. Why, for example, do drivers, and especially motorcyclists, remove or modify the mufflers on their vehicles? Is it because a personality defect makes them enjoy excessive noise? Or does the noisy urban environment give them a kind of "thirst for noise?"

In our survey of this problem we have questioned offenders, but it is still too early to venture an explanation on the basis of solid statistical data. In the case of motorcyclists—the most common one in our experience—we have reason to believe that one motivation for having a noisy machine is the fear of being run into by automobiles. It has been noticed for instance that drivers of well-muffled motorcycles and scooters tend to "toot" excessively, whereas riders of noisy machines seldom use their horns.

Another of our findings is that well educated people (scientists, scholars, artists and members of the liberal professions) are far more susceptible to the noise of traffic than relatively uneducated people.

Noise is a social problem and its solution calls for intensive campaigns to alert the public to the need for action. Rapid industrial development has made it an especially urgent problem in Argentina. That is why we are endeavouring to set up a League Against Noise to deal with the question on a national scale and with greater resources.

Echoes From Our Noisy World

DOGS, CATS, AND FLYING BATS

Many animals have far more perceptive hearing than man. Dogs have a remarkable "auditory memory" and can recognize a change of even an eighth of a tone in a signal taught them weeks earlier. Canine noise receptivity extends two octaves above that of a human being (a cat's only one octave). As they fly, bats give a continuous cry so high pitched as to be inaudible to man. When these supersonic waves strike obstacles in the path of the bat they echo back to its sensitive ears and enable it to take avoiding action. With this remarkable "radar" apparatus bats can fly in pitch darkness without danger of collisions. Experiments reveal that salt water fish hear only deep-toned sounds whereas fresh water fish hear high-pitched ones.

A NOISE CURE GOOD FOR EVERYONE

The growth of motor transport in the past 20 years has led many countries to revise their traffic codes—sometimes in the face of public opinion. The decision to forbid the use of motor horns in Paris was one such controversial move, and motorists in particular predicted that street accidents would increase. In practice the measure was remarkably successful. With a show of self-restraint that surprised the Parisians themselves the honking and blaring of horns was stilled from one day to the next. Paris now wonders how it ever managed to endure such a futile and nerve-racking din.

NOISY MOTORCYCLE MOST POPULAR

International agreement on noise levels for new vehicles and a programme for reducing such levels would be a step forward in the campaign against traffic noise, says a report by the Council of Europe. The car industry would have an incentive to seek greater improvements in the reduction of vehicle noise. So far, notes the report, the industry has devoted much attention to acoustic performance such as mechanical and body noise, whereas silencers for successive models with increased engine performance are designed so as to avoid a large power loss. "Though efforts are directed to perfecting more efficient silencers," says the report, "motorcycle manufacturers find that the greater demand is not for the more silent types."

NOISE A KILLER

Laboratory experiments have demonstrated that sound with an intensity of 150 to 160 decibels is fatal to certain animals. The animals suffered from burns, spasms and paralysis before dying. Recent ecological studies have shown that rats exposed to loud noise exhibit a marked decline in the pregnancy rate.

SOUND OUTPACED

Passengers on tomorrow's supersonic flights will not be bothered in flight by the noise of the aircraft's jets. At supersonic speeds an aircraft outpaces most of the sound made by its engines.

REPRESSING A PORTABLE NUISANCE

Many countries have passed laws imposing limits on noise from advertising and entertainment. In particular the use of loudspeakers and transistor radios is restricted. France forbids the playing of transistor radios on rail, bus and metro transport as well as in streets and public places such as parks and beaches. Nor is their use tolerated in restaurants and similar establishments.

WHITE NOISE OR ACOUSTICAL PERFUME

The humming of air conditioners and the throbbing roar of "heat pumps", whose large fans fill houses and apartment buildings with heated air in winter and cooled air in summer have created two new forms of 'noise pollution'. Ironically, however unwanted the sounds these machines make, the hiss of air inside a conditioned building is a useful sound. Sound engineers call it "white noise" or "acoustical perfume" and they use it widely, especially in offices, to blanket distracting sounds that spring out of silence into disturbing acoustical relief.

DON'T SLAM THE DOOR

New York City has a law requiring walls soundproof enough to reduce any airborne noise passing through by 45 decibels. In Geneva, Switzerland, it is an offence to slam a car door too loudly. France confiscates automobiles that repeat noise violations. Rubber, plastic or leather guarded garbage cans are now used in many cities. Bermuda has instituted the quiet motor-bike. Outboard motors are losing their bark; truck mufflers that kill the roar are now available.

HOW TO BUILD QUIETLY

A New York skyscraper completed last year proved that buildings can be constructed quietly. People working in offices near the new 52-story office building reported that power lawn mowers buzzing around their suburban homes were more disturbing than the construction job. Blasting was muffled by special steel mesh blankets weighing several tons each. Spread over the blast site by cranes, they absorbed most of the sounds of the explosions, and also kept flying debris safely within a confined area. All the joints on the 14,000 tons of steel in the frame were welded silently to eliminate the hideous, shattering racket of conventional riveting or bolting.

DEAFNESS—AN OCCUPATIONAL HAZARD

Industrial deafness caused by noise exposure is not a new occupational disease. It first appeared with the advent of steam power and the steam boiler. It affected workers who made riveted boilers in such numbers that it was termed "boilermakers' disease". The hazard of damaged hearing due to noise is now recognized as a disabling possibility in almost all industries and trades. In U.S.A. it is estimated that approximately 1,000,000 workers have serious hearing loss due to high noise levels in their places of work. The potential cost to U.S. industry through compensation for hearing loss due to this cause is estimated at $500 million, based on the assumption that only ten per cent of the 4,500,000 persons who work in areas of intense noise will develop and file claims for compensation.

RACKET IN THE KITCHEN

Measurement of noise levels in a test apartment in a large U.S. city showed that the kitchen is the noisest room (generating 100 decibels or more) when a fan, dishwasher and garbage disposal machine are all going at once. The living room was found to be a satisfactory 50 decibels. Running a vacuum cleaner rasied the level to 73 db when the nozzle was on the rug. With the nozzle raised the level rose to 81 db (60 db is considered tolerable for a sports arena).

SILENT POWER

The British Hospital Authorities use more than 650 battery-powered electric vehicles within hospital grounds. Their first requirement is for a quiet running vehicle which will not create a noise problem for patients. Comparative tests taken at normal town speed between commercial electric vehicles and similar capacity petrol and diesel trucks showed the following results: Diesel: 81 decibels; petrol: 80 decibels; electric: 60 decibels (a figure lower than for most private cars).

A LITTLE ENERGY CAN MAKE A LOT OF NOISE

The noise of a crowd in a sports stadium would scarcely boil a saucepan of water, reports a conference on "The Control of Noise" organized by Britain's National Physical Laboratory. Other facts from the report: The noise of a 200,000 h.p. jet engine would produce about 20 h.p. One 10,000th part of the energy of this jet engine escapes as noise. To reduce the noise to a comfortable level, the engine would have to be modified so that only one part in a million of its energy escapes as noise. To reduce it to inaudibility, escaping energy would have to be reduced to one part in ten million.

A FAR "BUZZIER" PLACE

Even without supersonic aircraft, the sky of the future will be a far busier and noiser place than it is today. In the U.S.A. alone, the 90,000 privately owned planes of today will have increased to 150,000 by 1975, and the 112 U.S. airports now equipped for jets will number 300 within four years.

ELECTRONIC "EARS" AID THE DEAF

Deaf people have benefitted immensely from the century's progress in science and technology. Since 1876, when Alexander Graham Bell's invention of the telephone was inspired by his work with devices for the deaf, increasingly effective hearing aids have helped to consign the ear trumpet to the rubbish heap. Electronics and miniaturization (thanks to the transistor) have given deaf people better and more inconspicuous hearing aids (worn behind the ears or hidden in spectacles). Improved medical equipment has brought better understanding and diagnosis of hearing defects and in many cases modern surgical skills can restore certain kinds of faulty hearing to an almost normal level.

Noise and Health: Studies Have Shown That Continued Exposure to Noise Not Only Causes Damage to the Ear, but Can Have Other Harmful Effects

(By Gunther Lehmann)

(NOTE.—Gunther Lehmann is director of the Max Planck Institute for Occupational Physiology at Dortmund (Federal Republic of Germany) and president of the International Association Against Noise. Professor Lehmann is a leading authority on the effects which noise can have on the human organism, and is widely known for his studies and research in this field.)

Past generations realized that noise could be disturbing, and even in the days of Antiquity there were regulations for the abatement of noise in town and homes. Though we have no precise information on the intensity of noise in, say, a Roman city, we may be sure that the farther back we go in history, the more noise was restricted to certain places; it was caused by men and animals and to only a limited extent by machines—nowadays the worst offenders in producing a disagreeable din.

Volume of noise depends on density of population and on people's activities and behaviour. It would be a mistake to regard the present increase in noise as an inevitable result of the expansion of technology. The aim of technological development should be to serve man, to make his life more agreeable and enrich it. So logically, technical progress should lead to less noise, not more.

Whether a sound strikes the ear as an annoying or irritating noise does not depend merely on its intensity; very loud music may still be beautiful whereas even minute scratching sounds can be a disturbing noise. What makes a sound a noise is a matter of psychology rather than acoustics.

A sound which we associate with something pleasurable is far less likely to be considered as a noise than one with unwelcome connotations. We always tend to underrate the noise of our own car, for example, and the children next door always seem to make more noise than our own. So whether a sound is regarded as a noise and how noisy it is depends also on who causes the noise and his relationship with the person who hears it.

A sudden, very loud noise, such as gunfire, lasting only fractions of a second, may damage a person's hearing mechanism and produce a lasting loss of hearing or partial deafness. But exposure to noise levels quite common in industry—and indeed characteristic of certain branches of heavy industry such as forging and metal cutting—leads, progressively, to "perceptive deafness," depending in each case on the intensity of the noise and duration of exposure. Once a hearing defect of this kind has set in, nothing can be done. Protective devices can help to postpone it and to slow down its development, but once the damage is done, it is irreparable.

The danger of noise-induced damage to hearing exists when noise exceeds a certain level over that of the normal auditory threshold. In assessing noise, the fact that its intensity diminishes in relation to the distance of the hearer from its source has to be taken into account. And the higher the sound frequencies, the greater the reduction.

High sound frequencies, moreover, are more disagreeable to the ear than low ones. Sounds produced by certain aircraft (those with turbo-prop engines for instance) comprise many high frequency tones and therefore grate on the ear. As distance increases, the high-frequency sounds rapidly fade whereas the deeper tones die away slowly.

The ability to hear high tones gradually wanes as people grow older. This is a physiological effect of aging which starts at about 45 and is often not noticed for a long time, since high frequencies are seldom heard in daily life. Noise-induced hearing defects differ from those due to ageing in that initially they are felt mostly on far lower frequencies. By testing hearing in the various frequency ranges it is thus possible to decide whether a hearing defect is due to noise or to ageing.

In almost all countries partial deafness due to noise is now recognized as an occupational disease and its victims receive financial compensation based on the extent of loss of hearing, with a maximum award for complete deafness.

Workers in the noisiest industries should obviously wear devices to protect their hearing. Unfortunately, it is not always easy to persuade them to use these ear plugs or earmuffs although they are neither uncomfortable nor inconvenient to wear. Apparently, the threat of a gradual onset of noise-induced deafness is not enough to encourage everyone to make use of personal protective devices.

Such appliances do not of course give complete protection from noise, since sounds are transmitted to the middle ear not only through the air canal of the outer ear, but also through the bone of the skull, which continues to transmit noise when the passage through the outer ear is blocked.

Even so, covering the outer ear greatly attenuates the intensity of loud sounds reaching the ear drum. In other words noise is reduced to a level at which it is no longer dangerous.

Many small easy-to-wear ear protectors have been developed in recent years. But, if bone-conducted noise is also to be blocked out, which is only necessary in the case of exceptionally loud noises, then some form of protection for the whole skull—rubber caps and helmets, for instance—is required. Such caps are used by workers checking and testing aircraft engines.

The range of hearing of the human ear is usually between 30 and 20,000 cycles per second. But only the hearing of children can reach the 20,000 cycles level. In early adult age, the threshold of hearing drops below 20,000 cycles, and for the aged the level is considerably lower. At 30 cycles, most people hear a tone not as a single regular sound, but as a series of separate beats.

In reality, comparatively few people are exposed to the danger of noise-induced deafness. Noise that has invaded every sphere of daily life may be unpleasant and irritating—the roar of traffic, for instance, or the clamor of a number of people talking loudly or shouting at the same time—but this is not likely to cause damage to hearing. Yet that does not mean those who have to listen to such noises become indifferent to them or that the problem is no concern of ours.

When, regretfully, we compare the proliferating noises of the modern world with the peace and quiet that once existed in some places, what we are really complaining about is the stress and nervous strain created by all the noise that assails our ears.

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Many cases have been noted of persons becoming "acclimatized" to certain kinds of continuous or frequently repeated noise. This is especially true of those willing to accept the noise because it is linked with some activity in which they are interested or which is useful or profitable to them. But such cases are relatively few.

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Typically, people exposed to noise of this kind easily become irritable and unsociable. Studies show that workers in noisy jobs tend to be more quarrelsome at work and away from it (at home, for example) than those doing equivalent jobs, but who are not subject to similar noise stresses. Noise thus has a disturbing effect on social life even within the family where in most cases the father alone is exposed to noise during the day.

Scientific tests relating to the impact of noise on human beings help to explain these psychological reactions. They reveal that changes in the circulation of the blood and in the action of the heart take place when a person is exposed to a certain intensity of noise. Even snatches of loud conversations are enough to affect the nervous system and thereby provoke constrictions in a large part of the blood circulation system. These effects are maintained as long as the noise continues, but quickly subside when the noise ceases.

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Glands and other organs subject to nervous stimulation are similarly affected. Changes occur, for example, in the secretion and composition of the gastric juices and this may eventually be harmful. Effects of this kind have been observed in workers in the iron and steel industries. But if the noise is removed the effects disappear sooner or later without apparently causing any long-term damage.

Occupational deafness of the kind found in industry sets in comparatively slowly. It may be many years before the defect becomes bad enough to worry the person concerned and still longer before it is acute enough to cause a person real embarrassment in communicating with others. But in both cases it is vitally important that steps be taken to control the genesis and the development of hearing defects.

Medical examinations of workers exposed to high noise levels are now made regularly in all countries so that anyone whose hearing has become affected can be transferred to a quieter job before the defect becomes a serious handicap. A psychologically interesting point about this is that workers are opposed to job transfers because of fear of being downgraded or perhaps earning less. No worker being examined ever feigns to be hard of hearing, but on the contrary denies or tries to conceal any defects in his hearing.

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Passive acceptance of unwanted noise can only result in its further proliferation. The majority of public officials and employees are sympathetic and cooperative, but lack the driving impetus that will achieve effective curbs to noise. Reaction and action from individual citizens and from groups can accomplish much. Your help and assistance will be welcome. The Committee will be pleased to provide additional information in any of the areas discussed in the report.

D. A. MILLER,
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Echoes From Our Noisy World

DOGS, CATS, AND FLYING BATS

Many animals have far more perceptive hearing than man. Dogs have a remarkable "auditory memory" and can recognize a change of even an eighth of a tone in a signal taught them weeks earlier. Canine noise receptivity extends two octaves above that of a human being (a cat's only one octave). As they fly, bats give a continuous cry so high pitched as to be inaudible to man. When these supersonic waves strike obstacles in the path of the bat they echo back to its sensitive ears and enable it to take avoiding action. With this remarkable "radar" apparatus bats can fly in pitch darkness without danger of collisions. Experiments reveal that salt water fish hear only deep-toned sounds whereas fresh water fish hear high-pitched ones.

A NOISE CURE GOOD FOR EVERYONE

The growth of motor transport in the past 20 years has led many countries to revise their traffic codes—sometimes in the face of public opinion. The decision to forbid the use of motor horns in Paris was one such controversial move, and motorists in particular predicted that street accidents would increase. In practice the measure was remarkably successful. With a show of self-restraint that surprised the Parisians themselves the honking and blaring of horns was stilled from one day to the next. Paris now wonders how it ever managed to endure such a futile and nerve-racking din.

NOISY MOTORCYCLE MOST POPULAR

International agreement on noise levels for new vehicles and a programme for reducing such levels would be a step forward in the campaign against traffic noise, says a report by the Council of Europe. The car industry would have an incentive to seek greater improvements in the reduction of vehicle noise. So far, notes the report, the industry has devoted much attention to acoustic performance such as mechanical and body noise, whereas silencers for successive models with increased engine performance are designed so as to avoid a large power loss. "Though efforts are directed to perfecting more efficient silencers," says the report, "motorcycle manufacturers find that the greater demand is not for the more silent types."

NOISE A KILLER

Laboratory experiments have demonstrated that sound with an intensity of 150 to 160 decibels is fatal to certain animals. The animals suffered from burns, spasms and paralysis before dying. Recent ecological studies have shown that rats exposed to loud noise exhibit a marked decline in the pregnancy rate.

SOUND OUTPACED

Passengers on tomorrow's supersonic flights will not be bothered in flight by the noise of the aircraft's jets. At supersonic speeds an aircraft outpaces most of the sound made by its engines.

REPRESSING A PORTABLE NUISANCE

Many countries have passed laws imposing limits on noise from advertising and entertainment. In particular the use of loudspeakers and transistor radios is restricted. France forbids the playing of transistor radios on rail, bus and metro transport as well as in streets and public places such as parks and beaches. Nor is their use tolerated in restaurants and similar establishments.

WHITE NOISE OR ACOUSTICAL PERFUME

The humming of air conditioners and the throbbing roar of "heat pumps", whose large fans fill houses and apartment buildings with heated air in winter and cooled air in summer have created two new forms of 'noise pollution'. Ironically, however unwanted the sounds these machines make, the hiss of air inside a conditioned building is a useful sound. Sound engineers call it "white noise" or "acoustical perfume" and they use it widely, especially in offices, to blanket distracting sounds that spring out of silence into disturbing acoustical relief.

DON'T SLAM THE DOOR

New York City has a law requiring walls soundproof enough to reduce any airborne noise passing through by 45 decibels. In Geneva, Switzerland, it is an offence to slam a car door too loudly. France confiscates automobiles that repeat noise violations. Rubber, plastic or leather guarded garbage cans are now used in many cities. Bermuda has instituted the quiet motor-bike. Outboard motors are losing their bark; truck mufflers that kill the roar are now available.

HOW TO BUILD QUIETLY

A New York skyscraper completed last year proved that buildings can be constructed quietly. People working in offices near the new 52-story office building reported that power lawn mowers buzzing around their suburban homes were more disturbing than the construction job. Blasting was muffled by special steel mesh blankets weighing several tons each. Spread over the blast site by cranes, they absorbed most of the sounds of the explosions, and also kept flying debris safely within a confined area. All the joints on the 14,000 tons of steel in the frame were welded silently to eliminate the hideous, shattering racket of conventional riveting or bolting.

DEAFNESS—AN OCCUPATIONAL HAZARD

Industrial deafness caused by noise exposure is not a new occupational disease. It first appeared with the advent of steam power and the steam boiler. It affected workers who made riveted boilers in such numbers that it was termed "boilermakers' disease". The hazard of damaged hearing due to noise is now recognized as a disabling possibility in almost all industries and trades. In U.S.A. it is estimated that approximately 1,000,000 workers have serious hearing loss due to high noise levels in their places of work. The potential cost to U.S. industry through compensation for hearing loss due to this cause is estimated at $500 million, based on the assumption that only ten per cent of the 4,500,000 persons who work in areas of intense noise will develop and file claims for compensation.

RACKET IN THE KITCHEN

Measurement of noise levels in a test apartment in a large U.S. city showed that the kitchen is the noisest room (generating 100 decibels or more) when a fan, dishwasher and garbage disposal machine are all going at once. The living room was found to be a satisfactory 50 decibels. Running a vacuum cleaner rasied the level to 73 db when the nozzle was on the rug. With the nozzle raised the level rose to 81 db (60 db is considered tolerable for a sports arena).

SILENT POWER

The British Hospital Authorities use more than 650 battery-powered electric vehicles within hospital grounds. Their first requirement is for a quiet running vehicle which will not create a noise problem for patients. Comparative tests taken at normal town speed between commercial electric vehicles and similar capacity petrol and diesel trucks showed the following results: Diesel: 81 decibels; petrol: 80 decibels; electric: 60 decibels (a figure lower than for most private cars).

A LITTLE ENERGY CAN MAKE A LOT OF NOISE

The noise of a crowd in a sports stadium would scarcely boil a saucepan of water, reports a conference on "The Control of Noise" organized by Britain's National Physical Laboratory. Other facts from the report: The noise of a 200,000 h.p. jet engine would produce about 20 h.p. One 10,000th part of the energy of this jet engine escapes as noise. To reduce the noise to a comfortable level, the engine would have to be modified so that only one part in a million of its energy escapes as noise. To reduce it to inaudibility, escaping energy would have to be reduced to one part in ten million.

A FAR "BUZZIER" PLACE

Even without supersonic aircraft, the sky of the future will be a far busier and noiser place than it is today. In the U.S.A. alone, the 90,000 privately owned planes of today will have increased to 150,000 by 1975, and the 112 U.S. airports now equipped for jets will number 300 within four years.

ELECTRONIC "EARS" AID THE DEAF

Deaf people have benefitted immensely from the century's progress in science and technology. Since 1876, when Alexander Graham Bell's invention of the telephone was inspired by his work with devices for the deaf, increasingly effective hearing aids have helped to consign the ear trumpet to the rubbish heap. Electronics and miniaturization (thanks to the transistor) have given deaf people better and more inconspicuous hearing aids (worn behind the ears or hidden in spectacles). Improved medical equipment has brought better understanding and diagnosis of hearing defects and in many cases modern surgical skills can restore certain kinds of faulty hearing to an almost normal level.

Noise and Health: Studies Have Shown That Continued Exposure to Noise Not Only Causes Damage to the Ear, but Can Have Other Harmful Effects

(By Gunther Lehmann)

(Note.—Gunther Lehmann is director of the Max Planck Institute for Occupational Physiology at Dortmund (Federal Republic of Germany) and president of the International Association Against Noise. Professor Lehmann is a leading authority on the effects which noise can have on the human organism, and is widely known for his studies and research in this field.)

Past generations realized that noise could be disturbing, and even in the days of Antiquity there were regulations for the abatement of noise in town and homes. Though we have no precise information on the intensity of noise in, say, a Roman city, we may be sure that the farther back we go in history, the more noise was restricted to certain places; it was caused by men and animals and to only a limited extent by machines—nowadays the worst offenders in producing a disagreeable din.

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High sound frequencies, moreover, are more disagreeable to the ear than low ones. Sounds produced by certain aircraft (those with turbo-prop engines for instance) comprise many high frequency tones and therefore grate on the ear. As distance increases, the high-frequency sounds rapidly fade whereas the deeper tones die away slowly.

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Lee J. Kubby (Legal).
Robert B. Lewis (Highway Design).
Vera Russell (Secretary).

Ruth H. Savin (Property Values).
Frank N. Shriver (Education).
Barbara Upton (Community Liaison).
Robert B. Ward (Noise Measurement).

Reacting to the impact of the noise caused by traffic on the recently opened Interstate Freeway #280 through the heart of Los Altos Hills, California, the Town Council formed the Noise Abatement Committee on September 20, 1967. The initial complement was six residents of varied interests and backgrounds. The size has recently been increased to ten to permit a wider range of activities. The Committee meets in open meeting on the first Thursday of each month at the Los Altos Hills Town Hall.

OBJECTIVES

1. Develop improved noise control laws and enforcement procedures.
2. Undertake projects and actions that will reduce noise generated by freeway traffic or alternate noises emanating from the freeway.
3. Convey to the citizens the significance of increasing noise pollution on their lives and on their environment.

MODUS OPERANDI

The Committee functions are directed toward bringing effective forces to bear upon those problem areas that the Committee has identified. The resources available consist primarily of Committee members' skills and enthusiasm; these are directed to provide assistance to the City Council, liaison with government agencies, and encouragement of those interested in abatement of highway noise. No single authority controls the vehicles and highways. In general, the federal government acts to establish standards (highway designs, vehicle noise standards), the state enacts the legislation to implement those standards (vehicle size and equipment, speed, allowable traffic) and the local governments are responsible for enforcement of the laws. A very important function of the Committee is to maintain a working relationship at each of these levels to ensure that the necessary integrated action will occur.

DEFINITION OF HIGHWAY NOISE

Sources

An important initial step was the determination of what constitutes highway noise: sources, characteristics, degree, propagation, frequency of occurrence, etc. A review of existing literature quickly identifies the common causes of vehicle noise (exhaust, tires, wind noise, engines) but established standards do not exist. Simple expressions of decibel level do not adequately describe the "burst" effect above ambient levels, background criteria of rural areas vs. city, and the many frequency ranges encountered. The Committee has the assurance of Congressional Representatives Gubser and Kupferman that actions will be pressed to establish such standards, but the priority for this work in the Department of Transportation is low. We can, however, hope that noise standards for vehicles can be effectively prescribed and enforced, as have safety standards, in a very few years time.

Effects

Effects of noise on people have been established to some degree in a clinical manner, but the highly subjective nature of noise causes wide variations of sensitivity and interpretation, even within the range of recognized irritation levels. Translation of the personal discomfort into terms of cost-for-corrective action (insulated house, double-layer fence, air conditioner, plantings, new homes) may be the only practical means of evaluating the disquieting effect of noise on affected individuals.

Extent

A third task undertaken by the Committee is that of defining the extent of effect of the highway noise on the surrounding community. Contour maps of noise levels and frequencies can be plotted with some difficulty, since vagaries of noise propagation in hills and canyons cause unpredicted effects. This physical data, however, will not afford a correlation with such intangibles as changes in family living habits, depression of community aesthetics, or influence on property values of freeway noise. Although preliminary data collected by questionnaires is available from the National Highway Research Board, these are not valid or applicable in many instances. It is hoped that our local surveys, augmented at some future date by a NCHRP current study, "The Impact of Highways on Environmental Values," will provide a definitive measure of the true extent of the noise problem.

ACTIONS TO ALLEVIATE NOISE

Improved Planning

A very effective step in reduction of highway noise is the adoption of highway designs specifically directed to this end. Depressed traffic lanes, artificial embankments, special pavement finishes, and extended rights-of-way for depth of planting to 200 feet or more, can be readily accomplished during the construction phases. Recent statements by Mr. Lowell Bridwell, Federal Highway Administrator, give new indications that the Federal Government will recognize its responsibility to plan highways so as to minimize the disruption of communities. The National Highway Research Board has several projects directed toward highway designs for noise reduction, and our Committee has provided comments and recommendations relative to reports now in preparation and review.

Interrupt Noise Path

Highways already built offer severe problems in any attempt to improve the existing highway design. Some reflection of noise occurs from exposed banks and walls, and use of sound absorptive plantings can be of some value. Most noise is transmitted in a line-of-sight, and the only effective control is placement of a mass of material between the noise source and the observer. Planting of shrubbery is relatively ineffective unless sufficient depth of foliage exists to attenuate the noise. The State Highway landscape engineer for our area has indicated a willingness to review the freeway planting plans on completion of the current planting contract to determine if there are areas where additional planting could be effective in decreasing the noise. Meanwhile, the Los Altos Hills Tree Planting Committee will continue to work with local residents to increase the depth of plantings adjacent to the freeway.

Subsequent to Council passage of Resolution No. 409, which requested the State Division of Highways to investigate noise levels in the vicinity of Highway No. 280, engineers from the District Office took noise readings in the area and are preparing a report of the findings. Additional conversations in recent weeks with the District Engineer and his staff are leading to identification of problem areas where experiments could be performed and definition of possible corrective actions. These include such trial efforts as baffles erected along guard rails and the determination of the effectiveness of embankments adjacent to the roadway.

Reduction at source

A more direct approach to noise reduction involves removal of the noise source or reduction of its effect. City Ordinance No. 131 proposed a ban of truck traffic from Interstate #280 in Los Altos Hills, and Resolution No. 466 has proposed enforcement of that Ordinance on a temporary basis pending completion of studies in progress. Implementation of these bans involves approval by the California Director of Public Works, and our Committee is actively pressing for action by that Office. Lesser actions under consideration involve restriction of truck traffic to certain hours and imposition of restrictive speed limits.

As a result of Committee suggestion, State Senator C. L. Bradley has introduced Senate Bills 1079 and 1080 designed to extend the provisions of the California Vehicle Code relative to installation or modification of mufflers. Enforcement of existing laws relative to vehicle mufflers continues to be a difficult task. The California Highway Patrol has been very cooperative in discussing with us the plans and techniques for enforcement of muffler noise levels. The Committee in turn is working to identify inexpensive noise measuring devices that are suitable for wide use by the Patrol.

A source of widespread irritation is the tire noise, of high frequency sound, which is generated by all types of vehicles. Experiments are planned by the State to determine the effectiveness of various types of pavement in reducing the noise at its source.

IMPLEMENTATION

Much of the Committee's attention in its first year of operation was directed to definition of *what* actions, as described above, could be taken to combat highway noise.

Liaison

An accompanying task was the identification of *who* is the responsible organization or individual for the actions contemplated. Visits have been made to a number of Government departments and legislators, presentations and visits have been made to the Committee by individuals and representatives of State agencies, and extensive correspondence has been exchanged at various levels. A listing of key personnel, offices and organizations is appended hereto to facilitate direction of inquires and correspondence.

Education

All of the discussion of noise can well result in the same cliché as often quoted in respect to the weather—talk vs. doing—unless responsible personnel are persuaded to *act*. A growing awareness of the dangers of noise pollution exists in most public offices today. Most officials accept the responsibility for corrective action, but admit that they do not have solutions in many cases, or sufficient priority does not exist for implementation of those actions that are evident. Elected representatives recognize their responsibilities to their constituents; they, and appointed officials, must be apprised of the magnitude of the people's resentment to noise intrusion. The Committee has endeavored to use newspapers and television to educate and motivate segments of the population. A visual-aural presentation of vehicle noise problems and solutions has been prepared for use in bringing the "noise message" to many more people. A reference file of reports, articles, clippings, and bibliographies has been assembled by the Committee. This file is available for review by interested parties, and can be very helpful in relation to noise problems from other sources as well as highways.

Influence

Additional, more forceful means, of influencing opinion are under investigation. A recent lawsuit in New York recognized the damage caused by freeway noise as it invades the privacy of a property owner. Reduced property values resulting from freeway noise could well be grounds for seeking revision of tax appraisals. A powerful weapon used by the Department of Transportation is that of withholding Federal funds in cases where freeway designs have proposed unusual disruption of communities. In every case, of course, the objective of the action should be constructive rather than punitive, if true progress is to be realized. The time to act is

before the "deed is done"; once freeway noise has invaded a community the residents can never enjoy the same tranquility as previously existed.

CONCLUSION

A review of actions and results to date and those efforts contemplated leads the Committee to the following conclusions:

The populace must understand that noise pollution need not be inevitable.

Improved highway designs can effectively reduce noise from freeways.

The few standards that do exist to specify allowable vehicle noise levels are grossly inadequate.

Effective reduction of vehicle noise at the source is feasible and enforceable.

Public officials will react to pressure—from commercial lobbies or from private citizens.

A favorable cooperative attitude (re. noise abatement) exists in most public offices at this time.

Noise abatement actions can be effective but results are not realized quickly.

Every citizen is a force that can be used to help noise abatement.

REFERENCES

This listing of organizations and individuals represents some of those who are in contact with the Noise Abatement Committee. The addresses of government officials are included for your convenience.

1. Community organizations

The following organizations or communities have participated, or expressed interest, in the proceedings of the Los Altos Hills Noise Abatement Committee.

City of Cupertino, City of Sunnyvale, Committee for Green Foothills, Creston Improvement Association, Ladera Association, Loma Vista Home Owners Group, Los Altos Hills Association, Los Altos Hills Tree Planting Committee, Palo Alto City Council, San Antonio Hills Association, UAL Council 34, Woodside Community.

2. Legislators

United States Senate, Senate Office Bldg., Washington, D.C.: Warren G. Magnuson, (Noise Abatement Sponsor) Washington; T. H. Kuchel, California, 315 S. Claudina St., Anaheim, Calif.; George Murphy, California, 807 N. Rodeo Dr., Beverly Hills, Calif.

United States Congress, House of Representatives, House Office Building, Washington, D.C.: Theodore R. Kupferman, 17th District, N.Y. (Noise Abatement Sponsor); Charles S. Gubser, 20th District California (San Benito and Santa Clara); P. N. McCloskey Jr., 11th District California (San Mateo).

California Senate, State Capitol, Sacramento, Calif., or—

Clark L. Bradley, 14th District California (Alameda, Santa Clara); 509 First National Bank Bldg., San Jose, Calif. 95113 (408) 293-4861.

Alfred E. Alquist, 13th District (Santa Clara); 777 N. 1st Street, San Jose, Calif.

Richard J. Dolwig, 12th District (San Mateo); Crocker Citizens Bank Bldg., 181 2nd Avenue, San Mateo, Calif.

California Assembly, State Capitol, Sacramento, Calif., or—

George W. Milias, 22d District (Santa Clara); 343 Village Lane, Los Gatos, Calif.

Leo J. Ryan, 27th District (San Mateo); 308 Linden Avenue, South San Francisco, Calif.

Carl A. Britschgi, 26th District (San Mateo); 2025 Broadway, Redwood City, Calif.

3. U.S. Department of Transportation (Highway Research, Funding, Design, Noise Abatement)

Alan S. Boyd, Secretary of Transportation; Federal Office Bldg., 800 Independence Avenue SW., Washington, D.C.

Lowell Bridwell, Federal Highway Administrator (Same).

F. C. Turner, Director of Public Roads, Federal Highway Administration (Same).

Frank Lehan, Director of Research (Same).

Charles Foster, Director, Office of Noise Abatement (Same).

Fred S. Faar, Chairman, Highway Beautification Committee; Matomic Bldg., 1717 H Street, Washington, D.C.

Alfred Rice, Chief, Highway Beautification; Region 7 Hdqtrs., 450 Golden Gate Avenue, San Francisco, Calif.

4. California State Highway Department

Mr. Vernon J. Cristina, Highway Commission Chairman, 1045 N. 10th Street, San Jose, Calif.

Department of Public Works, James Moe, Director, Public Works Bldg., 1120 N. Street, Sacramento, Calif.

District 04, San Francisco, Division of Highways, Alan S. Hart, District Engineer; Jack Grasberger, Deputy Engineer; James R. Gordon, Landscape Engineer; California Highway Transportation Agency, P.O. Box 3366, Rincon Annex, San Francisco, Calif.

5. California Highway Patrol—(Law Enforcement)

San Jose Area, California Highway Patrol, Capt. Robert P. Bliss, Commander; Lt. H. R. Heeney, Acting Commander; Lt. W. A. Rasmussen, 680 Commercial Street, San Jose, Calif.

Commissioner H. W. Sullivan, California Highway Patrol, 2611 26th Street, Sacramento, Calif.

NASA continues its activity on noise alleviation. Their communication follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., Sept. 16, 1968.

Hon. THEODORE R. KUPFERMAN,
House of Representatives,
Washington, D.C.

DEAR MR. KUPFERMAN: NASA has scheduled a conference on Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft to be held at the Langley Research Center, Hampton, Virginia, on October 8, 9, and 10, 1968. The purpose of the conference is to provide government agencies and industrial firms with the most recent NASA research results relating to the subsonic jet aircraft noise problem. The enclosed tentative agenda lists the scientific and technical subjects to be discussed at the conference.

In view of your interest in the jet aircraft noise problem, we are extending an invitation to you to attend the conference. If you wish to attend the conference, or if you wish a member of your staff to attend on one or more days, please let me know and I will make the necessary arrangements.

Sincerely yours,

ROBERT F. ALLNUTT,
Assistant Administrator for Legislative Affairs.

TENTATIVE AGENDA: CONFERENCE ON PROGRESS OF NASA RESEARCH RELATING TO NOISE ALLEVIATION OF LARGE SUBSONIC JET AIRCRAFT OCTOBER 8, 9, AND 10, 1968, NASA LANGLEY RESEARCH CENTER

OCTOBER 8, 1968

Welcome by NASA Officials.

Remarks by DOT Official.

Conference Scope, Guidelines, and Noise Concepts by Harvey H. Hubbard (Langley).

I. *Nacelle Acoustic Treatment Technology*

Duct Lining Acoustic Materials and Concepts by R. A. Mangiarotty (Boeing), A. H. Marsh (McDonnell Douglas), and E. A. Feder (Pratt and Whitney).

Nonlinear Acoustic Theory for Thin Porous Sheets by William E. Zorumski (Langley).

Some Experimental Results on Inlet Suppressors by L. Jack Smith (Lewis).

Prediction of Sound Attenuation in Acoustically Lined Ducts or Suppressors by C. E. Feiler, E. J. Rice, and P. R. Wieber (Lewis).

Structural and Environmental Studies of Duct Lining Acoustic Materials by H. A. Watson, Jr., and J. D. Thompson (McDonnell Douglas) and Philip M. Edge, Jr., and Carl E. Rucker (Langley).

II. *Nacelle Acoustic Treatment Application*

Introductory Remarks by Harry T. Norton, Jr. (Langley).

Design Concepts by R. E. Pendley (McDonnell Douglas).

Ground Run-Up Tests of Prototype Treated Inlets and Fan Ducts by A. H. Marsh, E. C. Zwieback, and J. D. Thompson (McDonnell Douglas).

Flight Test Nacelles by J. S. Coxon and C. A. Henry (McDonnell Douglas).

Noise Prediction and Economic Effects of Nacelle Modifications by R. E. Pendley and A. H. Marsh (McDonnell Douglas).

Fan Duct Development by R. B. McCormick (Boeing).

Treated Inlets by G. T. Drakeley and R. B. McCormick (Boeing).

Sonic Throat Inlets by C. C. Higgins (Boeing).

Noise Predictions and Economic Effects of Nacelle Modifications by D. C. Nordstrom (Boeing).

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III. Noise generation and reduction at the source

Design Considerations for a Quiet Engine by Joseph F. McBride (Lewis).

Quiet Engine Program by James J. Kramer (Lewis).

Compressor Noise Analysis by Martin Lowson (Wyle).

Potential of IGV Configurations for Inlet Noise Reduction by David Chestnutt and John L. Crigler (Langley).

Jet Engine Internal Flow Noise Sources by Colin Gordon (Bolt Beranek and Newman).

Crossed Beam Investigation of Local Sound Generation in Jets by Fritz Krause (Marshall).

IV. Operational considerations

Measurements for Evaluating the Noise Characteristics of Aircraft by David A. Hilton and Herbert R. Henderson (Langley).

Predicted and Measured XB–70 Engine Noise by Norman J. McLeod, Paul L. Lasagna, and Terrill W. Putnam (Flight).

Noise Measurements During Climbout and Landing Operations of Jet Transports by W. Latham Copeland and Domenic J. Maglieri (Langley).

Flight Investigation of Methods for Implementing Noise Abatement Landing Approach by Hervey C. Quigley, Robert C. Innis, and Emmett B. Fry (Ames).

Technique for Calculating Optimum Takeoff Trajectories for Noise Abatement by Heinz Erzberger and Homer Q. Lee (Ames).

Propagation of Noise From Airport Ground Operations by Dwight Bishop (Bolt Beranek and Newman).

Ground Plane Effects of Far Field Sound Propagation by Stanley H. Guest (Marshall).

The Effects of Atmospheric Refraction on Far Field Sound Propagation by Orville E. Smith (Marshall).

Simulation of Aircraft Flyover Noise Signatures by Ernest Hinterkeuser (Boeing-Vertol).

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V. Subjective reaction

Effects of Noise on Man by Karl D. Kryter (Stanford).

Studies Relating the Individual Characteristics of People With Their Response to Noise by Richard G. Pearson (North Carolina State University).

Perceived Noise Level Corrections for Pure Tones by Karl Pearsons (Bolt Beranek and Newman).

Judgment Tests of Aircraft Noise by Karl D. Kryter (Stanford).

Building Vibrations Significant for Indoor Subjective Response by William H. Mayes, Donald S. Findley, and Huey D. Carden (Langley).

Acoustic-Sociometric Studies of Airport Communities by William R. Hazard and William Conner (Tracor).

Finally, I want to acknowledge the helpful assistance of Dr. Zhivko Angeluscheff, who has devoted himself to the fight against noise.

In conclusion, I am confident that the Congress of the United States will enact worthwhile overall legislation on noise control, and I am proud to have had the opportunity to help initiate it.

FOOTNOTES

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[2] Alan Bell: "Noise, An Occupational Hazard and Public Nuisance." W.H.O. Public Health Papers No. 30 (Pp. 131, Price 10 s net) Geneva 1966.

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[4] H. Wiethaup: "Lämbekämpfung in der Bundesrepublik Deutschland" 2e druk, 1967. Carl Heymanns Verlag K. G., Köln, pp. 647, 82 DM.

[5] H. Stephany en H. Oels: "Reinhaltung der Luft—Abwehr von Arbeitslärm, 1960, Carl Heymanns Verlag K. G. Köln, pp. 99, 8,50 DM.

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[8] H. Wiethaup—"Die Lärmbekämpfung in Österreich in rechtlicher Sicht," Lärmbekämpfung 1963/6, pp. 105–107.

[9] OAL—"Schalltechnische Grundlagen für die Errichtung bzw. Erweiterung von Betriebsanlagen. OAL-Richtlinie nr. 10, 2e druk, mei 1962; OAL Wien 1, Stubenring 1.

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[14] R. Derinne: "Hinderrecht in België". Tijdschrift voor Privaat Recht. 1964.

[15] "International symposium—Hoe het lawaai bestrijden?", Brussel 1967. Gemeenschap voor thermische en akoestische isolatie vzwd, 11 Avenue des Erables, Waterloo. pp. 150, 125 BF.

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[19] P. V. Lehtinen: "The Conquest of Noise in Finland", Proceedings 5th International Noise Abatement Congress, London, p.a. Noise Abatement Society, 6/8 Old Bond Street, London, W.1.

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DUTY ON CERTAIN NONMALLEABLE IRON CASTINGS AND FABRICS IN CHIEF WEIGHT OF WOOL

Mr. MILLS submitted a conference report and statement on the bill H.R. 653.

DUTY ON CERTAIN ARTICLES OF ALUMINA, BAUXITE, COPPER, AND CELLULOSIC PLASTICS—CONFERENCE REPORT

Mr. MILLS submitted a conference report and statement on the bill H.R. 7735.

RENEGOTIATION AMENDMENTS ACT OF 1968—CONFERENCE REPORT

Mr. MILLS submitted a conference report and statement on the bill H.R. 17324.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ST. ONGE, for Thursday, October 3, after 3 p.m., on account of official business.

Mr. MOSHER (at the request of Mr. ARENDS), for today, on account of illness.

Mr. PATMAN, indefinitely, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, on Monday next, and to revise and extend his remarks and include extraneous matter.

Mr. MILLS, for 60 minutes, Wednesday, October 9, 1968; to revise and extend his remarks and include extraneous matter on the retirement of Hon. E. C. GATHINGS.

Mr. KUPFERMAN, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. MORGAN, for 1 hour, on Wednesday, October 9; to revise and extend his remarks and include extraneous matter, to honor the retirement of GEORGE RHODES, of Pennsylvania.

(The following Members (at the request of Mr. CARTER) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. BELL, for 15 minutes, today.

Mr. CHAMBERLAIN, for 10 minutes, today.

Mr. REUSS (at the request of Mr. HECHLER of West Virginia), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HECHLER of West Virginia to follow the remarks of Mr. DANIELS during general debate on H.R. 19747.

Mr. CONYERS to extend his remarks following the remarks of Mr. COHELAN on conference report on H.R. 18037, amendment No. 63.

Mr. O'NEILL of Massachusetts in five instances and to include extraneous matter.

Mr. FEIGHAN in five instances and to include extraneous matter.

Mr. MAHON to revise and extend his remarks just prior to the adoption conference report on the HEW appropriation bill.

Mr. MAHON to revise and extend remarks made today and to insert brief excerpts.

Mr. PETTIS (at the request of Mr. CARTER) to extend his remarks during consideration of Senate amendment No. 10 on HEW conference report.

Mr. DORN and to include extraneous matter.

(The following Members (at the request of Mr. CARTER) and to include extraneous matter:)

Mr. GUBSER.
Mr. MORSE of Massachusetts in two instances.
Mr. SPRINGER in two instances.
Mr. CURTIS.
Mr. MATHIAS of Maryland.
Mr. HALPERN.
Mr. CARTER in 11 instances.
Mr. SCHERLE in two instances.
Mr. WYMAN in two instances.
Mr. ASHBROOK in two instances.
Mr. MESKILL.
Mr. BELCHER.
Mr. FINO.
Mr. DERWINSKI in three instances.
Mr. PETTIS.
Mrs. DWYER in three instances.
Mr. WHALLEY.
Mr. BROCK in two instances.
Mr. PELLY in two instances.
Mr. RAILSBACK.
Mrs. BOLTON.
Mr. HAMMERSCHMIDT.
Mr. DUNCAN.
Mr. CUNNINGHAM in three instances.
Mrs. HECKLER of Massachusetts.
Mr. BROYHILL of Virginia.
Mr. MCDADE.
Mr. PRICE of Texas.

(The following Members (at the request of Mr. HECHLER of West Virginia) and to include extraneous matter:)

Mr. KYROS in two instances.
Mrs. SULLIVAN in three instances.
Mr. GATHINGS.
Mr. BURTON of California.
Mr. DOW in two instances.
Mr. NIX.
Mr. GONZALEZ in three instances.
Mr. BROWN of California.
Mr. STUBBLEFIELD.
Mr. SMITH of Iowa in three instances.
Mr. SCHEUER in four instances.
Mr. HERLONG in two instances.
Mr. MOORHEAD.
Mr. ASHLEY in two instances.
Mr. ROGERS of Florida in five instances.
Mr. TIERNAN.
Mr. CLARK.
Mr. MINISH in two instances.
Mrs. MINK in two instances.
Mr. ULLMAN in two instances.
Mr. FRIEDEL.
Mr. FRASER in four instances.
Mr. EVINS of Tennessee.
Mr. NICHOLS..
Mr. DINGELL in three instances.
Mr. PODELL in five instances.
Mrs. KELLY in 10 instances.
Mr. HANNA in three instances.
Mrs. GRIFFITHS.
Mr. EILBERG in two instances.
Mr. MORRIS of New Mexico in three instances.
Mr. MARSH in two instances.
Mr. CHARLES H. WILSON.
Mr. MILLER of California.
Mr. CULVER in four instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2553. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; to the Committee on Interior and Insular Affairs.

S. 3615. An act to authorize the Secretary of the Army to convey to the port of Cascade Locks, Oregon, a certain interest in lands in the State of Oregon for municipal purposes; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5117. An act to authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes;

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 13160. An act for the relief of William W. Hiebert;

H.R. 14079. An act for the relief of Lt. (j.g.) Herbert F. Swanson, and others;

H.R. 14098. An act to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938, as amended;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86–339) relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico; and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes;

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 913. An act to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes;

S. 1069. An act for the relief of Dr. Chung Chick Nahm;

S. 1652. An act for the relief of Anastasia D. Mpatziani;

S. 2017. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years;

S. 2496. An act to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area;

S. 2499. An act to extend the act of September 7, 1957, relating to aircraft loan guarantees;

S. 2592. An act to amend section 530 of the act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia;

S. 2897. An act for the relief of James T. O'Brien;

S. 3769. An act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts; and

S. 3986. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite the retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 14935. An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes; and

H.R. 15758. An act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes.

ADJOURNMENT

Mr. HECHLER of West Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Monday, October 7, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2248. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1969; to the Committee on Appropriations and ordered to be printed.

2249. A letter from the Secretary of the Air Force, transmitting a report on military construction contracts awarded without formal advertisement by the Department of the Air Force for the period January 1, 1968, through June 30, 1968, pursuant to the provisions of section 804 of Public Law 90–110; to the Committee on Armed Services.

2250. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting a report of the audit of the books of the Quartermaster General of the Veterans of Foreign Wars of the United States for the fiscal year ended August 31, 1968, pursuant to the provisions of Public Law 630, 74th Congress; to the Committee on Armed Services.

2251. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2252. A letter from the Commission, Immigration and Nationalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a) (28) (i) (ii) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2253. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercized in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d) (6) of the act; to the Committee on the Judiciary.

2254. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2255. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. H.R. 10725. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for certain members of the police force of the Library of Congress; with amendment (Rept. No. 1940). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. H.R. 7195. A bill to amend the act of October 24, 1951, in order to insure that the salaries of the police for the National Zoological Park shall equal those of members of the United States Park Police having comparable duties; with amendment (Rept. No. 1941). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. H.R. 19988. A bill to establish a national memorial to Woodrow Wilson in the Smithsonian Institution; with amendment (Rept. No. 1942). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS: Committee on Post Office and Civil Service. S. 1190. An act to amend title 5, United States Code, to provide for the inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of surviving spouses (Rept. No. 1944). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS: Committee on Post Office and Civil Service. S. 1507. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations (Rept. No. 1945). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 3206. An act to amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and for other purposes; with amendment (Rept. No. 1946). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1315. Resolution providing for consideration of Senate Joint Resolution 175, a joint resolution to suspend for the 1968 campaign the equal-time requirements of section 315 of the Communications Act of 1934 for nominees for the offices of President and Vice President (Rept. No. 1947). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1304. Resolution concerning investigation and study of housing, and new town and community development, and government financial institutions and central banks; with amendment (Rept. No. 1948). Referred to the House Calendar.

Mr. MILLS: Committee of Conference. H.R. 653. An act to amend the tariff schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings (Rept. No. 1949). Ordered to be printed.

Mr. MILLS: Committee of Conference. H.R. 7735. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore (Rept. No. 1950). Ordered to be printed.

Mr. MILLS: Committee of Conference. H.R. 17324. An act to extend and amend the Renegotiation Act of 1951 (Rept. No. 1951). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. House Resolution 1305. Resolution relating to creditable service for retirement purposes of John T. M. Reddan; with amendment (Rept. No. 1943). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Utah:

H.R. 20187. A bill to provide for the disposition of the judgment in favor of the Shoshone Tribe et al. in Indian Claims Commission dockets 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CURTIS:

H.R. 20188. A bill providing for the deduction of certain education expenses of individuals who take courses at institutions of higher education; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 20189. A bill to promote higher education at the graduate level through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 20190. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 20191. A bill to establish a Commission on Price Inflation; to the Committee on Banking and Currency.

By Mr. MICHEL:

H.R. 20192. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain State and local utility taxes; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 20193. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

By Mr. WHITTEN:

H.R. 20194. A bill to amend section 5004 of title 38 of the United States Code to permit employees of a Veterans' Administration hospital or domiciliary to use without charge parking facilities constructed by the Veterans' Administration at such hospital or domiciliary; to the Committee on Veterans' Affairs.

By Mr. ZWACH:

H.R. 20195. A bill to amend section 105(e) of the Agricultural Act of 1949 to require the Secretary of Agriculture to make certain payments in advance of determination of performance; to the Committee on Agriculture.

H.R. 20196. A bill to amend section 16 of the Soil Conservation and Domestic Allotment Act and section 105 of the Agricultural Act of 1949; to the Committee on Agriculture.

H.R. 20197. A bill to prohibit the disposal of stocks held by the Commodity Credit Corporation at less than their parity prices; to the Committee on Agriculture.

By Mr. CLARK:

H.R. 20198. A bill to amend section 131 of title 23 of the United States Code; to the Committee on Public Works.

By Mr. ECKHARDT:

H.R. 20199. A bill to afford the States a uniform means of selecting and instructing delegates to the presidential conventions of the major political parties to the end that the people will be more directly and equitably represented in the selection of party candidates, that the political processes of the Nation will be more orderly and meaningful, and that the inordinately high cost of seeking presidential nomination will be reduced; to the Committee on House Administration.

By Mrs. HECKLER of Massachusetts:

H.R. 20200. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 20201. A bill to establish the Railroad Study Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 20202. A bill to amend the Immigration and Nationality Act to make the visa numbers remaining unissued on June 30, 1968, available for immigrants from certain foreign countries; to the Committee on the Judiciary.

H.R. 20203. A bill to amend the Immigration and Nationality Act to make the visa numbers remaining unissued on June 30, 1968, available for immigrants from certain foreign countries; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 20204. A bill to grant a Federal charter to the Meals for Millions Foundation; to the Committee on the Judiciary.

By Mr. HOWARD.

H.R. 20205. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Ways and Means.

By Mr. PETTIS (for himself, Mr. TUNNEY, and Mr. HANNA):

H.R. 20206. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; to the Committee on Interior and Insular Affairs.

By Mr. ROBISON:

H.R. 20207. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. JACOBS:

H.J. Res. 1464. Joint resolution proposing an amendment to the Constitution of the United States to provide for a national preferential primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.J. Res. 1465. Joint resolution proposing an amendment of the Constitution of the United States regarding the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 841. Concurrent resolution expressing the sense of the Congress with respect to the proper presentation of paid political television broadcasts; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL:

H. Con. Res. 842. Concurrent resolution to express the sense of the Congress relating to the Nigeria-Biafra area; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 20208. A bill for the relief of Drago Miklausic; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 20209. A bill for the relief of Giuseppe Agate and Angela Agate; to the Committee on the Judiciary.

H.R. 20210. A bill for the relief of Felice Esposito; to the Committee on the Judiciary.

H.R. 20211. A bill for the relief of Michele Filippo Lunetta; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 20212. A bill for the relief of Christine Bit Abraham; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 20213. A bill for the relief of Candida E. Melchor; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 20214. A bill for the relief of Gyorgy Csatari; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 20215. A bill for the relief of Le Thi Huong; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 20216. A bill for the relief of Kyung Sook Chang; to the Committee on the Judicary.

H.R. 20217. A bill for the relief of Dr. Eun Sook Chang; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 20218. A bill for the relief of Mr. and Mrs. Laszlo Fulop and daughters, Eva and Alice Fulop; to the Committee on the Judiciary.

H.R. 20219. A bill for the relief of Mr. and Mrs. Alfonso Vancheri; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 20220. A bill for the relief of Mrs. Christine (Krystyna) Gorayska; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 20221. A bill for the relief of Floyd L. Gosnell; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 20222. A bill for the relief of Leonardo Taormina; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 20223. A bill for the relief of Franklin Areias Duarte; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 20224. A bill for the relief of Charles C. Smith; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 20225. A bill for the relief of Eugenio R. Davidson; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 20226. A bill for the relief of Juan Carlos Barrios; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 20227. A bill for the relief of Tantina Abrams; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 20228. A bill for the relief of Giuseppe Cantacesso; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 20229. A bill for the relief of Giovanni and Maria Rita Morello and their minor children; to the Committee on the Judiciary.

H.R. 20230. A bill for the relief of Maria Helena da Silva Pereira; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 20231. A bill for the relief of Timothy J. B. Clarke; to the Committee on the Judiciary.

H.R. 20232. A bill for the relief of Lapaz Mercado Ibea; to the Committee on the Judiciary.

H.R. 20233. A bill for the relief of Vicenta Aida Manjon; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 20234. A bill for the relief of Mr. Pasquale Antonio Frisoli; to the Committee on the Judiciary.

H.R. 20235. A bill for the relief of Miss Emilia Salerno; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 20236. A bill for the relief of Francesco Bufo; to the Committee on the Judiciary.

H.R. 20237. A bill for the relief of Giovanni Castellana; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 20238. A bill for the relief of Miss Athina Hatzivasiliou; to the Committee on the Judiciary.

H.R. 20239. A bill for the relief of Mr. and Mrs. Michel Stylianou; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 20240. A bill for the relief of Joao Correia Pinto; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 20241. A bill for the relief of Nicola and Maria Lerario; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 20242. A bill for the relief of Giuseppe Bilotta; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 20243. A bill for the relief of Giacomo Ferrara, wife Caterina Ferrara, and daughter Vincenza Ferrara; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 20244. A bill for the relief of Muriel Bertha Reed; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 20245. A bill for the relief of Mr. Dong S. Shin; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 20246. A bill for the relief of Kamisetty Ramamohan Rao, his wife, K. Karuna Rao, and their children K. Ramesh Rao and K. Sasirekha Rao; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

403. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to textbooks; to the Committee on Education and Labor.

404. Also, petition of the City Council of Cincinnati, Ohio, relative to legislation waiving tax exemptions on bonds sold to finance public projects; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR GOODELL BEFORE CATHOLIC BIG BROTHERS GOLDEN JUBILEE DINNER

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, October 3, 1968

Mr. GOODELL. Mr. President, I ask unanimous consent to have printed in the Record an address I delivered at the golden jubilee dinner of the Catholic Big Brothers, honoring Archbishop Terence J. Cooke, at the Americana Hotel, New York City, October 1, 1968. The subject of my address was "Our Communication Gap."

There being no objection, the address was ordered to be printed in the Record, as follows:

Our Communication Gap

(Address by Charles E. Goodell, Catholic Big Brothers golden jubilee dinner, honororing Archbishop Terence J. Cooke, New York City, October 1, 1968)

Only in America—where else would you find an Episcopalian lay-reader addressing 500 Catholics on Yom Kippur eve?

And in front of an Archbishop yet.

I'm glad I speak first. With this audience it would be foolish to try to top an Archbishop.

As they used to say back in vaudeville days, "If you play Boston or New York never follow an Irish act, especially one with a monicker like Terence."

Please don't laugh, you'll get me in trouble.

His Excellency has already warned me, "Remember" he said "the Archbishop tells the jokes."

Yes, only in America, can we kid around like this from a serious podium and be certain that the humor will be accepted in good grace. For this is a wondrous land we live in, this America of ours. Wondrous, despite all the trials we are now undergoing.

And also in a sense because of those trials, for I believe that the people of this nation have the will, the capacity and the plain old-fashioned guts to overcome these trials and meet head-on the challenge they present.

I believe that the people are beginning to awaken to a recognition of the spirit which guides you who sit here.

The spirit of the fortunate man who looks at his unfortunate brother and says "there, but for the grace of God go I."

The spirit that impels a Big Brother to seek understanding with and of his little brother.

The spirit that impels a Big Brother to give selflessly of himself that all mankind may be bettered.

The spirit that impels a Big Brother to cherish a relationship with his Maker so dearly that he goes out of his way to share it with another.

Yes, this is the moral spirit that has made America the land it is!

This is the America that people such as you represent, people who have the depth of feeling that spurs them to give of themselves over and above the required duties of a person to his social order. As the late beloved Eleanor Roosevelt once put it, "We must have the moral courage, in the midst of darkness, to light one candle."

But sadly, this is also the America of so-called successful people less endowed than you—and I do not speak in the economic but rather in the spiritual sense—people whose exposure to spiritual power has been limited by force of circumstance; people who desire to function as man was intended to function but have been denied the chance to overcome abusive social customs—heartless customs that ofttimes make a mockery of our basic principle "All men are created equal."

Yet I believe that the great mass of this nation today is seeking, is awakening, and is ready as never before in recent years to redress our social wrongs.

The out and out bigot—the hate-monger with closed mind—represents but a tiny fraction of our population.

This is not a sick society, although there are sick men in it.

This is not a violent society, although there are violent men in it.

This is not an evil society, although there are evil men in it.

But we seem to be adrift; we seem bewildered; we are as a ship without rudder, or compass.

If we are not ultimately to founder on the rocks, capsize, to sink, we must find our true course, we must find the light of a true star by which to navigate.

That star is the beacon of human understanding.

How do we do this; how do we right our navigational path?

I believe that we must strive to accomplish this on a national scale much as you here have done so effectively on an individual basis.

We must bridge the communications gap that now exists between majority and minority groups within our social sphere.

If we do not begin to fill that space, we may shortly find ourselves plunged into a chasm of chaos.

The impulse for that closing comes from within the hearts of men—it is the willingness to understand and the dedication to use that understanding.

The dictionary says that communication is the giving and receiving of messages by letter, by word or by signal.

And it is the history of all mankind that when communication by these means is denied between diverse groups . . . so long will each group remain outside the pale of the other's understanding.

In varying degree this is the case in our nation today with respect to the Negro, the Indian, the Mexican American, the Puerto Rican, the Jew and the Catholic.

These minorities have tried for many years to communicate their feelings to the rest of America. Their spoken words in too many instances have fallen on deaf ears, their written pleas in too many instances have been directed to the dead letter office. And so today a frustrated handful of neglected Americans huddled in hated ghettos, men who have been denied the dignity of a rightful place in society, in desperation have resorted to communication by signal, by crime, by violence, by the torch?

One may ponder, is this some Freudian reversion to the ancient art of smoke-signaling?

There is more than wry humor in that conjecture; there is a sense of irony that those who ignore all other methods of communication, suddenly, perhaps impelled by fear, are aware that destiny is nudging us on the shoulder.

This violent action we in an established society automatically condemn. Yet this form of signaling appears to be the agent that is reawakening America's sleeping moral conscience.

A conscience that has come of age.

Two years ago a wise Brazilian Archbishop told me that what was most needed in the world today was an "arrival of conscience." I believe that potential is upon us. The conscience of our people is aroused. They are ready to combine the arrival of conscience with the assertion of action, but they must have leadership that understands the imperatives of our times.

We can yet bridge the yawning gaps in our society between the aware and the unaware, the black and the white, and the rich and the poor.

However, a conscience stirred by fear alone cannot stir its owners to sincere reply.

For fear begets fear, just as violence begets violence. It is a never-ending cycle.

There is only one permanent solution, and that is not a solution based on just what is expedient but based on the expedience of justice!

And true justice can never be applied unless human understanding guides its application.

We hear much these days of order in the streets, but can there be order in the streets of a free society unless a just order is built into our social structure?

We can maintain order, yes, we have the weaponry and manpower to do so, but order in the true sense, order with freedom and justice, requires an equitable balance on the social and economic scales.

Punishment is a deterrent to crime, but this truth has become a victim to larger social theories. Let us recognize, however, that punishment is the negative and repressive approach to crime.

It should be a last resort, applied firmly, but only when necessary.

Individual fulfillment by itself is the positive way of prevention.

You are men of faith, how many of us are saintly enough to say that if we were denied certain fulfillments in our lives that we would not defy the rules of society?

We who are born in sin each have our spiritual price!

Too many men, not just in this nation but in the world, are denied this fulfillment and in turn defy the rules of their society.

Likewise, there are men who deny themselves this fulfillment.

Men who have never found God because they wait for God to find them!

Men who scoff at the force of true belief and place their faith only in force of arms.

Such men can eventually lead us to our Armageddon, if we follow them down this soul-less path.

The Big Brother movement is a giant step in the other direction.

We read so much about crime statistics and crime increase—but nowhere do we read how much crime may have been prevented by the Big Brothers of this land.

Crimes that need no punishment because they were prevented from occurring.

How many Big Brothers have kept little brothers out of the "Big House"?

And the tragedy of our failure to make better use of the spirit of your movement—our lack of communication between peoples—is that it is not in the main a matter of personal hatred, it is more a matter of indifference, of misunderstanding, of superficial hurts on the part of the haves in their dealings with the have-note, and vice versa.

Again I am not referring solely to economic haves or have-nots—I refer to status, dignity, respect and equality under our system.

We sometimes fail to hold out to others, intrinsic, yet intangible things that Big Brother gives to little brother, a sense of belonging, the inner warmth of acceptance, the delight of a handclasp rather than the rebuff of the back of the hand.

This is a neglect for which all of us as a nation share the blame—we might well hang our heads in shame.

It is a failure for which we are today paying the price of a violent disruption of what we like to think of as our American democratic order.

We have ignored a maxim as old as time—"If one neglects a garden, weeds will grow!"

What material then would be the most effective one to use in building the bridge needed to span this communication gap?

I think the answer lies in the theme of this organization that I address tonight, Brotherhood through God.

For only He has devised a communication system that requires no mechanical parts, that can never break down, that can never erode.

The only components needed are faith and a fidelity to that faith.

The resultant message comes across loud and clear.

For the Almighty's messages are carried in the softness of human understanding sustained by the steel of faith, the only effective permanent compound, and the only substance with sufficient strength to bear mankind's load—a material tempered in the crucible of Judeo-Christian suffering.

Let the people of this nation, we here tonight, the people who are looked upon as the responsible members of our total society, let us resolve to light the forge that will warm that crucible and see to it that its fire of faith is never banked!

SUBMISSION OF THE NIGERIAN PROBLEM TO THE UNITED NATIONS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. TIERNAN. Mr. Speaker, today I would like to join with my colleagues in sponsoring a resolution indicating U.S. support for United Nations action aimed at bringing the Nigerian civil war to a swift and merciful conclusion. As the situation in Nigeria becomes more desperate, members of the United Nations can find no solace in the principle of nonintervention in domestic disputes.

The Nigerian conflict has long been internationalized by Soviet and British assistance to the Federal Government and Portuguese and French assistance to the Republic of Biafra. This conflict is truly one which may endanger the maintenance of international peace and security. There is no hope in the argument that the Nigerian war should be mediated by Africans and African organizations. Meeting in Algiers earlier this month, the Foreign Ministers of the Organization of African Unity failed to make any stronger attempt to end this war than to condemn the secession of Biafra and urge that republic to help "restore peace and unity in Nigeria." The OAU Consultative Committee which was formed by the organization to mediate a settlement has brought negotiators from both sides together at Kampala, Niamey, and Addis Ababa. Yet, settlement has not been reached, the Federal troops press on, and mass starvation continues.

Six thousand Biafrans a day die of starvation while relief efforts are hampered by first, the obduracy of the Biafrans who out of fear of poisoning refuse to receive food transported overland; and second, the refusal of the Federal Government, out of fear that such flights will also carry arms to the secessionists, to sanction daytime relief flights. Such a situation does not call for assessment of guilt or passage of judgment by the civilized world. It calls for action. For what is the meaning of "civilization" for a world which can watch children starve and a whole people die?

There are suitable precedents for U.N. action in the form of the imposition of a cease-fire and massive relief efforts—the United Nations Emergency Force in the Middle East, the United Nations operation in the Congo, the United Nations Security Force in West New Guinea, and the United Nations force in Cyprus. UNICEF is already cooperating with the International Red Cross and the Nigerian Federal Government in an attempt to bring massive food aid to the starving.

Prior to the Addis Ababa talks in August, Colonel Ojukwu, head of the Biafran Government, indicated the acceptability of the idea of a cease-fire by ordering a unilateral truce in the civil war on August 3. In addition, it is the Biafran position that a cease-fire must precede formal negotiations. Thus, it appears that a U.N.-sponsored cease-fire would be observed by the Biafrans. Since the Federal Government turned down Haile Selassie's plea for a cease-fire and maintains that the Biafrans must renounce secession before formal negotiations may be instituted, it would remain a task for the Secretary General to utilize his influence upon the leaders of the Federal state and persuade them to honor a U.N.-sponsored truce. It seems that there is a powerful argument for the wisdom of adopting a cease-fire in the fact that the Federal Government seeks to establish once more a united Nigeria. The hatred between the Ibos of Biafra and the Federal Government will only be further intensified by a fight to the finish.

Furthermore, at the Kampala talks in May both the Federal negotiators and the Biafrans indicated an interest in the establishment of some type of neutral peace force following a cease-fire. Though both sides presented varying formulas for the composition of such a force, there is at least hope for some type of compromise once the arrangements were ready to be made.

When peace is once again brought to Nigeria, it should at last be possible to swiftly and effectively bring massive relief to the starving people of Biafra. Such a relief effort will require a great deal of coordination in addition to a large number of planes, trucks, and trained personnel. Here again the experience and vast resources of the United Nations should be fully brought to bear on the Nigerian problem.

Whether it is out of conscience, humanitarianism, or self-interest in pre-

serving the peace, the nations of the world cannot stand by in horror as the population of Biafra is decimated by starvation and war. The seeds of conflict have now been firmly sown upon the African Continent. The harvest of internal conflict may be reaped in other African nations besides Nigeria. Other African nations may test the bonds of nationhood through fratricidal strife. If we fail to make some effort now, we will be condemned to wonder what precedent has been set for the peaceful and civilized forces of the world, what future we have helped shape for Africa. Will we earn a share of the burden of guilt in knowing that perhaps some international action could have been taken? The United Nations has been described as the last best hope for mankind. As all other efforts to bring peace to Nigeria have failed, U.N. action is perhaps also the last best hope for Nigeria.

CALIFORNIA NEGRO HISTORY

HON. THOMAS H. KUCHEL

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, October 3, 1968

Mr. KUCHEL. Mr. President, recently, the San Francisco Examiner published a most interesting series of articles entitled "California Negro History," written by Mr. Harry Johanesen. It is indeed unfortunate that the story of the Negro in American history generally has not been fully told. The historical records of California are no exception. Slowly, however, dedicated scholars and researchers are amassing bits and pieces of the larger picture, and, for the first time, we can see the significant role the Negro has played in building the Nation. In this series of articles, Mr. Johanesen has performed an outstanding service in describing but one aspect of the larger historical picture—the building of the West. I believe he has made a unique and excellent contribution in portraying the history of the Negro in California, and his effort should receive widespread attention.

I, therefore, ask unanimous consent that three of the series of articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the San Francisco (Calif.) Examiner, July 22, 1968]

CALIFORNIA NEGRO HISTORY: BLACKS' ROLE IN THE OLD WEST

(By Harry Johanesen)

The Negro played an all but overlooked role in earliest California history.

Historians have generally neglected the story of black people in America.

This indifference to a human struggle of major significance has dissolved dramatically in recent years and has produced an explosion of books on Negro Americans.

Most of these books, however, deal with the black man's relationship to slavery in America, to the Civil War and Reconstruction, and to the fight for civil rights.

Quite obviously, there is much more to be brought into the light about the Negro's role in our history than these periods of strife and bloodshed.

Many chapters of the black man's story are missing, but dedicated researchers are trying to put his part in building this Nation in perspective.

Scholars in many localities are amassing bits and pieces of the larger picture from records kept by individuals, from the shelves of great libraries and from the archives of government at all levels.

What are they finding? A great deal, including hitherto dim details of the black man's part in Chapter No. 1 of California History.

This fascinating story, being put together bit by bit, will probably never be completely known however, for these reasons:

The subject of Spanish-speaking Negroes who were among the first settlers of California is familiar only to a few specialists.

It presents an image of the Afro-American disturbing to those who wish to present simple generalizations about the place of Negroes in U.S. history.

Fear of publicizing the fact that appreciable amounts of Negro blood have seeped into the white population by means of old first families in California, Texas, Louisiana, Florida and elsewhere.

These explanations for the obscurity shrouding the full story of Spanish Negro-Americans have been put forth by Dr. Jack D. Forbes, an outstanding authority on minority group history and culture and executive director of the Far West Laboratory for Educational Research and Development.

Forbes, whose research has carried him into archives in Spain, Mexico and the United States, details his findings in a review of race and culture published recently by Atlanta University and used in part as reference material for this article.

Historical records show that after Columbus discovered America in 1492, many men of African ancestry were recruited into the Spanish armed forces for conquest of the vast territory.

APPEARED EARLY

These black men, along with other Spanish-Negro and Indian-Negro men from Haiti, Borinquen (Puerto Rico), Cuba and Jamaica, appeared in Mexico in the very earliest days of the Spanish conquest.

Soon they were numerous enough to stage rebellions. One was led by Negro workers at the mines of Amtepeque in 1537, and was crushed by Spanish soldiers.

But the great majority of men of black ancestry with the conquistadors remained loyal to and fought with distinction for the Spanish monarch.

They were actually full-fledged conquistadors themselves, not slaves or servants, and they participated in many land and coastal expeditions to California, New Mexico-Arizona, Oklahoma-Kansas and the Carolinas.

SETTLERS

They were to become ex-soldiers and civilian settlers in many areas, including San Francisco, San Jose, Monterey, Santa Barbara, Los Angeles and Baja California.

Census records of 1790 reveal that at least 14.7 percent of San Francisco's population had Negro ancestry while 42 percent were classified as mixed-bloods of many kinds.

In the same year, the part-African settlers in San Jose constituted 24.3 percent of the population; in Monterey, 18.5 percent; in Santa Barbara, 19.3 percent; in Los Angeles, 22.7 percent; in Baja, 21.7 percent.

From the earliest intrusion of Spanish settlers in California in 1769, intermarriage with native Indians was encouraged by the Spanish government because of the dearth of Spanish-speaking women.

NO PARADISE

The encouragement extended to Spaniards of European lineage, though there were very few such men available to help populate the newly-conquered region. Thus, this task fell primarily to Hispanicized natives, mixed bloods of all kinds, and Negroes.

Even so, early California was not a racial paradise. Historian Charles E. Chapman, writing of this period, noted that Spanish-speaking citizens were of varying shades of color.

"The officers and missionaries were for the most part of pure white blood, but the great majority of the rest were mestizos—part white and part Indian," Chapman wrote.

"In the Los Angeles district there were some mulattoes . . . There were very marked social differences, based on rank (usually military) and blood, and very distinctly there was a Spanish California aristocracy."

PICO FAMILY

The Pico family of early California serves as an example of the way in which Negro genes eventually came to be widely dispersed among the elite:

Santiago Pico, founder of the family in California, was a mestizo, while his wife was a mulatto. His sons, Jose Dolores, Jose Maria, Miguel, Patricio and Francisco rose in stature by acquiring property and serving as soldiers.

The next generation of the family really acquired prominence. Pio Pico served as the last governor of Mexican California and Andres Pico was a leader of the California resistance to the United States in 1846–47.

This generation intermarried with many prominent Espanol families, such as the Alvarados and Carrillos, thus giving wide distribution to non-Caucasian genes.

DESCENDANTS

Jose Dolores Pico produced 13 children and had more than 100 descendants by 1869. Miguel Pico had 228 descendants by 1860 and the other Picos usually could boast an average of 10 children per generation.

In addition to Pio Pico, several previous governors were dark complexioned. Manual Victoria (1831–32) was described as a Negro and Jose Figueroa (1833–35) was of Aztec ancestry.

Beginning in the 1820s, European and Anglo-American men began to settle in California and to marry Spanish-speaking women. They tended to select mates from the more prosperous and lighter-skinned California families, a preference which produced these effects:

It began to lighten the color of the aristocracy still further.

Upper-class prejudice against darker skin color was reinforced.

Knowledge of Indian or Negro ancestors was gradually suppressed.

In the earlier years, Forbes concluded, California's Afro-American pioneers were fortunate in being able to live in a society where color was not an absolute barrier.

FREER SOCIETY

"In such civilian settlements as Los Angeles and San Jose especially," he noted, "persons of Negro ancestry were able to rise to prominence and occupy positions of leadership.

"The rapid process of miscegenation allowed their children to win acceptance simply as Californios and their granddaughters frequently intermarried with incoming Anglo-Americans or Europeans.

"Their blood now flows in the veins of many thousands of Californians who cannot speak Spanish and who are totally unaware of their African heritage."

[From the San Francisco (Calif.) Examiner, July 23, 1968]

California Negro History: Leidesdorff First of Race To Win San Francisco Fame

(By Harry Johanesen)

African racial characteristics among 18th Century Californians began to disappear at the turn into the 19th Century because the vast majority of the Spanish-speaking population had intermarried freely.

The mixed marriages involved Spaniards, Indians and many different kinds of Africans who had participated in Spain's easy conquest of California in 1769.

The latter included olive-skinned Moors from North Africa, darker West Africans, many Spaniards of part-African ancestry—a heritage of earlier Moorish conquest of Spain—and the more recent Spanish-Negro and Indian-Negro hybrids from the West Indies.

Over the years between 1769 and 1825, the immigrants became more Indian, genetically speaking, as the Spanish-speaking people of Caucasian, Indian and Negro ancestry steadily mixed their stocks so as to produce what amounts to a new race.

ABSORBED

The process of intermarriage had almost completely absorbed the Negro stock by 1825, three years after Mexico had proclaimed her independence from Spain and California had changed from Spanish to Mexican rule.

One of the last general references to Negroid features among the people of early California is found in a statement by an Anglo-American visitor in 1828. The visitor wrote that he felt a Mexican corporal he had seen "resembled a Negro, rather than a white."

The statement was discovered by Dr. Jack D. Forbes, an historian who has held research fellowships from the Social Science Research Council and the John Simon Guggenheim Memorial Foundation.

Forbes, a former teacher at several universities and colleges in California and Nevada, has engaged in extensive research into the racial composition of early California, right down to the names of Negro Americans who were among the first settlers.

In another significant statement on the disappearance of Negroid features in California's early 19th Century population, Forbes found that historian R. H. Dana made these observations in 1835:

"Those who are of pure Spanish blood, having never intermarried with aborigines, have clear brunette complexions, and sometimes, even as fair as those of English women. There are but few of these families in California, being mostly in official stations, or who, on the expiration of their offices, have settled here upon property which they have acquired; and others who have been banished for state offenses.

"These form the aristocracy, intermarrying, keeping up an exclusive caste system in every respect. They can be told by their complexions, dress, manner and also by their speech; for calling themselves Castilians, they are ambitious of speaking the pure Castilian language, which is spoken in a somewhat corrupted dialect by the lower classes.

"From this upper class (of pure Spaniards), they go down by regular shades, growing more and more dark and muddy, until you come to the pure Indian who runs about with nothing upon him but a small piece of cloth, kept up by a wide leather strap around his waist.

"Yet the least drop of Spanish blood, if it be only a quadroon or octoroon, is sufficient to raise them from the rank of slaves and entitles them to a suit of clothes, boots, hats, cloak, spurs, long knife, all complete, and coarse and dirty as may be—and to call themselves Espanoles, and to hold property, if they can get any."

YOUNG SKIPPER

About the time Dana recorded his colorful observations on the people of California, a young skipper of part-African ancestry from the West Indies was at the helm of his vessel on the high seas, never dreaming he would some day become a prominent citizen of San Francisco.

William Alexander Leidesdorff, born of a union between a Danish planter and a mulatto in the Virgin Islands, sailed his schooner Julia Ann into San Francisco Bay for the first time in 1841.

Leidesdorff, only 31 at the time, engaged in trade between San Francisco and Hawaii for a while, then sold his ship and settled down in the California town he had found much to his liking.

Intelligent, possessed of a winning personality and conversant with several languages, Leidesdorff also was a man of vision. He was probably the first man to recognize the economic potential of the easygoing city, on both land and the bay, and he was certainly the first to become a millionaire after his death.

In 1843 he obtained two lots from Alcalde (Mayor) Sanchez and erected a handsome adobe building that became the city's first plush hostelry. Known as the City Hotel, it was located at the corner of Kearny and Clay, where the old Hall of Justice has recently been razed to make way for a skyscraper hotel.

WAREHOUSE

In 1844 Leidesdorff obtained more downtown property from Alcalde Noe and built a big waterfront warehouse, a forerunner of today's World Trade Center in the Ferry Building.

He engaged in a brisk trade with incoming ships at his bay shore installation, which was located at what was then the foot of California Street and now is the corner of California and Leidesdorff, the latter a street named for him.

He lived in a fine house at Montgomery and California Streets and entertained lavishly as a businessman-politician and in his official capacities—U.S. Vice Consul by appointment of Consul Thomas Larkin; City Council member, and chairman of the City's first school committee.

Leidesdorff became the Robert Fulton of San Francisco Bay in 1847 when he introduced the first steamboat to harbor waters, a 37-footer later called the Sitka.

He bought the pleasure craft from an American who had built it in Alaska for officers of the Russian Fur Company, and had it shipped to San Francisco aboard a big schooner.

A WAGER

On the day the Sitka began her maiden voyage to Sacramento, according to one account of the historic expedition under steam power, a skeptic in a large crowd at the waterfront offered to wager a slab of bacon he could walk to Sacramento faster than Leidesdorff's sidewheeler.

Leidesdorff accepted the bet and cast off while the whole town cheered. It took the walker three days to cover the distance, against Leidesdorff's sailing time of six days and seven hours.

But Leidesdorff's pioneer spirit was undamaged. He paid off with hearty congratulations to the winner and predicted a great future for steamboats in the world's maritime channels.

In 1844, when he became a naturalized citizen of Mexico, Leidesdorff had obtained a grant of the 35,000-acre Rio de Los Americanos Rancho on the left bank of the American River in the Sierra foothills.

When he died in May, 1848, San Franciscans still were ridiculing persistent rumors of rich gold strikes on the river. It was not until July—two months after his death—that the strikes were confirmed and the late William Alexander Leidesdorff's rancho, together with his San Francisco properties, became immensely valuable.

Captain Joseph A. Folsom journeyed to St. Croix Island to purchase all rights to the estate from Leidesdorff's dark-skinned mother and other heirs for $75,000. Folsom and his partners made fortunes administering the estate, although Folsom didn't live very long to enjoy it.

EULOGY

Hubert Howe Bancroft, in his great History of California, said of Leidesdorff:

"Warm of heart, clear of head, sociable, with a hospitality liberal to a fault, his hand ever open to the poor and unfortunate, active and enterprising in business and with a character of high integrity, his name stands as among the purest and best of that sparkling little community to which his death proved a serious loss."

On the day of Leidesdorff's funeral all businesses, cantinas and gambling places closed down while numerous friends and admirers followed the remains of this sea captain of Negro ancestry in a long procession to his final resting place.

They wept as the coffin was lowered into a grave beneath the floor of Old Mission Dolores, where visitors today may see a crypt plate set amid the tiles near the right wall just inside the main door. It is inscribed:

"William Alexander Leidesdorff, 1810–1848."

[From the San Francisco (Calif.) Examiner, July 24, 1968]

California Negro History: Slaves Brought West for Gold

(By Harry Johanesen)

Many southern slave owners who, like thousands of other Americans, were stricken with gold fever in 1848 brought their human properties with them in the helter-skelter rush to California's gold fields.

They reintroduced "men of color" to the expanding California scene and by 1850 census takers who took their assignments seriously counted nearly 1000 new black residents in the state, most of them living in San Francisco and Sacramento.

In 1852 there were more than 2000; in 1860, over 4000. The southerners came to California by horse, wagon and ship, hoping to harvest fortunes in gold from rivers and hills through the forced labor of their slaves.

En route to the Mother Lode and after they got there, the miserable slaves worked as servants, cooks and barbers not only for their masters but also for employers who bought their services from lawful owners.

Some came with promises of freedom ringing in their ears. Dig enough gold or earn enough money otherwise and you will be set free, they had been told by their masters at the outset of perilous journeys westward from sleepy plantations.

There are recorded cases of slave owners who actually did allow slaves to buy freedom in California.

Here are some of those records:

"STATE OF CALIFORNIA:

"*County of Mariposa:*

"Know all men to whom these presents shall come that I, Thomas Thorn, of the State and County aforesaid, being the rightful owner of the Negro man, Peter Green, and entitled to his service as a slave during his life, have this day released and do by these presents release him from any further service as a slave.

"And I do by these presents for myself, my heirs, executors and administrators declare him, the said Peter Green, to be free to act for himself and no longer under bonds as a slave. Provided, however, that said Peter

Green shall pay me the sum of one thousand dollars, good and lawful money or work for the service, from the present time until the first day of April, A.D. 1854.

"In testimony whereof, I have hereunto affixed my hand and scroll for seal, at Quartzburg, this 5th day of February, A.D., one thousand eight hundred and fifty-three.

"THOMAS THORN."

"E. H. TAYLOR TO DENNIS AVIERY

"*To All Whom It May Concern:*

"This is to certify that Dennis Aviery has been my slave in the State of Georgia for about the term of eight years, but by virtue of money to me in hand paid, he is free and liberated from all allegiance to my authority.

"E. H. TAYLOR.

"COLOMA, EL DORADO COUNTY, CALIF.

"FEBRUARY 8, 1851.

"TAYLOR BARTON TO NEGRO BOB

"Know all men to whom these presents shall come: I, Taylor Barton, lately a citizen of the State of Missouri, and owner of slaves, do here by this instrument, under my hand and seal, given this ninth day of October, in the year of our Lord eighteen hundred and fifty-one, set Free from Bondage to me and all men, my slave Bob, and do declare him forever hereafter his own man, wherever he may go. Nevertheless, I make this condition, that said Bob shall remain with me as my slave, faithful and obedient to me, until the twenty-fifth day of December next, commonly known as Christmas.

"Witness my hand and seal on the day and date aforesaid.

"TAYLOR BARTON."

Since money was not mentioned in the repugnant Barton-Negro Bob transaction it is assumed that Barton gave his slave his freedom as a Christmas present.

ON THEIR OWN

More than a few slaves decided not to pay for their freedom and struck for freedom on their own. They took this bold course after coming in contact with free black brothers who told them California was a free state in which no man could hold another in bondage.

Dr. Rudolph M. Lapp, professor of history at the College of San Mateo, has reported several such breakaway incidents in an article written for and published by the California Historical Society. Dr. Lapp found these cases:

In San Jose in February, 1850, a white man beating a Negro with a club on a public street caused some people in a crowd of spectators to cry, "shame, shame." The town marshal took both parties into custody for a hearing before the alcalde.

The alcalde ruled in favor of the master, but with the assistance of other local authorities the slave was spirited away to freedom as several friendly lawyers were preparing to have a writ served on the alcalde.

In Sacramento a few months later a similar incident became a matter for court attention after a street brawl between a white man and a Negro named Charles.

The judge in this fugitive case set the Negro free. He told the presumed master that laws passed before as well as after the American conquest of California had made Charles a free man.

In March, 1851, another slave master invoked the National Fugitive Slave Law to jail a Negro named Frank in San Francisco.

The master claimed Frank had run away from him in the Sierra and said he had traced his property to San Francisco because he wanted to take Frank back to Missouri.

A lawyer named S. W. Holliday heard about the case and obtained a writ requesting Judge Morrison to set Frank free. The judge deliberated the matter for several days and ruled in favor of Frank.

Judge Morrison held that the National Fugitive Slave Law was not applicable in Frank's case because he came to California as a slave, not as a fugitive.

The judge pointed out that Frank ran away within the boundaries of the state and held this was not a violation of California law, although it would have been a jail offense in Missouri.

SUPPORT FOR GOVERNOR WALLACE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. NICHOLS. Mr. Speaker, last week the headlines in the newspapers in Alabama cried out that a certain presidential candidate had, in the newspaper's words, lambasted my State of Alabama. I realize that in this political year it is convenient for some candidates to use our State as a whipping boy, especially since Gov. George Wallace is running quite well as a candidate himself. But as an Alabamian and as one who loves his State, I do not appreciate some statements that are being made.

Comments have been made across the country in an effort to show that Alabama's crime rate is higher than the national average, and thereby minimize Governor Wallace's stand for law and order. Of course, the candidate making these statements quotes only those statistics which back up his position. The FBI Uniform Crime Reports for 1967 give a more complete report.

For instance, the total of all crimes committed in the United States in 1967 averaged 1,921.7 crimes for each 100,000 people. Alabama's total crime index per 100,000 was 1,313.9, or almost one-third lower than the national average. When the total picture is presented, things look a little differently than when a few statistics are used.

The candidate who is trying to use my State as a bad example also was quoted as saying Alabama has the highest sales tax in the Nation. Statistics which were provided to me by the Library of Congress show that seven States have sales taxes higher than Alabama, and another seven have the same 4-percent sales tax that Alabama has. I think perhaps this candidate should check some of his figures before he starts lambasting my State.

Statements are also being made to indicate that Alabama is against the workingman. Apparently the polls coming from some of the strong union areas of this Nation have some candidates and some of the higher echelon union leaders shaking in their boots. It is not enough merely to use wages and income as a basis for determining how well off a man is. You must also take into consideration the cost of living and other factors in making this determination. Here again, some people use only those statistics which help their cause.

Here are some of the facts indicating the progress made by the workingman in Alabama in the past 5 years. Unemployment compensation was increased by 37½ percent. Only five States in the Nation had a greater percentage increase during this period. Workman's compensation was increased by 33.3 percent. Only nine States had a greater percentage increase during the same period. Governor Wallace made a pledge to increase both these compensations in his inaugural address, and he did so. He also pledged to veto any legislation which deprived labor of gains which had been made in the State, and he kept that pledge.

He issued an executive order which imposed the prevailing wage scale on all State contracts. This executive order was later nullified by a court ruling, but not until the State's junior college and trade school program had been completed. This program resulted in the construction of a junior college or trade school within commuting distance of every Alabama family. Those who benefit most from this program are the families of the workingman. The same is true of the free textbook program instituted during the Wallace administration.

During the 1965–66 period, Alabama led all Southern States in attracting new and expanded industry. More than 100,000 new and well-paying jobs have been created in the past 5 years. The unemployment rate is considerably below the national average, and per capita income has increased some 60 percent.

Mr. Speaker, no State in this Nation is perfect. No State in this Nation has laws that satisfy every individual and every self-interest group. But we in Alabama are making progress in building a better place for our people to live. I have a firsthand knowledge of this progress because I was floor leader in the State senate during the Wallace administration. I know that the people of Alabama are better off today than they were before Governor Wallace took office.

Statements have also been made in the press that local labor unions and labor officials do not support Governor Wallace. Last week, some 15,000 Alabamians paid $10 each to hear the Governor speak. Many of these were labor union members and officials and they made sure their presence was known by the many signs they carried. Here are some of the locals who have publicly endorsed Governor Wallace:

Alabama Pipe Trades Association, AFL–CIO, R. H. McConnell, Sec.-Treas., P. O. Box 275, Tuscaloosa, Alabama.

Building and Construction Trades Council of Jefferson County and Vicinity, 19 Affiliated Local Unions, 2520 Seventh Avenue North, Birmingham, Alabama 35203, Wallace A. Withers, Secretary.

Jefferson County and Vicinity Carpenters District Council, 9 Affiliated Local Unions, 1810 Seventh Avenue North, Birmingham, Alabama 35203, R. D. Rogers, Recording Secretary.

Carpenters and Jointers of America, Local No. 2354, Childersburg, Alabama, E. G. Cleckler, Recording Secretary.

Brotherhood of Painters, Decorators and Paperhangers of America, Local No. 151, P. O. Box 151, Anniston, Alabama 36201, Fred Vann, Business Representative.

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local No. 52, Montgomery, Alabama, W. C. Williamson, Business Agent.

International Association of Heat and Frost Insulation Asbestos Workers, Local No. 78, 221 North 95th Street, Birmingham, Alabama, James O. Goff.

United Glass and Ceramic Workers of North America, AFL-CIO, Local No. 150, Gadsden, Alabama, Wilburn Ward, President.

Brick Layers Internatinoal Union, Local No. 1, Birmingham, Alabama, W. W. McDuffie, Secretary.

International Brotherhood of Electrical Workers, Local No. 505, 2244 Halls Mill Road, Mobile, Alabama 36606, Robert H. Dawson, Business Manager.

International Brotherhood of Electrical Workers, Local No. 733, Pascagoula, Mississippi 39567, F. B. Porter, Business Manager.

Sheet Metal Workers International Association, Local No. 441, Mobile, Alabama 36602, C. A. Rettig, Business Manager.

Sheet Metal Workers International Association, Local No. 48, 725 North 25th Street, Birmingham, Alabama 35203, Wallace A. Withers, Business Manager.

International Association of Bridge, Structural and Ornamental Iron Workers, Local No. 5, Washington, D.C., Billy Joe Walker, President.

United Steel Workers of America, Local 2122, Birmingham, Alabama.

Communication Workers of America, Local No. 3902, Birmingham, Alabama, Larry Weems, President.

Communication Workers of America, Local No. 3908, Montgomery, Alabama, G. J. Jackson, President.

Order of Railway Conductors and Brakemen Local, Battle Creek, Michigan, D. E. Evans, Chairman.

Brotherhood of Railway Clerks, Local No. 539, Montgomery, Alabama, Robert C. Perdue.

Office and Professional Employees International Union, Local No. 18, P. O. Box 404, Birmingham, Alabama 35203, Mary Ella Reavis, President.

United Automobile Aerospace Agricultural Implement Workers of America (UAW), Local No. 737, 631 North First Street, Room 108, Nashville, Tennessee 37207, Don Corn, President.

Barbers Local Union No. 83, P. O. Box 5452, Birmingham, Alabama 35207, W. B. Smith, Sec.-Treas.

Carpenters Local No. 431, Montgomery, Alabama.

Endorsement by R. R. Wade, Former President of Alabama Federation of Labor.

Endorsement by Sam S. Douglass, Veteran Labor Leader and Past President, Alabama Federation of Labor, Birmingham, Alabama.

Alabama State Building and Construction Trades Council, W. T. Thrash, President.

Capitol City Building Trades Council, Howard Hendrix, President.

International Union of Operating Engineers, Local No. 312, Birmingham, Alabama, C. O. Cargile, President.

United Association, Local Union No. 323, Columbus, Georgia.

United Association, Local Union No. 119, Mobile, Alabama.

I make no apologies for the people of Alabama. We are proud to be Alabamians, and we do not appreciate any presidential candidate downgrading our State simply to benefit his own cause. Let each candidate run on his own record and not downgrade his opponents by using one-sided statistics.

THE JOHNSON ADMINISTRATION AND AGRICULTURE

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. STUBBLEFIELD. Mr. Speaker, I want to review briefly events of the past 5 years concerning agriculture and rural life, and how we have tried to combat hunger in America and in the world.

During President Johnson's administration, the Congress has received, debated, and approved dozens of measures that add up to a unique record in the history of agricultural legislation.

The keystone is the Food and Agriculture Act of 1965. With this legislation—as the President said when he signed it into law—we reaped the wisdom acquired through more than 30 years of trial and error. This historic act is enabling us to provide over a 4-year period the best and most realistic price support and production adjustment programs this country has ever had. The act expires at the end of 1970. It is vital, not only to agriculture, but to the whole Nation.

Another milestone was the food-for-freedom program enacted in 1966. It emphasizes self-help on the part of the developing nations and world cooperation in attacking the world hunger problem. Through this new program, we are leading the world in a realistic war on hunger.

Since 1963—through such measures as the Wilderness Act of 1964, the Appalachian Regional Development Act of 1965, and the Water Resources Planning Act of 1965—we have done more to protect our land and our forests, our streams and lakes, to create parks and recreation areas, and to keep America beautiful than in any other period in American history.

With the Rural Communities Facilities Act, and other legislation, we have provided more assistance to improve the level of living in rural America than in all the previous history of this Nation. Better housing, community water and sewer systems, recreation facilities, and small farm and rural business enterprises are springing up throughout the land.

We now have, for the first time, really effective tools enabling us to use agricultural abundance to wipe out malnutrition in America. The Food Stamp Act of 1964, the Child Nutrition Act of 1966, and the expanded school lunch program round out a long-needed food-for-people program.

The programs provided by all these laws interlock. They provide a combination of services to farmers, consumers, and the whole Nation that is unique in America and in the world.

The real test of legislation, however, is its effects on people's lives. So let us look briefly at what has been achieved during the past 5 years.

Farm net income this year will be about $14.6 billion—$2 billion more than in 1963.

Net income earned per farm last year was 28 percent higher than in 1963—and it will rise again this year.

A decade ago farm people had only about half as much spending income as other people. In 1963 they still had less than two-thirds as much. Today they have roughly three-fourths as much spending income as nonfarm people.

This still is not enough. It is still not parity of income. But the gain is substantial and encouraging.

Now let us look at the surpluses.

The wheat carryover in 1963 was 1.2 billion bushels. The feed grain carryover was 64.4 million tons. The cotton carryover was 11.2 million bales. These surpluses were a constant threat to farm prices and they were costing taxpayers millions of dollars for handling and storage charges.

This year our wheat carryover was only 537 million bushels—and the feed grain carryover will be about 50 million tons—both at or near the level of reasonable reserves. Cotton stocks are down to 6.4 million bales.

Thus, farmers are now able to produce for current demand.

Let us look at exports.

For 5 straight years our annual agricultural exports have exceeded $6 billion. This goal had never been reached before 1964. In the past 5 fiscal years our agricultural exports have totaled about $8.7 billion more than in the preceding 5 years. Most important, virtually the entire gain has been in sales for dollars.

These exports benefit the whole economy. Obviously, they help the farmers. But they also provide jobs for about a million workers off the farm. And they greatly ease our difficult balance-of-payments problem.

We are using American food and American know-how with increasing effectiveness to ease world hunger.

During the past 5 years, we have helped developing countries by providing them agricultural commodities worth about $7.5 billion. We averted starvation for millions of people in India during the food crises of 1966 and 1967.

Our new food-for-freedom program insists that the developing regions take realistic steps to improve their our capacity to provide food for their own people.

Other countries are joining with us in helping the needy nations with goods, credit, and services.

The gloomy world food outlook of 2 or 3 years ago is changing. In 1967 food output per person in the less developed countries rose an estimated 6 percent. A further substantial increase is expected this year.

India, Pakistan, and the Philippines are making remarkable gains in grain production.

These countries and other developing nations are making more fertilizer available, improving irrigation facilities, extending more credit to farmers, building farm to city roads, and establishing more adequate price supports for farmers. In increasing numbers, their farmers are using new high-yielding varieties of wheat, rice, corn, and sorghum.

High protein foods are being developed to improve the quality of diets, especially for children. Existing foods are being fortified with proteins, vitamins, and minerals to provide more adequate nutrition.

I do not say that the war on world hunger has been won. It has not. But a true agricultural and food revolution is in the making.

Let us welcome it. It can mean peace in the world. It will surely mean higher levels of world trade.

Economic development creates cash customers. This is the clear lesson of recent history. The emerging countries, in fact, may provide our biggest outlet for increased dollar exports of agricultural products in the not too distant future.

Now let us look at the quality of life in rural America.

There must be a revival of opportunity throughout rural America so that people on small farms, and other people in rural communities and especially the young people growing up can, if they wish, find good-paying, satisfying work close to home.

Mass migration to the cities solves no problems.

It is not right that rural America with little more than one-fourth our population should suffer almost half the Nation's poverty—and half the Nation's homes that are unfit for human beings to live in.

At the end of this year, the 5-year record will show that the U.S. Department of Agriculture has financed new or improved homes for 800,000 rural people—and that it is now financing better homes for about 225,000 people each year.

About 3,300 rural communities have put in modern water or sewer systems benefiting about 3⅓ million people—and more than 1,000 additional rural communities are now getting these modern facilities each year.

Since 1963, REA has helped bring electricity to 800,000 new rural consumers and modern telephone service to 450,000 subscribers.

Opportunity loans have enabled about 75,000 low-income rural families to start or improve self-employment enterprises.

Some 56,000 farm families have received loans so they could buy or enlarge their farms.

The housing, community facilities, electrification, and conservation programs have provided jobs for hundreds of thousands of rural people. In addition, these improvements are making rural America more attractive for business and industry.

In the past 5 years 41 resource conservation and development projects have been approved for operations. Thus in 41 multicounty regions of the country we are helping local people coordinate and develop their natural resources. Each of these projects creates new job and income opportunities. Each conserves and develops the human and economic resources of a whole region of rural America.

Finally, let us look at the problem of hunger in America.

Though we have the most abundant food supply the world has ever known, some people through no fault of their own still go hungry in this Nation.

In 1960, two out of every three counties in the Nation were without a family food aid program. In those counties that had the program, five surplus commodities were being distributed to about 3.5 million needy Americans.

By 1963, 15 commodities were being donated to the needy in half the Nation's counties. And a food stamp program was operating in about 40 areas.

Today through these two programs we are reaching about 6 million needy people in over three-fourths of the Nation's counties.

We donate 22 foods—providing most of the requirements of a nutritious diet—through the family food program.

Through the food stamp program alone we enable nearly 2.5 million low-income people in 1,100 areas to buy the food of their choice at the store of their choice.

About a year ago the Department of Agriculture found that one-third of the 1,000 poorest counties in the Nation still did not have a food aid program. Today, all these counties either have such a program or they will have one very soon.

We are emphasizing good diets for children. This fall the school lunch program will provide nutritious, low-cost or free lunches every schoolday for nearly 20 million children. That is about 5 million more than in 1963—and 7 million more than in 1960.

We found that many needy children were coming to school without breakfast. So we started the school breakfast program. Last spring about 160,000 needy children were getting free or low-cost breakfasts at school. By next spring this number will rise to about 290,000. If we continue the progress of the past 5 years, we can reach the goal by the early 1970's.

A NEGRO CITIZEN SPEAKS OUT ON RESPONSIBILITY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. BROCK. Mr. Speaker, I recently had the opportunity to read the following letter, published in the Chattanooga News-Free Press. It was written by Mr. David Glenn Russell and brought to my attention by Mr. Jess Humberd, both of Chattanooga. Because of its timeliness, and the important message it carries, I insert it in the Record:

Mr. Russell Speaks: Says Slums Created by Negligent, Ignorant People

I know there is hate and prejudices among us Americans. But we cannot let our feelings dominate sound reasoning. Let's consider our heritage. We live in the best nation in the world, the most productive nation under the sun. We all share in these productions. Dear Americans, let's not lose what we have established. The pride of the black people is no good when it is based on emotions and not legitimate reasons. Just because I am black does not give me a sense of noble pride. I had rather be green and have understanding than to be black, full of unwarranted pride and be wrong. Truly I am black as they come, but rather than to react from meaningless pride, selfishness and futility, I would rather walk about with my face pointed to the ground than to look proud for no reason at all. No, it isn't a shame to be black but it is a shame to be ignorant. Ignorant people rebel against sound reasoning. Heathenish people hate justice. These people would rather burn, steal and kill than to come face to face with reality.

Slums are not hereditary, but are created by negligent people. Slums are not places where poor people live, nor are slums places where wealthy people live, but are places occupied by careless, filthy, ignorant and Godless people. And wherever those people are, there appears a place of devastation. From filth do rats, bugs and roaches find nourishment. From such physical disease is produced. These people need not an increase in federal funds, but education in cleanliness and a moral rehabilitation program.

In the Negro race, there is a small percentage of noble-minded people, more average minded people and too many uncivilized people. This same percentage applies to the Caucasian also. So it is the worse of each race that cause confusion. In comparison with racial population, the Negro is the minority group. So when racial issues are generalized, the Negro race as a whole is uncivilized. But generalization shoud not be the conclusion of a wise man's observation.

Because heathenism prevails in the black communities, many have turned to the principles of black power and the minority noble-minded ones will try other sources for restoring unity among all Americans.

I respect people not according to color, creed or nationality, but I respect him who exhibits by action, word and justice. Truly this is a man of understanding and I shall have much recognition for him. This is to me human dignity and a characterization of a noble American.

David Glenn Russell.

THE VETERAN AND THE LAW

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. WHALLEY. Mr. Speaker, I would like to place in the Record a timely editorial from the Stars and Stripes dated October 31, 1968.

As this paper is the voice of the veterans of the United States, I commend this editorial to the membership, as follows:

The Veteran and the Law

The thinking of the veterans of this country on basic matters reflects in general the philosophy of the great majority of responsible and patriotic citizens the Nation over. Without exception, the various National conventions of veterans' organizations this year have been vehement in their demand for a return to respect of law and its enforcement. Regardless of fine points of law concerned, they have indicated themselves as fed up on Supreme Court decisions giving the criminal all possible breaks to the detriment of the law-abiding citizenry. Nor have they been pleased by decisions giving the publishers of obscene sheets and magazines a license to pervert the youth of the land.

In short, they want a return to the reign of law and respect for it that marked the Nation's habits over most of its life. The veteran is tired of hearing the social planners explain riots and uncontrolled demonstrations as a reaction against frustration, a blow in retaliation for poverty, and similar explanations.

Veterans of World War I in convention discussions last week minced no words. A lot of them remembered when just before the first World War they were glad to get as much as 20 cents an hour for weeding onions, hoeing corn, training hops and kindred jobs. Many of them gazed longingly into store windows stocked with bicycles, hunting rifles, high top boots and other items that they yearned for, but could not afford. They did not smash in store windows and help themselves. Rather, they told themselves that someday I will have more and be able to buy what I want.

An exceedingly minor percentage of them, who were lucky enough to finish high school, had a chance to go on to college. The one in 50 or so whose families had the means to send a son to college, or who was able to borrow part of his costs and work his way thru school washing dishes and doing other hard jobs, felt he was exceedingly fortunate. It was the farthest from the mind of any of them to tell the college president or its faculty how to run the institution. The wildest renegade could not have found a half dozen in an institution of 500 or 1,000 students to join him in a demonstration against the authority of the school. He would have been regarded as a crackpot, which is the way a lot of veterans and other good citizens regard the array of bearded, long-haired college demonstrators of this day.

That the thinking of these veterans who want a return to genuine law and order does not represent an isolated or minority segment of the population can be verified by observing the 1968 political campaign. Politicians sometimes are slow to recognize the mood of the Nation's voters, but in due time it gets home to them. Today, the question of enforcing the law and cutting down skyrocketing crime is the top issue. Viet Nam, in reality a major war, has been relegated to second place. With such universal demand for suppressing the criminal and making the land safe for law-abiding people, there is good reason to hope for positive reaction on the part of officials whose sworn duty is to enforce the law.

It is a reasonable assumption that in the year ahead there will be a discernible return to enforcement and less in the way of explanation of why some elements are flouting the law.

THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. KYROS. Mr. Speaker, the Radiation Control for Health and Safety Act of 1968, passed by the Senate yesterday, is another step forward in the effort to protect the public from unnecessary radiation exposure.

In this regard I would like to point out at this time that radiation hazards associated with electronic products are not limited to those consumers who buy color televisions and microwave ovens, there are also hazards to high school students who experiment with electronic products emitting radiation as part of their program of study. The National Center for Radiological Health of the Consumer Protection and Environmental Health Services in HEW has taken steps in this past month to inform the electronic product suppliers of the dangers involved with the products they distribute to high schools.

The NCRH has written eight scientific equipment suppliers about its concern that hand-held fluoroscopes, unshielded X-ray tubes, and small Van de Graaf particle accelerators are being sold to schools in spite of recommendations issued by the National Council on Radiation Protection and Measurements with respect to hazards involved in the use of such equipment.

The Center has called the attention of suppliers to the fact that the hazards of unnecessary radiation exposure and possible overexposure from such equipment could be greatly reduced if the supplier would:

First. Inform the purchaser of the recommendations of the Council or provide a copy of Council Report No. 32, "Radiation Protection in Educational Institutions."

Second. Inform the purchaser that most radiation-producing equipment requires registration with the appropriate State radiological health programs.

Third. Notify the State radiological health program of the sale of such equipment in the State.

The National Council on Radiation Protection and Measurements report, which went with the letters, gives information on the hazards involved in the use of radiation-producing equipment or radioactive materials in science demonstrations and experiments and on available means of protection to offset these hazards.

The letter suggested that the companies refer their purchasers to the appropriate radiation control agency for information pertaining to the possession and use of radiation sources or for advice or assistance from State or local radiological health programs in the control of radiation hazards.

The letter also said the Center would be interested in learning of the manufacturer's current practices when selling X-ray producing equipment to educational institutions, including the types of devices supplied, and the labeling and other data provided with a particular device.

The NCRH's concern with the dangers to students from radiation hazards should further impress upon us the need for making the Radiation Control for Health and Safety Act of 1968 law. If there were a radiation control program in effect today, I doubt whether there would be electronic products creating a potential health hazard in our schools.

THE FARMER'S WORST 8 YEARS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. SPRINGER. Mr. Speaker, for a Government administrator, the proof of the pudding rests in how he gets the job done. Orville Freeman is such an administrator. He has been Secretary of Agriculture for almost 8 years.

During these 8 years he has spent more than $60 billion, and his Department's budget of $8 billion for 1968 is more than double what it cost to run the entire Government in 1930.

While all this money was being spent, farm prices declined this past summer to 73 percent of parity, the lowest level since the depression days of the 1930's; hence, 1961–68 have been the farmer's worst 8 years. As prices mount for all the things the farmer needs to buy, total farm debt in the United States has risen to $49.9 billion—200 percent higher than during the Eisenhower administration—more, in dollars, than the entire Federal budget in the year 1951.

No wonder more than 3½ million farmers have left the farm since Secretary Freeman took over in January 1961. No wonder the number of farms has declined by more than 813,000. The amazing thing is that agriculture, as an occupation, as a place for the investment of risk capital, and most of all as a way of life, continues to attract many people—including some of the most intelligent, vigorous, and enthusiastic of our young men and women. The cost-price squeeze has hardly dampened the ardor of 4–H Club youth but it has made it difficult, and sometimes impossible, for their elders to rear their families, meet their mortgages and pay off the loans on their cornpickers and the other costly pieces of equipment essential to profitable farming today.

Representing, as I do, one of the richest agricultural areas in the country, and in fact, the world, I am constantly aware of the farming industry's contributions to our complex economy and the pressures which individual farmers must labor under in making those contributions.

Some time ago, Mr. Frank LeRoux was General Sales Manager of the Department of Agriculture's Foreign Agricultural Service. He was a longtime supporter and appointed by the Kennedy-Johnson administration in this capacity. He had the responsibility of disposing of U.S. farm surpluses abroad. Mr. LeRoux was a successful farmer and rancher in the Pacific Northwest and previously had run on the Democratic ticket for Congress on two occasions in the State of Washington.

Mr. LeRoux pointed out that the Johnson-Humphrey administration policies have worked at cross-purposes with its campaign promises to raise farm prices to parity levels.

He asserted:

"If the agriculture administration had a desire to reach full parity, it would have been a simple matter.

"Commodity stocks could have been priced to raise market prices instead of being used in the reverse manner as they were to keep prices down."

Mr. LeRoux summed up the situation as follows:

"Never before in agricultural history has a Secretary (Orville Freeman) so frankly admitted the economic plight of the American farmer and at the same time be doing the unbelievable in destroying the farmer's opportunity to get a fair return for his efforts."

Mr. Speaker, in short, Mr. LeRoux confirmed what many of us from this Nation's farm belt have been saying for the past 3 years. The farmer has been written off politically by this administration. The Johnson-Humphrey strategy believes the farmer's votes are expendable. In the modern phrase, they want to "go where the action is,"—the big metropolitan areas with their huge voting concentrations. Mr. LeRoux, in leaving the Department of Agriculture and revealing these facts, has rendered a distinct public service in bringing this strategy out into the open. At least we know where the farmer stands with the Johnson-Humphrey administration.

Some of the problems of rural people are the same problems facing people living in cities. Here are some of the No. 1 problems which face agriculture today:

First. Inflation in the last 18 months has hurt all Americans. If inflation has hurt farmers worse, and I believe it has, it is because farmers' incomes have not kept pace with their rising costs. There is one thing for sure—we must be committed to dealing with the problems of agriculture on a high-priority basis. Orville Freeman has kept the farmers' problems on the back burner. The next administration in January must be pledged to the farmer's problems with a No. 1 priority. Nothing less than that will help.

Second. We must bring some economic relation in the marketplace between what the farmer sells and that which he buys. On a parity basis, the farmer is worse off than he was in the depression of the 1930's soon after the first farm program was enacted. Farm prices have declined to 73 percent of parity compared with an average of 81 percent during the 1935–40 depression period. Until Washington recognizes that fact, there is little hope that it can be corrected. With that knowledge before us and the proper recognition given to it, we cannot fail.

Third. We should develop an adequate longtime land retirement program. It could provide adequate food, recreational areas, preservation of wildlife. This reservation could also be useful in times of emergencies when the world demand is more than can be supplied by the "normal-time" farm resources.

Fourth. The Department of Agriculture should stop dumping Government-owned corn on the market at critical periods when the market has a tendency to rise. This dumping in the critical months has done more harm to the corn farmer than any other single act of the Department of Agriculture.

Mr. Speaker, I have said from the well of this House on many occasions that where agriculture is concerned, there should be no politics. I will cooperate with anyone on either side of the aisle to get a workable program for agriculture that is in the best interests of the farmer. I say that again to all Members of the House in order that there can be no misunderstanding.

The Johnson-Humphrey administration controls the White House and both Houses of Congress. It should come forward with a program now. We should get something done to help the farmer before the Congress adjourns. The time is short. Any help to the farmer in the coming growing season will have to be immediate.

THE VETERAN AND THE LAW

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. GATHINGS. Mr. Speaker, in today's issue of the Stars and Stripes-the National Tribune; the editors of this splendid voice of the veterans of the United States comment on the present state of the Nation as viewed by the Veterans of World War I during their national convention just concluded in New Orleans.

Entitled "The Veteran and the Law," the editorial commends these citizens who fought in World War I for their position with respect to law and order and the need for this Nation to enforce all laws at all levels of government and thus to secure respect for the law and the institutions of this country.

Those of us who have called on the administrative agencies to take positive actions to assure law and order welcome this action by the Veterans of World War I, and it is a pleasure to bring this editorial to the attention of the Members.

THE VETERAN AND THE LAW

The thinking of the veterans of this country on basic matters reflects in general the philosophy of the great majority of responsible and patriotic citizens the Nation over. Without exception, the various National conventions of veterans' organizations this year have been vehement in their demand for a return to respect of law and its enforcement. Regardless of fine points of law concerned, they have indicated themselves as fed up on Supreme Court decisions giving the criminal all possible breaks to the detriment of the law-abiding citizenry. Nor have they been pleased by decisions giving the publishers of obscene sheets and magazines a license to pervert the youth of the land.

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I BACK THE POLICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. RAILSBACK. Mr. Speaker, most of us are not aware of the problems encountered by our local law-enforcement officials in the performance of their daily duties. Perhaps if their experiences could be communicated to the public, these local law-enforcement officials would receive more understanding and respect, rather than criticism, from the people they serve. Efforts in this area have been successfully made by the department of police of the city of Rock Island, Ill., which has initiated a "police chaplain's program." Mr. Speaker, I hereby insert in the RECORD for the benefit of my colleagues the following three items—a letter from the chief of police, addressed to me, discussing the results of the program; a copy of the memorandum to all police officers in Rock Island which initiated the program; and a statement by one of the members of the clergy who participated in the program discussing his observations and conclusions:

DEPARTMENT OF POLICE,
Rock Island, Ill., September 26, 1968.

Congressman THOMAS F. RAILSBACK,
Federal Building,
Rock Island, Ill.

DEAR SIR: On April 19, 1968, this department initiated a "Police Chaplain's Program" by which it was arranged for a minister to be invited to accompany a police officer during a tour or tours of duty. The purpose of the program was to acquaint ministers, priests and rabbis with the problems encountered by their law enforcement officers. We hoped, of course, that these religious leaders would in turn pass their experiences and views on to their congregations.

I am enclosing a copy of the memorandum which initiated the program which will explain the program in more detail. The Chaplains are changed every three months so that all faiths will eventually be represented. While the program was at first accepted by my men with some suspicion, they have now come to fully accept the chaplains and look forward to meeting and working with them.

The program has received some publicity, but I believe the most important result of the entire program is the article which appeared in a church newsletter entitled: "I Back the Police." It was written by the Reverend William W. Bennett, the first Chaplain under this program.

Knowing of your interest in Law and Order and of your contributions to the Safe Streets Act of 1968, I thought this may prove to be of interest to you.

Thank you for all the assistance you have given to me and be assured of my cooperation in all matters of mutual concern.

Very truly yours,

CHARLES L. MEYERS, Jr.,
Chief of Police.

APRIL 19, 1968.

Memorandum from: Office of the chief.

To: All officers.

Subject: Police Chaplain's Program.

As a part of a "Police-Community Relations" Program; this department with the cooperation of the Rock Island Ministerial Alliance will initiate a "Police Chaplain" Program. The date set for the start of the program is May 1, 1968.

The purpose of this program is to give the clergy of the city opportunity to know us and to better understand the policeman and the procedures he must use in performing his duties. The following are the guidelines as set down by the Ministerial Alliance and agreed to by myself:

1. Roster of Chaplains to be drawn up by a committee consisting of members of the Ministerial Alliance.

a. Roster to be drawn up for one year in advance

b. Roster to be based on a policy of rotation of a new Chaplain each three months, beginning May 1st, 1968. (All faiths will eventually be represented)

2. Ministerial Alliance Committee to name two assistants for each quarter, who will:

a. Assist the Chaplain of the quarter in any way possible; and

b. Fill in for him when necessary

c. Assistants to be named as Nos. 1 and 2, with the minister in the No. 1 position to be moved into the position of Chaplain at the end of the quarter. The assistant in Position 2 to be moved to Position No. 1, and will succeed to the position in his turn and a new assistant No. 2 to be named each quarter.

3. Chaplain of the quarter to be willing to arrange his time so he can serve in this capacity in the most effective manner possible.

The following are the guidelines as set down by myself and have been agreed to by the Ministerial Alliance:

Chaplains of the quarter will:

1. Meet with the Chief of Police at the beginning of each quarter for an orientation session; outline of duties, privileges, and opportunities; and a tour of the police facilities.

2. Visit the Divisions and Bureaus of the Police Department at convenient times to become acquainted with the personnel and procedures in each.

3. Ride, when possible, with Sergeants from the Divisions and Bureaus, observing and sharing, in so far as is possible, their experiences and observing procedures.

4. Observe booking, printing and mugging procedures.

5. Where *applicable,* visit with arrested persons.

6. Attend Police Staff meetings.

7. Walk the 'beat' with officers.

8. Be subject to call in emergencies.

9. Chaplain to be subject to guidance of the Chief of Police and/or Division and Bureau heads, according to the situation.

10. Chaplain to be helpful as the opportunity presents itself, but not to interfere with the work of police officers, or to try to tell him how do his work. If questions about procedures arise, ask the officer involved after the situation has been handled.

11. Chaplain to assist Chief of Police in finding temporary quarters or care for children and/or families, when such emergencies arise.

12. In extreme emergency situations, Chaplain to be liaison between Police Department and Ministerial Alliance, working with Assistant Chaplains and Police Department Chaplains Committee of the Alliance, to coordinate activities of ministers and churches in supplying needed services for duration of the emergency.

13. Chaplain to have freedom to choose activities and follow procedures as it seems best to him and the Chief of Police or the Division and Bureau heads.

14. Write up for the Chief of Police at the end of his tour of duty an evaluation of his experiences, suggesting changes if he feels they are necessary.

A great deal of planning and forethought have gone into the formation of this program. It is sincerely hoped by the Ministerial Alliance and myself, that the officers of this department will cooperate in any possible way, giving the program a chance to work and become successful. I have faith in you to do so.

CHARLES L. MEYERS, Jr.,
Chief of Police.

Division and Bureau heads will assure themselves that all officers under their supervision are aware of this memorandum. Shift Lieutenants will read it at all Roll Calls.

[From First United Methodist Church Vibrations, Sept. 19, 1968]

I BACK THE POLICE

I am not a "reactionary conservative, a defender of the Establishment." But I have become pretty well acquainted with the personnel and work of a city police department, our Rock Island Police Department. These men and women have my sympathetic understanding. They are sincerely trying to do a good job. Perhaps some are not too well qualified or effective. But some of my fellow ministers do not seem too well qualified or effective either. People are people whether they are Policemen and women, Ministers, Lawyers, or what you will.

The Police deal with the seamy, harsh side of our society. It is a wearing kind of work, Under trying circumstances they do a much better job than I ever could. You and I seldom encounter the kinds of persons with patience and restraint I would find it most difficult to display consistently. They have the responsibility of enforcing the laws necessary for the protection of life and property and an orderly community. It is a big responsibility with risk involved and the pay is not in keeping with the responsibility.

The cry of "Police Brutality" from those who would challenge and discredit authority and enforcement of law, evokes little sympathy from me. If these anarchists and nihilists (what else do you call them?) go to Chicago or any other city to create disorder, they must suffer the consequences. Chicago is an *example,* for the leaders of these groups have said that this could have happened in any city. "Take the sword and punish by the sword." These people organized, said they were going to Chicago and outlined what they would do there. They knew what they would find there. That the city would take measures necessary to protect itself. Still they chose to go. It was their decision.

There were some idealistic, clean-cut kids, backers of Sen. McCarthy and anti-war demonstrators, there too. They should have disassociated themselves from the "Yippies." The "Yippie" leaders are not young, nor are they capable of positions of authority. Their neurotic, twisted minds are illogical, harsh, arbitrary. If newsmen and curious bystanders were innocently involved and injured, that is too bad. They did not have to be there at that time. Yes, they had the right, but they knew the risk. It was their decision. If they had been injured by the unruly mob and the police had given them no protection, the police would have been criticized for neglect of duty. To ask a policeman to draw a line of proper action in the heat of such a circumstance is asking something most of us would not want asked of us.

Peaceful assembly, peaceful, orderly protest rallies and/or marches, of course. Racial and minority groups have every right to show dissatisfaction with injustice. It is an irresponsible citizenry that will heckle and by provocative acts disrupt a peaceful demonstration. Peaceful, orderly protests must have the protection of the police. But to plan violence, challenge authority, make unreasonable demands on a city government, threaten disorder and riot, this is anarchy. It is wrong, evil, and must be put down.

The "Yippies" threaten disorder across our land on the day of our National elections, November 5th. Many people will be frightened and stay away from the polls. I expect to vote and I expect the police to protect this right for me.

Let's pray for each other, our nation, law enforcement agencies and, yes, above all for the violent, anarchist groups.

WILLIAM W. BENNETT.

PUBLIC WORKS: INVESTMENTS IN A STRONGER AMERICA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the great programs of public works in this great Nation are investments in the future of America. There are those who consistently refer to public works as "pork barrel" but those of us who know and understand the value of public improvements know that they repay their original investments many times over.

In this connection I place herewith in the RECORD the following recent issue of my newsletter, Capitol Comments:

PUBLIC WORKS REPRESENT CAPITAL INVESTMENTS IN THE FUTURE OF OUR DISTRICT, STATE, AND NATION

The work of the U.S. Corps of Engineers in building a stronger America through public works projects is one of the great missions of progress of our Federal Government. Public works represent an investment in a stronger America, an investment that is yielding dividends totaling billions of dollars in terms of flood damages averted, economic development, promotion of navigation, irrigation and reclamation, and conservation of our farmland, among other important purposes.

The U.S. Corps of Engineers and the Tennessee Valley Authority have played a major and vital role in the growth and progress of our area in development of the Cumberland and Tennessee Rivers. Progress and public works go hand in hand. The Subcommittee on Public Works Appropriations, on which your Representative is honored to serve, is currently conducting hearings on the budget proposals for the Corps of Engineers for fiscal 1969—the fiscal year beginning next July 1.

The U.S. Chief of Engineers, Lieutenant General William F. Cassidy, has testified that funds requested for needed water resource development for next year are consistent with the current stringent budgetary situation. There have been some reductions, some cutbacks and other projects stretched out in time in view of the need for funds in support of our troops and forces in Vietnam. I am pleased to report that work in our area will proceed on schedule at the Cordell Hull Lock and Dam on the Cumberland River near Carthage and on the Percy Priest Dam on the Cumberland River near Lebanon, Murfreesboro and Nashville. A total of $9.2 million has been recommended for continued construction of the Cordell Hull Lock and Dam, and $4.9 million recommended for Percy Priest Dam next year. It is estimated that Federal public works projects have saved an estimated $15 billion in flood damages averted and prevented while the investment and cost of these public works projects was only $6 billion.

General Cassidy testified that investments in the Nation's waterways have totalled less than $5 billion—while industrial developments along these waterways totalled $132 billion. Navigation benefits stemming from these developments exceed $1.2 billion annually. Proceeds from power sales exceed $573 million annually. The people, government and industry benefit from low cost power production. Our public works programs have built many great landmarks that are monuments to progress—the Norris Dam, the first TVA dam; the Panama Canal, the Boulder Dam, the St. Lawrence Seaway, and Grand Coulee Dam, among others. The powerful generators and turbines in these great dams in the Tennessee Valley and throughout the Nation hum a song of progress—and the people of our cities and communities are joining in this great chorus of growth and improvement.

A "GET WELL" CARD WRITTEN, PUBLISHED, AND SOLD BY SICK PEOPLE

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. FINO. Mr. Speaker, the president of the Grand Council of Columbia Associations of Municipal, State, and Federal Employees in Civil Service, Inc., Mr. Salvatore A. Bellistri, has sent me a copy of a purported "get well" card titled "Get Well Soon; It's Great To Be an Italian." Mr. Bellistri's letter points out that this card is for sale in greeting card shops in New York City. Mr. Bellistri calls the scurrilities against Italian Americans in this card "un-American." Mr. Bellistri understates. They are indecent and disgusting. They are meant to be funny, but the most bigoted enemy of Italian Americans would be forced to admit that the slurs in this card fail to achieve even marginal humor.

The lives of Italian Americans, their achievements, and their love for this country cannot be successfully denigrated by any wretched and perverse greeting card.

Since I am an Italian American, it may be that what is contained in this card are jokes, that there is genuine humor in them that I am unable to enjoy because of my pride in my racial background and because some of these contemptuous references to Italian Americans who have died make me think of my parents and of other Italian American parents who may have lacked the education to concoct witticisms like these, but who worked very hard during their all-too-short lives, loved their children, sacrificed for them, and educated them.

Italian Americans, to use the vernacular in order that the authors, publishers, and sellers of this card may understand me, have had a tough time for generations. Italian Americans today are therefore too strong to be hurt very much by this kind of thing, but they are human, so they are indeed hurt a little by it. They know, however, that they amount to something, that they amount to enough so that someone now feels the need to try to make them figures of fun.

This scurrilous "get well" card could not have been written, published, nor sold except by sick people.

CONGRESS AND THE WAR ON CRIME

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. BROWN of California. Mr. Speaker, under unanimous consent I include the text of my most recent report to my constituents at this point in the RECORD:

CONGRESS AND THE WAR ON CRIME

Crime, like poverty, disease and ignorance is a major social problem that directly or indirectly affects every American life.

In our democracy, the principal responsibility for dealing with crime does not lie with the national government, but with the States and local communities. The same is true of education and public health. Yet, as the federal government has accepted a substantial responsibility in those fields—augmenting State and local efforts—it has also begun to pay increased attention to its role in the control of crime. Better education, better health, and better jobs are essential—but they are only part of our national task.

Public order is the first business of government.

The close of the 90th Congress caps an eight-year period during which our Nation has taken significant steps to meet the challenge of crime in our society. In this report I deal with our accomplishments in law enforcement, our setbacks and the job which lies ahead.

PREVENTING CRIME

In 1965 the President of the United States appointed a Commission of the ablest lawyers, judges and experts in law enforcement to study every aspect of crime in America. The Commission's report, published last year, is a document of historic importance, the first of its kind since 1931.

Significantly, the Commission begins its report with a chapter on crime prevention and the conditions which breed crime:

"A community's most enduring protection against crime is to right the wrongs and cure the illnesses that tempt men to harm their neighbors. Warring on poverty, inadequate housing and unemployment is warring on crime. A civil rights law is a law against crime. Money for schools is money against crime. More broadly and most importantly every effort to improve life in America is an effort against crime."

The National Advisory Commission on Civil Disorder reaffirmed in its report the need for these basic crime prevention requirements. We have made headway in these areas: last year Los Angeles received more than $18.5 million in federal funds to upgrade our school system, hundreds of youths have gotten new jobs and career skills because of Economic Opportunity legislation and through the efforts of the President's National Alliance of Businessmen. Congress last year passed a landmark civil rights bill, and it recently approved a comprehensive low-cost housing program.

While these crime prevention efforts are basic to a democratic society, equally basic is the need for order.

Both the Crime Commission and the Commission on Civil Disorders were unequivocal on one basic point—there is no place for violence in a free society.

Lawbreakers, rioters must be punished. Public order must be preserved.

Law enforcement must be firm, just as it must be fair and restrained.

Crime prevention calls for righting the wrongs of society, but it also calls for equipping police with the tools with which to meet the challenge of crime. Thus police must have the technology to respond quickly to emergencies and to reduce crime opportunities: from theftproof ignition systems for cars to stricter controls on the sale of guns, from better street lights and modern alarm systems to tactical deployment of their forces in high crime areas.

The federal government is helping cities and States respond to these needs:

Improved communications—The ability of the police to make an arrest often depends upon the speed with which radio messages can be transmitted and the response time of neighborhood police. At the urging of the House Subcommittee on Regulatory Activities, the Federal Communications Commission has, for the first time in 20 years, increased two-way mobile radio frequency allotment to public safety agencies. A grant under the Law Enforcement Assistance Act now connects California with the National Crime Information Center of the FBI to provide instantaneous information on wanted autos, felons and stolen property.

Reduced crime opportunities—Congress has banned the interstate mail order sale of guns to ease the job of the States in keeping these weapons out of the hands of criminals and incompetents. Legislation making it a federal crime to transport or use in interstate commerce stolen or forged credit cards is now before the House, as well as a bill to curb the interstate mailing of master automobile keys. A study to prevent crime directed against small business firms is now being conducted by the Small Business Administration.

CALIFORNIA RECEIVES ANTI-RIOT FUNDS

A Federal grant of $414,989 to California for various programs and projects dealing with the prevention, detection and control of riots and other violent civil disorders has just been announced.

These anti-riot provisions were included in the recently passed Civil Rights Act of 1968. I voted in favor of this bill, both when it was first taken up by the House of Representatives and when it came back to the House with extensive amendments included by the Senate—including the anti-riot provisions.

The funds will be used to pay 75% of the cost to local police departments of community relations programs, communications equipment, training programs, small arms and ammunition, photographic and video equipment, chemical agent supplies, and protective equipment for personnel.

JUVENILE DELINQUENCY

Juvenile delinquency is tragically high on the list of America's crime problems: youngsters under 18 account for one-fifth of all nontraffic arrests; those under 24 account for half of all those arrested for major crimes of violence and three-fourths of those arrested for auto theft.

The federal government continues to build upon an early commitment to the prevention and rehabilitation of juvenile delinquents. In 1961 legislation was enacted which provided the Nation's first program of federal assistance to public and private agencies for projects which develop new techniques and practices leading to a solution of delinquency. Since that time, more than $64 million has been authorized under this act and its successor, the Juvenile Delinquency Prevention and Control Act, to assist courts, correctional systems and community agencies to prevent, treat and control delinquency.

NARCOTICS AND DRUG CONTROL

This year, the patchwork organization of the federal government's drug and narcotics control efforts was tightened and strengthened by the consolidation into a single bureau in the Justice Department of the Bureau of Narcotics and the Bureau of Drug Abuse.

The new bureau provides a single channel of communications with State, local and foreign narcotics control authorities and strengthens the enforcement powers of the Department of Justice in dealing with narcotics racketeers—most of whom feed on the young.

The House has recently approved legislation which will give the Justice Department a new weapon against drug and narcotics racketeers. The bill would greatly increase penalties against those who traffic illegally in depressant, stimulant and hallucinogenic drugs.

ORGANIZED CRIME

In the past eight years the federal government has intensified the war against organized crime. In 1961 legislation was enacted to give our federal attorneys badly needed new weapons with which to prosecute. This new legislation prohibits interstate travel to distribute the proceeds of unlawful activity, or otherwise to aid in racketeering enterprises.

The new weapons have been used. While there were only 45 convictions resulting from all the activity of the Justice Department's Organized Crime and Racketeering Section during the last year of the previous Administration (1960), in the year ending June 30, 1968, 125 defendants were convicted solely for violations of the new provisions enacted after 1961.

In the last calendar year 668 federal indictments were returned in connection with organized crime activity and 480 convictions were obtained as compared to 45 convictions in 1960. Of 182 federal indictments against known Cosa Nostra members in the last 12 years, more than one-third have come in the last 12 months.

Director J. Edgar Hoover of the FBI has stated that 1967 "marked one of the most effective all-out drives against organized crime in the history of law enforcement," and he has lauded the new "Strike Force" program recently initiated under the direction of the Organized Crime and Racketeering Section of the Department of Justice.

FEDERAL COMPENSATION FOR POLICE, FIREMEN

I have introduced a bill that would assure all policemen and firemen who might be killed or totally disabled in their daily line of duty of compensation benefits for themselves or their survivors.

Congress passed a bill earlier this year providing this type of benefits for police officers who are injured or killed while enforcing Federal laws only, and this bill would extend these benefits to all law enforcement actions.

The success in our war against crime depends to an inordinate degree on the caliber of our law enforcement officers. Poor pay and the lack of substantial fringe benefits is detrimental to recruitment of policemen and firemen.

I do not believe we can do enough for the men and women who are willing to give their lives for the protection of their fellow citizens, and there should be no hesitation on our part in offering some measure of financial security to the men and their families who give so much for society.

When a public safety officer risks life and limb his risk is for the nation—whether a Federal law is involved or not.

THE POLICE AND THE COURTS

I think it is important at this point to remind readers of this Report that it is State and local laws that are violated by most organized crime activity. It is the duty of local police and courts to enforce those laws. Therefore, the key to reduction of organized crime—indeed, all crime—will be the professionalization of local law enforcement and court personnel; raising standards, training officers and court personnel to meet the varieties of criminal conduct committed, paying salaries that will attract the best, providing adequate manpower, research and development, organization and leadership to bring excellence to local law enforcement.

All of this requires a financial commitment which cannot any longer be borne by local property taxes—already pushed to the breaking point to pay for other municipal services. Federal aid for local law enforcement is needed. The Law Enforcement Assistance Act of 1965 has made more than $19 million in federal grants available to help finance State planning commissions, police-community relations programs, police science courses, training material and innovations in law enforcement. This act clearly demonstrates the great need for and the feasibility of the massive financing promised by the Omnibus Crime Control and Safe Streets Act, recently passed by Congress, which I co-sponsored.

NEW TECHNOLOGY MUST BE USED

I recently spent an entire day studying the efforts of the Los Angeles Police Department to utilize the latest scientific advancements in the fight against crime.

This study was conducted as part of my work on the Science and Astronautics Committee, which is delving deeply into the potential of space-age electronics with a view toward its application to police work.

Chief Reddin's organization is doing an excellent job of researching and employing modern techniques to develop what they call the Electronic, Command, Communications and Control System (ECCCS). This is only one of the reasons that Los Angeles was chosen as a focus for Congressional study.

The police throughout the nation should have the advantage of the most sophisticated electronic and other technical knowhow in the world. Already the computer is making a revolutionary impact on police work in such areas as identification. The potential for other advances along this line is tremendous.

CALIFORNIA RECEIVES PLANNING FUNDS

It has just been announced that California has received $1,387,900 in planning grants from the Federal government for the purpose of developing comprehensive statewide plans for improving law enforcement.

These funds were made available under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, which I co-sponsored.

RADIATION PROTECTION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 3, 1968

Mr. DINGELL. Mr. Speaker, the Washington Post of October 3, 1968, carries a report by Mr. Morton Mintz on Senate passage of H.R. 10790, the proposed Radiation Control for Health and Safety Act of 1968. I look upon this legislation, of which I was a sponsor, as forward-looking consumer protection which the Congress should complete action on this year. So that my colleagues may know of its contents, I include the Washington Post article at this point in the RECORD:

RADIATION PROTECTION ACT IS APPROVED BY SENATE

(By Morton Mintz)

The Senate passed without debate yesterday a bill to protect the public against harmful radiation from electronic products.

The bill now goes to a conference committee for reconciliation with a House measure sponsored by Rep. Paul G. Rogers (D-Fla.).

As reported last July by the Senate Commerce Committee, the Senate bill, sponsored by Sen. E. L. Bartlett (D-Alaska), was one of the strongest consumer protection measures ever to be given a serious chance of enactment.

HEW TO SET STANDARDS

Recently, Sen. Ralph W. Yarborough (D-Texas) strengthened the Bartlett bill still more. He won Senate approval of an amendment authorizing the Department of Health, Education, and Welfare to set occupational radiation standards for workers.

Yesterday's action came late in the day when Sen. Warren G. Magnuson (D-Wash.), chairman of the Commerce Committee, won passage by unanimous consent. A handful of Senators was present.

The Senate measure provides for enforcement by seizure of dangerous electronic products—including X-ray machines, color television sets, microwave food ovens and lasers—as well as by court injunctions and various penalties.

PRINCIPAL FEATURES

Other key elements in the bill:

Help to the states in licensing medical X-ray technicians and in accrediting training schools.

A directive to HEW to set performance standards to control radiation emission, following consultation with a technical advisory committee.

A requirement that manufacturers certify that electronic products meet applicable performance standards, and that they try to notify consumers of defects and provide repair or replacement at the makers' expense.

Principal forces behind radiation protection legislation were Ralph Nader, the consumer advocate, and the Johnson Administration. The White House submitted a bill which was somewhere between the final House and Senate bills.

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